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2-12-81
Vol. 46 No. 29
Pages 11943-12190

federal register

Thursday
February 12, 1981

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 508, Amdt. 1; Navel Orange Reg. 509]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 13–19, 1981, and increases the quantity of such oranges that may be so shipped during the period February 6–12, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective February 13, 1981, and the amendment is effective for the period February 6–12, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on February 10, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improving.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.809 is added as follows:

§ 907.809 Navel Orange Regulation 509.

(a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 13, 1981, through February 19, 1981, are established as follows:

(1) District 1: 1,260,000 cartons;

(2) District 2: 112,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: 28,000 cartons.

(b) As used in this section, "handle," "District 1," "District 2," "District 3," "District 4," and "carton" mean the same as defined in the marketing order.

2. Paragraph (a) in § 907.808 Navel Orange Regulation 508 (46 FR 10900), is hereby amended to read:

§ 907.808 Navel Orange Regulation 508.

(a) * * *

(1) District 1: 1,215,000 cartons;

(2) District 2: 108,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: 27,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 11, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-5267 Filed 2-11-81; 11:41 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Parts 211, 456, 712, and 1020

Postponement of Effective Dates for Final Rules

AGENCY: Department of Energy.

ACTION: Notice of postponement of effective dates for final rules.

SUMMARY: The Department of Energy (DOE) hereby gives notice that the effective dates of certain final rules issued by DOE and due to become effective before March 30, 1981, are postponed to March 30, 1981.

FOR FURTHER INFORMATION CONTACT: William Funk or Peter J. Schaumberg (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6736 or 252–6754.

SUPPLEMENTARY INFORMATION: On January 29, 1981, President Reagan issued a memorandum to the Department of Energy and other executive departments and agencies directing that the effective dates of all regulations promulgated in final form and scheduled to become effective before March 30, 1981, be postponed until March 30, 1981. DOE hereby gives notice that four final regulations are covered by the terms of the President's memorandum.

The Economic Regulatory Administration (ERA) of DOE issued a final rule (46 FR 3368, January 14, 1981) adopting amendments to the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, to establish procedures in

a new § 211.68 for obtaining crude oil for storage in the Strategic Petroleum Reserve by exchange of Naval Petroleum Reserves crude oil and by other means. This final rule was due to become effective on February 13, 1981, and notice is hereby given that the effective date is postponed to March 30, 1981. On that date the rule will be on standby status unless or until it is revoked by DOE.

An interim final rule was issued by DOE's Office of Conservation and Solar Energy (45 FR 63786, September 25, 1980) adding new §§ 456.810 and 456.909 to 10 CFR to establish interim material and installation standards for urea-formaldehyde foam insulation under the Residential Conservation Service Program. This rule was to become effective on an interim basis on February 24, 1981, and notice is hereby given that the effective date is postponed to March 30, 1981.

The Department's Office of the Assistant Secretary for Environment issued a final rule (46 FR 2971, January 13, 1981) to remove certain non-substantive inaccuracies in 10 CFR Part 712, which deals with the Department's activities to clean up radiation-emitting mill tailings in Colorado. The "Secretary of the Department of Energy" was substituted for the "Administrator of Energy Research and Development" and the addressees for certain communications were changed. Part 712 also was redesignated as Part 1020. This rule was due to become effective March 16, 1981, and notice is hereby given that the effective date is postponed to March 30, 1981.

ERA issued a final rule (46 FR 5722, January 19, 1981) modifying the entitlement benefit accorded naphtha imported into Puerto Rico and used as a petrochemical feedstock under the Entitlements Program regulations, 10 CFR 211.67. The effective date of this rule was to be March 1, 1981, but it was to be applicable to refiners' crude oil runs-to-stills for the month of January 1981. In view of the fact that January 1981 has passed and that refiners must report data to DOE for that month by March 5, 1981, DOE is seeking an exception from the Office of Management and Budget to the President's directive that the effective date of the rule be postponed to March 30, 1981. In the event that the March 1, 1981, effective date is postponed, DOE will publish a notice to that effect in the **Federal Register** by March 1, 1981.

Issued in Washington, D.C., February 6, 1981.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-5039 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-EA-53, Amdt. 39-4039]

Fairchild Industrial Products; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an airworthiness directive applicable to Fairchild Cockpit Voice Recorders A-100 Series, which do not meet Technical Standard Order C-84 requirements. The rule requires an inspection to determine whether the thermal insulation assembly is installed. The manufacturer has alerted FAA to the fact that the assembly may not have been installed at the time of manufacture. Lack of the insulation could result in destruction of the tape in a fire.

EFFECTIVE DATE: April 1, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Field Service Bulletins may be acquired from the manufacturer at 75 Mall Drive, Commack, New York 11725.

FOR FURTHER INFORMATION CONTACT: M. Mavrikos, Systems & Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.K.F. International Airport, Jamaica, New York 11430; Tel. 212-995-3372.

SUPPLEMENTARY INFORMATION: On November 11, 1980, the FAA published a Notice of Proposed Rule Making on page 73689 of the **Federal Register**, 45 FR 73689. Interested parties were given until December 22, 1980, to submit comments.

The Airline Transport Association by letter dated December 15, 1980, and the manufacturer by letter dated December 22, 1980, have recommended that the cockpit voice recorder be weighed to determine the installation of the thermal insulation assembly. It appears that some air carriers have already accomplished an inspection by weighing the units as distinct from disassembly and a visual inspection, the latter being required by the rule. However, it is determined that the weighing procedure is not as accurate as the visual inspection.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adopting the amendment as published.

Effective Date: This amendment is effective April 1, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423, 1431(b)); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Jamaica, New York, on January 29, 1981.

Murry E. Smith,

Director, Eastern Region.

Applies to Fairchild Industries Products: Cockpit Voice Recorder Model A100 series, having serial numbers 4733 through 5260 inclusive.

To prevent the possibility of destruction of the recording tape in an aircraft accident involving fire, due to the omission of the thermal insulation assembly, P/N 9300-A18, accomplish the following:

(a) Within 180 days after the effective date of this AD, unless previously accomplished, inspect the cockpit voice recorders in accordance with the accomplishment instructions of Fairchild Industrial Products Alert Field Service Bulletin No. CVR A140, dated December 10, 1979, paragraph 2B Installation of Thermal Insulation 1 through 3. Missing insulation assemblies shall be installed in accordance with the above installation instructions, or approved equivalent instructions.

(b) Equivalent installation instructions must be approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Compliance times may be increased by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA inspector.

[FR Doc. 81-4953 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NE-10, Amdt. No. 39-4005]

Airworthiness Directives; General Electric Co. CJ610-8A and -9 Turbojet and CF700-2D and -2D-2 Turbofan Engines; Postponement of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of postponement of Amendment 39-4005.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment, consistent with the President's directives, postpones the effective date of Amendment 39-4005 from February 2, 1981, to April 1, 1981.

EFFECTIVE DATE: February 3, 1981. Amendment 39-4005 effective date is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: John E. Tigue, Engine Standards Section (ANE-215), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7337.

SUPPLEMENTARY INFORMATION: Amendment 39-4005 was published in the **Federal Register** on January 5, 1981 (46 FR 863) Amendment 39-4005 had an effective date of February 2, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the **Federal Register**, postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60-day period. Amendment 39-4005 falls within the scope of the President's memorandum.

Consistent with this view, I am, by this notice, postponing the effective day of Amendment 39-4005.

Since the amendment is editorial in nature and implements changes required to carry out the intent of the President's memorandum and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this change effective immediately.

The Amendment

Accordingly, Part 39 of the Federal Aviation Regulations is amended as follows:

PART 39—AIRWORTHINESS DIRECTIVES

By amending the effective date, February 2, 1981, of Amendent 39-4005 to read April 1, 1981.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, 1423, and 1424; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that is editorial in nature and does not modify the substance of the regulation contemplated under the final rule, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4891 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NE-15; Amdt. No. 39-4004]

Airworthiness Directives; General Electric Co. CT58 Engines; Postponement of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of postponement of Amendment 39-4004.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment, consistent with the President's directives, postpones the effective date of Amendment 39-4004 from February 2, 1981, to April 1, 1981.

EFFECTIVE DATE: February 3, 1981. Amendment 39-4004 effective date is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ralph S. Hawkins, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7337.

SUPPLEMENTARY INFORMATION: Amendment 39-4004 was published in the **Federal Register** on January 5, 1981 (46 FR 865). Amendment 39-4004 had an effective date of February 2, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the **Federal Register**, postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60-day period. Amendment 39-4004 falls within the scope of the President's memorandum.

Consistent with this view, I am, by this notice, postponing the effective day of Amendment 39-4004.

Since this amendment is editorial in nature and implements changes required to carry out the intent of the President's memorandum and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this change effective immediately.

The Amendment

Accordingly, Part 39 of the Federal Aviation Regulations is amended as follows:

PART 39—AIRWORTHINESS DIRECTIVES

By amending the effective date, February 2, 1981, of Amendment 39-4004 to read April 1, 1981.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, 1423, and 1424; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that is editorial in nature and does not modify the substance of the regulation contemplated under the final rule, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4895 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

V 46 / 29 FEB 12 81 UMI

14 CFR Part 39

[Docket No. 76-NE-25, Amdt. No. 39-4031]

Airworthiness Directives; General Electric Co. CT58 Turboshaft Engines; Postponement of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of postponement of Amendment 39-4031.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment, consistent with the President's directives, postpones the effective date of Amendment 39-4031 from February 9, 1981, to April 1, 1981.

EFFECTIVE DATE: February 3, 1981. Amendment 39-4031 effective date is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ralph S. Hawkins, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7337.

SUPPLEMENTARY INFORMATION: Amendment 39-4031 was published in the **Federal Register** on February 2, 1981 (46 FR 10140). Amendment 39-4031 has an effective date of February 9, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the **Federal Register,** postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60-day period. Amendment 39-4031 falls within the scope of the President's memorandum.

Consistent with this view, I am, by this notice, postponing the effective day of Amendment 39-4031.

Since this amendment is editorial in nature and implements changes required to carry out the intent of the President's memorandum and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this change effective immediately.

The Amendment

Accordingly, Amendment 39-4031 of the Federal Aviation Regulations is amended as follows:

PART 39—AIRWORTHINESS DIRECTIVES

By amending the effective date, February 9, 1981, of Amendment 39-4031 to read April 1, 1981.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, 1423, and 1424; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that is editorial in nature and does not modify the substance of the regulation contemplated under the final rule, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4896 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21347, Amdt. 39-4045]

Kawasaki Heavy Industries, Ltd., Models KV107-II/-IIA Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal of the forward spring of the cyclic stick boot, P/N 107S2226-9, installed on Kawasaki Models, KV107-II and KV107-IIA helicopters. This AD is necessary because the spring was restricting cyclic stick travel which could result in an unsafe flight condition.

DATES: Effective February 26, 1981. Compliance schedule—as prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546-8650 or 546-8658, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: (202) 426-8192.

SUPPLEMENTARY INFORMATION: There has been a report of the cyclic stick boot binding the stick during the operation of the Boeing Vertol Model 107-II helicopter. It was concluded that the forward support spring of the boot was binding on the stick's retaining bolt. An investigation concluded that the forward spring was not essential, and the boot could be supported by the aft spring. On May 27, 1980, Amendment 39-3778 (45 FR 103) AD 80-11-08, was issued to require removal of the forward spring of the cyclic stick boot installed on Boeing-Vertol Model 107-II helicopters. In view of the similarity of the type design of the Kawasaki models and the Boeing-Vertol model, it is likely that the same unsafe condition exists on the Kawasaki helicopters. Since this condition is likely to exist or develop on other helicopters of the same type design, and airworthiness directive is being issued which requires the removal of the forward spring of the cyclic stick boot on certain Kawasaki Heavy Industries, Ltd. Models KV107-II/-IIA series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Kawasaki Heavy Industries, Ltd. Applies to Models KV107-II and KV107-IIA helicopters, certificated in all categories, with pilot or copilot cyclic stick boots, P/N 107S2226-9, installed.

Compliance required as indicated, unless already accomplished.

To prevent possible restriction of cyclic stick travel, which could result in an unsafe flight condition, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, loosen the velcro tape and camloc fasteners securing the pilot and copilot cyclic stick boots, P/N 107S2226-9, and remove the boots.

(b) Remove the two rivets which attach the forward spring, P/N 107S2226-12, to the forward end of the boot base and discard the forward spring.

(c) Install washers and new rivets to plug the resulting two empty holes in the boot base.

(d) Reinstall the pilot and copilot stick boots.

(e) In accordance with FAR §§ 21.197 and 21.199, the helicopter may be flown to a base where the modification can be accomplished.

This amendment becomes effective February 26, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on February 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-4857 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-EA-57, Amdt. 39-4040]

Piper PA-23; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA-23 type airplanes. The AD requires a repetitive visual inspection and repair, if necessary, of the flap-hinge attachment areas and flap control system for cracks. The inspection will expose the existence of cracks in both areas which, if not discovered, could lead to functional interference or a split flap condition.

EFFECTIVE DATE: February 12, 1981. Compliance is required as set forth in the AD.

ADDRESS: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, AEA-12, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of cracks developing at the flap spar hinge attach areas and at the flap control system attachments. Failure in these areas can result in control interference and split flap operation. The repetitive inspection of the bellcrank of the control system will be eliminated by the installation of a new design bellcrank. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

Applies to the following Piper PA-23 Series airplanes certificated in all categories:

PA-23.....S/N 23-1 thru 23-2046
PA-23-235.....S/N 27-505 thru 27-622
PA-23-250.....S/N 27-1 thru 27-504
PA-23-250 (6 place)...S/N 27-2000 thru 27-8054059

(a) To prevent malfunctioning of the flaps comply with the following:

(1) For all referenced airplanes except PA-23-250s (6 place) above S/N 27-7405300, inspect the flap-spar hinge attachment areas for cracks and repair if necessary in accordance with the instructions paragraph of Piper Service Letter No. 853 dated June 8, 1979, or equivalent as follows:

(i) Airplanes with more than 2000 hours in service but not exceeding 3000 hours; inspect and repair if necessary within the next 100 hours in service and thereafter at intervals not to exceed 100 hours in service since the last inspection.

(ii) Airplanes with more than 3000 hours in service; inspect and repair if necessary, within the next 50 hours in service, unless already inspected within the last 50 hours in service, and thereafter at intervals not to exceed 100 hours in service since the last inspection.

(2) When the flaps are replaced by the appropriate flaps in accordance with the part numbers in the *Materials Required* section in Piper Service Letter No. 853 dated June 8, 1979, or equivalent, further compliance with (a) is not required.

(b) To prevent malfunctioning of the flap control system, comply with the following:

(1) For all referenced airplanes inspect the flap control system for cracks and repair if necessary in accordance with the instructions paragraph of Piper Service Bulletin No. 671 dated October 20, 1980, or equivalent as follows:

(i) Airplanes with more than 1000 hours in service but not exceeding 2000 hours; inspect and repair if necessary, within the next 100 hours in service, unless already accomplished.

(ii) Airplanes with more than 2000 hours in service; inspect and repair if necessary, within the next 50 hours in service unless already accomplished.

(2) After the bellcrank, Piper Number 16423-00, is reassembled in accordance with 4e in Service Bulletin 671, conduct a visual inspection of the bellcrank for cracks at intervals not to exceed 100 hours in service after the initial inspection of step 4. If cracks are found replace with new bellcrank Piper P/N 16423-06, or equivalent, before further flight. Upon installation of bellcrank Piper P/N 16423-06, or equivalent, the repetitive inspections are no longer required.

Equivalent inspections, parts and alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Upon submittal of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance times specified in this AD.

Effective Date: This amendment is effective February 12, 1981.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423, 1431(b)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Jamaica, New York, on January 29, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-4852 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-EA-75; Amdt. 39-4041]

Piper PA-31T and PA-31T1, Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA-31T and PA-31T1 type airplanes. The AD requires an alteration of the voltage regulator P/N 584152 so as to include resistors of a higher rating. The lower rated resistors may not carry an appropriate load and fail. Failure of both regulators can result in complete electrical failure.

EFFECTIVE DATE: February 12, 1981. Compliance is required as set forth in the AD.

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ADDRESSES: Piper Telegraphic Letter of November 26, 1980, may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: W. White, Systems and Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-3372.

SUPPLEMENTARY INFORMATION: The manufacturer determined after a factory inspection that 22 aircraft had been released to service with improperly rated resistors in the voltage regulator. These resistors could cause a failure of the regulator itself. As a result a telegraphic distribution was made of this AD to all 22 owners of the affected airplanes under date of November 26, 1980. It should be noted that, inadvertently, the serial numbers of the PA-31T and PA-31T1 were transposed. That is now corrected in this formal rule. Since a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

Applies to Piper PA-31T S/N 8120001 thru 8120010 and Piper PA-31T1 airplanes S/N 8104001 thru 8104012.

Compliance required as indicated:

To prevent failure of the voltage regulator which can result in complete electrical failure, prior to further flight either at night or into instrument weather conditions, alter the voltage regulator, Piper P/N 584152 in accordance with Piper telegraphic letter #31-26, dated November 26, 1980, or an approved equivalent.

Equivalent alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, Jamaica, New York.

Effective Date: This amendment is effective February 12, 1981, and was effective upon receipt for all recipients of the telegram of November 26, 1980, covering this same subject.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

Issued in Jamaica, New York, on January 29, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-4697 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AAL-22]

Establishment of Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Federal Airway, V-388, between Anchorage, Alaska, and Kenai, Alaska, and G-6, between St. Marys, Alaska, and Sparrevohn, Alaska, via Aniak, Alaska. The need for these airways is prompted by significant increase of air traffic between Anchorage and Kenai and between Sparrevohn, Aniak, and St. Marys Airports. Establishment of these routes results in improved procedures for air traffic control (ATC) by allowing more efficient use of controlled airspace, thereby reducing delays to users.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On November 24, 1980, the FAA proposed to amend § 71.103 and § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Federal Airways V-388, between Anchorage, Alaska, and Kenai, Alaska, and G-6 between St. Marys, Alaska, and Sparrevohn, Alaska, via Aniak, Alaska (45 FR 77451). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objections. This amendment is the same as that proposed in the notice. Sections 71.103 and 71.125 of Part 71 were republished in the **Federal Register** on January 2, 1981 (46 FR 407 and 46 FR 443).

The Rule

This amendment to §§ 71.103 and 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes V-388 and G-6 airways in Alaska. Establishment of the V-388 airway provides more efficient ATC services between Anchorage and Kenai. The need for V-388 is prompted by the significant increases of air traffic between Anchorage and the Kenai Airports, especially during the annual fish harvest. The establishment of this airway allows specific procedures to be established and the initiation of flow patterns for single direction traffic, thus eliminating head-on traffic situations. It also allows these procedures to be used even in a nonradar environment should the Center encounter periods of radar outages and reduces delays to users.

The need for Green 6 is dictated by significant increases in air traffic between Sparrevohn, Alaska, and St. Marys Airports, and the need for air traffic control between the transition areas for the affected airports. The establishment of the airway cancels the nonpart 95 route already established and at the same time allows controllers to more accurately determine the protected airspace for each aircraft and to provide for a more efficient use of airspace, thereby reducing delays to users.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.103 and § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 407, 443) are amended, effective 0901, GMT, April 16, 1981, by establishing G-6 and V-388 as follows:

1. Under § 71.103, add:

"G-6 From St. Marys, Alaska, NDB via Aniak, Alaska, NDB to Sparrevohn NDB."

2. Under § 71.125, add:

"V-388 From Anchorage, Alaska, to INT Anchorage 198° and Kenai, Alaska, 062° Kenai, Alaska."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4907 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ARM-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of V-169

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters V-169 airway between Bismarck, N. Dak., and Devils Lake, N. Dak., by deleting reference to the airway exclusion in the Devils Lake East Military Operations Area (MOA). This action is necessary due to an alteration of this MOA which is effective on February 19, 1981. As a result of the change, the exclusion of V-169 in the airway description is no longer required.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to delete the reference to the airway exclusion of V-169 in the Devils Lake East MOA. On February 19, 1981, this MOA will no longer overlie the airway and the airspace exclusion will no longer be required. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

Under the circumstances presented the FAA concludes that there is an immediate benefit to the public in this minor modification to the airspace designation in this area. In order to affect this action to coincide with the MOA alteration, this amendment is to be effective February 19, 1981. Accordingly, I find good cause that notice and public procedure thereon are impractical and unnecessary, and implementation in less than 30 days is justified.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, February 19, 1981, by deleting the last sentence in the description of V-169 which reads as follows:

"The airspace from 3,500 feet MSL to 10,000 feet MSL between points 18 miles SW and 29 miles SW of Devils Lake is excluded during the time that the Devils Lake East Military Operations Area is activated by NOTAM."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4909 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWA-2]

Relocation of Compulsory Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment redescribes the location of the Kanna compulsory reporting point that was inadvertently omitted when Jet Route J-177 was realigned westward between Palacios, Tex., and Tampico, Mexico. This action changes the Kanna compulsory reporting point to coincide with the new alignment of J-177 at the U.S./Mexico border.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Section 71.207 of Part 71 is to relocate high altitude compulsory reporting point "Kanna" located on J-177 between Palacios, Tex., and Tampico, Mexico, at the border. J-177 has been realigned westward and the Kanna compulsory reporting point was inadvertently omitted from the amendment. This action corrects that mistake. Since this amendment is a minor matter upon which the public would have no particular desire to comment, I find notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 754) is amended, effective 0901 G.m.t., February 19, 1981, as follows:

Under § 71.207—"KANNA, Lat. 26°00'00"N., Long. 96°36'04"W. (INT Hobby, Tex., 198° radial, Houston Oceanic CTA/FIR boundary)" is deleted and "KANNA, Lat. 26°00'00"N., Long. 97°00'00"W." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

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Attachment

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4911 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-41]

Alteration of Transition Area; Lake Charles, Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Lake Charles, La. The intended effect of the action is to provide additional controlled airspace for helicopters executing a new special instrument procedure to the Air Logistics Heliport, Lake Charles, La. The circumstance which created the need for the action is that a new special instrument approach procedure has been developed for the Air Logistics Heliport using the Lake Charles VORTAC.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On October 2, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 65249) stating that the Federal Aviation Administration proposed to alter the Lake Charles, La., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Lake Charles, La., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of helicopters executing a special instrument approach procedure to Air Logistics Heliport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., April 16, 1981, as follows.

In Subpart G, § 71.181 (45 FR 445), the following transition area is altered:

Lake Charles, Louisiana

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake Charles Municipal Airport (Latitude 30°07'32"N., Longitude 93°13'22"W.) and within 1.5 miles each side of the 338° radial of the Lake Charles VORTAC (Latitude 30°08'29"N., Longitude 93°06'20"W.) extending from the 8.5-mile radius area to 8.5 miles northwest of the Lake Charles VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on January 27, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-4954 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-47]

Alteration of Transition Area; Clinton, Oklahoma (Clinton-Sherman Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Clinton, Oklahoma (Clinton-Sherman Airport). The intended effect of the action is to reduce the controlled airspace for aircraft executing instrument approach procedures to the Clinton-Sherman Airport. The circumstances which created the need for this action is that a review of controlled airspace revealed that airspace designated is in excess of that needed for the protection of aircraft.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On October 27, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 70881) stating that the Federal Aviation Administration proposed to alter the Clinton, Oklahoma (Clinton-Sherman Airport) transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Clinton, Oklahoma (Clinton-Sherman Airport), transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Clinton-Sherman Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., April 16, 1981, as follows.

In Subpart G, § 71.181 (45 FR 445), the following transition area is altered:

Clinton, Oklahoma (Clinton-Sherman)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), excluding the portion within the Elk City, Oklahoma, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on January 27, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-4901 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AWA-25]

Alteration of VOR Federal Airway and Compulsory Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of VOR Federal Airway V-12, in part, in the vicinity of Columbia, Mo. Recently, Columbia VOR was renamed TIGER, because the Columbia, Mo., Regional Airport has a similar designation which has caused Air Traffic Control problems. This action will resolve confusion due to the similarity of their names.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to § 71.123 and § 71.203 of Part 71 is to change the description of V-12, in part, by substituting the name TIGER where Columbia appears. Also, the Columbia Compulsory Reporting Point will be changed to TIGER. This action will eliminate the confusion caused by the similar name designation of the Columbia Regional Airport which is in the same area. Since this amendment is a minor matter upon which the public would have no particular desire to comment, and since this is merely an editorial change, I find that notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective in less than 30 days. Section 71.123 and § 71.203 of Part 71 were republished in the **Federal Register** on January 2, 1981 (46 FR 409 and 747).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 and § 71.203 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409 and 747) are amended, effective 0901 GMT, February 19, 1981, as follows:

Under § 71.123—In V-12 "Columbia, Mo.; Foristell, Mo., including an S alternate from INT Jefferson City, Mo., 308° and Columbia 276° radials via Jefferson City to the INT of Jefferson City 042° and Columbia 104° radials;" is deleted and "TIGER, Mo.; Foristell, Mo., including an S alternate from INT Jefferson City, Mo., 308° and TIGER 276° radials via Jefferson City to INT Jefferson City 042° and TIGER 104° radials;" is substituted therefor.

Under § 71.203—"Columbia, Mo." is deleted and "TIGER, Mo." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involved flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued at Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4906 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-46]

Designation of VOR Federal Airway; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: On December 11, 1980, a rule was published in the **Federal Register** (45 FR 81548) that designated new VOR Federal Airway V-385 from Abilene, Tex., to Lubbock, Tex., via a dog-leg. V-385 was to bypass Military Operations Areas; however, a subsequent study indicated the Abilene radial would impede military traffic. This action alters the Abilene radial.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: FR Doc. 80-38237 was published on December 11, 1980, which designated new VOR Federal Airway V-385 from Abilene, Tex., to Lubbock, Tex., that bypasses the Reese 4 and 5, and Roby Military Operations Areas (MOAs) when they are activated. However, the Abilene 333° radial does not adequately clear those MOAs and this action corrects that mistake.

Adoption of the Amendment

Accordingly, FR Doc. 80-38273 (45 FR 81548) as published in the **Federal Register** on December 11, 1980, is corrected as follows:

Under § 71.123

In V-385, beginning on the second line, "and Abilene, Tex., 333° radials;" is deleted and "and Abilene, Tex., 328° radials;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

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Issued in Washington, D.C., on February 5, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4956 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 80-AWE-10]

Alteration of Jet Route; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of Jet Route No. 6 published in the **Federal Register** on December 18, 1980, (45 FR 83205). The "true degree" radial describing the intersection on J-6 between Big Sur, Calif., and Palmdale, Calif., is not correct. This action corrects that error.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: FR Doc. 80-39231 was published on December 18, 1980, which altered the descriptions of J-6, J-126, and J-501 that improves traffic flow and permits greater flexibility for maneuvering traffic in the Los Angeles, Calif., and San Francisco, Calif., areas. A mistake was discovered in the "true degree" radials that describe the intersection between Big Sur and Palmdale and this action corrects that mistake.

FR Doc. 80-39231 as published in the **Federal Register** on December 18, 1980, is corrected as follows:

Under § 75.100

In Jet Route No. 6, beginning on line 5: "From Big Sur, Calif., via INT Big Sur 137° and Palmdale, Calif., 290° radials; Palmdale;" is deleted and "From Big Sur, Calif., via INT Big Sur 137° and Palmdale, Calif., 291° radials; Palmdale;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on February 5, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4954 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 80-ASW-30]

Establishment of Jet Route; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: An error was made in a rule published in the **Federal Register** on December 29, 1980, (45 FR 85443). New Jet Route J-141 was established from El Paso, Tex., to Delicias, Mexico. A mistake was noted in the "true degree" radial that described the jet route radial. This action corrects that mistake.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: FR Doc. 80-40393 was published on December 29, 1980, which established new Jet Route J-141 between El Paso, Tex., and Delicias, Mexico, that improves traffic between the United States and Mexico. A mistake was discovered in the "true degree" radial that describes the jet route alignment and this action corrects that mistake. Since this amendment is a minor matter, I find notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, FR Doc. 80-40393 (45 FR 85443) as published in the **Federal Register** on December 29, 1980, is corrected as follows:

Under § 75.100

In Jet Route No. J-141, beginning on line two, "INT El Paso 137° and Hudspeth, Tex., 187° radials;" is deleted "INT El Paso 137° and Hudspeth, Tex., 181° radials;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on February 5, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4955 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229 and 239

[Release Nos. 33-6287; 34-17522]

Technical Amendment Regarding Exhibit Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of a technical amendment to Item 7 ("Exhibits") of Regulation S-K, the standard instructions for filing forms under the Securities Act of 1933 and the Securities Exchange Act of 1934, and to Form S-18, the optional form for registration of securities to be sold to the public by an issuer for an aggregate cash price not to exceed $5,000,000. The technical amendment revises part of the definition of "material contracts" contained in Item 7 and in the "Instructions as to Exhibits" of Form S-18 in order to limit the management contracts and remunerative plans, contracts and arrangements required to be filed thereunder in a manner more consistent with the intent of the Commission in promulgating the recent changes in the exhibit requirements and in order to clarify the language of the definition.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION: Prior to the effective date of the amendment, contact William H. Carter, Office of Disclosure Policy (202-272-2804). Thereafter, contact William E. Toomey, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2573).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced a technical amendment to Item 7 ("Exhibits") of Regulation S-K (17 CFR 229.20) and to the "Instructions as to Exhibits" of Form S-18 (17 CFR 239.28), which are virtually identical to Item 7. The amendment revises part (b)(10)(c) of the Item, the definition of "material contract" involving remunerative plans, contracts or arrangements.

I. Background

In both the release which adopted Item 7 ("Exhibits") of Regulation S-K [1] and the release which originally proposed to Item for comment [2] the Commission expressed its purpose as that of making the exhibit requirements more relevant to investors, reducing the burdens such requirements impose on registrants, and concomitantly lessening the volume of paper filed with the Commission. The proposing release, moreover, specifically stated that paragraph (c) of the definition of material contract was "* * * revised to reduce the number of remunerative plans or arrangements which must be filed."

As originally adopted, paragraph (c) of the definition deemed any management contract or any remunerative plan, contract or arrangement (with certain exceptions) to be a material contract which must be filed. Subpart (4) of paragraph (c) excepted from the definition any remunerative plan, contract or arrangement in which directors or executive officers of a registrant do not participate. The purpose of this exclusion was to eliminate those types of plans which were generally believed not to be material to investors and not to be necessary for staff review purposes. Experience subsequent to the adoption of Item 7, however, has shown that paragraph (c) has resulted in registrants filing a large volume of varied remunerative contracts involving directors and executive officers, contracts which are not material and which would not have been filed under the previously existing "material in amount or significance" standard. Accordingly, it is clear that this new provision not only has not accomplished its intended purpose of "reducing the number of remunerative plans or arrangements which must be filed" but has had the opposite effect.

The Commission, therefore, is adopting a technical amendment to paragraph (c) limiting the definition of "material contracts" as applied to remunerative plans, contracts or arrangements in a manner more consistent with its original intention in proposing and adopting the changes in the exhibit requirements. The Commission is also taking the opportunity to clarify the language of the definition.

II. Synopsis of Amendment

The amendment to paragraph (c) of the definition of material contracts under Item 7 (which is also reflected in Form S-18, "Instructions as to Exhibits," paragraph (9)) narrows the class of persons as to which any remunerative plan, contract or arrangement is conclusively deemed to be material and therefore must be filed. As adopted in August 1980, any such plan, contract or arrangement in which any of the directors or *executive officers* of the registrant participate is conclusively deemed to be a material contract. As now amended, only such plans, contracts or arrangements in which any of the directors or *five most highly compensated executive officers* of the registrant participate is deemed to be a material contract. Plans, contracts or arrangements participated in by the *other* executive officers of a registrant are to be included, or not, on the basis of the historical "material in amount or significance" standard. Since the filing obligation has been amended to be limited to those contracts in which at least one director or executive officer is a participant, the exclusion from the requirement adopted in August 1980 for remuneration contracts in which no executive officer or director is a participant is no longer necessary. Therefore, this exclusion has been eliminated. The substance of the other provisions of the definition is not changed. The language has been modified to reduce any possible confusion.

It should be noted that the Commission will not require amendments to any exhibits which were filed pursuant to the original exhibit requirements [3] but which would not be required to be filed under this amendment.

III. Text of Amendments

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S-K

1. Section 229.20 is amended by revising paragraph (b)(10)(c) of Item 7 to read as follows:

§ 229.20 Information required in document.

* * * * *

Item 7. Exhibits.

* * * * *

(b) * * *

(10) *Material contracts*— * * *

(c)(1) Any management contract or any remunerative plan, contract or arrangement, including but not limited to plans relating to options, warrants or rights, pension, retirement or deferred compensation or bonus, incentive or profit sharing (or if not set forth in any formal document, a written description thereof) in which any director or any of the five most highly compensated executive officers of the registrant participates shall be deemed material and shall be filed; and any other such plan, contract, or arrangement in which any other executive officer of the registrant participates shall be filed unless immaterial in amount or significance. See Item 4 of Regulation S-K (17 CFR 229.20) for the definition of the term "executive officer" and for information on determining the "five most highly compensated executive officers."

(2) Notwithstanding paragraph (c)(1) above, the following management contracts or remunerative plans, contracts or arrangements need not be filed:

(i) Ordinary purchase and sales agency agreements.

(ii) Agreements with managers of stores in a chain organization or similar organization.

(iii) Contracts providing for labor or salesmen's bonuses or payments to a class of security holders, as such.

(iv) Any remunerative plan, contract or arrangement which pursuant to its terms is available to employees generally and which in operation provides for the same method of allocation of benefits between management and nonmanagement participants.

Instruction: In order to comply with paragraph (c) above, registrants need only file copies of the various remunerative plans and need not file each individual director's or executive officer's personal agreement under the plans unless there are particular provisions in such personal agreements

[1] Securities Act of 1933 Release No. 6230 (August 27, 1980) [45 FR 58822].

[2] Securities Act of 1933 Release No. 6149 (November 16, 1979) [44 FR 67143].

[3] As adopted in Securities Act Release No. 6230, *supra* n. 1.

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whose disclosure in an exhibit is necessary to an investor's understanding of that individual's remuneration under the plan.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

2. Section 239.28 is amended by revising paragraph (9)(c) of the Instructions as to Exhibits of Form S–18 to read as follows:

§ 239.28 Form S–18, optional form for the registration of securities to be sold to the public by the issuer for an aggregate cash price not to exceed $5,000,000.

* * * * *

Instructions as to Exhibits

* * * * *

(9) *Material contracts—*

[a] * * *

(b) * * *

(c)(1) Any management contract or any remunerative plan, contract or arrangement, including but not limited to plans relating to options, warrants or rights, pension, retirement or deferred compensation or bonus, incentive or profit sharing (or if not set forth in any formal document, a written description thereof) in which any director or any of the five most highly compensated executive officers of the registrant participates shall be deemed material and shall be filed; and any other such plan, contract, or arrangeemnt in which any other executive officer of the registrant participates shall be filed unless immaterial in amount or significance. See Item 4 of Regulaiton S-K (17 CFR 229.20) for the definition of the term "executive officer" and for the informatin on determining the "five most highly compensated executive officers."

(2) Notwithstanding paragraph (c)(1) above, the following management contracts or remunerative plans, contracts or arrangements need not be filed:

(i) Ordinary purchase and sales agency agreements.

(ii) Agreements with managers of stores in a chain organization or similar organaization.

(iii) Contracts providing for labor or salesman's bonuses or payments to a class of security holders, as such.

(iv) Any remunerative plan, contract or arrangement which pursuant to its terms is available to employees generally and which in operation provides for the same method of allocation of benefits between management and nonmanagement participants.

Instruction: In order to comply with paragraph (c) above, registrants need only file copies of the various remunerative plans and need not file each individual director's or executive officer's personal agreement under the plans unless there are particular provisions in such personal agreement whose disclosure in an exhibit is necessary to an investor's understanding of that individual's remuneration under the plan.

Procedural Matters

With respect to the technical amendment to Regulation S–K, as required by Section 23(a) of the Exchange Act (15 U.S.C. 78w(a)) the Commission has considered the impact that such technical amendment would have on competition and has concluded that such amendment would not impose any burden on competition.

With respect to the technical amendments to Regulation S–K and Form S–18 under the Securities Act and the Exchange Act, the Commission believes that it is appropriate to adopt these technical amendments effective immediately in order to achieve its intended purpose in the rule changes adopted on August 27, 1980 [4] and to clarify potentially confusing language therein. Accordingly, the Commission pursuant to Section 553(b) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(b)) for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest. In addition, the Commission, pursuant to Section 553(d) of the APA (5 U.S.C. 553(d)), finds good cause to adopt the foregoing technical amendments to Regulation S–K and Form S–18 effective immediately in order to achieve the intended purpose of its previous rule changes and to clarify certain language.

Authority

The amendment to Form S–18 under the Securities Act of 1933 is being adopted pursuant to the authority in Sections 6, 7, 8, 10, and 19(a) of that Act. The amendment to Regulation S–K is being adopted pursuant to all of the 1933 Act provisions referred to above and Sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 570–574; secs. 1, 2, 82 Stat. 454, sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497, sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78o(d), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

February 6, 1981

[FR Doc. 81–4007 Filed 2–11–81; 8:45 am]

BILLING CODE 8010–01–M

[4] *See* Securities Act Release No. 65230, *supra* n. 1.

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17 CFR Part 241

[Release No. 34–17516]

Analysis of Results of 1980 Proxy Statement Disclosure Monitoring Program

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation of rules.

SUMMARY: The Securities and Exchange Commission today authorized the Division of Corporation Finance to issue a release analyzing the results of its 1980 proxy statement disclosure monitoring program and reminding issuers of certain proxy rule requirements regarding the board of directors and the form of proxy.

DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Gregory H. Mathews, (202) 272–2589, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In December 1978, the Commission adopted amendments to its proxy rules designed to improve the information available to shareholders regarding the structure, composition and functioning of issuers' boards of directors. Item 6(b) of Schedule 14A, as amended,[1] requires the issuer to describe certain economic or personal relationships between directors or nominees and the issuer or its management ("8(b) relationship"). Specifically, the proxy statement must disclose whether each nominee is a former employee, relative of an executive officer, creditor, supplier, customer, retained attorney, investment banker or control person of the issuer. Item 6(d) requires the issuer to state whether or not it has standing audit, nominating and compensation committees, and, if so, to describe the functions performed by each committee. Item 6(e) requests information about the number of board and committee meetings held during the last fiscal year and the name of each director attending less than 75 percent of the total meetings of the board and committees on which he or she served.[2]

To monitor operation of the new rules and the nature of resulting disclosures, the Division of Corporation Finance, in conjunction with the Directorate of Economic and Policy Analysis, instituted a program to survey proxy statement disclosures about the board of directors beginning with the 1979 proxy season. The results of the 1979 Proxy Monitoring Program were published in September 1980 in the *Staff Report on Corporate Accountability*.[3]

This release analyzes the results of the 1980 survey and includes a comparison between the data obtained in 1979 and 1980. It also contains several corrections to the 1979 data.[4]

The 1980 results provide a statistical profile of the boards of directors of issuers registered with the Commission pursuant to the Securities and Exchange Act of 1934. The proxy monitoring program focuses on two key areas of information relating to the corporate accountability process. The first area concerns the composition of boards of directors. Figures summarizing the existence of certain personal (such as familial) or economic (supplier, creditor, etc.) relationships between directors and the issuer or its management are presented along with statistics about the nature of director compensation arrangements. Second, the composition and functioning of three committees of the board—the audit, nominating and compensation committees—are examined.

All statistics are stratified according to the market in which the issuer's stock is traded and according to the amount of assets of the issuer.

I. Methodology

The sample if issuers to be surveyed was established in 1979 when the proxy monitoring program commenced. The 1200 proxy statements selected for examination in 1979 constituted a random sample representative of all registered issuers with publicly traded securities.[5] Excluded were proxy statements relating to approvals of mergers, acquisitions, consolidations, "going private" transactions and proxy statements for investment company issuers.

The 1980 program utilized these same 1200 issuers as a base. After removing proxy statements falling into any of the above described categories and also excluding issuers that had deregistered or that did not file proxy statements during the period from January 1 to June 1, 1980, the final sample size for 1980 was 1091 issuers. This decrease in companies means that there has been a slight increase (from 41.64 percent of all companies in 1979 to 42.4 percent in 1980) in the proportion of all companies which are large companies (over $150 million in assets). The staff has concluded, however, that the basic representativeness of the sample has not been impaired since the sample size still represents approximately 11 percent of all reporting issuers for each category of company (*See* Sample Stratification, Table 1).[6]

For each issuer in the sample, the staff completed a questionnaire with respect to 53 items of information relating to the disclosures about the board of directors contained in the 1980 proxy statements. The information thus obtained was machine processed, edited and cross-tabulated in a two way design, which takes account of the market in which each issuer's stock is traded as well as the value of the issuer's assets. The statistics include subtotals for each trading market category. The statistics shown for each market/assets category were tabulated directly from the data after adjusting for omissions from proxy statements of information required to be disclosed by Schedule 14A. The subtotal statistics, however, were estimated by taking a weighted average of the appropriate market/asset statistics.

II. Analysis

This section highlights some of the important findings from the 1980 proxy monitoring program. All comparisons of information about the nature of boards in 1979 and 1980 have been derived by comparing the 1979 proxy disclosures summarized in the *Staff Report* (as herein corrected) and the data set forth in the attached tables.

A. Board Composition and Operation

There have been statistically insignificant changes in the profile of the average board of directors (Table 2). For example, the 1980 survey indicates that 34 percent of the members of the average board is employed by the issuer, compared to 35 percent in 1979. There has been, however, an equivalent increase, from 29 percent to 30 percent, in the percent of board members having an Item 6(b) relationship with the issuer. The average board size continues to be eleven. Although the number of meetings of the average board is the same (seven) as that for the preceding year, there is evidence that some boards are becoming more active. For example, the data indicates a nearly 16 percent increase in the number of boards (approximately 85) that met at least thirteen times during the year. In addition, there has been a 65 percent decrease in companies (from 4.6 percent to 1.6 percent) which disclose in the proxy statement that their boards did not meet at all during the year (Table 8).

Further, there have been several important changes in board composition since completion of the 1979 survey. These changes include:

1. A 28 percent decrease in the number of companies with an investment banker on the board of directors. Only 14.5 percent of issuers have investment bankers on their boards (Table 5). In addition, 1.7 percent of directors are investment bankers (Table 6), down from 2.4 percent in 1979.

2. A 14 percent decrease in the number of companies with retained counsel sitting on the board. Although 49.4 percent of all companies still have attorney-directors (Table 5), only 5.7 percent of all directors is the issuer's attorney (Table 6), a significant decrease from 7.5 percent of all directors in 1979.

B. Director Compensation

With regard to director compensation, the data reveals a noticeable increase in the annual compensation rates for directors that are paid on an annual basis. For companies in this category (Table 9) 3.8 percent now pay their directors $15–20,000, a 65 percent increase over the 2.3 percent of companies indicating they did so in 1979. Eleven percent of the responding companies now pay their directors at least $10–15,000 on an annual basis, another increase over the 9.8 percent of companies in this category last year.

Table 10 indicates the range of payments directors receive when they are compensated based on each board meeting attended.

C. Board Committees

The monitoring program also gathers extensive informatio.. about the existence, composition and functioning of audit, compensation and nominating committees of the board of directors. Of the three committees, the audit committee is the most prevalent. The percent of companies with audit committee in 1980 (Table 11) increased slightly from 81.7 percent in 1979 to 84 percent in 1980. Not only do a very high proportion of large, exchange-traded companies have audit committees, but also 64 percent of relatively small (under $50 million in assets) over-the-counter companies have audit committees.

In the terms of the composition of the audit committee (Tables 14 and 15),

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[1] 17 CFR 240.14a–101.

[2] Final rules requiring disclosure of information regarding the composition and functioning of issuers' boards of directors were announced in Securities and Exchange Act Release No. 15384, (December 6, 1978) [43 FR 58522].

[3] Division of Corporation Finance, Securities and Exchange Commission, *Staff Report on Corporate Accountability*, 96th Cong., 2d Sess., Printed for the use of the State Comm. on Banking, Housing and Urban Affairs (1980) at 596–624. (Hereinafter cited as *"Staff Report"*).

[4] The corrections are set forth in Table 11 (1979 revised).

[5] The sampling technique is fully described in the *Staff Report*, *supra* note 3, at 590–93.

[6] There were 9,831 reporting issuers on March 31, 1980.

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there has been a 14 percent decrease in the proportion of all audit committee members who are employed by the issuer or its affiliates. Table 17 reveals that the number of audit committee members having a 6(b) relationship has decreased by 10.8 percent, to just 16 percent of all committee members. Paralleling this reduction has been a 9 percent increase in audit committees that are composed entirely of members having no Item 6(b) relations (Table 15). In 1979, 57.5 percent of audits committees had no members with a 6(b) relationship. In 1980, the proportion of audit committees in this category reached nearly 68 percent. Table 17 also contains information about the number of times the audit committee met during the last fiscal year.[7]

Table 20 summarizes the frequency with which certain major functions are performed by audit committees. In this regard, several points should be noted. First, the enormous increase in the percentage of committees that engage and discharge the company's independent accountant probably can be explained by a revision in the questionnaire to add to this category audit committees that recommend the auditor's engagement and discharge.[8] The 71.9 percent of audit committees that review the adequacy of internal accounting controls is identical to the percent that did so last year.[9]

The number of compensation committees increased from 63.5 percent in 1979 to 68.4 percent of all companies in 1980 (Table 16). In 1980, substantially fewer compensation committee members have 6(b) relationships with issuers. Only 16.9 percent of committee members has such a relationship in 1980 (Table 16), a decrease of 16 percent from the 20.1 percent of all members who had such relationships in 1979. There also has been a decline in the percentage of persons on compensation committees who are employed by the issuer, its subsidiaries or affiliates. The percentages of compensation committees performing various functions (Table 19) are similar to the percentages for 1979.

With respect to nominating committees, it should be noted initially that there were several errors made in computing the 1979 data concerning the existence of nominating committees. The data summnarized in the *Staff Report* incorrectly indicated that 28.9 percent of issuers had nominating committees in 1979. Upon recomputation of data in connection with developing the comparative figures set forth herein, it was determined that only 19.4 percent of issuers disclosed that they had such committees in 1979.[10] By 1980, one-quarter of the issuers had established such committees, an increase of 31 percent from the previous year, but still a relatively small proportion of all issuers.[11] Moreover, 41 committees (nearly 15 percent of all nominating committees) never met during the year.[12]

Table 18 summarizes information about the composition of nominating committees. There has been a slight decrease in the percentage of committee members employed by the issuer. The percentage of committee members with 6(b) relationships has decreased from 20 percent to just 15.8 percent of all persons on nominating committees.

The functions performed by nominating committees are summarized in Table 21. Virtually all committees select or recommend the nominees for director. In 1980, 12.7 percent of the committees also had responsibility for evaluating incumbent directors. This percentage, however, represents a 32 percent decrease in the number of committees performing this function the year before.[13]

The percentage of committees disclosing that they consider shareholder nominations increased to 79.1 percent of all nominating committees. The staff previously indicated that it would utilize 1980 proxy disclosures as the basis for determining whether to initiate development of a proposal for a specific rule requiring companies to adopt a procedure for considering shareholder nominations.[14] In view of the significant errors in the 1979 figures concerning the existence of nominating committees and the 30 percent increase in the number of nominating committees which occurred between the 1979 and 1980 proxy seasons, the staff has concluded that it would be premature to make a final determination at this time regarding the need for a rule concerning a procedure for considering shareholder nominations. The staff intends to take into account the results of the 1981 proxy monitoring program, which it expects will become available in October 1981, before making a recommendation to the Commission about how to proceed in this area.

III. Interpretation of Existing Proxy Rule Requirements Regarding the Board of Directors and the Form of Proxy

The staff's examination of 1091 proxy statements in connection with the 1980 proxy monitoring program revealed that a substantial number of the 1980 proxy statements do not disclosue certain information required by the proxy rules. The following breakdown indicates the percentage of proxy statements which omitted specified categories of required in information:

1. Director compensation (Item 7 of Schedule 14A, incorporating Item 4(c) of Regulation S-K)—4.5 percent
2. The non-existence of committees (Item 6(d)(1) of Schedule 14A) 2.0 percent
3. The number of committee meetings (Item 6(d)(1) of Schedule 14A) 1.4 percent
4. The number of board meetings (Item 6(e) of Schedule 14A) 1.3 percent
5. Committee functions (Item 6(d)(1) of Schedule 14A) .9 percent

The staff requests that each issuer, and its counsel, review current disclosure practices to assure that in the future the issuer's proxy statements fully comply with all the disclosure requirements set forth in Schedule 14A.

In addition, the staff's examination of proxy statements for the 1980 proxy monitoring program indicates that some issuers whose state laws or charter documents give legal effect to "against" votes in corporate elections may not be permitting their security holders to vote by proxy against nominees as required by the proxy rules. Votes cast against a nominee would appear to have legal effect where the vote required is a majority of the shares as to which votes are cast. In that situation, a proxy card on which a shareholder "withholds authority" would not be counted at all in the votes cast while an "against" vote would be counted. One issuer's proxy statement indicated, under the "Election of Directors" section, that "[d]irectors may be elected by a majority of the votes cast at the meeting," but the same issuer's form of proxy only permitted security holders either to withhold their vote or to vote for the nominee(s). That issuer obviously should have provided a means for its security holders to vote against the nominee(s). Similar problems appeared in the proxy materials of several other issuers that disclosed the vote required for the election of directors.[15] Therefore, the staff reminds issuers that Instruction 2 of Rule 14a-4(b)(2)[16] provides that if state law gives legal effect to votes cast against a nominee, the issuer is required to provide a means for security holders to vote against each nominee.

Accordingly, 17 CFR Part 241 is amended by adding reference to this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 5, 1981.

Attachment A.—List of Tables

1. Sample Stratification
2. Profile of Boards of Directors
3. Size of Board
4. Persons Employed by Issuer or Affiliate
5. Percent of Issuers Having Certain Relationships with a Director
6. Percent of Directors Having Certain Relationships with Issuer
7. Directors Having a 6(b) Relationship as Percent of Board
8. Number of Board Meetings Per Year
9. Range of Director Compensation on an Annual Retainer Basis
10. Range of Director Fees Paid Per Board Meeting Attended
11. Percent of Companies Having Committees
11. (1979 Rev.) Percent of Companies Having Committees
12. Number of Committee Meetings Per Year
13. Number of Committee Members
14. Percent of Persons on Committees Employed by Issuer or Its Affiliates
15. Percent of Persons on Committees Having a 6(b) Relationship
16. Profile: Compensation Committee
17. Profile: Audit Committee
18. Profile: Nominating Committee
19. Compensation Committee Functions
20. Audit Committee Functions
21. Nominating Committee Functions
22. Percent of Companies Disclosing Director Resignations

Table 1.—*Sample Stratification*

Companies by size and trading market	Percent of total sample
All companies	100.00
Over $150 MM Assets	42.4
$50-150 MM	[illegible]
$0-50 MM	35.4

Table 1.—*Sample Stratification*

Companies by size and trading market	Percent of total sample
NYSE	29.5
Over $150 MM Assets	21.6
$50-150 MM	[illegible]
$0-50 MM	1.3
AMEX	18.2
Over $150 MM Assets	2.2
$50-150 MM	5.6
$0-50 MM	10.4
NASDAQ—Other	52.3
Over $150 MM Assets	18.6
$50-150 MM	10.0
$0-50 MM	23.7

Table 2.—*Profile of Boards of Directors*

[Sample means]

Companies by size and trading market	Size of board	Number of meetings per year	Percent employed by issuer or affiliate	Percent of board having Item 6(b) relationships
All companies	10.9	7.3	34.3	30.4
Over $150MM assets	14.0	8.5	27.3	[illegible]
$50 to $150MM assets	9.5	6.7	37.5	31.3
0 to $50MM assets	8.0	6.2	40.0	36.1
NYSE	12.1	8.3	32.4	28.8
Over $150MM assets	13.1	8.8	[illegible]	24.7
$50 to $150MM assets	9.8	8.0	[illegible]	29.1
0 to $50MM assets	8.1	6.1	[illegible]	27.1
AMEX	8.8	6.6	40.0	37.5
Over $150MM assets	12.3	8.5	[illegible]	36.7
$50 to $150MM assets	9.4	6.8	[illegible]	34.5
0 to $50MM assets	7.7	6.2	41.4	[illegible]
NASDAQ—other	10.9	7.1	33.0	30.6
Over $150MM assets	15.3	8.3	[illegible]	24.5
$50 to $150MM assets	9.6	6.8	35.7	30.9
0 to $50MM assets	8.1	6.3	[illegible]	35.2

Table 3.—*Size of Board*

[Frequency distribution—percent]

Companies by size and trading market	Number of individuals				
	1 to 4	5 to 9	10 to 14	15 to 19	20 and above
All companies	1.4	47.1	32.4	12.3	[illegible]
Over $150MM assets	0.0	16.9	43.3	24.9	14.9
$50 to $150MM assets	.4	55.1	[illegible]	4.7	.4
0 to $50MM assets	3.7	78.3	15.1	1.9	1.1
NYSE	0.0	26.5	49.1	19.0	5.5
Over $150MM assets	0.0	14.5	53.9	24.6	7.0
$50 to $150MM assets	.0	55.7	36.6	4.3	1.4
0 to $50MM assets	.0	78.6	21.4	[illegible]	.0
AMEX	1.6	70.9	22.9	4.1	.5
Over $150MM assets	0.0	26.1	43.5	26.1	4.4
$50 to $150MM assets	.0	59.3	37.3	3.4	.0
0 to $50MM assets	2.7	86.4	10.9	.0	.0
NASDAQ—other	2.1	50.5	26.4	11.3	9.7
Over $150MM assets	0.0	18.7	30.8	25.3	25.3
$50 to $150MM assets	.9	52.3	41.1	5.8	.0
0 to $50MM assets	4.4	74.7	16.6	2.8	1.6

[7] While not set forth in the table, twelve issuers disclosed that their audit committees never met during the year. An absence of meetings may raise questions concerning the actual functions of a committee and disclosures relating to the committee. In *SEC* v. *Falstaff*, CCH Fed. Sec. L. Rep. ¶ 96,583 (D.D.C. 1978) *aff'd* (D.C. Cir. May 29, 1980), the U.S. District Court for the District of Columbia concluded that "Falstaff's statement in its 1977 Proxy Statement that it had an audit committee was false and misleading in that the committee existed in name only . . . The proxy statement thus falsely conveyed to Falstaff's shareholders the impression that effective oversight was being exercised by the Board of Directors." In affirming, the United States Court of Appeals for the District of columbia stated: "The existence of a committee implies a structured investigation and anlysis of a company's fiscal welfare." (Slip Opinion at 25).

[8] The *Staff Report* indicated that the low percentage in 1979 might be due to the fact that the "question appears to ask whether the audit committee is the final arbiter of the decision to hire or fire the auditor rather than being the group making the recommendation." *Supra* note 3, at 497.

[9] Somewhat inexplicably, the 1980 data indicates a decrease in the proportion of audit committees performing all other functions enumerated in the table, except for a minimal increase in the percentage of committees that review the results of the audit.

[10] *See* Table 11 (1979 revised).

[11] Some issuers disclosed that the entire board serves as the nominating committee. The staff believes it is inappropriate to characterize the entire board as a "standing" nominating committee for purposes of making the disclosure called for by item 6(d)(1) of Schedule 14A. Therefore, it has disregarded such disclosures in computing the percentage of companies which has a nominating committee.

[12] It should be noted that included within this category may be a number of nominating committees which were not established until near or after the end of the last fiscal year.

[13] *See Staff Report*, *supra* note 3, at 527 and cited authorities.

[14] *Staff Report*, *supra* note 3, at 131.

[15] Item 22 of Schedule 14A does not require disclosure of the vote required to elect directors. The Commission, however, is proposing to amend Item 22 to require disclosure of the voting standard. *see* Securities Exchange Act Release No. 17517 (February 5, 1981).

[16] 17 CFR 240.14a-4(b)(2).

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Table 4.—Persons Employed by Issuer or Affiliate as Percent of Board Membership

[Frequency distribution]

Companies by size and trading market	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
All companies	11.8	35.6	44.9	14.9	3.5
Over $150MM assets	0.2	51.2	39.0	7.3	2.2
$50 to $150MM assets	.4	29.5	50.4	17.8	2.5
0 to $50MM assets	1.6	22.3	48.5	22.0	5.6
NYSE	0.0	40.4	47.4	10.9	1.3
Over $150MM assets	0.0	44.7	46.5	7.5	1.3
$50 to $150MM assets	.0	30.0	50.0	18.6	1.4
0 to $50MM assets	.0	21.4	50.0	28.6	.0
AMEX	1.0	23.4	48.4	24.0	3.1
Over $150MM assets	0.0	30.4	47.8	17.4	4.4
$50 to $150MM assets	.0	28.8	45.8	23.7	1.7
0 to $50MM assets	1.8	19.1	50.0	25.4	3.6
NASDAQ—other	1.1	37.9	42.3	14.0	4.8
Over $150MM assets	0.5	61.1	29.3	6.1	3.0
$50 to $150MM assets	.9	28.0	53.3	14.0	3.7
0 to $50MM assets	1.6	23.7	47.8	20.2	6.7

Table 5.—Percent of Issuers Having Certain Relationships With a Director

[Sample means]

Companies by size and trading market	Employee of issuer or affiliate	Former officer or employee	Relative of executive officer	Supplier or customer	Creditor	Attorney	Investment banker	Control person
All companies	99.2	32.8	26.5	20.9	21.2	49.4	14.5	25.7
Over $150MM assets	99.8	36.3	21.8	27.4	25.2	45.9	13.4	18.9
$50 to $150MM assets	99.6	36.4	27.6	14.4	22.4	54.2	16.5	25.4
0 to $50MM assets	98.4	26.3	31.6	17.2	18.7	50.7	14.6	34.0
NYSE	100.0	36.2	18.3	23.1	31.1	41.3	17.3	15.3
Over $150MM assets	100.0	37.3	17.5	28.3	34.2	38.0	16.0	11.8
$50 to $150MM assets	100.0	32.9	21.4	15.7	25.7	50.0	14.3	24.3
0 to $50MM assets	100.0	35.7	14.3	7.1	7.1	35.7	21.4	28.6
AMEX	98.0	27.6	32.8	17.7	19.8	49.5	17.7	34.4
Over $150MM assets	100.0	30.4	39.1	21.7	30.4	56.5	26.1	34.8
$50 to $150MM assets	100.0	28.3	31.9	13.6	20.3	47.5	22.0	28.8
0 to $50MM assets	96.2	26.4	30.2	19.1	17.3	49.1	13.6	37.3
NASDAQ—other	98.9	32.6	29.0	20.8	16.1	53.9	11.8	28.5
Over $150MM assets	99.6	35.9	24.8	25.3	14.1	52.5	6.6	26.3
$50 to $150MM assets	99.1	43.0	29.0	14.0	21.5	60.8	14.9	24.3
0 to $50MM assets	96.4	25.7	32.8	17.0	15.4	52.2	14.6	32.8

Table 6.—Percent of Directors Having Certain Relationships With Issuer

[Sample means]

Companies by size and trading market	Employee of issuer or affiliate	Former officer or employee	Relative of executive officer	Supplier or customer	Creditor	Attorney	Investment banker	Control person
All companies	34.1	4.8	5.2	3.5	3.6	5.7	1.7	4.8
Over $150MM assets	27.3	4.4	3.3	3.9	4.0	4.2	1.2	2.7
$50 to $150MM assets	37.5	5.8	5.9	2.5	4.1	6.3	2.0	4.6
0 to $50MM assets	40.0	4.7	7.0	3.5	2.8	7.1	2.1	7.4

Table 6.—Percent of Directors Having Certain Relationships With Issuer—Continued

[Sample means]

Companies by size and trading market	Employee of issuer or affiliate	Former officer or employee	Relative of executive officer	Supplier or customer	Creditor	Attorney	Investment banker	Control person
NYSE	32.4	5.1	3.2	3.5	5.3	4.2	1.7	2.5
Over $150MM assets	29.9	5.0	2.9	3.6	5.6	3.7	1.7	1.7
$50 to $150MM assets	29.2	5.4	4.1	3.9	5.0	5.7	1.6	4.5
0 to $50MM assets	38.9	4.4	3.5	3.1	5.1	5.3	2.7	6.2
AMEX	40.0	5.1	5.1	3.0	3.4	6.7	2.1	7.4
Over $150MM assets	36.6	4.2	7.0	3.5	5.0	5.8	2.1	6.7
$50 to $150 assets	38.7	5.6	5.3	2.0	3.4	5.4	2.3	5.9
0 to $50MM assets	41.4	5.0	5.3	3.4	2.8	7.6	2.0	8.3
NASDAQ—other	33.0	4.6	5.3	2.5	2.8	6.2	1.5	5.2
Over $150MM assets	23.3	3.7	3.3	4.3	2.8	4.7	.6	3.3
$50 to $150MM assets	35.7	5.1	5.8	1.9	2.8	7.2	2.0	4.0
0 to $50MM assets	39.4	4.6	6.6	3.7	2.9	7.0	2.1	7.1

Table 7.—Directors Having a 6(b) Relationship as Percent of Board

[Frequency distribution]

Companies by size and trading market	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
All companies	12.4	37.9	31.6	13.0	5.1
Over $150MM assets	12.7	47.7	29.3	10.5	2.2
$50 to $150MM assets	12.3	36.6	30.6	14.6	5.1
0 to $50MM assets	12.2	29.6	37.7	14.9	6.5
NYSE	14.7	43.6	27.6	11.8	2.2
Over $150MM assets	13.2	47.4	27.6	10.5	1.3
$50 to $150MM assets	18.8	35.7	24.3	17.1	4.3
0 to $50MM assets	21.4	21.4	42.9	7.1	7.1
AMEX	10.4	28.1	37.0	14.1	10.4
Over $150MM assets	8.7	26.1	43.5	13.0	8.7
$50 to $150MM assets	11.9	32.2	33.9	11.9	10.2
0 to $50MM assets	10.0	26.4	37.3	15.4	10.9
NASDAQ—other	11.8	36.0	32.1	13.3	4.8
Over $150MM assets	12.6	50.5	24.2	10.1	2.5
$50 to $150MM assets	8.4	40.2	33.8	14.9	2.8
0 to $50MM assets	12.6	27.3	37.6	15.0	7.5

Table 8.—Number of Board Meetings Per Year

[Frequency distribution—percent]

Companies by size and trading market	Number of meetings				
	0	1 to 4	5 to 8	9 to 12	13 and above
All companies	1.6	22.4	45.7	22.4	7.9
Over $150MM assets	1.1	11.8	42.5	33.2	11.4
$50 to $150MM assets	1.7	27.9	47.1	18.2	5.1
0 to $50MM assets	2.1	31.5	48.8	12.2	5.6
NYSE	1.0	12.1	44.8	34.0	8.0
Over $150MM assets	1.3	7.9	42.5	38.2	10.1
$50 to $150MM assets	.0	22.9	50.0	24.3	2.9
0 to $50MM assets	.0	28.6	57.1	14.3	.0
AMEX	.5	23.4	57.3	13.0	5.7
Over $150MM assets	0.0	13.0	56.5	17.4	13.0
$50 to $150MM assets	.0	23.7	57.6	15.3	3.4
0 to $50MM assets	.9	25.4	57.3	10.9	5.4
NASDAQ—other	2.3	27.8	42.1	19.2	8.6

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Table 8.—*Number of Board Meetings Per Year*—Continued

[Frequency distribution—percent]

Companies by size and trading market	Number of meetings				
Over $150MM assets	1.0	16.2	40.9	29.3	12.6
$50 to $150MM assets	3.7	33.6	39.3	15.9	7.5
0 to $50MM assets	2.8	34.4	44.3	12.6	5.9

Table 9.—*Range of Director Compensation on an Annual Retainer Basis*

[Frequency distribution—percent]

Companies by size and trading market	Annual compensation					
	$20,000 and more	$15,000 to $19,999	$10,000 to $14,999	$6,000 to $9,999	$3,000 to $5,999	Less than $3,000
All companies	0.8	3.8	11.0	20.9	34.0	29.5
Over $150MM assets	1.2	7.4	17.6	24.8	27.3	21.6
$50 to $150MM assets	.0	1.6	10.6	29.3	34.4	23.9
0 to $50MM assets	.9	.9	3.0	11.0	41.7	42.5
NYSE	1.7	10.5	23.9	32.3	23.2	7.8
Over $150MM assets	2.3	13.8	28.1	32.6	18.4	3.7
$50 to $150MM assets	.0	1.6	11.3	37.1	37.1	12.9
0 to $50MM assets	.0	.0	16.7	.0	33.3	50.0
AMEX	0.8	0.8	5.3	19.2	42.5	31.4
Over $150MM assets	0.0	0.0	14.3	23.8	47.6	9.5
$50 to $150MM assets	.0	.0	9.1	25.0	40.9	25.0
0 to $50MM assets	1.4	1.4	1.4	14.1	42.3	39.4
NASDAQ—other	0.3	1.1	5.7	14.8	37.1	41.1
Over $150MM assets	0.0	0.8	6.3	14.1	35.2	43.8
$50 to $150MM assets	.0	2.5	11.4	25.6	29.1	30.4
0 to $50MM assets	.7	.7	6.9	10.3	41.9	43.4

Table 10.—*Range of Director Fees Paid Per Board Meeting Attended*

[Frequency distribution—percent]

Companies by size and trading market	Fees paid for meeting					
	$1,000 or more	$750 to $999	$500 to $749	$250 to $499	$100 to $249	Less than $100
All companies	5.1	4.6	25.4	38.5	23.9	2.5
Over $150MM assets	6.5	3.2	31.7	35.3	22.2	1.1
$50 to $150MM assets	3.5	9.1	22.6	42.2	19.1	3.4
0 to $50MM assets	4.3	2.5	19.7	40.0	28.9	3.5
NYSE	6.4	7.6	43.5	35.3	7.3	0.0
Over $150MM assets	7.4	5.3	48.7	32.6	5.8	0.0
$50 to $150MM assets	4.2	16.7	25.0	43.8	10.4	.0
0 to $50MM assets	.0	.0	50.0	33.3	16.7	.0
AMEX	4.7	6.3	26.8	38.8	20.6	.7
Over $150MM assets	5.3	0.0	31.6	47.4	15.8	0.0
$50 to $150MM assets	2.4	12.2	29.3	36.6	17.1	2.4
0 to $50MM assets	5.9	4.4	27.9	36.2	23.5	.0
NASDAQ—other	4.5	2.4	14.1	40.3	34.4	4.4
Over $150MM assets	5.6	1.2	11.9	43.1	41.9	2.5
$50 to $150MM assets	3.7	2.5	17.3	44.4	25.9	6.2
0 to $50MM assets	3.9	3.3	14.4	41.2	32.0	5.2

Table 11.—*Percent of Companies Having Committees*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	84.0	68.4	25.4
Over $150MM assets	95.1	80.2	39.9
$50 to $150MM assets	88.7	71.0	19.5
0 to $50MM assets	67.6	62.5	11.7

Table 11.—*Percent of Companies Having Committees*—Continued

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
NYSE	99.3	88.2	43.2
Over $150MM assets	98.1	90.6	46.9
$50 to $150MM assets	100.0	91.4	25.7
0 to $50MM assets	100.0	78.6	35.7
AMEX	79.5	61.8	15.5
Over $150MM assets	100.0	87.0	17.4
$50 to $150MM assets	86.4	67.2	25.0
0 to $50MM assets	71.6	53.7	9.9
NASDAQ—other	76.8	59.5	18.8
Over $150MM assets	88.5	67.2	32.0
$50 to $150MM assets	82.7	66.1	12.3
0 to $50MM assets	64.1	50.6	11.1

Table 11 (1979 Revised).—*Percent of Companies Having Committees*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	81.7	63.5	19.4
Over $150MM assets	93.8	75.7	33.2
$50 to $150MM assets	86.5	65.8	13.6
0 to $50MM assets	64.8	47.6	6.9
NYSE	90.8	84.1	35.8
Over $150MM assets	99.1	90.8	46.9
$50 to $150MM assets	100.0	91.4	25.7
0 to $50MM assets	100.0	78.6	35.7
AMEX	78.8	57.0	7.3
Over $150MM assets	100.0	87.0	17.4
$50 to $150MM assets	86.4	67.2	25.0
0 to $50MM assets	71.6	53.7	9.9
NASDAQ—other	73.1	54.5	14.7
Over $150MM assets	88.5	67.2	32.0
$50 to $150MM assets	82.7	66.1	12.3
0 to $50MM assets	64.1	50.6	11.1

Table 12.—*Number of Committee Meetings per Year*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	2.8	2.8	2.0
Over $150MM assets	3.2	3.3	2.2
$50 to $150MM assets	2.5	2.7	1.7
0 to $50MM assets	2.3	2.1	1.5
NYSE	3.1	3.4	2.4
Over $150MM assets	3.2	3.6	2.5
$50 to $150MM assets	2.6	2.9	1.9
0 to $50MM assets	2.7	2.8	1.4
AMEX	2.7	2.3	1.4

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Table 12.—*Number of Committee Meetings per Year*—*Continued*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
Over $150MM assets	3.1	2.3	1.5
$50 to $150MM assets	2.6	2.5	1.3
0 to $50MM assets	2.3	2.2	1.5
NASDAQ—other	2.7	2.5	1.7
Over $150MM assets	3.2	2.9	1.7
$50 to $150MM assets	2.3	2.6	1.8
0 to $50MM assets	2.9	1.9	1.5

Table 13.—*Number of Committee Members*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	3.6	3.9	4.2
Over $150MM assets	3.9	4.2	4.5
$50 to $150MM assets	3.3	3.6	3.9
0 to $50MM assets	3.2	3.5	3.6
NYSE	3.7	4.0	4.2
Over $150MM assets	3.8	4.1	4.3
$50 to $150MM assets	3.3	3.7	3.6
0 to $150MM assets	3.2	3.5	3.8
AMEX	3.3	3.6	4.2
Over $150MM assets	3.6	3.6	5.3
$50 to $150MM assets	3.4	3.6	4.6
0 to $50MM assets	3.2	3.6	3.4
NASDAQ—other	3.6	3.9	4.3
Over $150MM assets	4.0	4.5	4.8
$50 to $150MM assets	3.3	3.6	3.4
0 to $50MM assets	3.2	3.5	3.8

Table 14A.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: All Companies*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	84.9	5.1	7.4	1.2	1.4
Over $150MM assets	88.4	5.4	4.3	.7	1.2
$50 to $150MM assets	83.5	4.8	9.2	1.0	1.5
0 to $50MM assets	[illegible]	4.7	11.1	2.4	1.6
Compensation	63.5	12.5	18.6	3.2	2.2
Over $150MM assets	69.8	13.7	13.7	[illegible]	2.0
$50 to $150MM assets	63.5	10.2	19.1	5.4	1.8
0 to $50MM assets	52.0	12.3	27.1	5.6	3.1
Nominating	49.8	21.8	19.9	5.2	3.4
Over $150MM assets	48.6	26.0	20.9	2.8	1.7
$50 to $150MM assets	50.0	8.7	21.8	13.0	6.6
0 to $50MM assets	54.6	18.2	13.6	6.8	6.8

Table 14B.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: NYSE*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	91.2	3.6	4.9	0.3	0.0
Over $150MM assets	94.2	3.1	2.7	0.0	0.0
$50 to $150MM assets	82.6	4.4	13.0	0	0
0 to $50MM assets	85.7	7.1	.0	7.1	[illegible]
Compensation	72.4	14.2	11.3	1.4	0.7
Over $150MM assets	75.9	13.0	9.7	.5	1.0
$50 to $150MM assets	61.4	15.8	19.3	3.5	0
0 to $50MM assets	63.6	27.3	[illegible]	9.1	[illegible]
Nominating	53.0	22.4	16.4	6.7	1.5
Over $150MM assets	52.3	24.3	18.0	4.5	0.9
$50 to $150MM assets	61.1	.0	11.1	22.2	5.6
0 to $50MM assets	40.0	60.0	0	0	0

Table 14C.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: AMEX*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	80.1	7.9	8.0	2.0	2.0
Over $150MM assets	81.8	9.1	9.1	0.0	0.0
$50 to $150MM assets	84.3	9.8	2.0	2.0	2.0
0 to $50MM assets	76.9	6.4	11.5	2.6	2.6
Compensation	53.0	13.7	23.9	6.8	2.6
Over $150MM assets	65.0	5.0	25.0	5.0	0.0
$50 to $150MM assets	64.1	10.3	15.4	7.7	2.6
0 to $50MM assets	41.4	19.0	29.3	6.9	3.4
Nominating	43.3	23.3	26.7	6.7	0.0
Over $150MM assets	0.0	50.0	50.0	0.0	0.0
$50 to $150MM assets	46.7	26.7	20.0	6.7	.0
0 to $50MM assets	54.6	9.1	27.3	9.1	.0

Table 14D.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: NASDAQ—OTHER*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	82.0	5.2	9.0	1.6	2.1
Over $150MM assets	81.8	7.9	5.7	1.7	2.8
$50 to $150MM assets	83.7	2.3	10.5	1.2	2.3
0 to $50MM assets	81.4	3.7	11.8	1.9	1.2
Compensation	59.9	10.7	22.8	3.3	3.3
Over $150MM assets	61.1	16.0	18.3	.8	3.8
$50 to $150MM assets	64.8	5.8	21.1	5.6	2.8
0 to $50MM assets	55.9	7.9	28.4	4.7	3.1
Nominating	47.5	20.5	22.4	2.9	6.8
Over $150MM assets	45.2	27.4	24.2	.0	3.2
$50 to $150MM assets	38.5	.0	38.5	7.7	15.4
0 to $50MM assets	57.1	14.3	10.7	7.1	10.7

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Table 15A.—*Percent of Persons on Committees Having a 6(b) Relationship: All Companies*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	[illegible]	7.9	21.3	4.2	3.6
Over $150MM assets	[illegible]	[illegible]	14.9	5.0	3.5
$50 to $150MM assets	56.8	[illegible]	26.7	2.9	3.9
0 to $50MM assets	[illegible]	[illegible]	27.7	4.0	3.6
Compensation	[illegible]	12.8	19.3	6.5	2.6
Over $150MM assets	[illegible]	12.3	16.5	7.5	3.1
$50 to $150MM assets	58.1	13.2	21.6	5.4	1.8
0 to $50MM assets	56.1	13.3	22.4	5.6	2.6
Nominating	59.6	16.1	15.3	5.6	3.4
Over $150MM assets	[illegible]	18.0	13.0	5.1	4.0
$50 to $150MM assets	56.5	17.4	21.8	4.3	[illegible]
0 to $50MM assets	61.4	[illegible]	18.2	9.1	5.5

Table 15B.—*Percent of Persons on Committees Having a 6(b) Relationship: NYSE*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	[illegible]	7.1	18.2	3.9	2.0
Over $150MM assets	[illegible]	7.6	15.6	4.9	2.7
$50 to $150MM assets	68.1	5.8	24.6	1.4	[illegible]
0 to $50MM assets	64.3	7.1	28.6	0	.0
Compensation	62.9	12.7	16.3	6.2	1.8
Over $150MM assets	63.3	13.5	14.5	[illegible]	1.9
$50 to $150MM assets	63.2	10.5	19.3	5.3	1.8
0 to $50MM assets	54.6	9.1	36.4	0	[illegible]
Nominating	57.4	16.5	15.7	7.5	3.0
Over $150MM assets	55.9	18.9	15.3	7.2	2.7
$50 to $150MM assets	66.7	5.6	16.7	11.1	[illegible]
0 to $50MM assets	60.0	[illegible]	20.0	[illegible]	20.0

Table 15C.—*Percent of Persons on Committees Having a 6(b) Relationship: AMEX*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	55.0	6.6	29.2	4.6	4.6
Over $150MM assets	54.6	9.1	36.4	0.0	0.0
$50 to $150MM assets	[illegible]	[illegible]	21.6	3.9	5.9
0 to $50MM assets	52.6	3.9	32.1	6.4	5.1
Compensation	53.9	15.4	23.1	5.1	2.5
Over $150MM assets	50.0	10.0	25.0	10.0	5.0
$50 to $150MM assets	58.4	17.9	23.1	2.6	.0
0 $50MM assets	53.4	15.5	22.4	5.2	3.4
Nominating	40.0	30.0	20.0	10.0	[illegible]
Over $150MM assets	0.0	75.0	25.0	0.0	0.0

Table 15C.—*Percent of Persons on Committees Having a 6(b) Relationship: AMEX—Continued*

[Frequency distribution]

	Percent				
	[illegible]	1 to 25	[illegible] to 50	51 to 75	76 to 100
$50 to $150MM assets	60.0	[illegible]	6.7	.0	.0
0 to $50MM Assets	27.3	9.1	36.4	27.3	.0

Table 15D.—*Percent of Persons on Committees Having a 6(b) Relationship: NASDAQ—Other*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	81.2	[illegible]	[illegible]	4.3	4.5
Over $150MM assets	[illegible]	9.7	11.4	5.7	5.1
$50 to $150MM assets	46.7	11.6	31.4	3.5	5.8
0 to $50MM assets	61.5	[illegible]	25.5	3.1	3.1
Compensation	57.2	11.8	20.4	7.3	3.4
Over $150MM assets	[illegible]	10.7	[illegible]	[illegible]	4.8
$50 to $150MM assets	[illegible]	12.7	22.5	7.0	2.8
0 to $50MM assets	57.5	12.6	21.3	6.3	2.4
Nominating	[illegible]	11.7	13.5	1.9	4.9
Over $150MM assets	71.0	12.9	8.1	1.6	6.4
$50 to $150MM assets	38.5	15.4	46.1	.0	.0
0 to $50MM assets	75.0	7.1	10.7	3.6	3.6

Table 16.—*Profile: Compensation Committees*

[Sample means]

Companies by size and trading market	Percent having committees	Size	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
All companies	[illegible]	3.9	[illegible]	14.2	16.9
Over $150MM assets	80.2	4.2	3.3	11.0	16.5
$50 to $150MM assets	71.0	3.6	2.7	14.2	16.6
0 to $50MM assets	52.5	3.5	2.1	20.3	18.0
NYSE	[illegible]	4.0	3.4	9.1	15.0
Over $150MM assets	[illegible]	4.1	[illegible]	7.8	14.9
$50 to $150MM assets	81.4	3.7	2.9	13.1	15.5
0 to $50MM assets	78.6	3.5	2.8	13.2	13.2
Amex	[illegible]	3.6	2.3	21.1	17.5
Over $150MM assets	[illegible]	3.6	2.3	16.4	19.2
$50 to $150MM assets	67.2	3.6	2.5	16.4	15.0
0 to $50MM assets	53.7	3.6	2.2	25.8	18.7
NASDAQ—other	59.5	3.9	2.5	16.1	18.3
Over $150MM assets	67.2	4.5	[illegible]	15.1	18.5
$50 to $150MM assets	[illegible]	[illegible]	[illegible]	13.8	18.5
0 to $50MM assets	[illegible]	3.5	1.9	18.3	18.1

Table 17.—*Profile: Audit Committees*

[Sample means]

Companies by size and trading market	Percent having [illegible]	[illegible]	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
All companies	[illegible]	3.6	2.8	5.9	16.1

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Table 17.—*Profile: Audit Committees—Continued*

[Sample means]

Companies by size and trading market	Percent having committees	Size	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
Over $150MM assets	95.1	3.9	3.2	4.0	13.8
Over $50 to $150MM assets	86.7	3.3	2.5	6.6	17.6
Over 0 to $50MM assets	67.6	3.2	2.3	8.4	18.9
NYSE	99.3	3.7	3.1	2.7	13.0
Over $150MM assets	99.1	3.6	3.2	1.5	13.5
Over $50 to $150MM assets	100.0	3.3	2.6	5.8	11.5
Over 0 to $50MM assets	100.0	3.2	2.7	6.7	13.3
AMEX	79.5	3.3	2.6	8.6	20.8
Over $150MM assets	100.0	3.5	3.1	6.5	13.0
Over $50 to $150MM assets	82.4	3.4	2.8	8.3	17.1
Over 0 to $50MM assets	71.6	3.2	2.3	10.8	25.5
NASDAQ—other	75.8	3.6	2.7	7.2	16.7
Over $150MM assets	89.8	4.0	3.2	5.9	14.2
Over $50 to $150MM assets	83.7	3.3	2.3	7.3	22.6
Over 0 to $50MM assets	64.1	3.2	2.3	7.4	16.2

Table 18.—*Profile: Nominating Committees*

[Sample means]

Companies be size and trading market	Percent having committees	Size	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
All companies	25.4	4.2	2.0	19.3	15.6
Over $150MM assets	39.9	4.5	2.2	16.7	15.6
Over $50 to $150MM assets	19.5	3.9	1.7	26.0	15.0
Over 0 to $50MM assets	11.7	3.6	1.5	23.0	16.7
NYSE	43.2	4.2	2.4	17.2	17.4
Over $150MM assets	48.9	4.3	2.5	15.5	17.8
Over $50 to $150MM assets	25.7	3.6	1.9	27.7	15.4
Over 0 to $50MM assets	35.7	3.6	1.4	16.7	16.7
AMEX	15.5	4.2	1.4	20.1	20.8
Over $150MM assets	17.4	5.3	1.5	24.6	23.9
Over $50 to $150MM assets	25.0	4.6	1.3	18.8	11.6
Over 0 to $50MM assets	9.9	3.4	1.5	18.9	32.4
NASDAQ—other	18.8	4.3	1.7	21.9	11.8
Over $150MM assets	32.0	4.8	1.7	18.2	11.1
Over $50 to $150MM assets	12.3	3.4	1.8	31.8	18.2
Over 0 to $50MM assets	11.1	3.8	1.5	25.7	10.5

Table 19.—*Compensation Committee Functions*

[Sample means]

Companies by size and trading market	Percent approve or recommend compensation for senior management	Percent adopt compensation plans in which officers may participate	Percent administer stock option plans	Percent other functions
All companies	90.6	40.9	36.3	26.0
Over $150MM assets	91.6	45.0	41.0	30.2
$50 to $150MM assets	89.7	39.5	35.3	30.0
0 to $50MM assets	90.3	34.7	30.7	22.4

Table 19.—*Compensation Committee Functions—Continued*

[Sample means]

Companies by size and trading market	Percent approve or recommend compensation for senior management	Percent adopt compensation plans in which officers may participate	Percent administer stock option plans	Percent other functions
NYSE	92.7	45.8	48.8	33.1
Over $150MM assets	92.3	45.9	49.8	34.8
$50 to $150MM assets	94.7	47.4	45.6	26.3
0 to $50MM assets	90.9	36.4	45.5	36.4
AMEX	89.7	36.8	33.3	19.7
Over $150MM assets	95.0	40.0	35.0	10.0
$50 to $150MM assets	82.1	41.0	28.2	30.8
0 to $50MM assets	93.1	32.8	36.2	15.5
NASDAQ—other	89.7	38.3	28.3	29.8
Over $150MM assets	90.1	44.3	28.2	26.0
$50 to $150MM assets	90.1	32.4	31.0	32.4
0 to $50MM assets	89.0	35.4	26.8	24.4

Table 20.—*Audit Committee Functions*

[Sample means]

Companies by size and trading market	Percent engage and person discharge auditors	Percent direct investigations	Percent review audit plan	Percent review audit results	Percent approve each professional service	Percent consider range of audit and nonaudit fee	Percent review adequacy of internal control
All companies	66.2	10.0	66.8	85.3	50.7	38.6	71.9
Over $150MM assets	70.0	9.0	68.6	86.6	52.5	38.1	75.4
$50 to $150MM assets	66.5	9.2	62.1	82.5	48.6	42.7	70.4
0 to $50MM assets	66.8	42.3	67.6	85.0	49.4	36.0	67.2
NYSE	75.7	10.0	67.5	87.4	56.5	44.2	77.3
Over $150MM assets	76.9	10.2	68.0	87.6	56.4	43.6	77.8
$50 to $150MM assets	73.9	10.1	65.2	84.1	55.1	47.8	76.3
0 to $50MM assets	64.3	7.1	71.4	100.0	64.3	35.7	64.3
AMEX	57.1	9.9	66.9	85.5	43.7	31.8	69.5
Over $150MM assets	54.5	.0	63.6	95.5	45.5	27.3	72.7
$50 to $150MM assets	50.0	7.8	58.8	84.3	41.2	39.3	64.7
0 to $50MM assets	64.1	14.1	73.1	83.3	44.9	32.1	71.8
NASDAQ—other	65.5	9.9	66.2	83.7	48.9	36.9	68.8
Over $150MM assets	63.1	8.5	69.9	84.7	48.3	32.4	72.7
$50 to $150MM assets	60.1	8.8	61.6	86.2	47.7	44.2	67.4
0 to $50MM assets	68.3	11.8	64.6	84.5	50.3	37.9	65.2

Table 21.—*Nominating Committee Functions*

[Sample means]

Companies by size and trading market	Percent select or recommended nominees	Percent evaluate incumbent directors	Percent consider shareholder recommendations	Percent other functions
All companies	97.4	12.7	79.1	24.7
Over $150MM assets	97.7	13.0	83.7	26.0
$50 to $150MM assets	95.7	17.4	89.1	21.8
0 to 50MM assets	97.7	6.8	70.5	22.7
NYSE	98.5	14.9	84.3	29.8

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Table 21.—*Nominating Committee Functions—Continued*

[Sample means]

Companies by size and trading market	Percent select or recommendent nominees	Percent evaluate incumbent directors	Percent consider shareholder recommendations	Percent other functions
Over $150MM assets	86.2	16.2	62.9	30.6
$50 to $150MM assets	100.0	11.1	94.4	22.2
0 to $50MM assets	100.0	.0	80.0	40.0
AMEX	93.3	16.7	56.7	13.3
Over $150MM assets	100.0	.0	50.0	.0
$50 to $150MM assets	86.7	26.7	80.0	13.3
0 to $50MM assets	100.0	9.1	54.5	18.2
NASDAQ—other	97.1	8.7	78.7	21.4
Over $150MM assets	96.8	8.1	67.1	19.4
$50 to $150MM assets	100.0	15.4	46.2	30.8
0 to $50MM assets	96.4	7.1	75.0	21.4

Table 22.—*Percent of Companies Disclosing Director Resignations*

[Sample means]

Companies by size and trading market	Percent
All companies	8.9
Over $150MM assets	10.3
$50 to $150MM assets	6.8
0 to $50MM assets	8.5
NYSE	11.2
Over $150MM assets	12.7
$50 to $150MM assets	7.1
0 to $50MM assets	7.1
AMEX	6.8
Over $150MM assets	4.4
$50 to $150MM assets	6.8
0 to $50MM assets	7.3
NASDAQ—Other	8.2
Over $150MM assets	8.1
$50 to $150MM assets	6.5
0 to $50MM assets	9.1

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DEPARTMENT OF STATE

22 CFR Part 22

[Departmental Regulation 108.800]

Schedule of Fees for Consular Services—Department of State and Foreign Service

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule establishes a new Schedule of Fees for services which provide special benefits to individuals. It also identifies various services to be rendered without fee. The new Schedule of Fees for Consular Services will be reviewed and revised periodically to insure cost recovery to the full extent possible in keeping with national interests.

EFFECTIVE DATE: February 12, 1981.

ADDRESS: Ronald K. Somerville, Executive Director, Bureau of Consular Affairs, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register**, December 12, 1980 (45 FR 81778) inviting persons to submit comments regarding the proposed regulation. No unfavorable comments were received. Therefore, the proposed rule is adopted with the following minor corrections and minor amendments for clarification:

1. The amendment in item 7(a) reflects a change effective January 1, 1981 (46 FR 2343) which discontinued the practice of including an American citizen child under the age of 13 years in a United States passport issued to the child's parent or sibling.

2. The amendment in item 13(a) is to make clear that this service also includes furnishing a "Certificate of Birth."

3. The change in item 88 shows the correct fee for document searches at Foreign Service posts. This fee is the same as that applied to file searches under item 14(a).

Accordingly, Part 22 of Title 22 of the Code of Federal Regulations is revised as set forth below.

Dated: February 9, 1981.

For the Secretary of State.

Robert H. Miller,

Acting Under Secretary for Management.

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Sec.

22.1 Schedule of fees.
22.2 Requests for services in the United States.
22.3 Remittances in the United States.
22.4 Requests for services, Foreign Service.
22.5 Remittances to Foreign Service posts.
22.6 Refund of fees.
22.7 Collection and return of fees.
22.8 Effective date.

Authority: Secs. 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 483a; 22 U.S.C. 1201); E.O. 10718, 22 FR 4632; 3 CFR, 1954–1958 Comp. page 382.

§ 22.1 Schedule of fees.

Item number	Fee
Passport and Citizenship Services	
1. Execution of application for passports	$5.00
2. Examination of passport application executed before a foreign official	$5.00.
3. Issuance of passport (22 U.S.C. 214)	$10.00
(Item No. 4 vacant)	
5. Issuance of card of identity	$5.00.
6. Execution of application for and issuance of passport:	
(a) To officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U.S.C. 214).	No fee
(b) To American seamen who require a passport in connection with their duties aboard an American flag-vessel (22 U.S.C. 214).	Do

Item number	Fee
(c) To widows, children, parents, brothers, or sisters of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214).	Do.
(d) To employees of the American National Red Cross proceeding abroad as a member of the Armed Forces of the United States (10 U.S.C. 2602(c)).	Do.
(e) Peace Corps Volunteers and Volunteer Leaders, who are deemed to be employees of the United States for purposes of exemption from passport fees (22 U.S.C. 2504(a)).	Do.
7. Amendment to passport:	
(a) To show current or new information	Do.
(b) To correct administrative error	Do.
(c) To extend time limitation	Do.
8. Verification of passport	Do.
9. Execution of application for registration	Do
10. Execution of affidavit in regard to American birth in connection with application for passport or citizenship determination.	Do.
11. Administering the oath of allegiance to a native-born American woman who lost her citizenship	Do
12. For delivery to the applicant of a certified copy of an executed form	
(a) Of repatriation of a native-born American woman whose marital status with an alien terminated prior to January 13, 1941.	$4.00.
(b) Of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U.S.C. 1435).	$4.00
(c) Of repatriation under the act of July 20, 1954 (8 U.S.C. 1438 supp.) of a person who while a citizen of the United States lost his citizenship by voting in Japan between September 2, 1945 and April 27, 1952, inclusive.	$4.00
13. Documents relating to births, marriages or deaths of American citizens abroad where reported to a Foreign Service post:	
(a) Registration of birth of American citizen, including furnishing one copy of Form FS-240 "Report of Birth Abroad of a Citizen of the United States of America" and Form FS-545, "Certification of Birth"	$13.00
(b) "Certificate of Witness to Marriage" in quadruplicate	$55.00.
(c) Authentication of original documents of marriage, per copy.	$4.00.
(d) "Report of Death of an American Citizen" and sending one copy each to legal representative and to closest known relative or relatives.	No fee.
[Certified copies of the above documents may be obtained from Passport Services, Department of State, Washington, D.C. 20524, $4.00 per copy.]	
14. Documents from passport files and related records (except as specified in item 13):	
(a) For file search	$6.00.
(b) For duplicating by photocopy or other such means, per each copy of each page.	$0.20.
(c) For certifying of a true copy	$2.00.
(d) For certifying by letter under official seal a statement or extract from passport files or a statement that no record of a passport file can be located (plus $6 search charge 14a)	$2.00.
15. Any service described in Item 14 when:	
(a) Required for official use by an agency of the Federal Government or of any of the States or their subdivisions or of the District of Columbia, or of any of the territories and possessions of the United States.	No fee.
(b) Performed in response to a subpoena or other order of a court. (However, fees are chargeable when the service is for the benefit of a party in interest and a court order or subpoena is issued in an individual's behalf).	Do.
(c) Performed in providing to a party in interest, a copy of the transcript of a hearing held before a panel, board, or other authority of the Department.	Do.
16. Granting an exception under 22 CFR 53.2(h) of Travel Control Regulations.	$60.00.
17. Instant Photo Service, where offered by a Foreign Service post, for each pair of identical photographs	$7.00.
(Item Nos. 18 and 19 vacant)	
[*Surcharges*, per Item No. 93, are required for any fee services under *Passport and Citizenship* when performed away from office or during non-duty hours either in the United States or in a foreign country.]	
Visa Services for Aliens	
20. Furnishing and verification of application for immigrant visa, including duplicate copy.	$5.00
21. Issuance of each immigrant visa	$20.00
22. Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in Appendices B, C, and E, Part IV, FAM, Vol. 9 of Department of State, as amended from time to time).	Recip.
23. Furnishing and verification of application and issuance of nonimmigrant visa to:	
(a) An alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756).	No fee.
(b) An official representative of a foreign government, or an international or regional organization of which the U.S. is a member.	Do
(c) An alien participating in a U.S. Government program.	Do.
24. Visa or supplemental visa of alien crew list:	
Up to 40 crew members	$35.00.
41 to 100 crew members	$60.00.
101 to 200 crew members	$86.00.
Over 200 crew members	$152.00
25. Revalidation or transfer of a nonimmigrant visa	Recip.
(Item Nos. 26 through 29 vacant)	
[*Surcharges*, per Item No. 98, are required for any fee services under *Visa Services for Aliens* when performed away from office or during non-duty hours.]	
Services Relating to Vessels and Seamen	
30. Noting marine protest, when required by a master of a foreign or an undocumented vessel.	$8.00.
31. Extending marine protest, when required by a master of a foreign or an undocumented vessel.	$52.00
32. Protest of master against charterers or freighterers, when required by a master of a foreign or an undocumented vessel.	$8.00
33. Shipment or discharge of seaman on undocumented vessel, each seamen.	$5.00.
34. Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registration or certificate of American ownership, and investigation.	$40.00.
35. Issuance of provisional certificate of registry or certificate of American ownership.	$30.00.
36. Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U.S.C 1186).	No fee
(Item Nos. 37 through 44 vacant)	
[*Surcharges*, per Item No. 93, are required for any fee services under *Services Relating to Vessels and Seamen* when performed away from office or during non-duty hours. However, only one such SURCHARGE may be applied to a group served on the same visit under Item 33.]	
Notarial Services and Authentications	
45. Administering an oath and certificate thereof	$4.00.
46. Taking the acknowledgement of the execution of a document, and certificate thereof.	$4.00
47. Certifying under official seal that a copy or extract made from an official or a private document is a true copy. For certifying each copy of each page.	$2.00.
48. Certifying to official character of a foreign notary or other official (i.e., authenticating a document).	$4.00.
49. Administering oaths, taking acknowledgements, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder.	$4.00
50. Administering an oath and certificate thereof for petition for immediate relative, non-immigrant finance(e), temporary workers non-immigrant intracompany transferee, or preference immigrant status.	$4.00
51. Administering oaths or taking acknowledgements, or authenticating the signatures of officials, in connection with seamen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U.S.C. 627).	$13.00.
52. For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government	$4.00.
53. Authenticating a Federal, State or Territorial seal, or certifying to the official status of an officer of the United States Department of State or of a foreign diplomatic or consular officer accredited to or recognized by the United States Government, or any document submitted to the Department for that purpose.	$4.00.
(Item No. 54 vacant)	
55. Noting of a negotiable instrument for want of acceptance or payment, certifying to protest and giving notice to issuer and endorsers when requested to do so.	$10.00.
(Item Nos. 56 through 57 vacant)	
58. Services under the heading, "Notarial Services and Authentications" when rendered.	
(a) In connection with the execution of forms or documents required by and to be presented to any department or agency of the Federal Government.	No fee.
(b) In connection with the assignment and transfer of United States bonds or other Federal financial obligations or the execution of powers of attorney therefor to collect interest thereon.	Do.
(c) In connection with the execution of forms or documents required by and to be presented to the States and their subdivisions, the District of Columbia, or any of the territories or possessions of the United States	Do.
(d) In the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof.	Do.
(e) To claimants and beneficiaries and their witnesses, in connection with Federal, State and municipal allotment, pension, retirement, insurance, medical compensation, or tax benefits.	Do
(f) To American citizens, while outside the United States, in preparation of ballots to be used in any primary, general or other public elections in the United States or in territories under their jurisdiction.	Do.
(g) For official non-commercial use by a foreign government or by an international agency of which the Government of the United States is a member.	Do. [#]
(h) To an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy.	Do.
(i) To U.S. Government personnel and Peace Corps volunteers or their dependents officially stationed or traveling in a foreign country.	Do.
59. Affidavit on preparation and packing of remains.	Do.
60. Consular mortuary certificate	Do.
(Item Nos. 61 through 65 vacant)	
66. Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 18 U.S.C. 3495.	Do.
67. Providing seal and certificate for return of letters rogatory executed by foreign officials.	$16.00.
(Item No. 68 vacant)	
[*Surcharges*, per Item No. 93, are required for fee services under *Notarial Services and Authentications* when performed away from office or during non-duty hours.]	
Services Relating to the Taking of Evidence	
69. In taking depositions or executing commissions to take testimony:	
(a) For the services of a diplomatic or consular officer. (For each hour or fraction thereof, but without surcharge).	$90.00
(b) For the services, if required, of a staff member of the Foreign Service as interpreter, stenographer or typist. (For each hour or fraction thereof, but without surcharge).	$35.00

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Item number	Fee
[Transportation and incidental expenses shall be collected if applicable to services performed under (a) or (b) above.]	
Decedents and Decedents' Estates	
70. Taking into possession under 22 U.S.C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, and arranging for inventory, sale, and final disposition thereof according to law.	No fee.
71. Services as described under Item No. 70 above when performed in the case of a deceased employee of the United States.	Do.
72. For placing or removing official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose or transfer of custody.	Do.
73. Arrangements for shipping or other disposition of remains.	Do.
(Item No. 74 vacant)	
Copying and Recording	
75. For typing a copy of document or extract of a document. (For each 200 words or part thereof)	$3.00.
76. For photocopying or otherwise duplicating a document. (For each copy of each page). (This fee does not apply to such customary activities as issuance of copies of records: (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the library of the Department, at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.).	$0.70
(Item Nos. 77 through 81 vacant).	
Examination Services	
82. Supervising or proctoring an examination at the request of an agency or instrumentality of the Federal or a State Government by a consular or other officer, including completion of a certificate without seal. (For each hour or fraction thereof, unless the cost is reimbursable to the Department of State by an agency or instrumentality of the Federal or a State government; however, surcharge of Item No. 93 does not apply.).	$90.00
Exemption for Federal Agencies and Corporations	
83. Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock.	No fee.
Other Consular Services	
84. Preparing and sending Interested Party Messages for the primary benefit of non-government individuals, organizations or groups:	
(a) From Department of State to a Foreign Service post.	$15.00.
(b) From a Foreign Service post to another Foreign Service post or to the Department of State.	$15.00.
85. Translating of documents to assist non-government individuals, organizations or groups (for each hour or fraction thereof of staff employee time, but without surcharge).	$35.00
86. U.S. Selective Service Registration in a foreign country.	No fee.
87. Distribution of U.S. Treasury checks to Federal beneficiaries.	Do.
88. Searching for and forwarding a document requested from a Foreign Service post by a non-government individual, organization or group (for each document).	$8.00.
(Item Nos. 89 and 90 vacant)	
91. Collection of fees by a Foreign Service post for services performed by Department of State offices within the United States under this Schedule of Fees; services performed under 22 C.F.R. 614 (Freedom of Information Services).	No fee.
92. Setting up and maintaining a trust account for one year or less to transfer funds to, or in behalf of, an American in need in a foreign country.	$15.00.
Surcharge for Service Rendered Away From Office or After Duty Hours in the United States or in a Foreign Country	
93. Except for instances of common disaster (i.e., ship wrecks, air crashes, etc.) or evacuations, a surcharge for service when rendered elsewhere than in a Department of State consular office or Passport Agency or at a Foreign Service post or after duty hours at the request of the parties concerned, shall be added to the regular fee:	
(1) American employee	$20.00.
(2) Foreign Service National employee	$10.00.

(In addition to the surcharge prescribed above, transportation and other incidental expenses necessarily being incurred by officers or staff employees of Passport Agencies in the U.S. or of Foreign Service posts shall be collected on an estimated cost basis from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.)

§ 22.2 Requests for services in the United States.

(a) *Requests for records.* Requests by the file subject of the individual's authorized agent for services involving U.S. passport applications and related records, including consular birth, marriage and death records and authentication of other passport file documents, shall be addressed to Passport Services, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify if a Consular Report of Birth (Form FS 240, or long form) or Certification of Birth (Form DS 1350, or short form) is desired. Advance remittance of the exact fee is required for each service.

(b) *Authentication services.* Requests for Department of State authentication of documents other than passport file documents must be accompanied by remittance of the exact total fee chargeable and addressed to the Authentication Officer, Department of State, Washington, D.C. 20520.

§ 22.3 Remittances in the United States.

(a) *Remittances in the United States.* Remittances shall be in the form of: (1) check on bank draft drawn on a bank in the United States; (2) money order, postal, international or bank; or (3) U.S. currency. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(b) *Exact payment of fees.* Fees must be paid in full prior to issuance of requested documents. If uncertainty as to the existence of a record or as to the number of sheets to be copied precludes remitting the exact fee chargeable with the request, the Department of State will inform the interested party of the exact amount required.

§ 22.4 Requests for services, Foreign Service.

Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this schedule, in coin of the United States or at its representative value in exchange (22 U.S.C. 1202). For definition of representative value in exchange, see § 23.4 of this chapter. No fees named in this schedule shall be charged or collected for the official services to American vessels and seamen (22 U.S.C. 1186). The term "American vessels" is defined to exclude, for the purposes of this schedule, undocumented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a U.S. Government department or agency and engaged exclusively in official business on a non-commercial basis. This schedule of fees shall be kept posted in a conspicuous place in each Foreign Service consular office, subject to the examination by all persons interested therein (22 U.S.C. 1197).

§ 22.5 Remittances to Foreign Service posts.

Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the American Embassy (name of city), American Consulate General (name of city) or American Consulate (name of city), as the case may be. This will permit cashing of negotiable instruments for deposit in the Treasury when not negotiated locally. See § 23.2 of this Chapter.

(a) *Time at which fees become payable.* Fees are due and payable prior to issue or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

(b) *Receipt for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Schedule of Fees for Consular Services Department of State and Foreign Service (§ 22.1), shall give receipts for fees collected for the official services rendered, specifying the nature of the service and numbered to correspond with entries in a register maintained for the purpose (22 U.S.C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts. See § 92.2 of this chapter.

(c) *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 22.6 Refund of fees.

Fees which have been collected for deposit in the Treasury are refundable: (a) as specifically authorized by law (see 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U.S.C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U.S.C. 8 concerning fees improperly imposed on vessels or seamen); (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic/consular post) finds upon review of the facts that the collection was erroneous under applicable law; and (c) where determination is made by the Department of State with a view to payment of a refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected by and at the direction of the responsible consular office. See § 13.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 22.7 Collection and return of fees.

No fees other than those prescribed in the Schedule of Fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99 and 812). For receipt, registry, and numbering provisions, see § 22.5(b).

§ 22.8 Effective date.

The charges established become effective on February 12, 1981 with respect to all services rendered pursuant to requests received in the Department of State and the Foreign Service on or after the effective date.

[FR Doc. 81-4981 Filed 2-11-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7750]

Voluntary Employees' Beneficiary Association; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the **Federal Register** publication beginning at 46 FR 1719 of the full text of the regulations which were the subject of Treasury Decision 7750 relating to voluntary employees' beneficiary associations under section 501(c)(9) of the Internal Revenue Code of 1954.

EFFECTIVE DATE: The regulations are, with certain exceptions, effective for taxable years beginning after December 31, 1954. This correction is to be effective the same date.

FOR FURTHER INFORMATION CONTACT: Kimley R. Johnson of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6212, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On July 17, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part I) under section 501(c)(9) of the Internal Revenue Code of 1954 (45 FR 47871), as amended by section 121 of the Tax Reform Act of 1969 (83 Stat. 541). On January 7, 1981, the **Federal Register** published Treasury Decision 7750 (FR Doc. 80-40835) at 46 FR 1719. The purpose of those amendments to the Income Tax Regulations made by the Treasury decision was to provide guidance to the public to determine whether a particular organization qualifies as a voluntary employees' beneficiary association.

Need for a Correction

As published, the full text of the regulations which were the subject of Treasury Decision 7750 omitted a heading on the final paragraph of the regulations.

Correction of Publication

Accordingly, the publication of the full text of the regulations which were the subject of FR Doc. 80-40835 (46 FR 1719) is amended by the following correction:

Section 1.501(c)(9)-8 (26 CFR Part I), at 46 FR 1725, is corrected by adding a caption to paragraph (e) to read as follows:

§ 1.501(c)(9)-8 Voluntary employees' beneficiary associations; effective date.

* * * * *

(e) *Election.* * * *

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 81-4995 Filed 2-11-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective dates of regulations stayed.

SUMMARY: On January 16, 1981, the Department issued a final rule to take effect on February 17, 1981 revising 29 CFR Part 4, Labor Standards for Federal Service Contracts (46 FR 4320-4378). On January 19, 1981, the Department issued a second final rule regarding the treatment of concession contracts to take effect on February 18, 1981 revising § 4.133 of Part 4 (46 FR 4886). The effective dates of these two regulations are stayed until April 17, 1981 to permit the Department to conduct a regulatory analysis and to review the rules fully before they take effect. It is the Department's intention to repropose appropriate modifications to Part 4 after this is done and to hold public hearings on the proposal.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, NW.,

V 46 / 29 FE 12 81 UMI

Washington, D.C. 20210, Telephone: 202–523–8305.

Signed at Washington, D.C., this 29th day of January 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81–4943 Filed 2–10–81; 4:00 pm]

BILLING CODE 4510–27–M

29 CFR Part 541

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman."

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective date of regulation stayed; comment period reopened.

SUMMARY: Final regulations effective February 13, 1981, increasing the salary levels used to determine eligibility for exemption from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act were published in the **Federal Register** of January 13, 1981 (46 FR 3010). The effective date of these regulations is stayed indefinitely. The purpose of this action is to allow the Department to review the rule fully before it takes effect. The comment period is reopened. Pending final determination in this rulemaking, the interim salary tests which became effective April 1, 1975 are continued.

DATES: Effective date: February 12, 1981. Comments are invited from other Federal agencies and the public. They must be received on or before April 6, 1981.

ADDRESS: Send written comments to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S–3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–8305.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone (202) 523–8305.

Signed at Washington, D.C., this 29th day of January, 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81–4945 Filed 2–10–81; 4:00 pm]

BILLING CODE 4510–27–M

ENVIRONMENTAL PROTECTION AGENCY

[AS–FRL 1752–3]

40 CFR Parts 6, 52, 56, 162, 230, 403, 413, and 429; Deferral of Effective Dates

AGENCY: Environmental Protection Agency.

ACTION: Notice of deferral of effective dates.

SUMMARY: This notice defers until March 30, 1981, the effective date of all the regulations listed below. This action is taken pursuant to the President's order of January 29, 1981, requiring postponement of the effective date of pending regulations for 60 days.

EFFECTIVE DATE: The new effective date of all the regulations listed below will be March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Faith Halter, Special Assistant to the General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202–755–0709.

SUPPLEMENTARY INFORMATION: The following is a list of all the regulations whose effective date is deferred by this notice.

CFR part affected	FR citation	Subject matter	Old effective date	New effective date
40 CFR 6, Subpart J	46 FR 3364 (1/14/81).	E.O. 12114 Implementation of Procedures Under the National Environmental Policy Act (Assessing the Environmental Effects Abroad of EPA Actions).	Feb. 13, 1981	Mar. 30, 1981
40 CFR 52.770(c)(19), 52.795(c)	46 FR 8474 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Indiana (Notice of Deficiency).	Feb. 26, 1981	Mar. 30, 1981
40 CFR 52.770(c)(19), 52.795(c)	46 FR 8473 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Indiana (Disapproval—Jefferson County).	Feb. 26, 1981	Mar. 30, 1981
40 CFR 52.1870(c)(25), 52.1881 (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8).	46 FR 8481 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Ohio Sulfur Dioxide Control Strategy.	Feb. 26, 1981	Mar. 30, 1981
40 CFR 52.220 (c)(42)(i)(D), (c)(50)(vii)(A), (c)(51)(xi)(A), (c)(51)(xii)(A), (c)(52)(xi)(B), (c)(52)(xi)(A), (c)(58)(iii)(A), (c)(74)(i)(A); 52.271 (b)(3)(i), (b)(4)(i), (b)(4)(ii).	46 FR 8471 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Five Air Pollution Control Districts in the State of California.	Feb. 26, 1981	Mar. 30, 1981
40 CFR 56	45 FR 85389 (12/24/80).	Clean Air Act. Regional Consistency	Feb. 23, 1981	Mar. 30, 1981
40 CFR 162.31	46 FR 5696 (1/19/81).	Federal Insecticide, Fungicide and Rodenticide Act. Classification of Uses of Active Ingredients for Restricted Use.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (Mar. 20, 1981).	Mar. 30, 1981
40 CFR 162.150–162.156	46 FR 2008 (1/7/81).	Federal Insecticide, Fungicide, and Rodenticide Act. State Registration of Pesticides To Meet Local Needs.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (Mar. 9, 1981).	Mar. 30, 1981
40 CFR 230	45 FR 85335 (12/24/80).	Clean Water Act. Guidelines for Specification of Disposal Sites for Dredged or Fill Material.	Mar. 23, 1981	Mar. 30, 1981
40 CFR 403	46 FR 9404 (1/28/81).	Clean Water Act. General Pretreatment Regulations for New and Existing Sources.	Mar. 13, 1981	Mar. 30, 1981
40 CFR 413	46 FR 9462 (1/28/81).	Clean Water Act. Effluent Guidelines and Standards; Electroplating Point Source Category Pretreatment Standards for Existing Sources.	Mar. 16, 1981	Mar. 30, 1981
40 CFR 429.61, 429.62, 429.151, 429.152	46 FR 8260 (1/26/81).	Clean Water Act. Timber Products Point Source Category: Provisions Establishing Best Practicable and Best Conventional Pollutant Control Technology (BPT and BCT).	Mar. 11, 1981	Mar. 30, 1981

Issued at Washington, D.C., on February 6, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81–5016 Filed 2–11–81; 8:45 am]

BILLING CODE 6560–30–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5804

[ORE 013237]

Oregon; Partial Revocation of Reclamation Project Withdrawal

Correction

In FR Doc. 81–594, published at page 2047, in the issue of Thursday, January 8, 1981 make the following correction in the land description for the **Willamette Meridian:**

On page 2048, first column, third line, following "S½NE¼SW¼," insert "S½, SW¼, SW¼,".

BILLING CODE 1505–01–M

43 CFR Public Land Order 5820

[OR 13498]

Oregon; Withdrawal of National Forest Land for Recreation and Administrative Site

Correction

In FR Doc. 2262, published on page 6947, on Thursday, January 22, 1981, make the following corrections:

(1) In the second column, in the eighth line from the top "Section 205" should be corrected to read "Section 204".

(2) In the second column, under **Willamette Meridian** *"Umpqua National Forest, Cow Creek Recreation and Administrative Site"*, in the second line "Sec. 5, N½NW¼ and N½S½NW¼" should be corrected to read "Sec. 5, N½NW¼ and N½S½NW¼".

BILLING CODE 1505–01–M

43 CFR Public Land Order 5848

[M–35197]

Montana; Revocation of Public Land Order No. 1258

Corrections

In FR Doc. 81–2491 appearing on page 7347 in the issue for Friday, January 23, 1981, make the following corrections:

On page 7347, in the second column, in the land description for **Principal Meridian, Montana**—

(1) In the second line, "NW¼" should have read "NW¼" in both places.

(2) In the third line, "SE¼" should have read "SE¼".

BILLING CODE 1505–01–M

43 CFR Public Land Order 5849

[U–47671]

Utah; Revocation of Public Land Order No. 1109

Correction

In FR Doc. 81–2511, published at page 7347, on Friday, January 23, 1981, in the third column, under **"Salt Lake Meridian"** before "Sec. 10, NE¼." insert "T. 2S., R. 3E.,".

BILLING CODE 1505–01–M

43 CFR Public Land Order 5852

[OR–04919]

Oregon; Revocation of Stock Driveway Withdrawal

Correction

In FR Doc. 81–2508 appearing on page 7349 in the issue for Friday, January 23, 1981, make the corrections:

On page 7349, in the middle column, under **"Willamette Meridian"**, please correct the land description as follows:

(1) In the tenth line, "NW¼" should have read "NW¼".

(2) In the eleventh line, "NE¼" and "NW¼" should have read "NE¼" and "NW¼".

(3) In the sixteenth line, "SW¼" should have read "SW¼".

BILLING CODE 1505–01–M

43 CFR Public Land Order 5855

Oregon; Partial Revocation of Public Land Order No. 3869

Correction

In FR Doc. 81–2991, published on page 8520, on Tuesday, January 27, 1981, in the second column, in the seventh line from the bottom, "Sec. 4, S½SW¼SW¼" should be corrected to read "Sec. 4, S½SW¼SW¼".

BILLING CODE 1505–01–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1012

Postponement of Certain Regulations

AGENCY: Community Services Administration.

ACTION: Notice of postponement of effective date of certain agency regulations and correction.

SUMMARY: On January 29, 1981, the President issued a memorandum requesting Federal agencies to postpone for 60 days from that date the effective date of final regulations presently pending. CSA has decided, in keeping with the spirit of that memorandum, to postpone until March 29, 1981, the effective date of its final rule entitled: "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, As Amended, and Executive Order 12250" (46 FR 5620–5631). Accordingly, CSA will be publishing an amendment to this rule reflecting postponement of its effective date from February 18 to March 29. The agency has determined that this rule is the only pending final regulation that will be affected by the January 29 memorandum. This rule also corrects a technical error in Subpart H, § 1012.132. The definition for "existing facility" which would be used in that Subpart only if Subpart G becomes final was erroneously incorporated in § 1012.132.

FOR FURTHER INFORMATION CONTACT: Roger Schwartz, Acting General Counsel, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, (202) 653–7520.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2942))

William W. Allison,

Acting Director.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a

memorandum to a number of Federal agencies directing that such agencies postpone for 60 days (from January 29) the effective date of all regulations that had been promulgated in final form and were scheduled to become effective during such 60 day period. The memorandum provided certain exemptions to the general postponement rule. The purpose of the postponement, according to the memorandum, was to provide the new Administration sufficient time to review many of the prior Administration's last-minute decisions that would increase rather than relieve the current burden of restrictive regulation. CSA is not one of the agencies to whom the President's memorandum was addressed. Nonetheless, in keeping with the spirit and tone of the memorandum, CSA has decided to postpone the effective date of pending final regulations which have not yet taken effect, where such regulations appear to be the kind of regulations referred to in the Presidential directive and do not fit into exceptions listed in the directive.

The agency has determined that the only pending regulation fitting the above description is CSA's final rule published on January 19, 1981 (46 FR 5620–5631) entitled "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA: Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250." (45 CFR Part 1012). This regulation is scheduled to become effective on February 18, 1981. CSA will be amending this rule, postponing its effective date to March 29, 1981. The amendment to the rule will also contain changes in deadlines within the rule to correspond with the rule's new effective date.

In FR Doc. 81–1935 published at 46 FR 5620 on January 19, 1981 on page 5630, middle column, § 1012.132 is corrected to read as follows:

1012.132 Defined.

An "existing facility" means a facility or part thereof constructed on or before March 29, 1981, which a grantee uses, leases, owns or otherwise acquires.

[FR Doc. 81–4986 Filed 2–11–81; 8:45 am]

BILLING CODE 6315–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[PR Docket No. 80–9; FCC 81–1]

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations and Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC in response to three rulemaking petitions adopts a Report and Order authorizing the use of radio location tracking devices by Police Radio Service licensees on Public Safety Radio Service frequencies above 30 MHz. These devices which, are low power transmitters with limited modulation capacity and operational capability, are typically used for purposes of covertly tracking a person or an object.

EFFECTIVE DATE: January 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David A. Hankin or Roger D. Madden Private Radio Bureau (202) 632–6497.

Adopted: January 8, 1981.

Released: January 30, 1981.

By the Commission: Chairman Ferris absent.

In the matter of an amendment of Parts 2 and 90 of the Commission's Rules to authorize the use of low power radio transmiters by Police Radio Service licensees on Public Safety Radio Service frequencies above 30 MHz, PR Docket No. 80–9, report and order.

Introduction

1. The Commission, during the past few years, received three rulemaking petitions which sought the authorization of radio location tracking devices [1] in the private land mobile radio services. These devices, which are low power transmitters with limited modulation capacity and operational capability, are typically used for purposes of covertly tracking a person or an object.[2]

2. Gus Manufacturing (GUS) had proposed (RM–2357) to allow police licensees to operate the trailing devices on police frequencies between 154.60 MHz and 159.10 MHz. Audio Intelligence Devices (AID) had proposed (RM–3094) to allow police licensees to operate the devices on any frequency between 136–144 MHz and 148–174 MHz. Wackenhut Electronics had proposed (RM–2314) to permit all eligibles in the private land mobile radio services to use radio direction determination equipment in the guard bands adjacent to the edges of the frequency channels in the frequency range of 27.0 MHz to 36.0 MHz.

3. In our Notice of Proposed Rule Making, released January 15, 1980,[3] the Commission proposed to permit only licensees in the Police Radio Service, to operate low power trailing equipment. This use was proposed on a secondary basis, on any private land mobile radio service frequency in the bands 30–50 MHz, 150–174 MHz, and 450–470 MHz. In addition, we had asked for comments on the use of spread spectrum techniques in any bandwidth where 99% of the energy transmitted by the beeper is contained in one of the authorized bands.

Comments

4. Comments and reply comments were filed by many of the public safety, land transportation, and industrial radio service users and user organizations. In general, the comments supported the use of radio direction determination equipment for purposes of covert monitoring activities.[4] However, a significant number of organizations expressed concerns as to the possible interference effects that these devices could have on the primary frequency users.[5] Some of the land transportation and industrial service user organizations recommended that the operation of the trailing devices be restricted to the spectrum currently assigned to the Public Safety Radio Services, while others favored allowing covert monitoring operations only on those frequencies assigned to the Police Radio Service.

5. Most parties filing comments were of the opinion that only those eligibles in the Police Radio Service should be permitted to use radio direction determination equipment. The American Trucking Association and Action Investigative Services, however, advocated broadening the proposed eligibility requirements to also include motor carriers and licensed private investigators, respectively. The American Trucking Association indicated that vehicle and cargo theft losses and their associated claims and processing costs run into billions of dollars annually, thus necessitating the use of trailing devices by motor carriers to assist them in preventing such crimes. Action Investigative Services urged the Commission to include licensed private investigators as eligibles because trailing devices are a necessary aid in the performance of their jobs.

6. The use of spread spectrum techniques was supported by Del Norte Technology, Inc., and Hewlett Packard Company. Both of these companies asserted that spread spectrum techniques offer an efficient method of using and re-using the radio spectrum and that spread spectrum applications can co-exist on a non-interfering basis with other users in the private land mobile radio services. The American Telephone and Telegraph Company in opposing the implementation of spread spectrum techniques asserted that the nature of the spread spectrum signal would create interference that would impair the signal to noise performance of the primary users in those bands where such techniques were used. The American Petroleum Institute was of the opinion that the Commission had insufficient technical information to support adoption of any rule change that would permit spread spectrum techniques to be used on a secondary basis in the land mobile radio services.

Decision

7. We have carefully considered the comment and reply comments and have decided to permit eligibles in the Police Radio Service to use radio direction determination equipment. The use of these devices will be permitted, on a secondary basis, on frequencies allocated to the Public Safety Radio Services.[6] In order to maintain a covert atmosphere for the users of these devices we will not require eligibles to receive specific authorization for their use. We have also determined that the implementation of spread spectrum techniques is a feasible method of transmitting beeper signals. In view of the low interference potential of spread spectrum modulation we will permit the use of spread spectrum tracking transmitters in any of the bands allocated to the private land mobile radio services identified in Part 90 of the FCC Rules and Regulations.[7] At this time, however, we do not have sufficient information to adequately determine what should be the appropriate technical standards for the operation of spread spectrum systems. As a result, we will issue a Notice of Inquiry to invite comments on what technical parameters should be set for the implementation of spread spectrum systems in covert trailing operations. Operation of spread spectrum systems will not be permitted until such standards have been determined.

Discussion

8. The issue as to whether the use of beepers is a "search" and thus subject to the Fourth Amendment has received varied treatment in the federal courts.[8] Although there is not judicial harmony over the application of the Fourth Amendment to radio location tracking devices, this fact, does not warrant us denying the operation of these devices. Instead, the Commission in promulgating these rules strongly emphasizes that all eligibles must conform to Federal, State and local laws.

9. The American Trucking Association and Action Investigative Services have requested the use of trailing devices in their activities. The Commission, however, is of the opinion that eligibility to use these devices should not be extended beyond the law enforcement community. Fourth Amendment protections do not extend to private non-governmental parties.[9] As a result, a greater potential for invasions of personal privacy and civil trespass would be promoted by authorizing the use of beepers to non-governmental entities, which we find not to be in the public interest. Therefore, the eligibility requests of the American Trucking Association and Action Investigative Services are denied.

10. Although we have restricted the eligibility for trailing device use to the Police Radio Service, all individuals or entities having a valid law enforcement need for such equipment (motor carriers, security companies, railroad motor carriers, railroad security police, etc.) can, under our rules, coordinate with local law enforcement agencies their use of automatic radio detection equipment and with the concurrence of these law enforcement agencies they may operate such equipment under the authorization issued to the law enforcement agency. This arrangement will still require the law enforcement agency to assume full licensee responsibility for the operation of the trailing device. This permissive arrangement should allow private entities seeking use of beepers, sufficient opportunity and flexibility to adequately satisfy their particular need for these devices.

11. The industrial and land transportation users predicted that their activities would be severely jeopardized if trailing transmitters were allowed to operate on the frequencies currently allocated to their services. We have examined these arguments and have found them to be without merit.[10] Although we do not feel that these devices will present interference problems, we realize that there is little information available concerning their actual operation. As a result, we are restricting the use of discretely channeled [11] miniature tracking devices to only those frequencies allocated to the Public Safety Radio Services [12] until such time as additional information is available. The spectrum allocated to the Public Safety Radio Services will still be

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[1] These devices are also referred to as beepers, miniature tracking devices, and radio direction determination equipment. We recognize that our Notice of Proposed Rule Making, adopted January 16, 1980, referred only to "automatic" radio direction determination equipment. We now refer to such equipment in the generic form so as not to preclude the use of "manual" radio direction determination equipment.

[2] These devices operate in a similar manner to Emergency Position Indicating Radio Beacons (EPIRB's), authorized in the Maritime Radio Services, and Emergency Locator Transmitters (ELT's), authorized in the Aviation Radio Services. The user of these transmitters, however, unlike the beeper transmitter user, desires to have the transmitting pulses discovered by others. Therefore, the EPIRB and ELT signals are transmitted and monitored on "common calling" channels, whereas the miniature tracking device user desires to disguise his tracking operations.

[3] *Notice of Proposed Rule Making*, PR Docket No. 80–9, adopted January 16, 1980, 45 FR 14902 (March 7, 1980).

[4] The American Museum of Natural History had expressed concerns that their scientific programs involving telemetry techniques will be restricted by this proceeding. It should be noted that such programs are administered under the experimental licensing procedures as set forth in Part V of the FCC Rules and Regulations. These experimental licensing procedures are not affected by any of the rules promulgated herein, and thus, the concerns of the American Museum of Natural History are not applicable to this proceeding.

[5] The American Petroleum Institute, the American Telephone and Telegraph Co., the Association of American Railroads, Forest Industry Telecommunications, National Association of Business and Educational Radio, Inc., National Ski Patrol System, Inc., and Utilities Telecommunications Council all expressed concerns regarding possible interference to primary users.

[6] Of the radio spectrum allocated to the Public Safety Radio Services, 12.555 MHz is considered compatible with automatic radio direction determination equipment. This spectrum consists of 6.05 MHz in the low VHF band, 3.295 in the high VHF band, and 3.20 MHz in the UHF band.

[7] We have carefully reviewed the views of AT&T that this might cause unacceptable interference and conclude that the technical assumptions that lead to their conclusions were unrealistic.

[8] For a more complete discussion as to whether the use of beepers is subject to the Fourth Amendment, see Appendix A.

[9] See *Burdeau* v *McDowell* 256 U.S. 465, 475 (1921); *U.S.* v *Ziperstein* 601 F2d 281, 290 (1979).

[10] For a discussion of the interference arguments asserted by the industrial and land transportation users see Appendix B.

[11] By the term "discretely channeled" we are referring to transmitters which have 99% of their power contained within a bandwidth of 2 kHz and use emission type P0. It should be noted that the emission bandwidth limitation for "discretely channeled" tracking devices specifically excludes spread spectrum approaches. The technical parameters of spread spectrum applications will be the subject of a Notice of Inquiry.

[12] Aside from the Police Radio Service, we did not receive any comments from any of the Public Safety Radio Service users regarding the use of their frequencies for covert trailing operations.

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sufficiently broad to insure that trailing operations will not be easily detected.[13]

12. Several commenters expressed concerns as to their ability to identify co-channel licensees and the difficulties they would encounter in tracing these licensees should interference problems arise. In addition, their comments noted the problems associated with disabling an operational trailing device. We believe these factors are of genuine concern. While we do not agree that miniature tracking devices will create destructive interference, there exists a possibility for annoying interference.[14] To ensure that such possible interference is relatively short-term, we will not permit radio direction determination equipment to be operated on the same frequency for a period exceeding ten consecutive days. If the transmitter is operated from an internal power source, such as dry cell batteries, depletion of battery life will be an acceptable method of limiting operational life of the transmitter. The type acceptance procedure for these devices will require information which demonstrates that battery "end of life" occurs within the ten day period. For other configurations, a positive means of disabling the transmitter must be employed.

13. In our Notice of Proposed Rule Making, we identified the technical characteristics of the beeper transmitters.[15] On review of these characteristics, we find that the requirement for maintaining a duration between pulses of at least .85 seconds has no bearing on either the interference potential of the equipment or its performance capabilities. Therefore, this technical provision has been deleted.

14. Also in our Notice of Proposed Rule Making we had proposed a maximum value of 30 mW mean output power and a peak power of one watt for the tracking transmitter. However, it is expected that a number of tracking transmitters will utilize antennas that are permanently attached or have antenna/transmitter combinations that are contained within a sealed package. Such transmitters may use antennas that present less than a 50 ohm load. Such designs could create difficulties in verifying the power specifications of such equipment. Because of this, we have established an alternative method of power measurement based on field strength. Field strength is measured at three meters from the transmitter.This measure was calculated assuming that the transmitter utilized a halfwave dipole antenna ($E=7.02\sqrt{P}/d$ where E is the field strength in V/m, P is the power in watts and d is the distance from the transmitter in meters).

15. Currently there have been no technical standards developed for the design or application of spread spectrum radio equipment to private sector users. Therefore, we will issue a Notice of Inquiry to invite comments on what technical standards are to be implemented for spread spectrum applications. The Notice will address such issues as the bandwidths, the modulation and encoding methods, the output power of the spread spectrum transmitters, and the reduction or prevention of out of channel emissions.

16. Accordingly, It is ordered, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, §§ 2.106 and 90.19 of the Rules and Regulations are amended as set forth in Appendix C, effective January 30, 1981.

17. It is further ordered that the petitions filed by Gus Manufacturing (RM–2357), Audio Intelligence Devices (RM–3094) and Wackenhut Electronics (RM–2314) are granted to the extent herein indicated and are otherwise denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix C. Appendices A, on beeper use, and B, on analysis of interference claims, are not printed herein, but are filed with the original document due to printing costs. This document, in its entirety, may be obtained from the Commission Public Information Office, Room 202 and is available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW, Washington, D.C.

Appendix C

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Part 90 of the Commission's Rules is amended as follows:

Section 90.19 is amended by adding a new subparagraph (f)(5) to read as follows:

§ 90.19 Police radio service.

* * * * *

(f) * * *

(5) A licensee in the Police Radio Service may use transmitters on the frequencies indicated below in connection with official police activities without specific authorization from the Commission, provided that such use shall be on a secondary basis and shall not cause harmful interference to services of other licensees operating on regularly assigned frequencies, and further provided that all such use complies with the requirements of Federal, State and local laws.

The provisions of § 90.429 of this part shall not apply to transmitters authorized under this subparagraph. To be eligible for operations in this manner, the transmitter must comply with all of the following requirements.

(i) In accordance with § 90.203 of this Part and § 2.803 of Part 2 of this Chapter, the transmitter must be of a type which has been type accepted by the Commission.

(ii) The carrier frequency shall be within the bands of

30.85–30.87 MHz
30.89–30.91 MHz
30.93–30.95 MHz
30.97–30.99 MHz
31.01–31.03 MHz
31.05–31.07 MHz
31.09–31.11 MHz
31.13–31.15 MHz
31.17–31.19 MHz
31.21–31.23 MHz
31.25–31.27 MHz
31.29–31.31 MHz
31.33–31.35 MHz
31.37–31.39 MHz
31.41–31.43 MHz
31.45–31.47 MHz
31.49–31.51 MHz
31.53–31.55 MHz
31.57–31.59 MHz
31.61–31.63 MHz
31.65–31.67 MHz
31.69–31.71 MHz
31.73–31.75 MHz
31.77–31.79 MHz
31.81–31.83 MHz
31.85–31.87 MHz
31.89–31.91 MHz
31.93–31.95 MHz
31.97–32.00 MHz
33.00–33.03 MHz
33.05–33.07 MHz
33.41–34.00 MHz
37.00–37.43 MHz
37.89–38.00 MHz
39.00–40.00 MHz
42.00–42.91 MHz
44.61–45.91 MHz
45.93–45.95 MHz
45.97–45.99 MHz
46.01–46.03 MHz
46.05–46.60 MHz
47.00–47.71 MHz
150.995–151.490 MHz
153.740–154.445 MHz
154.635–155.195 MHz
155.415–156.250 MHz
158.715–159.465 MHz
453.0125–453.9875 MHz

[13] See *supra*, footnote 6.

[14] For a discussion of "destructive" and "annoying" interference see Appendix B.

[15] See *Notice of Proposed Rule Making*, P. 7–8, PR Docket 80–8, adopted January 16, 1980, 45 FR 14902 (March 7, 1980).

458.0125–458.9875 MHz
460.5625–460.5125 MHz
460.5625–460.6375 MHz
462.9375–462.9875 MHz
465.0125–460.5125 MHz
465.5625–465.6375 MHz
467.9375–467.9875 MHz

and must be maintained within 0.005 percent of the frequency of operation. Use on assigned channel center frequencies is not required.

(iii) The emitted signal shall be non-voice modulation (type PO emission).

(iv) The maximum occupied bandwidth, containing 99 percent of the radiated power, shall not exceed 2.0 kHz.

(v) The transmitter output power shall not exceed a mean power of 30 mW nor shall any peak exceed 1 watt peak power, as measured into a 50 ohm resistive load. Should the transmitter be supplied with a permanently attached antenna or should the transmitter and antenna combination be contained in a sealed unit, the following standard may be used in lieu of the above: the field strength of the fundamental signal of the transmitter and antenna combination shall not exceed 0.4 V/m mean or 2.3 V/m peak when measured at a distance of 3 meters.

(vi) The transmitter shall contain positive means to limit the transmission time to no more than 10 days. In the event of a malfunction of this positive means, the transmitter signal shall cease. The use of battery life to accomplish the transmission time limitation is permissible.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 of the rules is amended as follows.

Section 2.106 is amended by the addition of new footnote NG***

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§ 2.106 Table of frequency allocations.

Worldwide		Region 2		United States		Federal Communications Commission					
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services	
1	2	3	4	5	6	7	8	9	10	11	
***											
30.01–37.75	FIXED. (228) (229) (230) (231) MOBILE. (232A)			30.56–32	NG. (NG***)	30.56–32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY.	
				32–33 (231)	G.						
				33–34	NG. (NG***)	33–33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.	
						33.01–33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
						33.11–33.41	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
						33.41–34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
				34–35 (231)	G.						
				35–36	NG. (NG***)	35–35.19	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
						35.19–35.69	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. INDUSTRIAL. PUBLIC SAFETY.	
						35.69–36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
				36–37 (US 220) (231)	G. (US220)						
				37–38	NG. (NG***)	37–37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
						37.01–37.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
37.75–38.25	FIXED. (226) (229) (231) MOBILE. Radio astronomy. (233B)					37.43–37.89	LAND MOBILE. (NG89)	Base. Land mobile.		INDUSTRIAL.	
						37.89–38	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
38.25–41 (235) (236) (236A)	FIXED. (226) (229) (230) (231) MOBILE.			38–39	G. (US81)						
				39–40	NG. (US94)	39–40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	

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§ 2.106 Table of Frequency Allocations—Continued

Worldwide		Region 2		United States		Federal Communications Commission					
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services	
1	2	3	4	5	6	7	8	9	10	11	
				***	***						
41–50		41–50	FIXED. (226) (231) (237) MOBILE. (232A) (236A)	43–46.6	NG. (NG***)	43–43.95	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
						43.95–43.19	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
						43.19–43.69	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. INDUSTRIAL. PUBLIC SAFETY.	
						43.69–44.61	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.	
						44.61–46.6	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
				46.6–47	G.						
				47–48.6	NG. (NG***)	47–47.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
						47.43–47.69	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL.	
						47.69–48.6	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
				48.6–50	G.						
50–54		50–54	AMATEUR.	50–54	AMATEUR. (US1)	50–54	AMATEUR.	Amateur.		AMATEUR.	

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Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
150.05–174		150.05–174	FIXED. MOBILE.	150.05–150.8	G. (US216)					
				150.8–157.0375	NG (US216) (NG***)	150.8–160.99	LAND MOBILE. (NG112)	Base. Land mobile.		LAND TRANSPORTATION. (NG61).
						160.99–161.4625	LAND MOBILE. (NG112)	Base. Land Mobile.		PUBLIC SAFETY (NG61).
						161.4625–161.4975	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL & PUBLIC SAFETY (NG61).
						161.4975–162	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL.
						162–162.256	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						162.256–162.406	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG39) (NG112)
						162.406–162.656	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG112)
						162.656–162.906	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG4)
						162.906–163.7236	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG4)
						163.7236–164.0625	LAND MOBILE.	Base. Land Mobile. Fixed.	164.2	INDUSTRIAL, PUBLIC SAFETY (NG39) (NG87) (Earth Telecommand).
						164.0625–164.0975	LAND MOBILE.	Base. Land Mobile.		Industrial.
						164.0975–168.36	LAND MOBILE. (NG117)	Base. Land mobile.		PUBLIC SAFETY.

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§ 2.106 Table of Frequency Allocations—Continued

150.05–174 cont.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
				157.0375–157.1875 (US214)	G.				157.100	US Coast Guard Liaison Frequency.
	(387A)		(387A)	157.1875–162.0125 (NG***)	NG (US77) (US300) (NG111) (US 223)	157.1875–157.450	MARITIME MOBILE. (NG6)	Ship.	157.200 157.225 157.250 157.275 157.300 157.325 157.350 157.375 157.400 157.425	MARITIME MOBILE. Do. Do. Do. Do. Do. Do. Do. Do. Do.
						157.45–157.725	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG6) (NG39) (NG112)
						157.725–157.755	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG112)
						157.755–158.115	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.115–158.475	LAND MOBILE. (NG112)	Base. Land mobile.		INDUSTRIAL.
						158.475–158.715	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						88.715–159.48	LAND MOBILE. (NG112)	Base. Land mobile.		PUBLIC SAFETY. (NG70)
						159.48–161.575	LAND MOBILE. (NG112)	Base. Land mobile.		LAND TRANSPORTATION. (NG6) (NG39) (NG112) (NG70)

***

173.3–173.4	Fixed. Land mobile. (NG***)	Base. Fixed mobile.		PUBLIC SAFETY. INDUSTRIAL.

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United States			Worldwide		Region 2		Federal Communications Commission			
Band (MHz)	Allocation	Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Service	Class of station	Pre-quency (MHz)	Nature of services
5	6	7	8	9	10	11	12	13	14	15
406–470	NG (US67) (US100) (US201) (US209) (US216) (NG4***)	406–440 (31B) (31D) (31C) (31A)	FIXED. MOBILE.	406–440	LAND MOBILE. (NG112)	406–420	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
				421–430 (NO 112)	LAND MOBILE. (NG112)	421–430 (NO 112)	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
				431–435	LAND MOBILE. (NG112)	431–435	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
				435–440	LAND MOBILE. (NG112)	435–440	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
				440–450	Land mobile.	440–450	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
				450–460	LAND MOBILE. (NG112)	450–460	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
	(US 100) (US 201) (US 209) (NG4***)	460–470 (31A)	FIXED. MOBILE. Meteorological-Satellite (Space-to-earth). (31A)	460–462.5375 455.7375	LAND MOBILE.	460–462.5375 455.7375	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
				462.5375–462.7375 466.5125	LAND MOBILE.	462.7375–466.5125	Base. Land Mobile.		PERSONAL.
				466.5125–467.0875	LAND MOBILE.	466.5125–467.0875	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
				467.0875–467.7375	LAND MOBILE.	467.0875–467.7375	Land mobile.		PERSONAL.
				467.7375–470	LAND MOBILE.	467.7375–470	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.

See footnotes at end of table.

NG*** In the Public Safety Radio Service allocations within the bands 30-50 MHz, 150-174 MHz, and 450-470 MHz, Police Radio Service licensees are authorized to operate low powered radio transmitters on a secondary, non-interference basis in accordance with the provisions of §§2.803 and 90.19(f)(5) of the rules.

(Ed. 8/76)

[FR Doc. 81-4685 Filed 2-11-81; 8:45 am]

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47 CFR Part 73

[Docket No. 21473; FCC 81-45]

AM Broadcast Stations; Conversion of Radiation Patterns

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The computation of interference and coverage of AM broadcast stations is complex, partly because of the use of measured patterns which are not easily computerized. In this Report and Order, the Commission adopts rules to replace the use of measured patterns with "standard patterns." The "standard patterns" are easily automated. The new rules and the guidelines for conversion from measured patterns to "standard patterns" are discussed.

EFFECTIVE DATE: Amendments to Rules effective March 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Boursy, Broadcast Bureau, (202) 632-6485.

Adopted: January 29, 1981.

Released: February 9, 1981.

By the Commission: Commissioners Ferris, Chairman, and Brown not participating; Commissioner Quello concurring in the result.

In the matter of amendment of the rules governing the conversion of radiation patterns for AM broadcast stations; Docket No. 21473; Report and Order (Proceeding Terminated).

1. The Commission has before it the comments and reply comments responding to our recent *Notice of Proposed Rulemaking* (*NPRM*), FCC 80-538, 45 FR 63516, in which we proposed the adoption of Rules leading to the conversion of all directional AM broadcast stations to standard patterns. This proceeding began with our *Notice of Inquiry* (*NOI*), 66 FCC 2d 901 (1977). At the present time, most of the AM patterns are under the old system of theoretical patterns, measured patterns, and MEOV (Maximum Expected Operating Values). The Rules requiring the use of standard patterns for new stations and for major changes apply only to stations making application since 1971. *Report and Order in Docket No. 16222*, 27 FCC 2d 77, 20 RR 2d 1745 (1971). Currently, applicants for minor changes use the standard pattern only if they wish, with the majority continuing the use of the older types of pattern.

2. The theoretical patterns depict the radiation pattern that would occur if the station were operating under ideal circumstances. However, since such a situation does not actually occur in nature, applicants proposing theoretical patterns also propose MEOV. The MEOV are chosen based on the consulting engineer's experience and engineering judgment, and are designed to predict the actual maximum deviations from the ideal. After construction of the station, an r.f. proof of performance is made, in which the actual pattern of the station is measured and plotted. The measured values must be within the MEOV. Under the existing system, measured values are used in allocation studies involving domestic stations while the theoretical values and MEOV are used in allocation studies involving foreign stations. Such allocation studies are tedious because of the manual adjustments that must be made to computerized calculations to consider the measured patterns and the MEOV. Since we wish to take advantage of the available technology by automating our processing as much as possible, and since there is no easy way to define the measured pattern or the MEOV with an equation which could be entered into a computer, we have concluded that the increased use of automation requires that we convert the existing stations to standard patterns. Accordingly, we issued the *NPRM* in this proceeding to examine the possibility of converting the remaining stations to standard patterns.

3. The deadline for filing comments was November 17, 1980, and the deadline for filing reply comments was December 2, 1980. Comments were filed by the following parties:

News-Press Publishing Co.
S&S Broadcasting Co.
Association for Broadcast Engineering Standards (ABES)
A.D. Ring & Associates
William G. Ball
American Broadcasting Companies, Inc. (ABC)
KFAB Broadcasting Co.
Jefferson-Pilot Broadcasting Co.
Southern Broadcasting Co.
Association of Federal Communications Consulting Engineers (AFCCE)
Great Trails Broadcasting Corporation
WJAC, Inc.

Reply comments were filed by:

Nationwide Communications, Inc.
A.D. Ring & Associates
Westinghouse Broadcasting Co., Inc. (Group W)
American Broadcasting Companies, Inc. (ABC)
General Electric Broadcasting Co., Inc. (GEBCO)
McKenna, Wilkinson & Kittner (MWK)
Clear Channel Broadcasting Service (CCBS)
Scripps-Howard Broadcasting Co.

4. Mr. Ball wishes to make clear that he commented on his own behalf, and not on behalf of his firm. In its comments, Ring also incorporated by reference its comments in the engineering statement which it prepared as a part of the comments submitted by Jefferson-Pilot. McKenna, Wilkinson & Kittner submitted its reply comments on behalf of its AM radio broadcast licensee clients. The comments submitted by AFCCE and Great Trails were late, but since they were submitted by the deadline for filing reply comments, we will accept them. The comments submitted by WJAC were not submitted until December 9, 1980, a week after the deadline for filing reply comments. The reply comments submitted by Scripps-Howard were not submitted until December 5, 1980, three days after the deadline for filing reply comments. For the most part, the WJAC comments and Scripps-Howard reply comments contained much the same discussion as some of the other comments and reply comments, although there were differences in the specifics. Accordingly, we see no extra burden in considering them. Therefore, we will accept them.

5. We wish to thank those who took the time and effort to prepare the comments and reply comments on such short notice. We have analyzed them carefully and found them to be extremely helpful. Rather than discuss them at this point, we find it more appropriate to incorporate them into our discussion as we proceed. Many areas mentioned in the *NPRM* were not addressed in the comments. Except for those few instances which we will raise on our own, we will not repeat the discussion of these items, but rather will simply adopt them as proposed.

6. As mentioned in the *NPRM*, severe time constraints are imposed upon us by the need to be prepared for the Second Session of the Region 2 MF Broadcasting Conference to be held in November and December 1981. Currently, only theoretical patters, *without* MEOV, are in the inventory of U.S. stations sent to the International Frequency Registration Board (IFRB) because the notification format makes no provision for MEOV, and manual calculations based upon plotted patterns are impractical on a region-wide basis. To retain the radiation rights which our stations now have under existing sub-regional agreements in those cases where notified MEOV and/or measured values exceed the theoretical values, we hope to notify standard patterns (with any necessary augmentation) to IFRB in time for IFRB to conduct its studies prior to

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the beginning of the Second Session. However, this requires that the conversion to standard patterns be completed by the end of May 1981. Most of the parties commenting recognized these time constraints. There was also general agreement that the conversion should ensure that existing protection and radiation rights not be jeopardized, and that changes in the operation of stations not be required.

7. In paragraph 7 of the *NPRM*, we discussed two possible methods of conversion of Class I and II stations where conversion to the basic standard pattern would result in a paper infringement of the secondary service area of Class I stations. Our alternatives were:

a. Convert the Class I and II stations without regard to whether there is a theoretical increase in "interference," or

b. In those cases where the standard pattern radiation exceeds the MEOV and the measured radiation in the direction towards a Class I station's skywave service area, require the Class I or Class II station to convert to a different standard pattern which would not increase the radiation beyond that now authorized. This might be accomplished by the use of a lower Q or by negative augmentation or both.

Under either alternative, we envisioned the use of the converted pattern in both allocation studies and the subsequent proof-of-performance process.

8. Jefferson-Pilot, Ring, and AFCCE present a different approach, commenting that we should convert all stations to only the basic standard pattern, without any augmentation, and that this basic standard pattern should be used for allocation purposes only. Class II stations which now do not have standard patterns would continue, in the proof-of-performance process, to be restricted in the direction towards the secondary service areas of Class I stations to the values to which they are now restricted, even if the standard pattern values are greater. This position is basically the same position that Ring took in its comments in the original rulemaking (Docket No. 16222) in which the standard pattern was adopted.

9. Ring advances four reasons for its objection to the use of complex mathematical attempts to synthesize an augmented pattern:

1. As shown by the Commission's study in the Appendix to the *NOI*, the values obtained with the basic standard pattern are quite close to the values obtained with the use of measured patterns. The differences, says Ring, quoting the *NOI*, are imperceptible.

2. The standard pattern, without either augmentation or a reduced Q, has a greater chance for international acceptance, apparently because it is simpler.

3. Conversion to a standard pattern is helpful even if it is used only as an allocations tool, and even if the limits on adjustments of the actual operation are different from the standard pattern values.

4. The Commission is laboring under a false assumption that the use of measured values of radiation are necessarily more accurate than the standard pattern values. For example, the field strength meters are generally accurate to no more than (plus or minus) five percent, the propagation curves are inaccurate, the analysis of measurement data is not perfect, and the "smoothing-in" of measured patterns between measured radials will vary with the draftsman.

AFCCE also notes rough approximations in our allocation methods, and goes on to say that conversion would be quick and inexpensive because it would only be necessary to apply the standard pattern equation to existing directional antenna parameters. These minor changes in computer programs could, we believe, be accomplished with perhaps an hour or two of effort.

10. Under the proposal advanced by Jefferson-Pilot, Ring, and AFCCE, grants of applications for changes in Class II stations would continue the restrictions on radiation which are now entered on the construction permit, even if the standard pattern values are greater, except when the use of the standard pattern values does not cause new or additional interference to a Class I station. At the time of construction, the station would have to adjust to the standard pattern value, or the construction permit limit, if the construction permit limit is lower than the standard pattern. Ring goes further to suggest that, if a measured value is greater than the limit, and it cannot be reduced by adjustments, then the permittee would file a request for waiver, including a showing of the interference which would be created by the actual measured value. The Commission would routinely permit measured values of something on the order of 0.5 dB or 1.0 dB greater than the limit. These values were chosen, says Ring, because they are essentially the values that we have sanctioned in the conversion that is the subject of this proceeding. Measured radiations would not be used in allocation, even if the measured values exceed the standard pattern values. In its reply comments, Ring modifies its proposal slightly to provide for use of a reduced Q and/or theoretical RMS (pattern size) for those stations which must provide wide-angle protection to skywave service areas. In these cases, Ring proposes that we accept the fact that the allocation of a facility with a particular pattern and power will cause a certain amount of interference to other stations. Therefore, when there is a deep suppression in an angular sector of 20 degrees or more, Ring proposes that the average radiation over the sector not exceed the standard pattern value (computed with a reduced Q and/or lower theoretical RMS, if necessary), and that the maximum excursion for any measured radial shall not exceed the standard pattern value by more than 3 dB. AFCCE, on the other hand, would permit augmentation to be used by applicants proposing changes after the conversion.

11. CCBS was the only party to submit an engineering study of the impact of conversion on Class I stations. Because the short period for comments and reply comments precluded a complete study, CCBS studied one case which it considered typical. KRVN, Lexington, Nebraska, 880 kHz, is a Class II–A station operating co-channel with Class I–A station WCBS, New York, New York. Based on the KRVN MEOV, KRVN does not cause interference within the 0.5 mV/m–50 percent skywave contour of WCBS. However, on the site-to-site bearing, the KRVN basic standard pattern radiation (without augmentation or a reduced Q) would cause interference within the WCBS 0.5 mV/m–50 percent contour up to the 0.7 mV/m–50 percent contour. The WCBS service area in this direction would be reduced from 780 miles to 640 miles. CCBS expects that a study of the other Class II–A stations would reveal similar results; we agree.

12. CCBS also points out that, on the Class I–B channels, more than one station would convert to standard patterns. Not only would each station possibly infringe on the secondary service area of the Class I–B station, but there would possibly be a cumulative impact as well.

13. Therefore, CCBS proposes that we adopt what is, in effect, the proposal by Jefferson-Pilot, Ring, and AFCCE. If that is not possible, CCBS asks that we adopt our alternative b, in paragraph 7, above, requiring the use of a reduced Q and/or augmentation to avoid increasing radiation, on paper, towards the skywave service areas of the Class I stations.

14. In its reply comments, ABC takes issue with Ring's proposal, noting that it would continue to embody a dual-pattern concept which is contrary to the purpose of conversion. (See our *Further Notice of Proposed Rulemaking in Docket No. 16222*, 34 FR 18942 at para. 66 (1969).) ABC also notes that use of a standard pattern for allocation purposes only would mean that a station, with more restrictive limits on adjustments than depicted by the standard pattern would be afforded protection outside of their actual service areas, possibly precluding new stations. ABC also raises several unanswered questions concerning Ring's proposal. Finally, ABC states that it is not convinced by Ring's arguments that an essentially theoretical representation is necessarily more correct than a statistically good measurement of fact.

15. We have considered the alternative proposals advanced by Jefferson-Pilot, Ring, AFCCE, and CCBS, and have concluded that they are not acceptable. We base our determination on both international and domestic considerations.

16. We assume that the proposed Region 2 agreement will include essentially the same interference criteria that are included in the *Report of the First Session*. (A copy of the *Report* appears as Appendix I to the *Further Notice of Proposed Rulemaking in BC Docket No. 79–186*, FCC 80–622, released November 25, 1980.) The *Report* defines three classes of station for Region 2 purposes. Class "A" is one of the newly defined Region 2 classes. In the inventory which the U.S. sent to the IFRB, we specified all of the U.S. Class I stations, plus two Class II stations in Alaska, as Class A stations. U.S. Class A stations will be protected in a manner which is different from that in our present Rules, the North American Regional Broadcasting Agreement (NARBA), and the "Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcasting Band (535–1605 kHz)" (Mexican Agreement). Under the proposed standards, U.S. Class A stations are protected by certain countries (including some of our geographically close neighbors such as Cuba) by the use of RSS calculations on the 0.5 mV/m–50 percent contours. See paragraph 2.3.3.2 of the *Report*. The RSS calculations will incude U.S. Class I and Class II stations with the patterns which are in the inventory sent to the IFRB. If we adopt this proposal and notify only the basic standard pattern without augmentation, then the values used in computing nighttime limitations from U.S. Class I and II stations will be inflated beyond the actual values. With higher limitations from U.S. stations, the RSS at points on a Class A station's 0.5 mV/m–50 percent contour will be higher, thereby allowing stations from certain foreign countries to radiate more towards the secondary service area of a Class A station than would be permitted if we had used negative augmentation or a reduced Q in computing the patterns for U.S. Class I and Class II stations. We believe that full protection of the secondary service areas of our Class A stations in the international arena requires that we use negative augmentation, or a reduced Q, to reduce the calculated radiation to values which more accurately depict adjusted values of radiation. This reasoning leads us to choose our alternative b, rather than alternative a or the modifications suggested in the comments.

17. From a purely domestic standpoint, there is an additional reason why the proposals of Jefferson-Pilot, Ring, and CCBS are unacceptable. The "dual-pattern" approach inherent in those proposals could result in increased interference to the nighttime groundwave service areas of Class I stations. In areas not engulfed by its 0.5 mV/m–50 percent skywave contour, the nighttime groundwave 0.5 mV/m contour of a Class I station is protected on an RSS basis. If the RSS (based on the basic standard pattern, without augmentation or a reduced Q) is less than 0.5 mV/m, a co-channel station applying for a change in facilities could be granted an increase in its adjustment tolerance (MEOV) which would raised the RSS to 0.5 mV/m. However, after grant, the newly granted MEOV would no longer be used in computing the RSS; only the standard pattern value would be used. Thus, any station subsequently proposing a similar increase in its radiation toward the Class I station's primary service area would be permitted a larger increase than would otherwise prevail under a single pattern system. Each successive application could add to the cumulative degradation of the Class I station's primary service area, while calculations pursuant to these proposals would reveal apparently adequate protection, thus masking the actual interference.

18. Also, under these proposals, applications for changes by stations which are on U.S. clear channels would have to be prepared and studied using the present manual methods. While it is true that the calculation of the location of the protected 0.5 mV/m–50 percent contour would be automated, calculation of the allowable horizontal plane radiation from an applicant co-channel Class I or Class II station would continue to require manual calculations and engineering judgment. And the most difficult applications to study manually are those involving protection of a Class I station's secondary service area. Since it is precisely these manual studies which we are trying to eliminate, we find that these proposals are not acceptable because they would continue many of the presently burdensome manual studies, thus failing to achieve the full level of automation potential we are seeking in this proceeding.

19. Some of the comments were written as though only Class II stations would be required to use negative augmentation and/or a reduced Q to protect the secondary service areas of Class I stations. We believe that the Class I stations must also use a reduced Q and/or negative augmentation, if necessary, to protect the secondary service area of another, co-channel Class I station. Consider, for example, the two Class I–B stations on 1090 kHz. The 0.025 mV/m–10 percent contour of KAAY, Little Rock, Arkansas, "kisses" the 0.5 mV/m–50 percent contour of WBAL, Baltimore, Maryland, for several hundred miles, and vice-versa. Conversion of both KAAY and WBAL to standard patterns without negative augmentation and/or a reduced Q would result in significant paper increases in mutual interference. Accordingly, the Rules we adopt today regarding protection of Class I stations apply to Class I as well as Class II stations.

20. The proposal by Ring and AFCCE concerning the use of the basic standard pattern, discussed above, does not apply only to Class II stations. They also propose that Class III stations be converted to simply the basic standard pattern, without the use of negative augmentation and/or a reduced Q. Furthermore, the basic standard pattern would be used only for allocation purposes, and not in the proof-of-performance process. AFCCE would continue the present limitations on the authorizations of the Class III stations. Ring, on the other hand, would restrict the actual adjustment of Class III stations to the basic standard pattern values, allowing the same types of tolerance (0.5 dB or 1.0 dB). Taking a different approach, ABES suggests that use of negative augmentation or a reduced Q may be appropriate for Class III stations as well as those on the clear channels.

21. One of the reasons that we are so concerned with the standard pattern (as augmented) encompassing the actual, measured pattern is because of our present and proposed international

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agreements. Although these agreements deal with frequency, channel spacing, protected service areas, etc., the bottom line of any such agreement is radiation rights or limits. If we were to permit stations to radiate, in fact, more than is permitted pursuant to an agreement, then we have struck at the heart of the agreement. Detailed studies and extensive negotiations with other countries lead to the limits on radiation. We cannot reach an agreement and then permit stations to radiate more than the values which were agreed upon in our negotiations. To do so would be a violation of both the letter and the spirit of the agreement. CCBS comments that concerns such as these are valid only if other countries also agree to restrict the actual radiation from their stations to the values which are used in the studies and the negotiations. Otherwise, says CCBS, U.S. stations with standard patterns will provide more protection to foreign stations than they receive from foreign stations. CCBS did not discuss the minor, but nonetheless important, point that the protected service areas of U.S. stations are increased by use of the standard pattern.

22. Great Trails notes that the measured pattern of its station, WCII, Louisville, Kentucky, 1080 kHz, exceeds the basic standard pattern, and that if a non-augmented pattern superseded the currently authorized pattern, then WCII could not conform to our Rules. Moreover, the international implications are perceived by Great Trails to be significant, particularly if the channel spacing is shifted to 9 kHz from the present 10 kHz. Readjustments (if a shift to 9 kHz spacing is required) and the potential for power increases require the use of augmentation to retain the presently authorized radiation limits and to maintain maximum flexibility. It also points out that there are many other stations, in addition to WCII, which fall into this category. WJAC makes similar comments.

23. Nationwide, in its reply comments, continues this argument, particularly with regard to the international implications. Nationwide, the licensee of WLEE, Richmond, Virginia, 1480 kHz, and WGAR, Cleveland, Ohio, 1220 kHz, notes that it wishes to increase the power of WLEE above its present five kilowatts, should the Region 2 agreement and the implementing amendments to our Rules permit such an increase. To preserve the flexibility for the potential power increase, WLEE wishes to retain the presently authorized radiation values in the form of an augmented standard pattern. Paragraph B(2)(f) of Annex II of the Mexican Agreement provides that WGAR not increase its radiation over the current value in the arc from 193 degrees true to 284 degrees true. Conversion to the basic standard pattern would, according to Nationwide, reduce the WGAR radiation in this arc, thus losing current internationally recognized radiation rights. Recent power line construction makes it essential that WGAR retain its present flexibility in adjusting its pattern, argues Nationwide. Scripps-Howard echoes these comments with respect to its stations, WMC, Memphis, Tennessee, 790 kHz; and WNOX, Knoxville, Tennessee, 990 kHz.

24. After giving a great deal of thought to the alternative proposals presented in the comments, we conclude that we must remain with our original proposal. Ring's proposal does not provide an acceptable method of dealing with those stations whose existing measured patterns exceed the basic standard pattern by more than 0.5 dB or 1.0 dB. And it would apparently lead to the need for augmentation analysis, in any event, for those stations whose measured patterns exceed the basic standard pattern by more than 1.0 dB, assuming that we honor our desire to avoid readjustments of directional antennas as part of this proceeding. Ring suggests the use of a waiver process in these cases. However, that only adds complexity and delay to the final licensing process, adding further burdens to the Commission staff where speed, automation, and a reduction in manual processing are our goals. Furthermore, with augmentation, it is less likely that the measured values will exceed authorized values. Similarly, the AFCCE proposal does not provide an acceptable method of dealing with those stations whose existing measured patterns exceed the basic standard pattern by any amount. Moreover, neither provides a means by which MEOV in excess of the basic standard pattern can be retained internationally. Also, the use of a tolerance of 0.5 dB, 1.0 dB (or even 3.0 dB in the case of protection of Class I stations) is tantamount to changing the value of 1.05 in the standard pattern formula, to 1.18, for example, if a 1.0 dB tolerance is allowed. It must be remembered that the basic standard pattern formula already includes a five percent tolerance plus the value of Q added in quadrature. We see no need to add a tolerance to a tolerance, which would result in an actual tolerance of 18 percent, in the case of 1.0 dB. Also, with the use of a 3.0 dB tolerance over arcs of 20 degrees or more, as proposed by Ring for certain stations, we see an added element of complexity, not a reduction of complexity. The Ring method also masks interference. We previously discussed how the dual-pattern approach not only allows cumulative increases in interference to the nighttime 0.5 mV/m primary groundwave service area of a Class I station, but also shows no apparent degradation. An analogous analysis would lead to a similar conclusion in the case of a Class II or Class III–A station with an RSS below 2.5 mV/m or a Class III–B station with an RSS below 4.0 mV/m. Finally, both methods would lead to violations of both our present and proposed international agreements if the measured values exceeded the basic standard pattern. We will not adopt rules which will lead to certain violations of our present and proposed international agreements.

25. With regard to the ABES proposal for use of a reduced Q and/or negative augmentation for Class III stations, we first note that the suggestion was not supporting by any studies showing the need for such additional compensation. Indeed, our study in the Appendix to the *NOI, supra*, showed relatively small changes as a result of conversion of Class III stations. Accordingly, we conclude that negative augmentation and/or a reduced Q should not be used in converting Class III stations, except when required by international considerations. The distinction between the method of handling Class III stations and those on the clear channels relates to the different methods of protection. The change in service area of a Class I station as a result of an increase in radiation towards the Class I station's secondary service area is greater than the change in service area of a Class II or Class III station as a result of the same increase in radiation. This is because the Class I station has a skywave service area protected on a single signal basis while a Class II or Class III station has a groundwave service area protected on an RSS basis.

26. The conversion to the standard pattern would begin by use of the existing theoretical RMS to determine the size of the pattern. Contrary to the statements by S&S, the theoretical RMS would not normally correspond to the RMS achieved with an assumed loss resistance of one ohm per tower. However, we did discuss the possibility of reducing the theoretical RMS for those stations where it appears to be unrealistically high. See paragraphs 24 and 25 of the *NPRM*. Specifically, we proposed that the theoretical RMS used with the standard pattern be restricted so that it is no greater than 3.9 percent more than the no loss or one-ohm-loss RMS for stations with nominal powers of five kilowatts or less, and no greater than 2.6 percent more than the no loss or one-ohm-loss RMS for stations with nominal powers above five kilowatts.

27. ABES supports the general concept of restricting the RMS in those cases where it is unreasonably high, but did not comment on the specifics. Mr. Bell favors the required reduction in RMS if the r.f. proof of performance is more than 10 years old, or if it does not include non-directional measurements with sufficient close-in points. However, he would allow three to five years for the station to submit a new proof to recapture the higher RMS. ABC suggests that some stations have an efficiency which is higher than predicted, noting that two of its stations have recent proofs showing higher RMS than predicted. ABC also points out that the older proofs for these stations indicate higher RMS. Therefore, in those cases where the theoretical RMS is greater than the measured RMS, ABC would use the greater of the measured and the one-ohm loss RMS. But if the measured RMS is greater than the theoretical RMS, or the one-ohm-loss RMS, ABC would evaluate the proof. If the proof were made within the last 10 years, ABC would retain the RMS in the proof. However, if the proof were over 10 years old, ABC would reduce the RMS to the lesser of the one-ohm-loss RMS and the theoretical RMS. KFAB is concerned about the impact of reducing the RMS of its station, KFAB, Omaha, Nebraska, 1110 kHz, since its measured RMS is greater than the no-loss RMS. Therefore, says KFAB, it would have to augment over the entire main lobe to retain the measured and notified values of radiation. Group W is concerned about one of its stations, WINS, New York, New York, 1010 kHz. Its theoretical, notified RMS is greater than would be permitted under our proposal. Therefore, augmentation would have to be applied in its major lobe. Jefferson-Pilot (and Ring via its incorpation by reference) suggests that taller towers have an actual efficiency which is higher than predicted because of the lower propagation velocity in the towers. When the propagation velocity is properly considered, says Jefferson-Pilot, the measured pattern would fit within the standard pattern. Jefferson-Pilot suggests that we modify our Rules to take account of the differences in propagation velocity and its impact on tall towers. In its reply comments, Ring specifically requests that we modify the formulas in proposed Section 73.160 to take account of a standard propagation velocity equal to 93 percent of the speed of light. News-Press, licensee of KTMS, Santa Barbara, California, 1250 kHz, also points out that a velocity factor should be considered, although News-Press indicates that it could be as low as 0.87.

28. We have analyzed the comments, particularly those dealing with the differences in propagation velocity, and have concluded that additional study is required. We would like to issue a *Further Notice of Proposed Rulemaking* to examine this issue in more detail so that we might reach a decision prior to the conversion. However, in view of the international time constraints involving our preparation for the Second Session, we do not have that luxury. The international time constraints also preclude implementation of Mr. Ball's proposal to allow three to five years to recapture a higher RMS. Therefore, we will convert the stations to standard patterns using the authorized theoretical RMS, and we will not pursue the matter of reducing excessively high RMS values in this proceeding. Also, we will adopt the formulas in § 73.160 as proposed. Special cases can be handled pursuant to § 73.160(c). We intend to revisit this issue in a separate proceeding, however, when time permits.

29. Group W, with respect to WINS, presents the situaiton where the MEOV specified on the construction permit is greater, at a particular azimuth, than the MEOV (if any) on the actual plotted pattern authorized by that construction permit. In these cases, the greater value will control, and should be used in developing augmentation parameters. However, when the MEOV on the construction permit is specified only at an individual azimuth, it would appear that the augmentation would be an infinitely thin spike. Since that, of course, is unreasonable, we will adopt our proposal that a span of 10 degrees be used in these circumstances. Indeed, we believe that a span with a minimum of 10 degrees should be used in all cases.

30. Scripps-Howard is concerned that the conversion will not take into account the outstanding construction permit for WMC. That construction permit involves only changes in MEOV, and Scripps-Howard wants to ensure that the MEOV on the permit are not overlooked. They will not be. The conversion will be performed separately for each existing or proposed operation. The conversion of a station's daytime licensed operation, for example, will be independent of the conversion of its daytime construction permit operation. There will be no attempts during the conversion to combine a licensed and construction permit operation into a single operation. It should be noted, however, that the conversion for a licensed operation will consider the construction permit limits associated with that license; these limits are different than those on the outstanding construction permit.

32. In paragraph 11 of the *NPRM*, we discussed the effect of conversion on certain Class III stations. These stations, which operate with a nighttime nominal power of one kilowatt, could be changed from Class III–A to Class III–B stations, or vice-versa, if the RSS moves above or below 2.5 mV/m as a result of the conversion. A Class III–A station may have its RSS raised no higher than 2.5 mV/m, while a Class III–B station may have its RSS raised to as much as 4.0 mV/m. (A Class III station with an existing RSS higher than 2.5 mV/m or 4.0 mV/m, depending on whether it is a Class III–A or Class III–B station, is protected against any increases in RSS.) The determination of whether a station is a Class III–A station or a Class III–B station depends on whether its RSS is above or below 2.5 a mV/m. Our proposed Rules would simply redefine all Class III stations with a nighttime power of one kilowatt to be Class III–A stations. This would provide additional protection to those stations which are currently Class III–B stations with an RSS between 2.5 mV/m and 4.0 mV/m, but would not affect any other stations.

32. ABES agrees with our proposal, while ABC agrees with the proposal made by Kenneth Williams in his comments in response to our *Notice of Inquiry* in this proceeding. As discussed in paragraph 11 of the *NPRM*, Mr. Williams, and now ABC, prefer that we determine whether a particular Class III station is presently a Class III–A or a Class III–B station. This determination would become a part of its license, and the RSS of the station after conversion would be irrelevant to its class. ABC suggests that calculation of the RSS for the affected stations would not be time-consuming, and also suggests that the licensees may be willing to assist with the calculations, providing that the Commission cooperate by making recently filed night studies and current measured patterns somewhat more easily available than they presently are. GEBCO and MWK both state, without specifically referring to this issue, that they favor conversion to standard patterns if, among other things, conversion can be accomplished without changing the classification of any

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station or the level of protection against interference to which it is now entitled.

33. There are approximately 600 Class III stations with a nighttime power of one kilowatt. Computing the RSS of each of these stations by current methods would, we believe, indeed be time-consuming. There would have to be adjustments for measured patterns, which is the very practice we are trying to eliminate in this proceeding. Again, looking at the time constraints related to preparation for the Second Session, we must conclude that our proposal to redefine the stations as Class III–A stations should be adopted. We again note that there would be no impact on existing stations, except that those converting from Class III–B to Class III–A would receive even more protection than they do at present. New stations and changes in existing stations may be slightly more restricted than they are now because they will now have to protect an RSS below 4.0 mV/m, instead of 4.0 mV/m, in some cases. We believe that the improvements in protection requirements (reaulting from reclassification from Class III–B to Class III–A) will not be objectionable to GEBCO and MWK.

34. Since the Commission does not have adequate staff to perform the conversion to standard patterns within the internationally imposed time constraints, and since it would be an administrative nightmare to attempt to have each station perform its own conversion in such a short time, we concluded that the only feasible method of performing the conversion is with a contractor. Except for AFCCE, all parties commenting on this issue agreed that the only method, given the restrictive time frame, is with the use of a contractor. As discussed above, AFCCE has proposed a method of converion (to only the basic standard pattern) that would require only minimal effort to complete. Therefore, AFCCE believes that a contract is unnecessary; we agree that a contract would be unnecessary if we followed the AFCCE proposal. However, AFCCE does agree that the use of a contractor would be the only feasible method of performing the conversion if we follow the approach outlined in the *NPRM*. We have decided to do just that, except for eliminating the reduction of apparently excessively high RMS values.

35. S&S suggests that the Commission staff would be the only beneficiary of the conversion. However, ABC points out that the benefits of conversion would accrue both to new applicants and to the Commission. We would note, also, that existing stations benefit to the extent that they are better protected from interference from foreign stations and by virtue of retention of their existing radiation rights which would otherwise be lost internationally. And existing stations would, of course, benefit if the licensee were a party to a change in operation. Apparently because we were silent about responsibility for funding in our *NPRM*, ABC felt it prudent to suggest that the Commission, rather than the individual licensees, pay for the conversion by the contractor. Since we originally intended that the Commission pay for the conversion, although not stated in the *NPRM*, we have no objection to stating unequivocally that the Commission will pay for the contractor to perform the conversion.

36. Similarly, because of the short time, there was general agreement that a conversion by frequency would be preferable to conversion over the renewal cycle.

37. Several of the parties, while agreeing that the use of a contractor would be appropriate, noted that it would be necessary to have a means by which the individual stations would be able to receive the parameters developed by the contractor, and have a time to request modifications in the parameters. ABC also suggests that private negotiations between affected parties may be appropriate in certain circumstances. We agree that a notification would be beneficial. Indeed, in our solicitation directed to prospective contractors, we included a notification procedure as one of the tasks to be performed. Our solicitation included the following:

a. The contractor shall prepare a Public Notice announcing the new parameters.

b. The Commission will distribute the Public Notice via our Public Information Office.

c. Any party (licensees, permittees, applicants, or others) may submit proposed corrections to the developed parameters within 30 days after publication by the Commission. The proposed corrections would be submitted both to the Commission and to the contractor. In addition, if the request for modification came from a party other than the licensee, the party would also have to notify the licensee.

d. If a modification is requested, the contractor would examine the request and either modify the parameters (including preparation of another Public Notice which the Commission would distribute) or supply a report to the Commission indicating why the contractor believes the original parameters are correct.

e. In the event that the contractor supplies a report to the Commission, Commission staff would examine both the request for the modified parameters and the contractor's report, and make a decision.

We will explicitly include the above procedures in our conversion procedures in Appendix II, along with the additional requirement that any party requesting modifications must justify the request. We will also add the requirement that any party requesting modifications must supply alternative parameters; it will not be sufficient to simply state that the parameters developed by the contractor do not please the party requesting modifications. We have included the above requirement because the international time constraints require that we adopt parameters as quickly as possible. Also, it is important to note that the Commission, not the contractor, would be the final arbiter. We have no objection to the ABC suggestion concerning negotiations between affected parties, provided that such negotiations do not require extension of the 30-day period for modification. Parameters developed by the contractor will be considered final, constitute a legal modification of the station license under Section 316 of the Communications Act of 1934, as amended, and will be provided to the IFRB in the absence of requests for modified parameters within the 30-day period prescribed by the guidelines for conversion.

38. Group W has investigated the situation involving WINS. Noting that the WINS standard pattern would have to be augmented in at least six directions to retain the values specified on the WINS construction permit, Group W suggests that when the MEOV (either on the pattern or the construction permit) is within 10 percent of the standard pattern, negative augmentation to reduce the pattern to the MEOV not be required. The situation postulated by WINS would also require the use of negative augmentation to avoid further infringement of the Canadian border.

39. We noted in paragraph 33 of the *NPRM* our ongoing discussions with Canada concerning an agreement whereby both countries would use the standard pattern for international purposes. (The U.S. already uses standard patterns internationally for new stations and major changes. Canada is already using the standard pattern domestically.) We believe that a formal agreement with Canada is in the immediate future. (We already have an informal agreement that our conversion to standard patterns need only consider the MEOV in the horizontal plane in determining the allowable radiation.) Since we are so close to an agreement, and since we anticipate that the agreement will be reached by the time the conversion begins, we do not believe that it is necessary to provide for negative augmentation to avoid increasing radiation over what is now notified. Rather, augmentation will be used only to retain existing MEOV which exceed the basic standard pattern values. Therefore, Group W's request to allow retention of full standard pattern values when the MEOV are within 10 percent of the standard pattern values is moot.

40. We are in the preliminary discussion stage concerning a possible standard pattern agreement with Mexico. We also hope to reach an agreement with Mexico by the time conversion begins. Therefore, we see no need to use negative augmentation in the direction of Mexican stations to avoid increasing radiation beyond that now notified.

41. In the preceding two paragraphs, we concluded that we did not need to use negative augmentation in the direction of Canadian and Mexican stations because we are acting on the assumption that we will reach agreements on standard pattern conversion with the two countries. In the event that we do not reach such agreements, we intend, without further rulemaking, to have the contractor performing the conversions use negative augmentation as necessary to avoid increases in radiation beyond that now notified.

42. Although negative augmentation need not be used in the direction of Canadian and Mexican stations, it remains necessary to use negative augmentation in the direction of stations in the other countries with which we have agreements. However, we note that the U.S. will attempt to have the Second Session adopt the standard pattern (with augmentation) for use throughout Region 2. However, even if that attempt is unsuccessful, agreements with Canada and Mexico should satisfy the concern of CCBS that the use of standard patterns by only U.S. stations puts U.S. stations in a position of providing more protection to foreign stations than the foreign stations provide to U.S. stations. We reach this conclusion because the overwhelming majority of directional antenna stations which are close enough to affect U.S. stations are located primarily in Canada and secondarily in Mexico. Following is a tabulation of the number of directional stations operated in other countries in Region 2, as supplied to the IFRB as of May 31, 1980; countries which are not listed do not have any directional operations.

Argentina—2
Brazil—96
British West Indies—3
Haiti—4
Netherlands Antilles—1
Santa Lucia—1
Uruguay—17
Venezuela—9

43. There is another area of concern involving the international aspects. There may be some cases where the measured patterns of U.S. stations exceed the notified patterns in the direction of foreign stations. KFAB and Group W (with respect to WINS) both present examples where the measured values exceed the notified values in some directions, and they wish to ensure that they retain the right to operate with their present measured patterns. Measured patterns which exceed notified patterns are in technical violation of our agreements with foreign countries. Under present policies, such measured patterns would not be authorized.

44. In a sense, the problem of measured radiation exceeding notified radiation is outside the scope of this proceeding; we would have this problem even if we were not converting to standard patterns. However, we believe that it is appropriate to attempt a resolution in this proceeding. As noted above, one of our early reasons for proposing the standard pattern was to eliminate the use of multiple, conflicting patterns. Therefore, we do not consider the use of a notified pattern which differs from the domestically authorized pattern to be an acceptable situation.

45. There are two potential solutions:

a. Require each station with such a measured pattern to readjust and perform a new proof of performance to bring the measured pattern within the notified pattern.

b. Notify the converted pattern (with the measured radiation used in developing the converted pattern) and, where necessary, negotiate to resolve the problems.

46. We believe that alternative b is more appropriate for several reasons. First, not every case where the measured radiation exceeds the notified radiation will result in objectionable interference. Second, we are attempting to accomplish this conversion without requiring adjustment of any stations. If we used alternative a, some stations would be readjusting without a true requirement for doing so. Finally, we have readily available forums for negotiations, in the form of bilateral discussions with Canada and Mexico, and the upcoming Second Session.

47. In paragraph 29 of the *NPRM*, we discussed whether it is necessary to replot all of the stacked and vertical slice patterns. We noted that our position was that the plots are unnecessary, except for the horizontal plane pattern. However, our international agreements require the use of the plotted patterns. Since the issuance of the *NPRM*, we have reached an agreement with Canada that the plotted patterns are no longer required. We have not yet reached similar agreements with other countries. Until we do, in order to maintain continuity of our past practices, we will continue to require that the plotted patterns be submitted and to continue to notify them to the other countries. However, we do not plan to replot the converted patterns until after the Second Session reaches a determination on whether to change the channel spacing from 10 kHz to 9 kHz. Even then, replotting may be unnecessary internationally because the proposed notification format for Region 2 does not require plotted patterns. In any event, we do not have to decide in this proceeding the details of a potential replotting after the decision on channel spacing is reached.

48. As noted throughout this proceeding, minor change applicants are not now required to propose a standard pattern, unless modifying an existing standard pattern. As a result of this proceeding, minor change applicants will have to submit standard patterns with appropriate augmentation. Any amendments must also include standard patterns. We will make the effective date of this requirement correspond with the effective date of the other rules adopted in this proceeding.

49. In the past, we have occasionally waived the required use of a standard pattern for a proposed new Class II–A station or for a Class II–A station wishing to make a major change. As a result of the conversion, all stations (including the Class II–A stations for which waivers were granted) will have standard patterns. We do not intend to grant waivers of this nature in the future because we do not desire to return to non-automated patterns. We note that we have provided for the use of a reduced Q in certain intances. *Report and Order in Docket No. 16222, supra*, at para. 40. We do not intend that negative augmentation be used except during the conversion and when making changes to those stations which have negative augmentation as a result of that conversion.

50. At the same time that we convert to standard patterns, we proposed to

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convert to the metric system. In paragraph 12 of the *NPRM*, we raised a couple of questions concerning the units to be used. For instance, the radiation from the patterns is now given in millivolts per meter (mV/m) at one mile. Since the new propagation curves adopted for Region 2 are labeled in dBu, should we remain with mV/m or switch to decibels above one microvolt per meter? Should we remain with the radiation at one mile or convert to radiation at one kilometer? ABES, Mr. Ball, and ABC stated their preference for mV/m rather than dBu. Mr. Ball and ABC noted that the field strength meters have their scales labeled in mV/m and that a conversion to dBu would lead to unnecessary confusion in meter readings. A slight preference for the linear feature of mV/m rather than the logarithmic scale of dBu was also expressed. The Commission has no particular preference for one over the other; we are therefore adopting Rules which use mV/m since that is the consensus of the comments. Although personally opposed to the use of the metric system, Mr. Ball recognizes the inevitability of conversion. He therefore favors the specification of radiation at one kilometer rather than one mile. ABC, on the other hand, would convert one mile to 1.6 kilometers, and use the radiation at 1.6 kilometers. This, says ABC, would continue the use of values of radiation with which we are all familiar. We have considered the comments, and have concluded that a simple conversion from one mile to 1.6 kilometers would not be a true conversion to the metric system. Therefore, we will require the use of radiation at one kilometer rather than at one mile. We note that this will change the formula for Q for the standard pattern (§ 73.150). Instead of 6.0 times the square root of the nominal power, we would have 9.656 times the square root of the nominal power. For the sake of simplicity, we will use 10.0 rather than 9.656; the change is negligible.

51. We intially included the metric conversion in this proceeding because we did not want to have two conversions, a conversion to standard patterns and then another conversion to the metric system. This is particularly important if we are to replot all of the patterns. However, since we have decided not to replot the patterns until at least 1982, there is no administrative reason why the two conversions must take place simultaneously. Accordingly, we will convert to the metric system at a later date, after all stations have been converted to standard patterns. We have set the date, January 4, 1982, sufficiently far in the future so that we will have time to convert our application and authorization forms, and so that we and consulting engineers will have time to modify our computer programs.

52. We also discussed the use of parameters which are specified with unrealizable precision. Related to this issue is the format in which the parameters should be specified. We proposed limiting the number of significant figures to values no greater than can be obtained with available equipment. ABC doesn't like unnecessary limitations on the precision, but sees the entire issue as a "tempest in a teapot." ABC, therefore, sees neither good nor harm in requiring the numbers to be rounded off. Both ABC and Mr. Ball suggest that the spacing and orientation of the towers be specified from a common origin. They oppose our suggestion (in paragraph 31 of the *NPRM*) that we permit a description of a parallelogram which describes only the sides. ABC and Mr. Ball state that such descriptions would result in loss of some of the benefits of computerization, with ABC stating that a single reference point is necessary for use in a generalized computer program. We disagree. For some years, we have been using computer programs which permit the sides of a parallelogram to be specified. The spacing and orientation of each tower may be specified from either a common origin or from the previous tower. If the spacing and origin are specified from the previous tower, the computer program (not the engineer) calculates the actual spacing and orientation from the common origin for use in the remainder of the calculations. We have found that such a feature is not difficult to use, and the coding for such calculations is quite short. Therefore, we see no reason to depart from our initial conclusion that a simpler description of a parallelogram results from describing its sides. We suggest that modifications to existing computer programs to incorporate such a feature would make them more versatile. Appendix III is a listing of our subroutine which performs the calculations. Consultants and others should feel free to adapt it for use in their programs.

53. Thoughout this proceeding, the only issue which might have required actual adjustments of, or measurements on, directional antenna systems is that relating to the possible reduction of an excessively high RMS. Since we have postponed a decision on that issue, it is clear that the full conversion to standard patterns and the metric system will not require changes in operation by existing stations.

54. Since actual changes in operation will not be required, it may appear that monitoring point values will remain unchanged. On the other hand, since the allowable radiation may change somewhat from what is presently authorized, and since the monitoring point values are based on the ratio of authorized to measured radiation, it may appear that some monitoring point values should be changed as a result of the conversion. Because we are attempting to accomplish this change with as little disruption as possible, we believe that it is appropriate that we not change any monitoring point values during the conversion. However, the public notice announcing the parameters developed during the conversion will include a listing of the pre- and post-conversion radiation on the monitor point radials.

55. In accordance with our discussion above, we have modified the guidelines for conversion which appeared in Appendix I of the *NPRM*. The modified guidelines, which will be followed by the contractor in performing the conversion, now appear as Appendix II to this *Report and Order*. We hope to issue the contract by the end of February 1981, and begin conversion as soon as possible thereafter.

56. We recognize that, in some cases, there will be "paper" changes in the interference which a station may receive as a result of the conversion. Although in this proceeding we are not actually withdrawing existing service to the public, we are establishing rules which may, in some instances, permit antenna adjustments which ultimately may result in additional interference. Since any subsequent changes in antenna adjustments will be in accordance with the rules established herein, they will not constitute a modification of license under Section 316 of the Communications Act of 1934, as amended. *WBEN, Inc.* v. *United States*, 396 F. 2d 601 (2nd Cir. 1968). Accordingly, hearings at the time of actual individual changes are not required and are not anticipated. In view of the detailed nature of this proceeding and its international ramifications, we are confident that the Broadcast Bureau can expeditiously resolve disputes which may arise as a result of the conversion process. Accordingly, we delegate to the Chief, Broadcast Bureau, such authority.

57. Accordingly, under the authority of Sections 4(i), 303(f, g, r), and 307(b) of the Communications Act of 1934, as amended, IT IS ORDERED that, effective March 17, 1981, Part 73 of the Commission's Rules and Regulations is amended in accordance with attached Appendix I.

58. It is further ordered that this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix I

I. Section 73.21(b)(1)(ii) is revised to read as follows:

§ 73.21 Classes of AM broadcast channels and stations.

* * * * *

(b) * * *

(1) * * *

(ii) *Class III–B station.* A Class III–B station is a Class III station which operates with a nighttime nominal power of 500 watts, and a daytime nominal power no less than 500 watts and no greater than 5 kilowatts. The service area of a Class III–B station is subject to interference in accordance with § 73.182.

* * * * *

§ 73.150 [Amended]

II. Section 73.150 is amended as follows:

1. The Note to § 73.150(a) is revised to read as follows:

(a) * * *

Note.—Applications for new stations and for changes (both minor and major) in existing stations must use a standard pattern.

2. The portion of § 73.150(b)(1)(i) which currently begins:

"f_i (θ) represents the vertical plane * * *"

and concludes

"See also Section 73.190, Figure 5."

is amended to replace it with the following:

f_i (θ) represents the vertical plane radiation characteristic of the ith antenna. This value depends on the tower height, as well as whether the tower is top-loaded or sectionalized. The various formulas for computing f_i (θ) are given in § 73.160.

3. The portion of § 73.150(b)(1)(i) which currently begins:

"Q is the greater of the following two quantities:"

and concludes:

"$6.0\ g(\theta)\ \sqrt{P_{kw}}$"

is amended to replace it with the following:

The method of computing Q depends on whether the metric system is being used: see § 73.181(f). For all situations prior to January 4, 1982, Q is the greater of the following quantities:

$$0.025\ g(\theta)\ E_{rss}$$

or

$$6.0\ g(\theta)\ \sqrt{P_{kw}}$$

For all situations on or after January 4, 1982, Q is the greater of the following quantities:

$$0.025\ g(\theta)\ E_{rss}$$

or

$$10.0\ g(\theta)\ \sqrt{P_{kw}}$$

4. Section 73.150(b)(1) is amended to redesignate Eq. 3, Eq. 4, and Eq. 5 as Eq. 2, Eq. 3, and Eq. 4, respectively.

5. Section 73.150(b)(6) is redesignated as § 73.150(b)(7), and a new Section 73.150(b)(6) is added as follows:

* * * * *

(b) * * *

(6) The values used in specifying the parameters which describe the array must be specified to no greater precision than can be achieved with available monitoring equipment. Use of greater precision raises a rebuttable presumption of instability of the array. Following are acceptable values of precision; greater precision may be used only upon showing that the monitoring equipment to be installed gives accurate readings with the specified precision.

(i) Field Ratio: 3 significant figures.

(ii) Phasing: to the nearest 0.1 degree.

(iii) Orientation (with respect to a common point in the array, or with respect to another tower): to the nearest 0.1 degree.

(iv) Spacing (with respect to a common point in the array, or with respect to another tower): to the nearest 0.1 degree.

(v) Electrical Height (for all parameters listed in Section 73.160): to the nearest 0.1 degree.

(vi) Theoretical RMS (to determine pattern size): 4 significant figures.

(vii) Additional requirements relating to modified standard patterns appear in § 73.152(b)(5).

* * * * *

6. A new paragraph (c) is added to § 73.150 as follows:

* * * * *

(c) Sample calculations for the theoretical and standard radiation follow. Assume a five kilowatt (nominal power) station with a theoretical RMS of 285 mV/m at one kilometer. Assume that it is an in-line array consisting of three towers. Assume the following parameters for the towers:

Tower	Field ratio	Relative phasing	Relative spacing	Relative orientation
1	1.0	128.5	0.0	0.0
2	1.89	0.0	110.0	285.0
3	1.0	128.5	220.0	285.0

Assume that tower 1 is a typical tower with an electrical height of 120 degrees. Assume that tower 2 is top-loaded in accordance with the method described in § 73.160(b)(2) where A is 120 electrical degrees and B is 20 electrical degrees. Assume that tower 3 is sectionalized in accordance with the method described in § 73.160(b)(3) where A is 120 electrical degrees, B is 20 electrical degrees, C is 220 electrical degrees, and D is 15 electrical degrees.

The multiplying constant will be 323.6.

Following is a tabulation of part of the theoretical pattern:

Azimuth	0	30	60	Vertical angle
0	15.98	62.49	68.20	
105	1225.30	819.79	234.54	
235	0.43	18.46	34.98	
247	82.62	51.52	26.38	

If we further assume that the station has a standard pattern, we find that Q. for $\theta = 0$, is 22.36.

Following is a tabulation of part of the standard pattern:

Azimuth	0	30	60	Vertical angle
0	28.86	66.05	72.06	
105	1296.78	868.97	248.41	
235	23.48	26.50	37.18	
247	89.87	57.03	28.87	

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The RMS of the standard pattern in the horizontal plane is 719.63 mV/m at one kilometer.

III. Section 73.152 is revised to read as follows:

§ 73.152 Modification of directional antenna data.

(a) If, after construction and final adjustment of a directional antenna, a measured inverse distance field in any direction exceeds the field shown on the standard radiation pattern for the pertinent mode of directional operation, an application shall be filed, specifying a modified standard radiation pattern and/or such changes as may be required in operating parameters so that all measured effective fields will be contained within the modified standard radiation pattern.

(b) Normally, a modified standard pattern is not acceptable at the initial construction permit stage, before a proof-of-performance has been completed. However, in certain cases, where it can be shown that modification is necessary, a modified standard pattern will be acceptable at the initial construction permit stage. Following is a non-inclusive list of items to be considered in determining whether a modification is acceptable at the initial construction permit stage:

(1) When the proposed pattern is essentially the same as an existing pattern at the same antenna site. (e.g., A DA–D station proposing to become a DA–1 station.)

(2) Excessive reradiating structures, which should be shown on a plat of the antenna site and surrounding area.

(3) Other environmental factors; they should be fully described.

(4) Judgment and experience of the engineer preparing the engineering portion of the application. This must be supported with a full discussion of the pertinent factors.

(c) The following general principles shall govern the situations in paragraphs (a) and (b) in this section:

(1) Where a measured field in any direction will exceed the authorized standard pattern, the license application may specify the level at which the input power to the antenna shall be limited to maintain the measured field at a value not in excess of that shown on the standard pattern, and shall specify the common point current corresponding to this power level. This value of common point current will be specified on the license for that station.

(2) Where any excessive measured field does not result in objectionable interference to another station, a modification of construction permit application may be submitted with a modified standard pattern encompassing all measured fields. The modified standard pattern shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation. Following are the possible methods of creating a modified standard pattern:

(i) The modified pattern may be computed by making the entire pattern larger than the original pattern (i.e., have a higher RMS value) if the measured fields systematically exceed the confines of the original pattern. The larger pattern shall be computed by using a larger multiplying constant, k, in the theoretical pattern equation (Eq. 1) in § 73.150(b)(1).

(ii) Where the measured field exceeds the pattern in discrete directions, but objectionable interference does not result, the pattern may be expanded over sectors including these directions. When this "augmentation" is desired, it shall be achieved by application of the following equation:

$$E(\phi,\theta)_{aug} = \sqrt{[E(\phi,\theta)_{std}]^2 + A[g(\theta)\cos(180\frac{D_A}{S})]^2}$$

where:

$E(\phi,\theta)_{std}$ is the standard pattern field at some particular azimuth and elevation angle, before augmentation, computed pursuant to Eq. 2, § 73.150(b)(1)(i).

$E(\phi,\theta)_{aug}$ is the field in the direction specified above, after augmentation.

$A = E(\phi',O)^2_{aug} - (\phi',O)^2_{std}$ in which ϕ' is the central azimuth of augmentation. $E(\phi',O)_{aug}$ and $E(\phi',O)_{std}$ are the fields in the horizontal plane at the central azimuth of augmentation.

Note.—"A" must be positive, except during the process of converting non-standard patterns to standard patterns pursuant to the *Report and Order in Docket No. 21473,* and in making minor changes to stations with patterns developed during the conversion. However, even when "A" is negative, "A" cannot be so negative that $E(\phi,\theta)_{aug}$ is less than $E(\phi,\theta)_{ia}$ at any azimuth or vertical elevation angle.

$g(\theta)$ is defined in § 73.150(b)(1)(i).

S is the angular range, or "span", over which augmentation is applied. The span is centered on the central azimuth of augmentation. At the limits of the span, the augmented pattern merges into the unaugmented pattern. Spans may overlap.

D_A is the absolute horizontal angle between the azimuth at which the augmented pattern value is being computed and the central azimuth of augmentation. (D_A cannot exceed 1/2 S.)

In the case where there are spans which overlap, the above formula shall be applied repeatedly, once for each augmentation, in ascending order of central azimuth of augmentation, beginning with zero degrees representing true North. Note that, when spans overlap, there will be, in effect, an augmentation of an augmentation. And, if the span of an earlier augmentation overlaps the central azimuth of a later augmentation, the value of "A" for the later augmentation will be different than the value of "A" without the overlap of the earlier span.

(iii) A combination of (i) and (ii), of this section, with (i) being applied before (ii) is applied.

(3) A Modified Standard Pattern shall be specifically labeled as such, and shall be plotted in accordance with the requirements of subparagraph (2) of paragraph (b) of § 73.150. The effective (RMS) field intensity in the horizontal plane of $E(\phi,\theta)_{std}$, $E(\phi,\theta)_{ia}$, and the root sum square (RSS) value of the inverse fields of the array elements (derived from the equation for $E(\phi,\theta)_{ia}$), shall be tabulated on the page on which the horizontal plane pattern is plotted. Where sector augmentation has been employed in designing the modified pattern, the direction of maximum augmentation (i.e., the central azimuth of augmentation) shall be indicated on the horizontal plane pattern for each augmented sector, and the limits of each sector shall also be shown. Field values within an augmented sector, computed prior to augmentation, shall be depicted by a broken line.

(4) There shall be submitted, for each modified standard pattern, complete tabulations of final computed data used in plotting the pattern. In addition, for each augmented sector, the central azimuth of augmentation, span, and radiation at the central azimuth of augmentation ($E(\phi,\theta)_{aug}$) shall be tabulated.

(5) The parameters used in computing the modified standard pattern shall be specified with realistic precision. Following is a list of the maximum acceptable precision:

(i) Central Azimuth of Augmentation: to the nearest 0.1 degree.

(ii) Span: to the nearest 0.1 degree.

(iii) Radiation at Central Azimuth of Augmentation: 4 significant figures.

(d) Sample calculations for a modified standard pattern follow. First, assume the existing standard pattern in § 73.150(c). Then, assume the following augmentation parameters:

Augmentation number	Central azimuth	Span	Radiation at central azimuth
1	110	40	1,300
2	240	80	52
3	250	10	130

Following is a tabulation of part of the modified standard pattern:

Azimuth	0	30	60	Vertical angle
0	28.86	68.05	72.06	
105	1,299.42	872.14	254.21	
235	39.00	35.74	28.71	
247	100.47	66.69	32.78	

IV. A new § 73.160 is added as follows:

§ 73.160 Vertical plane radiation characteristics, f(θ).

(a) The vertical plane radiation characteristics show the relative field being radiated at a given vertical angle, with respect to the horizontal plane. The vertical angle, represented as θ, is 0 degrees in the horizontal plane, and 90 degrees when perpendicular to the horizontal plane. The vertical plane radiation characteristic is referred to as $f(\theta)$. The generic formula for $f(\theta)$ is:

$f(\theta) = E(\theta)/E(O)$

where:

$E(\theta)$ is the radiation from the tower at angle θ.

$E(O)$ is the radiation from the tower in the horizontal plane.

(b) Listed below are formulas for $f(\theta)$ for several common towers.

(1) For a typical tower, which is not top-loaded or sectionalized, the following formula shall be used:

$$f(\theta) = \frac{\cos(G\sin\theta) - \cos G}{(1-\cos G)\cos\theta}$$

where:

G is the electrical height of the tower, not including the base insulator and pier. (In the case of a folded unipole tower, the entire radiating structure's electrical height is used.)

(2) For a top-loaded tower, the following formula shall be used:

$$f(\theta) = \frac{\cos B\cos(A\sin\theta) - \sin\theta\sin B\sin(A\sin\theta) - \cos(A+B)}{\cos\theta(\cos B - \cos(A+B))}$$

where:

A is the physical height of the tower, in electrical degrees, and

B is the difference, in electrical degrees, between the apparent electrical height (G, based on current distribution) and the actual physical height.

G is the apparent electrical height: the sum of A and B; A+B.

See Figure 1 of this section.

(3) For a sectionalized tower, the following formula shall be used:

$$f(\theta) = \frac{\{\sin\Delta[\cos B\cos(A\sin\theta) - \cos G] + \sin B[\cos D\cos(C\sin\theta) - \sin\theta\sin D\sin(C\sin\theta) - \cos\Delta\cos(A\sin\theta)]\}}{\cos\theta[\sin\Delta(\cos B - \cos G) + \sin B(\cos D - \cos\Delta)]}$$

where:

A is the physical height, in electrical degrees, of the lower section of the tower.

B is the difference between the apparent electrical height (based on current distribution) of the lower section of the tower and the physical height of the lower section of the tower.

C is the physical height of the entire tower, in electrical degrees.

D is the difference between the apparent electrical height of the tower (based on current distribution of the upper section) and the physical height of the entire tower. D will be zero if the sectionalized tower is not top-loaded.

G is the sum of A and B; A+B.

H is the sum of C and D; C+D.

Δ is the difference between H and A; H−A.

See Figure 2 of this section.

(c) One of the above $f(\theta)$ formulas *must* be used in computing radiation in the vertical plane, unless the applicant submits a special formula for a particular type of antenna. If a special formula is submitted, it must be accompanied by a complete derivation and sample calculations. Submission of values for $f(\theta)$ only in a tabular or graphical format (i.e., without a formula) is not acceptable.

(d) Following are sample calculations. (The number of significant figures shown here should *not* be interpreted as a limitation on the number of significant figures used in actual calculations.)

(1) For a typical tower, as described in subsection (b)(1), assume that G=120 electrical degrees:

θ	f(θ)
0	1.0000
30	0.7564
60	0.2980

(2) For a top-loaded tower, as described in subsection (b)(2), assume A=120 electrical degrees, B=20 electrical degrees, and G=140 electrical degrees, (120+20):

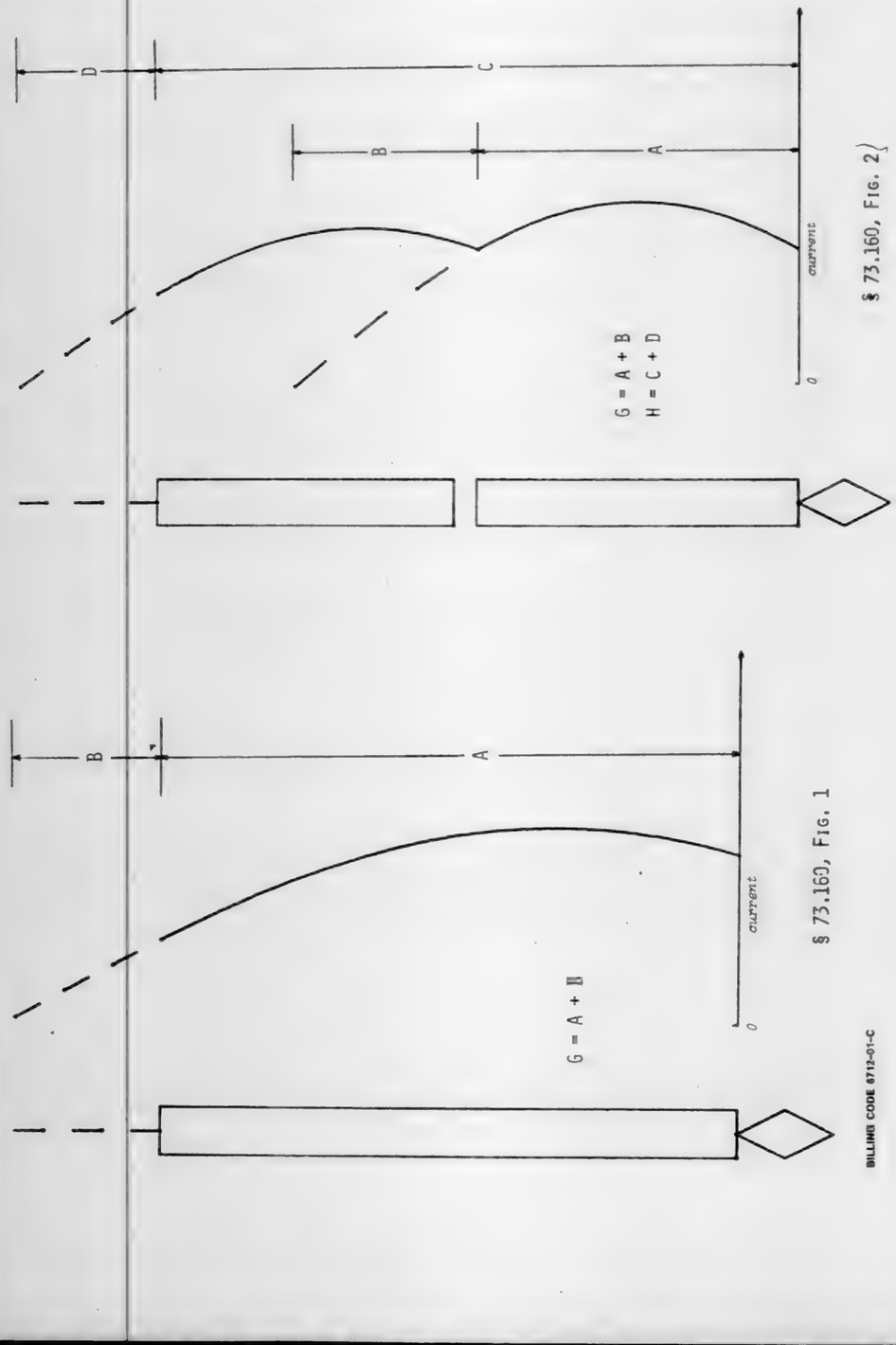
θ	f(θ)
0	1.0000
30	0.7564
60	0.2980

(3) For a sectionalized tower, as described in subsection (b)(3), assume A=120 electrical degrees, B=20 electrical degrees, C=220 electrical degrees, D=15 electrical degrees, G=140 electrical degrees (120+20), H=235 electrical degrees (220+15), and Δ=115 electrical degrees (235−120):

θ	f(θ)
0	1.0000
30	0.8308
60	0.1423

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BILLING CODE 6712-01-C

V. A new paragraph (f) is added to § 73.161:

§ 73.161 [Amended]

* * * * *

(f) The Commission is in the process of converting its standards to the metric system. This process will be gradual, with some of our standards and other requirements in the metric system while other of our standards and requirements may remain non-metric. Therefore, parties involved with AM broadcast stations and applications therefore should take extra care to avoid problems resulting from the mixing of the two systems.

(1) Parties submitting directional antenna patterns pursuant to §§ 73.150 and 73.152 (standard patterns and modified standard patterns) must submit patterns which are tabulated and plotted using units of millivolts per meter at one mile prior to January 4, 1982. Beginning on January 4, 1982, such patterns must be tabulated and plotted using units of millivolts per meter at one kilometer. Applications which are amended should use the units in effect as of the day of submission of the amendment. Applications which are on file prior to January 4, 1982, need not be amended solely for the purpose of conversion to the metric units. Applications which are submitted using the wrong units will be returned unless they are promptly amended to use the correct units.

(2) The Rules and the application forms (Forms 301, 302, 340, and 341) will be amended periodically as other changes to the metric system are made. Interested parties should check carefully to insure that the correct units are being used.

VI. Section 73.182(a)(3)(ii) is revised to read as follows:

§ 73.182 [Amended]

(a) * * *

(3) * * *

(ii) Class III–B stations, which operate with a nighttime nominal power of 500 watts and a daytime nominal power of no less than 500 watts and no greater than 5 kilowatts, and are normally protected to the 4000 uV/m contour nighttime and the 500 uV/m contour daytime.

Note. * * *

* * * * * *

VII. Section 73.185 (a) and (h) are revised to read as follows:

§ 73.185 Computation of interference and overlap.

(a) Measured values of radiation are not to be used in calculating overlap, interference, and coverage.

(1) In the case of an antenna which is intended to be non-directional in the horizontal plane, an ideal non-directional radiation pattern shall be used in determining interference, overlap, and coverage, even if the antenna is not actually non-directional.

(2) In the case of an antenna which is directional in the horizontal plane, the radiation which shall be used in determining interference, overlap, and coverage is that calculated pursuant to § 73.150 or § 73.152, depending on whether the station has a standard or modified standard pattern.

(3) In the case of calculation of interference or overlap to (not from) a foreign station, the notified radiation shall be used, even if the notified radiation differs from that in paragraphs(a)(1) or (2) of this section.

* * * * *

(h) In the case of an antenna which is intended to be non-directional in the horizontal plane, the vertical distribution of the relative fields should be computed pursuant to § 73.160. In the case of an antenna which is directional in the horizontal plane, the vertical pattern in the great circle direction towards the point of reception in question must first be calculated. In cases where the radiation in the vertical plane, in the pertinent azimuth, contains a large lobe at a higher angle than the pertinent angle for one reflection, the method of calculating interference will not be restricted to that just described, but each such case will be considered on the basis of the best knowledge available.

* * * * *

VIII. The section heading and the introductory clause of paragraph (a) of § 73.186 is revised to read as follows:

§ 73.186 Establishment of effective field at one mile.

(a) Section 73.45 provides that certain minimum field strengths are acceptable in lieu of the required minimum physical heights of the antennas proper. Also, in other situations, it may be necessary to determine the effective field. The following requirements shall govern the taking and submission of data on the field strength produced:

* * * * *

Appendix II

The following guidelines are to be applied in converting AM broadcast stations to standard patterns.

1. Existing standard and augmented patterns.

A. Convert to metric system, on January 4, 1982, using existing parameters.

2. Other existing patterns.

A. Check parameters such as electrical spacing and height to ensure that they are correct for the authorized frequency. If incorrect, use the physical spacing and height to compute the proper electrical values for the authorized frequency.

B. Compute the standard pattern using the theoretical RMS to determine the pattern size. The normal Q shall be used in computing the standard pattern.

C. Examine the measured pattern, the plotted theoretical pattern with MEOV, and the appropriate construction permit to determine the arcs in which the measured radiation and/or MEOV (including the MEOV on outstanding construction permits) exceeds the standard pattern, as computed in B, above. In these arcs, augmentation shall be applied as follows:

(1) The augmented value shall be as great as the measured value at each azimuth, insofar as possible. It is more important that the augmentation cover the measured values on the azimuths at which proof of performance measurements were made; it is less important that the augmentation cover the values on the measured pattern which are the result of "smoothing in" between measured radials.

(2) In arcs where the MEOV exceeds the measured and/or standard pattern values, the augmented values shall normally be no greater than the MEOV at any azimuth. However, in those cases where the only MEOV at an azimuth is a value specified on a construction permit, or where the MEOV specified on the construction permit is greater than the MEOV shown on the pattern, the MEOV on the construction permit can be used with a span of 10 degrees.

(3) In arcs where the existing MEOV exceeds the measured and/or standard pattern values, the maximum possible value which can be retained at each azimuth is the greater of the following two values:

RAD1=(RMS)[(−0.05)(Meas/RMS)+0.1]+Meas

where:

RMS is the measured pattern RMS, and Meas is the measured radiation at the desired azimuth.

RAD2=(MEOV-Meas)[1.0-(MEOV-Meas)/(2 Meas)]+Meas

where:

MEOV is the MEOV at the desired azimuth, and Meas is the measured radiation at the desired azimuth.

Note.—In each case, if the part in square brackets is less than zero, use zero.

(4) Augmentation shall be used as sparingly as possible.

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(5) The span for each augmentation shall be at least 10 degrees.

(6) The augmented pattern shall be developed so that the measured pattern RMS shall not fall below 85 percent of the augmented pattern RMS.

D. For Class I or Class II stations operating at night, which are co-channel with a U.S. Class I station: in the arcs in the direction of the 0.5 mV/m-50 percent skywave contour of the U.S. Class I station, the standard pattern of the Class I or II station shall be adjusted by use of either a lower Q or "negative augmentation" (or both) to reduce the standard pattern radiation to a value no greater than the MEOV or the measured radiation.

E. This section applies only in the event that we do not reach agreements with Canada and Mexico on the conversion to standard patterns:

For non-Class IV stations operating at night, in the direction of the protected service area of a non-U.S. Class I station, or in the direction of the site (plus and minus five degrees) of a non-U.S. non-Class I station, in which the standard pattern radiation exceeds the notified pattern radiation:

Then, the standard pattern of the non-Class IV station shall be adjusted by use of either a lower Q or "negative augmentation" (or both) to reduce the standard pattern radiation to a value no greater than the notified radiation or the measured radiation, whichever is greater.

F. Convert the standard pattern, as augmented, to the metric system on January 4, 1982.

3. Public Notice of Results.

A. As the patterns are converted, the results will periodically be made available via Public Notices distributed by the Commission's Public Information Office.

B. Any party (licensees, permittees, applicants, or others) may submit proposed corrections to the developed parameters within 30 days after release of the public notice. The proposed corrections should be submitted both to the Commission and to the contractor performing the conversion to standard patterns. In addition, if the request for modification is made by a party other than the licensee, the party must also notify the licensee. All requests for modifications must supply alternative parameters, as well as justification for the use of the alternative parameters.

C. If a modification is requested, the contractor will examine the request and either modify the parameters (with the issuance of another Public Notice) or supply a report to the Commission indicating why the contractor believes the original parameters are correct.

D. In the event that the contractor supplies a report to the Commission, Commission staff will examine both the request for the modified parameters and the contractor's report, and make a decision. (The Commission, not the contractor, will be the final arbiter in the event of a dispute.)

4. Pending applications.

The processing of pending applications will be stopped, individually, while each is converted. The method of conversion will be the same as for an existing operation. After its conversion, each application will be processed using the converted pattern. If interference develops (using the converted pattern) that did not exist prior to conversion, the application will be granted with the converted pattern, notwithstanding the interference. An amendment tendered after conversion of the corresponding application must use a standard pattern.

5. Precision of parameters.

Converted patterns which do not need correction of basic parameters (pursuant to 2(A) above, for example) will continue using these parameters, even if the precision is in excess of the specified precision in §§ 73.150(b)(6) and 73.152(b)(5).

If the existing parameters must be corrected or if new parameters must be assigned (adding augmentation, for example), the new and/or adjusted parameters shall have no greater precision than outlined in §§ 73.150(b)(6) and 73.152(b)(5).

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APPENDIX III

```
C
C     ***********************************************************************
C
C
C          TTTTT      0000     W    W   RRRRR     EEEEE     FFFFF
C            T       0    0    W    W   R    R    E         F
C            T       0    0    W    W   RRRRR     EEEE      FFFF
C            T       0    0    W WW W   R  R      E         F
C            T       0    0    WW  WW   R   R     E         F
C            T        0000     W    W   R    R    EEEEEE    F
C
C
C     ***********************************************************************
C
      SUBROUTINE TOWREF (N,DTEMP,DD,ATEMP,ALPHAD,ALPHA,D,NDA,KLM)
C
C     ***********************************************************************
C
C        THIS SUBROUTINE FINDS THE ADJUSTED SPACING AND ORIENTATION IN
C             RADIANS (D,ALPHA) AND DEGREES (DD,ALPHAD) FOR THE TOWERS,
C             BASED ON THE SPACING AND ORIENTATION IN DEGREES (DTEMP,
C             ATEMP) AND A SIGNAL (NDA) INDICATING WHETHER DTEMP AND
C             ATEMP REFER TO A COMMON ORIGIN OR THE PREVIOUS TOWER.
C
C     FOLLOWING IS A DESCRIPTION OF THE ARGUMENTS:
C
C        N       -- AN INTEGER CONTAINING THE NUMBER OF TOWERS.
C                   THIS IS AN INPUT ARGUMENT.
C
C        DTEMP   -- A FLOATING POINT ARRAY CONTAINING THE SPACING
C                   (IN DEGREES) FOR THE CORRESPONDING TOWER.  THIS IS AN
C                   INPUT ARGUMENT.
C
C        DD      -- A FLOATING POINT ARRAY CONTAINING THE SPACING
C                   (IN DEGREES) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
C
C        ATEMP   -- A FLOATING POINT ARRAY CONTAINING THE ORIENTATION
C                   (IN DEGREES) FOR THE CORRESPONDING TOWER.  THIS IS
C                   AN INPUT ARGUMENT.
C
C        ALPHAD  -- A FLOATING POINT ARRAY CONTAINING THE ORIENTATION
C                   (IN DEGREES) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
C
C        ALPHA   -- A FLOATING POINT ARRAY CONTAINING THE ORIENTATION
C                   (IN RADIANS) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
C
C        D       -- A FLOATING POINT ARRAY CONTAINING THE SPACING
C                   (IN RADIANS) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
```

```
C
C       NDA    -- AN INTEGER ARRAY CONTAINING A ZERO OR ONE FOR EACH
C                 TOWER, INDICATING WHETHER THE SPECIFIED SPACING AND
C                 ORIENTATION (DTEMP AND ATEMP) ARE FROM THE COMMON
C                 ORIGIN OR FROM THE IMMEDIATELY PRECEEDING TOWER.
C                 A ZERO REFERS TO THE COMMON REFERENCE POINT, WHILE
C                 A ONE REFERS TO THE IMMEDIATELY PRECEEDING TOWER.
C
C       KLM    -- AN INTEGER CONTAINING A ZERO OR ONE, INDICATING
C                 WHETHER ANY OF THE SPACINGS AND ORIENTATIONS REFER
C                 TO THE IMMEDIATELY PRECEEDING TOWER.  KLM IS ZERO
C                 IF ALL SPACINGS AND ORIENTATIONS ARE WITH RESPECT
C                 TO THE COMMON REFERENCE POINT.  KLM IS ONE IF AT
C                 LEAST ONE OF THE SET OF SPACINGS AND ORIENTATIONS
C                 IS WITH RESPECT TO THE IMMEDIATELY PRECEEDING TOWER.
C                 THIS IS USED TO DETERMINE WHETHER DD AND ALPHAD
C                 SHOULD BE PRINTED.
C
C     ***********************************************************************
C
C     THE FOLLOWING STATEMENT IS THE FIRST STATEMENT
C
C     ***********************************************************************
C
      DATA DEGREE,RADIAN /57.29578,0.0174532925/
      DIMENSION DTEMP(N),DD(N),ATEMP(N),ALPHAD(N),NDA(N),ALPHA(N),D(N)
C
C     ***********************************************************************
C
C     THE FOLLOWING STATEMENT IS THE FIRST EXECUTABLE STATEMENT
C
C     ***********************************************************************
C
      KLM=0
C
      DO 20 I=1,N
      ALPHA(I)=ATEMP(I)*RADIAN
C     ORIENTATION IN RADIANS
      D(I)=DTEMP(I)*RADIAN
C     SPACING IN RADIANS
      IF (NDA(I).NE.1) GO TO 10
C     NDA=1 MEANS REF TO PREVIOUS TOWER
      KLM=1
      II=I-1
      TEMP1=D(I)*COS(ALPHA(I))+D(II)*COS(ALPHA(II))
      TEMP2=D(I)*SIN(ALPHA(I))+D(II)*SIN(ALPHA(II))
      D(I)=SQRT(TEMP1*TEMP1+TEMP2*TEMP2)
      ALPHA(I)=ATAN2(TEMP2,TEMP1)
10    ALPHAD(I)=ALPHA(I)*DEGREE
C     ADJ. ORIENT. IN DEGREES
      DD(I)=D(I)*DEGREE
C     ADJ. SPACING IN DEGREES
20    CONTINUE
C
      RETURN
      END
```

[FR Doc. 81-5027 Filed 2-11-81; 8:45 am]
BILLING CODE 6712-01-C

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing the Hawaiian (Oahu) Tree Snails of the Genus Achatinella, as Endangered Species

Correction

In FR Doc. 81-1116, appearing on page 3178, in the issue of Tuesday, January 13, 1981, make the following correction.

On page 3178, first column, the effective date read "February 12, 1982". The effective date should have read "February 12, 1981".

BILLING CODE 1505-01-M

V 46/29 FE 12 81 UMI

Proposed Rules

Federal Register
Vol. 46, No. 29
Thursday, February 12, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Spearmint Oil Produced in the Far West; Proposed Salable Quantities and Allotment Percentages for the 1981-82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to establish the quantity of spearmint oil produced in the Far West, by class, that may be freely marketed by handlers from the 1981 crop. This action is taken under the marketing order for spearmint oil produced in the Far West to promote orderly marketing conditions.

DATE: Comments due April 3, 1981.

ADDRESSES: Comments should be sent to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written material should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5053. The Final Impact Analysis describing the options considered in developing this proposal and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: The proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant."

The proposed salable quantity and allotment percentage for each class of spearmint oil would be established in accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Spearmint Oil Administrative Committee.

The salable quantity and allotment percentage proposed for each class of spearmint oil for the 1981-82 marketing year, beginning June 1, 1981, are based upon recommendations of the Committee. In arriving at its recommendations, the Committee took the following data and estimates into consideration.

(1) "Class 1" Oil (First Cutting Scotch)

(A) Estimated carryin from previous years on June 1, 1981—609,175 pounds.

(B) The Committee's recommendation for the salable quantity—562,760 pounds.

(C) Estimated trade deemed (domestic and export) for the 1981-82 marketing year—850,000 pounds.

(D) Recommended desirable carryout on May 31, 1982—75,000 pounds.

(E) Total allotment bases for "Class 1" Oil—1,406,899 pounds.

(2) "Class 2" Oil (Second Cutting Scotch)

(A) Estimated carryin from previous years on June 1, 1981—100,000 pounds.

(B) The Committee's recommendation for the salable quantity—25,380 pounds.

(C) Estimated trade demand (domestic and export) for the 1981-82 marketing year—30,000 pounds.

(D) Recommended desirable carryout on May 31, 1982—3,000 pounds.

(E) Total allotment bases for "Class 2" Oil—126,901 pounds.

(3) "Class 3" Oil (Native)

(A) Estimated carryin from previous years on June 1, 1981—446,122 pounds.

(B) The Committee's recommendation for the salable quantity—815,790 pounds.

(C) Estimated trade deemed (domestic and export) for the 1981-82 marketing year—1,000,000 pounds.

(D) Recommended desirable carryout on May 31, 1982—50,000 pounds.

(E) Total allotment bases for "Class 3" Oil—1,717,453 pounds.

Based on actual data available and industry estimates including carryin, trade demand, and desirable carryout, the salable quantities required to meet actual market demand for each class of spearmint oil during the 1981-82 marketing year would impose very restrictive allotment percentages on each class. Therefore, the Committee recommended higher and less restrictive allotment percentages allowing for disposition of the excessive carryin of oil over a period of more than one year. These less restrictive allotment percentages would provide an ample supply of oil to meet trade demand requirements while allowing for reduction of the oil included in the carryin.

The Committee proposed that the salable quantity and allotment percentage applicable to each class of oil for the 1981-82 marketing year be established as follows:

"Class 1" Oil—a salable quantity of 562,760 pounds and an allotment percentage of 40 percent.

"Class 2" Oil—a salable quantity of 25,380 pounds and an allotment percentage of 20 percent.

"Class 3" Oil—a salable quantity of 815,790 pounds and an allotment percentage of 47.5 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year.

Therefore, the proposal is to add a new § 985.201 under "Subpart"—Salable Quantities and Allotment Percentages (7 CFR Part 200) as follows:

§ 985.201 Salable quantities and allotment percentages—1981-82 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1981, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 562,760 pounds and an allotment percentage of 40 percent.

(b) "Class 2" Oil—a salable quantity of 25,380 pounds and an allotment percentage of 20 percent.

(c) "Class 3" Oil—a salable quantity of 815,790 pounds and an allotment percentage of 47.5 percent.

Dated: February 6, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-4961 Filed 2-11-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 67

[Docket No. 21130; Notice No. 80-24A]

Medical Standards and Certification; Issuance of Airman Medical Certificates for Certain Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; extenison of comment period.

SUMMARY: This notice announces an extension of the comment period for Notice of Proposed Rule Making (NPRM) No. 80-24 (45 FR 80296; December 4, 1980), which proposed exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations. This extension is necessary to afford all interested persons an opportunity to present their views on the proposed rule.

DATE: Comments must be received on or before February 27, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 21130, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments delivered must be marked: Docket No. 21130. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Donald P. Byrne, Airmen and Airports Branch, Office of the Chief Counsel, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3491.

SUPPLEMENTARY INFORMATION: On December 1, 1980, the FAA issued NPRM No. 80-24 (45 FR 80296; December 4, 1980). The notice proposes exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations.

The notice also proposes to revise the medical standard for applicants who have a history or clincial diagnosis of heart disease. The revision conforms the standard to the current medical understanding of the risks, symptoms, and findings associated with the presence of heart disease.

In the same issue of the **Federal Register** (45 FR 80295), the FAA announced that it would hold a public hearing in connection with these proposals on January 6 and 7, 1981. Subsequently, the public hearing for this rulemaking action was postponed to Februrary 3 and 4, 1981.

At the time the hearing was postponed, the FAA stated that it recognized that the comment period for Notice No. 80-24 would close on February 4, 1981. It further stated that if it appeared from the information presented at the hearing that an extension of the comment period would be appropriate, it would be announced before the close of the hearing.

In view of the fact that requests for extension of the comment period have been received and a number of participants in the public hearing have indicated their intention to submit further comments, justification exists for extending the comment period. Accordingly, the comment period for Notice No. 80-24 is hereby extended until February 27, 1981.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a) 1421, and 1422); sec. 6(c) of the Department of Transportation Act (49 U.S.C., 1655(c); and 14 CFR 11.33)

Note.—The FAA has determined that this extension of comment period is not considered to be signficant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that this action is so minimal that it does not require an evaluation.

Issued in Washington, D.C. on February 4, 1981.

H. L. Reighard,

Federal Air Surgeon.

[FR Doc. 81-4906 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-4]

Proposed Alteration of Control Zone and Transition Area Asheville, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Asheville, North Carolina, Transition Area and lower the base of controlled airspace from 1,200 to 700 feet AGL east and west of the Asheville Regional Airport. The additional controlled airspace is necessary in order to provide air traffic control service at low altitudes near the airport. The control zone description will be altered by changing the name of the Asheville Municipal Airport to Asheville Regional Airport.

DATES: Comments must be received on or before: March 23, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before March 23, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G and Subpart F of Part 71 of the Federal Aviation

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Regulations (14 CFR Part 71) to designate a 9.5-mile radius around the Asheville Regional Airport. With this designation, the 700-foot transition area would coincide with the lateral boundary and floor of a portion of the Asheville Terminal Radar Service Area (TRSA). The additional airspace is necessary to provide air traffic control service, also called Stage III service, at low altitudes near the airport.

Since the airport name has been changed from Asheville Muncipal to Asheville Regional airport, it is necessary to correct the control zone description to reflect the change.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) and Subpart F, § 71.171 (46 FR 455), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Asheville, North Carolina

Transition Area

" * * * within 7 miles east and west * * * " is deleted and " * * * within a 9.5-mile radius of Asheville Regional airport (lat. 35°26'04"N., long. 82°32'25"W.); within 7 miles east and west * * * " is substituted therefor.

Asheville, North Carolina

Control Zone

" * * * Asheville Municipal Airport * * * " is deleted and " * * * Asheville Regional Airport * * * " is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in East Point, Georgia, on January 29, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-4915 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-NE-02]

Proposed Designation of Control Zone at Boire Field, Nashua, N.H.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to designate a control zone at Boire Field, Nashua, New Hampshire, to coincide with the establishment of a new Airport Traffic Control Tower at Boire Field on or about March 16, 1981. This designation will provide protection to aircraft executing instrument approaches which have been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect aircraft utilizing the instrument approach.

DATE: Comments must be received on or before March 13, 1981.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 81-NE-02.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 81-NE-02, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 13, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8085. Communications must identify the number of this NPRM.

Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a control zone at Boire Field, Nashua, New Hampshire. The zone will control a portion of airspace approximately 5 miles in radius around the airport and an additional 8 miles extension to the northwest which is 6 miles wide.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of the Federal Aviation Regulations [14 CFR Part 71] as follows:

"Within a 5 mile radius of the center (Latitude 42°-46'-54"N, Longitude 71°-30'-55"W) of Boire Field, Nashua, New Hampshire, and within 3 miles each side of a 303° bearing from the LOWIS NDB extending from the 5 mile radius area to a point 8 miles northwest of the LOWIS NDB. The Boire Field Control Zone will be effective from 0700-2300 hours (local time) daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport Facility Directory."

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have significant impact on a substantial number of small entities.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory and Procedures [44 FR 11034; February 26, 1979]. The anticipated impact is so minimal that his action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 4, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4910 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-3]

Proposed Alteration and Redesignation of Transition Areas; Charlotte and Waxhaw, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Charlotte, North Carolina, Transition Area as follows: (1) Lowers the base of controlled airspace from 1200 to 700 feet AGL north and east of Douglas Municipal Airport, (2) redesignates an extension south of the airport, (3) eliminates an extension northeast of the airport, (4) changes the Rock Hill Municipal Airport name to Bryant Field, (5) lowers the base of controlled airspace from 1200 to 700 feet AGL south of Bryant Field, (6) removes the designated airspace centered on the Jaars-Townsend Airport from the Charlotte description, (7) designates the Waxhaw, North Carolina, Transition Area.

DATE: Comments must be received on or before March 23, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before March 23, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to increase the basic radius of the 700-foot transition area from 8.5 to 12 miles around Douglas Municipal Airport. With this designation, the transition area would coincide with the lateral boundary and floor of a portion of the Charlotte Terminal Radar Service Area (TRSA). The additional airspace is necessary in order to provide air traffic control service, also called Stage III service, at low altitudes near the airport. Due to changes in instrument flight procedures at Douglas Municipal Airport, the northeast extension is no longer needed and the south extension can be reduced. The reduction would separate the airspace associated with the Jaars-Townsend Airport from the Charlotte Transition Area which necessitates the designation of the Waxhaw Transition Area.

Increasing the basic radius from 8.5 to 8.5 miles around Bryant Field would designate adequate controlled airspace to accommodate the NDB Runway 1 standard instrument approach procedure. The procedure would be supported by a nonfederal nondirectional radio beacon which is proposed for establishment on the airport within nine months.

These changes are necessary in order to provide the required controlled airspace to protect aircraft flight operations.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Charlotte, North Carolina

The present description is deleted and " * * * That airspace extending upward from 700 feet above the surface within a 12-mile radius of Douglas Municipal Airport (Lat. 35°12'53"N., Long. 80°56'18"W.); within 5 miles each side of Fort Mill VORTAC 005° radial, extending from the 12-mile radius area to 1 mile north of the VORTAC; within 9.5 miles northwest and 5 miles southeast of Charlotte ILS localizer southwest course, extending from the 12-mile radius area to 19 miles southwest of TRYON LOM; within an 8.5-mile radius of Bryant Field (Lat. 34°59'05"N., Long. 81°03'30"W.); within a 6.5-mile radius of Gastonia Municipal Airport (Lat. 35°12'00"N., Long. 81°09'05"W.) * * * " is substituted therefor.

Waxhaw, North Carolina

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jaars-Townsend Airport (Lat. 34°51'50"N., Long. 80°44'50"W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in East Point, Georgia, on January 29, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-4912 Filed 2-11-81; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 80-NE-39]

Amend the Description of the Concord, New Hampshire 700-Foot Transition Area and Delete the Laconia, New Hampshire 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

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SUMMARY: This notice (NPRM) proposes to amend the Concord, New Hampshire, 700-foot transition area so as to provide additional airspace for radar vectoring in the terminal area.

DATE: Comments must be received on or before March 9, 1981.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 80–NE–39. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT:
Charles Taylor, Operations Procedures and Airspace Branch, ANE–535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE–7, Attention: Rules Docket Clerk, Docket No. 80–NE–39, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 9, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8085. Communications must identify the number of this NPRM.

Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Concord, New Hampshire, 700-foot Transition Area so as to provide additional airspace for radar vectoring in the Concord terminal area. This additional airspace, approximately four hundred (400) square miles, encompasses the Laconia, New Hampshire, 700-foot Transition Area and coincident with the publication of the Final Rule on the new Concord 700-foot Transition Area, the Laconia 700-foot Transition Area will be deleted in its entirety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of the Federal Aviation Regulations [14 CFR Part 71] as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the entire description of the Concord, New Hampshire 700-foot Transition Area and substitute in lieu thereof:

"That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°23'00" N 71°11'50" W to43°09'00" N 71°11'50" W to 43°03'00" N 71°05'00" W to 42°50'00" N 71°05'00" W to 42°38'00" N 71°20'00" W to 42°40'00" N 71°35'00" W to 42°43'00" N 71°36'00" W to 42°45'00" N 71°38'25" W to 42°54'30" N 72°00'00" W to 43°41'00" N 72°00'00" W to 43°41'00" N 71°26'00" W to 43°38'00" N 71°14'00" W to 43°34'00" N 71°14'00" W to 43°23'00" N 71°08'00" W to point of beginning, excluding that portion within the Lebanon, New Hampshire; Keene, New Hampshire; and Boston, Massachusetts, transition areas."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Laconia, New Hampshire, 700-foot Transition Area in its entirety.

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have significant impact on a substantial number of small entities.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and Sec. 6(c)) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory and Procedures (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 2, 1981.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 81–4014 Filed 2–11–81; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 80–GL–52]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Ortonville, Minnesota, in order to accommodate a non-directional radio beacon (NDB) Runway 34 instrument approach procedure into the Ortonville Municipal Airport, Ortonville, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility which instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before March 13, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 80–GL–52, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:
Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200′ above ground to 700′ above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 80–GL–52, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 13, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Ortonville, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Ortonville, Minnesota

That airspace extending upward from 700′ above the surface within 6.5 miles of the Ortonville Municipal Airport (latitude 45°18′05″N, longitude 96°25′25″W), extending south 3 miles either side of the 182° bearing from Ortonville Municipal Airport from 6.5 to 8.5 miles, and that airspace extending upward from 1200 feet above the surface from 45 57′00″N, 97°01′00″ W counterclockwise along the 28.5 mile arc of the Wahpeton, North Dakota, Airport to the Minnesota State Line; thence south along the Minnesota State Line to 44°33′00″N, excluding that portion that overlies the Ortonville Municipal Airport 700 foot transition area; thence west to 44°33′00″N, 96°45′00″W; thence northwest to 44°41′00″N, 96°50′00″W, thence counterclockwise along the 26 mile arc of the Watertown, South Dakota, VOR to the Watertown 086° radial; thence west to the 14.5 mile point on the Watertown 086° radial; thence counterclockwise on the 14.5 mile arc of the Watertown VOR to the Watertown 001° radial; thence north to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL–7), Docket No. 80–GL–52, 2300 East Devon Avenue, Des Plaines, Illinois.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Des Plaines, Illinois, on January 27, 1981.

Wayne J. Barlow,
Director, Great Lakes Region.

[FR Doc. 81–4013 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Invitation to comment on requested exemption from trade regulations rule.

SUMMARY: The Commission is requesting public comment with respect to a request of a business opportunity trade show promoter for an exemption from the requirements of the Franchise Rule.

DATE: Written comments will be accepted until March 12, 1981.

ADDRESS: Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:
John M. Tifford, PM–H–272, Federal Trade Commission, 6th & Pennsylvania Avenue, NW, Washington, D.C. 20580, (202) 523–3814.

SUPPLEMENTARY INFORMATION: On December 21, 1978 (43 FR 59614), the Federal Trade Commission promulgated a trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." In general, the rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchisor's business and the proposed franchise relationship. A summary of the rule appears as Appendix A below.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

On September 28, 1979, a petition for exemption pursuant to Section 18(g) was filed by Shulman Promotions, Inc. and Si Shulman.

The petition is reproduced in full in Appendix B.

Briefly stated, Shulman Promotions, Inc., a business opportunity trade show promoter, alleges that an exemption should be granted because: (1) petitioner's business activities were not intended to be covered by the franchise rule; and the interpretive guides' expansion of the rule to categorize petitioner as a "franchise broker" misinterprets the rule; (2) the rule and guides make any "franchise broker" the guarantor for the franchisor's compliance; but this is impossible and cannot be assured by petitioner because it does not have the data, knowledge or capability to compile and verify the accuracy and completeness of the information required to be disclosed by the rule; (3) in order to bring a person within the ambit of the rule's definition of a "franchise broker", such person must act as a sales representative of the franchisor, or actively participate in the sale of franchises, or receive commissions from the franchisor conditioned upon the sale of a franchise. The business activities of petitioner do

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not satisfy any of these elements and therefore should not be subject to the rule; (4) the guides for the rule make a generalization that organizers of trade shows at which franchises or business opportunities are offered for sale are "franchise brokers" since they arrange for the sale of franchises. Petitioner does not "arrange for the sale" of franchises or act as a "franchise broker" in the sense that those functions are intended to be defined and covered by the rule; and the guides' conclusion is not supported by an evidence on the record, is inconsistent with evidence which is on the record and was not the subject of notice, hearing or inquiry; and (5) the guides' interpretation of the term "franchise broker", if permitted to stand, will destroy petitioner's business and would eliminate a significant channel of information exchange to the detriment of prospective sellers and buyers of franchises.

For a complete presentation of the arguments submitted by petitioner, please refer to the full text of its petition set forth as Appendix B.

Prior to making a determination concerning, and in addition to fully considering all comments relating to, the petition for an absolute exemption from the FTC's Franchise Rule, the Commission also seeks comment regarding an exemption conditioned on the petitioner performing certain other acts. So long as the petitioner performed such other specified acts, it would be exempt from the rule. Conversely, whenever petitioner does not perform any one or more of the specified acts, it would not be exempt from the rule.

In other words, in those instances where petitioner chooses to comply with the conditions prerequisite to the exemption, it would be exempt from the rule.

A proposed form of conditional exemption is as follows:

Under the terms of the proposed conditional exemption, petitioner would be exempt from franchise rule coverage as a franchise broker for a trade show in which each of the following four requirements are met:

(1) No exhibitor shall be permitted to attend a promoter's trade show without having furnished to the promoter either of the following documents: (i) a disclosure document, or (ii) an opinion letter from exhibitor's counsel expressly addressed to the promoter and "all prospective investors" stating that counsel is familiar with the franchise rule and its interpretations and has concluded that the exhibitor is not covered by the FTC franchise rule. At the show, the promoter shall ensure that each exhibitor prominently displays, at the sales location(s) to which it is assigned a copy of the document it has submitted. In addition, the promoter shall provide copies of the opinion letters from exhibitors to members of the public upon request.

(2) If exhibitors submit disclosure document(s), then in such event, promoters will be responsible for verifying that answers to all required information in the document(s) are included and presented in the proper format, but shall not be responsible for the accuracy of such information.

(3) Promoters will be required to give one of the following proposed notices to every person who attends a trade show:

Proposed Notice I

PROTECT YOURSELF BY USING YOUR LEGAL RITHTS *BEFORE* YOU INVEST

The Federal Trade Commission has adopted regulations which give you important legal rights when you are considering an investment in a franchise or business opportunity venture. These rights include:

1. Your right to receive a disclosure statement prepared by the seller which contains information you should know about the seller and the investment opportunity, including copies of all agreements you will be required to sign.

2. Your right to a written explanation of all earnings claims about the sales, income or profits which other investors have realized or which you can achieve by investing in the proposed investment opportunity. This explanation must describe the factual basis and assumptions behind such claims, and include information about the number and percentage of other investors who are known to have done as well. A salesperson's verbal earnings claims, not accompained by the written explanation set forth above, is against the law, and probably also unreliable.

3. Your right to a refund if you were promised one and meet all the conditions for obtaining it.

You must receive all required disclosures *as soon as* you have a serious discussion with the seller about your proposed investment or a salesperson makes any earnings claim to you. In addition, you must receive the disclosures *at least* 10 business days (2 weeks) before you may legally commit yourself to purchase the franchise or business opportunity by paying any money or signing any binding agreement. There are *no exceptions* to this delivery requirement.

These regulations are designed to help you protect yourself by giving you the time and information necessary to investigate the proposed investment thoroughly. No government agency has checked the accuracy of the disclosures or determined whether the proposed investment is a good one. It is up to you to do so.

There may be a few business opportunity sellers that are not covered by the disclosure requirements. This does not mean that their proposed investments are any better or worse than those for which disclosures are available. However, if you are considering an investment in a business that does not provide disclosures, you would be well advised to obtain as much information as possible about the venture before making a final investment decision. A look at the disclosures provided by other companies will suggest a number of important questions you should consider asking in order to protect yourself.

If a salesperson tells you that the company is not required to provide disclosures, ask to see the letter from the company's attorney that says so. This letter must be displayed "prominently" at the company's sales booth(s) or location(s). If it's not there, contact a representative of the trade show promoter at the entrance. The promoter is required to provide you with a copy upon request; or

Proposed Notice II

BEFORE YOU BUY . . .

A Federal Trade Commission Rule gives you important legal rights as you plan to buy a franchise or business opportunity.

WHAT THE SELLER MUST GIVE YOU:

1. A written statement that tells you important information about the seller and the business offered to you.

2. Copies of all agreements you will have to sign.

3. A written explanation of any claims about how much money you might earn if you buy the business. Verbal promises the seller makes aren't good enough—in fact, they're illegal and almost sure to be wrong. The Rule requires the seller to give you details about earnings claims *in writing*. This written statement must provide details about the number and percentage of other buyers who have succeeded as the seller claims.

WHEN THE SELLER MUST GIVE YOU THIS INFORMATION:

As soon as you talk seriously with the seller about buying the business, or

As soon as the seller makes an earnings claim, but

Always at least 10 business days (2 weeks) before you agree to buy.

There is *no* exception to this Rule.

WHY THIS INFORMATION IS IMPORTANT:

1. It will help you compare franchise and business opportunities offered by other sellers. With this information in hand, you can take the time to compare what you'll get for your money. You can take the time to ask questions and get the facts.

2. It will help you find out if the business you plan to buy is worth the money you'll pay. No government agency can check out whether the seller's offer is a good one—it's all up to you. Check out the information in the written statements on your own or with the help of a lawyer or an accountant.

WHAT IF THE SELLER SAYS HE'S NOT COVERED?

Ask for a copy of his lawyer's letter that says the seller isn't covered by the FTC's Rule. The Rule requires the seller to clearly display his lawyer's letter at the sales booth or sales location. If it *isn't* clearly displayed, ask for it or tell the trade show promoter—he must give you a copy.

Some sellers aren't covered by the FTC's Rule, but that doesn't mean you'll get a better or worse deal. *Before* you buy, get as much information as possible.

If the seller doesn't comply with the FTC's Rule, write to the FTC, Washington, D.C. 20580.

and;

(4) The promoter shall keep a record of all exhibitors together with the disclosure documents or opinion letters for each exhibitor. Such record must be made available to the Commission or its staff upon reasonable notice.

In assessing the present exemption request, five fundamental issues also should be considered. These concern (1) whether, and to what extent, the petitioning person or class, or groups for whose benefit the petitioning person or class arranges trade shows, has engaged in unfair or deceptive acts or practices the occurrence of which is the subject of the rule, (2) if there is little or no evidence of abuses, whether there are significant structural or operational differences between the petitioning group and other persons covered by the rule that may account for that fact, (3) if, regardless of whether the petitioning party seeks an exemption for itself only or alternatively, for all members of an industry, whether a factual showing has been made pertaining to all members of an industry and not merely to the petitioner, such that treatment as a "class" is appropriate. In other words, are there distinguishing characteristics associated with the petitioning person or a class that explain the absence of significant past abuses (if such is the case) and make it unlikely that such person or class will engage in the future in the acts or practices to which the rule is addressed, (4) if appropriate, whether an exemption should be limited to the petitioners or made applicable to a class such as all franchise or business opportunity trade show promoters, and if the latter, whether the class sharing the characteristics that make applicability of the rule unnecessary is properly defined, and (5) should the Commission properly consider conditional exemptions from its Trade Regulation Rules, and if so, whether the conditional exemption set forth in this Notice is in the public interest or should be modified in any manner. In addition, the Commission desires comment on the question of which of the two proposed notices to trade show attendees (or any alternative notice) should be required if a conditional exemption as described herein is found to be warranted.

The Commission has analyzed the arguments made by petitioner and concluded that further inquiry is warranted before a determination regarding the petition can be made. The Commission, therefore, seeks comment regarding the issues raised by this proceeding.

All persons are hereby notified that they may submit written data, views or argument on any issues of fact, law or policy that may have some bearing on the requested exemption, without regard to whether or not such issues have been raised by the petition or in this notice. Such submissions may be made for thirty days from the date of this notice to the Secretary of the Commission.

Written comments will be accepted until March 12, 1981. Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, DC 20580.

Comments should be identified as "Shulman Promotions, Inc. Franchise Rule Exemption Comment" and, if possible, submitted in three copies.

By direction of the Commission.

Carol M. Thomas,

Secretary.

Appendix A—Franchise Rule Summary

The Franchise Rule, which is formally titled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," [16 CFR Part 436.] has been promulgated in response to widespread evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the Rule. These practices often are able to exist because prospective franchisees lack a ready means of obtaining essential and reliable information about the business in which they are asked to invest their money and, frequently, their labor. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons.

The Rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franschise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is consummated and (ii) by means of disclosure documents whose form and content are set forth in the Rule.

The Rule requires disclosure of material facts. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises.

A. Businesses Covered by the Rule [§ 436.2(a)]

Either of two types of continuing commerical relationships are defined as a "franchise" and covered by the Rule.

The first type involves three characteristics: (1) the franchisee sells goods or services which meet the franchisor's quality standards (in cases where the franchisee operates under the franchisor's trade mark, service mark, trade name, advertising or other commercial symbol designating the franchisor ("mark")) or which are identified by the franchisor's mark; (2) the franchisor exercises significant control over, or gives the franchisee significant assistance in, the franchisee's method of operation; and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor at any time before to within six months after the business opens.

The second type also involves three characteristics: (1) the franchisee sells goods or services which are supplied by the franchisor or a person affiliated with the franchisor; (2) the franchisor secures accounts for the franchisee, or secures locations or sites for vending machines or rack displays, or provides the

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services of a person able to do either: and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor at any time before to within six months after the business opens.

Relationships covered by the Rule include those which are within the definition of "franchise" and those which are represented as being within the definition when the relationship is entered into, regardless of whether, in fact, they are within the definition.

The Rule exempts (1) fractional franchises; (2) leased department arrangements; and (3) purely verbal agreements. The Rule excludes (1) relationships between employer/employees, and among general business partners; (2) membership in retailer-owned cooperatives; (3) certification and testing services; and (4) single trademark licenses.

B. The Disclosure Document [§ 436.1(a)]

All franchisors must furnish the document described in this section. The disclosure document requires information on the following 20 subjects:

1. Identifying information about the franchisor.
2. Business experience of the franchisor's directors and key executives.
3. The franchisor's business experience.
4. Litigation history of the franchisor and its directors and key executives.
5. Bankruptcy history of the franchisor and its directors and key executives.
6. Description of the franchise.
7. Money required to be paid by the franchisee to obtain or commence the franchise operation.
8. Continuing expenses to the franchisee in operating the franchise business that are payable in whole or in part to the franchisor.
9. A list of persons who are either the franchisor or any of its affiliates, with whom the franchisee is required or advised to do business.
10. Realty, personalty, services, etc. which the franchisee is required to purchase, lease or rent, and a list of any persons from whom such transactions must be made.
11. Description of consideration paid (such as royalties, commissions, etc.) by third parties to the franchisor or any of its affiliates as a result of a franchisee's purchase from such third parties.
12. Description of any franchisor assistance in financing the purchase of a franchise.
13. Restrictions placed on a franchisee's conduct of its business.
14. Required personal participation by the franchisee.
15. Termination, cancellation and renewal of the franchise.
16. Statistical information about the number of franchises and their rate of terminations.
17. Franchisor's right to select or approve a site for the franchise.
18. Training programs for the franchisee.
19. Celebrity involvement with the franchise.
20. Financial information about the franchisor.

The disclosures must be made in a single document, with a cover sheet setting forth the name of the franchisor, the date of issuance of the document, and a statement—whose text is set forth in the Rule—advising the prospective franchisee of the contents and purpose of the document. The document may not include information other than that required by the Rule or by State law not preempted by the Rule. However, the franchisor may furnish other information to the prospective franchisee which is not inconsistent with the material set forth in the disclosure document.

The disclosure document must be given to a prospective franchisee at the earlier of either (1) the prospective franchisee's first personal meeting with the franchisor, or (2) ten days prior to the execution of a contract or payment of consideration relating to the franchise relationship. At that time, the franchisor or franchise broker must give the prospective franchise copies of the franchisor's standard franchise agreement.

The information in the disclosure document must be current as of the completion of the franchisor's most recent fiscal year. In addition, a revision of the document must be prepared quarterly whenever there has been a material change relating to the franchise business of the franchisor.

C. Earnings Claims [§ 436.1(b)–(e)].

The Rule prohibits earnings representations about the actual or potential sales, income, or profits of existing or prospective franchisees unless (i) reasonable proof exists to support the accuracy of the claim, (ii) the franchisor has in its possession, at the time the claim is made, information sufficient to substantiate the accuracy of the claim, (iii) the claim is geographically relevant to the prospective franchisee's proposed location (except for media claims) and (iv) an earnings claim disclosure document is given. The earnings claim document must contain six items:

1. A cover sheet in the form specified in the Rule.
2. The earnings claim.
3. A statement of the bases and assumptions upon which the earnings claim is made.
4. Information concerning the number and percentage of outlets that have earned at least the amount set forth in the claim, or a statement of lack of experience, as well as the beginning and ending dates of the time period covered by the claim.
5. A mandatory caution statement, whose text is set forth in the rule, conerning the likelihood of duplicating the earnings claim.
6. A statement that information sufficient to substantiate the accuracy of the claim is available for inspection by the franchisee (except for media claims).

Prospective franchisees must be notified of any material changes in the information contained in the earnings claim document prior to becoming a franchisee.

D. Acts or Practices Which Violate the Rule.

It is an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act for any franchisor or franchise broker:

1. to fail to furnish prospective franchisees, within the time frames established by the Rule, with a disclosure document containing information on 20 different subjects relating to the franchisor, the franchise business and the terms of the franchise agreement [§ 436.1(a)];
2. to make any representations about the actual or potential sales, income, or profits of existing or prospective franchises except in the manner set forth in the Rule [§ 436.1(b)–(e)];
3. to make any claim or representation (such as in advertising or oral statements by salespersons) which is inconsistent with the information required to be disclosed by the Rule [§ 436.1(f)];
4. to fail to furnish prospective franchisees, within the time frames established by the Rule, with copies of the franchisor's standard forms of franchise agreements and copies of the final agreements to be signed by the parties [§ 436.1(g)]; and
5. to fail to return to prospective franchisees any funds or deposits (such as down-payments) identified are refundable in the disclosure document [§ 436.1(h)].

Violators are subject to civil penalty actions brought by the Commission of up to $10,000 per violation.

The Commission believes that the courts should and will hold that any person injured by a violation of the Rule has a private right of action against the violator, under the Federal Trade Commission Act, as amended, and the Rule. The existence of such a right is necessary to protect the members of the class for whose benefit the statute was enacted and the Rule is being promulgated, is consistent with the legislative intent of the Congress in enacting the Federal Trade Commission Act, as amended, and is necessary to the enforcement scheme established by the Congress in that Act and to the Commission's own enforcement efforts.

E. State Franchise Laws.

The Commission's goals are to create a minimum Federal standard of disclosure applicable to all franchisor offerings, and to permit States to provide additional protection as they see fit. Thus, while the Federal Trade Commission Trade Regulation Rules have the force and effect of Federal law and, like other Federal substantive regulations, preempt State and local laws to the extent that these laws conflict, the Commission has determined that the Rule will not preempt State or local laws and regulations which either are consistent with the Rule or, even if inconsistent, which would provide protection to prospective franchisees equal to or greater than that imposed by the Rule.

Examples of State laws or regulations which would not be pre-empted by the Rule include State provisions requiring the registration of franchisors and franchise salesmen, State requirements for escrow or bonding arrangements and State required disclosure obligations exceeding the disclosure obligations set forth in the Rule. Moreover, the Rule does not affect State laws or regulations which substantively regulate the franchisor/franchisee relationship, such as termination practices, contract provisions and financing arrangements.

F. The Uniform Franchise Offering Circular.

The Uniform Franchise Offering Circular ("UFOC") now is accepted in satisfaction of the disclosure requirements in the 14 States which have franchise registration and disclosure laws. The UFOC format is not identical to the disclosure format prescribed in the Rule. For example, there are minor differences in language on similar disclosure requirements; there are subjects about which the UFOC requires more disclosure than the Rule, and subjects where the Rule requires more disclosure than the UFOC. Even though the two documents are not identical in language, they are quite similar; in any event, both documents are designed to achieve the same result regardless of any minor variations in the means used to reach that result. Accordingly, the Commission will permit franchisors to use the UFOC format in lieu of the disclosure document provided by the Rule. This alternative use is limited to the UFOC version adopted by the Midwest Securities Commissioners Association, Inc., on September 2, 1975 plus any modifications thereof which do not diminish the protection accorded to the prospective franchisee which may be made by a State in which such registration has been made effective.

Certain provisions of the Rule still will control even if the UFOC format is used in lieu of the Rule's disclosure document, such as: (i) the persons required to make disclosure; (ii) transactions requiring disclosure; (iii) the timing of the disclosure; and (iv) the types of documents to be given to prospective franchisees.

The Commission's decision to permit use of a State disclosure document in lieu of its own document does not constitute Commission deferral to State law enforcement. The Commission is expressly providing for concurrent jurisdiction between the Commission and the States in appropriate instances. The Commission's action does not and is not intended to deprive the Commission of its responsibility to determine whether particular franchisors have complied with the Rule.

Appendix B

September 28, 1979.

Before the Federal Trade Commission.

In the Matter of the Federal Trade Commission's trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR 436).

Petition of Shulman Promotions, Inc. and Si Shulman, individually, for an interpretive opinion and ruling of exemption, and, in the alternative, a reopening of rule making proceedings.

I.

Petitioners Shulman Promotions, Inc., a corporation, and Si Shulman, an individual, both having principal offices at Plaza Suite, 7861 Reading Road, Cincinnati, Ohio 45237, hereby petition the Federal Trade Commission to issue an interpretive opinion or order finding or ruling that the subject rule does not apply to Petitioner's business activities as described herein, and to exempt Petitioners' business activities from coverage by the subject rule pending the issuance of an order or interpretive opinion, or, in the alternative, to reopen hearings and to withdraw or stay the effectiveness of certain portions of the rule and the guidelines issued in connection therewith until such additional hearings in connection with the rule are held, and sufficient evidence is found, to establish a basis in fact and in law upon which the respective Petitioner's business and livelihood should be regulated out of existence.

In support of this Petition, Petitioners represent as follows.

Petitioner Shulman Promotions, Inc. has conducted "own your own business" exhibitions for approximately twelve years. Petitioner Si Shulman is the founder and Chief Officer of Shulman Productions, Inc. Since its formation in 1966 he has been engaged full time in managing the conduct of its business, and he derives his only source of income and livelihood from it.

Petitioners organize business opportunity expositions by securing suitable exhibition space in various cities and informing potential exhibitors of the scheduled time and location, and that booth space is available. Exhibitors wishing to advertise, display, offer or sell their business opportunity offerings purchase space from Petitioners who typically arrange to furnish exhibitors with a booth, background drapes and side curtains, a display sign, table and chairs, exhibitor identification badge and complimentary admission tickets, ashtrays, waste baskets, and ice water. In return, exhibitors pay a booth rental payment which is uniform for all exhibitors and is a price set in advance. Petitioners thereafter publicize the time and place of the exhibition through advertisements in local newspapers or other media reaching the general public. People interested in attending the exhibition and to obtain information about the exhibited business opportunities are thereby informed of the opportunity and do so, and those that do are charged an admission price of either two or three dollars.

Neither Petitioner does or has ever derived any compensation or revenue from any exhibitor other than for payment for space occupied; such payments are not determined by or conditioned upon whether or not any sales are made by exhibitors to the public.

Petitioners have never participated in the sale of any business advertised or on display at their business exhibitions. Their function is entirely confined to renting of space and announcing that business opportunities will be displayed.

Petitioners do not participate in the development, preparation, or creation of the businesses exhibited. They are not retained or paid to consult, advise, review or otherwise participate in

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advertising of the exhibitor's business offerings. They do not recommend that the public purchase any specific business offering. They do not get involved in negotiations between prospective sellers and buyers. They do not undertake any review or evaluation of the merits of the business offerings nor do they make any representation that they have.

Petitioners do no offer, sell, or participate in making offers to buy or sell franchises or businesses to the public; they do not receive commissions for sales made of any franchise; they are not agents or representatives of exhibitors. They do not maintain a permanent showroom. They do not identify themselves as business or franchise consultants.

They do provide a forum for the exchange of information.

They do engage in the business of organizing or promoting "a trade show in which franchises or business opportunities are offered for sale." Therefore, they are, according to the final interpretive guides of the rule, classified as "franchise brokers" under the rule, and they must comply with the requirements and prohibitions of the rule as they relate to "franchise brokers" or be subject to the government and private enforcement and damage actions and other sanctions and remedies provided by the rule and the Federal Trade Commission Act. Petitioners contend that such a construction of the rule is erroneous and arbitrary.

II.

The background and development of the rule show that Petitioners' business activities were not intended to be covered by it, and that the guides' expansion of the rule to categorize Petitioners as "franchise brokers" misinterprets the rule.

As originally issued on November 10, 1971, the proposed rule required that disclosures be made "at the time when contact is first established between such prospective franchisee and the franchisor or its representative." The term "representative" was not defined in the original proposal beyond deeming that a franchisee selling an interest in a franchise for his own account shall be the franchisor's representative. The term "franchise broker" appears nowhere in the original proposed rule.

A revised proposed rule was published in the **Federal Register** of August 22, 1974. It provided that disclosures where to be made at the first personal meeting, for the purpose of discussing the possible sale of a franchise, which occurred between a prospective franchisee and the franchisor or its *sales* representative.

The term "sales representative" was in no way define by the revised proposed rule, and the reference to a franchisee's sale on its own account as stated in the original rule was deleted. By implication, disclosures were to be made by the franchisor or its sale representative.

Again, the term "franchise broker" appears nowhere in the revised proposal rule.

On December 21, 1978, the final version of the rule was issued and published along with a statement of basis and purpose and a set of proposed interpretative guides designed to help persons subject to the rule "understand their compliance obligations under the rule," and, concomittently by implication to serve notice to such persons of their exposure to enforcement action if the guides were not followed.

The term "franchise broker" appeared at this final juncture for the first time in the seven year history of the rule; and responsibility for compliance with the rule and for providing all of the required disclosures was placed upon both franchisors and franchise brokers.

Under the rule as interpreted by the guides, "The requirements of the rule apply jointly to both the franchisor and the franchise broker." Either may satisfy the disclosure requirements of the rule by furnishing the required disclosure documents, and "compliance by one will constitute compliance by the other." Conversely, total or partial failure of compliance or attempted compliance by one will constitute failure to comply by the other.

Under the rule's standard of joint responsibility and liability, and franchise broker that relies on a franchisor to make disclosures in the manner, form and at the time required by the rule does so at his peril. If the franchisor does not timely comply completely and accurately, whether such failure by full, partial, knowing or inadvertent, the franchise broker is in violation of the rule and shares liability. The rule and guides thereby make any "franchise broker" the guarantor and surety for the franchisor's absolute compliance, but this is impossible and cannot be assured by an independent franchise broker because, as the rule is constructed, only the franchisor, by controlling its conduct and having its resources of knowledge and data, is capable of complying with the rule.

A "franchise broker" was defined in § 436.1(j) to mean any person other than a frachisor or a franchisee "who sells, offers for sale, or arranges for the sale of a franchise." (The word "arranges" or the term "arranges for the sale" were not defined.) At the same time the term "sales representative" was dropped from this section of the rule, in effect, substituting the "franchise broker" for "sales representative."

In apparent recognition of a need to explain the new—substituted—language in the rule, and most likely in anticipation of a charge that the such new substituted language and compliance responsibilities exceeded permissible bounds by creating new obligations for persons and functions not previously covered and not given fair and proper notice, the statement of basis and purpose (at footnote 126) attempts to justify the specific inclusion of compliance responsibilities for "franchise brokers", as newly defined at this late stage of the administrative process, through the rationale that:

> The term "franchise broker" has been expressly set out herein so as to clarify the inclusion of this term within the phrase "sales representative" of the franchisor. It was the Commission's intent to include "franchise brokers" within the intent to include "franchise brokers" within the meaning of the phrase "sales representative" of the franchisor both within the first proposed rule (App. B) and the revised proposed rule (App. C), as discussed in the definition of franchise broker (§ 436.2(1)), infra.

Thus, possibly to avoid improperly adding new regulatory features and compliance responsibilities to new categories of regulated persons and business activities, the Commission clearly stated that "franchise brokers" were intended to be defined as persons that fairly could be described and considered as functioning as active "sales representatives of the franchisor."

No other fair conclusion can be drawn from this other than that the rule was intended to apply to persons who represent the franchisor in the sale of the franchisor's franchises (whether or not denominated "sales representatives" or "franchise brokers").

Further support to this position, and to Petitioner's claim that they are not subject to the rule, is provided in the portion of the statement of basis and purpose relating to the rule's definition of "franchise broker" (sec. 436.2(j)) which says that:

> This definition is intended to make clear that a franchise broker is defined by the rule as a person (other than a franchisor or a franchisee) who "sells", offers for sale, or arranges for the sale of a franchise to a franchisee. The public record clearly indicates that franchisees *who purchase franchises from franchise brokers or promoters* need protection as much as those who purchase from the franchisor itself. The public record contains materials which indicate that franchisees *who purchased their franchises from "franchise brokers"* have suffered serious financial losses. This definition is also necessary from the standpoint of clearly identifying the relationship between the franchisor and the franchise broker. Given that *such persons act on behalf of the franchisor, and receive their commission from the franchisor only if a sale is made the Commission has placed them within the ambit of the rule.* (Italics added.)

These excerpts from the statement of basis and purpose lay down three elements that must be satisfied to bring a person within the ambit of the rule's definition of a "franchise broker":

(1) Such person must act as a sales representative of, and on behalf of, the franchisor;

(2) Such person must actively participate in the sale of franchises to franchisees;

(3) Such person must receive commissions from the franchisor conditioned upon a sale of the franchise.

The business activities of Petitioners do not satisfy any of these elements and accordingly should not be subject to the rule. This would appear to be clear and indisputable but is contradicted by additional expansive, inconsistent, and yet more new language, apearing for the very first time in the final interpretive guides published August 24, 1979.

The proposed interpretive guides, published concurrently with the final rule on December 21, 1978, defines a "franchise broker" in the words of the rule itself, without embellishment. However, and this provides the crux of Petitioners' objection, the final interpretive guides, promulgated by publication in the **Federal Register** of August 24, 1979, adds a new sentence, never before appearing in any previous version of the rule, the guides or the statement of basis and purpose during its eight year history, which says:

> An organizer or promoter of a trade show in which franchises or business opportunities are offered for sale is a "franchise broker" within the meaning of the rule, since such person "arranges" for the sale of franchises.

In this last-minute statement, the final interpretive guides make the sweeping generalization that all organizers of trade shows at which business opportunities are offered for sale fall into the category of "franchise brokers" under the rule.

Petitioners are in the business of organizing shows in which business opportunities are offered for sale, but they in no way arrange for the sale of franchises or act as franchise brokers in the sense that those functions are intended to be defined and covered by the rule. The guides' contrary conclusion is not supported by any evidence on the record, is inconsistent with that which is (see notes 175–178, statement of basis and purpose), is patently false as applied to Petitioners' activities, was not the subject of notice, hearing, or inquiry, and goes far beyond permissible discretionary bounds allowable in a rule making proceeding.

This interpretation, if applied to Petitioners' business activities as previously described, either misinterprets the rule or amends and modifes it through enlargement and expansion. If this interpretation is permitted to stand and apply to Petitioners, it will destroy their business. It would eliminate, in contravention of constitutional guarantees to the right of free commercial speech, a significant channel of advertising and information exchange to the detriment of Petitioners and prospective sellers and buyers of business offerings. It will arbitrarily discriminate against one advertising medium as against others that functionally are indistinguishable (as, for example, newspapers, magazines and publications of the government itself). And it will have these consequences without having provided Petitioners with fair, proper or adequate notice and opportunity to be heard.

Whether the guides misinterpret the rule or enlarge and modify it, Petitioners will, in either instance, suffer injury as a consequence of the failure to promulgate the rule and/or guides in accord with applicable administrative procedures, principles of due process of law, and constitutional guarantees.

III.

Based on the foregoing, Petitioners hereby request that the Commission issue a ruling or an advisory opinion stating that Petitioners, in the exercise of the business activities as described herein, are not "franchise brokers" under the rule, or in the alternative, to reopen the trade regulation rule hearings to hear evidence on the issues raised in this Petition, and in the interim, pending the conclusion of such proceedings or issuance of such ruling or opinion, exempt Petitioners from the compliance obligations of the rule and guidelines.

Respectfully submitted,

Jerry H. Opack,

Attorney for Petitioners.

[FR Doc. 81-4983 Filed 2-11-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 240

[Release No. 34-17517; File No. S7-871]

Proposed Amendments to Proxy Rules and Provisions Relating to Shareholder Communications Generally

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to rules, regulations and schedules.

SUMMARY: The Commission is publishing for comment proposed rule, regulation and schedule amendments relating to disclosure of (1) business and other relationships between a director and the issuer, (2) full board consideration of shareholder nominations, (3) the vote needed for election to office, (4) management indebtedness and remuneration, and (5) beneficial ownership, as well as (6) certain amendments affecting shareholder proposals. The proposed amendments are intended to improve disclosure and to reduce compliance burdens on registrants.

DATE: Comments must be received on or before May 15, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-871. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Stephen W. Hamilton (202) 272-2390, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today published for comment certain proposed amendments to Regulation 14A (17 CFR 240.14a-1 et seq.) and Schedule 14A (17 CFR 240.101) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq. (1976 and Supp. I 1977)), as well as to Regulation S-K (17 CFR 229.20). These schedule, rule and regulation proposals include: (1) amendments to Item 6(b) of Schedule 14A concerning relationships of directors; (2) amendments to Item 6(b) of Schedule 14A concerning full board consideration of shareholder nominations; (3) amendments to Item 22

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of Schedule 14A regarding the vote required for approval of certain matters; (4) amendment to Item 4(e) of Regulation S–K concerning management indebtedness and to Item 4(d) of Regulation S–K and Item 9 of Schedule 14A with respect to remuneration disclosure; (5) amendments to Item 6 of Regulation S–K regarding beneficial ownership,[1] and (6) amendments to Rule 14a–8 (17 CFR 240.14a–8) concerning proposals of security holders.

For the most part, the proposed amendments reflect efforts to address points raised by the written comments received in response to inquires made in an interpretive release on Item 6(b),[2] and to implement some of the recommendations contained in the *Staff Report on Corporate Accountability* issued by the Division of Corporation Finance in September 1980.[3] Certain proposed amendments to the uniform disclosure provisions of Regulation S–K also have been included in this release because of their particular relevance to shareholder communications. Generally speaking, the Commission believes that the proposed amendments, which are discussed below, will improve or maintain the quality of disclosure and will reduce compliance burdens. The Commission anticipates that any final action on these proposals will be effective for the 1982 proxy season.

Pursuant to 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendments proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

I. Item 6(b) Disclosure of Relationships

Adopted in 1978, Item 6(b) of Schedule 14A applies when action is to be taken with respect to the election of directors and requires disclosure of certain significant personal and economic relationships between a director or director nominee (collectively, for purposes of the Item 6(b) discussion, a "director") and the issuer. In adopting this provision, the Commission stated that the nature and scope of a director's relationship with an issuer can bear on a director's capacity to render independent judgment, and therefore information regarding such relationship should be furnished to shareholders when they exercise their franchise.[4]

The *Staff Report* made certain recommendations with respect to Item 6(b), and this release proposes some of these changes, which generally should reduce the costs of compliance while preserving the benefits of item 6(b) disclosures. In addition, the Commission recognizes that there has been some confusion regarding the relationship of Item 6(b) and Item 4(f) of Regulation S–K, mainly because both Item 6(b) and Item 4(f) require disclosures relating to certain transactions between entities. Accordingly, the Commission is issuing this release to provide additional guidance [5] in this area and also is seeking comment on whether it is desirable or appropriate to combine the disclosure requirements of Item 6(b) and Item 4(f) into a single, uniform Regulation S–K disclosure item.

A. Relationship of Items 6(b) and 4(f)

Initially, it must be recognized that Item 4(f) of Regulation S–K and Item 6(b) of Schedule 14A originally were adopted to serve differing disclosure functions. While Item 4(f) is designed mainly to elicit information about conflict-of-interest transactions involving management, Item 6(b) seeks information relevant to the ability of directors to render independent judgments in the performance of their duties.

Item 4(f) is derived from a long-standing conflict-of-interest provision which was originally promulgated in 1942 as part of Schedule 14A of the Commission's proxy rules [6] and in 1978 was adopted as part of the uniform disclosure provisions of Regulation S–K.[7] Item 4(f) requires disclosure, in both proxy statements and certain registration statements for the offer and sale of securities,[8] of transactions in which certain individuals affiliated with the issuer (which include, but are not limited to, directors) have "a direct or indirect material interest."

While the Instructions to Item 4(f) provide some guidelines for determining what constitutes a material interest,[9] for the most part this determination is one based on "the significance of the information to investors in light of all of the circumstances of a particular case." [10] Moreover, transactions between business entities (as opposed to an individual and an entity) are disclosable under Item 4(f) only to the extent that a specified individual has an "indirect material interest" in the transaction.[11] Item 4(f) therefore requires disclosure of those transactions in which an individual affiliated with the issuer has a material interest, either directly or through an intermediary entity.

Item 6(b) was adopted as part of the Commission's proxy rules, rather than Regulation S–K. Attention at that time had been focused on the relevance of information regarding director independence to voting, as opposed to investment decisions. A major provision of Item 6(b) is subparagraph (3), which addresses customer, supplier and creditor relationships. The disclosure requirements of Item 6(b)(3) most frequently involve transactions that also must be disclosed under Item 4(f).[12] The various subparagraphs of item 6(b)(3) establish specific criteria for determining which relationships must be disclosed. In other words, Item 6(b)(3) requires disclosure of business relationships between the issuer and another entity which, based on specific thresholds, may bear on a director's independence.

As a result of the differing purposes of Item 6(b)(3) and Item 4(f), these provisions quite appropriately do not always require disclosure of the same business transactions.[13] In other instances, however, the Commission is aware that Item 6(b)(3) and Item 4(f) may require disclosure of the very same relationships. While some duplication of disclosure obligations is unavoidable under exisiting provisions since relationships that may affect independence and transactions that result in conflicts of interest are not mutually exclusive, the Commission is aware that this overlap has resulted in some confusion and a desire for consistency by issuers preparing proxy statements.[14]

The Commission recongizes that it would be impossible, consistent with the spirit of Item 6(b), to apply the disclosure standards of that Item to the entity transaction provisions of Item 4(f), and thereby produce a single, comprehensive disclosure provision covering both conflict-of-interest transactions and business relationships which may affect independence. Such a provision presumably would not be limited to proxy statements providing disclosure in connection with voting decisions, but also would encompass registration statements providing disclosure in connection with investment decisions.[15] Such a uniform provision would probably simplify compliance and would be more consistent with the Commission's integrated disclosure system.

The Commission recognizes that no clear dividing line separates that information which is relevent to investment decisions from that which is important to voting decisions.[16] Certain provisions of the proxy rules, notably those relating to audit committees, have already been identified as potentially relevant to an enterprise generally, and consideration has been given to applying those disclosure provisions to registration statements relating to investment decisions as well as to proxy statements relating to voting decisions.[17] Other information about the composition, structure and functioning of a board of directors also could be relevant to an investment decision.[18]

The Commission is interested in exploring possible changes which would simplify and improve its disclosure provisions and therefore is soliciting written comments on whether the type of information required by Item 6(b) is relevent to investment, as well as voting, decisions, and whether a single, uniform Regulation S–K item on conflicts and business relationships should be developed as a component of the integrated disclosure system.

B. Thresholds for Disclosure

In the interim, the Commission is proposing several changes to Item 6(b)(3) to clarify some disclosure provisions and to reduce the costs of compliance. As discussed below, it is proposed to revise certain provisions of existing subparagraphs (b)(3)(iii)–(viii), and to add a new subparagraph (b)(3)(ix).

First, as recommended in the *Staff Report*,[19] the Commission proposes to raise to 5 percent from 1 percent the ownership threshold for disclosure of business relationships between the issuer and an entity in which a director has an equity interest. The Commission believes that a 5 percent ownership standard would lessen the compliance burden on registrants and would allow shareholders to focus more readily on disclosure of more significant relationships.[20]

Second, the Commission is proposing to add a provision to Item 6(b)(3)(viii) which would permit, consistent with previous staff interpretations,[21] the exclusion of amounts due for purchases subject to the usual trade terms in calculating their aggregate amount of indebtedness. Trade debt is more appropriately considered in connection with the calculation of amounts arising from customer and supplier relationships pursuant to Items 6(b)(3)(i)–(ii) and (iv)–(v). This proposed change would result in the consistent treatment of trade debt for purposes of Item 6(b)(3) and Item 4(e) of Regulation S–K.[22] Similarly, Item 6(b)(3)(iii) would be amended, consistent with previous staff interpretations,[23] to refer to the aggregate amount of indebtedness as of the fiscal year end of the issuer. Finally, Item 6(b)(3)(vii) would be amended to permit the exclusion of payments for property or services when the transaction involves the rendering of services as a common or contract carrier, in addition to the existing provision which permits such exclusion when services are performed as a public utility. This change would conform proposed Item 6(b)(3)(vii)(A) with Instruction 2(a)(of Item 4(f) of Regulation S–K.

Third, the Commission is proposing to add Item 6(b)(3)(vii)(C) which would, in computing the aggregate amount of payments for services or property, permit the exclusion of payments made to or received by a "5 percent subsidiary." A 5 percent subsidiary, in turn, is defined as a significant subsidiary under Rule 1–02(v) of Regulation S–X,[24] except that the applicable asset, sales and revenue and income thresholds are 5 percent rather than 10 percent. The 5 percent subsidiary concept reflects an effort, consistent with the recommendation made in the *Staff Report*,[25] to lessen the costs of compliance by permitting the

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[1] It should be noted that if the proposed revision of Regulation S–K and the Guides for the Preparation and Filing of Registration Statements and Reports is adopted as proposed, Item 4 and 6 of Regulation S–K will be renumbered as Items 21 and 31, respectively. *See* Securities Act Release No. 6276 (December 23, 1980) [46 FR 78].

[2] Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53425]. The comments received in response to this release are discussed in the *Staff Report on Corporate Accountability* at 73–92.

[3] Division of Corporation Finance, Securities and Exchange Commission, *Staff Report on Corporate Accountability*, 96th Cong., 2d Sess. (Comm. Print 1980) (Senate Comm. on Banking, Housing and Urban Affairs) [hereinafter *Staff Report*].

[4] Securities Exchange Act Release No. 15384 (December 6, 1978) [43 FR 58522].

[5] The Division of Corporation Finance previously has issued an interpretive release on this subject. *See* Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53428]. While the proposed amendments are under consideration, issuers should continue to rely on the interpretations in that release. If the proposed amendments are adopted, all interpretations contained in that release (to the extent they are not incorporated into Item 6(b)) will remain in force, except for Question 12 of that release regarding payments to law firms, which will be rescinded. *See* text accompanying notes 30–31 *infra*.

[6] *See* Securities Exchange Act Release No. 3347 (December 16, 1942) [7 FR 10653].

[7] Securities Act Release No. 5949 (July 28, 1978) [43 FR 34407].

[8] These include registration statements by issuers that are not subject to the Commission's proxy rules, including Item 6(b).

[9] *E.g.*, Instruction 2(c) states that no information need be furnished if the amount involved in the transaction does not exceed $50,000. *See also* note 11 *infra*.

[10] Instruction 10 to Item 4(f).

[11] Instruction 3 to Item 4(f) provides some guidance regarding which entity transactions result in an indirect material interest to a specified individual and therefore must be disclosed. For example, it specifies that a person will not be deemed to have an indirect material interest in a transaction if that interest arises solely from the person's position as a director or less than 10 percent equity holder of another non-partnership entity, or both.

[12] Other provisions of Item 6(b), such as paragraphs (4) and (5) regarding law firms and investment bankers, may also elicit information that is required to be disclosed under Item 4(f).

[13] This point can be illustrated through hypothetical examples. Assume that a director nominee ("D") of the issuer ("I") is also the president and a 50 percent shareholder of a corporation ("S") which sells products to I. In the latest fiscal year the dollar value of materials sold to I amounts to $500,000, or 10 percent of the consolidated gross revenues of S. In the Commission's opinion, the above relationship would result in an indirect material benefit to D and would be the type of business relationship which could affect D's independence. Accordingly, disclosure would be required pursuant to both Item 6(b)(3) and Item 4(f).

If, however, D in the above example was only a director of S, disclosure would be required pursuant to Item 6(b)(3), but could be omitted under Item 4(f) pursuant to Instruction 3(a). Under Commission rules, D's affiliation with S is not so close that D has a material, indirect interest resulting in a disclosure conflict of interest, yet the business relationship is of a sufficient magnitude that D's potential for rendering independence judgment could be affected.

[14] The proper location in proxy statements of information which is responsive to both Items is addressed under "C. Location of information" *infra*.

[15] Such a uniform provision, which could be developed either as a subparagraph of Item 4 or as a separate item of Regulations S–K, presumably also would encompass certain indebtedness transactions involving issuers and "associates" of a director which are currently disclosable under Item 4(e) of Regulation S–K. In this regard, *see* note 22 *infra*.

[16] Item 4(f) illustrates this point, as does Item 3 of Regulation S–K, which requires disclosure of a director's identity, family relationships, business experience, other directorships and involvement in certain legal proceedings. This Item 3 information is relevant to voting, as well as investment, decisions, and is required to be disclosed both in registration statements and, pursuant to Item 6(a) of Schedule 14A, in proxy statements.

[17] The Commission has solicited comments on whether the audit committee information required to be disclosed under the proxy rules should also be included in registration statements filed under the Securities Act of 1933. *See* Securities Act Release No. 6235 (September 2, 1980) [45 FR 63693].

[18] *See, e.g.*, Weiss and Schwartz, "Using Disclosure to Activate the Board of Directors," in *Corporations at the Crossroads: Governance and Reform* 131 (DeMott ed. 1980).

[19] *Staff Report* at 91.

[20] With respect to Item 4(f), *see also* note 11 *supra*.

[21] *See* Question 3 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53428].

[22] This change reflects the Commission's belief that a more uniform definition of the term "indebtedness" is desirable. *See Staff Report* at 92. The Commission recognizes that this amendment only partially alleviates the inconsistencies regarding indebtedness which exist between, for example, Item 6(b)(3) and Item 4 of Regulaiton S–K. The entities coverd by the indebtedness provisions of Item 6(b)(3) may differ from those entities which are covered by the use of the term "associate" in Item 4(e). This is another issue which could be resolved by the combination of Item 6(b) and Item 4 disclosure provisions. In this regard, *see generally* the discussion in Part I(A) of this release, "Relationship of Items 6(b) and 4(f)" *supra*.

[23] *See* Question 4 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53428].

[24] 17 CFR 210.1–02(v).

[25] *See Staff Report* at 80.

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omission of amounts arising out of transactions involving certain *de minimis* subsidiaries. In addition, this proposed exclusion would be available only if all 5 percent subsidiaries engaged in transactions, when considered in the aggregate as a single subsidiary, would not constitute a significant (i.e., over 10 percent) subsidiary under Rule 1-02(v) of Regulation S-X.[26] The aggregation provision [27] recognizes that information regarding transactions with a number of 5 percent subsidiaries may be of importance to shareholders when these subsidiaries in the aggregate represent a material part of the issuer's or other entity's business.

It also appears that the same need to reduce the cost of compliance without impairing the quality of disclosure to shareholders is present with respect to indebtedness transactions. Accordingly, the Commission is proposing to add, in Item 6(b)(3)(viii)(C), a similar 5 percent subsidiary exclusion with respect to calculation of the amount of indebtedness.[28]

Fourth, as recommended in the *Staff Report*,[29] the Commission is proposing to add a new Item 6(b)(3)(ix) which would raise to 5 percent from 1 percent the payment or indebtedness threshold when the only Item 6(b)(3) relationship between the issuer and other entity is the presence of a common nonemployee director. In addition, with respect to Item 6(b)(3)(iii) concerning indebtedness, the alternative $5,000,000 threshold would be eliminated in the common nonemployee director context. These changes again reflect an effort to reduce the costs of compliance consistent with the shareholder's need to receive important information regarding independence. While the Commission continues to believe that a common nonemployee director relationship may have a bearing on a director's ability to exercise independent judgment, the Commission does recognize that, in the context of this more limited affiliation, the magnitude of the business relationship may need to be greater than the present 1 percent standard (or, in the case of indebtedness, $5,000,000).

Finally, it is proposed to add provisions to Items 6(b)(4) and 6(b)(5), which govern disclosure of law firm and investment banker relationships, that would permit the omission of the specific dollar amount of payments made by the issuer to the law firm or investment banker when this amount does not exceed $50,000.[30] The staff, to date, has interpreted Item 6(b)(4) to require disclosure of such amounts when a director is a member or employee of, or is associated with, a law firm.[31] Upon reconsideration, the Commission believes that disclosure of the dollar amount of relatively insignificant payments not exceeding $50,000 is not necessary, provided of course that the law firm or investment banker relationship itself continues to be described. In this regard, issuers should be reminded that Item 6(b)(4) covers "of counsel," "counsel" and similar arrangements with a law firm.

C. Location of Information

As was noted in the *Staff Report*,[32] despite the fact that Item 6(b) specifically states that information disclosed thereunder should be presented "in tabular form to the extent practicable" and that previous staff interpretations have stated that information regarding relationships should be presented along with, or in close proximity to, other information about directors,[33] in many instances Item 6(b) information has been disclosed several pages away from the tabular Item 6(a) information about directors or otherwise has been obscured.[34]

The Commission believes that information bearing on a director's independence can be utilized most meaningfully when this information is presented in reasonable proximity to other background data on directors. Therefore, the Commission is proposing to amend the prefatory language of Item 6(b) to require that information disclosed thereunder be presented "in reasonable proximity" to the other tabular disclosures about directors. This amendment would confirm the staff position that Item 6(b) information should be disclosed with, or in close proximity to, the table containing other director information, and, at a minimum, should be disclosed in the same section of the proxy statement that contains such table.

It also should be noted that, when Item 6(b) information also is required to be disclosed pursuant to another provision, the required disclosure need be made only once but should in that instance be made in reasonable proximity to the tabular information about directors. As appropriate, cross-references to this disclosure may then be placed elsewhere in the proxy statement.[35]

II. Full Board Consideration of Shareholder Nominations and the Vote Required to Elect Directors

Two changes to the Commission's existing disclosure requirements are being proposed in an effort to enhance shareholder participation in the corporate electoral process. The first of these proposed amendments relates to whether an issuer's full board of directors considers shareholder nominations in the absence of a nominating committee.

At present, Item 6(d)(2) requires disclosure of whether a nominating or similar committee will consider shareholder nominations and, if so, the procedures to be followed by shareholders in submitting nominations. This Item does not, however, specifically require disclosure of whether the issuers's full board of directors, as opposed to a committee of the board, considers shareholder nominations. For those companies who have not established nominating committees, the lack of an explicit disclosure requirement concerning shareholder nominations has created an unintended gap in the information which should be furnished to shareholders. Moreover, there is some evidence that the present lack of a disclosure requirement may even inhibit the formation of nominating committees.[36] The Commission therefore believes that it is appropriate at this time to propose an amendment to Item 6(d)(2) which would explicitly require disclosure of whether, and the procedures to be followed if, shareholder nominations are considered by the issuer's full board of directors.

The second change being proposed by the Commission would require disclosure of the vote required for the election of directors. At present, Item 22 of Schedule 14A specifies that issuers generally must state the vote needed for approval of matters submitted to security holders but permits this disclosure to be omitted with respect to elections to office. As a matter of practice, however, many issuers voluntarily have been disclosing in proxy statements the vote required for election as a director. In view of the recent amendments to the format of the proxy card which enable shareholders to indicate a preference for individual director nominees,[37] the Commission believes it is appropriate to delete the exception in Item 22 for elections to office.[38]

III. Management Indebtedness and Remuneration

A. Disclosure of Nonperforming Loans

Item 4(e) of Regulation S-K requires certain specific disclosures concerning loans made by the issuer in excess of $25,000 or 1 percent of the issuer's total assets, whichever is less, to each director, nominee, officer or associate of such person. If the issuer is a bank, savings and loan association or broker-dealer extending credit under Federal Reserve Regulation T, however, Instruction 3 to Item 4(e) permits the issuer merely to state, if such is the case, that loans to such persons were made in the ordinary course of business on substantially the same terms as those for comparable transactions and did not involve more than the normal risk of collectibility.

The Commission believes that this Instruction permitting abbreviated disclosure by specified financial entities should not be applicable to loans which, although originally made in the ordinary course of business, enter default or evidence serious problems with respect to repayment. In the Commission's view, more complete disclosure about such loans is necessary for informed investment and voting decisions. The policy reasons underlying this abbreviated disclosure exception are no longer applicable when substantial problems arise concerning repayment of the loan. Accordingly, the Commission is proposing to amend Instruction 3 by adding a clause that would limit application of this exception to loans which are not nonperforming. The amended Instruction would define the term "nonperforming loan" in a manner consistent with recently amended Guide 61, "Statistical Disclosure by Bank Holding Companies," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933.[39] Thus, detailed disclosure would be required of loans otherwise subject to the exception in Instruction 3 which (i) are accounted for on a non-accrual basis, (ii) are contractually past due 90 days or more with respect to principal or interest, (iii) have been renegotiated to provide a reduction in principal or interest payments due to a deterioration in the financial condition of the borrower, or (iv) are now current but about which serious doubts exist regarding compliance with repayment terms. By adopting the same definition as in Guide 61, the compliance burden on those issuers already subject to Guide 61 should be minimized.

Beyond its concern regarding disclosure of nonperforming loans, the Commission questions generally whether the exception in Instruction 3 may be resulting in the omission of certain information which is significant in assessing possible conflicts of interest or a director's ability to render independent judgment. Specifically, the Commission notes that the financial schedules applicable to bank holding companies require disclosures regarding indebtedness in excess of $500,000 or 2½ percent of stockholder's equity, whichever is less, which results from loans made to a director, officer, principal holder of equity securities, or associate of such person, notwithstanding the fact that such loans were made in the ordinary course of business.[40] This information, however, ordinarily is not required to be included in proxy statements, reports or prospectuses transmitted to shareholders or prospective investors. Loans of this magnitude, even though made in the ordinary course of business, may reflect relationships which are sufficiently important to influence an investment decision or a shareholder's determination regarding a director's ability to act independently. Moreover, as one commentator stated in response to the then proposed amendments to Schedule I of Rule 9-05, providing information about relationships that are significant in assessing the possibility of conflicting loyalties or the ability to excerise independent judgment is the function of the proxy statement.[41]

In view of the above, the Commission is seeking comments on whether a provision similar to that contained in the financial schedules should be adopted as part of Item 4 of Regulation S-K or as part of the Commission's proxy rules. The Commission also solicits views on whether such a provision would be relevant both to voting and investment decisions, which persons and financial entities such a provision should cover, and whether disclosure of such loans should be made on an individual or aggregate (as a group) basis.

B. Clarification of Remuneration Disclosure Requirements

Items 9, 10 and 11 of Schedule 14A require certain disclosures in a proxy statement if action is to be taken on a bonus, profit sharing, pension, retirement, option or other remuneration plan or arrangement. Paragraphs (d) of Item 9, (d) of Item 10 and (c) of Item 11 call for both the remuneration information required by Item 4 of Regulation S-K and additional five-year remuneration information. Instruction 3(c) to Item 9 (which is incorporated by Instruction 3 to Item 10 and Instruction 3 to Item 11) gives more detailed guidance on the five-year information for option and other arrangements which are covered by Item 4(d) of Regulation S-K.

Item 4 of Regulation S-K, including paragraph (d), was recently amended.[42] In this release, the Commission is

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[26] For example, under proposed subparagraph (vii)(C), if a specified entity made payments for property or services to a subsidiary constituting 3 percent of the issuer's consolidated assets and to a subsidiary constituting 5 percent of the issuer's consolidated assets, the amount of these payments could be disregarded in determining whether disclosure need be made under Item 6(b)(3)(i). If, however, such entity made payments to a single subsidiary constituting 6 percent of the issuer's consolidated assets, the amount of these payments would be included in an Item 6(b)(3)(i) computation.

Similarly, if such entity made payments to three subsidiaries each of which constituted 4 percent of the issuer's consolidated assets, these payments would be considered under subparagraph (b)(3)(i), since in the aggregate (i.e. 12 percent) these three subsidiaries would be significant under Rule 1-02(v) of Regulation S-X.

[27] This provision is similar to that utilized to determine whether certan information about subsidiaries must be filed as an exhibit to the Annual Report on Form 10-K. *See* Item 7(b)(22) of Regulation S-K, 17 CFR 229.20(7)(b)(22).

[28] For example, if a single subsidiary constituting 5 percent of the issuer's assets was indebted to an entity, the amount of this indebtedness could be disregarded for purposes of subparagraph (b)(iii), while indebtedness to three such subsidiaries would have to be included in the subparagraph (b)(3)(iii) computation. *Cf.* note 26 *supra*.

[29] *See Staff Report* at 91.

[30] It should be noted that this dollar threshold is consistent with the *de minimis* threshold in Item 4(f) of Regulation S-K.

[31] *See* Question 12 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53428].

[32] *Staff Report* at 87-88.

[33] *See* Question 11 of Securities Exchange Act Release 16163 (September 6, 1979) [44 FR 53428].

[34] For example, staff review of proxy statements has discovered instances in which the tabular Item 6(a) information was placed in the beginning of a proxy statement, while Item 6(b) information was disclosed without cross-reference as many as 20 pages later in the proxy statement.

[35] *See* Question 13 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53426]. For example, when a business relationship disclosable under Item 6(b)(3) is also required to be disclosed under Item 4(f) of Regulation S-K, disclosure of the relationship should be made with the other Item 6(b) information and, if appropriate, a cross-reference to this disclosure placed in that part of the proxy statement containing other Item 4(f) information.

[36] *Staff Report* at 117.

[37] See Securities Exchange Act Release No. 16356 (November 21, 1979) [44 FR 66784].

[38] *See also* the recent release discussing proxy monitoring data, Securities Exchange Act Release No. 34-17518 (February 5, 1981).

[39] 17 CFR 231.4936. Guide 61 (as well as parallel Guide 3 under the Exchange Act) was amended in Securities Act Release No. 6221 (July 8, 1980) [45 FR 47138].

[40] *See* Schedule I of Rule 9-05 of Regulation S-X. 17 CFR 210.9-05. Certain installment indebtedness may be excluded, and, as a result of recent amendments, aggregate, as opposed to individual, disclosure may be made with respect to indebtedness incurred in the ordinary course of business by directors and their associates who are neither executive officers nor principal security holders. *See* Securities Act Release No. 6195 (March 6, 1980) [45 FR 15925].

[41] Letter from the Association of Bank Holding Companies dated November 21, 1978 (File No. S7-732). It should be noted that this letter did not endorse the specific Schedule I thresholds for proxy statement disclosure purposes.

[42] *See* Securities Act Release No. 6261 (November 4, 1980) [45 FR 76982].

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proposing a revision of Instruction 3(c) to Item 9 of Schedule 14A to conform it to the revised Item 4(d), and also a correction of a technical error in Item 4(d) itself.

Proposed Instruction 3(c) would cover both options and stock appreciation rights (and other tandem rights), as does revised Item 4(d). Proposed Instruction 3(c) also would clarify that, as in the past, grant and exercise information is required for the entire period consisting of the last five full fiscal years and any subsequent period through the most recent practicable date, and information on outstanding options and rights is required as of the most recent practicable date. In many situations, revised Item 4(d) no longer requires information for periods or as of dates after the end of the last full fiscal year, but such information will continue to be required under Items 9, 10 and 11 when a remuneration plan is to be acted upon by shareholders. Also, the language of the Instruction would be modified to clarify its meaning in the context of revised Item 4.

Item 4(d)(iv) contains two clauses—(C) and (E)—which each require disclosure of the same thing—the number of stock appreciation rights outstanding as of the most recent practicable date. These clauses are redundant. Clause (C) is proposed to be eliminated, and the remaining clauses (D), (E) and (F) redesignated (C), (D) and (E), respectively.

IV. Modifications Regarding Disclosure of Beneficial Ownership

In Securities Act Release No. 5808 (February 24, 1977) [42 FR 12342] the Commission adopted a definition of the term "beneficial owner" for purposes of Section 13(d) under the Exchange Act, which focuses primarily on possession of voting power or investment power over securities, including possession of a right to acquire certain securities within 60 days.[43] At the same time, the Commission determined to integrate information concerning beneficial ownership of the securities of publicly owned corporations into the Commission's continuous disclosure system. Accordingly, additional disclosure regarding beneficial owners, as defined by Rule 13d–3, or more than five percent of a class of securities and the beneficial ownership of management was required in proxy, information and other statements prepared pursuant to Schedules 14A, 14B (17 CFR 240.14a–102) and 14C (17 CFR 240.14c–101)[44] under the Exchange Act. These same proxy statement disclosure requirements subsequently were adopted as Item 6 (a) and (b) of Regulation S–K and were incorporated into various filings under the Exchange Act and the Securities Act of 1933.[45]

This multiple use of the Rule 13d–3 definition to satisfy the requirement of several sections of the federal securities laws was intended to avoid the necessity of adopting several definitions addressing essentially the same concept.[46] In addition, as with other Regulation S–K items, the Commission believed that these standardized provisions would reduce the registrant's costs of compliance with the disclosure requirements.

The Commission is aware that the Rule 13d–3 definition has produced somewhat complex and confusing disclosure in certain proxy statements. For example, application of the Rule 13d–3 definition can lead to the anomalous result of disclosing beneficial ownership of more than 100 percent of a class of securities in certain situations,[47] and to the need for lengthy footnotes to explain such disclosure.

The Commission also recognizes that certain of these disclosure difficulties could be minimized if an ownership test focusing exclusively on voting power were adopted. Indeed, the Commission previously has solicited comment on whether the disclosure required by Item 6 of Regulation S–K should be given solely with regard to voting power, particularly in the context of proxy statements.[48]

Although there has been some support from commentators for adoption of a voting power ownership standard in the proxy statement area, other commentators have urged a consistent standard. The Commission has determined that the unform application of the Rule 13d–3 beneficial ownership definition should be retained at this time. The costs involved in adopting multiple ownership standards would, for the integrated disclosure system as a whole, outweight any benefits inuring from specialized ownership tests applicable to proxy statements or other specific disclosure documents.

The Commission does wish, however, to take whatever steps it can, consistent with the Rule 13d–3 standard, to clarify beneficial ownership disclosure. Accordingly, the Commission is proposing two modifications to the Instructions to Item 6 of Regulation S–K. First, a sentence is proposed to be added to Instruction 5 that would specifically direct issuers not to count shares more than once when computing, pursuant to paragraph (b) of Item 6, the aggregate number of shares owned by directors and officers as a group.[49] The elimination of multiple counting of the same shares when arriving at this aggregate figure would prevent disclosures indicating ownership of more than 100 percent of a class of securities and should serve to clarify ownership disclosure in proxy statements. In fact, this practice of eliminating duplications in the aggregate figure currently is used by many issuers to make particularly complex ownership disclosure more understandable. The Commission believes that this practice is appropriate and therefore wishes explicitly to recognize its validity.

Second, the Commission proposes to add a sentence to Instruction 1 which would allow issuers to omit precise ownership percentages when the percentage for a particular individual, or for all officers and directors as a group, represents less than 1 percent of the subject class of securities. In lieu of a decimal percentage, the amended Instruction would require issuers to disclose by footnote or similar means the fact that the ownership figure is less than 1 percent. This appears to be a less costly means of achieving the desired disclosure and again reflects the

[43] These rules became effective after the publication of Securities Exchange Act Release No. 14692 (April 21, 1978) [43 FR 18484]. This definition is also applicable for filing under Section 13(g) of the Exchange Act.

[44] Schedule 14C incorporates the requirements of Item 5 of Schedule 14A which, in turn, incorporates Item 6 of Regulation S–K requirements.

[45] Securities Act Release No. 5949 (July 28, 1978) [43 FR 34402]. Item 4 of Form 10–K [17 CFR 249.310], Item 16 of Form S–11 [17 CFR 239.18], and Item 5 of Form 10 [17 CFR 249.210] also require the disclosure called for by Items 6 (a) and (b) of Regulation S–K.

[46] It should be noted that the new beneficial ownership rules under Section 13 of the Exchange Act did not affect interpretations of the provisions of Section 16 of the Exchange Act, or the rules and regulations thereunder.

[47] This may occur, for example, when investment power and voting power are separated with respect to a given security, or when such powers are shared. In these cases, more than one person may report ownership of the same security.

[48] Securities Act Release No. 6167 (December 12, 1979) [45 FR 2144]. This release requested public comment on a number of issues in connection with a report on beneficial ownership subsequently submitted to Congress pursuant to Section 13(h) of the Exchange Act. The possibility of revising the beneficial ownership standard also was noted in the recent release adopting the new Annual Report on Form 10–K, which included beneficial ownership disclosure as Item 4 in Part I of the new Form. *See* Securities Act Release No. 6231 (September 2, 1980) [45 FR 63630]. If the beneficial ownership standard is retained for proxy statement purposes, a technical amendment to Form 10–K will be necessary to move the beneficial ownership item to Part III of Form 10–K, the Part which can be completed by incorporation of a proxy or information statement.

[49] This modification would not affect the issuer's ability, pursuant to Instruction 3 to Item 6, to rely on beneficial ownership reports filed under Section 13 of the Exchange Act in determining security ownership for purposes of paragraph (a) of Item 6.

Commission's specific endorsement of a practice currently used by many issuers.[50]

V. Changes in Rule 14a–8 Governing Shareholder Proposals

In the *Staff Report*, the Division of Corporation Finance addressed a number of issues relating to the operation of the shareholder proposal rule, Rule 14a–8. In summarizing the comments of participants at the corporate governance proceedings,[51] the staff noted that most commentators believed that the shareholder proposal rule was generally working well.

However, a number of technical changes in the rule were suggested by the commentators and recommended by the staff. These changes include: (1) eliminating the requirement that a shareholder proponent's representative must also be a shareholder; (2) requiring disclosure of the proponent's name, address and shareholdings in the issuer's proxy materials; and (3) combining the word limit for the proposal and supporting statement. This release proposes adoption of these three changes.

A. Required Appearance at Meeting—Qualifications of Proponent's Proxy

Rule 14a–8(a)(2) now requires a shareholder proponent or another security holder of the issuer designated by the proponent to appear personally at the meeting to present the proposal. The Commission proposes to delete the requirement that the person selected by a proponent to represent him also be a shareholder. In a prior no-action letter, the staff has taken the position that the proponent may designate any person qualified under state law to present a proposal,[52] and the proposed change would make the language of the Rule consistent with the staff's interpretive position. While most commentators at the corporate governance proceeding focused on the requirement that the shareholder or his proxy be present at the meeting,[53] those who discussed the requirement that the shareholder's proxy also be a shareholder recommended the change which the Commission is proposing.[54]

The Commission believes that requiring a shareholder's proxy also to be a shareholder does little to assure that the person presenting the proposal will be well informed. Permitting the proponent to select any person qualified under state law will give him greater opportunity to secure an interested and informed replacement. The Commission also notes that under the proposed change the shareholder proponent still will be required to notify the issuer at the time he submits a proposal of his good faith intention to attend the meeting. Only if he subsequently discovers that he will be unable to attend will he be able to designate a qualified representative. The Commission believes that retention of this good faith notice and attendance requirement will continue to minimize the submission of frivolous proposals.

B. Disclosure of the Proponent's Identity, Address, and Shareholdings

Rule 14a–8(b) currently allows the issuer either to include the proponent's name and address in the proxy statement or omit them, provided it supplies that data to the Commission and to those shareholders who request it. The number of shares held by the proponent currently is not required to be disclosed. Under the proposed change, Rule 14a–8(a)(2) would be amended to require a proponent to notify the issuer of the number of shares of the voting security of the issuer which he holds,[55] and Rule 14a–8(b) would be amended to require issuers to include the proponent's name, address and shareholdings in the proxy statement.

The question of inclusion of a proponent's name and address has been the subject of discussion for a number of years. The choice provided by the current rule was adopted in an attempt to "discourage the use of the rule by persons who may be motivated by a desire for publicity."[56] However, it has been the Commission's experience that such proponents have not been dissuaded by omission of their identity from the proxy materials. Substantial support was expressed in the corporate governance proceeding for disclosure of the proponent's name and address.[57] It was suggested that enabling shareholders to contact the proponent for additional information or clarification would promote consideration of the proposal on an informed basis.

Disclosure of the number of shares held by a proponent previously has not been required. However, several commentators at the corporate governance proceeding suggested that this information would permit shareholders to appraise better the proponent's objectives and the votes already committed to the proposal.[58]

The proposed amendment to Rule 14a–8(a)(2) would require that the proponent notify the issuer of the number of shares he holds. The proposed amendment also would specifically require that this notice include the proponent's name and address (which generally is provided at present) since this information will be required to be disclosed in the proxy statement. In complying with amended Rule 14a–8(b), issuers will be entitled to rely on statements provided by proponents in their notice as to the proponent's name, address and shareholdings. However, under Rule 14a–8(a)(1), issuers will continue to be permitted to request documentary support for a proponent's claim that he is a beneficial owner of a voting security of the issuer. Finally, the statement as to the proponent's shareholdings need only reflect that information as of the latest practicable date, such as the date the proposal was submitted. Pursuant to Rule 14a–8(a)(1), a proponent must continuously be a holder of a voting security from the time of submission of a proposal through the meeting date. The Commission realizes that a proponent's shareholdings may fluctuate during this period, even though the proponent continues to meet the qualifications. By permitting a statement of holdings as of a date certain, the Commission seeks to relieve issuers of the burden of revising their proxy materials to reflect changes in the proponent's holdings.

C. Length of Shareholder Supporting Statements

The provisions of Rule 14a–8(a)(4) impose two separate word limitations

[50] The Commission wishes to emphasize that issuers may continue the existing informal practice regarding elimination of double counting and disclosure of percentages under 1 percent while these amendments are pending.

[51] File No. S7–693.

[52] *See* letter to Will Maslow, American Jewish Congress, December 21, 1976.

[53] *See Staff Report* at 164–167.

[54] *Id.* at 166, n. 99.

[55] Pursuant to Rule 14a–8(a)(1), a proponent is required to be a record or beneficial owner of a security entitled to be voted at the meeting on his proposal. The proponent's notice therefore would reflect record or beneficial ownership of the voting security.

[56] Securities Exhange Act Release No. 8000 (December 5, 1966) [31 FR 15750]; Securities Exchange Act Release No. 8206 (December 14, 1967) [32 FR 20960].

[57] *See Staff Report* at 167, note 105.

[58] *Id.* at 168, note 107. Some commentators suggested that a disproportionate number of proposals are offered by holders of a small number of shares; others asserted that a proponent's shareholdings may correlate with the shareholder vote on proposals. These commentators suggested that proposals offered by those holding only a few shares receive a small vote in their favor, while proposals presented by holders of a greater number of shares elicit greater support. Thus, some commentators suggested that the Commission should impose a "minimum shareholdings" requirement as part of the shareholder proposal rule. The *Staff Report*, however, indicates that the staff has not found support for the thesis that such relationships based on shareholdings exist. *Id.* at 180–81.

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on a shareholder proponent's materials: a 300 word limit on the proposal itself and a 200 word limit on any supporting statement. In addition, a proponent is only entitled to submit a supporting statement if the issuer opposes the shareholder proposal.[60]

Commentators at the corporate governance hearings generally favored either eliminating the word limitation entirely, increasing the limit, or placing a similar limitation on management's opposing statement.[60] Two commentators recommended placing an overall combined word limit on the proposal and supporting statement and permitting the shareholders to allot the words between them.[61] The Commission believes that the suggestion of the commentators to establish a combined word limit is a positive one. Such a change will afford proponents more flexibility in allocating discussion between the proposal and the supporting statement, and, because the proposed combined word limit is no greater than the total of the two current individual limits, the proposed change should not increase the burden on issuers.

To accomplish the recommended change, it is proposed to revise Rule 14a–8(a)(4) to delete the two separate requirements regarding word length of the proposal and the supporting statement, and to add in their place a combined 500 word limitation.

Proposed paragraph (a)(4) would continue to contain the limitation of existing paragraph (a)(4) that a proponent may submit only two proposals and would retain without substantive change the existing provision allowing a proponent who initially exceeds the limitations in paragraph (a)(4) 10 business days after being informed of those limits to comply.

Proposed Rule 14a–8(b) would be revised to reflect the proposed changes to Rule 14a–8(a)(4) and would also be revised to delete the language providing that only those proponents whose proposals have been opposed by the issuer may submit a supporting statement. The proponent's right to submit a supporting statement with each proposal would be stated in revised Rule 14a–8(a)(4).

[60] Rule 14a–8(b). The staff has observed that a majority of proposals are opposed by management and thus a supporting statement is included.

[60] *See Staff Report* at 169–170, notes 112–114. Rule 14a–8 imposes no word limit on any statement by management in opposition to a shareholder proposal.

[61] Heard, Transcript at 643; Neuhauser, Transcript at 335 (File No. S7–693).

Text of Proposed Amendments

(Attention—The text of the following proposed amendments uses ► ◄ arrows to indicate additions and [/] brackets to indicate deletions.)

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

1. Section 229.20 is proposed to be amended by revising paragraphs (d) and (e) of Item 4 and the Instructions to Item 6 as follows:

§ 229.20 Information required in document.

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Item 4. Management remuneration.

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Item 4(d). Options, warrants, or rights.

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(iv) As to stock appreciation rights not in tandem with options, state (A) the number of rights granted during the specified period; (B) the average per share base price thereof; (C) [the number of rights outstanding at the end of specified period; (D)] the net value of the shares (market value) or cash realized during the specified period-upon exercise or realization of any such rights, granted during the specified period or prior thereto; [(E)] ►(D)◄ the number of rights outstanding as of the end of the specified period; and [(F)] ►(E)◄ the potential (unrealized) value of all such rights outstanding as of the end of the specified period (market value less any base price).

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Item 4(e) Indebtedness of management.

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Instruction 3 to Item 4(e). Notwithstanding Instruction 2 to Item 4(e), if the registrant or any of its subsidiaries is engaged primarily in the business of making loans and loans to any of the specified persons in excess of $25,000 or one percent of its total assets, whichever is less, were outstanding at any time during the period specified, such loans shall be disclosed. However, if the lender is a bank, savings and loan association, or a broker-dealer extending credit under Federal Reserve Regulation T [12 CFR Part 220], such disclosure ►, provided that the loans are not nonperforming,◄ may consist of a statement, if such is the case, that the loans to such persons (a) were made in the ordinary course of business, (b) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (c) did not involve more than normal risk of collectibility or present other unfavorable features. ►For purposes of this Instruction, "nonperforming" loans are loans which, at any time during the period specified, fall within any of the following categories: (i) loans accounted for on a non-accrual basis; (ii) loans contractually past due 90 days or more as to interest or principal payments; (iii) loans, the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower, or (iv) loans now current where there are serious doubts as to the ability of the borrower to comply with present loan repayment terms. A renewal on current market terms at maturity will not be considered a renegotiation within the meaning of clause (iii) above.◄

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Item 6. Security ownership of certain beneficial owners and management.

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Instructions. 1. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the registrant or its subsidiaries, plus securities deemed outstanding pursuant to Rule 13d–3(d)(1) under the Exchange Act. ►For purposes of paragraph (b), if the percentage of shares beneficially owned by any director or nominee, or by all directors and officers of the registrant as a group, does not exceed 1 percent of the class so owned, the registrant may, in lieu of furnishing a precise percentage, indicate this fact by means of an asterisk and explanatory footnote or other similar means.◄

* * * * *

5. Where more than one beneficial owner is known to be listed for the same securities, appropriate disclosure should be made to avoid confusion. ►For purposes of paragraph (b), in computing the aggregate number of shares owned by directors and officers of the registrant as a group, the same shares should not be counted more than once.◄

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PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

2. Section 240.14a–8 is proposed to be amended by revising paragraphs (a)(2), (a)(4) and (b) as follows:

§ 240.14a–8 Proposals of security holders.

(a) * * *

(2) *Notice.* The proponent shall notify the issuer in writing of his intention to appear personally at the meeting to present his proposal for action. ►Such notice shall include the proponent's name, address and the number of shares of the voting security of the issuer which he owns.◄ The proponent shall furnish the requisite notice at the time he submits the proposal, except that if he was unaware of the notice requirement at that time he shall comply with it within 10 business days after being informed of it by the management. If the proponent, after furnishing in good faith the notice required by this provision, subsequently determines that he will be unable to appear personally at the meeting, he shall arrange to have [another security holder of the issuer] ►an individual designated as his proxy who is qualified under state law◄ present his proposal on his behalf at the meeting. In the event the proponent or his proxy fails, without good cause, to present the proposal for action at the meeting, the issuer shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

* * * * *

[(4) *Number and Length of Proposals.* The proponent may submit a maximum of two proposals of not more than 300 words each for inclusion in the issuer's proxy materials for a meeting of security holders. If the proponent fails to comply with either of these requirements, or if he fails to comply with the 200-word limit on supporting statements mentioned in paragraph (b), he shall be provided the opportunity by the issuer to reduce, within 10 business days, the items submitted by him to the limits required by this rule.]

[(b) If the issuer opposes any proposal received from a proponent, it shall also, at the request of the proponent, include in its proxy statement a statement of the proponent of not more than 200 words in support of the proposal, which statement shall not include the name and address of the proponent. The statement and request of the proponent shall be furnished to the issuer at the time that the proposal is furnished, and the issuer shall not be responsible for such statement. The proxy statement shall also include either the name and address of the proponent or a statement that such information will be furnished by the issuer or by the Commission to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the same and address of the proponent are omitted from the proxy statement, they shall be furnished to the Commission at the time of filing the issuer's preliminary proxy material pursuant to Rule 14a–6(a) [17 CFR 240.14a–6(a)].]

►(b) A proposal and its supporting statement, in the aggregate, shall not exceed 500 words. The supporting statement shall be furnished to the issuer at the time that the proposal is furnished, and the issuer shall not be responsible for such statement. The proxy statement also shall include the name and address of the proponent and the number of shares of the voting security of the issuer held by the proponent.◄

* * * * *

3. Section 240.14a–101 is proposed to be amended by revising Items 6, 9 and 22 to read as follows:

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

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Item 6. Directors and executive officers.

* * * * *

(b) With respect to issuers other than investment companies registered under the Investment Company Act of 1940, describe ►, in reasonable proximity to the information required by paragraph (a), ◄ any of the following relationships which exist:

* * * * *

(3) If the nominee or director is, or has within the last two full fiscal years been, an officer, director or employee of, or owns, or has within the last two full fiscal years owned, directly or indirectly, in excess of [1] ► 5 ◄ percent equity interest in any firm, corporation or other business or professional entity:

(i) Which has made payments to the issuer or its subsidiaries for property or services during the issuer's last full fiscal year in excess of 1 percent of the issuer's consolidated gross revenues for its last full fiscal year;

(ii) Which proposes to make payments to the issuer or its subsidiaries for property or services during the current fiscal year in excess of 1 percent of the issuer's consolidated gross revenues for its last full fiscal year;

(iii) To which the issuer or its subsidiaries was indebted at [any time during] the issuer's last fiscal year ► end ◄ in an aggregate amount in excess of 1 percent of the issuer's total consolidated assets at the end of such fiscal year, or $5,000,000, whichever is less;

(iv) To which the issuer or its subsidiaries has made payments for property or services during such entity's last fiscal year in excess of 1 percent of such entity's consolidated gross revenues for its last full fiscal year;

(v) To which the issuer or its subsidiaries proposes to make payments for property or services during such entity's current fiscal year in excess of 1 percent of such entity's consolidated gross revenues for its last full fiscal year;

(vi) In order to determine whether payments made or proposed to be made exceed 1 percent of the consolidated gross revenues of any entity other than the issuer for such entity's last full fiscal year, it is appropriate to rely on information provided by the nominee or director;

(vii) In calculating payments for property and services the following may be excluded:

(A) Payments where the rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a [public utility] ►common or contract carrier, or public utility,◄ at rates or charges fixed in conformity with law or governmental authority;

(B) Payments which arise solely from the ownership of securities of the issuer and no extra or special benefit not shared on a pro rata basis by all holders of the class of securities is received;

►(C) Payments made to or received from a 5 percent subsidiary (that term being defined as if the asset, sales and revenue, and income thresholds specified in Rule 1–02(v) (17 CFR 210.1–02(v)) of Regulation S–X referred to 5 percent instead of 10 percent), provided that all such 5 percent subsidiaries making or receiving payments, when considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary as defined in Rule 1–02(v) of Regulation S–X;◄

(viii) In calculating indebtedness for purposes of subparagraph (iii) above, [debt securities which have been publicly offered, admitted to trading on a national securities exchange, or quoted on the automated quotation system of a registered securities association may be excluded.] ►the following may be excluded:

(A) Debt securities which have been publicly offered, admitted to trading on a national securities exchange, or quoted on the automated quotation system of a registered securities association;

(B) Amounts due for purchases subject to the usual trade terms;

(C) Indebtedness incurred by a 5 percent subsidiary (as defined in subparagraph (vii)(C)), provided that all such 5 percent subsidiaries which have incurred indebtedness, when considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary as defined in Rule 1–02(v) of Regulation S–X;

(ix) When the only otherwise disclosable relationship under this subparagraph between the issuer and a corporation or business entity arises from the presence of a common nonemployee director, such relationship need not be disclosed unless:

(A) For purposes of (i)–(ii) and (iv)–(v) the payments for property and services exceed 5 percent of the issuer's or such entity's consolidated gross revenues, respectively;

(B) For purposes of (iii) indebtedness exceeds 5 percent of the issuer's total consolidated assets;◄

(4) That the nominee or director is a member or employee of, or is associated with, a law firm which the issuer has retained in the last two full fiscal years or proposes to retain in the current fiscal year ►, provided, however, that the dollar amount of fees paid to a law firm by the issuer need not be disclosed if such amount does not exceed $50,000◄;

(5) That the nominee or director is a director, partner, officer or employee of any investment banking firm which has performed services for the issuer other than as a participating underwriter in a syndicate in the last two full fiscal years or which the issuer proposes to have perform services in the current year ►, provided, however, that the dollar amount of fees paid to an investment banking firm by the issuer need not be disclosed if such amount does not exceed $50,000◄; or

* * * * *

(d) * * *

(2) [If the issuer has a nominating or similar committee, state whether the committee] ►State whether the issuer's nominating or similar committee, or, in the absence of such a committee, the issuer's full board of directors,◄ will consider nominees recommended by shareholders and, if so, describe the procedures to be followed by

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shareholders in submitting such recommendations.

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Item 9. Bonus, profit sharing and other remuneration plans.

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Instructions.

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3. * * *

[(c) If action is to be taken with respect to any plan in which directors or officers may participate, the information called for by Item 4(d)(1) and (2) of Regulation S–K (17 CFR 229.20) shall be furnished for the last five fiscal years of the issuer and any period subsequent to the end of the latest such fiscal year, in aggregate amounts for the entire period for each such person and group. If any named person, or any other director or officer, purchased securities through the exercise of options during such period, state the aggregate amount of securities of that class sold during the period by such named person and by such named person and such other directors and officers as a group. The information called for by this Instruction 3(c) is in lieu of the information since the beginning of the issuer's last fiscal year called for by Item 4(d)(1) and (2) of Regulation S–K (17 CFR 229.20). If employees may participate in the plan to be acted upon, state the aggregate amount of securities called for by all options granted to employees during the five-year period, and, if the options were other than "restricted" or "qualified" stock options or options granted pursuant to an "employee stock purchase plan," as the quoted terms are defined in sections 422 through 424 of the Internal Revenue Code, state that fact and the weighted average option price per share. The information called for by this instruction may be furnished in the form of the table illustrated in Appendix A (§ 240.14a–103). See Instruction 1 to Item 4(d) of Regulation S–K (17 CFR 229.20).]

►(c) If action is to be taken with respect to any plan in which directors or officers may participate, the information specified in Item 4(d)(i), (ii) and (iv)(A), (B) and (C) of Regulation S–K (17 CFR 229.20) shall be furnished for the period from the beginning of the registrant's fifth previous full fiscal year through the most recent practicable date, rather than for the registrant's last fiscal year; and the information called for by Item 4(d)(iii) and (iv) (D) and (E) shall be furnished as of the most recent practicable date. If any person named or included in the group of officers and directors in answer to Item 4(a) of Regulation S–K (17 CFR 229.20) purchased or received securities of any class during that period through the exercise of options or stock appreciation rights (or other rights in tandem therewith), state the aggregate amount of securities of that class sold during the period by any such named person and by such group. If other employees may participate in the plan being acted upon, state with respect to such other employees: (1) the title and aggregate amount of securities subject to options, with or without tandem stock appreciation rights, granted from the beginning of the registrant's fifth previous full fiscal year through the most recent practicable date; (2) the weighted average option price per share for such options; (3) the number of shares with respect to which stock appreciation rights were granted, not in tandem with options, during that period; and (4) the weighted average base share price for such rights. (Other tandem rights granted to an employee shall be disclosed in connection with the related prices or appreciation rights.) The information called for by this instruction may be furnished in the form of the table illustrated in Appendix A (17 CFR 240.14a–103). See generally the instructions to Item 4(d) of Regulation S–K (17 CFR 229.20).]

* * * * *

Item 22. Vote required for approval.

As to each matter which is to be submitted to a vote of security holders, other than [elections to office or] the selection or approval of auditors, state the vote required for its approval.

* * * * *

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14 15(d), 23(a) 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574, secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), "1, 2, 3–5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78*l*, 78m, 78n, 78o(d), 78w(a))

Authority

These amendments are being proposed pursuant to the authority in Sections 6, 7, 8, and 19(a) of the Securities Act of 1933 and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 5, 1981.

Regulatory Flexibility Act Certification

I, Harold M. Williams, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments published in Release No. 34–17517 (February 5, 1981), "PROPOSED AMENDMENTS TO PROXY RULES AND PROVISIONS RELATING TO SHAREHOLDER COMMUNICATIONS GENERALLY", will not, if promulgated, have a significant economic impact on a substantial number of small entities. The reasons for such certification are that the proposed amendments will apply only to those entities (including small entities) that already are subject to the Commission's rules and regulations, and that these proposed amendments are expected to result in a minor net reduction in costs to all registrants. It is anticipated that the effects of the proposed amendments will not be significant for any class of registrants. Thus, the proposed amendments will not have a significant economic impact on any small entities.

Dated: February 5, 1981.

Harold M. Williams,

Chairman.

[FR Doc. 81–4690 Filed 2–11–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Hazards Identification

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Withdrawal of Proposed Rules.

SUMMARY: On January 16, 1981, (46 FR 4412–4453), the Assistant Secretary for Occupational Safety and Health issued a proposed standard that would require employers to identify the hazardous chemicals in their workplaces through specific hazard identification and evaluation procedures, labeling requirements, and record preservation. The proposed rule is withdrawn. This will permit the Department to consider regulatory alternatives that had not been fully considered and then, if appropriate, repropose the regulation. This process will eliminate the need for the public to comment on a proposal that the Department may change significantly.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone: (202) 523–8151.

Signed at Washington, D.C. this 29th day of January 1981.

David C. Zeigler,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81–4944 Filed 2–10–81; 4:00 pm]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–9–FRL 1750–3]

State Implementation Plan Revision for Lead in Clark County, Nevada

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: EPA promulgated the National Ambient Air Quality Standards (NAAQS) for lead on October 5, 1978 (43 FR 46246). A revision to the Nevada State Implementation Plan (SIP) was submitted to EPA by the Governor of Nevada on June 24, 1980, and is intended to provide for the attainment and maintenance of the lead NAAQS in Clark County. This notice proposed to approve Clark County's revision to the Nevada SIP for lead.

EPA invites interested persons to comment on the revision, especially concerning the consistency of the revision with respect to the requirements of the Clean Air Act.

DATES: Comments may be submitted up to April 13, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Environmental Protection Agency, Region IX, Attn.: Air and Hazardous Materials Division, Planning Branch, SIP Section (A–2–4), 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed plan are available for public inspection during the normal business hours at the EPA, Region IX Office at the above address, and at the following locations:

Nevada Department of Conservation and Natural Resources, 201 South Fall Street, Carson City, NV 89710
Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106
Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT:

Ronald Leach, State Implementation Plan Section (A–2–4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 556–9728.

SUPPLEMENTARY INFORMATION:

Background

Lead is emitted to the atmosphere by vehicles burning leaded fuel and by certain stationary sources. It enters the human body through ingestion and inhalation with consequent absorption into the blood stream and distribution to all body tissues. Clinical, epidemological, and toxicological studies have demonstrated that exposure to lead adversely effects human health.

EPA's initial approach to controlling lead in the air was to limit the lead emissions from automobiles, the principal source of lead air emissions. Regulations for the phase-down of lead in the total gasoline pool were promulgated in 1973 and following litigation modified and put into effect in 1976.

In 1975, the Natural Resources Defense Council (NRDC) brought suit against EPA to list lead under Section 108 of the Clean Air Act. Listing a pollutant under Section 108 mandates the development of air quality criteria, and establishment of a national ambient air quality standard under Section 109. EPA listed lead on March 31, 1976, and proceeded to develop air quality criteria and the proposed standard.

On October 5, 1978 EPA promulgated primary and secondary National Ambient Air Quality Standards for lead (43 FR 46246). The Standard was set at a level of 1.5 micrograms of lead per cubic meter of air (ug Pb/m^3), averaged over a calendar quarter. Section 110 of the Clean Air Act, amended in August 1977, requires States to adopt and submit to the EPA Administrator, within nine months after promulgation of a National Ambient Air Quality Standard, a plan for attainment and maintenance of the Standard in their area. EPA has set forth the requirements of an approvable lead SIP in 40 CFR Part 51 (43 FR 46264). These provisions require the submission of air quality data, emissions data, a control strategy, air quality modeling, and a demonstration that the Standard will be attained within the time frame specified by the Clean Air Act.

Description of Proposed SIP Revision

On June 24, 1980, the Governor of Nevada submitted Clark County's revision to the State Implementation Plan for lead. Although the County has developed a separate lead plan, the State maintains jurisdiction over certain types of sources, including power plants and all mobile sources. There are no other significant stationary sources of lead located in the County.

The lead air quality data is taken from a single total suspended particulates (TSP) monitoring station located in downtown Las Vegas. The County intends to commence analyzing TSP filters for lead at two or three sites early in 1981. These sites will be located according to EPA approved methods and procedures.

The air quality data indicates that violations of the Standard have occurred since January, 1974. The County relies upon Federal regulations which mandate the reduction of lead in gasoline and improved fleet fuel economy to achieve and maintain the lead NAAQS. The SIP revision employs a modified rollback analysis, which uses the highest lead concentration (quarterly mean) with the total emissions from the grid in which the air quality monitor is located to show attainment of the Standard by 1982. The gridded network is taken from the Clark County Transportation Study, which supplied traffic data for each grid.

In addition, revisions to Clark County's "Air Pollution Control Regulations" were submitted to EPA as SIP revisions on July 24 and September 18, 1979. Section 15, *Source Registration* and Section 1, *Definitions*, provide a preconstruction review program for new sources, including stationary sources of lead (regardless of size). The review program ensures that no project will be approved if it will result in violations of the lead standard.

Proposed Actions

EPA evaluated Clark County's plan by comparing it with the requirements for an approvable lead SIP, as set forth in 40 CFR Part 51, and with the EPA guideline document, "Supplementary Guidelines for Lead Implementation Plans." As a result of the evaluation, EPA is proposing to approve Clark County's revision to the Nevada SIP for lead.

Section 15 and Section 1, along with other rule revisions, were evaluated and proposed for approval in the **Federal Register** on September 9, 1980 (45 FR 59334). EPA has also reviewed those rules with respect to the requirements for a lead SIP and determined that they satisfy the requirements of 40 CFR 51.18—Review of New Sources and Modifications. 40 CFR 51.18 requires that a lead SIP revision include a permitting program for new stationary sources of lead. The September 9, 1980 notice should be referenced for further details on the rules.

Public Comments

The County, prior to adopting its lead plan, held a public hearing after first providing 30 days notice. This satisfies the public hearing requirements of 40 CFR 51.4. Clark County derives its authority to implement the plan from Section 445.546 of the Nevada Revised Statutes.

Under Section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator is required to approve or disapprove material submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the ADDRESSES Section of this notice. The Administrator's decision to approve or disapprove the proposed revisions will be based upon the comments received

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and on a determination of whether the requirements of Section 110(a)(2) of the Clean Air Act of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans have been met.

Note.—EPA has determined that this plan is "specialized" and therefore not subject to the procedural requirements of Executive Order 12044.

Pursuant to the provisions of 5 U.S.C 605(b) I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirement. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

(Sec. 110, 301(a) Clean Air Act as amended (42 U.S.C. 7410 and 7610(a)))

Dated: January 30, 1981.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 81-4983 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 58

[A-2-FRL 1751-7]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of New York, the State of New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 10, 1979 the Environmental Protection Agency (EPA) promulgated Ambient Air Quality Monitoring, Data Reporting and Surveillance Provisions (44 FR 27558). This action revoked the requirements for air quality monitoring in Part 51 of Title 40 of the Code of Federal Regulations and established a new Part 58 entitled "Ambient Air Quality Surveillance." In order to meet the requirements of this new Part 58, State Implementation Plan revisions were submitted to the EPA by: The New York State Department of Environmental Conservation; the New Jersey Department of Environmental Protection; the Puerto Rico Environmental Quality Board; and the Virgin Islands Department of Conservation and Cultural Affairs. This notice discusses EPA's proposed approval of these submissions.

DATES: Comments must be submitted by March 16, 1981.

ADDRESSES: All comments should be addressed to: Charles S. Warren, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278. Copies of the proposal are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233

New Jersey State Department of Environmental Protection, Division of Environmental Quality, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625

Environmental Quality Board, 204 Del Parque Street, Santurce, Puerto Rico 00910

Virgin Islands Department of Conservation and Cultural Affairs, Division of Environmental Health, Charlotte Amalie, St. Thomas, Virgin Islands 00801

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, requires the Environmental Protection Agency (EPA) to establish ambient air quality monitoring criteria to be followed uniformly by the states. Pursuant to this requirement, the EPA, on May 10, 1979 (44 FR 27558), promulgated "Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions." These regulations revoked Part 51 of Title 40 of the Code of Federal Regulations (40 CFR) and established a new Part 58 entitled "Ambient Air Quality Surveillance."

40 CFR 58.20 requires that each state adopt and submit to the Administrator of EPA a revision to its State Implementation Plan (SIP) which will:

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been promulgated pursuant to Section 108 of the Clean Air Act.

(b) Provide for meeting the requirements of Appendix A, C, D and E to Part 58. (Appendix A concerns quality assurance requirements for SLAMS, Appendix C deals with ambient air quality monitoring methodologies, Appendix D provides network design criteria and Appendix E gives probe siting criteria).

(c) Provide for the operation of at least one SLAMS per pollutant during any stage of an air pollution episode.

(d) Provide for the review of the air quality surveillance system on an annual basis to determine if the system meets the monitoring objectives defined in Appendix D to Part 58. Such review must identify needed modifications to the network, such as the termination or relocation of unnecessary stations or the establishment of new stations.

(e) Provide for having a SLAMS network description available for public inspection and submission to the Administrator upon request. The network description must be available at the time of plan revision submittal and must contain the following information for each SLAMS:

(1) The Storage and Retrieval of Aerometric Data (SAROAD) site identification form for existing stations.

(2) The proposed location for scheduled stations.

(3) The sampling and analysis method.

(4) The operating schedule.

(5) The monitoring objective and spatial scale of representativeness as defined in Appendix D to Part 58.

(6) A schedule for:

(i) Locating, placing into operation, and making available the SAROAD site identification form for each SLAMS which is not located and operating at the time of plan revision submittal;

(ii) Implementing quality assurance procedures of Appendix A to Part 58 for each SLAMS for which such procedures are not implemented at the time of plan revision; and

(iii) Resiting each SLAMS which does not meet the requirements of Appendix E to Part 58 at the time of plan revision submittal.

Region II Air Quality Monitoring Networks

By August 1980, all states administered by Region II (New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands) had submitted revisions to their respective SIPs to provide for a comprehensive air quality monitoring plan designed to meet the ambient air quality monitoring and data reporting requirements of 40 CFR Part 58.

Submittals from New York, New Jersey and Puerto Rico include a description of the proposed network, which will cover the criteria pollutants: Total suspended particulates, sulfur dioxide, nitrogen oxide, carbon monoxide and ozone. The Virgin Islands submittal includes a network description only for total suspended particulates and sulfur dioxide, which are the only two pollutants which require monitoring.

All proposed systems will be derived from the existing state networks, with adjustments and additions where necessary, and specific SLAMS sites will be designated as Episode Monitoring Sites (EMS).

All SLAMS in the Region II monitoring system will be operated in accordance with the criteria given in Subpart B of 40 CFR Part 58. Each SLAMS monitor will meet the siting criteria given in 40 CFR Part 58, Appendix E. Monitoring methods used in the SLAMS networks will be reference or equivalent methods, as defined in 40 CFR Part 58, Appendix C. The quality assurance procedures of Appendix A to 40 CFR Part 58 will be followed when operating SLAMS and processing air quality data. The air monitoring system will be reviewed, modified as needed, and reported to EPA by July 1 of each year to correct inadequacies indicated by the annual review. All changes to the network will be discussed with EPA prior to submittal for approval. The current network description will be available for public inspection at the addresses listed at the beginning of this notice.

EPA has reviewed the four SIP revisions submitted and has determined that they meet the requirements of Section 110 and 319 of the Clean Air Act, as amended, and EPA regulations at 40 CFR Part 58. EPA is, therefore, proposing to approve the revised monitoring plans for New York, New Jersey, Puerto Rico and the Virgin Islands.

Interested persons are invited to comment on any element of the subject SIP revisions and on whether or not the proposed revisions meet Clean Air Act and other requirements. Comments received by March 16, 1981 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this package and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revisions should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(K) and 319 of the Clean Air Act and EPA regulations in 40 CFR Part 58.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The action relates only to air quality surveillance to be carried out by the States of New York and New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands and will not cause any significant economic impacts.

(Secs. 110, 319, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: January 30, 1981.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-4984 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 60

[AD-FRL-1752-6]

Standards of Performance for New Statutory Sources; Metal Coil Surface Coating; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action provides for a 30-day extension of the comment period for the proposed standards of performance for metal coil surface coating. These standards were proposed in the Federal Register on January 5, 1981 (46 FR 1102). This action responds to a request from the National Coil Coaters Association for an extension of the comment period. This extension will allow additional time for the industry to futher evaluate the proposed standards and submit additional information and data.

DATES: Comments must be postmarked no later than April 6, 1981. Also, written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing on February 4, 1981, must be postmarked no later than April 6, 1981.

ADDRESS: Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-5, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5421.

Dated: February 5, 1981.

Paul Stolpman,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-4982 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 81

[A-4-FRL 1752-2]

Designation of Areas for Air Quality Planning Purposes; Kentucky: Proposed Redesignation of Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: It is proposed to change the Section 107 attainment status designation of the cities of Henderson and Owensboro, Kentucky from nonattainment for sulfur dioxide to attainment; this change was requested by the Commonwealth which submitted air quality data showing attainment in Henderson from calendar years 1977 through 1978 and in Owensboro from 1975 through 1979. It is also proposed to change the designation of Henderson County, Kentucky from nonattainment for ozone to attainment; this change was requested by the Commonwealth on the basis of three years of data showing attainment of the revised standards (0.12 part per million) for this pollutant. The public is invited to participate in this rulemaking by submitting written comments on the proposed redesignations.

DATES: To be considered, written comments must be received on or before March 16, 1981.

ADDRESSES: Comments should be directed to Mr. Barry Gilbert of the EPA Region IV Air Programs Branch, 345 Courtland Street, NE., Altanta, Georgia 30365. Copies of the materials submitted by Kentucky in support of the redesignation requests may be

examined at the following locations during normal business hours:

Library, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, West Frankfort Office Complex, U.S. 127 South, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Barry Gilbert of EPA Region IV's Air Programs Branch in Atlanta (see "Addresses" above). Telephone 404–881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 8997), the Administrator, pursuant to Section 107 of the Clean Air Act as amended in 1977 and on the basis of information supplied by the Commonwealth of Kentucky, designated the City of Henderson and the City of Owensboro nonattainment for sulfur dioxide and Henderson County nonattainment for ozone.

On August 8, 1979 and May 5, 1980, the Kentucky Department for Natural Resources and Environmental Protection submitted air quality data showing that the national ambient air quality standards for sulfur dioxide had not been violated in Henderson in 1977 and 1978 nor in Owensboro from 1975 through 1979 and requested that these areas be redesignated to attainment. EPA has reviewed this data for representativeness, quality, quantity, etc., and found it to be acceptable.

In the letters, the Department certified that the Henderson Municipal Power and Light electric generating plant and the Owensboro Municipal Utilities' Elmer Smith Station are now in compliance with the SO_2 emission limiting regulations of the State Implementation Plan. The nonattainment designations of the cities were based on predicted modeling violations when the sources were in noncompliance with the allowable emission limits in the Kentucky State Implementation Plan. Therefore, EPA proposes to change the designations to attainment, since the sources are now in compliance.

On October 31, 1979 and July 7, 1980, the Department submitted a summary of ozone data gathered in the Henderson County nonattainment area during the period October 1977–September 1979, and requested the area be redesignated attainment. Additional data for 1980 was supplied on July 15, 1980. EPA has reviewed this data for representativeness, quality, quantity, etc., and found it to be acceptable. There were only three measurements exceeding the 0.12 part per million national ambient ozone standards during the period of July 1, 1977 to June 30, 1980. The requested redesignated is in conformance with the "Guidelines for the Interpretation of Ozone Air Quality Standards" (EPA 450/4–79–003) and the provisions of Appendix H of 40 CFR Part 50 which allows three exceedances in three years.

Accordingly, it is proposed to redesignate these areas to attainment. The public is invited to participate in this rulemaking by submitting written comments on the proposed redesignations. After weighing all relevant comments received together with all other information available to him, the Administrator will make final disposition of the State's requests for redesignation.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed these regulations and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Sec. 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: January 30, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81–4982 Filed 2–11–81; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80–742; FCC 80–700]

License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission will examine AT&T License Contract agreement and other intrasystem arrangements currently employed by the Bell System, GTE Corp., United Telecommunications, Inc., and Continental Telephone Corp. Instituted at the request of several agencies, this national inquiry is primarily designed to identify any aspects of the license contract mechanism which may adversely impact the ratepayers, and to ascertain what action by the Commission may be appropriate.

DATES: Comments must be filed on or before May 11, 1981, and reply comments on or before June 26, 1981.

ADDRESS: Comments in response to this notice should be submitted to: The Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James W. McConnaughey, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–4888.

In the matter of license contract agreements and other intrasystem arrangements of the major telephone systems, CC Docket 80–742.

Notice of Inquiry

Adopted: November 25, 1980.

Released: February 6, 1981.

By the Commission:

1. The Commission is initiating an inquiry into the license contract agreements and other intrasystem arrangements utilized by the four major telephone systems. The license or service contract in the telephone industry is an arrangement in which a designated organization within a telephone system agrees to provide services to affiliated telephone companies on an allocative billing basis. These agreements have a significant impact on the ratepayers directly through their effect upon operating expenses. They also have an important potential indirect effect in that advertent or inadvertent misallocations of costs would impair the competitive processes upon which the public relies in some measure for innovative and efficient telecommunications service.

2. Fundamental concerns underlying this study include: (1) the uncertainty regarding the reasonableness of license contract expenditures; (2) the inherent lack of accountability in the process; and (3) the question of whether the current arrangements optimize the ratepayers' welfare.

I. Background

3. Initiated by the Bell System in the late 1870s, the license contract was originally an agreement between AT&T and certain licensees which provided for the leasing of telephones and the licensing of their use. The license contract arrangement today provides for a variety of services and functions to the telephone operating companies from the General Department in return for payments not to exceed a certain percentage of each company's operating revenues. Similar arrangements have subsequently been adopted by the major independent telephone systems: General Telephone and Electronics Corp. (GTE), United Telecommunications, Inc. (United) and Continental Telephone Corp. (Continental).

4. In recent years regulatory agencies have become increasingly aware of the need for an in-depth examination of the license contract arrangements which are employed by the Bell System. In 1979 such expenditures by the Bell operating companies (BOCs) and Long Lines exceeded one billion dollars and had increased by more than 25% over the previous year. Several state public service commissions have urged in various decisions that a national investigation of the Bell license contract agreements be undertaken.[1]

5. Chairman Charles Zielinski of the New York Public Service Commission has requested that the FCC conduct an investigation of the license contract arrangements of the AT&T system, noting the "national significance" of the issue and calling the project "one of potentially great importance." Letters to FCC Chairman Ferris dated March 15, 1978 and January 9, 1979. The National Telecommunications and Information Administration has also recently recommended that the FCC examine the Bell agreements. The FCC is similarly cognizant of the need for such an analysis, as noted in several of our recent decisions. *See Second Computer Inquiry*, 77 FCC 2d 384 (1980); *AT&T Docket 21244*, 64 FCC 2d 741 (1977), *Final Decision*, 74 FCC 2d 52 (1979).

6. *Historical Perspective.* The license contract has been a controversial subject for many years. In the FCC's 1939 *Report to Congress on Investigation of the Telephone Industry in the United States*, we noted that the arrangement has been the "object of a great deal of public attention . . . almost from the beginning of attempts to regulate Bell System operating companies." 1939 Investigation, at 176. Further, the Commission stated that:

> The license contract payment has not only been accounted for in operating expense by the licensees, but it also constitutes a direct payment by the licensees to the parent company. The combination of these factors and a third—lack of independent knowledge of the license contract relations by the public and its regulatory agencies; that is, a lack of knowledge other than such as had been supplied by the Bell companies—afford an explanation of the perennial character of the license contract issue. *Id.*

These concerns remain today and appear to have been magnified in the current communications environment characterized by cost-conscious ratepayers, competition, and deregulation.

7. The pivotal court case establishing the controlling legal principle concerning the license contract is *Smith* v. *Illinois Bell Telephone Co.*, 282 U.S. 133 (1930). In this decision, the Supreme Court reasoned that cost—not value of service—is the correct measure of the reasonableness of the license contract amounts involved. From this precedent the Commission reasoned that the "license contract relations were thus removed . . . from the realm of management, where they had enjoyed substantial immunity from public investigation and regulation and placed within the power of the public regulatory agencies for scrutiny." 1939 Investigation, at 157–58. In essence, the burden of proof would reside with the telephone company in demonstrating that the license contract expenditures were reasonable operating expenses.

8. Subsequent cases have, by and large, been initiated in response to AT&T's efforts to increase the Bell operating companies' assessed percentage of revenues. Since 1930 the rate ceiling has remained at 2.5%, but from 1948 to 1974 AT&T had routinely charged each BOC 1%. In 1974, AT&T attempted to raise the actual percentage charged, an action that generated much litigation when many of its companies requested rate increases to offset the added expense. In the decisions resolving the controversy, the courts in various jurisdictions have generally emphasized the use of actual costs as the appropriate benchmark in this area but have differed in their specific views on the reasonableness and propriety of expenditures. For example, in Kansas, the state court of appeals held that the utility had not met its burden of proving the reasonableness of its license contract fee and that the amount was greater than the reasonable costs of performing the services furnished pursuant to the license contract. *Southwestern Bell Tel Co.* v. *Kansas Corp. Comm.*, 602 P. 2d 131 (Ka. Ct. App. 1979). In Louisiana, the state supreme court permitted part of the requested rate increase but disallowed research and development costs. The court held that present ratepayers should not pay for research and development (R&D) which is for the benefit of future ratepayers. *South Central Bell Tel Co.* v. *Louisiana Public Service Comm.*, 15 PUR 4th 87, 115–116 (1976) *aff'd.* 352, So. 2d 964, 980–981 (La. 1977). By contrast, in Massachusetts the state's highest court vacated the public utility commission's ruling rejecting the 2.5% of revenues license contract fee. The court held that each Bell telephone company may contribute to AT&T a fair proportion of the cost of maintaining the service, and the charges need not be attributed to particular benefits. *New England Tel & Tel Co.* v. *Dept. of Public Utilities*, 354 N.E. 2d 860, 868 (Mass. 1976).

9. License contract expenditures are allocated at several different levels of the cost assignment process.[2] The expenses are apportioned among exchange, intrastate toll, and interstate toll operations "on a basis consistent with the method employed in determining such expense," (Part 48.51 of the Separations Manual), *i.e.*, through annual telephone company studies. After the interstate portion is ascertained, these outlays are either directly attributed or allocated (based on investment or expense relationships) to the specific services in accordance with the principles set forth in Docket 18128. Intrastate apportionments to particular services depend on the cost-of-service methodologies utilized in the individual state jurisdiction.

10. *Prior Studies* Although it has been the object of considerable regulatory concern over the years, the Bell license contract agreement has apparently been intensively studied as a whole by agencies on only three occasions. In contrast, representatives from the Bell operating companies plus independent auditors have performed audits of the AT&T license contract arrangements on an annual basis for a number of years.

[1] The New York Public Service Commission proposed that the FCC "undertake a comprehensive inquiry of the matter" *New York Telephone Co.*, 23 PUR 4th 554, 580 n. 52 (1977), while the Connecticut Public Utilities Control Authority recommended an "indepth national review of the License Contract procedures by an independent agency such as NARUC." *Southern New England Telephone Co.*, 23 PUR 4th 286, 287 (1977). The Colorado Public Utility Commission implicitly concurred with this approach by stating concerns similar to those of New York and Connecticut, namely that it had "neither the personnel nor financial resources to perform such an audit, nor to pay to have such an audit performed." *Mountain States Telephone & Telegraph Co.*, 22 PUR 4th 537 (1977).

[2] Under Part 1 of the Commission's Rules, these expenditures are included in Account 674-General Services and Licenses.

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11. In 1945, the NARUC Staff subcommittee completed a study of the AT&T license contract, culminating in a 132-page report in which a number of recommendations were advanced. Two of the most important were (1) that "actual reasonable costs" rather than a fixed percentage or gross revenues should be the basis for charges to the telephone companies and (2) that a "large part" of the billings by Bell Labs for basis research and development traditionally funded via the license contract should more properly be charged to Western Electric. NARUC Proceedings, 57th Annual Convention, at 242–50.

12. Members of the California Commission's staff devoted approximately five work-years during 1976–77 exclusively to the Bell license contract. *California PUC Decision No. 90382*, case No. 10001, June 5, 1979 (Mimeo) at 10. The California PUC concluded that as a general principle, license contract expenditures of "primary benefit" to the Pacific Telephone and Telegraph ratepayers should be borne by them, while such expenses which are of "primary benefit" to Bell System investors, or of "primary benefit" to Western Electric or any other Bell manufacturer of competitive products, should not be absorbed by the ratepayers. *Id.* at 113–14. In addition, a 50% limit was placed on the amount of the Bell affiliate's license contract outlays which could be passed on to the ratepayers in the areas of basic and applied research, systems engineering, AT&T marketing, and the Washington Office. Disallowances, adjustments, or reallocations were adopted in varying degrees for other areas such as overhead expenses, 195 Broadway Corporation expenses, dues, donations, contributions, and AT&T's moving expenses, plus the contract costs attributable to the departments of Customer Services, Treasury, Secretary, Public Relations and Employee Information, Comptroller, and Executive (investor interest activities only). The remaining aspects of the agreement between AT&T and Pacific Tel. and Tel. which were reviewed did not require modification of the associated expenses for the test year studied. The PUC staff completed an updated study of the license contract and other Bell intrasystem arrangements in October 1980.

13. At the federal level, a detailed examination of the Bell license contract occurred in the 1939 FCC Report to Congress, *supra*. The study concluded that: 1) the General Department of AT&T did not keep records of its expenses in such a way as to segregate or permit the segregation of the cost incurred in performing telephone license contract services from those arising out of holding-company activities; 2) AT&T had not made a separation between the benefits accuring to itself and those accruing to the various associated companies from the research activities designed to protect the investment and from other types of services furnished by AT&T; 3) to the extent that development and research work was directed to providing protection for the investment in the telephone business, the costs should not be borne by the associated companies through the license contract fee; a corresponding reduction in the fair rate of return with corresponding reduction in net-earning requirements of licensees would probably be justified, since the protection thus afforded would seem to have been a benefit to the investor rather than to the subscriber; 4) the license contract derived its significance from its historical role as a means of licensor control over the licensees, its inclusion as an operating expense by the subscribing telephone companies, its traditional importance as a source of revenue for AT&T, and its effect of the Bell System's public relations. *1939 Investigation* at 174–77.

14. Subsequently, the FCC examined limited aspects of the AT&T license contract (cash balances, holding company expenses, royalty income) as part of several rate cases. *See AT&T*, Docket No. 11645, *Initial Decision*, 34 FCC 244 (1961); *Final Decision* 34 FCC 217 (1963) *See also AT&T*, Docket No. 16258, *Interim Decision*, 9 FCC 2d 30 (1967); *Reconsideration* 9 FCC 2d 960 (1967); *Further reconsideration* 11 FCC 2d 493 (1968). More recently, during the 1970's, we conducted a wideranging investigation into numerous facets of the Bell System's operations, especially those of AT&T, Western Electric and Bell Laboratories. One of the areas to which some attention was directed was AT&T's General Department and the license contract agreement in general. Relying on an internal Bell study of the license contract, the separated trail staff found waste and inefficiency in the General Department, questionable cost control, an entry barrier to the Bell telecommunications equipment market posed by R&D funding via the license contract, and a lack of clear-cut net benefits to the Bell Operating Companies. Bell responded that its own in-house study turned up only relatively minor criticisms, and that its witnesses had demonstrated the efficiency and economies of the General Department operations. The Commission concluded that ". . . while the General Department appears to have performed well in many respects, improvements could be made in some areas. . ." *AT&T*, Docket 19129, 64 FCC 2d 1, 18 (1977), *recon.* 72 FCC 2d (1978). This docket, however, clearly did not approach the effort exerted in the NARUC (1945), California (1976–80), and the FCC (1930's) studies of the license contract.

15. *Recent State Decisions.* Evolving over time, a variety of methodologies has been adopted by the state regulatory agencies concerning the appropriate level of expenses under such contractual arrangements. For example, commissions in New Hampshire and Virginia have accepted expenditures equivalent to, but not in excess of, 2.5% of gross collectible operating revenues once they are demonstrated to be prudent and reasonable outlays. *New England Telephone & Telegraph Co.*, 14 P.U.R. 4th 295 (1976); *Chesapeake & Potomac Telephone Co. of Va.*, 10 P.U.R. 4th 255 (1975). The Florida Public Service Commission has refused to disallow a portion of license contract fees "... merely to establish a one percent of revenue cutoff", *Southern Bell Telephone & Telegraph Co.*, 21 P.U.R. 4th 474 (1977). In contrast, a ceiling of 1% is operational in Arkansas, Colorado, Kansas, Michigan and Montana for all license contract costs, while Wisconsin has invoked a 1% limit concerning Bell Telephone Laboratories and .6% for AT&T's General Department. *Southwestern Bell Telephone Co.*, 27 P.U.R. 4th 493 (1979), *The Mountain States Telephone & Telegraph Co.*, 96 P.U.R. 3rd. 321 (1972); *Southern Bell Telephone & Telegraph Co.*, Docket No. 103, 400–U. (Dec. 9, 1975); *Michigan Bell Telegraph Co.*, 5 P.U.R. 4th 209 (1976); *Mountain States Telephone & Telegraph Co.*, 29 P.U.R. 4th 97 (1978); *Wisconsin Telephone Co.*, 6720–AT–2 (1977). The PUC in Hawaii has recently disallowed all of the general services and licenses expenses of the GTE affiliate there because it was unpersuaded that "the programs are real, are not duplicative in nature, that the charges by GT&E are reasonable, and that the services will directly or indirectly aid in providing better services to Hawaiian Telephone Co. consumers at a cheaper cost." *Hawaiian Telephone Co.*, 23 PUR 4th 405 (1978). In June of 1979, the California PUC disallowed $16 million in license contract expenditures which represent investor-related and product-specific expenses. *California PUC Decision No. 90362*, Case No. 10001, June 5, 1979. (Mimeo) Historically, the various state jurisdictions and the FCC appear to have accepted the license, or service, contract concept in principle but have not unanimously agreed upon any one method or benchmark for determining the reasonableness of such outlays.

II. Present Service Contract Agreements

16. Specific service contract agreements differ among the individual telephone systems, but most resemble the terms and conditions of the Bell System contract. As currently written, the Bell System license contract is an agreement between AT&T's General Department and each of the 21 wholly or majority-owned Bell operating companies as well as Southern New England Telephone and Cincinnati Bell, the two minority-owned companies, to provide advisory, supervisory and technical services.[3] Comparable, but not identical, service agreements exist among the other major United States telephone systems—General Telephone and Electronics, United Telecommunications, Inc., and Continental Telephone Corporation. Billing in all these Agreements is done on an allocative basis, but specifics may differ as a result fo varying management preferences or differing corporate organizational structures. The end result, however, is the same in all cases, namely the monies to finance the license contract are classified as operating expenses and as such become a part of each company's total revenue requirements.

17. Under the current Bell System license contract agreement, three principal functions and services presently are provided: (1) the grant of the right to use equipment under patents owned or controlled by AT&T and protection by AT&T against patent suits; (2) the provision of basic research and systems engineering (R&SE) [4] (3) the provision of financial, legal and technical advice and assistance by AT&T as well as other administrative services. Basic elements of license contract costs arise from services provided by the General Department (95% funded under the contract), Bell Labs' research and systems engineering (the largest single expense item), patent rights, financial costs, and taxes. Formerly billing on the basis of a fee equal to a fixed percentage of each telephone company's gross collectible operating revenues, the Bell license contract now requires payments to AT&T based on a somewhat more flexible allocative principle.[5]

18. It is AT&T's stated policy that specific cost allocation bases "... must be common to the Long Lines Department and licensee companies; they must provide a reasonable relationship to the expected benefit of the operation to the companies;" and they should "follow allocation principles as set forth in the Separations Manual." *See* AT&T's Annual Report of the License Contract Services and Costs, Year 1977, Tab E.

19. In the case of the service contract agreements of the major independent telephone companies—GTE, Continental, and United—the apparent major departure from the Bell arrangement concerns the funding of research and development: the three largest independent telephone systems apparently do not provide monies for basic R&D through their service contracts.

20. The Bell System license contract expenditures dwarf those of other integrated telephone companies. For example, in 1978 Bell operating companies paid over $752 million, and Long Lines in excess of $133 million, to AT&T's General Department pursuant to the terms of the license contract agreements. In contrast, GTE, United, and Continental telcos collectively registered a little over $100 million that same year. With the considerable growth of the Bell contract expenditures experienced in 1979—over $230 million more including Long Lines—the disparity is even greater now. Table I shows total license (service) contract and data service expenditures by major telephone systems for 1979. Table II shows Bell license contract payments, operating revenues and ratios for selected years.

Table I.—*Expenditures by Major Telephone Systems, 1979*

[In millions]

I. License (Service) Contract:	
A. AT&T:	
—Bell operating companies (BOCs) only (paid to General Dept.)	$933.4
—BOCs plus Long Lines	1,118.5
B. GTE—Domestic telephone companies including GTE Satellite Corp. (paid to GTE Service Corp.)	61.0
C. United Telecom—all domestic telephone companies (paid to United Telecom Service, Inc.)	36.2
D. Continental Tel—domestic telephone companies (paid to Continental Tel Service Corp.)	45.0
1979 Total	1,262.7
II. Data Services:	
A. Bell BISP*	
—BOCs only (paid to Bell Labs)	126.8
—BOCs and Long Lines	(1)
B. GTE—domestic telephone companies (paid to GTEDS)**	104.5
C. United Telecom—already included in above service contract expenditures (paid to United Information Services, a subsidiary of United Telecom Service, Inc.)	16.6
D. Continental Tel—domestic telephone companies (paid to Contel Data Services)	20.4

*Business Information Systems Programs
**Includes BISP and data processing services.
Sources: Data on Manufacturing, Supply, Directory and Service Affiliates for 1979, for GTE, United and Continental: AT&T Annual Report of License Contract Services and Costs, 1979.
[1] Unavailable.

Table II.—*Bell License Contract Payments and Ratios, Selected Years*

	A. Payments [1]		B. Total operating revenues		A/B Ratios [2]	
	In millions of dollars				Percent	
	BOC's	Long lines	BOC's	Long lines	BOC's	Long lines
Year:						
1950	$33.1	$5.7	$3,301.6	$213.0	1.00	2.67
1960	76.4	16.8	7,597.7	524.0	1.00	3.20
1968	138.9	36.5	13,268.4	1,174.5	1.04	3.11
1969	155.1	45.4	14,805.6	1,375.2	1.05	3.30
1970	175.6	53.6	15,995.4	1,412.2	1.09	3.79
1971	195.6	57.4	17,426.6	1,489.5	1.12	3.85
1972	223.3	64.4	19,774.7	1,613.5	1.13	4.11
1973	254.7	64.1	22,244.7	1,826.0	1.14	3.51
1974	332.0	79.5	24,825.7	1,931.8	1.33	4.11
1975	426.7	92.4	27,470.0	2,122.2	1.55	4.35
1976	526.7	112.2	31,085.2	2,441.3	1.69	4.57
1977	620.0	118.5	34,601.1	2,665.3	1.79	4.44
1978	752.3	133.3	39,031.1	2,923.0	1.92	4.56
1979	903.4	185.1	43,215.1	3,192.7	2.15	5.79

[1] Includes expenses incurred and return requirement.
[2] Ratios were computed using unrounded figures for payments and total operating revenues.
Sources: FCC Statistics of Communications Common Carriers. Bell System Statistical Manual. AT&T Annual Report of License Contract Services and Costs.

[3] Technically, the Long Lines Division of AT&T is not a party to the license contract agreement but receives many of the same services and is billed on an allocative basis similar to that of the participating companies. A significant difference, however, is the existence of a contractual fee ceiling based on revenues which in practice is applicable to Bell operating companies but not Long Lines. See para. 21 *infra*.

[4] In 1978, the Bell System terminology "research and fundamental development" (R&FD) was superseded by Bell's" research and systems engineering" (R&SE). Both terms indicate Bell Telephone Laboratories' billing to the General Department (and, ultimately, the Bell operating companies) for work performed pursuant to the license contract. In the terminology which is used herein, "basic research" or "basic R&D" denotes ratepayer—funded research and related activities (e.g., systems engineering) and is generally synonymous with Bell's R&FD and R&SE.

[5] On October 1, 1974, AT&T instituted a new billing method in which it would "... accept as payment for its services an amount equal to each company's allocated share of the total costs, including a return on investment, associated with providing license contract services but, in any case, not to exceed the contractual rate 2.5% of the total gross earnings provided in the contract." (Bell witness Wentworth, TR. 7957, Docket 19129, Phase II). This basis replaced a flat 1 percent assessment which was in effect from 1948 until 1974.

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21. A similar arrangement exists between Long Lines and the General Department of AT&T. In 1930, when most of the current Bell license contract agreement were consummated, Long Lines could not legally enter into such a contract since it, unlike the operating companies, was a department within AT&T rather than a separate corporation. Nonetheless, Long Lines has traditionally been provided with services similar to those furnished to the operating companies, and both are billed based on cost allocation studies performed annually. The actual expenditure, as a precentage of total gross telephone revenues, is typically higher for Long Lines than the other companies. In fact the 1979 ratio for Long Lines exceeded 5%-well over the 2.5% ceiling set for the Bell operating companies. *See* Table II. We have included this significant arrangement within this inquiry and, for convenience, will reference it as a license contract.

22. Another in-house billing arrangement involving AT&T's General Department, Bell operating companies, and Long Lines relates to non-license contract expenditures. There are two basic types of such agreements, including: (1) cost-sharing (projects) billing whereby the General Department is the managing partner and (2) billing for conduit activities (*e.g.*, insurance premiums, outside legal fees, audit fees) whereby the General Department act only as payment agent, and costs are limited to only the amount which the Department pays to the outside party. In 1979 cost-sharing billings by the General Department totaled $66.2 million, while conduit billings registered $62.7 million. *See* AT&T's Annual Report of the license Contract Services and Costs, Year 1979, Tab H. At least one other major system, United Telecom, uses such arrangements. Little information is available as to the actual services provided or the cost allocaiton method used.

23. Development of computer-based systems and software programs for use by telephone companies is another function which has apparently been undertaken on a centralized basis by an affiliated service organization. Labeled BISP (Business Information Systems Programs) at AT&T and GTE, the activity is a multi-million dollar operaton which is basically funded on an allocative billing basis. More specifically, at the Bell System, each operating company's share of the development costs incurred is proportionate based on its combined gross plant and operating expenses for the previous year. Long Lines is typically the single biggest contributor. In 1979, the Bell BISP development work performed by Bell Telephone Laboratories for the BOCs was over $125 million. AT&T Annual Report of Lincense Contract Services and Costs, Tab G. At GTE Data Services, Inc. (GTEDS) engages in centralized development of a computerized business information system for the benefit of associated domestic telephone operating companies. Billed on the basis of companies' relative shares of total GTE operating expenses and taxes (exclusive of investment tax credit), the GTE domestic telcos paid $24.8 million to GTEDS in 1979. GTE Data, 1979, p. 105.

24. Data processing services are also frequently provided by a designated organization within a major telephone system. For example, the aforementioned GTEDS and Continental Tel's Contel Data Service Corporation furnish such functions within their respective corporate families.[6] In 1979, billings to domestic telephone companies for the former were in excess of $69 million; for the latter, almost $20.5 million. As in the earlier cases, subjective cost allocations often underlie the billings for these services.

25. We will include within the scope of this inquiry these other intrasystem arrangements. Although, in absolute terms, the expenditures involved are not nearly significant as those for the license contracts, we note growing concern at the state and federal levels for these arrangements as they increase substantially from year to year. Our major focus, however, will remain on the license contract. Although we have included all of these arrangements and all four major carriers, we seek comment on whether each of our proposals would be wisely applied to all.

III. Research and the License Contract

26. Only the Bell System appears to fund basic research through a license contract-type or arrangement. In fact, basic R&D is the largest single element of license contract payments by Bell operating companies. Bell Lab's billing for such research and systems engineering under the contract exceeding $366 million in 1979.

27. The cost of Bell Lab's (basic) research and systems engineering becames a part of the Bell license contract arrangement through a procedure utilizing Budget Decision Packages. This process, which typically requires several levels of interaction and management control involving both AT&T and Bell Labs, is transmitted to the Lab by the AT&T President's organization. Inputs into the decision-making process are provided by both the Bell operating companies and the General Department. Responsibility for Bell Laboratories' performance in controlling its budget resides with a director in the AT&T President's office.

28. Before the actual work may commence, however, a proposed "case"—the fundamental budget unit in the process—must be prepared and documented by the assigned Bell Labs case engineer. In a "case", the proposed work is described and the perceived funding requirement is advanced. It is also the means used to obtain management approval to undertake the specific task or area or work. Each of the cases must be examined and approved by a specific AT&T case number before proceeding to the next level of the Bell Labs-AT&T approval cycle. Final billing for each case is subject to an evaluation by the AT&T Chairman of the Board or his proxy, depending on the magnitude of the dollar involved. Overall, the total Bell Labs annual budget must be approved by the Bell Labs' Board of Directors, and the license contract component of the budget must be officially sanctioned by AT&T.

29. The principal activities currently undertaken by Bell Laboratories pursuant to the terms of the license contract are research and systems engineering (R&SE). Major areas of concentration include switching systems and central office configurations, transmission system, outside plant, and general R&SE. Associated work which is performed by Bell Labs centers on technical and legal aspects of patents, as well as product quality theory and

[6] In the early 1970s the FCC decided that communications common carriers subject to its jurisdiction may not provide data processing services except through a separate corporate subsidiary due to the Commission's concerns about the need to allocate common costs. *Computer Inquiry* (Tentative Decision), 28 FCC 2d 291, (1970), *Final Decision*, 28 FCC 2d 267 (1971), aff'd in part *sub nom, GTE Service Corp.* v. *FCC*, 474 (2nd. Cir. 1973), *decision on remand*, 40 FCC 2d 293 (1973).

assurance. To conduct these license contract projects and those funds by Western Electic, the Labs in 1979 employed over 19,000 people in 17 laboratories located in eight states.

30. The current and historical role of basic research in Bell system can be succinctly captured through a series of statistical comparisons. Of the two major types of research and development performed by Bell Labs during 1979, approximately 40% was basic research billed to the General Department (and, ultimately, the operating companies) under the license contract agreements, while the remainder was specific design and development funded by Western Electric. *See* Table III. Since at least the early 1960's this general funding ratio for Bell Labs research has apparently held. Disaggregation of total license contract expenses incurred during 1979 reveals that Bell Lab's billing for basic research was also over one-third (35%) of the total, with cumulative non-R&D (*e.g.*, administrative) expenditures by the General Department accounting for the remaining portion (65%) *Id.* A substantial increase in the Bell System's basic research coincided with the genral advent of competition in the late 1960s. *See*, Trial Staff Exhibit 43A, Docket 19129, *supra*. More recently, the outlays have been relatively stable (35–40% of total license contract payments by the BOCs) but increasing substantially in an absolute sense: the 1979 amount is almost 50% higher than the corresponding figure for 1976. In essence, license contract outlays in general and specifically the basic research component have, overall, experienced a not insignificant rate of growth over time, especially in the last decade.

Table III.—*1979 Bell license contract summary*

[Total License Contract Payments—$1.116 billion (BOCs+Long Lines) in billions]

Breakdowns (Rounded Off):	
(1) Allocated Expenses	$1.07
Return Requirement on Investment	.05
Total	1.12
(2) Incurred Expenses:	
Bell Labs Billing (35 pct)	.37
General Dept. Billing (65 pct)	.70
Total (100 pct)	1.07
(3) Bell Labs R & D:	
R&SE* (from License Contract) (37 pct)	.37
Specific (from WE) (63 pct)	.62
(4) 5 largest recipients:	
Bell Labs (35 pct)	.37
Administrative Services Dept. (12 pct)	.13
"Other Expenses" (8 pct)	.09
Marketing (Business and Residence) (6 pct)	.06
Provision for service Pensions and Death Benefits (5 pct)	.05

*Research and Systems Engineering.

Source: AT&T Annual Report of License Contract Services and Cost, 1979.

IV. Discussion

31. The primary purpose of this proceeding is to identify any aspects of the license contract mechanism which may jeopardize the ratepayers' right to efficient, cost-related service, and to determine what action by this agency may be appropriate. In this regard, we set forth below several concerns that are raised by these arrangements.

32. License contracts have been historically justified on the grounds that certain costs are appropriately passed along to monopoly ratepayers via operating company expenses reflecting monies expended for the protection of the ratepayers' interest in telephone service. It is not the intent of this proceeding to challenge the merit of this rationale, but rather we seek information on how to ensure that, in fact, the costs passed on to the ratepayer through this mechanism are properly allocated, and in amounts which are reasonably necessary to achieve effectively that goal.

33. With regard to the funds generated through the license contract mechanism, we wish to investigate whether an arbitrary percentage of revenues can in any way assure that the expenditures are prudent expenses. By fixing the charge not on identifiable cost but rather on a set percentage or revenues, or within an arbitrary range of percentages, there may be little accountability for the reasonableness of the charges. Moreover, it appears likely that the present funding formulas provide minimal incentives to those collecting such funds to provide the contracted services efficiently.

34. These concerns are compounded by the participation of the four major telephone systems in both monopoly and competitive markets. The potential for misallocation of costs between monopoly and competitive goods and services is apparent. This is particularly true where the value of the services funded is not susceptible to any very precise identification, such as with intellectual property gained through research and development. Moreover, there is no readily identifiable, universally recognized line between basic research and specific design and development. This also provides an opportuntiy for misallocation of costs.

35. While this agency and the state regulatory bodies have historically recognized the need for review and accountability of license contract expenditures, we must also recognize that the need has heightened as we move from monopoly to competitive environments. In the *Second Computer Inquiry*, 77 FCC 2d 384 (1980), we expressly noted our concern that carriers' participation in enhanced services markets not be subsidized by monopoly ratepayers through the license contract mechanism. *Id.* at paras. 247–48. Review of the use of license contracts was viewed as critically important to the sharing of R & D (other than software), and we noted that in the absence of meaningful review, joint R & D may need to be prohibited altogether. *Id.*

36. Similarly, we recognize the potential harm to a competitive equipment market—and, in turn, to consumers of services provided by that equipment—that the license contract poses. Western Electric's prices may not reflect its actual costs because monopoly ratepayers, through the license contract, may be subsidizing (under the label "basic R & D") what is truly *specific* R & D performed by Bell Labs for Western. Given this Commission's longstanding finding that competition in the telecommunications equipment market has a direct and beneficial effect on communications ratepayers, the potential for cross-subsidization in this area is equally critical. See generally *AT&T*, Docket 19129, *supra*.[7]

37. The uncertainty of the actual effects of the license contract mechanism has worked to the detriment of the ratepayer and also the telephone company investor. It has possibly impeded the effectiveness of this Commission and state agencies charged with the responsibility of ascertaining and ensuring that expenditures are reasonable. This uncertainty has resulted in a number of occasions in *ex post facto* disallowances of license contract expenditures. *See* paras. 12, 15, *supra*. The difficulties inherent in disallowance procedures create further uncertainties and impose new costs on the ratepayers and the telcos. Further, misallocation of costs threatens to undermine competitive policies established by this agency for the purpose of serving the public interest. Thus, more effective regulatory oversight providing greater certainty is needed.

38. An analysis of the license contract on a national level is long overdue. The fundamental nature of the license contract agreement and its effects hampers judgments regarding its cost effectiveness and fairness in the marketplace. We then are seeking

[7] While the estimates of total R & D funded by the license contract is small when compared with total Western sales, it is nevertheless clear there is cause for concern in that the amounts are substantial and on the increase. See, *e.g.*, the recent California case, cited at para. 12, and para. 30 *supra*.

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information concerning and, if appropriate, proposals to correct, such perceived shortcomings as the paucity of functional cost breakdowns; the arbitrariness of the cost allocative bases; the questionable billing basis (0–2.5% revenue range); the uncertainty of the line of demarcation separating basic research and specific design and development; the lingering uncertainty about a "reasonable" level of expenditures; the vague apportionment process for funding the AT&T General Department and Bell Labs; and the inherent difficulties of *ex post facto* disallowances by the regulatory process.

39. In light of the above, it appears evident that two goals may be set forth for this proceeding. First, we seek some method that will effectively evaluate the reasonableness of the expenditures so that the revenue requirements of the carriers consist only of prudent expenses. Second—an objective which is vertiably a subset of the first—we hope to generally safeguard ratepayers by ensuring that they are not subsidizing competitive ventures of the telephone systems in the equipment and service markets. In the specific context of the equipment market, we believe any subsidization by ratepayers of product development costs not then recouped through equipment sale prices harms ratepayers twice. Not only are they paying for services and products from which they are obtaining little or no direct benefit, but also by diminishing competition in the telecommunicaitons equipment supply market, the prices paid by common carriers and the rates consequently charged will be higher. Parties to this proceeding are encouraged to evaluate these goals and to suggest any additional ones which would merit consideration.

40. Accordingly, we are submitting for comment a proposal involving essentially three modifications to the present arrangement that would increase accountability and facilitate oversight: (1) unbundling of services and functions; (2) cost based methods of funding the agreements; (3) procedures to permit meaningful auditing of the expenditures.[9] We also request additional suggestions that would aid us in achieving the objectives set out above.

[9] Further changes in the traditional license contract arrangements may be warranted as the provisions of our *Second Computer Inquiry*, 77 FCC 2d 384 (1980), are implemented. For example, the arrangements may have to be re-examined to properly fashion the relationship between the General Department and AT&T's new separate subsidiary for competitive activities. Comments on this and other related areas are requested.

A. Unbundled Services

41. As earlier described, the services provided under the license contract can be broken down into essentially three areas: Licensing of patents, general "administrative" expenses, and basic research and development. It appears to us that there may be little need to combine these functions in a single contract, particularly since some services may be readily costed out while others are not so susceptible.

42. Our concern here is that the monitoring of system-wide costs and, as a result, the rates which consumers pay, is significantly less effective when categories of costs are not explicitly assignable to particular services or functions. We are not questioning, in this proceeding, the necessity for certain expenses *per se*. Rather, we believe that the effectveness of oversight is diluted when costs are aggregated such that this agency and the state commissions are unable to identify relationships between expenditures and particular benefits flowing to the ratepayer.

43. For example, the licensing of patents appears to be one discrete area that can be provided for in a separate contract. Particularly for AT&T, which is required by the 1956 Consent Decree to license its patents generally at reasonable royalties, and thus has had experience in ascertaining reasonable license fees, the market value of the patents should be discernable. Moreover, patents and related items are segregable from other system functions in that once patents are procured by the company and generally available through cross-licensing agreements, they can be segregated from ongoing research and development. We suggest, in addition, that the patent licensing function may be conducted independently of all other system functions without loss of any synergies which may exist. We also seek comment on whether any further breakdown would be appropriate.

44. There are numerous miscellaneous categories of services provided under the license contract which we will generically refer to as "administrative." Currently, the telephone systems provide a breakdown by the department and division providing the particular class of service, *e.g.*, marketing, administrative service, engineering services, etc. While a single contract calling for the provision of all these may be appropriate, it seems clear that any contract to provide these services must provide for payment based on actual cost. The costs of the various services should not be difficult to track, and without cost-based charges there is no mechanism by which either this agency or the states can determine whether they are prudent expenses properly borne by the ratepayer. Indeed, if the "administrative" element of the license contract, or any portion of it, is not cost-based, expenditures for that element could be viewed as presumptively imprudent and unreasonable because subsidies to or from the element would be occurring. Reporting and auditing of these expenditures is considered at paras. 50–55, *infra*.

45. Finally, we propose that a separate contract for the provision of basic research and development be required. In discussing basic R & D we are not questioning the benefits which ratepayers have received from the basic research engaged in by telephone companies. We believe, however, that there is a necessary relationship between expenditures and benefits, and that we have a responsibility to account for the expenditures and ascertain their relationship to the benefits derived. As noted earlier, basic R & D represents the single largest expenditure under AT&T's license contract arrangements. Moreover, there has been little accountability that the charges paid by the monopoly ratepayer are reasonable either in terms of the absolute amount paid or in terms of whether competitive activities of the telephone systems have been subsidized by monopoly services. This is, of course, not surprising since the allocation task performed by management is almost inevitably subjective. Thus, the regulatory task of assuring that costs assigned to monopoly R&D are accurately segregated from costs incurred in competitive R&D is extraordinarily difficult. Absent regulatory requirements which actually reach and alter the inherent incentive of the rate-base regulated monopoly to reallocate as many costs as possible to its monopoly services, and, correspondingly, as few costs as possible to its competitive services and goods, the monopoly ratepayers may well pay for services and goods which they do not receive. Our goal here, then, is to develop a method to ensure that the ratepayers fund only basic R&D, but not specific R&D properly allocated to Western.

46. Because of the problems peculiar to R&D, we believe that a requirement of cost-based charges and auditing may not sufficiently protect the ratepayer against the potential for cross-subsidization. We are therefore obliged to seek alternative means of identifying and deterring cross-subsidies resulting from the R&D funding process. In addition to general comments in this area, we seek comment, specifically, on the possibility of making the results of R&D funded through the license contract publicly available. See para. 53 *infra*. We make this proposal advisedly, and in the recognition that further consideration of comments received in this proceeding may cuase us to ultimately act otherwise. Nevertheless, as noted below the notion of having all of those who pay for basic research (*i.e.*, the general ratepayer) reap the benefit of basic research has appeal. This result is, of course, precisely what the logic of charging the general ratepayer for such R&D implies. We note that appropriate safeguards to restrict the availability of information have been employed in the past,[9] and may be employed here should it be found that certain basic R&D or certain potential users of basic R&D should be excepted from this result. A requirement of this type should encourage the proper categorization of monopoly and competitive R&D. With respect to monopoly R&D, this should help to ensure that only that R&D which is for the benefit of all users is charged to all users. With respect to competitive R&D, it should induce AT&T to attempt to maintain efficient R&D costs for competitive products so as to maintain low competitive prices on these products. Moreover, the R&D funded by the ratepayer through the license contract should become auditable and therefore subject to more meaningful regulatory oversight.

47. Since AT&T has historically argued that only R&D serving to improve and protect the monopoly ratepayer's interest is funded through the license contract, it would seem that the publication of such R&D cannot work any competitive harm to the corporation. R&D properly allocated to competitive goods and services remains protected information. It is only reasonable that those customers who benefit from competitive R&D alone pay the association costs.[10]

B. Method of Funding

48. As discussed above, we are concerned that the method now used for determining license contract charges may be arbitrary and, as a result, unacceptable. As also noted, AT&T has on its own initiative taken certain corrective actions in this regard but specific areas of concern remain. See para. 38 *supra*. One possible remedy is actual cost basis should become a formal requirement for all services provided under the license contract. In this way, the regulatory agencies will be better able to test whether the expenses are prudent and appropriately borne by the monoploy ratepayer. Moreover, the identification of actual costs will permit a tailoring of the individual contract to the specific needs of each of the participating telephone companies and the regulatory bodies to review actual costs may serve as an effective deterrent against inefficiencies in the provision of services under the license contract.

49. We believe that this proposal is consistent with a series of actions which we have taken over the past five years.[11] In these decisions, we have asserted that the competitive environment requires a redirection of our regulatory resources to ensure that monopoly services are not employed to reduce the costs of competitive services. The need to detect and prevent cross-subsidy as a pricing response to competition has required us to identify sources from which undetected subsidies can flow. As part of this function, we have identified the license contract as one of those sources in which the opportunity for undetected cross-subsidization remains. By this notice we seek appropriate vehicles to identify and oversee license contract expenditures. We believe that until we have the vehicles to ascertain the relationships between expenditures and benefits derived by ratepayers, we will be unable to determine whether interstate rates are just and reasonable. State regulatory agencies will suffer from the same infirmity.

C. Reporting Requirements and Audits

50. In addition to the unbundling of contracts and our efforts to encourage cost-based funding of license contract expenditures, we believe that setting forth reasonable additional reporting requirements will facilitate achievement of our accountability objectives. We propose that these reports be submitted and made available on a regular basis. Regular reporting would also enable this Commission and state agencies to track developments, inquiring into justifications for changes where appropriate. The increased visibility sure to result from the availability of these reports would tend to make carriers more hesitant to engage in expenditures unable to withstand regulatory scrutiny. The use of generally accepted accounting and auditing principles would enable regulatory agencies to test against recognized standards. We seek comment on these proposals, and on any other proposals which parties might have which would increase license contract accountability without unduly sacrificing synergies of joint operations.

51. Our proposal would require regular reports detailing license contract expenses for each operating company and Long Lines plus applications of license contract funds by the General Department. There would be general applicability to other intrasystem arrangements of the Bell System and non-Bell carriers examined in this notice, as well. Reporting categories would be functional in nature and we seek comment on whether current breakdowns, which are by departments, are sufficient for regulatory surveillance. Independent audits of intrasystem arrangements would be required. The foundation for these features would be a cost-based billing and accounting system.

52. Formal quarterly reports would be required which would detail, at a minimum, identification of companies or other organizational units for whom services or functions were performed or goods procured as well as the types, quantities, and prices of the services and goods involved. Also, it would include the values of such goods, services, and functions that are capitalized and included as part of the interstate rate base or the intrastate rate bases. Finally, it would include a statement of the value of such goods, services, and functions which is charged as an operating expense for the provision of interstate and intrastate telecommunications services. These reports would complement and bolster existing reports on certain intrasystem arrangements (*e.g.*, the AT&T Annual Report of License Contract Services and Costs and GTE, United, and Continental Data on Manufacturing, Supply, Directory, and Service Affiliates) which are regularly filed with the FCC.

53. Under this proposal, Bell Laboratories would publish a formal semi-annual report which furnishes information on patents and ongoing projects, all in the realm of basic research funded ultimately by the monopoly ratepayers under the terms of the license contract. This information would be available to any interested member of the public who would pay a nominal charge covering pro rata costs of publication. The report would be at least in part a formalization of the Bell

[9] *U.S.* v. *Western Electric Co.*, 1956 Trade Cases 71,134, 71,142, Section XIV (C) (D.N.J. 1956).

[10] In addition to the three categories we have identified above, we would expect that BISP, other data processing service arrangements, and cost-sharing and conduit arrangements would continue to be segregated from license contract services.

[11] *See, e.g., AT&T* (Docket 16128), 61 F.C.C. 2d 267 (1976), *reconsid.*, 64 F.C.C. 2d 971 (1977) *aff'd. sub nom ARINC* v. *FCC*, No. 77–1521 (D.C. June 24, 1980); *Multi-Schedule Private Line Services*, 65 F.C.C. 2d 295 (1977).

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System's current corporate practice of promulgating its R&D findings through seminars, technial journals and other published sources. (See AT&T Reply Findings, dated April 1, 1976, pp. 86–87, Docket 19129, Phase II). We seek comment on whether these current forms of publication would be appropriate or sufficient to publish all basic R&D in the formalized reports that would be required under such an approach. Similarly, we seek comment on whether the time intervals for reporting would be adequate. We would expect Bell Labs to continue its current "project basis" practice, and this may also provide a basis for formulating the form of the reports. These various reports, taken together, would yield a substantial amount of useful information at regular intervals which would indicate current Bell System basic R&D trends.

54. In addition to these reporting requirements, meaningful accounting and auditing must be accomplished. It appears that a major drawback to the current license contract arrangement is the absence of any meaningful accounting of the use of the fee. For example, one of the major reasons the Colorado Public Utility Commission rejected an increase in the license contract fee from 1% to 2.5% of gross revenues was the inability of Mountain Bell to account adequately for the use of the payments and the PUC's corresponding inability to audit the books. *Mountain States Telephone & Telegraph Co.*, 22 PUR 4th 537 (1977). As the Colorado Commission pointed out, Mountain Bell regularly and routinely pays its license contract fee without sufficient verification of how the funds are used. This is the situation that apparently exists between all the operating companies and the General Department, and that is apparently present within the major independents as well.

55. We thus raise the possibility that carriers employing the license contract mechanism adopt an auditing program. The critical aspect of such a program would involve the use of outside auditors. As noted earlier, AT&T has undertaken its own internal review of license contract expenditures and apparently has employed outside auditing as well. In order to ensure the accuracy and credibility of such auditing reviews, so as to enable state and federal agencies' use of the reports without duplicating the process, we would require the use of independent, outside auditors to perform this function. Obviously essential to this proposal is some assurance that these outside auditors remain impartial. In order to ensure impartiality, we propose that the company periodically change the independent auditors used. The auditors' reports would be filed with this Commission, and we would envision ready access to them by each of the state regulatory agencies as well. Comments are requested on the efficacy of conducting such audits, *i.e.*, whether and to what extent these examinations are cost-effective, appropriate audit report intervals, whether the reports should generally be made public, and other related topics which would disclose the value or weakness of an independent audit program.

56. We believe that our express objectives of enhancing efficiency and innovation, minimizing anticompetitive abuses, and assuring the reasonableness of intrasystem outlays may be achieved through the approach outlined above. The proposal attempts to foster an effective deterrent to dubious marketplace conduct by emphasizing the unbundling of contractual agreements, cost-based billing, informational sunshine, visible audit trails, and regular audits and evaluations by a diversity of parties.

57. In the specific context of R&D, our proposal would attempt in three ways to ensure that the cost of specific R&D not be funded by the monopoly ratepayer. First, all license contract—funded R&D would be made publicly available. In this way, competitive R&D would be funded by Western, and not through BOC operating expenses. Second, the continuation of the "case method" or "project basis" practice by Bell Labs for all R&D would be required. Third, auditing requirements would be established. The latter two proposals would permit meaningful state and federal regulatory oversight resulting if and when necessary in disallowances.

58. At the same time, fundamental corporate incentives and appropriate management control mechanisms are intended to be preserved wherever the ratepayers' wellbeing is advanced. Hence, the funding and selection processes for Bell Laboratories' basic research projects would not be directly modified, and the Labs' potential for contribution to telecommunications would remain unimpeded. In addition, the operations of the General Department or other telco service organizations are theoretically affected only in a marginal sense by the proposed unbundling and new accounting requirements. The operating telephone companies and their ratepayers are perceived as having a greater probability of receiving their "money's worth" under this approach.

59. We recognize that these proposals set forth only a general framework for modifications. Comments are requested on this general framework, and on any alternative or additional means necessary to achieve the goals identified. Whatever solution is ultimately chosen through this process is not intended or expected to be retained in perpetuity. It is evident that the magnitude of current intrasystem contractual expenditures demands a workable and effective accountability which is consonant to the maximum degree possible with the ratepayers' welfare.

60. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201–205, 211, 215, 219, 220 and 403 of the Communications Act of 1934 (47 U.S.C. sections 154(i)(j), 201–205, 211, 215, 219, 220 and 403) that a notice of inquiry is hereby instituted in the above-captioned matter.

61. It is further ordered, That Comments in response to the items of inquiry shall be filed May 11, 1981, and Reply Comments shall be filed on June 26, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-4898 Filed 2-11-81; 8:45 am]

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47 CFR Ch. I

[Gen. Docket No. 80-741]

International Telecommunication Union World Administrative Radio Conference, Use of the Geostationary-Satellite Orbit and Planning of the Space Services Utilizing It; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time for filing comments and reply comments.

SUMMARY: This Order provides a two week extension for filing comments and reply comments in the *Notice of Inquiry* concerning Preparations for the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. This action is taken in response to a request for a two week extension of time from Southern Pacific Communications Company filed January 27, 1981, and in recognition of the time delay in releasing the *Notice*.

DATES: Comments must be submitted on or before February 18, 1981. Reply comments are due on or before March 18, 1981.

ADDRESSES: Comments may be mailed to: The Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554; or delivered to Room 222 between 8:00 a.m. and 5:30 p.m. Comments received may be inspected in Room 222 between 8:00 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Thomas S. Tycz, International Staff, Room 7002, 202–653–8102.

In the matter of an inquiry relating to preparation for an International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. General Docket No. 80–741; (45 FR 85126).

Adopted: January 30, 1981.

Released: February 3, 1981.

By the Chief Scientist:

1. On November 25, 1980, the Commission adopted a *Notice of Inquiry*, 45 FR 85126, concerning the above-entitled proceeding. The dates for filing comments and reply comments are February 4, 1981 and March 4, 1981, respectively. The *Notice* was not released until December 16, 1980.

2. On January 27, 1981, the Commission received a petition, filed by the Southern Pacific Communications Company (SPCC), seeking to extend the comment and reply comment deadline to February 18, and March 18, 1981, respectively. SPCC cites the fact that during the intervening period between the adoption and the release of the Notice, the Commission ". . . authorized the construction of twenty-five new domestic satellites and the launch of twenty new or previously constructed satellites." SPCC, as one of the newly authorized domestic satellite carriers,[1] wishes to have its views considered in the Commission's preparations for this Conference. SPCC indicates the release of the *Notice* during the holiday season and the need to coordinate the preparation of its comments between its technical staff and legal staff as reasons for requesting this two week extension of time for filing comments and reply comments.

3. Since there was a delay in releasing the *Notice*, the time available for filing comments is not sufficient for parties to prepare meaningful responses to the many issues raised within the *Notice*. Therefore, we agree with SPCC and have decided to extend the time for filing comments and reply comments.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in the *Notice of Inquiry* in General Docket No. 80–741 are extended to and including February 18, 1981 and March 18, 1981, respectively.

5. This action is taken pursuant to authority found in Section 4(i) of the Communications Act of 1934, as amended and § 0.241 of the Commission's Rules.

Federal Communications Commission.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-5023 Filed 2-11-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Memorandum Opinion, Order and Authorization (FCC 80-713) adopted December 4, 1980.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-14; Notice 20]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to propose an amendment to Safety Standard No. 208, *Occupant Crash Protection*, to delay for one year the effective date of the first phase of the automatic restraint requirements of the standard and to seek public comment upon such an amendment. The automatic restraint requirements are currently scheduled to become effective for large cars on September 1, 1981, for mid-size cars on September 1, 1982, and for small cars on September 1, 1983. Under the amendment being considered, the requirement for equipping large cars with automatic restraints would not take effect until September 1, 1982. This one-year delay in the automatic restraint requirements is being proposed in light of the dramatic decrease in production plans for large cars and a similar increase in small ones, and in light of the fact that economic circumstances have changed since the standard was adopted in 1977.

DATES: Comment closing date for this proposal is March 16, 1981.

ADDRESSES: Comments should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Finkelstein, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–1810).

SUPPLEMENTARY INFORMATION: On July 5, 1977, Federal Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208) ("FMVSS 208"), was amended to require the provision of automatic restraint protection in passenger cars (42 FR 34289). Automatic restraints are systems that require no action, such as buckling a seat belt, by vehicle occupants to be effective. Two existing systems that qualify as automatic restraints are air cushion restraints (air bags) and automatic seat belts (belts that automatically move into place when an occupant enters a vehicle and closes the door).

The standard as amended in 1977 requires automatic restraints to be installed in accordance with the following schedule:

- For full-size cars (wheelbase greater than 114 inches) beginning September 1, 1981 (1982 model year);
- For mid-size cars (wheelbase not more than 114 inches but greater than 100 inches) beginning September 1, 1982 (1983 model year);
- For small cars (wheelbase less than 100 inches) beginning September 1, 1983 (1984 model year).

The Department is considering a further amendment to FMVSS 208 to alter the phase-in schedule by deferring the first phase for one year, from model year 1982 to model year 1983. The basis for such an amendment would be changed economic circumstances since the schedule was adopted in 1977 and the fact that several of the premises underlying the phase-in schedule have been proven wrong by unanticipated events.

The difficulties of the automobile industry and some of its members in particular are well-known. Sales continue at a very depressed level. Unemployment in the domestic automobile industry remains high, with approximately 200,000 workers indefinitely laid off and more temporarily laid off. Losses by even the largest of the domestic manufacturers have been reported. These losses come at a time when the domestic manufacturers must continue to spend unprecedented sums to meet the continuing demand for ever more fuel efficient cars and to meet the challenge of foreign car manufacturers.

In this setting, the Department is also concerned whether changed economic circumstances in the automobile industry may make the automatic

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restraint requirements as now scheduled impractical. The Department also notes the potential competitive impacts of the current schedule. One is that implementation now may shift some demand from large cars to mid-size cars at a time when large car sales are already slumping badly. Another competitive impact is that the practical effect of the current implementation schedule is to require domestic manufacturers to begin compliance in model year 1982 while almost all foreign manufacturers need not begin compliance until model year 1984. This disparate effect results from the concentration of foreign manufacturers almost exclusively in the smaller size classes. This last effect has taken on a significance not foreseen in 1977 when Safety Standard No. 208 was amended to require automatic crash protection.

The current phase-in schedule for automatic restraints, set forth above, was intended to permit manufacturers to introduce automatic restraints without undue technological or economic risk at the same time they undertake efforts to meet the requirements imposed by emissions and fuel economy standards for automobiles in the early 1980's. Large cars were chosen for the first phase of the schedule because at that time there was more experience with automatic restraints in full size cars. To provide manufacturers with a chance to gain similar experience in small cars and ensure that they could choose between equipping their small cars with air bags or automatic belts, those cars were to be phased-in last.

Events occurring since the automatic restraint requirements were promulgated, however, have led the Department to consider whether the schedule should be delayed. Gasoline shortages and price increases (especially those in 1979), together with continuing uncertainty about future petroleum supplies, have led to an increase in the small car portion of the car population at a much faster pace than was anticipated by the Department when the automatic restraint requirements were issued. In 1977, the Department projected that new car production in the model year 1982–1985 period would be approximately 22 percent large cars, 41 percent mid-size cars, and 37 percent small cars. Now, however, the Department projects that the large car segment will plunge to 10 percent while the small car segment will rise to 52 percent, with the mid-size car segment remaining about the same. (Fewer than 1,000,000 large cars were produced in model year 1980. By 1984 or 1985, there may be almost none.) Thus, under the current phase-in schedule of the standard, only 10 percent of the 1982 model year cars would be required to have automatic restraints.

This change in the proportion of large cars has substantially reduced the benefits anticipated from applying the automatic restraint requirements to model year 1982 large cars. Based on the Department's 1977 projections on size mix, the installation of automatic restraints in those large cars would have prevented approximately 1,200 deaths and 8,600 serious injuries over the 10 year life of those cars. Those potential savings have been reduced by 50 percent under the new size mix projections.

Moreover, the concern about providing additional lead-time to adapt air bags to small cars may be less important now. As stated earlier, large cars were specified first in the phase-in schedule because then there was more experience with air bags in full-size cars. When the standard was issued, the Department assumed that manufacturers would equip a great majority of their vehicles with air bags. However, since then most manufacturers have indicated that they intend to offer air bags on few of their large cars and on almost none of the small cars. An overwhelming majority of new cars will have automatic belts.

There may not be a need to provide additional time to adapt automatic belts to small cars. Indeed, there is far more experience with automatic belts in small cars than in full-size ones. Volkswagen has had automatic belts on its Deluxe Rabbit model for several years. Additionally, General Motors and Toyota Motor Company have offered automatic belts as options on at least one small car model in the last year. No full-sized cars with automatic belts have been offered to the public. (It should be emphasized that these three manufacturers have voluntarily offered automatic belts before they were required by Safety Standard No. 208.)

In light of these facts, it appears that several principal assumptions underlying the implementation schedule may no longer be accurate. Due to the impact of the standard on the automobile industry, the unanticipated competitive significance of the phase-in schedule, and the unexpectedly fast increase in the proportion of small cars, the Department has determined to seek public comment upon whether the first phase of the automatic restraint requirements should be delayed. This action is being taken in the belief also that it would not be reasonable for the manufacturers to be required to begin compliance with the automatic restraint requirements if the schedule may be significantly altered. Indeed, if the manufacturers were to commence complying with those requirements, it would limit the Department's ability to revise the implementation schedule and reduce the manufacturers' ability to take full advantage of any revision. In view of the nearness of the beginning of the next model year, the Department is issuing this proposal now and will consider additional review and revisions of the rule.

As is explained in the Regulatory Analysis, a simple one year delay for large cars would adversely affect safety. The Department estimates that the delay would result in approximately 600 more deaths and 4,300 more serious injuries than would occur under the current schedule over the lifetime of the cars, which is now assumed to be 10 years. It is possible that this assumption may have to be changed in light of the changing fuel situation.

The Department's preliminary evaluation has determined that delaying the first phase of the current schedule for one year will provide manufacturers with substantial financial and engineering resources to devote toward further improvements in automatic restraint mechanisms and systems as well as other important product programs, particularly efforts to make cars more fuel efficient. If the Department should decide to adopt a one year delay for large cars, GM and Ford together could defer up to $37 million in investments, according to industry figures. That figure is based primarily on the situation as of January 1981 and so would be lower when final action is taken on this proposal. The delay would also provide these manufacturers with more time and resources to devote toward refining the designs for the automatic restraints in the mid-size and small cars that will comprise 90 percent of the new car population in the coming years instead of in the large cars which will soon be phased out. It should also be noted that the total savings to consumers from taking this step is estimated to be $50–$70 million.

The Department notes that Congress also may be reassessing the standard. In the waning days of the 96th Congress, the automatic restraint standard was considered during deliberations on the Motor Vehicle and Cost Savings Authorization bill. The Conference Committee report on the Authorization bill included provisions that would have required amendment of Safety Standard No. 208 to delay the automatic restraint requirements for one year and to reverse

the schedule so that small cars would be equipped with automatic restraints first. Although the Authorization bill was not passed in the 96th Congress, there are indications that similar provisions will be considered by the new Congress. This fact strengthens the Department's tentative conclusion that manufacturers should not be required to commence installing automatic restraints on September 1, 1981.

Moreover, it is possible that the net effect on safety of the one year delay now under consideration and of such further change in the implementation schedule as the Congress had considered could be positive. This could occur if it is feasible to equip small cars with automatic restraints earlier than model year 1984 and the compliance schedule were to be reversed so that small cars must comply first, beginning in model year 1983. That schedule might save more than the current one due to the greater number of small cars and the greater susceptibility of small car occupants to serious injury in a crash.

The agency's preliminary evaluation has shown that this rulemaking action is a significant regulation under Executive Order 12221, "Improving Government Regulations," and the departmental guidelines implementing that Order. It has shown further that a regulatory analysis is required. The preliminary regulatory analysis has been placed in the Docket Section of the National Highway Traffic Safety Administration under the numbers of this notice. A free copy is available from the Docket Section. Interested persons are urged to respond to the questions set forth at the end of the analysis.

The Department has determined that the deferral of only the first phase of the schedule set forth in FMVSS 208 for a period of one year would not be a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

Incorporated in the analysis is the Department's consideration of the possible impact of this proposal on small businesses. There do not appear to be a substantial number of small businesses that would be significantly affected by this proposal. Although the manufacturers of automatic restraint components would be adversely affected by the proposal, they are not small businesses within the meaning of the Regulatory Flexibility Act. The Department also considered the impact of this proposal on small governmental units and other small fleet purchasers of cars. Since large cars are generally not being purchased for fleet use, this proposal should not affect those entities. Therefore, preparation of an initial regulatory flexibility analysis is not necessary.

Nevertheless, the Department has examined the proposal's impact on manufacturers of automatic restraints. While the automatic restraint manufacturers would receive payment for the cancellation of any contracts for those components, they would lose the profit that would have come from performance of the contracts for model year 1982. The effects of these losses on automatic belt manufacturers could be substantially mitigated if the compliance schedule were further revised as previously considered by the Congress, that small cars must comply first. The effects solely attributable to the delay proposed by this notice and any further revisions in the standard on air bag component manufacturers is less certain. Past delays in the automatic restraint requirement apparently led some manufacturers to cease work on those restraints.

In addition to the questions set forth above, the Department requests responses to the questions that follow. To facilitate analysis of the responses, commenters are requested to explain the sources of their information and to break down their cost figures.

Questions for Passenger Car Manufacturers

1(a) Using the assumption that there is no change in the current automatic restraint standard, please provide a table of projected U.S. sales of passenger cars for model years 1982, 1983, and 1984, broken down by wheelbase greater than 114 inches, not greater than 114 inches but more than 100 inches, and not more than 100 inches. For each of these wheelbase categories, provide a breakdown of the number of each type of restraint system (air bag or automatic belt) to be installed.

(b) Answer question 1(a) using the assumption that the compliance date for large cars is delayed one year.

(c) Answer question 1(a) for each of the following alternatives:

(i) Requiring small cars to begin complying in model year 1983, mid-size cars in model year 1984, and large cars in model year 1985; and

(ii) As suggested in the last Congress, delaying the existing schedule one year so that large cars begin complying in model year 1983, mid-size cars in model year 1984, and small cars in model year 1985.

2(a) How much capital have you already invested for the introduction of automatic restraints in model year 1982 large cars?

(b) How much capital investment could be saved or postponed one year by a one year delay in the effective date for large cars? Please indicate how this amount changes on a month-to-month basis.

(c) Answer question 2(b) for each of the alternatives listed in question 1(c).

3. For each of the alternatives described in question 1 (b) and (c) for car manufacturers, indicate the effect that the alternative would have on the incremental price per car of automatic belts and air bags. Indicate also the price savings that would result from the different alternatives.

Questions for Automatic Restraint Suppliers

1. For each of the alternatives described in question 1 (b) and (c) for car manufacturers:

(a) Could your contract be cancelled altogether or are you guaranteed a certain number of parts?

(b) What percent of your business would be lost?

(c) How many employees would be affected? How many would be laid off? How many would be used on other jobs in the plant?

(d) What other impacts would there be?

General Questions

1. What are the potential ramifications, other than the costs and benefits discussed in the draft Regulatory Analysis, of the alternatives described in question 1 (b) and (c) for car manufacturers?

2. What would the effect of the alternatives described in question 1 (b) and (c) for car manufacturers be on the consumer price of model year 1982 large cars?

3. Would a one year delay for large cars result in any automatic restraint design improvements or in any increase in the marketability of automatic restraints?

In consideration of the foregoing, comments are requested upon whether FMVSS 208 should be amended to delay for one year the automatic restraint requirements scheduled to take effect for large cars on September 1, 1981.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. Due to the nearness of the date for implementing the automatic restraint requirements with respect to large cars and the need of the car manufacturers to expend funds in anticipation of those requirements, the

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Department has decided to use a 30 day comment period.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Department will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

Issued on: February 9, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-4048 Filed 2-10-81; 10:48 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 46, No. 29

Thursday, February 12, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Public Access and Information; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-163), notice is hereby given of a meeting of the Committee on Public Access and Information of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, February 27, 1981 in the Library of the Administrative Conference, 2120 L Street NW., Washington, D.C.

The Committee will meet to discuss (1) Professor John Bonine's study of agencies' practices and policies for acting upon requests for waiver of fees under the Freedom of Information Act, and (2) other public access and information topics.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Michael W. Bowers (202-254-7065). Minutes of the meeting will be available on request.

Richard K. Berg,

Executive Secretary.

February 5, 1981.

[FR Doc. 81-4087 Filed 2-11-81; 8:45 am]

BILLING CODE 6110-01-M

Freedom of Information Act; Confidential Business Information; Meeting Change

AGENCY: Administrative Conference of the United States; Committee on Regulation of Business.

ACTION: Committee meeting, date and location change.

Agenda for Meeting

The Committee will consider a draft report of its consultant, Professor Russell B. Stevenson, Jr., entitled: *Protecting Business Secrets Under the Freedom of Information Act: Managing Exemption 4.* Tentative recommendations on agency treatment of confidential business information may be formulated by the Committee.

DATE; TIME; PLACE: March 3, 1981; 1:30 p.m.; Room 540, 2120 L Street NW., Washington, D.C. This meeting was originally scheduled for February 17, 1981, in room 500 (46 FR 9680, January 29, 1981).

Public Participation

Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person. Copies of the consultant's draft report are available on request to the contact person.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037. Telephone: (202) 254-7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on Regulation of Business (formerly called the Committee on Ratemaking and Economic Regulation) is working toward developing recommendations concerning agency procedures and practices in dealing with Freedom of Information Act requests for information that would fall within exemption 4 of the Act, the "business records exemption" (5 U.S.C. 552(b)(4)). This information would ordinarily be in the form of documents in an agency's possession that had been submitted to the agency by a private person or business firm and that deal with the business of the individual or firm, and would include documents containing "confidential" information or trade secrets.

The Committee recently received a draft report on this subject from consultant Russell B. Stevenson, Jr. of the National Law Center, George Washington University. Also, several submissions were received in response to a notice of inquiry published in the **Federal Register** (45 FR 70033, Oct. 22, 1980). The meeting on March 3 will be the Committee's first opportunity to discuss the report and public submissions.

If the Committee proposes any tentative recommendations at this meeting, these recommendations will be published for public comments, as well as distributed to affected agencies for government comments. The Committee would then hold one or more additional meetings to decide on final proposed recommendations to be placed on the agenda of the next plenary session of the Administrative Conference on June 11-12, 1981.

Richard K. Berg,

Executive Secretary.

February 5, 1981.

[FR Doc. 81-4086 Filed 2-11-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan, Malheur National Forest Grant, Harney, Baker and Malheur Counties, Oregon; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the proposed Land and Resource Management Plan for the Malheur National Forest.

Preparation of the Plan will follow direction outlined in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. The Forest Plan will be prepared according to regulations (36 CFR 219) promulgated by the Secretary of Agriculture. The regulations implement Section 6 of the National Forest Management Act of 1976.

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The resulting Plan will provide for multiple use and sustained yield of products and services from the Malheur National Forest. The Plan will guide all natural resource management activities and establish management standards and guidelines.

The Forest Plan will be selected from among a range of alternatives which will include at least (1) a no-action alternative, (2) alternatives that display a range of resource outputs, and (3) alternatives designed to resolve the identified major public issues and management concerns.

The Forest Plan will be coordinated with the public, Indian tribes, local, city, county, and State Governmental organizations, as well as other Federal agencies.

Public participation is an integral part and will be encouraged throughout the planning process. Public participation and preliminary issues were compiled from past planning activities and are being sent by mail to those interested individuals, organizations, and Governmental offices on the Forest Plan mailing list. Opportunities for all to comment on the Forest Plan will be a part of each step of its development.

The Malheur National Forest held four public workshops to determine the scope and the significance of the issues to be analyzed in depth in the environmental impact statement.

R. E. Worthington, Regional Forester, is the responsible official for this Plan.

Further information about the planning and environmental impact statement process or comments on the Notice of Intent should be directed to: Chet Bennett, Land Use Planner, Malheur National Forest, 139 NE Dayton, John Day, Oregon 97845, (503) 575–1731.

The draft environmental impact statement is expected to be available for public review about June 1982. The final environmental impact statement is secheduled to be completed in January 1983.

Dated: February 3, 1981.

Frank J. Kopecky,

Acting Regional Forester.

[FR Doc. 81–4884 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10:00 a.m., March 6, 1981, in the Conference Room of the Supervisor's Office at 441 North Main Street, Alturas, California.

The purpose of this meeting is to discuss election of new Advisory Board members, range betterment funding, and allotment management plans.

The meeting will be open to the public. Persons who wish to attend or who would like further information should notify William E. Britton, Modoc Supervisor's Office, telephone 916–233–3521. Written statements may be filed with the board before or after the meeting.

G. Lynn Sprague,

Forest Supervisor.

February 4, 1981.

[FR Doc. 81–4880 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Challis Forest Land and Resource Management Plan; Challis National Forest; Custer, Lemhi, Blaine, Butte, Idaho and Valley Counties, Idaho; Intent to Prepare an Environment Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for a Forest Land and Resource Management Plan for the Challis National Forest.

The Forest Plan will be prepared according to regulations promulgated by the Secretary of Agriculture. The regulations will implement Section 6 of the National Management Act of 1976.

The Forest Plan will replace all previous Plans and provide direction for all lands on the Challis National Forest.

The Forest Plan will be coordinated with local, county, State and other Federal Agencies. Public involvement will be encouraged and sought throughout the planning process.

Opportunities to comment on the Forest Plan will be a part of each step on its development.

As a primary source of gaining public input, the Challis National Forest will use a standardized format that allows for personal contact with small groups and/or individuals.

Human Resource Units will be established and contacts made to assure adequate input as described in § 219.7 of the **Federal Register** of Monday, September 17, 1979 (44 FR 53928).

Additionally, the Challis National Forest may hold public resource workshops as needed. Locations for the workshops would be announced well in advance. The workshops would be designed to refine public issues, concerns, and opportunities, and to formulate preliminary alternatives.

Alternatives will be displayed in the Environmental Impact Statement and will include, as a minimum: A No-action Alternative (current management) and others dealing with reducing backlogs, meeting outputs assigned by Regional Plan, and dealing with the public issues and concerns.

Jeff Sirmon, Regional Forester, Intermountain Region, is the responsible official. Questions about the proposed action and Environmental Impact Statement should be directed to Gordon Reid, Forest Planner, Challis National Forest (phone 208/879–2285).

A Draft Environmental Impact Statement should be filed and available for public review by June 30, 1983. The Final Environmental Impact Statement is scheduled to be completed by December 31, 1983.

Written comments on issues or concerns that should be addressed in the Land Management Plan should be sent to Jack E. Bills, Forest Supervisor, Challis National Forest, P.O. Box 404, Challis, Idaho 83226. To be of assistance, they should be received by March 12, 1981.

Dated: February 3, 1981.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 81–4884 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Forest Land and Resource Management Plan; Rio Grande National Forest; Alamosa, Archuleta, Gonejos, Hinsdale, Mineral, Rio Grande, Saguache, and San Juan Counties, Colo.; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the Rio Grande National Forest.

The Rio Grande National Forest is located in Alamosa, Archuleta, Conejs, Hinsdale, Mineral, Rio Grande, Saguache, and San Juan Counties, Colorado. The Forest Supervisor has administrative authority over approximately 1,900,000 acres of National Forest System lands.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Rio Grande National Forest, 1803 West Highway 160, Monte Vista, Colorado 81144, telephone (303) 852–5941.

The Forest Plan will provide management direction for these National Forest System lands and will replace the existing District multiple use plans and timber management plan.

The Forest is beginning to gather and organize data and information for the planning effort, as well as developing procedures for analyzing, evaluating, and updating planning information.

Preliminary public issues have been identified through analysis of the comments received on previous planning efforts initiated by the Forest. These issues for the Forest are recreation managment, wilderness management, water quality and quantity, access to National Forest System lands, maintenance of roads and trails, conflicts between various resource users, protection of scenic quality and cultural resources, reforestation, the supply of wood products, and road construction in new areas related to timber managment. Based on these preliminary issues and concerns, an interdisciplinary team will develop preliminary planning criteria, collect data and information, and prepare a preliminary management situation statement. The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and, analysis of the management situation are currently scheduled to be available for public review around June 1982.

Alternatives will be developed by the interdisciplinary team to respond to public issues and management concerns. Each alternative will represent to the extent practicable, the most cost-efficient combination of management practices that can meet the objectives established in the alternative. The alternatives will reflect a range of goods and services and expenditure levels. Each alternative will be capable of being achieved. Each alternative will state: the condition and uses that will result from long-term application of the alternative; the goods and services to be produced, and the timing and flow of those goods and services; resource management standards and guidelines; and the purposes of the management direction proposed.

A "no action" alternative will be formulated. It will represent the most likely condition expected to exist in the future if current management direction would continue unchanged. Each alternative will provide for the orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple use objectives of that alternative. The Forest Plan will be selected from the reasonable range of alternatives. Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

The Forest Service will publish a media notice and validate the preliminary issues and management concerns using a variety of public participation techniques including news releases, brochures, posters, office displays, personal letters, open houses, and/or workshop type meetings for interested publics including individuals, groups, and other agencies.

The draft environmental impact statement is tentatively scheduled for transmittal to the Environmental Protection Agency February 1983. A 90-day period for public review and comment will follow. The final environmental impact statement is tentatively scheduled for transmittal to the EPA in September 1983, with implementation of the Forest Plan to begin in October 1983.

Craig W. Rupp, Regional Forester, Rocky Mountain Region, is the responsible official. Terry Y. Dangler, Rio Grande National Forest, Monte Vista, Colorado, will lead the interdisciplinary team in preparing the Forest Plan and environmental impact statement.

Please contact George W. Whitlock, Forest Supervisor, Rio Grande National Forest, 1803 West Highway 160, Monte Vista, Colorado 81144, telephone (303) 852–5941, for further information and any adjustments in the scheduled availability of planning action documentation or for comments on this Notice of Intent and the Forest Plan.

Dated: February 6, 1981.

Craig W. Rupp,

Regional Forester.

[FR Doc. 81–4975 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Nezperce National Forest Grazing Advisory Board; Meeting

The Nezperce National Forest Grazing Advisory Board will meet at 10 a.m., March 11, 1981, in the Forest Supervisor's Conference Room, Grangeville, Idaho. The purpose of this meeting is to review allotment management plans and range betterment funds.

The meeting is open to the public; however, public comments and discussion is limited to after the agenda items are covered. Persons who wish to attend should notify Thomas L. Griffith, 208–983–1950, Extension 25. Written statements may be filed with the board before or after the meeting.

Don Biddison,

Forest Supervisor.

February 3, 1981.

[FR Doc. 81–4985 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Big Muddy Creek Watershed, Kentucky; Availability of a Record of Decision

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40505, telephone number (606) 233–2749.

NOTICE: Pursuant to the National Environmental Policy Act (Public Law 91–90), Regulations for Implementing the Provisions of the National Environmental Policy Act (40 CFR Part 1500), and Soil Conservation Service Regulations for Compliance with NEPA (7 CFR Part 650), the State Conservationist gives notice of availability of the record of decision as the responsible Federal official for the Big Muddy Creek Watershed project, a project planned under authority of Public Law 83–566 (16 U.S.C. 1001–1008) and located in Butler and Logan Counties, Kentucky. Single copies of the record of decision may be obtained by writing Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone (606) 233–2749.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: January 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–4972 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–16–M

Chickahominy-Moody Slough Watershed, California; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis,

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California 95616, telephone number (916) 758–2200.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Chickahominy-Moody Slough Watershed, Yolo County, California.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection and flood prevention. Fish and Wildlife features may be incorporated into the project. Alternatives being considered include floodwater detention structures, diversion channels, channel enlargement, and nonstructural measures. A preliminary report is available and may be obtained by contacting Francis C. H. Lum.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Francis C. H. Lum, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: January 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–4971 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–16–M

Draft Revised Public Participation Policy; Notice of Availability

AGENCY: Soil Conservation Service (SCS).

ACTION: Notice of Availability of Draft Revised Public Participation Policy.

SUMMARY: This announces the availability of the SCS draft revised public participation policy for review and comment by interested parties. To obtain a copy, contact Ida D. Cuthbertson, Public Participation Coordinator, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447–3929. SCS welcomes comments until March 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Ida D. Cuthbertson, Public Participation Coordinator, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447–3929.

David G. Unger,

Associate Chief.

February 2, 1981.

[FR Doc. 81–4973 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket No. 39251]

New Gateways to Brazil Case; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., February 6, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81–5014 Filed 2–11–81; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Alabama Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 3:30 p.m., on March 23, 1981, at the Holiday Inn-State Capitol, 924 Madison Avenue, Montgomery, Alabama 36104. The purpose of this meeting is to plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Marie S. Jemison, 3328 Dell Road, Birmingham, Alabama 35223, (205) 871–0283; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE, Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–4939 Filed 2–11–81; 8:45 am]

BILLING CODE 6335–01–M

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10 a.m. and will end at 3 p.m., on March 2, 1981, at 230 South Dearborn Street, Room 3280, Chicago, Illinois, 60604. The purpose of this meeting is to approve Special Education Handbook, follow-up plans for Special Education and Redlining Projects and activities for FY 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss. Theresa F. Cummings, 2836 W. Lawrence Avenue, Springfield, Illinois 62704, (217) 788–0751; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–4940 Filed 2–11–81; 8:45 am]

BILLING CODE 6335–01–M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:30 p.m., on March 9, 1981, at the Carolina Townhouse, 1615 Gervais Street, Columbia, South Carolina 29203. The purpose of this meeting is to release statement on ERA and plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Oscar P. Butler, Jr., P.O. Box 1705, South Carolina State College, Orangeburg, South Carolina 29117, (803) 536–7040; of the South Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–4941 Filed 2–11–81; 8:45 am]

BILLING CODE 6335–01–M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on March 4, 1981, at the Brown Derby Motel, 101 Northfield Road, Montpelier, Vermont. The purpose of this meeting is to plan the agenda for a two-day planning meeting in April and a report from the Education and Franco-American Subcommittees.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson & PO, Burlington, Vermont 05401, (802) 658–4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–4942 Filed 2–11–81; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 4–81]

Proposed Foreign-Trade Zone; Indianapolis, Indiana; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indianapolis Airport Authority (IAA), a municipal corporation, requesting authority to establish a general-purpose foreign-trade zone in Indianapolis, Indiana, within the Indianapolis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 6, 1981. The applicant is authorized to make this proposal under the Indiana Code 3–10–3–2.

The applicant proposes to establish a 15.3-acre foreign-trade zone at the Indianapolis International Airport on two separate parcels. Parcel A is a ½ acre site on Pearson Road adjacent to the airport's international cargo apron. It contains a 20,000 square foot warehouse, which has been designated for initial zone operations. Parcel B, also on airport property, is at the intersection of Washington Street and Girls School Road. This 14.8-acre parcel has been designated for future zone growth and development.

The zone project is the result of the combined efforts of IAA and the Greater Indianapolis Chamber of Commerce with the support of the City-County and State governments. The zone is designed to help the City and State in their economic development efforts to reduce the region's dependence on traditional industries by attracting new technology, high-growth firms.

The application contains economic evidence concerning the need for zone services in the Indianapolis area. A variety of firms have indicated an interest in using the zone for storage, distribution, assembly, processing and light manufacturing of electronics products and components, apparel, sporting goods, abrasives, parts for metal fabricating machinery, pharmaceutical chemicals, compressors, and engine parts.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Ben L. Irvin (Chairman), Deputy Director, Office of Compliance, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Donald L. Cavanaugh, District Director, U.S. Customs Service, Region IX, 6th Floor, Plaza Nine Building, 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel Charles E. Eastburn, District Engineer, U.S. Army Engineer District, Louisville, P.O. Box 59, Louisville, Kentucky 40201.

As part of its investigation, the Examiners Committee will hold a public hearing on March 19, 1981, beginning at 9:00 a.m., in the Auditorium, First Floor, American Fletcher National Bank Building, 101 Monument Circle, Indianapolis, Indiana. The purpose of the hearing is to help inform interested person about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by March 6, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary at any time from the date of this notice through April 16, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at one of the following locations:

District Office, International Trade Administration, U.S. Department of Commerce, 357 Federal Building/Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: February 9, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81–4900 Filed 2–11–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/Department of Commerce.

ACTION: Notice of Agency Recommendation on Claim Filed Under Title IV, Outer Continental Shelf Lands Act Amendments of 1978 (Title IV).

SUMMARY: Notice is given that the Agency intends to recommend to the NOAA Office of Administrative Law Judges, which will decide the matter, that Title IV Claim No. FCF–59–79 be settled by payment to the claimant of $9,105.95 from the Fisherman's Contingency Fund. Interested persons have 15 days to request the Administrative Law Judge (ALJ) to conduct an oral hearing concerning the claim or to request to be admitted as parties to any hearing on the claim.

DATES: Requests for oral hearing or to be admitted as a party must be received by February 27, 1981.

ADDRESS: Send requests to: NOAA Office of General Counsel (GCEL), Room 275, Page One Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan (address above). Telephone: (202) 254–8350.

SUPPLEMENTARY INFORMATION: Title IV, 43 USC 1841, established the Fishermen's Contingency Fund (Fund) to compensate commercial fishermen for vessel and gear damage and lost profits caused by items associated with oil and gas activities on the Outer Continental Shelf. On July 13, 1979, Claim No. FCF–59–79 was filed. The claim seeks compensation from the fund of $12,082.03 for damage to a shrimp trawl

and the fishing vessel ($9,452.53), lost profits ($2,068.50) and expenses ($545.00) caused by claimant's catching an apparent oil well completion head in his net on June 6, 1979, at coordinates 29°00.2'N and 92°17.7'W.

As required by the 50 CFR Part 296 regulations implementing Title IV, notice of the claim was published on September 2, 1980 (45 FR 58175). The gear loss portion of the claim was incorrectly stated in that notice to be $5,424.95 and expenses were there given at $45. That notice gave interested persons, as defined in 50 CFR 296.2, 30 days to advise the Chief of the National Marine Fisheries Service's Financial Services Division (FSD) that they wished to submit evidence concerning the claim or to be admitted as parties at any hearing held in respect to the claim. No response has been received.

That notice also advised that FSD may negotiate with the claimant a proposed settlement of the claim. FSD has done so in this case, with the result that claimant and FSD have agreed to a proposed settlement in the total amount of $8,560.95 ($7,924.95 for gear and vessel damage and $636.00 for lost profits), and further have agreed that the ALJ will determine the amount of expenses.

As provided by 50 CFR 296.8(d)(3), notice is given that NOAA General Counsel has determined that the official agency recommendation in this matter will be in the amounts set out immediately above, plus $545.00 for expenses, for a total of $9,105.95. Any interested person who objects to this recommendation, or the claimant, may request that the ALJ who will be assigned to the case conduct an oral hearing concerning the claim. In either event, the request must be in writing and must be filed with General Counsel at the address and by the date set out above. If the request is for an oral hearing, the request must state the reasons why an oral hearing should be held. If the request is to be admitted as a party, the request must state why it was not filed in a timely manner under 50 CFR 296.8(a)(3)(v). The ALJ will rule on all such requests under 50 CFR 296.10(a)(3). Any interested person may obtain a copy of such portions of the claim as are disclosable by law by writing to the General Counsel at the above address.

At the close of the 15-day period referred to at the beginning of this notice, the General Counsel will refer the claim, together with the agency recommendation and any requests received in response to this notice, to the NOAA Office of Administrative Law Judges for adjudication. It is the present intention of General Counsel to request the ALJ to decide this claim without an oral hearing.

Final regulations governing the Title IV Program were published on January 24, 1980 (45 FR 6062), and July 2, 1980 (45 FR 44942).

Signed at Washington, D.C., this 10th day of February, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-5192 Filed 2-11-81; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records, Annual Publication

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of annual notice of the existence and character of each system of records that the Commodity Futures Trading Commission ("Commission") maintains which contains information about individuals; changes from previous annual notice.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals. (40 CFR 41056). The rules, as amended, (17 CFR Part 146) deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to those records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons.[1]

Under 5 U.S.C. 552a(e)(4), the Commission is required to publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, and its previous annual notice, 45 FR 28391-28408 (April 29, 1980), will provide individuals with the information they need to exercise fully their rights under the Privacy Act.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION CONTACT: Jane K. Stuckey, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254-6126.

SUPPLEMENTARY INFORMATION:

Content of System Notices

Each system notice contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. Each routine use of the records contained in the system, including the categories of users and the purpose of each use;
7. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
8. The title and business address of the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him;
10. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
11. The categories of sources of records in the system.[2]

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission maintains offices in the following locations:

2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254-3382
2000 L Street, NW., Washington, D.C., Telephone: (202) 254-3067
233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606, Telephone: (312) 353-9499
4901 Main Street, Room 206, Kansas City, Missouri 64112, Telephone: (816) 374-2994
One World Trade Center, Suite 4747, New York, New York 10004, Telephone: (212) 466-2071
Two Embarcadero Center, Suite 1660, San Francisco, California 94111, Telephone: (415) 556-7503
510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 725-2025.

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City, New York, and San Francisco offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago and also in the Washington, D.C., headquarters office, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, if would be helpful to the Commission if he would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants" [3] contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act.[4]

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under the name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes.[5]

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae, and may be disclosed in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.
2. The information may be given to the Justice Department, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.
3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq., and to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.
4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.
5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.

[1] The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

[2] Two systems of records, on relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. Section 552a(k). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (9), (10), and (11) above be furnished.

[3] A futures commission merchant is someome engaged in soliciting or accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2.

[4] See the definition of system of records in the Privacy Act, 5 U.S.C. 552a(a)(5), and Section 146.2(g) of the Commission's Privacy Act rules, 17 CFR 146.2(g).

[5] Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

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8. The information may be disclosed to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

In the interest of economy, only particular items of those Commission systems of records which have changed during this reporting period are set forth below.

In the previous annual notice of its systems of records, 45 FR 28391–28408 (April 29, 1980), the Commission published complete information about each system. This update should thus be read together with the previous notice.

In addition, the Commission has indicated its intention to revise its system of records, consistent with its revision of registration regulations which will be effective on July 1, 1981. In particular, three of these systems of records—CFTC 12, CFTC 20, and CFTC 22—will be altered to include completed fingerprint cards and where appropriate, new forms 8–S and 8–T. The Commission further contemplates the combination of existing systems CFTC–20 into one system of records at that time. See 45 FR 80573–80575 (December 5, 1980). Furthermore, an additional routine use, concerning vertification of information submitted for sponsorship purposes has been proposed by the Commission in connection with implementation of final rules relating to registration of associated persons and their sponsorship by futures commission merchants. 45 FR 80539, 80542 (December 5, 1980), 45 FR 80573–80575 (December 5, 1980).

For further information contact: Freedom of Information Act, Privacy Act and Government in the Sunshine Act compliance staff,[*] Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. (202) 254–3382.

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CFTC–1

SYSTEM NAME:

Matter Register and Matter Indices.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system, which is an index system to CFTC–14 Matter Files and CFTC–16 Case Files, include:

a. The matter register. A file number is assigned to each case and the record is filed according to that number. The register also indicates the date opened, the disposition and status, the date closed and the staff member assigned.

b. The matter register also includes reports recommending opening and closing of investigations.

* * * * *

RETRIEVABILITY:

Information in the register is retrievable by assigned investigation number.

* * * * *

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

* * * * *

CFTC–2

SYSTEM NAME:

Correspondence Files.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence.

This system does not include all Commission correspondence, but only those records which are part of a general correspondence file maintained by the office involved. It does include correspondence indexed by subject matter, by date, or by assigned number unless there is a corresponding index capability by individual name. It includes correspondence files maintained by the FOI, Privacy and Sunshine Acts compliance staff relating to requests by individuals under the Freedom of Information Act and the Privacy Act.

* * * * *

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382. The request should specify the system manager under

[*] Hereinafter referred to as the "FOI, Privacy and Sunshine Acts compliance staff."

whose jurisidiction the records are maintained, if known.

* * * * *

CFTC–3

SYSTEM NAME:

Docket Files.

SYSTEM LOCATION:

The records are maintained in the Hearings Section, 2000 L Street, N.W., Suite 620, Washington, D.C. 20581.

* * * * *

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission., 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

* * * * *

CFTC–4

SYSTEM NAME:

Employee Leave, Time and Attendance.

SYSTEM LOCATION:

These records are maintained at the Commission's principal office, 2033 K Street, N.W., Washington, D.C. 20581.

* * * * *

RETENTION AND DISPOSAL:

Records for all employees are maintained for three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Budget and Accounting Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

* * * * *

CFTC–5

SYSTEM NAME:

Employee Personnel Records.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained in the principal office for all employees include: a. Forms required and records maintained under the Commission's rules of conduct and the Ethics in Government Act; b. Pre-employment inquiries not included with "exempted employee background investigation materials"; c. Various summary materials received in computer printout form; d. Card indices reflecting various information contained in other personnel records.

The official personnel records maintained by the Commission are described in the system notices published by the Office of Personnel Management, and are not included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 5 U.S.C. App. (Executive Personnel Financial Disclosure Requirements).

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of the Commission is the system manager for all records maintained in the Commission's principal office, except for those records maintained under the Commission's rules of conduct and the Ethics in Government Act which are kept in the Office of the General Counsel as to which the General Counsel is the system manager. Addresses of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–6

SYSTEM NAME:

Employee Travel Records.

SYSTEM LOCATION:

These records are maintained at the Commission's principal office, 2033 K Street, N.W. Washington, D.C. 20581.

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SYSTEM MANAGER(S) ADDRESS:

Budget and Accounting Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–7

SYSTEM NAME:

Employee Records maintained by the office of ADP Services—CFTC 6

SYSTEM LOCATION:

These records are maintained at the Commission's principal office, 2033 K Street, N.W., Washington, D.C. 20581.

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CATEGORIES OF RECORDS IN THE SYSTEM:

The Operations and Budget Section provides data processing capability for various personnel, payroll and accounting related matters. The records in this system include:

a. General records relating to the employee including information from the notification of personnel action [SF–50] and other related sources. The information includes the name, social security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, retirement coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.

b. Various payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, mailing addresses and home addresses. This includes copies of the CFTC time and attendance reports as well as authorizations relating to deductions.

c. Travel vouchers and related material.

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NOTIFICATIONS PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

CFTC–8

SYSTEM NAME:

Employment Applications.

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RETRIEVABILITY:

Indexed by interest.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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CFTC–12

SYSTEM NAME:

Fitness Investigations.

SYSTEM LOCATION:

These records are located in the Division of Trading and Markets in the Commission's principal offices at 2033 K Street, NW, Washington, D.C. 20581. Limited records are located in the Chicago regional office, 233 South Wacker Drive, 46th floor, Chicago, Illinois 60606.

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CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various information pertaining to the fitness of the above-described persons to engage in business subject to the Commission's jurisdiction. The file includes copies of the application for registration, biographical supplements and schedules. It also includes correspondence, reports and memoranda reflecting information developed from various sources outside the agency. In addition, the system contains records of any CFTC investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4n(6) and 8a(2)(B) of the Commodity Exchange Act, 7 U.S.C. 6n(6) and 12a(2)(B).

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SAFEGUARDS:

Records are maintained in locked cabinets.

RETENTION AND DISPOSAL:

The records are maintained on the premises for three years, then held in the Federal Records Center for seven years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Director for Registration, Division of Trading and Markets, in the Commission's principal office and the Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained, his employer, federal, state, and local regulatory and law enforcement agencies, commodity and securities exchanges, National Association of Securities Dealers, and other miscellaneous sources.

CFTC–13

SYSTEM NAME:

Interpretation Files—CFTC

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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CFTC–14

SYSTEM NAME:

Matter Files.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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CFTC–15

SYSTEM NAME:

Large Trader Report Files.

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NOTIFICATION PROCEDURE

Individual seeking to determine whether this system of records contains information about themselves should address their inquiries to the POI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Future Trading Commission, 2033 K Street, NW., Washington D.C. 20581. Telephone: (202) 254–3382. The individual should include the code number assigned to him by the Commission for filing such reports, the name of the futures commission merchant through whom he trades, and the time period for which information is sought.

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CFTC–16

SYSTEM NAME:

Case Files

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NOTIFICATION PROCEDURE

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FO1, Privacy and Sunshine Acts compliance staff, Office of the Secretarial, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–17

SYSTEM NAME:

Litigation Files–OGL.

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RETRIEVABILITY:

Cases are classified alphabetically by caption of the case.

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RETENTION AND DISPOSAL:

The records are maintained in the active files until the action is completed, including final review at the appellate level. Thereafter, the records are transferred to the inactive case files, where a skeletal record of pleadings, briefs, findings and opinions and other particularly relevant papers may be maintained indefinitely. Other materials are generally destroyed except insofar as a copy of some of the documents may be kept in precedent files for use in later legal research or preparation of filings in other matters.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–18

SYSTEM NAME:

Logbook on Speculative Limit Violations.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–19

SYSTEM NAME:

Petition and Rulings.

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SYSTEM LOCATION:

These records are maintained in the Hearings Section in the Commission's principal office located at 2000 L Street, N.W., Washinton, D.C. 20581.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–20

SYSTEM NAME:

Registation of Futures Commission Merchants, Commodity Trading Advisors and Commodity Pool Operators.

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CATEGORIES OF RECORDS IN THE SYSTEM

Contains various information pertaining to the fitness and registration of futures commission merchants, commodity trading advisorys and commodity pool operators. The Chicago office maintains the applications for registration (Form 7–R and related schedules) and biographical supplements, as well as correspondence relating to registration. A computer system is also maintained by the Chicago office. A computerized record is maintained for each individual engaged as an offcier, partner, sole proprietor, branch office manager, agent, or more than 10 percent stockholder of a futures commission merchant, commodity trading advisor or commodity pool operator who is listed in the application as such. The computer memory consisits of the name, firm affiliation, title, date and place of birth (optional), social security number (optional), fitness and business address of each individual engaged as a partner, sole proprietor, officer, director or person performing similar functions for a futures commission merchant, commodity trading advisor or commodity pool operator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4n(1), 8a(1) and 8a(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6n(1), 12a(1) and 12a(2).

PRETENTION AND DISPOSAL:

Applications for registeration (Form 7–R), biographical supplements, and related documents and correspondence are maintained on the premises for three years, then held in the Federal Records Center for seven years before being destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains affiliated with a registrant. Computer printouts are maintained on the premises for six months and then destroyed. Microfiche records are maintained permanently on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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RECORD SOURCE CATEGORIES:

The application or biographical supplement is submitted by the applicant. The computerized record is prepared from that application, from information developed during the fitness inquiry and from any correspondence between the Commission, the principal, commodity and securities exchanges, other government agencies and other persons with relevant information concerning the individual's fitness.

CFTC–22

SYSTEM NAME: REGISTRATION OF ASSOCIATED PERSONS AND FLOOR BROKERS:

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CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes applications for registration and biographical supplements [Form 8–R and related schedules]. The system also includes correspondence relating to registration and reports reflecting information developed from various sources outside the agency. A computerized system, consisting primarily of information taken from the Form 8–R, is maintained by the Chicago office. The computer memory includes the name, date and place of birth (optional), social security number (optional), fitness, membership (floor brokers only), firm affiliation,

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business address and residence of the above-described individuals. In addition to the above, the computer memory includes education and experience for each registered associated person. Monthly microfiche records list the name, business address, and membership affiliation of all registered floor brokers and the name and firm affiliation of all individuals engaged as associated persons. These microfiche records, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying. In addition, certain auxiliary records, such as card indexes, are maintained, summarizing information contained in the system regarding each of the above-described individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(2), 4n(1), 8a(1) and 8(a)(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6k(2), 6n(1), 12a(1) and 12a(2).

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RETRIEVABILITY:

By the name of the individual. The computer cross-indexes the record to the name of the futures commission merchant, commodity trading advisor or commodity pool operator with whom the individual is associated or affiliated.

SAFEGUARDS:

Protection of non-public records is afford by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications for registration and related documents and correspondence are maintained on the premises for three years after the individual's registration, or that of the firm with which the individual is affiliated as a principal, becomes inactive. Records are then held in the Federal Records Center for seven years and thereafter destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains registered or affiliated with a registrant. Printouts are maintained on the premises for six months and then destroyed. Microfiche records are permanently maintained on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

* * * * *

RECORD SOURCE CATEGORIES:

The individual on whom the file is maintained, his employer, commodity and securities exchanges, other government agencies and other persons with relevant knowledge about the individual. Correspondence may be prepared by the Commission or the individual. The computer record is prepared from the application or biographical supplement and from information developed during the fitness inquiry.

CFTC–25

SYSTEM NAME: STIPULATION OF COMPLIANCE FILE:

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC. 20581. Telephone: (202) 254–3382.

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CFTC–29

SYSTEM NAME:

Reparation Complaints.

SYSTEM LOCATION:

These records are located in the Complaints Section, Office of the Executive Director, in the Commission's principal office, at 2000 L Street, NW., Washington, D.C. 20581.

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CATEGORIES OF RECORDS IN THE SYSTEM:

These files consist of reparation complaints, answers and correspondence filed with the Complaints Section.

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RETRIEVABILITY:

Complaints Section files are maintained by number and are cross-indexed by the name of the complainant and respondent.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

At the present time records are maintained for an indefinite time period. After a case is forwarded to the Hearings Section, however, the records are included in the Commission's docket files.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Complaints Section, Office of the Executive Director, Commodity Futures Trading Commission, 2000 L Street, NW., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–28

SYSTEM NAME: EXCHANGE DISCIPLINARY ACTION FILE:

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW.,

Issued by the Commission in Washington, D.C., on February 4, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81–4885 Filed 2–11–81; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m., 8 March 1981 at the Hotel Washington and from 9:30 a.m. to approximately 1:00 p.m., 9 March 1981 in Room 1E801, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review responses to recommendation/requests for information made at the 1980 Fall Meeting, discuss current issues relevant to women in the Services, and plan the itinerary/program for the next Semiannual Meeting scheduled for 26–30 April 1981 in Washington, DC.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Captain Mary J. Mayer, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Room 3D322, The Pentagon, Washington, DC. 20301, telephone 202–697–5655 no later than 1 March 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 9, 1981.

[FR Doc. 81–4946 Filed 2–11–81; 8:45 am]

BILLING CODE 3810–70–M

DELAWARE RIVER BASIN COMMISSION

Comprehensive Plan Pursuant to Article 11 of the Compact; Project Approvals; Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 18, 1981, commencing at 2 p.m. The hearing will be a part of the Commission's regular February business meeting which is open to the public. Both the hearing and the meeting will be held in the Hall of Flags, Sheraton Hotel, 17th Street and Kennedy Boulevard, Philadelphia, Pennsylvania. The subject of the hearing will be application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Cheyney State College (D–78–43 CP).* Expansion and upgrading of the existing sewage treatment plant at Cheyney State College, Thornbury Township, Delaware County, Pa. Treatment facilities will provide for removal of 95% BOD and suspended solids from a wastewater flow of approximately 270,000 gallons per day. Treated effluent will discharge to Chester Creek.

2. *Borough of West Chester (D–79–84 CP).* A new sewage treatment plant to serve the Borough of West Chester, Chester County, Pa. The new facility, which will replace an existing treatment plant, will provide 97% removal of BOD from wastewater flow of about 1.5 million gallons per day. Treated effluent will discharge to Taylor Run, a tributary of the East Branch Brandywine Creek.

3. *Pennsylvania Department of Environmental Resources (D–80–6 CP).* A sewage collection and treatment facility to serve the French Creek State Park in Union Township, Berks County and Warwick Township, Chester County, Pa. The sewage treatment facility will provide removal of 85% of BOD with ultimate disposal by spray irrigation.

4. *U.S. Department of Justice, Bureau of Prisons (D–80–29 CP).* Expansion of the existing sewage treatment facilities serving the Otisville Federal Correctional Institution, Orange County, N.Y. The expanded sewage treatment plant will provide for removal of 90% of BOD from a sewage flow of 100,000 gallons per day. Treated effluent discharges to an unnamed tributary of Basher Kill.

5. *Douglas Zee (D–80–33).* A farm well at the subject farm in Harrison Township, Gloucester County, N.J. The facility is expected to provide 860,000 gallons per day that will be used for supplemental irrigation of 440 acres of fruit crops.

6. *Philadelphia Electric Company (D–80–52).* Expansion of existing waste treatment facilities at the Company's Eddystone plant, Delaware County, Pa. The capacity of the treatment facility will be expanded to accommodate increased wastewater flow of about 3 million gallons per day. Treated effluent will discharge to the Delaware River.

7. *Joseph Mizsur (D–80–66).* A pier and docking facility in Fieldsboro, Burlington County, N.J. The applicant proposes to construct a 100' pier paralleling the shore line and extending 83' into the Delaware River. The pier will be used to accommodate passenger vessels visiting the proposed Historic Whitehall Village.

8. *Philadelphia Electric Company (D–80–70).* A treatment facility at the Cromby Generating Station in the Township of East Pikeland, Chester County, Pa. The applicant proposes to collect and treat about 67,000 gallons per day of coal pile runoff water. Effluent will discharge into the Schuylkill River.

9. *Mc Conway and Torley Corporation (D–80–83).* A well water supply project to provide non-contact cooling and quenching water at the company's new steel foundry in the Borough of Kutztown, Berks County, Pa. Two wells will be utilized to produce an average supply of 360,000 gallons per day.

10. *Ronning Enterprises (D–80–90).* A sewage treatment plant to serve the proposed Care Free Village residential development in North Whitehall Township, Lehigh County, Pa. The treatment plant is designed to remove 90% of BOD and suspended solids from an average sewage flow of 65,000 gallons per day. Treated effluent will discharge to the Lehigh River.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

February 4, 1981.

[FR Doc. 81–4730 Filed 2–11–81; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF ENERGY

Draft National Site Characterization and Selection Plan; Availability

AGENCY: Department of Energy.

ACTION: Notice of Availability.

SUMMARY: The National Site Characterization and Selection Plan for siting high-level waste repositories is one element of the Department of Energy's National Waste Terminal Storage (NWTS) Program. The NWTS Program is being conducted to develop the necessary technology and to qualify suitable sites to establish mined

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geologic repositories for disposal of high-level radioactive wastes. The National Site Characterization and Selection Plan describes existing and planned activities for screening successively smaller portions of land within the United States to identify suitable candidate sites and for subsequently selecting one or more of these sites for submission of a license application to the Nuclear Regulatory Commission for permanent disposal of high-level waste in a mined repository. This draft Plan is now available for public review and comment.

An Environmental Assessment (EA) has been prepared as input to the decision to adopt or modify the National Site Characterization and Selection Plan. Environmental effects of the anticipated range of field studies to characterize various land areas and of reasonable alternative siting strategies are assessed. The EA will provide the basis for a finding of whether or not adoption and implementation of this Plan will result in significant environmental impacts and therefore require preparation of an Environmental Impact Statement. The EA is being included as an attachment to the draft Plan.

The Department will consider timely comments received on the Plan and the impacts on the environment prior to a decision to adopt or modify it for the NWTS Program. It is expected that the Plan will continue to evolve, as details of the siting process are further developed. Consequently, the Department anticipates that the Plan will be revised as necessary to reflect the results of the ongoing program.

AVAILABILITY: Copies are available from the Office of Nuclear Waste Isolation Library, 505 King Avenue, Columbus, Ohio 43201. Telephone (614) 424–7697.

DATES: Written comments on the draft Plan are due on or before March 27, 1981.

ADDRESS: Comments should be sent to: Dr. Colin A. Heath, Director, Office of Waste Isolation, NE–330, MS B–107 (Gtn), U.S. Department of Energy, Washington, D.C. 20545. Telephone: (301) 353–4068.

For the United States Department of Energy.

Dated: February 2, 1981.

John W. Crawford, Jr.,

Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 81–5011 Filed 2–11–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[Docket No. ERA–FC–81–002; OFC Case No. 55364–9195–01–12]

Gulf Oil Corp.; Acceptance of Petition for Exemption

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Acceptance of Petition for Exemption Pursuant to the Final Rule Implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On December 24, 1980, Gulf Oil Corporation (Gulf) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibit the use of petroleum and natural gas as a primary energy source in new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 45 FR 38302 (June 6, 1980).

The MFBI for which the petition is filed is a new field-erected boiler (identified as Boiler No. 301–B–101), to be installed at the Alliance Refinery, Plaquemines Parish, Louisiana. The boiler has a design heat input rate of 566 million BTU's per hour with a steam generating capacity of 400,000 pounds per hour. The primary energy source proposed for the new boiler is on-site produced refinery fuel oil consisting of vacuum tower bottoms or mixtures of this material with other non-saleable oils. Gulf has requested a permanent exemption under 10 CFR 503.32 based upon a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum as a primary energy source in the unit.

FUA Section 202(a) imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source in new MFBI's which consist of a boiler. ERA's decision in this matter will determine whether Gulf will be granted a permanent exemption from these prohibitions for Boiler No. 301–B–101.

ERA has determined that the petition for a permanent exemption is complete in accordance with 10 CFR 501.3(d). A summary of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR §§ 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before March 30, 1981. A request for public hearing must also be made within this same 45 day period (from publication of this notice).

ADDRESSES: Fifteen copies of written comments or a request for a public hearing be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461. Docket Number ERA–FC–81–002, should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room B–110, Washington, D.C. 20461, Phone: (202) 653–4055;

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone: (202) 653–4226;

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6B–178, Washington, D.C. 20585, Phone: (202) 252–2967;

Terri L. Hamrick, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone: (202) 653–4478.

SUPPLEMENTARY INFORMATION: ERA published in the **Federal Register** a final rule implementing the provisions of Title II of FUA on June 6, 1980 (45 FR 38276). Criteria for petitions for exemptions from FUA's prohibitions also were published on that date (45 FR 38302). A final rule implementing the methodology for calculating the cost using alternative fuels under FUA was published on December 24, 1980 and became effective January 23, 1981 (45 FR 84967). The Act prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA.

The new MFBI for which the permanent cost exemption is requested is a field-erected boiler having a design heat input rate of 566 million Btu's per hour and a steam generating capacity of 400,000 pounds per hour. The proposed primary energy source for the new boiler is an on-site produced refinery fuel oil consisting of vacuum tower bottoms or mixtures of this material with other non-saleable oils. Such fuels are considered petroleum products under the definition

of "petroleum" contained in 10 CFR Part 500.

The petition is based on 50 percent utilization of the new unit's design capacity during normal operation, the remaining surplus boiler capacity to be used in the case of scheduled or unanticipated outages of existing boiler capacity.

In addressing the eligibility and evidentiary requirements for this exemption, which are contained in 10 CFR 503.32, Gulf states that it has investigated the cost of using the following alternate and mixtures of alternate fuels:

Three types of bituminous coal with differing qualities and prices,

Refinery petroleum coke,

Merchant petroleum coke.

Mixtures

75% washed Sewanee coal and 25% refinery fuel oil.

75% merchant petroleum coke and 25% refinery fuel oil.

Gulf also examined the possibilities of using medium-Btu gas from coal gasification, solar energy and refuse derived fuel at this site.

In accordance with 10 CFR 503, Gulf addressed the remaining general requirements for this exemption by including in its petition information pertaining to present and future conservation measures taken at the site, petroleum and natural gas consumption at the site, and an environmental impact analysis of each scenerio proposed in the detailed cost test calculations.

ERA hereby gives notice that it accepts Gulf's petition for a permanent exemption as adequate for filing. ERA retains the right to request additional information from Gulf at any time during the pendency of these proceedings where necessitated by circumstances or procedural requirements. As set forth in 10 CFR 501.3(d), the acceptance of the petition by ERA does not constitute a determination that Gulf is entitled to the exemption requested.

The public file, containing documents on these proceedings and supporting materials, is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW, Washington, D.C., Monday–Friday, 8:00 am–4:30 pm.

Issued in Washington, D.C. on February 6, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–4999 Filed 2–11–81; 8:45 am]

BILLING CODE 6450–01–M

OKC Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: James J. Fenton, Program Manager, Small Refiners, Room 5108, 2000 M Street, NW., Washington, D.C. 20461, 202–653–3548.

SUPPLEMENTARY INFORMATION: On July 31, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with OKC Corporation, (OKC) of Dallas, Texas on July 17, 1980, 45 FR 50865 (1980). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by OKC pursuant to the Consent Order were requested to submit notice of their claims to ERA.

Two comments were received. The comments raised objections to the Office of Enforcement's agreement to petition the Office of Hearings and Appeals (OHA) to implement the special refund procedures (Petition) at 10 CFR Part 205, Subpart V. One commentor asserted that DOE lacks authority to determine whether refunds should be paid to persons other than direct purchasers. In the Preamble to the Subpart V regulations, OHA stated that determination of the identity of persons entitled to refunds and the amount of such refunds would be decided in the context of specific Subpart V proceedings. 44 FR 8562, 8566 (1979). The Office of Enforcement agreed to petition to implement these procedures, and has so petitioned, because it does not have the information to readily ascertain the persons injured by OKC's alleged violations or the amounts by which such persons have been injured. See 10 CFR 205.280, 205.281.

The commentors also questioned a provision permitting DOE to distribute the refunds "in the general public interest by an appropriate means, such as payment to the Treasury of the United States, pursuant to 10 CFR 205.199," if "the Petition shall be denied by OHA, and if it appears that the adverse effects of any violations have become so diffused that it may be a practical impossibility to identify specific adversely affected persons." Consent Order, Par. III. 8. The remedy of direct refund to the Treasury is provided in the DOE regulations at 10 CFR 205.199I, and this remedy has been upheld as an appropriate means to effectuate restitution for violation of the regulations promulgated pursuant to the Emergency Petroleum Allocation Act of 1973 as amended, 15 U.S.C. 751 et. seq. *Citronelle-Mobile Gathering, Inc., et al.*, v. *John F. O'Leary, et al.*, 499 F. Supp. 871 (S.D. Ala. 1980).

In addition, one commentor criticized a provision in the Consent Order that the Petition will include a statement that the Office of Enforcement and OKC recommend that the OHA adopt a requirement, that to be eligible to receive a refund, a claimant must waive and release all other claims against OKC concerning DOE petroleum price statutes and regulations during the settlement period stated in the Consent Order. Of course, this statement constitutes only a recommendation to OHA and does not bind the OHA to adopt such a requirement. Moreover, the recommendation proposes criteria for the receipt of refunds collected and distributed by DOE pursuant to DOE's authority to enforce petroleum price and allocation regulations. The recommendation would have no effect upon a person who pursues a private right of action against OKC for alleged violations during the settlement period pursuant to section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note (1976) (ESA), but who does not receive a refund as a participant in the special refund proceeding.

The commentors also critized another provision in the Consent Order which states that the Petition will contain a recommendation of the Office of Enforcement and OKC, "That no funds be disbursed for a period of two years from the Effective (sic) date of this Consent Order." Again, this is a mere recommendation which is not binding upon the OHA. Furthermore, the Preamble to the Final Rule of Subpart V discussed the possibility of delaying payment of all refunds for a period during which court actions based on the violation can be initiated. An accommodation could thus be made so that injured persons would not receive double compensation as a result of an administrative refund and a court judgment for the same violation. The Consent Order provision does not

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prevent a person from commencing an action and recovering damages under Section 210 of the ESA; it merely recommends a procedure to be followed in the administrative refund proceedings.

One commentor also believed that its right to bring a private right of action against OKC pursuant to Section 210 of the ESA was impaired by a provision in the Consent Order. This provision states that OKC's performance under the Consent Order constitutes full compliance with applicable petroleum pricing statutes and regulations, except entitlements transactions, during the settlement period. The commentor, however, omitted the remainder of the paragraph in which DOE agrees not to institute future compliance actions against OKC for petroleum price violations, other than entitlements violations, committed during the settlement period. The paragraph is concerned solely with potential DOE enforcement activity and makes no reference to private actions.

After review of the above-described comments, the Office of Enforcement has determined that the Consent Order should be issued as signed.

Pursuant to the Consent Order, OKC refunded the sum of $4,750,000 by certified check made payable to the United States Department of Energy on July 17, 1980. This amount received by DOE has been placed into an interest-bearing account pending determination of its proper distribution.

The following persons submitted timely notices of claim to the ERA:

B&B Trading Co.
Beavers Oil Company
Best-Way Marketing Co.
Coppedge Oil Company
D&S Oil Co.
Defense Logistics Agency
Farmland Industries, Inc.
Fisca Oil Company
Getty Refining and Marketing Co.
Highway Oil, Inc.
Hudson Refining Co.
J. R. Adams
Jones Oil Co.
Marcum Oil Co.
Metro Energy
Mid-Region Petroleum
Petroleum Marketing Co.
Quality Oil
Ritco Co.
Suter & Chaffin Oil Company
The Southland Corp.
Town & Country Markets, Inc.
Williams Chemical Co.
Zarda Bros. Dairy, Inc.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the $4,750,000 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on February 5, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington on the sixth day of February, 1981.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 81-5001 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

Peoples Energy Corp.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT:
Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas, Missouri 64106.

SUPPLEMENTARY INFORMATION: On December 23, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Peoples Energy Corporation ("Peoples") and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Peoples Energy Corporation is an appropriate resolution of the compliance proceedings described in the Notice published on December 23, 1980, and hereby gives Notice that the Consent Order is made effective by written notice to Peoples Energy Corporation on January 23, 1981.

Issued in Kansas City, Missouri on this 27th day of January, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-5002 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-15-NG]

Natural Gas Pipeline Co. of America; Michigan Wisconsin Pipe Line Co.; Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Texas Eastern Transmission Corp.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of petition for temporary authorizations.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt on January 23, 1981, of a petition of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and Texas Eastern Transmission Corporation (Tetco) for temporary authorizations to import natural gas from Canada. Tennessee and Tetco sumbit that emergencies exist on their pipeline systems, in part due to the prolonged cold spell in Northeastern areas of the United States served by them. The petition is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before February 19, 1981.

FOR FURTHER INFORMATION CONTACT:
Leonard B. Levine (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW., Room 7108, RG-55, Washington, D.C. 20461 (202) 653-3286
James K. White (Acting Assistant General Counsel for Natural Gas and Mineral Leasing), Department of Energy, 1000 Independence Ave., SW., Room 5E-074, GC-15, Washington, D.C. 20585 (202) 252-2900

SUPPLEMENTARY INFORMATION: On June 4, 1979, Tennessee, Tetco, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), and Natural Gas Pipeline Company of America (Natural) filed a joint application with the ERA requesting authorization to import a combined total of 300,000 Mcf of natural gas per day from Canada beginning November 1, 1980. That application was assigned ERA Docket No. 79-15-NG and was noticed on July 19, 1979 (44 FR 42307).

On January 12, 1981, the applicants (jointly called the ProGas purchasers) filed a supplement to the June 4, 1979, application. The supplement is being noticed in the **Federal Register**. According to the supplement, the ProGas purchasers and the exporter, ProGas Ltd. (ProGas), have agreed to reduce the total maximum volume of gas to be imported between the date of first delivery and November 1, 1982, from 300,000 Mcf per day to 150,000 Mcf per day, and substantially reduce the "take-or-pay" volumes under the contracts. In addition, the ProGas purchasers, with ProGas consenting, have agreed that Natural and Michigan Wisconsin will assign their rights and obligations to purchase gas through November 1, 1982, to Tennessee and Tetco.

On January 23, 1981, Tennessee and Tetco filed a petition for a temporary authorization to permit the importation of the 150,000 Mcf per day pending issuance of permanent authorization for the complete ProGas import. Tennessee and Tetco cite the impact of the unusually cold weather in the Northeast areas of the United States on their pipeline systems. They state that as a result, both "have been operating their pipeline systems at capacity levels, causing them to make much heavier withdrawals from their storage fields resulting in lower storage gas inventories than that planned for at this point in the winter heating season." They believe that the 75,000 Mcf per day that would be immediately available to each from ProGas would help to minimize further withdrawals of storage gas and help to protect their systems against serious curtailments should the cold weather continue.

Persons who have already petitioned for intervention in ERA Docket No. 79-15-NG need not file new petitions, but may submit additional comments as appropriate. Because of the need for an expeditious decision, we have limited the notice period to 7 days.

Other Information:

ERA again invites protests or petitions for intervention in the proceeding. Such protests or petitions are to be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG/55, 2000 M Street, NW., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Such protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on February 19, 1981.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition and application should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A hearing will not be held unless a motion for a hearing is made by any party or persons seeking intervention and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. If a hearing is required, due notice will be given.

A copy of the petition is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on February 10, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-5150 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3840-000]

Burnt River Irrigation District; Application for Preliminary Permit

February 6, 1981.

Take notice that Burnt River Irrigation District (Applicant) filed on December 8, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 3840 to be known as the Unity Hydroelectric Project located on the Burnt River in Baker County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald A. Sullivan, Chairman, Board of Directors, Burnt River Irrigation District, 1950 Third Street, Baker, Oregon 97814. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of; (1) a penstock through the outlet tunnel of the Water and Power Resources Service's Unity Dam; (2) a powerhouse containing a generating unit with a rated capacity of 500 kW; and (3) a short transmission line. The Applicant estimates that the average annual energy output would be 1,500 to 2,000 MWh.

Purpose of Project—Power would be sold to the Idaho Power Company or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—Applicant proposes to conduct a feasibility study which would include hydrologic studies, a review of the civil and mechanical features at the dam, an identification of possible environmental and social impacts, a power marketing analysis, and an economic and financial analysis.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application

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must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3840. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4828 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3743-000 and 3827-000]

Cascade Waterpower Development Corp. and North Unit Irrigation District; Application for Preliminary Permit

February 6, 1981.

Take notice that Cascade Waterpower Development Corporation and North Unit Irrigation District (Applicants) filed on November 17, 1980, and December 5, 1980, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 3743 and 3827 to be known as the Haystack Project located on Haystack Creek in Jefferson County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. David Holzman, P.O. Box 246, June Lake, California 93529 and Mr. Robert Wagner, Secretary-Manager, Route 2, Box 1224, Madras, Oregon 97741. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The project proposed by Cascade Waterpower Development Corporation (Cascade) would consist of: (1) a penstock located within the existing outlet works for the Water and Power Resources Service's Haystack Dam; (2) a powerhouse containing a single generating unit with a maximum rated capacity of 900 kW; and (3) a 2.5-mile long transmission line. Cascade estimates that the average annual energy output would be a maximum of 3,900 MWh.

The project proposed by North Unit Irrigation District (NUID) would consist of: (1) an intake structure located at a check gate on a canal at the left abutment of Haystack Dam; (2) a penstock from the intake structure to; (3) a powerhouse at the toe of the dam containing a single generating unit with a rated capacity of 2,500 kW; and (4) a short transmission line. NUID estimates that the averge annual energy output would be 9,000 MWh.

Purpose of Project—Project energy would be sold to the Bonneville Power Administration, Pacific Power and Light Company or other power purchasers.

Proposed Scope and Cost of Studies Under Permit—Applicants propose to study the environmental, hydraulic, power generation, construction and economic aspets of the project to determine the feasibility of the proposed developments and to develop the data necessary to prepare an application for license. Cascade and NUID estimate that the cost of conducting its studies and preparing a license application would be $36,000 and $80,000 respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the application itself or a notice of intent of file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permits for Projects Nos. 3743 and 3827. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4829 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-150-000]

Cities Service Gas Co.; Application

February 5, 1981.

Take notice that on January 19, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-150-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon gas service to the Grainville Gas Cooperative in Kay County, Oklahoma, and for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas to Mr. Everett Brazelton, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been supplying natural gas to the Grainville Gas Cooperative for resale in the community of Grainville, Kay County, Oklahoma.

Applicant states that the cooperative has been liquidated and the pipeline removed. As of October 1, 1980, one customer, Mr. Everett Brazelton, remained on whose property the tap which served the cooperative was located, it is asserted.

Applicant proposes herein to abandon service to the Grainville Gas Cooperative. Applicant further requests authorization to provide direct natural gas service to Mr. Brazelton through an existing tap.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to entervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4822 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-153-000]

Columbia Gas Transmission Corp.; Application

February 5, 1981.

Take notice that on January 21, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-153-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 91 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 7 taps for residential service, 1 tap for commercial service—Estimated annual usage of 1,640 Mcf.

(2) Columbia Gas of Ohio, Inc.: 56 taps for residential service, 1 tap for industrial service, 1 tap for combined residential and commercial service—Estimated annual usage of 10,752 Mcf.

(3) Columbia Gas of Pennsylvania, Inc.: 4 taps for residential service—Estimated annual usage of 800 Mcf.

(4) Columbia Gas of Virginia, Inc.: 1 tap for residential service—Estimated annual usage of 150 Mcf.

(5) Columbia Gas of West Virginia, Inc.: 18 taps for residential service, 1 tap for commercial service—Estimated annual usage of 4,599 Mcf.

(6) The Dayton Power and Light Company: 1 tap for residential service—Estimated annual usage of 150 Mcf.

Applicant estimates the total cost of the proposed interconnections to be $27,403 which would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulation under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it

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in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4025 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3826]

Continental Hydro Corp.; Application for Preliminary Permit

February 6, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 4, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3826 to be known as the Little Wood River Project located on Little Wood River in Blaine County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston MA 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) An 800-foot long penstock running from the headworks structure of the Water and Power Resources Service's Little Wood River Dam through the existing outlet conduit; (2) a powerhouse containing 1 or 2 generating units with total maximum rating of 2.1 MW; and (3) a short transmission line.

The Applicant estimates that the average annual energy output would be 7.3 GWH.

Purpose of Project—The power generated by the project would be sold to Idaho Power Company or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—The Applicant would conduct a detailed feasibility study. This study would include data acquisition and analysis, technical studies, potential energy production and capacity evaluation, project layout and design, construction options and financial and economic examinations. There would also be investigations of environmental, recreational and historic aspects. The cost of this study has been estimated to be $48,000 by the Applicant.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevent to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3826. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4027 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-146-000]

El Paso Natural Gas Co.; Application

February 5, 1981.

Take notice that on January 16, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-146-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, modification and operation of certain pipeline, compression and metering facilities with appurtenances, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that since 1972 the deliverability from Applicant's natural gas reserves has been less than that required to serve all of its customers' requirements. It is stated that Applicant has instituted a supply acquisition program which has explored and developed leasehold properities in the Anadarko Basin area of Texas and Oklahoma which has permitted the introduction of additional gas supplies into Applicant's interstate pipeline system. It is stated that the development effort is expected to continue and that this effort coupled with the drilling of additional wells by others, the frac treatment of existing wells which is underway in the area and the existing excess supply situation in Oklahoma lead Applicant to forecast that significant additional supplies would be made available to Applicant in the Anadarko Basin area in the near future. In addition, it is stated that Applicant's gas acquisition efforts have lead it to enter various arrangements with individually, Mustang Fuel Corporation, Mustang Production Company, Oklahoma Gas and Producer's Company, Lear Petroleum Exploration, Inc., and Producer's Gas Company (PGC) which would further facilitate Applicant's ability to acquire additional gas supply in that portion of the Anadarko Basin area situated in Western Oklahoma and that portion of the Arkoma Basin area of east central Oklahoma.

Applicant asserts that the additional supply of natural gas would be transported to its interstate pipeline system by means of existing pipeline extending from Applicant's Panoma plant located in Gray County, Texas, to Applicant's Dumas compressor station located in Moore County, Texas (Panoma System). While the system has a present design capacity of approximately 340,000 Mcf per day, it is stated, Applicant's continued success in acquiring gas supplies could provide as much as 484,000 Mcf of natural gas per day during August 1981 and approximately 560,000 Mcf of natural gas per day during November 1981. Applicant maintains that to remain competitive in its gas acquisition activities it must have the outlet capacity on its pipeline facilities to receive and transport immediately new supplies for delivery to its interstate mainline system.

Applicant states that to provide an additional field transport capacity of 123,000 Mcf per day in the Panoma System, Applicant proposes to construct and operate: (1) Approximately 73 miles of 20-inch O.D. pipeline from a point of interconnection with PGC's facilities in Elk City, Oklahoma, to Applicant's existing Panoma No. 1 plant; (2) approximately 33.98 miles of 20-inch O.D. loop pipeline and approximately 0.47 mile of 26-inch O.D. loop pipeline between Applicant's existing Panoma No. 1 plant and its existing Dumas plant; and (3) an additional 3,580 horsepower gas turbine-driven contrifugal compressor unit at its Schafer plant in Carson County, Texas.

Applicant proposes herein to modify certain of its existing compressor facilities located at its existing Panoma No. 1, Schafer and Dumas stations, and with respect to measurement facilities: (1) To install one new check meter on the new 20-inch O.D. pipeline at the inlet of the Dumas station all within the existing Dumas plant yard, and (2) to install one flow recorder on PGC's metering facilities located at the point of interconnection. It is also stated that Applicant proposes pursuant to § 255(a) of the Commission's General Policy and Interpretations to rewheel three centrifugal compressor units located at the Schafer plant, install supervisory central and telemetry equipment at the Panoma No. 1 plant and at the Schafer plant, and to construct one plant cottage near the Panoma plant and two cottages near the Schafer plant in order to house the additional required operators.

Applicant estimates the cost of the proposed facilities to be $40,873,303 which would be financed through use of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4023 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP66-110-019]

Great Lakes Gas Transmission Co., Petition To Amend

February 5, 1981.

Take notice that on January 14, 1981, [1] Great Lakes Gas Transmission Company (Petitioner), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP66-110-019 a petition to amend the order issued June 20, 1967, [2] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale under a special operating arrangement of natural gas to Michigan Consolidated Gas Company (Michigan Consolidated) for a 12-month period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it presently sells up to 59,578 Mcf of natural gas per day to Michigan Consolidated under a service agreement dated December 20, 1976.

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[1] The application was initially tendered for filing on January 14, 1981; however, the fee required by § 158.1 of the regulations under the Natural Gas Act (18 CFR 158.1) was not paid until January 15, 1981, thus, the filing was not completed until the later date.

[2] This proceeding was commenced before the FPC. By joint regualtion of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

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Petitioner further states that during the month of July 1980, Michigan Consolidated paid for but could not take a total of 21,127 Mcf less than the volumes specified in the minimum bill provisions of the service agreement.

It is asserted that Petitioner and Michigan Consolidated have entered into a special operating agreement dated December 30, 1980, which provides that from the first day of the month following the day on which all regulatory authorizations satisfactory to the parties have been received and within a period of 12 months from such date Michigan Consolidated would have the right to make up 21,127 Mcf of gas for which it paid but could not take during July 1980.

Petitioner asserts that the make-up volumes would be computed in accordance with the terms of a special operating agreement between the two companies dated January 12, 1981.

It is further stated that for all make-up volumes Michigan Consolidated would pay the applicable rate for volumes delivered under its currently effective service agreement with Petitioner less $4.46106 per Mcf which is the price of gas included in Petitioner's billings to Michigan Consolidated for the month of July 1980.

Petitioner states that it would not be required to import any additional volumes or construct facilities to provide make-up volumes to Michigan Consolidated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.0) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4924 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3835-000]

Hi-Head Hydro, Inc., Application for Preliminary Permit

February 6, 1981.

Take notice that Hi-Head Hydro, Inc. (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3835 to be known as Coldwater Creek Project located on Coldwater Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William Symons, Jr., 26 Thorndale Place, Moraga, California 94556. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that persons wishes to file.

Project Description—The proposed project would consist of : (1) A French drain diversion structure; (2) an off-stream storage tank; (3) an intake structure; (4) a 30,650-foot long, 10-inch diameter steel pipeline; (5) a powerhouse containing one generating unit rated at 350 kW; and (6) a 250-foot long transmission line. The Applicant estimates that the average annual energy output would be 2,500,000 kWh.

Purpose of Project—The energy output of the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, perform preliminary designs, consult with agencies, prepare an environmental report, make a feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the studies to be performed under the preliminary permit is estimated to be $26,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3835. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4930 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3741-000]

Joseph M. Keating; Application for Preliminary Permit

February 6, 1981.

Take notice that Joseph M. Keating (Applicant) filed on November 13, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3741 to be known as the Horsetail Project located on McGee Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph M. Keating, 847 Pacific Street, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 40-foot long, 8 to 10-foot high, concrete gravity type diversion dam; (2) a buried 5,400-foot long, 33-inch diameter, penstock; (3) a powerhouse containing a 1,400 kW turbine generator set; and (4) a 3,400-foot transmission line. The Applicant estimates that the average annual energy output would be 3,800,000 kWh.

Purpose of Project—The power generated from the proposed project would probably be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a permit of 20 months. During this time it would conduct an historical review, a hydrologic study, and a field survey; contact and review with necessary Federal, State, and local agencies; determine environmental impacts; and prepare a feasibility report and preliminary designs. The Applicant estimates the cost of these studies to be $23,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3741. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4926 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-752]

Middle South Services, Inc.; Order

Issued: February 6, 1981.

Order Granting Appeal and Modifying Prior Letter Order, Re-Opening Docket, Granting Intervention, Rejecting Filing in Part, and Directing Refunds and New Filings

On December 12, 1980, Gulf States Utilities Company (Gulf States) filed an appeal pursuant to section 1.7(d) of the Commission's regulations from a letter order issued by the Director of the Office of Electric Power Regulation (OEPR) to Middle South Services, Inc. (MSS) accepting revised rates of MSS for filing and terminating the above-captioned docket.[1]

[1] Gulf States denominated its filing an appeal from staff action, or, in the alternative, an application for rehearing. We are treating the filing as an appeal from staff action pursuant to § 1.7(d) of our regulations. Only Commission actions are final and subject to applications for rehearing under § 1.34 of the Commission's regulations. See § 1.7(d) of the Commission's regulations.

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MSS is the billing agent for several operating companies, including Louisiana Power and Light Company, Inc. (LPL). Gulf States purchases power from LPL under the terms of a three party interconnection agreement between LPL, Gulf States, and Central Louisiana Electric Company, dated September 12, 1951 and filed as FPC Rate Schedule No. 82.

On August 11, 1980, MSS filed a letter with the Commission, which was revised on September 2, 1980, setting forth a statement of principles by which billing procedures would be adjusted to conform with the requirements of Order No. 84, Docket No. RM79–29, issued May 7, 1980. The billing procedures contain a method for computing the price for the delivery of energy to interchange service customers of the operating companies. Notice of the MSS filing was issued on September 17, 1980, with petitions to intervene required to be filed by October 8, 1980. No protests or petitions were filed by that date. On November 12, 1980, the Director of OEPR issued a letter order accepting MSS' filing of September 2, 1980, and terminating the docket. On November 13, 1980, Gulf States filed an untimely petition to intervene.

Gulf States' Position

In its appeal, Gulf States requests that the letter issued on November 12, 1980, accepting the MSS filing be vacated, that the docket be re-opened, that Gulf States be granted intervention out of time, and that the matter be set for hearing.

Gulf States asserts that the implementation of the billing method proposed by MSS will result in an increase in the charges for energy in third party transactions involving LPL and Gulf States, and that MSS has no authority to unilaterally increase its charges under the interconnection agreement between LPL, Gulf States, and Central Louisiana Electric Company. Gulf States argues that the filing of MSS is therefore invalid under the *Mobile-Sierra* doctrine.[2] In addition, Gulf States contends that the filing violates the filing requirements for changes in rates contained in the Commission's regulations, that the statement of principles contained in the filing is neither covered by nor in compliance with Order No. 84, that the filing did not give adequate notice of an intent to increase rates, and that the billing procedure is so vague as to be incapable of fair application.

On December 29, 1980, MSS filed an answer to Gulf States' appeal. MSS argues that the appeal should be denied because of the untimeliness of Gulf States' petition to intervene and because MSS will be prejudiced by granting late intervention. MSS also states that the billing method which it implemented in response to Order No. 84 caused an 8.4% increase in charges to Gulf States for energy in third party transactions in the September, 1980 bill from LPL to Gulf States.

Discussion

The first question posed by the pleadings is whether to permit Gulf States to intervene out of time. Gulf States notes that the letter filed by MSS on August 11, 1980, does not mention Gulf States, although Gulf States, LPL, and Central Louisiana Electric Company, Inc. are parties to an interconnection agreement which is affected by the August 11 filing. However, on October 22, 1980, Gulf States received a bill from LPL which reflected increased charges resulting from the billing procedure set forth in the August 11 filing and which advised Gulf States that LPL was awaiting Commission approval of its filing. Prior to receipt of this bill, it does not appear that Gulf States had notice of the type required by the Federal Power Act that MSS' filing would produce increased charges, thereby adversely affecting Gulf States' interests. We believe that participation in this proceeding by Gulf States is in the public interest and that, under the circumstances noted above, good cause exists to grant Gulf States' intervention out of time.

The Sierra-Mobile Doctrine and Order No. 84

In determining the legality of MSS' rate filing, the familiar principles of the *Mobile-Sierra* doctrine are controlling. In *Richmond Power and Light, et al.* v. *FPC*, 481 F.2d 490 (D.C. Cir. 1973), *cert. denied*, 414 U.S. 1068 (1973), the court summarized the essence of the doctrine: "The contract between the parties governs the legality of the filing." *ID.* at 493. The doctrine preserves the integrity of contracts and has been held to apply whether the parties agree to a specific rate or whether they agree to a rate changeable in a specific manner. *Id.* at 497; *Louisiana Power and Light Co.* v. *FERC*, 587 F.2d 671, 676 (5th Cir. 1979).

The regulations adopted in Order No. 84 apply to all electric rate schedules required to be filed by the Commission's regulations that are applicable to transactions in which the utility or system performs a transmission or purchase and resale function. If a utility uses a rate component that recovers revenues computed as a percentage of the purchased power price, the utility is required to establish a limit on the revenues recovered by such rate components in any transaction. Utilities must conform any rate schedules on file with the Commission to these requirements.

Filings which are made with the Commission in order to comply with Order No. 84 are subject to the *Mobile-Sierra* doctrine. We have previously explained the relationship between Order No. 84 and the doctrine:

> The commission's Order No. 84 does not propose to depart from the *Mobile-Sierra* doctrine. The underlying basis of Order No. 84 is the generic finding that the unrestricted operation of percentage adders applied to transmission or purchase and resale rates will result in excess revenues, and that the limitation on percentage adders through Order No. 84 will result in lower and more cost-related rates. The Commission has thus made a general finding that non-conforming adders will produce unjust and unreasonable results and has ordered utilities to file rates in compliance with Order No. 84. Therefore, the commission will accept those compliance submittals for filing but, in instances where intervenors have raised questions regarding violations of the *Mobile-Sierra* doctrine and have alleged that the submittals may produce an increase in rates we shall suspend those rates subject to refund and set the matter for hearing. Upon a finding that the proposed rate change results in a rate increase to the customer, the Commission, at that time, will consider approprite motions to reject the filings on *Mobile-Sierra* criteria. [3]

The Contract Between Gulf States and LPL

Because MSS stated in its answer to Gulf States' appeal that the Order No. 84 billing method caused an 8.4% increase in charges to Gulf States for energy in third party transactions in the September, 1980 bill from LPL to Gulf States, it is unnecessary to set for hearing the question whether the proposed rate change results in a rate increase to this customer. The remaining question is whether in the interconnection agreement between Gulf States and LPL, dated September 1, 1951, the parties have agreed to a rate which can be changed unilaterally or only by mutual agreement.

The interconnection agreement provides for the exchange of a number of electric services and for coordinated operations of the parties. With respect to changes under the rate schedules, Section 3.1 provides:

> The power to be supplied by each party to the other hereunder, the terms and conditions of such supply, and the charges to be paid therefor shall be in accordance with arrangements from time to time agreed upon among the parties. Such arragnements shall be set up in the form of service schedules, each of which. When signed by authorized officials of the parties hereto, shall become part of the agreement for the term hereof for such shorter term as may be provided in the service schedule.

Thus, the contract between Gulf States and LPL is a fixed rate contract which can, by its terms, only be changed by mutual consent. Under the *Mobile-Sierra* doctrine, any amendment of LPL's rate schedules with respect to the interconnection agreement with Gulf States which has the effect of unilaterally increasing rates to Gulf States would be a nullity. Under the circumstances, we shall modity the letter order issued on November 12, 1980, re-open the docket, and reject the filing insofar as it applies to the interconnection agreement between LPL and Gulf States. In all other respects, we shall affirm the directives contained in the November 12, 1980 letter order. As a result of this determination, any amounts paid by Gulf States in excess of the contract rates were unlawfully collected and LPL will be required to make refunds of the excess payments.

In rejecting that portion of the MSS' filing which applies to Gulf States as inconsistent with the *Mobile-Sierra* doctrine, we are not holding that utilities with fixed rate contracts are under no obligation to comply with Order No. 84. On the contrary, utilities must design their rates in a manner which both complies with Order No. 84 and the *Mobile-Sierra* doctrine. Order No. 84 indicates a number of different methods for complying with the regulations promulgated therein. Therefore, we shall order MSS to file substitute rate schedules which comply with these requirements.

In view of our resolution of these issues, it is not necessary to discuss the remaining contentions made by Gulf States.

The Commission orders:

(A) The above-captioned docket is hereby re-opened and Gulf States' appeal from staff action is hereby granted; the letter order issued in this docket by the Director of Office of Electric Power Regulation, dated November 12, 1980, is modified in accordance with paragraph B below.

(B) The proposed rate schedule revisions filed by MSS on August 11, 1980, as revised on September 1, 1980, are hereby rejected insofar as they apply to the interconnection agreement with Gulf States.

(C) Within sixty (60) days of the issuance of this order, LPL shall refund to Gulf States any payments in excess of the existing contract rate, together with interest computed in accordance with the Commission's regulations. Within thirty (30) Days thereafter, LPL shall file with the Commission a report setting forth the amounts of the refunds and a statement by Gulf States acknowledging receipts of the refunds.

(D) Within sixty (60) days of the issuance of this order, LPL shall file substitute rate schedules or tariffs which comply with Order No. 84, but which do not unilaterally increase rates to Gulf States.

(E) Gulf States' petition to intervene is granted subject to the rules and regulations of the Commission, *Provided, however,* that participation by the intervenor shall be limited to matters set forth in the petition to intervene, and *Provided further,* that admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4037 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER79–642, ER80–124, and ER81–166–000]

Missouri Utilities Co.; Order

Issued: February 6, 1981.

Order Accepting for Filing and Suspending Proposed Service Agreements, Denying Waiver of Notice, Granting Summary Disposition in Part, Granting Intervention, Consolidating Dockets, and Establishing Procedures.

On December 11, 1980, Missouri Utilities Company (Missouri) tendered for filing unexecuted electric service agreements [1] under which Missouri states that it "is willing to provide wholesale electric power to the Cities of Jackson and Malden." Missouri has previously filed service agreements applicable to these cities in Docket Nos. ER79–642 and ER80–124.[2] On December 8, 1980, Missouri filed an application to withdraw the earlier service agreements, and to terminate the prior dockets.

Notice of the filing in Docket No. ER81–166–000 was issued on December 22, 1980. A timely petition to intervene, protest, and motion to reject was jointly filed by the Cities of Jackson and Malden (cities). The cities move for summary disposition of portions of the agreements and request for maximum five month suspension period. In addition, the cities object to a variety of provisions in the service agreements.

Discussion

Initially, we find that participation in this proceeding by the petitioners is in the public interest. Consequently, we shall grant the petition to intervene.

Missouri proposes that the service agreements become effective as of the date of filing. The company argues that the 60 day notice requirement set forth in the Federal Power Act and incorporated in our regulations is inapplicable. In the alternative, Missouri asks that the Commission waive the 60 day notice requirement, in view of the prior filings in Docket Nos. ER79–642 and ER80–124. Contrary to Missouri's contentions, the instant filing represents an independent change in rate schedules for which notice is clearly required, absent waiver. The cities have raised substantial objections to the provisions of these service agreements and have requested that the maximum five month suspension period be imposed. In view of these considerations, the Commission finds that good cause does not exist to grant waiver of the notice requirements. The request will therfore be denied.

Considering the allegations raised by the intervenors, we find that the proposed service agreements have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed service agreements for filing, as modified by this order, and suspend their operation as ordered below.

In a number of suspension orders,[3] we have addresed the considerations

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[1] *See* Attachment A for rate schedule designations.

[2] By Commission order dated November 5, 1979, in Docket No. ER79–642, Missouri's proposed service agreement with Malden was suspended for one day to become effective as of October 1, 1979, subject to refund. By order dated February 5, 1980, Missouri's proposed service agreement with Jackson was suspended until March 3, 1980, subject to refund. Testimony has been filed in the consolidated proceeding and a hearing has been scheduled, but postponed.

[3] *E.g., Boston Edison Company*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Company* Docket Nos. ER80–508, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

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[2] See *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp., et al.*, 350 U.S. 332 (1956). *See also United Gas Pipe Line Co.* v. *Memphis, Light, Gas & Water Div.*, 358 U.S. 103 (1958).

[3] *Allegheny Power Systems, et al.*, Docket Nos. ER80–503, *et al.*, issued October 3, 1980, mimeo at 2–3.

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underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may fun afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh or inequitable results. Such circumstances have been presented here. The Commission notes that these service agreements will not have a significant impact on rates charged to Missouri's affected customers. Moreover, Missouri's customers do not appear to be placed in immediate jeopardy by implementation of the challenged provisions of these agreements. We therefore believe that a five month suspension is unnecessary. However, in order to afford protection to the affected customers, pending further review, we believe we should exercise our discretion to suspend the rate schedules for one day from 60 days after the date of filing permitting the service agreements to take effect on February 11, 1981, subject to refund and the outcome of a hearing in this docket.

As noted above, Missouri has filed an application to withdraw its proposed service agreements in Docket Nos. ER80–124 and ER79–642. By order dated December 19, 1980, in those dockets, the presiding administrative law judge granted a request for an extension of time in which to file responses to Missouri's pleading. It is our understanding that testimony has been filed in the prior dockets and that certain procedural dates have been imposed. The existing testimony may or may not bear some relationship to the instant submittal. Thus, at this juncture, we believe that the presiding judge is in the best posture to determine whether termination of the underlying dockets represents the most expedient and practicable manner in which to further proceed. As a result, the Commission will defer action of Missouri's application to withdraw and motion to terminate pending the judge's consideration of any related pleadings and certification of the motion with recommendations.

In the interim, we note that Docket Nos. ER80–124, ER79–462, and ER81–166–000 may present common questions of law and fact. Accordingly, we shall consolidate those dockets, subject to severance at a later date in the event that action on Missouri's motion to terminate so warrants.

The Commission will grant the cities' motion for summary disposition with respect to one of the issues raised in their protest. The cities have challenged the "Billing and Payment" provisions (Section 10) of Missouri's proposed service schedules. In part, this section provides that any bill will be due and payable within ten days from its date; delinquent bills would bear interest at the then-current prime rate. The cities object to these requirements, stating that they are vague and that the designated payment period is unreasonably short. We believe that these questions should properly be addressed at hearing. However, the billing provisions further provide as follows: "If the bill shall remain delinquent for fifteen (15) days, the Company shall have the right to forthwith terminate service without notice." By means of this provision, Missouri purports to create a "right" which exists neither under the Federal Power Act, nor under the Commission's regulations. Indeed, this clause is entirely contrary to the provisions of section 205 of the Federal Power Act and §§ 35.15 and 2.4 of the Commission's regulations, all of which contemplate appropriate notice (and Commission evaluation of) any such change in service. Furthermore, the rate schedule provision proposed by Missouri is *per se* contrary to the public interest and we can think of no conceivable overriding interest of Missouri which would militate in favor of this clause. As a result, we shall order Missouri to strike the last sentence of Section 10 of its proposed service agreements and to refrain from applying any such unilateral cancellation provision.

Other objections raised by the cities pertain to a provision which would establish a maximum capacity service level and a further provision which would permit Missouri to continue collecting certain ratcheted demand charges after termination of service. These matters may be pursued at the hearing ordered below.

The Commission orders:

(A) Missouri's request for waiver of the Commission's notice requirements is denied.

(B) Missouri's proposed service agreements tendered for filing on December 11, 1980, are hereby accepted for filing, as modified by ordering paragraph (C) below, and suspended for one day from 60 days after the date of filing, to become effective on February 11, 1981, subject to refund pending hearing and decision thereon.

(C) The cities' motion for summary disposition is hereby granted in part and denied in part. Missouri is hereby directed to strike from its proposed service agreements the last full sentence of Section 10, and to refrain from applying any such unilateral cancellation provision. Within thirty (30) days from the date of this order, Missouri shall refile its proposed agreements with the designated sentence deleted.

(D) The cities' petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act [(18 CFR Chapter I (1980)] a public hearing shall be held concerning the justness and reasonableness of Missouri's proposed service agreements.

(F) Docket Nos. ER80–124, ER79–642, and ER81–166–000 are hereby consolidated for purposes of hearing and decision, pending appropriate subsequent action on Missouri's December 8, 1980 motion to terminate the first two of these dockets.

(G) The administrative law judge designated to preside in Docket Nos. ER80–124 and ER79–642 shall convene a conference in this proceeding to be held within twenty (20) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426. This conference shall be held for purposes of expediting discovery, establishing procedural dates—including the submittal of a case-in-chief by Missouri—and pursuing other appropriate matters in these consolidated dockets. As soon as practicable, upon consideration of the pleadings of the parties and the circumstances extant in this proceeding, the presiding judge shall certify to the Commission, with recommendations, the question whether the filings in Docket Nos. ER80–124 and ER79–642 should be permitted to be withdrawn and those dockets terminated. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Missouri Utilities Company

[Docket No. ER81–166–000]

Designation	Other party
(1) Service Agreement under FPC Electric Tariff, Original Volume No. 1 (Supersedes Service Agreement thereunder dated October 2, 1978).	City of Malden, Missouri.
(2) Service Agreement under FPC Electric Tariff, Original Volume No. 1 (Supersedes Service Agreement thereunder dated March 2, 1980).	City of Jackson, Missouri.

Filed: December 11, 1980.
Deted: December 9, 1980.

[FR Doc. 81–4936 Filed 2–11–81; 8:45 am]

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[Project No. 3735–000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

February 6, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3753 to be known as Monogahela River Lock and Dam 3 located on Monogahela River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Monogahela River Lock and Dam 3 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 4.7 megawatts; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 24,892,000 kWh.

Purpose of Project—Project energy would be sold to the Duquesne Light Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protests", or "Petition To Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3753. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–4931 Filed 2–11–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. ER80–116 and ER80–511]

Niagara Mohawk Power Corp.; Order Granting Motion To Reject Rate Proposal in Part

Issued: February 6, 1981.

On December 4, 1980, the Village of Lake Placid, New York (Lake Placid) filed a motion to reject a portion of the July 1, 1980 supplemented filing submitted by Niagara Mohawk Power Corporation (Niagara Mohawk) in Docket No. ER80–511. The supplemental filing includes a proposed rate for

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transmission service above 50kv and another rate for service below 50kv. Because Lake Placid takes service at 115kv, and does not now intend to take service below 50 kv, its motion to reject is directed toward the proposed rate for service below 50 kv. Lake Placid states that it has no interest in litigating inapplicable rates, and that retention of those rates in these dockets could unnecessarily expand the scope and consequences of the instant proceeding.

On December 29, 1980, Niagara Mohawk filed a response to Lake Placid's motion. Niagara Mohawk states it is willing to eliminate the issue of the appropriate rate for service below 50kv from these dockets, but that it opposes any rejection or deletion of any cost data relating to either service.

On the basis of these pleadings, we shall grant Lake Placid's motion with regard to the proposed rate for service below 50kv. Accordingly, the rate proposal for service below 50kv will be deemed rejected and all issues concerning such service will be eliminated from these dockets. With regard to the remaining rate proposal for service to Lake Placid, we note that Niagara Mohawk has previously been directed to complete its filings and submit the required cost support and testimony no later than February 27, 1981. *See* order issued August 29, 1980, Docket No. ER80-511; notice of extension of time, issued December 22, 1980, Docket Nos. ER79-559, ER79-560, ER80-116, and ER80-511.

In addition to the foregoing pleadings, an untimely petition to intervene and protest has been filed by the Municipal Electric Utilities Association of New York (MEUA), an organization of municipally owned electric utilities and rural electric cooperatives, and an existing intervenor in *Niagara Mohawk Power Company*, Docket Nos. ER79-559 and ER79-560. MEUA states that its interests are not adequately represented in Docket Nos. ER80-116 and ER80-511, and that such interests will be affected even if Lake Placid's December 4, 1980, motion is granted. MEUA expresses particular concern regarding the potential precedential effect of a decision in the instant dockets on subsequent proceedings to determine just and reasonable rates for other preference customers served by Niagara Mohawk. In addition, MEUA protests the proposed rates in a number of respects.

The late petition to intervene properly lies before the designated administrative law judge under section 1.27 of the Commission's regulations. Accordingly, we shall leave to the presiding judge's discretion both the question of the appropriateness of MEUA's intervention and the scope of such intervention, if granted. We shall also leave to the judge the question of what cost support is relevant evidence in this proceeding.

The Commission Orders

(A) Lake Placid's December 4, 1980, motion concerning Niagara Mohawk's July 1, 1980, rate proposal for service below 50kv is hereby granted. The proposed rate for service below 50kv in Docket Nos. ER80-116 and ER80-511 is rejected.

(B) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-4858 Filed 2-11-81; 8:45 am]

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[Docket No. GP81-8-000]

Pelto Oil Co., et al.; Petition for Declaratory Order or in the Alternative for Rulemaking

February 5, 1981

Take notice that on January 9, 1981, Pelto Oil Company, Two Greenspoint Plaza, Suite 400, 16825 Northcase, Houston, Texas 77060, *et al.* (Petitioners), filed with the Federal Energy Regulatory Commission (Commission) a petition seeking a declaratory order under §§ 1.7(a) and 1.43 of the Commission's rules of practice and procedure or, in the alternative, pursuant to § 1.7(b) of the Commission's rules of practice and procedure, asking the Commission to initiate a rulemaking concerning the election procedures of Section 107(d) of the Natural Gas Policy Act of 1978 (NGPA). Section 107(d) requires that, if a federal tax credit with respect to the production of high-cost natural gas is specifically allowable, an election must be made between the tax credit and incentive pricing under Section 107 and Subtitle B of Title I of the NGPA. Under Section 107(d), if such a credit is specifically allowable, then an election filing is required to be made on or before the later of (i) 30 days after the passage of legislation allowing the tax credit, or (ii) the date that the surface drilling of the well commences. The Crude Oil Windfall Profit Tax Act of 1980 (WPTA), signed into law on April 2, 1980, permits tax credits for certain high-cost natural gas production.

Petitioners state that they own interests in certain natural gas wells in the East Dykesville Field in Northern Louisiana. Petitioners obtained their interests after the 30-day filing period of Section 107(d) had expired and did not file elections within the 30-day period. Petitioners request the Commission to issue an order declaring their entitlement to Section 107 incentive prices for both recompletion and new tight formation gas produced from their East Dykesville Field wells.

With respect to their recompletion tight formation gas, Petitioners aver that such gas has been encountered by virtue of reentry operations performed after January 1, 1980 in dry holes drilled from the surface prior to July 16, 1979. Petitioners ask for an order stating that their reentry operations do not constitute "drilling" within the meaning of Section 231 of the WPTA, and that therefore no tax credit was allowable with respect to gas produced as a result of these operations. Petitioners further state that one of them perfected an election prior to the surface drilling of certain of the East Dykesville Field wells which will produce tight formation gas. Petitioners ask the Commission to issue an order declaring that this election was effective with respect to all of their tight formation gas.

Petitioners also assert that the WPTA credit for tight formation gas phases out according to increases in the price of decontrolled domestic crude oil. Petitioners further allege that, under the phase-out formula set out in the WPTA, the tax credit for tight formation natural gas production is completely phased out and worthless. Petitioners thus ask the Commission to declare that, for 1980, no credit was "allowable" for tight formation gas within the meaning of Section 107(d) of the NGPA, and that the Section 107(d) election process was not triggered for tight formation gas.

If the Commission declines to grant the declaratory relief requested, Petitioners have asked the Commission to initiate a rulemaking to determine (i) under what circumstances the election process of Section 107(d) of the NGPA was triggered by the enactment of the WPTA and (ii) what relief may be available to natural gas producers that did not make timely elections to charge incentive prices in lieu of taking the tax credit.

Any person desiring to be heard or to protest the petition for declaratory order should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4820 Filed 2-11-81; 8:45 am]

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[Docket No. EF79-4021]

Southwestern Power Administration; Order Confirming and Approving Long-Term Rates

Issued: January 8, 1981.

On April 12, 1979, the Assistant Secretary for Resource Applications (RA) of the Department of Energy tendered for filing, on behalf of the Southwestern Power Administration (SWPA), a request for confirmation and approval of rates and charges for the sale of all hydroelectric power generated at the Corps of Engineers' Sam Rayburn Dam project to Sam Rayburn Dam Electric Cooperative, Inc. (Cooperative).[1] These rates, which would remain effective until May 31, 1984, were approved by RA Rate Order No. SWPA-2, issued June 1, 1979, on an interim basis. The proposed rates would produce a 35% increase in annual revenues from $1,030,000 to $1,388,300.

The Sam Rayburn Dam project, located on the Angelina River in the Neches River basin in eastern Texas, consists of two hydroelectric generating units with an installed capacity of 52,000 kW. The project is not interconnected with SWPA's integrated electric system. Instead, the power produced by the Sam Rayburn Dam project is marketed by SWPA as an isolated project.

Public notice of the instant submittal was published in the **Federal Register** on May 4, 1979, with comments required to be filed by interested persons on or before May 18, 1979. A petition to intervene was filed by Cooperative on May 22, 1979. By letter dated January 23, 1980, Cooperative was provided a further opportunity to formulate and submit comments on the proposed rate increase. On March 12, 1980, Cooperative filed additional comments. Cooperative's pleading raises several issues and also seeks to incorporate in this proceeding positions that it previously advanced in Docket No. E-7201.[2] Cooperative asserts, *inter alia*, that SWPA has improperly included costs for future replacements in the proposed rates, improperly allocated administrative and overhead expenses, and improperly estimated O&M expenses. In addition, Cooperative maintains that SWPA has not justified the proposed rates on the basis of a "cost of service" study, and Cooperative requests that an evidentiary hearing to initiated to determine the proper rates for SWPA in this proceeding.

Discussion

As an initial matter, we find that participation by Cooperative in this proceeding may be in the public interest. We shall therefore grant the petition to intervene.

Cooperative's contention that SWPA's rates must be developed on a cost of service basis is mistaken. The United States Court of Appeals for the District of Columbia Circuit, in *Sam Rayburn Dam Electric Cooperative, et al.*, v. *Andrus, et al.*, Civil No. 1219-71 (1978),[3] rejected a similar claim that a full cost of service approach to ratemaking is mandated in proceedings under Section 5 of the Flood Control Act of 1944. The court concluded that reliance on SWPA's rate and replacement method was reasonable and consistent with the Act. Similarly, in this proceeding, the repayment study submitted with the filing has provided the Commission with sufficient information to examine the proposed rates under the standards imposed by the Flood Control Act.

According to Cooperative, the proposed rate increase is premised on various facts which are in dispute and thus an evidentiary hearing is required. We disagree. No formal hearing is necessary in this case. *Associated Electric Power Cooperative* v. *Morton*, 507 F.2d 1167 (D.C. Cir. 1974). *See Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519 (1978). Cooperative, the only contractual customer for the hydroelectric power generated at the Corps of Engineers' Sam Rayburn Dam Project, was fully apprised of the proposed rate increase and of its right to submit written comments thereon. Moreover, the Cooperative's opportunity to comment on the rate increase fully satisfied due process requirements. *Associated Electric Power Cooperative* v. *Morton, supra. See United States* v. *Florida East Coast Railway Co.*, 410 U.S. 224 (1973). The mere presence of technical issues in and of itself is insufficient to support a requirement for evidentiary hearings. *See O'Donnell* v. *Shaffer*, 491 F.2d 59 (D.C. Cir. 1974).

SWPA's rates are before this Commission pursuant to the authority of the Flood Control Act of 1944, 16 U.S.C. 825s, the Department of Energy Organization Act, Pub. L. 95-91, August 4, 1977 as amended, and the Secretary of Energy's Delegation Order No. 0204-33. Unlike rate applications made by a private utility under the Federal Power Act where the "just and reasonable" test is to be applied, the instant proceeding is governed by Section 5 of the Flood Control Act of 1944. The standards have been prescribed by Congress. Such rate schedules must be drawn:

(1) Having regard to the recovery of the cost of generation and transmission of such electric energy;

(2) So as to encourage the most widespread use of SWPA power;

(3) To provide the lowest possible rates to consumers consistent with sound business principles; and

(4) In a manner which protects the interests of the United States in amortizing its investment in the projects within a reasonable period.

The rate schedules so evolved become finally effective only upon confirmation and approval by the Commission. As a result, the Commission's authority to review such rate schedules is limited. The Commission views its role in this matter as similar to that of an appellate court. In this capacity, the Commission can affirm, reject or remand the rates submitted to it for confirmation and approval. Under the statute, the Commission must initially determine whether the rate schedules would provide a sufficient level of revenues to allow SWPA to recover its capital costs. The Commission's review of this matter is based on the supporting data and information submitted by the RA as well as the comments filed by the Cooperative. Based upon this information, the Commission can review the rates to determine whether the interests of the United States in amortizing investment in the Sam Rayburn Dam project within a reasonable period are protected, and whether the rate scheme encourages the

[1] The referral was made pursuant to the provisions of Section 5 of the Flood Control Act of 1944, Section 302(a)(1) of the DOE Organization Act, and Section 2 of DOE Secretarial Delegation Order No. 0204-33.

[2] According to Cooperative, this pleading is intended to supplement the pleading that it filed in Docket No. E-7201. On September 30, 1976, in Docket No. E-7201, the Secretary of the Interior tendered for filing with the Federal Power Commission an application for confirmation and approval of rates providing for annual revenues of $1,152,900. On October 1, 1977, the DOE Organization Act caused this case to be transferred to the Economic Regulatory Administration of the Department of Energy (ERA). By order issued May 26, 1978, ERA determined that the proposed rates of $1,152,900 were inadequate to recover the project costs within a reasonable time and denied the request for increased rates.

[3] This is an unreported opinion.

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widest use of SWPA power and provides the lowest rates to consumers consistent with sound business principles.

Our review of the supporting documents reveals that the proposed rates are consistent with the statutory requirements. Accordingly, we shall confirm and approve those rates. This confirmation of the proposed rate schedules should not be construed as approval of the specific practices or methodologies reflected in SWPA's repayment study.[4]

The Commission orders

(A) The long-term rates for the sale of hydroelectric power and energy generated at the Corps of Engineers' Sam Rayburn Dam project, as submitted by the Assistant Secretary for Resource Applications of the United States Department of Energy, are hereby confirmed and approved.

(B) The Cooperative is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *provided, however,* that the participation by this intervenor shall be limited to matters set forth in its petition to intervene; and *provided, further,* that the admission of this intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered by the Commission in this proceeding.

(C) The Cooperative's request that we establish hearing procedures concerning the Sam Rayburn Dam project rates is hereby denied.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4835 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-157-000]

Trunkline Gas Co.; Application

February 5, 1981.

Take notice that on January 22, 2981, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-157-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the 12-month period commencing the date of the order and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $3,000,000 and the cost for any single project would not exceed $500,000. Such costs, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4837 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-7054-000, etc.]

Texaco Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 4, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 of 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[2]	Pressure base
G-7054-000, D, Jan. 9, 1981	Texaco Inc. (Operator), P.O. Box 430, Bellaire, Texas 77401.	United Gas Pipe Line Company, Boyce Field, Goliad County, Texas.	(3)	
G-7392-000, D, Jan. 9, 1981	Texaco Inc. (Operator), P.O. Box 430, Bellaire, Texas 77401.	United Gas Pipe Line Company, South Porter Field, Karnes County, Texas.	(3)	
G-13746-003, D, Jan 21, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, South Pelto 20 Field, Offshore Louisiana.	(4)	
C81-104-000 (C81-222), B, Jan. 16, 1981.	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	El Paso Natural Gas Company, Farnsworth Lower Morrow Field, Ochiltree County, Texas.	(4)	
C81-105-000 (C73-397), B, Jan. 2, 1981.	do	Michigan Wisconsin Pipe Line Company, LaVerne Area, Harper Co., Oklahoma.	(5)	
C81-106-000 (C73-473), B, Jan. 2, 1981.	do	Lone Star Gas Company, Katie Field, Garvin County, Oklahoma.	(5)	
C81-112-000 (C73-15), B, Jan. 5, 1981.	do	Northwest Pipeline Corporation, Mickelson Creek Field, Sublette County, Wyoming.	(5)	
C81-113-000 (C81-127), B, Jan. 5, 1981.	do	Texas Gas Transmission Corp., Chacahoula Field, Lafourche Parish, Louisiana.	(5)	
C81-114-000 (C86-86), B, Jan. 5, 1981.	do	United Gas Pipe Line Company, Mount Olivet Field, Smith County, Mississippi.	(5)	
C81-115-000 (C73-399), B, Jan. 5, 1981.	do	Northern Natural Gas Company, Luther Hill & East Fort Supply Fields, Ellis & Woodward Counties, Oklahoma.	(10)	
C81-122-000 (C73-298), B, Jan. 12, 1981.	do	El Paso Natural Gas Company, Bisti Lower Gallup Field, San Juan County, New Mexico.	(11)	
C81-123-000 (G-11511), B, Jan. 12, 1981.	do	Colorado Interstate Gas Company, Greenwood Field, Morton County, Kansas.	(12)	
C81-124-000 (G-8069), B, Jan. 12, 1981.	do	Michigan Wisconsin Pipe Line Company, Savoy Field, St. Landry Parish, Louisiana.	(13)	
C81-159-000 (G-6075), B, Jan. 8, 1981.	do	Michigan Wisconsin Pipe Line Company, Bayou Mallet Field, Acadia Parish, Louisiana.	(14)	
C81-160-000 (C73-250), B, Jan. 8, 1981.	do	Michigan Wisconsin Pipe Line Company, LaVerne Field, Harper County, Oklahoma.	(15)	
C81-161-000 (G-17455), B, Jan. 12, 1981.	do	El Paso Natural Gas Company, Bisti Field, San Juan County, New Mexico.	(16)	
C81-162-000 (G-19223), B, Jan. 8, 1981.	do	Transcontinental Gas Pipe Line Corporation, Wildcat Bayou Field, Terrebonne Parish, Louisiana.	(17)	
C81-163-000 (C73-56), B, Jan. 8, 1981.	do	Colorado Interstate Gas Company, Keyes Field, Cimarron County, Oklahoma.	(18)	
C81-164-000 (C80-777), B, Jan. 8, 1981.	do	Trunkline Gas Company, Southwest Esther Field, Vermilion Parish, Louisiana.	(19)	
C81-165-000 (C73-297), B, Jan. 8, 1981.	do	Transcontinental Gas Pipe Line Corporation, Johnson Bayou Field, Cameron Parish, Louisiana.	(20)	
C81-116-000 (C81-1167), B, Jan. 5, 1981.	The B & A Pipe Line Company, P.O. Box 2159, Dallas, Texas 75221.	United Gas Pipe Line Company, Henderson Field, Rusk County, Texas.	(21)	
C81-117-000 (C81-1333), B, Jan. 5, 1981.	American Petrofina Company of Texas (as the succ. to American Liberty), Liberty Oil Company and Beacon Oil and Refining Company, Post Office Box 2159, Dallas, Texas 75221.	The B & A Pipe Line Company, Henderson Field, Rusk County, Texas.	(22)	
C81-125-000, B, Jan. 12, 1981	H & L Operating Company, P.O. Box 7401, Amarillo, Texas 79109.	Panhandle Eastern Pipe Line Company, Keyes Field, Cimarron County, Oklahoma.	(23)	
C81-126-000 (C80-76), B, Jan. 13, 1981.	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Texas Gas Transmission Corporation, Chacahoula and St. John Areas, Lafourche Parish, Louisiana.	(24)	
C81-166-000, B, Jan. 21, 1981	Southwest Petro Capital Corporation, Box 2498, Santa Fe, NM 87501.	Michigan Wisconsin Pipeline Company, Stafford County, Kansas.	(25)	
C81-167-000, B, Jan. 23, 1981	Tally Johnson, Route 1, Box 24A, Terrelton, OK 74801.	Cities Service Gas Company, Terrelton Southeast, Pawnee Oklahoma.	(26)	
C80-406, E, July 7, 1980	Placid Oil Company (Succ. in Interest to Bodcaw Company), 1600 First National Bank Building, Dallas, Texas 75202.	United Gas Pipe Line Company, Cotton Valley Field, Webster Parish, Louisiana.	(27)	15.025

[1] Release of Lease.
[2] Release of Lease.
[3] Wells plugged and abandoned.
[4] Well plugged, gas contract has expired.
[5] Contract expired, and lease expired.
[6] Gas contract terminated (Letter of 10/25/79). No gas sales, gas lines taken out.
[7] Acreage covered under Rate Schedule No. 101 sold effective February 1, 1977.
[8] Contract expired January 1, 1981, well has been plugged, acreage has been released of record.
[9] Well plugged and contract terminated.
[10] Property sold, no gas sales.
[11] Contract has been terminated and no gas is sold.
[12] Acreage covered by Rate Schedule No. 61 sold to Carl E. Hise of September 19, 1973.
[13] Acreage covered under Rate Schedule No. 51 sold to Goldking Production Company effective December 1, 1972.
[14] Gas Contract expired June 1, 1976. Leases have expired.
[15] Contract expired. Unit dissolved and abandoned leases expired. Last well plugged 1-15-72.
[16] Gas contract has terminated and there are no gas sales.
[17] Acreage covered under Energy Reserves Group, Inc. Rate Schedule No. 66 sold to Martin Exploration Company effective August 1, 1977.
[18] Contract expired. Leases expired. Well plugged.
[19] Well plugged and contract expired.
[20] Well plugged.
[21] B & A, as seller and United, as Buyer desire to terminate the contract dated August 1, 1952.

[4] The Commission notes some concern with such practices as SWPA's repayment of the highest interest bearing investment first and SWPA's allocation of its administrative and overhead expenses on the basis of plant investment. However, we do not reach these questions in the exercise of our confirmation authority in this proceeding inasmuch as the combined effect of these practices on the revenue requirements shown in SWPA's study is relatively small.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base

[1] Applicant and B & A desire to terminate the contract dated July 31, 1952 between American Liberty Oil Company and Beacon Oil and Refining Company (Applicant's predecessor in interest), as Seller and B & A, as Buyer and to abandon the service authorized in Docket No. C61-1333, and Applicant makes this filing to abandon service thereunder.

[2] Well watered out.

[3] The remaining lease covered by seller's subject rate schedule expired due to lack of production on October 16, 1977 and reverted to the landowner.

[4] Due to deteriorated condition of Seller's low pressure gathering lines, Seller cannot deliver any volumes into Buyer's high-pressure pipeline system.

[5] To sell gas to Mid-America Gas Line Corporation. Gas will be resold by Mid-America Gas Line Corporation to Cities Service Gas Company.

[6] On 10-10-79, Bodcaw Company, a Delaware corporation, merged with IFB, Inc., and the name of the surviving corporation became Bodcaw Company, a new Delaware corporation. On 10-11-79, the new Bodcaw Company sold and conveyed to Placid all the mineral properties and oil and gas production owned by Bodcaw Company. Bodcaw Company was issued a Certificate of Public Convenience and Necessity in Small Producer Certificate in Docket No. CS71-304.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 81-4919 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Vol. 356]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	RECEIVED	PURCHASER	FIELD NAME	PROD
OHIO DEPARTMENT OF NATURAL RESOURCES							
-A & R COMPANY				RECEIVED: 01/12/81	JA: OH		
0112444		3416724152	103 DEAN ABICHT NO 2				7.0
0112442		3416724169	103 JOSEPH EDDY NO 1 C				4.0
-ALTHEIRS OIL INC				RECEIVED: 01/12/81	JA: OH		
0112617		3412724043	103 KIEMER #1				10.0
-AMERICAN EXPLORATION CO				RECEIVED: 01/12/81	JA: OH		
0112589		3411924571	108 BAKER #2				4.6
0112426		3415722637	108 BEITZEL-GRIMM #1				4.5
0112560		3411923315	108 BIKLER #1				20.2
0112581		3411924065	108 BOTSON #1				4.9
0112567		3411923276	108 BOWERS #1				14.5
0112425		3415722614	108 BUEHLER #1				0.9
0112575		3411923756	108 L BURWELL #1				7.3
-AMERICAN PETROFL INC				RECEIVED: 01/12/81	JA: OH	INDEPENDENCE	72.0
0112483		3416725907	107 JEFFREY L DOAN #1			INDEPENDENCE	30.5
0112484		3416725910	107 NEVA DYE SNIDER #1				
-AMERICAN WELL MANAGEMENT COMPANY				RECEIVED: 01/12/81	JA: OH	CASS	18.0
0112594		3411925353	103 SHOCK NO 1				
-BEREA OIL AND GAS CORPORATION				RECEIVED: 01/12/81	JA: OH	RICH HILL	1.0
0112596		3411925434	103 FRICK #1			UNION	1.0
0112597		3411925502	103 GRANT #3				
-BUCKEYE OIL PRODUCING CO				RECEIVED: 01/12/81	JA: OH		4.0
0112508		3407522180	108 AMOS R YODER #1				3.0
0112507		3407522072	108 HIPP-STEIMEL #3				8.0
0112635		3415122996	108 MILLER-VOLKMANN UNIT #2			GRAYSVILLE FIELD	20.8
-C W RIGGS INC				RECEIVED: 01/12/81	JA: OH		
0112541		3411121905	103 EDGAR CLINE #1			SALT CREEK	2.0
-CAMERON BROS				RECEIVED: 01/12/81	JA: OH	BLUE ROCK	2.5
0112553		3411920850	108 EVERETT COFFEY #2				8.0
0112550		3411920303	108 FRANK MITCHELL #2				8.0
0112578		3411923911	108 KING QUARRIES #1				8.0
0112582		3411924214	108 KING QUARRIES #2				1.0
0112552		3411920592	108 M J REID #2				8.0
0112580		3411924035	108 ROBERT MERRY #1				8.0
0112594		3411924327	108 ROBERT MERRY #2				
-CARL E SMITH INC				RECEIVED: 01/12/81	JA: OH		16.0
0112540		3410521987	103 DAVID DODDERER NO 1				16.0
0112538		3410521881	103 F BERL BOGGS NO 1				17.0
0112537		3410521867	103 GORRELL UNIT NO 1				16.0
0112539		3410521904	103 ROBERT E SAMS NO 1				
-CLINTON OIL CO				RECEIVED: 01/12/81	JA: OH		

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112590		3411924591	108		BRIGGS #1		6.2	TIMKEN
8112429		3416723982	108		RAY ARNOLD #1		7.7	GAS TRANSPORT
8112431		3416724041	108		RAY ARNOLD #2		7.7	GAS TRANSPORT
8112430		3416724037	108		RAY ARNOLD #3		7.7	GAS TRANSPORT
8112601		3412720585	108		SHIPLETT #1		2.0	NATIONAL GAS & OIL C
8112603		3412721762	108		SHIPLETT #4		2.0	NATIONAL GAS & OIL C
8112510		3408322524	108		WALDO BLUE #2		0.7	COLUMBIA GAS TRANS C
-DON MCKEE DRILLING CO INC					RECEIVED: 01/12/81 JA: OH			
8112616		3412724815	103		MELVIN & JANE DUPLER #1	MADISON	5.0	NATIONAL GAS & OIL C
-DONOHUE ANSTEY & MORRILL					RECEIVED: 01/12/81 JA: OH			
8112600		3412122255	107		H F & M W SCHOCKLING #1	ENOCH TOWNSHIP	10.0	EAST OHIO GAS CO
-EVERFLOW EASTERN INC					RECEIVED: 01/12/81 JA: OH			
8112533		3409920715	108		AMBROSIA #1	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8112535		3409920729	108		AMBROSIA #2A	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8112519		3409920644	108		BERARDI - HAMILTON #2	ELLSWORTH	12.0	AMERICAN ENERGY SERV
8112528		3409920709	108		BROWN #1	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112534		3409920716	108		BROWN #2	ELLSWORTH	12.0	AMERICAN ENERGY SERV
8112531		3409920712	108		BROWN #3	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8112530		3409920711	108		BROWN #4	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8112527		3409920707	108		DIDUM #1	ELLSWORTH	3.0	AMERICAN ENERGY SERV
8112521		3409920667	108		GORDON #1	ELLSWORTH	8.0	AMERICAN ENERGY SERV
8112520		3409920666	108		JERRY #1	ELLSWORTH	7.0	AMERICAN ENERGY SERV
8112522		3409920670	108		JERRY #2	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112526		3409920697	108		KABINE #1	ELLSWORTH	7.0	AMERICAN ENERGY SERV
8112524		3409920695	108		KABINE #2	ELLSWORTH	4.0	AMERICAN ENERGY SERV
8112523		3409920688	108		MARTIN #1	ELLSWORTH	7.0	AMERICAN ENERGY SERV
8112536		3409920793	108		MENDENHALL - DEMARCO #1	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112525		3409920696	108		REVESZ #1	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112529		3409920710	108		YEAGER #1	ELLSWORTH	3.0	AMERICAN ENERGY SERV
8112532		3409920713	108		YEAGER #2	ELLSWORTH	2.0	AMERICAN ENERGY SERV
-FRANK W HOOVER PROD					RECEIVED: 01/12/81 JA: OH			
8112488		3416922350	103		CARL SIDLE #1	PLAIN	100.0	COLUMBIA GAS TRANSMI
-GASEARCH INC					RECEIVED: 01/12/81 JA: OH			
8112650		3415521437	102		HERROCK-PANNUNZIO UNIT #1	VIENNA	20.0	
8112651		3415521438	102		KLEASE #1	VIENNA	20.0	
8112652		3415521447	102		KLEASE #2	VIENNA	20.0	
-GENERAL ELECTRIC ENERGY DEVT OPER					RECEIVED: 01/12/81 JA: OH			
8112622		3413322348	103		HAHN #5		30.0	EAST OHIO GAS CO
8112624		3413322364	103		HAHN #6		30.0	EAST OHIO GAS CO
8112619		3413321453	103		KOHL-MAHAN #1		30.0	EAST OHIO GAS CO
8112623		3413322349	103		SAVIERS-KNAPP #3		30.0	EAST OHIO GAS CO
-GUERNSEY PETROLEUM CORPORATION					RECEIVED: 01/12/81 JA: OH			
8112574		3411923621	108		DICKSON #1-M		12.0	EAST OHIO GAS CO
8112593		3411924703	108		HANS-WILLISTON #3ME		1.0	EAST OHIO GAS CO
8112503		3405922454	108		HOWALD #1ME		11.0	EAST OHIO GAS CO
8112564		3411922379	108		LEEDOM #1		7.0	COLUMBIA GAS TRANSMI
8112561		3411922210	108		LEEDOM #2		7.0	COLUMBIA GAS TRANSMI
8112501		3405921740	108		OHIO POWER #2H		1.0	EAST OHIO GAS CO
8112502		3405921741	108		OHIO POWER 3H		3.0	EAST OHIO GAS CO
8112599		3412122082	108		OHIO POWER 41-ME		13.0	EAST OHIO GAS CO
8112504		3405922581	108		TENNANT-WILLIAMS 1MH		3.0	EAST OHIO GAS CO
-HILLTOP DEVELOPMENT CORP					RECEIVED: 01/12/81 JA: OH			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112595		3411925409	103		WAYNE LEVERING #2			
-HOPEWELL OIL AND GAS DEVELOPMENT CO					RECEIVED: 01/12/81 JA: OH			
8112543		3411121957	103		LEANDER KUHN #2			
8112542		3411121934	103		MANSEL C HINES #1			
-JOE L SCHRIMSHER					RECEIVED: 01/12/81 JA: OH			
8112489		3416922434	103		BECKLER #1		12.0	COLUMBIA GAS TRANSMI
8112490		3416922440	103		FREEMAN #1		12.0	COLUMBIA GAS TRANSMI
-L & M OPERATING INC					RECEIVED: 01/12/81 JA: OH			
8112471		3416724506	108		ANDREW RAUCH #2	JACKSON	7.0	NATIONAL GAS & OIL C
8112443		3416724170	108		BERNARD STRAHLER #1		12.0	GAS TRANSPORT INC
8112470		3416724498	108		BERNARD STRAHLER #10		12.0	GAS TRANSPORT INC
8112451		3416724329	108		BERNARD STRAHLER #2		12.0	GAS TRANSPORT INC
8112454		3416724332	108		BERNARD STRAHLER #3		12.0	GAS TRANSPORT INC
8112455		3416724222	108		BERNARD STRAHLER #4		12.0	GAS TRANSPORT INC
8112453		3416724331	108		BERNARD STRAHLER #5		12.0	GAS TRANSPORT INC
8112452		3416724330	108		BERNARD STRAHLER #6		12.0	GAS TRANSPORT INC
8112467		3416724442	108		BERNARD STRAHLER #7		12.0	GAS TRANSPORT INC
8112469		3416724492	108		BERNARD STRAHLER #9		12.0	GAS TRANSPORT INC
8112460		3416724411	108		BERNARD THIEMAN #1		12.0	GAS TRANSPORT INC
8112438		3416724112	108		BESSIE LANG #1		12.0	GAS TRANSPORT INC
8112441		3416724168	108		CHARLES SCHILLING #1		12.0	GAS TRANSPORT INC
8112428		3416723955	108		CLARENCE STRAHLER #1		12.0	GAS TRANSPORT INC
8112476		3416724665	108		CLARENCE STRAHLER #3		12.0	GAS TRANSPORT INC
8112475		3416724664	108		CLARENCE STRAHLER #4		12.0	GAS TRANSPORT INC
8112439		3416724125	108		DAVID SCHILLING #1		12.0	GAS TRANSPORT INC
8112468		3416724490	108		DAVID SCHILLING #3		12.0	GAS TRANSPORT INC
8112461		3416724412	108		DAVID WALBERT #1		12.0	GAS TRANSPORT INC
8112448		3416724267	108		EARL THIEMAN #1		12.0	GAS TRANSPORT INC
8112458		3416724381	108		EARL THIEMAN #2		12.0	GAS TRANSPORT INC
8112466		3416724439	108		EARL THIEMAN #3		12.0	GAS TRANSPORT INC
8112432		3416724083	108		EARL TORNES #1		12.0	GAS TRANSPORT INC
8112465		3416724436	108		EARL ULLOM #2		12.0	GAS TRANSPORT INC
8112445		3416724200	108		EDWARD SCHILLING #2		12.0	GAS TRANSPORT INC
8112457		3416724335	108		ELLA RAUCH #1		12.0	GAS TRANSPORT INC
8112456		3416724334	108		ELLA RAUCH #2		12.0	GAS TRANSPORT INC
8112449		3416724274	108		FLORENCE TULLIUS #1		12.0	GAS TRANSPORT INC
8112472		3416724586	108		HAROLD RAUCH #1		12.0	GAS TRANSPORT INC
8112450		3416724277	108		JOHN REED #1		12.0	GAS TRANSPORT INC
8112463		3416724421	108		JOHN REED #2		12.0	GAS TRANSPORT INC
8112464		3416724422	108		JOHN REED #3		12.0	GAS TRANSPORT INC
8112473		3416724626	108		JOHN REED #4		12.0	GAS TRANSPORT INC
8112433		3416724084	108		JOHN SCHILLING #1		12.0	GAS TRANSPORT INC
8112434		3416724089	108		LAWRENCE SCHAAD #1		12.0	GAS TRANSPORT INC
8112440		3416724142	108		RALPH LONG #1		12.0	GAS TRANSPORT INC
8112446		3416724246	108		RAYMOND RAUCH #1-A		12.0	GAS TRANSPORT INC
8112437		3416724107	108		ROBERT SCHWENDEMAN #1		12.0	GAS TRANSPORT INC
8112477		3416724667	108		RUPERT ULLMAN #1		12.0	GAS TRANSPORT INC
8112474		3416724658	107		SCHULTHIES #1	FEARING	12.0	COLUMBIA GAS TRANSMI
8112427		3416723354	108		SHADIX RADIO & TV #1		12.0	GAS TRANSPORT INC
8112435		3416724104	108		ULLOM - LANG #1 (EARL)		12.0	GAS TRANSPORT INC
8112436		3416724105	108		VIRGIL HUCK #1		12.0	GAS TRANSPORT INC
8112459		3416724384	108		WALTER SCHAAD #2		12.0	GAS TRANSPORT INC

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112462		3416724415	108		WALTER SCHAAD #3		12.8	GAS TRANSPORT INC
8112447		3416724266	108		WM SCHILLING #1		12.8	GAS TRANSPORT INC
-L R B GAS COMPANY					RECEIVED: 01/12/81 JA: OH			
8112499		3405320222	108		RATHBURN #1		0.0	COLUMBIA GAS TRANSMI
8112500		3405320280	108		RATHBURN #2		0.0	COLUMBIA GAS TRANSMI
-MCKENZIE MANAGEMENT CO					RECEIVED: 01/12/81 JA: OH			
*8112633		3415121385	108		GEORGE MCKIMM #1	EAST CANTON NE	7.1	EAST OHIO GAS CO
*8112634		3415121386	108		GEORGE MCKIMM #2	EAST CANTON	7.1	EAST OHIO GAS CO
8112496		3402920581	108		LEWIS SKIVOLOCKE #1	BEST POOL	0.0	EAST OHIO GAS CO
-MERIDIAN OIL & GAS ENT INC					RECEIVED: 01/12/81 JA: OH			
8112491		3400720667	108		BERNICE A PEBBLES #1		2.0	EAST OHIO GAS CO
-MORMACK INDUSTRY INC					RECEIVED: 01/12/81 JA: OH			
8112487		3416922307	103		ELIZ RAMSIER #1	MILTON GAS	120.0	COLUMBIA GAS TRANS
-MUMMA OIL AND GAS CO					RECEIVED: 01/12/81 JA: OH			
8112514		3409920260	108		DECKANT #1		17.2	EAST OHIO GAS CO
8112511		3409920252	108		DROUHARD #1		15.2	EAST OHIO GAS CO
8112512		3409920253	108		DROUHARD #2		17.9	EAST OHIO GAS CO
8112513		3409920259	108		MAHONING VALLEY SANITARY DIST #1		10.8	EAST OHIO GAS CO
8112518		3409920269	108		NEFF #1		10.4	EAST OHIO GAS CO
8112517		3409920266	108		STIRLING #1		3.6	EAST OHIO GAS CO
8112516		3409920262	108		TOMICH #1		8.4	EAST OHIO GAS CO
8112515		3409920261	108		TOMICH #2		9.3	EAST OHIO GAS CO
-NOBLE OIL CORP					RECEIVED: 01/12/81 JA: OH			
8112625		3413322376	103		BEDNAR #2	PALMYRA	20.0	GENERAL ELECTRIC CO
8112618		3413321109	103		GOURLEY-ELLIOTT #1	EDINBURG	20.0	GENERAL ELECTRIC CO
8112606		3412723174	108		JUNKINS #1		20.0	NATIONAL GAS & OIL C
8112632		3413322831	103		PATTON #6	EDINBURG	2.0	GENERAL ELECTRIC CO
8112628		3413322380	103		PATTON #7	EDENBURG	20.0	GENERAL ELECTRIC CO
8112620		3413322271	103		PETRY-GOTTSCHALK #2	EDINBURG	20.0	GENERAL ELECTRIC CO
8112608		3412723245	108		RAMBO #1		20.0	NATIONAL GAS & OIL C
8112626		3413322377	103		REAGAN #1	PALMYRA	20.0	GENERAL ELECTRIC CO
8112627		3413322378	103		REAGAN #2	PALMYRA	20.0	GENERAL ELECTRIC CO
8112607		3412723175	108		TRUBEE #1		20.0	NATIONAL GAS & OIL C
8112621		3413322276	103		VENTURE #3	HIRAM	20.0	HIRAM COLLEGE
-OHIO OIL & GAS CO					RECEIVED: 01/12/81 JA: OH			
8112655		3415521540	102		ALLEN #2	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8112420		3415521586	102		BAKOS #1	HARTFORD	20.0	COLUMBIA GAS TRANSMI
8112653		3415521465	102		LARRISON #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8112656		3415521583	102		SCHWARTZ #5	FOWLER	20.0	COLUMBIA GAS TRANSMI
8112657		3415521585	102		SUMMERS #5	FOWLER	20.0	COLUMBIA GAS TRANSMI
8112654		3415521516	102		VALISKI #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
-OXFORD OIL CO					RECEIVED: 01/12/81 JA: OH			
8112602		3412721636	108		ALFRED HUMPHREY #1		1.0	COLUMBIA GAS TRANS
8112555		3411921677	108		BENTON BAIRD #1		0.5	NATIONAL GAS & OIL C
8112556		3411921766	108		BENTON BAIRD #2		0.5	NATIONAL GAS & OIL C
8112557		3411921775	108		BENTON BAIRD #3		0.5	NATIONAL GAS & OIL C
8112558		3411921877	108		BENTON BAIRD #4		0.5	NATIONAL GAS & OIL C
8112559		3411921891	108		BENTON BAIRD #5		0.5	NATIONAL GAS & OIL C
8112587		3411924476	108		DAMON KENNISON #1		15.0	NATIONAL GAS & OIL C
8112546		3411521510	108		DAVID NEWLON #1		12.0	NATIONAL GAS & OIL C
8112497		3403122638	108		DENNIS DAVIS #1		10.0	NATIONAL GAS & OIL C
8112547		3411521589	108		EDWARD BLOSSER #1		4.0	NATIONAL GAS & OIL C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112588		3411924487	108		EMERY ELKINGTON #1		13.0	NATIONAL GAS & OIL C
8112571		3411923400	108		ESTHER MORRIS #1		1.0	NATIONAL GAS & OIL C
8112583		3411924245	108		EUGENE BINKLEY #1-A		11.0	NATIONAL GAS & OIL C
8112424		3415721238	108		EUGENE CHUMNEY #1		20.0	EAST OHIO GAS CO
8112554		3411921237	108		FRED HAAS #2		6.0	NATIONAL GAS & OIL C
8112498		3403123298	108		HAROLD LOWERY #1		13.0	NATIONAL GAS & OIL C
8112585		3411924460	108		JOHN MARLING #1		17.0	COLUMBIA GAS TRANS
8112573		3411923574	108		KINKADE - SWINGLE UNIT #1		9.0	NATIONAL GAS & OIL C
8112592		3411924902	108		KINKADE-SWINGLE UNIT #2		9.0	NATIONAL GAS & OIL C
8112423		3415721235	108		MARKLEY-MCNUTT #2		4.0	EAST OHIO GAS CO
8112422		3415721210	108		MARKLEY-MCNUTT #3		4.0	EAST OHIO GAS CO
8112486		3416921128	108		MARTHA CONRAD #2		3.0	COLUMBIA GAS TRANS
8112505		3407521495	108		MARY MILLER #1		14.0	COLUMBIA GAS TRANS
8112572		3411923549	108		MELVIN DUTCHER #1		6.0	NATIONAL GAS & OIL C
8112560		3411922073	108		PATRICK FOSTER #1		3.0	NATIONAL GAS & OIL C
8112610		3412723502	108		RAYMOND COBLENTZ #1		1.5	NATIONAL GAS & OIL C
8112612		3412723629	108		RAYMOND COBLENTZ #2		1.5	NATIONAL GAS & OIL C
8112549		3411522106	103		ROBERT SMITH #2	DEERFIELD	10.0	
8112421		3415720851	108		ROBERT TIDRICK #1		5.0	EAST OHIO GAS CO
8112576		3411923765	108		ROLLAND SAVAGE #1		6.0	NATIONAL GAS & OIL C
8112579		3411923931	108		ROY PAUL #1-W		14.0	NATIONAL GAS & OIL C
8112551		3411920313	108		WALTER GATEWOOD #1		2.0	NATIONAL GAS & OIL C
8112566		3411923157	108		WALTER GATEWOOD #2		2.0	NATIONAL GAS & OIL C
8112569		3411923340	108		WALTER GATEWOOD #3		2.0	NATIONAL GAS & OIL C
8112570		3411923341	108		WALTER GATEWOOD #4		2.0	NATIONAL GAS & OIL C
8112577		3411923807	108		WAYNE COFFEY #1		1.5	NATIONAL GAS & OIL C
8112586		3411924475	108		WAYNE EPPLEY #1		13.0	NATIONAL GAS & OIL C
-PAUL A WEBER					RECEIVED: 01/12/81 JA: OH			
8112639		3415123325	103		PAUL WEBER #1	PLAIN	24.0	EAST OHIO GAS CO
-PREMIER ENERGY CORP					RECEIVED: 01/12/81 JA: OH			
8112509		3407522368	103		FRANK BOBEY #1		0.0	COLUMBIA GAS TRANSMI
-QUAKER STATE OIL REFINING CORP					RECEIVED: 01/12/81 JA: OH			
8112604		3412723093	108		BRADSHAW-STARNER #1		2.8	COLUMBIA GAS TRANSMI
8112611		3412723547	108		BRADSHAW-STARNER #2		2.8	COLUMBIA GAS TRANSMI
8112492		3400921777	108		E M POSTON #1		7.2	COLUMBIA GAS TRANSMI
8112494		3400921821	108		E M POSTON #2		7.2	COLUMBIA GAS TRANSMI
8112493		3400921818	108		E M POSTON #3		7.2	COLUMBIA GAS TRANSMI
8112495		3400921966	108		E M POSTON #5		7.2	COLUMBIA GAS TRANSMI
8112609		3412723469	108		G WOOD #1		1.6	COLUMBIA GAS TRANSMI
8112613		3412724109	108		G WOOD #2		1.6	COLUMBIA GAS TRANSMI
8112614		3412724110	108		G WOOD #3		1.6	COLUMBIA GAS TRANSMI
8112605		3412723141	108		HOWDYSHELL LUMBER CO #1		3.7	COLUMBIA GAS TRANSMI
-RELIANCE OIL CORP					RECEIVED: 01/12/81 JA: OH			
8112562		3411922234	108		FAYE JOHNSON #1		0.0	NATIONAL GAS & OIL C
8112563		3411922312	108		HARRY MORRISON #1		0.0	NATIONAL GAS & OIL C
8112565		3411922932	108		MORRIS-GRANDSTAFF #1		0.0	NATIONAL GAS & OIL C
-SANDHILL ENERGY INC					RECEIVED: 01/12/81 JA: OH			
8112478		3416725632	107		LAWRENCE HAMILTON #1	LAWRENCE	6.0	
8112479		3416725734	107		LAWRENCE HAMILTON #2	LAWRENCE	7.0	
8112480		3416725735	107		LAWRENCE HAMILTON #3	LAWRENCE	8.0	
8112481		3416725753	107		LAWRENCE HAMILTON #4	LAWRENCE	6.0	
8112482		3416725754	107		LAWRENCE HAMILTON #5	LAWRENCE	6.5	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SCHWANCO INC					RECEIVED: 01/12/81 JA: OH			
8112636		3415123105	103		ATWATER CLUBS INC-SPUHLER #1	LAKE	20.0	
-THE BENATTY CORPORATION					RECEIVED: 01/12/81 JA: OH			
8112548		3411922027	102		COUNTY FAIRGROUNDS/KENNEY #1		30.0	COLUMBIA GAS TRANSMI
-TOWNER PETRCLEUM CO					RECEIVED: 01/12/81 JA: OH			
8112598		3412121579	108		SMITH #1		5.5	EAST OHIO GAS CO
-VESCORP INDUSTRIES INC					RECEIVED: 01/12/81 JA: OH			
8112591		3411924592	108		BAKER #3		11.7	TIMKEN CO
-VIKING RESOURCES CORP					RECEIVED: 01/12/81 JA: OH			
8112643		3415123344	103		BECK UNIT #2	PARIS	3.0	
8112644		3415123347	103		COUTS/RACH UNIT #1	LEXINGTON	3.0	
8112646		3415123366	103		D SMITH UNIT #1	PARIS	3.0	
8112638		3415123309	103		FOLTZ UNIT #1	PARIS	30.0	
8112649		3415123380	103		HAAS UNIT #1	PARIS	30.0	
8112647		3415123367	103		KIKO #2	PARIS	30.0	
8112637		3415123197	103		NAU #1	OSNABURG	30.0	
8112641		3415123339	103		OBERLIN UNIT #1	PARIS	30.0	
8112642		3415123340	103		OBERLIN UNIT #2	PARIS	3.0	
8112640		3415123330	103		OWENS-ICKES UNIT #1	PARIS	30.0	
8112630		3413322386	103		SPECHT UNIT #1	ATWATER	3.0	
8112631		3413322393	103		THOMAS #3	EDINBURG	30.0	
8112629		3413322383	103		THOMAS UNIT #1	PALMYRA	3.0	
8112648		3415123376	103		WALTZ #1	PARIS	30.0	
8112645		3415123362	103		WAYNE FARMS UNIT #2	PARIS	3.0	
-W E SHRIDER CO					RECEIVED: 01/12/81 JA: OH			
8112615		3412724716	103		ALBERT FOUNDS #1	MONROE	3.0	COLUMBIA GAS TRANSMI
-W J LYDIC INC					RECEIVED: 01/12/81 JA: OH			
8112544		3411121963	107		E WITTE N ET AL #1	E WITTEN ET AL	36.1	COLUMBIA GAS
8112545		3411121964	103		LAWRENCE KNOWLTON #1	GRAYSVILLE FIELD	14.0	COLUMBIA GAS
-WHITNAM OIL & GAS CORP					RECEIVED: 01/12/81 JA: OH			
8112485		3416726007	103		DALE & PHYLLIS HAUGHT #1	INDEPENDENCE	10.0	
-WILLIAM F HILL					RECEIVED: 01/12/81 JA: OH			
8112506		3407521962	108		MAYNARD #1		2.0	COLUMBIA GAS TRANSMI

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TEXAS RAILROAD COMMISSION

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-AKERS & FULTZ					RECEIVED: 01/16/81 JA: TX			
8112755	26822	4223700000	108		W R RICHARDS NO 1	MARBLE FALLS CONGL GAS	6.0	SOUTHWEST GAS CO
-ALFRED C GLASSELL JR					RECEIVED: 01/16/81 JA: TX			
8112738	26399	4236500000	108		J C GUILL #1	CARTHAGE	0.0	TEXAS GAS TRANSMISSI
-AMOCO PRODUCTION CO					RECEIVED: 01/16/81 JA: TX			
*8112699	24336	4203931330	103		L F MCKIBBEN R/A B NO 7	HASTINGS WEST	172.3	TEXAS EASTERN TRANSM
8112719	25636	4221932886	103		LEVELLAND UNIT 6770	LEVELLAND	2.2	EL PASO NATURAL GAS
8112718	25635	4221932868	103		LEVELLAND UNIT 6771	LEVELLAND	3.3	EL PASO NATURAL GAS
8112662	16661	4216130494	102		SAM H GADDY SR NO 1	CHENEYBORO SOUTHWEST (95	456.3	LONE STAR GAS CO
-ARCO OIL AND GAS COMPANY					RECEIVED: 01/16/81 JA: TX			
8112724	26061	4229530726	103		FULTON-SELL #1-U	BRADFORD (CLEVELAND)	73.0	TRANSWESTERN PIPELIN
8112666	19137	4223330700	103		G B LUCAS #2	PANHANDLE WEST	73.0	PANHANDLE EASTERN PI
8112682	22486	4221131125	103		MAMIE PEARL RISLEY #5	HEMPHILL/GRANITE WASH	365.0	CITIES SERVICE GAS C
8112754	26806	4249531134	103		SEALY & SMITH UNIT NO 7XL	HALLEY (DEVONIAN)	912.5	TRANSWESTERN PIPELIN
8112787	27595	4221530922	103		TEMPLE W WEST GAS UNIT #30	TABASCO (D SEG 1)	100.0	TENNESSEE GAS PIPELI
-ASTIN CORP					RECEIVED: 01/16/81 JA: TX			
*8112709	24838	4208331693	103		C W HEMPHILL II NO 4 - 15560	COLEMAN COUNTY REGULAR	51.1	ODESSA NATURAL CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8112703	26528	4208303106	103		HEMPHILL NO 2 - 14199	COLEMAN COUNTY REGULAR	9.5	ODESSA NATURAL CORP
-BAJA PETROLEUM					RECEIVED: 01/16/81 JA: TX			
8112831	27734	4206530766	103		BURNETT NO 1	PANHANDLE - CARSON	65.7	PANHANDLE EASTERN PI
8112832	27735	4206530765	103		BURNETT NO 2	PANHANDLE - CARSON	87.6	PANHANDLE EASTERN PI
-BERTMAN DRILLING & PRODUCING CORP					RECEIVED: 01/16/81 JA: TX			
8112728	26216	4207130944	103		CECIL WINFREE ESTATE #1	COTTON LAKE E (MARG 6300	146.0	HOUSTON PIPELINE CO
-CHALMERS OPERATING CO INC					RECEIVED: 01/16/81 JA: TX			
8112842	27815	4208130874	103		J W ARLEDGE 262 #3 (08073)	ARLEDGE (PENN SAND)	35.0	SUN OIL CO
-CHAMPLIN EXPLORATION INC					RECEIVED: 01/16/81 JA: TX			
8112712	25200	4205130634	103		BARNETT #1	GIDDINGS AUSTIN CHALK GA	365.0	CLAJON GAS CO
8112689	23518	4228730517	103		GERDES B #2	GIDDINGS (AUSTIN CHALK)	180.0	PGP GAS PRODUCTS INC
8112693	23952	4214930375	103		GUSSIE HART #2	GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEUM C
8112694	23956	4214930373	103		SCHMIDT HEIRS #1	GIDDINGS (AUSTIN CHALK)	5.0	PHILLIPS PETROLEUM C
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 01/16/81 JA: TX			
8112855	27922	4243130893	103		I W TERRY NO 9 (25371)	CONGER SW (PENN)	66.0	NORTHERN NATURAL GAS
-CHEVRON U S A INC					RECEIVED: 01/16/81 JA: TX			
*8112659	09300	4238930935	102		REEVES-STATE 3-27	KING EDWARD	1743.8	VALERO TRANS CO
-COASTAL OIL & GAS CORP					RECEIVED: 01/16/81 JA: TX			
8112717	25594	4213134735	103		STATE TRACT M-47922 #1A	NEELY (BRUNI 1900)	0.0	NATURAL GAS PIPELINE
-COLUMBIA GAS DEVELOPMENT CORP					RECEIVED: 01/16/81 JA: TX			
8112863	28007	4205130848	102		A W HODDE NO 1	GIDDINGS (AUSTIN CHALK)	92.0	FERGUSON CROSSING PI
-CONOCO INC					RECEIVED: 01/16/81 JA: TX			
8112853	27879	4237132868	103		ALLISON S #1	ELSINORE	21.9	LONE STAR GAS CO
8112782	27555	4215100000	108		E S TOWNE #11	ROUND TOP	1.5	LONE STAR GAS CO
8112780	27553	4238900000	108		FORD GERALDINE UNIT	GERALDINE FORD	0.2	EL PASO NATURAL GAS
8112785	27591	4222700000	108		G O CHALK -E- #1	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8112784	27590	4222700000	108		G O CHALK -E- #12	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8112852	27878	4222732190	103		G O CHALK D #20	HOWARD GLASSCOCK	0.3	PHILLIPS PETROLEUM C
8112794	27624	4222700000	108		G O CHALK-E #13	HOWARD GLASSCOCK	0.3	PHILLIPS PETROLEUM C
8112795	27625	4215100000	108		J B TERRELL-A-#18	ROUND TOP	1.9	LONE STAR GAS CO
8112752	26753	4250531231	103		J G RATHMELL C NO 1	HUNBIBO (LOBO)	300.0	HOUSTON PIPELINE CO
8112781	27554	4215100000	108		LUCIE MAE WILSON #18	ROUND TOP	8.2	LONE STAR GAS CO
8112786	27592	4213500000	108		MRS L E WIGHT -A- #25	COWDEN NORTH	1.9	AMOCO PRODUCTION CO
8112796	27626	4213500000	108		MRS L E WIGHT-A-9 #6	COWDEN NORTH	3.4	AMOCO PRODUCTION CO
8112793	27623	4210500000	108		RANCH STRAWN UNIT #7	RANCH	14.2	DELHI GAS PIPELINE C
8112702	24477	4242731426	102		T B SLICK EST H #164	RINCON (VICKSBURG 7060)	380.0	TENNESSEE GAS PIPELI
8112688	23461	4247932600	102		VAQUILLAS RANCH A NO 1	VAQUILLAS RANCH (WILCOX	730.0	E I DUPONT DE NEMOUR
8112708	24741	4247932600	102		VAQUILLAS RANCH A NO 3 69711	GATO CREEK (9800)	730.0	E I DUPONT DE NEMOUR
8112851	27877	4200332306	103		W H BONER A #34	FUHRMAN-MASCHO	0.3	PHILLIPS PETROLEUM C
8112792	27614	4213500000	108		WIGHT UNIT #45	COWDEN NORTH	0.4	AMOCO PRODUCTION CO
8112734	26389	4247932766	103		WILLIAM HUBBERD NO 18		0.7	VALERO TRANSMISSION
-CONSOLIDATED OIL & GAS INC					RECEIVED: 01/16/81 JA: TX			
8112742	26453	4220131057	103		T A PEEK NO 1	NORTH DELHI	0.0	
-COTTON PETROLEUM CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112701	24385	4232130971	103		BURKE NO 1	MARIGNAN SOUTH	300.0	CHANNEL INDUSTRIES G
8112841	27807	4242130203	108		CENTRAL METHODIST #1	TEXAS HUGOTON/KRIDER	17.0	PHILLIPS PETROLEUM C
8112783	27563	4229530798	103		MAY MARY #1	PUNDT (ATOKA)	90.0	DIAMOND SHAMROCK COR
-CURTIS HANKAMER					RECEIVED: 01/16/81 JA: TX			
8112763	27186	4214900000	103		JACK MILLS #1 (12972)	GIDDINGS (AUSTIN CHALK)	120.0	PHILLIPS PETROLEUM C
-DELMI OIL CORP & NRM					RECEIVED: 01/16/81 JA: TX			
8112864	28154	4217730576	102		FLOYD NO 2	PEACH CREEK (AUSTIN CHAL	6.8	TIPPERARY CORP
-DEVON CORPORATION					RECEIVED: 01/16/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112769	27420	4211531379	103		DYER #3	ACKERLY (DEAN SAND)	19.3	GETTY OIL CO
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112667	19315	4236731785	103		DIKES NO 2	RENO	175.0	SOUTHWESTERN GAS PIP
8112695	24045	4229530782	105		J M LAURIE A NO 2	BRADFORD	670.0	
8112680	21597	4239330745	103		JAMES B WATERFIELD A NC 4	MENDOTA NW	143.0	
-DR R B WILCHAR					RECEIVED: 01/16/81 JA: TX			
8112691	23895	4242932257	103		M O KENNEDY EST A #1	IVAN (MARBLE FALLS) FIEL	532.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY					RECEIVED: 01/16/81 JA: TX			
8112721	25898	4217923755	108		VAN SANT #1	PANHANDLE WEST - BROWN D	22.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 01/16/81 JA: TX			
8112829	27730	4238331564	103		J H COX #4	CALVIN DEAN	24.5	UNION TEXAS PETROLEU
8112828	27729	4238331565	103		ONA WELLS #3	CALVIN DEAN	21.0	UNION TEXAS PETROLEU
8112827	27728	4238331680	103		VESTER HUGHES #9	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
-ENRICH OIL CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112697	24220	4244131427	102		Z OSWALT #1 ID-15372	GUION SE (GRAY SD)	111.0	UNION TEXAS PETROLEU
-ENSERCH EXPLORATION INC					RECEIVED: 01/16/81 JA: TX			
*8112797	27647	4228531451	103		W A EILERS NO 2	WORD N	705.0	VALERO TRANSMISSION
-EXXON CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112673	20599	4233930439	103		CONROE FIELD UNIT #1117	CONROE	150.0	MORAN UTILITIES
8112677	20608	4233930465	103		CONROE FIELD UNIT #1627	CONROE	270.0	MORAN UTILITIES
8112675	20606	4233930450	103		CONROE FIELD UNIT #1931	CONROE	240.0	MORAN UTILITIES
8112678	20609	4233930469	103		CONROE FIELD UNIT #1932	CONROE	250.0	MORAN UTILITIES
8112674	20601	4233930437	103		CONROE FIELD UNIT #2414	CONROE	180.0	MORAN UTILITIES
8112683	23103	4233930454	103		CONROE FIELD UNIT #311	CONROE	62.0	MORAN UTILITIES
8112676	20607	4233930433	103		CONROE FIELD UNIT #432	CONROE	290.0	MORAN UTILITIES
8112846	27819	4216531708	103		EUBANKS CLEARFORK UNIT #17	ROBERTSON N (CLEARFORK 7	6.0	PHILLIPS PETROLEUM C
8112843	27816	4200332317	103		FULLERTON CLEARFORK UNIT #2627	FULLERTON	30.0	PHILLIPS PETROLEUM C
8112768	27379	4210332301	103		J B TUBB A/C 1 #222L	SAND HILLS (TUBB)	6.0	EL PASO NATURAL GAS
8112844	27817	4210332325	103		J B TUBB A/C 1 #225U	SAND HILLS (MCKNIGHT)	43.0	EL PASO NATURAL GAS
8112732	26346	4210232234	103		J B TUBB F #19U	SAND HILLS (MCKNIGHT)	106.0	EL PASO NATURAL GAS
8112862	27981	4235730924	103		MARY KIRKPATRICK #1	PERRYTON WEST (MARMATON)	64.0	PHILLIPS PETROLEUM C
8112845	27818	4200332362	103		MEANS SAN ANDRES UNIT #860	MEANS	5.0	PHILLIPS PETROLEUM C
-FLAG-REDFERN OIL CO					RECEIVED: 01/16/81 JA: TX			
8112713	25227	4231732116	103		HILL NO 1 #25844	HILL RANCH (MISS)	40.0	NORTHERN NATURAL GAS
-FRANK W BURGER					RECEIVED: 01/16/81 JA: TX			
8112715	25285	4239931438	102		J B MCCORD #1 (07500)	J B MCCORD (GRAY)	0.0	UNION TEXAS PETROLEU
-GENERAL PRODUCTION CORP					RECEIVED: 01/16/81 JA: TX			
8112722	25962	4205130537	103		F C ANDERSON ET AL NO 2	WILLARD (NAVARRO) FIELD	55.0	FERGUSON CROSSING PI
-GETTY OIL COMPANY					RECEIVED: 01/16/81 JA: TX			
8112866	29646	4223330829	103		CROSBY & MATCHER #11	PANHANDLE HUTCHINSON	2.2	J M HUBER CORP
8112669	19871	4250131736	102		E D WEBB #1-D	BRAHANEY - DEVONIAN	0.0	SHELL OIL CO
8112692	23916	4200100000	103		J N EDENS NO 2-D #77080	CAYUGA (COTTON VALLEY)	606.0	LONE STAR
-GO OIL CORP					RECEIVED: 01/16/81 JA: TX			
8112840	27800	4236731539	103		CEARLEY NO 1 (84558)	RENO (CONGL)	0.0	GEER TANK TRUCKS INC
-GULF OIL CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112700	24380	4221131114	103		A A ROSS #7-71	HEMPHILL/GRANITE WASH	572.8	CITIES SERVICE GAS C
8112799	27653	4219500000	108		GARRETT #1	HANSFORD NORTH	8.0	NORTHERN NATURAL GAS
8112801	27674	4247531966	103		HUTCHINGS STOCK ASSN NO 1046	WARD-ESTES NORTH	0.7	CABOT CORP
8112830	27731	4247532149	103		HUTCHINGS STOCK ASSN NO 1107	WAGON WHEEL (PENN)	233.0	CABOT CORP
8112804	27683	4247531998	103		JACK EDWARDS K NO 2	JANELLE S E (TUBB)	10.0	H & T GATHERING
8112798	27652	4239300000	108		JOHN HAGGARD #4	QUINDUNO	14.0	NATURAL GAS PIPELINE
8112773	27436	4210531695	103		P BOUSCAREN ET AL J NC 2	BOUSCAREN (ELLENBURGER)	0.0	PHILLIPS PETROLEUM C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112672	20445	4219931246	103		SAM BASHARA NO 10 #03634	SARATOGA	10.0	MATADOR PIPELINE LTD
8112670	20439	4219931327	103		SAM BASHARA NO 11 #03634	SARATOGA	10.0	MATADOR PIPELINE LTD
8112671	20444	4219931172	103		SAM BASHARA NO 9 #03634	SARATOGA	35.0	MATADOR PIPELINE LTD
8112696	24080	4210332194	103		W N WADDELL ET AL TR A #1144	SAND HILLS (JUDKINS)	152.0	H & T GATHERING
-GUNN OIL CO					RECEIVED: 01/16/81 JA: TX			
8112707	24658	4226930872	102		BURNETT S B ESTATE 2-16	TOM (B CONGL) FIELD	0.0	LONE STAR GAS CO
8112707	24658	4226930872	103		BURNETT S B ESTATE 2-16	TOM (B CONGL) FIELD	0.0	LONE STAR GAS CO
-HARKEN OIL & GAS INCORP					RECEIVED: 01/16/81 JA: TX			
8112740	26413	4214330385	103		A L BOGGUS #1	SAP OAK (DUFFER)	182.0	NORTHERN GAS PRODUCT
-HENRY PETROLEUM CORP					RECEIVED: 01/16/81 JA: TX			
8112733	26359	4211500000	103		YATES B #1	TEX-HAMON (DEAN)	0.0	
-HUGHES & HUGHES					RECEIVED: 01/16/81 JA: TX			
8112764	27206	4235537563	102		MAESON PAINTER #1-C	COTTON (HARTMAN) FIELD	456.0	FERGUSON CROSSING PI
8112766	27209	4235531563	102		MAESON PAINTER #1-T	COTTON (BUSENLEHNER)	256.0	FERGUSON CROSSING PI
8112774	27485	4247932688	102		OLMITOS RANCH INC STATE #4	BELLE JEFFERS (7850)	0.4	HOUSTON PIPE LINE CO
-J B PRODUCTION CO					RECEIVED: 01/16/81 JA: TX			
8112745	26511	4239931373	103		ROBERT HEINZE NO 1	URBAN (MILES)	0.0	ODESSA NATURAL CORP
8112744	26507	4239900000	103		WALLACE BOWNDS #1	URBAN (MILES)	0.0	ODESSA NATURAL CORP
-J CLEO THOMPSON					RECEIVED: 01/16/81 JA: TX			
8112767	27219	4210500000	102		UNIVERSITY 33-1	UNIVERSITY 31 (STRAWN-DE	301.0	PHILLIPS PETROLEUM C
-JOHN L COX					RECEIVED: 01/16/81 JA: TX			
8112810	27693	4230331669	103		CARR ESTATE 4 #1 (08451)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8112807	27690	4232930908	103		MABEE FOUNDATION #1 (26086)	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL GAS
8112806	27689	4232930909	103		MABEE FOUNDATION B #1 (26057)	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL GAS
8112811	27694	4246131602	103		MOBIL-NEAL 12 #1 (08444)	BENEDUR (FUSSELMAN)	10.0	EL PASO NATURAL GAS
8112849	27825	4246131583	103		NEAL HEIRS B #1 (08414)	SPRABERRY (TA)	10.0	PHILLIPS PETROLEUM C
8112848	27824	4238331635	103		ROCKER B C #5-X (04476)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8112809	27692	4238331622	103		THOMASON #1 (08452)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8112808	27691	4238331629	103		THOMASON #2 (08452)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
-JOHN H THOMPSON OPERATING INC					RECEIVED: 01/16/81 JA: TX			
8112758	26954	4202531201	103		GRACE F MALONE ET AL NO 1	BLANCONIA N (SINTON 4850	180.0	TRUNKLINE GAS CO
-JOY PETROLEUM CORP					RECEIVED: 01/16/81 JA: TX			
8112850	27860	4213300000	103		JAN-SAN 21 #1	PAT KAHAN (MISS)	343.1	LONE STAR GAS CO
-JS OIL CO INC					RECEIVED: 01/16/81 JA: TX			
8112705	24605	4239131344	102		HYNES MINERAL TRUST A 3-T	REFUGIO-FOX (2200)	7.6	UNITED GAS PIPELINE
8112705	24605	4239131344	103		HYNES MINERAL TRUST A 3-T	REFUGIO-FOX (2200)	7.6	UNITED GAS PIPELINE
-KEITH B GRAHAM					RECEIVED: 01/16/81 JA: TX			
8112865	28605	4205130975	102		HCW NO 5 (12918)	GIDDINGS (AUSTIN CHALK)	140.2	CLAJON GAS CO
8112857	27967	4205130835	102		J LYONS #2 (12705)	GIDDINGS (AUSTIN CHALK)	126.8	CLAJON GAS CO
*8112762	27140	4205130616	102		OSCAR E TELG #3 (12870)	GIDDINGS (AUSTIN CHALK)	238.3	CHAMPLIN PETROLEUM C
-KERR-MCGEE CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112838	27750	4243130732	103		WESTBROOK 33 NO 1	CONGER (PENN)	146.0	ESPORANZA PIPELINE C
-KILROY CO OF TEXAS					RECEIVED: 01/16/81 JA: TX			
8112765	27207	4217531065	102		IRENE VINTON NO 1-L	DANFORTH (FRIO 3125)	335.0	TRANSCONTINENTAL GAS
-LONDON & MAGGONER					RECEIVED: 01/16/81 JA: TX			
8112771	27434	4249731865	103		C W GOEHRING LEASE	BOONSVILLE (BCG) FIELD	219.0	NATURAL GAS PIPELINE
-M-T OIL & GAS CO					RECEIVED: 01/16/81 JA: TX			
8112739	26405	4237133017	103		EATON-CRAWFORD #1	PAYTON	33.0	EL PASO NATURAL GAS
8112736	26396	4237133082	103		OLIX #4	PAYTON	81.0	EL PASO NATURAL GAS
-MARSHALL AND WINSTON INC					RECEIVED: 01/16/81 JA: TX			
8112760	27039	4233531695	103		J F MCCABE C #1	JAMESON NORTH (ELLENBURG	68.0	SUN GAS CO
-MGF OIL CORP					RECEIVED: 01/16/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8112761	27120	4203330575	103		CANON-WHATLEY A #2 (62735)
-MINERAL DEVELOPMENT CO LTD					RECEIVED: 01/16/81 JA: TX
8112716	25480	4220930909	102		MINERAL DEVEL CC FEE NC 1-C
8112716	25480	4220930909	103		MINERAL DEVEL CC FEE NC 1-C
-MITCHELL ENERGY CORPORATION					RECEIVED: 01/16/81 JA: TX
8112743	26481	4203300000	103		MORRIS MILLER 312 #3
8112704	24530	4231732038	103		UNIVERSITY 13 #1
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 01/16/81 JA: TX
8112779	27510	4233531752	103		MARY FOSTER #142
*8112778	27509	4247531980	103		STATE AL NO 1
*8112777	27508	4247532104	103		STATE AN NO 3 (26038)
8112690	23842	4234931146	103		W H HODGE NO 1
-MORAN EXPLORATION INC					RECEIVED: 01/16/81 JA: TX
8112737	26397	4223530342	108		ROCKER B -O- NO 8
-MORGAS					RECEIVED: 01/16/81 JA: TX
8112663	17400	4248300000	103		BEA #1 82881
-MOYE RESOURCES INC					RECEIVED: 01/16/81 JA: TX
8112720	25709	4249700000	103		ARLON MORRIS NO 1
-NEUMIN PRODUCTION CO					RECEIVED: 01/16/81 JA: TX
8112661	15101	4228531403	102		TELTSCHICK 6-D 84812
-OLSEN ENERGY INC					RECEIVED: 01/16/81 JA: TX
*8112727	26103	4213533291	103		PARKER #2
*8112726	26102	4213500000	103		PARKER #3
-PENNZOIL PRODUCING COMPANY					RECEIVED: 01/16/81 JA: TX
8112839	27791	4239101111	108		W J FOX 30
-PETROLERO EXPLORATIONS INC					RECEIVED: 01/16/81 JA: TX
8112861	27971	4208130822	103		DURHAM #3 (07798)
8112860	27970	4213332282	103		J L SCOTT #1 (16098)
8112859	27969	4209530489	103		KITCHENS A #1 (04654)
8112858	27968	4239931644	103		T A SMITH #1 (08466)
-PETROLEUM TECHNICAL SERVICES CO					RECEIVED: 01/16/81 JA: TX
8112833	27738	4210332268	103		P J LEA NO 2
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/16/81 JA: TX
8112753	26780	4229530490	103		CRUISE D NO 2
8112723	26028	4240100000	108		THRASH #23
-POLK & PATTON INC					RECEIVED: 01/16/81 JA: TX
8112679	20808	4249731405	103		STERLING PRUITT #2
8112750	26656	4223733035	103		WIMBERLY UNIT #2
-RAGARS OIL & GAS CO					RECEIVED: 01/16/81 JA: TX
8112746	26527	4217500000	108		ELS EMIL NO 3 T
-RANGER OPERATING CO					RECEIVED: 01/16/81 JA: TX
8112729	26286	4223732883	103		MCANEAR NO 1 #87640
-ROBERT CARGILL					RECEIVED: 01/16/81 JA: TX
8112730	26325	4218330426	103		JEFFREY UNIT #4
-ROBERTS & HAMMACK INC					RECEIVED: 01/16/81 JA: TX
8112836	27747	4228900000	108		JETER-ALLBRIGHT NO 1
8112834	27744	4228900000	108		JETER-CHASTAIN NO 1
8112837	27748	4228900000	108		OLA-JETER NO 1-A
8112835	27745	4228900000	108		OLA-JETER NO 2
-ROOMAN PETROLEUM CORP					RECEIVED: 01/16/81 JA: TX
8112710	24958	4204931980	103		SCHLENKER NO 1
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 01/16/81 JA: TX

FIELD NAME	PRCD	PURCHASER
JO-MILL (SPRABERRY)	2.4	GETTY OIL CO
ALDINE (YEGUA-7090)	80.0	HOUSTON PIPE LINE CO
ALDINE (YEGUA-7090)	80.0	HOUSTON PIPE LINE CO
LUCY NORTH (PENN)	20.0	
LACAFF (WOLFCAMP)	10.4	PHILLIPS PETROLEUM I
IATAN EAST HOWARD	0.4	GETTY OIL CO
CAPRITO (DELAWARE MIDDLE	5.5	LONE STAR GAS CO
CAPRITO (DELAWARE MIDDLE	30.3	LONE STAR GAS CO
CHENEYBORO (COTTON VALLE	54.8	
SPRABERRY (TREND AREA)	2.5	NORTHERN NATURAL GAS
EAST PANHANDLE	60.0	EL PASO NATURAL GAS
CHICO WEST (5700 CONGL)	3.7	TEXAS UTILITIES FUEL
SPEAKS (3200)	235.0	ALUMINUM CO OF AMERI
HARPER	6.0	PHILLIPS PETROLEUM C
HARPER	18.0	PHILLIPS PETROLEUM C
GRETA (L-3)	10.0	UNITED GAS PIPE LINE
BLOODWORTH NE (5750 CANY	55.8	SUN GAS GATHERING CO
EASTLAND COUNTY REGULAR	29.2	LONE STAR GAS CO
SPECK NORTH (STRAWN)	73.2	SUN GAS GATHERING CO
DICK RICHARDSON (GARDNER	16.4	UNION OF TEXAS PETRO
LEA (SAN ANDRES)	18.2	WARREN PETROLEUM CO
KIOWA CREEK	150.0	TRANSWESTERN PIPELIN
EAST TEXAS	0.9	PARADE CO
BOONSVILLE (BEND CONGL G	931.0	SOUTHWESTERN GAS PIP
MEEKER (1700)	164.2	SOUTHWESTERN GAS PIP
BOYCE / RECKLAW	16.0	UNITED GAS PIPE LINE
BRYSON EAST (CONGLOMERAT	96.0	LONE STAR GAS CO
WILLOW SPRINGS (BODENHEI	45.0	ARKANSAS LOUISIANA G
RED OAK (FB-B SUB-CLARKS	20.0	LONE STAR GAS CO
RED OAK (FB-B SUB-CLARKS	9.0	LONE STAR GAS CO
RED OAK (FB-B SUB-CLARKS	4.0	LONE STAR GAS CO
RED OAK (FB-B SUB-CLARKS	19.0	LONE STAR GAS CO
BROWN CO REGULAR	18.0	ODESSA NATURAL CORP

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8112664	17903	4229700000	102		GEORGE WEST GAS UNIT 2 #3
8112698	24228	4247932650	102		MAYERS GAS UNIT 3 #1
8112668	19511	4250531119	102		SAN FERNANDO MINERALS NC 2
-SAXON OIL COMPANY					RECEIVED: 01/16/81 JA: TX
8112854	27904	4246131609	103		LENA LEE NO 1
-SHELL OIL CO					RECEIVED: 01/16/81 JA: TX
8112800	27667	4228500000	108		FAY ROUSE NO 1
-SOUTHLAND ROYALTY CO					RECEIVED: 01/16/81 JA: TX
8112856	27940	4210332288	103		BRYANT 19 #1
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 01/16/81 JA: TX
8112706	24644	4236700000	103		H H HEMBY #1
8112687	23275	4214330376	103		O C WINSLETT #1
8112685	23210	4214330320	103		PARKEY RANCH #1
8112684	23209	4214330332	103		PARKEY RANCH #4
8112686	23221	4214330349	103		R T DRAKE #2
-SUBURBAN PROPANE GAS CORP					RECEIVED: 01/16/81 JA: TX
8112756	26824	4210532751	103		DAVIDSON A NO 2
8112757	26825	4210532884	103		MEYBIN 34 NO 2
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/16/81 JA: TX
8112665	18985	4242700000	108		C V DE LOPEZ NO 3
8112660	14574	4236500000	108		S J NEAL NO 1
8112681	21827	4238300000	108		UNIVERSITY -28- NO 1
-TENNECO OIL COMPANY					RECEIVED: 01/16/81 JA: TX
8112775	27502	4229732120	102		MARY ALYCE LINDHOLM NO 1
8112741	26421	4242731415	103		T B SLICK ESTATE NO 74
-TEPCO ENGINEERING INC					RECEIVED: 01/16/81 JA: TX
8112747	26585	4224931210	102		BURKET-BOERNER GAS UNIT NO 2
8112747	26585	4224931210	103		BURKET-BOERNER GAS UNIT NO 2
-TEXACO INC					RECEIVED: 01/16/81 JA: TX
8112770	27428	4224731233	102		A K EAST FEE LEASE #20
8112803	27680	4213533370	103		J F COWDEN #40
8112847	27823	4207930825	103		MALLET LAND & CATTLE F #21-A
8112802	27678	4216531755	103		SAM C JENKINS #6
8112772	27435	4247932131	103		STATE GAS UNIT B #3
8112714	25267	4247531961	103		STATE OF TEXAS DF #2
-TEXAS OIL & GAS CORP					RECEIVED: 01/16/81 JA: TX
8112711	25120	4232900000	103		JONES W #1
-TOM F MARSH INC					RECEIVED: 01/16/81 JA: TX
8112735	26392	4248330729	107		CLARENCE ZYBACH #1-14
-TOWNSEND GAS CO					RECEIVED: 01/16/81 JA: TX
8112751	26681	4239900000	103		CHARLES MATSCHEK NO 3-U
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 01/16/81 JA: TX
*8112776	27506	4241330934	103		UNIVERSITY 22-A #1
-TRINITY OIL & GAS CORP					RECEIVED: 01/16/81 JA: TX
8112748	26589	4213300000	103		BAR H BAR RANCH E NO 5
-UNION OIL COMPANY OF CALIF					RECEIVED: 01/16/81 JA: TX
8112725	26099	4247532052	103		UNIVERSITY 18-19 #1
-W L BRUCE OPERATOR					RECEIVED: 01/16/81 JA: TX
8112658	05733	4234100000	108		JE PRITCHARD #1 RRC 01352
-W M NULL					RECEIVED: 01/16/81 JA: TX
8112759	27016	4212732016	102		N C KING #1
8112759	27016	4212732016	103		N C KING #1

FIELD NAME	PRCD	PURCHASER
GEORGE WEST W (8600) FIE	500.0	TEXAS EASTERN TRANSM
LILIA WILCOX	500.0	TRANSCONTINENTAL GAS
WILDCAT	500.0	UNITED TEXAS TRANSMI
SPRABERRY (TREND AREA)	31.2	MOBIL PROD TEXAS & N
PROVIDENT CITY (WILCOX 9	15.0	TEXAS EASTERN TRANSM
CRAHAR NORTH	90.0	EL PASO NATURAL GAS
RENO (CONGL)	138.4	SOUTHWESTERN GAS EXP
MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE
MORGAN MILL (MARBLE FALL	119.9	ENERGY PIPELINE
MORGAN MILL (MARBLE FALL	41.3	ENERGY PIPELINE
MORGAN MILL NE (MARBLE F	243.3	ENERGY PIPELINE
DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL GAS
DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL GAS
SUN FIELD	21.0	TRANSCONTINENTAL GAS
CARTHAGE	8.0	TEXAS GAS TRANSMISSI
TEXON WEST	5.0	DORCHESTER GAS PRODU
LINDHOLM	370.0	HOUSTON PIPE LINE CO
HINDE	450.0	TENNESSEE GAS PIPELI
HENSHAW (4000) FIELD	100.0	NUE-WELLS PIPE LINE
HENSHAW (4000) FIELD	100.0	NUE-WELLS PIPE LINE
BLACK DIAMOND (PETTUS I)	13.5	VALERO TRANSMISSION
GOLDSMITH N (SAN ANDRES	12.4	PHILLIPS PETROLEUM C
SLAUGHTER	8.0	AMOCO PRODUCTION CO
JENKINS (SAN ANDRES) #6	0.5	PHILLIPS PETROLEUM C
CAPRITO (DELAWARE MIDDLE	456.2	PIONEER NATURAL GAS
WAR-WINK S (WOLFCAMP)	399.0	
DOVE CREEK (CANYON D)	73.0	COLUMBIA GAS TRANSMI
WILDCAT	335.0	COLORADO INTERSTATE
ROWENA NORTH (JENNINGS S	90.0	LONE STAR GAS CO
UNIVERSITY 53 (CANYON)	300.0	CRA INC
TRINITY (BOND)	5.0	ATLAS-REISS PIPELINE
WARWINK S (WOLFCAMP)	110.0	
PANHANDLE FIELD	11.3	PHILLIPS PETROLEUM C
STUMBERG (OLMOS 4150)	11.0	VALERO TRANSMISSION
STUMBERG (OLMOS 4150)	11.0	VALERO TRANSMISSION

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
M R EDWARDS JR					RECEIVED: 01/16/81 JA: TX			
8112749	26608	4233330890	103		BARNHILL NO 4-1	PANHANDLE HUTCHINSON CO	0.0	PANHANDLE PRODUCING
8112731	26344	4233230864	103		MELANIE NO 2	PANHANDLE HUTCHINSON CO	0.0	PANHANDLE PRODUCING
WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 01/16/81 JA: TX			
8112805	27684	4210332201	103		W N MADDELL ET AL TR H NO 1148	LEA (SAN ANDRES)	8.0	EL PASO NATURAL GAS
WARRIOR MANAGEMENT & QUANAH PET					RECEIVED: 01/16/81 JA: TX			
8112788	27596	4231131455	103		COUNTRYMAN NO 1 (890368)	BARRANCA (SLICK)	1825.0	TEXAS EASTERN TRANSM
WILBROOK EXPLORATION INC					RECEIVED: 01/16/81 JA: TX			
8112791	27605	4213332440	103		BOB CARROLL NO 2 (15685)	JOSHUA (CONGLOMERATE)	20.0	LONE STAR GAS CO
8112789	27601	4214330604	103		EBERHART-JACKSON NO 1 (87548)	MORGAN MILL (MARBLE FALL	1000.0	SOUTHWESTERN GAS PIP
8112790	27602	4213331859	103		JUANITA MASSENGALE NO 1 (15155)	MASSENGALE (DUFFER)	130.0	LONE STAR GAS CO
WINDSOR PRODUCING CO					RECEIVED: 01/16/81 JA: TX			
8112824	27724	4228730494	103		CAMERON #1	GIDDINGS (AUSTIN CHALK)	45.0	PGP GAS PRODUCTS INC
8112825	27726	4228730438	103		DUBE #2	GIDDINGS (AUSTIN CHALK)	1.0	PGP GAS PRODUCTS INC
8112826	27727	4228730425	103		DUBE #3	GIDDINGS (AUSTIN CHALK)	5.0	PGP GAS PRODUCTS INC
8112823	27723	4205130830	103		JACKSON #1	GIDDINGS (AUSTIN CHALK)	0.0	PGP GAS PRODUCTS INC
8112817	27712	4228730581	103		KING #1	GIDDINGS (AUSTIN CHALK)	225.0	PGP GAS PRODUCTS INC
8112816	27711	4228736332	103		KUEHN & CARPENTER #1	GIDDINGS (AUSTIN CHALK)	12.0	PGP GAS PRODUCTS INC
8112820	27720	4228730690	103		MARY ZONA #1	GIDDINGS (AUSTIN CHALK)	65.0	PGP GAS PRODUCTS INC
8112812	27705	4228730661	103		MUELLER #1	GIDDINGS (AUSTIN CHALK)	850.0	PGP GAS PRODUCTS INC
*8112814	27707	4223730555	103		ORANGE #1	GIDDINGS (AUSTIN CHALK)	75.0	PGP GAS PRODUCTS INC
8112818	27713	4228730531	103		ROADRUNNER #1	GIDDINGS (AUSTIN CHALK)	725.0	PGP GAS PRODUCTS INC
8112819	27715	4228730527	103		SCHULTZ #1	GIDDINGS (AUSTIN CHALK)	100.0	PGP GAS PRODUCTS INC
8112813	27706	4228730649	103		SELL #1	GIDDINGS (AUSTIN CHALK)	5.0	PGP GAS PRODUCTS INC
8112815	27708	4228730613	103		STELLA #1	GIDDINGS (AUSTIN CHALK)	175.0	PGP GAS PRODUCTS INC
8112822	27722	4228730719	103		WHYTE #1	GIDDINGS (AUSTIN CHALK)	150.0	PGP GAS PRODUCTS INC
8112821	27721	4205130399	103		YEGUA CREEK #1	GIDDINGS (AUSTIN CHALK)	150.0	PGP GAS PRODUCTS INC

OTHER PURCHASERS VOLUME NO 1358

8112633	ASHLAND PETROLEUM CO
8112634	ASHLAND PETROLEUM CO
8112659	TEXAS UTILITIES FUEL COMPANY
8112699	AMOCO GAS CO
8112703	MID PLAINS PIPELINE CO
8112709	MID PLAINS PIPELINE CO
8112726	EL PASO NATURAL GAS CO
8112727	EL PASO NATURAL GAS CO
8112762	FERGUSON CROSSING PIPELINE CO
8112776	LONE STAR GAS CO
8112777	INTRATEX GAS CO
8112778	INTRATEX GAS CO
8112797	NATURAL GAS PIPELINE CO OF AMERICA
8112814	CLAJON GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 27, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4832 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
TEXAS RAILROAD COMMISSION								
-A L SAUDER JR					RECEIVED: 01/14/81 JA: TX			
8112972	24059	4249700000	103		WAGGONER-WALKER UNIT #1	BOONSVILLE BEND (CONGL)	180.0	NATURAL GAS PIPELINE
-ADOBE OIL & GAS CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113048	26097	4222732030	103		LANGLEY #1	FLORAC (STRAWN)	32.0	
-AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 01/14/81 JA: TX			
8113166	27199	4210531681	108		BAGGETT C NO 3	BAGGETT (CLEARFORK)	5.0	NORTHERN NATURAL GAS
8113140	27096	4216730759	102		MACO STEWART UNIT NO 1	LEAGUE CITY (11800)	150.0	
-AMOCO PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8113151	27128	4210532814	103		ALLEANE FRIEND MCMULLAN C #1	WHITEHEAD (STRAWN)	60.2	LONE STAR GAS CO
8113258	27580	4227930231	103		ANTON IRISH CLEARFORK UNIT #433	ANTON IRISH	2.5	PIONEER NATURAL GAS
8113257	27579	4218930320	103		ANTON IRISH CLEARFORK UNIT #436	ANTON IRISH	1.6	PIONEER NATURAL GAS
8113259	27581	4230330589	103		ANTON IRISH CLEARFORK UNIT #443	ANTON IRISH	7.6	PIONEER NATURAL GAS
8113216	27417	4249531059	103		BLUE ESTATE #11	WHEELER (WOLFCAMP)	66.3	SHELL OIL COMPANY
8113150	27126	4207931234	103		DEAN B UNIT #150	SLAUGHTER	1.5	EL PASO NATURAL GAS
8113149	27125	4207931053	103		DEAN UNIT #27	SLAUGHTER	2.2	EL PASO NATURAL GAS
8112953	22753	4221932347	103		EAST RKM UNIT #80	SLAUGHTER	8.8	EL PASO NATURAL GAS
8113085	26742	4216931119	102		ELMO BUSH #1	POST WEST /STRAWN/	69.7	
8112956	22991	4220130771	103		FIRST NATIONAL BANK OF HOUSTON #12	HOUSTON SOUTH (OLIGOLENE	3.7	AMOCO GAS CO
8113219	27449	4239330737	103		G A MAHLER NO 3-U	N W MENDOTA (GRANITE WAS	132.0	MICHIGAN WISCONSIN P
8112952	22743	4235531454	103		G H MCCANN #36-T	LUBY/6050/	290.0	VALLEY GAS TRANSMISS
8112875	17000	4235730892	103		HANKER KAY NELL TRUST A WELL #2	ELLIS RANCH	183.0	TRANSWESTERN PIPELIN
8113273	29294	4239330689	103		J B WATERFIELD #2U	NW MENDOTA (GRANITE WASH	219.0	MICHIGAN WISCONSIN P
8112878	17017	4219530677	103		L W MATHEWS WELL #4	HANSFORD MIDDLE MORROW	329.0	NORTHERN NATURAL GAS
8113139	27094	4235700000	108		LEONE STEED NO 1	FARNSWORTH	1.1	PHILLIPS PETROLEUM C
8113078	26607	4221932885	103		LEVELLAND UNIT #756	LEVELLAND	8.3	EL PASO NATURAL GAS
8113077	26606	4221932869	103		LEVELLAND UNIT #757	LEVELLAND	0.8	EL PASO NATURAL GAS
8113076	26605	4221932872	103		LEVELLAND UNIT #765	LEVELLAND	4.4	EL PASO NATURAL GAS
8113220	27450	4229530783	103		LOIS HANKER A NO 4	BRADFORD TONKAWA	26.5	PHILLIPS PETROLEUM C
8112955	22986	4216730644	103		MACO STEWART A #17	GILLOCK (HUBLE FB-8)	3.6	AMOCO GAS CO
8113212	27413	4200331890	103		MIDLAND FARMS UNIT #396	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8113213	27414	4200331900	103		MIDLAND FARMS UNIT #397	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8113214	27415	4200331899	103		MIDLAND FARMS UNIT #399	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8113215	27416	4200331904	103		MIDLAND FARMS UNIT #401	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8112963	23360	4220330719	103		PATRICIA POPE WHALEY NO 1	WOODLAWN (COTTON VALLEY)	300.0	EAST TEXAS INDUSTRIA
8113050	26107	4249531117	103		SEALY SMITH FOUNDATION /A/ #47	MONAHANS E /PENN LO/	42.0	PIONEER NATURAL GAS
8113148	27124	4249531125	103		SEALY-SMITH FOUNDATION A #49	MONAHANS E (PENN LO)	16.1	PIONEER NATURAL GAS
8113084	26741	4216931077	102		SYLVIA WINDER #1	POST WEST (STRAWN)	109.9	
8113086	26743	4216931173	102		W W TERRY #1	POST WEST /STRAWN/	87.2	
-ARCO OIL AND GAS COMPANY					RECEIVED: 01/14/81 JA: TX			
8113141	27097	4223531526	103		J R SCOTT ESTATE 72 WELL NO 4	SPRABERRY TREND AREA	30.0	J L DAVIS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113142	27098	4223531527	103		J R SCOTT ESTATE 72 WELL NO 5	SPRABERRY TREND AREA	30.0	J L DAVIS
8112949	22500	4223300000	108		JOHNSON RANCH A NO P-1	WEST PANHANDLE GAS	18.0	PHILLIPS PETROLEUM C
8113053	26163	4221530977	103		R C PAGE GAS UNIT WELL #2	TABASCO	350.0	TENNESSEE GAS PIPELI
8113091	26807	4249531134	103		SEALY & SMITH UNIT WELL NO 7XU	HALLEY (PENNSYLVANIAN)	1.4	TRANSWESTERN PIPELIN
8112879	17124	4221530911	103		TEMPLE W WEST #28-L	TABASCO (R)	132.0	TENNESSEE GAS PIPE L
*8112934	21453	4250131599	103		WILLARD UNIT WELL #83-R	MASSON	7.3	SHELL OIL CO
-ARMOUR PROPERTIES					RECEIVED: 01/14/81 JA: TX			
8113055	26229	4206530720	103		BURNETT WELL NO 98-6	PANHANDLE CARSON COUNTY	65.7	PANHANDLE EASTERN PI
8113056	26230	4206530756	103		BURNETT WELL NO 98-7	PANHANDLE CARSON COUNTY	109.9	PANHANDLE EASTERN PI
-B & M OPERATING CO INC					RECEIVED: 01/14/81 JA: TX			
8112997	24913	4213134934	103		JACOB NO 1 ID 87973	NEELY (BRUNI LO)	180.0	VALERO TRANSMISSION
8112945	22367	4240100000	103		PIERCE ESTATE NO 1	BU RANCH (SEG D MARG)	180.0	FLORIDA GAS TRANSMIS
-BAR-MAC & HOLLUB DRILLING CO					RECEIVED: 01/14/81 JA: TX			
8113014	25369	4205100000	102		HARRELL #1 LEASE #13069	INEZ JAMESON (NAVARRO -A	37.0	FERGOSON CROSSING PI
-BARBEE & CO INC					RECEIVED: 01/14/81 JA: TX			
8113054	26206	4202531186	102		LENA DUGAT WELL NO 1	BARBEE (7200) FIELD	1100.0	DELHI GAS PIPELINE C
-BAY ROCK CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112982	24452	4229732041	103		#1 CRAWFORD-BROWN	RAY POINT SW (WILCOX SEG	96.0	VALERO TRANSMISSION
-BEN J TAYLOR					RECEIVED: 01/14/81 JA: TX			
8113028	25604	4233130878	103		KUBIAK DAN C 2	MINERVA-ROCKDALE	36.0	LONE STAR GAS CO
-BORDER EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
8113098	26857	4247932292	103		S G MARSHALL #1	VAQUILLAS RANCH	613.0	VALERO ENERGY CORP
-BURK ROYALTY CO					RECEIVED: 01/14/81 JA: TX			
8113156	27165	4210500000	108		HALFF BUSS #50209	FERGUS (GRAYBURG UP)	12.0	KIBO COMPRESSOR CORP
8113157	27166	4210500000	108		PROCTOR HARDING HALFF #47203	FERGUS (GRAYBURG UP)	14.0	KIBO COMPRESSOR CORP
-CASHCO ENERGY CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112935	21638	4218500000	102		H GRESSET NO 1	IOLA (GLEN ROSE B) FIELD	365.0	LONE STAR GAS CO
-CAVALLA ENERGY EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
8112938	21851	4235130320	103		HANKAMER NO 1 #86500	SABINE TRAN (COCKFIELD 5	73.0	TRUNKLINE GAS CO
8113167	27202	4260330150	103		STATE TRACT 629-S NO 1-#86656	SALURIA (3950)	127.8	DOW CHEMICAL CO
-CHAMPLIN EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8112967	23519	4228730579	103		CURTIS LEITKO #1	GIDDINGS (AUSTIN CHALK)	300.0	CLAJON GAS CO
8112968	23523	4205130627	103		STEGMUELLER #4	GIDDINGS (AUSTIN CHALK)	720.0	CLAJON GAS CO
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 01/14/81 JA: TX			
8113137	27087	4235531553	103		BERTRAM HEIRS NO 2	STRATTON (J-10)	328.5	TENNESSEE GAS PIPELI
8113136	27085	4243130879	103		I W TERRY NO 7	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8112909	20255	4220330605	102		LETOURNEAU #3	SABINE SE (COTTON VALLEY	335.0	HYDROCARBON TRANSFER
8112909	20255	4220330605	103		LETOURNEAU #3	SABINE SE (COTTON VALLEY	335.0	HYDROCARBON TRANSFER
-CHARLES M GREEN					RECEIVED: 01/14/81 JA: TX			
8112970	23676	4217500000	102		M G GEBBERT NO 1	SCHROEDER WEST (WILCOX 9	0.0	DELHI GAS PIPELINE C
-CIMMARON OIL CO INC					RECEIVED: 01/14/81 JA: TX			
8113007	25217	4222130577	102		LEACH-NICHOLS GU 87984	GRANBURY NE	675.2	ALEDO GAS CO LTD
8113064	26372	4222130606	102		NUTT #2	GRANBURY NE (MARBLE FALL	189.8	EMPIRE PIPE LINE COR
8113006	25216	4222130573	102		NUTT 1 87983	GRANBURY NE	547.5	ALEDO GAS CO LTD
8113005	25215	4222130576	102		TANTON 87982	GRANBURY NE	302.9	ALEDO GAS CO LTD
-CLAYTON W WILLIAMS JR					RECEIVED: 01/14/81 JA: TX			
8113152	27143	4236500000	103		MILLIN ESTATE #1	PINE HILL S E (RODESSA G	800.0	VALERO TRANSMISSION
-CLYDE HOUSTON					RECEIVED: 01/14/81 JA: TX			
8113169	27221	4213332263	103		MAYNARD #1 (16228)	FOSTER (MARBLE FALLS)	45.8	ODESSA NATURAL CORP
8113170	27222	4213331998	103		SIMPSON #1 (15420)	FOSTER (MARBLE FALLS)	4.4	ODESSA NATURAL CORP
-CNR RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8113269	27644	4248330707	103		LOTT #1-3	LOTT RANCH (MORROW-UPPER	200.0	COLORADO INTERSTATE

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-COLORADO INTERSTATE GAS CO					RECEIVED: 01/14/81 JA: TX			
8112916	20610	4234130553	108		MASTERSON 103R	WEST PANHANDLE (RED CAVE	10.0	COLORADO INTERSTATE
8112928	20887	4234130000	108		SNEED 11R	WEST PANHANDLE (RED CAVE	9.0	COLORADO INTERSTATE
-COLUMBIA GAS DEVELOPMENT CORP					RECEIVED: 01/14/81 JA: TX			
8113126	27074	4205130791	102		ROBERT T SEBASTA NO 1	GIDDINGS (AUSTIN CHALK)	70.0	FERGUSON CROSSING PI
-COMINCO AMERICAN INC					RECEIVED: 01/14/81 JA: TX			
8112946	22404	4235730956	103		HAWK #1	MCGEE (MORROW UPPER)	300.0	
-CONOCO INC					RECEIVED: 01/14/81 JA: TX			
8113102	27290	4250531171	103		B G GUTIERREZ NO 4 (88117)	HUNDIDO (LOBO)	180.0	HOUSTON PIPELINE CO
8113023	25499	4243300000	108		E H VIERTEL #3 ID #04187	ASPERMONT LAKE	0.7	CITIES SERVICE CO
8113024	25500	4211500000	108		EAST ACKERLY DEAN UNIT #39	ACKERLY	0.9	TEXACO INC
8113022	25498	4238900000	108		FORD GERALDINE UNIT #118 ID #21021	GERALDINE FORD	0.8	EL PASO NATURAL GAS
8113021	25497	4238900000	108		FORD GERALDINE UNIT #206 ID #21021	GERALDINE FORD	1.6	EL PASO NATURAL GAS
8112985	24537	4238900000	108		FORD GERALDINE UNIT #245 ID #21021	GERALDINE FORD	0.2	EL PASO NATURAL GAS
8113147	27115	4250531170	103		G G DECARREON NO 2 (87025)	HUNDIDO (LOBO)	72.0	HOUSTON PIPELINE CO
8113020	25495	4213500000	108		GIST UNIT #53 ID #19373	FOSTER	0.1	ODESSA NATURAL CORP
8113183	27291	4212731589	103		J S MYERS ET AL 54 04400	PENA CREEK (SAN MIGUEL 3	10.0	VALERO TRANSMISSION
8113018	25493	4215100000	108		ROUND TOP PALO PINTO UNIT #114	ROUND TOP	0.4	LONE STAR GAS CO
8113019	25494	4215100000	108		ROUND TOP PALO PINTO UNIT #5	ROUND TOP	1.1	LONE STAR GAS CO
8112966	23460	4242731351	102		T B SLICK EST A NO 155	RINCON (VICKSBURG 6580)	73.0	TENNESSEE GAS PIPELI
8113041	26073	4242731436	103		T B SLICK EST B NO 163-U	RINCON (B-2 FAIO)	1.2	TENNESSEE GAS PIPELI
8113017	25490	4200300000	108		WEST FUHRMAN-MASCHO UNIT #3	FUHRMAN-MASCHO	0.2	PHILLIPS PETROLEUM C
-CONSOLIDATED OIL & GAS INC					RECEIVED: 01/14/81 JA: TX			
8113095	26818	4247930793	108		ZACHRY #3-A	LAREDO (LOBO)	6.5	DELHI GAS PIPELINE C
8113094	26817	4247931765	108		ZACHRY #9	LAREDO (LOBO)	13.0	DELHI GAS PIPELINE C
-COQUINA OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113119	27044	4238300000	103		PETTIT A #5	SPRABERRY	14.0	EL PASO NATURAL GAS
-CORNELL OIL CO					RECEIVED: 01/14/81 JA: TX			
*8113060	26319	4250100000	103		CORNELL UNIT NO 3039	WASSON FIELD/SAN ANDRES	30.0	SHELL OIL CO
-COTTON PETROLEUM CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113227	27499	4229530796	103		KEMP A NO 1	DARROUZETT/TONKAWA	15.0	PHILLIPS PETROLEUM C
-CRAMPTON & DENNIS					RECEIVED: 01/14/81 JA: TX			
8113164	27192	4239931575	103		BAILEY INTERCONTINENTAL PROD CO #1	COCKATOO (GARDNER)	0.0	UNION TEXAS PETROLEU
-CRYSTAL OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112942	22163	4248930608	103		PHOEBIE HENDRICKS #1	NILE	113.0	NATURAL GAS PIPELINE
-CUMMINS & WALKER OIL CO INC					RECEIVED: 01/14/81 JA: TX			
8112976	24193	4221500000	103		V L CONRAD NO 1	CANO-MEXICO (8550) (PROP	275.0	INTERSTATE GATHERING
8112977	24194	4221500000	102		V L CONRAD NO 1	CANO-MEXICO (8550) (PROP	275.0	
-D & G GAS OIL CO					RECEIVED: 01/14/81 JA: TX			
8113090	26789	4231131448	102		SOUTH TEXAS SYNDICATE NO 1-9	SYNDICATE (5400)	110.0	VALERO TRANSMISSION
-D/FW OIL & GAS INC					RECEIVED: 01/14/81 JA: TX			
8112948	22498	4239931434	102		BRYAN NO 1	WINGATE WEST (GARDNER)	109.5	LONE STAR GAS CO
8112948	22498	4239931434	103		BRYAN NO 1	WINGATE WEST (GARDNER)	109.5	LONE STAR GAS CO
-DALECO RESOURCES					RECEIVED: 01/14/81 JA: TX			
8112923	20546	4203900000	103		TOM MOORE NO 1	WESTLANDS (AUSTIN CHALK	0.0	
-DAVID ALBERT OIL & GAS					RECEIVED: 01/14/81 JA: TX			
8113099	26893	4223732144	108		CRANFOAD ZA	JACK COUNTY REGULAR - GA	19.0	CITIES SERVICE CO
-DAVIS OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112989	24660	4200130935	102		M W MORLEY #1	WILDCAT	548.0	UNITED GAS PIPELINE
-DELTA DRILLING CO					RECEIVED: 01/14/81 JA: TX			
8113087	26752	4210500000	108		COUCH 10 #4 ID #62567	OZONA (CANYON SAND)	20.7	NORTHERN NATURAL GAS
8113009	25263	4210500000	108		HELBING 10 #1 ID #42931	OZONA (CANYON SAND)	0.0	NORTHERN NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112910	20325	4234100000	108		BRUMLEY-SUNRAY NO 1	PANHANDLE WEST	13.0	NORTHERN NATURAL GAS
8112911	20326	4233900000	108		COFFEE A NO 1	PANHANDLE WEST	15.0	NORTHERN NATURAL GAS
8112913	20328	4242100000	108		KEENER ET AL NO 1	TEXAS HUGOTON	15.0	NORTHERN NATURAL GAS
8113089	26774	4235700000	108		ODC NO 2-9	SPICER	12.0	
8112915	20358	4225500000	108		R C MALLETT ET AL 1-L AND 1-U	HANSFORD	10.8	SOUTHWESTERN PUBLIC
8113103	26919	4235700000	108		RAY CHASE NO 2	FARNSWORTH-CONNER	8.0	
8113102	26918	4235700000	108		RAY CHASE NO 3	FARNSWORTH-CONNER	0.0	
8113101	26917	4235700000	108		RAY CHASE NO 4	FARNSWORTH-CONNER	0.0	
8112912	20327	4242100000	108		SARAH CLAYBAUGH NO 1	TEXAS HUGOTON	14.0	NORTHERN NATURAL GAS
8113221	27452	4229530842	103		SUSAN J MARTIN NO 2	BRADFORD	127.0	
8112916	20335	4234100000	108		W W BURNETT NO 1	PANHANDLE WEST	9.0	NORTHERN NATURAL GAS
-DORCHESTER EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8112994	24812	4243130816	103		TERRY 15 NO 2 RRC ID#25919	CONGER (PENN)	0.0	ESPERANZA PIPELINE C
-ENRE CORP					RECEIVED: 01/14/81 JA: TX			
8112995	24889	4242932127	102		LILLIE BELLE THOMPSON NO 1 (87912)	LILLY BELL (CONGL)	400.0	WARREN PETROLEUM CO
8112996	24911	4249731611	102		POTTER NO 1 (87187)	MONTEATH (CONGL)	180.0	TEXAS UTILITIES FUEL
-ENSERCH EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8113121	27052	4219730312	103		C J GILLIAM NO 4	RED RIVER	18.0	SHELL OIL CO
8113187	27296	4249731729	103		H P CRAWFORD NO 2	BOONSVILLE	400.0	LONE STAR GAS CO
8113217	27419	4249731870	103		N H DAGGETT UNIT A-1 NC 2	BOONSVILLE	1140.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8112974	24113	4202531194	102		JOYCE NOLEN NO 1-C	BLANCONIA (4450)	300.0	UNITED GAS PIPELINE
8112974	24113	4202531194	103		JOYCE NOLEN NO 1-C	BLANCONIA (4450)	300.0	UNITED GAS PIPELINE
8113039	26017	4239131404	103		ROSE FRICKE NO 1	BOEHM (5300)	46.0	UNITED GAS PIPELINE
-EXXON CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113127	27075	4226130536	103		C M ARMSTRONG 58-D (88903)	CANDELARIA (I-45)	325.0	NATURAL GAS PIPELINE
8112959	23102	4233930467	103		CONROE FIELD UNIT #1626	CONROE	219.0	MORAN UTILITIES
8112931	21387	4233930470	103		CONROE FIELD UNIT #1933	CONROE	45.0	MORAN UTILITIES
8112925	20604	4233930466	103		CONROE FIELD UNIT #2811	CONROE FIELD	22.0	MORAN UTILITIES CO
8112924	20602	4233930461	103		CONROE FIELD UNIT #3011	CONROE FIELD	90.0	MORAN UTILITIES
8112930	21386	4233930456	103		CONROE FIELD UNIT #3529	CONROE	180.0	MORAN UTILITIES
8112926	20605	4233930446	103		CONROE FIELD UNIT #3811	CONROE	180.0	MORAN UTILITIES
8113010	25265	4242731393	103		E BLOCK HEIRS B-2 (88284)	SUN WEST (8800)	295.0	TENNESSEE GAS PIPELI
8113198	27370	4216531782	103		EUBANKS CLEARFORK UNIT #15	ROBERTSON N (CLEARFORK 7	1.4	PHILLIPS PETROLEUM C
8113207	27382	4237132889	103		FORT STOCKTON UNIT #816	FORT STOCKTON	29.0	NUECES CO
8113202	27374	4210331802	103		J B TUBB A/C 1 #142L	SAND HILLS (MCKNIGHT)	8.0	ODESSA NATURAL CORP
8113197	27369	4210331882	103		J B TUBB A/C 1 #143	SAND HILLS (JUDKINS)	166.0	ODESSA NATURAL CORP
8113201	27373	4210331841	103		J B TUBB A/C 1 #146L	SAND HILLS (TUBB)	5.0	ODESSA NATURAL CORP
8113205	27378	4210332300	103		J B TUBB A/C 1 #221L	SAND HILLS (TUBB)	20.0	EL PASO NATURAL GAS
8113206	27380	4210332309	103		J B TUBB A/C 1 #224L	SAND HILLS (TUBB)	21.0	EL PASO NATURAL GAS
8113200	27372	4210331753	103		J B TUBB A/C-1 #140U	SAND HILLS (JUDKINS)	15.0	ODESSA NATURAL CORP
8113199	27371	4210331802	103		J B TUBB A/C-1 #142U	SAND HILLS (JUDKINS)	111.0	ODESSA NATURAL CORP
8113057	26263	4210332234	103		J B TUBB F #19L	SAND HILLS (TUBB)	31.0	EL PASO NATURAL GAS
8113125	27073	4231131342	103		J C DILWORTH JR #15 #87193	DILWORTH (EDWARDS LIME)	277.0	TRANSCONTINENTAL PIP
8113184	27293	4204730800	103		SANTA FE RANCH 56-D (88815)	SANTA FE EAST (MASSIVE 1	183.0	NATURAL GAS PIPELINE
8113223	27488	4204730837	103		SANTA FE RANCH 65 (89113)	SANTA FE EAST (MASSIVE 1	183.0	NATURAL GAS PIPELINE
-FOREST OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113036	25842	4230130223	107		ANNA K 44-1	ANNA K ATOKA	1396.0	VALERO TRANSMISSION
-FOY BOYD MANAGEMENT CORP					RECEIVED: 01/14/81 JA: TX			
8113211	27412	4247532137	103		PITZER #3	PITZER N (CHERRY CANYON)	100.0	NORTHERN NATURAL GAS
-GARY D TURNER DBA TURNER PROPERTIES					RECEIVED: 01/14/81 JA: TX			
8113025	25506	4243100000	103		TURNER PROPERTIES COPELAND NO 2	JAMESON (STRAWN)	0.0	SUN GAS CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-GENERAL PRODUCTION CORP					RECEIVED: 01/14/81 JA: TX			
8113155	27156	4205130885	103		JAMES HARGROVE NO 2	WILLARD (NAVARRO)	67.0	FERGUSON CROSSING PI
8113038	26016	4205130622	103		JONES-LEWIS NO 4	INEZ JAMESON (NAVARRO) F	41.0	FERGUSON CROSSING PI
-GENESIS PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8113116	27005	4213134440	102		LOONEY WELL NO 1 LSE NO 09571	STARR BRITE N (5850)	0.0	
-GETTY OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112867	03943	4202500000	108		C P SPARKMAN #2	NORTH MINERAL	19.0	TEXAS EASTERN TRANS
8113264	27622	4223330875	103		CROSBY C HATCHER NO 12	PANHANDLE HUTCHINSON	8.0	J M HUBER CORP
8112951	22602	4236530929	103		DEADWOOD UNIT #2	CARTHAGE (COTTON VALLEY)	277.0	DELHI GAS PIPELINE C
8113002	25169	4223330756	103		HERRING A TRACT 2 #94	PANHANDLE HUTCHINSON	19.3	PANHANDLE EASTERN PL
8112950	22601	4236530955	103		LAGRONE-JETER NC 2	CARTHAGE (COTTON VALLEY)	275.0	DELHI GAS PIPELINE C
8112944	22286	4217930664	103		NORTH JACKSON #8	WEST PANHANDLE	18.0	PHILLIPS PETROLEUM C
8112957	23021	4200730636	102		SOUTH ROCKPORT GAS #1	TALLEY ISLAND	685.0	VALERO TRANSMISSION
8112957	23021	4200730636	103		SOUTH ROCKPORT GAS #1	TALLEY ISLAND	685.0	VALERO TRANSMISSION
8112964	23366	4200730628	102		T S T 196-197 UNIT 2 NC 1 RRC	TALLEY ISLAND	724.0	VALERO TRANSMISSION
-GULF COAST MINERALS CO INC					RECEIVED: 01/14/81 JA: TX			
8112998	24972	4213133960	102		RENE MARTINEZ NO 4	CADENA (2000)	736.0	UNITED GAS PIPELINE
-GULF OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113154	27145	4238931062	103		NORMA SHERMAN WELL NO 1	SCOTT (DELAWARE)	43.0	
-GUNN OIL CO					RECEIVED: 01/14/81 JA: TX			
8112987	24593	4226930863	102		BURNETT S B ESTATE Q 1	TOM (B CONGL) FIELD	0.0	LONE STAR GAS CO
8112932	21392	4226900000	103		T B MASTERSON NO 1 WELL	TOM (B CONGL) FIELD	300.0	LONE STAR GAS CO
-GUS EDWARDS CO					RECEIVED: 01/14/81 JA: TX			
8113011	25283	4205100000	102		KORKMAS UNIT WELL NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-H L BROWN JR					RECEIVED: 01/14/81 JA: TX			
8113027	25577	4207931238	103		JACK FROST B NO 5 WELL #62830	BUCKSHOT (4950)	45.0	WARREN PETROLEUM CO
-H V RISIEN					RECEIVED: 01/14/81 JA: TX			
8112993	24769	4212331053	102		JACOB PURCELL #2	WILDCAT	98.0	VALERO ENERGY CORP
-HALVEY ENERGY CO					RECEIVED: 01/14/81 JA: TX			
8113153	27144	4243130871	103		MUNN #1	JAMESON (STRAWN)	800.0	SUN GAS CO
-HANOVER MANAGEMENT CO					RECEIVED: 01/14/81 JA: TX			
8113222	27486	4249731667	103		W J RIGGS #1	ALVORD (ATOKA 6400)	73.0	NATURAL GAS PIPELINE
-HARKEN OIL & GAS INCORP					RECEIVED: 01/14/81 JA: TX			
8113059	26309	4214330393	103		DAVID S TAYLOR #1	MORGAN MILL (MARBLE FALL	225.0	ENERGY PIPELINE CORP
8113068	26449	4214330392	103		QUARLES #1	SAP OAK (DUFFER)	100.0	NORTHERN GAS PRODUCT
8113067	26448	4214330429	103		QUARLES C #1	LIBERTY OAK (BIG SALINE)	78.0	NORTHERN GAS PRODUCT
-HAROLD STOVALL					RECEIVED: 01/14/81 JA: TX			
8112874	15259	4240100000	108		M KANGERGA & BROS NO 1	HENDERSON	4.8	LONE STAR GAS CO
-HENRY PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8113034	25832	4231700000	103		MABEE A #1	SPRABERRY (TREND AREA-DE	0.0	PHILLIPS PETROLEUM C
-HIGHLAND RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8112975	24176	4235531340	102		STATE TRACT 21 WELL NO 1	CORPUS CHANNEL (8350)	730.0	HOUSTON PIPE LINE CO
-HINTON PRODUCTION COMPANY					RECEIVED: 01/14/81 JA: TX			
8113037	25859	4237330433	102		DORRANCE NO 7A 83222	DAMASCUS (WOODBINE 9330)	713.0	ST REGIS PAPER CO
-HNG OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8113236	27539	4247532135	103		TEXFEL 103 #5 88826	PITZER (DELAWARE)	707.0	CLAJON GAS CO
-HOLLY ENERGY INC					RECEIVED: 01/14/81 JA: TX			
8112969	23621	4217500000	102		PETTUS ESTATE NO 1	DALLAS HUSKY NE (MASSIVE	350.0	TRANSCONTINENTAL GAS
8112969	23621	4217500000	103		PETTUS ESTATE NO 1	DALLAS HUSKY NE (MASSIVE	350.0	TRANSCONTINENTAL GAS
-HONDO PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8113189	27313	4206500000	108		BARNARD #3	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
8113190	27314	4206500000	108		BARNARD #4	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113191	27315	4206500000	108		BARNARD #5	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
8113192	27316	4206500000	108		BARNARD #6	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
8113193	27317	4206500000	108		BARNARD #7	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
8113194	27318	4206500000	108		BARNARD #8	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113138	27093	4238331523	103		ROACH #1	CALVIN (DEAN)	80.0	UNION TEXAS PETROLEU
-HOWELL DRILLING INC					RECEIVED: 01/14/81 JA: TX			
8113040	26023	4212331068	103		FELIX KOENIG NO 2 G U WELL NO 2	ANNA BARRE N	700.0	TEXAS EASTERN TRANSM
-HUMBLE EXPLORATION CO INC					RECEIVED: 01/14/81 JA: TX			
9112905	19241	4228730524	102		CLEOPATRA #1 - 85371	GIDDINGS-AUSTIN CHALK-GA	1467.0	PHILLIPS PETROLEUM C
9112905	19241	4228730524	103		CLEOPATRA #1 - 85371	GIDDINGS-AUSTIN CHALK-GA	1467.0	PHILLIPS PETROLEUM C
-INDEPENDENT EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
9113000	25057	4236731621	102		HARRISON #3 84818	BUCKNER (STRAWN)	173.0	JAMES P DUNIGAN INC
8112980	24294	4236731521	102		HAYTER #1 86635	BUCKNER (STRAWN)	156.0	JAMES P DUNIGAN INC
8112979	24293	4236731689	102		NASH #2 87138	BUCKNER (STRAWN)	73.0	JAMES P DUNIGAN
-INDIAN WELLS OIL CO					RECEIVED: 01/14/81 JA: TX			
8113159	27174	4210532457	103		ROBERTSON 2-3	OZONA (CANYON SAND)	90.0	DELHI GAS PIPELINE C
8113158	27173	4210532456	103		ROBERTSON 3-1	OZONA (CANYON SAND)	110.0	DELHI GAS PIPELINE C
-INTEGRAL ENERGY CORP					RECEIVED: 01/14/81 JA: TX			
9112898	17788	4232100000	103		STATE TRACT 179 #2-A	MATAGORDA BAY NE (MIOCEN	550.0	DOW CHEMICAL CO
-J M HUBER CORPORATION					RECEIVED: 01/14/81 JA: TX			
3113168	27214	4239330704	103		HODGES G NO 193-1	HODGES (MORROW MIDDLE)	450.0	PHILLIPS PETROLEUM C
-JAH INC					RECEIVED: 01/14/81 JA: TX			
3113092	26811	4213134784	102		DANSFIELL #2	SOUTH REALITOS FIELD	150.0	
-JAMES K ANDERSON INC					RECEIVED: 01/14/81 JA: TX			
8113096	26846	4239931605	102		CARR D #1	CECILE SOUTH	300.0	UNION TEXAS PETROLEU
8113062	26324	4239931580	103		LISSO D NO 1	ENOCH JOHNSON	25.0	UNION TEXAS PETROLEU
-JOHN H HENDRIX CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112988	24655	4237132986	102		MONROE #1	THIGPEN (DEVONIAN)	365.0	W WILSON CORP
8112988	24655	4237132986	103		MONROE #1	THIGPEN (DEVONIAN)	365.0	W WILSON CORP
-JOHN L COX					RECEIVED: 01/14/81 JA: TX			
8113185	27294	4232930887	103		KEMPER #1 RRC #26022	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8113186	27295	4232930888	103		KEMPER #2 RRC #26022	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8113051	26108	4231732178	103		MABEE RANCH B #1	LACAFF (DEAN)	10.0	NORTHERN NATURAL GAS
-J3 OIL CO INC					RECEIVED: 01/14/81 JA: TX			
8112984	24484	4239131374	102		HYNES MINERAL TRUST B #1-C	REFUGIO-FOX (3050)	37.6	UNITED GAS PIPELINE
9112984	24484	4239131374	103		HYNES MINERAL TRUST B #1-C	REFUGIO-FOX (3050)	37.6	UNITED GAS PIPELINE
-K-B EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
3113008	25239	4203931505	102		J E PRICE UNIT WELL NO 1	ROWAN NW (10260)	300.0	HOUSTON PIPE LINE CO
-KEITH D GRAHAM					RECEIVED: 01/14/81 JA: TX			
3113047	26090	4205130713	102		CATHERS NO 1 ID-13002	GIDDINGS (AUSTIN CHALK)	127.1	CLAJON GAS CO
3113044	26087	4205130742	102		HCW #4 - ID 12918	GIDDINGS (AUSTIN CHALK)	122.5	CLAJON GAS CO
3113042	26085	4205130745	102		JOHNSON-TELG UNIT #1 ID-13095	GIDDINGS (AUSTIN CHALK)	138.7	CHAMPLIN PETROLEUM C
3113046	26089	4205130729	102		MARY LEE NO 1 ID-13084	GIDDINGS (AUSTIN CHALK)	115.2	CLAJON GAS CO
3113097	26855	4205130836	102		OSCAR E TELG #4 ID-12870	GIDDINGS (AUSTIN CHALK)	229.9	CHAMPLIN PETROLEUM C
3113045	26088	4205130799	102		RHODES NO 1	GIDDINGS (AUSTIN CHALK)	116.8	CHAMPLIN PETROLEUM C
3113043	26086	4205230677	102		SCHULTZ ESTATE #1 ID-13107	GIDDINGS (AUSTIN CHALK)	97.1	CHAMPLIN PETROLEUM C
-KILLAM & HURD LTD					RECEIVED: 01/14/81 JA: TX			
9112940	22082	4247932471	102		BRUNI-KILLAM MINERAL FEE 1-9	GLEN NORTH (PETTUS) FIEL	92.0	
-KILROY CO OF TEXAS					RECEIVED: 01/14/81 JA: TX			
3113093	26813	4217531269	102		SERENA HOFF #1	SIGMAN (WILCOX 9200)	0.0	TRANSCONTINENTAL GAS
-L & M OIL CO					RECEIVED: 01/14/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113052	26148	4249700000	103		COX-HERRIOTT 19940	ALVORD	125.0	TEXAS UTILITIES FUEL
8113061	26323	4236731885	103		GORDON UNIT 1-A #1A	RENO (CONGL)	144.0	SOUTHWESTERN GAS PIP
-L TEXAS INC					RECEIVED: 01/14/81 JA: TX			
8113029	25661	4217531278	102		JAMES M BOWER #1 87559	CHARCO S/VEGUA 4300	150.0	VALERO TRANSMISSION
-LEAR PETROLEUM CORPORATION					RECEIVED: 01/14/81 JA: TX			
*8112894	17415	4229530000	102		BONDLE NO 3	LEAR (MORROW UPPER)	146.0	NORTHERN NATURAL GAS
8113004	25199	4239530220	102		FLOYD TURNER NO 1	N BALD PRAIRIE	100.0	UNITED TEXAS TRANSMI
-LOUIS A NEWITT					RECEIVED: 01/14/81 JA: TX			
8112876	17009	4208931040	102		JUSTINE KORENEK NO 3	LYDIA (3575)	1067.0	LONE STAR GAS CO
-M M MILLER & SONS					RECEIVED: 01/14/81 JA: TX			
8113109	26963	4213132960	102		MILLER FEE WELL NO 25	LONGHORN (HIAWATHA) FIEL	70.0	TRANSCONTINENTAL GAS
8113108	26962	4213134740	102		MILLER FEE WELL NO 26	LONGHORN (PETTUS) FIELD	20.0	TRANSCONTINENTAL GAS
8113108	26962	4213134740	103		MILLER FEE WELL NO 26	LONGHORN (PETTUS) FIELD	20.0	TRANSCONTINENTAL GAS
-MADOUX OIL & GAS					RECEIVED: 01/14/81 JA: TX			
8113079	26644	4236731882	103		L T CLARK NO 1	KIDD UPPER STRAWN	91.0	SOUTHWESTERN GAS PIP
-MAGNUM RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8113031	25689	4250333758	103		WRAGG B 1	KNOX	54.0	SUN GAS GATHERING CO
-MAY PETROLEUM INC					RECEIVED: 01/14/81 JA: TX			
8113088	26754	4229530827	102		TERRELL #1 (88793)	MAY (BASAL MORROW)	1825.0	DIAMOND SHAMROCK COR
-MEWBOURNE OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8113174	27271	4229530809	103		GENEVIEVE NOWLIN UNIT #2	S W LIPSCOMB (CLEVELAND)	100.0	NORTHERN NATURAL GAS
-MIDWAY OIL CORP					RECEIVED: 01/14/81 JA: TX			
8112978	24272	4205130455	102		GOLD-PERTL UNIT NO 1 (12821)	CALDWELL (AUSTIN CHALK)	233.0	CLAJON GAS CO
8112978	24272	4205130455	103		GOLD-PERTL UNIT NO 1 (12821)	CALDWELL (AUSTIN CHALK)	233.0	CLAJON GAS CO
-MITCHELL ENERGY CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112960	23174	4249731586	103		ELLA BARKSDALE #2L	LEFTWICK (UPPER ATOKA CO	139.3	NATURAL GAS PIPELINE
-MOBIL OIL EXPLORATION & PROD S E					RECEIVED: 01/14/81 JA: TX			
8113176	27276	4233531693	103		MARY FOSTER NO 136	IATAN EAST HOWARD	0.4	GETTY OIL CO
8113175	27274	4233531751	103		MARY FOSTER NO 141	ITAN EAST HOWARD	4.0	GETTY OIL CO
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 01/14/81 JA: TX			
8112971	23944	4244330223	102		B F FOSTER ET AL NO 1-A	WOLF SPRINGS(PENN)	219.0	EL PASO NATURAL GAS
8113030	25682	4213100000	108		HAHL-WEBB UNIT NO 1	NORTH GOVERNMENT WELLS	1.5	TENNESSEE GAS PIPELI
8113107	26958	4247532111	103		STATE AK NO 5	CAPRITO (DELAWARE MIDDLE	374.5	LONE STAR GAS CO
8113106	26957	4247532112	103		STATE AL NO 2	CAPRITO (DELAWARE MIDDLE	367.2	LONE STAR GAS CO
8113105	26955	4247532113	103		STATE AL NO 3	CAPRITO (DELAWARE MIDDLE	40.5	LONE STAR GAS CO
-MOORE MCCORMACK OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX			
8113015	25436	4217531358	103		V ALBRECHT #26	ALBRECHT S (3050)	912.5	LONE STAR GAS CO
-MORAN EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8113268	27636	4238300000	108		CREER ESTATE #1	SPRABERRY (TREND AREA)	16.8	EL PASO NATURAL GAS
8113267	27634	4238300000	106		CREER ESTATE #2	SPRABERRY (TREND AREA)	18.3	EL PASO NATURAL GAS
8113266	27631	4216531191	108		KING #1	LOOP N E (YATES)	17.2	NORTHERN NATURAL GAS
8113265	27630	4238330253	108		ROCKER B -B- #2	SPRABERRY (TREND AREA)	0.7	NORTHERN NATURAL GAS
8113065	26398	4223530354	106		ROCKER B -O- WELL NO 4	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
-MURPHY M BAXTER					RECEIVED: 01/14/81 JA: TX			
8113110	27025	4221330264	102		JOHNSON NO 1 RRC ID NO 88923	LAKE TRINIDAD (RODESSA)	0.0	
-MWJ PRODUCING COMPANY					RECEIVED: 01/14/81 JA: TX			
8113143	27102	4217331015	103		TXL 23 #2	SPRABERRY TREND AREA	57.0	TEXACO INC
-NATURAL GAS ANADARKO INC					RECEIVED: 01/14/81 JA: TX		270.0	TRANSWESTERN PIPELIN
8113013	25308	4235730975	102		CONLEY #1-315			
-NUCORP ENERGY INC					RECEIVED: 01/14/81 JA: TX			
8112973	24106	4228730647	102		GINGER UNIT #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-OCEAN TRACE EXPLORATION					RECEIVED: 01/14/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113026	25531	4228700000	102		CARRIE MCCAIN ET AL UNIT #1	GIDDINGS FIELD	131.4	CLAJON GAS CO
-OVERLY OPERATING CO					RECEIVED: 01/14/81 JA: TX			
8113058	26294	4217531305	103		URBAN-FOERSTER UNIT WELL NO 1	POEHLER (SLICK WILCOX) B	90.0	UNITED GAS PIPELINE
-OXY PETROLEUM INC					RECEIVED: 01/14/81 JA: TX			
*8112958	23062	4237132586	107		SABINE NO 1	EAST GONEZ	385.0	TEXAS UTILITIES FUEL
-PAN-TEX PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8112954	22835	4207700000	108		I H MCVICKER #1-T #21259	BOWIE SW (ATOKA CONGL TH	13.0	CITIES SERVICE CO
-PARAFFINE OIL CORP					RECEIVED: 01/14/81 JA: TX			
8113171	27226	4246931572	103		KEERAN B NO 1	KEERAN EAST (7180)	52.0	FLORIDA GAS TRANSMIS
-PATRICK PETROLEUM CORP (MI)					RECEIVED: 01/14/81 JA: TX			
8112939	21991	4200130925	102		M J OWENS NO 1	OWERS CREEK	365.0	
-PAUL D FRIEMEL & ASSOCIATES INC					RECEIVED: 01/14/81 JA: TX			
8113003	25184	4200332036	103		THORNBERRY NO 1 WELL #25677	FUHRMAN-MASCHO (GRAYBURG	2.2	PHILLIPS PETROLEUM C
8113204	27377	4200332342	103		THORNBERRY 4 NO 3 #25677	FUHRMAN-MASCHO	12.7	PHILLIPS PETROLEUM C
8113203	27376	4200332356	103		THORNBERRY 5 NO 1 26073	FUHRMAN-MASCHO	54.7	PHILLIPS PETROLEUM C
-PAUL L MILLER					RECEIVED: 01/14/81 JA: TX			
8113254	27575	4207300000	108		CHILES NO 1	WILDCAT - TROUP FIELD	0.0	UNITED GAS PIPE LINE
-PENNZOIL PRODUCING COMPANY					RECEIVED: 01/14/81 JA: TX			
8113075	26600	4250531209	102		ANTONIO M VELA NO C-1	EL GRULLO (6760)	438.0	
8113074	26599	4232130980	102		THE STATE OF TEXAS TRACT 195 NO 1	MATAGORDA BAY NE BLOCK 1	547.0	
-PETROLEUM CORPORATION OF TEXAS					RECEIVED: 01/14/81 JA: TX			
8113228	27517	4210531860	103		UNIVERSITY GREAT PLAINS #7	FARMER (SAN ANDRES)	109.5	J L DAVIS
8113231	27521	4210531634	103		UNIVERSITY GREAT PLAINS B #5	FARMER (SAN ANDRES)	10.9	J L DAVIS
8113234	27524	4210531640	103		UNIVERSITY GREAT PLAINS B #6	FARMER (SAN ANDRES)	43.8	J L DAVIS
8113235	27525	4210531861	103		UNIVERSITY GREAT PLAINS B #8	FARMER (SAN ANDRES)	12.7	J L DAVIS
8113230	27519	4210532675	103		UNIVERSITY PHILLIPS #15	FARMER (SAN ANDRES)	0.3	J L DAVIS
8113229	27518	4210532674	103		UNIVERSITY PHILLIPS #16	FARMER (SAN ANDRES)	0.3	J L DAVIS
8113232	27522	4210531592	103		UNIVERSITY WARREN #7	FARMER (SAN ANDRES)	43.8	J L DAVIS
8113233	27523	4210531593	103		UNIVERSITY WARREN #8	FARMER (SAN ANDRES)	43.8	J L DAVIS
-PETROMARK MINERALS INC					RECEIVED: 01/14/81 JA: TX			
8113016	25461	4214930362	102		SEALE UNIT NO 1	GIDDINGS (AUSTIN CHALK)	24.0	PHILLIPS PETROLEUM C
8113016	25461	4214930362	103		SEALE UNIT NO 1	GIDDINGS (AUSTIN CHALK)	24.0	PHILLIPS PETROLEUM C
-PETROTEX MANAGEMENT CO					RECEIVED: 01/14/81 JA: TX			
8113001	25081	4246931533	102		PHIL MARTHILJOHNI ID 88201	ANAQUA (5000) (PROPOSED)	50.0	NATURAL GAS PIPELINE
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/14/81 JA: TX			
8113104	26953	4234100000	108		BERAN NO 1	WEST PANHANDLE	0.0	EL PASO NATURAL GAS
8112908	19510	4242100000	108		RENNER #1	TEXAS HUGOTON	21.0	MICHIGAN WISCONSIN P
8112907	19515	4219500000	108		SAL #1	TEXAS HUGOTON	21.0	MICHIGAN WISCONSIN P
8113114	26998	4242130244	103		TIBBETTS A #1	TEXAS HUGOTON	30.0	MICHIGAN WISCONSIN P
-PIONEER PRODUCTION CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113035	25838	4229500000	108		GEX UNIT #1	MAMMOTH CREEK N (CLEVELA	16.5	NORTHERN NATURAL GAS
-PLACID OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112941	22098	4201530417	102		EMMA KOLLATSCHNY #1	CAT SPRINGS (MIDWAY)	365.0	TRUNKLINE GAS CO
-POLK & PATTON INC					RECEIVED: 01/14/81 JA: TX			
8113115	27000	4236731752	102		LINDSAY UNIT #1	CABBAGE PATCH (BIG SALIN	963.6	SOUTHWESTERN GAS PIP
-PTL PRODUCTION INC					RECEIVED: 01/14/81 JA: TX			
8112990	24661	4250300000	103		CAUDILL #19956	GENESIS (3200)	1099.0	SUN GAS GATHERING CO
-QUINTEX PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8113120	27047	4201931537	103		SHARP CORPORATION WELL NO 1	ARCOLA	36.0	TENNGASCO
-R H SIEGFRIED INC					RECEIVED: 01/14/81 JA: TX			
8112981	24305	4249700000	103		R L MORRIS - A - (06978) NO 19-A	CHICO WEST (CADDO CONGL	80.0	NATURAL GAS PIPELINE
-RESOURCES INVESTMENT CORPORATION					RECEIVED: 01/14/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8112869	07288	4217531011	102		EWING #1-C
-RICKS EXPLORATION CO					RECEIVED: 01/14/81 JA: TX
8112936	21780	4235730915	102		SELL 1113-A
-ROCKWOOD RESOURCES INC					RECEIVED: 01/14/81 JA: TX
8113111	26969	4223931496	102		M MEYER NO 1 WELL
8113110	26968	4223931464	102		MATCEK - HAFNER NO 1 WELL
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 01/14/81 JA: TX
8113070	26483	4247932669	102		BRUNI MINERALS TRUST 1-A
-SANCHEZ-OBRIEN OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX
8112983	24478	4247932502	102		J C MARTIN III #4
-SAXON OIL COMPANY					RECEIVED: 01/14/81 JA: TX
8113124	27059	4238331636	103		PATTERSON B NO 3
8113122	27057	4238331633	103		PATTERSON B-2
8113180	27287	4238331366	103		TURNER A NO 4
8113179	27285	4238331374	103		UNIVERSITY 22-5B NO 3
8113181	27288	4238331375	103		UNIVERSITY 22-5B NO 4
8113123	27058	4238331616	103		WATKINS A-2
8113178	27284	4238331625	103		WATKINS NO 2
-SEAGULL OPERATING CO INC					RECEIVED: 01/14/81 JA: TX
8112902	19103	4205100000	103		COFFIELD B-5 NO 1
8112903	19114	4233100000	103		COFFIELD M-1F NO 1
8112904	19201	4205100000	103		COFFIELD M-19 NO 1
-SERVICE DRILLING CO					RECEIVED: 01/14/81 JA: TX
8113251	27568	4223300000	108		MITTIE STEVENSON #2
8113252	27569	4223300000	108		MITTIE STEVENSON #4
8113237	27548	4223300000	108		W A CARVER A #1
8113243	27559	4223300000	108		W A CARVER A #11
8113238	27549	4223300000	108		W A CARVER A #4
8113239	27550	4223300000	108		W A CARVER A #5
8113240	27551	4223300000	108		W A CARVER A #6
8113241	27557	4223300000	108		W A CARVER A #8
8113242	27558	4223300000	108		W A CARVER A #9
8113244	27560	4223300000	108		W A CARVER B #1
8113245	27561	4223300000	108		W A CARVER B #2
8113246	27562	4223300000	108		W A CARVER B #3
8113247	27564	4223300000	108		W A CARVER B #4
8113248	27565	4223300000	108		W A CARVER B #5
8113249	27566	4223300000	108		W A CARVER B #6
8113250	27567	4223300000	108		W A CARVER B #7
-SHELL OIL CO					RECEIVED: 01/14/81 JA: TX
8112927	20846	4270630154	102		S L 76433 NW #4
8113209	27404	4249531216	103		SEALY SMITH FOUNDATION #186
8113210	27406	4213533329	103		TXL NORTH UNIT #698
8113172	2725	4213500000	108		TXL-HP-#2C
8113173	27257	4213500000	108		TXL-K-TR 1 #3
-SOHIO NATURAL RESOURCES CO					RECEIVED: 01/14/81 JA: TX
8113218	27447	4232930911	103		R S DAVENPORT E WELL NO 4
-SOUTHLAND MINERALS CO					RECEIVED: 01/14/81 JA: TX
8112873	12873	4221530875	103		W L GOLDSTON WELL NO 1
-SOUTHLAND ROYALTY CO					RECEIVED: 01/14/81 JA: TX
8112920	20534	4249500000	108		J C LOVETT A #10
8112921	20535	4249500000	108		J C LOVETT A #16

FIELD NAME	PROD	PURCHASER
LA BAHIA E (FRIO 3450)	156.0	TRUNKLINE GAS CO
RICKS (MORROW UP)	80.0	HIGH PLAINS NATURAL
MAYO (6630) FIELD	0.0	DELMI GAS PIPELINE C
MAYO (5940) FIELD	0.0	TEXAS EASTERNTRANSMI
JUANITA (LOBO)	500.0	TENNESSEE GAS PIPELI
DELORES CREEK (8200) PRO	0.0	UNITED TEXAS TRANSMI
SPRABERRY (TREND AREA)	27.7	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	30.3	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	13.1	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	14.2	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	17.4	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	20.8	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	28.8	PHILLIPS PETROLEUM C
WILDCAT FIELD	20.0	FERGUSON CROSSING PI
WILDCAT FIELD	0.0	FERGUSON CROSSING PI
WILDCAT FIELD	0.0	FERGUSON CROSSING PI
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
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PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
PANHANDLE	0.3	DIAMOND SHAMROCK COR
GALVESTON 102L (MIOCENE)	6000.0	LONE STAR GAS CO
MONAHANS (CLEAR FORK)	55.0	EL PASO NATURAL GAS
TXL (TUBB)	65.0	SHELL
TXL (SAN ANDRES)	5.0	SHELL ET AL
TXL(CENTRAL WADDELL)	0.0	SHELL ET AL
CALVIN (DEAN)	42.0	UNION TEXAS PETROLEU
LOS INDIOS (VICKSBURG 80	110.0	TENNESSEE GAS PIPELI
KERMIT	2.5	CABOT CORP
KERMIT	4.0	CABOT CORP

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8112922	20536	4249500000	108		J C LOVETT A #17
8112917	20531	4249500000	108		J C LOVETT A #5
8112918	20532	4249500000	108		J C LOVETT A #7
8112919	20533	4249500000	108		J C LOVETT A #9
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 01/14/81 JA: TX
8112961	23222	4223700000	103		CRAFT-JONES #2
8112962	23235	4223732236	103		M E FERRELL #2
-STAHL PETROLEUM CO					RECEIVED: 01/14/81 JA: TX
*8112877	17014	4248300000	108		MCCALL #2
-SUBURBAN PROPANE GAS CORP					RECEIVED: 01/14/81 JA: TX
8113069	26466	4210532750	103		MEYBIN B WELL NO 2
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/14/81 JA: TX
8113081	26669	4213500000	108		BLAKENEY B H NO 1
8113066	26435	4208136775	103		CENTRAL NATIONAL BANK NO 11
8113161	27188	4208130900	103		CENTRAL NATIONAL BANK NO 14
8113080	26668	4213500000	108		EAST GOLDSMITH HOLT UNIT NO 10-2
8112937	21835	4236500000	108		GENA WILLIAMSON NO 1
8112965	23428	4223700000	103		J B EVANS NO 2
8113162	27189	4233531702	103		JAMES H NAIL JR TR NO 1
8113188	27300	4237100000	108		JASPER COUNTY SCHOOL LAND NO 4
8113163	27190	4238331528	103		LOTTIE JALONICK -A- NO 7
8113177	27280	4247531976	103		P WILLIAMS NO 1
-SUPERIOR OIL CO					RECEIVED: 01/14/81 JA: TX
8113113	26995	4228730727	103		EDGMON-CAMERON WELL NO 1
-TANA OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX
8112901	18475	4229732011	102		HOLM-STATE WELL 1-L
8112901	18475	4229732011	103		HOLM-STATE WELL 1-L
8112900	18474	4229703204	103		TANA NO 1 HOLM-STATE WELL
-TEE OPERATING CO					RECEIVED: 01/14/81 JA: TX
8113160	27180	4208931070	103		HAVEMANN WELL NO 1
-TENNECO OIL COMPANY					RECEIVED: 01/14/81 JA: TX
8112929	21251	4221530934	102		MCALLEN FIELDWIDE UNIT NO 47
-TERRA RESOURCES INC					RECEIVED: 01/14/81 JA: TX
8113012	25297	4248131866	102		#2 PIERCE RANCH ESTATE
-TEXACO INC					RECEIVED: 01/14/81 JA: TX
8112880	17325	4250500000	108		J D JENNINGS #15-R
8112881	17334	4250503019	108		J D JENNINGS #292
8112886	17341	4250530104	108		J D JENNINGS #330
8112888	17343	4250530086	108		J D JENNINGS #337
8112890	17349	4250530102	108		J D JENNINGS #343
8112891	17352	4250530165	108		J D JENNINGS #360
8112893	17354	4250530155	108		J D JENNINGS #363
8112882	17335	4250503020	108		J D JENNINGS WELL #293
8112883	17336	4250503164	108		J D JENNINGS WELL #316
8112884	17338	4250530041	108		J D JENNINGS WELL #319
8112885	17339	4250530040	108		J D JENNINGS WELL #320
8112887	17342	4250530084	108		J D JENNINGS WELL #336
8112889	17345	4250530094	108		J D JENNINGS WELL #339
8112892	17353	4250530175	108		J D JENNINGS WELL #361
-TEXAS ENERGY EXPLORATION INC					RECEIVED: 01/14/81 JA: TX
8113208	27384	4224931120	103		EMBLETON HEIRS #1 RRC ID #87750
-TEXAS OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX
8112871	09266	4212300000	103		DREIER G U A #3

FIELD NAME	PROD	PURCHASER
KERMIT	6.0	CABOT CORP
KERMIT	0.4	CABOT CORP
KERMIT	2.0	CABOT CORP
KERMIT	3.5	CABOT CORP
ALLEN-SIX (4800)	60.6	SOUTHWESTERN GAS PIP
JACKSBORO SE (5270)	0.0	SOUTHWESTERN GAS PIP
EAST PANHANDLE	0.0	TRANSWESTERN PIPELIN
DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL GAS
EAST GOLDSMITH	3.6	PHILLIPS PETROLEUM C
LYDAY	10.5	LONE STAR GAS CO
LYDAY	101.0	LONE STAR GAS CO
EAST GOLDSMITH	0.7	PHILLIPS PETROLEUM C
CARTHAGE	20.0	TEXAS GAS TRANSMISSI
JUPITER (CONGLOMERATE 3R	56.0	LONE STAR GAS CO
DIXON/ODOM LIME	310.0	LONE STAR GAS CO
NORTH PUCKETT	0.0	NORTHERN NATURAL GAS
CALVIN (DEAN)	75.0	EL PASO NATURAL GAS
RHODA WALKER (CANYON 590	155.0	INTRAYEX GAS CO
GIDDINGS (AUSTIN CHALK)	182.0	
CLEGG (WILCOX 8800)	365.0	VALERO TRANSMISSION
CLEGG (WILCOX 8800)	365.0	VALERO TRANSMISSION
CLEGG WILCOX 8 (DUAL COM	109.5	VALERO TRANSMISSION
WILDCAT FIELD	0.0	COLORADO COUNTY GAS
MCALLEN	400.0	TRUNKLINE GAS CO
WHARTON WEST	0.0	NATURAL GAS PIPELINE
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
EMBLETON HEIRS	156.0	NUE WELLS PIPELINE C
MEYERSVILLE (COOK MOUNTA	143.0	TEXAS EASTERN TRANS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8112870	09076	4226130462	102		ERCK #12	MCGILL (8280)	497.0	
8112872	10899	4248131732	102		FENNER E #1	GOLDEN ROD (4550)	96.0	TRUNKLINE GAS CO
8112999	25000	4223500000	103		WINTERBOTHAM F #1	DOVE CREEK (CANYON D)	600.0	COLUMBIA GAS TRANSMI
-TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 01/14/81 JA: TX			
8113135	27084	4243330827	103		BOYD CONGLOMERATE UNIT #62	BOYD (CONGLOMERATE)	20.7	CITIES SERVICE CO
8113134	27083	4243330839	103		BOYD CONGLOMERATE UNIT #63	BOYD (CONGLOMERATE)	9.7	CITIES SERVICE CO
8113133	27082	4243330838	103		BOYD CONGLOMERATE UNIT #64	BOYD (CONGLOMERATE)	13.8	CITIES SERVICE CO
8113132	27081	4243330830	103		BOYD CONGLOMERATE UNIT #65	BOYD (CONGLOMERATE)	0.0	CITIES SERVICE CO
8113131	27080	4243330837	103		BOYD CONGLOMERATE UNIT #66	BOYD (CONGLOMERATE)	0.0	CITIES SERVICE CO
8113130	27079	4243330840	103		BOYD CONGLOMERATE UNIT #67	BOYD (CONGLOMERATE)	4.7	CITIES SERVICE CO
8113129	27078	4243330831	103		BOYD CONGLOMERATE UNIT #68	BOYD (CONGLOMERATE)	9.8	CITIES SERVICE CO
8113128	27077	4243330841	103		BOYD CONGLOMERATE UNIT #69	BOYD (CONGLOMERATE)	123.3	CITIES SERVICE CO
8113083	26722	4213332190	102		E GAILEY WELL NO 1 (UPPER)	ELMER GAILEY (STRAWN 170	54.8	SOUTHWESTERN GAS PIP
-TEXOMA PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8112933	21423	4233700000	102		FLORENCE TRULL #1	SIMPSONVILLE (10300)	1.2	NATURAL GAS PIPELINE
-THREADGILL-DOWDEY PROD CO					RECEIVED: 01/14/81 JA: TX			
8112943	22188	4223732679	103		C J COKER NO 1 WELL	PERRIN S W (CONGL 4850)	126.0	LONE STAR GAS CO
-TOM F MARSH					RECEIVED: 01/14/81 JA: TX			
8113224	27492	4248300000	103		PANNELL #1-2	LOTT RANCH (UPPER MORROW	934.0	PIONEER NATURAL GAS
-TOMLINSON OIL CO INC					RECEIVED: 01/14/81 JA: TX			
8113270	27649	4250131806	103		OBERHOLTZER #1	REEVES (SAN ANDRES)	10.8	PHILLIPS PETROLEUM C
-TORTUGA OIL & MINERAL					RECEIVED: 01/14/81 JA: TX			
8113100	26902	4220131042	103		HULDA MARTENS #3	TOMBALL (HIRSCH NW)	22.0	EXXON CORP
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113256	27578	4241330923	103		UNIVERSITY 19-A #1	UNIVERSITY 53 (CANYON)	124.0	CRA INC
-TRI-MOR PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8113112	26985	4242932421	103		J M FAMBRO #1 (8838S)	WAYLAND NE (STRAWN)	91.3	SOUTHWEST GAS PIPELI
-U S OPERATING INC					RECEIVED: 01/14/81 JA: TX			
8112991	24709	4205130695	102		CINDY #1	GIDDINGS (AUSTIN CHALK)	120.0	CLAJON GAS CO
8113117	27013	4228730508	102		JUDY NO 1 (12546)	GIDDINGS (AUSTIN CHALK)	60.0	PGP GAS PRODUCTS INC
-W E POPE					RECEIVED: 01/14/81 JA: TX			
8113033	25713	4222130406	108		BARNEY IVES #1/#75368	BRAZOS EAST (CADDO)	9.7	TEXAS UTILITIES CO
8113032	25712	4222130398	108		N J ROGERS #1/#75369	BRAZOS EAST (CADDO)	10.3	TEXAS UTILITIES CO
-W H TAYLOR ESTATE					RECEIVED: 01/14/81 JA: TX			
8112868	05575	4217900000	103		WHT - TAYLOR RANCH 30R 72548	WEST PANHANDLE (GAS)	130.0	PHILLIPS PETROLEUM C
-W M SMITH					RECEIVED: 01/14/81 JA: TX			
8112906	19450	4250333377	103		T W MAHANEY #2	BERGEN (CONGL)	228.0	LEWTEX OIL & GAS CO
-W R EDWARDS JR					RECEIVED: 01/14/81 JA: TX			
8113063	26345	4223330818	103		ANDREW WELL N 4	PANHANDLE HUTCHINSON CO	160.0	PANHANDLE PRODUCING
8113071	26586	4223330897	103		BARNHILL WELL NO 14-1	PANHANDLE HUTCHINSON COU	0.0	PANHANDLE PRODUCING
8113082	26690	4223330888	103		BARNHILL WELL NO 35-1	PANHANDLE HUTCHINSON COU	0.0	PANHANDLE PRODUCING
8113073	26598	4223330878	103		LITTLE RASCALS WELL NO 20	PANHANDLE HUTCHINSON CO	160.0	PANHANDLE PRODUCING
8113072	26587	4234130595	103		WITHERBEE WELL NO 1	PANHANDLE MOORE COUNTY	0.0	
-W WALDO LYNCH					RECEIVED: 01/14/81 JA: TX			
8113049	26105	4250731327	102		A N NELSON NO 2 88388	LETTIS	70.0	NORTHERN NATURAL GAS
8112992	24739	4250731254	102		LA MANTIA NO 2	LA MANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
-WALSH & TRANT PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8112895	17665	4239930685	102		C N KORNEGAY NO 1	KORNEGAY (GARDNER)	25.6	UNION TEXAS PETROLEU
8112896	17666	4239930987	102		C N KORNEGAY NO 2	KORNEGAY (GARDNER)	25.6	UNION TEXAS PETROLEU
8112896	17666	4239930987	103		C N KORNEGAY NO 2	KORNEGAY (GARDNER)	25.6	UNION TEXAS PETROLEU
8112897	17667	4239931394	102		E ADAMI ESTATE NO 1	KORNEGAY (GARDNER)	54.8	UNION TEXAS PETROLEU
8112897	17667	4239931394	103		E ADAMI ESTATE NO 1	KORNEGAY (GARDNER)	54.8	UNION TEXAS PETROLEU

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 01/14/81 JA: TX			
8113225	27496	4210332226	103		J B TUBB ET AL NO 31	SAND HILLS (TUBB)	12.0	EL PASO NATURAL GAS
8113226	27497	4210332225	103		J B TUBB ET AL NO 32	SAND HILLS (TUBB)	116.0	EL PASO NATURAL GAS
-WARRIOR RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8112986	24584	4229300000	108		GUNTER (01963) OIL WELL NO 2	COIT (NACATOCH)	17.0	GULFTIDE GAS CORP
-WAYMAN W BUCHANAN					RECEIVED: 01/14/81 JA: TX			
8113144	27105	4223732910	103		BRYSON NO 1	CUSTARD (CONGL 4650)	0.0	LONE STAR GAS CO
8113253	27573	4246131587	103		CONNELL EST A NO 2	SPRABERRY (TREND AREA)	14.5	PHILLIPS PETROLEUM C
8113146	27107	4236731432	103		DOLENZ NO 1	WHISKEY FLAT (LOWER ATOK	73.0	SOUTHWESTERN GAS PIP
8113145	27106	4236731165	103		GOFORTH NO 1	WHISKEY FLAT (LOWER ATOK	73.0	SOUTHWESTERN GAS PIP
8113195	27323	4214930518	103		MORGAN JOOST NO 1	GIDDINGS-AUSTIN CHALK	36.0	PHILLIPS PETROLEUM C
8113165	27193	4236731275	103		TURNER NO 1	MOBY DICK (STRAWN)	100.0	SOUTHWESTERN GAS PIP
-WILBROOK EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8113262	27607	4213332075	103		BOB CARROLL NO 1 (15685)	JOSHUA (CONGLOMERATE)	90.0	LONE STAR GAS CO
8113263	27609	4213332066	103		JUANITA MASSENGALE B NO 1 (15594)	MASSENGALE (DUFFER)	120.0	LONE STAR GAS CO
-WILLIAM PERLMAN					RECEIVED: 01/14/81 JA: TX			
8113271	27775	4243500000	108		FIELDS 50 NO 1	SAWYER (CANYON)	20.0	EL PASO NATURAL GAS
8113272	28381	4243532076	108		GEO BROCKMAN 38 NO 2	SAWYER (CANYON)	20.0	EL PASO GAS TRANSPOR
-WOOD MCSHANE & THANS					RECEIVED: 01/14/81 JA: TX			
8112899	18404	4200331128	108		FANNIE MATHEWS #2 RRC #70385	BLOCK A-34 (YATES)	0.7	EL PASO NATURAL GAS
-WTG EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8112947	22480	4210500000	108		UNIVERSITY A - 2 F	HOWARD DRAW (GRAYBURG SA	1.1	EL PASO NATURAL GAS
-WY-VEL CORP					RECEIVED: 01/14/81 JA: TX			
8113260	27588	4223330594	103		SOUTHLAND #1 (04341)	PANHANDLE HUTCHINSON COU	29.0	PHILLIPS PETROLEUM C
8113261	27589	4223330595	103		SOUTHLAND #2 (04341)	PANHANDLE HUTCHINSON COU	49.0	PHILLIPS PETROLEUM C
8113196	27363	4223330809	103		SOUTHLAND #5 (04341)	PANHANDLE HUTCHINSON COU	18.0	PHILLIPS PETROLEUM C
-YUCCA PETROLEUM CO					RECEIVED: 01/14/81 JA: TX			
8113255	27576	4219500000	108		HENDERSON G U #1 TRC #22170	HANSFORD NORTH (MORROW)	13.0	NORTHERN NATURAL GAS

OTHER PURCHASERS

8112877	WARREN PETROLEUM COMPANY
8112894	RAEL GAS COMPANY
8112934	COLTEXO CORP
8112958	VALERO TRANSMISSION CO
8113060	COLTEXO CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 27, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4933 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Vol. 360]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	PRCD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION						
-CANKEE OIL & GAS CO				RECEIVED: 01/15/81	JA	
8113319	9-80-207	2501521444	108	STATE 2-16-T26N-R17E	14.5	NORTHERN NATURAL GAS
-DALE G MOORE				RECEIVED: 01/16/81	JA	
8113536	9-80-213	2503521383	103	MOORE 5-11 HAUGEN	31.0	FOUREN CO
-J BURNS BROWN	2-80-65	2500522003	108	RECEIVED: 01/16/81	JA	
-LADD PETROLEUM CORPORATION				NEHETZ 29-33-18	10.0	NORTHERN NATURAL GAS
8113535	9-80-217	2500321272	102	RECEIVED: 01/16/81	JA	
-SUN OIL COMPANY (DELAWARE)				DUNCAN JOHNSON 34-1	19.5	MONTANA-DAKOTA UTILI
8113537	9-80-206	2509121306	102	RECEIVED: 01/16/81	JA	
				L TRONSON NO 2	43.4	TRUE OIL CO
OHIO DEPARTMENT OF NATURAL RESOURCES						
-A & R COMPANY				RECEIVED: 01/15/81	JA	
8113493		3416724945	107	DARREL SCHULTHEIS	15.0	
8113494		3416724979	103	DEAN ABICHT NO 4	4.0	
8113491		3416724622	107	HILDA WEBB NO 1 OH 11 1501	30.0	
8113495		3416724982	103	LARRY HAYNES NO 1-5	10.0	
8113492		3416724890	103	MARIE HAYNES NO 1 CH 16 1701	7.0	
-ALSID OIL & GAS DEVELOPMENT CO				RECEIVED: 01/15/81	JA	
8113437		3412724853	103	ALLEN UNIT #1	15.0	
8113438		3412724854	103	ALLEN UNIT #2	15.0	
8113435		3412724844	103	CAMPBELL #1	10.0	
8113436		3412724845	103	CAMPBELL #2	10.0	
-ALTMEIERS OIL INC				RECEIVED: 01/15/81	JA	
8113345		3407322373	103	BENSONHAVER #2	3.0	COLUMBIA GAS TRANS C
8113344		3407322364	103	BRIMMER #2	4.0	COLUMBIA GAS TRANS C
-AMERICAN EXPLORATION CO				RECEIVED: 01/15/81	JA	
8113408		3411921663	108	CLARK-SARBAUGH #1	20.0	TIMKEN
8113409		3411923726	108	W D BURWELL #1	20.0	LIBBEY OWENS FORD
-BARTLO OIL AND GAS COMPANY				RECEIVED: 01/15/81	JA	
8113398		3410322304	103	GERALD GRINDLE #1	30.0	
-BELDEN & BLAKE & CO 74				RECEIVED: 01/15/81	JA	
8113422		3412520050	103	ELLA SMITH #1-967	34.5	
8113424		3412520053	103	EUGENE W & ALICE A BRUNS #1-964	34.5	
8113423		3412520051	103	ROY E & ROSE A GLASS #2-B-965	30.5	
-BEREA OIL AND GAS CORPORATION				RECEIVED: 01/15/81	JA	
8113412		3411924406	108	D BALL #1	1.0	COLUMBIA GAS TRANSMI
-BUCKEYE OIL PRODUCING CO				RECEIVED: 01/15/81	JA	
8113500		3416922145	108	D WILLOUR #2	5.0	BERMAN SHAFER OPERAT
-CALLAMDER & KIMBREL INC				RECEIVED: 01/15/81	JA	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113334		3403124066	103		DALE & DAVID HEDRICK #2	BEDFORD	6.0	
8113333		3403123952	103		JAMES & LAURA ASHCRAFT #3	PERRY	6.0	
-CAMERON & KINCAID					RECEIVED: 01/15/81 JA: OH			
8113414		3411925298	103		RAY DUTRO #1-A	HARRISON	10.0	
-CARL E SMITH					RECEIVED: 01/15/81 JA: OH			
8113377		3408923909	103		JESSE L MONTGOMERY #2	PERRYTON	12.0	NATIONAL GAS & OIL C
-CARL E SMITH INC					RECEIVED: 01/15/81 JA: OH			
8113403		3410521925	103		H M DODDERER NO 1	OLIVE	17.0	COLUMBIA GAS TRANSMI
8113402		3410521885	103		HOSTETTER-KENNEDY UNIT NO 1	OLIVE	18.0	COLUMBIA GAS TRANSMI
8113323		3400922019	103		HOWARD DOBBINS NO 1	TROY	17.0	COLUMBIA GAS TRANSMI
8113322		3400921997	103		ROBERT R BARTON UNIT NO 1	CARTHAGE	0.0	COLUMBIA GAS TRANSMI
8113326		3400922107	103		ROY S KOHLHAUSEN NO 1	CARTHAGE	15.0	COLUMBIA GAS TRANSMI
-CHANSE PETROLEUM CORPORATION					RECEIVED: 01/15/81 JA: OH			
8113320		3400721438	103		A C & G P JEROME #1	NEW LYME	5.0	
-CHARLES O LIGHTHIZER					RECEIVED: 01/15/81 JA: OH			
8113410		3411904300	108	D	HAROLD MILLER #3		12.0	COLUMBIA GAS CORP
-CLINTON OIL CO					RECEIVED: 01/15/81 JA: OH			
8113378		3408923969	103		H KIBLER #3-525	HOPEWELL	100.0	
8113415		3411925371	103		RUCKER-STOTTS #2-537	CASS	100.0	
8113489		3416723733	108		W L CAMPBELL #1		20.0	GAS TRANSPORT
8113463		3415123382	103		WILDERNESS CENTER #1-560	SUGAR CREEK	100.0	
8113462		3415123381	103		WILDERNESS CENTER #2-561	SUGAR CREEK	100.0	
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 01/15/81 JA: OH			
8113467		3415520044	108	D	TCO - R J EAKIN #1 711236	NORTHERN DIST OHIO	16.4	COLUMBIA GAS TRANS C
8113466		3415520026	108	D	TCO-BIGGARD #1 711085	NORTHERN DIST OHIO	15.8	COLUMBIA GAS TRANS C
8113332		3403123197	108	D	TCO-HACKENBRACHT 720540	NORTHERN DIST STE OF OHI	3.4	COLUMBIA GAS TRANS C
8113468		3415520061	108	D	TCO-JENNIE SINN #1 711295	NORTHERN DIST OHIO	12.0	COLUMBIA GAS TRANS C
8113469		3415520172	108	D	TCO-SUMMERS UNIT#1	NORTHERN DIST OHIO	6.0	COLUMBIA GAS TRANS C
-DAVID R HILL					RECEIVED: 01/15/81 JA: OH			
8113336		3403124113	103		CAMACHO-WALTON #1 4113	BLADENSBURG OIL FIELD	7.0	
-ENERGY RE-DEVELOPMENT					RECEIVED: 01/15/81 JA: OH			
8113421		3412121519	108	D	BARNHOUSE #1		58.0	EAST OHIO GAS CO
8113411		3411924365	108	D	KINCAID #1		24.0	EAST OHIO GAS CO
8113407		3411923425	108	D	KINCAID #2		18.0	EAST OHIO GAS CO
8113342		3405921330	108	D	MASON #1		48.0	COLUMBIA GAS TRANSMI
8113341		3405921320	108	D	MATHERS-MORRIS #A-3		48.0	COLUMBIA GAS TRANSMI
8113340		3405921291	108	D	MOOREHEAD #1		18.0	COLUMBIA GAS TRANSMI
8113343		3405921481	108	D	MOOREHEAD #3		18.0	COLUMBIA GAS TRANSMI
8113405		3411922450	108	D	RANKIN #1		5.0	EAST OHIO GAS CO
8113406		3411922451	108	D	RANKIN #2		5.0	EAST OHIO GAS CO
-GEO ENERGY INC					RECEIVED: 01/15/81 JA: OH			
8113396		3410322289	103		DOHODA #3-1-1	LIVERPOOL	14.5	
-GIANT PETROLEUM CORPORATION					RECEIVED: 01/15/81 JA: OH			
8113321		3400721481	103		STUDER UNIT #1	ROME	20.0	EAST OHIO GAS CO
-H I SMITH OIL & GAS INC					RECEIVED: 01/15/81 JA: OH			
8113365		3407522634	103		ABE MILLER #2	PRAIRIE	12.0	COLUMBIA GAS TRANS C
-HARRY DUGAN OIL CO					RECEIVED: 01/15/81 JA: OH			
8113375		3408923856	103		T & I BILLMAN NO 1	HICKMAN QUAD	36.5	COLUMBIA GAS TRANSMI
-JAMES A & RUTH E OYSTER					RECEIVED: 01/15/81 JA: OH			
8113380		3409920238	108		OYSTER-LONG #1		3.1	EAST OHIO GAS CO
-JEFFREY G MORAN					RECEIVED: 01/15/81 JA: OH			
8113372		3408322781	103		DANIEL & KETURAH MILLER #1	CLAY	18.0	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
-JOHN C MASON					RECEIVED: 01/15/81 JA: OH			
8113330		3403123017	108		CONKLE ESTATE #1		5.0	CINCINNATI GAS & ELE
8113329		3403122792	108		EARL RICE #1		15.0	COLUMBIA GAS TRANS C
8113328		3403122622	108		ELVIN BRILLHART #1		18.0	COLUMBIA GAS TRANS C
8113346		3407521650	108		HIPP LUMBER CO #1		10.0	MASON GAS SERVICE
8113347		3407521728	108		HIPP LUMBER CO #2		10.0	MASON GAS SERVICE
8113348		3407521794	108		HIPP LUMBER CO #3		10.0	MASON GAS SERVICE
8113349		3407521806	108		HIPP LUMBER CO #4		10.0	MASON GAS SERVICE
8113352		3407521932	108		HIPP LUMBER CO #5		10.0	MASON GAS SERVICE
8113351		3407521918	108		JERRY STROUSE #1		7.0	CINCINNATI GAS & ELE
8113353		3407521941	108		JERRY STROUSE #2		7.0	CINCINNATI GAS & ELE
8113356		3407522076	108		JERRY STROUSE #4		7.0	CINCINNATI GAS & ELE
8113357		3407522094	108		JERRY STROUSE #5		6.0	CINCINNATI GAS & ELE
8113358		3407522139	108		JERRY STROUSE #7		6.0	CINCINNATI GAS & ELE
8113350		3407521859	108		RALPH COHEN #1		6.0	CINCINNATI GAS & ELE
8113331		3403123170	108		ROY BRILLHART HEIRS LA		12.0	CINCINNATI GAS & ELE
8113354		3407521949	108		WADE LOGSDON #1		8.0	COLUMBIA GAS TRANS C
8113355		3407522060	108		WADE LOGSDON #2		10.0	COLUMBIA GAS TRANS
-JOHN F & NELLIE R BARNETT					RECEIVED: 01/15/81 JA: OH			
8113379		3409920228	108	D	BARNETT J & NELLIE #1		2.0	EAST OHIO GAS CO
-L & M PETROLEUM INC					RECEIVED: 01/15/81 JA: OH			
8113496		3416725652	107		GLEN A BIEHL #2	LAWRENCE	12.0	COLUMBIA GAS TRANSMI
8113498		3416725741	107		NOLAND/MCCAIN #3	FEARING	12.0	COLUMBIA GAS TRANSMI
8113497		3416725704	107		WHEATON/MATHENY UNIT #1	LAWRENCE	12.0	COLUMBIA GAS TRANSMI
-L & M OPERATING INC					RECEIVED: 01/15/81 JA: OH			
8113490		3416724202	108		WALTER SCHAAD #1		12.0	GAS TRANSPORT INC
-L & M PETROLEUM					RECEIVED: 01/15/81 JA: OH			
8113502		3416725662	107		HENSHAW/MARTIN UNIT #1	LAWRENCE	12.0	COLUMBIA GAS TRANSMI
-LAKE REGION OIL INC					RECEIVED: 01/15/81 JA: OH			
8113370		3407522747	103		CHARLES V STRAITS #2	KILLBUCK	15.0	COLUMBIA GAS TRANSMI
-LARRY H WRIGHT INC					RECEIVED: 01/15/81 JA: OH			
8113325		3400922095	103		LOWE #1	ATHENS	10.0	
-LBJ DRILLING DBA JEFF MORAN					RECEIVED: 01/15/81 JA: OH			
8113373		3408923812	103		JACKSON & CAROL SHERMAN #1	EDEN	16.0	
-LEONARD STARCHER					RECEIVED: 01/15/81 JA: OH			
8113444		3413320378	108	D	BATERS COMM #1	PORTAGE	1.7	EAST OHIO GAS CO
-LESLIE OIL & GAS CO INC					RECEIVED: 01/15/81 JA: OH			
8113400		3410322335	103		GIAR WELL #1	SPENCER	15.0	COLUMBIA GAS TRANSMI
8113399		3410322307	103		WAKEFIELD UNIT #1	SPENCER	10.0	COLUMBIA GAS TRANSMI
-LIBERTY OIL&GAS CORP					RECEIVED: 01/15/81 JA: OH			
8113401		3410521732	108		CECIL CALDWELL #1		6.0	COLUMBIA GAS TRANSMI
8113327		3400922110	103		MILLS B #1	CARTHAGE	18.0	COLUMBIA GAS TRANSMI
-LLOYD SMAIL					RECEIVED: 01/15/81 JA: OH			
8113455		3415120800	108		AMADII #1		21.0	EAST OHIO GAS CORP
8113465		3415320050	108		E H & L KEPLER #1		6.0	EAST OHIO GAS CO
8113451		3415120514	108		HOUTZ #1		9.0	EAST OHIO GAS CO
8113452		3415120538	108		KENNENY COMMUNITY #1		17.0	EAST OHIO GAS CO
8113454		3415120771	108		MARBELLI #1		6.0	EAST OHIO GAS CO
8113453		3415120636	108		WATERFIELD #2		5.0	EAST OHIO GAS CO
-M C F OIL COMPANY INC					RECEIVED: 01/15/81 JA: OH			
8113371		3407522822	103		MCGOVERN NO 1	MONROE	5.0	THE COLUMBIA GAS TRA
-MICHAELS OIL & GAS CO					RECEIVED: 01/15/81 JA: OH			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113397		3410322292	103		MICHAELS #1	SHARON	200.0	
-MID-ATLANTIC OIL CO			RECEIVED: 01/15/81 JA: OH					
8113417		3412121448	108		BLISS FAMS #1		15.0	EAST OHIO GAS CO
8113416		3412121447	108		GEORGE LAWRENCE #2		14.0	EAST OHIO GAS CO
-NEW FRONTIER EXPLORATION INC			RECEIVED: 01/15/81 JA: OH					
8113460		3415123376	103		BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	
8113461		3415123376	103		DUNN-PERO UNIT #1	OSNABURG	30.0	
8113458		3415123368	103		HARVEY BOSLER #1	OSNABURG	30.0	
8113457		3415123357	103		KARL SCHONDEL #1	OSNABURG	30.0	
8113456		3415123356	103		KARL SCHONDEL #2	OSNABURG	30.0	
8113459		3415123372	103		KEPLER-BARNHILL UNIT #1	PIKE	25.0	
8113464		3415123388	103		RUSSELL BOUGHMAN #1	BETHLEHEM	28.0	
-OILTECH INC			RECEIVED: 01/15/81 JA: OH					
8113369		3407522725	103		RONALD & RICHARD POTTS #4	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8113368		3407522724	103		RONALD & RICHARD POTTS #5	MECHANIC	0.0	COLUMBIA GAS TRANSMI
-OXFORD OIL CO			RECEIVED: 01/15/81 JA: OH					
8113335		3403124079	103		#1 EDGAR EIZENSMITS	JEFFERSON	12.0	
8113374		3408923838	103		B G NETHERS #8	HANOVER	10.0	
8113366		3407522668	103		CARL CASEY #1		10.0	
8113404		3411521510	108		DAVID NEWLON #1		12.0	NATIONAL GAS & OIL C
8113376		3408923887	103		RAY BOYD #2		12.0	
-PREMIER ENERGY CORP			RECEIVED: 01/15/81 JA: OH					
8113363		3407522503	103		B E DEETZ #2	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8113364		3407522505	103		B E DEETZ #4	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8113359		3407522413	103		BALDER #1	HARDY	30.0	COLUMBIA GAS TRANSMI
8113360		3407522415	103		BALDER #3	HARDY	30.0	COLUMBIA GAS TRANSMI
8113361		3407522416	103		BALDER #4	HARDY	0.0	COLUMBIA GAS TRANSMI
8113362		3407522417	103		BALDER #5	HARDY	30.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY INVESTMENT CORP 801			RECEIVED: 01/15/81 JA: OH					
8113337		3405320558	103		MOORE WELL #1	ADDISON	5.0	COLUMBIA GAS TRANSMI
8113338		3405320567	103		MOORE WELL #2	ADDISON	5.0	COLUMBIA GAS TRANSMI
8113339		3405320585	103		MOORE WELL #3	ADDISON	5.0	COLUMBIA GAS TRANSMI
-RIMCO OPERATING INC			RECEIVED: 01/15/81 JA: OH					
8113501		3416922304	103		GEORGE & BUELA MILLER #1	WAYNE	12.0	COLUMBIA GAS TRANS C
-ROBERT E SHERRY			RECEIVED: 01/15/81 JA: OH					
8113425		3412723013	108	D	GORSKY #1		2.0	
8113431		3412723118	108	D	GUILLIAMS #2		4.0	
8113428		3412723039	108	D	HAZLETT KISH #1		2.0	
8113427		3412723038	108	D	HAZLETT SWINEHART #1		3.0	
8113429		3412723060	108	D	JOHNSON #1		2.0	
8113432		3412723163	108	D	JONES #1		3.0	
8113433		3412723164	108	D	JONES #2		1.7	
8113426		3412723025	108	D	MORTON #1		3.0	
8113434		3412723228	108	D	THOMPSON DICKSON #1		1.0	
8113430		3412723080	108	D	YOUNG #1		2.7	
-TRI COAST PETROLEUM INC			RECEIVED: 01/15/81 JA: OH					
8113420		3412121474	108		AMERADA - ARCHER NICHOLS #1		7.0	EAST OHIO GAS CO
8113419		3412121463	108		AMERADA MARY BOYD #1		10.0	EAST OHIO GAS CO
8113418		3412121454	108		MABEL WILEY #1		11.0	EAST OHIO GAS CO
-UNITED PETROLEUM CORP			RECEIVED: 01/15/81 JA: OH					
8113394		3409920872	108		ALTIERE #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8113395		3409920873	108		ALTIERE #3	ELLSWORTH	8.0	AMERICAN ENERGY SERV

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113480		3415520393	108		BOSLEY #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113387		3409920763	108		BROADSWORD-WILLIAMS #1	ELLSWORTH	10.0	AMERICAN ENERGY SERV
8113478		3415520337	108		BURBACH #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113479		3415520338	108		BURBACH #2	FARMINGTON	2.0	EAST OHIO GAS CO
8113470		3415520226	108		BYLER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113483		3415520408	108		CASTLE #1	FARMINGTON	1.0	EAST OHIO GAS CO
8113471		3415520261	108		CLEER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113390		3409920812	108		DAVIS #1	CANFIELD	11.0	AMERICAN ENERGY SERV
8113391		3409920813	108		DAVIS #2	CANFIELD	11.0	AMERICAN ENERGY SERV
8113383		3409920720	108		DAVIS-MOORE #1	CANFIELD	8.0	AMERICAN ENERGY SERV
8113381		3409920619	108		DMETRUK #1	ELLSWORTH	15.0	EAST OHIO GAS CO
8113386		3409920762	108		GARFIELD #1	ELLSWORTH	0.0	AMERICAN ENERGY SERV
8113382		3409920704	108		GIBSON #1	ELLSWORTH	10.0	AMERICAN ENERGY SERV
8113446		3413320665	108		GRULY #1	RAVENNA	5.0	EAST OHIO GAS CO
8113473		3415520326	108		HATCH #1	FARMINGTON	3.0	EAST OHIO GAS CO
8113447		3413320671	108		HLUCH #1	ROOTSTOWN	6.0	EAST OHIO GAS CO
8113388		3409920773	108	D	J BERARDI #1	ELLSWORTH	5.0	AMERICAN ENERGY SERV
8113384		3409920721	108		KREITZBURG #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8113474		3415520331	108		KUHL-SWIGER #1	FARMINGTON	4.0	EAST OHIO GAS CO
8113482		3415520403	108		MILLER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113476		3415520334	108		OSMER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113475		3415520333	108		OSMER #2	FARMINGTON	2.0	EAST OHIO GAS CO
8113389		3409920796	108		P MYERS #1	ELLSWORTH	11.0	AMERICAN ENERGY SERV
8113392		3409920840	108		VAN AUKER #1	ELLSWORTH	20.0	AMERICAN ENERGY SERV
8113393		3409920856	108		WESTFALL #2	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8113385		3409920722	108		WILSON #1	ELLSWORTH	10.0	AMERICAN ENERGY SERV
8113472		3415520267	108		WOODFORD #1	FARMINGTON	1.0	EAST OHIO GAS CO
8113477		3415520336	108		WOODFORD #2	FARMINGTON	1.0	EAST OHIO GAS CO
8113481		3415520402	108		WOODFORD #3	FARMINGTON	0.0	EAST OHIO GAS CO
8113486		3415520700	108		WOODFORD BOSLEY #1	FARMINGTON	2.0	EAST OHIO GAS CO
-VESCORP INDUSTRIES INC			RECEIVED: 01/15/81 JA: OH					
8113449		3413321290	108		CITY OF RAVENNA #3		20.0	TIMKEN
8113448		3413321263	108		CONWELL #1		20.0	TIMKEN
8113450		3413321298	108		NAVARETTE #1		20.0	TIMKEN
8113486		3415723045	108		R & M CARLISLE #1		20.0	TIMKEN
8113485		3415723026	108		WM CARLISLE #1		20.0	TIMKEN
-VICTOR MCKENZIE			RECEIVED: 01/15/81 JA: OH					
8113413		3411924429	108		M JANE FRIEL ETAL #1		12.0	COLUMBIA GAS TRANS
-WHITMAN OIL & GAS CORP			RECEIVED: 01/15/81 JA: OH					
8113324		3400922094	103		VELMA POSTON #3	NEW ENGLAND	4.0	
-WILLIAM F HILL			RECEIVED: 01/15/81 JA: OH					
8113367		3407522680	103		ELEANOR B HOSTUTLER #1	HARDY	8.0	
-WILLIAM N TIPKA			RECEIVED: 01/15/81 JA: OH					
8113487		3415723262	103		WARNER J CLARK #1	WASHINGTON	36.0	EAST OHIO GAS CO
8113488		3415723265	103		WARNER J CLARK #2	WASHINGTON	36.0	EAST OHIO GAS CO
-WM PAUL HAMBLETON			RECEIVED: 01/15/81 JA: OH					
8113443		3413320350	108	D	BRANNEN COMM #1	PORTAGE	6.7	EAST OHIO GAS CO
8113440		3413320178	108	D	BRESKY COMM #1	PORTAGE	2.6	EAST OHIO GAS CO
8113442		3413320349	108	D	DUKE COMM #1	PORTAGE	10.9	EAST OHIO GAS CO
8113445		3413320397	108	D	FOY COMM #1	PORTAGE	14.8	EAST OHIO GAS CO
8113441		3413320234	108	D	LULI COMM #1	PORTAGE	4.7	EAST OHIO GAS CO
8113439		3413320100	108	D	MAUTZ WELL #1	PORTAGE	4.7	EAST OHIO GAS CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113499		3416921339	108	D	WENGERD #1	PAINT TUP-WAYNE	4.4	OHIO FUEL GAS CO
					OKLAHOMA CORPORATION COMMISSION			
-C & S RESOURCES INC					RECEIVED: 01/14/81 JA: OK			
8113296	06730	3508100000	102		EDITH NO 1	SOUTH CARNEY	25.6	SUN GAS CO
-CALVERT DRILLING CO					RECEIVED: 01/14/81 JA: OK			
8113315	06763	3510920311	103		CLEMENT #1	WEST EDMOND	55.0	PHILLIPS PETROLEUM C
-CHASE EXPLORATION CORP					RECEIVED: 01/14/81 JA: OK			
*8113292	06771	3507121897	103		BRAZELTON #2-29		11.3	CITIES SERVICE GAS C
*8113293	06770	3507121982	103		BRAZELTON #3-29		16.0	CITIES SERVICE GAS C
*8113289	06768	3507121955	103		KAHLE #4-24		73.0	CITIES SERVICE GAS C
*8113288	06769	3507121150	103		MEYER #1-30		3.9	CITIES SERVICE GAS C
*8113290	06767	3507121168	103		MILLER 1-28		3.6	CITIES SERVICE GAS C
*8113291	06766	3507120968	103		NEAL 1-15		4.2	CITIES SERVICE GAS C
*8113318	06765	3507120974	103		THAIN 1-28	UNNAMED	3.8	CITIES SERVICE GAS C
*8113295	06773	3507120912	103		THAIN 2-28		4.3	CITIES SERVICE GAS C
*8113294	06772	3507121611	103		VOEGELE #2-28		5.1	CITIES SERVICE GAS C
-DALCO PETROLEUM INC					RECEIVED: 01/14/81 JA: OK			
8113279	06357	3507322403	103		SCHOELEN #1	SOONER TREND	91.3	CITIES SERVICE GAS C
-EXXON CORPORATION					RECEIVED: 01/14/81 JA: OK			
8113311	06738	3500772819	103		STATE LIFE UNIT #2	MOCANE - LAVERNE	254.0	COLORADO INTERSTATE
-GULF OIL CORPORATION					RECEIVED: 01/14/81 JA: OK			
8113312	06760	3505900000	108		A P JACKSON #1	LAVERNE	13.0	TRANSWESTERN PIPELIN
-J & L OIL CO					RECEIVED: 01/14/81 JA: OK			
8113309	06587	3510522011	103		JORDAN #ONE	EAST OF CURL CREEK POOL	11.0	A-G SYSTEMS LTD
-JAMES E EDELMAN JR					RECEIVED: 01/14/81 JA: OK			
8113301	06740	3511121626	103		WOLFE #12	POLLYANNA	24.0	PHILLIPS PETROLEUM C
8113300	06739	3511121627	103		WOLFE #13	POLLYANNA	30.0	PHILLIPS PETROLEUM C
-L & N EXPLORATION INC					RECEIVED: 01/14/81 JA: OK			
8113313	06754	3508321342	103		ELLIOTT #1	N W RUSSELLVILLE	73.0	EASON OIL CO
-LAGUNA PETROLEUM CO					RECEIVED: 01/14/81 JA: OK			
8113307	06701	3501721389	103		TEDESCO NO 1		63.0	PHILLIPS PETROLEUM C
-MACK OIL CO					RECEIVED: 01/14/81 JA: OK			
8113298	05900	3501700000	103		#1 HECKES		127.4	OKLAHOMA GAS & ELECT
8113299	05897	3501700000	103		BOHLMAN #1		160.9	OKLAHOMA GAS & ELECT
-MARLIN OIL CORPORATION					RECEIVED: 01/14/81 JA: OK			
8113303	06783	3500721758	103		NO 1 BOUGHN	MOCANE-LAVERNE	2.9	COLORADO INTEREST GA
-MAY PETROLEUM INC					RECEIVED: 01/14/81 JA: OK			
8113310	06586	3501120822	103		CURTIS PLUMMER #1 (011-55198)	FAY SOUTHEAST	130.0	OKLAHOMA GAS & ELECT
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/14/81 JA: OK			
8113317	05419	3501520324	108		EAST BINGER UNIT NO. 27-01	E BINGER	0.0	OKLAHOMA NATURAL GAS
-RAMBLER OIL CO					RECEIVED: 01/14/81 JA: OK			
8113314	06718	3501120986	103		STACY NO 1-34	N E CARLTON	182.5	DELHI GAS PIPELINE C
-RICKS EXPLORATION CO					RECEIVED: 01/14/81 JA: OK			
8113287	06795	3515321063	103		BELLOWS 32-A	N SHARON	60.0	PHILLIPS PETROLEUM C
8113306	05601	3504520743	103		CLINE 2A	N W FARGO	91.0	PANHANDLE EASTERN PI
-RIO PETROLEUM INC					RECEIVED: 01/14/81 JA: OK			
8113304	06792	3502520421	103		BEV #1	KEYES	48.0	COLORADO INTERSTATE
-RODMAN PETROLEUM CORP					RECEIVED: 01/14/81 JA: OK			
8113316	06438	3507322001	103		BETTY 29-1	SOONER TREND	80.0	PHILLIPS PETROLEUM C
-THE GHK COMPANY					RECEIVED: 01/14/81 JA: OK			
8113297	06727	3512900000	102		1-17 WILKS	CARPENTER FIELD	300.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-TOM F MARSH INC					RECEIVED: 01/14/81 JA: OK			
8113302	06782	3502520367	103		FRANK PARKES #2 24	KEYES	235.0	PANHANDLE EASTERN PI
-WM A JENKINS INC					RECEIVED: 01/14/81 JA: OK			
8113281	06576	3504721715	103		CURBY #1		14.1	AMINOIL USA INC
8113308	06583	3508120827	103		ESTRICH #1		7.0	POLL GAS INC
8113280	06575	3504721717	103		GOLLON #1		7.7	AMINOIL USA INC
8113283	06578	3508321029	103		GOODNIGHT #1		120.0	AMINOIL USA INC
8113305	06582	3510320721	103		JEROME #1	LUCIAN	24.0	AMINOIL USA INC
8113285	06581	3504721716	103		KAISER #1		7.0	AMINOIL USA INC
8113284	06579	3508320434	103		KENASTON #1		25.0	AMINOIL USA INC
8113282	06577	3511920938	103		LOWRY #1		45.0	AMINOIL USA INC
8113286	06580	3504721395	103		MEYER #1		9.0	AMINOIL USA INC
					VIRGINIA DEPARTMENT OF LABOR & INDUSTRY			
-ASHLAND EXPLORATION INC					RECEIVED: 01/14/81 JA: VA			
8113275		4502719974	108		CLINCHFIELD #4 - 26320	KEEN MOUNTAIN	20.0	CONSOLIDATED GAS SUP
8113276		4502719966	108		LON B ROGERS #11 - 24870	KEEN MOUNTAIN	20.0	CONSOLIDATED GAS SUP
-PHILADELPHIA OIL COMPANY					RECEIVED: 01/14/81 JA: VA			
8113276		4519520355	103		P-103 SAMUEL HENSLEY	NORA	145.7	KENTUCKY WEST VIRGIN
8113278		4519520356	103		P-104 J A ODLE	NORA	134.3	KENTUCKY WEST VIRGIN
8113277		4505120322	103		P-96 ELEXIUS SMITH	NORA	39.0	KENTUCKY WEST VIRGIN
					** U.S. GEOLOGICAL SURVEY - CASPER,WY			
-MIDLANDS GAS CORPORATION					RECEIVED: 01/15/81 JA: MT 5			
*8113534	M 637-0	2507121558	108		1942 #1 FEDERAL	WILDCAT	22.0	KANSAS-NEBRASKA NATU
-SHELL OIL CO					RECEIVED: 01/15/81 JA: MT 5			
8113520	M 398-0	2508521311	102		USA 41X-6	MONDAK WEST	175.0	MONTANA DAKOTA UTILI
-BELCO PETROLEUM CORPORATION					RECEIVED: 01/15/81 JA: ND 5			
8113507	ND 127-0	3305300782	102		EDGAR FEDERAL 4-12 00782	ROUGHRIDER	140.0	KOCH OIL CO
8113508	NC 128-0	3305300884	102		EDGAR FEDERAL 5-12 00884	ROUGHRIDER	45.0	KOCH OIL CO
-GETTY OIL COMPANY					RECEIVED: 01/15/81 JA: ND 5			
*8113513	ND 213-0	3300700372	102		MYSTERY CREEK NO 1-11	T R FIELD (FRYBURG)	30.0	KOCH HYDROCARBON CO
-SHELL OIL CO					RECEIVED: 01/15/81 JA: ND 5			
8113526	ND 498-0	3305301005	102		USA 12-13-54	MONDAK	10.0	MONTANA DAKOTA UTILI
8113531	M 610-0	3305300952	102		USA 12-6-44	MONDAK	2.9	MONTANA DAKOTA UTILI
8113533	NC 623-0	3305301014	102		USA 23-7-55	MONDAK	9.0	MONTANA DAKOTA UTILI
8113504	ND 45-0	3305300822	102		USA 24-21-17	MONDAK	48.5	MONTANA DAKOTA UTILI
8113519	ND397-0	3305300959	102		USA 24-26-47	MONDAK	8.0	MONTANA DAKOTA UTILI
8113521	ND 399-0	3305300951	102		USA 24-28-42	MONDAK	2.0	MONTANA DAKOTA UTILI
8113527	ND 499-0	3305300837	102		USA 32-23-21	MONDAK	3.5	MONTANA DAKOTA UTILI
8113532	ND 611-0	3305301009	102		USA 34-14-85	MONDAK	4.5	MONTANA DAKOTA UTILI
8113522	ND431-0	3305300949	102		USA 34-35	MONDAK	2.5	MONTANA DAKOTA UTILI
8113528	ND 500-0	3305300927	102		USA 42-12-38	MONDAK	0.3	MONTANA DAKOTA UTILI
8113523	ND432-0	3305300948	102		USA 42-28-43	MONDAK	0.5	MONTANA DAKOTA UTILI
8113512	ND 202-0	3305300816	102		USA 43-19-15	MONDAK	24.0	MONTANA DAKOTA UTILI
8113524	ND 433-0	3305300967	102		USA 44-25-48	MONDAK	4.0	MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY					RECEIVED: 01/15/81 JA: ND 5			
8113514	ND 303-0	3300700431	102		STUART USA #2-31	MYSTERY CREEK	500.0	WESTERN GAS PROCESSO
8113511	ND 183-0	3300700377	102		STUART USA #3-7	BIG STICK	300.0	WESTERN GAS PROCESSO
8113515	NC 305-0	3300700493	102		STUART USA #4-19	BIG STICK	750.0	WESTERN GAS PROCESSO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PPCD	PURCHASER
-DELCO PETROLEUM CORPORATION					RECEIVED: 01/15/81	JA: WY		
8113509	W 135-0	4903505642	108		BNG-20 U3642	BIG PINEY	8.0	NORTHWEST PIPELINE C
8113529	W 558-0	4903505580	108		C 68-34 05580	DIG PINEY - LABARGE	0.0	NORTHWEST PIPELINE C
-CHEVRON U S A INC					RECEIVED: 01/15/81	JA: WY		
8113550	W 575-0	4901320207	102		PAINTER RESERVOIR UNIT 11-32D	PAINTER RESERVOIR	450.0	NORTHERN NATURAL GAS
-CIG EXPLORATION INC					RECEIVED: 01/15/81	JA: WY		
8113525	W 476-0	4901320799	103		FLATT #1-28	LONG BUTTE-CODY	146.4	COLORADO INTERSTATE
8113506	W 113-0	4903720947	107		HAYSTACK UNIT	HAYSTACK UNIT	320.0	COLORADO INTERSTATE
-PACIFIC TRANSMISSION SUPPLY COMPANY					RECEIVED: 01/15/81	JA: WY		
8113505	W 62-0	4900720461	103		PTS 3-18A FEDERAL	ECHO SPRINGS	750.0	PACIFIC GAS & ELECTR
-SHELL OIL CO					RECEIVED: 01/15/81	JA: WY		
8113503	W 35-0	4901320876	103		UNIT 22-10	PAVILLION	106.0	MONTANA DAKOTA UTILI
-SOUTHLAND ROYALTY CO					RECEIVED: 01/15/81	JA: WY		
8113517	W 327-0	4900921554	103		SPEARHEAD RANCH #16	SPEARHEAD RANCH	60.0	MOUNTAIN FUEL SUPPLY
-TOM BROWN INC					RECEIVED: 01/15/81	JA: WY		
8113516	W 324-0	4901320949	102		TRIBAL # 12-34	WILDCAT	40.3	MONTANA-DAKOTA UTILI
8113518	W 328-0	4901320725	102		TRIBAL-CHEVRON # 30-11	MUDDY RIDGE	941.7	MONTANA-DAKOTA UTILI
-W E SAUER OIL & GAS CO					RECEIVED: 01/15/81	JA: WY		
8113510	W 177-0	4901320255	103		ACKERMAN-FEDERAL 22-13	CASTLE GARDEN	180.0	KANSAS-NEBRASKA NATU

OTHER PURCHASERS

8113268	CHASE GATHERING SYSTEMS INC
8113269	CHASE GATHERING SYSTEMS INC
8113290	CHASE GATHERING SYSTEMS INC
8113291	CHASE GATHERING SYSTEMS INC
8113292	CHASE GATHERING SYSTEMS INC
8113293	CHASE GATHERING SYSTEMS INC
8113294	CHASE GATHERING SYSTEMS INC
8113295	CHASE GATHERING SYSTEMS INC
8113316	CHASE GATHERING SYSTEMS INC
8113513	WESTERN GAS PROCESSORS LTD
8113534	MONTANA DAKOTA UTILITIES CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 27, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4834 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Proposed Procedures for Handling Cases Pending Before OHA Affected by the President's Action Regarding Decontrol

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Proposed Departmental Determination with Respect to Applications for Prospective Exception Relief from or Appeals from Orders Issued under the Mandatory Petroleum Price and Allocation Regulations.

The Department of Energy has tentatively decided that because of the decontrol of crude oil and refined petroleum products, applications now pending before the Office of Hearings and Appeals seeking prospective exception relief from the Mandatory Petroleum Price and Allocation Regulations may be moot. The Office of Hearings and Appeals intends to dismiss pending applications in these categories—*i.e.*, those in which exception relief is sought from these regulations if the relief would be effective for a period beginning after January 28, 1981. At the present time, approximately 1800 applications for exception relief are pending at the National Office of Hearings and Appeals and its five Regional Centers. The vast majority of those applications seek relief which is prospective in nature.

On January 28, 1981, President Reagan signed Executive Order 12287 effectuating decontrol. As a result of the Executive Order, with a few limited exceptions, the regulatory scheme applicable to the pricing and allocation of crude oil, propane and motor gasoline (10 CFR Parts 211 and 212) should have no effect upon persons previously subject to those rules, and it is believed that exception relief is no longer appropriate, nor could it be implemented, for periods after January 28, 1981. Consequently, the OHA intends to dismiss cases in the following categories:

(1) Applications for exception relief that seek relief for a period of time beginning after January 28, 1981;

(2) Objections to a Proposed Decision and Order in which prospective relief was initially denied, or in which exception relief was tentatively granted and not implemented immediately;

(3) Applications for extension of exception relief for periods after January 28, 1981.

Parties to each proceeding in those categories are being served with notice of the proposed action in the form of a proposed dismissal order, and each party is being given an opportunity to comment on the appropriateness of the proposed action.

The Office of Hearings and Appeals plans to continue to issue decisions in cases where (1) the applicant requests exception relief for a period prior to January 28, 1981; or (2) the relief granted in a Proposed Decision has been implemented prior to January 28, 1981, and an aggrieved party has filed an objection to the Proposed Decision.

With respect to appeal cases, the Office of Hearings and Appeals requests comments as to whether the issues raised in those cases are now moot. The Office of Hearings and Appeals also requests comments regarding whether and the manner in which relief can be implemented in appeal cases. The comments may also suggest alternative forms of relief that do not require resort to the mechanisms of the regulations affected by the Executive Order.

We recognize that there may be appeals, objections, or applications for retroactive exception relief that fall into the above categories and have not yet been filed. Applicants should carefully consider the above factors and discuss them in detail should they file new cases with the Office of Hearings and Appeals.

The OHA solicits and will accept and consider written comments regarding the appropriateness of the actions proposed above. These comments may be general in nature, applying to all or a portion of cases in the foregoing categories, or they may apply to a particular proceeding, in which case the specific case number should be referred to on the envelope and on the top of the first page of the enclosure. We request that all comments, whether they relate to cases pending before the National Office of Hearings and Appeals or an OHA Regional Center, be addressed to the National Office at the following address: Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Comments that do not relate to specific proceedings pending before the National OHA should be addressed to Roger J. Klurfeld at the same address. Commenting parties are requested to submit two copies of their comments to the Office of Hearings and Appeals and to serve copies of their comments on all parties to the proceeding to which the comments relate. Those comments should be filed with the Office of Hearings and Appeals no later than Tuesday, March 3, 1981. For further information regarding the procedures for disposition of these cases and the filing requirements for comments, please contact Roger J. Klurfeld, Assistant Director, Office of Hearings and Appeals, at (202) 653-3150.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385. Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91. Energy Policy and Conservation Act, Pub. L. 94-164, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91. Department of Energy Organization Act, Pub. L. 95-91. E.O. 11790, 39 FR 23185, E.O. 12009, 42 FR 46267, E.O. 12287, 46 FR 9909)

Issued in Washington, D.C., February 9, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-6003 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

V 46 / 29 FEB 12 1981 UMI

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51224; TSH-FRL 1752-1]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 59(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by PMN 80–373, February 27, 1981. PMN 81–12, March 15, 1981. PMN 81–18, March 16, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St. SW., Washington, DC 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460 (202–426–8815).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA had decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51224]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))
Dated: February 6, 1981.

Edward A. Klein,
Director, Chemical Control Division.

PMN 80–373

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 23, 1981.

Manufacturer's Identity. Martin Marietta Corporation, 6801 Rockledge Drive, Bethesda, MD 20034.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Reaction product of 4-nitrosophenol, hydroxybenzene, and an oxo alkane with sodium sulfide ($Na_2(S_x)$).

Use. Industrial textile dye.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	4,000	40,000
1982	6,000	60,000
1983	8,000	80,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (ppm)	
		Hours/day	Days/year	Average	Peak
Manufacture: Dermal	6	12	180	0–1	>100
Processing: Dermal	10	8	260	0–1	>100
Disposal: Dermal	4–6	8–12	180–260	0–1	1–10

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, less than 10 kilograms (kg)/yr of the PMN substance will be released into the air; from 1,000 to 10,000 kg/yr will be released to the land in a North Carolina permitted landfill; and from 10 to 100 kg/yr will be released 24 hr/da, 365 da/yr, to water after waste stream treatment in an NPDES permitted facility at the plant site.

The manufacturer estimates that for all use at sites not controlled by the submitter, less than 10 kg/yr will be released into the air, from 10–100 kg/yr into the land, and from 100–1,000 kg/yr into the water.

PMN 80–12

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 14, 1981.

Manufacturer's Identity. Kendall Company, 1 Federal Street, Boston, MA 02101.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer adhesive.

Use. General purpose film splicing and label protection.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Solubility:
In water—Negligible.
In organic solvents—Partially crosslinked.
Particle size—Approximately 2000 A.

Toxicity Data. Primary skin irritation (albino rabbits)—Minimally irritating.

Exposure. The manufacturer states that manufacture and processing of the new substance at a site controlled by the submitter will dermally expose from 5 to 25 workers for 8 hr/da, 50 da/yr, at average and peak concentrations of more than 100 mg/m³. Contact would be accidental, limited to exposure during drumming of substance, coating, slitting, and packaging of tape.

Consumer and commercial use of the new polymer will constitute minimal dermal exposure in normal use.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new substance into the air, land, or water.

PMN 80–18

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Kendall Company, 1 Federal Street, Boston, MA 02101.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Maleic half ester of exthoxlyated aliphatic alcohol emulsifier.

Use. Surfactant for emulsion polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Color, appearance—Viscous, pale yellow liquid.
Viscosity—200 cp at room temperature.
Solubility—Soluble in alcohols, ketones, toluene.

Toxicity Data

Acute oral LD_{50} (female rats)—3.31 g/kg.

Acute oral LD_{50} (male rats)—4.20 g/kg.

Primary eye irritation study (rabbits) without a washout—Severely irritating.

With a washout 30 seconds after instillation—Moderately irritating.

Acute dermal toxicity (abraded rabbit skin)—Severely irritating, no mortality at 2.0 g/kg.

Exposure. The manufacturer states that manufacture and processing of the new substance at a site controlled by the submitter, a maximum of 6 to 12 workers would be exposed dermally for 8 hr/da, 20 to 50 da/yr to the new substance at average and peak concentrations of more than 100 mg/m³.

The submitter states that exposure of consumers and commercial users to the new chemical will be negligible.

Environmental Release/Disposal. The manufacturer anticipated no release of the new substance into the air, land, or water.

[FR Doc. 81-4900 Filed 2-11-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-59042A; TSH-FRC 1751-8]

Poly (Ester)-Co-Poly (Hydantoin Poly Ether); Approval of Test marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On December 19, 1980, EPA received an application for a test making exemption (T–80–47) from the premanufacturing notification requirements of section 5 of the Toxic Substances Control Act (TSCA). The manufacturer has claimed its identity confidential. EPA hs determined that the manufacturer's test marketing of this chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted this manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–221, Washington, D.C. 20460 (202–426–3980).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any

unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

The application wa assigned test marketing exemption number T–80–47. However, due to administrative error, EPA failed to publish in the **Federal Register** notice of receipt of the application. Interested persons will hae on or before March 16, 1981 to submit comments on this test marketing exemption.

The manufacturer claimed its identity, the specific chemical identity, and the specific use as confidential business information.

The substance is decribed generically as poly (ester)—copoly—(hydantoin poly ether); its generic use is in textile fibers. Eight thousand, eight hundred pounds of the substance will be manufactured to be provided to one customer during a test marketing period not to exceed one year. EPA has established that the test marketing of the substance described in T–80–47, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. There was some concern about the possible health effects of exposure to one of the feedstocks for the TME substance. However, the Agency believes that exposure to this feedstock will be minimal.

No significant worker exposure is expected during manufacture. The product will be manufactured in a closed system. During processing and industrial use, 2 workers will be exposed to the TME substances. One worker will be exposed for 356 hours total, and the other for 440 hours total. Consumer exposure to the substance in T–80–47 will be dermal and minimal; and dermal testing has shown the material to be non-irritating and non-sensitizing. Environmental release of the substance will be low and is not judged to be a concern.

Based on the facts and information obtained and reviewed, EPA grants the manufacturer a test marketing exemption for T–80–47, effective on February 4, 1981 but subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer specified in the application who will test market the substance, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 8,800 pounds described in the test market application.

5. The test marketing activity approved in this notice is limited to a one year period commencing on the date of publication of the notice in the **Federal Register.**

6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.

7. The public will have on or before March 16, 1981, to submit comments on this test marketing exemption. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of the sustance will not present an unreasonable risk of injury to human health or the environment.

Dated: February 4, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81–4899 Filed 2–11–81; 8:45 am]

BILLING CODE 6560–31–M

[AD–FRL 1752–5]

Control Techniques Guideline Documents: Volatile Organic Liquid Storage; Synthetic Organic Chemical Manufacturing Industry Fugitive Emissions; Petroleum Solvent Dry Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of draft documents for public review.

SUMMARY: Draft control techniques guideline documents for three stationary source categories of volatile organic chemical emissions are available for public review and comment. These documents have been prepared to assist States in adopting regulations requiring reductions in emissions of volatile organic chemicals from existing stationary sources through use of reasonably available control technology.

DATES: Comments should be submitted, in duplicate if possible, to Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Fred Porter, on or before March 20, 1981. Comments will be available for public inspection and copying between 8:30 and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Open Meeting

An open meeting of the National Air Pollution Control Techniques Advisory Committee will be held on March 17 and 18, 1981, starting at 9:00 a.m. in the Royal Villa Hotel, Raleigh, North Carolina.

Request To Speak at Meeting

Individuals wishing to speak at the open meeting should contact Ms. Mary Jane Clark; (919) 541–5271; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711, by March 10, 1981.

Control Techniques Guideline Documents

Copies of the control techniques documents may be obtained by contacting Mrs. Naomi Durkee; (919) 541–5331; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter; (919) 541–5331; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 require each State in which there are areas exceeding the national ambient air quality standards (NAAQS) to adopt and submit revised State implementaion plans (SIP) to EPA. Revised SIP's were required to be submitted to EPA by January 1, 1979. States which were unable to demonstrate attainment with the NAAQS for ozone by the statutory deadline of December 31, 1982, could request extensions for attainment with the standard. States granted such an extension are required to submit a further revised SIP by July 1, 1982.

Sections 172 (a)(2) and (b)(3) of the Clean Air Act require that nonattainment area SIP's include reasonably available control technology (RACT) requirements for stationary sources. As explained in the "General Preamble for Proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas" (44 FR 20372, April 4, 1979) for ozone SIP's, States may defer the adoption of RACT regulations on a category of stationary sources of volatile organic compounds (VOC) until EPA publishes a control technique guideline (CTG) for that VOC source category. (see also 44 FR 53761, September 17, 1979). This delay allowed the States to make more technically sound decisions regarding the application of RACT.

CTG documents provide State and local air pollution control agencies with an information base for proceeding with development and adoption of regulations which reflect RACT for specific stationary sources. Consequently, CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce emissions. CTG documents also identify control techniques and suggest emission limitations which are considered the "presumptive norm" broadly representative of RACT for the entire stationary source category covered by a CTG document.

CTG documents are, of necessity, general in nature and do not fully account for variations within a stationary source category. RACT, however, is defined as the lowest emission limitation that a particular source is capable of meeting by the application of emission control technology that is reasonably available considering technical and economic feasibility. Thus, a number of reasons may exist for regulations developed by States to deviate from the "presumptive norm" included in a CTG document. The CTG document, however, is a part of the rulemaking record which is considered in reviewing revised SIP's, and the information and data contained in the document are highly relevant to EPA's decision to approve or disapprove a SIP revision. Wehre a State adopts emission limitations that are consistent with the information in the CTG's, it may be able to rely solely on the information in the CTG to support its determination of RACT. Where this is not the case, the State must include documentation with its SIP revision to support and justify its RACT determination.

Eleven CTG documents (Group I) covering 15 stationary source categories were published in 1977. A regulatory guidance document including model regulations for these 15 stationary source categories was also published to assist State and local agencies in developing specific regulations. Ten CTG documents (Group II) covering an additional 10 stationary source categories were published in 1978. A regulatory guidance document including model regulations for these 10 stationary source categories was also published to assist State and local agencies.

A third group of CTG documents will be published in 1981. The final policy on approval of 1982 ozone SIP's requires that RACT regulations for the source categories covered by the third group of CTG's, as well as for other major sources, be submitted in the 1982 SIP revisions (46 FR 7182, January 22, 1981). Only those areas which request an extension of the attainment date beyond December 31, 1982, however, must adopt and submit RACT regulations for Group III CTG sources.

Draft CTG documents for volatile organic chemical storage, synthetic organic chemical manufacturing industry fugitive emissions, and petroleum solvent dry cleaning have been prepared. A model regulation is included in these draft CTG documents based upon the "presumptive norm" considered broadly representative of RACT for the entire stationary source category covered by the CTG document. The sole purpose of this model regulation is to assist and guide State and local agencies in development and adoption of regulations for specific stationary sources. Consequently, this model regulation is not to be construed as rulemaking.

These CTG documents are being released in working draft form to achieve two objectives. First, to provide an opportunity for public review and comment on the information and regulatory guidance contained in the documents; and second, to provide as much assistance and lead time as possible to State and local agencies preparing RACT regulations for specific stationary sources covered by the CTG document. Comments received by the close of the public comment period will be considered in preparing final CTG documents from the draft documents released today.

Dated: February 5, 1981.

Paul Stolpman,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–4946 Filed 2–11–81; 8:45 am]

BILLING CODE 6560–26–M

[AD–FRL 1752–4]

National Air Pollution Control Techniques Advisory Committee Open Meeting

Under Pub. L. 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on March 17 and 18, 1981, at the Royal Villa Hotel, Royal King Hall I, 6339 Glenwood Avenue, Raleigh, North Carolina 27612. The commerical telephone number is (919) 782–4433.

The tentative agenda for the meeting is as follows:

March 17 (Tuesday)—9:00 a.m.

Arsenic from Copper Smelters, National Emission Standards for Hazardous Air Pollutants (Section 112)

Petroleum Solvent Dry Cleaning, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

March 18 (Wednesday)—9:00 a.m.

Volatile Organic Liquid Storage Vessels, Control Techniques Guidelines for Volatile Organic Compounds [Section 101(b) and 103]

Synthetic Organic Chemcial Manufacturing Industry—Fugitive Emissions, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by March 10, 1981. The commerical telephone number is (919) 541–5271, and the FTS number is 629–5271.

The docket containing material relevant to arsenic from copper smelters (A–80–40) is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: February 5, 1981.

Paul Stolpman,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–4947 Filed 2–11–81; 8:45 am]

BILLING CODE 6560–26–M

V46/29 FEB 12 81 UMI

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-24]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February, 3, 1981.

Cut-off Date: March 9, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after March 9, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of business on March 9, 1981, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the close of business of March 9, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on March 9, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP-790510AB, WADK, Newport, Rhode Island, Key Stations, Inc. Has: 1540 kHz, 1 kW,D. Req: 1540 kHz, 2.5 kW, DA-N,U.

BP-800321AB, WMEL, Melbourne, Florida, Elyria—Lorain Broadcasting Co. Has: 920 kHz, 1 kW, DA-N, U. Req: 920 KHz, 1 kW, 5 kW-LS, DA-2,U.

BP-800401AE, WKEX, Blacksburg, Virginia, Radiomedia Corporation. Has: 1430 kHz, 1 kW,D. Req: 1430 kHz, 5 kW, DA-2,U.

BP-800410AB, WQIO, Canal Fulton, Ohio, Douglas Properties Corporation. Has: 1060 kHz, 5 kW, DA-D (Canton). Req: 1070 kHz, 500 W, 1 kW, DA-2,U (Canal Fulton).

BP-800801AA, WTBY, Rainbow City, Alabama, Gadsden Broadcasting Co., Inc. Has: 930 kHz, 5 kW,D (Gadsden). Req: 930 kHz, 500 W, 5 kW-LS,DA-N,U (Rainbow City).

BP-800808AE, KDOM, Windom, Minnesota, Windom Radio Corporation. Has: 1580 kHz, 250 W, DA-D. Req: 1580 kHz, 1 kW, DA-D.

BP-800827AC, KISD, Phoenix, Oregon, CBF Broadcasting Co. Has: 860 kHz, 1 kW, D (Medford). Req: 860 kHz, 1 kW,U (Phoenix).

BP-800904AE, KIEV, Glendale, California, Southern California Broadcasting Company. Has: 870 kHz, 5 kW, D. Req: 870 kHz, 1 kW, 5 kW-LS,DA-N,U.

BP-801012AD, NEW, Lafayette, Louisiana, Jackson & Chatsson Broadcasting Systems, Inc. Req: 770 kHz, 0.5 kW, 1 kW-LS,DA-N,U.

BP-801113AD, NEW, Portland, Oregon, Northwest Indian Women Broadcasters, Inc. Req: 860 kHz, 1 kW, 50 kW-LS,U.

BP-801219AA, KYST, Texas City, Texas, Henderson Broadcasting Corp. Has: 920 kHz, 1 kW, D. Req: 920 kHz, 1 kW, 5 kW-LS, DA-2,U.

BP-801231AB, NEW, Simi Valley, California, Manuel A. Cabranes. Req: 670 kHz, 1 kW, DA-1,U.

[FR Doc. 81-4875 Filed 2-11-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-115]

First City Federal Savings and Loan Association; Bradenton, Florida; Final Action; Approval of Conversion Applications

Dated: February 9, 1981.

Notice is hereby given that on January 21, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-32, approved the application of First City Federal Savings and Loan Association, Bradenton, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Suervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal Building, 250 Peachtree Center, NW., Atlanta, Georgia 30343.

By the Federal Home Loan Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-5009 Filed 2-11-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-114]

Fort Wayne Federal Savings and Loan Association; Fort Wayne, Indiana; Final Action; Approval of Conversion Application

Dated: February 9, 1981.

Notice is hereby given that on January 9, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-12, approved the application of Fort Wayne Federal Savings and Loan Association, Fort Wayne, Indiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Indianapolis, 1350 Merchants Plaza, South Tower, 115 West Washington Street, Indianapolis, Indiana 46206.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-5010 Filed 2-11-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 7, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

CITICORP, New York, New York (commercial lending activities: Eastern Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): to engage through its subsidiary Citicorp Industrial Credit, Inc., in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit. Such activities would be conducted from an office in Boston, Massachusetts, serving the states identified in the caption above.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

UNITED BANCSHARES, INC., Tulsa, Oklahoma (insuance activities; Oklahoma): to engage, through its subsidiary United Bancshares Insurance Agency, Inc., in acting as agent for the sale of credit or mortgage life insurance and credit or mortgage accident and health insurance directly related to extensions of credit by Applicant's subsidiary bank. This activity would be conducted from an office in Tulsa, Oklahoma, serving Tulsa County.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5006 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 6, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York (financing activities, mortgage lending; California): to expand the previously approved activities of an existing office of its indirect subsidiary, Citicorp Homeowners, Inc., located in Orange, California, to include the making, acquiring, and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate. The previously approved activities include the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate. The previously approved service area of the office, comprised of the metropolitan Orange area, will also be expanded to include the entire state of California for all the activities of the office.

2. CITICORP, New York, New York (financing activities, mortgage lending; Ohio and California): to expand the service areas of four existing offices of its indirect subsidiary, Citicorp Homeowners, Inc., located in the cities of Parma and Springdale, Ohio, and Van Nuys and Riverside, California, to include the entire state in which the offices are located, respectively. The previously approved service area of each office is comprised of the metropolitan area in which the office is located. The previously approved activities of these offices are the making, acquiring, and servicing of second liens on residential real estate.

3. CITICORP, New York, New York (financing activities, mortgage lending; Illinois): to expand the activities of an existing office of its indirect subsidiary, Citicorp Homeowners, Inc., located in Schaumberg, Illinois, to include the making, acquiring, and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate, and to expand the previously approved service area of the office to include the entire state of Illinois for all activities. Previously approved activities of the office are the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5007 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Community Bankshares, Inc.; Formation of Bank Holding Company

Community Bankshares, Inc., Cornelia, Georgia, has applied for the Board's approval under section 3(a)(1) of the bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Cornelia Bank, Cornelia, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5004 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Madill Bancshares, Inc.; Formation of Bank Holding Company

Madill Bancshares, Inc., Madill, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Madill Bank and Trust Company, Madill, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in

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writing to the Reserve Bank, to be received not later than March 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5006 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancorporation; Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Ripon, Ripon, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5008 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0256]

Report Requirements; Annual Report of Foreign Banking Organizations Foreign Banking Organization Confidential Report of Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final report forms.

SUMMARY: The Board of Governors of the Federal Reserve System has adopted final forms for submission by foreign banks that conduct a banking business in the United States through branches, agencies, subsidiary banks or commercial lending companies. These forms are the Annual Report of Foreign Banking Organizations, Form F.R. Y-7, and the Foreign Banking Organization Confidential Report of Operations, Form F.R. 2068. The reports replace the current Form F.R. Y-7 which had been filed only by those foreign banking organizations that owned commercial banks in the United States. A proposed F.R. Y-7 was published for comment in November 1979, and in response to comments received the Board adopted the modified Annual Report. In addition, the Board adopted a new report form, F.R. 2068. The information collected by these reports is designed to assist the Board in assessing the condition of the foreign banking organization as it may affect its U.S. banking operations. Collection of the reports is authorized by the Bank Holding Company Act of 1956 and the International Banking Act of 1978.

The forms will be filed with the Federal Reserve System annually 120 days after the end of the foreign banking organization's fiscal year. A foreign banking organization whose fiscal year ends during the period from October, 1980 through February, 1981 shall file its initial reports by June 30, 1981. All other foreign banking organizations shall file reports within 120 days of their next fiscal year-end. Form F.R. Y-7 shall be filed with the Federal Reserve Bank of the District in which the foreign banking organization's United States banking business is largest. Form F.R. 2068 shall be filed directly with the Board's Division of Banking Supervision and Regulation. While the reports are intended to provide information sufficient to monitor an organization's condition on an ongoing basis, the Board also reserves the right to require the filing of additional statements and information if such would assist the Board in carrying out its responsibilities.

FOR FURTHER INFORMATION CONTACT: Stephen M. Lovette, Senior Financial Analyst, Division of Banking Suprvision and Regulation (202/452-3622); or Kathleen O'Day, Attorney, Legal Division (202/452-3786), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: The Board proposed the new annual reporting requirement in order to fulfill its supervisory and regulatory responsibilities under the Bank Holding Company Act ("BHCA") and the International Banking Act. The proposed report was intended to enable the Board to determine the organization's compliance with U.S. laws and regulations and to assess the ability of the organization to serve as a source of strength to its U.S. banking operations. The proposed report requested a significant amount of financial and organizational information on the worldwide operations of the foreign banking organization.

Substantial adverse comment was received on the report as proposed. The two major areas of criticism were the amount and type of financial and shareholder information requested and the lack of a guarantee of confidentiality for information submitted. In response to the comments received and in an effort to reduce the substantial burden that the proposed report would have imposed, the Board has adopted final report requirements that address these concerns without impairing the supervisory and regulatory usefulness of the reports. Foreign banking organizations will be required to submit two reports on an annual basis, a modified form F.R. Y-7, and a new report, Confidential Report of Operations, Form F.R. 2068. The reports do not impose additional informational requirements beyond those that were proposed for comment.

Form F.R. Y-7.—The Annual Report is in two sections. Section I requests financial statements that are prepared for disclosure in the home country of the reporting organization together with an explanation of the accounting principles used in preparation of these statements. There is no requirement that the statements be prepared in accordance with generally accepted accounting principles in the U.S. The reporting organization must also submit an organization chart of its U.S. operations, and financial statements for any U.S. nonbanking company that it controls. The report requests that the foreign banking organization provide information on its voting securities, including the number of such securities issued, a description of the voting rights that attach to those securities, and an explanation of home country requirements with respect to registration of bearer securities. The report also requests a list of all shareholders that control five percent or more of the organization's voting securities. Many foreign banking organizations indicated that they do not know the identity of five percent shareholders where the securities are held in bearer form. The report has been modified to require that, when securities are held in bearer form, shareholders need be identified only to the extent that they are known to the foreign banking organization. The proposed report also requested that the foreign banking organization list all shareholdings of its officers and directors in the foreign banking organization and in any U.S. company in which the foreign banking organization controlled more than five percent of the shares. The report as adopted requires reporting of such shareholdings on an aggregate, rather than an individual, basis.

Section II of the F.R. Y-7 requests information on nonbanking activities conducted by the foreign banking organization in the United States. The amount of information requested has been significantly reduced from that requested by the proposed report, in that the organization need not provide an asset, revenue or income breakdown by individual activity conducted by a U.S. company. The information requested by this section is intended to assist in determining an organization's compliance with the nonbanking provisions of the BHC Act and the Board's Regulation K (12 CFR Part 211).

Foreign Banking Organization Confidential Report of Operations, Form F.R. 2068.—The new Confidential Report of Operations requests much of the information that was requested in Section II of the original proposal. The proposed report received substantial adverse comment from foreign banking organizations and foreign bank supervisory authorities concerning the lack of assurances with respect to confidentiality. Much of the information requested by the proposed report is not made available by foreign banking organizations to shareholders or to the public, and in some instances is not provided routinely even to home country supervisors. In recognition of the nature of the information requested and the fact that it is not available to the public from any source, the Board has determined to collect the information in the form of a report of operations. The information will be used to enable the Board to carry out its supervisory responsibilities by allowing the Board to assess the impact of the worldwide operations of a foreign banking organization on its U.S. banking business. The Board is of the opinion that the F.R. 2068 is exempt from disclosure under section (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)). Board staff has consulted with the Director of the Office of Information Law and Policy of the Department of Justice who concurs in the opinion that the Confidential Report of Operations may be withheld under exemption (b)(8). The material collected in the report will be used solely by the Board in its supervisory capacity. However, the Board may, when requested, provide information from the report to another Federal or a State banking authority that has supervisory responsibilities with respect to a foreign banking organization. The Board has determined to amend its Rules Regarding Availability of Information to ensure that any information that is shared with another supervisory authority is held strictly confidential.

The Confidential Report of Operations requests an organization chart detailing all foreign companies in which the foreign banking organization directly or indirectly owns, controls, or holds with power to vote 25 percent or more of any class of voting stock. The proposal requested foreign banking organizations to provide an earnings statements in a fixed format. This reporting requirement was proposed because many foreign banks report a single net income figure and do not disclose any revenue or expense items. The Board considers that minimum disclosure of significant revenue and expense items is necessary for any financial analysis that will be done by the Federal Reserve. The new proposal requires disclosure of revenues and expenses *as calculated in accordance with local accounting practices.* This will meet the objections raised by those foreign banks that use overdraft accounting and cannot provide interest revenue on a gross basis. The proposal also requests an explanation or general description of the accounting practices used in the recognition and the timing of revenue and expense items.

The reporting requirements with regard to loan loss experience, gains and losses on securities, and hidden reserves, are essentially unchanged. However, greater flexibility has been introduced by requesting that the information be provided in a suggested format rather than a fixed format. The suggested format calls for beginning balances, additions, deductions, and ending balances. The intent of the suggested format is to avoid the submission of net figures, which obscure the magnitude of the transactions and may distort any trend analysis. The report provides flexibility to enable a foreign banking organization to submit requested information in a manner that will not impose any undue burden.

The remaining information requested by the Confidential Report of Operations is financial data on foreign subsidiaries. In the initial proposal, the foreign banking organization was requested to furnish balance sheets, income statements, and statements of changes in capital accounts for all material foreign companies in which the foreign banking organization directly or indirectly owns, controls, or holds with power to vote 25 per cent or more of any class of shares. A company was considered "material" if (1) the investment and advances to the company exceeded 5 percent of the foreign banking organization's equity capital accounts; (2) the company's gross income or revenue exceeded 5 percent of the foreign banking organization's consolidated gross operating income or revenue; or (3) the company's operations resulted in net income or net loss exceeding 5 percent of the consolidated net income of the foreign banking organization. The comments received on this proposal indicated that substantial problems exist with respect to providing this information, particularly with respect to companies in which the foreign banking organization owns between 25 and 50 percent of the shares. The foreign organizations indicated that, as minority shareholders, they did not have access to full financial statements. The Confidential Report of Operations as adopted addresses these objections while maintaining the Board's ability to assess the overall financial condition of the foreign banking organization. The final report requires financial statements on all majority owned, unconsolidated, material foreign companies. The submission of financial statements of unconsolidated, material investments is necessary to allow an analysis of the strength of the foreign banking organization. An additional change deletes the requirement that the foreign banking organization convert the statement to U.S. dollars. The definition of "material" is unchanged from the proposal.

With respect to investments of between 25 and 50 percent in material foreign companies, the report requires the foreign banking organization to provide financial data detailing the companies' total assets, total stockholders' equity and net income. This information should be readily available to a minority shareholder, and will provide an adequate basis for assessing the exposure to the consolidated operations of the foreign banking organization by the investment.

A foreign banking organization is exempt from filing the Confidential Report of Operations if its U.S. branches and agencies have neither total aggregate liabilities to nonrelated parties that exceed $100 million nor total aggregate nonbank deposits, credit balances and liabilities on acceptances that exceed $10 million. Any foreign

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banking organization that owns or controls a U.S. commercial bank or maintains a branch insured by the Federal Deposit Insurance Corporation must file the Confidential Report of Operations.

Adoption of Uniform Accounting Principles

The proposal required a foreign banking organization to submit both consolidated and parent-only financial statements including balance sheets, income statements, statements of changes in capital accounts, and statements of changes in financial position. The comments received from the foreign banks focused on the burden imposed by the requirements. While the proposal did not establish uniform criteria for consolidating majority-owned investments, the comments indicated that this reporting requirement implied that the board was imposing U.S. generally accepted accounting principles on foreign banking organizations in requiring consolidated statements.

In revising these reporting requirements, the Board believes that the establishment of uniform accounting criteria is unnecessary if supplemental data is reported on earnings and reserves, and separate financial statements for unconsolidated, material foreign subsidiaries are requested. This financial information is needed to assist in the analysis of financial statements that are not prepared on a uniform basis.

Timing Requirements

The comments received on the proposal stated that the filing deadline of 90 days after an organization's fiscal year-end did not allow sufficient time to collect financial and other information on worldwide operations and/or translate the information into English. Some foreign banks indicated that financial statements are not available until after the annual shareholder meeting which is usually held from four to six months after the fiscal year-end. The comments generally recommended a filing date of six months after fiscal year-end.

The Board modified the instructions to require submission within four months of the end of the organization's fiscal year. The instructions provide for extensions of time to be granted only on an item-by-item basis. The length of the extension would be based on an assessment of the earliest date when the information can be provided without undue burden or hardship. Experience with current filings by both domestic and foreign organizations indicates that reports are not received until the filing deadline, irrespective of whether the information is available at an earlier date. As adopted, the procedures for granting extensions of time should promote the receipt of some data within a reasonably short period of time.

Tiered Foreign Organizations

In the proposal, a separate report was required of each member of a tiered banking organization. The reports as revised treat a tiered banking organization as a single entity for reporting purposes. The instructions in the reports describe the specific procedures to be followed by tiered foreign banking organizations in filing the Annual Report and the Confidential Report of Operations.

Attached are copies of the reports.

Board of Governors of the Federal Reserve System, February 9, 1981.

James McAfee,

Assistant Secretary of the Board.

BILLING CODE 6210-01-M

F.R. Y-7
Approved by the Federal Reserve Board,
November, 1980
Approval expires November, 1983

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, D.C. 20551

ANNUAL REPORT OF FOREIGN BANKING ORGANIZATIONS

For the fiscal year ending on _____, 19____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

Name and address of agent in the United States: _____

_____
Street

_____
City State Zip Code

I, _____
Name Title

an authorized officer or agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____
Signature Date

Name, title, address and phone number of person in the United States to whom questions related to this report may be directed:

_____
Name Title

_____
Address

_____
Area Code Number

Does this Annual Report represent the official filing of other members of a tiered foreign banking organization? Yes ___ No ___
If the response is yes, complete page 2 listing the names of the other members of the tiered foreign banking organization.

This report is required by Section 225.5(b) of Regulation Y (12 C.F.R. 225.5(b)) as authorized by Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) and Sections 8 and 13(a) of the International Banking Act of 1978 (12 U.S.C. 3106 and 3108(a)).

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For Supplemental Use

(See instructions for filing by Tiered Foreign Banking Organizations)

A. For the fiscal year ending on _____, 19____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

Name and address of agent in the United States: _____

_____
Street

_____
City State Zip Code

I, _____
Name Title

an authorized agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____
Signature Date

B. For the fiscal year ending on _____, 19____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

Name and address of agent in the United States: _____

_____
Street

_____
City State Zip Code

I, _____
Name Title

an authorized officer or agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____
Signature Date

F.R. Y-7
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General Instructions

The Annual Report of Foreign Banking Organizations (F.R. Y-7) is required to be filed by companies that are organized under the laws of a foreign country *and* that are engaged in the business of banking in the United States through subsidiary banks, subsidiary commercial lending companies, or their own branches or agencies. The report requires, in Section I, such Foreign Banking Organizations to submit financial information to assess their ability to be a continuous source of strength and support to their U.S. banking operations. Such Foreign Banking Organizations that are also directly engaged in nonbanking activities in the United States, or indirectly through an investment in a related company, are also required, in Section II, to provide information on their nonbanking activities in the United States so that compliance with applicable statutes and regulations can be assured.

Where completion of the information, as requested, or strict compliance with the specific requirements within the report involves undue burden or expense to the Foreign Banking Organization, the Board of Governors may, upon receipt of a written request submitted through the Federal Reserve Bank prior to the filing date of the Y-7 report, permit the substitution of appropriate information.

Who must report

The report must be submitted by each Foreign Banking Organization, as defined by Section 211.23(a)(2) of Regulation K, including the following:

1. Bank holding company, as defined by Section 2(a) of Bank Holding Company Act of 1956 (BHC Act), that is organized under the laws of a foreign country and is principally engaged in the banking business outside the United States.

2. Foreign bank, as defined by Section 1(b)(7) of the International Banking Act of 1978 (IBA), that maintains a branch or agency in a State of the United States or the District of Columbia and/or owns, controls, or holds with power to vote 25 percent or more of the outstanding voting securities of a commercial lending company organized under the laws of any State in the United States (Article 12, New York Investment Company. A bank organized under the laws of Puerto Rico and defined as a foreign bank by Section 1(b)(7) of the IBA is not required to file.

3. Company, as defined by Section 2(b) of the BHC Act, that is organized under the laws of a foreign country and owns, controls, or holds with power to vote 25 percent or more of the outstanding voting securities, or otherwise controls, as defined by Section 2 of the BHC Act, such foreign bank required to file under (2) above. A foreign government or an agency of a foreign government is exempt from the filing requirement.

A bank holding company, foreign bank, or company that is required to submit the report will herein be referred to as "Foreign Banking Organization."

Section I of the Annual Report requests information on financial and managerial aspects of the Foreign Banking Organization. All Foreign Banking Organizations must complete this section. Section II of the Annual Report requests information concerning nonbanking activities conducted in the United States, either directly or indirectly, by Foreign Banking Organizations. Accordingly, Foreign Banking Organizations that do not engage in U.S. nonbanking activities, directly or indirectly, are not required to complete Section II.

Tiered Foreign Banking Organizations

A single report may be filed by tiered foreign banking organizations. A tiered foreign banking organization exists when a foreign bank and/or foreign company directly or indirectly owns, controls, or holds with power to vote 25 percent or more of a foreign bank that owns, controls, or holds with power to vote 25 percent or more of, or otherwise controls, a bank or a commercial lending company in the United States, or operates a branch or agency in the United States. A tiered foreign banking organization electing to file a single report should complete each report item as specified within the report.

Time and Place of Filing

The report should be filed not later than four months after the end of the Foreign Banking Organization's fiscal year. It is recognized that some Foreign Banking Organizations may not be able to provide responses to all report items within four months. Such Foreign Banking Organizations may request an extension of time to file the report or to file responses to specific report items within the report. The request should be submitted prior to the filing date to the Board of Governors through the Federal Reserve Bank where the report is to be filed. The request should identify the report item or items for which responses cannot be provided within four months, the reasons that the responses will not be available within four months, and when the information will be available for submission to the Board of Governors.

Foreign bank holding companies should file the original and three copies of the report with the Federal Reserve Bank of the District in which the operations are principally conducted, as measured by total deposits held or controlled by it on the date on which it became a bank holding company.

A *foreign bank* as defined by Section 1(b)(7) of IBA that owns, controls, or holds with power to vote 25 percent or more of any class of voting securities, or otherwise controls a bank that is organized under the laws of the United States, any State of

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Page 4

General Instructions - continued

the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the U.S. Virgin Islands shall file as a foreign bank holding company in accordance with the prior instructions.

Foreign banks with U.S. branches, agencies, or commercial lending companies and *foreign companies* directly or indirectly controlling such foreign banks should file an original and three copies of the report with the Federal Reserve Bank of the District in which the U.S. operations are principally conducted, as measured by total U.S. banking assets.

Incorporation by Reference

In order to minimize reporting burden, financial reports prepared for other required reporting purposes or for internal reporting requirements may be submitted, with an English translation, in response to the report items. When such reports are submitted, the response to a specific report item in the F.R. Y-7 should clearly reference the location of the relevant data within those reports.

Confidentiality

The submissions of this report are available to the public upon request on a individual respondent basis.

If any reporting Foreign Banking Organization is of the opinion that disclosure of certain commercial or financial information contained in its submission would likely result in substantial harm to its competitive position or to the competitive position of its subsidiaries, or that disclosure of submitted information of a personal nature would result in a clearly unwarranted invasion of personal privacy, the reporting Foreign Banking Organization may request confidential treatment for such information. This request for confidential treatment must be submitted in writing concurrently with the submission of the Annual Report, and must discuss in detail the justification for each response for which confidential treatment is requested. The reporting Foreign Banking Organization's reasons for requesting confidentiality should demonstrate the specific nature of the harm that would result from public release of the information; simply stating that the information would result in competitive harm or that it is personal in nature is not sufficient.

Information for which confidential treatment is requested should be reported in a separately bound submission, which is labeled "Confidential". This information should be specifically identified in the main submission of the Annual Report as having been submitted separately in the confidential section.

The Board will determine whether information submitted with a request for confidential treatment will be so treated, and will advise the reporting Foreign Banking Organization through the Reserve Bank of any decision to make available to the public any of the information submitted under the submission labeled "Confidential".

Additional Information

The Board of Governors reserves the right to require the filing of additional statements and information if the report as filed is not adequate to appraise the reporting Foreign Banking Organization's ability to be a source of financial and managerial strength and support to its U.S. subsidiary bank, branch, agency, or commercial lending company, or to determine its compliance with applicable laws and regulations.

The reporting Foreign Banking Organization should follow the procedures on confidentiality with regard to the filing of any supplemental information to the Annual Report.

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Section I

Financial and Managerial Information

REPORT ITEM 1: Financial Statements of the Foreign Banking Organization

A. Submit financial statements covering the reporting Foreign Banking Organization's last two fiscal years that include or *are equivalent* to:

1. Balance sheets;

2. Income statements; and

3. Statements of changes in capital accounts.

When the specific information requested in this report item is presented in the annual report to shareholders or to other authorities that is submitted in response to Report Item 1B, the responses to this item may incorporate the information in the annual report by referencing its location within the report.

The financial statements should be stated in the local currency of the country in which the head office of the reporting Foreign Banking Organization is located. The financial statements may also be stated in U.S. dollars, but the conversion to U.S. dollars is not required. The statements should be prepared in accordance with local accounting practices; however, an explanation of the accounting terminology and the major features of the accounting standards used in the preparation of the financial statements must be provided. This explanation should include a discussion of the following practices and any other material practices as determined by the reporting Foreign Banking Organization.

1. The accounting principles used for consolidation of investments on a line-by-line basis in the preparation of the financial statements. Comments should address the method and/or criteria by which the majority-owned companies are consolidated on a line-by-line basis and the basis for the carrying value and manner of income recognition of any majority-owned subsidiaries that are not consolidated on a line-by-line basis. The method of valuation of the investments in which the reporting Foreign Banking Organization owns between 20 percent and 50 percent, i.e., historic cost, net asset value (book value), market value, or appraised value and the manner of the recognition of income should be included.

2. The accounting practice used in the valuation, e.g., historic cost, net asset value (book value), market value, or appraised value, of short-term investments, long-term investments, and fixed assets. The comments should disclose the manner of the recognition of increases and/or decreases in the value of the assets.

3. The recording of guarantees, letters of credit, contingencies, leases, pension obligations, and other similar accounts on the books of the reporting Foreign Banking Organization. The explanation should indicate whether such accounts are carried as assets and/or liabilities on the reporting Foreign Banking Organization's financial statements, are disclosed as footnotes to the financial statements, or are undisclosed.

4. The method utilized in the translating of foreign currency transactions and foreign currency financial statements with respect to current assets, long-term investments, fixed assets, long-term debt, and forward exchange contracts. The discussion should also include the method of recognition of any gains or losses resulting from such translation and the effect of the translation upon the recognition of revenue and expense and the determination of net income.

5. The method by which interest revenue and interest expense are recorded on the books of the reporting Foreign Banking Organization. The accounting principles and the manner of income and expense recognition underlying the use of overdraft accounting.

In subsequent filings, the Foreign Banking Organization should only describe changes in accounting standards or policies adopted or terminated since the prior filing.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 1A for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

B. Submit a copy of the most recent annual report prepared for the shareholders or other authorities of the reporting Foreign Banking Organization. The report should be accompanied by an English translation.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 1B for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

REPORT ITEM 2: Financial Statements of Related U.S. Companies

The reporting Foreign Banking Organization must submit information for each company, organized under the laws of the United States—other than a U.S. bank, a commercial lending company, or a company acquired pursuant to Section 25 or Section 25(a) of the Federal Reserve Act (Edge and Agreement

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Section I

Financial and Managerial Information - continued

Corporations and their investments)—that it either directly or indirectly through another company owns, controls, or holds with power to vote 25 percent or more of the shares or their equivalent, or otherwise controls. The required information shall consist of financial statements covering the company's last two fiscal years that include:

1. Balance sheets;

2. Income statements; and

3. Statements of changes in capital accounts.

Such statements should be prepared in accordance with generally accepted accounting principles as practiced in the United States. They should be stated in U.S. dollars. However, in lieu of submitting separate financial statements for each related U.S. company, a consolidated financial statement of related U.S. companies may be submitted that consolidates such a related U.S. company and its direct and indirect *majority-owned* U.S. investments on a line-by-line basis. Any consolidated statement that is submitted should indicate the name and the address of the head office of each company consolidated within the financial statement. Financial Statements of related U.S. companies held as a result of a debt previously contracted, held in a fiduciary capacity, or held solely as collateral securing an extension of credit, need not be submitted.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 2 for the top tiered Foreign Banking Organization.

REPORT ITEM 3: Organization Chart

Submit an organization chart showing the reporting Foreign Banking Organization and all related U.S. companies, both banking and nonbanking, and foreign companies that engage in business in the United States in which 25 percent or more of the voting securities are directly or indirectly owned, controlled, or held with power to vote, or which are otherwise controlled, by the reporting Foreign Banking Organization. Related companies that engage in business in the United States by virtue of Section 2(h) or Section 4(c)(9) of the Bank Holding Company Act of 1956, as amended, should be shown and indicated as such, together with their direct foreign shareholders relied upon for exemption under the Sections. Related U.S. Companies held as a result of a debt previously contracted, held in a fiduciary capacity, or held solely as collateral securing an extension of credit should not be included.

The chart should disclose the name, address of head office, and the percentage ownership (by the direct shareholder) of each class of voting stock or other form of control of each related company.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 3 for the top tiered Foreign Banking Organization.

REPORT ITEM 4: Shares and Shareholders

A. List the number and type of shares, or their equivalent that the reporting Foreign Banking Organization has authorized, issued, or holds for its own account. In addition, the voting rights of each type of shares and any agreements that limit the voting of such shares should be described. When the reporting Foreign Banking Organization has bearer shares outstanding, describe the regulations requiring registration of the ownership of such bearer shares by a shareholder with the reporting Foreign Banking Organization and/or the appropriate regulatory agency.

B. List each shareholder, or the equivalent thereof, of record that directly or indirectly owns, controls, or holds with power to vote 5 percent or more of any class of nonbearer voting securities of the reporting Foreign Banking Organization. The beneficial owner, in addition to the shareholder of record, should be listed, to the extent ascertainable, when the beneficial ownership is 5 percent or more. Provide the following for each:

1. Name and address of principal residence for individuals or office for companies;

2. Country of citizenship or of organization; and

3. Number and percentage of each class of voting nonbearer securities, or the equivalent thereof, owned, controlled, or held with power to vote.

C. List each known shareholder that directly or indirectly owns, controls, or holds with power to vote 5 percent or more of any class of bearer securities of the reporting Foreign Banking Organization. Provide the following for each:

1. Name and address of principal residence for individuals or office for companies;

2. Country of citizenship or of organization; and

3. Number and percentage of each class of voting bearer securities, or the equivalent thereof, owned, controlled, or held with power to vote.

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Section I

Financial and Managerial Information - continued

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 4 for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

REPORT ITEM 5: Directors and Officers

List each director[1] and executive officer,[2] or their equivalent, of the Foreign Banking Organization showing the following:

A. Name and address of principal residence;

B. Country of citizenship;

C. Principal occupation, if other than with the reporting Foreign Banking Organization.

D. For the listed directors and executive officers taken in the aggregate, report the number and percentage of each class of voting securities, or the equivalent thereof, owned, controlled, or held with power to vote of:

1. the reporting Foreign Banking Organization; and

2. each related company reported in response to Section II, Report Item 2.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 5 for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

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1. The term "director" includes members of both the managing and supervisory boards.

2. The term "executive officer" has the same general meaning assigned such term under Regulation O (12 C.F.R. 215). Section 215.2(d) states that an "executive officer" of a company or bank means a person who participates or has authority to participate (other than in the capacity of a director) in major policymaking functions of the company or bank, whether or not: (1) the officer has an official title, (2) the title designates the officer as an assistant, or (3) the officer is serving without salary or other compensation. The chairman of the board, the president, the senior vice presidents, the cashier, the secretary, and the treasurer of a company or bank are considered executive officers, unless (1) the officer is excluded, by resolution of the board of directors or by the bylaws of the bank or company, from participation (other than in the capacity of a director) in major policymaking functions of the bank or company, and (2) the officer does not actually participate therein.

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Section I

Financial and Managerial Information - continued

REPORT ITEM 6: Eligibility as a Qualified Foreign Banking Organization

To qualify for exemption from the nonbanking prohibitions of the Bank Holding Company Act, a Foreign Banking Organization must be "principally engaged in the banking business outside the United States." By regulation, a Foreign Banking Organization qualifies if more than half of its worldwide business (excluding its United States banking business) is banking; and more than half of its worldwide banking business is outside the United States.

The top-tiered reporting Foreign Banking Organization must provide financial data on the size of its worldwide nonbanking business activities, its foreign banking activities, and its U.S. banking activities, as measured by total assets, revenues or net income. The top-tiered Foreign Banking Organization must choose two of these three financial items to measure the size of its business activities.

For purposes of determining total assets, revenue, and net income, the top-tiered reporting Foreign Banking Organization must use either a consolidated basis or a combined basis. The Foreign Banking Organization must include the total assets, revenues, and net income of all companies in which it owns 50 percent or more of the voting shares for purposes of determining total assets, revenues, and net income. The foreign banking organization may include the total assets, revenues, and net income of companies in which it owns 25 percent of more of the voting shares if all such companies within the organization are included

The top-tiered reporting Foreign Banking Organization must respond to both (A) and (B) below and provide a general description of the accounting basis used to derive the financial data

A. For the worldwide business activities, respond to two of the following three items

	Amounts in local currency or U.S. Dollars
1. Assets	
a. Total Worldwide Nonbanking	
b. Total Foreign Banking[3]	
2. Revenues Derived from:	
a. Total Worldwide Nonbanking	
b. Total Foreign Banking[3]	
3. Net Income Derived from:	
a. Total Worldwide Nonbanking	
b. Total Foreign Banking[3]	

[3] The following activities when conducted within the foreign banking organization by a foreign bank or its subsidiaries shall be considered "banking":

(1) commercial banking; (2) financing, including commercial financing, consumer financing, mortgage banking, and factoring; (3) leasing real or personal property if the lease serves as the functional equivalent of an extension of credit to the lessee of the property; (4) acting as fiduciary; (5) underwriting credit life insurance and credit accident and health insurance related to extensions of credit by the foreign banking organization or its affiliates; (6) performing services for other direct or indirect operations of a United States banking organization, including representative functions, sale of long term debt, name saving, and holding assets acquired to prevent loss on a debt previously contracted in good faith; (7) holding the premises of a branch of an Edge Corporation or member bank or the premises of a direct or indirect subsidiary; (8) providing investment, financial or economic advisory services; (9) general insurance brokerage, (10) data processing; (11) managing a mutual fund if the fund's shares are not sold or distributed in the United States or to United States residents and the fund does not exercise managerial control over the firms in which it invests, (12) performing management consulting services provided that such services when rendered with respect to the United States market shall be restricted to the initial entry; (13) underwriting, distributing, and dealing in debt and equity securities outside the United States; and (14) engaging in other activities that the Board has determined by regulation or order are closely related to banking under section 4(c)(8) of the Bank Holding Company Act (see section 211.5(d) of Regulation K (12 C.F.R. 211.5(d))).

None of the assets, revenues or net income of a United States subsidiary bank (including its foreign branches and subsidiaries), branch, agency, commercial lending company, or other company engaged in the business of banking in the United States shall be considered held or derived from the business of banking "outside the United States."

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Section I

Financial and Managerial Information - continued

B. For the banking business activities, respond to two of the following three items:

	Amounts in local currency or U.S. Dollars
1. Assets	
a. Total Foreign Banking[3]	
b. Total U.S. Banking[4]	
2. Revenues Derived from:	
a. Total Foreign Banking[3]	
b. Total U.S. Banking[4]	
3. Net Income Derived from:	
a. Total Foreign Banking[3]	
b. Total U.S. Banking[4]	

Describe the accounting basis used to derive the financial data.

The responses will determine the top-tiered Foreign Banking Organization's eligibility as a qualified foreign banking organization. The reporting Foreign Banking Organization qualifies when two of the three criteria in both of the following categories are met:

Worldwide Business

1. banking assets held outside the United States exceed total worldwide nonbanking assets;

2. revenues derived from the business of banking outside the United States exceed its total revenues derived from its worldwide nonbanking business,

3. net income derived from the business of banking outside the United States exceeds total net income derived from its worldwide nonbanking business; and

Banking Business

1. banking assets held outside the United States exceed banking assets held in the United States;

2. revenues derived from the business of banking outside the United States exceeds total revenues derived from the business of banking in the United States.

3. net income derived from the business of banking outside the United States exceeds net income derived from the business of banking in the United States.

A Foreign Banking Organization that does not meet the requirements for two consecutive years as reported herein will lose its eligibility pursuant to Section 211.23 of Regulation K.

[4] All of the assets, revenues or net income of a United States subsidiary bank (including its foreign branches and subsidiaries), branch, agency, commercial lending company, or other company engaged in the business of banking in the United States shall be considered held or derived from the business of banking in the United States.

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Page 10

Section II

Nonbanking Activities Conducted in the United States

REPORT ITEM 1: Information on the direct nonbanking activities conducted in the United States by the Foreign Banking Organization and a Schedule of Investments in U.S. Financial Institutions

Submit information on Schedule A detailing the reporting Foreign Banking Organization's direct U.S. nonbanking business activities that are conducted through an office other than a branch, an agency, or a representative office in the United States, and the reporting Foreign Banking Organization's investments in U.S. bank(s), commercial lending companies, Edge and/or Agreement Corporations. Do not report financial institutions held as a result of a debt previously contracted, held in a fiduciary capacity, or held as collateral securing an extension of credit.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include a separate Schedule A for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

REPORT ITEM 2: Schedule of Investments in Related Companies

Submit information on a separate Schedule B for:

A. each company organized under the laws of the United States, except those reported on Schedule A, that the reporting Foreign Banking Organization directly or indirectly through a subsidiary[5] owns, controls, or holds with power to vote more than 5 percent of its shares or their equivalent, and

B. each company organized under the laws of a foreign country that directly or indirectly "engages in business in the United States"[6] that the reporting Foreign Banking Organization directly or indirectly through a subsidiary[5] owns, controls, or holds with power to vote more than 5 percent of its shares or their equivalent.

Do not complete a Schedule B for a company acquired as a result of a debt previously contracted, held in a fiduciary capacity, or held as collateral securing an extension of credit.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 2 for the top tiered Foreign Banking Organization.

REPORT ITEM 3: Shares held through collection of debts previously contracted

List each banking and nonbanking company organized under the laws of the United States and each company organized under the laws of a foreign country that directly engages in business in the United States in which the reporting Foreign Banking Organization directly or indirectly owns or controls 25 percent or more of any class of voting shares as a result of a debt previously contracted. For each company, provide the name, address, principal line of business, percent of ownership, and date of acquisition (if not previously provided in the F.R. Y-7).

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submissions should include the information required in Item 3 for the top tiered Foreign Banking Organization.

[5] The term "subsidiary" means an organization more than 25 percent of the voting stock of which is held directly or indirectly by a foreign banking organization or which is otherwise controlled or capable of being controlled by a foreign banking organization. Regulation K, (12 C.F.R. 211.23(a)(3)).

[6] The term "engaged in business in the United States" means maintaining and operating an office (other than a representative office) or subsidiary in the United States. Regulation K, (12 C.F.R. 211.2(p)). The term "subsidiary" has the same meaning assigned such term by footnote 5.

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Page 1

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Year Dist. Y 7 A 0 2 1 (1 3 9)

FBO Yr. Mo. Day (11 23 25 27)

SCHEDULE A

Foreign Banking Organization

See F.R. Y-7, Report Item 1, Section II

1. a. 627 Name of Foreign Banking Organization

b. Location of Head Office Street

628 City Country

c. Date of Fiscal Year-end

FR BANK USE ONLY CTRY. 629

2. Indicate the date that the Foreign Banking Organization's initial branch or agency located in a State of the United States or the District of Columbia opened for business. In subsequent filings, the reporting Foreign Banking Organization need not respond to this item.

3. Describe the nonbanking activities that were directly conducted by the Foreign Banking Organization through a U.S. office, other than a branch, agency, or representative office in the United States during the fiscal year. The description should include a written description of each activity, the appropriate four-digit SIC Code, and the locations at which each activity was conducted. The date the activity was commenced or terminated in the U.S. should be included in response to this item when the activity was commenced or terminated during the fiscal year or when the activity has not been previously reported. For the SIC codes, refer to the *Standard Industrial Classification Manual*, 1972. If the Foreign Banking Organization does not directly engage in any U.S. nonbanking activities, the response to this item should be none.

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4. State the legal authority (i.e., section of the Bank Holding Company Act of 1956, International Banking Act of 1978, Regulation of the Board of Governors and/or Board Order) relied upon for authority to engage in the direct activities listed in Item 3.

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Page 2

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Year [Y 7 A 0 2 1] (1–3)
Dist. (9) FBO (9–11)

SCHEDULE A

Foreign Banking Organization - continued

See F.R. Y-7, Report Item 1, Section II

5. For each U.S. Bank, Edge Corporation, Agreement Corporation, and/or Commercial Lending Company, in which the reporting Foreign Banking Organization[1] directly or indirectly owns, controls, or holds with power to vote more than 5 percent of the outstanding voting securities, indicate the name, location of head office, the name and location of head office of the direct shareholder of the financial institution, percentage of ownership held by the direct shareholder, amount of investment (carrying value) as reflected on the financial statements of the direct shareholder, legal authority relied upon by the reporting Foreign Banking Organization to hold the investment in this financial institution, and date of acquisition or termination in any such financial institutions held during the reporting organization's fiscal year. The date of acquisition should only be provided when such date has not been reported previously in the F.R. Y-7.

a. 101 Name _____

FR BANK USE ONLY
Sub. No. (15)
Yr. Mo. Day (23)

Location of head office _____
Street
City State Zip Code

Name _____
Direct Shareholder

Location of head office _____
Street
City State/Country Zip Code (if applicable)

FR BANK USE ONLY
Date of acquisition 105 Yr. Mo. Day
Date of termination 737 Yr. Mo. Day
(41–65 73) 1 1

Percentage ownership 207 %
Legal authority _____ 208
Amount of investment U.S. $ 316

Sub. No. (41–48)
C V (49–50)

b. 101 Name _____

Sub. No. (15)
Yr. Mo. Day (23)

Location of head office _____
Street
City State Zip Code

Name _____
Direct Shareholder

Location of head office _____
Street
City State/Country Zip Code (if applicable)

FR BANK USE ONLY
Date of acquisition 105 Yr. Mo. Day
Date of termination 737 Yr. Mo. Day
(41–65 73) 1 1

Percentage ownership 207 %
Legal authority _____ 208
Amount of investment U.S. $ 316

Sub. No. (41–48)
C V (49–50)

[1] When the report is being filed by a tiered Foreign Banking Organization, Item 5 on Schedule A should be completed only by the top tiered Foreign Banking Organization.

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Page 1

FR BANK USE ONLY
Year [Y 7 A 0 2 1] (1–2) Dist. (7–9)
FBO No. (11) Sub. No. (15)
Yr. Mo. Day (23–27)

SCHEDULE B

Investments in Related Companies

See F.R. Y-7, Report Item 2, Section II

1. a. 101 _____
Name of Related Company

b. _____
Location of head office Street
102 City County (if applicable)
State/Country Zip Code (if applicable)

FR BANK USE ONLY
St Cnty Zip
103

c. _____
Date of fiscal year-end

2. Where the investment in this company was acquired during the fiscal year or was sold during the fiscal year, indicate the date of such acquisition or date of termination. Companies that have not been previously reported on the F.R. Y-7, but were acquired prior to the filing of the prior report, should indicate the date of acquisition.

FR BANK USE ONLY
2 (41–65 73)

a. Date of acquisition 105 Yr. Mo. Day
b. Date of termination 737

Do not complete the remainder of the schedule for investments that have been sold or otherwise terminated during the fiscal year.

3. a. List the type, the number, and percentage of shares, or their equivalent, that are owned, controlled, or held with power to vote, or otherwise controlled, directly or indirectly by the Foreign Banking Organization. Indicate the name and location of head office of each direct holder of the shares and indicate the type, the number, and percentage of shares owned, controlled, or held with power to vote.

b. Indicate the amount in U.S. dollars of investment (carrying value) in company recorded in the books of the direct owner(s) within the Foreign Banking Organization at the end of the fiscal year.

Name of Owner(s) (Direct Holder[s])	Amount of Investment in U.S. $ (thousands)	Number and Class or Type of Shares	Percent Owned or Controlled	FR BANK USE ONLY Sub. No.	Type
a. _____	$		207 . %		
b. _____	$		207 . %		
c. _____	$		207 . %		
d. _____	$		207 . %		
e. _____	$		207 . %		
316	$				

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Page 2

SCHEDULE B

Investments in Related Companies - Continued

See F.R. Y-7, Report Item 2, Section II

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Year [Y 7 A 0 2 1] Dist.
1 2 7 9

FBO No. Sub. No.
11 15

Yr. Mo. Day
23 25 27

4. Identify the business activities conducted by this company during the fiscal year.

For a company organized under the laws of the United States, the description should include a written description of each activity, the appropriate four-digit SIC Code, and the location of offices at which the activities are conducted (if, the company is inactive, so state).

For a company[1] organized under the laws of a foreign country, the description should include a written description of each business activity conducted by the U.S. office(s) (other than a representative office), the appropriate four-digit SIC Code, the location of the U.S. offices, and whether or not each U.S. activity is also engaged in outside the United States. If the foreign company engages in business in the U.S. by virtue of the control of a U.S. subsidiary, the response to this item should reference the separate Schedule B completed for the U.S. subsidiary and the foreign company should confirm whether or not each U.S. activity conducted by the U.S. subsidiary is also conducted by the foreign company abroad.

The date the activity was commenced or terminated in the U.S. should be included in response to this item when the activity was commenced or terminated during the fiscal year or when the activity has not been previously reported. For the SIC Codes, refer to the *Standard Industrial Classification Manual*, 1972.

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SIC
209 [ ] 33
[ ] 49
[ ] 65
SIC Yr. Mo. Day
210 [ ] 33 [ ] 49
[ ] 57 [ ] 73
210 [ ] 33 [ ] 49
[ ] 57 [ ] 73
SIC Yr. Mo. Day
211 [ ] [ ] [ ] [ ]
[ ] [ ] [ ] [ ]

1 A response is not required when the schedule is being completed for a company organized under the laws of a foreign country in which the reporting Foreign Banking Organization directly or indirectly owns, controls or holds with power to vote 5 percent or more, but not exceeding 25 percent of the outstanding shares.

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Page 3

SCHEDULE B

Investment in Related Companies - continued

See F.R. Y-7, Report Item 2, Section II

FR BANK USE ONLY

Year [Y 7 A 0 2 1] Dist.
1 2 7 9

FBO No. Sub. No.
11 15

Yr. Mo. Day
23 25 27

5. State the legal authority (i.e., section of the Bank Holding Company Act of 1956, as amended, International Banking Act of 1978, Regulation of the Board of Governors, and/or Board Order) relied upon for authority to hold the investment in this company.

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[ ]
[ ]

6. When the Foreign Banking Organization engages through this related company in business activities in the United States in reliance on section 2(h) or section 4(c)(9) of the BHC Act, indicate the amount and percent of both the related company's world-wide consolidated assets and gross revenues that are located in or derived from the United States. If the related company is incorporated in the U.S., the requested responses for such company should be consolidated with the responses of such related company's direct foreign shareholder and included on the Schedule B for the foreign shareholder.

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FR 2068

Board of Governors of the Federal Reserve System
Washington, D.C. 20551

FOREIGN BANKING ORGANIZATION
CONFIDENTIAL REPORT OF OPERATIONS

For the fiscal year ending on _____, 19____

Name of Foreign Banking Organization _____

Address of head office _____

THIS REPORT OF OPERATIONS IS STRICTLY CONFIDENTIAL

This report of operations has been prepared on behalf of the Board of Governors of the Federal Reserve System for use in the supervision and regulation of Foreign Banking Organizations that engage in banking in the United States through a subsidiary bank, a subsidiary commercial lending company, a branch, or an agency. The Board of Governors of the Federal Reserve System is of the view that information from this report of operations is exempt from public disclosure under Section (b)(4) of the Freedom of Information Act (5 U.S.C. 552(b)(8)).

This report of operations is required by Section 225.5(b) of Regulation Y (12 C.F.R. 225.5(b)) as authorized by Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) and Sections 8 and 13(a) of the International Banking Act of 1978 (12 U.S.C. 3106 and 3108(a)).

FR 2068

Board of Governors of the Federal Reserve System
Washington, D.C. 20551

FOREIGN BANKING ORGANIZATION
CONFIDENTIAL REPORT OF OPERATIONS

For the fiscal year ending on _____, 19____

Name of foreign banking organization _____

Address of head office _____

I, _____, _____,
Name Title

an authorized officer or agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____ _____
Signature Date

Name, title, and address of person to whom questions related to this report may be directed:

_____ _____
Name Title

_____
Address

FR 2068-1

General Instructions — Report FR 2068

The Foreign Banking Organization Confidential Report of Operations (FR 2068) is required to be completed and filed by companies that are organized under the laws of a foreign country and that are engaged in the business of banking in the United States through subsidiary banks, subsidiary commercial lending companies, or their own branches or agencies. The information to be provided in the Report of Operations is required to appraise the reporting Foreign Banking Organization's ability to be a continuing source of strength and support to its banking operations conducted in the United States.

WHO MUST REPORT

The report must be submitted by each Foreign Banking Organization, as defined by Section 211.23(a) of Board Regulation K, including the following:

1. Bank holding company, as defined by Section 2(a) of the Bank Holding Company Act of 1956 (BHC Act) that is organized under the laws of a foreign country and is principally engaged in the banking business outside the United States.

2. Foreign bank, as defined by Section 1(b)(7) of the International Banking Act of 1978 (IBA) that maintains a branch or agency in a State of the United States or the District of Columbia and or owns, controls, or holds with power to vote 50 percent or more of the outstanding voting securities of a commercial lending company organized under the laws of any State in the United States (Article 12, New York Investment Company), a bank organized under the laws of Puerto Rico and defined as a foreign bank by Section 1(b)(7) of the IBA is not required to file.

   A foreign bank that meets the following criteria is exempt from the filing requirements of the F.R. 2068, provided that such foreign bank is neither a bank holding company nor maintains a branch insured by the Federal Deposit Insurance Corporation in a State of the United States or the District of Columbia:

   a. The U.S. branches and agencies of the foreign bank do not have total aggregate liabilities to non-related parties that exceed $100 million, and

   b. The U.S. branches and agencies of the foreign bank do not have total aggregate nonbank deposits, nonbank credit balances, and liabilities on acceptances that exceed $10 million.

   For purposes of the exemption, total liabilities to non-related parties include:

   1. Total deposits and credit balances as defined by the instructions for Item 13 in the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (Form FFIEC 002);
   2. Federal funds purchased and securities sold under agreements to repurchase, as defined for Item 14;
   3. Other liabilities for borrowed money, as defined for Item 15;
   4. Branch or agency liability on acceptances executed and outstanding, as defined for Item 16; and
   5. Other liabilities to non-related parties as defined for Item 17.

   Total nonbank deposits and credit balances include:

   1. Deposits and credit balances of individuals, partnerships, and corporations, as defined by Item 1, Schedule E (Form FFIEC 002);
   2. Deposits and credit balances of United States Government and of states and political subdivisions in the U.S., as defined by Item 2, Schedule E;
   3. Deposits and credit balances of foreign governments and official institutions, as defined by Item 3, Schedule E; and
   4. Branch or agency liabilities on acceptances executed and outstanding, as defined by Item 16.

3. Company, as defined by Section 2(b) of the BHC Act, that is organized under the laws of a foreign country and owns, controls, or holds with power to vote 25 percent or more of the outstanding voting securities of, or otherwise controls, as defined by Section 2(a) of the BHC Act, a foreign bank required to file under 2 above. A foreign government or an agency of a foreign government is exempt from the filing requirement.

   A company that is otherwise required to file the F.R. 2068 may request a specific exemption by the Board of Governors from the filing requirements where the company owns less than a majority of the outstanding voting securities of the foreign bank and can demonstrate that the company does not control the election of a majority of the foreign bank's directors or otherwise exercise a controlling influence over the operations of the foreign bank.

A bank holding company, foreign bank, or company that is required to submit the report will herein be referred to as "Foreign Banking Organization."

TIME AND PLACE OF FILING

The report must be filed not later than four months after the end of the reporting Foreign Banking Organization's fiscal year. Any request for an extension of time to file the report should be submitted to the Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Foreign Banking Organizations should file the Form F.R. 2068 with the Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The report may be transmitted to the Board of Governors either directly or through the Foreign Banking Organization's home country bank supervisory authority. If the Foreign Banking Organization is unable to comply with particular reporting requirements contained in Form F.R. 2068, it should consult with the Board's Division of Banking Supervision and Regulation. The Board of Governors may, upon receipt of a written request, permit the substitution of appropriate information. Such requests should be submitted prior to the filing date of this form.

ADDITIONAL INFORMATION

The Board of Governors reserves the right to require the filing of additional statements and information of the report as filed is not adequate to appraise the reporting Foreign Banking Organization's ability to be a continuing source of financial and managerial strength and support to the U.S. subsidiary bank, branch, agency, or commercial lending company, or to determine its compliance with applicable laws and regulations.

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CONFIDENTIAL

Organization Chart

Submit an organization chart showing the reporting Foreign Banking Organization and all related foreign companies in which 25 percent or more of the voting securities are directly or indirectly owned, controlled, or held with power to vote, or otherwise controlled, by the reporting Foreign Banking Organization. Foreign companies listed on the organization chart submitted on the F.R. Y-7 need not be listed in this report.

The chart should disclose the name, location of head office, line of business, assets, other than banking, and the percentage ownership (direct or indirect) of the direct shareholder(s) of each class of voting stock of each firm or controlled each company.

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CONFIDENTIAL

Earnings

The reporting Foreign Banking Organization should present an income statement for the last two fiscal years. Its book profit, revenues and expenses. Discretionary accounts and reserves should be presented in accordance with generally accepted accounting principles of the home country. The presentation should segregate both revenue and expense items according to currency of origin, interest sources. Noninterest expenses should be presented in a manner that separately discloses provisions for possible specific reserves when applicable and provision for taxes. Foreign Banking Organizations that utilize accounting practices inconsistent with GAAP accounting may present to the income and interest expense on a net basis. The income statement should be stated in the local currency of the country in which the head office of the reporting Foreign Banking Organization is located. The income statement may also be stated in U.S. dollars but the conversion to U.S. dollars must be made at the presentation of earnings in the Consolidated Statement of Operations is identical to the income statement submitted in Form FR Y-7 the reporting Foreign Banking Organization need not respond to this report.

The reporting Foreign Banking Organization may provide a breakdown of income and expenses between domestic and the recognition and the timing of the realization of certain and expense items. Such breakdown may be presented in addition to the reporting Foreign Banking Organization down [illegible] the decision it has made [illegible] expenses directly attributable to [illegible] e.g., the sale of equity or debt securities or other fixed asset recognition, the cumulative effect of changes in accounting principles, revaluation of assets, from [illegible] subsequent [illegible] the reporting Foreign Banking Organization [illegible] publicly accepted or terminated [illegible]

5 Earnings

FR 2068-6
CONFIDENTIAL

Loan Loss Experience

A. Those reporting Foreign Banking Organizations that have established allowances, reserves [illegible] assets accounts for losses [illegible] require a provision charged against earnings [illegible] assume, according to [illegible] established [illegible] extension of credit or securities [illegible] result of a debt [illegible] should be furnished in a format similar to the following:

1. Present the beginning and ending balances for the last two fiscal years.
2. Provide additions to the account, including amounts expensed on the income statement, amounts [illegible] acquired loans, gross recoveries, and [illegible] reserve accounts and reserves [illegible] charge-offs.
3. Indicate deductions from the accounts, including the charge-offs of loans and other [illegible] extensions of credit and securities [illegible] against other reserve accounts.

B. If the reporting Foreign Banking Organization does charge-off losses resulting from the ending specific allowances or reserves, it should furnish a description of the accounting practices used in recording charge-offs and [illegible] the gross amount. Charge-offs and recoveries for the last two fiscal years.

C. From the reporting Foreign Banking Organization's financial statements, detail the gross amount of loans, amount of allowances or reserves related to doubtful, resulting from the ending balance and the amount generated during the period by: From the loan categories presented in the balance sheet submitted on FR Y-7, state the categories of assets included in the loan amount. Provide a written description of the [illegible] credits included in the respective asset categories.

6 Loan Loss Experience

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CONFIDENTIAL

Debt and Equity Securities

A. If the reporting Foreign Banking Organization has established reserves or contra accounts against an asset account to absorb losses or other changes in value resulting from investments in debt and equity securities, it should furnish a reconciliation of the reserves in a format similar to the following:

1. Present the beginning and ending balances for the last two fiscal years.
2. Provide additions to the account, such as amounts expensed on the income statement, gains recognized from the sale, exchange, or revaluation of assets, and transfers from capital and/or other reserve accounts.
3. List deductions from the account, such as losses recognized on the sale, exchange, or revaluation of assets, and transfers to capital and/or other reserve accounts.

B. If the reporting Foreign Banking Organization does not charge off losses or other changes in value in debt and equity securities through reserves, it should furnish a description of the accounting practices used in recording these charge-offs and other changes in value, and detail the gross amount of changes in value for the last two fiscal years.

C. Indicate the total carrying value of debt and equity securities as reflected on the reporting Foreign Banking Organization's financial statements, distinguishing between securities traded on a recognized exchange and securities having no established market. For nonmarketable securities provide an estimate of the current market value if materially different from the carrying value. For nonmarketable securities, provide an estimate of the appraised value and/or net asset value (book value) if materially different from the carrying value.

7 Debt and Equity Securities

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CONFIDENTIAL

Inner Reserves and Other Contra Accounts against Assets and Liabilities Resulting in "Hidden" Reserves

A. If the reporting Foreign Banking Organization utilizes accounting practices that result in the creation of inner reserves, aggregated in liability accounts and not separately detailed, or in the creation of hidden reserves contra to an asset or a liability account reported on a net basis, it should disclose, or separate such reserves from aggregate accounts, in a format similar to the following:

1. Present the beginning and ending balances for the last two fiscal years.
2. Provide additions to the account, which may include gains recognized on the revaluation of securities, investments, fixed assets, currency translation, forward foreign exchange contracts, transfers from the income account prior to reporting income to the shareholders and transfers from other reserve accounts.
3. Show deductions from the account, which may include losses recognized on the revaluation of securities investments, fixed assets, currency translation, forward foreign exchange contracts, transfers to the income account prior to reporting income to the shareholders, and transfers to other reserve accounts.

B. Provide a description of the accounting practices or statutory or regulatory accounting standards that govern the establishment of such reserve accounts or allow the reporting Foreign Banking Organization to own assets not reflected in its published financial statements.

8 Inner Reserves and Other Contra Accounts against Assets and Liabilities resulting in "hidden" reserves

FR Doc. 81-5012 Filed 2-11-81; 8:45 am]
BILLING CODE 6210-01-C

[Docket No. R-0257]

Report Requirement; Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Report Form.

SUMMARY: The Board of Governors has adopted a Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries (F.R. Y–8f) for implementation in the second quarter of 1981. The report is intended to provide information on transactions between a United States subsidiary bank and its foreign parent company and certain affiliates of the foreign parent. The F.R. Y–8f is to be filed on a quarterly basis by foreign banking organizations that have consolidated assets of $300 million or more and that own or control commercial banks in the United States.

FOR FURTHER INFORMATION CONTACT: Susannah M. Lawrence, Financial Analyst, Division of Banking Supervision and Regulation (202/452–2741) or Kathleen M. O'Day, Attorney, Legal Division (202/452–3786), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: The F.R. Y–8f requests information on transactions between a United States bank and its subsidiaries and the United States bank's foreign parent company and its majority-owned subsidiaries (termed "other BHC members").[1] The information will assist the Board in monitoring intercompany transactions that may have adverse effects on the safety and soundness of a U.S. bank subsidiary of a foreign banking organization and will aid in determining whether a foreign banking organization serves as a source of strength to its U.S. subsidiary bank.

The F.R. Y–8f may be filed on the basis of each U.S. bank subsidiary's intercompany transactions with other BHC members or a consolidated report may be filed on the basis of aggregate transactions between a foreign banking organization's U.S. subsidiary banks and other BHC members. The report should be filed by or on behalf of only the top tier foreign parent company in order to avoid duplicate reporting by intermediate holding companies.

[1] "Other BHC members" is defined to include (1) the foreign banking organization parent company (or companies) and (2) all of that company's majority-owned subsidiaries that are neither U.S. banks nor direct or indirect subsidiaries of U.S. banks.

Asset transfers. Section I of the F.R. Y–8f requests information on asset transfers of more than $100,000 between the U.S. subsidiary bank and other BHC members effected during the reporting period. Asset transfers involving loans that were delinquent, nonperforming, or renegotiated at the time of transfer are to be reported separately. In addition, descriptive detail is required on any U.S. transfer that is equal to one per cent of the total equity of the bank participating in the transfer or $2 million, whichever is less. This section of the report did not receive extensive comment and remains essentially unchanged. However, comments received indicated that a foreign banking organization would be unable to gather requested information on transactions effected by foreign companies in which the foreign banking organization owned less than 50 per cent of the shares or that the organization did not otherwise control. The proposed form defined "other BHC members" to include all companies, through the first three tiers, in which the foreign banking organization owned or controlled 25 per cent or more of the shares. In response to the comments, the definition of "other BHC members" has been modified to include all majority-owned companies of the foreign banking organization.

Specific comment was requested on whether the other major organizational grouping, "U.S. bank subsidiaries and their subsidiaries," should be expanded to include U.S. branches and agencies of a foreign bank. Comments on this issue were mixed. Some commenters stated that because the purpose of the report is to monitor transactions between U.S. banking operations and all other operations, in order to assure the safety and soundness of the U.S. banking operation, all U.S. banking business conducted by a U.S. bank, branch or agency should be included within one grouping. Other commenters indicated that a U.S. branch or agency is an integral part of a foreign bank and to include its operations with those of a U.S. subsidiary bank would impair the Board's ability to monitor the transactions of the U.S. bank. After consideration of the comments, the Board concluded that it would be appropriate to continue to include the U.S. bank and its subsidiaries as one major grouping since the primary purpose of the F.R. Y–8f is to isolate transactions between U.S. banks and all other members of the foreign banking organization.

Other Intercompany Transactions and Balances. Section II of the proposed F.R. Y–8f requested information on five types of intercompany transactions and balances: (1) U.S. bank subsidiary expenses recognized during the period associated with amounts paid or owed to other BHC members; (2) intercompany liabilities and claims; (3) U.S. bank subsidiary participation in loans originated or syndicated by other BHC members; (4) U.S. Bank subsidiary loans or commitments made in connection with credit extended by third parties to other BHC members; and (5) compensating balances. After review of the burden imposed and the purposes of the report, the Board has eliminated the requirement for submission of information on loan participations. The proposal also required that average balances be calculated using weekly balances as of the close of business on each Wednesday falling in the reporting period. As revised, the report requires that average balances be calculated using the last 30 calendar days of the reporting period.

Foreign Exchange Transactions. Intercompany foreign exchange information is to be reported in Section III of the F.R. Y–8f. Under this section, the respondent is asked to report (1) whether any U.S. bank subsidiary (or any of its subsidiaries) has experienced a net realized loss *or* a net unrealized loss on foreign exchange transactions during the period; and (2) whether during the period any U.S. bank subsidiary (or any of its subsidiaries) was a party to foreign exchange transactions with other BHC members at nonmarket rates.

In the original proposal, the Board requested comment on whether, in order to reduce reporting burden, there should be established an amount below which realized or unrealized loss need not be reported. Most comments addressed this issue by suggesting various cutoff points. After considering all comments received, the Board has revised the report to require reporting of a foreign exchange loss only if the loss is greater than one per cent of the total equity of the U.S. bank subsidiary, or one million dollars, whichever is less.

A copy of Form F.R. Y–8f and instructions is attached.

Board of Governors of the Federal Reserve System, February 9, 1981.

James McAfee,

Assistant Secretary of the Board.

BILLING CODE 6210-01-M

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FR Y-8f
Approved by the Federal Reserve Board
November 12, 1980
Approval expires January 1, 1984

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, D.C. 20551

REPORT OF INTERCOMPANY TRANSACTIONS FOR FOREIGN BANKING ORGANIZATIONS AND THEIR U.S. BANK SUBSIDIARIES

For the quarter ending on _____, 19 ____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

This report is being filed for: ____ A single U.S. bank subsidiary ____ All U.S. bank subsidiaries

Legal title of U.S. bank for which this report is filed (leave blank if filing one report for all banks):

_____
Street

_____
City State Zip Code

I, _____ _____
Name Title

an authorized officer or agent of the foreign banking organization named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____ _____
Signature Date

Name, title, and phone number of person responsible for answering questions related to this report:

_____ _____
Name Title

_____
Area Code Number

Please check: ____ ORIGINAL ____ INTERIM ____ REVISED

This report is required by Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844). The Federal Reserve System regards the individual company information provided by each respondent as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

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FR BANK USE ONLY
Year Dist.
Y 8 F 0
BHC No. Yr. Mo. Day
DSB

SECTION I

Asset Transfers[1]

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

INDIVIDUAL TRANSFERS OF LESS THAN $100,000 NEED NOT BE REPORTED

	Dollar Amount in Thousands											
	TOTAL AMOUNT TRANSFERRED DURING THE QUARTER						AMOUNT TRANSFERRED THAT WAS DELINQUENT, NONPERFORMING OR RENEGOTIATED					
	A. TO: U.S. Bank Subsidiaries and Their Subsidiaries FROM: Other BHC Members			B. TO: Other BHC Members FROM: U.S. Bank Subsidiaries and Their Subsidiaries			C. TO: U.S. Bank Subsidiaries and Their Subsidiaries FROM: Other BHC Members			D. TO: Other BHC Members FROM: U.S. Bank Subsidiaries and Their Subsidiaries		
	Bil	Mil	Thou	Bil	Mil	Thou	Bil	Mil	Thou	Bil	Mil	Thou
1. Securities	1.			2.			3.			4.		
2. Loans, lease receivables, and other assets that represent extensions of credit	5.			6.			7.			8.		
3. Other assets	9.			10.			11.			12.		

4. *Large asset transfers.* If total assets, of the type reportable *under Columns C or D of Section I*, transferred between an individual U.S. bank subsidiary and its subsidiaries and other BHC members during the period are greater than one percent (1.0%) of the total equity of that bank or $2 million, whichever is less, the following information should be provided on a separate page to be attached to the report form: (1) the amount and date of each transfer making up the total reported, (2) the names of the organizations involved in each transfer, and (3) a brief statement as to the purpose of the transfer.

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FR Y-8f
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FR BANK USE ONLY

Year | Y 8 F 0 | Dist.

BHC | Yr. | Mo. | Day

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SECTION II

Other Intercompany Transactions and Balances[1]

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

	Dollar Amount In Thousands			
	Bil	Mil	Thou	
1. Expenses recognized by U.S. bank subsidiaries and their subsidiaries associated with amounts paid or owed to other BHC members during the reporting period:				
a. Interest				13
b. Management and service fees				14
c. Other				15
2. Intercompany liabilities and claims (average during reporting period):				
a. U.S. bank subsidiaries and their subsidiaries' liabilities to other BHC members:				
(1) Deposits				16
(2) Nondeposit liabilities				17
b. U.S. bank subsidiaries and their subsidiaries' claims on other BHC members:				
(1) Deposit claims				
(a) Interest-bearing				18
(b) Noninterest-bearing				19
(2) Nondeposit claims (include loans)				20
3. Period-end amount of all outstanding loans, unused commitments, guarantees, or standby letters of credit made by U.S. bank subsidiaries and their subsidiaries in connection with credit extended by third parties to other BHC members				21
4. Compensating balances:				
a. Average amount of compensating balances maintained during the reporting period by U.S. bank subsidiaries and their subsidiaries at unrelated banks in connection with credit lines extended or services provided to other BHC members				22
b. Amount of compensation, if any, recognized during the reporting period by U.S. bank subsidiaries and their subsidiaries for maintaining the balances reported in 4(a)				23

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FR BANK USE ONLY

Year | Y 8 F 0 | Dist.

BHC No. | Yr. | Mo. | Day

DSB

SECTION III

Foreign Exchange Transactions

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

If the number one is entered in Cells 24 or 25, below, the respondent must answer Items 3-5, also below. If the number two has been entered in both cells, the respondent is not required to answer these additional items.

1. If a U.S. bank subsidiary or one of its subsidiaries has incurred a net realized loss or a net unrealized loss on foreign exchange transactions during the reporting period that is equal to one percent (1.0%) or more of the total equity of that subsidiary, enter the number one in the box to the right. If there were not a net loss greater than this amount during the period, enter the number two. [ ] 24

2. If a U.S. bank subsidiary or one of its subsidiaries were a party to any foreign exchange transactions during the reporting period with other BHC members at non-market rates, enter the number one in the box to the right. If no such transactions were effected during the period, enter the number two. [ ] 25

	Dollar Amount In Thousands			
	Bil	Mil	Thou	
3. Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries				26
4. Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries with other BHC members				27
5. Realized and unrealized gain (loss) of U.S. bank subsidiaries and their subsidiaries during reporting period derived from foreign currency transactions:				
a. Realized gain (loss)				28
b. Unrealized gain (loss)				29

BILLING CODE 6210-01-C

Instructions for Preparation of the Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries

Form F.R. Y–8f

Read carefully and save for future reference.

Questions related to these instructions or preparation of the Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries should be addressed to the appropriate Federal Reserve Bank.

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Asset transfers that should not be reported in Section I.
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Definitions: Section I. Items 1–4:
1. Securities.
2. Loans, lease receivables, and other assets that represent extensions of credit.
3. Other assets.
4. Large asset transfers.
II. Other Intercompany Transactions and Balances:
Definitions: Section II. Items 1–4:
1. Expenses recognized by U.S. bank subsidiaries and their subsidiaries associated with amounts paid or owed to other BHC members during reporting period.
2. Intercompany liabilities and claims.
3. Period-end amount of all outstanding loans, unused commitments, guarantees, or standby letters or credit made by U.S. bank subsidiaries and their subsidiaries in connection with credit extended by third parties to other BHC members.
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General Instructions

Who Must Report

The Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries (F.R. Y–8f) must be filed by foreign banking organizations (as defined by Section 211.23(a)(2) of Regulation K) with $300 million or more in total consolidated assets that are bank holding companies (as defined by Section 2(a) of the Bank Holding Company Act of 1956, as amended) organized under the laws of a foreign country and principally engaged in the banking business outside the United States. [1]

Foreign banking organizations must file the F.R. Y–8f under one of the following reporting options: (1) The report may be filed on the basis of the intercompany transactions of each U.S. bank subsidiary [2] of a foreign banking organization. In this case, the number of reports filed for a particular reporting period would be equal to the total number of U.S. bank subsidiaries owned or controlled by the foreign banking organization. (2) One report may be filed on the basis of aggregate intercompany transactions effected during the reporting period. In this case, one F.R. Y–8f would be filed in a particular reporting period.

Frequency of Reporting

Quarterly reporting. The F.R. Y–8f is to be filed for the quarters ending on the last day of the months of March, June, September, and December. The completed quarterly report shall be submitted not later than 45 calendar days after the close of each quarter.

Interim reporting. In addition to the quarterly reporting requirements, certain large assets transfers shall be reported in an interim report within 15 calendar days of their occurrence. The following types of transfers should be reported in an interim report:

1. Total transfers during the period of any asset(s) of the type reportable in Section I of this report between any individual U.S. bank subsidiary or one of its subsidiaries and other BHC members, [1] if the amount of assets transferred exceeds ten percent (10%) of the total equity of that bank or $20 million, whichever is less.

2. Total transfers during the period of delinquent, nonperforming, or renegotiated asset(s) of the type reportable in Section I of this report between any individual U.S. bank subsidiary or one of its subsidiaries and other BHC members, if the amount of asset transferred exceeds two and one-half percent (2.5%) of the total equity of that bank or $5 million, whichever is less.

It should be noted that interim reporting criteria are to be applied to assets transfers for individual U.S. bank subsidiaries (or their subsidiaries) rather than to aggregate transfers by all U.S. bank subsidiaries.

The interim report should include an original and two copies of the first two pages of the report form. For each individual asset transfer reported in an interim report, provide the following information on a separate page to be attached to the report form: (1) the amount and date of each transfer included in the total reported, (2) the names of the organizations involved in each transfer, and (3) a brief statement as to the purpose of the transfer.

Transactions that are reported in the interim report should also be reported in the quarterly report filed at the end of the period.

Place of Filing and Number of Copies Required

An original and two copies of the quarterly or interim report shall be submitted to the Federal Reserve Bank of the District in which the foreign banking organization files its Annual Report of Foreign Banking Organizations (F.R. Y–7).

Signatures

The original copy of this report shall be manually signed by an authorized officer or agent of the foreign banking organization in the appropriate place on the cover sheet of the report form. The title of the officer or agent shall also be entered in the appropriate space. The report does not have to be certified by an independent public accountant.

Waiver of Reporting Requirements

Reporting requirements for transactions of a recurring nature, or transactions that would result in undue reporting burden or expense, may be waived upon written request to the appropriate Federal Reserve Bank.

[1] In the case of multi-tiered foreign banking organizations the ultimate parent company or high-holder should file the F.R. Y–8f. All bank holding companies subsidiary to that parent company are exempt from filing the F.R. Y–8f. In addition, domestic bank holding companies that are subsidiary to such a parent are exempt from filing the Report of Bank Holding Company Intercompany Transactions and Balances (F.R. Y–8f).

[2] For the purposes of the F.R. Y–8f, the term subsidiary is defined as in Section 2(a) of the Banking Holding Company Act of 1956, as amended, and is to include any company (the term company is defined on page 5 of these instructions) 25 percent or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by a bank holding company or is held by it with power to vote. See page 5 of these instructions for a complete definition of the term subsidiary.

[1] It is important to note that the phrases (1) U.S. bank subsidiaries and their subsidiaries and (2) other BHC members are defined for the purposes of this report in specific terms in the General Instructions.

Confidentiality

The Federal Reserve System regards the individual company information provided by each respondent as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

Preparation of Reports

All reports should be filled out clearly by typewriter or in ink. Reports completed in pencil are not acceptable. When carbons are used to prepare copies, the copies must be legible and care must be taken to ensure that the figures entered on the carbon appear on the correct lines. Computer printouts are also acceptable, provided that they are in a format identical to that of the report form, including all item and column captions. Submission of legible photocopies or other machine copies is permitted, provided that such copies are signed individually.

Amounts reported should be in United States dollars. Any dollar amounts should be rounded to the nearest thousand. For example, an amount of $527,605.22 would be reported as $528 thousand. Report items between $500 and $1,000 as $1 thousand; report items of less than $500 as zero. Place any negative entries in parentheses.

If additional space is necessary to answer an item or if an item requires further explanation, furnish such information on a separate page to be attached to the report form.

Definitions

Foreign banking organization: This phrase is defined as in Section 211.23(a)(2) of Regulation K.

Bank Holding Company Act: The Bank Holding Company Act of 1956, as amended.

Bank holding company (BHC): This term is defined as in Section 2(a) of the Bank Holding Company Act and means any company that has control over any bank or over any company that is or becomes a bank holding company by virtue of the Bank Holding Company Act.

Bank: This term is defined as in Section 2(c) of the Bank Holding Company Act and includes institutions organized under the laws of the United States, any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands that (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans.

Subsidiary: This term is defined as in Section 2(d) of the Bank Holding Company Act and includes (1) any company (as defined below) 25 percent or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by a BHC or is held by it with power to vote; (2) any company the election of the majority of whose directors is controlled in any manner by such BHC; and (3) any company with respect to the management or policies of which such BHC has the power, directly or indirectly, to exercise a controlling influence, as determined by the Board of Governors of the Federal Reserve System.

Company: This term is defined as in Section 2(b) of the Bank Holding Company Act and means any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust.

U.S. bank subsidiaries and their subsidiaries: [1] The phrase "U.S. bank subsidiaries and their subsidiaries" is defined for the purposes of this report to include (1) any U.S. bank that is a direct or indirect subsidiary of a foreign banking organization, and (2) any direct or indirect subsidiary of such a bank. Organizations that are direct or indirect subsidiaries of both a U.S. bank and the foreign banking organization parent company should be included under the phrase other BHC members (see definition below) if that organization is 50 percent or more owned by the foreign banking organization parent company; otherwise, include such an organization with U.S. bank subsidiaries and their subsidiaries.

Other BHC members: [2] The phrase "other BHC members" is defined for the purposes of this report to include (1) the foreign banking organization parent company, and (2) all of that company's direct or indirect majority-owned subsidiaries (domestic or foreign) that are neither U.S. banks nor direct or indirect subsidiaries of such banks. [Branches and agencies of the foreign banking organization, whether domiciled in the United States (or one of its territories) or in a foreign county, should be included with other BHC members.] Organizations that are direct or indirect subsidiaries of both a U.S. bank and the foreign banking organization parent company should be included under the phrase other BHC members if that organization is 50 percent or more owned by the foreign banking organization parent company; otherwise, include such an organization with U.S. bank subsidiaries and their subsidiaries.

Delinquent, nonperforming, and renegotiated assets: The phrase "delinquent, nonperforming, and renegotiated assets" is defined for the purposes of this report to include the following: (1) Loans that are contractually past due 90 days or more as to interest or principal payments. (2) Assets considered to involve "troubled debt restructuring" under the provisions of Financial Accounting Standards Board Statement No. 15 or other debt restructuring that provides for full repayment under modified terms. This would include any "without" situations. (Do not include debt for which the effective interest rate has been reduced solely as a result of changes in current market interest rates rather than changes in the debtor's financial condition or ability to pay normal rates.) (3) Other assets that would be considered nonperforming by the subject organization's own internal audit or loan review staff. (4) Assets that could reasonably be expected to meet any of the foregoing criteria at any time in the foreseeable future.

Total bank equity: Total equity as it is reported on the most recent Report of Condition submitted to a federal bank regulatory agency.

[1] It should be noted that in the definition of the phrase "other BHC members" the subsidiaries included are majority-owned. However, for all other purposes of this report the term subsidiary is defined as 25 percent ownership. (See definition of the term subsidiary, above.)

[2] It should be noted that in the definition of the phrase "other BHC members" the subsidiaries included are majority-owned. However, for all other purposes of this report the term subsidiary is defined as 25 percent ownership. (See definition of the term subsidiary, page 5.)

Detailed Instructions

Section I. Asset Transfers

Size Criteria. Under items 1–3 of this section include only individual intercompany transactions that involve the transfer of $100,000 or more in assets. Transfers should be included if at least one side of the transaction involves the transfer of $100,000 or more in assets. The transfer of a group of assets, such as a group of loans or securities, shall be considered an individual transaction if the assets are purchased (1) as a group, (2) as a single package, or (3) if their purchase is negotiated on a group basis.

Calculation of asset transfer totals should be based on the value of the asset as carried on the books of the

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transferor (at the time of the transfer) gross of any reserves, but net of any adjustments (such as principal repayments or charge-offs historically made on the books of the transferor).

Types of transfers to be reported. Intercompany transfers of loans, lease receivables, real estate, securities, equipment, or any other assets not specifically excluded in the following instructions are to be reported in Section I.

Asset transfers are usually two-sided in that one asset is exchanged for another. For example, a loan may be transferred in exchange for cash, another loan, or some other noncash asset. (Noncash assets include loans, receivables, securities, leases, real estate, and equipment.) If a noncash asset is exchanged for cash, report the transfer of the noncash asset, but not the transfer of cash. If a noncash asset is exchanged for another noncash asset, both sides of the transfer should be reported. If an asset is transferred more than once during the period, each transfer should be reported.

Asset transfers that should not be reported in Section I. Do not report the following types of asset transfers in Section I of this report:

1. Transfers of cash and U.S. Treasury securities.

2. Obligations of other U.S. Government agencies and corporations.

a. Notes issued and insured by the Farmers Home Administraion and instruments (certificates of beneficial ownership and note insurance contracts) representing an interest in these notes.

b. Pooled mortgages against which certificates guaranteed by the Government National Mortgage Association (GNMA) have been issued.

c. Mortgage-backed bonds issued by the Federal National Mortgage Association or by the Federal Home Loan Mortgage Corporation (FHLMC) that are guaranteed by the GNMA.

d. Pooled mortgages against which certificates are issued and guaranted by the FHLMC.

3. Federal funds transactions.

4. Loans or securities sold under agreements to repurchase or purchased under agreements to resell *unless such loans or securities are delinquent, nonperforming, or renegotiated.*

5. Intercompany loans or advances, that is, direct loans or advances made by one member of the BHC to another member of the BHC. (Report intercompany loans and advances in item 2 of Section II.)

6. Asset transfers that have been formally approved by federal bank regulatory authorities.

7. Asset transfers in which one member of the BHC acts as a purchasing agent for another member of the BHC. Do not report assets purchased by one member of the BHC with the intention that they be transferred or sold immediately (within seven calendar days of the purchase) to another member. However, if assets were purchased for a member's own account but were transferred to another member more than seven calendar days after the date of the initial purchase, the transfer must be reported in Section I.

8. Loan participations [1] that are shared by members of the BHC at the time of loan origination. Do not report purchases at origination of participations in a pool of securities or loans. However, transfers between members of the BHC of any existing interest in a participation or pool of loans or securities are to be reported if such a transfer occurs more than seven calendar days after the date on which the participation or interest in the pool was purchased.

Columns A and C—Asset transfers to U.S. bank subsidiaries and their subsidiaries from other BHC members. Assets transferred to U.S. bank subsidiaries and their subsidiaries from other BHC members are to be reported under Column A of Section I and, if appropriate, under Column C. Assets that were delinquent, nonperforming, or renegotiated at the time of transfer are to be reported under both Columns A and C.

Columns B and D—Asset tranfers to other BHC members from U.S. bank subsidiaries and their subsidiaries. Assets transferred to other BHC members from U.S. bank subsidiaries and their subsidiaries are to be reported under Column B of Section I, and, if appropriate, under Column D. Assets that were delinquent, nonperforming, or renegotiated at the time of transfer are to be reported under both Columns B and D.

Definitions: Section I, Items 1–4

1. Securities. Report the book value (as carried on the books of the transferor at the time of transfer) of all securities (except as noted below) that were transferred during the period. Include the obligations of states and political subdivisions of the United States or of foreign countries or other foreign political subdivisions, and any other bonds, notes, debentures, or corporate stock.

Exclude the following from this item: (1) U.S. Treasury securities and obligations of other U.S. government agencies and corporations; (2) securities issued by the foreign banking organization parent company or any of its direct or indirect subsidiaries (to be reported in item 3, "Other assets."); and (3) Securities sold (purchased) under agreements to repurchase (resell) *unless these securities were delinquent, nonperforming, or renegotiated.*

2. Loans, lease receivables, and other assets that represent extensions of credit. Report the books value (as carried on the book of the transferor at the time of transfer) of all loans, lease financing receivables, and other assets that represent extensions of credit resulting either from direct negotiations between lender and borrower or from the purchase of loan assets from other lenders. Loans include extensions of credit in the form of promissory notes, acknowledgments of advances, due bills, and similar obligations (written or oral), as well as more marketable instruments such as commerical paper and bankers acceptances.

Transfers between U.S. bank subsidiaries and their subsidiaries and other BHC members of any existing interest in a participation [1] or pool of loans or securities are to be reported if such a transfer occurs more than seven calendar days after the date on which the participation or interest in the pool was purchased. However, loan participations that are shared with other BHC members and are purchased at the time of loan origination should not be reported in Section I.

Exclude the following from this item: (1) deposits at financial institutions, and (2) federal funds sold and securities purchased under agreements to resell, *unless these securities were delinquent, nonperforming, or renegotiated.*

3. Other Assets. Report the book value (as carried on the books of the transferor at the time of transfer) of bank premises, furniture and fixtures, real estate owned other than bank premises, debt or equity securities issued by the foreign banking organization parent company or any of its direct or indirect subsidiaries, and any other assets that have been transferred during the period that cannot be properly reported against items 1 and 2, above.

Real estate owned other than bank premises should include all amounts representing investments, loans, or other assets based on properties that—disregarding the manner of holding, the form of conveyance, or whether a deed has been delivered—properly should be considered as sold or transferred (directly or indirectly), but where the likelihood exists that the properties will have to be taken over by the reporting entity. This item should also include those sales or transfers in which someone other than the reporting entity takes title for the convenience of the reporting entity.

A list of asset transfers that should not be reported in Section I is provided on page 9.

4. Large asset transfers. If total assets transferred, of the type reportable under Column C or D of Section I, between an individual U.S. bank subsidiary and its subsidiaries and other BHC members during the period are greater than one percent (1.0%) of the total equity of that bank or $2 million, whichever is less, the respondent should provide the following information on a separate page to be attached to the report form: (1) the amount and date of each transfer making up the total reported, (2) the names of the organizations involved in each transfer, and (3) a brief statement as to the purpose of the transfer. It should be noted that the reporting requirements set forth in this item apply to the transfers of individual U.S. bank subsidiaries (or their subsidiaries) rather than to aggregate transfers by all U.S. bank subsidiaries.

Section II. Other Intercompany Transactions and Balances

1. Expenses recognized by U.S. bank subsidiaries and their subsidiaries associated with amounts paid or owed to other BHC members during reporting period. Report under item 1(a) total interest paid or owed to (accrued) other BHC members during the period. This would include interest from loans, advances, or other extensions of credit to U.S. bank subsidiaries and their subsidiaries. All interest payments reported in this item must be classified as an interest expense by a U.S. bank subsidiary or one of its subsidiaries. Therefore, interest on any interest-bearing obligation issued by U.S. bank subsidiaries and their subsidiaries should be included in this item.

Report under item 1(b) management and other service fees paid or owed to (accrued) other BHC members during the period for services rendered to U.S. bank subsidiaries and their subsidiaries. Include fees charged for management and advisory services, data processing services, loan servicing, and so forth.

Report under item 1(c) all other expenses recognized during the period that cannot be properly reported against items 1(b), but which are associated with amounts paid or owed to (accrued) other BHC members during the period and that were classified as an expense by U.S. bank subsidiaries and their subsidiaries. Include operating lease payments and finder's fees for loans originated. Exclude bank subsidiary dividend payments from this item.

2. Intercompany liabilities and claims. Average balances to be reported under this item should be calculated using the last 30 calendar days of the reporting period (ending with the report date).

Report under item 2.a(1) the average amount outstanding during the period of deposits at U.S. bank subsidiaries and their subsidiaries due to other BHC members.

Report under item 2.a(2) the average amount outstanding during the period of nondeposit of U.S. bank subsidiaries and their subsidiaries due to other BHC members.

Include the following liabilities in this item:

1. Subordinated notes and debentures.

2. Loans or securities sold under agreements to repurchase (whatever the maturity of the repurchase agreement).

3. All borrowings including promissory notes, due bills, or any other instrument issued for the purpose of borrowing money.

4. Federal funds transactions.

Exclude the following from this item:

1. Contingent liabilities.

2. Noncapitalized lease obligations.

Report under 2.b(1) the average amount outstanding during the period of deposit claims of U.S. bank subsidiaries and their subsidiaries due from other BHC members. Include credit balance claims at U.S. agencies of the foreign banking organization. Report interest-bearing balances under 2.b(1)(a). Report noninterest-bearing balances under 2.b(1)(b).

Report under 2.b(2) the average amount outstanding during the period of nondeposit claims of U.S. bank subsidiaries and their subsidiaries due from other BHC members. Include loans in this item.

Loans are extensions of credit resulting either from direct negotiations between lender and borrower or from the purchase of loan assets from other lenders. Loans include extensions of credit in the form of promissory notes, acknowledgments of advances, due bills, and similar obligations (written or oral), as well as more marketable instruments such as commercial paper and bankers acceptances. Exclude contingent liabilities and noncapitalized leases from this item.

3. Period-end amount of all outstanding loans, unused commitments, guarantees, or standby letters of credit made by U.S. bank subsidiaries and their subsidiaries in connection with credit extended by third parties to other BHC members. Report the period-end amount of all outstanding loans or other obligations made by U.S. bank subsidiaries and their subsidiaries *when these loans or other obligations were originated in connection with credit extended to other BHC members by third parties.* The obligations of U.S. bank subsidiaries and their subsidiaries would include, but would not be limited to, loans, commitments for loans (unused portion only), "guarantees," and standby letters of credit.

Loans are extensions of credit resulting either from direct negotiations between lender and borrower or from the purchase of loan assets from other lenders. Loans include extensions of credit in the form of promissory notes, acknowledgments of advances, due bills, and similar obligations (written or oral), as well as more marketable instruments such as commercial paper and bankers acceptances.

Report the period-end amount of outstanding unused commitments made by U.S. bank subsidiaries and their subsidiaries to lend funds.

Include as commitments only official promises to lend that are expressly conveyed, orally or in writing, to the third party. Such commitments are usually in the form of a formally executed agreement or a letter signed by an officer (of a U.S. bank subsidiary or its subsidiary). Oral commitments made by officers to a third party (customer) are usually accompanied by some documentation for the bank's own records such as a notation in the customer's credit file.

Exclude authorizations (internal guidance lines) in which the customer is not informed of the amount. Exclude cases such as those in which loan funds are temporarily unavailable pending loan committee approval. Include only unused commitments (that is, amounts still available under commitment arrangements, but not borrowed as of the date of reporting). Exclude any takedowns, expirations, or cancellations. Do not omit commitments merely because they are not legally binding or do not require a commitment fee.

Report the period-end amount of outstanding "guarantees" or similar arrangements, however named or described, that represent contracts under which U.S. bank subsidiaries and their subsidiaries are obligated to make payments contingent upon the failure of

[1] A loan made in cooperation with other financial institutions in which the lead institution organizes the loan and each participant has a pro rata share in the return and the risk.

[1] A loan made in cooperation with other financial institutions in which the lead institution organizes the loan and each participant has a pro rata share in the return and the risk.

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another party to perform under any contract.

Report the period-end amount of outstanding standby letters of credit or similar arrangments, however named or described, that represent obligations on the part of U.S. bank subsidiaries and their subsidiaries to make payments to, or to the order of, a designated third party ("beneficiary") contingent upon the failure of a customer ("account party") to perform under the terms of the latter's underlying contract with the beneficiary. The underlying contract may entail either financial of nonfinancial undertakings of the account party with the beneficiary. For example, standby letters of credit may obligate U.S. bank subsidiaries and their subsidiaries make certain payments to the beneficiary in the event of default or nonperformance by the account party on an underlying contract involving such things as a customer's payment of his commercial paper, delivery of merchandise, completion of a construction contract, release of maritime liens, or repayment of the account party's overdrafts with a beneficiary bank.

4. Compensating balances. Average balances to be reported under this item should be calculated using the last 30 calendar days of the reporting period (ending with the report date).

Report under item 5(a) the average amount of compensating balances maintained by U.S. bank subsidiaries and their subsidiaries with unrelated banks during the reporting period to secure lines of credit or other services for other BHC members.

The amount reported should equal the amount of compensating balances required, if any, by the unrelated bank for the line of credit or other services, minus any balances directly maintained by other BHC members for such services at that bank. Except as provided in the following paragraph, if there is not explicit or implicit understanding between the unrelated bank and other BHC members or U.S. bank subsidiaries and their subsidiaries regarding any minimum compensating balances, then the response to the question would be zero.

If the unrelated bank has extended a line of credit to other BHC members and does not require a compensating balance because U.S. bank subsidiaries and their subsidiaries maintain correspondent balances with the unrelated bank, then estimate the amount of compensating balances that would have been required had a U.S. bank subsidiary or one of its subsidiaries not maintained correspondent balances; subtract from that amount any balances directly maintained by other BHC members at the unrelated bank and report the difference.

Report under item 5(b) the amount of compensation from other BHC members, if any, recognized during the reporting period by U.S. bank subsidiaries and their subsidiaries for maintaining the balances reported in item 5(a).

Section III. Foreign Exchange Transactions

If the number one is entered in Cell 24 or 25, Items 1 and 2, Section III, the respondent must answer Items 3–5, Section III. If the number two has been entered in both cells, the respondent is not required to answer these additional items.

1. If a U.S. bank subsidiary or one of its subsidiaries has experienced a net realized loss *or* a net unrealized loss on foreign exchange transactions during the period greater than one percent of total equity or $1 million, whichever is less, the number one should be entered in Cell 24. If there has not been a net loss during the period, enter a two in this cell. Net realized loss for the period would be equal to *the amount by which realized losses exceed realized gains* on all spot and forward exchange contracts that matured during the period. Net unrealized loss for the period would be equal to *the amount by which unrealized losses exceed unrealized gains* as of the end of the reporting period on all unmatured foreign exchange contracts.

2. If a U.S. bank subsidiary or one of its subsidiaries has been a party to any foreign exchange transactions during the period at nonmarket rates with other BHC members or if such a transaction has been revalued at nonmarket rates, the number one should be entered in Cell 25. If no transactions of this type occurred during the period, enter the number two in this cell. Nonmarket rates are defined as (1) rates that differ from those rates used contemporaneously for trading with parties unaffiliated with the U.S. bank subsidiary or (2) rates that differ from those normal, prevailing, and simultaneous market rates for arm's length transactions between unaffiliated organizations.

3. *Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries.* Report the total volume of foreign exchange contracts negotiated during the reporting period by U.S. bank subsidiaries and their subsidiaries. Report gross purchases and gross sales (book value at the date of negotiation) effected during the reporting period. Include spot and forward transactions.

4. *Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries with other BHC members.* Report the total volume of foreign exchange contracts negotiated during the reporting period by U.S. bank subsidiaries and their subsidiaries with other BHC members. Report gross purchases and gross sales (book value at the date of negotiation) effected during the reporting period. Include spot and forward transactions.

5. *Realized and unrealized gain (loss) of U.S. bank subsidiaries and their subsidiaries during reporting period derived from foreign currency transactions.* Report under item 5(a) the aggregate realized gain (loss) of U.S. bank subsidiaries and their subsidiaries during the reporting period on all spot and forward foreign exchange contracts that matured during the reporting period. Losses should be shown in parentheses.

Report under item 5(b) the aggregate unrealized gain (loss) of U.S. bank subsidiaries and their subsidiaries during the reporting period on all existing forward foreign exchange contracts that have not matured during the reporting period. For any forward contract, unrealized gain (loss) shall be determined by multiplying the foreign currency amount of the forward contract by the difference between (1) the forward rate at which the contract was negotiated and (2) the forward rate for that foreign currency as of the reporting date. Losses should be shown in parentheses.

[FR Doc. 81-5013 Filed 2-11-81; 8:45 am]

BILLING CODE 8210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENT OF THE TREASURY

[Notice No. 81-1]

Health Hazards Associated With Alcohol, and Methods, To Inform the General Public of These Hazards; Report to the President and the U.S. Congress as Required by Pub. L. 96-180

AGENCIES: Department of Health and Human Services and Department of the Treasury.

ACTION: Notice of availability of the report to the President and the U.S. Congress as required by Pub. L. 96-180 • (The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979).

SUMMARY: As directed by the U.S. Congress in Pub. L. 96-180, the Department of Health and Human Services and the Department of Treasury jointly submitted to the President and the U.S. Congress on November 25, 1980, a report which addressed—

(1) The extent and nature of birth defects associated with alcohol consumption be pregnant women;

(2) The extent and nature of other health hazards associated with alcoholic beverage use; and

(3) The actions which should be taken by the Federal Government under the Federal Alcohol Administration Act and the Federal Food, Drug, and Cosmetic Act with respect to informing the general public of such health hazards.

This report, entitled *Health Hazards Associated with Alcohol and Methods to Inform the General Public of these Hazards,* summarizes the scientific evidence linking excessive alcohol consumption to some of the most serious public health problems in the Nation. It focuses on ways to inform the general public of these health hazards, in particular the serious risk to unborn children resulting from alcohol consumption by pregnant women.

The report is divided into three parts.

Part I—Births Defects and Anomalies—summarizes current knowledge about the Fetal Alcohol Syndrome (FAS), birth defects, and other alcohol-related risks to unborn children and post-natal development.

Part II—Other Health Hazards—summarizes a range of physical, mental and emotional illnesses, and disabilities associated with the misuse of alcohol, including alcoholism and traffic fatalities.

Part III—Informing the Public about Health Hazards—summarizes (1) current knowledge about the use and apparent effectiveness of various methods to provide the public with alcohol-related health information; (2) both current and planned efforts by the Federal Government, the alcohol beverage industry, and private groups to inform the public; and (3) recommendations for future action.

Copies of *Health Hazards Associated with Alcohol and Methods to Inform the General Public of these Hazards* may be ordered from the Superintendent of Documents, Washington, D.C.

ADDRESSES: For copies of the report, write—

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (Stock No. 048-012-00069-8).

The report may be inspected at Room 740-G, Public Health Service, Humphrey Building, 200 Independence Avenue, SW., Washington, D.C., or at Room 4408, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

For information on the report and on public and private health education efforts, contact either person or both persons listed below—

Shirley Barth (Office of Public Affairs), Public Health Service, Room 740-G, Humphrey Building, 200 Independence and Avenue, SW., Washington, D.C. 20201, (202) 472-5663.

Michael Dressler (Office of Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, Room 6238, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20226, (202) 566-7591.

Approved: January 28, 1981.

Charles Miller,

Acting Assistant Secretary for Health.

Approved: January 21, 1981.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-4629 Filed 2-11-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Burley District Advisory Council; Meeting Agenda Changes

Notice is hereby given that the agenda for the Burley District Advisory Council Meeting on February 25, 1981, as published on page 2195 in the **Federal Register** of January 8, 1981, is amended to include the proposed organization for the Idaho Bureau of Land Management. Due to the agenda change, interested persons may make oral statements to the Council between 3:00 p.m. and 4:00 p.m. All other particulars contained in the Notice as published January 8, 1981, remain unchanged.

Nick James Cozakos,

District Manager.

[FR Doc. 81-4686 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-7385 WR, CA-7398 WR, CA-7514 WR, CA-7517 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

February 5, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior proposes to continue the withdrawals of the Public Water Reserves on the following lands:

Mount Diablo Meridian, California

1. Public Water Reserve No. 107, Interpretation, CA-7385 WR.

T. 33 N., R. 15 E.,
Sec. 23, NW¼SW¼.

The area described contains 40 acres in Lassen County, California.

2. Public Water Reserve No. 107, Interpretation, CA-7398 WR.

T. 33 N., R. 15 E.,
Sec. 29, NE¼SW¼.

The area described contains 40 acres in Lassen County, California.

3. Public Water Reserve No. 25, CA-7514 WR.

T. 33 N., R. 15 E.,
Sec. 11, NE¼NE¼;
Sec. 13, NE¼NE¼.
T. 26 S., R. 37 E.,
Sec. 35, SE¼SE¼.

The area described aggregates 120 acres in Lassen County, California.

4. Public Water Reserve No. 84, CA-7517 WR.

T. 36 N., R. 9 E.,
Sec. 14, E½NE¼.
T. 4 N., R. 25 E.,
Sec. 12, SW¼NE¼, NE¼SE¼.
T. 4 N., R. 26 E.,
Sec. 7, Lot 3;
Sec. 24, SW¼SE¼.

The areas described aggregate 235.34 acres in Lassen and Mono Counties, California.

Public Water Reserve 107 was created by Executive Order dated April 17, 1926. Public Water Reserve No. 84 by Executive Order June 7, 1922, and Public Water Reserve No. 25 by Executive Order December 3, 1914. The lands are segregated from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general public use and benefit.

No change in segregative effect of the withdrawals or the use of the land is proposed.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection

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with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-4880 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 0126472]

Colorado State Office; Termination of Proposed Forest Service Withdrawal Site and Opening of Lands

February 4, 1981.

The U.S. Department of Agriculture, Forest Service, Rocky Mountain Region, filed withdrawal application C-0126472 November 19, 1965 which was published November 25, 1965 as FR Doc. 65-12676 and January 5, 1978 as FR Doc. 78-114.

The applicant agency has cancelled its application insofar as it affects the following described lands:

New Mexico Principal Meridian Rio Grande National Forest

Love Lake Campground T. 39 N., R. 1 W.,

Sec. 6: Beginning at Corner No. 1, a point 2,000 ft. South of the N¼ corner of Sec. 6, by metes and bounds: E. 750 ft. to Corner No. 2, S. 2,640 ft. to Corner No. 3, W. 2,640 ft. to Corner No. 4, N. 2,640 ft. to Corner No. 5, E. 1,890 ft. to the place of beginning. 160 Acres

Therefore, in accordance with the regulations contained in 43 CFR 2091.2-5(b)(1), at 7:45 a.m. on March 18, 1981, the lands described will be relieved of the segregative effect of the application and open to such forms of appropriation as may by law be made of National Forest land, subject to any valid existing rights. Any questions concerning these lands should be addressed to the undersigned at the Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 81-4885 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Montrose District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Montrose District Grazing Advisory Board will be held on March 10, 1981. The meeting will convene at 10:00 a.m. in the conference room of the Bureau of Land Management Office, 2465 South Townsend, Montrose, Colorado.

The agenda for the meeting will include: (1) update on the implementation of the Range Management Program in the Uncompahgre Basin Resource Area; (2) update on the status of the Gunnison Basin Step III planning process and proposed Range Management Program; (3) a status report on the soil-vegetative inventory method and planning schedule in the San Juan Resource Area; (4) a review of range improvement projects being constructed in FY 81; (5) the expenditures of advisory board funds for range improvements and how to get permittee participation; (6) nomination and election procedures for electing the 1982-83 grazing advisory board; and (7) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 and 11:00 a.m. on March 16, 1981, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401, by March 12, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Marlyn V. Jones,

District Manager.

[FR Doc. 81-4986 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Salmon District Advisory Council will be held on Tuesday, March 17, 1981, at 10:00 a.m., at the Salmon Public Library in Salmon, Idaho.

Agenda for the meeting will include:

1. Reading of the Advisory Council meeting minutes of December 11, 1980.
2. Committee reports.
3. Election of new chairperson.
4. Public statements.
5. Detailed information on Ellis-Pahsimeroi Planning.
6. Establishment of committees.
7. Arrangement for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by March 13, 1981.

Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 5, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-4987 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Plumas County, California; Conveyance of Public Land

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), George E. Merrick and Alice J. Merrick, P.O. Box 65, Crescent Mills, California 95934, have purchased by noncompetitive sale public land in Plumas County, California, described as:

Mount Diablo Meridian, California

T. 28 N., R. 9 E.,
Sec. 24, Lot 18;

containing 3.29 acres.

The purpose of this notice is to inform the public and interested state and local government officials of the issuance of the conveyance document to Mr. and Mrs. Merrick.

Dated: February 5, 1981.

Viola A. Andrade,

Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-4870 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-5]

Paradise-Denio Resource Area, Winnemucca District, Nev; Proposed Livestock Grazing Management Program

AGENCY: Bureau of Land Management.

ACTION: Notice of availability of the draft environmental impact statement (DEIS).

SUMMARY: Pursuant to Section 102(2) of the National Environmental Policy Act of 1969, the BLM Winnemucca District has prepared a DEIS on a proposed livestock grazing management program for the Paradise-Denio Resource Area.

SUPPLEMENTARY INFORMATION: The Paradise-Denio Grazing EIS analyzes the effects of allocating available vegetation to livestock, big game, and wild horses on approximately four million acres of public lands mostly in Humboldt County, Nevada. The proposal includes recommended grazing management levels by allotment, periods-of-use, utilization levels, grazing treatments, and range improvement of the vegetation resource. Four alternatives are considered along with the proposed action. They are: no livestock grazing, no action, maximizing livestock, and livestock reduction/maximizing wild horses and burros.

Public hearings for this grazing environmental impact statement will be held in Reno, Nevada, on March 10, 1981, 7:30 P.M. at the Eldorado Hotel, 345 N. Virginia and in Winnemucca, Nevada on March 11, 1981, 7:30 P.M. at the Humboldt County Library. Those persons wishing to testify at these public hearings should notify the Team Leader at the Winnemucca District BLM Office, 705 E. 4th St. (702-623-3676).

Copies of the Paradise-Denio DEIS are available from the District Manager, Attention: EIS Team Leader, Bureau of Land Management, 705 East 4th Street, Winnemucca, Nevada 89445.

Public comments received before April 7, 1981, will be considered for incorporation in the final environmental impact statement to be available in September of 1981. Comments submitted after that date will also be used in the land use decision-making process, but will not be included in the final EIS.

FOR FURTHER INFORMATION CONTACT: Robert Neary, Division Chief, planning and Environmental Coordination, Winnemucca District Office, 705 E. 4th Street, Winnemucca, NV 89445, (702) 623-3676.

Copies of the DIES are available for review at the following locations:

Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, NV 89520, (702) 784-5602.
Bureau of Land Management, Elko District Office, 2002 Idaho Street, Elko, NV 89901, (702) 738-4071.
Bureau of Land Management, Battle Mountain District Office, Box 194, Battle Mountain, NV 89820, (702) 635-5181.
Bureau of Land Management, Carson City District Office, 1050 E. Williams Street, Carson City, NV 89701, (702) 882-1631.
Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, NV 89301, (702) 289-4865.
Bureau of Land Management, Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89102, (702) 385-6403.
Bureau of Land Management, Burns District Office, 74 S. Alvord Street, Burns, OR 97720, (503) 573-2071.
Bureau of Land Management, Vale District Office, Box 700, Vale, OR 97918, (503) 473-3144.
Bureau of Land Management, Susanville District Office, Box 1090, Susanville, CA 96130, (916) 257-5381.

Also, copies are available for review at the following public libraries:

Churchill Public Library, 553 S. Main St., Fallon, NV 89406.
Douglas County Library, Box 337, Minden, NV 89423.
Esmeralda County Library, Goldfield, NV 89013.
Humboldt County Library, 85 East Fifth Street, Winnemucca, NV 89445.
Las Vegas Public Library, 1726 E. Charleston Blvd., Las Vegas, NV 89104.
Lyon County, 29 Nevin Way, Yerington, NV 89447.
Nevada State Library, Library Building, Carson City, NV 89710.
Ormsby Public Library, 900 N. Roop, Carson City, NV 89701.
Storey County Library, Storey County Courthouse, Virginia City, NV 89440.
University of Nevada, Las Vegas, James R. Dickensen Library, 4505 Maryland Parkway, Las Vegas, NV 89154.
Clark County Library, 1401 E. Flamingo Road, Las Vegas, NV 89109.
Elko County Library, 720 Court Street, Elko, NV 89801.
Eureka County Library, Eureka, NV 89316.
Lander County Library, Battle Mountain, NV 89820.
Lincoln County Library, Box 248, Pioche, NV 89043.
Mineral County Library, 1st and D Streets, Hawthorne, NV 89415.
Nye County Library, Tonopah, NV 89049.
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419.
University of Nevada, Reno, Getchell Library, Reno, NV 89507.
Washoe County Library, 301 S. Center Street, Reno, NV 89505.
White Pine County Library, City Hall, Ely, NV 89301.

A limited number of copies of the draft EIS are available upon request to the District Manager at the above address.

Dated: February 4, 1981.

E. F. Spang,

State Director, Nevada.

[FR Doc. 81-4969 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Powder River Regional Coal Team Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Powder River Regional Coal Team will meet March 10, 1981, to review the preliminary cumulative analysis prepared for the Powder River Coal Production Region. The team will also discuss the designation of small business tracts and the proposed lease target for the production region.

Public attendance at the regional coal team meeting is welcome and encouraged. The opportunity for the public to address the regional coal team will be provided during the meeting.

DATE: The regional coal team meeting will be held March 10, 1981, in Billings, Montana. The meeting is expected to last one day and will begin at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn West, I-90 and Mullowney Lane, Billings, Montana.

FOR FURTHER INFORMATION CONTACT:

Robert O. Buffington, Regional Coal Team Chairperson, 208-324-1401, Bureau of Land Management, Room

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398, Federal Building, 550 West Fort Street, Boise, Idaho 83724, or J. Stan McKee, Project Manager, 307–778–2220, Extension 2413, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,
State Director.

[FR Doc. 81-4958 Filed 2-11-81; 8:45 am]
BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the **Federal Register** on April 11, 1977 (42 FR 18968), and August 21, 1980 (45 FR 55832.).

One Bureau of Mines records system titled: Biographical Reference File—Interior, Mines—10 (Published at 42 FR 19049) is no longer maintained as a separate bureau system of records. Mines–10 has been incorporated into a similar Departmentwide system of records titled: Biography File—Interior, Office of the Secretary—65. A revised system notice for OS–65 is published in its entirety below.

Part III of the Appendix containing addresses of facilities of the Department which pertain to the Office of Hearings and Appeals (published at 45 FR 55832) is updated and republished.

The following system notices are updated and republished in their entirety below:

1. System Name: Private Relief Claimants—Interior, Office of the Secretary—12 (Published at 42 FR 19017).

2. System Name: Biography File—Interior, Office of the Secretary—65 (Published at 42 FR 19026).

3. System Name: Freedom of Information Request Files System—Interior, Office of the Secretary—71 (Published at 42 FR 19028).

4. System Name: Trust Territory of the Pacific Islands Employee Records—Interior, Office of the Secretary—95 (Published at 42 FR 19034).

5. System Name: Hearings and Appeals Files—Interior, Office of Hearings and Appeals—1 (Published at 42 FR 19120).

6. System Name: Litigation, Appeal and Case Files—Interior, Office of the Solicitor—1 (Published at 42 FR 19120).

7. System Name: Claims Files—Interior, Office of the Solicitor—2 (Published at 42 FR 19121).

8. System Name: Workload Analysis—Interior, Office of the Solicitor—4 (Published at 42 FR 19122).

Additional information regarding this notice may be obtained from the Department Privacy Act Officer, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–6191.

Dated: February 5, 1981.

William L. Kendig,
Deputy Assistant Secretary of the Interior.

Appendix

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III. *Office of Hearings and Appeals*

A. Headquarters Office: Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

B. Field Offices:

(1) Administrative Law Judges, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 170, 2020 Hurley Way, Sacramento, California 95825

(2) Administrative Law Judges, Office of Hearings and Appeals, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138

(3) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Room 2021, Federal Building, 230 N. First Avenue, Phoenix, Arizona 85025

(4) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 150, 2020 Hurley Way, Sacramento, California 95825

(5) Administrative Law Judges, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Rooms 674 and 688, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111

(6) Administrative Law Judges, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Rooms 3319, 2239, 3337 and 3451, Federal Building and Courthouse, 316 North 26th Street, Billings, Montana 59101

(7) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, 301 Federal Building, Hill and Third Street, Gallup, New Mexico 87301

(8) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, P.O. Box 3064, Tulsa, Oklahoma 74101

(9) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 112, Building 100, 1425 N.E. Irving Street, Portland, Oregon 97232

(10) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, 1052C Federal Building, 600 Federal Place, Louisville, Kentucky 40202

(11) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 1603, Federal Office Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222

(12) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, 1111 Northshore Drive, Suite 202, Building No. 1, Knoxville, Tennessee 37919

(13) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 920, 1 Valley Square, Charleston, West Virginia 25301

(14) Alaska Native Claims Appeal Board, Office of Hearings and Appeals, U.S. Department of the Interior, P.O. Box 2433, Anchorage, Alaska 99510

* * * * *

INTERIOR/OS–12

SYSTEM NAME:

Private Relief Claimants, Department—Interior, Office of the Secretary—12.

SYSTEM LOCATION:

Office of Congressional & Legislative Affairs, Legislative Counsel, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual claimants against the United States seeking remedy through private relief bills for claims involving the programs and activities of the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of relief bills and congressional committee reports. Department reports on bills, correspondence, comments of bureaus and offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to support legislation for the relief of private claimants. Disclosures outside the Department of the Interior may be made (1) to Congress to report on the basis and validity of claims; (2) to another Federal agency having a subject matter interst in the claim; (3) to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB

Circular No. A–19, at any stage of the legislative coordinates and clearance process as set forth in that Circular; (4) to the Congressional sponsor of a private relief bill and to representatives of the individual who is the subject of the legislation; (5) to the U.S. Department of Justice when related to litigation or anticipated litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained manually in file folders.

RETRIEVABILITY:

Cross-indexed by name of claimant.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Retired to Federal Records Center after two Congresses.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Congressional & Legislative Affairs, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to Legislative Services Center, Office of Congressional & Legislative Affairs, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. The inquiry must be in writing and state that the individual seeks information concerning records pertaining to him. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as Notification. See 43 CFR 2.63 for additional content requirements for requests.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Congress, individual claimants, bureaus and offices of the Department.

INTERIOR

SYSTEM NAME:

Biography File—Interior, Office of the Secretary—65.

SYSTEM LOCATION:

(1) Office of Public Affairs, Research Office, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Bureau public information offices in the Bureau of Indian Affairs, the Water & Power Resources Service, the U.S. Geological Survey, the National Park Service, the U.S. Fish and Wildlife Service, Bureau of Land Management (BLM), Bureau of Mines, Office of Surface Mining (OSM), and the Heritage Conservation & Recreation Service (HCRS). (See System Manager paragraph for addresses.).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officials of the Department of the Interior, including the Secretary, Assistant Secretaries, heads of Bureaus and Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are biographical sketches, notes, resume, and news releases generally containing the individual's name, place and date of birth, education, military service, work experience, publications, membership in professional or scientific societies, marital status plus occasional newspaper clippings about the individual and in some cases a photograph of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Statutes 5 USC 301, 3101, 43 USC 1467, 44 USC 3101, 30 USC 1, 3, 5–7.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to maintain biographic information on key officials of the Department. Disclosures outside the Department of the Interior may be made (1) to the news media and public for public information purposes.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE—Biographies are in press release form, maintained in file folders.

RETRIEVABILITY—alphabetized by name.

SAFEGUARDS—maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL—destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

(Unless otherwise noted, the address for all managers is U.S. Department of the Interior, 18th and C Street, N.W., Washington, D.C. 20240. (1) For the Office of Public Affairs: Director, Office of Public Affairs. (2) For the Bureau of Indian Affairs: Director, Public Information Staff, Bureau of Indian Affairs. (3) For the Water & Power Resources Service: Chief, Office of Public Affairs, Water & Power Resources Service. (4) For the Geological Survey: Information Officer, U.S. Geological Survey, the National Center, Reston, Virginia 22092. (5) For BLM: Chief, Office of Public Affairs (130), Bureau of Land Management. (6) For the National Park Service: Assistant to the Director, Office of Public Affairs, National Park Service. (7) For the Fish and Wildlife Service: Assistant Director—Public Affairs, U.S. Fish and Wildlife Service. (8) For the Bureau of Mines: Assistant Chief, Office of Public Information, Bureau of Mines, 2401 E Street, N.W., Washington, D.C. 20241. (9) For OSM: Director, Office of Public Affairs, Office of Surface Mining. (10) For HCRS: Chief, Office of Public Affairs, Heritage Conservation & Recreation Service.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as the above. The request must be in writing, signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Data furnished by the individual, newspaper clippings, and published materials.

INTERIOR/OS–71

SYSTEM NAME:

Freedom of Information Request Files System—Interior, Office of the Secretary—71.

SYSTEM LOCATION:

All facilities of the Department of the Interior which have received requests under the Freedom of Information Act seeking access to or copies of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted Freedom of Information requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests, responses, related documents.

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to administer Freedom of Information requests. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies having a subject matter interest in a request or an appeal or a decision thereon; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICY AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name of person making request.

SAFEGUARDS:

Maintained with the minimum safeguards prescribed in 43 CFR 2.51.

RETENTION AND DISPOSAL:

Destroyed two years after response date if no denial was involved. Destroyed five years after response date if denial of records was involved.

SYSTEM MANAGER(S) AND ADDRESS:

For the office or bureau for which each is responsible, the head of each office making up the Office of the Secretary, each other Departmental office and each bureau. (See Appendix for addresses of office and bureau headquarters offices.)

NOTIFICATION PROCEDURE:

Inquiries regarding the existence records in the system shall be addressed to each facility to which an individual has submitted a Freedom on Information request. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to each facility to which the requester has submitted a Freedom of Information request. See 43 CFR 2.61 for submission requirements.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Requesters, internally generated documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/OS-95

SYSTEM NAME:

Trust Territory of the Pacific Islands Employee Records—Interior, Office of the Secretary—95.

SYSTEM LOCATION:

Government of the Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Civil Service employees and former U.S. Civil Service employees assigned to the Trust Territory of the Pacific Islands.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government drivers's licenses. Related records concerning administrative and fiscal management.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 5101–5115, 5501–5596, 5709, 31 U.S.C. 66a, 240–243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for administrative and fiscal management. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for the preparation of (a) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organization and individuals, and (b) checks for reimbursement of employees and others, (2) to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes, (3) to the Office of Personnel Management to report contributions to the Civil Service retirement system and other contributions, (4) to another Federal agency to which an employee has transferred, (5) to the U.S. Department of Justice when related to litigation or anticipated litigation, (6) of information indicating a violation or potential violation of a statute, regualtion, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (9) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant or other benefit, (10) to Federal, State or local agencies where necessary to obtain information relevant to the hiring, or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and automated.

RETRIEVABILITY:

May be retrieved by individual name or social security number.

SAFEGUARDS:

Records are maintained in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

According to approved records disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

High Commissioner, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

NOTIFICATION PROCEDURE:

Inquires regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Employees, supervisors, timekeepers.

INTERIOR/OHA-1

SYSTEM NAME:

Hearings and Appeals Files—Interior, OHA-1.

SYSTEM LOCATION:

(1) Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) All field facilities of the Office of Hearings and Appeals. (See Part III of appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual persons involved in hearings and appeals proceedings before the Hearings Division, Appeals Board, and the Director, OHA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information assembled in case files pertaining to hearings proceedings, and to appeals to the Department relating to: (a) contract disputes arising out of findings of fact or decisions by contracting officers of any bureau or office of the Department, or any field installation thereof, which are considered and decided finally for the Department by the Interior Board of Contract Appeals; (b) Indian probate matters, including determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians and resolution of appeals to the Department in such matters; proceedings in Indian probate relating to Tribal acquisition of certain interests of decedents in trust and restricted lands; and appeals pertaining to administrative actions of BIA officials in cases involving determinations, findings and orders protested as a violation of a right or privilege of the appellant, which are considered and decided finally for the Department by the Interior Board of Indian Appeals; (c) appeals from decisions rendered by Departmental officials relating to the use and disposition of public lands and their resources and the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf, which are considered and decided finally for the Department by the Interior Board of Land Appeals; (d) appeals from orders and decisions issued by Departmental officials and administrative law judges in proceedings relating to surface coal mining control and reclamation which are considered and decided finally for the Department by the Interior Board of Surface Mining and Reclamation Appeals; (e) claims under the Alaska Native Claims Settlement Act which are considered and decided finally for the Department by the Alaska Native Claims Appeal Board; (f) wildlife civil penalty assessment hearings before administrative law judges of the OHA and appeals from their orders and decisions which are considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (g) appeals from orders and decisions of Departmental bureaus pertaining to relocation assistance benefits claims, considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (h) grievance proceedings involving employees of the Department, in which hearings are conducted and recommended decisions are prepared by OHA attorneys and administrative law judges under authority delegated by the Director, OHA; (i) proceedings and decisions by administrative law judges and the Director, OHA, final for the Department, pursuant to enforcement of Executive Order 11246, as amended, and rules, regulations and orders thereunder; (j) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in Federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964; (k) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in activities conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Trans-Alaska Pipeline Authorization Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(a) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; P.L. 95–563, 41 U.S.C. 601. (b) 5 U.S.C. sec. 301; secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 36 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U.S.C. 372, 373, 374, 373a, 373b; Act of December 31, 1970 (P.L. 91–627; 84 Stat. 1874; 25 U.S.C. 607), amending sec. 7 of the Act of August 9, 1946 (60 Stat. 968; 25 U.S.C. 607), with respect to trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951); Act of August 10, 1972 (P.L. 92–377; 86 Stat. 530), with respect to trust or restricted lands within the Warm Springs Reservation or within the area ceded by the Treaty of June 25, 1855 (12 Stat. 37); Act of September 29, 1972 (P.L. 92–443; 86 Stat. 744), with respect to trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957); R.S. 463, 465, 5 U.S.C. sec. 301, and 25 U.S.C. secs. 2 and 9. (c) R.S. 2478 as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 101; 43 U.S.C. sec. 315a; 43 U.S.C. sec. 1701(a)(5). (d) Sec. 201, P.L. 95–87, 91 Stat. 445, 30 U.S.C. sec. 1201. (e) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; 43 U.S.C. 1601–1624. (f) Lacey Act, 18 U.S.C. sec. 43; Endangered Species Act of 1973, 16 U.S.C. sec. 1531 et seq.; Endangered Species Conservation Act of 1969 (formerly) 16 U.S.C. sec. 668aa et seq.; Marine Mammal Protection Act of 1972, 16 U.S.C. sec. 1361 et seq.; Bald Eagle Protection Act, 16 U.S.C. sec. 668 et seq.; 5 U.S.C. sec. 301. (g) 42 U.S.C. secs. 4801–4855; 5 U.S.C. 301. (h) 5 U.S.C. 301; 5 CFR Part 771; 5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 10987; 3 CFR, 1959–1963 Comp., p. 519. (i) 43 CFR 17.8; 5 U.S.C. sec. 301; Title VI of the Civil Rights Act of 1964 (section 602, 42 U.S.C. 2000d–1); 43 CFR Part 17, including Appendix A thereto. (j) Sec. 403, P.L. 93–153, 87 Stat. 576, 5 U.S.C. sec. 301, and 43 CFR Part 27.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the adjudication and determination of issues in hearings and appeals proceedings. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statue, rule, regulation, order or license.

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POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of appellant, claimant, etc., and by OHA docket number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Case materials returned to operating bureau or office after completion of OHA functions. Records of decisions not authorized for disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203.

NOTIFICATION PROCEDURE:

System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Records in the system include information submitted by the appellants, claimants, and other persons involved in the hearings and appeals proceedings, as well as by the Government.

INTERIOR/SOL-1

SYSTEM NAME:

Litigation, Appeal and Case Files—Interior Office of the Solicitor–1.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in litigation with the United States, or the Department of the Interior, officials or constituent units thereof; individuals involved in administrative proceedings before the Department, to which the Department is a party or in which it has an interest; individuals suspected of violations of criminal and civil statutes or regulations or orders the violation of which carries criminal penalties; individuals who have applied to the Department for permits, grants or loans; individuals who have appealed to the Office of the Solicitor from the decisions of other constituent units of the Department; individuals involved in negotiations, claims or disputes with the Department; individuals for whom the Department has performed legal services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory reports, opinions and memoranda of law, pleadings, motions, depositions, rulings, and other records necessary to the provisions of legal services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 1455.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to provide legal services to the Department of the Interior. Disclosures outside the Department of the Interior may be made (1) to another Federal agency or a State or local government having a subject matter interest in the records; (2) to an individual or entity aligned with the United States or the Department of the Interior or any official or constituent unit thereof as a plaintiff, petitioner, defendant or respondent in any judicial or administrative proceedings; (3) to a court, magistrate or administrative tribunal in the course of presenting evidence thereto, or to opposing counsel in the course of settlement negotiations; (4) to the U.S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By case or individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirement of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Subject to approved disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals listed above under "Categories of individuals covered by the system", bureaus and offices of the Department, other Federal agencies, courts, administrative tribunals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) The Privacy Act does not entitle an individual to access to information compiled in anticipation of a civil action or proceeding. (2) Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system (to the extent that it consists of investigatory material compiled for law enforcement purposes) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) and portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/SOL-2

SYSTEM NAME:

Claims Files—Interior, Office of the Solicitor-2.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Solicitor. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed Tort, Federal Employee, Admiralty or Irrigation claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records concerning claims, including the claims and supporting information submitted by the claimant, information developed by the Department concerning the claim and a record of the disposition of the claim if processing of the claim is complete.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Federal Tort Claims Act, 28 U.S.C. 2671–2680. (2) Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 240–243. (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, P.L. 93–393, 88 Stat. 782. (4) Act of March 9, 1920, 46 U.S.C. 742, 747, 749, 750.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the adjudication of tort, Federal employee, admiralty and irrigation claims. Disclosures outside the Department of the Interior may be made (1) to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation for or enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of claimant.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Claim and investigative material returned to operating bureau or office after completion of processing. Records of decisions not authorized for disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

System manager or, with respect to records maintained in the office for which he is responsible, a Regional or Field Solicitor. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, a Regional or Field Solicitor. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Claimants. Investigations conducted by Bureaus and Offices of the Department of State or local officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/SOL-4

SYSTEM NAME:

Workload Analysis—Interior, Office of the Solicitor-4.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys employed in the Office of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning subject of assigned work and status of that work.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 1455.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the management of workload of the Office of the Solicitor. Disclosures outside the Department of the Interior may be made (1) to the Office of Management and Budget in connection with preparation of the President's budget; (2) to another Federal agency having a subject matter interest in a case, proceeding or other matter described in the records; (3) to the U.S. Department of Justice when related to litigation or anticipated litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in both manual and computer form.

RETRIEVABILITY:

Indexed by organizational unit, may be retrieved by name of individual attorney.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

In accordance with approved disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

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NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual attorneys.

[FR Doc. 81-4918 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative Notice To the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: February 9, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

1. Agate Elevator Agricultural and Livestock Cooperative Association (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), P.O. Box 4, Agate, CO 80101 (Principal Mailing Address (Street No., City, State, and Zip Code)), P.O. Box 4, Agate, CO 80101 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code)), Robert L. Benjamin, P.O. Box 4, Agate, CO 80101 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

2. Indiana Farm Bureau Cooperative Association, Inc. (Complete Legal Name Of Cooperative Assocfation Or Federation Of Cooperative Associations), 120 E. Market St., Indianapolis, IN 46204 (Principal Mailing Address (Street No., City, State, and Zip Code)), 120 East Market St., Indianapolis, IN 46204 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State, and Zip Code)), Charles Shaw, 120 East Market St., Indianapolis, IN 46204 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

3. Land O'Lakes, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), P.O. Box 116, Minneapolis, MN 55440 (Principal Mailing Address (Street No., City, State, and Zip Code)), 614 McKinley Place, Minneapolis, MN 55440 (Principal Mailing Address (Street No., City, State, and Zip Code)), 614 McKinley Place, NE., Minneapolis, MN 55413 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State, and Zip Code)), Harold O. Hoelscher, P.O. Box 116, Minneapolis, MN 55440 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

4. Mantica Lines, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), 2509 Westerly Hills Dr., Charlotte, NC 28208 (Principal Mailing Address (Street No., City, State, and Zip Code)), 2509 Westerly Hills Dr., Charlotte, NC 28208 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State, and Zip Code)), Sol LeVine, Atty., Suite 306 Executive Bldg., 623 East Trade St., Charlotte, NC 28202 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4987 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-36-42)]

Burlington Northern, Inc., Trackage Rights Over Missouri Pacific Railroad Co. and Union Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Burlington Northern, Inc. for trackage rights over the Missouri Pacific Railroad Company and Union Pacific Railroad Company. These application are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be field with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the BURLINGTON NORTHERN, INC. (BN), filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In Finance Docket No. 30,000 (Sub-No. 36), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Claremore and Oologah, OK, a total of 11.1 miles.

(b) In Finance Docket No. 30,000 (Sub-No. 37), over the lines of the MP between Falls City, NE and Kansas City, KS, a total of 98.3 miles.

(c) In Finance Docket No. 30,000 (Sub-No. 38), over the lines of the MP between Thebes and West Vienna, IL, a total of 38.3 miles.

(d) In Finance Docket No. 30,000 (Sub-No. 39), over the lines of the MP between Claremore and Fort Gibson, OK, a total of 41.6 miles.

(e) In Finance Docket No. 30,000 (Sub-No. 40), over the lines of the MP between Hoxie and White Bluff, AR, a total of 144.2 miles.

(f) In Finance Docket No. 30,000 (Sub-No. 41), over the lines of MP between Hoxie, AR and Newark, AR, a total of 44 miles.

(g) In Finance Docket No. 30,000 (Sub-No. 42), over the lines of the UNION PACIFIC RAILROAD COMPANY between Hastings, NE and Ogden, UT, a total of 844.7 miles.

BN currently provides service in AL, AR, CA, CO, ID IL, IA, KS, KY, MN, MS, MO, MT, NE, NM, ND, OK, OR, SD, TN, TX, WA, WI and WY.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket No. 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by BN in Finance Docket No. 30,000 (Sub-Nos. 36-41) involve portions of the MP lines sought to be controlled by UP.

Under our Railroad Consolidation Procedures, responsive trackage rights such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted DRGW's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the applications pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The applications substantially comply with the applicable regulations, waivers and extensions granted in this proceeding. A minor deficiency exists in BN's applications. BN has failed to file a copy of a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carloads interchanged. This information must be provided by February 20, 1981. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket No. 300,000 *et al.* Those applications are the subject of an oral hearing by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determined by the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 300,000 (Sub-No. 36, 37, 38, 39, 40, 41, or 42)), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position is support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on (1) Applicant's representatives: Nicholes P. Moros, Douglas J. Babb, Burlington Northern, Inc., 176 East Fifth St., St. Paul, MN 55101; and (2) representatives of primary applications UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President and General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to BN's applications as filed.

It is ordered:

1. The applications in Finance Docket 30,000 (Sub-36-42) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-4994 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-35)]

Chicago and North Western Transportation Co. Trackage Rights over Union Pacific Railroad Company and Missouri Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of the Chicago and North Western Transportation Company for trackage

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 6, 1979), 44 F.R. 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

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rights over the Union Pacific Railroad Company and the Missouri Pacific Railroad Company. This application is filed as a proposed condition to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company and Western Pacific Railroad Company. A schedule has been set for consideration of this application.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275–3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY (CNW) filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for trackage rights as follows: (a) over the mainline tracks of the UNION PACIFIC RAILROAD COMPANY (UP) between Council Bluffs, IA and Ogden, UT, a total of 870.7 miles, and the related use of terminal facilities; (b) over the mainline tracks of the UP between Council Bluffs, IA and Denver, CO, a total of 553.4 miles, and the related use of terminal facilities; (c) over the mainline tracks of the UP between Council Bluffs, IA and Gilmore Junction, NE, a total of 6 miles, and over the mainline tracks of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Gilmore Junction, NE and Kansas City, MO, a total of 188.6 miles.

CNW currently provides service in IL, IA, KS, MI, MN, MO, NE, ND, SD, WI and WY.

This application has been filed as a proposed condition to the applications in Finance Docket No. 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company. Notice of these applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by CNW in Finance Docket No. 30,000 (Sub-No. 35) involve a portion of the MP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive trackage rights applications such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 8, 1980, the Commission granted CNW's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the application pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The application substantially complies with the applicable regulations, waivers and extensions granted in the proceeding. A minor deficiency, however, exists in the application filed by CNW. CNW has failed to file a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carloads interchanged. This information must be filed by February 20, 1981. We accept this trackage rights application upon the condition that it is properly completed by the extension date.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights application accepted here will be consolidated for disposition with the applications in Finance Docket 30,000 et al. Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the application. Such submissions shall indicate the exact proceeding designation (F.D. 30,000 (Sub-35), and an original and 10 copies shall be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, no later than March 3, 1981. In filing comments to these applications, interested persons must state specifically which proposal is the subject of the comments. Persons must state under separate headings their comments on each proposal. Such comments shall include the following: the person's position, in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to participate in the oral hearings on the application or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as a formal party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

Louis T. Duerinck, Senior Vice President-Law and Real Estate, Chicago and North Western Transportation Company, 400 West Madison St., Chicago, IL 60606

Fritz R. Kahn, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036

(2) Representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 ICC 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 6, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

Responsive Applications

Because this application is a proposed condition to approval of the applications in Finance Docket 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to CNW's application as filed.

It is ordered:

1. The application in Finance Docket 30,000 (Sub-35) is accepted for consideration, subject to the condition that it is completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4993 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30,000 (Sub-Nos. 18 and 19)]

Denver and Rio Grande Western Railroad Co., et al.; Decision

In the matter of Denver and Rio Grande Western Railroad Company, trackage rights over Missouri Pacific Railroad Company between Pueblo, CO and Kansas City, MO; trackage rights over Western Pacific Railroad Company between Salt Lake City, UT and points in Utah, Nevada, and California.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Denver and Rio Grande Western Railroad Company for trackage rights over the Missouri Pacific Railroad Company, and the Western Pacific Railroad Company. These applications are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275–3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the DENVER AND RIO GRANDE WESTERN RAILWAY COMPANY (DRGW), filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In Finance Docket No. 30,000 (Sub-No. 18), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Pueblo, CO and Kansas City, MO a total of 619 miles, and the related use of terminal facilities.

(b) In Finance Docket No. 30,000 (Sub-No. 19), over the lines of the WESTERN PACIFIC RAILROAD COMPANY and its subsidiaries between Salt Lake City, UT and points in Utah, Nevada, and California, a total of 1,266 main line and 216 branch line miles, and the related use of terminal facilities.

DRGW currently provides service in Colorado and Utah.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket No. 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by DRGW in Finance Docket No. 30,000 (Sub-No. 18) involve a portion of the MP lines sought to be controlled by UPC; the trackage rights sought by DRGW in Finance Docket No. 30,000 (Sub-No. 19) involve the WP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive trackage rights such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted DRGW's request for an extension of time until February 12, 1981, to file certain specific infomation otherwise required to be filed with the applications pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

In its comments filed December 15, 1981, DRGW stated its intention to seek, as conditions to approval of the transactions proposed by UP, trackage rights over MP's line between Pueblo, CO and Kansas City, MO, as well as independent rate making authority to enable it to establish competitive rates to, from and via all points on lines of the WP, and procompetitive traffic conditions. DRGW also stated at that time that it was engaged in negotiations with the primary applicants concerning trackage rights relief which could have an impact on its position in the case.

Although the application in Finance Docket No. 30,000 (Sub-No. 19) for trackage rights over the entire WP system was not specifically announced in its comments as required by our regulations, 49 CFR 1111.4(d), and our October 15, 1980 order accepting the primary applications, UP had actual notice, as a result of its negotiation with DRGW, that such relief might be sought. The Commission was also on notice, as the result of a waiver petition filed by DRGW December 1, 1980, that similar relief might be sought. Because no one will be prejudiced thereby, we will accept DRGW's application for consideration.

The applications substantially comply with the applicable regulations, wavers and extensions granted in this proceeding. A minor deficiency exists in DRGW's applications. DRGW has failed to file a copy of a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carloads interchanged. This information must be provided by February 20, 1981. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 6, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000 *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

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disposition with the applications in Finance Docket No. 30,000 *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 30,000 (Sub-No. 18) or F.D. No. 30,000 (Sub-No. 19)) and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

John H. Caldwell, Hamel, Park McCabe & Saunders, 1776 F St., NW, Washington, DC 20006.

Samuel R. Freeman, Vice President & General Counsel, Denver and Rio Grande Western Railway Company, P.O. Box 5482, Denver, CO 80217.

and (2) representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179.

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103.

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to DRGW's applications as filed.

It is ordered:

1. The applications in Finance Docket No. 30,000 (Sub-Nos. 18 and 19) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. The decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4980 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-34)]

Kansas City Southern Railway Co. and Louisiana & Arkansas Railway Co., Acquisition and Trackage Rights Over Missouri Pacific Railroad Co. in LA, TX, AR, and IL; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of the Kansas City Southern Railway Company and the Louisiana & Arkansas Railway Company to acquire rights-of-way from and trackage rights over the Missouri Pacific Railroad Company. This application is filed as a proposed condition to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of this application.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 3, 1981 the KANSAS CITY SOUTHERN RAILWAY COMPANY and its wholly-owned subsidiary LOUISIANA & ARKANSAS RAILWAY COMPANY (collectively KCS), filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for acquisition of certain rights-of-way and trackage rights as follows: (a) Ownership of MISSOURI PACIFIC RAILROAD COMPANY (MP) rights-of-way from Hamburg to Simmesport, LA a total of 7.78 miles, and from Lettsworth to Lobdell, LA, a total of 45.15 miles. (b) Trackage rights and related use of terminal facilities over the mainline tracks of MP as follows: from DeQuincy to Lobdell (West Jct.), LA, a total of 139.7 miles; from Beaumont to Houston and Galveston, TX, a total of 130.9 miles; from Lobdell to New Orleans, LA, a total of 92.7 miles; from Dallas to Fort Worth, TX, a total of 38.6 miles; and from Texarkana, AR to East St. Louis, IL, a total of 523.4 miles.

KCS operates a rail system serving MO, KS, OK, AR, LA and TX.

This application has been filed as a proposed condition to the applications in Finance Docket 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484.

The right-of-way which KCS seeks to acquire involves a portion of the MP lines sought to be controlled by UPC; the various trackage rights sought by KCS also involve a portion of the MP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive applications such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted KCS's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the application pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time of February 20, 1981, to file verified statement in support of the applications.

The application substantially complies with the applicable regulations, waivers and extensions granted in this proceeding. Several minor deficiencies exist in the KCS application. A copy of a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carload interchange data, and the Exhibit 21 Freight Car Fleet data for 1977 and 1978 have not been provided. This information must be filed by February 20, 1981. We accept this application upon the condition that it is properly completed by the extension date.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The application accepted here will be consolidated for disposition with the applications in Finance Docket 30,000, *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982.

Service of an initial decision will be waived, and determination of the merits of the application will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 I.C.C. 200 (1980) 45 FR 82991 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66828 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

Participation in the Proceeding: Comments

Interested persons may participate formally in this proceeding by submitting written comments regarding the application. Such submissions shall indicate the exact proceeding designation (F.D. 30,000 (Sub-34)), and an original and 10 copies shall be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than by March 3, 1981. Persons must file under separate headings their comments on each proposal. Such comments shall include the following: the person's position, in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to participate or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as a formal party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, the Attorney General of the United States, and

(1) Applicant's representatives:

Joseph Auerbach, Sullivan & Worcester, 100 Federal St., Boston, MA 02110

Phillip S. Brown, 114 West 11th St., Kansas City, MO 64105

David M. Schwartz, Sullivan & Worcester, 1025 Connecticut Ave., N.W., Washington, D.C. 20036

and (2) the representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because this application is itself a proposed condition to approval of the application in Finance Docket 30,000 *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to KCS's application as filed.

It is ordered:

1. The application in Finance Docket 30,000 (Sub-34) is accepted for consideration, subject to the condition that it is completed by dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4982 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-20-33)]

Missouri-Kansas-Texas Railroad Co.; Trackage Rights Over Missouri Pacific Railroad Co.; Union Pacific Railroad Co., and Terminal Railroad Association of St. Louis, Mo.; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Missouri-Kansas-Texas Railroad Company for trackage rights and related use of terminal facilities over the Missouri Pacific Railroad Company, Union Pacific Railroad Company, and Terminal Railroad Association of St. Louis, MO. These applications are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 4514, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, The MISSOURI-KANSAS-TEXAS RAILROAD COMPANY (MKT) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights, and under 49 U.S.C. 11103 for related use of terminal facilities, as follows:

(a) In Finance Docket 30,000 (Sub-20), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Sedalia and St. Louis, MO a total of 187.2 miles.

(b) In Finance Docket 30,000 (Sub-21), over the lines of the MP between San Antonio and Laredo, TX, a total of 151.8 miles, and in Finance Docket 30,000 (Sub-22) for related use of terminal facilities at Laredo, TX.

(c) In Finance Docket 30,000 (Sub-23), over the lines of the MP between San Antonio and Corpus Christi, TX, a total of 148 miles, and in Finance Docket 30,000 (Sub-24) for related use of terminal facilities at Corpus Christi, TX.

(d) In Finance Docket 30,000 (Sub-25), over the lines of the MP between Kansas City, KS and Omaha, NE, a total of 187.2 miles, and in Finance Docket 30,000 (Sub-28) for related use of terminal facilities at Atchison, KS.

(e) In Finance Docket 30,000 (Sub-26), over the lines of the MP between Union and Lincoln, NE, a total of 47.6 miles, and in Finance Docket 30,000 (Sub-27), for related use of terminal facilities at Lincoln, NE.

(f) In Finance Docket 30,000 (Sub-29), over the lines of the UNION PACIFIC RAILROAD COMPANY (UP) between Omaha, NE and Council Bluffs, IA, a total of 11.1 miles, and in Finance Docket 30,000 (Sub-30), for related use of terminal facilities at Council Bluffs, IA.

(g) In Finance Docket 30,000 (Sub-31), over the lines of the UP between Kansas City and Topeka, KS, a total of 66.7 miles, and in Finance Docket 32, for related use of terminal facilities at Topeka, KS.

(h) In Finance Docket 30,000 (Sub-33), over the lines of the Terminal Railroad Association of St. Louis, MO, a total of 9 miles.

MKT currently provides service in MO, KS, TX and OK.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and UP (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by MKT in Finance Docket 30,000 (Sub-20–27 and 33) involve portions of the MP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive trackage rights applications such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 8, 1980, the Commission granted MKT's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the applications pursuant to regulation.[2] At prehearing conference on January 6, 1981, hearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The applications substantially comply with the applicable regulations, waivers and extensions granted in this proceeding. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket 30,000 *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte 282 (Sub-3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation F.D. 30,000 (Sub-20, 21, 22, etc.) and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

William A. Thie, General Counsel, Missouri-Kansas-Texas Railroad Company, 701 Commerce Street, Dallas, TX 75202

Eldon S. Olson, Wheeler & Wheeler, 1729 H Street, NW., Washington, DC 20006

and (2) representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President—Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President—Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to MKT's applications as filed.

It is ordered:

1. The applications in Finance Docket 30,000 (Sub-20–33) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. The decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4091 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-14, 15, 16 and 17)]

Southern Pacific Transportation Co., and St. Louis Southwestern Railway Co.; Decision

In the matter of Southern Pacific Transportation Company and St. Louis Southwestern Railway Company, trackage rights over Union Pacific Railroad Company; St. Louis Southwestern Railway Company, trackage rights over Missouri Pacific Railroad Company; St. Louis Southwestern Railway Company, trackage rights over the Atchison, Topeka and Santa Fe Railway Company.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Southern Pacific Transportation Company and its subsidiary St. Louis Southwestern Railway Company for trackage rights over the Union Pacific Railroad Company, the Misouri Pacific Railroad Company, and the Atchison, Topeka and Santa Fe Railway Company. These applicaitons are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and the Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275–3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the SOUTHERN PACIFIC TRANSPORTATION COMPANY and its subsidiary the ST. LOUIS SOUTHWESTERN TRANSPORTATION COMPANY (collected SP) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In finance Docket 30,000 (Sub-14), over the lines of the UNION PACIFIC RAILROAD COMPANY (UP) between Ogden, UT and Omaha/Council Bluffs, NE/IA, a total of 1,002 miles, and between Gibbon, NE and Topeka, KS, a total of 220 miles.

In Finance Docket 30,000 (Sub-15), bridge trackage rights are sought over the same segments as above.

(b) In Finance Docket 30,000 (Sub-16), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Kansas City, MO and St. Louis, MO, a total of 432 miles.

(c) In Finance Docket 30,000 (Sub-17), over the lines of the ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY between Eton and Congo, a total of 7.8 miles, over which the MP operates pursuant to a trackage rights agreement.

SP currently provides service in AZ, CA, LA, NV, NM, UT, TX, AR, KS, MO, OK, and TN.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MP) and the Western Pacific Railroad Company (WPC). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by SP in Finance Docket 30,000 (Sub-16 and 17) involve portions of the MP lines sought to be controlled by UP.

Under our Railroad Consolidation Procedures, responsive trackage rights such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted SP's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the applications pursuant to regulation.[2] At pre-hearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The applications substantially comply with the applicable regulations, waivers and extensions granted in this proceeding. A minor deficiency exists in SP's applications. SP has not filed its annual reports to stockholders for 1978 and 1979. This information must be provided by February 20, 1981. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket 30,000 *et al.*

Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte (Sub-3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte 282 (Sub-3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

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Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. 30,000 (Sub-14, 15, 16, or 17)], and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representative: Herbert A. Waterman, Vice President and General Counsel, Southern Pacific Transportation Co., One Market Plaza, Southern Pacific Bldg., San Francisco, CA 94105; and (2) representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket 30,000, *et al.*,

The Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to SP's applications as filed.

It is ordered:

1. The applications in Finance Docket 30,000 (Sub-14–17) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4089 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-4)]

Union Pacific Railroad Co.; Exemption for Contract Tariff ICC-UP-C-0001; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Richard Schiefelbein (202) 275–7656, (202) 275–0826

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad Company requested that we authorize short notice for their proposed tariff ICC-UP-C-0001. That tariff will reflect a 3-month contract with Chrysler Corporation. The contract provides a 5-percent rate reduction in exchange for guaranteed tender (during the term of the contract) by Chrysler of a specified percentage of the shipper's set-up motor vehicle traffic. Chrysler's financial difficulties have prompted this request. The carrier states that the proposed rate reduction will enable Chrysler to arrange continued financing.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here. This is identical to actions taken to reduce the notice period in similar circumstances in proceedings including Ex Parte No. 387 (Sub-No. 3), *Southern Pacific Transportation Company and St. Louis Southwestern Railway Company Exemption for Contract Tariff ICC-SP-4575*, served January 23, 1981 [46 FR 9796, January 29, 1981].

Union Pacific states it is not aware of any shippers or ports which intend to protest the subject contract. We note that in Ex Parte No. 387 (Sub-No. 3), *supra*, the exemption order also covered a special arrangement with Chrysler Corporation. The instant proposal also should enhance carrier service by encouraging efficient movements and should not impair the carrier's obligation to provide service to other shippers. An early effective date is necessary to assist Chrysler in its financing arrangements.

In this unusual situation, we believe the sought exemption should be granted. Union Pacific has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: February 5, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4088 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions Volume; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–006

Decided: January 30, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 1977 (Sub-54), filed January 12, 1981. Applicant: NORTHWEST TRANSPSORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transporting *general commodities* (except classes A and B explosives), (1) Between Phoenix, AZ and San Francisco, CA serving all intermediate points, and serving the off-route points of Carson City, NV, and Herlong, Yuba City, and Marysville, CA: From Phoenix over AZ Hwy 93 to junction U.S. Hwy 93, then over U.S. Hwy 93 to Kingman, AZ, then over U.S. Hwy 93 to Henderson, NV, then over U.S. Hwy 95 to Las Vegas, NV, then over U.S. Hwy 95 to Fallon, NV, then over Alternate U.S. Hwy 50 to junction Interstate Hwy 80, then over Interstate Hwy 80 to San Francisco: (2) Between Phoenix, AZ and Oakland, CA serving all intermediate points, and serving the off-route point of Lake Havasu City, AZ: From Phoenix over AZ Hwy 93 to junction U.S. Hwy 93, then over U.S. Hwy 93 to Kingman, AZ, then over Interstate Hwy 40 to Barstow, CA, then over CA Hwy 58 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction Interstate Hwy 580, then over Interstate Hwy 580 to Oakland.

MC 19537 (Sub-7), filed January 19, 1981. Applicant: MAJORIE C. BEAN, CLARK TILLMAN TUCKER AND VIGIL BROOKS TUCKER, III, d.b.a. CLARK TRUCK LINE, a Partnership, 628 Carnation, Tupelo, MS 38801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives), serving the facilities of The Peoploungers, Inc., at or near Nettleton, MS as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 19537 (Sub-8), filed January 21, 1981. Applicant: MAJORIE C. BEAN, CLARK TILLMAN TUCKER AND VIGIL BROOKS TUCKER, III, d.b.a. CLARK TRUCK LINE, a Partnership, 628 Carnation St., Tupelo, MS 38801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Tupelo and New Alban, MS, over U.S. Hwy 78, serving all intermediate points, and (2) between Pontotoc and Sherman, MS, over MS Hwy 9, serving all intermediate points.

MC 29886 (Sub-382), filed January 26, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314–39th Ave., Kenosha, WI 53142. Representative: Carl G. Van Dyke (same address as applicant). Transporting *metal products*, between points in Marion and Delaware Counties, IN, on the one hand, and, on the other, points in Rutherford County, TN.

MC 54847 (Sub-13), filed January 21, 1981. Applicant: INTRACOSTAL TRUCK LINE, INC., P.O. Box 354, Harvey, LA 70059. Representative: Daniel Lund, 806 First National Bank of Commerce Bldg., New Orleans, LA 70112. Transporting *metal products*, (1) between points in LA and TX, and (2) between points in LA and TX, on the one hand, and, on the other, points in AL, FL, and MS.

MC 70557 (Sub-46), filed January 23, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. Transporting *machinery*, between points in the U.S.

MC 99927 (Sub-2), filed January 23, 1981. Applicant: QUIK DELIVERIES, INC., 15 Putnam Lane, Worcester, MA 01604. Representative: Macey J. Goldman, 340 Main St., Suite 910, Worchester, MA 01608. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sears, Roebuck and Co., of St. Davids, PA.

MC 105997 (Sub-12F), filed November 24, 1980. Applicant: ALL CHEMICAL TRANSPORT CORP., 1544 Irving St., Rahway, NJ 07065. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B

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explosives), between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation, of Mundelein, IL, and Hoffmann La-Roche, Inc., of Nutley, NJ.

MC 117786 (Sub-123), filed January 26, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *machinery*, between points in Bartholomew County, IN and Harris County, TX, on the one hand, and, on the other, points in AZ.

MC 119207 (Sub-1), filed January 22, 1981. Applicant: PROCTOR EXPRESS, INC., P.O. Box 335, Delair, NJ 08110. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except classes A and B explosives), between points in Philadelphia County, PA, Newcastle County, DE, Atlantic, Cape May, and Cumberland Counties, NJ, on the one hand, and, on the other, Baltimore, MD, Washington, DC, those points in PA on and east of U.S. Hwy 15, NJ and DE.

MC 123407 (Sub-663), filed January 21, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *pulp, paper and related products*, between points in Carlton and Crow Wing Counties, MN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 144757 (Sub-3), filed January 19, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *lumber and wood products, and forest products*, between points in the U.S., under continuing contract(s) with Kokanee Cedar Sales, Inc., of Bonners Ferry, ID, Intermountain Orient, Inc., of Boise, ID, Gibbs Lumber Co., of Lake Elmo, MN; and Hearin Forest Industries, of Portland, OR.

MC 146807 (Sub-25), filed January 21, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same address as applicant). Transporting *rubber and plastic products*, between points in TX, LA, and WV, on the one hand, and, on the other, points in PA, NJ, and OH.

MC 148647 (Sub-11), filed January 19, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH.

MC 148647 (Sub-12), filed January 26, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Container Corporation of America, of Carol Stream, IL.

MC 150837 (Sub-1), filed January 12, 1981. Applicant: GREENWOOD TRUCKING, LTD., Rt. 4, Hwy 12, Baraboo, WI 53913. Representative: Robert A. Greenwood, 732 Second St., Baraboo, WI 53913. Transporting (1) *farm products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Sauk County Farmers Union Co-Operative Supply Company of Baraboo, WI.

MC 151927 (Sub-1), filed January 22, 1981. Applicant: COLORADO & EASTERN, INC., P.O. Box 30, Delafield, WI 53018. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *metal products*, between points in the U.S.

MC 151957 (Sub-1), filed January 22, 1981. Applicant: J. J. STREIBICK AND A. NEIL DeATLEY, a partnership, d.b.a. EXCEL TRANSPORT, Box 775, Lewiston, ID 83501. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Transporting (1) *Forest products*, (2) *lumber and wood products*, and (3) *hog fuel*, between points in the U.S. under continuing contract(s) with Potlack Corporation, of Lewiston, ID.

MC 152257 (Sub-1), filed January 21, 1981. Applicant: LORDCO TRUCKING, INC., 555 North Tripp St., Chicago, IL 60610. Representative: Paul J. Maton, 10 S. LaSalle St. Rm. 1620, Chicago, IL 60603. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with G. Heileman Brewing Company, Inc., of LaCrosse, WI and C & K Distributors, Inc., of Chicago, IL.

MC 152627 (Sub-1), filed January 22, 1981. Applicant: BOB HEAD, Box 518, Indiana, PA 15701. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products, and byproducts, and *machinery, equipment, materials* and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe in connection with main pipelines, between points in PA, OH, NY, MD, MI, IN, IL, MO, KS, OK, TX, LA, AR, MS, TN, KY, VA, WV, NJ, CT, RI, and MA.

MC 153657, filed January 9, 1981. Applicant: HIGHLAND FREIGHT LINES, INC., 9221 Wildwood Dr., Highland, IN 46322. Representative: Clifford E. Duggan, 3520 42nd Place, Highland, IN 46322. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 153697, filed January 21, 1981. Applicant: MLA EXPRESS, INC., 6875 Washington Ave. So., Suite 212, Minneapolis, MN 55435. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Midwest Lumber Associates, of Minneapolis, MN.

MC 153727, filed January 22, 1981. Applicant: P. R. EXPRESS, INC., 554 Court St., Brooklyn, NY 11232. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in Fairfield, New Haven, Litchfield, Hartford, and Middlesex Counties, CT; Bergen, Passaic, Essex, Morris, Somerset, Monmouth, Mercer, Union and Hudson Counties, NJ, and Suffolk, Nassau, Queens, Kings, Westchester, Bronx, New York, Orange, Rockland, Putnam, Ulster, Dutchess and Richmond Counties, NY.

Volume No. OP4-009

Decided: February 5, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 66807 (Sub-9), filed January 22, 1981. Applicant: MANUFACTURERS EXPRESS, INC., P.O. Box 270, New Haven, CT 06519. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, CT, MA, and RI, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, and PA.

MC 110817 (Sub-32), filed January 23, 1981. Applicant: E. L. FARMER & COMPANY, P.O. Box 3512, Odessa, TX 79760. Representative: Mike Cotten, P.O. 1148, Austin, TX 78767. Transporting *mercer commodities*, between points in CA, IA, ID, MN, ND, NE, OR, SD, and WA; (2) between points in CA, IA, ID, MN, ND, NE, OR, SD, and WA, on the one hand, and, on the other, points in AL, AR, AZ, CO, IL, KS, LA, MS, MO, MT, NM, NV, OK, TN, TX, UT, and WY; and (3) between points in MT, on the one hand, and, on the other, points in AZ, CO, KS, NM, NV, UT, and WY.

MC 153797, filed January 21, 1981. Applicant: C G & S TRUCKING CO., P.O. Box 67, Wood River, IL 62095. Representative: Joseph E. Rebman, 314 N. Broadway, 13th Floor, St. Louis, MO 63102. Transporting *petroleum, natural gas and their products*, between points in the U.S.

Volume No. OP4-227

Decided: February 5, 1981

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 27817 (Sub-175F), filed January 9, 1981. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 No. Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, restricted to traffic originating at or destined to the facilities of American Can Company, and its subsidiaries.

MC 34087 (Sub-13), filed January 16, 1981. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same address as applicant). Transporting (1) *chemicals and related products* and (2) *transportation equipment*, between points in the U.S., under continuing contract(s) with STP Division of Esmark Corp. of Painesville, OH.

MC 114777 (Sub-3), filed January 12, 1981. Applicant: F. G. ADAMS CO., INC., County Rd., P.O. Box 97, West Wareham, MA 02576. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting (1) *rubber and plastic commodities*, and *clay, concrete, glass or stone products*, between points in MA and RI, on the one hand, and, on the other, points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and (2) *general commodities* (except classes A and B explosives), between points in MA. Condition: Issuance of a certificate in this proceeding is subject to prior to coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC 114777 (Sub-No. 2).

MC 119777 (Sub-513), filed January 14, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L," Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Robintech, Incorporated, of Ft. Worth, TX.

MC 120517 (Sub-1F), filed December 4, 1980. Applicant: M. D. SNIDER, d.b.a. M. D. SNIDER, CONTRACTOR, P.O. Box 299, Price Rd., Pampa, TX 79065. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. Transporting (1) *machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in CO, KS, LA, NM, WV, and those in TX on and east of Interstate Hwy 35.

Note.—Applicant intends to tack the authority in this proceeding with its existing authority.

MC 123407 (Sub-661F), filed January 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *metal products*, between points in Madison County, IL, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO., and NM.

MC 124117 (Sub-46F), filed January 9, 1981. Applicant: EARL FREEMAN and MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *petroleum, natural gas and their products*, between points in AR, AL, GA, IL, LA, MO, NJ, TX, on the one hand, and, on the other, points in AL, GA, KY, and TN.

MC 134467 (Sub-74), filed January 19, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives) between points in Green and Dane Counties, WI on the one hand, and, on the other, points in the U.S.

MC 145457 (Sub-7F), filed January 5, 1981. Applicant: B & M EXPRESS, INC., P.O. Box 81506, Oklahoma City, OK 73148. Representative: William P. Parker, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *food and related products*, between points in Bend County, TX, on the one hand, and, on the other, points in AR, KS, and OK.

MC 153627 (Sub-1F), filed January 8, 1981. Applicant: STAR TRANSPORTATION COMPANY, a corporation, 5806 N. 53rd St., Tampa, FL 33610. Representative: Robert B. Nadeau, Jr., 17th Floor, CNA Bldg., P.O. Box 231, Orlando, FL 32802 Transporting *general commodities* (except classes A and B explosives) between points in FL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5022 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OP4-007]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: January 30, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation services and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in oppostion.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Agatha L. Mergenovich,

Secretary.

MC 93147 (Sub-1), filed January 22, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Springfield, MA 01103. As a *broker of property* (except household goods), between points in the U.S.

MC 153726, filed January 22, 1981. Applicant: JOHN A. ALBRIGHT, 4260 Beagle Dr., Central Point, OR 97502. Representative: Robert G. Walden, 3320 Nicolet Lane, Redding, CA 96001. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-5021 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. 17]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.'

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 730 (Sub-520)X, filed January 26, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS, CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 60, 323, 388, 413, 416F, 421F, 425F, 427F, 447F, 481F, and 503F certificates to broaden its commodity descriptions to "commodities in bulk" from various specified commodities which move in bulk, in tank vehicles. In addition, in Sub-No. 60, it seeks to (a) eliminate the restriction against traffic moving from Brea, CA, and points within 3 miles thereof; (b) broaden Henderson, NV, to Clark County, NV, Glendale, AZ, to Maricopa County, AZ, Minnequa, CO, to Pueblo County, CO; and Anaconda, MT to Deer Lodge County, MT; (c) eliminate the restriction against sulfuric acid from Garfield, UT; (d) eliminate the restriction that traffic from points in AZ to points in OR and WA must be combined with carrier's presently held authority from CA to points in OR and WA. In Sub-No. 323, it seeks to (a) eliminate the restriction against lubricating oil additives from Los Angeles, CA, to points in LA; (b) broaden Santa Maria, CA, to Santa Barbara County, CA, and Bakersfield, CA, to Kern County, CA. In Sub-No. 388, it seeks to (a) eliminate the named facilities at Sugar Land, TX, and to broaden Sugar Land, TX, to county-wide authority in Fort Bend County, TX. (b) eliminate the restriction against the transportation of spent catalyst and silica gel catalyst to points in AR, LA, and OK. In Sub-No. 413F, it seeks to (a) broaden the territory from named facilities in Harris County, TX, to county-wide authority, remove the restriction originating at the named origins, and remove the exception of TX in its authority from the TX County to points in the U.S. In Sub-No. 416F, it seeks to (a) eliminate the named facilities at Freeport, TX, and to broaden Freeport, TX to county-wide authority in Brazoria County, TX and (b) remove the restriction to shipments originating at and destined to the facilities of the shipper. In Sub-No. 421F, (a) eliminate the named facilities at Texas City, TX, and to broaden Texas City to county-wide authority in Galveston County, TX, (b) eliminate the "originating at" restriction. In Sub-No. 425F, eliminate the named facilities at Lake Charles, LA, and broaden Lake Charles, LA, to county-wide authority in Calcasieu County, LA. In Sub-No. 427F, it seeks in part (1) to replace specified points with county-wide authority as follows: Monticello, AR, with Drew County, AR, Compton, CA, with Los Angeles County, CA; in part (2) Doe Run, KY, with Meade County, KY, Gallipolis Ferry and Natrium, WV, with Manson and Marshall Counties, WV, Geismar, LA,

with Ascension Parish, LA, Greensboro, NC with Guilford County, NC, Wilmington, DE, with New Castle County, DE, Neville Island, PA, with Allegheny County, PA, Azusa, CA, with Los Angeles County, CA, Charleston, SC, with Charleston County, SC, Monticello, AR, with Drew County, AR. In Sub-No. 481F, it seeks to (a) eliminate the named facilities, at Houston, Texas City, and Chocolate Bayou, TX, and to broaden Texas City and Chocolate Bayou, TX, county-wide authority in Galveston and Brazoria Counties, TX. In Sub-No. 503F, it seeks to broaden the territory from facilities in Jefferson and Harris Counties, TX, to county-wide authority. Applicant seeks to remove AK and HI exceptions on its nationwide authority in Sub-Nos. 388, 413F, 416F, 425F, 427F, and 503F. Applicant also seeks to expand its one-way authority to radial authority in each of the above subs.

MC 2729 (Sub-2)X, filed February 2, 1981. Applicant: GLENWOOD TRANSIT LINE, INC., Glenwood, IA. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead certificate to (a) broaden the commodity description from general commodities (with exceptions) to general commodities (except class A and B explosives) in part (2), (b) delete the restrictions of "for pickup only" and "for delivery only" on its authorized service to intermediate and off-route points, and (c) broaden the territorial description from one-way authority to radial authority between (1) Tabor, IA and Omaha, NE, serving all intermediate points, and, off-route points within 15 miles of Tabor, IA, in connection with its milk and cream authority, and (2) between Omaha, NE and Tabor, IA, serving all intermediate points, and, off-route points within 25 miles of Tabor, IA, in connection with its general commodities authority.

MC 7647 (Sub-1)X, filed February 2, 1981. Applicant: J. & S. TRUCKING SERVICE, INC., 309 West Elizabeth Avenue, Linden, NJ 07036. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)," (2) remove a restriction limiting transportation to shipments having an immediately prior or subsequent movement by water.

MC 29642 (Sub-15)X, filed February 2, 1981. Applicant: FIVE TRANSPORTATION COMPANY, P.O. Box 1635, Brunswick, GA 31520. Representative: K. Edward Wolcott, 235 Peachtree St., NE, Suite 1200, Atlanta, GA 30303. Applicant seeks removal of restrictions in its Sub 5 certificate to (1) broaden the commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)," and (2) to remove a restriction requiring shipments to move in containers or trailers and have a prior or subsequent movement by water.

MC 38400 (Sub-8)X, filed January 30, 1981. Applicant: HITCHCOCK BROS., INC., P.O. Box 212, Canaan, CT 06018. Representative: C. Frank Hitchcock (same as above). Applicant seeks to remove restrictions in its lead and Sub-Nos. 6F and 7F certificates to broaden the commodity description (1) in its lead certificate from "lime and lime products" and "rejected lime and lime products," and (2) in Sub-No. 6 from "lime and limestone products" to "chemicals and related products, and building materials." In addition, in its lead certificate, applicant seeks to broaden Canaan, CT, to Litchfield County, CT, and expand its one-way authority to radial authority between Litchfield County, CT, and, points in MA, RI, and those in New York within 25 miles of the Connecticut-New York, and Massachusetts-New York State lines. In Sub-No. 6, it seeks to broaden Canaan, to Litchfield County, CT, and expand its one-way authority to radial authority between Litchfield County, CT, and, points in NY, NJ, PA, VT, NH, and ME. In Sub-No. 7, it seeks to broaden Millerton and Amenia, NY, to Dutchess County, NY.

MC 51018 (Sub-16)X, filed January 27, 1981. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati, OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its Sub-Nos. 8, 9, 11F, 12F and 14F certificates to (a) broaden the commodity description from self-propelled articles, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers) to "self-propelled articles," in part 2 of Sub 8; (b) broaden its Sub-No. 9 commodity description from iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils to "metal products"; (c) in Sub-No. 11F replace one-way with radial authority between points in Butler, Clermont, Hamilton, Montgomery and Warren Counties, OH, those points in Kentucky within the Cincinnati, OH commercial zone, and points in AL, AR, GA, LA, MS, NC, OK, SC, and TN; (d) in Sub-No. 12F delete a plantsite restriction, replace one-way authority with radial between points in Madison County, KY and points in the U.S., and delete the exception of AK and HI; (e) in Sub-No. 14F replace one-way authority with radial between Cincinnati, OH, points in Butler, Clermont, Hamilton, Montgomery and Warren Counties, OH, and, points in IA and MN.

MC 55889 (Sub-69)X, filed January 27, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Turney & Turney, 7101 Wisconsin Avenue, Washington, D.C. 20014. Applicant seeks to remove restrictions in its Sub-No. 40 certificate by (1) broadening the commodity description to "general commodities (except classes A and B explosives)," (2) authorizing service at all intermediate points in connection with its regular-route operations between Georgia, Louisiana, and Florida points, and, (3) removing the restrictions against (a) service at intermediate points in AL and GA, (b) local service between Columbus, GA, and points in FL, and, (c) limiting service at Mobile, AL, to the transportation of traffic moving from or to points in FL, LA, and GA.

MC 65475 (Sub-44)X, filed January 30, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 29F certificate to (1) broaden its commodity description from tanks, tank components, and ducts, to "metal products," (2) replace its one-way authority with radial authority and replace a named plantsite at or near Kennerdell, PA, with county-wide authority of Venango County, PA, to authorize service between Venango County and points in the United States and (3) remove the restriction against transportation in AK and HI.

MC 82093 (Sub-5)X, filed February 2, 1981. Applicant: PORTAGE TRANSFER COMPANY, P.O. Box 86, Hiram, OH 44234. Representative: Stephen J. Habash, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 4F permit to broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 91308 (Sub-34)X, filed January 28, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 Ninth Avenue,

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NE, Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. Applicant seeks to broaden the commodity description (1) in its lead certificate from (a) general commodities, (with the usual exceptions) to "general commodities (except classes A and B explosives)," (b) roofing materials to "building materials," (c) canned goods, apple products and vinegar, coffee, sugar, cotton seed meal, oyster shells, potatoes, eggs and live poultry to "food and related products," (d) wooden staves, and furniture dimension stock and unfinished furniture to "lumber and wood products," (e) toilet preparations to "chemicals and related products," and (f) new furniture and furniture parts to "furniture and fixtures," (2) in Sub-No. 24F from toilet paper to "pulp, paper and related products"; (3) in Sub-Nos. 23F, part 1, and 29F, from electrical wiring, plugs, and receptacles, sockets, electric switches, extension cords, power supply cords, copper wire, materials and supplies used in the manufacture thereof, and, electrical equipment and parts, and materials and supplies used in the manufacture of these commodities, to "machinery"; (4) in Sub-No. 21F, from metal cans to "metal products"; (5) in Sub-Nos. 7 and 30F, from wool in grease and scoured wool, both when imported from any foreign country, and wood noils, and fiberglass to "textile mill products, and materials and supplies used in the manufacture of textile mill products"; and (6) in Sub-Nos. 23F, part 2, and 26F, from plastic materials other than expanded, and, plastic tips and holders used in the manufacture of cigars to "rubber and plastic products." Applicant seeks to broaden the territorial description from city-wide authority to county-wide authority: in it's lead certificate, Davidson County, NC (for Lexington and Thomasville, NC); York County, PA (for York, PA); Adams County, PA (for Biglerville, PA); Berkeley County, WV (for Inwood, WV); Frederick and Montgomery Counties, MD (for Frederick and Gaithersburg, MD); Forsyth, Surry, Yadkin and Wilkes Counties, NC (for Winston-Salem, Mount Airy, Pilot Mountain, Yadkinville and North Wilkesboro, NC); Kershaw and Lancaster Counties, SC (for Kershaw and Lancaster, SC); Union County, NJ (for Rahway, NJ); Catawba, Caldwell and Lincoln Counties, NC (for Conover, Hickory, Lenoir, Licolnton and Newton, NC); in the lead and Sub-No 7, Surry County, NC (for Elkin, NC); in Sub-No. 21F, Monroe County, NY (for Fairport, NY); in Sub-No 23, Bristol County, MA (for South Attleboro, MA), Ashe County, NC (for West Jefferson, NC), and, Niagara and Erie Counties, NY (for North Tonawanda and Buffalo, NY); in Sub-No. 24F, Washington County, NY (for Greenwich, NY); in Sub-No. 26F, Gaston County, NC (for Gastonia, NC), and Luzerne County, PA (for Kingston, PA). Applicant also seeks radial authority in lieu of existing one-way authority between named counties and points in numberous states in the lead and Sub-Nos. 7, 21F, 23F, 24F, and 26F certificates.

MC 115771 (Sub-16)X, filed January 28, 1981. Applicant: SEAWHEELS, INC., P.O. Box 810, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. Applicant seeks to remove restrictions in its Sub-11 certificate which authorizes in part (1) the transportation of mobile offices, mobile shops, mobile storage units, and mobile display facilities (except trailers designed to be drawn by passenger automobiles; and buildings in sections mounted on wheeled under carriages with hitchball connectors), by removing all exceptions of its commodity authority and general commodities in part (2) (with exceptions) by removing all exceptions except classes A and B explosives, in part (2). Applicant also seeks to broaden its territorial description which authorizes radial transportation between points in MD, NJ, NY, PA, and VA, and points in the United States (with exceptions), by removing Alaska and Hawaii from the excepted States.

MC 115841 (Sub-781)X, filed January 27, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 22168, McBride Lane, Knoxville, TN 37922. Representative: Chester G. Groebel (same as applicant). Applicant seeks to remove restrictions in its Sub-320, 438, 624, 655, 676, and 714 certificates to (1) broaden the commodity descriptions to "food and related products" from (a) food, foodstuffs and food preparations (except bananas and commodities in bulk), and advertising premiums and display materials in Sub-320, (b) food, food preparations, and food ingredients, (except sugar, bananas and commodities in bulk) in Sub-438, (c) frozen foods (except meats) in Sub-624, (d) frozen foodstuffs and salads in Sub-655, (e) frozen foods and materials and supplies (except commodities in bulk, in tank vehicles) in Sub-676 and, (f) cheese and cheese products (except commodities in bulk) in Sub-714, (2) delete the mechanical refrigeration restriction in Sub-320, 438, and part (2) of 655, (3) remove restrictions limiting service to traffic originating at and destined to named destinations in Sub-438, 624, and 676, (4) replace the named facilities at or near Murfreesboro and Nashville, TN with Rutherford and Davidson Counties, TN in Sub-676 and, (5) replace the one-way authority with radial authority between (a) a described portion of NY and points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, WI, WV, and a described portion of PA in Sub-320, (b) points in NY, CT, MA, RI, NJ, PA, MD, DE, VA, DC and points in KY, VA, NC, SC, TN, GA, FL, AL, MI, AR, LA, OK, and TX in Sub-438, (c) points in FL and points in AL, CT, DE, IL, IN, KY, ME, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV and DC, in Sub-624, (d) points in CA and points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, NC, NE, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WI, WV, and DC in Sub-655, and (e) points in OH and points in AL, AR, FL, GA, LA, MS, NC, NM, OK, SC, TN, and TX, in Sub-714.

MC 117344 (Sub-286)X, filed January 22, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West 5th Ave., Columbus, OH 43212. Applicant seeks to (1) remove all restrictions in its commodity descriptions in Sub-27, 106, 111, 158, 182, 184, 187, 193, 212, 222, 229, 231, 240, 266, and 278, certificates, to expand its commodity authority in each to "commodities, in bulk," in place of specified commodities that move in bulk, in tank vehicles, such as acids and chemicals as described in the *Descriptions* case, (except vinyl acetate to Illiopolis, IL) in Sub-27; phosphatic fertilizer solutions (not including phosphoric acid), Sub-111; and petroleum and petroleum products, restricted against the transportation of (a) liquid hydrogen to points in IL and HO, and (b) road building and construction materials to points in nineteen KY counties, and Hamilton County, OH in Sub-158; (2) remove restrictions in each which limit service to the transportation of traffic originating from or destined to a particular shipper's facilities; (3) substitute specific counties for the plantsites and cities; and, (4) change one-way authority to authorize radial authority: in Sub-27, between Allen County, OH, and points in five States; in Sub-108, between Vigo County, IN, and points in eight States; in Sub-111, between Wayne County, MI and points in three States; in Sub-143, between Kenton County, KY, and points in OH; in Sub-158, between Jackson County, IN, and points in three States; in Sub-182, between Lawrence County, OH, and points in thirty-eight States and DC; in Sub-184, between Wayne County, WV, and points in thirty States and OH (except eight named OH counties); in Sub-187, between Hamilton County, OH, and points in sixteen States; in Sub-193, between Scioto County, OH, and points in twenty-three States, IL (except points in IL in the St. Louis, MO-East St. Louis, IL commercial zone), MO (except St. Louis, MO, and points in the St. Louis, MO-East St. Louis, IL commercial zone), and TN (except Kingsport and Elizabethton, TN, and points in those commercial zones); in Sub-212, between Davies County, KY, and points in sixteen States, and IL (except points in the St. Louis, MO-East St. Louis, IL commercial zone, and MI (except points in the Detroit, MI commercial zone), and MO (except points in the St. Louis, MO-East St. Louis, IL commercial zone), and TN (except Kingsport and Elizabethton); in Sub-222, between Montgomery County, OH, and points in twenty-five States and DC; in Sub-229, between Greenup County, KY, and points in three States; in Sub-231, between Midland County, MI, Lawrence County, OH, Jefferson County, MO, and Will County, IL, and points in that part of the United States on and east of U.S. Hwy 85; in Sub-240, between Muscatine County, IA, and points in the United States (except points in the St. Louis, MO-East St. Louis, IL commercial zone); in Sub-266, between Campbell County, KY, and points in seven named States; and, Sub-278, (a) between Lake County, IN, and, Chicago, IL, Erie and Hamilton Counties, OH, Denver County, CO, Union County, AR, Iberville County, LA, Greenville County, SC, Houston, TX, Jackson and St. Louis Counties, MO, Midland, Muskegon and Gratiot Counties, MI, and Cocke County, TN; and (b) between Erie County, OH, and St. Louis, MO. Applicant also seeks to remove the restrictions against service to (a) Illiopolis, IL on movement of a named commodity in Sub-27, (b) IL and OH and nineteen counties in KY, and one county in OH on movements of named commodities in Sub-158, parts (1) and (2), (c) points in eight named TX counties on movements of a named commodity in Sub-212, (d) points in the St. Louis, MO-East St. Louis, IL commercial zone on movements of dry commodities in Sub-231, and (e) remove restrictions against service to AK, HI, and IA in its nationwide authority in Sub-240.

MC 124674 (Sub-1)X, filed January 23, 1981. Applicant: John F. Mahr, d.b.a. MAHR BROS. TRANSPORTATION CO., Standish Road, Box 507, Coventry, CT 06238. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Permit No. MC 113063 (Sub-3, 4, and 5), to broaden both the commodity and territorial authority to authorize (a) "rubber and plastic products," from plastic and expanded plastic articles, except in bulk, and (b) "between points in the United States," under continuing contracts for two named shippers.

MC 141641 (Sub-13)X, filed January 30, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC, P.O. Box 3328, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its permits MC 136168 Sub-13, 14, 15, 20, 22, 33F, 36F, 37F, and 46F to (1) broaden the commodity descriptions to "food and related products" from: (a) meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides); and materials, supplies and equipment used in the manufacture, sale and distribution of the commodities named above, in Sub-13, 14, 37F, and 46F; (b) cheese in Sub-15; (c) merchandise dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration, in Sub-20; (d) canned goods in Sub-22; (e) food products, citrus products, and citrus byproducts in Sub-33F; and (f) citrus products, beverages, and fruits and vegetable juices and concentrates in Sub-36F, (2) remove the "except commodities in bulk" restrictions in Sub-13, 14, 37F, 46F, 20, and 36F, (3) eliminate the "in tank vehicles" restriction in Sub-20 and 36F, (4) remove the restriction against transporting commodities that require special equipment in Sub-14, and (5) broaden the territorial scope of named authorities to between points in the United States, under continuing contract(s) with named shippers.

MC 143059 (Sub-153)X, filed January 26, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-8, 27F, 34F, 44F, 54F, 77F, 106F, and 107F certificates to (A) broaden the commodity description to "metal products," from castings in Sub-8, iron and steel articles in Sub-27F, 34F, 77F, and 106F, unfinished structural steel and steel articles in Sub-44F, aluminum and aluminum alloy ingots and zinc alloy ingots in Sub-54F, and wrought iron pipe in Sub-107F; (B) expand its one-way authority to radial authority and to replace specified plantsites and cities with countywide authority in the following: In Sub-8, a named plantsite at Oakland, CA, with Alameda County, CA, and to serve radially between Alameda County, CA and, points in the United States; in Sub-27F, a named plantsite at Jewett, TX, with Leon County, TX, and to serve radially between Leon County, TX, and 20 States; in Sub-34F, named plantsites at Sterling and Rock Falls, IL, with Whiteside County, IL, and to serve radially between Whiteside County, IL, and, points in 20 States; in Sub-44F, a named plantsite at Portland, OR, with Portland, OR, and to serve radially between Portland, OR, and, points in CA; in Sub-54F, a named plantsite at Maple Heights, OH, with Cuyahoga County, OH, and to serve radially between Cuyahoga County, OH, and points in the United States in and east of ND, SD, NE, KS, OK, and TX; in Sub-77F, a named plantsite at Chicago, IL, with Chicago, IL, and to serve radially between Chicago, IL, and, points in AR, IN, LA, and MS; in Sub-106F, Canfield, OH, with Mahoning County, OH, Martins Ferry, OH, with Belmont County, OH, and Mingo Junction, Steubenville and Yorkville, OH, with Jefferson County, OH; Monessen, PA, with Westmoreland County, Allenport, PA, with Washington County, PA; and Beech Bottom, and Follansbee, WV, with Brooke County, WV, Benwood, WV, with Marshall County, WV, and Wheeling, WV, with Ohio County, WV, and to serve radially between the named counties, and, points in IA, IL, IN, MI, MN, MO, and WI; in Sub-107F, a named plantsite at Chicago, IL, and points in IN and IL within the Chicago, IL commercial zone, with Chicago, IL, and to serve radially between Chicago, IL, and, points in 8 States; (C) eliminate the "originating at the named origin" restrictions in Sub-27F, 34F, 5477F, 106F and 107F, and the "originating at and destined to" restriction in Sub-44F; and (D) remove territorial restrictions against transportation to AK, CA, and HI in Sub-8.

MC 144741 (Sub-5)X, filed January 30, 1981. Applicant: NETTLETON ENTERPRISES COMPANY, INC., d.b.a. NORWOOD TRANSPORT, INC., Route 1, Box 96, Elgin, Illinois 60120. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, Illinois 60603. Applicant, in its Sub-3F certificate, which authorizes the transportation of such commodities as are dealt in or used by exhibitors of

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machinery, equipment and tools, between Chicago, IL, on the one hand, and, on the other, points in ND, SD, NE, KS, MO, IA, MN, WI, KY, TN, WV, OH, IN, MI and PA, seeks to remove the restriction limiting transportation to traffic originating at or destined to trade shows and facilities used by United Exposition.

MC 146293 (Sub-75)X, filed January 28, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, 5th Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-19F certificate which authorizes transportation of general commodities (with exceptions), be removing all commodity exceptions (except classes A and B explosives). Applicant also seeks to remove the restriction which limits the service to transportation of traffic moving on freight forwarder bills of lading.

MC 149568 (Sub-3)X, filed February 2, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Applicant seeks to remove restrictions in its permit MC 124988 (Sub-4) to broaden the territorial scope of service to "between points in the United States", under continuing contract(s).

[FR Doc. 81-5020 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-17]

NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee; Meeting

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

NAME OF COMMITTEE: NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee.

DATE AND TIME: February 23, 1981, 8:30 a.m.-4:30 p.m., February 24, 1981, 8:30 a.m.-3:30 p.m.

ADDRESS: Library, Room 160, Space Science Laboratory, University of California at Berkeley, Berkeley, California 94705.

TYPE OF MEETING: Open.

Agenda

February 23, 1981

8:30 a.m.-9:30 a.m.—Introduction
9:30 a.m.-10:30 a.m.—NASA Headquarters Program Status
10:30 a.m.-12:30 p.m.—Solar System Exploration Programs of Other Nations
1:30 p.m.-4:30 p.m.—Instrument Definition for Future Missions

February 24, 1981

8:30 a.m.-9:30 a.m.—Solar Electric Propulsion System First Mission
9:30 a.m.-11:30 a.m.—Small Body Mission Sequence
12:30 p.m.-3:30 p.m.—Discussion of Future Plans for Solar System Exploration Committee

FOR FURTHER INFORMATION CONTACT: Mrs. Diane M. Mangel, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3728).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Solar System Exploration Committee was established under the NASA Advisory Council to translate the scientific strategy developed by the Committee on Planetary Exploration (COMPLEX) into a realistic, technically sound sequence of missions consistent with that strategy and with resources expected to be available for solar system exploration. The committee will report its findings to the Council and to NASA. The committee is chaired by Dr. John E. Naugle, and is composed of four other members of the Council and its standing committees, who will meet with about 9 other invited participants and certain NASA personnel.

The meeting will be held at this time to take advantage of the cost savings from members' attendance at another meeting in the same city. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including committee members and invited meeting participants). Visitors will be requested to sign a visitor's register.

Gerald D. Griffin,

Acting Associate Administrator for external Relations.

February 6, 1981.

[FR Doc. 81-4878 Filed 2-11-81; 8:45 am]

BILLING CODE 7510-01-M

[81-19]

NASA Advisory Council (NAC), Aeronautics Advisory Committee; Meeting

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting.

NAME OF COMMITTEE: NAC Aeronautics Advisory Committee, Ad Hoc Subcommittee on the Proposed NASA/British Aerospace Cooperative Research Program.

DATE AND TIME: March 3, 1981, 8:30 a.m. to 4:30 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue SW, Room 625, Washington, DC 20546.

TYPE OF MEETING: Open.

Agenda

March 3, 1981

8:30 a.m.—Introductory Remarks/Subcommittee Business
9:00 a.m.—Presentation by NASA Personnel
11:00 a.m.—Questions and Answers
11:30 a.m.—Subcommittee Discussion and Preparation of Draft Report Material
4:30 p.m.—Adjourn

FOR FURTHER INFORMATION CONTACT: Mr. Jack A. Suddreth, Code RJH-2, NASA Headquarters, Washington, DC 20546 (202/755-2366).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Advisory Subcommittee on the Proposed NASA/British Aerospace Cooperative Research Program was established to review and prepare written comments on a proposed cooperative research program involving wake vortex marking and measurement, terminal area handling qualities, noise abatement procedures, airframe noise measurements, inlet duct surge analysis and skin friction/base drag measurements. The proposed program has been developed by NASA and British Aerospace, and will be independently assessed by the Subcommittee. The Subcommittee, chaired by Mr. William T. Hamilton, is comprised of five members.

The meeting will be open to the public up to the seating capacity of the room (approximately 46 persons including the Subcommittee members and participants).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

February 6, 1981.

[FR Doc. 81-4880 Filed 2-11-81; 8:45 am]

BILLING CODE 7510-01-M

[81-18]

NASA Advisory Council (NAC); Space Science Advisory Committee; Meeting

The NAC Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on March 2-5, 1981. The meeting will be open to the public. The meeting will take place from 9:45 a.m.-5:30 p.m. on March 2; from 8:30 a.m.-5:45 p.m. on March 3; from 8:30 a.m.-5:00 p.m. on March 4, and from 9:00 a.m.-12:00 p.m. on March 5, 1981. The meeting will be held in Room 5026 (with a seating capacity of 60 persons including the Committee members and participants) in Federal Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546.

The NAC Space Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include a status report and overview of the Space Science programs and a discussion of long range planning. One of the main themes of the meeting will be the continuation of the discussion on "Space Science in the 1980s: Prospects and Pitfalls." The purpose of this discussion is to understand the factors which control, impede or enhance the advancement of a strong healthy program.

March 2

9:45 a.m.—Introduction, Soderblom
10:00 a.m.—Office of Space Science (OSS) Program and Budget Status, Stofan
1:00 p.m.—Report of the Space Science Board (SSB) Committee on Relativity and Gravitational Physics, I. Shapiro
2:45 p.m.—OSS Long Range Planning, Rosendhal & Division Planners

March 3

Minisymposium

8:30 a.m.—Space Science in the 1980s—Prospects and Pitfalls (Part II)

A. How NASA Communicates With the Public

Potential Speakers: Brian Duff, National Aeronautics and Space Administration; Terrence T. Finn, National Aeronautics and Space Administration; Robert Allnutt, National Aeronautics and Space Administration; Carl Sagan—Space Science Advisory Committee; Seth Payne—Editor, Business Week Magazine.

B. The NASA Budget Formulation Process and How NASA Interacts With the Office of Management and Budget

Potential Speakers: William Lilly, National Aeronautics and Space Administration; Hugh Loweth, Office of Management and Budget.

C. Space Science as Viewed by the Aerospace Companies

Potential Speakers: R. H. Gablehouse, Ball Aerospace Systems Division; Walter O. Lowrie, Martin Marietta Aerospace; F. C. Oder, Lockheed Missiles & Space Corporation; Paul Petty, Perkin-Elmer Corporation; R. L. Walquist, TRW; A. D. Wheelon, Hughes Aircraft Company.

March 4

8:30 am—European Space Agency Planning, Mellors
9:00 am—National Aeronautics and Space Administration Interaction with the Department of Defense, Simokaitis
10:15 am—Explorer Subcommittee Report, York
1:30 pm—Discussion/Writing Session

March 5

9:00 am—Upper Atmospheric Research/A Status Report, Tilford
10:15 am—National Aeronautics and Space Administration Project Management, Guastaferro

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey D. Rosendhal, Acting Assistant Associate Administrator for Space Science, Code SS, NASA Headquarters, Washington, DC 20546, telephone 202/755-3653.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

February 6, 1981.

[FR Doc. 81-4879 Filed 2-11-81; 8:45 am]

BILLING CODE 7510-01-M

[81-20]

Performance Review Board; Senior Executive Service

The Civil Service Reform Act (4314(C)(4)) requires that appointments of individual members to a Performance Review Board be published in the **Federal Register**.

The performance review function for the Senior Executive Service in the National Aeronautics and Space Administration is being performed by the NASA Performance Review Board and the NASA Senior Executive Committee. The latter performs this function for senior executives who report directly to the Administrator or the Deputy Administrator. The following individuals will be serving on the Committee and the Board as of January 5, 1981:

Senior Executive Committee

Alan M. Lovelace, Chairperson
Edwin C. Kilgore
Robert F. Allnutt
Thomas P. Murphy, Deputy Assistant Secretary for Personnel, Department of Health and Human Services (Indefinite term)

Performance Review Board

Robert F. Allnutt, Chairperson
Carl E. Grant, Executive Secretary
John M. Klineberg (Term expires July 1981)
Gerald D. Griffin (Term expires July 1981)
Gerald J. Mossinghoff (Term expires July 1982)
Philip E. Culbertson (Term expires July 1982)
Richard H. Petersen (Term expires July 1983)
Clifford E. Charlesworth (Term expires July 1983)
Louis B. DeAngelis (Term expires July 1983)
Thomas N. Tate, Counsel to the Subcommittee on Space Science and Applications, Committee on Science and Technology, House of Representatives (Indefinite term)
Edwin C. Kilgore (Serves Ex-Officio in his capacity as Chairperson, Executive Resources Board).

A. M. Lovelace,

Acting Administrator.

February 6, 1981.

[FR Doc. 81-4882 Filed 2-11-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, February 13, 1981 from 8:45 a.m.-5:30 p.m.; Saturday, February 14, 1981 from 9:00 a.m-5:30 p.m. and Sunday, February 15, 1981 from 9:00 a.m.-5:30 p.m. at the Four Seasons Hotel, 2800 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on Friday, February 13, 1981 from 10:00 a.m.-4:00 p.m.; Saturday, February 14, 1981 from 9:00 a.m.-3:30 p.m. and Sunday, February 15, 1981 from 9:00 a.m.-12:30 p.m. Topics for discussion will include Program Review and Guidelines for Dance, Music, Opera-Musical Theater, Challenge Grants and Inter-Arts Programs; policy discussions concerning Touring and Presenting, community arts agencies and a variety of broad policy questions for the future.

The remaining sessions of this meeting on Friday, February 13, 1981 from 8:45 a.m.-10:00 a.m. and 4:00 p.m.-5:30 p.m.; Saturday, February 14, 1981 from 4:00 p.m.-5:30 p.m. and Sunday, February 15, 1981 from 12:30 p.m.-5:30 p.m., are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980 these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

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Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 10, 1981.

[FR Doc. 81–5154 Filed 2–11–81; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Science Education; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science Education
Date and Time: March 5, 1981—9:00 a.m. to 5:00 p.m., March 6, 1981—9:00 a.m. to Noon
Place: National Science Foundation, March 5: Room 540—1800 G Street, NW.; March 6: Room 543—1800 G Street, NW., Washington, D.C. 20550
Type of Meeting: Open
Contact Person: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W–660, National Science Foundation, Washington, D.C. 20550, (202) 282–7947
Purpose of Committee: To provide advice on science education activities.
Agenda: Status reports; long range planning; and discussion of program oversight activities.
Summary Minutes: May be obtained from contact person, Dr. Alphonse Buccino, at the above address.

M. Rebecca Winkler,

Committee Management Coordinator.

February 9, 1981.

[FR Doc. 81–4951 Filed 2–11–81; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 81–7]

Reports, Responses to Recommendations; Availability

Aircraft Accident Report No. NTSB–AAR–80–14: *Air Traders International, Lockheed 1049H, N74CA, Columbus, Indiana, June 22, 1980.*—This report, released by the National Transportation Safety Board on February 3, indicates that the aircraft, carrying a flightcrew of three, and five passengers and a cargo of aircraft spare parts, crashed in a soybean field shortly after takeoff from runway 22 at Columbus Bakalar Airport. Two flight crewmembers and one passenger were killed. The aircraft was substantially damaged during the accident sequence and was destroyed by postaccident ground fire.

The Safety Board determined that the probable cause of the accident was the flightcrew's inadequate and uncoordinated response to the No. 2 engine fire warning. The flight engineer failed to correct a gradual power decay on the other engines which occurred while he was retarding the No. 2 engine throttle, and the power decay went uncorrected by the pilot and copilot. The lack of coordination and the lack of corrective action may have been caused by the lack of recent flightcrew experience in the L–1049 aircraft. Contributing to the accident was the aircraft's over maximum gross takeoff weight, the crew's use of less than full power for takeoff, and the use of less than takeoff cowl flaps which precluded adequate engine cooling.

Railroad Accident Reports No. NTSB–RAR–80–4: *Brief Format, Issue No. 2, 1979.*—This publication, released February 2, contains basic facts, conditions, circumstances, and probable cause(s) of selected railroad accidents occurring in U.S. railroad operations during calendar year 1979. Additional statistical information is tabulated by types of accidents and casualties related to types of accidents, carriers involved, and causal factors. Copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

Responses to Safety Recommendations

Aviation: *A–80–108 and A–80–109, from the Federal Aviation Administration, January 7, 1981.*—Response is to recommendations issued October 9 following investigation of the crash of Piper Arrow N3839M, departing Kalispell, Mont., January 10, 1980. The recommendations sought amendment to Air Traffic Control Handbook 7110.65B concerning the term "radar contact" and IFR clearance to insure terrain separation. (45 FR 70355, October 23, 1980)

FAA's response provides rationale for its nonconcurrence in these recommendations. FAA claims that the single aircraft accident cited by the Board does not warrant substantive changes to Handbook 7110.65B that would transfer responsiblities for terrain avoidance, outside controlled airspace, and at uncontrolled airports, from pilots to controllers.

FAA notes that the roles and responsibilities of the pilot and controller for effective participation in the ATC system are contained in several documents. Pilot responsibilities are identified in the Federal Aviation Regulations. Supplemental information for pilots can be found in the current AIM, Notices to Airmen, advisory circulars, IFR Exam-O-Grams, and aeronautical charts. Citing 14 CFR 91.3, the pilot-in-command of an aircraft is directly responsible for, and is the final authority as to, the safe operation of that aircraft, FAA states. FAA's response further states:

> The roles and responsibilities of controllers intentionally overlap those of the pilot in many areas, but not outside controlled airspace. Controllers assign IFR altitudes in IFR clearances that are at or above the minimum IFR altitudes *in controlled airspace* (see AIM, paragraph 401.b.2). A clearance issued by ATC is predicated on known traffic. An ATC clearance means an authorization by ATC, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified rules *within* controlled airspace. It is *not* authorization for a pilot to deviate from any rule, regulation, or minimum altitude, or to conduct unsafe operation of his aircraft.

Further, FAA depends on instructor pilots to ensure that all pilots are thoroughly familiar with these basic requirements for IFR flight. FAA states that in the subject case, it is readily apparent that the pilot departed into the area of higher terrain without a positive means of avoiding that terrain until established on his ATC-cleared route of flight. FAA reports that appropriate elements within FAA have been made aware of the details of this accident. FAA's Rocky Mountain Region is reminding pilots that obstruction avoidance is a pilot responsibility, particularly when operating outside of controlled airspace where navigational guidance is not provided by ATC. An article addressing instrument departure procedures, and appearing in the newsletter of the Montana Aeronautics Commission, has been published to pilots of FAA's regional accident prevention specialist.

Marine: *M–80–53 and M–80–54, from the United States Coast Guard, January 29, 1981.*—Response is to recommendations issued September 12 as a result of investigation of the collision of the U.S. Tankship EXXON CHESTER and Liberian freighter M/V REGAL SWORD in the Atlantic Ocean near Cape Cod, Mass., June 18, 1979. (45 FR 63580, September 25, 1980)

With respect to M–80–53, Coast Guard reports publication, last November 6 in the **Federal Register**, of a proposed rule which will require applicants for radar observer endorsements to complete an approved course of training.

Coast Guard reports, with respect to M–80–54, that at the 25th session (January 5–9, 1981) of the Subcommittee on the Safety of Navigation the Subcommittee decided that the need existed for a common VHF navigational channel, preferably Channel 13, and that the Subcommittee will need to give detailed consideration at a future session to the purposes and procedures for use of such a channel when implemented. The Subcommittee also recognized that in order to implement a common VHF navigational channel it would be necessary to incorporate appropriate amendments to Appendix 18 of the Radio Regulations. The IMCO Secretariat was requested to convey the above opinions to the 23rd session (April 27–May 1, 1981) of the Subcommittee on Radiocommunications for appropriate action. The U.S. delegation will continue, under IMCO guidelines, to actively pursue the matter.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters and responses are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

February 6, 1981.

[FR Doc. 81–4950 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Power Systems; Meeting

The ACRS Subcommittee on Electrical Power Systems will hold a meeting at 8:30 a.m. on February 24–25, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to discuss matters relating to computer protection and control systems and instrument and control system failures which could initiate or exacerbate reactor accidents. Due to the late identification of the need for the meeting and limitations on the schedules of the participants, it has not been possible to provide additional notice of this meeting.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, February 24–25, 1981, 8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, representatives of the Canadian Government and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–5102 Filed 2–11–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

February 9, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

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An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201.

New

- Agricultural Cooperative Service

Marketing and transportation of grain by local cooperatives
Nonrecurring
Businesses or other institutions
Local cooperatives handling grain
SIC: 515
Small businesses or organizations; 1,157 responses, $80,000 Federal cost; 386 hours, 1 form
Charles A. Ellett, 202–395–7340

Provides information at local country elevator level on grain flow, volume handled, storage capacities, rail equipment, membership and selected operating practices to assist cooperatives in planning more efficient new elevators or additions to existing elevators.

- Agricultural Cooperative Service

New cooperative volume and structure
Other—see SF83
Farms
Mbrs & potential mbrs of new producer cooperatives
Sic: 011 013 016 017 018 019 021 024 025 027
Agricultural Research and Services; 560 responses; $37,500 Federal cost; 560 hours; 1 form
Charles A. Ellett, 202–395–7340

Provides information to the board of directors on such feasibility factors as volume projections and requirements, quality standards, facility and equipment needs, and cash flow data to assist new cooperatives in raising necessary stock subscriptions and obtaining financing.

- Food and Nutrition Service

Summer food service program for children on occasion, annually
State for local governments/businesses or other institutions
State agencies, sponsors, camps
Sic: 943 739
Small businesses or organizations
Public assistance and other income supplements; 98,536 responses; 9,096 hours; 1 form
Charles A. Ellett, 202–395–7340

The SFSP regulations implement the provisions of Pub. L. 96–499. The recordkeeping requirement of these regulations is mandated by section 13(M) of the National School Lunch Act.

Revisions

- Economics and Statistics Service

White corn survey
Semiannually
Farms
White corn grower
Sic: 011
Small businesses or organizations
Agricultural research and services; 3,580 responses; $45,000 Federal cost; 299 hours; 3 forms
Off. of Federal Statistical Policy and Standard, 202–673–7974

Provides data to Estimate white corn acreage and production in 10 States. estimate for list incompleteness comes from the June enumerative survey (40–R2766). Estimates are used by processors and farmers in pricing and marketing decisions.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—202–377–3827

New

- National Oceanic and Atmospheric Administration

Annual or quarterly scientific report
Quarterly
Businesses or other institutions
Foreign governments' fishery agencies
SIC: 951
Other advancement and regulation of Commerce; 40 responses; $5,000 Federal cost; 40,000 hours; 1 form
William T. Adams, 202–395–4814

Assist in fish stock assessments.

- National Oceanic and Atmospheric Administration

Certificate of exemption renewal
Other—see SF83
Individuals or households/businesses or other institutions
Retail stores, i.e., jewelry and handicrafts, throughout U.S.
SIC: 091
Small businesses or organization
Other advancement and regulation of Commerce; 58 responses; $536 Federal cost; 58 hours; 1 form
William T. Adams, 202–395–4814

The information collected is for the purpose of granting to certain identifiable members of the public a license, permit or other privilege to which they would not otherwise be entitled under the Endangered Species Act.

- National Oceanic and Atmospheric Administration

Subsequent purchaser reports
Quarterly
Individuals or households/businesses or other institutions
Retail stores, i.e, jewelry and handicrafts, throughout U.S.
SIC:
SIC: 091
Small businesses or organizations
Other advancement and regulation of Commerce; 600 responses; $1,430 Federal cost; 150 hours; 1 form
William T. Adams, 202–395–4814

The information collected is for the purpose of granting to certain identifiable members of the public a license, permit or other privilege to which they would not otherwise be entitled under the Endangered Species Act.

- National Oceanic and Atmospheric Administration

Registration of certain marine mammal parts
Quarterly
Individuals or households/businesses or other institutions

Individuals or households in coastal area
SIC: 091
Other advancement and regulation of Commerce: 6 responses; 3 hours; 1 form
William T. Adams, 202–395–4814

The information collected is for the purpose of granting to certain identifiable members of the public a license, permit or other privilege to which they would not otherwise be entitled under the Marine Mammals Protection Act.

- National Oceanic and Atmospheric Administration

Marine mammal fisheries interaction survey
On occesion
Individuals or households
Single owner, fishing boats
Small businesses or organizations
Other advancement and regulation of Commerce: 1,500 responses; $100,000 Federal cost; 750 hours; 1 form
William T. Adams, 202–395–4814

Under contract form NMFS to State of Washington, interviews are conducted to gather data concerning the possible impact of commercial fisheries on marine mammals and the impact of marine mammals on fishing gear, and damage to captured fish.

- International Trade Administration

Evaluation of U.S. firms' exporting behavior
ITA–40484P
Nonrecurring
Businesses or other institutions
Small and medium-sized manufacturers
SIC: 353 354 355 357 361 367 369 381 382 384
Small businesses or organizations
Other advancement and regulation of Commerce; 620 responses; $7,946 Federal cost; 51 hours; 1 form
William T. Adams, 202–395–4814

This study which will be undertaken by outside contractors will aid the office of export planning and evaluation (OEPE) in formulating export promotion programs. The analysis will be used in the design of more efficient and effective U.S. DOC export strategies to assist small and medium-sized firms.

- National Oceanic and Atmospheric Administration

Fishermen's contingency fund claim application and 5-day report form
On occasion
Businesses or other institutions
Respondents are primarily commercial shrimp fishermen
SIC: 091
Small businesses or organizations
Other advancement and regulation of Commerce; 1,350 responses; $90,000 Federal cost; 13,500 hours; 2 forms
William T. Adams, 202–395–4814

The application form is needed by commercial fishermen to file claims under title IV—fishermen's contingency fund—of the Outer Continental Shelf Lands Act Amendments of 1978. Fishermen have indicated that the lack of a form has limited some fishermen's access to the program.

- National Oceanic and Atmospheric Administration

Application for certificate of inclusion
Annually
Individuals or households/businesses or other institutions, commercial fishermen or fishing corporations
Sic: 091
Small businesses or organizations
Other advancement and regulation of commerce, 732 responses; 183 hours; 3 forms
William T. Adams, 202–395–4814

Provides information required to issue certificate of inclusions which allow marine mammals to be taken incidental to commercial fishing operations under general permits.

- National Oceanic and Atmospheric Administration

Scientific research/public display permit application
On occasion
Individuals or households/State or local governments/businesses or other institutions, persons or entities desiring to take or import marine mammals, etc.
Sic: 091
Small business or organizations
Other advancement and regulation of commerce, 75 responses; 2,200 hours; $600 Federal cost; 1 form
William T. Adams, 202–395–4814

Provides information for determining whether or not to issue scientific research and public display permits under the authority of the Marine Mammal Protection Act (Pub. L. 92–522), Endangered Species Act (Pub. L. 93–205), and Fur Seal Act (Pub. L. 89–702).

- National Oceanic and Atmospheric Administration

Permit/letter of agreement reports
On occasion/annually/biennially
Individuals or households/State or local governments/businesses or other institutions, zoos and aquariums, researchers
Sic: 091
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses; 600 hours; 1 form
William T. Adams, 202–395–4814

Provides information on activities conducted under permit or letter of agreement, under the Marine Mammal Protection Act of 1972 (Pub. L. 92–522), Endangered Species Act of 1973 (Pub. L. 93–205), or Fur Seal Act of 1966 (Pub. L. 89–702).

- National Oceanic and Atmospheric Administration

Fisheries Development and utilization research and demonstration grants and cooperative agreement application
Annually
Businesses or other institutions
Domestic fishing industry
Sic: 091
Small businesses or organizations
Other advancement and regulation of commerce, 400 responses; 16,000 hours; $50,000 Federal cost; 1 form
William T. Adams, 202–395–4814

Information is required by National Marine Fisheries Service (NMFS) to determine funding awards to applicants in response to catalogue of Federal domestic assistance program 11–427. This grants program is part of the NMFS fisheries development program.

- National Oceanic and Atmospheric Administration

Stranding reports
On occasion
Individuals or households/State or local governments, scientists—local government officials
Sic: 091
Other advancement and regulation of commerce, 8,000 responses; 2,000 hours; 1 form
William T. Adams, 202–395–4814

To collect information on marine mammal/endangered species standings.

Revisions

- Bureau of the Census

Confectionery
MA–20D
Annually
Businesses or other institutions
Confectionery manufacturers
Sic: 206
Small businesses or organizations
Other advancement and regulation of commerce, 350 responses; 700 hours; $3,315,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202–673–7974

This survey was begun in 1926 to provide data on confectionery sales to a number of Federal agencies. The Department of Agriculture uses the data in its dietary and nutritional studies and the Department of Commerce uses it to maeasure the impact of cacao bean imports in the balance of payments.

Extensions (Burden Change)

- Economic and Statistical Analysis

Transactions of U.S. reporter with unincorporated foreign banking affiliate

V 46 / 29 FEB 12 81 UMI

BE-578(B)
Quarterly
Businesses or other institutions
U.S. business enterprises which own 10% or more of a foreign business, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation of commerce, 700 responses; 700 hours; $350,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between U.S. persons and unincorporated foreign banks in which they have an equity interest of 10 percent or more. Consists of earnings; interest, and fees and royalties received; and outstanding permanent investment position. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94-472). required for the preparation of the balance of payments accounts of the United States.

• Economic and Statistical Analysis
Transactions of U.S. reporter with unincorporated foreign affiliate, except a bank
BE-578
Quarterly
Businesses or other institutions
U.S. business enterprises which own 10% or more of a foreign business, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation or commerce, 8,000 responses; 8,000 hours; $350,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between U.S. persons and unincorporated non-bank foreign business enterprises in which they have an equity interest of 10 percent or more. Consists of data on earnings; interest, and fees and royalties received; and outstanding equity position. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94-472). Required for the preparation of the balance of payments accounts.

• Economic and Statistical Analysis
Direct transactions of U.S. reporter with foreign affiliate incorporated abroad
BE-577
Quarterly
Businesses or other institutions
U.S. business enterprises which own 10% or more of a foreign business, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation of commerce, 35,300 responses; 35,300 hours; $350,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between U.S. persons and incorporated foreign business enterprises in which they have an equity interest of 10 percent or more. Consists of data on earnings; dividends, interest, and fees and royalties received; and outstanding debt and equity position. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94-472). Required for the preparation of the balance of payments accounts of the U.S.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer, Joseph Strnad, 202-245-7488

New

• National Institutes of Health
Application form—ABC recognition process
On occasion
Businesses or other institutions
Blood centers
Sic: 809
Small businesses or organizations
Health, 100 responses; 1,000 hours; $13,000 Federal cost; 1 form
Gwendolyn Pla, 395-6880

The information is required to determine if the region meets the established ABC criteria. In addition, the data will support research on the optimal management of regional blood services, and, combined with performance measure will demonstrate improvement in blood service delivery.

• Health Care Financing Administration
Billing forms for hospice medicare/medicaid demonstration
HCFA-245, 246, and 1453DR
Monthly
Businesses or other institutions
Hospice organizations which provide medical and psycho-socio care, etc.
Sic: 808
Small businesses or organizations
Health care services, 32,760 responses; 8,970 hours; $93,419 Federal cost; 3 forms
Richard Eisinger, 202-395-6880

Need: To ensure proper payment for the medicare/medicaid hospice demonstration for services provided to the beneficiaries by the 26 hospice organizations selected to participate. Uses: The billing form will be used for services covered under this demonstration on the basis of reasonable cost subject to retrospective cost reimbursement.

• Health Care Financing Administration
Licensure forms for the Clinical Laboratory Improvement Act
HCFA-200 through 203, 206 through 209
Biennially
Businesses or other institutions
Clinical laboratories engaged in interstate commerce, subjected to CLIA 1967
Sic: 806
Small businesses or organizations
Health, 6,359 responses; 1,851 hours; $3,900 Federal cost; 8 forms
Richard Eisinger, 202-395-6880

Clinical laboratories soliciting or accepting specimans in interstate commerce are required by CLIA of 1967 to hold a valid license or letter of exemption from licensure issued by the Secretary of HHS. These forms, HCFA-200-203, 206-209 are mechanisms used to meet these requirements.

• Social Security Administration
Student field reviews questionnaire and school field contact qusetionnaire
SSA-4307 SSA-4308
Nonrecurring
Individuals or households/businesses or other institutions
Students receiving title II benefits and schools attended by select students benefits
Sic: 822
General retirement and disability insurance, 7,200 responses; 2,700 hours; $47,837 Federal cost; 2 forms
Barbara F. Young, 202-395-6880

The information is needed to assess current procedures and make corrective action recommendations in the area of benefit payments to students. The study will be used to elicit information from a sample of students receiving title II benefits.

DEPARTMENT OF LABOR

Agency Clearance Officer, Paul E. Larson, 202-523-6341

New

• Employment and Training Administration
Survey of CETA local management systems
MT-311
Nonrecurring
State or local governments
CETA prime sponsor staff
Sic: 944
Training and employment, 115 responses; 87 hours; $174,780 Federal cost; 1 form
Arnold Strasser, 202-395-6880

To identify, document, and assess the management systems and techniques of CETA prime sponsors' for the purpose of identifying exemplary and unique systems and techniques. The resulting information will assist CETA prime sponsors in the development and enhancement of their management systems.

Reinstatements

•Employment and Training Administration
Study to assess work test costs and outcomes of mandatory work regulation requirements
MT-307
On occasion
Individuals or households/State or local governments
ES, WIN, and UI local office staff
Training and employment, 20,646 responses; 973 hours; $102,708 Federal cost; 1 form
Arnold Strasser, 202-395-6880

The objectives of this study are to provide E.S. policymakers with the information to understand the level of resources utilized in the application of current work requirements and to predict the cost impact of variety of proposed measures to strengthen these requirements.

DEPARTMENT OF TRANSPORTATION

Agency Clerance Officer, John Winsor, 202-426-1887

New

• National Highway Traffic Safety Administration
49 CFR 557, petitions for hearings
On occasion
Individuals or households/businesses or other institutions motor vehicle or equipment owners
Sic: Multiple
Small businesses or organizations
Ground transportation 21 responses; 21 hours; $1,000 Federal cost; 1 form
Corrinne Hayward, 202-395-7340

This regulation establishes procedures for petitioning the agency for a hearing to determine whether a manufacturer has met its obligation to notify vehicle owners of a defect or noncompliance and whether remedy has been satisfactory.

Reinstatements

• Federal Aviation Administration
Malfunction or defects report (other than scheduled air carriers) FAR 135 and 145
FAA 8010-4
On occasion
Businesses or other institutions
Air taxi and comm. oper. of gen. avi. aircrf. and cert. oper. etc.
Sic: 458 762 769
Air transportation, 13,910 responses; 4,173 hours; $100,000 Federal cost; 2 forms
Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958 section 313 (49 U.S.C. 1354) authorizes issuance of regulations deemed necessary to carry out this act. 14 CFR 135 and 145 require reports of certain aircraft malfunctions or defects. Information collected is used to determine corrective actions.

• Federal Aviation Administration
Flight engineers and flight navigators—FAR 63
FAA 8400-3
On occasion
Individuals or households
Applicants for flight engineer or flight navigator, etc.
Air transportation, 48,944 responses; 74,534 hours; $106,250 Federal cost; 1 form
Corrinne Hayward, 202-395-7340
Federal Aviation Act of 1958, section 602 (49 U.S.C. 1422) authorizes issuance of airman certificates. 14 CFR 63 prescribes requirements for flight engineer and flight navigator certificates. Information collected is used to determine compliance and applicants eligibility.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer, Ms. Joy Tucker, 202-634-2179

Extensions (Burden Change)

• United States Customs Service
Crew's effects declaration
CF-1304
On occasion
Businesses or other institutions
Vessel carriers
Sic: 441
Small businesses or organizations
Federal law enforcement activities, 107,970 responses; 16,196 hours; $171,430 Federal cost; 1 form
Warren Topelius, 202-395-7340

The form was developed by the Intergovernmental Maritime Consultive Organization (IMCO) and replaces the numerous forms previously used by the countries that are signatories to the IMCO Treaty Convention. It allows the master of a vessel to deal with a single form to declare crew member's goods and thus avoid penalties to the master.

VETERANS ADMINISTRATION

Agency Clearance officer, R.C. Whitt, 202-389-2146

Reinstatements

• State cemetery grants program survey
FL 40-9976 (NR)
Annually
State or local governments
State Governors offices and 5 territories
Other veterans benefits and services, 55 responses; 14 hours; $2,000 Federal cost; 1 form
Robert Neal, 395-6880

The information obtained from the questionnaire is required on an annual basis in order to perform cost analysis of program activities and project financial resources required to conduct the grant program.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer, Mrs. Katie Cudmore, 202-653-5998

Reinstatements

• Form 4 application for loan and form 4I lender's application for guarantee or participation
SBA form 4 SBA form 4-I
Nonrecurring
Businesses or other institutions
Any mfgr. wholesalers, retailer or serv. bus. req. finan. etc.
Sic: Multiple
Small businsses or organizations
Other advancement and regulation of commerce, 35,000 responses; 111,930 hours; $12,609 Federal cost; 2 forms
Edward C. Springer, 202-395-4814

The Small Business Act requires a credit analysis before a loan is approved or guaranteed. These forms and the attachments provide the minimum data for a credit analysis of the lenders' terms and conditions.

C. L. Kincannon,
Assistant Administrator for Office of Information and Regulatory Affairs.

[FR Doc. 81-5017 Filed 2-11-81; 8:45 am]
BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

AGENCY: Office of Management and Budget.

ACTION: Notice of past meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given that the President's Commission for a National Agenda for the Eighties held an Urban Policy Briefing on February 4, 1981 from 10:00 a.m. to 5:00 p.m. in Washington, D.C. The meeting was held in the Rayburn House Office Building.

The purpose of the meeting was to discuss elements of the Urban America in the Eighties report.

Minutes of the meeting are available upon request.

FOR FURTHER INFORMATION CONTACT: Ms. Loretta Marshall, President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006, (202) 275-0616.

Daniel F. Mann,
Budget and Management Officer.

February 5, 1981.

[FR Doc. 81-4949 Filed 2-11-81; 8:45 am]
BILLING CODE 3110-01-M

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 21910; 70-6546]

The Connecticut Light and Power Co. and the Hartford Electric Light Co.; Proposal to Issue Notes to Banks Pursuant to Multibank Term Loan Agreements

February 6, 1981.

Notice is hereby given that The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, and The Hartford Electric Light Company ("HELCO"), Selden Street, Berlin Connecticut 06037, public utility subsidiaries of Northeast Utilities ("NU"), a registered holding company, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CL&P and HELCO propose to enter into a multibank term loan agreement under the terms of which CL&P may borrow up to $125 million and HELCO may borrow up to $50 million. The maximum to be borrowed by CL&P and HELCO will be $150 million in the aggregate.

CL&P and HELCO expect that it may be difficult for each of them to sell a large amount of mortgage bonds or preferred stock in the immediate future on favorable terms in light of market conditions and the earnings coverage requirements of their respective indentures and preferred stock provisions. Each company would like to defer a portion of its long-term financing requirements until after May 1986, the expected in-service date of the Millstone nuclear electric generating Unit No. 3 under construction in Waterford, Connecticut in which CL&P and HELCO currently have 34.5% and 18.2% ownership interests, respectively. In addition, applicants currently have high levels of short-term debt, primarily because of the construction costs of Millstone Unit No. 3, which they desire to reduce to the extent authorized by intermediate term loans.

It is expected that the term loans will be evidenced by term notes, which will each be dated the date of issue, will mature at the end of ten years, with amortization of the principal amount to be made in four equal installments of principal at the end of the seventh, eighth, ninth and tenth years, and will be secured by a mortgage on the applicants' interest in Millstone Unit No. 1, a nuclear generating unit which is owned by CL&P, HELCO and Western Massachusetts Electric Company (another wholly-owned subsidiary of NU) as tenants in common. The mortgage will be junior to the present lien of the indentures securing the applicants' first mortgage bonds. The term notes will bear interest payable quarterly. For the first four years, interest will be at the Prime Rate (defined below) or, at the applicants' election, at the London Interbank Offered Rate (LIBOR) plus ½ of 1% per annum; in the fifth and sixth years, interest will be at 102% of the Prime Rate, or, at the applicants' election, LIBOR plus ⅝ of 1% per annum; and in the seventh through tenth years, interest will be at 105% of the prime Rate, or, at the applicants' election, LIBOR plus ¾ of 1% per annum. For these purposes, the Prime Rate means the lead bank's prime rate or ½ of 1% per annum above the latest three-week moving average of secondary market morning offering rates in the United States for three-month certificates of deposit of major United States money market banks, as reported by the Federal Reserve Bank of New York. The notes are expected to be issued in the first quarter of 1981. The applicants will be obligated to pay commitment fees of ½ of 1% per annum on their pro rata share of the maximum $150 million subject to the term loan agreement if funds have not been disbursed by march 15, 1981. It is expected that the lenders will be a group of approximately nine banks.

The funds to be derived by the applicants from the issuance and sale of the term notes will be applied, together with other funds available, to the reduction of the applicants' respective outstanding short-term borrowings. At December 31, 1980, including borrowings under the Revolving Credit/Term Loan Agreement to which CL&P and HELCO are parties, CL&P's short-term borrowings amounted to $148,000,000 and HELCO's short-term borrowings amounted to $74,000,000. CL&P's estimated construction program expenditures (including allowance for funds used during construction (AFUDC) but excluding nuclear fuel expenditures) for 1981 and 1982 are estimated at $175,000,000 and $199,000,000, respectively. CL&P's estimated gross nuclear fuel expenditures (including fuel trust financing) for 1981 and 1982 are estimated to be $11,000,000 and $8,000,000, respectively. HELCO's estimated construction program expenditures (including AFUDC but excluding nuclear fuel expenditures) for 1981 and 1982 are estimated at $77,000,000 and $109,000,000, respectively. HELCO's estimated gross nuclear fuel expenditures (including fuel trust financing) for 1981 and 1982 are estimated to be $4,000,000 and $3,000,000, respectively.

A statement of the fees, commissions and expenses to be incurred by CL&P and HELCO in connection with the proposed transaction will be filed by amendment. The Connecticut Department of Public Utility Control has jurisdiction over the issuance of the term notes by CL&P and HELCO. It is stated that no other state or federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 2, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the application-declaration as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advise as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4978 Filed 2-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21912; 70-6545]

Louisiana Power & Light Co.; Proposed Extension and Amendment of Lease and Credit Agreement

February 6, 1981.

Notice is hereby given that Louisiana Power and Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9(a) and 10 as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Louisiana was authorized by an order of this Commission dated May 31, 1978 (HCAR No. 20564), to enter into a lease with Bayou Fuel Company ("Bayou"), dated June 1, 1978. Under the lease Louisiana leases from Bayou the nuclear fuel, including facilities incident to its use, to be used as fuel in Louisiana's Waterford No. 3 nuclear generating unit. Bayou makes payments to suppliers, processors and manufacturers, as well as to future nuclear fuel suppliers, necessary to carry out the terms of Louisiana's nuclear fuel contracts for Waterford No. 3. Louisiana can also make such payments and be reimbursed by Bayou. The current maximum obligation of Bayou to make payments for nuclear fuel is $59,000,000 at any one time outstanding. Bayou has financed these obligations under a Credit Agreement, dated as of June 1, 1978, between Bayou and Security Pacific National Bank ("Security").

Bayou is owned by Lehman Leasing, Inc. ("Lehman Leasing"), a New York corporation engaged with its other subsidiaries in a general leasing business. Lehman Leasing is an affiliate of Lehman Brothers Kuhn Loeb Incorporated, an investment banking firm. Neither Lehman Leasing, its subsidiaries, Bayou, Lehman brothers Kuhn Loeb Incorporated nor any persons affiliated with any of them are affiliated with Louisiana or any of its affiliated companies.

Louisiana has determined that the maximum commitment of Bayou under the lease is insufficient to provide for the total cost of nuclear fuel for Waterford No. 3. Bayou, however, has advised Louisiana that it is willing to amend the credit agreement to provide for an increase of the bank's commitment under said agreement from $60,000,000 to $105,000,000 and thereby increase Bayou's maximum obligation to make payments for nuclear fuel to $104,000,000 at any one time outstanding. As required by the lease, Louisiana would consent to the amendment to the credit agreement.

Under the Lease Louisiana is responsible for operating, maintaining, repairing, replacing, and insuring the nuclear fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof. Currently, the term of the lease is through June 1, 2028. However, if either party gives written notice of termination by June 1, 1981, or any subsequent June 1, the lease will terminate on June 1 of the third following year.

Lease payments, which are payable quarterly, include (A) a quarterly lease charge, which represents an administrative charge of ⅛ of 1 percent per annum of the stipulated loss value, as defined in the lease, payable by Bayou to Lehman Leasing under an agreement and other allocated operational costs of Bayou and (B) a burn-up charge equal to the cost of the nuclear fuel consumed while the nuclear fuel is in the reactor and producing heat. When the nuclear fuel is not in the reactor and producing heat Louisiana may elect to capitalize quarterly lease charges, or daily portions thereof, so long as the amount of credit still available to Bayou under the credit agreement exceeds the sum of the stipulated loss value of the nuclear fuel, the amount of such charges and $1,000,000. Louisiana may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when nuclear fuel is in the reactor and producing heat in the production of electric energy.

Louisiana may terminate the lease at any time. Bayou may terminate the lease under certain circumstances, including, among others, if it becomes subject to certain adverse rules, regulations or declarations with respect to its status or the conduct of its business, if there is a nuclear incident of sufficient magnitude, and by notice of a desire not to renew the lease by June 1, 1981 or any subsequent June 1, followed by the lapse of the remaining three-year term. Upon the occurrence of any such event of termination, title to the nuclear fuel automatically transfers to Louisiana. Within 120 days, but not less than 90 days notice of termination, Louisiana will be unconditionally obligated to purchase the nuclear fuel fom Bayou at a price equal to the sum of the stipulated loss value of the nuclear fuel plus the termination rent, as defined in the lease, both computed as of the day of purchase. Upon consumation of such purchase, all obligations of Louisiana under the lease will terminate, except to the extent provided therein.

Bayou will receive termination rights upon the occurrence of certain events of default. Upon the occurrence of an event of default, Bayou may (a) treat the event of default as an event of termination with the results specified in the preceding paragraph and proceed at law or in equity for enforcement of the applicable provisions of the lease or for damages, or (b) it may terminate the lease. If Bayou terminates the lease as a result of the occurence of an event of default, Louisiana's interest in the nuclear fuel will trminate and Bayou may take possession of the nuclear fuel and sell it. In the event of such a termination, Bayou may recover from Louisiana damages and expenses resulting from the breach of the lease, all accrued and unpaid amounts owed to it by Louisiana, and liquidated damages.

Louisiana will charge the rent under the lease to fuel expense and will continue to account for the transaction as a lease rather than as a purchase.

Under the terms of the lease the amount of the quarterly lease payments by Louisiana are measured by, among other things, the amount of costs incurred by Bayou, in connection with its acquisition, ownership and processing of the nuclear fuel, under the credit agreement, as amended by the amended credit agreement.

Under the credit agreement, Bayou issues and sells its commercial paper, supported by an irrevocable letter of credit issued by Security. Bayou proposes to continue to use Lehman Commercial Paper, Inc. (LCPI) as dealer in connection with the sale of the commercial paper. Such sale is expected to be at the best available rate and will include a ⅛ of 1% per annum dealer discount.

Based upon a commercial paper rate for the highest rated commercial paper of 17.5% per annum, the effective interest cost to Bayou of its proposed borrowings would be 19.40% per annum, assuming all borrowings were made through the issuance of commercial paper and total borrowings were $91 million (the average outstanding borrowings expected from January 1981 through March 1983).

Marine Midland Bank, under a Depositary Agreement, dated as of June 1, 1978, acts as issuing agent for Bayou's commercial paper. Under the credit agreement, Bayou can also under certain circumstances make revolving credit borrowings to be evidenced by its promissory notes. The term of the credit

agreement will be through June 1, 2028; however, if any party gives written notice of termination by June 1, 1981, or any subsequent June 1, the credit agreement shall terminate on June 1 of the third following year.

Under the amended credit agreement, Bayou will pay the Bank a quarterly fee of eight-tenths of one percent (.80%) per annum (computed on the basis of 365 or 366-day year, as the case may be) on the average principal amount outstanding of Bayou's commercial paper (determined on a daily basis). Under the amended credit agreement, Bayou would pay the bank a commitment fee at a rate per annum (based on a 365 or 366-day year and actual days elapsed) of ¼ of 1% of the difference between Security's commitment of $105,000,000 and the total principal amount of outstanding commercial paper, except that no commitment fee is paid when the amount of outstanding commercial paper exceeds $78,750,000 (75% of the bank's commitment under the credit agreement).

Promissory notes issued to evidence revolving credit loans to Bayou would bear interest (computed on the basis of a 365 or 366-day year, as the case may be) on the unpaid principal amount thereof at an interest rate equal to 115% of the base rate (determined weekly). The base rate would be the greater of: (a) the bank's prime rate for 90-day commercial loans to substantial and responsible commercial borrowers, as such rate may change from time to time, or (b) the latest 4-week moving average interest rate payable on 90-day dealer-placed commercial paper as published weekly by the Federal Reserve Bank of New York.

Louisiana has been advised that (1) if all borrowings were made by means of revolving credit loans the interest on which were based on the bank's prime rate, such interest rate were 20% per annum and total borrowings were $91 million, the net effective interest cost to Bayou would be 23.12% per annum and (2) if all borrowings were made by means of revolving credit loans the interest on which were based on the latest 4-week moving average interest rate payable on 90-day dealer-placed commercial paper, such rate were 16.81% per annum and total borrowings were $91 million, the net effective interest cost to Bayou would be 19.46% per annum.

The aggregate amount of Bayou's promissory notes and commercial paper at any time outstanding will not exceed the commitment of Security under the credit agreement.

Under the present credit agreement, Security has granted participation in the loan arrangements evidenced by the credit agreement to other commercial banks. Security has also received an assignment of the rents and certain other obligations under the lease under an assignment agreement, dated June 1, 1978, as security for Security's letter of credit and its loans under the credit agreement. Security has also received a security interest in the nuclear fuel under a Security Agreement, dated as of June 1, 1978. Bayou has advised Louisiana that it proposes to enter into a commercial paper security agreement with Security, whereby Bayou will grant to Security, as representative of the holders of the commercial paper, a security interest in the nuclear fuel and in any and all funds and bank accounts of Bayou with respect to which Security may exercise any right of set-off as representative of the holders of the commercial paper, the bank will also receive an assignment of the rights assigned to it for its own benefit in the assignment agreement. Security will exercise (1) the security interest in the nuclear fuel and its interest in Bayou's rights under the lease, granted to the bank for the benefit of the holders of the commercial paper and (2) such interests granted to the bank for its own benefit, for the equal benefit of Security and the commercial paper holders. Louisiana will acknowledge notice, and agree to the terms, of the assignments.

It is stated that prior to the consummation of the proposed transactions full disclosure of the transactions must be made to the Louisiana Public Service Commission (LPSC) and receive prior official action of approval or non-opposition from LPSC. The Nuclear Regulatory Commission has licensing and regulatory jurisdiction over the ownership, possession, storage and handling of the nuclear fuel involved in the transaction. It is stated that not other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

A statement of the fees and expenses incurred in connection with the proposed transactions will be provided by amendment.

Notice is further given that any interested person may, not later than March 2, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4979 Filed 2-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21911; 170-6552]

Arkansas Power & Light Co. and Middle South Utilities, Inc.; Proposed Issuance and Sale of Common Stock by Electric Utility Subsidiary and Acquisition Thereof by Holding Company

February 6, 1981.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112 a registered holding company, and Arkansas Power & Light Company ("Arkansas"), Post Office Box 551, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South, have filed an application with this Commission pursuant to Sections 6(b), 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell to Middle South, and Middle South proposes to acquire from Arkansas, from time to time during the 1981 calendar year, at the price of $12.50 per share, or $15,000,000 in the aggregate, 1,200,000 presently authorized but unissued shares of the common stock of Arkansas $12.50 par value. Arkansas presently has outstanding 38,980,196 shares of common stock, $12.50 par value, all of which shares are owned by Middle South, with an aggregate par value on its books of $487,252,450. Arkansas and Middle South state that the sale of the new common stock will be timed to coincide with Arkansas' cash needs from time to time, which are primarily determined by the nature and pace of its construction program.

Upon the issuance and sale by Arkansas and the acquisition by Middle South of the new common stock, Arkansas proposes to credit its Common Stock Capital Account with the amount ($15,000,000) received by it for the new common stock, and Middle South proposes to debit its Investment Account with the amount ($15,000,000) of its cash investment. To the extent funds are required from external sources to acquire the new common stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes to banks.

[FR Doc. 81-4977 Filed 2-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11611; (811-1578)]

Trust Fund Sponsored by American College Foundation, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Investment Company Act of 1940

February 6, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Trust Fund Sponsored by American College Foundation, Inc. ("Fund"), 33 Giraloa Avenue, Coral Gables, Florida 33134, registered under the Act as an open-end, non-diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized on April 25, 1966, under the laws of the State of Florida, and that on December 26, 1967, the Fund registered as an investment company under the Act. It did not file a registration statement under the Securities Act of 1933. Due to certain problems which developed in the management and administration of the Fund, the Department of Insurance of the State of Florida took action to have the Fund liquidated. A proceeding entitled *State of Florida, ex rel. The Department of Insurance* (Relator) v. *American College Foundation, Inc.* (Respondent), was filed in the Circuit Court, Second Judicial Circuit for Leon County, Florida, Civil Action No. 77-829. That Court issued an order on May 3, 1977, appointing the Florida Department of Insurance as Receiver of the Fund's property and affairs for the purpose of supervising the liquidation of the Fund. On January 28, 1980, the Court issued an Order of Final Distribution causing the Fund to be liquidated and its assets to be distributed to participating Fund members, after payment of all accrued liabilities of the Fund. Unclaimed distributions in the amount of approximately $25,000 were transferred to the State of Florida's Abandoned Property Account. The Division of Rehabilitation and Liquidation of the State of Florida, by letter dated August 15, 1980, advised the Commission that the Order of Final Distribution was implemented on January 28, 1980. On December 12, 1980, the Court issued an Order of Final Discharge and Approval of Final Accounting, effective December 31, 1980, and therefore it can be said that the Fund has ceased to exist. The Fund has no assets or liabilities currently outstanding.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 2, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4977 Filed 2-11-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment; Cancellation of Meeting

This Notice announces the cancellation of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 135 meeting which was scheduled for February 12-13, 1981, and announced in the **Federal Register** on January 29, 1981, (46 FR 9837). The meeting will be rescheduled and a Notice of Meeting will be published in the near future.

Issued in Washington, D.C. on February 4, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-4016 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held on March 4-6, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Tenth Meeting Held on December 3-5, 1980; (3) Review Fifth Draft of Minimum Operational Performance Standards for Airborne MLS Equipment; (4) Review Initial Report on Future Committee Work; and (5) Other Business.

V 46/29 FE 12 81 1 UMI

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 4, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–4017 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Chatham County, Georgia; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Chatham County, Georgia.

FOR FURTHER INFORMATION CONTACT: David H. Densmore, Development Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, NE., Atlanta, Georgia 30309, telephone (404) 881–4758, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696–4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to replace the bridges over the Savannah, Middle and Back Rivers on U.S. 17 in Chatham County. The existing bridges include a two-lane swing span over the Savannah River and a two-lane atgrade structure over both the Middle and Back Rivers. The proposed work is necessary to eliminate the safety and structural deficiencies of the existing bridges.

Alternates under consideration include the replacement of all three bridges with varyng vertical clearances (55-foot, 135-foot and 160-foot) proposed for the bridge over the Savannah River (the Houlihan Bridge) and the no-build alternative. All bridges would be replaced by two-lane bridges.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Formal scoping meetings will be held during the months of February and March to receive input from interested State and Federal agencies. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action or the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on February 2, 1981.

David H. Densmore,

Development Engineer, Federal Highway Administration.

[FR Doc. 81–4863 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–22–M

Douglas County, Nebraska; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Douglas and Sarpy Counties in Nebraska.

FOR FURTHER INFORMATION CONTACT: Mr. Walter M. Running, Program Support Engineer, Federal Highway Administration, Federal Building, Room 487, 100 Centennial Mall North, Lincoln, Nebraska 68508, Telephone: (402) 471–5527. Mr. Louis E. Lamberty, Douglas County Surveyor-Engineer, 156th & West Maple Road, Omaha, Nebraska 68164, Telephone: (402) 444–6465. Mr. Gerald Grauer, Project Development Engineer, Nebraska Department of Roads, P.O. Box 94759, Lincoln, Nebraska 68509, Telephone: (402) 473–4795.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nebraska Department of Roads, Douglas County and Sarpy County, Nebraska, will prepare an environmental impact statement (EIS) on a proposal to improve portions of Harrison Street, Giles Road and the construction of an interchage on I–80 in Douglas and Sarpy Counties. The proposed action would involve the reconstruction of Harrison Street between 144th Street and 84th Street, the construction of an interchange on I–80 at 126th Street, connection of the interchange to Giles Road and the improvement of Giles Road from 120th Street to 108th Street. These 14.2 miles of roadway improvements are considered necessary to provide for the existing and projected traffic demands along the routes of the improvements and to relieve the volume of traffic at the "L" Street—I–80 interchange in Omaha, Nebraska.

Alternatives under consideration include (1) no action; (2) construction of a two-lane urban street; and (3) construction of a four-lane divided urban street. The alternatives to be considered for the I–80 Interchange are (1) no action; (2) cloverleaf design; (3) directional interchange; and (4) a diamond interchange with a loop.

An Environmental Assessment was prepared and circulated to thirty-five Federal, State, and local agencies, and other interested parties. A public hearing was conducted on the proposed action.

Because controversy arose concerning the possible impact the proposed interchange might have on the Omaha urban area, an environmental impact statement will be prepared. No formal scoping meeting is planned.

To insure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, Douglas County or the Nebraska Department of Roads at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: February 3, 1981.

Walter M. Running,

Program Support Engineer, Nebraska Division, Lincoln, Nebraska.

[FR Doc. 81–4759 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–22–M

Orange County, California; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Orange County, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the california Department of Transportation (Caltrans) and the City of Newport Beach, will prepare an Environmental Impact Statement (EIS) for a proposal to improve traffic flow on a 3.6-mile segment of the Pacific Coast Highway (State Route 1) between MacArthur Boulevard (State Route 73) and Newport Boulevard (State Route 55) in the City of Newport Beach in Orange County, California. Presently, most of the roadway has insufficient capacity to accommodate existing traffic volumes at acceptable levels.

The proposed improvement would consist of widening a 1.6-mile segment from four to six lanes between MacArthur Boulevard and Bayside Drive. If necessary, additional travel lanes may be provided between Dover Drive and Newport Boulevard by eliminating street parking and modifying the median.

Alternatives under consideration include (1) taking no action; (2) full improvements to Pacific Coast Highway; (3) reduced improvements to Pacific Coast Highway; and (4) emphasis of transit and HOV (High Occupancy Vehicle) with no roadway alteration.

A formal scoping meeting has not been planned at this time, but will be scheduled if it becomes apparent that one is necessary. The City of Newport Beach and Caltrans will meet with Federal and State agencies for the purpose of responding to questions and receiving comments about the project. In addition, the City and Caltrans will coordinate public meetings with persons and businesses along the project route.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: February 3, 1981.

Raymond Okinaga,

Acting District Engineer, Sacramento, California.

[FR Doc. 81–4729 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–22–M

Williams and McKenzie County, North Dakota and Roosevelt and Richland County, Montana; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Williams and McKenzie County, North Dakota and Roosevelt & Richland County, Montana.

FOR FURTHER INFORMATION CONTACT: Marvin Espeland, Division Administrator, Federal Highway Administration, P.O. Box 1755, Bismarck, ND 58502. Telephone Number is (701) 255–4011 (FTS 783–4204).

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Dakota Highway Department and the Montana Department of Highways, will prepare an Environmental Impact Statement (EIS) on a highway improvement project in Montana and North Dakota. The proposed improvement would involve the construction of a structure across the Missouri River and the approaches to this structure. The purpose of the project is to replace an inadequate existing structure and its substandard approaches.

Five alternate structure locations are under consideration; four in North Dakota and one in Montana. Two alternate approach alignments are proposed for the Montana bridge location, also under consideration is an alternate to rehabilitate the existing structure and approaches. The "No Action Alternate" is also proposed.

Letters soliciting views and comments on the proposed project were sent to various federal, state and local agencies. The project has been discussed at local meetings in Williston, North Dakota and in Fairview, Montana. The Draft EIS will be available for public and agency review and comment. A public hearing will be held to discuss alternates and impacts of the proposed action. Public notice will be given for the time and place of the public hearing. No formal scoping meeting will be held.

Issued on: February 4, 1981.

Marvin Espeland,

Division Administrator, Bismarck, North Dakota.

[FR Doc. 81–4756 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Evaluation of Controls Standardization; Interim Contract Briefing; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on February 18, 1981, to present a progress report on a contracted research study entitled "Evaluation of Controls Standardization." The objectives of the study are to identify and evaluate alternative requirements for standardizing the location and operation of automobile controls. Improved control standardization could help reduce driver distraction, errors in control operation, delays in control activation, and inadvertent control operation.

The meeting will be held at the Campus Inn in Ann Arbor, Michigan (615 E. Huron), beginning at 1:00 p.m. and will be presented by the contractor (Minicars Inc. of Goleta, California). The agenda will consist of a brief overview of the study purpose, a description of the contractor's recommendations for alternative standardization requirements, and a discussion of the contractor's proposed plan for evaluating the alternative requirements. In addition, time will be allotted for audience questions and suggestions concerning the conduct of the study.

Additional information may be obtained from Mr. Michael Perel, Office of Driver and Pedestrian Research, Room 6240, Nassif Building, 400 Seventh Street Southwest, Washington, D.C. 20590, telephone: 202–755–8753.

Issued in Washington, D.C., on: February 5, 1981.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 81–4655 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–59–M

Federal Motor Vehicle Safety Standards; Light Passenger Vehicles

AGENCY: National Highway Traffic Safety Administration, DOT.

V 46/29 FE 12 81 UMI

ACTION: Denial of Petition for Rulemaking.

SUMMARY: This notice denies a petition for rulemaking filed by Mr. Peter Smay. Mr. Smay petitioned NHTSA to reclassify passenger cars weighing less than 1,400 pounds so as to reduce the number of Federal motor vehicle safety standards applicable to them. The petitioner requests this action because he believes that such lightweight passenger cars cannot be built to conform to presently applicable safety standards. As a result, these vehicles cannot be sold in the United States. NHTSA is denying Mr. Smay's petition because the technology is available to build a lightweight car that complies with all current regulations. In light of the increasing trend toward smaller cars, the agency believes that reducing the number of standards applicable to such vehicles would jeopardize occupant safety.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Cohen, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (Telephone: (202) 426–2264).

SUPPLEMENTARY INFORMATION: On October 23, 1979, Mr. Peter Smay petitioned NHTSA to reclassify lightweight passenger cars and subject them to fewer Federal motor vehicles safety standards than currently apply to passenger cars of all weights. Mr. Smay defines lightweight passenger cars as four-wheeled cars weighing less than 1,400 pounds and having an engine displacement less than 800 cc. At present, these vehicles are classified as passenger cars and are therefore subject to the safety standards for that class of vehicles.

Mr. Smay's petition is based on his belief that lightweight passenger cars cannot be built to comply with the passenger car safety standards. In support of his belief, he cites the example of several foreign-produced lightweight passenger cars that cannot be sold in this country because they do not comply with the Federal safety standards. Mr. Smay believes that these vehicles offer a safe, cheap, and fuel efficient alternative to motorcycles and heavier cars and that, therefore, their sale should be encouraged.

The petitioner urges that his purpose be accomplished either by expanding the motorcycle class to include the lightweight passenger cars or by establishing a separate, new class for those cars. Mr. Smay believes that the first alternative would be appropriate since the lightweight passenger cars are said to be comparable in weight and fuel economy to motorcycles. Indicating that it may be appropriate to subject lightweight passenger cars to more safety standards than are motorcycles, he stated that the second alternative also would be an acceptable way of achieving his purpose.

After careful consideration of all relevant factors, NHTSA has decided to deny Mr. Smay's petition. The technology is available to build relatively light passenger cars that achieve high fuel economy while also complying with the Federal safety standards. Further, research and tests have shown that substantial levels of safety protection can be designed into small cars. For example, Western Washington University has built an experimental vehicle (the Viking VI) that is lightweight (1,200 pounds) yet will protect its occupants in a 41 mph frontal barrier crash. Current Federal safety standards specify a test crash speed of 30 mph. Also, in several recent NHTSA crash tests, several current production cars weighing approximately 2,000 pounds satisfied the occupant protection requirements at 35 mph.

The agency also believes that it would be inappropriate to reclassify lightweight passenger cars in the face of the steady trend toward lighter more fuel efficient cars. Generally speaking, small cars are less safe than large ones. Especially as the manufacturers move in the coming years toward developing mini-compact, two-seat cars, the agency must ensure small car safety. As a general matter, cars of all sizes should comply with the same safety standards. Indeed, NHTSA believes that this is what consumers have come to expect.

Light passenger cars such as the Fiat 500 and the Honda 600 are sold and operated in European countries and Japan. The vehicle mix in these countries is very different from that in the United States. In the United States, there is a wider range of vehicle weights and a greater average weight. These differences may cause serious problems for lightweight vehicles that provide less protection than other cars (because they comply with fewer safety standards) and that are involved in accidents with larger vehicles. The occupants of such vehicles are likely to suffer injuries that are more severe than they would have suffered had the car provided the level of crash protection mandated by currently applicable regulations. As the domestic manufacturers move in the 1980's and 1990's toward developing mini-compact, two-seat cars of their own, they should be enouraged to do so in accordance with the full array of Federal safety standards. Thus, it is the agency's position that reclassification of light passenger vehicles as Mr. Smay suggests is inappropriate.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 2, 1981.

Carl Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 81–4088 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–2; Notice 1]

Mercedes-Benz of North America, Inc.; Receipt of Petition for Determination of Inconsequentiality

Mercedes-Benz of North America Inc., of Montvale, N.J., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, Fire Selection and Rims for Passenger Cars, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision on other exercise of judgement concerning the merits of the petition.

Approximately 500 1981 model Mercedes-Benz 380 SL Coupes may carry tire inflation placards (required by Standard No. 110) with an incorrect seating capacity. The placards indicate that the rear seating capacity is two persons when the correct capacity is three, that the occupant capacity is four when actually it is five.

Mercedes-Benz argues that the incorrect seating capacity noncompliance is inconsequential because it is obvious to anyone comparing the tire placard with the actual rear seating accommodations that the placard must be in error. Since the label carries the correct vehicle capacity weight, tire sizes as well as the cold tire pressure front and rear, "there is no possibility of overloading or underinflating based on a fair reading of the label".

Interested persons are invited to submit written data, views, and arguments on the petition of Mercedes-Benz described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 11, 1981.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 3, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–4086 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–59–M

Urban Mass Transportation Administration

Cable Suspended Transit System Project in New Orleans, Louisiana; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act (88 Stat. 852) and the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500–1508) the Urban Mass Transportation Administration gives notice that an environmental impact statement is being prepared for the proposed construction of a Cable Suspended Transit System project in New Orleans, Louisiana. Other alternatives, including a "no-build," are being considered.

The City of New Orleans is planning for the construction of a Cable Suspended Transit System (CSTS) for the World's Fair. This proposed system would be located in the Central Business District of the City. The opening of the system would coincide with the opening of the World's Fair in May, 1984. The CSTS would connect the riverfront area near the site for the new Louisiana Exhibition Hall, where many of the World's Fair activities will be held, with the Superdome and Armstrong Park. The route would be approximately 2 miles in length with at least 3 stations. The vehicles will run above street level on a track suspended by cables. Bus alternatives are being considered which would provide service to (1) the World's Fair and (2) downtown New Orleans after the fair.

The type of system the City wishes to build is based on a proven technology. A similar system has been in revenue operation in an urban environment. The vehicles would be conventional operator controlled type of medium capacity. A scoping meeting for the proposed project is scheduled for Thursday, February 26, 1981 at 9:00 a.m. The meeting will be held in the City Planning Commission Conference Room, ninth floor, City Hall, 1300 Perdido Street, New Orleans, Louisiana. The Urban Mass Transportation Administration invites the participation of agencies and individuals with expertise or interest to comment on the scope of this environmental impact statement.

Comments and questions regarding the proposed action and environmental impact statement should be referred to: Sue Kaminsky, Environmental Protection Specialist, Planning and Analysis Division, Office of Program Analysis, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone number (202) 472–7100.

Dated: February 4, 1981.

Franz K. Gimmler,

Associate Administrator for Transit Assistance.

[FR Doc. 81–4089 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–57–M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463); (5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held February 19, 1981, at 1:00 p.m. until 3:00 p.m. in Room 10432 at the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Advisory Committee Program Review
—MBRC Program Supporters—Acknowledgement
—Bonding—Executive Summary
—Open Discussion

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Office of the Secretary 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426–2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on February 3, 1981.

Roosevelt Greer,

(Acting) Executive Director, Minority Business Resource Center.

[FR Doc. 81–4761 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–06–M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 29
Thursday, February 12, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 9, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Citizens Bank and Trust Company of Maryland, Riverdale, Maryland, for consent to establish a branch at the intersection of Maryland Routes 3 and 424, Crofton, Maryland.

Application of Citizens Bank and Trust Company of Maryland, Riverdale, Maryland, for consent to merge under its charter and title with Century National Bank, Chevy Chase, Maryland, and for consent to establish the five offices of Century National Bank as branches of the resultant bank.

Request of The Bowery Savings Bank, New York (Manhattan), New York, for an exemption pursuant to section 348.4(b)(3) of the Corporation's rules and regulations entitled "Management Official Interlocks."

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,628-NR—United States National Bank, San Diego, California
Case No. 44,646-NR—United States National Bank, San Diego, California
Case No. 44,656-L—Franklin National Bank, New York, New York
Case No. 44,657-L—Franklin National Bank, New York, New York
Case No. 44,668-L—Franklin National Bank, New York, New York
Memorandum and Resolution re: First Augusta Bank & Trust Company, Augusta, Georgia

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: February 9, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-232-81 Filed 2-10-81; 11:27 am]

BILLING CODE 6714-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 11652, February 9, 1981).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 11, 1981—Changed to 10 a.m., February 12, 1981.

CHANGE IN MEETING: The following item has been added:

Item No. and Subject

P-3: Proposed Standard Order for Issuing Preliminary Permits Where There are Competing Applications.

[S-235-81 Filed 2-10-81; 2:24 pm]

BILLING CODE 6450-85-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., February 13, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Implementation of "Fifty-Mile Rule" at East and Gulf Coast Ports.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary.

[S-230-81 Filed 2-10-81; 9:41 am]

BILLING CODE 6730-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., February 19, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 6200-20: Modification of the U.S. Atlantic & Gulf/Australia-New Zealand Conference to extend its ratemaking authority to inland points.
2. Agreement No. 9925-2: Modification of the Pacific Australia Container Express (PACE) Line Joint Service and Agreement No. 9767-1: Modification of the Associated Container Transportation Joint Service to provide for intermodal authority.
3. Agreements Nos. 8760-9 and 9247-6: Modification of the West Coast United States & Canada/India, Pakistan, Ceylon & Burma Rate Agreement and the India, Pakistan, Ceylon, Burma/West Coast United States Rate Agreement, respectively, to provide procedures for consideration of proposals for independent rate action.
4. Section 15 Standards of Approvability.
5. Informal Dockets Nos. 716(I) & 717(I): Warner & Lambert Co. v. Flota Mercante Brancolombiana, S.A.—Further consideration of the record.

Portions closed to the public:

1. Docket No. 77-19: Agreement No. 10235—Consolidators Forwarders Intermodal Corp.—Consideration of request for oral argument and possible consideration of the record.
2. Docket No. 80-71: In Re: Royal Hawaiian Cruises, Inc.—Consideration of the record.
3. Royal Hawaiian Cruises, Inc.—Application for Certificate of Financial Responsibility (Performance) to operate passenger vessel.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-236-81 Filed 2-10-81; 3:52 pm]

BILLING CODE 6730-01-M

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 18, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20661.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda:

1. Proposed implementation of new weekly report of selected balance sheet data from large U.S. branches and agencies of foreign banks.

Discussion Agenda:

2. Proposed administrative procedures for clearing balances and charges for Federal Reserve services.
3. Request by the Commodity Futures Trading Commission for the Board's views on proposals relating to futures contracts on CDs.
4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the board's Freedom of Information Office, and copies may be order for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20661.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 462-3204.

James McAfee,

Assistant Secretary of the Board.

[S-237-81 Filed 2-10-81; 4:00 pm]

BILLING CODE 6210-01-M

6

[NM-81-5]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 10 a.m., Wednesday, February 11, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

Discussion re Field Study requested by Office of Management and Budget.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-462-6022.

February 10, 1981.

[S-233-81 Filed 2-10-81; 12:18 pm]

BILLING CODE 4910-58-M

7

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Board's meeting room, eigth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Board's proposed legislative program.
(2) General policies for financial interchange.
(3) Appeal from referee's denial of widow's annuity, Florence M. DeRose.
(4) Eligibility under the 60/30 amendment of 1974 of person previously awarded disability annuity, James E. West.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Gino W. Labriola.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board; COM No. 312-751-4920, FTS No. 387-4920.

[S-231-81 Filed 2-10-81; 10:05 am]

BILLING CODE 7905-01-M

8

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., February 19, 1981.

PLACE: 955 L'Enfant Plaza North SW., room 2-500, fifth floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (9 a.m.):

1. Consideration of internal personnel matters.
2. Litigation report.
3. Review of Conrail financial and proprietary information for Conrail planning.

Portions open to the public (10 a.m.):

4. Approval of minutes of January 29, 1981 Board of Directors meeting.
5. Consideration of Conrail drawdown request for March.
6. Consideration of Section 211(h) loan.
7. Discussion of comments on December Report on Conrail.
8. Report on Conrail monitoring.
9. Contract Actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow (202) 426-4250.

[S-234-81 Filed 2-10-81; 1:12 pm]

BILLING CODE 8240-01-M

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federal register

Thursday
February 12, 1981

Part II

Environmental Protection Agency

National Emission Standards for Hazardous Air Pollutants; Alternative Test Method 107A (Vinyl Chloride)

V 46/29 FE 12 81 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL 1643-6]

National Emission Standards for Hazardous Air Pollutants; Alternative Test Method 107A (Vinyl Chloride)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed method would apply to the measurement of the vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin-slurry, wet resin, and latex samples. The proposed method was derived from a test method submitted to EPA by Union Carbide. The intent of this proposed method is to provide this alternative analytical procedure because it may be preferred over Method 107 in some circumstances.

A public hearing will be held to provide interested persons an opportunity for oral presentation of data views, or arguments concerning the proposed method.

DATES: *Comments.* Comments must be received on or before April 13, 1981.

Public Hearing. A public hearing will be held on March 26, 1981 (about 30 days after proposal) beginning at 9 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by March 19 (1 week before hearing).

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket A-80-37, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Public Hearing. The public hearing will be held at Emissions Measurement Laboratory Building, Page Road and Interstate 40, R.T.P. North Carolina 27711. Persons wishing to present oral testimony should notify Ms. Deanna Tilley, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5421.

Docket. Docket No. A-80-37, containing material relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger T. Shigehara (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION: On October 21, 1976 (41 FR 46560) and on June 7, 1977 (42 FR 29005) the Environmental Protection Agency promulgated Method 107—Determination of Vinyl Chloride Content of Inprocess Wastewater Samples and Vinyl Chloride Content of Polyvinyl Chloride Resin, Slurry, Wet Cake, and Latex Samples. Since that time, Union Carbide has submitted comparative supporting data to EPA on a test method that embodies a less sophisticated, but also technically satisfactory, analytical approach. Because practical considerations would favor its use in some instances, this alternative method is being considered for adoption as an EPA method. If adopted, this alternative test method would be available to determine compliance with the national emission standard for vinyl chloride, 40 CFR, Part 61 Subpart F.

(Secs. 112, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7412, 7414, and 760.(a)))

Dated: February 4, 1981.

Walter C. Barber,

Acting Administrator.

It is proposed to amend 40 CFR Part 61 by adding Method 107A to Appendix B as follows:

Appendix B—Test Methods

* * * * *

Method 107A—Determination of Vinyl Chloride Content of Solvents, Resin-Solvent Solution, Polyvinyl Chloride Resin, Resin Slurry, Wet Resin, and Latex Samples[1]

Introduction

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph or by those who are unfamiliar with source sampling because knowledge beyond the scope of this presentation is required. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. *Applicability and Principle.*

1.1 Applicability. This is an alternative method and applies to the measurement of the vinyl chloride content of solvents, resin solvent solutions, PVC resin, wet cake slurries, latex, and fabricated resin samples. This method is not acceptable where methods from Section 304(h) of the Clean Water Act, 33 U.S.C. 1251 et seq. (the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977) are required.

1.2 Principle. The basis for this method lies in the direct injection of a liquid sample into a chromatograph and the subsequent evaporation of all volatile material into the carrier gas stream of the chromatograph, thus permitting analysis of all volatile material including vinyl chloride.

2. *Range and Sensitivity.*

The lower limit of detection of vinyl chloride in dry PVC resin is 0.2 ppm. For resin solutions, latexes, and wet resin, this limit rises inversely as the nonvolatile (resin) content decreases.

With proper calibration the upper limit may be extended as needed.

3. *Interferences.*

The chromatograph columns and the corresponding operating parameters herein described normally provide an adequate resolution of vinyl chloride. In cases where resolution interferences are encountered, the chromatograph operator shall select the column and operating parameters best suited to his particular analysis problem, subject to the approval of the Administrator. Approval is automatic, provided that the tester produces confirming data through an adequate supplemental analytical technique, such as analysis with a different column or GC/mass spectroscopy, and has the data available for review by the Administrator.

4. *Precision and Reproducibility.*

A standard sample of latex containing 181.8 ppm vinyl chloride analyzed 10 times by the alternative method showed a standard deviation of 7.5 percent and a mean error of 0.21 percent.

A sample of vinyl chloride copolymer resin solution was analyzed 10 times by the alternative method and showed a standard deviation of 6.6 percent at a level of 35 ppm.

5. *Safety.*

Do not release vinyl chloride to the laboratory atmosphere during preparation of standards. Venting or purging with vinyl chloride monomer (VCM) air mixtures must be held to minimum. When purging is required, the vapor must be routed to outside air. Vinyl chloride, even at low-ppm levels, must never be vented inside the laboratory.

6. *Apparatus.*

6.1 Sampling. The following equipment is required:

6.1.1 Glass Bottles. 16-oz wide mouth with polyethylene-lined, screw-on tops.

[1] Mention of trade names or specific products does not constitute endorsement by the U.S. Environmental Protection Agency.

6.1.2 Adhesive Tape. To prevent loosening of bottle tops.

6.2 Sample Recovery. The following equipment is required:

6.2.1 Glass Vials. 20-ml capacity with polycone screw caps.

6.2.2 Analytical Balance. Capable of weighing to ±0.01 gram.

6.2.3 Syringe. 50-microliter size, with removable needle.

6.2.4 Fritted Glass Sparger. Fine porosity.

6.2.5 Aluminum Weighing Dishes.

6.2.6 Sample Roller or Shaker. To help dissolve sample.

6.3 Analysis. The following equipment is required:

6.3.1 Gas Chromatograph. Hewlett Packard Model 5720A or equivalent.

6.3.2 Chromatograph Column. Stainless steel, 6.1 m by 3.2 mm, packed with 20 percent Tergitol E-35 on Chromosorb W AW 60/80 mesh. The analyst may use other columns provided that the precision and accuracy of the analysis of vinyl chloride standards are not impaired and that he has available for review information confirming that there is adequate resolution of the vinyl chloride peak. (Adequate resolution is defined as an area overlap of not more than 10 percent of the vinyl chloride peak by an interferent peak. Calculation of area overlap is explained in Appendix C, Supplement A: "Determination of Adequate Chromatographic Peak Resolution.")

6.3.3 Valco Instrument Six-Port Rotary Valve. For column back flush.

6.3.4 Septa. For chromatograph injection port.

6.3.5 Injection Port Liners. For chromatograph used.

6.3.6 Regulators. For required gas cylinders.

6.3.7 Soap Film Flow Meter. Hewlett Packard No. 0101-0113 or equivalent.

6.4 Calibration. The following equipment is required:

6.4.1 Analytical Balance. Capable of weighing to ±0.0001 g.

6.4.2 Erlenmeyer Flask With Glass Stopper. 125 ml.

6.4.3 Pipets. 0.1, 0.5, 1, 5, 10, and 50 ml.

6.4.4 Volumetric Flasks. 10 and 100 ml.

7. *Reagents.*

Use only reagents that are of chromatograph grade.

7.1 Analysis. The following items are required:

7.1.1 Hydrogen Gas. Zero grade.

7.1.2 Nitrogen Gas. Zero grade.

7.1.3 Air. Zero grade.

7.1.4 Tetrahydrofuran (THF). Reagent grade.

Analyze the THF by injecting 10 microliters into the prepared gas chromatograph. Compare the THF chromatogram with that shown in Figure 107A-1. If the chromatogram is comparable to A, the THF should be sparged with pure nitrogen for approximately 2 hours using the fritted glass sparger to attempt to remove the interfering peak. Reanalyze the sparged THF to determine whether the THF is acceptable for use. If the scan is comparable to B, the THF should be acceptable for use in the analysis.

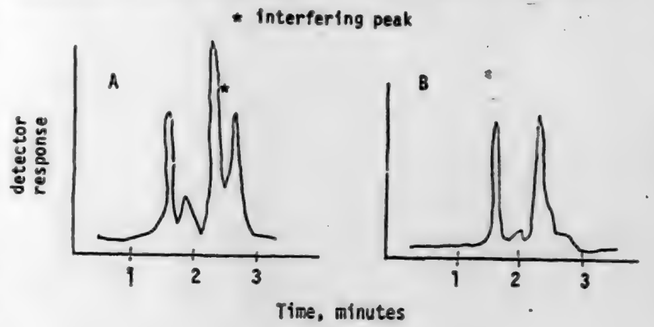


Figure 107A-1

7.1.5 N, N-Dimethylacetamide (DMAC). Spectrographic grade. For use in place in THF.

7.2 Calibration. The following item is required:

7.2.1 Vinyl Chloride 99.9 Percent. Ideal Gas Products lecture bottle, or equivalent. For preparation of standard solutions.

8. *Procedure.*

8.1 Sampling. Allow the liquid or dried resin to flow from a tap on the tank, silo, or pipeline until the tap has been purged. Fill a wide-mouth pint bottle, and immediately tightly cap the bottle. Place an identifying label on each bottle and record the date, time, sample location, and material.

8.2 Sample Treatment. Samples must be run within 24 hours.

8.2.1 Resin Samples. Weight 9.00 ± 0.01 g of THF or DMAC in a tared 20-ml vial. Add 1.00 ± 0.01 g or resin to the tared vial containing the THF or DMAC. Close the vial tightly with the screw cap, and shake or otherwise agitate the vial until complete solution of the resin is obtained. Shaking may require several minutes to several hours, depending on the nature of the resin.

8.2.2 Suspension Resin Slurry and Wet Resin Samples. Slurry must be filtered using a small Buchner funnel with vacuum to yield a wet resin sample. The filtering process must be continued only as long as a steady stream of water is exiting from the funnel. Excessive filtration time could result in some loss of VCM. The wet resin sample is weighed into a tared 20-ml vial with THF or DMAC as described earlier for resin samples (8.2.1) and treated the same as the resin sample. A sample of the wet resin is used to determine total solids as required for calculating the RVCM (Section 8.3.4).

8.2.3 Latex and Resin Solvent Solutions. Samples must be thoroughly mixed. Weigh 1.00 ± 0.01 g of the latex or resin-solvent solution into a 20-ml vial containing 9.00 ± 0.01 g of THF or DMAC as for the resin samples (8.2.1). Cap and shake until complete solution is obtained. Determine the total solids of the latex or resin solution sample (Section 8.3.4).

8.2.4 Solvents and Non-viscous Liquid Samples. No preparation of these samples is required. The neat samples are injected directly into the gas chromatograph.

8.3 Analysis.

8.3.1 Preparation of Gas Chromatograph. Install the chromatographic column, and condition overnight at 70°C. Do not connect the exit end of the column to the detector while conditioning.

8.3.1.1 Flow Rate Adjustments. Adjust the flow rates as follows:

a. Nitrogen Carrier Gas. Set regulator on cylinder to read 60 psig. Set column flow controller on the chromatograph using the soap film flow meter to yield a flow rate of 40 cc/min.

b. Burner Air Supply. Set regulator on the cylinder at 40 psig. Set regulator on the chromatograph to supply air to the burner to yield a flow rate of 250 to 300 cc/min using the flow meter.

c. Hydrogen. Set regulator on cylinder to read 60 psig. Set regulator on the chromatograph to supply 30 to 40 cc/min using the flow meter. Optimize hydrogen flow to yield the most sensitive detector response without extinguishing the

flame. Check flow with flow meter and record this flow.

d. Nitrogen Back Flush Gas. Set regulator on the chromatograph using the soap film flow meter to yield a flow rate of 40 cc/min.

8.3.1.2 Temperature Adjustments. Set temperature as follows:

a. Oven (chromatographic column) at 70°C.

b. Injection Port at 100°C.

c. Detector at 300°C.

8.3.1.3 Ignition of Flame Ionization Detector. Ignite the detector according to the manufacturer's instructions. Allow system to stabilize approximately 1 hour.

8.3.1.4 Recorder. Set pen at zero and start chart drive.

8.3.1.5 Attenuation. Set attenuation to yield desired peak height depending on sample VCM content.

8.3.2. Chromatographic Analyses.

a. Sample Injection. Remove needle from 50-microliter syringe. Open sample vial and draw 50-microliters of THF or DMAC sample recovery solution into the syringe. Recap sample vial. Attach needle to the syringe and while holding the syringe vertically (needle uppermost), eject 40 microliters into an absorbent tissue. Wipe needle with tissue. Now inject 10 microliters into chromatograph system. Repeat the injection until two consecutive values for the height of the vinyl chloride peak do not vary more than 5 percent. Use the average value for these two peak heights to compute the sample concentration.

b. Back Flush. After 4 minutes has elapsed after sample injection, actuate the back flush valve to purge the first 4 feet of the chromatographic column of solvent and other high boilers.

c. Sample Data. Record on the chromatograph strip chart the data from the sample label.

d. Elution Time. Vinyl chloride elutes at 2.8 minutes. Acetaldehyde elutes at 3.7 minutes. Analysis is considered complete when chart pen becomes stable. After 5 minutes, reset back flush valve and inject next sample.

8.3.3 Chromatograph Servicing.

a. Septum. Replace after five sample injections.

b. Sample Port Liner. Replace the sample port liner with a clean spare after five sample injections.

c. Chromatograph Shut Down. If the chromatograph has been shut down overnight, rerun one or more samples from the preceding day to test stability and precision prior to starting on the current day's work.

8.3.4 Determination of Total Solids (T.S.). For wet resin, resin solution, and PVC latex samples, determine the T.S. for each sample by accurately weighing approximately 3 to 5 grams of sample into a tared aluminum pan. The initial procedure is as follows:

a. Where water is the major volatile component: Tare the weighing dish, and add 3 to 5 grams of sample to the dish. Weigh to the nearest milligram.

b. Where volatile solvent is the major volatile component: Transfer a portion of the sample to a 20-ml screw cap vial and cap immediately. Weigh the vial to the nearest milligram. Uncap the vial and transfer a 3- to 5-gram portion of the sample to a tared aluminum weighing dish. Recap the vial and reweigh to the nearest milligram. The vial weight loss is the sample weight.

To continue, now place the weighing pan in a 130°C oven for 1 hour. Remove the dish and allow to cool to room temperature in a desiccator. Weigh the pan to the nearest 0.1 mg. Total solids is the weight of material in the aluminum pan after heating divided by the net weight of sample added to the pan originally times 100.

9. *Calibration of the Chromatograph.*

9.1 Preparation of Standards. Prepare a 1 percent by weight (approximate) solution of vinyl chloride in THF or DMAC by bubbling vinyl chloride gas from a cylinder into a tared 125-ml glass-stoppered flask containing THF or DMAC. The weight of vinyl chloride to be added should be calculated prior to this operation, i.e., 1 percent of the weight of THF or DMAC contained in the tared flask. This must be carried out in a laboratory hood. Adjust the vinyl chloride flow from the cylinder so that the vinyl chloride dissolves essentially completely in the THF or DMAC and is not blown to the atmosphere. Take particular care not to volatize any of the solution. Stopper the flask and swirl the solution to effect complete mixing. Weigh the stoppered flask to nearest 0.1 mg to determine the exact amount of vinyl chloride added.

Pipet 10 ml of the approximately 1 percent solution into a 100-ml glass-stoppered volumetric flask, and add THF or DMAC to fill to the mark. Cap the flask and invert 10 to 20 times. This solution contains approximately 1,000 ppm by weight of vinyl chloride (note the exact concentration).

Pipet 50–, 10–, 5–, 1–, 0.5–, and 0.1-ml aliquots of the approximately 1,000 ppm solution into 100 ml glass stoppered volumetric flasks. Dilute to the mark with THF or DMAC, cap the flasks and invert each 10 to 20 times. These solutions contain approximately 500, 100, 50, 10, 5, and 1 ppm vinyl chloride. Note the exact concentration of each one. These standards are to be kept under refrigeration in stoppered bottles, and must be renewed every 3 months.

9.2 Preparation of Chromatograph Calibration Curve.

Obtain the gas chromatograph for each of the six final solutions prepared in Section 9.1 by using the procedure in Section 8.3.2. Prepare a chart plotting peak height obtained from the chromatogram of each solution versus the known concentration. Draw a straight line through the points derived by the least squares method.

10. *Calculations.*

10.1 Response Factor. From the calibration curve described in Section 9.2, select the value of C_c that corresponds to H_c for each sample. Compute the response factor, R_f, for each sample as follows:

$$R_f = \frac{C_c}{H_c} \qquad \text{Eq. 107A-1}$$

10.2 Residual vinyl chloride monomer concentration (C_{rvc}) or vinyl chloride monomer concentration in resin:

$$C_{rvc} = 10H_s R_f \qquad \text{Eq. 107A-2}$$

Where:

H_s = Peak height of sample, mm.

R_f = Chromatograph response factor.

10.3 Samples containing volatile material, i.e., resin solutions, wet resin, and latexes:

$$C_{rvc} = \frac{H_s R_f (1{,}000)}{T.S.} \qquad \text{Eq. 107A-3}$$

10.4 Samples of solvents and inprocess waste water:

$$C_{vc} = \frac{H_s R_f}{0.888} \qquad \text{Eq. 107A-4}$$

Where:

0.888 = Specific gravity of THF.

11. *Bibliography.*

1. Communication from R.N. Wheeler, Jr.; Union Carbide Corporation. Part 61 National Emissions Standards for Hazardous Air Pollutants Appendix B, Method 107—Alternate Method, September 19, 1977.

[FR Doc. 81-4980 Filed 2-11-81; 8:45 am]
BILLING CODE 6560-25-M

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing February 11, 1981]

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WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

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Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

12230 **Grant Programs—Education** ED invites institutions of higher education to apply for grants under the Graduate and Professional Study Fellowship Program; apply by 3–23–81

12228 **Grant Programs—Education** ED invites applications by 3–6–81, for new projects under the Museum Services Program for fiscal year 1981

12436 **Continental Shelf** Interior/BLM provides affected States with the opportunity to review draft proposed Sale No. 53 in waters offshore Central and Northern California (Part IV of this issue)

12214 **Hazardous Materials** Labor/OSHA withdraws proposal requiring employers to identify hazardous chemicals in workplaces; effective 2–12–81

12414 **Hazardous Waste** EPA promulgates temporary standards for four classes of new land disposal facilities; effective 8–13–81; comments by 4–14–81 (Part III of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

12193 **Nuclear Materials** NRC releases ruling on transient shipments of strategic special nuclear material; effective 10–13–81

12208 **Electric Power** DOE/FERC solicits comments by 3–16–81 on a discussion paper entitled "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms"

12347 **Federal Prison Industries** Justice/LEAA invites comments by 3–16–81, on its Prison Industries Enhancement Certification Program

12335–12337 **Grant Programs—Health** HHS/PHS announces the availability of funds for fiscal year 1981 for childhood immunization preventive health services, programs for refugees, venereal disease control and venereal disease research, demonstrations and public information and education (4 documents)

12212 **Medical Devices** HHS/FDA withdraws proposals to classify hyperthermia and hypothermia devices into Class II (performance standard) (2 documents)

12224 **Grant Programs—Science and Technology** Commerce/NTIA seeks applicants for fiscal year 1981, for its Public Telecommunications Services (PTS) grant program

12223 **Computer Technology** Commerce/NBS solicits comments by 4–14–81, on planned message format standard and announces changes pertaining to interface standards exclusion list (2 documents)

12195 **Securities** SEC publishes final rule regarding resales of securities; effective 3–16–81

12232 **Paperwork Control** ED announces certain data requests that Federal agencies address to education agencies and institutions

12220 **Antidumping** Commerce/ITA advises public of preliminary results of administrative review of antidumping finding on television receiving sets from Japan; effective 2–13–81

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12379 RRB

12389 **Sunshine Act Meetings**

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12414 **Part III, EPA**
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Rules and Regulations

Federal Register
Vol. 46, No. 30
Friday, February 13, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 752

Adverse Actions

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: In issuing its regulation on adverse actions, OPM inadvertently failed to reflect the exclusion, by statutory provisions covering National Guard Technicians, of all National Guard Technicians from coverage of the law and regulations concerning adverse actions against Federal employees. This exclusion is correctly reflected in the regulatory provisions for adverse actions other than suspensions for fourteen days or less. A conforming, parallel exclusion is necessary for the subpart covering suspensions for fourteen days or less.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Cynthia Field, 202–632–7778.

SUPPLEMENTARY INFORMATION: National Guard Technicians, whether in the competitive service, as a small number of them are, or in the excepted service, are excluded by 32 U.S.C. 709(e)(4) from coverage of chapter 75, U.S.C. This statutory exclusion is correctly reflected in Subpart D of Part 752, 5 CFR, covering adverse actions other than suspensions for fourteen days or less. The revision to reflect this statutory exclusion is being issued as an interpretive rule and is therefore being made effective under 5 U.S.C. 553(b)(A) and 553(d)(2) which provide exceptions to the general notice of proposed rulemaking and to prior publication. Pursuant to section 553(d)(3) of title 5 of United States Code, the Director finds that good cause exists for making this amendment effective in less than thirty days. The amendment is needed to show a conforming and parallel exclusion in subpart B of Part 752, which covers suspensions for fourteen days or less.

OPM has determined that this is a non-significant regulation for the purposes of E.O. 12044, Improving Government Regulations.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is revising 5 CFR 752.201 by adding (d)(3) to read as follows:

§ 752.201 Coverage

* * * * *

(d) Exclusions. This subpart does not apply to action excluded by 5 U.S.C. 7502, or to a suspension for fourteen days or less:

* * * * *

(3) Of a National Guard Technician.

(5 U.S.C. 7504)

[FR Doc. 81–5000 Filed 2–12–81; 8:45 am]
BILLING CODE 6325–01–M

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2424

Expedited Review of Negotiability Issues

Correction

In FR Doc. 80–21718, published at page 48575, on Monday, July 21, 1980, and corrected on page 49905, on Monday, July 28, 1980, is further corrected by revising § 2424.10(c) to read as follows:

§ 2424.10 [Amended]

* * * * *

(c) When an order is issued as provided in paragraph (b) of this section, the agency or exclusive representative shall report to the appropriate Regional Director within a specified period failure to comply with an order that the agency shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter. If the Authority finds such a failure to comply with its order, the Authority shall take whatever action it deems necessary, including enforcement under 5 U.S.C. 7123(b).

(5 U.S.C. 7134)

BILLING CODE 1505–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Lemon Reg. 292]

7 CFR Part 910

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 15–21, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 15, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A final impact analysis on the marketing policy is available from William J. Boyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on February 10, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of

lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons has improved somewhat over last week.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Section 910.592 is added as follows:

§ 910.592 Lemon Regulation 292.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period February 15, 1981, through February 21, 1981, is established at 195,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 11, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-5383 Filed 2-12-81; 11:43 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings; Administrative Appellate Briefs

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding a new subsection to its rules of practice to limit the length of administrative appellate briefs to 70 pages.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Alan S. Rosenthal, Chairman, Atomic Safety and Licensing Appeal Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–492–7662.

SUPPLEMENTARY INFORMATION: The Commission's Rules of Practice do not now impose a limitation on the length of briefs filed on appeals from initial decisions. Section IX(d)(2) of Appendix A to those Rules (10 CFR Part 2) acknowledges that fact but then goes on to state that "in most cases the issues raised by the exceptions should be susceptible of full treatment in a brief which does not exeed 70 pages." That guidance had generally followed the rule applied in courts of appeals. In this connection, Rule 28(g) of the Federal Rules of Appellate Procedure now provides that "[e]xcept by permission of the court, or as specified by local rule of the court of appeals, principal briefs shall not exceed 50 pages * * * exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, etc." Until amendment in 1979, that rule provided a 70-page limit and at least one court, the District of Columbia Circuit, has seen fit to increase the limitation to 70 pages. *See* D.C. Circuit Local Rule 8(g).

Over the years, the Appendix A guideline has frequently been ignored. As a consequence, in September 1978, the Appeal Board put the Bar "on notice * * * that, unless there is a greater general effort to adhere to the Section IX(d)(2) guideline, it likely will be considered necessary to convert that guideline into a limitation." *Public Service Co. of Oklahoma* (Black Fox Station, Units 1 and 2), ALAB–498, 8 NRC 315, 316 (1978). Despite this admonition, the Board still receives excessively long briefs from time to time.

In these circumstances, the Commission has accepted the Appeal Panel's recommendation to convert the Section IX(d)(2) "guidance" into a limitation akin to that enforced by the District of Columbia Circuit. This would not absolutely preclude, of course, briefs in excess of 70 pages. What it would mean is that, before filing such a brief, the litigant would be required to seek the Appeal Board's permission. In granting that permission where there appeared to be sufficient cause to do so, the Appeal Board would be free to set a specific new page limitation. For example, although the litigant might seek to file a 130-page brief, the Appeal Board might decide to allow a brief of 90 pages.

Section 2.762 will be amended to add a new subsection (e) containing the page limitation on appellate briefs. The existing subsection (e) will be redesignated subsection (f). Part 2, Appendix A, section IX(d)(2) will be modified to conform to this amendment.

Because this amendment relates solely to matters of agency procedure, notice of proposed rulemaking and public procedure thereon are not required by section 553 of Title 5 of the United States Code and shall be omitted from this proceeding. These final rules will become effective for all appellate briefs filed thirty days after publication in the **Federal Register**.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2, is published as a document subject to codification:

1. Section 2.762 is amended by redesignating paragraph (e) as (f) and adding a new paragraph (e) as follows:

§ 2.762 Appeals to the Commission from initial decisions.

* * * * *

(e) Briefs shall not exceed seventy (70) pages in length, exclusive of pages containing the table of contents, table of citations and any addendum containing statutes, rules, regulations, etc. A party may request for good cause an enlargement of this page limitation. Such a request shall be made by motion submitted at least seven (7) days before the date upon which the brief is due for filing and shall specify the enlargement required.

* * * * *

2. Part 2, Appendix A, section IX(d)(2) is amended by revising the sixth sentence to read as follows:

IX. Licensing Proceedings Subject to Appellate Jurisdiction of Atomic Safety and Licensing Appeal Board.

* * * * *

(d)(1) * * *

(2) * * * No brief is to exceed 70 pages in length unless leave to file a brief of a specified greater length has been previously sought and granted (10 CFR 2.762(e)). * * *

(Sec. 161(p), Pub. L. No. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. No. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 6th day of February 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-5116 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Parts 70 and 73

Transient Shipments of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to withdraw the exemption from licensing requirements for carriers who possess formula quantities of strategic special nuclear material in the course of a transient shipment and require them to be responsible for assuring that the strategic special nuclear material is protected against theft and radiological sabotage. These carriers will be required, during stopovers at United States ports, to provide physical protection in accordance with a security plan. This amendment will bring carriers who possess formula quantities of strategic special nuclear material in the course of a transient shipment directly under NRC physical protection regulations. A transient shipment is defined as a shipment of special nuclear material originating and terminating in foreign countries, on a vessel or aircraft which stops at a United States port. These amendments are intended to assure that any transient shipments which may occur are provided physical protection equivalent to that currently required of domestic, import and export shipments. Consequently, physical protection requirements for all shipments of formula quantities of strategic special nuclear material within United States territory will be uniform.

EFFECTIVE DATE: October 13, 1981

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone (301) 427–4181.

SUPPLEMENTARY INFORMATION: In accordance with the Commission's position that shipments of formula quantities of strategic special nuclear material (SSNM) should be protected in the interest of the common defense and security and public health and safety, the Commission published proposed amendments on January 8, 1980 (45 FR 1625) to 10 CFR Parts 70 and 73 of its regulations that would require carriers possessing formula quantities of strategic special nuclear material in the course of a transient shipment to provide physical protection for the material during stopovers at United States ports. Interested persons were given until March 10, 1980, to comment on the proposed amendments.

The proposed amendments have been adopted in effective form without significant changes and will become effective 240 days after publication of this notice (October 13, 1981). In the interim period, the NRC will publish a regulatory guide in draft form entitled, "Physical Protection of Transient Shipments of Formula Quantities of Strategic Special Nuclear Material." This document has been prepared to provide guidance to persons covered by the general license issued by these amendments and will be published for a public comment period of sixty days. It is expected that the final regulatory guide will be published prior to the time the final rule becomes effective.

With respect to the proposed amendments, the resolution of the comments received is as follows:

(1) A comment received from the Department of State noted that § 70.20(d)(7) of the proposed amendments would require the use of armed personnel to protect transient shipments at United States ports and questioned the legal standing of foreign nationals to act as guards or escorts for the shipments.

A number of different avenues are available to licensees for obtaining the services of armed personnel to serve as escorts for transient shipments at a United States port. These are outlined in the draft guidance referred to above. The regulation neither requires nor prohibits the use of foreign nationals to provide the required escort services at the United States port. However, there are several; factors which should be taken into consideration in determining whether or not foreign nationals could effectively protect a transient shipment. Language difficulties and lack of familiarity with local communications systems could possibly detract from the ability of foreign nationals to rapidly and effectively communicate with local law enforcement agencies or with those elements of the guard force who may be of local origin for purposes of requesting assistance when needed or for coordinating response activities. Local jurisdictions in the United States generally exercise control over the use and possession of hand guns or other firearms. If required permits for carrying weapons are not obtained in advance of the shipment, foreign nationals could not legally carry weapons off the shipment vessel or aircraft. Licensees intending to include foreign nationals in a guard force provided to protect a transient shipment would be expected, just as would any other licensee, to be able to demonstrate that the physical protection system provided meets the requirements of 10 CFR Part 73 (specifically, §§ 73.20 and 73.25, and the portions of the guard qualifications and training requirements of Appendix B corresponding to the guard duties required for transient shipments).

The draft guidance document referred to above has been revised to specifically reflect the foregoing considerations.

(2) Another State Department comment raised the question of classification of written security plans and proper access to the resultant classified information and urged the NRC to take steps to assure that plans are properly protected. Since the publication of the proposed amendments, new regulations in 10 CFR Part 95 have been promulgated under which the NRC has determined that certain information contained in physical protection plans and advance shipment notifications is classified Confidential National Security Information (CNSI) and must be protected accordingly.

Since some of the information contained in physical protection plans and advance shipment notifications generated by potential general licensees under the proposed amendments would be of a safeguards-sensitive nature, it is expected that potential general licensees would seek to protect the information from unauthorized disclosure on their own initiative since it is in their best interest to do so. This information, in the hands of the U.S. Government or a person in the United States, would be considered classified as CNSI, and thus, subject to the provisions of 10 CFR Part 95.

Plans generated by a foreign firm for the protection of its nuclear material while it is in the United States are treated as classified by NRC while the material is under U.S. control and those plans would probably be protected, in the interest of the owners of the SSNM, while under foreign control. The U.S. Government has no jurisdictional basis to classify information originated by and in the custody of a foreign firm until it reaches the United States. At that point, although classifiable, it would be declassified as necessary for the carrier to carry out the plan. Appropriate language has been included in the draft guidance referred to above regarding approaches for protection of classified information.

(3) A third comment questioned the Commission's finding that neither an environmental impact statement nor an environmental appraisal to support a negative declaration was required for the proposed amendments. The commenter cited a number of possible

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economic impacts and environmental hazards which he foresaw resulting from the proposed amendments (e.g., lost opportunities for commerce due to cargo ships avoiding U.S. ports, increase in freight charges to receivers of nonnuclear merchandise, and environmental risk of at-sea transfers attempted in order to avoid increased docking costs). The Commission has examined these stated impacts and hazards and determined that it is unrealistic to expect any of them to materialize as a result of the amendments, especially in consideration of the very low number of transient shipments known to have taken place in the past or projected to take place in the future. The Commission, therefore, finds no basis for changing its position on the need for environmental impact statements or environmental appraisals.

(4) The State Department also suggested that the proposed amendments be extended in scope to require protection for categories of material other than formula quantities of strategic special nuclear material (e.g., special nuclear material of moderate and low strategic significance, irradiated reactor fuel, etc.). This action was suggested in anticipation of the U.S. Senate ratification of the Convention on the Physical Protection of Nuclear Material, of which the U.S. is a signatory. Such an extension of the scope of the proposed rule would appear to be premature since the Convention has not yet been ratified. Also, an additional public comment period would be required if such a major change were made in the proposed amendments. Therefore, this suggestion will be addressed in a separate action.

Minor changes have been made in the amendments which follow for purposes of clarification and to maintain consistency with other NRC regulations. Some of the more significant changes are:

(1) The definition of "transient shipment" has been changed and a new section (§ 70.13a) added to 10 CFR Part 70 to clarify the nature of the exemption extended to persons carrying transient shipments of special nuclear material in foreign military aircraft. The previous definition was intended to indirectly exempt from the proposed regulations those persons carrying transient shipments of formula quantities of special nuclear material intended for military use. It was determined that it would be difficult for NRC inspectors to ascertain the intended future use of the material being shipped. Also, it was determined that the intended exemption should appear in a separate section of Part 70 with other exemptions. The revised amendment exempts persons carrying transient shipments who are subject to provisions of 49 U.S.C. 1508(a) (which requires State Department authorization to navigate aircraft of the armed forces of a foreign nation within the United States). This exemption, however, does not apply to plutonium since Public Law 94-79 restricts the NRC's authority to license, or exempt from licensing requirements, the air transport of plutonium in any form (except for certain medical applications and when in a container that has been certified as crash-proof). Since a transient shipment is the only situation contemplated under which a foreign military aircraft would enter the United States carrying special nuclear material, and since these shipments would be infrequent, of short duration, and under the direct control of the Department of State, the Commission has found that this exemption is not inimical to the common defense and security and does not constitute an unreasonable risk to the health and safety of the public.

(2) The wording of revised § 70.20a(a) and new § 70.20b have been changed to reflect recent changes made in § 70.20a by another rulemaking action.

(3) The notification procedures included in § 70.20b(d) have been changed to more closely conform to the corresponding requirements presently imposed on domestic shippers of similar types and quantities of material. Appropriate corresponding changes have also been made in the draft guidance.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 70 and 73, are published as a document subject to codification.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. A new paragraph (v) is added to § 70.4 to read as follows:

§ 70.4 Definitions.

As used in this part:

* * * * *

(v) "Transient shipment" means a shipment of nuclear material, originating and terminating in foreign countries, on a vessel or aircraft which stops at a United States port.

2. Section 70.12 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport special nuclear material in the regular course of carriage for another or storage incident thereto. This exemption does not apply to the storage in transit or transport of material by persons covered by the general licenses issued under § 70.20a and § 70.20b.

3. A new § 70.13a is added to read as follows:

§ 70.13a Foreign military aircraft.

The regulations in this part do not apply to persons who carry special nuclear material (other than plutonium) in aircraft of the armed forces of foreign nations subject to 49 U.S.C. 1508(a).

4. Paragraph 70.20a(a) is revised to read as follows:

§ 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.26 and 73.27 of Part 73 of this chapter, and irradiated reactor fuel, except for United States Department of Energy shipments, containing material of the types and quantities subject to the requirements of § 73.37 of Part 73 of this chapter, in the regular course of carriage for another or storage incident thereto. Carriers generally licensed under § 70.20b are exempt from the requirements of this section. Carriers of irradiated reactor fuel for the United States Department of Energy are also exempt from the requirements of this section. The general license is subject to the applicable provisions of §§ 70.32(a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71.

* * * * *

5. A new § 70.20b is added to read as follows:

§ 70.20b General license for carriers of transient shipments of formula quantities of strategic special nuclear material.

(a) A general license is hereby issued to any person to possess transient shipments of formula quantities of special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.26, and 73.27 of this chapter from the time the shipment enters a United States port until it exits that port.

(b) Persons generally licensed under this section are exempt from the requirements of Parts 19 and 20 of this chapter, and the requirements of this part, except §§ 70.32 (a) and (b), 70.52, 70.55, 70.61 70.62, and 70.71.

(c) Persons generally licensed under this section shall provide physical protection for transient shipments of strategic special nuclear material, as defined in § 73.2(aa) of this chapter, in accordance with or equivalent to §§ 73.20(a), 73.20(b), and 73.25 of this chapter and comply with the requirements of §§ 73.70(g) and 73.71(b) of this chapter.

(d) Persons generally licensed under this section, who plan to carry transient shipments with scheduled stops at United States ports, shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A of Part 73 by U.S. Mail. The notification is to be received by the appropriate Director's office at least seven (7) calendar days before the first scheduled stop in the United States. The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shall also be notified by telephone 7 days in advance of the shipping date that an advance shipping notice has been sent by mail, and of any changes to the shipment itinerary prior to the shipment date. The written notification must include the following information:

(1) Location of all scheduled stops in Unites States territory.

(2) Arrival and departure times for all scheduled stops in United States territory.

(3) The type of transport vehicle.

(4) The special nuclear material in the shipment (elements, isotopes, enrichments, etc.).

(5) The number and types of containers.

(6) The name and telephone number of the carrier's representative at each stopover location in United States territory.

(7) A physical protection plan for implementing the requirements of § 70.20b(c), which will include the use of armed personnel to protect the shipment during the time the shipment is in a United States port.

(e) Persons generally licensed under this section making unscheduled stops at United States ports, immediately after the decision to stop, shall:

(1) Provide to the Commission the information required under paragraph (d) of this section; and

(2) Arrange for local law enforcement authorities or trained and qualified private guards to protect the shipment during the stop.

(3) Implement these arrangements within a reasonable time after the arrival of the shipment at a United States port to remain in effect until the shipment exits the port.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

6. Paragraph 73.71(b) is revised to read as follows:

§ 73.71a Reports of unaccounted for shipments, suspected theft, unlawful diversion, or radiological sabotage.

* * * * *

(b) Each licensee shall report immediately to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A, by telephone, any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess, or to commit an act of industrial sabotage against his plant or transportation system. The initial report shall be followed within a period of fifteen (15) days by a written report, submitted to the appropriate NRC Regional Office shown in Appendix A of this Part setting forth the details of the incident. Copies of the written report are to be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Subsequent to the submission of the written report required by this paragraph, a licensee shall immediately inform the Director of the appropriate Inspection and Enforcement Regional Office by means of a written report of any substantive additional information which becomes available to the licensee concerning the incident.

(Secs. 53, 161 i., 161 o., Pub. L. 83-703, 68 Stat. 930, 949, 950, sec. 5, Pub. L. 88-489, 72 Stat. 602 (42 U.S.C. 2073, 2201(i), (o))

Dated at Washington, D.C. this 10th day of February 1981.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-5119 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6286]

Resales of Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending Rule 144, which provides a safe harbor for the resale of securities to the public. The new amendments will permit persons who have held securities covered by the rule for a period of three years to sell such securities without compliance with the provisions of the rule relating to volume limitation, manner of sale and notice, provided such persons are not affiliates of the issuer and there is current information available to the public concerning the issuer. The purpose of the amendments is to relax restrictions on resales of securities that are more burdensome than necessary.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Ann Glickman or William E. Toomey at (202) 272-2573, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: As a part of its continuing program of reviewing existing regulations, the Commission today is adopting amendments to Rule 144 (17 CFR 230.144) under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.]. The general purpose of these amendments is to relax certain provisions of the rule which may be unnecessarily burdensome.

Background

Rule 144 provides a safe harbor for the resale of "restricted securities" [1] and securities held by affiliates [2] of an issuer. The rule sets forth specific standards which, if met, permit persons who hold such securities to sell them publicly without the need for registration and without being deemed underwriters [3] under the Securities Act. At the time of its adoption in 1972, Rule 144 represented a significant departure in the effort to regulate resales of restricted securities, and the resale provisions of the original rule were relatively strict. However, as the Commission has gained experience, it has relaxed the requirements of the rule in a manner consistent with the goal of investor protection. The amendments

[1] The term "restricted securities" includes securities acquired in nonpublic offerings, such as those under Section 4(2) of the Securities Act, as well as securities acquired in offerings made in reliance upon Rule 240 (17 CFR 230.240) under the Act.

[2] An "affiliate" of an entity is defined in Rule 405 (17 CFR 230.405) under the Securities Act as "a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the (entity)."

[3] The term "underwriter" is defined in Section 2(11) of the Securities Act and includes persons who acquire securities "with a view to * * * distribution."

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being adopted today represent an appropriate next step in this process.

In Release No. 33–6252 (October 24, 1980) [45 FR 72885], the Commission solicited public comment on a proposal to adopt additional amendments to Rule 144. The proposed amendments would have permitted persons who held securities covered by the rule for periods of three or four years, depending on the nature of the market for the securities, to sell such securities without compliance with the provisions of the rule relating to volume limitation, manner of sale and notice, provided such persons were not affiliates of the issuer of the securities and provided there was current information available to the public concerning the issuer. The Commission also invited public comment on the utility of the notice provision of Rule 144 to issuers, the investment community, the Commission and the general public, and sought suggestions regarding the content and format of the Form 144 notice. The comments received in response to the release were very helpful. This release will discuss separately the final Commission actions on each of the proposed changes.

I. Removal of Volume Limitations

Paragraph (e)(2) of Rule 144 specifies the amount of restricted securities which may be sold by a non-affiliate within a three-month period.[4] In Release No. 33–6032 (March 5, 1979) [44 FR 15610] the Commission adopted changes in Rule 144 which permitted sales of securities by non-affiliates without regard to the volume limitations of the rule, provided that the seller had held the securities for at least three years, if the securities to be sold were of a class listed on a national securities exchange or quoted on NASDAQ [5]; or after a four-year holding period if the issuer filed periodic reports under Sections 13 or 15(d) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq.]. The proposed amendments would have extended this relief from the volume limitations of the rule to non-affiliates selling securities of a non-reporting issuer which fulfilled the requirements of paragraph (c)(2) of the rule regarding current public information,[6] provided such non-affiliates held the securities for a period of four years.

Aside from one letter which opposed the adoption of the proposed amendments in general, the commentators supported the proposed relaxation of the volume limitations. Accordingly, the Commission has decided to extend relief from the volume limitations of the rule to eligible non-affiliates selling restricted securities of an issuer which fulfills the requirements of paragraph (c)(2) of Rule 144.

The Commission has also determined that it is now appropriate to set a uniform time for termination of volume limitations on resales of restricted securities by non-affiliates. Several comment letters urged that a uniform test be adopted. The uniform test would provide relief from the volume limitations of the rule after three years, regardless of the manner in which the issuer satisfies the current public information requirement of the rule. The Commission has in the past favored the use of a longer period for the application of volume limitations on resales of restricted securities not listed on an exchange or quoted on NASDAQ. In light of the extensive successful experience under the rule, the Commission believes that differentiation among issuers as to holding period is no longer warranted. Further, the basic purpose of a holding period for application of volume limitations is to provide a useful, simple test of probable underwriter status—that is, whether the original purchase was made for purposes of investment as opposed to distribution. Underwriter status does not depend on the nature of the market for the issuer's securities or the availability of public information. Rule 144 embodies its own public information standard for purposes of sales under the rule. Once that standard has been met, in a manner acceptable under the rule, the underwriter holding period test should not vary with the informational status of the issuer. Accordingly, the amendments will permit sales of restricted securities by non-affiliates without regard to the volume limitations of the rule, provided that the seller has held the securities for a period of three years and provided the issuer of the securities satisfies the relevant current public information requirement of the rule.

II. Removal of Restrictions Regarding Manner of Sale

Paragraph (f) of Rule 144 specifies that all securities sold pursuant to the provisions of the rule must be sold in "brokers' transactions" within the meaning of Section 4(4) of the Securities Act, or in transactions directly with a "market maker" as defined in Section 3(a)(38) of the Exchange Act. Paragraph (f) also requires the seller of securities not to solicit or arrange for the solicitation of orders to buy the securities in anticipation of or in connection with the transaction, or to make any payment in connection with the offer and sale of the securities to any person other than the broker who executes the order to sell the securities. By its terms, paragraph (f) is not applicable to sales of securities for the account of a decedent's estate or the beneficiary of such an estate, if the estate or the beneficiary is not an affiliate of the issuer. The proposed amendments would have provided relief from the requirements of paragraph (f) for non-affiliates who held restricted securities for three years, if such securities were of a class listed on a national securities exchange or quoted on NASDAQ; or four years, if the issuer filed periodic reports under Section 13 or 15(d) of the Exchange Act or met the requirements of paragraph (c)(2) of the rule regarding current public information.

In proposing this amendment the Commission noted that, in Release No. 33–5979 (September 27, 1978) [42 FR 43709], it had amended Rule 144 to permit persons selling restricted securities to deal directly with a market maker as an alternative to the unsolicited brokers' transaction originally required by the rule and that, as a consequence, significant amounts of securities have been sold through market makers in transactions involving some degree of solicitation. The Commission stated it was unaware that this relaxation had resulted in any significant adverse effect on the securities markets or the investing public, and that a further easing of this restriction seemed appropriate. Apart from the letter opposing the adoption of the amendments, comment on the proposal to relieve eligible non-affiliates from the manner of sale requirement of Rule 144 was favorable. Commentators specifically supporting this relief argued that the current public information requirement of the rule and the Exchange Act's antifraud provisions would provide adequate protection for purchasers of securities if the proposal were adopted. Accordingly, the Commission is adopting an amendment to provide the relief proposed. However, consistent with the treatment of volume limitations discussed in Part I above, the Commission is conditioning this relief for eligible non-affiliates upon the satisfaction of a uniform minimum three-year holding period. Accordingly, the amendments will permit sales of restricted securities by non-affiliates without regard to the provisions of the rule regarding manner of sale, provided that the seller has held the securities for a period of three years.[7]

III. Modification of Notice of Sale Requirement

Paragraph (h) of Rule 144 requires that notice of proposed sales pursuant to the provisions of the rule be filed with the Commission, unless the number of shares or other units being sold is less than 500 and the aggregate sale price is less than $10,000. The Form 144 notice is to be transmitted for filing at the time an order is placed with a broker to execute a sale of securities pursuant to the rule, or at the time such a sale is executed with a market maker.

In Release 33–6252, the Commission proposed that non-affiliates be relieved from compliance with paragraph (h) if they held the securities to be sold for three years, if such securities were of a class listed on a national securities exchange or quoted on NASDAQ; or four years, if the issuer filed periodic reports under Sections 13 or 15(d) of the Exchange Act or met the requirements of paragraph (c)(2) of the rule regarding current public information. In proposing this amendment, the Commission observed that the notice requirement of Rule 144, which had been considered valuable at the time of adoption of the rule, might no longer be essential, at least for transactions by certain nonaffiliates, particularly in light of the Commission's successful experience wth the rule. However, the Commission specifically requested comment on the utility of the information now provided by the form, and suggestions for amendments to make the notice more useful.

Virtually all commentators favored the proposed relief from the requirements of paragraph (h) of Rule 144. The most often cited reason for adopting the proposal was that it would reduce costly paperwork and avoid delays for sellers (which might result in missing a favorable market). Commentators also stated that the notice requirement can lead to inadvertent violations of the rule which may necessitate breaking trades to the seller's detriment. Some commentators saw disadvantages to the public information provided by the notice, and one letter stated that the Form 144 alerts market makers and specialists as to when blocks of stock are to be placed on sale, enabling them to lower their bid prices to the seller's detriment. Two letters stated that the notice requirement apprised brokers of sellers' shareholdings, which led to unwanted future solicitations by aggressive brokers. (One broker, however, argued that this was to the seller's advantage if the seller had not received the best price in his Rule 144 transaction.)

Some commentators expressed reservations about the usefulness of Form 144 as an enforcement tool. They argued that since Rule 144 sales generally do not have significant market impact, the Commission should not use its scarce resources in examining the form; and that since non-affiliates in particular do not have access to special information, the Commission should have little interest in their sales. One letter pointed out that persons making illegal distributions would be unlikely to file a Form 144 in any event. Two letters questioned the usefulness of the required representation regarding material adverse information as an enforcement tool.

Only two letters opposed the elimination of the notice requirement for eligible non-affiliates. One stated that the information provided by Form 144 facilitated market efficiency; the other letter expressed the view that the notice was useful to the issuer as an indication that the conditions of the rule had been met.

Considering the commentators' overwhelming support for the proposed elimination of the notice requirement for sales by certain non-affiliates and the cogent reasons advanced by many commentators in favor of such relief, the Commission has determined to adopt an amendment relieving eligible non-affiliates from the requirement of filing a Form 144 notice pursuant to paragraph (h) of the rule. This relief is also conditioned upon a holding period of at least three years. While the Form 144 notice filing requirement may have served limited informational and regulatory functions in the past, the Commission is of the opinion that the costs and burdens of the requirement outweigh its usefulness, at least in this area. Accordingly, the amendments being adopted will permit sales of restricted securities by non-affiliates without regard to the provisions of the rule regarding notice, provided that the seller has held the securities for a period of three years.

IV. Other Matters

In addition to commenting on the proposed rule amendments, the letters received made various suggestions for further action by the Commission. The Commission appreciates such suggestions and will consider whether some of them may be appropriate for action in the future. In view of the significance of the rule changes being adopted, however, the Commission is making no further proposals in this area at this time.

Text of the Amendments

17 CFR Part 230 is amended by revising paragraphs (e)(2), (f) and (h) of § 230.144 and adding paragraph (k) thereto to read as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

* * * * * *

(e) * * *

(2) *Sales by persons other than affiliates.* The amount of restricted securities sold for the account of any person other than an affiliate of the issuer, together with all other sales of restricted securities of the same class for the account of such person within the preceding three months, shall not exceed the amount specified in paragraphs (e)(1)(i), (1)(ii) or (1)(iii) of this section, whichever is applicable, unless the conditions of paragraph (k) of this rule are satisfied.

* * * * * *

(f) *Manner of sale.* The securities shall be sold in "brokers' transactions" within the meaning of section 4(4) of the Act or in transactions directly with a "market

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[1] In general, a person may sell during any three-month period an amount equal to the greater of the average weekly trading volume (if available), or one percent of the outstanding securities of the class. See, in this regard, paragraph (e)(1) of Rule 144.

[2] NASDAQ refers to the National Association of Securities Dealers Automated Quotation Systems, an electronic interdealer quotation system which is owned and operated by the National Association of Securities Dealers, Inc.

[3] Paragraph (c)(2) provides that there be publicly available concerning the issuer the information specified in clauses (1) to (14), inclusive, and clause (16) of paragraph (a)(4) of Rule 15c2–11 [17 CFR 240.15c2–11] under the Exchange Act or, if the issuer is an insurance company, the information specified in Section 12(g)(2)(G)(i) of that Act.

[7] The manner in which a non-affiliate resells his securities may raise questions as to whether he is engaged in a distribution for purposes of Rule 10b–6 [17 CFR 240.10b–6] under the Exchange Act. The traditional test of a Rule 10b–6 distribution involves analysis of such factors as (i) the magnitude of the offering, (ii) the selling efforts, and (iii) the selling methods used. *See Bruns, Nordeman & Co.*, 40 S.E.C. 652, 660 (1961). These criteria also are used to determine whether sales pursuant to the liberalized volume limitations under Rule 144, effective as of September, 1978 (Release No. 33–5979 (September 27, 1978)), constitute a distribution for purposes of Rule 10b–6. See Release No. 33–6099 (August 14, 1979), Question 57. If sales pursuant to Rule 144 constitute such a distribution, Rule 10b–6 prohibits, among other things, purchases of the class of securities to facilitate the distribution by a participant in the distribution until his participation has been completed. In its comments on the amendments as proposed (Release No. 33–6252 (October 24, 1980)), the American Bar Association's Section of Corporation, Banking and Business Law suggested that the Commission amend Rule 10b–6 if certain conditions are met. The staff is currently considering whether to recommend such an amendment to the Commission.

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maker," as that term is defined in section 3(a)(38) of the Securities Exchange Act of 1934, and the person selling the securities shall not (1) solicit or arrange for the solicitation of orders to buy the securities in anticipation of or in connection with such transaction, or (2) make any payment in connection with the offer or sale of the securities to any person other than the broker who executes an order to sell the securities. The requirements of this paragraph, however, shall not apply to securities sold for the account of the estate of a deceased person or for the account of a beneficiary of such estate provided the estate or beneficiary thereof is not an affiliate of the issuer; nor shall they apply to securities sold for the account of any person other than an affiliate of the issuer provided the conditions of paragraph (k) of this rule are satisfied.

* * * * *

(h) *Notice of proposed sale.* If the amount of securities to be sold in reliance upon the rule during any period of three months exceeds 500 shares or other units or has an aggregate sale price in excess of $10,000, three copies of a notice on Form 144 shall be filed with the Commission at its principal office in Washington, D.C.; and if such securities are admitted to trading on any national securities exchange, one copy of such notice shall also be transmitted to the principal exchange on which such securities are so admitted. The Form 144 shall be signed by the person for whose account the securities are to be sold and shall be transmitted for filing concurrently with either the placing with a broker of an order to execute a sale of securities in reliance upon this rule or the execution directly with a market maker of such a sale. Neither the filing of such notice nor the failure of the Commission to comment thereon shall be deemed to preclude the Commission from taking any action it deems necessary or appropriate with respect to the sale of the securities referred to in such notice. The requirements of this paragraph, however, shall not apply to securities sold for the account of any person other than an affiliate of the issuer, provided the conditions of paragraph (k) of this rule are satisfied.

* * * * *

(k) *Termination of certain restrictions on sales of restricted securities by persons other than affiliates.* The requirements of paragraphs (e), (f) and (h) of this rule shall not apply to restricted securities sold for the account of a person who is not an affiliate of the issuer at the time of the sale and has not been an affiliate during the preceding three months, provided the securities have been beneficially owned by the person for a period of at least three years prior to their sale. In computing the period for which securities have been beneficially owned for purposes of this provision, reference should be made to paragraph (d) of this section.

(Secs. 2(11), 4(1), 4(4), 19(a), 48 Stat. 74, 85, 86; secs. 201, 203, 209, 210, 48 Stat. 904, 906, 908; secs. 1–4, 5, 68 Stat. 683, 684; sec. 12, 78 Stat. 580; (15 U.S.C. 77b(11), 77d(1), 77d(4), 77s(a)))

Statutory Basis

The amendments to Rule 144 have been adopted by the Commission pursuant to the Securities Act of 1933, particularly Sections 2(11), 4(1), 4(4) and 19(a) thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 6, 1981.

[FR Doc. 81-5121 Filed 2-12-81; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 270 and 273

[Docket No. RM80-54; Order No. 131]

Amendments to Part 273 Regulations Under the Natural Gas Policy Act

Issued: February 9, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Section 503(e)(2)(A) of the Natural Gas Policy Act of 1978 (NGPA), (15 U.S.C. 3414) directs the Federal Energy Regulatory Commission (Commission) to adopt rules or orders to permit collection of the maximum lawful price applicable to the first sale of natural gas for which an application for a determination has been filed and is pending. Section 503(e)(2)(B) also requires that any such collections be subject to refund and directs the Commission to prescribe regulations providing assurance that funds are available for any refunds if a determination results in qualification for a lower maximum lawful price than the one collected through the interim collection process.

The Commission is amending its regulations which implement section 503(e)(2)(A) under Parts 154, 270 and 273 of its regulations. Interim and retroactive collection filings with the Commission have been eliminated except where natural gas is subject to jurisdiction under the Natural Gas Act and a rate schedule on file with the Commission. All sellers will be required to notify their purchasers of their intent to make interim collections. An interim collection will constitute a general undertaking to comply with the refund provisions of Part 273. A successive interim collection will be allowed for a new application for determination where a well previously has received an affirmative eligibility determination. The information to be required in refund reports has been revised.

EFFECTIVE DATE: The amendments to §§ 273.202, 273.203 and 273.204 are effective February 9, 1981. All other amendments shall be effective March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Dan White, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 6112D, Washington, D.C. 20426 (202) 357–8577.

SUPPLEMENTARY INFORMATION:

I. Background

Section 503(e)(2)(A) of the Natural Gas Policy Act of 1978 (NGPA), (15 U.S.C. 3414) directs the Federal Energy Regulatory Commission (Commission) to adopt rules or orders to permit collection of the maximum lawful price for which an application for a determination has been filed and is pending. Section 503(e)(2)(B) also requires that any such collections be subject to refund and directs the Commission to prescribe regulations providing assurance that funds are available for any refunds if a determination results in qualification for a lower maximum lawful price than the one collected through the interim collection process.

The Commission has implemented section 503(e) in Part 273 of its regulations. Part 273 was issued as an interim rule on December 1, 1978, 43 FR 56448 (1978). It was reissued with modifications as a final regulation on June 19, 1979, in Order No. 36, Docket No. RM79–53, 44 FR 37491 (1979).

The previously existing regulations at §§ 273.202 and 273.203 prescribed requirements for interim collections of the maximum lawful price for which a sale is claimed to be eligible while the related final eligibility determination is pending. Sellers were required to submit certain information to the Commission prior to making interim collections. If the maximum lawful price for a particular first sale was finally determined to exceed the price collected for any period between the date of filing for the determination and the date on which the eligibility determination became final, § 273.204 provided that the seller could retroactively collect the difference to the extent contractually authorized. Any seller who made a retroactive collection was obligated to make a retroactive collection filing with the Commission. If the final eligibility determination disqualified the sale of the gas for as high a rate as was collected pursuant to Part 273, § 273.302 required refund of the difference and the filing of a refund report.

The Commission designed the filing requirements in Part 273 partly to ensure that the requirements of section 4(d) of the Natural Gas Act (15 U.S.C. 717c) were met. That section requires that a producer provide notice to the Commission and the public of any proposed change in existing rates for sales of natural gas subject to the Natural Gas Act. In Order No. 15, Docket No. RM79–4, issued November 17, 1978 (43 FR 55756 (1978)), the Commission concluded that the filing and notice requirements of the Natural Gas Act are deemed satisfied if a producer has fulfilled the interim and retroactive collection filing requirements of Part 273. That policy is expressed in § 154.94(i) of the regulations.

On May 7, 1980, the Commission issued a Notice of Proposed Rulemaking in the present docket to amend the interim and retroactive collection and refund reporting requirements. Written comments were to be submitted by June 16, 1980. The proposal would have amended the regulations to provide that (1) a filing with the Commission is required for making interim or retroactive collections only if the sale is subject to a producer rate schedule and (2) such a filing is required only if a notice of intent to make interim or retroactive collection of the price authorized by the NGPA category has not been previously filed under the applicable rate schedule. The proposal would have also modified the referred reporting requirements. Sixteen written comments were received. In addition, a public hearing was held on July 16, 1980, at the Commission in Washington, D.C.

These amendments are issued largely as proposed. They amend the previously existing regulations to eliminate interim and retroactive collection filings with the Commission unless the gas is subject to the Commission's jurisdiction and subject to a rate schedule on file with the Commission.[1] Additional amendments have been included which, among other things, modify the restriction against making interim collections if collections have been made under a previous application.

[1] Gas subject to the Commission's jurisdiction remains subject until the final determination is obtained even if the category for which the application is filed is section 107(c) (1) through (4), 102(c), or 103(c).

II. Discussion of the Comments

(A) *Sections 273.202(d), 273.203(c) and 273.204(c)(3).*

(1) *Filing and Notice Requirements.* Prior to the issuance of these amendments, the regulations required that an interim collection filing be submitted on a well-by-well basis (see §§ 273.202(d) and 273.203(c)). Similarly, § 273.204(c)(3) required a retroactive collection report. In the Notice of Proposed Rulemaking, the Commission proposed to eliminate interim and retroactive collection filings except where required under section 4(d) of the Natural Gas Act. Where required under section 4(d) the Commission proposed to require only one interim collection filing for each NGPA category under a particular rate schedule regardless of the number of wells in each category. For retroactive collections, the Commission proposed to require one filing for each NGPA category under a given rate schedule if the provisions of the Natural Gas Act continue to apply after the determination by the jurisdictional agency has become final. The Commission also stated it would consider comments on whether producers should be permitted to make a blanket filing indicating an intent to make all NGPA interim and retroactive collections under a rate schedule filed under the Natural Gas Act, or whether, under the Natural Gas Act, producers with rate schedules on file with the Commission may be relieved of the obligation to make any interim and retroactive collection filings.

As amended by this rule the regulations now require sellers to serve each purchaser with notice of all interim collections for the sale of gas. This is required with respect to gas not subject to a rate schedule on file with the Commission under the Natural Gas Act as well as gas covered by such a rate schedule. With respect to gas which is subject to a rate schedule on file with the Commission, the seller must also submit a filing with the Commission. This filing is required even if section 601 of the NGPA removes from Natural Gas Act jurisdiction gas which qualifies under the category for which the application was filed. Such removal does not occur until the final determination is obtained. For retroactive collection, a seller is required to serve any purchaser with a notice of retroactive collection and make a filing with the Commission for gas which remains subject to the provisions of the Natural Gas Act after a determination has become final.

Only one comment argued that the Commission should relieve all producers of submitting interim or retroactive collection filings. This position was advocated because section 4(d) of the Act states, *"Unless the Commission otherwise orders,* no change shall be made by a natural gas company in any such rate, change, classification, or service, or in any rule, regulations or contract relating thereto, except after thirty days' notice to the Commission and to the public." [Emphasis added.] While the Commission may have the authority to eliminate the notice, such a decision would adversely affect protest procedures, discussed below. Therefore, for policy reasons we have chosen not to eliminate the notice to the Commission and the public. Moreover such a decision would undermine the regulations in § 154.94(i) since decisions made in Order No. 15, which amended the regulation at § 154.94(i), were based upon the continued requirement of interim and retroactive collection filings.

Most comments advocated a blanket filing whereby a seller indicates its intent to make all authorized interim and retroactive collections, rather than a filing for each NGPA price category in each rate schedule. These comments asserted that the filing burden on producers would be reduced, the information filed would be more manageable, and the statutory requirement of notice would still be met.

One pipeline commenter opposed a blanket filing procedure because of the ramifications blanket filings would have on the protest procedure. (See § 154.941 (i) and (j)). The comment maintained that interstate pipeline purchasers must receive notice of a producer's assertion of the right to collect a maximum lawful price under the NGPA in a form which would be adequate to identify the well and category for which an interim or retroactive collection is being made. Without such an ability to identify this specific information, the pipeline asserted that it would not be able to ascertain whether an evidentiary submission and a protest should be made. Without adequate information duplicative and unnecessary protests and evidentiary submissions might be filed.

The Commission agrees that purchasers should have available enough specific information to permit them to ascertain whether an evidentiary submission or a protest should be made. The blanket filing suggested by other commenters will not provide that information. As a result, the Commission believes that a pipeline

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should receive notice of an interim or retroactive collection for each NGPA category for each rate schedule as proposed in the Notice of Proposed Rulemaking.

The Commission is concerned that interim and retroactive collection filing requirements impose only the minimum regulatory burden on producers necessary to satisfy the requirements of section 4(d) of the Natural Gas Act. Therefore, a particular interim or retroactive collection filing which is filed for gas in an NGPA category in a particular rate schedule will satisfy the filing requirements for all future interim and retroactive collections covering gas in that category and rate schedule. No additional filing with the Commission is required to satisfy section 4(d) of the Natural Gas Act for subsequent interim or retroactive collections. These requirements should impose even less filings than would occur if we implemented a blanket filing procedure. As the regulations are being implemented, we predict very few additional filings will be required since interim and retroactive collection filings have already been made for most gas subject to a rate schedule.

Comments were received questioning the applicability of the filing requirements under Part 273 to intrastate sales and sales under small producer certificates. Under the amendments contained in this order, only when a producer is selling gas subject to the jurisdiction of the Natural Gas Act, and has a rate schedule on file with the Commission, are interim or retroactive collection filings required. Small producers are not required to file rate schedules under the Natural Gas Act and intrastate sales were never covered by the Natural Gas Act. Therefore, the interim and retroactive collection filing provisions in Part 273 do not extend to sales of intrastate gas and sales under small producer certificates. The Commission stresses, however, that the record keeping and filing requirements for possible refunds under § 273.302, the escrow provisions of the amended § 273.202(d)(2), and the notice provisions of §§ 273.202, 273.203 and 273.204 apply to all first sales.

(2) *Retention of the Requirement to File a Form No. 121 as Part of an Interim Collection Filing and Notice to Each Purchaser.* The present interim collection regulations require Form No. 121 to be filed with the Commission and served on each purchaser. Commenters pointed out that this form is already served on purchasers under § 274.201(d) when an application for determination is filed with a jurisdictional agency. The commenters claimed that requiring a copy of this form to be served on purchasers a second time is unnecessary and duplicative.

One pipeline commenter asserted that Form No. 121 should continue to be required as part of the notice to the purchaser because the form is a significant time-saving aid in identifying the wells and rate schedules subject to an interim collection. The Commission has decided to retain Form No. 121 as part of both an interim collection filing and of the notice to the purchaser. The Commission believes that to continue to require a photocopy of this very short form in interim collection filings and notices does not impose an unreasonable burden on producers and provides purchasers with needed information. The Commission will permit a seller to serve notice to a purchaser concurrently under Parts 273 and 274. This type of notice would require the inclusion of only one Form No. 121.

(B) *New Exceptions to the Rule in Section 273.202(e) Which Limit Interim Collection to Only One Per Well.*

Section 273.202(e) presently permits interim collections to be made only one time per well. For instance, if an application for a section 103 determination is filed and interim collections are made, no interim collections could be made if a subsequent application to qualify the gas under section 108 is filed. Many comments received urged modification of the restriction, arguing that this limitation is unfair and unduly restrictive where a well previously had received an affirmative jurisdictional agency determination under a different NGPA price category, or the new application seeks another section 108 stripper well determination after the well had lost that status because of a temporary increase in production.

The prohibition against more than one interim collection for the same well was promulgated by the Commission to prevent successive interim collections for an NGPA price category where the first jurisdictional agency determination was negative. The concern was that successive filings might enable a producer to charge higher prices in multiple interim collections where no good faith reasonable grounds existed to conclude that the gas qualifies under the price category for which application is made. The Commission also believed that the retroactive collection provisions adequately protected the seller.

The Commission no longer feels these considerations have merit where an affirmative jurisdictional agency determination under an NGPA category has previously been made. The Commission's experience since enactment of the NGPA indicates the interim collection process has not been abused. A purchaser can obtain adequate protection by requiring escrow of amounts received in an interim collection in excess of the otherwise applicable maximum lawful price. The present limitation in § 273.202(e) is revised to permit more than one interim collection where a well has previously received an affirmative eligibility determination. This amendment will, probably, most affect section 108 stripper wells that have lost that status because of a temporary increase in production. When the production falls back to qualifying levels the producer will be able to make interim collections when a new application is filed.

(C) *Designation by a Seller or Reseller for Notification Requirements for Interim Collection.*

A seller's designee under § 273.103 presently can make filings with the Commission on behalf of the seller. One comment noted that the regulations do not permit a seller's designee to serve similar notice to purchasers. The comment suggested the burden of excess paperwork would be eliminated on co-owners of a well by allowing an operator to serve notice on behalf of more than one co-owner. The Commission agrees and therefore is amending § 273.103 to allow a seller's designee to serve notices of intent to make interim collections. In addition, a corresponding revision is being made to § 270.202(b)(2)(ii) to waive the obligation of a reseller to notify a purchaser when a reseller's designee under § 273.103 has served a purchaser with such a notice of intent. These revisions maintain the Commission's existing policy of allowing a seller's designee to make filings and notices required by Part 273.

(D) *Refund Requirements of § 273.302.*

(1) *Refund Obligations.* The present § 273.302(b) provides that any filing for an interim collection under Part 273 shall have the effect of a general undertaking to comply with the refund provisions of that part. In the Notice of Proposed Rulemaking, the Commission proposed to amend the rule by making an interim collection itself (and not the interim collection filing with the Commission) constitute the general undertaking to comply with the refund provision. Since under the new rule an interim collection filing will be required only for gas subject to Natural Gas Act rate schedules, it is necessary to impose the refund obligation on interim collections themselves for all gas, rather than on interim collection filings. Comments raised no objection to the proposed change. The Commission therefore revises § 273.302(b) accordingly.

(2) *Refunds and refund reports.* Section 273.302 presently requires a refund to be made to the purchaser within forty-five (45) days of a final determination that a well is not eligible for the price collected in an interim collection, and a refund report to be submitted to the Commission within thirty (30) days after the making of the refund. The Notice of Proposed Rulemaking proposed to require a filing of a refund report within seventy-five (75) days of the date of an unfavorable determination or the date of withdrawal of an application for an eligibility determination.

One comment advocated exempting small producers from the refund reporting requirements of § 273.302. Producers selling under small producer certificates are subject to the requirements of these sections, including the reporting provisions. The filing of refund reports is necessary to ensure compliance with the NGPA and the correct refunding of amounts which were paid in the interim collection process. No distinction between large and small producers is appropriate.

Comments asserted that both the forty-five (45) and seventy-five (75) days time periods were insufficient to compile the information required to make appropriate refunds and submit reports. To reduce these time pressures the Commission is extending both deadlines. Appropriate refunds will not have to be made within sixty (60) days after the date of a final determination that a well is not eligible for the price category stated in the application for determination, or the date of a withdrawal of an application for an eligibility determination. A refund report will be due ninety (90) days from either of these two events.

The proposal also included a new requirement to file a statement that no refunds are due if such is the case. Comments contested this requirement. The Commission, however, believes that such a statement is necessary to the compliance program. Therefore, when no refund is due following a determination that a well is not eligible for the price category stated in the application for determination, or where an application for a determination has been withdrawn from before the Commission or a jurisdictional agency, sellers will be required to file a statement to that effect.

The present regulations require the refund report to state separately the principal amount of overpayment required to be refunded and the appropriate interest paid on this amount. As amended, § 273.302(f)(1) (iii) and (iv) requires the following additional information to be included: the well name, the American Petroleum Institute Well Number if existent, the jurisdictional agency with which the application for determination was filed, and, if applicable, the date of withdrawal of the application. The report also must specify the due dates for any refunds, the actual dates of payment of any refunds, and the time period covered by each refund. The report must state separately the amount that must be refunded, and the appropriate amount of interest attributed to the refund. Submission of such information is necessary to enable the Commission to fulfill its obligations under the NGPA to ensure proper refund payments. A refund report will be allowed to contain information for more than one well so long as the information is submitted on a well-by-well basis.

(3) *Refund Payment by Cash or Check.* Section 273.202(e) presently provides that refunds shall be paid by cash or check. This provision was retained in the Notice of Proposed Rulemaking. Comments were received urging that amounts due as refunds should be credited to current billings if purchasers agree, in order to reduce paperwork for both sellers and purchasers.

The Commission has decided to retain the present rule. Working off a refund through credits to current billings would be harder to verify for compliance purposes than would be a lump sum payment. The Commission desires to maintain its policy as stated in Order No. 36 of attempting to ensure that overcharges be returned to purchasers as quickly as possible.

(4) *Concurrence of the Purchaser.* Section 273.302(e)(3)(ii) presently requires that a refund report contain a release from the purchaser showing that refunds have been paid. The Notice of Proposed Rulemaking contained a similar provision which would require a statement of concurrence in the filing by the purchaser. Various comments stated that pipelines often do not give their written concurrence to producers in an expedited manner. These comments proposed that a deadline should be imposed on a pipeline to register its concurrence or nonconcurrence. The Commission will alleviate this problem by altering the filing requirements in the new § 273.302(f)(3). A refund report will be permitted to be filed by a seller with a statement that a purchaser's concurrence has not been received. In this circumstance, the amendments now require the purchaser to submit to the Commission the concurrence, or the reason for its refusal to submit its concurrence to a seller. This submission will be due within thirty (30) days of a seller's filing a refund report or statement with the Commission which does not include the purchasers concurrence. A duplicate of the submission shall be served upon the seller.

(E) *Reseller Rules.*

Section 270.202(b)(1)(ii) presently provides that a reseller is subject to the same refund conditions under Part 273 as the person who sold the natural gas to the reseller.

However, the present § 270.202(b)(2) waives the reseller's filing obligations under Part 273 if the filings have been made by certain other persons or entities, including the person or entity who sold the gas to the reseller. This provision by implication was interpreted by some commenters to refer to the refund filing requirements of § 273.302.

The Commission believes that because the reseller is responsible for making the refund the reseller also should be required to file a refund report under § 273.302 regardless of whether a refund report is also filed by another person or entity, including the person or entity who sold the gas to the reseller. The Commission did not intend the refund report requirement to be waived by §270.202(b)(2). Therefore, to clarify the regulations, the waiver of § 270.202(b)(2) is amended to be limited specifically to interim collection filings required under §§ 273.202 and 273.203.

The nature of several of the comments indicated that many parties are confused regarding a reseller's obligations where the reseller has purchased gas under a percentage-of-proceeds contract. In certain circumstances, a sale to reseller in a percentage-of-proceeds sale is not treated as a first sale for purposes of Subchapter H (other than Part 276). (*See*, § 270.202(h).) In such circumstances the person who sold the gas to the reseller would have no obligation to make any interim collection filings or serve any notices required in §§ 273.202(d) and 273.203. Those obligations therefore would rest with the reseller. Section 270.202(b)(1)(ii) subjects the reseller to all refund obligations including any refund report or statement that must be made.

Interim and retroactive collection filing requirements apply only to first sales. Since a percentage-of-proceeds sale to a reseller is not treated as a first sale by § 270.202(h), the person selling to the reseller is not subject to the refund conditions in §§ 270.202(b)(1)(ii) and

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270.302. Therefore, where a percentage-of-proceeds sale to a reseller occurs, and the reseller subsequently makes a first sale and undertakes interim collections, the reseller will incur the refund obligation and reporting requirements.

One comment suggested the Commission state that a reseller and a behind-the-plant seller may contractually agree that the reseller shall distribute proceeds attributable to interim collections to the behind-the-pipe seller prior to the rates in the application for determination becoming final. No amendment is necessary since this suggestion presently is permitted in the current regulations.

(F) *Waiver of Pending Reports.*

One comment suggested that the proposed retroactive collection filing and notice provisions should be made applicable immediately upon issuance of the rule. If the regulations amended by this rule remain in effect for thirty days, reports the Commission has decided are unnecessary will continue to be filed during those thirty days. The comment applies equally to certain interim collection filings. The Commission agrees with this suggestion. The reduction of interim and retroactive filing requirements shall become effective immediately.

(G) *Evidentiary Submissions by Pipelines.*

Section 154.94(j)(2)(ii) requires an evidentiary submission by a pipeline within sixty (60) days of a pipeline's receipt of service of a change in rate by a jurisdictional producer through either an interim collection under Part 273 or a blanket affidavit under § 154.94(h)(6) for collection of a maximum lawful price under certain enumerated sections of the NGPA. This requirement only applies where the gas is subject to the Natural Gas Act. One comment pointed out that § 154.94 should be amended to reflect that alternatively, an evidentiary submission must be filed within sixty (60) days from the day of receipt of service of a copy of a retroactive collection report. The comment urges this clarification to clear up any uncertainty regarding the time deadline.

The Commission agrees. Failure to mention retroactive collections was inadvertent. Section 154.94 has been amended to require a pipeline to file an evidentiary submission within sixty (60) days of receipt of service of a retroactive collection filing.

(H) *Miscellaneous Comments.*

One comment questioned whether a pipeline is permitted to pay a producer pursuant to a notice of interim collection without first verifying that a producer made an appropriate filing with the Commission. The Commission believes the regulations allow a pipeline or other purchaser to rely solely on the notice from a seller to commence interim collection payments.

One comment requested that the thirty (30) day notice requirement for a change in rate under section 4(d) of the Natural Gas Act be waived to allow immediate interim collection for the price filed in the application for determination before a jurisdictional agency. The Commission already has established this waiver of § 154.94(i)(1) of the regulations.

Other miscellaneous suggestions were made regarding such issues as the interim collection time period limitation at § 273.202, the period a seller must wait after obtaining a final determination of eligibility before initiating retroactive collections at § 273.204, collections for deliveries which occurred prior to the date the application was filed, and the **Federal Register** notice of applications. These suggestions were considered in prior rulemakings and were not adopted. No new information was submitted which convinces us to amend the regulations as suggested.

III. Summary of Amendments

The following amendments and clarifications have been made to the final regulations:

Section 154.94(j) has been amended to provide that an evidentiary submission must be submitted within sixty (60) days of the latest of an interim collection or retroactive collection notice, or receipt of a filing pursuant to § 154.94(h)(6).

Section 270.202(b)(2) has been amended to provide that a reseller is not obligated to make an interim or retroactive collection filing or notify a purchaser of an intent to make an interim collection if either such filing or notice has been made by the person who sold the gas to the reseller, or by the reseller's designee. However, a reseller must file a refund report even if a report was filed by either of these parties.

Section 273.103(d)(1) has been amended to provide that a seller's designee will be allowed to serve any notice required by Part 273 in lieu of the seller serving such notice.

New cross references are listed under § 273.104(b) for a special interim collection rule for certain applications for stripper well determinations and for a special rule ceasing the right to make an interim collection upon withdrawal of an application for determination before the Commission.

A seller making an interim or retroactive collection for gas subject to the Commission's jurisdiction and subject to a Natural Gas Act rate schedule on file with the Commission must file with the Commission notice of such collection for each category of gas sold in each rate schedule.

Section 273.202(e) has been amended to provide that interim collections can be made for the sale of gas which has already been subject to interim collections so long as the gas has previously received an affirmative determination from a jurisdictional agency.

The undertaking of an interim collection shall give rise to an obligation to make any appropriate refund under § 273.302(b).

Escrow provisions for refund assurance in § 273.302(c) have been redesignated as § 273.202(d)(2).

Under § 273.302(e), a refund report will now be due within 90 days from the day a negative determination becomes final or an application for determination is withdrawn. Refunds must be paid within 60, rather than 45 days, of the final negative determination or withdrawal.

New detailed information required in a refund report is enumerated in § 273.302(f)(1). A single report under § 273.302(f)(2) may contain refund data for more than one well, if identified on a well-by-well basis.

A seller may indicate a purchaser's nonconcurrence in a refund report if a statement of concurrence is not received by the seller that all proper refunds have been made. In such an instance, the purchaser shall submit to the Commission, within 30 days of receipt of a copy of a seller's refund report or statement, its reason for refusing to submit its concurrence to the report with the seller.

IV. Public Procedure and Effective Date

Amendments to Part 273 were initially proposed for comment on May 7, 1980, 45 FR 31418 (1980). Comments were received until June 18, 1980. A public hearing on the proposed rulemaking was held on July 16, 1980. By this process the Commission complied with the provision of section 502(b) of the NGPA which requires that "[t]o the maximum extent practicable, an opportunity for oral presentation of data, views, and arguments" to be afforded for certain regulations under the NGPA. The amendments to Parts 154, 270, and 273 contained in this order rest upon consideration given to the information received during the comment and hearing process. Therefore, the Commission believes that no further notice of public procedure is required under 5 U.S.C. 553.

The amendments to §§ 273.202, 273.203 and 273.204 relieve restrictions and pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 552), shall be made effective immediately. All other amendments shall be effective March 16, 1981.

(Natural Gas Act, as amended, 15 U.S.C. § 717, et seq., Department of Energy Organization Act, 47 U.S.C. §§ 7701–7352; E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301–3432, Administrative Procedure Act, 15 U.S.C. § 553.)

In consideration of the foregoing, the final regulations of Parts 154 of Subchapter E, and Parts 270 and 273 of Subchapter H, Chapter I of Title 18, Code of Federal Regulations, are amended as set forth below. The amendments to §§ 273.202, 273.203 and 273.204 are effective immediately. All other amendments shall be effective March 16, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 154.94(j)(2) is amended by revising the first two sentences in subparagraph (i) to read as follows:

§ 154.94 Changes in rate schedules.

* * * * *

(j) *Evidentiary submission by pipeline, protest procedure.* * * *

(2) *Filing.* (i) The evidentiary submission required by subparagraph (1) of this paragraph shall be filed with the Commission, and, if requested, served on the seller in the sale, and any state Commission, interstate pipeline or local distribution company. In the case of all contracts except small producer contracts, the evidentiary submission shall be filed by the later of:

(A) August 15, 1979, or

(B) 60 days from the date the pipeline received notice of:

(*1*) An interim collection to be made pursuant to § 273.202(d)(1);

(*2*) A retroactive collection to be made pursuant to § 273.204(c)(3)(iii); or

(*3*) A filing pursuant to paragraph (h)(6) of this section. * * *

* * * * *

2. Section 270.202 is amended by revising the introductory text of paragraph (b)(2) and paragraph (b)(2)(ii) to read as follows:

§ 270.202 Resales.

* * * * *

(b) *Special rule for interim collections.* * * *

(2) The reseller is not obligated by § 273.202(d) or by § 273.203 to make any filings with the Commission, or to serve notice to a purchaser, if such filings or notice have been made by:

* * * * *

(ii) A person designated under § 273.103(b) by the person in clause (i) of this subparagraph to make such filings or notice.

3. Section 273.103 is revised to read as follows:

§ 273.103 General provisions relating to filing and notice.

(a) *Who must file.* Except as provided in paragraph (b) of this section, any seller making an interim collection under this part shall make the filings and serve the notices required by this part. Sellers include persons owning a working interest in a well and royalty interest owners who take the royalty in kind and sell the natural gas taken in kind; other royalty owners are not required to make filings and serve notices under this part.

(b) *Persons designated to file and serve notice.* A seller required to make filings and serve notices under this part may, with respect to any well for which filings and notices are made, designate any other working interest owner of the well, the operator of the well (whether or not such operator is a working interest owner), or a royalty interest owner in the well, to make the filings and serve the notices required by this part. Such designation shall not relieve the seller of the obligation to make the filings and serve the notices required by this part unless a filing is made or notice is served on behalf of such seller by the person designated under this paragraph.

(c) *Content of filing or notice.* Any person making a filing or serving a notice on behalf of any seller shall identify by name and address each seller on whose behalf the filing is made or the notice is served.

4. Section 273.104 is amended by designating the present provision as paragraph (a) and adding paragraphs (b) and (c) to read as follows:

§ 273.104 Cross references.

* * * * *

(b) For special rule applicable to certain jurisdictional applications for stripper well determination, see § 271.807(e).

(c) For special rule applicable to withdrawal of an application for a well determination before the Commission, see § 275.202(d)(4).

5. Section 273.202 is amended by revising paragraphs (d) and (e) to read as follows:

§ 273.202 Collection pending jurisdictional agency determination of eligibility.

* * * * *

(d) *Conditions and filings.* In order to make an interim collection under this section with respect to a first sale of natural gas a seller must meet the following conditions:

(1) If the natural gas was committed or dedicated to interstate commerce on November 8, 1978, and subject to a rate schedule on file with the Commission under the Natural Gas Act, the seller shall file with the Commission a notice of intent to make interim collection under this section. The notice shall specify the category under Part 271 and the applicable rate schedule on file with the Commission for the natural gas for which an application has been filed under Part 274 and for which interim collection is intended to be made. The notice shall also include the just and reasonable rate applicable to such natural gas under the Natural Gas Act on November 8, 1978, and a copy of the FERC Form No. 121 submitted to the jurisdictional agency. If a notice is filed with the Commission under this subparagraph, no filing shall be required for any subsequent interim collection for gas under the same category and rate schedule contained in the filing.

(2) The seller shall serve each purchaser a notice of intent to make interim collection pursuant to this section. The notice shall include a copy of the FERC Form No. 121 submitted to the jurisdictional agency, and a duplicate of any items filed with the Commission under subparagraph (d)(1) of this paragraph.

(3) If requested by a purchaser, the seller must secure by a surety bond or hold in escrow any amount collected under this section which, in the case of a new well, is in excess of the price specified in § 273.201(a)(1), or in the case of any other well, is in excess of the otherwise applicable maximum lawful price. Such surety bond or escrow shall be in a form satisfactory to the purchaser.

(e) *Limitation.* Upon termination of the interim collection authority for any first sale, no further interim collections can be made for any first sales of natural gas from the same well unless any previous affirmative determination qualified gas from the well to be eligible under Subpart B, C, G, or H of Part 271.

6. Section 273.203 is amended by revising paragraph (c) to read as follows:

§ 273.203 Collection pending review of jurisdictional agency determination.

* * * * *

(c) *Conditions and filings.* Unless the seller previously has complied with the conditions and filings set forth in § 273.202(d), in order to make an interim

V 46/30 FE 13 81 UMI

collection under this section with respect to a first sale of natural gas, the seller shall undertake the conditions and filings described in § 273.202(d).

7. Section 273.204 is amended by revising the introductory text of paragraph (c) and paragraphs (c)(3) and (c)(5) to read as follows:

§ 273.204 Retroactive collection of the final determinations.

* * * * *

(c) *Conditions and filings.* In order to make a retroactive collection under this section with respect to a first sale of natural gas a seller must satisfy the following conditions and filings:

* * * * *

(3) If the natural gas was committed or dedicated to interstate commerce on November 8, 1978, is subject to a rate schedule on file with the Commission, and if the provisions of the Natural Gas Act continue to apply after a determination has become final, within fifteen (15) days after a retroactive collection begins for any first sale, the seller shall file with the Commission, and shall serve concurrently each purchaser of the gas, a notice of retroactive collection under this section. The notice shall specify:

(i) the category under Part 271 and the applicable rate schedule on file with the Commission for gas for which retroactive collection is undertaken and

(ii) the just and reasonable rate applicable to such natural gas under the Natural Gas Act on November 8, 1978.

* * * * *

(5) Carrying charges may be collected only to the extent provided by a written agreement of the parties to the applicable sales contract (or amendment thereto). The carrying charges shall be computed at an interest rate which does not exceed the rate specified in § 154.102(d).

8. Section 273.302 is amended by revising paragraphs (b), (c), (d), (e), (f), and (g) and adding a new paragraph (h) to read as follows:

§ 273.302 Refunds of interim collections.

* * * * *

(b) *Refund obligations.* (1) Any interim collection under this part, whether made by a seller or any person designated by a seller pursuant to § 273.103(b), shall constitute a general undertaking to comply with the refund provisions of this subpart by the designee and any seller on whose behalf the collection is made.

(2) Additional refund assurance may be required at any time by order of the Commission.

(c) *Escrow.* For special rule applicable to escrow of amounts received during interim collections, see § 273.202(d)(3).

(d) *Records.* (1) If any interim collection is made under Subpart B, for each billing period and for each purchaser the seller shall keep accurate accounts of:

(i) The price charged pursuant to Subpart B of this part;

(ii) Resulting revenues as computed under the price being charged pursuant to this part;

(iii) The maximum lawful price that would have been applicable if interim collections under Subpart B of this Part had not been made;

(iv) The revenues that would have been collected under the maximum lawful price described in clause (iii) of this subparagraph; and

(v) The difference in revenues described in clause (iv) and clause (ii).

(2) Such books and records shall be retained for a period of three (3) years after the termination of the interim collection period. Any contract under which any interim collections have occurred must be preserved for three (3) years after its expiration.

(e) *Refund payments.* (1) Within sixty (60) days after a determination becomes final denying a first sale at least eligibility for the price collected under this part, or within sixty (60) days after the date on which an application for determination is withdrawn by the applicant while it is before the Commission or the jurisdictional agency, the seller shall refund to the purchaser by cash or check the refund amount computed under paragraph (h) of this section together with interest determined in accordance with § 154.102(d) on the excess charges that have been collected from the date of payment until the date of refund.

(2) No interest is required to be paid on any portion of a refund:

(i) Which represents payments of royalties of taxes of Federal or State governmental authorities, except to the extent that such authorities pay interest to the seller when refunding overpayments of royalties or taxes; or

(ii) Which is paid from escrow except that interest which accrued in the escrow account on the amount required to be refunded shall be paid at the time of refund.

(f) *Filing requirements.* Within ninety (90) days of either the date a final determination of eligibility is obtained that a sale is not at least eligible for the price category stated in the application for determination, or the date an application is withdrawn by the applicant while the application is before the Commission or a jurisdictional agency, the seller shall file with the Commission:

(1) Either:

(i) an original and two copies of a refund report showing for each purchaser:

(A) the amount of overcharges and interest to be refunded as determined in accordance with paragraph (e);

(B) the dates on which any refunds were due; and

(C) the dates on which refunds were paid; or

(ii) a statement certifying that no refund is required under this section.

(2) The following information:

(i) the well name;

(ii) the American Petroleum Institute Well Number, if existent;

(iii) the jurisdictional agency with which the application for determination was filed; and,

(iv) if applicable, the date of withdrawal of the application.

(3) A statement of concurrence by the purchaser that all proper refunds have been made. If a purchaser does not submit a statement of concurrence to the seller, the seller shall so indicate. When a filing does not include the purchaser's statement of concurrence, the purchaser shall submit to the Commission such concurrence or a statement indicating the reason for its refusal to submit its concurrence with the seller. The purchaser's submission shall be due within 30 days of the date of filing a refund report or statement by a seller which does not include a statement of concurrence by the purchaser. A duplicate of the submission shall be served upon the seller.

(g) *Satisfaction and discharge of obligation.* If a determination becomes final that natural gas is eligible for at least the price stated in the application filed with the jurisdictional agency, then at such time the bond, escrow or other security undertaking shall become discharged to the extent it applies to first sales from the well for which the determination was made. If any refunds required by this section are made in conformity with the terms of the bond, escrow or other security undertaking, any remaining amounts of the bond, escrow or other security undertaking not used in satisfying the refund obligations shall be returned to the seller.

(h) *Refund computation.* (1) Where the final eligibility determination that the sale is not eligible for at least the price collected under Subpart B also includes a final eligibility determination of the maximum lawful price for that sale, that finally determined price, to the extent permitted by the applicable sales contract, shall be used to compute the excessive interim collections and refund amount.

(2) In any other case, the appropriate maximum lawful price specified under Subpart D, E, F, or I of Part 271, to the extent permitted by the applicable sales contract, shall be used to compute the excessive interim collections and refund amount.

[FR Doc. 81-5195 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF LABOR

Employment and Training Administration

Office of the Secretary

Employment Standards Administration

Wage and Hour Division

Occupational Safety and Health Administration

Pension and Welfare Benefits Program Office

Office of Federal Contract Compliance Programs

20 CFR Parts 655, 676, 677, 678, and 679

29 CFR Parts 1, 5, 6, 1903, 1910, 1952, 1955, 1990, 2520, 2550 and 2560

41 CFR Part 60-1

Notice of Deferral of Effective Dates of Regulations

Correction

In FR Doc. 81-4344 appearing on page 11253 in the issue of February 6, 1981, make the following correction:

In the middle column of page 11254, the line below the signature now reading:

"[FR Doc. 81-4344 Filed 2-5-81; 8:45 am]"

should have read:

"[FR Doc. 81-4344 Filed 2-3-81; 1:15 pm]"

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Antimicrobial Panel; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) announces the termination of the Panel on Review of Antimicrobial Agents and amends the regulations to remove it from the list of standing advisory committees. The Panel was terminated because it had completed its work.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT:
Lee Geismar, Bureau of Drugs (HFD-512), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6057.

SUPPLEMENTARY INFORMATION: The Panel's functions were to review and evaluate available data on the safety, effectiveness, and adequacy of labeling of nonprescription antimicrobial drug products. The Panel has submitted its conclusions and recommendations on the safety, effectiveness, and labeling of these products to the Commissioner of Food and Drugs. The Panel's conclusions and recommendations to the Commissioner will be published in a future issue of the **Federal Register**.

Accordingly, the purpose of the Panel has been served, and the Panel is no longer needed. On January 13, 1981, the Secretary of Health and Human Services approved the termination of the Panel.

§ 14.100 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 14 is amended in § 14.100 *List of standing advisory committees* by removing paragraph (c)(16).

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the **Federal Register**, February 13, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-4305 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19, 240, 245, 250, 270, and 275

[T.D. ATF-77]

Electronic Fund Transfer for Certain Alcohol and Tobacco Products Excise Taxpayments and Other Provisions; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects the effective-date provisions contained in the final regulations which implement the electronic-fund-transfer method of paying certain alcohol and tobacco products excise taxes. The action is necessary to correct an unintentional error in the time period by which taxpayers are to determine whether they are required to pay their excise taxes electronically, as well as to correct some typographical errors, that appeared in the **Federal Register** of Tuesday, January 13, 1981 (46 FR 2999).

FOR FURTHER INFORMATION CONTACT:
A. N. Stickney at (202) 566-7626.

G. R. Dickerson,

Director.

SUPPLEMENTARY INFORMATION:

Accordingly, the following corrections are made in FR Doc. 81-1177 appearing on 2999 in the issue of January 13, 1981:

1. On page 3001, at the bottom of column 2, appearing in § 19.519, the words "on Form 5110.35," are corrected to read "on Form 5110.32 or on Form 5110.35,".

2. On page 3002, in column 1, in § 19.523a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

3. On page 3002, in column 3, first paragraph to Part 240—Wine, "Subpart AA—Tax Payment of Wine" is corrected to read "Subpart AA—Taxpayment of Wine".

4. On page 3003, in column 1, the word "though" appearing in the term *"Electronic fund transfer or EFT"* of § 240.10 is corrected to read "through".

5. On page 3003, in column 3, in § 240.591a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

6. On page 3004, in column 2, first

paragraph to Part 245—Beer, "245.112 Method of tax payment" is corrected to read "245.112 Method of taxpayment".

7. On page 3005, at the bottom of column 1, "§ 245.112 Method of tax payment" is corrected to read "§ 245.112 Method of taxpayment".

8. On page 3005, at the bottom of column 1, in § 245.117(f)(2), "registery" is corrected to read "registry".

9. On page 3005, in column 3, in § 245.117a(e), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

10. On page 3006, in column 1, (1) the phrase "form 1586" in paragraph (a) of § 245.117d is corrected to read "Form 1586"; (2) the phrase "to effect Payment of Tax by Electronic Fund Transfer" appearing in paragraph (b)(2) of § 245.117d is corrected to read "to effect payment of tax by electronic fund transfer"; and (3) the word "on" appearing in paragraph (b)(3) of § 245.117d is corrected to read "or".

11. This correction refers to § 250.112a appearing on page 3006, at the bottom of column 3: In T.D. ATF–62 (44 FR 71613; FR Doc. 79–37532, December 11, 1979), § 250.112a was revoked. In T.D. ATF–64 (45 FR 7528; FR Doc. 80–3660, February 1, 1980), § 250.112a was added and entitled "Additional deferral of tax for products containing wine". The applicability of that section, however, ended March 21, 1980. Therefore, the provisions of § 250.112a which appeared in FR Doc. 80–3660 in the issue of February 1, 1980, are removed. Section 250.112a which appears on page 3006 and which is entitled "Payment of tax by electronic fund transfer" remains.

12. On page 3007, in column 2, in § 250.112a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

13. On page 3008, in column 3, in § 270.165a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

14. On page 3010, at the bottom of column 1, in § 275.115a(f), the prepositional phrase "during October 1, 1979, and September 30, 1980," is corrected to read "during fiscal year October 1, 1979, through September 30, 1980,".

[FR Doc. 81–5193 Filed 2–12–81; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts

Note.—This document originally appeared in the **Federal Register** for Thursday, February 12, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective dates of regulations stayed.

SUMMARY: On January 16, 1981, the Department issued a final rule to take effect on February 17, 1981 revising 29 CFR Part 4, Labor Standards for Federal Service Contracts (46 FR 4320–4378). On January 19, 1981, the Department issued a second final rule regarding the treatment of concession contracts to take effect on February 18, 1981 revising § 4.133 of Part 4 (46 FR 4886). The effective dates of these two regulations are stayed until April 17, 1981 to permit the Department to conduct a regulatory analysis and to review the rules fully before they take effect. It is the Department's intention to repropose appropriate modifications to Part 4 after this is done and to hold public hearings on the proposal.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: 202–523–8305.

Signed at Washington, D.C., this 29th day of January 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81–4943 Filed 2–10–81; 4:00 pm]

BILLING CODE 4510–27–M

Office of Assistant Secretary for Labor Management Relations

29 CFR Parts 207, 208 and 209

Standards of Conduct for Labor Organizations Under the Foreign Service Act; Applicability of Civil Service Reform Act Procedures

AGENCY: Office of the Assistant Secretary for Labor-Management Relations, Department of Labor.

ACTION: Notice of Applicability of Procedures.

SUMMARY: The Assistant Secretary for Labor-Management Relations gives notice of the interim procedures which are applicable to the labor organization standards of conduct provisions of the Foreign Service Act of 1980 (FSA). (The standards of conduct provisions deal with matters such as labor organization reports, election of officers and rights of members.) The interim procedures applicable to labor organizations subject to the FSA are those set forth in the regulations implementing the standards of conduct provisions of the Civil Service Reform Act of 1978 (Parts 207–209 of Title 29 of the Code of Federal Regulations) which are applicable to other labor organizations in the Federal sector. This notice advises affected parties of the procedures to be followed after the effective date of the FSA (February 15, 1981) pending the issuance of implementing regulation.

DATE: The interim procedures are effective February 15, 1981.

ADDRESS: Assistant Secretary for Labor-Management Relations, Room S–2307, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Herbert Raskin, 202–523–7373.

(Section 1017 of the Foreign Service Act of 1980, Pub. L. 96–465, 22 U.S.C. 4117.)

Signed at Washington, D.C. on February 11, 1981.

Hilary M. Sheply,

Acting Deputy Assistant Secretary for Labor-Management Relations.

[FR Doc. 81–5255 Filed 2–12–81; 8:45 am]

BILLING CODE 4510–29–M

Wage and Hour Division, Employment Standards Administration

29 CFR Part 541

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman."

Note.—This document originally appeared in the **Federal Register** for Thursday, February 12, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective date of regulation stayed; comment period reopened.

SUMMARY: Final regulations effective February 13, 1981, increasing the salary levels used to determine eligibility for exemption from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act were published in the **Federal Register** of January 13, 1981 (46 FR 3010). The effective date of these regulations is stayed indefinitely. The purpose of this action is to allow the Department to review the rule fully before it takes effect. The comment period is reopened. Pending final determination in this rulemaking, the interim salary tests which became effective April 1, 1975 are continued.

DATES: Effective date: February 12, 1981. Comments are invited from other Federal agencies and the public. They must be received on or before April 6, 1981.

ADDRESS: Send written comments to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S–3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–8305.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone (202) 523–8305.

Signed at Washington, D.C., this 29th day of January, 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81–4945 Filed 2–10–81; 4:00 pm]

BILLING CODE 4510–27–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 262 and 263

[SW FRL 1701–2]

Availability of Provisional EPA Identification Numbers

Correction

In FR Doc. 80–40176, appearing on page 85022, in the issue of Wednesday, December 24, 1980, make the following correction.

On page 85022, third column, under "**For Further Information Contact:**", the telephone number given for "Region V" reading "(312) 353–2917" should be corrected to read "(312) 353–2197".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5811

[C–25845]

Colorado; Withdrawal of Lands for the Dolores Project

Correction

In FR Doc. 81–2265, published on page 6944, on Thursday, January 22, 1981, in the second column, in the first line "Sec. 3, lot 2, E½NE¼SE¼, SW¼NE¼" should be corrected to read "Sec. 3, lot 2, E½NE¼SE¼, SW¼NE¼".

BILLING CODE 1505–01–M

43 CFR Public Land Order 5818

[ORE–016183–A]

Oregon; Partial Revocation of Public Land Order No. 3869

Correction

In FR Doc. 81–2269, published on page 6946, on Thursday, January 22, 1981, in the third column, under "*Revested Oregon and California Railroad Grant Land*", in the second line "Sec. 19, W½SE¼SW¼" should be corrected to read "Sec. 19, W½SE¼SW¼", and in the fourth line "Sec. 19, N½SE¼NE¼" should be corrected to read "Sec. 19, N½SE¼NE¼".

BILLING CODE 1505–01–M

43 CFR Public Land Order 5845

[OR 20231–A]

Oregon; Partial Revocation of Public Water Reserve No. 84

Correction

In FR Doc. 81–2500, appearing on page 7346 in the issue for Friday, January 23, 1981, in the middle column, in the land description under "**Willamette Meridian**", in the second line, there are two references to "NW¼" which should have read "NW¼".

BILLING CODE 1505–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Postponement of effective date of final rules.

SUMMARY: NOAA published on January 13, 1981, an amendment to Sections 285.50, 285.52 and 285.81 of the Atlantic Tuna Fisheries regulations (50 CFR Part 285). These regulations establish a size limit for bigeye tuna taken by United States fishermen. The final rulemaking was published in the **Federal Register** (46 FR 3025) and was to be effective February 12, 1981. In response to President Reagan's Memorandum of January 29, 1981 entitled "Postponement of Pending Regulations", the effective date is being postponed to March 30, 1981.

DATES: The effective date of the Atlantic Tuna Fisheries amendment limiting the landing of bigeye tuna less than seven pounds is postponed until March 30, 1981.

The postponement is effective February 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Denton Moore, Chief, Permits and Regulations Division, 3300 Whitehaven St. NW., Washington, D.C. 20235, (202) 634–7432.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 11th day of February 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–5352 Filed 2–12–81; 9:30 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 46, No. 30
Friday, February 13, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Improving Government Regulations; Semiannual Regulatory Agenda

Correction

In FR Doc. 81-3694 appearing on page 10502 in the issue of Tuesday, February 3, 1981, make the following changes:

(1) On page 10502, third column, paragraph numbered 1, "purchasing" should read "purchased".

(2) On page 10506, second column, paragraph numbered 5, third line from the bottom, "releases" should read "released", and in the paragraph numbered 9, last line at the botton of the page, "contracts" should read "contacts".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM80-36]

Rate of Return on Equity for Electric Utilities; Request for Written Comments

Issued: February 6, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Request for Written Comments.

SUMMARY: In accordance with authority delegated to it by the Commission, a Staff Study Group has made public a discussion paper entitled, "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms." The paper describes current Commission procedures for establishing the rate of return on equity for electric utilities and presents alternatives to those procedures. Written comments are solicited on the discussion paper.

DATE: Comments should be submitted by March 16, 1981.

ADDRESSES: Comments should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Request for copies of the discussion paper: Office of Congressional and Public Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357-8055.

FOR FURTHER INFORMATION CONTACT: Ms. Angela Lancaster, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8377.

SUPPLEMENTARY INFORMATION: A Study Group has prepared, and presented to the Commission and its staff, a discussion paper on rate of return for electric utilities, entitled "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms." To encourage public discussion on the paper the Commission authorized the Study Group to make the paper public, to solicit comments on it, and to hold informal public conferences to discuss the proposals it contains. The paper was made public and a public conference was held on January 30, 1981.* The purpose of this Notice is to request written comments on the paper.

The discussion paper is a product of the Study Group and no of the full Commission staff. It provides an overview of the Commission's staff. It provides an overview of the Commission's current case-by-case approach in setting rates of return on equity for jurisdictional electric utilities and recommends generic alternatives to that approach. The alternatives and the basis of the Study Group's recommendations are described in the discussion paper. A summary of the paper, prepared by the Study Group and presented to the Commission and its staff, is appended to this Notice.

Although written comments are encouraged on all aspects of the discussion paper, there are several questions on which comment is particularly solicited. First, has the Study Group adequately identified the problems and advantages of the Commission's current procedures for setting rates of return on equity for electric utilities? If not, what alternative considerations should be brought to the Commission's attention?

Second, has the Study Group correctly identified the options available to the Commission for improving the Commission's regulation of the rate of return on equity allowed jurisdictional electric utilities? If not, what other options should be considered by the Commission?

Finally, which option is preferred?

A copy of the paper may be obtained from the Commission's Office of Congressional and Public Affairs. Interested persons may comment on the discussion paper by submitting written data or views to the Office of the Secretary, Federal Energy Regulatory Commission. Comments submitted by March 16, 1981, will be considered by the Study Group prior to its report to the Commission. Each comment should reference Docket No. RM80-36. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the comments may be addressed.

An original and 10 conformed copies of the comment should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Kenneth F. Plumb,
Secretary.

Appendix—Establishing the Rate of Return on Equity for Wholesale Electric Sales; Potential Regulatory Reforms; Executive Summary

A Discussion Paper by Staff Study Group Federal Energy Regulatory Commission*

Executive Summary

The time required by the Federal Energy Regulatory Commission to decide electric rate cases is unacceptably long. Regulated utilities and their wholesale customers agree that decisional periods of two to four years cause serious problems that threaten to grow worse in the years ahead. The administrative burdens to the FERC of a steadily increasing case load are likely to become unmanageable unless steps are taken now to eliminate the existing backlog and overcome the obstacles to timely resolution of rate cases in the future.

One possible response to this situation would be for the Commission to shift its emphasis from the traditional case-by-case approach in resolving rate disputes to one of providing general rules for resolving issues common to electric rate proceedings. A candidate for such a generic rulemaking approach is the rate of return on common equity allowed electric utilities.

In its discussion paper, the Study Group questions whether the result achieved is worth the time, effort and the associated expense that go into deciding rate of return issues on a case-by-case basis. The usual practice is for the rate of return issue to be argued anew in practically every rate case that comes before the Commission. Heavy commitments of financial and human resources are devoted to the construction of a complex evidentiary record in electric rate cases. The required review of the record demands substantial resources, a portion of which is focused on rate of return. What, in retrospect, has been accomplished by the time and effort devoted to deciding rate of return issues on a case-by-case basis?

To answer this question the Study Group has analyzed the rates of return on common equity allowed by the Commission over the past eight and three-quarter years in 48 rate cases involving 36 companies. Weighted averages of these rates of return have been compared with general indices of capital market trends as well as estimates developed by the Study Group of the costs of common equity for the electric utility industry as a whole.

There appears to be no direct correlation between the pattern of rates of return allowed by the Commission and short-term fluctuations in the yields of various bond issues reflecting market trends. The Commission's allowed rates of return also do not match the Study Group's estimates of the costs of equity capital. The range of Commission-allowed rates of return included in electric rates in effect over the period 1972 to 1980 narrowed from one of 11 to 14 percent to one of approximately 12 to 14 percent. The derived weighted averages of the Commission-allowed rates of return remained practically constant over the entire period, ranging from 12.4 percent in 1972 to 12.9 percent in the first three quarters of 1980.

In short, the Study Group concludes that Commission decisions on wholesale electric rates of return, as represented by the derived weighted averages, appear to have failed to reflect the realities of the marketplace. There may be various explanations for this, but the Study Group believes that the failure may, at least in part, be explained by the fact that the time required to decide rate cases individually makes most of the data on which the decision is based obsolete by the time a final opinion is issued. The problem is probably exacerbated by the poor quality of the evidentiary record in many cases. Based on its review, the Study Group questions whether the Commission's legal and economic objectives can ever be realized in setting rates of return for the electric utility industry using current procedures and methodologies.

The Study Group believes that the Commission has the legal authority and the capability to depart from the present procedures and adopt a new, generic approach to establishing allowed rates of return on equity for electric utilities. It urges the Commission to do so, and commends to the Commission's consideration three alternative generic approaches to setting rates of return on common equity for electric utilities: (1) to specify a single, industry-average equity rate of return; (2) to specify an industry-wide range for the rate of return on equity; or (3) to select a general formula approach that would define equity risk premiums.

(1) An industry-wide average rate of return on common equity.

This option would formulate an estimate of the average cost of common equity for the electric utility industry and use it as the allowed rate of return in all wholesale electric rate cases.

Every two years a Notice of Proposed Rulemaking would propose an industry average cost of capital for a base calendar year which would be used to set rates of return for the interim two-year period. During that two-year period, the rate of return applicable to each calendar quarter would be compiled by indexing the base-year estimate to current interest rates. After considering comments on the proposed rule, the Commission would publish a Final Rule that would establish the industry average cost of capital for the base year and set the equity risk premium. The indexing procedure would use monthly 10-year constant maturity Treasury bonds, as published by the Federal Reserve. For example, if the industry average cost of capital were found to be 14% in a year in which these bonds yielded an average of 10%, a 4% equity risk premium would be used for indexing and would be added to the quarterly Treasury bond yield. Every two years the Commission would conduct a rulemaking for the purpose of establishing a new base year estimate of the industry average cost of capital and setting an equity risk premium.

The best feature of this option is that it could entail a minimal amount of time, effort and expense on the part of the Commission and other interested parties with respect to individual rate applications. The basic requirement is a rulemaking every two years to establish an industry average cost of capital and the concommitant equity risk premium.

Another positive feature is that this option does not require making difficult intercompany risk distinctions that may, in fact, be partially a function of the retail regulatory environment. It is thus questionable whether these risk differentials must be reflected at the wholesale level where there is a common regulatory climate. In other words, if there were a reasonable basis for concluding that the investment risk of the wholesale electric business does not differ substantially from company to company, then a single rate of return would not only be appropriate but also consistent with the oft-stated Commission principle that the allowed rate of return should be commensurate with the risk of the jurisdictional entity.

This option may also tend to create desirable incentives. If the company reduced its cost of equity capital, it could benefit, since such a reduction in its cost of equity capital would not cause its allowed rate of return to be lowered. Therefore, efficiency would be rewarded and poor management penalized, to the extent that these factors were the source of lower or higher costs of equity compared to the industry average cost of equity.

One major drawback is that in volatile times, the range of the costs of equipty capital for companies in the industry will likely widen. It may be more worthwhile for parties to petition the Commission for waiver of the industry average rate of return in those cases where the subject company's cost of common equity deviates significantly from the industry average. At such times, the Commission will be faced

*A transcript of that conference is on file at the Commission's Office of Congressional and Public Affairs.

*The Study Group was formed at the request of Commissioner George R. Hall. It consists of Robert Anderson of the Office of Regulatory Analysis; John Conway, Office of the General Counsel; Julian Greene, Office of Regulatory Analysis; Charles Harland, Office of Electric Power Regulation; Anthony Jiorle, Office of Pipeline and Producer Regulation; Angela Lancaster, Office of the Chairman; William Lindsay, Office of Electric Power Regulation; Arnold Meltz, Office of Regulatory Analysis; and Joseph Stefan, Office of Regulatory Analysis.

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with more rate of return litigation. Another potential criticism is that the updating procedure implies that there is a constant equity risk premium over time. One must also consider that a company might have the incentive to alter its capital structure in the direction of more equity, since it would not be penalized for doing so in its allowed rate of return.

Finally, under this option, a company might have the incentive to inflate the allowed rate of return that is embodied in its filed rates since, as a general rule, it would not have to justify it in an adjudicatory setting. The new policy concerning the interest rate on refunds, a shorter decision making period, and the published quarterly rates of return should serve to constrain such excessiveness.

(2) An industry-wide range for rates of return on common equity.

This option requires the Commission to establish an industry-wide range for rates of return on common equity and to select three risk-related values within the range. A particular company's rate of return on equity would be set at one of these values. A new range would be established each year that would apply for the following year. Once the range is determined for a designated time period, the Commission would segment it into three classes representing low, average and high risks. If the range were 13.5 to 14.5 pecent, for example, then low risk companies would receive the lower bound of the range (13.5%), average risk firms would receive the mid-point of the range (14%) and high risk firms the upper bound (14.5%). Annual updating of the range would be required and could be accomplished through rulemaking proceedings. Alternatively, indexing could be used to determine ranges between biennial rulemakings.

In applying the generically determined range in an individual case, a utility would file rate increase applications using whatever rate of return it believed appropriate. However, testimony in litigated cases, as well as ALJ initial decisions, would be restricted to evaluations of a utility's relative riskiness. Thus, no rate of return would be litigated; only arguments about risk assessment would be judged.

The range option has several attractive features. First, the procedure would allow the Commission to be systematic and explicitly rely on the best financial information available in setting rate of return. Second, without the necessity for an estimate of the cost of equity capital to an individual company, the parties in a particular case, as well as the ALJ, would limit the focus of the dispute to the relative riskiness of the subject company. The limited focus of this option would likely reduce the time, effort, and expense of litigation, as well as encourage more settlements. In time, it might be possible to assimilate Commission judgments about risk factors into a process that would automatically assign firms to risk classes and thereby eliminate testimony entirely. Finally, the fact that there would be multiple risk categories means that intercompany risk differences would be considered.

The major drawbacks to this option relate to various aspects of its implementation. Substantial time, effort and expense may be required for the annual rulemaking procedure. In addition, the required determination of whether a company lies in the high, average or low portion of the range requires the submittal of testimony and the attendent review procedures, and could become contentious and time consuming.

(3) The general formula approach.

This option requires the Commission to determine through a single generic proceeding a set of specific company parameters and a general formula from which an equity risk premium can be calculated for individual utilities. This company-specific risk premium would be added to a market riskless interest rate, represented by the average 10-year constant maturity Treasury bond yield for the applicable calendar year, to determine the individual utility's allowed equity rate of return. Although the formula would be established by analyzing company data for the industry as a whole over a designated time period, each utility's individual parameters would be used to calculate its own risk premium and the resulting rate of return. Risk premiums for each utility would today probably range from 3 to 5 percentage points.

After formulating a preliminary, workable formula, the Commission would issue a Notice of Proposed Rulemaking proposing adoption of the formula. Following consideration of comments, a final formula would be specified and put into effect on a prospective basis. While dispute over the relative values of independent company parameters would be allowed in proceedings under the generic rulemaking, no dispute would be permitted concerning either the use or composition of the formula. Only upon granting a waiver, or as a result of a settlement, would a non-formula rate of return be viewed as just and reasonable.

The major advantage of the general formula approach is that it would operate fairly automatically and eliminate the need for extensive case-by-case adjudication on the rate of return issue. At the same time, it would allow some distinction among firms with varying risks in that individual parameter values for each company would be included in the general formula. Between rulemakings, this option would permit utilities' filed rates of return to reflect current market conditions without a need for the Commission to adjust the risk premium formula. The risk premium is simply added to the current market riskless interest rate to determine the allowable rate of return. It would not be necessary for the Commission to update the formula often. The Commission would have an opportunity whenever it wished, and at least every five years, to take a comprehensive look at electric utilities' access to the capital markets and to calibrate its policy.

The disadvantages of the formula approach must also be taken into account, however. A major drawback is that the integrity, validity and reliability of the proposed econometric techniques for developing the formula remain to be established. Furthermore, this as-yet-untested approach would require a major adjustment by the regulated industry and its customers. "Cultural shock" could be substantial. Finally, the number of variables to be included in the general formula could become so numerous as to complicate the analysis and make implementation extremely difficult. Likely disputes over the values of the independent variables and requests for waivers of the rule could come to dominate the decisional process and cancel out any savings in time and resources that this approach might otherwise achieve.

The Commission could proceed in several other ways to reform the electric rate of return procedures. One such option is, of course, to maintain the status quo with modifications. However, the drawbacks of continuing the present system, as already discussed, are substantial.

A second alternative to the recommended generic approaches would be for the Commission to allow the same rate of return on a jurisdictional company's common equity as is permitted by the state public utility commission with predominant retail regulatory responsibility over the company. While this option does offer the advantage of totally eliminating the rate of return issue from Commission proceedings, it should be recognized that it may require legislative action. In addition, state Commissions' rate of return decisions may not be directly transferable to wholesale cases. Different ratemaking methodologies may yield significantly different rate of return allowances. There is also a problem of timing, since the state Commission decision may lag behind or precede the wholesale rate case. Finally, those companies that are 100 percent jurisdictional would have to be handled on an individual basis.

The Commission might also want to consider some combination of several of the options that have been discussed. It would be entirely possible, for instance, to continue the traditional case-by-case approach to setting rates of return for those companies for which wholesale sales represent from 95 to 100 percent of total revenues. The Study Group's tabulations show that, of the utilities regulated by the Commission, 42 percent have less than 5 percent jurisdictional electric revenues and 58 percent have less than 10 percent jurisdictional electric revenues. For these utilities, a selected generic approach could be applied or, in some cases, the use of the rate of return allowed by the state commission may be appropriate.

After considering all of these options, the Study Group's own conclusion is that any of the three primary generic approaches that have been discussed would be preferable to the current manner of setting rates of return on equity. In evaluating the relative merits of these three approaches, the Study Group applied the following criteria: the extent to which the approach would reflect the cost of equity capital for a particular company; the feasibility of implementing the approach; and the burden of administering the approach. The uncertainties surrounding the formula approach, which is still at an early stage of development make it less immediately attractive than the industry range and industry average approaches. These latter approaches appear more favorable when examined in light of the Study Group's criteria. However, it is possible that further analysis of the formula approach could yield results that make it a more impressive candidate for consideration.

[FR Doc. 81-5191 Filed 2-12-81; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 207, 210, 225, 226, 501, 510, 514, and 558

[Docket No. 77N-0076]

New Animal Drugs for Use in Animal Feeds; Definitions and General Considerations; Revised Procedures Regarding Medicated Feed Applications; Workshop and Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice of Workshop and Public Meeting.

SUMMARY: The Food and Drug Administration (FDA) announces that it will jointly sponsor with the Indiana State Chemist's Office (ISCO) a workshop and public meeting concerning proposed revisions to FDA's medicated feed regulations, published in the **Federal Register** of January 9, 1981 (46 FR 2456).

DATE: The public meeting will be held from 1 p.m. to 4 p.m. on February 27, 1981.

ADDRESS: The public meeting will be held at the Farm Bureau Bldg., State Fairgrounds, Indianapolis, IN.

FOR FURTHER INFORMATION CONTACT: John W. Davis, Jr., Supervisory Investigator, Food and Drug Administration, 575 N. Pennsylvania St., Indianapolis, IN 46204, 317-269-6500.

SUPPLEMENTARY INFORMATION: In June 1978, FDA convened a Medicated Feed Task Force to review and examine the agency's existing medicated feed program and to explore and recommend ways for the agency to employ its resources more efficiently. The Task Force was composed of members representing the Bureau of Veterinary Medicine, the Executive Director of Regional Operations, the Associate Commissioner for Regulatory Affairs, and the Office of Chief Counsel.

Upon completion, the Task Force presented its report, entitled "Second Generation of Medicated Feeds" to the Commissioner of Food and Drugs, who announced its availability in the **Federal Register** of December 15, 1978 (43 FR 58634). In its report, the Task Force recommended a major reordering and restructuring of the medicated feed program to focus on protection of the public from unsafe drug residues in the edible products of treated animals. It proposed that agency resources be directed toward ensuring the safe use of high-risk drugs and drugs in high-risks concentrations in feeds.

Subsequently, on the basis of the Task Force Report, comments received on the report, and other available information, FDA began to develop a notice of proposed rulemaking that would encompass broad substantive revisions of the agency's medicated feed regulations. In May 1980, the Indiana State Chemist's Office (ISCO), which is that State's control agency for medicated feeds, sought FDA's assistance concerning a series of workshops that ISCO was planning to hold in the State of Indiana to explain the proposed "second generation" medicated feed program after FDA issued its proposed rule in the **Federal Register**. ISCO has worked closely with FDA in feed control matters, and FDA agreed to provide the assistance ISCO requested.

In the **Federal Register** of January 9, 1981 (46 FR 2456), FDA published its proposed revisions of the agency's medicated feed regulations. The proposed rule invited interested persons to submit comments by April 9, 1981.

Now that the proposed rule has been published, ISCO has scheduled six workshops to be held in various locations in Indiana between February 3 and February 12, 1981. Although not a sponsor of these six workshops, FDA has agreed to provide guest speakers.

A seventh and final workshop will be a public meeting, jointly sponsored by ISCO and FDA. This public meeting will be held from 1 p.m. to 4 p.m., February 27, 1981, at the Farm Bureau Bldg., State Fairgrounds, Indianapolis, IN.

Persons wishing to attend these workshops or the public meeting can obtain additinal information by contacting John W. Davis, Jr., at the address above. Oral comments made at the workshops or the public meeting concerning the proposed rule will not become part of the administrative record and will not be considered by the agency unless they are submitted in writing to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Written comments will be received by agency officials at the workshops and the public meeting and given to the Dockets Management Branch.

Dated: January 30, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-4902 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-83-M

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21 CFR Part 868

[Docket No. 78N–1749]

Medical Devices; Classification of Hyperthermia Devices; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified hyperthermia devices into class II (performance standards). The agency has determined that this device is part of another device, thermal regulating systems, which the agency already has classified into class II as part of the proceeding to classify cardiovascular devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the thermal regulating systems into class II.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63378), FDA proposed that hyperthermia devices be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify hyperthermia devices as part of the anesthesiology device classification proceeding, the agency determined that hyperthermia devices are part of another generic type of device, the thermal regulating system, that had been the subject of a proposed classification into class II as part of the classification proceeding for cardiovascular devices. No comments were received on the proposed regulation to classify hyperthermia devices. The final regulation classifying thermal regulating systems into class II was published in the **Federal Register** of February 5, 1980 (45 FR 7971).

The agency has determined that hyperthermia devices are part of thermal regulating systems. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979, proposal to classify hyperthermia devices. The administrative record for the hyperthermia devices proposal shall be included in the administrative record (Docket No. 78N–1547) for the final rule classifying thermal regulating systems into class II (45 FR 7971).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: February 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–4903 Filed 2–12–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 868

[Docket No. 78N–1750]

Medical Devices; Classification of Hypothermia Devices; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of November 2, 1979, that would have classified hypothermia devices into class II (performance standards). The agency has determined that this device is part of another device, thermal regulating systems, which the agency already has classified into class II as part of the proceeding to classify cardiovascular devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of November 2, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulations classifying the thermal regulating systems into class II.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 2, 1979 (44 FR 63379), FDA proposed that hypothermia devices be classified into class II (performance standards). This action was taken as part of the ageecy's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provided reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify hypothermia devices as part of the anesthesiology device classification proceeding, the agency determined that hypothermia devices are part of another generic type of device, the thermal regulating system, that had been the subject of a proposed classification into class II as part of the classification proceeding for cardiovascular devices. No comments were received on the proposed regulation to classify hypothermia devices. The final regulation classifying thermal regulating systems into class II was published in the **Federal Register** of February 5, 1980 (45 FR 7971).

The agency has determined that hypothermia devices are part of thermal regulating systems. Accordingly, to avoid unnecessary device classification regulations, the agency withdraws the November 2, 1979 proposal to classify hypothermia devices. The administrative record for the hypothermia devices proposal shall be included in the administrative record (Docket No. 78N–1547) for the final rule classifying thermal regulating systems into class II (45 FR 7971).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

(Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1))

Dated: February 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–4904 Filed 2–12–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 29

Labor Standards for the Registration of Apprenticeship Program; List of Occupations Meeting the Criteria for Apprenticeability; Extension of Comment Period

AGENCY: Employment and Training Administration, Labor.

ACTION: Extension of time for comments.

SUMMARY: This notice extends the time for filing comments on proposed rulemaking which set forth a list of occupations considered to be apprenticeable. As a result of the publication of this list, questions have arisen regarding the criteria for an apprenticeable occupation. The comment period is being extended in order to provide sufficient time for all interested parties to prepare and submit comments on the proposed rulemaking.

DATE: Comments must be submitted by June 30, 1981.

ADDRESSES: Send comments, communications, and inquiries to Paul H. Vandiver, Director, Office of National Industry Promotion, Employment and Training Administration, U.S. Department of Labor, Bureau of Apprenticeship and Training, Washington, D.C. 20213. Comments shall be in writing and submitted in duplicate.

FOR FURTHER INFORMATION CONTACT: Paul H. Vandiver, (202) 376–6217.

SUPPLEMENTARY INFORMATION: On March 11, 1980, a document was published in the **Federal Register** (45 FR 15571) proposing to amend 29 CFR Part 29 by adding Appendix A—List of Occupations Meeting the Criteria for Apprenticeability. That proposal allowed a comment period of 60 days or until May 12, 1980. Subsequent extensions of time for comment were provided in response to several requests, the latest of which granted an additional six-month period to February 11, 1981.

The proposed rule was a key topic on the agenda of the November 6–7, 1980 meeting of the Federal Committee on Apprenticeship (FCA) an advisory body to the Secretary of Labor.

The FCA is working in cooperation with the National Association of State and Territorial Apprenticeship Directors in an effort to develop a uniform criteria that could be agreed upon between the State Apprenticeship Councils (SAC) and the Bureau of Apprenticeship and Training in determining occupation apprenticeability. Due to the question relating to this proposed rulemaking which surfaced at the November meeting of the FCA, the Committee recommended that an additional four-month extension of the comment period be granted to provide sufficient time for all interested parties to prepare and submit comments. The Department has decided to accept this recommendation. Therefore, an additional four-month period is provided and comments will be received until June 30, 1981.

Dated: February 10, 1981.

Lawrence E. Weatherford,

Acting Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc. 81–5194 Filed 2–12–81; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–115]

Occupational Exposure to Pesticides During Manufacture and Formulation: Change of Location of Public Meetings

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Extension of comment period and change in public meetings.

SUMMARY: On December 2, 1980, OSHA published a notice in the **Federal Register** requesting comments and information and announcing three public meetings on the possible regulation of occupational exposure to pesticides during manufacture and formulation (45 FR 80078).

The notice requested that written comments be submitted by January 31, 1981. OSHA has received several requests to extend the comment period. In order to ensure that all interested parties have sufficient time to prepare written comments, OHSA has extended the comment period until April 10, 1981.

Public meetings were scheduled to be held in Fresno, California on February 24–25, 1981; in Beaumont, Texas on March 10–11, 1981; and in Charleston, South Carolina on March 24–25, 1981. A number of interested parties requested that the meeting scheduled to be held in Fresno be held in San Francisco instead to allow more people to participate. In respone to this request and in view of the fact that this change would not inconvenience those who filed notices of intention to appear at Fresno, OSHA has agreed to relocate the meeting originally scheduled for Fresno to San Francisco. The hearing will be open until 9:00 p.m. on February 24th to accommodate interested parties who requested an evening session.

Only one notice of intention to appear was received for the Beaumont, Texas meeting. Since there does not appear to be sufficient interest in having a public meeting in Beaumont, Texas, it is hereby cancelled. Persons who had planned to attend this meeting are invited to attend one of the others, or to submit written comments to the address listed below.

DATES: Written comments must be submitted by April 10, 1981.

The informal public meetings are scheduled as follows:

1. February 24–25, 1981; Bellevue Hotel, Riviera Room, Geary and Taylor Streets, San Francisco, California 94102. The hours for the February 24th session are 9:00 a.m. to 9:00 p.m.; the February 25th session will be from 9:00 a.m. to 5:00 p.m.

2. March 24–25, 1981; Francis Marion Hotel, Gold Room, 387 King Street, Charleston, South Carolina, 29402. The hours for the meeting will be 9:00 a.m. to 5:00 p.m.

ADDRESSES: Written comments should be submitted, in quadruplicate, to the Docket Officer, Docket No. H–115, Room S6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523–7894.

Notices of intention to appear may be submitted to Tom Hall, Division of Consumer Affairs, Room N3535, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523–8024.

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FOR FURTHER INFORMATION CONTACT:

Request for comments and information: Jennifer C. Silk, Office of Special Standards Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3663, Washington, D.C. 20210, (202) 523–7166.

Public Meetings: Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3635, Washington, D.C. 20210, (202) 523–8024.

Anyone who has not yet submitted a notice of intention to appear, and wishes to schedule an appearance now, may call Mr. Tom Hall, (202) 523–8024. Advance notice is preferred, although not required. Those submitting advance notice will be guaranteed time to present their oral testimony.

This document was prepared under the direction of David C. Ziegler, Acting Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR Part 1911; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 10th day of February, 1981.

David C. Ziegler,

Acting Deputy Assistant Secretary.

[FR Doc. 81–5311 Filed 2–12–81; 8:45 am]

BILLING CODE 4510–26–M

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29 CFR Part 1910

Hazards Identification

Note.—This document originally appeared in the **Federal Register** for Thursday, February 12, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Withdrawal of Proposed Rules.

SUMMARY: On January 16, 1981, (46 FR 4412–4453), the Assistant Secretary for Occupational Safety and Health issued a proposed standard that would require employers to identify the hazardous chemicals in their workplaces through specific hazard identification and evaluation procedures, labeling requirements, and record preservation. The proposed rule is withdrawn. This will permit the Department to consider regulatory alternatives that had not been fully considered and then, if appropriate, repropose the regulation. This process will eliminate the need for the public to comment on a proposal that the Department may change significantly.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone: (202) 523–8151.

Signed at Washington, D.C. this 29th day of January 1981.

David C. Zeigler,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81–4444 Filed 2–10–81; 4:00 pm]

BILLING CODE 4510–26–M

Office of Pension and Welfare Benefit Programs

29 CFR Part 2510

Definitions and Coverage Under the Employee Retirement Income Security Act of 1974; Proposed Regulation Relating to Supplemental Payments; Republication

Correction

In FR Doc. 81–2577, published at page 11292, on Friday, February 6, 1981, make the following corrections to § 2510.3–2(g):

(1) On page 11295, in the first column, in the first full paragraph, in the second line, "1880" should be corrected to read "1980".

(2) In the second column, in paragraph (4), in the third line, "[203%+4%+5%+3%]=15" should be corrected to read "3%+4%+5%+3%]=$105".

(3) In the second column, in the last line, "3%]$30" should be corrected to read "3%]=$30".

(4) In the third column, in the first paragraph, in the sixth line, "[3%+3%+%]" should be corrected to read "[3%+3%+3%]".

(5) In the third column, in the second paragraph, in the seventh line, "[203%+4%]" should be corrected to read "3%+4%]".

(6) In the third column, in the third paragraph, in the seventh line, "[203%+4%" should be corrected to read "3%+4%".

(7) In the third column, in the fourth paragraph, in the seventh line, "[203%+4%+5%+3%]=105" should be corrected to read "3%+4%+5%+3%]=$105".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife; Review of the Status of the Bay Checkerspot Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of status review.

SUMMARY: The Service will review the status of the Bay checkerspot butterfly (*Euphydryas editha bayensis*) to determine if it should be added to the List of U.S. Endangered and Threatened Wildlife. A petition received by the Service has presented sufficient data to warrant this review.

DATE: Information regarding the status of this species should be submitted on or before April 1, 1981.

ADDRESS: Comments and data submitted in connection with this review should be sent to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1980, the Service was petitioned by Dr. Bruce A. Wilcox, Mr. Dennis D. Murphy, and Dr. Paul R. Ehrlich to determine the Bay checkerspot butterfly (*Euphydryas editha bayensis*) to be a federally Endangered species. The petition was supplemented by Dr. Wilcox and Mr. Murphy with a letter and other materials received by the Service on December 11, 1980. Section 4(a) of the Endangered Species Act of 1973 states that the Secretary may determine a species to be Endangered or Threatened because of any of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range.

2. Overutilization for commercial, sporting, scientific, or educational purposes.

3. Disease or predation.

4. The inadequacy of existing regulatory mechanisms.

5. Other natural or man-made factors affecting its continued existence.

This authority has been delegated to the Director, U.S. Fish and Wildlife Service.

The Service has determined that, with respect to the Bay checkerspot butterfly, the petition provides substantial evidence indicating that the species may be Endangered or Threatened because of factors 1 and 4.

This butterfly is restricted to serpentine grasslands in the San Francisco Bay region of California. Serpentine areas are limited in size and are scattered in distribution. Fourteen of the known 16 populations of the butterfly are extinct or nearly extinct, due to development for housing, and highways, introduction of non-native plants, livestock grazing, and drought. The two remaining colonies are: (1) Jasper Ridge, located on Stanford University's Jasper Ridge Preserve, and (2) Edgewood, located in Mateo County northwest of Redwood City along State Highway 280. The Edgewood Colony has had its habitat reduced by one-half by freeway construction. The Jasper Ridge Colony is not immediately threatened, but could become extinct over the long term as population numbers fluctuate. One of the three populations at this site became extinct, was recolonized and became extinct again over a several year period.

The Service is considering proposing the Bay checkerspot butterfly as an Endangered or Threatened species, is seeking the views of the Governor of California and is soliciting from him information on the status of the Bay checkerspot butterfly. Other interested parties are invited to submit any factual information, especially publications and written reports and information regarding potential impacts if the species is eventually listed, which is germane to this status review. The information received will be used to help determine if this species should be proposed for addition to the List of U.S. Endangered and Threatened Wildlife.

This notice of review was prepared by Dr. Michael M. Bentzien, Office of Endangered Species (703/235–1975).

Dated: January 30, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

[FR Doc. 81–5120 Filed 2–12–81; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 23

Proposals to Amend the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Negotiating Positions.

SUMMARY: The United States and any other nation that is Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) may propose changes in the list of animal and plant species included in Appendices I and II for protection by this treaty.

This notice announces the Service's proposed negotiating positions regarding proposals submitted by the U.S. and seven other Parties for consideration at the third regular meeting of the Conference of the Parties to the CITES.

DATE: The Service will consider information and comments concerning proposed amendments to the appendices received by February 20, 1981.

ADDRESSES: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection by appointment from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. Richard L. Jachowski, Chief, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION: This is the fourth **Federal Register** notice concerning amendments to the CITES appendices that will be considered by the Parties at their third regular meeting, on February 25 to March 6, 1981, at New Delhi, India. The first notice (April 4, 1980; 45 FR 23370) invited suggestions and supporting information for any potential amendments to the appendices. The second notice (July 21, 1980; 45 FR 48830) listed the suggested proposals and invited further information and comments on them. The third notice (November 6, 1980; 45 FR 73876) listed the proposals submitted by the U.S. and other nations and requested information and comments.

This notice announces the Service's proposed negotiating positions on the proposed amendments. These are the positions that the U.S. delegation is expected to take at the meeting of Parties, although new information or policy decisions might require a change in certain positions.

Following publication of the November 6, 1980 notice, the Service received information and comments from the public on several of the species or groups of species under consideration, which are discussed below. Please refer to the notice of November 6, 1980, for a list of all the proposals. At this time, the Service favors the adoption of most proposals in that list, except as noted in the following discussion.

Geoffroy's tamarin (*Saguinus geoffroyi*)—The Republic of Panama proposed transferring this primate from Appendix II to Appendix I. The Service supports its inclusion in Appendix I, but notes that *S. geoffroyi* is generally regarded by some scientists as a subspecies of *S. oedipus*, which is already listed in that appendix. Either the Parties should list *S. geoffroyi* separately or, preferably, decide that it is a subspecies of *S. oedipus*, for purposes of the CITES.

Fin whale (*Balaenoptera physalus*), sei whale (*B. borealis*), and sperm whale [*Physeter catodon* (=*P. macrocephalus*)]—The U.S. proposed transfer of certain species of each of these three species from Appendix II to Appendix I in order to bring the CITES listings into conformity with the 1980 schedule of the International Whaling Commission (IWC). The U.S. proposals would include in Appendix I those stock for which the IWC allows no commercial catch. The Federal Republic of Germany, however, proposed transferring all stocks of these three species to Appendix I. Their proposals would make the CITES restrictions more stringent than those of the IWC. The Service received comments in favor of the German proposals from Senator Alan Cranston and 17 other U.S. Senators, the Director of the Detroit Zoo, Defenders of Wildlife on behalf of several organizations, and the International Fund for Animal Welfare. The Commissioner of the Alaska Department of Fish and Game commented against the German proposals and in support of the U.S. proposals on these three species. Adoption of the German proposals would likely result in the entering of reservations by whaling nations that are Parties to CITES. The Service is consulting with other Federal agencies to arrive at a U.S. negotiating position that will be most effective for the conservation of these species, and at this time the proposed position is to oppose the German proposals.

Gray seal (*Halichoerus gryhus*)—The Republic of France proposed including this species in Appendix II. The Service is consulting with the National Marine Fisheries Service (NMFS) on this proposal, and has not yet developed a proposed negotiating position. The International Fund for Animal Welfare commented in favor of this proposal and the Director of Riverbanks Zoo commented against it.

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Harbor seal (*Phoca vitulina*)—The Republic of France also proposed including this species in Appendix II. Preliminary indications from NMFS, and comments from the Alaska Department of Fish and Game, suggest that listing of the population of this species occurring in the Pacific is inappropriate. There is no evidence that the species is adversely affected by international trade. The International Fund for Animal Welfare commented in favor of this proposal, and the Director of the Riverbanks Zoo commented against it. At this time, the proposed negotiating position is to oppose this proposal, at least with respect to the Pacific population.

Southern white rhinoceros (*Ceratotherium simum simum*)—The Republic of South Africa proposed transferring this subspecies from Appendix I to Appendix II. The Service received comments against the proposal from Defenders of Wildlife on behalf of several organizations, the African Rhino Group of the Species Survival Commission, and the International Fund for Animal Welfare. Mr. E. P. Denson of Billings, Montana, commented in favor of the proposal. The Service believes that the proposal should be rejected, even though the subspecies in question is no longer threatened with extinction, unless there is some way of assuring that it would not allow a loophole for trade in products of other rhinoceros species or subspecies. Alternatively, the Service has suggested to the Parties that the southern white rhinoceros could be retained on Appendix I with the annotation that it is included to effectively control trade in other species. The Service believes that this should not prevent trade in legally taken hunting trophies.

Roan antelope (*Hippotragus equinus*)—The Republic of South Africa proposed including this species in Appendix II, in view of the small size of populations in South Africa and Namibia. However, the proposal did not address the status of this species elsewhere in its range, which extends from the Gambia eastward to Uganda and southward to South Africa. The Service believes that there is insufficient evidence to justify listing the entire species and that, instead, South Africa might include it in Appendix III. Mr. E. P. Denson commented against the proposal for the same reason.

Pere David's deer (*Elaphurus davidianus*)—The United Kingdom of Great Britain and Northern Ireland proposed including this species in Appendix II, apparently to enable regular monitoring of the world population. The species occurs only in captivity, and is monitored through a studbook. The Service opposes the proposal on the grounds that the species is not subject to overexploitation through trade, and the imposition of CITES controls would only impede the transfer of stock among zoos and wild animal parks. The American Association of Zoological Parks and Aquariums and the Curator of Ornithology at the Bronx Zoo commented against this proposal.

Great tinamou (*Tinamus major*)—The Republic of Panama proposed adding this bird species to Appendix II on the grounds that populations were rapidly declining. The species is hunted for its meat, despite a protective law in Panama. There is no evidence of international trade. The Service opposes this proposal because populations of the species outside Panama generally do not appear threatened, and because international trade does not pose a threat to those populations. Alternatively, Panama might include the species in Appendix III.

Gyrfalcon (*Falco rusticolus*)—The U.S. proposed transferring the North American population of this species from Appendix I to Appendix II. The Defenders of Wildlife on behalf of several organizations commented against the proposal. The International Council for Bird Preservation (U.S. Section) commented that a revision of the text of the proposal on the Canadian population is needed to stress the nature of the information that is available. The Service is not awaiting the results of a recent survey of the species in Canada before determining a negotiating position.

Chestnut-fronted macaw (*Ara severa*)—The Republic of Panama proposed listing this species in Appendix II. This species has a wide range from Panama to Brazil, Peru, and Bolivia. Recent information suggests it is fairly common in Colombia, Surinam, Bolivia, Peru, Ecuador, and Brazil. The Service's proposed negotiating position is to suggest that Panama might include the species in Appendix III, but that it does not qualify for inclusion in Appendix II as a potentially threatened species.

Psittacine birds (Psittaciformes spp.)—The U.S. proposed listing virtually all non-threatened species of parrots and their allies in Appendix II under the provisions of CITES Article II.2(b), in order to enable inspectors at ports of entry to effectively control trade in those particular psittacines that are currently or potentially threatened with extinction. The United Kingdom made a similar proposal, which designated many species within the order as being potentially threatened with extinction, and proposed listing the remainder because of similarity in appearance to potentially threatened species. The Service received comments against the U.S. proposal from numerous aviculturists and in favor of the U.S. proposal from the Defenders of Wildlife on behalf of serveral organizations. TRAFFIC (USA) presented a report on U.S. imports of psittacine birds in support of the U.S. proposal. The Service reconsidered the U.S. proposal in terms of whether it would enhance the ability of inspectors to control trade in those individual species that are currently or potentially threatened. The Service now believes that listing virtually all species of psittacines would create an administrative burden outweighing the potential benefits. Instead, efforts should focus on identification manuals and other methods of distinguishing currently and potentially threatened species from other species. Only those species that pose difficult identification problems should be listed under provisions of Article II.2(b).

Fiji banded iguana (*Brachylophus fasciatus*)—The U.S. proposed including this species in Appendix I, but Australia proposed including it in Appendix II. The Fiji Department of Foreign Affairs and Dr. John Gibbons of the University of the South Pacific supported listing this species as Endangered under the U.S. Endangered Species Act of 1973. Evidence indicates the species is threatened with extinction, and therefore, its listing under the CITES should be in Appendix I.

Blind cave fishes (Osteichthyes spp.)—The United Kingdom (U.K.) proposed including *all* blind cave fishes (Class Osteichthyes) in Appendix II except *Anoptichthys jordani* (blind characin), which is not proposed for listing, and *Caecobarbus geertsi* (Congo blind barb), which is proposed for Appendix I. A list of forty species accompanied the U.K. proposal and was said to include all species of blind cave fishes, except for the two previously mentioned. No evidence was provided that all or most of these species were threatened by trade or even involved in trade. Reviewers at the Smithsonian Institution and from the Service's Office of Endangered Species commented that several New and Old World species of blind cave fishes were absent from the U.K. list, and that recent literature on these fishes was apparently not consulted, or overlooked. They further commented that there were important taxonomic problems with several of the species included for listing, including the listing of an albino form of the common bullhead catfish. The tentative U.S. position on this proposal is not to support the listing of all blind cave fishes on Appendix II, but to support the listing of *Caecobarbus geertsi* on Appendix I.

Ground beetles and Hercules beetle—France proposed to include *Dynastes hercules* (Hercules beetle) and all species of *Carabus* (ground beetles) on Appendix I of CITES. Comments were received from the Service's Office of Endangered Species and the Smithsonian Institution, which stated that most species of the widespread genus *Carabus* were not known to be threatened by collection or trade and, further, that there were many taxonomic problems in the genus. With regard to *Dynastes hercules*, because of its large range in the Caribbean, Central and South America, it was felt that it would be more appropriate for protection to be afforded to only those populations actually threatened by collecting, namely those on the islands of Guadaloupe and Martinique, and not mainland populations. The tenative U.S. position on these proposals is to oppose the listing of all *Carabus* spp. on Appendix I and to urge the listing of only the islands populations of *Dynastes hercules* on Appendix III.

Black corals (Antipatharia spp.)—The United Kingdom proposed including in Appendix II all species of black corals in the order Antipatharia. This proposal was submitted on behalf of the British Virgin Islands. The proposal cited overharvest of black corals in waters surrounding these and certain other islands as the basis for listing the order, and indicated that Appendix II listing will provide additional opportunity for adopting a management program. The Service's proposed negotiating position is to oppose the proposal. The Western Pacific Fishery Management Council and the State of Hawaii are developing a fishery management plan for black corals (see 45 FR 60965, September 15, 1980). The proposal might interfere with management initiatives by the U.S. In addition, there is no evidence that species of black corals might become threatened with extinction unless trade is controlled. Local problems might be more properly addressed through listing in Appendix III.

Oriental ginseng (*Panax ginseng*)—The U.S. proposed to list *Panax ginseng* (Oriental ginseng) on Appendix II of CITES for control purposes owing to its similarity in appearance to *P. quinquefolius* (American ginseng) and resulting enforcement difficulties. Some concerns have been raised that the problems may be one more of domestic enforcement rather than an international problem and that perhaps what is really needed is more technical training of port and border inspectors on the differentiation of these two species. The tentative U.S. position is to withdraw this proposal.

Venus flytrap (*Dionaea muscipula*)—The U.S. proposed to list this species on Appendix II. Comments supporting this proposal were received from the Natural Resources Defense Council, Inc. and the South Carolina Heritage Program (State of S.C. Wildlife and Marine Resources Department). While initially supportive of this proposal, the Pesticide and Plant Protection Division of the North Carolina Department of Agriculture recently opposed the listing of Venus flytrap, stating that its listing is inappropriate at this time and that export regulations will do little to protect and conserve the species until state regulations in North Carolina are passed (currently there are none for this species). Doubts were also expressed by the State of North Carolina about whether collection is actually threatening the existence of Venus flytrap. The State has further commented that the impact of collection on wild populations is presently unknown and that they have established a research program on this species in order to obtain this information. Information was provided on the number of locality records for the species in North Carolina (92) and the number actually verified in the past five years (29). In light of these comments from the State of North Carolina, the Service is considering withdrawing its proposal to list Venus flytrap on Appendix II. The Service may wish to repropose this species at some future date if the research findings of the State of North Carolina indicate that such listing is warranted.

The Service will publish a notice following the New Delhi meeting to announce decisions by the Parties on amendments to the appendices, and to invite comments on whether or not the U.S. should enter a reservation with respect to any particular amendment. If the U.S. were to reserve on an amendment, it would not be considered as a Party to the CITES for the species in question. At the end of the 90-day period following the New Delhi meeting, the Service will publish a notice of the amendments entering into effect at that time, and will amend 50 CFR Part 23 to incorporate them into the regulations implementing the CITES in the U.S. A determination of significance and need for regulatory analysis (43 CFR Part 14) will be considered following action by the Parties on the proposed amendments.

This notice was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority.

Dated: February 11, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

[FR Doc. 81-5309 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

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Notices

Federal Register
Vol. 46, No. 30
Friday, February 13, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Carson National Forest Grazing Advisory Boards; Meeting

The East And West Carson Grazing Advisory Boards will meet at 10:00 a.m. on February 28, 1981, in the El Rito Ranger Station, El Rito, New Mexico.

The purpose of the meeting will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The meeting will be open to the public. Persons who wish to attend should notify Ken Bishop, Telephone 505/758–2237, P.O. Box 558, Taos, New Mexico 87571.

Written Statements may be filed before or after the meeting.

Dated: February 4, 1981.

William H. Moehn,

Acting Forest Supervisor.

[FR Doc. 81–5077 Filed 2–12–81; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

South Texas Electric Cooperative, Inc., Nursery, Texas; Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $14,140,000 to South Texas Electric Cooperative, Inc., of Nursery, Texas, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate of $4,000,000 to this cooperative. These loan funds will be used for the financing of approximately 23 miles of 138 kV and 54 miles of 69 kV transmission line, substations, other transmission system improvements and a new headquarters facility.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed construction, including the engineering and economic feasibility studies and the proposed schedule of advances to the borrower of the guaranteed loan funds from Mr. William S. Robson, Manager, South Texas Electric Cooperative, Inc., P.O. Box 151, Nursery, Texas 77976.

In order to be considered, proposals must be submitted by March 16, 1981 to Mr. Robson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as South Texas Electric Cooperative, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of February 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–5174 Filed 2–12–81; 8:45 am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

[Docket No. 39171]

Ozark Air Lines, Inc., Lambert—St. Louis International Airport; Application for an All-Cargo Air Service Certificate

February 6, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39171, from Ozark Air Lines, Inc., Lambert-St. Louis International Airport, St. Louis, MO 63145 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before March 6, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phillis T. Kaylor,

Secretary.

[FR Doc. 81–5015 Filed 2–12–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 38879; Order 81–2–7]

Yukon Air Service, Inc. d.b.a. Air North; Petition for Establishment of Fair and Reasonable Service Mail Rates; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of February, 1981.

By this order, we institute an investigation to determine the fair and reasonable final service mail rates to be paid Yukon Air Service, Inc. d.b.a. Air North by the Postmaster General for the transportation of mail by aircraft in its certificated servcies and establish temporary service mail rates pending conclusion of the investigation.

By Order 81–1–88, we granted a certificate of public convenience and necessity to Air North authorizing it to engage in air transportation of persons, property, and mail over Route 269. Mail has been and is currently being transported in the same general area by Wien Air Alaska under final mail rates established by Order 80–12–116, for 1980, and temporary mail rates established by Order 80–12–152, on and after January 1, 1981. Since Air North will be providing substantially the same mail service in Northeast Alaska as Wien is now providing, we see no reason why these rates should not apply as temporary rates for Air North's certificated mail operations as well. We will therefore establish Wien's service mail rates as temporary rates for Air North.

Ordinarily, mail rates are established after notice and opportunity for comment by the Postal Service (14 CFR 302.310). Here, however, we are dealing with rates that went through the full notice and comment procedures when they were originally established for Wien, and that are currently being paid by the Postal Service for substantially the same services that Air North will perform over its newly certificated route. We conclude, therefore, that the institution of show-cause procedures on these rates is unecessary and that they should be made effective on and after October 23, 1980, the date on which Air North filed its mail rate petition.[1] Based on the foregoing we waive the procedural requirements of Rule 310.[2]

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302;

1. We institute an investigation to determine the fair and reasonable final service mail rates to be paid by the Postmaster General to Yukon Air Service, Inc. d.b.a. Air North, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over Route 269, on and after October 23, 1980;

2. We set the fair and reasonable temporary rates of compensation to be paid by the Postmaster General to Yukon Air Service, Inc. d.b.a. Air North, on and after October 23, 1980, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for operations between points on Route 269 at the rates established for Wien Air Alaska, Inc., by Orders 80–12–116 and 80–12–152;

3. The temporary service mail rates established in this order shall be paid in their entirely by the Postmaster General and shall be subject to retroactive adjustment to October 23, 1980, as may be required by the order establishing final service mail rates in the investigation instituted by this order;

4. Yukon Air Service, Inc. d.b.a. Air North, by notice, may elect to transport mail between points for which rates here established are applicable at a reduced rate equal to the rate then in effect for such service betwen such points by any other carrier or carriers. If such rate is a temporary rate, the rate paid to Air North will be adjusted retroactively to the lowest final rate determined for such service between such points.

(a) An original and three copies of each notice of election and agreement shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing service between the stated points. Such notice shall contain a complete description of the reduced charge being established, the routing over which it applies, how it is constructed and shall similarly describe the charge with which it is being equalized.

(b) Any rate established shall be effective for the electing carrier or carriers on the date of filing of the notice, or such later date as may be specified in the notice, until such election is terminated. Elections may be terminated by any electing carrier upon ten days' notice filed with the Board and served upon the Postmaster General and each carrier providing service between the stated points; and

5. We will serve this order upon the Postmaster General and Yukon Air Service, Inc. d.b.a. Air North.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–5175 Filed 2–12–81; 8:45 am]

BILLING CODE 6320–01–M

[1] We will make these rates subject to modified rate equalization provisions that are the same as those prescribed for Peninsula Airways and Sea Airmotive in Order 81–1–109 and for Munz Northern Airlines in Order 81–1–110, and permit the equalization of Air North's rate and the lowest final rate of any other carrier serving the same general area.

[2] We also waive the Rule 303 requirement that Air North specify a fair and reasonable final rate in its petition. In the absence of operating experience over its new route, it would be difficult for Air North at this time accurately to determine the cost of carrying mail in scheduled operations; and therefore state what it believes to be a fair and reasonable final rate. However, Air North will be expected to specify the rate prior to the conclusion of this investigation.

[3] All Members concurred.

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of applications for certificates of public convenience and necessity and foreign air carrier permits filed under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.).

Week ended February 6, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Description	Date filed	Docket No.
Pan American World Airways, Inc., Pan Am Building, New York, New York 10166. Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, to amend its certificate of public convenience and necessity for Route 136 to authorize it to engage in foreign air transportation of persons, property and mail between the U.S. and Chile by adding the point Santiago, Chile, to Segment 1 as follows: "1. Between the conterminal points Buenos Aires, Argentina; *Santiago, Chile;* Montevideo, Uruguay; Sao Paulo, Rio de Janeiro, Brasilia and Belem, Brazil, Paramaribo, Sunnam; Georgetown, Guyana; and Port of Spain, Trinidad; and * * *." (New language is Italicized). Conforming Applications, motions to modify scope, and Answers may be filed by March 4, 1981	2-4-81	39245
Trans World Airlines, Inc., 605 Third Avenue, New York, New York 10158. Application of Trans World Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to engage in foreign air transportation between the terminal point St. Louis, Missouri, and the terminal point Toronto, Canada. Conforming Applications, motions to modify scope, and Answers may be filed by March 6, 1981	2-6-81	39265
South Pacific Island Airways, Inc., c/o Stephen A. Alterman, Haffer & Alterman, 1730 Rhode Island Avenue, N.W., Washington, D.C. 20036. Application of South Pacific Island Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the issuance of a certificate of public convenience and necessity to provide scheduled foreign air transportation between Pago Pago, American Samoa and Papeete, Tahiti, and between Honolulu, Hawaii and Papeete, Tahiti with a stop in Pago Pago. Conforming Applications, motions to modify scope, and Answers may be filed by March 6, 1981	2-6-81	39267
Peninsular Air Transport, Inc., 6495 N.W. 36th Street, Suite "A", Miami, Florida 33166	2-6-81	39269

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Description	Date filed	Docket No.
Application of Peninsular Air Transport, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that it be permitted to operate charters (planeload, split, and split passenger/cargo) of property and mail between a point or points in the United States, Puerto Rico, or the Virgin Islands, on the one hand, and points in Greenland, Iceland, Europe, the Azores, Africa, and Asia (as far east and including India), on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by March 6, 1981.		
Alia—The Royal Jordanian Airlines Corporation, c/o Robert N. Meiser, 910 Seventeenth Street, N.W., Suite 8, Washington, D.C. 20006	1-30-81	36436
Amendment No. 1 to the Application of Alia—The Royal Jordanian Airlines Corporation, requests the issuance of a new foreign air carrier permit in the form attached for the purpose of conforming Alia's required Section 402 authority to the provisions of the current bilateral air transport agreement between the Government of the Hashemite Kingdom of Jordan and the United States, which became effective June 8, 1980. That agreement, among other things authorized Alia to serve Chicago and Los Angeles (the latter on or after June 1, 1983) as additional intermediate between the United States and Jordan.		
Answers may be filed by February 27, 1981.		

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-5176 Filed 2-12-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. Appl (1976) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10:00 a.m., on February 12, 1981 in Room 3836, U.S. Department of Commerce, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Other Business.

A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Helen LaGrande, Textiles and Apparel, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-5129 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-25-M

Television Receiving Sets, Monochrome and Color, From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on television receiving sets from Japan. The review covers ten exporters of this merchandise to the United States during the period from April 1, 1979 through March 31, 1980. This review indicates the existence of dumping margins in the period for certain exporters. The Department is currently investigating whether shipments of television receiving sets from countries other than Japan are, in fact, transshipments from Japan. Should the results of our investigation reveal that televisions are being transshipped from Japan through intermediate countries, these televisions will be the subject of a subsequent administrative review.

As a result of the present review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and United States price on each of their shipments occurring during the period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230, (202-377-2657).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 10, 1971, a finding of dumping with respect to monochrome and color television receiving sets ("televisions") from Japan was published in the **Federal Register** as Treasury Decision 71-76 (36 FR 4597). On February 13, 1975, T.D. 75-40 was published, excluding Sony Corporation of Japan from the finding (40 FR 6647).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings.

For all entries made prior to January 1, 1980, the substantive provisions of the 1921 Act apply.

On April 28, 1980, the Departments of Commerce, Treasury and Justice and the United States Customs Service entered into settlement agreements with the major importers of televisions from Japan resolving outstanding claims for their entries of televisions made prior to March 31, 1979 including any claims for dumping duties. On May 8, 1980, in response to a motion filed by the Committee to Preserve American Color Televisions (COMPACT), the U.S. Court of Appeals for the District of Columbia Circuit enjoined the Government from liquidating or reliquidating any entries of televisions subject to T.D. 71-76 or implementing the terms of any of the settlement agreements (COMPACT v. Miller, Civil Action No. 79-1207). On December 9, 1980, in response to a motion filed by Zenith Radio Corporation, the U.S. Court of International Trade issued an additional injunction prohibiting the liquidation of entries subject to T.D. 71-76 made prior to March 31, 1979 (Zenith Radio Corporation v. United States, Civil Action No. 80-5-00861).

In accordance with section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on televisions from Japan for the twelve-month period subsequent to that covered by the settlement agreements. Liquidation of entries covered by this administrative review will continue to be suspended until the injunction in the COMPACT suit is dissolved.

Scope of the Review

Imports covered by this review are shipments of television receiving sets, monochrome and color, from Japan. Television receiving sets include, but are not limited to, units known as projection televisions, receiver monitors, kits (containing all the parts necessary to assemble a complete television receiver) and sub-assemblies containing the components necessary to receive a broadcast television signal and produce a video image. Not included are monitors (not capable of receiving a broadcast television signal), certain combination units (combinations of television receivers with other electrical entertainment components such as tape recorders, radio receivers, etc.) and sub-assemblies not containing the components essential for receiving a broadcast television signal and producing a video image. The Department is also investigating whether televisions imported from Taiwan, Korea and Singapore are actually transshipments of such merchandise exported from Japan. Should our investigation show that such televisions are transshipments, T.D. 71-76 will apply and these televisions will be the subject of a later administrative review.

The present review covers the ten exporters to the United States of Japanese televisions subject to the finding. The time period concerned is April 1, 1979 through March 31, 1980.

United States Price

The Department used purchase price, as defined in section 203 of the 1921 Act or section 772(b) of the Tariff Act, or exporter's sales price, as defined in section 204 of the 1921 Act or section 772(c) of the Tariff Act, as appropriate.

For a number of exporters the Department used purchase price for some sales and exporter's sales price for others.

A. Purchase Price

(a) In the cases of General Corporation and Nippon Electric Co., Ltd. (NEC), purchase price was calculated on the basis of the delivered price to unrelated purchasers in the United States where the merchandise was purchased prior to the date of its importation. Deductions were made for ocean freight, insurance, U.S. import duty, bank charges in the U.S., and inland freight and brokerage fees in Japan and the U.S. An addition to purchase price, in accordance with section 203 of the 1921 Act and section 772(d)(1)(C) of the Tariff Act, was made for the amount of the Japanese commodity tax not collected because of exportation of the merchandise to the United States.

(b) In the cases of Matsushita, Toshiba, Sanyo and Otake Trading, purchase price was calculated on the basis of the F.O.B. price to the United States to unrelated customers, less shipping charges, inland freight in Japan and commissions, as applicable. An addition to purchase price was made for the amount of the Japanese commodity tax not collected because of exportation of the merchandise to the United States.

B. Exporter's Sales Price

Exporter's sales price was used as the basis for United States price where the first sale to an unrelated U.S. purchaser was made after the date of importation of the merchandise. Exporter's sales price was used for merchandise exported by Mitsubishi, Hitachi, Matsushita, NEC, Sanyo, Sharp, and Victor Company of Japan (VCJ). Exporter's sales price was calculated on the basis of the net delivered price in the United States.

To reach a net delivered price, deductions were made, where applicable, for cash, trade and volume discounts and rebates.

Deductions from net delivered price were made for ocean freight, insurance, U.S. and foreign inland freight, brokerage and handling charges, and U.S. import duty. In accordance with § 153.10 of the Customs Regulations and § 353.10(e) of the Commerce Regulations, deductions were also made for costs incurred in selling the merchandise in the United States. These costs included expenses for credit, advertising, warranty, and sales promotion, sales commissions to unrelated parties, as applicable, and other operating and selling expenses incurred in the United States. A further deduction was made, where applicable, for the amount of increased value resulting from further assembly of the imported merchandise after importation but before sale to the unrelated United States purchaser. An addition to the net exporter's sales price was made for the amount of the Japanese commodity tax not collected because of exportation of the merchandise to the United States.

In connection with the exporter's sales price calculation, the following claims have been made but disallowed by the Department for purposes of this preliminary determination:

(a) Matsushita claims that certain selling expenses deducted from sales prices to military post exchanges were not incurred in connection with those sales;

(b) Sharp and VCJ claim that sales to employees and sales representatives should be disregarded because they are not made at a commercial level of trade;

(c) Sharp claims that a weighted average sales price per model or per model per class of customer should be used instead of individual sales prices because the actual expenses incurred vary according to individual prices.

Foreign Market Value

In calculating foreign market value, the Department used the home market price of such or similar merchandise, the sales price for exportation to countries other than the United States or the constructed value. The sales price for exportation to countries other than the United States was used for one seller which reported no home market sales. The constructed value was used in those cases where there were insufficient sales in the home market of comparable models at prices greater than the cost of production and where there was no data available concerning sales for export to countries other than the United States.

A. Home Market Price

Home market price was used as the basis of comparison for all sales except those by Otake Trading Company, Ltd., and certain sales by Sharp Corporation. Home market prices were based on the delivered price to home market customers with deductions for inland freight, discounts and rebates. Adjustments for differences in circumstances of sale, in accordance with § 153.10 of the Customs Service Regulations or § 353.15 of the Commerce Regulations, were made, where applicable, for the costs of advertising, warranty, credit, sales promotion and rebates paid to a subsequent purchaser.

Adjustments were also made for other selling expenses incurred in the home market up to the amount of the selling expenses incurred in the United States market. Adjustments to home market price were also made for differences in physical characteristics, in accordance with § 153.11 of the Customs Regulations and § 353.16 of the Commerce Regulations, and for differences in packing costs.

In the cases of General, Mitsubishi, NEC and Sharp, certain sales were found to have been made at less than the cost of production of the merchandise. In accordance with § 153.5 of the Customs Regulations and § 353.7 of the Commerce Regulations, the Department disregarded such sales in the calculation of the home market prices. For all but Sharp, sufficient sales above cost remained to establish the home market price as the basis for comparison. In the case of Sharp, there were insufficient sales above cost of some models for some time periods; in those instances, the Department used constructed value, as described below, as the basis for comparison.

The Department has rejected the following contentions made by certain of the manufacturers found to have made sales at less than cost:

(1) The cost of production should not include selling expenses;

(2) Sales at less than cost of production did not take place in substantial quantities over an extended period.

B. Home Market Price Adjustment Claims Denied

We denied claims for certain individual adjustments or portions of adjustments, in accordance with § 153.10 of the Customs Regulations and § 353.15 of the Commerce Regulations:

(1) We denied claims by NEC and Sharp for depreciation costs on signboards (and for NEC, automobiles) because we considered such costs corporate overhead and not directly related to sales.

(2) NEC claimed a cash discount on related party transactions. We adjusted price to reflect only those cash discounts granted to unrelated purchases.

(3) General, Hitachi, Sanyo and Sharp claimed the entire freely offered amount of the cash discount. However, we only allowed the amount actually granted where that amount could be shown.

(4) Matsushita and VCJ claimed adjustments for payments to wholly-owned subsidiaries which provide credit to consumers on installment sales of the parents' products. We denied the claims because we considered such payments to be intracorporate transfers of funds rather than expenses directly related to sales.

In certain cases claims were denied as circumstance of sale adjustments under § 153.10(a) of the Customs Regulations and § 353.15(a) of the Commerce Regulations, but were considered eligible as offsets to the home market price for expenses incurred in that market but not incurred on sales to the U.S. market, in accordance with § 153.10(b) of the Customs Regulations and § 353.15(c) of the Commerce Regulations.

In each case, we considered them not directly related to sales, but we included the claim within the offset to the extent that we considered such expenses reasonably allocated to the sale of television receivers.

(1) Mitsubishi—Dealer renovation.

(2) NEC—Management study of contract stores.

(3) NEC—Salesman and management successor education.

(4) NEC—Multi-product exhibitions at certain locations.

(5) Hitachi—Education for retailers selling consumer products.

(6) Hitachi—Contributions to retailers' health and pension programs.

(7) VCJ—General advertising materials for consumer products.

(8) Matsushita—"Dealer help activity".

(9) Matsushita—Sales training including successor education.

(10) Sharp—Order processing costs.

(11) Mitsubishi, Toshiba and NEC—Certain advertising expenses allocated over all consumer products or all home market products.

(12) Matsushita, Sharp and VCJ—Not directly related warranty, servicing and repairing costs.

C. Sales Price for Exportation to Countries Other than the United States

In the case of Otake Trading Co., Ltd. (Otake Trading), the Department used, as a basis of comparison, the sales price for exportation to a country other than the United States (i.e. Canada), in accordance with § 153.3 of the Customs Regulations or § 353.5 of the Commerce Regulations, because there were no sales to the home market.

Otake Trading is the exclusive seller of televisions produced by Orion Denki, Ltd. Deductions were made from the price to Canada for shipping charges and commissions to unrelated parties. An adjustment for differences in physical characteristics was made, where applicable.

D. Constructed Value

In the case of Sharp, we used the constructed value of the exported merchandise, as defined in section 206 of the 1921 Act or section 773(e) of the Tariff Act, for certain models in those time periods where there were insufficient sales above the cost of production of such or similar merchandise in the home market. We calculated constructed value as the sum of the cost of materials and fabrication of the merchandise, general expenses not less than 10 percent of the cost of materials and fabrication, profit not less than 8 percent of the sum of such costs and general expenses, and the cost of all containers and coverings used to pack the merchandise ready for shipment to the U.S.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following dumping margins, expressed as weighted averages on all sales during the period, April 1, 1979 through March 31, 1980, exist:

Japanese Manufacturers

	Margin
General Corp	7.92
Hitachi Corp	.05
Matsushita Electric Industries, Ltd	0
Mitsubishi Electric	.80
Nippon Electric Corp	0
Otake Trading Co., Ltd	9.05
Sanyo Electric	0
Sharp Corp	.41
Toshiba Corp	0
Victor Co. of Japan	0

The Department will afford interested parties an opportunity to present oral views, in accordance with § 353.47 of the Commerce Regulations. This hearing is scheduled to be held, if requested, at the U.S. Department of Commerce, Room 6802, 14th & Constitution Avenue NW., Washington, D.C. 20230, beginning at 10 a.m., on March 3, 1981. Interested parties who desire such a conference should provide a written request for a conference to the Office of the Deputy Assistant Secretary for Import Administration, Room 2800, at the address shown above. This request should contain: (1) the name, address, and telephone number of the party requesting the conference; (2) the number of participants; and (3) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary no later than February 23, 1981.

Any written views filed in accordance with § 353.46(a) of the Commerce Regulations should be filed at the address indicated above, in at least 20 copies, not later than March 16, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the time period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Because the weighted-average margins for Hitachi, Sharp and Mitsubishi are *de minimis*, the Department shall not require cash deposits on their shipments. This requirement, and the waiver for Hitachi, Sharp and Mitsubishi, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5161 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the **Federal Register** on December 9, 1980 (45 FR 81090), the National Bureau of Standards (NBS) announced proposed changes to the exclusion list pertaining to Federal Information Processing Standards Publication 60-1, I/O Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems; and Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems. Interested parties were allowed until January 23, 1981, to submit written comments regarding the proposed changes to the exclusion list.

As a result of a review and analysis of comments received, NBS has made a determination that the following additions will be made to the exclusion list:

Manufacturer	Model
Burroughs	B2930.
Consolidated Computer, Inc	KEY-EDIT Series 2 Data Entry System.
Mohawk Data Sciences	902.
Mohawk Data Sciences	1100 Series.
Mohawk Data Sciences	1200 Series.
Mohawk Data Sciences	2100 Series.
Mohawk Data Sciences	2300 Series.
Mohawk Data Sciences	2400 Series.
Mohawk Data Sciences	6400 Series.
Mohawk Data Sciences	Plus 70.
Nixdorf	280.
Nixdorf	380.
Nixdorf	480.
Nixdorf	500/15.
Nixdorf	500/25.
Nixdorf	800/25.
Nixdorf	600/45.
Nixdorf	600/55.
Sperry Univac	1900 CADE System.
Sperry Univac	1900/10 CADE System.
Sperry Univac	UDS-2000 System.
Xycom	Micropac 80 Series.
Xycom	280 Microcomputer Series.
Xycom	160 Microcomputer Series.
Xycom	180+ Industrial Microcomputer Series.
Xycom	380 Series.
Xycom	390 Series.

Interested parties are invited to sumbit written comments or recommendations regarding the exclusion list to the Director, Institute for Computer Sciences and Technology, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Comments specifically identifying candidate systems which should be added or removed from the exclusion list are especially encouraged. Comments should also include information supporting any proposed additions (or removals) to that list according to the criteria described in the **Federal Register** notice of March 19, 1979 (44 FR 16466), which announced the availability of a proposed initial exclusion list. Any comments submitted which are deemed by the sender to contain confidential or proprietary information should be appropriately designated and marked.

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of proposed changes and the announcement of the determination on proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments or recommendations regarding the exclusion list.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: February 9, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-5097 Filed 2-12-81; 8:45 am]

BILLING CODE 3510-13-M

Solicitation of Comments on the Impact and Applicability of a Planned Message Format Standard

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform automatic data processing (ADP) standards. The National Bureau of Standards (NBS) plans to propose an electronic message format standard as a Federal Information Processing Standard (FIPS) in 1981. The draft technical specifications of this planned standard are available for review from the National Bureau of Standards, Institute for Computer Sciences and Technology, Standards Administration Office, Washington, D.C. 20234.

NBS is requesting comments on this planned standard and is particularly interested in the following items:

1. The impact of implementing this planned electronic message format standard.

Data is solicited on the effort required to implement this planned standard within existing systems through retrofitting and also within planned systems.

2. The applicability of this planned standard.

The objectives of the standard are to provide interoperability among Federal systems and networks that support electronic message systems and maximize opportunities for the competitive acquisition of the components of such systems. Comments are requested on specific applicability statements, consistent with these objectives, which may be included in the standard.

3. Time period required to conform to this planned standard.

Comments are solicited on the amount of time which should be allowed for conformance to the planned standard; that is, how much time should be allowed after the FIPS has been issued until applicable systems and networks are required to conform.

Comments should be provided in writing by (please insert date which is 60 days after publication of this notice in the **Federal Register**) to the following address: National Bureau of Standards, Director, Institute for Computer Sciences and Technology, Administration Building, Room A200, Washington, D.C. 20234, ATTN: Planned Message Format Standard.

For additional information contact: Robert P. Blanc, Chief, Systems and Network Architecture Division, Building

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225, Room B218, Washington, D.C. 20234, (301) 921–3817.

Ernest Ambler,
Director.

[FR Doc. 81–5096 Filed 2–12–81; 8:45 am]
BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[Permit No. 306]

Barbara A. Kuljis, et al.; Marine Mammal Permit Application; Modification

On January 12, 1981, Notice was published in the **Federal Register** (46 FR 2667) that a request for a modification of Permit No. 306 had been received from Ms. Barbara A. Kuljis, c/o National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii.

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit No. 306 issued to Ms. Barbara A. Kuljis, P.O. Box 3830, Honolulu, Hawaii 96812 and Mr. C. Scott Baker, University of Hawaii, Honolulu, Hawaii 96822 on October 15, 1980 (45 FR 70297) is modified as follows:

A new Section A–2 is added as follows:
"2. The Holder is authorized to take a third bottlenose dolphin by the means described in the application."

This modification became effective on February 10, 1981.

The modification and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 10, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–5190 Filed 2–12–81; 8:45 am]
BILLING CODE 3510–22–M

National Telecommunications and Information Administration

Public Telecommunications Services Program; Application Announcement for Grants

The Satellite Applications Program of the National Telecommunications and Information Administration (NTIA) announces that it is seeking applications for Fiscal Year 1981 under its Public Telecommunications Services (PTS) grant program. It is anticipated that approximately 1 million dollars will be awarded in the form of competitive grants. Through this program, now in its second year, NTIA intends to augment the activities begun in FY 1980. These grants will provide financial assistance to organizations which will aggregate public service users and procure for them affordable telecommunications services, especially via satellite. FY 1980 grant award winners are eligible to reapply and, if first year milestones have been reached, will have priority in the FY 1981 competition.

NTIA derives authority for this grant activity from the Administration's 1978 National Civil Space Policy (Presidential Directive 42). In PD 42, NTIA was instructed: "to formulate policy, to assist in market aggregation, technology transfer, and possible development of domestic and international public satellite services. The policy direction is intended to stimulate the aggregation of the public service market."

Proposals are solicited from *non-Federal* entities that are:

(1) Public or private non-profit organizations;

(2)For-profit telecommunications brokers or resalers;

(3) Established common carriers, or their wholly-owned subsidiaries.

Grant proposals will be reviewed by a panel drawn primarily from Federal agencies represented in the Interagency Committee on Satellite Telecommunications Applications. Multiple awards may be granted.

The closing date for applications is April 10, 1981. Questions concerning the application process or requests for application kits should be directed to: Susan Irwin, Grants Program Administrator, National Telecommunications and Information Administration, U.S. Department of Commerce, 608 13th St. NW., Washington, D.C. 20004, (202) 724–3464.

(11.551 Public Telecommunications Services Catalog of Federal Domestic Assistance)

John J. O'Neill,
Acting Associate Administrator, Office of Telecommunications Applications and Grants Officer, National Telecommunications and Information Administration.

[FR Doc. 81–5143 Filed 2–12–81; 8:45 am]
BILLING CODE 3510–60–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 13, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On October 17, 1980, October 31, 1980, December 19, 1980, August 29, 1980, and July 25, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 68996, 45 FR 72248, 45 FR 83650, 45 FR 57755, and 45 FR 49633 FR 77104) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1981:

Class 5440

Stepladder, Aluminum
5440–00–514–4483
5440–00–514–4485
5440–00–514–4487

(For GSA Regions 1, 2, 3, 4, and National Capital Region)

Class 7510

Paperweight, Shotfilled
7510–00–286–6985

Class 7520

Pencil, Mechanical
7520–00–590–1878

SIC 7349

Janitorial/Custodial, Federal Building, 801 I Street, Sacramento, California

SIC 7349

Commissary Shelf Stocking and Custodial Service, McConnell Air Force Base, Kansas

C. W. Fletcher,
Executive Director.

[FR Doc. 81–5126 Filed 2–12–81; 8:45 am]
BILLING CODE 6820–33–M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 18, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6625

Test Lead Set
6625–00–444–4041

Class 7210

Cover, Bed

68" × 96"

7210–00–NIB–0013 White
7210–00–NIB–0010 Dark Cardinal
7210–00–NIB–0002 Pimento
7210–00–NIB–0003 Spanish Yellow
7210–00–NIB–0004 Gold Brown
7210–00–NIB–0005 Emerald
7210–00–NIB–0006 Indian Orange
7210–00–NIB–0007 Mosstone
7210–00–NIB–0008 Burnt Orange
7210–00–NIB–0009 Bluebird

76" × 105"

7210–00–NIB–0014 White
7210–00–NIB–0015 Dark Cardinal
7210–00–NIB–0016 Pimento
7210–00–NIB–0017 Spanish Yellow
7210–00–NIB–0018 Gold Brown
7210–00–NIB–0019 Emerald
7210–00–NIB–0020 Indian Orange
7210–00–NIB–0021 Mosstone
7210–00–NIB–0022 Burnt Orange
7210–00–NIB–0023 Bluebird

60" × 90"

7210–00–NIB–0024 White
7210–00–NIB–0025 Dark Cardinal
7210–00–NIB–0026 Pimento
7210–00–NIB–0027 Spanish Yellow
7210–00–NIB–0028 Gold Brown
7210–00–NIB–0029 Emerald
7210–00–NIB–0030 Indian Orange
7210–00–NIB–0031 Mosstone
7210–00–NIB–0032 Burnt Orange
7210–00–NIB–0033 Bluebird

SIC 7349

Commissary Shelf Stocking and Custodial Service
Mountain Home AFB, Idaho

C. W. Fletcher,
Executive Director.

[FR Doc. 81–5125 Filed 2–12–81; 8:45 am]
BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 4,1981.

The USAF Scientific Advisory Board Chief's Technical Advisory Group (CTAG) will convene on March 11th and 12th from 9:00 a.m. to 5:00 p.m. at Norton AFB, CA.

The Advisory Group will receive classified briefings and participate in classified discussions relating to Air Force Ballistic Missile Organization Programs. The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,
Air Force Federal Register Liaison Officer.

[FR Doc. 81–5029 Filed 2–12–81; 8:45 am]
BILLING CODE 3910–01–M

Department of the Army

Performance Review Boards

ACTION: Notice is hereby given of the names of the members of the Performance Review Boards for the Office of the Chief of Staff, Army; Office of the Chief of Engineers; US Army Materiel Development and Readiness Command; Office of the Surgeon General; and the Consolidated Commands for 1981.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT:
Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of Army, the Pentagon, Washington, DC 20310, (202) 697–2204.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice rescinds the notices published in 45 CFR, page 47815, dated July 14, 1980, page 54122, dated August 14, 1980, and page 56380, dated August 25, 1980 to account for changes in membership of those boards previously published.

The Members of the Performance Review Board for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Director, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Brigadier General William C. Moore, Deputy Director for Operations and Readniess, Office of the Deputy Chief of Staff for Operations.
5. Mr. Leonard F. Keenan, Deputy Director of the Army Budget, Office of the Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Fredric Newman, Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel.
8. Major General Mary E. Clarke, Director, Human Resources Development, Office of the Deputy Chief of Staff for personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.

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10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.

11. Dr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development and Acquisition.

12. Mr. Charles. H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development, and Acquisition.

13. Brigadier General James E. Armstrong, Assistant Chief of Staff for Intelligence.

14. Brigadier General Richard J. Bednar, Assistant Judge Advocate General for Civil Law.

15. Major General Edward B. Atkeson, Commander, US Army Concepts Analysis Agency.

16. Mr. Harold L. Stugart, The Auditor General.

17. Mr. Michael A. Janoski, Deputy Auditor General.

18. Mr. Hunter M. Woodall, RDA Analysis Officer, Office of the Deputy Chief of Staff for Research and Development.

19. Mr. Charles N. Davidson, Technical Director, US Army Nuclear Agency.

20. Mr. James E. Spates, Assistant Director for Laboratory Activities, Office of the Deputy Chief of Staff for Research and Development.

21. Brigadier General Roger J. Price, Director of OMA, Comptroller of the Army.

22. Mr. Leroy E. Hoole, Jr., Deputy Director of the Army Budget for Budget Management, Comptroller of the Army.

23. Mr. Carroll A. Olson, Deputy Director for Operations and Maintenance, Comptroller of the Army.

24. Major General Clay T. Buckingham, Assistant Chief of Staff for Automation and Communications, Office of the Chief of Staff, Army.

25. Major General Robert L. Kirwan, Commanding General, US Army Operational Test and Evaluation Agency.

The Members of the Performance Review Board for the Office of the Chief of Engineers (OCE) are:

1. Major General William R. Wray, Deputy Chief of Engineers.

2. Brigadier General (P) Hugh G. Robinson, Division Engineer, Southwestern Division.

3. Major General E. R. Heiberg, Director of Civil Works, Chief of Engineers.

4. Brigadier General Mark J. Sisinyak, Deputy Director for Facilities Engineering, Directorate of Military Programs, Office, Chief of Engineers.

5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.

6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.

7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.

8. Mr. Richard C. Armstrong, Chief, Engineering Division, Ohio River Division.

9. Mr. Lewis H. Blakey, Chief, Planning Division, Directorate of Civil Works, Office, Chief of Engineers.

10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.

11. Mr. Rodney Resta, Chief, Engineer Division, Lower Mississippi Valley Division.

12. Mr. William N. McCormick, Chief, Engineer Division, South Atlantic Division.

13. Dr. James Choromokos, Chief, Research and Development, Office, Chief of Engineers.

14. Mr. Ralph Loschialpo, Chief, Office of Personnel, Office, Chief of Engineers.

15. Mr. Delbert E. Olson, Chief Planning Division, North Pacific Division.

The Members of the Performance Review Board for US Army Materiel Development and Readiness Command (DARCOM) are:

1. Major General Robert L. Moore, Chief of Staff, HQ DARCOM—Chairman.

2. Major General Jere W. Sharp, Director, Procurement and Production, HQ DARCOM.

3. Brigadier General (P) Benjamin F. Register, Jr., Director, Materiel Management, HQ DARCOM.

4. Major General Elton J. Delaune, Jr., Comtroller, HQ DARCOM.

5. Major General Stan R. Sheridan, Director, Development and Engineering, HQ DARCOM.

6. Mr. Francis X. McKenna, Command Counsel, HQ DARCOM.

7. Major General Henry Doctor, Jr., Director, Personnel, Training and Force Development, HQ DARCOM.

8. Mr. William S. Charin, Deputy Director, Personnel, Training and Force Development, HQ DARCOM.

9. Mr. Seymour J. Lorber, Director, Quality Assurance, HQ DARCOM.

10. Dr. Robert E. Weigle, Technical Director, Armament Research and Development Command.

11. Mr. Richard B. Lewis, Technical Director, Aviation Research and Development Command.

12. Dr. Robert S. Wiseman, Assistant to Deputy Commanding General for Science and Technology, HQ DARCOM.

13. Dr. Hermann R. Robl, Technical Director, Army Research Office.

14. Mr. Barton J. Toohey, Comptroller, Tank-Automotive Readiness Command.

15. Mr. Thomas J. Keenan, Director, Procurement and Production, Troop Support Readiness Command.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General—Chairman.

2. Brigadier General Robert T. Cutting, M.D., Director of Health Care Operations.

3. Brigadier General Garrison Rapmund, M.D., Commander, US Army Medical Research and Development Command.

4. Dr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

5. Dr. G. F. Bahr, M.D., Chairman, Department of Cellular Pathology, Armed Forces Institute of Pathology.

6. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.

7. Dr. Lorenz E. Zimmerman, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

8. Dr. Samuel B. Forman, Ph.D, Chief, Department of Bacterial Diseases, Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General John S. Crosby, Deputy Chief of Staff for Personnel, US Army Forces Command.

2. Major General John B. Blount, Chief of Staff, US Army Training and Doctrine Command.

3. Dr. Wilbur B. Payne, Director, US Army Training and Doctrine Command Systems Analysis Activity.

4. Brigadier General Richard T. Drury, USAF, Vice Commander, Headquarters Military Traffic Management Command.

5. Mr. Leonard J. Mabius, Technical Director/Chief Engineer, US Army Communications Command.

6. Brigadier General Walter C. Cousland, Deputy Chief of Staff for Personnel, Administration & Logistics, US Army Training and Doctrine Command.

7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, US Army Training and Doctrine Command.

8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, US Army Training and Doctrine Command.

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Dated: February 6, 1981.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81-5024 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-08-M

[Permit LMNOD-sp (Calcasieu Pass) 467]

Review by the Assistant Secretary of the Army (Civil Works) of a Request by the Cameron Construction Company, Louisiana, for Section 404 Permit

AGENCY: Department of the Army.

ACTION: Notification of Section 404 Permit Review.

SUMMARY: This notice informs the public and Federal agencies that the U.S. Department of Commerce has requested that the application for Section 404 permit by the Cameron Construction Company to bulkhead and fill portions of wetlands along Calcasieu Pass, south of Louisiana Highway No. 82 in Cameron Parish, Louisiana, be referred to the Assistant Secretary of the Army (Civil Works) for review. Referral is in accordance with procedures defined by Memorandum of Agreement (MOA) between Federal agencies implementing Section 404(q) of the Clean Water Act. This notice describes the procedure and time period available for interested parties to request that the official permit record be reopened for inclusion of new, relevant, and previously unavailable information for consideration by the Assistant Secretary in making final public interest determination. Detailed notification of review procedures was set out in the **Federal Register** on January 28, 1981 (46 FR 9161-2).

SUPPLEMENTARY INFORMATION: The Chief of Engineers recommended approval of the permit on January 9, 1981. By letter dated February 2, 1981, The Acting Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, objected to approval of the permit and requested review by the Assistant Secretary (Civil Works). Request for review was based on continued objections by the National Marine Fisheries Service. The Assistant Secretary will (1) decide that the permit should be issued or denied, or (2) decide only the issues raised and return the application back to a level where a decision on permit issuance can be made.

The Assistant Secretray's decision will be based primarily on the permit case record previously developed and forwarded to the Assistant Secretary's office by the Corp of Engineers; therefore, the record is essentially closed. In the interest of sound decision-making, however, the Assistant Secretary will consider written communications submitted prior to March 13, 1981, if communications consist of evidence that is:

(1) New (not previously available or known);

(2) Relevant;

(3) Significant and verifiable (by reference to reliable data or other expert opinion).

All communications must be in writing; oral cummunications will not be accepted.

The record, including newly admitted material, will be available for inspection both at the New Orleans District Engineer's Office, Foot of Prytania Street, New Orleans, Louisiana, and at the Office of the Assistant Secretary of the Army (Civil Works), Pentagon, Room 2E 569, Washington, D.C.

At the close of the comment period on March 2, 1981, an additional ten calendar days will be permitted for the public to file rebuttal comments to the material submitted. Rebuttal comments will be accepted until March 13, 1981, at which time the record will be closed. Again, all communications must be in writing. Because of the time limitations imposed by MOA, it is necessary to adhere to imposed time restrictions; therefore, requests for time extension will not be favorably considered.

All communications regarding this matter should refer to: Permit LMNOD-SP (Calcasieu Pass) 467.

Dated: 3 February 1981.

Edward Lee Rogers,

Acting Assistant Secretary of the Army.

[FR Doc. 81-5020 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers; Department of the Army

Intent To Prepare Draft Supplement to Final Environmental Impact Statement for Proposed Fort Scott Lake, Kansas

AGENCY: Kansas City District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a draft supplement.

SUMMARY: 1. The proposed action to be addressed in the draft supplement is the integration of updated environmental data into the approved project plan. The update will identify any changes required in the plan and evaluate impacts to resource categories identified since the filing of the FEIS with CEQ in 17 March 1972.

2. Only two alternatives will be considered in the supplement, "no action" or the implementation of the selected plan. Other alternatives were previously evaluated in the FEIS for the project.

3. Additional coordination is planned with the U.S. Fish and Wildlife Service, Environmental Protection Agency, Department of Agriculture (Soil Conservation Service), Advisory Council on Historic Preservation, Kansas Fish and Game Commission, Kansas Department of Health and Environment, Kansas State Historic Preservation Officer, and other groups and individuals. A public meeting will be held in the spring of 1981. No additional public meetings have been scheduled in conjunction with this draft supplement, but any interested agency, organization, or individual is invited to comment. Input presented will be considered in the preparation of the supplement.

4. Environmental concerns analyzed in the draft supplement will include fish and wildlife mitigation, endangered species, flood-plain management and wetlands, water quality, cultural resources and prime and/or unique agricultural lands. Environmental consultation and review will be conducted in accordance with the National Environmental Policy Act and other applicable laws and regulations.

5. The draft supplement is tentatively scheduled to be available for public review in March 1982.

ADDRESS: Questions concerning the proposed action and EIS supplement should be directed to Mr. James R. Taylor, Chief, Environmental Resources Section, Kansas City District, Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. Phone: (816) 374-3672 or FTS 758-3672.

Dated: February 6, 1981.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81-5025 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-KN-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Kansas and Osage Rivers Water Supply Study

AGENCY: Kansas City District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The primary purpose of this project is to provide for future municipal

and industrial water supply needs for 38 counties in northeastern and central Kansas.

2. Reasonable alternatives that will be studied include:

a. No Action.

b. Conservation.

c. Groundwater.

d. SCS-type lakes.

e. Large Federal lakes, including reallocation of storage in existing Federal lakes.

f. Various combinations of the above.

3. Scoping Process:

a. Public involvement: A public involvement program was developed as a means of soliciting public views and has already begun. Three public workshops were held (21–23 October 1980) in three different Kansas communities (Salina, Manhattan, Osage City) for the overall 38-county study area. Another scoping meeting, only involving a 7-county area, was held 21 January 1981 in Topeka, Kansas. This latter meeting solicited views of appropriate Federal and state agency representatives concerning potential or existing significant resources in the 7-county Melvern/Pomona Lakes. The current study sequence involves a separation of the overall study into small contiguous subunits as follows: Melvern/Pomona Lakes study area; Wilson/Kanopolis Lakes study area; and Tuttle Creek Lake study area. Further scoping (e.g. workshops) will be held to provide additional information for the Draft Feasibility Report (DFR) and DEIS. These documents will be distributed to the public and Federal/state agencies for review and comment. The participation of the public and all interested Government agencies is invited during all stages of the project's planning process.

b. Environmental consultation and review will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and all other applicable laws, regulations, and guidelines.

c. The Kansas City District estimates that the DEIS and DFR for the Melvern/Pomona Lakes area will be available for public review and comment in September 1981. The DFR and DEIS for the other study areas will be available in FY 82.

ADDRESS: Questions concerning the proposed action and the DEIS should be directed to Mr. James R. Taylor, Chief, Environmental Resources Section, Corps of Engineers, 700 Federal Building, Kansas City, Missouri 64106. Phone: (816) 374–3672 or FTS 758–3672.

Paul D. Barber,

Chief, Engineering Division.

[FR Doc. 81-5139 Filed 2-12-81; 8:45 am]

BILLING CODE 3710-KN-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Tuesday & Wednesday, 10–11 Mar. 1981, ESL Inc., Sunnyvale, California.

The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on foreign collection systems.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-5093 Filed 2-12-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Museum Services Program Projects; Application Notice

AGENCY: Department of Education.

ACTION: Application Notice.

Applications are invited by the Institute of Museum Services (IMS) for new projects under the Museum Services Program for fiscal year 1981.

Section 206 of the Museum Services Act, Title II of Pub. L. 94–462 (20 U.S.C. 965) contains authority for this program.

This program makes awards to museums to maintain, increase, or improve museum services. The purpose of the program is to ease the financial burden borne by museums as a result of their increased use by the public and to help them carry out their educational and conservation roles, as well as other functions.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: Applications for new awards must be mailed or hand-delivered by March 6, 1981.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.115, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

APPLICATION DELIVERED BY HAND: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: For fiscal year 1981, the program gives priority to museums which have been providing museum services for at least two years before applying under the Museum Services Program (34 CFR 64.12(b)). In the case of applications for assistance in carrying out special projects the program gives priority to applications for conservation projects, for in-depth long-range institutional planning, and for projects involving cooperation with local educational agencies to develop and carry out model museum educational programs. A museum may apply for both general operational support and project support.

AVAILABLE FUNDS: It is estimated that $12,300,000 will be available for the Museum Services Program in FY 1981. The program will use not less than 80 percent of this amount for grants for general operational support. The remainder of the funds will be used for grants for special projects that are model or exemplary and address a problem which is general to a number of museums. It is anticipated that no museum will receive more than $35,000 under the program for fiscal year 1981, and that most museums which are funded will receive a smaller amount. (34 CFR 64.9)

Based upon the experience of the program with prior funding cycles, its assessment of the prospective numbers of applicant museums of various types and sizes, and the procedures for evaluation of applications under Sec. 64.12 of the program regulations, IMS estimates that, of the funds available for FY 1981 for general operational support awards, $3,000,000 will be awarded to museums with budgets of less than $100,000; $4,000,000 will be awarded to museums with budgets between $100,000 and $500,000; and $4,000,000 will be awarded to museums with budgets in excess of $500,000. IMS anticipates that these estimates may be useful in applying the provisions of Sec. 64.12(c), "How applications are judged; priorities" of the program regulations to the fiscal year 1981 competition.

The amounts of funding available for awards are only estimates and do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulation.

IMS recognizes a need during the current fiscal year to increase the participation of qualified museums in the general operational support program consistent with available resources. Accordingly, it is anticipated that for fiscal year 1981, the amount of a general operational support grant will normally not exceed 10 percent of the museum's operating revenues and support. The program expects to make approximately 650 general operational support grants.

APPLICATION FORMS. IMS is mailing application forms and program information packages to over 8,000 museums and other institutions and service organizations on its mailing list. Applicants may obtain application forms and program information packages by writing to the Institute of Museum Services, Room 4008, Mary Switzer Building, 330 C Street, S.W., Washington, D.C. 20202. Applications must be prepared and submitted according to the requirements of the regulations, instructions, and forms included in the program information package.

APPLICABLE REGULATIONS: Regulations applicable to this program include the following:

(1) Final regulations govering the Museum Services Program in 34 CFR Part 64, Published in the **Federal Register** on August 11, 1980 (45 FR 53412). (These regulations set forth the definition of "museum" for purposes of the program and other conditions of eligibility. They also govern the types of assistance which may be provided under the program, the requirements which must be met by applicants, and the selection criteria to be used in judging applications.)

(2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (Direct Grant Programs) and 77 (Definitions) published in the **Federal Register** on April 3, 1980 (45 FR 22494) and redesignated from 45 CFR Parts 100a and 100c in the **Federal Register** on November 21, 1980 (45 FR 77368). (EDGAR contains general rules on how to apply for grants, how grants are made, the general conditions that apply to grantees, the administrative responsibilities of grantees, and compliance procedures used by the Department. Certain provisions of EDGAR are made inapplicable to applications and grants for general operational support under the program.)

(3) The Administration of Grants Regulations in 34 CFR Part 74 published in the **Federal Register** on May 9, 1980 (45 FR 30802). (These regulations contain the requirements for the administration of Department grants and provide for determining costs applicable to activities assisted by Department grants.)

FOR FURTHER INFORMATION, CONTACT: Mr. Tom Litkowski, Program Director, Institute of Museum Services, Mary Switzer Building, 330 C Street, S.W., Washington, D.C. 20202, Telephone (202) 426–6577.

(Catalog of Federal Domestic Assistance No. 84.115, Institute of Museum Services)

Dated: February 10, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-5177 Filed 2-12-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Committee on Black Higher Education and Black Colleges and Universities; Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the quarterly meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is rquired under Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: March 2–3, 1981, 9:00 am to 5:00 pm.

ADDRESS: Education Conference Center, Room 3000, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Suite 702–6, 1100 17th Street, N.W., Washington, D.C. 20036, AC 202 653–7558.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 1) which set forth standards for the formation and use of advisory committees.

This Committee was established to examine all approaches to the higher education of Black Americans as well as enhancement of the historically Black colleges and universities and then to make recommendations to the Secretary of Education in the identification of several courses of action to raise substantially the participation of Black Americans in all sectors and at all levels of higher education.

The proposed agenda will include a report on Committee staff activities over the past three months, and discussion on such topics as: the Adams Case, testing, data needs, and higher education regulations.

Additional items for discussion include progress reports on Committee staff projects such as the *Fact Book on Black Higher Education and Black Colleges and Universities*, the *Did You Know Fact Sheets*, the *Faculty Directory*, and ongoing research. There will be an update on the commissioned research being performed on contract and acknowledgement of the Committee's latest publication.

The Committee will also discuss future activities with respect to issues and recommendations affecting the advancement of Black higher education and the enhancement of the historically Black colleges.

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The meeting on March 2–3, 1981, will be open to the public beginning at 9:00 am each day. It will be held in the Education Conference Center, Room 3000, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Records are kept of all Committee proceedings and are available for public inspection at the office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located at 1100 17th Street, N.W., Suite 702–6, Washington, D.C. 20036.

Signed at Washington, D.C. on February 9, 1981.

Carol J. Smith,

Program Delegate to the Committee.

[FR Doc. 81–5144 Filed 2–12–81; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of the meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Annual Report Committee Meeting: March 6, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Arizona State University, Room 302F Farmer Building, Tempe, Arizona 85281.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 202/376–8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318 (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for the Office of Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 (Title IV, Pub. L. 92–318). For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The meeting will be open to the public. This meeting will be held at the Arizona State University, Room 302F Farmer Building, Tempe, Arizona 85281 602/965–6292.

The proposed agenda includes:

(1) Discussion on the 1981 Annual Report.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C., 20004.

Dated: February 10, 1981. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81–5149 Filed 2–12–81; 8:45 am]

BILLING CODE 4000–01–M

Postsecondary Education; Fellowships and Institutional Grants for Graduate and Professional Study; Application Notice for Fiscal Year 1981

Applications from institutions of higher education for grants are invited under the Graduate and Professional Institutional Grant Program and the Graduate and Professional Study Fellowship Program.

Authority for these programs is contained in Parts A and B of Title IX of the Higher Education Act of 1965, as amended. (20 U.S.C. 1134–1134g)

1. The Institutional Grant Program (Title IX, Part A) provides grants to institutions to maintain, strengthen, and improve the quality of graduate and professional programs leading to an advanced degree (other than a medical degree); to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and, to contribute to these purposes, to strengthen undergraduate programs of instruction in these areas. For applications of substantially equal quality, priority is given to projects that strengthen activities that support categories of fellowships funded under Title IX–B. No institutional grants are awarded this year to fund programs that prepare students for public service or domestic mining.

2. The Graduate and Professional Study Program (Title IX, Part B) provides grants to institutions of higher education to support fellowships for graduate and professional study to students who demonstrate financial need. Fellowships are awarded to

support students in the following three categories:

Graduate and Professional Opportunities
Public Service Education
Domestic Mining

It should be noted that budget rescissions are proposed to Congress for the Public Service and Domestic Mining fellowships, which, if approved, would eliminate all funds available for grants under these two fellowship categories in fiscal year 1981.

Closing Date for Transmittal of Applications

An application for a grant must be mailed or hand delivered by March 23, 1981.

Applications Delivered by Mail

An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.094, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service Postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other prooof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, ROB–3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

1. *The Institutional Grant Program (Title IX, Part A).*

Congress has made $11,000,000 available for Graduate and Professional Opportunities Fellowships and Graduate and Professional Institutional Grants. Of this amount, an estimated $500,000 is available for institutional grants under Part A of Title IX. As indicated above, for applications of substantially equal quality, priority is given to projects that strengthen activities that support fellowships funded under Title IX–B; for example, in such areas as recruitment, retention, and inter-institutional cooperation. About 25 one-year grants will be made.

2. *The Graduate and Professional Study Fellowship Program.*

The remainder of the $11,000,000 is available for the Graduate and Professional Opportunities Fellowships to cover awards to continuing fellows in good standing, approximately 554 new fellowship awards, and institutional allowances.

Under the Graduate and Professional Opportunities Fellowship category, generally, an average of two to three new fellowships will be allocated to each approved academic area. In general, institutions will receive support in not more than five such academic areas.

Under Part B Congress has also made available $2,000,000 to support an estimated 200 new Public Service fellowships and $1,150,000 to support an estimated 137 new Domestic Mining fellowships. As already noted, the President has proposed budget rescissions to the Congress which may eliminate these funds. If the Congress approves the proposed rescissions, a notice to the public will be published in the **Federal Register** stating that the rescissions have been approved. However, since the deadline established in this notice will not be extended, applicants should prepare and submit applications pending further notification.

For all three fellowship categories, institutional applicants should request one-year awards.

Any continuation support needed for students to complete degree programs will be provided in subsequent years, subject to conditions in the regulations.

The Secretary does not make a grant of Part B funds to any institution of less than $75,000. The total grant may include fellowship awards under one, two, or all three fellowship categories combined, covering both new and continuation fellowships. The statutory minimum award, however, does not apply where the grant is made to support continuation fellowships only.

Applicants should be aware that a technical amendment has been submitted to Congress to delete the $75,000 minimum grant requirement.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms

Application forms and program information packages are expected to be ready for mailing by February 6, 1981, and may be obtained by writing to the Graduate Programs Branch, Department of Education, (Room 3060, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. An applicant may submit one application to cover both Part A and Part B. The Secretary strongly urges that the narrative portion of a Graduate and Professional Opportunities Grant application that seeks funds under both parts not exceed 40 pages in length. Also, the Secretary strongly urges that the narrative portion of an application for the Public Service Education fellowships, and the Domestic Mining fellowships, should not exceed 15 pages each. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to these programs include the following:

(1) Regulations governing the Fellowships for Graduate and Professional Study Program (34 CFR Part 649) which were published in final form in the **Federal Register** on January 14, 1981 (46 FR 3400);

(2) Regulations governing the Institutional Grants for Graduate and Professional Study (34 CFR Part 648) which were published in proposed form in the **Federal Register** on December 31, 1980 (45 FR 86886); and

(3) Education Department General Administrative Regulations (EDGAR). The text of these regulations may be found in the **Federal Register** for April 3, 1980, 45 FR 22495, where it is codified to 45 CFR Part 100a and 45 CFR Part 100c, respectively. These regulations were redesignated as 34 CFR Part 75 (Direct

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Grant Programs) and 34 CFR Part 77 (General), on November 21.

FOR FURTHER INFORMATION CONTACT:
Dr. Donald N. Bigelow, Office of Postsecondary Education, U.S. Department of Education, (Room 3060, ROB-3), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245-2347.

(20 U.S.C. 1134 et seq.)

(Catalog of Federal Domestic Assistance No. 84.094; Graduate and Professional Opportunities Fellowships and Institutional Grants Program, Public Service Education Program, and Domestic Mining and Mineral and Mineral Fuel Conservation Fellowship Program)

Dated: February 10, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-5179 Filed 2-12-81; 8:45 am]

BILLING CODE 4000-01-M

Data Acquisition Activities Involving Educational Agencies and Institutions

AGENCY: Department of Education.

ACTION: Notice of data acquisition activities involving educational agencies and institutions.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95-561, require public announcement of certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981-82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary through the Federal Education Data Acquisition Council (FEDAC).

DATES: Comments must be received by March 16, 1981.

ADDRESSES: Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

FOR FURTHER INFORMATION CONTACT:
Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 Switzer), 400 Maryland Avenue, SW, Washington, D.C. 20202, Telephone: (202) 472-3554. The contact persons listed in conjuction with the individual summaries are the ones to whom questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

Data activity plan summaries of proposed data acquisition activities for School Year 1981-82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981-82 will be published by February 15, 1981.

Dated: February 10, 1981.

T. H. Bell,

Secretary of Education.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Supplemental Information for Local Education Agency Grants Under the Emergency School Aid Act.

(b) Name of the Sponsoring Agency/Bureau Office: Office for Civil Rights.

(c) Agency Form Number: AS/CR 532-1 and 532-2.

(d) Justification: The Office for Civil Rights has been delegated the responsibility for evaluating the compliance status of those schools wishing to receive Emergency School Aid Act (ESAA) funds. The Office has found the supplemental information forms to be the most suitable and reliable way of gathering compliance data from the applicant school districts. The ESSA application data has proven inadequate for compliance determination, since the level of detail required by OCR is not contained in the application form.

The data from the supplemental information forms is used by OCR regional staffs to detect patterns of possible discrimination in specific areas, such as student disciplinary actions, special education programs, and faculty assignment. It is necessary to look into the various classes, programs, and activities offered by the schools in order to compare and evaluate minority representation in them.

(e) Description of Survey Plan: The supplemental information forms will be sent to approximately 550 school districts containing about 6,600 individual schools. The list is developed by the Office of Equal Education Opportunity and is comprised of those schools applying for or receiving ESAA funds.

(f) Tabulation and Publication Plans: None.

(g) Time Schedule for Data Collection and Publication: Forms will be mailed in August with a return date of October 15. Forms must be returned no later than the date set by the Office of Equal Education Opportunity for the ESAA application submission.

(h) Consultations Outside the Agency: The forms in their present state contain changes made in the original draft after consultation with the members of the Civil Rights Task Force of the Committee for Evaluation and Information Systems (CEIS) of the Council of Chief State School Officers (CCSSO). Concerns of the Task Force and the resolution of those concerns are as follows:

On Form 532-1

1. The need for collecting faculty data in years preceding implementation of an ESSA plan. (This part of the faculty question was eliminated.)

2. The difficulty for respondents, especially the larger school districts, in obtaining the total number of classes with all minority or all nonminority pupils. (This question was returned to its prior "yes-no" format.)

On Form 532-2

1. The order in which Special Education definitions were placed on the instruction sheet. (The categories were ordered according to the Elementary and Secondary School Civil Rights Survey.)

2. The duplicatory nature of having respondents check "Special Education" in question 4 when question 6 is to be completed by only those schools offering special education. ("Special Education" was dropped from question 4.)

3. Confusion resulting from the wording of instructions for the "total" column. (The instructions were reworded so that they read more clearly.)

4. The order in which Special Education programs were listed in question 6. (The list was reordered.)

5. A preference for use of the subject code as opposed to the three additional columns to describe class type in 7. (The three offending columns were removed, and a column titled Subject Code was inserted. The list of code numbers for each subject appears on the instruction sheet.)

6. The removal of question 8 regarding all minority or all nonminority classes in the individual schools. (This question was eliminated.)

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Local Education Agencies	550	.25
Public El/Sec Schools	6,600	5.00

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The cost of $8,200 consists of printing, mailing, and staff time.

(l) Detailed Justification of How Information Once Collected Will Be Used: OCR regional personnel use the collected data to:

1. Identify discriminatory recruitment and employment of principals, teachers, and head coaches.

2. Determine if pupils of limited English proficiency are receiving remedial services.

3. Determine if minority pupils are effectively excluded from programs for the gifted and talented.

4. Determine if disproportionate disciplinary action is taken against minority pupils.

5. Determine if a disproportionate number of minority students are assigned to special education classes.

6. Identify disproportionate minority classroom representation.

(m) Methods of Analysis: No analysis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The following statutes and regulation provide legislative authority for the supplemental information forms:

Pub. L. 95-561, Emergency School Aid Act, November 1, 1978 Sec. 610. (a) Any local educational agency desiring to receive assistance under this title shall submit to the Assistant Secretary, at such time, in such form, and containing only such information as the Secretary and the Assistant Secretary deem necessary to carry out their functions under this title, an application * * * The Assistant Secretary may approve an application only when a determination that such application * * *. (12) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Assistant Secretary may prescribe * * * and (B) that the applicant will keep such records and afford such access thereto as—

(i) Will be necessary to insure the correctness of such reports and to verify them,

(ii) Will be necessary to insure the public adequate access to such reports and other written materials.

Pub. L. 88-352, Title VI—Nondiscrimination in Federally Assisted Programs Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. CFR Title 45, Sec. 80.6(b) Compliance reports. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part * * *.

(o) Timetable for Dissemination of Collected Data: The collected data is for the use of OCR regional personnel. No publication is planned. Completed forms, or carbon copies, will be on file for public inspection at local education agencies, state education agencies, and regional officies.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: 33,135 hours @ $7.69 = $254,800 (approx.).

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: A copy of the data instrument or further information may be obtained from Nancy Russell, Office for Civil Rights, 5518 Switzer Bldg., Department of Education, Washington, D.C. 20202. Telephone (202) 245-0703.

(s) Brief Account of Early Involvement and Communications With Respsondent Populations: Representatives of OCR's Surveys and Data Analysis Branch and Program Support Branch met with the CEIS Civil Rights Task Force on October 21 and 22, 1980, for the purpose of discussing the 1981 supplemental information forms. The Task Force granted a "pending" rating on the first draft of the forms.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Mail-out is planned for late August, which will allow 45 days completion time for the respondents.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Request for Payment of Pell Grant Award 1981-82 Academic Year

(b) Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Program Operations/Basic Grant Branch

(c) Agency Form Number: ED 304

(d) Justification: The Basic Educational Opportunity Grant Program is a program of student financial aid which was authorized by Title IV, Part A, of the Educational Amendments of 1972 (Pub. L. 92-318) and the Educational Amendments of 1976 (Pub. L. 94-482). This program was established to guarantee a minimum amount of resources to eligible students who wish to attend postsecondary institutions.

The "Request for Payment of Pell Grant Award" will be submitted by students to a Department of Education contractor in those cases where the institution in which the student is enrolled has decided not to act as a disbursing agent for the U.S. Secretary of Education. The "Request" form is the means by which a student will submit information to the Secretary to receive payment of Pell Grant Award.

Part A—*Student Identification/Request for Payment:* This information is required for purposes of correspondence, as well as to identify the applicant for subsequent requests

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for payments. This information is also used to locate the student when he changes addresses during the course of the school year and to ensure that contact can be maintained with the recipient. The student must formally request his/her payment of award and certify that s(he) is not in default or owes a refund from the Pell Grant Program, NDSL, BEOG, GSL or State Student Incentive Grant Program as required by law (20 U.S.C. 1088f, Sec. 132, Sec. 497 of the Act).

This item is also required by law (20 U.S.C. 1082, 1088g) to attest to the fact that the student is or will be receiving funds toward the cost of his education, which is the purpose of the BEOG Program and that such funds should be spent for educational purposes only. If the student should terminate his enrollment for any reason during an award period, the student certifies that he knows he may be responsible for repaying a prorated amount of any payment received to be determined by the Secretary of Education. All of the above requirements are met by having the applicant sign a statement of educational purpose. This statement is required for all students receiving financial aid under the U.S. Department of Education.

Part B—*Transfer Data:* Item 7–10 complies with the provisions of § 168.14(c), Subpart B, Standards Regulations Relating to Audits, Records, Financial Responsibility, Adminstrative Capability and Institutional Refunds, dated September 28, 1979. It states: " . . . (c) If a student indicates that he or she attended another institution, the institution the student is currently attending shall, before disbursing any Title IV funds (including Guaranteed Student Loan checks) to that student, obtain a certified financial aid transcript from the institution or institutions the student previously attended." These items are necessary to assist us in calculating the student's Basic Grant Award.

Part B—*School Identification:* (Item 11–12) This information is necessary to verfy that the institution is both eligible and participates under the Alternate Disbursement System of payment. The BEOG ID is necessary to identify the institution within the BEOG universe.

Item 13—*Institutions Academic Calendar:* Will be used to determine the type of calculation of award.

Subitem 14—*Clock Hour Institutions:* (A), (B), (C), (D) and (E) process awards for students whose academic progress is measured by the number of daily-weekly clock hours or credit hours completed but not divided into regular quarters, semesters or trimesters. These subitems are needed to comply with the Proposed Rulemaking, Volume 43, Part II dated May 15, 1978 and to implement the requirements mandated by the Education Amendments of 1976 and to calculate the students award. Subitem 14(A) A student cannot be paid an award until the hours s(he) has been paid have been completed. This information verifies subsequent requests for payments.

Subitem 15(A & B)—*Term Based Institutions:* These subitems are required to collect the dates and enrollment status for students whose academic progress is measured in credit hours for the first term in which the student is enrolled to receive his initial Pell Grant payment, and provides for the proration of awards of those students who are enrolled on less than a full-time basis.

Item 16—*Student Cost Information:* These items (A–D) are necessary to calculate total student cost, which must be used in the determiation of the student's award.

Item 17—*Termination Dates:* This item (A & B) is provided to identify those students who drop out of school and to provide an accurate calculation of their award based on their exact hours or dates of enrollment. The ending date is being requested to determine the exact number of days at a term based school that a student is to be paid for.

Item 18—*Certification by Institutional Official:* This section is necessary to certify that the applicant meets the eligibility requirements set forth in the regulations for the Program and that he or she is maintaining satisfactory progress as established by each institution. Included are statements of fact needed to confirm that the "Request" is valid.

The above items are necessary for the administration of payments to prevent abuse both by the student, recipients and institutions. They have been developed in an effort to achieve a balance between good program control and administration of the program which would not be overly burdensome to the institution.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Summer of 1981.

(h) Consultations Outside the Agency: American College Testing/Edgardo Ring/Roy Watson/Systems Development Corporation: In an effort to improve the processing of awards under the Alternate Disbursement Section we have had the institutions, and processing contractors involved in using this form, provide us with comments or criticisms regarding it after its use each year.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
BEOG recipient	40,000	[1]5
Financial Aid Officer at postsecondary educational institutions (college, university, etc.)	850	[1]35

[1] Minutes.

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $200,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The "Request" form is the means by which a student submits information to ED in order to receive payment of an award. This information is required for purposes of correspondence as well as to identify the applicant for subsequent requests for payments.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 94–482, Title IV Student Assistance of Higher Education Act as amended. Section 411 ". . . (3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purposes, in such manner as will best accomplish the purpose of this section." (20 U.S.C. 1070a)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

Respondent type	Person-hours	Cost
Pell Grant Recipient	3,320	
Financial Aid Officer	495	$4,500

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact form maybe obtained from:

OSFA/DPO/BGB/Alternate Disbursement Section, Room 4651, ROB–3, 400 Maryland Avenue S.W., Washington, D.C. 20202 (ATT: Shirley Purvis).

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The ED 304 has been used as the instrument to effect the payment of the Pell award to students at ADS institutions since the implementation of the Basic Grant Program. Any additions or changes are published in the **Federal Register** prior to publication for public comment.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The request for payment forms are to be made available the summer of 1981 and the deadline for submission of this form is May 31, 1982 or before the end of the school's academic year whichever is earlier.

(u) Specific Justification for a Multi-Year Approval: Program Regulations mandate that students are eligible to receive their Pell Grant Awards at the beginning of the award period each year. Multi-year approval would permit a more expeditious dissemination of the forms to the students receiving awards under the ADS System and payment of award on schedule.

Data Activity Plan Summary

(a) Title of Proposed Activity: 1981–82 ADS Student Report (Request for Additional Payment).

(b) Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Program Operations/Basic Grant Branch.

(c) Agency Form Number: ED 304–1.

(d) Justification: The Pell Grant Program is a program of student financial aid which was authorized by Title IV, Part A, of the Education Amendments of 1972 (Pub. L. 92–318) and amended by the Education Amendments of 1976 and 1980. This program was established to guarantee a minimum amount of resources to eligible students who wish to attend postsecondary institutions.

The 1981–82 ADS Student Report (Request for Additional Payment) will be submitted by Pell grant recipients as a vehicle to request additional payments when eligible for them. It will be submitted as the student enrolls for additional terms or at the completion of required first payment hours at clock hour institutions. The student must first have submitted the primary "Request" form for payment of the first term or the first half of the student's hours of his or her program. This form will ask for a minimum amount of information to supplement that already submitted on the primary "Request" form and will be used to confirm previous information submitted for payment.

Section 1—Comments: The ADS Student Report has three purposes: (1) Notification of Award and Payment, (2) Request for Additional Payments, and (3) Request for Additional/Corrected Information.

Once the initial Request for Payment form has been processed, the student will be notified of the amount of his award by means of the ADS Student Report. This report is retained by the student until time to request an additional payment or to supply correct or additional information needed for processing the student's Basic Grant award.

Section 2—Information from your Request for Payment: This information will be preprinted on the form based on information submitted on the form 304 for identification of the recipient and ease of verification of data submitted by the institutional official regarding the student's program as well as the amount the student was paid.

Section 3—Request for Additional Information/Payment: The institutional official must provide the information requested on this form as specified in Section 1 when the student is eligible to receive an additional payment or to provide us with additional information to process a payment. This section also provides the space to indicate the term or period for which an additional payment is to be requested. This information is checked to verify that the institution is not requesting payment for a period or hours that have already been paid.

Section 4—School Certification: The institutional official certifies that the student continues to meet program eligibility requirements of the program at that institution and s(he) is presently enrolled.

Section 5—Student's Signature: Student must sign this section in order to request an additional payment and verify the address to where s(he) wants her/his Basic Grant check mailed.

There are instructional sheets attached to the Form 304–1 to assist the institutional official in filling out the Form 304–1.

The instructional sheets also advise the student of his/her award, any problems that might need corrections, and who to go to for help.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: The ED Form 304–1 is sent to every student that completes ED Form 304. Therefore, it can be submitted for processing whenever the student is eligible to receive an additional payment. The student is then notified again of the results of the information sent in for payment. Information collected on the Form 304–1 is not published for general distribution to the public.

(h) Consultations Outside the Agency: Private consultants from the American Institute of Research, as well as the students and institutions that use this form are involved in the review and improvement of this form.

(i) Estimation of Respondent Burden

Respondent type	Number	Estimate of average person-hours
Pell grant	40,000	[1]5
Financial Aid Officer at postsecondary educational institutions (college, university, etc.)	850	[1]35

[1] Minutes.

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $200,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The "ADS Student Report" (Request for Additional Payment) form is the means by which a student submits information to ED in order to correct or provide information to receive additional payments of their Pell Grant awards. If student does not return this form with the necessary information to generate his/her payment, they will not receive any additional payments from the Pell Grant program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 94–482, Title IV Student Assistance of Higher Education Act as amended. Section 411 ". . . (3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purposes, in such manner as will best accomplish the purpose of this section." (20 U.S.C. 1070a)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

Respondent type	Person-hours	Cost
Pell grant	[1]5	
Financial Aid Officer	[1]35	[2]$4,500

[1] Minutes.
[2] Processing of 304 & 304–1.

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

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(r) Copy of the Exact Data Instrument: A copy of the exact form may be obtained from:

OSFA/DPO/BGB/Alternate Disbursement Section, Room 4651, ROB-3, 400 Maryland Avenue SW., Washington, D.C. 20202 (ATTN: Shirley Purvis).

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The ED Form 304-1 has been used as the instrument to collect additional payment information from Pell Grant recipients since the implementation of the Pell Grant Program. Institutions and students are requested to provide us with comments or criticism regarding the use of this form in applying for additional payments during the school year. Any additions or changes are published in the **Federal Register** prior to the publication of this form for public comment.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The ADS Student Report is only filled out when the student is eligible to receive an additional payment from the Pell Grant program. The dealines for submission of any requests for additional payment are published in the **Federal Register**, Office of Student Financial Assistance Bulletin (sent to all Basic Grant institutions for distribution to eligible students), Basic Grant Handbooks, ED Form 304, and ED Form 304-1.

(u) Specific Justification for a Multi-Year Approval: Program Regulations mandate that students are eligible to receive payment as soon as they produce the appropriate documents for payment. Multi-year approval would permit a more expeditious processing of the students payments once the school year has begun.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Evaluation of the Special Services for Disadvantaged Students Program: A First Follow-Up.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Management, Office of Evaluation and Program Management, Office of Program Evaluation, Postsecondary Programs Division.

(c) Agency Form Number: ED 627-13.

(d) Justification: The study will examine the benefits to students of participation in Special Services for Disadvantaged Students (SSDS), project activities. The benefits include persistence in postsecondary education, educational aspirations, student financial aid received, and perceived helpfulness of project activities. Data from the base-year study (academic year 1979-80) will be linked to form an expanded data base.

(e) Description of Survey Plan: Freshmen in the base-year study (academic year 1979-80) will be mailed the survey instrument. Telephone interview data based on a sample will be used for nonresponse bias adjustment.

(f) Tabulation and Publication Plan: The final report, describing procedures and findings, will be disseminated to ERIC and the public upon request. An executive summary of the findings will be distributed to the Congress and interested members of the educational community.

(g) Time Schedule for Data Collection and Publication: The mail survey will be conducted from 9/81 thru 12/81. Telephone interviews with the sample of nonrespondents will continue through 1/82. The final report is scheduled to be completed by 6/82.

(h) Consultations Outside the Agency: The Policy Advisory Group employed in the base year study will also aid the first follow-up. This group consists of Special Services for Disadvantaged Students project directors, postsecondary education institutional administrators, and methodological experts.

(i) Estimation of Respondent Reporting Burden: Approximately *6,000 students in postsecondary education* are expected to respond. The average person-hours per response is estimated to be 0.5 hours.

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $450,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: For all students in the sample, the data will include educational history, financial aid received, participation in and helpfulness of special service type activities, educational plans and aspiration. When linked with data from the base-year study and extant data concerning postsecondary educational institutions, the total data set will be examined for evaluation of student impact. Differing types and levels of participation in SSDS and SSDS-like activities will be compared in terms of benefits to students.

(m) Methods of Analysis: Descriptive and relational analyses will be conducted. Descriptive techniques include cross-tabulations, indices of central tendency (e.g. means, medians), and indices of variability (e.g. ranges, variances). Relational analyses will be conducted using log-linear and structural equation techniques.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: ". . . the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs . . . such report shall . . . contain information on the progress being made . . . describe the cost and benefits of the applicable program . . . identify which sectors of the public receive the benefits of such program . . ." (20 U.S.C. 1228C).

(o) Timetable for Dissemination of Collected Data: The final report and executive summary of findings will be available by Fall, 1982. Computer tapes and documentation of the data will be available to users by October, 1982.

(p) Estimate of the total Person-Hours and Costs Required To Complete the Request: Approximately 6,000 students will respond with an average time of 30 minutes. This yields a total burden of 3,000 person-hours. At the minimum wage, the cost to respondents is approximately $9000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: C. Dennis Carroll, U.S. Department of Education, Office of Management, Office of Evaluation and Program Management, Office of Program Evaluation, Postsecondary Programs Division, B635 Transpoint, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: This study is a continuation of a longitudinal evaluation of the effects of SSDS. Respondents were contacted in the Fall, 1980 and will be contacted in the Spring, 1981. At these times, students complete mail surveys.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Respondents will have 3 months to respond.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Fiscal Operations Report 1980-1981 Award Period (July 1, 1980 through June 30, 1981) and Application to Participate 1982-1983 Award Period (July 1, 1982 through June 30, 1983)—National Direct Student Loan, Supplemental Educational Opportunity Grants, and College Work-Study Programs.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education—Office Student Financial Assistance—Division of Program Operations.

(c) Agency Form Number: ED Form 646.

(d) Justification: The Higher Education Act of 1965, as amended, requires an institution to apply and subsequently report the expenditures for the National Direct Student Loan, the Supplemental Educational Opportunity Grants and the College Work-Study Programs on an annual basis. The data submitted on the document will be used by the Department to determine the institution's funding need for the 1982-1983 Award Period. The document will provide data to assess program effectiveness and accountability of fund expenditures. Also the data will be used in conjunction with institutional program reviews to assess the administrative capability of the applicant and compliance enforcement. The data is not available from any other source.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication:

Method of Collection: Mail.
Time of Collection: Fall, 1981.
Frequency: Annually.
Contact: Institution's Financial Aid Administrator.

(h) Consultation Outside of Agency: In previous years, representatives of the National Association of Student Financial Aid Administrators (NASFAA) and the National Association of Colleges and University Business Officers (NACUBO) in conjunction with institutional representatives have reviewed and approved the document. Also billing services have been included in the review and approval of the document.

(i) Estimation of Respondent Reporting Burden: The range of time required to complete the form involves several variables: (1) Number of programs in which respondent is currently participating; (2) year of participation; (3) whether a "first-time" or continuing application; (4) funding levels requested; (5) type of institution. More specifically, an applicant institution which participated during the 1980-81 Award Period is required to submit the applicable fiscal report portions, as well as the 1982-1983 application portion. Neither a "first-time" applicant for the 1981-1982 Award Period nor a "first-time" applicant for the 1982-1983 Award Period will complete the fiscal report portion. An institution applying for the special Samoa/Trust Territory College Work-Study Program funds for the 1982-1983 Award Period is required to complete an additional one line of data (Part D) of the application portion.

For the Award Period 1981-1982, we have estimated that a total of 4,300 institutions would respond with the combined form. To allow 200 "first-time" applicants for the 1982-1983 Award Period, we have estimated a total of 4,500 respondents with an estimated respondent time of 27 hours for a total of 121,500 hours.

Respondent type	Estimated number	Estimate of average person-hours
Continuing institutions:		
College and universities	2,494	112
Vocational/technical	516	8
Proprietary institutions of post-secondary education	1,290	22
New institutions:		
Vocational/technical	15	1
Proprietary institutions of post-secondary education	185	17
Total (estimated)	4,500	27

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The total direct cost to the federal government (including processing cost and staff personnel) is estimated to be $40,000 per year.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The relative institutional financial need which will be the basis to compute by formula the amount of funds needed by each institution to operate one or more of the campus-based programs during the 1982-1983 Award Period is determined by the data reported on this form. The data will also be used to assess program effectiveness and accountability of fund expenditures to ED under the authority previously cited. In addition, the data will be used in conjunction with institutional program reviews to assess the administrative capability of the applicant and compliance enforcement.

Evaluation: (1) Data collected will allow a standard measure of relative institutional need culminating in a level of funding for institutions requesting participation in one or more of the programs; (2) Data will also be used to develop a data base sufficiently comprehensive and reliable to drive funding formulas based on verifiable data input; (3) Expenditure data will be used to calculate past utilization of funds awarded; (4) Data regarding collection activities relating to the NDSL Program will be used for the computation of institutional default rates and the identification of poorly administered operations which may require on site monitoring and additional training of institutional personnel.

Research: The data collected will be used for the purposes of (1) evaluation of the new funding process; (2) initiation of a specific procedure which will enable institutions to determine long-range disbursement needs; and (3) development of a nationwide data base to evaluate future funding alternatives.

Condition of Education (1) Summarize and categorize information for the Department of Education and organizations associated with the education community, (2) response to Congressional inquiry; and (3) public dissemination.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: *Legislative authority for this activity is as follows:*

A. "include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Secretary and the institution." (Pub. L. 92-318, 20 U.S.C. 1070b-2, Section 131(b), CFR Section 176.23) Supplemental Educational Opportunity Grants Program; "include such other provisions as the Secretary shall deem necessary or appropriate to carry out the purposes of this part." (Pub. L. 89-329, 42 U.S.C. 2754, Section 444(8), CFR Section 175.29) College Work-Study Program.

B. "Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under Section 463 and shall submit an application therefore to the Secretary, in accordance with the provisions of this part. The Secretary shall, from time to time, set dates before which such institutions must file applications under this section." (Pub. L. 92-318, Section 137(b), 20 U.S.C. 1087bb, CFR 144.5) National Direct Student Loan Program; "The Secretary shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State for any fiscal year pursuant to subsection (a)(1)." (Pub. L. 92-318, Section 131(b)(1), 20 U.S.C. 1070b-3, CFR 176.5) Supplemental Educational Opportunity Grants Program; "include such other provisions as the Secretary shall deem necessary or appropriate to carry out

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the purposes of this part" (Pub. L. 89–329, Section 448(8), 42 U.S.C. 2754, CFR Section 174.5, 6, 7) College Work-Study Program.

(o) Timetable of Dissemination of Collected Data: Data will approximately be available by the winter of 1982. The data will be available on computer, institution by institution and summarized by state.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request: Average Man Hours per Respondent 27×4,500 (Universe)=121,500 total person-hours. Estimated total cost—$526,500.

(q) Evidence of Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of Exact Data Instrument: A copy of the full plan and the data instrument(s) may be obtained in April 1981, from: Mr. Robert R. Coates, Chief, Campus and State Grants Branch, Division of Program Operations, ROB #3, Room 4642, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Department of Education's staff, in Washington and in the regions, has continuous contact with the institutions concerning the document through telephone calls and letters. The Department has established a group of financial aid administrators to meet every Spring to give us their comments on the document. Also, about two (2) months before the document's deadline date, the regional offices hold workshops to familiarize the institutions with the revised document.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection forms will be mailed to Respondent Population in September of 1981. Respondent has one (1) month to respond.

(u) Specific Justification for Multi-Year Approval: This data is required by Law to be collected annually.

Data Activity Plan Summary

(a) Title of Proposed Activity: Report on Current Biomedical Sciences Student.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 820.

(d) Justification: (1) Pub. L. 95–561, November 1, 1978, states that the purpose of the Biomedical Sciences Program is to: Introduce secondary students from an economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

This form is necessary to determine if students are meeting the eligibility requirements of the program and if the projects are meeting the student retention requirements as stated in the regulations. Regulations for the Biomedical Sciences Program are contained in 34 CFR Part 647.

(2) This form will be used by the Department of Education to determine program compliance and to serve as a basis of followup on former students. Data collected from this form will be used to determine if projects have met the student retention conditions that are required for a project to continue to receive funding as stated in 34 CFR Part 647 § 1611.22 b(1–4).

(3) There is no similar data already available in the subject field which could be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to the Report on Current Biomedical Sciences Student will be Biomedical Sciences Project Directors. An estimated 12 Biomedical Sciences projects will receive grants in the program year 1981–82 and will be required to respond to this form. Reports will be filled out on a flow basis as each student enters the program, and will be submitted to a data collection contractor for edit, keypunch and computer input. Data collection will be by mail, with completed forms normally mailed directly to the contractor.

(2) The data collected from this form will be handled by a data collection contractor, whose responsibilities will include:

(1) Data acquisition, edit, and preparation,

(2) Computer input and update,

(3) Maintenance of school files, and

(4) Miscellaneous requirements (e.g. periodic checks with projects for data corrections and updates).

The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive material, and reproduction of such material will be performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, will be referred to ED.

(f) Tabulation and Publication Plans: The information collected from the Report on Current Biomedical Sciences Student will be used in conjunction with information which is collected from the two other individual student data reports, the Report on Former Biomedical Sciences Student and the Biomedical Sciences Certification Report. The data from these forms will be entered into the Biomedical Sciences Information System, which in turn will provide data summarizations, statistical reports, and student rosters.

It is noted that this form will be used more as a programmatic recordkeeping device than as a true survey document, and thus does not fit neatly into the requirement for a statement of tabulation and publication plans.

(g) Time Schedule for Data Collection and Publication: These forms will be returned by project directors on a flow basis.

(h) Consultations Outside the Agency: (1) This form was discussed in a conference with all Biomedical Sciences Project Directors who were given opporunities to voice their opinions on the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981–82. An estimated breakdown by respondent type for program year 1981–82 is given below:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	12	4

(j) Sensitive Questions: The Report on Current Biomedical Sciences Student will collect information on individual students. This information is protected under the Privacy Act of 1974. The type of data includes:

—Name and social security number,

—Family income,

—High school grade point average, and

—Information relating to educational status.

Full acknowledgement of the responsibility involved in collecting this information has been made and a formal policy established. It will be offical policy to include in all guidelines, manuals and other pertinent program documents the following statement:

"Information or records relating to individual students or group(s) of students who are participating or have participated in Biomedical Sciences projects shall not be disclosed to any person, group, agency or organization without the express permission of the Chief, Information Systems and Program Support Branch, Division of Student Services, U.S. Department of Education. When a project or contract terminates, all Biomedical Sciences Records in possession of the project or contractor shall be disposed of only by the authority of and in accordance with procedures approved by the Director, Division of Student Services."

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be about $2,000. This estimate includes printing and mailing costs, as well as expenses associated with data handling—edit, keypunch and computer input. In addition manpower expense is estimated to be $100.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program management:* This report will serve two major functions:

(1) The monitoring of a grantee's performance in terms of the law, the regulations, and an individual grant's terms and conditions; and

(2) The evaluation of the effectiveness of individual projects as well as the effectiveness of the Biomedical Sciences program as a whole.

(m) Method of Analysis: Data will be summarized by project, and national totals. Proposed methods of analysis include: correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states:

"In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

(C) provide for making such reports as the Secretary may require to carry out his functions."

(o) Timetable for Dissemination of Collected Data: The Biomedical Sciences Project Summary, which will draw upon data from the Reports on Current and Former Biomedical Sciences Students and the Certification Report, will serve as a data base for information on students assisted. The summary report, which will be available in October, will be used for in-house purposes. Information will be disseminated from it as data is requested.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that 12 grants will be funded and that each project will require an average of 4 hours to complete the reports. A total of 48 person-hours will be needed to complete the reports at a total estimated cost of $800.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/Information Systems Section, U.S. Department of Education, Room 3514, ROB–3, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome aboard letter" will be mailed to project directors at the beginning of the project year along with copies of the reports that will be required to be filed. The letter will indicate the names and telephone numbers of individuals who can answer any question. Each year workshops will be held for project directors in which the report forms will be thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Since data will be gathered on a flow basis as students enter the program, there is not one specified due date.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Report on Former Biomedical Sciences Student.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 821.

(d) Justification: (1) Pub. L. 95–561—November 1, 1978 states that the purpose of the Biomedical Sciences Program is to: Introduce secondary students from an economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

This form is necessary for determining program compliance. Regulations for the Biomedical Science Program are contained in 34 CFR Part 647.

(2) The data collected from this form will provide significant, quantifiable measures of program success. These measures of program success include, but are not limited to, the number of students who completed the program and the number of students who will pursue careers in the Biomedical Sciences field.

The data summarizations, which will be comprised from data collected from the Reports on Current and Former Biomedical Sciences Students and the Certification Report will be assembled on a project as well as a program basis. They can then be used to estimate a particular project's performance, as well as to measure general program success. Besides program and project management functions and performance measurements, these data summarizations will provide information used in program accountability, program evaluation and any other area where some type of assessment of Biomedical Sciences program activities is required. Data from these reports will also be used by the Department of Education to respond to various ad hoc inquires concerning the program, its participants, and its achievements.

(3) There is no similar data already available in the subject field which can be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to the Report on Former Biomedical Sciences Student will be Project Directors. An estimated 12 Biomedical Sciences projects will receive grants in the program year 1981–82 and will be required to respond to this form.

Reports will be filled out on a flow basis as each student leaves the program, and will be submitted to a data collection contractor for edit, keypunch and computer input. Data collection will be by mail, with completed forms normally mailed directly to the contractors.

(2) The data collected from this form will be handled by a data collection contractor, whose responsibilities will include:

(1) Data acquisition, edit, and preparation,

(2) Computer input and update,

(3) Maintenance of school files, and

(4) Miscellaneous requirements (e.g. periodic checks with projects for data corrections and updates).

The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive

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material, and reproduction of such material will be performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, will be referred to ED.

(f) Tabulation and Publication Plans: The information collected from the Report on Former Biomedical Sciences Student will be used in conjunction with information which is collected from the two other individual student data reports, the Report on Current Biomedical Sciences Student and the Certification Report. The data from these forms will be entered into the Biomedical Sciences Information System, which in turn will provide data summarizations, statistical reports, and student rosters.

It is noted that this form will be used more as a programmatic recordkeeping device than as a true survey document, and thus does not fit neatly into the requirement for a statement of tabulation and publication plans.

(g) Time Schedule for Data Collection and Publication: These forms will be returned by project directors on a flow basis.

(h) Consultations Outside the Agency: This form was discussed in a conference with all Biomedical Sciences Project Directors who were given opportunities to voice their opinions on the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981–82. An estimated breakdown by respondent type for program year 1961–62 is given below:

Respondent type	Number	Estimate of average persons-hours
Colleges and universities	12	4

(j) Sensitive Questions: The Report on Former Biomedical Sciences Students will collect information on individual students. This information is protected under the Privacy Act of 1974. The type of data includes: Name and Information relating to educational status.

Full acknowledgement of the responsibility involved in collecting this information has been made and a formal policy established. It will be official policy to include in all guidelines, manuals and other pertinent program documents the following statement:

"Information or records relating to individual students or group(s) of students who are participating or have participated in Biomedical Sciences projects shall not be disclosed to any person, group, agency or organization without the express permission of the Chief, Information Systems and Program Support Branch, Division of Student Services, U.S. Department of Education. When a project or contract terminates, all Biomedical Sciences Records in possession of the project or contractor shall be disposed of only by the authority of and in accordance with procedures approved by the Director, Division of Student Services."

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be about $2,000. This estimate includes printing and mailing costs, as well as expenses associated with data handling—edit, keypunch and computer input. In addition manpower expense is estimated to be $100.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* This report will be used in evaluating the effectiveness of individual projects as well as the effectiveness of the Biomedical Sciences program as a whole. The data will provide significant quantifiable measures of program success. The data summarizations, which will draw upon data from this form, will provide information to be used in program accountability, program evaluation and any other area where some type of assessment of Biomedical Sciences program activities is required.

(m) Method of Analysis: Data will be summarized by project, and by national totals. Proposed methods of analysis include: correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) Provide for making such reports as the Secretary may require to carry out his functions.

(o) Timetable for Dissemination of Collected Data: The Biomedical Sciences Project Summary, which will draw upon data from the Reports on Current and Former Biomedical Sciences Students and the Certification Report, will serve as a data base for information on students assisted. The report, which will be available in October, will be used for in-house purposes. Information will be disseminated from it as data is requested.

(p) Estimate of the total Person-Hours and Costs Required To Complete the Request: It is estimated that 12 grants will be funded and that each project will require an average of 4 hours to complete the reports. A total of 48 person-hours will be needed to complete the reports at a total estimated cost of $600.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/ Information Systems Section, U.S. Department of Education, Room 3514, ROB–3, 7th and D Streets SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome aboard letter" will be mailed to project directors at the beginning of the project year along with copies of the reports that will be required to be filed. The letter will indicate the names and telephone numbers of individuals who can answer any questions. Each year workshops will be held for project directors in which the report forms will be thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Since data will be gathered on a flow basis as students enter the program there is not one specified due date.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Biomedical Sciences Performance and Financial Status Report.

(b) Name of the Sponsoring Agency/ Bureau-Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 822.

(d) Justification: (1) Pub. L. 95–561—November 1, 1978 states that the purpose of the Biomedical Sciences Program is to: Introduce secondary

students from an economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

Regulations for the Biomedical Sciences Program are contained in 34 CFR Part 647.

In accordance with Subparts I and J of 34 CFR Part 74, certain programmatic information from every Biomedical Sciences project is required on an annual basis. In addition, Standard Form 269 is included in order to report on a project's financial status.

(2) The Performance and Financial Status Report will be used almost exclusively by ED project and grants officers to monitor individual Biomedical Sciences projects. The Performance Report will be used by project officers to monitor program-related activities, while the Financial Status Report is used by grants officers to monitor the financial and business aspects for each grant.

(3) There is no similar data already available in the subject field which could be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to the Performance and Financial Status Report will be Biomedical Sciences Project Directors. In program year 1981–82 an estimated 12 Biomedical Sciences grants will be funded.

(2) A data preparation contractor, will be responsible for mailing report forms, logging in and editing reports, keypunching, and compiling data. The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive material, and

Report	Form	Period covered	Due date	Projects required to report
Annual (Projects *not* in the final year)				
Performance		Beginning to end of budget year just completed	90 days after end of budget period	Projects not in the final year.
Financial Status	269	Beginning to end of budget year just completed	90 days after end of budget period	Projects not in the final year.
Final (projects in the final year)				
Performance		Beginning to end of budget period just completed	90 days after end of budget period	Projects in the final year.
Financial	269	Cumulative for entire multiyear grant period	90 days after end of budget period	Projects in the final year.

(2) There will be no publication of the results of this report.

(h) Consultations Outside the Agency: This form was discussed in a conference with all Biomedical Sciences Project Directors who were given the opportunities to voice their opinions of the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981–82. An estimated breakdown by respondent type for program year 1961–62 is given below:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	12	4

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be about $275. This estimate includes printing and mailing costs. In addition, manpower expense is estimated to be $50.

(l) Detailed Justification of How Information Once Collected Will Be Used: The proposed data acquisition activity will be used: (1) In assessing individual project accomplishments of program goals; (2) in compliance enforcement by determining if grant conditions were met; and (3) in determining accountability of funds.

(m) Methods of Analysis: Information collected from this form will not be aggregated.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (l) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) Provide for making such reports as the Secretary may require to carry out his functions.

Administrative authority comes from § 75.720 of Education Department General Administrative Regulations which states:

"(a) This section applies to the reports required under Subpart I (Financial reporting) and J (Performance reporting) or Part 74 of this title.

"(b) A grantee shall submit these reports annually, unless the appropriate official of the Education Department allows less frequent reporting."

(o) Timetable for Dissemination of Collected Data: Information from reports will be available in December of each year. There will be no dissemination other than in-house distribution among Department of Education Project Officers.

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(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The estimated average person-hours per respondent is 4 hours. It is estimated that 12 grants will be funded which would require a total of 48 person-hours to complete the reports at a total estimated cost of $600.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/ Information Systems Section, U.S. Department of Education, Room 3514, ROB–3, 7th and D Streets, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome aboard letter" will be mailed to project directors at the beginning of the project year along with copies of the reports that will be required to be filed at the end of the project year. The letter will indicate the names and telephone numbers of individuals who can answer any questions. Each year workshops will be held for project directors in which the report forms will be thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Date will be collected on a staggered basis depending on project expiration dates and will take place from May thru December. Project directors will be sent copies of the reports at the beginning of the project year and will be notified when they will be due. Report forms will be sent again to all project directors six weeks before they are due.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Date Activity Plan Summary

(a) Title of the Proposed Activity: Biomedical Sciences Program Certification Report.

(b) Name of the Sponsoring Agency/ Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services.

(c) Agency Form Number: ED 823.

(d) Justification: (1) Pub. L. 95–561—November 1, 1978 states that the purpose of the Biomedical Sciences Program is to: Introduce secondary students from and economically disadvantaged background to the challenges, opportunities, and needs of serving in communities which have a need for professionals trained in the biomedical sciences and which have an underrepresentation of individuals from such a disadvantaged background serving as medical professionals.

This report is necessary to determine if students are meeting the eligibility requirements of the program and if the projects are meeting the student retention requirements as stated in the regulations. The regulations for the Biomedical Sciences Program are contained in 34 CFR Part 647.

(2) This report will be used in conjunction with the Current and Former Biomedical Sciences Student Reports to confirm student eligibility for continuation in the project and project eligibility for continuation of funding.

The data summarizations, which will be comprised from data collected from this form and from both the Current and Former Biomedical Sciences Student Reports, could be assembled on a project as well as a program basis. They will then be used to estimate a particular project's performance, as well as to measure general program success.

Besides program and project management functions and performance measurements, these data summarizations will provide information to be used in program accountability, program evaluation and any other area where some type of assessment of the Biomedical Sciences program activities is required.

Data from these reports will also be used by the Department of Education to respond to various ad hoc inquires concerning the program, its participants, and its achievements.

(3) There is no similar data already available in the subject field which can be used for these purposes.

(e) Description of Survey Plan: (1) The respondents to this report will be Biomedical Sciences Project Directors. An estimated 12 Biomedical Sciences projects will receive grants in the program year 1981–82 and will be required to respond to this form.

(2) The data collected from this report will be handled by a data collection contractor whose responsibilities will include:

(a) Data acquisition and preparation.
(b) Computer input and update.
(c) Maintenance of school files.

The contractor will be made aware of the impact of the Privacy Act of 1974 on the handling of ED data, and will be in full compliance with it. Strict confidentiality will be observed in the processing and filing of sensitive material, and reproduction of such material will be performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, will be referred to ED.

(f) Tabulation and Publication Plans: The information collected from this report will be used in conjunction with information which will be collected from the two other individual student data reports, the Reports on Current and Former Biomedical Sciences Student. The data from these reports will provide data summarizations, statistical reports, and students rosters. It is noted that this form will be used more as a programmatic record-keeping device than as a true survey document, and thus does not fit neatly into the requirement for a statement of tabulation and publication plans.

(g) Time Schedule for Data Collection Publication: Data from this report will be collected annually and will be due in August.

(h) Consultations Outside the Agency: (1) This form was discussed in a conference with all Biomedical Sciences Project Directors who were given opportunities to voice their opinion on the form.

(i) Estimation of Respondent Reporting Burden: It is estimated that 12 Biomedical Sciences projects will be funded for program year 1981–82. An estimated breakdown by respondent type for program year 1981–82 is given below:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	12	.25

(j) Sensitive Questions: The report will collect information on individual students. This information is protected under the Privacy Act of 1974. The type of data includes:

—Name and social security number.
—Information relating to satisfactory completion of requirements for continuation in the Biomedical Sciences Program.
—Attendance in summer program.

Full acknowledgement of the responsibility involved in collecting this information has been made and a formal policy established. It is now official policy to include in all guidelines, manuals and other pertinent program documents the following statement:

"Information or records relating to individual students of group(s) of students who are participating or have participated in Biomedical Sciences projects shall not be disclosed to any person, group, agency or organization without the express permission of the Chief, Information and Program Support Branch, Division of Student Services, U.S. Department of Education. When a project or contract terminates, all Biomedical Sciences Records in possession of the project or contractor shall be disposed of only by the authority of and in accordance with procedures approved by the Director, Division of Student Services."

(k) Estimate of Cost to Federal Government: It is estimated that the annual cost of this form will be $275. This estimate includes printing and mailing costs, as well as expenses associated with data handling—edit, keypunch, and computer input and output. In addition manpower expense is estimated to be $50.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report will be used in measuring project accomplishments, assessing program effectiveness, and in obtaining information on project retention.

(m) Methods of Analysis: The data from this report will be used in conjunction with the Reports on the Current and former Biomedical Sciences Student in updating the student records. The summarizations of the student records will be aggregated by project and national totals. Proposed methods of analysis of the summarizations include: Correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) provide for making such reports as the Secretary may require to carry out his functions.

(o) Timetable for Dissemination of Collected Data: data collected from this report will be available in October and will be used for in-house purposes. Information will be disseminated from it as data is requested.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that 12 grants will be funded and each project will require an average of .25 hours to complete the report. A total of 3 person-hours will be needed to complete the reports at a total estimated cost of $40.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialists, ISPSB/ Information Systems Section, U.S. Department of Education, Room 3514, ROB–3, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Same as other Biomedical Sciences Reports.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: This report will be mailed to project directors at least 6 weeks before it is due. Since the form requires only 15 minutes to complete, there should be sufficient lead time.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is justifiable as it would minimize the burden for the college registrars to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Report of the Treasurer: Morrill-Nelson Funds—Aid to Land-Grant Colleges.

(b) Name of the Sponsoring Agency/ Bureau/Office: Department of Education, Office of Postsecondary Education.

(c) Agency Form Number: ED 1275.

(d) Justification: Funds distributed under the Morrill-Nelson Act are to be used for support of instruction in certain curriculum areas. This report is necessary to identify the curriculum fields for which the funds are used and to determine compliance.

(e) Description of Survey Plan: Reports will be required from each land-grant college.

(f) Tabulation and Publication Plans: Tabulation of data will be done by the program office. The findings will be distributed to the President of the land-grant colleges as required by law.

(g) Time Schedule for Data Collection and Publication: Forms will be distributed at the end of the fiscal year. Finished reports will be due December 1. Findings will be distributed May 1.

(h) Consultations Outside the Agency: Representatives of USDA have been contacted to coordinate data collection.

(i) Estimate of Respondent Burden: The respondent burden is estimated to be two hours for preparation of the report.

Respondent type	Number	Estimate of average person-hours
Land-grant colleges	73	2

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Will Be Used: The data will be used to discover the exact curriculum areas in which instruction is supported and to determine compliance with the statute.

(m) Methods of Analysis: Cross tabulation will present descriptive data as the primary mode of analysis.

(n) Legislative Authority: Section 2 of the Second Morrill Act (7 U.S.C. 324) states that the "treasurers shall be required to report to the Secretary a detailed statement of the amount so received and of its disbursement."

(o) Timetable for Dissemination of Collected Data: See (g).

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: 146 person hours—$1,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of Exact Data Instrument: Copies may be obtained from John E. Donahue, Office of Postsecondary Education, U.S. Department of Education (Room 3717, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement With Respondents: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply: Respondents long experience with this requirement insures that the timetable allows sufficient time to respond.

(u) Specific Justification for Multi-Year Approval: Data is required by statute. The program has been operating since 1890 and is unlikely to cease operation any time in the near future.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Certification as to Use of Federally Assisted Facilities under Title VII, HEA.

(b) Name of the Sponsoring Agency/ Bureau/Office: U.S. Department of Education/OPE/OIS/Academic Facilities Branch Division of Facilities and General Support Programs.

(c) Agency Form Number: ED 1308.

(d) Justification: 1. The information is necessary for the Department of Education to determine whether or not an institution is meeting its facilities

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space utilization requirements for projects funded under Title VII of the Higher Education Act of 1965, as amended.

2. The information will be used only by the Department of Education program to determine that statutory requirements relating to facilities use, are being met.

3. There is no similar data available which can be used for this purpose.

(e) Description of Survey Plan: 1. To gather information related to: (1) The name of the institution, (2) the project number(s), (3) description of the facilities, (4) the utilization of the facilities, (5) the maintenance of the facilities, (6) the equipment in the facilities, (7) insurance coverage, and (8) certification as to the correctness of the statements.

2. The form has been used for several years without any problems. Accordingly, there is no plan for a protest. If an institution fails to respond, the Department of Education, in order to meet its obligation in administering the Title VII program, would need to obtain the information in some other manner, such as through an on-site visit.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: 1. The form is used on a selective basis, as determined by the Department of Education. It is used at least once every five years, but no more often than once every year, during the 20-year period of Federal interest.

2. There are no published results. The information is used only by the Department of Education.

(h) Consultations Outside the Agency: 1. No one outside the Department was consulted since only basic, minimum information, necessary to ascertain that statutory requirements are met, is being requested.

2. The information is readily available at the institutions.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	1,800	½

1. Through several years of experience by the Department in working with respondents preparing the information, the Department has determined the estimated average person-hour to be ½ hour.

2. Normally, not much time is needed to gather and compile the data.

3. The reporting burden does not vary to any extent, unless ineligible space utilization is involved. In that case, additional information is required.

(j) Sensitive Questions: Only basic questions relating to space utilization are involved. Thus, there are no sensitive questions.

(k) Estimate of Cost to Federal Government: $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information is used to ascertain whether or not an institution is using Title VII supported facilities in accordance with the statutory requirements during the period of Federal interest.

(m) Methods of Analysis: Only descriptive data concerning facilities space utilization as provided for in the form.

(n) Legislative Authority Specifically Requiring or Allowing the Date Collection: If within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

1. The applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

2. The facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility', unless the Secretary determines that there is good cause for releasing the institution from its obligation; the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility finances with the aid of such grant or grants. (Section 741(b) of Title VII of the Higher Education Act of 1965; Pub. L. 89–329, as amended by Pub. L. 96–374, 20 U.S.C. 1132e).

(o) Timetable for Dissemination of Collected Data: The information is used only by the Department of Education. There is no dissemination of collected data.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: $2,700 for 900 person-hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A, since the forms are used by the Department of Education on a selective basis.

(r) Copy of the Exact Data Instrument: Thomas F. McAnallen, Chief, Academic Facilities Branch, Office of Institutional Support, Office of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Continuous contacts, over a period of years, have been made with respondents who are asked to prepare the information.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: N/A, since respondents are selected on a random basis.

(u) Specific Justification for a Mult-Year Approval: There is a 20 year period of Federal interest. Accordingly, a multi-year approval is a must.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status and Performance Report for Community Service and Continuing Education Programs, Title IA, HES (State Grant Program at designated State Agency).

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Higher and Continuing Education, Community Service and Continuing Education Branch.

(c) Agency Form Number: ED 3092.

(d) Justification: Pub. L. 89–329, Section 105(a); 20 U.S.C. 1005; Sec. 113(b); 20 U.S.C. 1013.

(1) Funds will be expended solely for community service and continuing education programs including resource materials sharing programs; (Sec. 105(a)(2), HEA).

(2) Funds will be used not to supplant State and local funds or funds of institutions of higher education, but to supplement and increase the amounts of such funds; (Sec. 105(a)(4), HEA).

(3) There will be fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State; (Sec. 105(a)(5), HEA).

(4) It is required that each State after the end of any fiscal year submit a report on the use of Federal funds in that State under any applicable program for which the State is responsible for administration; (Sec. 437(a) of Pub. L. 93–380, General Education Provisions Act).

(5) At the end of each fiscal year for which money has been received the State will submit a list of the programs or projects assisted and a brief description on the project's purposes; (Sec. 113(b), HEA).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Yearly recordkeeping requirement as of December 31 each year.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Postsecondary education Commission or universities	[1]55	[2]16

[1] One per State.
[2] Per State.

(j) Sensitive Questions: None

(k) Estimate of Cost to Federal Government: $5,800.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program management; determining the use of funds, assuring compliance with the legislation requirements for matching funds, supplementing rather than supplanting of funds, and assessment of new, expanded or improved community service and continuing education programs, including resource sharing programs.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

". . . Federal funds made available under this title will be so used as not to supplant State or local funds, . . . but to supplement and, to the extent practicable, to increase the amount of such funds that would in the absence of such Federal funds be made available . . ." Sec. 105(a)(4), Pub. L. 89–329.

". . . Such Fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State . . . under this title." See 105(a)(5).

". . . funds paid to the State . . . will be expended solely for community service programs and continuing education programs . . ." Sec. 105(a)(2), Pub. L. 89–329, (20 U.S.C. 1005).

". . . The Secretary shall require that each State submit to him . . . a report on the uses of Federal funds in that State under any applicable program . . ." Sec. 437(a), Pub. L. 93–380.

". . . A State shall submit . . . at the end of each fiscal year for which sums have been received a list of programs assisted under this part, a brief description of the purposes of the programs, and an analysis of the relationship between the grants and contracts awarded under this part and comprehensive statewide planning for postsecondary education." Sec. 113(b), Pub. L. 89–329, amended by Pub. L. 96–374; (U.S.C. 1013).

(o) Timetable for Dissemination of Collected Data: Section 437(b) of the General Education Provision Act, Pub. L. 93–380 as amended (88 Stat. 571) states ". . . On or before March 31 of each year, the Secretary shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilaton of data derived . . ." Section 422(b) of GEPA also states that ". . . The Secretary's report shall be submitted to the Congress no later than June 30 of each calendar year . . ." Data is made available to the States and others at that time.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 880. Total of $27,500 nationwide for 55 States and Territories.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Form may be obtained from: John D. Adams, CSCE Branch, Office of Higher and Continuing Education, Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Telephone contacts, and personal conversations with CSCE State Program Administrators plus mailout of form including instructions no less than thirty days prior to the end of the fiscal year.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Discussions with each State Agency has prepared them for planning and completing their financial information, statistical data and evaluation of operations. This report is due 90 days after the end of the fiscal year as required by statute, or December 31 of each calendar year.

(u) Specific Justification for a Multi-Year Approval: Due to the routine nature of the form and its data, the consistency of the request, and the successful use of the form in the past coupled with the law requiring the information, a multi-year approval should be made. Such a standardization indicates to the State agencies what information to collect in advance and leads to a much better relationship due to familiarity with the data collection form.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Applications for Grants Under Indian Education Program (new applications only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: Ed Form 267.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Indian tribes and organizations	225	100
Institutions and Higher Education	25	100

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost To Federal Government: $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final grantee selection and to determine the amount of grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 3385(c), (f)(1))

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(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 25,000 person hours at a cost of $250,000 will be required.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Education Program (noncompeting continuations only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 267–1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Indian tribes and organizations	35	40
Institutions of higher education	5	40

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justifications of How Information Once Collected Will be Used: Applications will be reviewed by personnel in the Department of Education to make determinations on whether or not to continue funds for multi-year grants and to determine the amount of funds to be awarded for the second and third years of those grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 3385(c), (f)(1))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 1,600 person hours at a cost of $16,000 will be required.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status Report, Indian Education.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED 354.

(d) Justification: This form is used by Department of Education personnel to determine whether or not grantees have spent funds for budgeted activities and to determine whether or not any grant funds remain unexpended at the end of the budget year.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: This is not a new form and its use is agency-wide.

(i) Estimation of Respondent

Respondent type	Number	Estimate of average person-hours
Local educational agencies	1,151	3
Organizations other than schools or educational agencies	90	3
Colleges and universities	11	3

(j) Sensitive Questions: There are no sensitive questions in this form.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Forms will be reviewed by grant officials in the Education Department to determine whether expenditures have been made in agreed-upon categories and if all funds have been spent. In the case of multi-year grants, any unexpended funds will be subtracted from the next award. In the case of grants that have expired, instructions will be sent to the grantees on how to return unexpended funds to the government.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Grant applications "shall . . . (7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require . . ." (Pub. L. 92–318, Part A, Section 305(a)).

"§ *100a.720 Financial and performance reports.* (a) this section applies to reports required under 45 CFR Part 74, Subpart I (financial reporting) and Subpart J (performance reporting). (b) A grantee shall submit these reports annually, unless the appropriate official of the Education Division allows less frequent reporting." (45 CFR 100a.720)

(o) Timetable for Dissemination of Collected Data: Reports are generally due each September 30. They are not disseminated outside the Department.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request:

Person-hours and cost

3,750 ..... $37,500

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Indian Education, U.S. Department of Education, 400 Maryland Ave., SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondents have been using this form for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Grantees have 90 days after the end of each grant period to submit reports.

(u) Specific Justification for a Multi-Year Approval: This is a routine administrative form that is used annually by most Department of Education programs.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Indian Education Annual Grant Performance Report.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED 354–1.

(d) Justification: This form will be used to satisfy the statutory requirement in the Indian Education Act that grantees make an annual report to enable the Department to determine the extent to which funds have been effective in improving educational opportunities of Indian students.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Local educational agencies	1,151	20
Organizations other than schools or education agencies (Indian tribes, Indian organizations, Indian institutions)	90	20
Colleges and universities	11	20

(j) Sensitive Questions: There are no sensitive questions in this form.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information gained from these annual reports will be used by the Department of Education: (1) To determine the extent to which funds have been effective in improving educational opportunities of Indian students; (2) in making decisions about future funding of projects; and (3) in maintaining a data base on the kinds of programs operated and the numbers and kinds of people served for use in policy and budget planning.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Grant applications "shall . . . (7) provide for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served . . ." (Pub. L. 92–318, Part A Section 305(a)).

"§ *100a.720 Financial and performance reports.* (a) This section applies to the reports required under 45 CFR Part 74, Subpart I (financial reporting) and Subpart J (performance reporting). (b) A grantee shall submit these reports annually, unless the appropriate official of the Education Department allows less frequent reporting."

(45 CFR 100a.720).

(o) Timetable for Dissemination of Collected Data: Reports will generally be due September 30 of each year.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request:

Person hours and cost

25,040 ..... $250,400

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Indian Education, U.S. Department of Education, 400 Maryland Ave., SW., Washington, D.C. 20202. (ATTN: P. Mathews).

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondents have been using a Grant Performance Report form for Indian Education Act programs for several years. That form will be modified somewhat to provide more useful information.

(t) Assurance That Repondents Will Have Sufficient Lead Time To Comply With Request: Grantees are required to submit performance reports annually and not later than 90 days after the end of the budget period.

(u) Specific Justification for a Multi-Year Approval: Once revisions are made, this form will be used on a routine basis annually by all grantees under the Indian Education Act.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Preapplication for Federal Assistance (Construction) Pub. L. 81–815. Application for Federal Assistance (Construction) Pub. L. 81–815.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Elementary and Secondary Education/Dvision of Impact Aid/School Construction Branch.

(c) Agency Form Number: ED 355, ED 355–1.

(d) Justification: To be considered for assistance an LEA must file a preapplication. An Applicant whose preapplication is determined to be eligible for funding must file an application.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Priorities are calculated for all eligible pre-applicatiosn received before the cutoff date. Entitlements are incuded in the Annual report.

(g) Time Schedule for Data Collection and Publication: A priority list of eligible applications is updated each year in November or December. The annual report is published in January of each year.

(h) Consultations Outside the Agency: Local educational agencies and State educational agencies are consulted throughout the application process.

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(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
LEA	200	15

(j) Sensitive Questions: None.
(k) Estimate of Cost to Federal Government: $10,000.
(l) Detailed Justification of How Information Once Collected Will Be Used: Program management: Data is used to determine an applicant's eligibility and entitlement.
(m) Methods of Analysis: This program is a formula grant. The percentage of federally connected membership in the local educational agency and the percentage of membership in excess of the rated capacity of the local agency's facilities yields a priority.
(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "No payment may be made to any local educational agency under this Act except upon application therefore . . ."

(Pub. L. 81-815, Sec. 6(a)) (20 U.S.C. 636)

(o) Timetable for Dissemination of Collected Data: Annual report containing grants made during the year is published in January. Applicants who have timely filed a preapplication (cutoff dates are normally in August) are informed of eligibility in September or October.
(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

Person-hours and cost

3,200 ..... $32,000

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Application the Data: Application forms are required by law.
(r) Copy of the Exact Data Instrument: Copies may be obtained from William W. Chase, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.
(s) Brief Account of Early Involvement and Communications With Respondent Populations: This program has been in operation since 1950. Contact with State Educational agencies and local educational agencies is well established and has operated reasonably smooth over the years. Initial contact with new applicants typically involves them calling us for information.
(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: A new cutoff date for the receipt of applicatons will be published in the **Federal Register** in the spring. Cutoff dates usually are in August. Most applicants have filed for assistance previously and have an ongoing relationship with this program.
(u) Specific Justification for a Multi-Year Approval: This is a routine application form required by law as the basis for a grant.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Standard Application (Nonconstruction) for Migrant Education Program, Title I, ESEA.
(b) Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.
(c) Agency Form Number: ED 362.
(d) Justification: Sec. 141. (a) Entitlement.—"A State educational agency or a combination of such agencies shall, upon application, be entitled to receive a grant for any fiscal year under this part to establish or improve, either directly or though local educational agencies, programs of education for migratory children of migratory agriculture workers or of migratory fishermen which meet the requirements of section 142."
"Sec. 142. (a) Requirements for Approval of Application.—The Secretary may approve an application submitted under section 141(a) * * *.

(20 U.S.C. 2761-2763 Pub. 93-380 as amended by Pub. L. 95-561)

(e) Description of Survey Plan: Not applicable.
(f) Tabulation and Publication Plans: Not applicable.
(g) Time Schedule for Data Collection and Publication: Not applicable.
(h) Consultations Outside the Agency: Not applicable.
(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average man-hours
State education agencies	49	20
Local education agencies	1200	20

(j) Sensitive Questions: Not applicable.
(k) Estimated of Cost to Federal Government: $2,000.
(l) Detailed Justification of How Information Once Collected Will Be Used: This information will be used to determine grant eligibility and compliance with applicable regulations.
(m) Methods of Analysis: Not applicable.
(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:
(1) Legislative Authority—see item (d). (Sec. 141(a) of the Elementary and Secondary Education Act, as amended by Pub. L. 95-561, 20 U.S.C. 2761-2763).
(2) Regulatory Authority—"To receive a grant, an SEA shall submit to the Secretary as application * * * (45 CFR 116d.3 ESEA, Title I Migrant Education Program Regulations November 13, 1978).
(o) Timetable for Dissemination of Collected Data:
Date of Availability: October 1, 1981.
Method of Dissemination: (1) Each State education agency will conduct a 30 day comment period on the State application prior to submittal to the U.S. Department of Education. (2) Completed ED 362's will be available for perusal upon request.
Data to be disseminated: All respondents will be required to provide information requested on the standard non-construction application for Federal assistance, including the standard face page SF-242. Part IV, the Program Narrative incorporates requests for information based on statutory and regulatory needs.
(p) Estimate of Total Person-Hours and Costs Required To Complete the Request:

Respondent	Person-hours	Cost
State education agency	980	$16,240
Local education agency	24,000	285,000

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.
(r) Copy of the Exact Data Instrument: Copies may be otained by contacting the Office of Migrant Education, 400 Maryland Avenue, SW., ROB-3-3608, Washington, D.C. 20202, Mr. Vidal A. Rivera, Jr., Deputy Assistant Secretary.
(s) Brief Account of Early Involvement and Communication With Respondent Populations: Not applicable.
(t) Assurance That Responents Will Have Sufficient Lead Time To Comply With Request: A Notice of Closing Date was published on December 23, 1980 in the **Federal Register** indicating that State application should be received by the Office of Migrant Education on or before April 15, 1981 for migrant education programs beginning in July or October 1981. An applicant may request a waiver of the closing date with a written justification for the change.
(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for disaster assistance under section 7 of Pub. L. 81-874.
(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Elementary and Secondary Education.
(c) Agency Form Number: ED-423.
(d) Justification: By law, disaster assistance to an LEA can be provided only after the submission of an application.
(e) Description of Survey Plan: Not applicable.
(f) Tabulation and Publication Plans: Number of applications and funds obligated by State are published in the annual report titled "administration of Pub. L. 81-874 and 81-815".
(g) Time Schedule for Data Collection and Publication: Data collected during fiscal year and published in the annual report the following September.
(h) Consultations Outside the Agency: None.
(i) Estimation of Respondent Reporting Burden

Respondent type	Number	Estimate of average person-hours
LEA	150	1

(j) Sensitive Questions: None.
(k) Estimate of Cost to Federal Government: $3,000.
(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* Determination of grant eligibility and amount of grant award.
(m) Methods of Analysis: Not applicable.
(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Secretary in accordance with the regulations prescribed by him".

(Pub. L. 81-874, Sec. 7) (20 U.S.C. 241-1)

(o) Timetable for Dissemination of Collected Data: See items (f) and (g)
(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

150 person-hours $1,500

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.
(r) Copy of the Exact Data Instrument: Copies may be obtained from William W. Chase, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Washington, D.C., 20202.
(s) Brief Account of Early Involvement and Communications With Respondent Populations: Meetings have been held with representatives of State educational agencies to familiarize them with the program and the application form used.
(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Applications are received as disasters occur.
(u) Specific Justification for a Multi-Year Approval: Legislative authorization for program extends through September 30, 1983. Form has been used successfully in the past.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Education Program, (New applications only).
(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.
(c) Agency Form Number: ED Form 444.
(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.
(e) Description of Survey Plan: Not applicable.
(f) Tabulation and Publication Plans: Not applicable.
(g) Time Schedule for Data Collection and Publication: Not applicable.
(h) Consultations Outside the Agency: Not applicable.
(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Indian Tribes and organizations	50	100

(j) Sensitive Questions: There are no sensitive questions.
(k) Estimate of Cost to Federal Government: $1,000.
(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final grantee selection, and to determine the amount of grants.
(m) Methods of Analysis: Not applicable.
(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.
(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 5,000 person hours at a cost of $50,000 will be required.
(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.
(r) Copy of the Exact Data Instrument: Copies may be obtained from the sponsor: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.
(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.
(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.
(u) Specific Justification for a Multi-Year Approval: Forms have been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under the Indian Education Program, (noncompeting continuations only).
(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

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(c) Agency Form Number: ED Form 444–1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Indian Tribes and organizations	25	80

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $100.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by personnel in the Department of Education to make determinations on whether or not to continue funds for multi-year grants and to determine the amount of funds to be awarded for the second and third years of those grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs required To Complete the Request: A total of 1,000 person hours at a cost of $10,000 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Forms have been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Fellowship Program (new applications only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 501.

(d) Justification: This is an application form which must be used in order to receive a fellowship under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Individuals	750	5

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final selection of fellows, and to determine the amount of funds for each fellow.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "During the fiscal year ending June 30, 1975, and each of the succeeding fiscal years ending prior to October 1, 1983, the Secretary is authorized to award not to exceed two hundred fellowships to be used for study in graduate and professional programs at institutions of higher education."

(20 U.S.C. 3385b)

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 3,750 person hours at a cost of $3,750 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on how to fill out applications. In addition, respondents have been using this application for serveral years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Forms have been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Indian Fellowship Program (Noncompeting Continuations Applications Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 501–1.

(d) Justification: This is an application form that must be used in order to receive a fellowship under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Individuals	160	2

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $400.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by Department of Education personnel to determine continued eligibility and to determine the amount of money for each fellowship for the coming year.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requring or Allowing the Data Collection: "During the fiscal year ending June 30, 1975, and each of the succeeding fiscal years ending prior to October 1, 1983, the Secretary is authorized to award not to exceed two hundred fellowships to be used for study in graduate and professional programs at institutions of higher education."

(20 U.S.C. 3385b)

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 320 person hours at a cost of $320 will be required.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on how to fill out applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Forms have been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under the Indian Education Act of 1972, Title IV, Part A, Grants to Local Educational Agencies, CFDA 84.060 (New Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 736.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimation of average person-hours
Local educational agencies	801	50

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost To Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: These applications will be reviewed by Department personnel to determine eligibility for entitlement grants under Part A of the Indian Education Act. The review will determine eligibility of applicant, eligibility of proposed activities, and amount of grant.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetale for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

Person-hours and costs

40,050 ..... $400,050

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been successfully used in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under the Indian Education Act of 1972, Title IV, Part A, Grants to Local Educational Agencies, CFDA No. 84.060 (Continuations Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 736–1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

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Respondent type	Number	Estimation of average person-hours
Local educational agencies	350	10

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by Department personnel to determine what changes, if any, have been made in the three-year approved program, to recommend continuation for the second or third year of a multi-year grant, and to determine if any funds from the previous year are expected to be left over.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary."

(20 U.S.C. 241dd(a))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

Person-hours and costs

3,500 ..... $35,000

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Adult Indian Education Program. (New Applications Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency form Number: ED Form 737.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Indian tribes and organizations	110	100

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $1,000.

(l) Detailed Justification of How Information Once Collected will be Used: Applications will be read and evaluated by panels of field readers who will score each application on the basis of published selection criteria. Applications will also be reviewed by Department personnel to determine eligibility, to make final grantee selection, and to determine the amount of grants.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 1211a(b), (d))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and costs Required to Complete the Requirements: A total of 11,000 person hours at a cost of $110,000 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Compy With Request: Application form will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Adult Indian Education Program (Noncompeting Continuations Only).

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Ofice of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 737–1.

(d) Justification: This is an application form which must be used in order to receive a grant under the Indian Education Act.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Indian tribes and organization	31	40

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of How Information Once Collected Will Be Used: Applications will be reviewed by personnel in the Department of Education to make determinations on whether or not to continue funds for multi-year grants and to determine the amount of funds to be awarded for the second and third years of those grants.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Secretary."

(20 U.S.C. 1211a(b), (d))

(o) Timetable for Dissemination of Collected Data: Data is not disseminated outside of agency.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 1,240 person hours at a cost of $12,400 will be required.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Mathews, Department of Education, Office of Elementary and Secondary Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Indian Education has held numerous technical assistance workshops on developing applications. In addition, respondents have been using this application for several years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Application forms will be mailed to respondents at least 60 days prior to the application deadline.

(u) Specific Justification for a Multi-Year Approval: Form has been used successfully in the past. No changes are anticipated.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Survey of ESAA Project Directors for the Study: "Analysis of EISAA-Funded Activities and Establishment of an ESAA Management Information System."

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Program Evaluation.

(c) Agency Form Number: ED 824.

(d) Justification: The Emergency School Aid Act (ESAA) program was substantially modified by Pub. L. 95–561 in 1978 and by subsequent regulations. With funding of FY 1980 ESAA projects, the provisions of the amended Act and new regulations have been fully implemented. One of the two major parts of this study seeks to describe the various types of activities that have been recently funded and how the funded activities are related to the educational needs of desegregating school districts. This information will be used to assess the influence of the changes in the Act and regulations on the characteristics of funded projects in preparation for reauthorization hearings in 1982. In the other major part of the study, the information will form the basis of an ESAA Management Information System (MIS) to be used for ongoing ESAA program management.

(e) Description of Survey Plan: Information will be collected primarily from Federal program documents. Two surveys will be employed to verify and supplement this information. The first is a telephone survey of a sample of FY 1981 ESAA Project Directors to determine the reliability and accuracy of information collected from Federal program documents and the differences between implemented vs. proposed ESAA projects. The universe of respondents consists of each Project Director for every FY 1981 ESAA-funded project—approximately 485 individuals. Survey respondents will be selected by a stratified random sampling plan which seeks to restrain 95% confidence limits of proportions to ±10 percent in each of three strata. The resultant sampling fraction will be approximately 50 percent. The telephone survey will be pretested on a sample of three Directors of FY 1980 ESAA projects.

The second survey to provide supplemental information will consist of unstructured and open-ended personal interviews conducted on-site with school district staff and community members associated with ESAA projects in a sample of 16 of the school districts with FY 1981 ESAA projects. The school districts will be selected by a quota sampling plan to ensure that the selected districts provide at least minimum representation on demographic factors, grant category and desegregation plan characteristics. The unstructured interviews will seek information on the factors that influenced the development of the school district's ESAA application, and local perceptions of educational needs arising from desegregation, the purposes of ESAA and the changes in the Act and regulations. Respondents within each site will include the ESAA Project Director, Superintendent or Associate Superintendent, a few principals and teachers associated with the ESAA project, ESAA community Advisory Board members and others associated with implementation of the school district's desegregation plan.

All personal interviews will be confidential. Reports of responses will not identify individuals nor case study sites by name. All coded data will be stored on computer tapes and delivered to the Department of Education at the completion of the study.

(f) Tabulation and Publication Plans: All data collected will be processed and analyzed by the contractor. The telephone survey data will be employed to construct individual profiles of FY 1981 ESAA projects and aggregate profiles of ESAA projects by various factors. The aggregate profiles will primarily consist of statements of the proportions of projects with specific characteristics and of the correlations among project characteristics. Estimates of the reliability of Federal program document data will also be summarized. The utility of Federal program document data for ongoing program management will be evaluated on the basis of its statistical reliability.

The qualitative data for each of the 16 case study sites will be summarized in narrative form. The data will be used to illustrate the relationships found in the quantitative data and to identify non-quantative relationships characterizing proposed ESAA project activities, desegregation plan contexts, district educational needs, and changes in the Act and regulations.

A technical report and summary will be prepared by the contractor for the study sponsor. An executive summary of this report will be prepared and disseminated to interested persons, including policymakers and administrators. The executive summary will highlight major findings in a format that is succinct, self-contained and easy to understand.

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(g) Time Schedule for Data Collection and Publication: Data collection for the two surveys will occur in fall 1981. Reports will follow within seven months, in spring 1982.

(h) Consultations Outside the Agency: The study design and instruments were discussed with the study's Advisory Committee consisting of:

Dr. Frank Kovacs, Director of Research Division, National Education Association;
Dr. Edgar Epps, Department of Education, University of Chicago and former member of the Chicago School Board;
Dr. Rachel Tompkins, Citizens Council for Ohio Schools;
Dr. Jose Cardenas, Intercultural Development Research Association, San Antonio, TX;
Dr. Roy Nakawatase, ESAA Project Director, Los Angeles City Schools;
Dr. Joyce Weddington, Division of Research Services, Memphis City Schools;
Dr. William Doherty, Director of ESAA Human Relations Study, Systems Development Corporation, Santa Monica, CA;
Dr. Gregory Anrig, Commissioner of Education, Massachusetts Department of Education; and
Dr. Willis Hawley, Dean, Peabody College of Nashville, TN, and Director of ED Policy Center on Desegregation.

(i) Estimate of Respondent Burden:

Respondent type	Estimated number	Estimate of average person-hours
FY 1981 project directors	240	1.0

The individual respondent burden of 1 hour is the estimated upper limit. Estimates of the individual respondent burden associated with the unstructured personal interviews in the case study sites range from ½ to 2 hours. The lower limit is expected for individuals associated with the school district's plan implementation but only marginally with the ESAA project, while the upper limit is for ESAA Project Directors. The total estimated respondent burden for the 16 case studies is 240 person-hours (15 persons × 16 sites × 1 hour).

(j) Sensitive Questions: There are no sensitive questions in the instruments being submitted nor in the unstructured interviews. Respondents' names will not be identified. Participation is voluntary. No confidentiality problems are anticipated.

(k) Estimated of Cost to Federal Government: The cost of planning, collecting and analyzing the survey data is estimated to be $49,045.

(l) Detailed Justification of How Information Once Collected Will Be Used: The collected data will serve both program management and evaluation purposes. The data will permit conclusions to be drawn regarding the extent to which the changes in the Act and regulations as implemented have generated the results anticipated by Congress in 1978. The study will also allow the identification of possible factors influencing the focus of current ESAA projects and their relationship to "the handling of problems incident to the implementaion of a qualifying plan" (Pub. L. 95–561, Sec. 607(a)(1)).

As a consequence, the information will be useful to program managers in identifying appropriate areas for technical assistance and information dissemination and for formulating recommendations for revisions in regulations or amendments to the statute.

(m) Methods of Analysis: Quantitative data will be analyzed at the school district, state, and national levels. Summary statistics will primarily include measures of proportion. Cross-tabulation will be the primary means for describing interrelationships. Where appropriate and feasible, analysis of variances and discriminant and path analysis will also be employed.

(n) Legislative Authority Specificially Requiring or Allowing the Data Collection: ". . . The Assistant Secretary is authorized to make . . . contracts with . . . private organizations . . . for the purpose of evaluating specific programs and projects assisted under this title" (Pub. L. 95–561, Sec. 613; 20 U.S.C. 3203).

(o) Timetable for Dissemination of Collected Data: Quantitative survey data will be available for dissemination by the project sponsor approximately 8 months after data collection in the form of computer tapes.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond to the telephone survey are estimated to be 240 for a total estimated cost of $3,000.00.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Curtis Groves, Office of Program Evaluation, Department of Education B432, Transpoint Building, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: No involvement has yet occurred with respondent population. However, no later than 1 month prior to the survey, Chief State School Officers in states in which a respondent resides will receive a protocol letter informing them of the purposes and nature of the survey. Similarly, a protocol letter will also be sent to the Superintendents in the school district in which a sampled ESAA project is being conducted.

(t) Assurance That Responsents Will Have Sufficient Lead Time To Comply With Request: The survey will be performed in October and November 1981.

(u) Specific Justification for a Multi-Year Approval: Multi-Year approval is not being requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Review of State-Level Activities Funded Under the Career Education Incentive Act (Pub. L. 95–207).

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education.

(c) Agency Form Number: ED 825.

(d) Justification: Section 14(c) of the Career Education Incentive Act (Pub. L. 95–207) requires that the Department of Education conduct a comprehensive review of the State programs funded under this Act and ". . . submit a report on such review to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources of the Senate by no later than Septermber 30, 1982." In order to fulfill this requirement, the Office of Career Education will conduct a comprehensive review of the Pub. L. 95–207 activities in the participating States. Currently, there is no mechanism nor any date collection activity in place to collect these kinds of data on the implementation of career education activities under Pub. L. 95–207.

This information will serve three purposes:

(1) It will provide a basis for the report which is required to be submitted to the Congress by September 30, 1982.

(2) It will be useful to the Congress in considering what, if any, further legislation is needed regarding career education. (The current legislation under Pub. L. 95.207 will expire on September 30, 1983.)

(3) It will be useful to program managers in the U.S. Department of Education and in the State education Agencies in making administrative

improvements in the implementation of Pub. L. 95–207 for its fifth and final year.

(e) Description of Survey Plan: The respondent universe consists of the District of Columbia, Puerto Rico, and the 47 States which are participating in the career education program under Pub. L. 95–207. The intention is to use the entire universe in collecting the data.

(f) Tabulation and Publication Plans: The date will be tabluated and the report will be prepared, published, and submitted to Congress by September 30, 1982.

(g) Time Schedule for Data Collection and Publication: Data collection will begin in November of 1981 and will be completed by February 1982. Tabulation of data and drafting and clearing of the report will take place between then and April of 1982. The elapsed time between completion of data collection and issuance of the published report (September 30, 1982) will be six months.

(h) Consultations Outside the Agency: In-depth consultations concerning this data collection activity have been held with the following State Coordinators of Career Education who will be among the respondents:

Robert Meyer, Wisconsin; Jack Ford, Ohio; Paul Peters, California; Sadie Chandler, Tennessee; Edward Strack, New York; and Kathleen Conway, Nebraska.

In addition, in a national meeting of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators, the proposed data collection activity was discussed with the entire group. The State Coordinators indicated that they perceived no problems in regard to the availability of records or the reportability of the kinds of data being sought.

(i) Estimation of Respondent Reporting Burden:

Type: SEA Official (The State Coordinator of Career Education).
Number: 49.
Estimated average person-hours per respondent: 2.

Section 8(a)(2) of Pub. L. 95–207 specifies 7 purposes for which SEAs can use funds received under the Act. No SEA is required to address all 7 purposes. Rather, it can choose any combination which best suits its own needs. Therefore, there will be 6 data collection instruments, one addressing each of 5 of the purposes and 1 covering 2 of the purposes which are similar. Based on information presently available, it appears that each SEA receiving Pub. L. 95–207 funds addresses an average of 4 of the 7 allowable purposes. Therefore, on the averge, 3 or 4 data collection instruments would be used by any given State. About 30 minutes are required to complete each instrument, which would involve a maximum of 2 person-hours at each SEA for responding.

(j) Sensitive Questions: There are no sensitive questions in the data collection instruments.

(k) Estimate of cost to Federal Government: The cost of this data collection effort is estimated at $2,760.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary use of the information will be in preparing the report to Congress required under Section 14(c) of Pub. L. 95–207. Different readers of the report will use the information in varying ways. See item (d) above.

(m) Methods of Analysis: Data will be aggregated across all States and the report will include only tabulations and discussions of descriptive data.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: This data collection responds to the reporting required by Section 14(c) of the Career Education Incentive Act, 20 U.S.C. 2813, Pub. L. 95–207. (See item (d)).

(o) Timetable for Dissemination of Collected Data: The completed report will be submitted to Congress by September 30, 1982. The report will also be printed and made available to the public through the Government Printing Office and through the ERIC System.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours required to respond is estimated to be 98 (49 States at 2 hrs. each) at a total person-hour cost estimated to be $1,372 (98 hrs. at $14 per hr.)

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data collection instruments may be obtained from Dr. John Lindia, Deputy Director, Office of Career Education, U.S. Department of Education, Room 3100, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: The proposed data-collection activity was discussed at a national meeting of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators. In addition, in-depth consultations concerning the data collection activity have been held with the State Coordinators of Career Education in Wisconsin, Ohio, California, Tennessee, New York, and Nebraska. None of the officials with whom consultations have been held have perceived any problems with the availability or reportability of the kinds of data being sought.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The States will be requested to report in early December 1981 on activities conducted during the Fiscal Year 1981 which will have ended on September 30, 1981. Since the activities are recorded as they take place, and since most of them will have taken place during the school year 1980–81, which ends in June 1981, there will be ample lead time for response.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Review of a Sample of Local Educational Agency Programs Funded Under the Career Education Incentive Act (Pub. L. 95–207).

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education.

(c) Agency Form Number: ED 829.

(d) Justification: Section 14(c) of the Career Education Incentive Act (Pub. L. 95–207) requires that the Department of Education "conduct a comprehensive review of a random sample of the State programs funded under this Act and submit a report on such review to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources of the Senate by no later than September 30, 1982." In order to fulfill this requirement, the Office of Career Education will conduct a comprehensive review of the Pub. L. 95–207 activities in a random sample of eight States. As part of the comprehensive review, site visits will be made to, and structured information will be collected from, a total of 70 local educational agencies.

This information will serve three purposes:

(1) It will provide a basis for the report which is required to be submitted to the Congress by September 30, 1982.

(2) It will be useful to the Congress in considering what, if any, further legislation is needed regarding career education. (The current legislation under Pub. L. 95–207 will expire on September 30, 1983.)

(3) It will be useful to program managers in the U.S. Department of Education and in the State Education

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Agencies in making administrative improvements in the implementation of Pub. L. 95–207 for its fifth and final year.

Currently, there is no mechanism or no data collection activity in place to collect these kinds of data on the local-level implementation of career education activities under Pub. L. 95–207.

(e) Description of Survey Plan: (1) The potential respondent universe consists of the District of Columbia and the 47 States which are participating in the career education program under Pub. L. 95–207.

(2) The plan calls for the selection of a random sample of eight from the universe of 48 mentioned above (i.e., a 16% sample). Reports currently available to the Office of Career Education indicate that, on the average, each State is awarding 18 grants per year to LEA's to enable them to carry out local-level implementation of career education activities under Pub. L. 95–207. By the school year 1981–82, it is assumed that each State will have awarded three annual rounds of these grants, for a total of 54. Therefore, in the eight States chosen for review, there should be a total of 432 LEA grantees by the school year 1981–1982. The plan calls for taking a random sample of 70 of these LEA grantees (i.e. a 16% sample). Site visits will be made to each of these 70 LEA's in the 8 States, and structured information will be collected at each site.

(f) Tabulation and Publication Plans: The data will be tabulated and the report will be prepared, published, and submitted to Congress by September 30, 1982.

(g) Time Schedule for Data Collection and Publication: (1) Site visits for data collection will begin in November of 1981 and will be completed by April of 1982. Tabulation of data and drafting and clearing of the report will take place between May and August of 1982.

(2) The elapsed time between completion of data collection (April 30, 1982) and issuance of the published report (September 30, 1982) will be five months.

(h) Consultations Outside the Agency: In-depth consultations concerning this data collection activity have been held with the following State Coordinators of Career Education:

Robert Meyer, Wisconsin; Jack Ford, Ohio; Paul Peters, California; Sadie Chandler, Tennessee; Edward Strack, New York; and Kathleen Conway, Nebraska.

In addition, in a national meetng of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators, the proposed data collection activity was discussed with the entire group.

The State Coordinators indicated that they perceived no problems in regard to the availability of records or the reportability of the kinds of data being sought.

In-depth consultations with local-level officials have been scheduled for the first week of January, 1981.

(i) Estimation of Respondent Reporting Burden:

Type	Number	Estimate of average person hours
LEA Official (normally, the LEA's local coordinator of career education)	70	4

Section 8(a)(3) of Pub. L. 95–207 specifies 13 purposes for which an LEA can use funds that it receives under the Act. No LEA is required to address all 13 purposes. Rather, an LEA can choose any combination of the purposes that best suits its own needs. Therefore, there will be 14 data collection instruments, one addressing each of the 13 purposes specified under Section 8(a)(3) and one providing general background information on the LEA and its overall career education effort. Based on information received from the States, it appears that, on the average, each LEA that receives Pub. L. 95–207 funds addresses about seven of the 13 allowable purposes. Therefore, on the average, 8 data collection instruments would be used during the site visit to a typical LEA. These would be the general instrument, plus the 7 instruments dealing with the seven purposes which that LEA had chosen to address. About 30 minutes are required to complete each instrument, which would involve a total of 4 person hours at each LEA.

(j) Sensitive Questions: There are no sensitive questions in the data collection instruments.

(k) Estimate of Cost to Federal Government: The cost of this data collection effort is estimated at $138,288.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary use of the information will be in preparing the report to Congress required under Section 14(c) of Pub. L. 95–207. Different readers of the report will use the information in varying ways. See item (d) above.

(m) Methods of Analysis: The data will be aggregated across the eight States selected for the comprehensive review. It is planned that only tabulations and discussion of descriptive data are to be reported.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The Department of Education "shall conduct a comprehensive review of a random sample of the State programs funded under this Act and shall submit a report on such review" to the Congress. (Section 14(c) of the Career Education Incentive Act, 20 U.S.C. 2613).

(o) Timetable for Dissemination of Collected Data: The completed report will be submitted to Congress by September 30, 1982. It is also planned that the report will be printed and made available to the public through the Government Printing Office. In addition, the report will be made available to interested persons through the ERIC System.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 280, for a total person-hour cost estimate to be $3,780.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data collection instruments may be obtained from Dr. John Lindia, Deputy Director, Office of Career Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: In a national meeting of State Coordinators of Career Education which was held in Washington, D.C. in August of 1980 and which was attended by 45 State Coordinators, the proposed data collection activity was discussed with the entire group.

In addition, in-depth consultations concerning the data collection activity have been held with the State Coordinators of Career Education in Wisconsin, Ohio, California, Tennessee, New York, and Nebraska. In-depth consultations with local-level officials have been scheduled for the first week of January, 1981.

None of the officials with whom consultations have been held have perceived any problems with the availability or reportability of the kinds of data being sought.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The random sample of eight States will be selected in August of 1981, followed immediately by the random selection of 70 LEA's within those States. Thus, by the beginning of the school year 1981–1982, the States and LEA's concerned will know that they are to be involved in the data collection activity. The actual site visits for data collection will begin in November of 1981 and will be completed by April of 1982. This will provide sufficient lead time for the respondents.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Assesment of the Processes and Outcomes of Career Education in Three Local Settings.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education

(c) Agency Form Number: ED 630–1 thru –5.

(d) Justification: Section 10 of the Career Education Incentive Act (Pub. L. 95–207) authorizes The Department of Education to support discretionary projects "to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models." Pursuant to this authority, the Department of Education awarded three contracts, in mid-December of 1980, for the development of exemplary K–12 career education models in the local school districts of Pinellas County, Florida; Upper Arlington, Ohio; and Ceres, California. In order to determine whther or not the career education projects in these three local settings actually do become "exemplary career models," as called for by the Congress, and are, in fact, worthy of emulation by other local school districts, it is necessary for the three projects to conduct a regorous assessment of the processes and outcomes of their career education activities. The three local school districts concerned understand the need for such an assessment, and in the proposals which they submitted in the competitive bidding process for these contracts, they agreed to perform such an assessment. Of course, some of the assessment data to be collected will consist of scores on standardized tests which the local districts routinely administer each year and which do not require clearance. However, other kinds of data which are needed will require the development and use of special data collection instruments for which clearance is required.

As soon as pre-test and post-test data have been collected for the school year 1981–1982, the data will be analyzed to determine whether or not: (a) The career education processes have been faithfully carried out, and (b) the desired student outcomes have been obtained. If the are positive, the data will then be used to prepare submissions to the Joint Dissemination Review Panel (JDRP). If the JDRP approves the submissions, the projects can be officially cited as "exemplary models" and steps can be taken to encourage other local school districts to emulate the models.

(e) Description of Survey Plan: The potential respondent universe consists of students, teachers, school administrators, parents, and individual citizens in Pinellas County, Florida; Upper Arlington, Ohio; and Ceres, California; as well as in three similar schools districts in Florida, Ohio, and California which will be used for comparision purposes. Random sampling will be used to select the respondents, and both pre-test and post-test data will be collected.

The data are to be collected under three Federally-sponsored contracts.

The contractors are:

School Board of Pinellas County, Clearwater, Florida;

Uper Arlington Board of Education, Upper Arlington, Ohio;

American Institues for Research, Palo Alto, California (with sub-contract to Ceres Unified School District of Ceres, California).

Each contractor is responsible for, first of all, conducting a project to demonstrate effective methods and techniques in career education and to develop an exemplary career education model. In addition, each contractor is responsible for developing a plan for assessing the processess and outcomes of career education in the local setting, for collecting and analyzing the assessment data, and, if the data are postive, for preparing and submitting a JDRP submission document for review by the Joint Dissemination Review Panel. The three contractors are committed to protecting the confidentiality of the collected data.

(f) Tabulation and Publication Plans: Tabulation of the data will take place immediately after the post-test results become available in June of 1982. By the Fall of 1982, JDRP submission documents will be prepared and submitted to the Joint Dissemination Review Panel. If the projects are approved by JDRP, summary descriptions of the projects and thier evidence of effectiveness will be published in the annual compilation document entitled *Educational Programs That Work* and will be widely disseminated through the National Diffusion Network. The Office of Career Education will publish and distribute more complete descriptions of the projects and their evidence of effectiveness (providing about 50 pages of information about each project). In addition, each project will submit a full and formal report on the assessment effort, setting forth the data, the findings, the conclusions, and the limitations of their assessment of the effectiveness of the project activities. These full and formal reports will be entered into the ERIC System, where they will be available to researchers and other interested persons.

(g) Time Schedule for Data Collection and Publication: The project as a whole will begin in December of 1980 and will end in December of 1982. The period from December of 1980 to August of 1981 will be used to bring the demonstration project activites into full operation. Pre-test data will be collected at the beginning of the school year in September of 1981 and post-test data will be collected at the end of the year in June of 1982. By September 1982, JDRP submission documents will be prepared and presented to the Joint Dissemination Review Panel; these documents will represent the first official reports on the results of the projects. Thus the elapsed time between the completion of data collection (June 1982) and the issuance of the first reports on the results (September 1982) will be three months. During the Fall of 1982, the results of the projects will also be reported, published, and disseminated in a variety of other ways. See item (f) above.

(h) Consultations Outside the Agency: Consultations have been held with Ms. Myrtle Hunt, Dr. Thomas Tocco, and Mr. John Blank of the Pinellas County School System, with Ms. Nancy Losekamp, Dr. Homer Mincy, Mr. Edward Orazen, Mr. David Shelby, and Ms. Marcia Kepley of the Upper Arlington Public Schools, with Dr. Jack Hamilton and Dr. Steven Jung of the American Institutes for Research, with Mr. Robert Adkison and Ms. Virginia Lish of the Ceres Unified School District, with Mr. Rodger Irvine of the Oakdale Joint Union High School District in California, and with Mr. Edward Lakey of the Worthington City Schools in Ohio. They all expressed agreement with this data collection activity and perceived no problems with regard to availability of records or reportability of data.

(i) Estimation of Respondent Reporting Burden:

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Respondent type	Number	Estimate of average person-hours
School administrators and supervisors	36	4.0
Teachers, elementary/secondary	200	5.0
Students, public elementary/secondary schools	2400	10.0
Parents	300	1.0
Individuals	100	1.0

(j) Sensitive Questions: There are no sensitive questions in the data collection instruments.

(k) Estimate of Cost to Federal Government: The total cost of the three demonstration projects to the Federal Government will be $925,980. However, about 40 percent of this amount will go into operational costs of the project activities. The cost of planning the data collection effort, compiling and analyzing the data, and reporting and disseminating the results will be about $555,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Once the data are collected, they will be used to determine whether or not these three demonstration projects are, in fact, "exemplary career education models" as called for by the Congress. If it is determined that the projects *are* exemplary models, the data will be used to show potential adopters of the models the kinds of outcomes that can be expected from a faithful replication of the project activities.

In the short run, the data will be put to immediate use for presentation to the Joint Dissemination Review Panel, in order to establish the effectiveness of the projects and their eligibility to participate in the National Diffusion Network. In the long run, the data will provide valuable research findings about the effectiveness of a comprehensive career education program when applied in different local settings.

(m) Methods of Analysis: The analyses of outcomes will consist of computing summary statistics and tests of significance comparing changes in the treatment and non-treatment groups over the period of the 1981–1982 school year. Comparisons will be done separately by grade level for each learner outcome measure. In addition, frequencies, cross-tabulations, and percentages will be tallied as measures of process variables.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The Department of Education is authorized to "support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models." (Section 10 of the Career Education Incentive Act, 20 U.S.C. 2809). This data collection activity is necessary to determine whether or not these three demonstration projects are successful in becoming the "exemplary career education models" called for by the Congress.

(o) Timeable for Dissemination of Collected Data: The data will be available for initial use in JDRP presentations by September of 1982. In the Fall of 1982, the data will be published and disseminated through the National Diffusion Network, the ERIC System, and publications distributed by the Office of Career Education. See item (f) above.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours (non-student) to respond is estimated to be 1,544, for a total person-hour cost estimated to be $19,872. Students, 24,000 total hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data collection instruments may be obtained from Dr. John Lindia, Deputy Director, Office of Career Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In order to receive the contracts to carry out these demonstration projects, the three local educational agencies involved submitted proposals in a competitive bidding process. In preparing these proposals, the officials of the local educational agencies discussed the data collection efforts that would be required with building principals, teachers, and community leaders. Each proposal contained letters from building principals, other school administrators, and community leaders agreeing to the proposed data collection efforts and promising to cooperate in the data collection activities.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The contracts for these three projects were awarded in mid-December of 1980. Therefore, the respondents will have ample lead time before the pre-testing which is to start in September of 1981, and the post-testing which is to be conducted in June of 1982.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Activity Report of State Monitoring and Enforcement Efforts, Title I, ESEA.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Compensatory Education.

(c) Agency Form Number: ED 831.

(d) Justification: The Title I statute, Pub. L. 95–561, Sec. 171(b) requires that each monitoring and enforcement plan submitted by a State education agency under this section shall include a report, in such form as the Secretary shall prescribe, of the activities undertaken by the State in the years since the previous plan was filed to carry out its monitoring and enforcement efforts under this Title.

This report will be used by the Office of Compensatory Education, Office of Migrant Education, and the Office of Special Education and Rehabilitative Services to determine what actions have been taken by States to implement the approved monitoring and enforcement plans and a basis for negotiating approval of the plans to be submitted in 1982.

No other similar data are available in the subject field to be used for these purposes.

(e) Description of Survey Plan: Report forms designed to describe monitoring and enforcement activities will be submitted to each State education agency. The State agency will complete the form and submit it with the new plans.

The contractor, AIR, will consult with State officials during the development of the form.

(f) Tabulation and Publication Plan: No publication of these data is planned. Hand tabulation of these data will be made for purposes of determining State technical assistance needs. These data will be used solely for approval of the new plans and for determining technical assistance.

(g) Time Schedule for Data Collection and Publication: The report forms will be provided to the State officials in early September, 1981. The States will be requested to complete the report and return the information to the Department of Education no later than May 15, 1982. The reports will be analyzed and used in negotiation of the new State plans in June, 1982. State plans will be approved in July, 1982 and State technical assistance will be provided in early September, 1982.

(h) Consultation Outside the Agency: A draft report form will be presented to a national meeting of State Title I Directors in March, 1981 for discussion purposes and constructive comments. After the meeting the form will be revised or adjusted taking the comments of the State Directors under advisement. The final report will be presented at a national meeting of State officials in September, 1981 to explain the form and procedures for submitting the report to the Department of Education.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	57	80

The reporting burden is expected to vary considerably because of differences in the size and complexity of the State education agencies. States with few local education agencies to serve and with small staffs and simple organization will require approximately 16 person hours compared to opposite situations which may require 200 person hours.

(j) Sensitive Questions: There will be no sensitive questions in the instrument to be presented. No confidential or personal data will be collected.

(k) Estimate of Cost to Federal Government: $75,000.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program Management:* The information collected will be used to determine the extent the State education agencies comply with the terms of the approved monitoring and enforcement plans and to establish the basis for negotiating the approval of newly submitted plans.

Technical Assistance: The collected information will be used to determine administrative areas for which States need technical assistance.

(m) Methods of Analysis: Each report will be analyzed by the staff who will negotiate the approval of the monitoring and enforcement plans to be submitted in 1982. The data will be aggregated by hand in the Office of Compensatory Education.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Each plan submitted by a State educational agency under this section shall include a report, in such form as the Secretary shall prescribe, of the activities undertaken by the State in the years since the previous plans were filed to carry out its monitoring and enforcement efforts under this title."

(o) Timetable for Dissemination of Collected Data: There are no plans to disseminate the data collected.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 4,800 person-hours for a total cost estimated to be $48,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The instrument will be developed by September 1981. Copies of the instrument will be available after that date from Benjamin F. Rice, Room 3660, ROB No. 3, 7th and D Streets, SW, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The officers of the National Title I Director's Association has been made aware of the plans for developing this report.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The report is due in May or June, 1982. The first draft will be discussed with the respondents in March, 1981 and the final report will be discussed with the respondents in early September, 1981. The respondents will have approximately nine months to collect and report the data.

(u) Specific Justification for a Multi-Year Approval: This report is due every three years and, therefore, multi-year approval is not requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for School Assistance in Federally Affected Areas and Instructions to Applicants.

(b) Name of the Sponsoring Agency/Bureau-Office: Department of Education, Office of Elementary and Secondary Education, Office of Education Support, Division of Impact Aid, Maintenance and Operations Branch.

(c) Agency Form Number: ED Form 4019 (RSF–1).

(d) Justification: Title I of Pub. L. 81–874 authorizes the payment of funds to eligible school districts in federally affected areas which apply for Federal assistance for current operating expenses.

The Act provides that specific groups or specific categories of federally connected pupils are entitled to receive varying percentages of the rate of payment, i.e., Local Contribution Rate. (There are some 16 separately identified categories of pupils.) Five (5) basic tables are used to report pupils claimed. Automatic data processing assists in the placement of pupils claimed in the appropriate federal-connected category. One, or all, tables may be used depending upon the number and types of federally connected children in the school district.

(e) Description of Survey Plans: The information requested is for the purpose of processing applications for Federal funding under Sections 2, 3, and 4 of Pub. L. 81–874, as amended.

(f) Tabulation and Publication Plans: Some of the information contained in the application form will be published in the Secretary's Annual Report to the Congress on the Administration of Pub. L. 874 and 815.

(g) Time Schedule for Data Collection: The application must be filed with the Secretary on or before January 31, of the fiscal year for which the local educational agency is applying for assistance.

(h) Consultation Outside the Agency: No other agencies have been consulted with respect to the application. Revisions required by Acts of Congress dictate the type of information required to fulfill the intent of the law.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Local education agencies	5,000	12

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: Approximately $1.6 million. This estimate is based upon salary and expense projections for the Maintenance and Operations Branch and supporting groups within the Division.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program Management:* The Federal property and membership data which is supplies by the local education agencies is used to determine if the basic eligibility requirements are met and to determine the payments due the applicant agencies.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Sec. 5(a) Any local educational agency desiring to receive payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall

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submit an application therefor through the State educational agency of the State in which such agency is located to the Secretary. Such applications shall be submitted at such time, in such form, and containing such information as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment."

(20 U.S.C. 240(a))

Pub. L. 81–874, as Amended-United States Code 20 U.S.C. 240–45 CFR 115.10—**Federal Register** V. 40, 4/8/75, P 16034.

(o) Timetable for Dissemination of Collected Data: Payments, based upon the data collected, are made by June 30 of the year in which application is made. Some of the data collected is published in the Secretary's Annual Report to the Congress which is generally published a year after the data collection.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: A total of 60,000 manhours is estimated, based upon approximately 5,000 applicants, with an average of 12 hours each required to complete an application. A total cost to the applicants of $300,000 is estimated.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: *Contact:* William L. Stormer, Director, Division of Impact Aid, Room 2107, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Organizations: The respondent organizations (local educational agencies) have been applying for financial assistance under the provisions of Pub. L. 81–874 for 30 years, and the majority of LEAs applying for Pub. L. 81–874 benefits are continuing applicants with whom year-round communication is maintained. All interested LEAs have the opportunity to attend annual State meetings where the program and method of application is explained by Dept. of Education staff members.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The applicant local education agencies must file their applications by January 31 of the fiscal year for which assistance is sought. The forms are supplied in sufficient time to meet this deadline date.

(u) Specific Justification for a Multi-Year Approval: Pub. L. 81–874 was enacted in 1950 and has been administered continuously since that time. The applicant local educational agencies must file ED–4019 (RSF–1) in order to receive payments.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Annual report by an LEA on any contract awarded for construction of a new school building between July 1 and June 30 and the SEA report of minimum school requirements for school construction. (Pub. L. 81–815)

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education/SCB.

(c) Agency Form Number: ED–4038, ED–4038–1.

(d) Justification: Data is used to assist the Secretary in determining the State average per pupil cost of constructing minimum school facilities. The per pupil cost, along with other factors, is used to arrive at a cost of constructing minimum school facilities in a school district which has submitted an application for assistance under Pub L. 81–815.

(e) Description of Survey Plan: See item (a).

(f) Tabulation and Publication Plans: Data is not published.

(g) Time Schedule for Data Collection and Publication: Data is collected each year during the fall.

(h) Consultation Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average-person/hours
LEA	900	1
SEA	50	1

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $2,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program Management:* Data used in determining amount of grant award.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The average per pupil cost of constructing minimum school facilities in the State in which the school district of a local educational agency is situated shall be determined by the Secretary of Education on the basis of the contract cost per square foot under contracts for the construction of school facilities . . ."

(Pub. L. 81–815, Sec. 15(6)) (20 U.S.C. 645)

(o) Timetable for Dissemination of Collected Data: Data is not disseminated.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 350 person-hours; $3,500.

(q) Evidence of Any urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument. William W. Chase, Room 2069, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Make contacts by letter to each SEA annually. Same forms have been used for many years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data is collected annually in the fall.

(u) Specific Justification for a Multi-Year Approval: Legislative authorization for program extends through September 30, 1983. Forms have been used successfully for many years.

Data Activity Plan Summary

(a) Title of Proposed Activity: Institutional Characteristics of Colleges and Universities: 1981–82.

(b) Agency/Bureau/Office: Department of Education/Office of Education Research and Improvement/National Center for Education Statistics/Division of postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency Form Number : ED (NCES) 2300–1.

(d) Justification: The Institutional Characteristics survey collects basic information on all newly accredited institutions of higher education in the United States and Outlying Areas and updates these same items for all other institutions. Data are published annually in the *Education Directory, Colleges and Universities* which has become a standard reference manual for many Federal planners and policymakers as well as others in private agencies and institutions who are concerned with higher education. Published data include information pertaining to the accreditation status of each institution in the Directory.

(e) Description of Survey Plan: The survey forms will be mailed as part of the HEGIS XVI package in May 1981 to all institutions already included in the HEGIS XV survey and institutions newly certified by the Division of Eligibility and Agency Evaluation (DEAE) of the Bureau of Higher and Continuing Education of the U.S. Education Department as eligible for listing in the Education Directory. Followup requests will be made at no more than two-week intervals, with a maximum of three requests. Nonrespondent institutions will be contacted by telephone prior to closeout. Responses will receive a preliminary desk audit before computer processing. Computer edit will then be used to assess the accuracy of data prior to publication.

The following publication is planned: *Education Directory, Colleges and Universities: 1981–82.* For each institution in the Directory, the following information will be provided: Name of institution, location (address including zip code), phone number (including area code), identification of parent institution or system (if applicable), county in which located, Federal Interagency Committee on Education (FICE) identification code, entity number year established, accreditation (including national, professional, and other), control or religious affiliation, sex of student body, calendar system, highest level of offering, types of programs offered, undergraduate tuition and required fees, enrollment as of fall 1980, and finally a list of each institution's chief administrative officers and deans of the schools and colleges.

(f) Tabulation and Publication Plans: In addition to the institutional listings described in (e) above, data will be displayed in tabular format showing the number of institutions of higher education and the number of branches by classification of institution. Classification will be revised to provide users with a more meaningful breakout. New classifications include: doctoral, comprehensive, general baccalaureate, two-year, medical and other specialized. Charts will be designed to reflect the changes in the number of public and private institutions and their branches within the higher education sector over a seven-year time span.

(g) Time Schedule for Data Collection and Publication:

Survey response due date: July 1981.
Survey closeout date: September 1981.
Education Directory to GPO: January 1982.

The results of the survey will be available in the form of a computer tape approximately two months after the closeout of data collection. The *Education Directory* will be published and mailed five months after closeout.

(h) Consultation Outside the Agency: In preparation for each Higher Education General Information Survey (HEGIS), the University and College Surveys and Studies Branch (UCSSB) attempts to ascertain the needs of the postsecondary education institutions and associations as well as State and Federal agencies that utilize the information produced by these surveys. In keeping with this practice, on August 22–23, 1980, UCSSB personnel met with representatives of approximately 40 States and institutions at an NCES sponsored conference for postsecondary education planners. HEGIS coordinators were asked to provide NCES representatives with their data needs and any HEGIS data collection problems they may have encountered. This meeting served as a basis for revisions to the HEGIS package (including the Institutional Characteristics survey and the Directory) and it is assumed that future meetings will provide additional insight and will lead to further improvement in the surveys and the data they provide.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person hours
Colleges & Universities	3,422	0.5

(j) Sensitive Questions: None.

(k) Estimated Cost to the Federal Government: Approximately $241,600.

(l) How Information Collected Will Be Used: The information will be used for policy, planning and analysis by the education community and will provide a basis for further research and development. Information pertaining to the accreditation status of institutions and programs is utilized by both private and governmental agencies for a multiplicity of reasons.

(m) Methods of Analysis: Data will be displayed in tabular format showing the number of public and private institutions of higher education and their branches by classification of institutions, including a comparison of the growth in the number of these institutions over a seven-year span.

(n) Legislative Authority for This Activity: ". . . The (National) Center (for Education Statistics) shall . . . collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States . . ." (Sec. 501. (a) of Pub. L. 93–380; Sec. 406. (G) of the General Education Provisions Act, 20 U.S.C. 1221e–1).

(o) Timetable for Dissemination of Collected Data:

Survey closeout: September 1981.
Tape available: November 1981.
Education Directory to GPO: January 1982.
Directory disseminated: February–March 1982.

(p) Estimate of the Total Person-Hours and Cost Required to Complete the Request: 0.5 hours per institution × 3,422 institution=1,711 hours. Clerical time at $5.00 per hour=$8,555, or $2.50 per institution.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: An exact copy of the survey instrument may be obtained from the Project Officer, Mrs. Susan G. Broyles, Department of Education, Office of Educational Research and Improvement, NCES, DPVES/UCSSB, Room 905—Presidential Building, Prince George's Plaza, 400 Maryland Avenue, S.W., Washington D.C. 20202 (301) 436–6425.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: HEGIS has been the major survey program specifically designed to collect national data on postsecondary colleges and universities. The 1981–82 cycle will be the 16th survey year in which institutional characteristics have been collected from the nation's colleges and universities. In developing this survey program, NCES holds an annual conference with respondents to brief them on completing the survey forms. In addition, the conferences have provided respondents an opportunity to comment on the data collection process, and to suggest changes in the process to improve the utility and feasibility of the HEGIS surveys.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutions are notified one year in advance as to changes in HEGIS surveys and definitions. In addition, the NCES/SHEEO network provides for a direct communication line with institutions as to probable changes to the survey forms.

(u) Specific Justification for a Multi-Year Approval: Recognizing the respondents' need for consistency in reporting practices, no changes to the survey instrument are anticipated. For these reasons, multi-year aproval is requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Post-Survey Validation Study of Higher Education General Information Survey, (HEGIS XIII).

(b) Agency/Bureau/Office: Department of Education/Office of Educational Research and

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Improvement/National Center for Education Statistics/Office of Research and Analysis.

(c) Agency Form Numbers: ED (NCES) 2426.

(d) Justification: The legislative mandate for the study is provided in Section 406(b)(1)(2) of the General Education Provisions Act, as amended. "The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United States and in other nations. The Center shall collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States; conduct and publish report on specialized analyses of the meaning and significance of such statistics; . . ."

(2 U.S.C. 1221e–1) Pub. L. 93–380.

Due to the complex nature of reporting higher education finance data, there exists the possibility of differing interpretations of data items; thus, creating a high potential for errors and discrepancies in the original HEGIS responses. The nature and extent of such errors and discrepancies can only be assessed with defined precision through a statistically oriented validation study such as this one. Through this study, an evaluation of the level of confidence of the HEGIS data can be easily obtained for the first time. NCES, as well as those inside and outside of the Government who are mainly the users of the data, are keenly interested.

A recently concluded survey of HEGIS data indicates that improvement of the accuracy of financial data is of a very high priority. The result of this study will be used to validate financial data collected by HEGIS and to institute necessary improvements in the HEGIS surveys.

(e) Description of Survey Plan: Interviews are to be administered to a sample of 120 institutions, stratified by type and control. They will be selected from the universe of 3,058 institutions that are listed in the NCES Directory of Colleges and Universities.

(f) Tabulation and Publication Plan: Tabulations of analysis results are made in terms of errors, and specifically in terms of gross and net differences.

Three main areas of analyses are institutional, imputational, and editing. By institutional, it is meant the errors that are made by the individuals who are filling out the survey.

These errors include a variety of omissions and commissions, including computational errors, misunderstanding of definitions, incompatibilities of recordkeeping systems, and lack of data availablility. An inputation is a must wherever a nonresponse or a partial response or a partial nonresponse exists.

The results of the entire study, including the tabulation of errors, will be shown in the final report, which is due on June 30, 1981. Briefly, the final report will include:

An abstract stating the purpose and major findings of the study.
Introduction.
Description of precision and accuracy of HEGIS XIII.
Description of sources of errors.
Summary and recommendations.
Appendix.

The Technical Report on the validation study, an official NCES, publication, will become available on November 30, 1981.

(g) Time Schedule for Data Collection and Publication: Data collection begins on January 1, 1981 and ends on March 15, 1981.

(h) Consultations Outside the Agency: Among those consulted were a consultant for the American Association of University Professors (AAUP), the chief business officer at Georgetown University, and the National Association of College and University Business Officers (NACUBO).

Much uses were made of contents in the Manual of American Institute of Certified Public Accountants (AICPA) in formulating the questionnaires. Similar AICPA's Manuals in some past years were used in developing the HEGIS finance nd salary definitions.

NCES/State Postsecondary Education Network provides a communication network among the states organized by State Higher Education Executive Officers (SHEEO) and with NCES.

There remains no disagreement with those consulted.

(i) Estimation of Respondent Reporting Burden:

Respondent	Number	Estimate of average person-hours
Colleges and universities	120	6

(j) Sensitive Questions: No sensitive questions are contained in this post-survey validation study.

(k) Estimate of Cost to Federal Government:

S&E	$42,000
Contract	247,000
Total	289,000

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary purpose of this study is to obtain information in assessing the accuracy of published NCES statistics and identifying areas for improvement within HEGIS. These areas for improvement include HEGIS definitions, editing, imputations, process control, and tabulations.

(m) Methods of Analysis: Three main areas of analyses are institutional, imputational, and editing.

The magnitude of each error or difference derives from the comparison of the HEGIS published data and the newly obtained corresponding reconstructed data.

The tabulations of gross and net errors or differences will be made by error sources, that is, institutional, imputational, and editing for each of the following six categories, i.e., universities—public and private; other 4-year—public and private; and 2-year—, public and private institutions.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See item (d) above.

(o) Timetable for Dissemination of Collected Data: The accuracy statements and the error analyses, the two principal objectives of the validation study, will become available to NCES in the final report, due on June 30, 1981.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: There will be 120 respondents. Each respondent will be administered a two-part interview; on the average, each part will require 3 hours. The total person-hours comes to 720. Per-hour salary of $12.00 will be assumed. The total costs to the respondents will be $8,654.00

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: See item (d) above.

(r) Copy of the Exact Data Instrument: A copy of the data instrument may be obtained from:

Office of the Assistant Administrator for Research and Analysis, National Center for Education Statistics, Room 205, Presidential Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Development and Communications With Respondent Population: NCES/State Postsecondary Education Network provided a communicaiton network among the SHEEO States and with NCES. Through SHEEO some information such as the forthcoming validation study were conveyed to the States. In particular, the members were intersted in the NCES's latest data on the faculty salaries, and fringe benefits.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: At first NCES will inform by letter the HEGIS Coordinator in the respective State agency and the president of each of the 120 institutions of the forthcoming survey. Thereafter, a member of the contractor's staff will telephone each of the respective respondents to discuss the validation study and to arrange for an appointment at a time convenient to the respective officials at the institution.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

[FR Doc. 81-5178 Filed 2-12-81; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

General Exploration Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration, (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: January 9, 1981.

COMMENTS BY: March 16, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On January 9, 1981, the Office of Enforcement of the ERA executed a Consent Order with General Exploration Company, of Dallas, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 or more in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and General Exploration Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with General Exploration Company effective as of the date of its execution by the DOE and General Exploration Company.

I. The Consent Order

General Exploration Company (General) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of General, the Office of Enforcement, ERA and General entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through November 30, 1980, General allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. General and the DOE have agreed to settlement of $100.000. Beginning with January 15, 1981, General shall refund $15,000 per month for six months and shall refund $10,000 on the seventh month. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and General.

3. This Consent Order constitutes neither an admission by General that ERA regulations have been violated nor a finding by the ERA that General has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, General agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1 above, the sum of $100,000 in the manner specified in I.2 above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the General Consent Order". We will consider all comments we received by 4:30 p.m., local time March 16, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

V 46/30 FE 13 81 1 UMI

Issued in Dallas, Texas on the 5th day of February 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-5042 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

Roark & Hooker; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: November 20, 1980.

COMMENTS BY: March 16, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On November 20, 1980, the Office of Enforcement of the ERA executed a Consent Order with Roark & Hooker, of Abilene, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 or more in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Roark & Hooker wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Roark & Hooker effective as of the date of its execution by the DOE and Roark & Hooker.

I. The Consent Order

Roark & Hooker is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Roark & Hooker, the Office of Enforcement, ERA and Roark & Hooker entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through July 31, 1980, Roark & Hooker allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Roark & Hooker and the DOE have agreed to a settlement of $300,000. This amount will be refunded on or before December 15, 1980. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Roark & Hooker.

3. This Consent Order constitutes neither an admission by Roark & Hooker that ERA regulations have been violated nor a finding by the ERA that Roark & Hooker has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Roark & Hooker agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $300,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Roark & Hooker Consent Order". We will consider all comments we received by 4:30 p.m., local time March 16, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 5th day of February 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-5041 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-036; OFC Case No. 55039-2348-01-12]

Brown Co.; Availability of Tentative Staff Determination

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Availability of Tentative Staff Determination.

SUMMARY: On October 15, 1980, Brown Company (Brown) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting one new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's. Rules setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA are contained in 10 CFR Part 500 *et seq.*

The MFBI for which the petition was filed is a field-erected boiler to be constructed at Brown's Berlin, New Hampshire, Kraft Pulp Mill. Brown requested a permanent fuels mixture exemption for the MFBI in order to burn No. 6 oil in a mixture with bark and wood waste generated by Brown's papermaking operation.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made. The analysis recommends that ERA issue an order which would grant the requested permanent exemption to use a mixture of petroleum and wood waste. The petroleum (No. 6 fuel oil) to be used in the unit will not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

DATES: Written comments on the Tentative Staff Analysis are due on or before March 2, 1981. A request to convene a public hearing should be made within the same period.

ADDRESSES: Fifteen copies of written comments on the Tentative Staff Analysis shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, DC 20461. Docket No. ERA-FC-80-036 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653-4226

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653-4477

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-2987

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials is available upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published rules (10 CFR Part 500 *et seq.*) implementing the provisions of Title II of the Powerplant and Industrial Fuel Use Act (FUA or the Act) in the **Federal Register** on June 6, 1980 (45 FR 38276 and 45 FR 38302). Title II of the FUA prohibits the use of natural gas or petroleum in certain new MFBI's unless an exemption for such use has been granted.

Brown Company (Brown) is planning to construct, at its Kraft Pulp Mill in Berlin, New Hampshire, a field-erected boiler which will have a design heat input rate capability of 253 million Btu's per hour, a steam generating capacity of 200,000 pounds per hour, and will be capable of burning petroleum in a mixture with bark and wood waste.

On October 15, 1980, in accordance with 10 CFR 503.38, Brown filed a petition with ERA requesting a permanent fuels mixture order for Boiler No. 14 which would enable Brown to burn a fuels mixture of petroleum and bark and wood waste. ERA accepted the petition and published notice of its acceptance in the **Federal Register** on December 1, 1980 (45 FR 74531). A 45 day public comment period closed January 15, 1981.

ERA's staff had reviewed the information contained in the record of this proceeding to date. Based upon that review, the Tentative Staff Analysis recommends that an order be issued which would grant a permanent fuels mixture exemption for Boiler No. 14 to use a petroleum and wood waste mixture. The recommendation is made with the provision that the amount of No. 6 fuel oil used does not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the MFBI. This Tentative Staff Analysis also takes into account the purposes for which the minimum percentage of petroleum allowed by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, start-up, testing, flame stabilization, and control uses for Boiler No. 14.

This recommendation is based upon the petitioner's demonstration pursuant to section 212(d)(1)(A) and (B) of the Act, that it proposed to use a mixture of petroleum and wood waste as a primary energy source in the installation, and that the amount of petroleum to be used will not exceed 25 percent of the annual Btu heat input of the unit.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption to use a fuels mixture, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Brown provided as a part of its petition a duly executed certification that prior to operating Boiler No. 14 under the requested exemption it will secure all applicable environmental permits and approvals. The Environmental Checklist completed and certified to by Brown pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel. It has been determined that Brown's responses to the questions therein indicate that the operation of the boiler will have no impact on those areas regulated by specified laws that impose consultations requirements on DOE, and otherwise affirm the application of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

Recommended Terms and Conditions

ERA's staff also has tentatively determined and recommends that any order which would grant the fuels mixture exemption to Brown should, pursuant to Section 214 of the Act, be subject to the following terms and conditions:

1. The amount of petroleum used in boiler No. 14 shall not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

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2. In accordance with the reporting requirement in 10 CFR 503.38(g) Brown will submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the boiler being placed in service. The certified statement should contain the following information and be presented in the format below.

Boiler No.	Fuel type	Amount used (tons/bbls)	Percent of annual fuel consumption
14	No. 6 Fuel Oil		
	Bark or wood waste.		

3. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision shall, in accordance with 10 CFR 501.68 and 503.38, be based on the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

ERA will issue a final order granting or denying the permanent exemption from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension together with a statement of reasons for such an extension will be published in the **Federal Register**.

Issued in Washington, DC, on February 8, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-5238 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee, Demand Subcommittee and Subcommittee on Nuclear Energy, Open Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following Subcommittee meetings:

Date and time: The *Demand Subcommittee* will meet Thursday, March 5, 1981, from 10:00 a.m. to approximately 4:00 p.m. in Room 4A110.

The *Subcommittee on Nuclear Energy* will meet Friday, March 6, 1981, from 9:00 a.m. to approximately 5:00 p.m. in Room 1G079.

Place: Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Contact: Rohoda Shechtel, Department of Energy, Forrestal Building, Room 4G052, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202-252-4616.

Purpose of parent committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative agenda:

Demand Subcommittee, March 5, 1981

The Subcommittee will scope the following issues which will be their agenda for 1981:

- Strategies for reduction of oil consumption
- Consuming sectors for near-term petroleum use reduction which offer most promise
- Environmental aspects associated with various power producing technologies
- Examination of regulations which encourage inefficient use of energy

Nuclear Energy Subcommittee, March 6, 1981

- Opening Remarks
- Briefing by DOE Office of Nuclear Energy
- Narrowing and defining scope
- Development of work plan of Subcommittee

Public participation: The meetings are open to the public. Any member of the public who wishes to file a written statement with the Subcommittees will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Members of the public who have not previously requested an opportunity to make an oral presentation, but who wish to speak, will be permitted to do so at a time determined by the Chairperson.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 10, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-5236 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3845-000]

American Hydro Power Co.; Application for Preliminary Permit

February 10, 1981

Take notice that American Hydro Power Company (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)-825(r)] for proposed Project No. 3845 to be known as the B. F. Goodrich Project located on the Perkiomen Creek in Montgomery County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Co., Two Aldwyn Center, Villanova, Pennsylvania 19085. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete gravity dam approximately 8 feet high and 80 feet long; (2) an existing reservoir extending approximately 500 feet upstream; (3) a steel flume to transport water to; (4) a proposed overshot waterwheel to be located on the western bank of the creek, approximately 10 feet downstream of the dam; (5) a 290-kW generator, and (6) appurtenant works. The dam and the western bank of the creek is owned by the B. F. Goodrich Company. The eastern bank is owned by the Catholic Archdiocese of Philadelphia. The project would have a total installed capacity of 290 kW and an average annual generation of 1,270,000 kWh annually.

Purpose of Project—Project energy would be sold to local industrial concerns.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform economic and environmental studies. Depending upon the outcome of the studies, the Applicant would file an application for FERC license. Applicant estimates that the total cost of permit studies would be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3845. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5207 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3705-000]

American Hydro Power Co.; Application for Preliminary Permit

February 6, 1981.

Take notice that the American Hydro Power Company (Applicant) filed on November 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3705 to be known as the Gilpin Falls Project located on Northeast Creek in Cecil County, Maryland. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing dam approximately 150 feet long and 6 feet high; (2) a producing 2.75 acre reservoir with a storage capacity of 8 acre-feet; (3) an upgraded intake structure; (4) an existing concrete penstock 5 feet in diameter; (5) a new steel penstock 1,300 feet long; (6) a reconstructed powerhouse containing two 200-kW turbine/generator units; (7) a new transmission line and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,670,000 kWh.

Purpose of Project—Project power would be sold to the Philadelphia Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and Local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 9, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this

application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3705. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5008 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-12-000]

American McGaw Division; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 6, 1981.

On January 19, 1981, American McGaw Division of American Hospital Supply Corp. filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a topping-cycle cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be entirely owned by the applicant and will be located at the Headquarter's plant of the American McGaw Division, Irvine, California. American McGaw is installing a Solar Centaur turbine generator with a Deltak Heat Recovery Unit. The system will generate 2.8 megawatts of electricity and supply 15,600 pounds per hour of 125 psig process steam. The primary energy source of the facility will be natural gas. The applicant states that it will meet the applicable efficiency standard.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5009 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3905-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

February 6, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3905 to be known as Nelson Creek No. 1 Power Project located on Nelson Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean and Fred G. Castagna, 741 Baker Road, Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a penstock; (3) a powerhouse containing an 800-kW generating unit; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 7,000,000 kWh.

Purpose of Project—The power developed by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would make a geographic study; prepare an environmental impact report; study the economic and financial feasibility; and apply for the necessary permits.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protests or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing application, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3905. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5046 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3908-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

February 6, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3908 to be known as Slate Creek Power Project located on Slate Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean and Fred G. Castagna, 741 Baker Road, Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a penstock; (3) a powerhouse containing a 400 kW generating unit; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 3,480,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would make a geographic study; prepare an environmental impact report; study the economic and financial feasibility; and apply for necessary permits. The cost of these activities is estimated by the Applicant to be $110,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be make. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3908. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent

to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5047 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3756-000]

City of Bountiful, Utah; Application for Preliminary Permit

February 9, 1981.

Take notice that the City of Bountiful, Utah (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3756 to be known as East Canyon Dam Project located on the East Canyon Reservoir in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. Berry Hutchings, Manager, Bountiful City Light and Power Department, 198 South 200 West, Bountiful, Utah 84010. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Army Corps of Engineers' East Canyon dam and would consist of: (1) a penstock 300 feet long; (2) a powerhouse with one generating unit having a total rated capacity of 1,750 kW; and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 7.94 GWh.

Purpose of Project—Project energy would be used by the Applicant for municipal purposes.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include a study of environmental impacts, economic analysis, and a preparation of preliminary engineering plans. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $81,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Utah Hydro Corporation's application for Project No. 3540-000 filed on October 8, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before February 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3756. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5070 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-53-000]

Clatskanie People's Utility District; Application for Exemption

February 9, 1981.

Take notice that the Clatskanie People's Utility District (CPUD), on December 16, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58887, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, CPUD states that it should not be required to file the specified data for the following reasons:

(1) CPUD is a non-profit distribution only utility governed by a five-member Board of Directors. They are elected by and from sub-districts, set by equal population, within CPUD's service area.

(2) All energy is purchased from Bonneville Power Administration (BPA).

(3) CPUD serves one large industrial at a 99% load factor. Without this customer CPUD would fall far short of the threshold for coverage by Section 290.101.

(4) The gathering and reporting of the information required by Section 133 of PURPA will not carry out the purpose of that section of the Act but would constitute an expensive and burdensome task which will not produce useful information.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Clatskanie People's Utility District, Attention: Mr. Dan Westlind, General Manager, P.O. Box 216, Clatskanie, Oregon 97016.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-5073 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3598-000]

Cook Electric Co.; Application for Preliminary Permit

February 9, 1981.

Take notice that Cook Electric Company (Applicant) filed on October 23, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3598 to be known as Barber Dam Project located on the Boise River in Ada Country, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 31-foot high, earth-filled Barber Dam with a reinforced gunite spillway, and impounding a 125 acre-foot reservoir; (2) the modernization of the intake structures; (3) the rehabilitation of the existing concrete powerhouse at the base of the dam, containing three new generating units, each rated at 1,500 kW; and (4) an existing 2,300-foot long, 34.5-kV transmission line. The proposed project would be operated on a run-of-the-river basis. Barber Dam is owned by Ada County. The Applicant estimates that the average annual energy output would be 15.4 million kWh.

Purpose of Project—The energy output of the project would be sold to the Idaho Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, perform preliminary designs, conduct environmental and historical reviews, consult with agencies, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit is $48,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3598. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5074 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 3793-000]

John Cotton; Application for Preliminary Permit

February 9, 1981.

Take notice that John Cotton (Applicant) filed on November 23, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3793 to be known as the Sebec Project located on Sebec Lake in Sebec Village, Piscataguis County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Fred J. Ayer III, Kleinschmidt and Dutting Engineering, 73 Main Street, Pittsfield, Maine 04967. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing dam and reservoir owned by Bangor Hydro-Electric Company at Sebec Lake (2) a new 9-foot diameter, 850-foot long steel penstock; (3) a new powerhouse containing a single 1 MW turbine-generator; and (4) appurtenant facilities. The applicant does not propose any change to the existing lake management procedures.

The Applicant estimates that the average annual energy output would be 5,300,000 kWh saving the equivalant of 8,700 barrels of oil or 2,500 tons of coal.

Purpose of Project—Energy produced at the project would be sold to Bangor Hydro-Electric Company for distribution to its customers.

Proposed Scope and Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant has requested a preliminary permit term of 24 months. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3793. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5075 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-41-000]

Lee County Electric Coop., Inc., North Fort Myers, Florida; Application for Exemption

February 9, 1981.

Take notice that Lee County Electric Cooperative, Inc. (LCEC), North Fort Myers, Florida, on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, and biennially thereafter, certain information on the costs of providing electric service as specified in Subparts A, B, C, D, and E.

In its application for exemption, LCEC states that it should not be required to file the certain data because "the regulations require information of a type and level of detail that is either inappropriate for, or not applicable to, the LCEC's electric system operations, and, further, that denial of relief from the requirement of furnishing information that is otherwise appropriate and applicable to the LCEC's electric system operations would result in costs that would be unduly burdensome upon the LCEC's electricity ratepayers and would not further the purposes of this section of PURPA. The LCEC submits that the facts described in this application support the LCEC's request for exemption from certain requirements and exemptions based on alternate compliance, as described within this application."

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Lee County Electric Cooperative, Inc., Attention: Mr. James D, Sherfey, Executive Vice President and General Manager, P.O. Box 3455, North Fort Myers, Florida 33903.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5076 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-44-000]

Lubbock Power and Light; Application for Exemption

February 9, 1981.

Take notice that Lubbock Power and Light, on December 30, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290

In its application for exemption, Lubbock Power and Light states that it should not be required to file the specified data for the following reasons:

(1) All sides of rate proceedings are fairly represented already.

(2) Compliance with the Section will create an unacceptable and unwarranted financial burden on the utility's customers.

(3) Comparable data is already readily available from other sources.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Lubbock Power and Light, Attention: Mr. Carroll McDonald, Director of Electric Sales and Service, Tenth & Texas, Lubbock, Texas 79457.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5057 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3885-000]

Mears Creek Ranch; Application for Preliminary Permit

February 9, 1981.

Take notice that Mears Creek Ranch—a general partnership (Applicant) filed on December 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3885 to be known as Mears Creek Power Project located on Mears Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary H. Drumm, Partner and Agent, P.O. Box 1778, Redding, California 96099. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure within the north bank of the Mears Creek; (2) a 2400-foot long diversion conduit or channel; (3) an 24-inch diameter, 800-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 500 kW; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 2.4 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $85,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 16, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 15, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 16, 1981.

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Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3885. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5086 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3752-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 9, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3752 to be known as Monongahela River Lock and Dam 2 located on Monongahela River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Lock and Dam 2 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 6.7 MW; and (2) appurtenant facilities. Applicant estimates that the average annual energy output would be 35,462,000 kWh.

Purpose of Project—Project energy would be sold to the Duquesne Light Company or another local utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital leters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3752. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5089 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-40-000]

Monongahela Power Co.; Application for Exemption

February 9, 1981.

Take notice that the Monongahela Power Company (Monogahela), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Section 290.405(a) of Part 290.

In its application for exemption, Monongahela states that it should not be required to file the specified data for the following reasons: Monongahela is part of the Allegheny Power System, Inc. (System).The areas served by the subsidiaries of the System are contiguous and similar in character. Monongahela proposes to use System-wide (borrowed) load data for its Schedule C customers.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426 on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Monongahela Power Company, Attentioin: Mr. Richard E. Myers, Comptroller, 1310 Fairmont Avenue, Fairmont, West Virginia 26554.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5090 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Section 290.405(a) of Part 290.

In its application for exemption, Monongahela states that it should not be required to file the specified data for the following reasons: Monongahela is part of the Allegheny Power System, Inc. (System).The areas served by the subsidiaries of the System are contiguous and similar in character. Monongahela proposes to use System-wide (borrowed) load data for its Schedule C customers.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426 on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Monongahela Power Company, Attentioin: Mr. Richard E. Myers, Comptroller, 1310 Fairmont Avenue, Fairmont, West Virginia 26554.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5090 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-43-000]

Pacific Power and Light Co.; Application for Exemption

February 9, 1981.

Take notice that the Pacific Power and Light Company (Pacific), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.202(a), 290.303(a)(g) and 290.403(a).

In its application for exemption, Pacific states that it should not be required to file the specified data for the following reasons:

(1) Hourly marginal cost data for a combined hydro/thermal based system such as Pacific's are extremely varied and complex. Pacific is proceeding on schedule with a unique state-of-the-art model to estimate such load data but it is not expected to be operational before September 1981.

(2) Because of the flexibility of operation of Pacific's system the average hourly energy costs are essentially independent of time of service.

(3) For Idaho only the use of metered data would not justify the cost. Idaho territory served by Pacific represents less than 0.8% of their system load.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Pacific Power and Light Company, Attention: Mr. Fredric D. Reed, Vice President, Public Service Building, Room 1500, 920 S.W. Sixth Avenue, Portland, Oregon 97204.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5091 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-50-000]

Pedernales Electric Cooperative, Inc.; Application for Exemption

February 9, 1981.

Take notice that Pedernales Electric Cooperative, Inc. (PEC), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption, PEC states that is should not be required to file the specified data for the following reasons:

(1) PEC is a small non-profit rural electric cooperative corporation. PEC purchases all of the electric energy that it distrubutes.

(2) Full compliance would result in an unacceptable and unwarranted financial burden on its members.

(3) Many portions of Section 133 are inappropriate for a full requirements distributing cooperative.

(4) The PURPA goals have been substantially achieved by PEC.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Pedernales Electric Cooperative, Inc., Attention: Mr. Bennie R. Fuelberg, General Manager, P. O. Box 467, Johnson City Texas 78636.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5092 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-47-000]

City of Port Angeles, Lighting Department; Application for Exemption

February 9, 1981.

Take notice that the City of Port Angeles, Lighting Department, on December 30, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, the City of Port Angeles states that it should not be required to file the specified data for the following reasons:

(1) The City's unique operating characteristics in that 63% of its total sales (434,244 MWh) were sold to two industrial customers (ITT-Rayonier and Crown-Zellerbach).

(2) Absent these two jurisdictional customers, the City's basic retail sales

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were approximately 256,000 MWh, well below the 500,000 MWh PURPA threshold.

(3) The City serves these industrial loads by "passing through" the Bonneville Power Administration's purchased power costs in order to insure a continuing power supply to these customers since BPA cannot legally provide direct service to them. In other words, the City has little control over the pricing method, and C-Z and ITT have little peak to move or valley to fill.

(4) At current growth rates, the City's retail sales, exclusive of these two industrial customers, will not reach the PURPA threshold until after the year 2000.

(5) Given the above, the City requests a total permanent exemption from these information reporting requirements.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on the City of Port Angeles, Department of Lighting, Attention: Mr. Robert Orton, Director of Finance and Administrative Services, P.O. Box 1150, Port Angeles, Washington 98362.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5052 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-38-000]

Public Utility District No. 1 of Chelan County; Application for Exemption

February 9, 1981.

Take notice that Public Utility District No. 1 of Chelan County (Chelan), on December 22, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, Chelan states that it should not be required to file the specified data for the following reasons:

(1) Chelan proposes an alternative compliance program.

(2) The mainstay of Chelan's energy and capacity resource for the present and the future is existing hydro generation.

(3) The cost of energy sold is relatively insensitive to time of use.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Chelan County, Attention: Mr. G. L. Copp, Director, Customer Service and Engineering, P. O. Box 1231, Wenatchee, Washington 98801.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5063 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-51-000]

Public Utility District No 1. of Franklin County; Application for Exemption

February 9, 1981.

Take notice that Public Utility District No. 1 of Franklin County (Franklin), on January 6, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, Franklin states that it should not be required to file the specified data for the following reasons:

(1) An alternate program for compliance with the goals of PURPA is proposed.

(2) Franklin is a distribution system only and purchases all energy from the Bonneville Power Administration (BPA).

(3) Rate of return is not calculated nor thought to be useful.

(4) Because of the heavy reliance on hydro power, generation costs are relatively insensitive to time of use.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Franklin County, Attention: Mr. Gary McBroom, Auditor, P.O. Box 2407, Pasco, Washington 99302.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5064 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-39-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Exemption

February 9, 1981.

Take notice that Public Utility District No. 1 of Lewis County on December 30, 1980 filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, the PUD No. 1 of Lewis County states that it should not be required to file the specified data for the following reasons:

(1) An alternate compliance program through which: (a) the District holds ratemaking meetings open to public participation; (b) all cost and ratemaking information available for public inspection; (c) information currently employed for District management and ratemaking policies are submitted in other governmental reports which are readily available to the public; (d) the District's current ratemaking policies depend heavily upon the system's costs of service; and (e) an alternate compliance program for certain information provided in the application.

(2) The distribution nature of the District.

(3) The residential and small commercial nature of the District's system load.

(4) Given the proceeding, the District believes it currently complies with the spirit of these regulations via this alternate compliance program.

Copies of the applicatioin for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District No. 1 of Lewis County, Washington, Attention: G. H. Kalich, Manager, 321 NW., Pacific Avenue, Chehalis, Washington 98532.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5065 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3658-000]

Ramel Corp.; Application for Preliminary Permit

February 10, 1981.

Take notice that Ramel Corporation (Applicant) filed on November 3, 1980, an application for preliminary permit [prusuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3658 to be known as the White River L/D #1 Hydro Project located on the White River in Independence County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard H. Davis, Jr., President, Ramel Corporation, Route 5, Box 48B, Nashville, Arkansas 71852. White River Lock and Dam No. 1 is owned and operated by the City of Batesville, Arkansas. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing dam, 660 feet long and 31 feet high, constructed of concrete with an ogee spillway over the entire length and a navigation lock at the left river bank; (2) a reservoir having negligible pondage; (3) a new intake structure; (4) a new penstock, approximately 100 feet long, at the right river bank (or, alternatively, the existing lock, with gates, at the left river bank, utilized as intake structure and forebay); (5) a new powerhouse containing generating units having a total rated capacity of 5,000 kW; (6) a tailrace; (7) a new 161-kV transmission line, approximately one mile long; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 29,000,000 Kwh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necesssary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications,protests, or petitions to intervene must bear in all capital letters the title "COMMENTS","NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3658. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5066 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

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[Docket Nos. CI61-1408-000, et al.]

Ringwood Gathering Co. (Formerly: Oklahoma Natural Gas Gathering Corp.; Redesignation

February 6, 1981.

On October 27, 1980, Ringwood Gathering Company filed an application to amend the certificates currently held by Oklahoma Natural Gas Gathering Corporation to substitute the Applicant as certificate holder pursuant to a corporate name change.

Accordingly, the authorizations issued* by this Commission and by the Federal Power Commisssion, the FERC Gas Tariff on file and any other records or proceedings relating to Oklahoma Natural Gas Gathering Corporation are redesignated as those of Ringwood Gathering Company.

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Kenneth F. Plumb,
Secretary.

Appendix.—*Ringwood Gathering Co. (Formerly: Oklahoma Natural Gas Gathering Corp.)*

	Date of Commission order
Certificate proceedings:	
CI61-1408	3/30/62
CP70-257	6/10/70
CP80-141	5/8/80
Rate proceedings:	
RP71-44	12/29/70
RP72-115	6/30/72
RP74-44	3/1/74
RP75-92	5/19/75
RP78-57	5/19/78
RP79-70	2/27/80
RP80-60	1/17/80
Miscellaneous proceedings:	
TC79-92	12/21/79
SA79-18	8/24/79
SA80-137	12/19/80
GP80-37	(1)
GP80-83	(2)

[1] Pending.
[2] Protest is pending.

[FR Doc. 81-5048 Filed 2-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3802-000]

City of Rome, New York; Application for Preliminary Permit

February 10, 1981.

Take notice that the City of Rome, New York (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3802 to be know as the Boyd Dam Project located on Fish Creek in the Town of Lewis, Lewis County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Carl J. Eilenberg, City of Rome, City Hall, Rome, New York 13440. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing City-owned water supply facility and would consist of: (1) a concrete gravity dam 85 feet high and 515 feet long, including an ogee-type spillway 150 feet long; (2) an earth dike 7 feet high and 300 feet long located at the right (east) abutment; (3) a reservoir with a surface area of 210 acres and a storage capacity of 4,345 acre-feet at normal pool elevation 1,280 feet U.S.G.S.; (4) a gated intake structure and two 36-inch steel outlet conduits; and (9) appurtenant facilities. Applicant proposes to construct: (1) a powerhouse at the toe of the dam containing generating unit(s) having a total installed capacity of 1,750 kW; (2) a 400-foot long transmission line; and (3) appurtenant facilities. The applicant estimates that the average annual energy output would be 12,000 MWh.

Purpose of Project—The power generated from the project would be used by the City of Rome for municipal purposes.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform operation, alternative, economic and environmental studies, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be $29,400.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and enviromental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3802. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-5071 Filed 2-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3718-000]

Sequoia Energy Corp.; Application for Preliminary Permit

February 10, 1981.

Take notice that Sequoia Energy Corporation (Applicant) filed on November 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)–825(r) for proposed Project No. 3718 to be known as Sumner Hydro Project located on the Pecos River in De Baca County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lee Trent, President, Sequoia Energy Corporation, 20317 Arminta Street, Canoga Park, California 91306. Any person who wished to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Sumner Dam and would consist of: (1) a penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 3,800 kW and 4,100 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 9,000,000 kWh and 9,600,000 kWh.

Purpose of Project—Project energy would be sold to the Farmers Electric Cooperative. Other alternatives, such as sale to nearby public institutions or industrial users, will be investigated.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $48,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an appplication for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3718. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-5049 Filed 2-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RE81-49-000

South Central Power Co.; Application for Exemption

February 9, 1981.

Take notice that South Central Power Company (SPC), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption, SCP states that it should not be required to file the specified data for the following reasons:

(1) SCP is small non-profit rural electric company operating on a cooperative basis. It purchases all its power.

(2) SPC does not have the required technical staff nor the load research equipment.

*Set forth in Appendix.

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(3) SCP will need more time to develop the resources required to comply with Part 290.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: South Central Power Company, P.O. Box 250, Lancaster, Ohio 43130.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5050 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-46-000]

Southern Maryland Electric Cooperative, Inc.; Application for Exemption

February 9, 1981.

Take notice that Southern Maryland Electric Cooperative, Inc. (SMECO), on December 31, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.403 and 290.404.

In its application for exemption, Southern Maryland Electric Cooperative states that it should not be required to file the specified data for the following reasons:

(1) SMECO has a load research program currently underway. Load data from this load research program provides very good estimates of SMECO's residential and general service consumer load characteristics. This data is being used for SMECO's planning purposes and ratemaking in an effort to meet the objectives of PURPA Title I to promote energy conservation, efficient use of resources and equitable rates.

(2) SMECO proposes to submit load data based on their existing load research program. Although this load research program would not be based on a random sample, it would provide significant information for SMECO's use and would fulfill the purposes of Section 133 of PURPA.

(3) SMECO plans to conduct a survey of their consumers and analyze the results of their proposed load research program in order to improve the accuracy of load data for the June 30, 1984 filing date.

(4) It would be impractical for SMECO to implement a new load research program based on individual sampling of residential and general service consumers by January 1, 1981.

(5) Because of its size and limited resources, SMECO lacks the necessary manpower, equipment and funds to administer a large load research program based on individual sample metering. It is estimated that such a load research program would cost approximately $200,000 to $400,000 per year based on a sample of 200 residential and general service consumers. Meeting the requirements of a large research program constitutes an undue burden on SMECO's resources.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Southern Maryland Electric Cooperative, Inc., Hughesville, Maryland 20637.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5051 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-37-000]

Toledo Edison Co.; Application for Exemption

February 9, 1981.

Take notice that The Toledo Edison Company (Toledo) on December 22, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.305(a)(3); 290.306(b); 290.403(a)(1), (2), (3), (4); 290.406(a)(1), (2), (3); 290.501(a), (b), (c); and 290.502(a), (b), (c) for certain small rate classes, as defined in Subpart D, §§ 290.404(b) and 290.404(g)(2).

In its application for exemption, Toledo states that it should not be required to file the specified data for six small rate calsses for the following reasons:

(1) They will become extinct in 1981, or

(2) They have been closed to new customers by order of the Ohio Public Utilities Commission, or

(3) They are night time off-peak loads, and/or

(4) The extent of service load is extremely small.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: The Toledo Edison Company, Attention: Mr William E. Huepenbecker, Rate Director, 300 Madison Avenue, Toledo, Ohio 43652.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5053 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3877-000]

City of Ukiah, California; Application for Preliminary Permit

February 10, 1981.

Take Notice that the City of Ukiah, California (Applicant) filed on December 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3877 to be known as Lake Pillsbury Project located on Eel River in Lake County, California. The application is on file with Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. S. Kruth, Director of Public Works, City of Ukiah, 203 South School Street, Ukiah, California 95482. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 72-inch diameter, 50-foot long penstock, connecting the existing outlet of the Lake Pillsbury (part of Licensed Project No. 77) with; (2) a powerhouse containing a single generating unit with a rated capacity of 5,000 kW; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15 million kWh.

Purpose of Project—Project energy would be sold to the Applicant's customers within the City of Ukiah.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environment impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission. In accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rule. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3877. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5072 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-42-000]

Umatilla Electric Cooperative Association; Application for Exemption

February 9, 1981.

Take notice that Umatilla Electric Cooperative Association (Umatilla), on January 5, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts A, B, C, D, and E of Part 290.

In its application for exemption, Umatilla states that it should not be required to file the specified data for the following reasons:

(1) An alternate compliance program is proposed.

(2) The distribution nature of Umatilla.

(3) Umatilla believes it currently complies with the spirit of these regulations via the alternate compliance program.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 30, 1981. Within that 45-day period such person must also serve a copy of such comments on: Umatilla Electric Cooperative Association, Attention: Mr. Russell N. Dorran, Manager, P.O. Box 46, Hermiston, Oregon 97838.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5054 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI77-579-000, et al.]

Cities Service Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 10, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed with the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-679-001, C, 1/15/81	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, North one-half (N/2) of East Cameron Block 42, Offshore Louisiana.	(1)	15.025
CI81-691-001, C, 1/5/81	Arco Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, Lloyd Vickery Unit, Well No. 3, Section 5, T22N, R16W, Major County, Oklahoma.	(2)	14.65
CI81-102-000, A, 12/31/801	Louisiana Land Offshore Exploration Company, Inc., 225 Baronne Street, P.O. Box 60350, New Orleans, Louisiana 70160.	Texas Eastern Transmission Corporation Blocks 369 and 386, Vermilion Area, Offshore Louisiana.	(3)	15.025
CI81-118-000, A, 1/8/81	Aminoil Development, Inc., 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Natural Gas Pipeline Company of America Block 78, South Pass Area, Offshore Louisiana.	(3)	15.025
CI81-119-000, A, 1/9/81	CNG Producing Company, Suite 3100, One Canal Place, New Orleans, Louisiana 70130.	Consolidated Gas Supply Corporation, Eugene Island Block 321, OCS G-2810, Offshore Louisiana.	(3)	15.025
CI81-120-000, A, 1/12/81	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Block 528, West Cameron Area, South Addition, Offshore Louisiana.	(3)	15.025
CI81-121-000, A, 1/12/81	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Transcontinental Gas Pipe Line Corporation, OCS Block A-443, High Island Area, South Addition, Offshore Texas.	(3)	14.65
CI81-127-000, A, 1/15/81	Chevron U.S.A., Inc., P.O. Box 7390, San Francisco, California 94120.	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation, South Pass Blocks 78, *et al.*, Offshore Louisiana.	(3)	15.025
CI81-128-000, A, 1/16/81	Pioneer Production Corporation, P.O. Box 2542, Amarillo, Texas 79189.	Transcontinental Gas Pipe Line Corporation, OCS Lease G-3414 dated January 1, 1977; N/2 Block 34, West Delta Area, Offshore Louisiana, Gulf of Mexico.	(3)	15.025
CI81-129-000, A, 1/21/81	CNG Producing Company, One Canal Place, Suite 3100, New Orleans, Louisiana.	Texas Gas Transmission Corporation, Block 249 Field "D" Platform, Block 248 Ship Shoal Area, Offshore Louisiana.	(3)	15.025
CI81-130-000, E, 1/22/81 [4]	Getty Oil Company (Succ. to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001.	Texas Eastern Transmission Corporation, North Mineral Field, Bee County, Texas.	(3)	14.65
CI81-131-000, E, 1/22/81 [4]	....do	Southern Natural Gas Company, Bayou Sale Field, St. Mary Parish, Louisiana.	(5)	15.025
CI81-132-000, E, 1/22/81 [4]	....do	Michigan Wisconsin Pipe Line Company, Canadian County, Oklahoma.	(3)	14.65
CI81-133-000, E, 1/22/81 [4]	....do	Tennessee Gas Pipeline Company, Bethany Field, Panola County, Texas.	(10)	14.65
CI81-134-000, E, 1/22/81 [4]	....do	Intermorth Inc. (formerly Northern Natural Gas Company), Hansford Field, Ochiltree County, Texas.	(11)	14.65
CI81-135-000, E, 1/22/81	....do	Intermorth Inc. (formerly Northern Natural Gas Company), Mocane Field, Beaver County, Oklahoma.	(12)	14.65
CI81-136-000, E, 1/22/81 [4]	....do	Northwest Pipeline Corporation, Salt Wells field, Sweetwater County, Wyoming.	(13)	15.025
CI81-137-000, E, 1/22/81 [4]	....do	Equitable Gas Company, South Glenville field, Gilmer County, West Virginia.	(14)	14.65
CI81-138-000, E, 1/22/81 [4]	....do	Intermouth Inc. (formerly Northern Natural Gas Company), Mocane field, Ellis County, Oklahoma.	(15)	14.65
CI81-139-000, E, 1/22/81 [4]	....do	Tennessee Gas Pipeline Company, Cold Springs field, San Jacinto County, Texas.	(16)	14.65
CI81-140-000, E, 1/22/81 [4]	....do	Texas Eastern Transmission Corporation, Anna Berre field, DeWitt County, Texas.	(17)	14.65
CI81-141-000, E, 1/22/81 [4]	....do	Equitable Gas Company, South Glenville field, Gilmer County, West Virginia.	(18)	14.65
CI81-142-000, E, 1/22/81 [4]	....do	Colorado Interstate Gas Company, Desert Springs field, Sweetwater County, Wyoming.	(19)	15.025
CI81-143-000, E, 1/22/81 [4]	....do	Equitable Gas Company, South Glenville field, Gilmer County, West Virginia.	(20)	14.65
CI81-144-000, E, 1/22/81 [4]	....do	Consolidated Gas Supply Corporation, South Glenville field, Gilmer County, West Virginia.	(21)	14.65
CI81-145-000, E, 1/22/81 [4]	....do	Carnegie Natural Gas Company, Glenville Field field, Gilmer County, West Virginia.	(22)	14.65
CI81-146-000, E, 1/22/81 [4]	....do	Arkansas Louisiana Gas Company, Kinta field, Leflore County, Oklahoma.	(23)	14.65
CI81-147-000, E, 1/22/81 [4]	....do	Colorado Interstate Gas Company, Hugoton field, Kearny County, Kansas.	(24)	14.65
CI81-148-000, E, 1/22/81 [4]	....do	Intermorth, Inc. (formerly Northern Natural Gas Co.), Beaver County, Oklahoma.	(25)	14.65
CI81-149-000, E, 1/22/81 [4]	....do	Intermorth, Inc. (formerly Northern Natural Gas Co.), Bernstien field, Hansford County, Texas.	(25)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI81-150-000, E, 1/22/81 [4]	....do	Consolidated Gas Supply Corporation, South Glenville field, Gilmer County, West Virginia.	(27)	14.65
CI81-151-000, E, 1/22/81 [4]	....do	Consolidated Gas Supply Corporation, South Glenville field, Gilmer County, West Virginia.	(28)	14.65
CI81-152-000, E, 1/22/81 [4]	....do	Natural Gas Pipeline Company of America, Bloomington field, Victoria County, Texas.	(29)	14.65
CI81-153-000, E, 1/22/81 [4]	....do	Panhandle Eastern Pipe Line Company, Buffalo Wallow field, Hemphill County, Texas.	(30)	14.65
CI81-154-000, E, 1/22/81 [4]	....do	Arkansas Louisiana Gas Company, Calhoun field, Ouachita Parish, Louisiana.	(31)	15.025
CI81-155-000, E, 1/22/81 [4]	....do	Intermorth, Inc. (formerly Northern Natural Gas Co.), Vici field, Dewey County, Oklahoma.	(32)	14.65
CI81-156-000, E, 1/22/81 [4]	....do	Columbia Gas Transmission Corporation, Other field, Braxton and Gilmer Counties, West Virginia.	(33)	14.65
CI81-157-000, E, 1/22/81 [4]	....do	Intermorth, Inc. (formerly Northern Natural Gas Company), NE Cedardale field, Woodward County, Oklahoma.	(34)	14.65
CI81-158-000, E, 1/22/81 [4]	....do	Intermorth, Inc. (formerly Northern Natural Gas Company), South Pelto Area, Offshore Louisiana.	(35)	15.025
CI81-170-000 (CI76-34), B, 1/19/81	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Grand Isle Block 43 Field, Offshore Louisiana.	(36)	
CI81-177-000, A, 1/22/81	Forest Oil Corporation, 1500 Colorado National Building, 950 17th Street Denver, Colorado 80202.	Columbia Gas Transmission Corporation, "B" Platform, South Marsh Island, Block 143 Field, Offshore Louisiana.	(37)	15.025
CI81-179-000, A, 2/2/81	Newmont Oil Comapny, 600 Jefferson Avenue, Suite 930, Houston, Texas 77002.	Natural Gas Pipeline Company of America, Block 139, High Island Area, Offshore Texas.	(38)	14.65
CI81-176-000, A, 1/29/81	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Consolidated Gas Supply Corporation, "B" Platform in Block 143, South Marsh Island Area, Offshore Louisiana, OCS-G-1217.	(39)	15.025
CI81-110-000, A, 1/5/81	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Vermilion Area Block 370, Offshore Louisiana.	(40)	15.025
CI81-172-000, A, 1/26/81	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77010.	Columbia Gas Transmission Corporation, Block A-506, High Island Area, Offshore Texas.	(41)	14.65
CI81-173-000, A, 1/26/81	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Southern Natural Gas Company and United Gas Pipe Line Company, Ship Shoal Area Block 84, Offshore Louisiana.	(42)	15.025
CI81-176-000, A, 1/29/81	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Southern Natural Gas Company, Matagorda Island Area (Blocks 632, 656, and 657), Offshore Texas.	(43)	14.65
CI81-166-000, A, 1/22/81	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Transcontinental Gas Pipe Line Corporation, South Pelto Area Blocks 9 and 10, Offshore Louisiana.	(44)	15.025
CI81-175-000, A, 1/26/81	Case-Pomeroy Oil Corporation, P.O. Box 1511, Midland, Texas 79702.	Transcontinental Gas Pipe Line Corporation, Blocks A-447 and A-448, High Island Area, Offshore Texas.	(45)	14.65
CI81-174-000, A, 1/26/81	Felmont Oil Corporation, P.O. Box 2266, Midland, Texas 79702.	Transcontinental Gas Pipe Line Corporation, Blocks A-447 and A-448, High Island Area, Offshore Texas.	(46)	14.65
CI81-169-000, A, 1/22/81	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Brazos Block A-28, Offshore Texas.	(47)	14.65

[1] Applicant is filing under Gas Purchase and Sales Agreement dated April 1, 1977.
[2] Applicant is filing under Gas Purchase Contract dated June 20, 1980.
[3] Applicant agrees to accept a certificate conditioned on a price equal to the maximum lawful price under Section 104 of the NGPA
[4] Applicant is filing under Gas Purchase Contract dated December 23, 1980.
[5] Applicant is filing under Gas Purchase Contract dated December 15, 1980.
[6] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company
[7] Applicant is filing under Gas Purchase Contract dated January 1, 1974.
[8] Applicant is filing under Gas Purchase Contract dated August 6, 1971 as ratified.
[9] Applicant is filing under Gas Purchase Contract dated September 18, 1978.
[10] Applicant is filing under Gas Purchase Contract dated September 1, 1979.
[11] Applicant is filing under Gas Purchase Contract dated March 8, 1971.
[12] Applicant is filing under Gas Purchase Contract dated October 15, 1971.
[13] Applicant is filing under Gas Purchase Contract dated October 17, 1975.
[14] Applicant is filing under Gas Purchase Contract dated May 11, 1976.
[15] Applicant is filing under Gas Purchase Contract dated August 29, 1975.
[16] Applicant is filing under Gas Purchase Contract dated June 5, 1980.
[17] Applicant is filing under Replacement Gas Purchase Contract dated July 15, 1975.
[18] Applicant is filing under Gas Purchase Contract dated October 2, 1975.
[19] Applicant is filing under Gas Purchase Contract dated January 10, 1964 as amended October 26, 1964
[20] Applicant is filing under Gas Purchase Contract dated May 11, 1976.
[21] Applicant is filing under Gas Purchase Contract dated October 21, 1966.
[22] Applicant is filing under Gas Purchase Contract dated April 9, 1976.
[23] Applicant is filing under Gas Purchase Contract dated March 21, 1977.
[24] Applicant is filing under Gas Purchase Contract dated August 31, 1954.
[25] Applicant is filing under Gas Purchase Contract dated June 1, 1970, Letter Agreement dated December 22, 1972, and Amendments dated September 17, 1973 and August 28, 1978.
[26] Applicant is filing under Gas Purchase Contract dated June 29, 1973.
[27] Applicant is filing under Gas Purchase Contract dated October 17, 1975.
[28] Applicant is filing under Gas Purchase Contract dated May 28, 1976.
[29] Applicant is filing under a Replacement Gas Purchase Contract dated March 1, 1977.
[30] Applicant is filing under Gas Purchase Contract dated December 11, 1975.
[31] Applicant is filing under Gas Purchase Contract dated October 9, 1975.
[32] Applicant is filing under Gas Purchase Contract dated September 2, 1977.
[33] Applicant is filing under Gas Purchase Contract dated November 30, 1976.
[34] Applicant is filing under Gas Purchase Contract dated May 1, 1972.
[35] Applicant is filing under Gas Purchase Contract dated August 22, 1978, as amended April 18, 1980.
[36] The available supply of gas is depleted, and the contract has expired.
[37] Applicant is filing under Gas Purchase and Sales Agreement dated January 7, 1961.
[38] Applicant is filing under Gas Purchase Contract dated July 21, 1980.
[39] Applicant is filing under Gas Purchase Contract dated December 19, 1980.
[40] Applicant is filing under Gas Sale and Purchase Contract dated December 1, 1980.
[41] Applicant is filing under Gas Purchase Contract dated December 22, 1980.
[42] Applicant is filing under Exchange Agreements dated September 30, 1980, and August 20, 1980.
[43] Applicant is filing under Contract dated December 24, 1980.
[44] Applicant is filing under Exchange Agreement dated October 7, 1977.
[45] Applicant is filing under Gas Purchase Agreement dated December 31, 1980.
[46] Applicant is filing under Gas Purchase Agreement dated October 8, 1980.
[47] Applicant is filing under Gas Purchase and Sales Agreement dated October 30, 1980.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 81-5180 Filed 2-12-81; 8:45 am]
BILLING CODE 6450-85-M

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[Docket No. CP81-80-001]

Cities Service Gas Co.; Amendment to Application

February 10, 1981.

Take notice that on January 12, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-80-001 pursuant to Section 7(c) of the Natural Gas Act an amendment to its application for a certificate of public convenience and necessity in the instant docket so as to reflect the addition of an exchange point with Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed November 17, 1980, it requested authorization to exchange up to 8,000 Mcf of natural gas per day with Panhandle pursuant to the terms of an agreement dated June 30, 1980. Petitioner also states that pursuant to its agreement with Panhandle it would receive volumes of gas for the account of Panhandle in Grant County, Oklahoma, and would redeliver such volumes to Panhandle at existing interconnections in Kingfisher County, Oklahoma, or in Grant County, Kansas. Applicant asserts that this is a gas for gas thermal exchange and would be balanced monthly.

Applicant states that Panhandle has contracted to purchase volumes of gas from Zenith Natural Gas Company in Barber County, Kansas. Applicant also states that it has agreed to accept delivery of this gas for Panhandle's account and would redeliver it to Panhandle at the existing points of interconnection pursuant to an amendment to their exchange agreement dated November 26, 1980.

Accordingly, Applicant proposes to amend its application in the subject docket to include the Barber County exchange point.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5161 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-161-000]

Columbia Gulf Transmission Co.; Application

February 11, 1981.

Take notice that on January 26, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-161-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a gas turbine package, and a centrifugal compressor unit and appurtenant facilities located at Applicant's Stanton, Kentucky, compressor station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon a 7,500 horsepower General Electric Frame III gas turbine package, and Ingersoll Rand Model CDP-230 centrifugal compressor unit and appurtenant facilities located at Applicant's compressor station in Stanton, Kentucky.

The 7,500 horsepower compressor facilities were installed to increase Applicant's mainline capacity but Applicant has installed horsepower of compression in excess of that actually required, it is stated. Applicant, therefore, proposes to abandon the compressor facilities. It is asserted that retention of such facilities would also necessitate the replacement of the regenerative unit which is uneconomical.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5162 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-23-000]

Eastern Shore Natural Gas Co.; Tariff Filing

February 10, 1981.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on February 5, 1981 tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective March 1, 1981

Seventeenth Revised Sheet No. 5
Seventeenth Revised Sheet No. 6
Third Revised Sheet No. 7
Seventeenth Revised Sheet No. 10
Seventeenth Revised Sheet No. 11
Seventeenth Revised Sheet No. 12

Eastern Shore states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment, to reflect a Demand Charge Adjustment, to reflect a Deferred Gas Cost Adjustment and to report the Projected Incremental Pricing Surcharges. This filing is being made in accordance with Sections 20, 21 and 23 of Eastern Shore's FERC Gas Tariff and the Purchased Gas Cost Adjustment reflects rates payable to Eastern Shore's supplier during the period March 1, 1981 through August 31, 1981.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5163 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-142-000]

El Paso Natural Gas Co.; Application

February 10, 1981.

Take notice that on January 15, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-142-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with Phillips Petroleum Company (Phillips) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas exchange agreement with Phillips dated December 5, 1980, pursuant to which Applicant would deliver a minimum of 15,000 Mcf of natural gas per day to Phillips at two proposed points of interconnection between the field facilities of Applicant and Phillips located in Roberts and Moore Counties, Texas (Roberts and Coon delivery points).

Applicant further asserts that Phillips would concurrently deliver an equal volume of natural gas to Applicant at an existing point of interconnection between the jurisdictional pipeline facilities of Applicant and Phillips located in Moore County, Texas (Dumas Plant delivery point). Applicant states that Phillips is currently delivering up to 1,500 Mcf per day of exchange gas to Applicant at the Dumas delivery point.

Applicant asserts that no new or additional facilities would be required to effectuate deliveries at the Dumas Plant delivery point. Applicant proposes, however, to construct and operate a 6-inch O.D. tap and valve assembly with appurtenances at the proposed Roberts delivery point and a 2-inch O.D. tap and valve assembly with appurtenances at the Moore County delivery point. Applicant estimates that the cost of such facilities would be $10,871 to be financed through the use of internally generated funds.

Applicant states that Phillips would be required to construct certain measurement facilities at both of the proposed points of delivery at its own expense.

It is asserted that the exchange agreement is for a primary term of five years effective December 5, 1980, and from year-to-year thereafter.

Applicant further requests blanket authorization for the addition and deletion of exchange points. Further, it is stated that in the event facilities subject to the jurisdiction of the Commission are required to be installed, Applicant would construct and operate such facilities under blanket authorization making annual reports of such construction to the Commission.

Applicant states that the subject proposals would assist both Applicant and Phillips in their ability to make available to their respective systems additional quantities of natural gas while obviating the need for the construction of extensive gathering and pipeline facilities which otherwise would be required to connect producing sources of gas directly to either party's existing pipeline systems and which, in part, would duplicate existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5164 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-160-000]

Florida Gas Transmission Co.; Application

February 11, 1981

Take notice that on January 23, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-160-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point for the delivery of natural gas to Central Florida Gas Corporation (CFG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter agreement dated October 23, 1980, Applicant proposes herein to construct and operate an additional delivery point for CFG at a mutually agreeable point on Applicant's 3-inch Lake Wales lateral pipeline in Polk County, Florida. It is asserted the new delivery point consisting of a tap, a valve, and a new meter and regulator station would cost $29,100 which would be reimbursed by CFG.

By this facility, Applicant would deliver on a firm basis up to 19,800 therms of natural gas per day to CFG for resale to residential and small commercial customers in CFG's Lake Wales, Florida, service area, it is stated.

Applicant further asserts that the October 23, 1980, agreement further provides that Applicant's obligation to deliver a maximum of 33,000 therms per day at the Lake Wales delivery point

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would be reduced to 13,200 therms per day and that deliveries at the proposed point of delivery would not exceed 19,800 therms per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5185 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-578]

Kansas Gas and Electric Co.; Notice of Filing

February 10, 1981.

The filing company submits the following:

Take notice that on February 2, 1981, Kansas Gas and Electric Company submitted for filing a statement of compliance pursuant to Commission Opinion No. 80-A, dated August 21, 1980, and the Commission's letter order dated January 2, 1981.

A copy of this filing has been served upon the parties to this proceeding and the appropriate state regulatory agencies.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5186 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-90]

Kansas-Nebraska Natural Gas Co., Inc., Settlement Conference

February 10, 1981.

On February 3, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) advised the Commission Staff that it has been and currently is engaged in discussions with certain customer groups and with specific customers that are served by it in an attempt to arrive at a settlement of all of the outstanding issues in the above-styled proceeding. It further indicated that some of these discussions had advanced to the point where it felt that an over-all settlement conference between it, its customers, the parties to the above-styled proceedings and the Commission Staff might prove fruitful. It also expressed its view that the convening of such a conference in the general vicinity of its market area would facilitate the attendance of certain of its customers whose presence could prove to be of substantial assistance in the finalization of a settlement of the outstanding issues in Docket No. RP76-90.

Settlement conferences will therefore be convened in the vicinity of Denver, Colorado for the purpose of attempting to arrive at a settlement of all of the outstanding issues in the proceeding entitled *Kansas-Nebraska Natural Gas Company* in Docket No. RP76-90 on March 9th, 10th, and 11th, 1981. These conferences will convene at 10:00 a.m. M.S.T. each morning on the above-noted dates at the following address: Federal Center, 6th Avenue and Kipling Street (use entrance W-2), Building 25, Room 1204, Lecture Hall A, Denver, Colorado.

All interested parties are invited to attend these conferences.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5187 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-222-002]

Kansas-Nebraska Natural Gas Co., Inc.; Tariff Filing

February 10, 1981.

Take notice that on February 2, 1981 Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) filed, pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act, Third Revised Sheet No. 178, which sheet, when accepted for filing and permitted to become effective, will serve to revise Rate Schedule X-7 of Kansas-Nebraska's FERC Gas Tariff, Second Revised Volume No. 2.

Kansas-Nebraska states that Rate Schedule X-7 is comprised of the Sale, Exchange and Transportation Agreement (Agreement) dated June 5, 1974 between Kansas-Nebraska and Northern Natural Gas Company (Northern) which provides for the purchase by Kansas-Nebraska of a portion of the natural gas to be delivered by Northern to Kansas-Nebraska in Wyoming and the transportation and redelivery of the balance thereof, by exhange, to an interconnection of Kansas-Nebraska's system and Northern's system near Liberal, Seward County, Kansas. Under the Commission's order issued June 2, 1980 in Docket No. CP75-222, the parties to the Agreement are permitted to make an annual tariff filing showing additions or deletions of wells under the Agreement. The subject filing constitutes such an annual filing. Kansas-Nebraska further states that the tendered tariff sheet will revise Rate Schedule X-7 by deleting therefrom the Federal #1 well as this well proved non-productive and was plugged and abandoned and, therefore, was never connected as a delivery point under the Agreement.

Kansas-Nebraska requests that the tendered tariff sheet be accepted for filing and be permitted to become effective after thirty (30) days following the date of filing.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before February 26, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5188 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-60-000]

Locust Ridge Gas Co.; Change in Rates

February 10, 1981.

Take notice that on January 30, 1981, Locust Ridge Gas Company (Locust Ridge) submitted for filing as part of its FERC Gas Tariff, Original Volume No. 3 the following tariff sheets to be effective March 1, 1981: Fifth Revised Sheet No. 1A.

Locust Ridge states the purpose of the filing is to submit, for approval by the Commission, a revision in Locust Ridge's Purchased Gas Adjustment (PGA) clause. The overall effect of the filed for adjustments to Locust Ridge's G-1 sales rate is a decrease of $.009.

Locust Ridge requests waiver of the Commission regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1981.

A copy of this filing has been mailed to Locust Ridge's jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rule of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copes of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5189 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-25-001]

Mississippi River Transmission Corp.; Rate Change Filing

February 10, 1981.

Take notice that on January 30, 1981, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Seventy-Seventh Revised Sheet No. 3A and Third Revised Sheet No. 3D to its FERC Gas Tariff, First Revised Volume No. 1. An effective date of March 1, 1981 is proposed. Mississippi states that these tariff sheets reflect rate adjustments as follows:

(1) A PGA rate adjustment in accordance with Paragraph 17 of the General Terms and Conditions of Mississippi's Tariff which reflects changes in the current cost of gas purchased from pipeline and producer supplies;

(2) A PGA rate adjustment which reflects recovery of gas costs in the deferred purchased gas cost account and the flow through of pipeline supplier rate refunds received by Mississippi since the date of its last effective semi-annual PGA filing;

(3) A Louisiana First Use Tax (LFUT) rate adjustment in accordance with Paragraph 19 of the General Terms and Conditions of Mississippi's Tariff;

(4) An Advance Payment tracking adjustment pursuant to Article IV of the Stipulation and Agreement at Docket No. RP78-77;

(5) A Transportation and Compression tracking adjustment pursuant to Article V of the Stipulation and Agreement at Docket No. RP78-77;

(6) A Storage Loss Amortization tracking adjustement pursuant to Article VII of the Stipulation and Agreement at Docket No. RP78-77, and

(7) A revision to Mississippi's last previous "reduced PGA" rate, reflecting projected incremental pricing surcharges ("MSAC") for the period March 1, 1981 through August 31, 1981.

Mississippi states that the base tariff rates set forth on Seventy-Seventh Revised Sheet No. 3A are based upon the provisions of the Stipulations and Agreement at Docket No. RP78-77, which was approved by Commission letter order dated December 11, 1979.

Mississippi believes no waivers of the Commission's Rules and Regulations are required in order to permit its filing to become effective as proposed. However, Mississippi requests waivers be granted if in the Commission's view any such waivers are required.

Mississippi states that copies of its filing has been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5219 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-136-000]

Mississippi River Transmission Corporation; Application

February 10, 1981.

Take notice that on January 13, 1981, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP81-138-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas measurement facilities at its existing delivery station located in Pevely, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been advised by Laclede Gas Company (Laclede) that Laclede intends to provide firm gas service to a new plant of the Foster-Forbes Glass Container Division of National Can Company through Laclede's Missouri Natural Division through a distribution system which is presently being supplied natural gas by Applicant through Applicant's Pevely delivery station, Jefferson County, Missouri.

Applicant states that Laclede has estimated that upon completion the new plant would have peak day

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requirements of approximately 2,980 Mcf of gas per day and annual requirements of 960,000 Mcf which volumes would be delivered within the confines of Laclede's present contract demand with Applicant. It is asserted that Laclede's new service to the plant would not result in an increase in contract quantities Laclede is entitled to purchase from Applicant.

Applicant states that its Pevely delivery station presently utilizes measurement facilities which have a maximum capacity of 5,850 Mcf per day. Applicant asserts that with the addition of Laclede's proposed new service to the Foster-Forbes Plant, peak day deliveries through the Pevely station would exceed the maximum capacity of the existing measurement facilities.

Applicant, therefore, proposes to replace the existing measurement facilities with two 3-inch meter tubes, control and block valves, a gas scrubber, and other miscellaneous facilities for the measurement, pressure reduction and delivery of natural gas. Applicant also proposes to retire the existing facilities following their removal.

Applicant estimates the cost of the construction of the new facilities to be approximately $71,000 which would be financed from available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5220 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3725-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 11, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3725 to be known as Swift Dam Hydroelectric Project located at the United States Water and Power Resources Service's Swift Dam on the Birch Creek River in Pondera County, Valier, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a United States Water and Power Resources Service's dam. Project No. 3725 would consist of: (1) a proposed powerhouse located just below the dam on the shore of Birch Creek River, and having an estimated generating capacity of 4.3 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 19,000,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Montana Power Company or a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period, the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3725. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5221 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-135, et al.]

National Fuel Gas Supply Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

February 10, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, on or before February 25, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No	Type filing
Jan. 13, 1981	National Fuel Gas Supply Corporation	RP80-135	Report.
Jan. 23, 1981	Mississippi River Transmission Corporation	RP80-36	Report.
Jan. 29, 1981	East Tennessee Natural Gas Company	RP78-85-[illegible]	Report.
Jan. 30, 1981	Algonquin Gas Transmission Company	RP76-15-006	Report.
Feb. 2, 1981	Kansas-Nebraska Natural Gas Company	RP74-11-000	Report.
Feb. 2, 1981	Kentucky West Virginia Gas Company	RP80-7-002	Report.
Feb. 2, 1981	Southern Natural Gas Company	RP77-31-007	Report.

[FR Doc. 81-5222 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-70-000; and ER81-71-000]

New England Power Co.; Filing

February 10, 1981.

The filing company submits the following:

Take notice that on January 26, 1981, New England Power Company (NEP) submitted for filing amendments to NEP's FERC Electric Tariff, Original Volume 1. Said filing is being submitted in compliance with the Commission's order, issued December 30, 1980, in the above referenced proceeding.

A copy of this filing has been served upon the affected regulatory commissions, and upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 4, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5225 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-27-000]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

February 10, 1981.

Take notice that North Penn Gas Company (North Penn) on January 30, 1981, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective March 1, 1981.

The change in rates contained in this filing reflects an increase of 43.919¢ per Mcf pursuant to § 14.1 (PGA Clause) of North Penn's tariff to reflect supplier rates which will be in effect on March 1, 1981.

Additionally, this filing reflects a surcharge credit of 72.690¢ per Mcf pursuant to § 14.2 and § 14.3 of North Penn's tariff which results from amounts accumulated in the Unrecovered Purchased Gas Cost Account for the period July 1, 1980 through December 31, 1980; the jurisdictional portion of supplier refunds received by North Penn for the same six-month period; carrying charges computed in accordance with Commission Regulations and a carry-over balance from the surcharge credit effective for the period March 1, 1980 through August 31, 1980.

North Penn respectfully requests a waiver of any of the Commission's Rules and Regulations as may be required to permit Sixty-Sixth Revised Sheet No. PGA-1 and Third Revised Sheet No. 15H, submitted herewith, to become effective March 1, 1981 as proposed.

Copies of this filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

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with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5223 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP68-75-006]

Northern Natural Gas Company, Division of InterNorth, Inc.; Petition To Amend

February 11, 1981.

Take notice that on January 22, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP68-75-006 a petition to amend the order issued May 10, 1968,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional delivery point for the exchange of natural gas with Phillips Petroleum Company (Phillips), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued May 10, 1968, it was authorized, *inter alia*, to transport and exchange natural gas with Phillips.

Pursuant to an amendment to the gas exchange agreement with Phillips dated December 31, 1980, Petitioner proposes herein to establish the wellhead meter facilities on the Deep Reef Hodges No. 1-39 well located in Roberts County, Texas, as an additional exchange point with Phillips.

Petitioner submits that because the Deep Reef Hodges No. 1-39 well has experienced declining production against its existing gathering line pressure, Petitioner would disconnect the well from its system and reconnect it to Phillips' low-pressure gathering system. Phillips would install side tap facilities to accommodate the receipt of exchange volumes and Petitioner would reimburse Phillips for all costs incurred in providing the side tap, it is stated.

Redelivery of gas exchange volumes by Phillips to Petitioner would be made at existing delivery points in Ellis County, Oklahoma, and Gray County, Texas, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5224 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. RP80-78-004]

Panhandle Eastern Pipe Line Co.; Change in Tariff

February 10, 1981.

Take notice that on February 4, 1981 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Thirty-Eighth Revised Sheet No. 3-A
Fifteenth Revised Sheet No. 3-B

An effective date of February 1, 1981 is proposed.

Panhandle states that this submittal implements the settlement in Docket No. RP80-78 approved by Commission Order dated January 27, 1981 utilizing the current 1981 GRI Funding Unit as approved by the Commission order in Docket No. RP80-108.

Panhandle states that copies of its filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5226 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3563-000 and 3653-000]

Ramel Corp. and Mitchell Energy Co., Inc.; Application for Preliminary Permit

February 11, 1981.

Take notice that the Ramel Corporation and the Mitchell Energy Company, Inc. (Applicants) filed on October 14, 1980, and November 3, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Projects Nos. 3563 & 3653 to be known as the Wappapello Lake Hydroelectric Project located on the St. Francis River in Wayne County, Missouri. The applications are on file with the Commission and are available for public inspection. Correspondence with the Ramel Corporation should be directed to: Mr. Richard H. Davis, Jr., President, Ramel Corporation, Route 5, Box 48B, Nashville, Arkansas 71852. Correspondence with Mitchell Energy Company, Inc. should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Each Applicant would utilize the existing U.S. Army Corps of Engineers' Wappapello Lake Dam.

Ramel Corporation intends to construct: (1) a new powerhouse containing generating units having a total rated capacity of 22,000 kW; (2) a transmission line; and (3) appurtenant facilities.

Ramel estimates that annual generation would average 44 GHw.

Mitchell Energy Company, Inc. intends to construct: (1) a powerhouse containing turbine/generators with a potential capacity of 22,000 kW; and (2) appurtenant facilities.

Mitchell estimates an average annual generation of 97 GWh.

Purpose of Project—Project energy developed from Projects Nos. 3563 and 3653 would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Ramel Corporation seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic and environmental aspects of the project. Mitchell Energy Company, Inc. seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare similar studies. Depending upon the outcome of the studies, both Applicants would decide whether to prepare an application for an FERC license. Ramel Corporation estimates the cost of the studies under the permit would be $100,000. Mitchell Energy Company, Inc. estimates the cost would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for perliminary permit for Project no. 3563 & 3653. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5227 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3478-001]

Stockton-East Water District; Application for Preliminary Permit

February 11, 1981.

Take notice that Stockton-East Water District (Applicant) filed on December 1, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3478 to be known as Goodwin Power Project located on the Stanislaus River in Calaveras and Tuolumne Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James D. Beard II, General Manager, Stockton-East Water District, 2526 East Fremont Street, P.O. Box 5117, Stockton, California 95205. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete double-arch diversion dam, Goodwin Dam, with a crest length of 460 feet and a height of 90 feet; (2) an existing reservoir with a surface area of 70 acres and a storage capacity of 500 acre-feet; (3) a steel penstock; (4) a power plant with a 5,200-kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 26,000,000-kWh.

Purpose of Project—The power developed by the proposed project would be used for the pumping of irrigation water or sold to a power company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time environmental impacts would be assessed; necessary permits and rights would be obtained; field investigations would be made; and cost estimates would be prepared. The cost of these activities is estimated by the Applicant to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

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comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Goodwin Hydroelectic Project No. 3552 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before February 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) 1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state it is made in response to this notice of application for preliminary permit for Project No. 3478. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5228 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-17-003]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 10, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on January 30, 1981 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Fifty-seventh Revised Sheet No. 14
Fifty-seventh Revised Sheet No. 14A
Fifty-seventh Revised Sheet No. 14B
Fifty-seventh Revised Sheet No. 14C
Fifty-seventh Revised Sheet No. 14D

Texas Eastern is reducing its rates pursuant to Article VI, Rate Reductions for Repayments of Advance Payments, of the Stipulation and Agreement in Docket No. RP78-87, as approved by Commission Order issued April 4, 1980. According to the terms and conditions of Article VI of the Stipulation and Agreement Texas Eastern is required to file any rate reduction pursuant to this article the end of the month following the month during which repayments, requiring a rate reduction, are received. This filing is based on the balance of advance payments outstanding as of December 31, 1980. Adjustments have been reflected as required by the Stipulation and Agreement of Docket No. RP75-73 (AP 79-4) *et al.* which the Commission approved by order dated November 26, 1980 as clarified by order dated January 19, 1981.

The proposed effective date of the above tariff sheets is March 1, 1981.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before Feb. 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5229 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-156-000]

Texas Gas Transmission Corp.; Application

February 11, 1981.

Take notice that on January 22, 1981, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP81-156-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of a sales meter station in Union Parish, Louisiana, by purchase from Reynolds Metal Company (Reynolds), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to purchase from Reynolds a sales meter station located on Applicant's 26-inch pipeline in Union Parish, Louisiana, at a price of $5,000. Such acquisition, it is asserted, would be financed from funds on hand.

Pursuant to authorization granted in Docket No. CP77-58, Applicant states that it was authorized to construct and operate the sales meter station to be acquired herein under a leasing arrangement with Reynolds which took title to the meter station.

Applicant asserts that the subject meter station was used in the transportation of natural gas for Reynolds which service expires January 21, 1981, and that Reynolds has informed Applicant that it does not desire to extend such service. It is further asserted that during the term of the transportation service Applicant entered into a long-term gas purchase contract with Ergon, Inc. (Ergon) under which reserves were dedicated to Applicant in the Monroe Field, Union Parish, Louisiana. It is submitted that the gas purchase contract between Applicant and Ergon provides that when those reserves are no longer needed to fulfill Ergon's obligations to Reynolds such reserves would be dedicated to Applicant. Applicant indicates that under the transportation agreement with Reynolds, Reynolds agreed to lease the subject sales meter station to Applicant for its use until January 31, 1981. Because Applicant requires the use of the station to accept deliveries of gas from Ergon, it proposes herein to purchase the meter station from Reynolds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5230 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-506-001]

Transcontinental Gas Pipe Line Corp.; Petition to Amend

February 11, 1981.

Take notice that on January 19, 1981, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-506-001 a petition to amend the order issued January 10, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act as implemented by Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize an increase in the total annual cost limitation prescribed by said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 10, 1980, it was authorized, to construct and operate gas supply facilities within an annual total project cost limitation of $20,000,000.

Petitioner asserts that during the calendar year 1980 its expenditures for minor, routine gas supply facilities essential to the attachment of new resources exceeded the $20,000,000 limitation by approximately $19,370,900 requiring Petitioner to file eleven separate applications to have numerous projects certificated.

Petitioner, therefore, requests a $40,000,000 total cost limitation in order to avoid such multiple filings in 1981.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5231 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-277-002]

Transwestern Pipeline Co.; Petition To Amend

February 11, 1981.

Take notice that on January 16, 1981, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-277-002 a petition to amend the order issued November 15, 1976,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize revised annual quantity limitations for facilities used for the direct sale of natural gas to two of Petitioner's right-of-way grantors, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued November 15, 1976, in the instant docket, it was authorized to construct and operate facilities for the direct sale of natural gas to H. Blevins McKenzie and Marjorie McKenzie at two delivery points pursuant to right-of-way grants.

By order issued April 4, 1979, the November 15, 1976, order was amended to provide for annual quantity limitations of 13,000 dekatherms (dt) equivalent for the Blevins McKenzie #1 contract and 5,000 dt equivalent for the H. Blevins McKenzie and Marjorie McKenzie #2 contract, it is stated.

Petitioner states that acreage served by the #1 contract is to be conveyed to Robert E. Richardson and John Hinson who desire that Petitioner continue service under the #1 contract which they have ratified and adopted. It is further stated that all parties have agreed to equalize gas quantities between each contract as acreage and usage are nearly equal with no increase in the total combined annual quantity sought. Accordingly, Petitioner proposes annual quantity limitations as follows:

Blevins McKenzie #1 Contract—8,500 dt equivalent
H. Blevins and Marjorie McKenzie #2 Contract—9,500 dt equivalent

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5232 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

V 46/30 FE 13 81 UMI

[Docket No. TA81-1-20-001]

Algonquin Gas Transmission Co.; Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

February 9, 1981

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on January 29, 1981, tendered for filing 55th Revised Sheet No. 10 and 3rd Revised Sheet No. 10–B to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that these sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. The rates as shown on Sheet No. 10 reflect the following: (i) an adjustment to amortize the December 31, 1980 balances in Algonquin Gas' Unrecovered Purchased Gas Cost Account (Account 191) and (ii) an adjustment to reflect higher purchased gas costs to be charged by its supplier, Texas Eastern Transmission Corporation ("Texas Eastern"), to Algonquin Gas proposed to be effective February 1, 1981, under Texas Eastern's Fifty-sixth Revised Sheet No. 14D; Sheet No. 10–B reflects Projected Incremental Pricing Surcharges for the period March, 1981 through August, 1981.

Algonquin Gas requests that the proposed effective date of the revised tariff sheets as prescribed in Section 17 be as of March 1, 1981.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Feb. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5201 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA76-4]

Bayou State Oil Corp.; Requesting Supplemental Filing

Issued: February 6, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)), which exempts all crude oil and petroleum products from the Mandatory Petroleum Price and Allocation Regulations. As a consequence, certain cases on review before the Commission may be moot. The issues raised in the above-captioned case may not be moot since they involve a request for retroactive exception from the regulations for a period prior to the issuance of the Executive Order.

By February 17, 1981 each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that this case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5202 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-22-002]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

January 13, 1981.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on December 4, 1980 tendered for filing Substitute Twenty-Third Revised Sheet No. 16 proposed to be effective January 1, 1981 in lieu of Twenty-Third Revised Sheet No. 16 filed November 26, 1980. The substitute tariff sheet was filed to correct a typographical error in columns (6) and (10) of the Demand Adjustment. No other changes were made to the filing which reflects the 1981 GRI funding unit of 0.56¢ per Mcf (0.54¢ per Dt).

Consolidated requests a waiver of the Commission's Rules and Regulations, specifically Section 154.22, Notice Requirements. Additionally Consolidated requests a waiver of any other of the Commission's Rules and Regulations as may be deemed necessary to permit Substitute Twenty-Third Revised Sheet No. 16 to become effective January 1, 1981.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any persons desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5203 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. TA81-1-22-002 (PGA 81-1) (IPR81-1) (R&D81-1)(LFUT81-1)(TT81-1) and (AP81-1]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

February 9, 1981.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on January 30, 1981, tendered for filing revised tariff sheets, pursuant to Sections 12 (PGA Clause), 12A (Incremental Pricing Surcharges), 13 (Research, Development and Demonstration Cost Adjustment) and 14 (Louisiana First Use Tax Adjustment) of the General Terms and Conditions of its tariff, and the transportation cost and revenue and advance payment tracking provisions of the proposed "Stipulation and Agreement Resolving Cost of Service and PGA Issues" in Docket No. RP80–61. The revisions, shown on Twenty-Fourth Revised Sheet No. 16 and Fourth Revised Sheet No. 72–C, provide for Consolidated's semi-annual PGA to be effective March 1, 1981.

Consolidated has included in its filing:

(a) Rate changes from pipeline suppliers in the amount of $32.4 million;

(b) A rate reduction from producer suppliers in the amount of $11.9 million;

(c) A rate change to reflect a surcharge credit of 5.74¢ per dekatherm to return excess amounts accumulated in Account 191, Unrecovered Purchased Gas Costs;

(d) A rate change to reflect a Louisiana First Use Tax Adjustment of 0.23¢ per dekatherm;

(e) A rate change to reflect changes in transportation costs and revenues since June 30, 1980, of 0.58¢ per dekatherm pursuant to Article X of the proposed settlement; and,

(f) A rate decrease of 0.17¢ per dekatherm to track changes in advance payment balances pursuant to Article XI of the proposed settlement.

Consolidated states that he proposed rates are developed on the "unit-of-sales" method which will become effective as of December 1, 1980, upon approval of the referenced, proposed settlement. It is stated that the "unit of sales" method was also reflected in revised tariff sheets filed in Docket No. RP81–12–000 on October 31, 1980. The tariff sheets were rejected for filing by letter order of Director of OPPR issued December 10, 1980, which order has been appealed to the Commission by Consolidated. Consolidated asks the Commission to approve the "unit of sales" method consistent with the proposed settlement and the theory advanced by Consolidated on appeal. Additionally, Consolidated included in its filing the rejected tariff sheets. Consolidated has also filed Alternate Twenty-Fourth Revised Sheet No. 16 reflecting the currently effective "unit of purchase" method in the event the Commission rejects Twenty-Fourth Revised Sheet No. 16.

Consolidated asks for appropriate waiver of the regulations to permit it to track transportation costs, transportation revenues and advance payments pursuant to the proposed settlement in Docket No. RP80–61 in the event the settlement is not approved by the Commission prior to March 1, 1981.

Additionally, Consolidated states that the rates contained on Twenty-Fourth Revised Sheet No. 16 reflect old pipeline production (production from wells drilled prior to January 1, 1973, on leases acquired prior to October 8, 1969) on a cost-of-service basis and new pipeline production priced pursuant to the Natural Gas Policy Act of 1978. In certain past filings Consolidated has filed alternative tariff sheets including old pipeline production priced pursuant to the NGPA, and those tariff sheets have been rejected (Consolidated Gas Supply Corp., Docket No. RP79–22, order issued January 30, 1979). Consolidated has petitioned for court review of the Commission's order rejecting its tariff sheets based on NGPA treatment of old pipeline production.

The filing in this proceeding on the basis of the inclusion of old pipeline production on a cost-of-service basis is without prejudice to Consolidated's position that old pipeline prodution is entitled to NGPA treatment and the outcome of the court proceedings. Consolidated has omitted the alternative filing to avoid the burden of Commission rejection of a tariff sheet, to be followed by another application for rehearing and petition for court review. Consolidated reserves its right to make collections based on NGPA treatment for old pipeline production.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Feb. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5204 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-249-000]

Duquesne Light Co.; Proposed Tariff Change

February 9, 1981.

The filing Company submits the following:

Take notice that on January 30, 1981, the Duquesne Light Company (DLC), tendered for filing a proposed change in its FERC Municipal Electric Resale Service Tariff for Pitcairn, Pennsylvania. DLC requested that the proposed rate schedule change be effective on April 1, 1981. DLC indicates that the proposed change would increase revenues from jurisdictional sales by $121,360.13 based on the twelve month period ending March 31, 1982. DLC indicates that it has experienced increased costs for service to the Borough.

DLC states that copies of the filing were mailed to the Pennsylvania Public Utility Commission and to the Secretary of the Borough of Pitcairn on January 27, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5206 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79–172–001]

Florida Gas Transmission Co.; Petition To Amend

February 10, 1981.

Take notice that on December 22, 1980, Florida Gas Transmission Company (Petitioner), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP79–172–001 a petition to amend the order issued August 2, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of additional volumes of natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by order issued August 2, 1979, in the instant docket to transport up to 12 billion Btu of natural gas per day for Transco, it is stated. Petitioner asserts it receives the subject gas at a point on Shell Oil Company's Vermilion Block 22 Platform, offshore Louisiana, and delivers the gas to Transco at an interconnection of Petitioner's, Transco's and Sea Robin Pipeline Company's facilities with Transco's Central Louisiana gathering system in the Pecan Island area, Vermilion Parish, Louisiana.

Pursuant to the terms of an amendatory agreement dated October 16, 1980, Petitioner proposes to transport up to 17 billion Btu of natural gas per day for Transco through Petitioner's undivided interest in the jointly owned Block 22 facilities to an interconnection point of said facilities with Transco's Central Louisiana gathering system, it is stated. Petitioner would accept such quantities of gas in excess of Transco's capacity in the Vermilion 22 facilities.

V 46/30 FEB 13 81 UMI

Petitioner further states that the agreement would be for a primary term of ten years from the date of initial delivery and from year to year thereafter.

Petitioner contends that the proposed service would provide additional gas supplies to the interstate market without the need to construct expensive offshore transmission facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5206 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-122]

Green Springs Chevron; Requesting Supplemental Filing

Issued: February 6, 1981

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 20, 1981 each participant that disagrees with this tentative conclusion shall file a statement explaining its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Finally, although certain documents filed by petitioner with the Office of Hearings and Appeals (OHA) and included in the record filed with the Commission were treated as confidential by OHA, petitioner did not request that any documents be treated as confidential before the Commission. The Commission's Rules of Practice and Procedure, 18 CFR 1.40(c), require such a request before any document, whether originally filed with OHA or with the Commission, can be treated as confidential. By February 17, 1981 petitioner may file a request for confidential treatment of any documents in the OHA record, explaining the basis for the request.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5207 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-250-000]

Gulf States Utilities Co.; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that Gulf States Utilities Company (Gulf States) on February 2, 1981, tendered for filing a new Service Schedule CTOC and an Amendment No. 2 to a Power Interconnection Agreement between Gulf States and the Cajun Electric Power Cooperative, Inc. (CEPCO). Gulf States indicates that the Service Schedule makes provision for compensation of the parties for investments in certain transmission facilities. Gulf States further indicates that the Amendment No. 2 is for the purpose of adding the Service Schedule CTOC and deletes previous reference in the Power Interconnection Agreement which were made as to a certain nuclear power plant. The effective date of the Service Schedule and the Amendment is November 1, 1980.

According to Gulf States a copy of the filing was served on the Public Utility Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5208 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-35-000]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

February 9, 1981.

Take notice that on January 30, 1981, Michigan Wisconsin Pipe Line Company tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1.

Michigan Wisconsin asserts that this filing is being submitted for the sole purpose of revising the interest rate under Section 6.3 *Interest on Unpaid Amounts* and Section 6.6 *Errors in Billing* of the General Terms and Conditions to conform to the Commission's Order No. 47 at Docket No. RM77-22.

Michigan Wisconsin further asserts that copies were served upon its customs and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before Feb. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5209 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 346]

Minnesota Power and Light Co.; Application for Amendment of Exhibit R

February 9, 1981.

Take notice that on November 20, 1980, pursuant to Article 38 of it's license, the Minnesota Power and Light Company (Licensee) filed an application for approval of an amendment to the approved Exhibit R for it's Blanchard Project, FERC No. 346. The project is located on the Mississippi River in Morrison County, Minnesota. Correspondence with the Applicant should be directed to: Mr. Kirk O. Kuwitzky, Minnesota Power and Light Company, 30 W. Superior Street, Duluth, Minnesota 55802. Article 38 required the Licensee to file for Commission approval a construction and operation schedule, to be developed in cooperation with the appropriate agencies, within 6 months after the date of the order issuing license (May 20, 1980). Licensee proposes to widen and surface an existing boat launch ramp, and add parking and sanitary facilities, and to improve an existing fisherman's access area by expanding the existing parking lot and by adding sanitary facilities. Licensee proposes to construct these improvements in the spring of 1981. The other two facilities propose for initial development in the approved Exhibit R, a picnic area and a canoe portage, are proposed to be deferred until the Licensee resolves competing proposals for development or cooperative agreements with the Minnesota Department of Natural Resources. The two facilities scheduled for ultimate development in the Exhibit R, a family campground and a wayside campground are also planned to be developed when a need is demonstrated or when competing development proposals are resolved.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application. Additional information on the proposal may be obtained from the Applicant at the above address. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other Comments filed, but a person who merely files a protest or comments does not become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before March 20, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-5210 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-247-000]

NEPOOL—NYPP Agreement; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that on February 2, 1981, counsel for the member electric corporations of New York Power Pool filed an agreement amending and supplementing the Interconnection Agreement between the New England Power Pool and the New York Power Pool, dated as of April 4, 1977 and subsequently supplemented. A certificate of concurrence was filed on behalf of NEPOOl by the Executive Committee.

The services to be furnished under the redesignated section 5.3 and the resulting deletion of section 5.1, 6.1 and 6.5(a) are intended to bring the NEPOOL–NYPP Interconnection Agreement in substantial conformity with the parallel provisions of the amendments to the PJM–NYPP Interconnection Agreement as amended and filed July 1, 1980, in Docket Nos. ER80–509 and ER80–550 and to implement certain changes resulting from recent Commission determinations, particularly Order No. 84. Modifications have been made to rates for Supplemental Capacity and Energy and Conservation Energy services. Energy is priced on the basis of the cost of supplying such energy plus a fixed adder and adjustments for transmission losses. Capacity is priced on a similar basis. A different fixed adder is utilized with delivering energy from other systems not a party to this agreement.

The parties have requested that the Commission waive its notice requirements and permit the proposed amendment to become effective as of September 1, 1980 in accordance with Order 84–B.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5211 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-143-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

February 10, 1981.

Take notice that on January 15, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP 81-143-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer of a portion of the firm entitlement of Northern States Power Company (NSP) from St. Paul, Minnesota, to North Branch, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transfer 17,000 Mcf of natural gas per day from NSP's firm entitlement under Applicant's Rate Schedule CD–1 assigned to St. Paul, Minnesota, to North Branch, Minnesota, for sale to NSP under Applicant's Rate Schedule PL–1. It is asserted that NSP currently has firm entitlements assigned to St. Paul of 171,351 Mcf per day under Applicant's Rate Schedule CD–1, 8,435 Mcf per day under Applicant's Rate Schedule SS–1 and 18,346 Mcf per day under Applicant's Rate Schedule PS–1. It is submitted that the proposal herein would reduce the volume available at St. Paul under Applicant's Rate Schedule CD–1 to 154,351 Mcf per day.

It is asserted that the proposed transfer would enable NSP to average down the retail cost of gas with gas purchased from Midwestern Gas Transmission Company (Midwestern). Midwestern pays its supplier, TransCanada PipeLines, Ltd., $4.47 (U.S.) per million Btu, it is stated. Such an export price translates into a burner-tip gas price of approximately $6.00 per

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Mcf, it is asserted. It is stated that by replacing its gas with Applicant's lower-cost gas, NSP would reduce the substantial economic hardship on its Midwestern-supplied customers.

Applicant states that NSP would offset the reduction of available gas in the St. Paul area with liquefied petroleum gas.

Applicant further states that pursuant to the stipulation and agreement in Docket No. RP80–86, Applicant would reduce its daily vaporization entitlement for the 1981–82 and 1982–83 heating seasons and would reduce its annual LNG storage entitlement for the 1982 liquefaction season.

Applicant would deliver or cause delivery of gas sold to NSP pursuant to Applicant's Rate Schedule PL–1 to Midwestern at existing points of interconnection betweeen the facilities of Applicant and Midwestern located in Isanti County, Minnesota, and Chisago County, Minnesota, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5212 Filed 2–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–245–000]

Pacific Gas and Electric Co.; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PGandE) on January 30, 1981 tendered for filing a signed letter agreement dated January 27, 1981, stipulating to an amendment to the United States Power Contract No. 14–06–200–2948A ("Contract") between the Western Area Power Administration (Western) and PGandE dated July 31, 1967, deferring review of certain other rates and charges pursuant to Article 32 of the Contract from April 1, 1981, to July 1, 1981. This agreement stipulates to the effective dates desired by the parties.

The parties have agreed to deferrment the rate review date to allow Western and PGandE to complete their joint review of the rates as provided therein in a more thorough manner.

It is proposed that this amendment become effective on April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervenue or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20428, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5213 Filed 2–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–246–000]

Pacific Gas and Electric Co.; Filing

February 9, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PGandE) on January 30, 1981 tendered for filing a signed letter agreement dated January 7, 1981, stipulating to an amendment to the United States Power Contract No. 14–06–200–2948A ("Contract") between the Western Area Power Administration (Western) and PGandE dated July 31, 1967, deferring the April 1, 1981, review of transmission rates pursuant to Article 32 of the Contract until an initial decision in Docket No. ER76–532 is issued or the parties decide to proceed absent the aforementioned initial decision.

It is proposed that this amendment become effective on April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20428, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5214 Filed 2–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–124–000]

Pacific Interstate Transmission Co.; Application

February 10, 1981.

Take notice that on December 31, 1980, Pacific Interstate Transmission Company (Applicant), P.O. Box 3249, Terminal Annex, Los Angeles, California 90051, filed in Docket No. CP81–124–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Pacific Lighting Service Company (PLS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to sell natural gas to PLS at the California-Arizona border which Applicant purchases from Michigan Consolidated Gas Company (Mich Con). The sales would be made for a period of two years from the date of the first deliveries and from year to year thereafter.

Applicant states that the gas would be delivered by Mich Con's affiliate, Michigan Wisconsin Pipe Line Company (Mich Wis), to Transwestern Pipeline Company (Transwestern) for the account of Applicant at an existing point of interconnection in Roberts County, Texas, or to any other interconnection with the Transwestern system mutually agreeable to Mich Wis and Transwestern as designated by Applicant. Transwestern would transport the gas for Applicant to the California-Arizona border where it would be sold by Applicant to PLS, it is stated.

Applicant states that Mich Con may notify Applicant of its daily volumes of gas available for purchase by Applicant with no less than a 24-hour advance.

It is further stated that PLS would deliver the gas through its existing facilities within the State of California for sale to Southern California Gas Company (SoCal) as part of SoCal's overall system supply. Applicant contends that SoCal would be aided in meeting its public utility responsibilities to gas consumers in the southern California market area.

Applicant would make the subject sale under its proposed Rate Schedule TS–2 which includes a 0.3 cent charge per million Btu to cover Applicant's administrative and general expenses.

It is asserted that the price which Applicant is to pay Mich Con for each million Btu of gas is to consist of the basic commodity rate permitted under § 284.144 of the Commission's Regulations and the transportation rate permitted under §§ 284.123 and 284.222 of the Commission's Regulations. It is stated that for the month of December 1980, Mich Con estimates that its basic commodity rate is $3.06 per million Btu. It is further asserted that the transportation rate would be 16.0 cents per million Btu.

It is indicated that the rate to be charged by Transwestern is that contained in its Rate Schedule TS–1, which is currently 37.83 cents per million Btu. Additionally, Transwestern would retain a portion of gas for shrinkage as effective under Rate Schedule TS–1.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5215 Filed 2–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. RA80–5 and RA80–82 (consolidated)]

San Ann Service; Requesting Supplemental Filing

Issued: February 6, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)), which exempts all crude oil and petroleum products. As a consequence, certain cases on review before the Commission may be moot. The issues raised in the above-captioned cases may not be moot to the extent they involve a requirement by the Secretary of Energy for restitution of relief granted on an interim basis.

By February 17, 1981 each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts the cases are not moot, petitioner shall state whether, in light of deregulation, it wished to continue its appeal or withdraw its petitions for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5216 Filed 2–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA80–9]

Southland Oil Co. and VGS Corp.; Requesting Supplemental Filing

Issued: February 6, 1981.

On January 28, 1981 petitioner requested an extension of time until March 2, 1981 to file comments on the proposed order of the presiding officer issued in this case. On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)), which exempts all crude oil and petroleum products from the Mandatory Petroleum Price and Allocation Regualtions. As a consequence, certain cases on review before the Commission may be moot. The issues raised in the above-captioned case may not be moot because they involve requests for exception from entitlements purchase obligations for a period prior to the issuance of the Executive Order.

The request for extension of time is granted and by March 2, 1981 petitioner may file comments on the proposed order. By the same date each participant that disagrees with the tentative conclusion concerning the possible mootness of the case shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5217 Filed 2–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP81–36–000]

Texas Gas Pipe Line Corp., Proposed Changes in FERC Gas Tariff

February 9, 1981.

Take notice that Texas Gas Piple Line Corporation (TGPLC), on January 26, 1981 tendered for filing proposed changes in its FERC Gas Tariff Second Revised Volume No. 1. The proposed changes would increase revenues, exclusive of purchased gas cost adjustments, from jurisdictional sales and service by $224,942 based on the 12 month period ending September 30, 1980.

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as adjusted. TCPLC states that the principal reasons for the proposed rate increases are increased operating expenses and to offset a net operating revenue deficiency.

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-5218 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-126-000]

Transcontinental Gas Pipe Line Corp.; Notice of Application

February 10, 1981.

Take notice that on December 31, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-126-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities near Louise, Wharton County, Texas (Louise), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 13 miles of 24-inch pipeline extending from the discharge side of Applicant's Compressor Station No. 30 to the Louise interconnection. The pipeline would transport an average of up to 225,000 Mcf of natural gas per day and would have a maximum daily capacity of 380,000 Mcf of natural gas, it is stated.

Applicant states that such facilities would enable it to recommence deliveries to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at the Louise delivery point which deliveries were hindered by reductions in operating pressures on Applicant's McMullen Lateral. Such reductions are attributable, it is stated, to compliance with the provisions of U.S. Department of Transportation Pipe Line Safety Standards, Title 49, Part 192—Transportation of Natural and Other Gas by Pipe Line.

Applicant proposes to loop its existing 24-inch pipeline with the proposed pipeline which would extend from the discharge side of Station No. 30 to the interconnection at Louise. Applicant contends that such looping would allow quantities of gas at higher pressure to flow from Station No. 30 back to the Louise interconnection thus enabling delivery of gas by Applicant to Tennessee to recommence at Louise.

Applicant estimates the cost of the proposed facilities to be $6,850,000 which would be financed initially through short-term loans and available cash. It is stated that permanent financing would be undertaken as part of Applicant's overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5100 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-136-000]

Trunkline Gas Co.; Notice of Application

February 10, 1981.

Take notice that on January 12, 1981, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-136-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of its service agreements with Illinois Power Company (Illinois Power) and Central Illinois Power Service Company (CIPSCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to two service contracts with Illinois Power under Applicant's Rate Schedule SG-2, Applicant states that it provides up to 2,850 Mcf of natural gas per day to Illinois Power for resale to Odgen, Fithian and Muncie, Illinois, and up to 750 Mcf per day for resale to Royal, Illinois.

Applicant proposes, pursuant to an agreement dated September 1, 1980, to provide service to Illinois Power under a single contract pursuant to Applicant's Rate Schedule SG-2 with a combined contract quantity of 3,600 Mcf per day. Applicant contends that such a modification would provide flexibility in meeting peak loads and would promote diversity between the gas loads served from the two delivery points.

Applicant further states that it provides service to CIPSCO pursuant to two contracts under Applicant's Rate Schedule SG-1 and G-1 as follows:

Point of delivery	Contract quantity (Mcf)	Rate schedule
Cole County, Gays, Ill.	400	SG-1
Effingham County, Newton, Ill.	3,200	SG-1.
Franklin County, Thompsonville, Ill.	156	SG-1.
Cole County, Cook Mills, Ill.	131	SG-1
Teutopolis County, Ill.	8,000	G-1
Total	11,889	

Applicant proposes pursuant to an agreement with CIPSCO dated September 1, 1980, to combine the present Rate Schedule SG-1 contracts for Gays, Newton, Thompsonville and Cook Mills with the Rate Schedule G-1. It is asserted this would provide CIPSCO with more service flexibility in meeting peak demands of these communities. Accordingly, it is asserted that Applicant and CIPSCO have entered into a new contract pursuant to Applicant's Rate Schedule G-1 which provides for the sale of up to 11,889 Mcf of gas per day.

Applicant submits that the proposed modification in service for Illinois Power and CIPSCO would not result in any increase in peak day or annual entitlement for natural gas service nor would it adversely effect Applicant's ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5199 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-147-000]

United Gas Pipe Line Co.; Notice of Application

February 10, 1981.

Take notice that on January 16, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-147-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 25.8 miles of 36-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in order to move additional natural gas into the eastern portion of its system, it proposes to construct and operate approximately 25.8 miles of 36-inch pipeline and appurtenant facilities from a point of interconnection with existing facilities located a the Bayou Sale Junction in St. Mary Parish, Louisiana, extending in a northeasterly direction through St. Martin Parish, Lousisiana, to the Napoleonville compressor station located on Applicant's 30-inch line in Assumption Parish, Louisiana.

Applicant states that by January 1982 it must move up to 1,050,000 Mcf of natural gas per day through a portion of its south to north Louisiana 30-inch line located between the Bayou Sale Junction and the Napoleonville compressor station. The proposed facilities would enable Applicant to move an additional 305,000 Mcf of natural gas per day into the eastern portion of its existing system to offset declining production from traditional sources of supply, it is stated.

Applicant estimates the total cost of the proposed facilities to be $36,846,600 which would be financed by general corporate funds and existing lines of credit with commercial lending institutions.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own reivew of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5200 Filed 2-12-81; 8:45 am]

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Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed Week of January 19 through 23, 1981

During the week of January 19 through January 23, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before March 5, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed

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on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 9, 1981.

Remedial Orders

Aptos Shell, Aptos, California, BRO–1365, motor gasoline

On January 22, 1981, Aptos Shell, 18 Rancho Del Mar, Aptos, California 95003, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through November 13, 1979 Aptos Shell committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $4588.44 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Bubble Machine, Oakland, California, BRO–1364, motor gasoline

On January 22, 1981, Bubble Machine, 609 Oak Street, Oakland, California 94607, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through July 18, 1980, Bubble Machine committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $52,979.24 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Cardoza Service, Rodeo, California, BRO–1374, motor gasoline

On January 22, 1981, Cardoza Service, 400 Parker Avenue, Rodeo, California 94572, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through January 11, 1980, Cardoza Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $3,304.34 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Concord Chevron Service, Concord, California, BRO–1372, motor gasoline

On January 22, 1981, Concord Chevron Service, 2001 Willow Pass Road, Concord, California 94520, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period December 15, 1979 through May 28, 1980, Concord Chevron Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $19,307.40 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

CP Marketing Chevron Car Wash, Danville, California, BRO–1367, motor gasoline

On January 22, 1981, CP Marketing Chevron Car Wash, 485 San Ramon Valley Road, Danville, California 94526, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period September 20, 1979 through May 31, 1980, CP Marketing Chevron Car Wash committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $19,468.71 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Crossroad Texaco, Santa Rosa, California, BRO–1377, motor gasoline

On January 22, 1981, Crossroad Texaco, 2500 Guerreville Road, Santa Rosa, California 95401, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period February 1, 1980 through June 28, 1980, Crossroad Texaco committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $1,659.56 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Don Skilling Chevron Service, Mill Valley, California, BRO–1363, motor gasoline

On January 22, 1981, Don Skilling Chevron Service, 105 Tibivron Blvd., Mill Valley, California 94941, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through December 31, 1979 Don Skilling Chevron Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $24,380.85 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Gerald Bushman Chevron, Milipitas, California, BRO–1366, motor gasoline

On January 22, 1981, Gerald Bushman Chevron, 1490 S. Park Victoria, Milipitas, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through September 20, 1980, Gerald Bushman Chevron committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $55,340.00 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Harv's Sacramento Car Wash, Sacramento, California, BRO–1371, motor gasoline

On January 22, 1981, Harv's Sacramento Car Wash, 2105 Arden Way, Sacramento, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order the Western District found that during the period August 1, 1979 through July 31, 1980, Harv's Sacramento Car Wash committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $8747.77 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

J.A.L. Oil Co., Inc., Great Neck, New York, BRO–1362, motor gasoline

On January 19, 1981, J.A.L. Oil Company, Inc., 17 Barstow Road, Great Neck, New York, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast Enforcement District of the Economic Regulatory Administration issued to the firm on December 29, 1980. In the Proposed Remedial Order, the Northeast District found that during the period November 1, 1979 through April 6, 1980, J.A.L. Oil Company, Inc. committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $25,140.30 of overcharges to its customers.

Ken Betts Montclair Chevron, Oakland, California, BRO–1370, motor gasoline

On January 22, 1981, Ken Betts Montclair Chevron, 6550 Moraga Blvd, Oakland, California 94611, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through June 28, 1980, Ken Betts Monclair Chevron committed pricing violations in its sales of motor gasoline. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Ken Betts Towing Service, Oakland, California, BRO–1368, motor gasoline

On January 22, 1981, Ken Betts Towing Service, 10th and Webster, Oakland, California 94608, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through June 25, 1980, Ken Betts Towing Service committed pricing violations in it sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $31,125.03 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Pinole Valley Chevron, Pinole Valley, California, BRO–1369, motor gasoline

On January 22, 1981, Pinole Valley Chevron, 2895 Pinole Valley Road, Pinole Valley, California 94564, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 13, 1979 through July 19, 1980, Pinole Valley Chevron committed pricing violations in it sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $20,425.99 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Ron's Shell, Danville, California, BRO–1375, motor gasoline

On January 22, 1981, Ron's Shell, 301 N. Hartz Avenue, Danville, California 94526, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through November 13, 1979, Ron's Shell committed pricing violations in it sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $3,965.38 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Sandusky's Service, Vallejo, California, BRO–1373, motor gasoline

On January 22, 1981, Sandusky's Service, 1201 Tennessee Street, Vallejo, California 94590, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through January 31, 1980, Sandusky's Service committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $1690.88 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Suds Machine Chevron Car Wash, Oakland, California, BRO–1376, motor gasoline

On January 22, 1981, Suds Machine Chevron Car Wash, 4400 Piedmont Avenue, Oakland, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on December 31, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through June 10, 1980, Suds Machine Chevron Car Wash committed pricing violations in its sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $36,968.51 of overcharges to its customers. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 81-5043 Filed 2-12-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of December 22 Through December 26, 1980

During the week of December 22 through December 26, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Gulf States Oil and Refining Company, Corpus Christi, Texas, BEA–0293, crude oil

Gulf States Oil and Refining Company (Gulf States) filed an Appeal from a Decision and Order issued on February 15, 1980 by the Office of Petroleum Operations of the Economic Regulatory Administration (ERA). In the February 15 Order the ERA denied three applications for emergency allocations of crude oil which Gulf States had filed under the provisions of the DOE Curde Oil Allocation Program (the Buy/Sell Program), 10 CFR § 211.65 (c) (2). In its Appeal, Gulf States contended that for the purpose of evaluating its applications, ERA should have adjusted the firm's Corpus Christi refinery's base period runs to stills to reflect an expansion of refining capacity. In considering the Appeal, the DOE determined that the increase in the Corpus Christi refinery's capacity did not appear to be eligible under the provisions of 10 CFR 211.65 (a) (1) (iii). Accordingly, the Gulf States Appeal was denied.

Piketon Local No. 3–689 of the Oil, Chemical and Atomic Workers International Union, Piketon, Ohio, BFA–0408, freedom of information

Piketon Local No. 3–689 of the Oil Chemical and Atomic Workers International Union filed an Appeal from a denial by the Freedom of Information Officer of the Oak Ridge Operations Office of a Request for the waiver of fees associated with a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a partial waiver of associated search and copying fees was in the public interest.

The Daily Oklahoman, Oklahoma City, Oklahoma, BFA–0533, freedom of information

The Daily Oklahoma filed an Appeal from a denial by the Director of Petroleum Allocation Regulations, Office of Regulatory Policy, of the Economic Regulatory Administration of a request for information that the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE concluded that the Director of Petroleum Allocation Regulations had correctly determined that no responsive records were in the possession of the DOE. The Appeal was therefore denied.

Requests for Exception

Blevins Exxon Garage, Sugar Grove, Virginia, BEO–1113, motor gasoline

Blevins Exxon Garage filed an Application for exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base allocation of motor gasoline. In considering the request, the DOE found that the firm failed to meet the criteria for exception relief. Specifically, the firm failed to show that, in the absence of exception relief, it would be unable to realize the intended benefits of the capital investment it made or that it would not be able to adequately supply the gasoline requirements of its community. Accordingly, exception relief was denied.

Bob's Mini Mart, Inc., Queenstown, Maryland, DEE-7585, motor gasoline

Bob's Mini Mart, Inc. filed an Application for exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that although the firm had received some benefit from the provisions of 10 CFR § 211.104, it nevertheless satisfied the criteria set forth in *Leo Anger, Inc.*, 4 DOE ¶81,037 (1979). Accordingly, exception relief was granted.

Hoffman Corner Oil Company, White Bear Lake, Minnesota, BEE–0610, gasohol

Hoffman Corner Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased allocation of unleaded gasoline for use in the production of gasohol. In considering the request, the DOE found that exception relief was necessary to provide the firm with an adequate assured supply of unleaded gasoline for its gasohol operations, thereby furthering important national policy objectives. Accordingly, exception relief was granted.

Oahu Gas Service, Inc., Honolulu, Hawaii, BXE–1101, propane

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Oahu Gas Service, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought an extension of exception relief which permits the firm to charge a price for propane which is $.05 per gallon greater than the price it would otherwise be entitled to charge pursuant to the DOE pricing regulations. In considering the request, the DOE found that exception relief was necessary to enable the firm to continue its operations and to improve the competitive structure of the Hawaiian propane market. Accordingly, exception relief was granted.

Sandy's Chevron, Clearwater, Florida, BEO–0325, motor gasoline

Sandy's Chevron filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary in part to adjust an error in calculation of exception relief granted in the Proposed Decision and Order. Accordingly, exception relief was granted in part.

Southwestern Refining Company, Inc., Labarge, Wyoming, BXE–1268, crude oil

Southwestern Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested that it be excused from fulfilling its obligation under the DOE Crude Oil Entitlements Program. In considering the request, the DOE found that exception relief was necessary in order to allow Southwestern to achieve its historic profit margin. Accordingly, exception relief was granted. An important issue discussed in the Decision and Order is the inclusion of legal fees in the DOE's calculations of the appropriate amount of exception relief.

Texaco, Inc., White Plains, New York, DXE–7634, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought an extension of exception relief which permits the firm to sell crude oil which it produces from the Government Gwen Knapp Lease at prices in excess of applicable ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide Texaco with an economic incentive to continue to produce crude oil from this lease. Accordingly, exception relief was granted.

Requests for Temporary Exception

Bon Wier Producing Company, Monroe, Louisiana, BEL–0067 through BEL–0069, crude oil

Bon Wier Producing Company filed Applications for Temporary Exception from the provisions of 10 CFR Part 212 in which the firm sought relief which would permit the firm to sell crude oil which it produces from three wells at world market prices. In considering the request, the DOE found that temporary exception relief was necessary to provide the firm with an economic incentive to make the capital investments required to maintain crude oil production at one of the three wells. However, the firm did not adequately demonstrate the need for temporary exception relief with respect to the production from the remaining two wells. Accordingly, temporary exception relief was granted in part.

Cities Service Company, Tulsa, Oklahoma, BEL–0059, gasohol

Cities Service Company filed an Application for Temporary Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased allocation of unleaded gasoline for company-operated retail outlets participating in its gasohol test marketing program. In considering the Application, the DOE determined that the applicant had not met the criteria for temporary exception relief set forth at 10 CFR 205.125(b). The Cities Service temporary exception request was therefore denied.

Requests for Stay

Road Oil Sales, Inc., Washington, D.C., BES–1550, crude oil

Road Oil Sales, Inc., filed an Application for Stay from the requirement that it purchase 51,566 entitlements at a total cost of $1,344,325.62 as specified in the Entitlements Notice for September (10 CFR 211.67). In considering the Application, the DOE determined that Road Oil failed to provide sufficient information to establish its claim that the firm's resources are insufficient to permit it to meet its September entitlements obligation. Road Oil's stay request was therefore denied.

Supplemental Order

Office of Special Counsel for Compliance, Washington, D.C., BRX–014, refined petroleum products

The Office of Special Counsel for Compliance (OSC) filed a submission styled as a "Motion to Correct" a November 21, 1980 Decision and Order granting the Champlin Petroleum Company a stay of a Modified Remedial Order (MRO) pending the firm's Appeal of that order. *See Champlin Petroleum Co.*, 7 DOE ¶82,001 (1980). In considering the OSC's request, the Office of Hearings and Appeals noted that it had erroneously stated in the stay decision that Champlin had filed certain information as required by the MRO. Consequently, the stay decision was modified to omit any reference to Champlin's compliance with that requirement. The DOE also modified the previous stay order so that it could not be read to relieve Champlin of its obligation to file such calculations.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be denied.

Company Name, Case No., and Location

Vern's Standard Service, BEO–0593, Cedar Rapids, IA

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 9, 1981.

[FR Doc. 81–5044 Filed 2–12–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51223; TSH–FRL 1752–7]

Aliphatic Triol; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by February 28, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460, (202–426–3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 28, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51223]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–370.

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic triol.

Use. Coatings coreactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Viscosity (25°C)—5.9 Pa·S (59 poise).
Refractive index (n_D^{25})—1.4766
Specific gravity (30/30°C)—0.9428
Flash point, °C—>110
Flash point, °C—266
Fire point, °C—274
Dielectric constant, 23°C—12.87
Power factor, 23°C—0.1248
Surface tension, dynes/cm, 25°C—39.3

Toxicity Data.

Acute oral toxicity (male and female rats)—LD_{50} > 10 ml/kg.
Primary skin irritation (rabbit)—Non-irritating.
Ocular irritation (rabbit)—Non-irritating.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration	Concentration	
			Average	Peak
Manufacture: Dermal	1 per shift	1–2 hr per shift		

The manufacturer states that occupational exposure to the PMN substance should be negligible and limited to sampling, analysis, packaging, and cleanup operations.

Environmental Release/Disposal. The manfacturer states that there will be no disposal of the PMN substance; conversion to finished product is near quantitative.

[FR Doc. 81–5079 Filed 2–12–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51220; TSH–FRL 1753–5]

Adipic Acid, 1,2-Propanediol, Monocarboxylic Acid Polyester; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to

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submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St. SW., Washington, D.C. 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St. SW., Washington, D.C. 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St. SW., Washington, D.C. 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51220]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–382

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—2869, "Industrial Organic Chemicals."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Adipic acid, 1,2-propanediol, monocarboxylic acid polyester.

Use. Plasticizer for PVC.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific Gravity, 25° C/25°—1.14.

Viscosity, centistokes at 25° C—725–850.

Flash point (COC), ° F—420.

Gardner color—1.

Acid number—1.

Hydroxyl number—45.

Solubility in water—Negligible.

Toxicity Data. No data were submitted.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (unit: mg/m³)	
		Hours/day	Days/year	Average	Peak
Manufacture: Dermal	6	2	13	0–1	

The manufacturer states that operators can be exposed during filtration of the product, sample taking and drumming, and during analysis of the product in the laboratory.

Environmental Release/Disposal. Claimed confidential business information.

[FR Doc. 81–6088 Filed 2–12–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51219; TSH–FRL 1753–4]

Alkenylsuccinic Acid, Monoester; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a permanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Sections 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Cynthia Work, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the reveiw period for up to an aditional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. when the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1) (A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981. Submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmemntal Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51219]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–368

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 19, 1981.

Manufacturer's Identify. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkenylsuccinic acid, monoester.

Use. Claimed confidential business information. Generic use description provided: Lubricant additive.

V 46/30 FE 13 81 UMI

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No toxicity data were submitted with the PMN, however, the manufacturer states that the following tests will be provided at a later date: estimated oral LD_{50} on rats, primary skin irritation index, and eye irritation score.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

[FR Doc. 81-5087 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51208; TSH-FRL 1753-2]

2-Propanol, 1-Methoxy-Acetate; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substnces manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51208]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-360

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 12, 1981.

Manufacturer's Identity. The Dow Chemical Company, Midland, MI 48640.

Specific Chemical Identity. 2-Propanol, 1-methoxy-acetate.

Use. Solvent in industrial paint, coating, ink, and resin applications.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Colorless, transparent organic liquid.

Solubility—Very soluble in water (19.8 g/100 ml).

Vapor pressure at 20° C—3.7 mm Hg.

Viscosity at 25° C—1.14 cps.

Toxicity Data

LD_{50} (male rats)—>10,000 mg/kg.

LD_{50} (female rats)—8,500 mg/kg.

Eye irritation (rabbit)—Moderately irritating.

Skin irritation, intact and abraded skin:

Rabbit—Non-irritant.

Guinea pig—Negative.

Inhalation (rodent)—No observable adverse effects.

The manufacturer states that the PMN substance exhibits a low order of toxicity.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration [1] Hours/day	Days/year	Concentration (TWA 8)
Manufacture: Inhalation and dermal	5	0.5	112	[2] 1

[1] Potential exposures in third year of manufacture.
[2] Parts per million minimum.

Environmental Release/Disposal. The manufacturer states that the potential for bioconcentration is low due to high water solubility. Very small quantities of the new product will require disposal, via incineration, resulting in essentially no environmental release.

[FR Doc. 81-5085 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51216; TSH-FRL 1752-8]

4-(Trifluoromethyl)-2-Chloro-1-(3-Substituted Phenoxy) Benzene Derivative; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by February 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, D.C. 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Davil Dull, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St. SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any

company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before February 27, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51216]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–374

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Annual sales—In excess of $500 million.

Manufacturing sites—Middle Atlantic U.S. and West-South Central U.S.

Standard Industrial Classification Code—286, "Industrial Organic Chemicals".

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 4-(Trifluoromethyl)-2-chloro-1-(3-substituted phenoxy) benzene derivative.

Use. Claimed confidential business information. Generic use information provided: Chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Liquid.

Appearance—Clear, brownish-red tint.

Density—1.26 gm/cc.

Solubility in water—Miscible.

pH—8–9.

Freezing point—< −10° C.

Vapor pressure—< water (est).

Toxicity Data

Dermal LD_{50} (rabbits)—> 5 g/kg.

Eye irritation (rabbits)—Moderate.

Oral LD_{50} (rats)—> 500 mg/kg.[1]

Dermal LD_{50} (rabbits)—> 200 mg/kg.[1]

Eye irritation (rabbits)—Slight.[1]

Ames assay—Negative.[1]

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration	
		Hours/day	Days/year	Average	Peak
Manufacture (total sites): Dermal and ocular	8	2	304–365		
Processing (total sites): Dermal and ocular	16	2	304–365		

The manufacturer states that direct operator exposure to the new substance is limited to sampling at both sites.

Environmental Release/Disposal. The manufacturer states that there is no measurable release of the PMN substance to air, land, or water during normal manufacturing and processing.

[FR Doc. 81–5082 Filed 2–12–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51213; TSH–FRL 1753–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by February 26, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Mary Cushmac, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460 (202–426–3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28576 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

[1] Data on purified related analog.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before February 26, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51213]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–371

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided: Annual sales—$500,000,000 and up. Manufacturing site—East-South Central U.S. Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. (Alkyl) Halothiophosphate.

Use. Commercial isolated pesticide intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Liquid.

Color—Dark amber.

Solubility—Soluble in Organic solvents, e.g., acetone, ethyl acetate, toluene.

Molecular weight—192.9

Boiling point—50°C at 0.1 mm Hg.

Flash point—115°C/239°F.

Vapor pressure—106 microns at 25°C.

Viscosity—2.02 cts at 25°C. 1.56 cts at 40°C.

Density—1.35 g/ml.

Toxicity Data

Acute oral toxicity LD_{50} (male rat)—840 mg/kg.

Acute dermal toxicity LD_{50} (male rabbit)—0.25 ml/kg.

Acute inhalation toxicity (male & female rats)(1 hr.)—2.5 mg/L.

Primary skin irritation—Severely irritating.

Primary eye irritation—Severely irritating.

Ames *Salmonella* Assay—Negative.

Malignant transformation assay—Negative.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as a result of sampling and analysis during manufacture. A maximum of five workers would be dermally exposed for 24 da/yr to the new substance, at an average concentration of 0–1 ppm.

Environmental Release/Disposal. The manufacturer states that there is no environmental release as a result of manufacture. Waste salt is directed to a deep well for disposal. Quality control samples are discarded with waste solvents from the control laboratory to an approved landfill.

PMN 80–372

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided: Annual sales—$500,000,000 and up. Manufacturing site—East-South Central U.S. Standard Industrial Classification Code—286, "Industrial Organic Chemicals."

Specific Chemical Identity. Halogenated diphenyl sulfide.

Use. No data were submitted.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Waxy solid.

Color—Brown.

Solubility—Soluble in common organic solvents, e.g. acetone, ethyl acetate, and toluene.

Boiling point—188–189°C at 0.2 mm Hg.

Melting point—60–70°C (Tech). 79–79.5°C (pure para isomer).

Density—1.20g/cc at 65°C.

% Volatile by volume—1.

Vapor pressure—0.91 microns at 80°C. 2.90 microns at 95°C. 7.40 microns at 110°C.

Flash point—150°C/302°F.

Octanol/water partition coefficient—72,000.

Toxicity Data.

Acute oral toxicity LD_{50}—(rat)—1.950 mg/kg.

Acute dermal toxicity LD_{50}—(rabbit)—3,000 mg/kg.

Acute inhalation LD_{50}—(1 hr., rat)—3.8 mg/L (liquid state at 100°C).

Primary eye irritation—Severely irritating.

Primary skin irritation—Moderately irritating.

Ames *Salmonella* assay—Negative.

V 46/30 FE 13 81 1 UMI

Mouse lymphoma multiple end-point—Negative.

Malignant transformation—Negative.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as result of sampling and analysis during manufacture. A maximum of three workers would be exposed dermally to the new substance at an average concentration of 0–1 ppm during quality control sampling.

Environmental Release/Disposal. The manufacturer states that there is no environmental release as a result of manufacture. Waste salt is directed to a deep well for disposal. Quality control samples are discarded with waste solvents from the control laboratory to an approved landfill.

PMN 80–379

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Generic information provided: Annual sales—Over $500,000,000. Manufacture site—Northeastern U.S. Standard Industrial Classification Code—286. "Industrial Organic Chemicals."

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organosilicon polymer.

Use. Dispersive use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical state—Aqueous emulsion.
Color—Light yellow.
Odor—Vinous odor.
Solubility—Polar solvent, alcohols.
Average molecular weight—8,000–10,000.
Specific gravity—1.044 at 25°C.
Density—1.04 gm/cc at 25°C.
pH—7.5.
Viscosity—25–80 cs at 25 °C
Boiling point—212°F.
Vapor pressure, 20°C, mm—7.
% Volatile (by volume)—67.
Evaporation rate (Ether=1)—Same as water.
n-Octanol/water partition coefficient—<O.005.

Toxicity Data

Acute oral LD_{50} (male rats)—>5,000 mg/kg.
Acute oral LD_{50} (female rats)—>5,000 mg/kg.
Acute dermal LD_{50} (rabbit)—>2,000 mg/kg.
Skin irritation classification (24 hour)—Mild irritant.
Eye irritation classification—Mild irritant.
Ames *Salmonella* assay—Non-mutagenic.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentation (ppm)	
		Hour/day	Days/year	Average	Peak
Manufacture: Dermal	3				
Use: Dermal	100	8	365		>100

The manufacturer stated that the only worker exposure to the PMN substance during use will be by accidental dermal contact during opening and closing of shipping containers. Transfer is mechanical.

Environmental Release/Disposal. The manufacturer states that there is no environmental release of the PMN substance as a result of manufacture.

[FR Doc. 81-5083 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51217; TSH-FRL 1753-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by:
PMN 80–375, PMN 80–378—February 27, 1981.
PMN 81–4—March 3, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460. (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–210, 401 M St., SW., Washington, DC 20460, (202–426–3936).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issued of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review periods ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review periods ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51217]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–375

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 23, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:
Manufacturing site—Middle Atlantic U.S.
Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of methacrylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative.

Use. Claimed confidential business information. The manufacturer states that the new substance will be used in an open use that will release less than 50 kilograms (kg) to the environment per year; that manufacturing and processing of the new chemical will involve potential exposure to both chemical and non-chemical industry employees.

Production Estimates

Kilograms per year	Minimum	Maximum
1st year	10,000	27,000
2d year	25,000	80,000
3d year	60,000	80,000

Physical/Chemical Properties

Acid value—9.34 mg *KOH*/gm.
% Total solids—45.3
Viscosity—Z4.
Flash point (open cup)—44°F.
Color value—3–4.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at three sites controlled by the submitter from 21 to 125 manufacturing and processing workers may be exposed to the PMN substance dermally and ocularly for 3–8 hr/da, 6–250 da/yr, at average and peak concentrations of 0–1 mg/m³. Workers at these sites may be exposed during quality control sampling and filling operations.

The manufacturer states that at a typical user site not controlled by the submitter, a maximum of six workers may be exposed to the PMN substance dermally and ocularly for 8 hr/da, 20 da/yr, at average and peak concentrations of 0–1 mg/m³.

Environmental Release/Disposal. The manufacturer states that at the sites controlled by the submitter, less than 70 kg per year of the new substance will be released into the air and water; and from 20–200 kg per year will be released into the land. Cleanup sludges will be incinerated and used filter bags landfilled. At a typical user site not controlled by the submitter, less than 30 kg per year of the PMN substance will be released into the air, land, and water.

PMN 80–378

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 24, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: *N*-(Substituted)-*N*-(substituted) acetamide.

Use. Claimed confidential business information. Generic use information provided: Minor constituent in an article for commercial and consumer use.

Production Estimates

Kilograms per year	Minimum	Maximum
1st year	5	10
2d year	10	20
3d year	20	30

Physical/Chemical Properties

Solubility—Water insoluble, < 0.1 ppm.

Dissociation—Thermodynamically very unfavorable. Substance has an estimated solubility product of 10^{-14}.

Toxicity Data

Acute oral LD_{50}—3,000 mg/kg.
Acute dermal LD_{50}—20 ml/kg.
Skin irritation—Slight.

Environmental Tests

Total oxygen demand—1.19 g/g-organic content.

Biological oxygen demand (BOD_5)—0.56 g/g-organic content.

Biological oxygen demand (BOD_{20})—0.5 g/g-organic content.

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Secondary waste treatment—compatibility study—Exposure to 22 ppm of this compound did not affect microbiological carbon metabolism.

Acute effects on 5 aquatic—species—The organisms were exposed for 96 hour to a 0.0067 ppm suspension of the compound with no adverse effects observed.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (unit:mg/m ^{3})	
		Hours/day	Days/year	Average	Peak
Manufacture: Dermal	2	0.5	50	0–1	0–1
Processing: Dermal	III	2.5	150	0–1	0–1

The manufacturer states that dermal occupational exposure will occur only during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there is no expected release of the new substance to air, land, or water during preparation, storage, or processing. The maximum estimated concentration of the new compound that potentially could be discharged into a publicly owned treatment works (POTW) effluent is < 0.0008 ppm.

PMN 81–4

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid.

Use. Cured, thermosetting, cross-linked polyester plastic for commercial articles.

Production Estimates

	Pounds	Minimum	Maximum
1st year		1,200,000	1,500,000
2d year		1,400,000	1,600,000
3d year		1,600,000	1,800,000

Physical/Chemical Properties

Physical state—Viscous liquid.
Solubility—Insoluble in water.
Vapor pressure—Low.
Acid value—15–25.
Viscosity—100–250 cps.

Toxicity Data. No data were submitted.

Exposure. The submitter states that the new substance will be manufactured in a totally closed system with worker exposure limited to 2–3 minutes each hour when the resin is sampled.

Environmental Release/Disposal. The manufacturer states that any unusable polyester resin will be disposed of by incineration or polymerized and used in landfill.

[FR Doc. 81–5090 Filed 2–12–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51218; TSH–FRL 1753–6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by March 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460 (202–426–8815).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50444–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review

confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before March 27, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Peotection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51218]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–7

The following information is taken from data submitted by the manufacturer in the PNM.

Close of Review Period. April 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Modified resorcinol resin.

Use. Claimed confidential business information. Generic use information provided: Industrial chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that during manufacture, one operator will be exposed for 25 minutes while sampling the 33 batches required for the 1981 porduction volume.

Environmental Release/Disposal. No data were submitted. The manufacturer states that waste disposal will be by incineration or secure landfill.

PMN 81–8

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane resin.

Use. Claimed confidential business information. Generic use information provided: Industrial chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that during manufacture, two operators will be exposed for approximately 15 minutes while sampling the eight batches required for the 1981 porduction volume.

Environmental Release/Disposal. No data were submitted. The manufacturer states that waste disposal will be by incineration or secure landfill.

[FR Doc. 81–5089 Filed 2–12–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51222; TSH–FRL 1753–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–1—March 3, 1981. PMN 81–14, PMN 81–15—March 16, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Denise Devoe, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460 (202–426–3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section

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5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the sumbitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51222]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-1

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 2, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Annual sales—Between $100 million and $499,999,999. Manufacturing site—Northeastern U.S. Standard Industrial Classification Code—285; "Paints, Varnish, Lacquers, Enamels, Allied Products."

Specific Chemical Identity. Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, benzoic acid.

Use. The manufacturer states that the new substance will be used in an industrial use as a resin for low volatile organic content coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	6,000	30,000
1982	30,000	80,000
1983	30,000	100,000

Physical/Chemical Properties

Color (Gardner-Holdt—8 maximum.
Viscosity (Gardner-Holdt)—Z-Z2.
Acid value (Solid Basis)—6-14.
Weight per gallon—8.85± .05 lbs.
Non-volatile by weight—75±1%.
Non-volatile by volume—68.3%.
Volatile—25% Xylene. 25% Aromatic 100 (boiling range 310-350° F). 50% Methyl normal propyl ketone.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at two sites controlled by the submitter, manufacturing and processing of the PMN substance would expose dermally a maximum of 23 workers for 8 hr/da, 17-100 da/yr, to the new substance during sampling, filling drums or tank trucks, and cleaning the filter press.

At a site not controlled by the submitter, use of the PMN substance would expose by inhalation, and through the skin and eyes a maximum of 30 workers for 8 hr/da, 250 day/yr, to the new substance at average and peak concentrations of more than 100 ppm.

Environmental Release/Disposal. The manufacturer states that at one site, less than 10 kg/yr of the PMN substance will be released into the air; between 100 and 1,000 kg/yr released to the land by landfill; and less than 10 kg/yr released to a publicly owned treatment works (POTW) effluent.

At a second site, less than 10 kg/yr of the new substance will be released to the air 24 hr/day, 13 da/yr; between 100 and 1,000 kg/yr released to the land by landfill; and less than 10 kg/yr released to a POTW.

PMN 81-14

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.

Use. Cured, thermosetting, crosslinked polyester plastic for commercial articles.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	400,000	900,000
2nd year	900,000	1,100,000
3rd year	900,000	1,100,000

Physical/Chemical Properties. The manufacturer states that the proposed polyester resin is a solid at ambient temperatures, is virtually insoluble in water, and has negligible vapor pressure.

Acid value—25-35.

Viscosity at 70% NV in styrene—800-1,800 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as the result of sampling, an operator being exposed to the resin for approximately 2 to 3 minutes once each hour of manufacture.

Environmental Release/Disposal. The manufacturer states that any unusable polyester resin will be disposed of by incineration or polymerized and used in landfill.

PMN 81-15

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid.

Use. Cured, thermosetting, crosslinked polyester plastic for commerical articles.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	400,000	[illegible]
2nd year	900,000	1,100,000
3rd year	900,000	1,100,000

Physical/Chemical Properties. The manufacturer states that the proposed polyester resin is a solid at ambient temperatures, is virtually insoluble in water, and has negligible vapor pressure.

Acid value—25-35.

Viscosity at 70% NV in styrene—800-1,800 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that because the new substance is produced in a closed system, occupational exposure occurs only as the result of sampling, an operator being exposed to the resin for approximately 2 to 3 minutes once each hour of manufacture.

Environmental Release/Disposal. The manufacturer states that any unusable polyester resin will be disposed of by incineration or polymerized and used in landfill

[FR Doc. 81-5080 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-41006A; TSH-FRL 1753-8]

Seventh ITC Report to Administrator; Workshop on EPA's Response to the Report Recommendations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC) established under section 4(e) of the Toxic Substances Control Act (TSCA) transmitted its Seventh Report to the Administrator of EPA on October 24, 1980. This report adds two chemicals and two chemical categories to the Committee's Priority List of Chemicals for consideration by EPA in the promulgation of test rules under section 4(a) of TSCA. The Seventh Report of the ITC will be the subject of written comment and of a workshop in which EPA staff and representatives of other groups will participate actively and which other members of the public may attend as observers. The primary purpose of written comment and the workshop is to request industry, environmental groups, labor, academic experts, and the general public to help EPA staff identify and discuss issues regarding how the Agency should respond to the recommendations contained in the ITC's Seventh Report.

DATE: EPA requests written comments prior to the scoping workshop. If this is not possible, they should be received no later than March 26, 1981. The workshop will be held on March 12, 1981, from 8:30 a.m. to 6:00 p.m. See Supplementary Information for additional details on the workshop. The deadline for registration is March 3, 1981.

ADDRESS: The workshop will be held at: Hospitality House Motor Inn, 2000 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: John Ritch, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll-free telephone number: 800-424-9065 (in Washington, D.C. call 544-1404).

SUPPLEMENTARY INFORMATION:

I. Statutory Framework

Section 4 of TSCA authorizes EPA to require manufacturers and/or processors of chemical substances and mixtures to perform testing "to develop data with respect to the health and environmental effects" of these compounds. In order to require that a chemical be tested in accordance with EPA test standards, the Administrator must make three findings relating to the chemical's risk or exposure potential, the insufficiency of data available to EPA, and the need to test.

First, the Administrator must find either that the manufacture, distribution in commerce, processing, use, disposal, or some combination of these activities involving the chemical "may present an unreasonable risk of injury to health or to the environment," under section 4(a)(1)(A)(i), or that the chemical is or will be produced in substantial quantities and that there is or may be significant or substantial human exposure to or substantial environmental release of the chemical, under section 4(a)(1)(B)(i).

Second, the Administrator must find that existing data and experience relating to the chemical are insufficient to reasonably determine or predict the effects on health or the environment of the manufacture, distribution in commerce, processing, use, disposal of the chemical or of any combination of these activities under section 4(a)(1)(A)(ii) and (B)(ii).

The third finding is that testing is necessary to develop the requisite data, under section 4(a)(1)(A)(iii) and (B)(iii).

These findings may be made with respect to individual chemicals or categories of chemicals. Section 26(c)(1) of the Act provides that any action authorized or required to be taken by EPA, under any provision of the Act as to a chemical substance or mixture, may be taken in accordance with that provision with respect to a category of chemical substances or mixtures. Section 26(c)(2)(A) explains that the term "category of chemical substances" means a group of chemical substances, the members of which are similar in molecular structure, in physical, chemical, or biological properties, in use, or in mode of entrance into the human body or the environment, or the members of which are in some other way suitable for classification as such for purposes of the Act, except that the term does not mean a group of chemical substances which are grouped together solely on the basis of their being new chemical substances.

II. The Role of the ITC and Its Seventh Report

Section 4(e) of TSCA established the Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for priority testing on the basis of potential risks to human health and/or the environment. In making its recommendations, the ITC is to consider all relevant factors, including, under section 4(e)(1)(A) (i) through (viii):

1. The quantities in which the substance or mixture is or will be manufactured.

2. The quantities in which the substance or mixture enters or will enter the environment.

3. The number of individuals who are or will be exposed to the substance or mixture in their places of employment, and the duration of such exposure.

4. The extent to which human beings are or will be exposed to the substance or mixture.

5. The extent to which the substance or mixture is closely related to a

chemical substance or mixture which is known to present an unreasonable risk of injury to health or the environment.

6. The existence of data concerning the effects of the substance or mixture on health or the environment.

7. The extent to which testing of the substance or mixture may result in the development of data upon which the effects of the substance or mixture on health or the environment can reasonably be determined or predicted.

8. The reasonably foreseeable availability of facilities and personnel for performing testing on the substance or mixture.

The ITC's recommendations take the form of a list of chemical substances and mixtures, or categories of substances or mixtures, together with the ITC's designation of specific testing needs to be addressed by EPA when it considers these entries for testing rules. The Committee is directed to make revisions to the Priority List, as it determines to be necessary, and to transmit such revisions to EPA at least every six months after submission of the initial list. The ITC may designate up to 50 entries at any one time for priority consideration by EPA. TSCA requires EPA to respond to designations of chemicals for priority consideration within 12 months of the date such designations are made, either by initiating rulemaking under section 4(a) or by publishing in the **Federal Register** reasons for not initiating rulemaking.

As of April, 1980, the ITC, through a total of six reports to EPA, had designated 39 entries (i.e., chemicals and categories of chemicals) for EPA's priority consideration. On October 24, 1980, the ITC issued its Seventh Report, which added to the Priority List four additional designated chemicals and chemical groups: benzyl butyl phthalate, butyl glycolyl butyl phthalate, fluoroalkenes, and alkyltin compounds. Also in its Seventh Report, the ITC noted the deletion of chloromethane from the List, leaving a total of 42 entries requiring EPA's priority consideration. The complete text of the Seventh ITC Report, was published in the **Federal Register** of November 25, 1980 (45 FR 78432).

The following list summarizes the ITC's most recent priority testing recommendations:

Chemical (or category)	Tests recommended by ITC
Benzyl butyl phthalate	1. Environmental effects. 2. Carcinogenicity. 3. Reproductive effects.
Butyl glycolyl butyl phthalate	1. Environmental effects. 2. Mutagenicity. 3. Reproductive effects.
Fluoroalkenes	1. Carcinogenicity.
Alkyltin compounds [1]	1. Environmental effects. 2. Carcinogenicity. 3. Mutagenicity. 4. Teratogenicity. 5. Reproductive Effects. 6. Developmental effects. 7. Epidemiology. 8. Other chronic effects.

[1] The ITC noted that, with respect to this category recommendation, its suggested approach was through the use of tiered or sequenced testing.

III. Background of the Scoping Workshop

Section 4 of TSCA imposed significant new administrative, scientific, and legal responsibilities on EPA with regard to assessing the need for industry testing of various chemicals or categories of chemicals. In its early experience with section 4, the Agency was unable to meet the statutory one-year period for responding to ITC priority recommendations. In order to expedite and improve EPA's section 4 implementation process, the Agency has been re-examining existing procedures and developing improved mechanisms for meeting EPA's statutory responsibilities under section 4.

As a part of this re-evaluation, EPA requested the assistance of several consultants to develop options and recommended procedures for improving the effectiveness and efficiency of the section 4 rulemaking process. One of the approaches suggested was for EPA to convene a "scoping workshop." [2] The purpose of the recommended "scoping workshop" would be to provide an early opportunity and a nonadversarial setting for EPA to elicit the best available information, and to clarify the scope of the major issues to be addressed by the Agency in responding to the ITC recommendations.

EPA has decided to implement this "scoping workshop" recommendation in conjuction with written comment, on a trial basis, as part of its process for responding to the Seventh ITC Report. If this mechanism proves to be successful in helping to expedite and improve the decision making process on the Seventh ITC Report recommendations, then it may be used for future ITC recommendations as well. If this approach does not prove to be a promising tool in this particular case, it may be modified or discarded in the future.

The objectives of the workshop and written comment are outlined below. Not all of these purposes may be achieved within the workshop alone, but every effort will be made to meet these objectives through the combination of written comment and the workshop. It is important to note that this workshop is not an isolated event. Rather, it is intended to be part of an ongoing process which will assist the Agency in deciding whether to issue proposed test rules under section 4 of TSCA with respect to any of the chemicals and categories included in the Seventh ITC Report, and, if so, what the nature of those proposals should be.

The Agency notes that this new procedure is experimental in nature. To make it work will require a degree of patience, tolerence, and cooperation among a variety of parties who in the past have frequently seen themselves as adversaries. The Agency will attempt to set this tone of cooperation for the meeting, appreciating that all participants will be engaged in a learning process about how this approach can work under section 4 of TSCA.

IV. Objectives of This Request for Information

The major objectives of this scoping workshop and the request for submission of written information on the chemicals recommended for testing in the Seventh ITC Report are as follows:

1. To provide a nonadversarial setting for information sharing on these chemicals and categories at an early stage in the process.

2. To solicit and discuss varying views on the need for testing of the chemicals and categories recommended in the Seventh ITC Report for the effects discussed in that report, or for other effects.

3. To solicit and discuss views on the ways in which the alkyltin and fluoroalkene categories could most appropriately be dealt with by EPA.

4. To encourage identification of the critical studies which have been done (published and unpublished) which bear on the need for testing of the subject chemicals and categories.

5. To identify, in a clear and focused forum, the principal scientific, policy, and legal issues that should be addressed by EPA before the Agency decides whether to issue any proposed rules on the subject chemicals and categories.

6. To identify and focus areas of agreement and disagreement on the scientific and policy issues.

[2] This was one of the options identified and discussed in a report by Schwartz and Connolly, Inc. and is entitled, "Section 4 of TSCA: Options for Expediting and Improving the Rulemaking Process for Manufacturer Testing of Potentially Toxic Chemicals" (September, 1980).

7. To establish the relative priority or importance of any issue on which there is disagreement.

8. To the maximum extent feasible within the legal, time, and resource constraints under which the Agency must operate, to try to reach agreement with all interested parties as to the best way to resolve these issues and how best to proceed with respect to the ITC's recommendations.

9. To explore opportunities for voluntary testing, if appropriate, of the subject chemicals.

10. To encourage greater understanding and appreciation by each participant of the concerns and views held by those with whom in the past there may have been disagreement, and to begin to establish a process based on greater trust and cooperation, insofar as possible.

V. Written Submissions

Individuals who can provide useful data or other information on the subject chemicals are encouraged to submit such information to EPA. Any such submissions should include an explanation of how this information is specifically related to the Seventh ITC Report recommendations or to the issues raised in Section VII of this notice. Such written submissions should bear the Document Control Number OPTS–41006A, and should be sent to Document Control Officer, Management Support Division (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Submissions should be received no later than March 26, 1981.

VI. Workshop Arrangements

A. Registration and Participation

The scoping workshop will be open to all who wish to attend. However, it is anticipated that the group of active workshop participants will consist of no more than 20 individuals for each chemicals or category being considered.

Those who are interested in making presentations or otherwise actively participating in the workshop should inform EPA by contacting the Industry Assistance Office (see "For Further Information Contract"). In registering for the workshop, applicants will be expected to indicate the reasons for their interest in participating and the issues they wish to address within the scope and purposes of the workshop. This information will provide the basis for EPA to determine the final agenda for the workshop and, if necessary, to place time limits on presentations by participants.

In order to achieve the purposes of the workshop and to establish an informal setting, it may be necessary to limit the number of active participants. If so, EPA will make such determinations on the basis of the following criteria: (1) The potential usefulness of the applicants' contributions to the stated purposes of the workshop; (2) the need to assure an overall balance of points of view among the primary participants, and (3) other appropriate factors.

EPA solicits the active participation of all those who can offer information which will assist the Agency in developing its response to the Seventh ITC Report recommendations. This invitation is extended especially to those who have direct work and/or research experience with the subject chemicals. EPA also seeks the participation of individuals who can address general testing issues and policy implications specifically related to the Seventh ITC Report recommendations. It is important to note, however, that this scoping workshop will not entertain a discussion or presentation on generic issues or policies regarding the implementation of section 4 of TSCA.

The Agency wishes to establish an appropriate balance of participants representing labor, industry and environmental concerns. The Agency is also actively seeking the involvement of independent scientific experts, especially those experienced in testing the subject chemicals. EPA recognizes that, due to financial constraints, some of the experts who would be useful workshop participants could not afford to attend the meeting without financial assistance. The Agency has limited funds available to provide such assistance if it determines that participation by the individual expert in question would materially benefit the workshop.

B. EPA and ITC Participation

The Chief of EPA's Test Rules Development Branch (TRDB) within the Office of Toxic Substances will chair the workshop. In its chairmanship role, EPA/TRDB will not only serve as moderator at the meeting, but will also be prepared to intervene at any time necessary to assure accomplishment of the following purposes:

1. The establishment and maintenance of a nonadversarial tone and atmosphere.

2. The avoidance of inappropriate or irrelevant discussion topics.

3. The identification of and focus on important issues.

4. The encouragement of active discussion and exchange of ideas and information.

5. The assurance of appropriate opportunities for all participants to express relevant views and comments.

6. The maintenance of the agenda and following of the principles set forth for the workshop.

7. The accomplishment of the stated objectives established for the workshop.

In addition to moderating the workshop, EPA will also be represented by Agency scientists who will participate in the workshop. A representative of the ITC will make an initial presentation at the workshop. That presentation will indicate the general process which the ITC used in developing the Seventh Report. It will also summarize the conclusions of the Seventh Report.

After this presentation, the presentation of the other participants will occur on an issue by issue basis. These dialogues with EPA staff will be followed by an open discussion involving any attendees.

To facilitate productive discussion, there will be no recording or verbatim transcript of the workshop proceedings. Instead, notes will be taken during the meeting for later use in developing an official report of the workshop. In order to facilitate resolution of issues, and operating rule for the workshop will be that offers made by participants for the purpose of negotiation will not be binding in future administrative or judicial proceedings.

C. Workshop Agenda

The workshop is currently scheduled for 8:30 am to 6:00 pm on March 12, 1981. EPA will consider allowing additional time at the end of the day if such time is necessary for the completion of essential workshop activities. After a general introduction, three separate, consecutive sessions will be held, i.e. one each for alkytins, fluoroalkenles, and the two phthalates. The phthalate session will cover both butyl glycolyl butyl phthalate and benzyl butyl phthalate.

The order and the amount of time to be allotted for each of the sessions will be decided by EPA on the basis of preworkshop registration information. Therefore, at this time, a specific agenda for the workshop is not available. However, to further assist participants in understanding how the workship will function, a generalized agenda for the meeting has been developed, and appears below.

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I. Introduction

A. Introduction by EPA, explaining the background, purposes, principles, and agenda of the scoping workshop.

B. Brief opportunity for questions, answers, and comments on background, purposes, principles, and agenda.

C. ITC presentation on the Seventh Report, explaining the process by which its recommendations were made.

II. Chemical Session 1

A. EPA's preliminary views on the testing needs and issues for the chemical or category.

B. Presentations by other workshop participants.

C. Questions and answers on EPA's and participants' remarks, for clarification purposes.

D. Give-and-take discussion of the issues raised in the presentations or of other relevant issues.

E. Summary and confirmation of major issues.

F. Identification of areas of agreement and disagreement.

G. Setting of priorities for resolving areas of disagreement.

H. Examination, in greater detail of the nature of disagreements involving high priority issues.

I. Identification and discussion of possible options for resolving disagreements.

J. Summary and confirmation of information generated in the previous step.

III. Chemical Session 2

(Repeat steps A through J under II)

IV. Chemical Session 3

(Repeat steps A through J under II)

D. Workship Report

Following the workshop, two weeks will be allowed for submission of additional information or documentation for inclusion in the workshop record. A final report on the workshop will be prepared primarily on the basis of minutes taken during the meeting; supplementary materials will be identified, but not analyzed in the final report. The final report of the scoping workship, together with all the written materials submitted in connection with this notice, will be placed in the public file established by EPA for comments on the Seventh ITC Report, under Docket No. OPTS–41006A, which is available for inspection at the Document Control Office, Management Support Division (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 8:00 am to 4:00 pm, Monday through Friday, except legal holidays.

EPA intends to use the written submissions and the final report of the scoping workshop as two sources of information which will be considered along with other appropriate information to assist the Agency in determining its future action with respect to the subject chemicals.

In issuing EPA's response to the ITC Seventh Report recommendations for publication in the **Federal Register**, the Agency will explain how its decisions relate to the major issues and recommendations identified in the scoping workshop.

VII. Types of Issues About Which EPA Is Seeking Information

This solicitation for information is designed to focus on the specific chemicals and recommendations included in the Seventh ITC Report. No issues relating solely to EPA's generic implementation of TSCA section 4 will be discussed at the workshop.

EPA has developed the following list of issues for which it solicits input. This list is not exhaustive, nor will all the issues necessarily be addressed at the workship. The list is intended to illustrate the types of questions which the Agency may be seeking to resolve with regard to the subject chemicals.

One of the principal objectives of this notice is to focus on the key issues which must be resolved by EPA in responding to the ITC's recommendations concerning these chemicals. Thus, while a lengthy list of possible issues is presented here, participants are encouraged to set priorities for issues which they wish to address at the workshop. Participants' comments, questions and data submissions should be addressed to what they have identified as the highest priority questions. EPA does believe that, if possible, it would be extremely useful to have all of the following issues addressed in detailed written submissions made prior to the date of the workshop, but in any case submissions should be received no later than March 26, 1981.

A. General Issues

1. What information (qualitative or quantitative) exists on the amounts and types of human exposure to the subject chemicals?

2. What information exists on the release of these chemicals into the environment?

3. What information exists on occupational or consumer exposure concentrations, or ambient concentrations, that would be useful in assessing the extent to which the subject chemicals may be present in workplaces or other environments?

4. What information exists, other than that referred to in the ITC report, as to the extent to which any of the subject chemicals are produced, used, transported, and disposed of in "closed" systems in normal practice? What data are available on the extent to which there is leakage from such "closed" systems? What information exists as to the existence, frequency, and seriousness of spills, accidents, leaching, or other unintentional releases of any subject chemical into the environment?

5. What specific information exists, other than that referred to in the ITC report, which indicates that the subject chemicals either may or may not present a risk of injury to health or the environment with respect to the effects named by ITC? Other effects? What information exists as to the nature or degree of risk, if any? Does specific information, other than test data, exist which indicates that the subject chemicals either do or do not present a potential unreasonable risk of injury to health or the environment? Is there any reason why information in response to the preceding three questions should be regarded as invalid or of limited or questionable validity? If so, what is the reason and what is its basis?

6. What specific information exists which indicates that the subject chemicals are being (or are planned to be) tested for any health or environmental effects? Is there any reason why the current or planned testing discussed in response to the preceding questions should be regarded as unlikely to provide sufficient information to assess the potential hazard being tested for? If so, what is the reason and what is its basis?

7. Does sufficient information, data, or experience exist to reasonably determine or predict the effects of the manufacture, distribution in commerce, processing, use, or disposal of the subject chemicals or of any combination of such activities on health or the environment? If so, why? If not, why not?

8. Noting the information presented in response to the preceding questions, including ongoing or planned testing activities, and the extent of test methodology development with respect to the effects under consideration, is testing of such chemicals to develop health and environmental effects data necessary?

9. Are there types of tests not called for specifically in the ITC Report which should be considered for any of the subject chemicals?

10. Are there any studies, other than those presented in the ITC Report, that may clarify or resolve any of the results that are termed "inconclusive" in the ITC Report?

11. Are there features of the studies referenced and assessed by the ITC that, if assessed differently could lead to more conclusive statements on the results of past tests?

2. If testing of any chemical is determined to be necessary for any effect for which EPA has published generally applicable test protocols, is there any reason specific to that chemical why the generally applicable protocol should not be applied or should be modified?

13. If testing of any chemical is determined to be necessary for any effect for which EPA has not published generally applicable test protocols, what protocols should be applied?

14. If testing of any category or subcategory of chemicals is determined to be necessary for any effect, how many members of that category should be tested for that effect? Which ones? Simultaneously or in sequence? If in sequence, what should the order of testing be? How should early test results of one or more members of a category or subcategory of chemicals bear on subsequent testing of other members?

B. Alkyltin Compounds

There are six specific issues related to alkyltin compounds that EPA wishes to have addressed on a high priority basis at the workshop. These are as follows:

1. Are the members of the category, as defined by the ITC, sufficiently similar in terms of molecular structure, physical, chemical, or biological properties, in use, or in mode of entrance into the human body or the environment, to allow relative ease of analysis in terms of potential testing needs? If not, why not? If, as suggested in several of the comments filed with EPA with respect to the ITC Seventh List, the category encompasses substances of considerable difference with respect to the above parameters, what subcategories would be most appropriate?

2. What would be a suitable cohort (i.e. study population) for an epidemiological study of workers exposed to alkyltins?

3. What, if any, unpublished epidemiological studies, reports or case histories are available which provide evidence of health effects among workers exposed to alkyltin compounds, during their manufacture, distribution, processing, use or disposal?

4. What is the most sensitive indicator to use in assessing the potential neurotoxic and neurobehavioral effects of alkyltin compounds and what is the best methodology for determining these effects?

5. What is the most sensitive indicator for assessing the post-natal developmental effects of alkyltin compounds and what is the best methodology for determining these effects?

6. What are the most predominant routes of exposure to alkyltin compounds in the occupational environment? What monitoring data are available to indicate the concentrations to which people are exposed? To which specific compounds are people most significantly exposed? Given that many alkyltin compounds occur as liquids or waxy solids, how are aerosols of these compounds generated?

In addition to the above-listed high priority issues, EPA is also seeking information on the following issues which are all related to alkyltin compounds but are not necessarily listed in order of priority.

7. What, if any, data more recent than those published in 1970 are available on the migration of alkyltins from items such as medical devices in contact with biological fluids or packaging materials in contact with food?

8. Is bis(tributyltin) oxide still used in latex paints? If so, how many workers are exposed in this fashion? It has been recognized that skin/eye irritation is a common short-term effect. What, if any, long-term health effects have been reported among these workers?

9. Should the results of oncogenicity studies on dibutyltin diacetate cited in the ITC Report be considered inconclusive or negative?

10. Given the reported chronic health effects of exposure to several alkyltin compounds, is it necessary to conduct further tests for these effects? If so, on what specific compounds and for what specific effects?

11. How do the pharamacokinetic and metabolic data compare for various alkyltin compounds? If alkyltin compounds are metabolized (i.e., progressively dealkylated) to Sn^{+4}, what are the rates of metabolism, what factors affect these rates, and how does this process affect the toxicity of alkyltin compounds?

12. How do the toxicological and other health effects data compare for various alkyltin compounds? What evidence exists, in addition to that referenced in the ITC report, to suggest that trialkyltin compounds are the most toxic of the alkyltin compounds? What information exists on the possible oncogenicity of any alkyltin compounds other than dibutyltin diacetate? What, if any, structure-activity relationships are suggested by the available metabolic and health effects data on alkyltin compounds? From the answers to the above-listed questions, what, if any, conclusions can be drawn about the selection of certain high priority compounds from the alkyltin group for testing purposes?

13. The ITC Report referenced negative results of mutagenicity testing of certain inorganic tin compounds in bacterial test systems. Do these results suggest any structure-activity relationships that could affect what specific compounds should be selected for testing and what tests should be included in mutagenicity test sequences on the organic tin compounds?

14. What is known about the purity of alkyltin compounds used in pre-1960 (or other) biochemical or toxicological testing? Does this provide cause for these tests to be regarded as invalid or of questionable validity or reliability?

15. What, if any, data or other information are available on the extent and effects or direct discharges of alkyltin compounds into water or air?

16. A 1977 study by the Midwest Research Institute (reference by ITC) suggests that alkyltin compounds are not readily leached from the soil. Is this conclusion correct? What, if any, conclusions does this suggest about the priority which should be assigned to environmental effects testing?

17. Should halogenated alkyltin compounds, e.g., tripropyltin bromide, be considered in the alkyltin category? If not, why not? If so, on what basis?

C. Benzyl Butyl Phthalate (BBP) and Butyl Glycolyl Butyl Phthalate (BGBP)

These are three specific issues related to BBP and BGBP, that EPA wishes to have addressed on a high priority basis at the workshop. There are as follows:

1. Is BCBP now in production in the U.S.? If so, in what quantities?

2. How do exposures to BBP or BGBP occur? What data are available on the types of human exposures and numbers of persons exposed? What, if any, materials balance studies have been performed at plants which manufacture or process BBP or BGBP?

3. Are there any data on how or in what amounts BBP and BGBP enter the environment? What, if any, monitoring studies, other than the data reported by Gledhill et al. (1980), have been performed specifically for BBP or BGBP?

In addition to the above-listed high priority issues, EPA is also seeking information on the following issues which are not necessarily listed in order of priority.

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4. What information supports the belief that because di(2-ethylhexyl) phthalate (DEHP) has been reported to be carcinogenic, BBP or BGBP might also be carcinogenic?

5. Were the bioassay results on BBP truly inconclusive? If so, should these bioassay tests be repeated? If not, why not? If so, on what basis? If a new bioassay is necessary, what specific protocol modifications are desirable to maximize the possibility of obtaining conclusive results?

6. The ITC Report references several studies of the reproductive effects of BBP and BGBP, all of which have reported positive results. What, if any, additional studies are available on the reproductive effects of BBP or BGBP? What, if any, additional tests would be necessary in order to assess the risk of reproductive effects of these two compounds?

7. In view of the observed bioaccumulation of BBP and BGBP in several aquatic species, what evidence of effects to support or refute the need for chronic toxicity and/or reproductive effects testing of the species in which bioaccumulation has been observed and/or species at higher levels of the food chain?

8. Are copies available of the 1975 paper by Odashima and Ishidate (referenced in the ITC Report) in which genotoxic effects were observed in hamster cells exposed to BGBP in vitro? Have the results of these tests been confirmed by other data?

9. Have the environmental effects of BBP or BGBP been adequately characterized? If so, what data lead to this conclusion? If not, what additional testing for these effects needs to be performed?

D. Fluoroalkenes

There are three specific issues related to fluoroalkenes that EPA wishes to have addressed on a high priority basis at the workshop. These are as follows:

1. What is known about exposures to fluoroalkenes? How much exposure occurs during production of the monomers? During polymer synthesis? During use of the final products?

2. In view of the reported differences in toxicities between vinyl chloride monomer and polyvinyl chloride, should polymers formed from fluoroalkene monomers be considered separately from the fluoroalkene category? If so, on what basis?

3. It has been reported that there is a relationship between toxicity and degree of fluorination of fluoroalkenes. Do the reported data (or other information) suggest structure-activity relationships among fluoroalkenes? If so, how might such relationships affect the need for toxicity testing of individual fluoroalkenes? Also, how might such relationships affect the selection of representative members of the category for testing purposes?

In addition to the three issues listed above, EPA is also seeking information of the following issues which are all related to fluoroalkenes but are not necessarily listed in order of priority.

4. What, if any, studies of teratogenic or reproductive effects of any fluoroalkenes are available?

5. What, if any, studies address the issue of whether chronic exposure to fluoroalkenes affects the kidney, the liver or the cardiovascular system?

6. Does it follow from the recognized oncogenicity of vinyl chloride and the fact that vinyl bromide was reported to be oncogenic in a submission to EPA under section 8(e) of TSCA, that vinyl fluoride and other fluoroalkenes warrant oncogenicity testing? If no, why not? What, if any, oncogenicity testing has already been performed for fluoroalkenes, other than the 1979 Maltoni and Tovoli study on vinylidine fluoride (referenced in the ITC Report)?

7. What specific mutagenicity studies should be included in mutagenicity test sequences for characterizing the mutagenic potential of fluoroalkenes?

8. What, if any, aquatic organism toxicity data exist for fluoroalkenes other than vinylidine fluoride?

9. The rates of photodegradation of some organic compounds have been reported to vary depending upon whether the compounds are adsorbed onto particles or are free-floating. Are there data on the degradation of fluoroalkene molecules when adsorbed onto soil particles or onto airborne particulate matter? For example, would the degradation rate of adsorbed vinylidine fluoride be significantly different from the reported degradation rates for the free-floating compound?

VIII. Principles for the Workshop

The Agency recognizes that the "scoping workshop" is a new and unfamiliar procedure. The objectives of the workshop are ambitious. The development of a cooperative atmosphere where disagreements are acknowledged, but where consensus-building is encouraged insofar as feasible, is not a traditional part of the rulemaking process under the Administrative Procedures Act. Additionally, Agency involvement both as participant and moderator of the workshop imposes some special difficulties.

In addition to these factors, the Agency recognizes a number of potential constraints which may affect the implementation of this new process. Such constraints may include: (1) The complexity and potentially large number of issues to be addressed; (2) the limited time available for addressing and resolving issues; (3) the lack of experience with consensus-building and the "scoping workshop" mechanism; (4) the controversial nature of some topics to be addressed; (5) the lack of adequate information, in many cases, to resolve outstanding issues; (6) apprehension and/or possible mistrust on the part of participants about the workshop; and (7) the necessity to meet the legal requirements of TSCA.

In establishing the procedures and format for this trial workshop, EPA has attempted to take into account these potential problems. The Agency has determined that additional guidelines would be useful for establishing the proper tone and achieving the stated objectives of the workshop. These principles, which are modelled after similar guidelines used in other consensus-building forums, are as follows:

(1) To the greatest extent possible, participants should share whatever information (e.g., research data, opinions, etc.) may be available to assist in meeting the stated objectives of the workshop.

(2) Wherever possible, participants should be willing to propose and explore creative alternatives which might enhance the prospects for agreement by all participants on critical issues.

(3) Actions which delay proceedings, raise inappropriate issues, or prevent balanced and fair opportunity for all points of view to be presented, will be discouraged by the Chair.

(4) The limited time available should be used to focus on the most important issues, problems, and data relevant to the subject chemicals and categories.

(5) Discussion of general philosophical points should be kept to an absolute minimum. Focus should be kept on the specific chemicals and categories refered to in the Seventh ITC Report.

(6) Questions should be asked, positions presented, and discussions held in informal manner. The goal should be to enhance understanding, not merely to score points.

(7) To the greatest extent possible, participants should be willing to approach problems innovatively and with minimum prejudgment, and to demonstrate good faith efforts to achieve the stated objectives of the workshop and to abide by these principles.

The extent to which these principles are followed may have a significant effect not only on the success of this workshop but also on prospects for additional workshops of this kind in the future.

Dated: February 6, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-8078 Filed 2-12-81; 8:45 am]

BILLING CODE 6560-31-M

[ER-FRL-1754-5]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) U.S Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EIS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of February 2, 1981 to February 6, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from February 13, 1981 and will end on March 30, 1981. The 30-day review period for final EIS's as calculated from February 13, 1981 will end on March 16, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

SUMMARY OF NOTICE: This notice sets forth a list of EIS's filed with EPA during the week of February 2, 1981 to February 6, 1981. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's. All additional information relating to EIS's such as time extensions or reductions of prescribed review periods, withdrawals, retractions, corrections or supplemental reports is also noticed under the appropriate agency.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 (202) 245-3006.

Dated: February 10, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314 (202) 272-0121.

Draft

IRONDEQUOIT CREEK WATERSHED FLOOD PROTECTION: Monroe County, N.Y., February 3: Proposed is a flood protection plan for the Panorama Plaza area of the Irondequoit Creek Watershed in Monroe County, New York. The preferred alternative would involve: (1) a series of levees or flood walls along Irondequoit and Allen Creeks, (2) Internal drainage ditches along the back of the levees, (3) Culverts with flaggates and emergency sluicegates, and (4) Channelization realignment. (Buffalo District). (EIS order No. 810101).

Extension: The review period for the above EIS has been extended until April 30, 1981. (No. 810101).

Final

BOWLINE POINT GENERATING STATION: Rockland County, N.Y., February 3: Proposed is the continuance of permits for the operation of the Bowline Point Generating Station located on the Hudson River in Haverstraw, Rockland County, New York. The facility consists of two oil fueled steam electric generating units and related facilities. The alternatives consider: (1) Retain unaltered the permit and related conditions, (2) Modify conditions of the permit, (3) Suspend permit until closed-cycle cooling and or modifications are installed, and (4) Revoke permit. This statement also examines the continued operation of Roseton Station. (New York District). Comments made by: USDA, DOC, EPA, HEW, HUD, DOI, DOT, State and local agencies, groups and businesses. (EIS order No. 810100).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Administration Building, Washington, D.C. 20250, (202) 447-3965.

Forest Service

Draft

Stibnite gold mine and mill, operation approval: Valley County, Idaho, February 2: Proposed is the approval of an operating plan for the mining and processing of gold ore located at the Stibnite mine properties within the Payette National Forest in Valley County, Idaho. The project would include two open pit mines, waste dumps, heap leaching facilities, personnel housing and associated transportation corridors. Alternatives are considered for various aspects of the project including mining areas and methods, facility locations, disposal, material transport, processing methods and materials, power sources and access corridors. (EIS Order No. 810099).

Mt. St. Helens Land Mgmt. Plan, Gifford Pinchot NF: Cowlitz, Lewis, and Skamania Counties, Wash., February 4: Proposed is a land management plan for Mount St. Helens within the Gifford-Pinchot National Forest in Cowlitz, Lewis and Skamania Counties, Washington. The preferred alternative would provide a large interpretive area for protection of significant geologic and biologic features, while providing for timber salvage and rehabilitation in some of the heavily damaged areas. Other allocations included are: (1) Unroaded recreation, (2) Prime habitat, (3) Existing research natural areas, (4) A botanical area, (5) General forest, and (6) A Tephra area. The cooperating agency is the geological survey. (EIS Order No. 810102).

EXTENSION: The review period for the above EIS has been extended until April 2, 1981. (No. 810102).

Final Supplement

San Antonio Channel Improvement (FS-1): Bexar County, Tex., February 2: Proposed is a channel improvement project for the San Antonio channel in Bexar County, Texas. The alternatives considered no action, structural and nonstructural measures. Nonstructural measures considered are flood proofing of existing structures, flood warning system, and flood plain evacuation. Structural alternatives considered are: (1) Vertical wall cross sections, (2) A grass lined trapezoidal channel cross section, and (3) A combination of cross sections. This statement supplements a final EIS, No. 721179, filed 11-9-71. (Fort Worth District). Comments made by: EPA, DOI, AHP, USDA, DOC, FERC, HUD, DOT, VA, State and local agencies. (EIS Order No. 810097).

Grays Harbor and Chehalis River Navigation (FS-1): Grays Harbor County, Wash., February 4: Proposed is the continued maintenance of the Grays Harbor Chehalis River navigation Project in Grays Harbor County, Washington. The main navigational channel is segmented into four parts for which maintenance dredging requirements are considered individually. The alternatives considered: (1) Yearly coordination of dredging plan, (2) Modify the present long range maintenance plan, and (3) Implement long range plan without change. This statement supplements a final EIS, No. 751683, filed 11-20-75. (Seattle District). Comments made by: AHP, DOC, DOI, EPA, State and local agencies, groups. (EIS Order No. 810105).

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Correction: Irondequiot Bay Navigation Improvements, NY, published FR December 31, 1980—an extension was published in the February 6, 1981 FR which contained an incorrect date—the review has been extended from January 30, 1981 to February 13, 1981. (No. 800980).

DEPARTMENT OF DEFENSE, Air Force

Contact: Dr. Carlos Stern, Deputy for Environment and Safety, Department of the Air Force, Room 4C885, Pentagon, Washington, D.C. 20330, (202) 697–9297.

Final

Consolidated Space Operations Center: Several Counties in New Mexico, Montana and Colorado, February 6: Proposed is the construction of a Consolidation Space Operations Center (CSOC) which would combine the two mission elements of satellite control and space shuttle operations. The satellite control element of CSOC would consist of communications, command and control service functions for orbiting spacecraft. The shuttle element would involve DOD flight planning, readiness and control functions. the sites under consideration are: (1) Peterson AFB, Colorado Springs, Colorado; (2) Kirtland AFB, Albuquerque, New Mexico; and (3) Malmstrom AFB, Great Falls, Montana. Comments made by: HUD, USAF, EPA, DOE, DOT, DOI, State and local agencies, groups and individuals. (EIS Order No. 810107).

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G–064, Forrestal Bldg., Washington, DC 20585, (202) 252–4600.

Bonneville Power Administration

Final

SAN JUAN ISLANDS, TRANSMISSION FACILITIES: San Juan and Skagit Counties, Washington, February 2: Proposed are transmission facilities to the San Juan Islands involving the counties of San Juan and Skagit in the State of Washington. The project will include: (1) a 4.5-mile 115 kV submarine cable across Rosario Strait from Fidalgo Substation to Decatur Island; (2) a 1.5-mile 115 kV underground cable across Decatur Island; (3) a 2.2-mile 115 kV submarine cable across Lopez Sound from Decatur Island to the Lopez Substation on Lopez Island; (4) replacement of 1000 feet of double-circuit wood-pole overhead line with two 34.5 kV underground cables on Decatur Island to move the existing terminal structure inland. (DOE/EIS–005–FS.) Comments made by: DOI, COE, USDA, HUD, EPA, DOT, State and local agencies, individuals (EIS Order No. 810096).

Federal Energy Regulatory Commission

Contact: Dr. Jack M. Heinemann, Advisor of Environmental Quality, Room 3000 S–22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8228.

RETRACTION: Rocky Mountain Project, Dam Relocation, GA, published FR January 30, 1981, has been officially retracted due to noncompletion of distribution. (No. 810020.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Bureau of Land Management

Draft

PARADISE–DENIO LIVESTOCK GRAZING MANAGEMENT PROGRAM: Humboldt and Pershing Counties, Nevada, February 4: Proposed is a livestock grazing management program for the Paradise-Denio resource area in Humboldt and Pershing Counties, Nevada. The preferred alternative would consider options for: (1) vegetation allocation, (2) levels of grazing management, (3) livestock support facilities, (4) a general implementation schedule, and (5) standard operating procedures. The alternatives considered are: (1) no livestock grazing, (2) no action, (3) maximizing livestock, and (4) livestock reduction/maximizing wild horses and burros. (EIS Order No. 810103.)

Bureau of Indian Affairs

EXTENSION: Mount Tolman Open Pit Mine, WA, published FR January 30, 1981—review period has been extended from March 16, 1981 to March 31, 1981. (No. 810071.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Draft

SAND ISLAND ACCESS ROAD WIDENING AND IMPROVEMENT: Honolulu County, Hawaii, February 2: Proposed is the widening and improvement of Sand Island access road within Honolulu County on the Island of Oahu, Hawaii, from Nimitz highway to the Sand Island State Park entrance, a distance of 2.6 miles. The facility has been divided into segments for which several alternatives are considered. Improvements would generally involve widening of the roadway, improvement of intersections, and replacement of the Bascule Bridge over the Kalihi Channel. The cooperating agency is the State of Hawaii. (FHWA–HI–EIS–80–02–D) (EIS Order No. 810098).

EXTENSION: The review period for the above EIS has been extended until April 15, 1981. (No. 810098.)

Draft

OLD RED TRAIL IMPROVEMENT, MANDAN: Morton County, North Dakota, February 5: Proposed is the reconstruction and improvement of the Old Red Trail from 56th Avenue to the Mandan Avenue/I–94 interchange in Mandan, Morton County, North Dakota. Three roadway sections, one rural and two urban, are being considered for different segments of the project. Also considered is the modification of the north ramps and access points of the Sunset Drive/I–94 interchange. Alternatives are considered for both the roadway improvements and the interchange improvements. The cooperating agency is the State of North Dakota. (FHWA–ND–EIS–81–01–D) (EIS Order No. 810106).

Final

MALECON AVENUE/PR–14, EXTENSION, PONCE: Puerto Rico, February 4: The proposed action involves extending Malecon Avenue/PR–14 from its present terminus at the PR–2 bypass northerly to an interchange with existing Arenas Avenue/PR–14. The project is approximately 3.5 kilometers in length and is located in the municipality of Ponce on the south central coast of Puerto Rico. The proposed highway will be a six-lane divided highway, with restricted access at specific intersections and interchanges. Just north of PR–2 bypass, Malecon Avenue will bridge over the recently constructed Rio Portugies diversion channel. The cooperating agency is the Commonwealth of Puerto Rico. (FHWA–PR–EIS–78–01F.) Comments made by: USDA, DLAB, DOT, COE, HUD, State and local agencies, individuals and businesses (EIS Order No. 810104).

CORRECTION: US 70, Alamogordo-Tularosa Section, NM, published FR December 12, 1981—EPA has been notified by the Agency that the DOT EIS identification number on document should have been (FHWA–NM–EIS–80–04–D) (No. 800931).

CORRECTION: HI–3/The North Halawa Valley Alignment, HI, published FR December 31, 1980—omitted commentors which were USDA, DJUS, HUD, DOT, DOI, EPA, COE, AHP, State and local agencies, groups, individuals and businesses (No. 800985).

[FR Doc. 81–5242 Filed 2–12–81; 8:45 am]

BILLING CODE 6560–37–M

[EN–FRL 1754–2]

California State Motor Vehicle Pollution Control Standards: Opportunity for Public Hearing To Consider Requests for Waivers of Federal Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Opportunity for Public Hearing on Requests for Waivers of Federal Preemption.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to California's emission standards and test procedures for new motor vehicles, and requested waivers of Federal preemption, pursuant to section 209(b) of the Clean Air Act (Act), for these amended requirements, pertaining to special Oxides of Nitrogen (NO_x) standards for certain small-volume manufacturers. This notice announces that these proposed amendments will also be considered at the public hearing EPA has tentatively scheduled for March 5, and if necessary March 6, 1981, and announced in the **Federal Register** at 45 FR 10851 (February 4, 1981). Any party desiring to present oral testimony for the record at a public hearing, instead of or in addition to written comments, must notify EPA by February 24, 1981. If no party informs EPA that it wishes to testify, EPA will consider the waiver request based on written submissions to the record. EPA will publish a notice in the **Federal Register** to announce that the scheduled hearing is cancelled if no party wishes to present testimony.

DATES AND ADDRESSES: EPA has tentatively scheduled a public hearing for March 5, and if necessary March 6, 1981, beginning at 9:00 a.m., if any party notifies EPA by February 24, 1981, that it wishes to present oral testimony regarding CARB's waiver requests.

EPA will hold the public hearing announced in this notice at: U.S. Environmental Protection Agency, Regional Office (Region IX), Sixth floor, 215 Fremont Street, San Francisco, California. Parties wishing to present oral testimony at a public hearing should notify in writing the Director, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Any party also may submit written comments regarding the waiver request to the same address by March 20, 1981. Copies of all materials relevant to the waiver request will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A–120), Gallery I, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Docket Number EN–80–23).

FOR FURTHER INFORMATION CONTACT: Jerry Schwartz, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 209(a) of the Clean Air Act, as amended, (Act) 42 U.S.C. 7543(a) provides in part: "No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] require certification, inspection, or any other approval relating to the control of emissions * * * as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any state which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (1) the determination made by the State is arbitrary and capricious, (2) the State does not need the State standards to meet compelling and extraordinary conditions, or (3) the State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

On January 14, 1981, CARB requested a waiver of Federal preemption for amendments to "California Exhaust Emission Standards and Test Procedures for 1981 and subsequent Model Passenger Cars, Light-Duty Trucks Medium-Duty Vehicles".[1] These amendments set special NO_x standards for qualifying "small-volume manufacturers," for model years 1982–1986. The proposed standards are consistent with special NO_x standards for model years 1980–1982 already covered by waivers of Federal preemption in that they allow these small-volume manufacturers additional lead time to meet the NO_x standards imposed upon other manufacturers.

Section 209(b) of the Act provides that the Administrator shall grant a waiver of Federal preemption after an opportunity for a public hearing, unless the Administrator makes one of the findings specified in section 209(b) of the Act. Therefore, this notice announces that all parties will be given the opportunity to present oral testimony regarding the amended standards and test procedures for which CARB requested waivers.

In a **Federal Register** notice published on February 4, 1981,[2] EPA tentatively scheduled a hearing for March 5, and if necessary March 6, 1981 to consider amendments pertaining to NO_x and particulate emissions from diesel passenger cars and evaporative emissions from motorcycles. In order to expedite the waiver process, EPA will also consider CARB's most recent set of proposed amendments at the hearing tentatively scheduled on that date. If no party notifies EPA by February 24, 1981, that it desires to present oral testimony on any of CARB's proposed amendments, EPA will publish a **Federal Register** notice cancelling the hearing. Whether or not EPA holds a public hearing, EPA will enter any written comments it receives by March 20, 1981 into the record for these waiver requests and will make its waiver determinations based on that record.

II. Procedures for Public Participation

If the tentatively scheduled hearing takes place, it will provide an opportunity for interested parties to state orally their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement should, if possible, file 10 copies of the proposed testimony and other relevant material along with its request for a hearing with the Director of EPA's Manufacturers Operations Division at the address listed above not later than February 24, 1981. In addition, the party should submit 25 copies, if feasible, of the proposed statement to the Presiding Officer at the time of the hearing.

Since a public hearing is designed to give interested persons an opportunity to participate in the waiver proceeding, there are no adversary parties as such. Statements by participants will not be subject to cross examination by other participants without special approval by the Presiding Officer. The Presiding Officer is authorized to strike from the record statements which he or she deems irrelevant or repetitious and to impose reasonable limits on the duration of the statements of any witness.

Participants at the hearing, if any, and interested parties who make written submissions should limit their presentations to the following considerations:

(1) Whether California's determination that the amended standards will be at least as protective of public health and welfare as applicable Federal Standards and regulations is arbitrary and capricious;

(2) Whether California needs its standards to meet compelling and extraordinary conditions; and

(3) Whether the California standards and accompanying enforcement procedures are not consistent with section 202(b) of the Act.

Whether or not EPA holds a hearing the record will remain open until March 20, 1981, for the submission of written information for consideration by the Administrator in formulating his waiver decision. If EPA does hold the hearing, the agency will make a verbatim record of the proceeding. Interested persons

[1] Section 1960.4, Title 13, California Administrative Code, "Special Standards for 1982 and Subsequent Model Passenger Cars, and 1983 and Subsequent Model Light-Duty Trucks and Medium-Duty Vehicle, 0–3999 Pound Equivalent Inertia Weight", Amended August 27, 1980.

[2] 45 FR 10851.

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may obtain a copy of the transcript at their own expense from the reporter during the hearing. The Administrator will base his determination with regard to CARB's waiver requests on the record of the public hearing, if any, and on any other relevant written submissions. This information will be available for public inspection at the EPA Central Docket Section.

Dated: February 9, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-5282 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-33-M

[EN-FRL 1754-1]

Motor Vehicle Pollution Control; Waiver of Carbon Monoxide Emission Standards; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing to consider applications for waiver of 1982 model year light-duty vehicle emission standard for carbon monoxide (CO).

SUMMARY: On January 20, 1981, Volkswagen of America, Inc. (Volkswagen) informed EPA of its intention to apply for a waiver for its 1982 model year 1.7 liter carbureted engine family by February 17, 1981. EPA plans to hold a public hearing on this waiver application and any others which EPA may receive in time for consideration at this hearing.

DATES: This notice announces that EPA will hold a public hearing in Washington, D.C., beginning at 9 a.m. on February 25, 1981, to consider Volkswagen's waiver application and any other manufacturer's application received by February 20, 1981. Interested parties may also submit written comments to the public docket on those waiver applications until March 9, 1981, to ensure consideration of those comments in the Administrator's evaluation of this waiver application.

ADDRESS: All public portions of the CO waiver applications and other relevant information are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery I Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN-81-3).

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Waivers Section, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) (1977) ("Act"), at any time after August 31, 1978, any manufacturer may file with the Administrator an application requesting the waiver of the effective date of the carbon monoxide (CO) emission standard applicable to any model of light-duty motor vehicles and engines manufactured by the applicant during model years 1981 and 1982. Section 202(b)(5)(C) requires the Administrator to issue a decision granting or denying such waiver within 60 days after receipt of the application and after public hearing. Guidelines for the submission of such waiver requests have been previously published in the **Federal Register** at 43 FR 47272, October 13, 1978.

Section 202(b)(1)(A) requires that emissions of CO from 1981 and later model year light-duty motor vehicles be reduced by at least 90% from 1970 CO emission standards. A CO emission standard of 3.4 grams per vehicle mile, determined to achieve such reduction and made applicable by regulation to 1981 and later model year light-duty vehicles, has been published in the **Federal Register**, 43 FR 37972, August 24, 1978. If the Administrator determines that a waiver from the CO standard of 3.4 grams per vehicle mile (gpm/mi) should be granted, he must, simultaneously with such determination, prescribe by regulation CO emission standards to apply to those model vehicles or engines to which the waiver applies. Under section 202(b)(5)(B), the maximum CO level for which a waiver may be granted is 7.0 gpm/mi.

Under section 202(b)(5)(C), the Administrator may grant such a waiver only if he finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm/mi for those model years and vehicles for which the waiver is sought. In addition, a waiver may be granted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) the applicant has made all good faith efforts to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to him have not indicated that technology, process, or other alternatives are available to meet such standards.

EPA has held eight sets of public hearings regarding CO waiver applications. The Administrator's decisions on these applications have been published in the **Federal Register** (see 46 FR 1591, n. 1 (January 6, 1981)).

II. Waiver Applications

On January 20, 1981, Volkswagen submitted a letter of intention to file a CO waiver application which stated that Volkswagen intended to complete its application by February 17, 1981. EPA will hold a public hearing on Volkswagen's application and on applications from any other motor vehicle manufacturers received by EPA on or before February 20, 1981, at EPA Headquarters, Room 2126, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 on February 25, 1981 at 9:00 a.m. EPA encourages other manufacturers, if any, which still plan to request a CO waiver to file their applications by the February 20th deadline. This will facilitate review of as many outstanding waiver applications as possible in one consolidated proceeding. Submitting applications at a reasonable time before the scheduled proceedings will facilitate the Administrator in making a timely decision.

In addition to testimony provided by each waiver applicant, testimony has been given at these hearings by other automobile manufacturers and by several emission control system part suppliers. Information considered for each of these decisions is contained in public dockets EN-79-4, EN-79-17, EN-79-19, EN-80-1, EN-80-9, EN-80-13, EN-80-14, and EN-80-16 respectively. Each new docket in these waiver proceedings incorporates the previous waiver hearing docket by reference. Thus, public docket EN-8-13, pertaining to this waiver application of Volkswagen, will incorporate all of the previous dockets.

In order for a waiver to be granted, the Administrator must determine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. However, the Administrator is not required to make his determination solely on the record of the public hearing, and may consider any additional information as well. All information considered by the Administrator will be included in the public docket.

III. Hearing Procedures

The hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevent material in the Central Docket Section at the address listed above no later than February 20, 1981. If feasible, at least 25 copies of such statement or material for the hearing record and for general circulation should be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witness by the hearing panel to the extent practicable. Any person may file relevent statements and information not specifically required by the hearing panel in the public docket until March 9, 1981, to ensure their consideration in the Administrator's evaluation of the waiver application at issue. The Administrator will consider submissions received after that date to the extent practicable in reaching decisions within the time periods specified by the Act.

Where appropriate, EPA will require representatives of the applicants under the subpoena authority of section 307(a)(1) of the Act to attend the hearing and respond to the hearing panel's questions. Moreover, EPA may also subpoena other parties to produce relevent information and provide testimony before the hearing panel. Section 307(a)(1) also authorizes the administration of oaths to testifying parties.

The Presiding Officer will have the responsibilty for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing that corroborative material be submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

As was the case in the previous CO waiver public hearings, presentations by the participants in this hearing should address exclusively the following considerations:

1. Whehter protection of the public health requires attainment of the established CO standards of 3.4 gpm for the model years to which the waiver would apply.

2. Whether the requested waiver is essential to the public interest or public health and welfare of the United States, including whether the waiver request involves the type of concerns relating to economics and the applicant's ability to compete which EPA's Request for Public Comments of November 28, 1980 (45 FR 79116) addressed.

3. Whether the applicants have made all good faith efforts to meet the CO standard for those model years and vehicles for which the waiver is sought.

4. The risk that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy.

5. Whether studies and investigations of the National Academy of Sciences and other information indicate that alternatives are available to meet such standards.

6. The level of CO emissions, not to exceed 7.0 gpm, which could be met in each of the model years for which a waiver is requested and which would reflect the greatest degree of emission control achievable by use of available technology, giving appropriate consideration to the cost of applying such technology within the available time period.

A verbatim record of the proceedings will be available for public inspection. Any person may request a copy of the transcript from the hearing reporter during the hearing at the party's own expense. Any person also may obtain copies of other documents in the public record as specified in 40 CFR Part 2.

Dated: February 9, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-5283 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 81-17 and 18]

Vincent J. Petruso; Order to Show Cause and Hearing Designation Order

Adopted: January 21, 1981.

Released: February 5, 1981.

In the matter of revocation of license of Vincent J. Petruso, 5617 W. Ironwood Drive, Glendale, Arizona 85302, licensee of station KABE-8343 in the Citizens Band Radio Service, (PR Docket No. 81-17) and application of Vincent J. Petruso, 5617 W. Ironwood Drive, Glendale, Arizona 85302, for Amateur Radio station license and For Novice Class Operator license (PR Docket No. 81-18) designating applications for consolidated hearing on stated issues.

The Chief, Private Radio Bureau, has under consideration the Citizens Band radio station license KABE-8343 of Vincent J. Petruso which was granted for a five year term on August 9, 1978. Also under consideration is an application by Petruso for an Amateur radio station license and a Novice Class Operator license dated May 14, 1980.

1. Information before the Commission indicates that on January 11, 1980, Petruso made radio transmissions on the frequency 27.635 MHz. This frequency is assigned for the exclusive use of the United States Government Radio stations. Petruso did not possess a license authorizing the use of this frequency. Thus, Petruso's radio operations were in apparent violation of Section 301 of the Communications Act of 1934, as amended.

2. The above conduct was the subject of an Official Notice of Violation mailed to Petruso on January 25, 1980. The conduct described above calls into question whether Petruso possesses the requisite qualifications to be a licensee in any radio service.

3. Section 312(a)(2) of the Communications Act of 1934, as amended, provides that a station license may be revoked for conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that a station license may be revoked for wilful or repeated violation of the Communications Act or the Communication's Rules. In addition, based on the above, the Commission cannot conclude that a grant of Petruso's application would serve the public interest, convenience, and necessity.

4. Accordingly, it is ordered, pursuant to Sections 312(a) (2) and (4) and (c) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's Rules , the Vincent J. Petruso show cause why the license for station KABE-8343 should not be revoked. It is further ordered, pursuant § 1.973(b) and 0.331 of the Commission's Rules. the Petruso's application for an Amateur radio station license and for a Novice Class Operator license is designated for hearing.

5. It is further ordered, That is Petruso wants a hearing on the revocation or application matters he must file a written request for a hearing within 30

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days.[1] [2] If a hearing is requested, the time, place and Presiding Judge will be specified by subsequent order.

6. It is further ordered, That if Petruso waivies his right to a hearing, this proceeding will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules and if Petruso fails to file an appearance his application for Novice Class Amateur license will be dismissed with prejudice pursuant to §§ 1.221(c) and 1.961(b) of the Rules.

7. It is further ordered, That this proceeding will be resolved upon the following issues:

(a) To determine whether there were transmissions on January 11, 1980, in wilful violation of Section 301 of the Act.

(b) To determine whether Petruso has the necessary qualifications to remain a Commission licensee.

(c) To determine if Petruso's license for CB radio station KABE–8343, granted for a five year term on August 9, 1976, should be revoked.

(d) To determine whether granting Petruso's Amateur application would be in the public interest, convenience and necessity.

8. It is further ordered, pursuant to the provisions of § 1.227 of the Commission's Rules, that the revocation and application proceedings ae consolidated for hearing.

9. Any questions about this should be directed to the Compliance Division of the Private Radio Bureu at 202–632–7197. This order is being sent by Certified–Mail Return Receipt Requested and Regular Mail.

Chief, Private Radio Bureau.

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81–5099 Filed 2–12–81; 8:45 am]

BILLING CODE 6F12–01–M

[Docket Nos. 81–39 and 40]

John W. Phillips, Sr.; Order to Show Cause and Hearing Designation Order

In the matters of revocation of license of John W. Phillips, Sr., 15 Cottage Street, W. Springfield, Massachusetts 01089, Licensee of station KATK–2737 in the Citizens Band Radio Service, (PR Docket No. 81–39) and application of John Phillips, Sr., 15 Cottage Street, W. Springfield, Massachusetts 01089, for Amateur radio station license and Novice Class Operator license, (PR Docket No. 81–40) designating applications for consolidated hearing on stated issues.

Adopted: January 30, 1981.

Released: February 5, 1981.

The Chief, Private Radio Bureau, has under consideration the license of John W. Phillips, Sr., for station KATK–2737 in the Citizens Band (CB) Radio Service, issued May 18, 1977, for a five year term and an application filed by Phillips for an Amateur Radio station license and Novice Class Operator license.

1. Information before the Commission indicates that on September 8, 1979, Phillips made radio transmissions on the frequency 27.525 MHz. That frequency is assigned for use by Business Radio Service stations. Phillips did not possess a license authorizing the use of that frequency. Thus, the operation was apparently in violation of Section 301 of the Communications Act of 1934, as amended. Moreover, if the apparent operation of September 8, 1979, was under the color of authority of Phillip's CB station license KATK–2737, the operation was in violation of the following CB Rules: 17(a) (operation on an unauthorized frequency), 19(a) (non type-accepted equipment), 30 (a) (no station identification) and 42(b) (operation of modified transmitter).

2. Section 312(a)(2) of the Communications Act of 1934, as amended, provides that radio stations may be revoked for matters coming to the attention of the Commission which would warrant it is refusing to grant a license on an original application. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for wilful violation of the Communications Act or Commission Rules. Accordingly, it is ordered, that Phillips show cause why the license for station KATK–2737 should not be revoked.

3. It is further ordered, That if Phillips wants a hearing on the revocation matter, he must file a written request for a hearing within thirty (30) days.[1] If a hearing is requested, the time, place and Presiding Judge will be specified by a subsequent order.

4. It is further ordered, That if Phillips waives his right to a hearing, this proceeding will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules.

5. It is further ordered, That the matters in this proceeding will be resolved upon the following issues:

(a) To determine whether there were transmissions on September 8, 1979, in wilful violation of:

(1) Section 301 of the Communications Act, or

(2) CB Rules 17(a), 19(a), 30(a) and/or 42(b).

(b) To determine whether Phillips has the requisite qualifications to remain a Commission licensee.

(c) To determine whether the license for CB station KATK–2737 should be revoked.

6. The conduct described in the above Order also raises questions whether Phillips possesses the requisite qualifications to become a licensee in the Amateur Radio Service. Phillips' conduct precludes the Commission from determining that a grant of his Amateur application would serve the public interest, convenience, and necessity. Section 309(e) of the Communications Act requires the Commission to designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience, and necessity.

7. Accordingly, it is further ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's Rules, that Phillips' application for an Amateur radio station license and for a Novice Class Operator license is designated for hearing, at a time and place to be specified by subsequent Order upon the following issue:

(d) Whether, in light of the evidence adduced under Issues (a) and (b) above, the public interest, convenience and necessity would be served by a grant of the Amateur radio station and Novice Class operator license application of John W. Phillips.

8. It is further ordered, That, in order to obtain a hearing on his application, Phillips, in person or by his attorney, shall within thirty days of the mailing of this Order, state an intent to appear on a date fixed for hearing to present evidence on the issues specified in the foregoing paragraph. Failure to file a written appearance within the thirty days will result in the dismissal of the application with prejudice.[1] [2]

9. It is further ordered, pursuant to the provisions of § 1.227 of the Commission's Rules, that the proceedings on the above-stated issues regarding the Order to Show Cause and the Designation Order are consolidated for hearing.

10. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof for revocation of the Citizens Band radio station license is on the Bureau, pursuant to Section 312(d) of the Communications Act of 1934, as amended; and the burden of introduction of evidence and the burden of proof for grant of the application is on the applicant, pursuant to Section 309(e) of the Communications Act.

11. It is further ordered, That a copy of this Order shall be sent Certified Mail—Return Receipt Requested and by Regular Mail to John W. Phillips at his address of record as shown in the caption.

——, ——,

Chief, Private Radio Bureau.

By:

Raymond A. Kowalski,

Chief, Compliance Division.

[FR Doc. 81–5098 Filed 2–12–81; 8:45 am]

BILLING CODE 6712–01–M

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[1] The attached form should be used to request or waive hearing. It should be completed and mailed to the Federal Communications Commission, Washington, D.C. 20554, in the enclosed envelope, within 30 days.

[2] Any contrary provisions of § 1.221(c) of the Rules are waived.

[1] The 20 day response time specified by § 1.221(c) is waived.

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 20, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances siad to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 7680–43.

Filing Party: Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: Agreement No. 7680–43 would amend Article 1(e) of the basic agreement of the American West African Freight Conference to provide that the member lines may jointly discuss or negotiate rates and practices with the Negotiating Committee of the Minsterial Conference of West and Central African States on Maritime Transport.

By Order of the Federal Maritime Commission.

Dated: February 10, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–5151 Filed 2–12–81; 8:45 am]

BILLING CODE 6730–01–M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by February 23, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-3948.

Filing Party: Mr. Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Summary: Agreement No. T-3948, between Georgia Ports Authority (Port) and Sea-Land Services, Inc. (Sea-Land), provides for Sea-Land's lease and exclusive use of certain paved premises, suitable for parking trailers and containers, located within Container Central at Garden City Terminal, Chatham County, Georgia. The premises will be used for the storage and handling of containers (handled on or off ships using the Port's facilities only), including trailers and chassis used to transport containers. Sea-Land shall pay Port a monthly rental of $4,479.17 for 250 parking slots, plus applicable port tariff charges. If available, additional slots can be obtained at a monthly rate set forth in the agreement. The parties agree that Sea-Land shall generate no less than 320 short tons of containerized cargo, per parking slot, with reasonable allowances for operational time loss as set forth in the agreement. The term of this lease is one year, unless default occurs under provisions set forth in the agreement. The parties further agree to non-preferential berthing rights, indemnification, subletting and assignments, arbitration and other terms provided for in the agreement.

By order of the Federal Martime Commission.

Dated: February 10, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–5152 Filed 2–12–81; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–13]

Charleston Warehouse Associates, et al. v. Barber Steamship Lines, Inc., et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Charleston Warehouse Associates, et al. against Barber Steamship Lines, Inc. et al. was served February 5, 1981. Complainants allege that respondents, since on or about January 2, 1981, have implemented the so-called 50 mile container rules at Charleston, South Carolina in violation of sections 14, 16, 17 and 18(a) of the Shipping Act, 1916 and sections 2 and 4 of the Intercoastal Shipping Act, 1933.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents of that nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81–5153 Filed 2–12–81; 8:45 am]

BILLING CODE 6730–01–M

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FEDERAL RESERVE SYSTEM

Clayton Bancshares, Inc.; Formation of Bank Holding Company

Clayton Bancshares, Inc., Clayton, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Clayton Banking Company, Clayton, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Clayton Bancshares, Inc., Clayton, Alabama, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of The Clayton Insurance Agency, Clayton, Alabama.

Applicant states that the proposed subsidiary would engage in the activities of selling, as agent, general insurance in a community that has a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Clayton, Alabama, and the geographic areas to be served are Clayton, Alabama. Applicant also proposes to engage *de novo* through a subsidiary in the activity of making or acquiring for its own account or for the account of others, loans and other extensions of credit. These activities will be performed from offices of Applicant's subsidiary in Clayton, Alabama, and the geographic areas to be served are Barbour County, Alabama. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 11, 1981.

Board of Governors of the Federal Reserve System, February 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5124 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

First DeKalb Bancshares, Inc.; Formation of Bank Holding Company

First DeKalb Bancshares, Inc., DeKalb, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank in DeKalb, DeKalb, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5123 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp., et al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than March 11, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

MANUFACTURERS HANOVER CORPORATION, New York, New York (expansion of service areas of certain offices; Virginia, West Virginia, Arkansas, Mississippi, Missouri, Kansas, Nebraska, Colorado, Louisiana, New Mexico, Oklahoma, Texas): to engage in commercial finance and factoring activities in expanded service areas of two existing offices of Manufacturers Hanover Commercial Corporation (Delaware) and to engage in the commercial finance activity in expanded service areas of three existing offices of Manufacturers Hanover Commercial (Delaware). Under the proposal, the office engaged in the commercial finance activity located at 5775-B Glenridge Drive N.E., Atlanta, Georgia 30328 would expand its service area to include Virginia and West Virginia; the office engaged in the commercial finance activity located at 1 Commerce Place, Suite 1933, Nashville, Tennessee 37239 would expand its service area to include Arkansas, Mississippi and Missouri; the office engaged in the commercial finance activity located at 100 South Wacker Drive, Chicago, Illinois 60606 would expand its service area to include Kansas and Nebraska; the office engaged in the commercial finance and factoring activities located at Kirby Building, 1509 Main Street, Dallas, Texas 75270 would expand its service area to include Colorado; and the office engaged in the commercial finance and factoring activities located at 425 Shatto Place, Los Angeles, California 90010 would expand its service area to include Arkansas, Kansas, Louisiana, Nebraska, New Mexico, Oklahoma and Texas. The application is only to expand the service area of existing offices; the application does not involve the commencement of any new activities. The offices will continue to serve customers in their existing service areas.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

MELLON NATIONAL CORPORATION, Pittsburgh, Pennsylvania (finance and insurance activities; South Carolina): to engage through its subsidiary, Freedom Financial Services Corporation, in funding, purchasing, and servicing installment loan contracts originated in connection with the sale of real property; acting as insurance agent with respect to sales of life, accident and health, and property insurance directly related to such contracts. These activities would be conducted from the headquarters of Applicant's subsidiary in Oak Brook, Illinois, serving Beaufort County, South Carolina. Comments on this application must be received by March 9, 1981.

C. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

METROPOLITAN BANCORPORATION, Tampa, Florida (insurance activities; Florida): to act, through its subsidiaries, as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by its subsidiary banks. These activities would be conducted from the offices of Applicant's subsidiary banks currently located in Hillsborough, Pasco and Jackson counties, Florida, and would serve those areas as well as portions of contiguous counties.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5122 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of December 18-19, 1980

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 18-19, 1980.[1]

The information reviewed at this meeting suggests that real GNP expanded more in the fourth quarter than in the third, and prices on the average continued to rise rapidly. In November retail sales, industrial production, and nonfarm payroll employment expanded substantially further, and the unemployment rate was essentially unchanged at 7-½ percent. Housing starts remained at their September-October level. The rise in the index of average hourly earnings has been somewhat more rapid this year than in 1979.

The weighted average value of the dollar in exchange markets has risen considerably further over the past month. The U.S. trade deficit was unchanged in October, remaining well below the rate in the first half.

Growth in M-1A and M-1B continued to moderate in November but was still relatively rapid; growth in M-2 continued to accelerate, reflecting a further pickup in expansion of its nontransaction component. In early December, growth of M-1A and M-1B slowed substantially further. From the fourth quarter of 1979 to November, growth of M-1A was in the upper part of the range set by the Committee or growth over the year ending the fourth quarter of 1980; M-1B and M-2 grew at rates somewhat above the upper limits of their respective ranges. Expansion in commercial bank credit was about as rapid in November as on the average in the preceding three months. Short-term market interest rates have risen sharply further in recent weeks. Long-term market yields have also risen, although considerably less, and average rates on new home mortgage commitments have continued upward. On December 4 the Board of Governors announced an increase in Federal Reserve discount rates from 12 to 13 percent and an increase in the surcharge from 2 to 3 percentage points on frequent borrowing of large institutions.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, encourage economic recovery, and contribute to a sustainable pattern of international transactions. At its meeting in July, the Committee agreed that these objectives would be furthered by growth of M-1A, M-1B, M-2, and M-3 from the fourth quarter of 1979 to the fourth quarter of 1980 within ranges of 3-½ to 6 percent, 4 to 6-½ percent, 6 to 9 percent, and 6½ to 9½ percent respectively. The associated range for bank credit was 6 to 9 percent. For the period from the fourth quarter of 1980 to the fourth quarter of 1981, the Committee looked toward a reduction in the ranges for growth of M-1A, M-1B, and M-2 on the order of ½ percentage point from the ranges adopted for 1980, abstracting from institutional influences affecting the behavior of the aggregates.

In the short-run the Committee seeks behavior of reserve aggregates associated with growth of M-1A, M-1B, and M-2 over the first quarter along a path consistent with the ranges for growth in 1981 contemplated earlier, which will be reviewed in February 1981. Those ranges, abstracting from the effects of deposit shifts connected with the introduction of NOW accounts on a nationwide basis, imply growth in these aggregates centered on 4-¼ percent, 4-¾ percent, and 7 percent respectively. It is recognized that the introduction of NOW and ATS accounts nationwide at the beginning of 1981 is likely to widen the discrepancy between growth in M-1A and M-1B to an extent that cannot now be accurately estimated, and operational reserve paths will be developed in the light of evaluation of those differences as they emerge. In the light of the rapid growth of monetary and credit aggregates in recent months, some shortfall in growth would be acceptable in the near term if that developed in the context of reduced pressures in the money market. If it appears during the period before the next meeting that fluctuations in the federal funds rate, taken over a period of time, within a range of 15 to 20 percent are likely to be inconsistent with the monetary and related reserve paths, the Manager for Domestic Operations is promptly to notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, February 6, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-5235 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of December 18-19, 1980, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on January 23, 1981, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4 billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on February 3, 1981.

Note.—For paragraph 1(a) of the authorization see 36 FR 22697.

V 46/30 FE 13 81 1 UMI

By order of the Federal Open Market Committee, February 6, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-5155 Filed 2-12-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipts of Report Proposals (NRC)

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 3 and 5, 1981. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before March 3, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of the application, recordkeeping and reporting requirements contained in new 10 CFR Part 11, Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material. Part 11 will require individuals involved in the operation of licensed fuel reprocessing plants, in the licensed use, processing, or storage of certain quantities of special nuclear materials and in the transportation by the private sector of certain quantities of special nuclear material to receive authorization for access to or control over special nuclear material. The NRC estimates respondents will number approximately 4,500 and that § 11.9 which requires filing of an application for exemption will require 2 hours burden for each respondent; § 11.11(a) which requires amendment of security plans will require 20 hours per amendment; § 11.13(b) which requires pre-ship confirmation will require 2 hours each transport; §§ 11.15 (b) and (c) which require a personnel security application be filed for access authorization will require 1.2 hours per respondent; and § 11.15(d) which requires filing of an application for change in level of access authorization will require 5 hours per application.

The NRC requests clearance of the reinstatement of 10 CFR Part 30, Rules of General Applicability to Domestic Licensing of Byproduct Material. The NRC estimates approximately 8,000 licensees will be subject to the requirements of Part 30 and that reporting burden will average 4 hours per request for § 30.32(b) which requires licensees to furnish additional information from time to time upon request of the Commission to that contained in the original application; 30 minutes for § 30.34(f) which requires that a report be filed when a licensee decides to permanently discontinue all activities authorized under the license; 6.5 hours per respondent for § 30.34(g) which requires testing for contamination in the washings of solvents in molybdenum-99/technetium-99m generators; 2 minutes for each recordkeeping entry for § 30.51 which requires licensees to keep records of receipt, transfer and disposal of byproduct material; and 25 minutes per report for § 30.55(b) which requires that a semi-annual report be submitted for a licensee's tritium inventory.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-5197 Filed 2-12-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0017]

Borg-Warner Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Borg-Warner Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-*tert*-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for polypropylene in contact with food.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB3478) has been filed by Borg-Warner Chemicals, Technical Centre, Washington, WV 26181, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-*tert*-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for polypropylene in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 29, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-4827 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0010]

Rohm and Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Rohm and Haas Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of methylacrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride as an ion-exchange resin in the treatment of food, including sugar solutions.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1A3540) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 173.25 *Ion-exchange resins* (21 CFR 173.25) be amended to provide for the safe use of methylacrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride as an ion-exchange resin in the treatment of food, including sugar solutions.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 28, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-4870 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Allergy and Clinical Immunology Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases, March 16, and 17, 1981 at the National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Conference Room 740, Bethesda, Maryland.

The meeting will be open to the public on March 17 from 8:30 a.m. to approximately 10:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-462, the meeting of the Committee will be closed to the public on March 16 for approximately eight hours from 8:30 a.m. until adjournment. On March 17 the meeting will be closed to the public from approximately 10:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Allergy and Clinical Immunology Research Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496-7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Paramological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the descripton of "programs not considered appropriate" in setion 8(b)(4) and (5) of that Circular.

[FR Doc. 81-5036 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Amended Notice of Meetings; Applied Physiology and Orthopedics Study Section and Bio-Psychology Study Section

Notice is hereby given of a change in the meeting date or time of the following National Institutes of Health, Division of Research Grants, Study Sections which were published in the Federal Register on January 21, 1981 (46 FR 6073).

The Applied Physiology and Orthopedics Study Section was to meet March 11-14, 1981, at 1:00 p.m., but will meet March 11-14, 1981, at 8:30 a.m. in Conference Room 9, Building 31C, Bethesda, MD, the same dates and location for which it was originally scheduled.

The Bio-Psychology Study Section was to have met February 23-26, 1980, but will meet February 22-26, 1980, at 9:00 a.m. at the Maryland Inn, Annapolis, MD, the same time and location for which it was originally scheduled.

The meetings will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5031 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Cellular and Molecular Basis of Disease Review Committee; Meeting

Pursuant of Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, on March 23-24, 1981, at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on March 23, 1981, from 8:30 a.m. until 10:00 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 23, 1981, from 10:00 a.m. until 6:00 p.m. and on March 24, 1981, from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Carl D. Rhodes, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, Cellular and Molecular Basis of Disease Research)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

V 46/30 FE 13 81 1 UMI

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5038 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, March 27-28, 1981, Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland 20205.

This meeting will be open to the public on March 27, 1981 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 27, 1981 from approximately 9:30 AM until adjournment on March 28, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur Merrick, Executive Secretary, NHLBI, Westwood Building, Room 552, Bethesda, Maryland 20205, phone (301) 496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5034 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, March 27, 1981, Building 31, Conference Room 9, at the National Institutes of Health, Bethesda, Maryland 20205.

This meeting will be open to the public on March 27, 1981, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the Public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 27, 1981, from approximately 9:30 AM until the adjournment on March 27, 1981 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, Bethesda, Maryland 20205, (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-5035 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Meeting of the High Blood Pressure Working Group; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, on April 13, 1981, Building 31, C Wing, Conference Room 6, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting, from 9:00 a.m. to 5:00 p.m., will be open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information and agenda contact: Mr. Graham W. Ward, Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 4A24, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496-1051.

For the list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 4A17, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496-4236.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5032 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Interagency Technical Committee Working Group on Blood and its Substitutes; Meeting

Notice is hereby given of the meeting of the Interagency Technical Committee Working Group on Blood and its Substitutes sponsored by the National Heart, Lung, and Blood Institute, on March 25, 1981, Building 31, C Wing, Conference Room 6, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting, from 9:00 a.m. to 12:30 p.m., will be open to the public. The IATC Working Group is meeting to examine and coordinate federal research activities which concern blood and its substitutes, which are designed to reduce disability, morbidity, and mortality from diseases or conditions for which whole blood, its components or substitutes, provide preventive or curative treatment. Attendance by the public will be limited to the space available.

For detailed program information and agenda, and for the list of participants and meeting summary, contact: Dr. David M. Robinson, Co-Chairman, IATC Working Group on Blood and its Substitutes, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A03, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496-5031.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5033 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Transplantation Biology and Immunology Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases, March 20, 1981 at the National Institutes of Health, Westwood Building, Conference Room 740, Bethesda, Maryland.

The meeting will be open to the public on March 20, 1981, from 8:30 a.m. to approximately 12:30 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public for approximately three to four hours from 1:30 p.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commerical property such as patentable material and personnal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496-7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: February 4, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-5037 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Reports for the following Office of the Assistant Secretary for Health Federal Advisory Committees have been filed with the Library of Congress:

Health Services Research and Developmental Grants Review Committee

Health Care Technology Study Section

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Hoke S. Glover, National Center for Health Services Research, 3700 East-West Highway, Room 7-50A, Hyattsville, Maryland 20782, Telephone (301) 436-6920.

Dated: February 9, 1981.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-6080 Filed 2-12-81; 8:45 am]

BILLING CODE 4110-85-M

Centers for Disease Control

Project Grants for Preventive Health Services—Childhood Immunization; Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Preventive Health Services—Childhood Immunization, Catalog of Federal Domestic Assistance Number 13.268. This grant program, authorized by Section 317(a)(2) (42 U.S.C. 247b) of the Public Health Service Act as amended, was announced in the Federal Register (45 FR 12491) dated February 26, 1980.

The objectives of this grant program are to reduce morbidity and mortality due to vaccine-preventable diseases of childhood; to eliminate indigenous measles from the United States by October 1, 1982; to raise and/or maintain immunization levels above 90 percent for children under age 15 against measles, rubella, diphtheria, tetanus, and poliomyelitis; to raise and/or maintain immunization levels above 90 percent for children under age 7 against measles, mumps, rubella, diphtheria, pertussis, tetanus, and poliomyelitis; and to develop, test, and implement systems for use in the States to insure that 90 percent or more of all children complete basic immunizations by age 2.

Any State and, in consultation with State health authorities, political subdivisions of States and other public entities are eligible to apply for a grant.

It is expected that $24,132,000 will be available in fiscal year 1981 to award 64 continuation grants with the average award expected to be $377,063, ranging from $14,000 to $1,260,000. Grants are usually funded for 12 months in a 3 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. No new grants are expected to be made in 1981 since current grantees are coordinating activities in all political jurisdictions in the United States. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Applications are subject to review as governed by OMB Circular A-95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Program guidelines, information on application and review procedures, deadlines, the consequence of late submission, and other materials

may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–6827.
Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264–2561.
Regional Health Administrator, PHS, HHS Region III, Gateway Building No. 1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637.
Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316.
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385.
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879.
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291.
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461.
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810.
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442–0430.

[FR Doc. 81–5134 Filed 2–12–81; 8:45 am]

BILLING CODE 4110–85–M

Project Grants—Health Programs for Refugees; Availability of Fiscal Year 1981 Funds

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Health Programs for Refugees, Catalog of Federal Domestic Assistance Number 13.987. This grant program, authorized by Section 412(c)(3) of the Immigration and Nationality Act as amended by the Refugee Act of 1980, Pub. L. 96–212, was announced in the **Federal Register** (FR 51286) dated August 1, 1980.

The purpose of the program is to augment State and local resources in meeting public health needs associated with refugees and in providing general health assessments of refugees. The term "refugee" is defined in Section 101(a)(42) of the immigration and Nationality Act.

Eligible applicants are the official State health agencies and, in consultation with the State health agency, health agencies of political subdivisions of a State. Direct grants to health agencies of political subdivisions will not be considered for funding in 1981 where the State health agency applies for and receives a grant for programs within the State, except in special situations which are clearly justified to the Regional Health Administrator, Public Health Service, of the appropriate Department of Health and Human Services Regional Office. States are expected to work with agencies and oranizations in localities with significant refugee populations to identify their health needs and to develop programs to meet these needs.

It is expected that $4.839 million will be available in fiscal year 1981 to award approximately 7 new and 46 continuation grants with the average award expected to be $91,000, ranging from $4,000 to $1,500,000. Initial grants are usually funded for 12 months in a 1 to 3 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Priority for funding new grants will be placed on (1) the extent of unmet public health needs associated with refugees; and (2) the need for general health assessment of refugees, with particular attention given to the identification of health problems which might affect employability, the referral of refugees to appropriate services, and the identification of funding sources for needed services.

Applications for new grants will be reviewed on the basis of (1) the size of the refugee population: (2) the extent of health problems among refugees; (3) the need for assistance in addressing health problems; and (4) the capability of applicant agencies to deliver or coordinate the delivery of needed services, including the identification of providers of services, the establishment of referral programs, and the identifiction of financing arrangements for services.

Applications are subject to review as governed by OMB Circular A–95. Copies of applications should be sent to State and areawide clearinghouses and health systems agencies. Program guidelines, information on application and review procedures, deadlines, the consequence of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203 (617) 223–6827.
Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278 (121) 264–2561.
Regional Health Administrator, PHS, HHS Region III, Gateway Building #1 3521–35 Market Street; Mailing Address: P. O. Box 13716, Philadelphia, Pennsylvania 19101 (215) 596–6637
Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323 (404) 221–2316
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606 (312) 353–1385.
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202 (214) 767–3879.
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374–3291.
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294 (303) 837–4461
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102 (415) 5566–5810
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837 Arcade Plaza Building, Seattle, Washington, 98101 (206) 442–0430

[FR Doc. 81–5135 Filed 2–12–81; 8:45 am]

BILLING CODE 4110–85–M

Project Grants for Venereal Disease Control; Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Venereal Disease Control, Catalog of Federal Domestic Assistance Number 13.977. This grant program, authorized by Section 318 (42 U.S.C. 247c) of the Public Health Service Act as amended, was announced in the Federal Register (45 FR 12493) dated February 26, 1980.

The objective of this grant program is to reduce morbidity and mortality from venereal disease by preventing cases and complications. Any State and, in consultation with State health authorities, political subdivisions of States are eligible to apply for a grant.

It is expected that $38 million to $39 million will be available in fiscal year 1981 to award 63 continuation grants to supplement programs to control venereal disease and prevent its complications. The average award is expected to be $611,100, ranging from $30,000 to $2,340,000. Grants are usually funded for 12 months in a 3 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. No new grants are expected to be made in 1981 since current grantees are coordinating activities in all political jurisdictions in the United States. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Applications are subject to review as governed by OMB Circular A–95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Program guidelines, information on application and review procedures, deadlines, the consequence of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–6827.
Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264–2561.
Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637.
Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316.
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385.
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879.
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291.
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461.
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810.
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101, (206) 442–0430.

[FR Doc. 81–5136 Filed 2–12–81; 8:45 am]

BILLING CODE 4110–85–M

Project Grants for Venereal Disease Research, Demonstrations, and Public Information and Education; Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces the availability of funds for fiscal year 1981 for Project Grants for Venereal Disease Research, Demonstrations, and Public Information and Education, Catalog of Federal Domestic Assistance Number 13.978. This grant program is authorized by Section 318(b) (42 U.S.C. 247c) of the Public Health Service Act as amended. An announcement of availability of funds based on the President's fiscal year 1981 budget appeared in the **Federal Register** (45 FR 40233) dated June 13, 1980. A Notice of Proposed Rulemaking to govern this program was published in the **Federal Register** (45 FR 47878) dated July 17, 1980.

The objectives of this grant program are to develop, improve, apply, and evaluate methods for the prevention and control of syphilis, gonorrhea, and other sexually transmitted diseases (STD) through demonstrations and applied research; to develop, improve, apply, and evaluate methods and strategies for public information and education about syphilis, gonorrhea and other STD's; and to support particularly deserving public information and education programs which cannot be supported through other grant programs. Any State, political subdivisions of States, and other public or nonprofit private entities are eligible to apply for a grant.

It is expected that $1 million to $2 million will be available in fiscal year 1981 to award 3 to 6 new and approximately 5 continuation grants with the average award expected to be $136,400, ranging from $10,000 to $200,000. Initial grants are usually funded for 12 months in a 1 to 5 year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to the uncertainties in the appropriation process.

Funding priorities in 1981 will include the following—

The establishment of a national telephone answering service to provide information on the signs and symptoms of sexually transmitted diseases and local sources of medical care.

Evaluation of the efficacy of Hepatitis B vaccine in preventing disease among sexual contacts of newly diagnosed Hepatitis B cases. A proposed protocol for this evaluation is available upon request from Donald P. Francis, M.D., D.Sc., Chief, Epidemiology Section, Hepatitis Laboratories Division, Center for Infectious Diseases, Centers for Disease Control, 4402 North Seventh Street, Phoenix, Arizona 85014.

Other proposals for demonstrations of the effectiveness of specific control program activities, including special public information and education activities.

The deadline for submitting applications in fiscal year 1981 is April 1, 1981. Depending upon the type of proposal submitted, applications may be subject to review as governed by OMB Circular A–95 and regulations (42 CFR Parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Information on the applicability of these review requirements and other application procedures, copies of program guidelines, the consequences of late submission, and other materials may be obtained from the Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333, or the appropriate Department of Health and Human Services Regional Office set forth below.

Dated: February 5, 1981.

William H. Foege,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203 (617) 223–6827.
Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278 (212) 264–2561.
Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101 (215) 596–6637.

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Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323 (404) 221–2316.
Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606 (312) 353–1385.
Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202 (214) 767–3879.
Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374–3291.
Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294 (303) 837–4461.
Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102 (415) 556–5810.
Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837, Arcade Plaza Building, Seattle, Washington 98101 (206) 442–0430.

[FR Doc. 81–5137 Filed 2–12–81; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Wilderness Protest Decision; Idaho

The final intensive wilderness inventory decision for BLM lands in Idaho was announced in the November 14, 1980, **Federal Register**.

In the January 5, 1981, **Federal Register**, inventory decisions that had been protested were listed. Following is the decision on the 14 letters of protest received.

Protest of Decision To Identify Units as Wilderness Study Areas

Unit		Acres
17–10	Lower Salmon Falls Creek	3,500
17–11	Jarbidge River	75,340
110–91a	Box Creek	428
111–6	Little Jack's Creek	58,040
111–7c	Big Jack's Creek	54,833
111–17	Bruneau River	107,020
111–18	Pole Creek	24,509
111–36a	Sheep Creek West	11,680
26–1	Petticoat Peak	11,298
31–14	Appendicitis Hill	24,870
31–17	White Knob Mountains	9,950
32–3	Hawley Mountain	15,510
32–9	Black Canyon	5,400
33–4	Cedar Butte	35,700
33–15	Hell's Half Acre	[illegible]
43–3	Eighteen Mile	24,922
45–12	Burnt Creek	[illegible]
47–4	Borah Peak	3,100
54–5	Little City of Rocks	5,875
54–6	Black Canyon	10,371
54–8a	Gooding City of Rocks	14,743
54–8b	Gooding City of Rocks	6,287
54–10	Deer Creek	7,487
56–2	Lava	[illegible]
57–2	Shale Butte	15,958
57–8	Sand Butte	20,792
57–10	Raven's Eye	67,110
57–11	Little Deer	33,531
57–14	Bear Den Butte	9,700
59–7	Shoshone	6,914
61–1	Selkirk Crest	720
61–10	Crystal Lake	9,027

Protest of Decision To Identify Units as Wilderness Study Areas—Continued

Unit		Acres
61–15a	Grandmother Mountain	10,339
61–15b	Grandmother Mountain	5,700
62–1	Snowhole Rapids	1,000
62–10	Marshall Mountain	6,524

As a result of the protest analysis, no changes are being made to the above final decisions.

Protest of Decision Concluding That Acreage Lacked Wilderness Characteristics

Unit		Acres
16–9	Reynolds Creek Canyon	14,650
111–5	Poison Gulch	30,742
111–7b	Duncan Creek	10,005
111–17	Bruneau River	27,042
111–19b	Bull Gulch	33,150
111–20b	Upper Battle Creek	17,787
111–36a	Sheep Creek West	3,696
111–36b	Sheep Creek East	12,412
26–1	Hanzel Mountain	20,615
33–3	South Samaria	6,615
27–1	South Deep Creek	[illegible]
27–2	Deep Creek Peak	[illegible]
32–4	Taylor Mountain	11,134
33–5	Skull	[illegible]
33–6	Rye Grass	[illegible]
33–7	Cottontail	[illegible]
33–13	Bear Point	20,650
33–14	Mosby Butte	[illegible]
33–16	Morgan	9,420
33–23	Bear Trap	13,860
41–3	Geertson Creek	10,720
44–2	King Mountain	12,602
44–3	Hat Creek	9,707
44–4	Ellis Creek	28,040
44–9	Cronks Canyon	7,470
57–4	Black Ridge Crater	8,138
57–5	Lone Rock	10,934
57–6	Wildhorse	21,544
57–7	Pagari	33,116
57–8	Sand Butte	10,000
62–2	Confluence	5,110

After detailed analysis of the statements on wilderness characteristics contained within these protests, the above final decisions remain as originally issued for all units except 111–7b and 111–36b.

Based on information supplied in the protest letters, Unit 111–7b, Duncan Creek (10,005 acres), and Unit 111–36b, Sheep Creek East (5,060 acres) are now identified as Wilderness Study Areas.

The final decisions contained in this notice are now subject to appeal. Appeals to the Interior Board of Land Appeals (IBLA) will be processed in accordance with the policy and procedures in Title 43, *Code of Federal Regulations* (CFR), Part 4 and as amended in 45 FR (**Federal Register**) 5713.

For further information, contact the Idaho State Office of the BLM, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated: February 5, 1981.

B. Buffington,

State Director.

[FR Doc. 81–4782 Filed 2–12–81; 8:45 am]

BILLING CODE 4310–84–M

(INT FEIS 81–8)

North Idaho Timber Management Final Environmental Impact Statement; FEIS Availability

Pursuant to Section 102(2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for a proposed 10-year timber management program on 81,000 acres of public land in parts of 11 counties of north Idaho.

Five timber management alternatives including the proposed action are presented for consideration and are analyzed in terms of their projected environmental effects. Each alternative considers a different level of timber management acreage and practices.

The proposed action alternative assessed in the EIS calls for an annual timber harvest of approximately 15 million board feet over the next 10 years. The four other alternatives assessed include programs that would (1) emphasize non-commodity values, (2) emphasize commodity (timber) production, (3) continue the current level of timber management, and (4) result if all lands selected by the State of Idaho under the Lieu Selection Process were removed from BLM administration.

This final statement differs from the usual procedure of reprinting the entire revised draft statement. This statement includes only those changes that are necessary in the draft EIS and the responses to public comments received on the draft EIS. As such, it must be used in conjunction with earlier draft statement which was distributed to the public in late July, 1980. This revised procedure has saved substantial time and money.

A limited number of copies of the FEIS and DEIS are available upon request to the District Manager at the Bureau of Land Management, Coeur D'Alene District Office, P.O. Box 1889, Coeur d'Alene, Idaho 83814. Public reading copies will be available for review at the following locations:

Bureau of Land Management, Washington Office of Public Affairs, 18th and C Street, NW., Washington, D.C. 20240, Phone: (202) 343–4151;

Bureau of Land Management, Idaho State Office, P.O. Box 042, Boise, Idaho 83724;

Bureau of Land Management, Cottonwood Area Office, Route 3, Cottonwood, Idaho 83522.

Lynn C. Shelden,

Acting District Manager.

[FR Doc. 81–5040 Filed 2–12–81; 8:45 am]

BILLING CODE 4310–84–M

Socorro District Grazing Advisory Board Elected

Recent election results for the Bureau of Land Management's Socorro District Grazing Advisory Board were announced by District Manager Arlen P. Kennedy. Each board member was elected to fill a 2-year term beginning January 28, 1981.

Will Orndorff of Socorro was elected as representative-at-large with J. B. Kelly and Phil Harvey representing the Jornada Resource Area. Representing the San Augustine Resource Area are Oliver M. Lee, Jr. of Horse Springs and R. L. Morriss of Quemado. These board members will offer advice and make recommendations regarding commercial livestock grazing in the development of allotment management plans and utilization of range-betterment funds with respect to livestock grazing on public lands administered by the Bureau of Land Management.

Arlen P. Kennedy,

District Manager.

February 6, 1981.

[FR Doc. 81–4310 Filed 2–12–81; 8:45 am]

BILLING CODE 4310–84–M

Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held on Monday and Tuesday, March 16 and 17, 1981.

The meeting will begin at 1:00 p.m. on March 16 in the conference room of the Butte District Office at 106 North Parkmont (Industrial Park), Butte, Montana. The agenda will include:

1. A review and discussion of the Bureau's recently published surface management regulations under the U.S. mining laws.

2. A review and discussion of the final version of amendments to BLM's grazing regulations.

3. An update on the status of the district's wilderness review program.

4. A report and discussion on the progress being made and the conflict being encountered in administering the district's oil and gas program.

5. A discussion of the FY81 program thrusts.

6. A report on recent wild horse gathering in the Dillon Resource Area and the distribution of adopted horses within the district.

7. An update on the status of the proposed Colstrip to Hot Springs 500 KV powerline.

8. A report and discussion on the current status of planning efforts in the Headwaters Resource Area.

9. A report and discussion on the current status of planning efforts in the Garnet Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59702 by March 12. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: February 4, 1981.

Gerald L. Quinn,

Acting District Manager.

[FR Doc. 81–5140 Filed 2–12–81; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Islands of Culebra and Culebrita, Puerto Rico; Proposed Disposition and Administration of Lands Declared Excess by the U.S. Navy; Draft Environmental Impact Statement; Comment Period Extended

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the comment period on the draft environmental impact statement (DEIS) on the proposed disposition and administration of lands declared excess by the U.S. Navy on the Islands of Culebra and Culebrita, Puerto Rico, has been extended from February 23, 1981 to March 25, 1981. Agency, organization and individual comments are requested.

The DEIS considers environmental and other effects of transferring approximately 1,712 acres of excess lands on Culebra and about 262 acres of national wildlife refuge lands on Culebrita to the Commonwealth of Puerto Rico and/or the U.S. Fish and Wildlife Service (FWS).

The statement evaluates the impacts of six alternatives for disposing of and administering these lands, including an alternative that would implement the recommendations of the Joint Report of October 1973, entitled "Culebra: A Plan for Conservation and Development."

DATES: Written comments must be received by March 25, 1981, in order to be included in the final environmental impact statement. A Notice of Availability was published on December 22, 1980 (45 FR 247). Two public meetings have been held for the purpose of providing information, clarifying questions and receiving formal statements on the proposed action. These meetings were held on Culebra Island, Puerto Rico and in San Juan, Puerto Rico on January 21 and 22, 1981, respectively.

ADDRESS: Written comments should be addressed to: Mr. Walter O. Stieglitz, Acting Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, S.W., Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Robert J. Bridges, Ascertainment Biologist, U.S. Fish and Wildlife Service, 75 Spring Street, S.W., Atlanta, GA 30303. Telephone (Commercial) 404–221–3548; (FTS) 242–3548.

Individuals who want copies of the DEIS for review should immediately contact the above individual. Copies have been sent to all agencies, organizations and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION: The purpose of the draft environmental impact statement is to provide an analysis of the effects of various alternatives for managing the natural resources of the Culebra Island area and to establish the most feasible means of conserving, protecting, and developing the natural, scenic, recreational, economic, and wildlife resource values of the Islands. The statement was prompted, originally, by the U.S. Navy's earlier declarations that certain lands in the Culebra Island group were excess to its needs.

Robert J. Bridges and Wendell D. Metzen, Ascertainment Biologists with the FWS, are co-authors of the document. Other Government agencies and several members of the general public contributed to the planning and evaluation of the proposal and to the preparation of the draft environmental impact statement. A Notice of Intent to prepare an environmental impact statement (EIS) was published on March

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13, 1980, in Vol. 45, No. 51 of the **Federal Register.**

Scoping for the DEIS included preparation of a draft environmental assesment (dated December 1979) which evaluated environmental and other effects of various alternatives for disposing of and administering the excessed U.S. Navy lands. The environmental assessment and a summary leaflet describing the proposed action were distributed for public review during the spring of 1980. Subsequent to distribution of these documents, public scoping meetings were held on the island of Culebra on April 7, 1980, and in San Juan, Puerto Rico on April 9, 1980. The comments, issues, and concerns expressed during the scoping process were considered in the preparation of this statement.

All agencies, organizations and individuals are urged to provide comments and suggestions for improving this draft EIS as soon as possible. All comments received by March 25, 1981 will be considered in preparation of the final EIS on this proposed action.

Dated: February 6, 1981.

Walter O. Stieglitz,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-5028 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Conny Dam, P.O. Box 547, Gibsonton, FL 33534.

The applicant requests a permit to export and re-import two leopards *(Panthera pardus)* and one jaguar *(Panthera onca)* for conservation exhibition as defined in 50 CFR 17.3. All animals have been bred in capitivity in the United States.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7467. Interested persons may comment on this application on or before March 16, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 9, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-5170 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permits; Official Actions for January 1981

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following actions with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1905); or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Permit Applications Abandoned

Santa Fe Comm. Col.—7362 XX07 A* 01-09-81

Permit Applications Denied

Lazell, Dr. James D. Jr.—7397 XX07 D* 01-05-81
Inmon, Gerald P.—7365 XX07 D 01-05-81
Silva, Tony—6277 XC07 D 01-15-81

Permit Applications Issued

Harmata, Alan R. (renewal)—4164 XX07 I* 01-08-81
Tenn. Valley Authority—6745 XX07 I 01-08-81
Kalenak, Kenneth K.—7271 XX07 I 01-14-81
Univ. of Nevada—2921 XX07 I 01-22-81
Univ. of Minnesota—3407 XX07 I 01-22-81
Houston Zool. Gardens—7351 XX07 I 01-22-81
Oklahoma City Zoo—7380 XX07 I 01-22-81
St. Louis Zoo Park—7364 XX07 I 01-26-81
San Diego Zoological Society—4768 XC07 I 01-28-81
San Diego Zoological Society—7395 XC07 I 01-28-81
Primate Import Corp.—1500 XC07 I 01-30-81

A=Abandoned, D=Denied, I=Issued

*No **Federal Register** Notice Published Previously.

Dated: February 9, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 81-5171 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-55-M

Water and Power Resources Service

[INT DES 81-6]

Brantley Project, New Mexico; Availability of Draft Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft supplement to final environmental statement dated September 11, 1972 (FER 72-30), for the Brantley Project, New Mexico.

This supplement has been prepared to assess the impact of the new alinement of Brantley dam. The original plan was presented in the final environmental statement. The present plan would include (1) relocation and redesign of the Brantley dam axis 2,100 feet downstream to an area having a better foundation and (2) additional mitigation of fish and wildlife losses. The water storage capacity would remain the same. Written comments may be submitted to the Regional Director by April 11, 1981.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Room 7620, Water and Power Resources Service, Department of the Interior, Washington, DC 20240, Telephone (202) 343-4991
Division of Engineering Support, Technical Services, and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3006
Office of the Regional Director, Water and Power Resources Service, 714 South Tyler, Suite 201, Amarillo, TX 79101, Telephone (806) 378-5400
New Mexico Representative, Water and Power Resources Service, 505 Marquette Avenue, NW., Albuquerque, NM 87103, Telephone (505) 766-2272
Project Manager, Pecos River Project Office, 800 West Pierce Street, Carlsbad, NM 88220, Telephone (505) 887-1188
Albuquerque Public Library, 423 Central Avenue NE., Albuquerque, NM 87101
Artesia Public Library, Artesia, NM 88210
Carlsbad Public Library, Carlsbad, NM 88220
Fort Sumner Public Library, Fort Sumner, NM 88119
New Mexico State Library, Santa Fe, NM 87501
Pecos Public Library, Pecos, TX 79772
Roswell Public Library, Roswell, NM 88201
Santa Rosa Public Library, Santa Rosa, NM 88435
Texas Tech University Library, Lubbock, TX 79406
University Library, New Mexico State University, Las Cruces, NM 88001
Zimmerman Library, University of New Mexico, Albuquerque, NM 87106
University Library, University of Texas at El Paso, El Paso, TX 79902

Single copies of the draft supplement to the final environmental statement may be obtained on request to the Commissioner of Water and Power or the Regional Director.

Dated: February 10, 1981.

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-5094 Filed 2-12-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-2764 appearing on page 8769 in the issue of Tuesday, January 27, 1981, third column, in the second paragraph under **"Findings"**, third and fourth lines, "February 17," should read "March 13,"; and in the third paragraph first line, "March 30," should read "March 28,".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-3741 appearing on page 10560 in the issue of Tuesday, February 3, 1981, third column, second paragraph under **"Findings"**, third line, "March 5," should read "March 20,", and in the third paragraph, first line, "April 6," should read "April 4,".

BILLING CODE 1505-01-M

[Docket No. AB-6 (Sub-73F)]

Burlington Northern Inc.; Abandonment Between Laclede and Unionville, Mo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided January 23, 1981, which is administratively final, was made by the Commission, Division 2, acting as an Appellate Division, which affirmed and adopted the Administrative Law Judge's decision served September 5, 1980, stating that the public convenience and necessity permit the abandonment by the Burlington Northern Inc. of that portion of its line of railroad beginning at milepost 181.73 near Laclede, MO, and milepost 128.41 at the end of the line near Unionville, MO, a distance of 53.32 miles, all in Putnam, Sullivan and Linn Counties, MO, subject to the conditions for the protection of employees set forth in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), *provided, however*, that applicant shall keep intact all of the right-of-way underlying the track, including all bridges and culverts, for a period of 180 days from January 23, 1981, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5186 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. *Parent Corporation and Address of Principal Office:* Allegheny Ludlum Industries, Inc., 1800 Two Oliver Plaza, Pittsburgh, Pennsylvania 15222.

2. *Wholly-owned Subsidiaries which will participate in the operations, and states of incorporation:*

Swan International, Inc.—(Delaware)
Swan Manufacturing Corporation—(Delaware)
Almet, Inc.—(Delaware)
Almet International, Inc.—(Delaware)
Carmet Company—(New Jersey)
Precision Products, Inc.—(Delaware)
Alka Tool & Die Co.—(Michigan)
Alloy Rods International, Inc.—(Delaware)
IPM Corporation—(Pennsylvania)
Poplar ALI, Inc.—(Delaware)
The Arnold Engineering Co.—(Illinois)
Burton Plating Co.—(California)
Continental Testing Laboratories, Inc.—(Florida)
Custom Devices, Inc.—(Arizona)
F. W. Bell, Inc.—(Ohio)
Kennedy Domestic International Sales Corporation—(California)
Kennedy Company—(Delaware)
Special Metals Corporation—(Delaware)
Standard-Thomson Corporation—(Delaware)
Grove Manufacturing Company—(Delaware)
Joseph Pollak Corporation—(Delaware)
Thomson International Corporation—(Delaware)
Chemetron Corporation—(Delaware)
Allied Healthcare Products, Inc.—(Delaware)
Chemetron Process Equipment, Inc.—(Delaware)
Chemetron International Sales Corporation—(Delaware)
Chemetron-Railway Products, Inc.—(Delaware)
Universal X-Ray, Inc.—(Delaware)
True Temper Corporation—(Delaware)
Wilkinson Match (U.S.A.) Inc.—(Delaware)
Wilkinson Sword, Inc.—(Delaware)
Wilkinson International Corporation—(Delaware)
HTL Industries, Inc.—(Delaware)
HTL Export Sales Corporation—(California)

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HTL Caribe, Inc.—(Delaware)
Electro Kinetics Corporation—(California)
True Temper Export Company—(Delaware)
True Temper Railway Applicances, Inc.—(Ohio)
True Temper Sports, Inc.—(Ohio)
The Nelson Co.—(Maryland)
The Perfection Manufacturing Co.—(Missouri)
The Nelson Co. of Kentucky—(Maryland)
Amex, Ltd.—(Missouri)
Magnetics and Electonics, Inc.—(Delaware)

(1) Parent corporation and address of principal office: Randall-Graw Company, Inc., 1007 Monitor Street, La Crosse, Wis. 54601.

(2) Wholly-owned subsidiaries which will participate in the operation, and address of their respective principal offices: (a) La Crosse Steel Roofing Company, Inc., 2911 South 27th Street, La Crosse, Wis. 54601.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5169 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49* U.S.C. 11344 and 11349. These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $100.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Decided: February 5, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-F-14552F, filed January 14, 1981. GELCO CORPORATION (Gelco) (1 Gelco Drive, Eden Prairie, MN 55344)—control—BROOKS TRANSPORTATION, INC., (Brooks) and FEDERAL FREIGHT SYSTEM, INC. (Federal) (both of 3830 Kelley Avenue, Cleveland, OH 44114). Representatives: Jack Goodman, 39 S. LaSalle Street, Chicago, IL 60603; Thomas D. Vaughn, 12115 Lackland, P.O. Box 28460, St. Louis, MO 63141; and John McMahon, 100 E. Broad Street, Columbus, OH 43215. Gelco, a non-carrier, seeks authority to acquire control of Brooks and Federal through the purchase by Gelco of all of the issued and outstanding capital stock of Brooks and Federal. Gelco is a publicly held corporation. The operating rights of Brooks sought to be controlled by Gelco are contained in (a) contract carrier permit MC 139254 and various subs thereunder authorizing the transportation of numerous specified items, including such items as clothing and wearing apparel; paper and paper products; household products and housewares; lubricating oils and greases; automotive parts; chemicals (except in bulk), and other items, between points in the United States; and (b) common carrier certificate of public convenience and necessity in MC 142559 and subs thereunder authorizing the transportation of numerous specified items, including such items as water heaters and water heater parts; tires and tubes; wheels and shock absorbers; air conditioners; furnaces; agricultural limestone and gypsum (except in bulk); valves; insulators; furniture parts; plastic articles and paper products; malt beverages; glass containers; paper and paper products; animal feed; candy; chewing gum; automotive products, plastic articles; plumbing fixtures and supplies; fertilizer; rubber and rubber products; foodstuffs, and numerous other specified items, between points in the United States. The operating rights of Federal sought to be controlled by Gelco are contained in certificate of public convenience and necessity MC 143790 and subs thereunder authorizing the transportation of numerous specified items, including such items as plumbing fixtures and equipment; tires and tubes; appliances, plumbing supplies and materials; dies; stoves and stove parts, and other specified items, between points in the United States. Gelco holds no authority from the Commission. It owns all of the outstanding capital stock of International Couriers Corporation, a non-carrier, which in turn is the owner of all of the outstanding capital stock of Gelco Courier Services, Inc. Gelco Courier Services, Inc., is a motor common and contract carrier authorized to transport specified items, over irregular routes, including such items as cash letters; commercial papers, documents and written instruments as are used in connection with the business of banks and banking institutions; commercial account commodities, commercial documents; business

records; accounting and auditing media; automated data processing media, advertising materials, and numerous other items, between points in the States of AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY, pursuant to certificates issued in MC 114533 and sub-numbers thereunder and Permit Nos. MC 128616 and sub-numbers thereunder, and that authority awarded to it in MC-F-13885, served September 11, 1979. International Couriers Corporation also controls B.D.C., Ltd., which has been granted authority to operate as a motor common carrier in MC-150871F. A certificate has not yet been issued. An application has been filed in MC-F-14563 for International to continue in control of B.D.C., Ltd. Condition: Gelco Corporation, a non-carrier holding company, shall be considered a carrier within the meaning of Subtitle IV of 49 U.S.C. 11348, and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Gelco Corporation need only file such special reports as the Commission may from time to time require. Gelco Corporation is not made subject to the accounting requirements of 49 U.S.C. 11142. Impediment: Approval and authorization of this transaction is conditioned upon the prior submission by applicants of an affidavit complying with the Commission's regulations at 49 CFR 1134.51. Brooks and Federal appear to hold duplicating operating rights. In order to allow this duplication to continue to exist, applicants must submit cogent and acceptable reasons why such duplications should be permitted to exist by commonly controlled carriers or a plan for the elimination of such duplications.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5165 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisifed before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-157

Decided: February 2, 1981.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 74 (Sub-10), filed January 7, 1981. Applicant: VALLEY TRANSIT COMPANY, INC., P.O. Box 1870, Harlingen, TX 78551. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Transporting (A) *passengers and their baggage,* and *express and newspapers,* over regular routes, (1) between Mission and Roma, TX, over over U.S. Hwy 83; (2) between Harlingen and Houston, TX: from Harlingen over U.S. Hwy 77 to junction TX Hwy 44, then over TX Hwy 44 to Corpus Christi, then over Interstate Hwy 37 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Houston, and return over the same route; (3) between junction U.S. Hwy 77 and Interstate Hwy 37, and Robstown, TX, over U.S. Hwy 77; (4) between junction Interstate Hwy 37 and U.S. Hwy 77 and San Antonio, TX: from junction Interstate Hwy 37 and U.S. Hwy 77 over Interstate Hwy 37 to junction TX Hwy 9, then over TX Hwy 9 to junction U.S. Hwy 281, then over U.S. Hwy 281 to San Antonio, and return over the same route; and (5) between Harlingen, TX, and junction TX Hwy 9 and U.S. Hwy 281: from Harlingen over U.S. Hwy 83 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction TX Hwy 9, and return over the same route; and (B) passengers and their baggage, in special and charter operations, over irregular routes, beginning and ending at points in Cameron, Hidalgo, Starr and Willacy Counties, TX, and extending to points in Lafeyette and Bossier Parishes, LA, Hot Springs County, AR, and Lincoln County, NM.

Note.—Applicant intends to tack the request authority with its existing authority.

MC 65475 (Sub-43), filed January 19, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *coal and coal products,* between points in Putnam County, WV, on the one hand, and, on the other, points in the U.S.

MC 101474 (Sub-28), filed January 15, 1981. Applicant: RED TOP TRUCKING COMPANY, INC., 7020 Cline Ave., Hammond, IN 46323. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *those commodities which because of their size or weight require the use of*

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special handling or equipment, (a) between points in IL, IN, KY, MI, OH, and WI, and (b) between points in IL and IN, on the one hand, and, on the other, points in AL, AR, DE, FL, IA, GA, KS, LA, MD, MN, MO, MS, NJ, NY, NC, OK, PA, SC, TN, TX, VA, and WV.

MC 106194 (Sub-41), filed January 16, 1981. Applicant: HORN TRANSPORTATION, INC., 2622 McCormick Ave., P.O. Box 1172, Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *metal products,* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, WA, and WY.

MC 106674 (Sub-525), filed January 16, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in DE, IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, PA, TN, VA, and WV.

MC 107295 (Sub-1010), filed January 16, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *lumber and wood products,* between points in Baltimore County, MD, Charleston County, SC, and Liberty, Bulloch, McIntosh, Effingham, Chatham, and Long Counties, GA, to points in the U.S.

MC 116915 (Sub-134), filed January 15, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *refractories, insulation, and insulating materials,* between points in Jefferson and Barbour Counties, AL, Pulaski County, AR, Bibb County, GA, Grundy County, IL, Callaway and Audrain Counties, MO, Stark and Jackson Counties, OH, Clarion, Allegheny, and Philadelphia Counties, PA, Middlesex County, NJ, Pueblo County, CO, Mayes County, OK, Brazoria and Hopkins Counties, TX, and Latah County, ID, on the one hand, and, on the other, points in the U.S.

MC 116915 (Sub-135), filed January 16, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, P.O. Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *metal products,* between points in Madison County, IL, on the one hand, and, on the other, points in the U.S.

MC 121745 (Sub-4), filed January 19, 1981. Applicant: C. D. SPAIN and J. T. SPAIN, d.b.a. SPAIN'S TRANSFER, P.O. Box 68, Minot, ND 58701. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Minot, and Ray, ND, over U.S. Hwy 2.

MC 128114 (Sub-10), filed March 14, 1980, previously noticed in the **Federal Register** issue of June 26, 1980. Applicant: SAVAGE & SONS, INC., P.O. Box 2422, Building 141, Pasco Airport, Pasco, WA 99302. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *fertilizer* and *fertilizer ingredients,* (1) from Finley Hedges, WA, to points in MT, and (2) from Three Forks, MT, to Finley Hedges, WA.

Note.—This republication corrects the commodity description.

MC 128205 (Sub-101), filed January 16, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Ave., Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation, of Mundelein, IL.

MC 134134 (Sub-92), filed January 19, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *meats, meat products, and meat byproducts,* and *articles distributed by meat-packinghouses,* between points in Crawford and Dubuque Counties, IA, on the one hand, and, on the other, those points in the U.S. in, eats and north of MI, OH, WV, and VA.

MC 134755 (Sub-233), filed January 15, 1981. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson, (same address as applicant). Transporting *food and related products,* between points in IA and NE, on the one hand, and, on the other, points in the U.S.

MC 142655 (Sub-1), filed January 26, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 688, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100 Roesler Rd., Glen Burnie, MD 21061. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Young Door Company, of Hartselle, AL.

MC 143894 (Sub-3), filed January 16, 1981. Applicant: JEROLD J. BUCHAN, JR., d.b.a. BUCHAN TRUCKING COMPANY, P.O. Box 315, 2787 East Main, East Troy, WI 53120. Representative: David V. Purcell, 111 East Wisconsin Ave., Milwaukee, WI 53202. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat packing houses,* between points in the U.S. under continuing contract(s) with Peck Meat Packing Corp., of Milwaukee, WI.

MC 145664 (Sub-24), filed January 19, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. W., Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *cellulose products and insulation products,* between points in Hennepin and Ramsey Counties, MN, Wyandotte County, KS, and Denver County, CO, on the one hand, and, on the other, points in IA, MI, ND, NE, SD, and WI.

MC 146885 (Sub-7), filed January 16, 1981. Applicant: BEN CAPOBIANCO TRUCKING, INC., 5275 Talawanda Drive, Fairfield, OH 45014. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. Transporting *furniture* and *fixtures,* between points in Hamilton and Butler Counties, OH, on the one hand, and, on the other, points in CA.

MC 147475 (Sub-3), filed January 16, 1981. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, McMinnville, OR 97128. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *food and related products,* between points in OR, WA, ID, and CA.

MC 150234, filed January 16, 1981. Applicant: TRANSCONTINENTAL RIGGING & LOADING CORPORATION, P.O. Box 62, Melrose Park, IL 60160. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting those *commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S.

MC 150954 (Sub-10), filed January 13, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting *pulp, paper and paper products,* between points in the U.S., under continuing contract(s) with

Crown Zellerbach Corporation, of Bogalusa, LA.

MC 151225 (Sub-1), filed January 9, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 716 17th St., Suite 1700, Denver, CO 80202. Transporting *soda ash,* between points in the U.S. under continuing contract(s) with the Public Service Company of New Mexico, of Albuquerque, NM.

MC 152915 (Sub-1), filed January 19, 1981. Applicant: SUNNYDALE DISTRIBUTING, INC., 450 Hart-Albin Bldg., Billings, MT 59103. Representative: Daniel J. Sweeney, 1750 Pennsylvania Ave. NW., Washington, DC 20006. Transporting *bakers yeast,* between points in the U.S., under continuing contract(s) with Anheuser-Busch Companies, Inc., of St. Louis, MO.

MC 134404 (Sub-51M1F), filed January 1, 1981. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Petitioner: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Petitioner holds motor *contract* carrier Permit in MC-134404 Sub 51, issued January 31, 1981. MC-134404 Sub 51 authorizes transportation, over irregular routes, of *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation of Wayne, NJ. By the instant petition, petitioner seeks to modify the permit by adding "Georgia Pacific Corporation, of Darien, CT, as a contracting shipper."

Volume No. OP3-156

Decided: January 5, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce and Jones.

MC 69224 (Sub-53), filed January 12, 1981. Applicant: H & W MOTOR EXPRESS COMPANY, A Corporation, 3000 Elm St., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in IA and points in JoDaviess, Stephenson, Winnebago, Boone, McHenry, Carroll, Ogle, DeKalb, Whiteside, Lee, Kendall, Henry, Bureau, LaSalle, Grundy, Stark, Putnam, Marshall, Knox, Peoria, Woodford, Fulton and Tazewell Counties, IL, Scott, Dakota, Rice, Goodhue, Wabasha, Waseca, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, Houston, Hennepin, Ramsey and Washington Counties, MN, Grant, Iowa, Lafayette, Dane, Green, Rock, Jefferson, Waukesha, Walworth, Milwaukee, Racine, Kenosha, Washington, Ozaukee and LaCrosse Counties, WI.

Note.—Applicant intends to tack this authority with its regular routes in IL, IA, MN and WI.

MC 104654 (Sub-167), filed January 26, 1981. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Transporting *building materials,* between points in Daviess and Jefferson Counties, KY, on the one hand, and, on the other, points in IN, IL, TN, MO, OH, and KY.

MC 116455 (Sub-236), filed January 13, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303. Transporting *automotive care and maintenance supplies, batteries, flashlights, lamps, electrical equipment and plastic articles,* between points in the U.S.

MC 125335 (Sub-110F), filed December 11, 1980, previously published in the F.R. of January 6, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), from points in Lancaster County, PA, to points in FL, AL, GA, IA, IL, IN, KS, KY, MI, MN, MO, MS, NC, NE, OH, SC, SD, TN, and WI.

Note.—This republication corrects the territorial description.

MC 134064 (Sub-48), filed January 19, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by gift shops and catalog distribution centers, between points in Green and Dane Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 134105 (Sub-558), filed January 16, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). Transporting *food and related products,* between points in Jefferson County, AL, on the one hand, and, on the other, points in CT, DE, GA, AL, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 136605 (Sub-162), filed January 14, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Transporting *Mercer commodities,* between points in ND, on the one hand, and, on the other, points in WA, OR and CA.

MC 144715 (Sub-14F), filed January 14, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *granite products,* between points in Surry County, NC, on the one hand, and, on the other, points in the U.S.

MC 145435 (Sub-11), filed January 31, 1981. Applicant: WESTERN AG INDUSTRIES, INC., 2750 Parkway Dr., Fresno, CA 93711. Representative: Ronald J. Mefford (same address as applicant). Transporting *floor covering,* between points in the U.S. under continuing contract(s) with Apollo Sales Inc., of Oakland, CA.

MC 145664 (Sub-25), filed January 19, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. W, Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting (1) *clay, concrete, glass or stone products,* between points in IA, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada; and (2) *fabricated metal products,* between points in IL and IN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, AR, and TX.

MC 148034 (Sub-3), filed January 19, 1981. Applicant: EDWARD C. LOTT, INC., 2338 Slaterville Rd., Ithaca, NY 14850. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Friendship Dairies, Inc., of Friendship, NY.

MC 150954 (Sub-9), filed January 13, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesore Drive, Suite 515, San Antonio, TX 78217. Transporting *sugar,* between points in Polk, Hennepin, Clay, and Ramsey Counties, MN, Pembina County, ND, and Cerro Gordo County, IA, on the

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one hand, and, on the other, points in IL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NC, ND, OH, OK, PA, SC, SD, TN, TX, VT, VA, WV, and WI.

MC 153514 (Sub-1), filed January 12, 1981. Applicant: BRUCE MATTILA TRUCKING, 5601 E. Glenmoor Road, Minnetonka, MN 55343. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *refractories and furnaces*, between Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

MC 153174 (Sub-1), filed January 12, 1981. Applicant: AFFILIATED TRANSPORT SERVICES, INC., P.O. Box 158, Folcroft, PA 19032. Representative: Arthur J. Piken, 95-25 Queens Boulevard, Rego Park, NY 11374. Transporting *household appliances*, between points in the U.S., under continuing contract(s) with White-Westinghouse Appliance, Inc., of Langhorne, PA.

MC 153715 filed January 12, 1981. Applicant: GRAY TRUCKING, 2343 NW. Pine Lane, Fremont, MI 49412. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Canadian Tag and Label, Ltd., of Sparta, MI.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5167 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-153

Decided: January 28, 1981.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Parker not participating.

MC 130904 (Sub-1), filed January 2, 1981. Applicant: CO-AM TRANSPORT SERVICES, INC., 1919 Wachovis Center, Charlotte, NC 28202. Representative: C. S. Tyson, P.O. Box 26793, Charlotte, NC 28213. Transporting *general commodities* (1) between Joilette and Pembina, ND, on the one hand, and, on the other, points in the U.S., (2) between Cushing, Reklaw, Gallatin, Craft, Frankston, Poynor, Larue, Eustace, Mabank, Kemp, Kaufman, and Crandall, TX, on the one hand, and, on the other, points in the U.S., (3) between Fernald, Miami Town, and Cheviot, OH, on the one hand, and, on the other, points in U.S., (4) between Stockland, and Greer, IL, Quaker, Libertyville, and Blanford, IN, on the one hand, and, on the other, points in the U.S., (5) between Cranton, Maywood, Rochelle Park, Midland Park, Wortendyke, Wyckoff, Campgaw, Crystal Lake, Oakland, Pompton Lakes, Butler, Bloomingdale, Newfoundland, Oak Ridge, Charlotteburg, Stockholm, Beaver Lake, South Ogdensburg and Sparta, NJ, on the one hand, and, on the other, points in the U.S., (6) between Bell, FL, on the one hand, and, on the other, points in the U.S., (7) between Belspur and Sarasota, FL, on the one hand, and, on the other, points in the U.S., (8) between Laton and Lanare, CA, on the one hand, and, on the other, points in the U.S., (9) between McMurray, Library, Coverdale, and Brightwood, PA, on the one hand, and, on the other, points in the U.S., (10) between Vance, Tutwiler, Rome, Parchman, Drew, Ruleville, Doddsville, Blaine, Sunflower, Isola, Bellewood, and Belzoni, MS, on the one hand, and, on the other, points in the US. (a) Transportation services which will be a direct substitute for abandoned rail service to a community if such abandonment results in such community not having any rail service. (b) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (c) Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (d) Over regular routes, transporting *general commodities* (except classes A and B explosives), between Croxton and Bloomingdale, NJ, from Croxton, NJ over unnumbered Hwy to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction NJ Hwy 4, then over NJ Hwy 4 to Hackensack, NJ, then over NJ Hwy 507 to junction NJ Hwy 4, then over NJ Hwy 4 then over NJ Hwy 4 to Paterson, NJ, then over NJ Hwy 504 to junction NJ Hwy 23, then over NJ Hwy 23 to junction NJ Hwy 511 to Bloomingdale, NJ, serving the off-route point of Lodi, NJ.

MC 153595, filed January 12, 1981. Applicant: JOE JOHN CUNHA and CHRISTINE JOLLEY, d.b.a. CUNHA-JOLLEY TRANSPORT, 925 Bull Creek Road, Grants Pass, OR 97526. Representative: (same as above).

Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP3-158

Decided: February 2, 1981.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 147475 (Sub-2), filed January 16, 1980. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, McMinnville, OR 97128. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153625, filed January 2, 1981. Applicant: FLEET MESSENGER SERVICES, INC., 647 West 39th St., Kansas City, MO 64111. Representative: Frank W. Taylor, Jr., Suite 600 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5168 Filed 2-12-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Master Drawings by Picasso" (included in the list[1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to various loan agreements between the foreign lenders and the displaying museums in the United States. I also determine that the temporary exhibition or display of the listed exhibit objects at the Fogg Art Museum, Cambridge, Mass., beginning on or about February 20, 1981, to on or about April 5, 1981; at the Art Institute of Chicago, Chicago, Ill., beginning on or about April 29, 1981, to on or about June 14, 1981; and at the Philadelphia Museum of Art, Philadelphia, Pa., beginning on or about July 11, 1981, to on or about August 23, 1981, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 12, 1981.

John W. Shirley,

Acting Director.

Signed at Washington, D.C. on February 9, 1981.

Carol J. Smith,

Program Delegate to The Committee.

[FR Doc. 81-5380 Filed 2-12-81; 11:00 am]

BILLING CODE 8320-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research and Statistics Law Enforcement Assistance Administration

Request for Comment on Proposed LEAA Guideline: Prison Industries Enhancement Certification Program

AGENCY: Law Enforcement Assistance Administration.

ACTION: Request for Public Comment.

SUMMARY: The Law Enforcement Assistance Administration (LEAA), pursuant to the Justice System Improvement Act of 1979 (42 U.S.C. 3701), proposes to issue a guideline for the certification of state prison industry operations.

SUPPLEMENTARY INFORMATION: LEAA invites interested persons to comment on the proposed guideline for the Prison Industries Enhancement Certification Program. Comments received will be considered by LEAA before the final publication of this guideline. The period for public comment is 30 days. After publication of the final guideline following the comment period, it is anticipated that interested States will have at least 60 days to develop applications.

This notice and opportunity to submit comments is provided pursuant to Executive Order 12044, Improving Government Regulations. Interested persons are invited to submit written comments to: Tom Tubbs, Corrections Program Manager, Law Enforcement Assistance Administration, 633 Indiana Ave., N.W., Room 1115, Washington D.C. 20531, (202) 724-7681.

Comments are due on or before March 11, 1981.

Homer F. Broome,

Administrator, Law Enforcement Assistance Administration.

Program Announcement

Subject: Announcement of Availability of Certification of State Prison Industries for participation in interstate commerce and for the sale of supplies and the making of contracts with the Federal government.

Summary: The Law Enforcement Assistance Administration announces its intention to certify up to seven State Department of Corrections Prison Industry Shop Operations as authorized by the Justice System Improvement Act of 1979. Applicant eligibility is limited to State Departments of Corrections which are in substantial compliance with the legal, administrative and program requirements for certification.

Date: Applications will be reviewed upon receipt and certifications issued as soon thereafter as possible. The closing date for receipt of applications is July 1, 1981.

Scope of Program Announcement

A. *Program Purpose.* The purpose of this certification program is to provide exemption to two Federal criminal laws which severely restrict the ability of State prison industry programs to market their goods: a Federal ban against interstate commerce of prisoner made products, and a Federal ban against sales to the Federal government of State prisoner made products; and to encourage the development of prison industry shops at the State level involving private sector industry, and development of marketable job skills in inmates.

B. *Program Goal and Objectives.* The goal of this certification program is to provide as realistic a working environment as possible within State correctional facilities while enabling an inmate to become more self sufficient, to the benefit of himself, the prison system, and the taxpayer.

There are four objectives of this program: (1) to provide prison industry programs a greater opportunity to expand and employ a greater proportion of prison inmates through involvement of private sector industry; (2) to provide that the expanded prison industry program does not adversely impact upon private sector jobs by displacing employed workers or impairing existing contracts; (3) to achieve prohibition against the exploitation of prison labor by requiring payment of wages comparable to those paid for similar work in the private sector in the locality

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in which the work is performed, by requiring benefits such as Workmen's Compensation not be deprived to inmates solely on the basis of their status as offenders, and, by requiring the voluntary participation of inmates as employes within the prison industry program certified; and, (4) to provide inmates an opportunity to learn and practice marketable job skills.

C. *Eligible Applicants.* Applicants for certification are limited to State Departments of Corrections who are legally, administratively, and programmatically in substantial compliance with the requirements for certification. Substantial compliance must include the presence of State law or regulation enabling the payment of wages to inmates, payment of Workmen's Compensation to inmates, involvement of private industry in prison industry operations, sale and marketing of prisoner made goods in intrastate or interstate commerce and the withholding of deductions from inmate wages.

D. *Available Funding.* No funds are available to support achievement or enhancement of prison industries participating in this program.

E. *The Application Process.*

1. *Availability of Application Forms.* All State Departments of Corretions State Planning Agencies and Governors have been contacted to solicit interest in participating in this program. Upon receipt of an expression of interest from the State, an application kit will be provided to the applicant.

2. *Application Submission.* One signed original and two copies of the application for certification, including all cover letters and attachments must be submitted to the Corrections Division, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW, Washington, D.C. 20531.

3. *Application Consideration.*

a. *Application Process.* In order to be considered for certification, all applications must be submitted on the forms and in the manner required by LEAA as described in this program announcement. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the certification. The Administrator, LEAA, determines the final action to be taken with respect to each application for this program. Applications which do not conform to this announcement or are not complete will not be accepted and applicants will be notified accordingly All applications shall be subjected to a review and evaluation conducted by LEAA. This process of review and evaluation may include onsite verification of the policies, procedures and practices set forth in the application. The results of this review will supplement and assist the administrator's consideration of applications. After the Administrator has reached a decision to certify or to not certify a project, the applicant will be notified in writing of that decision.

b. *Certification.* The Administrator, LEAA, shall grant certification consistent with the purposes of this program announcement. No more than seven (7) projects may be certified as specified by the Justice System Improvement Act of 1979, Section 827(c). The official certification document is the Notice of Certification. Successful applicants shall be notified through the issuance of a Notice of Certification which sets forth in writing to the certified Department of Corrections the purpose of the certification, the terms and conditions of the certification, the effective date of the certification and the total period for which the certification shall be effective.

c. *Criteria for Review and Evaluation of Applications for Certification.* Applications for certification will be reviewed and evaluated against the following criteria:

(1) The description of statutory and administrative legal authority present which is required to support achievement of the program goals and objectives. (11 points)

(2) The method, type, and scope of involvement of private sector industry in the described prison industry program. (21 points)

(3) The capability and qualifications of the proposed prison industry operation and the adequacy of the facilities and resources of the applicant organization. (22 points)

(4) The ability of the applicant to provide payment of wages and benefits commensurate with wages and benefits paid for work of a similar nature in the locality in which the work is performed. (20 points)

(5) The adequacy of the policies, procedures, and practices which support the voluntary participation of inmates in the prison industry program. (5 points)

(6) The quality of assurances, including the presentation of data and information, that the expanded prison industry program does not adversely impact upon private sector jobs by displacing employed workers or impairing existing contracts. (5 points)

(7) The method, type and scope of consultation with representatives of local labor union central bodies or similar union organizations potentially affected by the work proposed in the application. (6 points)

(8) The scope, i.e. number of states, of the available market for the goods to be manufactured. (5 points)

(9) The adequacy of ability to collect and report data describing achievement of program objectives. (5 points)

e. *Closing Date for Receipt of Applications.* The closing date for receipt of formal applications is July 1, 1981. Applications received after the closing date will be considered ineligible, and will not be reviewed or evaluated.

[FR Doc. 81-5138 Filed 2-12-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Weekly Seasonal Adjustment Factors To Be Used in Computation of 1981 Seasonally Adjusted Insured Unemployment Under Regular State Unemployment Programs

The Bureau of Labor Statistics announces the 1981 weekly seasonal adjustment factors that will be applied to the unadjusted levels of claims for unemployment insurance benefits, under regular State programs, to derive seasonally adjusted levels. The seasonally adjusted level of insured unemployment under regular State programs is a major component in the calculation of the seasonally adjusted national insured unemployment rate, which triggers Federal-State extended unemployment compensation payments. The rate of insured unemployment for purposes of the national extended benefits trigger is computed and announced by U.S. Department of Labor's Employment and Training Administration, Unemployment Insurance Services.

Week ending date	Seasonal factors
January 3	127.3
January 10	128.7
January 17	127.1
January 24	130.0
January 31	130.4
February 7	129.7
February 14	131.1
February 21	131.7
February 28	127.3
March 7	123.0
March 14	120.0
March 21	115.4
March 28	110.8
April 4	107.7
April 11	104.9
April 18	102.6
April 25	100.6
May 2	[illegible]
May 9	[illegible]
May 16	[illegible]
May 23	[illegible]

Week ending date	Seasonal factors
May 30	[illegible]
June 6	[illegible]
June 13	[illegible]
June 20	87.1
June 27	85.7
July 4	90.7
July 11	[illegible]
July 18	[illegible]
July 25	97.5
August 1	97.4
August 8	[illegible]
August 15	92.7
August 22	[illegible]
August 29	85.1
September 5	[illegible]
September 12	[illegible]
September 19	81.1
September 26	79.8
October 3	78.0
October 10	78.1
October 17	81.7
October 24	81.6
October 31	82.2
November 7	82.7
November 14	[illegible]
November 21	[illegible]
November 28	97.6
December 5	[illegible]
December 12	101.7
December 19	101.0
December 26	110.0

Inquiries regarding the contents of this announcement and the methodology for seasonal adjustment of the series should be directed to: U.S. Department of Labor, Bureau of Labor Statistics, Room 2083, 441 G Street, NW., Washington, D.C. 20212, Attn: Fred Cronkhite, Telephone (202) 523-1720.

Signed at Washington, D.C., this 2nd day of February 1981.

Janet L. Norwood,

Commissioner, Bureau of Labor Statistics.

[FR Doc. 81-5234 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-80-111-M]

Cathedral Bluffs Shale Oil Co.; Petition for Modification of Application of Mandatory Safety Standard

Cathedral Bluffs Shale Oil Company, P.O. Box 2687, Grand Junction, Colorado 81502 has filed a petition to modify the application of 30 CFR 57.21-29 (booster fan requirements) to its Federal Prototype Oil Shale Lease Tract C-b located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that booster fans be equipped with an automatic deenergizing device, air locks and controls capable of reversing the fans.

2. Petitioner states that the automatic deenergizer would present a hindrance to and threaten the safety of miners by preventing the continued pumping of shaft water, thereby causing the shaft to flood.

3. Petitioner's booster fan will be mounted in the main air ducting and air locks would serve to further block ventilation to the total system. The primary fans on the surface would still maintain the direction of flow to all headings should be the booster fan fail.

4. Petitioner states that a control at the fan which is capable of reversing the fan would present a safety problem; in the event of an inadvertent reversing of the fan not in conjunction with the operation of the surface fans, the entire air system would be nullified, by putting the fans into stall, causing an overload.

5. As an alternate method, petitioner proposes to initiate an immediate evacuation of the shaft in accordance with a specified plan.

6. Petitioner states that this alternate method will provide the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1981. Copies of the petition are available for inspection at that address.

Dated: February 5, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5235 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-2-C]

Lambert Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Lambert Coal Company, P.O. Box 394, Nora, Virginia 24272 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 44 mine located in Dickenson County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's continuous miners, shuttle cars, roof bolting machines, and scoops.

2. The coal seam ranges in height from 38 to 42 inches with uneven top and bottom conditions.

3. Petitioner states that the use of cabs or canopies on the mine's equipment would result in a diminution of safety for the miners affected becasuse the equipment operator's vision would be hampered by the canopy and the canopies would hit the roof, possibly destroying roof support.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 16, 1981. Copies of the petition are available for inspection at that address.

Dated: February 5, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5164 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Cancellation of NACOSH Meeting

The meetings of the National Advisory Committee on Safety and Health and Subgroups which were announced in the **Federal Register** of January 23, 1981 (46 FR 7540) have been cancelled until further notice. The Subgroups were to have met on February 25 to discuss:

1. Reproductive Hazards.

2. Safety and Health Efforts of New Energy Technologies.

3. Information Systems for OSHA/NIOSH Priority Setting.

The National Advisory Committee on Occupational Safety and Health was to have met on February 26 and 27 in the Frances Perkins Department of Labor Building, Room N4437 to discuss repeat violations and other safety and health matters relating to OSHA and NIOSH.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on

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matters relating to the administration of the Act.

Signed at Washington, D.C., this 9th day of February 1981.

David C. Zeigler,

Acting Deputy Assistant Secretary of Labor.

[FR Doc. 81-5162 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: Office of the Secretary.

ACTION: Annual Publication of Systems of Records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give annual notice of their records covered by the Act which they maintain. The purpose of this document is to publish in full the systems that this agency has published since the last full text publication of the systems of records (42 FR 49654, September 27, 1977 as updated at 43 FR 42106, September 19, 1978 and 44 FR 61676, October 26, 1979); to add new systems which are bring published for the first time; to amend other systems previously published; and to delete five systems.

DATE: Persons wishing to comment on the newly published systems may do so by March 16, 1981.

EFFECTIVE DATE: Unless otherwise noticed in the **Federal Register**, this notice shall become final March 16, 1981.

COMMENTS MAY BE ADDRESSED TO: Ronald Whiting, Associate Solicitor, Office of the Solicitor, Division of General Legal Services, U.S. Department of Labor, Room N-2464, 200 Constitution Ave., N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, 523-6807.

Pursuant to 5 U.S.C. 552(a)(e)(4), section 3 of the Privacy Act of 1974, the Department of Labor hereby publishes notice of its system of records currently maintained pursuant to the Privacy Act of 1974. The systems were previously published at 42 FR 49654 (September 27, 1977); 43 FR 42106 (September 19, 1978); and 44 FR 61676 (October 26, 1979). This notice republishes an amendment to one system of records previously published in 1979; deletes five systems of records; publishes two new systems; and amends thirteen systems. The majority of the amended records reflect the use of computers to replace manually-maintained files.

The Department of Labor hereby publishes notice of two new systems of records: DOL/ESA-25, Office of Contract Compliance Programs Management Information System (OFCCP/MIS); and DOL/SOL-7, Assignment Record/SOL-5.

DOL/ESA-25 is a new centralized system of records established to provide current information on federal contractor compliance with equal employment opportunity requirements. The system will track status and action data on complaints, procurement actions, enforcement, contractor performance, and correspondence. This system contains some of the same information which is maintained in DOL/ESA-2, OFCCP Complaint Files. Accordingly, the Department gives notice of its intention to exempt this system of records under section K(2) of the Act by appropriate amendment to its regulations.

The Department hereby amends DOL/ESA-2 by combining DOL/ESA-2 Office of Federal Contract Compliance Programs Complaint File, DOL/ESA-3 Office of Federal Contract Compliance Programs Handicapped Workers File, and DOL/ESA-4 Office of Federal Contract Compliance Programs Veterans' Complaint Files into one system designated as DOL/ESA-2 Office of Federal Contract Compliance Programs Complaint Files. This change combines all complaint files, irrespective of program, into one system which deals with investigations into allegations of discrimination. DOL/ESA-3 and DOL/ESA-4 are reserved.

DOL/LMSA-1 is hereby amended by deleging from the categories of records the reference to EO 11491 and substituting the Civil Service Reform Act which now incorporates the provisions of the Executive Order. The exemption provision of this system is also amended by deleting the language on line 9 after "paragraph (i) of the Act" through line 13, "Anti-Organized Crime Program and . . ."; and substituting "The Division of Enforcement performs activities relating to the enforcement of the criminal provisions of . . . (Title II) . . ." This change reflects the transfer of the Department's responsibilities under the President's Anti-Organized Crime Program to the Office of the Inspector General.

DOL/ETA-14: Job Corpsmember Personnel File, is amended to add state, county and private employment agencies as routine users. The increased number of such organizations requesting information on Job Corps graduates indicates a need to be able to provide information on completed training courses to employment agencies for purposes of evaluation for potential employment. This system is also amended to provide for the disclosure of the names and addresses of enrollees to conform to the Department's policy of disclosing this information about trainees participating in grant programs.

DOL/ETA-15: Evaluation of Research Contractor's Project Files is amended to correct a typographical error and to add additional authority for the Unemployment Insurance Program. As previously published, the authority for the system was shown as the categories of records and the categories of records was omitted. This notice corrects this error and, in addition, adds authority for research projects conducted for the UI Program as provided for in the Social Security Act.

DOL/OASAM-1 is amended with regard to storage to reflect that this system of records is now maintained and accessible through mini-computers, as well as manually.

DOL/OASAM-18 is a retitled and renumbered system. This system of records was inadvertently published in 1979 as DOL/MSHA-19 as a record system relating only to MESA. It was intended as a record system for the Department as a whole. The Department understands that the Civil Service Reform Act requires supervisors to maintain certain records on employees. The Department further understands that the Office of Personnel Management intends to report such records as a government-wide system. In the interim, the Department of Labor notices the existence of records maintained by supervisors.

DOL/MSHA-10 is amended to include investigations of complaints of discrimination in metal and nonmetal mines as well as coal mines. This amendment reflects the amendment to the Federal Coal Mine Health and Safety Act of 1969 which expanded coverage of the Act to metal and nonmetal mines.

The Department hereby republishes DOL/OIG-1 which was amended by notice in the **Federal Register** on August 22, 1980 (45 FR 56214). The amendment was an extention of the routine uses to enable the Office to provide whatever information was necessary in order to obtain responses from confidential sources, contractors or grantees; and to enable contractors and grantees to take corrective action.

DOL/SOL-7 is a management control record system which has been maintained manually. It was established to provide information on the status of pending cases and other work assignments. Information was not retrieved by individual identifiers or used as a work performance evaluator. The system has, in part, been transferred from a manual system to a computer system through which information is retrieved by personal identifier, the name of the individual attorney to whom the work is assigned. Under the requirements of the Civil Service Reform Act to quantify work performance information to the greatest extent possible, the information will be used as a part of individual work performance evaluation. While the system is not yet fully operational since some records are still being maintained manually, it is anticipated that all records will be computerized within a year.

The Department hereby amends DOL/BLS-1, 2 and 3; and DOL/ESA-7, 8, 11, 13 and 18 to reflect that these record systems are not stored in computers at different locations than previously reported. In the case of the ETA systems, some records are maintained by a contractor.

DOL/BLS-1, 2 and 3 are further amended as to categories of individuals to include intermittent employees as well as permanent employees.

The system name for DOL/BLS-3 has been amended by deleting "Office of Statistical Operations and Processing." The system is now known as "Staff Utilization System" and covers all employees of the BLS rather than just those in the Office of Statistical Operations.

The Department further amends DOL/OIG-1 to indicate the newly-established retention and destruction schedule.

Finally, the Department hereby gives notice of the deletion of the following systems of records: DOL/ESA-3: Office of Federal Contract Compliance Programs Handicapped Workers' File; DOL/ESA-4: Office of Federal Contract Compliance Programs Veterans' Complaint File; DOL/ESA-17: Farm Labor Contractor Employee Records File; and DOL/MSHA-5: Payroll Records. DOL/ESA-3 and 4 are, as reported above, combined with DOL-ESA-2. DOL/ESA-17 consists of records compiled on Farm Labor Contractor agents who are required to be licensed by the Department. In accordance with the prefatory statement published by the Department, the contact with the persons involved is in a business capacity and not a personal one. Accordingly, the Department believes that this is not a record system covered by the Privacy Act. DOL/MSHA-5 is deleted as all MSHA payroll records are not a part of the Department's record system. DOL-MSHA-19 is deleted and is not reported as DOL/OASAM-18.

Dated: February 3, 1981.

Alfred M. Zuck,

Acting Secretary of Labor.

DOL/BLS—1

SYSTEM NAME:

Administrative Information System

SYSTEM LOCATION:

Records stored on computer at Optimum Systems, Incorporated, Rockville, Maryland. Access and maintenance usually occur by remote terminal in Room 2115, GAO Building, 441 G Street NW., Washington, D.C. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full- and part-time and intermittent employees in the BLS National and Regional Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Budget, training, educational and staffing data: name, SSN, organization title, grade, step, cost center, fund, PAS code, courses, source, degree, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

STORAGE:

Magnetic disk pack.

RETRIEVABILITY:

Retrievable by any record element including name and SSN.

SAFEGUARDS:

Protected data file can be read only by a few authorized employees and changed by even fewer authorized employees. Monthly staffing patterns are listed and distributed to cost center managers within the Bureau; these are arranged by organization and by grade, do not show SSN and are treated with the same general care as other administrative files.

RETENTION AND DISPOSAL:

Individual records are maintained as long as the individual is employed by BLS. Upon resignation or transfer the record is scratched (erased).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Management Systems, room 2115, GAO Building, 441 G Street, NW., Washington, D.C. 20212.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Manager at above address. Give name and SSN.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Input from official personnel documents (SF-52 and DL-50) and training requests (DL-1-101).

DOL/BLS—2

SYSTEM NAME:

Staff Utilization System

SYSTEM LOCATION:

Records stored on computer at Optimum Systems, Incorporated, Rockville, Maryland. Access and maintenance occur by remote terminal in Room 2059, GAO Building, 441 G Street NW., Washington, D.C. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full- and part-time and intermittent employees in the BLS National and Regional Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll, accounting and staff utilization data: name, SSN, grade, and step, cost center, PAS home code, staff hours by PAS code, by function and by task (function and task specified by each office).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

STORAGE:

Magnetic disk pack.

RETRIEVABILITY:

Retrievable by any record element including name and SSN.

SAFEGUARDS:

Data on private disk, accessible only by authorized employees.

RETENTION AND DISPOSAL:

Cumulative file for the last pay period of the fiscal year is stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Utilization System (SUS) Manager, Room 2059, GAO Building, 441 G Street NW., Washington, D.C. 20212.

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NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Manager at above address. Give name, SSN, and fiscal years of employment.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Input from employees' biweekly Time and Attendance Cards and time distribution forms (DL 1–129, "Project Reporting Form"); SF–52's "Request for Personnel Action."

DOL/BLS—3

SYSTEM NAME:

Regional Office Staff Utilization File.

SYSTEM LOCATION:

Records stored on computer at the National Institutes of Health, Bethesda, Maryland. Access and maintenance is generally by remote terminal in Room 1836, GAO Building, 441 G Street NW., Washington, D.C. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All BLS Regional Office professional and data collection employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Staff utilization data: name, SSN, pay period, hours worked and units accomplished by PAS code for functions such as personal visit, telephone collection, and training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

None.

STORAGE:

Mag tapes and disks.

RETRIEVABILITY:

By an data field, including name and SSN.

SAFEGUARDS:

Only authorized employees have access to the tapes/disks, to the programs, and to the Regions' backup documents.

RETENTION AND DISPOSAL:

Fiscal year files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Field Collection Activities, room 1834, GAO Building, 441 G Street NW., Washington, D.C. 20212.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Management at above address. Give name, SSN and dates of employment.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

"Staff Utilization Report" (form number SO–1) filled out each pay period by each R.O. D/Operations employee (in place of the DL 1–291 "Project Reporting Form")

DOL/ESA—17 [Reserved]

DOL/ESA–2

SYSTEM NAME:

Office of Federal Contract Compliance Programs Complaint Files.

SYSTEM LOCATION:

U.S. Department of Labor, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210; All Regional and Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of discrimination under Executive Order 11246, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and Section 503 of the Rehabilitation Act of 1973, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal employment information, medical records, investigative reports, employer information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; 29 U.S.C. 793; 38 U.S.C. 2012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission or Department of Justice for investigatory, conciliation or enforcement purposes; to Federal contractors or subcontractors under applicable internal review procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Diebold Power Files/Magnetic Tape/Manual files.

RETRIEVABILITY:

By name or OFCCP control number.

SAFEGUARDS:

Locked files and computer access codes.

RETENTION AND DISPOSAL:

Active files retained 2–5 years, referred to storage for additional 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OFCCP, 200 Constitution Ave., N.W., Washington, D.C. 20210; Regional and Area Offices.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Individual complainants, employers, co-workers, state rehabilitation agencies, physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph 3(k)(2) of the Privacy Act, these files have been exempted from sections (d), 4(G), 4(H), and (f) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or co-operating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOL/ESA–3 [Reserved]
DOL/ESA–4 [Reserved]

DOL/ESA–25

SYSTEM NAME:

Office of Federal Contract Compliance Programs Management Information System (OFCCP/MIS).

SYSTEM LOCATION:

U.S. Department of Labor, Office of Federal Contract Compliance Programs, Room C–3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210; U.S. Department of Health, Education and Welfare, National Insititute of Health, Building 12A DCRT, Bethesda: Maryland 20014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of employment discrimination by federal contractors and individuals who correspond with program officals, managers, and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual complaints, federal procurement (contract) actions, contractor establishment, contractor employment, enforcement/litigation, and correspondence control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246 as amended, Section 503 of the Rehabilitation Act of 1973, as amended and Section 402 of the Vietnam Era Veteran's Readjustment Assistance Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission or Department of Justice for investigatory, conciliation or enforcement purposes; to Federal contractors or subcontractors under applicable internal review procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual files for working copies of source documents and magnetic tapes and disks for central computer processing.

RETRIEVABILITY:

Compliants are retrievable by complainant name, OFCCP control number, and contractor establishment number. Correspondence is retrievable by correspondent name, OFCCP control number, and status and action codes. Other data is retrievable by OFCCP control numbers Dunn and Bradstreet Universal Numbering System establishment number, and status and action codes.

SAFEGUARDS:

Files are locked except during working hours and only authorized personnel have access to files. Computer systems are restricted to authorized operators and each subsystem has multiple layers of password protection depending upon sensitivity of data.

RETENTION AND DISPOSAL:

Inactive records retained in system for two years before being purged to history files where they are stored for three years prior to archiving.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURES:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORDS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals, correspondents, federal contractors, Federal Procurement Data Center, OFCCP personnel working in area, regional, and national office organizational components, Solicitor of Labor in regional and national offices, Department of Justice, and Equal Employment Opportunity Commission.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph 3(k)(2) of the Privacy Act, these files have been exempted from sections (d), 4(G), 4(h) and (f) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or co-operating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOL/LMSA—1

SYSTEM NAME:

LMSE index cards and case files, Division of Enforcement

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, NW., Room N5416, Washington, DC 20216, all Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Union Officers, individuals investigated, and individuals interviewed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primarily investigative material relating to investigations under the LMRDA–1959 and the Civil Service Reform Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to other Federal, state and local law enforcement agencies, to various congressional committees in the President's Anti-Organized Crime Program including but not limited to reports of investigation, reports of interview and memoranda to investigations and intelligence information.

STORAGE:

Manual file.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Cards are in roladex machine which is locked at night. In addition cards are number-coded so that only an authorized employee can find a desired file.

RETENTION AND DISPOSAL:

Cards are retained indefinitely, files are kept for three years at which time they are sent to Federal Records Center for two years, after which except for those records with historical value, they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Acting Director LMSE, U.S. Department of Labor, 200 Constitution Avenue, Room N5408, Washington, DC 20216.

NOTIFICATION PROCEDURE:

Mail all inquires to Systems Manager at above address.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Information compiled from interviews conducted during investigations, written complaints, and written reports received from other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

A Criminal law enforcement. In accordance with paragraph 3 (j) (2) of the Privacy Act. Information maintained in the system of records consisting of the card index and case files in the Division of Enforcement of the Office of Labor-Management Standards Enforcement which relates to criminal investigations is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(l) and (2), (e)(4)(A) through (F), (e)(6) (7) (9) (10) and (11).

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and paragraph (i) of the Act. The Division of Enforcement performs activities relating to the enforcement of the criminal provisions of Titles II, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959. As Amended The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would impede significantly the effectiveness of the Division's investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in criminal activity in the labor-management area b. Other Law enforcement. In accordance with paragarph 3(k) (2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Act, which is maintained in the card index and case files of the Division of Enforcement of the Office of Labor-Management Standards Enforcement is exempt from paragraphs (c)(3), (d), (e)(4)(G), (H) and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and, in addition could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected verified, or retained would also impede significantly the effectiveness of the Division's investigatory activities.

DOL/OASAM—1

SYSTEM NAME:

Attendance, Leave, and Payroll File.

SYSTEM LOCATION:

(a) Offices in Washington, DC. (1) Office of the Secretary of Labor, (2) Office of the Solictor of Labor, (3) Office of Information, Publications, and Reports, (4) Bureau of International Affairs, (5) Bureau of Labor Statistics, (6) Employment Standards Administration, (7) Labor-Management Services Administration, (8) Employment and Training Administration, (9) Occupational Safety and health Administration, (10) Employees' Compensation Appeals Board, (11) Wage Appeals Board, (12) Benefits Review Board, (13) Board of Contract Appeals, (14) Office of Administrative Law Judges, (b) Regional Offices of the Above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Labor Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number and employee number, grade, step, and salary, organization (code), retirement or FICA data as applicable. Federal, State, and local tax deductions, as appropriate. IRS tax lien data, savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code, cash award data; jury duty data, military leave data, pay differentials, union dues deductions, allotments, by type and amount, financial institution code and employee account number, leave status and leave data of all types (including annual compensatory jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked, pay period number and ending date, cost of living allowances mailing address; co-owner and/or beneficiary of bonds, martial status and number of dependents, and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. Tax withholding sent to Internal Revenue Service and appropriate State and local taxing authorities. FICA deductions to the Social Security Administration, dues deductions to labor unions, withholdings for health insurance to the insurance carriers and the U.S. Civil Service Commission, Charity contribution deductions to agents of charitable institutions, annual W-2 statements to taxing authorities and the individual. (When P.L. 93-579 becomes effective, it is anticipated that appropriate statements will be issued to employees, spouse-recipients, and the courts involved).

STORAGE:

Manual, machine-readable and maintainable on mini-computers.

RETRIEVABILITY:

By name and SSN.

SAFEGUARDS:

Personnel screening and locked storage equipment and rooms.

RETENTION AND DISPOSAL:

Retained until after GAO audit, then disposed of or retired to Federal Records Storage Centers.

SYSTEM MANAGER(S) AND ADDRESS:

See the general address provision in the Prefatory Statement.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Employees, supervisors, timekeepers, official personnel records, and IRS.

DOL/ETA—14

SYSTEM NAME:

Job Corpsmember Personnel File

SYSTEM LOCATION:

State Employment Agencies, private contract screening agencies, Job Corps Regional Offices, Job Corps Center, Gatehouse (contract placement), and Federal Records Centers (FRC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job Corps trainees

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete personnel file of each corpsmember with all pertinent papers including pay allowance health, education, vocational training and any correspondence or other documents relating to individual corpsmember status, assignment, promotion, discipline investigation, or course participation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Economic Opportunity Act of 1964 as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Training and work experience data to state and local welfare agencies, county boards of assistance, potential employers and state, county or private employment agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Locked file cabinet with policy of limited access.

RETRIEVABILITY:

File retrieved only by name.

SAFEGUARDS:

Locked file cabinets with policy of very limited access

RETENTION AND DISPOSAL:

Standard Form 115 has been submitted to GSA/NARS requesting treatment as Federal personnel files under General Records Schedule 1. Item 1.

SYSTEM MANAGER(S) AND ADDRESS:

Corpsmember Records Liaison Officer, Corpsmember Support Unit, Patrick Henry Building, Room 6122, 601 D Street, NW., Washington, DC 20213.

NOTIFICATION PROCEDURE:

Regional Manpower Administration Office, or Systems Manager at above address

RECORD ACCESS PROCEDURES:

Systems Manager at above address.

CONTESTING RECORD PROCEDURES:

Same as access.

RECORD SOURCE CATEGORIES:

Pertinent personnel data received from various employment related sources

DOL/ETA—15

SYSTEM NAME:

DOL/ETA Evaluation or Research Contractors Project Files.

SYSTEM LOCATION:

Individual Contractors' Worksites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vary according to requirements of studies

CATEGORIES OF RECORDS IN THE SYSTEM:

Vary according to requirements of studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part B, Title III, CETA, Social Security Act, Sec. 441 and 906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To provide a variety of data, personal and otherwise, required by contract researchers or evaluators to carry out the research and evaluation goals of the studies for which they are responsible, these records are used solely for statistical research or evaluation purposes and not used in any way for making any determination about an identifiable individual.

STORAGE:

Files are maintained by the contractors at their sites as folders, tape, punchcards, etc. as appropriate, until the conclusion of the studies and for a limited time following as required by the ETA Systems Manager and address U.S. Department of Labor, Employment and Training Administration, Director, Office of Program Evaluation, Room 9402 or Director, Office of Research and Development Branch, Room 9100, Patrick Henry Building, 601 D Street, NW., Washington, DC 20213.

NOTIFICATION PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Evaluation Contractors, Project Files, Research Contractors' Project Files.

DOL/SOL—7

SYSTEM NAME:

Assignment Record-SOL—7

SYSTEM LOCATION:

SOL Divisional Offices, Washington, D.C.; SOL Regional and Sub-Regional Offices terminals at various locations. DOL computer, GAO Building, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys employed by the Office of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual attorney assignments; identification of cases pending, status of litigated cases, opinions requested, case agency record, and miscellaneous assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Civil Service Reform Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual and computer files.

RETRIEVABILITY:

Name of attorney.

SAFEGUARDS:

Manual files are kept locked. Computer files accessible only through proper code number.

RETENTION AND DISPOSAL:

Records maintained for life of assignment.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitors, Office of the Solicitor, Washington, D.C.; Regional Solicitors and Associate Regional Solicitors at various field locations.

NOTIFICATION PROCEDURE:

See Above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Case files, correspondence files, opinion files, and miscellaneous files.

DOL/MSHA—5 [Reserved]
DOL/MSHA—10

SYSTEM NAME:

Coal Mine Health and Safety Special Investigations

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SYSTEM LOCATION:

Office of the Administrator—Coal Mine Safety and Health, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203 and some of the Coal Mine Safety and Health offices (see Appendix for address).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have been discriminated against in violation of the Federal Mine Safety and Health Act of 1977 and the Coal Mine Health and Safety Act of 1969.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other confidential data gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Investigations conducted pursuant to section 105(c) of Public Law 91–173 as amended by Public Law 95–164, 30 U.S.C. 815(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of records are (a) to determine validity of allegations and (b) for use in determining amount of proposed civil penalty assessments against individuals and operators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual: In manila file folders.

RETRIEVABILITY:

Filed by docket and status of case, indexed by name of mine, docket number, and date of receipt. Retrieved by manual research.

SAFEGUARDS:

Maintained in locked file cabinets. Accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Retained for one year after the case is closed, then transferred to a Federal Records Center where they are retained for 15 years, then destroyed.

DOL/MSHA—19 [Reserved]

DOL/OIG—1

SYSTEM NAME:

General Investigative Files, Case Tracking Files, and Subject/Title Index, USDOL/OIG

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to other Federal, State and local law enforcement agencies for civil or criminal law enforcement agencies for civil or criminal law enforcement, including the Justice Department regarding potential litigation and during the course of actual litigation. These records may be disclosed to other Federal Agencies for hiring or retention of employees; security clearances; letting of contracts; and issuance of licenses, grants or other benefits. The records may be disclosed to participants in the President's Anti-Organized Crime Program, and also as part of any proceeding where the Federal Employees' Compensation Act and related Acts, Longshoremen's and Harbor Workers' Compensation Act and related Acts, title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, is in issue. The records may be disclosed as part of any proceeding in which the Secretary of Labor, or any past or present Federal employee or consultant directly or indirectly involved in investigations or other enforcement activities under the above Acts, is a party or otherwise involved in an official capacity. In addition, records may also be provided to (1) the Merit Protection Board, (2) the Office of Personnel Management, (3) any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual being investigated, inform the source of the nature and purpose of the investigation, and to identify the type of information requested, and (4) disclose, as necessary, to a contractor, subcontractor, or grantee firm or organization to the extent that the disclosure is in USDOL's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action.

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RETENTION AND DISPOSAL:

Investigative case files are retained for 15 years after completion of the investigation and/or actions based thereon. Index and cross-reference cards are retained permanently. In instances of computer matching of files, only those records which meet predetermined criteria for investigations are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes are returned or destroyed once computer matching has been accomplished.

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DOL/ESA—7

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Benefit Payments File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: CLAIMANTS RECEIVING BENEFITS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, Financial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et. seq., 20 CFR 715.1 et. seq. 30 CFR 720.1 et. seq., 20 CFR 725.1 et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage: State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act: and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic tapes.

RETRIEVABILITY:

Social Security Number.

SAFEGUARD:

Files located in restricted area of Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Being determined at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Black Lung Benefit Claim Files.

DOL/ESA—8

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Claimant Information File.

SYSTEM LOCATION:

PRC Data Systems, Co., 7600 Old Springhouse Road, McLean, Virginia 22101; Gordon Associates, 1825 K Street, N.W., 9th Floor, Washington, D.C. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Black lung claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal (name, date of birth, SSN, type claimant, miner's date of death); demographic (State/county, city, congressional district, zip code, mine employment history, medical disability, initial determination, conference results, hearing results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.5 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation and the Social Security Administration for the purpose of determining offsets as specified under the act: and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

9 Track magnetic tape and punched cards.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Located in restricted area of Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Being determined at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Miner Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

District Office Reports, Claim Forms, Claim Files Tracking cards.

DOL/ESA—11

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Service Payments File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants, physicians and medical facilities providing services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, Personal, Financial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage: State worker's compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic tapes.

RETRIEVABILITY:

Provider number, claimant's SSN.

SAFEGUARDS:

Files located in restricted area of Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Being determined at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Billings, Claim files, Medical reports.

DOL/ESA—13

SYSTEM NAME:

Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Operation of ADP system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FECA benefits recipients are Federal employees injured of killed while in the performance of duty. In case of death, beneficiary records are maintained. In addition to Federal employees the FECA covers volunteers in the Civil Air Patrol,

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Peace Corps Volunteers, Job Corps Enrollees, Volunteers in Service to America, members of the National Teachers Corps, certain student employees, employees of the Alaska Railroad, members of the Reserve Officers Training Corps, certain Law Enforcement Officers not employed by the United States. Prior to January 1, 1957, the FECA also covered reservists in the Armed Forces of the United States. Also covered various classes of persons who provide or have provided services to the Government of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes reports of injury by employee and employing establishment, authorization for medical treatment, medical records, medical and transportation bills, compensation payment records, formal orders for or against payment of compensation, vital statistics such as birth, death and marriage certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8101 et seq., 20 CFR 1.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to any third-party named in a claim or representative acting on his/her behalf until the claim is adjudicated and all appeals resolved; Federal agencies which employed the claimant at the time of occurrence or recurrence of the injury or occupational illness; Federal, state of private rehabilitation agencies to whom the claimant has been referred for evaluation of the extent and nature of the disability and/or rehabilitation; physicians making an examination for the United States under 5 U.S.C. 8123(a); medical insurance plans or health and welfare plans which the claimant is covered by in instances when there is evidence of payment by OWCP for treatment of a medical condition which is not compensable; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Case files are maintained in manual files, security case files in locker cabinets, and FECA management information system information is stored on computer discs which are stored in cabinets.

RETRIEVABILITY:

Files are retrieved after identification by coded file number which is cross referenced to employee by name, employing establishment, date and nature of injury. Files located in District Offices are identified by master index file, which is maintained in the National Office.

SAFEGUARDS:

Files are maintained under constant supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files are maintained in guarded Federal buildings.

RETENTION AND DISPOSAL:

Regular files are retained, retired to Federal Record Centers, and disposed of in accordance with GSA schedule. A schedule has not yet been developed for FECA management information system records. Security files are disposed of by the submitting agency.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, FECA, room S–3229 NDOL, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

Any individual seeking information about a case in which he/she is a party of interest may write or telephone the OWCP District Office and arrangement will be made to provide review of the file, consonant with restrictions defined as a Routine Use.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Injured employees, beneficiaries, employing Federal agencies, other Federal Agencies, physicians, hospitals, clinics, educational institutions, attorneys, congressmen, OWCP field investigations, state governments.

DOL/ESA—18

SYSTEM NAME:

Farm Labor Contractor Employee File.

SYSTEM LOCATION:

PRC Data Systems Co., 7600 Old Springhouse Road, McLean, Virginia 22101. Coding and tabulating of information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and current members of the Advisory Committee on Sheltered Workshops.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Fair Labor Standards Act, as amended. Advisory Committee on Sheltered Workshops Charter, January 5, 1975.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Biographical information submitted to the Civil Service Commission and the FBI for name checks prior to nomination.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual files.

RETRIEVABILITY:

By member's name.

SAFEGUARDS:

Building security.

RETENTION AND DISPOSAL:

Retained in files 20 years, then offered to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Handicapped Worker Problems, Room S3513, Department of Labor Building, Washington, D.C.

NOTIFICATION PROCEDURE:

Administrator, Wage and Hour Division, 200 Constitution Avenue, Washington, D.C. 20210.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Members, their offices, or other Federal agencies.

DOL/OASAM—18

SYSTEM NAME:

Supervisors' Records of Employees.

SYSTEM LOCATION:

Authorized to be maintained by immediate supervisors and one additional organizational level at all facilities of the Department.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Current employees and employees departed within the past year.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records related to individuals while employed by the Department and contain such information as: emergency addressee information; record of personnel actions; record of employee/supervisor discussions; supervisory copies of officially recommended actions such as personnel actions, awards, disciplinary actions, and training requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, 3101, Reorganization Plan 6 of 1950, and the Civil Service Reform Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The employee record is used as a source of data to initiate requests for personnel actions, to plan and schedule training, to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions, and to carry out their personnel management responsibilities in general. (2) To complete reference checks or supervisory appraisals. (3) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained on SF–7B computer print-outs, and other appropriate forms.

RETRIEVABILITY:

Records are indexed by any combination of name or Social Security Account Number.

SAFEGUARDS:

Maintained by a supervisor in locked cabinets or desks.

RETENTION AND DISPOSAL:

Records are maintained on current employees. Records on former employees are kept for one year, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

All supervisors having responsibility for performance evaluations.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by contacting his supervisor and/or the Personnel Office who services the installation where the employee is (or was) employed.

RECORD ACCESS PROCEDURES:

Requests for access to records should be addressed to the requester's supervisor and/or the Personnel Office servicing the installation where the employee is (or was) employed.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

[FR Doc. 81–3091 Filed 2–12–81; 8:45 am]

BILLING CODE 4510–23–M

[TA–W–8935]

American Steel Corp., Detroit, Mich.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on June 23, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the American Steel Corporation, Detroit, Michigan. Workers at the company produce coated steel coils.

Coated steel coils are included in the import and production category Metallic Coated Steel Sheets. U.S. imports of metallic coated steel sheets declined both absolutely and relative to domestic shipments in 1979 compared to 1978, and in the first nine months of 1980 compared to the same period in 1979.

Sales, production and employment increased at the American Steel Corporation in 1979 compared to 1978.

American Steel is a wholly owned subsidiary of the National Steel Corporation. Units of National Steel ship steel coils to American Steel, where they are processed (pickled, coated and split) according to customer specifications. The processed steel coils are then either shipped back to the National Steel units or are sold to outside customers.

Coated steel coils that are shipped to outside customers are predominantly sold to domestic automobile manufacturers. A Department of Labor survey of domestic automobile manufacturers revealed that the firms representing the majority of purchases either did not purchase imported coated steel coils or decreased their purchases of coated steel coils in model year 1980 compared to 1979, and in model year 1981 compared to 1980.

The remainder of the steel coils are shipped to other units of National Steel. National Steel does not import steel coils. None of the workers engaged in steel production at any of National Steel's plants are currently certified as eligible to apply for adjustment assistance benefits.

Conclusion

After careful review, I determine that all workers of the American Steel Corporation, Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81–5156 Filed 2–12–81; 8:45 am]

BILLING CODE 4510–28–M

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[TA-W-8012, 8122]

Armco, Inc., Union Wire Rope Plant, Kansas City Works, Kansas City, Mo.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales of production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on May 19, 1980 in response to petitions which were filed by the United Steelworkers of America on behalf of workers at the Union Wire Rope Plant (TA-W-8012) and the Kansas City Works (TA-W-8122) of Armco, Incorporated, Kansas City, Missouri. The workers produce hot rolled carbon steel bars, wire rod and wire products, reinforcing bars and fasteners.

The investigation revealed that criterion (3) has not been met.

The Department of Labor conducted a survey of customers of Armco's Kansas City facility (including both the Kansas City Works and the Union Wire Rope plant). Responses to the survey can be divided into three groups according to product lines.

Hot Rolled Bars and Reinforcing Bars

None of the customers responding to the survey reduced purchases from Armco and increased purchases of imported hot rolled bars or reinforcing bars in 1979 compared to 1978 or in the first six months of 1980 compared to the same period of 1979.

U.S. imports of hot rolled bars decreased both absolutely and relative to domestic production in 1979 compared to 1978. Some of the hot rolled bars produced at Armco's Kansas City facility are further processed into grinding media at that plant. U.S. imports of grinding media decreased both absolutely and relative to domestic production in the first nine months of 1980. U.S. imports of reinforcing bars decreased both absolutely and relative to domestic production in the first nine months of 1980 compared to the same period of 1979. The ratio of imports to domestic production of grinding media was less than five percent in every year from 1975 through 1979 and in the first nine months of 1980 compared to the same period of 1979. The ratio of imports of reinforcing bars to domestic production was five percent or less in every year from 1975 through 1979 and in the first nine months of 1980.

Wire Rods and Wire Products

None of the customers responding to the survey reduced purchases from Armco and increased purchases of wire rod or wire products in 1979 compared to 1978. Those customers who reduced purchases from Armco and from other domestic sources and who increased purchases of imported wire rod and wire products, in the first six months of 1980 compared to the same period in 1979, did not account for a significant proportion of Amrco's sales of these products.

U.S. imports of carbon steel wire rod and carbon steel wire declined both absolutely and relative to domestic production in 1979 compared to 1978. U.S. imports declined absolutely in the first nine months of 1980 compared to the same period in 1979.

Fasteners

All of the customers who responded to the survey who reduced purchases of fasteners from Armco and increased purchases of imported fasteners in 1979 compared to 1978 or in the first six months of 1980 compared to the first six months of 1979 also increased purchases from other domestic sources during that same time period.

U.S. imports of industrial fasteners decreased both absolutely and relative to domestic production in 1979 compared to 1978. U.S. imports decreased absolutely in the first nine months of 1980 compared to the same period in 1979.

Conclusion

After careful review, I detemine that all workers of the Union Wire Rope Plant (TA-W-8012) and the Kansas City Works (TA-W-8122) of Armco, Incorporated, Kansas City, Missouri are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-5157 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8879]

Korelle Industries, Inc., Avenel, N.J.; Negative Determination Regarding Application for Reconsideration

By an application dated December 23, 1980, counsel for the workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing plastic coated products for women's shoes and handbags at Korelle Industries' plant in Avenel, New Jersey. The Determination was published in the Federal Register on December 5, 1980 (45 FR 80601).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel for the workers claims that the Department's survey was deficient since no mention was made as to whether Korelle's customers purchased other directly-competitive products, such as imported leather. Counsel also claims that the Trade Act of 1974 does not require a survey of the applicant's customers and asserts that prima facie evidence that the workers are certifiable is the fact that Korelle was certified for firm adjustment by the Department of Commerce.

The Department's review showed that the petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of Korelle's major customers showed that none reported buying any imported coated fabric in 1978, 1979 or the first six months of 1980.

With respect of counsel's claim concerning the Department's customer survey, it should be noted that increased imports and declines in sales, production and employment are insufficient in themselves for the Secretary of Labor to issue a certification of eligibility for trade adjustment assistance. Section 222(3) of the Act states that increased imports must have contributed importantly to the worker separations and this is normally demonstrated through the Department's survey of customers of the workers' firm. The evaluation of Korelle's customers' activities should provide the best evidence, in conjunction with aggregate import data, to determine if increased competitive imports contributed importantly to worker separations and declines in sales and/or production at Korelle Industries, Inc.

The Department does not agree with Counsel's claim that because a firm is certified for trade adjustment assistance by the Department of Commerce, then its workers should be certified by the Department of Labor, especially when the two investigations covered different time periods. The Department notes that the Korelle firm was certified for trade adjustment assistance on February 2, 1979 based primarily on a survey in the 1977-78 period. The Department's denial of workers at Korelle was based on a customer survey covering 1978, 1979 and the first six months of 1980. Only one of the customers surveyed by the Department of Commerce was surveyed during the Department of Labor's investigation. The others stopped doing business with Korelle in 1978 prior to the earliest possible impact date.

The Department notes that imports of tanned cattle hides, also used in the production of women's shoes and handbags, decreased both absolutely and relative to domestic production in the first nine months in 1980 compared to the same period in 1979 and decreased absolutely in 1979 compared to 1978. The ratio of imports to domestic production for the first nine months of 1980 was 12.0 percent, down from 13.8 percent for the first nine months of 1979.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 3rd day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-5158 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9389, TA-W-9584]

Mack Trucks, Inc., Parts and Service Division, Bridgewater, New Jersey, and Sales and Service Branch, St. Louis, Missouri; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 21, 1980 in response to a petition which was filed on behalf of workers at the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated (TA-W-9389). On July 28, 1980 a second investigation was initiated in response to a petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at the St. Louis, Missouri Sales and Service Branch of Mack Trucks, Incorporated (TA-W-9584). Workers at the Bridgewater, New Jersey facility are engaged in the distribution of truck parts. Workers at the St. Louis, Missouri facility are engaged in the sale and service of heavy-duty trucks and the sale of truck parts.

With respect to the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated, the investigation revealed that criterion (3) has not been met.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall*, 608 F. 2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The petitioners allege that increased imports of trucks have contributed importantly to decline in sales, production and employment at the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated. The Bridgewater facility distributes parts to the replacement market. Therefore, workers at the Bridgewater, New Jersey facility are not integrated into the production of trucks at Mack Trucks, Incorporated.

The Bridgewater, New Jersey facility of Mack Trucks, Incorporated distributes truck parts to the replacement market. The majority of the parts sold by the Bridgewater facility are acquired from outside vendors, rather than from parts manufacturing plants of Mack. Imports by Bridgewater accounted for a relatively small percentage of sales of parts at that facility in 1978, 1979 and the first 6 months of 1980.

A major layoff occurred at the Bridgewater, New Jersey facility in October 1979 due to the opening of a new Mack distribution center in Baltimore, Maryland. This resulted in the transfer of some business from the Bridgewater facility to the new center.

Layoffs at the Bridgewater facility in 1980 can be attributed to two major factors. The recent decline in the sale of finished heavy-duty trucks has adversely affected sales of truck parts. A second development which has decreased the sale of truck parts is the practice by customers of taking parts from idle trucks in their fleet to service trucks which are in use and need replacement parts. This practice by customers of obtaining spare parts from idle trucks in their fleet rather than purchasing new spare parts from suppliers is common during times of adverse economic conditions.

With respect to the St. Louis, Missouri Sales and Service Branch of Mack Trucks, Incorporated, the investigation

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revealed that criterion (3) has not been met.

Total sales by the St. Louis Sales and Service Branch increased significantly in value in 1979 from 1978. Sales of heavy-duty trucks by the St. Louis facility increased in quantity and value in 1979 from 1978.

The sale of heavy-duty trucks accounts for the majority of total sales by the St. Louis Sales and Service Branch of Mack Trucks, Incorporated. The decline in truck sales accounted for nearly all of the total sales decline experienced by the St. Louis facility in the first six months of 1980.

U.S. imports of heavy-duty trucks declined in quantity absolutely and relative to domestic shipments in the first nine months of 1980 compared to the same period in 1979. U.S. exports of heavy-duty trucks significantly exceeded U.S. imports during the 1975 September 1980 period. Imports amounted to a small portion of total domestic shipments of heavy-duty trucks during this period.

Conclusion

After careful review, I determine that all workers of the Bridgewater, New Jersey facility of the Parts and Service Division of Mack Trucks, Incorporated and all workers of the St. Louis, Missouri Sales and Service Branch of Mack Trucks, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-5159 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8686]

TRW, Inc., Carr Division, Knoxville, Tennessee; Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on June 9, 1980 in response to a petition which was filed on behalf of workers at Knoxville, Tennessee plant of Carr Division of TRW, Inc. the petitioning workers produce electrical relays.

The investigation revealed that criterion (3) has not been met.

Sales and production of electrical relays increased at the Knoxville plant in 1979 compared to 1978.

Average employment of workers engaged in the production of electrical relays at the Knoxville plant increased in 1979 compared to 1978.

All of the electrical relays produced at the Knoxville plant were sold to domestic automobile manufacturers for use in automobile rear window defrosters. Initially, TRW manufactured these relays exclusively at its Canadian subsidiary, United Carr of Canada, Ltd. In 1978, production of the relays was initiated at the Knoxville plant to fill orders in excess of the Canadian subsidiary's capacity. When relay orders from the automobile manufacturers declined in 1980, TRW consolidated relay production at United Carr of Canada and shutdown the relay operation at the Knoxville plant. The Knoxville plant at peak production represented a small portion of TRW's total production of electrical relays.

The petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Knoxville plant.

Athough imported automobiles incorporate electrical relays, imports of the whole product are not like or directly competitive with their component parts. Imports of electrical relays must be considered in determining import injury to workers producing electrical relays at the Knoxville plant.

A Department of Labor survey of domestic automobile manufacturers revealed that the manufacturers that purchased the predominant portion of the electrical relays produced at the Knoxville plant did not purchase imported electrical switches and relays. Surveys manufacturers that increased purchases of imported electrical switches and relays, also increased purchases of domestically produced relays and switches in the first four months of 1980 compared to the same period in 1979.

Conclusion

After careful review, I determine that all workers of Knoxville, Tennessee plant of the Carr Division of TRW, Incorporated, engaged in employment related to the production of electrical relays are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-5160 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7456]

Cyclops Corp., Empire Steel Division, Portsmouth, Ohio; Affirmative Determination Regarding Application for Reconsideration

In a meeting with the U.S. Department of Labor, Washington, D.C., after being granted a filing extension, the company and union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of the Portsmouth, Ohio facility of the Empire Steel Division of the Cyclops Corporation. The determination was published in the **Federal Register** on October 31, 1980, (45 FR 72363).

The company and the union claimed that the Department's denial did not address Portmouth's pig iron production and how Brazilian imports of pig iron took away the pig iron market from the Portsmouth facility.

Conclusion

After review of the application, I conclude that the company's and union's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 4th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-5233 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension Welfare Benefit Programs

Proposed Class Exemption To Permit Payment of Compensation to Plan Fiduciaries for the Provision of Securities Lending Services; Extension of Comment Period

AGENCY: Department of Labor.

ACTION: Notice of Extention of Comment Period.

SUMMARY: The Department of Labor (the Department) is extending the comment period on the proposed class exemption which would, if granted, permit certain compensation arrangements for the provision of securities lending services by a plan fiduciary to an employee benefit plan. The notice of the proposed class exemption was published in the **Federal Register** at 46 FR 7518 (January 23, 1981). This action is being taken in view of requests by certain members of the public that additional time to prepare comments be provided to them, and in view of the importance of the proposed class exemption.

DATE: The comment period is extended through March 25, 1981.

ADDRESSES: Written comments on the proposed class exemption (preferably three copies) should be addressed to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, attention: "Securities Lending Services."

FOR FURTHER INFORMATION CONTACT: Shelby J. Hoover, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W. Room C-4508 Washington, D.C. 20210, (202) 523-9594. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On January 23, 1981 the Department issued a notice of pendency before the Department of a proposed class exemption from the prohibitions of section 406(b)(1) of the Employee Retirement Income Security Act of 1974 and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954, as amended, and, in that notice, invited all interested persons to submit, on or before February 23, 1981, written data, views or arguments concerning the proposed class exemption. The proposed class exemption, if granted, will permit certain compensation arrangements for the provision of securities lending services by a plan fiduciary to an employee benefit plan, if the conditions of the proposed exemption are met. If granted, the proposed exemption will affect participants and beneficiaries of employee benefit plans, and fiduciaries who provide securities lending services to such plans.

The Department has received requests from certain members of the public that the comment period in this matter be extended to March 25, 1981. The requesting parties state that they need additional time to prepare comments, and the Department believes that it is appropriate to grant such additional time. Accordingly, the Department is extending the comment period through March 25, 1981.

Notice of Extension of Comment Period

Notice is hereby given that the period of time for the submission of public comments on the proposed class exemption to permit payment of compensation to plan fiduciaries for the provision of securities lending services set forth in the notice at 46 FR 7518 (January 23, 1981) is hereby extended through March 25, 1981.

All interested persons are invited to submit written data, views or arguments concerning the class exemption proposed in the notice at 46 FR 7518 (January 23, 1981) on or before March 25, 1981.

These comments should be submitted, preferably three copies, to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W. Washington, D.C. 20216, Attention: Securities Lending Services".

Signed at Washington, D.C. this 5th day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-4974 Filed 2-10-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-7]

Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts

Correction

In FR Doc. 81-2585, published at page 7520, on Friday, January 23, 1981, on page 7526, in the third column, in the second full paragraph, in the first line "(b) the plan pays more" should be corrected to read "(b) the plan pays no more".

BILLING CODE 1505-01-M

[Application No. D-1931]

Proposed Exemption for Certain Transactions Involving the ABC Freight Forwarding Corp. Employees Profit Sharing Plan and Trust, Located in New York City, New York

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale by the ABC Freight Forwarding Corporation Employees Profit Sharing Plan and Trust (the Plan) of the stock (the Stock) of Paramount Freight Handling, Inc. (Paramount) and Paramount Freight Handling of North Carolina, Inc. (Paramount of North Carolina) to the ABC Freight Forwarding Corporation (the Employer). The proposed exemption, if granted, would affect participants and beneficiaries of the Plan and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before March 25, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1931. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through

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(E) of the Code. The proposed exemption was requested in an application filed by the trustees (the Trustees) of the Plan pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a profit sharing plan qualified under Section 401(a) of the Code. The Employer permanently discontinued all contributions to the Plan as of December 11, 1973. A favorable determination letter from the Internal Revenue Service was issued with respect to such termination on August 27, 1974. The Plan's trust fund is being liquidated by distributions made to employees upon their retirement, death or termination of employment.

2. In 1956, a major shareholder of the Employer sold to the Plan all of the issued and outstanding stock of Paramount for a price of $200,000. Paramount is a shipper's agenti operating in the New York City area. In 1974, Paramount decided to expand its operations into North Carolina and Paramount of North Carolina was organized as an independent company owned by the Plan. Paramount paid a cash dividend to the Plan that was used for the purpose of organizing Paramount of North Carolina.

3. As of December 31, 1977, the value on the books of the Plan of the Stock was $516,255.72, constituted 36.93% of the total Plan assets of $1,397,945.84. On January 25, 1979, the Manufacturer's Appraisal Company of Philadelphia, Pennsylvania represented that the fair market value of the Stock was $400,000.

4. On May 22, 1979 (44 FR 29760) the Department granted an exemption (Exemption 79–20) which permitted the sale of the Stock by the Plan to the Employer for an amount not less than the greater of either $516,255 or the fair market value of the Stock at the time of the sale. After the Department issued Exemption 79–20 the Trustees became aware of the existence of a claim (the NYC Claim) asserted by The City of New York, in the amount of $264,304 against Neptune World Wide Moving Inc. (Neptune) with respect to Neptune's deferred maintenance obligation under a lease between The City of New York, as landlord, and Neptune, as tenant, relating to facilities at Pier 63. The Pier 63 facilities were subleased by Neptune as sublandlord, to Paramount, as subtenant, and Neptune has asserted that pursuant to the terms of such sublease, Paramount is responsible or potentially responsible for payment of $251,320 of the NYC Claim. Neptune acknowledges that it is responsible for $12,984 of the NYC Claim. The Trustees did not become aware of the existence of the NYC Claim until June of 1979. It now appears that the NYC Claim may not be covered by insurance maintained by Paramount.

5. In light of the existence of the NYC Claim, the Employer is unwilling to purchase the stock of Paramount and Paramount of North Carolina without accruing the amount of the NYC Claim as a liability of Paramount and making a corresponding reduction in the purchase price that the Employer will pay for Stock. However, the Trustees are unwilling to reduce the purchase price by the full amount of the NYC Claim because they believe that there is a reasonable prospect of Paramount paying less than the full amount of the NYC Claim if such claim is defended by Paramount. Accordingly, the Trustees and the Employer are willing to proceed with settlement of the purchase by the Employer of the Stock in accordance with the representation and the provisions of Exemption 79–20 subject to the following modification:

6. At settlement of the purchase by the Employer of the Stock, the amount of the purchase price payable by the employer to the Plan will be determined in accordance with the representations and provisions of Exemption 79–20 and its underlying application, including the adjustment thereof to take into account any increases in the net worth of Paramount and Paramount of North Carolina between June 30, 1977 and the date of the most recent audit of the two Paramount corporations, but without accruing any liability for the NYC Claim. Promptly after the settlement of such purchase, the financial statements of the two Paramount corporations will be audited as of the settlement date and after completion of such audit, the Employer will pay to the Plan in cash the amount (if any) of the increase in the net worth of the two Paramount corporations between June 30, 1977 and the settlement date.

7. At settlement, the Employer shall pay to the Plan an amount (the Initial Payment) in cash equal to the entire purchase price determined on the settlement date less an amount (the Contingent Amount) equal to $251,320 (the amount) of the NYC Claim) less the amount (the Tax Savings Amount) of federal, state and local income tax savings that would be achieved by the Employer if such amount of $251,320 was deducted for income tax purposes in the year in which settlement of such purchase occurs, including any carry-back loss deductions for prior tax years. However, in no event may the Final price (Initial Payment less amount of NYC Claim) be less than $400,000. If settlement of such purchase had been held in 1979, the Tax Savings Amount to the Employer would have been approximately $34,000.

8. After the amount of the NYC Claim has been finally determined, the Employer shall pay to the Plan an amount (the Additional Payment) equal to the Contingent Amount less the amount (the Final Claim Payment) of the NYC Claim so determined to be payable to the City of New York plus the Tax Savings Amount based upon the Final Claim Payment but computed as if the Final Claim Payment is deducted by Paramount for income tax purposes (on a separate return basis) in the year in which the amount of the Final Claim Payment is so determined. The only asset of the Plan that may be used to satisfy the Final Claim Payment is the Stock. The portion of the Contingent Amount payable to the Plan will be payable within thirty (30) days after the amount of the NYC Claim has been finally determined by a court adjudication or a settlement approved by the Plan. The Plan will have the right to make all decisions with respect to the defense of the NYC Claim, including engagement of attorneys and settlement arrangements. All legal fees incurred in the defense of the NYC Claim will be paid by the Plan.

9. At the time of payment by the Employer to the Plan of the Additional Payment, ABC shall also pay to the Plan interest at a rate (the Closing Date Interest Rate) on the Additional Payment computed from the date of the settlement of the purchase by the Employer of the Paramount stock to the date of payment by the Employer to the Plan of the Additional Payment. The Closing Date Interest Rate shall be the interest rate paid by the United States Treasury Department on two-year Treasury notes as determined by the auction sale thereof immediately prior to the date of settlement of such purchase of the Paramount stock. The two-year period was arrived at by agreement between the Trustees who are not shareholders of the Employer and the Employer after receipt by the Plan of a letter from the plan's legal counsel estimating a period of two years for settlement of the NYC Claim.

10. As security for payment of the Additional Payment and interest thereon, the Employer shall deliver to the Plan at settlement of the purchase of the Stock an irrevocable letter of credit from Citibank, Chemical Bank or another recognized banking institution situated in New York City in the amount of the Contingent Amount plus interest that would be payable on the full amount thereof for a period of two years at the Closing Date Interest Rate. Such letter of credit may be drawn upon by written notice by the Plan to the Bank that the amount of the NYC Claim has been finally determined and an additional amount has become payable to the Plan pursuant to the aforementioned terms. If the amount of the NYC Claim is not finally determined prior to the expiration date of such letter of credit, the term of the letter of credit will be renewed and if the term of such letter of credit is not renewed at least 30 days before its expiration date, the letter of credit may be drawn upon by the Plan to assure that funds will be available to pay the additional amount owed to the Plan.

11. In summary, the applicants represent that the proposed sale of the Stock will satisfy the statutory criteria of section 408(a) of the Act as follows: (1) the Plan must sell the Stock in order to continue the liquidation of its assets; (2) the Trustees of the Plan represent that the proposed sale is in the best interests of the plan; and (3) the Plan will receive a final price at least equal to the appraised value of the Stock.

Notice to Interested Persons

All Plan participants and beneficiaries will be notified by letter containing a copy of the notice of pendency of the proposed exemption as published in the **Federal Register**. Such notification will be distributed to all participants in the Plan, including terminated employees and beneficiaries, either by personal delivery or by first class mail no later than 10 days after notice of pendency is published in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be make a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by sections 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale of the Stock by the Plan to the Employer for the greater of either $400,000 or the fair market value of the Sock at the time of sale but subject to the settlement as described herein for the NYC Claim.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 6th day of February, 1981.

Iran D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-6130 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2115]

Proposed Exemption for Certain Transactions Involving the Handy-Andy, Inc., Profit-sharing Plan and Trust Located in San Antonio, Texas

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption form certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt, effective October 6, 1980: (1) the sale of 22,597 shares (the Plan Shares) of the common stock of Handy-Andy, Inc. (the Stock) owned by the Handy-Andy, Inc. Profit Sharing Plan and Trust (the Plan) to Handy-Andy, Inc., the sponsor of the Plan; and (2) the extension of credit by the Plan to Handy-Andy, Inc. to fund such sale. The proposed exemption, if granted would affect Handy-Andy, Inc., the participants and beneficiaries of the Plan and other persons participating in the transaction.

DATES: Written comments and requests for a pulic hearing must be received by the Department on or before March 25, 1981.

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ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2115. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, Telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plan (the Trustees), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan which was terminated on May 1, 1978. The Plan had been terminated to the extent that no further contributions shall be made by Handy-Andy, Inc. and the Plan will continue only as a liquidation trust disbursing benefits as they come due. As of April 30, 1979, the Plan has assets of $3,245,889 and approximately 866 participants. The Trustees are John Carlson, George Tamez, Tal Simmons, Robert Hurla, Howard Saasthoff and Robert Thompson. All of the Trustees are employees of Handy-Andy, Inc. The only Trustee who is a shareholder of Handy-Andy, Inc. is Tal Simmons who own 31 shares of the Stock.

2. Handy-Andy, Inc. is a closely held corporation engaged in the retail grocery business in southern Texas. There is no public trading market for the Stock. The Stock has not paid a dividend since 1975 and the payment of future dividend is limited by the terms of Handy-Andy, Inc.'s loan agreements with its lenders.

3. As of August 25, 1980, there were 202,901 shares of the Stock issued and outstanding. Of these 202,901 shares, 150,191 shares (the Trust Shares) were owned by the Texas Trust Co. which holds these share as a trustee for the benefit of the six children of Mr. Norris Jaffe, a director of Handy-Andy, Inc. The Plan Shares and 30,113 shares owned by public shareholders (the Public Shares) comprise the remainder of the issued and outstanding Stock.

4. On September 29, 1980, a shareholder meeting was held to vote on a proposed merger (the Merger) between Handy-Andy, Inc. (Handy-Andy, Inc. to be the surviving corporation) and New Handy-Andy, Inc., a corporation formed for the purpose of the Merger. Although state law and the certificate of incorporation of Handy-Andy, Inc. would permit Texas Trust Co., as the holder of the majority of the Stock to approve and consummate the merger without the approval of any other stockholder, Texas Trust Co. agreed (the Agreement) not to vote in favor of the Merger unless it was approved by the Plan and the majority of the shareholders of the Public Shares. At this shareholder meeting, shareholders representing 25,149 Public Shares voted. The shareholders who voted the 25,149 Public Shares were parties unrelated to the Plan or Handy-Andy, Inc., with the exception of shareholders representing 873 shares who were employees of Handy-Andy, Inc. Shareholders representing 22,560 Public Shares voted for the Merger. Shareholders representing 1,698 Public Shares voted against the Merger and shareholders representing 145 Public Shares abstained. Two Shareholders representing 746 Public Shares exercised their righty of appraisal. The Plan voted its shares in favor of the Merger. In accordance with the Agreement, Texas Trust Co. voted the Trust Shares in favor of the Merger. The Merger took place on October 8, 1980.

5. Prior to the Trustees voting the Plan Shares in favor of the Merger, the Trustees had obtained an appraisal of the Stock performed by an independent appraiser, the First Southwest Company (First Southwest) located in Dallas, Texas. First Southwest representing that as of August 20, 1979, the value of the Stock was $26.66 per share.

6. Pursuant to terms of the Merger, Texas Trust Co. will receive on a share for share basis, one share of stock in the post Merger corporation for each Trust Share it owned in Handy-Andy, Inc. In pertinent part, the terms of the Merger were as follows for the holders of the Plan Shares and the Public Shares. For each share of the Stock held, the holder of Plan shares or Public Shares would receive $27 to be paid as follows: 25% of the total amount due to be paid in cash and 75% to be represented by a subordinated unsecured debt instrument (the Debenture) of Handy-Andy, Inc. payable in equal annual installments over 10 years with interest on the unpaid balance computed at 10% per annum. The Debenture will be held under a Trust Indenture Agreement (the Indenture) between Handy-Andy, Inc. and the National Bank of Commerce of San Antonio, Texas (NBC), and independent entity.

7. The Indenture between Handy-Andy, Inc. and NBC provides that Handy-Andy, Inc. will deposit with NBC, at least one business day before the principal and interest payments are due, cash sufficient to pay the principal and interest on the Debenture. Further, Handy-Andy, Inc. is required to provide to NBC an annual review certificate stating that Handy-Andy, Inc. has performed all of its obligations under the Indenture and that no default exists.

8. The Indenture provides that on the happending of specified events or default, either NBC, or the holders of not less than 50% in aggregate principal amount of the Debenture outstanding, may declare the entire unpaid principal balance of the Debenture to be immediately due and payable. Further, if such default continues for a period of 30 days, NBC may require Handy-Andy, Inc. to pay NBC the whole amount of the principal, interest and costs of collection. Finally, NBC has the right and authority to sue Handy-Andy, Inc., in its own name, on behalf of the holders of the Debenture to enforce the obligations of the Handy-Andy, Inc. These powers and remedies are cumulative in addition to any other rights and remedies that NBC or the holders of the Debenture may have under law. NBC is required by the Indenture to notify the holders of the Debenture within 90 days of its knowledge of a default.

The holders of a majority in aggregate principal amount of the Debenture at any particular time, may remove NBC and appoint a successor trustee. The holders of not less than 66–⅔% in aggregate principal amount of the Debenture may consent, with Handy-Andy, Inc. to an amendment to the Indenture, or the issuance of supplemental indentures; however, no supplemental indenture may extend the time of payment of the Debenture, reduce the amount due or reduce the amount of the interest rate, without the consent of the holders of the Debenture.

9. The Trustees represent that if the Plan had not tendered the Stock in the Merger, the Plan would not be able to meet the current obligations due the Plan's participants.

10. In summary, the Trustees represent that the financed sale of the Plan Shares by the Plan to Handy-Andy, Inc. met the criteria of section 408(a) of the Act because: (1) the Trustees represent that the transaction was in the best interests of the Plan; (2) without the sale the Plan would have been unable to meet the current obligations due its participants; (3) the Trustees represent that the Plan received at least the fair market value of the Stock as determined by an independent appraisal; (4) holders of Public Shares were given the opportunity to tender their shares in the Merger with the same terms as those offered to the holders of the Plan Shares and in large majority, voted to tender their shares; (5) no public trading market existed in which the Plan Shares could alternatively have been sold; and (6) the continuing rights of the Plan in the transaction will be protected by an independent party.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register**, a copy of the notice of pendency will be placed in the pay envelope of all active employees of Handy-Andy, Inc. and mailed to any other participants or beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(B)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective October 8, 1980 to: (1) the sale of the Plan Shares of the Stock by the Plan to Handy-Andy, Inc. provided that the Plan received at least the fair market value of the Plan Shares at the time of sale; and (2) the extension of credit by the Plan to Handy-Andy, Inc. to fund such sale provided that the terms of the extension of credit were at least as favorable to the Plan as those the Plan would have received in a transaction with an unrelated party at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately described all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 9th day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–8131 Filed 2–12–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2243]

Proposed Exemption for Certain Transactions Involving the Employees' Profit Sharing Plan and Trust of Packaging Consultants, Inc., Located in Hazelwood, Missouri

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of undeveloped real property owned by the Employees' Profit Sharing Plan and Trust of Packaging Consultants, Inc. (the Plan) to Mr. Paul Lorenzini, a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Mr. Lorenzini, the participants, and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before March 30, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2243. The application for exemption

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and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The Proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act an section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution profit sharing plan which had, as of August 31, 1980, a total of 43 participants. As of December 31, 1979, the Plan had net assets of approximately $1,236,972.

2. On May 31, 1978, the Plan acquired a 23.674 acre parcel of unimproved real property (the Property) from unrelated third parties. The purchase price of the Property was $426,153 including closing costs. Presently, the Property has 10 acres planted with soy beans. The Plan shall receive one half of any net proceeds of that crop from the unrelated parties who are farming those acres. The Plan trustees expect the financial yield from this present use to be negligible. The Property has been and continues to be a low income producing Plan asset. Development of the Property for higher income would require either a substantial sum of money in excess of the financial ability of the Plan, or significant debt financing. The Plan trustees have decided that the sale of the Property for a fair price with the subsequent reinvestment of the sale proceeds into income producing assets with an established market would provide the Plan a satisfactory rate of return and liquidity.

3. The Property, which comprised 45.9% of the total Plan assets as of December 31, 1979, has had two separate appraisals. The first appraisal, dated September 10, 1980, was prepared by Thomas J. O'Toole, M.A.I. of St. Louis, Missouri. He valued the property at $620,000. The second appraisal dated October 1, 1980, was prepared by Real Estate Analysts Limited of St. Louis, Missouri. The value of the property was determined to be $568,000. Both appraisals were completed by parties independent of the Plan or any parties in interest.

4. Attempts have been made to sell the property, but there have been no offers. An exclusive listing of the Property was given to Harold W. Wipke Realty, Inc, on May 25, 1980. The Property was also advertised for sale in local newspapers on March 22 and 23, April 1 and 2, and April 9 and 10, 1980.

5. One of the three trustees, Mr. Paul Lorenzini, has offered to purchase the Property from the Plan at a price above the appaised value. The terms of the proposed sale would be cash and the price would be $690,000. The would be no sales commission paid as a result of the sale. At the time the Property was acquired, the trustees hoped to eventually sell the Property at a profit. A sale of the Property to a party in interest was not anticipated.

6. The applicant represents that if the Internal Revenue Service determines that the excess of the sales price of the Property over the fair market value is an employer contribution, the contribution will not cause the plan to violate the limitation on annual additions as set forth in section 415 of the Code.

7. In summary, the applicant represents that the proposed sale of the Property by the plan to Mr. Lorenzini satisfies the criteria of section 408(a) of the Act because: (1) the sale is a one time transaction for cash; (2) the sale will allow the Plan to dispose of an asset which is producing little income; (3) the purchase price is substantially higher than the appraised fair market value; (4) no sales commission will be charged; (5) the Plan would gain substantial liquidity at the loss of a low income producing asset which comprises approximately 45 percent of total Plan assets; (6) the trustees have determined that the transaction is appropriate for the Plan and is in the best interest of the Plan's participants and beneficiaries.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a), 404, and 415.

Notice to Interested Persons

Within fifteen days of publication of the proposed exemption in the **Federal Register**, all participants and beneficiaries of the Plan will receive by first class mail delivery a copy of the notice of pendency and a statement that interested persons have a right to request that a hearing be held.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the Plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiares of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of selection 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the $690,000 cash sale by the Plan of the Property, located on the east side of Woods Mill Road, 1,161 feet south of Clayton Road in St. Louis County, Missouri, to the co-trustee of the Plan, provided this amount is not less than the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 9th day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-5132 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D–2047]

Proposed Exemption for Certain Transactions Involving the Simkins Industries, Inc. Master Trust, Located in New Haven, Connecticut

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt a series of loans by the Simkins Industries, Inc. Master Trust (the Trust) to Simkins Industries, Inc. (the Employer), a party in interest with respect to the Trust. The proposed exemption, if granted, would affect the participants and beneficiaries of the Trust, and the Employer.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 14, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2047. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Temporary Nature of the Exemption

The proposed exemption is temporary and, if granted, will expire five years after the date of grant with respect to the making of any loan, and will expire ten years after the date of grant with respect to the Trust's continued holding of any loan obligations. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for an exemption.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Trust is comprised of four defined benefit pension plans, each of which cover different employees of the Employer. As of October, 1, 1979, the assets of each of the plans were as follows:

Name of Plan	Plan assets	Number of participants
Simkins Industries, Inc. Pension Plan (Salaried)	$2,803,229	296
United Paper Workers' Union Local #457, Simkins Industries, Inc. Pension Plan (CIO Division)	1,145,244	219
New Haven Printing Specialists & Paper Products, Local #533 AFL-CIO Simkins Industries, Inc. Pension Plan (AFL Division)	244,724	51
National Organizaton of Industrial Trade Unions, Local #1 Pension Plan (Lakeview Division)	216,574	110

2. The Employer manufactures and sells combination boxboard, converted boxboard products, and corrugated containers. An exemption is requested to allow the Trust to enter into a loan agreement with the Employer whereby the Trust would periodically lend to the Employer amounts of money up to an

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aggregate at any point in time of 20% of the total assets of the Trust. The loans would be made over a five year period, the first day of which would be the date the grant of an exemption for the proposed loans is published in the Federal Register. Each loan made under this agreement shall be for a term of not more than five years.

3. The interest rate shall be one percent above the prime rate of interest charged by Chase Manhattan Bank, N.A., to its most creditworthy commercial borrowers. This interest rate shall be adjusted monthly to reflect changes in the prime rate, but in no event shall the rate be reduced below 9% per annum. Each loan will be repaid in not more than twenty approximately equal quarterly installments of principal and interest beginning on the first day of the second calendar quarter after the date of disbursement.

4. An independent party, the Jefferson Bank (the Bank) has been appointed as the trustee to approve and oversee the proposed loans. The Bank will have complete and final authority to determine when and if a particular loan will be made to the Employer during the term of this loan agreement. If at any time the Bank feels that a loan would not be in the best interests of the Trust, the Bank has authority to refuse to grant such a loan. The Bank shall further have sole and absolute discretion as to the pursuit of any particular remedy for default by the Employer in connection with any loans made. The Employer is not a depositor or borrower of the Bank nor does the Employer have a credit arrangement with the Bank.

5. Each loan made during the five year period will be secured by marketable securities owned by the Employer having a fair market value of not less than 150% of the outstanding amount of the loans. These securities shall be placed in escrow, together with stock transfer powers signed in blank (when necessary) and shall be held by the Bank. No funds shall be disbursed by the Bank under any loan unless the value of the securities in escrow at the time of such disbursement equals at least 150% of the amount of such loan and the unpaid balance of any other outstanding loans. The Employer will present an appraisal from an indepedent appraiser, or any other documentation required by the Bank, to establish that the value of the securities being placed in escrow meets the 150% requirement. If, as of the first day of any calendar quarter, or during the term of any loan made, the Bank shall determine that the value of the securities held in escrow is inadequate, the Employer shall be required to promptly place in escrow such additional securities as are necessary to satisfy the deficiency. The Employer will also issue its corporate guaranty for the full amount of any principal, interest, and other expenses of the loans which remain unpaid pursuant to any default by the Employer, to the extent that the securities in the escrow account are insufficient to pay such unpaid amounts and expenses.

8. The Bank represents that it would be willing to lend money to the Employer, under substantially the same conditions that have been outlined above. Furthermore, the Bank would be willing to make the loans at the prime rate (as opposed to one percent above prime), and it would not require any specific collateral to be placed in escrow as security for the loans. In addition, if so requested by the Employer, the Bank would be willing to extend more favorable repayment terms (within reason) than have been provided for to the Trust. The Bank, as trustee, considers this transaction to be structured on a sound commercial and financial basis, and believes the loans should be advantageous to the Trust and are in the best interests of the Trust's participants. The loan documents shall provide for a late charge of 5% of the amount of any delinquent payment required to be made under any loan which shall be paid after the expiration of a fifteen day grace period. This late charge will be added to the amount unpaid regardless of any other remedy exercised by the Bank to collect such amount. The Employer will pay all costs for legal fees and any other expenses incurred by the Trust in connection with the loan transaction, including the fees of the Bank.

9. In summary, the applicants represent that the proposed loans satisfy the statutory criteria of section 408(a) of the Act because: (1) an independent trustee will be appointed to approve and oversee the proposed loans; (2) the terms of these proposed loans are more favorable to the Trust than those which have been offered to the Employer by an independent bank; (3) at no time will there be more than 20% of Trust assets involved in the loan transactions; (4) the loans will be secured by collateral which will at all times be maintained in an amount of at least 150% of the amount of the outstanding loan balances; and (5) the trustee represents the loans are in the best interests of the Trust's participants.

Notice to Interested Persons

Notice will be given to all present participants and all former participants and beneficiaries with a vested interest in the Trust within thirty (30) days after the publication of the notice of pendency in the **Federal Register.**

Such notice will be sent by first class mail, and will include a copy of the notice of pendency and a statement informing interested persons of their right to comment and/or request a hearing within the time period indicated in the notice of pendency.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of th Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interest of the plan, and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested person are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested temporary exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the temporary exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to a series of loans by the Trust to the Employer as described herein, provided the terms of each loan are at least as favorable to the Trust as those obtainable in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 9th day of February, 1981

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-5133 Filed 2-12-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Visual Arts Panel (Drawing/Printmaking/Artists Books); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Drawing/Printmaking/Artists Books) to the National Council on the Arts will be held on March 5–6, 1981, from 9:00 a.m.—5:30 p.m., in room 1426, of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 4, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5141 Filed 2-12-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Residencies); Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Residencies) to the National Council on the Arts will be held on March 7, 1981, from 9:00 a.m.–5:30 p.m., in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, N.W. Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 4, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5142 Filed 2-12-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DRP–51, issued to Arkansas Power & Light Company, which revised the license and the Technical Specifications for operation of the Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications dealing with the emergency feedwater system and other TMI–2 Lessons Learned Category "A" issues. This amendment also adds license conditions relating to a Systems Intergrity Program and an improved Iodine Measurement capability.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 16, 1979 (as supplemented June 8, 1979 and February 12, 1980), June 6, 1979 (as supplemented February 12, 19180), and October 31, 1980, (2) Amendment No. 50 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

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and at the Arkansas Polytechnic College, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nulcear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-5103 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440 and 50-441]

Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 and 2); Receipt of Application for Facility Operating Licenses, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from The Cleveland Electric Illuminating Company, for itself and as agent for the Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and The Toledo Edison Company (the applicants), to possess, use, and operate the Perry Nuclear Power Plant, Units 1 and 2, boiling water nuclear reactors (the facilities), located near Lake Erie in Lake County, Ohio. The reactor is designed to operate at a core power level of 3579 megawatts thermal, with an equivalent net electrical output of approximately 1205 megawatts.

The applicant also submitted, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, which discusses environmental considerations related to the proposed operation of the facilities. This report is currently under acceptance review and is tentatively scheduled for docketing in April 1981. At that time, notice will be made in the **Federal Register** and the report will be made available at the Ohio State Clearinghouse, Office of Budget and Management, 30 East Broad Street—24th Floor, Columbus, Ohio 43215.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register** a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**. The Commission will consider the issuance of facility operating licenses to The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and The Toledo Edison Company, which would authorize the applicants to possess, use and operate the Perry Nuclear Power Plant, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Construction Permit Nos. CPPR-148 and CPPR-149, issued by the Commission on May 3, 1977. Construction of Unit 1 is anticipated to be completed by May 1, 1983, and Unit 2 by May 1, 1987.

Prior to issuance of any operating licenses, the Commission will inspect the facilities to determine whether they have been contructed in acordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By March 16, 1981, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition prior to the first prehearing conference.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner may file a supplement to the petition to intervene which may then include the contentions which are sought to be litigated in the matter. The bases for each contention must be set forth with reasonable specificity. A petitioner who fails to include a valid contention in its original petition or in its supplement will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by March 16, 1981. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorneys for the applicants. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or requests, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses and the applicants' environmental report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Maryland this 6th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5104 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Order for Modification of License; Correction

On January 28, 1981, Order for Modification of License was published in the **Federal Register** on page 46 FR 9272 which reflects in Section I identifying information related to Oyster Creek Nuclear Generating Station. This information should be changed as follows:

From: License No. DPR-16, Oyster Creek, 1930 megawatts thermal.

To: License No. DPR-19, Dresden Station, Unit 2, 2527 megawatts thermal.

The Order is related to BWR Scram Discharge Systems at Dresden Nuclear Power Station, Unit 2 located in Grundy County, Illinois. Dated this 5th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-5105 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-413/414]

Duke Power Co. (Catawba Nuclear Station, Units 1 and 2); Issuance of Addendum to Director's Decision Under 10 CFR 2.206

On March 13, 1979, notice was published in the **Federal Register** (44 FR 14654) that, by petition dated January 28, 1979, Mr. Jesse L. Riley, President, Carolina Environmental Study Group (CESG), had requested that the Commission reopen safety phases of the licensing proceedings for Duke Power Company's Catawba Nuclear Station and McGuire Nuclear Station. CESG has asserted several issues as the basis for its request. On March 7, 1979 the Director of the Office of Nuclear Reactor Regulation advised CESG that its request to reopen the McGuire proceedings had been referred to the Atomic Safety and Licensing Board since the matter of issuance of operating licenses for the McGuire facility was currently pending before that Board. The Catawba case was not currently pending before any Licensing or Appeal Board. Consequently, the CESG's request with respect to Catawba was treated as a petition under 10 CFR 2.206 of the Commission's regulations to reopen the safety hearing for the Catawba Nuclear Station.

The Director of Nuclear Reactor Regulation denied the petition in the Director's Decision 81-1 issued on January 9, 1981. However, a portion of the Staff's analyses of the CESG petition was unintentionally omitted from that Decision. Consequently, the Staff has prepared an Addendum to supplement the Director's Decision.

Copies of the addendum are available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Local Public Document Room for Catawba, located at the York County Library, 325 South Oak Avenue, Rock Hill, South Carolina 29730. A copy of the addendum will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), the Addendum will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission, on its own motion, institutes a review within that time.

Dated at Bethesda, Maryland, this 6th day of February 1981.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5106 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

V 46/30 FE 13 81 1 UMI

The amendment revises the Technical Specifications to reflect changes involving limiting conditions for containment pressure and temperature and the limiting temperature for river water and RWST water during normal operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 17, 1977, (2) Amendment No. 37 to License No. DPR–66, (3) the Commission's related Safety Evaluation and (4) Amendment No. 26 dated August 27, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–5107 Filed 2–12–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–516 and 50–517]

Long Island Lighting Co., and New York State Electric & Gas Corp. (Jamesport Nuclear Power Station, Units 1 and 2); Order Revoking Construction Permit

I

Long Island Lighting Company, et al., is the holder of Construction Permits Nos. CPPR–175 and CPPR–176 which authorize construction of the Jamesport Nuclear Power Station, Units 1 and 2, in Suffolk County, New York. The permits, as issued, were due to expire on July 31, 1990 and July 31, 1992, respectively.

II

An Atomic Safety and Licensing Board authorized the Director of Nuclear Reactor Regulation to issue construction permits for the twin-unit Jamesport nuclear facility and he did so on January 4, 1979. New York law, however, requires public utilities to obtain certificates from the State's Board on Electric Generation Siting and the Environment before commencing construction. While appeals from the Licensing Board's decisions were pending, the State Siting Board announced orally in January 1980 that it would approve only a single coal-fired plant at the Jamesport site and confirmed that ruling in writing on September 8, 1980.

Although the State Board "has yet to act definitively" on petitions to reconsider, the applicants informed the Atomic Safety and Licensing Appeal Board (Appeal Board) on December 19, 1980 that "there is no credible possibility * * * that it will decide to authorize nuclear units at Jamesport," and that the Long Island Lighting Company's "Board of Directors voted on November 26, 1980, to end the Jamesport nuclear project." Representing that Jamesport will not be built irrespective of the outcome of this appeal, the applicants moved the Appeal Board to terminate this proceeding as most, as done in analogous circumstances in *Rochester Gas and Electric Corporation* (Sterling Project, Unit 1), ALAB–596–11 NRC 867, 869 (1980). The Appeal Board has granted the applicant's motion and the Director of Nuclear Reactor Regulation was instructed to issue an order revoking the construction permits in ALAB–628 which is dated January 15, 1981.

III

For the reasons set forth in Section II above, and pursuant to the directive of the Appeal Board to the Director of Nuclear Reactor Regulation in ALAB–628, Construction Permits Nos. CPPR–175 and 176 held by Long Island Lighting Company, et al., are hereby revoked.

Dated: February 6, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81–5108 Filed 2–12–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–289 (Restart)]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1)

Members of the public are invited to present oral and written limited appearance statements on issues involved in the Three Mile Island Unit 1 restart proceeding beginning at 7:00 p.m. On March 5, 1981 at: William Penn Museum, 3rd and North Streets, Harrisburg, Pennsylvania.

If weather conditions make the March 5 session impossible, and alternative date is scheduled for March 11, 1981 at the same time and place.

Announcements concerning possible cancellation and rescheduling due to weather will be made to the news media.

For the Atomic Safety and Licensing Board.

Ivan W. Smith,

Chairman.

Bethesda, Maryland, February 9, 1981.

[FR Doc. 81–5109 Filed 2–12–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR–46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to establish MAPLHGR limits for the 7×7 (types 2 and 3) and 8×8 (types 8D250 and 8D274) fuel assemblies for exposure values beyond those currently given in the Technical Specification.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant evnironmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 1, 1980, as supplemented October 30, 1980, (2) Amendment No. 67 to License No. DPR–46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 118–15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nulcear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of January 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–5110 Filed 2–12–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–272]

Public Service Electric and Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR–70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment authorizes modification of the spent fuel pool of Unit No. 1 to provide additional capacity of fuel assemblies and revises the Radiological Technical Specifications to reflect this modification.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Commission has prepared an Environmental Impact Appraisal dated January 15, 1979, and has concluded that an environmental impact statement for this particular action is not warranted because the actions authorized by this license amendment will not significantly affect the quality of the human environment.

Notice of Proposed Issuance of the Amendment 33 was published in the **Federal Register** on February 8, 1978 (43 FR 5443). A hearing was requested by several individuals. The States of New Jersey and Delaware also requested to participate as interested states. The hearing was held May 2–4, 1979, July 10–11, 1979, and April 28–30, 1980. Subsequently an Initial Decision was issued on October 27, 1980 that authorized the Director of Nuclear Reactor Regulation to make appropriate findings and to issue the appropriate license amendment authorizing the requested replacement of spent fuel storage racks at Salem Station Unit No. 1.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1977, as revised on February 14, 1978, and supplemented by letters dated December 13, 1977, May 17, July 31, August 22, October 13 and 31, November 20 and December 22, 1978, January 4 and December 10 1979, and December 31, 1980, (2) Amendment No. 33 to License No. DPR–70, (3) the Commission's related Safety Evaluation, and (4) Supplement No. 1 to the Commission's Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–5111 Filed 2–12–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–272]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR–70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment modifies the Radiological Technical Specification for surveillance and testing of low head safety injection systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1980, (2) Amendment No. 32 to License No. DPR–70, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of January, 1981

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For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5112 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.; Availability of Safety Evaluation Report; San Onofre Nuclear Generating Station, Units 2 and 3

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report relating to the proposed operation of the San Onofre Nuclear Generating Station, Units 2 and 3, to be located in San Diego County, California.

On December 31, 1980, a Safety Evaluation Report on geological and seismological matters for San Onofre 2 and 3 was issued. Notice of its availability was published in the **Federal Register** on January 15, 1981 (46 FR 3690). This Report is reprinted in Section 2.5 of the Report issued today.

Notice of receipt of the application by the Southern California Edison Company, the San Diego Gas and Electric Company, the City of Anaheim, California, and the City of Riverside, California to operate the San Onofre Nuclear Generating Station, Units 2 and 3 was published in the **Federal Register** on April 7, 1977 (42 FR 18460).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Veijo, California, for inspection and copying. The report (Document No. NUREG–0712) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 6th day of February, 1981.

For the Nuclear Regulatory Commission.

Frank Miraglia

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-5113 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Provisional Operating License No. DPR–13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Appendix A Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the Facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment incorporates provisions in the Appendix A Technical Specifications which are required to permit tying the SONGS, Unit 1 offsite power sources into a newly constructed electric switchyard.

The application for amendment compiles with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 4, 1980, (Proposed Change No. 91), (2) Amendment No. 52 to License No. DPR–13, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92676. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-5114 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment Facility Operating License No. DPR–77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR–77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment covers changes to the license conditions on hydrogen control measures, plant procedures, and associated Technical Specifications. The amendment imposes surveillance and operability requirements on the Interim Distributed Ignition System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letters, dated February 5, 1981 and December 11, 1980, (2) Amendment No. 2 to Facility Operating License No. DPR–77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 2 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 9th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-5115 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Virgil C. Summer Nuclear Station; Change of Meeting Time

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on February 26–27, 1981. The starting time for Thursday, February 26, 1981 has been changed to 2:00 p.m. until the conclusion of business instead of 8:30 a.m.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Wednesday, February 11, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5116 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

Order Modifying Licenses of All Teletherapy Licensees; Hearing

On May 7, 1980, the Director of the Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 30, and 35, by Order, effective immediately, imposed on all teletherapy licensees license amendments requiring the installation of a teletherapy room radiation monitor and the use of specific substitute measures whenever the monitor is not operational.

By letter dated May 15, 1980, Lincoln B. Hubbard, Ph.D., Chairman of the Legislative Committee of the Midwest Chapter of the American Association of Physicists in Medicine, who is not a teletherapy licensee, requested a hearing on the Order.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that an Atomic Safety and Licensing Board composed of Administrative Judges Andrew C. Goodhope, Chairman, Frederick P. Cowan, and Kenneth A. McCollum has been designated to determine whether a hearing is required and to preside over the proceeding in the event that a hearing is ordered. If the Atomic Safety and Licensing Board determines that a hearing is required, a hearing will be held at a time and place set by the Board.

If a hearing is held, the issues before the Board to be considered and decided, as set forth in the May 7, 1980 Order, shall be:

(a) Whether the circumstances described in Section I of the May 7, 1980 Order provide an adequate basis for the actions ordered; and

(b) Whether the license should be modified to require the installation of a radiation monitoring device in each teletherapy room or use of a substitute measure as set forth in Part II of the May 7, 1980 Order.

If a hearing is held, a prehearing conference will be held by the Atomic Safety and Licensing Board to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the **Federal Register.**

Required papers shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. A copy of papers filed shall also be sent to the Director and Chief Counsel, Rulemaking and Enforcement Division, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the **Federal Register.**

Dated at Washington, D.C., this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-5148 Filed 2-12-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Senior Executive Service Positions Designated Career Reserved

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Pursuant to section 3132(b)(4) of the Civil Service Reform Act of 1978, the Office of Personnel Mangement gives notice of the Senior Executive Service positions that were designated career reserved positions during calendar year 1980.

Director, Office of Internal Evaluation.
Chief Actuary.
Deputy Assistant Director for Grants Administration.
Deputy Assistant Director for Agency Compliance and Evaluation.
Chief, Standards Development Center.
Chief, Personnel Research and Development Center.
Deputy Associate Director for Personnel Investigations.
Assistant Deputy Associate Director for Personnel Investigations.
Chief, Medical Operations.
Assistant Director for Retirement Programs.
Assistant Director for Insurance Operations.

EFFECTIVE DATE: March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph E. Nordsieck, Career Management Branch Office of Personnel, Office of Personnel Mangement, 1900 "E" Street, NW, Washington, DC, 20415 (202–632–7484).

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-5081 Filed 2-12-81; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-2]

Attached Mail Proceeding, 1981; Order Instituting Proceeding; Designating Postal Service as a Party; and Requested Proposals

Issued February 5, 1981.Q04

The Postal Rate Commission, pursuant to 39 U.S.C. 3623(b), hereby institutes a mail classification proceeding. The evidentiary record to be established in this proceeding will provide the basis for a recommended decision on separate classifications for mail of one class attached to a piece of mail of another class (hereinafter referred to as "attached mail").

I. Background

At present attached mail is separately rated from its host piece at the rate

which would be applicable to the attached mail if it had been mailed separately. For example, if a one ounce first-class letter is attached to or placed inside a fourth-class parcel, postage for the parcel is determined and postage for the letter (15¢) is then added. Thus, the Postal Service would receive revenue for two pieces of mail for handling one nonpriority piece. This practice has been allowed in order to protect postal revenues. The Commission has specifically adopted that rationale in its decision in Docket No. MC76–2 Denying Meredity Corporation Proposal That Invoices and Billing Statements Enclosed with Second-Class Publications Qualify for Second-Class Rates[1] (hereinafter "Meredith Decision").

In that proceeding, however, Magazine Publishers' Association (MPA) proposed, in its reply brief, that first-class mail (bills) attached to second-class be rated at the per-piece institutional cost contribution. In this manner, Postal Service revenues would be protected since attributable costs of the first-class mail would be saved (there is no single first-class piece) and the Service would receive the institutional cost contribution.[2] The Commission did not consider the MPA proposal because there was not only no evidentiary record on it, but also no comments from the parties since MPA proposed it in its reply brief.[3]

II. Issues To Be Addressed

We think that the essence of the MPA proposal, that attached mail pay only a portion of the full rate, deserves further study by this Commission. If postal revenues can be protected and administrative problems do not impose obstacles, separate attached mail classifications may improve joint mailer-Postal Service productivity[4] which may, in turn mitigate cost increases. The possibility of such help for the financial well being of the Postal Service leads us to institute this proceeding.

Since the belated MPA proposal in Docket No. MC76–2, the Commission has expanded its costing methodology to include reasonably assigned costs. Thus, the MPA proposal should be expanded. In simple terms there are five categories and subcategories of costs: attributable costs (subgroups: short-run attributable and long-run attributable); specific fixed costs; reasonably assigned costs; and residual or institutional costs. All categories except attributable costs do not vary with mail volume. Attributable costs do vary with mail volume with short-run varying with mail volume within a test year and long-run varying with mail volume beyond a year's time. It seems reasonable, in the first instance, that attached mail reduces postal costs by the average per piece short-run attributable costs. A classification change which encouraged mailers to save those costs for the Postal Service seems intuitively reasonable. This Docket is instituted to examine that issue.

The MPA proposal in Docket No. MC76–2 dealt only with attaching first-class bills onto second-class matter. If cost savings result from attached mail, attached mail of all classes should be examined. There is one major concern due to this expansion of the MPA proposal which is apparent to us at this time. If any class of mail may be attached to any other class of mail, mailers may attach nonpreferential mail to preferential mail and thereby receive a higher standard of service for the attached piece than that piece would normally receive. Therefore, it appears reasonable to limit any attached mail classification so that a piece of mail may not be attached to a piece which has a higher service standard. For example, first-class mail may be attached to any class (except express mail) while third-class mail may not be attached to first-class.

For convenience of parties and to initiate thought and proposals, we have attached suggested sample Domestic Mail Classification Schedule (DMCS) language.

Further, in preparing presentations for this Docket, the Commission urges the parties to consider all ramifications of the suggested proposed classification change and to include the following questions in any propos! or comments:

1. If separate attached mail classifications are recommended, which classes may be attached to which? The Commission is aware of the problem of having third-class matter attached to first-class matter and therefore, receiving a higher service standard. Should such a situation be avoided?

2. When two classes of mail are attached, which class of service should the combined piece receive? This question is very similar to question 1.

3. How should the Commission treat short-run attributable costs, long-run attributable costs, reasonably assigned costs and institutional costs when reviewing this problem? MPA in Docket No. MC76–2 proposed that attached mail pay only the per piece institutional cost contribution. Since then, certain costs have been reasonably assigned.

4. Would such a classification present administrative hurdles to the Postal Services?

5. What do the parties estimate the volume of attached mail will be?

6. What effect would attached mail proposals have on postal revenue, gross and net?

III. Procedural Steps

Persons desiring to participate in this proceeding should file a petition to intervene or a request to be heard as a limited participator on or before March 16, 1981.

Since the omnibus rate case decision will be issued shortly, and all costs are estimated in that docket, it is reasonable to use the hybrid test year of Docket No. R80–1 as the test year in this docket. Therefore, parties shall file their cases-in-chief based upon the test year of Docket No. R80-1.

In order to facilitate scheduling in this docket, the participants are requested to submit proposed DMCS language only, (not testimony) which they would propose for classification changes they will support, on or before April 6, 1981. The attached sample DMCS language should be used as a guide. Participants, of course, may propose the attached language. However, we urge parties to propose their own language in order to allow a complete hearing on this subject. Once all the proposed language is submitted, the Commission can more adequately gauge the time requirements for this proceeding and will issue a procedural schedule, including the filing of cases-in-chief, by subsequent order.

The Commission Orders

(A) The United States Postal Service is joined as a party to this docketed proceeding, initiated pursuant to 39 U.S.C. 3623(b).

(B) Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268, on or before March 16, 1981, and must be in accordance with § 20 of the Commission's Rules of Practice (39 CFR 3001.20). We direct specific attention to § 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and, further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, these persons may seek limited participation, if they do not wish to become parties and may do so, on or before March 16, 1981, by filing a written request for leave to be heard as a "limited participator," pursuant to § 19a of the Commission's Rules of Practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 19b of the Commission's Rules (39 CFR 3001.19b).

(C) Cases-in-chief shall be based upon the hybrid test year of Docket No. R80–1.

(D) Participants shall file on or before April 6, 1981, proposed DMCS language of the classification changes which they will support.

By the Commission.

David F. Harris,

Secretary.

Sample DMCS Language

200.042 First- or third-class mail may be attached to or enclosed with regular second-class mail, and first-class mail to expedited second-class mail, if additional postage is paid for the attachment or enclosure at the attached mail rate for the class of the attachment or enclosure. See Rate Schedules 100 and 300. When first- or third-class mail is enclosed with or attached to second-class mail, an appropriate marking must identify the presence and class of the enclosure or attachment.

* * * * *

300.045 First-class mail may be attached to or enclosed in third-class mail if additional postage is paid for the attachment or enclosure at the attached mail rate for first-class mail. See Rate Schedule 100. When first-class mail is enclosed with or attached to third-class mail, an appropriate marking must identify the presence of a first-class enclosure or attachment.

* * * * *

400.044 First- or third-class mail, other than specified in section 400.043, or second-class mail may be attached to or enclosed in fourth-class mail if additional postage is paid for the attachement or enclosure at the attached mail rate for that class. See Rate Schedules 100, 200, and 300. When first-, second- or third-class mail, described in this subsection, is attached to or enclosed with fourth-class mail, an appropriate marking must identify the presence and class of the enclosure or attachment.

[FR Doc. 81–5239 Filed 2–12–81; 8:45 am]

BILLING CODE 7715–01–M

[1] Meredith Decision, June 16, 1978, at 14.

[2] *Id.* at 10.

[3] *Id* at 21–22.

[4] In these inflationary times improvement of productivity is an important goal for the Postal Service and its customers.

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Proposed Deletion of Three Systems of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice of a proposed deletion of three systems of records.

SUMMARY: The Railroad Retirement Board proposes to delete three systems of records. The systems are identified as RRB–30, Current Year Wage Study File, RRB–31, Twenty Percent Unemployment and Sickness Annual Summary File, and RRB–32, Twenty Percent Unemployment and Sickness Monthly Summary File. Upon review, the Railroad Retirement Board has determined that these three systems of records should not be classified as systems of records under the Privacy Act because they are computer files containing entirely data extracted from files included in other systems of records. System RRB–30 is a file extracted from system RRB–5, Master File of Railroad Employees' Creditable Compensation; systems RRB–31 and 32 are files extracted from system RRB–21, Railroad Unemployment and Sickness Insurance Benefit System.

DATES: Systems RRB–30, RRB–31, and RRB–32 will be deleted, as proposed, without further notice on March 16, 1981, unless comments are received before this date which would result in a contrary determination.

ADDRESS: Send comments to R. F. Butler, Secretary of the Board, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth P. Boehne, Director of Management Control, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312–751–4690.

SUPPLEMENTARY INFORMATION: Systems of Records RRB–30, RRB–31 and RRB–32 were last published in the **Federal Register** at 42 FR 47485–86 (September 20, 1977). The proposed deletions are not within the purview of the provisions of 5 U.S.C. 552a(o) which requires the submission of a new or altered system report.

Dated: February 3, 1981.

By Authority of the Board.

R. F. Butler,

Secretary.

The following systems are deleted in their entirety:

RRB–30, Current Year Wage Study File.
RRB–31, Twenty Percent Unemployment and Sickness Annual Summary File.
RRB–32, Twenty Percent Unemployment and Sickness Monthly Summary File.

[FR Doc. 81–5172 Filed 2–12–81; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17516; File No. 4–208]

Intermarket Trading System

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Order.

SUMMARY: The Commission proposes to issue an order which would require the current participants in the Intermarket Trading System ("ITS") and the National Association of Securities Dealers, Inc. ("NASD") to implement, by September 30, 1981, an automated interface between the ITS and the NASD's NASDAQ System, as enhanced to include, among other things, an order routing and automatic execution capability.

DATES: Comments should be submitted on or before March 16, 1981.

ADDRESSES: Persons wishing to submit written views, data and arguments should file ten copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. 4–208 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Bruce Beatt, Division of Market Regulation, Securities and Exchange Commission, Room 390, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–2888.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission" or "SEC") announced today that it is publishing for comment a proposed order under the Securities Exchange Act of 1934 ("Act")[1] which would require the current participants in the Intermarket Trading System ("ITS")[2] and the National Association of Securities Dealers, Inc. ("NASD") to implement, by September 30, 1981,[3] an automated interface between the ITS and the NASD's NASDAQ system, as enhanced to include, among other things, an order routing and automatic execution capability. That interface, when completed, will permit market professionals trading in listed securities

[1] 15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975).

[2] The ITS is an inter-market order routing system operated jointly by certain national securities exchanges and authorized by the Commission, on a provisional basis, as a national market system facility pursuant to Section 11A(a)(3)(B) of the Act.

[3] *See* notes 37 and 61, *infra.*

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on participating exchanges or over-the-counter ("OTC") to efficiently route orders between those two types of markets and will therefore significantly further the goals of a national market system.

I. Background

A. Intermarket Linkages

Section 11A(a)(2) of the Act, added by the Securities Acts Amendments of 1975 ("1975 Amendments"),[4] directs the Commission, having due regard for the public interest, the protection of investors and the maintenance of fair and orderly markets, to use its authority under the Act to facilitate the establishment of a national market system for securities in accordance with the Congressional findings and objectives set forth in Section 11A(a)(1) of the Act. Among those findings and objectives is the "linking of all markets for qualified securities through communication and data processing facilities."[5]

On January 26, 1978, the Commission issued a statement on the national market system setting forth the Commission's views as to "those steps which it believes must be taken over the next year to facilitate development of the kind of national market system envisioned by the Congress and mandated by the 1975 Amendments."[6] Among the steps called for by the Commission was

> the prompt development of comprehensive market linkage and order routing systems to permit the efficient transmission of orders * * * among the various markets for qualified securities, whether on an exchange or over-the-counter * * *.[7]

In particular, the Commission stated that, in its view, one type of facility which was needed as a mechanism to link qualified markets was "an intermarket order routing system * * * [which] would permit orders for the purchase and sale of multiply-traded securities to be sent directly from any qualified market to another such market promptly and efficiently."[8] The Commission requested the various self-regulatory organizations ("SROs") to commit to implementation of this facility.

In addition, the Commission, in commenting on the relationship of the ITS (which was still in the planning stage at that time) to the requested market linkage facility, stated that

> [t]he need to develop and implement a new intermarket order routing system to link all qualified markets could be obviated if participation in the ITS market linkage currently under development were made available on a reasonable basis to all qualified markets and if all qualified markets joined that linkage.[9]

In this connection, the Commission specifically indicated that "qualified markets" would include not only exchanges but OTC market makers as well.[10]

In March 1978, various exchanges[11] filed jointly with the Commission a "Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage ("ITS Plan")."[12] The ITS Plan contemplated the implementation of the ITS, an intermarket trading system linking the participants (and such other markets as might in the future participate in the ITS) and providing facilities and procedures for (i) routing of commitments to trade and administrative messages between and among the participants, and (ii) participation, under certain conditions, by members of all participant markets in opening transactions in those markets.[13] With respect to participation in the ITS by SROs which were not original participants in the system, the ITS Plan provides expressly that "any other national securities exchange or national securities association may subscribe to the Plan and become a Participant . . . ."[14] In connection with the implementation of the ITS Plan, the participants requested that the Commission issue an order, pursuant to Section 11A(a)(3)(B) of the Act,[15] evidencing the Commission's approval of the ITS Plan.

On April 14, 1978, the Commission, noting that the ITS may provide the basis for an appropriate market linkage facility in a national market system, issued a provisional order, pursuant to Section 11A(a)(3)(B), authorizing the filing exchanges (and any other SRO which agreed to become a participant in the ITS Plan) to act jointly in planning, developing, operating and regulating the ITS in accordance with the terms of the ITS Plan for a period of 120 days.[16] In addition, in authorizing the implementation of the ITS, the Commission urged those SROs not yet ITS participants to participate in the ITS.[17]

In June 1979, the Commission, in addressing the need for intermarket linkages to achieve price protection for securities traded both on exchanges and in the OTC market, indicated its belief that it

> would be technologically possible to link all OTC market centers with each other and directly with the exchanges by means of an interface between ITS and an enhanced NASDAQ system.[18]

Shortly thereafter, during the Commission's hearings regarding proposed Rule 19c-3, under the Act,[19] the NASD announced plans to enhance its NASDAQ System to include, among other things, a computer assisted execution system which would enable participating firms to route their orders through the enhanced NASDAQ System to obtain automatic executions against quotations of market makers participating in the enhanced NASDAQ. The NASD also contemplated an automated interface between the ITS and its enhanced NASDAQ System ("Automated Interface") to permit automated execution of commitments sent from participating exchanges and to permit market makers participating in the enhanced NASDAQ to efficiently route commitments to exchange markets for execution there. The NASD indicated that the enhanced NASDAQ would encompass trading of listed securities and that, in its discussions with the ITS participants, it intended to pursue an Automated Interface.[20]

On September 21, 1979, the Commission issued a further provisional order extending its authorization for the joint operation of the ITS until January 31, 1983.[21] However, the Commission indicated several concerns with respect to the ITS which would require attention by the ITS participants during the extension period. In particular, the Commission indicated its belief

> that the ITS Participants should promptly take whatever steps are necessary to . . . conclude discussions with the NASD with respect to implementing a linkage between the ITS and over-the-counter market makers regulated by the NASD. . . .[22]

Moreover, the Commission indicated that, in order for the ITS to serve as a means to achieve the Commission's goal of price protection on an intermarket basis,

> it will be necessary to . . . establish computerized interfaces between the ITS and over-the-counter market makers regulated by the NASD . . . .[23]

The Commission further indicated its expectation that the NASD would become an ITS participant before October 1980, and stated that

> if the contemplated ITS—NASD interface is not concluded promptly . . . the Commission is prepared to review whether the temporary approval granted in this order should be continued or to take appropriate steps to require the inclusion of those market centers pursuant to the Commission's authority under Section . . . 11A(a)(3)(B) . . . of the Act.[24]

B. Rule 19c-3

On June 11, 1980, the Commission adopted Rule 19c-3 under the Act, which eliminated off-board trading restrictions with respect to most newly-listed securities and thereby permitted member firms of the NYSE and Amex to make markets OTC in a small number of NYSE and Amex-listed securities.[25] In adopting that rule, the Commission recognized the significance of various market concerns expressed by commentators, most particularly the increased opportunity for internalization by exchange member firms.[26] The Commission noted that certain commentators had expressed concerns that internalization could have three principal adverse effects. First, these commentators suggested that internalization could have anticompetitive effects with respect to both exchange specialists and smaller broker-dealers since customer orders would not be exposed to other markets. Second, increased internalization might result in increased "fragmentation"[27] in the markets for Rule 19c-3 Securities, thereby possibly resulting in decreased pricing efficiency. Third, internalization might provide increased opportunities for "overreaching"[28] of customers by exchange member firms.[29]

However, while the Commission recognized these potential concerns, the Commission determined that they were outweighed by the benefits obtained from adoption of the rule, including the opportunity to evaluate any adverse effects of trading in a limited environment free of offboard trading restrictions.[30] In connection, the Commission noted the importance of the NASD's completion of the NASDAQ enhancements in order to provide "a more efficient mechanism for over-the-counter market making in listed securities."[31] In addition, responding to concerns of commentators on Rule 19c-3 that the creation of such an environment without intermarket linkages would result in various adverse consequences, the Commission indicated that it was important to

> achieve efficient linkages between traditional exchange trading floors and markets conducted . . . over-the-counter . . . Such linkages, in the Commission's view, are essential to achieving the maximum degree of order interaction between the various types of markets. The Commission therefore expects that the NASD and the ITS participants will promptly conclude their negotiations and begin work on consummating an automated linkage between the ITS and NASDAQ system . . . The Commission requests the interested parties to these proposed linkages to provide the Commission with formal status reports (including timetables for implementation) on the ITS–NASDAQ . . . linkage not later than September 1, 1980.[32]

In September 1980, each of the ITS participants responded to this request. The Amex, BSE, NYSE, Phlx, and PSE

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[4] Pub. L. No. 94-29 (June 4, 1975).

[5] Section 11A(a)(1)(D) of the Act, 15 U.S.C. § 78k-1(a)(1)(D).

[6] Securities Exchange Act Release No. 14416 (January 26, 1978) ("1978 Statement"), at 26, 43 FR 4354, 4358. Previously, on June 23, 1977, the Commission had indicated that a national market system would include those "regulatory and technological steps [necessary] to achieve a nationwide interactive market system." *See* Securities Exchange Act Release No. 13662 (June 23, 1977), at 20, 42 FR 33510, 33512.

[7] 1978 Statement, *supra* note 6, at 28, 43 FR 4358.

[8] *Id.* at 29, 43 FR 4359.

[9] *Id.* at 30, 43 FR 4358.

[10] *Id.*

[11] The American ("Amex"), Boston ("BSE"), New York ("NYSE"), Pacific ("PSE"), and Philadelphia ("Phlx") Stock Exchanges.

[12] The ITS Plan is contained in File No. 4-208.

[13] The ITS Plan also contemplated the display of composite quotation information on the floors of each of the participating exchanges (at the designated trading post) to that members of each participating exchange would be able to determine readily the best bid and offer for a particular multiply-traded security available from any participating exchange. *Id.* at 6-7.

[14] *Id.* at 3.

[15] 15 U.S.C. § 78k-1(a)(3)(B).

[16] Securities Exchange Act Release No. 14661 (April 14, 1978), 43 FR 17419.

[17] *Id.* at 7 n. 15, 43 FR 17421. On August 11, 1978, the Commission extended its authority for an additional period of one year. Securities Exchange Act Release No. 15058 (August 11, 1978), 43 FR 36732. In the interim the ITS Plan had been amended to include the Midwest Stock Exchange ("MSE") as a participant.

[18] Securities Exchange Act Release No. 15926 (June 15, 1979), at 62, 44 FR 36912, 36922.

[19] Securities Exchange Act Release No. 15769 (April 26, 1979), 44 FR 26668. As proposed, Rule 19c-3 would have precluded exchange off-board trading restrictions from applying to most securities listed after April 26, 1979. The rule would thus have permitted exchange member firms to engage in market making in a small number of listed securities.

[20] *See In re Off-Board Trading Restrictions*, File No. 4-220, at 9-10, 23-24.

[21] Securities Exchange Act Release No. 16214 (September 21, 1979), 44 FR 56069.

[22] *Id.* at 12, 44 FR 56072. The Commission also has called for a linkage between the ITS and the Cincinnati Stock Exchange's ("CSE") National Securities Trading System ("NSTS"). The Commission understands that the Boards of each of the ITS participants have approved "in principle" the NSTS' participation in ITS. The Commission understands that, as presently contemplated, NSTS will be linked with the ITS through a manual interface. An ITS terminal will be located on the CSE's trading floor in Cincinnati, Ohio, and will be staffed by CSE personnel. All commitments sent from, or to, NSTS, will be initially routed to CSE's trading floor to be rerouted to the designated market center. The Commission believes that the inclusion of NSTS in ITS and the development of the manual interface is a desirable step toward the full integration of all market centers. The Commission is concerned, however, that a manual interface will prove too slow and cumbersome to provide an efficient mechanism for routing orders among market centers. Accordingly, the Commission expects that, if the CSE is willing to implement the necessary technical changes in order to effect an automated interface between the NSTS and the ITS, the ITS participants will take whatever steps are necessary to implement such an interface.

[23] *Id. at 14, 44 FR 56072.*

[24] *Id.*, at 14-15, 44 FR 56072. The Commission substantially reiterated these views in a letter to Congress shortly thereafter. *See* letter from Harold M. Williams, Chairman, SEC, to the Honorable Bob Eckhardt, Chairman, Subcommittee on Oversight and Investigations and the Honorable James Scheuer, Chairman, Subcommittee on Oversight and Investigations and the Subcommittee on Consumer Protection and Finance, House Committee on Interstate and Foreign Commerce, dated November 9, 1979, included in *Progress Toward the Development of a National Market System*, Joint Hearings before the Subcommittee on Consumer Protection and Finance of the Committee on Interstate and Foreign Commerce, House of Representatives, 90th Cong., 1st Sess., Serial 96-89.

[25] Securities Exchange Act Release No. 16888 (June 11, 1980), 45 FR 451125 ("Rule 19c-3 Adoption Release"). The rule, as adopted, precludes exchange off-board trading restrictions from applying to most securities listed after April 26, 1979 ("Rule 19c-3 Securities").

[26] The Commission has defined the term "internalization" as referring to "the withholding of retail orders from other market centers for the purpose of executing them 'in-house,' as principal, without exposing those orders to buying and selling interest in those other market centers." Rule 19c-3 Adoption Release, *supra* note 25, at 18 n. 31, 45 FR 41128 n. 31.

[27] The Commission has stated that the term "fragmentation" refers to "the dispersion of order flow among market centers." *See* Rule 19c-3 Adoption Release, *supra* note 25 at 19, n. 32, 45 FR 41128.

[28] The Commission has stated that the term "overreaching" refers to "the possibility that broker-dealer firms may take advantage of their customers by executing retail transactions as principal at prices less favorable to those customers than could have been obtained had those firms acted as agent." *See* Rule 19c-3 Adoption Release, *supra* note 25, at 19 n. 33, 45 FR 41128.

[29] Since enactment of the 1975 Amendments directing the Commission to consider removal of off-board trading restrictions, the Commission has participated in a nearly continuous public discussion of issues associated with internalization. In addition to the Rule 19c-3 releases, cited *supra* notes 19 and 25, the Commission has extensively articulated internalization concerns in two prior releases addressing off-board trading restrictions. *See* Securities Exchange Act Release Nos. 11942 (December 10, 1975) and 13662 (June 23, 1977) 41 FR 4507, 42 FR 33510, relating to the adoption of Rule 19c-1 and the proposal of Rule 19c-2 ("Rule 19c-2 Release"), respectively. The Commission also notes that the record (including extensive public hearings) of these Section 19(c) proceedings, as well as much of the work of the National Market Advisory Board (1977-78), has been directed to analyzing these important structural issues. Finally, the Commission notes that, in withdrawing proposed Rule 19c-2 in 1980, it left outstanding the four internalization rule proposals published in 1977. *See* Rule 19c-2 Release at 111-131, 42 FR 33525-7. *See also* Securities Exchange Act Release No. 14074 (April 18, 1978), at 5, 43 FR 17895.

[30] The Commission also announced the development of a monitoring program to study the issues raised by commentators, determined to publish monitoring reports on a periodic basis and committed to a reexamination of those issues as appropriate in light of development in the markets. *See* Rule 19c-3 Adoption Release, *supra* note 25, at 49-53, 45 FR 41133-4.

[31] *Id.* at 14-15, 45 FR 41127.

[32] *Id.* at 15-16, 45 FR 41127.

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submitted identical letters which indicated that those exchanges were not at that time willing to commit to development of an Automated Interface.[33] The MSE, in a separate letter, raised various regulatory concerns with respect to the Automated Interface.[34] In contrast, the NASD responded to the Commission's request by reaffirming its commitment to the Automated Interface.[35] Moreover, the NASD provided the Commission and the ITS participants with a functional description of the Automated Interface.[36] In its response, the NASD also provided a status report with respect to the enhanced NASDAQ system and indicated that it intended to commence a pilot program testing the automated execution capability of the system in which, in each stock selected for the pilot, up to six brokerage firms would enter orders for execution in the enhanced NASDAQ and up to fifteen firms would act as market makers and would disseminate firm quotations. Subsequently, the NASD has begun testing the automated execution capability of the enhanced NASDAQ System.[37]

[33] *See, e.g.*, letter from John J. Phelan, Jr., President and Chief Operating Officer, NYSE, to George A. Fitzsimmons, Secretary, SEC, dated September 10, 1980.

In addition, the Amex submitted a separate letter in which it expressed its opposition to efforts to link upstairs markets to exchange markets in the context of its continuing opposition to Rule 19c–3. *See* letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated September 22, 1980, contained in File No. 4–208. *See also* letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated December 12, 1980, contained in File No. 4–208.

[34] *See* letter from John G. Weithers, President, MSE, to George A. Fitzsimmons, Secretary, SEC, dated September 15, 1980 ("September MSE Letter"), contained in File No. 4–208. *See also* letter from John G. Weithers, President, MSE, to John J. Phelan, Jr., President, NYSE, dated July 31, 1980 ("July MSE Letter"), contained in Filed No. 4–208.

[35] *See* letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, dated September 12, 1980 ("NASD Letter"), contained in File No. 4–208. The NASD indicated that there are no significant technical concerns in connection with building the Automated Interface and estimated that the Automated Interface could be implementedwithin six months of an agreement among the parties to proceed.

[36] *See* Description of NASD Market Services, Inc., Computer Assisted Execution System, contained in File No. 4–208. In its functional description the NASD also committed to developing a capability to provide the ITS participants with the best bid and offer among all market makers participating in the enhanced NASDAQ.

[37] The Commission understands that the NASD anticipates that it will commence the operation of the pilot program in March 1981 as part of its ongoing systems upgrade. Based on that understanding and the NASD's estimate that the Automated Interface could be implemented within six months of an agreement among the parties to proceed (*see* note 35, *supra*), the Commission is proposing to require implementation of the Automated Interface by September 30, 1981. As indicated below, however, (*see* note 61, *infra*), the Commission has requested comment generally on the feasibility of achieving implementation of the Automated Linkage by that date and, in that connection, has specifically requested a status report from the NASD regard its progress with respect to the enhanced NASDAQ System.

On January 7, 1981, the NYSE Board of Directors met to consider the Automated Interface and approved participation in a two-step "test" linkage between the ITS and the enhanced NASDAQ system. Under the NYSE approach to the Automated Interface, the "test" would consist of two elements—the actual electronic linkage and a "preliminary" rule ("Preliminary Rule") with respect to internalization by upstairs market makers. With respect to the actual linkage, the NYSE Board authorized the NYSE staff to cooperate with the NASD in commencing immediately to build the Automated Interface. With respect to internalization, the NYSE plan contemplated that a trading rule addressing internalization concerns would be developed by the exchanges, the NASD and the industry with the Securities Industry Association ("SIA") performing a coordination function. In addition, the NYSE Board determined that, although it expects that the Preliminary Rule will be promulgated well before construction of the Automated Interface is completed, activation of the Interface would not occur in the absence of agreement upon (and Commission approval of) such a Rule.[38]

With respect to the actual operation of the Automated Interface, the NYSE plan contemplates an initial "pilot" phase in which trading through the Automated Interface would be limited to the 30 most active Rule 19c–3 Securities. During the pilot phase, the NYSE anticipates that the ITS participants and the Commission would evaluate trading under the Preliminary Rule and other policy concerns which may be raised by trading Rule 19c–3 Securities through the Automated Interface. The NYSE plan further anticipates that in the subsequent phase the Automated Interface would be expanded to include the trading of all rule 19c–3 Securities, but only after the completion of the pilot phase evaluation and agreement among the ITS participants and the NASD on any additional measures to address policy concerns identified by that evaluation. The Commission understands that the other ITS participants are in general agreement with the NYSE's position with respect to the Automated Interface.

[38] *See* Letter from John J. Phelan, Jr., President, NYSE, to Harold M. Williams, Chairman, SEC, dated January 20, 1981, contained in File No. 4–208, at 4.

II. Discussion

A. Need for an Automated Interface

The Commission views the recent action by the NYSE Board and the NYSE-sponsored plan for implementing an Automated Interface as a significant and positive step in the evolution of a national market system. The Commission is encouraged not only by the willingness of the NYSE and the other ITS participants to cooperate in immediately building the Automated Interface, but also by the commitment of the ITS participants and the industry to address promptly concerns about internalization.[39] The Commission continues to believe that it is desirable for the industry to take the lead in the development, implementation and enhancement of national market system facilities and in the formulation of solutions to national market system issues. Accordingly, the Commission believes that affected industry participants should have every reasonable opportunity to advance national market system goals without direct Commission intervention and, to that end, the Commission and its staff stand ready to assist the interested parties in developing appropriate initiatives addressing internalization concerns.

Notwithstanding the Commission's strong support of this initiative on the part of the NYSE and other ITS participants, the Commission does not believe that industry efforts to address internalization concerns should operate to delay prompt implementation of the Automated Interface.[40] As an initial matter, the Commission does not believe that implementation of the Automated Interface without a Preliminary Rule would exacerbate internalization

[39] *See* note 38, *supra*. The NASD has recently responded to the NYSE proposal. In its response, it indicated that, while it has reservations regarding the need for a rule addressing internalization, it is willing to commit to work with the NYSE and the SIA to achieve an appropriate interface at the earliest possible time. *See* letter from Gordon S. Macklin, President, NASD, to John J. Phelan, Jr., President and Chief Operating Officer, NYSE, dated January 26, 1981, contained in File No. 4–208.

[40] It should be noted that measures to address internalization were discussed at length by industry commentators in connection with the Commission's hearings on Rule 19c–2 in 1977 and, more recently, in the Commission's hearings on Rule 19c–3, in both cases without the achievement of an industry consensus. Indeed, at the Rule 19c–3 hearings, the NASD questioned whether any regulatory measures were necessary to address internalization concerns. *See Off-Board Trading Rules: Hearing Before the Securities and Exchange Commission*, at 10 (June 20, 1979). (Statement of Gordon S. Macklin, President, NASD).

concerns as a structural matter.[41] In addition, the Commission believes that any delay in the immediate implementation of the Automated Interface would be inconsistent with the continued progress toward the creation of a national market system.[42] The Commission has determined that the ITS, because of its ability to permit market participants to send orders from one market to another, is consistent with national market system goals and, if efficiently linked with all markets, could become a permanent feature of a national market system. However, the current absence of any linkage between this system and market makers trading OTC serves to maintain an environment in which there are reduced opportunities to ameliorate market fragmentation, to eliminate pricing inefficiencies, obtain best execution and promote the type of competitive market structure which a national market system was designed to achieve.

In the Commission's view, the failure to achieve a linkage between exchange and OTC markets in listed securities inhibits a broker's ability to ensure best execution[43] of his customer orders. Orders routed to exchange floors cannot be easily redirected to the OTC market in situations where more favorable prices are offered by OTC market makers. Conversely, OTC market makers have no efficient means of achieving rapid execution of their orders on exchange floors.[44] Similarly, the failure to achieve an Automated Interface impedes "fair competition among brokers and dealers * * * and between exchange markets and markets other than exchange markets."[45] Without such a linkage, OTC market makers have little ability to interact with the vast majority of retail orders which presently are routed to the primary exchange markets or to attract additional order flow through their displayed quotations.[46]

In addition, delays in the implementation of the Automated Interface would defer achievement of a fundamental goal of a national market system—nation-wide price protection of all orders. In its March 1979 Status Report,[47] the Commission designated nation-wide price protection as a critical national market system initiative. To this end, and in order to make the ITS a more efficient and useful linkage system, the ITS participants have recently agreed in principle to a rule which would preclude trade throughs in all ITS linked markets.[48] However, the failure to provide an efficient linkage between the OTC market and exchange markets provides a significant impediment to the effectiveness of any trade through rule adopted by the exchanges and would significantly inhibit efforts to achieve comprehensive nation-wide price protection.

Most importantly, the need for an efficient linkage between ITS and the OTC market has been heightened by the adoption of Rule 19c–3. While the great preponderance of trading in 19c–3 Securities occurs on the primary stock exchanges, in certain exchange-traded securities OTC market makers account for a significant percentage of total volume.[49] This development increases the need to ensure the greatest possible interaction of orders in all market centers in order to eliminate trade throughs and to permit market makers in those securities to attempt to attract order flow through their displayed quotations. In addition, a linkage between ITS and the over-the-counter market is crucial to realize the Commission's expectation that the adoption of Rule 19c–3 would provide the Commission and the securities industry with valuable experience with respect to the effects of trading in an environment free of off-board trading restrictions.[50]

In summary, the Commission believes that the immediate implementation of the Automated Interface is a critical event in the development of a national market system and will not exacerbate internalization concerns as a structural matter. Accordingly, while the Commission endorses the decision of the ITS participants to address internalization concerns promptly, the Commission has also determined that any further delay in implementing the Automated Interface, beyond that which is necessary to introduce the enhanced NASDAQ and to build the Automated Interface, would be inconsistent with the public interest, the protection of investors and the establishment of a national market system. Therefore, the Commission believes that it is appropriate to propose an order mandating the implementation of the Automated Interface by September 30, 1981.[51]

The Commission's determination to propose an order at this time should not be understood as being intended to discourage industry efforts to develop a generally accepted means of addressing internalization concerns. To the contrary, the Commission believes that the NYSE's approach to addressing internalization concerns constitutes precisely the type of industry generated initiative which the Commission has considered necessary to the achievement of the goals of its national market system program. While, as

[41] The Commission recognizes that the implementation of the Automated Interface may result in additional OTC market making in Rule 19c–3 Securities and thereby increase to some degree the extent of internalized trading activity. However, this increased market making is wholly consistent with the Commission's desire, as expressed in the Rule 19c–3 Adoption Release, to create a trading environment free of off-board trading restrictions in order to evaluate internalization and other concerns.

[42] Indeed, in mandating that the Commission facilitate the establishment of a national market system, the Congress found that the linking of *all* markets for qualified securities through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors orders and contribute to best execution of such orders. (Emphasis added.) Section 11A (a)(1)(D) of the Act, 15 U.S.C. 78k–1 (a)(1)(D).

[43] *See* Section 11A (a)(1)(C)(iv), 15 U.S.C. 78k–1 (a)(1)(C)(iv).

[44] Non-member OTC market makers presently are only able to access exchange floors through correspondent relationships with member firms. While exchange member firms making markets in 19c–3 Securities are able to send small orders to exchange floors through existing wire systems and order routing systems such as DOT, this process in effect requires an upstairs market maker to lose control over the execution of the order. Conversely, a linkage through ITS would permit an upstairs market maker to specifically price an order (by reference to the prevailing market) and obtain an execution or cancellation within a one or two minute time parameter.

[45] *See* Section 11A (a)(1)(C)(ii), 15 U.S.C. 78k–1 (a)(1)(C)(ii).

[46] Overall, approximately 98% of consolidated volume in exchange listed securities occurs on exchange floors. Of course, as discussed in note 49, *infra*., OTC market makers do account for a significant percentage of consolidated volume in certain 19c–3 Securities. *See* NYSE, *1980 Fact Book, at 14.*

[47] *See* Securities Exchange Act Release No. 15671 (March 22, 1979), at 31–33, 44 FR 20360, 20362–63.

[48] *See* 1980 Annual Report of the ITS Operating Committee to the Securities and Exchange Commission, at 9–10, contained in File No. 4–208.

[49] For example, Commission data indicate that, for the week of January 19–23, 1981, third market volume accounted for more than one-third of consolidated volume in five 19c–3 Securities.

[50] *See* Rule 19c–3 Adoption Release, *supra* note 25, at 12–13, 45 FR 41127. For example, the implementation of the Automated Interface should enhance the Commission's and industry's ability to observe the degree to which integrated firms will in fact internalize their order flow if given the opportunity to efficiently route orders elsewhere, and thereby increase the value of the Rule 19c–3 experience as a basis for evaluating internalization concerns.

[51] The Commission does not, however, regard the Automated Interface as necessarily the exclusive means of providing for interaction between the OTC and exchange markets. The NYSE has, on various occasions, suggested that it might develop a means for its member firms to interact with its floor. *See* letter from William M. Batten, Chairman, NYSE, to Harold M. Williams, Chairman, SEC, dated February 25, 1980, contained in File No. 4–208. The Commission encourages the NYSE and the other ITS participants to also pursue this or any other alternative means of providing direct competition between member firms and the traditional floor community.

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discussed above, the Commission does not believe that resolution of the issues associated with internalization must necessarily precede establishment of the Automated Interface, the Commission wishes to explicitly endorse the efforts of the ITS participants to address this important issue. As discussed in the Rule 19c-3 Adoption Release, the Commission recognizes the potential problems which may flow from internalization and is committed on its own part to address related concerns [52] as part of its evaluation of Rule 19c-3 (including a commitment to take appropriate regulatory action where necessary to counter any perceived adverse consequences resulting from internalization with respect to Rule 19c-3 Securities). Thus, should the joint industry effort to address internalization not achieve industry agreement prior to implementation of the Automated Interface, the Commission will reconsider what steps it should take to address internalization and other concerns.

B. Commission Authority

Section 11A(a)(3)(B) of the Act authorizes the Commission, in furtherance of its statutory directive to facilitate the development of a national market system, by rule or order,

to authorize *or require* self-regulatory organizations to act jointly with respect to matters as to which they share authority under the Act in planning, developing, operating or regulating a national market system (or a subsystem thereof) or one or more facilities thereof; (emphasis added).

The language of Section 11A(a)(3)(B) states explicitly that the Commission not only may approve national market system facilities in response to an application by SROs, but also may require SROs to implement such facilities on its own initiative. Moreover, the possible need for Commission regulatory compulsion in connection with the development of a national market system where necessary to supplement competitive forces was specifically recognized by the Congress in enacting the 1975 Amendments.[53]

[52] The Commission recognizes that other ITS participants, in particular the MSE, have expressed concern that exchange member firms making markets in Rule 19c-3 Securities will be permitted to have direct access to ITS participants' trading floors through the Automated Interface. Specifically, the MSE has suggested that OTC market makers should be subject to additional market making obligations and that problems remain in ensuring the comparability of transaction reporting in the OTC and exchange markets. *See* July and September MSE letters, *supra* note 34.

[53] For example, the Committee of Conference of both Houses of Congress, in discussing the implementation of a national market system, stated:

It is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed. The conferees expect, however, in those situations where competition may not be sufficient, such as the creation of a composite quotation system or a consolidated transaction reporting system, the Commission will use the power granted to it in [1975 Amendments] to act promptly and efficiently to ensure that the essential mechanisms of an integrated secondary trading system are put into place as rapidly as possible. Committee of Conference, *Report To Accompany S. 249*, H.R. Rep. No. 94-249, 94th Cong., 1st Sess., at 92, *reprinted in* [1975] U.S. Code Cong. & Ad. News 321, 323. *See* also Securities Exchange Act Release No. 16410 (December 7, 1979), at 13-14, 44 FR 72807, ¶2606-09.

C. Description of the Proposed Order

As previously noted, the NASD has submitted to the Commission a proposed functional description of the Automated Interface. The Commission believes that this functional description provides the essential characteristics of the Interface and has used it as the basis for the description of the Interface in the proposed order.[54]

The proposed order would require that the ITS participants and the NASD jointly effect the Automated Interface. The Interface would be required to permit users of the enhanced NASDAQ and ITS to send ITS commitments, responses and other existing types of messages between the ITS and the enhanced NASDAQ System.[55] In this connection, the proposed order would require the ITS participants to provide to the NASD, by April 15, 1981, complete technical specifications of line protocols, message formats and other matters relevant to the Automated Interface. The Commission also requests the NASD to provide to the Commission, by April 15, 1981, a status report regarding its progress in testing the automatic execution capability of the enhanced NASDAQ System. In addition, the proposed order would require the ITS participants and the NASD to prepare and submit to the Commission, by May 15, 1981, a description of, and timetable for, the implementation of the Interface. Further, the order would require the ITS participants to prepare and submit to the Commission, by August 1, 1981, proposed amendments to the ITS Plan necessary to reflect participation of the NASD in the ITS. Finally, the Commission requests the ITS participants and the NASD to prepare and submit to the Commission, by August 1, 1981, a progress report with respect to efforts to resolve internalization concerns, including any industry agreed upon Preliminary Rule.[56]

[54] The Commission also notes that the proposed order relies on the NASD functional description because the NASD has agreed to assume the principal responsibility for developing the Automated Interface.

[55] The proposed order does not provide technical specifications for the Automated Interface since the Commission preliminarily believes that it would be cumbersome and inflexible for the proposed order to include such specifications. As noted (*see* note 35, *supra*), the NASD indicated in its functional description that there are no significant technical concerns, in connection with building the Automated Interface. In light of the absence in the NYSE's recent response to the Commission of any mention of any technical concerns the Commission believes that the development of the Automated Interface should not be delayed by any technical concerns.

However, the Commission is aware of three minor technical concerns relating to the Automated Interface. First, the ITS System presently is only capable of permitting users to input identifications of up to five "contra-parties" for any one commitment. This limitation should not raise any linkage problems while the enhanced NASDAQ System is still in the pilot phase since participation would be limited to a few market makers. However, it raises potential problems when the enhanced NASDAQ System and the Automated Interface are made available to all NASD members. The Commission understands that the ITS participants are presently developing a capability to permit the transmission of a virtually unlimited number of contra-parties. The Commission urges the ITS participants to complete development of this enhancement as quickly as possible and, in any event, no later than the end of the pilot stage of the Automated Interface. (*See* discussion accompanying notes 61-63, *infra*).

Second, the ITS is presently only capable of receiving one pre-opening application response from each ITS participant. As discussed at n. 57, *infra*, the Commission has addressed this problem by specifically requiring in the proposed order that the NASD aggregate pre-opening responses for all market makers for Rule 19c-3 Securities who are participating in the enhanced NASDAQ ("CAE market makers").

Finally, the Amex, Phlx, MSE, and NYSE have developed proprietary quotation and transaction displays on their floors which receive that information directly from SIAC while the BSE and PSE use services of commercial vendors. Accordingly, it may be necessary for the best bid and offer for all CAE market makers ("CAE best bid and offer") to be included in the existing Consolidated Quotation System data stream and disseminated over the high speed lines so that the vendors servicing the BSE and PSE may obtain the information. In addition, the Commission preliminarily believes that the competitive and other interests of vendors generally may be served by the availability to them of the same information and that, therefore, no restriction should be placed on vendors publicly disseminating the CAE best bid and offer provided that vendors also provide the third market information required by Rule 11Acl-2 under the Act.

[56] The proposed order does not address the manner in which the costs of implementing the Automated Interface would be apportioned, because the Commission understands that the ITS Participants and the NASD are in general agreement on all significant cost allocation issues. Specifically, the Commission understands that the NASD will assume most costs relating to the implementation of the Interface and related systems capabilities, such as developing a capability to calculate the best bid and offer for CAE market makers in ITS securities and developing the capability to permit the enhanced NASDAQ System to scan existing quotations contained in the system and determine the CAE market makers to which an ITS commitment should be reported. The Commission further understands that the ITS participants will only be responsible for the costs associated with inclusion of any new ITS participant, *i.e.*, the costs associated with modifying their quote displays to

The proposed order also would require the NASD to assume sole responsibility to (1) modify the enhanced NASDAQ system to send and recieve commitments, administrative messages, pre-opening notifications [57] and responses and any other existing messages in the ITS standard format,[58] and (2) collect and make available to SIAC, as ITS plan processor, the best bid and offer, with size, in each ITS security.[59]

In addition to specifying the actions which must be taken by the ITS participants and the NASD,[60] the proposed order sets out certain additional characteristics which the Automated Interface must possess and restrictions on its use by NASD members. While the Commission believes that the restrictions set forth in the order have been contemplated in the negotiations between the NASD and the ITS participants, in light of certain concerns which have been raised by the MSE, the Commission believes that it would be useful to briefly discuss these restrictions.

The MSE has indicated a concern that, with the Automated Interface in place, exchange member firms could use the ITS as an order routing mechanism for both agency and proprietary orders, in securities where they are not acting as a market maker, enabling those firms to use the ITS to avoid floor brokerage and transaction fees and perhaps avoid the need for exchange membership. The Commission understands that most brokerage firms already have the capability to access each of the exchanges either through their own, or commercially available, order routing systems. While the Commission believes that it might be useful for some brokerage firms if they were provided the capability to route orders through the enhanced NASDAQ System to the exchanges, such a determination should appropriately lie in negotiations among the NASD, the ITS participants and the relevant firms. Accordingly, the proposed order specifically indicates that OTC firm access to ITS, in particular stocks, would be limited to firms making markets in those stocks.

The proposed order would require that the Automated Interface ultimately include all CAE market makers and all Rule 19c-3 Securities in which there is at least one CAE market maker ("CAE Securities"). However, the Commission recognizes that the immediate inclusion of all Rule 19c-3 Securities in an Automated Interface might delay the implementation of the Automated Interface. Accordingly, the proposed order permits a pilot phase commencing September 30, 1981 [61] during which participation in the Automated Interface would be limited to no more than five OTC market makers per stock [62] and a maximum of 30 Rule 19c-3 Securities.[63] The proposed order would further require, however, that full implementation of the Automated Interface, including all Rule 19c-3 Securities, be completed within six months of the commencement of the pilot phase (*i.e.*, not later than March 31, 1982). Finally the Commission requests comment on whether the proposed pilot is of appropriate duration or, indeed, necessary at all.

D. Competition and Request for Public Comment

In determining to issue the proposed order, the Commission has considered whether any possible anti-competitive impact of the Commission's proposed action would outweigh the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission preliminary believes that issuance of the proposed order would not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Indeed, as discussed above, the Automated Interface, by enhancing the access of OTC and exchange market makers to each other's markets, should increase market making competition. Notwithstanding its limited scope, the Commission requests public comment regarding any possible anti-competitive impact of the proposed order.

As reflected in the summary chronology set forth above, implementation of the Automated Interface has been a matter of general public discussion in the national market system context for at least three years, was proposed by the NASD during the public hearings on Rule 19c-3 in 1979 and was specifically directed by the Commission in adopting Rule 19c-3 in mid-1980. In light of the extensive public scrutiny which the Automated Interface proposal has received during this period, the Commission has set a 30-day comment period on the proposed order. Particularly in view of this time schedule, the Commission reminds commentators that the scope of the proposed order is limited to implementation of the Automated Interface. Comments relative to the merits of the adoption of Rule 19c-3, and issues associated therewith (as opposed to the proposed linkage itself), are not germane to the proposed order.

Interested persons are invited to submit written presentations of views, data and arguments concerning the proposed order, including the feasibility of implementing the Automated Interface by September 30, 1981. Persons wishing to make such submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, on or before March 16, 1981. All submissions should refer to File No. 4-208, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549.

III. Text of Proposed Order

The Securities and Exchange Commission hereby proposes to issue an order pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and particularly Sections 2, 3, 6, 10, 11, 11A, 15, 17, and 23 thereof [15 U.S.C. §§78b, 78c, 78f, 78j, 78k, 78k-1, 78o, 78q, 78w]. The text of the proposed order is as follows: It is hereby ordered that the American Stock Exchange, Inc., Boston Stock Exchange,

display the best CAE market maker quotation and modifying their ITS terminals to send and receive orders from and to the enhanced NASDAQ System.

[57] With respect to pre-opening responses sent from the enhanced NASDAQ, the proposed order requires that those responses be aggregated as a single or series of responses.

[58] In the NASD's functional description, the NASD indicated that the enhanced NASDAQ would be capable of both sending and receiving ITS commitments in ITS standard format.

[59] The NASD also recognized the need to provide CAE market maker quotations to all ITS participants and indicated that NASD Market Services, Inc. (a wholly owned subsidiary of the NASD) would calculate and provide to SIAC for dissemination to the ITS participants the highest bid price with size and the lowest offer price with size of the CAE market makers in ITS securities.

[60] While the order does not require the ITS participants and the NASD to develop a surveillance program with respect to trading through the Automated Interface, the Commission anticipates that those SROs will individually and cooperatively develop such a program.

[61] *See* note 37, *supra*. The Commission requests comment regarding whether the lead time established in the proposed order is sufficient to build and implement the Automated Interface.

[62] The Commission preliminarily believes that the limitation to five market makers per stock is necessary in light of present limitations of the ITS with respect to "contra-parties." *See* note 55, *supra*.

[63] As indicated, the order would only require the inclusion of Rule 19c-3 Securities in the Automated Interface. The Commission understands that certain of the ITS participants have suggested that any interface be limited to Rule 19c-3 Securities. This position apparently arises out of a concern that the applicaton of the Automated Interface to non-Rule 19c-3 Securities might, in some way, result in the removal of off-board trading restrictions with respect ot those securities. *See* July MSE letter, *supra* note 34. The Commission, however, does not view the existence of an Automated Interface as having any direct effect on existing off-board trading rules or any subsequent Commission action with respect to those rules.

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Inc., Midwest Stock Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., Philadelphia Stock Exchange, Inc., and any other self-regulatory organization which hereafter becomes a participant in the Intermarket Trading System ("ITS") (collectively, the "Current ITS Participants") and the National Association of Securities Dealers, Inc. ("NASD") shall act jointly in planning, developing and operating an automated intermarket communications linkage between the ITS and the NASDAQ electronic interdealer quotation system, as modified by the NASD to permit computer assisted execution ("Enhanced NASDAQ"), in order to permit those systems to send and receive commitments to trade and responses thereto, pre-opening notifications and responses thereto (which, with respect to responses sent from the enhanced NASDAQ, shall be aggregated as a single, or series of, responses) and administrative messages in standard ITS format with respect to any security subject to Rule 19c–3 under the Act included in the ITS in which at least one over-the-counter market maker ("CAE market maker") is registered as such with the NASD for purposes of use of the Enhanced NASDAQ (the "Automated Interface"); *Provided, however,* that CAE market makers may only use the Automated Interface with respect to securities in which they are acting as market maker. The Current ITS Participants and the NASD shall take whatever actions are appropriate, individually or jointly, to assure that the Automated Interface is operational on or before September 30, 1981; *Provided, however,* that the Automated Interface may initially be made operational on a pilot basis, limited to no more than five market makers per stock and those 30 securities subject to Rule 19c–3 under the Act which had the largest aggregate share volume as reported in the consolidated transaction reporting system during the second quarter of 1981, if full operation of the Interface is not deferred beyond March 31, 1982. The Current ITS Participants and the NASD shall file with the Commission, not later than May 15, 1981, a detailed timetable for implementation of the Automated Interface, including the Automated Interface testing schedules between the Current ITS Participants, details of any pilot phase, and plans for expansion beyond the pilot phase.

In implementing the foregoing, the Current ITS Participants are hereby ordered

(i) to develop, and furnish to the NASD on or before April 15, 1981, complete technical specifications of line protocols, message formats and other matters which are necessary to the implementation of the Automated Interface;

(ii) to submit to the Commission, on or before August 1, 1981, proposed amendments to the "Plan for the purpose of creating and operating an Intermarket Communication Linkage" filed with and approved by the Commission ("ITS Plan"), reflecting the inclusion of the NASD as an ITS Participant; and

(iii) prior to July 31, 1981, to develop a capability to receive quotations from CAE market makers and revise quotation displays on their respective floors to reflect quotations from CAE market makers.

The NASD is hereby ordered to collect and process quotations from CAE market makers and make available to the ITS Plan processor, on a current and continuous basis during each trading day, the best bid and best offer of all such CAE market makers, together with the size associated with such best bid and such best offer; *Provided, however,* that in the event two or more CAE market makers make available bids or offers at the same price the size of the best bid or offer shall be the aggregate of the size indicated by the CAE market makers.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 5, 1981.

[FR Doc. 81–5092 Filed 2–12–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–5202]

Trans Florida Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

An application for a license to operate as a SBIC under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (Act) as amended, (15 U.S.C. 661 et seq.) has been filed by Trans Florida Capital Corporation, 747 Ponce de Leon Boulevard, Coral Gables, Florida 33134 with the Small Business Administration (SBA) pursuant to (13 CFR 107.102, (1980)).

The officers and directors of the applicant are as follows:

Pedro Luis Lopez, 320 W. Rivo Alto Island, Miami, Florida 33139, President, Director
Antonio A. Bechily, 15910 S.W. 90th Avenue, Miami, Florida 33196, Vice President, Director, General Mgr.
Antonio L. Gonzalez, 864 N.E. 21st Court, Miami, Florida 33179, Treasurer, Director
Rogelio F. Consuegra, 9211 S.W. 21st Terrace, Miami, Florida 33165, Secretary Director
Raul Santana, 3215 Village Green Drive, Miami, Florida 33175, Director
Corporate Financial Services, Inc. (CFS), 100%

CFS has authorized capital stock of 60 shares of common stock. All of which are issued and outstanding. Those presently owning 10 percent or more are the Investors Interamerica, Inc., (III), 16.66 percent and Mr. Lopez, proposed president of the licensee, owns 33.33 percent of CFS. Mr. Lopez also controls 48.33 percent of III.

The remaining stock of CFS is owned by the officers and the directors of the proposed applicant. None of whom own 10 percent or more.

The applicant will begin operations with a capitalization of $500,000 which will be a source of equity capital and long-term loans for qualified small business concerns.

The applicant will conduct its operations principally in the State of Florida.

As an SBIC under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, which are to provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns to persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before March 2, 1981, submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Coral Gables, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81–3094 Filed 2–12–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM–8/370]

Advisory Committee on the Law of the Sea; Closed Meeting

Supplemental Notice

Notice of a meeting of the Advisory Committee on the Law of the Sea was published in the **Federal Register** Vol. 46 FR 10892, February 4, 1981, in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The information in that notice remains as published, except the date of the meeting, which has been changed to Friday, February 20, 1981.

The change of date was necessitated by the fact that several participants whose expertise was indispensable would have been unable to attend otherwise.

For further information, please contact Marsha Bellavance, Office of the Law of the Sea Negotiations, Department of State, Telephone 632–0041.

February 5, 1981.

George Taft,

Director, Office of the Law of the Sea Negotiations.

[FR Doc. 81–3173 Filed 2–12–81; 8:45 am]

BILLING CODE 4710–10–M

[Public Notice CM–8/371]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The announcement (Public Notice CM–8/364: FR Doc. 81–4404) appearing at the bottom of the first column of page 11401, **Federal Register** Vol. 46, No. 25 Friday, February 6, 1981, incorrectly states that, "The Working Group on Radiocommunications . . . will conduct an open meeting . . ." This announcement should have stated that the Working Group on Diving, rather than the Working Group on Radiocommunications, will conduct the meeting. Other particulars of the meeting were correctly stated.

Dated: February 10, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81–3190 Filed 2–12–81; 8:45 am]

BILLING CODE 4701–07–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. No. 81–32]

Reimbursable Services; Excess Cost of Preclearance Operations

February 9, 1981.

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 22, 1981.

Installation	Biweekly excess cost
Montreal, Canada	$10,769
Toronto, Canada	29,438
Kindley Field, Bermuda	7,378
Nassau, Bahama Islands	12,254
Vancouver, Canada	11,901
Winnipeg, Canada	1,818
Freeport, Bahama Islands	11,151
Calgary, Canada	7,963
Edmonton, Canada	6,461

Jack T. Lacy,

Comptroller.

[FR Doc. 81–5127 Filed 2–12–81; 8:45 am]

BILLING CODE 4810–22–M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board; for Rehabilitative Engineering Research and Development; Meeting

In accordance with Public Law 92–463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitative Engineering Research and Development. This meeting will convene in Room 1063 of the Veterans Administration Central Office Building, 810 Vermont Avenue NW., Washington, D.C., March 4 and 5, 1981, beginning at 1 p.m. on Wednesday and 9 a.m. on Thursday. The purpose of the meeting is to review rehabilitative engineering research and development applications for scientific and technical merit and to make recommendations to the Acting Director, Rehabilitative Engineering Research and Development Service (RER&D) regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the March 4th session for approximately one hour to cover administrative matters and to discuss the general status of the program. During the closed session, the Board will be reviewing research and development applications relating to the delivery and organization of rehabilitative engineering. This review involves oral review and discussion of site visits, staff and consultant critiques of research protocols, and similar documents that necessitate the consideration of personnel qualifications and the performance and competence of individual investigators. Disclosure of such information would constitute a clearly unwaranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with section 552b, subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code and the determination of the Administrator of Veterans Affairs under section 10(d) of Public Law 92–463.

Due to the limited seating capacity of the room those who plan to attend the open session should contact Mrs. Dolores Zupan, Program Assistant (15), Scientific Review Division, Research and Development, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., 20420 (Phone: (202) 389–5414) at least 5 days before the meeting.

Dated: February 9, 1981.

Max Cleland,

Administrator.

[FR Doc. 81–5116 Filed 2–12–81; 8:45 am]

BILLING CODE 8320–01–M

Advisory Committee on Structural Safety of Veterans Administration Facilities; Meeting

The Veterans Administration gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Lafayette Building, 811 Vermont Avenue, NW, Washington, DC on March 13, 1981, at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity,

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it will be necessary for those wishing to attend to contact Mr. Richard D. McConnell, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202–389–2864), prior to March 9, 1981.

Dated: February 9, 1981.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 81–5117 Filed 2–12–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 30

Friday, February 13, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 3: p.m., Thursday, February 12, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Legislative matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–61–243 Filed 2–11–81; 2:48 pm]

BILLING CODE 6351–01–M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a Closed Meeting on the subject listed below on Wednesday, February 11, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item number, and Subject

General, 1—Report of Committee of Commissioners on Relocation of Commission Offices.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: February 10, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–61–236 Filed 2–11–81; 10:01 am]

BILLING CODE 6712–01–M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, February 18, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

DATE AND TIME: Thursday, February 19, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (Fifth floor).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.

Correction and Approval of Minutes.

Certification.—Committee for Jimmy Carter (1976 primary)—Review of January 31, 1981 statement of net outstanding campaign obligations (continued from February 5 meeting).

Advisory opinions—

Draft AO 1981–1 David Packard (Bay Area Committee for the reelection of the President (Nixon) and San Mateo County to reelect the President (Nixon).

Draft AO 1981–4 Michael M. Schoor, Counsel, National Society of Professional Engineers–PAC.

Draft AO 1981–9 Geraldine A. Ferraro (Member of Congress).

Advisory opinion requests—barring of withdrawals, final rule and transmittal of regulation to Congress.

Requirements for a proper complaint.

Appropriations and Budget.—FY 81 management plan reallocations: Budget execution report.

Pending Legislation

Classification Actions.

Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, public information officer, telephone: 202-523–4065.

Lena L. Stafford,

Acting Secretary to the Commission.

[S–61–244 Filed 2–11–81; 3:37 p.m.]

BILLING CODE 6715–01–M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Issue No. 26, Page No. 11653, Date Published, Monday, February 9, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 19, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The **Federal Register** notice previously sent for Bank Board meeting dated Thursday, February 19, 1981 should have been Friday, February 13, 1981.

[S–61–241 Filed 2–11–81; 2:16 pm]

BILLING CODE 6720–01–M

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, February 19, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Branch Office Application.—Fayette Federal Savings and Loan Association of Connersville, Connersville, Indiana.

Request for Reconsideration of Insurance of Accounts Denial.—Frontier Savings and Loan Association, Fairbanks, Alaska.

Increase of Accounts of an Insurable Type Through Merger of.—First Federal Savings and Loan Association of Chillicothe, Chillicothe, Ohio *Into* The First Federal Savings and Loan Association of Cleveland, Cleveland, Ohio.

Permission to Incur Debt.—Guarantee Financial Corporation of California, Fresno, California.

Concurrent Branch Office Applications.—(1) California Federal Savings and Loan Association, Los Angeles, California. (2) Home Federal Savings and Loan Association of San Diego, San Diego, California.

Merger Application.—Lapel Savings and Loan Association, Lapel, Indiana, *into* Anderson Federal Savings and Loan Association, (now known as American FS&LA), Anderson, Indiana.

[S–61–242 Filed 2–11–81; 2:16 pm]

BILLING CODE 6720–01–M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of February 16.

PLACE: Commissioners, Conference Room 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Tuesday, February 17, 3 p.m.

1. Briefing on Significant Enforcement Action (Approximately 1½ hours—Closed, Exemption 5).
2. Discussion of Draft Bailly Show Cause Order (Closed, Exemption 10).

Wednesday, February 18, 2 p.m.

1. Discussion and Vote on Systematic Safety Evaluation of All Currently Operating Nuclear Power Reactors (Approximately 1 hour—Public meeting).
2. Affirmation/Discussion Session (Public meeting).

Affirmation and/or Discussion and Vote:

a. Proposed Rule Changes to Implement the Commission's Delegation of OL Antitrust Determination to Directors, NRR & NMSS.
b. Redraft of **Federal Register** Notice on Spent Fuel Generic.
c. Fire Protection Rule for Future Plants.
d. Part 51—NEPA Regulations.
e. Review of ALAB–618—Lacrosse.

Automatic telephone answering service for schedule update: (202) 634–1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634–1410.

Dated: February 10, 1981.

Walter Magee,

Office of the Secretary.

[S–61–240 Filed 2–11–81; 11:19 am]

BILLING CODE 7590–01–M

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 11403 2/6/81].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, February 3, 1981.

CHANGES IN THE MEETING: Additional items/meeting.

The following additional item was considered at a closed meeting scheduled on Thursday, February 5, 1981, following the 10 a.m. open meeting:

Regulatory matter bearing enforcement implications.

The following item will be considered at a closed meeting scheduled for Tuesday, February 10, 1981, at 2:30 p.m.:

Regulatory matter bearing enforcement implications.

The following additional item will be considered at an open meeting scheduled for Wednesday, February 11, 1981, at 10 a.m.:

Consideration of whether to extend the comment period on the proposed amendments to Regulation S–X, Forms N–1 and N–2 and new Rule 30d–1 until March 16, 1981. For further information, please contact Mary K. Crook at (202) 272–2079.

The following items will be considered at a closed meeting scheduled for Wednesday, February 11, 1981, following the 10 a.m. open meeting:

Litigation matter.
Settlement of injunctive action.
Consideration of *amicus* participation.

Chairman Williams and Commissioners Lommis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

February 10, 1981.

[S–61–239 Filed 2–11–81; 10:38 am]

BILLING CODE 8010–01–M

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federal register

Friday
February 13, 1981

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Stnadards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81–5101	Jan. 30, 1981.
Arkansas:	
AR80–4056	Oct. 31, 1980.
AK80–4081	Nov. 7, 1980
AR80–4082	Nov. 7, 1980.
AR80–4083	Oct. 31, 1980.
AR80–4079	Nov. 7, 1980.
California: CA80–5147	Nov. 28, 1980.
Colorado: CO80–5139	Oct. 24, 1980.
Florida: FL79–1111	July 20, 1979.
Kentucky:	
KY80–1106	Oct. 17, 1980.
KY80–1109	Oct. 3, 1980.
Maryland: MD80–3047	Aug. 29, 1980.
North Dakota: ND80–5132	Oct. 10, 1980.
Oklahoma: OK80–4082	July 18, 1980.
Oregon: OR80–5145	Nov. 21, 1980.
Pennsylvania:	
PA80–3062	Oct. 31, 1980.
PA80–3071	Oct. 24, 1980.
PA80–3072	Jan. 30, 1981.
Washington: WA80–5136	Oct. 17, 1980.
Wyoming: WY80–5129	Sept. 19, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL78–1065 (FL81–1186)	Aug. 11, 1978.
FL78–1071 (FL81–1187)	Sept. 1, 1978.
FL79–1110 (FL81–1185)	July 20, 1979.
Iowa: IA80–4053 (IA81–4011)	July 25, 1980.
Kentucky: KY79–1095 (KY81–1186)	June 1, 1979.
Michigan: MI80–2064 (MI81–2001)	Aug. 15, 1980.
Nebraska: NE80–4022 (NE81–4012)	Apr. 4, 1980

Cancellation of General Wage Determination Decisions

None

Signed at Washington, D.C. this 6th day of February 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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MODIFICATION PAGE 1

DECISION AZ81-5101-Mod. #1 (45 FR 10078 January 30, 1981) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Line Construction:					
Zone Definitions					
Zone 1--area within 30 mile radius from the city halls of Phoenix and Tuscon. Area within 10 mile radius from the city hall of Yuma.					
Zone 1A--Area with 10 mile radius from the city hall of Flagstaff, Kingman and Globe.					
Zone 2--Other areas not covered by Zone 1 and Zone 1-A.					
Elevator Constructors					
Elevator Constructors	15.69	1.195	.95	a	.035
Helpers	10.98	1.195	.95	a	.035
Probationary Helper	7.845				
Painters					
Area 3					
Zones A:					
Brush	10.77	.87	.50		.10
Spray; Sandblasters	11.27	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	11.07	.87	.50		.10
Spray	11.57	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	11.52	.87	.50		.10
Spray	12.02	.87	.50		.10
Structural Steel and Tank:					
Brush	11.77	.87	.50		.10
Spray and Sandblasters	12.27	.87	.50		.10

MODIFICATION PAGE 2

DECISION NO. AZ81-5101 Mod. 1 (cont'd)

PAINTERS:* (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone B:					
Brush	11.52	.87	.50		.10
Spray and Sandblasters	12.02	.87	.50		.10
Paperhangers	11.65	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	11.82	.87	.50		.10
Spray	12.32	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	12.27	.87	.50		.10
Spray	12.77	.87	.50		.10
Structural Steel and Tanks:					
Brush	12.52	.87	.50		.10
Spray and Sandblasters	13.02	.87	.50		.10
Zone C:					
Brush	12.27	.87	.50		.10
Spray	12.77	.87	.50		.10
Paperhangers	12.40	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	12.57	.87	.50		.10
Spray	13.07	.87	.50		.10
Swing Stage, over 40 ft.:					
Brush	13.02	.87	.50		.10
Spray	13.52	.87	.50		.10
Structural Steel and Tanks:					
Brush	13.27	.87	.50		.10
Spray and Sandblasters	13.77	.87	.50		.10
Zone D:					
Brush	12.77	.87	.50		.10
Spray	13.27	.87	.50		.10
Paperhangers	12.90	.87	.50		.10
Swing Stage, under 40 ft.:					
Brush	13.07	.87	.50		.10
Spray	13.57	.87	.50		.10
Swing Stage, over 40					

MODIFICATION PAGE 3

DECISION NO. AZ81-5101 Mod. 2 (cont'd)

PAINTERS:* (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 3: (Cont'd)					
Zone D: (Cont'd)					
Brush	13.52	.87	.50		.10
Spray	14.02	.87	.50		.10
Structural Steel and Tanks:					
Brush	13.77	.87	.50		.10
Spray and Sandblasters	14.27	.87	.50		.10

MODIFICATION PAGE 4

DECISION #AR80-4080-Mod.#5 45FR72439-October 31, 1980 Jefferson County, Arkansas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeyman	$10.81	1.195	.82	4%+a+b	.035
DECISION #AR80-4081-Mod.#2 45FR7432-November 7, 1980 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
Sebastian & Crawford Cos. Elevator constructors	10.81	1.195	.82	4%+a+b	.035
DECISION #AR80-4082-Mod.#4 45FR74345-November 7, 1980 Union & Ouachita Counties, Arkansas					
CHANGE:					
Plumbers & Pipefitters	13.10	.60	.85		.10
DECISION #AR80-4083-Mod.#4 45FR72438-October 31, 1980 Pulaski County, Arkansas					
CHANGE:					
Elevator constructors	10.81	1.195	.82	4%+a+b	.035
Elevator constructors helpers	70%JR	1.195	.82	4%+a+b	.035
DECISION #AR80-4079-Mod.#4 45FR74344-November 7, 1980 Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	10.81	1.195	.82	4%+a+b	.035
Helpers	70%JR	1.195	.82	4%+a+b	.035

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MODIFICATION PAGE 5

DECISION NO. CA80-5147 - Mod. #4 (45 FR 79275 - November 28, 1980) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet Metal Workers:					
Area 2	$21.73	$1.20	$2.13		.04
Area 3	16.73	1.20	2.13		.04
DECISION NO. CO80-5139 - Mod.#2. (45 FR 70686 - Oct. 24, 1980) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
CHANGE:					
Bricklayers and Stonemasons:					
Remaining Counties	$11.90	.85	1.10		.05
Decision No. FL79-1111 Mod. #5 (44 FR 42858 - July 20, 1979) Bay County, Florida					
Change:					
Electricians	13.00	.55	3%		.5%
Sprinkler Fitters	12.65	.85	1.20		.13

MODIFICATION PAGE 6

DECISION NO. KY80-1106 MOD. #1 (45 FR 69142-69144 - October 17, 1980) Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmondson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, Mclean, Marshall, Mulenberg, Ohio, Simpson, Todd, Trigg, Union, Warren & Webster Counties, Kentucky	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Group 1	9.07	.55	.70		
Group 2	9.32	.55	.70		
Group 3	9.37	.55	.70		
Group 4	9.97	.55	.70		

MODIFICATION PAGE 7

DECISION NO. KY80-1109 MOD. #1 (45 FR 65883-65885 - October 3, 1980) Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harris n, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, & Woodford Counties, Kentucky	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Group 1	9.07	.55	.70		
Group 2	9.32	.55	.70		
Group 3	9.37	.55	.70		
Group 4	9.97	.55	.70		

MODIFICATION PAGE 8

DECISION NO. MD80-3047 - MOD. #1 (45 FR 57922 - August 29, 1980) Allegany & Garrett Counties, Maryland	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS	11.79	.80	1.00		
CARPENTERS	11.56	.80	1.00		.03
CEMENT MASONS	12.99	.75			
ELECTRICIANS-Allegany County	12.70	.90	3%+.70		.75%
ELECTRICIANS-Garrett County	13.10	.90	3%+.70		.75%
IRONWORKERS:					
Structural & Reinforcing	12.75	.75	1.40		
LABORERS:					
Unskilled, landscape workers, tool checkers, dumpmen, handymen, & truck spotters	9.55	.90	1.40		
Power tool operators, masons & plasterers tenders, mortar mixer by hand, scaffold builders, hod carriers, concrete puddlers, pipe layers, chainmen-rodmen, rammers & grade checkers	9.69	.90	1.40		
Mortar mixer by machine	9.77	.90	1.40		
Barco tampers	9.84	.90	1.40		
Blaster/dynamite & wagon drill operator (air track)	9.89	.90	1.40		
Tunnel workers:					
Caisson, driller & mucker	10.47	.90	1.40		
Laborer - unskilled	10.07	.90	1.40		

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MODIFICATION PAGE 9

DECISION NO. MD80-3047 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	11.88	.80	1.00		.03
TRUCK DRIVERS:					
Group 1	9.69	1.00	1.25		
Group 2	9.86	1.00	1.25		
Group 3	10.08	1.00	1.25		
Group 4	10.30	1.00	1.25		
Group 5	10.56	1.00	1.25		
DECISION NO, ND80-5132 - Mod #3 (45 FR 67525 - Oct. 10, 1980) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward Counties, North Dakota					
CHANGE:					
Millwrights	$11.91	.80	.60	.60	.02

MODIFICATION PAGE 10

DECISION No. OK80-4062 - Mod. #3. (45 FR 48446 - July 18, 1980) Tulsa, Creek, Craig, Ottawa, Delaware, Mayer and Rogers Counties, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$12.70	1.275	1.00		.03
BRICKLAYERS - STONEMASONS					
Mayes County	12.49	.70	.40	.33	.06
CARPENTERS:					
AREA I	11.58	.55	.75		.07
MILLWRIGHTS - PILEDRIVERMEN:					
AREA I	11.88	.55	.75		.07
ELEVATOR CONSTRUCTORS	12.44	1.195	.82	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.82	a+b	.035
GLAZIERS:					
AREA I	11.44	.70	.30		.01
AREA II	11.84				
LINE CONSTRUCTION:					
Linemen	12.50		3%		4%
Cable Splicers	13.25		3%		4%
Hole Digger Operator	11.33		3%		4%
Heavy Equipment Operator (Pole Cat Or Equivalent)	11.33		3%		4%
Jackhammerman	9.35		3%		4%
Line Truck (Winch Operator)	10.27		3%		4%
POWDERMAN	8.34		3%		4%
GROUNDMAN			3%		4%
TRUCK DRIVER(Flat Bed) Ton and Half and under)	8.91		3%		4%
PAINTERS (Tulsa, Creek, Rogers & Mayes Counties):					
Brush	$12.25		.40		.07
Highwork & Stage	12.65		.40		.07
Spray and Sandblasting	12.90		.40		.07
Hot or Bituminous	13.55		.40		.07
Sheetrock Handtools	12.25		.40		.07
Sheetrock Power Tools	12.65		.40		.07
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10

MODIFICATION PAGE 11

DECISION NO. OR80-5145 - Mod #2 (45 FR 77321 - Nov. 21, 1980) Statewide Oregon	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$18.49	.82	1.45		.18
BOILERMAKERS	15.51	1.275	1.25	1.00	.04
ELECTRICIANS:					
Area 8:					
Electricians	16.88	.90	3% + 2.00		.08
Cable Splicers	18.57	.90	3% + 2.00		.08
ELEVATOR CONSTRUCTORS	18.06	1.345	.95	a	.035
PAINTERS:					
Area 3:					
Brush	13.10	.90	1.15	.50	.09
Spray	13.65	.90	1.15	.50	.09
Bridges, High work over 50' (Brush)	14.00	.90	1.15	.50	.09
Bridges, High work over 50' (Spray)	14.55	.90	1.15	.50	.09

MODIFICATION PAGE 12

DECISION NO. PA80-3062 MOD. NO. 3 (45 FR 72452 - October 31, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Piledriverman	$11.97	2.63	1.40	a	.13
FOOTNOTE: a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day; Thanksgiving Day and Christmas Day.					
DECISION NO. PA80-3071 MOD. NO. 3 (45 FR 70699 - October 24, 1980) Allegheny County, Pennsylvania					
CHANGE:					
Electricians: (Single or two family houses walk-up garden type apartments up to and including 4 stories)	$9.65	.55	3%	.40	
DECISION NO. PA80-3072 MOD. NO. 1 (46 FR 10096 - January 30, 1981) Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Counties, Pennsylvania					
CHANGE:					
Cement Masons	$12.89	7%	16%		

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MODIFICATION PAGE 13

DECISION NO. VA80-5136 - Mod #5
(45 FR 69151 - Oct. 17, 1980)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS:					
Area 1	$17.99	.85	1.45		.08
Area 2	18.49	.82	1.45		.18
Area 3	16.84	.78	1.45		.04
ELECTRICIANS:					
Area 1:					
Electricians	17.25	.95	3% + 1.00		.02
Cable Splicers	17.65	.95	3% + 1.00		.02
Area 2:					
Electricians	17.45	.95	3% + 1.30		.05
Cable Splicers	18.20	.95	3% + 1.30		.05
Area 3:					
Electricians	17.45	.95	3% + 1.30		.05
Cable Splicers	19.20	.95	3% + 1.30		.05
GLAZIERS:					
Area 1	12.44	.49	.70	b	
Area 4	11.84	.69	.80	b	
PAINTERS:					
Area 2:					
Brush	13.10	.90	1.15	.50	.09
Spray	13.65	.90	1.15	.50	.09
Bridges, High work over 50' (Brush)	14.00	.90	1.15	.50	.09
Bridges, High work over 50' (Spray)	14.55	.90	1.15	.50	.09
Area 3:					
General Painter	14.52	.84	.70		.04
Drywall Taper	14.92	.84	.70		.04
Industrial Painter	14.92	.84	.70		.04
SHEET METAL WORKERS:					
Area 2	18.31	3% + .64	.94		.14
Area 5	17.50	3% + .73	1.68		.14
Area 6	16.93	3% + .73	1.61		.14

MODIFICATION PAGE 14

DECISION NO. WY80-5129 - Mod. #5
(45 FR 62689 - September 19, 1980)
Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers; Stonemasons; Area 2	$ 12.90	.60	.50		.15
Electricians:					
Area 2:					
Contracts $150,000 and under:					
Electricians	13.75	.75	3%+.50		3/4 of1%
Painters:					
Area 1:					
Brush and Roller	13.31	.95	1.15		.08
Spray, Swing Stage and Hazardous	13.91	.95	1.15		.08
Sandblaster (interior)	15.23	.95	1.15		.08
Paperhanger	13.91	.95	1.15		.08
Drywall Finisher	13.56	.95	1.15		.08
Finisher (machine)	13.91	.95	1.15		.08

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See below
DECISION NUMBER: FL81-1188 DATE: Date of Publication
Supersedes Decision No. FL78-1065 dated August 11, 1978 in 43 FR 35809
DESCRIPTION OF WORK: Heavy Construction

Brevard & Volusia (excluding Cape Canaveral, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site), Indian River, Lake, Martin, Orange, Osceola, Polk, St. Lucie, and Seminole counties FL.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.79				
Cement Masons	6.44				
Electricians					
Polk County	8.87	5.5%	3% + 3%	4%	.10
St. Lucie	10.08				
Volusia	8.65	.45	3% + .58		1%
Laborers					
Unskilled	3.91				
Pipelayers	4.73				
Millwrights	6.43				
Plumbers/Pipefitters	9.26	.50	.62	.50	.12
P.E.O.					
Backhoes	5.97				
Bulldozers	6.00				
Cranes/ Draglines	5.25				
Loaders	4.63				
Scrapers/ Pans					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See below
DECISION NUMBER: FL81-1187 DATE: Date of Publication
Supersedes Decision No. FL78-1071 dated September 1, 1978 in 43 FR 39249
DESCRIPTION OF WORK: Heavy Construction

Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota, and Sumter counties, FL.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boilermakers	9.95	1.05	1.05		.02
Bricklayers	8.21				
Carpenters	5.17				
Cement Masons	5.86				
Electricians	10.80	5½%	3%	4%	.10
Ironworkers, Structural	10.30	.65	.50	.50	.05
Laborers					
Unskilled	3.35				
Pipelayers	5.40				
Millwrights	9.23	.52	.50		.05
Painters	5.00				
Piledrivers	6.00				
Plumbers & Pipefitters	10.73	.60	1.00		.08
Sheet Metal Workers	9.31	.85	.55	.25	.05
Welders- Rate for craft					
P.E.O.					
Backhoes	5.21				
Bulldozers	4.50				
Cranes	8.79				
Derricks	5.63				
Draglines	6.36				
Graders	4.50				
Loaders	4.00				
Mechanics	5.43				
Rollers	5.00				
Tractors	4.54				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

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SUPERSEDEAS DECISION

STATE: FLORIDA COUNTY: DADE
DECISION NUMBER: FL81-1185 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL79-1110 dated July 20, 1979 in 44 FR 42858
DESCRIPTION OF WORK: Building Construction Projects (does not included single family homes or apartments of four stories or less)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.79	.60	1.02		.06
BOILERMAKERS	12.75	1.275	1.10		.04
BRICKLAYERS:					
Bricklayers; Cement masons; Marble setters; Plasterers; Stonemasons; Tile & Terrazzo workers	11.95	.75	.75		.07
CARPENTERS; SOFT FLOOR LAYERS	10.85	.90	.55		.08
ELECTRICIANS	13.85	.75	5%+3%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.84	1.195	.95	a+b	.035
Helpers	8.99	1.195	.95	a+b	.035
IRONWORKERS	12.05	.98	1.00		.10
LABORERS:					
Permit value $500,000 and over:					
Air tool operators; Mason tenders; Mortar Mixers; and Pipelayers	8.17	1.07	.50		
Plasterers tenders	8.35	1.07	.50		
Unskilled	8.07	1.07	.50		
Permit value up to $500,000:					
Air tool operators; Mason tenders; Mortar Mixers; and Pipelayers	6.47	1.07	.50		
Plasterers tenders	6.65	1.07	.50		
Unskilled	6.37	1.07	.50		
LINEMEN:					
Linemen	12.41	4.5%	3%+2%	5%	0.75%
Groundmen	5.96	4.5%	3%+2%	5%	0.75%
MILLWRIGHTS	12.17	.70	.70		.10
PAINTERS:					
Brush	10.15	.55	.60		.07
Tapers; Paperhangers	10.05	.55	.60		.07
Spray; Sandblasters	10.65	.55	.60		.07
PILEDRIVERS	11.35	.70	.70		.10
PLUMBERS	11.42	.92	1.30		.09

DECISION NO. FL81-1185

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
REFRIGERATION & AIR CONDITIONING MECHANICS:					
A/C Units over 10 tons	13.69	1.23	1.15		.15
A/C Units over 7.5 tons but under 10 tons	10.21	1.23	1.15		.15
ROOFERS:					
Slate; tile; composition; damp & waterproofers	10.88	.83	.35		.02
Kettlemen	7.68	.83	.35		
SHEET METAL WORKERS	12.41	.75	.74		.11
SPRINKLER FITTERS	12.65	.85	1.20		.13
Welders - rate for craft to which welding is incidental					

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Credit for employee who has worked in business less than 5 years.

DECISION NO. FL81-1185

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A	12.40	.50	.45		.05
GROUP B	11.58	.50	.45		.05
GROUP C	10.52	.50	.45		.05
GROUP D	9.65	.50	.45		.05
GROUP E	8.40	.50	.45		.05

GROUP A: Field shop mechanic; cranes; derricks; hoist; field batch plant operator; inside elevator operator.

GROUP B: Draglines; backhoes; finisher grader; firemen; fork lift; pumps 3" or larger combination of 5 or less pumps, air compressor (over 125 CFM) or other equipment

GROUP C: Bulldozers, distributors, scrapers, motor graders, trenching machine, front end loaders, air compressor (up to 125 CFM), welding machine, winch truck

GROUP D: Rollers, finishing machines, tractor, oilers & drivers, mixers

GROUP E: Oiler on crawler cranes, drivers.

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury
DECISION No.: IA81-4011 DATE: Date of Publication
Supersedes Decision No. IA80-4053 dated July 25, 1980 in 45 FR 49814
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.84	.55	1.50		
BOILERMAKERS	13.07	1.375	1.10		.05
BRICKLAYERS & STONEMASONS	13.98		1.00		.02
CARPENTERS:					
Carpenters and Drywall Hangers	12.86	.92	.60		.04
Millwrights and Piledrivermen	13.36	.92	.60		.04
CEMENT MASONS	11.215				
ELECTRICIANS:					
Within 15 miles radius of Sioux City and all electrical contracts over $300,000	13.76	.65	3%+.80		3/4%
All contracts $300,000 and under; outside 15 mile radius of Sioux City	6.15	.65	3%+.80		3/4%
ELEVATOR CONSTRUCTORS	13.05	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER	70%JR	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPER	50%JR				
IRONWORKERS	13.42	.82	.55		.045
LABORERS:					
GROUP 1 - Common laborers	9.85	1.03	.80		
GROUP 2 - Mortar mixer; plasterers' mixers; air tool operators; mechanical tampers; concrete saw; gunnite nozzle chain saw; wrecking torch sandpot and blasting	10.00	1.03	.80		
LATHERS	11.13				.01
Line Construction					
Group I - lineman; all rigs setting assembled "H" fixtures and steel transmission structures	13.26	.45	7%	b	4%
Group II - blaster; special equipment operations (hole digging machines, all tractors, transmission line pole hauling and setting equipment other					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
than assembled "H" fixtures)	$10.61	.45	7%	b	½%
Group III - groundman	8.62	.45	7%	b	½%
Group IV - groundman - truck driver	8.75	.45	7%	b	½%
Group V - pole treating truck driver	8.49	.45	7%	b	½%
Group VI - pole treating specialist	10.21	.45	7%	b	½%
MARBLE SETTERS	13.98		1.00		.02
PAINTERS:					
GROUP 1 - Brush and Drywall Finishers	12.31	.97	.75		
GROUP 2 - Spray; all swing work; all work higher than 40 ft.; scaffolds, jacks, ladders; pressure roller; sandblasting; structural steel over 25 ft.	12.81	.97	.75		
PLUMBERS AND STEAMFITTERS	13.77	.74	.80		.10
ROOFERS:					
Roofers	10.98	.87			
Kettlemen	10.60	.87			
SHEET METAL WORKERS	13.85	.75	.90		.04
SPRINKLER FITTERS	14.10	.85	1.20		.08
TERRAZZO WORKERS	13.98		1.00		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a- Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit; seven paid Holidays.

b - Seven Paid Holidays

PAID HOLIDAYS: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$13.095	.90	.90		.10
GROUP 2	12.85	.90	.90		.10
GROUP 3	11.58	.90	.90		.10
GROUP 4	10.80	.90	.90		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc., tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derrick; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 and 2 drum hoist; air and electric tuggers (on power plants or setting steel or grating); Economobiles; plant mixer; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; Motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ ton); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or combination of 250 CFM or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator 75 KW and over); fork lifts (other than above Group NO. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers, mechanical heaters; truck crane drivers; permanent elevators

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: See below
DECISION NO. KY81-1186 DATE: Date of Publication
Supersedes Decision No. KY79-1095 dated June 1, 1979 in 44 FR 31823
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including 4 stories

Allen, Barren, Edmondson, Hart, Simpson, & Warren Counties, Kentucky	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C & Heating Mechanics	5.65				
Bricklayers	6.89				
Carpenters	5.31				
Cement Masons	5.00				
Drywall Hanger	7.21				
Drywall Finisher	6.50				
Electricians	5.75				
Insulation Installer	5.11				
Laborers					
Unskilled	3.50				
Mason Tenders	3.97				
Painters	5.00				
Plumbers	6.10				
Roofers	5.31				
Sheet Metal Workers	5.53				
Soft Floor Layers	4.87				
Truck Drivers	5.06				
Welders - Rate for craft					
P.E.O.					
Dozer Operator	6.50				
Grader	6.75				
Backhoe Operator	6.50				
Front End Loader	6.50				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: MICHIGAN COUNTY: MARQUETTE
DECISION NO. MI81-2001 DATE: Date of Publication
Supersedes Decision No. MI80-2064 dated August 15, 1980 in 45 FR 54622
DESCRIPTION OF WORK: Residential Construction Projects of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.36	.95	.50	1.00	.10
BOILERMAKERS	14.67	1.38	1.45	2.00	.05
BRICKLAYERS & STONEMASONS	12.46	.80	.75		.02
CARPENTERS & SOFT FLOOR LAYERS	11.20	.60	.80		.02
CEMENT MASONS	11.96	.80	.75		.02
ELECTRICIANS	11.95	.45	3%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Constructors	12.13	1.04	.69	a+b	.035
Helpers	70%JR	1.04	.69	a+b	.035
IRONWORKERS	12.20	.80	1.15	2.00	.04
LABORERS:					
Laborers	9.70	.75	.50		.04
Chipping Hammers; Concrete Mixers, Green Cutter (Air Electric or Gas), Material Mixers, Mortar Mixers, Motor driven buggy Opr., sandblasters, Tamping machines, vibrator Oprs.,	9.80	.75	.50		.04
MILLWRIGHTS	13.59	.75	.90		.02
PAINTERS:					
Brush & Glaziers	10.50	.60			.05
PILEDRIVERMEN	12.14	.75	.90		.02
PLASTERERS	12.46	.80	.75		.02
PLUMBERS & STEAMFITTERS	13.93	.92	.90		.05
ROOFERS	11.05	.70	.50		
SHEET METAL WORKERS	13.13	.92	1.32		.25
SPRINKLER FITTERS	14.30	.85	1.20		.08
TILE-MARBLE & TERRAZZO WORKERS	12.46	.80	.75		.02
TRUCK DRIVERS:					
Regular	10.04	c31.00	c27.00		
Heavy Duty, Double axle and semi	10.17	c31.00	c27.00		
Euclid type equipment	10.40	c31.00	c27.00		

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DECISION NO. MI81-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OEPRATORS					
Regular Equipment Operator Crane, Dozer, Front End Loaders Job Mechanic	10.86	1.05	*1.00	12%	.05
Air Track Drill, Boom Truck Concrete Mixers, Fark Truck, Material Hoist and Tugger, Pump, 6" and over, Pumpcrete, Belt Crete, Squeeze crete, Sweeping Machine, Trencher, Winches, Well Points and Freeze Systems	8.79	1.05	*1.80	12%	.05
Welders - receive rate prescribed for craft performing operatiom to which welding im incidental					

DECISION NO. MI81-2001

* .10 inc. in Pension Fund for Retiree Benefit Fund

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day & G. Christmas Day

FOOTNOTES:

a. 7 paid holidays; A through G

b. Employer contributes 8% of regular hourly rate to vacation credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Per week, Per employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Douglas, Sarpy, Otoe and Cass

DECISION NUMBER: NE81-4012

DATES: Date of Publication

Supersedeas Decision No. NE80-4022 dated April 4, 1980 in 45 FR 23260

DESCRIPTION OF WORK: Building projects, including single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.52	.70	.71		.03
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS, Stonemasons	12.36	.82	.60		.05
CARPENTERS:					
Carpenters	13.07	.82	.70		.05
Piledrivermen	13.205	.82	.70		.05
Millwrights	13.35	.82	.70		
CEMENT MASONS	12.85	.82	.90		
ELECTRICIANS - Douglas & Sarpy & Cass Cos.	14.71	.90	3%+1.35		½ of 1%
Residential (not to exceed 3 stories)	10.03	.90	3%		½ of 1%
ELECTRICIANS Otoe County	13.61	.75	3%+1.00		.06
ELEVATOR CONSTRUCTORS	13.685	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.195	.95	a	.035

FOOTNOTES:

A. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 7 paid holidays.

GLAZIERS	13.64	.90	.50		.01
IRONWORKERS	12.10	.85	1.00	1.00	.05
LABORERS:					
Common laborers	9.21	.85	.65	.85	
Buggymobile oprs., mortar mixers, mason tenders	9.375	.85	.65	.85	
Pipelayers	9.54	.85	.65	.85	
Plasterers tenders	9.585	.85	.65	.85	
LATHERS	9.95	.57	.50	1.00	
MARBLE SETTERS, TILE AND Terrazzo workers	12.22	.30	.40		
MARBLE, Tile and Terrazzo Workers Finishers	9.60				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Douglas, Cass, & Sarpy Cos.,)					
Brush	$11.65		.50		.05
Structural steel and Paperhangers	12.00		.50		.05
Spray, swing stage, hazardous and sandblasting	12.25		.50		.05
PAINTERS: (Otoe County)					
Brush & paperhangers	10.34	.65	.30		
Structural steel	10.84	.65	.30		
PLASTERERS	13.42	.85	.58		
PLUMBERS	13.79	1.10	1.15		.10
ROOFERS:					
Composition - Douglas, Cass & Sarpy Cos.	10.80	.70	.20		.01
ROOFERS (Otoe County)	10.85	.50	.30		.02
ROOFERS:					
Roofers helpers (handling roofing materials, erecting and dismantling scaffold for roofers, and removing and cleaning up old roofers (Douglas, Cass, and Sarpy Cos.)	50%JR	.70	.20		.01
SHEET METAL WORKERS	14.29	.75			.08
SHEET METAL WORKERS					
Residential	10.53	.75			.08
SPRINKLER FITTERS	14.30	.85	1.20		.08
STEAMFITTERS	13.54	.70	.85		.15
LINE CONSTRUCTION:					
Lineman	13.18	.45	3%		4%
Cable splicers	14.16	.45	3%		4%
Truck Driver	9.52	.45	3%		4%
Equipment Operators	11.86	.45	3%		4%
Groundmen	8.60	.45	3%		4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$10.07	.85	1.20		
Group 2	10.18	.85	1.20		
Group 3	10.52	.85	1.20		
Group 4	12.26	.85	1.20		
Group 5	12.37	.85	1.20		
Group 6	12.67	.85	1.20		
Group 7	10.09	.85	1.20		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oilers

Group 2 - Oiler drivers (mobil truck crane)

Group 3 - Conveyors; heaters; tractors, 35 hp or under; air compressors; pump and welding machine operator

Group 4- Bulldozers; forklifts; concrete pumps; tractors over 35 hp; one drum hoist; straddle trucks; spread oiler

Group 5 - Blades; end loaders; self-propelled scrapers

Group 6 - Two drum hoist; trenching machines; pile drivers; dredges; heavy duty mechanics; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors

Group 7 - Greasers

TRUCK DRIVERS:					
Single axle	8.645	.57	.48		
Tandem axle	8.72	.57	.48		
Lowboy, trailer	8.845	.57	.48		
Lumber carriers	9.02	.57	.48		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-4033 Filed 2-10-81 8:45 am]

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Friday
February 13, 1981

Part III

Environmental Protection Agency

Standards Applicable to Hazardous Waste Land Disposal Facilities; Proposed and Temporary Interim Final Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 267

[SWH-FRL 1725-1]

Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities and EPA Administered Permit Programs: The Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today promulgating temporary standards for four classes of new hazardous waste land disposal facilities—landfills, surface impoundments, land treatment facilities and Class I underground injection wells. These standards will allow EPA to issue permits to new land disposal facilities pending the development of permanent land disposal standards for new and existing facilities.

DATES: Effective Date: August 13, 1981. Comment Date: This regulation is being promulgated as an interim final rule. The Agency will accept comments on it until April 14, 1981.

ADDRESSES: Comments on this regulation should be sent to Docket Clerk, Docket 3004: New Land Disposal Facilities, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

For information on the technical aspects of this regulation contact: John P. Lehman, Acting Director, Land Disposal Division, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9185.

For information on the management and implementation of the RCRA permit program contact:

John H. Skinner, Director, State Programs and Resource Recovery Division, Office of Solid Waste (WH-563), 401 M Street, S.W., Washington D.C. 20460, (202) 755-9107 or

Heather Struck, Attorney, Permits Division, Office of Enforcement (EN-336), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0750.

For State or Regional related information contact:

Region I, Dennis Hueber, Chief, Radiation, Waste Management Branch, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-5777.

Region II, Dr. Ernest Regna, Chief, Solid Waste Branch, 26 Federal Plaza, New York, New York 10007, (212) 264-0504/5.

Region III, Robert L. Allen, Chief, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-0980.

Region IV, James Scarbrough, Chief, Residuals Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 881-3016.

Region V, Karl J. Klepitsch, Jr., Chief, Waste Management Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6148.

Region VI, R. Stan Jorgensen, Acting Chief, Solid Waste Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270, (214) 787-2645.

Region VII, Robert L. Morby, Chief, Hazardous Materials Branch, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 347-3307.

Region VIII, Lawrence P. Gazda, Chief, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-2221.

Region IX, Arnold R. Den, Chief, Hazardous Materials Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-4606.

Region X, Kenneth D. Feigner, Chief, Waste Management Branch, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-1260.

SUPPLEMENTARY INFORMATION:

I. Authority

These amendments are issued under the authority of Sections 1006, 2002(a), 3004 and 3005 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §§ 6906, 6912(a), 6924 and 6925.

II. Purpose of and Need for These Regulations

Subtitle C of RCRA requires EPA to establish a comprehensive Federal regulatory program to assure the safe management of hazardous waste. In addition to regulating the activities of hazardous waste generators and transporters, a major goal of this program is to assure that wastes are treated, stored and disposed of only at environmentally sound hazardous waste management facilities. RCRA seeks to accomplish this goal by requiring all hazardous wastes to be designated for, transported to and treated, stored and disposed of at permitted facilities and requiring those permits to contain EPA-approved requirements for the design, construction and operation of the facility.

Unlike Clean Water Act permits, which can be issued in the absence of EPA regulations (see Section 402(a)(1), 33 U.S.C. 1342(a)(1)), RCRA permits may be issued only after EPA has promulgated regulations establishing standards for hazardous waste management facilities under Section 3004 of RCRA. See Section 3005(c). These standards are also directly enforceable against a facility.[1] Section 3008.

On May 19, 1980, EPA promulgated the first phase of its Section 3004 standards under Subtitle C of RCRA. 45 FR 33066-33588. These "Phase I" regulations contain self-executing, largely administrative and operational standards which existing hazardous waste management facilities [2] must meet during interim status. They do not contain the technical operating, design and construction requirements necessary to issue permits to new or existing facilities (e.g., requirements for landfill liners or incinerator destruction and removal efficiencies). As discussed at length in the preamble to the Phase I regulations, these standards were scheduled to be issued as "Phase II" of EPA's hazardous waste program, sometime in late 1980. 45 FR 33156-33157.

EPA has now issued a large portion of these Phase II standards. Standards for issuing permits to tanks, piles, storage surface impoundments and container management facilities were promulgated on January 12, 1981 (46 FR 2802). Standards for hazardous waste incinerators appear in the January 23, 1981, **Federal Register** at 46 FR 7666.

Conspicuously absent from these two sets of regulations are standards for permitting the four major classes of land disposal facilities—landfills, surface impoundments, land treatment facilities and Class I underground injection wells. Drafting standards for these classes of hazardous waste management facilities has been the most difficult task EPA has faced in developing its hazardous waste program. The Agency first proposed standards for permitting land disposal facilities on December 18, 1978 (43 FR 58982). EPA received hundreds of comments on these standards, criticizing them for their reliance on design criteria

[1] EPA will not enforce Section 3004 standards directly against a facility which has a RCRA permit. See 40 CFR 122.13 and 45 FR 33312 (May 19, 1980).

[2] Throughout this preamble, the term "existing facilities" will be used to refer to facilities which have qualified for interim status and the term "new facilities" to refer to facilities which have not qualified for interim status under Section 3005(e) of RCRA

and their lack of flexibility. In response to these comments, EPA examined several other regulatory approaches, including containment strategies and numerical and non-numerical ambient health and environmental standards. Based on our analysis of the advantages and disadvantages of these alternatives, we decided to develop revised regulations that combined features of all four approaches. See 45 FR 66816 (October 8, 1980). Those regulations were published in the February 5, 1981 **Federal Register** (46 FR 11126).

Because the specifics of EPA's revised land disposal regulations had never been proposed for public comment and because the regulations require a permit applicant to make showings that may be on the fringes of the technical state-of-the-art, EPA has decided that they should be proposed. To assure that the public has adequate time to fully evaluate and comment on these very complex regulations, EPA is providing a 180-day comment period on them.

The practical result of these two actions is that EPA will probably not be able to issue final land disposal standards until the beginning of 1982 at the earliest. As noted above, EPA cannot issue permits for land disposal facilities until it issues corresponding Section 3004 standards and those standards become effective. Under the most optimistic scenario, this would mean that no land disposal facilities could be issued permits until mid-1982 if the only Section 3004 standards were the permanent standards proposed today.

Such a long delay in beginning the permit program would have undesirable consequences for existing land disposal facilities. Because Section 3005(e) of RCRA treats existing facilities as having been issued a RCRA permit until final EPA or state action is taken on their permit application, such a delay will not force them to cease operations. It will, however, slow down the upgrading of those facilities. Although they are now subject to EPA's "interim status" standards, those standards do not require them to install liners, leachate collection systems and other technical components which will assure that they do not pose hazards to human health or the environment. The imposition of these important requirements must await the promulgation of Phase II regulations and the issuance of permits.

Fortunately, there are other mechanisms to deal with existing landfills. Pending the issuance of permitting standards, EPA can take corrective action against the worst land disposal facilities using its authority under Section 7003 of RCRA. It can also impose monitoring, analysis, testing and reporting requirements under Section 3013. In addition, states can take action to close down or upgrade these facilities under state law.

The timing of EPA's final land disposal regulations creates a much more serious problem for new facilities. RCRA prohibits a new facility from commencing operations (i.e., treating, storing or disposing of hazardous waste) until a final RCRA permit is issued. In addition, under EPA's May 19, 1980, hazardous waste regulations, no new land disposal facilities can begin construction until they have been issued a RCRA permit. See § 122.22(b), as amended by 45 FR 2344 (January 9, 1981). This means that if EPA took no further action beyond its planned promulgation of detailed regulations by the beginning of next year, no new hazardous waste land disposal facilities could commence construction or operations until mid-1982 at the earliest.

This moratorium on the construction and operation of new land disposal facilities is likely to have adverse repercussions for the safe and environmentally sound disposal of hazardous waste. A November 1980 EPA report [3] indicates that our nation faces a sensitive period regarding its capability to safely manage all the hazardous waste it produces. The report indicates that although many large areas of the country appear to have sufficient commercial off-site waste management capacity for 1981, several areas—New England, the Midwest, the Plains, the Rocky Mountains and the Pacific Northwest (EPA Regions I, V, VII, VIII, and X)—do not. The total 1981 off-site capacity shortfall in these five areas could be more than 1.4 million wet metric tons (WMT), or over 30% of the total volume of waste generators in these regions may want to send to commercial facilities.

Importantly, these findings are based on the assumption that the percentage of wastes historically managed on-site will remain constant and that existing off-site commercial facilities will not close. The assumption that the percentage of wastes managed on-site will remain constant will be less valid if there is a moratorium on permitting new facilities, because new industrial operations, which are estimated to account for about 1.5 million WMT of the 1981 waste volume, would have to rely primarily on off-site commercial facilities to manage their wastes.[4] This would be a significant departure from industry's existing practice of managing nearly 80% of its hazardous waste on-site, with most of it being disposed of in landfills and surface impoundments.

Similarly, the assumption that existing sites will not close may prove to be incorrect. Some existing sites are presently encountering major public and governmental opposition to their continued operation. In the short time since the hazardous waste management industry was surveyed for EPA's report, at least eight of the 127 commercial hazardous waste management facilities identified in the report have closed down or stopped receiving hazardous waste. In California (Region IX) alone, four of its thirteen facilities have stopped receiving hazardous waste, creating capacity problems in the southern part of the State. In Texas (Region VI), two of its twelve facilities have closed (although this does not appear to have significantly reduced capacity in the Southwest). In Colorado (Region VIII), ongoing efforts to close down the state's only operating hazardous waste landfill, if successful, will require persons using that landfill to transport their wastes an additional several hundred miles for disposal.

In short, the basic assumption underlying the conclusions in EPA's report—that the status quo will continue—may prove to be inaccurate in certain areas of the country, particularly if no new landfills can be constructed for the next one or two years. Thus actual capacity shortfalls in 1981 could be higher and surpluses lower than predicted.

Even in those areas which EPA's report identifies as having generally adequate commercial off-site waste management capacity—the Mid-Atlantic States, the South and the Southwest (EPA Regions II, III, IV, VI and IX)—generators may encounter waste-specific capacity problems. Many waste management facilities are limited as to the types of wastes they can handle. Although it appears that most wastes slated for off-site treatment, storage or disposal can be managed by more than one type of facility—e.g., an incinerator, a landfill or a chemical treatment facility—some generators may discover that their region has limited capacity to handle their specific waste. In other cases, generators (particularly generators of very toxic and hard-to-manage wastes such as pesticides,

[3] Booz, Allen & Hamilton, Inc. and Putnam, Hayes & Bartlett, Inc., *Hazardous Waste Generation and Commercial Hazardous Waste Management Capacity-An Assessment*. November 1980.

[4] Existing industrial operations which exhaust their current on-site capacity or close on-site facilities in 1981 will also be relying on commercial facilities to handle their wastes.

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cyanide wastes, radioactive wastes, polychlorinated biphenyls (PCBs) and explosives) may find that facility operators in their region will not accept their waste.

To respond to its perceived needs for additional capacity, the hazardous waste management industry plans to increase total off-site landfill capacity by 8.4 million WMT and land treatment capacity by slightly more than half a million WMT in 1981. EPA's own regional survey indicates that industry is planning on building or substantially expanding almost 100 on-site and off-site land disposal facilities in the immediate future. These two figures are further evidence of a need for additional landfills and land treatment facilities in 1981 and 1982.

The absence of adequate commercial capacity in local markets may cause environmental problems. Generators confronted with capacity shortfalls in their area will face the prospect of having to haul their waste to adjoining regions with surplus capacity. The farther these wastes must be transported, the greater the statistical danger of spills. Many generators may find the transportation costs of this long-distance disposal prohibitive. Even in those areas where limited capacity is available, generators may encounter rising prices at commercial facilities due to the demand for their services. As a result of these higher costs, they may resort to stockpiling wastes on-site or illegal disposal practices (e.g., midnight dumping). This obviously would defeat the very objectives of EPA's Subtitle C program.

In short, while we are not on the verge of a national crisis in hazardous waste disposal because of off-site capacity shortfalls, it is clear that there will be insufficient commercial capacity in some areas that will increase both costs and the likelihood of improper disposal. It would certainly be desirable to remedy this situation; at a minimum, EPA believes it should not be allowed to deteriorate any further.

The moratorium on new land disposal contruction and operation has consequences for on-site facilities as well. Several manufacturing facilities have advised EPA that they intend to handle their wastes in on-site landfills or surface impoundments. The ability to obtain permits for these facilities in certain areas, may, in some cases, influence these companies' decisions concerning location of their manufacturing plants. Thus, the moratorium may not only prevent companies from building land disposal facilities, it may delay construction of the production facilities connected to them as well.

The Department of Energy has expressed to EPA its concern that synfuels plants will have difficulty siting and constructing production plants and handling wastes from these plants if EPA is not able to issue permits to these facilities during the next several years. This could have important reprecussions for the national energy supply.

Finally, the mortorium on the permitting of new facilities will simply extend the amount of time during which hazardous wastes will continue to be managed at old land disposal facilities. Although EPA's interim status standards will help upgrade operating practices at these facilities, many of them are improperly sited and poorly constructed and will therefore continue to pose hazards to human health and the environment. The availability of well-designed, environmentally sound new disposal facilities would help divert wastes from these old, inadequate sites and make it easier for states and the Federal government to close them down, thus reducing the dangers they present.

In short, there are strong reasons of public policy why permitting of new hazardous waste facilities should begin as soon as possible. Some of these are directly related to the purposes of RCRA. These include the need to provide new hazardous waste disposal facilities in areas that now lack them so as to reduce the pressures for improper disposal, and the need to provide new facilities in areas where the existing ones are inadequate to provide a reserve of disposal capacity that in turn will make it easier to upgrade or if necessary close down those existing facilities. Others reflect other important national goals, most notably, the need to assure that new investment in energy and other productive facilities is not delayed simply because a national solid waste control program has taken longer to establish than Congress initially anticipated.

The question then becomes whether RCRA authorizes a regulatory approach under which some new disposal facilities in certain categories can be permitted, and thus can begin construction, before detailed regulations establishing disposal requirements have been issued and have taken effect. For the reasons given below, EPA has concluded that it does.

Section 3004 of RCRA, entitled "Standards Applicable to Owners and Operations of Hazardous Waste Treatment, Storage, and Disposal Facilities" directs EPA to issue "regulations * * * establishing * * * performance standards" in at least seven distinct areas for hazardous waste treatment facilities. Section 3005, entitled "Permits for Treatment, Storage or Disposal of Hazardous Waste" picks up this theme by stating that permits may be issued to facilities that comply "with the requirements of * * * section 3004."

EPA believes that this language should best be read to express a general Congressional preference for requirements under Section 3004 that specify the approach to be taken in individual permit proceedings and that substantially narrow the area within which the permit writer will be free to set terms without reference to detailed national standards.

However, nothing in the text of the statute compels that result. It requires only that EPA set national regulations for permit issuance, and that these then be applied to individual permits. Indeed, when Congress inserted a separate permit-issuance stage in the procedure by which RCRA standards are set for individual facilities, it presumably intended that stage to serve an independent regulatory purpose. Many of the provisions of Section 3004—for example, Section 3004(3)—are very generally worded. It is very unlikely that any nation-wide regulations implementing them could totally eliminate the need for discretion in individual permit proceedings. The statute appears to contemplate the exercise of such discretion when it requires the submission of detailed site-specific information in a permit application, (see Section 3005(b)), and when it requires widely advertised public comment on a proposed permit (see Section 7004(b)(2)).

Given this background, EPA believes that, though the statute expresses a distinct preference for regulations under Section 3004 that provide detailed binding guidance to permit writers, it also allows the burden of setting the precise RCRA requirements that bind a site to be shifted back and forth between general regulations under Section 3004 and site-specific permit proceedings under Section 3005 according to circumstances.

EPA believes that the public interest considerations discussed above provide a temporary justification for taking an approach that shifts a high degree of that burden to individual permit proceedings, and the regulations promulgated today embody that approach.

They also contain a number of safeguards to make sure that taking this approach now does not undermine either the general statutory preference for detailed national standards, or result in less responsible environmental regulation than Congress expected when it expressed a preference for detailed standards.

To emphasize the interim nature of these regulations, their lifetime has been limited. They will be replaced by the more detailed standards now being developed as soon as feasible.

And while these standards are in effect, EPA will take steps to assure that permits issued under them contain the same depth of analysis and consideration that they would if they were based on more detailed Section 3004 regulations. In other words, EPA will aim to create a state of affairs in which each individual permit can be viewed, both procedurally and substantively, as a site-specific rulemaking under Section 3004. To the extent this goal can be achieved, EPA believes any doubts about the legal acceptability of this approach will be further removed.

The permit-issuance procedures in Part 124 already provide the basic framework for such an approach. They provide for detailed explanation of the terms of a draft permit, together with public comment on it, for an administrative record to assist public comment, and for a final decision accompanied by a response to comments. To further heighten the procedural similarity to rulemaking, EPA has provided in these regulations that the Administrator will review any permit decision on request. Finally, as discussed in more detail below, EPA will form a special permit writing team to assure quality and national uniformity in these permits.

Two other consequences of this approach need to be mentioned. First, there may well be limits to the number of permits EPA can process under this approach. It is likely to be very costly in resources, since it requires work that would normally be done once and for all in a national rulemaking to be repeated in each individual permit proceeding.

Second, as discussed in more detail in Section IV below, state permit issuance under Part 267 will not be authorized. The program under this Part will depend so heavily on what is done in individual permit proceedings that there will be no practical way to judge whether state programs, whatever they may look like on paper, will be "equivalent" to the Federal program as the statute requires. However, EPA stands ready to cooperate with states in reviewing applications and evaluating the terms of draft permits when it is taking action under this Part.

III. Implementation of These Regulations

A. Relationship to Today's Proposed Requirements for Land Disposal Facilities

As noted above, on February 5, 1981, EPA proposed permanent permitting requirements for land disposal facilities. These include facility and performance standards in Part 264 and permit application requirements in Part 122. After considering comments submitted on the proposal, EPA will issue final regulations.

The interim permit regulations promulgated today in Part 267 are temporary regulations designed to allow land disposal facilities to be permitted during the interim period while the Agency considers comments on its proposed Part 264 requirements and sets appropriate final requirements. The Part 267 standards are necessarily much more general than the proposed 264 standards.

A major example of the differences between the proposed Part 264 approach and the more general Part 267 approach is their differing approach to setting of performance standards. Proposed Part 264 very specifically requires numerical risk analyses. In particular, it sets concentration limits for many contaminants, and it specifies the location where the concentrations must be measured (at the point of actual or potential withdrawal for use).

Part 267 does not require the development of numerical risk analyses, although such information could be useful in establishing permit conditions. Likewise, Part 267 leaves to the permit process the decision where to apply any ground water quality limits—*e.g.*, at the point of initial entry into the saturated zone, at the facility property boundary, or at the first downgradient point of use.

Certainly the Part 264 scheme for land disposal being proposed today could be used to guide permit decisions. However, Part 267 does not necessarily require that the specific analyses and requirements contemplated in the proposed Part 264 regulations be performed for each permit. Depending on the circumstances, for example, it may not be possible to await full development of all the information required by Part 264 before final action is taken on a permit for a new land disposal facility. Furthermore, the methodology for assessing whether a proposed facility would be protective of human health and the environment may differ from that proposed in Part 264.

EPA has developed other documents which should be useful to both permit applicants and permit writers. These are four Technical Resource Documents: Evaluating Cover Systems for Solid and Hazardous Waste (SW–867); Hydrologic Simulations on Solid Waste Disposal Sites (SW–868); Landfill and Surface Impoundment Performance Evaluation (SW–869); and Lining of Waste Impoundment and Disposal Facilities (SW–870). See EPA's notice of availability of drafts of these four documents in 45 FR 82964 (December 17, 1980).

In summary, Part 267 is a general regulation authorizing the issuance of permits for new land disposal facilities. Any available information or mode of risk analysis may be used, provided that the resulting requirements protect human health and the environment.

B. Permit Writing Assistance Teams

The issuance of permits to land disposal facilities during the initial stages of the RCRA permit program will be very difficult. The potential for improperly sited and designed land disposal facilities to pollute the environment has aroused concern in many communities, making the issuance of permits to land disposal facilities highly controversial.

Many difficult and complex technical and policy issues must be addressed in issuing many of the these permits. Yet, the interim permitting standards of Part 267 are of necessity quite general, thereby leaving many of these issues for resolution in the permitting process.

To assist permit writers, EPA is organizing national teams of Federal and State personnel and outside consultants who are experts in issues relating to land disposal facilities. (Similar teams are being organized to assist permit writers in issuing permits for incinerators.) These experts will assist applicants in developing permit applications and will actively participate in the review of data submitted by permit applicants, the decisions whether to issue or deny permits, and the development of appropriate conditions when permits are issued.

EPA expects two chief benefits/result from its use of permit writing assistance teams. First, this will bring some of the Nation's best expertise to bear on the development of permits, thereby maximizing protection of human health and the environment. Second, the teams will assure that consistent modes of analysis are used to issue different permits.

C. State hazardous waste programs

Like several other Federal environmental statutes, RCRA authorizes EPA to approve state

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programs. Once approved, these programs operate in lieu of the Federal program within their respective jurisdictions. See Section 3006.

RCRA is unique among the Federal environmental statutes in providing for two types of approvals of state programs: "interim authorization" and "final authorization". Interim authorization is a temporary approval lasting up to 24 months after full Federal program has been established; it may be granted to states whose programs are "substantially equivalent" to the Federal program. Final authorization is a permanent approval (subject, of course, to withdrawal for cuase by EPA); a state may obtain final authorization by demonstrating that its program is "equivalent" to the Federal program, is "consistent with" the Federal program and other state programs, and provides adequate enforcement.

By keying interim and final authorization to the shape of the Federal hazardous waste program, Congress sought to use the Federal program both as a model for the development of the state programs and a "minimum standard" for their approval. H.R. Rep. No. 94–1419, 94th Cong., 2d Sess. at 29 (1976). In this way, it hoped to materially upgrade existing state programs (whose inadequacy was one of the factors leading to RCRA's enactment) and to assure some degree of uniformity and consistency in hazardous waste management standards from state to state. Id. at 30.

Although EPA recognized at the time its May 19, 1980, hazardous waste regulations were issued that they would require fine tuning over time (and in fact they have been amended in several respects to date), they were, in EPA's opinion, sufficiently "final" and specific that they could serve as a model and "minimum standard" for State programs. For these reasons, EPA's regulations provided that States could obtain interim authorization based on those regulations as early as their effective date. See §§ 123.121, 123.122, 123.128.

Similarly, while EPA also contemplates future modifications to its permitting standards for hazardous waste storage/treatment facilities (published on January 12, 1981, at 46 FR 2802) and for hazardous waste incinerators (published on January 23, 1981 at 46 FR 7666), it believes that those standards, too, can serve as a model for the development and approval of State programs. Therefore, as discussed below, EPA expects to begin authorizing State hazardous waste permitting programs for these classes of facilities as soon as the storage and incinerator regulations become effective.

Unlike the final permitting standards issued for storage facilities and incinerators, today's interim permitting regulations for land disposal facilities cannot serve as the basis for the development and approval of State programs.

First, they are not permanent standards; they will be effective only for at most eighteen months. EPA's final land disposal regulations are not likely to be simply a fine tuning of these standards. They may look entirely different and impose very different requirements.

Second, today's regulations are not (and are not intended to be) a "model" Federal program. They are, rather, requirements designed to provide a minimum regulatory framework for issuing Federal permits to new land disposal facilities until more detailed standards can be developed.

Finally, today's regulations do not provide a good yardstick for evaluating State programs for interim or final authorization. Although they include broad standards for decision making and factors to be considered in determining whether those standards have been met, they do not specify how risks should be defined, assessed and minimized. Nor do they contain specific design standards; they describe the general elements commonly associated with land disposal facilities and require the applicant to demonstrate that the design will protect human health and the environment.

For States which adopt EPA's regulations verbatim, the "substantial equivalency" of the state program will depend to a great extent on how the permit writer's discretion is exercised. It will therefore be largely impossible to determine in advance whether a state's regulations are substantially equivalent to Part 267 and thus sufficient for the state to be granted interim authorization. Thus approval of state regulations as substantially equivalent to Part 267 would become possible, if at all, only in retrospect by comparing EPA-issued permits to state-issued permits to determine whether they are substantially equivalent. Indeed, since there will be no specific standards for a state's permits to be substantially equivalent to, there will be no basis to judge whether these permits are substantially equivalent. For example, if a state permit requires containment of waste for 200 years plus ongoing monitoring showing that hazardous constituents do not exceed level 2x at point y, while a federal permit in another state with similar hydrogeological and other factors requires no containment but requires that the level of constituents not exceed x at point y, are the permits "equivalent"? The Part 267 standards are too general to provide a definitive answer.

Similar problems will result if a state adopts specific performance and design standards. Again, these must be compared for substantial equivalency against the general Part 267, resulting in the same difficulty of analysis as described in the preceding example.

Beginning the process for authorization of state programs for permitting land disposal facilities based on today's regulations would result in considerable duplication of effort at the state and Federal level. States would no sooner amend their statutes and regulations to conform to the land disposal standards issued today than they would have to begin modifying them to bring them into line with the standards which EPA anticipates promulgating early in 1982. Similarly, EPA would spend substantial time reviewing and approving state interim permitting regulations over the next year only to have to start the process all over again when its final land disposal standards are issued. These efforts would divert state and Federal resources from the more important task of issuing permits to new facilities and developing state permitting programs for storage/treatment facilities and incinerators.

For these reasons, EPA does not think it would carry out the intent of RCRA or make much sense as a practical matter to begin authorizing state programs to permit land disposal facilities under Part 267. As noted above, however, the Agency does believe that its recently issued standards for tanks, surface impoundments, containers, piles and incinerators do provide the necessary foundation for approving state permitting programs for those facilities. Rather than delay the authorization of any state permitting programs until EPA has issued final regulations for *all* types of hazardous waste management facilities, EPA has decided that it would be more consistent with Congress' objective that qualified states take formal responsibility for the nation's hazardous waste program as soon as possible to allow states to obtain interim authorization now for those permitting programs for which there is a Federal "model". In addition, the prompt authorization of state programs will pour more resources into the nation's permitting efforts, increasing the speed with which new facilities can commence operations and existing facilities can be upgraded or closed.

Although EPA will not authorize states to implement Part 267, it anticipates that states will be significantly involved in the approval of land disposal facilities during the eighteen-month period in which Part 267 is effective. First, states continue to have authority over the siting of land disposal facilities. Second, states may (and many do) permit land disposal facilities independent of the RCRA permitting process. Third, where a state permits new land disposal facilities, EPA will coordinate its procedures (including any public hearings) with the state's procedures to the maximum extent practicable. Finally and most important, EPA intends in all cases to solicit the state's comments on applications and draft permits to assist us in deciding whether to issue a permit and, if so, to determining appropriate standards for the facility.

In issuing the May 19, 1980, promulgation of Part 123 (approval of State programs), EPA anticipated issuing standards suitable for authorizing permitting programs for all types of hazardous waste facilities by the end of 1980. Thus the Part 123 regulations provided for interim authorization in two phases—Phase I (based on the May 19, 1980, regulations) and Phase II (based on the regulations expected to be promulgated in fall 1980). In addition, the schedules for filing application for interim and final authorization and for obtaining final authorization are keyed to the promulgation date of the Phase II standards.

As explained above, Phase II standards for land disposal facilities will be promulgated at a later time than other Phase II standards so that changes to the schedule for authorizing State programs is necessary. Elsewhere in today's **Federal Register**, EPA has promulgated regulations to effect these changes in Part 123. These regulations allow States to obtain interim authorization to implement those Phase II standards which have already been promulgated in Part 264.

IV. Section by Section Analysis

A. *Subpart A.* Subpart A sets forth the general scope of the Part 267 standards. It also contains specific requirements that apply to all land disposal facilities covered by Part 267.

1. *Scope of Part 267.* As discussed in Part II of this preamble, Part 267 is a temporary regulation designed to respond to the immediate need for new, environmentally acceptable land disposal facilities. Its scope is limited accordingly.

First, Part 267 covers only new facilities. Since the major purposes of the regulation are to allow an increase in environmentally acceptable land disposal capacity and to allow the operation of new energy and other facilities requiring on-site disposal, limitation of Part 267 to new land disposal facilities is appropriate.

Second, Part 267 covers only four types of land disposal facilities: landfills, surface impoundments, land treatment facilities and those underground injection wells which are classified as Class I under 40 CFR 122.32(a). It does not cover waste piles used for disposal. New waste pile facilities may be designed and permitted as storage facilities under 40 CFR Part 264 Subpart L (46 FR 2802, January 12, 1981). Part 267 also does not apply to Class IV injection wells. The Agency is unaware of any emergency demand for new Class IV wells. (Class I wells are in demand in certain areas to dispose of highly toxic waste. See *Hazardous Waste Generation and Commercial Hazardous Waste Management Capacity—An Assessment*, at p.V–19 for off-site estimates.)

Third, the duration of Part 267 is limited. As provided in § 267.3 (and as explained in section A(3) of this preamble), Part 267 will be used to issue permits for at most eighteen months. This limitation again reflects the limited purpose of Part 267: to provide a temporary permitting system for new environmentally acceptable land disposal facilities during the brief period preceding promulgation of permanent Part 264 standards for these facilities.

These are some specific land disposal activities which are for a variety of reasons not covered by Part 267. These exceptions, patterned after similar ones in Part 264 and Part 265, are listed in § 267.1(c) and explained below:

a. Part 267 does not cover persons who are disposing of hazardous waste by means of ocean disposal and are subject to a permit issued under the Marine Protection, Research and Sanctuaries Act. The requirements of this Part are applicable to such persons only to the extent they are included in a RCRA permit by rule granted to such a person under Part 122 of this Chapter. The rationale for this provision is discussed in the May 19, 1980 preambles to the Consolidated Permit Regulations (45 FR 33325) and to the Part 264 standards (45 FR 33171). It should be noted that the permit by rule, contained in § 122.26(a), given to those subject to ocean dumping permits does not currently include Part 267 standards. However, it does include Part 264 standards which would otherwise be applicable to facilities covered by this Part, and EPA could eventually add Part 267 provisions to § 122.26(a). The principal reason for including this provision in Part 267 at this time is to clarify the fact that facilities subject to ocean dumping permits will be given the same treatment under Part 267 as they currently receive under Part 264.

b. Part 267 applies to persons who are disposing of hazardous waste by means of underground injection and are subject to permits issued under the Underground Injection Control (UIC) program of the Safe Drinking Water Act only to the extent they are not included in a RCRA permit by rule under Part 122 of this Chapter. The rationale for this provision is discussed in the May 19, 1980 preambles to the Consolidated Permit Regulations (45 FR 33326, 33335) and to Part 264 standards (45 FR 33171). As with ocean dumping, the RCRA permit by rule does not currently include Part 267 requirements. Thus at this time the purpose of this provision is to indicate that underground injection subject to the UIC program will receive similar treatment under both Parts 264 and 267.

c. Part 267 does not cover owners and operators of publicly-owned treatment works (POTW's) which treat, store or dispose of hazardous waste except to the extent that its requirements are included in a RCRA permit by rule granted to such a person under Part 122 of this Chapter. The rationale for this provision is discussed in the May 19, 1980 preambles to the Consolidated Permit Regulations (45 FR 33325) and to the Part 264 standards (45 FR 33172). As with ocean disposal and underground injection, the RCRA permit by rule does not currently include Part 267 requirements. Thus at this time the purpose of this provision is to indicate that treatment, storage and disposal of hazardous waste by POTW's will receive similar treatment under both Parts 264 and 267.

d. Part 267 does not cover owners or operators of treatment, storage or disposal facilities that only manage hazardous waste from small quantity generators subject to the requirements of § 261.5. A similar exclusion is contained in Part 264. For an explanation of the small generator exclusion readers should consult the preambles to EPA's May 19, 1980 hazardous waste regulations (45 FR 33102) and the November 19, 1980 amendment to § 261.5 (45 FR 76620).

e. Part 267 does not cover generators who temporarily accumulate hazardous waste on-site, provided that they comply with § 262.34. A similar exclusion is contained in Part 264. For an explanation of the on-site accumulation provision, readers should consult EPA's

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preambles to the February 26, 1980 hazardous waste regulations (45 FR 12730), the May 19, 1980 hazardous waste regulations (45 FR 33141) and the November 19, 1980 amendment to § 262.34 (45 FR 76624).

f. Part 267 does not cover any farmer who disposes of waste pesticides from his own use, provided that the farmer complies with § 262.51. A similar exclusion is contained in Part 264. For an explanation of this exclusion one should consult the preamble to EPA's February 26, 1980 hazardous waste regulations (45 FR 12732).

g. Part 267 does not cover owners or operators of facilities that qualify as totally enclosed treatment facilities, as defined in § 260.10. A similar exclusion is contained in Part 264. For an explanation of this exclusion, readers should consult the preamble to the May 19, 1980 hazardous waste regulations (45 FR 33177).

h. Part 267 does not cover owners or operators of elementary neutralization units or wastewater treatment units, as defined in §260.10 of this Chapter. A similar exclusion is contained in Part 264. For an explanation of this exclusion, reader's should consult the preamble to the November 17, 1980 amendments to the hazardous waste regulations (45 FR 76074).

i. Part 267 does not cover any person who takes steps to contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste. A similar exclusion is contained in Part 264. For an explanation of this provision, readers should consult EPA's November 19, 1980 amendments to its hazardous waste regulations.

2. *Applicability of Part 264 Standards.* Although specific land disposal standards have not yet been promulgated in Part 264, many general requirements applicable to all permitted facilities have been. These include § 264.18 (Location Standards), promulgated at 46 FR 2802 (January 12, 1981); Part 264, Subparts B (General Facility Standards), C (Preparedness and Prevention), D (Contingency Plan and Emergency Procedures) and E (Manifest System, Recordkeeping and Reporting), promulgated at 45 FR 33220—33232 (May 19, 1980); and Subparts G (Closure and Post-Closure) and H (Financial Responsibility), promulgated at 46 FR 2802 (January 12, 1981). Section 267.2 incorporates these requirements by reference. Therefore any permit issued under Part 267 must, like any other RCRA permit, reflect all these general requirements.

3. *Duration of Part 267 Standards and Their Relationship to Permits.* As mentioned previously, the Agency is limiting the duration of Part 267. The Agency intends to promulgate Part 264 standards for land disposal facilities in early 1982. Therefore, § 267.3 provides that Part 267 will be applicable and serve as a basis for issuing permits until the final Part 264 regulations become effective or until 2 years after today's date, whichever is sooner.

In thus fashioning the schedule for phasing out Part 267, EPA is mindful of section 3010(b) of RCRA, which provides that hazardous waste regulations promulgated under Subtitle C of RCRA take effect six months after promulgation. Thus Part 267 will not take effect until [six months from publication date]. Since Part 267 will cease to be applicable as a basis for issuing permits no later than 2 years from today, it will be in effect for a maximum of eighteen months. If the Part 264 land disposal regulations are promulgated within less than eighteen months after today's date, so that they become effective six months later, then Part 267 will have been the basis for issuing permits for less than eighteen months.

Since the Part 267 regulations are of limited duration and are to be succeeded by another set of standards, it is necessary to determine the point in the permit process when Part 267 ceases to be applicable as a basis for issuing permits. The most obvious points to choose from are the submission of a complete application, the issuance of a draft permit or the issuance of a final permit.

The Agency has decided in § 267.3(b) that applicants for whom draft permits have been prepared, for which public notice has been issued under Part 124, before Part 267 expires may be issued permits under Part 267. Where no public notice of a draft permit has been issued by that time, no permit will be issued under Part 267. Rather, a permit will be issued under the Part 264 standards which EPA intends to promulgate in 1982.

EPA's selection of the public notice of a draft permit under Part 267 as the event that determines whether Part 264 or Part 267 regulations will apply to the issuance of the final permit is consistent with prior EPA actions relating the phasing in of new requirements to the public notice of draft permits. See, e.g., 40 CFR 124.21(e) (45 FR 33492, May 19, 1980) and former 40 CFR 124.135(a) (44 FR 32948, June 7, 1979, superseded May 19, 1980).

More important, the use of the draft permit as the dividing line represents sound policy. By the time EPA prepares a draft permit, the applicant will have submitted the relevant information, EPA will have developed an appropriate methodology for determining whether the proposed facility has been designed and would be operated in a manner that will protect human health and the environment, and EPA will have drafted its conclusions after applying this methodology to the facts. Given that the analysis will have been carried through to this point, it would be sensible to continue to use the same methodology to finally issue the permit. If the Part 267 regulation ceased to apply even if a draft permit were already prepared under these regulations, it is unlikely that many owners or operators would make the significant commitment of resources necessary to develop and submit relevant information to EPA at this time. Owners and operators would reasonably anticipate that Part 267 might well cease to apply before they could be issued final permits, thereby starting anew the entire cycle of permit application, review and issuance proceedings under a new set of standards. Thus, applying Part 267 only to permits issued in final form prior to the expiration of Part 267's applicability to permit issuance would inhibit development of new environmentally sound land disposal facilities, contrary to EPA's intent in promulgating Part 267.

It would also be inappropriate to apply Part 267 to all permits arising from applications that have been submitted prior to the expiration of Part 267's applicability to permit issuance. If EPA has not completed its analysis of the proposed facility by the time Part 267's applicability expires, it is sensible to use Part 264 as a basis for assessing the facility's design and effect on human health and the environment. Since Part 264 will be more complete and specific than the Part 267 regulations, it will probably resolve some of the issues relating to the proposed facility. Of course, any information previously developed and submitted by the applicant can still be used in issuing the permit under Part 264, so that the applicant will have not wasted its time or money in submitting a Part 267 permit application. In fact, issuance of a permit under the Part 264 standards should be speedier than under Part 267 because of those standards' greater specificity.

Once a public notice of a draft permit is issued under the Part 267 regulations, the final permit will also be issued under those regulations. Even after Part 264 regulations are promulgated, any permit issued under Part 267 will remain in effect for its stated life (which may not exceed ten years, as provided in 40 CFR 122.9(b)). This, again, will

encourage new facilities to apply now for permits under Part 267, knowing that these permits will not be immediately superseded, rather than to wait for the issuance of Part 264 regulations before applying.

4. *Imminent Hazard Action.* § 267.4 provides that notwithstanding any other provision of Part 267, enforcement actions may be brought under section 7003 of RCRA. That section provides that the EPA Administrator may issue administrative orders or bring suit to immediately restrain any person contributing to the disposal or other handling of hazardous waste which may present "an imminent and substantial endangerment to health or the environment." These actions may be instituted regardless of whether the person is complying with Part 267 or any other RCRA requirement. Part 264 contains a provision parallel to § 267.4.

5. *Additional Permit Procedures Applicable to Part 267.* Procedures for the issuance, modification, revocation and reissuance, and termination of permits under Part 267 are set forth in 40 CFR Part 124. (Grounds for permit modification, revocation and reissuance, and termination are set forth in 40 CFR 122.15 and 122.16, 45 FR 33428–30, May 19, 1980.) In addition, the permitting provisions of Part 122 apply to permits issued under Part 267. These two points are stated explicitly in § 267.5.

Section 267.5 contains several provisions that modify or expand upon the requirements of Parts 122 and 124. In addition to submitting application information required by §§ 122.4 and 122.25, applicants are required by §267.5 to submit enough information to demonstrate compliance with the applicable performance/design requirements. Due to the general nature of the performance/design requirements of Subpart C–F in these temporary regulations, specific application requirements could not be developed. Applicants should contact EPA to discuss appropriate application information. EPA intends to work closely with applicants to specify reasonable application requirements as expeditiously as possible.

Section 267.5 also contains certain procedural provisions designed to assure that permits issued under Part 267 meet a high standard of quality. Facilities issued permits under Part 267 will automatically be designated "major" facilities. Since § 124.8 requires EPA to propose a fact sheet whenever it issues a draft permit to a major facility, EPA will prepare a fact sheet for each draft permit issued under Part 267. Section 267.5 further requires fact sheets for Part 267 draft permits to be even more detailed than standard fact sheets, which must already be fairly detailed. Fact sheets for Part 267 draft permits must reflect the consideration of factors required by Subparts C–G of Part 267. For example, § 267.21 (General Design Requirements for Landfills) requires that landfills include liner systems designed to protect human health and the environment and that the design "reflect a consideration" of six factors. The fact sheet for a draft permit issued for a landfill must show how each of those six factors was considered and how the requirements in the draft permit reflect the considerations.

Section 267.5 contains one other provision to assure careful scrutiny of each permit application. Currently, § 124.19 allows any person who filed comments on a draft permit or participated in a public hearing to petition the EPA Administrator to review any permit condition. § 124.125 allows persons participating in non-adversary panel procedures under Part 124 Subpart F to appeal the recommended decision to the EPA Administrator. Section 267.5(a)(2) provides that the Administrator "shall accept" any such petition or appeal to review permits issued under Part 267. This will assure the highest level EPA review of these permits.

The requirement of fact sheets for draft permits, the appeal as of right to the Administrator to review permits, and the assistance of a national team of experts throughout the proceedings are all designed to focus attention by both the Agency and other interested parties on each Part 267 permit application. This will increase the quality of the decisions made in issuing permits under Part 267.

B. Environmental Performance Standard

The Part 267 standards for new hazardous waste landfill, surface impoundment, land treatment and Class I underground injection facilities rely heavily on performance standards. At the center of the regulatory scheme is the environmental performance standard set forth in Subpart B. Section 3004 requires that the standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities be those "necessary to protect human health and the environment." In § 267.10 EPA has translated this general objective into a set of more specific goals that will guide consideration of permit applications. Four general sets of concerns are identified in § 267.10—ground water, surface water, air quality and subsurface migration. While these do not exhaust all possible environmental concerns for hazardous waste management facilities, they do represent the principal concerns and should be adequate to guide permit decisions in most situations. Of course, where necessary to protect human health and the environment, § 267.10 contemplates that the Regional Administrator could identify and investigate additional environmental impacts.

EPA does not view § 267.10 as a provision that will apply directly to owners and operators of landfill, surface impoundment, land treatment and Class I underground injection facilities. Rather, § 267.10 provides a general set of objectives that will guide EPA, the permit applicant, and the public in evaluating the acceptability of these facilities. The broad outlines of the owner or operator's permit application are determined by reference to the other Subparts of Part 267, which identify the basic design and operational components that should be present in a permitted facility. (As discussed later, EPA may waive some of those components under appropriate circumstances.) While Subparts C, D, E, F and G of Part 267 set forth the general design and operational components of the facility, the specific contents of the permit application will depend on site-specific factors and their relationship to the objectives identified in § 267.10.

For example, Subpart C requires that all landfills include liners. However, the particular design of a liner will depend on its function in the permit applicant's ground water protection scheme. Depending on the waste in the facility, the liner may be used as a filter mechanism which captures or degrades the various constituents at different rates. For example, a clay liner may immobilize certain heavy metals to a significant degree while allowing other, possibly less significant constituents, to eventually pass through. In other situations, it may be appropriate to view the liner as a barrier that precludes any migration of constituents from the facility while in-situ treatment is occurring at the facility. Although both situations require some type of liner, the specifications for the liner will require consideration of the risks presented by the waste in the facility and the development of a ground water protection approach for the facility in that environment.

Thus EPA anticipates that § 267.10 will be used to guide the owner or operator in preparing the permit application and the EPA and the public in evaluating the facility. While detailed analyses of all of the factors identified in § 267.10 would certainly assist the evaluator of the permit, it will not

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always be necessary for the permit applicant to explicitly analyze each factor. The considerations identified in § 267.10 will provide a basis for seeking additional information about the facility during the permit process, where it appears that the environmental impact of the facility could be substantial. Based on that additional information, additional conditions may be placed in the permit.

Section 267.10 identifies four general sets of concerns that will be examined in the consideration of land disposal permits—ground water quality, surface water quality, air quality and subsurface migration of waste constituents. Each of these is discussed in more detail below:

1. *Ground-Water.* Contamination of ground-water caused by land disposal is a major concern under RCRA. Section 267.10(a) therefore provides that prevention of adverse effects on ground-water quality is a major component of protection of human health and the environment. The regulation provides that eight factors should be considered in assessing adverse effects on ground-water quality.

The first factor is the volume and physical and chemical characteristics of the waste itself. The volume of the waste placed in the facility determines the maximum amount of waste which may enter the ground-water (assuming no attenuation or removal through a leachate collection system). Relevant physical and chemical characteristics determine, among other things, the toxicity of the waste, the ability of the waste to be contained or immobilized, degraded or attenuated in or by certain types of materials, and the probability of undesirable reactions taking place among waste or between wastes and liners or natural earth materials.

The second and third factors are the hydrogeological characteristics of the facility and surrounding land and the quantity, quality and direction of ground-water flow. These factors affect the movement of hazardous waste constituents in the environment and thus of crucial importance in assessing the risks of land disposal.

The fourth factor is proximity and withdrawal rates of ground-water users. While drinking water is probably the most critical use, other uses, such as agricultural and industrial, are also of concern. Clearly, water which may be contaminated by hazardous waste leachate and then used presents significant risks.

The regulation allows future uses to be considered when that is feasible. Available approaches may include reference to state ground-water planning efforts and local land use ordinances or the use of certain presumptions (e.g., assume that the water will be used at some future time absent evidence to the contrary).

In addition to ground-water use, migration of hazardous constituents through the ground-water is also of concern. Migration is separately addressed in § 267.10(d).

The fifth factor focuses on the existing ground-water quality including other sources of contamination. This factor is relevant to predicting future uses of the ground-water as well as to determining the incremental risk posed by the new facility.

The sixth and seventh factors are the potential for human health risks and the damage to wildlife, crops, vegetation and physical structures caused by exposure to wastes constituents. These factors depend on the concentration, quantities and toxicities of the hazardous waste constituents which ultimately reach a point of use.

The final factor required by the regulations to be considered in evaluating ground-water impacts is the persistence and permanence of the potential adverse effects. Most of the wastes which have been and will be identified or listed as hazardous are likely to present significant risks for many years (in some cases forever, such as in the case of heavy metals) and thus to continue to pose the threat of irreversible degradation of ground-water long after their deposition. Therefore, the length of time for which protection can be assured will be a critical consideration in evaluating the adequacy of a facility's design and operation. This issue, which should be examined in conjunction with the waste characteristics and patterns of ground-water use, will be evaluated in the context of each permit.

2. *Surface Water.* Section 267.10(b) emphasizes the importance of preventing adverse effects on surface waters. Many of the same factors that influence ground water protection are significant for surface water. Therefore, many of the factors listed in § 267.10(b) parallel those in § 267.10(a).

The volume and the characteristics of the waste in the facility is the first factor to be evaluated. Since surface waters may be contaminated by migration of waste constituents through hydrologically-connected ground water, the second and third factors require considerations of the hydrogeology of the area as well as the characteristics of ground water, including its flow patterns.

Surface water may be contaminated by runoff from the facility. Therefore evaluation of rainfall patterns in the area is the fourth factor which must be considered. (Topography, which is relevant to runoff, must be evaluated as part of the consideration of hydrogeology.)

Patterns of surface water use, proximity of the surface water to the facility, and existing water quality are factors which must be considered. Assessment of surface water effects are aided by water quality standards programs which have been developed by the States in cooperation with EPA. Such standards provide numerical and narrative criteria, tied to particular uses established for particular water bodies, that should guide EPA, permit applicants, and the public in evaluating the acceptability of disposal facilities.

Risks for human health, wildlife, crops, vegetation and physical structures presented by waste constituents in surface waters must be assessed just like those presented in ground-waters. The persistence of the potential adverse effects must be analyzed here, although surface water impacts are less likely to be as long-lasting or irreversible as those affecting ground water.

3. *Air.* Prevention of adverse effects on air quality is commonly thought of as a concern identified with such activities as incineration. The land disposal facilities regulated under this Part may, however, have significant effects on the air. Land treatment facilities, for example, typically leave wastes exposed to the air. Depending on the waste and the weather conditions in the area, waste constituents may be dispersed by the wind. Likewise, surface impoundments used for treatment of certain wastewaters may contain wastes or constituents that volatilize and enter the atmosphere. Also, under certain circumstances, chemical processes taking place in a landfill may produce toxic or explosive gases that are emitted into the air.

Adverse effects on air quality are similar in many respects to other forms of environmental degradation. Thus, as for ground and surface water, the nature of the waste (including its potential for volatilization and wind dispersal) and the cumulative impact of other sources of air pollution must be considered here.

The regulations in this Part anticipate that some consideration will be given to the full range of adverse effects which can be caused by air emissions. Human health effects due to inhalation of constituents is of greatest significance and should be considered in all circumstances. Other adverse effects from air pollution are also worth examining. Deposition of waste constituents from the air can cause damage to wildlife, crops, vegetation and physical structures (e.g., buildings), and these should be considered as well. EPA's air pollution programs may also provide useful guidance on the question of acceptable risk. For example, some measures developed to control fugitive emissions from asbestos piles and some of the Section 112 hazardous pollutant limitations could be applicable to some land disposal activities.

4. *Subsurface Migration.* Subsurface migration of wastes is a distinct form of environmental degradation apart from contamination of ground-water which is subsequently drawn for use. The tragedy of Love Canal provides a classic example. There waste constituents migrated from the landfill area through the unsaturated zone (which lies above the ground-water) and into the basements of nearby residential homes. Direct human exposure resulted from physical contact with waste and inhalation of volatile contaminants as well from ingestion of contaminated water. The potential adverse effects of subsurface migration of waste constituents must be considered in addition to any direct effects of such migration on surface water and ground-water. However, many of the same factors considered with respect to surface and ground-water must also be considered here.

Both the saturated and unsaturated zone must be considered in evaluating the potential for subsurface migration. This will require some knowledge about the characteristics of both the waste in the facility (e.g., liquid vs. solid) and the geology of the surrounding area. The patterns of land use in the area, including proximity to residential buildings, are particularly important here, as illustrated in the example above. In particular, the potential for migration of waste constituents into subsurface physical structures is a factor which must be considered.

Another type of harm from subsurface migration can occur when waste constituents migrate into the root zone of crops and other vegetation. Depending on the constituents (e.g., heavy metals) phytotoxicity may occur. In addition, the roots may take up certain constituents that could contaminate the crop and make it unfit for use in the human food-chain. For example, EPA has substantial evidence to indicate that high levels of cadmium, a substance that can cause kidney damage at high exposure levels, can be readily absorbed by leafy vegetables. This problem can be particularly significant at land treatment facilities that grow crops in the area where waste has been applied. There the root zone of the crop coincides directly with the area receiving waste. Therfore, potential for migration of waste constituents into the root zone of food-chain crops and other vegetation must be considered.

While the essential inquiry in evaluating new land disposal facilities will be the acceptability of the facility in protecting human health and the environment, EPA believes that potential applicants should consider managing hazardous waste in a manner that avoids the necessity of land disposal. As EPA examines the problem of hazardous waste management generally, it is becoming increasingly convinced that the long-range potential for migration of wastes from even the good facilities argues for a long-term strategy that involves phasing out land disposal. However, land disposal remains a necessary option for certain types of hazardous waste at the present time.

Those who manage hazardous waste should at least consider other options (e.g., treatment, recycling and reuse, incineration, and elimination of materials that generate hazardous waste) before seeking to use land disposal. Such an approach represents sound planning to avoid the long-term responsibility and legal liability (not all of which can be eliminated by complying with a RCRA permit) that will be associated with land disposal in the future.

C. Landfills

Subpart C of Part 267 sets forth the general design and operation requirements that will apply to new hazardous waste landfills. This Subpart is designed to guide the preparation of a permit. The permit applicant will present an application that contains a proposed design and operating plan that includes the elements contained in this Subpart. (Where appropriate, the permit application may also provide a justification for any requests for waivers sought by the facility owner or operator where necessary to allow treatment to occur.) In justifying the particular design and operating plan proposed for the facility, the permit application will have to reflect a specific examination of the factors included in this Subpart. Finally, the permit applicant will be required to demonstrate how the facility achieves the objectives identified in § 267.10. Where appropriate, the applicant may provide or EPA may require specific consideration of one or more of the factors identified in § 267.10. EPA anticipates that the same general approach will be used to implement Subparts D, E, F and G as well.

The first design requirements for landfills is a liner, for example, a liner may be used as a gross filter for certain constituents. Likewise a liner may be used, as it has traditionally, as a barrier that contains the waste completely for some period of time. Generally, this liner requirement will involve the emplacement of material into the ground. Under appropriate conditions, it might be possible to consider the natural material which underlies the facility as being part of the liner design.

The amount of leachate that will be generated in the landfill is of critical importance in assessing the adequacy of a liner design. This must involve a consideration of the waste type (e.g., liquid content, biodegradability, solubility, migratory potential), the volume of waste, and climatic conditions in the area (e.g., rainfall.)

In assessing the potential performance of the liner, the characteristics of the liner material must be examined. The permeability of the liner material is a central concern. Thickness, susceptibility to cracking or tearing, resistance to adverse weather conditions and other such factors will be important for all liners. For earthen liners, the compaction density and moisture content of the material is also significant. For synthetic membrane liners, longevity (based on degradability and resistence to wear) is significant.

The pressures placed on the liner should be examined by the applicant in conjunction with his assessment of the liner material. Thus factors such as the pressure head of leachate on the liner, the properties of the underlying soil (e.g., ability to support the liner, presence of sharp materials) and the potential for damage to the liner during installation should also be considered.

Under § 267.21(b), all landfills must have some kind of leachate and runoff control system. The facility may have one system that controls both types of liquid or separate systems. The selection of a particular approach will depend on the relative quality of leachate and runoff at the facility and on how these two liquids will be managed.

The regulations in this Subpart do not specifically require run-on controls. Such a design measure has the significant advantage of avoiding any contact of run-on water with waste constituents and therefore will typically be a desirable design feature. However, EPA is willing to examine during the permit process alternative schemes that provide for control of leachate and contaminated runoff after it is produced.

Some of the key factors in assessing the adequacy of a leachate and runoff control system are those that influence

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the volume of leachate and contaminated runoff produced at the facility. This will be determined by the characteristics of the waste, particularly the potential for solubilizing waste constituents in water, and climatic conditions such as rainfall.

Another important factor is the quality of contaminated runoff or leachate and its implications for management of those liquids. Depending on the level of contamination, it may be necessary, and legally required, to carefully manage the liquids. This will influence the design of the facility because it affects the amount of contaminated liquid which the permitted design should allow to be produced. For example, if it appears that runoff from a facility will be highly contaminated, the facility may need to include run-on controls. If the runoff from the facility is unlikely to be highly contaminated, perhaps because of the facility slope or the operational practices of the owner or operator, then an alternative design may be acceptable. If the permit applicant intends to discharge collected leachate or runoff to surface waters, the effect of that discharge or attainment of water quality standards in the receiving water as well as any potential responsibility under the Clean Water Act (e.g., NPDES permit conditions) should be considered. Of course, any leachate or runoff which qualifies as a hazardous waste must be managed in accordance with the hazardous waste regulations.

The general operating requirements for new hazardous waste landfills are set forth in § 267.22 of this Subpart. This section requires that incompatible wastes, as defined in § 260.10, and incompatible wastes and materials, not be placed in the same landfill unless § 264.17(b) (which contains precautions to prevent ignitions and reactions) is complied with. A similar provision is contained in the Part 265 interim status standards for land disposal facilities and in the Part 264 standards recently issued for storage facilities. This is a "good practice" measure which is justified by the same arguments supporting its use in Parts 265 and 264. The Part 267 provision has been modified somewhat to indicate clearly that the waste analysis plan required by § 264.13 must include the analysis needed to comply with § 267.22(a).

The regulations also make clear that any emplaced liner must be installed in a manner that will protect the function and physical integrity of the liner. For example, the owner or operator must assure that the installation process does not cause rips or tears in the liner material and that any seams in the liner are properly joined.

As indicated in § 267.22(d), a landfill must be inspected by the owner or operator at a sufficient frequency to assure compliance with § 267.10 of this Part. General inspection requirements are also set forth in § 264.14 and are applicable to facilities regulated under Part 267. The frequency of inspections and the objects of inspection will depend on the specific design for the facility; EPA will determine them on a permit by permit basis.

The closure and post-closure requirements for landfills are set forth in § 267.33. Subpart G of Part 264, which applies to new facilities regulated by this Part, establishes the requirements for closure and post-closure. The measures taken to properly close a landfill and maintain it during the post-closure period will be set forth in the closure and post-closure plans, which will be incorporated into permits issued under this Part.

All landfills must use some type of cover in closing the landfill. The function and design of the cover will depend on the applicant's strategy for complying with § 267.10. The cover may be used as a means to prevent wind dispersal and to avoid public contact with the waste in the landfill. Under other circumstances it may be used as a barrier designed to keep liquids out of the facility to minimize the production of leachate. Whatever approach is taken, the development of cover specifications should be coordinated with the design of the liner in order to avoid the "bathtub" effect. This occurs when a relatively permeable cover is placed over a facility that has a relatively impermeable liner. Such a facility may simply fill up with water and overflow, carrying waste constitutents with it.

The factors that must be considered in properly closing a landfill are analogous to those relevant to closure under Part 265. They include characteristics of the waste (type, amount, mobility, rate of migration), characteristics of the cover (material, surface contours, porosity and permeability, slope, length of run of slope, type of vegetation on the cover), and characteristics of the local environment (climate, location, topography, surrounding land use, geological and soil profiles, surface and subsurface hydrology.)

A landfill must be maintained in a manner that complies with § 267.10 of this Part during the post-closure period. The relevant factors are essentially the same as those considered for closure. An additional factor that is important during the post-closure period is the maintenance of any ground water monitoring system or leachate and runoff control system at the facility. These measures are often necessary because leachate can continue to be produced and to migrate long after the waste is placed in the landfill.

An important element in the regulation of landfills under Part 267 is the "treatment waiver" under § 267.24. Under this provision the Regional Administrator may waive any of the requirements in §§ 267.21, 267.22 and 267.23 where necessary to achieve treatment of hazardous waste in a landfill. As indicated earlier in this preamble, EPA believes that treatment options should be explored by permit applicants prior to seeking land disposal permits. Moreover, EPA expects that hazardous waste treatment technology will be undergoing considerable innovation in the next few years. EPA does not intend to stifle such innovation with its land disposal regulations.

Thus, under Part 267, EPA will be willing to consider modifications to the basic elements of the landfill requirements to accomplish a treatment objective. For example, if an applicant can demonstrate that the chemical or physical treatment process that he intends to trigger inside a landfill would be impeded by the presence of a cover at closure, EPA would consider such a waiver. However, the burden is on the applicant to demonstrate that any proposed in-situ treatment technique will be effective. The applicant must also demonstrate that, if the treatment waiver is granted, the landfill will comply with the environmental performance standard of § 267.10.

Under §267.25, the Regional Administrator may place additional requirements in permits for new landfills where necessary to comply with §267.10. This provision makes it clear that the other provisions of Subpart C are not exhaustive. Since the range of potential site-specific circumstances is broad, the Regional Administrator must retain this power in order to provide sufficient flexibility in hazardous waste permitting. EPA anticipates that permit conditions under §267.25 would only be imposed after full review of the applicant's proposed design and operating plan.

D. Surface Impoundments

The regulations applicable to new hazardous waste surface impoundments are contained in Subpart D of Part 267. They are quite similar to those required for landfills. Therefore this preamble discussion of Subpart D will address those provisions that are unique to surface impoundments.

Readers should consult the discussion of landfills in this preamble for a discussion of overlapping provisions. The major distinction between surface impoundments and landfills is that surface impoundments will typically contain much more liquid than a landfill. Several factors that are common to these two disposal options will be of more significance in the case of surface impoundments because of their larger amounts of liquids. For example, the pressure head of leachate on a liner in a surface impoundment is likely to be greater than that found in a landfill. Adjustments in the design and operation of surface impoundments will need to be made to accommodate this factor.

As a preliminary matter, surface impoundments are not necessarily subject to standards for disposal facilities. The may instead be used as storage facilities. (Whether used for disposal or storage, a surface impoundment can also be used as a treatment facility). Storage is defined under these regulations (§260.10) as "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere." A disposal facility is one "at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure." When a new facility will be used as a storage facility, the substantially different standards set forth in Subpart K of Part 264 will apply. (See 46 FR 2802, January 12, 1981, for further explanation of storage under these regulations and of the requirements applicable to storage in surface impoundments.) If a facility is to be used as a final repository for the waste and is therefore a disposal facility, then the regulations in this Part apply to the facility.

The design requirements for surface impoundments under §267.31 require a liner but do not require a leachate and runoff control system. EPA recognizes that the installation of a leachate collection system at a surface impoundment would generally require a double liner system.

Such a design feature may not always be necessary. For example, if the liner is close to the water table, normal ground water monitoring might pick up any significant degradation of the area below the facility quickly. Moreover since surface impoundments can be drained, relatively quick action can be taken to limit degradation. Similar action with landfills (i.e., removal of the leachate on the liner) is usually only feasible with a collection system. Therefore EPA decided not to require a leachate control system for all surface impoundments. EPA will, however, be examining the need for such a system in each permit proceeding when evaluating the permit applicant's overall scheme for managing liquids at a surface impoundment. Where appropriate the Regional Administrator could require the installation of a leachate control system at the facility under authority of §267.35.

Similarly no runoff control system is required. The regulations require that the facility be designed to prevent overtopping. This can be accomplished by additional diking to provide freeboard above the expected liquid level at the facility. Controls on inflow and outflow as well as secondary overflow tanks may also be used to satisfy this requirement. Since such measures avoid "runoff" from the facility, the only real runoff issue is whether or not run-on controls are necessary. As long as a facility satisfies the overtopping requirement, this type of control will generally not be necessary. In some circumstances (e.g., where rainfall may be heavy and difficult to anticipate) run-on controls may be needed to provide a margin of safety. This issue will be examined during the permit process, and an additional requirement for run-on control may be placed in a permit under §267.35.

The only other design requirement addressed by §267.31 is diking. Where dikes are part of the surface impoundment, the dikes must be designed to comply with §267.10. The purpose is to maintain the structural integrity of the dike against catastrophic failure, and to protect against excessive seepage through the dike and against overtopping of the dike. Structural integrity may be adversely affected by erosion of the dike, by the effects of plant roots on earthen dike materials and by burrowing animals which create fissures in the dike. Wind erosion must also be considered because it can adversely affect the ability of a facility to meet the overtopping requirement and can undermine the dike's structural integrity. Water erosion, which also affects structural integrity, can lead to excessive seepage through a dike, and thus should be considered as well.

The general operating requirements for surface impoundments under §267.32 are patterned after those for landfills. Thus there are requirements for incompatible wastes, installation of liners, operation of leachate and runoff control systems, and inspections. In addition, the regulations require that each surface impoundment be operated to prevent overtopping due to wind and wave action, overfilling, precipitation or any combination of these factors. This is generally accomplished by the maintenance of freeboard between the liquid waste surface and the top of the impoundment. Careful management of controls on inflow and outflow devices as well as secondary overflow tanks are typical measures for satisfying requirement. Implementation of this provision will require setting specific permit conditions, such as a minimum freeboard level, based on the general requirement.

The general requirements for closure and post-closure at a surface impoundment also mirror the analogous provisions for landfills. The factors for consideration, however, additionally address the significant free liquids problem presented by surface impoundments. Such free liquids may eventually leach or otherwise run out of the facility and present substantial risks to human health and the environment. Therefore, the permit writer must consider the possibility of requiring the removal of some portion of the free liquids in the facility to reduce that risk and consider the use of absorbent material in the surface impoundment to reduce the risks of leaching.

Removal of free liquids should be considered together with the cover requirement in § 267.33. The cover requirement for surface impoundments is based on the same rationale as the analogous requirements for landfills. As a practical matter, free liquids must be minimized before a cover can successfully be placed on a surface impoundment.

A treatment waiver identical to that for landfills is available for surface impoundments under § 267.34. The decision whether to grant a waiver depends on the individual circumstances of each facility and requires a satisfactory showing that treatment, serving the objectives of § 267.10, would occur.

Under § 267.35, the Regional Administrator may place additional requirements on owners and operators of new hazardous waste surface impoundments where necessary to comply with § 267.10.

E. Land Treatment

The requirements applicable to new hazardous waste land treatment facilities are set forth in Subpart E of Part 267. While bearing several similarities to landfills and surface impoundments, land treatment facilities are generally designed to achieve somewhat different purposes. Land treatment facilities are designed to use the soil as a treatment medium. The

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intent is to break down the organic component of the waste through chemical and biological processes in the upper layers of the soil. Since adequate treatment is expected to occur in the upper soil layers, there is generally no need to design the facility with barriers above or below the waste. Thus the design requirements in § 267.41 do not require a liner or leachate collection system at the facility.

Runoff may still be a problem at land treatment facilities; thus a runoff control system is included as a design requirement. Design of the system may include specific runoff and/or run-on controls. The factors which must be considered are the same as those required for landfills and surface impoundments.

The general operating requirements for land treatment facilities under § 267.42 include some of the same requirements applied to landfills and surface impoundments. These include provisions for incompatible wastes, operation of the runoff control system and inspections.

Two additional operating provisions are contained in § 267.42. First, the land treatment facility must be operated to treat the waste in the facility to the extent necessary to comply with § 267.10. The success of the land treatment option depends heavily on careful management of the waste at the facility to ensure that treatment occurs. This may require the use of traditional farming techniques, such as tilling the waste/soil mixture and applying lime to raise pH, in order to aid the treatment process. Rate and method of application of the waste to the facility are also important. The particular management techniques that will be used at the facility will need to be considered during the permit process. Thus EPA anticipates that more specific management practices will be developed as permit conditions based on this general requirement.

Second, § 267.42(d) contains operating requirements to handle situations where owners or operators of land treatment facilities wish to grow food-chain crops at the land treatment facility. ("Food-chain crops" is defined in 40 CFR 260.10). This is a potentially dangerous practice and will be allowed only after the fullest possible review. If food-chain crops are grown at a land treatment facility, the facility must be operated in a manner designed to protect the quality of those crops to the extent necessary to comply with § 267.10.

Several factors must be considered when food-chain crops will be grown. The nature of the waste (its chemical, physical and biological characteristics), the application rate, the characteristics of the soil (including its pH, cation exchange capacity, etc.), and the type of crop to be grown are important. The permit writer must examine the likelihood of plant uptake of waste constituents as well as the possible exposure of field workers who will be handling the crop and working directly with the soil/waste mixture to waste constituents.

The manner in which the crop is marketed must also be considered. Crops used by commercial distributors are likely to be mixed with crops from other fields before they are used by consumers. The mixing process reduces the risk of exposure to high levels of contaminated food. A higher risk situation is presented where the owner or operator sells the potentially contaminated crop directly to consumers.

Finally, the potential future uses of the facility must be considered when food-chain crops will be grown. Land treatment facilities used for food-chain crops are likely to be used to grow crops even after the facility owner or operator stops applying waste. This may present significant risks. For example, if the facility is used to grow field corn for animal feed the risks may be acceptable (since corn does not take up most hazardous constituents at high levels). However, if that property is later used for high-uptake leafy vegetables by an unknowing or uncaring user, a significant risk may be created. Such a risk requires consideration. EPA's standards for protection of food-chain crops in the Criteria for Classification of Solid Waste Disposal Facilities and Practices (40 CFR Part 257) provide standards for cadmium and PCB's which should be useful in assessing risks for this purpose.

Another unique element of Subpart E is the requirement for an unsaturated zone monitoring program in § 267.43. This monitoring program, which applies to land treatment facilities in addition to the ground water monitoring program of Subpart F, is required to assure compliance with § 267.42(c). It will be used to determine whether the operating conditions in the permit are adequate to treat the waste. The monitoring program must include the installation of an unsaturated zone monitoring system at the facility or at a representative test plot. If a test plot is used, then it is important that the plot be representative of the conditions at the facility (including the soil and climate) and that the testing procedures be patterned directly after the waste, the application rate and the management techniques. The monitoring system may include soil core and soil pore monitoring, but the specifics of the system will be developed during the permit process. The key consideration for the unsaturated zone monitoring system is that the wells be placed at proper locations and drilled to sufficient depths to obtain a representative sample of the waste treatment process.

The procedures for sampling, analyzing, and evaluating data obtained from the monitoring system will be specified in the permit. Those procedures will be established based on a consideration of soil characteristics (pH, cation exchange capacity, total organic carbon, permeability and microbial activity in the soil), the waste application procedures (frequency, time and rate of application), climate, and the potential for rapid migration of waste constitutents through the soil. Another significant factor, for both the monitoring system and procedures, is the accessibility of the monitoring system devices for maintenance and repair. Lysimeters, for example, may become clogged relatively easily and thus it is important to have such devices accessible for repair.

The closure and post-closure requirements for land treatment facilities, contained in § 267.44, are similar to those required for landfills and surface impoundments. There is no requirement for a cover, however, because land treatment facilities are designed to treat the waste, and thus concerns about leachate generation over time are less severe. The Regional Administrator may, of course, require the placement of a cover over the facility as an additional requirement under § 267.46. Such measures may be necessary, for example, if wind dispersal is a significant problem at the facility.

The factors for consideration in closure and post-closure plans for land treatment facilities are generally the same as those applicable to landfills and surface impoundments, with a few minor modifications. In considering climate in the area, the amount, frequency and pH of precipitation can be particularly signficant. A pH change, for example, could conceivably cause chemical reactions that reverse attenuation processes in the soil. Likewise, in examining geologic and soil profiles, such factors as the pH, cation exchange capacity and total organic carbon in the soil could affect the relative permanence of any treatment reactions in the soil. Finally, both the closure and post-closure requirements should reflect a consideration of

unsaturated zone monitoring data, which should reveal whether waste treatment at the facility is successful, and any ground-water monitoring data.

Like landfills and surface impoundments, the land treatment facility regulations allow for a "treatment variance" where appropriate.

F. Ground-Water Monitoring

Subpart F sets forth generally the kind of ground-water monitoring program which is required at all new landfills, surface impoundments or land treatment facilities under § 267.50. Since a ground-water monitoring program will be heavily dependent on the function, design and operation of a land disposal facility, the monitoring requirements must, of necessity, be generally stated. The specifics of the monitoring program will be fully explored during the permit proceedings.

It is necessary to have some kind of monitoring program at new facilities, however, because once constituents enter ground-water, such monitoring provides the only effective means of tracking the progress of the plume. Such information is important regardless of how the facility is designed. If a facility uses a controlled release approach, for example, ground water monitoring is the only effective means of validating predictions about the impact of the facility. If a containment approach is used, ground-water monitoring is essential in detecting the failure of the design and in tracking the plume to assist in remedying the problem.

The ground water monitoring program required by this Subpart includes the ground-water monitoring system itself, as well as procedures for sampling, analyzing and evaluating ground-water data and taking appropriate response measures. The ground-water monitoring system must be capable of indicating the facility's impact on ground-water in the uppermost aquifer to assure compliance with § 267.10. The uppermost aquifer is the focus of the monitoring program in order to give the earliest possible detection of a contaminant plume. Where necessary to track a plume's progress into other aquifers, the Regional Administrator may of course impose additional requirements under § 267.53.

The design of the ground-water monitoring system must be based on a consideration of several factors. The placement and depth of the wells must be aimed at yielding a representative sample of constituents in the uppermost aquifer. In order to accurately assess the impact of the disposal facility, the monitoring program must account for background ground-water quality. For this reason, the ground-water monitoring system should be installed at appropriate locations on both the downgradient and upgradient sides of the facility.

Appropriate design measures should also be taken to assure the physical integrity of the monitoring well bore hole. Casing is a common technique for accomplishing this goal. Likewise, design measures must be taken to prevent contamination of ground water samples that could bias the monitoring results. Gravel or sand packing around ground water sampling points is a common method for accomplishing this objective.

The ground-water monitoring procedures required by this Subpart must be capable of assuring compliance with § 267.10. The permit will include procedures for sampling, analyzing and evaluating ground-water data. These procedures must involve sample collection, sample preservation and shipment, analytical methods, chain of custody control and evaluation of the data. The procedures for data evaluation should consider the use of appropriate statistical techniques (Student's T test, Mann-Whitney U test) which are best suited to the use of the data in the overall ground-water monitoring strategy for the facility. Whatever techniques are used, the evaluation procedures must include some provisions for determining the extent and rate of migration of waste constituents.

The monitoring program must also include appropriate procedures for action when the monitoring program indicates that the facility is not complying with the permit conditions or that facts assumed to be true when the conditions were set are not true. While these response procedures are of critical significance, it is difficult to elaborate on their content in Subpart F. Since the response procedures are closely linked to the overall ground-water protection approach for the facility, the specific procedures needed will have to be developed on a permit-by-permit basis. Any response procedures must be linked to the general contingency plan provisions developed to satisfy Subpart D of Part 264 (incorporated by reference in § 267.2).

G. Underground Injection

Subpart G of this Part sets forth the general requirements applicable to new hazardous waste underground injection wells. As indicated in §§ 267.1 and 267.60, Part 267 only applies to injection wells which are classified as Class I under § 122.32(a) of this Chapter. The other major type of injection well that receives hazardous waste are the Class IV wells, defined under § 122.32(d). The status of these wells in the RCRA and UIC program is undergoing further scrutiny within the Agency. The proposed 264 standards being published today, for example, reclassify certain of these facilities as seepage facilities and provide a complex regulatory approach for such facilities. Moreover, EPA has no evidence that there is a pressing need for new Class IV wells, particularly since today's regulations will allow for permitting of new hazardous waste landfills, surface impoundments, land treatment facilities and Class I injection wells. Therefore EPA is not now including Class IV wells under Part 267.

In issuing RCRA permits for Class I underground injection wells, EPA will be making every effort to coordinate such permits with the requirements established for state programs under the UIC program. To the fullest extent possible, EPA will be using the 40 CFR Part 146 standards for Class I wells in issuing RCRA permits.

The requirements for underground injection wells under Subpart G are generally stated and thus will require further elaboration in permits. Under § 267.61 an injection well must be designed to comply with § 267.10. The design must include measures, such as casing, tubing and packer to prevent the escape of fluids to the area above the zone of injection.

In addition, the injection well must be operated in a manner that will comply with § 267.10. In developing those operating methods in his permit application, the permit applicant must consider the characteristics of the waste, the injection pressure and measures designed to detect failure in the mechanical integrity of the well.

At closure, an injection well must be plugged and sealed. There are no post-closure responsibilities for Class I injection wells.

As with all other disposal facilities regulated under Part 267, the Regional Administrator may place additional requirements on owners and operators of Class I injection wells where necessary to achieve the environmental performance standards in § 267.10.

V. Effective Date

These regulations will become effective six months from today (see Section 3010(b) of RCRA). However, EPA is prepared to begin working with permit applicants immediately to help them develop their applications. In addition, although the Agency will not be issuing any permits under Part 267 until it becomes effective, it will begin processing permit applications (e.g.,

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reviewing applications, preparing draft permits) as soon as they are received.

VI. Interim Final Promulgation

These interim final regulations grow out of EPA's December 18, 1978, proposed land disposal regulations (43 FR 58982) and its more recent supplemental proposal (45 FR 66816, October 8, 1980). Although EPA would like to have obtained additional comment on these regulations prior to promulgation, the Agency has determined, under Section 553 of the Administrator Procedures Act, 5 U.S.C. 553, that it would not be in the public interest to do so. The process of going through another proposal would probably take at least nine months, and thus would largely defeat the purpose of issuing Part 267 in the first place, discussed at length in Section II, above:

These regulations are being promulgated in interim final form, however, which means that, while they are "promulgated" for purposes of the six-month effective date in Section 3010(b) and the 90-day deadline for filing petitions for review in Section 7006, the Agency will accept comment on them prior to issuing "final final" regulations. EPA intends to rectify any major problems with the regulations raised by commenters prior to their effective date.

VII. Economic, Environmental and Regulatory Impacts

A. Executive Order 12044

Under Executive Order 12044, Federal agencies are required to prepare a regulatory analysis for all new significant regulations, except in an emergency or where preparation of a regulatory analysis would prevent the agency from meeting a court or statutory deadline.

EPA is currently under a court-ordered deadline to promulgate final regulations implementing Section 3004 of RCRA (including land disposal standards) by the fall of 1980. See *State of Illinois v. Costle*, No. 78–1689 (D.D.C., December 18, 1979). The sheer enormity and complexity of this task, coupled with the need to divert attention and major resources to the implementation and fine-tuning of EPA's May 19, 1980, hazardous waste program, have already resulted in the Agency's missing its deadline by over a month. Preparing a regulatory analysis on the Part 267 regulations published today would have further delayed EPA's compliance with the court's order.

Furthermore, as noted above, EPA's Part 267 standards are being issued to meet an immediate need for additional hazardous waste land disposal capacity. While they may not rise to the level of "emergency" regulations, there is a real need for them to be issued as soon as possible.

For these reasons, EPA believes that it is not required to prepare a regulatory analysis under Executive Order 12044. Moreover, even if a regulatory analysis were required, EPA believes it has in part fulfilled that requirement by its October 8, 1980, solicitation of public comment on several alternatives for regulating land disposal facilities. See 45 FR 66816.

The Agency will be preparing a regulatory analysis to accompany the proposed Part 264 land disposal regulations which it is publishing elsewhere in today's **Federal Register**. It is also planning to evaluate the economic impact of its Part 267 standards as they are implemented. This information will be useful to EPA in developing its final land disposal regulations.

B. The Regulatory Flexibility Act

The Regulatory Flexibility Act requires all Federal agencies to consider the effects of their regulation on "small entities", i.e., small businesses, small organizations and small governmental jurisdictions. Section 603 of the Act directs agencies to propose for public comment a "regulatory flexibility analysis" for any regulations which will cause a significant impact on a substantial number of small entities. This analysis must include, among other things, an estimate of the number of small entities affected by the regulations (where feasible), a description of the reporting and other compliance requirements imposed on them, and a description of any alternatives considered to minimize the economic impact of the regulations on them.

EPA does not presently believe that these rules will have significant economic effect on a substantial number of small entities. EPA estimates that only about 25 facilities per year will be permitted under these regulations nationwide. Although there is no way to know in advance what percentage of these facilities will be owned by small entities. EPA esitmates that only about 25 facilities per year will be permitted under these regulations nationwide. Although there is no way to know in advance what percentage of these facilities will be owned by small entities, EPA anticipates that the large capital requirements and the technical complexity involved in establishing safe and secure land treatment or disposal facilities will mean that larger entities will predominate in the field. Therefore, in accordance with Section 605(b), no regulatory flexibility analysis has been prepared for these regulations.

EPA will re-examine this conclusion over the next six months, and invites comment on it together with comment on other aspects of these regulations. However, it is certain that any economic impact on small entities, to the extent one exists, will not be adverse. These rules provide a means for hazardous waste disposal facilities to open, operate, and serve customers where none would have existed before. They therefore operate to expand, not restrict, the range of opportunity open to participants in the economy.

Considering this fact, the fact that the rules will not even take effect for another six months, and the public need for speedy action described above, EPA believes that, even if further study should suggest the need for a regulatory flexibility analysis, it is appropriate at this time to defer preparation of such an analysis under Section 608.

EPA, within 180 days of the publication of these rules, will either affirm its conclusion that no regulatory flexibility analysis is required, or issue such an analysis.

C. The Federal Reports Act of 1942, as Amended

Under the Federal Reports Act of 1942, OMB reviews reporting requirements in forms and regulations which collect identical information from more than ten persons in order to minimize the burden on respondents and the cost to the Federal Government. For all new regulations containing such information requests OMB's procedures require agencies to estimate the site of the reporting burden, describe who must report and apply to OMB for a clearance.

EPA's Part 267 regulations impose two types of reporting requirements: permit application requirement and reporting requirements in the permit itself. To the extent that these requirements incorporate EPA's May 19, 1980, Part 264 standards by reference, that have already been cleared by OMB The remaining permit application requirements, although they seek the same board general categories of information (e.g., information on how a liner will meet the requirements of § 267.10), are so site-specific in terms of the specific information they require and the reporting burdens they impose that they are not requests for "identical information" from more than ten persons. For this reason, EPA does not believe that they are subject to OMB review under the Act.

Because OMB, in the course of its review, often makes good suggestions as to ways to minimize reporting requirements, EPA will be voluntarily preparing an estimate of the reporting burden which might be imposed by its Part 267 regulations and submitting it to OMB for its review in the near future. Because the Agency does not expect to be processing more than 30 or 40 permit applications under these regulations, the reporting impact of the regulations, on a national basis, should be minimal.

(Sections 1006, 2002(a), 3004 and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §§ 6905, 6912, 6924 and 6925)

Dated: January 17, 1981.

Douglas M. Costle

Administrator.

1. Title 40 of the Code of Federal Regulations is amended by adding the following new Part 267:

PART 267—INTERIM STANDARDS FOR OWNERS AND OPERATORS OF NEW HAZARDOUS WASTE LAND DISPOSAL FACILITIES

Subpart A—General

Sec.
267.1 Purpose, scope and applicability.
267.2 Applicability of Part 264 standards.
267.3 Duration of Part 267 standards and their relationship to permits.
267.4 Imminent hazard action.
267.5 Additional permit procedures applicable to Part 267.
267.6 Definitions.

Subpart B—Environmental Performance Standard

267.10 Environmental performance standard.

Subpart C—Landfills

267.20 Applicability.
267.21 General design requirements.
267.22 General operating requirements.
267.23 Closure and post-closure.
267.24 Treatment of waste.
267.25 Additional requirements.

Subpart D—Surface Impoundments

267.30 Applicability.
267.31 General design requirements.
267.32 General operating requirements.
267.33 Closure and post-closure.
267.34 Treatment of waste.
267.35 Additional requirements.

Subpart E—Land Treatment

267.40 Applicability.
267.41 General design requirements.
267.42 General operating requirements.
267.43 Unsaturated zone monitoring.
267.44 Closure and post-closure.
267.45 Treatment of waste.
267.46 Additional requirements.

Subpart F—Ground-Water Monitoring

267.50 Applicability.
267.51 Ground-water monitoring system.
267.52 Ground-water monitoring procedures.
267.53 Additional requirements.

Subpart G—Underground Injection

267.60 Applicability.
267.61 General design requirements.
267.62 General operating requirements.
267.63 Closure
267.64 Additional requirements.

Authority: Sections 1006, 2202(a), 3004 and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6905, 6912(a), 6924 and 6925.

Subpart A—General

§ 267.1 Purpose, scope and applicability.

(a) The purpose of this Part is to establish minimum national standards that define the acceptable management of hazardous waste for new land disposal facilities.

(b) The regulations in this Part apply to owners and operators of new hazardous waste landfills, surface impoundments, land treatment facilities and Class I underground injection wells (as defined in § 122.32(g) of this Chapter) that require individual RCRA permits under 40 CFR Part 122.

(c) The requirements of this part do not apply to:

(1) A person disposing of hazardous waste by means of ocean disposal subject to a RCRA permit by rule issued under § 122.26(a) of this Chapter.

(2) A person disposing of hazardous waste by means of underground injection subject to a RCRA permit by rule under § 122.26(b) of this Chapter.

(3) An owner or operator of a POTW subject to a RCRA permit by rule under § 122.26(c) of this Chapter.

(4) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under Parts 262 through 265 and Parts 122 and 124 of this Chapter by § 261.5 of this Chapter;

(5) The owner or operator of a facility which treats or stores hazardous waste, which treatment or storage meets the criteria in § 261.6(A) of this Chapter, except to the extent that § 261.6(b) of this Chapter provides otherwise;

(6) A generator accumulating waste on-site in compliance with § 262.34 of this Chapter;

(7) A farmer disposing of waste pesticides from his own use in compliance with § 262.51 of this Chapter;

(8) The owner or operator of a totally enclosed treatment facility, as defined in § 260.10;

(9) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in § 260.10 of this Chapter.

(10) Persons with respect to those activities that are carried out to immediately contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste.

§ 267.2 Applicability of Part 264 standards.

In addition to the standards contained in this Part, owners and operators of new hazardous waste landfills, surface impoundments, land treatment facilities and underground injection wells must comply with § 264.18 and Subparts B, C, D, E, G and H of Part 264.

§ 267.3 Duration of Part 267 standards and their relationship to permits.

(a) The regulations in this Subpart are applicable, and will serve as a basis for issuing permits, to owners or operators of new hazardous waste landfills, surface impoundments, land treatment facilities, or underground injection facilities until final Part 264 regulations for such facilities become effective or until February 13, 1983, whichever is earlier.

(b) Only those owners and operators of new hazardous waste landfills, surface impoundments, land treatment facilities or underground injection wells who have applied for a permit and for whom public notice of the preparation of a draft permit has been issued under § 124.10 of this Chapter by the date final Part 264 regulations for these facilities become effective or [2 years after date of publication], whichever is earlier, may be issued permits under the regulations in this Part.

§ 267.4 Imminent hazard action.

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to Section 7003 of RCRA.

§ 267.5 Additional permit procedures applicable to Part 267.

(a) The procedures for issuance, modification, revocation and reissuance, and termination of permits under this Part are set forth in Part 124 of this Chapter. In addition, the following procedures apply to permits under Part 267:

(1) Any facility for which a draft permit is prepared pursuant to this Part is a major hazardous waste management facility. A fact sheet shall be prepared for each such facility in accordance with § 124.8. Instead of the "brief summary of the basis for the draft permit conditions" required by § 124.8(b)(4), the fact sheet shall include a detailed discussion of

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basis for the draft permit conditions. This shall include a demonstration that relevant factors listed in Subparts C–G of this Part were considered and a showing of how the draft permit reflects these considerations.

(2) The Administrator shall accept any petition under § 124.19 of this Chapter and any appeal under § 124.125 of this Chapter to review a permit issued under this Part.

(b) The provisions of Subparts A and B in Part 122 of this Chapter apply to permits under Part 267. In addition to the information required by § 122.4 and § 122.25 of this Chapter, the applications for permits under this Part must include the following information:

(1) For a landfill, sufficient information to demonstrate compliance with Subparts C and F of this Part.

(2) For a surface impoundment, sufficient information to demonstrate compliance with Subparts D and F of this Part.

(3) For a land treatment facility, sufficient information to demonstrate compliance with Subparts E and F of this Part.

(4) For an underground injection well, sufficient information to demonstrate compliance with Subpart G of this Part.

§ 267.6 Definitions.

Unless otherwise specified in this Part, terms used in this regulation are defined in §§ 260.10 and 122.3 of this Chapter.

Subpart B—Environmental Performance Standard

§ 267.10 Environmental performance standard.

All new landfills, surface impoundments, land treatment facilities and underground injection wells shall be located, designed, constructed, operated, maintained and closed in a manner that will assure protection of human health and the environment. Protection of human health and the environment shall include, but not be limited to:

(a) Prevention of adverse effects on ground-water quality considering:

(1) The volume and physical and chemical characteristics of the waste in the facility, including its potential for migration through soil or through synthetic liner materials;

(2) The hydrogeological characteristics of the facility and surrounding land;

(3) The quantity, quality and directions of ground-water flow;

(4) The proximity and withdrawal rates of ground-water users;

(5) The existing quality of ground-water, including other sources of contamination and their cumulative impact on the ground-water;

(6) The potential for health risks caused by human exposure to waste constituents;

(7) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

(8) The persistence and permanence of the potential adverse effects; and

(b) Prevention of adverse effects on surface water quality considering:

(1) The volume and physical and chemical characteristics of the waste in the facility;

(2) The hydrogeological characteristics of the facility and surrounding land, including the topography of the area around the facility;

(3) The quantity, quality and directions of groundwater flow;

(4) The patterns of rainfall in the region;

(5) The proximity of the facility to surface waters;

(6) The uses of nearby surface waters and any water quality standards established for those surface waters;

(7) The existing quality of surface water, including other sources of contamination and their cumulative impact on surface water;

(8) The potential for health risks caused by human exposure to waste constituents;

(9) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constitutents;

(10) The persistence and permanence of the potential adverse effects; and

(c) Prevention of adverse effects on air quality, considering:

(1) The volume and physical and chemical characteristics of the waste in the facility, including its potential for volatilization and wind dispersal;

(2) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;

(3) The potential for health risks caused by human exposure to waste constitutents;

(4) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents;

(5) The persistence and permanence of the potential adverse effects; and

(d) Prevention of adverse effects due to migration of waste constituents in the subsurface environment, considering:

(1) The volume and physical and chemical characteristics of the waste in the facility, including its potential for migration through soil;

(2) The geologic characteristics of the facility and surrounding land;

(3) The patterns of land use in the region;

(4) The potential for migration of waste constituents into sub-surface physical structures;

(5) The potential for migration of waste constituents into the root zone of food-chain crops and other vegetation;

(6) The potential for health risks caused by human exposure to waste constituents;

(7) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and

(8) The persistence and permanence of the potential adverse effects.

Subpart C—Landfills

§ 267.20 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazardous waste in landfills.

§ 267.21 General design requirements.

(a) Each landfill must include a liner designed to comply with § 267.10 of this Part. The design of the facility liner must reflect a consideration of:

(1) The physical and chemical characteristics of the waste in the facility;

(2) The pressure head of leachate on the liner;

(3) Climatic conditions in the area;

(4) The permeability of the liner material, including compaction density and moisture content where earthen materials are present;

(5) The physical and chemical properties of the soil underlying the facility that supports any emplaced liner; and

(6) The potential for damage to the liner system that could occur during installation of any emplaced liner.

(b) Each landfill must include a leachate and runoff control system designed to comply with § 267.10 of this Part. The design of the facility leachate and runoff control system must reflect a consideration of:

(1) The physical and chemical characteristics of the waste in the facility;

(2) Climatic conditions in the area;

(3) The volume of leachate or contaminated runoff that could be produced at the facility; and

(4) The available options for managing any leachate or contaminated runoff that is collected at the facility.

§ 267.22 General operating requirements.

(a) Incompatible wastes, or incompatible waste and materials, must not be placed in the same landfill, unless § 264.17(b) is complied with. The waste analysis plan required by § 264.13 must include the analysis needed to comply with this paragraph.

(b) Any emplaced liner material must be installed in a manner that will protect the function and physical integrity of the liner.

(c) The leachate and runoff control system must be operated and maintained in a manner that will comply with § 267.10 of this Part. The procedures for operating the leachate and runoff control system must reflect a consideration of:

(1) The volume of leachate or contaminated runoff produced at the facility;

(2) The capacity of any leachate or runoff collection device at the facility;

(3) Climatic conditions in the area; and

(4) The quality of the leachate or runoff produced and the available alternatives for managing any leachate or contaminated runoff produced at the facility.

(d) The landfill must be inspected at a sufficient frequency to assure compliance with § 267.10 of this Part.

§ 267.23 Closure and post-closure.

(a) A landfill must be closed in a manner that will comply with § 267.10 of this Part. Closure must include placement of a final cover over the landfill, and the closure plan under § 264.112 of this Chapter must specify the function and design of the cover. Proper closure of a landfill must reflect a consideration of:

(1) The type and amount of waste in the facility;

(2) The mobility and expected rate of migration of waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area;

(5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover;

(6) Geological and soil profiles and surface and subsurface hydrology of the site; and

(7) The maintenance of any ground-water monitoring system or leachate and runoff control system at the facility.

§ 267.24 Treatment of waste.

The Regional Administrator may waive any of the requirements in §§ 267.21, 267.22 or 267.23 of this Subpart where necessary to achieve treatment of hazardous waste in a landfill, provided that the waiver does not result in noncompliance with § 267.10.

§ 267.25 Additional requirements.

The Regional Administrator may place additional requirements on owners and operators of new landfills, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart D—Surface Impoundments

§ 267.30 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazardous waste in surface impoundments.

§ 267.31 General design requirements.

(a) Each surface impoundment must include a liner designed to comply with § 267.10 of this Part. The design of the facility liner must reflect a consideration of:

(1) The physical and chemical characteristics of the waste in the facility;

(2) The pressure head on the liner;

(3) Climatic conditions in the area;

(4) The permeability of the liner material, including compaction density and moisture content where earthen materials are present;

(5) The physical and chemical properties of the soil underlying the facility that supports any emplaced liner; and

(6) The potential for damage to the liner system that could occur during installation of any emplaced liner.

(b) Each surface impoundment must be designed so as to prevent overtopping due to wind and wave action, overfilling, precipitation or any combination thereof.

(c) Where dikes are part of the surface impoundment, the dikes must be designed to comply with § 267.10 of this Part. The design of any facility dikes must reflect a consideration of:

(1) The structural integrity of the dike, including the effects of plants and burrowing animals on earthern dikes;

(2) The potential for water erosion of the dike; and

(3) The potential for wind erosion of the dike.

§ 267.32 General operating requirements.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same surface impoundment, unless § 264.17(b) is complied with. The waste analysis plan required by § 264.13 must include the analyses needed to comply with this paragraph.

(b) Any emplaced liner material must ber installed in a manner that will protect the function and physical integrity of the liner.

(c) The surface impoundment must be operated so as to prevent overtopping due to wind and wave action, overfilling, precipitation or any combination thereof.

(d) The surface impoundment must be inspected at a sufficient frequency to assure compliance with § 267.10 of this Part.

§ 267.33 Closure and Post-closure.

(a) A surface impoundment must be closed in a manner that will comply with § 267.10 of this Part. Closure must include placement of a final cover over the surface impoundment, and the closure plan under § 264.112 of this Chapter must specify the function and design of the cover. Proper closure of a surface impoundment must reflect a consideration of:

(1) The type and amount of waste in the facility, including the amount of free liquids;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area;

(5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope and type of vegetation on the cover;

(6) Geological and soil profiles and surface and subsurface hydrology of the site; and

(7) The potential for eliminating free liquids from the facility.

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(b) A surface impoundment must be maintained in a manner that complies with § 267.10 of this Part during the post-closure period. The post-closure plan under § 264.118 of this Chapter must specify the procedures that will be used to satisfy this paragraph. Proper maintenance of a surface impoundment during the post-closure period must reflect a consideration of:

(1) The type and amount of waste in the facility;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area;

(5) Characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover;

(6) Geological and soil profiles and surface and subsurface hydrology of the site; and

(7) The maintenance of any ground-water monitoring system at the facility.

§ 267.34 Treatment of Waste.

The Regional Administrator may waive any of the requirements in §§ 267.31, 267.32 or 267.33 of this Subpart where necessary to achieve treatment of hazardous waste in a surface impoundment, provided that the waiver does not result in noncompliance.

§ 267.35 Additional requirements.

The Regional Administrator may place additional requirements on owners and operators of new surface impoundments, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart E—Land Treatment

§ 267.40 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazardous waste in land treatment facilities.

§ 267.41 General design requirements.

Each land treatment facility must include a runoff control system designed to comply with § 267.10 of this Part. The design of the facility runoff control system must reflect a consideration of:

(a) The physical, biological and chemical characteristics of the waste in the facility;

(b) Climatic conditions in the area;

(c) The volume of runoff that could be produced at the facility; and

(d)The available options for managing any contaminated runoff that is collected at the facility.

§ 267.42 General operating requirements.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same land treatment facility, unless § 264.17(b) is complied with. The waste analysis plan required by § 264.13 must include the analyses needed to comply with this paragraph.

(b) The runoff control system must be operated and maintained in a manner that will comply with § 267.10 of this Part. The procedures for operating the runoff control system must reflect a consideration of:

(1) The volume of contaminated runoff produced at the facility;

(2) The capacity of any runoff collection device at the facility;

(3) Climatic conditions in the area; and

(4) The quality of the runoff produced and the available options for managing any contaminated runoff from the facility.

(c) The land treatment facility must be operated to treat the waste in the facility to the extent necessary to comply with § 267.10 of this Part.

(d) If food-chain crops are grown at the facility, the facility must be operated in a manner designed to protect the quality of those crops to the extent necessary to comply with § 267.10 of this Part. Proper operation of a land treatment facility on which food-chain crops are grown must reflect a consideration of:

(1) The characteristics of the soil, including the pH;

(2) The volume and chemical, biological and physical characteristics of the waste in the facility;

(3) The type of crop to be grown;

(4) The manner in which such crop marketed (e.g. direct sale to consumers, use as an animal feed grain);

(5) The potential future uses of the facility;

(6) The potential for crop uptake of waste constituents; and

(7) The potential exposure of workers who handle the crop to waste constituents.

(e) The treatment facility must be inspected at a sufficient frequency to assure compliance with § 267.10 of this Part.

§ 267.43 Unsaturated zone monitoring.

In addition to the ground-water monitoring program required in Subpart F of this Part, a land treatment facility must have an unsaturated zone monitoring program which will assure compliance with § 267.10. An unsaturated zone monitoring program must include an unsaturated zone monitoring system at the facility or at a representative test plot, as well as procedures for sampling, analysis and evaluation of data. The unsaturated zone monitoring program required by this paragraph must reflect a consideration of:

(a) The placement and depth of monitoring wells that is necessary to obtain a representative sample of the success of waste treatment in the facility;

(b) Soil characteristics, including its pH, its permeability and the level of microbial activity in the soil;

(c) Climatic conditions in the area;

(d) The potential for rapid migration of waste constituents through the soil; and

(e) The accessibility of the monitoring system devices for maintenance and repair.

§ 267.44 Closure and post-closure.

(a) A land treatment facility must be closed in a manner that will comply with § 267.10 of this Part. The closure plan under § 264.112 of this Chapter must specify the measures which will be used to satisfy this paragraph. Proper closure of a land treatment facility must reflect a consideration of:

(1) The type and amount of waste applied to the facility;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area, including the amount, frequency and pH of precipitation;

(5) Geologic and soil profiles and surface and subsurface hydrology of the site, including cation exchange capacity, total organic carbon and pH of the soil;

(6) Unsaturated zone monitoring information obtained under § 267.43.

(b) A land treatment facility must be maintained in a manner that complies with § 267.10 of this Part during the post-closure period. The post-closure plan under § 264.118 of this Chapter must specify the procedures that will be used to satisfy this paragraph. Proper maintenance of a land treatment facility during the post-closure period must reflect a consideration of:

(1) The type and amount of waste applied to the facility;

(2) The mobility and expected rate of migration of the waste;

(3) Site location, topography and surrounding land use;

(4) Climatic conditions in the area, including the amount, frequency and pH of precipitation;

(5) Geologic and soil profiles and surface and subsurface hydrology of the site, including cation exchange capacity, total organic carbon and pH of the soil;

(6) Unsaturated zone monitoring information obtained under § 267.43; and

(7) The maintenance of any ground-water monitoring system at the facility.

§ 267.45 Treatment of waste.

The Regional Administrator may waive any of the requirements in § 267.21, 267.22 or 267.23 of this Subpart where necessary to achieve treatment of hazardous waste in a land treatment facility, provided that the waiver does not result in non-compliance with § 267.10.

§ 267.46 Additional requirements.

The Regional Administrator may place additional requirements on owners or operators of new land treatment facilities, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart F—Ground-Water Monitoring

§ 267.50 Applicability.

Each new hazardous waste landfill, surface impoundment, or land treatment facility must have a ground-water monitoring program, which includes a ground-water monitoring system, procedures for sampling, analysis and evaluation of ground-water data, and appropriate response procedures.

§ 267.51 Ground water monitoring system.

The ground-water system required by this Subpart must be capable of determining the facility's impact on ground-water in the uppermost aquifer so as to assure compliance with § 267.10 of this Part. The design of the ground-water monitoring system must reflect a consideration of:

(a) The placement and depth of monitoring wells that is necessary to obtain a representative sample of constituents in the uppermost aquifer, including those present in the ground-water upgradient from the facility;

(b) Measures such as casing which maintain the integrity of the monitoring well bore hole; and

(c) Measures which prevent contamination of ground-water samples.

§ 267.52 Ground water monitoring procedures.

(a) The ground-water monitoring procedures required by this Subpart must be capable of assuring compliance with § 267.10 of this Part. The procedures must reflect a consideration of:

(1) Sample collection procedures;

(2) Sample preservation and shipment procedures;

(3) Analytical methods;

(4) Chain of custody control; and

(5) Evaluation procedures, including methods for determining the extent and rate of migration of waste constituents.

(b) The ground-water monitoring procedures required by this Subpart must include appropriate procedures for when the ground-water monitoring program indicates that the facility is not in compliance with § 267.10 of this Part. Such response procedures must be contained in the contingency plan required by Subpart D of Part 264.

§ 267.53 Additional requirements.

The Regional Administrator may place additional ground-water monitoring requirements on owners or operators of facilities subject to this Part, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

Subpart G—Underground Injection

§ 267.60 Applicability.

The regulations in this Subpart apply to owners and operators of new facilities that dispose of hazard waste in underground injection wells which are classified as Class I under § 122.32(a) of this Chapter.

§ 267.61 General design requirements.

An injection well must be designed to comply with § 267.10 of this Part. The facility design must include measures (*e.g.* casing, tubing and packer set) to prevent the escape of injected fluids to the area above the zone of injection.

§ 267.62 General operating requirements.

An injection well must be operated in a manner that will comply with § 267.10 of this Part. The methods for operating the injection well must reflect a consideration of:

(a) The volume and physical and chemical characteristics of the waste injected in the well;

(b) The injection pressure; and

(c) Monitoring measures to assure that the mechanical integrity of the well is maintained.

§ 267.63 Closure.

An injection well must be plugged and sealed at closure to prevent the escape of injected fluids to the area above the zone of injection.

§ 267.64 Additional requirements.

The Regional Administrator may place additional requirements on owners and operators of new injection wells, besides those otherwise required by this Subpart, where necessary to comply with § 267.10 of this Part.

PART 122—[AMENDED]

2. Part 122 of Title 40 of the Code of Federal Regulations is amended by revising § 122.11(c) to read as follows:

§ 122.11 Requirements for recording and reporting of monitoring results.

* * * * *

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in Parts 264, 266 and 267 (RCRA), Part 146 (UIC), § 122.62 (NPDES), and, when applicable, 40 CFR Part 230 (404). Reporting shall be no less frequent than specified in the above regulations.

3. Part 122 of Title 40 of the Code of Federal Regulations is amended by revising § 122.29 to reas as follows:

§ 122.29 Establishing RCRA permit conditions.

(Applicable to State RCRA programs, see § 123.7)

In addition to the conditions established under § 122.8(a), each RCRA permit shall include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 40 CFR Parts 264, 266 and 267. In satisfying this provision, the Director may incorporate applicable requirements of 40 CFR Parts 264, 266 and 267 directly into the permit or establish other permit conditions that are based on these Parts.

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Friday
February 13, 1981

Part IV

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Central and Northern California; Proposed Oil and Gas Lease Sale No. 53

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf

Central and Northern California

Proposed Oil and Gas Lease Sale No. 53

In connection with oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior has established a policy pursuant to Sec. 19 of the OCS Lands Act, as amended, relating to sale notices to further and enhance consultation with the affected coastal States. That policy includes providing the affected States with the opportunity to review the draft proposed sale notice prior to its final publication in the Federal Register. The following is a draft sale notice for proposed Sale No. 53 in the waters offshore Central and Northern California. This sale is identified in the June 1980, Final Five-Year OCS Oil and Gas Leasing Schedule published by the Department of the Interior. This notice is hereby published as a matter of information to the public. This notice supersedes the previous Proposed Notice of Sale published at 45 F.R. 71140 on October 27, 1980.

Ed Hastey
Director, Bureau of Land Management

Dated: FEB 10 1981

Approved:

James G. Watt
Secretary of the Interior

Proposed Sale Notice

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Pacific Outer Continental Shelf (OCS) Office, Bureau of Land Management, 1340 West 6th Street, Room 200, Los Angeles, California 90017. Bids may be delivered, either by mail or in person, to the above address until 4:00 p.m., p.s.t., _____; or by personal delivery to the (place of sale), (address), (city and State) between the hours of 8:30 a.m., p.s.t. and 9:30 a.m., p.s.t., _____. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., p.s.t., _____. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in ___ FR _____, _____.

3. Methods of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., p.s.t. _____" must be submitted for

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each tract. A suggested form appears in 43 CFR Part 3300 Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft on a solvent bank, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300 Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental of $8 per hectare or fraction thereof. Except for the fixed net profit share tracts listed in paragraph 4(c) of this notice all leases awarded will provide for a minimum annual royalty payment of $8 per hectare or fraction therof. The following systems will be utilized.

(a) Bonus Bidding with 33 1/3 percent Royalty. Bids on tracts 53-138, 53-142, 53-143, 53-145, 53-146, 53-147, 53-149, 53-150, 53-151, 53-153, 53-154, 53-155, 53-159, 53-160, 53-161, 53-235, 53-236 and 53-239 must be on a cash bonus basis with a fixed royalty of 33 1/3 percent.

(b) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts 53-185, 53-186, 53-192, 53-193, 53-197, 53-198, 53-199, 53-202, 53-203, 53-204, 53-205, 53-208, 53-209, 53-210, 53-211, 53-212, 53-213, 53-214, 53-215, 53-216 53-217, 53-218, 53-219, 53-220, 53-221, 53-222, 53-223, 53-224, 53-225, 53-226, 53-227, 53-228, 53-229, 53-230, 53-231, 53-232, 53-233 and 53-234 must be submitted on a cash bonus basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way; when the quarterly value of production, adjusted for inflation, is less than or equal to $14.7878536 million, a royalty of 16.66667 percent in amount or value of production saved removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $14.7878537 million, but less than or equal to $1197.2061410 million, the royalty percent due on the unadjusted value or amount of production is given by

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$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 11.0

Ln = natural logarithm

Vj= the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.25

When the adjusted quarterly value of production is equal to or greater than $1197.2061410 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 21.25878 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, 15.392847 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

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Figure 1
Form of the Sliding Royalty Schedule

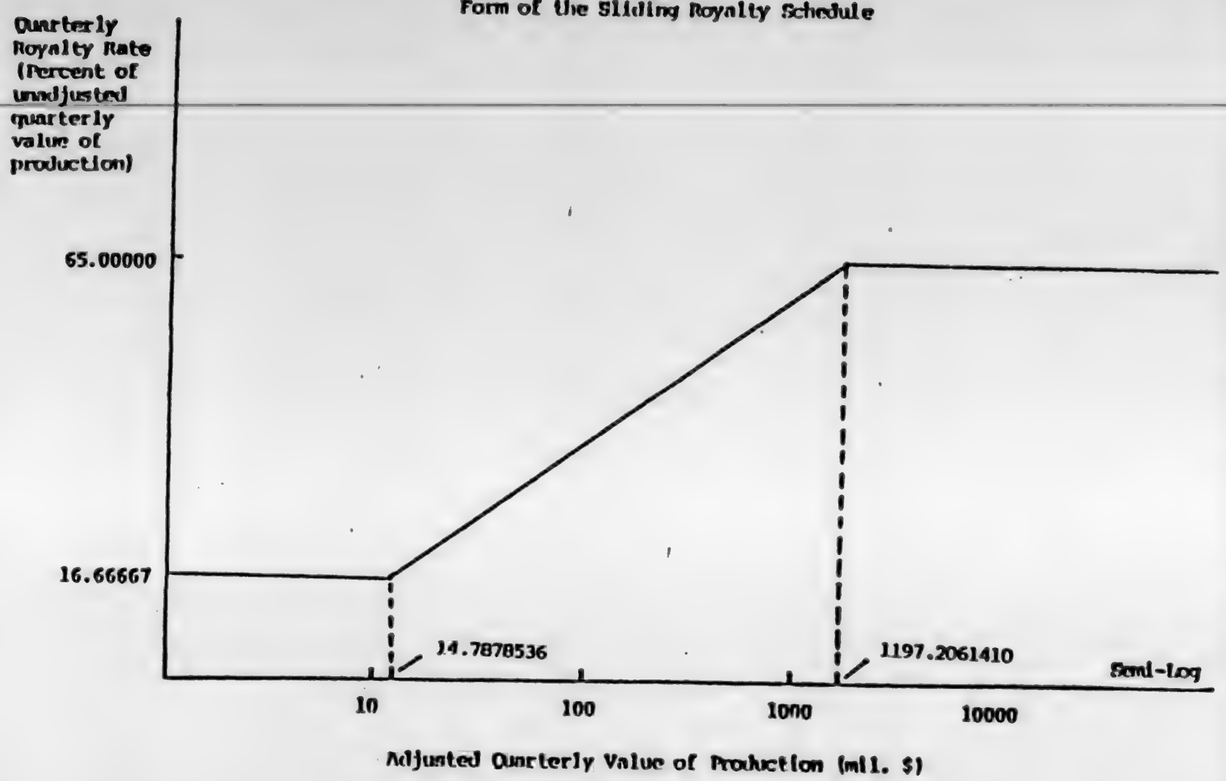


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	21.28346	6.385039
90.000000	200.0	4/3	67.500000	33.36819	30.031378
270.000000	200.0	4/3	202.500000	45.45293	122.722921
810.000000	200.0	4/3	607.500000	57.53767	466.055118
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	18.82888	5.648665
90.000000	250.0	5/3	54.000000	30.91362	27.822257
270.000000	250.0	5/3	162.000000	42.99835	116.095557
810.000000	250.0	5/3	486.000000	55.08308	446.173028

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E). All values are rounded for display purposes only.

(c) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 53-13 through 53-30, must be submitted on a cash bonus basis with a fixed net profit share rate of 45 percent and a fixed capital recovery factor of 1.00 (which is a fixed capital recovery multiplier of 2.00). Note: The capital recovery factor represents the actual capital recovery premium that is debited to the net profit share lease capital account, which is made in addition to the debit for actual expenses. The net profit share payment shall be calculated according to the Department of Energy regulations 10 CFR 390 (45 FR 36784, May 30, 1980).

(d) Bonus Bidding with a 16 2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16 2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., p.s.t., _____, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on _____, beginning at 10:00 a.m., p.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, _____, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks or bank drafts on a solvent bank, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

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(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Pacific Outer Continental Shelf Office at the address stated in paragraph 2, at a cost of $2.00 each:

Outer Continental Shelf Official Protraction Diagrams:

NK 10-10	Eureka
NJ 10-1	Noyo Canyon
NJ 10-2	Ukiah
NJ 10-5	Santa Rosa
NJ 10-8	San Francisco
NI 10-3	San Luis Obispo
NI 10-6	Santa Maria

12. Tract Descriptions. The tracts offered for bids are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

Tentative Tract List
OCS SALE #53

OCS OFFICIAL PROTRACTION DIAGRAM, EUREKA, NK 10-10
(Approved April 18, 1979)

Tract	Block	Description	Hectares
53-001	27	All	2304.00
53-002	28	All	2304.00
53-003	29	All	2304.00
53-004	30	All	2304.00
53-005	71	All	2304.00
53-006	72	All	2304.00
53-007	73	All	2304.00
53-008	74	All	2304.00
53-009	115	All	2304.00
53-010	116	All	2304.00
53-011	117	All	2304.00
53-012	118	All	2304.00
53-013	119	All	2304.00
53-014	159	All	2304.00
53-015	160	All	2304.00
53-016	161	All	2304.00
53-017	162	All	2304.00
53-018	163	All	2304.00
53-019	203	All	2304.00
53-020	204	All	2304.00
53-021	205	All	2304.00
53-022	206	All	2304.00
53-023	207	1/	2283.44
53-024	248	All	2304.00
53-025	249	All	2304.00
53-026	250	All	2304.00
53-027	251	1/	1571.16
53-028	293	All	2304.00
53-029	294	1/	2249.77
53-030	295	1/	293.37

OCS Official Protraction Diagram, Noyo Canyon, NJ 10-1

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-031	608	All	2304.00
53-034	652	All	2304.00
53-037	696	All	2304.00
53-040	740	All	2304.00

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OCS Official Protraction Diagram, Ukiah, NJ 10-2

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-032	573	All	2304.00
53-033	574	All	2304.00
53-035	617	All	2304.00
53-036	618	All	2304.00
53-038	661	All	2304.00
53-039	662	All	2304.00
53-041	705	All	2304.00
53-042	706	All	2304.00
53-043	749	All	2304.00
53-044	750	All	2304.00
53-045	793	All	2304.00
53-046	794	All	2304.00
53-047	795	All	2304.00
53-048	796	1/	2224.94
53-049	837	All	2304.00
53-050	838	All	2304.00
53-051	839	All	2304.00
53-052	840	All	2304.00
53-053	882	All	2304.00
53-054	883	All	2304.00
53-055	884	All	2304.00
53-056	927	All	2304.00
53-057	928	All	2304.00
53-058	971	All	2304.00
53-059	972	All	2304.00
53-060	973	1/	2134.73

OCS Official Protraction Diagram, Santa Rosa, NJ 10-5

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-061	673	All	2304.00
53-062	674	All	2304.00
53-063	717	All	2304.00
53-064	718	All	2304.00
53-065	761	All	2304.00
53-066	762	All	2304.00
53-067	805	All	2304.00
53-068	806	All	2304.00

OCS Official Protraction Diagram, San Francisco, NJ 10-8

(Approved November 2, 1976)

Tract	Block	Description	Hectares
53-069	376	All	2304.00
53-070	377	All	2304.00
53-071	378	All	2304.00
53-072	379	1/	1855.38
53-073	420	All	2304.00
53-074	421	All	2304.00
53-075	422	All	2304.00
53-076	423	1/	1469.03
53-077	464	All	2304.00
53-078	465	All	2304.00
53-079	466	All	2304.00
53-080	467	1/	1595.75
53-081	508	All	2304.00
53-082	509	All	2304.00
53-083	510	All	2304.00
53-084	511	1/	1974.17
53-085	552	All	2304.00
53-086	553	All	2304.00
53-087	554	All	2304.00
53-088	555	All	2304.00
53-089	596	All	2304.00
53-090	597	All	2304.00
53-091	598	All	2304.00
53-092	599	All	2304.00
53-093	641	All	2304.00
53-094	642	All	2304.00
53-095	643	All	2304.00
53-096	685	All	2304.00
53-097	686	All	2304.00
53-098	687	All	2304.00
53-099	688	All	2304.00
53-100	729	All	2304.00
53-101	730	All	2304.00
53-102	731	All	2304.00
53-103	732	All	2304.00
53-104	773	All	2304.00
53-105	774	All	2304.00
53-106	775	All	2304.00
53-107	776	All	2304.00
53-108	817	All	2304.00
53-109	818	All	2304.00
53-110	819	All	2304.00
53-111	820	All	2304.00
53-112	821	1/	1986.05
53-114	861	All	2304.00

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OCS Official Protraction Diagram, San Francisco, NJ 10-8, continued

Tract	Block	Description	Hectares
53-115	862	All	2304.00
53-116	863	All	2304.00
53-117	864	All	2304.00
53-118	865	All	2304.00
53-119	906	All	2304.00
53-120	907	All	2304.00
53-121	908	All	2304.00
53-122	909	All	2304.00
53-123	951	All	2304.00
53-124	952	All	2304.00
53-125	953	All	2304.00
53-126	996	All	2304.00
53-127	997	All	2304.00
53-128	998	All	2304.00

OCS Official Protraction Diagram, San Luis Obispo, NI 10-3

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-129	589	All	2304.00
53-130	590	All	2304.00
53-131	591	All	2304.00
53-132	633	All	2304.00
53-133	634	All	2304.00
53-134	635	All	2304.00
53-135	677	All	2304.00
53-136	678	All	2304.00
53-137	679	All	2304.00
53-138	680	1/	1528.66*
53-139	721	All	2304.00
53-140	722	All	2304.00
53-141	723	All	2304.00
53-142	724	1/	1848.35*
53-143	725	1/	16.86*
53-144	767	All	2304.00
53-145	768	All	2304.00
53-146	769	1/	1196.23
53-147	770	1/	10.37
53-148	811	All	2304.00
53-149	812	All	2304.00
53-150	813	All	2304.00

OCS Official Protraction Diagram, San Luis Obispo, NI 10-3 continued

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-151	814	1/	1663.03
53-152	855	All	2304.00
53-153	856	All	2304.00
53-154	857	All	2304.00
53-155	858	All	2304.00
53-156	897	All	2304.00
53-157	898	All	2304.00
53-158	899	All	2304.00
53-159	900	All	2304.00
53-160	901	All	2304.00
53-161	902	All	2304.00
53-162	941	All	2304.00
53-163	942	All	2304.00
53-164	943	All	2304.00
53-165	944	All	2304.00
53-166	945	All	2304.00
53-167	946	All	2304.00
53-168	947	All	2304.00
53-169	985	All	2304.00
53-170	986	All	2304.00
53-171	987	All	2304.00
53-172	988	All	2304.00
53-173	989	All	2304.00
53-174	990	All	2304.00
53-175	991	All	2304.00

OCS Official Protraction Diagram, Santa Maria, NI 10-6

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-176	16	All	2304.00
53-177	17	All	2304.00
53-178	18	All	2304.00
53-179	19	All	2304.00
53-180	20	All	2304.00
53-181	21	All	2304.00
53-182	22	All	2304.00
53-183	61	All	2304.00
53-184	62	All	2304.00
53-185	63	All	2304.00
53-186	64	All	2304.00
53-187	65	All	2304.00
53-188	66	All	2304.00
53-189	67	All	2304.00
53-190	105	All	2304.00
53-191	106	All	2304.00

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OCS Official Protraction Diagram, Santa Maria, NI 10-6 continued

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-192	107	All	2304.00
53-193	108	All	2304.00
53-194	109	All	2304.00
53-195	110	All	2304.00
53-196	111	All	2304.00
53-197	150	All	2304.00
53-198	151	All	2304.00
53-199	152	All	2304.00
53-200	153	All	2304.00
53-201	154	All	2304.00
53-202	155	All	2304.00
53-203	156	1/	2245.37
53-204	195	All	2304.00
53-205	196	All	2304.00
53-206	197	All	2304.00
53-207	198	All	2304.00
53-208	199	All	2304.00
53-209	200	1/	2051.92
53-210	201	1/	10.63
53-211	239	All	2304.00
53-212	240	All	2304.00
53-213	241	All	2304.00
53-214	242	All	2304.00
53-215	243	All	2304.00
53-216	244	All	2304.00
53-217	245	1/	917.10*
53-218	283	All	2304.00
53-219	284	All	2304.00
53-220	285	All	2304.00
53-221	286	All	2304.00
53-222	287	All	2304.00
53-223	288	All	2304.00
53-224	289	1/	719.12
53-225	328	All	2304.00
53-226	329	All	2304.00
53-227	330	All	2304.00
53-228	331	All	2304.00
53-229	332	1/	1976.80
53-230	333	1/	8.13
53-231	373	All	2304.00
53-232	374	All	2304.00
53-233	375	All	2304.00
53-234	376	1/	1761.43
53-235	418	All	2304.00

*Estimated

OCS Official Protraction Diagram, Santa Maria, NI 10-6 continued

(Approved March 26, 1976)

Tract	Block	Description	Hectares
53-236	419	All	2304.00
53-237	420	1/	2277.34
53-238	421	1/	738.55
53-239	463	1/	2190.91*
53-240	464	1/	2076.54*
53-241	465	1/	1962.21*
53-242	466	1/	1847.86*
53-243	467	1/	1733.53*

*Estimated

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1/ That portion seaward of the three geographical mile line.

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, Pacific Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4(c), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Fixed Net Profit Share. The lessee agrees to pay a net profit share rate of 45 percent with a fixed capital recovery factor of 1.00 (which is a fixed capital recovery multiplier of 2.00) calculated pursuant to 10 CFR 390.

(b) For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4(b), Form 3300-1 will be amended as follows:

Sec. 6 Royalty on Production. (a) The lessee agrees to pay the lessor royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $14.7878536 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $14.7878537 million, but less than or equal to $1197.2061410 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 11.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.25

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When the adjusted quarterly value of production is equal to or greater than $1197.2061410 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent due, Rj, the calculation will be carried to five decimal places (for example, 21.25878 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations the term DCMOFO refers to the Pacific Area Deputy Conservation Manager, Offshore Field Operation of the Geological Survey and the term Manager refers to the Manager of the Pacific OCS Office of the Bureau of Land Management.

Stipulation No. 1

(a) If the DCMOFO has reason to believe that biological populations or habitats exist and require protection, he shall give the lessee notice that the lessor is invoking the provisions of this stipulation and the lessee shall comply with the following requirements. Prior to any drilling activity or the construction or placement of any structure for exploration or development on lease areas including, but not limited to, well drilling and pipeline and platform placement hereinafter referred to as "operation," the lessee shall conduct site specific surveys as approved by the DCMOFO and in accordance with prescribed biological survey requirements to determine the existence of any special biological resource including, but not limited to:

(1) Very unusual, rare, or uncommon ecosystems or ecotones.

(2) A species of limited regional distribution that may be adversely affected by any lease operations.

If the results of such surveys suggest the existence of a special biological resource that may be adversely affected by any lease operation, the lessee shall: (1) relocate the site of such operation so as not to adversely affect the resources identified; (2) establish to the satisfaction of the DCMOFO, on the basis of the site specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist. The DCMOFO will review all data submitted and determine, in writing, whether a special biological resource exists and whether it may be significantly affected by the lessee's operations. The lessee may take no action until the DCMOFO has given the lessee written directions on how to proceed.

(b) The lessee agrees that if any area of biological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCMOFO, and make every reasonable effort to preserve and protect the biological resource from damage until the DCMOFO has given the lessee directions with respect to its protection.

Stipulation No. 2

If the DCMOFO, having reason to believe that a site, structure or object of historical or archaeological significance, hereinafter referred to as a "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct

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remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCMOFO and the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCMOFO, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCMOFO, either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCMOFO and the Manager for their review. Should the DCMOFO determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCMOFO has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCMOFO and make every reasonable effort to preserve and protect the cultural resource from damage until the DCMOFO has given directions as to its preservation.

Stipulation No. 3

(a) To be included in any lease resulting from this sale for tracts:

53-1, 53-2, 53-3, 53-4, 53-5, 53-6, 53-7, 53-8, 53-9, 53-10, 53-11, 53-12, 53-14, 53-15, 53-16, 53-19, 53-20, 53-21, 53-24, 53-37, 53-38, 53-41, 53-43, 53-45, 53-49, 53-156, 53-157, 53-158, 53-159, 53-162, 53-163, 53-164, and 53-165.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portion of a lease block unless or until the lessee has demonstrated to the DCMOFO's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DCMOFO may also require soil testing before exploration and production operations are allowed.

(b) To be included in any lease resulting from this sale for tracts:

53-114, 53-128, 53-226, 53-227, 53-228, 53-231, 53-232, 53-233, 53-235, 53-236, 53-237, and 53-239.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas or emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DCMOFO's satisfaction that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of submarine canyons or channels, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The DCMOFO may also require soil testing before exploration and production operations are allowed.

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(c) To be included in any lease resulting from this sale for tracts:

53-33, 53-48, 53-131, 53-138, 53-142, 53-143, 53-146, 53-147, 53-150, 53-151,

53-155, 53-161, 53-168, 53-175, 53-182, 53-189, 53-196, 53-203, 53-209, 53-210,

53-217.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas and the emplacement of pipelines will not be allowed in the vicinity of the fault until the lessee has demonstrated to the DCMOFO's satisfaction that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case fault movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of potential fault movement, either within or outside of this lease block.

If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for active faulting. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all fault zones must be mapped. The DCMOFO may also require soil testing before exploration and production operations are allowed.

Stipulation No. 4

This stipulation applies to those tracts located in military operating areas. The tracts affected are listed with the appropriate military geographical area coordinator.

Tracts 53-129 through 53-243: Commander, Western Space and Missile Center (WSMC) and the Commander, Pacific Missile Test Center (PMTC), or other appropriate military agency.

Tracts 53-63, 53-65, 53-66, 53-67, 53-68, 53-69, 53-70, 53-73, 53-74, 53-77,

53-78, 53-79, 53-82, 53-83, 53-96, 53-100, 53-104, 53-105, 53-108, 53-109,

53-114, 53-115, 53-116, and 53-119: Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency.

(a) The lessee agrees that prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency. Such coordination and instruction will provide for positive control of boats and aircraft operating in the warning areas at all times.

(b) The lessee, recognizing that mineral exploration and exploitation and recovery operations of the leased areas of submerged lands can impede tactical military operations, hereby recognizes and agrees that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel, and appropriate sheltering of personnel not evacuated (an appropriate shelter shall mean the protection of all lessee personnel for the entire duration of any Department of Defense activity from flying or falling objects or substances), will come into effect upon the order of the DCMOFO, after consultation with the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency, or higher authority, when national security interests necessitate such action. It is understood that any temporary suspension of operations for national security may not exceed seventy-two hours; however, any such suspension may be extended by order of the DCMOFO. During such periods equipment may remain in place.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander, Western Space and Missile Center (WSMC), the Commander, Pacific Missile Test Center (PMTC), and the Commander, Fleet Area Control and Surveillance Facility (FACSFAC), or other appropriate military agency, to the degree necessary to prevent damage to, or unacceptable

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interference with Department of Defense flight, testing or operations activities conducted within individual, designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 5

To be included in any lease resulting from this sale for tracts: 53-63, 53-65 through 53-70, 53-73, 53-74, 53-77, 53-78, 53-79, 53-82, 53-83, 53-96, 53-100, 53-104, 53-105, 53-108, 53-109, 53-114 53-115, 53-116, 53-119 and 53-129 through 53-243.

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Western Space and Missile Center (WSMC), the Pacific Missile Test Center (PMTC), or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

Stipulation No. 6

a) Pipelines will be required: 1) if pipeline rights-of-way can be determined and obtained; 2) if laying of such pipelines is technologically feasible and environmentally preferable; and 3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local governments and the industry.

b) Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DOMOFO.

c) Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Port and Tanker Safety Act of 1978 (PL 95-474).

Stipulation No. 7

(a) Wells. Subsea well heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the DOMOFO. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ±50 feet (15.25 meters) at 200 miles (322 kilometers).

(b) Pipelines. All pipelines, unless buried, including gathering lines, shall have a smooth surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes or other structures, those irregular surfaces shall be protected in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

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Stipulation No. 8

The lessee shall include in his exploration and development plans, submitted under 30 CFR 250.34, a proposed fisheries training program for review and approval by the DCMOFO. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations), and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry, the methods of offshore fishing operations, the potential conflicts between fishing operations and offshore oil and gas activities, the locations of marine mammal and bird rookery sites in the area, the seasonal abundance and sensitivities of these animals to disturbance, and the federal laws that have been established to protect endangered and threatened species from harassment and injury. The program shall be formulated and implemented by qualified instructors.

Stipulation No. 9

To be included only in the leases resulting from this sale for the 33 1/3 percent royalty tracts and the fixed sliding scale royalty tracts identified in paragraph 4(a) and 4(b) of this notice.

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, U.S. Geological Survey, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6 (a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16-2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 10

To be included only in the leases resulting from this sale for tracts subject to Federal revenue based on profit share, as identified in paragraph 4(c) of this notice:

> "Although the profit share specified in this lease is, by statute, subject to the Secretary's demand that it be paid in oil or gas, not more than 16 2/3 percent of the production saved, removed or sold from the lease area may be taken from the lessee by the lessor in oil and gas in payment of the Federal profit share revenues."

Stipulation No. 11

To be included in any lease resulting from this sale for tracts: 53-3, 53-4, 53-7, 53-8, 53-13, 53-21, 53-22, 53-25, 53-26, 53-27, 53-29, 53-30, 53-36, 53-62, 53-65, 53-69, 53-106, 53-116, 53-117, 53-122, 53-124, 53-126, 53-131, 53-134, 53-137, 53-138, 53-141, 53-142, 53-143, 53-145, 53-146, 53-150, 53-151, 53-154, 53-155, 53-175, 53-181, 53-182, 53-185, 53-186, 53-187, 53-188, 53-189, 53-192, 53-193, 53-194, 53-195, 53-196, 53-199, 53-200, 53-201, 53-205, 53-206, 53-207 53-208, 53-209, 53-212, 53-213, 53-214, 53-215, 53-216, 53-219, 53-221, 53-222, 53-223, 53-224, 53-227, 53-228, 53-229, 53-230, 53-232, 53-233, 53-234, 53-235, 53-236, 53-237, 53-238, 53-239, 53-240, 53-241 and 53-242.

Portions of this tract may contain a shallow "bright spot" seismic amplitude anomaly which may be indicative of a shallow gas deposit. Surface occupancy above this anomaly and drilling through the anomaly will not be allowed unless or until the lessee has demonstrated to the Deputy Conservation Manager's satisfaction that a potentially hazardous accumulation of shallow gas does not exist or that exploratory drilling operations, structures (platforms), casing, and wellheads can be placed or drilling plans designed to assure safe operations in the area above the anomaly. This may necessitate that all exploration for and development of oil and gas be performed from locations outside the area of concern, either within or outside this lease block.

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14. Information to Lessees. The Department of the Interior will seek the advice of the State of California and other Federal agencies to identify areas of special biological or cultural resources.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) & (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

To reduce the impacts of aircraft disturbances at seabird colonies and marine mammal rookeries along the coast, a distance of at least one mile from the coastline and an altitude of 1,000 feet should be maintained, consistent with aircraft safety, from specific areas to be identified by the DCMOFO. The lessee is advised that all violations may be reported to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or the California Department of Fish and Game, as appropriate, for disposition.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Pacific Region Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Fnday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Last Listing February 11, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 253 / Pub. L. 97–3 To increase the number of members of the Commission on Wartime Relocation and Internment of Civilians (Feb. 10, 1981; 95 Stat. 5) Price $1.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

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federal register

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Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

IMPORTANT NOTICE TO FEDERAL AGENCIES

For information on billing codes required on all documents submitted for publication in the **Federal Register**, see back cover of this issue.

12618 **Identification of Subjects in Agency Regulations** Administrative Committee of the **Federal Register** publishes Thesaurus of Indexing Terms (Part II of this issue)

12494 **Firearms** DOD/Office of the Secretary reissues rule to sell surplus military equipment to State and local law enforcement and firefighting agencies located within the U.S.; effective 1-27-81

12502 **Tax Forms** Treasury/IRS proposes three new forms for reporting the generation-skipping transfer tax (Forms 706-B, 706-B(1), and 708-B(2); comments by 4-3-81

12522 **Disclosure of Personal Data** CSA files for a proposed amendment to its rule governing public access to grantee information; comments by 4-20-81

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the Federal Register.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

12480 **Securities** SEC publishes new interim financial information provisions and revision of Form 10–Q for quarterly reporting

12500 **Loan Programs** SBA proposes to make any business that produces services or distributes any product or service used in an illegal activity ineligible for loan assistance; comments by 4–20–81

12646 **Energy** DOE adds incentive clauses for fixed–price incentive, cost–plus–incentive fee and cost–plus–award fee contracts, comments by 3–19–81 (Part III of this issue)

12477 **Air Carriers** CAB eliminates the requirement that air taxis reregister every 2 years; effective 2–10–81

12566 **Radioactive Materials** NRC issues orders to modify licenses to incorporate new or upgraded radiological contingency plans; effective 3–3–81

12528 **Trade Agreements** Commerce/ITA publishes annual list of foreign government subsidies on articles of quota cheese; effective 1–1–81

12502 **Medical Devices** HHS/FDA proposes procedures for premarket approval of medical devices; extension of comments by 4–13–81

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 80-ASW-61; Amdt. 39-4037]

Airworthiness Directives; Bell Helicopter Textron Models 206A and 206B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a mandatory inspection at each 300 hours' time in service, the application of an inspection visual aid, and daily checks of the main input driveshaft assembly, Bell Helicopter Textron (BHT) P/N 206-040-100-13 on BHT Models 206A and 206B helicopters. This AD is needed to reduce the risk of main driveshaft failure due to excessive coupling wear or overheating.

DATES: Effective—April 1, 1981. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The Alert Service Bulletin and the Operations Safety Notice specified in this AD may be obtained from Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101.

A copy of the service bulletin and a copy of the safety notice are contained in the rules docket, Office of the Regional Counsel, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: H. R. Whitlock, Propulsion Section, ASW-214, Engineering and Manufacturing Branch, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: There have been reports of excessive wear and failures of the main input driveshaft assembly used on BHT Models 206A and 206B helicopters. Failure of this driveshaft will result in loss of power to the main rotor and force a hazardous emergency landing. Since this condition is likely to exist or develop on other helicopters of the same type design, an Airworthiness Directive is being issued to require on BHT Models 206A and 206B helicopters.

(a) Daily visual check of the main input driveshaft assembly.

(b) Inspection of the driveshaft couplings each 300 hours' time in service.

(c) Addition of an inspection visual aid at the next coupling inspection. The inspection visual aid is zinc chromate primer which laboratory tests have confirmed will turn brown at approximately 375° F.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Bell: Applies to Models 206A and 206B helicopters.

Compliance is required after the effective date of this AD as indicated unless already accomplished.

To prevent failure of the main input driveshaft assembly, accomplish the following:

(a) Before the first flight of each day after the effective date of this AD, check the transmission input driveshaft assembly, P/N 206-040-100-13, for grease leakage and after compliance with paragraph (c) of this AD, also check the inspection visual aid for signs of overheating. The driveshaft should also be inspected for visual damage and security of the clamps and/or bolts used in assembly of the driveshaft to transmission and engine couplings. If any signs of grease leakage, overheat condition, or other discrepancy exist, the driveshaft must be disassembled, inspected, and the discrepancy corrected before any further flight operations.

(b) Inspect and lubricate the main input driveshaft assembly, P/N 206-040-100-13, and couplings, P/N 206-040-108-005 and P/N 206-040-117-001, as prescribed by BHT Alert Service Bulletin No. 206-79-5 dated October 24, 1979, in accordance with the schedule provided below. In addition, repeat this inspection and lubrication within each 300 hours' time in service thereafter. Defective parts found during this inspection must be replaced prior to further flight.

(1) For helicopters with 250 or more hours' time in service on the effective date of this AD, compliance is required within the next 50 hours' time in service.

(2) For helicopters with less than 250 hours' time in service on the effective date of this AD, compliance is required prior to attaining 300 hours' time in service.

(c) Add the "visual aid" overheat indicator as prescribed by Item 2 of BHT Alert Service Bulletin No. 206-79-5 dated October 24, 1979, at the next coupling inspection.

(d) A pilot may perform the visual check outlined in Item (a), above.

Note.—See FAR 91.173 for the requirements regarding the listing of compliance with Paragraphs (a), (b), and (c) of this AD in the aircraft's maintenance records.

(e) Special flight permits may be issued in accordance with FAR 21.197 and FAR 21.199 to fly aircraft to a base where this AD can be accomplished.

(f) Any alternate equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at the FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at their headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of

Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Fort Worth, Texas, on January 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

Note.—The incorporation by reference in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-5274 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21355; Amdt. 39-4046]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a one time inspection for cracks in the nose landing gear shock strut cylinder on certain Short Brothers Limited Model SD3-30 series airplanes. It further requires the disassembly, cleaning, rework and lubrication of certain main landing gear components at regular intervals. The AD is prompted by reports of cracks in the nose landing gear shock strut cylinder and failure of the main landing gear to operate properly during adverse weather conditions which can prevent full extension of the landing gears and may result in a wheels-up landing.

DATES: Effective March 3, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland, Attn.: Product Support Manager, a copy of each service bulletin is contained in the Rules Docket, Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: Cracks have been found in the nose landing gear shock strut cylinder, and there have been malfunctions of the main landing gear down lock mechanism and the shock strut and link assembly on certain Short Brothers Limited Model SD3-30 series airplanes. These conditions could result in improper extension of the landing gear and cause possible injury to passengers and damage to the airplane in the event of a wheels-up landing or a landing gear collapse. This AD establishes an inspection interval for cleaning, reworking, and lubricating certain serial number down lock mechanisms and main landing gear shock strut and link assemblies on certain Shorts SD3-30 series airplanes.

Since these conditions are likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires a one time inspection for cracks in the nose landing gear shock strut cylinder and replacement of cracked cylinders. It established maintenance procedures and requires repetitive inspections of the main landing gear shock strut and link assemblies on certain Short Brothers Limited Model SD3-30 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Short Brothers Limited: Applies to Model SD3-30 airplanes, certificated in all categories, which have Menasco nose landing gear assembly, P/N 18001, serial numbers MMC-005, MMC-006, MMC-008, MMC-009, MMC-010, MMC-011, MMC-012, MMC-015, MMC-022, MMC-023, MMC-024, MMC-029, MMC-031 through MMC-051; Menasco nose landing gear down lock mechanism assembly, P/N 18003, serial numbers MMC-003 through MMC-059; or Menasco main landing gear shock strut and link assembly, P/N 17525, serial numbers MMC-011 through MMC-130, installed.

Compliance is required as indicated, unless already accomplished.

To prevent malfunction or collapse of the landing gear, accomplish the following:

(a) Within 100 hours time in service, or prior to the accumulation of 150 landings after the effective date of this AD, whichever occurs later:

(1) Visually inspect the nose landing gear assembly, Menasco P/N 18001, for evidence of leaking hydraulic fluid.

Note.—Pay special attention to the area around the edges of the nameplate.

(2) If no leaks are found, make the appropriate log book entry and return to service.

(3) If leakage is detected, remove the nameplate and inspect the cylinder, Menasco P/N 18103, for cracks using either the dye penetrant or the eddy current method in accordance with Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-53, Revision 2, dated March 5, 1980, or an FAA-approved equivalent.

(b) If as a result of the inspection required in paragraph (a)(3) of this AD:

(1) No cracks are found, re-install nameplate, make the appropriate log book entry, and return the cylinder to service.

(2) Cracks are found, before further flight, except as provided in paragraph (g) of this AD, remove the cylinder from service and replace with a new or serviceable cylinder of the same Menasco part number, or an FAA-approved equivalent.

Note.—Short Brothers Limited Service Bulletin No. SD3-32-68, Revision 2, dated April 25, 1980, pertains to the same subject.

(c) Within 500 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 600 hours time in service until paragraph (d) and (e) of this AD is accomplished:

(1) For Menasco nose landing gear down lock mechanism, P/N 18003, serial numbers MMC-003 through MMC-059, disassemble, clean, grease the spring and sliding faces, reinstall, and test in accordance with Part A of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-45, dated August 27, 1979, or an FAA-approved equivalent.

Note.—Short Brothers Limited Service Bulletin No. SD3-32-66, dated September 25, 1979, refers to this same subject.

(2) For Menasco main landing gear shock strut and link assembly P/N 17525, serial numbers MMC-011 through MMC-130, disassemble components P/N 17781, P/N 17782, and P/N 17787; clean, grease spring, sliding spring, and sliding faces, reassemble, and test in accordance with Part A of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-44, Revision 1, dated January 16, 1980, or an FAA-approved equivalent.

Note.—Short Brothers Limited Service Bulletin No. SD3-32-65, Revision 1, dated March 13, 1980, refers to this same subject.

(d) Following rework of the nose landing gear down lock mechanism components to accommodate grease fittings accomplished in accordance with Part B and C of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-45, dated August 27, 1979, or an FAA-approved equivalent, compliance with paragraph (c)(1) of this AD is no longer required.

(e) Following rework of the main landing gear shock strut and link assemblies to accommodate grease fittings accomplished in accordance with Part B and C of Item 11, "Accomplishment Instructions," of Menasco Mfg. of Canada Ltd. Service Bulletin No. 32-44, Revision 1, dated January 16, 1980, or an FAA-approved equivalent, compliance with paragraph (c)(2) of this AD is no longer required.

(f) Grease nose landing gear down lock mechanism and main landing gear shock strut and link assemblies reworked in accordance with paragraphs (d) and (e) of this AD every 600 hours time in service thereafter.

(g) The airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the maintenance can be performed.

(h) Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, may adjust the inspection intervals.

(i) If an equivalent means of compliance is used in complying with paragraphs (a), (c), (d) or (e) of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective March 3, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of columbia.

Issued in Washington, DC, on February 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-5266 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21356; Amdt. 39-4047]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which imposes life limits and a replacement requirement on the end cap sub-assembly of the nose gear steering actuator and the link sub-assembly of the nose landing gear beam on Short Brothers Limited Model SD3-30 airplane. The AD is needed to prevent failure of the nose landing gear beam and steering actuator assemblies which could result in loss of the nose wheel steering capability.

DATES: Effective March 3, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Manager-Spares Support, Product Support Department, Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: The FAA has determined, based on the results of the manufacturer's fatigue testing, that the end cap sub-assembly, P/N 18382-7A or P/N 18391-7A, of the nose gear steering actuator and the link sub-assembly, P/N 18053-1 or P/N 18053-3, of the nose landing gear beam on certain Short Brothers Limited Model SD3-30 airplanes are life limited. Accordingly, this AD requires replacement of the end cap sub-assembly, P/N 18382-7A or P/N 18391-7A, prior to accumulation of 10,500 landings, and replacement of the link sub-assembly, P/N 18053-1 or P/N 18053-3, prior to the accumulation of 10,000 landings, and each 10,000 landings thereafter, on certain serial number nose gear steering actuators and certain serial number nose landing gear beam assemblies installed on Short Brothers Limited Model SD3-30 airplanes. The link sub-assembly repetitive replacement may be discontinued when the link sub-assembly having a new part number is installed.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Short Brothers Limited. Applies to Model SD3-30 airplanes, certificated in all categories, which have Menasco nose landing gear steering actuator, P/N 18002, serial numbers MMC-003 through MMC-046, and/or nose landing gear beam assembly, P/N 18004, serial numbers MMC-001 through MMC-041, installed.

Compliance is required as indicated unless already accomplished.

To prevent failure of the end cap sub-assembly of the nose wheel steering actuator, or of the link sub-assembly of the nose landing gear beam, accomplish the following:

(a) Within the next 25 landings after the effective date of this AD, or prior to accumulation of 10,500 landings, whichever occurs later, replace the end cap sub-assembly, P/N 18382-7A or P/N 18391-7A, of nose landing gear steering actuator assembly, P/N 18002, with end cap, P/N 18382-9 or P/N 18391-9, in accordance with Menasco Manufacturing Service Bulletin 32-21, Revision 3, dated August 7, 1979, or an FAA-approved equivalent.

(b) Within the next 25 landings after the effective date of this AD, or prior to the accumulation of 10,000 landings, whichever occurs later, replace in accordance with Menasco Manufacturing Service Bulletin 32-30, dated February 9, 1979, or an FAA-approved equivalent, the link sub-assembly, P/N 18053-1 or P/N 18053-3 as appropriate, with a link sub-assembly of the same part number, and continue replacement at intervals not to exceed 10,000 landings; or replace with link sub-assembly P/N 18293-1, in which case no further replacement is required and re-identify the nose landing gear beam assembly, P/N 18004, in accordance with paragraph 10D of Menasco Service Bulletin 32-30, dated February 9, 1979, or an FAA-approved equivalent.

(c) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa, and Middle East Office, Brussels, Belgium.

This amendment becomes effective March 3, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Washington, D.C., on February 6, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-5271 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-EA-68; Amdt. 39-4044]

Airworthiness Directives; Piper PA-38-112

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA 38-112 type airplanes. The new AD requires a repetitive inspection of the fin forward spar and fuselage bulkhead assembly in the area of the spar for cracks, and repair or replacement where necessary. The rule will preclude the propagation of incipient cracks. Such cracks could result in a hazardous situation with the deterioration of the airframe.

EFFECTIVE DATE: February 19, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.K.F. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of fatigue cracks in the fin spar and contiguous bulkhead. Inspection times were determined from tests conducted by the manufacturer which duplicated the fatigue factors. At present, the manufacturer has not recommended a permanent solution, but when it does so, the rule will be amended to incorporate any such solution. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

Piper.—Applies to Model PA-38-112 certificated in all categories. To avoid possible hazards in flight associated with cracks in the fin forward spar, P/N 77601-03, and the fuselage bulkhead assembly, P/N 77553-02, accomplish the following:

a. Within the next 25 hours in service from the effective date of this AD or upon the attainment of 300 hours in service, whichever is later, unless accomplished within the previous 75 hours in service and thereafter, at intervals not to exceed 100 hours in service from the last inspection, accomplish the following:

(1) Inspect the foward surface of the fin forward spar web in the area of the vertical edges of the fin forward spar attachment fitting P/N 77553-05 for cracks using a dye penetrant method or equivalent. Remove two forward fin attachment bolts and displace fin spar ⅛" laterally in each direction to increase visibility of spar area adjacent to edge of attachment fitting. Remove any scuff marks on spar by sanding prior to applying dye penetrant.

(2) Inspect the fuselage bulkhead assembly P/N 77553-02, at fuselage station 221.42, in the area of the fin forward spar attachment fitting, P/N 77553-05, for cracks using a dye penetrant method or equivalent. Access to aft side of bulkhead may be obtained by removing rudder and adjacent access door and to front side by removing the luggage compartment rear partition. When using luggage compartment, provide a stand to support the aft fuselage and, in order to assure that no associated damage will occur during the inspection, provide a support board for the mechanic.

b. Replace fin spars with cracks exceeding one half inch and bulkheads with cracks exceeding three quarter inch prior to further flight with undamaged parts of the same part number, an equivalent part, or accomplish a repair which must be approved by the Chief, Engineering & Manfacturing Branch, FAA, Eastern Region. Parts which have cracks less than these values must be replaced or repaired within 25 hours in service. A ferry flight may be authorized under FAR 21.197 to a place of repair with prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

c. Inspect replacement and repaired parts in accordance with this AD unless otherwise authorized by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

d. Equivalent inspections and parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

e. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance times specified in this AD.

Effective Date: This amendment is effective February 19, 1981.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT:" It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Jamaica, New York, on February 4, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-5273 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-45-AD; Amdt. 39-4024]

Boeing Model 727-100 and 727-100C Airplanes Equipped With the Aft Airstair Emergency System, Except All Cargo Configurations and Those Airplanes Where the Aft Airstair Emergency Extension System Has Been Deactivated; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-NW-45-AD, Amendment 39-4024 (46 FR 4862, January 19, 1981), from February 21, 1981, to April 1, 1981.

DATE: The new effective date for AD 80-NW-45-AD, Amdt. 39-4024 (46 FR 4862, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: AD 80-NW-45-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 67678, October 14, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-NW-45-AD, Amdt. 39-4024 (46 FR 4862, January 19, 1981), by changing the effective date from February 21, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Norwest Region.

[FR Doc. 81-5290 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-28-AD; Amdt. 39-4022]

Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes Equipped With Upper Main Cargo Doors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-WE-28-AD, Amendment 39-4022, (46 FR 4864, January 19, 1981), from February 19, 1981, to April 1, 1981.

DATES: The new effective date for AD 80-WE-28-AD, Amdt. 39-4022, (46 FR 4864, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neill, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6356.

SUPPLEMENTARY INFORMATION: AD 80-WE-28-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 43792, June 30, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-WE-28-AD, Amdt. 39-4022, (46 FR 4864, January 19, 1981), from February 19, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5291 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-29-AD; Amdt. 39-4020]

Airworthiness Directives; McDonnell Douglas Model DC-9 Series Airplanes Equipped With Upper Main Cargo Doors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of Effective Date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-WE-29-AD, Amendment 39-4020, (46 FR 4865, January 19, 1981), from February 19, 1981, to April 1, 1981.

DATES: The new effective date for AD 80-WE-29-AD, Amdt. 39-4020, (46 FR 4865, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neill, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6356.

SUPPLEMENTARY INFORMATION: AD 80-WE-29-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 43791, June 30, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-WE-29-AD, Amdt. 39-4020, (46 FR 4865, January 19, 1981) by changing the effective date from February 19, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5252 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-30-AD; Amdt. 39-4021]

Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a Notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective within 60 days following January 29, 1981. This amendment, consistent with the President's directive, postpones the effective date of Airworthiness Directive 80-WE-30-AD, Amendment 39-4021, (46 FR 4866, January 19, 1981), from February 19, 1981, to April 1, 1981.

DATES: The new effective date for AD 80-WE-30-AD, Amdt. 39-4021, (46 FR 4866, January 19, 1981) is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neill, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6356.

SUPPLEMENTARY INFORMATION: AD 80-WE-30-AD was based on a Notice of Proposed Rulemaking (NPRM), 45 FR 43791, June 30, 1980. All interested persons were given an opportunity to participate in the making of this rule. At the time that this rulemaking procedure was initiated, the FAA did not consider that an emergency situation existed with respect to safety in air commerce and does not believe that such an emergency exists at the present time.

On January 29, 1981, the President issued a memorandum directing all agencies, by notice in the **Federal Register**, to postpone for 60 days following January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that period.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational federal regulations was among his priorities as President. He indicated this program was especially important because of the country's economic climate.

In order to give his administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulations, he directed the postponement of pending regulations. In accordance with this directive, the FAA is postponing the effective date of this rule until April 1, 1981.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days. Because this change of effective date does not involve rulemaking, compliance with Executive Order 12044 is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-WE-30-AD, Amdt. 39-4021, (46 FR 4866, January 19, 1981) by changing the effective date from February 19, 1981, to April 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5253 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-49]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone: Santa Fe, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the control zone at Santa Fe, New Mexico. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Santa Fe County Airport. The circumstance which created the need for the action is the installation of an instrument landing system (ILS) to Runway 02.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On November 10, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 74497) stating that the Federal Aviation Administration proposed to alter the control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, April 16, 1981, as follows:

Santa Fe, New Mexico

Within a 6.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.); and within 2.5 miles each side of the Doman LOM (latitude 35°33'09" N., longitude 106°06'29" W.) 215° radial, extending from the 6.5-mile radius area to 3 miles southwest of the Doman LOM (7.5 miles southwest of the threshold of Rwy 2. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. § 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on January 30, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-4855 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-42]

Alteration of Transition Areas: Sidney, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Sidney, N.Y., Transition Area over Sidney Municipal Airport, Sidney, N.Y. This alteration will provide protection to aircraft executing a new VOR Runway 25 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rulemaking on page 54080 of the **Federal Register** 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69))

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

Sidney, N.Y.

In the text delete, "from a 080° bearing to a 215° bearing from the airport," and substitute therefor, "from a 060° bearing to a 215° bearing from the airport and within 9.5 miles northwest and 4.5 miles southeast of the Rockdale VORTAC 218°/038° radials extending from 8.5 miles southwest to 11 miles northeast of the Rockdale VORTAC."

[FR Doc. 81-5200 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-17]

Designation of Transition Areas; Annville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates an Annville, Pa., Transition Area over Millard Airport, Annville, Pa. This rule will provide protection to aircraft executing a new VOR-DME-A instrument approach which has been developed for the airport. An instrument

approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rule Making on page 54078 of the **Federal Register** 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GmT April 16, 1981, as published.

(Sections 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1655(c)]; and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,
Director, Eastern Region.

Annville, Pa.

That airspace extending upward from 700 feet above the surface within 5.0-mile radius of the center (40°19'00" N/76°32'15" W) of the Millard Airport, Annville, Pennsylvania and within 4.0 miles either side of the Ravine, Pennsylvania, VORTAC 160° radial extending southward from the 5.0-mile radius area to a point 28 miles from the VORTAC.

[FR Doc. 81-5257 Filed 2-13-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-50]

Designation of Transition Areas; Quarryville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Quarryville, Pa., Transition Area over Tanglewood Airport, Quarryville, Pa. This designation will provide protection to aircraft executing a new VOR-DME-B instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rule Making on page 54079 of its **Federal Register**, 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Sections 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,
Director, Eastern Region.

Quarryville, Pa.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (39°51'00"N/76°12'55"W) of Tanglewood Airport, Quarryville, Pennsylvania, and within 4.5 miles each side of the Lancaster, Pennsylvania, VORTAC 168° radial extending from the 6.5-mile radius area to the VORTAC.

[FR Doc. 81-5256 Filed 2-13-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-19]

Designation of Transition Areas; Woodbine, New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Woodbine, N.J., Transition Area over Woodbine Municipal Airport, Woodbine, N.J. This designation will provide protection to aircraft executing a VOR-A runway instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rulemaking on page 54077 of the **Federal Register** 45 FR 54078 and gave interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.)]

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,
Director, Eastern Region.

Woodbine, N.J.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (39°13'00" N/74°47'37" W) of the Woodbine Municipal Airport, Woodbine, New Jersey, and within 1.5 miles each side of the Sea Isle, New Jersey, VORTAC 002 radial extending from the 6.5-mile radius area to a point 1 mile north of the VORTAC.

[FR Doc. 81-5258 Filed 2-13-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-54]

Designation of Transition Area; Greenville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Greenville, Pa., Transition Area over Greenville Municipal Airport, Greenville, Pa. This designation will provide protection to aircraft executing a new VOR Runway 4 instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA published a Notice of Proposed Rulemaking on page 54078 of the **Federal Register**, 45 FR 54078 giving interested parties until September 29, 1980, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,
Director, Eastern Region.

Greenville, Pa.

That airspace extending upward from 700 feet above the surface within an 6.0 mile radius of the center (41°26'49"N/80°23'30"W) of the Greenville Municipal Airport, Greenville, Pennsylvania and within 4.5 each side of the Youngstown, Pennsylvania, VORTAC 062 radial from the 6.0 mile radius area to a point 7 miles east of the VORTAC.

[FR Doc. 81-5278 Filed 2-13-81; 8:45 am]
BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 298

[Regulation ER-1213; Economic Regulations Amdt. No. 15 to Part 298; [Docket No. 38815]

Classification and Exemption of Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB eliminates the requirement that air taxis reregister every 2 years. They will still have to register before beginning operations and file amendments when there is a change in their operations. The information that has been obtained by the biennial reregistration is available from other sources.

DATES: Adopted: February 10, 1981. Effective: February 10, 1981.

FOR FURTHER INFORMATION CONTACT:
Patti Szrom, Bureau of Domestic Aviation, Special Authorities Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5088.

SUPPLEMENTARY INFORMATION: In EDR-410, 45 FR 67680, October 14, 1980, the Board proposed to eliminate the requirement that air taxis reregister every 2 years. 14 CFR Part 298 requires all air taxi operators, including commuter air carriers, to register with the Board before commencing operations and to maintain a minimum level of insurance coverage on those operations. The initial registration provides a list of air taxis, information used in Board reports and surveys, and a method to check air taxi operator compliance with insuance requirements. The requirement that air taxis reregister every 2 years was designed to keep the list of air taxis current and to provide notice to the Board of any change in carrier operations and insurance coverage. The next reregistration is scheduled for July 1, 1981.

The notice of proposed rulemaking proposed to eliminate the biennial reregistration requirement because the Board receives the same information under other Board rules. Section 298.23 requires air taxi operators to notify the Board of changes in name, address, type of operation, type of aircraft used, and any temporary or permanent cessation of operation. The Board is notified of any changes in air taxi insurance coverage under §§ 298.41(d) and 298.45. In addition, we are able to keep track of changes in air taxis' operations and insurance through communications with the FAA. Although reregistration provides an additional source of information, it is an unnecessary burden on air taxi operators.

Comments were filed by Bryan Aircraft, Cal Sierra, Carteret Surgical Associates, Charles L. Gross, Corporate Flight, Crow, Crystal Shamrock, Ed's Flying Service, Falcon Aeronautical, Great Lakes Aero Distributors, Kenmore Air Harbor, Prattville Aviation Company, Scenic Airlines, Tacoma Aviation Center and Tri-State Flite Services. All endorsed the Board's proposal for eliminating unnecessary regulatory paperwork. No negative comments were received.

The Board therefore eliminates the reregistration requirement. A reference to reregistration in § 298.21(c)(1)(iv) that was overlooked in the NPRM has been deleted. Air taxis still must register with the Board, maintain insurance coverage and submit amendments when required by § 298.23. The registration will remain in effect until it is amended by the carrier refiling Form 298-A or is canceled by the Board. Seasonal carriers

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should note the nature of their service on Form 298–A so that their registration will not be canceled when they cease operations for part of the year.

Form 298–A has been revised to clarify certain ambiguities. The changes are not substantive. A question asking whether the registering carrier is a U.S. citizen has been added to that form and in § 298.21(c)(1)(viii). The section on types of service has been expanded, and the order of the questions has been changed for clarity.

Under the Regulatory Information Planning Project, we have considered what effect elimination of these recurrent reports may have. As stated previously, the information gathered from reregistration is readily available from other sources. All the commenters agreed that the report was unnecessary. Elimination of these reports, therefore, merely reduces the burden on air carriers without jeopardizing other sources of the identical information.

The revised version of Form 298–A has been submitted to the General Accounting Office for review under the Federal Reports Act (44 U.S.C. 3512). The original version of this form was approved by the GAO under the number B–180226 (RO331). Air taxis may use this form until the revised form has been cleared. We will publish a notice of GAO's action as soon as it is received.

Since this final rule relieves a restriction and creates no additional burden, we find that it may become effective immediately.

Accordingly, the Board amends 14 CFR Part 298, *Classification and Exemption of Air Taxi Operators*, as follows:

Part 298 Authority [Revised]

1. The authority for Part 298 is revised to read:

Authority: Secs. 204, 401, 407, 416, 418, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 766, 771, 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1377, 1386, 1388.

2. A new § 298.24 is added to the table of contents, to read:

* * * * *

Sec.
298.24 Cancellation of the registration.
* * * * *

3. Section 298.3(a)(3) is amended to eliminate the reference to re-registration, so that it reads:

§ 298.3 Classification.

(a) * * *

(3) Have registered with the Board in accordance with Subpart C of this part;

* * * * *

4. In § 298.21, paragraphs (b), (c), (c)(1), (c)(1)(iv), (c)(1)(v), (c)(1)(vii), and (c)(3) are revised and a new paragraph (c)(1)(viii) is added to read:

§ 298.21 Filing for registration by air taxi operators.

* * * * *

(b) The registration of an air taxi operator shall remain in effect until it is amended by the carrier or canceled by the Board.

(c) Registration shall be accomplished by a filing with the Board's Bureau of Domestic Aviation, except for air taxi operators with a mailing address in the State of Alaska who shall file with the Board's Field Office, Box 27, Anchorage, Alaska, 99513, the following:

(1) CAB Form 298–A, "Air Taxi Operator and Commuter Air Carrier Registration and Amendments Under Part 298 of the Economic Regulations of the Civil Aeronautics Board" executed in duplicate.[6] This form shall be certified by a responsible official and shall include the following information:

(i) * * *

(ii) * * *

(iii) * * *

(iv) The type of service the carrier will offer (scheduled passenger, scheduled cargo, mail under a United States Postal Service contract, on-demand passenger, on-demand cargo, or other service such as air ambulance operations, firefighting or seasonal operations);

(v) A list of the aircraft that the carrier proposes to operate, or, in the case of an amendment to the registration, the aircraft that it is currently operating in its air taxi operations, and the aircraft type, FAA registration number and passenger capacity of each aircraft:

(vi) * * *

(vii) For amendments, whether the carrier has carried passengers in foreign air transportation during the previous 12 months;

(viii) Whether the carrier is a United States citizen;

(2) * * *

(3) A 15 dollar registration fee in the form of a check, draft, or postal money order payable to the Civil Aeronautics Board.

[6] CAB Form 298–A is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

5. Section 298.22 is revised to read:

§ 298.22 Processing by the Board.

After examination of the Form 298–A submitted by the carrier, the Board will stamp the effective date of the registration on the form and retrun the duplicate copy to the carrier to confirm that it has registered with the Board as required by this part. The effective date of the registration shall not be earlier than the effective date of the insurance policy or policies named in the certificate of insurance filed by the carrier under § 298.21(c)(2).

6. Section 298.23 is revised to read:

§ 298.23 Notifications to the Board of change in operations.

(a) An air taxi operator shall submit an amendment to its registration not later than 30 days after any of the following events:

(1) A change in its name or address;

(2) A change in its type of operations (passenger, cargo, mail, scheduled, etc.);

(3) A temporary or permanent cessation of its operations; or

(4) A change in the type of aircraft operated.

(b) An amendment shall be made by resubmitting CAB Form 298–A to the Board's Bureau of Domestic Aviation. If the air taxi operator has a mailing address in the State of Alaska, the form shall be mailed to the Board's Field Office, Box 27, Anchorage, Alaska 99513.

7. A new § 298.24 is added, to read:

§ 298.24 Cancellation of the registration.

The registration of an air taxi operator may be canceled by the Board if any of the following occur:

(a) The operator notifies the Board that it is ceasing operations;

(b) The operator's insurance coverage changes or lapses;

(c) The operator fails to file an amended registration when required by § 298.23;

(d) The operator's operating authorization is revoked by the Federal Aviation Administration;

(e) In the case of a commuter air carrier, the Board finds that the carrier is not fit, willing, and able to conduct scheduled service.

8. Section 298.31 is amended by removing the reference to reregistration so that it reads:

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this part to air taxi operators that register with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft designed to have a maximum passenger capacity of 60 seats or less or a maximum payload capacity of 18,000 pounds or less.

9. CAB Form 298–A has been amended as shown in the attachment.[6]

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–5338 Filed 2–13–81; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8954]

Equifax Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, an Atlanta, Ga. consumer credit reporting firm to cease misrepresenting the identity of its investigative personnel; improperly providing its customers with updated consumer report information; and rewarding or punishing its employees on the basis of the amount of adverse information collected and included in their reports on consumers. The order further requires that the company cease failing to make statutorily required disclosures to consumers requesting information concerning their credit status; provide such consumers with all the information in its files; and reinvestigate any disputed item of information promptly.

DATES: Complaint issued February 21, 1974. Final order issued December 15, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523–3727.

SUPPLEMENTARY INFORMATION: In the Matter of Equifax Inc., a corporation (formerly Retail Credit Company, a corporation). The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Collecting, Assembling, Furnishing or Utilizing . Consumer Reports and/or Information: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports and/or information; 13.382–1 Confidentiality, accuracy, relevancy, and proper utilization; 13.382–1(a) Fair Credit Reporting Act; 13.382–5 Formal regulatory and/or statutory requirements; 13.382–5(a) Fair Credit Reporting Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–37 Formal regulatory and/or statutory requirements. Subpart—Failing To Comply With Affirmative Statutory Requirements: § 13.1048 Failing to comply with affirmative statutory requirements; 13.1048–10 Fair Credit Reporting Act. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1520 Personnel or staff. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–60 Fair Credit Reporting Act; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 84 Stat. 1128–36; 15 U.S.C. 1681–1681t)

The Final Order, including further order requiring report of compliance therewith, is as follows:

This matter having been heard by the Commission upon the cross-appeals of respondent and complaint counsel from the initial decision and upon briefs and oral argument in support thereof and opposition thereto, and the Commission for the reasons stated in the accompanying opinion having determined to affirm in part and reverse in part the initial decision:

It is ordered that the initial decision of the administrative law judge be adopted as the findings of fact and conclusions of law of the Commission, except to the extent inconsistent with the accompanying opinion.

Other findings of fact and conclusions of law of the Commission are contained in the accompanying opinion.

It is further ordered that the following order to cease and desist be, and it hereby is, entered:

I

It is ordered that respondent Equifax Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the collection, preparation, assembly, sale, or distribution of consumer reports, investigative consumer reports, and files, as "consumer report," "investigative consumer report," and "file" are defined in Section 603 (d), (e) and (g) of the Fair Credit Reporting Act (Pub. L. No. 91–508, 15 U.S.C. 1681 *et seq.*) ("the Act") and interpreted in the accompanying Opinion of the Commission (except credit reports prepared by Credit Bureau, Inc. of Georgia, Credit Bureau of Montreal, Ltd., and Credit Marketing Services), shall cease and desist from:

A. Representing, directly or by implication, during the preparation of any report, that investigative personnel employed by Equifax are agents or employees of the company to which the consumer who is the subject of the report has applied for a benefit.

B. Submitting consumer report information to any of its customers who has previously received a consumer report regarding the same consumer, unless: in response to the order of a court having jurisdiction to issue such an order; in accordance with the written instructions of the consumer to whom it relates; or respondent has reason to believe the requester intends to use the information for a permissible purpose as set out in Section 604 of the Act.

C. (1) Rewarding or punishing employees, or representing to employees that they will be rewarded or punished, on the basis of the amount of adverse information (*i.e.*, information which may have, or may reasonably be expected to have, an unfavorable bearing on a consumer's eligibility or qualification for credit, insurance, employment or other benefit, including information which may result, or which may reasonably be expected to result, in a denial of, or increased costs for such benefits) or the proportion, or number, of consumer reports or investigative consumer reports they prepare which contain adverse information about or relating to the consumers who are subjects of said reports; or (2) Encouraging employees, directly or indirectly, to produce a specified number, or proportion, of reports containing adverse information.

D. Using any system of quality audits or any other plan or procedure whereby the performance of branch offices, regions, or other organizational units, or individuals, with respect to the production of adverse information, is ranked against that of other organizational units or individuals, or against previous performance by the same organizational units or individuals.

E. Including in a consumer report concerning employment at an annual salary of less than $20,000 any notice or other statement that indicates directly or indirectly by means of boilerplate language the existence of items of adverse information, the disclosure of

[6] Revised CAB Form 298–A filed with the Office of the Federal Register as part of the original document.

[1] Copies of the Complaint, Initial Decision, Opinion, Appendices and Final Order filed with the original document.

which is prohibited by Section 605 of the Act; *provided,* however, that language notifying the customer of the statutory limitations on the reporting of adverse information may be included in the type of consumer report to which this paragraph applies if it is included in all such reports, regardless of whether a particular consumer's file contains adverse information which the statute prohibits from being reported; and *provided further,* that it is accompanied by an explanation that the notification is included in all reports of the type to which this paragraph applies and is not intended to imply the existence of obsolete adverse information which may not be reported.

F. Misrepresenting to any consumer who requests information concerning himself or herself in respondent's files, the consumer's rights to obtain disclosure by telephone under Section 610 of the Act.

G. Failing: 1. To make available to any consumer who requests information concerning himself or herself in respondent's files, in person or by mail, at the consumer's option, all forms which he or she must execute in connection with the requirements of Section 610 of the Act to receive disclosure to which the consumer is entitled under the Act and this order; and

2. To inform the consumer: that he or she has the right to disclosure upon proper identification, by telephone if he or she pays any toll charge, or in person, at the consumer's option; and what constitutes proper identification.

H. Failing to give disclosure required by Section 609 of the Act to any consumer who has requested disclosure, has provided proper identification as required by respondent under Section 610 of the Act, and has paid or accepted any charges which may be imposed under Section 612 of the Act.

I. Failing, when giving consumers disclosure, to disclose the nature and substance of all information (excluding medical information as defined in Section 603(i) of the Act) in its files on the consumer at the time of the request, as required by Section 609 of the Act.

J. Requiring a consumer, as a prerequisite to disclosing information from the consumer's file pursuant to Section 609 of the Act, to fill out or sign a form which authorizes respondent to conduct a reinvestigation of any item the consumer may dispute, or to transmit the results of such reinvestigation to persons to whom it has previously reported the disputed information or which authorizes any business, organization, professional person or anyone else to give full information and records about said consumer to respondent; or interposing any other similar condition or requirement which exceeds those specified in Section 610 of the Act.

K. Failing within a reasonable period of time to reinvestigate any item of information in a consumer's file, the completeness or accuracy of which is disputed by the consumer, unless it has reasonable grounds to believe the dispute is frivolous or irrelevant, as required by Section 611(a) of the Act.

L. Furnishing, directly or indirectly, other than for reports prepared solely for use in the business of insurance, medical information, as defined in Section 603(i) of the Act, obtained in response to a written authorization signed by a consumer, unless the authorization clearly identifies respondent as a recipient of the medical information.

II

It is further ordered that respondent deliver a copy of this order to all present and future employees who are engaged in the preparation of consumer reports and investigative consumer reports or who are engaged in the disclosure or reinvestigation of information required by the Act.

It is further ordered that respondent distribute a copy of this order to each of its operating divisions and subsidiaries.

III

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

IV

It is further ordered that respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.[2]

Carol M. Thomas,

Secretary.

[FR Doc. 81-5279 Filed 2-13-81; 8:45 am]

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[2] Commissioner Pitofsky did not participate.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 230, 240, 249, 250 and 260

[Release Nos. 33-6233; 34-17524; 35-21913; 39-610; IC-11612; AS-286]

New Interim Financial Information Provisions and Revision of Form 10-Q for Quarterly Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of amendments to Form 10-Q, the quarterly reporting form under the Securities Exchange Act of 1934; to Regulation S-K, the standard instructions for filing forms under the Securities Act of 1933 and the Securities Exchange Act of 1934; to Regulation S-X, the regulation which prescribes the form and content of and requirements for financial statements; and to related rules. These amendments make disclosure requirements for interim financial information in quarterly reports and in registration statements consistent with those recently adopted for annual reporting as part of the integrated disclosure program and establish standard requirements for both interim financial statements and management's discussion and analysis for interim periods. This action is intended to simplify disclosure regulations, to reduce reporting burdens by furthering the Commission's program to integrate disclosure obligations under the federal securities laws, to encourage integration of formal and informal shareholder communications, and to enhance the value of quarterly and interim information disclosed to investors and shareholders.

EFFECTIVE DATE: For all filings and reports pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934 containing financial information for interim periods subsequent to the end of fiscal years ended after December 15, 1980. For filings and reports containing financial information for interim periods prior to such time, registrants are permitted to comply with these amendments, provided that the filing or a previous filing contains financial information for the most recent fiscal year prepared in compliance with the amendments to Regulation S-X and S-K adopted in Securities Act Release Nos. 6231, 6233, and 6234 (September 2, 1980) (45 FR 63630, 63660, and 63682).

FOR FURTHER INFORMATION CONTACT: Prior to effectiveness of the amendments, contact Lawrence C. Best, (202) 272-2130, Office of the Chief Accountant (Accounting Matters); Catherine Collins McCoy, (202) 272-2589, or William E. Morley, (202) 272-2573 (Other Matters); Division of Corporation Finance. Thereafter, contact only William E. Morley.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announced today: (1) the revision of Form 10-Q (17 CFR 249.318a), the quarterly report form required to be filed by most publicly owned companies; (2) the adoption of an amendment to Item 11 of Regulation S-K (17 CFR 229.20) setting forth the standard requirements for management's discussion and analysis of interim financial information; (3) the adoption of a new Article 10 in Regulation S-X (17 CFR Part 210) containing uniform instructions as to the form and content of interim financial statements in Form 10-Q; (4) related amendments to various provisions of Regulation S-X, to the projections safe-harbor rules under the federal securities laws, and to the exhibits provisions of Item 7 of Regulation S-K; and (5) a technical amendment to Rule 3-12 of Regulation S-X.

The new provisions in Regulation S-K and Regulation S-X significantly change as well as standardize the requirements as to the form and content of financial information disclosed for interim periods both in quarterly reports required under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq.) and registration statements filed under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq.). These actions, together with the streamlining and clarifying revisions to Form 10-Q, are an integral part of the Commission's program to integrate the disclosure requirements of the Exchange Act with those of the Securities Act and to encourage and facilitate the integration of corporate reporting on formal Commission filings with informal corporate communications with shareholders.

Background

The proposed revisions to Form 10-Q, Regulation S-K, Regulation S-X and related rules were published for public comment on September 2, 1980,[1] as part of a group of six rulemaking actions designed to achieve an integrated and simplified disclosure system. At that time, the Commission adopted amendments to Form 10-K (17 CFR 249.310), Rule 14a-3 (17 CFR 240.14a-3), Regulation S-K, and Regulation S-X which laid the foundation for integration and substantially changed the requirements for annual reporting to the Commission and to security holders under the Exchange Act.[2]

The remaining two actions taken on September 2, 1980, concerned the registration of securities under the Securities Act [3] and demonstrated the operation of the Commission's integration initiatives. First, Securities Act disclosure documents are scaled down by relying, wherever possible, through incorporation by reference, on the role played by continuous reporting under the Exchange Act in supplying current information to shareholders and to the trading markets. Second, the concepts of uniform disclosure and interchangeable document parts are employed so that documents produced in response to one disclosure system may then be used to satisfy some or all of the obligations under another system.

It was within this framework that the Commission proposed to revise Form 10-Q and the requirements for reporting interim financial information. The amendments being adopted herein for quarterly reporting complement those previously adopted for annual reporting, most significantly through management's discussion and analysis of financial information and uniform financial statement instructions. The comprehensive scheme for Exchange Act reporting thus will ensure the continuous flow of meaningful information necessary to allow Exchange Act disclosure to replace full reiteration in the Securities Act context or to support abbreviated Securities Act disclosure where appropriate. In addition, the amendments adopted herein make the requirements for interim financial reporting under the Exchange Act consistent with those for interim financial information presented in Securities Act registration statements.

If they desire, registrants may meet the obligations of the Exchange Act system by using their informal annual and quarterly reports to shareholders to satisfy Exchange Act requirements for all or any part of the information required to be filed. The Form 10-Q, Regulation S-K and Regulation S-X revisions build upon the annual reporting system to ensure meaningful disclosure on a continuous basis by making quarterly reporting a mechanism to update the annual report. Where an informal report to shareholders contains some or all of the required information, appropriate portions of the report may be incorporated by reference into the Form 10-Q in lieu of repetitive disclosure, just as the annual report to security holders may be used to satisfy some of the requirements of Form 10-K.

The proposed amendments generated substantial public commentary, with seventy-five letters received in response to the invitation for comment.[4] Comment was overwhelmingly in favor of the proposals. In addition, a number of specific comments were directed to various specific aspects of the proposals, many suggesting respects in which the proposals could be enhanced to better achieve the Commission's goals. The amendments adopted herein reflect a number of helpful comments received. These specific comments, as well as some others not directly reflected in the text of the amendments as adopted, are discussed where appropriate in the following "Synopsis" portion of the release.

Synopsis of Rule Amendments Adopted

The following brief synopsis is intended to assist interested parties in their understanding of the amendments being adopted. Included in the discussion are respects in which the amendments differ from those as proposed. The changes in the financial statement instructions for interim financials and the amended management's discussion and analysis provision, the most critical aspects of the amendments adopted herein, will be addressed first. Next, the amendments being adopted to the cover page, instructions, and Part II of Form 10-Q will be discussed. Finally, the synopsis

[1] Securities Act Release No. 6236 (September 2, 1980) (45 FR 63724).

[2] Securities Act Release Nos. 6231, 6233, 6234 (September 2, 1980) (45 FR 63630). The changes adopted included eliminating unnecessary and overlapping reporting requirements; restructuring Form 10-K to facilitate integration of formal and informal reports; adding a new requirement for management's discussion and analysis of financial condition and results of operations; establishing uniform financial statement instructions governing the periods to be covered in Form 10-K, the annual report to security holders and other forms and reports under both Acts; and revising Regulation S-X to eliminate certain differences with generally accepted accounting principles.

[3] The Commission adopted new Form S-15 (17 CFR 239.29), an abbreviated form for registering securities issued in certain business combinations, Securities Act Release No. 6232 (September 2, 1980) (45 FR 63647), and proposed for comment Forms A, B and C, new forms that would constitute the basic Securities Act disclosure framework, Securities Act Release No. 6235 (September 2, 1980) (45 FR 63693).

[4] Letters were received from the following categories of commentators: corporations (56); accounting firms and associations (10); law firms and associations (3); trade organizations and associations (5); and the securities industry (1). Copies of these letters are available for public inspection and copying at the Commission's Public Reference Room (File No. S7-850). For the convenience of the public, a copy of a letter summary prepared by the staff of the Commission has been placed in File No. S7-850 and is also available for public inspection and copying.

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will point out the related amendments being adopted to the projections safe harbor rules and to the exhibits item (Item 7) of Regulation S–K. Attention is directed to the text of the rule and form amendments for a more complete understanding.

A. Interim Financial Information Requirements

1. *Financial Statement Requirements Centralized in Regulation S–X.*

With the adoption in September 1980, of the new Article 3 of Regulation S–X, standard requirements for financial statements were established for reporting on annual periods in Form 10–K and in most registration forms.[5] At the same time, the rules governing the form and content of interim financial statements for purposes of registration statements were conformed with the requirements of Form 10–Q, with the instructions in Form 10–Q becoming the principal guidance for the preparation of all interim financial information. The new Article 10 of Regulation S–X adopted herein transfers to a separate article in Regulation S–X the standard instructions for interim financial statements heretofore contained in Form 10–Q. The rules concerning the form and content of interim financial statements have been taken principally from the existing provisions of Form 10–Q. Changes made to those provisions are specifically addressed in the following discussions. The Commission believes this move to standardize the instructions as to interim financial statements in Regulation S–X and to standardize the requirements for management's discussion and analysis of interim periods (discussed in greater detail below) further simplifies the disclosure requirements under the federal securities laws.

2. *Clarification of Interim Disclosure Rules.*

The rules which have been included in Regulation S–X contain revised language, in paragraph (a)(5) of Article 10–01, regarding the basis upon which the adequacy of the interim financial disclosure may be determined. This provision is designed to alleviate the confusion caused by the previous Instruction 4(a)(3) to Part I of Form 10–Q[6] by setting forth an expanded description of the basis upon which registrants may determine the adequacy of interim disclosure. Registrants are instructed that the interim financial information is to include disclosure, either on the face of the financial statements or in accompanying footnotes, sufficient so as to make the interim information presented not misleading. The need for and adequacy of additional disclosure is to be determined, except in regard to material contingencies, in the context of a presumption that users of interim financial information have either read or have access to the audited financial statements for the latest fiscal year. Footnote disclosure which would substantially duplicate the disclosure contained in the audited financial statements for the most recent fiscal year, such as a statement of significant accounting policies and practices, details of accounts which have not changed significantly in amount or composition since the end of the most recent fiscal year, and detailed disclosures prescribed by Rule 4–08 of Regulation S–X (note requirements for complete financial statements) may be omitted.

Disclosure is required to be provided, however, where events having a material impact on the registrant have occurred since the end of the most recent fiscal year. Disclosure will encompass, for example, significant changes since the end of the most recent fiscal year in such items as: accounting principles and practices; estimates inherent in the preparation of financial statements; status of long-term contracts; capitalization including significant new borrowings or modification of existing financing arrangements; and the reporting entity resulting from business combinations or dispositions. Where material contingencies exist, disclosure of these contingencies must be included even though a material change in such contingencies may not have occurred since the end of the prior fiscal year.

As proposed, the rules would have allowed registrants the flexibility of providing disclosure necessary for fair presentation on the face of the interim financial statements, in accompanying footnotes or in the interim management's discussion and analysis. Commentators objected to this degree of flexibility because they believe interim financial statements should stand on their own, with all relevant disclosures included therewith, just as Regulation S–X requires fiscal year financial statements to stand on their own. Allowing flexibility would mean that registrants could combine the verifiable data needed for a fair presentation of the interim financial statements with the more subjective data in management's discussion and analysis. In addition, limited reviews of interim results by independent accountants could become more difficult to perform. The Commission believes that even for interim reporting it is important to distinguish between disclosures necessary for fair presentation of financial condition and disclosures which are supplemental in nature. Accordingly, paragraph (a)(5) of Article 10–01 as adopted does not allow registrants to provide the disclosures necessary for fair presentation in management's discussion and analysis.

Many commentators also objected to the proposed requirement to disclose material contingencies in interim reports even though a significant change since the prior year end may not have occurred. A number of commentators believed this provision to be inconsistent with the ability of registrants to presume that users have read or have access to the latest audited financial statements and recommended that this exception to the general rule be eliminated. The requirement to repeat the disclosure of material contingencies in interim reports was proposed by the Commission, however, because of its understanding of the disclosure requirements already existing under generally accepted accounting principles.[7] The Commission continues to believe that APBO No. 28 requires material contingencies to be disclosed in interim reports regardless of whether a material change in the status of the contingencies has occurred. Accordingly, the amendments adopted specify that "when material contingencies exist, disclosure of such matters shall be provided even though a significant change since year end may not have occurred."

Certain commentators indicated that certain of the specific requirements of Form 10–Q, proposed for transfer to Regulation S–X, were duplicative of generally accepted accounting principles and thus should be deleted. In response to these comments, the Commission wishes to restate its general desire not to retain provisions in Regulation S–X which are clearly duplicative of generally accepted accounting principles. However, the Commission at this time does not believe that generally accepted accounting principles for interim reporting purposes are as well defined as the principles for annual reporting purposes, especially in regard to financial statements which constitute less than a complete set of financial statements but which are more comprehensive than summarized data of operations. Consequently, the Commission has elected to retain, and in some cases add to, the level of guidance offered applicable to the interim data it requires.

3. *Reference to Review by Independent Accountants.*

Paragraph (d) of Article 10–01 reflects a change from past requirements applicable where an independent accountant performs a review of interim financial statements and the registrant makes reference to the review in the report containing the interim data. Previously, if a registrant stated that an independent accountant had performed a review of the interim data, it also had to state whether all adjustments or additional disclosures proposed by the independent accountant had been reflected in the data presented, and, if not, why not. Further, a letter from the independent accountant could have been included but was not required to be included as an exhibit to the form confirming or otherwise commenting on the registrant's representations. These requirements of Form 10–Q were never updated to recognize the provisions of Statement on Auditing Standards (SAS) No. 24,[8] which provides the accounting profession guidance on the nature, timing and extent of procedures to be applied in conducting interim reviews and on the reporting applicable to such engagements. SAS No. 24 requires, among other things, a statement in the independent accountant's report as to whether he is aware of any material modifications that should be made to the interim financial information so that it conforms with generally accepted accounting principles.

The Commission believes that the expression of limited assurance now provided for by SAS No. 24 renders unnecessary the previous Form 10–Q requirement and, therefore, has appropriately modified the requirements in the rules adopted. Under the revised provision, if a review of interim data is made in accordance with the established professional standards and procedures for such reviews and the registrant refers to the review performed, the report of the independent accountant must accompany the interim information, rather than be filed as an exhibit as proposed. The Commission believes paragraph (d) as adopted results in greater consistency with the provisions of SAS No. 24.

4. *Other Changes Reflected in New Article 10.*

Other changes from the proposed interim financial statement requirements include the following. First, the periods for which balance sheets are required in filings on Form 10–Q have been revised. This change, which was made in conjunction with revisions to the scope of management's discussion and analysis for interim periods, is discussed below together with the discussion of the latter provision. Second, the bases to be used in applying the percentage tests for determining required balance sheet and income statement captions have been more clearly specified. Third, the rules regarding rounding of amounts and presentation of negative amounts in interim reports have been conformed to the general provisions of Regulation S–X by removing the separate instructions as to these items from the interim requirements. Fourth, the phrase "significant portion of its business" in the instruction regarding disclosure of discontinued operations has been replaced by the phrase "significant segment of its business." Fifth, the word "material" has been added to the instruction regarding accounting changes. Finally, required disclosure of the components of inventories—raw materials, work-in-progress and finished goods—may now be shown either on the face of the balance sheet or in the footnotes to the financial statements.

5. *Management's Discussion and Analysis.*

New requirements governing the scope and content of management's discussion and analysis of interim financial statements have been added to Item 11 of Regulation S–K. The new provision is intended to complement the requirements already established for discussions of annual periods by requiring interim period discussions to focus on the same information discussed for annual periods in order to provide an update of the annual discussion. The interim discussion is not required to reiterate all of the information presented in the full year discussion. Rather, only material changes in financial condition and results of operations occurring during the periods covered by the interim financial statements need be discussed.

The discussion of material changes in financial condition must cover the period from the end of the preceding fiscal year to the date of the most recent interim balance sheet provided and must focus on items required for annual discussions such as liquidity and capital resources. The proposed provision would have required a discussion of financial condition as of the date of the most recent interim balance sheet provided and of financial condition as of the corresponding interim date of the preceding fiscal year. However, the Commission shares the views expressed by many commentators that the most meaningful discussion of financial condition for interim reporting purposes would deal with the end of the preceding fiscal year and the date of the most recent interim balance sheet provided. Accordingly, a discussion of changes in financial condition from the corresponding interim balance sheet date of the preceding fiscal year is only required if the interim balance sheet as of that date is included in the interim financial statements. Thus, only when the registrant believes the discussion is necessary for an understanding of the impact of seasonal fluctuations on financial condition as of an interim date will that period be required in the discussion of financial condition.

In conjunction with this change, the Commission also changed the requirements for the balance sheets which must be included in filings on Form 10–Q. In order to correspond with the focus of the discussion and analysis of financial condition for interim reporting, the Commission has added a requirement to include a balance sheet, which may be condensed, as of the end of the preceding fiscal year.[9] The requirement to provide an interim balance sheet as of the corresponding date of the prior year has been eliminated except when, in the registrant's opinion, the inclusion of the comparative interim balance sheet is necessary for an understanding of the impact of seasonal fluctuations.

The amendments for management's discussion and analysis of interim financial statements also require registrants to discuss any material changes with respect to results of operations for the most recent interim year-to-date period for which an income statement is provided and the corresponding year-to-date period of the preceding fiscal year. If interim financial statements are required or are otherwise

[5] Regulation S–X contains uniform rules regarding the periods for which financial statements must be provided as well as requirements governing their form and content.

[6] Instruction 4(a)(3) of Form 10–Q provided that: Rule 4–08 of Regulation S–X and other requirements which call for detailed footnote disclosure and schedules shall not apply. As with all information filed with the Commission, however, disclosures must be adequate to make the information presented not misleading.

[7] Paragraph 22 of Accounting Principles Board Opinion (APBO) No. 28, "Interim Financial Reporting," states:

Contingencies and other uncertainties that could be expected to affect the fairness of presentation of financial data at an interim date should be disclosed in interim reports in the same manner required for annual reports. Such disclosures should be repeated in interim and annual reports until the contingencies have been removed, resolved, or have become immaterial.

[8] Statement on Auditing Standards No. 24, "Review of Interim Financial Information," American Institute of Certified Public Accountants, March 1979.

[9] Article 10 provides that the balance sheet required as of the end of the preceding fiscal year may be condensed to the same degree as the most recent interim balance sheet provided.

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provided in a filing for the most recent fiscal quarter,[10] the registrant must also discuss the material changes in the results of operations with respect to that quarter and the corresponding quarter of the preceding fiscal year. In addition, if a registrant chooses to provide financial statements for a cumulative twelve month period preceding the date of the most recent interim balance sheet provided, material changes in results of operations must also be discussed with respect to that period and the preceding cumulative twelve month period. However, if a registrant provides a cumulative twelve month income statement in a registration statement in place of the interim statements of income otherwise required, as provided for by paragraph (b) of Rule 3–06 of Regulation S–X, the discussion of material changes in results of operations for that period shall be in respect to the preceding fiscal year as opposed to the corresponding preceding period.[11]

The same items required to be addressed in annual discussions of results of operations must, with the exception of the impact of inflation, also be addressed in discussions of interim periods. This reflects a change from the proposed requirement to discuss the impact of inflation on operations for purposes of interim reporting. Although the Commission believes registrants should strive to provide users of interim reports with information regarding the impact of inflation and changing prices, it also believes that it would be premature to require all registrants to address inflation for interim reporting purposes, particularly in light of the experimental nature of this type of disclosure. Once registrants have had the opportunity to experiment with alternative methods of disclosing the impact of changing prices and once improved reporting standards are developed by the accounting profession, the Commission will reconsider disclosure obligations for reporting interim results. In the meantime, the Commission encourages registrants to experiment with this type of disclosure but is not imposing a requirement that this area be addressed in interim reports filed with the Commission.

Other changes from those proposed reflected in the adopted management's discussion and analysis provision consist primarily of clarifying rather than substantive changes. For example, proposed Instruction (2) to paragraph (b) of Item 11 was deleted because it was viewed as redundant and thus unnecessary. The list of specific examples of elements of a registrant's income or loss from continuing operations which were contained in proposed Instruction (5) was deleted in order to avoid the possibility that the list could be perceived as a checklist for determining the minimum disclosure required and because specific guidance of a similar character is not included in paragraph (a) of Item 11 for annual periods.

B. Amendments to Form 10–Q

1. *Cover Page.*

The Commission has adopted a minor technical amendment to the cover page of Form 10–Q which corrects an unnecessary inconsistency with the corresponding Form 10–K cover page requirement. The requirement to indicate the number of shares of each of the issuer's classes of common stock outstanding as of the close of the quarter being reported on has been changed to a requirement to report, as is the case on the cover page of Form 10–K, the number of shares outstanding as of the latest practicable date.

2. *Instruction as to Incorporation by Reference.*

The structure of Form 10–Q as amended is essentially unchanged. The interim financial information and management's discussion and analysis called for by Part I of the Form could be satisfied, in whole or in part, through incorporation by reference from an informal quarterly report to shareholders containing the required information. The ability to make partial use of an informal report reflects a change from the proposal. A number of commentators believed that the all-or-none formulation of the proposal would needlessly prevent combination of the informal report with the Form 10–Q in cases where shareholders are furnished informal interim reports containing some but not all of the information required by Part I. This change is adopted in view of the Commission's stated intention to facilitate the practice of sending quarterly reports to shareholders by emphasizing that issuers have the option of incorporating their informal communications into the Form 10–Q. It should be noted that Rule 12b–23(b)(17 CFR 240.12b–23(b)) already operates to provide that non-financial statement disclosure contained in informal reports to security holders may be incorporated by reference in answer or partial answer to any item of Part II of Form 10–Q.

The Commission believes that it is appropriate at this time to reiterate its support for the recommendation of the Advisory Committee on Corporate Disclosure that companies be encouraged to publish readable, understandable quarterly reports to shareholders which include the information content of a Form 10–Q, and to file these documents with the Commission in satisfaction of Form 10–Q reporting obligations.[12] The Commission believes that companies can reduce their reporting burdens by taking advantage of the option to incorporate by reference to their informal quarterly report in partial or full satisfaction of the requirements of Parts I and II of Form 10–Q. More importantly, use of this option could effect a significant enhancement of the corporate communications system.

3. *Status of Information Disclosed in Form 10–Q.*

The revised Form 10–Q contains a new Instruction E (Filed Status of Information Presented) which makes explicit whether various information provided in response to the requirements of the form will be deemed filed for the purposes of liability under Section 18 of the Exchange Act. The instruction contains a statement (formerly contained in the instruction on incorporation by reference) that financial information provided in response to Item 1 and Item 2 of Part I will not be deemed filed, pursuant to Rule 13a–13(d) (17 CFR 240.13a–13(d)) and Rule 15d–13(d) (17 CFR 240.15d–13(d)). The instruction goes on to state that this is the case regardless of whether the information is presented directly in the Form 10–Q, is incorporated by reference from an informal report containing the required information, or is in an exhibit to Part I. In addition, the instruction also provides that information provided to satisfy all other requirements of Form 10–Q will be deemed filed for the purpose of Section 18 of the Exchange Act. New Instruction E should eliminate a great deal of confusion in this area by codifying previous interpretations and stating them as an instruction to Form 10–Q.

4. *Signature Requirements.*

The revised Form 10–Q requires, as proposed, that the filing be signed both by a duly authorized officer of the registrant and by the registrant's principal financial officer or chief accounting officer.[13] In order to avoid possible confusion as to whether multiple capacity signatures are acceptable, a statement has been added to the provision (Instruction F) as adopted indicating that one signature is sufficient where the registrant's principal financial or accounting officer is also authorized to sign on behalf of the registrant. In such cases, the dual capacities of the person signing must be indicated.

5. *Disclosure by Wholly Owned Subsidiaries.*

In response to suggestions by a number of commentators, the Commission has determined to make the same relief from certain of the management's discussion and analysis disclosure requirements which is granted to qualifying wholly-owned subsidiaries for reporting on Form 10–K [14] also available for quarterly reporting on Form 10–Q.[15] The Commission believes that it is appropriate at this time to grant consistent treatment to these registrants with respect to discussions of capital resources and liquidity for annual and interim periods.[16]

6. *Part II Disclosure Requirements.*

With the exception of the changes discussed below, Part II of Form 10–Q is amended as proposed.[17] The commentators agreed that former Item 3, Changes in Security for Registered Securities; Item 5, Increase in Amount Outstanding of Securities or Indebtedness; and Item 6, Decrease in Amount Outstanding of Securities or Indebtedness, should be deleted because the information elicited would be contained in footnotes to the financial statements to the extent it is significant and otherwise is not necessary in a quarterly report.

Despite suggestions from a number of commentators that further deletions in the disclosure items required by Part II would be warranted, the Commission believes that the remaining items (Item 1, Legal Proceedings; Item 2, Changes in Securities; Item 3, Defaults upon Senior Securities; Item 4, Submission of Matters to a Vote of Security Holders; Item 5, Other Materially Important Events; and Item 6, Exhibits and Reports on Form 8–K) all elicit disclosure that is both necessary and appropriate in quarterly reporting with the Commission so that this information may be contained in the Exchange Act disclosure system. Accordingly, these items are all required in the amended Form 10–Q adopted today. In order to eliminate any possible duplication, however, a sentence has been added to the instruction to Part II which provides that, if the required information is already disclosed in footnotes to the interim financial statements presented, a separate response need not be made in Part II. In such case, Part II would need to include a statement specifically identifying and incorporating the pertinent information.

Two additional changes are reflected in Part II of the revised Form 10–Q. First, Item 4 (Submission of Matters to a Vote of Security Holders) has been changed in a technical respect by deleting the exhibit provision in Instruction 6. This provision is no longer necessary in view of the amended exhibits requirements in Item 7 of Regulation S–K (see discussion below).

Second, Item 5 (formerly captioned "Other Materially Important Events") has been recaptioned "Other Information" and a new sentence has been added to clarify the Commission's intention that this item may be used to fulfill any or all of the reporting requirements under Form 8–K. As revised, Item 5 permits registrants to reduce reporting burdens by including in a report on Form 10–Q information which would otherwise be required to be reported on Form 8–K. Of course, all Form 8–K timing and substantive disclosure requirements would have to be met by the filing on Form 10–Q in order to avoid the obligation to file a Form 8–K.[18]

The Commission received a number of helpful comments regarding Item 1 (Legal Proceedings), particularly as regards the disclosure of environmental proceedings. While no change is being adopted at this time, the staff is currently considering revisions to this disclosure item as recommended in the *Staff Report on Corporate Accountability.*[19]

C. Related Amendments

1. *Safe Harbor Rules for Projections.*

The Commission is adopting the proposed amendment to the safe harbor rule for forward-looking information, Rule 175 (17 CFR 230.175) under the Securities Act, which makes clear that a projection of the type enumerated by that rule is protected if included or properly reaffirmed in Part I of Form 10–Q.[20] This action codifies the staff position which deems Part I "filed" for purposes of the safe-harbor rule even though it is not filed for purposes of Section 18 of the Exchange Act. In addition, the Commission has made a technical amendment to the projections safe-harbor rules to conform the reference to management's discussion and analysis to the new Item 11 of Regulation S–K adopted in September, 1980.[21]

2. *Exhibits.*

The amendments to Form 10–Q adopted herein have necessitated two conforming amendments to Item 7 (Exhibits) of Regulation S–K [22] First, paragraph (b)(21) has been revised to reflect the fact that the informal report to shareholders now may be used to satisfy not only the financial statement but also the management's discussion requirements of Part I of Form 10–Q.

The other change to Item 7 is the result of the deletion, at the time Item 7 was adopted, of a number of exhibit requirements deemed to be of limited interest. One deleted provision was the requirement to file the text of any proposal or any published report regarding matters submitted to a vote of security holders as an exhibit to reports on Form 10–K and Form 10–Q. This deletion was entirely consistent with the deletion from Form 10–K of the disclosure requirement regarding submission of matters to a vote of security holders and is also appropriate for Form 10–Q insofar as the requirement to file proposals is concerned. Form 10–Q still requires disclosure regarding matters submitted

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[10] Only Form 10–Q requires income statements for the most recent fiscal quarter and for the corresponding quarter of the preceding fiscal year in addition to comparative statements for year-to-date periods.

[11] Rule 3–06 of Regulation S–X contains instructions to income statement requirements and applies to interim statements in certain registration statements. Paragraph (b) provides that:

(b) If the registrant is engaged primarily (1) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph service; or (2) in holding securities of companies engaged in such businesses, it may at its option include statements of income and changes in financial position (which may be unaudited) for the twelve-month period ending on the date of the most recent balance sheet being filed, in lieu of the statements of income and changes in financial position for the interim periods specified.

[12] Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission, House Committee on Interstate and Foreign Commerce, 95th Cong., 1st Sess. (1977). Committee Print 95–29, at 470–5.

[13] This provision corrects an inadvertent deletion made in Securities Act Release No. 5951 (July 28, 1978) (43 FR 33904).

[14] *See* General Instruction I to Form 10–K.

[15] Instruction G(2)(a) reflects this conforming change.

[16] It should be noted that, in light of the changed focus of management's discussion and analysis from the former summary of operations onto the financial statements themselves, the Commission may reconsider this area, both for annual and interim periods, as it gains experience with the new management's discussion and analysis.

[17] The instruction requesting issuers to advise the staff of their intention to file a registration statement on Form S–16 or S–7 is also deleted as proposed.

[18] The Commission is now studying the provisions of Forms 8–K in order to determine the need for rulemaking in that area; corresponding clarifying language in Form 8–K will be considered as part of that study.

[19] Division of Corporation Finance, Securities and Exchange Commission, printed for use of the Senate Committee on Banking, Housing and Urban Affairs, 96th Cong., 2d. Sess. (September 4, 1980).

[20] Similar amendments to Rule 3b–6 (17 CFR 240.3b–6) under the Exchange Act, Rule 103A (17 CFR 250.103A) under the Public Utility Holding Company Act of 1935, and Rule 0–11 (17 CFR 260.0–11) under the Trust Indenture Act of 1939 are also adopted.

[21] Securities Act Release No. 6231 (September 2, 1980) (45 FR 63630).

[22] Securities Act Release No. 6230 (August 27, 1980) (45 FR 58822).

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to security holder vote, however, and allows that disclosure obligation to be satisfied by reference to a published report containing the required information. The Commission believes that any such report which is relied on to take the place of Form 10–Q disclosure should be filed as an exhibit to the Form 10–Q report. Accordingly, the amendments to Item 7 are adopted to reflect this determination.

D. Technical Amendment to Regulation S–X

The amendments adopted include a technical amendment to previously adopted Rule 3–12 regarding the age of financial statements at the anticipated effective date of a registration statement or proposed mailing date of a proxy statement. To correct an oversight, paragraph (b) of Rule 3–12 has been amended to make the rules for updating at the effective date of a filing consistent with the rules applicable at the date of filing.

The text of the form and rules is set forth below.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. 17 CFR 249.308a is amended by revising Form 10–Q to read as follows:

§ 249.308a Form 10–Q, for quarterly reports under sections 13 or 15(d) of the Securities Exchange Act of 1934.

Form 10–Q—Securities and Exchange Commission, Washington, D.C.

Quarterly Report Under Section 13 or 15(d) or the Securities Exchange Act of 1934

For Quarter Ended _____

Commission file number _____

(Exact name of registrant as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices) (Zip Code)

(Registrant's telephone number, including area code)

(Former name, former address and former fiscal year, if changed since last report.)

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes . No .

Applicable Only to Issuers Involved in Bankruptcy Proceedings During the Preceding Five Years

Indicate by check mark whether the registrant has filed all documents and reports required to be filed by Sections 12, 13 or 15(d) of the Securities Exchange Act of 1934 subsequent to the distribution of securities under a plan confirmed by a court. Yes . No .

Applicable Only to Corporate Issuers

Indicate the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date.

General Instructions

A. Rule as to Use of Form 10–Q.

1. Form 10–Q shall be used for quarterly reports under Section 13 or 15(d) of the Securities Exchange Act of 1934, filed pursuant to Rule 13a–13 (17 CFR 240.13a–3) or Rule 15d–13 (17 CFR 240.15d–13).

2. A report on this form shall be filed within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

B. Application of General Rules and Regulations.

1. The General Rules and Regulations under the Act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

2. Particular attention is directed to Regulation 12B which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted. See also Regulations 13A and 15D.

C. Preparation of Report.

1. This is not a blank form to be filled in. It is a guide copy to be used in preparing the report in accordance with Rules 12b–11 (17 CFR 240.12b–11) and 12b–12 (17 CFR 240.12b–12). The Commission does not furnish blank copies of this form to be filled in for filing.

2. These general instructions are not to be filed with the report. The instructions to the various captions of the form are also to be omitted from the report as filed.

D. Incorporation by Reference.

1. If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a document or statement containing information meeting some or all of the requirements of Part I of this form, the information called for may be incorporated by reference from such published document or statement, in answer or partial answer to any item or items of Part I of this form, provided copies thereof are filed as an exhibit to Part I of the report on this form.

2. Other information may be incorporated by reference in answer or partial answer to any item or items of Part II of this form in accordance with the provisions of Rule 12b–23 (17 CFR 240.12b–23).

E. Filed Status of Information Presented.

1. Pursuant to Rule 13a–13(d) and Rule 15d–13(d), the information presented in satisfaction of the requirements of Items (1) and (2) of Part I of this form, whether included directly in a report on this form, incorporated therein by reference from a report, document or statement filed as an exhibit to Part I of this form pursuant to Instruction D(1) above, or contained in a statement regarding computation of per share earnings or a letter regarding a change in accounting principles filed as an exhibit to Part I pursuant to Item 7 of Regulation S–K, except as provided by Instruction E(2) below, shall not be deemed filed for the purpose of Section 18 of the Act or otherwise subject to the liabilities of that section of the Act but shall be subject to the other provisions of the Act.

2. Information presented in satisfaction of the requirements of this form other than those of Items (1) and (2) of Part I shall be deemed filed for the purpose of Section 18 of the Act; except that, where information presented in response to Item (1) or (2) of Part I (or as an exhibit thereto) is also used to satisfy Part II requirements through incorporation by reference, only that portion of Part I (or exhibit thereto) consisting of the information required by Part II shall be deemed so filed.

F. Signature and Filing of Report.

Three complete copies of the report, including any financial statements, exhibits or other papers or documents filed as a part thereof, and five additional copies which need not include exhibits, shall be filed with the Commission. At least one complete copy of the report, including any financial statements, exhibits or other papers or documents filed as a part thereof, shall be filed with each exchange on which any class of securities of the registrant is registered. At least one complete copy of the report filed with the Commission and one such copy filed with each exchange shall be manually signed on the registrant's behalf by a duly authorized officer of the registrant and by the principal financial or chief accounting officer of the registrant. Copies not manually signed shall bear typed or printed signatures. In the case where the principal financial officer or chief accounting officer is also duly authorized to sign on behalf of the registrant, one signature is acceptable provided that the registrant clearly indicates the dual responsibilities of the signatory.

G. Omission of Information by Certain Wholly-Owned Subsidiaries.

If, on the date of the filing of its report on Form 10–Q, the registrant meets the conditions specified in paragraph (1) below, then such registrant may omit the information called for in the items specified in paragraph (2) below.

1. Conditions for availability of the relief specified in paragraph (2) below:

a. All of the registrant's equity securities are owned, either directly or indirectly, by a single person which is a reporting company under the Act and which has filed all the material required to be filed pursuant to section 13, 14 or 15(d) thereof, as applicable;

b. During the preceding thirty-six calendar months and any subsequent period of days, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the registrant or its subsidiaries, and there has not been any material default in the payment of rentals under material long-term leases; and

c. There is prominently set forth, on the cover page of the Form 10–Q, a statement that the registrant meets the conditions set forth in General Instruction G(1) (a) and (b) of Form 10–Q and is therefore filing this Form with the reduced disclosure format.

2. Registrants meeting the conditions specified in paragraph (1) above are entitled to the following relief:

a. Such registrants may omit the information called for by Item 2 of Part I, Management's Discussion and Analysis of Financial Condition and Results of Operations, provided that the registrant includes in the Form 10–Q a management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year-to-date period presented and the corresponding year-to-date period in the preceding fiscal year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or method of application that have a material effect on net income as reported.

b. Such registrants may omit the information called for in the following Part II Items: Item 2, Changes in Securities; Item 3, Defaults Upon Senior Securities; and Item 4, Submission of Matters to a Vote of Security Holders.

PART I—FINANCIAL INFORMATION

Item 1. Financial Statements

Provide the information required by Rule 10–01 of Regulation S–X (17 CFR Part 210).

Item 2. Management's Discussion and Analysis of Financial Condition and Results of Operations

Furnish the information required by Item 11(b) of Regulation S–K (17 CFR 229.20).

PART II—OTHER INFORMATION

Instruction. The report shall contain the item numbers and captions of all applicable items of Part II, but the text of such items may be omitted provided the responses clearly indicate the coverage of the item. Any item which is inapplicable or to which the answer is negative may be omitted and no reference thereto need be made in the report. If substantially the same information has been previously reported by the registrant, an additional report of the information on this form need not be made. The term "previously reported" is defined in Rule 12b–2 (17 CFR 240.12b–2). A separate response need not be presented in Part II where information called for is already disclosed in the financial information provided in Part I and is incorporated by reference into Part II of the report by means of a statement to that effect in Part II which specifically identifies the incorporated information.

Item 1. Legal Proceedings

The description of legal proceedings shall include the information required by Item 5 of Regulation S–K (17 CFR 229.20). As to such proceedings which have been terminated during the period covered by the report, provide similar information, including the date of termination and a description of the disposition thereof with respect to the registrant and its subsidiaries.

Instruction. A legal proceeding need only be reported in the 10–Q filed for the quarter in which it first became a reportable event and in subsequent quarters in which there have been material developments. Subsequent Form 10–Q filings in the same fiscal year in which a legal proceeding or a material development is reported should reference any previous reports in that year.

Item 2. Changes in Securities

(a) If the constituent instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

Item 3. Defaults Upon Senior Securities

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the registrant or any of its significant subsidiaries exceeding 5 percent of the total assets of the registrant and its consolidated subsidiaries, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearages in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or

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delinquency. In the case of an arrearage in the payment of dividends, state the amount and the total arrearage on the date of filing this report.

Instruction. Item 3 need not be answered as to any default or arrearage with respect to any class of securities all of which is held by, or for the account of, the registrant or its totally held subsidiaries.

Item 4. Submission of Matters to a Vote of Security Holders

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) A brief description of each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

(d) A description of the terms of any settlement between the registrant and any other participant (as defined in Rule 14a–11 (17 CFR 240.14a–11) of Regulation 14A under the Act) terminating any solicitation subject to Rule 14a–11, including the cost or anticipated cost to the registrant.

Instructions: 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) proxies for the meeting were solicited pursuant to Regulation 14 under the Act, (ii) there was not solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the registrant has furnished to its security holders proxy soliciting material containing the information called for by paragraph (d), the paragraph may be answered by reference to the information contained in such material.

6. If the registrant has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report.

Item 5. Other Information.

The registrant may, at its option, report under this item any information, not previously reported in a report on Form 8–K, with respect to which information is not otherwise called for by this form. If disclosure of such information is made under this item, it need not be repeated in a report on Form 8–K which would otherwise be required to be filed with respect to such information or in a subsequent report on Form 10–Q.

Item 6. Exhibits and Reports on Form 8–K (17 CFR 249.308)

(a) The exhibits shall be furnished in accordance with the provisions of Item 7 of Regulation S–K (17 CFR 229.20).

(b) Reports on Form 8–K. State whether any reports on Form 8–K have been filed during the quarter for which this report is filed, listing the items reported, any financial statements filed, and the dates of any such reports.

Signatures*

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

(Registrant) _____
Date _____
(Signature)** _____
Date _____
(Signature)** _____

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

2. Item 7 of § 229.20 is amended as set forth below by adding Item (23) to Table II of paragraph (a), by revising paragraph (b)(21) to read as follows, and by adding new paragraph (b)(23) to read as follows:

*See General Instruction E.

**Print name and title of the signing officer under his signature.

§ 229.20 Information required in documents.

* * * * *

Item 7. Exhibits.

(a) * * *

* * * * *

Table II

Securities Exchange Act of 1934—Frequently Used Forms

	Form 10	8–K	10–Q	10–K
* * *				
(23) Published report regarding matters submitted to vote of security holders.	———	X	———	

b. * * *

* * * * *

(21) *Report furnished to security holders*—If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a document or statement containing information meeting some or all of the requirements of Part I of Form 10–Q, the information called for may be incorporated by reference to such published document or statement provided copies thereof are included as an exhibit to Part I of the report filed.

* * * * *

(23) *Published report regarding matters submitted to vote of security holders*—If the registrant has published a report containing all of the information called for by Item 4 of Part II of Form 10–Q and has referred to that report in lieu of providing disclosure in Form 10–Q, copies of such published report should be filed as an exhibit to the filing on Form 10–Q.

3. The previous entire text of Item 11 § 229.20 is amended by:

a. redesignating the previous entire text as paragraph (a);

b. revising the second sentence of the introductory paragraph to read as follows:

c. redesignating the previous paragraphs (a), (b)(1), (b)(2), (c)(1), (c)(2), (c)(3), and (c)(4) as paragraphs (1), (2)(i), (2)(ii), (3)(i), (3)(ii), (3)(iii), and (3)(iv); and

d. adding a new paragraph (b) to read as follows.

§ 229.20 Information required in documents.

* * * * *

Item 11. Management's Discussion and Analysis of Financial Condition and Results of Operations

(a) * * * The discussion shall provide information as specified in paragraphs (1), (2) and (3) of this section with respect of liquidity, capital resources and results of operations, and should also provide such other information which the registrant believes to be necessary to an understanding of its financial condition, changes in financial condition and results of operations. * * *

* * * * *

(b) If interim financial statements are presented, a management's discussion and analysis of the financial condition and results of operations shall be provided so as to enable the reader to assess material changes in financial condition and results of operations between the periods specified in (1) and (2) below. The discussion and analysis shall include a discussion of material changes in those items specifically listed in paragraph (a) of this Item 11 of Regulation S–K (17 CFR 229.20), except that the impact of inflation and changing prices on operations for interim periods need not be addressed.

(1) *Material changes in financial condition.*

Discuss any material changes in financial condition from the end of the preceding fiscal year to the date of the most recent interim balance sheet provided. If the interim financial statements include an interim balance sheet as of the corresponding interim date of the preceding fiscal year, any material changes in financial condition from that date to the date of the most recent interim balance sheet provided shall also be discussed. If discussions of changes from both the end and the corresponding interim date of the preceding fiscal year are required, the discussions may be combined at the discretion of the registrant.

(2) *Material changes in results of operations.*

Discuss any material changes in the registrant's results of operations with respect to the most recent fiscal year-to-date period for which an income statement is provided and the corresponding year-to-date period of the preceding fiscal year. If the registrant is required to or has elected to provide an income statement for the most recent fiscal quarter, such discussion also shall cover material changes with respect to that fiscal quarter and the corresponding fiscal quarter in the preceding fiscal year. In addition, if the registrant has elected to provide an income statement for the twelve month period ended as of the date of the most recent interim balance sheet provided, the discussion shall also cover material changes with respect to that twelve month period and the twelve month period ended as of the corresponding interim balance sheet date of the preceding fiscal year. Notwithstanding the above, if for purposes of a registration statement a registrant subject to paragraph (b) of § 210.3–06 (Regulation S–X) provides a statement of income for the twelve-month period ended as of the date of the most recent interim balance sheet provided in lieu of the interim income statements otherwise required, the discussion of material changes in that twelve-month period will be in respect to the preceding fiscal year rather than the corresponding preceding period.

Instructions

1. If interim financial statements are presented together with financial statements for full fiscal years, the discussion of the interim financial information shall be prepared pursuant to paragraph (b) and the discussion of the full fiscal year information shall be prepared pursuant to paragraph (a) of this Item 11. Such discussions may be combined.

2. In preparing the discussion and analysis required by this paragraph (b) of Item 11, the registrant may presume that users of the interim financial information have read or have access to the discussion and analysis required by paragraph (a) for the preceding fiscal year.

3. The discussion and analysis required by this paragraph (b) is required to focus only on material changes. Where the interim financial statements reveal material changes from period to period in one or more significant line items, the causes for the changes should be described if they have not already been disclosed; *provided, however,* if the causes for a change in one line item also relate to other line items, no repetition is required. Registrants need not recite the amounts of changes from period to period which are readily computable from the financial statements. The discussion should not merely repeat numerical data contained in the financial statements. The information provided should include that which is available to the registrant without undue effort or expense and which does not clearly appear in the registrant's interim financial statements.

4. The registrant's discussion of material changes in results of operations should identify any significant elements of the registrant's income or loss from continuing operations which do not arise from or are not necessarily representative of the registrant's ongoing business.

5. The registrant should discuss any seasonal aspects of its business which have had a material effect upon its financial condition or results of operation.

6. Registrants are encouraged but are not required to discuss forward looking information.

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

4. A new § 210.10–01 (Interim financial statements) is added as set forth below. The present § 210.10–01 (Financial statements of natural persons) is amended by redesignating it as § 210.3–17 and revising it to read as set forth below.

* * * * *

§ 210.10–01 Interim financial statements.

(a) *Condensed statements.* Interim financial statements shall follow the general form and content of presentation prescribed by the other sections of this Regulation with the following exceptions:

(1) Interim financial statements required by this rule need only be provided as to the registrant and its subsidiaries consolidated and may be unaudited. Separate statements of other entities which may otherwise be required by this regulation may be omitted.

(2) Interim balance sheets shall include only major captions (i.e., numbered captions) prescribed by the applicable sections of this Regulation with the exception of inventories. Data as to raw materials, work in process and finished goods inventories shall be included either on the face of the balance sheet or in the notes to the financial statements, if applicable. Where any major balance sheet caption is less than 10% of total assets, and the amount in the caption has not increased or decreased by more than 25% since the end of the preceding fiscal year, the caption may be combined with others.

(3) Interim statements of income shall also include major captions prescribed by the applicable sections of this Regulation. When any major income statement caption is less than 15% of average net income for the most recent three fiscal years and the amount in the

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caption has not increased or decreased by more than 20% as compared to the corresponding interim period of the preceding fiscal year, the caption may be combined with others. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this test. Notwithstanding these tests, Rule 4–02 of Regulation S–X applies and de minimis amounts therefore need not be shown separately.

(4) The statement of changes in financial position may be abbreviated, starting with a single figure of funds provided by operations and showing other changes individually only when they exceed 10% of the average of funds provided by operations for the most recent three years. Notwithstanding this test, Rule 4–02 of Regulation S–X applies and de minimis amounts therefore need not be shown separately.

(5) The interim financial information shall include disclosures either on the face of the financial statements or in accompanying footnotes sufficient so as to make the interim information presented not misleading. Registrants may presume that users of the interim financial information have read or have access to the audited financial statements for the preceding fiscal year and that the adequacy of additional disclosure needed for a fair presentation, except in regard to material contingencies, may be determined in that context. Accordingly, footnote disclosure which would substantially duplicate the disclosure contained in the most recent annual report to security holders or latest audited financial statements, such as a statement of significant accounting policies and practices, details of accounts which have not changed significantly in amount or composition since the end of the most recently completed fiscal year, and detailed disclosures prescribed by Rule 4–08 of this Regulation, may be omitted. However, disclosure shall be provided where events subsequent to the end of the most recent fiscal year have occurred which have a material impact on the registrant. Disclosures should encompass for example, significant changes since the end of the most recently completed fiscal year in such items as: accounting principles and practices; estimates inherent in the preparation of financial statements; status of long-term contracts; capitalization including significant new borrowings or modification of existing financing arrangements; and the reporting entity resulting from business combinations or dispositions. Notwithstanding the above, where material contingencies exist, disclosure of such matters shall be provided even though a significant change since year end may not have occurred.

(6) Detailed schedules otherwise required by this Regulation may be omitted for purposes of preparing interim financial statements.

(b) *Other instructions as to content.* The following additional instructions shall be applicable for purposes of preparing interim financial statements:

(1) Summarized income statement information shall be given separately as to each subsidiary not consolidated or 50 percent or less owned persons or as to each group of such subsidiaries or fifty percent or less owned persons for which separate individual or group statements would otherwise be required for annual periods. Such summarized information, however, need not be furnished for any such unconsolidated subsidiary or person which would not be required pursuant to Rule 13a–13 or 15d–13 to file quarterly financial information with the Commission if it were a registrant.

(2) If appropriate, the income statement shall show earnings per share and dividends per share applicable to common stock and the basis of the earnings per share computation shall be stated together with the number of shares used in the computation. The registrant shall file as an exhibit (in accordance with the provisions of Item 7 of Regulation S–K, 17 CFR 229.20), a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is otherwise clearly set forth in the report.

(3) If, during the most recent interim period presented, the registrant or any of its consolidated subsidiaries entered into a business combination treated for accounting purposes as a pooling of interests, the interim financial statements for both the current year and the preceding year shall reflect the combined results of the pooled businesses. Supplemental disclosure of the separate results of the combined entities for periods prior to the combination shall be given, with appropriate explanations.

(4) Where a material business combination accounted for as a purchase has occurred during the current fiscal year, pro forma disclosure shall be made of the results of operations for the current year up to the date of the most recent interim balance sheet provided (and for the corresponding period in the preceding year) as though the companies had combined at the beginning of the period being reported on. This pro forma information should as a minimum show revenue, income before extraordinary items and the cumulative effect of accounting changes, including such income on a per share basis, and net income and net income per share.

(5) Where the registrant has disposed of any significant segment of its business (as defined in paragraph 13 of Accounting Principles Board Opinion No. 30) during any of the periods covered by the interim financial statements, the effect thereof on revenues and net income—total and per share—for all periods shall be disclosed.

(6) In addition to meeting the reporting requirements specified by existing standards for accounting changes, the registrant shall state the date of any material accounting change and the reasons for making it. In addition, for filings on Form 10–Q, a letter from the registrant's independent accountant shall be filed as an exhibit (in accordance with the provisions of Item 7 of Regulation S–K, 17 CFR 229.20) in the first Form 10–Q subsequent to the date of an accounting change indicating whether or not the change is to an alternative principle which in his judgment is preferable under the circumstances; except that no letter from the accountant need be filed when the change is made in response to a standard adopted by the Financial Accounting Standards Board which requires such change.

(7) Any material retroactive prior period adjustment made during any period covered by the interim financial statements shall be disclosed, together with the effect thereof upon net income—total and per share—of any prior period included and upon the balance of retained earnings. If results of operations for any period presented have been adjusted retroactively by such an item subsequent to the initial reporting of such period, similar disclosure of the effect of the change shall be made.

(8) The interim financial statements furnished shall reflect all adjustments which are, in the opinion of management, necessary to a fair statement of the results for the interim periods presented. A statement to that effect shall be included. Such adjustments shall include, for example, appropriate estimated provisions for bonus and profit sharing arrangements normally determined or settled at year-end.

(c) *Periods to be covered.* The periods for which interim financial statements are to be provided in registration statements are prescribed elsewhere in this Regulation (see §§ 210.3–01 and 3–02). For filings on Form 10–Q, financial statements shall be provided as set forth below:

(1) An interim balance sheet as of the end of the most recent fiscal quarter and a balance sheet as of the end of the preceding fiscal year shall be provided. The balance sheet as of the end of the preceding fiscal year may be condensed to the same degree as the interim balance sheet provided. An interim balance sheet as of the end of the corresponding fiscal quarter of the preceding fiscal year need not be provided unless necessary for an understanding of the impact of seasonal fluctuations on the registrant's financial condition.

(2) Interim statements of income shall be provided for the most recent fiscal quarter, for the period between the end of the preceding fiscal year and the end of the most recent fiscal quarter, and for the corresponding periods of the preceding fiscal year. Such statements may also be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding preceding period.

(3) Interim statements of changes in financial position shall be provided for the period between the end of the preceding fiscal year and the end of the most recent fiscal quarter, and for the corresponding period of the preceding fiscal year. Such statements may also be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding preceding period.

(4) Registrants engaged in seasonal production and sale of a single-crop agricultural commodity may provide interim statements of income and changes in financial position for the twelve month period ended during the most recent fiscal quarter and for the corresponding preceding period in lieu of the year-to-date statements specified in (2) and (3) above.

(d) *Review by independent public accountant.* The interim financial information included in filings with the Commission need not be reviewed by an independent public accountant prior to filing. If, however, a review of the data is made in accordance with established professional standards and procedures for such a review, the registrant may state that the independent accountant has performed such a review. If such a statement is made, the report of the independent accountant on such review shall accompany the interim financial information.

(e) *Filing of other interim financial information in certain cases.* The Commission may, upon the informal written request of the registrant, and where consistent with the protection of investors, permit the omission of any of the interim financial information herein required or the filing in substitution thereof of appropriate information of comparable character. The Commission may also by informal written notice require the filing of other information in addition to, or in substitution for, the interim information herein required in any case where such information is necessary or appropriate for an adequate presentation of the financial condition of any person for which interim financial information is required, or whose financial information is otherwise necessary for the protection of investors.

§ 210.3–17 Financial statements of natural persons.

(a) In lieu of the financial statements otherwise required, a natural person may file an unaudited balance sheet as of a date within 90 days of date of filing and unaudited statements of income for each of the three most recent fiscal years.

(b) Financial statements conforming with the instructions as to financial statements of subsidiaries not consolidated and 50 percent or less owned persons under § 210.3–09(a)(1) shall be separately presented for: (1) each business owned as a sole proprietor, (2) each partnership, business trust, unincorporated association, or similar business organization of which the person holds a controlling interest and (3) each corporation of which the person, directly or indirectly, owns securities representing more than 50 percent of the voting power.

(c) Separate financial statements may be omitted, however, for each corporation, business trust, unincorporated association, or similar business organization if the person's total investment in such entity does not exceed 5 percent of his total assets *and* the person's total income from such entity does not exceed 5 percent of his gross income; *Provided,* that the person's aggregate investment in and income from all such omitted entities shall not exceed 15 percent of his total assets and gross income, respectively.

5. Paragraph (f) of § 210.3–01, paragraph (b) of § 210.3–02 and paragraphs (a) and (b) of § 210.3–12 are revised to read as set forth below.

§ 210.3–01 Consolidated balance sheets.

* * * * *

(f) Any interim balance sheet provided in accordance with the requirements of this section may be unaudited and need not be presented in greater detail than is required by § 210.10–01. Notwithstanding the requirements of this section, the most recent interim balance sheet included in a filing shall be at least as current as the most recent balance sheet filed with the Commission on Form 10–Q.

§ 210.3–02 Consolidated statements of income and changes in financial position.

* * * * *

(b) In addition, for any interim period between the latest audited balance sheet and the date of the most recent interim balance sheet being filed, and for the corresponding period of the preceding fiscal year, statements of income and changes in financial position shall be provided. Such interim financial statements may be unaudited and need not be presented in greater detail than is required by § 210.10–01.

§ 210.3–12 Age of financial statements at effective date of registration statement or at mailing date of proxy statement.

(a) If the financial statements in a filing are as of a date 135 days or more prior to the date the filing is expected to become effective or proposed mailing date in the case of a proxy statement, the financial statements shall be updated, except as specified in the following paragraphs, with a balance sheet as of an interim date within 135 days and with statements of income and changes in financial position for the interim period between the end of the most recent fiscal year and the date of the interim balance sheet provided and for the corresponding period of the preceding fiscal year. Such interim financial statements may be unaudited and need not be presented in greater detail than is required by § 210.10–01. Notwithstanding the above requirements, the most recent interim financial statements shall be at least as current as the most recent financial statements filed with the Commission on Form 10–Q.

(b) Where the anticipated effective date of a filing, or in the case of a proxy statement the proposed mailing date, falls within 90 days subsequent to the end of the fiscal year, the filing need not include financial statements more current than as of the end of the third fiscal quarter of the most recently completed fiscal year unless the audited financial statements for such fiscal year are available or unless the anticipated effective date or proposed mailing date falls after 45 days subsequent to the end of the fiscal year and the registrant does not meet the conditions prescribed under paragraph (c) of § 210.3–01. If the anticipated effective date or proposed mailing date falls after 45 days

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subsequent to the end of the fiscal year and the registrant does not meet the conditions prescribed under paragraph (c) of § 210.3–01, the filing must include audited financial statements for the most recently completed fiscal year.

* * * * *

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

6. In § 230.175 paragraphs (b) and (c)(3) are revised to read as follows:

§ 230.175 Liability for forward-looking statements by issuers.

* * * * *

(b) This rule applies to: (1) a forward-looking statement (as defined in paragraph (c) below) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed, or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document, Part I of a Form 10–Q, or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S–K, 17 CFR 229.20; or

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

7. In Section 240.3b–6 paragraphs (b) and (c)(3) are revised to read as follows:

§ 240.3b–6 Projections of future economic performance by issuers.

* * * * *

(b) This rule applies to: (1) a forward-looking statement (as defined in paragraph (c) below) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S–K, 17 CFR 229.20; or

* * * * *

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

8. In § 250.103A paragraphs (b) and (c)(3) are revised to read as follows:

§ 250.103A Projections of future economic performance by issuers.

* * * * *

(b) This rule applies to: (1) forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) of this section subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S–K, 17 CFR 229.20; or

* * * * *

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

9. In § 260.0–11 paragraphs (b) and (c)(3) are revised to read as follows:

§ 260.0–11 Projections of future economic performance by issuers.

* * * * *

(b) This rule applies to: (1) a forward-looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934, (2) a statement reaffirming the forward-looking statement referred to in (b)(1) subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) * * *

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations pursuant to Item 11 of Regulation S–K, 17 CFR 229.20; or

* * * * *

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 658; sec. 1, 79 Stat. 1051. Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 469, 570–574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; secs. 10, 18, 89 Stat. 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1698, 1499, 1500; sec. 20(a), 49 Stat. 833; sec. 319(a), 53 Stat. 1149, 15 U.S.C. 77f, 77g, 77j, 77s(a), 78m, 78o(d), 78w(a), 79t, 77nnn(a))

Procedural Matters

With respect to the technical amendment to Rule 3–12(b) of Regulation S–X (17 CFR 210.3–12(b)), as required by Section 23(a) of the Exchange Act (15 U.S.C. 78w), the Commission has considered the impact that such technical amendment would have on competition and has concluded that such amendment would not impose any burden on competition. Further, the Commission believes that it is appropriate to adopt the amendment effective immediately in order to achieve the purpose intended in the rule changes adopted September 2, 1980.[23] Accordingly, pursuant to Section 553(b) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(b)), the Commission for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest.

Authority

The Commission hereby adopts the foregoing amendments pursuant to Sections 6, 7, 8, and 19(a) of the Securities Act of 1933 and Sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934. The amendment to the safe harbor rules for projections is also adopted pursuant to Section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t) and Section 319(a) under the Trust Indenture Act of 1934 (15 U.S.C. 77nnn(c)).

By the Commission.

George A. Fitzsimmons,

Secretary.

February 9, 1981.

[FR Doc. 81–5310 Filed 2–13–81; 8:45 am]

BILLING CODE 8010–01–M

[23] Securities Act Release No. 6234.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Reference T.D. ATF–76]

Standards of Fill for Wine; Deferral of Effective Date

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Deferral of final rule effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that had already been issued but were scheduled to become effective in the next 60 days. This amendment which is consistent with the President's directive postpones the effective date concerning the Standards of Fill for Wine [46 FR 1725] final rule from February 6, 1981, to March 30, 1981.

EFFECTIVE DATE: February 6, 1981. New effective date is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone 202–566–7626.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to certain agency heads directing them to publish a notice in the **Federal Register** postponing for 60 days, after January 29, 1981, the effective date of regulations that had been promulgated in final form and that were scheduled to become effective during that 60-day period. The Standards of Fill for Wine regulations fall within the scope of the President's memorandum.

The President stated in his memorandum that among his priorities as President is the establishment of a new regulatory oversight program which will lead to less burdensome and more rational Federal regulations. The President further indicated that this program is especially important because of the Nation's economic climate. In order to give the Administration, through the Task Force on Regulatory Relief, sufficient time to implement this process, and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of regulation, the President directed the postponement of pending regulations.

Consistent with this review, the Department is by this notice postponing for 60 days the effective date of the Standards of Fill for Wine regulations. The Department realizes that the postponement of these pending regulations may not be viewed by certain persons to be in their best interest. However, for a new Department head to comply effectively with the President's directive, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review. For these reasons, and because this rule would have become effective on February 6, 1981, additional notice and public procedure on this delay of effective date is impracticable, unnecessary and contrary to the public interest, and good cause exists for making these changes effective immediately.

G. R. Dickerson,

Director.

Approved: February 11, 1981.

John R. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81–5382 Filed 2–12–81; 11:38 am]

BILLING CODE 4810–31–M

27 CFR Part 9

[Reference T.D. ATF–79]

Napa Valley Viticultural Area; Deferral of Effective Date

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Deferral of final rule effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that had already been issued but were scheduled to become effective in the next 60 days. This amendment which is consistent with the President's directive postpones the effective date concerning the Napa Valley Viticultural Area final rule (46 FR 9061) from February 27, 1981, to March 30, 1981.

EFFECTIVE DATE: February 27, 1981. New effectice date is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Telephone 202–566–7626.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to certain agency heads directing them to publish a notice in the **Federal Register** postponing for 60 days, after January 29, 1981, the effective date of regulations that had been promulgated in final form and that were scheduled to become effective during that 60-day period. The Napa Valley Viticultural Area regulations fall within the scope of the President's memorandum.

The President stated in his memorandum that among his priorities as President is the establishment of a new regulatory oversight program which will lead to less burdensome and more rational Federal regulations. The President further indicated that this program is especially important because of the Nation's economic climate. In order to give the Administration, through the Task Force on Regulatory Relief, sufficient time to implement this process, and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of regulation, the President directed the postponement of pending regulations.

Consistent with this review, the Department is by this notice postponing for 60 days the effective date of the

Napa Valley Viticultural Area regulations. The Department realizes that the postponement of these pending regulations may not be viewed by certain persons to be in their best interest. However, for a new Department head to comply effectively with the President's directive, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review. For these reasons, and because this rule is scheduled to become effective very shortly, additional notice and public procedure on this delay of effective date is impracticable, unnecessary and contrary to the public interest, and good cause exists for making these changes effective immediately.

G. R. Dickerson,
Director.

Approved: February 11, 1981.

John R. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-5397 Filed 2-13-81; 8:45 am]

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27 CFR Parts 211 and 212

[Reference T.D. ATF-78]

Completely Denatured Alcohol Formula No. 20; Deferral of Effective Date

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Deferral of final rule effective date.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that had already been issued but were scheduled to become effective in the next 60 days. This amendment which is consistent with the President's directive postpones the effective date concerning the Completely Denatured Alcohol Formula No. 20 (46 FR 8469) final rule from February 26, 1981, to March 30, 1981.

EFFECTIVE DATE: February 26, 1981. New effective date is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Telephone 202-566-7626.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to certain agency heads directing them to publish a notice in the **Federal Register** postponing for 60 days, after January 29, 1981, the effective date of regulations that had been promulgated in final form and that were scheduled to become effective during that 60-day per[illegible]. The Completely Denatured Alco[illegible]l Formula No. 20 regulations fall within the scope of the President's memorandum.

The President stated in his memorandum that among his priorities as President is the establishment of a new regulatory oversight program which will lead to less burdensome and more rational Federal regulations. The President further indicated that this program is especially important because of the Nation's economic climate. In order to give the Administration, through the Task Force on Regulatory Relief, sufficient time to implement this process, and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of regulation, the President directed the postponement of pending regulations.

Consistent with this review, the Department is by this notice postponing for 60 days the effective date of the Completely Denatured Alcohol Formula No. 20 regulations. The Department realizes that the postponement of these pending regulations may not be viewed by certain persons to be in their best interest. However, for a new Department head to comply effectively with the President's directive, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review. For these reasons, and because this rule is scheduled to become effective very shortly, additional notice and public procedure on this delay of effective date is impracticable, unnecessary and contrary to the public interest, and good cause exists for making these changes effective immediately.

Signed: February 9, 1981.

G. R. Dickerson,
Director.

Approved: February 11, 1981.

John R. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-5396 Filed 2-13-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 201

[DoD Instruction 4160.23] [1]

Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule is reissued to provide current DoD policy and procedures covering the sale of DoD-owned surplus personal property to State and local law enforcement and firefighting agencies in accordance with Title 10, U.S.C. Section 2576 (Pub. L. 90-500). This rule permits the Department of Defense to sell surplus military equipment to State and local law enforcement and firefighting agencies located within the United States.

EFFECTIVE DATE: January 27, 1981.

FOR FURTHER INFORMATION CONTACT: J. Marcus, Supply Policy and Programs Division, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Washington, D.C. 20301; telephone 202-697-9196.

SUPPLEMENTARY INFORMATION: In FR Doc. 69-5401, appearing in the **Federal Register** (34 FR 7377) on May 7, 1969, the Office of the Secretary of Defense published Part 201, effective January 31, 1969, which permitted the Department of Defense to sell surplus military equipment. In FR Doc. 73-2997, appearing in the **Federal Register** (38 FR 4509) on February 15, 1973, the Office of the Secretary of Defense published an amendment to Part 201. This document revises the existing Part 201 of this title.

Accordingly, 32 CFR Chapter I, is amended by revising Part 201, reading as follows:

PART 201—SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL LAW ENFORCEMENT AND FIREFIGHTING AGENCIES

Sec.
201.1 Reissuance and purpose.
201.2 Applicability and scope.
201.3 Definitions.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 1001.

Sec.
201.4 Policy and procedures.
201.5 Responsibilities.
201.6 Information requirements.

Authority: The provisions of this Part 201 issued under 5 U.S.C. 301; 10 U.S.C. 2202, 2476.

§ 201.1 Reissuance and purpose.

This Part is reissued to update established DoD policy and procedures governing the sale of certain DoD-owned surplus personal property to state and local law enforcement and firefighting agencies pursuant to Title 10, U.S.C., Section 2576 (Pub. L. 90-500).

§ 201.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, Military Departments, and Defense Agencies (hereafter referred to as "DoD Components").

(b) Its provisions encompass the sale of certain surplus military equipment to state and local law enforcement and firefighting agencies that are located within the United States.

§ 201.3 Definitions.

Terms used in this Part are defined in DoD 4160.21-M, "Defense Utilization and Disposal Manual."

§ 201.4 Policy and procedures.

(a) *General.* Under the provisions of 10 U.S.C. 2576, the Department of Defense may sell to state and local law enforcement and firefighting agencies surplus: pistols, revolvers, shotguns, rifles (of a caliber not exceeding .30) and ammunition for these weapons; gas masks; and protective body armor that have survived donation screening, as authorized by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and in accordance with the procedures provided in DoD 4160.21-M.

(b) *Demilitarization.* DoD demilitarization requirements are waived for the surplus military equipment authorized to be sold under this Part under the provisions of 10 U.S.C. 2576.

(c) *Sales.* Sales to authorized state and local law enforcement and firefighting agencies shall be made in accordance with the procedures in DoD 4160.21-M, under the following conditions:

(1) Items offered for sale shall be limited to those items operationally safe and suitable for use by the agencies specified in DoD 4160.21-M.

(2) The Governor or his authorized representative, of the State in which the requesting agency is located, must certify that the type and quantity of materiel requested are necessary and suitable for the agency's operation.

(3) The Law Enforcement Assistance Administration of the Department of Justice shall determine that the request is valid and appropriate.

(4) Sale prices shall be based on the fair value rates published in DoD Instruction 2140.1,[1] "Pricing of Sales of Defense Articles and Defense Services to Foreign Countries and International Organizations," March 9, 1977.

(5) The expenses of packing, handling, crating, and transporting (accessorial costs) shall be included in the billing prices to the purchaser, in accordance with DoD Instruction 7510.4,[1] "Uniform Policy for Charging Accessorial and/or Administrative Costs Incident to Issues, Sales, or Transfers of Materials, Supplies and Equipment," April 7, 1967. Transportation costs shall be collect, except for parcel post shipments, the cost of which shall be included in the customer's bill.

(6) DoD Components will not stock spare parts for items which may be sold under the authority of this Part.

(7) Proceeds from sales will be deposited in accordance with DoD Instruction 7310.1,[1] "Accounting and Reporting for Property Disposal and Proceeds from Sale of Disposable Personal Property and Lumber or Timber Products," July 10, 1970.

§ 201.5 Responsibilities.

(a) *Heads of DoD Components* shall:

(1) Follow the policy and procedures in this Part when selling surplus military equipment to state and local law enforcement and firefighting agencies.

(2) Include sales data in the Program Administrator's Progress Report, submitted in accordance with DoD Directive 4160.21,[1] "DoD Personal Property Utilization and Disposal Program," December 5, 1980.

(b) The *Director, Defense Logistics Agency,* shall ensure that DoD 4160.21-M is revised to reflect the policies and procedures in this Part.

§ 201.6 Information requirements.

The reporting requirements in § 201.5(a)(2) have been assigned Report Control Symbol DD-M(A)891.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 11, 1981.

[FR Doc. 81-5206 Filed 2-13-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Parts 75, 78, 104, 200, 201, 211, 215, 223, 230, 231, 300, 305, 307, 309, 315, 318, 322, 324, 332, 338, 361, 362, 365, 366, 369, 370, 371, 372, 373, 374, 375, 378, 379, 385, 386, 387, 388, 389, 390, 395, 408, 525, 526, 527, 624, 643, 644, 645, 646, 649, 655, 656, 658, 660, 667, 668, 674, 675, 676, 682, 683, 690, 726, 735, 740, 753, 757

Postponement of Effective Dates for Certain Regulations and Interpretations

AGENCY: Department of Education.

ACTION: Notice of postponement of effective dates of certain regulations and interpretations.

SUMMARY: Pursuant to a Presidential memorandum, the effective dates of certain regulations and interpretations of the Department of Education are postponed until March 30, 1981, unless a later effective date is required. If a later effective date is required for any of these regulations and interpretations, the Secretary will publish a notice in the **Federal Register** to inform the public of that later date.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: By memorandum dated January 29, 1981, the President directed the Department of Education and other specified Federal agencies to publish notice in the **Federal Register** postponing for 60 days from the date of the President's memorandum the effective date of all regulations promulgated in final form that are scheduled to become effective during that 60-day period.

As an initial matter, the Department published a notice in the **Federal Register** on February 4, 1981 (46 FR 10721), postponing the regulations for programs without specific regulations and the regulations for two programs, the Library Career Training Program and the Strengthening Research Library Resources Program.

The Department has determined that the effective dates of the following additional regulations shall be postponed until March 30, 1981:

Title of Regulations or Interpretation; Published in the "Federal Register"

34 CFR Parts 385, 386, 387, 388, 389, 390: Rehabilitation Training; Dec. 30, 1980, at 45 FR 86378

34 CFR Parts 104, 300: Nondiscrimination on the Basis of Handicap in Programs and

Activities Receiving or Benefitting from Federal Financial Assistance; and Assistance to States for Education of Handicapped Children: Dec. 30, 1980, at 45 FR 86390
34 CFR Part 690: Pell Grant Program: Dec. 30, 1980, at 45 FR 86394
34 CFR Part 668: Student Assistance General Provisions: Dec. 31, 1980, at 45 FR 86854
34 CFR Parts 655, 656, 658, 660, 667: International Education Programs; Dec. 31, 1980, at 45 FR 86872
34 CFR Part 78: Education Appeal Board: Jan. 5, 1981, at 46 FR 881
34 CFR Part 75: Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities; Jan. 14, 1981, at 46 FR 3205
34 CFR Part 332: Instructional Media for the Handicapped; Jan. 14, 1981, at 46 FR 3206
34 CFR Part 649: Graduate and Professional Study Fellowships; Jan. 14, 1981, at 46 FR 3400
34 CFR Part 300: Assistance to States for Education of Handicapped Children; Jan. 16, 1981, at 46 FR 3865
34 CFR Part 682: Guaranteed Student Loan Program; Jan. 16, 1981, at 46 FR 3866
34 CFR 682: Guaranteed Student Loan Program: Refund of Tuition Charges and Other Fees; Jan. 16, 1981, at 46 FR 3871
34 CFR Part 735: Minority Institutions Science Improvement Program (MISIP); Jan. 16, 1981, at 46 FR 3873
34 CFR Part 757: Law-Related Education Program; Jan. 16, 1981, at 46 FR 3877
34 CFR Parts 230, 231: Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies; Jan. 16, 1981, at 46 FR 4536
34 CFR Part 753: Arts in Education Program: Jan. 16, 1981, at 46 FR 4606
34 CFR Parts 104, 300: Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance; Notice of Interpretations; Jan. 19, 1981, at 46 FR 4912
34 CFR Part 322: Training Programs for Teachers of Handicapped Children in Areas with a Shortage; Jan. 19, 1981, at 46 FR 4913
34 CFR Parts 200, 201: Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs; Jan. 19, 1981, at 46 FR 5136
34 CFR Parts 674, 675, 676: National Direct Student Loan Program, College Work-Study Program, and Supplementary Educational Opportunity Grant Program: Jan. 19, 1981, at 46 FR 5238
34 CFR Part 690: Pell Grant Program, Family Contribution Schedules; Jan. 19, 1981, at 46 FR 5320
34 CFR Parts 211, 215, 305, 307, 309, 315, 318, 324, 338, 408, 525, 526, 527, 624, 643, 644, 645, 646, 726, 740: Selection Criteria for Fiscal Year 1981; Jan. 19, 1981, at 46 FR 5372
34 CFR Part 366: Centers for Independent Living; Jan. 19, 1981, at 46 FR 5410
34 CFR Parts 362, 369, 370, 371, 372, 373, 374, 375, 378, 379, 395: Vocational Rehabilitation Service Projects; Jan. 19, 1981, at 46 FR 5416
34 CFR Part 300: Assistance to States for Education of Handicapped Children; Interpretation; Jan. 19, 1981, at 46 FR 5460
34 CFR Parts 361, 365: State Vocational Rehabilitation and Independent Living Rehabilitation Programs; Jan. 19, 1981, at 46 FR 5522
34 CFR Parts 674, 675, 676, 682, 683, 690: National Direct Student Loan Program, College Work-Study Program, Supplemental Educational Opportunity Grant Program, Guaranteed Student Loan Program, Parent Loans for Undergraduate Students Program, and Pell Grant Program; Jan. 21, 1981, at 46 FR 6322
34 CFR Part 223: Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands; Jan. 22, 1981, at 46 FR 7196

(Catalog of Federal Domestic Assistance Numbers 84.002; 84.007; 84.008; 84.012; 84.014; 84.015; 84.016; 84.017; 84.113; 84.116; 84.023; 84.024; 84.025; 84.026; 84.027; 84.028; 84.029; 84.032; 84.033; 84.038; 84.041; 84.051; 84.063; 84.069; 84.077; 84.078; 84.080; 84.081; 84.084; 84.092; 84.093; 84.094; 84.095; 84.097; 84.099; 84.100; 84.101; 84.114; 84.120; 84.123; 84.126; 84.128; 84.129)

Dated: February 11, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-5302 Filed 2-12-81; 11:27]

BILLING CODE 4000-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Special Regulations, Areas of the National Park System; Glacier Bay National Monument

AGENCY: National Park Service.

ACTION: Postponement of Effective Date of Final Rule.

SUMMARY: The purpose of this notice is to postpone the effective date of the final rule regarding protection of humpback whales within Glacier Bay National Monument. This rule was published in the **Federal Register** on December 30, 1980 (45 FR 85741), and was scheduled to become effective January 29, 1981. However, on that date President Reagan issued a memorandum to all Department heads postponing the effective date of all final regulations for 60-days.

EFFECTIVE DATE: The new effective date for this rule is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Maureen Finnerty, Division of Ranger Activities and Protection, National Park Service, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-4874.

Stanley T. Albright,

Associate Director, Management and Operations.

[FR Doc. 81-5347 Filed 2-13-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-2-FRL 1627-1]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for New York State

Correction

In FR Doc. 81-2855, at page 8495, in the issue of Tuesday, January 27, 1981, on page 8496, correct the following entries in the table: (1) Under the "Designated Area" heading of "The City of North Tanawanda" is corrected by placing an "X" under the "Better Than National Standards" heading and (2) the "Southern Tier West AQCR: The City of Jamestown" is corrected by leaving "Southern Tier West AQCR" on the line by itself with no "X's" and placing "The City of Jamestown" on the next line and placing an "X" under the "Does Not Meet Secondary Standards" heading.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

[Circular No. 2485]

Grazing Administration and Trespass on Public Lands; Amendments to Grazing Regulations

Correction

In FR Doc. 81-1938, at page 5784, in the issue of Monday, January 19, 1981, make the following corrections:

(1) On page 5786, in the last column, the second paragraph designated as "v", the second to the last line in that paragraph, correct "progres" to read "progress".

(2) On page 5790, in the middle column, under **"§ 4130.2 Grazing permits and leases."**, paragraph (d)(2), the last line, after the word "consider" replace the period with a colon and in the third column under **"§ 4130.5-1 Payment of fees."**, paragraph (e), second line, correct "aid" to read "paid".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5825

[Nev-044897; Nev-044898]

Nevada; Modification of Public Land Order No. 2013

Corrections

In FR Doc. 81-2493 appearing on page 7338 in the issue for Friday, January 23, 1981, make the following corrections:

Due to numerous errors in the land descriptions, they are hereby reprinted:

Mount Diablo Meridian

T. 5 S., R. 69 E.,
Sec. 24, E½SE¼SW¼;
Sec. 25, SE¼NE¼;
Sec. 29, W½SW¼SW¼;
Sec. 30, E½SW¼SE¼ and SE¼SE¼;
Sec. 31, NE¼NE¼, NE¼NW¼NE¼ and N½SE¼NE¼;
Sec. 32, NW¼NW¼NW¼, S½NW¼NW¼ and SW¼NW¼.

T. 5 S., R. 70 E.,
Sec. 19, SW¼SE¼SE¼;
Sec. 30, lot 2, W½E½NE¼, SE¼NW¼, N½NE¼SW¼ and N½N½SE¼.

* * * * *

Mount Diablo Meridian

T. 5 S., R. 69 E.,
Sec. 32, SW¼SW¼NE¼, NW¼NW¼SE¼, NW¼NE¼SE¼, S½N½SE¼, S½SE¼, E½SE¼SW¼, NE¼SW¼, NE¼NW¼SW¼, SE¼NW¼, and SW¼NE¼NW¼;
Sec. 33, SW¼NW¼SW¼, NW¼SW¼SW¼, S½SW¼SW¼, and SW¼SE¼SW¼.

T. 6 S., R. 69 E., (Unsurveyed)
Sec. 4, W½NE¼NW¼, NW¼NW¼, NE¼SW¼NW¼, and W½SE¼NW¼;
Sec. 5, E½NE¼NE¼, NW¼NE¼, NW¼SW¼NE¼, E½NE¼NW¼, and NE¼SE¼NW¼.

BILLING CODE 1505-01-M

43 CFR Public Land Order 5826

[CA-3367]

California; Power Site Restoration No. 753, Partial Revocation of Power Site Reserve No. 329; Power Site Cancellation No. 339, Partial Cancellation of Power Site Classification No. 178

Correction

In FR Doc. 81-2486, appearing on page 7340, in the issue for Friday, January 23, 1981, in the middle column, after "For Further Information Contact", in the paragraph beginning "By virtue of the authority contained in * * *", in the tenth line "DA-1123" should have read "DA-1123 and DA-1125".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5829

[ORE-06587]

Oregon; Revocation of Public Land Order No. 2964

Correction

In FR Doc. 81-2505, appearing at page 7340 in the issue for Friday, January 23, 1981, on page 7341, in the first column, the land description under "Willamette Meridian" contains several typographical errors. The description should have read as follows:

Willamette Meridian

T. 2 N., R. 41 E.,
Sec. 19, NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, and S½SW¼SE¼;
Sec. 20, W½NW¼SW¼;
Sec. 30, N½NW¼NE¼ and SE¼NW¼NE¼.

BILLING CODE 1505-01-M

43 CFR Public Land Order 5833

[OR-598]

Oregon; Partial Revocation of Public Land Order No. 4319

Corrections

In FR Doc. 81-2499 appearing on page 7342 in the issue for Friday, January 23, 1981, make the following corrections:

On page 7342, in the second column, in the land description for **Willamette Meridian**—

(1) in the fourth line, "NW¼" should have read "NW¼";

(2) in the fifth line, "SE¼" should have read "SE¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5835

[A-9275]

Arizona; Withdrawal of Forest Lands for Research Area

Corrections

In FR Doc. 81-2485 appearing at page 7342 in the issue for Friday, January 23, 1981, make the following corrections:

On page 7343, in the first column, in the land description for **Gila and Salt River Meridian**—

(1) in the fourth line, "E½" should have read "E½";

(2) in the fifth line, "SW¼" should have read "SW¼";

(3) in the sixth line, "NE¼" should have read "NE¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5839

[ORE 03588-B]

Oregon; Partial Revocation of Public Land Order No. 1667

Corrections

In FR Doc. 81-2498 appearing on page 7344 in the issue for Friday, January 23, 1981, make the following corrections:

Due to numerous errors in the land descriptions, they are hereby reprinted:

Willamette Meridian

Umpqua National Forest

Steamboat Creek Road and Streamside Zone

T. 25 S., R. 1 E.,
Sec. 24, E½SE¼NE¼, S½S½, and NE¼SE¼;
Sec. 25, Lots 1 and 2, and NE¼NW¼; (formerly N½NW¼, and SW¼NW¼);
Sec. 26, S½N½N½ and N½S½N½;
Sec. 27, S½SW¼NE¼, SE¼NE¼, N½S½, and N½S½SW¼;
Sec. 28, SE¼SE¼SW¼ and S½SE¼;
Sec. 31, NE¼SE¼ and S½SE¼;
Sec. 32, S½S½N½ and N½S½;
Sec. 33, NW¼NE¼, NE¼NW¼, S½NW¼, and N½N½SW¼.

* * * * *

T. 24 S., R. 2 E.,
Sec. 8, S½SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, SW¼NE¼, NE¼NW¼, W½E½SW¼, W½SW¼, and S½NW¼;
Sec. 20, W½E½NW¼, E½W½NW¼, E½SW¼, and W½SW¼SE¼;
Sec. 29, W½W½E½ and E½E½W½;
Sec. 32, NW¼NE¼, S½NE¼, and E½SE¼.

* * * * *

T. 25 S., R. 2 E.,
Sec. 5, E½ of Lot 8, S½SW¼NE¼, SE¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 7, SE¼;
Sec. 8, W½NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 18, E½;
Sec. 19, S½ of Lot 1, N½ of Lot 2, and NW¼NE¼.

BILLING CODE 1505-01-M

V 46/31 FE 17 81 1 UMI

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1012

Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250

AGENCY: Community Services Administration.

ACTION: Deferral of effective date.

SUMMARY: The Community Services Administration is publishing a deferral of the effective date of the final rule entitled "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250." This rule was published on January 19, 1981 (46 FR 12, pp. 5620–5631), effective February 18, 1981. This action defers the effective date of this rule until March 29, 1981. It also defers certain deadlines within the rule to correspond with the deferred effective date of the rule. This action is being taken in response to the President's memorandum of January 29, 1981, relating to a 60-day (from January 29, 1981) deferral of effective dates of pending final regulations.

DATES: This deferral becomes effective February 17, 1981. The new effective date of the rule is March 29, 1981. Notification of nondiscriminatory policies must begin by June 29, 1981. Program access must be provided by May 29, 1981.

The Self-Evaluation Plan must be submitted by September 29, 1981. Structural changes to achieve program access must be completed by March 29, 1983.

FOR FURTHER INFORMATION CONTACT:

Jill Robinson, Acting Director, Disability Unit, Office of Human Rights, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, (202) 653–5675 (voice) or 254–5463 (TDD).

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a memorandum to a number of Federal agencies directing that such agencies postpone for 60 days (from January 29) the effective date of all regulations that had been promulgated in final form and were scheduled to become effective during such 60-day period (46 FR 11227, February 6, 1981). The memorandum provided certain exemptions to the general postponement rule. The purpose of the postponement, according to the memorandum, was to provide the new Administration sufficient time to review many of the prior Administration's last-minute decisions that would increase rather than relieve the current burden of restrictive regulation. CSA is not one of the agencies to whom the President's memorandum was addressed. Nonetheless, in keeping with the spirit and tone of the memorandum, CSA has decided to postpone the effective date of pending final regulations which have not yet taken effect, where such regulations appear to be the kind of regulations referred to in the Presidential directive and do not fit into exceptions listed in the directive.

The agency has determined that the only pending regulation fitting the above description is CSA's final rule published on January 19, 1981 (46 FR 5620–5631) entitled "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250." (45 CFR 1012.) This regulation is scheduled to become effective on February 18, 1981. CSA is amending this rule, deferring its effective date to March 29, 1981. The amendment also contains changes in deadlines within the rule to correspond with the rule's new effective date.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2942))

William W. Allison,

Acting Director.

Part 1012, Subpart C—Administrative Requirements is amended as follows:

1. On page 5628, columns one and two, paragraphs (a), (a)(1), and (b) of § 1012.40 are revised to read as follows:

§ 1012.40 Self-evaluation.

(a) Each grantee and each applicant for assistance whose application is submitted on or before September 29, 1981, shall—

(1) By September 29, 1981; and

* * * * *

(b) Each applicant for assistance whose application is submitted after September 29, 1981, shall conduct the self-evaluation described in paragraph (a) of this section prior to submitting its application and shall submit with its application the written self-evaluation described in paragraph (c) of this section.

* * * * *

2. On page 5627, column one, the introductory text in paragraph (c) of § 1012.45 is revised to read as follows:

§ 1012.45 Notification of policy.

* * * * *

(c) Each grantee shall make the initial notification required by paragraph (a) of this section by June 29, 1981. Notification should include publication in—

* * * * *

Part 1012, Subpart F—Access to and Use of Newly Constructed Facilities is amended as follows:

On page 5630, column one, § 1012.107 is revised to read as follows:

§ 1012.107 Defined.

A "newly constructed facility" means a facility or part thereof, which is constructed or renovated by a grantee after March 29, 1981. If an existing facility is renovated, the renovated portion is a "newly constructed facility."

Part 1012, Subpart H—Access to and Use of Existing Facilities is amended as follows:

On page 5630, in columns two and three §§ 1012.132 and 1012.135 are revised to read as follows:

§ 1012.132 Defined.

An "existing facility" means a facility or part thereof constructed on or before March 29, 1981, which a grantee uses, leases, owns, or otherwise acquires on or before March 29, 1981, or at the time the grantee becomes a grantee, whichever is later.

§ 1012.135 Time for compliance.

Each grantee and each applicant which becomes a grantee on or before May 29, 1981, shall provide program access by May 29, 1981, except that where structured changes in existing facilities are necessary, those changes shall be made as expeditiously as possible, but in no event later than March 29, 1983. Each grantee which becomes a grantee after may 29, 1981, shall provide program access on becoming a grantee, except that where structural changes in existing facilities are necessary, those changes shall be made as expeditiously as possible, but in no event later than two years from the date it becomes a grantee.

[FR Doc. 81–5294 Filed 2–13–81; 8:45 am]

BILLING CODE 6315–01–M

45 CFR Part 1067

Rules Superseded by the Grantee Program Management System

AGENCY: Community Services Administration.

ACTION: Notice of rules superseded.

SUMMARY: On January 5, 1981 the Community Services Administration published a final rule at 46 FR 1234 implementing the Grantee Program Management System (45 CFR 1067.70) which applies to Community Action Agencies only. CSA now is in the process of identifying existing CSA rules or portions of rules which are affected by this new rule. Once these have been identified the Agency will publish a rule amending or revoking them, as appropriate. Until such time as this activity is completed, this Notice will serve to inform Community Action Agencies and CSA Headquarters and Regional Offices that any contradictory policies or procedures found in rules previously published by CSA are to be considered superseded by the policies and procedures in the Grantee Program Management System if the grantee is a Community Action Agency.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION CONTACT:

Ms. Jacqueline G. Lemire, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506. Telephone: (202) 254–5047; Teletypewriter: (202) 254–6418.

(Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

William W. Allison,

Acting Director.

[FR Doc. 81–5295 Filed 2–13–81; 8:45 am]

BILLING CODE 6315–01–M

V 46/31 FE 17 81 1 UMI

Proposed Rules

Federal Register
Vol. 46, No. 31
Tuesday, February 17, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Ineligibility for SBA Loan Assistance

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would make a small business that produces, services or distributes any product or service used in an illegal activity, regardless of the percentage of such business compared to the total of all business income, ineligible for SBA loan assistance. The existing regulation makes such a concern ineligible only when 30 percent or more of gross income is derived from such activities.

DATE: Comments must be received on or before April 20, 1981.

ADDRESS: Written comments, in duplicate, are to be addressed to the Director, Office of Business Loans, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rule may be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653–6470.

SUPPLEMENTARY INFORMATION: The general use of controlled substances by the public is an illegal activity. The present regulation, however, allows a borrower to produce, service or distribute paraphernalia that has no purpose, except for a controlled substance use, provided such activities account for less than 30 percent of its annual gross income. SBA believes that it should not even appear to condone or support such activities whether or not local jurisdictions permit them. Also, with more local jurisdictions passing laws or ordinances prohibiting any commerce in such paraphernalia, SBA no longer has reasonable assurance that a concern dealing in such items can repay a long-term loan.

Accordingly, notice is hereby given that, pursuant to the authority contained in Section 5(b)(6) of the Small Business Act (15 U.S.C. Sec. 634), it is proposed to revise 120.2(d)(9) of Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, to read as follows:

§ 120.2 Financial assistance will not be granted by SBA:

(d) * * *

* * * * *

(9) If an applicant is engaged in an illegal activity, or engaged in the production, servicing, distribution or selling of drug paraphernalia, products, or services, used exclusively or primarily in connection with unlawful controlled substances.

(Catalog of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: January 26, 1981.

Roger H. Jones,
Acting Administrator.

[FR Doc. 81-5278 Filed 2-13-81; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-ANW-24]

Proposed Alteration of Transition Area, Eugene, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed commissioning of radar approach control services at Mahlon Sweet Field Airport necessitates expanding the 700-foot transition area at Eugene, Oregon. This action will align the airspace to allow aircraft to operate on direct routes or on radar vectors at altitudes lower than the existing floor of controlled airspace.

DATES: Comments must be received on or before March 30, 1981.

ADDRESSES: Send comments on the proposal in triplicate to:
Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist, Operations, Procedures and Airspace Branch, (ANW–534), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108, telephone (206) 767–2610.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 80–ANW–24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to

Oregon. This action, if approved, combined with the establishment of radar control services at Eugene, will amend the transition area at Eugene, allow extensive route shortening and associated saving in flight time and fuel consumption for aircraft operating throughout the Willamette Valley and environs.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Eugene, Salem, and Corvallis, Oregon, transition areas under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (46FR540), as follows:

Eugene, Oregon

1. Delete entire description and substitute "That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 45°10'00" N, longitude 122°30'00" W, thence south to latitude 44°30'00" N, longitude 122°30'00" W, south to latitude 44°06'00" N, longitude 122°31'30" W, thence clockwise via the Eugene, Oregon, VOR 34.5 mile arc to latitude 44°16'00" N, longitude 123°53'30" W, thence north to latitude 45°10'00" N, longitude 123°30'00" W, direct to point of beginning."

Salem, Oregon

2. Delete entire description.

Corvallis, Oregon

3. Delete entire description.

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(a), 1354(c), and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

It has further been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Washington, on February 6, 1981.

Charles R. Foster,
Director, Northwest Region.

[FR Doc. 81-5272 Filed 2-13-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ANW-20]

Proposed Alteration of Transition Area; Medford, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: The recent commissioning of the Crescent City, California, Air Route Surveillance Radar (ARSR) enhances Seattle Center's capability to provide radar service to aircraft operating over northwest California and southwest Oregon. Maximum utilization of this capability will necessitate expansion of designated controlled airspace. The adoption of this proposal will provide controlled airspace for aircraft to operate on direct routes or on radar vectors throughout the area at altitudes considerably lower than the existing floor of controlled airspace.

DATES: Comments must be received on or before March 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to:
Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.
The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW–534), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767–2610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 80–ANW–20." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the transition area at Medford, Oregon. This action, if approved, combined with the improved radar coverage which now exists over Medford, Oregon and Crescent City, California, will allow extensive route shortening and associated saving in flight time and fuel consumption.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Medford transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (46 FR 540), as follows:

Medford, Oregon

Delete line 9 and remainder of description and substitute "west by the east edge of V23E; and that airspace west of the Medford VORTAC bounded on the north by the south edge of V287; on the west by the east edge of V27; on the south by the north edge of V122.

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(a), 1354(c), and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.65).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT

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Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is no minimal that it does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

It has further been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have significant impact on a substantial number of small entities.

Issued in Seattle, Washington, on February 5, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-5270 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 814

[Docket No. 79N-0009]

Premarket Approval of Medical Devices; Proposed Establishment of Regulations; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) extends the time for submission of comments on the proposed procedures for the premarket approval of medical devices. FDA is taking this action in response to requests for an extension of the comment period.

DATE: The deadline for written comments is extended until April 13, 1981.

ADDRESS: Written comments should be addressed to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Frank J. Morlock, Bureau of Medical Devices (HFK-70), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 12, 1980 (45 FR 81769), FDA published for public comment proposed procedures for the premarket approval of medical devices. The proposed rule provided for a 60-day comment period to close February 10, 1981. FDA received several requests for an extension of the comment period because of the complexity of the proposed rule and its potential impact on the device industry.

FDA agrees that the proposal is complex and potentially far reaching and believes that additional time for the preparation and submission of meaningful and carefully proposed comments is in the public interest. The agency, therefore, finds in accordance with section 520(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(d)(2)) that good cause exists to grant, and is granting, a 60-day extension of the comment period to April 13, 1981.

Dated: February 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5277 Filed 2-11-81; 11:54 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 26a

Proposed Forms 706-B, Generation-Skipping Transfer Tax Return; Instructions for Form 706-B; Form 706-B(1), Information Return by Trustee for Taxable Distribution or Termination From a Generation-Skipping Trust; Form 706-B(2), Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of proposed forms.

SUMMARY: The Internal Revenue Service is proposing for public comments three new forms for reporting the generation-skipping transfer tax (Forms 706-B, 706-B(1), and 706-B(2)). The Service, after considering all comments and suggestions, will adopt the proposed forms in 1981, with any appropriate changes resulting from the comments.

DATE: Written comments and suggestions should be mailed or delivered by April 3, 1981.

ADDRESS: Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Siegerist, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone (202) 566-4349 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: Form 706-B is to be used by the public to report generation-skipping transfers and to compute the tax imposed on these transfers by Chapter 13 of the Internal Revenue Code. Form 706-B(1) is completed by trustees to provide information to the Service about distributions and terminations. Form 706-B(2) is completed by the trustee and given to the distributee. It provides the information the distributee needs to complete Form 706-B for a distribution and is attached to the Form 706-B.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Gerald G. Portney,

Assistant Commissioner (Technical).

BILLING CODE 4830-01-M

Department of the Treasury
Internal Revenue Service

Instructions for Form 706-B
(December 1980)

Generation-Skipping Transfer Tax Return

(References are to the Internal Revenue Code unless otherwise noted)

For "Privacy Act" notice, see the Instructions for Form 1040.

General Instructions

Purpose of Form

Form 706-B is used by trustees or distributees of generation-skipping trusts or trust equivalents to figure the tax on generation-skipping transfers.

Definitions

A **generation-skipping trust** is any trust that has younger generation beneficiaries who are assigned to more than one generation.

A **generation-skipping trust equivalent** is any arrangement which, although not a trust, has substantially the same effect as a generation-skipping trust. For example, life estates and remainders, estates for years, insurance and annuities, and split-interests are generation-skipping trust equivalents.

A **generation-skipping transfer** is a taxable distribution or taxable termination that relates to a generation-skipping trust.

A distribution is taxable when distributions made during the tax year of the trust exceed the amount of trust income (within the meaning of section 643(b)) and all or a part of the distributions are to a beneficiary who is assigned to a generation younger than that of one or more other younger generation beneficiaries. For this purpose, an individual who at no time has had anything other than a future interest or future power in the trust is not a younger generation beneficiary. If the transfer is subject to estate or gift tax it is not a taxable distribution.

A termination is taxable when the interest or power of any younger generation beneficiary who is assigned to a generation older than the generation assignment of any other younger generation beneficiary terminates. This usually happens because of death, passage of time, or exercise or non-exercise of a power in a generation skipping trust. Generally, a taxable termination doesn't occur until the present interest or power of the last member of the older generation of beneficiaries has terminated. The termination of the interest or power of a beneficiary who had only a future power or future interest in a generation-skipping trust is not taxable. If the termination is subject to estate or gift tax, it is not a taxable termination.

Distributee

In the case of a taxable distribution, the distributee is the person who receives the distribution or has it applied for his or her benefit. In the case of a taxable termination which terminates the trust, the transferee is the person who receives the property. If the property remains in the trust after a taxable termination and it is unclear from the will or trust instrument who the transferee is, then, except as provided in the regulations, the property will be considered received pro rata by all beneficiaries of the trust according to how much each of them would receive under a maximum exercise of discretion on their behalf. For purposes of the preceding sentence, it is presumed that the discretion will be exercised per stirpes, unless otherwise stated. Per stirpes means that a class or group of distributees take the share that their deceased ancestor would have been entitled to, taking it by their right of representing the ancestor.

Which Transfers Are Subject to Tax

The generation-skipping transfer tax applies to any generation-skipping transfer that occurs after June 11, 1976, except to:

(1) A transfer, if the deemed transferor is a nonresident alien, unless the property transferred would be subject to estate or gift tax if the alien had made an outright bequest or gift of it.

(2) A transfer made under a trust that was irrevocable on June 11, 1976, but only to the extent that the transfer was not made out of corpus added to the trust after that date.

Or

(3) A transfer made under any other trust created before June 12, 1976 (or established under a will made before June 12, 1976), which becomes irrevocable because a decedent dies before January 1, 1982, provided that the document in existence on June 11, 1976, was not amended in any way that would create or increase the amount of a generation-skipping transfer.

If an individual was mentally disabled on June 11, 1976, and not able to change the disposition of his or her property, then the document must become irrevocable by the later of (1) January 1, 1982, or (2) the date that is 2 years after the date on which the individual regains his or her competence to dispose of the property.

Determining the Generation of a Beneficiary

A beneficiary is any person who has a present or future interest or power in the trust. A younger generation beneficiary is any beneficiary who is assigned to a generation younger than the grantor's generation. A person is a younger generation beneficiary for a generation-skipping transfer only if he or she was a younger generation beneficiary immediately before the generation-skipping transfer, or in the case of a series of related transfers, only if such person was a younger generation beneficiary of the trust immediately before the first of such transfers.

A person is considered to have an interest in the trust if he or she has the right to receive income or corpus from the trust or is a permissible recipient of the income or corpus.

A person has a power in the trust if he or she has the power to establish or alter beneficial enjoyment of the trust assets. A person is not considered to have a power in the trust if (1) or (2) below applies.

(1) He or she has only the power to dispose of the corpus of the trust or income from it to a beneficiary or a class of beneficiaries who are lineal descendents of the grantor and who are assigned to a generation younger than the generation of that person.

(2) He or she meets all of the following conditions:

(a) Is a trustee who has no interest in the trust (other than as a potential appointee under a power of appointment held by another).

(b) Does not have any present or future power in the trust other than a power to dispose of the corpus of the trust or the income from it to a beneficiary or a class of beneficiaries designated in the trust instrument.

(c) Is not a related or subordinate trustee.

A related or subordinate trustee is a trustee who is assigned to a younger generation than the grantor and who is also one or more of the following:

(1) The spouse of the grantor or of any beneficiary.

(2) The father, mother, lineal descendant, brother, or sister of the grantor or of any beneficiary.

(3) An employee of a corporation in which the grantor, the trust, and the trust beneficiaries have significant voting control in terms of stockholdings.

(4) An employee of a corporation in which the grantor or any beneficiary of the trust is an executive.

(5) A partnership in which the grantor, the trust, and the trust beneficiaries have significant (from the viewpoint of operating control, or distributive share of partnership income) interest.

(6) An employee of a partnership in which the grantor or any beneficiary of the trust is a partner.

(7) An employee of the grantor or of any beneficiary.

Generally, a generation is determined along family lines as follows:

(1) A lineal descendant of a grandparent of a grantor is assigned to the generation that results from subtracting the number of generations between the grandparent and the descendant from the number of generations between the grandparent and the grantor.

(2) A person who at any time was married to a person described in (1) above is assigned to the generation of that person. A person who was at any time married to the grantor is assigned to the grantor's generation.

(3) A relationship by adoption or half-blood is treated as a relationship by blood.

(4) A person who is not assigned to a generation according to (1), (2), or (3) above is assigned to a generation based on his or her birth date as follows:

(a) A person who was born not more than 12½ years after the grantor is in the grantor's generation.

(b) A person born more than 12½ years, but not more than 37½ years, after the grantor is in the first generation younger than the grantor.

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(c) Similar rules apply for a new generation every 25 years.

If more than one of the rules for assigning generations applies to a beneficiary, that beneficiary is generally assigned to the youngest of the generations that would apply.

If an estate or trust, partnership, corporation, or other entity (other than certain organizations and trusts described in section 511(a)(2) and 511(b)(2)) is a beneficiary, then each person who has an indirect interest or power in the generation-skipping trust through the entity is treated as a beneficiary of the trust and is assigned to a generation as explained in the above rules.

Who Must File

A generation-skipping transfer tax return must be filed for every generation-skipping transfer for each deemed transferor. A return is required even though no tax is due for any reason, including the exclusion for property transferred to the grantor's grandchildren or the allowance of credits.

The return must be filed by:

(1) The distributee (as defined in the definitions above) in the case of a taxable distribution. The distributee is a younger generation beneficiary who actually received money or property (or has money or property applied for his or her benefit) from a generation-skipping trust or trust equivalent.

(2) The trustee in the case of a taxable termination. If there is more than one trustee, any one of them may file. Show on the return the name of any trustee who does not join in filing the return. Pay the entire amount of the tax due when you send in the return.

(3) The guardian of the distributee's property if the distributee is legally incompetent or otherwise incapable of making the return. If no guardian has been appointed, the person who has control of the distributee's property must file the return.

(4) The personal representatives of the distributee if the distributee dies after the transfer occurs but before filing the required return.

(5) All distributees with the same deemed transferor if the distributees receive an interest or power jointly, or simultaneously receive other undivided interests in property. If any distributee does not join in filing the return, the remaining distributees must file a return for the entire transfer. The return should identify the distributees not joining in the return and the interests passing to those distributees. The tax must be figured on the entire transfer and the distributees making the return must pay the tax in full, unless their liability (as determined under Liability for the Tax) is less than that amount. In that case, they must pay an amount equal to their full liability.

(6) The distributee in the case of a trust equivalent.

(7) Except as provided in the regulations, those persons having an interest or power in an entity which receives a distribution from a trust.

(8) A minor or the guardian of a minor, or other person charged with the care of the minor, or his or her property, if the distributee required to make the return is a minor.

(9) An agent, if the person liable for filing the return is unable to do so because of disease, injury, illness, or absence from the country. The agent should attach a statement fully explaining why the principal is unable to make the return. Mere convenience is not sufficient reason for authorizing an agent to make the return. If an agent makes the return, the principal must ratify it, within a reasonable time after becoming able to do so, by filing a statement, signed under penalties of perjury, with the Internal Revenue Service office where the agent filed the return. The statement must state specifically that the principal has carefully examined the return and ratified it. Failure to ratify invalidates the agent's return.

When to File

Except as provided below, if the taxable distribution or termination occurs before the death of the deemed transferor, you must file the return within 6 months after the end of the trust's tax year (in the case of a trust equivalent, within 6 months after the end of the deemed transferor's tax year in which the transfer occurred).

If the taxable distribution or termination occurs in the same tax year as the deemed transferor's death, you must file the return on or before the later of the dates prescribed in 1 or 2 below.

(1) on or before the date which is 6 months after the end of the tax year of the trust (or in the case of a trust equivalent, on or before the date which is 6 months after the end of the distributee's tax year;

(2) 6 months after the last day allowed for filing an estate tax return (including extensions) for the deemed transferor.

If the termination is considered, under section 2613(b), to occur later than it actually does, figure the time for filing the return from the date on which the transfer is considered to occur.

If you need an additional extension of time to file, you must apply for it on **Form 4768**, Application for Extension of Time to File U.S. Estate Tax Return and/or Pay Estate Tax.

Where to File

Please mail the return to the Internal Revenue Service Center where you would file an estate or gift tax return for the deemed transferor. If the return is for a nonresident citizen, mail it to the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19255.

If your legal residence, principal place of business, office or agency is located in	Use this address
New Jersey, New York City and counties of Nassau, Rockland, Suffolk, and Westchester	Holtsville, NY 00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Andover, MA 05501
District of Columbia, Delaware, Maryland, Pennsylvania	Philadelphia, PA 19255
Alabama, Florida, Georgia, Mississippi, South Carolina	Atlanta, GA 31101
Michigan, Ohio	Cincinnati, OH 45999
Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Texas	Austin, TX 73301
Alaska, Arizona, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Ogden, UT 84201
Illinois, Iowa, Missouri, Wisconsin	Kansas City, MO 64999
California, Hawaii	Fresno, CA 93888
Indiana, Kentucky, North Carolina, Tennessee, Virginia, West Virginia	Memphis, TN 37501

Liability for Tax

Generally, if the generation-skipping transfer tax is not paid when due, and a trustee is required to file the return, then every trustee is liable for any part of the tax on a taxable termination and the distributee of the property is liable for the tax whether or not the distributee is required to file the return.

However, if the trustee receives information about tax rates from the Internal Revenue Service, the trustee is not liable for any increase in the tax that results from applying to the transfer any information relating to the tax rates that are more than those given by the Internal Revenue Service. The trustee is also not liable for any increase in the tax that results from the fact that the amount given by the Internal Revenue Service as the amount of the exclusion for a transfer to the grantor's grandchild, which may reasonably be expected to remain for the deemed transferor, is less than the amount of the exclusion actually remaining for the deemed transferor.

These limits on liability apply only if all the required information the trustee furnished to the Service was accurate and correct. An increase in tax based on a higher property valuation than that claimed by the trustee is, for example, the result of inaccurate information and therefore the trustee is liable for any increase of tax.

The distributee of the property is liable for the tax to the extent of the fair market value (at the time of the distribution) of the property he or she receives in the distribution.

Lien on Property

The tax imposed by section 2601 is a lien on all property transferred in a generation-skipping transfer until the tax is fully paid or the statute of limitations expires. The lien attaches at the time of the generation-skipping transfer and is in addition to the lien for taxes under Code section 6321. When property passes to more than one transferee in a simultaneous transfer which has the same deemed transferor, the property passing to each transferee is liable for the full amount of tax on the entire transfer.

Request for Information

Before filing a generation-skipping transfer tax return, a trustee or distributee may ask the Internal Revenue Service to supply a statement showing the following items, if they apply:

(1) The amount of the deemed transferor's adjusted taxable gifts within the meaning of section 2001(b) as modified by section 2001(e).

(2) The amount of the deemed transferor's taxable estate and estate tax on it before allowance of any credits.

(3) The amount of earlier generation-skipping transfers for the deemed transferor.

(4) The amount of earlier generation-skipping transfers that occurred within 3 years before the deemed transferor's death and the amount of the generation-skipping transfer tax paid on these transfers.

(5) The amount of generation-skipping transfer tax, before the allowance of any credits for earlier generation-skipping transfers.

(6) The amount of State death tax credit allowed on the deemed transferor's estate tax return and the amount of State death tax credit allowed on earlier generation-skipping transfer tax returns.

(7) The amounts necessary to complete Schedule F, Credit for Tax on Prior Transfers. Please specify exactly the information needed.

(8) The amount of exclusion for a transfer to a grandchild of the grantor which is expected to remain available for the deemed transferor.

(9) The amount of taxable distributions that occurred during the same tax year and that were made from other trusts with the same deemed transferor.

(10) For distributions that occurred within 3 years before the deemed transferor's death, the amounts from Form 706-B(1), line 22, column (e), for each distribution.

(11) Any other information that may be needed to complete Form 706-B. The request for information must:

- Be in the form of a letter addressed to the IRS office with which an estate or gift tax return for the deemed transferor would be filed. It should be filed at least 90 days before the due date of the generation-skipping transfer tax return. If you file the request less than 90 days before the due date of the return, the failure of the Service to supply the requested information before the due date of the return will not be considered to be reasonable cause for not filing the return or not paying the tax on time.
- Include the names and taxpayer identification numbers of the deemed transferor and the grantor.
- State whether or not the deemed transferor was alive at the time of the transfer. If the deemed transferor was not living, give the date of death.
- List the specific information requested from IRS.
- Include a copy of the appointment in the case of a trustee or other agent, or a description of the interest received in the case of a distributee.
- Give the date Form 706-B is due.

When you file the generation-skipping transfer tax return, attach a copy of all information furnished by the Internal Revenue Service.

Amended Return

If a deemed transferor dies within 3 years after a generation-skipping transfer has occurred, an amended return must be filed of the transfer. The due date for the amended return is determined under the section entitled "When to File". For this purpose, the transfer is treated as having occurred at death.

If you are filing an amended return, enter on line 15 of the Tax Computation the total tax, previously paid by the person filing this return, on transfers within that 3-year period.

Information Return

The trustee must file Form 706-B(1) for a taxable distribution or taxable termination. In the case of a taxable distribution, the trustee must give a completed Form 706-B(2) to each distributee. File Form 706-B(1) with the Internal Revenue Service office where the distributee will file Form 706-B. The distributee must attach Copy A of Form 706-B(2) to the Form 706-B he or she files.

General Information

Line 7(a).—Form 706-B may be filed for either a termination or a distribution. The same Form 706-B may not be filed for both. Usually the trustee is required to file the return for a termination and the distributee is required to file the return for a distribution. However, in the case of a trust equivalent the distributee may be required to file returns for both a termination and a distribution. In this case separate returns must be filed. If you check "a termination," complete the return as outlined in "Terminations" below. If you check "a distribution," complete the return as outlined in "Distributions" below.

Line 7(c).—See the instructions for "Terminations" below.

Line 8.—Explain how the deemed transferor was determined. The deemed transferor is the parent of the transferee who is more closely related to the grantor of the trust than the other parent. However, if the parent is not a younger generation beneficiary of the trust and there is another ancestor (grandparent, etc.) of the transferee who is related by blood or adoption, but not by marriage, to the grantor of the trust and who is a younger generation beneficiary of the trust, then the youngest such ancestor is considered the deemed transferor.

If the trust is created for the benefit of an employee, friend or other person not in the grantor's family, the deemed transferor is the parent of the transferee who has the closest relationship to the grantor.

Distributions

If you are filing Form 706-B for a distribution, the trustee must provide you with Form 706-B(2) which contains some of the information needed to complete your Form 706-B. If you need additional information, you should request it from the Service as outlined above. **If you received more than one Form 706-B(2),** except as provided in the following paragraph, you must file a separate Form 706-B for each Form 706-B(2) you receive. The filing dates for these Forms 706-B are outlined above under "When to File."

You may combine the distributions reported on more than one Form 706-B(2) if all of the following requirements are met:

1. The trusts filing the Forms 706-B(2) have the same tax year.
2. The distributions have the same deemed transferor.
3. The distributions were made in the same tax year.

The instructions for Schedule A, Part II, below, describe how to combine these distributions into a single Form 706-B.

Complete the following parts of Form 706-B in the order listed:

1. Schedule A, Parts II and III;
2. Schedules B and D (if applicable);
3. Line 6 of Additional Information;
4. The Recapitulation;
5. Schedules E and F (if applicable);
6. The Tax Computation.

Terminations

You must complete Form 706-B(1) before completing Form 706-B. If the deemed transferor died during the trust's tax year, you may have to file two Forms 706-B for that year as outlined below. If the deemed transferor did not die during the trust's tax year, you may file a single Form 706-B combining all the terminations that have the same deemed transferor during that tax year.

You must file two Forms 706-B for the tax year if the deemed transferor died during the tax year and if your Form 706-B (1) reports terminations in both (1) lines 11(b) and (2) either line 11(a) or line 11 (c). Both Forms 706-B are due at the same time. On the first Form 706-B, check the "first" box of line 7(c), General Information. On Schedule A of the first Form 706-B, enter the terminations from line 11(b) of Form 706-B(1). Complete the first Form 706-B as outlined below. On the second Form 706-B, check the "second" box of line 7(c), General Information. On Schedule A of this second Form 706-B, enter the terminations from lines 11(a) and 11(c) of Form 706-B(1). Complete the second Form 706-B as outlined below. Note the special instructions for line 7 of the Recapitulation.

Complete the following parts of Form 706-B in the order listed:

(1) Schedule A, Parts I and III,

(2) Schedules B, C, and D (if applicable);

(3) Additional Information items 1–6;

(4) Recapitulation;

(5) Schedules E and F (if applicable);

(6) Tax Computation.

Rounding Off to Whole-dollar Amounts

You may round off cents to the nearest whole-dollar on your return and schedules. But, if you do round off, do so for all amounts. You can drop amounts under 50 cents. Increase amounts from 50 cents to 99 cents to the next dollar.

Schedule A

Generally, the value of the generation-skipping transfer is the fair market value of the transferred property on the date of the transfer. However, if the transfer occured within three years before the date of the deemed transferor's death, the value is the fair market value of the transferred property on the date of the deemed transferor's death. The instructions for Form 706, United States Estate Tax Return, include rules for determining the fair market values of different types of property.

If the value of the transferred property is adjusted for an unusual order of termination or reduced for an earlier generation-skipping transfer tax (see section 2613(b)), include the computation of the value in the space for the description of the special circumstances at the top of Schedule A. If you need more space, attach additional sheets the same size as Schedule A.

In the following cases the trustee may choose to value all the property transferred using the alternate valuation rules for estate tax purposes:

(1) One or more taxable terminations with the same deemed transferor that occur at the same time as the death of the deemed transferor (or at the same time as the death of a beneficiary of the trust assigned to a higher generation than the deemed transferor).

(2) One or more taxable terminations from the same trust with different deemed

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transferors that occur on the same day and would, except for section 2613(b)(2), have occurred at the same time as the death of the deemed transferors.

Part I

Complete this part only for terminations. Enter each termination as reported on Form 706–B(1).

Line (b). If you checked the "first" box on line 7(c) of General Information, enter "–0–" on line (b).

Part II

Complete this part only for distributions. See the instructions for "Distributions" above for a description of when you may combine the information from more than one Form 706–B(2) on Part II.

Line (a). If you are reporting information from more than one Form 706–B(2), add the amounts on all the lines 13 of Form 706–B(2) and enter the total onto line (a).

Line (b). If you are reporting information from more than one Form 706–B(2), you must compute the percentage to enter on line (b). First add the amounts on all the lines 9b of Form 706–B(2). Then divide this total by the total of all the lines 13 of Form 706–B(2) (which you entered in line (a) of this Schedule A as described above). Enter the resulting percentage onto line (b) of Schedule A, and attach a sheet showing these computations.

Part III

Complete Part III for either terminations or distributions. Figure the amount of tax to enter on line (b) of Part III of Schedule A using an interrelated computation. Publication 904, Computing the Interrelated Charitable, Marital, and Orphan's Deductions and Net Gifts, contains examples that illustrate the trial and substitution method and the algebraic method. Publication 904 also has instructions about requests for computation assistance from IRS.

Schedule B—Expenses and Losses

If a generation-skipping transfer occurs at the same time as the deemed transferor's death or after it, the following deductions are allowed:

(1) For a taxable termination, the expense and loss items (sections 2053 and 2054). These are allowed to the extent these items would have been deductible if the amount of the generation-skipping trust were includible in the deemed transferor's estate and if the deemed transferor had died immediately before the transfer.

(2) For a taxable distribution, expenses incurred in connection with the determination, collection, or refund of a generation-skipping transfer tax.

Schedule C—Charitable Deductions

Either the estate or gift tax charitable deduction is allowed in figuring the generation-skipping tax, if part of the property passes to charity. For provisions relating to the effect of a disclaimer, see section 2518.

Schedule D—Unified Credit

If the generation-skipping transfer occurs at the same time as the death of the deemed transferor or after it, then you may take any unused portion of the deemed transferor's unified credit against tax as a credit against the generation-skipping tax, but not more than the amount of the tax.

Additional Information

Line 4.—You may elect alternate valuation only for terminations reported on Form 706–B(1), Part I, line 11(b). If you are making the election, check the "Yes" box on line 4. For all other terminations and for all distributions, check the "No" box.

Line 6.—If you are excluding any transfers to grandchildren of the grantor as explained below, enter on line 6, each grandchild's name, social security number, and the amount of exclusion deducted for the grandchild.

Recapitulation

Line 4.—Except as provided below, transfers to a grandchild of the grantor of the trust are not considered taxable distributions or terminations. Enter the total amount deducted for the grandchild exclusion for this deemed transferor. The total deduction for all grandchildren cannot be more than $250,000 for each deemed transferor. The deduction is applied to transfers from one or more trusts in the order in which the transfers are made.

Line 7.—Enter the net value of all earlier generation-skipping transfers for this deemed transferor. To figure the net value, add the amounts from the Recapitulation schedule, line 6, of the Forms 706–B filed for the deemed transferor for the earlier years. If you checked the "second" block on line 7(c), as described in the instructions above, include on Recapitulation line 7 of this second Form 706–B the amount from the Recapitulation, line 6 of the first Form 706–B you filed for this year.

Schedule E

Generally, if the generation-skipping transfer occurs at the same time as the deemed transferor's death, or after it, you may take a credit for any State or D.C. death taxes actually paid to the extent these taxes are levied on the generation-skipping transfer.

If you claim the credit, send the following evidence to the Internal Revenue Service:

(1) Certificates of the proper officer of the taxing State, or the District of Columbia, showing: a) the total amount of tax imposed (before adding interest and penalties and before allowing discount); b) the amount of discount allowed, c) the amount of penalties and interest imposed or charged; d) the total amount actually paid in cash; and e) the date of payment.

(2) Any additional proof that the Internal Revenue Service may specifically request.

Please send the evidence listed in (1) above when you file the return. If that is not convenient, send it as soon after that as possible.

Schedule F—Credit for Tax on Prior Transfers

You may take a credit against generation-skipping transfer tax for tax on prior transfers if estate tax was imposed on the creation of the trust and, within 10 years after the trust was created, the generation-skipping transfer tax is imposed on the death of the deemed transferor.

Figure the credit as if the property that is subject to the generation-skipping transfer tax and that was not considered in figuring the credit for tax on prior transfers on the deemed transferor's estate tax return had been transferred from the grantor to the deemed transferor.

Example. Assume the grantor establishes a testamentary trust for his nephew for life with the remainder to the nephew's son. The value of the nephew's life estate (as determined using Table A(1) in section 20.2031–10 of the Regulations) is considered in figuring the credit for tax on prior transfers on the nephew's Form 706, United States Estate Tax Return. The value of the remainder interest for the nephew's son (the value of the trust at the grantor's death minus the value of the nephew's life estate) is not considered in figuring the credit for tax on prior transfers on the nephew's Form 706. This value of the remainder interest for the nephew's son is entered on line 1 of Schedule F on the nephew's Form 706–B, Generation-Skipping Transfer Tax Return.

The percent of the maximum amount that is allowed as a credit depends on the number of years between the date of the grantor's death and the date of the transfer according to the following table:

Period of time exceeding	Not exceeding	Percent allowable
——	2 years	100
2 years	4 years	80
4 years	6 years	60
6 years	8 years	40
8 years	10 years	20
10 years	——	none

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Table A

Unified Rate Schedule

Column A Taxable amount over	Column B Taxable amount not over	Column C Tax on amount in column A	Column D Rate of tax on excess over amount in column A
			(Percent)
0	$10,000	0	18
$10,000	20,000	$1,800	20
20,000	40,000	3,800	22
40,000	60,000	8,200	24
60,000	80,000	13,000	26
80,000	100,000	18,200	28
100,000	150,000	23,800	30
150,000	250,000	38,800	32
250,000	500,000	70,800	34
500,000	750,000	155,800	37
750,000	1,000,000	248,300	39
1,000,000	1,250,000	345,800	41
1,250,000	1,500,000	443,300	43
1,500,000	2,000,000	555,800	45
2,000,000	2,500,000	780,800	49
2,500,000	3,000,000	1,025,800	53
3,000,000	3,500,000	1,290,800	57
3,500,000	4,000,000	1,575,800	61
4,000,000	4,500,000	1,880,800	65
4,500,000	5,000,000	2,205,800	69
5,000,000	.....	2,550,800	70

Table B

Maximum Unified Credit Against Tax

For deemed transferors dying—	The credit is—
in 1977	$30,000
in 1978	34,000
in 1979	38,000
in 1980	42,500
after 1980	47,000

Table C

Computation of Maximum Credit for State Death Taxes

Amount equal to or more than— (1)	Amount less than— (2)	Credit on amount in column (1) (3)	Rate of credit on excess over amount in column (1) (4)
			(Percent)
0	$40,000	0	None
$40,000	90,000	0	0.8
90,000	140,000	$400	1.6
140,000	240,000	1,200	2.4
240,000	440,000	3,600	3.2
440,000	640,000	10,000	4.0
640,000	840,000	18,000	4.8
840,000	1,040,000	27,600	5.6
1,040,000	1,540,000	38,200	6.4
1,540,000	2,040,000	70,800	7.2
2,040,000	2,540,000	106,800	8.0
2,540,000	3,040,000	146,800	8.8
3,040,000	3,540,000	190,800	9.6
3,540,000	4,040,000	238,800	10.4
4,040,000	5,040,000	290,800	11.2
5,040,000	6,040,000	402,800	12.0
6,040,000	7,040,000	522,800	12.8
7,040,000	8,040,000	650,800	13.6
8,040,000	9,040,000	786,800	14.4
9,040,000	10,040,000	930,800	15.2
10,040,000	.....	1,082,800	16.0

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Form **706-B**
(December 1980)
Department of the Treasury
Internal Revenue Service

Generation-Skipping Transfer Tax Return

(I.R.C. Chapter 13) (See separate instructions)
Tax year beginning ....., 19....., ending ....., 19.....

General Information

1a Name of deemed transferor	1b Date of death, if applicable	1c Social security number
2a Name of trustee	2b Employer identification number of trust	
3a Name of person filing return if different from line 2a		3b Social security number
3c Address of person filing return (Number and street including apartment number or rural route)		
3d City, town or post office, State and ZIP code		
4a Name of grantor	4b Date trust created (attach copy of trust instrument if not previously filed)	
5 Relationship of transferee to the deemed transferor	6 Relationship of transferee to grantor	
7a Is the return filed for (check the applicable box) ☐ a termination or ☐ a distribution	7b Date of termination, if applicable	7c This is the ☐ first ☐ second ☐ only termination return for this year (see instructions)

8 If the deemed transferor is not a parent of the transferee, explain how the deemed transferor was determined

9 If transferee is not a lineal descendant of grantor, explain how generations were determined

10 If this is a trust equivalent, use this space to describe the split-interest arrangement that causes treatment as a generation-skipping transfer trust and the event that caused the generation-skipping transfer

Tax Computation

Check this box ▶ ☐ if Internal Revenue Service supplied any information listed in General Instruction I and attach a copy of the information supplied.

1 Amount from line 6 of Recapitulation Schedule	1	
2 Amount from line 13 of Recapitulation Schedule	2	
3 Add amounts on lines 1 and 2	3	
4 Tentative tax on amount on line 3 from Table A in the instructions	4	
5 Tentative tax on amount on line 2 from Table A in the instructions	5	
6 Subtract line 5 from line 4	6	
7 Unified credit from line 6 of Schedule D	7	
8 Subtract line 7 from line 6	8	
9 Credit for tax on earlier transfers (from line 20 of Schedule F)	9	
10 Subtract line 9 from line 8	10	
11 Enter the percentage from Schedule A, Part I, line (d), (terminations) or Schedule A, Part II, line (b), (distributions), whichever applies	11	%
12 Multiply the amount on line 10 by the percentage on line 11	12	
13 Credit for State generation-skipping death taxes (from line 15 of Schedule E)	13	
14 Subtract line 13 from line 12	14	
15 Amount of generation-skipping transfer tax previously paid by the person filing this return for transfers listed on line 8 of the Recapitulation Schedule if this is the amended return filed for those transfers	15	
16 Tax due (subtract line 15 from line 14. If less than zero, enter zero.) ▶	16	

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer other than taxpayer is based on all information of which preparer has any knowledge.

Signature of taxpayer ▶ ..... Date ▶ .....

Signature of preparer other than taxpayer ▶ ..... Date ▶ .....

Address ▶

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Form **706-B** (12-80)

Form 706-B (12-80) Page 2

Name of deemed transferor: Name of person filing the return:

Additional Information

(Complete items 1 through 5 only for terminations; do not complete items 1 through 5 for distributions.)

1 If the return is filed for a termination, describe in this space the terminating power or interest.

2 Have any trust assets been loaned to any person without disclosing the loan to the Internal Revenue Service? . . ☐ Yes ☐ No
If "Yes," enter the amount of the loan, rate of interest, the security for the loan, and the name of person to whom the loan was made in this space.

3 Has there ever been a qualified disclaimer that relates to this trust that was not previously disclosed to the Internal Revenue Service? . . . . . ☐ Yes ☐ No
If "Yes," attach a copy of the written disclaimer required by section 2518(b) of IRC.

4 Do you elect the alternate valuation authorized by section 2602(d) of IRC? . . . . . ☐ Yes ☐ No

5 Enter the fair market value of the trust at the date of termination . . . . . .

6 If you deduct any of the $250,000 grandchild exclusion on line 4 of the Recapitulation Schedule, include the grandchild's name, social security number, and amount below:

Grandchild's name	Social security number	Amount of exclusion
Total ▶		

Recapitulation Schedule

Generation-skipping transfer:			
1 Enter the amount from Schedule A, Part III, line (c)			1
2 Expenses and losses (from Schedule B)	2		
3 Charitable deduction (from Schedule C)	3		
4 Amount of grandchild exclusion (not more than $250,000) if applicable	4		
5 Add lines 2, 3, and 4			5
6 Net value of generation-skipping transfer (subtract line 5 from line 1). Enter here and on line 1 of the Tax Computation on page 1			6
Other transfers by deemed transferor:			
7 Net value of all earlier generation-skipping transfers			7
8 If the transfers listed on Schedule A include any transfers that occurred within 3 years before the deemed transferor's death, enter the net value of earlier generation-skipping transfers (valued at the date of the transfer) that occurred within 3 years before the deemed transferor's death			8
9 Subtract line 8 from line 7			9
10 Adjusted taxable gifts within the meaning of section 2001(b) as modified by section 2001(e) (total amount of taxable gifts within the meaning of section 2503 made by deemed transferor after December 31, 1976, other than gifts which are includible in deemed transferor's gross estate)			10
11 Deemed transferor's taxable estate			11
12 If this return is for a taxable distribution, enter the amount of taxable terminations caused by reason of the deemed transferor's death. (This information is to be provided by the Service—see instructions)			12
13 Total (add amounts on lines 9, 10, 11, and 12). Enter here and on line 2 of the Tax Computation on page 1 ▶			13

(If you need more space, attach additional sheets of same size.)

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Form 706-B (12-80) Page 3

Name of deemed transferor: Name of person filing the return:

SCHEDULE A—Generation-Skipping Transfers

Part I Terminations

Date of transfer (and date it is considered to occur if different from date of actual transfer) ▶ .....
Describe any special circumstances that cause the transfer to be treated as occurring at other than the time it actually occurs, where applicable:

Item number	Description of transferred property	Alternate valuation date, if applicable	Alternate value	Value at the date of termination
1				
	Total . . . . . ▶			

(a) Enter the total taxable terminations from whichever column is applicable	(a)	
(b) If this part is for terminations listed on Form 706-B(1), Part I, line 11(b), or line 12, enter zero. If this return is for terminations listed on Form 706-B(1), Part I, line 11(a) or 11(c), enter here the amount on Form 706-B(1), Part II, line 31	(b)	
(c) Add line (a) and line (b)	(c)	
(d) Divide line (a) by line (c) and enter here as a percentage	(d)	%

Part II Distributions (Do NOT Use Part II if You Filled in Part I)

(a) Enter the total amount from Form 706-B(2), line 13	(a)	
(b) Enter the percentage from Form 706-B(2), line 14	(b)	%

Attach Form 706-B(2), copy A.

Part III Section 2613(a)(3) Adjustment

(a) Enter the amount from Part I, line (c), or Part II, line (a), whichever applies	(a)	
(b) Amount of generation-skipping transfer tax to be paid by trust or trust equivalent out of income or corpus as described in section 2613(a)(3)	(b)	
(c) Add lines (a) and (b). Enter here and on line 1 of the Recapitulation Schedule . . . . . ▶	(c)	

(If you need more space, attach additional sheets of same size.)

Schedule A
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Form 706-B (12-80) Page 4

Name of deemed transferor: Name of person filing the return:

SCHEDULE B—Expenses and Losses

Item number	Description	Amount
1		

Total. (Enter here and on line 2 of Recapitulation) . . . . . ▶

(If you need more space, attach additional sheets of same size.)

Schedule B
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Form 706-B (12-80) Page 5

Name of deemed transferor: Name of person filing the return:

SCHEDULE C—Charitable Deduction (Applicable Only to Terminations)

Did any property pass to charity as the result of a qualified disclaimer? . . . . . ☐ Yes ☐ No

Item number	Name and address of beneficiary	Type of institution	Amount
1			
Total			
Less: (a) Generation-skipping transfer tax payable out of above-listed property interests			
(b) Other taxes payable out of above-listed property interests			
Total. Add lines (a) and (b)			
Net value. (Enter here and on line 3 of Recapitulation) ▶			

(If you need more space, attach additional sheets of same size.)

Schedule C

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Form 706-B (12-80) Page 6

Name of deemed transferor: Name of person filing the return:

SCHEDULE D—Unified Credit

1 Amount of unified credit from Table B in instructions			1	
2 Adjustment to unified credit (20% of total amount allowed as a specific exemption under section 2521 (as in effect before its repeal by the Tax Reform Act of 1976) for gifts made by the deemed transferor after September 8, 1976)	2			
3 Amount of deemed transferor's estate tax computed before the allowance of any credits	3			
4 Total amount of earlier generation-skipping transfer taxes computed before the allowance of any credits (for the transfers included on line 9 of the Recapitulation Schedule)	4			
5 Add lines 2, 3, and 4			5	
6 Subtract line 5 from line 1 (but not less than zero). Enter here and on line 7 of the Tax Computation on on page 1 ▶			6	

Schedule D

SCHEDULE E—Credit for State Generation-Skipping Death Taxes

1 State generation-skipping death taxes levied on generation-skipping transfers. NOTE: If this is a distribution, enter only the amount paid by the distributee filing this return			1	$
2 Amount from line 3 of Tax Computation on page 1 of this return			2	
3 Adjusted taxable gifts from line 10 of Recapitulation Schedule	3			
4 Net value of earlier generation-skipping transfers that occurred more than 3 years before the death of the deemed transferor	4			
5 Add $50,000	5	60,000.00		
6 Add lines 3, 4, and 5			6	
7 Subtract line 6 from line 2			7	
8 Compute State death tax credit on amount on line 7 using Table C in instructions			8	
9 Amount of State death tax credit allowed on deemed transferor's Federal estate tax return	9			
10 Total amount of State generation-skipping death tax credits allowed on earlier generation-skipping transfer tax returns	10			
11 Add lines 9 and 10			11	
12 Subtract line 11 from line 8			12	
13 Enter the percentage from Schedule A, Part I, line (d), (terminations), or Schedule A, Part II, line (b), (distributions), whichever applies			13	%
14 Multiply line 12 by the percentage on line 13			14	
15 Enter smaller of line 1 or line 14 here and on line 13 of the Tax Computation on page 1 ▶			15	

Schedule E

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Form 706-B (12-80) Page 7

Name of deemed transferor: Name of person filing the return:

SCHEDULE F—Credit for Tax on Prior Transfers

Name of grantor	Date of grantor's death
Internal Revenue Service office where grantor's estate tax return was filed	Grantor's social security number

Part I Grantor's Tax on Prior Transfers

1 Net value of transfers (not previously considered in determining tax on earlier transfer credit in deemed transferor's estate tax return or on earlier generation-skipping transfer tax returns)	1	
2 Value of grantor's estate (adjusted according to the instructions for Form 706, Schedule Q, line 2)	2	
3 Tax on grantor's estate (adjusted according to the instructions for Form 706, Schedule Q, line 3)	3	
4 Grantor's tax on earlier transfers (proportion of line 3 which line 1 bears to line 2)	4	

Part II Deemed Transferor's Tax on Prior Transfers (Determined as if the Generation-Skipping Transfers Had Been Part of the Deemed Transferor's Gross Estate)

5 Deemed transferor's hypothetical estate tax (determined as if all generation-skipping transfers had been part of the deemed transferor's gross estate) after the allowance of all credits other than the credit for prior transfer tax	5	
6 Deemed transferor's reduced gross estate (hypothetical gross estate minus net value of all prior transfers that qualify either under section 2602(c)(4) or under section 2013)	6	
7 Deemed transferor's deductions (adjusted according to the instructions for Form 706, Schedule Q, line 7)	7	
8 Deemed transferor's reduced taxable estate (subtract amount on line 7 from amount on line 6)	8	
9 Enter amount of adjusted taxable gifts from line 10 of Recapitulation Schedule	9	
10 Add line 8 and line 9	10	
11 Tax on line 10	11	
12 Total gift taxes payable for gifts by deemed transferor after December 31, 1976, including gift taxes paid by deemed transferor's spouse for split gifts (section 2513) if deemed transferor was the donor of such gifts and they are includible in the gross estate	12	
13 Subtract line 12 from line 11	13	
14 Amount of unified credit plus credits for State death tax, gift tax, and foreign death tax that would be allowable if the gross estate were the amount on line 6 and the deductions were those used in determining the amount on line 7	14	
15 Subtract line 14 from line 13 (if less than zero, enter zero)	15	
16 Subtract line 15 from line 5 (if less than zero, enter zero)	16	
17 Deemed transferor's tax on prior transfers (proportion of line 16 which line 1 bears to net value of all prior transfers that qualify either under section 2602(c)(4) or under section 2013)	17	

Part III Credit Allowable

18 Maximum amount before application of percentage requirement (line 4 or line 17, whichever is smaller)	18	
19 Percent allowable is ..... (See Table in the specific instructions for Schedule F.)		
20 Credit allowable (multiply line 18 by percentage on line 19). Enter here and on line 9 of the Tax Computation on page 1 ▶	20	

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Schedule F
343-324-1

Form **706-B(1)** (December 1980)
Department of the Treasury
Internal Revenue Service

Information Return by Trustee for Taxable Distribution or Termination From a Generation-Skipping Trust

Tax year beginning ..... 19 ..., ending 19

1 Name of deemed transferor		2 Social security number
3 Name of person filing this return		4 Employer identification number of trust
5 Address of person filing this return (number and street, city, State, and ZIP code)		

	Yes	No
6 Does this return include taxable distributions or terminations that occurred within 3 years before the deemed transferor's death?		
If "Yes," enter the date of the deemed transferor's death ▶		
7 Has the trust ever loaned any of its assets to any person without disclosing the loan to the IRS?		
If "Yes," enter the amount, interest rate, security for the loan, and name of person in this space ▶		
8 Has there ever been a qualified disclaimer relating to this trust that was not previously disclosed to the IRS?		
If "Yes," attach a copy of the written disclaimer required by section 2518 of the Internal Revenue Code.		
9 Enter the fair market value of the trust at the end of the tax year ▶		
10 Check whether this return is for:		
(a) ☐ Taxable terminations only (complete Part I, Terminations)		
(b) ☐ Taxable distributions only (complete Part II, Distributions)		
(c) ☐ Taxable terminations and distributions (complete Parts I and II)		

Part I Terminations

11 If the deemed transferor died during the current tax year, complete lines 11(a) through 11(c) below. Do not complete line 12.	Date (mo., day, yr.)	Value	Debts, Expenses and Losses	Charitable Deductions
(a) For terminations that occurred within 3 years before the date of death, enter the date of the termination and the fair market value of the transferred property on the date of death				
(b) For terminations caused by reason of the deemed transferor's death, enter the date of death and the fair market value of the transferred property on the date of death or on the alternate valuation date (if elected)				
(c) For terminations that occurred after the deemed transferor's death that were not caused by reason of the deemed transferor's death, enter the date of the termination and the fair market value of the transferred property on the date of the termination				
12 Do not complete this line if you completed line 11. If the deemed transferor did not die during the current tax year, enter the date of each termination and the fair market value of the transferred property on the date of the termination				

13 The grandchild exclusion that was or will be claimed with respect to the terminations listed above.

Grandchild's name	Date	Social security number	Amount of exclusion
Total ▶ 13			

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Form **706-B(1)** (12-80)

Part II Distributions

14 Distributions from the trust during this tax year (see instructions):

(a) Code	(b) Recipient's name	(c) Social security number	(d) Relationship to grantor	(e) Description of transferred property	(f) Fair market value of transferred property (see instructions)
A					
B					
C					
D					
E					

15 Do any of the recipients listed above have a different deemed transferor for this trust than the deemed transferor named on line 1? . . . . . Yes ☐ No ☐

If there was a termination during the tax year, figure section 643 income and taxable distributions for two short periods as explained in the instructions. Complete lines 16 through 23 for the first short period and lines 24 through 30 for the second short period. If there was no termination during the tax year, complete lines 16 through 22 for the entire tax year and do not complete lines 23 through 30.

16 Period for which lines 17 through 22 are completed:
☐ Full year ☐ Short period beginning ....., 19....., and ending ....., 19.....

17 Total section 643(b) income for full tax year (or first short period) 17

18 Distributions to charities during full tax year (or first short period) 18

19 Distributions to beneficiaries assigned to generations older than that of the transferees of this deemed transferor during this tax year 19

20 Add lines 18 and 19 20

21 Subtract line 20 from line 17 (but not less than zero) 21

22 Share of taxable distribution allocable to beneficiaries who are transferees of this deemed transferor.

(a) Code	(b) Date of transfer Month	Day	Year	(c) Value	(d) Percent	(e) Share of income	(f) Share of taxable distribution
Total . . . . . ▶				22(c)			22(f)

Do not complete lines 23 through 30 if you completed lines 17 through 22 for the full year. Instead, skip to line 31 and enter the total of line 22, column (f).

23 Excess section 643 income to be applied to the second short period (see instructions) 23

24 Period for which lines 25 through 30 are completed:
beginning ....., 19....., and ending ....., 19.....

25 Total of section 643(b) income for this short period and amount on line 23 25

26 Distributions to charities during this short period 26

27 Distributions to beneficiaries assigned to generations older than that of the transferees of this deemed transferor during this short period 27

28 Add lines 26 and 27 28

29 Subtract line 28 from line 25 (but not less than zero) 29

30 Share of taxable distribution allocable to beneficiaries who are transferees of this deemed transferor.

(a) Code	(b) Date of transfer Month	Day	Year	(c) Value	(d) Percent	(e) Share of income	(f) Share of taxable distribution
Total . . . . . ▶				30(c)			30(f)

31 Add line 22, column (f) and line 30, column (f) and enter here. If this amount is greater than zero, you must file a Form 706–B(2) for each distributee who received a taxable distribution 31

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer other than trustee is based on all information of which preparer has any knowledge.

Signature of trustee ▶ ..... Date ▶ .....

Signature of preparer other than trustee ▶ ..... Date ▶ .....

Address ▶

(If more space is needed, attach additional sheets of same size.) 343–304–1 Form **706–B(1)** (12–80)

General Instructions

For Privacy Act Notice, see the instructions for Form 1040.

Purpose of Form.—Form 706–B(1) is an information return that is completed by the trustee of a generation-skipping trust for taxable distributions and taxable terminations. In addition, a Form 706–B(1) must be filed even though the transfer is not taxable because of the grandchild exclusion. The information provided on Form 706–B(1) enables the Service to provide other trustees and distributees, whose transfers have the same deemed transferor, with enough information to complete their returns. In addition, the information provided in Part II, Distributions, enables the trustee to:

(1) Account for distributions made within 3 years of the deemed transferor's death and before the current tax year, as required by section 2603(e) of the Internal Revenue Code;

(2) Reduce the amounts distributed by the section 643(b) income, as required by section 2613(a) of the Code; and

(3) Figure the amount of taxable distributions made during the year to each distributee.

Who Must File.—The trustee must file Form 706–B(1) for terminations and distributions. The trustee need only file one Form 706–B(1) for younger generation beneficiaries who have the same deemed transferor.

When to File.—File the return by the fifteenth day of the third month following the end of the trust's tax year if the only transfers reported are distributions and terminations that occurred before the death of the deemed transferor. However, if you are reporting a distribution or termination that occurred in the tax year of the deemed transferor's death, file Form 706–B(1) by the later of the fifteenth day of the third month after the end of the trust's tax year or the fifteenth day of the third month following the last day allowed for filing the estate tax return.

Where to File.—File Form 706–B(1) with the Internal Revenue Service Center where an estate or gift tax return of the deemed transferor would be filed. The service center addresses are listed below. File the Form 706–B(1) for a nonresident citizen distributee with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, PA 19255.

If your legal residence, principal place of business, office or agency is located in	Use this address
New Jersey, New York City and counties of Nassau, Rockland, Suffolk, and Westchester	Internal Revenue Service Center Holtsville, NY 00501
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Internal Revenue Service Center Andover, MA 05501
District of Columbia, Delaware, Maryland, Pennsylvania	Internal Revenue Service Center Philadelphia, PA 19255
Alabama, Florida, Georgia, Mississippi, South Carolina	Internal Revenue Service Center Atlanta, GA 31101
Michigan, Ohio	Internal Revenue Service Center Cincinnati, OH 45999
Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Texas	Internal Revenue Service Center Austin, TX 73301
Alaska, Arizona, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Internal Revenue Service Center Ogden, UT 84201
Illinois, Iowa, Missouri, Wisconsin	Internal Revenue Service Center Kansas City, MO 64999
California, Hawaii	Internal Revenue Service Center Fresno, CA 93888
Indiana, Kentucky, North Carolina, Tennessee, Virginia, West Virginia	Internal Revenue Service Center Memphis, TN 37501

Form 706–B(2).—If line 31 of Form 706–B(1) is greater than zero, complete a Form 706–B(2) for each distributee. Give it to the distributee before the due date for filing Form 706–B(1). The distributee will need the information you supply on Form 706–B(2) to complete the Form 706–B he or she must file.

Specific Instructions

Part I—Terminations

Lines 11 and 12.—Complete line 11 if the deemed transferor died during the tax year. Complete line 12 if the deemed transferor did not die during the tax year. If you need more space to list terminations, attach a separate sheet to the return. Identify under which of the four categories each of the separately listed terminations was made. Be sure to include the separately listed terminations in the totals for lines 11 and 12.

List only debts, expenses, and losses that are actually paid or accrued at the time you complete this form. List the total debts, etc., for each termination. For more information on what debts, expenses, and losses are deductible, see Schedule B of Form 706–B.

Figure the charitable deduction as you would for Schedule C, Form 706–B. List the total charitable deduction for each termination.

Part II—Distributions

Line 14.—List all distributions from the trust during this tax year. Also include those transfers, for which a Form 706–B(1) was required to be filed, which were made during the 3 years before the deemed transferor's death to younger generation beneficiaries who are transferees of this deemed transferor.

Line 14, column (f).—If the distribution occurred within 3 years before or at the same time as the deemed transferor's death, enter the fair market value of the transferred property on the date of the deemed transferor's death. Otherwise, enter the fair market value of the transferred property on the date of transfer.

Line 16.—If there was no termination for the tax year, check the box marked "Full year." If, in addition to taxable distributions during the tax year of the trust, there if also a taxable termination, check the "Short period" box. You will need to first figure section 643(b) income and distributions for the short period before the termination and then for the short period after the termination.

If the termination was not the result of the deemed transferor's death, the first short period begins on the first day of the trust's tax year and ends on the day before the taxable termination occurs. The second short period begins the day the taxable termination occurs and ends on the last day of the tax year.

If the termination was the result of the death of a deemed transferor, the first short period ends immediately before the termination occurs and the second short period begins immediately after the termination occurs.

Lines 17 through 22.—Complete lines 17 through 22 only for distributions made in the short period (or full year) indicated on line 16. Do not include on lines 17 through 21 information pertaining to distributions made before the current tax year and reported on this form only because they were made during the 3 years before the deemed transferor's death.

Line 19.—Enter distributions made to beneficiaries assigned to generations older than those of the transferees of this deemed transferor. For example, if there are distributions out of trust income and out of trust corpus, treat the distributions to members of the oldest generation (the child of the grantor, for example) as made out of income, to the extent of the income. Treat the distributions to younger generations (the grandchild of the grantor, for example) as made out of any remaining income, and then out of corpus.

Line 22, column (a).—For each distribution the deemed transferor made to transferees during the current tax year and during the 3 years before the deemed transferor's death, enter the code letter from line 14, column (a) that corresponds to the name of the transferee.

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Line 22, column (b).—Enter the date of each transfer in column (b).

Line 22, column (c).—For distributions that occurred within 3 years before or at the same time as the deemed transferor's death, enter in column (c) the fair market value of the transferred property on the date of the deemed transferor's death. Otherwise, enter in column (c) the fair market value of the property on the date of transfer.

Line 22, column (d).—For those distributions that occurred in tax years before the current tax year and during the 3 years before the deemed transferor's death, leave column (d) blank. For those distributions that occurred during the current tax year, enter in column (d) the percentage obtained by dividing the amount on each line of column (c) by the total amount of those distributions in column (c) that occurred during the current year.

Line 22, column (e).—For those distributions that occurred before the current tax year and during the 3 years before the deemed transferor's death, enter in column (e) the amount from the corresponding line of the prior Form 706–B (1) that was filed for the distribution for the year it was made. For those distributions that occurred in the current tax year, multiply the amount on line 21 by the percentages in column (d), line 22 and enter the result in column (e), line 22.

Line 22, column (f).—Subtract the amounts in column (e) from the amounts in column (c). Enter the difference in column (f). If any column (e) amount is more than a column (c) amount, enter zero in column (f).

Line 23.—Complete line 23 only if you checked the "Short period" box on line 16. Add those distributions in column (c), line 22 that occurred during the short period entered on line 16. Subtract the total from the amount on line 21 and enter the difference on line 23. If the result is less than zero, enter zero.

Lines 25 through 30.—On these lines list only distributions that occurred during the short period entered on line 24. Complete lines 25 through 30, as explained for lines 17 through 22.

Line 31.—If line 31 is zero and there are no terminations listed in Part I of this form, you do not need to file Form 706–B (1) for this deemed transferor, although you may have to file it for other deemed transferors.

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Page 1 of Form 706-B(2) (Page 2 is blank)

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Form **706-B(2)** (December 1980) Department of the Treasury Internal Revenue Service

Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

Tax year beginning . . . . . , 19 . . ending . . . . . , 19 . .

Copy A for Beneficiary to File With Form 706–B

1 Name of deemed transferor

2 Social security number

3 Name of trustee

4 Employer identification number of trust

5 Name of grantor

6 Date trust created

7 Name of beneficiary

8 Social security number

9a Date of transfer Mo.	Day	Yr.	9b Share of taxable distribution
Total . . . ▶			9b

10 Total taxable distributions for the tax year for all beneficiaries who are transferees of this deemed transferor. Enter the amount from Form 706–B(1), Part II, line 31 . . . . . .

11 If you completed Form 706–B(1), Part I, line 11(a), enter the total from that line here. If you did not complete line 11(a) of Form 706–B(1), enter zero here . . . . . .

12 Enter the total from Form 706–B(1), Part I, line 11(c). If you did not complete that line, enter zero here . . . . . .

13 Add lines 10, 11, and 12 above . . . . . .

14 This beneficiary's share of generation-skipping transfers. Divide the total of line 9b on this form by the amount on line 13 above. Enter the result as a percentage on this line . . . . . %

(If you need more space, attach additional sheets of same size.)

343–303–1

☆ U.S. GOVERNMENT PRINTING OFFICE : 1980—O-343-303

Form **706-B(2)** (12–80)

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Page 3 of Form 706-B(2)

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Form **706-B(2)** (December 1980) Department of the Treasury Internal Revenue Service

Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

Tax year beginning ..... 19..... ending ..... 19.....

Copy B for Beneficiary

1 Name of deemed transferor

2 Social security number

3 Name of trustee

4 Employer identification number of trust

5 Name of grantor

6 Date trust created

7 Name of beneficiary

8 Social security number

9a Date of transfer Mo.	Day	Yr.	9b Share of taxable distribution
Total . . . ▶			9b

10 Total taxable distributions for the tax year for all beneficiaries who are transferees of this deemed transferor. Enter the amount from Form 706–B(1), Part II, line 31 . . . . . .

11 If you completed Form 706–B(1), Part I, line 11(a), enter the total from that line here. If you did not complete line 11(a) of Form 706–B(1), enter zero here . . . . . .

12 Enter the total from Form 706–B(1), Part I, line 11(c). If you did not complete that line, enter zero here . . . . . .

13 Add lines 10, 11, and 12 above . . . . . .

14 This beneficiary's share of generation-skipping transfers. Divide the total of line 9b on this form by the amount on line 13 above. Enter the result as a percentage on this line . . . . . %

(If you need more space, attach additional sheets of same size.)

343–303–1

☆ U.S. GOVERNMENT PRINTING OFFICE : 1980—O-343-303

Form **706-B(2)** (12–80)

Page 4 of Form 706-B(2)

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Instructions for Beneficiary

The trustee will complete Form 706–B(2) and give it to you. You will need the information the trustee gives you on Form 706–B(2) to complete the Form 706–B that you must file.

Attach Copy A of the Form 706–B(2) to the Form 706–B that you file.

Page 5 of Form 706-B(2)

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Form **706-B(2)** (December 1980) Department of the Treasury Internal Revenue Service

Beneficiary's Share of a Taxable Distribution From a Generation-Skipping Trust

Tax year beginning ..... 19..... ending 19

Copy C for Trustee

1 Name of deemed transferor

2 Social security number

3 Name of trustee

4 Employer identification number of trust

5 Name of grantor

6 Date trust created

7 Name of beneficiary

8 Social security number

9a Date of transfer Mo.	Day	Yr.	9b Share of taxable distribution
Total . . . ▶			9b

10 Total taxable distributions for the tax year for all beneficiaries who are transferees of this deemed transferor. Enter the amount from Form 706–B(1), Part II, line 31 . . . . . .

11 If you completed Form 706–B(1), Part I, line 11(a), enter the total from that line here. If you did not complete line 11(a) of Form 706–B(1), enter zero here . . . . . .

12 Enter the total from Form 706–B(1), Part I, line 11(c). If you did not complete that line, enter zero here . . . . . .

13 Add lines 10, 11, and 12 above . . . . . .

14 This beneficiary's share of generation-skipping transfers. Divide the total of line 9b on this form by the amount on line 13 above. Enter the result as a percentage on this line . . . . . %

(If you need more space, attach additional sheets of same size.)

343–303–1

☆ U.S. GOVERNMENT PRINTING OFFICE : 1980—O-343-303

Form **709-B(2)** (12–80)

Page 6 of Form 706-B(2)

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Instructions for Trustee

Complete a separate Form 706–B(2) for each distributee. Give Form 706–B(2) to the distributee within the time required for filing Form 706–B(1) with the Internal Revenue Service. For each distributee, enter on Form 706–B(2), line 9a, the applicable dates from Form 706–B(1), Part II, lines 22 and 30, column (b). Enter on Form 706–B(2), line 9b the applicable amounts from Form 706–B(1), Part II, lines 22 and 30, column (f). Enter on Form 706–B(2), line 10, the total amount from Form 706–B(1), Part II, line 31.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1754-7]

Revision to State Implementation Plan for Iowa

AGENCY: Environmental Preotection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Under the authority of Section 110 of the Clean Air Act as amended in 1977, the EPA has reviewed and is proposing to approve a State Air Quality Implementation Plan (SIP) revision submitted by the Iowa Department of Environmental Quality (IDEQ). This SIP revision consists of a State-issued variance which will allow the Iowa Army Ammunition Plant (IAAP) to continue disposal of explosive waste and explosive contaminated waste while constructing an incineration system for this purpose.

This proposal is published to notify the public of the EPA's proposed action on this matter and to request comments.

DATES: Comments must be received on or before March 19, 1981.

ADDRESSES: Comments should be addressed to Mary C. Carter at the following address: Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available at the preceding address as well as the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On October 19, 1979, the IDEQ submitted an SIP revision which provides for a variance to allow the open burning of explosive waste, and explosive contaminated waste at the Iowa Army Ammunition Plant (IAAP) in Middletown, Iowa. The IAAP is presently constructing two incinerators which will be utilized to dispose of these explosive wastes when completed. This SIP revision would allow the IAAP to continue open burning of explosive waste and explosive contaminated waste until a satisfactory incinerator system can be placed in operation.

The Iowa Department of Environmental Quality granted the Iowa Army Ammunition Plant a variance from 400—4.2(1) of the Iowa Administrative Code (I.A.C.) on June 14, 1979 after notice and public hearing. This variance stipulated a final compliance date of June 1981 for the installation of an explosive waste incinerator and a final compliance date of February 1982 for the installation of an explosive contaminated waste incinerator. The IDEQ has confirmed that construction of the IAAP's incinerators is progressing on schedule with the dates stipulated in the variance granted by the State.

Burning presently takes place in an isolated area, approximately 4500 feet from the closest dwelling and public highway. Burning generally is limited (by the source) to one day a week between the hours of 1:00 and 4:00 p.m. The Environmental Protection Agency has determined that the burning of explosive waste and explosive contaminated waste under these conditions would not violate the National Ambient Air Quality Standard for total suspended particulate (TSP) matter.

The EPA has been informed that the source has agreed with the IDEQ to continue its self-imposed restriction of burning only one day a week between the hours of 1:00 and 4:00 p.m. The State has agreed to amend its variance to the Iowa Army Ammunition Plant to stipulate this restriction.

Proposed Action: The EPA is proposing to approve this SIP revision provided that the IDEQ submits to the EPA a modified variance with the revision described above prior to final action.

The public is invited to submit comments regarding this proposal. Comments received within 30 days will be considered in the EPA's final decision on the SIP revision. The EPA believes the 30 day public comment period is adequate because of the limited scope of this proposal.

Under Executive Order 12044, the EPA is required to judge whether or not a regulation is "significant" and therefore subject to the procedural requirements of that order, or whether it may follow other specialized development procedures. The EPA labels these other regulations "specialized." The EPA has determined that this is a specialized regulation and not subject to the procedural requirements of Executive Order 12044.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the rule described herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

(Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410)).

Dated: February 4, 1981.

Kathleen Camin,

Regional Administrator.

[FR Doc. 81-5123 Filed 2-13-81; 8:45 am]

BILLING CODE 6560-26-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1070

Grantee Public Affairs; Public Access to Grantee Information

AGENCY: Community Services Administration.

ACTION: Proposed Amendment to a rule.

SUMMARY: The Community Services Administration is filing for comment a proposed amendment to its rule governing public access to grantee information (45 CFR 1070.1). CSA is proposing this amendment in order to clarify to whom the rule applies, to strengthen the section on disclosure of personal data, to require public posting of the regulation, and to eliminate redundant sections.

DATE: Comments received on or before April 20, 1981 will be of use in developing amendments to the Final Rule.

ADDRESS: Please send all comments to: Ms. Esther L. Moore, Office of Community Action, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Ms. Esther L. Moore, telephone 202-254-5047 teletypewriter 202-254-6218.

SUPPLEMENTARY INFORMATION: CSA is amending its policy statement governing the public's access to grantee information (45 CFR 1070.1) in order to:

1. Exempt from disclosure requirements information concerning ventures assisted with Title II or Title VII funds which, if disclosed, would compromise proprietary interests.

2. Exempt *proposals* pending a funding decision by CSA from the requirements for disclosure. The legislative mandate for disclosure, Section 213(a) of the Economic Opportunity Act of 1981, as amended, was designed to insure public accountability for Federal funds. It goes beyond the intent of the legislation to require disclosure of proposals where no Federal funds have been committed. (It should be noted, however, that a CAA will nevertheless be required to make available for public comment its four-year plan of action and its grant application before they are formally approved for submission to CSA, as required by the proposed rule of July 28, 1980, setting out the program management system for CAAs [45 CFR 1067.70].)

3. Prevent disclosure, except under certain circumstances, of personal data on program beneficiaries and of records of employees who are not in senior or policymaking positions.

4. Require grantees to make known the requirements of this subpart to the general public.

CSA has determined that, based on its policy implementing Executive Order 12044, this revision is significant.

William W. Allison,

Acting Director.

It is proposed to revise 45 CFR 1070.1 to read as follows:

Sec.

1070.1-1 Applicability.
1070.1-2 Policy.
1070.1-3 Records to be Disclosed upon Request.
1070.1-4 Disclosure of Information on Program Beneficiaries.
1070.1-5 Disclosure of Information Concerning Ventures.
1070.1-6 Making Records Available upon Request.
1070.1-7 Public Posting.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1070.1-1 Applicability.

This subpart applies to all grants made under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended (the Act), when the assistance is administered by the Community Services Administration (CSA).

§ 1070.1-2 Policy.

(a) Section 213 of the Act mandates that grantees funded under Title II and their delegate agencies disclose to the public upon request those records described in Section 3 of this Subpart. CSA is administratively extending this requirement to Titles IV and VII.

(b) The grantee may request consideration of an extension from the requirement for disclosure in cases where the grantee believes that the disclosure of such documents would involve an invasion of privacy or would interfere with its decisionmaking processes. For example, information related solely to the internal personnel rules and practices of the agency; memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency; and personnel, medical files and similar files the disclosure of which constitute a clearly unwarranted invasion of personal privacy. A request for exception will be in the form of a letter to the appropriate administering office which describes the document and provides a full explanation of the justification for the grantees conclusion that the document is not of a public nature.

§ 1070.1-3 Records to be disclosed upon request.

Except as provided in Sections 4 and 5 of this Subpart, the grantee or its delegate agency shall make the following records available to the public upon request:

(a) The grantee's application for assistance under the Act, once CSA has approved it for funding; the statement of grant or similar document indicating approval of the application and extension of assistance by CSA; and all documents authorizing changes in the grant.

(b) Copies of all written statements and affidavits filed with the grantee pursuant to the requirements of paragraph (c) of § 1070.2-5 of this Part.

(c) All books of account maintained by the grantee in connection with any project which receives financial assistance from CSA.

(d) All contracts made in connection with any project which receives financial assistance from CSA, including delegate agency contracts, contracts for the purchase of goods and services, purchase orders, invoices, and other documents evidencing the expenditure of CSA grant funds.

(e) All report forms submitted by the grantee to CSA in connection with a project which receives financial assistance from CSA, except reports which contain information about persons who are clients or beneficiaries of the project.

(f) Articles of incorporation and bylaws of any private nonprofit grantee, official acts governing the creation and operation of a governmental grantee, and similar documents which provide the basic authority of the grantee or the basic rules of its governance.

(g) Where not prohibited by law, the names of all current and past Executive Directors, their deputies, if applicable, and other senior staff who have been paid in part or in full with funds provided by CSA together with job descriptions and rates of compensation. For other positions the grantee shall disclose only the number of employees in each position, the applicable job description, and the salary range.

(h) Statements or records of all actions related to the development, conduct, or administration of any project assisted under the Act which were taken (as distinguished from reports of discussion) at all meetings of any board, committee, or governing body of the grantee which has the power to make decisions on behalf of the grantee or to advise the grantee on policy.

(i) Lists of the names and addresses of all current members of boards, committees, or governing bodies which are or have been responsible for making policy or for advising on policy in connection with a project which receives financial assistance from CSA.

(j) Current and past budgets of the grantee for all projects which receive financial assistance from CSA and reports of completed audits of the accounts of the grantee required by Section 243 of the Act.

(k) Current and past city, state, and Federal tax returns filed by the grantee for CSA related projects, but not tax statements filed on behalf of employees, such as the W-2 Form.

(l) The grantee's written procedures for reviewing denials of assistance to beneficiaries as required in Subpart 1067.7 of this Part.

§ 1070.1-4 Disclosure of information on program beneficiaries.

(a) Neither the grantee nor its delegate agency shall disclose personal information concerning a beneficiary of a project which receives financial assistance from CSA.

(b) The grantee shall keep private information concerning beneficiaries collected in connection with any project which receives financial assistance from CSA and shall disclose it only under the following circumstances:

(1) With the consent of the individual or his/her parent or guardian;

(2) In a form which does not identify individuals (for example, information reflecting the total number of program beneficiaries, or the total amount of benefits received by all beneficiaries, or the average amount of benefits received by beneficiaries, etc.); or

(3) Upon determination by the CSA funding official that the public interest

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in disclosure clearly outweighs the privacy of the beneficiary.

§ 1070.1–5 Disclosure of information concerning ventures.

A grantee or its delegate agency may withhold from disclosure certain information concerning ventures assisted with Title II or Title VII funds on the grounds that the information, if disclosed, would harm the competitive position of the venture. This information may include feasibility studies, business plans, cost analyses, certified balance sheets, profit and loss statements, cash-flow projections, etc. The grantee or the delegate agency shall inform the appropriate CSA administering office within 5 working days that it has withheld information on these grounds. CSA will make the final determination on the appropriateness of disclosing the information.

§ 1070.1–6 Making records available upon request.

(a) The grantee shall make available the records described in Section 3 of this Subpart to the public within 10 days of request. These records shall be available during regular business hours on each regular workday (Monday through Friday of each week, with official local holidays excepted) at its principal office.

(b) If the records are being used for official purposes at the time a request is made, the grantee shall make the records available no later than ten days after receipt of the request.

(c) The grantee may satisfy a request for disclosure by making available for examination either the original or a copy which is both legible and capable of being legibly photocopied. The grantee shall furnish facsimile copies upon request. The grantee may charge a fee of $1.50 per quarter hour for record searches and a fee of $0.10 per copy for duplication.

§ 1070.1–7 Public posting.

The grantee shall assure that the requirements of this Subpart are made known to the general public. The grantee may do so by posting the requirements in a prominent place at the principal office of the grantee, at the county court house, at the city hall of each major city within the area, at any place where official notices are regularly posted, and/or at any place within the community which the representatives of the poor on the grantee's board or committee may designate.

[FR Doc. 81–5100 Filed 2–13–81; 8:45 am]

BILLING CODE 6315–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 50, 54, 56, 58, and 61

[CGD 77–147]

Marine Engineering Regulations for Merchant Vessels; Acceptance of ASME U or UM Symbol Stamp for Pressure Vessels, Fittings, and Accumulators

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for proposed rules.

SUMMARY: In the Federal Register of December 29, 1980, (45 FR 85488) the Coast Guard proposed changes in pressure vessel requirements. This notice extends the public comment period to March 12, 1981. The original closing date for public comments was February 12, 1981. This action has been taken in response to three requests for additional time to review the proposed rules.

DATES: As discussed above, the public comment period has been extended to March 12, 1981.

ADDRESSES: Comments should be mailed to Commandant (G–CMC/24), (CGD 77–147), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for examination at the Marine Safety Council (G–CMC/24) Room 2418, 2100 Second Street SW., U.S. Coast Guard Headquarters, Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:
Mr. Howard Hime, c/o Commandant (G–MMT/12), U.S. Coast Guard, Washington, DC 20593, (202) 426–2160.

Drafting Information

The principal persons involved in drafting this document are Mr. Howard Hime, Office of Merchant Marine Safety and Mr. William R. Register, Office of Chief Counsel.

(Sec. 5, 49 Stat. 1384 (46 U.S.C. 369); R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152, as amended (46 U.S.C. 390b); § 5, Pub. L. 95–474, 92 Stat. 1480 (46 U.S.C. 391a); § 1, Pub. L. 85–739, 72 Stat. 833, as amended (46 U.S.C. 404); Pub. L. 93–370, 88 Stat. 423 (46 U.S.C. 4110; R.S. 4462, as amended (46 U.S.C. 416); § 1, Pub. L. 86–244, 73 Stat. 475 (46 U.S.C. 481); § 17, 54 Stat. 166 (46 U.S.C. 526p); § 4, 67 Stat. 462 (43 U.S.C. 1333(d)); § 3, 68 Stat. 675 (50 U.S.C. 198); § 6, 80 Stat. 936 (49 U.S.C. 1655(b); E.O. 12234, 45 FR 58801; 46 FR 1.46)

Clyde T. Lusk,
Office of Merchant Marine Safety, Acting Chief.

February 10, 1981.

[FR Doc. 81–5322 Filed 2–13–81; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL MARITIME COMMISSION

46 CFR Part 520

[Docket No. 81–16]

Exemption of Certain Agency Agreements Involving Solicitation and Booking of Cargo, and Signing Contracts of Affreightment and Bills of Lading; Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rulemaking.

SUMMARY: This rule would exempt certain agency agreements from the filing and approval requirements of section 15 of the Shipping Act, 1916. Experience has shown that this exemption would not impair the Commission's effective regulation. The exemption will further reduce regulatory requirements.

DATE: Comments (original and 15 copies) due on or before April 20, 1981.

ADDRESS: Address comments and inquiries to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT:
Francis C. Hurney, (202) 523–5725.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Maritime Commission is considering the promulgation of a rule to exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 814) certain agency agreements providing for the solicitation and booking of cargo, signing of contracts of affreightment and signing of bills of lading.

Agency agreements generally fall into two categories. The first includes husbanding agreements. These agreements deal with routine vessel operating activities in port such as notifying port officials of vessel arrivals and departures; ordering pilots, tugs, and linehandlers; delivering mail; transmitting reports and requests from the Master to the owners/operators; arranging bunkers, stores, repairs, water, and garbage disposal; assisting with passengers and crew matters; and related services. These types of agreements have already been exempted from the filing and approval requirements of section 15 of the Shipping Act, 1916, in Docket No. 80–36 (46 CFR 520, 45 FR 55729).

The second category of agency agreements involves the solicitation and booking of cargo, and signing contracts of affreightment and bills of lading. Under current industry conditions, these agreements have no significant impact on competition and while they are now required to be filed for approval, they are rarely protested or made the subject of formal Commission proceedings. The delay in the implementation of business arrangements and the cost and expense to the parties associated with the administrative processing of these agreements do not appear to be offset by any corresponding regulatory benefits under the Act. Moreover, except as described below, these agreements do not appear to provide for the type of relationships or activities that warrant section 15 scrutiny.

Section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) provides that the Commission, upon application or on its own motion, may by order or rule exempt any class of agreement between persons subject to the Act, where it finds that such exemption will not impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce. Based on the information presently before the Commission, the exemption of the second category of agency agreements described above would present no impairment to the Commission's effective regulation of the parties' activities under the subject agreements, nor would it be unjustly discriminatory or detrimental to commerce. However, in order to facilitiate any investigation of such agreements should a complaint be made against them, the Commission will require that the agreements be kept by the parties and be available for inspection by the Commission during the agreements' term and two years thereafter.

The proposed exemption would not confer antitrust immunity. Section 15 consideration will, however, remain available to parties requesting it.

The exemption proposed to be granted herein does not apply, however, to agency agreements between common carriers competing in the same trade. The Commission believes that agency agreements between competitors should continue to be examined by it. Similarly, arrangements permitting agents to represent different carriers in the same trade should be reviewed by the Commission under the standards of section 15.

Accordingly, pursuant to sections 15, 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a, and 841a), Part 520 of Title 46 CFR is proposed to be amended in the following respects:

1. Change the Part title to read "Exemption of Husbanding and Agency Agreements."

2. Designate existing Part 520 as "Subpart A—Husbanding Agreements."

3. Add a new "Subpart B—Agency Agreements" reading as follows:

PART 520—EXEMPTION OF HUSBANDING AND AGENCY AGREEMENTS

Subpart B—Agency Agreements

Sec.
520.10 Purpose and scope.
520.11 Definition.
520.12 Exemption.
520.13 Termination of approved agency agreements.
520.14 Optional section 15 approval.

Authority: Sections 15, 35, and 43; 46 U.S.C. 814, 833a, and 841a.

§ 520.10 Purpose and scope.

(a) Section 15 of the Shipping Act, 1916 requires that certain agreements between common carriers by water and other persons subject to the Act be filed with and approved by the Commission prior to implementation. Section 35 of the Act provides that the Commission, upon application or on its own motion, may by order or rule exempt any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, where it finds that such exemption will not impair effective regulation by the Commission, be unjustly discriminatory, or detrimental to commerce.

(b) In the interests of minimizing unnecessary expense and delay in the implementation of agency agreements between persons subject to the Act, this part provides for the exemption of certain agency agreements from the filing and approval requirements of section 15.

(c) The exemption does not apply to agency agreements where:

(1) a common carrier is to be an agent for a competing carrier in the trade, and

(2) the agent will represent two principals in the same trade.

§ 520.11 Definitions.

As used in this part, agency agreements are agreements between persons subject to the Shipping Act, 1916, which provide for the agent's solicitation and booking of cargoes, and signing contracts of affreightment and bills of lading, on behalf of a common carrier by water. Such agreements may or may not also include husbanding service functions.

§ 520.12 Exemption.

Agency agreements between persons subject to the Act, except agency agreements where: (a) a common carrier is to be an agent for a competing carrier in the trade, and (b) the agent will represent two principals in the same trade, are hereby exempted from the filing and approval requirements of section 15. Exempted agreements shall be kept on file by the parties and shall be available for inspection by the Commission during the term of the agreement and two years thereafter.

§ 520.13 Termination of approved agency agreements.

Agency agreements which have received section 15 approval shall continue to be approved for the duration of their term or until terminated by the parties. When such approved agreements are terminated by the parties, such parties shall immediately notify the Commission.

§ 520.14 Optional section 15 approval.

Notwithstanding the provisions of this part, persons who desire approval of agency agreements may continue to submit such agreements to the Commission for section 15 consideration in accordance with ordinary filing procedures.

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81–5330 Filed 2–13–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[Docket No. 20423]

Cable Television Systems; and Postponement of Divestiture Requirements of Section 76.501 Relative to Prohibited Cross-Ownerships in Existence on or Before July 1, 1970; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of reply comment period.

SUMMARY: Order extends the time for filing reply comments in Docket 20423, which has proposed requiring divestiture of all existing cross-ownerships between broadcast television stations and cable television

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systems located within the Station's Grade B contour. The extension is granted to allow parties additional time to formulate reply comments to comments filed after the closing date of the comment period which was January 8, 1980.

DATES: Reply comments are now due on or before February 23, 1981.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah L. Stuehrmann or William H. Johnson, Cable Television Bureau, (202) 632–6468.

SUPPLEMENTARY INFORMATION:

Adopted: February 3, 1981.

Released: February 4, 1981.

In the matter of amendment of Part 76, Subpart J, of the Commission's Cable Television Rules and Regulations Relative to Cable Television Systems; and Postponement of Divestiture Requirements of Section 76.501 Relative to Prohibited Cross-Ownerships in Existence on or before July 1, 1970.

By the Chief, Cable Television Bureau:

1. Comments in this proceeding, a Further Notice of Proposed Rulemaking, which has proposed requiring divestiture of all existing cross-ownerships between television broadcast stations and cable television systems located within the grade B contour of the cross-owned station, were due on January 8, 1981. A number of comments, however, were filed after that date (the last being filed January 22, 1981 by the National Citizens Committee for Broadcasting) and Chronicle Broadcast Co., *et al.* have now requested that the date for reply comments be extended to February 23, 1980 in order that adequate time be available for the preparation of responses.

2. Good cause having been shown, it is ordered that the date for filing reply pleadings in this proceeding is extended until February 23, 1981.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288 of the Commission's Rules.

Federal Communications Commission.

Willard R. Nichols,

Chief, Cable Television Bureau.

[FR Doc. 81-5327 Filed 2-13-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039, 1090 and 1300

[Ex Parte 230 (Sub-5)]

Improvement of Trailer-on-Flatcar and Container-on-Flatcar (TOFC/COFC) Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of change of proposed effective date of proposed rule (exemption).

SUMMARY: In this proceeding at 45 FR 79123, November 28, 1980, the Commission proposed to exempt rail and truck service provided by rail carriers in connection with trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service from Title 49, Subchapter IV of the U.S. Code. The proposed exemption is based on findings that regulation is not necessary to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from the abuse of market power by railroads. The proposed exemption is intended to remove unnecessary regulation and to permit railroads to market TOFC and COFC services in response to demand for the services.

An extension of time was granted in this proceeding at 45 FR 85133, December 24, 1980. Comments were due December 29, 1980, and changed to the due date of January 12, 1981. The proposed effective date previously January 27, 1981, was extended to February 10, 1981.

We shall extend the effective date of any rules adopted in that decision to March 23, 1981.

DATE: The proposed effective date for rules issued in this proceeding is March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Petitions to stay the February 10, 1981 effective date of the proposed regulations were filed by the American Trucking Associations, Inc., Gulf Ports Association, Inc., and Monsanto Company. Totem Ocean Trailer Express, Inc. requests that we postpone the effective date of the regulations until the Commission has responded to the comments submitted in this proceeding. Sea-Land Service requests the Commission give advance notice of our intentions at least five days prior to the effective date or hold a public meeting. The Commission intends to serve its decision with due consideration of the comments in the near future. We shall extend the effective date of any rules adopted in that decision to March 23, 1981. This extension removes any procedural questions concerning notice and comment. Moreover, the extension shall give parties, including the Federal Maritime Commission, additional time to adjust to any exemption we may adopt. Finally, in light of this action, it is unnecessary to grant Sea Land's alternative request for an open meeting.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioner Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissenting with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, Dissenting

Today's notice can only increase the confusion and uncertainty surrounding the Commission's handling of this rulemaking. Procedurally, the notice establishes a March 23 effective date without making a commitment on the service date of a final rule; this may leave the parties with inadequate time to prepare for implementation. To agree upon a service date that allows us to give further consideration to the comments in no way prejudges the case on its merits. Moreover, since the Commission believes that the issue of exempting railroad affiliated motor carriers should be specifically noticed for public comment, this should be done immediately. Further delay precludes the possibility of both the rail and motor carrier aspects being decided simultaneously.

[FR Doc. 81-5329 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 46, No. 31

Tuesday, February 17, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Packers and Stockyards, Van Alstyne Livestock Commission, Inc., Van Alstyne, Texas; Proposed Posting of Stockyards

The Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, U.S. Department of Agriculture, has information that the livestock market named below is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

TX–320 Van Alstyne Livestock Commission, Inc., Van Alstyne, Texas

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any persons who wishes to submit written date, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, by March 4, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the Office of the Chief of the Rates and Registrations Branch during normal business hours.

Done at Washington, D.C., this 10th day of February, 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-5340 Filed 2-13-81; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Price-Undercutting of Domestic Swiss Cheese by Imported German Swiss Cheese

On January 13, 1981, the U.S. Department of Agriculture received a complaint alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany. Under Section 702 of the Trade Agreements Act of 1979 (Pub. L. 96–39), the Secretary of Agriculture must conduct a price-undercutting investigation and make a determination as to the validity of the allegation no later than 30 days after receiving a complaint.

Based on the investigation of the Director of the Dairy, Livestock and Poultry Division, Foreign Agricultural Service, pursuant to the regulations at 7 CFR 6.40–6.44, I have determined that the duty-paid wholesale price of imported Swiss cheese produced in the Federal Republic of Germany is $1.69 per pound, and that the domestic wholesale market price of U.S. produced Swiss cheese is $1.89 per pound. I, therefore, have determined that there is price-undercutting of U.S. produced Swiss cheese by imported Swiss cheese produced in the Federal Republic of Germany and I have notified the United States Trade Representative accordingly.

Done at Washington, D.C. this 12th day of February 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-5309 Filed 2-13-81; 8:45 am]

BILLING CODE 3410-10-M

CIVIL AERONAUTICS BOARD

[Docket 38733]

Continental-Western Merger Case; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on Thursday, February 26, 1981, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Tuesday, February 17, 1981, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., February 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-5343 Filed 2-13-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39030]

Eastern Air Lines, Inc., Service Suspension Enforcement Proceeding; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-titled proceeding now assigned to be held on February 12, 1981 (46 FR 11569, February 9, 1981) is postponed until March 2, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 11, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81-5344 Filed 2-13-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33361, 32412]

Former Large Irregular Air Service Investigation and Application of Eric C. Pearson d.b.a. Pearson Alaska Airlines; Reassignment of Proceeding

This proceeding, insofar as it involves the application of Eric C. Pearson d.b.a. Pearson Alaska Airlines, Docket 32412, has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

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Dated at Washington, D.C., February 11, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-5345 Filed 2-13-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39154]

International Air Cargo, Inc.; Application for an All-Cargo Air Service Certificate

January 30, 1981.

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39154, from *International Air Cargo, Inc.* P.O. Box 523118, Miami, Florida 33152 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before March 10, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-5341 Filed 2-13-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) New Jersey Steel Corporation, Box 11, Sayreville, New Jersey 08872, a producer of steel bars (accepted January 22, 1981); (2) Penn-Dixie Steel Corporation, 1111 South Main Street, Kokomo, Indiana 46901, a producer of wire rod and wire products (accepted January 27, 1981); (3) The Budd Nail Company, 4580 East 71st Street, Cleveland, Ohio 44105, a producer of steel nails (accepted January 27, 1981); (4) St. Croix of Park Falls, Ltd., P.O. Box 279, Park Falls, Wisconsin 54552, a producer of fiberglass fishing rods, billiard cues and tubes (accepted January 29, 1981); (5) Alverton Coke Company, Inc., 101 North Church Street, Mount Pleasant, Pennsylvania 15666, a producer of coke (accepted January 30, 1981); (6) Randolph Mills, Inc., P.O. Box 8, Franklinville, North Carolina 27248, a producer of flannel and other fabrics, and rolling mill products (accepted January 30, 1981); (7) J. C. L, P.O. Box 1465, City of Industry, California 91749, a producer of bicycle accessories (accepted January 30, 1981); (8) Northwest Builder's Supply, P.O. Box 1171, Mount Vernon, Washington 98273, a producer of red cedar & fir siding lumber (accepted January 30, 1981); (9) L & W Engineering Company, Inc., 6771 Haggerty Road, Belleville, Michigan 48111, a producer of automotive metal stampings and welded assemblies (accepted February 2, 1981); (10) Mount Baker Cedar, Inc., 380 Highway 101 West, Port Angeles, Washington 98362, a producer of cedar shakes (accepted February 2, 1981); (11) Product Assurance Corporation, 16782 Half Avenue, Irvine, California 92714, a producer of microphones and amplifiers (accepted February 3, 1981); (12) Tennessee Textiles, Inc., P.O. Box 67, Jackson, Tennessee 38314, a producer of unfinished woven fabrics (accepted February 4, 1981); (13) Belmont Manufacturing Company, Inc., 221 North 13th Street, Philadelphia, Pennsylvania 19107, a producer of women's blouses, shirts, skirts, pants and dresses (accepted February 5, 1981); (14) Enfield Farm, 1064 Birch Bay—Lynden Road, Lynden, Washington 98264, a producer of raspberries and strawberries (accepted February 5, 1981); (15) Herbert Kanzer, Inc., 247 West 38th Street, New York, New York 10018, producer of women's coats and suits (accepted February 6, 1981); (16) Randon Knitwear, Inc., Box 270, Graham, North Carolina 27253, producer of women's tops and slacks (accepted February 6, 1981); and (17) Jake Maberry Berry Farm, 816 Loomis Trail Road, Lyndenm, Washington 98264, producer of raspberries and strawberries (accepted February 9, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,
Chief Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-5288 Filed 2-13-81; 8:45 am]
BILLING CODE 3510-24-M

International Trade Administration

Articles of Quota Cheese; Annual Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce

ACTION: Publication of List of Foreign Government Subsidies on Articles of Quota Cheese.

SUMMARY: Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce to determine, in consultation with the Department of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of each such subsidy determined to exist. The current list is published below.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3173).

SUPPLEMENTARY INFORMATION: The Department of Commerce ("the Department") has developed, in consultation with the Department of Agriculture, information on subsidies as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese. The Appendix to this notice lists the country, the subsidy program, and the gross and net amount of each subsidy on which information is currently available. The Department will incorporate any additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on subsidy programs administered by foreign governments which benefit articles of quota cheese, to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

This determination and notice publication are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

John D. Greenwald,
Deputy Assistant Secretary for Import Administration

February 10, 1981.

Appendix.—*Quota Cheese Subsidy Programs*

Country	Program(s)	Cents per pound	
		Gross [1] subsidy	Net [2] subsidy
Belgium	European Community (EC) restitution payments	51.8	51.8
Canada	Export assistance on certain types of cheeses	17.0	17.0
	Indirect (milk) subsidy	20.4	20.4
		37.4	37.4
Denmark	EC restitution payments	28.2	28.2
Finland	Export subsidy	85.0	85.0
	Indirect subsidy	22.0	22.0
		1.07	1.07
France	EC restitution payments	20.4	20.4
Ireland	EC restitution payments	15.8	15.8
Italy	EC restitution payments	55.7	55.7
Luxembourg	EC restitution payments	51.8	51.8
Netherlands	EC restitution payments	27.4	27.4
Norway	Indirect (milk) subsidy	24.5	24.5
	Consumer subsidy	54.4	54.4
		78.9	78.9
Portugal	Indirect (milk) subsidy	35.4	35.4
	Direct subsidy on all sales of Gouda cheese	23.5	23.5
		58.9	58.9
Switzerland	Deficiency payments	66.0	66.0
United Kingdom	EC restitution payments	21.8	21.8
West Germany	EC restitution payments	21.7	21.7

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 81-5289 Filed 2-13-81; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Advisory Committee

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, march 5-6, 1981. The meeting will commence at 9:00 A.M. on March 5, and 9:00 A.M. on March 6. The meetings will be held in the Navy Conference Room, Page I Building, 2001 Wisconsin Avenue, N.W., Washington, D.C.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 2:30 P.M. until 3:00 P.M. on March 6, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairperson retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Committee Control Officer in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Committee Control Officer before or after the meeting, or may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Attn: Ms. JoAnn Chandler, Committee Control Officer, CZM Advisory Committee. All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at (202) 634-4245.

The items for Committee discussion at the meeting will include the following:

March 5

9:00 A.M.—Call to Order—Barbara Fegan, Chairperson
9:15 A.M.—Report by NOAA Officials to CZMAC
Coffee
10:15 A.M.—The NOAA/CZM *Budget*
11:15 A.M.—*Coastal Energy Impact Program*
12:30 P.M.—Lunch
2:00 P.M.—Ports/Coal Policy, Examination of Issues relating to port development and coal issues.
3:00 P.M.—Lecture/Films on coastal zone issues
4:00 P.M.—Adjourn

March 6, 1981

9:00 A.M.—Call to Order—Barbara Fegan, Chairperson
9:15 A.M.—*New CZM Rules and Regulations.* Discussion of new regulations and their impact on coastal management policy
10:30 A.M.—Coffee
10:45 A.M.—*Federal Coastal Program Review*
12:30 P.M.—Lunch
2:00 P.M.—*Review of Committee Business*
2:30 P.M.—Public Statements
3:00 P.M.—Adjourn

The meeting will be devoted to an analysis and commentary on the above areas as they relate to the management of the coastal zone.

Dated: February 11, 1981.

Donald W. Fowler,
Deputy Assistant Administrator, Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 81-5304 Filed 2-13-81; 8:45 am]
BILLING CODE 3510-08-M

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the Silver Futures Contract of the Commodity Exchange, Inc.

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rule amendments of contract market.

SUMMARY: The Commodity Exchange, Inc. ("Comex"), proposes to amend its silver futures contract by reducing the size of the unit of trading and deliverable bar weight from 5,000 to 1,000 troy ounces. The Commodity Futures Trading Commission ("Commission") has determined that the proposed amendments to this contract are of major economic significance and that, accordingly, publication of the proposed amendments is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 19, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to Comex Silver Futures Contract Amendments.

FOR FURTHER INFORMATION CONTACT: Wendy E. Robinson, Staff Attorney, Division of Trading and Markets,

Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 7a(12) (Supp. III 1979), has determined that proposed amendments to bylaw sections 927, 930, 931, 932(b), 932(e), rules 4, 6(g) and 7 and regulation No. 41 of the Commodity Exchange, Inc. ("Comex" or "Exchange"), concerning its 5,000 troy ounce silver futures contract are of major economic significance. The proposed amendments would reduce the size of the Exchange's silver contract from 5,000 to 1,000 troy ounces.

The changes contemplated by Comex's submission could affect the volatility and liquidity of the silver futures market and the use of the market as a hedging mechanism. The proposed amendments would allow trading in the 5,000 ounce contract to continue for months listed prior to the effective date of the subject amendments. However, the size of the unit of trading and deliverable bar weight would be reduced to 1,000 troy ounces for each month listed thereafter. The rules as amended also would assure the availability of procedures for the substitution of warehouse and vault receipts which reflect the contract's change.

The amendments to Comex bylaw sections 927, 930, 932(b), 932(e), rules 4, (g) and 7 and regulation No. 41 concerning the silver futures contract are printed below showing deletions in brackets and additions underscored:

Tenderable Silver

Section 927. (a) In fulfillment of every contract of silver, the seller must deliver [four (4) or five (5)] *one (1)* bar[s] of refined silver weighing [each cast in bars of] 1,000 *or 1,100* troy ounces *(10% more of less)* [or 1,100 troy ounces with tolerances above and below said weights customary in the trade, weighing in the aggregate 5,000 troy ounces (6% more or less)], assaying not less than 999 fineness and made up of one [or more] of the officially listed brands or markings as provided in Section 928 of these By-Laws, current at the date of delivery of such silver.

(b) Notwithstanding the provisions of paragraph (a) above:

(1) in fulfillment of [an even number of] *ten (10)* contracts of silver, a seller may deliver for each *ten (10)* [two (2)] contracts of silver, eight (8), nine (9), ten (10) or eleven (11) bars of refined silver cast in bars of 1,000 troy ounces or 1,100 troy ounces (in either case with tolerances above or below said weights customary in the trade), weighing in the aggregate 10,000 troy ounces (5% more or less), assaying not less than 999 fineness and made up of one or more of the officially listed brands or markings as provided in Section 928 of these By-Laws, current at the date of delivery of such silver;

(2) *in fulfillment of five (5) contracts of silver, a seller may deliver for each five (5) contracts of silver, four (4) or five (5) bars of refined silver cast in bars of 1,000 troy ounces or 1,100 troy ounces (in either case with tolerances above or below said weights customary in the trade), weighing in the aggregate 5,000 troy ounces (6% more or less), assaying not less than 999 fineness and made up of one or more of the officially listed brands or markings as provided in Section 928 of these By-Laws, current at the date of delivery of such silver;* provided, however, that a seller may deliver bars [cast in 1,100 troy ounces] *of silver pursuant to this Section 927(b)* only if

(i) such bars were placed in an Exchange-licensed warehouse or vault prior to [April 29, 1974]———, *1981*, have remained continuously in a licensed warehouse or vault to the time of delivery; or

(ii) such bars were placed in an Exchange-licensed warehouse or vault on or after [April 29, 1974]———, *1981*, have remained continously in a licensed warehouse or vault to the time of delivery, and are being delivered *in fulfillment of a contract of silver entered into on or after [April 29, 1974]———, 1981 by a party (or a successor in interest to such party) who received such bars* in fulfillment of a contract of silver entered into on the Exchange prior to [April 29, 1974]———, *1981;* or

(iii) such bars are being delivered in fulfillment of a contract of silver entered into on or after [April 29, 1974]———, 1981 by a party (or a successor in interest to such party) who received such bars in a transaction pursuant to (ii) above.

(c) The Exchange will deliver to holders of vault or warehouse receipts covering 10,000 troy ounces of refined silver (5% more or less) *or 5,000 troy ounces of refined silver (6% more or less)* and which pursuant to paragraph (b) of this Section 927 may be used in fulfillment of contracts of silver on the Exchange, *either five (5) or ten (10)* [two] vault or warehouse receipts, *as the case may be*, each for [5,000] *1,000 or 1,100* troy ounces ([6%] *10%* more or less) of refined silver and otherwise meeting the quality and quantity requirements of paragraph (a) of this Section 927 in exchange for each such receipt for 10,000 *or 5,000* troy ounces of silver. All such exchanges will be effected at the sole cost and expense of the Exchange and in accordance with such regulations as the Exchange from time to time may adopt.

Form of Silver Contract

Section 930. All contracts for the future delivery of silver shall be in the following form:

Commodity Exchange, Inc.

Silver Contract

New York, N.Y.———19—

A.B. & Co. has this day (sold—), (bought) and agreed to (receive from), (deliver to—)———C.D. [5,000] *one (1) bar of refined silver weighing 1,000 or 1,100* troy ounces ([6%] *10%* more or less) [of bar silver (in bars weighing within the limits specified in Section 927)] assaying not less than 999 fineness and bearing one [or more] of the brands or markings listed upon the official list of the Exchange, at the price of———cents per ounce in accordance with the provisions of the By-Laws, Rules and Regulations of Commodity Exchange, Inc., deliverable from licensed or designated warehouse or vault in the City of New York, between the first and last delivery days of———, inclusive, the delivery within such time to be at seller's option, upon notice to buyer as provided by the By-Laws, Rules and Regulations of Commodity Exchange, Inc.

Either party may call for margin, as the variations of the market for like deliveries may warrant, which margin shall be kept good.

This contract is made in view of, and in all respects subject to the By-Laws, Rules and Regulations of Commodity Exchange, Inc.

For and in consideration of one dollar to the undersigned, in hand paid, receipt whereof is hereby acknowledged, the undersigned accepts this contract with all its obligations and conditions.

Verbal contracts (which shall always be presumed to have been made in the approved form) shall have the same standing, force and effect as written ones, if notice in writing of such contracts shall have been given by one of the parties thereto to the other party during the day on which such contract is made.

Warehouse or Vault Receipts for Silver

Section 931. After silver has been placed in licensed or designated warehouse or vault, accompanied by itemized bar list showing brand, bar numbers and weight as stamped on the bars, negotiable warehouse or vault receipts stating the brand or markings, serial numbers, and the number of bars, shall be issued to its owners. Receipts shall be lettered on numbered consecutively by each warehouse or vault and no two receipts shall bear the same letter or number.

No receipt shall be issued for more or less than one contract unit, except a receipt may be issued for [two (2)] *five (5) or ten (10)* contract units in the following circumstances:

(a) for *5,000 or* 10,000 troy ounces of silver cast in bars of 1,100 troy ounces, provided that such bars may be delivered pursuant to Section 927(b) of these By-Laws;

(b) for 10,000 troy ounces of silver cast in bars of 1,000 troy ounces, provided that such silver is placed in an Exchange-licensed vault or warehouse prior to September 27, 1974; [or]

(c) for 5,000 troy ounces of silver cast in bars of 1,000 troy ounces, provided that such silver is placed in an Exchange licensed warehouse or vault prior to———,1981; or

[(c)] *(d)* in substitution for receipts issued pursuant to paragraphs (a) or (b) *or (c)* above which have been filled with endorsements and have been surrendered to the warehouseman for issuance of a substitute receipt in accordance with the Regulations of the Exchange.

Delivery of Silver

Section 932

* * * * *

(b) Negotiable warehouse or vault receipts as provided in these By-Laws, issued and signed by a licensed Warehouseman, and endorsed as provided in this section and accompanied by (i) invoice, (ii) itemized bar list showing brand, bar numbers and weight as stamped on the bars, and (iii) if any such receipt is being used for a delivery pursuant to Section 927(b) [and is for bars cast in 1,100 troy ounces], a certificate of the member making the delivery, in form satisfactory to the Exchange, attesting that such bars may be delivered in accordance with Section 927(b) of these By-Laws shall be a good delivery in fulfillment of a contract for future delivery and shall be deemed a liquidation of the contract on which such delivery is made. The member receiving the same shall return the delivery notice to the member making delivery. The delivery of silver shall be considered complete when the documents required pursuant to the first sentence of this Section 932(b) have been delivered to the receiver. All silver must be delivered to the receiver with handling and storage charges paid up to and including the business day following the day of delivery. Storage charges shall be prepaid at the time of delivery, and the buyer may require the seller to furnish satisfactory proof of such prepayment. Any prepaid storage charges for a period extending beyond the business day following the delivery day (but not in excess of thirty days) shall be refunded by the buyer to the seller pro rata for the unexpired term and adjustment made upon the invoice therefor.

* * * * *

(e) The receiver shall not be required to accept any tender varying more than [6%] *10%* above or below [5,000] *1,000 or 1,100* troy ounces.

* * * * *

Silver Rules

Prices Multiples for Silver

Rule 4. Prices for silver on future delivery contracts shall be in multiples of [ten one-hundredths of] one cent *($.01)* per ounce. Contracts made on any other basis are prohibited.

Delivery Notice for Silver

Rule 6.

* * * * *

(g) Notice of Intention To Deliver Silver

New York,———19—

(0:00 o'clock)

To [———]

Take notice that on ———, 19— we shall deliver to you (see note below) of bar silver as more particularly set forth below assaying not less than 999 fineness, bearing the following brand or marking———from licensed warehouse or vault———located at ———at the notice price of ———cents per ounce in accordance with the terms of our silver contract sale to you.

Bar Number(s) ———————————

Weight as Stamped on Bar(s) ———————————

Upon advice of the holding of this notice, given to us by the holder hereof before 11:00 a.m. on the day this notice is issued (or before 2:00 p.m. if issued on the last issuance day), we pledge ourselves to deliver to the holder hereof on the day specified above, documents as provided in the By-Laws and Rules of the Exchange.

This notice is to be delivered to us simultaneously with our delivery of the documents referred to above to the holder hereof.

Signed (L Bros.)

Note.—[5,000] *1,000 or 1,100 ounces* ([6%] *10%* more or less) if being made pursuant to Sec. 927(a) of the By-Laws, and *5,000 ounces (6% more or less) or* 10,000 ounces (5% more or less) if being made pursuant to Sec. 927(b) of the By-Laws.

Conditions

The holder hereof agrees that he will, before 11:00 a.m. on the day this notice is issued (or before 2:00 p.m. if issued on the last issuance day), give advice of the holding of this notice to the issuer hereof, and will on the day specified for delivery, receive from said issuer the documents as provided in the By-Lawe and Rules, and make payment against them all in accordance with the provisions of the By-Laws and Rules of Commodity Exchange, Inc.

It is further agreed that the holder hereof shall continue all his liability for the fulfillment of the contract until all documents required by the By-Laws and Rules of Exchange for the delivery of silver against the contract shall have been received by the holder hereof from the issuer, and this notice shall have been returned to the issuer.

Signed (H. Bros.)

New York,———19—

* * * * *

Position Limits for Silver

Rule 7.

* * * * *

(b) *Maximum Aggregate Contracts*—No member firm shall allow or permit, itself or any customer, to maintain in excess of [2,000] *10,000* Aggregate Contracts computed on a net rather than a gross basis ("Overall Position Limit"). If any Reportable Account exceeds the Overall Position Limit, the member firm maintaining the Reportable Account shall immediately take such steps as may be necessary to reduce the position of the Reportable Account below the Overall Position Limit. If any Affiliated Accounts that together constitute a Reportable Account exceed the Overall Position Limit, the member firm maintaining the Affiliated Accounts shall immediately take such steps proportionately among the Affiliated Accounts as may be necessary to reduce the Aggregate Contracts of the Affiliated Accounts below the Overall Position Limit.

* * * * *

(d) *Monthly Position Limits*—No member firm shall allow or permit, itself or any customer, to maintain a position in silver at any time in the then current month or in the next succeeding month in excess of [500] *2,500* contracts in each such month computed on a gross rather than a net basis ("Monthly Position Limit"). [Effective January 10, 1980, no person, firm, corporation or Affiliated Accounts may increase a position in January 1980 silver or February 1980

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silver to a position in excess of 50 contracts in each of such months.] Any contracts in the then current month with respect to which delivery was previously received shall be included in counting the number of contracts for that customer in that month. The provisions of Paragraph (c) above relating to positions at several member firms of one Reportable Account and, if applicable, Affiliated Accounts shall apply to Monthly Position Limits.

(e) *Exemption for Bona Fide Hedge Transactions*—A bona fide short hedging transaction in which the short position is offset by physical inventory or by a forward (not a futures) purchase of silver shall not be included in determining Aggregate Contracts except for reporting purposes under Paragraph (a) hereof.

(f) *Effective Date*—The effective date of this Silver Rule 7 is February 18, 1980; *Provided, however,* that the Monthly Position as set forth in Paragraph (d) above for January 1980 and February 1980 shall be effective on the opening of business on January 8, 1980. For any accounts that were Reportable Accounts on or before January 7, 1980, and that had Aggregate Contracts in excess of the Overall Position Limit; (i) the Aggregate Contracts of such account may not be increased after January 7, 1980; and (ii) the provisions of Paragraphs (b) & (c) above shall be implemented by determining the extent to which any such accounts have positions in excess of the Overall Position Limit, such excess shall be reduced each month by not less than 10% of the original excess and the Overall Position Limit shall be complied with by such accounts on or before January 31, 1981.

Regulation No. 41

Splitting Lots of Silver in Exchange Licensed Warehouses or Vaults

1. Receipts for 10 Bars of refined Silver weighing in the aggregate 10,000 troy ounces (5% more or less) ("10 bar lots"), *and receipts for 5 bars of refined silver weighing in the aggregate 5,000 troy ounces (6% more or less) ("5 bar lots"),* eligible for delivery in fulfillment of an exchange contract for silver in accordance with section 927 of the by-laws.

(a) A holder of a receipt for a *5 or a* 10 bar lot who wishes to receive a substitution therefor *five (5) or ten (10)* [two] receipts each for [5,000] *1,000 or 1,100* troy ounces ([6%] 10% more or less) of refined silver eligible for delivery in fulfillment of an Exchange contract for silver in accordance with Sec. 927(a) of the By-Laws ("[5] *1* bar lots") shall deliver the receipt for the *5 or* 10 bar lot to such holder's Clearing Member, accompanied by a *Representation Letter* in the form of Annex A and *Instructions to Vault* in the form of Annex B. If the holder of a receipt for a *5 or* 10 bar lot is a Clearing Member, such Clearing Member shall complete Annex A and Annex B for its own account and otherwise shall comply with the provisions of this regulation.

(b) Such Clearing Member promptly shall deliver Annex A to the Secretary of the Exchange and simultaneously shall transmit the receipt for the *5 or* 10 bar lot and Annex B to the Exchange-licensed warehouse or vault which issued the receipt.

(c) As promptly as practicable, the Exchange-licensed warehouse or vault shall divide *each 5 bar lot into five 1 bar lots and* each 10 bar lot into [two 5] *ten 1* bar lots, shall issue [two] *five or ten* receipts therefor in the name of the holder entitled thereto in substitution for the receipt for the *5 or* 10 bar lot received, and shall return the receipts for [two 5] *the five or ten 1* bar lots to the Clearing Member from whom the receipt for the *5 or* 10 bar lot had been received.

(d) The Exchange shall reimburse each licensed warehouse or vault for its charges in dividing *5 and* 10 bar lots into [5] *1* bar lots upon presentation of invoices.

2. Receipts for *8, 9 or 11* bars of refined silver weighing in the aggregate 10,000 troy ounces (5% more or less) (" *8, 9 or 11* bar lots"), *and receipts for 4 bars of refined silver weighing in the aggregate 5,000 troy ounces (6% more or less) ("4 bar lots"),* eligible for delivery in fulfillment of an exchange contract for silver in accordance with section 927 of the by-laws, *as effective prior to* _____, *1981.*

(a) A holder of a receipt for *an 8, 9 or 11* bar lot who wishes to receive in substitution therefor [two] *ten* receipts each for a [5] *1* bar lot *and a holder of a receipt for a 4 bar lot who wishes to receive in substitution therefor five receipts each for a 1 bar lot* shall deliver the receipt for the *4, 8, 9 or 11* bar lot endorsed to such holder's Clearing Member, accompanied by a *Representation Letter* in the form of Annex A and *Instructions to Clearing Member* in the form of Annex C. If the holder of a receipt for a *4, 8, 9 or 11* bar lot is a Clearing Member, such Clearing Member shall complete Annex A and Annex C for its own account and otherwise shall comply with the provisions of this regulation.

(b) Such Clearing Member promptly shall notify the Secretary of the Exchange that it has received the documents referred to in (a) above, shall complete Annex C, and shall deliver such receipt for the *4, 8, 9 or 11* bar lot and Annex C to such party as may be specified by the Secretary ("Substitution Agent"). Simultaneously, the Clearing Member shall send Annex A to the Secretary of the Exchange.

(c) Within fifteen (15) business days following the date on which the Clearing Member has delivered the receipt for the *4, 8, 9 or 11* bar lot as specified in (b) above, the Substitution Agent shall return to such Clearing Member [two] *five or ten* receipts, *as the case may be,* each for a [5] *1* bar lot in the name of the Clearing Member, which receipts shall be accompanied by a notice specifying the quantity of refined silver received from the Clearing Member and the quantity of refined silver returned to the Clearing Member, determined in both cases by the weights stamped on the bars of silver.

(d) By 12:00 o'clock Noon, New York City time, on the business day following the day on which the receipts for the [5] *1* bar lots are returned to the Clearing Member, the Clearing Member and the Substitution Agent shall make settlement for the difference between the aggregate weight of silver stamped on the bars contained in the *4, 8, 9 or 11* bar lot and the aggregate weight of the silver stamped on the bars contained in the [5] *1* bar lots. Such settlement shall be based on the Exchange settlement price of the current delivery month of silver for the day on which the receipts for the [5] *1* bar lots were returned to the Clearing Member.

3. Receipts held by members for the account of others.

A member of the Exchange who holds a receipt for a *4, 5, 8, 9,* 10 *or 11* bar lot [or for a 9 bar lot] as agent for the account of two separate parties shall be entitled to receive, in substitution therefor, [two] receipts for [5] *1* bar lots in accordance with the procedures set forth in paragraphs 1 and 2 above.

[4. Other receipts.]

[If any person holds receipts for 10,000 troy ounces (5% more or less) of refined silver eligible for delivery in fulfillment of an Exchange contract for silver in accordance with Sec. 927 of the By-Laws issued by an Exchange-licensed warehouse or vault, but which are not receipts described in paragraphs 1, 2 or 3 above, such person shall be entitled to receive, in substitution therefor, two receipts for 5 bar lots in accordance with such special procedures as may be adopted by the Exchange which shall be as consistent with the procedures set forth in paragraphs 1 and 2 above as is practical.]

4[5]. Force majeure; non-liability.

There shall be no liability or obligation to any holder of a warehouse receipt, to any person who is entitled to receive a warehouse receipt, or to any other person, for delays caused by force majeure or any other unforeseen circumstances. No person, including without limitation, the Exchange, [Commodity Exchange Metal] *Comex* Clearing Association, Inc., any governor, officer, employee, agent, member, member firm or member corporation of the Exchange or said Clearing Association, any licensed depository or Substitution Agent, shall be in any way liable or responsible to any person in connection with any transaction contemplated by these regulations, except for gross negligence.

5[6]. Expenses.

The Exchange shall reimburse licensed warehouses and vaults and Substitution Agents for their costs and expenses in connection with effecting substitutions pursuant to these Regulations, and such licensed warehouses and vaults and such Substitution Agents shall not impose any fee or charge of any nature whatever upon holders of Receipts for effecting substitutions pursuant to these Regulations.

6[7]. Prior notice to the clearing association.

Not later than the fifth day before the first day on which Notices of Intention to Deliver with respect to a given delivery month may be made, each Clearing Member shall *notify* [advise] the Clearing Association *in writing* of the number of single lots of silver of which such Clearing Member expects to take delivery during the course of such month. Each Clearing Member also shall *notify* [advise] the Clearing Association *in writing* of any change in such number *not later than the business day following the day on which such Clearing Member becomes aware of such change* [during the course of said month].

Interested persons should send written data, views or arguments on the amendments proposed by the Exchange to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by March 19, 1981.

Issued in Washington, D.C. on February 10, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-5251 Filed 2-13-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting; Correction

This is a correction of the notice published in the **Federal Register** on February 10, 1981 (46 FR 11697). The notice announced a Working Group B meeting on 5 March 1981. This notice hereby changes the meeting dates to read 24 and 25 March only.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 10, 1981.

[FR Doc. 81-5270 Filed 2-13-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council, Economics Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Economics Task Group of the Committee on Arctic Oil and Gas Resources will meet in February 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Economics Task Group meeting follows:

The second meeting of the Economics Task Group will be held on Thursday, February 26, 1981, starting at 9:00 a.m., in Board Room of DeGolyer and MacNaughton, 400 One Energy Square, Dallas, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Discussion of exploration/development/transportation algorithms.
3. Identify inputs required from other task groups.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 10, 1981.

Robert H. Lawton,

Acting Deputy Assistant Secretary Resource Development and operations Resource Applications.

February 10, 1981.

[FR Doc. 81-5237 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Arkansas Louisiana Gas Co. and Its Wholly Owned Subsidiary Arkla Chemical Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: January 30, 1981.

COMMENTS BY: March 19, 1981.

ADDRESS: Send comments to: Wayne L. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On January 30, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Arkansas Louisiana Gas Company (ALG) and its wholly owned subsidiary Arkla Chemical Corporation (ACC) of

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Shreveport, Louisiana. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

ALG is a firm engaged in the refining of crude oil, natural gas processor and the marketing of propane, motor gasoline and other refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement, ERA as a result of its audit of sales of motor gasoline, diesel fuel, and other refined petroleum products, the DOE and ALG entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1, 1973 through December 31, 1975, and included sale of motor gasoline, and diesel fuel and other refined products classes of purchaser which were made during that period.

2. ALG did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its motor gasoline, diesel fuel, and other refined petroleum products, and, as a consequence charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite the resolution of the disputes involved, the DOE and ALG have agreed to a settlement totalling $2,832,671. The terms of the refund consist of a single cash payment of $2,807,671 to be refunded within 30 days of the effective date of the Consent Order. The remaining $25,000, representing a compromise of a civil penalty, will be paid within 30 days of the effective date of the Consent Order.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, ALG agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the DOE, arising out of the transactions specified in I.1, the sum of $2,832,671 in the manner specified in I.3 above. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Arkansas Louisiana Gas Company, Consent Order." We will consider all comments we receive by 4:30 pm, local time, on March 19, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 5th day of February, 1981.

Herbert F. Buchanan,

Southwest Deputy District Manager, Economic Regulatory Administration.

[FR Doc. 81-5268 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Lobo Oil, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to Lobo Oil, Inc. This Proposed Remedial Order charges Lobo Oil, Inc. with pricing violations in the amount of $205,071.79, connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period December 1, 1973 through November 30, 1975 in the State of Louisiana.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. On or before March 4, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 6th day of February, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-5282 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

W. J. Luke Stadium Chevron; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order (PRO) which was issued to Stadium Chevron, Atlanta, Georgia on January 8, 1981.

This PRO charges Stadium Chevron with selling gasoline in excess of the Maximum Lawful Selling Price in violation of 10 CFR 212.93. It was determined that Stadium Chevron violated the Federal Energy pricing guidelines by selling above the maximum lawful per gallon selling price in the amount of 4.0¢ for Regular Leaded, 2.6¢ for Premium Leaded and 2.3¢ for Regular Unleaded during the period August 1, 1980 through September 17, 1980.

Pursuant to 10 CFR 205.192, Stadium Chevron is required by the PRO to reduce its prices at the pump to the maximum lawful selling price for these grades to be in compliance with the Federal Energy pricing regulations. Further, Stadium Chevron is required to reduce their prices for these grades of gasoline to effect a refund through rollback procedures until a total of $1,583.11 including interest, has been refunded.

A copy of the PRO, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367. Telephone number (404) 881–2396. On or before March 4, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Atlanta, Georgia, on the 5th day of February 1981.

James C. Easterday,

District Manager.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 81-5280 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-029; OFC Case Nos. 55217-9116-01 through 10-12]

Powerplant and Industrial Fuel Use; Exemption From Prohibitions; Olin Corp.

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Order granting exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: Pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act) the Economic Regulatory Administration (ERA) of the Department of Energy, in response to a petition filed by the Olin Corporation (Olin) on August 25, 1980, hereby grants to Olin, subject to the terms and conditions specified herein, the following exemptions from the prohibitions of Title II of FUA:

For each of ten oil/gas-fired packaged boilers Olin plans to lease and operate at its Ecusta Paper and Film Group, Pisgah Forest, North Carolina facility for the years 1981 through 1990, one each year, during each annual scheduled outage of its largest main boiler, a permanent scheduled equipment outages exemption as authorized by section 212(j) of the Act and 10 CFR 503.43(c) (45 FR 38322, June 6, 1980).

In accordance with section 702(a) of FUA, this order shall take effect on April 18, 1981.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128–J, Washington, D.C. 20461, Phone (202) 653–4257.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: Title II of FUA prohibits the use of natural gas or petroleum as a primary energy source in new major fuel burning installations (MFBI's) consisting of a boiler unless an exemption for such use has been granted by ERA. Procedures and criteria for petitioning for exemptions from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Under the authority of section 212(j) of the Act, 10 CFR 503.43 sets forth eligibility criteria and evidentiary requirements for a permanent exemption for major fuel burning installations (MFBI's) to meet scheduled equipment outages. If the use of a MFBI during periods of scheduled equipment outages is not to exceed an average of 28 days per year over a three-year period, 10 CFR 504.43(c) provides for a certification alternative in lieu of the evidentiary requirements of 10 CFR 503.43(b). ERA's atuthrity under FUA to grant an exemption is unit specific; that is, a permanent exemption may be granted by order for a single installation. Accordingly, under the provisions of 10 CFR 503.43(c), Olin petitioned ERA for ten separate scheduled equipment outages exemptions, one for each oil/gas-fired boiler it proposes to lease and use during each annual scheduled outage of its largest main boiler (boiler No. 8) for inspection, maintenance and repair for the years 1981 through 1990. As stated by Olin in its petition, each of the packaged boilers will be of like size, with a maximum design heat input rate requirement of 155 million Btu's per hour and will be equipped with a combination burner for No. 2 fuel oil and natural gas. Natural gas will be the preferred fuel when it is available.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published notice of its acceptance of Olin's petition in the **Federal Register** on September 30, 1980, at 45 FR 64627. The Notice of Acceptance provided a 45-day comment period during which interested persons could submit written comments on the petition for exemptions and could request a public hearing. This period expired on November 14, 1980. No comments were received nor was a public hearing requested.

Upon reaching a tentative determination that the certifications made by Olin in its petition fulfilled the requirements of 10 CFR 503.43(c), the ERA staff completed a Tentative Staff Analysis which recommended that the exemptions requested by Olin be granted. A Notice of Availability of the Tentative Staff Analysis was published in the **Federal Register** on December 5, 1980, at 45 FR 80579. As explained in that notice, because Olin had filed a revision to its petition subsequent to the publication of the Notice of Acceptance, an extended 45-day period for interested persons to submit written comments on the revised petition and the Tentative Staff Analysis, or to request a public hearing, was provided. The period expired on January 19, 1981. No comments were received nor was a public hearing requested.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of Olin's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment.

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No comments have been received from either of these agencies.

Decision and Order

Based upon review of the entire record of this proceeding, ERA had determined that Olin has satisfied the certification requirements of 10 CFR 503.43(c).

Therefore, pursuant to section 212(j) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Olin ten scheduled equipment outages exemptions, one for each oil/gas-fired boiler it proposes to lease and operate while its main boiler No. 8 is temporarily shut down for scheduled inspection, maintenance and repairs during the years 1981 through 1990.

Terms and Conditions

Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for exemptions under the provisions of 10 CFR 503.43(c), Olin, in accordance with 10 CFR 503.43(d), agreed, upon grant of such exemptions, to the terms and conditions specified in that subsection. Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemptions.

(1) Each exempted boiler will be operated only when necessary to meet scheduled equipment outages.

(2) Use of the exempted boilers will not exceed an average of 28 days per year over a three-year period.

(3) The quality of any petroleum to be burned in each exempted boiler as a primary energy source will be of the lowest grade available which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(4) Prior to operating each exempted boiler, Olin shall secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Additional Terms and Conditions

Based upon Olin's intended application of the scheduled equipment outages exemptions, the exemptions granted by this order shall be subject to the following additional terms and conditions:

(1) By this order, each of the ten oil/gas-fired boilers to be leased and operated annually by Olin during the years 1981 through 1990 is granted a scheduled equipment outages exemption. Upon disconnection of each boiler, the provisions of the exemption granted that specific boiler are terminated.

(2) When available, natural gas shall be used as the primary energy source in each exempted boiler.

Reporting Requirements

ERA will rely upon the revised schedule of operations filed by Olin as the permanent schedule for operation of each of the ten oil/gas-fired packaged boilers granted an exemption herein. Pursuant to 10 CFR 503.43(e), Olin shall notify ERA in advance, of any changes to the data contained in the schedule of operation (Exhibit I).

Reports required under this order shall be sent to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

The appropriate OFC Case Number, as listed below, shall be cited on each report filed with ERA pursuant to the above requirement.

Year and Assigned OFC Case Number

1981 55217-0116-01-12
1982 55217-0116-02-12
1983 55217-0116-03-12
1984 55217-0116-04-12
1985 55217-0116-05-12
1986 55217-0116-06-12
1987 55217-0116-07-12
1988 55217-0116-08-12
1989 55217-0116-09-12
1990 55217-0116-10-12

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). The granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for scheduled equipment outages of less than 28 days per year, averaged over a three-year period, is among the classes of actions that DOE, pursuant to the guidelines, has proposed be categorically included as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA.

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Olin has certified that it will secure all applicable permits and approvals prior to commencement of operation of each new unit under exemption. The Environmental Checklist completed and certified to by Olin pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that Olin's responses to the questions therein indicate that the operation of the oil/gas-fired boilers during periods of annual scheduled outages of Olin's largest main boiler will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. As no comments were received during the proceeding on Olin's petition which raised questions regarding the application of the categorical exclusion in this instance, no additional environmental review is deemed to be required.

Effectiveness of Order

The exemptions granted by this order shall not become effective earlier than April 18, 1981.

Judicial Review

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before April 20, 1981, petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C. on February 10, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-5261 Filed 2-13-81 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-037; OFC Case No. 67001-9020-06-12]

Powerplant and Industrial Fuel Use; Exemption Request; Availability of Tentative Staff Analysis; Upjohn Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On November 17, 1980, the Upjohn Company (Upjohn) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would exempt a new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's consisting of a boiler unless an exemption has been granted by ERA. Criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Under the provisions of 10 CFR 503.32(c), Upjohn has petitioned for a permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum for a new oil and gas-fired packaged boiler, designated as boiler number 8 and located at Upjohn's Portage Road Plant in Kalamazoo, Michigan.

ERA accepted the petition on December 8, 1980, and published notice of its acceptance in the **Federal Register** on December 11, 1980 at 45 FR 81649. The Notice of Acceptance provided for a 45-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption. That period expired on January 26, 1980. No comments were received nor was a public hearing requested.

Based upon the ERA staff's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been completed which recommends that ERA issue an order which would grant the requested exemption. Pursuant to 10 CFR 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued and interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments on the Tenative Staff Analysis are due on or before March 3, 1981. A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Fifteen copies of written comments or a request for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-80-037 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128-J, Washington, D.C. 20461, Phone (202) 653-4257.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

ERA will issue a final order granting or denying Upjohn's petition for permanent exeption within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register.**

The public file containg a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a new packaged boiler having a design heat input rate of 150 million Btu's per hour and is capable of burning residual fuel oil and natural gas. The boiler, designated as boiler No. 8 by Upjohn, is installed at Upjohn's Portage Road Plant, Kalamazoo, Michigan, and will be used to supply steam as a backup for the seven existing boilers at the Portage Road plant.

Eligibility and evidentiary requirements governing the permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, authorized under section 212(a) of FUA, are set forth at 10 CFR 503.32. Under 10 CFR 503.32(c), a certification alternative is available for MFBI's which will be operated less than 600 hours on an annual basis, providing simplified evidentiary requirements for such facilities. Upjohn has utilized the certification alternative provided for in 10 CFR 503.32(c) and has included in its petition the following duly executed certifications:

(1) Boiler No. 8 will be operated annually less than 600 hours full load equivalent;

(2) The use of a mixture of petroleum or natural gas and an alternate fuel for which an exemption would be available is not economically or technically feasible;

(3) Pursuant to 10 CFR 503.15(b), Upjohn will, prior to operating boiler No. 8 under the exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act; and

(4) Information required by the Environmental Checklist pursuant to 10 CFR 503.15(b).

The ERA staff has examined the foregoing certifications made by Upjohn and has determined that they fulfill the requirements of 10 CFR 503.32(c). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant Upjohn the requested exemption for boiler No. 8.

Terms and Conditions

Section 214(a) of FUA authorizes ERA to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.32(c), Upjohn, in accordance with 10 CFR 503.32(d), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) Boiler No. 8 will be operated less than 600 hours annually at its maximum design heat input rate or equivalent. Based upon the boiler's design fuel heat input rate of 150 million Btu's per hour x 600 hours, the amount of natural gas and petroleum consumed in boiler No. 8 under the provisions of this exemption shall not, in the aggregate, exceed 90 billion Btu's annually.

(2) The quality of any petroleum to be burned in boiler No. 8 will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Upjohn shall report annually the hours of use, the total amount of fuels consumed, and the total Btu value of such fuels, for boiler No. 8 in the previous calendar year. The report, to be executed by a duly authorized representative of Upjohn, shall be filed with ERA at the address provided below not later than January 31 of each following year and shall be in the following format:

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Hours of operation	Annual Fuel Consumption				
	Natural Gas		Petroleum		
	MCF	Btu value	Grade	Bbls	Btu value

(4) Upjohn will, prior to operating boiler No. 8 under the provisions of this exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Report Address

The annual reports required by this order shall be sent to:
Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

OFC Case Number 67001–8020–08–12 shall be cited on each report.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, for a MFBI that will be operated less than 600 hours on an annual basis, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Upjohn has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Upjohn pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that Upjohn's responses to the questions therein indicate that the operation of boiler No. 8 under this exemption will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, unless substantial questions regarding the categorical exclusion in this instance are raised during the proceeding on Upjohn's petition which would indicate otherwise, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C. on February 9, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-5280 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Applications for Entitlement Benefits for Petroleum Substitutes

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of applications for entitlement benefits for petroleum substitutes.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of additional applications submitted to the ERA for designation as eligible recipients of entitlements under the domestic crude oil allocation program (10 CFR, Part 211, Section 211.67). The first list of pending applications was published September 10, 1980, 45 FR 59613.

Under amendments to the Mandatory Petroleum Allocation Regulations, the ERA may grant entitlements to the producer, marketer, or consumer of a petroleum substitute made from domestically renewable sources of biomass, coal, solid waste or tar sands which is used as fuel in a refinery or which is used outside a refinery as a boiler fuel or elsewhere as fuel. The appendix contains a list of thirteen additional firms which applied prior to June 23, 1980, for designation of their eligibility to receive entitlement benefits on a case-by-case basis as provided under § 211.67. Those applications are now being reviewed by the ERA and a public disclosure copy of each application is available for public inspection.

FOR FURTHER INFORMATION CONTACT:

T. Wendell Butler, Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration, 2000 M Street NW., Room 8212 C, Washington, D.C. 20461, (202) 653–3372

William Funk (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6739.

SUPPLEMENTARY INFORMATION: Section 211.67(a)(5) of the Mandatory Petroleum Allocation Regulations provides for the automatic inclusion in the crude oil entitlements program of shale oil produced from domestic sources, ethyl alcohol derived from domestic biomass and blended into gasohol, solid municipal waste and derivatives thereof used as fuel, and methane derived from municipal sewage or landfills.

Section 211.67(a)(5) also provides for the issuance of entitlements to other petroleum substitutes which the ERA determines on a case-by-case basis to be eligible for participation in the entitlements program. Those petroleum substitutes which are eligible only on a case-by-case basis include solid, liquid, or gaseous fuels derived from domestically found solid waste sources, and fuel in a liquid form which is derived from domestic biomass, coal, or tar sands.

On September 10, 1980, the ERA published a list of 63 applications pending as of June 23, 1980 (September 10, 1980, 45 FR 59613). Thirteen additional applications that had been received by ERA as of June 23, 1980, were inadvertently omitted from this list. These additional applicants are indentified in the appendix to this notice. The appendix also provides the date on which the firms's application was filed and indicates the type of petroleum substitute for which each applicant is seeking entitlements.

Non-confidential copies of all applications filed by the firms listed in the appendix, including supporting documentation, may be examined at the ERA Office of Public Information, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any person may file with the ERA a submission relevant to any application. Any Submission which is received within fifteen days of the publication of this notice will be considered by the ERA prior to determining whether to permit the inclusion of any firm in the entitlements program. Filings should be submitted to: Economic Regulatory Administration, Office of Petroleum Operations, Entitlements Program, Room 6128, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C. February 9, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

Company, Date filed and Type of Application

Buckeye Cellulose Corp, 5/30/80, Bark, Wood Waste, Black Liquor
Chemical Processors, Inc., 6/24/80, Waste Oil
Energy Systems Co. 8/8/78, Waste Chemicals
FMC Corporation, 6/10/80, Industrial Chemicals
Folger Coffee Co., 5/30/80, Spent Coffee Grounds
Hillerich & Bradsby Co., 6/17/80, Wood Waste
International Paper Co. 1/31/80, Bark, Wood Waste, Black Liquor
Ka'u Sugar Co., 6/2/80, Bagasse
Mauna Loa Macadamia Nut Corp., 6/2/80, Nut Shells
National Standard Co., 5/22/80, Scrap Tires
Olokele Sugar Co., Ltd., 6/2/80, Bagasse
Southwestern Portland Cement Co., 5/20/80, Methane
Union Camp Corp., 2/20/80, Bark, Wood Waste, Black Liquor, Tall Oil Pitch

[FR Doc. 81-5326 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Alabama River Pulp Company, Inc.; Application for Designation as a Producer of Petroleum Substitutes in the Domestic Crude Oil Allocation Program for Fuel Derived From Biomass and Solid Waste; Decision and Order

I. Introduction

On February 28, 1980, Alabama River Pulp Company, Inc. (ARP), Claiborne, Alabama 36470, filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of petroleum substitutes pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program). Additional information was filed by ARP with ERA on May 6, 1980, October 9, 1980, November 19, 1980 and January 14, 1981.

The ERA is issuing this Decision and Order pursuant to Subpart G of 10 CFR Part 205 (Administrative Procedures and Sanctions) and § 211.67(a)(5) of Subpart C of 10 CFR Part 211 (Mandatory Petroleum Allocation Regulations).

II. Background

Section 211.67 of the Mandatory Petroleum Allocation Regulations provides that upon application the ERA may designate, on a case-by-case basis, a synthetic fuel as a petroleum substitute.

The fuels for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in § 211.62. The relevant portion of the definition states:

> Petroleum substitute means * * * (b) as designated in orders issued by ERA following review of application submitted under Subpart G of Part 205 of this chapter, (1) any other fuel derived from solid waste materials; or (2) any other fuel in a liquid form which is derived from domestic biomass, coal or tar sands.

The program was designed to "provide appropriate incentives for new technology while ensuring that crude oil substitutes not needing entitlement benefits or not materially contributing to a reduction in imported oil do not participate in the program." [43 FR 21429] Thus, the ERA has administered the program "in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically derived petroleum substitutes that have the potential of reducing our dependence on imported oil." [43 FR 21429]

Applications for designation of a material as a petroleum substitute under section (b) of the definition of "petroleum substitute" are handled on a case-by-case basis pursuant to the *Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program* (Guidelines, 44 FR 6895, February 5, 1979).*

The ERA may designated the producer, marketer, or consumer of the petroleum substitute as they party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

*At the time of the adoption of the Guidelines in February 1979, only liquid fuels were eligible for inclusion in the entitlements program on a case-by-case basis. In November 1979, § 211.67 (a)(5) was amended to expand the scope or the case-by-case category to permit the issuance of entitlements to certain gaseous and solid fuels [44 FR 66183, November 19, 1979]. While the Guidelines have not been amended to reflect the eligibility of non-liquid fuels, the preamble to the November 1979 final rule that made such fuels eligible for inclusion in the entitlements program stated that the gaseous and solid petroleum substitutes, newly eligible for case-by-case consideration, would receive the same treatment as those liquid petroleum substitutes that already were eligible on a case-by-case basis for inclusion in the entitlements program. Accordingly, those criteria set forth in the Guidelines (e.g., whether substitution for petroleum will occur or whether the process in producing the petroleum substitute results in a net energy gain or higher-valued fuel) apply to the consideration of all case-by-case determinations of whether a material shall be designated as a petroleum substitute.

III. Comments Received

On September 3, 1980, the ERA issued a notice which contained a list of sixty-three (63) firms, including ARP, which has filed applications for entitlement benefits for petroleum substitutes. See 45 FR 59613 (September 10, 1980). The notice invited written comments from interested persons. There were comments from Atlantic Richfield Company (ARCO), Gulf Oil Corporation (Gulf), and the Standard Oil Company (Sohio) which raised general legal challenges to the DOE regulations providing for entitlement benefits to producers of petroleum substitutes. These legal contentions were fully considered and rejected by the U.S. District Court in *Atlantic Richfield Co. v. DOE*, No. 80–1427 (E.D. Pa. November 6, 1980).

Comments specific to the use of wood waste and bark were received from Texaco, Inc. Texaco objects on the basis that wood waste and bark are "common by-products" and that "(i)t is probably unrealistic to assume that a manufacturer (for instance, of paper products, canned goods or coffee) will produce more of its product simply so that it will have more waste product." Texaco, therefore, concludes that "(t)hese benefits represent a true windfall to the petroleum substitute producers which is paid for by the refining sector of the petroleum industry." These objections are addressed in the body of this decision and order.

ARCO submitted comments specific to ARP's application stating that "the Applicant does not need any price incentive to use a petroleum substitute and any such incentive payment here will be a windfall." ARCO asserts that: (1) "the Applicant will consume (the petroleum substitute) as an energy source in the manufacturing process of its business," (2) "the raw material for the alternative fuel is derived from the waste products of the Applicant's principal business activity," and (3) "the Applicant is gaining a net cost savings by eliminating substantial purchases of petroleum products."

Neither the regulations nor the Guidelines require that ARP commercially market the alternative fuel to receive entitlement benefits. Moreover, an applicant does not become ineligible for entitlement benefits because it uses its own solid waste materials for the production of a petroleum substitute.

Furthermore, an applicant is not required to show whether there is a net cost savings. Nor is a firm's need for entitlement benefits determinative. *See,*

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Chevron U.S.A., Inc., *et al.*, 6 DOE ¶ 80,136 at p. 80,656 (August 7, 1980). Rather, the criteria for evaluation of petroleum substitutes applications require that the applicant demonstrate that there is a net energy gain in the production of the fuel.

ARCO also argues that "(i)t is possible that the economics of the paper industry may be such that the Applicant will realize greater profit potential by producing and marketing its petroleum substitute than by conducting its present pulp operations." This argument must be rejected as ungrounded speculation must be evaluated.

In addition, ARCO states that "the application would appear to indicate that the production of the petroleum substitute creates a net gain in energy," but questions the basis for the calculation. A similar comment was received from Sohio. Sohio "question(s) whether burning black liquor results in a net gain or net loss in BTU's." The net energy gain calculation is addressed in the body of this decision and order.

IV. Description of the Application

ARP filed its application with ERA on February 28, 1980, and submitted supplemental information on May 6, 1980, October 9, 1980, November 19, 1980, and January 14, 1981. The ARP facility, which processes lumber into pulp for paper products, is located in Claiborne, Alabama and began operation on December 1, 1978. Power to operate the facility is generated through the use of two boiler systems. The "power boiler" is fired primarily by bark, wood waste and sludge. Coal is used as an auxiliary fuel in the power boiler to stabilize and control overall combustion. An average of 600 tons of bark and wood waste are burned per day in the power boiler. The "recovery boiler" is fired solely with black liquor solids. An average 1600 tons of black liquor solids are burned per day in the recovery boiler.

The processes by which ARP obtains bark and wood waste for use as fuel are described below:

1. A portion of the bark is removed from logs during conveyance to the mill from storage. The logs are conveyed in a long flume and loose bark is reclaimed from the flume water by a system of pumps, centrifugal liquid cyclones, inclined side hill screens, tankage and related structural steel, piping, valves, electrical equipment and conveyors.

2. The majority of the bark used as fuel is removed in the barking drums, where attrition between the tumbling logs separates the bark. Loose bark is extracted from the drums through suitable openings and drops onto a conveyor.

3. The remaining portion of the bark and all of the wood waste are purchased from saw mills in the vicinity of the plant. ARP first screens the purchased wood waste and bark before processing them further.

4. All of the bark and wood waste is fed by conveyor to a system of bark hogs, which break down the larger pieces. Then the bark and wood waste is conveyed to a storage pile and blended with waste water sludge prior to being fed into the power boiler.

ARP states in its application that "(t)he sludge as fixed in the boiler has no net energy value, and ARP does not desire entitlement benefits for it."

In the processing of spent cooking liquor to recover those chemicals that may be recycled to the manufacturing of pulp, ARP obtains and burns black liquor solids. This processing is described below:

1. Cooking liquor is mixed with wood and "cooked" under pressure to produce pulp.

2. The used or "spent" cooking liquor (black liquor) is then drawn off from the cooker and separated from the pulp. This black liquor contains lignin, which is the natural binder and support for the cellulose fibers of wood.

3. To increase the solid content of the black liquor from 15 to 60 to 65 percent, it is treated by an evaporation process, and the substance is then termed black liquor solids.

4. The black liquor solids are then fired in the recovery boiler, which consumes the lignin. The liquor is then recycled to the cooker to be used to produce pulp.

Approximately 90 percent of ARP's energy requirements are satisfied by bark, wood waste and black liquor solids.

The gross heating value of the wood waste and bark used by ARP is 4,400 BTU's/lb. or 8.8 MMBTU's/ton. The gross heating value of the black liquor solids is 3,800 BTU's/lb. or 7.6 MMBTU's/ton.

ARP states that the wood waste and bark it uses as fuel average approximately 13 percent of the total input of raw materials and that the black liquor solids average approximately 39 percent of the total input of raw materials. ARP employed these percentages to determine the amount of energy attributable to the manufacture of wood waste, bark and black liquor solids.

V. Analysis

The source materials used as fuel by ARP and for which ARP seeks entitlement benefits are wood waste, bark and black liquor solids. It is ERA's determination that these materials are, as represented by ARP in its application, domestically found solid waste materials.

The amounts of energy produced and consumed in the production of wood waste, bark and black liquor solids, as provided by ARP in its application, are shown below. The calculations of net energy gain follows.

	Million Btu's per day
Energy Produced:	
Wood Waste and Bark	5,280
Black Liquor Solids	13,680
Total	18,961
Energy Consumed:	
Wood Waste and Bark	2,700
Black Liquor Solids	8,200
Total	10,900
Net Energy Gain:	
Wood Waste and Bark	2,580
Black Liquor Solids	5,480
Total	8,060

It is the ERA's determination that the production of wood waste, bark and black liquor solids by ARP yields a net energy gain. These two determinations are necessary, but are not only, conditions for designation as a petroleum substitute under paragraph (b)(2) of the definition of "pertroleum substitute" in § 211.62.

Paragraph 5(f) of the Guidelines provides that entitlement benefits will not be issued for a petroleum substitute prior to a showing by the applicant that the petroleum substitute will replace the use of crude oil or refined petroleum products. This criterion, which in effect limits eligibility to those fuels that are in competition with petroleum, was adopted as a means of insuring, to the extent administratively practicable, that entitlement benefits would be issued only to those firms that can demonstrate that their production, marketing or consumption of a petroleum substitute represents a means of lessening our national dependency on foreign oil.

ARP has failed to demonstrate how its use of wood waste, bark and black liquor solids constitutes a substitution of those fuels for a petroleum product, as contemplated by the petroleum substitute entitlements provisions and Guidelines. Neither has ARP indicated the extent, if any, to which it might reduce its consumption of petroleum as a result of its consumption of wood waste, bark and liquor solids.

Rather ARP has stated—in response to an entry on the form to describe the type of petroleum products "to be replaced by the petroleum substitute"—"In the absence of the power and recovery boilers, it would be necessary either to generate steam and electricity through the use of fossil fuels, including residual fuel oil, or distillate fuel oil, or to purchase electric power from the power grid, thus increasing petroleum consumption by the supplying utilities." In response to an entry on the form to indicate "the volume of petroleum or petroleum products to be displaced." ARP stated: "A daily average of the energy equivalent of 3326.31 barrels of crude oil per day is produced at the ARP facility. This is the volume of petroleum displaced." These statements by ARP are the total of its description of "how, when, and the circumstances under which the petroleum substitute will be substituted for the use of crude oil or refined petroleum products," paragraph 5(f) of the Guidelines. Yet, these statement reflect only a theoretical construct. There is no statement that ARP has ever used petroleum products in the Claiborne facility since its inception on December 1, 1978. Indeed, ARP indicates that the auxilary fuel is *coal*, not a petroleum product. There is no indication that when the facility was constructed any thought was given to use of petroleum products or that the decision to build a waste-fired system, in fact, resulted in displacement of or substitution for petroleum products. ARP claims that in the absence of the present configuration it would be necessary to use "fossil fuels, *including*" some petroleum products or to "purchase electric power." Yet, entitlements are granted on the basis of substitution. Here, ARP has failed to quantify at all the actual substitution. Instead, it has merely indicated that per day use of energy in crude oil barrel equivalents, although it is clear from ARP's other statement that the facility would under no circumstances have used crude oil. In sum, ARP has failed to show that a "substitution will occur," as required by paragraph 5(f) of the Guidelines.

Following ERA's Decision and Order of January 13, 1981, to International Paper Company, many questions have been raised with respect to the paragraph 5(f) requirement. As has been made clear in previous decisions and orders, actual substitution in terms of displacement satisfies the requirement of paragraph 5(f). As is clear from this Decision and Order, as well as *International Paper*, mere theoretical competition or theoretical substitution is not sufficient under paragraph 5(f). This is not to say, however, that actual substitution in terms of displacement is the only means of showing "how, when, the circumstances under which the petroleum substitute will be substituted for the use of crude oil or refined petroleum products." [1]

The burden, however, is on the applicant to demonstrate that substitution within the meaning of paragraph 5(f) will occur. In the absence of an ability to show substitution through actual displacement, applicants have the burden of demonstrating how their circumstances can reasonably be read to meet the paragraph 5(f) requirement.

In view of these considerations, we have determined that ARP's application does not demonstrate that the wood waste, bark and black liquor solids used by ARP substitute for the use of crude oil or refined petroleum products within the meaning of paragraph 5(f) of the Guidelines. Consequently, ARP has failed to meet the criterion of the Guidelines designed to assure that fuels which do not lessen reliance on crude oil and petroleum products are not designated on a case-by-case basis as petroleum substitutes.

In summary, ARP:

(a) Uses domestically found solid waste materials as a source of fuel;

(b) Produces these fuels through net energy gain processes; and

(c) Has failed to demonstrate the substitution of petroleum or petroleum products.

VI. Order

In consideration of the foregoing, the ERA hereby denies the application of Alabama River Pulp Company, Inc., for designation as a producer of petroleum substitutes under 10 CFR 211.67(a)(5). In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR Part 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

[1] Were mere theoretical competition or theoretical substitution sufficient, the requirement of paragraph 5(f) would be meaningless, as theoretical competition or substitution could be made for anything that burns no matter what the circumstance.

Issued in Washington, D.C., on February 9, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-5331 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Conservation Panel; Meeting

Notice is hereby given of the following meeting:

Name: Conservation Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770)

Date and time: March 6, 1981, 9:30 am to 4:00 pm

Place: Department of Energy, Forrestal Building, Room 4A-104, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, MS 3F-032, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda: Discussion of Activities for the Coming Year.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal Holidays.

Issued at Washington, D.C. on February 10, 1981.

Antionette Grayson Joseph,

Associate Director for Field Operations Management, Office of Energy Research.

[FR Doc. 81-5382 Filed 2-13-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53021; TSH-FRL 1754-4]

Premanufacturers Notices; Monthly Status Report for December 1980

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for December 1980.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on a specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Rich Green, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-8816).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558) and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances that EPA has added to the Inventory during the month. Therefore, EPA is publishing the December 1980 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53021]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report for December 1980

I. Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
80-341	*N-N'*-Nonanedioyl-bis[3,4,5,6-tetrahydro-2(1*H*)pyrimidinone]	In preparation	Mar. 1, 1981.
80-342	Disodecyl dimerate	...do	Mar. 1, 1981.
80-343	1,6-Hexanediamine, distillation residues—amines, C_{6+}, alkyl di- and C_6 cyclic di-dichloroethane-epichlorohydrin polymer.	46 FR 8065 (1/21/81)	Mar. 1, 1981.
80-344	Generic name: Metal resinate	In preparation	Mar. 1, 1981.
80-345	Generic name: Diallkyl trithiocarbonate	...do	Mar. 2, 1981.
80-346	Ferrous complexed sulfonated tannin	...do	Mar. 2, 1981.
80-347	Generic name: Metal amine propanol complex	...do	Mar. 3, 1981.
80-348	Sunflower Oil, polymer with pentaerythritol phthalic anhydride, soybean oil, and trimethylol ethane.	...do	Mar. 6, 1981.
80-349	Sunflower oil, polymer with benzoic acid, and pentaerythritol	...do	Mar. 6, 1981.
80-350	Resin polymers with glycerol, phthalic anhydride and sunflower oil	...do	Mar. 6, 1981.
80-351	Generic name: Substituted alkanoic acid, alkyl ester	...do	Mar. 6, 1981.
80-352	Generic name: Polymer of: Acylic acid, styrene, substituted alkyl acrylates, and alkyl mercaptan.	...do	Mar. 6, 1981.
80-353	Generic name: Polymer of: An isocyonate and mixture of aliphatic polyols	...do	Mar. 10, 1981.
80-354	Generic name: Polyester polymer of aliphatic polyols, aromatic diecid, and aliphatic diacid.	...do	Mar. 10, 1981.
80-355	Generic name: (*p*-Dialkylamino phenyl)-dieryl heterocycle	...do	Mar. 10, 1981.
80-356	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin.	...do	Mar. 11, 1981.
80-359	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin.	...do	Mar. 11, 1981.
80-360	2-Propanol, 1-methoxy-acetate	...do	Mar. 12, 1981.
80-361	Formaldehyde, polymer with *N*-(3-aminopropyl)-1,3-propane diamine, (chloromethyl)oxirane, and phenol.	...do	Mar. 15, 1981.
80-362	A resin from bisphenol A—epichlorohydrin copolymer, bisphenol A, linseed oil fatty acids, tall oil fatty acids, styrene, and acrylic acid.	...do	Mar. 15, 1981.
80-364	Generic name: monoethanol amide of long chain fatty acid	...do	Mar. 15, 1981.
80-365	Calcium sodium ethylenediamine tetrakis (methylenephosphonate)	...do	Mar. 15, 1981.
80-366	1-Propanaminium, *N,N-dimethyl, N*-ethyl 1-3-[(1-oxoco-coalkyl) amino]-, ethylsulfate.	...do	Mar. 16, 1981.
80-367	Generic name: Vegetable fatty acid modified polyester	...do	Mar. 16, 1981.
80-368	Generic name: Alkenylsuccinic acid monoester	...do	Mar. 19, 1981.
80-369	Generic name: Polyester di-urethane methacrylate resin based on the reaction of a diallkyl diol/adipic acid polyester diol with toluene diisocyanate and hydroxyethly methacrylate.	...do	Mar. 23, 1981.
80-370	Generic name: Aliphatic triol	...do	Mar. 22, 1981.
80-371	(Alkyl)halothiophosphate	...do	Mar. 24, 1981.

Premanufacture Notices Monthly Status Report for December 1980

I. Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
80-372	Halogenated diphenyl sulfide	...do	Mar. 24, 1981.
80-373	Generic name: Reaction product of 4-nitrosophenol hydroxybenzene and an oxo alkane with sodium sulfide ($NA_2(S_x)$)	...do	Mar. 23, 1981.
80-374	Generic name: 4-(Trifluoromethyl)-2-chloro-1-(3-substituind phenoxy) benzene derivative	...do	Mar. 23, 1981.
80-375	Generic name: Polymer of methacrylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative	...do	Mar. 23, 1981.
80-376	Generic name: Urethane prepolymer	...do	Mar. 23, 1981.
80-377	Polymer of: 1,2-ethanediol; 2,5-furandione; 1,3-isobenzofurandione; 1,2-propanediol, and 3*a*,4,7,7*a*-tetrahydro-4,7-methano-1*H*-indene.	...do	Mar. 23, 1981.
80-378	Generic name: *N*-(Substituted)-*N*-(substituted)acetamide	...do	Mar. 24, 1981.
80-379	Generic name: Organosilicon polymer	...do	Mar. 24, 1981.
80-380	Generic name:4-Substituted(substituted benzene)	...do	Mar. 29, 1981.
80-381	1-Substituted-4-(substitutedheteromonocyclic)benzene	...do	Mar. 29, 1981.
80-382	Generic name: Adipic acid, 1,2-propanediol, moncarboxylic acid polyester	...do	Mar. 29, 1981.
80-383	Ammonium dinoleate	...do	Mar. 29, 1981.

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
80-272	*N*-Methyl-*N*-glucitylstearoylamide	45 FR 73128 (11/4/80)	Jan. 1, 1981.
80-273	Amines, C_{12+} alkyldimethyl, phosphate salt	45 FR 73128 (11/4/80)	Jan. 1, 1981.
80-275	Polymer of: Tall oil fatty acid, isophthalic acid, trimethylol propane, trimellitic anhydride, methyl methacrylate, ethyl acrylate, methacrylic acid, hydroxy ethyl methacrylate	45 FR 73132 (11/4/80)	Jan. 4, 1981.
80-276	Generic name: Styrene acrylic polymer	45 FR 71415 (10/28/80)	Jan. 4, 1981.
80-277	Generic name: Modified terpolymer of mixed alkyl acrylates	45 FR 71415 (10/28/80)	Jan. 4, 1981.
80-278	Generic name: Modified copolymer of mixed alkyl acrylates	45 FR 71415 (10/28/80)	Jan. 4, 1981.
80-279	Polymer of: 2,2-Dimethyl 1,3-propanediol; 2,2,4-trimethyl 1,3-pentanediol isophthalic acid; and fumaric acid.	45 FR 73128 (11/4/80)	Jan. 5, 1981.
80-280	Generic name: Hydrogen zeolites	45 FR 74562 (11/10/80)	Jan. 7, 1981.
80-281	Polymer of: Propylene glycol, neopentyl glycol, isophthalic acid, Empol 1022 dimeric fatty acid, trimellitic anhydride polymer.	45 FR 73131 (11/4/80)	Jan. 6, 1981.
80-282	Amenoalkenol salt, as a 25 pct aqueous solution	45 FR 75752 (11/17/80)	Jan. 12, 1981.
80-283	Generic name: Styrene methacrylate acrylate polymer	45 FR 74993 (11/13/80)	Jan. 13, 1981.
80-284	Generic name: Polymer of alkane-diols and carbomonocylcic anhydrides	45 FR 75752 (11/17/80)	Jan. 14, 1981.
80-285	M(4-Diazo phenyl morpholine hexafluorophosphate	45 FR 74993 (11/13/80)	Jan. 19, 1981.
80-287	Polymer of: Tall oil fatty acid, isophthalic acid, terephthalic acid, pentaerythritol, benzoic acid, and trimethylol propane	45 FR 77125 (11/21/80)	Jan. 19, 1981.
80-288	Polymer of: Soybean oil, pentaerythritol, isophthalic acid, benzoic acid, terephthalic acid	45 FR 77125 (11/21/80)	Jan. 19, 1981.
80-289	Amines, isopropyl, distillation residues	45 FR 75750 (11/17/80)	Jan. 21, 1981.
80-290	Amines, ethyl, distillation residues	45 FR 75750 (11/17/80)	Jan. 21, 1981.
80-291	Polymer of: Epoxy resin, bisphenol A, paraformaldehyde, dibutylamine, and diethanolamine.	45 FR 79150 (11/28/80)	Jan. 21, 1981.
80-292	Generic name: Disubstituted carbopolycyclic derivative	45 FR 79150 (11/28/80)	Jan. 21, 1981.
80-293	Generic name: Dimethyl alkylmethyl silicone glycol copolymer	45 FR 79157 (11/28/80)	Jan. 25, 1981.
80-294	Generic name: Siloxane, alkoxylated amenoalkyl	45 FR 79157 (11/28/80)	Jan. 25, 1981.
80-295	Generic name: Disubstituted nitrobenzene	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-296	Generic name: Ethyl, substituted, (((sulfopropyl) heteropolycyclic) methyl) alkenyl heteropolycycle.	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-297	Generic name: Ethyl, substituted, methylheteropolycycle tosylate	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-298	Generic name: Substituted, methylheteropolycycle	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-299	Generic name: Disubstituted benzene	45 FR 78791 (11/26/80)	Jan. 25, 1981.
81-300	Generic name: Bis(Nitro, substituted phenyl)substituent	45 FR 78791 (11/26/80)	Jan. 25, 1981.
80-301	Cyclohexane, 1,1'-methylene bis (4-isocyanato-, reaction products with 1,3-isobenzofurandione, polymer with 1,6-hexanediol, alpha-hydro-omega-hydroxypolyoxy(1,4-butanediyl), and (2-hydroxyethyl)-2-propenoate.	45 FR 79152 (11/28/80)	Jan. 25, 1981.
80-302	Generic name: Modified polyester based on carbomonocylic anhydride and alkanediol.	45 FR 80354 (12/4/80)	Jan 26, 1981
80-303	Generic name: Substituted alkyl peroxycarbonate	45 FR 80351 (12/4/80)	Jan. 27, 1981
80-304	Generic name: Alkyl substituted chlorocarbonic acid	45 FR 80351 (12/4/80)	Jan. 27, 1981
80-305	Generic name: Elastomeric urethane	45 FR 82707 (12/16/80)	Jan. 28, 1981
80-306	Generic name: Urea/carbamate lacquer	45 FR 82707 (12/16/80)	Jan. 27, 1981.
80-307	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phyhalic anhydride.	45 FR 81851 (12/11/80)	Jan. 27, 1981.
80-310	Butanenitrile, 2-methyl, 2,2'-azobis	45 FR 80350 (12/4/80)	Jan. 28, 1981
80-311	Butanenitrile, 2-methyl, 2-amino	45 FR 81826 (12/12/80)	Jan. 28, 1981
80-312	*N*-Isocyanatotolyl-abietamide	45 FR 83661 (12/19/80)	Jan. 28, 1981
80-313	2-Chloro-2-sulfopropionic acid	45 FR 83662 (12/19/80)	Feb 2, 1981
80-314	2,4-Bis[(4-(*N*-cyano-*N*-phenylsulfonylamino)phenyl)methyl]-*N*-phenylsulfonylbenzenamine; 4,4'-methylenebis(*N*-cyano-*N*-penylsulfonylbenzenamine; 4,4'-methylenebis(2-[(4-(*N*-cyano-*N*-penylsulfonylamino)phenyl)-methyl)-*N*-cyano-*N*-phenylsulfonylbenzenamine].	45 FR 85151 (12/24/80)	Feb 1, 1981
80-315	4,4'-Methylenebis(*N*-cyanobenzenamine); 2,4-bis[(4-(*N*-cyanoamino)phenyl)methyl]-*N*-cyanobenzenamine; 4,4'methylenebis[2-[(4-*N*-cyanoamino)phenyl)methyl]-*N*-cyanobenzenamine].	45 FR 85151 (12/24/80)	Feb. 1, 1981.
80-316	Generic name: Diallkyltin-dinicinoleate	45 FR 83020 (12/17/80)	Feb 2, 1981
80-317	Generic name: Polymer of modified resin esters and mixed oils	45 FR 83023 (12/17/80)	Feb 3, 1981
80-318	Dimethyl diallyl ammonium chloride-acrylamide-potassium acrylate terpolymer	45FR 83664 (12/19/80)	Feb 5, 1981
80-319	Generic name: Salt form of acrylic acid-acrylate copolymer	45 FR 83661 (12/19/80)	Feb 5, 1981
80-320	Vanadic acid, tris(2-methylpropyl)ester	45 FR 83019 (12/17/80)	Feb 5, 1980
80-321	Generic name: Polymer of an alkyl acrylate, an alkyl methacrylate, and a saturated cyclic methacrylate.	45 FR 82708 (12/17/80)	Feb 10, 1981
80-322	Generic name: Polymer of epoxidized soybeen oil benzoic acid	45 FR 83021 (12/17/80)	Feb 10, 1981
80-323	Generic name: Acrylic emulsion	45 FR 83662 (12/19/80)	Feb 10, 1981
80-324	Generic name: Poly (allyl ether) hydroxy alkyl ester	45 FR 82706 (12/16/80)	Feb 11, 1981
80-325	Generic name: Chromophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80)	Feb 15, 1981
80-326	Generic name: Chromophore substituted poly (oxyethylene)	45 FR 82708 (12/16/80)	Feb 15, 1981
80-327	Generic name: Toluene diisocyanate blocked prepolymer	45 FR 83020 (12/17/80)	Feb 15, 1981
80-328	Generic name: Unsaturated melamine formaldehyde methanol resin	45 FR 83019 (12/17/80)	Feb. 16, 1981.

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Premanufacture Notices Monthly Status Report for December 1980

II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month

80-329	Generic name: Salt of fatty acid dimer	45 FR 83022 (12/17/80)	Feb. 15, 1981.
80-330	Amino Alcohol	46 FR 3983 (1/16/80)	Feb. 18, 1981.
80-331	Methacrylic fatty acid adduct	46 FR 3983 (1/16/81)	Feb. 19, 1981.
80-332	Soya fatty ester	46 FR 3983 (1/16/81)	Feb. 22, 1981.
80-333	Polymer of: Substituted alkanediol, alkanedioic acid, and alkenedioic acid	46 FR 3983 (1/16/81)	Feb. 22, 1981.
80-334	Polymer of: Alkanediol, alkanedioic acid, and alkenedioic acid	In preparation	Feb. 22, 1981.
80-335	Polymer of: Substituted alkanediol, alkanedioic acid, and alkenedioic acids	do	Feb. 22, 1981.
80-336	1,2,4-Substituted anthraquinone	do	Feb. 22, 1981.
80-337	Acrylamid-methacrylic copolymer	do	Feb. 23, 1981
80-338	Salt form of acrylic acid-acrylate copolymer	do	Feb. 22, 1981.
80-339	Salt form of acrylic acid-acrylate copolymer	do	Feb. 22, 1981.
80-340	Polymer diol, monocarboxylic acid diol, diamine, and a diisocyanate	46 FR 3983 (1/16/81)	Feb. 24, 1981.

III. Premanufacture Notices for Which the Notice Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity and generic name	FR citation	Expiration date
80-239	2,2,4-Trimethyl-1,3-pentanediol, trimethylolpropane, succinic anhydride, adipic acid, isophthalic acid.	45 FR 63919 (9/26/80)	Dec. 2, 1980
80-240	Generic name: Ethene-alkene-vinyl carbonyl amine polymer	45 FR 65030 (10/1/80)	Dec. 1, 1980
80-241	Generic name: Polyurethane polyacrylic polymer	45 FR 63345 (9/24/80)	Dec. 3, 1980
80-242	M(2-Hydroxypropyl)-N-tris (5-hydroxy-2-oxopentyl)-ammonium acetate	45 FR 64245 (9/29/80)	Dec. 4, 1980
80-243	2,2,4-Trimetyly-1,3-pentanediol, trimethylolpropane, succinc anhydride, trimellitic anhydride, adipic acid, and isophthalic acid.	45 FR 65033 (10/1/80)	Dec. 7, 1980
80-244	1-Nitronaphthalene-6-sulfonic acid, potassium salt	45 FR 65029 (10/1/80)	Dec. 7, 1980
80-245	1-Nitronaphythalene-7-sulfonic acid, potassium salt	45 FR 65029 (10/1/80)	Dec. 7, 1980
80-246	Generic name: Disubstituted heptadecane	45 FR 65032 (10/1/80)	Dec. 7, 1980
80-247	Generic name: Aliphatic diol	45 FR 65032 (10/1/80)	Dec. 7, 1980
80-248	Azelaic acid, 1,4-cyclohexanedimethanol, dimer acid, dimethylol propionic acid, methylenebis (cyclohexyl isocyanate), neopentyl glycol, trimethylolpropane polymer.	45 FR 65033 (10/1/80)	Dec. 8, 1980
80-249	Generic name: Aliphatic polyurethane waterborne dispersion	45 FR 65034 (10/1/80)	Dec. 9, 1980
80-250	Propylene glycol, ethylene glycol terephthalic acid polymer, phthalic anhydride, and maleic anhydride.	45 FR 65864 (10/3/80)	Dec. 11, 1980
80-251	Generic name: Carbomonocyclic, carbopolycyclic polyester	45 FR 69298 (10/20/80)	Dec. 11, 1980
80-252	Generic name: Aerytoxyethytheteromonocycle	45 FR 67446 (10/10/80)	Dec. 15, 1980
80-253	Coconut fatty acids, benzoic acid, isophthalic acid, neopentyl glycol, propylene glycol.	45 FR 67450 (10/10/80)	Dec 16, 1980
80-254	Generic name: Dimer fatty acid polyamide	45 FR 67450 (10/10/80)	Dec 15, 1980
80-256	1-Octanamine, N, N-dimethyl-, phosphate salt	45 FR 67751 (10/14/80)	Dec. 16, 1980
80-257	Generic name: Unsaturated branched chain hydrocarbon having 10 carbon atoms.	45 FR 67761 (10/14/80)	Dec. 17, 1980
80-258	Generic name: Unsaturated branched chain ketone having 12 carbon atoms	45 FR 67761 (10/14/80)	Dec 17, 1980
80-259	Generic name: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates	45 FR 69299 (10/20/80)	Dec. 18, 1980
80-261	Polymer of: Palm oil, coconut oil pentaerythritol, benzoic acid, phthalic anhydride, and maleic anhydride	45 FR 71419 (10/28/80)	Dec. 21, 1980
80-262	Generic name: Fatty acids, esters with polyols	45 FR 71418 (10/28/80)	Dec. 21, 1980
80-263	Linseed oil, styrene, glycerine, toluene diisocyanate	45 FR 73130 (11/4/80)	Dec. 22, 1980
80-264	Benzenamine, [M-(1-methylhexylidene)-N'-(1-methyl butylidene)-4,4-methylene bis].	45 FR 73127 (11/4/80)	Dec 25, 1980
80-265	Generic name: Di (substituted alkyl) carbomonocyclic dicarboxylate	45 FR 73125 (11/4/80)	Dec. 25, 1980
80-266	Generic name: Polymer of alkanedioic acids, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 2,2-dimethyl-1,3-propanediol	45 FR 73125 (11/4/80)	Dec 25, 1980
80-267	Generic name: Substituted phenol, reaction products with sulfur chloride	45 FR 72785 (11/3/80)	Dec 28, 1980
80-268	Generic name: Esterified polyamic acid	45 FR 70107 (10/22/80)	Dec. 28, 1980
80-269	Generic name: Dineoalkyl ester of glycerine	45 FR 74558 (11/10/80)	Dec. 28, 1980
80-270	Polymer of glycidyl methacrylate, hydroxy propyl methacrylate, 12-hydroxy < stearic acid, methacrylic acid, methyl methacrylate polymer	45 FR 74558 (11/10/80)	Dec. 28, 1980

IV. New Chemical Substances That EPA Has Added to the Inventory During the Month

PMN No.	Submitter	Chemical identification	FR citation
P-79-29	Confidential business information (CBI)	Polymer of: 5-Substituted-1,3-benzenedicarboxylic acid, ethylene glycol, ε-caprolactone	45 FR 2389 (1/11/80)
P-79-30	CBI	Polymer of: 5-Substituted-1,3-benzenedicarboxylic acid, 1,4-cyclohexanedimethanol, ethylene glycol, ε-caprolactone, tolylene-2,4-diisocyanate, 2-butenedioic acid.	45 FR 23891 (1/11/80)
P-79-31		Polymer of: 1,4-Cyclohexane dimethanol, 2-butenedioic acid	45 FR 2389 (1/11/80)
P-80-73	CBI	Salt of: Formaldehyde, 4-(phenylamino)-substituted benzene polymer and 2-butenedioic acid, 1,4-cyclohexane-dimethanol, 2,4-diisocyanato-1-methylbenzene, 1,2-ethanediol, 2-oxepanone, and 5-substituted-1, 3-benzenedicarboxylic acid polymer.	45 FR 30127 (5/7/80)
P-80-217	General Electric Corp	Aromatic Trisazo dye	45 FR 61021 (9/15/80)
P-80-218	General Electric Corp	Aromatic trisazo dye	45 FR 61021 (9/15/80)
P-80-219	CBI	An aliphatic ester	45 FR 62194 (9/15/80)
P-80-231	CBI	Naphthalene 1,2,3,4-tetrahydro-1,1,4,4 tetramethyl	45 FR 62197 (9/18/80)
P-80-234	Inmont Corp.	Polymer of adipic acid, dimethyl 1,4 cyclohexanedicarboxylate, maleic anhydride, neopentyl glycol, phthalic anhydride, trimellitic anhydride trimethylol ethane.	45 FR 65033 (10/1/80)
P-80-243	CBI	Polymer of 2,2,4-trimethyl-1,3-pentanediol, trimethyl propane succinc anhydride, trimellitic anhydride, adipic, isophthalic acid	45 FR 65033 (10/1/80) 195

[FR Doc. 81-5280 Filed 2-13-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket: FEMA-REP-1-VT-1; FEMA-REP-1-VT-2]

Vermont Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of Vermont has submitted its radiological emergency plans to the FEMA Regional Office. These Plans support nuclear power plants which impact on Vermont, and include summaries of the plans of local governments near the Vermont Yankee Nuclear Power Station located in Vernon, VT, and Yankee Nuclear Power Station located in Rowe, MA.

DATE PLANS RECEIVED: January 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McGrail, Regional Director, FEMA, Region I, Room 442 John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, (617) 223-4741.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8),"Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the State of Vermont was received by the Federal Emergency Management Agency Region I Office.

Included are summaries of plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Vernon Plant, summaries of plans are included for Vernon, Guilford, Brattleboro, Halifax, Marlboro and Dummerston; for the Rowe Plant, summaries of plans are included for Marlboro, Stamford, Readsboro, Wilmington, Whitingham, Searsburg and Woodford.

Copies of the Plan are available for review at the FEMA Region I Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 295 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Stephen J. McGrail,

Regional Director.

[FR Doc. 81-5248 Filed 2-13-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2147]

Davis Export Consultants International, Inc., Vacating Revocation

By Order served January 26, 1981, Davis Export Consultants International, Inc. (DEC) was notified that its Independent Ocean Freight Forwarder License No. 2147 was automatically revoked pursuant to section 44(c) of the Shipping Act, 1916, as amended (46 U.S.C. 841(b)), and section 510.9 Federal Maritime Commission General Order 4 (46 CFR 510) because DEC had failed to maintain a vald surety bond on filé with the Federal Maritime Commission.

DEC has not come forth with evidence that it had, in fact, maintained a valid surety bond.

Therefore by virture of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that the Order of Revocation served January 26, 1981, revoking Davis Export Consultants International, Inc. Independent Ocean Freight Forwarder License No. 2147, is hereby vacated.

It is ordered, that a copy of this Notice be published in the **Federal Register** and served upon Davis Export Consultants International.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-5312 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should

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not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Tranpotrade International, Inc., 1310 Prairie Avenue, Suite 824, Houston, TX 77002; Officers: Iqbal Ahmed, President; Renee Dickinson, Vice President; Donna Dickinson, Secretary/Treasurer

Negron International Co. (J. E. Negron, d.b.a.), 15 Park Row, Room 1703, New York, NY 10038

Doris Rabenold Fabian, 5332 West 142nd Place, Hawthorne, CA 90250

Albert Rubiano, 2734 N.W. 183rd St., Miami, FL 33056

Dated: February 11, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5314 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-14]

Marquis Surface Corporation Independent Ocean Freight Forwarder License No. 1573; Order of Investigation and Hearing

Marquis Surface Corporation (Marquis) is a New York based corporation operating as an independent ocean freight forwarder pursuant to FMC License No. 1573, issued August 5, 1974.

According to the Commission's information, it appears that Marquis permitted an unauthorized person, Gemini Transportation Inc. (Geminitrans) [1] to use Marquis' name and license number to perform the ocean freight forwarding on at least two hundred ninety (290) shipments during the period January 3, 1977 to January 28, 1980. It further appears that Marquis and Geminitrans shared the ocean carrier compensation and the forwarding fees generated by those two hundred ninety (290) shipments. Marquis apparently paid Geminitrans approximately $13,900 as its share of the ocean carrier compensation, forwarding and documentation fees.

Section 510.23(a) of the Commission's General Order 4 prohibits licensees from permitting their license numbers and names to be used by any person not employed by the licensee for the performance of any freight forwarding services.

[1] Geminitrans appears to be a company owned in common with Gemini International Company, a freight forwarder applicant currently under investigation in Docket No. 80-83.

Also, in accepting ocean carrier compensation for the performance of ocean freight forwarding services it did not perform, Marquis appears to have violated section 44(e) of the Shipping Act, 1916, and section 510.24(e) of the Commission's General Order 4.

Now therefore it is ordered, that pursuant to sections 22, 32, and 44 (46 U.S.C. 821, 831, and 841(b)) of the Shipping Act, 1916, and § 510.9 of the Commission's General Order 4 (46 CFR 510.9) a proceeding is hereby instituted to determine:

1. Whether Marquis has violated § 510.23(a) of General Order 4 by permitting Geminitrans to use its name and license number to perform ocean freight forwarding services on two hundred ninety (290) shipments during the period January 3, 1977 to January 28, 1980.

2. Whether Marquis violated section 44(e) of the Shipping Act, 1916 and § 510.24(e) of the General Order 4 by accepting ocean carrier compensation on the above cited shipments for which it did not perform the ocean freight forwarding service.

3. Whether civil penalties should be assessed against Marquis pursuant to section 32(e) of the Shipping Act, 1916, for violations of section 44(e) of the Shipping Act, 1916, and/or §§ 510.23(a) and 510.24(e) of the Commission's General Order 4, and, if so, the amount of any such penalty which should be assessed.

4. Whether Marquis' independent ocean freight forwarder license should be suspended or revoked pursuant to section 44(d) of the Shipping Act, 1916, for:

(a) willful violations of section 44(e) of the Shipping Act, 1916, and/or §§ 510.23(a) and 510.24(e) of the Commission's General Order 4; or

(b) such conduct as the Commission shall find renders Marquis unfit to carry on the business of forwarding in accordance with § 510.9(e) of General Order 4.

It is further ordered, that Marquis Surface Corporation be made Respondent in this proceeding.

It is further ordered, that in accordance with Rule 42 of the Commission's Rules and Practice (46 CFR 502.42), the Commission's Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, that this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge but in no event later than the time limitation set forth in Rule 61 (46 CFR 502.61). The hearing shall include oral testimony and cross-examination at the discretion of the Presiding Officer, only upon the proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, that Notice of this Order be published in the **Federal Register** and a copy thereof and notice of hearing be served upon Respondent, Marquis Surface Corporation and the Commission's Bureau of Investigation and Enforcement.

It is further ordered, that any person other than the Respondent and the Commission's Bureau of Investigation and Enforcement having an interest in and desire to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Commission's Rules of Practice and Procedure.

It is further ordered, that all future notices issued by or on behalf of the Commission, including notice of time and place of hearing or prehearing, shall be mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5318 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. T-3945 and T-3945-A]

Nonexclusive Containership Terminal Preferential Assignment Agreement and Container Crane Nonexclusive Preferential Assignment Agreement Between Port of Oakland and Maersk Line Pacific, Ltd.; Availability of Finding of No Significant Impact

Upon completion of assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the preferential assignment Agreements Nos. T-3945 and T-3945-A between the Port of Oakland, California, and Maersk Line Pacific, Ltd., will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that the preparation of an environmental impact statement is not required. The proposed Commission action also will not have a significant energy impact.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related energy and environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5316 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1834]

SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.); Order of Revocation

On January 22, 1981, SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.), P.O. Box 8672, San Francisco, International Airport, San Francisco, CA 94128, advised the Commission that it had ceased operations effective September 1, 1979.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1834 issued to SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.) be revoked without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1834 issued to SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon SFO Airport Packing & Forwarding Co. (Robert Balanza and Newton S. Colburn, d.b.a.).

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-5313 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 10409]

Space Charter Agreement Among Korea Shipping Corp., Neptune Orient Lines, Inc., and Orient Overseas Container Lines, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental and energy assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the agreement will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Fuel, however, will be conserved if the agreement is approved. For a description of this agreement, please refer to 45 FR 7069 (January 22, 1981).

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5317 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3935]

South Carolina State Ports Authority/ Puerto Rico Maritime Shipping Authority; Availability of Finding of No Significant Impact

Upon completion of an impact assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the environmental issues related to the referenced proceeding do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The proceedings also will not have a significant impact upon energy consumption.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related impact assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5315 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-15]

United States-European Trade Carriers Cooperative Study Agreement No. 10318; Order To Show Cause

The above-captioned agreement between 14 U.S. and foreign-flag ocean carriers (Proponents) [1] has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

Agreement No. 10318 would allow the Proponents to exchange information and cooperate in developing information relating to cargo movements, including seasonal and other traffic fluctations, and data bearing on the level, type and frequency of liner services required by shippers; costs of service; practices connected with the receipt and delivery of cargo; relations with trade and similar shipper associations; relations with the business community and shipping public; relations with the state-owned and controlled liner shipping services; relevant legislative matters and intergovernmental activities; self-policing systems and their evolution; and studies and reports concerning legal and economic aspects of the liner shipping industry and the conference system.

As it concerns the U.S.-European trades, the parties seek authority to collectively study problems associated with overtonnaging; intermodal transport; the formation of shippers' councils in the United States; self-policing; state-owned and controlled carriers; and relations with the business community, the shipping public and the public-at-large. These cooperative efforts are intended to produce information which will help solve the problems being studied.

Agreement No. 10318 was noticed in the **Federal Register** on December 21, 1977. On January 10, 1978, the Department of Justice filed comments, opposing approval or, in the alternative, requesting a full evidentiary hearing on the matter. On January 23, 1978, Outboard Marine Corporation filed comments requesting that hearings be held on the approvability of Agreement No. 10318. An affidavit in support of the Agreement was received on July 10, 1978.

[1] See Appendix A.

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The Commission finds Agreement No. 10318 to be vague with regard to its general scope, methods of procedure and specific objects of study. Agreements which receive an exemption from the antitrust laws under section 15 must be expressed in a clear and definite manner. The public interest is not served by overly broad, ambiguous agreements which can generate uncertainty and disagreement among member lines and third parties alike. It is noted that the Proponents currently belong to a variety of conference, rate, rationalization, and joint service agreements which already authorize them to deal, in specific trades, with the matters seemingly covered by Agreement No. 10318. Express section 15 authority is not required to conduct preliminary discussions leading to the filing of a proposed agreement.

Finally, Agreement No. 10318 suggests, at page 3, that other agreements may be "transacted" under its terms and need only be *subsequently reported* to the Commission. Although the Agreement also states at page 4 that nothing in it authorizes the parties to implement "any substantive agreement" without prior Commission approval, this provision creates sufficient ambiguity to warrant disapproval on public interest grounds.

Given the indefinite language of the Agreement, and Proponents' failure, notwithstanding their July 10, 1978 affidavit, to provide justification which demonstrates that there are specific and immediate problems which necessitate discussion of particular courses of action which cannot be discussed under existing authority, Agreement No. 10318 will be disapproved as contrary to the public interest unless Proponents can show cause why such action should not be taken.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Proponents listed in Appendix A are ordered to show cause why Agreement No. 10318 should not be disapproved as vague and therefore contrary to the public interest and because the Proponents have failed to adequately demonstrate a legitimate transportation need for the agreement; and,

It is further ordered, That this proceeding is limited to the submission of affidavits of fact and memorandum of law. Should any party believe an evidentiary hearing is required, that party must submit a request for such hearing accompanied by a detailed statement of the particular facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed no later than May 26, 1981; and,

It is further ordered, That this Order be published in the **Federal Register** and a copy thereof also served upon each Proponent; and,

It is further ordered, That Proponents and Intervenors urging approval of the instant Agreement shall file affidavits of facts and memoranda of law in accordance with the second ordering paragraph hereof, no later than March 27, 1981, with the Secretary, Federal Maritime Commission 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies and otherwise in accordance with the Commission's Rules of Practice and procedure (46 CFR Part 502); and

It is further ordered, That the Commission's Bureau of Investigation and Enforcement shall be a party to this proceeding. Reply affidavits and a memorandum of law shall be similarly filed by the Bureau of Investigation and Enforcement and by Intervenors urging disapproval of the instant Agreement no later than April 27, 1981; and

It is further ordered, That rebuttal memoranda and affidavits responding to the memorandum and affidavits of the Bureau of Investigation and Enforcement may be filed by the Proponents no later than May 18, 1981.

It is further ordered, That any person other than Proponents and the Commission's Bureau of Investigation and Enforcement having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

Members

American Export Lines, Inc. (Farrell Lines); Atlantic Container Line, GIE; Baltic Shipping Company; Black Sea Shipping Company; Combi Line; Dart Containerline Co., Ltd.; Euro-Pacific; Hapag-Lloyd AG; Johnson ScanStar; Lykes Bros. Steamship Co., Inc.; Norwegian American Line; Sea-Land Service, Inc.; Thos. & Jas. Harrison, Ltd.; and United States Lines, Inc.

[FR Doc. 81-5319 Filed 2-13-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 12, 1981.

A. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Fourth National Corporation, Tulsa, Oklahoma (commercial and consumer lending activities; Oklahoma): to engage in making or acquiring for its own account or for the account of others, loans and other extensions of credit, including commercial and consumer loans and issuing letters of credit and accepting drafts. These activities would be conducted from offices in Tulsa, Oklahoma, principally serving the Tulsa Metropolitan area.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5337 Filed 2-13-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 6, 1981. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such reciept.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 9, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Trade Commission

The FTC requests an extension without change clearance of the Premerger Notification and Report Form. The Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice conduct a premerger notification program pursuant to Section 7A of the Clayton Act, 15 U.S.C. 18a (as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976). The Act requires that certain persons contemplating mergers or acquisitions of a specified size file notification with the Commission and Assistant Attorney General, prior to consummation of the proposed transaction, and provide such documentary and other information as will support a meaningful evaluation of the possible antitrust consequences of the transaction. The information is provided in part by completing and filing the Premerger Notification and Report Form. In order to complete the form, a filing person must identify the parties to the transaction and describe the transaction in some detail, provide its dollar revenues for 1977 by industry and by manufactured product class, as well as identity its significant stockholders and stockholdings. In certain cases, the person must also describe the geographic areas within which it does business, the purchases it has made from another party to the same transaction, and certain of its previous acquisitions. Documents prepared in anticipation of, or in connection with, the acquisition, or indices thereof, must be submitted with the Form, as well as specified annual reports, financial statements and certain recent filings made with the United States Securities and Exchange Commission. The only change to the Form since it was first used in 1978 is that the FTC has now substituted a requirement for 1977 revenue data in those instances where the Form had previously required 1972 data. See 45 FR 14205 (March 5, 1980). The FTC estimates respondents may number approximately 1,000 and that time to complete the Premerger Notification and Report Form will average 50 hours per respondent.

Normal F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-5340 Filed 2-13-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming Consumer Exchange Meeting to be chaired by George J. Gerstenberg, District Director, New York District Office, Brooklyn, NY.

DATE: The meeting will be held at 10 a.m., Monday, March 16, 1981.

ADDRESS: The meeting will be held at the Bureau of Motor Vehicles Bldg., Cooperative Extension Office, 2d Floor, 216 Central Ave., White Plains, NY 10606.

FOR FURTHER INFORMATION CONTACT: Nancy Goldstein, Consumer Affairs Officer, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212-965-5043.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's New York District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: February 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5294 Filed 2-13-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Federal-Private Cooperative Coal Leasing Proposal

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of the public comment period on the Federal-private cooperative coal leasing proposal.

SUMMARY: In the **Federal Register** of December 30, 1980 (45 FR 85833), the Bureau of Land Management requested, by January 29, 1981, comments on its cooperative coal leasing proposal which it hopes to apply in an October 1981 lease sale in the Green River-Hams Fork Federal Coal Region in northwest Colorado and southwest Wyoming.

The proposal is designed to enhance bidder competition in the sale and development of tracts where there is mixed Federal-private ownership of coal, especially tracts in a checkerboard ownership pattern.

This notice hereby extends the comment period on this proposal until March 2, 1981.

DATES: Written comments are requested by March 2, 1981.

ADDRESS: Comments should be sent to Director (160), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ryan Dudley, Office of Coal Management, Bureau of Land Management, (202) 343-4537.

Dated: February 12, 1981.

Ed Hastey,

Acting Director.

[FR Doc. 81-5318 Filed 2-16-81; 8:45 am]

BILLING CODE 4310-84-M

V 46/31 FE 17 81 UMI

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 6, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 4, 1981.

Carol Shull,
Acting Chief, Registration Branch.

CALIFORNIA

Trinity County

Trinity Center vicinity, *Bowerman Barn*, SW of Trinity Center on Guy Covington Dr.

IOWA

Clinton County

Delmar, *Delmar Caboose*, Vane St.

Hardin County

Alden, *Alden Public Library*, 1012 Water St.

KENTUCKY

Jefferson County

Louisville, *Crescent Hill Branch Library*, 2762 Frankfort Ave.
Louisville, *Firehouse No. 13 (Historic Firehouses of Louisiana Thematic Resources)*, 100 N. 34th St. (Addition.)

NEW YORK

Westchester County

Yorktown Heights, *Yorktown Heights Railroad Station*, Commerce St.

OREGON

Hood River County

Parkdale vicinity, *Cloud Cap-Tilly Jane Recreation Area Historic District*, S of Parkdale.

[FR Doc. 81-5095 Filed 2-13-81; 8:45 am]
BILLING CODE 4310-03-M

National Park Service

Appalachian National Scenic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held in Harpers Ferry, West Virginia on March 6, from 1:00 p.m. to 5:00 p.m., and March 7, from 9:00 a.m. to noon. The agenda of the meeting will include a review of the draft Comprehensive Plan, draft cooperative agreements and land acquisition progress.

The Council has been re-established by Pub. L. 95-248 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to administration of the Appalachian National Scenic Trail. The Council was originally established by Pub. L. 90-543.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact David A. Richie, Project manager, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, West Virginia 25425, at Area Code (304) 535-2346.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address. Copies of the minutes will also be available from Room 3120, Interior Building, 18th & C Streets, NW., Washington, D.C. and at the headquarters of the Appalachian Trail Conference, Washington Street, Harpers Ferry, West Virginia.

Dated: February 2, 1981.

David A. Richie,
Project Manager.

[FR Doc. 81-5306 Filed 2-13-81; 8:45 am]
BILLING CODE 4310-70-M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 1:30 p.m. CST on March 25, 1981, at the Holiday Inn, 100 West Bank Expressway, Gretna, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, Section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

Status reports on the General Management Plan, interim operations, land acquisition, studies in progress, projected studies, and Bayou des Familles Navigability will be discussed.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 220, New Orleans, Louisiana 70130, telephone area code 504 589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: February 5, 1981.

Robert I. Kerr,
Regional Director Southwest Region.

[FR Doc. 81-5332 Filed 2-13-81; 8:45 am]
BILLING CODE 4310-70-M

Availability of Plan of Operations and Environmental Review and Analysis, Coral Petroleum Development, Incorporated, Exploratory Natural Gas Well, Coral Well No. 1, Padre Island National Seashore, Texas

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Coral Petroleum Development, Incorporated, a plan of operations for the purpose of drilling a well from Padre Island National Seashore, Kleberg County, Texas, into Offshore Tract 976-S.

The plan is available for public review and comment for a period of 30 days in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of $5.40 per copy, pursuant to the Freedom of Information Act. The plan and accompanying Environmental Review and Analysis is 104 pages in length.

Dated: January 30, 1981.

Robert Kerr,
Regional Director, Southwest Region.

[FR Doc. 81-5334 Filed 2-13-81; 8:45 am]
BILLING CODE 4310-70-M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that two meetings of the Golden Gate National Area advisory Commission will be held. The first will be at 9:30 a.m. (PST) on Saturday, March 7, 1981, in the Fort Mason Center Conference Area, Building A, Lower Fort Mason, San Francisco, California. The second meeting will be at 9:30 a.m. (PST), on Saturday, March 21, 1981 at West Marin School in Point Reyes Station, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margo Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items for the March 7th meeting will be the swearing in of the newly appointed and reappointed commissioners, the election of officers, and staff briefings and update on the planning and operational matters of the Golden Gate National Recreation Area. The major agenda item for the March 21st meeting will be staff briefings and update on the planning and operational matters of the Point Reyes National Seashore.

These meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on these meetings or who wish to submit written statements may contact William J. Whalen, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556-2920.

Minutes of the March 7th meeting will be available for public inspection by April 6, 1981; minutes of the March 21st meeting by April 20, 1981. These minutes will be located in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: February 4, 1981.

Bruce M. Kilgore,
Acting Regional Director, Western Region.

[FR Doc. 81-5333 Filed 2-13-81; 8:45 am]
BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

February 5, 1981.

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, March 10, 1981 at 7:30 p.m. at Taft High School, 5461 Winnetka, Woodland Hills, CA.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Mr. Bob Hollman
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace
Ms. Marilyn Whaley Winters

The major agenda items include the Superintendent's report, tentative recommendations by the Commission on the General Management Plan, discussion on the marine environment by the State Underwater Advisory Board, status of the State Comprehensive Plan, and oath of office for Commissioner Bob Hollman who has been newly appointed by the Los Angeles County Board of Supervisors. The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 23018 Ventura Boulevard, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by April 17, 1981, at the above address.

Dated: February 5, 1981.

Robert S. Chandler,
Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 81-5338 Filed 2-13-81; 8:45 am]
BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit of Czechoslovakian glass (included in the list [1] filed as a part of this determination), imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to agreement between the Corning Museum of Glass and the Umeleckoprumyslove Museum, Prague, Czechoslovakia. I also determine that the temporary exhibition or display of the listed exhibit objects at the Corning Museum of Glass, Corning, New York, beginning on or about May 2, 1981, to on or about November 1, 1981, is in the national interest.

Public Notice of this determination is ordered to be published in the **Federal Register**.

Dated: February 10, 1981.

John W. Shirley,
Acting Director, International Communication Agency.

INTERSTATE COMMERCE COMMISSION

[AB 6 (SDM)]

Burlington Northern, Inc.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Burlington Northern Inc. has filed with the Commission its

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

amended color-coded system diagram map in docket No. AB 6 (SDM). The Commission on January 29, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 6 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5349 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 7 (SDM)]

Chicago, Milwaukee, St. Paul And Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago, Milwaukee, St. Paul & Pacific RR. Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 7 (SDM). The Commission on February 9, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 7 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5350 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: February 10, 1981.

In our decision of February 3, 1981, a 17-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 18.2-percent. Accordingly, we are authorizing that the surcharge for this traffic be increased to 18.0-percent. All owner-operators are to receive compensation at this level.

The authorized surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators is increased to 3.1-percent, that for the bus carriers to 6.8-percent, and that for United Parcel Service to 2.1-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., February 13, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gilliam absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979	63.5

Date of current price measurement and price per gallon (including tax)

February 9, 1981	131.9

	Transportation performed by—			
	Owner operators[1]	Other[2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent: fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.2	3.1	6.8	[3]2.9
Percent surcharge allowed	18.0	3.1	6.8	[4]2.1

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-5348 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 43 SDM]

Illinois Central Gulf Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Illinois Central Gulf Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 43 (SDM). The Commission on February 5, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 43 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5351 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-94) F]

Chicago and North Western Transportation Company—Abandonment—Between Jewell and Stratford, Iowa; Findings

Notice is hereby given pursuant to 49 U.S.C. § 10903 that by a decision decided January 27, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that the public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad between milepost 69.4 near Jewell, IA, to milepost 84.0 near Stratford, IA, a distance of 14.6 miles in Hamilton and Webster Counties, IA, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Missouri Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to get conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980. Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained in the above-referenced decision.

Agatha L. Mergenovich

Secretary.

[FR Doc. 81-5298 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-148F]

Durham and Southern Railway Company Abandonment in Wake and Harnett Counties, NC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that a decision decided January 21, 1981, a finding which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permit the abandonment by the Durham and Southern Railway Company of the following portions of its line of railroad between milepost 23.5 near Apex, NC, to milepost 53.0 at Erwin Junction, NC, a distance of 29.5 miles, in Wake and Harnett Counties, NC. A certificate of abandonment will be issued to the Durham and Southern Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line or railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5299 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions, Decision-Notice

Decided: February 9, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protest (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of paticular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene

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shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served currently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an application must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action signficantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this desicion-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

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MC 148127 (Sub-10F), filed May 9, 1980, and previously noticed in the **Federal Register** issue of July 24, 1980. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Gregg M. Lewis (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *chipboard, paper and paper products* (except commodities in bulk) and *materials and supplies* used in the manufacture of paper products (except commodities in bulk), and (2) *plastic* and *plastic articles, and computer components* (except commodities in bulk), (A) from Hamilton, OH to Manchester, NH, and (B) from Kennebunk, ME and points in NH, to points in the U.S. (excpet ME, MA, CT, RI, VT, and NH), restricted to traffic originating at the named origins and destined to the named destinations.

Note.—The purpose of this republication is to correctly reflect the operating authority sought.

[FR Doc. 81-5296 Filed 2-13-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 18]

Permanent Authority Decisions, Restriction Removals

Decided: February 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminary, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

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MC 2202 (Sub-659)X, filed January 30, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Avenue, N.W., Suite 1010, Washington, D.C. 20014. Applicant seeks to remove restrictions from a portion of its lead certificate MC 2202 (on Sheet-3, 8, 9, 10, 12, 14, 15, and 16) which authorizes the transportation of general commodities (with the usual exceptions) over regular routes in the States of OK, TX, MI, OH, TN, AL, IN, GA, NC, SC, MO, NY, NJ, PA, KY, VA, DE, and MD to allow service at all intermediate points between (1) Jct. U.S. Hwy. 66 and U.S. Hwy. 69 about 4 miles west of Vinita, OK, and Houston, TX; Denison and Houston, TX; Benton and Hillsboro, TX; and Willow Run and Detroit, MI, on

sheet 3, (2) Cleveland, OH, and Memphis, TN; Dayton and Wapakoneta, OH; Cincinnati, OH and Chattanooga, TN; Gadsden and Birmingham, AL; Dayton and Cincinnati, OH; and Cincinnati, OH, and Indianapolis, IN, on sheet 8, (3) Cleveland, TN, and Dalton, GA; Birmingham, and Montgomery, AL; Nashville, TN and Macon, GA; and Knoxville, TN and Asheville, NC on sheet 9, (4) Griffin and Albany, GA; La Grange, GA, and Opelika, AL; and Cleveland, OH, and Columbia, SC on sheet 10, (5) Charleston, SC and Jct. GA Hwy. 12 and U.S. Hwy. 29 near Atlanta, GA on sheet 12, (6) Tulsa and Muskogee, OK; Henryetta and Checotah, OK; Cleveland, OH and New York, NY; Philipsburg and Elizabeth, NJ; Youngstown, OH and Lewistown, PA; and Cleveland and Warren, OH on sheet 14, (7) Jct. U.S. Hwy. 25 and U.S. Hwy. 421, near Richmond, KY and Berea, KY, Livingston, KY and Jct. U.S. Hwy. 25 and KY Hwy. 490 near Pittsburgh, KY; and Chambersburg, PA and Baltimore, MDF on sheet 15, and (8) Lancaster, and Pittsburgh, PA, on sheet 16.

MC 10875 (Sub-60)X, filed January 27, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Ave., New York, NY 10011. Representative: Jack R. Turney, Jr., and J. William Cain, Jr., 2001 Mass. Ave., NW., Washington, DC 20036. Applicant seeks to remove restrictions from its lead certificate and Sub-15, 16, 17, 19, 34, 37, 38, and 48F, which authorizes mainly general commodities (with certain exceptions) over a network of regular routes in the States of, as here pertinent, NJ, PA, CT, NY, DE, MD, VA, NC, WV, TN, SC, MA, RI, MI, OH, IN, IL, IA, NE, KY, and GA. Applicant seeks to (1) remove all restrictions in its lead certificate and each of the above-numbered subs, against service at intermediate points on its authorized regular-route service routes in each of the above-named States.

MC 33322 (Sub-21)X, filed January 23, 1981. Applicant: d.b.a. APGAR BROS., P.O. Box 631, 232 West Union Ave., Bound Brook, NJ 08805. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-17, 18, and 20F permits to (1) expand the territorial authorization to between points in the United States under continuing contract(s) for unnamed shippers in the lead and named shippers in Subs-17, 18, and 20F; (2) in the first authorizing paragraph of the lead, broaden the commodity description to "general commodities (except classes A and B explosives)" from machinery, building and contractor's materials, tile, pumps, railroad ties, magnesia products, pipe, printing presses, metals and castings, paper, paperboard, electrical equipment, wood patterns, fabrics, whiting, lead, paints, air conditioning equipment, chemicals, compressed gases, empty containers, fertilizer, trees, shrubbery, showcases, booths, advertising matter, office and warehouse supplies, roofing materials; (3) in Sub-17 and 18, broaden the commodity authority from dry plastic materials, in bulk, in shipper owned trailers, and from antifreeze and engine coolant, in bulk, in tank vehicles, to "chemicals and related products"; and (4) in Sub-20F, delete materials, equipment and supplies which will be implied with the territorial expansion.

MC 105120 (Sub-23)X, filed January 27, 1981. Applicant: FREIGHTWAYS EXPRESS, INC., 222 E. Mallory Ave., Memphis, TN 38109. Representative: James N. Clay III (same as above). Applicant seeks in its lead certificate and Sub-11, 13, 14, 15, 16, 17F, and 19F (1) to remove the usual exceptions in its general commodities authority except "classes A and B explosives"; (2) to remove restrictions precluding service between St. Louis, MO, Memphis, TN, and Cairo, IL, and between St. Louis, MO, and its commercial zone and Sikeston, MO, on its regular routes between St. Louis, MO, and Memphis, TN, and Arbyrd, MO, and Manila, AR, and between Little Rock, AR, and Memphis, TN, or St. Louis, MO, on a route between El Dorado, AR, and Memphis, TN; (3) to authorize service at all intermediate points along routes running between (a) St. Louis, MO, and Memphis, TN, (b) Chester, IL, and Sikeston, MO, (c) near McClure, IL, and near Morley, MO, (d) Hayti, MO, and Missouri-Arkansas State Line, (e) Arbyrd, MO, and Manila, AR, (f) Marked Tree, AR, and Manila, AR, (g) Holly Springs, MS, and Memphis, TN, (h) Magnolia, AR, and Memphis, TN, (i) El Dorado, AR, and Memphis, TN, (j) near Brinkley, AR, and the junction of U.S. Hwy 79 and AR Hwy 17, (k) near Hazen, AR, and junction AR Hwy 11 and U.S. Hwy 79, (l) junction U.S. Hwy 63 and AR Hwy 14 and Newport, AR; (4) to remove restrictions limiting service to use of certain routes for purposes of joinder only between (a) Chester, IL, and Sikeston, MO, (b) near McClure, IL, and Morley, MO, (c) near Brinkley, MO, and junction U.S. Hwy 79, and AR Hwy 17, (d) near Hazen, AR, and junction AR Hwy 11 and U.S. Hwy 79 and (e) junction U.S. Hwy 63 and AR Hwy 14 and Newport, AR; (5) to remove facilities limitation on its off-route points at McCrory and Harrisburg, AR; and (6) to broaden its irregular-route authority from the facilities of American Greetings Corporation at Harrisburg, Osceola, and McCrory, AR, to points in Poinsett, Mississippi and Woodruff Counties, AR.

MC 111432 (Sub-12)X, filed February 2, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 W. 123rd PL, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703. Applicant seeks to remove restrictions in its Sub-1, 2, 5 and 6 permits to broaden the territorial descriptions to between points in the United States under contract(s) with named shippers, and eliminate requirements that the commodities (e.g. petroleum products) authorized in those permits move in tank vehicles.

MC 118202 (Sub-165)X, filed January 26, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-60 and 113 certificates, (A) in Sub-60, part (2), and Sub-113, to broaden the commmodity description from new furniture, in containers, to "furniture and fixtures"; replace Arcadia, WI, with county-wide authority in Trempaleau County, WI; expand its one-way authority to radial authority and combine the two authorities to between points in Trempaleau County, WI, and, points in 38 States, and DC; and eliminate the restriction to traffic originating at a facility and destined to the named States; and (B) in Part (4) of Sub-60, it seeks to broaden the commodity description from general commodities (with the usual Exceptions), to "general Commodities (except classes A and B explosives)"; replace Winona, MN, with county-wide authority in Winona County, MN, and to expand its one-way authority to radial authority between Winona County, MN, and, points in the United States; and eliminate the restriction against the transportation of traffic to Alaska and Hawaii.

MC 118377 (Sub-11)X, filed January 28, 1981. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, NY 14589. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate and Sub-1, 2, 7 and 8F to (1) broaden the commodity description from frozen fruits, vegetables, foods and foodstuffs to "food and related products" in lead certificate and Sub-1, 2, and 8, (2) substitute county-wide for city-wide

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authority: Lebanon County, PA, for Lebanon, PA, Albany, Monroe, Onondaga, Chemung and Broome Counties, NY, for Albany, Rochester, Syracuse, Elmira and Binghamton, NY in lead certificate; and Westchester County, NY for Mt. Vernon, NY in Sub-1, and (3) authorize radial in lieu of existing limited one-way authority between portions of PA and MD, NY, in the lead certificate; between portions of NY and NJ, in Sub-No. 1; between 2 counties in NY and points in ME, NH, VT, RI, MA, CT, NJ, NY, PA, DE, MD, VA, OH, WV, and DC, in Sub-2; between points in MA, NJ, PA and 5 counties in NY, in Sub-7; between 4 counties in NY and points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC in Sub-8, and (4) eliminate plantsite limitations of named shippers in Sub-2, 7 and 8, (5) eliminate an in bulk restriction in Sub-7.

MC 120092 (Sub-7)X, filed February 3, 1981. Applicant: JENNEY FREIGHT LINE, INC., 1224 N. Main Ave., Tucson, AZ 85705. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions in its Sub-3 certificate which authorizes transportation of general commodities (with exceptions), over a regular route, between Phoenix, AZ and Tucson, AZ by (1) removing the restriction on service at intermediate points, (2) removing the restriction on serving Tucson, AZ, for the purpose of joinder only, and (3) removing the restriction to the transportation of traffic received from or delivered to connecting carriers or freight forwarders at Phoenix, AZ.

MC 125352 (Sub-4)X, filed February 4, 1981. Applicant: JAN TRANSPORT, INC., 16 Central Avenue, Tenafly, NJ 07670. Representative: Donald E. Cross, 918—16th Street, N.W., Washington, DC 20006. Applicant seeks to remove the restriction in its Sub-3F certificate limiting transportation to traffic moving on bills of lading of freight forwarders in its authority to transport general commodities, with the usual exceptions, serving points in MA, NJ, NY, and RI, as off-route points in connection with carrier's regular-route operations.

MC 145869 (Sub-5)X, filed January 27, 1981. Applicant: WILLIS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions from its Sub-1F and 2F certificates which authorize the transportation of new furniture and pictures, glass, and materials and supplies used in the manufacture of new furniture, from named facilities at specified points in VA, MD, PA, TX, and from Los Angeles, CA, to points in 9 states, and in Sub-2F to named facilities in VA. Applicant seeks to (1) broaden the commodity descriptions in each sub to "furniture and fixtures" and in Sub-2F only, from glass to "clay, concrete, glass or stone products"; (2) eliminate the facilities limitations in both certificates; (3) authorize county-wide authority from Bassett and Philpott, VA to Henry County, VA, in Sub-1F, and in Sub-2F, from Dublin and Pulaski, VA to Pulaski County, VA; from Martinsville, VA to Martinsville, County, VA; from Bassett and Philpott, VA to Henry County, VA; from Cumberland, MD to Allegany County, MD; from Mt. Holly Springs, PA to Cumberland County, PA; and (4) replace its one-way authority with radial authority in both subs.

MC 146820 (Sub-13)X, filed January 30, 1981. Applicant: B & G TRUCKING, INC., 579 High Street, P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-2 permit to authorize service between points in the U.S. under continuing contract(s) with a named shipper.

MC 147830 (Sub-3)X, filed February 2, 1981. Applicant: IOWA-NEBRASKA STEEL TRANSPORTATION CO., 5092 N.E. 46th Ave., Altoona, IA 50009. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-2F certificate to (1) change the commodity description from iron and steel articles and nonferrous metals to "metal products", (2) eliminate the facilities restriction and the "originating at and destined to" restriction, and (3) authorize radial authority between Chicago, IL, and, points in IA and NE.

[FR Doc. 81-5297 Filed 2-13-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 19]

Permanent Authority Decisions; Restriction Removals

Decided: February 19, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made wtih the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 33 (Sub-1)X, filed January 28, 1981. Applicant: TEXAS SHIPPERS ASSOCIATION, INC., 2311 Butler St., Dallas, TX 75235. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75235. Applicant seeks removal of restrictions in its freight forwarder Permit No. FF33 which authorizes service as a freight forwarder of general commodities, to (1) authorize radial authority between points in TX, and points in 22 States and DC, in place of one-way authority from 22 States and DC to TX, and (2) authorize service to be performed in "foreign" as well as interstate commerce.

MC 2226 (Sub-116)X, filed January 27, 1981. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Rd., P.O. Box 1897, San Antonio, TX 78297. Representative: James M. Doherty, 500 West 16th St., Austin, TX 78767. Applicant seeks to remove restrictions in its Sub-No. 99 certificate by (1) eliminating all exceptions in its general commodity authority except "classes A and B explosives," and (2) authorizing radial authority in lieu of existing one-way service for the transportation of (a) "general commodities (except classes A and B explosives)" between Houston, TX, and points in the part of TX on and east of a line beginning at the U.S.-Mexico boundary line near Del Rio, TX, and extending along U.S. Highway 277 to Abilene, and then along U.S. Highway 83 to the TX-OK State line, and, (b) "bags, baggings and ties" between Houston, TX, and Amarillo, TX.

MC 37896 (Sub-39)X, filed February 4, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, 20006. Applicant seeks to remove restrictions in its lead permit No. MC-144303 to (1) broaden the commodity description from electrical equipment and parts, and materials and supplies used in the manufacture and distribution of electrical equipment and parts to "machinery", (2) remove the restrictions against the transportation of commodities in bulk, those which require special equipment, and aerospace craft and parts, and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 38320 (Sub-26)X, filed January 28, 1981. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer "C", Campbellsville, KY 42718. Representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 3, 6, 8, 9, 10, 11, 13, 15, 17, 19F, 21F, and 23F to (1) broaden its commodity description (a) from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)" in the lead certificate and Sub-Nos. 3, 8, 9, 10, 11, 13, 15, and 17, (b) from barrel staves and barrel headings to "lumber and wood products," in Sub-No. 6, (c) from malt beverages, in containers, and malt beverages containers to "food and related products," in Sub-No. 19F, and (d) from textile and textile products and materials, equipment and supplies, to "textile mill products," (2) remove restrictions (a) limiting intermediate point service to authorize service at all intermediate points between Columbia and Louisville, KY, in the lead certificate, (b) preventing the transportation of traffic from or to Louisville, KY, or through the Louisville gateway to and from any point except the intermediate and off-route points between Greensburg and Campbellsville, KY, and Wolfe Creek Dam, KY, in Sub-No. 3, (c) prohibiting service between points in the Louisville, KY, commercial zone, including Louisville, or through the Louisville gateway and points in the Lebanon, KY, commercial zone, including Lebanon, in Sub-No. 8, (d) limiting intermediate points service to authorize service at all intermediate points between Greensburg and Louisville, KY, and against service to points in Indiana within the Louisville, KY, commercial zone, in Sub-No. 9, sheet 1; and prohibiting the transportation of traffic moving from, to, or through Louisville, KY, sheet 2, (e) prohibiting intermediate point service between Greensburg, KY, and Nashville, TN, to authorize service at all intermediate points, and against the transportation of traffic originating at, destined to or interchanged at Elizabethtown and Louisville, KY, and the respective commercial zones, in Sub-No. 11, (f) prohibiting the transportation of freight from or to Louisville, KY, proper, or the Louisville, KY, gateway; and the handling of freight between Louisville and Harrodsburg, Burgin, or Lexington, KY, in Sub-No. 15, sheet 2, (g) restricting the transportation of traffic originating at or destined to the named facilities, in Sub-No. 23F.

Applicant also seeks to broaden its territorial description from one-way authority to radial authority and to replace specified plantsites and cities with county-wide authority to authorize service (a) "between IL, IN, MO, OH, and TN, and Marion County, KY," in Sub-No. 6 (b) between Taylor County, KY, and points in named States in Sub-No. 13, (c) between Houston County, GA, and points in KY, OH, IN, and IL, in Sub-No. 19, (d) between points in Jefferson County, and points in Louisville, KY, and points in named States in Sub-No. 21F, part (1), and between Maury County, TN, and points in named States in part (2), (e) between points in Russell, Taylor and Warren Counties, KY, and points in named States in Sub-No. 23F.

Applicant also seeks in Sub-No. 10, to remove plantsite limitations and to authorize service at all intermediate points on its regular routes between Bowling Green and Campbellsville, KY.

MC 42866 (Sub-19)X, filed January 28, 1981. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats, 2800 Roosevelt Rd., Broadview, IL 60153. Applicant seeks to remove restrictions in its lead certificate to (1) remove the exception which prohibits transportation of household goods to AK and HI in its nationwide authority, (2) expand the commodity description of uncrated new furniture, to "furniture and fixtures," and (3) change the territorial description from one-way to authorize radial service "between points in Los Angeles County, CA, and points in the U.S. (except AZ, ID, NV, OR, and UT), on movements of "furniture and fixtures".

MC 107544 (Sub-156)X, filed January 29, 1981. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its permit No. MC-113959 (Sub-No. 5), to (1) expand the commodity description from chemicals, in bulk, to "commodities in bulk", and (2) expand the territorial description to "between points in the United States," under continuing contract(s) for a named shipper.

MC 109708 (Sub-103)X, filed February 2, 1981. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., 2580 Executive Rd., P.O. Box AG, Dundee, FL 33838. Representative: Russell E. Haas (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 47, 67 and 87F certificates which authorize transportation of citrus juices, fruit juice concentrate, and citrus oil, (in bulk, in tank vehicles), to "food and related products." Applicant also seeks to broaden its territorial description from one-way authority to radial authority in each certificate, and to replace Fort Pierce, FL with St. Lucie County, FL, in Sub-No. 47.

MC 110923 (Sub-12)X, filed January 27, 1981. Applicant: ALBERT LIVEK, d.b.a. AL LIVEK'S TRUCKING SERVICE, 608 Harrison St., Kewanne, IL 61443. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 4, 7, 8, and 9F certificates which authorize the transportation of (a) specified agricultural machinery, (b) livestock, (c) amigrant movables, and (d) such commodities as are dealt in or used by manufacturers or dealers of agricultural equipment, industrial equipment and lawn and leisure products, from specified points in IL, to points in specified Eastern and Central States and the District of Columbia. Applicant seeks to (1) delete "livestock," an exempt commodity, from its lead certificate; (2) correct spelling of "amigrant movables" to "emigrant moveables" in its lead certificate; (3) replace the commodity description in (a) above with "machinery" in its lead, and Sub-Nos. 1, 4, 7, and 8; (4) remove "except commodities in bulk" restriction, in its Sub-No. 9F; (5) expand its territorial authority from Kewanee, IL, to "Henry County, IL" in its lead, and Sub-Nos. 1, and 8; Canton, IL, to "Fulton County, IL" in Sub-Nos. 4 and 9F; from Broadview, IL to "Cook County, IL" in Sub-No. 4; from West Chicago, IL, to "Du Page County, IL" in Sub-No. 7; (6) in

its lead and each of the above Sub-Nos. except 9F, replace its one-way authority with radial authority between the counties named in (5) above, on the one hand, and, on the other, points in specified Eastern and Central States, or portions thereof; (7) remove "size or weight" commodity restrictions in Sub-Nos. 1 and 4; (8) remove facilities restrictions of "International Harvester Company" in Sub-Nos. 4, 7, and 9F; and (9) remove the "originating at" restriction in Sub-Nos. 4 and 7, and the "originating at or destined to" restriction in Sub-No. 9F.

MC 111274 (Sub-64)X, filed January 28, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as above). Applicant seeks to remove restrictions in its Sub 36F permit which authorizes the transportation of (1) grain-handling, drying, and storing equipment, steel buildings, feed processing and distribution equipment and fertilizer spreaders and (2) parts for the commodities in (1), radially between named points, under contract(s) with named shipper, by changing the territory description to "between points in the U.S."

MC 111545 (Sub-307)X, filed January 29, 1981. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd. SE., Marietta, GA 30067. Representative: J. Michael May (same address). Applicant seeks to remove restrictions in its Sub-Nos. 110, 117, 120, 121, 123, 143, 170, 174, 233, 235, 238, 263F, 264F, 265F, 267F, 268F, 270F, and 301F, which authorize the transportation of trailers designed to be drawn by passenger automobiles, in initial movements, in some instances, and except travel trailers and camping trailers or recreational vehicles in certain subs; buildings, in sections and buildings, complete or in sections mounted on wheeled undercarriages, from specified facilities in 6 Southern States or from specified point in 27 States throughout the United States, to specified points or defined areas throughout the United States (except AK and HI in some instances), restricted in certain subs to shipments originating at plantsites. Applicant seeks to (1) remove all restrictions and exceptions on the commodity descriptions and broaden the description of trailers to "transportation equipment" in all subs, and the description of buildings to "lumber and wood products" and "metal products" in Sub-Nos. 110, 117, 121, 170, 174, 233, 235, 238, 263, 264F, 268F, 270F, and 301F; (2) eliminate the facilities restrictions in Sub-Nos. 110, 117, 120, and 170, and authorize county-wide authority to Franklin County, VA in place of Rocky Mount and Boones Mill, VA, and Dunklin County, MO in place of Malden, MO (Sub-No. 110); Rockingham County, NC in place of Reidsville, NC (Sub-No. 170); Mecklenburg County, VA in place of South Hill, VA (Sub-No. 121); Henry County, TN in place of Henry, TN; and Harnett County, NC in place of Lillington, NC (Sub-No. 123); Henderson County, TN in place of Lexington, TN (Sub-No. 174); Montgomery County, TN in place of Clarksville, TN (Sub-No. 235); Crawford County, WI in place of Prairie Du Chien, WI (Sub-No. 268F); and Jefferson County, KY in place of Louisville, KY (Sub-No. 301F); (3) authorize radial authority in place of its one-way authority in all sub-numbers; (4) remove the exceptions of AK and HI in Sub-Nos. 233, 265F, 267F, and 301F; and (5) remove the "originating at" restriction in Sub-No. 17.

MC 113855 (Sub-518)X, filed February 3, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 26, 43, 83, 91, 152 and 441F certificates to (1) broaden the commodity description from hides, fresh or green salted hides, and green salted pelts, to "food and related products" in all referenced Sub-Nos., (2) authorize county-wide authority for city-wide authority: Sheboygan, Fond Du Lac, and Milwaukee Counties for Sheboygan, Fond Du Lac, and Milwaukee, WI, Lake and Cook Counties for Waukegan and Chicago, IL, and Muskegon County for Whitehall, MI, in Sub-No. 26, Hardemnan County for Bolivar, TN, in Sub-No. 91, and Yellowstone County for Billings, MT, in Sub-No. 152 (3) authorize radial in lieu of existing one-way authority in all referenced Sub-Nos.

MC 117503 (Sub-18)X, filed February 3, 1981. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C St., Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Applicant seeks to remove restrictions from its Sub-No. 12 certificate to eliminate the restriction limiting transportation in packages weighing less than 100 pounds with no more than 300 pounds from one consignor to one consignee on any 1 day, and prohibiting transportation of radiopharmaceuticals, radioactive chemicals and diagnostic kits having a prior or subsequent movement by air.

MC 119600 (Sub-1)X, filed January 29, 1981. Applicant: HUTTON TRUCKING COMPANY, 192 Gilchrist Rd., Mogadore, OH 44260. Representative: James W. Conner, 431 Keith Ave., Akron, OH 44313. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from structural iron and steel, billets, bars, rods, rubber-lined steel tanks, portable or fabricated wooden buildings, hardware and fixtures, etc. to "such commodities as are manufactured, processed, or dealt in by rubber manufacturers or steel products manufacturers, and equipment, materials, and supplies used in the conduct of such business," (2) eliminate the size, weight and shape restrictions (3) expand its one-way authority to radial authority and to replace specified cities with county-wide authority, (a) Newton Falls, OH with Trumbull County, OH, Ravenna, OH with Portage County, OH and to serve radially between Trumbull, and Portage Counties, OH and points in a part of PA and WV; between Akron, OH and points in 26 States plus DC; and between Warren, OH and points in IN, MD, NJ, NY, PA and WV, (b) Ft. Wayne, IN with Allen County, IN and to serve radially between Allen County, IN, and points in FL, LA, MI, SC and TN.

MC 123254 (Sub-10)X, filed January 29, 1981. Applicant: PITZER BROTHERS, INC., P.O. Box 633, Jeannette, PA 15644. Representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, DC 20005. Applicant seeks to remove restrictions in it lead and Sub-Nos. 2F and 3F certificates to (1) broaden the commodity descriptions in all certificates from malt beverages and empty malt beverage containers to "food and related products," and in the lead certificate, from mine cars and equipment used in or in connection with mining, and used mine cars and parts thereof, to "such commodities as are used in or useful for mining," (2) broaden the territorial description to county-wide authority: Allegheny and Westmoreland Counties, PA, for designated points such as Carnegie, McKees Rock, Pittsburgh, Sharpsburg, Greensburg, Irwin, Jeannette and Latrobe, PA, and (3) authorize radial authority in lieu of existing one-way service for the transportation of (a) "food and related products" between points in Allegheny and Westmoreland Counties, PA and points in NY, WV, VA, MD, OH, DE, NJ, and DC, and, (b) "such commodities are used in or useful for mining" between points in Westmoreland County, PA, and points in WV, VA, KY, OH, and MD.

MC 124830 (Sub-4)X, filed January 26, 1981. Applicant: HOLMES FREIGHT LINES, INC., 7878 "T" St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions in those portions of its authority in MC 124830, acquired in MC-F-11835, MC-F-12568, and MC-F-14152F, with reissued certificates still pending, which authorize regular and irregular route tranportation of general commodities (with usual exceptions) to remove all exceptions except "classes A and B explosives". Applicant request authority to serve all intermediate points in its described regular routes between Chicago, IL, Omaha, NE, Kansas City, St. Louis, and St. Joseph, MO, Sioux City, IL, Lincoln, Grand Island, Hastings and McCook, NE. Applicant seeks to remove restrictions against the transportation of traffic (a) interlined or interchanged at St Joseph, MO, (b) moving to, from and through Kansas City, MO-KS commercial zone, points in Clay, Jackson, Leavenworth and Wyandotte Counties, KS, and (c) from Maryville, MO, to Omaha, NE. It also seeks to delete the restriction limiting service to the transportation of traffic originating at and/or destined to Omaha, NE and Denver, CO.

MC 124997 (Sub-9)X, filed Februry 3, 1981. Applicant: R. F. TRUESDELL CO., 6515 Anno Ave., Orlando, FL 32809. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 8F permit to broaden the territorial description to between points in the United States under contracts with named shippers.

MC 125882 (Sub-5)X, filed February 3, 1981. Applicant: WESTERN HAULERS, INC., 1457 West Maple St., Denver, CO 80223. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Suite 350, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from precast and prestressed concrete products, which because of size and weight require the use of special equipment (with exceptions) to "those commodities which because of their size or weight require the use of special handling or equipment", (2) authorize county-wide authority for city-wide authority, Arapahoe County, CO, for Englewood, CO, and (3) authorize radial service in place of existing one-way authority between Arapahoe County, CO and KS, NE, WY.

MC 127811 (Sub-26)X, filed January 30, 1981. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 17F certificate which authorizes the transportation of power transmission equipment and materials, equipment and supplies used in the installation and repair of power transmission equipment (except commodities in bulk) between points in 4 States by changing the commodity description to "machinery" and eliminating the "in bulk" restriction.

MC 128383 (Sub-88)X, filed January 27, 1981. Applicant: PINTO TRUCKING SERVICE, INC., 14141 Calcon Hook Rd., Sharon Hill, PA 19079. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 6, 13, 14, 17, 22, 25, 28, 29, 30, 31, 32, 40, 41, 42, 43, 44, 47, 50, 52-G, 53, 54, 57, 58, 59, 61, 62, 66, 70, 73, and 77F certificates by (1) deleting from the general commodity descriptions all exceptions except "classes A and B explosives" and all other restrictions on movements of specified commodities; (2) broadening the commodity description in Sub-No. 61F from electronic calculators, cash resgisters and parts to "machinery and equipment or supplies used in the manufacture and distribution of machinery"; (3) replacing authority to serve named airports or plantsites with authority to serve the county or the city: New York, NY, for LaGuardia Airport and John F. Kennedy International Airport in the lead and Sub-Nos. 3, 6, 13, 14, 17, 22, 28, 29, 30, 41, 43, 47, 50, 57, 58, 61, 70, and 73; Washington, DC, for Washington National Airport in the lead and Sub-Nos. 13, 14, 31, 41, 52-G, 57, and 59; Baltimore, MD, for Friendship International Airport or Baltimore Washington International Airport in the lead and Sub-Nos. 13, 14, 41, 57, and 59; Philadelphia, PA, for Philadelphia International Airport in the lead and Sub-Nos. 3, 13, 28, 29, 41, 43, 57, and 59; Newark, NJ, for Newark Airport in the lead and Sub-Nos. 3, 6, 13, 14, 17, 29, 41, 43, 57, 70, and 73; Erie County, NY, for Greater Buffalo International Airport in Sub-Nos. 13, 47, and 57; Oneida County, NY, for Oneida County Airport in Sub-Nos. 13 and 62; Onondaga County, NY, for Clarence E. Hancock Airport in Sub-Nos. 13 and 47; New Haven County, CT, for Tweed-New Haven Airport in Sub-Nos. 13 and 57; Boston, MA, for Logan International Airport in Sub-Nos. 13, 28, 41, 50, 54, 57, and 73; Hartford County, Ct, for Bradley International Airport in Sub-Nos. 13, 57, and 73; Indianapolis, IN, for Weir-Cook Airport in Sub-Nos. 22, 25, 40 and 52-G; Cleveland, OH, for Cleveland Hopkins International Airport or Hopkins International Airport in Sub-Nos. 13, 22, 32, 40, 42, 52-G, and 57; Dayton, OH, for Vandalia Airport in Sub-Nos. 22, and 42; Chicago, IL, for Chicago-O'Hare International Airport or O'Hare International Airport in Sub-Nos. 25, 30, 32, 40, 47, 52-G, 61, and 70; Miami, FL, for Miami International Airport in Sub-Nos. 29, 31, 41, 52-G, and 53; Atlanta, GA (for Hartsfield International Airport) in Sub-Nos. 29, 31, 41, and 52-G; Detroit, MI, for Detroit Metropolitan Airport in Sub-Nos. 30, 42, 47, and 52-G; Kansas City, MO, for Kansas City International Airport in Sub-Nos. 32, and 66; Pittsburgh PA, for Greater Pittsburgh Airport in Sub-Nos. 40 and 59; Cincinnati, OH, for Greater Cincinnati Airport in Sub-Nos. 40, 42, and 43; Mecklenberg County, NC, for Douglas Muncipal Airport in Sub-Nos. 29, 31, 41, and 52-G; Guilford County, NC for Greensboro-High Point-Winston Salem Airport in Sub-Nos. 31, and 41; Oklahoma City, OK, for Will Rodgers World Airport and Wiley Post Airport in Sub-Nos. 53, 60, and 70; Tulsa, OK, for Tulsa International Airport in Sub-Nos. 53, 66, and 70; Dallas, TX, and Fort Worth, TX, for Dallas-Fort Worth International Airport in Sub-Nos. 53, 58, 66, and 70; Houston, TX, for Houston International Airport in Sub-Nos. 53, 58, 66, and 70; San Antonio, TX, for San Antonio International Airport in Sub-Nos. 53 and 66; Memphis, TN, for Memphis International Airport in Sub-Nos. 61 and 66; Little Rock, AR, for Little Rock Municipal Airport in Sub-Nos. 66 and 70; El Paso, TX, for El Paso International Airport and facilities of Victor Business Products in Sub-Nos. 66, 70, and 81; Monroe County, NY, for Rochester-Monroe County Airport, Albany County, NY, for Albany County Airport, Broome County, NY, for Broome County Airport, Chemung County, NY for Chemung County Airport, Chautaqua County, NY., for Jamestown Municipal Airport, Schenectady County, NY, for Schenectady County Airport and Hampden County, MA, for Bowles Agawam Airport, in Sub-No. 13; Minneapolis, MN, for Minneapolis-St. Paul International Airport in Sub-No. 32; Buncombe County, NC, for Ashville Airport, Wake County, NC, for Raleigh-Durham Airport, Cumberland County, NC for Municipal Airport, Fayetteville, NC, Catawba and Burke Counties, NC, for Municipal Airport Hickory, NC, Onslow County, NC, for Albert J. Ellis Airport Lenoir County, NC, for Stalings Field, Craven County, NC, for Simmon-Nott Airport, New Hanover County, NC, for new Hanover County Airport,

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Forsyth County, NC, for Smith-Reynolds Airport, Anderson County, SC, for Anderson County Airport, Florence County, SC, for Municipal Airport, Florence, SC, Greenwood County, SC, for Greenwood County Airport, Greenville County, SC, for Greenville-Spartanburg Airport, Harry County, SC, for Myrtle Beach Airport, Richland County, SC, for Westinghouse Nuclear, Columbia, SC, and Charleston, SC, for Municipal Airport, Charleston, SC, in Sub-No. 41; Bangor, ME, for Bangor International Airport; Wilmington, DE, for Greater Wilmington Airport, Akron, and Canton, OH, for Akron-Canton Regional Airport, Columbus, OH, for Port Columbus International Airport, Dayton, OH, for James M. Cox-Dayton Municipal Airport, Toledo, OH, for Toledo Express Airport, and Youngstown, OH, for Municipal Airport Youngstown, OH in Sub-No. 57; St. Louis, MO, for St. Louis International Airport in Sub-No. 61; Austin, TX, for Austin Municipal Airport and Waco, TX, for Waco Municipal Airport, in Sub-No. 66; Laredo, TX, for Laredo International Airport, New Orleans, LA, for New Orleans International Airport, San Francisco, CA, for San Francisco International Airport, Los Angeles, CA, for Los Angeles International Airport, and Oakland, CA, for Oakland International Airport, in Sub-No. 70; Orange County, NJ, for Stewart Airport, and Providence, RI, for Thomas E. Green Airport in Sub-No 73. Applicant also seeks to (1) remove restrictions which limit service to the transportation of traffic having a prior or subsequent movement by air; (2) eliminate restrictions against intermodal movements; (3) broaden the territorial description from one-way authority to radial authority in the lead and Sub-No. 3 to authorize service between specified cities or counties in the northeastern United States; and (4) remove the restriction which limits services to the surface transportation of shipments originating at or destined to airport at Toronto, Ontario, Windsor, Ontario, Montreal, Quebec, or Quebec city, Quebec, Canada in Sub-No. 47.

MC 128648 (Sub-31)X, filed January 30, 1981. Applicant: TRANS-UNITED, INC., 435 West 152d St., P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1, 10, 16, 17, 18, 22 and 25 permits to (1) broaden commodity descriptions (a) from tractor parts, loader parts, tractor attachments, water heaters and materials, equipment and supplies to "machinery" in Sub-Nos. 1, and 25, (b) from sliding and folding door hardware, locksets and metal articles, to "metal products" in Sub-Nos. 10 and 22, (c) from paper and paper articles to "pulp, paper, and related products" in Sub-No. 17; (2) remove the, "except commodities bulk" restriction in Sub-Nos. 16, 18 and 25, and (4) authorize service "between points in the U.S." under continuing contract(s) with named shippers in all referenced Sub-Nos.

MC 133591 (Sub-131)X, filed February 2, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks removal of restrictions in its Sub-No. 81F certificate, to (1) expand the commodity description from foodstuffs, except frozen, to "foods and related products," (2) remove the restriction limiting service to traffic originating at the origin or destined to the destinations; (3) substitute county-wide authority for the plantsite near Fort Smith, AR, and (4) change from one-way to radial authority between Sebastian County, AR, and points in CA and OR.

MC 133591 (Sub-135)X, filed February 3, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove retrictions in its Sub-No. 99F certificate to broaden its territorial description from one-way authority to radial authority between pointsin MO, AR, OK, IA, IL, IN, KS, KY, LA and NE and points in CA and AZ.

MC 133633 (Sub-9)X, filed January 29, 1981. Applicant: HIGHWAY EXPRESS, INC., P.O. Box 1326, Hattiesburg, MS 39401. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 2, 3, 5, and 7, to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A & B explosives) in all referenced authority, (2) authorize service to all intermediate points along a described regular routes in lead certificate and Sub-No. 5, and 6 (3) remove limitation on the irregular portion of its general commodity authority in Sub-No. 5 prohibiting transportation in radial movements (a) between Jackson, MS, and named points and counties in MS, and (b) between New Orleans, LA, and named points in MS.

MC 133926 (Sub-1)X, filed January 30, 1981. Applicant: M & M TRANSFER CO., P.O. Box 129, Sergeant Bluff, IA 51054. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from pulpboard, fiberboard, and pulpboard and fiberboard products, and materials and supplies used in the manufacture and processing of such commodities to "pulp, paper, and related products," (2) delete the restriction against the transportation of commodities in bulk and commodities which because of size or weight require special equipment, (3) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with Champion International Corporation.

MC 136463 (Sub-1)X, filed January 29, 1981. Applicant: DST SPECIAL SERVICES, INC., 34364 Goddard Road, Romulus, MI 48174. Representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Applicant seeks to remove restrictions in its lead permit to authorize service between points in the U.S., under continuing contract(s) with a named shipper and to eliminate a restriction limiting shipment of prototype vehicles and modified products vehicles, not intended for sale to the public.

MC 136157 (Sub-260)X, filed January 30, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Applicant seeks to remove restrictions in MC 134150 Sub-18 permit to (1) authorize service between points in the U.S., under continuing contract(s) with a named shipper, (2) eliminate an in bulk restriction, and (3) broaden the commodity description from paper and paper products, fabricated metal products, waste and scrap materials and equipment, materials and supplies to "Such commodities as are dealt in by manufacturers of paper and paper products".

MC 138627 (Sub-108)X, filed January 27, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove retrictions in its Sub-93F certificate by (1) broadening the commodity description from fabricated metal products and materials, equipment, and supplies used in the manufacture, distribution and installation of fabricated metal products to "metal products and materials, equipment and supplies used in the manufacture, distribution and installation of metal products," and (2) replacing the plantsite limitation at Franklin Park, IL of its radial service with authority in Chicago, IL.

MC 141367 (Sub-2)X, filed January 29, 1981. Applicant: PUBLIX TRANSPORT, INC., 11740 South Laporte, Worth, IL 60482. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks removal of restrictions in its lead certificate, to (1) expand the commodity authority from pipe and structural steel to "metal and metal products" and (2) eliminate named facility restrictions at Chicago, IL, and authorize radial authority between Chicago, IL, and points in IL, IN, IA, MI, MO, MN, and WI in place of its existing one-way authority from Chicago.

MC 141641 (Sub-14)X, filed January 30, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-7 and 9F certificates which authorize the transportation of general commodities (with the usual exceptions), by removing all commodity exceptions (except classes A and B explosives), and eliminating the restriction which limits service to the transportation of traffic moving on freight forwarder bills of lading. Applicant also seeks to replace its one-way authority with radial authority and specified cities with county-wide authority: (a) Cranston, RI, with Providence County, RI; New Haven, and Milford, CT, with New Haven County, CT; North Bergen and Secaucus, NJ, with Hudson County, NJ; and Syracuse, NY, with Onandaga County, NY, in Sub-7, and (b) Holyoke, MA, with Hampden County, MA, in Sub-9F.

MC 142508 (Sub-164)X, filed February 5, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465; Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-31F certificate to (1) eliminate an except commodities in bulk restriction on the movement, of various specified commodities, (2) authorize the county of Washoe for Reno, NV, (3) authorize radial authority between Washoe County, NV, and AZ, CA, OR and WA, (4) remove a restriction limiting transportation to traffic moving on bills of lading of a named shippers association at Reno, NV, and (5) eliminate the restriction limiting service to the transportation of traffic originating at and destined to indicated origins and destinations.

MC 143445 (Sub-7)X, filed January 28, 1981. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania Street, Kearney, NJ 07032. Representative: Stephen L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-2 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) remove a restriction which limits the service to transportation of traffic moving on freight forwarders' bills of lading, (3) eliminate restrictions against the transportation between named cities, for example, between Pittsburgh, PA and Cleveland, OH, and (4) expand the territorial description to authorize county-wide authority: Winnebago County, IL for Rockford, IL, Pima County, AZ for Tucson, AZ, Maricopa County, AZ, for Phoenix, AZ, San Joaquin County, CA for Stockton, CA, Fresno County, CA for Fresno, CA, San Diego, County, CA for San Diego, CA, New Haven County, CT, for New Haven, CT, Clark County, NV for Las Vegas, NV, Washoe County, NV for Reno, NV and Spokane County, WA for Spokane, WA.

MC 143803 (Sub-3)X, filed February 3, 1981. Applicant: CONSOLIDATED DISTRIBUTING COMPANY, INC., 750 South Main Street, Tooele, UT 84074. Representative: Irene Warr, 430 Judge Building, Salt lake City, UT 84111. Applicant seeks to remove restrictions in (1) its MC 145937 (Sub-2F) permit to (a) broaden the commodity description from petroleum and petroleum products to "petroleum, natural gas and their products", and (b) broaden its territorial description to be between points in the United States under a continuing contract(s) with named shippers; and (2) its MC 143803 lead certificate to (a) broaden the commodity description from lime, limestone and limestone products, in bulk, to "clay, concrete, glass, or stone products"; and (b) replace the one-way authority with radial authority between points in Elko County, NV and Tooele County, UT and points in WA, OR, CA, ID, NV, UT, AZ, MT, WY, CO, NM, and TX.

MC 145125 (Sub-12)X, filed January 30, 1981. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., P.O. Box 547, Milroy, PA 17063. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks removal of restrictions to (1) expand the commodity descriptions from brass, bronze, copper and nickel products to "metal products" in Sub-2F, 3F, 8F, and 10F; from rock crushers, parts, tools and patterns to "machinery and metal products," and from scrap steel to "scrap materials" in Sub-5F; from extruded aluminum products to "metal products" in Sub-11F; (2) expand the territorial descriptions by replacing the named shipper facilities and towns with county-wide authority: between Berks County, PA (Reading and Ontelaunee, PA), and points in CA in Sub-2F; between Berks County, PA (Reading and Ontelaunee, PA, and points in AZ, MN, OR and WA in Sub-3F; between Cumberland County, PA (plantsite near Carlisle, PA), and points in AZ, CA, CO, ID, NE, NM, OR, TX, UT, WA and WY on movement of both commodities in Sub-5F; between Berks County, PA (Reading and Ontelaunee Township, PA), and points in Giles County, TN (plantsite at Pulaski, TN) in Sub-8F; between points in Oneida County, NY (plantsite near Rome, NY), and AZ, CA, CO, NE, OR, UT, and WA in Sub-10F; between points Schuylkill County, PA (plantsite near Cressona, PA), and those points in the United States in and west of MN, IA, MO, AR, and LA in Sub-11F.

MC 146990 (Sub-5)X, filed February 2, 1981. Applicant: J. R. PORTER, INC., Route 5, Box 589, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-3F certificate to (1) broaden its commodity description from iron and steel products, to "metal products", (2) expand its territorial authority from one-way authority to radial authority, and to replace a specified plantsite and city with county-wide authority to authorize service between Boyd County, KY, and points in WV, OH, NJ, NY, MD, MI, IN, and PA.

MC 147916 (Sub-1)X, filed February 4, 1981. Applicant: GAMPAC EXPRESS, 4103 Second Ave. South, Seattle, WA 98124. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124. Applicant seeks to remove restrictions from its lead permit to authorize service "between points in the US" under continuing contract(s) with named shippers.

MC 148604 (Sub-6)X, filed January 29, 1981. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44306. Representative: Paul A. Englehart (same as above). Applicant seeks to remove restrictions in its Permit MC 136470 (Sub-1), acquired through MC-FC-77959 in which issuance of a certificate is pending. It seeks to (1) broaden the commodity description, (a) from tire fabric to "such commodities as are manufactured, processed, and/or

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dealt in by textile mill products manufacturers, and (b) from chemicals to "such commodities as are manufactured, processed and/or dealt in by chemicals and related products manufacturers; (2) eliminate a restriction against the transportation of liquid chemicals in bulk, in tank vehicles, from Akron, OH, to specified destination points; (3) eliminate the commodity description "scrap tires and tubes" and the territorial description which follows inasmuch as it is included in other commodity descriptions and the broadened territorial authority; and (4) broaden the territorial scope to between points in the United States.

MC 151382F (Sub-1)X, filed February 2, 1981. Applicant: LAND TRUCKING COMPANY, 1560 Jessie Street, P.O. Box 2620, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 West Duval Street, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead certificate by (a) broadening its commodity description from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)" between points in FL, (b) removing the restrictive language "restricted to traffic having a prior or subsequent movement by rail or water" in part (1) and, (c) by deleting part (2) of its authority which authorizes movements radially between specified facilities at Tampa, Miami, and Jacksonville, FL, and points in FL.

[FR Doc. 81-5300 Filed 2-13-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49* U.S.C. 11344 and 11349. These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Decided: February 6, 1981.
By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-F-14556F, filed January 19, 1981. TIGER TRUCKING SUBSIDIARY, INC. (TTS) (1888 Century Park East, Los Angeles, CA 90067)—control—WARREN TRANSPORT, INC. (Transport) (P.O. Box 420, Waterloo, IA 50704). Representative: John W. Barnum, 1747 Pennsylvania Avenue, NW, Washington, DC 20423. TTS seeks to acquire control of Transport through the purchase of all the outstanding capital stock of Warren MGR., Inc., (P.O. Box 420, Waterloo, IA 50704), of which Transport is a wholly-owned subsidiary. Tiger International, Inc. (Tiger), a non-carrier and publicly-held corporation, is the sole stockholder of TTS and seeks to acquire control of Transport through the transaction. The operating rights of Transport are contained in certificates issued in Docket No. MC-114211 and sub-numbers thereunder and authorized the transportation of various specified commodities, including agricultural, industrial and construction equipment, building material, lumber and forest products, or iron and steel articles and other similar and related commodities, over irregular routes, between points in the United States. Tiger also controls Hall's Motor Transit Company (Hall's), which conducts operations as a motor common carrier, pursuant to certificates issued in MC-67646 and sub-numbers thereunder, over a network of regular and irregular routes, in the states of MN, WI, IL, IN, OH, PA, NY, MA, RI, CT, NJ, DE, MD, WV, VA, KY, MI, and DC. In Docket No. MC-F-14490F, Hall's applied for authority to control and to merge the motor carrier rights and properties of Dohrn Transfer Company (Dohrn) into Hall's. A Notice of Effectiveness was served in that proceeding on January 15, 1981. Under certificates issued in Docket No. MC-43421, and sub-numbers thereunder, Dohrn is authorized to transport general commodities with the usual exceptions over a network of regular and irregular routes extending from Boston, MA, through points in the states of OH, IN, IL, WI, MN, IA, MO, OK, TX, MI, KY, and NY, MA, CT. Conditions: Tiger International, Inc., shall be considered a carrier under 49 U.S.C. 11348, and subject only to filing any special reports that may be required by the Commission under 49 U.S.C. 11145.

MC-F-14558F, filed January 16, 1981. COATS FREIGHTWAYS, INC. (Coats) (601 32nd Avenue, Council Bluffs, IA 51501)—purchase (portion)—GRAND ISLAND MOVING & STORAGE CO., INC. (Grand Island) (P.O. Box 2122, Grand Island, NE 68801) (YUMA COUNTY TRANSPORTATION CO.—ASSIGNOR). Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Coats seeks to purchase a portion of the operating rights of Grand Island. George N. Coats, who controls Coats through 100% stock ownership, seeks to acquire control of the rights through the transaction. Coats is purchasing that portion of Grand Island's operating rights issued in MC-F-13849, which authorizes the transportation, as a motor common carrier, of *general commodities* (unusual exceptions) between Kearney, NE, and Omaha, NE, serving all intermediate points and serving the Cornhusker Ordnance Plant as an off-route point; from Kearney over U.S. Hwy 30 to junction U.S. Hwy 275, then over U.S. Hwy 275 to Omaha, and return over the same route; serving the facilities of Western Electric Co., Inc., at or near Underwood, IA, in connection with carrier's otherwise authorized regular-route operations from and to Omaha, NE. Coats is authorized to operate as a motor common carrier pursuant to certificates issued in MC-133299 and sub-numbers thereunder. NOTES: (1) An application for temporary authority has been filed. (2) In MC-F-14414F, Yuma County Transportation Co. is purchasing a portion of the interstate operating rights of Grand Island Moving & Storage Co., Inc. In MC-F-14558F, Yuma County Transportation Co., has assigned a portion of said rights to Grand Island Moving & Stroage Co., Inc. Condition: We will condition our approval of the instant transaction upon the deletion of the rights sought to be purchased by Coats Freightways, Inc. from the operating rights which had been authorized to be purchased by Yuma County Transportation Co. in MC-F-14414.

MC-F-14562F, filed February 2, 1981. CONVOY COMPANY (Convoy) (3900 N.W. Yeon Avenue, Portland, OR 97210)—control—G.R.M., INC., d.b.a. PORT TERMINAL TRANSPORT, INC. (Port Terminal) (700 Henry Ford Avenue, Long Beach CA 90801). Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Convoy seeks authority to acquire control of the interstate operating rights and property of Port Terminal through the purchase by Convoy of all the issued and outstanding capital stock of Port Terminal. Thomas P. Youell, the majority stockholder of Convoy, seeks authority to acquire control of Port Terminal through the transaction. Port Terminal is authorized to operate as a motor common carrier pursuant to Certificate No. MC 129857 (Sub-No. 4F), which authorizes the transportation of (1) *imported automobiles*, in secondary movements, in truckaway service, from points in CA in and south of Santa Barbara, Kern and Inyo Counties, to points in AZ, NV, NM, and UT; and (2) *automobiles* in truckaway service, between points in CA in and south of Santa Barbara, Kern and Inyo Counties; and Certificate No. MC 129857 (Sub.-No. 5), which authorizes the transportation of *new imported trucks*, in secondary movements, in truckaway service, from Long Beach, CA, to St. George, UT, and points in AZ, NV, and NM, restricted to transportation of shipments having an immediate prior movement by water. Convoy is authorized to operate as a motor common carrier, transporting motor vehicles throughout numerous States, pursuant to certificates issued in MC 52858 and sub-numbers thereunder. Convoy is affiliated with Canadian Auto Carriers, Ltd., a motor common carrier pursuant to certificates issued in MC 128080 and sub-numbers thereunder. In MC-F-11998, Convoy was authorized to control T.A.T., Inc., a motor common carrier pursuant to certificates issued in MC 115357 and sub-numbers thereunder. An application is presently pending in MC-F-14497F, in which Convoy seeks authority to merge the interstate operating rights and property of TAT into Convoy.

MC-F-14555F, filed January 14, 1981. ARIZONA EXPRESS, INC. (AZX) (4002 N 31st Ave., Phoenix, AZ 85017)—PURCHASE (PORTION)—CITY DELIVERY, INC. (City) (1315 E. Gibson Lane, Phoenix, AZ 85036). Representative: C. J. Boddington, 4002 N 31st Ave., Phoenix, AZ 85071. AZX seeks authority to purchase a portion of the interstate operating rights of City. C. J. Boddington and R. I. Boddington are joint owners of AZX, and, as a condition to the approval and authorization of this transaction, R. I. Boddington will be required to join in this application as a person in joint control. AZX seeks to purchase the interstate operating rights contained in City's certificate No. MC 120937 (Sub-No. 5), which aurthorizes the transportation as a motor common carrier, over regular routes, of *general commodities* (usual exceptions), (a) between Phoenix, AZ, and Grand Canyon, AZ, serving all intermediate points; from Phoenix over Interstate Hwy 17 to Flagstaff, AZ, then over U.S. Hwy 180 to junction AZ Hwy 64, and then over AZ Hwy 64 to Grand Canyon, and return over the same route, (b) between Flagstaff, AZ, and junction U.S. Hwy 180 and AZ Hwy 64, serving all intermediate points; from Flagstaff over Interstate Hwy 40 to junction AZ Hwy 64, and then over AZ Hwy 64 to junction U.S. Hwy 180, and return over the same route; (c) between Cordes junction, AZ, and junction Interstate Hwy 40 and AZ Hwy 64, serving all intermediate points; from Cordes Junction over AZ Hwy 69 to Prescott, AZ, then over U.S. Hwy 89 to Ashfork, AZ, and then over Interstate Hwy 40 to junction AZ Hwy 64, and return over the same route; and (d) between Phoenix, AZ, and Prescott, AZ, over U.S. Hwy 89, serving all intermediate points and serving Bagdad and Hillside as off-route points. AXS is authorized to operate as a motor common carrier over irregular routes pursuant to certificates issued in MC 144258 and sub-numbers thereunder. Condition: Authorization and approval of this transaction and the issuance of an effective notice is conditioned upon the prior receipt by the Commission of an affidavit signed by R. L. Boodington, stating that he is in joint control along with C. J. Boodington, of Arizona Express, and that he joins in this application.

Note.—An application for temporary authority has been filed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5301 Filed 2-13-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Judgments in Actions To Enjoin Discharge of Air and Water Pollutants at Jones & Laughlin Steel Corp. and Youngstown Sheet and Tube Co. Plants in Pennsylvania, Indiana, and Ohio

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. Jones & Laughlin Steel Corp.*, Civil Action No. 79-428, 79-1193 had been lodged with the District Court for the Western District of Pennsylvania. The proposed decree requires the defendant to comply with the Clean Air Act and the Clean Water Act at its Pittsburgh and Alliquippa plants. In particular the decree requires Jones & Laughlin to control its coke batteries, its electric arc furnance shops, a basic oxygen furnance shop, several blast furnaces and boilers.

On September 2, 1980, prior to the lodging of this judgment Jones & Laughlin informed EPA that due to recent economic conditions in the steel industry that it would not issue purchase orders for control equipment

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for several sources covered in the decree. EPA has agreed to entertain Jones & Laughlin's request for a modification of certain schedules but to date no decision has been made to modify any of the schedules in this decree.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *"United States v. Jones & Laughlin Steel Corp."*, Ref. No. 90-5-2-1-161, 90-5-2-1-179.

The proposed decree may be examined at the Office of the United States Attorney, United States Courthouse, Pittsburgh, Pennsylvania, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree and the September 2 letter may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or a money order made out for $11.30 to the Treasurer of the United States.

In accordance with the aforementioned policy notice also is given that proposed consent decrees have been lodged with the United States District Courts in the Northern District of Indiana and the Northern District of Onio, respectively, in the cases of *United States v. Youngstown Sheet and Tube Company et al.* (N.D. Ind., Civ. No. H79-65) and *United States v. Youngstown Sheet and Tube Company et al.* and *United States v. Jones & Laughlin Steel Corp. et al.* (N.D. Ohio, Civ. Nos. C-77-144-Y and C.81-12; motion to consolidate pending). These decrees require compliance chiefly with the Clean Air Act at Youngstown and Jones & Laughlin plants at Indiana Harbor, Cleveland, and in the Mahoning Valley Area.

The Department of Justice will receive written comments on the proposed settlements for thirty days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. They should refer to the respective cases as captioned above and include Department of Justice reference numbers 90-5-2-3-1011 for the Indiana case or both 90-5-2-3-834 and 90-5-2-1-283 for the Ohio cases.

The proposed Indiana decree may be examined at the Office of the United States Attorney, Federal Building, Room 312, 507 State Street, Hammond, Indiana 46320, and the proposed Ohio decree may be examined at the Office of the United States Attorney, at the United States Courthouse, Room 400, 201 Superior Avenue, N.E., Cleveland, Ohio 44144. Either may be examined at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, or at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Washington, D.C. 20530.

A copy of either proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Room 1254, Land and Natural Resources Division, Washington, D.C. 20530. In order to cover reproduction costs, and such request must be accompanied by a check or money order for $7.60 (Indiana decree) or $7.60 (Ohio decree) made out to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-5252 Filed 2-13-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-1-M]

Sunshine Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Sunshine Mining Company, P.O. Box 1080, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.11-59 (hoist operator protection) to its Sunshine Mine located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that an underground hoist operator be provided with a respirable atmosphere completely independent of the mine atmosphere.

2. Petitioner states that an independent ventilation system that converts to a self-contained breathing apparatus is not available.

3. Petitioner currently uses MSA 401 Air Masks for each hoist installation. The unit is fitted with a quick-connect coupling that attaches to a 220 cubic foot tank of compressed air. Petitioner further states that this air supply will last nearly three times as long as required to complete hoisting during a mine evacuation.

4. Petitioner states that the evacuation of the mine can be completed in less than 30 minutes; therefore, the 30 minute air supply is more than adequate to reach a positive source of fresh air after hoisting is completed.

5. Petitioner states that the procedures outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 19, 1981. Copies of the petition are available for inspection at that address.

Dated: February 6, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5329 Filed 2-13-81; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Design Arts Panel (Communication and Exploration/Research Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Communication and Exploration/Research Section) to the National Council on the Arts will be held in March 17-18, 1981, from 9 a.m.-6 p.m. in room 1422, of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including

discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 81-5306 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Panel (Demonstration Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Demonstration Section) to the National Council on the Arts will be held on March 26-27, 1981, from 9:00 a.m.-6:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5307 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

Federal Graphics Improvement Evaluation Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Improvement Evaluation Panel to the National Council on the Arts will be held April 9, 1981, from 9:30-4:30 p.m. in room 1422, of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be Graphic Materials of National Museum of American History (formerly National Museum of History and Technology), a Smithsonian Institution.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5308 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Panel (Design Fellowships Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Design Fellowships Section) to the National Council on the Arts will be held on March 10-11, 1981, from 9:00 a.m.-6:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-5309 Filed 2-13-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Council, Task Group No. 15; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #15 of the NSF Advisory Council
Place: Room 523, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550
Date: Monday, March 9, 1981
Time: 9:00 a.m. till 5:00 p.m.
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: 202/357-9433
Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary minutes: May be obtained from the contact person at above stated address.
Agenda: The Task Group is asked to determine the role of NSF in the science education of the general public. The Task Group will focus on mechanisms to encourage greater interagency cooperation and will suggest mechanisms to foster increased and/or expanded in-school as well as out-of-school programs for education in the sciences and technology.

M. Rebecca Winkler,

Committee Management Coordinator.

February 11, 1981.

[FR Doc. 81-5303 Filed 2-13-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Social And Economic Science; Subcommittee on Political Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Political Science of the Advisory Committee for Social and Economic Science
Date and time: March 5-6, 1981, 9:00 a.m. to 5:00 p.m. each day
Place: Room 730, National Science Foundation, 1800 G St., N.W., Washington, D.C. 20550
Type of meeting: Closed—9:00 a.m. to 5:00 p.m. March 5-6, 1981.
Contact person: Dr. Gerald C. Wright, Jr., Program Director, Political Science Program, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-9406.
Purpose of subcommittee: To provide advice and recommendations concerning research in Political Science

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c). Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

February 11, 1981.

[FR Doc. 81-5121 Filed 2-13-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Radiological Contingency Planning

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Orders to Modify Licenses to Incorporate New or Upgraded Radiological Contingency Plans.

SUMMARY: The Nuclear Regulatory Commission has issued orders to certain fuel cycle and major materials licensees, listed below by States, requiring them to prepare and submit for NRC review certain information that is needed to assure that adequate onsite planning is made to protect against and to respond to nuclear accidents.

The orders provide that the radiological contingency planning information shall be submitted within 120, 180, or 240 days of the effective date of the orders depending upon the perceived relative urgency of need and to facilitate scheduling of agency reviews. The information is to be submitted with an application for license amendment to incorporate the plan as approved as a condition of the NRC license. The orders provide, as an alternative action, that a licensee need not submit a radiological contingency plan if he submits an application to reduce his licensed possession limits for radioactive materials below specified amounts.

The orders provide an opportunity for a hearing if requested. If no hearing is requested, the orders become effective 20 days from the date of the orders. If a hearing is requested, the orders will become effective on the date specified in an order made following the hearing.

	Docket No.	License No.	Days after effective date for submittal
California:			
General Atomic, San Diego, CA 92138.	07000734	SNM-696	180
General Electric, Vallecitos Road, Pleasanton, CA 94566.	07000754	SNM-960	180
Rockwell International, Energy Systems Group, 8900 DeSoto Avenue, Canoga Park, CA 91304.	07000325	SNM-21	180
Connecticut:			
Combustion Engineering, 1900 Prospect Hill Road, Windsor, CT 06095.	070001100	SNM-1067	180
United Nuclear Corporation, 87 Sandy Desert Road, Uncasville, CT 06382.	07000871	SNM-388	180
Florida:			
Pan American World Airways, Inc., Aerospace Service Division, Pan Am 9, OMEHG, Kennedy Space Center, FL 32899.	03003974	09-05834-01	240
Illinois:			
Abbott Laboratories, Radiopharmaceutical Products Division, North Chicago, IL 60064.	03004536	12-00621-03	120
Amersham Corporation, 2636 South Clearbrook Drive, Arlington Heights, IL 60005.	03004281	12-12636-01	120
Allied Chemical Corporation, P.O. Box 8005R, Morristown, NJ 07906 (Metropolis, IL).	04003392	SUB-526	120
University of Illinois, Urbana, IL 61801	03000652	12-00330-05	240
Maryland:			
National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD 20771.	03004536	19-06748-02	240
National Bureau of Standards (Commerce, Dept. of), Washington, D.C. 20234 (Gaithersburg).	70000396	SNM-362	180
National Institutes of Health (Health, Education and Welfare), Bethesda, MD 20014.	03007724	19-00296-11	120
Massachusetts:			
Army, Dept. of, Watertown Arsenal, Watertown, MA 02172.	03003503	20-01010-04	240
Harvard, Cambridge, MA 02138.	03000756	20-00297-53	240
Interex Corporation, 3 Strathmore Road, Natick, MA 01760.	03007725	20-14062-01	120
New England Nuclear Corporation, 549 Albany Street, Boston, MA 02118 (Billerica).	03004581	20-00320-13	120
New England Nuclear Corporation, 575 Albany Street, Boston, MA 02118	03004579	20-00320-09	120
New England Nuclear Corporation, Medical Diagnostic Division, 575 Albany Street, Boston, MA 02118	03004579	20-11868-01	120
Stocker & Yale, Inc., Rt. 128 & Brimbal Avenue, Beverly, MA 01915	03011198	20-16532-01	240
Technical Operations, Inc., South Avenue, Burlington, MA 01613.	03004576	20-00277-03	120
Texas Instruments, Inc., 34 Forest Street, Attleboro, MA 02703.	07000003	SNM-23	180

	Docket No.	License No.	Days after effective date for submittal
Michigan:			
General Motors Corporation, 30600 Mound Road, Warren, MI 48090.	03004770	21-00016-04	240
Michigan State University, East Lansing, MI 48823.	03000806	21-00021-29	180
Minnesota:			
Minnesota Mining & Manufacturing, 3M Center, St. Paul, MN 55101.	03004851	22-00057-06	120
University of Minnesota, 410 Church Street, S.E., Minneapolis, MN 55455.	03013175	22-00187-49	240
University of Minnesota, University Health Services, Minneapolis, MN 55455.	0300842	22-00187-46	240
Missouri:			
Combustion Engineering, Inc., P.O. Box 500, Windsor, CT 06095 (Hematite, MO).	07000036	SNM-33	180
New Jersey:			
Bell Telephone Laboratories, Murray Hill, NJ 07971.	03005224	29-00170-03	240
E.R. Squibb & Sons, Inc., Georges Road, New Brunswick, NJ 08903.	03005222	29-00139-02	120
Teledyne Isotopes, Inc., 50 Van Buren Avenue, Westwood, NJ.	03006661	29-00055-14	120
Teledyne Isotopes, Inc., 50 Van Buren Avenue, Westwood, NJ 07675.	07000124	SNM-107	240
New York: Union Carbide Corp., Medical Products Division, P.O. Box 324, Tuxedo, New York 10987.	07000687	SNM-639	120
North Carolina: General Electric Co., P.O. Box 780, Wilmington, NC 28401.	07001113	SNM-1097	180
Ohio:			
Battelle Memorial Institute, 505 King Avenue, Columbus, OH 43201.	07000008	SNM-7	180
Monsanto Research Corporation, 1515 Nicholas Road, P.O Box 8, Dayton, OH 45407.	07000572	SNM-567	120
National Aeronautics and Space Administration, Lewis Research Center, Plum Brook Station, Sandusky, OH 44870.	03000579	34-00293-02	240
Ohio State University, 190 North Oval Drive, Columbus, OH 43210.	03002640	34-00293-02	240
Oklahoma:			
Isotopic Analysis, Inc., P.O Box 35622, Tulsa, OK 74105.	07000854	SNM-791	240
Kerr-McGee Nuclear Corporation, Kerr-McGee Center, Oklahoma City, OK 73125 (Cimarron Facility—near Crescent, OK).	07001193	SNM-1174	180
Kerr-McGee Nuclear Corporation, Kerr-McGee Center, Oklahoma City, OK 73125 (Sequoyah Facility—near Gore, OK).	04008027	SUB-1010	120
Oral Roberts University, 7777 South Lewis Avenue, Tulsa, OK 74171.	03014761	35-18282-01	240
Pennsylvania:			
Automation Industries, Inc., Nuclear Encapsulation Facility, Kimberton Road, Rt. 113 South, Phoenixville, PA 19460.	03005998	37-00611-09	120
Babcock & Wilcox Co., 620 N. Warren Avenue, Apollo, PA 15613 (Parks Township).	07000364	SNM-414	180
Babcock & Wilcox Co., R.D. N. Warren Avenue, Apollo, PA 15613 (Waltz Mill).	07000135	SNM-145	180
General Electric Co., 1100 Chestnut Street, Philadelphia, PA 19104	03006047	37-02006-06	240
Micro Display Systems, Inc., 950 Rittenhouse Road, Norristown, PA 19403.	03017293	37-19299-01	240
University of Pittsburgh, Pittsburgh, PA 15261.	03002945	37-00245-02	240
U.S. Radium Corporation, 4150 Old Berwick Road, Bloomsburg, PA 17815.	03005982	37-00030-06	120
Westinghouse Electric Co., P.O. Box 355, Pittsburgh, PA 15230 (Cheswick).	07001143	SNM-1120	180
Westinghouse Electric Co., P.O. Box 355, Pittsburgh, PA 15230 (Waltz Mill).	07000698	SNM-770	180
South Carolina: Westinghouse Electric Co., P.O. Box 355, Pittsburgh, PA 15230 (Columbia, SC).	07001151	SNM-1107	180
Tennessee: Nuclear Fuel Services, Erwin, TN 37650.	07000143	SNM-124	120
Virginia:			
Babcock & Wilcox Co., P.O. Box 785, Lynchburgh, VA 24505.	07000027	SNM-42	180
Babcock & Wilcox Co., P.O. Box 785, Lynchburg, VA 24505.	07001201	SNM-1168	180
Babcock & Wilcox Co., P.O. Box 1260, Lynchburg, VA 24505	07000824	SNM-778	180
Washington:			
Battelle Memorial Institute, Battelle Boulevard, Richland, WA 99352.	07000994	SNM-942	180

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	Docket No.	License No.	Days after effective date for submittal
Exxon Nuclear Co., Inc., 2101 Horn Rapids Road, Richland, WA 99352	07001257	SNM-1227	180
Washington, D.C.: Navy Dept. of the 4555 Overlook Avenue, S.W., Washington, D.C. 20380.	03003925	80-01393-02	120
Wisconsin University of Wisconsin, Madison, WI 53706	03003466	48-09843-18	240
Wyoming University of Wyoming, Laramie, NY 82071	03001176	49-09955-10	240

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Dr. Fred D. Fisher, or Mr. Ralph G. Page, Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4135 or 427–4309.

SUPPLEMENTARY INFORMATION: The following order is typical of those sent to each of the above listed licensees.

Dated at Silver Spring, Maryland this 11th day of February 1981.

For the Nuclear Regulatory Commission.
Richard E. Cunningham, Director,
Division of Fuel Cycle and Material Safety.

United States of America, Nuclear Regulatory Commission

In the Matter of Allied Chemical Corporation, Nuclear Services Division, P.O. Box 8005R, Morristown, New Jersey 07960; Docket No. 40–3392, Materials License No. SUB–526.

Order To Modify License

I

Allied Chemical Corporation ("the licensee") with facilities in Metropolis, Illinois, is the holder of Materials License No. SUB–526 issued by the Nuclear Regulatory Commission ("the Commission"). The license authorizes the possession and use of up to 50 million pounds of natural uranium and other isotopes in small quantities. The licensee converts uranium ore concentrates into uranium hexafluoride. The current license was issued August 15, 1977, and is due to expire on August 31, 1982.

II

Before issuance of a license to operate, staff review of the application determined that the licensee can operate the facility in a safe manner. Nonetheless, based on the lessons learned from the accident at Three Mile Island and new perspectives on emergency preparedness and planning, the Commission has reevaluated the emergency preparedness requirements for its fuel cycle and materials licensees. The Commission has decided that significant improvements need to be made promptly to ensure that adequate onsite emergency response actions will be taken by licensees with major operations in cases where, even though unlikely, potentially serious radiation accidents could occur. The operations licensed to be carried our pursuant to Materials License No. SUB–526 appear to fall in this category and require the development of a comprehensive onsite radiological contingency plan. Specifically, considerations are needed to ensure (1) that the plant contains adequate engineering safety features and is otherwise designed to limit releases of radioactive materials and radiation exposures in the event of an accident, (2) that a capability exists for measuring and assessing the significance of accidental releases of radioactive materials, (3) that appropriate emergency equipment and planning are provided onsite to protect workers against radiation hazards that might be encountered following an accident, (4) that notifications are made promptly to federal, state, and local government agencies, and (5) that necessary recovery actions are taken in a timely fashion to return the plant to a safe condition following an accident.

The information to be developed and documented is described in the enclosed "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities" (Enclosure 1). In summary, the information to be submitted to NRC for review includes a (1) description of plant systems important to safety; (2) characterization of classes of credible emergencies that might occur; (3) description of radiological contingency measures for each class of emergency; (4) designation of authorities and responsibilities of key individuals and groups employed by the licensee; and (5) a description of equipment and facilities designated for use during radiation emergencies. The plan is to be directed toward mitigating the consequences of radiological emergencies and providing reasonable assurance that appropriate measures will be taken during an emergency to assure protection of the public and minimize adverse environmental impacts. In preparing the plan, consideration should be given to a set of credible accidents ranging from almost everyday occurrences of small consequence through highly improbable, but not impossible, accidents such as those resulting from severe natural phenomena, human error, and multiple equipment failures, and sabotage.

III

In addition to onsite radiological contingency planning, as discussed in Section II above, offsite emergency response planning is also highly important. Offsite planning requirements for fuel cycle and materials facilities are being developed separately and will be considered in a proposed rulemaking to be published in the coming months. Within the framework of that rulemaking, NRC will carry out extensive coordination with state governments and the Federal Emergency Management Agency (FEMA) concerning applicable requirements.

IV

The Commission believes that it is prudent and necessary to require the licensee to develop and submit within 120 days of the effective date of this Order, or before, an onsite radiological contingency plan, as discussed in Section II above, applicable to operations licensed pursuant to Materials License No. SUB–526. Such a plan can be developed and effectively implemented apart from offsite emergency response planning, which necessarily involves state and local government emergency planning actions. The onsite radiological contingency plan is a necessary extension of protective actions taken by the licensee during normal operations. Such planning is essential to ensure that proper plans are made by the licensee to protect the public from accidents that could result from the licensed operations. A lesson learned from the Three Mile Island accident is that accidents thought to be highly improbable can and will occur, and that proper emergency preparedness is required to mitigate radiological consequences.

The reporting and recordkeeping part of this onsite radiological contingency plan is subject to clearance by the General Accounting Office. GAO review and clearance will not stay the effective date of this Order as regards the requirement that the licensee develop the plan. Unless advised to the contrary, GAO clearance will be effective within 45 days from the date of this Order.

V

Accordingly, pursuant to sections 161b and 161o of the Atomic Energy Act of 1954, as amended, § 40.41(e) of 10 CFR Part 40, and § 2.204 of 10 CFR Part 2, IT IS HEREBY ORDERED THAT within 120 days of the effective date of this Order, the licensee shall submit:

1. A radiological contingency plan in accordance with Enclosure 1 of this Order, "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities," and an application for license amendment to incorporate such plan as approved as a condition of the license; *or alternatively,*

2. An application for license amendment to reduce the possession limits for radioactive materials below those specified in Enclosure 2 of this Order.

VI

The licensee or any person whose interest may be affected by this Order may, within 20 days of the date of the Order, request a hearing with respect to all or part of the Order. A request for a hearing shall be addressed to the Secretary of the Commission, U.S.N.R.C., Washington, D.C 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a person other than the licensee requests a hearing, that person shall set forth with particularity the nature of his or her interest and the manner in which his or her interest may be affected by this Order in accordance with 10 CFR 2.714(a)(2) of the Commission's Rules of Practice.

If a hearing is requested by the licensee or a person who has an interest affected by this Order, the Commission will issue an order designating the time and place of the hearing.

If no hearing is requested, this Order will become effective 20 days from the date of the Order. If hearing is requested, this Order will become effective on the date specified in an order made following the hearing.

VII

If a hearing is held, the issue to be considered at the hearing shall be whether the licensee (1) shall submit a radiological contingency plan which complies with Enclosure 1 of this Order, "Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities," or (2) if a plan is not submitted as required in Section V(1) of the Order, should an application for a license amendment to reduce its possession limits for radioactive materials below those specified in Enclosure 2 of this Order be submitted.

Dated at Silver Spring, Maryland this 11th day of February, 1981.

For the Nuclear Regulatory Commission.
Richard E. Cunningham,
Director, Division of Fuel Cycle and Material Safety.

Enclosure 1—Standard Format and Content for Radiological Contingency Plans for Fuel Cycle and Materials Facilities

January 9, 1981

Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission

Standard Format and Content for Radiological Contingency Plans at NRC Licensed Fuel Cycle and Major Materials Installations

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Introduction

NRC has initiated an extensive program to reevaluate and upgrade the requirements for emergency preparedness planning of its fuel cycle and major materials licensees. In advance of that comprehensive regulatory program which includes rulemaking, a pressing need is believed by the Commission to promptly require radiological contingency planning of those licensed fuel cycle and major materials facilities exhibiting the potential for accidents which could result in: (i) offsite radiation doses exceeding 1 rem to the whole body, 5 rems to the thyroid, or 3 rems to other critical body organs, (ii) chemical exposures which could impact radiological safety, or (iii) potentially serious radiation overexposures of workers from a nuclear criticality incident or release of radioactive materials. Radiation doses of 1 rem to the whole body and 5 rems to the thyroid are the lowest Protective Action Guides (PAG's) established by the Environmental Protection Agency for triggering a protective action in public areas following a radiation accident. The radiological contingency planning requirements addressed in this guide apply only to onsite planning.

Radiological contingency planning is that part of emergency response preparedness contributed by plant operators to assure (1) that plants are properly configured to limit releases of radioactive materials and radiation

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exposures in the event of an accident, (2) that a capability exists for measuring and assessing the significance of accidental releases of radioactive materials, (3) that appropriate emergency equipment and procedures are provided onsite to protect workers against radiation hazards that might be encountered following an accident, (4) that notifications are promptly made offsite to Federal, State, and local government agencies, and (5) that necessary recovery actions are taken in a timely fashion to return a plant to a safe condition following an accident. Onsite radiological contingency planning should be sufficiently encompassing to meet the following objectives:

1. Confinement systems for radioactive material provide a proper level of protection against accidental releases, radiation alarms are used to detect accidental releases, and appropriate means exist for limiting accidental releases.

2. The responsibilities of the various supporting organizations are specifically established, and a requisite number of staff is designated to respond initially and continuously throughout any emergency that might occur.

3. On-shift licensee responsibilities for emergency response are unambiguously defined, adequate staffing is provided to assure that key functional areas will continuously operate, and the interfaces among various onsite response activities and any offsite support and response activities are specified.

4. Arrangements are made for requesting and effectively using assistance resources, and other organizations capable of augmenting the planned response are identified.

5. A standard emergency classification and action level scheme is in use by the licensee.

6. Procedures have been established for notification of State and local response organizations and for notification of emergency personnel by the licensee and for assuring that messages concerning emergencies are unambiguously communicated to these individuals.

7. Provisions exist for prompt communications to State and local response organizations, to other organizations, and to emergency personnel.

8. Adequate emergency facilities and equipment to support the emergency response are provided and maintained.

9. Adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite releases of radioactive materials are in use.

10. Means for controlling radiological exposures, in an emergency, are established for emergency workers.

11. Arrangements are made for medical services for injured individuals who are contiminated.

12. General plans for recovery and reentry are developed.

13. Periodic exercises are conducted to evaluate major portions of emergency response capabilities, periodic drills are conducted to develop and maintain key skills, and deficiencies identified as a result of exercises and drills are corrected.

14. Radiological emergency response training is provided to those who may be called on to assist in an emergency.

15. Responsibilities for plan development and review and for distribution of plans are established, and the planners are properly trained.

Licensees who are required to prepare radiological contingency plans must submit them to the Director, Division of Fuel Cycle and Material Safety, NMSS, Nuclear Regulatory Commission, Washington, D.C. 20555, for review and approval. NRC will assess and evaluate the licensee's proposed response and recovery actions and will use the information provided to plan NRC's response activities. For completeness, the plan must include descriptions of (i) facilities, (ii) chemical and physical processes, (iii) types, forms, and quantities of radioactive and other hazardous materials, (iv) distribution of radioactive material inventories, (v) specifications of structures, systems, and components important to safety, and (vi) the elements of emergency planning.

Purpose and Applicability

This Standard Format has been prepared to help assure uniformity and completeness in the preparation and review of Radiological Contingency Plans.

The licensee is encouraged to prepare his Radiological Contingency Plan in accordance with the Standard Format and to provide all information to support the conclusion that his plan is adequate and capable of implementation. The information specified in the Standard Format is the minimum for a Radiological Contingency Plan. Although strict conformance with the Standard Format is not mandatory, presentation of an equivalent level of information is necessary. Additional information may be required for completion of the staff review of a particular plan. The information provided should be up-to-date with respect to the licensee's current radiological contingency planning and should reflect current awareness of the need for preplanning for abnormal occurrences and current state of the art and technology for emergency management. Information requirements which are deemed by the licensee to be not applicable should be explicitly so designated and justification provided unless the nonapplicability is obvious.

Page Numbering

Pages should be numbered by chapter and sequentially within the chapter, e.g., the first page of Chapter 3 would be 3–1, etc. Do not number the entire report sequentially.

Format References

References in the application to this Standard Format should be by chapter, section number, and subsection number.

Procedures for Updating or Revising Pages

The updating or revising of data and text should be on a replacement page basis.

Each changed or revised portion of a page should be highlighted by a vertical line. The line should be on the margin opposite the binding margin at each line changed or added. All pages submitted to update, revise, or add pages to the report should show the date of change. The transmittal letter should include an index page that lists the pages to be inserted and the pages to be removed. Where major changes or additions are made, pages for a revised Table of Contents should be provided.

Number of Copies

The licensee should submit six copies of his Radiological Contingency Plan.

Compatibility

The license should ensure that the Radiological Contingency Plan is compatible with the other sections of his license or license application.

Upon receipt of the prepared plan, the Regulatory staff will perform a preliminary review to determine if the plan provides a reasonably complete presentation of the information needed. The Standard Format will be used by the staff as a guideline to identify the information needed. If the application does not provide a reasonably complete presentation of the necessary information, an additional submission will be requested and further review will be suspended until needed information is provided.

Use of the Standard Format

The licensee should follow the numbering system of the Standard Format at least down to the level of

sections such as Section x.y.z. Under some circumstances, certain sections may not be applicable to a specific plan. In such cases, that should be explicitly stated, and sufficient information should then be provided to support that conclusion.

Style and Composition

A table of contents should be included in each plan.

The plan should strive for clear presentations of the information provided. Confusing or ambiguous statements and general statements of intent should be avoided. Definitions and abbreviations should be consistent throughout the submittal and consistent with generally accepted usage.

The licensee should direct his response to the subject matter of each section. Wherever possible, duplication of information should be avoided. Thus, information already included in other sections of the plan may be covered by specific reference to those sections.

Where numerical values are stated, the number of significant figures should reflect the accuracy or precision to which the number is known. The use of relative values should be indicated clearly.

Drawings, diagrams, and tables should be used where the information may be presented more understandably or more concisely by such means. These should be located in the section in which they are primarily referenced. Due concern should be taken to ensure that all information presented in drawings is legible, symbols are defined, and drawings are not reduced to the extent that they cannot be read by unaided normal eyes.

Physical Specifications of Submittals

All material submitted as part of the license application should conform to the following physical dimensions of page size, quality of paper and inks, and printing and binding specifications:

1. *Paper Size.*

Text pages: 8½ x 11 inches.

Drawings and graphics: 8½ x 11 inches preferred; however, larger size is acceptable provided the finished copy, when folded, does not exceed 8½ x 11 inches.

2. *Paper Stock and Ink.*

Suitable quality in substance, paper color, and ink density for handling and for reproduction by microfilming.

3. *Page margins.*

No less than one inch on the top, bottom, and binding side of all pages submitted.

4. *Printing.*

Composition: text pages should be single spaced.

Type face and style: suitable for microfilming.

Reproduction: may be mechanically or photographically reproduced. All pages of the text may be printed on both sides with the image printed head to head.

5. *Binding.*

Pages should be punched for looseleaf ring binding.

1.0 General Description of the Plant/ Licensed Activity

The information in this section is to provide perspective about the plant and the licensed activity such that the adequacy and appropriateness of the licensee's contingency planning, emergency organization, and emergency equipment can be evaluated. Where this information duplicates information provided elsewhere in the licensee's various applications, it is recommended that it also be repeated here; however, it can be referenced instead if specific sections, paragraphs, and page numbers are cited.

1.1 Licensed Activity Description

Present briefly the principal aspects of the overall licensed activity. The following should be included: a general description of licensed and other activities conducted at the plant site; the location of the plant; the type, form, and quantities (possession limits) of radioactive materials; the types of product; and the wastes produced.

1.2 Site and Facility Description

Include a description of the principal characteristics of the site at which licensee activities are conducted. Indicate the site on a general area map (approximately 10-mile radius) and upon a United States Geographical Survey 7.5' topographical map(s). Provide a site plan or aerial photograph indicating onsite structures and near-site structures (about 1-mile radius). On this photograph or site plan, include the following: (1) location of population centers (office buildings, schools, arenas, stadiums, etc), (2) the location of facilities which could present potential evacuation problems (prisons, nursing homes, and hospitals), (3) identification of primary routes for access of emergency equipment or for evacuation as well as potential impediments to traffic flow (rivers, drawbridges, railroad grade crossings, one way streets, etc.), (4) location of any emergency facilities (fire station, police station, hospital with capability for handling radioactive contamination, etc.), (5) other sites of potential emergency significance (LPG terminals, pipelines, filling stations, etc.) Indicate approximate populations, both commuters and residents, associated with onsite and near-site structures. Provide a detailed site plan and a concise description of the facilities. The description should include a discussion of the principal design criteria; descriptions of process or manufacturing systems; confinement systems for handling and storage of radioactive and other hazardous materials, the release of which could impact adversely on the safety of licensed operations; auxiliary systems such as ventilation; radioactive waste management system(s); alarms to detect accidental releases; and means for limiting accidental releases when detected. Provide equipment, piping, and instrumentation diagrams of systems pertinent to the processing or confinement of radioactive materials to further describe the functions and interactions of plant systems. The arrangement of structures and major equipment items should be indicated on plan and elevation drawings in sufficient number and detail to provide a reasonable understanding of the general layout of the plant. Any additional features of the plant likely to be of special interest because of their relationship to safety should be identified.

1.3 Process Description

Descriptions of the process(es) used in the facility should be included. Identify reactants, products, and waste streams. Provide sufficient detail, including process flow diagrams, in the discussion to provide an understanding of the processes involved.

2.0 Engineered Provisions for Abnormal Operations

The impacts of radiological contingencies are affected by the nature of a particular event; design of plant facilities, processes, and control operations which contribute to limiting radiation exposure or releases of radioactive materials; implementation of emergency response actions; and recovery actions taken. In this section describe those facility process and control measures which contribute to: (1) promptly detecting accidental releases of radioactive materials and effecting corrective or mitigating responses; (2) limiting releases of radioactive materials and potentially dangerous nonradioactive materials which could adversely affect the safety of licensed operations; and (3) permitting safe and prompt recovery actions to be taken in the event of abnormal operations.

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2.1 Criteria for Accommodation of Abnormal Operations

In this section, describe the design criteria for performance of facility systems during abnormal operations and conditions.

2.1.1 Process Systems

Describe the performance criteria for response of process systems to abnormal conditions resulting from operator error or malfunction of process and control equipment.

2.1.2 Alarm Systems and Release Prevention

Specify criteria for detectors and alarms provide to detect and alert operators to accidental releases of radioactive materials and describe the responses anticipated to effectively limit accidental releases and to mitigate the consequences of such releases.

2.1.3 Support Systems

Describe the performance criteria for response of support systems to abnormal conditions such as operator error, malfunctions of equipment or controls, accidents, and severe natural phenomena. Those should include but are not necessarily limited to:

2.1.3.1 Structural Performance vs. Site Environmental Factors.

2.1.3.1.1 Severe Natural Phenomena.

2.1.3.1.2 Accidents at Neighboring Activities.

2.1.3.2 Confinement Barriers and Systems.

2.1.3.3 Access and Egress of Operating Personnel and Emergency Response Teams.

2.1.3.3.1 Onsite.

2.1.3.3.2 Near site.

2.1.3.4 Fire and Explosion Resistance and Suppression.

2.1.3.5 Shielding.

2.1.4 Control Operations

Describe the criteria for controlling and maintaining the capabilities of plant engineered systems to respond as planned to abnormal conditions.

2.2 Demonstration of Engineered Provisions for Abnormal Operation

In this section describe facility systems important to safety and demonstrate that their anticipated performances (regarding the detection and sounding of an alarm for accidental releases of radioactive materials or potentially hazardous nonradioactive materials, which could adversely affect radiological safety, and limiting releases of radioactive materials and exposures of persons to radiation) during and following an abnormal operation or condition are in accordance with the criteria of Section 2.1.

2.2.1 Process Systems

Describe the anticipated performances of process systems under abnormal conditions caused by such things as operator error or malfunctions or process equipment and controls.

2.2.2 Alarm Systems and Release Prevention Capability

Describe detectors, alarms, and other components and the anticipated performance of all effluent alarm systems under abnormal conditions and describe the strengths and weaknesses of the methods planned for limiting releases when such releases are detected.

2.2.3 Support Systems

Describe the anticipated behavior of support systems during abnormal conditions such as malfunctions of equipment or controls, operator error, accidents, and severe natural phenomena.

2.2.4 Control Operations

Describe in this subsection a safety assurance program which includes provisions for monitoring and auditing plant equipment and procedures for continued safety, for detecting deteriorating safety performance, and for identifying where improvements are needed.

3.0 Classes of Radiological Contingencies

3.1 Classification system

The radiological contingency plan should characterize several classes of emergency situations and relate them to response levels. The system of classification used should consist of largely mutually exclusive groupings, and it should cover the entire range of credible emergency situations. Each defined class should be associated with a particular set of immediate response actions that are to be taken to cope with the situations.

Specific implementing procedures should be prepared for each identified class of radiological contingency.

A recommended classification scheme is described in Section 3.2. In it, emergency situations are classified into the four categories specified in Section IV of Appendix E of 10 CFR Part 50 i.e., Notification of Unusual Event, Alert, Site Area Emergency, General Emergency.

The rationale for the notification and alert classes is to provide early and prompt notification of minor events which could lead to more serious consequences given operator error or equipment failure or which might be indicative of more serious conditions which are not yet fully realized. A gradation is provided to assure fuller response preparations for more serious indicators. The site area emergency class reflects conditions where some significant releases are likely or are occurring but where an uncontrolled release situation is not indicated based on current information. In this situation, full mobilization of emergency personnel in the near site environs is indicated as well as dispatch of monitoring teams and associated communications. The general emergency class involves actual or imminent uncontrolled releases of large inventories.

3.2 Recommended Classification Scheme

Class

Notification of Unusual Event

Class Description.—Unusual events are in process or have occurred which indicate a potential degradation of the level of safety of the plant. No releases of radioactive material requiring offsite response or monitoring are expected unless further degradation of safety systems occurs.

Purpose.—Purpose of offsite notification is to (1) assure that the first step in any response later found to be necessary has been carried out, (2) bring the operating staff to a state of readiness, and (3) provide systematic handling of unusual events information and decisionmaking.

License Actions

1. Promptly inform State and/or local offsite authorities of nature of unusual condition as soon as discovered.
2. Augment on-shift resources as needed.
3. Assess and respond.
4. Escalate to a more severe class, if appropriate.

or

5. Close out with verbal summary to offsite authorities, followed by written summary within 24 hours.

Class

Alert

Class Description.—Events are in process or have occurred which involve an actual or potential substantial degradation of the level of safety of the plant. Any releases are expected to be limited to small fractions of the EPA Protective Action Guide exposure levels.

Purpose.— Purpose of offsite alert is to (1) assure that emergency personnel are readily available to respond if

situation becomes more serious or to perform confirmatory radiation monitoring if required and (2) provide offsite authorities current status information.

Licensee Actions

1. Promptly inform State and/or local authorities of alert status and reason for alert as soon as discovered.
2. Augment resources and activate onsite operational support emergency facilities and equipment. Bring key emergency personnel to standby status.
3. Assess and respond.
4. Dispatch onsite monitoring teams and associated communications.
5. Provide periodic plant status updates to offsite authorities.
6. Provide periodic meteorological assessments to offsite authorities and, if any releases are occurring, dose estimates for actual releases.
7. Escalate to a more severe class, if appropriate.

or

8. Close out or recommend reduction in emergency class by verbal summary to offsite authorities followed by written summary within 8 hours.

Class

Site Area Emergency

Class Description.—Events are in process or have occurred which involve actual or likely major failures of plant functions needed for protection of the public. Offsite releases are not expected to exceed EPA Protective Action Guideline exposure levels except near site boundary.

Purpose.—Purpose of the site area emergency declaration is to (1) assure that response centers are manned, (2) assure that monitoring teams are dispatched, (3) assure that personnel required for evacuation of site areas are at duty stations if situation becomes more serious, (4) provide consultation with offsite authorities, and (5) provide updates for the public through offsite authorities.

Licensee Actions

1. Promptly inform State and/or local offsite authorities of site area emergency status and reason for emergency as soon as discovered.
2. Augment resources by activating onsite emergency response organization.
3. Assess and respond.
4. Dispatch onsite and offsite monitoring teams and associated communications.
5. Dedicate an individual for plant status updates to offsite authorities.
6. Make senior technical and management staff available onsite for consultation with NRC and State on a periodic basis.
7. Provide meteorological and dose estimates to offsite authorities for actual releases via a dedicated individual or automated data transmission.
8. Provide release and dose projections based on available plant condition information and foreseeable contingencies.
9. Escalate to *general emergency* class, if appropriate.

or

10. Close out or recommend reduction in emergency class by briefing of offsite authorities followed by written summary within 8 hours of closeout or class reduction.

Class

General Emergency

Class Description.—Events are in process or have occurred which involve actual or imminent loss of confinement integrity. Releases can be reasonably expected to exceed EPA Protective Action Guideline exposure levels offsite for more than the immediate site area.

Purpose.—Purpose of the general emergency declaration is to (1) initiate predetermined protective actions for the public, (2) provide continuous assessment of information from licensee and offsite organization measurements, (3) initiate additional measures as indicated by actual or potential releases, (4) provide consultation with offsite authorities, and (5) provide updates for the public through offsite authorities.

Licensee Actions

1. Promptly inform State and local offsite authorities of general emergency status and reason for emergency as soon as discovered (Parallel notification of State/local).
2. Augment resources by activating onsite emergency response organization.
3. Assess and respond.
4. Dispatch onsite and offsite monitoring teams and associated communications.
5. Dedicate an individual for plant status updates to offsite authorities.
6. Make senior technical and management staff available onsite for consultation with NRC and State personnel on a periodic basis.
7. Provide meteorological and dose estimates to offsite authorities for actual releases via a dedicated individual or automated data transmission.
8. Provide release and dose projections based on available plant condition information and foreseeable contingencies.

or

9. Close out or recommend reduction of emergency class by briefing of offsite authorities followed by written summary within 8 hours of closeout or class reduction.

3.3 Range of Postulated Accidents

Emergency planning is concerned with individual and organizational responses to the continuum of potential accident situations including those accidents that have been hypothesized but have a very low probability of occurrence. The radiological contingency plan should demonstrate how the postulated accidents are encompassed within emergency characterization classes. This section of the plan should describe how the postulated accidents are covered by the plan and should provide a summary analysis of their implication for emergency planning, including assessment of offsite impact, instrumentation capability for prompt detection and continued assessment, and manpower needs in relation to the anticipated sequence and timing of events.

4.0 Organization for Control of Radiological Contingencies

In this chapter, describe the radiological contingency organization to be activated for the possible events onsite and its augmentation and support offsite. Delineate the authorities and responsibilities of key individuals and groups, and identify the communication chain for notifying, alerting, and mobilizing the necessary personnel.

4.1 Normal Plant Organization

Provide a brief description of the plant organization and identify those individuals that have the responsibility and authority to declare an emergency and to initiate the appropriate radiological contingency response.

4.2 Onsite Radiological Contingency Response Organization

Describe the onsite radiological contingency organization for controlling each class of emergency including the times when normal operations are not being conducted. As appropriate, use organization charts, and tables.

4.2.1 Direction and Coordination

Designate the position of the person and his alternate(s) who have the overall responsibility for implementing and directing the radiological contingency procedures. Discuss his duties and authority including control of the situation, termination of the emergency condition, and coordination with the staff and offsite personnel who augment the staff or require information concerning the event.

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4.2.2 Plant Staff Radiological Contingency Assignments

Specify the organizational group or groups which are assigned to the following functional areas of emergency activity including the personnel assignment rationale for working and nonworking hours. For each group describe their duties, authority, and interface with other groups and outside assistance.

The functional groups should provide capability in the following areas:

- Plant Systems Operations
- Radiological Survey and Assessment
- Fire Control
- Rescue Operations
- First Aid/Decontamination of Personnel
- Plant Security and Access Control
- Repair and Damage Control
- Recordkeeping
- Personnel Accountability
- Facility Decontamination
- Communications
- Post-Event Assessment

4.3 Offsite Assistance to Facility

Describe provisions and arrangements for assistance to onsite personnel during and after radiological emergency. Identify the services to be performed, means of communication and notification, and type of agreements that are in place for:

- Medical Treatment Facilities
- First Aid Personnel and Ambulance Service
- Services of other Medical Personnel On Site
- Firefighting Backup
- Police Assistance
- Other

4.4 Coordination with Participating Government Agencies

Identify the principal state agency and other government (local, county, state, and federal) agencies or organizations having action responsibilities for radiological emergencies in the area of the facility. For each agency and organization describe:

- Its authority and responsibility in a radiological emergency and its interface with others, if any.
- Its specific response capabilities in terms of personnel and resources available.
- Its location with respect to the facility.

Typical agencies to be included are law enforcement, departments of health or environmental protection, emergency/disaster control agencies, and the Regional Coordinating Offices for Radiological Assistance of the U.S. Department of Energy.

5.0 Radiological Contingency Measures

Specific radiological contingency response measures should be identified for each radiological contingency class and related to action levels or criteria that specify when the measures are to be implemented. Response measures include assessment actions, corrective actions, protective actions, exposure control, and aid to injured persons.

5.1 Activation of Radiological Contingency Response Organization

Describe the means to activate the radiological contingency response personnel for each class of radiological contingency as defined in Section 3.1, including a general description of the message authentication scheme. Identify the action levels selected and relate them to the responsibilities identified in Chapter 4.0. In this section and subsequent sections, attach the specific written procedures to be used.

5.2 Assessment Actions

For each class of emergency discuss the actions to be taken to determine the extent of the problem and to decide what corrective actions may be required.

5.3 Corrective Actions

Discuss the response actions that will be taken for the events identified in Chapter 3.0.

5.4 Protective Actions

The nature of protective actions, the criteria for implementing those actions, the area involved, and the notification procedures to onsite persons should be described in the plan. In order to prevent or minimize exposure to radiation and radioactive materials, the plan should provide for timely relocation of onsite persons, effective use of protective equipment and supplies, and use of appropriate contamination control measures.

5.4.1 Personnel Evacuation from Site and Accountability

This segment of the radiological contingency plan should include the following items:

a. Action criteria,

b. The means and the time required to notify persons involved,

c. Evacuation routes, transportation of personnel, and reassembly areas,

d. Missing persons check,

e. Radiological monitoring of evacuees and decontamination and selection for medical attention, if required.

5.4.2 Use of Protective Equipment and Supplies

Effective use of protective equipment and supplies, including the proper onsite distribution of special equipment, is an important measure for minimizing the effect of radiological exposures or contamination problems. Measures that should be considered include:

1. Individual respirator protection, and
2. Use of protective clothing.

For each measure that might be used, a description should be given of:

1. Criteria for issuance,
2. Locations of items,
3. Means of distribution.

5.4.3 Contamination Control Measures

Describe provisions for preventing further spread of radioactive materials and for minimizing radiation exposures from radioactive materials unshielded or released by abnormal conditions. Onsite protective actions should be described and should include the following items:

1. Isolation and area access control,
2. Criteria for permitting return to normal use.

Action criteria and responsibility for implementation of the measures planned should be described.

5.5 Exposure Control in Radiological Contingencies

Describe means for controlling radiological exposures, in an emergency, for emergency workers. The means for controlling radiological exposures should include exposure guidelines consistent with EPA Emergency Worker and Lifesaving Activity Protective Action Guides, EPA 520/1–75/001, viz. less than 75 rems planned whole body exposures for lifesaving actions and less than 25 rems where it is desirable to enter a hazardous area in order to protect facilities, eliminate further escape of effluents, or to control fires.

5.5.1 Emergency Exposure Control Program

5.5.1.1 Exposure Guidelines.

Specify onsite exposure guidelines consistent with EPA Emergency Worker and Lifesaving Activity Protective Actions guides (EPA 520/1–75/001) for:

a. removal of injured persons;
b. undertakding corrective actions;
c. performing assessment actions;
d. providing first aid;
e. performing personnel decontamination;
f. providing ambulance service; and
g. providing medical treatment services.

5.5.1.2 Radiation Protection Program.

Describe an onsite radiation protection program to be implemented during emergencies, including methods to implement exposure guidelines. Identify individual(s), by position or title, who can authorize workers to receive emergency doses. Procedures shall be worked out in advance for permitting onsite volunteers to receive radiation doses in the course of carrying out lifesaving and other emergency activities. Procedures should provide for expeditious decisionmaking and a reasonable consideration of relative risks.

5.5.1.3 Monitoring.

Describe provisions for 24-hour-per-day capability to determine the doses and dose commitments from any internally deposited radioisotopes receives by emergency personnel involved in any nuclear accident, including volunteers. Include provisions for distribution of dosimeters, both self-reading and permanent record devices and means for assessing inhalation exposures. Describe provisions for assuring that dose and dose commitment records are maintained for emergency workers involved in any nuclear accident.

5.5.2 Decontamination of Personnel

Specify action levels for determining the need for personnel decontamination. Describe the means for radiological decontamination of emergency personnel, wounds, supplies, instruments, and equipment, and the means for collecting and handling radioactive wastes. Describe provisions for decontaminating relocated onsite personnel, including provisions for extra clothing and decontaminants suitable for the type of contamination expected.

5.6 Medical Transportation

Specify arrangements for transporting injured personnel, who may also be radiologically contaminated, to medical treatment facilities.

5.7 Medical Treatment

Describe arrangements made for local and backup hospital and medical services and their capabilities for the evaluation and treatment of radiation exposure and uptake. For both hospital and medical services, the plan should incorporate assurance not only that the required services are available, but also that persons providing the services are prepared and qualified to handle radiological emergencies.

6.0 Equipment and Facilities

In this chapter, describe the licensees' equipment and facilities designated for use during a radiological emergency. Provide sufficient detail to allow the NRC staff to determine the adequacy of the equipment to perform its function during an emergency.

6.1 Control Point

Describe the principal and, if provided for, alternate onsite location from which emergency control is exercised.

6.2 Communications Equipment

Describe the onsite communication systems that would be required to perform vital functions in transmitting and receiving information throughout the course of an emergency and subsequent recovery.

6.3 Facility for Assessment Teams

Describe the facilities designated for use by staff performing post-accident and recovery assessment and protective action functions.

6.4 Onsite Medical Facilities

Describe the facilities and medical supplies at the site designated for emergency first aid treatment and decontamination of onsite individuals.

6.5 Emergency Monitoring Equipment

List and describe the emergency equipment that will be available for personnel and area monitoring as well as that for assessing the release of radioactive materials to the environment. The description should include the purpose to be served and the capability of the equipment to function properly during an emergency. Operational data for the instrumentation such as sensitivity, range, backup power, calibration frequency as well as any alarm function and associated set point should be included. The location of all monitoring equipment should be described. Include similar descriptions of effluent monitors and meteorological measurement systems. Describe how those are to be used to timely assess the magnitude and likely dispersion of releases.

7.0 Maintenance of Radiological Contingency Preparedness Capability

7.1 Written Procedures

Identify the means for assuring that implementing written procedures clearly state the duties, responsibilities, action levels, and actions to be taken by each group or individual in responding to an emergency condition. Discuss provisions for approval of the procedures and their periodic review for adequacy.

7.2 Training

Describe the programs and procedures used to train the onsite radiological emergency staff and the support offsite personnel. Specify the training afforded to those personnel who prepare, maintain, and implement Radiological Contingency Plans. Include schedules, training lesson plans, and the frequency of retraining and the estimated number of hours of training that will be provided.

7.3 Tests and Drills

Describe provisions for the conduct of periodic drills and exercises to test the adequacy of timing and content of implementing procedures, to test emergency equipment and instrumentation, and to ensure that the radiological emergency personnel are familiar with their duties. Preplanned descriptions of accidents should be used to prepare scenarios appropriate to the objectives of each drill and exercise. When applicable, these exercises should contain provisions for coordination with offsite assistance organization, including testing of procedures and equipment for communication and notification of local and state agencies. The procedures should include a requirement for the use of observers during drills and exercises to evaluate the effectiveness of the personnel, the procedures, and the readiness of equipment and instrumentation and to recommend needed changes. It is recommended that drills and exercises be held by the licensee annually with involvement of outside observers and support agencies at least once every five years.

7.4 Review and Updating of the Plan and Procedures

Discuss the program to be used to annually review the radiological contingency plans and procedures to assure that they are adequate. In addition to the input obtained from the evaluation of tests and drills above, consideration should be given to a defined periodic review time as well as a review whenever changes occur in processes, kinds of material or inventory at risk, and plant organization.

7.5 Maintenance and Inventory of Radiological Emergency Equipment, Instrumentation, and Supplies

Describe the plans for assuring that the equipment and instrumentation are in a working condition and that the stock of supplies is maintained. Provision should be made for periodic checking that the specified inventory is intact and in operating condition, including instrumentation operation and calibration, demand respirators, supplemental lighting, and communications equipment. The procedures should include corrective action to be taken when deficiencies are found during these checks.

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8.0 Records and Reports

8.1 Records of Incidents

In this section provide a detailed description of the records that will be kept of radiological contingencies according to the following classification: (1) notification of unusual event, (2) alert, (3) site area emergency, and (4) general emergency. The records should include the cause of the incident, personnel and/or equipment involved, extent of injury and/or damage resulting from the incident, corrective actions taken to terminate the emergency, and the action taken or planned to prevent a recurrence of the incident. The records should also include the onsite and offsite support assistance requested and received for recovery action. The title(s) of the personnel responsible for maintaining the records should be identified. The minimum retention time for each type record should be specified. Those records unique to a radiological contingency, not covered by existing Commission regulations or license conditions, should be retained until the license is terminated.

8.2 Records of Preparedness Assurance

In this section provide a decription of the records that will be kept to confirm the maintenance of preparedness to respond to radiological contingencies. These records include (1) training and retraining, (2) drills, exercises, and related critiques, (3) inventory and locations of emergency equipment and supplies, (4) maintenance, surveillance, and testing of emergency equipment and supplies, (5) agreements with offsite support organizations, and (6) reviews and updates of the radiological contingency plan and notification of all personnel and offsite agencies affected by an update of the plan and procedures.

8.3 Reporting Arrangements

In this section describe the arrangements for reporting accidents and related information offsite. These reports are needed to keep local, state, and federal agencies, corporate management, and the public informed on (1) the occurrence of an emergency condition, (2) its effect on the health and safety of operating personnel, the public and the environment, (3) progress on its control, and (4) recovery from the emergency condition. Responsibility for reporting information should be specified.

9.0 Recovery

9.1 Reentry

This section should discuss the criteria for reentry. Radiological criteria should be as described in Section 5.5.1 of this standard format. Reentry is the first step in recovery after an emergency.

9.2 Plant Restoration

This section should describe the plans for restoring the facility to a safe status. Although it is not possible to detail specific plans for every type of incident, the plans should include the general requirements for (1) assessing the damage to and the status of the facility's capabilities to contain radioactivity, (3) determining the actions necessary to reduce any on-going releases of radioactive or other hazardous material and preventing further incidents, and (3) accomplishing the tasks to meet any required restoration action.

Specifically, the plans should include the requirements for checking and restoring to normal operations all safety-related equipment involved in the incident (e.g., criticality alarms, radiation monitoring instruments, respiratory masks, air filters).

During any plant restoration operations personnel exposures to radiation must be maintained within 10 CFR Part 20 limits and as low as can be reasonably achieved.

9.3 Resumption of Operations

This section should describe the criteria for resumption of operations. Operations should not be resumed until normal facility conditions have been restored, investigation has determined the cause of the incident, and necessary corrective actions have been taken. Any problems identified in the investigation should be resolved prior to resumption of operations.

Enclosure 2—Licensed Possession Limits for Which Licensee Radiological Contingency Plans Are Required

Licensees exhibiting the potential for significant employee exposures from criticality incident or release of radioactive materials and for offsite radiation doses exceeding 1 rem to the whole body, 5 rems to the thyroid or 3 rems to other critical body organs are required to prepare and submit for review Radiological Contingency Plans. It is judged that licenses having possession limits of radionuclides as specified below do exhibit such potentials for employee and/or offsite exposures and, accordingly, shall prepare and submit Radiological Contingency Plans.

Conditions

Where the license authorizes possession of a single radionuclide in forms other than as sealed sources, § 30.4(r), or special form, § 71.4(o), the licensee shall prepare and submit a Radiological Contingency Plan if the authorized possession limit exceeds that quantity specified for that radionuclide in the attached *Schedule Limiting of Possession Limits.*

Where possession of two or more radionuclides, in forms other than as sealed sources, § 30.4(r), or special form, § 71.4(o), is authorized by the license, the licensee shall prepare and submit a Radiological Contingency Plan if the sum of the quotients of the authorized possession limits for individual radionuclides divided by the quantities of those radionuclides specified in the attached *Schedule of Limiting Possession Limits* exceeds unity.

Where the license authorizes possession of a broad range of radionuclides, e.g., any byproduct material of atomic numbers 3 through 83, inclusive, in excess of those quantities specified in Schedule A of § 33.100, e.g. Type A specific Licenses of Broad Scope, and in forms other than as sealed sources, § 30.4(r) or special form, § 71.4(o), the licensee shall prepare and submit a Radiological Contingency Plan if the quantity of any radionuclide authorized, either explicitly or implicitly, exceed that quantity specified in the attached *Schedule of Possession Limits* or if the sums of the quotients of those quantities explicitly or implicitly authorized divided by the quantities of those radionuclides specified in the *Schedule of Limiting Possession Limits* exceeds unity.

Licensees possessing U–235, U–233, or plutonium in such quantities as to require criticality monitors and alarms in accordance with § 70.24 are also required to prepare and submit for review Radiological Contingency Plans. Possession of large quantities of UF_6 even where no criticality hazards exist, shall also require preparation and submittal for review of Radiological

Schedule of Limiting Possession Limits Arranged Alphabetically by Elements

Radionuclide	Group No.	Limiting possession limit	
		Curies	Grams
Americium-241	I	0.30	0.09
Americium-243	I	0.30	1.5
Antimony-124	IV	1000	
Barium-140	V	2000	
Cadmium-113m	V	1500	
Calcium-45	IV	800	
Carbon-14	V	1300	
Californium-252	I	0.30	5.0×10^{-6}
Cesium-134	IV	350	
Cesium-137	IV	600	
Chromium-51	VI	150,000	

Schedule of Limiting Possession Limits Arranged Alphabetically by Elements—Continued

Radionuclide	Group No.	Limiting possession limit	
		Curies	Grams
Cobalt-60	V	400	
Copper-64	VI	80,000	
Curium-242	II	5.0	2.5×10^{-2}
Curium-244	I	0.50	6.0×10^{-2}
Gold-198	VI	100,000	[illegible]
Hydrogen-3	V	[illegible]	
Iodine-125	II	3.0	
Iodine-129	II	1.0	
Iodine-131	II	3.0	
Iridium-192	VI	50,000	
Iron-55	VI	30,000	
Iron-59	V	2400	
Krypton-85	V	7000	
Manganese-54	V	1500	
Manganese-56	VI	120,000	
Molybdenum-99	V	3000	
Neptunium-237	I	0.20	250
Nickel-63	V	5000	
Niobium-95	V	3000	
Phosphorous-32	III	15	
Plutonium-238	I	0.10	6.0×10^{-3}
Plutonium-239	I	0.10	1.5
Polonium-210	II	3.2	
Promethium-147	V	3500	
Ruthenium-103	V	1500	
Ruthenium-105	VI	15,000	
Scandium-46	V	2500	
Selenium-75	IV	500	
Silver-110m	IV	500	
Strontium-90	III	25	
Sulfur-35	IV	500	
Tantalum-182	VI	15,000	
Technetium-99m	VI	200,000	
Thallium-204	VI	30,000	
Thulium-170	IV	1000	
Thorium-228	I	0.30	4.0×10^{-4}
Tin-113	IV	1000	
Tin-123	IV	1000	
Tungsten-187	V	5000	
Uranium-233	II	5	500
Xenon-133	V	1/1300	
Zinc-65	V	2500	
Zirconium-93	V	5000	
Zirconium-95	V	1300	

Schedule of Limiting Possession Limits Arranged in Order of Increasing Limiting possession limits

	Radionuclide	Limiting Possession Limit	
		Curies	Grams
Group I, Less than 1 curie.	Pu-238	0.10	6.0×10^{-3}
	Pu-239	.10	1.5
	Np-237	.20	250
	Am-241	.30	0.09
	Th-228	.30	4.0×10^{-3}
	Cf-252	.30	5.0×10^{-4}
	Am-243	.40	1.5
	Cm-244	.50	6.0×10^{-3}
Group II, 1 curie to 10 curies.	I-129	1.0	
	Po-210	3.2	
	I-131	3.3	
	U-233	5.0	500
	I-125	8.0	
	Cm-242	9.0	2.5×10^{-3}
Group III, 10 curies to 100 curies.	P-32	15	
	Sr-90	25	
Group IV, 100 curies to 1,000 curies.	Cs-134	350	
	S-35	500	
	Se-75	500	
	Ag-110m	500	
	CXs-137	600	
	Ca-45	800	
	Sn-113	1000	
	Sn-123	1000	
	Sb-124	1000	
	Tm-170	1000	

Schedule of Limiting Possession Limits Arranged in Order of increasing Limiting possession limits—Continued

	Radionuclide	Limiting Possession Limit	
		Curies	Grams
Group V, 1,000 to 10,000 curies.	C-14	1300	
	Zr-95	1300	
	Mn-54	1500	
	Ru-103	1500	
	Cd-113m	1500	
	Ba-140	2000	
	Fe-59	2400	
	Sc-46	2500	
	Zn-65	2500	
	Mo-99	3000	
	Pm-147	3500	
	Co-60	4000	
	Ni-63	5000	
	Zr-93	5000	
	Nb-95	5000	
	W-187	8000	
	H-3	8000	
	Kr-85	7000	
	Te-182	10,000	
	Xe-133	10,000	
Group VI, Over 10,000 curies	Au-198	11,000	
	W-187	15,000	
	Fe-55	30,000	
	Ir-192	40,000	
	Cu-64	50,000	
	Ru-103	50,000	
	Ru-103	50,000	
	Mn-56	120,000	
	Cr-51	150,000	
	Tc99m	200,000	

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BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

February 11, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the forms must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
The number of forms in the request for approval;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have

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comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

Reinstatements

Food and Nutrition Service
Food Stamp Program and Budget Summary Statement
FNS–366–A, FNS–366–B
Quarterly
State or local governments, State agencies
SIC: 943
Public assistance and other income supplements, 270 responses, 9,168 hours, $9,400 Federal cost, 2 forms
Charles A. Ellett, 202–395–7340

Provide a standard format for submitting and proposed budget and report of activities during the Federal fiscal year.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• National Oceanic and Atmospheric Administration
Permit form for Foreign Commercial Fishing Vessels
NOAA 88–120
Annually
State or local governments
Foreign fishing vsl. owners operat. vesls. in the U.S. PCZ
SIC: 091
Small businesses or organizations
Other advancement and regulation of commerce, 2,000 responses, 1,000 hours, $22,000 Federal cost, 1 form
William T. Adams, 202–395–4814

To be displayed in the wheel house of all foreign vessels fishing in U.S. fishery conservation zone to aid enforcement efforts and program management general purpose statistics.

• National Oceanic and Atmospheric Administration
Foreign Fishing Vessel Permit Application Approval
Annually
State or local governments
Foreign vesl owners whose vesls oper. in the U.S. etc.
SIC: 091
Small businesses or organizations
Other advancement and regulation of commerce, 2,000 responses, 1,000 hours $50,000 Federal cost, 1 form
Wiliam T. Adams, 202–395–4814

It is mandatory by the Magnuson Fishery Conservation and Management Act that all foreign fishing vessels wishing to fish in the U.S. fishery conservation zone obtain a permit before fishing. Without an authorized permit, foreign vessels are subject to seizure by the U.S. Coast Guard.

• National Oceanic and Atmospheric Administration
Interim Capital Construction Fund Agreement (Family of forms)
88–14
Nonrecurring
Businesses or other institutions
U.S. Fishermen wishing to obtain benefits under program
SIC: 373
Small businesses or organizations
Other natural resources, 500 responses, 1,750 hours $30,000 Federal cost, 1 form
William T. Adams, 202–395–4814

Form is needed to formalize the agreement entered into between the Government and participants in this financial assistance program. Serves also to determine the agreement holder's eligibility to participate in the program and to reduce to writing those objectives that are to be paid for with assets controlled by the agreement.

• National Oceanic and Atmospheric Administration
Certificate of Construction or Reconstruction
Nonrecurring
Businesses or other institutions
U.S. Fishermen wishing to obtain benefits under program
SIC: 373
Small businesses or organizations
Other natural resources, 500 responses, 500 hours $6,000 Federal cost, 1 form
William T. Adams, 202–395–4814

Serves as a format for program participation to provide a showing of the cost of an agreement objective to be paid for with funds controlled by the agreement. This is used in applying for program benefits.

• National Oceanic and Atmospheric Administration
Social and Economic Survey of Fisheries
Annually
Businesses or other institutions
Shrimp Fishermen, charter fishing boat owneres, and reef, etc.
SIC: 091
Small businesses or organizations
Other advancement and regulations of commerce, 938 responses, 185 hours $178 Federal cost, 2 forms
William T. Adams, 202–395–4814

These data are needed to define and assess the economic and social structure of the fishing industry. Data will be used to develop the economic and social impact of fishery management options.

Extensions (Burden Change)

International Trade Administration
Licensing/Joint Venture Proposal
ITA–4036P
On occasion
Businesses or other institutions
Manufacturers
SIC: All
Small businesses or organizations
Other advancement and regulation or commerce, 20 responses, 10 hours $400 Federal cost, 1 form
William T. Adams, 202–395–4814

U.S. companies, usually small or medium size provide their names, addresses and descriptions of goods they want to manufacture in the U.S. under license/joint venture. Special searches are made to identify foreign companies offering licensed/U.S. production rights of the kinds of goods described.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration National Second Surgical Opinion Program—Reaction to Television's "20/20", Unnecessary Surgery Program
HCFA–248
Nonrecurring
Individuals or households
Callers to the NSSOP "hotline" after airing of 20/20, etc.
Health, 500 responses, 21 hours, $1,500 Federal cost, 1 form
Richard Eisinger, 202–395–6880

The purpose of this special study is to measure the media impact of this "20/20" show on the NSSOP hotline. The airing of the "20/20" represents a unique opportunity for HCFA to record mass media reaction to one of its beneficiary awareness programs.

• Health Care Financing Administration
PIP Quarterly Report for Home Health Agencies
HCFA–243
Quarterly
Businesses or other institutions
Home hlt agen on periodic interim paymt method who serve, etc.
SIC: 808
Small businesses or organizations
Health, 360 responses, 5,040 hours, $72 federal cost, 1 form
Richard Eisinger, 202–395–6880

Medicare intermediaries are required to evaluate quarterly the interim payment rate for providers receiving payment on the periodic interim payment (PIP) method. The Office of Direct Reimbursement uses this form to determine the medicare utilization and costs of home health agencies which receive PIP and which deal directly with HCFA through ODR.

Revisions

Social Security Administration
State Contribution Return
SSA–3961
On occasion
State or local governments
State soc. sec. agen (1 agen in ea. st., Puerto Rico, etc.)
SIC: 944
General retirement and disability insurance, 10,032 responses, 502 hours, $5,427 Federal cost, 1 form
Barbara F. Young,

Section 218 of the Social Security Act provides that the States comply with such regulations relating to payments and reports. This form is used for essentially three different purposes, (a) accompanies deposits; (b) accompanies wage reports; and (c) accompanies corrections of previous deposit or wage reports.

DEPARTMENT OF JUSTICE

(Agency Clearance Officer, Donald E. Larue]—202–633–3526

Revisions

•Immigration and Naturalization Service
Request for Asylnm in the United States
I–589
Nonrecurring
Individuals or households
Aliens requesting asylum in the United States
Federal law enforcement activities, 50,000 responses, 50,000 hours, $1,750,000 Federal cost, 1 form
Andy Uscher, 202–395–4814

Data used by N&S and Department of State to Determine eligibility of applicant for asylum in the U.S. as provided for in the reguee Act of 1980, P.L. 96–212.

C. Louis Kincannon,
Assistant Administrator for Reports Management

[FR Doc. 81-5339 Filed 2-13-81; 8:45 am]
BILLING CODE 3110-01-M

Privacy Act; Notice of New Systems

February 10, 1981.

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effects on such proposal on the privacy and other personal or property rights of individuals . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered system, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports or new or altered systems were received by OMB between December 15, 1980, and January 31, 1981. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

DEPARTMENT OF DEFENSE

System Name:

Counterintelligence Operations File.

Report Date:

December 16, 1980.

Point-of-Contact:

The Executive Secretary, Defense Privacy Board, Room 818 Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, Virginia 22209.

Summary:

The Department of the Army is proposing to amend an existing system of records which contains records on individuals about whom there is a reasonable basis to believe involvement in theft, destruction or sabotage of weapons, ammunition, equipment, facilities or records belonging to DOD units of installations; possible compromise of classified defense information; subversion of loyalty, discipline or morale of Army military or civilian members; demonstrations on active or reserve Army installations or on areas adjacent to them of such a size or character that they are likely to interfere with the conduct of military activities. The amendment proposed is to convert the present paper files to hybrid manual/automated systems.

System Name:

Aviation Mishap Report.

Report Date:

December 15, 1980.

Point-of-Contact:

The Executive Secretary, Defense Privacy Board, Room 818 Pomponio Plaza Building, 1735 N. Lynn Street, Arlington, Virginia 22209.

Summary:

The Department of the Navy proposes to establish a new automated system of records to contain aircraft accident reports. Data maintained will include name, social security number, flight experience of involved individuals, location, severity cause factors and accident description.

DEPARTMENT OF THE INTERIOR

System Name:

Safety Management Information System—Interior, Mines–6 Personnel Security Files—Interior, Mines–7.

Report Date:

January 13,1981.

Point-of-Contact

Ms. Vivian A. Keado, Chief, Division of Directives and Paperwork Management, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240.

Summary:

The Department of the Interior proposes to amend an existing system of records to clarify the categories of records in the system and to expand the routine uses of records in the system. The system contains records about individuals who have been involved in an accident or exposed to a health hazard while working or visiting a Bureau of Mines facility. New routine uses will permit disclosure to a Federal, State or local agency to adjudicate tort and employee claims, and to the Department of Labor information about facilities, disabling injuries and illnesses as required by statute.

The Department of the Interior proposes to amend an existing system of records to include records on employees having ADP access clearances and National Defense Executive Reservists. The system contains records of individuals with national security clearances.

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SELECTIVE SERVICE SYSTEM

System Name:

Suspected Violator Inventory Monitoring System (SVIMS)—SSS–8.

Report Date:

January 14, 1981.

Point-of-Contact:

C. E. Boston, Records Manager, Selective Service System, 600 E Street, NW., Washington, D.C. 20435.

Summary:

The Selective Service System proposes to amend an existing system of records which contains records about suspected violators of the Military Selective Service Act. The changes proposed include changing the name of the system from "Violator Inventory Monitoring System" to "Suspected Violator Inventory Monitoring System;" the system location from the Computer Service System, Arlington, Virginia, to National Headquarters, Selective Service System, 600 E Street NW., Washington, D.C. 20435; and the categories of records to include the Social Security Number, if known.

DEPARTMENT OF THE TREASURY

System Name:

General Allegations and Investigative Records System.

Report Date:

January 9, 1981.

Point-of-Contact:

Mrs. Carol Jolliffe, Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220.

Summary:

The Department of the Treasury proposes to amend an existing system of records to add new routine uses permitting disclosures to the Merit Systems Protection Board, the GAO Fraud Task Force, State and local licensing boards, and the Intelligence Oversight Board. The Department also proposes to add an automated indexing capability to the system. The system contains records about current and former employees of the Department relating to their alleged violation of the Department's rules of conduct, the Office of Personnel Management's merit system, or any other civil or criminal misconduct.

DEPARTMENT OF AGRICULTURE

System Name:

Farm Production Expenditure Survey, Family Living Expense Section.

Report Date:

January 9, 1981.

Point-of-Contact:

Henry O. Altenberg, USDA/ESS/DAA/ASD, RS&A Branch, Room 1419, South Building, Washington, D.C. 20250.

Summary:

The Department of Agriculture proposes to establish a new system of records to contain survey information obtained from a sample of farmers and ranchers living in the continental U.S. The survey will be voluntary and ask questions about food and household supplies, rent and mortgage payments, non-farm auto expenses, other family living expenses (medical, dental, clothing, etc.), total expenditure for family living expenses.

This data will be used to update the Index of Prices Paid by Farmers for Commodities and Services, Interest, Taxes, and Farm Wage Rates to the current base weight period. The summary data will not contain individual identifiers.

Waiver Requests

OMB procedures permit a waiver of the advance notice requirement when the agency can show that the delay caused by the 60-day advance notice would not be in the public interest. It should be noted that a waiver of the 60-day advance notice a period does not relieve an agency of the obligation to publish notice describing the system and to allow 30 days for public comment on any proposed routine uses of the personal information to be collected. A waiver of the 60-day advance notice provision was requested by agencies for the following reports. Public inquiries or comments on the proposed new or altered systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. Comments on the operation of the waiver procedure should be directed to OMB.

DEPARTMENT OF JUSTICE

System Name:

Security Access Control System (SACS).

Report Date:

January 9, 1981.

Point-of-Contact:

The Administrative Counsel, Justice Management Division, Department of Justice, Room 6315, 10th and Constitution Ave., NW., Washington, D.C. 20530.

Summary:

The Department of Justice proposes to establish a new system of records to contain computerized records of the names, issued badge numbers, dates and times of entry of individuals, including escorted visitors, who were issued access badges to the J. Edgar Hoover Building, Washington, D.C. The information will be used to determine the status of individuals entering the building and to maintain control of badges issued to individuals requiring access. The system has no routine uses for disclosure outside the agency.

Waiver Status:

Pending as of January 29, 1981.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

System Name:

Evaluation of Home Dialysis Aide Demonstration.

Report Date:

January 16, 1981.

Point-of-Contact:

Mr. Bruce Steinhardt, Director, Evaluation Studies Staff, Office of Research, Demonstrations and Statistics, Room 1–E–6, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

Summary:

The Health Care Financing Administration proposes to establish a new system of records to contain surveys of participants in paid home dialysis aide demonstrations. The Administration will survey patients, physicians and nurses to evaluate three different demonstrations. The purpose of the survey is to determine whether home dialysis can be found to be cheaper and at the same time not adversely affect the quality of care. The survey will be conducted by the Orkland Corporation under contract to the Administration.

Waiver Status:

Pending as of January 30, 1981.

System Name:

Medicare/Medicaid Hospice Demonstration.

Report Date:

January 16, 1981.

Point-of-Contact:

Dr. Thoman M. Kickham, Chief, Long Term Care Reimbursement Branch, Office of Research, Demonstrations and Statistics, Room 1–E–3, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

Summary:

The Health Care Financing Administration proposes to establish a new system of records to provide billing, cost, and service data necessary to reimburse and evaluate the care received by terminally ill Medicare beneficiaries, Medicaid recipients, and their families from hospice organizations selected to participate in the demonstration. HCFA will also gather comparable data on other terminally ill patients from conventional medical care facilities for comparison purposes.

Waiver Status:

Pending as of January 30, 1981.

Daniel F. Mann,

Budget and Management Officer.

[FR Doc. 81–5250 Filed 2–13–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 10, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Collins Foods International, Inc. (Del.), Common Stock, $.10 Par Value (File No. 7–5860)

James River Corporation of Virginia, Common Stock, $.10 Par Value (File No. 7–5861)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 4, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–5284 Filed 2–13–81; 8:45 am]

BILLING CODE 8010–01–M

Ferrovanadium Corp. N. L.; Order of Suspension of Trading

February 10, 1981.

It appearing to the Securities and Exchange Commission that Ferrovanadium Corporation N. L. ("Ferrovandium") has failed to comply with Sections 12(g) and 13(a) of the Exchange Act and Rules 13a–1, 13a–11 and 12b–20 thereunder by filing with the Commission a Form 10 on or about August 17, 1979 and an annual report on Form 10–K on or about January 21, 1981 which Forms, among other things, appear to contain untrue statements of material facts and omissions to state material facts regarding the nature and extent of Ferrovanadium's mineral reserves; and which Forms include financial statements which fail to meet applicable requirements; and by failing to timely file a required Form 8–K and by being approximately for months delinquent in filing its most recent annual report on Form 10–K, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of and the American Depositary Receipts (ADRs) issued against the securities of Ferrovanadium.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of and the ADRs issued against the securities of Ferrovanadium is suspended, for the period from 3:15 p.m. on Febraury 10, 1981 through midnight (FST) of February 19, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–5286 Filed 2–13–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21914 (70–6540)]

Indiana & Michigan Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

February 9, 1981.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell up to $120,000,000 aggregate principal amount of its first mortgage bonds, in one or more new series, having a maturity of not less than 5 years and not more than 30 years. The interest rate on the bonds which will be expressed in a multiple of ⅛ of 1%) and the price to be paid to the company for the bonds (which shall not be less than 100% of the principal amount, unless the company shall authorize a lower percentage not less than 99%, and shall not exceed 102¾%) will be determined by competitive bidding. The boards will be issued under I&M's Mortgage and Deed of Trust, dated as of June 1, 1939 to Irving Trust Company and Frederick G. Herbst (D. W. May, successor Individual Trustee), as Trustees, as supplemented and as proposed to be further supplemented by an Indenture Supplemental ("Supplemental Indenture") dated March 1, 1981. It is expected that the terms of the bonds will preclude I&M from redeeming any such bonds prior to a date five years subsequent to the first day of the month in which the bonds are first authenticated and delivered. If such redemption is for the purpose of refunding such bonds through the use, directly or indirectly, of borrowed funds at an effective interest cost less than the effective interest cost to I&M of such bonds. It is expected that the successful bidders for the bonds will make a public offering of the same.

It is difficult to determine, under present market conditions, whether it would be more advantageous to I&M to sell bonds with a 30-year or some shorter maturity. To afford I&M the necessary flexibility to adjust its financing program to developments in the markets for long-term debt securities when and as they occur, I&M will decide at a later time, prior to the submission of bids for the bonds, on the maturity of the bonds. I&M will notify prospective bidders of its decision reasonably in advance of, but not less than 72 hours prior to, the bidding.

I&M proposes to publish its invitation for bids for the bonds on or about March 10, 1981, and to have bids submitted on or as soon after March 18, 1981 as bond

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market conditions make appropriate. The issuance of the bonds will be affected in compliance with I&M's applicable indenture, charter and other standards relating to such securities and capitalization ratios.

If market conditions should not be propitious for the sale of the bonds on a competitive bidding basis, I&M proposes, subject to further authorization by the Commission, either to place the bonds privately with institutional investors or to negotiate with underwriters for the sale of the bonds with the interest rate and price to be determined by negotiation.

The proposed sale of bonds is part of an overall financing program of I&M. Under this program AEP will make capital contributions in an aggregate amount of up to $40,000,000 between January 1, 1981 and June 30, 1981 as previously authorized by this Commission's order dated December 9, 1980 (HCAR No. 21832). Furthermore, in accordance with authority granted by a Commission order dated June 13, 1980 (HCAR No. 21623), I&M expects to issue up to $100,000,000 aggregate principal amount of unsecured loans under a revolving credit agreement from time to time prior to June 30, 1983. Such notes may be issued in lieu of bonds and be subsequently repaid from bond proceeds as bond market conditions warrant.

Proceeds from bond sales, cash capital contributions and other sources, to the extent not used to repay notes under the revolving credit agreement, will be used to eliminate I&M's unsecured short-term indebtedness and for other corporate purposes. As of December 11, 1980, I&M had approximately $139,125,000 principal amount of outstanding unsecured short-term debt in the form of bank notes and commercial paper.

A statement of fees and expenses incurred in connection with the proposed transactions will be provided by amendment.

It is stated that the Public Service Commission of Indiana and the Michigan Public Service Commission have jurisdiction over the proposed transaction. It is stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 4, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5287 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 10, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Transco Companies, Inc., Common Stock, $.50 Par Value (File No. 7-5855)
Texas International Company, Common Stock, $.10 Par Value (File No. 7-5856)
Baker International, Common Stock, $1 Par Value (File No. 7-5857)
Prime Computer, Inc., Common Stock, $.125 Par Value (File No. 7-5858)
Golden Nugget, Inc., Common Stock, $.833 Par Value (File No. 7-5859)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 4, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George F. Fitzsimmons,

Secretary.

[FR Doc. 81-5285 Filed 2-13-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11616; (811-120)]

Fundamental Trust Shares, Series B, Proposal To Terminate registration Pursuant to Section 8(f) of the Investment Company Act of 1940

February 10, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Fundamental Trust Shares, Series B ("Fund"), 206-7 Bank of America Building, 111South E1 Camino Real, San Clemente, California 92672 registered under the Act as a unit investment trust, has ceased to be an investment company as defined in the Act.

Information contained in the Fund's Form N-8A on file with the Commission indicates that, *inter alia,* the Fund was organized under the laws of the State of New York on July 1, 1930, and registered under the Act on November 1, 1940. The Fund's Sponsor, Fundamental Group Corporation ("Sponsor"), was organized under the laws of the State of New York on September 17, 1930. Further, the Fund's Form N-8A indicates that the Fund's initial and most current offering of its securities to the pubvlic directly or through an underwriter took place on July 15, 1933.

Documentation contained in the Commission's files shows that the most recent distribution of income to the Fund's shareholders took place on June 30, 1940. The Fund has at no time filed with the Commission an annual report pursuant to Form N-30A-2. The files further indicate that the last correspondence between the staff of the Commission and the Fund was on March 28, 1942. The Secretary of State of New York has advised the staff of the Commission that the Sponsor was dissolved by proclamation on December 15, 1955, for failing to pay the necessary New York State franchise taxes. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 9, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communciation should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Divison of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5342 Filed 2-13-81; 8:45 am]

BILLING CODE 8015-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1900; Amdt. No. 7]

Texas; Declaration of Disaster Loan Area

The above number Declaration (See 45 FR 56489), amendment No. 1 (See 45 FR 62599), amendment No. 2 (See 45 FR 79216), amendment No. 3 (See 45 FR 85242), amendent No. 4 (See 46 FR 3711), amendment No. 5 (See 46 FR 8819), and amendment No. 6 (See 46 FR 11647), are amended by extending the filing date for physical damage until the close of business on April 13, 1981, and for economic injury until the close of business on July 13, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 4, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-5240 Filed 2-13-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/366]

National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on February 24, 1981 at 10:00 a.m. in Room 1912, Department of State, 2201 C Street, N.W., Washington, D.C.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the International Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

Members of the general public may attend the meeting and join the discussion subject to instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to February 24, 1981 members of the general public who plan to attend the meeting inform Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, telephone (202) 632-1007, of their intention. All non-Governmental attendees must use the C Street entrance to the building.

The purpose of the meeting on February 24 will be to discuss the results of the VIIth Plenary Assembly of the CCITT held in Geneva, Switzerland in November, 1980, to discuss the organization of the CCITT for the 1980-84 study period, and to discuss the organization of U.S. participation in this study period.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

January 30, 1981.

[FR Doc. 81-5246 Filed 2-13-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 742]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its January 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV (c) (4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: February 4, 1981.

John W. Kimball,

Director, Office of International.

United States Delegation to the Twenty-Second Session of the Subcommittee on Containers and Cargoes, Intergovernmental Maritime Consultative Organization (IMCO), London, January 26-30, 1981

Representative

Donald L. Ewing, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Charles H. Hochman, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
John F. McAnulty, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
John F. Simmons, Jr., Shipping Attaché, American Embassy, London

Private Sector Advisers

Eward H. Middleton, Maritime Institute for Research and Industrial Development, Washington, D.C.
Donald L. Monroe, American Bureau of Shipping, New York, New York
S. Fraser Sammis, President, National Cargo Bureau, Inc., New York, New York

United States Delegation to the Group of Experts on Standardization Policies, Economic Commission for Europe (ECE), Gottwaldov (Czechoslovakia), January 28-28, 1981

Representative

Howard I. Forman, Deputy Assistant Secretary for Product Standards, Department of Commerce

Adviser

Allen J. Farrar, Legal Adviser, National Bureau of Standards, Department of Commerce

Private Sector Adviser

Donald C. Fleckenstein, Director of Standards, General Electric Company, Fairfield, Connecticut

United States Delegation to the First Meeting of the Parties to the Agreement on the Conservation of Polar Bears, Oslo, January 20–22, 1981

Representative

Richard J. Myshak, Associate Director, Wildlife Resources, U.S. Fish and Wildlife Service, Department of the Interior

Advisers

Skip Ladd, Alaska Area Office, U.S. Fish and Wildlife Service, Anchorage, Alaska, Department of the Interior
Jack Lentfer, Alaska Department of Fish and Game, State of Alaska, Juneau, Alaska
Anne Wickham, Office of Food and Natural Resources, Department of State

Private Sector Adviser

Dr. Samuel Harbo, Professor of Wildlife Management, University of Alaska, Fairbanks, Alaska

United States Delegation to the Ad Hoc Group on Transborder Data Barriers and to the Extended Bureau, Committee on Scientific and Technological Policy, Organization for Economic Cooperation and Development (OECD), Paris, January 20–21 and January 22, 1981

Representative

William H. Edgar, Office of International Trade, Bureau of Economic and Business Affairs, Department of State

Adviser

Kenneth Leeson, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Charles Micoleau, Thaxter, Lipez, Stevens, Broder and Micoleau, Portland, Maine
Charles O'Leary, President, Maine AFL/CIO, Brewer, Maine

United States Delegation to the VIIIth Meeting of the Working Group on Radiobroadcasting, Organization of American States (OAS/CITEL), Fortaleza, Brazil, January 19–23, 1981

Representative

Wilson A. LaFollette, Broadcast Bureau, Federal Communications Commission

Advisers

Douglas Crombie, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado
William H. Jahn, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State
Steven Selwyn, Office of Science and Technology, Federal Communications Commission
Louis C. Stephens, Broadcast Bureau, Federal Communications Commission

Private Sector Adviser

Wallace Johnson, Executive Director, Association for Broadcast Engineering Standards, Washington, D.C.

United States Delegation to the Fourteenth Session, Subcommittee on Standards of Training and Watchkeeping, Intergovernmental Maritime Consultative Organization (IMCO), London, January 19–23, 1981

Representative

Richard A. Sutherland, Captain, USCG, Chief, Merchant Vessel Personnel Division, United States Coast Guard, Department of Transportation

Alternate Representative

Scott D. McCowen, Commander, USCG, Chief, Merchant Vessel Manning Branch, United States Coast Guard, Department of Transportation

Advisers

Arthur W. Friedberg, Director, Ofice of Maritime Labor and Training, Maritime Administration, Department of Commerce
John J. Hartke III, Chief, Great Lakes Pilotage Branch, United States Coast Guard, Department of Transportation
John F. Simmons, Jr., Shipping Attache, American Embassy, London

Private Sector Advisers

John F. Fay, Assistant Secretary-Treasurer, Seafarers International Union of North America, AFL/CIO, New York, New York
Paul M. Hammer, Director of Maritime Affairs, American Institute of Merchant Shipping, Washington, D.C.
William A. Mayberry, Captain, USCG (Ret.), Executive Director, Offshore Marine Service Association, New Orleans, Louisiana
Julian H. Singman, President, Maritime Institute for Research and Industrial Development, Washington, D.C.

United States Delegation to the Meeting of Group B of the Preparatory Intergovernmental Committee for the Revision of the Paris Convention, World Intellectual Property Organization (WIPO), Munich, January 19–22, 1981

Representative

Michael K. Kirk, Director, Office of Legislation and International Affairs, Department of Commerce

Alternate Representative

Harvey J. Winter, Director, Office of Business Practices, Department of State

Adviser

Lee J. Schroeder, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Advisers

George R. Clark, Vice President, Sunbeam Corporation
Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.

United States Delegation to the Meeting of Group B of the Preparatory Intergovernmental Committee for the Revision of the Paris Convention, World Intellectual Property Organization (WIPO), Munich, January 19–22, 1981

Representative

Sidney A. Diamond, Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, Department of Commerce

Alternative Representative

Michael K. Kirk, Director, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Advisers

Harvey J. Winter, Director, Office of Business Practices, Department of State
Lee J. Schroeder, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Advisers

George R. Clark, Vice President, Sunbeam Corporation
Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.

United States Delegation to the Steel Committee, Working Party, Organization for Economic Cooperation and Development (OECD), Paris, January 13–14, 1981

Representative

John D. Darroch, Director, Office of Basic Industries, Department of Commerce

Advisers

Diane Cook, Office of International Trade, Department of the Treasury
Dennis Finnerty, Special Trade Activities Division, Bureau of Economic and Business Affairs, Department of State
Joseph Papovich, Office of Foreign Economic Policy, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.
David Schryver, Director, International Trade and Legislation, Republic Steel Corporation, Cleveland, Ohio
John Sheehan, Director, Legislative Affairs, United Steelworkers of America, Washington, D.C.

United States Delegation to the Twenty-Third Session, Subcommittee on Ship Design and Equipment, Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO), London, January 12–16, 1981

Representative

Richard L. Brown, Captain, USCG, Chief, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

James C. Card, Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

J. W. Calhoun, Lieutenant Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Howard L. Hime, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
John C. Maxham, commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
John F. Simmons, Jr., Shipping Attaché, American Embassy, London

Private Sector Adviser

William A. Mayberry, Captain, USCG (Reg.), Executive Director, Offshore Marine Service Association, New Orleans, Louisiana

[FR Doc. 81-5254 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-19-M

[Public Notice CM-8/367]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on February 25, 1981, at 10:00 a.m. in Room 1205, of the Department of State, 2201 C Street, N.W., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. In particular, this meeting of Study Group A will not only examine the questions and contributions relating to the upcoming meeting of CCITT Study Group I but develop its organizational methods for the upcoming Plenary Period of the CCITT.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to February 25, 1981 members of the general public who plan to attend the meeting inform Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, telephone (202) 632–1007, of their intention. All non-Government attendees must use the C Street entrance to the building.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

January 30, 1981.

[FR Doc. 81-5245 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-07-M

[Public Notice CM-8/368]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 4, 1981 at 9:30 a.m. in the Forum Room, National Telecommunications and Information Administration, Department of Commerce, 1325 G Street, N.W., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be the consideratioin of documents for the international meeting of Study Group 1 in October.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: February 2, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-5243 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-07-M

[Public Notice CM-8/369]

Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet February 26, 1981 at the COMSAT Laboratories Building, Clarksburg, Maryland. The meeting will open at 9:00 a.m.

Study Goup 6 deals with matters relating to the propagation of radio waves by and through the ionosphere. The purpose of the meeting will be to review the documents of U.S. Study Group 6 proposed for submission to the international meeting of Study Group 6 scheduled for the Fall, 1981.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for futher information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: January 30, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-5244 Filed 2-13-81; 8:45 am]
BILLING CODE 4710-07-M

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Canadair Model CL-600-1A11; Aircraft Certification and Availability of Documents

Formal certification of the Canadair Model CL-600-1A11 airplane has taken four years and three months. Certification was requested by Canadair Limited, Montreal, Quebec, Canada, under Federal Aviation Regulations 21.29 which permits, in accordance with conditions of a specific bilateral agreement, issuance of a type certificate for an aircraft manufactured in a foreign country and destined for import into the United States. The FAA, in accordance with the provisions of the U.S./Canadian Bilateral Airworthiness Agreement, has determined that the Canadair CL-600-1A11 airplane, in the configuration required for U.S. certification, is in compliance with the airworthiness design standarads applicable to U.S. type certification of the aircraft.

The Director of the FAA Eastern Region has conducted a thorough review of (1) the issues involved in the Canadair CL-600-1A11 type certification program, and (2) the findings of an FAA Special Certification Review Team, composed of specialists from the Washington Headquarters Aircraft Engineering Division and the Transport Aircraft Lead Region office located in the FAA Northwest Region. He has also reviewed and discussed with his senior staff a document entitled, "Decision Basis for Type Certification of the Canadair Model CL-600 Airplane".

Based on a review of the entire certification process, and the recommendation of the Eastern Region Staff, the Director, Eastern Region, approved issuance of Type Certificate No. A21EA, dated November 7, 1980, for the Canadair CL-600-A11 airplane.

A copy of the "Decision Basis for Type Certification of the Canadair CL-600 Airplane" is on file in the FAA Rules Dockets. The "Decision Basis" reviews the purpose, structure, conduct, and significant issues of the certification program wherein Canadair, in accordance with the provisions of the U.S./Canadian Bilateral Airworthiness Agreement, was required to demonstrate compliance with the applicable Federal Aviation Regulations and Special Conditions.

The "Decision Basis" report is available for examination and copying at the FAA Rules Dockets, Room 916, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report may be purchased by remitting $11.25 to the office of the Director, FAA Eastern Region, Federal Building, JFK International Airpost, Jamaica, New York 11430, Attention: AEA-210.

Issued in Jamaica, New York on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-5240 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-4]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: March 9, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 9, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No	Petitioner	Regulations affected	Description of relief sought
21256	Mr. Gordon D. Lingle	14 CFR 65.91(c) (1) and (2)	To allow the Petitioner to become eligible for an Inspection Authorization without fully complying with the specified requirements.
21267	Navajo Aviation	14 CFR 141.35(b)(4), 141.35(c)(5)(ii), and 141.35(d)(4)(iii).	To allow Mr. Torrance to be designated the assistant chief flight instructor for private, commercial, instrument, multiengine, and airline transport pilot courses of training conducted in airplanes without meeting the specified requirements.
21253	Flight Safety International	Various sections of 61 and 135	To permit petitioner's trainees to accomplish the maneuvers required in a Bell 222 simulator in lieu of an aircraft.
20090	Sierra Academy of Aeronautics	14 CFR 61.157 and 61.63(d) (2) and (3)	Extension and amendment of Exemption No. 2963. The present exemption allows petitioner's trainees to complete portions of a practical aeronautics test for a type rating in a flight simulator. The petitioner requests the exemption be amended to allow them to have the same privileges for pilot certification as a Part 121 certificate holder.
18671	Sierra Academy of Aeronautics	14 CFR 141.91(a)	Extension of Exemption No. 2744. The present exemption allows petitioner to conduct flight instruction in an approved course of training at a satellite base more than 25 nautical miles from its main base of operation.
21147	Air U.S.	14 CFR 121.61(c)(1)	To employ Mr. John M. Martin, Jr., as their Director of Maintenance although he lacks part of the requirement to have at least 5 years of experience in maintenance of large aircraft.
21279	Alaska Airlines	14 CFR 121.291	To allow introduction of newly acquired Boeing 737-200 aircraft into passenger and cargo service without first conducting a full-seating capacity emergency evacuation demonstration.
21266	Thomas O. Miller, Inc	Part 91, subpart D	To permit the company's clients to place all airplanes operated by its clients under Subpart D in its entirety.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20453	Hudson Air Service	14 CFR 91.14(a)(3)	To allow petitioner to carry passengers seated on their baggage using a floor mounted safety belt. *Denied 1/28/81.*
21069	Air Express International	14 CFR 121.360	30-day extension of Exemption No. 3072. The exemption permits operation of petitioner's CL44D4 aircraft without the required ground proximity warning system (GPWS) being installed until 1/31/81. *Granted 1/30/81.*
11575	Altair Airlines, Inc	14 CFR 135.261(b)	Extension of the February 1, 1981, termination date of Exemption No. 1512E. The present exemption permits assignment of a flight crewmember and permits a flight crewmember to accept an assignment without compliance with the 10-consecutive-hour rest period under certain specified conditions. *Granted 1/30/81.*
19742	Philippine Airlines	Portions 14 CFR parts 21, 61, 63, and 91	Amendment to Exemption No. 2666C to reflect the change of the lessor of B-747 aircraft N742PR and N743PR to the Bank of New York. The present exemption allows the operation of U.S.-registered aircraft leased from Bankers Trust Co. using a FAA-approved MMEL, a continuous airworthiness maintenance program, and PAL crewmembers. *Granted 1/30/81.*
20463	Wabash Enterprises, Inc	14 CFR 135.89(b)(3)	To permit operation of Learjet Model 35A aircraft above FL350 and up to FL410 under the provisions of § 121.333. § 135.89(b)(3) requires one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/2/81*
20318	Eagle Aviation, Inc	14 CFR 135.89(b)(3)	To permit operation of its Learjet models 24B, 25B, and 25D aircraft up to and including FL410 without requiring one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/3/81.*
20336	Executive Air Fleet Corp	14 CFR 135.89(b)(3) and 121.333(c)(2)	To allow petitioner to operate its Sabreliner aircraft up to 41,000 feet MSL without requiring at least one pilot to wear an oxygen mask. *Partial Grant 2/3/81*
18614	American Airlines	14 CFR 121.543(b)(3)	To permit a required flight crewmember to leave the assigned duty station if the crewmember is taking a rest period and relief is provided. *Granted 2/3/81.*
20470	Mayo Aviation, Inc	14 CFR 135.89(b)(3)	To permit operation of Learjet Models 24 and 25 aircraft above FL 350 up to and including FL350410 under the provisions of Section 121.333 of the FAR. § 135.89(b)(3) requires one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/4/81.*
21095	Transamerica Airlines	14 CFR 121.578(b)	To exclude petitioner's L-382 and 1-188 all-cargo aircraft from compliance with the Ozone elimination system installation and maintenance requirements. *Not required as covered by grant to ATA.*
20369	World Jet Charter Corp.	14 CFR 135.89(b)(3)	To permit operation of Learjet Model 25D aircraft up to and including FL410 without requiring one pilot to wear and use an oxygen mask at all times above FL350. *Partial Grant 2/3/81*
21149	United Airlines, Inc	14 CFR 121.291(a)(2)(i)	To permit United Airlines to operate a Boeing 727-222A aircraft with not more than 149 passenger seats without conducting another emergency evacuation demonstration. *Granted 2/5/81.*
21339	Air New England	14 CFR 121.538	To permit the petitioner to operate aircraft with less than 61 seats without complying with the screening or other security safeguards presently required. *Granted 2/5/81.*
21181	Sun Land Airlines, Inc	14 CFR 121.291	To permit petitioner to initially introduce its B-737-200 aircraft, with a seating capacity of 122 passengers without first conducting a full-scale emergency evacuation and ditching demonstration. *Granted 2/5/81.*

[FR Doc. 81-5241 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-13-M

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FEDERAL AVIATION ADMINISTRATION

Enstrom Models F-28F and 280F; Rotorcraft Certification and Availability of Documents

The formal certification process for the Enstrom Models F-28F and 280F initiated in June of 1978 was completed December 31, 1980.

The Director of the FAA Great Lakes Region has reviewed a document entitled "Decision Basis for the Type Certification of the Enstrom Models F-28F and 280F Helicopter". Based on this summary of the certification process the Director has approved issuance of Type Certificate H1CE amended December 31, 1980 to include the F-28F and 280F models.

A copy of the "Decision Basis for the Type Certification of the Enstrom Models F-28F and 280F Helicopters" is on file in the FAA Rules Dockets. The "Decision Basis" includes a copy of amended Type Certificate H1CE, the minutes of the certification Board Meetings, and the Type Inspection Authorization which outlines the ground inspections and flight tests conducted for certification. The report is available for examination and copying at the FAA Rules Docket, Room 616, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report may be obtained from the Office of the Director, FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, IL 60018.

Issued in Des Plaines, Illinois on January 29, 1981.

Wayne J. Barlow,
Director, Great Lakes Region.

[FR Doc. 81-5247 Filed 2-13-81; 8:45 am]
BILLING CODE 4910-13-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 31
Tuesday, February 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, February 17, 1981.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTER TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 80-11-FOIA-557 concerning a request for consolidated EEO-1 reports.
2. Freedom of Information Act Appeal No. 80-12-FOIA-5-AT concerning material in an Age Discrimination in Employment Act charge file.
3. Proposed Contract for Procurement of Expert Witness Services.
4. Mission and Functions: Revision of EEOC Order 110 Change in Office of Administration.
5. Mission and Function Statement, EEOC Order 110, Revision to reflect Changes in Structure of the Office of Field Services.
6. A report on Commission Operations by the Executive Director.

Closed to the Public

1. *Litigation Authorization: General Recommendations.*
2. *Title VII Charge Nos.* TB15-0188 et al.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 643-6748.

This Notice Issued February 11, 1981.

[S-245-80 Filed 2-12-81; 9:45 am]
BILLING CODE 6570-06-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:30 p.m. on Wednesday, February 11, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,631-SR—American Bank & Trust Company, New York, New York.
Case No. 44,674-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania (two memorandums).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) thereof (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: February 11, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-247-80 Filed 2-12-81; 11:46 am]
BILLING CODE 6714-01-M

3

February 11, 1981.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 18, 1981, 10 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—480th Meeting, February 18, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 2114, Public Utility District No. 2 of Grant County, Washington. Project Nos. 943 and 2145, Public Utility District No. 1 of Chelan County, Washington. Project No. 2149, Public Utility District No. 1 of Douglas County, Washington. Docket No. E-9569, State of Washington Department of Fisheries v. Public Utility District No. 2 of Grant County, Washington.
CAP-2. Docket No. ER81-198-000, Puget Sound Power & Light Co.
CAP-3. Docket No. ER80-181, Northern States Power Co.
CAP-4. Docket No. ER80-368, Boston Edison Co.
CAP-5. Docket No. EL80-12, Boston Edison Co.

Miscellaneous Agenda—480th Meeting, February 18, 1981, Regular Meeting

CAM-1. Docket No. RM81-9, Rule adopting revised alternative fuel price ceilings for the State of Kentucky.

CAM-2. Docket No. RM79-76 (Colorado), high-cost gas produced from tight formations.
CAM-3. Docket No. GP81-4-000, United States Geological Survey (New Mexico), section 108 NGPA determination, El Paso Natural Gas Co., Huerfanito Unit No. 75 Well, JD80-36472, USGS Docket No. NM4274-79

Gas Agenda—480th Meeting; February 18, 1981, Regular Meeting

CAG-1. Docket Nos. RP75-98 and RP76-100, Michigan Wisconsin Pipe Line Co.
CAG-2. Docket Nos. RP77-98 and RP78-78, Natural Gas Pipeline Co. of America.
CAG-3. Continental Pipe Line Co.—Preservation of Records.
CAG-4. Docket Nos. AR61-2, AR67-1 and AR69-1, et al., G-13258, G-18512, G-20509 & RP60-15, RP64-31, RP70-5 & RP70-16, RP70-38, et al., & RP72-91, et al., Southern Natural Gas Co.
CAG-5. Docket No. RP80-88, Northern Natural Gas Co.
CAG-6. Docket Nos. RP74-20, et al. (Interest reimbursement (remand)), United Gas Pipe Line Co. Docket Nos. RP74-20, RP74-83, RP75-30, RP75-109, RP78-84, RP77-107 and RP78-68, United Gas Pipe Line Co.
CAG-7. Docket Nos. RP74-48 and RP75-3, Transcontinental Gas Pipe Line Corp. Docket Nos. RP74-48 and RP75-3 (AP76-1), et al., Transcontinental Gas Pipe Line Corp. Docket No. RP77-108 (advance payments), Transcontinental Gas Pipe Line Corp.
CAG-8. FERC Gas Rate Schedule No. 81, The Superior Oil Co.
CAG-9. Docket No. CP80-390, Columbia Gas Transmission Corp.
CAG-10. Docket No. CP80-488, Louisiana-Nevada Transit Co.
CAG-11. Docket No. CP80-489, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co. Docket No. CP80-579, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-12. Docket No. CP80-531, Southern Natural Gas Co.
CAG-13. Docket No. CP80-580, Zenith Natural Gas Co.

Power Agenda—480th Meeting, February 18, 1981, Regular Meeting

I. Licensed Project Matters

P-1. Reserved.

II. Electric Rate Matters

ER-1. Docket No. ER80-678, Union Electric Co.
ER-2. Docket No. ER81-179-000, Arizona Public Service Co.
ER-3. Docket No. ER81-187-000, Public Service Co. of New Mexico.
ER-4. Docket No. ER81-188-000, Central Maine Power Co.
ER-5. Docket No. ER81-199-000, Central Telephone & Utilities Corp., Western Power Division
ER-6. Docket No. ER81-2-000, Electric Cooperatives of Kansas
ER-7. Docket No. ER76-320, Connecticut Light & Power
ER-8. Docket No. ER79-121, Utah Power & Light Co.
ER-9. Docket Nos. E-7578, IN-989 and IN-991, Commonwealth Edison Co., et al.
ER-10. Docket No. ER79-3021, Southeastern Power Administration, Cumberland Basin Projects.

Miscellaneous Agenda—480th Meeting, February 18, 1981, Regular Meeting

M-1. Reserved.
M-2. Reserved.

Gas Agenda—480th Meeting, February 18, 1981, Regular Meeting

I. Pipeline Rate Matters

RP-1. Reserved.

II. Producer Matters

CI-1. Reserved.

III. Pipeline Certificate Matters

CP-1. Docket No. CP80-550, Trunkline Gas Co., Docket No. CP80-562, United Gas Pipeline Co.
CP-2. Docket No. CP77-859, Southern Natural Gas Co., Docket No. CI77-854, Sonat Exploration Co.

Kenneth F. Plumb,

Secretary.

[S-246-80 Filed 2-12-81; 9:56 am]

BILLING CODE 6450-85-M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 19, 1981.

PLACE: 1700 G. Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall, (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the bank board meeting scheduled for Thursday, February 19, 1981.

Consumer Program

Elimination of Reports on Security Devices. Delegation of Authority Regarding Merger Approvals.

[S-251-80 Filed 2-12-81; 3:14 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, February 13, 1981.

PLACE: 1700 G. St. NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall, (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the bank board meeting scheduled for Friday, February 13, 1981.

Most Favored Lender Interpretation. Amendment Concerning Borrowing.

[S-250-80 Filed 2-12-81; 3:14 pm]

BILLING CODE 6720-01-M

6

February 11, 1981.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 18, 1981.

PLACE: Room 800, 1730 K Street NW., Washington, D.C. 20005.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

1. Oliver M. Elam, Jr., Co., Inc., Docket Nos. VINC 78-447-P, etc. (Petition for Discretionary Review; issues include whether the operation cited constituted a facility engaged in the work of preparing coal within the meaning of sections 3(h)(1) and 3(i) of the 1977 Mine Act.)
2. Quarto Mining Company, Docket No. LAKE 80-385 (Petition for Discretionary Review; issues include interpretation and application of 30 CFR § 75.316)
3. Consolidation Coal Company, Docket No. WEVA 80-333-R. (Issues include whether failure to file as a representative of miners under 30 CFR Part 40 prevents the non-filing person from being entitled to participate in the inspections under section 103(f) of the 1977 Mine Act.)
4. Old Ben Coal Company, Docket No. VINC 74-157, IBMA 76-90. (Issues include whether judge properly vacated an order under section 104(c) of the 1969 Coal Act.)

CONTACT PERSON FOR MORE INFORMATION:

Jean Ellen, 202-653-5632.

[S-246-80 Filed 2-12-81; 2:29 pm]

BILLING CODE 6820-12-M

7

[Meeting No. 1261]

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 7 p.m. (EST), Thursday, February 19, 1981.

PLACE: Holston Electric Cooperative Auditorium; 1200 West Main Street; Rogersville, Tennessee.

STATUS: Open.

Discussion Items

1. Preliminary rate review.

Action Items

B—Purchase Awards

1. Rejection of bids received in response to Invitation No. 827366 for induced-draft fans for Paradise Steam Plant, Unit 3.[1]

C—Power Items

1. Contract with Massachusetts Institute of Technology of Cambridge, Massachusetts, covering arrangements for cooperation in an experimental program in atmospheric fluidized bed combustion technology.[1]
2. Deed conveying to Gibson County Electric Membership Corporation a 0.69-acre portion of TVA's Union City 161-kV Substation site located in Union City, Tennessee.
3. Bill of sale and quitclaim deed covering the conveyance of a 9.8-mile section of TVA's deenergized Shoals-Russellville 46-kV transmission line to the Franklin Electric Cooperative.
4. Bill of sale and quitclaim deed covering conveyance of separate sections of TVA's 7.5-mile deenergized Savannah-Adamsville 46-kV line to Pickwick Electric Cooperative and Tennessee Valley Electric Cooperative.

D—Personnel Items

1. Change of status for John G. Getsinger, Chief, Development Branch, Division of Chemical Development, Office of Agricultural and Chemical Development, Muscle Shoals, Alabama.[1]
2. Renewal of consulting contract with Sheppard T. Powell Associates, Baltimore, Maryland, for advice and assistance in the field of chemical engineering and other related work associated with power generating plants. Requested by the Office of Engineering Design and Construction.

E—Real Property Transactions

1. Sale of permanent easement to the Mississippi State Highway Department for construction of a highway ramp affecting approximately 0.12 acre of the Sandhill Substation site located in Rankin County, Mississippi—Tract No. XSHMSS-1H.
2. Grant of permanent easement to the city of Scottsboro, Alabama for the construction, operation, and maintenance of a fire station affecting approximately 1.7 acres of Guntersville Reservoir land, located in Jackson County, Alabama—Tract No. XTGR-134FS.
3. Filing of condemnation suits.

F—Unclassified

1. Designated of James E. DeFord and Sue Ellen Rowland as Certifying Officers to certify vouchers.
2. Revised budget plan for fiscal year 1981.

[1] Items approved by individual Board members. This would give formal ratification to the Board's action.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: February 12, 1981.

[S-249-80 Filed 2-12-81; 2:38 pm]

BILLING CODE 8120-01-M

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federal register

Tuesday
February 17, 1981

Part II

Administrative Committee of the Federal Register

Federal Register Thesaurus of Indexing Terms

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

Federal Register Thesaurus of Indexing Terms

AGENCY: Administrative Committee of the Federal Register (ACFR).

ACTION: Publication of Thesaurus.

SUMMARY: The Administrative Committee of the Federal Register published a final rule in the **Federal Register** of January 22, 1981 (46 FR 7162). This rule, 1 CFR 18.20, requires agencies to identify major topics and categories of persons affected in their regulations in standard terms from the Federal Register Thesaurus of Indexing Terms. The Federal Register Thesaurus is published today for use by agencies and for public information.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, Telephone (202) 523–5266.

SUPPLEMENTARY INFORMATION:

Thesaurus

As stated in the final rule document published January 22, 1981, the requirement for agencies to identify the subjects in their regulations in standard terms from the Thesaurus will help **Federal Register** readers to locate more easily those regulations that affect or are of interest to them. It will also help the Office of the Federal Register expand its information services to the public directly and through published finding aids.

This first edition of the Thesaurus is the beginning of a basic vocabulary for identifying major areas subject to Federal regulation. The Thesaurus is intended to be a dynamic document that will expand and change through use and with the suggestion of terms by agencies and **Federal Register** users.

How To Use the Thesaurus

There are two sections to the Thesaurus. The first is an alphabetical list of all terms with a series of notations under each term to refer users to preferred or related terms. The second is a grouping of terms under 19 broad subject categories, allowing the user to determine quickly the existing Thesaurus terms for that broad subject. Copies of the Thesaurus are available from the Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

Training

Training and consultation to help agencies comply with the final rule published January 22, 1981, will be provided by the Office of the Federal Register. Training will include information on how to use the Thesaurus and how to analyze and apply the terms to specific agency regulations. To allow **Federal Register** staff sufficient time to respond to all training requests, we encourage agencies to decide who in the agency needs training and to make arrangements and schedule training well in advance of the December 31, 1981, date for complying with the final rule.

To arrange for training agencies should call: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, Telephone (202) 523–5266.

John E. Byrne,

Secretary, Administrative Committee of the Federal Register.

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Accidents
see Safety

Accountants (02, 13)

Accounting (02, 08)
sa Uniform System of Accounts
xx Business and industry

Acreage allotments (01)
xx Agricultural commodities

Additives
see Color additives
Food additives
Fuel additives

Adhesives

Adjustment assistance
see Trade adjustment assistance

Administrative practice and procedure (08)
(Use for hearing, appeal, petition, rulemaking, etc., procedures)
sa Freedom of information
Privacy
Sunshine Act
x Hearing and appeal procedures
Practice and procedure

Adult education (04)
x Continuing education
Extension and continuing education
xx Education

Advertising (02)
xx Business and industry

Advisory committees (08)
(Use for documents on the management of advisory committees within an agency)
x Committees

AFDC
see Aid to Families with Dependent Children

Affirmative action plans
see Equal employment opportunity

Aged (13)
sa Medicaid
Medicare
Old-age, Survivors and Disability Insurance
Public assistance programs
Supplemental Security Income (SSI)
x Discrimination against aged
Elderly
Senior citizens

Agricultural commodities (01)
(The names of specific agricultural commodities, e.g. Corn, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific commmodities*
Acreage allotments
Commodities exchanges
Crop insurance
Fruits
Grains
Marketing agreements
Marketing quotas
Nuts
Oilseeds
Price support programs
Surplus agricultural commodities
Vegetables
x Commodities
Crops
xx Agriculture

Agricultural research (01, 17)
xx Agriculture
Research

Agriculture (01)
sa Agricultural commodities
Agricultural research
Fertilizers
Food assistance programs
Foods
Forests and forest products
Irrigation
Migrant labor
Pesticides and pests
Range management
Rural areas
x Farmers

Aid to Families with Dependent Children (18)
sa Public assistance programs
Work Incentive Programs (WIN)
x AFDC
xx Child welfare
Infants and children
Public assistance programs
Social security

Air carriers (19)
(Organizations operating passenger or cargo carrying aircraft)
sa Air rates and fares
Air taxis
Charter flights
x Airlines
Foreign air carriers
Shipping
xx Air transportation
Common carriers

Air fares
see Air rates and fares

Air pollution control (06)
sa Motor vehicle pollution
x Clean Air Act
xx Environmental protection

Air rates and fares (19)
x Air fares
Air tariffs
Rates and fares
xx Air carriers
Air transportation

Air safety
see Aviation safety

Air tariffs
see Air rates and fares

Air taxis (19)
xx Air carriers
Air transportation

Air traffic control (19)
xx Air transportation

Air transportation (19)
sa Air carriers
Air rates and fares
Air taxis
Air traffic control
Aircraft
Airmen
Airports
Airspace
Aviation safety
Charter flights
Military air transportation
Navigation (air)
xx Transportation

Aircraft (19)
x Airplanes
Airworthiness directives and standards
Balloons
Helicopters
Kites
Parachutes
Rockets
Rotorcraft
Seaplanes
xx Air transportation

Aircraft pilots
see Airmen

Airlines
see Air carriers

Airmen (13, 19)
x Aircraft pilots
Pilots
xx Air transportation

Airplanes
see Aircraft

Airports (19)
x Heliports
xx Air transportation

Airspace (19)
x Airways
xx Air transportation

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Airways
see Airspace

Airworthiness directives and standards
see Aircraft

Alaska natives
see Indians

Alcohol and alcoholic beverages (01)
sa Beer
Gasohol
Liquors
Wine
xx Beverages

Alcoholism (09)
xx Drug abuse

Alien property (07)
Aliens (07, 13)
sa Citizenship and naturalization
Immigration
Refugees
x Deportation
Foreign persons
xx Citizenship and naturalization
Immigration
Refugees

Alimony (12)
Amateur radio service
see Radio

American Indians
see Indians

American Revolution bicentennial (08)
x Bicentennial

Ammunition
see Arms and munitions

Anchorage grounds (19)
sa Harbors
x Water transportation
xx Vessels

Animal diseases (01, 09)
x Diseases
xx Animals

Animal drugs (01, 09)
xx Animal feeds
Animals
Drugs

Animal feeds (01)
sa Animal drugs
xx Animals

Animal foods (01)
xx Animals
Foods

Animals (01)
sa Animal diseases
Animal drugs
Animal feeds
Animal foods
Livestock
Pets
Wildlife

Antennas
see Communications equipment

Antibiotics (09)
xx Drugs

Antidumping (02, 07)
(Prohibition on sales of imports at less than fair value)
xx Foreign trade
Imports

Antiquities
see Historic preservation

Antitrust (02)
x Interlocking directorates
xx Business and industry

Appliances
see Household appliances

Apprenticeship programs
see Manpower training programs

Archaeology
see Historic preservation

Architects (13)
Architectural barriers
see Handicapped

Archives and records (08)
sa Classified information
x Historical records
Information
Records

Armed forces (14)
(Use for general regulations applicable to all services)
sa *Specific military departments*
Armed forces reserves
Conscientious objectors
Military academies
Military law
Military personnel
Selective service system
xx National defense

Armed forces reserves (14)
x National guard
Reserve forces
xx Armed forces
Military personnel

Armed services procurement regulations
see Government procurement

Arms and munitions (14)
x Ammunition
Firearms
Guns
Military arms sales
Munitions
Weapons
xx National defense

Arms control (07, 14)
x Disarmament
xx Foreign relations
National defense

Art (04)
Arts and crafts (04)
sa Indians-arts and crafts
x Crafts
Handicrafts

Asbestos
Asylum
see Immigration

Atomic energy
see Nuclear energy

Attorneys
see Lawyers

Authority delegations (Government agencies) (08)
xx Organization and functions (Government agencies)

Automatic data processing
see Computer technology

Automobiles
see Motor vehicles

Aviation safety (09, 19)
x Air safety
xx Air transportation
Safety

Awards
see Decorations, medals, awards

Baggage
see Freight

Bakery products (01)
x Bread
xx Foods

Balloons
see Aircraft

Bankruptcy (02)
xx Business and industry

Banks, banking (02)
sa Credit
Electronic funds transfers
Federal home loan banks
Federal Reserve System
Foreign banking
National banks
Savings and loan associations
Trusts and trustees
x Checks
Finance
xx Credit

Barrels
see Packaging and containers

Beaches
see Seashores

Beef
see Meat and meat products

Beer (01)
xx Alcohol and alcoholic beverages

Bees (01)
Beverages (01)
sa Alcohol and alcoholic beverages
Coffee
Fruit juices
Tea
Vegetable juices
xx Foods

Bicentennial
see American Revolution bicentennial

Bicycles (16, 19)
Bilingual education (04)
xx Education

Biologics (09)
(Viruses, serums, toxins, etc., used in disease treatment)
sa Blood
x Serums
Toxins
Vaccines
Viruses
xx Drugs

Birds
see Wildlife

Birth control
see Family planning

Black lung benefits (09)
x Pneumoconiosis
xx Health insurance
Lung diseases

Blind (09, 13)
sa Medicaid
Public assistance programs
Supplemental Security Income (SSI)
xx Handicapped

Blood (09)
xx Biologics

Blood diseases (09)
x Hemophilia

Boats and boating safety
see Marine safety
Navigation (water)

Bonding
see Surety bonds

Bonds (02)
x Savings bonds
xx Government securities
Securities

Borders
see International boundaries

Boycotts (07)
Bread
see Bakery products

Bridges (19)
x Drawbridges
xx Highways and roads
Transportation
Waterways

Broadcasting
see Broadcasting facilities
Radio
Television

Broadcasting facilities (03)
x Broadcasting

Brokers (02, 13)
xx Investments

Buildings (10)
sa Federal buildings and facilities

Buses (19)
sa Motor carriers
Motor vehicles
x Charter buses
xx Motor carriers
Motor vehicles

Business and industry (02)
(The names of specific industries, e.g. Construction industry, are not listed in this Thesaurus but may be used as indexing terms. For a standard list of industry names we recommend using the *Standard Industrial Classification Manual.*)
sa *Specific industries*
Accounting
Advertising
Antitrust
Bankruptcy
Concessions
Holding companies
Indians-business and finance
Labeling
Labor
Minority businesses
Packaging and containers
Relocation assistance
Small businesses
Taxes
Trade adjustment assistance
Trade names
Trade practices
Trademarks
Warranties
x Corporations
Industry

Butter (01)
sa Margarine

Cable television (03)
x CATV
Community antenna television systems
xx Television

Cacao products (01)
x Chocolate
Cocoa
xx Foods

Campaign funds (08)
x Election finance
xx Elections
Political candidates

Cancer (09)
Candy (01)
x Confectionery
xx Foods

Cargo
see Freight

Cargo vessels (19)
sa Maritime carriers
x Tank vessels
xx Maritime carriers
Vessels

Carpets and rugs
x Rugs

Carpools (19)
xx Highways and roads
Motor vehicles

CATV
see Cable television

Cemeteries
x National cemeteries

Census data (08)
x Population census
xx Statistics

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Cereals (commodity)
see Grains

Cereals (food) (01)
xx Foods

Chaplains (13)
Charter buses
see Buses

Charter flights (19)
xx Air carriers
Air transportation

Checks
see Banks, banking

Chemicals (01, 09)
(The names of specific chemicals are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific chemicals*
Drugs
Fertilizers
Hazardous materials
Pesticides and pests

Child abuse
see Child welfare

Child health
see Maternal and child health

Child labor (11, 13)
xx Child welfare
Labor

Child support
see Child welfare

Child welfare (18)
sa Aid to Families with Dependent Children
Child labor
Day care
Maternal and child health
x Child abuse
Child support
xx Infants and children
Public assistance programs
Social security

Children
see Infants and children

Chocolate
see Cacao products

Cigars and cigarettes (01)
sa Smoking
xx Tobacco

Citizens band radio service
see Radio

Citizenship and naturalization (07)
sa Aliens
Immigration
x Nationality
Naturalization
Repatriation
xx Aliens
Foreign relations
Immigration

Citrus fruits (01)
sa *Specific fruits*
xx Fruits

Civil defense (14)
sa Disaster assistance
x Emergency mobilization
xx Disaster assistance
National defense

Civil disorders (12)
Civil rights (12)
sa Equal educational opportunity
Equal employment opportunity
Fair housing
Religious discrimination
Sex discrimination
Voting rights
x Discrimination
Minority groups
Nondiscrimination

Civil service system
see Government employees

Claims (12)
sa Foreign claims
Indians–claims
Tort claims
War claims

Classified information (14)
x Information
Intelligence
National security information
Security information
xx Archives and records
National defense
Security measures

Clean Air Act
see Air pollution control

Clemency (12)
x Pardon

Clothing (02)
sa Footwear

Coal (05)
sa Coal allocation
Coal conversion program
xx Energy
Mineral resources

Coal allocation (05)
xx Coal

Coal conversion program (05)
xx Coal

Coal miners
see Miners

Coal mines
see Mine safety and health
Mines
Surface mining
Underground mining

Coastal zone (15)
sa Flood plains
Seashores
x Estuaries
Wetlands
xx Natural resources
Seashores

Cocoa
see Cacao products

Coffee (01)
xx Beverages

Coin operated machines
Coins
see Currency

Collective bargaining
see Labor management relations

Colleges and universities (04)
sa Medical and dental schools
Military academies
Student aid
x Community colleges
Higher education
Universities
xx Education
Schools

Color additives (01, 09)
x Additives
xx Food additives

Commercial fisheries
see Fisheries

Committees
see Advisory committees

Commodities
see Agricultural commodities

Commodities exchanges (01, 02)
xx Agricultural commodities
Investments

Commodity futures (01, 02)
Common carriers (02, 19)
sa Air carriers
Communications common carriers
Freight forwarders
Maritime carriers
Motor carriers
Railroads
xx Transportation

Communicable diseases (09)
x Contagious diseases

Communications (03)
sa Communications common carriers
Communications equipment
Defense communications
Motion pictures
News media
Recordings
Telecommunications

Communications common carriers (02, 03)
x Rates and fares
xx Common carriers
Communications

Communications equipment (03)
x Antennas
xx Communications

Communist countries (07)
sa *Specific countries*

Community action programs (16)
(Financial assistance to local communities to provide basic antipoverty services)
x Poverty
xx Community development

Community antenna television systems
see Cable television

Community colleges
see Colleges and universities

Community development (10)
(Economic development of deprived areas, emphasizing improved living conditions and participation of the local population.)
sa Community action programs
Urban renewal
x Economic development
Unemployment
xx Urban renewal

Community development block grants (10)
Community facilities (10)
sa Health facilities
x Public works

Compensation
see Indemnity payments
Unemployment compensation
Wages
Workers' compensation

Comprehensive Employment and Training Act
see Manpower training programs

Computer technology (17)
x Automatic data processing
Data processing
Electronic data processing

Concessions (02)
xx Business and industry

Condominiums (10)
xx Housing

Conduct standards
see Conflict of interests

Confectionery
see Candy

Conflict of interests (08)
sa Political activities (Government employees)
x Conduct standards
Ethical conduct
Financial disclosure
xx Government employees

Congressional elections
see Elections

Conscientious objectors (13, 14)
xx Armed forces

Conservation
see Natural resources

Consular services
see Foreign Service

Consultants (13)
Consumer protection (02)
sa Trade practices
Truth in lending
xx Safety

Contagious diseases
see Communicable diseases

Containers
see Packaging and containers

Continental shelf (15)
x Outer continental shelf
xx Natural resources

Continuing education
see Adult education

Contracts
see Government contracts

Controlled substances
see Drug traffic control

Cooperative agreements
see Grant programs

Cooperatives
x Farmers

Copyright (12)
x Royalties

Corporations
see Business and industry

Cosmetics (09)
x Toiletries

Cottonseeds (01)
xx Oilseeds

Counterfeiting (12)
xx Crime

Countervailing duties
see Customs duties and inspection

Courts (12)
Crafts
see Arts and crafts

Credit (02)
sa Banks, banking
Credit unions
Truth in lending
x Debts
Finance
xx Banks, banking

Credit unions (02)
xx Credit

Crime (12)
sa Counterfeiting
Drug abuse
Forgery
Fraud
Juvenile delinquency

Crime insurance (02)
xx Insurance

Crop insurance (01, 02)
xx Agricultural commodities
Insurance

Crops
see Agricultural commodities

Crude oil
see Petroleum

Cultural exchange programs (04, 07)
x Exchange visitor program
xx Foreign relations

Currency (02)
sa Foreign currencies
Gold
Silver
x Coins
Finance
Foreign exchange
Money

Customs duties and inspection (02, 07)
sa Imports
x Countervailing duties
Tariffs
xx Foreign trade
Imports
Taxes

Dairy products (01)
(The names of specific dairy products, e.g. Cheese, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific dairy products*
xx Foods

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Dams (15)
xx Water supply

Dangerous cargo
see Hazardous materials transportation

Data processing
see Computer technology

Day care (18)
xx Child welfare

Deaf
see Handicapped

Debts
see Credit

Decorations, medals, awards (08)
x Awards
Medals

Defense
see National defense

Defense communications (03, 14)
xx Communications
National defense

Defense contracts
see Government contracts
Government procurement

Deliquency
see Juvenile delinquency

Dental health (09)
xx Health

Dental schools
see Medical and dental schools

Deportation
see Aliens

Desegregation in education
see Equal educational opportunity

Dietary foods (01)
xx Foods

Disabled
see Handicapped

Disarmament
see Arms control

Disaster assistance (08)
sa Civil defense
Emergency medical services
Flood assistance
x Drought assistance
xx Civil defense

Discrimination
see Civil rights

Discrimination against aged
see Aged

Discrimination against handicapped
see Handicapped

Discrimination in education
see Equal educational opportunity

Discrimination in employment
see Equal employment opportunity

Discrimination in housing
see Fair housing

Diseases
(The names of specific diseases, with some exceptions, are not listed in this Thesaurus but may be used as indexing terms.)
see *Specific diseases*
Animal diseases

Distilled spirits
see Liquors

Diving
Doctors
see Health professions

Domestic animals
see Livestock

Draft
see Selective service system

Drawbridges
see Bridges

Drinking water
see Water supply

Drought assistance
see Disaster assistance

Drug abuse (09)
sa Alcoholism
xx Crime
Health

Drug traffic control (12)
x Controlled substances
Narcotics
xx Law enforcement

Drugs (09)
(The names of specific drugs are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific drugs*
Animal drugs
Antibiotics
Biologics
Over-the-counter drugs
Prescription drugs
xx Chemicals
Health

Eavesdropping
see Wiretapping and electronic surveillance

Ecology
see Environmental protection

Economic development
see Community development
National economic development

Economic statistics (02)
x Economics
xx Statistics

Economics
see Economic statistics
Wage and price controls

Education (04)
sa Adult education
Bilingual education
Colleges and universities
Education of disadvantaged
Education of handicapped
Educational facilities
Educational research
Educational study programs
Elementary and secondary education
Equal educational opportunity
Indians-education
Libraries
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education

Education of disadvantaged (04)
x Follow Through Program
Head Start Program
Upward Bound Program
xx Education

Education of handicapped (04)
xx Education
Handicapped

Educational facilities (04)
xx Education
Schools

Educational research (04, 17)
xx Education
Research

Educational study programs (04)
(Use for particular areas of study, e.g. Reading, Foreign languages)
xx Education

Elderly
see Aged

Election finance
see Campaign funds

Elections (08)
sa Campaign funds
Political activities (Government employees)
Political candidates
Political committees and parties
Voting rights
x Congressional elections
Presidential elections

Electric power (05)
sa Electric power plants
Electric power rates
Electric utilities
x Hydroelectric power
xx Energy

Electric power plants (05)
xx Electric power

Electric power rates (05)
x Rates and fares
xx Electric power

Electric utilities (05)
x Public utilities
xx Electric power
Utilities

Electronic data processing
see Computer technology

Electronic funds transfers (02)
xx Banks, banking

Electronic products (17)
Electronic surveillance
see Wiretapping and electronic surveillance

Elementary and secondary education (04)
x Secondary education
xx Education

Emergency medical services (09)
xx Disaster assistance
Health care

Emergency mobilization
see Civil defense

Emergency powers (08, 14)
(Extraordinary authority delegated to the Executive in time of national emergency)
xx National defense

Employee benefit plans (11)
(Various plans established by employers to provide financial protection to employees against accidents, illness, death; or to provide certain services such as training, day care, etc.)
sa Pensions
x Fringe benefits
xx Labor
Wages

Employee management relations
see Labor management relations

Employee Retirement Income Security Act
see Pensions

Employment (11)
sa Equal employment opportunity
Government employees
Manpower
xx Labor

Employment taxes (02)
xx Taxes

Endangered and threatened wildlife (15)
xx Wildlife

Energy (05)
sa Coal
Electric power
Energy conservation
Geothermal energy
Natural gas
Nuclear energy
Petroleum
Pipelines
Solar energy
x Fuel
Power resources
xx Natural resources

Energy conservation (05)
xx Energy

Engineers (13)
Environmental impact statements (06)
xx Environmental protection

Environmental protection (06)
sa Air pollution control
Environmental impact statements
Natural resources
Noise control
Pesticides and pests
Reclamation
Waste treatment and disposal
Water pollution control
x Ecology
Pollution
xx Natural resources

Equal educational opportunity (04, 12)
x Desegregation in education
Discrimination in education
School integration
Segregation in education
xx Civil rights
Education

Equal employment opportunity (11, 12)
x Affirmative action plans
Discrimination in employment
xx Civil rights
Employment
Labor

Eskimos
see Indians

Estate taxes (02)
xx Taxes

Estates (02)
Estuaries
see Coastal zone

Ethical conduct
see Conflict of interests

Exchange visitor program
see Cultural exchange programs

Excise taxes (02)
x Stamp taxes
xx Taxes

Executive orders (08)
xx Presidential documents

Explosives (09)
sa Hazardous materials
Hazardous materials transportation
xx Hazardous materials

Exports (02, 07)
xx Foreign trade

Expositions
see Fairs and expositions

Extension and continuing education
see Adult education

Fabrics
see Textiles

Fair housing (10, 12)
x Discrimination in housing
xx Civil rights
Housing

Fairs and expositions (02, 07)
x Expositions
International expositions
Trade fairs
xx Foreign trade

Fallout shelters (14)
Family health
see Maternal and child health

Family planning (09, 18)
x Birth control
Population control
Sterilization
xx Health

Farmers
see Agriculture
Cooperatives

Fats and oils
see Oils and fats

Federal aid programs
see Grant programs
Indemnity payments
Loan programs
Price support programs
Technical assistance

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Federal buildings and facilities (08)
x Government buildings
Military installations
Public buildings
xx Buildings
Government property

Federal employees
see Government employees

Federal home loan banks (02)
xx Banks, banking

Federal Prison Industries (12)
xx Prisons

Federal procurement regulations
see Government procurement

Federal property management regulations
see Government property management

Federal Reserve System (02)
xx Banks, banking

Federal–State relations
see Intergovernmental relations

Federally affected areas (08)
(Use for local jurisdictions, especially school districts, financially burdened by serving Federal installations in the area)
x Impacted areas programs

Feed grains (01)
xx Grains

Fellowships
see Scholarships and fellowships

Fertilizers (01)
xx Agriculture
Chemicals

Films
see Motion pictures

Finance
see Banks, banking
Credit
Currency
Indians-business and finance
Investments
Loan programs
Mortgages
Revenue sharing
Trusts and trustees

Financial disclosure
see Conflict of interests

Fines and penalties
see Penalties

Fire prevention (09)
xx Safety

Firearms
see Arms and munitions

Firefighters (13)

Fish (15)
(Use for documents on the conservation, etc., of fish as marine life. Use Seafood for documents on fish as food)
sa Fisheries
Seafood
xx Natural resources
Seafood

Fisheries (15)
(Use for documents on commercial fishing)
x Commercial fisheries
xx Fish
Seafood

Fishing (16)
(Use for documents on sport fishing)
xx Recreation

Fishing vessels (19)
xx Vessels

Flags (08)

Flammable materials (09)
xx Hazardous materials

Flavorings
see Spices and flavorings

Flaxseeds
see Oilseeds

Flood assistance (08)
xx Disaster assistance

Flood insurance (02)
xx Insurance

Flood plains (15)
x Wetlands
xx Coastal zone

Fluoridation (09)

Follow Through Program
see Education of disadvantaged

Food additives (01)
sa Color additives
x Additives
xx Foods

Food assistance programs (01, 18)
sa Food stamps
School breakfast and lunch programs
xx Agriculture
Foods
Nutrition

Food grades and standards (01)
sa Meat inspection
x Food inspection
xx Foods

Food inspection
see Food grades and standards

Food labeling (01)
xx Foods
Labeling

Food stamps (01, 18)
xx Food assistance programs

Foods (01)
(The names of specific foods are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific foods*
Animal foods
Bakery products
Beverages
Cacao products
Candy
Cereals (food)
Dairy products
Dietary foods
Food additives
Food assistance programs
Food grades and standards
Food labeling
Frozen foods
Fruits
Meat and meat products
Nutrition
Nuts
Oils and fats
Poultry and poultry products
Seafood
Spices and flavorings
Sugar
Vegetables
xx Agriculture
Nutrition

Footwear (02)
x Shoes
xx Clothing

Foreign aid (07)
xx Foreign relations

Foreign air carriers
see Air carriers

Foreign banking (02)
xx Banks and banking

Foreign claims (07, 12)
sa War claims
xx Claims
Foreign relations

Foreign currencies (02)
x Foreign exchange
xx Currency

Foreign exchange
see Currency
Foreign currencies

Foreign investments in U. S. (02)
xx Investments

Foreign officials (07, 13)

Foreign persons
see Aliens

Foreign relations (07)
sa *Specific countries*
Arms control
Citizenship and naturalization
Cultural exchange programs
Foreign aid
Foreign claims
Foreign Service
Foreign trade
Immigration
International boundaries
Passports and visas
Treaties

Foreign Service (07)
x Consular services
xx Foreign relations
Government employees

Foreign trade (02, 07)
sa Antidumping
Customs duties and inspection
Exports
Fairs and expositions
Imports
Maritime carriers
Trade adjustment assistance
Trade agreements
x International trade
xx Foreign relations

Foreign trade zones (02, 07)

Forests and forest products (01, 15)
sa National forests
x Lumber
Naval stores
Timber
Turpentine
Wood
xx Agriculture
Natural resources

Forfeitures
see Seizures and forfeitures

Forgery (12)
xx Crime

Foundations (13)

Fraud (12)
xx Crime

Freedom of information (08)
x Information
Records
xx Administrative practice and procedure

Freight (19)
sa Hazardous materials transportation
x Baggage
Cargo
xx Transportation

Freight forwarders (19)
x Shipping
xx Common carriers

Fringe benefits
see Employee benefit plans

Frozen foods (01)
xx Foods

Fruit juices (01)
xx Beverages

Fruits (01)
(The names of specific fruits, e.g. Apples, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific fruits*
Citrus fruits
xx Agricultural commodities
Foods

Fuel
see Energy

Fuel additives (05)
x Additives
Gasoline additives
xx Petroleum

Furs

Gambling (12)
sa Lotteries

Garnishment of wages
see Wages

Gas exploration
see Oil and gas exploration

Gas reserves
see Oil and gas reserves

Gas utilities
see Natural gas

Gases (15)
sa Helium
Natural gas

Gasohol (05)
xx Alcohol and alcoholic beverages
Gasoline

Gasoline (05)
sa Gasohol
xx Petroleum

Gasoline additives
see Fuel additives

Genetic diseases (09)

Geothermal energy (05)
xx Energy

Gift taxes (02)
xx Taxes

Gifts to Government
see Government property

Glass and mirrors (02)
x Mirrors

Gold (02)
xx Currency
Metals

Government buildings
see Federal buildings and facilities

Government contracts (08)
(Use for contracts for services in operating or researching specific government programs. Use Government procurement for contracting for supplies, equipment or related services.)
sa Government procurement
x Contracts
Defense contracts
National defense contracts
xx Government procurement

Government employees (08, 11, 13)
sa Conflict of interests
Foreign Service
Military personnel
Political activities (Government employees)
x Civil service system
Federal employees
xx Employment

Government in the Sunshine Act
see Sunshine Act

Government procurement (08)
(See note under Government contracts.)
sa Government contracts
x Armed services procurement regulations
Defense contracts
Federal procurement regulations
National defense contracts
Procurement
xx Government contracts

Government property (08)
sa Federal buildings and facilities
Surplus Government property
x Gifts to Government

Government property management (08)
x Federal property management regulations

Government securities (02, 08)
sa Bonds
xx Securities

Grain sorghum (01)

Grains (01)
(The names of specific grains, e.g. Wheat, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific grains*
Feed grains
x Cereals (commodity)
xx Agricultural commodities

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Grant programs (08)
(Use for programs involving financial aid without repayment by the Federal Government. Divide by the following categories to indicate broad subject area of grant: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation. e.g. Grant programs-agriculture)
x Cooperative agreements
Federal aid programs
Subsidies
xx Intergovernmental relations

Grants administration (08)
Grazing lands (15)
x Land
xx Public lands

Guarantees
see Warranties

Guns
see Arms and munitions

Handicapped (09, 13)
sa Blind
Education of handicapped
Medicaid
Medicare
Old-age, Survivors and Disability Insurance
Public assistance programs
Railroad retirement
Supplemental Security Income (SSI)
Vocational rehabilitation
Workers' compensation
x Architectural barriers
Deaf
Disabled
Discrimination against handicapped
Physically handicapped
xx Health

Handicrafts
see Arts and crafts

Hansen's disease
see Leprosy

Harbors (19)
x Ports
Water transportation
xx Anchorage grounds
Waterways

Hatch Act
see Political activities (Government employees)

Hazardous materials (09)
sa Explosives
Flammable materials
Hazardous materials transportation
Poison prevention
Radioactive materials
x Toxic substances
xx Chemicals
Explosives
Safety

Hazardous materials transportation (19)
sa Pipeline safety
x Dangerous cargo
xx Explosives
Freight
Hazardous materials

Head Start Program
see Education of disadvantaged

Health (09)
sa *Specific diseases*
Dental health
Drug abuse
Drugs
Family planning
Handicapped
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health professions
Health records
Health statistics
Maternal and child health
Medical and dental schools
Medical devices
Medical research
Mental health programs
Nutrition
Occupational safety and health
Public health
Quarantine
Radiation protection
Safety

Health care (09)
sa Emergency medical services
Health planning
Medicaid
x Medical care
xx Health

Health facilities (09)
sa Hospitals
Mental health centers
Nursing homes
x Medical facilities
xx Community facilities
Health
Nursing homes

Health insurance (02, 09)
sa Black lung benefits
Medicare
xx Health
Insurance

Health insurance for aged
see Medicare

Health maintenance organizations (HMO) (09)
(Prepaid group medical practice)
xx Health

Health planning (09)
xx Health care

Health professions (09, 13)
sa Veterinarians
x Doctors
Medical personnel
Physicians
xx Health

Health records (09)
x Medical records
Records
xx Health

Health statistics (09)
xx Health
Statistics

Hearing and appeal procedures
see Administrative practice and procedure

Heart diseases (09)
Helicopters
see Aircraft

Heliports
see Airports

Helium (15)
xx Gases

Hemophilia
see Blood diseases

Herbicides
see Pesticides and pests

Higher education
see Colleges and universities

Highway safety (09, 19)
xx Highways and roads
Safety

Highways and roads (19)
sa Bridges
Carpools
Highway safety
Motor carriers
Motor vehicle safety
Motor vehicles
Parking
x Roads
xx Transportation

Historic places
see Historic preservation

Historic preservation (15)
sa Monuments and memorials
x Antiquities
Archaeology
Historic places
National Register of Historic Places

Historical records
see Archives and records

Hobbies (16)
Hogs (01)
x Swine

Holding companies (02)
xx Business and industry

Holidays (06)
Home improvement (10)
xx Housing

Homesteads (15)
xx Public lands

Hospitals (09)
xx Health facilities

Hours of work
see Wages

Household appliances (02)
x Appliances

Household goods
see Moving of household goods

Housing (10)
sa Condominiums
Fair housing
Home improvement
Housing standards
Low and moderate income housing
Mobile homes
Mortgage insurance
Mortgages
New communities
Public housing
Relocation assistance

Housing assistance payments
see Mortgages
Rent subsidies

Housing standards (10)
xx Housing

Human research subjects
see Research

Hunting (16)
xx Recreation

Hydroelectric power
see Electric power

Immigration (07)
sa Aliens
Citizenship and naturalization
x Asylum
xx Aliens
Citizenship and naturalization
Foreign relations

Immunization (09)
xx Public health

Impacted areas programs
see Federally affected areas

Imports (02, 07)
sa Antidumping
Customs duties and inspection
Oil imports
Trade adjustment assistance
xx Customs duties and inspection
Foreign trade

Income taxes (02)
sa Tax treaties
xx Taxes

Indemnity payments (08)
x Compensation
Federal aid programs

Indians (13)
x Alaska natives
American Indians
Eskimos
Native Americans

Indians–arts and crafts (04)
xx Arts and crafts

Indians–business and finance (02)
x Finance
xx Business and industry

Indians–claims (12)
xx Claims

Indians–education (04)
xx Education

Indians–enrollment (12)
Indians–lands (15)
x Land

Indians–law (12)
Industrial safety
see Occupational safety and health

Industry
see Business and industry

Infants and children (13)
sa Aid to Families with Dependent Children
Child welfare
Youth
x Children
xx Youth

Influenza (09)
Information
see Archives and records
Classified information
Freedom of information
Privacy
Sunshine Act

Inland waters
see Waterways

Insecticides
see Pesticides and pests

Insignia
see Seals and insignia

Insulation
Insurance (02)
sa Crime insurance
Crop insurance
Flood insurance
Health insurance
Insurance companies
Life insurance
Mortgage insurance
Old-age, Survivors and Disability Insurance
Surety bonds
Unemployment compensation
War risk insurance
Workers' compensation

Insurance companies (02)
xx Insurance

Intelligence
see Classified information

Interest equalization tax (02)
xx Taxes

Intergovernmental relations (08)
sa Grant programs
Revenue sharing
x Federal-State relations
State-Federal relations

Interlocking directorates
see Antitrust

Intermodal transportation (19)
xx Transportation

International agreements
see Treaties

International boundaries (07)
x Borders
xx Foreign relations

International expositions
see Fairs and expositions

International organizations (07)
International trade
see Foreign trade

Inventions and patents (17)
x Patents

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Investigations (08, 12)
Investment advisers
see Securities

Investment companies (02)
xx Investments

Investments (02)
sa Brokers
Commodities exchanges
Foreign investments in U. S.
Investment companies
Securities
United States investments abroad
x Finance

Irrigation (01)
xx Agriculture
Water supply

Jewelry
see Watches and jewelry

Job Corps (11)
Jukeboxes
Juvenile delinquency (12)
x Delinquency
xx Crime
Youth

Kidney diseases (09)
x Renal diseases

Kites
see Aircraft

Labeling (02)
sa Food labeling
Packaging and containers
xx Business and industry
Packaging and containers

Labor (11)
sa Child labor
Employee benefit plans
Employment
Equal employment opportunity
Labor management relations
Manpower
Migrant labor
Occupational safety and health
Retirement
Unemployment compensation
Wages
xx Business and industry

Labor management relations (11)
sa Labor unions
x Collective bargaining
Employee management relations
xx Labor

Labor unions (11)
x Trade unions
Unions
xx Labor management relations

Laboratories (17)
Land
see Grazing lands
Indians–lands
Public lands
Rights–of–way

Land sales (10)
sa Public lands–sale

Lasers (17)
xx Scientific equipment

Law (12)
Law enforcement (12)
sa Drug traffic control
Wiretapping and electronic surveillance

Law enforcement officers (12, 13)
x Police

Lawyers (12, 13)
sa Legal services
x Attorneys

Lead poisoning (09)
x Paint
xx Poison prevention

Legal services (12)
xx Lawyers

Leprosy (09)
x Hansen's disease

Libraries (04)
xx Education

Life insurance (02)
xx Insurance

Linseeds
see Oilseeds

Liquors (01)
x Distilled spirits
xx Alcohol and alcoholic beverages

Livestock (01)
(The names of specific animals, e.g. Cattle, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific animals*
Meat and meat products
Meat inspection
x Domestic animals
xx Animals

Loan programs (02, 08)
(Use for Federal Government loan and loan guaranty programs. Divide by the following categories to indicate broad subject area of loan: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation, Veterans, e.g. Loan programs–labor)
x Federal aid programs
Finance

Longshoremen (13, 19)
Lotteries (12)
xx Gambling

Low and moderate income housing (10)
sa Public housing
Rent subsidies
xx Housing
Public housing

Lumber
see Forests and forest products

Lung diseases (09)
sa Black lung benefits
Tuberculosis
x Respiratory and pulmonary diseases

Magazines
see Newspapers and magazines

Mail
see Postal Service

Manpower (11)
sa Manpower training programs
xx Employment
Labor

Manpower training programs (11)
(Use for occupational or on–the–job training, distinguished from vocational education within a school curriculum)
sa Vocational education
Work Incentive Programs (WIN)
x Apprenticeship programs
Comprehensive Employment and Training Act
Occupational training
Training programs
Unemployment
xx Manpower
Vocational education

Margarine (01)
x Oleomargarine
xx Butter

Marine engineering
see Vessels

Marine mammals (15)
x Seals
Whales

Marine pollution
see Water pollution control

Marine resources (15)
x Ocean resources
xx Natural resources

Marine safety (09, 19)
sa Vessels
x Boats and boating safety
Water transportation
xx Safety
Vessels

Marital status discrimination (12)
Maritime carriers (19)
(Organizations operating passenger or cargo carrying vessels)
sa Cargo vessels
Passenger vessels
Seamen
Vessels
x Merchant marine
Rates and fares
Shipping
Water carriers
Water transportation
xx Cargo vessels
Common carriers
Foreign trade
Passenger vessels
Vessels

Marketing agreements (01)
sa Milk marketing orders
xx Agricultural commodities

Marketing quotas (01)
xx Agricultural commodities

Mass transportation (19)
xx Transportation

Maternal and child health (09)
x Child health
Family health
xx Child welfare
Health

Measurement standards (17)
sa Metric system
x Weights and measures

Meat and meat products (01)
sa Meat inspection
Stockyards
x Beef
xx Foods
Livestock

Meat inspection (01)
xx Food grades and standards
Livestock
Meat and meat products

Medals
see Decorations, medals, awards

Medicaid (09, 18)
sa Professional Standards Review Organizations (PSRO)
Public assistance programs
x Medical assistance program
xx Aged
Blind
Handicapped
Health care
Public assistance programs
Social security

Medical and dental schools (04, 09)
x Dental schools
Nursing schools
xx Colleges and universities
Health

Medical assistance program
see Medicaid

Medical care
see Health care

Medical devices (09)
x Prosthetic devices
xx Health
Scientific equipment

Medical facilities
see Health facilities

Medical personnel
see Health professions

Medical records
see Health records

Medical research (09, 17)
xx Health
Research

Medicare (09)
sa Professional Standards Review Organizations (PSRO)
x Health insurance for aged
xx Aged
Handicapped
Health insurance
Social security

Memorials
see Monuments and memorials

Mental health centers (09)
xx Health facilities

Mental health programs (09)
xx Health

Merchant marine
see Maritime carriers
Seamen

Metals (15)
(The names of specific metals, e.g. Copper, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific metals*
xx Mineral resources

Metric system (17)
xx Measurement standards

Micrographics (17)
Migrant labor (01, 11, 13)
xx Agriculture
Labor

Migratory birds
see Wildlife

Military academies (04, 14)
xx Armed forces
Colleges and universities

Military air transportation (14, 19)
xx Air transportation
National defense

Military arms sales
see Arms and munitions

Military installations
see Federal buildings and facilities

Military law (12, 14)
x Uniform Code of Military Justice
xx Armed forces

Military personnel (13, 14)
sa Armed forces reserves
xx Armed forces
Government employees

Milk (01)
sa Milk marketing orders

Milk marketing orders (01)
xx Marketing agreements
Milk

Mine safety and health (09)
x Coal mines
xx Miners
Mines
Occupational safety and health
Safety

Mineral resources (15)
sa Coal
Metals
Oil and gas reserves
Public lands–mineral resources
xx Natural resources

Mineral royalties (15)
x Royalties

Miners (13)
sa Mine safety and health
x Coal miners
xx Mines

Mines (15)
sa Mine safety and health
Miners
Surface mining
Underground mining
x Coal mines
xx Reclamation

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Minimum wages (11)
xx Wages

Minority businesses (02)
x Minority groups
xx Business and industry
Small businesses
Women

Minority groups
see Civil rights
Minority businesses

Mirrors
see Glass and mirrors

Mobile homes (10)
xx Housing

Money
see Currency

Monuments and memorials (15)
x Memorials
xx Historic preservation

Mortgage insurance (02, 10)
xx Housing
Insurance
Mortgages

Mortgages (02, 10)
sa Mortgage insurance
x Finance
Housing assistance payments
xx Housing

Motion pictures (03)
x Films
xx Communications

Motor carriers (19)
(Organizations operating passenger or cargo carrying motor vehicles)
sa Buses
x Rates and fares
Shipping
Trucks
xx Buses
Common carriers
Highways and roads
Motor vehicles

Motor vehicle pollution (06, 19)
xx Air pollution control
Motor vehicles

Motor vehicle safety (09, 19)
xx Highways and roads
Motor vehicles
Safety

Motor vehicles (19)
sa Buses
Carpools
Motor carriers
Motor vehicle pollution
Motor vehicle safety
Traffic regulations
x Automobiles
Motorcycles
Trucks
xx Buses
Highways and roads

Motorcycles
see Motor vehicles

Moving of household goods (19)
x Household goods

Munitions
see Arms and munitions

Museums (04)
Music (04)
Narcotics
see Drug traffic control

National banks (02)
xx Banks, banking

National cemeteries
see Cemeteries

National defense (14)
sa Armed forces
Arms and munitions
Arms control
Civil defense
Classified information
Defense communications
Emergency powers
Military air transportation
Strategic and critical materials
x Defense

National defense contracts
see Government contracts
Government procurement

National economic development (02)
x Economic development

National forests (15)
xx Forests and forest products
Natural resources
Public lands
Recreation areas

National guard
see Armed forces reserves

National parks (15)
x Parks
xx Public lands
Recreation areas

National Register of Historic Places
see Historic preservation

National seashores
see Seashores

National security information
see Classified information

National trails system (16)
x Trails
xx Recreation areas

National wild and scenic rivers system (16)
xx Rivers

National Wildlife Refuge System
see Wildlife refuges

Nationality
see Citizenship and naturalization

Native Americans
see Indians

Natural gas (05)
sa Oil and gas exploration
Oil and gas reserves
Pipelines
x Gas utilities
Public utilities
Rates and fares
xx Energy
Gases
Pipelines
Utilities

Natural resources (15)
sa Coastal zone
Continental shelf
Energy
Environmental protection
Fish
Forests and forest products
Marine resources
Mineral resources
National forests
Open Space Land Program
Public lands
Reclamation
Recreation
Soil conservation
Water resources
Wildlife
x Conservation
xx Environmental protection

Naturalization
see Citizenship and naturalization

Naval stores
see Forests and forest products

Navigation (air) (19)
xx Air transportation

Navigation (water) (19)
x Boats and boating safety
Water transportation
xx Vessels

New communities (10)
x Planned communities
xx Housing

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

News media (03)
sa Newspapers and magazines
Radio
Television
xx Communications

Newspapers and magazines (03)
x Magazines
xx News media

Noise control (06, 19)
xx Environmental protection
Transportation

Nondiscrimination
see Civil rights

Nonprofit organizations (13)
Nuclear energy (05)
sa Nuclear materials
Nuclear power plants and reactors
x Atomic energy
xx Energy

Nuclear materials (05)
xx Nuclear energy
Radioactive materials

Nuclear power plants and reactors (05)
xx Nuclear energy

Nuclear safety
see Radiation protection

Nuclear vessels (19)
xx Vessels

Nursery stock (01)
sa Plants (agriculture)

Nursing homes (09)
sa Health facilities
xx Health facilities

Nursing schools
see Medical and dental schools

Nutrition (09)
sa Food assistance programs
Foods
xx Foods
Health

Nuts (01)
xx Agricultural commodities
Foods

Occupational safety and health (09, 11)
sa Mine safety and health
Workers' compensation
x Industrial safety
xx Health
Labor
Safety

Occupational training
see Manpower training programs
Vocational education

Ocean dumping
see Water pollution control

Ocean resources
see Marine resources

Oceanographic vessels (19)
xx Vessels

Off-road vehicles
see Traffic regulations

Oil
see Oils and fats
Petroleum

Oil and gas exploration (05)
x Gas exploration
xx Natural gas
Petroleum

Oil and gas reserves (05, 15)
x Gas reserves
xx Mineral resources
Natural gas
Petroleum

Oil imports (02, 05, 07)
xx Imports
Petroleum

Oil pollution (06)
xx Vessels
Water pollution control

Oils and fats (01)
sa Oilseeds
x Fats and oils
Oil
xx Foods

Oilseeds (01)
sa Cottonseeds
x Flaxseeds
Linseeds
Tung nuts
xx Agricultural commodities
Oils and fats

Old-age, Survivors and Disability Insurance (11, 18)
xx Aged
Handicapped
Insurance
Social security

Oleomargarine
see Margarine

Open Space Land Program (10, 15)
xx Natural resources
Urban renewal

Ophthalmic goods and services
Organization and functions (Government agencies) (08)
sa Authority delegations (Government agencies)

Outer continental shelf
see Continental shelf

Over-the-counter drugs (09)
xx Drugs

Overseas private investment
see United States investments abroad

Overtime pay
see Wages

Packaging and containers (02)
sa Labeling
x Barrels
Containers
xx Business and industry
Labeling

Paint
see Lead poisoning

Parachutes
see Aircraft

Pardon
see Clemency

Parking (19)
xx Highways and roads

Parks
see National parks

Parole
see Probation and parole

Passenger vessels (19)
sa Maritime carriers
xx Maritime carriers
Vessels

Passports and visas (07, 19)
x Visas
xx Foreign relations
Travel

Patents
see Inventions and patents

Pay
see Wages

Penalties (12)
sa Seizures and forfeitures
x Fines and penalties

Pensions (11)
sa Railroad retirement
Social security
x Employee Retirement Income Security Act
xx Employee benefit plans
Retirement

Pesticides and pests (01, 06)
x Herbicides
Insecticides
Rodenticides
xx Agriculture
Chemicals
Environmental protection

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

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Petroleum (05)
- sa Fuel additives
  Gasoline
  Oil and gas exploration
  Oil and gas reserves
  Oil imports
  Petroleum allocation
  Petroleum price regulations
  Pipelines
- x Crude oil
  Oil
- xx Energy

Petroleum allocation (05)
- xx Petroleum

Petroleum price regulations (02, 05)
- xx Petroleum
  Wage and price controls

Pets (01)
- xx Animals

Photography
Physically handicapped
- see Handicapped

Physicians
- see Health professions

Pilots
- see Airmen

Pipeline safety (09, 19)
- xx Hazardous materials transportation
  Pipelines
  Safety

Pipelines (05, 19)
- sa Natural gas
  Pipeline safety
- xx Energy
  Natural gas
  Petroleum
  Transportation

Planned communities
- see New communities

Plants (agriculture) (01)
- xx Nursery stock

Plastic and plastic products (02)
Pneumoconiosis
- see Black lung benefits

Poison prevention (09)
- sa Lead poisoning
- x Toxic substances
- xx Hazardous materials
  Safety

Police
- see Law enforcement officers

Political activities (Government employees) (06)
- x Hatch Act
- xx Conflict of interests
  Elections
  Government employees

Political affiliation discrimination (12)
Political candidates (08)
- sa Campaign funds
- xx Elections

Political committees and parties (08)
- xx Elections

Pollution
- see Environmental protection

Population census
- see Census data

Population control
- see Family planning

Ports
- see Harbors

Postal Service (03)
- x Mail

Posters
- see Signs and symbols

Poultry and poultry products (01)
- xx Foods

Poverty
- see Community action programs
  Public assistance programs

Power resources
- see Energy

Practice and procedure
- see Administrative practice and procedure

Prescription drugs (09)
- xx Drugs

Presidential documents (08)
- sa Executive orders
  Proclamations

Presidential elections
- see Elections

Price controls
- see Wage and price controls

Price support programs (01)
- x Federal aid programs
- xx Agricultural commodities

Prisoners (12, 13)
Prisoners of war (13, 14)
Prisons (12)
- sa Federal Prison Industries
  Probation and parole

Privacy (08, 12)
- x Information
  Records
- xx Administrative practice and procedure

Private schools (04)
- xx Schools

Probation and parole (12)
- x Parole
- xx Prisons

Proclamations (08)
- xx Presidential documents

Procurement
- see Government procurement

Professional Standards Review Organizations (PSRO) (09)
- xx Medicaid
  Medicare

Prosthetic devices
- see Medical devices

Public assistance programs (18)
(Cash assistance programs under the Social Security Act)
- sa Aid to Families with Dependent Children
  Child welfare
  Medicaid
  Supplemental Security Income (SSI)
- x Poverty
  Welfare programs
- xx Aged
  Aid to Families with Dependent Children
  Blind
  Handicapped
  Medicaid
  Social security

Public buildings
- see Federal buildings and facilities

Public health (09)
- sa Immunization
  Quarantine
  Waste treatment and disposal
- x Sanitation
- xx Health

Public housing (10)
- sa Low and moderate income housing
  Rent subsidies
- xx Housing
  Low and moderate income housing

Public lands (15)
- sa Grazing lands
  Homesteads
  National forests
  National parks
  Public lands–classification
  Public lands–grants
  Public lands–mineral resources
  Public lands–rights-of-way
  Public lands–sales
  Public lands–withdrawal
  Reclamation
- x Land
- xx Natural resources

Public lands–classification (15)
- xx Public lands

Public lands–grants (15)
- xx Public lands

Public lands–mineral resources (15)
- xx Mineral resources
  Public lands

Public lands–rights-of-way (15)
- xx Rights-of-way
  Public lands

Public lands–sale (15)
- xx Land sales
  Public lands

Public lands–withdrawal (15)
- xx Public lands

Public utilities
- see Electric utilities
  Natural gas
  Utilities
  Water supply

Public works
- see Community facilities

Quarantine (09)
- xx Health
  Public health

Radiation protection (09)
- sa Radioactive materials
- x Nuclear safety
- xx Health
  Radioactive materials
  Safety

Radio (03)
- x Amateur radio service
  Broadcasting
  Citizens band radio service
- xx News media
  Telecommunications

Radioactive materials (09)
- sa Nuclear materials
  Radiation protection
- xx Hazardous materials
  Radiation protection

Railroad employees (13, 19)
- sa Railroad retirement
  Railroad unemployment insurance
- xx Railroads

Railroad retirement (11)
- xx Handicapped
  Pensions
  Railroad employees
  Railroads
  Retirement

Railroad safety (09, 19)
- xx Railroads
  Safety

Railroad unemployment insurance (11)
- xx Railroad employees
  Railroads
  Unemployment compensation

Railroads (19)
- sa Railroad employees
  Railroad retirement
  Railroad safety
  Railroad unemployment insurance
- x Rates and fares
  Shipping
- xx Common carriers
  Transportation

Range management (01)
- xx Agriculture

Rates and fares
- see Air rates and fares
  Communications common carriers
  Electric power rates
  Maritime carriers
  Motor carriers
  Natural gas
  Railroads

Rationing (05)
Reclamation (15)
- sa Mines
  Surface mining
- xx Environmental protection
  Natural resources
  Public lands

Recordings (03)
- xx Communications

Records
- see Archives and records
  Freedom of information
  Health records
  Privacy

Recreation (16)
- sa Fishing
  Hunting
  Recreation areas
- xx Natural resources

Recreation areas (16)
- sa National forests
  National parks
  National trails system
  Rivers
  Seashores
  Wilderness areas
- xx Recreation

Recycling (06)
- xx Waste treatment and disposal

Refugees (07, 13)
- sa Aliens
- xx Aliens

Religious discrimination (12)
- xx Civil rights

Relocation assistance (10)
- xx Business and industry
  Housing

Renal diseases
- see Kidney diseases

Rent subsidies (10)
- x Housing assistance payments
  Subsidies
- xx Low and moderate income housing
  Public housing

Repatriation
- see Citizenship and naturalization

Reporting requirements (08)
Research (17)
- sa Agricultural research
  Educational research
  Medical research
- x Human research subjects

Reserve forces
- see Armed forces reserves

Reservoirs (15)
- xx Water supply

Respiratory and pulmonary diseases
- see Lung diseases

Retirement (11)
- sa Pensions
  Railroad retirement
  Social security
- xx Labor

Revenue sharing (02, 08)
- x Finance
- xx Intergovernmental relations

Rights-of-way (12)
- sa Public lands–rights-of-way
- x Land

Rivers (16, 19)
- sa National wild and scenic rivers system
- xx Recreation areas
  Waterways

Roads
- see Highways and roads

Rockets
- see Aircraft

Rodenticides
- see Pesticides and pests

Rotorcraft
- see Aircraft

Royalties
- see Copyright
  Mineral royalties

Rubber and rubber products (02)
- sa Tires

Rugs
- see Carpets and rugs

Rural areas (01)
- xx Agriculture

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Safety (09)
sa Aviation safety
Consumer protection
Fire prevention
Hazardous materials
Highway safety
Marine safety
Mine safety and health
Motor vehicle safety
Occupational safety and health
Pipeline safety
Poison prevention
Radiation protection
Railroad safety
x Accidents
xx Health

Salaries
see Wages

Sanitation
see Public health
Waste treatment and disposal

Satellites (17)
sa Space transportation and exploration
xx Telecommunications

Savings and loan associations (02)
xx Banks, banking

Savings bonds
see Bonds

Scholarships and fellowships (04)
x Fellowships
xx Student aid

School breakfast and lunch programs (01, 04, 18)
xx Education
Food assistance programs

School construction (04)
xx Education
Schools

School integration
see Equal educational opportunity

Schools (04)
sa Colleges and universities
Educational facilities
Private schools
School construction
xx Education

Science and technology (17)
x Technology

Scientific equipment (17)
sa Lasers
Medical devices

Scientists (13, 17)

Seafood (01)
(Use for documents on fish as food. Use Fish for documents on conservation, etc., of fish as marine life)
sa Fish
Fisheries
xx Fish
Foods

Seals
see Marine mammals

Seals and insignia (08)
x Insignia

Seamen (13, 19)
x Merchant marine
xx Maritime carriers

Seaplanes
see Aircraft

Search warrants (12)

Seashores (16)
sa Coastal zone
x Beaches
National seashores
xx Coastal zones
Recreation areas

Secondary education
see Elementary and secondary education

Securities (02)
sa Bonds
Government securities
x Investment advisers
Stocks
xx Investments

Security information
see Classified information

Security measures (08)
sa Classified information

Segregation in education
see Equal educational opportunity

Seizures and forfeitures (12)
x Forfeitures
xx Penalties

Selective service system (14)
x Draft
xx Armed forces

Senior citizens
see Aged

Serums
see Biologics

Sewage disposal (06)
xx Waste treatment and disposal

Sex discrimination (12)
xx Civil rights
Women

Shipping
see Air carriers
Freight forwarders
Maritime carriers
Motor carriers
Railroads

Ships
see Vessels

Shoes
see Footwear

Signs and symbols (03)
x Posters
Symbols

Silver (02)
xx Currency
Metals

Sirup
see Sugar

Slum clearance
see Urban renewal

Small businesses (02)
sa Minority businesses
xx Business and industry

Smoking (09)
xx Cigars and cigarettes

Social security (11, 18)
sa Aid to Families with Dependent Children
Child welfare
Medicaid
Medicare
Old-age, Survivors and Disability Insurance
Public assistance programs
Supplemental Security Income (SSI)
Unemployment compensation
xx Pensions
Retirement

Soil conservation (01,15)
xx Natural resources

Solar energy (05)
xx Energy

Solid waste disposal
see Waste treatment and disposal

Space transportation and exploration (17, 19)
xx Satellites
Transportation

Spices and flavorings (01)
x Flavorings
xx Foods

Stamp taxes
see Excise taxes

State-Federal relations
see Intergovernmental relations

Statistics (08)
sa Census data
Economic statistics
Health statistics

Sterilization
see Family planning

Stockpiling
see Strategic and critical materials

Stocks
see Securities

Stockyards (01)
xx Meat and meat products

Strategic and critical materials (14)
x Stockpiling
xx National defense

Strip mining
see Surface mining

Student aid (04)
sa Scholarships and fellowships
xx Colleges and universities
Education

Students (04, 13)
xx Education

Subsidies
see Grant programs
Rent subsidies

Sudden Infant Death Syndrome (09)

Sugar (01)
x Sirup
Syrup
xx Foods

Sunshine Act (08)
x Government in the Sunshine Act Information
xx Administrative practice and procedure

Supplemental Security Income (SSI) (18)
(Assistance to aged, blind and handicapped)
xx Aged
Blind
Handicapped
Public assistance programs
Social Security

Surety bonds (02)
x Bonding
xx Insurance

Surface mining (15)
x Coal mines
Strip mining
xx Mines
Reclamation

Surplus agricultural commodities (01)
xx Agricultural commodities

Surplus Government property (08)
xx Government property

Swine
see Hogs

Symbols
see Signs and symbols

Syrup
see Sugar

Tank vessels
see Cargo vessels

Tariffs
see Customs duties and inspection

Tax treaties (02, 07)
xx Income taxes
Taxes
Treaties

Taxes (02)
sa Customs duties and inspection
Employment taxes
Estate taxes
Excise taxes
Gift taxes
Income taxes
Interest equalization tax
Tax treaties
xx Business and industry

Tea (01)
xx Beverages

Teachers (04, 13)
xx Education

Technical assistance (08)
x Federal aid programs

Technical education
see Vocational education

Technology
see Science and technology

Telecommunications (03)
sa Radio
Satellites
Telegraph
Telephone
Television
xx Communications

Telegraph (03)
xx Telecommunications

Telephone (03)
xx Telecommunications

Television (03)
sa Cable television
x Broadcasting
xx News media
Telecommunications

Textiles (02)
x Fabrics

Timber
see Forests and forest products

Time (08)

Tires
xx Rubber and rubber products

Tobacco (01)
sa Cigars and cigarettes

Toiletries
see Cosmetics

Tort claims (08, 12)
xx Claims

Tourist trade
see Travel

Toxic substances
see Hazardous materials
Poison prevention

Toxins
see Biologics

Toys

Trade adjustment assistance (02, 07)
(Aid to domestic industries or workers injured by competition from imported products)
x Adjustment assistance
xx Business and industry
Foreign trade
Imports

Trade agreements (02, 07)
xx Foreign trade
Treaties

Trade fairs
see Fairs and expositions

Trade names (02)
xx Business and industry

Trade practices (02)
xx Business and industry
Consumer protection

Trade unions
see Labor unions

Trademarks (02)
xx Business and industry

Traffic regulations (19)
x Off-road vehicles
xx Motor vehicles

Trails
see National trails system

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Training programs
see Manpower training programs

Transportation (19)
sa Air transportation
Bridges
Common carriers
Freight
Highways and roads
Intermodal transportation
Mass transportation
Noise control
Pipelines
Railroads
Space transportation and exploration
Vessels

Travel (19)
sa Passports and visas
Travel and transportation expenses
Travel restrictions
x Tourist trade

Travel and transportation expenses (19)
xx Travel

Travel restrictions (19)
xx Travel

Treaties (07)
sa Tax treaties
Trade agreements
x International agreements
xx Foreign relations

Trucks
see Motor carriers
Motor vehicles

Trusts and trustees (02)
x Finance
xx Banks, banking

Truth in lending (02)
xx Consumer protection
Credit

Tuberculosis (09)
xx Lung diseases

Tung nuts
see Oilseeds

Turpentine
see Forests and forest products

Underground mining (15)
x Coal mines
xx Mines

Unemployment
see Community development
Manpower training programs
Unemployment compensation

Unemployment compensation (11)
sa Railroad unemployment insurance
x Compensation
Unemployment
xx Insurance
Labor
Social security

Uniform Code of Military Justice
see Military law

Uniform System of Accounts (02, 08)
(Use for uniform financial reporting requirements for common carriers.)
xx Accounting

Unions
see Labor unions

United States investments abroad (02)
x Overseas private investments
xx Investments

Universities
see Colleges and universities

Upward Bound Program
see Education of disadvantaged

Uranium

Urban renewal (10)
sa Community development
Open Space Land Program
x Slum clearance
xx Community development

Utilities (02, 05, 15)
sa Electric utilities
Natural gas
Water supply
x Public utilities

Vaccines
see Biologics

Vegetable juices (01)
xx Beverages

Vegetables (01)
(The names of specific vegetables, e.g. Potatoes, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific vegetables*
xx Agricultural commodities
Foods

Venereal diseases (09)

Vessels (19)
sa Anchorage grounds
Cargo vessels
Fishing vessels
Marine safety
Maritime carriers
Navigation (water)
Nuclear vessels
Oceanographic vessels
Oil pollution
Passenger vessels
x Marine engineering
Ships
Water transportation
xx Marine safety
Maritime carriers
Transportation

Veterans (13)

Veterinarians (01, 13)
xx Health professions

Viruses
see Biologics

Visas
see Passports and visas

Vocational education (04)
(Use for vocational instruction within a school curriculum. Distinguish from manpower training programs for on-the-job training)
sa Manpower training programs
x Occupational training
Technical education
xx Education
Manpower training programs

Vocational rehabilitation (18)
(Training of the handicapped for employment)
xx Handicapped

Volunteers (13)

Voting rights (08, 12)
xx Civil rights
Elections

Wage and price controls (02, 11)
sa Petroleum price regulations
x Economics
Price controls
xx Wages

Wages (11)
sa Employee benefit plans
Minimum wages
Wage and price controls
x Compensation
Garnishment of wages
Hours of work
Overtime pay
Pay
Salaries
xx Labor

War claims (07, 12)
xx Claims
Foreign claims

War risk insurance (02)
xx Insurance

Warehouses (02)

Warranties (02)
x Guarantees
xx Business and industry

Waste treatment and disposal (06)
sa Recycling
Sewage disposal
x Sanitation
Solid waste disposal
xx Environmental protection
Public health
Water pollution control

Watches and jewelry
x Jewelry

Water bank program (15)
xx Water resources

Water carriers
see Maritime carriers

Water pollution control (06)
sa Oil pollution
Waste treatment and disposal
x Marine pollution
Ocean dumping
xx Environmental protection

Water resources (15)
sa Water bank program
Water supply
Watersheds
xx Natural resources

Water supply (15)
sa Dams
Irrigation
Reservoirs
x Drinking water
Public utilities
xx Utilities
Water resources

Water transportation
see Anchorage grounds
Harbors
Marine safety
Maritime carriers
Navigation (water)
Vessels
Waterways

Waterfowl
see Wildlife

Watersheds (15)
xx Water resources

Waterways (19)
sa Bridges
Harbors
Rivers
x Inland waters
Water transportation

Weapons
see Arms and munitions

Weather (17)

Weights and measures
see Measurement standards

Welfare programs
see Public assistance programs

Wetlands
see Coastal zone
Flood plains

Whales
see Marine mammals

Wilderness areas (16)
xx Recreation areas

Wildlife (15)
sa Endangered and threatened wildlife
Wildlife refuges
x Birds
Migratory birds
Waterfowl
xx Animals
Natural resources

Wildlife refuges (15)
x National Wildlife Refuge System
xx Wildlife

Wine (01)
xx Alcohol and alcoholic beverages

Wiretapping and electronic surveillance (12)
x Eavesdropping
Electronic surveillance
xx Law enforcement

Women (13)
sa Minority businesses
Sex discrimination

Wood
see Forests and forest products

Work Incentive Programs (WIN) (11)
xx Aid to Families with Dependent Children
Manpower training programs

Workers' compensation (11)
x Compensation
xx Handicapped
Insurance
Occupational safety and health

X-rays (17)

Youth (13)
sa Infants and children
Juvenile delinquency
xx Infants and children

Zoning (10)

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1

AGRICULTURE AND FOOD

Acreage allotments
Agricultural commodities
Agricultural research
Agriculture
Alcohol and alcoholic beverages
Animal diseases
Animal drugs
Animal feeds
Animal foods
Animals
Bakery products
Beer
Bees
Beverages
Butter
Cacao products
Candy
Cereals (food)
Chemicals
Cigars and cigarettes
Citrus fruits
Coffee
Color additives
Commodities exchanges
Commodity futures
Cottonseeds
Crop insurance
Dairy products
Dietary foods
Feed grains
Fertilizers
Food additives
Food assistance programs
Food grades and standards
Food labeling
Food stamps
Foods
Forests and forest products
Frozen foods
Fruit juices
Fruits
Grain sorghum
Grains
Hogs
Irrigation
Liquors
Livestock
Margarine
Marketing agreements
Marketing quotas
Meat and meat products
Meat inspection
Migrant labor
Milk
Milk marketing orders
Nursery stock
Nuts
Oils and fats
Oilseeds
Pesticides and pests
Pets
Plants (agriculture)
Poultry and poultry products
Price support programs
Range management
Rural areas
School breakfast and lunch programs
Seafood
Soil conservation
Spices and flavorings
Stockyards
Sugar
Surplus agricultural commodities
Tea
Tobacco
Vegetable juices
Vegetables
Veterinarians
Wine

2

COMMERCE

Accountants
Accounting
Advertising
Antidumping
Antitrust
Bankruptcy
Banks, banking
Bonds
Brokers
Business and industry
Clothing
Commodities exchanges
Commodity futures
Common carriers
Communications common carriers
Concessions
Consumer protection
Credit
Credit unions
Crime insurance
Crop insurance
Currency
Customs duties and inspection
Economic statistics
Electronic funds transfers
Employment taxes
Estate taxes
Estates
Excise taxes
Exports
Fairs and expositions
Federal home loan banks
Federal Reserve System
Flood insurance
Footwear
Foreign banking
Foreign currencies
Foreign investments in U.S.
Foreign trade
Foreign trade zones
Gift taxes
Glass and mirrors
Gold
Government securities
Health insurance
Holding companies
Household appliances
Imports
Income taxes
Indians–business and finance
Insurance
Insurance companies
Interest equalization tax
Investment companies
Investments
Labeling
Life insurance
Loan programs
Minority businesses
Mortgage insurance
Mortgages
National banks
National economic development
Oil imports
Packaging and containers
Petroleum price regulations
Plastic and plastic products
Revenue sharing
Rubber and rubber products
Savings and loan associations
Securities
Silver
Small businesses
Surety bonds
Tax treaties
Taxes
Textiles
Trade adjustment assistance
Trade agreements
Trade names
Trade practices
Trademarks
Trusts and trustees
Truth in lending
Uniform System of Accounts
United States investments abroad
Utilities
Wage and price controls
War risk insurance
Warehouses
Warranties

3

COMMUNICATIONS

Broadcasting facilities
Cable television
Communications
Communications common carriers
Communications equipment
Defense communications
Motion pictures
News media
Newspapers and magazines
Postal Service
Radio
Recordings
Signs and symbols
Telecommunications
Telegraph
Telephone
Television

4

EDUCATION

Adult education
Art
Arts and crafts
Bilingual education
Colleges and universities
Cultural exchange programs
Education
Education of disadvantaged
Education of handicapped
Educational facilities
Educational research
Educational study programs
Elementary and secondary education
Equal educational opportunity
Indians–arts and crafts
Indians–education
Libraries
Medical and dental schools
Military academies

Museums
Music
Private schools
Scholarships and fellowships
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education

5

ENERGY

Coal
Coal allocation
Coal conversion program
Electric power
Electric power plants
Electric power rates
Electric utilities
Energy
Energy conservation
Fuel additives
Gasohol
Gasoline
Geothermal energy
Natural gas
Nuclear energy
Nuclear materials
Nuclear power plants and reactors
Oil and gas exploration
Oil and gas reserves
Oil imports
Petroleum
Petroleum allocation
Petroleum price regulations
Pipelines
Rationing
Solar energy
Utilities

6

ENVIRONMENTAL PROTECTION

Air pollution control
Environmental impact statements
Environmental protection
Motor vehicle pollution
Noise control
Oil pollution
Pesticides and pests
Recycling
Sewage disposal
Waste treatment and disposal
Water pollution control

7

FOREIGN RELATIONS

Alien property
Aliens
Antidumping
Arms control
Boycotts
Citizenship and naturalization
Communist countries
Cultural exchange programs
Customs duties and inspection
Exports
Fairs and expositions
Foreign aid
Foreign claims
Foreign officials
Foreign relations
Foreign Service
Foreign trade
Foreign trade zones
Immigration
Imports
International boundaries
International organizations
Oil imports
Passports and visas
Refugees
Tax treaties
Trade adjustment assistance
Trade agreements
Treaties
War claims

8

GOVERNMENT

Accounting
Administrative practice and procedure
Advisory committees
American Revolution Bicentennial
Archives and records
Authority delegations (Government agencies)
Campaign funds
Census data
Conflict of interests
Decorations, medals, awards
Disaster assistance
Elections
Emergency powers
Executive orders
Federal buildings and facilities
Federally affected areas
Flags
Flood assistance
Freedom of information
Government contracts
Government employees
Government procurement
Government property
Government property management
Government securities
Grant programs
Grants administration
Holidays
Indemnity payments
Intergovernmental relations
Investigations
Loan programs
Organization and functions (Government agencies)
Political activities (Government employees)
Political candidates
Political committees and parties
Presidential documents
Privacy
Proclamations
Reporting requirements
Revenue sharing
Seals and insignia
Security measures
Statistics
Sunshine Act
Surplus government property
Technical assistance
Time
Tort claims
Uniform System of Accounts
Voting rights

9

HEALTH AND SAFETY

Alcoholism
Animal diseases
Animal drugs
Antibiotics
Aviation safety
Biologics
Black lung benefits
Blind
Blood
Blood diseases
Cancer
Chemicals
Color additives
Communicable diseases
Cosmetics
Dental health
Drug abuse
Drugs
Emergency medical services
Explosives
Family planning
Fire prevention
Flammable materials
Fluoridation
Genetic diseases
Handicapped
Hazardous materials
Health
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health planning
Health professions
Health records
Health statistics
Heart diseases
Highway safety
Hospitals
Immunization
Influenza
Kidney diseases
Lead poisoning
Leprosy
Lung diseases
Marine safety
Maternal and child health
Medicaid
Medical and dental schools
Medical devices
Medical research
Medicare
Mental health centers
Mental health programs
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Infants and children
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Lawyers
Longshoremen
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Miners
Nonprofit organizations
Prisoners
Prisoners of war
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Youth

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Armed forces reserves
Arms and munitions
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Maritime carriers
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Motor vehicle safety
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Travel and transportation expenses
Travel restrictions
Vessels
Waterways

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federal register

Tuesday
February 17, 1981

Part III

Department of Energy

Proposed Amendments to the DOE Procurement Regulations

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DEPARTMENT OF ENERGY

41 CFR Part 9

Proposed Amendments to the DOE Procurement Regulations

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The proposed rule adds incentive clauses for fixed-price incentive, cost-plus-incentive fee and cost-plus-award fee contracts; adds a new subpart, Multiple Awards—Phased Procurements; reduces the level at which waivers of audit of proposals which exceed the stipulated thresholds may be granted; deletes the requirement for approval by the Senior Procurement Official, Headquarters in order to use FPR Clause 1–3.802–1; deletes references to the renegotiation board; describes circumstances under which Contractor Procurement System Reviews of a subcontractor are to be conducted; lowers the level at which findings and recommendations of the Contractor Procurement System Review Team are reviewed and adds a requirement that the plan for surveillance of the contractors approved procurement system must provide for review of a representative sample of the largest and most-complex subcontracts being issued each year; permits authorization of selected contractors to determine specific items non-availability from domestic sources in their application of the Buy American Act procedures. Other minor changes are also made.

DATE: Comments must be received on or before March 19, 1981 to be considered.

ADDRESS: Comments should be addressed to the Department of Energy, Procurement Policy Branch (PR–211), Mail Stop 1J–009, Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Langston, Procurement Policy Branch (PR–211), Policy and Procedures Division, Procurement and Assistance Management Directorate, Department of Energy, Mail Stop 1J–009, Forrestal Building, Washington, D.C. 20585, Telephone 202/252–8188, G. L. Allen, Procurement Policy Pricing Branch (PR–222) for award incentive fee only or Mr. Barclay Van Doren, AGC for Procurement Office of General Counsel, Department of Energy, Washington, D.C 20585, Telephone 202/252–6902.

SUPPLEMENTARY INFORMATION:

I. Background
II. Statutory and Regulatory Requirements
III. Public Comments

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as the Act) (Pub. L. 95–91, 91 Stat. 565, 41 U.S.C. 7254), the Secretary for the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him. Accordingly, the Department of Energy Procurement Regulations (DOE–PR) were promulgated with an effective date of June 30, 1979 (see 44 FR 34434).

II. Statutory and Regulatory Requirements

Pursuant to Section 501 of the Act (42 U.S.C. 7191) relating to the opportunity for oral presentations on proposed regulations, the Department has determined that no substantial issue of fact of law exists and that this proposed amendment is unlikely to have a substantial impact on the Nation's economy, or large numbers of individuals or businesses. Accordingly, public hearings relating to this DOE–PR regulation will not be held. However, all written comments received by the Department in response to this proposed amendment will be carefully assessed and fully considered in the formulation of the final rule.

Note.—The Department has determined that the regulation will not affect the quality of the environment and that the requirements of section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, do not apply.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE–PR amendments set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with a designation "Proposed Amendments—Department of Energy Procurement Regulations." All written comments received will be carefully assessed and fully considered prior to publication of the amendment as a final regulation.

Dated: January 28, 1981.

For the Department of Energy.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

(Sec. 633 of the Department of Energy Organization Act (Public Law 95–91, 42 U.S.C. 7254))

It is proposed to amend 41 CFR Chapter 9 as follows:

PART 9—REGULATION SYSTEM

§ 9–1.051–1 [Amended]

By revising paragraph (c) of 9–1.051–1 to read as follows:

* * * * *

(c) "Acquisition Letters—to provide guidance to DOE personnel or internal procedures which are not suitable for publication in this regulation."

By revising § 9–1.051–4 to read as follows:

§ 9–1.051–4 [Amended]

Acquisition Letters (AL).

"(a) In accordance with the authority in Section 9–1.051–1 above, the Senior Procurement Official, Headquarters, or designee, may issue Acquisition Letters from time to time. They will remain in effect until cancelled.

"(b) Acquisition Letters will be identified by the prefix letters 'AL' followed by the last two digits of the calendar year in which issued and will be numbered consecutively. For example, the control number of the first letter issued in calendar year 1979 will be AL 79–1. When appropriate, the applicable subpart of the DOE–PR will be identified in the subject line."

§ 9–1.1003 [Amended]

By amending § 9–1.1003 by adding "(a)" at the beginning of the first paragraph and by adding the following paragraph:

"(b) The file shall contain a reference to the applicable exceptions of FPR 1–1.1003–2(a)(1)–(10) when a proposed procurement is not synopsized pursuant to one of the FPR exceptions."

§ 9–1.1203–2 [Amended]

By adding the following as the first sentence in paragraph (d) of 9–1.1203–2:

* * * * *

(d) "Have adequate financial resources."

§ 9–1.5406–2 [Amended]

In paragraph (b) by amending the clause title to read "Organizational Conflicts of Interest—Special Clause."

By amending paragraph (d) of the clause by setting forth the entire text following the heading "Subcontracts" as subparagraph (1) and by adding the following as a new subparagraph (2):

(d) * * *

"(2) The contractor shall obtain for the Department a disclosure statement or representation, in accordance with DOE regulations in effect at the time, from each intended subcontractor or consultant and shall not enter into any subcontract nor engage any consultant unless the Contracting Officer shall have first notified the contractor that any organizational conflicts of interest requirements applicable to the subcontractor or consultant have been met. The requirements of this paragraph (d)(2) shall not apply to subcontracts which are solely for the furnishing of maintenance or supplies."

§ 9–1.5409 [Amended]

By amending 9–1.5409(a) by adding the following sentence immediately after the second sentence: "When formal source evaluation board procedures are applicable, the finding shall be made by the Source Selection Official."

PART 9–3—PROCUREMENT OF NEGOTIATION

§ 9–3.405 [Amended]

By amending § 9–3.405–50 to add the following additional paragraph (h):

* * * * *

"(h) Contract coverage and provisions."

(1) The required FPR and DOE–PR cost reimbursement clauses set forth in Section 9–7.2 and Section 7–7.3 are required for Award Fee Contracts. Modifications however should be made in the Allowable Cost, Fee and Payment clause, the Limitations of Funds clause and Changes clause as follows:

(i) The words "base fee and award fee" should be substituted for the term "fixed-fee" where it appears in paragraph (a) of the clause entitled Changes. (FPR 1–7.202–2).

(ii) The words "base fee and award fee" should be substituted for the word "fee" in paragraph (g) of the clause entitled "Limitation of Funds." (FPR 1–9.202–3(b)) and "Limitation of Costs" (FPR 1–9.20202(a)).

(iii) The term "base fee" should be substituted for the term "fixed fee" or "fee" wherever they appear in the clause entitled "Allowable Cost, Fee, and Payment," except in (a)(2) which should be changed to read "such base fee, if any, and such additional fee as may be awarded as provided for in the schedule." (FPR 1–7.202–4, as modified by DOE–PR 9–7.202–4).

(2) In addition to the changes in the general provisions as required in paragraph (1) above, the ARTICLES shown below should be included in the schedule of award fee contracts. Modifications to these provisions may be made to meet individual situations and any ARTICLE or specific requirement therein should be deleted when it is not applicable to a given contract. If substantial changes are believed appropriate, consultation with the Office of Procurement Policy—DOE Headquarters, is advisable.

ARTICLE —ESTIMATED COST, BASE FEE, AND AWARD FEE

The estimated cost of this contract is $ A base fee of $ is payable in accordance with the ARTICLE entitled "Payment of Base and Award Fee". In addition a maximum Award Fee of $ is available for payment in accordance with the ARTICLE entitled "Payment of Base and Award Fee".

ARTICLE —PAYMENT OF BASE AND AWARD

Base Fee. The government will make payment of the base fee in —— increments. The amount payable shall be based on the progress (percentage of completion of the Statement of Work) as determined by the Contracting Officer and shall be subject to any withholdings as may be provided for elsewhere in this contract.

Award Fee. The government will promptly make payment of any Award Fee upon the submission, by the contractor to the contracting officer or his authorized representative, of a public voucher or invoice in the amount of the total fee earned for the period evaluated. Payment shall be made without the need for a contract modification.

ARTICLE —DETERMINATION OF AWARD FEE EARNED

A. The government shall at the conclusion of each specified evaluation period(s) evaluate the contractor's performance for a determination of award fee earned. The contractor agrees that the determination as to the amount of award fee earned will be made by the government Fee Determination Official (FDO) and such determination concerning the amount of award fee earned are binding on both parties and shall not be subject to appeal under the "Disputes" clause or to any other appeal clause.

B. It is agreed that the evaluation of contractor performance shall be in accordance with the Performance Evaluation Plan referenced in the ARTICLE entitled "Performance Evaluation Plan" and that the contractor shall be promptly advised in writing of the determination, and the reasons why or why it was not earned. It is further agreed that the contractor may submit a self-evaluation of performance for each period under consideration. While it is recognized that the basis for determination of the fee shall be the evaluation by the government, any self-evaluation which is received within —— days after the end of the period being evaluated, may be given such consideration, if any, as the FDO shall find appropriate.

C. The FDO may, in his sole discretion, specify in any fee determination that fee not earned during the period evaluated may be accumulated and be available for allocation and/or award in future evaluation periods. When such a determination is made the Article entitled "Distribution of Award" fee shall be adjusted to reflect such allocations.

ARTICLE —PERFORMANCE EVALUATION PLAN

A. A contractor Performance Evaluation Plan upon which the determination of award fee shall be based, including the criteria to be considered under each area evaluated and the percentage of award fee, if any, available for each area, will be unilaterally established by the government. A copy of the plan shall be provided to the contractors calendar days prior to the start of the first evaluation period.

B. The Performance Evaluation Plan shall set forth the criteria upon which the contractor will be evaluated for performance relating to any (1) Technical, (2) Management, and (3) Cost Functions selected for evaluation.

C. The Performance Evaluation Plan may, consistent with the contract, be revised unilaterally by the government at any time during the period of performance. Notification of such changes shall be, provided to the contractor calendar days prior to the start of the evaluation period to which the change will apply.

ARTICLE —DISTRIBUTION OF AWARD FEE

A. The total amount of award fee available under this contract is assigned to the following evaluation periods in the following amounts:

Evaluation Period and Available Award Fee

B. In the event of contract termination, either in whole or part, the amount of award fee available shall represent a pro rata distribution associated with evaluation period activities or events as determined by the Fee Determination Official.

§ 9–3.605–3 [Amended]

By amending 9–3.605–3 by removing the title and contents of this section and substituting the following title: "Standard Form 147, Order for Supplies or Services" and the following text: "Standard Form 147 shall be used for purchases or delivery orders in accordance with FPR 1–2.605–2."

§ 9–3.805–1 [Amended]

By removing the entire text of 9–3.805–1 and substituting the following therefore:

(a) The process by which one offer is selected from among all competing offers for negotiation and award of a contract generally starts with a request for proposals (RFP). The RFP describes the requirement to be satisfied by the procurement, usually provides a model contract instrument, and sets forth the technical, business and management, and cost evaluation criteria for the selection. The RFP should list the criteria in descending order of importance and state their relative importance. Where considered beneficial, a preproposal conference may be held after issuance of the RFP so that potential offerors may gain a clearer understanding of the requirements and objectives of the procurement. FPR 1–1.12 and Section 9–1.12 prescribe policies concerning the responsibility of prospective contractors.

(b) After proposals have been received and evaluated in accordance with criteria in the RFP, written and/or

oral discussions shall be conducted with all offerors in the competitive range, except as provided in FPR 1-3.805-1(a). A proposal is in the competitive range unless there is no real possibility that it may be improved as a result of discussions to the point where it becomes the most acceptable. The initial number of proposals considered as within the competitive range may be reduced whenever, as a result of written and/or oral discussions, any such proposal is determined to no longer have a reasonable chance of being selected for award.

(c) Discussions shall be conducted and revised proposals obtained following the procedure best suited to the procurement considering the items or services to be procured, the type of contract, selection criteria, and other pertinent factors. The procedure utilizing full discussions and best and final offers leads to selection from proposals which are in the form of fully negotiated and definitized contractual instruments executed by the offerors. The procedure utilizing limited discussions and selection for negotiation leads to provisional selection for award from proposals revised after discussions. Negotiations leading to a definitive contract are conducted only with the selected offeror(s) and selection remains provisional until contract negotiations have been successfully concluded.

(1) Except as provided in paragraphs (c) (2) and (3), the Contracting Officer shall hold discussions and negotiate definitive contracts with all offerors in the competitive range. The Contracting Officer shall, during discussions and negotiations, point out to each offeror within the competitive range any material ambiguities or uncertainties in his proposal, minimum requirements not satisfied by his proposal, and general aspects of his proposal which were evaluated as containing weaknesses in relation to the Government's requirements. At the conclusion of discussions and negotiations the Contracting Officer shall notify all offerors remaining in the competitive range of the common cut-off date which allows a reasonable opportunity for the submission of best and final offers in the form of fully definitized contract documents executed by the offerors. While it is within the discretion of the Contracting Officer to reopen discussions (with all firms remaining in the competitive range) as a result of best and final offers which deviate from the negotiated contracts, DOE is under no obligation to reopen discussions and shall do so only when it is in the best interests of the Government.

Discussions between DOE and an offeror solely to determine whether or not an offeror has an organizational conflict of interest are discussions limited to matters of responsibility and do not require reopening of discussions with other offerors.

(2) In procurements of research, development, and demonstration which do not request cost participation by offerors, discussions with offerors in the competitive range normally are limited. These discussions are intended to assist evaluators in understanding fully the proposals and their strengths and weaknesses and in evaluating the qualifications of personnel proposed by each offeror and to assure the meanings and points of emphasis of RFP provisions have been adequately conveyed to the offerors so that all are competing equally on the basis intended by the Government. In order to maintain the integrity of each offeror's proposal, to avoid technical leveling, and to encourage higher quality initial proposals, discussions should be avoided conveying to offerors the strengths and weaknesses of proposals. The Contracting Officer shall give each offeror a reasonable opportunity after the conclusion of discussions to support, clarify, correct, improve, or revise its proposal up to a common cut-off date.

(3) Notwithstanding 9-3.805-1(c) (1) and (2), the source selection official may select the procedure for discussion and proposal revision most appropriate for a particular procurement. In general, however, the selection for negotiation procedures are suitable only for those procurements where technical solutions are of major importance and ready agreement is anticipated on the provisions of the solicitation's draft contract. Selection for negotiation procedures should not be employed when negotiations over contract terms and conditions are likely to be other than pro forma since post-selection contract negotiations may not alter any aspect of the proposal which could have had an effect upon the selection process. (Post-selection negotiations may alter a proposal in accordance with a selection decision provided the estimated impact of such alterations on cost or price is considered by the Source Selection Official.) The Source Selection Official may, at any time, change from one procedure to the other in the best interest of the Government. Such a change after receipt of best and final offers or final revised proposals constitutes a reopening of discussion and proposal revision procedure will be employed and, in the event of a change in procedure, shall be amended.

(4) Government representatives shall avoid the transmission of information which could give leads to an offeror as to the specific means of improving its technical proposal which could reveal another offeror's concepts or ideas, or from which an offeror could deduce its relative competitive standing.

"Auctioning techniques" shall not be employed; an example would be indicating to an offeror a price which must be met to obtain further consideration, or informing an offeror that his price is not low in relation to another offeror. It is, however, permissible to inform an offeror that its price is considered by the Government to be too high."

§ 9-3.805-51(d)(2)(ii) [Amended]

By amending 9-3.805-51(d)(2)(ii) by adding the following immediately after the word "authority": "or which exceed $5,000,000".

§ 9-3.809 [Amended]

By amending 9-3.809(b)(1)(i) by removing the following immediately after the word "waived": "only by the Head of the Procuring Activity or designee of the Senior Procurement Official, Headquarters and then only whenever" and by substituting therefore "at a level above the Contracting Officer when".

§ 9-4.909(g) [Amended]

By amending 9-4.909(g) by adding the following as the last sentence:

* * * * *

"Justification for acceptance of unsolicited proposals specifically assigned to a field office which exceeds the dollar limit of the Head of the Procuring Activity's (HPA) contracting authority or $5,000,000, whichever is less, shall be submitted with HPA recommendations to the cognizant Headquarters program office for approval as if it were initiated at Headquarters."

PART 9-4 SPECIAL TYPES AND METHODS OF PROCUREMENTS

Subpart 9-4.50—[Amended]

By amending the Table of Contents for 9-4.50 by removing the word "Reserved" and substituting the following therefore: "Multiple Awards—Phased Procurements" and listing the following thereunder:

9-4.5000 Scope of subpart.
9-4.5001 RFP provisions.
9-4.5002 Evaluation.

By amending 9-4.50 by removing the word "Reserved" immediately following Subpart 9-4.50 and adding the following

Subpart heading and §§ 9-4.5000—9-4.5002.

Subpart 9-4.50—Multiple Awards-Phased Procurements

§ 9-4.5000 Scope of subpart.

Some projects lend themselves to the use of multiple phase parallel contracts. The basic decision in regard to the use of multiple awards for phased procurements will be made by the program office based on technical, schedule, and cost considerations. In the first phase, more than one contractor may undertake the design portion. For the second and succeeding phases, one or more contractor may then be selected to fabricate components or construct and operate a demonstration plant. Because there is an important selection decision to be made at the end of Phase I, explicit evaluation and selection procedures are necessary.

§ 9-4.5001 RFP provisions.

Where multiple awards for phased procurements are contemplated, requests for proposals (RFPs) for the initial phase should include:

(a) Notice that the initial negotiated contract will be for Phase I only; however, the Government reserves the right to require, through exercise of appropriate options, proposal for additional phases of the project as defined in the option provisions of the RFP.

(b) If appropriate, notice that competition on subsequent phases will be restricted to the Phase I contractor(s).

(c) Evaluation and qualification criteria should not ordinarily be restricted to Phase I consideration, but rather should be designed to assure that selected offerors have the requisite technical, management and financial capacity, and the motivation, to compete for and perform all phases.

(d) A requirement that each contractor submit a proposal to perform subsequent phases. Instructions for proposal submission and the evaluation criteria to be used in the selection of contractor(s) for subsequent phases will be provided to the Phase I contractors, by letter(s), as early as possible and at least 90 days prior to the date for submission of proposals.

(e) A requirement for each Phase I, or subsequent phase, contractor to submit a comprehensive report covering actual and projected accomplishments under the present phase. This information will be used in addition to the proposal and the Government's assessment of contractor performance in the evaluation and selection process for subsequent phases. The report should, as a minimum, address the technical, schedule, and cost aspects of the phase of work now under contract.

§ 9-4.5002 Evaluation.

(a) The contracting officer or other source selection official as appropriate, shall establish an evaluation team promptly after the selection has been made for Phase I. The evaluation team shall consist of a chairman from the program office and representatives of procurement and other DOE programmatic or functional areas as appropriate. Counsel will be included as a non-voting member of the evaluation team.

(b) The evaluation team will develop the evaluation criteria and proposal instructions to be furnished to the contractors. The purpose of the evaluation is to select that or those companies which best satisfies the DOE requirements for successful completion of the project. The evaluation shall consider such factors as technical, price, programmatic and other requirements. The evaluation process shall be accomplished in an impartial, equitable, comprehensive, and timely fashion to assure the selection of one or more organizations, which offer the best possibility for performance, cost and other factors considered. It is contemplated that the initial phase of multiphase parallel contacts awarded under these procedures will be performed in the same timeframe so that a single competitive evaluation and selection can be accomplished at one point in time. Accordingly, the contracts should contains provisions permitting the Government to synchronize contractor phase I performances through acceleration or deceleration, as is appropriate, to achieve simultaneous completion of the Phase I activities by all firms under consideration. A thorough and detailed evaluation shall be completed so as to provide the basis on which the best selection can be made."

§ 9-4.5107-1(a) [Amended]

By amending 9-4.5107-1(a) by removing the following: ", generally an annual period; the initial support ceiling will be the amount of DOE support made available in connection with the initial contract period." and substituting therefore: ". The initial contract period should be established based upon the estimated period of performance to accomplish the proposed research effort, but in no event shall the initial contract period of performance exceed 5 years. When the initial contract period is in excess of 1 year and the contract is not fully funded, the initial funding ceiling will be the amount of DOE funding made available for the first year of performance with adjustments to the Government ceiling and additional period or periods of funding made subject to the availability of funds."

§ 9-4.5108-2(e) [Amended]

By amending 9-4.5108-2(e) by removing "Article B-II" and substituing therefore "Article B-IX".

Subpart 9-4.57—Program Opportunity Notices for Commercial Demonstrations

§ 9-4.5702 [Amended]

By amending the second sentence of 9-4.5702-6 by removing the following: "from the Senior Procurement Official, Headquarters." and substituting therefore: "at a level above the Contracting Officer."

§ 9-4.5906 Third party contracts.

By adding a new § 9-4.5906 as follows: Arrangements between DOE and non-Government organizations for jointly sharing the cost of projects performed by third party contractors should provide that each party to the cost sharing agreement will pay his share of invoiced cost directly to the performing contractor.

PART 9-7—CONTRACT CLAUSES

Part 9-7 Table of Contents [Amended]

By amending the Table of Contents for 9-7.

(1) By adding the following:

9-7.102-56 Incentive price revision (firm target).
9-7.102-59 Incentive price revision (firm target).

(2) By revoking and reserving the reference to "Renegotiation" wherever it appears in the Table of Contents.

§ 9-7.102-51, 9-7.202-51, 9-7.303-51, 9-9.402-51, 9-7.602-52, 9-7.703-51 and 9-7.802-51 [Amended]

By revoking and reserving "9-7.102-51 Renegotiation" and doing likewise to 9-7.202-51, 9-7.303-51, 9-9.402-51, 9-7.602-52, 9-7.703-51 and 9-7.802-51.

§ 9-7.102-56 Incentive Price Revision Clause—Firm Target.

By adding a new Section 9-7.102-56 to read as follows:

When a fixed-price incentive contract described in FPR 1-3.404-4(a)(2) is used, the following clause shall be made a part of the contract. As to each item which is subject to incentive price revision, the contract schedule shall set forth the target cost, target profit, and target price.

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INCENTIVE PRICE REVISION (FIRM TARGET)

(a) General. The supplies or services identified in the Schedule as items ——— are subject to price revision in accordance with the provisions of this clause; provided, that in no event shall the total final price of such items exceed dollars ($). Any supplies or services which are to be ordered separately under, or otherwise added to, this contract and which are to be subject to price revision in accordance with the provisions of this clause, shall be identified as such in a modification to this contract.

(b) Definition of Cost. For the purpose of this clause, "cost" or "costs" means allowable costs in accordance with Part 1–15.2 (41 CFR 1–15.2) of the Federal Procurement Regulations, as supplemented or modified by DOE–PR 9–15.2 (41 CFR 15.2), in effect on the date of this contract.

(c) Submission of Data. Within ( ) days after the end of the month in which the Contractor has delivered the last unit of supplies and completed the services called for by those items referred to in paragraph (a) above, the Contractor shall submit, on Optional Form 60 or such other form as the Contracting Officer may require, (1) a detailed statement of all actual cost incurred up to the end of that month in performing all work under such items, (2) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work with respect to such items, and (3) a list of all residual inventory and an estimate of the value thereof (the Contracting Officer will determine whether to reduce the final negotiated cost by the value of the residual inventory or whether the Government will take title to the residual inventory with no reduction to the final negotiated cost for the value of the residual inventory).

(d) Price Revision Upon submission of the data required by paragraph (c) above, the Contractor and Contracting Officer shall promptly establish the total final price in accordance with the following:

(1) On the basis of the information required by paragraph (c) above, together with any other pertinent information, there shall be established by negotiation the total final cost incurred or to be incurred for the supplies delivered (or services performed) and accepted by the Government, which are subject to price revision under this clause.

(2) The total final price shall be established by adjusting the total final negotiated cost by an amount for profit or loss determined as follows:

When the total final negotiated cost is	The adjustment for profit or loss is
Equal to the total target cost	Total target profit.
Greater than the total target cost.	Total target profit less (%) of the amount by which the total final negotiated cost exceeds the total target cost.
Less than the total target cost.	Total target profit plus (%) of the amount by which the total final negotiated cost is less than the total target cost.

(3) The total final price of the item(s) referred to in paragraph (a) above shall be evidenced by a modification to this contract signed by the Contractor and the Contracting Officer. Such price shall not be subject to revision notwithstanding any changes in the cost of performing the contract, with the following exceptions:

(i) insofar as the parties may agree in writing, prior to the determination of the total final price, (A) to exclude any specific elements of cost from the total final price and (B) to adopt a procedure covering subsequent disposition of such elements; and

(ii) to the extent any adjustment or credit is expressly permitted or required by this or any other clause of this contract.

(e) Subcontracts. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) Adjustment of Payments. Pending execution of the contract modification referred to in subparagraph (d)(3) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the target prices set forth in this contract; provided, that if at any time it appears that the then current billing prices will be substantially greater than the estimated final price in light of information provided by the Contractor in accordance with provisions of subparagraph (g)(2) below, a reduction in the billing prices shall be negotiated. Similarly, the parties may negotiate an increase in billing prices by any or all of the difference between the target price and the ceiling price upon submission of factual data from the Contractor showing that final cost under this contract will be substantially greater than target cost. Any adjustment of billing prices shall be reflected in a modification to this contract, and shall not affect the determination of the total final price under paragraph (d) above. After execution of the contract modification referred to in subparagraph (d)(3) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the total final price and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(g) Limitations on Payments.

(1) This paragraph (g) shall not apply after final price revision.

(2) Within forty-five (45) days after the end of each quarter of the Contractor's fiscal year, beginning with the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each subsequent quarter the Contractor shall submit to the Contracting Officer a cumulative statement setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total cost (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total target profit which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which prices have not been established, increased or decreased in accordance with the incentive profit formula set forth in (d)(2) above when the amount of cost stated under (ii) above differs from the aggregate target cost of such supplies or services; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amount applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payment, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the "Progress Payments" clause of this contract, instead of direct refund thereof.

(4) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of this paragraph (g), including this subparagraph (4), modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) relating to tax credits, and (ii) include in each cost-reimbursement subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of this paragraph (g), including this subparagraph (4) modified as provided in (i) above.

(h) Disagreements. If the Contractor and the Contracting Officer fail to agree upon the total final price within 60 days after the date on which the data required by (c) above are to be submitted, or within such further time as may be specified by the Contracting Officer, such failure to agree shall be deemed to be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract and the Contracting Officer shall promptly issue a decision thereunder.

(i) Termination. If this contract is terminated prior to establishment of the total price, prices of supplies or services subject to price revision under this clause shall be established pursuant to this clause for (1) completed supplies accepted by the Government, and services performed and accepted by the Government, and (2) in the event of a partial termination, supplies and services which are not terminated. The termination shall be otherwise accomplished pursuant to other applicable provisions of this contract.

(j) Equitable Adjustment Under Other Clauses. If an equitable adjustment in contract price is made under any other clause of this contract before the total final price is established, the adjustment shall be made in the total target cost and may be made in the maximum dollar limit on the total final price, the total target profit or both. If such an adjustment is made after the total final price is established, adjustment shall be made only in the total final price.

(k) Exclusion from Target Price and Total Final Price. Whenever any clause of this contract provides that the contract price does not or will not include an amount for a specific purpose, such provision shall mean that neither any target price nor the total final price includes or will include any amount for such purpose.

(l) Separate Reimbursement. The cost of performance of an obligation that any clause of this contract expressly provides is at Government expense shall not be included in any target price or in the total final price, but shall be reimbursed separately.

(m) Taxes. As used in the "Federal, State, and Local Taxes" clause of this contract or any other clause of this contract that provides for certain taxes or duties to be included in, or excluded from, the contract price, the term "contract price" includes the total target price, or if it has been established, the total final price. When a provision in such clause or clauses requires that the contract price be increased or decreased as a result of changes in the obligation of the Contractor to pay or bear the burden of certain taxes or duties, such increase or decrease shall be made in the total target price or, if it has been established in the total final price, so as not to affect the contractor's profit or loss on this contract.

§ 9–7.103–3 [Amended]

By removing the following from paragraph (e) of 9–7.103–3: Substitute the words "unless the DOE authorizes their prior disposition" for the words "or such lesser time specified in either Appendix M of the Defense Acquisition Regulation or the Federal Procurement Regulations Part 1–20, as appropriate" in paragraphs (b) and (c).

§ 9–7.103–53 [Amended]

By removing in paragraph (f) of 9–7.103–53 "Executive Order 11652" and substituting therefore: "Executive Order 12065".

§ 9–7.104–50 [Amended]

By amending the clause in 9–7.104–50 entitled "Priorities, Allocations, and Allotments" by removing the words: "Domestic and International Business Administrations" and substituting therefore "Industry and Trade Administration."

§ 9–7.202–4 [Amended]

By removing the entire text of 9–7.202–4 and substituting the following therefore:

"Insert the clause set forth in FPR 1–7.202–4 modified to add "As supplemented or modified by CFR 9–15.2 (41 CFR 9–15.2)," after the reference (41 CFR 1–15.2) in paragraph (a)(1)(i), in all cost reimbursement type supply contracts which provide for the payment of a fixed fee.

Insert the clause set forth below in all cost reimbursement type supply contracts which provide for an incentive fee arrangement. When an incentive contract contains an "indemnification" clause in accordance with 9–10.50, an item (vi) which reads "any claim, loss, or damage resulting from a risk defined in the contract as unusually hazardous or as a nuclear risk, against which the Government has expressly agreed to indemnify the Contractor," should be added to paragraph (j).

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT

(a) Allowable Cost and Fee.

(1) For the performance of this contract, the Government shall pay to the Contractor:

(i) the cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(A) Subpart 1–15.2 of the Federal Procurement Regulations (41 CFR 1–15.2), as supplemented or modified by DOE–PR 9–15.2 (41 CFR 9–15.2), in effect on the date of contract; and

(B) the terms of this contract; and

(ii) a fee determined as provided in this contract.

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the terms:

(i) "target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "target fee" means the fee which was initially negotiated, on the assumption that this contract would be performed for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (i) below.

(b) Payments. Payments shall be made to the Contractor when requested as work progresses, but not more frequently than biweekly, in amounts approved by the Contracting Officer. The Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost for the performance of this contract and claimed to constitute allowable cost. For this purpose, except as provided herein with respect to pension contributions, the term "cost" shall include only those recorded costs which result, at the time of the request for reimbursement, from payment by cash, check, or other form of actual payment for items of services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct in-house costs, and for properly allocable and allowable indirect costs, as shown by records maintained by the

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Contractor for purposes of obtaining reimbursement under government contracts, plus the amount of program payments which have been paid to Contractor's subcontractors under similar cost standards. In addition, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefore shall be excluded from indirect costs for payment purposes until such cost are paid. If pension contributions are paid on the quarterly or more frequent basis, accruals therefore may be included in indirect costs for payment purposes provide that they are paid to the fund within thirty (30) days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect costs for payment purposes until payment has been made. The restriction on payment more frequently than biweekly and the requirements of prior payment for items or services purchased directly for the contract shall not apply where the Contractor is a small business concern.

(c) Amounts Withheld. Promptly after receipt of each invoice or voucher and statement of costs, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Normally, payment of fee shall be made to the contractor as specified in the Schedule. However, when in the opinion of the Contracting Officer, the Contractor's performance or cost indicates the target cost will not be achieved, the Government shall pay on the basis of such lesser fee as may be appropriate. Further, when the Contractor demonstrates that its performance or cost clearly indicates that it will earn a fee significantly in excess of target fee, the Government may, in the sole discretion of the Contracting Officer, pay on the basis of such higher fee as may be appropriate. After payment of eighty-five percent (85%) of the applicable fee, the Contracting Officer may withhold further payment of fee until a reserve shall have been set aside in an amount which the Contracting Officer considers necessary to protect the interests of the Government, but such reserve shall not exceed fifteen percent (15%) of the total applicable fee or one hundred thousand dollars ($100,000) whichever is less.

(d) Audits. At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice of voucher which are found by the Contracting Officer, on the basis of such audit, not a constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) Final Payments. On receipt and approval of the invoice or voucher designated by the contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and the provisions of (f) below, the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) Refunds, Rebates and Credits. The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable cost hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to cost for which the Contractor has been reimbursed by the Government under this contract; and

(2) a release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) specified claims in stated amounts or in estimated amounts where the amount are not susceptible of exact statement by the Contractor;

(ii) claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; provided, however, that such claims are not known to the Contractor on the date of the execution of the release; and provided further, that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents. Except as provided in (j) below, payments under the assignment and claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Order of Precedence. Any cost incurred by the Contractor under the terms of this contract which would constitite allowable cost under the provision of this clause shall be included in determining the amount payable under this contract, not withstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or material to be furnished by the Contractor at his expense or without cost to the Government.

(h) Modifications. When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification or when any equitable adjustment in the target cost is authorized under any other clause of this contract, equitable adjustments in the target cost, target fee, minimum fee, maximum fee, or any or all of them, as appropriate, shall be set forth in an amendment or supplemental agreement to this contract.

(i) Fee Formula. The fee payable hereunder shall be the target fee increased by (insert contractor's participation) cents for every dollar by which the total allowable cost exceeds the target cost. In no event shall the fee be greater than . . . . percent nor less than . . . percent, of the target cost; and, excepts as provided in (j) below, within these limits such fee shall be subject to adjustment, by reason of increase or decrease of total allowable cost, on account of payments under the assignment required by (f)(1) above, and claims excepted from the release required by (f)(2) above. If this contract is terminated in its entirety, the portion of the target fee payable shall not be subject to an increase or decrease as provided in this paragraph. The termination shall be otherwise accomplished pursuant to other applicable provisions of this contract.

(j) Total Allowable Cost. For the purpose of the adjustment of the fee in accordance with (i) above, the term "total allowable cost" shall not include allowable costs arising out of:

(1) any of the causes covered by the clause hereof entitled "Excusable Delays" to the extent they are beyond the control and without the fault or negligence of the Contractor or any subcontractor;

(2) the taking effect, after the negotiation of the target cost of this contract, of a statute, court decision, written ruling, or regulation which results in the Contractor's being required to pay or bear the burden of any tax or duty or increase in the rate thereof;

(3) any direct cost attributed to the Contractor's assistance or participation in litigation as required by the Contracting Officer pursuant to a provision of this contract, including the furnishing of evidence and information requested pursuant to the clause hereof entitled "Notice and Assistance Regarding Patent and Copyright Infringement";

(4) the reprocurement and maintenance of additional insurance not included in the target cost and required by the Contracting Office or claims for reimbursement for liabilities to third persons pursuant to the clause hereof entitled "Insurance Liability to Third Persons"; and

(5) any claim, loss or damage resulting from a risk for which the Contractor has been relieved of liability pursuant to the clause hereof entitled "Government Property."

Except as other specifically provided in this contract, all other allowable costs shall be included in the term "total allowable cost" for the purpose of the adjustment of the fee in accordance with (i) above.

(k) Documentation. The total allowable cost and the adjusted fee determined as provided in this clause shall be evidenced by a modification of this contract signed by the Contractor and Contracting Officer.

(End of Clause)

Insert the clause set forth in FPR 1-7.202.4 as modified above and in accordance with 9-3.405-50(h) in all cost reimbursement type supply contracts which provide for the payment of a base fee and award fee.

Insert the clause set forth in FPR 1-7.202.4 as modified per provisions of FPR 1-7.402-3(b) and as above, in all cost reimbursement type supply contracts that will be without fee and/or a cost sharing contract."

§ 9-7.302-57 [Amended]

By amending the clause entitled "Printing" by removing "8 by 10½" and substituting therefore "8 and ½ by 11."

§ 9-7.302 [Amended]

Section 9-7.302 is amended by adding a new paragraph as follows: "Section 9-7.302-59 Incentive Price Revision Clause—Firm Target Included the clause set forth in 9-7.102-56 when a fixed price incentive contract described in FPR 1-3.404-4(a)(2) is used."

§ 9-7.402 [Amended]

Section 9-7.402-3 is amended by adding the following:

* * * * *

(d) Insert the clause for Incentive contracts set forth in 9-7.202.4 in all cost reimbursement type R&D contracts which provide for a incentive fee arrangement.

(e) Insert the clause set forth in FPR 1.7.202.4 as modified with changes cited in DOE PR-9-3.405-50(h) and the modification required in 9-7.202.4 in all cost reimbursement R&D contract which provide for the payment of a base fee and award fee.

§ 9-7.802-5 [Amended]

By amending 9-7.802-5 by removing the text of the Disputes clause and substituting the following:

"Disputes

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95-563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(1) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(2) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(3) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for his decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the contract, the Contractor shall proceed diligently with the performance of the contract in accordance with The Contracting Officer's decision."

PART 9-9—PATENTS, DATA AND COPYRIGHTS

§ 9-9.103-3(b) [Amended]

By amending 9-9.103-3(b) by adding the following immediately after the word "market" where it appears at the end of the first paragraph: "or will use any parts, components, practices, or methods to the extent to which the Contractor has secured indemnification from liability".

§ 9-9.107-4(a)(6) [Amended]

By amending 9-9.107-4(a)(6) by adding the following immediately after the word "contracting" in the first sentence: "or such longer period as may be authorized by the Patent Counsel (with notification by the Patent Counsel to the Contracting Officer) for good cause shown in writing by the contractor or inventor."

§ 9-9.107-5 [Amended]

By amending the Patents Rights (Long Form) clause appearing in § 9-9.107-5 as follows:

By adding the words "or any variety of plants" after the word "thereof" in paragraph (a)(1) of 9-9.107-5(a).

By adding "in accordance with applicable statutes and regulations," after the word "granted" in 9-9.107-5(d)(3).

By adding the following after the word "application" in paragraph (e)(2)(i) of 9-9.107-5(a): "under (d)(1) of this clause. However, such request shall be."

By removing "(e)(2)(ii)" and substituting "(e)(2)(iii)" in paragraph (g)(1)(ii) of 9-9.107-5(a).

By adding the following "of this clause from all persons" between "paragraph (i)(1)" and the word "who" in paragraph (l)(2) of 9-9.107-5(a).

§ 9-9.109-3 [Amended]

By removing the following from 9-9.109-3(d)(5): "Represent DOE in patent and other intellectual property matters including those under these regulations" and substituting therefore "Represent DOE in patent, technical data and copyright matters not specifically reserved to the Head of the Agency or designee under these regulations."

§ 9-9.109-6 [Amended]

By amending 9-9.109-6 as follows:

By adding the following immediately after the word "days" in the fifth sentence of paragraph (d)(8) of 9-9.109-6: "after notification of denial".

By removing the following from paragraph (i)(1) of 9-9.109-6: "in

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accordance with paragraph (e)(2)(i) of the clause of 9–9.107–5(a) and with which is included" and substitute therefore the word "with".

By adding the following immediately after the word "effective" in the second sentence of paragraph (i)(5)(i) of 9–9.109–6: "or such longer period as may be approved by the Patent Counsel for good cause in writing by the contractor or inventor".

By adding the words "for the life of the patent" immediately following the word "thereafter" in the first sentence of paragraph (i)(5)(ii)(C) of 9–9.109–6.

§ 9–9.202–3 [Amended]

By amending the "Rights in Technical Data—Long Form" clause set forth in 9–9.202–3(e)(2) as follows:

By removing the words "proprietary nature" in both places where it appears in paragraph (b)(l)(ii) and substituting therefore: "proprietary".

By adding the words "patent counsel with notification to the" before "contracting" in the first sentence of paragraph (c)(1).

By adding the following after the words "paragraph (e)" where they last appear in paragraph (f): "and not furnished under paragraph (g) for the purposes of verifying that such data properly fell within the withholding provisions of the paragraph".

§ 9–9.202–4 [Amended]

By adding the words "Patent Counsel with notification to the" before the word "Contracting" in paragraph (c)(1) of the "Rights in Technical Data-Facility" clause set forth in 9–9.202–4(c)(2).

§ 9–16.5002–1 [Amended]

By amending article A–II(a)(2) of Appendix A to 9–16.5002–1, by deleting "$300" and substituting therefore "$500".

By adding the following new paragraph to Article A–III of Appendix A to 9–16.5002–1 "(c) Subject to their availability, additional funds anticipated for the contract $———".

By amending Appendix B to 9–16.5002–1 as follows:

Revise Article B–II, Inspection, Reports, Records and Accounts by deleting the reference in paragraph "(c)" to "J.7.b of FMC 73–6" and substituting therefore "J.6 of OMB Circular A–21".

Revise the sentence appearing as (a)(1) under Article B–XI—Payments, to read as follows:

"A maximum of 45 percent of the new funds as set forth in Article A–111(b) of the contract following execution of the contract (and following the effectuation of each extended period) upon receipt of a request in writing from the contractor."

Revise Article B–XV—Disputes of Appendix B—General Provisions by deleting "Insert the clause in FPR 1–7.102–12" and substitute therefore "Insert the clause in DOE–PR 9–7.802–5".

PART 9–23—SUBCONTRACTING POLICIES AND PROCEDURES

§ 9–23.104 [Amended]

By amending 9–23.104(b) by removing the following which appears immediately after the word "than": "fixed-price, competitively awarded contracts. (For the purpose of this paragraph, contract modifications are not considered to be competitively awarded.)" and substituting therefore: "prime contracts awarded on the basis of adequate price competition as defined in FPR 1–3.807–1(b)(1). (For the purpose of this paragraph, contract modifications are not considered to be competitively awarded). CPSRs should not ordinarily be performed for subcontractors unless, in addition to the criteria for conducting a CPSR on a prime contractor, the following criteria are also satisfied: (1) the preponderance of the sales of the subcontractor is to the Federal Government, and (2) both the prime contractor and the subcontractor agree to the performance of a CPSR."

§ 9–23.107 [Amended]

By amending 9–23.107(a) by removing the content thereof and by substituting the following paragraph (a):

"(a) The findings and recommendations of the review team (the CPSR Report) shall be approved by the Director, Office of Policy (attn: PR–23) before the Contracting Officer determines to continue, grant, withhold, or withdraw approval. Determinations to continue approval after a subsequent review or to revise subcontract consent thresholds under approved systems may be made without submitting a request for approval to Headquarters; however, in these instances an information copy of the material described in (b) shall be submitted."

§ 9–23.108 [Amended]

By amending 9–23.108(d)(2) by changing the period appearing immediately following the word "competition" to a comma and adding the following "or justification for a noncompetitive procurement." and by deleting the following: "Such notification shall be forwarded to the Contracting Officer as soon as the information is known, which normally will be before solicitation."

By amending 9–23.108(g) by inserting the following immediately after the word "system": "copies of notifications (or contract modifications) altering the subcontract consent dollar thresholds.".

§ 9–23.110 [Amended]

By amending 9–23.110(a) by adding the following immediately after the word "review.": "The surveillance plan must provide for the review and consent to the placement of a representative sample of subcontracts including the largest and most complex subcontracts being issued each year."

PART 9–50—OPERATING AN ON-SITE SERVICE CONTRACT

§ 9–50.302–5 [Amended]

By amending 9–50.302–5(a)(5)(ii) by removing the entire paragraph and substituting therefore "When a review has been made of the Contractor's procurement system in accordance with Subpart 9–23 and the Contractor's procurement system has been approved, the subcontract dollar thresholds in paragraphs (1) and (2) above may be raised up to the amount of the delegated authority of the Head of the Procuring Activity."

§ 9–50.303 [Amended]

By amending 9–50.303 (a) and (b) by removing the words "and on-site service" where they first appear in paragraph "(a)" and in paragraph "(b)" immediately following the word "operating."

§ 9–50.601 [Amended]

By amending 9–50.601–1 by removing the text and substituting therefor: "The Buy American Act does not apply to those articles listed in Section 9–6.105, or as determined not to be available in sufficient quantities, in accordance with Section 9–50.601–2.

By adding a new § 9–50.601–2 as follows:

§ 9–50.601–2 Determinations of Nonavailability.

(a) Determinations of nonavailability under FPR 1–6.103–2 may be made by the Contracting Officer responsible for the administration of the contract.

(b) When a review has been made of the contractor's procurement system in accordance with Subpart 9–23.1 and the contractor's procurement system has been approved, the Head of the Procuring Activity may authorize the contractor to make determinations of nonavailability for individual items under individual procurement actions. Each authorization shall be in writing and shall specify a dollar value limit for the aggregate of domestically unavailable items in individual procurement actions. Each authorization shall also specify the effective date, the activity, the division or facility authorized to make the determinations, the period the authorization covers, the extent of applicability, and any special conditions or requirements. Authorizations shall be no broader than other authorizations made pursuant to Section 9–23–108. Authorizations for dollar value limits in excess of $25,000 shall require the prior concurrence of the Senior Procurement Official, Headquarters.

§ 9–50.703–4 [Amended]

By removing the text of "Note A" and substituting therefore:

Substitute of the words "unless the DOE authorizes their prior disposition" for the words "or such lesser time specified in either Appendix M of the Defense Acquisition Regulation or the Federal Procurement Regulations Part 1–20, as appropriate" in paragraphs (b) and (c).

§ 9–50.704 [Amended]

By amending 9–50.704–2(b) by removing the last sentence from the text of the paragraph and inserting it as the second sentence in the "Radiation Protection and Nuclear Criticality" clause following paragraph (b).

By amending 9–50.704–3 by:

1. Removing the words "CPFF construction contracts use the following clause" and substituting therefor: "Cost-reimbursement operating and onsite service contracts which include construction work shall include the following clause"

2. Providing the following title for the clause: "BUY AMERICAN—OPERATING/ONSITE CONSTRUCTION"

3. By revising paragrpah (b)(4) to read as follows: "as to which the Government determines the cost to the Government to be unreasonable."

4. Adding a new paragraph (b)(5) as follows: "(5) As to which the contractor, if specifically authorized to do so, has determined to be unavailable in accordance with FPR 1–18.602–1(b)."

By amending § 9–50.704–13(d)(15) by adding the following immediately after word "guards," "cashiers, and paymasters, if payments are made by check,".

§ 9–50.704–24(a) [Amended]

By amending § 9–50.704–24(a) by adding the following immediately after "$100,000": Where it first appears "and in all modifications over $100,000".

By revoking and reserving §§ 9–50.704–36 and 9–50.704–48.

§ 9–50.1002 [Amended]

By amending 9–50.1002 by adding the following immediately after the word "thereunder": ", including construction".

§ 9–50.1003 [Amended]

By amending 9–50.1003 by adding the following immediately after word "subcontracts": ", including construction".

§ 9–50.1213–6 [Amended]

By amending paragraph (b) of the certificate appearing in 9–50.1213–6 by adding the following immediately after the word "work": "shall be reported to the Department of Energy in accordance with this policy I".

§ 9–50.1803 [Amended]

By amending 9–50.1803 by adding the following:

Contractors may be authorized by the Head of the Procuring Activity to make determinations of nonavailability under FPR 1–18.602–1(b) for individual items under individual construction subcontracts awarded by them. Contractors may initiate requests for determinations of impracticability in accordance with FPR 1–18.602–1(a), and requests for deviations from the FPR 1–18.603 procedures for determination of unreasonable cost. Such requests shall be forwarded to the Senior Procurement Official, Headquarters, after concurrence by the head of the Procuring Activity.

[FR Doc. 81–4432 Filed 2–13–81; 8:45 am]
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Tuesday
February 17, 1981

Part IV

Department of Energy

Bonneville Power Administration

Intent to Revise Transmission Policy and Proposed Transmission and Wholesale-Power Rate Adjustments; Public Hearings and Opportunities for Public Review and Comment

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Revise Transmission Policy; Request for Recommendations From the Public

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of Intent to Revise Transmission Policy; Request for Recommendations from the public.

SUMMARY: Bonneville Power Administration (Bonneville) intends to revise its transmission policy. The initial stages of the policy revision will coincide with development of Bonneville's transmission rates which will become effective on or about July 1, 1981. In addition to receiving recommendations on its Notice of Proposed Transmission Rate Adjustment, Bonneville is seeking recommendations from the public on transmission policy at its rate hearings in March 1981. Written suggestions and recommendations are also encouraged.

Formulation of the transmission policy will follow Bonneville's "Procedure for Public Participation in Marketing Policy Formulation" (45 FR 73531, November 5, 1980). Recommendations received will be considered initially to develop interim agreements necessary to implement an optional rate schedule to be offered in the transmission rates which will become effective July 1, 1981, and subsequently to develop an initial proposal for a long-range transmission policy. The proposal is expected to be published in the fall of 1981. Based in part on comments and recommendations received in response to the initial proposal, Bonneville expects to announce a final policy in the spring of 1982.

DATES: Written suggestions and recommendations for issues to be addressed or other matters concerning the development of Bonneville's initial proposal for a revised transmission policy will be accepted through March 31, 1981.

ADDRESSES: Written recommendations should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is (503) 234–3361, ext. 4261. Bonneville maintains toll-free lines for the use of persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Messages and requests for information received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Additional information is available from Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456–2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755–6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662–4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361, ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Popular, Walla Walla, Washington 99362, (509) 525–5500, ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION: Bonneville owns and operates approximately 80 percent of the capacity of the high-voltage electric transmission grid of the Pacific Northwest. Bonneville is required by the Federal Columbia River Transmission System (FCRTS) Act of 1974 (16 U.S.C. 838) to operate, maintain, and construct the FCRTS to: "(a) integrate and transmit electric power from existing or additional Federal or non-Federal generating units; (b) provide service to the Administrator's customers; (c) provide interregional transmission facilities; or (d) maintain the electrical stability and electrical reliability of the Federal system."

Bonneville's current transmission policy is reflected in a variety of transmission arrangements and agreements which have been progressively negotiated over a period of years. Many of these arrangements predate the 1974 FCRTS Act and reflect conditions and policies prevalent at the time of negotiation. Types of provisions which may vary from agreement to agreement include the determination of the transmission demand, determination of losses, the effect of transmission distance and location, and the flexibility allowed in the use of the FCRTS.

Bonneville now intends to develop a comprehensive and internally consistent transmission policy and resultant rates. The tentative schedule for this policy development is as follows:

February 1981—This Notice and a Notice of Proposed Transmission Rate Adjustment are published. The latter Notice contains a proposed Integration of Resources Schedule (IR-1) which Bonneville intends to offer to customers who elect to receive service under interim 1-year contracts. Bonneville anticipates presently that the service offered under these interim contracts will be a broader and more flexible service than that offered under most existing agreements. Key aspects of this anticipated service include multiple points of integration and delivery, uniform system-average loss determination, and a uniform capacity rate.

March-April 1981—Hearings will be held on the transmission rate proposal. At these hearings Bonneville encourages the public to make transmission policy recommendations and suggestions. The recommendations and suggestions received will be considered both in formulating interim agreements for schedule IR-1 and in developing an initial proposal for a long-term transmission policy.

July 1981—Bonneville's new transmission rates will become effective. Interim agreements will be negotiated with those utilities electing to receive service under schedule IR-1.

Fall 1981—Bonneville will publish a proposed Transmission Policy and Request for Public Comment. Public hearings on the proposed policy will be held during which public comments will be received.

Spring 1982—Bonneville will publish a Notice of Final Transmission Policy.

July 1982—Bonneville will offer long-term contracts under the adopted Final Transmission Policy.

Bonneville is seeking suggestions and recommendations on all aspects of its transmission policy and especially on the following issues which Bonneville has identified: (1) What method should be used to determine the amount of and compensation for transmission losses? (2) To what extent is it appropriate to recognize (a) the use of specific facilities, (b) the use of specific types of facilities, (c) the distance between resources and loads, and (d) the location of resources and loads? (3) How should the costs and uses of non-Federal transmission facilities be treated, more specifically: (a) Should the Pacific Northwest institute a system in which all parties using the combined regional transmission system would be assessed transmission charges in proportion to the loads placed on the system and credited according to the transmission costs each has incurred? (b) If not, to what extent should the amount of non-Federal use of the FCRTS and Federal use of non-Federal facilities be determined? and (c) How should that determination be made, particularly in areas with multiple transmission paths? (4) What is the appropriate service or services for Bonneville to offer its transmission customers? (5) How can transmission policy encourage one-utility planning? (6) What is the proper treatment of existing contracts whose holders prefer not to receive the revised policy service? (7) How can transmission policy encourage energy conservation? (8) To what extent should the benefits and risks of the FCRTS be shared?

Written recommendations concerning the above issues or other issues that should be considered by Bonneville in developing its transmission policy should be addressed to Bonneville's Public Involvement Coordinator.

Dated: February 10, 1981.

Earl Gjelde,

Acting Administrotor.

[FR Doc.81-5371 Filed 2-12-81; 11:00 am]

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Proposed Transmission and Rate Adjustment; Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of Proposed Transmission Rate Adjustment, Notice of Public Hearings, and Opportunities for Review and Comment.

SUMMARY: Bonneville has determined that an increase is necessary in the transmission rates charged for the use of the Federal Columbia River Transmission System (FCRTS). Revenues from the current transmission rates, which were approved on an interim basis on June 10, 1977, are insufficient to recover the increased costs of the FCRTS. Bonneville, by a separate **Federal Register** Notice, is also initiating a process to formulate a transmission service policy.

The development of the transmission rates includes opportunities for interested persons to participate in public hearings. Written comments will be received until the end of the hearings and all such written comments will become part of the Official Record. Bonneville will consider the comments and hearing record in the development of the final transmission rate proposal. With consideration of public comments, and/or inclusion of more current financial data, the final rate proposal may differ from the rates proposed in this Notice.

DATES: Persons wishing to become a formal "party" to the proceedings must notify Bonneville in writing of their intention to do so. The notification must be received by February 24, 1981, and should be addressed as follows: Hon. Dean F. Ratzman, Hearing Officer, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Power and transmission customers of Bonneville are parties of right. Others may become parties by demonstrating in their notice and at the prehearing conference that they would represent a significant and otherwise unrepresented public interest. The notice should contain: (1) The name of the person or entity claiming status as a party; (2) the person who will be representing the party; (3) whether the person or entity claiming status as a party has a contractual relationship with Bonneville which could be impacted by proposed rates; and (4) if no contractual interest exists, the interest the person believes would be served by their being a party. All timely applications will be ruled upon by the Hearing Officer.

Pursuant to the rate procedures, a Prehearing Conference will be held before the Hearing Officer at 9 a.m. on February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon.

The rates hearings will concern both the transmission rates and the wholesale power rates and will begin with a presentation of the studies and the basis for the proposed wholesale power and transmission rates by the Bonneville staff. Registration for the hearing will begin at 8:30 a.m. and the hearing will commence at 9 a.m. on March 2, 1981, in the Main Ballroom of the Masonic Temple, 1119 SW. Park Avenue, Portland, Oregon. The presentation of the staff case may continue into March 3 and 4, 1981. Clarifying questions will be permitted.

At the conclusion of the staff presentation, six hearings will be held at locations outside Portland, to present to the public and other interested persons a condensed form of the Bonneville staff case and to receive the views, opinions, and comments of the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. Registration for the hearings will be at 7 p.m., and the hearings will begin at 7:30 p.m. The dates and locations are: March 5, Parrish Middle School Auditorium, 802 Capitol Street NE., Salem, Oregon; March 9, Blackfoot Room, Village Red Lion, 100 Madison, Missoula, Montana; March 10, Training Office Auditorium, Boise Interagency Fire Center, 3905 Vista Avenue, Boise, Idaho; March 11, Federal Building, 3000 George Washington Way, Richland, Washington, and March 12, Snoqualmie Room, Seattle Center, 1st North and Republican Street, Seattle, Washington. Bonneville will hold a sixth hearing on Friday, March 13, from 1 p.m. to 4 p.m., in Room 15016 of the Golden Gate Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Bonneville expects that during the prehearing conference, hearing dates will be set for cross-examination of the Bonneville staff, for the presentation of the cases of formal parties, and for rebuttal and oral argument. A notice of the dates and times of such hearings will be mailed to all parties of record. In addition, the hearings may be continued for the presentation of other information which may affect significantly the Bonneville rate case, and for the taking of rebuttal testimony and cross examination regarding such new information. Written comments may be submitted until the close of the hearings. The last day for receipt of written comments will be specified in a later **Federal Register** Notice.

ADDRESSES: Written comments not submitted at the hearings should be submitted to the Public Involvement Coordinator, Bonnevill Power Administration, P.O. Box 12999, Portland, Oregon 97212. Written comments received by the close of the hearing will be made part of the record.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is (503) 234–3361, ext. 4261. Bonneville maintains toll-free lines for the use of persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Messages and requests for information received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Additional information is also available from: Ronald H. Wilkerson, Spoken Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane,

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Washington 99201, (509) 456–2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755–6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662–4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361 ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–5500 ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION:

Bonneville Power Administration operates and maintains the Federal Columbia River Transmission System in order to: (a) Integrate and transmit the electric power from existing or additional Federal or non-Federal generating units; (b) provide service to the Bonneville customers; (c) provide interregional transmission facilities; or (d) maintain the electrical stability and electrical reliability of the Federal system. The FCRTS along with Federal generation and non-Federal generation marketed by Bonneville at wholesale to the region's utilities and other entities comprises the Federal Columbia River Power System (FCRPS). A repayment study and other supplemental studies of the FCRPS are used to determine the revenue necessary to recover the costs associated with the production, acquisition, conservation, and transmission of the electric power that Bonneville markets or transmits for customers, and to repay with interest the Federal investment in the transmission and generation facilities of the FCRPS as required by statute. The proposed transmission rates, plus the proposed wholesale power rates, are designed to produce the necessary total revenues. Rates must be set such that recovery of the cost of the transmission system is equitably allocated between Federal and non-Federal power utilizing the system. A cost-of-service analysis (COSA) is conducted to determine what portion of the total revenues should be recovered from the various classes of service, including non-Federal utilities utilizing the transmission system. Transmission rates are designed to recover the costs associated with the transmission of non-Federal power. Other objectives considered in the development of the proposed rates include conformance with legislative requirements, conformity to prudent utility practices, simplicity and ease of administration, rate continuity, the efficient development and use of regional transmission facilities, environmental impacts, and existing contract provisions. These rates have been prepared in accordance with Bonneville's statutory authority to develop rates, 16 U.S.C. 832, 837e, 838, and the Pacific Northwest Electric Power Planning and Conservation Act, (Pub. L. 96–501, 16 U.S.C. 839 et. seq., Regional Power Act or Regional Act).

On May 25, 1979, Bonneville published in the **Federal Register** a Notice of "Intent to Revise Transmission Rates; Request for Public Comment" (44 FR 30405). In response to such Notice, Bonneville received comments and recommendations from interested persons and customers. In addition, Bonneville held customer workshops in December 1980 which allowed customers and others the opportunity to comment upon various transmission rate matters. All comments were reviewed and considered in the development of the rates proposed in this Notice. Continued public involvement will be encouraged throughout the rate hearings.

In conjunction with the development of revised transmission rates, Bonneville is initiating a process to formulate a transmission service policy. The initial stages of the policy development process will coincide with the rate hearing process. Bonneville's announcement of its intent to formulate a transmission policy is being published in a separate Notice. The separate Notice seeks suggestions and recommendations on all aspects of transmission service policy.

I. *Rules of Procedure Governing Rate Adjustments and Public Participation.* Section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act provides for new procedures for encouraging the participation of the public in the development of Bonneville's rates. Since these procedures outlined in the Regional Power Act differ from Bonneville's published "Procedure for Public Participation in Marketing Policy Formulation" (45 FR 73531, November 5, 1980) and also differ from the procedure which governed the 1979 rate filing, Bonneville has prepared Rules of Procedure Governing Rate Adjustments (46 FR 11697, February 10, 1981) which are summarized herein and which Bonneville will use to develop both the wholesale power and transmission rates.

The Regional Power Act prescribes **Federal Register** Notice, one or more hearings, the opportunity to submit written views, data, questions, and arguments outside the hearings, a decision by the Administrator based on the record developed during the rate process, and transmission of the final rate proposal to FERC for confirmation and approval or to the Secretary of Energy.

The Procedures developed by Bonneville expand on these requirements. They provide for publication of Notice, a prehearing conference, hearings, receipt of written comments, preparation of decision documents, a decision, and the transmittal of the decision with supporting documentation to the Federal Energy Regulatory Commission (FERC) and to the Secretary of Energy.

The process begins with publication of a Notice, which may follow or be combined with a Notice of Intent and which includes the proposed rates, a listing of the research, studies, analyses, and other available information in support of the proposed rate, the deadline for claiming status as "party," and the beginning date for the hearings. This Notice satisfies that requirement.

The process provides further for a Prehearing Conference, if scheduled by the Hearing Officer. The Prehearing Conference for these proposed rates is scheduled for February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon. Issues which may be raised for discussion at the Prehearing Conference could include disputes concerning status as a party, the scope of cross-examination, hearing schedules, and other pertinent matters.

Registration for the hearings will begin at 8:30 a.m. and the hearings will commence at 9 a.m. on Monday, March 2, 1981, with a technically oriented presentation of the transmission and wholesale power rate proposals by the Bonneville rate staff. Clarifying questions will be permitted.

After the conclusion of the staff presentation, Bonneville will convene a series of hearings in locations outside Portland. The purpose of these hearings is to present to the public and to other interested persons a condensed form of the Bonneville staff case and to receive the comments, views, and opinions of the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions.

Bonneville plans to hold five such hearings, which will be held at the times and locations and on the dates previously listed.

Bonneville will hold a sixth hearing on Friday, March 13, 1981, in San Francisco, California.

The conduct of the hearings will differ from the conduct of the Public Information and Comment Forums held during the 1979 rate process. However, the purpose of the hearings remains to develop a full and complete record and to receive public comment on the proposed rates.

Bonneville finds it necessary to distinguish between "participants" in and "parties" to the hearings. During the field hearings, Bonneville will receive comments, views, opinions, and information from "participants," who are defined in the procedures as interested persons who may express their views at a hearing but who may not cross-examine other witnesses, participate in prehearing conferences, or serve or be served with documents. This category of interest is being established to give the public the maximum opportunity to participate and have its views considered without assuming the obligations incumbent upon the "parties." The second category of interest is that of a "party." A party may be either a party of right because of its legal, contractual relationship with Bonneville, and hence, its direct interest, or it may be a person seeking to represent a significant and otherwise unrepresented public interest in the hearings. Parties may participate in prehearing conferences, may call and cross-examine witnesses, and are entitled to service of documents from all other parties. Parties may also be cross-examined and may be required to serve documents on the other parties. Cross-examination by parties may be limited by the Hearing Officer and is also limited by the requirement in the proposed procedures that parties of like interest cross-examine through one person. Participation by the parties will not occur at the field hearings but will occur later in the hearing process.

Bonneville expects that the field hearings will be followed by the cross-examination of the Bonneville staff, by the presentation of the cases of the other parties, and by opportunities for rebuttal and oral argument. The times and places will be established by the Hearing Officer at the Prehearing Conference and will be announced in a notice which will be mailed to all parties of record. In addition, Bonneville expects that the hearing will be continued to offer an opportunity for the receipt or development of additional information which may be valuable in the preparation of the Final Rate Proposal.

Persons need not attend the hearings in order to have their views included in the record. Written comments may be included in the record if they are submitted before the close of the hearings. Written views, data, questions, and arguments should be submitted to the Bonneville Public Involvement Coordinator. Material submitted for the record but outside the hearing sessions will not be subject to cross-examination.

The record will include the transcripts of the hearings, written material submitted by the customers and the public, documents developed by the Bonneville staff, and other material accepted into the record by the Hearing Officer. Based on the record as established, the staff will prepare an Evaluation of the Record which it will submit to the Hearing Officer. The evaluation will contain a summary of the major comments, criticisms, support, and alternatives offered to the proposed rate and a recommendation for their acceptance or rejection.

The Hearing Officer will then review the Record, will supplement it if necessary, and will certify the Official Record to the Administrator for decision.

The Administrator will develop the Final Proposed Rates based on the record certified by the Hearing Officer. The basis for the Final Proposed Rates will be supported by the Administrator's Record of Decision. The Administrator will serve copies of the Evaluation of the Record and the Administrator's Record of Decision upon all the parties and will file the Final Proposed Rates together with the Official Record with FERC for confirmation and approval. If FERC does not have final procedures in place for granting interim approval, Bonneville will also file the Final Proposed Rates and the Official Record with the Secretary of Energy.

II. *Other General Information.* Several of Bonneville's major contracts with utilities for transmission service allow rate adjustments not more frequently than once every 3 years; however, a negotiated change is being offered which reduces the rate adjustment period to 1 year. The current transmission rates were approved on an interim basis, subject to refund, on June 10, 1977. Therefore, under current contract provisions, new rates can become effective at any time after July 1, 1980. Under the Regional Power Act, FERC is given express interim approval authority. If FERC does not have interim approval procedures in place, the Secretary of Energy may continue to grant interim approval of rates to be effective through July 1, 1982. Bonneville anticipates filing the final transmission rate proposal with FERC on or about June 1, 1981. It is anticipated that Bonneville's new transmission rates will become effective on an interim basis on or about July 1, 1981. The final rate proposal will be developed after considering recommendations received from the public and may incorporate updated cost and revenue information. Therefore, the final rates filed with the FERC may differ from the current proposal.

The following major studies and other information used in the development of the proposed transmission rates will be available for review after February 24, 1981, at Bonneville Headquarters Building located at 1002 NE. Holladay Street, Portland, Oregon. The studies may also be requested by phone or in writing from Bonneville's Public Involvement Coordinator and will be available at the prehearing conference.

1. Cost-of-Service Analysis and Summary Version of Repayment Study.
2. Long-Run Incremental Cost Study.
3. Time-Differentiated Pricing Analysis.
4. Transmission Rate Design Study.
5. Environmental Determination.

III. *Proposed Rate Schedules and General Rate Schedule Provisions:* The current Formula Power Transmission Rate Schedule (FPT–1) reflects the provisions of numerous contractual agreements between Bonneville and its customers both in terms of the service provided and the rate form. The services provided under FPT–1 related contracts are typically specific as to points of delivery and integration, contract demand, determination of losses, and other matters. In addition, FPT–1 incldudes a variety of rate components specified by contract provisions. Such components include a distance for mileage charge and various terminal and facilities charges.

In light of the comments received from various parties, particularly Bonneville's transmission customers, Bonneville has reviewed the nature of the existing contractual agreements with respect to both service and rate form. While the transmission services and rate forms provided by Bonneville have in the past proven satisfactory in many respects, it has become apparent that alternative concepts may also be appropriate and desirable. Accordingly, Bonneville is proposing to offer a modification of previously employed transmission service provisions and rate forms so that a more uniform type of service will be available.

As the establishment or modification of transmission policy on a

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comprehensive basis necessarily involves considerable consultation with existing and potential transmission customers and others. Bonneville is initiating a formal transmission policy development process. Bonneville's intent to initiate the policy development process is being announced by a separate Notice of Intent to Revise Transmission Policy. It is anticipated that in its first stages the transmission policy development process will coincide with the hearings on the proposed transmission rates. The comments received in the transmission rate hearings will be used in developing a proposed transmission policy. Following the development of a proposed transmission policy, separate public forums will be held and Bonneville will adopt a final transmission policy.

This rate proposal contains rate schedules which Bonneville intends to offer to customers along with an interim uniform type service. Bonneville anticipates that this interim service will prmit multiple network delivery points without additional charges, will not be restricted by direction of flow and will be coupled with a single uniform capacity rate. Furthermore, the contractual service provisions regarding loss determination are expected to be standardized, possibly on the basis of a uniform percentage of the energy transmitted. The modified service, uniform rate, and loss determination method will be available for all those transmission customers who elect to receive service under new interim contracts which include provisions consistent with the characteristics of the modified service, and which offer the opportunity to test a different rate methodology without long term commitment, during the time before development of the transmission policy. For each utility the interim contracts would include all firm transmission agreements, except Columbia Storage Power Exchange agreements and other agreements, if any, specified by Bonneville.

Accordingly, this transmission rate proposal includes two sets of rate schedules, Set A and Set B. The first set of schedules, Set A, consists of schedules designated FPT–2, ET–2 and UFT–2 which are similar in form to the currently effective rates and, therefore, are consistent with the rate provisions included in many existing contracts. The FPT–2 schedule does include provisions for partial-year service, a service which is not provided for under the existing FPT–1 rate schedule. In general, Set A rates will be applicable to the services provided under existing contracts. The second set of schedules, Set B, consists of two rate schedules designated IR–1 and IS–1 which involve networkwide transmission service and intertie transmission service, respectively. Each schedule employs a single uniform capacity rate. A transmission customer electing to retain the service, rate form, and loss determination provisions of existing contracts would utilize Set A rates. For those parties electing to avail themselves of the alternative transmission service and the standardized loss determination methodology offered by Bonneville under interim contracts for the period prior to the development of the transmission policy, Set B rates will be applicable along with the UFT–2 and ET–2 rate schedules for use-of-facilities arrangements and nonfirm energy transmission. So as to provide transmission customers with an opportunity to receive service under Set B rates without permanently terminating existing contracts and to provide a period for development of a long-range transmission policy, Set B service and rates will be available for a 1-year trial period after which time a customer can choose to return to Set A service and rates or opt for the service identified in the final transmission policy formulated during the 1-year trial period.

Set A Rates

Schedule FPT–2—Formula Power Transmission

Section 1. *Availability:* This schedule is available under Agreements which provide for firm transmission of electric power and energy using the Integrated Network Segment, and/or the PNW–PSW Intertie Segment. This schedule is for full-year and partial-year service and for either continuous service or intermittent service so long as a firm availability of service is required.

Section 2. *Rate:*

A. *Full-Year Service:* The monthly charge per kilowatt of Transmission Demand shall be one-twelfth of the sum of the Main Grid Charge, the Secondary System Charge and Intertie Charge, as applicable and as specified in the Agreement.

1. *Main Grid Charge:* The Main Grid Charge shall be the sum of one or more of the following factors as specified in the Agreement:

a. Main Grid Distance Factor—The amount computed by multiplying the Main Grid Distance by $0.0186 per mile;

b. Main Grid Integration Terminal Factor—$0.16;

c. Main Grid Miscellaneous Facilities Factor—$0.96;

d. Main Grid Terminal Factor—$0.16; and

e. Main Grid Delivery Terminal Factor—$0.34.

2. *Secondary System Charge.* The Secondary System Charge shall be the sum of one or more of the following factors associated with deliveries at 115 kV as specified in the Agreement:

a. Secondary Transformation Factor—$1.36;

b. Secondary System Integration Terminal Factor—$0.41;

c. Secondary System Distance Factor—The amount determined by multiplying the Secondary System Distance by $0.0762 per mile;

d. Secondary System Intermediate Terminal Factor—$0.41;

e. Secondary System Delivery Terminal Factor—$0.42.

3. *Intertie Charge*—for use of Intertie facilities—$3.27.

B. *Partial-Year Service:* The monthly charge per kilowatt of capacity shall be as specified in Section 2.A. for all months of the year except:

1. For unplanned firm service, such as emergency station service when a generating unit is down, the yearly charge shall be equal to one monthly charge as defined in Section 2.A. so long as the use during each year does not exceed 730 hours. If the use during each year exceeds 730 hours, the yearly charge shall be as specified in Section 2.A.

2. For agreements whose term is 5 years or less and which specify service for fewer than 12 months per year, the charge shall be:

a. during months for which service is specified, the monthly charge defined in Section 2.A., and

b. during other months, the monthly charge defined in Section 2.A. multiplied by 0.2.

Section 3. *Determination of Transmission Demand:* Unless otherwise stated in the agreement, the factor to be used in determining the kilowatts of Transmission Demand is the largest of:

A. the Transmission Demand specified in the Agreement;

B. the highest Measured or Scheduled Demand for the month; or

C. the highest Measured or Scheduled Demand during the previous 11 months.

Section 4. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule UFT–2—Use-of-Facilities Transmission

Section 1. *Availability:* This schedule is available for the firm transmission of electric power and energy over specified FCRTS facilities installed or operated primarily for the benefit or convenience of a limited number of customers. This schedule is not appropriate for new agreements for service over the Integrated Network Segment, or the PNW–PSW Intertie Segment.

Section 2. *Rates:* The monthly charge per kilowatt of Transmission Demand specified in the Agreement shall be one-twelfth of the Annual Cost per kilowatt of Capacity of the specified facilities. Such Annual Cost shall be determined in accordance with Section 3.

Section 3. *Determination of Transmission Rate:*

A. From time to time, but not more often than once in each Contract Year, Bonneville shall determine the following data for the facilities which have been constructed or otherwise acquired by Bonneville and are used to transmit electric power and energy thereunder:

1. Capital cost of each such facility as specified in the most recently published plant investment records of Bonneville which are issued in support of the Federal Columbia River Power System financial statement.

2. Annual Interest and Amortization Ratios for each such facility using the most recent system average cost factors developed from actual Interest and Amortization costs for specific categories of FCRTS facilities and from data included in the financial statement.

3. Operation, maintenance, administrative and general, and general plant costs of such facilities using the most recent system average costs for specific categories of FCRTS facilities.

4. The yearly noncoincidental peak demands of all users of such facilities.

B. The monthly charge per kilowatt of Transmission Demand shall be one-twelfth of the sum of the Annual Cost per kilowatt of each of the FCRTS facilities used. The Annual Cost per kilowatt of each facility constructed or otherwise acquired by Bonneville shall be determined in accordance with the following formula:

$$(I \times R) + B/D$$

Where B = Operation, maintenance, administrative and general, and general plant cost of such facility as determined in A.3.

I = Capital cost of such facility as determined in A.1.

R = Annual Interest and Amortization Ratio for such facility as determined in A.2.

D = The sum of the yearly noncoincidental demands on the facility as determined in A.4.

The Annual Cost per kilowatt of facilities listed in the Agreement which are owned by another entity, and used by Bonneville for making deliveries to the Transferee, shall be determined from the costs specified in the Agreement between Bonneville and such other entity.

Section 4. *Determination of Transmission Demand:* Unless otherwise stated in the Agreement, the factor to be used in determining the kilowatts of Transmission Demand shall be the largest of:

A. The Transmission Demand specified in the Agreement;

B. The highest Measured or Scheduled Demand for the month, the Measured Demand being adjusted for power factor; or

C. The highest Measured or Scheduled Demand during the previous 11 months.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule ET–2—Energy Transmission

Section 1. *Availability:* This schedule is available for nonfirm transmission of non-Federal nonfirm electric energy using excess capacity of the FCRTS. This rate is not available for the transmission of energy that is used to meet firm obligations, nor for energy which cannot be interrupted.

Section 2. *Rates:* The charge for nonfirm transmission of non-Federal nonfirm electric energy shall be based on the following rates.

	Mills/kilowatt hours
1 Delivery Over Integrated Network	1.08
2 Delivery Over the PNW–PSW Intertie	1.29
3 Delivery Over PNW Intertie including use of PNW Transmission System	2.36

Section 3. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule IR–1—Integration of Resources

Section 1. *Availability:* This schedule is available only to those utilities who agree to convert all their Firm Transmission Agreements, except Columbia Storage Power Exchange (CSPE) and other agreements, if any, specified by Bonneville, in order to comply with the integration transmission service.

Section 2. *Service:* All non-Federal electric power scheduled to be integrated by the Network Segment of the FCRTS receives a uniform Network-wide service which is not limited by characteristics of generation, transmission facilities expected to be used, or special historical services or limitations. Integrated power, less average losses, will be delivered for a uniform network demand rate to any approved Network Segment point of delivery.

Section 3. *Billing Determinant:* The Billing Determinant is derived from the retroactive reports of the hourly amounts of energy made available to Bonneville pursuant to the utility Agreements. The hourly reports are combined into a single schedule for each utility and the maximum hourly demand occurring during the peak daily period (7 a.m. to 10 p.m., Monday through Saturday) is the Billing Determinant for the billing month.

Section 4. *Rate:* The monthly charge per kilowatt (kW) of Billing Determinant is $0.457.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Set B Rates

Schedule IR–1—Integration of Resources

Section 1. *Availability:* This schedule is available only to those utilities who agree to convert all their Firm Transmission Agreements, except Columbia Storage Power Exchange (CSPE) and other agreements, if any, specified by Bonneville, in order to comply with the integration transmission service.

Section 2. *Service:* All non-Federal electric power scheduled to be integrated by the Network Segment of the FCRTS receives a uniform Network-wide service which is not limited by characteristics of generation, transmission facilities expected to be used, or special historical services or limitations. Integrated power, less average losses, will be delivered for a uniform network demand rate to any approved Network Segment point of delivery.

Section 3. *Billing Determinant:* The Billing Determinant is derived from the retroactive reports of the hourly amounts of energy made available to Bonneville pursuant to the utility Agreements. The hourly reports are combined into a single schedule for each utility and the maximum hourly demand occurring during the peak daily period (7 a.m. to 10 p.m., Monday through Saturday) is the Billing Determinant for the billing month.

Section 4. *Rate:* The monthly charge per kilowatt (kW) of Billing Determinant is $0.457.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

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Schedule IS–1—INTERTIE SERVICE

Section 1. *Availability:* This schedule is available for power integrated by the Integration Schedule and transmitted over the Pacific Northwest—Pacific Southwest Intertie. The Rate identified in Section 4 below is in addition to the Rate given in the Integration of Resource Schedule (IR–1).

Section 2. *Service:* Service under this schedule is limited by intertie capacity, transmission capacity outside the Area, and existing transmission agreements. Integrated power, less average losses, will be delivered to or from the Oregon-California or the Oregon-Nevada state line.

Section 3. *Billing Determinant:* The Billing Determinant is derived from the retroactive reports of the hourly amounts of energy made available to Bonneville pursuant to the utility agreements. The hourly reports are combined into a single schedule for each utility and the maximum hourly demand occurring during the monthly billing period is the Billing Determinant for the billing month.

Section 4. *Rate:* The monthly charge per kilowatt (kW) of Billing Determinant is $0.546.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

General Transmission Rate Schedule Provisions

1. *Interpretation.* The provisions in the Agreement to which these General Transmission Rate Schedule Provisions (GTRSP) are attached as an exhibit shall be part of these GTRSP for the purpose of determining the meaning of any provision contained herein. If a provision in such Agreement is in conflict with a provision contained herein, the former provision shall prevail.

2. *Bonneville Service Area.* The Bonneville Power Administration (Bonneville) shall operate and maintain the Federal Columbia River Transmission System (FCRTS) within the Pacific Northwest and shall construct such improvements, betterments, system additions and replacements within the Pacific Northwest as it determines are appropriate and required to:

a. integrate and transmit "electric power" from existing or additional Federal or non-Federal generating units;

b. provide service to the Bonneville wholesale power and wheeling customers;

c. provide interregional transmission facilities; or

d. maintain the electrical stability and electric reliability of the Federal Columbia River Power System.

3. *Availability of Transmission Service.* Any capacity in the FCRTS which Bonneville determines to be in excess of the capacity required to transmit Federal power will be made available to all utilities on a fair and nondiscriminatory basis by the application of schedules identified in the Schedule of Transmission Rates, dated 1981 or as subsequently revised.

4. *Billing Details.*

a. The Transmission Billing Determinant is the electric power quantified by the method specified in the Transmission Agreement or Transmission Rate Schedule. Scheduled power or metered power will be used.

b. Bills for transmission service will be computed and rendered monthly, generally on a calendar-month basis.

c. Bills not paid in full on or before the close of businesss of the twentieth day after the date of the bill shall bear an additional charge which is the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter, a charge of one twentieth percent (0.05%) of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph do not apply to bills rendered under contracts with other agencies of the United States.

Remittances received by mail shall be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the twentieth day after the date of the bill. If the twentieth day after the date of the bill is a Sunday or other nonbusiness day of the customer, the following day is the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the twentieth day shall bear a postal department cancellation in order to avoid assessment of such further charges.

Bonneville may, whenever a transmission bill or a portion thereof remains unpaid subsequent to the twentieth day after the date of the bill, and after giving 30 days' advance notice in writing, cancel the Agreement, but such cancellation shall not affect the customer's liability for any charges accrued prior thereto.

If Bonneville is unable to render the customer a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of, and shall be subject to, the same payment provisions as a final bill. Failure to receive a bill shall not release the customer from liability for payment. Billings under each rate schedule application are rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

d. For an initial operating period, not to exceed 3 months, beginning with the commencement of operation of a new generating plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, Bonneville may agree to modify the measured or scheduled demand established for that period, or make other adjustments which are determined to be appropriate.

e. The transmission customer shall furnish Bonneville necessary information for making any computation required for the purposes of determining the proper charges for the use of the FCRTS and shall cooperate with Bonneville in exchanging such additional information as may be reasonably useful for respective operations.

5. *Definitions.* Capitalized terms that are used in the Transmission Rate Schedules shall be as defined below, or, if not so defined, as defined in the Agreement.

a. *Agreement:* The transmission agreement to which this exhibit is attached.

b. *Connection Point:* Refers collectively to the following:

(1) Point of Integration (POI): Connection points where a non-Federal project is integrated with the FCRTS.

(2) Point of Delivery (POD): Connection points where power is delivered to a customer from the FCRTS. The power may be Federal or non-federal.

(3) Point of Exchange (POE): Connection points listed in an Exchange Agreement. Power may be delivered or received at POE without special accounting.

c. *Electric Power* (or simply Power if no confusion would result without a modifier of mechanical, chemical, or electrical): Electric peaking capacity (kW), or electric energy (kWh), or both.

d. *Firm Transmission Service:* Firm availability of transmission service for any power scheduled or otherwise made available, limited only by the amount and time period specified in the Agreement. Firm transmission service is supplied for all types of power, such as firm, nonfirm exchange, interruptible, or other.

e. *Main Grid:* That portion of the FCRTS with facilities rated 230 kV and higher, exclusive of the Intertie.

f. *Main Grid Delivery Terminal:* 230 kV Terminal Facilities associated with a Point of Delivery.

g. *Main Grid Distance:* The distance in airline miles on the Main Grid between the Point of Integration and the Point of Delivery, multiplied by 1.15.

h. *Main Grid Integration Terminal:* The Main Grid Terminal Facilities located at the Point of Integration.

i. *Main Grid Miscellaneous Facilities:* Switching, transformation and other backup facilities of the Main Grid required to integrate the Main Grid.

j. *Main Grid Terminal:* Terminal facilities on the Main Grid adjacent to the Secondary System.

k. *NonFirm Transmission Service:* Service for which Bonneville will accpet power only when it determines excess capacity is available. Once Bonneville accepts power for transmission service, the service provided is the same for firm and nonfirm transmission service.

l. *Secondary System:* That portion of the FCRTS facilities with operating voltage of 115 kV or 69 kV, exclusive of Main Grid facilities, Intertie facilities, and lower voltage (less than 69 kV) FCRTS facilities which may be used on a use-of-facility basis.

m. *Secondary System Delivery Terminal:* A Point of Delivery from a Main Grid substation at 115 kV or 69 kV, or a terminal located at a Point of Delivery from the Secondary System.

n. *Secondary System Distance:* The number of circuit miles of Secondary System transmission lines between the Main Grid and the Point of Delivery or the lower voltage FCRTS facilities which may be used on a use-of-facility basis, as specified in the Agreement.

o. *Secondary System Integration Terminal:* The first Terminal Facility in the Secondary System.

p. *Secondary System Intermediate Terminal:* The final Terminal Facilities in the Secondary System.

q. *Secondary Transformation:* Transformation from Main Grid to Secondary System facilities.

6. *General Provisions:* Transmission Rate Schedules and General Transmission Rate Schedule Provisions of the Bonneville Power Administration, effective July 1, 1981, supersede in their entirety Bonneville's Transmission Rate Schedules and General Transmission Rate Schedule Provisions effective June 10, 1977.

IV. *Major Concepts and Issues:* Bonneville has prepared several studies in the process of developing the transmission rates presented in this Notice. The following description of these studies and discussion of the issues considered in the rate development process will be divided into sections on repayment, cost of service, rate design, and other concerns.

a. *Repayment Study.* The Bonneville Project Act, the Transmission System Act and the Regional Power Act set out criteria which requires that Bonneville produce revenues sufficient to recover the cost of producing, acquiring, conserving, and transmitting the electric power that Bonneville markets, to recover the cost of transmitting power for other parties, and to repay with interest the Federal investment in transmission and generation facilities in the FCRPS. The repayment study projects estimated revenues and costs over the repayment period for the entire power system to determine if there will be enough revenue to cover all costs. The assumptions used in the repayment study are detailed in the Cost-of-Service Analysis. Passage of the Regional Power Act in December 1980 required Bonneville to make a supplementary analysis of the Regional Power Act costs which were not included in the original repayment study. The repayment study used to develop the final rate proposals will include all appropriate costs and revenues.

Interest and amortization costs for the FCRPS are identified in the repayment study and are properly considered when determining revenue level for all classes of service. The initial rate propoal is based on cost estimates and assumptions of the repayment study and COSA. If any of the estimated projections of loads, costs, or streamflow conditions are not accurate, Bonneville may experience revenue surpluses or shortages. Small temporary revenue shortages can be dealt with by deferring interest and amortization payments on appropriated funds and can be repaid in years with surplus revenue. Sound business principles dictate that this practice should only be a temporary means of satisfying cash shortages.

Due to higher than projected costs and reduced revenues, it is projected that by the close of fiscal year 1981 the accumulated deficit of unpaid annual obligations will be $151 million. Since any accrued deficiency in amortization must ultimately be repaid in order to satisfy Bonneville's statutory obligations, Bonneville is considering options both to cover the accumulated deficit and to avoid the continued deferment of forecasted amortization payments. These options may cause Bonneville's revenue requirement to increase beyond the level identified in the current proposal. Bonneville anticipates that this item will be considered in the preparation of cost data and development of policy for the final repayment studies supporting the final transmission and wholesale rate proposals.

Bonneville is soliciting comments from the public pertaining to the treatment of this accumulated deficit. Analysis of this problem is continuing in order to identify the optimal repayment method, but no recommendation has yet been made by Bonneville staff.

b. *Cost-of-Service Analysis (COSA).* The COSA, along with certain adjustments detailed in the Transmission Rate Design Study, is designed to determine the cost of providing service to various classes of customers and is used as a basis for evaluating the adequacy of the various power sales and transmission rates currently in effect. Thus, the COSA is used in demonstrating that the proposed rates will equitably recover transmission costs from Federal and non-Federal power utilizing the FCRTS.

1. *Test Year:* The COSA procedure begins with the selection of a test year and the determination of the investment and operating expenses involved in providing service in such test year. The COSA developed to support the initial transmission rate proposal and the initial 1981 wholesale power rate proposal uses a Fiscal Year (FY) 1982 test year. For the initial transmission rate proposal, the FY 1982 test year was selected, in part, because it is the period for which cost estimates are most easily derived. Furthermore, FY 1982 closely matches the initial 12-month period the rates are anticipated to be in effect. However, as several existing transmission agreements preclude rate increases more frequently than once every 3 years, it is anticipated that the proposed rates will be in effect through FY 1984 absent contract modifications to permit more frequent rate adjustments. Accordingly, the use of a FY 1983 test year and other alternative cost projection concepts are being

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considered for use in developing the final transmission rate proposal.

2. *Functionalization:* In utility cost analyses, investment and operating costs are typically grouped by the functions the utility performs. For Bonneville these functions have been identified as generation, transmission, and metering and billing. A direction-of-effort study was performed to determine how certain facilities and operating expenses should be functionalized. To accomplish this, managers in each Bonneville organization identified both the percentage of staff effort expended on each of the three functions and the functional use of facilities. The application of the results of the direction of effort study to the test year cost estimates yields functionalized cost data.

3. *Classification:* Classification refers to the process by which costs are associated with either usage at the time of system peak (capacity), or total usage during a time period (energy). The approach that is commonly used to classify transmission costs is known as the fixed-variable method. Using this method, transmission costs are classified 100 percent to capacity based on the view that peak usage, not variable energy usage, determines the necessary transmission plant investment. In the COSA supporting this proposal, all transmission costs were classified to capacity.

Bonneville has considered utilizing the cost causation approach to classify transmission costs. This would result in some costs being classified to energy because certain investment decisions, principally those associated with conductor sizing and larger towers, are influenced by the desire to reduce losses and are affected by the volume of anticipated energy deliveries. Preliminary staff analysis indicates that some portion of the transmission system costs are related to energy deliveries. However, an acceptable methodology for the classification of transmission costs to energy has not been developed. Therefore, the traditional fixed-variable cost method of classifying transmission costs entirely to capacity was adopted for this COSA. Bonneville specifically invites suggestions for methodologies for classifying transmission costs.

4. *Segmentation:* Although Bonneville operates a regionwide transmission system, some segments of the FCRTS are not needed to provide service to certain classes of customers. To better assure an equitable allocation of the costs of the FCRTS among all classes of service, the FCRTS has been divided into seven segments so that the costs of each segment can be separately identified and allocated in relation to the service being provided. Portions of the costs of only two of the seven segments, integrated network and intertie, are allocated to transmission customers with adjustable rates. The seven transmission segments are: Integrated network, Pacific Northwest-Southwest intertie, generation integration, fringe area facilities, preference customer delivery facilities, direct-service industrial customer delivery facilities, and investor-owned utility delivery facilities.

5. *Allocation:* After transmission costs are functionalized, segmented, and classified, Bonneville uses the Monthly Peak Responsibility Method (12 CP) to allocate costs to each cutomer class. Bonneville has chosen the 12 CP method to allocate costs for various reasons including: (1) The 12 CP method recognizes diversity and the integrated nature of the transmission system, (2) the 12 CP method reflects the use of Bonneville's sytem to transmit energy throughout the year, and (3) Bonneville's firm transmission loads, power and transmission, are fairly uniform throughout the year.

The 12 CP allocation factors used in the COSA are calculated from the power flowing on the system according to contractual arrangements.

c. *Transmission Rate Design:* In the design of transmission rates there are various concepts and issues which affect all rates, plus concepts and issues which relate specifically to Set A and Set B rates. The general matters affecting all classes of service are discussed first. The matters related to each rate schedule are discussed separately. Because the proposed rates reflect the results of the COSA, the matters related to that study are pertinent to rate design, but the discussion of those issues will not be repeated in this section.

1. General Concepts and Issues: The revenues in excess of allocated costs associated with the Wholesale Nonfirm Energy Rate (NF–1) and Energy Transmission Rate (ET–2) are credited against the allocated costs of service derived in the COSA. The credit from the nonfirm energy rate has been functionalized between generation and transmission by identifying the transmission portion as being equal to the average cost per kilowatt-hour of transmitting energy for other power services (2 mills/kWh), times the estimated nonfirm energy sales. The transmission credit so derived has been divided among the segments in proportion to the segmentation of total transmission costs. The revenues in excess of costs associated with nonfirm energy have been credited both to generation and transmission because both types of facility are involved in providing the service and, therefore, the costs related to both should be credited. The revenues in excess of costs associated with nonfirm energy transmission have been credited entirely to transmission because only transmission facilities are used in providing the service. This credit has been segmented in the same manner as the transmission credit for nonfirm energy sales.

Bonneville provides transmission services to certain customers at rates which, by contract, cannot be changed. Because the FCRPS rates must collect revenues sufficient to recover all costs, including those related to contracts for which rates cannot be increased, any revenue deficiency must be assigned to other customers. Fixed rate transmission services include the transmission of Columbia Storage Power Exchange (CSPE) power. As CSPE arrangements benefit all power sales customers, the revenue deficiency is assigned to power sales customers. Another transmission service for which the rates are fixed involves power from Tacoma City Light's Mayfield-Mossyrock projects. The deficiency from this transaction is shared by all classes of service in proportion to the class transmission allocation factors.

Power and energy losses associated with the provision of transmission service have historically been treated by Bonneville as a contract matter. With the limited exception of the existing schedule for Energy Transmission (ET-1), Bonneville has not viewed loss provisions as an appropriate item to be included in rate schedules. While it is anticipated that Set B services and rates will include a respecification of contractual loss provisions, the rate schedules included in this proposal do not include loss provisions.

The criteria for undertaking investments in transmission facilities is multifaceted and complex. Bonneville does, however, construct and place some facilities in service which are needed in large part for future use, not for use in the initial period the facilities are on line. This practice regarding the timing of system additions is undertaken both to minimize the cost of system additions and for environmental reasons. Although such facilities certainly provide benefits to current users through increased system reliability and other benefits, the primary cause of such investment relates to future system conditions. Neither the COSA nor the Transmission Rate Design Study attempts to isolate the costs related to transmission facilities needed for the future.

Another factor considered in the design of the alternative transmission service and rates has been the desirability of sharing the benefits and risks of the FCRTS with all customer groups. With Bonneville's extensive transmission system which is utilized by many parties, it is often difficult to associate benefits or risks of constructing and maintaining that system with specific entities and specific contractual arrangements. Therefore, a more comprehensive and less situation specific approach has been utilized in developing Set B rates and the related service concepts.

In keeping with the principles included in many contractual arrangements, both the COSA and the Transmission Rate Design Study treat the FCRTS as a system which is distinguishable from other Pacific Northwest transmission facilities in terms of both costs and loads. The analysis supporting this proposal does not attempt to treat total Pacific Northwest transmission system costs or loads, but rather deals only with the FCRTS. While the approach used in the proposal is consistent with frequently used ratemaking and contractual practices, Boneville has explored the merits of treating the entire Pacific Northwest transmission system as a unified whole for ratemaking purposes. Such an approach would result in all parties utilizing the combined Pacific Northwest transmission system, including Bonneville, being assessed a portion of the total system cost in proportion to both the load a party places on the total system and the investment each party has made in the total system. Bonneville is continuing to investigate this method of establishing proportional cost responsibility.

2. Specific Concepts and Issues:

Set A Rate Schedules. The rate schedules included in Set A are designed to reflect the form of the existing schedules because in many cases such rate form is prescribed by contract provisions. The form of the FPT–2 rate includes a distance or mileage component and various terminal charges. While the COSA is the basis for determining the class revenue requirement for FPT–2, and IR–1 and IS–1, the COSA cost allocation does not reflect the billing determinants used in FPT–2. Distance is not recognized in the COSA as a cost factor, nor does the COSA separately identify the costs and use of specific types of facilities. Therefore, it is necessary to undertake a three-part process to design FPT–2 rates. The first step involves the development of unit cost information for the facilities treated in the required rate components. The unit costs are derived by using facility cost data, unadjusted for revenues from nonfirm energy and energy transmission sales. System use is based on a power flow simulation of the projected peak load period for the test year. Such power flow simulation does not specifically relate to the 12 CP allocation factor load data used in the COSA. In addition, the unit costs do not conform precisely to the billing determinants ultimately used in FPT–2. The second step involves applying such unit costs to the class billing determinants to determine the revenues produced by such rates. For numerous reasons, including those noted above, the FPT–2 revenues produced by the unit cost approach do not coincide with the COSA-based revenue requirement. Thus the third step in the process involves constraining the FPT–2 rates produced by the unit cost approach to the COSA-based revenue requirement. The constraining of FPT–2 rates to produce the appropriate class revenue requirement has been accomplished by modifying all of the FPT–2 rate components by a uniform percentage (approximately 58 percent). The FPT–2 schedule makes provisions for partial-year service. The rate for partial-year service is the same as for full-year service during the months for which service is specified. During months in which service is not specified, the charge is 20 percent of the full-year rate.

Both Set A and Set B include a schedule for energy transmission (ET–2) and, as this class of service is not allocated costs in the COSA, it is necessary to determine the level of the rate by other means. The technique used to develop the ET–2 rate is to calculate the unit cost per monthly coincidential peak kilowatt for the network and intertie segments, by dividing the total COSA-derived costs for those segments, adjusted for nonfirm energy revenues, by the estimated monthly coincidental peak kilowatts. The ET–2 rate is calculated by applying the unit cost per kilowatt to the estimated load factor of the ET class.

An additional schedule included in both Set A and Set B is Use-of-Facilities Transmission (UFT–2). This schedule contains a cost formula rather than a specific rate. The UFT–2 schedule is a continuation of the previous schedule in terms of its applicability to identifiable facilities. One change being proposed for UFT–2 involves calculating operating costs based upon average operating costs for the particular category of facilities rather than estimating such costs as a percentage of investment costs. Another change is that the costs of the facility will be divided among the users of the facility based on each user's noncoincidential demands.

Concurrent with this rate filing, Bonneville is also planning to eliminate the Z-factor credit. The Z-factor credit is a reduction in the billing determinant (contract megawatts) for those FPT customers who are also Federal power customers. The credit is included in the contracts and not in the rate schedule. The Z-factor was orginally included in contracts to recognize the diversity between a customer's transmission demands and power demands. Concurrent with the 1976 Transmission Rate Filing, Bonneville indicated that the Z-factor would be phased out: a 50-percent reduction at that time, to be followed by a complete elimination in the next transmission rate filing. In the allocation of transmission costs between Federal and non-Federal customers, full recognition is given to economies resulting from diversity on the transmission system. No further recognition is needed, and continuation of the Z-factor would result in those customers receiving double credit for diversity.

Set B Rate Schedules. Unlike FPT–2, which is a continuation of the existing contractual arrangements regarding service characteristic, rate form, and loss provisions, the IR–1 schedule of Set B involves a change in service to a more flexible and comprehensive service. The IR–1 service is not related to specific facilities and contract demand amounts but rather to network-wide service and actual recognized use of the FCRTS. The COSA-derived revenue requirements, as adjusted, and the concepts used in the COSA are reflected in the design of the rates included in the IR–1 and IS–1 rate schedules. Therefore, the calculation of these rates does not require the additional steps needed in the computation of the rate components included in FPT–2. The IR–1 rate is calculated by dividing the $31,716 million COSA-adjusted revenue requirement for the class by the appropriate billing determinants (5788MW) to derive the charge of $0.457 per kilowatt month. Similarly, for IS–1, the $1.342 million class revenue requirement related to the intertie is divided by the billing determinants (205 MW) to yield a charge of $0.546 per kilowatt month.

The IR–1 rate has been time differentiated diurnally in a manner similar to the transmission component of certain revised wholesale power rates.

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The IR–1 rate is only to be applied for service between 7 a.m. and 10 p.m., Monday through Saturday. The time differentiation of the IR–1 rate recognized that results of Bonneville's Time-Differentiated Pricing Analysis and Long-Run Incremental Cost Study indicating that investment in transmission facilities is not a function of offpeak period conditions.

3. *Optional Rate Schedule Concept.* The FPT–2 schedule and the combination of the IR–1 and IS–1 schedules are both designed to recover the revenue requirement allocated to the firm transmission class. Utilities will be able to choose whether to remain on the FPT–2 schedule or enter into interim contracts incorporating the concepts included in the IR–1 schedule. It is anticipated that this process will result in a revenue deficiency, as utilities may choose the rate schedule which will yield the lower total charge for transmission service. Based on the assumption that minimizing their transmission charge would be the sole criterion, the deficiency would amount to approximately $3.8 million. However, no adjustments are being made to the initial proposal to eliminate this deficiency because of uncertainties concerning which utilities will switch to the IR–1 schedule. These uncertainties result from the expectation that both the services offered and the treatment of losses will likely be different in the IR–1 schedule and these differences may be more important criteria than transmission charges. Bonneville expects to investigate these concerns more and as a result of that investigation may include an adjustment for a projected revenue deficiency in the Final Proposal.

For the final proposal, Bonneville is considering a division of the firm transmission class based upon a best estimate of which utilities will switch to the IR–1 schedule. An allocation of costs between the rate subclasses would be made according to COSA allocation factors. The IR–1 and FPT–2 schedules would be developed to recover the allocated costs. Because the IR–1 billing determinants track the COSA allocation factors more closely than the FPT–2 billing determinates, it is expected that the final FPT–2 rate would absorb most of the deficiency caused by customers choosing to minimize transmission costs.

d. *Other Issues:* Bonneville has examined the environmental impacts of the proposed transmission rate increase and determined that this action does not require completion of an environmental assessment or an environmental impact statement. This determination was reached because the proposed increase in rates is less than the general rate of inflation since the last transmission rate increase, because the increase in transmission rates will not have any measurable impact on retail power charges, and because the increase in rates is not expected to be signifcant enough to warrant construction of parallel transmission facilities by Bonneville's transmission customers.

The impact of the proposed rates varies by customer and firm transmission schedule selected. For those customers electing to retain existing transmission contracts, the percentage increase in revenues from the FPT–2 schedules compared with the FPT–1 schedules varies from 34 to 116 percent with the average increase being 49 percent. The variation in the percentage change in revenues derivded from the IR–1 rate schedule compared with the FPT–1 rates ranges from a 25-percent decrease to a 350-percent increase with the average change being a 49-percent increase.

Bonneville has conducted a Long-Run Incremental Cost (LRIC) study to determine the incremental costs Bonneville is incurring to serve additions to peak loads, and a Time-Differentiated Pricing Analysis (TDPA) to determine how load and temperature affect the relative loading of the transmission system diurnally and seasonally. The results of these two studies have been incorporated into the design of the IR–1 rate.

Dated: February 10, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81–5372 Filed 2–13–81; 11:00 am]

BILLING CODE 6450–01–M

Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of Proposed Wholesale Power Rate Adjustment, Notice of Public Hearings, and Opportunities for Review and Comment.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Power Act or Act) enacted on December 5, 1980, expanded Bonneville's obligation to serve the electric load requirements of both the publicly-owned and investor-owned utilities of the Pacific Northwest Region and Bonneville's direct service industrial customers. The Act expands Bonneville's responsibilities and has made differences in the process and substance of Bonneville's rate development activities. The Regional Power Act confirms Bonneville's obligation to establish and periodically revise Bonneville's rates so that they are adequate to recover, in accordance with sound business principles, the costs associated with the production, acquisition, and transmission of electric power and to recover the Federal investment in the Federal Columbia River Power System (FCRPS).

Prior to December 5, 1980, Bonneville had determined an increase was needed in its existing wholesale power rates charged for electricity produced, acquired, and transmitted by Bonneville. At that time, revenues under existing rates for Fiscal Year (FY) 1982 were estimated to be $631.1 million. Considering both the increase in revenues that was necessary under the existing rate schedules, and the revenues from the additional power sales and power exchanges that will take place in FY 1982 as a result of the Act, Bonneville's total revenue requirement in FY 1982 is approximately $1.5 billion.

Bonneville is proposing to revise both its wholesale power and transmission rate schedules in order to produce sufficient revenues to fulfill its new statutory requirements. The proposed transmission rates are being published separately. The proposed wholesale power rates are presented in this Notice. Section 7 of the Regional Power Act directs the establishment of these rates to be applicable to all power sales provided for in the Act.

Opportunities will be available for interested persons to review the proposed rates and the supporting studies, to participate in hearings, and to submit written comments. During the development of the final rate proposal, Bonneville will evaluate all written and oral comments received in this process. Because of the consideration of public comments, or due to more current data, the final rate proposal may differ from the rates proposed in this Notice.

DATES: Persons wishing to become a formal "party" to the proceedings must notify Bonneville in writing of their intention to do so. The notification must be received by February 24, 1981, and should be addressed as follows: Hon. Dean F. Ratzman, Hearing Officer, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Power and Transmission customers of Bonneville are parties of right. Others may become parties by demonstrating in their notice and at the Prehearing Conference that they would represent a significant and otherwise unrepresented public interest. The notice should contain: (1) The name of the person or entity claiming status as a party; (2) the person who will be representing the party; (3) whether the person or entity claiming status as a party has a contractual relationship with Bonneville which could be affected by the proposed rates; and (4) if no contractual interest exists, the interest the person believes would be served by their being a party. All timely applications will be ruled upon by the Hearing Officer.

Pursuant to the rate procedures, a Prehearing Conference will be held before the Hearing Officer at 9 a.m. on February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon.

The rate hearings will cover the transmission rates and the wholesale power rates and will begin with a technically oriented presentation of Bonneville's proposed wholesale power and transmission rates. Registration for the hearing will begin at 8:30 a.m. and the hearing will commence at 9 a.m. on March 2, 1981, in the Main Ballroom of the Masonic Temple, 1119 SW. Park Avenue, Portland, Oregon. The presentation of the staff case may continue into March 3 and 4, 1981. Clarifying questions will be permitted. Following the technical meetings, hearings will be held at locations outside Portland to present to the public a condensed form of the Bonneville staff case and to receive comments from the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. Registration for the hearings will be at 7 p.m., and the hearings will begin at 7:30 p.m. The dates and locations are: March 5, Parrish Middle School Auditorium, 802 Capitol Street NE., Salem, Oregon; March 9, Blackfoot Room, Village Red Lion, 100 Madison, Missoula, Montana; March 10, Training Office Auditorium, Boise Interagency Fire Center, 3905 Vista Avenue, Boise, Idaho; March 11, Federal Building, 3000 George Washington Way, Richland, Washington; and March 12, Snoqualmie Room, Seattle Center, 1st North and Republican Street, Seattle, Washington. Bonneville will hold a sixth hearing outside Portland on March 13, from 1 p.m. to 4 p.m., in Room 15018 of the Golden Gate Federal Building, 450 Golden Gate Avenue, San Francisco, California.

It is expected that during the Prehearing Conference, hearing dates will be set for cross-examination of the Bonneville rate staff, for the presentation of the cases of formal parties, and for rebuttal and oral argument. A notice of the dates and times of such hearings will be mailed to all parties of record. The hearing period may be continued for the presentation of other information which may affect significantly the Bonneville rate case, and for the taking of rebuttal testimony and cross examination regarding such information. Written comments may be submitted until the close of the hearings. The last day for receipt of written comments will be specified in a later Notice.

ADDRESSES: Written comments not submitted at the hearings should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Written comments submitted by the close of the hearing will be made part of the record.

FOR FURTHER INFORMATION CONTACT:

Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212; (503) 234–3361, ext. 4261. Bonneville maintains toll-free lines for the use of persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Messages and requests for information received outside of normal business hours (4:30 p.m. to 7:30 a.m.) may be recorded on the toll-free lines. Additional information is available from: Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456–2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755–6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662–4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361 ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–5500, ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION: On June 12, 1980, Bonneville published in the **Federal Register** a "Notice of Intent to develop Revised Wholesale Power Rates" (45 FR 34885). In May 1980, Bonneville announced at its customer meetings that preliminary studies indicated a 50-percent increase in Bonneville's overall revenue level was necessary, such increase to be effective July 1, 1981. The 50-percent estimate was board on a repayment study of the Federal Columbia River Power System (FCRPS). The repayment study tested the adequacy of revenues under existing rate sched ules to meet Bonneville's obligations to recover the cost of producing and transmitting electric power and to repay with interest the Federal investment in the FCRPS as required by statute. At that time the repayment study was made, it was intended that wholesale power rates proposed by this Notice when combined with the transmission rates concurrently proposed, would be adequate to produce the necessary increase in the total revenues. However, passage of the Regional Power Act provided Bonneville with additional statutory obligations, along with a complete set of directives concerning the determination of the rates to be applied in carryng out its new, as well as existing, statutory obligations. Thus, it became necessary to propose revise rates that would not only recover Bonneville's revenue requirement as it was determined prior to the Act, but would also allow for the implementation of the various rate-related provisions of the Act.

There has not been sufficient time to completely redesign the process for development of the proposed rates to conform totally with the directives of the Act. Bonneville has not rerun the repayment study which indicated the need for a 50-percent revenue increase. Instead, the additional revenue requirement for FY 82 which is projected to occur as a result of Bonneville's increased responsibilities and obligations under the Act are identified and allocated to the appropriate customer classes in the Cost-of-Service Analysis. A repayment study will be run for use in development of the final rate proposal which will include consideration of all of Bonneville's obligations to recover costs and to repay with interest the Federal investment in the FCRPS.

The discussion of the major studies in Section IV.A. of this Notice indicates what portions of the studies will require revision, as a result of the Act before they can be used in the development of the final proposed rates. Every attempt

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has been made in the preparation of this initial set of porposed rates to approximate the absolute and relative level of the various rates as they will appear in the final proposal. Bonneville has developed the proposed rates under a considerable time constraint. The agency believes that the requirements of the new law have been met and that the numerical calculations supporting the proposed rates will gain acceptance as additional time has been devoted to the study and explanation of the rates.

The proposed wholesale power rates have been prepared in accordance with Bonneville's statutory authority to develop rates, including the Bonneville Project Act of 1937, as amended, 16 U.S.C. 832e and f; 835j, k, and l; the Regional Preference Act, 16 U.S.C. 837d; the Federal Columbia River Transmission Act, 16 U.S.C. 838g and h, and the recently enacted Pacific Northwest Electric Power Planning and Conservation Act of 1980, Pub. L. 96–501, 16 U.S.C. 839 et. seq.

During the development of the repayment study and other studies, consideration was given to the comments and recommendations received from Bonneville's customers and the public in response to Bonneville's Notice of Intent.

In developing the proposed wholesale power rates, Bonneville considered revenue requirements, costs of service, marginal costs, conservation, environmental impacts, ease of administration, stability, continuty, value of service, ease of comprehension, and statutory obligations. The major studies which are prepared and which support the proposed wholesale rates will be available for examination on February 24, 1981, at the office of Bonneville's Public Involvement Coordinator, Bonneville Headquarters Building, 1002 NE. Holladay Street, Portland, Oregon. The studies may also be requested by phone or in writing from Bonneville's Public Involvement Coordinator and will be available at the Prehearing Conference. The studies are:

1. Cost-of-Service Analysis and Summary Version of Repayment Study.
2. Long-Run Incremental Cost Analysis
3. Time-Differential Pricing Analysis
4. Summary Rate Design Study

The environmental impacts of the proposed rates have alos been considered and documented in an Environmental Assessment which will be available for examination at the same location.

I. Rules of Procedures Governing Rate Adjustments and Public Participation

Section 7(i) of the Regional Power Act provides for new procedures for encouraging the participation of the public in the development of Bonneville's rates. Since these procedures outlined in the Act differ from Bonneville's published "Procedure for Public Participation in Marketing Policy Formulation" (45 FR 73531 November 5, 1980) and likewise differ from the procedure which governed the 1979 rate filing, Bonneville has prepared Rules of Procedure Governing Rate Adjustments (46 FR 11697 February 10, 1981) which are summarized herein and which Bonneville will use to develop both the wholesale power and transmission rates.

The Act prescribes a Federal Register notice, one or more hearings, the opportunity to submit written views, data, questions, and arguments outside the hearings, and a decision by the Administrator based on the record developed during the rate process.

Bonneville's procedures proposed by Bonneville expand on these requirements. They provide for publication of a Notice, a prehearing conference, hearings, receipt of written comments, preparation of decision documents, a decision, and the transmittal of the decision with supporting documentation to the Federal Energy Regulatory Commission (FERC) and the Secretary of Energy.

The process begins with publication of a Notice, which may follow or be combined with a Notice of Intent and which includes the proposed rates, and discussion of the research, studies, analyses, and other available information in support of the proposed rates, the deadline for claiming status as a "party," and the beginning date for the hearing. This Notice satisfies that requirement.

The procedure provides further for a Prehearing Conference if scheduled by the Hearing Officer. Pursuant to the rate procedures, a Prehearing Conference will be held before the Hearing Officer at 9 a.m. on February 25, 1981, in the West Ballroom, Red Lion Lloyd Center, 1000 NE. Multnomah, Portland, Oregon.

Issues which may be raised for discussion at the Prehearing Conference could include disputes concerning status as a party, the scope of cross-examination, hearing schedules, and other pertinent matters.

Registration for the hearing will begin at 8:30 a.m. and the hearings will commence at 9 a.m. on Monday, March 2, 1981, with a technically oriented presentation of the transmission and wholesale power rate proposals by Bonneville staff.

After the conclusion of the technical presentation, Bonneville will convene a series of hearings in locations outside Portland. The purpose of these hearings is to present to the public and to other interested persons a condensed form of the Bonneville staff case and to receive the comments, views, and opinions of the general public. The public's comments will be subject to cross-examination. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. Bonneville plans to hold hearings at the times and locations previously listed.

The conduct of the hearings will differ from the conduct of the Public Information and Comment Forums held during the 1979 rate process. However, the purpose of the hearings remains to develop a full and complete record and to receive public comment on the proposed rates.

Bonneville finds it necessary to distinguish between "participants" in and "parties" to the hearings. During the field hearings, Bonneville will receive comments, views, opinions and information from "participants," who are defined in the proposed procedures as interested persons who may express their views at a hearing but who may not cross-examine other witnesses, participate in prehearing conferences, or serve or be served with documents. This category of interest is being established to give the public the maximum opportunity to participate and have its views considered without assuming the obligations incumbent upon the "parties."

The second category of interest is that of a "party." A party may be either a party of right because of its legal and/or contractual relationship with Bonneville, and hence, its direct interest, or it may be a person seeking to represent a significant and otherwise unrepresented public interest in the hearings. Parties may participate in prehearing conferences, may call and cross-examine witnesses, and are entitled to service of documents from all other parties. Parties may also be cross-examined and may be required to serve documents on the other parties. Cross-examination by parties may be limited by the Hearing Officer and is also limited by the requirement in the proposed procedures that parties of like interest cross-examine through one person.

Bonneville expects that the field hearings will be followed by the cross-examination of the Bonneville staff, by the presentation of the cases of the other parties, and by opportunities for rebuttal and oral argument. The times and places will be established by the Hearing Officer at the prehearing conference and will be announced in a subsequent Notice that will be mailed to all parties of record. In addition, Bonneville expects that the hearing will be continued to offer an opportunity for the receipt and/or development of additional information which may be valuable in the preparation of the final rate proposal.

Persons need not attend the hearings in order to have their views included in the record. Written comments may be included in the record if they are submitted before the close of the hearings. Written views, data, questions, and arguments should be submitted to Bonneville's Public Involvement Coordinator.

The record will include the transcripts of the hearings, written material submitted by the customers and the public, documents developed by the Bonneville staff, and other material accepted into the record by the Hearing Officer. Based on the record as established, the staff will prepare an Evaluation of the Record which it will submit to the Hearing Officer. The evaluation will contain a summary of the major comments, criticism, support, and alternatives offered to the proposed rate and a recommendation for their acceptance or rejection.

The Hearing Officer will then review the Record, will supplement it if necessary, and will certify the Official Record to the Administrator for decision.

The Administrator will develop the final proposed rates based on the record certified by the Hearing Officer. The basis for the final proposed rates will be supported by the Administrator's Record of Decision. The Administrator will serve copies of the Evaluation of the Record and the Administrator's Record of Decision upon all the parties and will file the final proposed rates together with the Official Record with the FERC for confirmation and approval. If the FERC does not have final procedures in place for granting interim approval, the Administrator will also file the final proposed rates and the Official Record with the Secretary of Energy.

II. Elements of the Regional Power Act

The rate schedules contained in this publication are the first proposed in accordance with the new Act, which was signed into law on December 5, 1980. Prior to the Act, Bonneville allocated costs of resources from a single block, the FCRPS, and designed rates to recover those costs from limited classes of customers. Now, there are two additional distinct blocks of resource costs, and Bonneville's services extend to all classes of customers within the Pacific Northwest. Accordingly, the new rate schedules reflect many features contained principally in the Act's rate directives (Section 7), as well as the conditions related to classes of customers and services contained in the Act's power sales directives (Section 5).

Most importantly, the Act places on Bonneville a responsibility to all the electric power consumers in the Region. While protecting the historical preference and priorities of public bodies and cooperatives, there is a responsibility to provide, through time, parity in wholesale power costs to all residential and small farm consumers; to share the burdens, risks and benefits of meeting the load growth requirements of all requesting utilities; to provide a positive inducement to individual utilities to accept the considerable burdens of achieving conservation and developing generating resources; to accept the risks and costs of meeting the entire Region's present power supply deficits; and to provide access for all Bonneville's regional firm loads to the reserves provided by rights to restrict deliveries to industrial customers served directly by Bonneville.

A. *Services.*

The Act affirms that Bonneville's public body, cooperative, and Federal agency customers have a protected right to the full resources of the Federal Columbia River Power System. These customers will be able to have their current and future requirements met by Bonneville. In addition, the residential and small farm consumers of investor-owned utilities (IOU's) will receive the benefits of Bonneville's lowest cost resources and eventually will have wholesale power costs equivalent to those paid by similar consumers of preference customers.

The investor-owned utilities' net firm power requirements in the Region (in excess of their own firm resources in the year prior to the Act) can also be served by Bonneville if the utility seeks such service. These loads would be served at a different rate as described below, but would retain the benefits of system integration, reserves, risk sharing and nonfirm energy supplies.

Bonneville's existing direct-service industrial customers will receive new 20-year contracts for less than firm power. This will include significant rights of restriction in addition to those under existing contracts. These rights provide the Region with a major portion of the planning and operating reserves that help to keep costs lower to all of the Region's consumers.

B. *Costs.*

The Act identifies three distinct resource pools, commonly referred to as the Federal base system resources, the exchange resources under Section 5(c) of the Act, and new resources.

The first pool is comprised of Federal base system resources which the Act defines as (1) the FCRPS hydroelectric projects (present and future); (2) the resources acquired by the Administrator under long-term contracts in force on the effective date of the Act, and (3) the resources acquired as necessary to replace any reductions in capability of the components of (1) and (2). For the test year 1982, the Federal base system consists of the existing hydroelectric system, 30 percent of the output of the Trojan nuclear plant, portions of the power from the nuclear reactor at Hanford, and sufficient additional short-term purchased resources to make up for the lack of the Washington Public Power Supply System Projects 1 and 2 to the extent necessary to meet the Administrator's contractual obligations as of the date of the Regional Power Act. These are the same resources that would have been available to the Administrator to meet these firm power obligations prior to the Act. Therefore, the costs of these resources assigned to the customers paying them do not differ because of the Act.

The second resource pool consists of the power which Bonneville purchases from utilities, primarily IOU's, for the direct benefit of their residential and small farm consumers. The amounts of power purchased are a percentage of the residential and small farm loads of the individual utility beginning, with 60 percent in July 1981 and increasing by 10 percentage points annually. The Administrator is directed to acquire the power at the offering utility's average system cost for that year. The average system cost will be determined annually using a methodology currently being developed by Bonneville in consultation with its customers and state regulatory bodies in the Region and the Council established pursuant to Section 4 of the Act. (This methodology will be subject to review and approval by FERC). Bonneville must then sell an equivalent amount of power to the utility at the same rate that is in effect for sales of firm power to Bonneville's public body, cooperative, and Federal agency customers. The benefits of this "exchange" are to be passed through to the participating utility's residential loads within that State.

The third resource pool is the "new resource" pool. It will include all new resources developed, purchased, or otherwise acquired by Bonneville to

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meet the load growth of investor-owned utilities plus any of thier firm power deficit in the year prior to December 5, 1980, which they ask Bonneville to meet. This pool also includes resources acquired to meet the new large load (Section 3(B) of the Act) requirements of Bonneville's public body, cooperative, or Federal agency customers. This pool will reflect the operational and cost advantages of blending the new resources with the secondary capability reserves of the existing Federal system. In addition, it should reflect the benefits of undertaking cost-effective conservation and of lower financing costs associated with spreading the risks of new resource development throughout the Region.

C. *Rates.*

The costs of the various resource pools described above plus the other costs incurred by the Administrator must be recovered in a manner described in Section 7 of the Act, including the provisions of other applicable law.

Section 7(b) directs the Administrator to establish rate or rates for power sold to meet the general requirements of the public body, cooperative, and Federal agency customers within the Region as well as power sold to participating utilities (Section 5[c]) for their residential and small farm consumers. Presently, the sum of these loads is less than the Federal base system (FBS) resources—the lowest cost block which Bonneville has available. In the future, as these loads exceed the FBS resources, the next lowest cost block of resources will be used for determining rates to these customers. In short, the preference customers and the residential and small farm consumers of participating utilities are assured of always receiving the lowest wholesale power cost from Bonneville. Moreover, the Act provides a specific rate test to assure, in general, that the preference customers will not pay more for wholesale power than they would have in the absence of the Act.

Rates for the direct-service industrial customers (DSI's) of Bonneville are governed by Section 7(c) of the Act. Before July 1, 1985, the rates to the DSI's are to be set at a level to recover the cost of the resources required to meet their loads including the net cost of the exchange provided under Section 5(c) of the Act. The DSI's yield their supplies of FBS resources associated with their service prior to the Act and replace it with supplies from the exchange purchases. In FY 1982 the exchange is limited to 60 percent of the IOU's residential and small farm loads in order to retain some FBS resources for the DSI's. Thus, for FY 1982, the DSI rate will recover costs which Bonneville pays for power from the utilities participating in the Section 5(c) exchange, as well as that portion of the FBS resources remaining to meet DSI load. The DSI's are, in effect, bearing the cost of the rate relief provided by the Act to the residential and small farm customers of the IOU's. A portion (approximately 25 percent) of the DSI load is supplied by nonfirm resources under average water conditions. The overall DSI rate reflects the costs of this service, plus a price which Bonneville would otherwise have received for this power. The rates to the DSI's will be adjusted pursuant to Section 7(c)(3) of the Act in recognition of the value of the planning and operating reserves through restriction rights on delivery of power to meet their loads.

Section 7(f) of the Act directs the establishment of rate or rates that will be charged for all other firm power sales made by the Administrator within the Region. Loads served under these rates may be the load growth or firm deficits on the IOU systems which Bonneville is obligated to serve under the Act if requested to do so by the individual IOU's. Section 7(f) rates also apply to service to preference customer's new large single loads as defined in the Act and which are excluded from service under the 7(b) rate. In designing the rates for test year 1982, all of the FBS resources and the exchange resources are identified as serving the loads provided for under Sections 7(b) and 7(c) of the Act. Therefore, the remaining new resource pool will be used to serve the load growth and large new single loads provided for in Section 7(f).

One significant service not treated in the rate directives of the Act is Bonneville's use and sale of nonfirm energy. Bonneville plans its long-term recovery of revenues on the basis of average water conditions. It also allocates few costs to the provision of those services. Consequently, the manner in which nonfirm energy is used, the rate that is set and the distribution of these revenues in excess of costs can have significant impacts upon the various classes of service. The revenues earned by sales of nonfirm energy goes, in general, to reduce the cost of firm power from the resources that produced, or contributed to the revenues. However, the cost reduction benefit of directly using the nonfirm energy rather than (and in displacement of) short-term purchases and higher incremental cost resources is a cost savings attributable to the cost pools containing these high cost resources. (Federal base system and new resource pools). The Bonneville proposal essentially provides that the preference customers and the residential and small farm consumers of participating utilities continue to receive those revenue benefits from nonfirm sales that are attributable to the Federal base system resources (including the revenue benefits from the direct use and displacement of these resources). In general, Bonneville will pursue nonfirm marketing policies which will provide benefits to all the consumers of the Pacific Northwest.

This extensive introduction to the Rate Proposal is made because Bonneville is well aware that its initial formulations of rate structures required to refect new and complex requirements will benefit from careful review and constructive comments. Bonneville requests its customers, State agencies, and the general public to consider the rate proposals in terms of their broad purposes and to provide recommendations that would improve upon our Region's ability to cooopeatively achieve those purposes.

III. Proposed Rate Schedules and General Rate Schedule Provisions

Schedule PF–1—Priority Firm Power Rate.

Section 1. *Availability:* This schedule is available for the purchase of firm power to be used within the Pacific Northwest for resale or for direct consumption by public bodies, cooperatives, Federal agencies, and investor-owned utilities participating in the exchange under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act. This schedule supersedes schedule EC–8 which went into effect on an interim basis on December 20, 1979, for public body, cooperative, and Federal agency customers.

Section 2. *Rate:*

a. *Demand Charge:*

(1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

(2) For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

(3) All other hours: No demand charge.

b. *Energy Charge:*

(1) For the billing months September through March: 5.9 mills per kilowatthour of billing energy.

(2) For the billing months April through August: 5.4 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. For any purchaser not designated to purchase under subsection 3b, 3c, or 3d:

(1) The contract demand as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The measured energy for the billing month.

b. For any purchaser designated by Bonneville to purchase on a computed demand basis because of such purchaser's potential ability either to sell generation from its resources in such a manner as to increase Bonneville's obligation to deliver firm power to such purchaser in an amount in excess of Bonneville's obligation prior to such sale, or to redistribute the generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal System; provided, however, that when a purchaser operates two or more separate systems, only those systems designated by Bonneville will be covered by this subsection:

(1) The peak computed demand for the billing month;

(2) The average energy computed demand for the billing month;

(3) 60 percent of the highest peak computed demand during the previous 11 billing months;

(4) 60 percent of the highest average energy computed demand for the previous 11 billing months;

(5) The measured demand for the billing month adjusted for power factor;

(6) The measured energy for the billing month;

(7) The contract demand as specified in an agreement between a purchaser and Bonneville for a specified period of time.

c. For any purchaser contractually limited to an allocation of capacity and/or energy as determined by Bonneville pursuant to the terms of a purchaser's power sales contract:

(1) The allocated demand for the billing month, as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The allocated energy for the billing month, as specified in the contract;

(4) The measured energy for the billing month.

d. For any purchaser participating in the exchange under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act:

(1) The scheduled demand for the billing month;

(2) The scheduled energy for the billing month.

Section 4. *Determination of Billing Demand and Billing Energy:*

a. For a purchaser governed by subsection 3a:

(1) The billing demand for the month shall be factor 3a(1) or 3a(2), as specified in the purchaser's power sales contract, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3a(3) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4): *Provided, however,* That factor 3c(4) shall not exceed factor 3c(3).

b. For a purchaser governed by subsection 3b:

(1) The billing demand for the month shall be the largest of factors 3b(3), 3b(4), and 3b(5), or 3b(7) if applicable. Factor 3b(5), before adjustment for power factor, shall not exceed the largest of factors 3b(1), 3b(2), or 3b(7) if applicable, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3b(6) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4): *Provided, however,* That factor 3c(4) shall not exceed factor 3c(3). Factor 3b(6) shall not exceed factor 3b(2) times the number of hours during such month.

c. For purchaser governed by subsection 3d:

(1) The billing demand for the month shall be factor 3d(1).

(2) The billing energy for the month shall be factor 3d(2).

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *At-Site Power:* At-site power purchased for consumption by a purchaser shall be used within 15 miles of the powerplant specified in the power sales contract. At least 90-percent of any at-site power purchased for resale shall be used within 15 miles of the specified powerplant.

The monthly demand charge for at-site firm power will be the monthly demand charge for priority firm power reduced by $0.257 per kilowatt of billing demand.

At-site priority firm power is made available only for those utility customers purchasing at-site firm power under existing contracts. At-site priority firm power may be purchased by such utility customers under new contracts only until a date certain specified in such new contracts. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. This use-of-facilities charge shall be in addition to the charge determined by the application of section 2 of the Rate Scehdule as reduced by the provisions of this subsection.

c. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected

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in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

d. *Low-Density Discount:* A predetermined discount will be applied each month of a calendar year to the charges for power purchased under contracts to be signed between Bonneville and its customers. The amount of such discount will depend on the ratio of the total annual energy requirements of the purchaser's electric operations during the preceding calendar year to the purchaser's depreciated investment in electric plant in service (excluding generating plant) at the end of such year, or the purchaser's ratio of residential consumers per mile of line. This discount shall be:

(1) Seven percent if such ratio is less than 15 kilowatthours per dollar of net investment or if the number of consumers per mile of line is two or less.

(2) Five percent if such ratio is equal to or greater than 15 and less than 25 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is four or less.

(3) Three percent if such ratio is equal to or greater than 25 and less than 35 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is six or less.

Section 6. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which Bonneville delivers during such month pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule IP–1—Wholesale Power Rate for Industrial Firm Power.

Section 1. *Availability:* This schedule is available for the purchase of industrial firm power and/or authorized increase on a contract demand basis and for additional power requested by the purchaser and made available as authorized increase by Bonneville on an intermittent basis. This rate schedule supersedes schedule IF–2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

1. For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

2. For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

3. All other hours: No demand charge.

b. *Energy Charge:*

1. For the billing months September through March: 5.9 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy charge of 5.9 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: (In mills per kilowatthour of billing energy).

14.575 (X)±2,196,000/410,300

Where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

2. For the billing months April through August: 5.4 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy of 5.4 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: (In mills per kilowatthour of billing energy).

7.920 (X)±1,243,000/265,300

where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. Contract demand;

b. Curtailed demand;

c. Restricted demand;

d. Measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demands for industrial firm power and authorized increase, respectively, and for additional power requested by the purchaser and made available by Bonneville as authorized increase on an intermittent basis will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:*

a. *Value of Reserves:* An adjustment for the value of the reserves provided by purchasers of industrial firm power shall be:

(1) $1.18 per kilowatt of billing demand.

(2) 1.2 mills per kilowatthour of billing energy. The adjustment shall be applied to the same billing factors which are used to determine the billing for power purchased under this rate schedule.

b. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the appropriate demand (operating, curtailed, or restricted) for each month by 1-percent for 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

c. *At-Site Power:* At-site industrial firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site industrial firm power will be the monthly demand charge for industrial firm power reduced by $0.257 per kilowatt of billing demand.

At-site industrial firm power is made available only for those industrial customers purchasing at-site industrial firm power under existing contracts. At-site industrial firm power may be purchased by such industrial customers under new contracts only until a date certain specified in such new contracts. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. The use of facilities charge shall be in addition to the charge determined by application of section 2 of the Rate Schedule as reduced by the provisions of this subsection.

d. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 6. *Unauthorized Increase:* Any amount by which any 60-minute clock-hour integrated demand exceeds that sum of the billing demand for such hour before adjustment for power factor, plus any applicable scheduled demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.13 per kilowatthour.

Section 7. *Special Conditions—Advance of Energy:* Bonneville may elect to advance energy under terms and conditions of the purchaser's power sale contract.

Section 8. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule MP–1—Wholesale power rate for modified firm power.

Section 1. *Availability:* This schedule is available for the purchase of modified firm power on a contract basis for direct consumption by existing direct-service industrial customers until existing contracts terminate. This schedule is also available for the purchase of authorized increase power on a contract demand basis.

This rate schedule supersedes schedule MF–2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

1. For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

2. For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

3. All other hours: No demand charge.

b. *Energy Charge:*

1. For the billing months September through March: 5.9 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy charge of 5.9 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: (in mills per kilowatthour of billing energy).

14.575 (X)—2,196,000/410,300

where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

2. For the billing months April through August: 5.4 mills per kilowatthour of billing energy. Effective October 1, 1981, the following charge shall be added to the energy charge of 5.4 mills per kilowatthour to cover costs incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act: (in mills per kilowatthour of billing energy).

7.920 (X) —1,243,000/265,300

where X = Annual cost in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchases under this rate schedule are as follows:

a. Contract demand;

b. Curtailed demand;

c. Restricted demand;

d. Measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand for modified firm power and authorized increase, respectively, will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or power sales contract, may be made by increasing the appropriate demand (contract, curtailed, or restricted) for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville, may, if necessary to maintain acceptable operating conditions on the Federal

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System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *At-Site Power:* At-site modified firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site modified firm power will be the monthly demand charge for modified firm power reduced by $0.257 per kilowatt of billing demand.

At-site modified firm power will be made available under existing contracts, providing for at-site modified firm power at a Federal hydroelectric generating plant or at a point adjacent thereto, and at a voltage, all as designated by Bonneville. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by Bonneville. This use of facilities charge shall be in addition to the charge determined by application of section 2 of the Rate Schedule as reduced by the provisions of this subsection.

c. *Streamflow Condition:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 6. *Unauthorized Increase:* Any amounts by which any 60-minute clock-hour integrated demand exceeds the sum of the billing demand for such hour (before adjustment for power factor) plus any applicable schedule demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule CF–1—Wholesale firm capacity rate.

Section 1. *Availability:* This schedule is available for the purchase of firm capacity without energy on a contract demand basis for supply during a contract year of 12 months, or during a contract season of 5 months, June 1 through October 31. This schedule supersedes schedule F–7 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Contact Year Service:* $32.22 per kilowatt per year of contract demand.

b. *Contract Season Service:* $15.00 per kilowatt per season of contract demand.

c. The capacity rate specified in subsections a. and b. above shall be increased by $0.425 per kilowattmonth of billing demand for each hour that the purchaser's monthly demand duration exceeds six (6) hours. The purchaser's demand duration for the month shall be determined by dividing the kilowatthours supplied under this rate schedule to a purchaser on the day of maximum kilowatthour use between the hours of 7 a.m. and 10 p.m., excluding Sundays, by the purchaser's contract demand effective for such month. If, however, Bonneville does not require the delivery of peaking replacement energy by the purchaser during certain periods, the additional charge above will not be made for such periods.

Section 3. *Special Factors:* The billing demand will be the contract demand.

Section 4. *Special Provision:* Contracts for the purchase of firm capacity under this schedule will include provisions for replacement by the purchaser of energy accompanying the delivery of such capacity.

Section 5. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Booneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule CE–1—Emergency capacity rate.

Section 1. *Availability:* This schedule is available for purchase of emergency capacity requested by a purchaser when Bonneville determines that an emergency condition exists on the purchaser's system and it has capacity available for such purpose. This schedule supersedes schedule F-8 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:* $0.71 per kilowatt of demand per calendar week or portion thereof. For deliveries over the Pacific Northwest-Pacific Southwest intertie, made available for the account of a purchaser at the Oregon-California or the Oregon-Nevada border, the charge will be increased by $0.20 per kilowatt per week. Bills will be rendered monthly.

Section 3. *Billing Factors:* The billing demand will be the maximum amount requested by the purchaser and made available by Bonneville during a calendar week, provided that if Bonneville is unable to meet subsequent requests by a purchaser for delivery at the demand previously established during such week, such billing demand for such week shall be the lower demand which Bonneville is able to supply.

Section 4. *Special Provision:* Energy delivered with such capacity shall be returned to Bonneville within 7 days of the date of delivery at times and rates of delivery agreed to by the purchaser and Bonneville prior to delivery. Bonneville may agree to accept delay of return energy beyond 7 days if it so agrees prior to the delivery of capacity.

Section 5. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule NR–1—New resource firm power rate.

Section 1. *Availability:* This schedule is available for the purchase of firm power for resale or for direct consumption by purchasers other than direct-service industrial purchasers who purchase power under rate Schedules I–1 or M–1.

Section 2. *Rate:*

a. *Demand Charge:*

(1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $3.10 per kilowatt of billing demand.

(2) For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.27 per kilowatt of billing demand.

(3) All other hours: No demand charge.

b. *Energy Charge:*

(1) For the billing months September through March: 21.6 mills per kilowatthour of billing energy.

(2) For the billing months April through August: 17.9 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. For any purchaser not designated to purchase under subsection 3b or 3c:

(1) The contract demand as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The measured energy for the billing month.

b. For any purchaser designated by Bonneville to purchase on a computed demand basis because of such purchaser's potential ability either to sell generation from its resources in such a manner as to increase Bonneville's obligation to deliver firm power to such purchaser in an amount in excess of Bonneville's obligation prior to such sale, or to redistribute the generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal System; provided, however, that when a purchaser operates two or more separate systems, only those systems designated by Bonneville will be covered by this subsection:

(1) The peak computed demand for the billing month;

(2) The average energy computed demand for the billing month;

(3) 60 percent of the highest peak computed demand during the previous 11 billing months;

(4) 60 percent of the highest average energy computed demand for the previous 11 billing months;

(5) The measured demand for the billing month adjusted for power factor;

(6) The measured energy for the billing month;

(7) The contract demand as specified in an agreement between a purchaser and Bonneville for a specified period of time.

c. For any purchaser contractually limited to an allocation of capacity and/or energy as determined by Bonneville pursuant to the terms of a purchaser's power sales contract:

(1) The allocated demand for the billing month, as specified in the contract;

(2) The measured demand for the billing month adjusted for power factor;

(3) The allocated energy for the billing month, as specified in the contract;

(4) The measured energy for the billing month.

Section 4. *Determination of Billing Demand and Billing Energy:*

a. For a purchaser governed by subsection 3a:

(1) The billing demand for the month shall be factor 3a(1) or 3a(2), as specified in the purchaser's power sales contract, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3a(3) except that at such time as Bonneville determines that the limitation in section 3c necessary, the billing energy shall be factor 3c(4). provided, however, that factor 3c(4) shall not exceed factor 3c(3).

b. For a purchaser governed by subsection 3b:

(1) The billing demand for the month shall be the largest of factors 3b(3), 3b(4), and 3b(5), or 3b(7) if applicable. Factor 3b(5), before adjustment for power factor, shall not exceed the largest of factors 3b(1), 3b(2), or 3b(7) if applicable, except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing demand for the month shall be factor 3c(2): *Provided, however,* That billing demand factor 3c(2), before adjustment for power factor, shall not exceed factor 3c(1).

(2) The billing energy for the month shall be factor 3b(6) except that at such time as Bonneville determines that the limitation in section 3c is necessary, the billing energy shall be factor 3c(4): *Provided, however,* That factor 3c(4) shall not exceed factor 3c(3). Factor 3b(6) shall not exceed factor 3b(2) times the number of hours during such month.

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 6. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which bonneville delivers during such month

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pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule NF–1—Wholesale nonfirm energy rate.

Section 1. *Availability:* This schedule is available for the purchase of nonfirm energy both inside and outside the Pacific Northwest. This schedule is also available for energy delivered for emergency use under the conditions set forth in section 5.1 of the General Rate Schedule Provisions. This schedule is not available for the purchase of energy which Bonneville has a firm obligation to supply. This schedule supersedes schedule H–6 which went into effect on an interim basis on December 20, 1979.

Section 2. Rate:

a. *Nonfirm Energy Rate:* The rate shall be the average cost of transmission which is 2.0 mills per kilowatthour, plus one of the following:

1. The diurnally differentiated average cost of power from hydroelectric facilities, which is 4.5 mills per kilowatthour during the period Monday through Saturday, 7 a.m. through 10 p.m.; and 3.0 mills per kilowatthour for all other hours of the year.

2. The cost of a powr purchase in mills per kilowatthour incurred since the preceding July 31, or the last time that all FCRPS reservoirs were substantially full.

3. Bonneville's cost of other resources in mills per kilowatthour operated since the preceding July 31, or the last time that all FCRPS reservoirs were substantially full, or

4. A weighted average in mills per kilowatthour based on costs from the preceding categories. As an amount of energy associated with any given power purchase or resource is used to derive a charge for a sale of an equivalent amount of nonfirm energy, that purchase or resource cost will no longer be used to determine the rate for subsequent sales.

b. Contract Rate: For contracts which refer to this schedule for determining the value of energy, the rate is 9.5 mills per kilowatthour.

Section 3. *Delivery:* Bonneville shall determine the availability of energy hereunder and the rate of delivery thereof.

Section 4. *General Provisions:* Sales of energy under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule RP–1—Reserve power rate.

Section 1. *Availability:* This schedule is available for the purchase of:

a. Firm power to meet a purchaser's unanticipated load growth as provided in a purchaser's power sales contract;

b. Power for which Bonneville determines no other rate schedule is applicable; or

c. Power to serve a purchaser's firm power loads in circumstances where Bonneville does not have a power sales contract in force with such purchaser, and Bonneville determines that this rate should be applicable. This rate schedule supersedes schedule EC–9 which went into effect on an iterim basis on December 20, 1979.

Section 2. Rate:

a. *Demand Charge:*

(1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $18.55 per kilowatt of billing demand.

(2) For the billing months June through November, Monday through Saturday, 7 a.m. throught 10 p.m.: $5.15 per kilowatt of billing demand.

(3) All other hours: No demand charge.

b. *Energy Charge:* 42.8 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. The contract demand as specified in the contract;

b. The measured demand;

c. The contract amount of energy for the month;

d. The measured energy for the month.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand and billing energy shall be determined as provided in a purchaser's power sales contract. If Bonneville does not have a power sales contract in force with a purchaser, the billing demand and billing energy shall be the measured demand adjusted for power factor and measured energy.

Section 5. *Unauthorized Increase.* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from Bonneville) that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which Bonneville delivers during such month pursuant to contracts between Bonneville and the purchaser or to a type of power which the purchaser acquires from sources other than Bonneville which Bonneville delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 6. *Adjustments.*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically

otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder of the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapproved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by multiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule FE–1—Wholesale firm energy rate.

Section 1. *Availability:* This schedule is available for contract purchase of firm energy, to be delivered for the uses, in the amounts, and during the periods or periods specified in such contract. This schedule supersedes schedule J–2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:* 9.4 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The contract energy is the billing factor.

Section 4. *Determination of Billing Energy:* The billing energy shall be determined as provided in the purchaser's power sales contract.

Section 5. *Delivery:* Delivery of energy under this rate schedule is assured during the contract period. However, Bonneville may interrupt the delivery of firm energy hereunder, in whole or in part, at any time that Bonneville determines that Bonneville is unable because of system operating conditions, including lack of generation or transmission capacity, to effect such delivery.

Section 6. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the contract energy delivered for each month by 1-percent for each 1-percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by Bonneville. Unless specifically otherwise agreed, Bonneville may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to the purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

b. *Streamflow Conditions:* Monthly energy surcharges in mills per kilowatthour will be permitted under all rate schedules for sales of firm energy if actual streamflows since the preceding July 31 plus the streamflows forecasted at the beginning of each month, January through June, for the remainder for the year through July 31 indicate less than average streamflow conditions. Bonneville shall make a compliance filing with the Federal Energy Regulatory Commission (FERC) for each month that the surcharge is applied and will provide appropriate refunds if such surcharge is reduced or disapporved by the FERC. The amount of surcharge will be limited to the lesser of:

(1) Bonneville's actual costs for purchase power in excess of the amount specified for purchase power reflected in development of Bonneville's wholesale power rate schedules; or

(2) An amount determined by muldiplying the then-current price of oil-fired thermal generation times the excess, if any, in the computed Federal Columbia River Power System (FCRPS) generation under average streamflow conditions over the computed FCRPS generation under actual plus forecasted streamflow conditions for the August 1 through July 31 period.

SECTION 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the Bonneville Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

General Rate Schedule Provisions

SECTION 1.1 *Priority and New Resource Firm Power:* Priority and new resource firm power is electric power which Bonneville will make continuously available to a purchaser to meet its net firm load requirements within the Pacific Northwest except when restricted because the operation of generation or transmission facilities used by Bonneville to service such purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract. Such restriction of priority and new resource firm power shall not be made until industrial firm power has been restricted in accordance with section 1.4 and until modified firm power has been restricted in accordance with section 1.2.

SECTION 1.2. *Modified Firm Power:* Modified firm power is electirc power which Bonneville will make continuously available to a purchaser on a contract demand basis subject to: (a) The restriction applicable to priority and new resource firm power, and (b) the following:

When a restriction is made necessary because the operation of generation or transmission facilities used by Bonneville to serve such purchaser and one or more priority and new resource firm power purchasers, is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract Bonneville shall restrict such purchaser's contract demand for modified firm power to the extent necessary to prevent, if possible, or miminize restriction of any priority and new resource firm power; *provided, however,* That:

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(1) Such restriction of modified firm power shall not exceed at any time 25-percent of the contract demand therefore, and

(2) The accumulation of such restrictions of modified firm power during any calendar year, expressed in Kilowatthours, shall not exceed 500 times the contract demand therefor. When possible, restrictions of modified firm power will be made ratably with restrictions of industrial firm power based on the proportion that the respective contract demands bear to one another. The extent of such restrictions shall be limited for modified firm power by this subsection and for industrial firm power by the Restriction of Deliveries Section of the General Contract Provisions of the contract.

SECTION 1.3. *Firm Capacity:* Firm capacity is capacity which Bonneville assures will be available to a purchaser on a contract demand basis except when operation of generation or transmission facilities used Bonneville to serve purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

SECTION 1.4. *Industrial Firm Power:* Industrial firm power is electric power which Bonneville will make continuously available to a purchaser on a contract demand basis subject to: (a) The restriction applicable to priority and new resource firm power, and (b) the following:

(1) The restrictions given in the Restriction of Deliveries Section of the General Contract provisions of the contract.

(2) When a restriction is made necessary because of the operation of generation or transmission facilities used by Bonneville to serve such purchaser and one or more priority and new resource firm power purchasers is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract, Bonneville shall restrict such purchaser's contract demand for industrial firm power to the extent necessary to prevent, if possible, or minimize restriction of priority and new resource firm power. When possible, restrictions of industrial firm power will be made ratably with restrictions of modified firm power based on the proportion that the respective contract demands bear to one another. The extent of such restrictions shall be limited for modified firm power by section 1.2(b) of these General Rate Schedule Provisions and for industrial firm power by the Restrictions of Deliveries Section of the General Contract Provisions of the contract.

SECTION 1.5. *Authorized Increase:* An authorized increase is an amount of electric power specified in the contract in excess of the contract demand for priority firm power, new resource firm power, modified firm power, or industrial firm power that Bonneville may be able to make available to the purchaser upon its request. The purchaser shall make such request in writing stating the amount of increase requested, the purpose for which it will be used, and the period for which it is needed. Such request shall be made prior to the first calendar month beginning such specified period. Bonneville will then determine whether such increase can be made available, but it shall retain the right to restrict the delivery of such increase if it determines at any subsequent time that such increase will no longer be available.

The purchaser may curtail an authorized increase, in whole or in part, at the end of any billing month within the period such authorized increase is to be made available.

Section 1.6. *Firm Energy:* Firm energy is energy which Bonneville assures will be available to a purchaser during the period or periods specified in the contract and when the operation of the Government's facilities used to serve the purchaser are suspended, interrupted, interfered with, curtailed, or restricted by the occurrence of any condition described in the uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

SECTION 2.1. *Contract Demand:* The contract demand shall be the number of kilowatts that the purchaser agrees to purchase and Bonneville agrees to make available. Bonneville may agree to make deliveries at a rate in excess of the contract demand at the request of the purchaser (authorized increase), but shall not be obligated to continue such excess deliveries.

SECTION 2.2. *Measured Demand:* Except where deliveries are scheduled as hereinafter provided, the measured demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands at which electric energy is delivered to a purchaser at each point of delivery during each time peirod specified in the applicable rate schedule during any billing period. Such largest 60-minute integrated demand shall be determined in section 3.2 herein. Bonneville, in determining the measured demand, will exclude any abnormal 60-minute integrated demands due to or resulting from (a) emergencies or breakdowns on, or maintenance of, the Federal System facilities, and (b) emergencies on the purchaser's facilities, provided that such facilities have been adequately maintained and prudently operated as determined by Bonneville. For those contracts to which Bonneville is a party and which provide for delivery of more than one class of electric power to the purchaser at any point of delivery, the portion of each 60-minute integrated demand assigned to any class of power shall be determined as specified in the contract. The portion of the total measured demand so assigned shall consitute the measured demand for each such class of power.

If the flow of electric energy to a purchaser's system through two or more points of delivery cannot be adequately controlled because such points are interconnected within the purchaser's system, or the purchaser's system is interconnected directly or indirectly with the Federal System, the purchaser's measured demand for each class of power for such system for any billing period shall be the largest of the hourly amounts of such class of power which are scheduled for delivery to the purchaser during each time period specified in the applicable rate schedule.

SECTION 2.3. *Peak Computed Demand and Energy Computed Demand:* The purchaser's peak computed demand for each billing month shall be the largest amount during such month by which the purchaser's 60-minute system demand exceeds its assured peaking capability.

The purchaser's average energy computed demand for each billing month shall be the amount during such month by which the purchaser's actual system average load exceeds its assured average energy capability.

a. *General Principles:*

(1) The assured peaking and average energy capability of each of the purchaser's systems shall be determined and applied separately.

(2) As used in this section, "year" shall mean the 12-month period commencing July 1.

(3) The critical period is that period, determined for the purchaser's system under adverse streamflow conditions adjusted for current water uses, assured storage operation, and appropriate operating agreements, during which the purchaser would have the maximum requirement for peaking or energy after utilizing the firm capability of all resources available to its system in such a manner as to place the least

requirement for capacity and energy on Bonneville.

(4) Critical water conditions are those conditions of streamflow based on historical records, adjusted for current water uses, assured storage operation, and appropriate operating agreements, for the year or years which would result in the minimum capability of the purchaser's firm resources during the critical period.

(5) Prior to the beginning of each year the purchaser shall determine the assured capability of each of the purchaser's systems in terms of peaking and average energy for each month of each year or year within the critical period. The firm capability of all resources available to the purchaser's system shall be utilized in such a manner as to place the least requirement for capacity and energy on Bonneville. Such assured capability shall be effective after review and approval by Bonneville.

(6) The purchaser's assured energy capability shall be determined by shaping its firm resources to its firm load in a manner which places a uniform requirement on Bonneville within each year of the critical period with such requirement increasing each year not in excess of the purchaser's annual load growth.

(7) As used herein, the capability of a firm resource shall include only that portion of the total capability of such resource which the purchaser can deliver on a firm basis to its load. The capabilities of all generating facilities which are claimed as part of the purchaser's assured capability shall be determined by test or other substantiating data acceptable to Bonneville. Bonneville may require verification of the capabilities of any or all of the purchaser's generating facilities. Such verification will not be required more often than once each year for operating plants, or more often than once each third year for thermal plants in cold standby status, if Bonneville determines that adequate annual preventive maintenance is performed and the plant is capable of operating at its claimed capability.

(8) In determining assured capability, the aggregate capability of the purchaser's firm resources shall be appropriately reduced to provide adequate reserves.

b. *Determination of Assured Capability:* The purchaser's assured peaking and energy capabilities shall be the respective sums of the capabilities of its hydroelectric generating plants based on the most critical water conditions on the purchaser's system, the capabilities of its thermal generating plants based on the adverse fuel or other conditions reasonably to be anticipated; and the firm capabilities of other resources made available under contracts prior to the beginning of the year, after deduction of adequate reserves. Assured capabilities shall be determined for each month if the purchaser has seasonal storage. The capabilities of the purchaser's firm resources shall be determined as follows:

(1) *Hydroelectric Generating Facilities:* The capability of each of the purchaser's hydroelectric generating plants shall be determined in terms of both peaking and average energy using critical water conditions. The average energy capability shall be that capability which would be available under the storage operation necessary to produce the claimed peaking capability.

Seasonal storage shall mean storage sufficient to regulate all the purchaser's hydroelectric resources in such a manner that when combined with the purchaser's thermal generating facilities, if any, and with firm capacity and energy available to the purchaser under contracts, a uniform energy computed demand for a period of one (1) month or more would result.

A purchaser having seasonal storage shall, within 10 days after the end of each month in the critical period, notify Bonneville in writing of the assured energy capability to be applied tentatively to the preceding month; such notice shall also specify the purchaser's best estimate of its average system energy load for such month. If such notice is not submitted, or is submitted later than 10 days after the end of the month to which it applies, subject to the limitations stated herein, the assured energy capability determined for such month prior to the beginning of the year shall be applied to such month and may not be changed thereafter.

If notice has been submitted pursuant to the preceding paragraph, the purchaser shall, within 30 days after the end of the month, submit final specification of the assured energy capability to be applied to the preceding month: *Provided,* That the assured energy capability so specified shall not differ from the amount shown in the original notice by more than the amount by which the purchaser's actual average system energy load for such month differs from the estimate of that load shown in the original notice. If the assured energy capability for such month differs from that determined prior to the beginning of the year for such month, the purchaser, if required by Bonneville, shall demonstrate by a suitable regulation study based on critical water conditions that such change could actually be accomplished, and that the remaining balance of its total critical period assured energy capability could be developed without adversely affecting the firm capability of other purchaser's resources. The algebraic sum of all such changes in the purchaser's assured energy capability shall be zero at the end of the critical period or year, whichever is earlier. Appropriate adjustments in the assured peaking capability shall be made if required by any change in reservoir operation indicated by such revisions in the monthly distribution of critical period energy capability.

(2) *Thermal Generating Facilities:* The capability of each of the purchaser's thermal generating plants shall be determined in terms of both peaking and average energy. Such capabilities shall be based on the adverse fuel or other conditions reasonably to be anticipated. The effect of limitations on fuel supply due to war or other extraordinary situations will be evaluated at the time of occurrence.

(3) *Other Sources of Power:* The assured capability of other resources available to the purchaser on a firm basis under contracts shall be determined prior to each year in terms of both peaking and average energy.

c. *Determination of Computed Demand:* The purchaser's computed demand for each billing month shall be the greater of:

(1) The largest amount during such month by which the purchaser's actual 60-minute system demand, excluding any loads otherwise provided for in the contract, exceeds its assured peaking capability for such month, or period within such month, or

(2) The largest amount for such month, or period within such month, by which the purchaser's actual system average energy load, excluding the average energy loads otherwise provided for in the contract, exceeds its assured average energy capability.

The use of computed demands as one of the alternatives in determining billing demand is intended to assure that each purchaser who purchases power from Bonneville to supplement its own firm resources will purchase amounts of power substantially equivalent to the additional capacity and energy which the purchaser would otherwise have to provide on the basis of normal and prudent operations, viz, sufficient capacity and energy to carry the load through the most critical water or other conditions reasonably to be anticipated, with an adequate reserve.

Since the computed demand depends on the relationship of capability of resources to system requirements, the

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computed demand for any month cannot be determined until after the end of the month. As each purchaser must estimate its own load, and is in the best position to follow its development from day to day, it will be the purchaser's responsibility to request scheduling of priority and new resource firm power, including any increase over previously established demands, on the basis estimated by the purchaser to result in the most advantageous purchase of the power to be billed at the end of the month.

Each contract in which computed demand may be a factor in determining the billing demand shall have attached to it as an exhibit a sample calculation of the computed demand of the purchaser for the period having the highest computed demand during the 12 months immediately preceding the effective date of the contract.

SECTION 2.4. *Restricted Demand:* A restricted demand shall be the number of kilowatts of priority firm power, new resource firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results when Bonneville has restricted delivery of such power for one (1) clock-hour or more. Such restrictions by Bonneville are made pursuant to section 8 of the General Contract Provisions for industrial firm power and pursuant to section 1.1 and 1.2 of the General Rate Schedule Provisions for priority and new resource firm power and modified firm power, respectively. Such restricted demand shall be determined by Bonneville after the purchaser has made its determination to accept such restriction or to curtail its contract demand for the month in accordance with section 2.5 of the General Rate Schedule Provisions.

SECTION 2.5. *Curtailed Demand:* A curtailed demand shall be the number of kilowatts of priority firm power, new resource firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results from the purchaser's request for such power in amounts less than the contract demand therefor. Each purchaser of industrial firm power or modified firm power may curtail its demand in accordance with the section entitled "Curtailment of Deliveries and Payment Therefor" of the General Contract Provisions of the contract. Each purchaser of an authorized increase in excess of priority firm power, new resource firm power, modified firm power, or industrial firm power may curtail its demand in accordance with section 1.5 of the General Rate Schedule Provisions.

SECTION 3.1. *Billing:* Unless otherwise provided in the contract, power made available to a purchaser at more than one point of delivery shall be billed separately under the applicable rate schedule or schedules. The contract may provide for combined billing under specified conditions and terms when (a) delivery at more than one point is beneficial to Bonneville, or (b) the flow of power at the several points of delivery is reasonably beyond the control of the purchaser.

If deliveries at more than one point of delivery are billed on a combined basis for the convenience of the customer, a charge will be made for the diversity between the measured demands at the several points of delivery. The charge for the diversity shall be determined in a uniform manner among purchasers and shall be specified in the contract.

SECTION 3.2. *Determination of Estimated Billing Data:* If the purchased amounts of capacity, energy, or the 60-minute integrated demands for energy must be estimated from data other than metered or scheduled quantities, Bonneville and the purchaser will agree on billing data to be used in preparing the bill. If the parties cannot agree on estimated billing quantities, a determination binding on both parties shall be made in accordance with the arbitration provisions of the contract.

SECTION 4.1. *Application of Rates During Initial Operation Period:* For an initial operating period, not in excess of 3 months, beginning with the commencement of operation of new industrial plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, Bonneville may agree (a) to bill for service to such new, additional, or reactivated plant facilities on the basis of the measured demand for each day, adjusted for power factor, or (b) if such facilities are served by a distributor purchasing power therefor from Bonneville to bill for that portion of such distributor's load which results from service to such facilities on the basis of the measured demand for each day, adjusted for power factor. Any rate schedule provisions regarding contract demand, billing demand, and minimum monthly charge which are inconsistent with this section shall be inoperative during such initial operating period.

The initial operating period and the special billing provisions may, on approval by Bonneville, be extended beyond the initial 3 month period for such additional time as is justified by the developmental character of the operations.

SECTION 5.1. *Energy Supplies for Emergency Use:* A purchaser taking priority and/or new resource firm power shall pay in accordance with Wholesale Nonfirm Energy Rate Schedule NF–1 and Emergency Capacity Schedule CE–1 for any electric energy which has been supplied (a) for use during an emergency on the purchaser's system, or (b) following an emergency to replace energy secured from sources other than Bonneville during such emergency, except that mutual emergency assistance may be provided and settled under exchange agreements.

SECTION 6.1. *Billing Month:* Meters will normally be read and bills computed at intervals of 1 month. A month is defined as the interval between meter-reading dates which normally will be approximately 30 days. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule will be appropriately adjusted. Winter and summer periods identified in the rate schedules will begin and end with the beginning and ending of the purchaser's billing month having meter-reading dates closest to the period so identified.

SECTION 7.1. *Payment of Bills:* Bills for power shall be rendered monthly and shall be payable at Bonneville's headquarters. Failure to receive a bill shall not release the purchaser from liability for payment. Demand and energy billings under each rate schedule application shall be rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

If Bonneville is unable to render the purchaser a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of and be subject to the same repayment provisions as shall a final bill.

Bills not paid in full on or before the close of business of the 20th day after the date of the bill shall bear an additional charge which shall be the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter a charge on one-twentieth percent (0.05%) of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph shall not apply to bills rendered under contracts with other agencies of the United States.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the 20th day after the date of the bill. If the 20th day after the date of the bill is a Sunday or other nonbusiness day of the purchaser, the next following business day shall be the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the 20th day must bear a postal department cancellation in order to avoid assessment of such further charges.

Bonneville may, whenever a power bill or a portion thereof remains unpaid subsequent to the 20th day after the date of the bill, and after giving 30 days advance notice in writing, cancel the contract for service to the purchaser, but such cancellation shall not affect the purchaser's liability for any charges accrued prior thereto.

SECTION 8.1. *Approval of Rates:* Schedules of rates and charges, or modifications thereof, for electric power sold by Bonneville shall become effective on a final basis after confirmation and approval by the Federal Energy Regulatory Commission. Pending the establishment of procedures by the Commission to approve rates on a final basis, the entity or entities having been designated by the Secretary of Energy prior to December 5, 1980, shall have authority to confirm and approve schedules of rates and charges on an interim basis.

SECTION 9.1. *Average Power Factor:* The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatthours}}{\sqrt{(\text{Kilowatthours})^2 + (\text{Reactive Kilovoltamperehours})^2}}$$

The data used in the above formula shall be obtained from meters which are ratcheted to prevent reverse registration.

When deliveries to a purchaser at any point of delivery include more than one class of power or are under more than one rate schedule, and it is impracticable to separately meter the kilowatthours and reactive kilovoltamperehours for each class, the average power factor of the total deliveries for the month will be used, where applicable, as the power factor for each of the separate classes of power and rate schedules.

SECTION 10.1. *Temporary Curtailment of Contract Demand:* The reduction of charges for power curtailed pursuant to the purchaser's contract and section 1.5 and 2.5 hereof shall be applied in a uniform manner.

SECTION 11.1. *General Provisions:* The Wholesale Rate Schedules and General Rate Schedule Provisions of the Bonneville Power Administration effective July 1, 1981, supersede in their entirety Bonneville's Wholesale Power Rate Schedule Provisions effective December 20, 1979.

IV. *MAJOR ISSUES:* The rate schedules included in this Notice comprise Bonneville's initial proposal for wholesale power rates. After the hearing process, the Administrator will develop final rates which, upon approval, will become effective July 1, 1981.

Bonneville has conducted many studies in preparation of the proposal. They include a repayment study to determine revenue requirements, a fully allocated cost of service analysis, a long-run incremental cost of service study, a time differentiated pricing analysis, an analysis of the value of reserves, and a set of rate design studies developed to examine alternate rate structures and rate levels. The cost of service studies and repayment study were developed as the foundation for the rate schedules.

The alternatives considered in developing the rate proposals and the important issues raised by the proposal are summarized under two headings: Major Studies and Wholesale Power Rates.

A. *Major Studies.*

1. *Repayment Study:* Bonneville's statutory obligation is to set rates at a level sufficient to produce revenues that will recover all operating costs and, in addition, repay the Government investment in power facilities within a reasonable period of time, commonly interpreted as 50 years from the date a facility is placed in service or the average service life of the facilities, whichever is less. Bonneville uses a repayment period of 50 years for hydroelectric generating facilities and 35 years for transmission facilities. In addition, power revenues must repay that portion of the construction costs of Federal irrigation projects which is beyond the repaymnent ability of irrigators.

The FCRPS revenue requirement has traditionally been determined through the preparation of a repayment study which calculates the minimum level of revenue required to meet Bonneville's statutory obligation to recover all FCRPS costs, which include purchased power, operation and maintenance, interest, and amortization of the investment in power facilities within the repayment periods. The test of sufficiency of revenues is recovery of costs within the repayment period.

Bonneville performed a repayment study in September 1980 which indicated the need for an increase in revenues derived from both wholesale power rates and transmission rates. The assumptions used in the study are detailed in the Cost of Service Analysis (COSA).

The passage of the Act on December 5, 1980, has necessitated an abbreviated approach to determine Bonneville's revenue requirement for this initial proposal. If sufficient time had been available, Bonneville would have revised its repayment model to reflect Bonneville's new obligations under the Act and to directly determine the revenue requirements. Instead, all additional required costs due to the Act have been estimated and included directly in the COSA. The additional costs included are for the Pacific Northwest Electric Power and Conservation Planning Council, fish and wildlife, local government assistance, load requirements and forecasting, public involvement, system planning, contracts, rates, energy conservation, billing credits, additional short term power purchases, nonmajor renewable resources, and new major resources. The repayment study used to develop the final rate proposal will include all appropriate costs.

2. *Cost of Service Analysis (COSA):* The form and magnitude of the proposed initial schedules are strongly influenced by results of the COSA. The COSA is based on generally accepted electric utility industry practice and procedures for this type of analysis, although modifications were made to reflect the repayment method used by Federal power marketing agencies to determine revenue requirements.

The COSA, together with certain adjustment detailed in the Summary

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Rate Design Study, is designed to determine the cost of providing service to various classes of service and is used as a basis for evaluating the adequacy of various wholesale power rates and wheeling rates currently in effect.

The COSA procedure begins by selecting a future test year and determining the investment and operating expenses involved in providing service in that year. Fiscal year (FY) 1982 is used as the test year for the proposed rates because it most closely matches the period during which the rates will be in effect.

a. *Functionalization.* The first step of the cost analysis is to identify investment costs and annual costs according to functions performed by the power system. These functions are defined as generation, transmission, and metering and billing. All costs are assigned to one of these functions.

A direction of effort study is prepared to determine how certain facilities and operating expenses should be functionalized. Managers in each Bonneville subdivision identified both the precentage of staff effort expended on each of the three functions and functional use of facilities. The application of the results of the direction of effort study to the test year cost estimates yields functionalized cost data.

b. *Classification.* The cost functionalized to generation are then clasified to the two subfunctions of generation capacity and energy production. The classification of generation costs is based on the principle of cost causation. This method apportions generation costs between capacity and energy in relation to the causes underlying the construction and operation of various generating plants; i.e., the cost of facilities constructed to meet peaking capacity is classified entirely to capacity and the cost of facilities which provide both capacity and energy is apportioned between the two functions.

Bonneville examined many different classification methods. The traditional method is to classify all costs associated with investment to capacity and all costs associated with plant operation to energy. This method is called the fixed-variable classification approach. In the short run, all the costs which do not vary with output are fixed costs and all costs which vary with output are variable costs. This approach may be appropriate for a system which is primarily thermal, or for system with a large thermal base and hydro peaking facilities. However, Bonneville rejected the fixed-variable approach because it did not reflect the capacity and energy relationship which was developed during the planning of a hydro system such as the FCRPS.

Based on knowledge of how the Federal system costs have been and are being incurred, Bonneville staff recommends a classification method for hydroelectric facilities that involved separating costs of plants defined as baseload from costs of peaking units. These peaking units would not have been needed had capacity requriements not increased, since they produce no incremental energy under critical water conditions. Consequently, the costs of the peaking units which include perviously constructed substructures are classified to capacity because providing capacity was the primary purpose of installing these units.

Classification of the base hydroelectirc plants is a function of the energy produced by the base system under critical streamflow conditions and the peaking capacity of these units based on a sustained 10-hour peak period. Base system plant costs for FY 82 as well as associated operation and maintenance costs are classifed 27 percent to energy and 73 percent to capacity.

Bonneville's classifiction method for all other generation resources recognizes that they are being acquired primarily to provide baseload energy, although Bonneville recognizes that most resources also provide capacity. The classification percentages applied to other generation resources are derived in Bonneville's long run incremental cost analysis. This approach results in classification of 27 percent of plant costs to capacity and 73 percent to energy. All fuel and variable operation and maintenance expenses are classified to energy. The same classification procedure has been applied to both the cost of nonmajor renewable and new major resources acquired under the Act. In addition, short term power purchases, conservation and billing credits are classified to energy, and other Act related costs are classified to capacity.

Transmission costs are commonly classified using the fixed-variable method. This method classifies all transmission costs to capacity based on the view that peak usage, not variable energy usage, is determinative of the necessary plant investment. Bonneville has considered utilizing the cost causation approach to the classification of transmission costs. This would result in some costs being classified to energy because certain investment decisions, principally those costs associated with conductor sizing and towers, are influenced by the desire to reduce energy losses and are affected by the expected volume of energy deliveries. Preliminary staff analysis indicates that some portion of the transmission system costs are related to energy deliveries. However, an acceptable alternative methodology for the classification of a portion of transmission costs to energy has not been developed. Therefore, the traditional fixed-variable method of classifying transmission costs entirely to capacity is adopted for this COSA. Bonneville invites suggestions for other methodologies for classifying transmission costs.

c. *Segmentation.* Although Bonneville operates a regionwide transmission system, some segments of the system are not needed to provide some services. To assure an equitable allocation of the costs of the system among all classes of service, the system has been divided into seven segments so that the costs of each segment can be separtely identified and allocated in relation to the service being provided. The seven transmission segments are: Intergrated network, Pacific Northwest-Southwest intertie, generation intergration, fringe area facilities, preference customer delivery facilities, DSI customer delivery facilities, and IOU delivery facilities.

d. *Allocation.* The final major step in the COSA is to allocate the functionalized and classified costs to service classes. The service classes included are wholesale power rates, transmission rates, other service, and miscellaneous service and revenues. The wholesale power rates cataegory is further divided into subcategories. They are Priority Firm, Industrial Firm, Firm Capacity, New Resources Firm, and Nonfirm Energy.

Priority Firm and new Resources Firm are new subcategories for wholesale power rates. Priority Firm consists of public body, cooperative and Federal agency customers within the region and the residential and small farm load of the region's utilities participating in the exchange. In the past this subcategory hab been referred to as Firm Power and it did not include load associated with utilities participating in the exchange. The New Resource Firm consists of load as per section 7(f) of the Act. Transmission costs have been allocated to these new loads.

The method adopted for allocating generation capacity costs and the costs associated with the seven segments of the transmission system is the average of the 12 monthly coincidental peak demands (12 CP). Because the power system is designed to provide capacity to meet coincidental peak demands over the full course of the operating year, this method reflects the contribution of each customer class in relation to the need for total system capacity. When it is not feasible to develop allocation factors, costs are assigned using the revenue credit method. The amount of costs assigned is equal to the revenue derived from the existing charges. Costs classified to energy were allocated among the classes of service based on the kilowatthours of energy associated with each class.

3. *Long-Run Incremental Cost Analysis (LRIC):* A LRIC study was conducted by Bonneville to indicate the incremental costs Bonneville is incurring for new generation and transmission. The LRIC study provides a basis for developing rates from an economic efficiency criterion. Considerable disagreement exists about how the concept should be used in establishing rates. At issue are questions relating to measurement of marginal costs, application of marginal costs to rates, and the adjustment of such rates to the revenue requirement. All of these issues have been considered in development of Bonneville's LRIC study.

This analysis was completed prior to the passage of the Act and has not been revised. It is not expected that revisions due to the Act will significantly affect the results of the analysis.

The first step of the LRIC analysis consisted of determining how the system would react to changes in loads, and then collecting the necessary data to measure the corresponding effect on total cost in the resulting long run incremental cost. This process involved analysis of expected additional demands upon Bonneville's system and plans for additional generation plant and transmission facilities to meet these demands.

The LRIC of generation is divided between capacity costs and energy costs. The LRIC of capacity is based on additional resources added to the system to meet peaking requirements. Bonneville's peaking requirements will be met by additions of peaking units at existing hydro plants. Annual investment costs, annual operation and maintenance expenses, and annual replacement costs (all expressed in 1982 dollars) divided by the nameplate capacity, adjusted for a reserve factor, produces a dollars per kilowatt LRIC of capacity. The long run incremental cost of capacity for Bonneville is $80.41 per kilowatt of capacity.

The long run incremental cost of producing energy is based on the cost of baseload thermal power with an adjustment for a capacity credit. For the analysis, Bonneville assumed the technologies associated with the Washington Public Power Supply System plants Nos. 1, 2, and 3 as typical of baseload power plant costs. Based on these plants the weighted average LRIC of energy is 42.76 mills per kilowatthour.

The LRIC of transmission is based on transmission investment through 1989 plus annual operation and maintenance expenses associated with new transmission facilities. The incremental annual cost per kilowatt of added peak for the period 1981–1989 is $61.81 to meet transmission reinforcement requirements.

4. *Time Differentiated Pricing Analysis (TDPA):* As part of the process for development of proposed rates, a separate study on time differentiation is prepared. Time differentiated pricing is a rate design concept which has evolved because demand for electricity varies over the day and over the year. To the extent that rates of electricity consumption over different time periods result in differences in cost, time differentiated pricing deals with the problem by addressing these variations within the framework of a pricing structure.

This analysis was completed prior to the passage of the Act and has not been revised. It is not expected that revisions due to the Act will significantly affect the results of the analysis.

Time differentiated pricing is based on the concept of cost causation. In the short run, demand for power must be met from existing capacity if it is available. In the long run, the variable nature of consumption over different time periods may require additional capacity to meet peak load demands. Because additional capacity and energy are required during peak periods, the cost of supplying that energy and capacity may be higher during peak periods.

Bonneville's TDPA considers time differentiation for both average costs and incremental costs. An attempt is made to incorporate the best available data and reasonable methods given Bonneville's physical, operational, and financial system. The general method for determining Bonneville's time differentiated average costs of capacity relies on a procedure developed by Ebasco Services, Inc. The procedure for time differentiated incremental costs relies on a method developed by National Economic Research Associates.

An analysis of Bonneville's loads for the FYs 1975–1979, FCRPS generation data, and probability of negative margin (PONM) data indicate that the winter peak period for generation capacity from both an LRIC and an average cost perspective should be defined as December through May, Monday through Friday, 7 a.m. to 10 p.m. The summer season peak period is indicated to be June through November, Monday through Friday, 7 a.m. to 10 p.m. The offpeak capacity hours are all other hours of the year.

Transmission systems are designed and built to satisfy system peak loads with consideration given to ambient temperature change. Ambient temperature directly affects transmission cable resistance such that system load carrying capabilities are above average in the winter and less than average in the summer. These changes roughly offset seasonal variations in loads but amplify diurnal load variations which suggests that transmission capacity costs should be diurnally but not seasonally time differentiated. An analysis of FY 75 through FY 79 data has determined that the peak period for transmission costs should be Monday through Friday, 7 a.m. to 10 p.m. and the offpeak period should be all other hours of the year.

For most electric utilities, energy costs will vary over the day and year as fuel costs vary by time period. However, the FCRPS is unlike most other electric systems because of the large portion of hydroelectric power in the system and the absence of thermal peaking units. For a system with thermal peaking units there is a significant difference in energy costs between the peak and offpeak periods. For the Federal system, thermal plants are considered baseload and are designed to operate throughout the year except for planned maintenance, refueling, and forced outages. These outages are dependent upon many factors including fuel life, equipment failure, demand for energy, and the availability of alternative resources and thus, may occur throughout the year. These resources have been added to the Federal system to supply needed energy on an annual basis under critical water conditions, Bonneville's planning criterion. From a planning perspective, increases in demand for energy at any hour of the year require baseload thermal additions. Therefore, the cost of providing energy from baseload thermal plants is the same for each hour of the year, regardless of operating characteristics. Thus, from an incremental cost perspective, there should not be any time differentiation of energy costs.

The remaining resources are hydroelectric, which do not involve costs which vary by time period, except for costs associated with the storage of water to meet winter peak season energy requirements. Consequently,

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from an average cost perspective, energy costs vary seasonally, but not diurnally. The two seasonal energy periods are April through August and September through March.

After selecting the seasonal costing/pricing periods, the cost allocation factors were developed. For long run incremental capacity costs, the pertinent relative PONM in each period is used to allocate system capacity costs among periods. The PONM data indicate that all capacity costs should be assigned to December through May, Monday through Friday, 7 a.m. to 10 p.m. The LRIC transmission costs are assigned to the peak period of Monday through Friday, 7 a.m. to 10 p.m. for all months of the year.

Generation costs for FY 1982 from the cost of service analysis are assigned to each period using an analysis of load duration curves of Federal firm loads for FYs 1975–1979. Of the total capacity costs required, 39.2 percent is apportioned to the winter season peak hours, 21.4 percent to the summer season peak hours, and 39.4 percent to the offpeak period.

Transmission costs for FY 82 from COSA are assigned to each period based on the assignment of generation capacity costs. Of the total capacity costs, 60.6 percent is apportioned to the peak hours and 39.4 percent to the offpeak hours.

Energy costs for FY 1982 are assigned to each energy period using an analysis of projected energy load generation from reservoir storage.

B. *Wholesale Power Rates.* There are several issues related to each of the rate schedules. Each issue is discussed separately by rate schedule. Issues which relate to all of the rates are discussed under a separate heading.

1. *Wholesale Priority Firm Power Rate PF–1:* Schedule PF–1 is available to meet loads of public body, cooperative, and Federal agency customers within the region and the residential and small farm loads of the region's utilities participating in the exchange. Public body, cooperative, and Federal agency customers are presently being served under the EC–8 firm power rate.

All loads served by the priority firm rate are served out of Federal base system resources. Several adjustments are made to COSA results which indicated the total cost allocated to Federal base system. The net effect of these adjustments are directly reflected in the PF–1 schedule.

The proposed NE–1 nonfirm energy rate produces revenues in excess of allocated costs that amount to $136.7 million. The proposed ET transmission rate schedule, which is part of the initial transmission rate filing, produces revenue in excess of costs that amount to $11.3 million. Excess revenues are applied as a credit to total capacity costs with $109.6 million credited to generation capacity costs and $31.0 million credited against the transmission costs allocated to the wholesale power rates. The remaining excess revenues are credited against the proposed transmission rates. The derivation of these estimates is included in the Summary Rate Design Study. In Bonneville's last wholesale power rate filing, all excess revenues from nonfirm energy sales were credited only to generation.

The primary reason for applying the credit to capacity costs is to reflect the incremental cost relationship between capacity and energy which is developed in the LRIC study. By comparing the results of the COSA with those of the LRIC study, it becomes evident that the costs of supplying energy are increasing at a faster rate than the costs of supplying capacity. Use of the nonfirm energy revenues to decrease the revenue requirement associated with capacity incorporates a price signal that energy costs are increasing more rapidly than capacity costs.

Time differentiation of long run incremental costs in the TDPA indicates that no generation capacity costs are incurred in the summer or offpeak periods and no transmission costs are incurred in the offpeak period. To more closely reflect these results in the rates, while also according recognition of the results of the TDPA of average costs, generation capacity costs and transmission costs are allocated only to the winter peak hours and summer peak hours. By not allocating capacity costs to the offpeak period, price signals based on long run incremental costs are strengthened. Consequently, the demand charge is time differentiated on both a daily and seasonal basis. The peak season demand charge is in effect from December through May, Monday through Saturday, 7 a.m. to 10 p.m. The summer season demand charge is in effect from June through November, Monday through Saturday, 7 a.m. to 10 p.m. There is no demand charge for deliveries on offpeak hours, which are all other hours of the year. The energy charge is seasonally differentiated based on the cost differential associated with seasonal hydro storage. Saturday is included in the peak periods for capacity charges despite the fact that the time differentiated pricing analysis indicates that it should be considered offpeak. Saturday is included as a peak day to be consistent with existing contracts that define heavy load hours as including Saturday hours of 7 a.m. to 10 p.m. and to provide for rate continuity with existing rates.

A low density discount, in accordance with section 7(d) of the Act, has been included in the PF–1 rate. The proposed discount will be applied each month of the calendar year to the charges for the power purchased under contracts to be signed between Bonneville and its customers. The amount of such discount will depend on the ratio of the total annual energy requirements of the purchaser's electric operations during the preceding calendar year to the purchaser's depreciated investment in electric plant in service (excluding generating plant) at the end of such year, or the purchaser's ratio of residential customers per mile of line. Bonneville is soliciting comments from the public pertaining to the low density discount.

2. *Wholesale Power Rate for Industrial Firm Power IP–1:* Many elements factor into the development of the industrial firm power rate. A portion of the power needed by the DSIs will be provided by Federal base system resources. The remainder will be provided by exchange resources from participating utilities. Consequently, the rate is based on costs from the two resource pools.

The IP–1 rate will be different for the period July 1, 1981 through September 30, 1981, from what it will be during the remainder of the period because the provisions the Act providing for exchange of power between Bonneville and utilities will not become effective until October 1, 1981. This interval will result in a period of 3 months during which the DSIs will purchase power at a rate which is equivalent to the priority firm rate except for adjustments to reflect the value of the reserves. Beginning October 1, 1981, the IP–1 energy rate will include an additional charge above the base rate. The formula in the IP–1 rate schedule is designed to recover from the DSIs the cost of the exchange of resources between Bonneville and participating utilities. Schedule IP–1 has been time differentiated similarly to that of schedule PF–1.

Bonneville is provided with reserves through the interruptible provisions contained in contracts with the DSI customers. In general, Bonneville can interrupt the top quartile of the industrial load at any time for any reason for service of the Administrator's other firm loads. Another 25 percent can be interrupted to offset loss of power due to delays in construction or the inability to operate new generating projects. Additional restrictions can be made for forced outages and to maintain system reliability.

To determine the value of reserves, Bonneville categorized the reserves into three types: operating reserves, planning reserves, and stability reserves. Operating reserves are provided by the top quartile of the DSI load. Based upon the estimated cost of short term power purchases and the expected frequency of restriction in 1982, these reserves are valued at $2 million.

Planning reserves are provided by second quartile restrictions for plant delay and forced outages. Both capacity and energy reserves are provided. The third quartile of load also provides planning reserves as it is subject to interruption for forced outages. Planning reserves are estimated at 887 megawatts for energy and 1224 megawatts for capacity. Using the results detailed in the LRIC Analysis, the value of the capacity reserves is $143 million and the value of energy reserves is $332 million.

Bonneville's right to use automatic load tripping equipment and other schemes to disconnect the DSIs provides stability reserves. Stability reserves are valued at $2 million, which is the same level as operating reserves. Bonneville's analysis of the value of these reserves appears as an appendix in the Summary Rate Design Study.

Though these reserves are valued at Bonneville's incremental costs it would be inappropriate to provide the industrial customers with credit of that magnitude. Bonneville's customers are charged for power at average costs rather than marginal costs. For this reason the rate adjustment for reserves is equal to the ratio of average to marginal costs times the total value of reserves. This results in a rate adjustment of $86 million for the direct service industrial customers.

The adjustment in the proposed IP–1 rate schedule for the value of reserves is in the form of a uniform reduction in the monthly demand and energy charges. The existing rate for industrial firm power contains a formula for calculating the annual amount of credit to be given based on the annual availability of service to the DSIs.

3. *Wholesale Power Rate for Modified Firm Power MP–1:* Features of this rate schedule are similar to those associated with the IP–1 schedule including the additional charge on October 1, 1981, to recover the cost of the exchange of resources between Bonneville and participating utilities. An adjustment for value of reserves is not made under this rate schedule because Bonneville has less right to restrict the DSI load under the Modified Firm contracts than under the existing interim agreement or under the new proposed 20 year contracts.

4. *Wholesale Firm Capacity Rate CF–1:* This schedule includes a base charge which reflects the approximate cost of providing a given amount of Federal capacity for 6 hours per day and a variable charge for capacity usage in excess of 6 hours per day. The variable charge is established at a value between costs of providing service and the value of such service based on alternative costs.

The CF–1 rate schedule applies to capacity sales to utilities on a contract year and/or seasonal basis. Energy associated with the delivery of capacity is returned to Bonneville. To encourage capacity purchasers to limit their usage of Federal generating facilities, the capacity rate schedule includes the provision for an additional monthly charge if capacity usage exceeds 6 hours per day. The rationale for this additional charge is that the Federal hydro peaking system cannot produce as much capacity during daily sustained hourly periods as it can for shorter periods. When the FCRPS provides capacity for extended periods, its ability to meet firm commitments is reduced. Moreover, the return of an inordinate amount of energy during offpeak hours has the potential to place the Federal system in a spill condition and thereby reduce the economic utilization of the FCRPS hydro resources.

Development of this added charge for sustained peaking, which is in part a thermal generation load factoring service, was based on a share-the-savings principle applied to an estimate of the fuel savings realized by the customer by not having to operate a peaking plant. An estimated annual turbine fuel cost in FY 1982 of 51 mills per kilowatthour is reduced by 17 mills per kilowatthour to net the estimated operating cost of low cost thermal plants which would be used to return energy during the offpeak period. The resulting net fuel cost (or net savings) of 34 mills per kilowatthour is then reduced by one-half to arrive at 17 mills per kilowatthour. Application of this savings to 1 hour each day for 25 peak days per month yields a charge of $0.425 per kilowattmonth for each additional hour of capacity in excess of 6 hours, applied to all capacity taken during the given month. Bonneville reviews the daily deliveries of capacity which have been sold during the peak hours 7 a.m. through 10 p.m. excluding Sundays under this rate schedule. Bonneville then selects the day with the greatest number of kilowatthours delivered to the purchaser and converts this amount to an equivalent hourly duration, referred to as "demand duration" in the rate schedule.

5. *Wholesale Emergency Capacity CE–1:* The CE–1 rate covers emergency capacity provided to utilities on a weekly basis when available and the return of energy associated with the delivery of this capacity. Bonneville will provide short-term capacity sales only when an emergency condition exists as defined by Bonneville's General Contract Provisions and when Bonneville has the capacity available. To derive the rate, CF–1 contract year rate per kilowatt is divided by the number of weeks in a year and the resultant cost is increased by 15 percent to cover additional administrative and general costs. This results in a rate of $0.71 per kilowattweek for deliveries in the Pacific Northwest. Because costs associated with deliveries over the Pacific Northwest-Pacific Southwest Intertie are not allocated to this service category in the COSA, such deliveries are subject to an additional charge of $0.20 per kilowattweek. This is derived by dividing the intertie costs allocated in the COSA to CF–1 seasonal capacity by the billing determinant for CF–1 seasonal capacity.

6. *New Resource Rate NR–1:* This schedule is available or the purchase of firm power for resale or for direct consumption by purchasers other than DSI customers. It is available for sale to the IOU's to serve their previous year's deficit plus any load growth for the current year and new large single loads of a public body or cooperative. Bonneville anticipates that for FY 1982, less than 5 percent of IOU's resource requirements will be met with the rate and that no public body or cooperative will purchase under the rate schedule.

Section 7(f) of the Act requires the establishment of the rate. It is based only on the costs of the "new resource" pool. Federal Base System resources and exchange resources are serving the loads provided under Sections 7(b) and 7(c) of the Act, and are therefore not available to serve NR–1 loads.

Schedule NR–1 has been time differentiated in the same manner as the Priority Firm rate. The demand charge is also set equal to the demand charge for the PF–1 rate schedule. This adjustment represents a reduction in the demand charge in costs classified to capacity and allocated to the rate. The energy rate was increased to compensate for the reduction in the demand charge.

7. *Wholesale Nonfirm Energy Rate NF–1:* Bonneville's proposed nonfirm energy rate represents a departure from the 1979 share-the-savings rate design. The share-the-savings concept is a

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pricing mechanism which attempts to reconcile the difference between the cost of energy to the seller and the value of energy to the purchaser by establishing a price between the two. The proposed NF-1 nonfirm energy rate is designed to reflect the costs of resources used to produce nonfirm energy. Therefore, operational considerations are the basis of this rate design. Bonneville determines the availability of energy to meet firm loads on the basis of critical water conditions. To protect the capability of the FCRPSs to meet firm load obligations in any given operating year, Bonneville operates thermal resources and may make relatively expensive power purchases during the fall and early winter of the year. Subsequently, if snowpack and streamflows prove to be greater than anticipated in late winter and spring, more energy can be produced than is necessary to meet firm loads and nonfirm energy becomes available. Thus, the proposed nonfirm energy rate is based on the costs of power from hydroelectric facilities, from power purchases and from other resources all of which aid in maintaining the capability of Bonneville to meet firm load obligations under critical water but would be in excess or requirements with the occurence of greater streamflows.

Under the current share-the-savings rate, the rate for direct thermal displacement sales is based upon 50 percent of the purchaser's decremental cost, and the rate for an indirect thermal displacement sale is 33 percent of the purchaser's sales price to a utility outside the Pacific Northwest. The diurnally differentiated floor rates are 4.5 and 6.5 mills per kilowatt hour while the ceiling rate is 20 mills per kilowatt hour. In contrast, the rate charged for sales of nonfirm energy under the proposed nonfirm energy rate schedule is based upon: (1) The diurnally differentiated cost of hydroelectric power, (2) the cost of a power purchase, (3) the cost of other resources which have been operated, or (4) a weighted average based on costs from the preceding categories. As any given power purchase or resource is used to derive a rate for a sale of nonfirm energy, that purchase or resource will no longer be used to determine the rate for subsequent sales. A charge of 2.0 mills per kilowatt hour, the average cost of transmission, shall be added to the charge. The floor rates, which are equal to the diurnally differentiated cost of hydroelectric power plus the 2.0 mills per kilowatt hour transmission charge, are 5.0 mills per kilowatt hour for offpeak hours and 6.5 mills per kilowatt hour for peak hours. The ceiling rate is equivalent to the most expensive power purchase or resource which had been operated.

8. *Reserve Power Rate RP–1:* This schedule is available for the purchase of: (a) Firm power to meet a purchaser's unanticipated load growth as provided in a purchaser's power sales contract; (b) power for which Bonneville determines no other rate schedule is applicable; or power to serve a purchaser's firm power loads in circumstances where Bonneville does not have a power sales contract in force with such a purchaser, and Bonneville determines that the rate should be applicable.

The major issue associated with the rate schedule is that the rate is based directly on the results of the long run incremental cost analysis and the time differentiated pricing analysis of long run incremental costs.

9. *Firm Energy Rate FE–1:* Schedule FE–1 is available for contract purchase of firm energy, in the amounts and during the periods specified in the contracts. The level of the rate is equivalent to the average cost of power under the PF–1 rate at 100 percent load factor.

10. *Other Rate Issues:*

a. *Adjustment for Fixed Contract Revenue Deficiencies.* Rates for some transactions are not subject to change because of contractual obligations. The cost-of-service analysis for fiscal year 1982 indicates that, after excess revenues for the nonfirm rate schedules have have been allocated, a revenue deficiency of approximately $83 million would result if this amount were not recovered from other rates. Consequently, all power rate schedules based on FBS resources have been adjusted upward to recover the revenue deficiency associated with these fixed contracts.

b. *Deferred Amortization Payments.* Historical results and future projections of interest and amortization costs for FCRPS are identified in the repayment study and are properly considered when determining revenue level for all classes of service. The initial rate proposal is based on cost estimates and assumptions used in the repayment study and COSA. If any of the estimated projections of loads, costs, or streamflow conditions are not accurate, Bonneville may experience revenue surpluses or shortages. Small temporary revenue shortages can be dealt with by deferring interest and amortization payments on appropriated funds and can be repaid in years with surplus revenue. Sound business principles dictate that this practice can be used only as a temporary means of satisfying cash shortages. Bonneville has not met its planned amortization since 1975. For example, the repayment study supporting Bonneville's current wholesale power rates showed that Bonneville would have approximately $118 million available in FY 1980 to apply to amortization of FCRPS plant investment. However, due to higher than projected costs and reduced revenues, there were no funds for amortization at the end of FY 1980. In addition to not having funds available for amortization payments, Bonneville also had to defer payment of $13.8 million of interest expense to the Treasury.

Bonneville experienced a similar result for FY 1979 when projected revenues available for amortization and interest expense did not materialize. This resulted in Bonneville making no amoritzation payment and deferring $98.6 million of interest payments to the Treasury. As a result of the cash shortage for the past two fiscal years, the total deficit owed the Treasury on September 30, 1980, has increased to $112.4 million. For FY 1981, an additional cash deficit of $44.6 million is anticipated. This will bring the accumulated deficit of unpaid annual costs to a projected $151 million by the close of FY 1981.

Since any accrued deficiency in those payments must ultimately be repaid in order to satisfy Bonneville's statutory obligations, Bonneville is considering options both to cover the accumulated deficit and to avoid the continued nonpayment of forecasted amoritization payments. These options may cause Bonneville's revenue requirement to increase beyond the level identified in the current proposal. Bonneville anticipates that this item will be considered in the preparation of cost data and development of policy for the final repayment studies supporting the final wholesale power rate proposal.

Bonneville is soliciting comments from the public pertaining to the treatment of accumulated deficit and planned amortization requirements. Analysis of this problem is continuing in order to identify the optimal repayment method, but no recommendation has yet been made by Bonneville staff.

c. *Adjustment for Streamflow Conditions.* Although planning criteria for firm power requirements are made on the basis of critical water conditions, actual rates are established on the basis of average water conditions. The initial firm power rates have been set considering an anticipated purchase power expense in FY 82 of $134 million. Projections of the anticipated purchase power requirements cannot be made with reasonable accuracy until the winter snowpack is measured and analyzed, a process usually accomplished in mid-winter. Therefore, an adjustment to firm power rates mady be necessary in the period January 1982 to June 1982 if streamflows do not meet median levels. The ability to apply surcharges for additional purchases of power has been included in each rate schedule that provides for firm energy loads.

d. *Conservation Costs.* Bonneville is directed to adjust its rates as needed in order to achieve model conservation measures as specified by the Regional Power Act. Power rates are also a potentially signficant tool for encouraging efficient use of energy and thereby supporting Bonneville's legislative mandates of providing low cost power and encouraging widespread use of electricity.

The Bonneville staff has completed a preliminary study of several approaches to rate design which may be effective in encouraging energy efficiency. These approaches include: (1) Using long-urn incremental cost and time-differentiated cost information, (2) employing tiered or inverted rates, (3) reflecting variation in price elasticity in rates, (4) offering billing credits for conservation or the development of renewable resources, and (5) encouraging the use of rate design at the retail level to promote efficient use.

Bonneville's proposed rates reflect the use of both long run incremental cost and time-differentiated pricing in an effort to encourage efficient consumption of resources. The rates do not reflect tiered prices or the application of the inverse elasticity rule because of the lack of conclusive evidence concerning the effectiveness or availability of information necessary for valid implementation of these approaches. The proposed rates are designed to recover $15 million to provide billing credits to customers implementing conservation.

(1) *Long-Run Incremental Cost/Time-Differentiated Pricing:* According to economic theory, an optimum distribution of society's resources can be achieved by pricing all goods and services at their marginal cost. For electricity, marginal cost has traditionally been operationally defined as long-run incremental cost. Theoretically, Bonneville could encourage optimum use of electricity by instituting long run incremental cost pricing.

Whereas LRIC information has been used to develop rates intended to encourage a more efficient distribution of use of capacity and energy, time-of-day and seasonal differentiation analyses have been used to develop rates which reflect differences in the costs of providing capacity and energy by season and the costs of providing capacity by time of day. Theoretically, the incorporation of such time-differentiation in rates would again encourage an increase in the efficiency of resource use by discouraging use during peak periods relative to offpeak periods.

LRIC could also be employed by Bonneville as a standard for judging the cost effectiveness of future resource development. In many cases, the employment of such a standard and the granting of a billing credit based on long-run incremental cost would encourage Bonneville's customers to develop resources which would be cost effective for the region and which might otherwise remain undeveloped.

(2) *Tiered Rates:* The primary rationale for employing a tiered rate to encourage conservation is that customers will respond to their incremental as well as their average cost for power. Under an inverted tiered rate, the incremental cost of power would exceed the customer's average cost. To the extent that the customer responds to incremental as well as average cost, consumption would be expected to be lower under an inverted tiered rate than under a flat rate (where incremental and average costs are equal). There is some question among economists regarding the response of customers to the incremental rate. Many would maintain that the average rate, rather than the incremental rate, determines customer demand for electricity.

(3) *Inverse Elasticity Rule:* Under the inverse elasticity rule, those customers which are most sensitive to price are charged rates closer to marginal cost than are customers with lower price sensitivities. Theoretically, this pricing approach would effectively reduce consumption relative to a uniform pricing approach. Although rates reflecting the application of the inverse elasticity rule have a sound theoretical basis, their effective implementation requires accurate information regarding customer price elasticities. The validity and reliability of customer elasticity estimates currently available to Bonneville is questionable. Substantial improvement of these data would be prerequisite to the employment of this approach in future rate proposals.

(4) *Billing Credits:* Under section 6(h) of the Act, billing credits are to be employed by Bonneville to encourage customers to implement cost effective conservation programs and resources. The availability of low-cost power to Bonneville's preference customers destroys the cost effectiveness of many conservation and resource projects which, if evaluated against Bonneville's incremental cost for power would be considered cost effective. Therefore, with the granting of billing credits, additional conservation and resource development will become cost effective because Bonneville will compare the cost of conservation and resources to its incremental costs.

(5) *Retail Rate Design:* In addition to employing rate design at the wholesale level to encourage conservation, Bonneville may be able to work with its preference customers in an effort to implement rate designs at the retail level which may encourge conservation. A preliminary effort has been made to identify a variety of retail rate design features which may hve a conservation potential. One of these features, inverted rates, has been explored in some detail. Those utilities employing inverted rates in the Northwest have been identified and a literature survey of studies of the effectiveness of inverted retail rates in encouraging conservation has been completed.

(e) *Rate Increase Impacts on Customers:* The impact of the proposed wholesale power rates varies with each customer and among customer classes. The range of effects is due to several factors including load factor differences combined with changes in rate design, and the allocation of cost from the resource pools established in accordance with the Act.

The effect of the increases on Bonneville's publicly owned and Federal agency customers, and industrial customers is of particular interest since these customer groups existed prior to the passage of the Act. Bonneville's analysis of impacts indicates that the effect of the Act is minimal on Bonneville's publicly owned and Federal agency customers. The range of increases for these customers is 50 percent to 59 percent. The average proposed rate increase is 53 percent.

The impact of the proposed industrial firm power rate is more difficult to quantify because the level of the rate after October 1, 1981, depends on the cost of the exchange resources as defined in section 5(c) of the Act. The following is a list of the effects of the proposed industrial firm power rate increase assuming three reasonable estimates of values for the average per unit cost of the exchange.

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Exchange resource costs (mills/kWh)	DSI average annual cost[1] (mills/kWh)	Percent increase
18	16.0	159
23	19.5	216
26	20.6	234

[1] Does not include value of reserves adjustment.

Dated: February 10, 1981.

Earl Gjelde,

Acting Administrator.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

[Last Listing February 13, 1981]

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

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New England River Basins Commission	8410-01
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Nuclear Safety Oversight Commission	6820-01
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BILLING PROCEDURES FOR AGENCIES

As part of the billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

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federal register

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Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

12691 **National Agriculture Day** Presidential proclamation

12693 **Foreign Service Retirement and Disability System** Executive order

12756 **Securities** SEC proposes amendments concerning ratio of earnings to fixed charges and preferred dividends; comments by 4-30-81

12750 **Nuclear Power Plants** NRC proposes rule concerning financial protection requirements and indemnity agreements; comments by 4-20-81

12696 **Nuclear Material** NRC amends rules concerning physical protection of in-transit special nuclear material of moderate strategic significance; effective 3-20-81

12695 **Nuclear Material** NRC amends rules concerning general license requirements for any person who possesses irradiated special nuclear material in transit; effective 4-20-81

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The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

12770 **Minority Business** Commerce/MBDA replaces two projects to provide management and technical assistance ot minority-owned businesses

12767, 12769 **Antidumping** Commerce/ITA issues preliminary determination of sales at less than fair value and suspension of liquidation; effective 2-18-81 (2 documents)

12918 **Agreements** OFR issues notice of availability of agreements between the American Institute in Taiwan and the Coordination Council for North American Affairs

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12923 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Proclamation 4819 of February 13, 1981

National Agriculture Day

By the President of the United States of America

A Proclamation

Agriculture is among America's most vital and far-reaching industries. Its production, processing, and marketing segments together provide as many as 17 million jobs.

The productivity and efficiency of American agriculture are basic ingredients in our national strength. Agricultural productivity is a major weapon in the war against inflation and in the struggle to eliminate world hunger. The efficiency of the American farmer is the envy of the world.

American farmers are, in reality, fiercely independent businessmen whose job it is to provide food and fiber. With the profit motive and freedom of enterprise, these businessmen of the soil have supplied this Nation with an abundance never before witnessed in the history of man.

Today, our farmers are also making enormous contributions to America's trade balance. In the past year alone, farm exports amounted to $41 billion.

To achieve a better understanding of, and appreciation for, agriculture's role in the Nation's way of life and of each individual's stake in a reliable food and fiber supply, the Congress enacted a Joint Resolution, Public Law 96-416, to set aside March 19, 1981, as "National Agriculture Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim March 19, 1981, "National Agriculture Day" and do call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of February in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc 81-5684
Filed 2-13-81; 4:53 pm]
Billing code 3195-01-M

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Presidential Documents

Title 3—

The President

Executive Order 12289 of February 14, 1981

Foreign Service Retirement and Disability System

By the authority vested in me as President of the United States of America by Section 827 of the Foreign Service Act of 1980 (22 U.S.C. 4067), and in order to conform further the Foreign Service Retirement and Disability System to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

Section 1. (a) Section 826(c) of the Foreign Service Act of 1980 (22 U.S.C. 4066(c)) is deemed to be amended by striking out the first sentence of paragraph (1) thereof, and inserting in lieu thereof the following sentence:

"(1) The first increase (if any) made under this section to an annuity which is payable from the Fund to a participant or to the surviving spouse of a deceased participant who dies in service shall be equal to the product (adjusted to the nearest 1/10 of 1 percent) of—

"(a) 1/6 of the applicable percent change determined under Subsection (b) of this Section, multiplied by

"(b) the number of full months for which the annuity was payable from the Fund before the effective date of the increase (counting any portion of a month as a full month).".

Sec. 2. Section 808(a) of the Foreign Service Act of 1980 (22 U.S.C. 4048(a)) is deemed to be amended by adding at the end thereof the following:

"However, if a participant retiring under this section is receiving retired pay or retainer pay for military service (except that specified in Section 8332(c) (1) or (2) of title 5 of the United States Code) or Veterans' Administration pension or compensation in lieu of such retired or retainer pay, the annuity of that participant shall be computed under this chapter excluding extra credit authorized by this subsection and excluding credit for military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in Section 5532 of title 5 of the United States Code, or the Veterans' Administration pension or compensation in lieu of such retired pay or retainer pay, is less than the annuity that would be payable under this chapter in the absence of the previous sentence, an amount equal to the difference shall be added to the annuity computed under this chapter.".

Sec. 3. The amendments to be deemed made by this Order shall take effect as of February 15, 1981.

Ronald Reagan

THE WHITE HOUSE,
February 14, 1981.

[FR Doc. 81-5715
Filed 2-17-81; 10:50 am]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 46, No. 32
Wednesday, February 18, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

Domestic Licensing of Special Nuclear Material; General License Requirements for any Person Who Possesses Irradiated Special Nuclear Material (SNM) in Transit

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations to issue a general license to any person who possesses irradiated reactor fuel in transit. Under the general license, a person who possesses irradiated reactor fuel in transit would be subject to certain requirements. This action would provide the NRC a level of direct control and direct inspection authority over irradiated reactor fuel shipments comparable to that now provided over formula quantities of strategic special nuclear material (SSNM) in transit. Notice is hereby given that this action meets the intent of the petition for rulemaking (PRM 73–5) filed by Mr. Samuel Edlow by letter dated June 29, 1979, with the Nuclear Regulatory Commission and therefore further action is not required.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Prell, Safeguards Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 301–443–5904.

SUPPLEMENTARY INFORMATION: On May 8, 1979, effective amendments to 10 CFR Part 70 were published, 44 FR 26850, that removed the licensing exemption and issues a general license to carriers and other persons who have actual or constructive possession (constructive possession is a form of legal possession of material in a shipment that does not require actual physical custody; it may be evidence through control over the shipment or by other means) of formula quantities of SSNM for the purpose of transport or storage incident to transport. This provided the NRC with a legal basis (in the absence of a specific license or other formal means) for inspecting shipments of formula quantities of SSNM in transit. Prior to issuance of the effective amendments, inspections were submitted to on a voluntary basis on the part of the carriers.

On June 15, 1979, effective amendments to 10 CFR Part 73 (Section 73.37) were published (44 FR 34466) that prescribed requirements for the physical protection of irradiated reactor fuel in transit. In their present form, these regulations do not subject to direct regulation carriers and other persons who possess (actually or constructively) irradiated reactor fuel for the purpose of transport or storage incident to transport. This creates the same situation for the shipment of irradiated fuel as existed for the shipment of strategic special nuclear material prior to the removal of the licensing exemption for carriers of that material (44 FR 26850). That is, the NRC has no legal basis for inspecting the irradiated reactor fuel shipments in transit to verify compliance with Section 73.37.

On June 29, 1979, Mr. Samuel Edlow, President of Edlow International Company, filed with the Nuclear Regulatory Commission a petition for rulemaking to amend 10 CFR Parts 70 and 73. The intent of this petition, which was assigned Docket Number PRM 73–5, was to make carriers of irradiated reactor fuel subject to a level of NRC control similar to that required of carriers of formula quantities of strategic special nuclear material.

In order to provide the NRC a level of control over irradiated fuel shipments comparable to that provided over formula quantities of SSNM in transit, the Commission is, therefore, amending its regulations to issue a general license to any person who possesses (actually or constructively) irradiated reactor fuel during transport. The general license would pertain only to the carriage or storage in transit of irradiated fuel subject to 10 CFR 73.37.

For this purpose, on March 12, 1980, the Nuclear Regulatory Commission published in the **Federal Register** [45 FR 15936] proposed amendments to 10 CFR Part 70 of its regulations. Interested persons were invited to submit written comments and suggestions on the proposed amendments within sixty days after publication in the **Federal Register**. The principal comments and the Commission's responses follow:

(1) Physical protection responsibilities of carriers—one commenter sought clarification as to whether or not the carrier was responsible for meeting the physical protection requirements of 10 CFR § 73.37.

This rule does not relieve the shipper of full responsibility for meeting the physical protection requirements of § 73.37. However, the carrier shall either assure himself or receive certification from the shipper that the requirements are being met. Paragraph 73.20a(e)(1) has been modified form the proposed amendment to clarify this meaning.

(2) Reporting requirements—two commenters suggested that all reporting requirements associated with lost or missing material be channeled through the Department of Transportation. The Department of Transportation, however, prefers that all reports be made directly to the Nuclear Regulatory Commission.

(3) Exemption from 10 CFR § 70.42—One commenter felt that general licensees should not be subject to the requirements of 10 CFR § 70.42 "Transfer of special nuclear material." He felt that since the licensee shipper was already subject to these requirements, making the general licensee subject to them would be redundant, accomplish little and add to the "bureaucratic nightmare." Paragraph 70.42(c) requires: (1) that the general licensee initially register with the NRC, and (2) that prior to transferring special nuclear material, the transferor verify that the transferee's license authorizes receipt of the type, form and quantity of material to be transferred. The Commission believes that this requirement is needed in order to help assure proper control of the material at all points of transfer. The Commission also believes that this will not present the general licensee with a "bureaucratic nightmare" because:

(1) the general licensee is required to register with the Commission only initially, and

(2) the general licensee can verify and obtain from the official records of the Commission or an Agreement State the identity of all the licensees it intends to deliver to and the scope and expiration dates of their licenses and registrations. Once obtained, this list only has to be updated occasionally as licenses expire or license conditions change or new receivers are added.

In light of the above, appropriate paragraphs of § 70.20a have been revised to issue a general license to any person who possesses (actually or constructively) irradiated reactor fuel in transit. The scope of the general license granted under the amendment is limited to possession only and is effective during the course of a shipment. The amendment does not affect the exemption for carriers and other persons under § 70.12 who transport other forms of special nuclear material subject to NRC regulations. Also, the amendment does not apply to transient shipments, that is, shipments that originate in a foreign country with destinations in a foreign country that transit the United States. Such shipments are the subject of a separate rulemaking procedure (see 45 FR 1625). The amendment codifies practices and procedures presently submitted to on a voluntary basis by most carriers and other persons. The amendment does not require the filling of applications with the Commission or the issuing of licenses to particular persons by the Commission.

The promulgation of this amendment does not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51, that neither an environmental impact statement nor an environmental impact appraisal to support a negative declaration for the proposed amendment to 10 CFR Part 70 are required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 70 are published as a document subject to codification.

PART 70—SPECIAL NUCLEAR MATERIAL

1. Section 70.12 of 10 CFR Part 70 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport special nuclear material in the regular course of carriage for another or storage incident thereto. This exemption does not apply to the storage in transit or transport of material by persons covered by the general license issued under § 70.20a and § 70.20b.

2. Paragraph 70.20a (a) and (c) are revised and a new paragraph (e) is added to read as follows:

§ 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.26, and 73.27 of Part 73 of this chapter, and irradiated reactor fuel containing material of the types and quantities subject to the requirements of § 73.37 of Part 73 of this chapter, in the regular course of carriage for another or storage incident thereto. Carriers generally licensed under § 70.20b are exempt from the requirements of this section. Carriers of irradiated reactor fuel for the Untied States Department of Energy are also exempt from the requirements of this section. The general license is subject to the applicable provisions of §§ 70.32 (a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71.

* * * * *

(c) Notwithstanding any other provision of this chapter, the duties of a general licensee under this section while in possession of formula quantities of strategic special nuclear material or irradiated reactor fuel in the regular course of carriage for another or storage incident thereto shall be limited to providing for the physical protection of such material against theft or sabotage. Unless otherwise provided by this section, a general license under this section is not subject to the requirements of Parts 19, 20, 70 and 73.

* * * * *

(e) Any person who possesses irradiated reactor fuel under this general license shall:

(1) assure or receive certification from the shipper that the transportation is in accordance with the applicable physical protection requirements of § 73.37 of this chapter; and

(2) comply with the reporting requirements of § 73.71 of Part 73 of this chapter.

(Secs. 53, 161b, 161i, 161o, Pub. L. 83–703, 68 Stat. 930, 948, 949, 950 as amended (42 U.S.C. 2073, 2201), Sec. 201(F) Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C. this 10th day of February 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-5505 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 73

Physical Protection of Plants and Materials; Physical Protection of In-Transit Special Nuclear Material of Moderate Strategic Significance

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to allow the NRC to delay the shipment of certain quantities of special nuclear material of moderate strategic significance. The intent of the NRC is to prevent the concurrent shipment of two or more quantities of SNM of moderate strategic significance that, in total, would exceed a formula quantity. This amendment will help the NRC prevent the loss or theft of a formula quantity of strategic special nuclear material.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4181.

SUPPLEMENTARY INFORMATION: The Commission has been concerned that possible theft of concurrent shipments of special nuclear material (SNM) of moderate strategic significance could result in the accumulation by an adversary of a formula quantity of strategic special nuclear material (SSNM). On January 14, 1980, the Nuclear Regulatory Commission (NRC) published in the **Federal Register** [45 FR 2657] proposed amendments to 10 CFR Part 73 to allow the NRC to delay the shipment of certain quantities of SNM of moderate strategic significance. The purpose of these amendments was to (1) help assure that a formula quantity of SSNM could not be lost or stolen while in transit, and (2) provide the NRC with the capability of preventing the loss of additional material to an adversary before an accounting of a lost shipment has been made. On February 21, 1980, these amendments were republished [45 FR 11503] with additional details provided explaining how the scheduling control for preventing concurrent shipments of two or more quantities of SNM of moderate strategic significance totalling more than a formula quantity will be implemented. The comment period was also extended until March 24, 1980.

The proposed amendments have been adopted in effective form without significant changes, and will become effective 30 days after publication of this notice. The changes which were made in response to public comments were primarily for the purpose of clarification and are consistent with the intent of the Commission at the time of publication of the proposed amendments. A summary of public comments resulting in changes in the regulation, and a description of the resulting changes follows.

(1) One comment suggested that shipments which are physically protected should not be subject to NRC-imposed delays. This suggestion has been adopted by the addition of a new subparagraph, § 73.67(e)(6)(iv), which provides that shipments of SNM of moderate strategic significance protected in accordance with the provisions of §§ 73.20, 73.25 and 73.26 will neither be subject to NRC orders to delay shipment nor considered to constitute a portion of an aggregate formula quantity of SSNM for the purpose of determining whether any shipments must be delayed. This additional provision is to achieve consistency with the related provisions of § 73.24(b) which are currently effective.

(2) Some comments indicated a concern that NRC ordered shipment delays would increase shipping costs and cause interference in the shipper/carrier relationship to the detriment of shippers. The two-day notice the NRC might provide to shippers was thought to be too late to cancel a vehicle ordered for pickup of material without incurring extra charges. Also, it was thought that failures on the part of nonlicensees (e.g., overseas recipients, the Department of Energy) to provide timely confirmation of receipt of shipments could cause unfair impacts on licensees who had planned subsequent shipments. Commenters also expressed more general concerns about the possible impact of the proposed amendments on the private nuclear sector.

The Commission is sensitive to possible disruptions that could be caused to licensees as a result of the proposed regulations. Most of the potential delays which might occur could be avoided if notification is given the NRC sufficiently in advance of each planned shipment. The staff intends to request shipment delays as soon as the need for delays becomes apparent based upon the receipt of planned shipment notifications in accordance with § 73.72. These decisions will usually be made after consultation with the prospective shippers so that NRC-ordered shipment delays can be minimized and the needs of the shippers can be accommodated. These actions taken in the context of the low number of shipments which are projected will occur each year (twenty to thirty) should result in no significant economic impacts.

With regard to potential delays caused by difficulties in obtaining confirmation of receipt for export shipments, the proposed amendments have been changed by adding the stipulation that for export shipments the licensee need only confirm that a particular export shipment has left its scheduled port of exit from the United States intact, rather than requiring that receipt be confirmed at its foreign destination. This provision is consistent with the objective of the existing regulation which is to assure that an aggregate formula quantity of SSNM constituted by several shipments of SNM of moderate strategic significance not be permitted to be transported within the United States without appropriate physical protection.

(3) One comment suggested that the NRC did not intend to include low-enriched uranium in the requirements for notifying the NRC of shipments of SNM of moderate strategic significance, and that the language of § 73.72 should be changed accordingly. The NRC did not intend that shipments of SNM of moderate strategic significance containing no SSNM be included in the notification requirements of § 73.72, or that such shipments should be subject to delays pursuant to the proposed amendments. Therefore, the suggestion has been adopted and § 73.72 has been modified accordingly.

With respect to the proposed amendments, the resolution of the comments received not resulting in changes is as follows:

(1) A comment by the Department of Energy (DOE) recommended that the proposed amendments be limited to delaying licensed shipments involving the commingling of five kilograms or more of SSNM in transport vehicles or storage facilities. The DOE stated that addressing aggregate quantities of special nuclear material of moderate strategic significance in all possible combinations of licensed shipments is not justified. Concern was also expressed that the proposed amendments would still permit commingling of DOE Category III shipments with licensed shipments such that the total would amount to a formula quantity, thus defeating the purpose of the proposed amendments.

The authority given the staff to delay shipments of SNM of moderate strategic significance is intended to be exercised on a case-by-case basis to the extent necessary to assure protection of the public health and safety and common defense and security. This will allow the staff to eliminate all significant opportunities for thefts of formula quantities of SSNM.

Regarding DOE's concern for commingling of shipments, carriers are required under the terms of a general license, issued pursuant to § 70.20(a), to provide protection for formula quantities of SSNM in their possession, regardless of whether such material was intended to be transported as one or more separate shipments. Thus, carriers are obligated to protect a formula quantity of SSNM if an NRC licensed Category II shipment is commingled with a DOE Category III shipment and the total amount of SSNM exceeds a formula quantity.

(2) Another comment suggested that the decision criteria for delaying shipments should be part of the regulation and that consideration should be given to giving priority for advanced scheduled shipments of required deliveries to operating reactors.

In response to the above comment, the staff has decided to enlarge upon the list of decision criteria last published in the **Federal Register** with the proposed amendments.

According to the revised criteria, staff decisions to delay shipments of special nuclear material will be based upon the following criteria: (1) Total time needed to complete the shipment, (2) the impact of a schedule delay on the use of the SNM at the delivery site, (3) expected routing, (4) relationship of the material to the national defense or to other essential programs in the nation's interest, (5) whether a licensee might volunteer to delay shipment, (6) the possible impacts on the shipper/carrier relationship with regard to availability of shipment vehicles and other special arrangements which would be difficult to rearrange, and (7) how far in advance of the proposed shipment date the NRC was notified of the intent to make the shipment. Regulatory Guide 5.59 entitled "Standard Format and Content for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance," will be modified accordingly to reflect these criteria and the proposed amendments.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following

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amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 73, are published as a document subject to codification.

1. The authority citation for Part 73 reads as follows:

Authority: Sec. 161i, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201). Secs. 202, 206, Pub. L. 93–438, 88 Stat. 1244, 1246; 42 U.S.C. 5842, 5846, unless otherwise noted.

2. A new § 73.67(e)(6) is added to read as follows:

§ 73.67(e) In-Transit Requirements for Special Nuclear Material of Moderate Strategic Significance.

* * * * *

(6) If, after receiving advance notice pursuant to § 73.72 from a licensee planning to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery at the point where it is delivered to a carrier, special nuclear material of moderate strategic significance containing in any part strategic special nuclear material, it appears to the Commission that two or more shipments of special nuclear material of moderate strategic significance, constituting in the aggregate an amount equal to or greater than a formula quantity of strategic special nuclear material, may be en route at the same time, the Commission may order one or more of the shippers to delay shipment according to the following provisions:

(i) The shipper shall provide to the Commission, upon request, such additional information regarding a planned shipment as the Commission considers pertinent to the decision on whether to delay such shipment.

(ii) The receiver of each shipment, or the shipper if the receiver is not a licensee, shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A by telephone, no later than 24 hours after arrival of such shipment at its final destination, or after such shipment has left the United States as an export, to confirm the integrity of the shipment at the time of receipt or exit from the United States.

(iii) The Commission shall notify the affected shippers no later than two days before the scheduled shipment date that a given shipment is to be delayed.

(iv) Shipments of special nuclear material of moderate strategic significance which are protected in accordance with the provisions of §§ 73.20, 73.25, and 73.26 shall not be subject to orders to delay shipment nor considered to constitute a portion of an aggregate formula quantity of strategic special nuclear material for the purposes of determining whether any shipments must be delayed.

* * * * *

3. Section § 73.72 is revised to read as follows:

§ 73.72 Requirement for advance notice of shipment of special nuclear material.

(a) Each licensee who plans to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery, at the point where it is delivered to a carrier, the following materials, shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A by U.S. Mail, postmarked at least 7 days in advance of the shipping date: (1) formula quantities of strategic special nuclear material, or (2) special nuclear material of moderate strategic significance containing in any part strategic special nuclear material.

(b) The following information shall be furnished in the advance notice: shipper, receiver, carrier(s), estimated dates and times of departure and arrival, transfer point(s), and mode(s) of shipment.

(c) The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shall also be notified by telephone 7 days in advance of the shipping date that an advance shipping notice has been sent by mail, and of any changes to the shipment itinerary prior to the shipment date. Road shipments or transfers with one-way transit lines of 1 hour or less in duration between installations of a licensee are exempt from the requirements of this section.

Dated at Washington, D.C., this 29th day of December 1980.

For the U.S. Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–5493 Filed 2–17–81; 8:45am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB–41]

Staff Accounting Bulletin No. 41

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: These interpretations of the staff deal with matters relating to the application of the financial accounting and disclosure rules for oil and gas producers adopted in Accounting Series Release Nos. 257 and 261. In particular, the interpretations set forth the staff's views on questions pertaining to the effect of the recently announced, accelerated decontrol of oil prices on the computation of future net revenues, the phaseout period for windfall profit tax, and accounting changes by first-time registrants engaged in oil and gas producing activities.

DATE: February 6, 1981.

FOR FURTHER INFORMATION CONTACT: James D. Hall or Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549 (202–272–2133).

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

February 6, 1981.

Staff Accounting Bulletin No. 41

The staff hereby adds questions 9 and 10 to Topic 6–D–2 and adds a new Topic 6–J, setting forth the staff's views on questions pertaining to the effect of the recently announced, accelerated decontrol of oil prices on the computation of future net revenues, the phaseout period for windfall profit tax, and accounting changes by first-time registrants engaged in oil and gas producing activities.

Topic 6: Interpretation of Accounting Series Releases

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D. Accounting Series Release No. 257—Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities.

* * * * *

2. Estimates of Future Net Revenues

* * * * *

Question 9

The Crude Oil Windfall Profit Tax Act of 1980 provides for a phaseout period which is to be a 33-month period beginning no earlier than December 1987 and not later than December 1990, depending on when Government revenues from the windfall profit tax reach $227.3 billion. For what periods should registrants give effect to the windfall profit tax in the computation of future net revenues?

Interpretive Response

Since there is no way to determine the point at which $227.3 billion of windfall profit tax will have been collected, registrants should assume the tax will terminate in 1993 if at the time of the estimate they have no reason to believe that the tax will extend beyond that date.

Question 10

Since an Executive Order by the President allowed the prices of all oil to be decontrolled effective January 28, 1981, should registrants give effect to this accelerated decontrol in their calculations of future net revenues as of December 31, 1980?

Interpretive Response

No. Registrants with calendar year ends should use the oil prices in effect at December 31, 1980; however, if decontrol has a significant effect on the future net revenues for the next succeeding fiscal year, that effect should be disclosed. The effect of the decontrol will appear as a price change in the 1981 Summary of Oil and Gas Producing Activities on the Basis of Reserve Recognition Accounting.

* * * * *

J. Accounting Series Release No. 261—Accounting Changes by Oil and Gas Producers.

1. First-time Registrants.

Facts

In Accounting Series Release No. 261, the Commission concluded that changes by registrants from one of the specified methods (i.e., successful efforts or full cost) to the other would not be in the interests of investors since one was not clearly preferable to the other.

Question

May a nonpublic company change from the specified form of successful efforts to full cost or full cost to successful efforts in connection with a forthcoming public offering or initial registration on Form 10?

Interpretive Response

Yes. The Commission's policy that first-time registrants may change their accounting methods without filing a preferability letter is applicable and therefore the staff will not object to such changes in accounting methods.

[FR Doc. 81–5508 Filed 2–17–81; 8:45 am]

BILLING CODE 8010–01–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR PART 193

[FAP 6H5110/R71; PH–FRL 1755–7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; 0,0-Diethyl 0-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation permitting the use of the insecticide *0,0*-diethyl *0*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in spot and/or crack and crevice treatments in food handling establishments, including food service, manufacturing, and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries where food and food products are held, processed, and served.

EFFECTIVE DATE: Effective on February 18, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS–767C), Office of Pesticide Programs, Rm. 403, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7406).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of December 16, 1975 (45 FR 58345) that Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro, NC 27409, had filed a food and feed additive petition with the EPA. This petition proposed that 21 CFR Part 193 be amended by establishing a regulation permitting the use of *0,0*-diethyl *0*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in spot and/or crack and crevice treatments in food handling establishments including food service, manufacturing, and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries.

No comments or request for referral to an advisory committee were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. Residue chemistry data from studies conducted in edible product areas of food handling establishments suggest that residues would not be present for consumption on a continual basis and that a numerical tolerance would be unnecessary.

The toxicological data considered in support of the proposed regulation included a rat teratogenic study which was determined to be negative, although raw data for this teratogenic study has been requested for more extensive review, and a multigeneration reproduction study with a no-observed-effect-level (NOEL) of 0.4 milligrams (mg)/kilogram (kg) of body weight (bw)/day and a hen neurotoxicity study which suggests the pesticide is not a neurotoxin at dosage levels up to 100 mg/kg of bw. Also considered were subacute human oral and 90-day dog feeding studies with NOEL's of 0.02 mg/kg of bw/day, a 90-day rat feeding study with a NOEL of 0.025 mg/kg of bw/day, a 2-year monkey feeding study with a NOEL of 0.05 mg/kg of bw/day, a 46-week dog feeding study with a NOEL of less than the minimum tested dosage of 4.6 mg/kg of bw/day, and a 2-year rat feeding study with a NOEL less than the minimum tested dosage of 10.0 parts per million (ppm). A recently released National Cancer Institute (NCI) oncogenic study suggests that the pesticide is not oncogenic to rats dosed at 400 or 800 mg/kg of bw and to mice at 100 or 200 mg/kg of bw for 103 weeks. The EPA will also review, upon its completion, a mouse oncogenic study being conducted by the petitioner. Supplementary studies on mutagenicity suggest the pesticide is not mutagenic.

Desirable data that are lacking from the petition are another teratology study on a second species. Some summary data in the published literature have raised additional questions about the teratogenicity of the pesticide. The teratology study expected to be completed by May 15, 1981 is designed specifically to answer these questions. The petitioner also agreed to voluntarily delete the use of the pesticide in food and feed areas of food and feed handling establishments from the label should the teratology data exceed the risk criteria for toxicity as delineated in 40 CFR 162.11. A related document (FAP 6H5110/R72) establishing a regulation for feed handling establishments appears elsewhere in this issue of the **Federal Register**.

Tolerances have previously been established for the insecticide (40 CFR 180.153) on raw agricultural

commodities at levels ranging from 0.1 to 60 ppm for a theoretical maximal residue contribution (TMRC) of 0.4295 mg/day in a 1.5-kg diet. Based on the subacute oral study with a 0.02 mg/kg of bw/day NOEL and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.002 mg/kg of bw/day and the maximal permissible intake (MPI) is 0.12 mg/day. The TMRC exceeds the ADI by 186 percent. However, it is to be noted that actual residues found are minimal compared to the MPI and any residues of the pesticide resulting from this proposed use are not of toxicological concern, especially when considering the negative rat and mouse NCI oncogenic studies.

The fate of the pesticide is adequately understood and an adequate analytical method (gas-liquid chromatography with a flame photometric detector) is available for enforcement purposes.

No actions are pending against continued registration of the pesticide, nor are any other relevant considerations involved in establishing the regulation.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136). Therefore, the food additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the Order or whether is may follow other specialized development procedures. EPA labels the other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: February 18, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: January 29, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by establishing a new § 193.142 to read as follows:

§ 193.142 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate.

The food additive *0,0*-Diethyl *0*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate may be safely used in accordance with the following prescribed conditions:

(a) Application shall be limited solely to spot and/or crack and crevice treatment in food handling establishments, including food service, manufacturing, and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries where food and food products are held, processed, and served.

(1) Spray and dust concentrations shall be limited to a maximum of 1 percent and 2 percent, respectively, of active ingredient by weight.

(2) Application to areas, surfaces, or utensils contacted by food, contamination of food and food contact surfaces, and the introduction of spray or dust into the air is to be avoided.

(3) For spot treatment, a coarse, low pressure spray shall be used. Application is limited to floor surfaces only and to 20 percent of the surface area. Any individual spot treatment shall not exceed 2 square feet.

(4) For crack and crevice treatment, equipment capable of delivering dust or a pin stream of spray directly into the cracks and crevices shall be used.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

[FR Doc. 81–5479 Filed 2–17–81; 8:45 am]

BILLING CODE 6560–32–M

21 CFR Part 561

[FAP 6H5110/R72; PN-FRL 1756-1]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; 0,0-Diethyl 0-(2-isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation permitting the use of the insecticide *0,0*-diethyl *0*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in animal feed handling establishments, including feed manufacturing and processing establishments, such as, stores, supermarkets, dairies, meat slaughtering and packing plants, and canneries where feed and feed products are held, processed, and sold.

EFFECTIVE DATE: Effective on February 18, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 403, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7406).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of December 16, 1975 (45 FR 58345) that Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro, NC 27409 had filed a food and feed additive petition with the EPA. The feed additive petition proposed that 21 CFR Part 561 be amended by establishing a regulation permitting the use of *0,0*-diethyl *0*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in animal feed handling establishments, including feed manufacturing and processing establishments, such as stores, supermarkets, dairies, meat slaughtering, and packing plants, and canneries.

No comments or requests for referral to an advisory committee were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. Residue chemistry data from studies conducted in edible product areas of food handling estabishments suggest that residues would not be present for consumption on a continual basis and that a numerical tolerance would be unnecessary.

The toxicological data considered in support of the regulation included a rat teratogenic study, which was detemined to be negative, although raw data for this teratogenic study have been requested for more extensive review, and a multigeneration reproduction study with a no-observed-effect-level (NOEL) of 0.4 milligrams (mg)/kilogram (kg) of body weight (bw)/day and a hen

neurotoxicity study which suggests the pesticide is not a neurotoxin at dosage levels up to 100 mg/kg of bw. Also considered were subacute human oral and 90-day dog feeding studies with NOEL's of 0.02 mg/kg of bw/day, a 90-day rat feeding study with a NOEL of 0.025 mg/kg of bw/day, a 2-year monkey feeding study with a NOEL of 0.05 mg/kg of bw/day, a 46-week dog feeding study with a NOEL of less than the minimum tested dosage of 4.6 mg/kg of bw/day, and a 2-year rat feeding study with a NOEL less than the minumum tested dosage of 10.0 parts per million (ppm). A recently released National Cancer Institute (NCI) oncogenic study suggests that the pesticide is not oncogenic to rats dosed at 400 or 800 mg/kg of bw, and to mice at 100 or 200 mg/kg of bw for 103 weeks. The EPA will also review, upon its completion, a mouse oncogenic study being conducted by the petitioner. Supplementary studies on mutagenicity suggest the pesticide is not mutagenic.

Desirable data that are lacking from the petition are another teratology study on a second species. Some summary data in the published literature have raised additional questions about the teratogenicity of the pesticide. The teratology study expected to be completed by May 15, 1981 is designed specifically to answer these questions. The petitioner also agreed to voluntarily delete the use of the pesticide in food and feed areas of food and feed handling establishments from the label should the teratology data exceed the risk criteria for toxicity as delineated in 40 CFR 162.11. A related document (FAP6H5110/R71) establishing a regulation for food handling establishments appears elsewhere in this issue of the **Federal Register**.

Tolerances have previously been established for the insecticide (40 CFR 180.153) on raw agricultural commodities at levels ranging from 0.1 to 60 ppm for a theoretical maximal residue contribution (TMRC) of 0.4295 mg/day in a 1.5-kg diet. Based on the subacute oral study with a 0.02 mg/kg of bw/day NOEL and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.002 mg/kg of bw/day and the maximal permissible intake (MPI) is 0.12 mg/day. The TMRC exceeds the ADI by 186 percent. However, it is to be noted that actual residues found are minimal compared to the MPI and any residues of the pesticide resulting from this proposed use are not of toxicological concern, especially when considering the negative rat and mouse NCI oncogenic studies.

The fate of the pesticide is adequately understood and an adequate analytical method (gas-liquid chromatography with a flame photometric detector) is available for enforcement purposes.

No actions are pending against continued registration of the pesticide, nor are any other relevant considerations involved in establishing the regulation.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136). Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by these regulations may, within 30 days after publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in triplicate and specify the provisions of the regulations deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, the EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels the other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

EFFECTIVE DATE: February 18, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: January 29, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 561 is amended by establishing a new § 561.415 to read as follows:

§ 561.415 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate.

0,0-diethyl *0*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate may be safely used in feed in accordance with the following prescribed conditions:

(a) Application shall be limited solely to spot and/or crack and crevice treatment in animal feed handling establishments, including feed manufacturing and processing establishments such as stores, supermarkets, dairies, meat slaughtering and packing plants, and canneries, where feed and feed products are held, processed, and sold.

(1) Spray and dust concentrations shall be limited to a maximum of 1 percent and 2 percent, respectively, of active ingredient by weight.

(2) Application to areas, surfaces, or utensils contacted by feed, contamination of feed or feed contact surfaces, and the introduction of spray or dust into the air is to be avoided.

(3) For spot treatment, a coarse, low-pressure spray shall be used. Application is limited to floor surfaces only and to 20 percent of the surface area. Any individual spot treatment shall not exceed 2 square feet.

(4) For crack and crevice treatment, equipment capable of delivering dust or a pin stream of spray directly into cracks and crevices shall be used.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

[FR Doc. 81–5478 Filed 2–17–81; 8:45 am]

BILLING CODE 6560–32–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 77–15]

General Provisions; Import Statements

AGENCY: Library of Congress, Copyright Office.

ACTION: Final Regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress hereby adopts a final regulation to implement section 601(b)(2) of the Copyright Act of 1976, title 17 of the United States Code, as amended by Pub. L. 94–553 (90 Stat. 2541). This provision of the Act permits importation into the United States of two thousand copies of certain copyrighted works not manufactured in the United States or Canada, which would otherwise be prohibited from importation by section 601(a) of the Act. In order to import the copies, the importer must present to the United States Customs Service an import

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statement issued under the seal of the Copyright Office. This final regulation establishes requirements governing the issuance of such import statements.

EFFECTIVE DATE: March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287–8380.

SUPPLEMENTARY INFORMATION: Section 601 of the Copyright Act of 1976, title 17 of the United States Code, as amended by Pub. L. 94–553 [hereafter referred to as the current Act] provides that, as a general rule, the printed copies of a work "consisting preponderantly of nondramatic literary material that is in the English language" must be manufactured in the United States or Canada in order to be imported lawfully and distributed publicly in the United States. There are a number of exceptions to this general prohibition on importation. One exception permits the importation of up to two thousand copies of a foreign edition upon presentation to the Customs Service of an "import state" issued by the Copyright Office to the copyright owner, or a person designated by the owner.

On January 4, 1978 (23 FR 771), the Copyright Office issued § 201.8 of the regulations on an interim basis, to establish the requirements for issuance of import statements under the current Act. Interested parties were given until March 31, 1978 to comment. The Office received comments from the Association of American Publishers, Inc., and the Authors League of America, Inc.

1. *Two thousand copies limit.* In the preamble to the interim regulation on import statements, the Copyright Office took the position that two thousand copies of a work could be imported only if registration were made for the work under section 408 of the current Act. If the work were registered before January 1, 1978 under the ad interim provisions of the former law (title 17, U.S. Code, in effect on December 31, 1977), the Office originally believed that the 1500 copies limitation of the former law would apply. A work could not be re-registered under section 408 of the current Act simply to permit importation of 500 additional copies.

The Association of American Publishers (AAP) urged that a work first published and registered with the Copyright Office before 1978 should be re-registered under section 408 of the current Act to permit issuance of an import statement and importation of 2000 copies "undiminished by the number of copies that may have been imported under the pre-1978 import statement." The AAP argued that registration of ad interim works under section 22 of the former law was an *ultra vires* action by the Copyright Office. The former statute referred to "a request for reservation of the copyright" rather than registration. Since, AAP argued, ad interim "registration" was an *ultra vires* action, registration may now be made under section 408 of the current Act.

The Office has reconsidered the decision to apply a 1500 copies limit to works registered for ad interim copyright under the former statute. The Office now believes that the reference in section 601(b)(2) of the current Act to registration "under section 408" need not be read limitatively. It is arguable that the purpose of Congress in referring to registration under section 408 can be satisfied fully by a registration made under the former statute.

The Copyright Office will accordingly issue an initial import statement or an additional import statement, whichever is appropriate, to permit importation up to a maximum of 2000 copies for a work otherwise eligible for importation of copies under section 601 of the current Act whether registration was made before or after January 1, 1978. We have so provided in § 201.8(a) (1) and (3).

Since the Office has not reached this decision for the reasons advanced by the AAP, we have not adoped their proposal that works registered under the ad interim provisions of the former statute shall be entitled to importation of 2000 copies *in addition to* copies already imported under an import statement issued before January 1, 1978. The final regulation sets a maximum of 2000 copies for importation under authority of an import statement, irrespective of when the work was first copyrighted and registered.

If an import statement was issued before 1978, the regulation establishes a slightly different procedure for the issuance of additional import statements, depending upon whether the original import statement is returned to the Copyright Office by an appropriate Customs Service official before or after the effective date of this regulation. If the statement is returned by the Customs Service *after* the effective date of this regulation, the Office will issue an additional import statement only upon the *request* of the copyright owner.

Because several years may have passed since the 1500 copies were imported originally, the copyright owner may have no need for an additional import statement permitting importation of an additional 500 copies. If a need exists, the Office will issue this additional import statement upon request and without payment of a fee. We considered but rejected a procedure under which the Copyright Office would review the files and issue additional import statements without request for works of which 1500 copies were already imported. However, we concluded that the cost to the public of providing this free service would substantially outweigh any benefit to the copyright owners who may wish to import an additional 500 copies.

The Office has rejected the arguments of the AAP regarding importation of an *additional* 2000 copies of ad interim works because there is no justification in the current Act or its legislative history for this result.

Unless another exemption is applicable, the current Act specifies in section 601(b)(6) that, except for the few copies imported under governmental authority or essentially for personal use by individuals or by a charitable or religious organization, "no more than two thousand copies of any one such work, which have not been manufactured in the United States or Canada" shall be publicly distributed in the United States. Section 601(b)(2) itself provides that "a total of no more than two thousand copies of any one such work shall be allowed entry" into the United States under an import statement. This language is unambiguous, but, if there were any doubt, the legislative history is clear that Congress intended to impose a maximum of 2000 copies for importation under an import statement. Proposals for a higher limit on importation (3500 copies) were considered and clearly rejected by Congress during copyright revision. H. Rep. No. 83, 90th Cong., 1st Sess. (1967) at page 135.

The Copyright Office also finds no support for the AAP's argument that the registration practices of the Office with respect to ad interim copyright under the former statute were *ultra vires*. In this instance, the reference in section 22 of the former statute to "a request for the reservation of the copyright" is ambiguous. The ad interim procedure of obtaining a temporary copyright by "reservation" was unique. The legislative history of the last amendment to the ad interim sections [Act of June 3, 1949 (63 Stat. 153), sections 22 and 23] constitutes explicit support for the administrative practice of the Copyright Office, which regarded registration as the act that satisfied the statutory reference to "a request for the reservation of the copyright." H. Rep. No. 238, 81st Cong., 1st Sess. (1949) at pages 3–4.

This administrative interpretation was applied by the Copyright Office consistently from the inception of ad interim copyright in the Act of March 3, 1905 (33 Stat. 1000). The Office sees no reason for concluding that an administrative practice of 72 years duration, which represented a reasonable interpretation of the applicable statutes, should now be considered an *ultra vires* action.

2. *Registration as a pre-condition.* While the Copyright Office has concluded that the particular reference to section 408 in section 601(b)(2) need not be construed as a limitation upon the Office in issuing import statements, the Office continues to believe that registration, whether made before or after January 1, 1978, must either precede or take place simultaneously with the issuance of the import statement. The congressional reference in section 601(b)(2) to the act of registration must be given some meaning.

We also know of no authority in the current Act, or in the legislative history, that would authorize re-registration of the same version of a published work already registered for full term copyright merely to facilitate issuance of an import statement. The general bases upon which more than one registration may be made for the same version of a work is regulated by in 37 CFR 202.3 (interim) (43 FR 965). In this final import statement regulation, the Copyright Office affirms the principle that registration of the claim to copyright must be made as a condition for issuance of the import statement. Duplicate registration will not be made merely to justify issuance of an import statement. Re-registration is rendered unnecessary, in any event, by our decision to issue the import statement up to a maximum of 2000 copies based upon a pre-1978 registration.

Moreover, the Office has adopted a practice which will be reflected at a later time in the final regulations on registration. The Copyright Office will consider registration of a claim to copyright under section 408 for a work under ad interim copyright on December 31, 1977, even though such registration is not necessary to extend the ad interim copyright to full term. (The copyright is extended by operation of law under Sec. 107 of the Transitional and Supplementary Provisions of the current Act.)

This practice is consistent with the philosophy of interim regulation 37 CFR 202.3, which is premised on the general rule that one registration should be made for the *entire* term of copyright in a given work. If the Office did not permit registration for works under ad interim copyright on December 31, 1977, the copyright claimant would hold a certificate of registration limited on its face to a five-year copyright. For several reasons, it may be important for the claimant to hold a certificate of registration showing the existence of a full-term copyright. The Copyright Office is prepared to make such registration for works under ad interim copyright on December 31, 1977.

In the case of works eligible for ad interim copyright on December 31, 1977 but unregistered on that date, SEC. 107 of the Transitional and Supplementary Provisions of the current Act also extends the copyright by operation of law. Since no registration was made under the former law, we think it has always been clear that the Copyright Office would register such works under the current Act.

3. *Application of the importation provisions of the current Act to works published before January 1, 1978.* The Association of American Publishers urged in its comments that where a work subject to the manufacturing requirements of the old law satisfies the manufacturing requirements of the current Act, or is exempt from the importation prohibition of the current Act, "no import statement will be required and copies of such work may be imported in unlimited quantities." The Authors League in its comments agreed with this observation of the AAP and stated that "regardless of when a work was manufactured, there can be no limit on the importation of copies if Section 601 permits importation at the time when the copies will enter the United States—either because of the exemptions provided in clauses (b)(1) or (7), or because the copies were manufactured in Canada." The Authors League added that it is "essential that the Regulation makes it clear that these provisions of Section 601, and clauses (d) and (e) apply to works published before as well as after January 1, 1978."

To the extent that these comments refer to unlimited importation of foreign reprint editions of works originally published in compliance with the manufacturing clause of the prior Copyright Act and under copyright in the United States on December 31, 1977, the Copyright Office agrees with the comments. Nothing in the interim import statement regulation was intended to preclude or limit importation of reprint editions of a work under United States copyright where the less onerous manufacturing requirements of the current Act are satisfied, or where such work is exempt from the importation prohibition of the current Act. The Office has added a new paragraph (4) to section 210.8(a) to specify that a work is eligible for importation of an unlimited number of copies in three cases, including the cases where the manufacturing requirements of the current Copyright Act are satisfied and where the work is exempt under section 601(b).

Under the current Copyright Act, the importation prohibition is tied to the manufacturing requirements of section 601 of the Act. The importation provisions of the former law have been abrogated by the current Copyright Act. The rightfulness of entry of copies into the United States, as far as the copyright law is concerned, is governed by the manufacturing requirements and importation provisions of sections 601 and 602 of the current Act.

We emphasize that we are discussing only the right to import copies of a work under the importation provisions of the Copyright Act. If the copies are barred entry by other statutes or regulations of the Customs Service outside the scope of the copyright law, the Office is not in anyway attempting to regulate entry of such copies.

Our amended final regulation also clarifies that if a work is *not protected* by the current Copyright Act, copies may also be imported in unlimited numbers, as far as the copyright law is concerned. Thus, in the case of a work first published before January 1, 1978 in violation of the manufacturing requirements of the former law [1] (title 17 of the United States Code in effect on December 31, 1977), it is the position of the Copyright Office that no copyright was secured in the work because of failure to satisfy a mandatory condition of copyright. (If ad interim copyright was secured but the mandatory United States edition was not manufactured within five years of first publication

[1] By "violation of the manufacturing requirements," we mean that a work subject to the manufacturing requirements of section 16 of the prior Act was manufactured abroad by processes mentioned in section 16 and that the work was ineligible for United States copyright under either the Universal Copyright Convention or section 22 of the prior Act (or, if eligible for such ad interim copyright, registration was either not timely made or the ad interim copyright was not extended to full term by manufacture of a United States edition within the five year period of ad interim protection). We exclude from this phrase works covered by Sec. 107 of the Transitional and Supplementary Provisions of the current Act.

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abroad, then again copyright was lost by failure to satisfy a mandatory condition of copyright.) Copyright was secured or lost at the time of first publication under the former law (except for works seeking ad interim copyright under section 22 of the prior Act). The current Act does not protect any work that was in the public domain before January 1, 1978.

Sec. 107 of the Transitional and Supplementary Provisions of the current Act clearly preserves and extends the copyright in works either eligible for ad interim copyright on December 31, 1977 or actually under ad interim copyright on that date. The very fact of this "saving clause," which by its terms applies only to works not already in the public domain, supports the position of the Copyright Office regarding the manufacturing requirements of the former law and their impact on works first published before 1978.

It is not our purpose in this explanation of the final import statement regulation to elucidate all of the reasoning and authorities that support our interpretation of the manufacturing clause of the prior Copyright Act. The Copyright Office position is well-known. In the only holdings directly on point, the courts agreed that the manufacturing clause of the prior Act was a condition of copyright. *Hoffenberg* v. *Kaminstein*, 396 F. 2d 684 (D.C. Cir. 1968), *cert. denied*, 393 U.S. 913 (1968) and *Imperial Toy Corp.* v. *Ringer*, 203 U.S.P.Q. 696 (D.C.D.D. Cal. 1977).

If a work is not protected by the current Copyright Act, there is no limit on the number of copies that may be imported, as far as the copyright law is concerned. The Copyright Office will not issue an import statement if the work is unprotected by the current Copyright Act.

4. *Customs disputes.* As explained above, an import statement is not needed to import copies of a copyrighted work where it is either outside the scope of the manufacturing requirements of the current Act, or exempt by section 601(b) of the Act from the general prohibition of paragraph (a) of the same section. However, in case of a dispute between the Customs Service and the copyright owner, the Copyright Office will, upon the request of the copyright owner, issue an import statement to permit the importation of 2000 copies in these two situations.

The effect of requesting an import statement in a case where an unlimited number of copies may be imported under section 601 is not known. The request should not be made lightly since it might be interpreted as an admission that the right to import copies is limited, and this may conceivably bar entry of more than 2000 copies in any future attempts to import copies.

The Copyright Office is willing to issue the import statement, at the request of the copyright owner, where an unlimited right of importation exists in the two cases specified in section 201.8(a)(4) (i) and (ii) of the regulations because, in our experience, copyright owners sometimes face emergency situations in dealing with importation of copies. Rather than delay importation in order to resolve a dispute with the Customs Service, they may prefer to obtain immediate entry of 2000 copies under an import statement. The Copyright Office sees no copyright or public policy reason to refuse to issue an import statement in these circumstances.

In consideration of the foregoing, the import statement regulation is amended as set forth in full below.

Part 201 of 37 CFR Chapter II is amended by revising § 201.8 to read as follows:

§ 201.8 Import statements.

(a) *General.* (1) Upon receipt of a proper request under paragraph (b) of this section, and a fee of $3, the Copyright Office will issue an initial import statement for a work consisting preponderantly of nondramatic literary material that is in the English language, copies of which are to be imported into the United States under section 601(b)(2) of title 17 of the United States Code, as amended by Pub. L. 94–553, whether registration has been made for the work before, on, or after January 1, 1978, provided no import statement has been issued previously for the same version of the work.

(2) After the issuance of an initial import statement for a work in accordance with a request made under paragraph (b) of this section, and upon receipt of a statement from an appropriate official of the United States Customs Service showing importation of less than two thousand copies of a work, the Copyright Office will issue an additional import statement permitting importation of the number of copies representing the difference between the number of copies already imported and two thousand copies. Additional import statements under this paragraph (a)(2) will be issued without request and shall not require payment of a fee.

(3) Any import statement issued by the Copyright Office before January 1, 1978 shall remain valid to permit the importation of the number of copies stated therein. In the case of a work under copyright on December 31, 1977, an additional import statement permitting the importation of the number of copies representing the difference between the number of copies already imported under an import statement issued before January 1, 1978 and two thousand copies will be issued by the Copyright Office:

(i) Without request or payment of a fee, if a statement from an appropriate official of the United States Customs Service showing importation of fifteen-hundred or less copies is received after the effective date of this regulation; and

(ii) Upon the request of the copyright owner, as defined in paragraph (b)(2) of this section, and without payment of a fee, if a statement from an appropriate official of the United States Customs Service showing importation of fifteen-hunderd or less copies is received before the effective date of this regulation.

(4) Except as provided by paragraph (a)(5) of this section, the Copyright Office will not issue an import statement where a work is eligible under section 601 of title 17 of the United States Code, as amended by Pub. L. 94–553, for importation in an unlimited number of copies. A work may be eligible for such importation if it is either: (i) Outside the scope of the manufacturing requirements of section 601 of title 17 of the United States Code, as amended by Pub. L. 94–553; or

(ii) Exempted by section 601(b) of title 17 of the United States Code, as amended by Pub. L. 94–553 from the importation prohibition of paragraph (a) of the same section 601; or

(iii) Unprotected by title 17 of the United States Code, as amended by Pub. L. 94–553.

(5) In case of a dispute between the United States Customs Service and the copyright owner, as defined in paragraph (b)(2) of this section, regarding eligiblity of the work for unlimited importation of copies under section 601 of title 17 of the United States Code, as amended by Pub. L. 94–553, the Copyright Office will issue an import statement, upon the request of the copyright owner, to permit the entry into the United States of no more than two thousand copies of any work identified in paragraph (a)(4) (i) and (ii) of this section.

(b) *Requests for Import Statement and Issuance.* (1) Import statements will not be issued until after the effective date of registration for the work. However, a request for an import statement may be submitted simultaneously with an application for registration.

(2) Requests for import statements shall be made by the copyright owner of the work as shown in the records of the Copyright Office, or by the duly authorized agent of such owner. For the purpose of this section, the "copyright owner" is a person or organization that owns the exclusive right to import copies of the work into the United States at the time the request is made. The "copyright owner" may be either:

(i) The author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared); or

(ii) A claimant, other than the author, identified in the registration for the work; or

(iii) A person or organization that has obtained ownership of one or more exclusive rights, initially owner by the author, including the exclusive right to import copies into the United States.

(3) Requests for import statements shall be made on a form prescribed by the Copyright Office, and shall contain the following information:

(i) The title of the work;

(ii) The name or names of the author or authors of the work;

(iii) The name or names of the copyright claimants in the work;

(iv) The registration number, if registration has already been made for the work;

(v) The full name, mailing address, and telephone number of an individual person who may be contacted if further information is needed;

(vi) The full name and mailing address of the person or entity to whom or which the statement is to be issued; and

(vii) A certification of the request. The certification shall consist of: (A) the handwritten signature of the copyright owner of the work as shown in the records of the Copyright Office, or the duly authorized agent of such copyright owner (whose identity shall also be given); (B) the typewritten or printed name and address of such copyright owner or agent; (C) the date of signature; and (D) a statement that the person signing the request is the copyright owner or a duly authorized agent of the copyright owner, and that the Copyright Office is authorized to issue an import statement to the name and address given under paragraph (b)(3)(vi) of this section.

(4) The form prescribed by the Copyright Office for the foregoing purposes is designated "Request for Issuance of an Import Statement under § 601 of the U.S. Copyright Law (Form IS)". Copies of the form are available free upon request to the public Information Office, United States Copyright Office, Washington, D.C. 20559.

(5) After the effective date of registration for the work named in the request, the Copyright Office will issue an import statement permitting the importation of two thousand copies of the work to the name and address given under paragraph (b)(3)(vi) of this section.

(17 U.S.C. 601(b); 702)

Dated: January 27, 1981.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 81-5507 Filed 2-17-81; 8:45 am]

BILLING CODE 1410-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Revised, Amdt. No. 6; Docket No. 80–33]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Tariff material covering the through movement of cargo between foreign countries transhipped at a U.S. port is not required by Part 536 of the Commission's Rules. This action was taken in response to requests for clarification of Part 536's scope and is intended to lessen the regulatory burden on ocean carriers.

EFFECTIVE DATE: February 18, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTAL INFORMATION: The Federal Maritime Commission solicited comments on a proposed rule to exempt the through transportation of cargo from one foreign country to another which is merely transshipped at a U.S. port from the tariff filing requirements of 46 CFR Part 536.[1] The transshipment could be from one ocean vessel to another (including vessels of the same carrier) or from an ocean vessel to an inland carrier by rail, motor, water or air.

The comments mainly expressed the view that the movement of foreign-to-foreign cargoes is beyond the jurisdiction conferred upon the Commission under sections 1 and 18(b) of the Shipping Act, 1916 (46 U.S.C. 801, 817(b)).[2]

The threshold question is whether a carrier's status as a person subject to the Shipping Act when carrying U.S. trade cargo is sufficient, when coupled with the physical presence of the foreign-to-foreign cargo at a U.S. port, to establish jurisdiction over the foreign-to-foreign transportation for purposes of section 18(b). This question is best answered in the negative. Careful review of the legislative history of section 18(b) has led the Commission to conclude that section 18(b)(1) was intended to have the same general geographic scope as section 1 and does not require the routine filing of tariffs for foreign-to-foreign cargo transshipped at United States ports.[3]

Accordingly, the Commission will adopt a rule which states, for the sake of clarification, that Part 536 does not cover foreign-to-foreign transportation.

Therefore, pursuant to sections 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 817, and 841a), and section 4 of the Administrative Procedure Act (5 U.S.C. 533), it is ordered, That, effective February 18, 1981, Title 46, Code of Federal Regulations § 536.1 is amended as follows:

§ 536.1 Exclusions and exemptions.

Present paragraphs (a) and (b) are redesignated as paragraphs (b) and (c), respectively.

A new paragraph (a) is added which states that:

(a) This part does not apply to transportation of cargo between foreign countries, including that which is transshipped from one ocean carrier to another (or between vessels of the same carrier) at a U.S. port or transferred between an ocean carrier and another

[1] Section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) provides that the Commission may by rule exempt activities of common carriers by water in the foreign commerce from statutory and administrative requirements provided the exemption would not impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

[2] Sea-Land Service, Inc., urged the Commission to identify precisely the types of foreign-to-foreign transportation which would be exempted under the rule. In Sea-Land's view, a through movement which involves a United States inland point of origin or destination and contact with a United States port should not be exempted from the Commission's tariff filing requirements. The Commission agrees, and the instant proposal does not deal with cargo originating in or destined to points *within* the United States, but covers only those situations where cargoes move *through* the United States from a foreign origin to another foreign destination under the continuous custody of the carrier(s) issuing the shipping documents.

Matson Navigation Company suggested that nonexclusive transshipment agreements pertaining to the subject cargo movement be completely exempted from regulation. Whatever the merits of this suggestion, it is beyond the scope of this proceeding.

[3] This conclusion does not preclude the Commission from exercising regulatory authority over foreign-to-foreign traffic under other sections of the Shipping Act in appropriate circumstances, however.

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transportation mode at a U.S. port for overland carriage through the United States, where the ocean carrier accepts custody of the cargo in a foreign country and issues a through bill of lading covering its transportation to a foreign point of destination.

* * * * *

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5451 Filed 2-17-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-282; RM-3411, RM-3425, RM-3736]

Radio Broadcast Services; FM Broadcast Stations in Woodward and Alva, Okla.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: This action assigns FM Channels 221A and 272A to Woodward, Oklahoma, as that city's second and third FM assignments in response to petitions from Omni Communications, Inc., and from Lynn L. Martin, and a counterproposal from George M. Hamilton. The original proposal to assign two Class C channels and to delete the Class A channel was not adopted.

EFFECTIVE DATE: April 6, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 6, 1981.

Released: February 13, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 42727, published June 25, 1980, which proposed the assignment of FM Channels 266 and 284 in lieu of Channel 228A at Woodward, Oklahoma, and the deletion of Channel 284 from Alva, Oklahoma. The *Notice* also proposed the modification of the license of Station KSIW(FM) (which currently operates on Channel 228A), in Woodward, to specify operation on Channel 284. Comments were filed by Woodward Broadcasting Company, licensee of Station KSIW (FM) ("KSIW") in Woodward; Omni Communications, Inc. ("Omni"), one of the original petitioners; Lynn L. Martin ("Martin"), another original petitioner; Dove Media, Inc., a prospective applicant for Channel 284 in Burkburnett, Texas; George G. Hamilton ("Hamilton"); and Contemporary Communications, Inc. ("Contemporary"). Reply comments were submitted by Omni and Hamilton. Hamilton responded to Omni's reply comments, and additional pleadings were filed by Zumma Broadcasting Company ("Zumma"), permittee for Channel 259 at Alva, Oklahoma. Mark Norman submitted an informal comment in the proceeding.

The Comments

2. KSIW states in its comments that if the Commission determines that modification of its license is in the public interest, it will not object and will not request a hearing. Omni states that it will apply for Channel 266, if assigned to Woodward. Regarding the assignment of a second Class C channel and the modification of KSIW's license, Omni contends that no Class C channel can be used at KSIW's existing transmitter site. According to Omni, the reassignment of Channel 284 from Alva to Woodward would conflict with the use of that channel at Burkburnett, Texas, unless severe site restrictions are observed. Omni states that Channel 253 is available for assignment to Woodward, but a site restriction would still be necessary and KSIW would be forced to change its transmitter site. In response to a question in the *Notice* concerning Omni's willingness to reimburse KSIW for its expenses in changing frequencies, Omni states that it is ". . . unalterably opposed to bearing any of the costs . . ." incident to KSIW's change of frequency. Omni gives three reasons for its position. First, Omni contends that a Class C station in Woodward will serve a large white and gray area and that such a condition would justify intermixture of channels if a second Class C channel were not available. Omni cites *Fayetteville, Arkansas*, 43 R.R. 2d 1344 (1978), as support for intermixture of channels when the new Class C channel will serve a large unserved or underserved population. Omni argues that because intermixture would be justified in this case if a second Class C channel were not available, Omni should not be required to share in the expenses of KSIW's frequency change. Omni's second argument concerns the fact that there are currently only two broadcast stations in Woodward—both of which are licensed to Woodward Broadcasting Company—and bringing a second voice to Woodward is clearly in the public interest. Third, Omni asserts that equity mandates KSIW pay all of its own costs. Omni reasons that it is incomprehensible for the Commission to require a new broadcast entity to reimburse an "existing broadcast monopolist." Omni notes that assigning Channel 286 to Woodward does not technically require the modification of KSIW's license, and that therefore, the equities would be balanced by not requiring reimbursement.

3. Martin states that he is no longer interested in the Woodward assignment but is now interested in an assignment at Alva.[1] Martin states that Channel 284 is the only Class C channel available at Alva, and that if it is reassigned to Woodward, Alva would not be properly served by its remaining assignments. Because of the potential intermixture problems in Woodward, Martin states that a possible remedy would be to assign two additional Class A channels to Woodward and leave the two Class C channels at Alva. Alternatively, Martin states that if Channel 284 is reassigned to Woodward, then the Table of Assignments should be further amended to place two Class A stations in Alva. Martin opines that assigning Class A channels to Woodward would be the simpler plan because it would alleviate KSIW's need to change frequencies. Also, we are told by Martin that by assigning two Class A channels to Alva, Zumma could switch from Channel 259 to a Class A channel.[2]

4. Hamilton supports the assignment of new FM channels to Woodward, and states that he will apply for any new channel assigned. Because of the many interests expressed in the new assignments, Hamilton counterproposes that two additional channels be assigned to Woodward. Hamilton suggests that Channels 221A and 272A can be assigned to Woodward, and Channel 228A can be retained. This approach has several benefits, according to Hamilton. First, it comes closer to meeting the demonstrated demand for channels in Woodward. Second, it avoids the necessity for Station KSIW to change frequencies. And finally, it would result in equal competitive positions among FM stations serving Woodward.

[1] A second comment was filed on behalf of Martin by his attorneys which states that Martin is still interested in the Woodward assignment and will apply for a channel at Woodward, if assigned. Because Martin's first pleading was submitted and signed by Martin himself, we believe it represents Martin's true interests.

[2] Zumma's application was granted by the Broadcast Bureau Chief on September 30, 1980. Report No. 177720, published October 10, 1980. Martin has asked the Commission to reconsider the grant pending the outcome of this proceeding.

Alternatively, Hamilton argues that even if the two Class C channels proposed are assigned to Woodward, Channel 228A should be retained for any party which might choose to apply for it. Regarding the reimbursement issue, Hamilton states that reimbursing KSIW does not appear to be appropriate in this instance, but that he would be willing to reimburse KSIW if the Commission so requires. Contemporary states that it supports the assignment of a Class C channel to Woodward, and that it would apply for a channel, if assigned. Contemporary also avers that it would reimburse KSIW for any expenses necessary in changing its operating frequencies. Finally, Contemporary notes that Channel 232A could be assigned to Alva as a substitute channel.

5. Dove Media states that it has no objection to assigning Channel 266 to Woodward, but asserts that assigning Channel 284 to Woodward would virtually prohibit the use of Channel 284 at Burkburnett, Texas. According to Dove, if Channel 284 is assigned to Woodward, it would necessitate a site restriction of 35 miles for the Burkburnett assignment. Dove stated that this could make it impossible to provide a city grade signal to Burkburnett. Dove concludes that the Commission should either deny the proposed reassignment of Channel 284 to Woodward, or require that any antenna site for Woodward be no closer to Burkburnett than Alva in order to permit the effective use of the Burkburnett assignment. In an informal comment, Mark Norman states that by proposing two Class C channels for Woodward, and insisting on reimbursement for KSIW, the Commission has made the establishment of another broadcast service in Woodward a very expensive proposition. Norman supports assigning a Class A channel to Woodward because of the lower start-up costs and the avoidance of KSIW's change in frequency.

6. In reply comments, Omni declares that it is completely opposed to anything less than a Class C channel assignment to Woodward. Omni states that the modification of KSIW's license and the retention of Channel 228A at Woodward are "almost tangential." Omni avers that KSIW has made no commitment to upgrade its facilities or move its transmitter to a site that is technically feasible. If KSIW fails to make such a commitment, Omni believes that the Commission must conclude that modification of KSIW's license is not in the public interest. Omni further asserts that Hamilton has not made any commitment to apply for anything other than a Class A channel and that Martin has withdrawn as a prospective applicant. Thus, Omni suggests that it is the only party committed to aplying for and constructing the kind of facility needed to "serve large unserved and underserved rural areas" surrounding Woodward. Hamilton reiterates in his reply comments his position that two additional Class A channels should be assigned to Woodward and that Channel 228A should be retained. Hamilton filed a further pleading in which he disputes Omni's assertion that Hamilton is only committed to applying for a Class A channel in Woodward. Hamilton states that he will apply for any channel that is assigned, whether a Class C or a Class A channel.

7. On November 18, 1980, Zumma Broadcasting Company filed a "Request for Official Notice," asking that the Commission recognize Zumma's grant of a construction permit for Channel 259 at Alva, Oklahoma. Martin has petitioned the Commission to reconsider Zumma's grant pending the resolution of this rule making proceeding. Zumma submits that the Commission should not consider replacing the two Class C Alva assignments with Class A assignments. On January 7, 1981, Zumma filed a "Further Request for Official Notice" to alert the Commission that an application for Channel 284 at Alva had been filed by Coleman Broadcasting Company. Zumma asserts that its status as a permittee of one Class C channel at Alva, plus the application for another provides sufficient reason for the Commission to retain both Class C channels at Alva. Zumma notes that this is especially true since its has been demonstrated that Channel 253 could be assigned to Woodward instead of Channel 284.

Analysis

8. Taking into account the assignments proposed in the *Notice* as well as those submitted in counterproposals, five alternative assignment plans are now before the Commission. These plans are based, however, on the need to delete Channel 284 at Alva, in order to assign that channel to Woodward. As Omni and Dove Media point out, and our staff study confirms, Channel 253 is available for assignment to Woodward as a "drop-in" assignment. Thus, if Channel 253 is substituted for Channel 284 and Channel 284 is retained at Alva, the five alternative assignment plans may be summarized as follows:

Proponent	Woodward	Alva
FCC Notice	253, 266	259, 284
Martin I	253, 266	240A, 253A
Martin II	228A, 221A	259, 284
Hamilton I	221A, 228A, 272A	259, 284
Hamilton II	228A, 253, 286	259, 284

Initially we note that the "Martin I" plan can be removed from consideration immediately. The "Martin I" plan was proposed in the belief that Channel 284 would be deleted from Alva, and that two Class A stations should be assigned to Alva to meet the demand for channels but avoid an intermixture situation. As we have already determined, Channel 284 need not be deleted from Alva. Given this factor, we see no public interest benefits in replacing Alva's existing Class C assignments with Class A assignments.

9. In deciding which alternative plan to adopt among the four remaining choices, an analysis of three somewhat inter-related issues becomes necessary. These issues concern (1) the modification of Station KSIW's license to specify operation on one of the Class C channels; (2) the potential intermixture problem; and (3) the number of channels which should be assigned to Woodward.

10. *Modification of KSIW's license.* On its own motion, the Commission in the *Notice* proposed to assign a second Class C channel to Woodward and modify the license of KSIW. This was proposed in order to avoid the intermixture of different classes of channels at Woodward.[3] However, it has subsequently come to our attention that no Class C channel can be used at KSIW's existing transmitter site due to our minimum distance separation requirements. While it is the Commission's policy to substitute FM channels where such substitution will permit a more efficient and fair distribution of broadcast frequencies, the Commission, as a general matter, would not require relocating a station's transmitter site without the licensee's consent. *See, e.g., Asheville, North Carolina*, 52 F.C.C. 2d 1147, *recon. den.*, 57 F.C.C. 2d 1289 (1976). In this instance, Woodward Broadcasting Company, the licensee of KSIW, has not objected to modification of its license but has not indicated its willingness to the necessary change in transmitter sites.

[3] It must be noted that had we been aware of the site restriction problem in modifying KSIW's license, we would not have proposed assigning Class C channels to Woodward in the first place. However, due to the proximity in time of the Burkburnett assignment and the Woodward proposal, we inadvertently overlooked the site restriction problems.

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Without this express consent, we do not believe that any proposal requiring a site change should be pursued.

11. *Intermixture.* As a result of the unavailability of a Class C channel for Station KSIW, as discussed above, assigning a Class C channel in Woodward would present an intermixture problem. According to Commission policy, a special showing of need must be demonstrated to support a Class C assignment in a community with one Class A station. To avoid an intermixture result, we generally attempt to upgrade the Class A station to Class C facilities. In this case, no special considerations have been presented by any of the proponents of the Class C assignment which would convince us to disregard our intermixture policy. On rare occasions, the Commission has approved of adding Class C channels to markets in which Class A stations were operating. However, in those cases, the determination was made that the benefits accruing from the addition of the Class C channel outweighed the policy against intermixture. For example, in *Lewiston, Idaho,* 46 R.R. 2d 1525 (Broadcast Bur. 1980), the proponent of the Class C channel showed that the assignment would provide a second aural service to over 11,000 people. In such an instance, the Commission found that the avoidance of intermixture, while important, was a lesser priority than the provision of first or second aural service. See also *Grand Rapids and Hibbing, Minnesota,* 47 R.R. 2d 413 (Broadcast Bur. 1980); *Fayetteville, Arkansas,* 43 R.R. 2d 1344 (Broadcast Bur. 1978). In the present case, however, aside from conclusory statements and subjective opinions, the proponents of a Class C assignment have not demonstrated that any significant unserved or underserved populations will benefit from the assignment of a Class C channel to Woodward. A proper *Roanoke Rapids/Anamosa* study would be essential to our making an exception to the policy against intermixture. *Mountain Home, Arkansas,* 47 R.R. 2d 763 (Broadcast Bur. 1980). Without such a showing, we will not approve the creation of intermixture at Woodward.

12. *Number of channels to assign.* The remaining issue for consideration involves the decision of whether to assign one additional Class A channel to Woodward, as proposed in the "Martin II" plan, or assign two additional Class A channels as proposed in the "Hamilton I" plan. Initially we note that Woodward's population (9,412),[4] is not sufficiently great to justify the assignment of more than two FM channels under the Commission's current population guidelines. However, the population guidelines have not prevented the assignment of additional channels where special considerations have been found. Recent cases have analyzed the efficiency of a proposed assignment by evaluating the preclusive impact of the assignment and by giving less priority to the numerical distribution of channels. As the Commission stated in *St. Simons Island and Waycross, Georgia:*

> This trend is not a radical departure from the Commission's position on what constitutes an equitable distribution of frequencies. Rather, it recognizes that in a situation where there are no precluded communities more deserving of the assignment, to refuse to respond to a demand for an additional station, may not serve the public interest. 47 R.R. 2d 319, 322 (Broadcast Bur. 1980).

According to a staff study, the preclusive impact of assigning two additional Class A FM channels to Woodward is insignificant because alternate channels are available in those precluded communities currently without local service or assignments.[5] Thus, given the fact that at least three parties to this proceeding have indicated an interest in applying for a Class A channel at Woodward, and that the preclusive impact of the assignments is not an obstacle, we shall adopt the "Hamilton II" assignment plan adding Channels 221A and 272A to Woodward.

13. Accordingly, It is ordered, That effective April 6, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, Is Amended with respect to Woodward, Oklahoma, as follows:

City	Channel No.
Woodward, Okla.	221A, 225A, 272A

14. Authority for the actions taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

15. It is further ordered, That this proceeding is Terminated.

16. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-5574 Filed 2-17-81; 8:45 am]

BILLING CODE 6712-01-M

[4] Population figures are taken from the 1970 U.S. Census.

[5] The assignment of Channel 221A to Woodward would preclude the use of Channels 221A, 222 or 224 in all or parts of the following counties—*Kansas*: Meade, Clark, Comanche, Barber, and Haskell; *Texas*: Lipscomb and Hemphill; *Oklahoma*: Beaver, Harper, Ellis, Woodward, Woods, Alfalfa, Blaine, Major, Roger Mills, Dewey, and Custer. The assignment of Channel 272A to Woodward would cause preclusion on Channel 269A, 272A, 273 and 274 in the following counties—*Kansas*: Meade, Clark, Comanche, Pratt, Seward, Kiowa, Edwards, Barber, Gray, and Ford; *Texas*: Lipscomb, and Hemphill; *Oklahoma*: Beaver, Harper, Ellis, Alfalfa, Woodward, Major, Texas, Woods, Roger Mills, Blaine, Dewey and Custer. Our engineering staff has determined that numerous Class A channels are available for assignment within this area (among them—232A, 249A, 252A, 257A, and 280A).

Proposed Rules

Federal Register
Vol. 46, No. 32
Wednesday, February 18, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

[Dockets Nos. AO-10-A54, et al.]

Milk in the St. Louis-Ozarks and Certain Other Marketing Areas; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	AO Numbers
1062	St. Louis-Ozarks	AO-10-A54
1007	Georgia	AO-366-A17
1011	Tennessee Valley	AO-251-A22-R01
1030	Chicago Regional	AO-361-A16
1032	Southern Illinois	AO-313A31
1046	Louisville-Lexington-Evansville	AO-123-A47
1049	Indiana	AO-319-A31
1050	Central Illinois	AO-355-A21
1064	Greater Kansas City	AO-23-A53
1065	Nebraska-Western Iowa	AO-86-A40
1068	Upper Midwest	AO-178-A36
1071	Neosho Valley	AO-227-A35-R01
1073	Wichita, Kansas	AO-173-A37-R01
1076	Eastern South Dakota	AO-260-A25
1079	Iowa	AO-295-A34
1094	New Orleans-Mississippi	AO-103-A41
1096	Greater Louisiana	AO-257-A29
1097	Memphis, Tennessee	AO-219-A37
1098	Nashville, Tennessee	AO-184-A42
1099	Paducah, Kentucky	AO-183-A37
1102	Fort Smith, Arkansas	AO-237-A31
1104	Red River Valley	AO-298-A30-R01
1106	Oklahoma Metropolitan	AO-210-A43-R01
1108	Central Arkansas	AO-243-A35
1120	Lubbock-Plainview, Texas	AO-326-A23
1126	Texas	AO-231-A48-R01
1131	Central Arizona	AO-271-A23
1132	Texas Panhandle	AO-262-A33
1138	Rio Grande Valley	AO-335-A28

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends the establishment of a new procedure for announcing Class II prices under the 29 milk orders in this proceeding. As recommended, a tentative Class II price for a particular month would be announced by the 15th day of the preceding month. The final Class II price for the month would be announced by the 5th day after that month and would reflect, if applicable, the use of the Class III price for that month as a "floor" under the Class II price. This would replace a procedure under which Class II prices for a month had been announced by the 5th day after the month. The recommendation is in response to a decision of a U.S. Appeals Court that declared the Class II price announcement procedure in these orders invalid. The proposed procedure is based on industry proposals considered at a public hearing held on August 12-14, 1980.

Also considered at the hearing was a proposal to change the procedure for announcing Class I prices under these orders. This decision recommends that this proposal not be adopted.

DATE: Comments are due on or before March 10, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311. As separate Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Dunn.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant."

Prior documents in this proceeding:

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the respective marketing areas. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before 20 days after publication in the **Federal Register.** The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Clayton, Missouri, on August 12-14, 1980, pursuant to notices issued July 10, 1980 (45 FR 47432) and July 21, 1980 (45 FR 49584).

The material issues on the record of the hearing relate to:

1. Class II price announcement.
2. Class I price announcement.
3. Announcement of Class I and Class II butterfat differentials.

Background Statement

The provisions of the 29 orders for announcing Class II prices each month were declared legally invalid. In an action against the Department *(American Dairy of Evansville, Inc., et al., v. Robert Bergland, Secretary of Agriculture, et al.),* the U.S. Appeals Court for the District of Columbia Circuit ruled that the Class II price announcement procedure in the 29 orders is legally invalid due to inadequate findings when the procedure was established in the orders.

The Court ordered the Department to establish on the basis of further rulemaking procedures a method for announcing Class II prices and, pending the completion of the procedures, to implement on an interim basis the same notice procedure used for announcing Class I prices. To carry out the Court's

order, the Department announced on September 26, 1980, a method of determining Class II prices for the respective orders during the interim period. Official notice is taken of the related document issued by the Department on that date (45 FR 65514).

Under this interim procedure, the Class II price for each month is announced by the Director of the Dairy Division, Agricultural Marketing Service (AMS), on the same day of the preceding month that the Class I price is announced. The Class II price is the Director's estimate of the average Minnesota-Wisconsin manufacturing milk price (3.5 percent butterfat content) for the month plus 10 cents.

This procedure is intended to continue as closely as possible the past relationship between the Class II and Class III prices while announcing Class II prices in a way that carries out the Court's order.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II price announcement.* The 29 milk orders in this proceeding should provide that on or before the 15th day of the month the market administrators of the respective orders shall announce the tentative Class II price that is to be effective the following month. The Class II price for the month should be the Minnesota-Wisconsin (M-W) price for the second preceding month, as adjusted by an "updating" formula, plus a Class II differential computed from a 12-month moving average of past Class II differentials. The Class II price for any month should not be less than the Class III price for the month, and the Class II differential should, over time, average out to about the Class III price plus 10 cents. The use of the Class III price as a floor would require that a final Class II price be announced by the respective market administrators on or before the 5th of the following month when the Class III price for the month is known and it can be determined whether such price would apply as a "floor".

To achieve the foregoing, the respective orders should provide for a "basic Class II formula price" for the month, which would be the order's basic formula price (i.e., the M-W price) for the second preceding month plus or minus an amount computed from the "updating" formula. In essence, a tentative estimate of the M-W price for the preceding month would be derived from the mechanics of the updating formula. This would permit the Class II price to be based on selected dairy industry data for that month rather than for the second preceding month.

The updating formula would determine first the amounts by which the gross values of milk used to manufacture cheddar cheese and butter-nonfat dry milk for the first 15 days of the preceding month are greater than or less than the respective values of such milk for the first 15 days of the second preceding month, using yield factors provided by the Dairy Price Support Program. Then, the relative proportions of milk used in Minnesota and Wisconsin combined in the manufacture of cheddar cheese and butter-nonfat dry milk would be determined from data reported by the Department. From the foregoing data, a weighted average of the changes in gross values per hundredweight of milk would be computed.

The Class II price for the month would be the basic Class II formula price for the month plus a differential that would be the amount by which a 12-month moving average of the basic formula prices plus 10 cents exceeds a 12-month moving average of the basic Class II formula prices. This should result in Class II prices that on the average exceed Class III prices by 10 cents.

The basic Class II formula price and the tentative Class II price would be computed by the Dairy Division, AMS, and transmitted to the market administrators of the respective orders on or before the 15th day of the preceding month, enabling each market administrator to announce by that time the Class II price for the following month. The final Class II price would be announced on or before the 5th of the following month when it is determined whether such price would be "floored" by the Class III price for the month.

Until the provisions were declared legally invalid by a Court, the 29 milk orders provided for the market administrator of each order to announce publicly on or before the 5th day of each month the Class II price for the preceding month. As indicated in the background section of this decision, an interim precedure is being followed by the Department pending the completion of this proceeding.

The Milk Industry Foundation, the International Association of Ice Cream Manufacturers, the National Milk Producers Federation and some of the individual members of the respective organizations proposed a procedure for announcing the Class II prices of the 29 milk orders that was largely the same as the procedure provided herein.

The Milk Industry Foundation (MIF) is a trade association representing fluid milk processors, some of which are regulated by the 29 milk orders in this proceeding. Members of the MIF operate some 750 milk processing plants and process about 75 percent of the fluid milk packaged in the United States. The MIF also represents members who manufacture various Class II products, including cottage cheese, yogurt, dips, dressings, and cream.

The International Association of Ice Cream Manufacturers (IAICM) is a trade association that represents manufacturers of frozen desserts, including some who are regulated by the 29 orders in question. Products processed include ice cream, ice milk, sherbets, mellorine, milkshakes and other Class II products. Members operate some 600 plants and manufacture about 85 percent of the frozen desserts manufactured in the United States.

The National Milk Producers Federation (NMPF) is an organization which represents dairy cooperative associations and federations of such associations. At the hearing NMPF represented 24 member cooperatives that market milk under the 29 milk orders. Many of the associations are processors and distributors of Class I and Class II products. With rare exceptions, the majority of the milk supplied to Federal milk order marketing areas originates from producers who are members of cooperative associations that are members of NMPF.

The proposals. The MIF/IAICM proposed that the Class II prices of the 29 milk orders in this proceeding be announced by the market administrators of the respective orders on or before the 15th day of the month prior to the month in which they apply. The associations proposed that the Class II price be based on a formula that updates the M-W price of the second preceding month, plus a Class II differential computed from a 24-month moving average of past Class II differentials to maintain a Class II price that averages 10 cents over the M-W price. Also, the resulting Class II price of any month could not be less than the Class III price for that month. The principal witness for the proposal acknowledged that this latter aspect of it would result in handlers not knowing the Class II price definitely until the 5th of the following month when it would be known whether the Class III price for the month would apply as a "floor".

The NMPF proposed a procedure for announcing Class II prices that was largely the same as the procedure proposed by the MIF/IAICM. The NMPF, however, would use a 12-month average of past Class II differentials for determining the Class II differential

each month. At the hearing, a witness for NMPF modified the proposal to delete that portion of it that would have provided that the Class II price could not be less than the support price in any month that the support price is changed. As modified, the "floor" in all months would be the Class III price.

The MIF/IAICM case: A witness for the MIF/IAICM said that the 29 milk orders need to be changed as proposed because handlers are having difficulty in making price changes under the prevailing marketing conditions. He outlined how price changes are made, beginning with the notification of a milk price change by a handler and ending with a retail price change at a store. The witness said that the entire process requires at least 15 days from the time the Class II price is changed until it is reflected in the prices of Class II products at stores.

Other MIF/IAICM witnesses supported the above approach concerning the need to provide for advance notice in the 29 milk orders. An additional point they made was that the magnitude of Class II price increases in recent years has made it essential that handlers know the cost of Class II milk prior to processing and marketing Class II milk products. Otherwise, they said, there is a great financial risk to handlers in pricing Class II products without knowing the cost of Class II milk.

The MIF/IAICM witnesses said that the proposed advance notice procedure would result in Class II prices almost identical to those announced under the invalidated procedure. They said that the proposed procedure was not intended to change the Class II price level which the Secretary has determined should be 10 cents over the Class III price. Consequently, they said, the proposal would not change returns to producers, would not increase costs to handlers and would not change costs to consumers.

Further, handler witnesses said that the proposal would not disadvantage handlers regulated by the 29 orders in competing with handlers regulated by other Federal orders, or with unregulated milk dealers. Handler witnesses who were thoroughly familiar with the production management of their firms said that a temporary misalignment between the Class II price and the price of concentrated ingredients which can be used in making Class II products would not result in the substitution of such ingredients for producer milk in making Class II products. There were a number of reasons cited. Many plants do not have the facilities, for example, to liquefy butter for use in ice cream mix and frozen dessert mixes. Also, temporary reformulation disrupts the normal supply arrangements that handlers have with cooperatives to receive milk for Class II use. Further, reformulation to use concentrated products results in product yield and quality problems that are not easily solved. The witnesses pointed out that the part of the proposal to floor the Class II price at the level of the Class III price would prevent any serious misalignment problems among markets and handlers which might otherwise result when Class III prices rise rapidly.

Another handler witness said that the proposal will contribute to orderly marketing. He said that producers and handlers will be able to plan production and marketing decisions more effectively than at present. In his view, producers will benefit because they will know the Class II price in advance of marketing their milk. He said that cooperatives and handlers will benefit because they will be able to establish and adjust resale prices with more precision than is presently the case regarding changes in ingredient costs.

The NMPF case. A witness for the NMPF said that a number of member cooperatives that supply milk to regulated handlers in the 29 Federal order markets also manufacture and distribute Class II products. He said that advance notice of Class II prices will benefit members who manufacture Class II products because they will know the cost of milk in time to price finished products with more precision than heretofore. Also, he said, advance notice will give individual dairy farmers additional factual information to use in management decisions. He said that with appropriate adjustments of the Class II differential, returns to dairy farmers should remain virtually unchanged from the invalidated procedure.

The NMPF witness testified that the formula to update the M-W price of the second preceding month, which would compare product prices for the first 15 days of the preceding month with the first 15 days of the second preceding month to determine any changes in the value of milk, would adequately reflect such changes in value from month to month. He testified that the proposed updating formula uses the same product yield factors that are used in the dairy price support program. In his view, it would be difficult to justify and difficult for farmers and handlers to understand if the formula provided in the 29 orders and the price support program did not use the same yield factors. He said that by relating the yield factors in the advance notice formula with those used by the support program, conforming changes would be automatic in the orders if the support yield factors are changed, which heretofore has been infrequent.

In describing the operation of the advance notice proposal, the NMPF witness said that the formula updating the M-W price would be calculated on or before the 15th day of the month and a Class II differential would be added to yield the Class II price that would be effective the following month. In his view, advance notice requires that the Class II price for a particular month be tied to the manufacturing milk value for the preceding month. This, he claimed, is what the updating formula is intended to do. In this connection, a number of witnesses testified that the updating formula is not to be construed as a new value for manufacturing milk. In their view, the updating formula is merely a convenient mechanical means to update the M-W price and thereby reflect in the Class II prices any changes in the value of manufacturing milk. The NMPF witness said, however, that in months when manufacturing milk prices are rising the effect of the formula would be to reduce or eliminate the Class II differential, which would reduce Class II prices for producer milk. When manufacturing milk prices are falling, he noted, Class II prices could be high relative to Class III prices. For this reason the NMPF proposed using a 12-month moving average Class II differential. The witness indicated that this would result in a Class II differential which over the most recent 12 months would have resulted in a Class II price that was 10 cents over the M-W price.

The witness stressed that the Class II price under advance notice must be floored by the Class III price. He said that to permit the Class II price to fall below the Class III price would be inconsistent with the economic rationale underlying classified pricing. He said there would be no incentive for producers to sell milk below the Class III price. Flooring the Class II price as proposed, he said, would assure handlers that supplies will be made available for Class II use. It is noted that over the 30-months of data that were introduced concerning the proposal, it was observed that the Class III price would have been the floor in 9 of the months or about 30 percent of the time.

The witness said that the NMPF was not supporting its initial proposal to floor the Class II price at the level of the support price in those months that a change is made in the support level. He

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said that after due consideration the NMPF had concluded that such provision could cause unrealistic one-month changes that could result in marketing problems, particularly for handlers.

In this connection, he testified that the support price was raised on April 1, 1980. He said that if the Class II price had been floored by that increase for the month of April only, it would have jumped 50-60 cents for one month only and would have presented pricing problems to handlers. The NMPF witness reiterated the testimony of MIF/IAICM that flooring the Class II price at the level of the Class III price will prevent any misalignment problems among markets and handlers that would otherwise result when Class III prices are rising rapidly.

Additional support for the NMPF position. A witness for Dairymen, Inc., (DI), testified in support of the NMPF proposal for advance notice. In this connection, the witness stated that he favored using a 12-month moving average method of establishing the Class II differential. He said that a 12-month moving average differential as compared with a 24-month moving average would reflect more current marketing conditions. In his view, if a 24-month moving average were used, the adjustments would be so minor as to justify the use of a fixed differential instead of adjusting the Class II differential from month to month.

Another witness represented the individual member cooperatives of the Central Milk Producers Cooperative (CMPC). He supported the NMPF proposals for advance notice of the Class II price. Although the hearing notice contained a proposal by CMPC for the adoption of an alternative price announcement procedure under certain conditions, neither the witness nor other parties supported the proposal at the hearing.

Discussion of the issue. The hearing record reflects the dairy industry view that the industry's unanimous support for announcing the Class II price for a particular month by the 15th day of the preceding month is the clearest demonstration of the need for and the desirability of adopting the proposal. It was the view of hearing witnesses that the dairy industry is somewhat unique in that regulated handlers process and sell products without knowing the cost of the raw materials. To them this is an unwarranted and unecessary situation which creates undue business risks and other difficulties without generating any benefit whatsoever to anyone.

The unified view of the dairy industry is that the adoption of its proposal will contribute to more orderly marketing because producers and handlers will be better able to plan and effectuate their production and marketing decisions. Dairy industry witnesses testified that Class II manufacturers will benefit because the adoption of the dairy industry proposal will enable them to establish and adjust the resale prices of their products with more precision relative to changes in ingredient costs. They testified further that decisions regarding promotions, sales, advertising programs and other aspects of company operations are necessarily based on knowing one's costs.

Also, dairy industry witnesses testified that adoption of the dairy industry proposal will not have any inflationary or deflationary impact. They stated that handler costs, producer returns and consumer prices will not be affected.

The industry witnesses presented data to show that the adoption of the industry proposal will not have any significant impact on butterfat or skim milk costs and will not change the competitive positions between regulated or unregulated Class II manufacturers. The data they introduced into the record indicated that during the 2½ years prior to the hearing, the difference in the cost of nonfat solids in pool milk under the industry proposal and the provisions that were invalidated by the Court would have been four one-hundredths of a cent. The data indicated also that the impact of adopting the industry proposal would have been even less for butterfat than for nonfat solids. The industry witnesses concluded that since adoption of the industry proposal would not have any significant impact on costs, such adoption would not have any significant impact on competition.

Although there is extensive support for the proposal, the record is not clear that there is, in fact, a bona fide need for advance announcement of the Class II price. An important claim of proponents was that handlers and stores need advance price notice to make timely price changes when the ingredient costs of Class II products change. There was conflicting testimony, however, about whether chain stores in fact do buy Class II products in the manner claimed by handler witnesses. Also, handler witnesses had little knowledge about how chain stores price products. As noted previously, the adoption of the proposal will not assure handlers of knowing in advance what the Class II price will be. Dairy industry witnesses claimed also that handlers need advance price notice to enable them to price Class II products with more precision. They said this is necessary because handlers are losing money from making wrong pricing estimates. Yet, no handler presented any data to show that any of them actually had experienced the lost revenue claimed.

It is appropriate to note that the options that may be considered in this proceeding are limited. There was no testimony on any option other than a single dairy industry proposal. Furthermore, the normal option of maintaining the regulatory *status quo* is not available for consideration by the Department in this proceeding. This results because the Court declared invalid the price notice provisions that had been provided over the past decade in the 29 orders in this proceeding. The only alternative the Department would have were it to conclude that the dairy industry proposal for advance notice would not carry out the purposes of the Act would be to initiate procedures for terminating the 29 orders. However, the adoption of the dairy industry proposal is not likely to change returns to producers or the costs of handlers and consumers. Further, the record established that handlers are not likely to substitute manufactured ingredients for producer milk in making Class II products. Handlers were adamant in the belief that they would not be adversely affected competitively by the adoption of the dairy industry proposal.

It is concluded, therefore, that the adoption of the dairy industry proposal would not impair the continued maintenance of orderly marketing conditions for producers and that it would tend to effectuate the declared policy of the Act. Accordingly, a procedure for announcing Class II prices in advance of the month in which they apply is adopted.

Adopted procedure. The procedure provided herein for announcing the Class II price for a month on or before the 15th day of the previous month is largely the same as that proposed by the dairy industry. It provides that the market administrator shall announce publicly on or before the 15th day of each month the Class II price for the following month. Such price would be provided to the administrators of the respective orders by the Dairy Division and determined from the method of computation specified in the orders.

As provided in the attached order, the announced Class II price for the month would be the sum of the following price components: (A) The basic Class II formula price; and (B) the Cassa II differential.

A *Basic Class II formula price.* The basic Class II formula price, which would be used in computing the Class II price that is announced for the month, would be determined by the Dairy Division, AMS, on or before the 15th day of the preceding month. Under the formula provided herein, it would be computed by increasing or decreasing the M-W price of the second preceding month by an amount that reflects changes in the gross value of milk used to produce cheddar cheese (including returns from whey fat and whey solids-not-fat), butter, nonfat dry milk and edible whey powder during the first 15 days of the preceding month compared to the first 15 days of the second preceding month. The gross value of milk used to produce these products would be determined by miltiplying the price of each product by a yield factor which represents the pounds of product that results from the manufacture of a hundredweight of milk. The yield factors used in the formula adopted herein would be those that are used under the Dairy Price Support Program for determining similar gross values. Whenever the yield factors are changed, the new yield factors would be used in the formula beginning with the effective date of the announced support price or announced purchase prices.

The yield factors used under the Price Support Program are for milk of average butterfat content of 3.67 percent, while prices under the Federal milk order program are announced for milk containing 3.5 percent butterfat. Milk containing higher proportions of butterfat yield more pounds of product per hundredweight of milk than does milk containing a lower butterfat content. However, using the Price Support Program yield factors in the adopted formula should not appreciably affect the basic Class II formula prices. Only changes in gross values of milk from one month to another would raise or lower the basic Class II formula price. These changes in gross values of milk should not be much different whether they are based on milk containing 3.67 percent butterfat or 3.5 percent butterfat.

The product prices that are used in the formula adopted herein would be those that are reported and published each week by the Dairy Division, AMS. The butter price would be that of the Chicago Mercantile Exchange for Grade A (92-score) butter. The cheddar cheese price would be that of the National Cheese Exchange for cheddar cheese in 40-pound blocks. The nonfat dry milk price would be the average price per pound (using the midpoint of any price range as one price) for high heat, low heat and Grade A nonfat dry milk for the Central States production area. If any of these nonfat dry milk prices are not reported at some future date, the price used in the formula would be the average of the remaining prices that are reported. The price for whey powder would be the average price per pound (using the midpoint of any price range as one price) reported for edible whey powder (nonhygroscopic) for the Central States production area.

Based on yield factors used currently under the Price Support Program, a hundredweight of milk used to produce cheddar cheese yields 10.1 pounds of cheddar cheese, 0.25 pounds of butter and 5.5 pounds of whey powder. At the time of the hearing, under the Price Support Program, the price of whey powder increased the gross value of milk used to produce cheddar cheese only to the extent of that portion of the price of powder that exceeded 11 cents per pound. This was because the processing cost of drying the whey into powder was 11 cents. If the price of whey powder were less than 11 cents per pound, the processing costs would be absorbed in the price of cheddar cheese. If the price exceeded 11 cents, only that portion of the price that exceeded 11 cents would contribute to the gross value of milk.[1] Accordingly, in the formula adopted herein the gross value of a hundredweight of milk used to produce cheddar cheese would be the sum of the following computations:

1. The average daily price per pound of cheddar cheese during the first 15 days of each respective month would be multiplied by 10.1. The National Cheese Exchange meets on Friday morning for trading in cheddar cheese. Generally, the prices reported for each session establish the prices of cheddar cheese sold by the dairy industry during the following week. When Friday is a holiday, the Exchange meets on Thursday morning. In the formula adopted herein, a price reported for Friday (or Thursday) would be applied to that day plus each work-day of the following week prior to the day the Exchange meets. When there are work-days in a month that precede the first Friday of the month, the last price reported in the previous month would be applied to each such work-day that precedes the first Friday. A work-day would be each Monday through Friday, except national holidays. This definition of work-day would apply also to the other product prices described in the following paragraphs. During a week that the Exchange does not meet, the price applied for the following week would be the last Exchange price that was established.

2. The average daily price per pound of butter during the first 15 days of each respective month would be multiplied by 0.25. The Chicago Mercantile Exchange also meets on Friday morning for trading in butter. When Friday is a holiday, the Exchange meets on Thursday morning. Generally, the prices reported for each session establish the prices of butter sold by the dairy industry in the following week. In the formula provided herein, a price reported on Friday (or Thursday) would be applied to that day plus each work-day of the following week prior to the day the Exchange meets. When there are work-days in a month that precede the first Friday of the month, the last price reported in the previous month would be applied to each such work-day that precedes the first Friday. During a week that the Exchange does not meet, the price applied for the following week would be the last Exchange price that was established.

3. The average daily price per pound of edible whey powder during the first 15 days of each respective month would be reduced by 11 cents (13.5 cents after October 1, 1980) and any amount remaining would be multiplied by 5.5. The whey powder price is determined by the Department on Thursday of each week and reflects the selling price of whey powder during the preceding 7-day period. When Thursday is a holiday, the price is determined on Wednesday. In the formula adopted herein, a price determined on Thursday (or Wednesday) would be applied to that day plus each previous work-day through the preceding Friday, or Thursday if the previous price reported had been on a Wednesday.

The gross value of a hundredweight of milk used to produce butter and nonfat dry milk would be determined in the following manner. The yield factors presently used by the Price Support Program indicate that one hundredweight of milk yields 4.48 pounds of butter and 8.13 pounds of nonfat dry milk. Thus, the average daily butter price per pound during the first 15 days of each respective month, as determined by the method described in (2) above, would be multiplied by 4.48.

Added to this value would be the value of milk used to produce nonfat dry milk. This would be computed by multiplying the average of the daily prices per pound of high heat, low heat and Grade A nonfat dry milk during the first 15 days of each respective month

[1] Official notice is taken of "Dairy Market News" for the week of September 29–October 3, 1980, Volume No. 47, Report No. 40, which indicates that in the calculation of CCC purchase prices for dairy products effective October 1, 1980, the processing costs of drying whole cheese whey solids other than fat were increased to 13.5 cents per pound from the 11 cents cited above.

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by 8.13. As with the whey powder prices, the prices of nonfat dry milk are determined on Thursday of each week and reflect the selling prices of nonfat dry milk during the preceding 7-day period. When Thursday is a holiday, the prices are determined on Wednesday. In the formula provided herein, the average of the prices of high heat, low heat and Grade A nonfat dry milk determined for Thursday (or Wednesday) would be applied to that day plus each previous work-day through the preceding Friday or Thursday if the previous price reported had been on Wednesday. As described previously, if any of these nonfat dry milk prices are not reported at some future date, the price used in the formula would be the average of the remaining prices that are reported.

The next computation in the formula adopted herein determines the amounts by which the gross values of milk used to produce cheddar cheese and used to produce butter-nonfat dry milk during the first 15 days of the preceding month exceed or are less than the respective gross values during the first 15 days of the second preceding month. This would be done by subtracting the respective gross values during the first 15 days of the second preceding month from the respective gross values during the first 15 days of the preceding month.

The quantity of milk used to produce cheddar cheese in the States of Minnesota and Wisconsin greatly exceeds the quantity used to produce butter-nonfat dry milk. Accordingly, the changes in gross values described in the previous paragraph should be weighted by the relative proportions of milk used to produce cheddar cheese and butter-nonfat dry milk in these two States. This would be done by converting the quantity of American cheese (cheddar cheese accounts for over 70 percent of all American cheese) and, separately, the quantity of nonfat dry milk [2] produced in the two States combined, as reported and published by the Economics and Statistics Service of the Department for the third preceding month, into their respective milk equivalents (i.e., dividing the two-State quantity of American cheese produced by the 10.1 yield factor for cheddar cheese dividing the corresponding quantity of nonfat dry milk produced by its yield factor of 8.13). The percentage that the milk equivalent for each separate product is of the total for the two products combined would be multiplied by the respective change in gross values, as described in the previous paragraph, to determine a weighted change in gross values for milk used to produce cheddar cheese and used to produce butter-nonfat dry milk. The weighted changes in gross values would be combined and this combined value would be used to adjust the second preceding month's M–W price. If the combined values for the first 15 days of the preceding month exceeds the corresponding value for the second preceding month, the M–W price would be increased. If it is lower, the M–W price would be reduced. The adjusted M–W price would be the basic Class II formula price for the month.

At the time of hearing, the Economics and Statistics Service of the Department (ESS) was not publishing the two-State material that would be used in the updating formula provided herein. However, a memorandum provided by ESS was introduced as an exhibit and indicated that ESS would publish the data if it were needed for use in Federal milk orders.

B. *Class II differential.* In the formula adopted herein, the Class II differential would be an amount added to the basic Class II formula price each month to yield a Class II price that, on average, is 10 cents higher than the Class III price. It would be computed on or before the 15th day of the preceding month for use in determining the announced Class II price for the month. The differential would be the amount that the average M–W price plus 10 cents during the most recent 12-month period exceeds the average basic Class II formula price during the same 12-month period.

Discussion. The formula described above is a combination of the proposals supported at the hearing by different witnesses. As described previously in this decision, all parties supported the use of this type of formula for computing the monthly Class II price. The only divergence in views among the hearing participants was whether the butter and cheddar cheese prices used in the formula should be based upon Exchange prices or upon wholesale selling prices and whether the Class II differential should be based upon a 12-month average or a 24-month average comparison.

The MIF/IAICM, Land O' Lakes and witnesses for several proprietary handlers supported using the Exchange prices for determining the price of butter and cheddar cheese. Witnesses for these organizations stated that the prices for virtually all sales of butter and cheddar cheese throughout the country are based upon the weekly prices on the Exchanges. Further, they said, the Exchange prices more accurately reflect the value of milk that is used to produce butter and cheddar cheese than do the wholesale prices because the wholesale prices include premiums that reflect the added value of services which have nothing to do with the value of the milk used to produce the product (e.g., aging cheddar cheese, storage costs, service charges, etc.). In its post-hearing brief the members of Central Milk Producers Cooperative (Chicago Regional market) also supported using the Exchange prices.

The NMPF and one of its member cooperatives supported using "wholesale selling prices" for determining the price of butter and cheddar cheese. Witnesses for these organizations stated that wholesale prices reflect purchases of butter and cheese by the Government when it is purchasing these products under the Price Support Program. Further, they said that when supplies are short the wholesale prices reflect any premiums paid due to the tight supply-demand conditions. On balance, however, the witness for NMPF testified that the organization would have no major problem in Exchange prices were adopted for use.

The President of the National Cheese Exchange appeared as a witness and described the operation of the Exchange. He said that the Exchange is a nonprofit corporation at Green Bay, Wisconsin, with 44 members at the present time. The members who are present at the Friday morning trading sessions represent about 80–90 percent of all the cheese handled in the United States. Most members of the Exchange are assemblers or processors of cheese as opposed to producers of cheese. He said the rules of the Exchange are designed to assure that the trading is not "rigged." Only those types of cheese that are produced in large quantities and are held by a substantial number of people are traded on the Exchange.

The witness stated that the vast majority of cheese traded in the United States is sold through normal commercial channels. The Exchange, he said, operates as an alternative source of supply or as an alternative market for cheese. The trading sessions are about 30 minutes long, but if trading is active they continue until there is a standstill. This prevents someone from placing a bid or offer at the last few seconds of trading solely for the purpose of influencing the price that would be established for that session. If a bid or offer is made, trading continues until everyone who wants to fill a bid (sell cheese to the bidder) or cover an offer (but cheese from the person who made the offer) has an opportunity to do so.

[2] Nonfat dry milk is used in the computation because butterfat that is excess to fluid milk operations also is made into butter.

Another witness stated that when a bid or offer is accepted by another trader this constitutes a sale and a price is established. Only an offer to sell cheese at a lower price can cause the market price to drop and, conversely, only a bid to buy cheese at a higher price can cause the market price to rise. At times when there are no bids or offers it usually means that member supplies of cheese are about in balance with demand or that the Government is buying substantial amounts of cheese under the Price Support Program.

Although no representative of the Chicago Mercantile Exchange presented testimony, one witness described to operation of the Exchange. The witness said that there are about 500 members of the Chicago Mercantile Exchange, all of whom could potentially trade in butter. He said even though only about six people show up at the Friday morning trading sessions, normally they represent the largest butter firms in the Untied States. Furthermore, he claimed that if any of the other 500 members felt that the Exchange price was too high or too low they could attend the next trading session and alter the price by bidding or offering butter. The actual trading operation of the Chicago Mercantile Exchange appears on the record to be very similar to the operation of the National Cheese Exchange. Again, no the butter Exchange a very small amount of product is actually traded. The witness said that trades on the butter exchange in 1979 represented only about three-tenths of one percent of all the butter produced in the country.

The "wholesale selling price" method for determining butter and cheddar cheese prices involves telephone surveys of wholesale buyers and sellers of the specific product by the Federal-State Market News Service. This is a voluntary program in which the Market News Service has certain contract throughout the dairy industry who provide the price information that is published weekly by the Dairy Division, AMS, in "Dairy Market News." The record does not indicate the number of persons contacted each week or the specific information requested. One witness testified that the accuracy of the information supplied to the Market News Reporters in verified by comparing the price information furnished by the sellers with the price information furnished by the buyers. The published prices involve actual wholesale selling prices for each product as reported to Market News. With respect to butter and cheddar cheese, the wholesale prices include any premiums paid in excess of the Exchange prices that would reflect tight butter and cheese markets and sales to the Government under the Price Support Program.

Analysis of the record data shows that the use of either price series for butter and cheddar cheese in the formula would result in monthly basic Class II formula prices that are very similar or identical. Also, the record evidnce established that the Exchange prices are used by the industry when actually buying or selling butter or other high-fat products and cheddar cheese. Record evidence indicates that it is the Exchanges that set the wholesale prices of butter and cheddar cheese. Most of the time the wholesale prices follow penny for penny any price changes that occurred on the butter and cheese Exchanges during the previous Friday session. Accordingly, it is appropriate that in the computation of the monthly basic Class II formula price the butter price be based upon the Chicago Mercantile Exchange price per pound of Grade A butter and the cheddar cheese price be based upon the National Cheese Exchange price per pound of cheddar cheese in 40-pound blocks, both prices as reported and published by the Dairy Division, AMS.

All parties at the hearing supported the continuation of monthly Class II prices that average 10 cents higher than Class III prices. To achieve this objective they supported using a formula that would base monthly Class II differentials on the historical relationship between the Class III price (Minnesota-Wisconsin price) plus 10 cents and the basic Class II formula price. The NMPF, several of its cooperative association members and one proprietary handler supported using a 12-month comparison in computing the Class II differential while the MIF/IAICM supported using a 24-month comparison.

For the 18-month period of February 1979 through July 1980, Class II differentials based on the 12-month average comparison would have ranged from a low of 16 cents to a high of 27 cents (a spread of 11 cents) and averaged 20.8 cents. The 20.8 cent average Class II differential results in part from inflation and from the updating techniques adopted herein, which caused the 12-month average of the M–W prices during this period to exceed the 12-month average of the basic Class II formula prices by 10.8 cents. The basic Class II formula price for a particular month is based on data for the preceding month and second preceding month and updates the Minnesota-Wisconsin price to only the 15th day of the preceding month. If inflation subsides in the future, the monthly Class II differentials would approach the intended 10-cent Class II differential.

Based on the 24-month average comparison, Class II differentials that would have applied to the same February 1979—July 1980 period would have ranged from a low of 18 cents to a high of 22 cents (a spread of 4 cents) and would have averaged 20 cents (10 cents of which is due to the factors described previously). As this comparison of the 12-month and 24-month averages indicates, the 12-month averages are more responsive to changes in the Minnesota-Wisconsin price series. Although over the entire 18-month period the average Class II differentials are within one cent of one another, the range in Class II differentials based on a 12-month average was 11 cents while the range based on the 24-month average was 4 cents. Thus, in times of rapid changes in the Minnesota-Wisconsin price series, the 12-month average would cause the Class II differentials to reflect such changes much sooner than the 24-month average. For this reason, it is appropriate to base the monthly Class II differentials on the 12-month average comparisons.

2. *Class I price announcement.* The proposal to change the procedure for announcing Class I prices in the 29 markets is denied. Under the proposal, the Class I prices for a particular month would be announced on or before the 15th day of the preceding month. Class I prices would be determined by using a product price formula to update the second preceding month's M–W price and adding the Class I differentials specified in the respective orders.

Presently, the Class I price in each of the orders is announced for a particular month on or before the 5th day of the preceding month. The price is determined by adding a specified Class I differential to the second preceding month's M–W price for milk containing 3.5 percent butterfat. The M–W price represents the average price paid to dairy farmers for manufacturing grade milk delivered to manufacturing plants in the two-State area. Thus, changes in the value of manufacturing grade milk are not reflected in the Class I milk values until two months after they occur.

During periods of rapidly rising prices, such as have prevailed in recent years, this 2-month lag results in Class I prices that do not exceed manufacturing milk values by the full amount of the specified Class I differentials. The NMPF viewed this as an undesirable

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consequence of the present Class I pricing procedure in the Federal milk orders. Consequently, it proposed that the procedure for announcing Class II prices also be used for announcing Class I prices.

The NMPF witness stated that this change would result in the effective Class I differentials (the difference between the Class I price and the Class III price for the same month) more nearly relecting the specified Class I differentials. He stated that the specified Class I differentials were found necessary in each of the respective orders to yield Class I prices that would bring forth a suffident quantity of milk for fluid use. Several witnesses representing individual cooperative associaiton members of the Federation also testified in support of the proposal.

The NMPF's proposal, as submitted to the Department, applied to all 47 Federal orders. At the hearing, NMPF and the individual member cooperative associations that participated at the hearing supported adopting the proposal for the 29 orders of this proceeding and then holding another hearing to consider the proposal in the remaining 18 orders. The MIF/IAICM supported the proposed NMPF procedure for announcing Class I prices, but only if it were adopted in all 47 orders simultaneously. The witness representing these organizations said that if the proposed formula were adopted in the 29 orders before being adopted in the 18 other orders serious price misalignments could be created between adjacent orders in some months.

A witness representing a handler who operates distributing plants regulated by 8 of the 29 orders under consideration also supported the proposal concerning advance notice of the Class I price, but only if it is adopted in all orders simultaneously. He reiterated the view of other witnesses concerning price misalignments that would be created, and stated that his firm probably would have to change distribution patterns from month to month to cope with such a situation unless the change were adopted simultaneously for all orders.

The witness representing a handler who operates both distributing plants and supply plants regulated under several of the 29 orders and under several other orders as well testified that his company took no position concerning the issue.

The procedure for annoucing the Class I prices of the 29 orders should not be changed on the basis of this record. Proponents did not describe any disorderly marketing conditions in any of the markets that are being caused either by the present preocedure for announcing the Class I price or by any need to "correct" the Class I differentials of the respective orders. It is noted that any so-called "correction" of the Class I differentials could result in a level of Class I prices under the orders that is 9 to 10 cents per hundredweight higher than presently as long as the level of manufacturing milk prices continues to increase as in recent years. Proponents contended that the adoption of their proposal would not represent an increase in Class I prices but would merely reflect a correction in the Class I pricing provisions. Nevertheless, there could be unneeded production incentive under the proposal at a time when, as the record evidence indicates, each of the 29 markets has adequate supplies of milk for Class I use.

In this connection, producer witnesses stated that because of the double-digit rate of inflation in recent years the effective Class I differential has been lower in some months than the apparent margin cooperative associations could receive on milk used to manufacture hard products (e.g., butter, powder and cheese). The witnesses claimed that during certain months in recent years distributing plant operators in some market had difficulty obtaining milk for Class I and Class II uses because of this. The witnesses, however, did not cite any specific instances in which handlers were short of milk for Class I uses. Further, although representatives of distributing plant handlers in each of the 29 markets were present at the hearing, not one testified that he could not obtain sufficient milk for his Class I needs.

A compelling need for establishing a new Class I price announcement procedure under the 29 orders is not demonstrated by the record evidence. Accordingly, the proposal is denied.

3. *Announcement of Class I and Class II butterfat differentials.* The proposal to announce the Class I and Class II butterfat differentials for the month on or before the 15th day of the preceding month and to make corollary changes in the orders relating to Class III butterfat differentials and producer butterfat differentials is denied.

Presently, a single butterfat differential applies in each of the 29 orders for adjusting prices to reflect the actual buttefat content of the milk being priced. This is stated in the orders as a producer butterfat differential and it is used to adjust the blend prices to producers. There are no separate handler butterfat differentials for adjusting class prices to handlers. The differential is the Chicago wholesale Grade A butter price for the month multiplied by 0.115 and rounded to the nearest one-tenth cent. It is announced by the 5th day after the end of the month in which it applies.

Land O' Lakes, Inc., (LOL) made the proposal for the advance announcement of Class I and Class II butterfat differentials. The LOL witness stated that the proposal would complement the other proposals considered at the hearing for the advance announcement of Class I and Class II prices because the butterfat differential must be known in advance for the other proposals to be of any significant value.

Proponent's witness cited two examples in which a change in the butterfat differentials would have had a significant effect upon the cost of skim milk that is used to produce cottage cheese. In one of his examples he said the proposed Class II pricing formula would have resulted in an announced Class II price for May 1980 of $12.05 and for June of $11.88, a decrease of 17 cents. He said that under the present provisions, however, the order butterfat differentials increased from $.149 in May to $.158 in June. Thus, he concluded, a cottage cheese manufacturer who would have expected his price of milk to decrease 17 cents from May to June actually would have had a price decrease of 48.5 cents per hundredweight because cottage cheese basically is made from skim milk. His other example involved the months of July and August 1979 and illustrated similar results.

As proposed by proponent, the butterfat differential applicable to Class II milk in the month of May 1980 would have been the average price per pound of Grade A (92-score) butter as reported for the Chicago Mercantile Exchange during the first 15 days of April multiplied by 0.115. The butterfat differential applicable to Class II milk in the month of June 1980 would have been the comparable price of Grade A butter during the first 15 days of May multipled by 0.115. Using that formula, the May Class II butterfat differential would have been 14.8 cents and the respective June butterfat differential would have been 14.9 cents. On this basis, the cost of skim milk to a cottage cheese manufacturer would have decreased 21 cents in June rather than 48.5 cents under the example cited by proponent. The LOL witness indicated that it is in this type of situation that it is desirable for processors to know in advance what the butterfat differential is for a particular month.

There is not a compelling basis on this record for adopting the advance announcement of Class I and Class II butterfat differentials. Neither handlers nor producers indicated that there were disorderly marketing conditions stemming from the present procedure of announcing a single butterfat differential after the end of the month based on the butter prices for that month. The record does reflect, on the other hand, an apparent reservation on the part of industry members about changing the present butterfat differential provisions. A proposal in the hearing notice, which was submitted by the National Milk Producers Federation, would have provided for the advance announcement of the producer butterfat differential. At the hearing, a witness for the organization stated that the group was abandoning its proposal since its members could not reach a consensus about the general issue of advance announcement of butterfat differentials. The record also raises some question about the practical effect that changing the announcement procedure for butterfat differentials would have on the pricing practices of handlers. A witness for the Milk Industry Foundation and the International Association of Ice Cream Manufacturers stated that not all processors use the same formula in allocating the total value of milk (i.e., the announced class price) between the skim milk and butterfat components or allocate costs to the various products in a manner that fully reflects the butterfat differential. The witness indicated that if handlers know the total cost of milk the handlers, individually, can allocate the cost between the fat and skim portions by whatever techniques they prefer.

It is noted that the proposal of Land O'Lakes would apply to all 29 markets under consideration. Proponent, however, operates in only several of these markets. There is no showing of broadly-based support for the proposal throughout the 29-market area. Under the circumstances described, it would not be appropriate to change the procedure for announcing butterfat differentials in the 29 markets on the basis of this record.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth therein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreements and Order Amending the Orders

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in each of the respective marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. Section 1062.19 is added and reserved and a new § 1062.20 is added to read as follows:

§ 1062.19 [Reserved]

§ 1062.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1062.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A

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work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1062.50(b) is revised to read as follows:

§ 1062.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1062.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1062.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1062.51a.

* * * * *

3. A new § 1062.51a is added to read as follows:

§ 1062.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1062.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1062.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1062.53 is revised to read as follows:

§ 1062.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. A new § 1007.20 is added to read as follows:

§ 1007.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1007.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1007.50(b) is revised to read as follows:

§ 1007.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1007.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1007.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1007.51a.

* * * * *

3. A new § 1007.51a is added to read as follows:

§ 1007.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1007.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1007.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1007.53 is revised to read as follows:

§ 1007.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. Section 1011.19 is added and reserved and a new § 1011.20 is added to read as follows:

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§ 1011.19 [Reserved]

§ 1011.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1011.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1011.50(b) is revised to read as follows:

§ 1011.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1011.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1011.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formual prices computed pursuant to § 1011.51a.

* * * * *

3. A new § 1011.51a is added to read as follows:

§ 1011.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1011.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1011.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1011.53 is revised to read as follows:

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. A new 1030.20 is added to read as follows:

§ 1030.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1030.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicage Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1030.50(b) is revised to read as follows:

§ 1030.50 Class prices.

* * * * *

(c) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1030.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class II price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1030.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1030.51a.

* * * * *

3. A new § 1030.51a is added to read as follows:

§ 1030.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1030.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1030.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

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(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1030.53 is revised to read as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. A new 1032.20 is added to read as follows:

§ 1032.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1032.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat an Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1032.50(b) is revised to read as follows:

§ 1032.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1032.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1032.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1032.51a.

* * * * *

3. A new § 1032.51a is added to read as follows:

§ 1032.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1032.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1032.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1032.53 is revised to read as follows:

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.19 is added and reserved and a new § 1046.20 is added to read as follows:

§ 1046.19 [Reserved]

§ 1046.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1046.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Divison, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1046.50(b) is revised to read as follows:

§ 1046.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before

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the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1046.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1046.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1046.51a.

* * * * *

3. A new § 1046.51a is added to read as follows:

§ 1046.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1046.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1046.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third proceeding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1046.53 is revised to read as follows:

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month of tentative Class II price for the following month.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.19 is added and reserved and a new § 1049.20 is added to read as follows:

§ 1049.19 [Reserved]

§ 1049.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1049.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exhange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Centrl States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1049.50(b) is revised to read as follows:

§ 1049.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1049.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1049.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1049.51a.

* * * * *

3. A new § 1049.51a is added to read as follows:

§ 1049.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1049.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1049.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divided by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1049.53 is revised to read as follows:

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. A new § 1050.20 is added to read as follows:

§ 1050.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1050.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing

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Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Diary Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the fist 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1050.50(b) is revised to read as follows:

§ 1050.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1050.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1050.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1050.51a.

* * * * *

3. A new § 1050.51a is added to read as follows:

§ 1050.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1050.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1050.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and (ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1050.53 is revised to read as follows:

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. Section 1064.19 is added and reserved and a new § 1064.20 is added to read as follows:

§ 1064.19 [Reserved]

§ 1064.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1064.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1064.50(b) is revised to read as follows:

§ 1064.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1064.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1064.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1064.51a.

* * * * *

3. A new § 1064.51a is added to read as follows:

§ 1064.51a Basic Class II formula prices.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1064.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1064.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

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(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1064.53 is revised to read as follows:

§ 1064.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.19 is added and reserved and a new § 1065.20 is added to read as follows:

§ 1065.19 [Reserved]

§ 1065.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1065.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1065.50(b) is revised to read as follows:

§ 1065.50 Class prices.

* * * * *

(c) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1065.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1065.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1065.51a.

* * * * *

3. A new § 1065.51a is added to read as follows:

§ 1065.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1065.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1065.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1065.53 is revised to read as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

1. Section 1068.19 is added and reserved and a new § 1068.20 is added to read as follows:

§ 1068.19 [Reserved]

§ 1068.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1068.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1068.50(b) is revised to read as follows:

§ 1068.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1068.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1068.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1068.51a.

* * * * *

3. A new § 1068.51a is added to read as follows:

§ 1068.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula

price determined pursuant to § 1068.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1068.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1068.53 is revised to read as follows:

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

1. A new § 1071.20 is added to read as follows:

§ 1071.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1071.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1071.50(b) is revised to read as follows:

§ 1071.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1071.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1071.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1071.51a.

* * * * *

3. A new § 1071.51a is added to read as follows:

§ 1071.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1071.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1071.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredwieght of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1071.53 is revised to read as follows:

§ 1071.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1073—MILK IN THE WICHITA, KANSAS MARKETING AREA

1. Section 1073.19 is added and reserved and a new § 1073.20 is added to read as follows:

§ 1073.19 [Reserved]

§ 1073.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1073.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the nest price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for

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the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1073.50(b) is revised to read as follows:

§ 1073.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1073.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1073.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1073.51a.

* * * * *

3. A new § 1073.51a is added to read as follows:

§ 1073.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1073.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1073.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1073.53 is revised to read as follows:

§ 1073.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.19 is added and reserved and a new § 1076.20 is added to read as follows:

§ 1076.19 [Reserved]

§ 1076.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1076.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work day is each Monday through Friday except national holidays.

2. Section 1076.50(b) is revised to read as follows:

§ 1076.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1076.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1076.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1076.51a.

* * * * *

3. A new § 1076.51a is added to read as follows:

§ 1076.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1076.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1076.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1076.53 is revised to read as follows:

§ 1076.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

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PART 1079—MILK IN THE IOWA MARKETING AREA

1. Section 1079.19 is added and reserved and a new § 1079.20 is added to read as follows:

§ 1079.19 [Reserved]

§ 1079.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1079.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1079.50(b) is revised to read as follows:

§ 1079.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1079.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1079.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1079.51a.

* * * * *

3. A new § 1079.51a is added to read as follows:

§ 1079.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1079.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1079.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing costs used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1079.53 is revised to read as follows:

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1094—MILK IN THE NEW ORLEANS—MISSISSIPPI MARKETING AREA

1. Section 1094.19 is added and reserved and a new § 1094.20 is added to read as follows:

§ 1094.19 [Reserved]

§ 1094.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1094.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1094.50(b) is revised to read as follows:

§ 1094.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1094.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1094.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1094.51a.

* * * * *

3. A new § 1094.51a is added to read as follows:

§ 1094.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1094.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1094.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey

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and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1094.53 is revised to read as follows:

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

1. Section 1096.19 is added and reserved and a new § 1096.20 is added to read as follows:

§ 1096.19 [Reserved]

§ 1096.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1096.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricutural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat an Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1096.50(b) is revised to read as follows:

§ 1096.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1096.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1096.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1096.51a.

* * * * *

3. A new § 1096.51a is added to read as follows:

§ 1096.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1096.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1096.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1096.53 is revised to read as follows:

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1097—MILK IN THE MEMPHIS, TENNESSEE MARKETING AREA

1. Section 1097.19 is added and reserved and a new § 1097.20 is added to read as follows:

§ 1097.19 [Reserved]

§ 1097.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1097.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each

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Monday through Friday except national holidays.

2. Section 1097.50(b) is revised to read as follows:

§ 1097.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1097.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1097.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1097.51a.

* * * * *

3. A new § 1097.51a is added to read as follows:

§ 1097.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1097.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1097.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor uses under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divided by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1097.53 is revised to read as follows:

§ 1097.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1098—MILK IN THE NASHVILLE, TENNESSEE MARKETING AREA

1. Section 1098.19 is added and reserved and a new § 1098.20 is added to read as follows:

§ 1098.19 [Reserved]

§ 1098.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1098.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat an

Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Diary Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1098.50(b) is revised to read as follows:

§ 1098.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1098.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1098.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1098.51a.

* * * * *

3. A new § 1098.51a is added to read as follows:

§ 1098.51a Basic class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1098.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1098.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1098.53 is revised to read as follows:

§ 1098.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1099—MILK IN THE PADUCAH, KENTUCKY MARKETING AREA

1. Section 1099.19 is added and reserved and a new § 1099.20 is added to read as follows:

§ 1099.19 [Reserved]

§ 1099.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1099.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the net price is reported.

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A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1099.50(b) is revised to read as follows:

§ 1099.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1099.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1099.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1099.51a.

* * * * *

3. A new § 1099.51a is added to read as follows:

§ 1099.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1099.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1099.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the procession cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1099.53 is revised to read as follows:

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1102—MILK IN THE FORT SMITH, ARKANSAS MARKETING AREA

1. Section 1102.19 is added and reserved and a new § 1102.20 is added to read as follows:

§ 1102.19 [Reserved]

§ 1102.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1102.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92–score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1102.50(b) is revised to read as follows:

§ 1102.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1102.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be lesss than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1102.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1102.51a.

* * * * *

3. A new § 1102.51a is added to read as follows:

§ 1102.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1102.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1102.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values

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determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraphs (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1102.53 is revised to read as follows:

§ 1102.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

1. Section 1104.53 is revised to read as follows:

§ 1104.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

1. A new § 1106.20 is added to read as follows:

§ 1106.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1106.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exhange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat an Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Diary Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the fist 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1106.50(b) is revised to read as follows:

§ 1106.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1106.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1106.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1106.51a.

* * * * *

3. A new § 1106.51a is added to read as follows:

§ 1106.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1106.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1106.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1106.53 is revised to read as follows:

§ 1106.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.19 is added and reserved and a new § 1108.20 is added to read as follows:

§ 1108.19 [Reserved]

§ 1108.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1108.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Diary Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1108.50(b) is revised to read as follows:

§ 1108.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The

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tentative Class II price shall be the basic Class II formula price computed pursuant to § 1108.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1108.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basis Class II formula prices computed pursuant to § 1108.51a.

* * * * *

3. A new § 1108.51a is added to read as follows:

§ 1108.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1108.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1108.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing costs used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraphs (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support programs for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraphs (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1108.53 is revised to read as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

1. A new § 1120.20 is added to read as follows:

§ 1120.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1120.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricutural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such

average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1120.50(b) is revised to read as follows:

§ 1120.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1120.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1120.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1120.51a.

* * * * *

3. A new § 1120.51a is added to read as follows:

§ 1120.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1120.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1120.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1120.53 is revised to read as follows:

§ 1120.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. A new § 1126.20 is added to read as follows:

§ 1126.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1126.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National

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Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1126.50(b) is revised to read as follows:

§ 1126.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1126.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1126.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1126.51a.

* * * * *

3. A new § 1126.51a is added to read as follows:

§ 1126.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1126.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1126.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divided by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1126.53 is revised to read as follows:

§ 1126.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. Section 1131.19 is added and reserved and a new § 1131.20 is added to read as follows:

§ 1131.19 [Reserved]

§ 1131.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1131.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1131.50(b) is revised to read as follows:

§ 1131.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1131.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1131.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1131.51a

* * * * *

3. A new § 1131.51a is added to read as follows:

§ 1131.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1131.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1131.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price and processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this seciton by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quanitity of milk used in the production of American cheddar cheese; and

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(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1131.53 is revised to read as follows:

§ 1131.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

1. Section 1132.19 is added and reserved and a new § 1132.20 is added to read as follows:

§ 1132.19 [Reserved]

§ 1132.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1132.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricutural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agriculture Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1132.50(b) is revised to read as follows:

§ 1132.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1132.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1132.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1132.51a.

* * * * *

3. A new § 1132.51a is added to read as follows:

§ 1132.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1132.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1132.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1132.53 is revised to read as follows:

§ 1132.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

1. A new § 1138.20 is added to read as follows:

§ 1138.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1138.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday; except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1138.50(b) is revised to read as follows:

§ 1138.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1138.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1138.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1138.51a.

* * * * *

3. A new § 1138.51a is added to read as follows:

§ 1138.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1138.51

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for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1138.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1138.53 is revised to read as follows:

§ 1138.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

Signed at Washington, D.C., on: February 11, 1981.

William T. Manley,

Acting Administrator.

[FR Doc. 81-5384 Filed 2-17-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is seeking comment as to whether to continue to publish in its regulations the entire Facility Form of nuclear liability insurance policy and endorsements to that policy furnished by licensees as evidence of financial protection or just those provisions of the policy related to the NRC responsibilities for protection of the public. Also included for public comment are two endorsements submitted by American Nuclear Insurers on behalf of the two nuclear liability insurance pools making several changes in the Facility Form policy and alternative language preferred by the Commission to be substituted for certain provisions in these two endorsements if the Commission decides to continue to publish such endorsements.

DATE: Comments must be received by April 20, 1981.

ADDRESSES: Written comments or suggestions should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room at 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ira Dinitz, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-8562.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is seeking public comment as to whether it should reconsider its traditional approach of publishing in 10 CFR 140.91 (Appendix A) the Facility Form of nuclear liability insurance policy and endorsements to that policy furnished by licensees as evidence of financial protection. The Commission is inviting comment on an alternative approach of publishing only those provisions of the policy and endorsements that relate to the NRC responsibilities for protection of the public. Publication in its regulations on this more limited basis could remove any possible misimpression that the Commission was placing its imprimatur on all of the language of the policy and endoresements including provisions that are contractual matters between the insurance companies and the insured and that have no bearing on financial protection of the public. Comments are invited on how the public could best be informed of the content of approved financial protection provisions if the Commission decides to discontinue its practice of publishing the policies and endorsements in their entirety.

Consideration of the question of publication of insurance endorsements that have little or no bearing on public protection is highlighted in two endorsements, NE-50 and NE-51,[1] submitted by American Nuclear Insurers (ANI) on behalf of the two nuclear liability insurance pools that would each make two changes in the existing policies. First, they would modify the

[1] The changes are combined in one endorsement, form NE-31 to be used effective January 1, 1981, for policies already issued. The same changes are included as a part of the amendatory endorsement NE-50 which wil be used with newly issued policies effective on or after January 1, 1981.

definition of "insured shipment" to conform to the changes made in the statutory definition of "byproduct material" in Public Law 95-604, the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). Byproduct material has been redefined in the UMTRCA to include uranium mill tailings. The pools have proposed amending the definition of "insured shipment" in the Facility Form policy in order to continue to provide coverage for shipments of uranium mill tailings within the scope of the "insured shipment" definition which heretofore the pools considered to be covered under the definition of "source material." This change is required since an insured shipment had included only shipments of "source material, special nuclear material, spent fuel or waste." Since the insurance policies have never covered "byproduct material" that was not "spent fuel or waste" the new definition of insured shipment would add the words "or tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content" to the definition. It should be noted that uranium mill tailings shipments are not associated with shipments to or from indemnified nuclear facilities under the Price-Anderson Act. The proposed change would accommodate shipments to or from other (non-reactor) facilities where financial protection is not required but where the Facility Form is utilized.

The second change the pools are proposing in the endorsements is a modification to Condition 2 of the Facility Form. Condition 2 authorizes the insurers to inspect the facility and related operations, to examine certain books and records, and to suspend insurance as to particular insureds in the event of noncompliance with a request by insurers that a condition be corrected. The revised language would relieve insurers and persons or organizations making inspections or examinations on their behalf of potential inability arising either out of damage to property at the insured facility, or suspension of insurance. In addition, the insurers' inspection rights would be extended to books and records related to any property insurance afforded the insured through ANI. The present language limits inspections to the books and records associated with the Facility Form (liability insurance). The insurers advocate such changes to facilitate their ability to conduct inspection activities which are geared to minimizing the risk of losses to the pools. The proposed modification provides that the added provision does not limit the insurer's contractual obligations under the Facility Form or any policy affording the insured property insurance through ANI.

The Commission does not consider that relieving insurers or persons or organizations making inspections on their behalf of potential liability is a matter of public protection that the Commission should appear to be endorsing by publication in its regulations. If the insurers and the insured wish to agree to such a provision, it is a private matter that need not be approved by the Commission. In fact, if the Commission were to continue its policy of publishing endorsements in its regulations it would propose deleting from NE-50 and NE-51 those provisions relieving insurers from potential liability arising out of damage to property at the insured facility. Alternative language to Condition 2, "Inspections; Suspension" that would be preferred by the Commission to the language proposed by the insurance companies is set forth below following the text of NE-50 and NE-51. The Commission invites comments on the alternative texts of these endorsements in the event that the Commission chooses to continue to publish such endorsements in their entirety in its regulations.

A minor change to Condition 4 of the Facility Form to insert "$124,000,000" is also proposed. The $124,000,000 figure reflects the amount of nuclear liability insurance provided by ANI to licensees. The remaining $36,000,000 of the required $160,000,000 in primary liability insurance coverage is provided by MAELU. This proposed addition is made in paragraph IV of the Amendatory Endorsement. The remaining paragraphs of the Amendatory Endorsement set out below are unchanged. Such paragraphs merely reflect previously approved changes to the Facility Form.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to Title 10, Chapter I, Part 140, Code of Federal Regulations, are contemplated:

1. Section 140.91, Appendix A, is amended by adding the following endorsements to read as follows:

NE-50 (1/1/81), *Amendatory Endorsement*

(Indemnified Nuclear Facility)

It is agreed that:

I. In Insuring Agreement III, "DEFINITIONS"

A. The first sentence of the definition of "nuclear facility" is amended to read:

"nuclear facility" means "the facility" as defined in any Nuclear Energy Liability Policy (Facility Form) issued by Nuclear Energy Liability Insurance Association or by Mutual Atomic Energy Liability Underwriters.

B. The definition of "indemnified nuclear facility" is replaced by the following:

"indemnified nuclear facility" means

(1) "the facility" as defined in any Nuclear Energy Liability Policy (Facility Form) issued by Nuclear Energy Liability Insurance Association or by Mutual Atomic Energy Liability Underwriters, or

(2) any other nuclear facility,

if financial protection is required pursuant to the Atomic Energy Act of 1954, or any law amendatory thereof, with respect to any activities or operations conducted thereat;

C. Solely with respect to an "insured shipment" to which this policy applies as proof of financial protection required by the Nuclear Regulatory Commission, Subdivision (2) of the definition of "nuclear energy hazard" is amended to read:

(2) the nuclear material is in an insured shipment which is away from any other nuclear facility and is in the course of transportation, including the handling and temporary storage incidental thereto, within

(a) the territorial limits of the United States of America, its territories or possessions, Puerto Rico or the Canal Zone; or

(b) international waters or airspace, provided that the nuclear material is in the course of transportation between two points located within the territorial limits described in (a) above and there are no deviations in the course of the transportation for the purpose of going to any other country, state or nation, except a deviation in the course of said transporation for the purpose of going to or returning from a port or place of refuge as the result of an emergency.

D. The definition of "insured shipment" is replaced with the following:

"insured shipment" means shipment of source material, special nuclear material, spent fuel or waste, or tailings or wastes produced by the extraction or concentration or uranium or thorium from any ore processed primarily for its source material content, herein called "material", (1) to the facility from any location except an indemnified nuclear facility, but only if the transportation of the material is not by predetermination to be interrupted by removal of the material from a transporting conveyance for any purpose other than the continuation of its transportation, or (2) from the facility to any other location, but only until the material is removed from a transporting conveyance for any purpose other than the continuation of its transportation.

E. As used herein, "financial protection" has the meaning given it in the Atomic Energy Act of 1954, as amended.

II. Insuring Agreement IV is replaced by the following:

IV. APPLICATION OF POLICY. This policy applies only to bodily injury or property damage (1) which is caused during the policy period by the nuclear energy hazard and (2) which is discovered and for which written claim is made against the insured, not later

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than ten years after the end of the policy period.

III. Condition 2 is replaced by the following:

2. INSPECTION; SUSPENSION. The companies shall at any time be permitted but not obligated to inspect the facility and all operations relating thereto and to examine the insured's books and records as far as they relate to the subject of this insurance and any property insurance afforded the insured through American Nuclear Insurers. If a representative of the companies discovers a condition which he believes to be unduly dangerous with respect to the nuclear energy hazard, a representative of the companies may request that such condition be corrected without delay. In the event of noncompliance with such request, a representative of the companies may, by notice to the named insured, to any other person or organization considered by the companies to be responsible for the continuation of such dangerous condition, and to the United States Nuclear Regulatory Commission, suspend this insurance with respect to the named insured and such other person or organization effective 12:00 midnight of the next business day of such Commission following the date that such Commission receives such notice. The period of such suspension shall terminate as of the time stated in a written notice from the companies to the named insured and to each such person or organization that such condition has been corrected.

Neither the right to make such inspections and examinations nor the making thereof nor any advice or report resulting therefrom shall constitute an undertaking, on behalf of or for the benefit of the insured or others, to determine or warrant that such facility or operations are safe or healthful, or are in compliance with any law, rule or regulation. In consideration of the issuance or continuation of this policy, the insured agrees that neither the companies nor any persons or organizations making such inspections or examinations on their behalf shall be liable with respect to injury to or destruction of property at the facility, or any consequential loss or expense resulting therefrom, or any loss resulting from interruption of business or manufacture, arising out of the making of or a failure to make any such inspection or examination, or any report thereon, or any such suspension of insurance, but this provision does not limit the contractual obligations of the companies under this policy or any policy affording the insured property insurance through American Nuclear Insurers.

IV. Condition 4 is replaced by the following:

4. LIMITATION OF LIABILITY; COMMON OCCURRENCE. Any occurrence or series of occurrences resulting in bodily injury or property damage arising out of the radioactive, toxic, explosive or other hazardous properties of

(a) nuclear material discharged or dispersed from the facility over a period of days, weeks, months or longer and also arising out of the properties or other nuclear material so discharged or dispersed from one or more other nuclear facilities insured under any Nuclear Energy Liability Policy (Facility Form) issued by Nuclear Energy Liability Insurance Association, or

(b) source material, special nuclear material, spent fuel or waste in the course of transportation for which insurance is afforded under this policy and also arising out of such properties of other source material, special nuclear material, spent fuel or waste in the course of transportation for which insurance is afforded under one or more other Nuclear Energy Liability Policies (Facility Form) issued by Nuclear Energy Liability Insurance Association,

shall be deemed to be a common occurence resulting in bodily injury or property damage caused by the nuclear energy hazard.

With respect to such bodily injury and property damage (1) the total aggregate liability of the members of the Nuclear Energy Liability Insurance Association under all Nuclear Energy Liability Policies (Facility Form), including this policy, applicable to such common occurrence shall be the sum of the limits of liability of all such policies, the limit of liability of each such policy being as determined by Condition 3 thereof, but in no event shall such total aggregate liability of such members exceed $124,000,000; (2) the total liability of the companies under this policy shall not exceed that proportion of the total aggregate liability of the members of Nuclear Energy Liability Insurance Association, as stated in clause (1) above, which (a) the limit of liability of this policy, as determined by Condition 3, bears to (b) the sum of the limits of liability of all such policies issued by such members, the limit of liability of each such policy being as determined by Condition 3 thereof.

The provisions of this condition shall not operate to increase the limit of the companies' liability under this policy.

V. The second paragraph of Condition 12, "OTHER INSURANCE", is amended to read:

If the insured has other valid and collectible insurance (other than such concurrent insurance or any other nuclear energy liability insurance issued by Nuclear Energy Liability Insurance Association or Mutual Atomic Energy Liability Underwriters to any person or organization) applicable to loss or expense covered by this policy, the insurance afforded by this policy shall be excess insurance over such other insurance; provided, with respect to any person who is not employed at and in connection with the facility, such insurance as is afforded by this policy for bodily injury to an employee of the insured arising out of and in the course of his employment shall be primary insurance under such other insurance.

VI. Paragraph (c) of Condition 16, "COMPANY REPRESENTATION", is amended to read:

(c) Nuclear Energy Liability Insurance Association is the agent of the companies with respect to all matters pertaining to this insurance. All notices or other communications required by this policy to be given to the companies may be given to such agent, at its office at The Exchange, Suite 245, 270 Farmington Avenue, Farmington, Connecticut 06032, with the same force and effect as if given directly to the companies. Any requests, demand or agreements made by such agent shall be deemed to have been made directly by the companies.

Effective Date of this Endorsement ———— 12:01 A.M. Standard Time To form a part of policy No. ———.
Issued to ———— For the subscribing companies.
Date of Issue ————.
By ———— General Manager.
Countersigned by ————.
Endorsement No. ————.
NE–50–(1/1/81)

NE–51 (1/1/81)—Amendment of Definition of Condition 2 "Inspection; Suspension" and "Insured Shipment"

(Indemnified Nuclear Facility)

It is agreed that:

(1) Condition 2 "INSPECTION; SUSPENSION" is replaced by the following:

2. INSPECTION; SUSPENSION. The companies shall at any time be permitted but not obligated to inspect the facility and all operations relating thereto and to examine the insured's books and records as far as they relate to the subject of this insurance and any property insurance afforded the insured through American Nuclear Insurers. If a representative of the companies discovers a condition which he believes to be unduly dangerous with respect to the nuclear energy hazard, a representative of the companies may request that such condition be corrected without delay. In the event of noncompliance with such request, a representative of the companies may, by notice to the named insured, to any other person or organization considered by the companies to be responsible for the continuation of such dangerous condition, and to the United States Nuclear Regulatory Commission, suspend this insurance with respect to the named insured and such other person or organization effective 12:00 midnight of the next business day of such Commission following the date that such Commission receives such notice. The period of such suspension shall terminate as of the time stated in a written notice from the companies to the named insured and to each such person or organization that such condition has been corrected.

Neither the right to make such inspection and examinations nor the making thereof nor any advice or report resulting therefrom shall constitute an undertaking, on behalf of or for the benefit of the insured or others, to determine or warrant that such facility or operations are safe or healthful, or are in compliance with any law, rule or regulation. In consideration of the issuance or continuation of this policy, the insured agrees that neither the companies nor any person or organizations making such inspections or examinations on their behalf shall be liable with respect to injury to or destruction of property at the facility, or any consequential loss or expense resulting therefrom, or any loss resulting from or manufacture, arising out of the making of or a failure to make any such inspection or examination, or any report thereon, or any such suspension of insurance, but this provision does not limit the contractual obligations of the companies under this policy or any policy affording the insured property insurance through American Nuclear Insurers.

(2) The definition of "insured shipment" in Insuring Agreement III. "DEFINITIONS", is replaced by the following:

"insured shipment" means a shipment of source material, special nuclear material, spent fuel, waste, or tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, herein called "material", (1) to the facility from any location except an indemnified nuclear facility, but only if the transportation of the material is not by material from a transporting conveyance for any purpose other than the continuation of its transportation, or (2) from the facility to any other location, but only until the material is removed from a transporting conveyance for any purpose other than the continuation of its transportation.

Effective date of this Endorsement ———— 12:01 A.M. Standard Time to form a part of Policy No. ———.
Issued to ———— For the subscribing companies.
Date of Issue ————.
By ———— General Manager.
Countersigned by ————.
Endorsement No. ————.
NE–51 (1/1/81)

The following is the language proposed by the Commission as a preferred alternative to be substituted in lieu of Condition 2 of both NE–50 and NE–51.

Proposed Amendment of Condition 2 "Inspection; Suspension"

It is agreed that Condition 2 "INSPECTION; SUSPENSION" is replaced by the following:

2. INSPECTION; SUSPENSION. The companies shall at any time be permitted but not obligated to inspect the facility and all operations relating thereto and to examine the insured's books and records as far as they relate to the subject matter of this insurance and any property insurance afforded the insured through ANI. Neither the right to make inspections and examinations nor the making thereof nor any advice or report resulting therefrom shall constitute an undertaking, on behalf of or for the benefit of the insured or others, to determine or warrant that such facility or operations are safe or healthful, or are in compliance with any law, rule or regulation.

If a representative of the companies discovers a condition which he believes to be dangerous with respect to the nuclear energy hazard, a representative of the companies may request that such condition be corrected without delay. In the event of non-compliance with such request, a representative of the companies may, by notice to the named insured, to any other person or organization considered by the companies to be responsible for the continuation of such dangerous condition, and to the United States Nuclear Regulatory Commission, suspend the insurance with respect to the named insured and such other person or organization effective 12:00 midnight of the next business day of such Commission following the date that such Commission receives such notice. The period of such suspension shall terminate as of the time stated in a written notice from the companies to the named insured and to each such person or organization that such condition has been corrected.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This proposed rule affects two named nuclear liability insurance underwriting pools. These two pools are the only ones in the country writing nuclear liability policies and do not fall within the definition of a small business found in section 3 of the Small Business Act, 15 U.S.C. 632.

(Secs. 161(b) and (i), Pub. L. 83–703, 68 Stat. 948, 949 (42 U.S.C. 2201(b), (i)); Sec. 170, Pub. L. 85–256, 71 Stat. 576, Pub. L. 94–197, 89 Stat. 1111 (42 U.S.C. 2210); Sec. 201, Pub. L. 93–438, as amended, 88 Stat. 1242, 89 Stat. 413 (42 U.S.C. 5841)

Dated at Washington, DC, this 10th day of February 1981.

For the Nuclear Regulatory Commission.

Samuel Chilk,

Secretary of the Commission.

[FR Doc. 81–5604 Filed 2–17–81; 8:45am]

BILLING CODE 7590–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 212

[EDR–419; Docket 39173, Dated: January 21, 1981]

Pro Rata and Single Entity Charters; Removal of Restrictions on Administration Costs

Correction

In FR Doc. 81–3677, in the issue of Monday, February 2, 1981, on page 10165, in the first column, under the preamble heading "SUPPLEMENTARY INFORMATION", the third line, correct "Borad" to read "Board" and in the middle column, correct the part heading for Part 212 to read:

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

BILLING CODE 1505–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 741 0024]

The Pillsbury Company, et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violation of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, that a Minneapolis, Minnesota manufacturer of refrigerated bakery dough ("RBD") products and its major distributor, Kraft, Inc., cease from entering into or enforcing any agreement which bars either party from freely dealing with competitive firms. The order would further require that a prescribed amendment eliminating exclusive dealing requirements be incorporated into the companies' current distribution contract relating to RBD products.

DATE: Comments must be received on or before April 20, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with an accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America, Before the Federal Trade Commission

File No. 741–0024, Agreement Containing Consent Order To Cease and Desist

In the Matter of The Pillsbury Company, a corporation, and Kraft, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of The Pillsbury Company, a corporation, and Kraft, Inc., a corporation, and it now appearing that The Pillsbury Company ("Pillsbury"), and Kraft, Inc. ("Kraft"), hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

IT IS HEREBY AGREED by and between the Pillsbury Company, by its duly authorized officer, and Kraft, Inc., by its duly authorized officer, and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent The Pillsbury Company is a corporation organized, existing and doing business under and by virtue of the

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laws of the State of Delaware, with its office and principal place of business located at 608 Second Avenue South, Minneapolis, Minnesota.

2. Proposed respondent Kraft, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at Kraft Court, Glenview, Illinois.

3. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint hereto attached.

4. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it will be placed on the public record for a period of (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint hereto attached.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon its issuance. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

For the purpose of this Order, the following definition shall apply:

"Refrigerated dough bakery products" ("RDB products") means dough-based, unbaked, packaged food products that are chemically leavened. Such products require refrigeration during distribution and storage, and must be heated before consumption to activate fully the chemical leavening.

II

It is ordered that respondents Kraft, Inc. ("Kraft"), a corporation, and The Pillsbury Company ("Pillsbury"), a corporation, their successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the sale, purchase or distribution of RDB products in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended do forthwith cease and desist from hereafter entering into or enforcing any written or oral contract with one another for the sale or distribution of RDB products to the retail trade by which:

(a) Pillsbury shall appoint Kraft its sole and exclusive distributor of RDB products; or

(b) Kraft shall be restricted in any manner from distributing the RDB products of a manufacturer other than Pillsbury.

III

It is further ordered that concurrent with the issuance of this Order, Kraft and Pillsbury shall make effective the attached amendment to their current distribution contract dated July 1, 1976, relating to RDB products. This amendment is to be considered part of the Order. The purpose of this amendment is to allow:

(a) Pillsbury, in its sole discretion, to sell or distribute RDB Products to the retail trade through any means in addition to Kraft. Pillsbury will give Kraft at least sixty (60) days' prior written notice of its intention to begin selling or distributing its RDB Products to the retail trade through any means in addition to Kraft;

(b) Kraft, in its sole discretion, to sell or distribute to the retail trade RDB Products manufactured by a person or persons in addition to Pillsbury. Kraft will give Pillsbury at least sixty (60) days' prior written notice of its intention to sell or distribute competitive products;

(c) Pillsbury, in its sole discretion and upon prior written notice of at least one (1) year, to terminate Kraft as a distributor to the retail trade of RDB Products in any area of the United States or in the entire United States; and

(d) Kraft, in its sole discretion and upon prior written notice of at least one (1) year, to cease selling to the retail trade RDB Products manufactured by Pillsbury in any area of the United States or in the entire United States.

Provided however, That nothing in this Order shall be construed as requiring Pillsbury to sell or distribute its RDB products to or through any company or person other than Kraft; and Pillsbury shall be free, if it deems it advisable in its sole discretion, to continue selling its RDB products only to Kraft and its other existing distributors; *and provided further* That nothing in this Order shall be construed as requiring Kraft to sell, distribute, or otherwise deal in the RDB products manufactured by someone other than Pillsbury; and PROVIDED further that Kraft shall be free, if it deems it advisable in its sole discretion, to continue selling only the RDB products of Pillsbury.

IV

It is further ordered that thirty (30) days after date of issuance of this Order, Kraft and Pillsbury shall each file with the Commission a written report setting forth in detail the manner and form in which it has complied with the Order. During the term of this Order, Kraft and Pillsbury shall each file with the Commission a written report setting forth in detail any change in their contract, or in any amendments thereof relating to the provisions of this Order sixty (60) days prior to the effective date of such change.

V

It is further ordered that Kraft and Pillsbury shall notify the Commission at least thirty (30) days prior to any fundamental change in either respondent corporation which may affect compliance obligations arising out of this Order.

VI

It is further ordered that this Order shall expire ten (10) years from the date of issuance of this Order.

Amendment

This amendment, entered into this day of , 1981, by and between The Pillsbury Company, a Delaware corporation (hereinafter referred to as "Pillsbury"), and Kraft, Inc., a Delaware corporation (hereinafter referred to as "Kraft"), shall become effective upon issuance of the Final Order arising from the Federal Trade Commission's investigation, File No. 741–0024.

Witnesseth

Whereas, Pillsbury and Kraft are parties to an Agreement dated July 1, 1976 (hereinafter referred to as "the Agreement"), whereunder Pillsbury has appointed Kraft its exclusive distributor (except for five other specified distributors) of certain Pillsbury refrigerated dough bakery products (all of which products are hereinafter collectively called "RDB Products") to the retail trade; and

Whereas, Pillsbury and Kraft have entered into a consent agreement with the Federal Trade Commission requiring that the above-cited Agreement be amended:

Accordingly, Pillsbury and Kraft do hereby amend the Agreement as follows:

1. (a) Notwithstanding any other provisions of the Agreement, Pillsbury, in its sole discretion, may in any geographic area (or in the entire United States) begin selling its RDB Products to the retail trade through any means in addition to Kraft. Pillsbury will give Kraft at least sixty (60) days' prior written notice of its intention to begin selling its RDB Products to the retail trade through any means in addition to Kraft.

(b) Notwithstanding any other provision of the Agreement, Kraft, in its sole discretion, may sell to the retail trade products competitive with the Pillsbury RDB Products in any geographic area (or in the entire United States). Kraft will give Pillsbury at least sixty (60) days' prior written notice of its intention to sell competitive products.

(c) Notwithstanding any other provisions of the Agreement, upon at least one (1) year's prior written notice, Pillsbury, in its sole discretion, may in any geographic area (or in the entire United States) terminate Kraft as a distributor; and upon at least one (1) year's prior written notice, Kraft, in its sole discretion, may in any geographic area (or in the entire United States) cease selling the RDB Products of Pillsbury to the retail trade.

(d) In the event any notice referred to in subparagraph (a), (b), or (c) above refers to an area less than the entire United States, a separate notice shall be given with respect to each geographic area and shall identify the area to the degree practicable.

2. As used herein, the phrase "through any means in addition to Kraft" shall mean the use of one or more distributors or brokers, Pillsbury's own sales force, or any other means chosen by Pillsbury, in addition to Kraft. The term "competitive products" as used herein shall include products made by any existing or future manufacturer, including but not limited to Kraft. The term "geographic area" shall mean any definable part of the United States and may include parts not contiguous to one another.

3. In the event that any time after Pillsbury has commenced selling its RDB Products through means other than Kraft, Kraft remains a distributor of RDB Products in some geographic areas and the supply or availability of Pillsbury's RDB Products is insufficient to fill the orders of Kraft and the other means chosen by Pillsbury, Pillsbury shall reasonably and fairly allocate the supply of RDB Products among Kraft and such other means, taking into account all relevant circumstances, including historical purchases by the retailers being served by each of them.

4. In any geographic area in which RDB Products of Pillsbury are being sold by Kraft as well as through some other means (other than the distributors through which Pillsbury presently sells its RDB Products), Kraft shall not have the obligation set forth in paragraph 11 of the Agreement to assume all loss resulting from spoilage of products in that geographic area, and instead Pillsbury shall reimburse Kraft for all credits or discounts which Kraft must give its customers by reason of spoils or distress product in such area.

5. Paragraphs 6, 17, 18, 19, 20, and 25 of the Agreement dated July 1, 1976 (and the phrase "sole and exclusive" in paragraph 4 thereof) are hereby canceled and rescinded.

6. Paragraph 21 of the Agreement dated July 1, 1976, is hereby canceled and rescinded, excepting only that the definition of "best efforts" contained therein shall remain in full force and effect and be applicable only during such times as Kraft is the sole distributor of RDB Products.

7. All references in paragraphs 6, 17 and 25 of the Agreement to a consent order than contemplated to be entered into between Pillsbury, Kraft, and the FTC, and all provisions of the Agreement which are in any way dependent upon or arise from the operation of that consent order which was contemplated but never became effective, are hereby nullified and rescinded in their entirety.

8. All other provisions of the Agreement which are not modified hereby shall remain in full force and effect.

9. This Amendment shall become effective when the FTC has formally concluded the aforementioned investigation by issuing a Final Order.

The Pillsbury Company and Kraft, Inc., File No. 741–0024

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from The Pillsbury Comany ("Pillsbury") and Kraft, Inc. ("Kraft"). The proposed order eliminates the qualified exclusive dealing provisions present in the current agreement between the companies under which Kraft distributes Pillsbury's refrigerated dough bakery ("RDB") products.

The proposed consent order has been placed on the public record for sixty days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Pillsbury is the nation's largest manufacturer of refrigerated dough bakery products, accounting to over 55% of total industry sales. Kraft, one of the nation's largest manufacturers and distributors of refrigerated dairy products, is, with limited exceptions, the exclusive distributor of Pillsbury's refrigerated dough bakery products. In 1979, Kraft's sales of Pillsbury's dough products accounted for more than $200 million.

Under successive contracts beginning in 1951, Kraft has been, with limited exceptions, the exclusive distributor Pillsbury's RDB products for thirty years. While the present distribution agreement between the companies explicity provides that it shall not be construed to prevent Kraft from dealing in competitive products, it contains substantial disincentives to Kraft's addition of a competing line to the products for which it is exclusive distributor. Thus, although Kraft may, without giving prior notice, deal in products competitive with those it distributes for Pillsbury, if it does so it is penalized by losing its right to be the sole and exclusive distributor of Pillsbury's RDB products.

The complaint underlying the proposed consent order alleges that the purpose or effect of the agreement establishing the arragement between the companies has been or may be to substantially lessen, hinder, restrain or suppress competition in the sale, distribution and purchase of RDB products in interstatre commerce. The proposed consent order discussed below is designed to eliminate the challenged provisions of the agreement in order to allow, but not require, Kraft to distribute for other RDB product manufacturers without fear of competitive sanction in its relationship with Pillsbury.

Paragraph I of the proposed order contains a definition of the term "refrigerated dough bakery products." Paragraph II prohibits the entering into or enforcement of any contract between Pillsbury and Kraft under which Kraft is appointed the sole and exclusive distributor of Pillsbury's RDB products or which restricts, in any manner, Kraft from taking on competing lines. These provisions eliminate the "sole and exclusive" language found in the present contract and ensure that Kraft will no longer be subject to any restrictions in the exercise of its discretion in determining the mix of product lines it will distribute.

Paragraph III provides that the purposes of the proposed consent order are to be effectuated through amendment to the current Pillsbury-Kraft contract. This amendment, then, is to be considered an integral part of the order. Under the amendment, Pillsbury's right to distribute its RDB products through any means in addition to or instead of Kraft is expressly stated. The amendment also explicitly provides for Kraft's parallel right to distribute RDB products manufactured by Pillsbury's competitors, in addition to those manufactured by Pillsbury. Also, Kraft's right to cease distributing altogether Pillsbury's RDB products is expressly preserved.

The proposed order also reserves the right of Pillsbury and Kraft to continue dealing only with each other. Thus, the order does not necessitate complete termination of dealings between Pillsbury and Kraft. The order does, however, allow both parties to freely deal with competitors of the other without fear of incurring competitive penalties. Thus, new competitors may

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now be better able to enter the refrigerated dough product market at either the manufacturing or distribution end.

Short notice periods are required before either Pillsbury or Kraft is able to effectuate changes in distributors or suppliers. The durations of these notice periods are significantly shorter than those required under the present contract. The amendment requires Pillsbury or Kraft to give the other at least 60 days' prior notice of its intention to begin selling to or distributing from competitors of the other. In order to cease selling to or distributing for the other, the companies must give at least one year's prior notice. These short notice periods are necessary to allow the companies to make proper adjustments and alternative plans, and to keep any disruption in their operations at a minimum.

Paragraphs IV and V impose certain filing obligations on Pillsbury and Kraft in order to facilitate the monitoring of the companies' compliance with the order. Paragraph VI provides that the order will remain in effect for 10 years.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-5515 Filed 2-17-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 239, 270, and 274

[Rel. Nos. 33-6290; IC-11617; File No. S7-865]

Standardization of Financial Statement Requirements in Investment Company Registration Statements and Reports to Shareholders

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: The Securities and Exchange Commission announced today that it has extended until March 16, 1981, the date by which comments on proposed amendments to regulations, forms, and a rule under the Securities Act of 1933 and the Investment Company Act of 1940 must be submitted. The Commission has received a request that the comment period be extended and believes that an extension until March 16, 1981, will be beneficial because it will enable additional interested persons to submit comments. The release, entitled "Standardization of Financial Statement Requirements in Investment Company Registration Statements and Reports to Shareholders," originally had a comment period ending February 16, 1981.

DATES: Comments should be submitted on or before March 16, 1981.

ADDRESSES: All communications on the matter discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File S7-865 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Mary K. Crook, Atty. (202) 272-2033, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Notice was published on December 15, 1980, Securities Act Release No. 6272 [45 FR 83517, December 19, 1980], requesting the submission of views with respect to proposed amendments to Regulation S-X [17 CFR 210], the Commission's general regulation regarding the form and content of and requirements for financial statements filed under, *inter alia*, the Securities Act of 1933 ("1933 Act") [15 U.S.C. 77a et seq.] and the Investment Company Act of 1940 ("1940 Act") [15 U.S.C. 80a-1 et seq.]; amendments to Form N-1 [17 CFR 239.15, 17 CFR 274.11] and Form N-2 [17 CFR 239.14, 17 CFR 274.11a-1], the registration statement forms for, respectively, open-end and closed-end management investment companies under both the 1933 Act and the 1940 Act; and a new rule 30d-1 [17 CFR 270.30d-1], regarding reports to shareholders under section 30(d) of the 1940 Act [15 U.S.C. 80a-29(d)]. If adopted, the proposed rule changes would make it possible for management investment companies to prepare annually a single set of uniform, updated financial statements that could be used in both the prospectus (or annual update of the registration statement) and the annual report to shareholders. In order to receive the benefit of the comments of the greatest number of interested persons and in view of the request received by the Commission for additional time to which to comment, the Commission has extended the comment period for the release until March 16, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 12, 1981.

[FR Doc. 81-5514 Filed 2-17-81; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 229

[Release Nos. 33-6285; 34-17521; 35-21909; IC-11610; File No. S7-872]

Ratio of Earnings to Fixed Charges

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to Regulation S-K.

SUMMARY: The Commission hereby proposes to amend Regulation S-K to provide revised and standardized requirements for the presentation of the ratio of earnings to combined fixed charges and preferred dividends and, if required, the ratio of earnings to fixed charges ("the ratio" or "ratios"). The proposed rules require disclosure of a pro forma ratio only in the case of a debt or preferred stock refinancing when the effect is to change the historical ratio by 10 percent or more.

DATE: Comments should be submitted on or before April 30, 1981.

ADDRESSES: Comments should refer to File S7-872 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection and copying at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. (File No. S7-872).

FOR FURTHER INFORMATION CONTACT: Rita Gunter, Office of the Chief Accountant (202-272-2133), Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background

The requirement to present a ratio of earnings to fixed charges was first adopted in 1954 in connection with the adoption of Form S-9. Use of Form S-9 was conditioned on the issuer's ability to demonstrate a minimum coverage of fixed charges. Since this initial requirement to establish eligibility for use of a particular registration form, numerous changes have been made in the requirements governing the ratios and the ratios have been introduced into other Commission registration forms.

Presently, the written instructions for the computation and presentation of the ratios are contained in the selected financial data items in Forms S-1, S-7, S-11, 10 and 10-K. Related interpretations are set forth in Accounting Series Release Nos. 119 and 122. These instructions and interpretations are very brief and general; thus, certain additional interpretations and administrative practices have been followed by the staff and registrants. Specific questions with respect to the ratios have been raised and resolved administratively on a case-by-case basis.

In March 1980 the Commission issued Securities Act Release No. 6196 [45 FR 16498] that requested comments on whether the current requirement for presentation of historical and pro forma ratios should be retained or deleted. This concept release also requested comments on specific concerns dealing with the calculation of the ratios where retention was recommended. No specific rules were proposed in this concept release; however, after considering the comments received in connection with the concept release, the Commission has determined to propose rules governing the computation and disclosure of the ratios.

II. Comments Received in Connection With the Concept Release

A total of 100 letters were submitted by various companies, organizations, and individuals in response to the concept release. Generally, the commentators believed that the requirement to disclose the historical ratio should be continued for debt or preferred stock offerings but that the disclosure should not be included in the financial statements. Additionally, the commentators recommended deletion of the present requirement for disclosure of a pro forma ratio.

A little over one-half of the commentators supported retention of the historical ratio. Specific reasons for retention generally were not discussed except to point out the usefulness of the ratio as an analytical tool and as a method for showing trends. Commentators who suggested deletion of the ratio were critical of the over-emphasis of this single ratio on the face of the summary of operations, the lack of uniformity of computation, and the failure of the ratio to give effect to principal payments on debt and lease obligations. It should be noted that since the summary of operations requirement was deleted in a recent rule amendment (Release No. 33-6231, September 2, 1980) [45 FR 63630] the ratio is now required as part of the "Selected Financial Data; Management's Discussion and Analysis of Financial Condition and Results of Operations" item of the various forms.

The concept release requested comments on the appropriate placement of the ratio; however, some commentators may not have focused on the proposal to delete the summary of operations which was issued for comment at about the same time as the ratio concept release. Most commentators (except for most public utilities which believe disclosure on the face of the income statement is appropriate) indicated that the ratio has been over-emphasized by inclusion on the face of the summary of operations and suggested that the presentation be made in a textual format apart from the financial statements. Management's Discussion and Analysis was suggested by most of these commentators as the appropriate location for disclosure.

Comments were requested on whether the ratio requirement should be extended to all filings made with the Commission. The commentators generally opposed expanding the requirement based on a belief that the ratio is mainly of importance to prospective debt or preferred stock investors and that expanding the requirements could result in the data taking on more significance than is warranted.

The general consensus of the commentators was that the requirement to present a pro forma ratio should be deleted. Commentators suggested deletion due to (1) difficulty in predicting future financing requirements and interest rates and (2) difficulty in estimating return on the investment of the proceeds from the offering, and (3) the possibility of being misleading since only fixed charges are adjusted in the computation. The commentators pointed out that the actual ratios experienced in the succeeding year frequently were higher than the previously reported pro forma ratio. Commentators also indicated that the present requirement is difficult to comply with because of the problems of forecasting the effect of any issuance, retirement or redemption of debt and/or preferred stock during the period or presently proposed for one year after the period. However, a few commentators did suggest that a pro forma ratio be required only in situations where the refinancing of debt or preferred stock is proposed. Such a situation would allow the company to reflect both the additional interest or dividend and the benefit from the use of proceeds (i.e., the reduction of the interest expense or preferred dividend due to the retirement).

Additionally, comments were requested on specific questions dealing with the application of the ratio requirements. The responses to the specific questions are summarized as follows:

1. Nearly all commentators suggested that no additional items be included in the present definition of fixed charges.

2. Comments were divided on the question of whether rentals paid on operating leases (as defined in Statement of Financial Accounting Standards No. 13, "Accounting for Leases") contain an interest factor of the kind requiring consideration in the ratio. About half argue that there is no interest factor in an operating lease and the other half suggest that the present requirements be continued.

3. The majority of the commentators recommended that "earnings" not include discontinued operations, extraordinary items, or cumulative effects of accounting changes since inclusion could distort trends and comparisons.

4. The majority of the commentators suggested that undistributed earnings of unconsolidated subsidiaries and 50% or less owned persons be excluded from earnings.

5. The comments were divided about equally with respect to including or excluding the deductions for minority interests in arriving at earnings for purposes of the ratio.

6. With respect to capitalized interest, public utility commentators favored strongly continuance of the present treatment allowed for utility companies (including capitalized interest in fixed charges and adding to gross income the interest credits charged to construction) while non-utility commentators favored exclusion of capitalized interest from "fixed charges" and from "earnings."

7. Most commentators believe the ratio should continue to be income oriented rather than cash oriented.

8. The commentators agreed that a requirement to disclose the ratio for interim periods would be inappropriate because of the seasonal effects of many operations.

After considering the comments received in response to the concept release, the Commission has determined to propose specific rules to govern the computation and disclosure of the ratios.

III. Discussion of Significant Rule Provisions

The Commission continues to believe that the ratio provides useful and informative disclosure. This conclusion is supported by the recommendations of a majority of the commentators who believe the historical ratio should continue as a Commission requirement. The rules being proposed contain

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certain revisions which the Commission believes will improve the usefulness of the ratio disclosures. The more significant of the proposed changes are discussed in the following paragraphs.

As discussed above, the most severe criticisms of the ratios have been aimed at the pro forma ratio. The Commission recognizes the merit in most of these arguments and has decided to propose retention of the pro forma ratio only in the case of a proposed securities offering which would be used to refinance certain outstanding debt or preferred stock. However, in the case of such a refinancing, the pro forma ratio would be required only if the effect is to change the historical ratio by 10% or more. Under the rules as proposed, the pro forma ratio would not give effect to proposed future borrowings or preferred stock issues (or retirements). The Commission believes such an approach may be appropriate due to difficulties inherent in forecasting future financings or estimating the earnings to be generated from the investment of proceeds. Additionally, the effect of debt or preferred stock transactions during the most recent year, or thereafter, would not be fully reflected in the pro forma computation.

The rules being proposed require disclosure of a total enterprise ratio only. The Commission believes this to be the more important ratio and, therefore, sees no real benefit in continuing the present requirement to disclose both a consolidated and total enterprise ratio. The total enterprise ratio gives effect to all activities of the registrant whether or not consolidated and thus is a better aid in assessing the registrant's ability to timely meet required interest and preferred dividend payments. Fixed charges associated with debt of another company but guaranteed by the registrant are required presently to be included in the computation of the total enterprise ratio; however, the proposed rules would require only disclosure of the amount of such fixed charges with no effect being considered in the ratio computation. The Commission believes such an approach may result in a more realistic ratio while at the same time providing disclosure of the contingency.

Presently, Commission rules require disclosure of the ratio in debt or preferred stock offering and permit disclosure of the ratio in Securities Exchange Act registration statements and annual reports. The proposed rules will continue these requirements. Consideration was given to expanding the ratio requirement to all filings with the Commission and the annual report to security holders; however, the Commission does not believe such an expansion would be desirable at this time nor would it be consistent with other Commission actions to focus more attention on liquidity information in the annual report to security holders.

Consistent with the proposal to require the ratio on a total enterprise basis, the Commission also has determined to propose a requirement for disclosure of only a combined ratio (i.e., ratio of earnings to combined fixed charges and preferred dividends) except in instances where the ratio of earnings to fixed charges is materially different from the combined ratio. In such cases the registrant would be required to disclose both the ratio of earnings to fixed charges and preferred dividends. The Commission recognizes that other alternatives are possible and may be desirable; therefore, commentators are specifically requested to comment on this portion of the proposal (see the request in the following section).

The rule proposals will expand the selected financial data item of Regulation S–K [17 CFR 229.20] to include disclosure of the ratio in the case of debt or preferred stock offerings.[1] The Commission agrees with the arguments that the ratio is analytical information that should not be a part of the audited financial statements; therefore, the section of selected financial data appears to be the most logical place for disclosure of the ratio. Consideration was given to proposing a requirement for disclosure of the ratio in management's discussion and analysis; however, since the ratio is generally used to show trends, it was felt that placement in the selected financial data section may be more appropriate.

The only change in the definition of "earnings" has been to specify that the ratio be based on income before extraordinary items and cumulative effect of accounting changes. Even though the results of discontinued operations are to be included in "earnings," the registrants may, at its option, present an additional ratio based only on continuing operations. The Commission believes that this measure of "earnings" will provide a more stable and consistent measure of performance. It should also facilitate comparisons with prior periods and other companies within the industry.

With respect to equity in losses of less than 50 percent owned persons, the practice (although not a part of specific ratio rules) has been to include in the determination of "earnings" the registrant's proportionate share of such loss; however, since this practice is inconsistent with the treatment of the income from a profitable entity which is less than 50 percent owned, the proposed rules allow for the elimination of this loss from "earnings" except in situations where the registrant has guaranteed the debt of such entity.

The definition of "fixed charges" has not changed except to recognize that a total enterprise, combined ratio generally is required. The proposed rules provide that capitalized interest is to be included in "fixed charges." This has been the practice even though the present rules are not specific. Additionally, the requirement to include the interest factor in rentals as fixed charges has been retained. Some long-term leases may narrowly miss the criteria for a capital lease but still have the characteristics of a financing transaction. The Commission does not believe that the presence of an interest factor is dependent upon the rental contract extending over any given period of time. The Commission cautions registrants with material amounts of operating leases to determine the actual interest portion of the rentals rather than the past practice of using one-third of rentals as a rule-of-thumb.

A definition of "preferred stock" has been added and the proposed rules specify that the preferred stock dividends should be grossed up to a pre-tax basis. This requirement previously was not included in the rules although the Commission understands that this has been the practice followed by most companies.

The specific rules being proposed include only the Regulation S–K changes; however, the actual deletion of the present ratio requirements in Item 6 of Forms S–1, S–7 and S–11; Instructions as to Summary Prospectuses for Forms S–1 and S–7; item 2 of Form 10 and Item 6 of Form 10–K will be adopted upon issuance of any final ratio rules.

Forms S–14, S–16 and S–18 presently do not contain requirements for disclosure of the ratios. Since the Commission believes the ratios should be disclosed in all debt or preferred stock offerings, amendments to these forms will be necessary upon the issuance of any final ratio rules.

[1] It should be noted, however, that if the proposed Forms A, B, and C (Securities Act Release No. 6235, September 2, 1980) [45 FR 63693] and proposed revisions to Regulation S–K and Guides for the Preparation and Filing of Registration Statements and Reports (Securities Act Release No. 6276, December 23, 1980) [46 FR 78] are adopted as proposed or in a revised form, it will be necessary for the ratio to be included in the summary information of a prospectus for debt or preferred stock offerings since the information will not be required in Securities and Exchange Act reports which may be incorporated by reference.

IV. Other Areas for Which Specific Comments Are Requested

As indicated above, the Commission has determined to propose certain requirements for computation and disclosure of the ratio; however, it is recognized that alternative requirements may also be appropriate. Since certain areas may not have been addressed by the concept release, the Commission would like the benefit of comments on certain issues before final rules are adopted. The specific areas are as follows:

1. Should the pro forma ratio give full effect to financings during the most recent year and/or financings since the end of the most recent year but before the filing date?

2. The proposed rules require disclosure of a ratio of earnings to combined fixed charges and preferred dividends except where the ratio of earnings to fixed charges is significantly different, in which case both ratios would be required. Other alternatives are available and the Commission requests comments on the appropriateness of (a) requiring both ratios in all debt or preferred stock offerings, (b) requiring only the combined ratio in such filings, (c) requiring both ratios in the case of debt offerings and the combined ratio in all preferred stock filings, or (d) requiring the ratio of earnings to fixed charges in debt offerings and the combined ratio in preferred stock offerings.

3. The rules being proposed make no special provision for minority interests since only the total enterprise ratio is required. The Commission belives that, in most instances, the minority interest in a subsidiary will not be significant. Should additional consideration be given to the effect of minority interests?

4. Since the proposed rules would require capitalized interest to be included as a fixed charge with no increase in "earnings" (except in the case of public utilities), should the ratio rules contain a specific requirement for the adjustment of "earnings" for the amount of capitalized interest amortized in each year?

5. The present Form 10–K contains special provisions for the omission of certain information by wholly-owned subsidiaries [see General Instruction I of Form 10–K (17 CFR 249.310)]. An abbreviated management's discussion and analysis is allowed and contains no liquidity information. Since these companies are not presently required to disclose to their debt holders information about liquidity or selected financial data, would it be desirable to require disclosure of the ratio of earnings to fixed charges in the annual reports on Form 10–K for these issuers?

V. Requests for Comments

All interested persons are invited to submit their views and comments concerning the amendments proposed herein in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments should be received no later than April 30, 1981. Such communications should refer to File S7–872 and will be available for public inspection.

VI. Text of Proposed Amendments

The Commission hereby proposes to amend 17 CFR Chapter II as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

Section 229.20 is proposed to be amended by revising instructions 2 and 4 and by adding a new instruction 5 to Item 10 to read as follows:

§ 229.20 Information required in document.

* * * * *

Item 10. Selected financial data.

* * * * *

Instructions.

* * * * *

2. Subject to appropriate variation to conform to the nature of the registrant's business, the following items shall be included in the summary: net sales or operating revenues; income (loss) from continuing operations; income (loss) from continuing operations per common share; total assets; long-term obligations and redeemable preferred stock (including long-term debt, capital leases, and redeemable preferred stock as defined in ASR 268); ratio of earnings to combined fixed charges and preferred dividends and the ratio of earnings to fixed charges, if required by instruction 5 below; and cash dividends declared per common share. Registrants may include additional items which they belive would enhance an understanding of and would highlight trends in their financial condition and results of operations.

* * * * *

4. All references to the registrant in the Summary and in these Instructions shall mean the registrant and its consolidated subsidiaries, except in the case of the ratio of earnings to combined fixed charges and preferred dividends and, if required, the ratio of earnings to fixed charges where a total enterprise ratio is required. (See instruction 5 below.)

5. For purposes of presenting the ratio of earnings to combined fixed charges and preferred dividends and, if required, the ratio of earnings to fixed charges ("the ratios"), the following rules and definitions shall apply:

(a) If debt or preferred stock securities are being registered, the registrant is required to present the ratio of earnings to combined fixed charges and preferred dividends; however, additional disclosure of the ratio of earnings to fixed charges is also required in debt or preferred stock registration statements if the registrant's ratio of earnings to fixed charges is materially different from the combined ratio.

(b) The ratio(s) shall be computed on the basis of the total enterprise of the registrant. That is, the revenues and expenses should include not only the amounts reflected in consolidated income statements but also revenues and expenses of other activities not consolidated. In other words, the total enterprise should be considered to include the registrant, its majority-owned subsidiaries, as if they were consolidated, its proportionate share of fifty-percent-owned persons, and its share of distributed income from less-than-fifty-percent-owned persons. If the registrant has guaranteed debt of another company (such as a supplier), the amount of fixed charges associated with such debt need not be included in the computation of the ratio unless the registrant has been required to satisfy the guarantee or it is probable that the registrant will be required to honor the guarantee and the amount can be reasonably estimated. A footnote to the ratio should disclose the amount of fixed charges associated with such guaranteed debt and whether it is included in the computation of the ratio.

(c) "Earnings" shall be computed after all operating and income deductions (including results of discontinued operations and gain or loss from disposal of a segment of a business, but excluding extraordinary items and the cumulative effect of accounting changes) except fixed charges, taxes based on income, and minority interest in income or loss of subsidiaries and after eliminating undistributed income of less-than-fifty-percent-owned persons. The registrant, at its option, may present an additional ratio based only on continuing operations of the total interprise.

(i) If a less-than-fifty-percent-owned person accounted for using the equity method has sustained a loss, such loss would also be eliminated except in the situation where the registrant has guaranteed the debt of this person. In that case, the registrant's equity in the loss would be included in "earnings" and the "fixed charges" (see below) would include the interest associated with the guaranteed debt.

(ii) In the case of public utilities, the allowance for funds used during construction shall be added to gross income but not deducted from interest expense. Other registrants which capitalize interest shall include capitalized interest in fixed charges but shall not add such amounts to gross income.

(d) The term "fixed charges" shall mean the total of (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rental expense as can be demonstrated to be representative of the interest factor in the

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particular case; and (iii) in instances where a separate ratio of earnings to fixed charges is presented, preferred stock dividend requirements of subsidiaries, excluding in all cases items which would be or are eliminated in consolidation.

(e) The term "preferred stock" shall include all types of preferred and preference stocks. The dividend requirements of the outstanding preferred stock (see also (i) below) shall be added to "fixed charges" (as defined above) in determining the denominator to be used in the computation of the ratio.

(i) The preferred stock dividend requirements shall be increased by an amount equivalent to the income tax that would be required to obtain an after-tax income sufficient to cover such dividend requirements. The tax rate shall be based on the relationship of the applicable actual income tax provision to income before income taxes, extraordinary items, and cumulative effect of accounting changes.

(f) If the ratio computation indicates a negative or less than one-to-one coverage, disclosure of the ratio should not be made. Instead, a statement of this fact shall be made and the dollar amount of the coverage deficiency stated.

(g) A pro forma ratio(s) shall be presented in the case of a debt or preferred stock refinancing if the effect of the refinancing changes the historical ratio(s) by ten percent or more. If the pro forma ratio is not presented, a footnote should disclose the reason for omission.

(i) The pro forma ratio(s), if applicable, shall be presented for only the most recent fiscal year.

(ii) The only adjustments which shall be made to the corresponding historical ratio(s) are to give effect to the net increase or decrease in interest expense or preferred dividends due to the proposed issuance of new debt or preferred stock and the corresponding retirement of any debt or preferred stock presently outstanding but which will be retired with the proceeds from the proposed offering.

* * * * *

These amendments are proposed to be effective with respect to filings with the Commission on or after September 30, 1981.

The amendments are proposed to be adopted pursuant to authority in Sections 6, 7, 8, 10, and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; Sections 5(b), 14, and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; Sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a)] of the Investment Company Act of 1940.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and is not aware at this time of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 6, 1981.

Regulatory Flexibility Act Certification

I, Harold M. Williams, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b) that the proposed amendments to revise and standardize the present requirements for disclosure of the historical ratio of earnings to combined fixed charges and preferred dividends contained in Securities Act Release No. 6285 (February 6, 1981), "Ratio of Earnings to Fixed Charges," will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that it is anticipated that the effects of the proposed amendments, if adopted, will not be significant for any class of registrants because the information necessary to compute the ratio is generally maintained by a company as part of its basic accounting records and the ratio computation is a simple calculation.

Harold M. Williams,

Chairman.

February 6, 1981.

[FR Doc. 81-5817 Filed 2-17-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 210, 239, 270, and 274

[Release Nos. 33-6272; 1C-11490; File No. S7-865]

Standardization of Financial Statement Requirements in Management Investment Company Registration Statements and Reports to Shareholders

Correction

In FR Doc. 80-39519 appearing at page 83517 in the issue for Friday, December 19, 1980, make the following correction:

On Page 83524, in the third column, and on page 83525, at the top of the first column, there is a table of statements and periods. This table should have been printed as part of footnote "29" which appears at the bottom of the third column on page 83524.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Louisiana-3)]

High-Cost Gas Produced From Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions that present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas subject to an incentive price (18 CFR 271.703). The rule establishes procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking contains the recommendation of the State of Louisiana Office of Conservation that the Cotton Valley Formation be designated as a tight formation under § 271.703(d).

DATES: Comments on the proposed rule are due on March 13, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 26, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Ting Chin, (202) 357-8769/John Bassett (202) 357-8657.

Issued: February 11, 1981.

I. Background

On January 15, 1981, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Cotton Valley Formation, located in the northwest part of the state of Louisiana, be designated as a tight formation in the Commission's regulations. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendation that the Cotton Valley Formation be designated a tight formation should be adopted. Louisiana's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The Cotton Valley Formation, underlying specified portions of the Elm Grove Field in Caddo and Bossier Parishes, North Louisiana, is basically a marine formation characterized by alternating sands and shales. (A more detailed description of the recommended area is contained in the recommendation on file with the Commission.) It is defined as that formation occurring between the measured depths of 8590 feet and 9360 feet on the induction electrical log of the Northeast Resources Inc.—Frierson No. 1 Well.

III. Discussion of the Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Louisiana on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that the requirements of Statewide Order No. 29-B will assure that development of the Cotton Valley Formation will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply. In addition, Louisiana states that it is in the process of establishing rules and regulations in accordance with the Environmental Protection Agency's Underground Injection Control guidelines which it believes will further prevent the contamination of any fresh water aquifer.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commision Order No. 97, issued August 1, 1980 in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the Cotton Valley Formation, as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 13, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Louisiana-3), and should give reasons, including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 26, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3432.)

According, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (30) to read as follows:

§ 271.703 Tight Formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, as subindexed below, and is also located in the officials files of the jurisdictional agency that submitted the recommendation.

* * * * * *

(17) through (29) [Reserved]

(30) *Cotton Valley Formation in Louisiana.* RM79-76 (Louisiana-3).

(i) *Delineation of formation.* The Cotton Valley Formation, basically a marine formation with alternating sands and shales, is located in Caddo and Bossier Parishes, North Louisiana.

(ii) *Depth.* The Cotton Valley Formation is defined as that formation occuring between the measured depths of 8,590 feet and 9,360 feet on the induction electrical log of the Northeast Resources Inc.—Frierson No. 1 Well located in Section 21, Township 16 North, Range 12 West, Caddo Parish.

[FR Doc. 81-5474 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1754-6]

Approval and Promulgation of Implementation Plans; Proposed Revision to the Commonwealth of Puerto Rico Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces a proposal to revoke a rule promulgated by the Environmental Protection Agency as part of the Commonwealth of Puerto Rico's State Implementation Plan (SIP). The promulgated rule required that discretionary actions by the Commonwealth's Environmental Quality Board be subject to the SIP revision process. This action is being taken because EPA believes it is not now practicable to identify generic categories of discretionary state actions which should or should not be considered SIP revisions requiring EPA approval.

DATES: Comments must be received on or before April 20, 1981.

ADDRESSES: All comments should be addressed to: Charles S. Warren, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT:
William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517

SUPPLEMENTARY INFORMATION: On November 3, 1980 (45 FR 72655) the Environmental Protection Agency (EPA) published its approval of a revision to the Puerto Rico State Implementation Plan (SIP). The revision consisted, in part, of a recodification of the Commonwealth of Puerto Rico's "Regulation for the Control of Atmospheric Pollution" ("the Regulation"). Under certain provisions of the Regulation, the Commonwealth's Environmental Quality Board ("EQB") is authorized to exercise its discretionary authority in various circumstances.

In its November 3, 1980 action, EPA promulgated a rule with respect to the Puerto Rico SIP, 40 CFR 52.2732, which reiterated the Agency's general view that actions of a state which modify the provisions of an applicable implementation plan are required to be submitted by the state to EPA for approval as plan revisions.

The Supreme Court, in *Train v. National Resources Defense Council*, 421 U.S. 60 (1975), endorsed the view that a state retains the freedom to revise, from time to time, its SIP to take into account individual circumstances or developing policy choices as to the most practicable and desirable methods of restricting total emissions to a level which is consistent with national ambient air standards. So long as the revision does not jeopardize the timely attainment and subsequent maintenance of national ambient air quality standards and so long as the plan, as revised, conforms with the requirements of Section 110(a)(2) of the Clean Air Act, EPA may approve the revision under Section 110(a)(3) of the Act. The Court also made it clear that such changes must be submitted to EPA for approval. EPA regulations to this effect are found at 40 CFR 51.34 and 51.6 (1980 ed).

In the preamble to its November 3, 1980 action, EPA attempted to identify certain provisions of the Regulation which grant to the EQB discretionary authority which, if exercised, would be subject to the SIP revision process. Because of the lack of general criteria as to what constitute SIP changes subject to EPA approval and because the list of provisions did not purport to be exclusive, EPA received comments from the EQB and others that its effort to provide guidance had created additional confusion for the EQB and for sources within Puerto Rico.

Upon reconsideration, EPA believes that it is not now practicable to identify categories of state actions which should or should not be considered SIP revisions requiring EPA approval. EPA believes that it would be better, at least for now, to assess specific state actions in concrete factual contexts to determine whether they should subject to EPA review. It should be noted that EPA has proposed a general regulation to identify those exercises of states' discretionary authority which require SIP revisions. See 44 FR 67675 (November 27, 1979) and 45 FR 56845 (August 26, 1980).

Consequently, EPA today proposes to revoke 40 CFR 52.2732 and to withdraw the premable listing of Commonwealth regulatory revisions which would be subject to this regulation. This does not mean, however, that all exercises of discretionary authority are to be exempted from the SIP revision process. The EQB remains responsible, under the statute, for ensuring that the Commonwealth's applicable SIP provides for the attainment and maintenance of national standards. The Clean Air Act requires the EQB to submit for EPA approval all state actions which permanently relax an emission limitation, which postpone a final compliance date beyond the statutory attainment date for a national standard, or which otherwise affect the SIP's ability to attain or maintain the national standards. EPA will work with the EQB to help it identify those EQB actions which require EPA approval as SIP revisions. In addition, EPA is willing to discuss with the EQB and with individual sources on a case-by-case basis the need for EPA approval of any particular action to be taken by the EQB. EPA will make every effort to promptly review and act on all state actions submitted as SIP revisions.

If finalized, EPA's proposed revocation of 40 CFR 52.2732 will not affect the approved status of the Commonwealth's SIP nor will it alter the requirements regarding plan revisions set forth at 40 CFR 51.6 and 51.34.

This notice of proposed rulemaking is issued under authority of Sections 110 and 301 of the Clean Air Act to advise the public that comments may be submitted on whether 40 CFR 52.2732 ought to be revoked.

Pursuant to the provisions of 5 U.S.C. § 605(b), I hereby certify that the attached proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities. This action imposes no new requirements on the Commonwealth. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: February 4, 1981.

Charles Warren,
Regional Administrator, Environmental Protection Agency.

[FR Doc. 81–5530 Filed 2–17–81; 8:45 am]
BILLING CODE 6560–38–M

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40 CFR Part 180
[PP OF2351/OF2352/P173; PH–FRC 1755–3]

Triforine; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This amendment to § 180.382 proposes the establishment of tolerances for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis [formamide]) in or on certain raw agricultural commodities. This proposed regulation was requested by EM Laboratories, Inc. This proposal would establish the maximum permissible levels for residues of triforine in or these raw agricultural commodities.

DATE: Written comments must be received on or before March 2, 1981.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Henry M. Jacoby (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 13, 1980 (45 FR 40218) that EM Laboratories, Inc., 500 Executive Blvd., Elmsford, NY 10523, had submitted pesticide petitions PP OF2351 and PP OF2352 to the EPA. These petitions proposed that tolerances be established for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide] in or on the following raw agricultural commodities (PP OF2351): apricots at 3.0 parts per million (ppm); peaches at 5.0 ppm; and cherries, nectarines, plums, and fresh prunes at 2.0 ppm; (PP OF2352) cucumbers at 0.5 ppm; eggplant and melons at 1.0 ppm; strawberries and tomatoes at 2.0 ppm; and peppers at 5.0 ppm.

The petitioner has submitted an amendment to these petitions proposing that PP OF2351 be amended by increasing the tolerances for residues of triforine in or on apricots from 3.0 ppm to 8.0 ppm; in or on cherries from 2.0 ppm to 3.0 ppm; in or on nectarines from 2.0 ppm to 8.0 ppm; in or on peaches from 5.0 ppm to 8.0 ppm; and in or on plums and fresh prunes from 2.0 ppm to 3.0 ppm. PP OF2352 is amended by deleting the proposed tolerance for tomatoes and by revising the proposed tolerance for peppers and melons to read bell peppers at 5.0 ppm, cantaloupes and watermelons at 1.0 ppm. Therefore, the tolerances are being reproposed at this time to allow for public comment.

The data submitted in these petitions and other revelant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. Because there are no animal feed items in this petition, there are no reasonable expectations for residues in eggs, milk, meat or poultry. The toxicology data considered in support of the proposed tolerances included a 2-year dog feeding study with a no-observed-effect-level (NOEL) of 100 ppm; a 2-year rat feeding study with a NOEL of 625 ppm, with no oncogenic effect at 3,125 ppm; an 18-month mouse feeding study (negative for oncogenicity at 750 ppm); teratology and fetotoxicity effects at 800 ppm); two rat metabolism studies (satisfactory to determine major metabolites); a three-generation rat reproduction study with a NOEL of 2,500 ppm; mutagenicity (negative, male dominant lethal mouse test); and a 60-day dog feeding study with a NOEL of 100 ppm.

Based on the dog feeding study, the NOEL is 100 ppm or 2.5 milligrams (mg)/kilogram (kg) of body weight (bw). Using a 100-fold safety factor, the acceptable daily intake (ADI) is 0.025 mg/kg of body weight/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. These tolerances will result in a maximum theoretical exposure of 0.1863 mg/day.

An adequate analytical method for determining residues of triforine is available (gas chromatography with an electron capture detector) for enforcement purposes.

No actions are currently pending against the continued registration of triforine. Other considerations in the registration of triforine include the exemption from the requirement of a tolerance for residues of the solvent *N*-methylpyrrolidone and dimethylformamide used in the formulated product when applied to apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, netarines, plums, fresh prunes, strawberries, and watermelons. These proposals (PP OF 2384/174 and PP OF2386/P175) appear elsewhere in this issue of the **Federal Register**. It is concluded that the proposed tolerances will protect the public health, therefore it is proposed that the tolerances be established as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "(PP OF2351/OF2352-P173)." All written comments filed in response to these petitions will be available for public inspection in the office of Henry M. Jacoby, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Under Executive Order 12044, EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the order of whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation had been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: February 5, 1981.

Robert V. Brown,
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by revising §180.382 to read as follows:

§180.382 Triforine; tolerances for residues.

Tolerances are established for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) in or on the following raw agricultural commodities:

Commodities	Parts per million
Apricots	8.0
Bell peppers	5.0
Blueberries	0.1
Cantaloupes	1.0
Cherries	3.0
Cranberries	0.1
Cucumbers	0.5
Eggplant	1.0
Nectarines	8.0
Peaches	8.0
Plums	3.0
Prunes (fresh)	3.0
Strawberries	2.0
Watermelon	1.0

[FR Doc. 81–5475 Filed 2–17–81; 8:45 am]
BILLING CODE 6560–32–M

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40 CFR Part 180
[PP 0F2386/P175; PH–FRL 1755–4]

N-Methylpyrrolidone; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes amending § 180.1047 by establishing exemptions from the requirement to tolerances for residues of the pesticide chemical *N*-methylpyrrolidone in or on apricots, cantaloupes, cherries, cucumbers, eggplant, nectarines, bell peppers, plums, fresh prunes, strawberries, and watermelons. The proposal was submitted by EM Industries, Inc. This amendment to the regulations would allow the presence of residues of *N*-methylpyrrolidone in or on the above raw agricultural commodities when applied in formulations of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) and in the absence of tolerances establishing maximum permissible levels of the residues of *N*-methylpyrrolidone in or on those commodities.

DATE: Written comments must be received on or before March 2, 1981.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Henry M. Jacoby (703–557–7060).

SUPPLEMENTARY INFORMATION: EM Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10523, has submitted a pesticide petition (PP 0F2386) to the EPA. This petition requests that the Adminstrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act propose that 40 CFR Part 180 be amended by the establishment of exemptions from the requirement of tolerances for residues of the solvent *N*-methylpyrrolidone in or on the raw agricultural commodities apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons when used in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis[2,2,2-trichloroethylidene)]bis[formamide]). I11The data submitted in the petition and other relevant information in support of the proposed exemption from the requirement of a tolerance included

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a subacute mouse feeding study and subacute rat feeding study. The no-observed-effect level (NOEL) determined from the subacute rat feeding study is 554 parts per million (ppm) based on finding congested liver volumes at higher levels. Studies found in the literature raised concern over the chemical's teratogenic potential. Although these exemptions from tolerances are adequately supported, any further requests to expand the exemption regulation will need to be supported by an adequate teratology study. An adequate analytical method (gas chromatography with flame ionization detection) is available for enforcement purposes.

The residues of dimethylformamide (DMF) and its metabolites from the proposed use pattern are not expected to exceed 18 ppm in or on apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons.

No actions are currently pending against the continued exemption of dimethylformamide used as an inert ingredient in pesticide formulations. Other considerations in establishing this tolerance exemption include the establishment of tolerances for residues of triforine in or on apricots, cantaloupes, cherries, cucumbers, eggplant, nectarines, peaches, plums, fresh prunes, strawberries, and watermelons.

N-Methylpyrrolidone is considered useful for the purpose for which the tolerance exemption is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The agency has determined that the proposed exemption from the requirement of a tolerance will protect the public health. Therefore, it is proposed that the exemption from the requirement of tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 10 days after publication of this proposal in the **Federal Register** that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "(PP OF2386/P175)." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Henry M. Jacoby, from 8:00 a.m. to 4:00 p.m., Monday through Friday excluding legal holidays.

Under Executive Order 12044, EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed rule had been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec.408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 5, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by revising § 180.1047 to read as follows:

§ 180.1047 N-Methylpyrrolidone; exemption from the requirement of a torerance.

N-Methylpyrrolidone is exempted from the requirement of a tolerance for residues in or on the raw agricultrual commodities apricots, bell peppers, blueberries, cantaloupe, cherries, cranberries, cucumbers, eggplant, nectarines, peaches, plums, fresh prunes, strawberries, and watermelons when used in accordance with good agricultural practices in formulations with the fungicide triforine [*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide]) if such formulations contain not more than 30 percent *N*-methylpyrrolidone.

[FR Doc. 81-5476 Filed 2-17-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP OF2384/P174; PH-FRL 1755-5]

Dimethylformamide; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes amending § 180.1046 by establishing exemptions from the requirement of a tolerance for residues of the pesticide chemical dimethylformamide in or on apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons. The proposal was submitted by EM Industries, Inc. This amendment to the regulations would allow the presence of residues of dimethylformamide in or on the above raw agricultural commodities when applied in formulations of the fungicide triforine (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide]) and in the absence of tolerances establishing maximum permissible levels of the residues of dimethylformamide in or on those commodities.

DATE: Written comments must be received on or before March 2, 1981.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby (703-557-7060).

SUPPLEMENTARY INFORMATION: EM Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10523, had submitted a pesticide petition (PP 0F2384) to the EPA. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act propose that 40 CFR Part 180 be amended by the establishment of exemptions from the requirement of tolerances for residues of the solvent dimethylformamide in or on the raw agricultural commodities apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons when used in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloro-ethylidene)]bis[formamide]).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included a subacute mouse feeding study and subacute rat feeding study. The no-observed-effect-level (NOEL) determined from the subacute rat feeding study is 554 parts per million (ppm) based on finding congested liver volumes at higher levels. Studies found in the literature raised concern over the chemical's teratogenic potential. Although these exemptions from tolerances are adequately supported, any further requests to expand the exemption regulation will need to be supported by an adequate teratology study. An adequate analytical method (gas chromatography with flame ionizaton detection) is available for enforcement purposes.

The residues of dimethylformamide (DMF) and its metabolites from the proposed use pattern are not expected to exceed 18 ppm in or on apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons.

No actions are currently pending against the continued exemption of dimethylformamide used as an inert ingredient in pesticide formulations. Other considerations in establishing this tolerance exemption include the establishment of tolerances for residues of triforine in or on apricots, cantaloupes, cherries, cucumbers, eggplant, nectarines, peaches, plums, fresh prunes, strawberries, and watermelons.

Dimethylformamide is considered useful for the purpose for which the exemption from requirement of a tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The agency has determined that the proposed exemption from the requirement of a tolerance will protect the public health. Therefore, it is concluded that the proposed amendment to 40 CFR Part 180 be established as set forth below.

Any person who had registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein may request on or before March 2, 1981 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "(PP 0F2384/P175)." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Henry M. Jacoby from 8:00 a.m. to 4:00 p.m., Monday through Friday excluding legal holidays.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e) 68 Stat. 514; (21 U.S.C. 346a(e))).

Dated: February 5, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by revising § 180.1046 to read as follows:

§ 180.1046 Dimethylformamide; exemption from the requirement of a tolerance.

Dimethylformamide is exempted from the requirement of tolerances for residues in or on the raw agricultural commodities apricots, bell peppers, blueberries, cantaloupe, cherries, cranberries, cucumbers, eggplant, nectarines, peaches, plums, fresh prunes, strawberries, and watermelons when used in accordance with good agricultural practices in formulations with the fungicide triforine [*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis(formamide)] if such formulations contain not more than 30 percent dimethylformamide.

[FR Doc. 81-5477 Filed 2-17-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 466

[WH-FRL 1755-1]

Porcelain Enameling Point Source Category; Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Public Hearing on proposed rule.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment regulations proposed in the **Federal Register** on January 27, 1981 (46 FR 8860) relating to Porcelain Enameling.

DATES: A public hearing has been scheduled for the following date and place: April 16, 1981—Arlington, Virginia.

ADDRESS: The public hearing will be held at the following address: Quality Inn Central, Arlington Boulevard and North
Court House Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Harold B. Coughlin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone (202) 426-2560. Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so in writing to the above address.

SUPPLEMENTARY INFORMATION: Registration for the hearing will be held from 9:30 to 10:00 a.m. Oral testimony will be presented as follows: 10:30 to 11:30 a.m.; 1:00 to 3:00 p.m. Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given through the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during a thirty minute question and answer session which will follow the presentation of oral testimony.

A court recorder will be present at the public hearing. Official transcripts will be available upon request.

Dated: February 6, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-5510 Filed 2-17-81; 8:45 am]

BILLING CODE 6560-29-M

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Notices

Federal Register
Vol. 46, No. 32
Wednesday, February 18, 1981.

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 38011; Order 81-2-47]

Alaska Airlines, Inc.; Order Fixing Final Subsidy Rates

Issued under delegated authority February 10, 1981.

By Order 81-1-146, adopted January 28, 1981, the Board directed Alaska Airlines, Inc. to show cause why the Board should not adopt the subsidy mail rates set forth in that order as the fair and reasonable final rates to be paid Alaska for the transportation of mail over its subsidy-eligible system effective April 9, 1980.

The time designated for filing a notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision fixing the rates.

The Board, upon consideration of the record, hereby reaffirms and makes final all of the findings and conclusions set forth in Order 81-1-146.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly Sections 102, 204, and 406 thereof, and the regulations promulgated in 14 CFR 302,

It is ordered that:

1. The tentative findings and conclusions in Order 81-1-146, adopted January 28, 1981, are reaffirmed and made final.

2. This order shall be effective the date of service.

3. This order shall be served upon Alaska Airlines, Inc., and the Postmaster General.

This order will be published in the Federal Register.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-5524 Filed 2-17-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39214; Order 81-2-53]

New York Airlines, Inc.; Order Granting Exemption

Issued under delegated authority February 10, 1981.

By application filed January 29, 1981, New York Airlines requests an exemption from Sections 401, 403 and 404 of the Federal Aviation Act and any other relevant provisions to the extent necessary to permit it to offer a pass to the returned American hostages and their spouses, good for lifetime free travel on any present or future New York Air route.

In support of it application New York states that it wishes to extend these free passes in order to make one small contribution to the national celebration of the returned American hostages, to welcome them back into American life, and to express the gratitude and joy of all directors, officers and employees of New York Air that the ordeal of the hostages is over.

No complaints have been filed against the application.

We find that this request is consistent with the public interest, and therefore we will approve the exemption.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16.

We exempt New York Airlines from the provisions of Section 403 of the Federal Aviation Act of 1958, and Parts 221 and 223 of the Board's Economic Regulations, insofar as the enforcement of Section 403 and Parts 221 and 223 would prevent it from providing the free transportation as described herein.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this service.

This order shall be effective immediately and the filing of a petition for review shall preclude its effectiveness.

This order will be published in the Federal Register.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-5523 Filed 2-12-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39166; Order 81-2-36]

Western Air Lines, Inc.; Order Granting Exemption

Issued Under Delegated Authority February 6, 1981.

By application filed February 4, 1981, Western Air Lines requests that the exemption granted by the Board in Orders 81-1-114, January 22, 1981, and 81-1-129, January 28, 1981, be amended to the extent necessary to permit it to provide free round-trip transportation between points in the continental United States and points in State of Hawaii to the former hostages and their family members (spouse, parents and children) through March 31, 1981.

Western in support of this exemption states that Governor Ariyoshi of Hawaii has extended an invitation on behalf of the State of Hawaii to all former hostages and their family members (spouse, parents and children) to visit the State of Hawaii during the month of February and March, and that it desires to provide free round-trip to the former hostages and their family members (spouse, parents and children).

We find that the reasons given by Western supporting this request are consistent with the criteria we have previously found necessary to approve this type of exemption, the exemption is consistent with the public interest, and therefore we will approve the exemption.[1] We will also extend this exemption to all other U.S. air carriers.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16,

1. We exempt all U.S. air carriers from the provisions of Section 403 of the Federal Aviation Act of 1958, and Parts 221 and 223 of the Board's Economic Regulations, insofar as the enforcement of Section 403 and Parts 221 and 223 would prevent them from providing the free transportation as described herein.

2. We will serve a copy of this order on Western Air Lines, Inc. and on all other U.S. air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

This order will be published in the Federal Register.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-5522 Filed 2-17-81; 8:45 am]
BILLING CODE 6320-01-M

[1] Western was orally notified of our approval on February 3, 1981.

[Docket 35351; Order 81-2-48]

Wien Air Alaska, Inc.; Order Fixing Final and Temporary Subsidy Rates

Issued under delegated authority February 10, 1981.

By Order 81-1-145, adopted January 28, 1981, the Board directed Wien Air Alaska, Inc. to show cause why the Board should not adopt the subsidy mail rates set forth in that order as the fair and reasonable final past period, final future period, and final temporary rates to be paid Wien for the transportation of mail over its subsidy-eligible system effective April 16, 1979.

The time designated for filing a notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parites have therefore waived the right to a hearing and all other procedural steps short of a final decision fixing the rates.

The Board, upon consideration of the record, hereby reaffirms and makes final all of the findings and conclusions set forth in Order 81-1-145.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly Sections 102, 204, and 406 thereof, and the regulations promulgated in 14 CFR 302,

It is ordered that:

1. The tenative findings and conclusions in Order 81-1-145, adopted January 28, 1981, are reaffirmed and made final.

2. This order shall be effective the date of service.

3. This order shall be served upon Wien Air Alaska, Inc., and the Postmaster General.

This order will be published in the Federal Register.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-5525 Filed 2-17-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-2-59; Docket 34426]

Tampa S.A.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81-2-59.

SUMMARY: The Board proposes to approve the following application:

Applicant: Transportes Aereos Mercantiles Panamericanos S.A. "TAMPA S.A."

Application Date: January 10, 1979, Docket: 34426, Supplemented December 16, 1980.

Authority Sought: Foreign air carrier permit to engage in the foreign air transportation of property between Medellin and Bogota, Colombia and Miami, Florida.

Objections

All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN March 6, 1981 file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Republic of Colombia in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

Addresses for Objections

Docket 34428, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 Transportes Aereos Mercantiles, Panamericanos S.A. "TAMPA S.A.", c/o Mr. Benjamin R. Achenbach, Jr., Hale Russell Gray Seaman & Birkett, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washingtopn, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Gerald Caolo, Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5134.

By the Civil Aeronautics Board: February 12, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc.81-5521 Filed 2-17-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-2-7; Docket No. 38879]

Petition of Yukon Air Service, Inc., d.b.a. Air North for the Establishment of Fair and Reasonable Service Mail Rates; Order

Correction

In FR Doc. 81-4553, on page 11569, in the issue of Monday, February 9, 1981, in the last column, the third full paragraph designated as "2.", the second to the last line, correct "80-121-116" to read "80-12-116".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Precipitated Barium Carbonate From the Federal Republic of Germany; Antidumping—Preliminary Determination of Sales at Less Than Fair Value and Suspension of Liquidation

AGENCY: U.S. Department of Commerce.

ACTION: Preliminary Determination of Sales at Less Than Fair Value and Suspension of Liquidation.

SUMMARY: The U.S. Department of Commerce has reached a preliminary determination that precipitated barium carbonate from the Federal Republic of Germany is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended. Liquidation of entries for consumption is being suspended. A cash deposit, bond or other security in an amount equal to the estimated dumping margin of 9.9 percent will be required at the time of each entry or withdrawal from warehouse. Unless there is an extension, the final determination will be made on or before May 4, 1981.

EFFECTIVE DATE: February 18, 1981.

FOR FURTHER INFORMATION CONTACT: Alain Letort, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-3524).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 9, 1980, the Department of Commerce received an antidumping petition from counsel representing FMC Corporation, Chemical Products Corporation (CPC) and Sherwin-Williams Company. The petition alleges that precipitated barium carbonate from the Federal Republic of Germany is being, or is likely to be, sold in the

United States at less than fair value. After reviewing the petition as required by section 732 of the Tariff Act of 1930, as amended (19 U.S.C. 1673a) ("the Act"), we determined that there were sufficient grounds to initiate an antidumping investigation. Therefore, on October 6, 1980, we announced the initation in the **Federal Register** (45 FR 66185).

On October 24, 1980, the United States Internaitonal Trade Commission (ITC) found that there is a reasonable indication these imports, allegedly sold at less than fair value, are materially injuring or are threatening to materially injure a U.S. industry. The ITC published its determination in the **Federal Register** on November 6, 1980 (45 FR 73812).

Product Description

This determination relates to precipitated barium carbonate, which is currently classifiable in the Tariff Schedules of the United States (TSUS) under item number 472.06. Barium carbonate is used in the manufacture of black-and-white television picture tubes. In granular form (glass grade), it is used in the glass industry. In powder form (ceramic grade), it is used in the ferrite, ceramic and chemical industries. Other applications are in the manufacture of reflective beads and photo paper, in the formulation of brine treatments, and in the production of other barium chemicals.

FAIR VALUE COMPARISONS: The Department has made fair value comparisons by comparing the purchase price to the home market price.

U.S. Price

Purchase price, as defined in section 772(b) of the Act (19 U.S.C. 1677a), was used because the price to the unrelated customer was agreed to prior to the date of importation. We calculated the purchase price on the basic of the C.I.F. duty-paid price to unrelated U.S. purchasers with deduction for German inland freight, ocean freight and insurance. We determined the purchase price for all sales to unrelated U.S. purchasers in the period April 1 through September 30, 1980.

Foreign Market Value

The home market price, as defined in section 773(a) of the Act (19 U.S.C. 1677b), was used to determine the foreign market value since there were sufficient sales of barium carbonate in West Germany to form a proper basis of comparison. Fair value was calculated on the basis of the net weighted-average price per ton of such merchandise in the home market. U.S. packing costs were added to the unpacked home market price. Claims were made for adjustments for differences in level of trade and differences in circumstances of sale. We disallowed the claim for differences in level of trade since respondent presented no evidence that the additional costs incurred in selling to end-users in the home market would not have been incurred in sales to distributors (19 CFR 353.19).

We rejected the claim for a circumstance of sale adjustment for advertising since all advertising appeared to be directed at the purchasers of the merchandise rather and were not attributable to a later sale of the merchandise as required in secton 353.15, Commerce Regulations (19 CFR 353.15).

We disallowed the claim for a circumstance of sale adjustment for technical services because the respondent did not demonstrate that the services provided were directly related to the sales under consideration. These services appeared to be of a general nature (19 CFR 353.15).

Results of Fair Value Comparisons

Using the above criteria, we found that the purchase price was lower than the foreign market value. The margins ranged from 3.3 percent to 38.96 percent, and the weighted-average margin was 9.9 percent.

We compared approximately 90 percent of the sales during the period of investigation; 91.9 percent of those were found to have been made at less than fair value.

Verification

We verified all information we relied on in making the preliminary determination at respondent's headquarters in Hannover, West Germany from corporate books and records. No discrepancies were found in the original response.

Preliminary Determination

Based on a comparison between United States prices and foreign market value in the Federal Republic of Germany, we have preliminarily determined that there is a reasonable basis to believe or suspect that exports of precipitated barium carbonate from West Germany are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673). The weighted-average margin preliminarily found was 9.9 percent.

The Department will afford interested parties an opportunity to present oral views in accordance with § 353.47, Commerce Regulations (19 CFR 353.47). This hearing is scheduled to be held, if requested, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, beginning at 10:00 a.m., March 18, 1981. Interested parties who desire such a conference should provide a written request for a conference to the Office of the Deputy Assistant Secretary for Import Administration, room 2800, at the address shown above. This request should contain (1) the name, address, and telephone number of the party requesting the conference; (2) the number of participants; and (3) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary no later than 10 days after publication of this notice. Any written views filed in accordance with section 353.46(a), Commerce Regulations (19 CFR 353.46(a)) should be filed at the address indicated above in at least 10 copies. Written views should be filed not later than March 20, 1981.

In accordance with section 733(d)(1) and (2) of the Act (19 U.S.C. 1673b), the liquidation of all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, shall be suspended. The posting of a cash deposit, bond, or other security in the amount of 9.9 percent of the f.o.b. value of precipitated barium carbonate from the Federal Republic of Germany will be required as of that date. This suspension of liquidation shall remain in effect until further notice.

In accordance with section 733(d)(3) of the Act (19 U.S.C. 1673b), we are making available to the ITC all nonprivileged and nonconfidential information related to this case. We will also make available all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

This determination is published in accordance with § 353.39(a)(2), Commerce Regulations (19 CFR 353.39(a)(2)).

Dated: February 11, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5400 Filed 2-17-81; 8:45 am]

BILLING CODE 3510-25-M

Strontium Nitrate From Italy; Antidumping; Preliminary Determination of Sales at Less Than Fair Value and Suspension of Liquidation

AGENCY: U.S. Department of Commerce.

ACTION: Preliminary determination of sales at less than fair value and suspension of liquidation.

SUMMARY: The U.S. Department of Commerce has preliminarily determined that strontium nitrate from Italy is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended. Liquidation of entries for consumption is being suspended. A cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 5.8 percent will be required at the time of each entry or withdrawal from warehouse. Unless there is an extension, the final determination will be made on or before May 4, 1981.

EFFECTIVE DATE: February 18, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Hudak, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-3530).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 9, 1980, the Department of Commerce received an antidumping petition from counsel representing FMC Corporation, Chicago, Illinois. The petition alleges that strontium nitrate from Italy is being, or is likely to be, sold in the United States at less than the fair value. After reviewing the petition as required by section 732 of the Tariff Act of 1930, as amended (19 U.S.C. 1673a) (the Act), we determined that there were sufficient grounds to initiate an antidumping investigation. Therefore, on October 6, 1980, we announced the initiation in the **Federal Register** (45 FR 66187).

On October 24, 1980, the United States International Trade Commission found that there is a reasonable indication that these imports, allegedly sold at less than fair value, are materially injuring or are threatening to materially injure a U.S. industry. The ITC published its determination in the **Federal Register** on November 6, 1980 (45 FR 73812).

Product Description

Currently classifiable under item 421.74 of the Tariff Schedules of the United States, strontium nitrate is a chemical compound used predominantly for producing red colors during combustion of pyrotechnics, such as distress signals, rockets, flares, fusees and fireworks. It is also used in the manufacture of certain pigments.

Fair Value Comparisons

Fair value comparisons have been made by comparing the purchase price to the constructed value.

Purchase Price

Purchase price as defined in section 772(b) of the Act (19 U.S.C. 1677a) was used because the price to the unrelated customer was agreed to prior to the date of importation of the merchandise. Purchase price was calculated by adding cost of packing to the f.o.b. plant price.

Foreign Market Value

Constructed value, determined in accordance with section 773(e) of the Act (19 U.S.C. 1677b), was used as the basis for foreign market value because neither the sales for exportation to countries other than the United States, nor the sales in Italy, constitute a viable market. Sabed only made these sales because they had excess tonnage from a single production run. This run occurred in February and March 1980 to fulfill a contract for sale to the sole U.S. importer, and Sabed has no intention of repeating these non-U.S. sales.

The rate of exchange used in the calculation of the foreign market value was the rate for the first quarter of 1980. This is because terms for exportation to the United States were agreed to on February 8, 1980. The rate used was determined in accordance with section 353.56, Commerce Regulations (19 CFR 353.56). Statutory profit rather than actual profit was used in the calculation of constructed value in accordance with section 773(e) of the Act (19 U.S.C. 1677b).

Results of Fair Value Comparisons

Using the above criteria, we found that the purchase price was lower than the foreign market value. The margin was 5.8 percent.

Verification

We verified all information relied on in making the preliminary determination at the respondent's offices in Italy from corporate books and records. No discrepancies were noted.

Preliminary Determination

Based on comparison between United States price and constructed value we have preliminarily determined that there is a reasonable basis to believe or suspect that exports of strontium nitrate from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673). The margin preliminarily found was 5.8 percent.

The Department will afford interested parties an opportunity to present oral views in accordance with section 353.47, Commerce Regulations (19 CFR 353.47). This hearing is scheduled to be held, if requested, at the U.S. Department of Commerce, room 3708, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, beginning at 2:00 p.m. March 18, 1981. Interested parties who desire such a conference should provide a written request for a conference to the Office of the Deputy Assistant Secretary for Import Administration, room 2800, at the address shown above. This request should contain: (1) the name, address, and telephone number of the party requesting the conference; (2) the number of participants; and (3) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary no later than 10 days after publication of this notice. Any written views filed in accordance with section 353.46(a), Commerce Regulations (19 CFR 353.46(a)) should be filed at the address indicated above, in at least 10 copies. Any written views should be filed not later than March 20, 1981.

In accordance with section 733(d)(1) and (2) of the Act (19 U.S.C. 1673b), the liquidation of all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, shall be suspended. The posting of a cash deposit, bond, or other security in the amount of 5.8 percent of the f.o.b. value, Massa, Italy of strontium nitrate will be required as of that date. This suspension of liquidation shall remain in effect until further notice.

In accordance with section 733(d)(3) of the Act (19 U.S.C. 1673b), we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will also make available all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

This determination is published in accordance with § 353.39(a)(2), Commerce Regulations (19 CFR 353.39(a)(2)).

V 4 6 / 3 2 FEB 18 81 UMI

Dated: February 11, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5459 Filed 2-17-81; 8:45 am]

BILLING CODE 3510-25-M

Exemption of Foreign Air Carriers From Customs Duties and Taxes; Request for Finding of Reciprocity (China)

Notice is hereby given that the Department of Commerce is undertaking to determine whether, pursuant to sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309 and 1317), and section 4221 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 4221), the Government of the People's Republic of China allows substantially reciprocal customs and tax exemptions to aircraft of U.S. registry in connection with international commercial operations to those exemptions granted to aircraft of foreign registry under the aforementioned statutes. The basis of this undertaking is a request by the Department of International Affairs, General Administration of Civil Aviation of China (CAAC Airline) for a finding of such reciprocity.

The above-cited statutes provide exemptions for aircraft of foreign registry from payment of import duties and certain internal revenue taxes on the import or purchase of supplies in the United States for such aircraft in connection with their international commercial operations. "Supplies" as used in this context indicates a wide range of articles used by aircraft in international operations, including fuel and lubricants, spare parts, consumable supplies, and ground handling and support equipment. These exemptions apply upon a finding by the Secretary of Commerce, or his designee, and communicated to the Department of the Treasury, that such country allows, or will allow, "substantially reciprocal privileges" to aircraft of U.S. registry with respect to imports or purchases of such supplies in that country.

Interested parties are invited to submit their views and comments in writing concerning this matter to Mr. Brant W. Free, Acting Deputy Assistant Secretary for Finance, Investment and Services, Room 4312, U.S. Department of Commerce, Washington, D.C. 20230. All submissions should be made in five copies and should be received no later than March 20, 1981.

Copies of all written comments received will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, in the Freedom of Information Records Inspection Facility, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington, D.C.

It is suggested that those desiring additional information contact Mr. C. William Johnson, International Services Division, Office of International Finance, Investment and Services, Room 2204, Washington, D.C. 20230, or call area code 202-377-5012.

Brant W. Free,

Acting Assistant Secretary for International Economic Policy.

[FR Doc. 81-5464 Filed 2-17-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development agency announces replacement of Project No. 02-10-80004-01 (Northern New Jersey CBS Center) and Project No. 01-10-80005-01 (Connecticut CBS Center) with those described below.

Funding Instrument: It is anticipated that the funding instruments, as defined by the Federal Grant and Cooperative Agreements Act of 1977, will be grants.

Program Description: The General Business Services Program of the Minority Business Development Agency (MBDA) provides technical assistance without charge to eligible minority business persons and minority-owned firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either not-for-profit or commercial entities). These firms must be capable of providing such services as preparation of business plans, financial analysis, industrial management assistance, personnel management services, marketing planning and a broad range of other business services excluding legal services.

Applications are invited for the following two projects:

1. One grant for a management and technical assistance project to operate in the Northern Section of New Jersey. The Project will operate at a cost not to exceed $419,000. The Project Number is 02-10-80013-01.

2. One grant for a management and technical assitance project to operate in the Hartford, Connecticut SMSA. The Project will operate at a cost not to exceed $110,000. The Project Number is 01-10-80014-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for these projects may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 26 Federal Plaza, Room 36-116, New York, N.Y. 10278.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal units, educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Those firms which submitted applications for projects 02-10-80004-01 and 01-10-80005-01 will recieve the specifications for the corresponding replacement. All others must rquest them.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of March 5, 1981. Applications received after that date will not be considered. Detailed submission procedures are outlined in each application kit (11.800 Minority Business Development).

(Catalog of Federal Domestic Assistance)

Note.—This program is not subject to the requirements of OMB Circular A-95.

Dated: February 9, 1981.

Carlton L. Eccles,

Regional Director.

[FR Doc. 81-5465 Filed 2-17-81; 8:45 am]

BILLING CODE 3510-21-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D444, Pentagon, Washington, D.C. 20310

Patent application 6-104,499: Preparation of TNT-Thermoplastic Polymer Granulas Readily Soluble in a TNT Melt; filed December 17, 1979.

Patent application 6-119,274: Directional Two-Axis Differential Optical Inclinometer; filed February 7, 1980.

Patent application 6-119,275: Directional Two-Axis Optical Inclinometer; filed February 7, 1980.

Patent application 6-122,639: A Fuze Data Quantizing System; filed February 19, 1980.

Patent application 6-122,780: Method and Apparatus for Calibrating Gyroscopically-Stabilized, Magnetically Slaved Heading Reference Sytem; filed February 19, 1980.

Patent application 6-128,803: Fatigue Cycle Sensor; filed March 3, 1980.

Patent application 6-128,804: Multiple Wedge Element Lens for an Ultrasonic Inspection Transducer; filed March 3, 1980.

Patent application 6-127,331: Precision Optical Inclinometer; filed March 3, 1980.

Patent application 6-133,064: Recoil Buffer; filed March 24, 1980.

Patent application 6-134,680: Cable Guide for Powered Winch; filed March 28, 1980.

Patent application 6-136,124: Composite Cored Combat Vehicle Armor; filed March 31, 1980.

Patent application 6-138,987: Radiation Energy Detector and Analyzer; filed April 10, 1980.

Patent application 6-140,369: High Rate Carbon Cathode, Method of Making, and Electrochemical Cell Including the Cathode; filed April 14, 1980.

Patent application 6-145,934: Method of Treating Sm_2Co_{17}-Based Permanent Magnet Alloys; filed May 12, 1980.

Patent application 6-148,112: Mulitpath Discriminating Antenna System; filed May 9, 1980.

Patent application 6-148,114: Method of Sweeping Quartz; filed May 9, 1980.

Patent application 6-148,324: Pulse Train Generator of Predetermined Pulse Rate Using Feedback Shift Register; filed May 9, 1980.

Patent application 6-148,428: Muzzle Position Sensor; filed May 9, 1980.

Patent application 6-150,872: Bump Stop for Trunnion-Mounted Weapon; filed May 19, 1980.

Patent application 6-152,261: Method of Delineating a Desired Integrated Circuit Pattern Upon a Circuit Substrate; filed May 22, 1980.

Patent application 6-152,287: Method of Selectively Etching a Semiconductor Substrate; filed 22 May 1980.

Patent application 6-152,920: Shaft-Component Connection Means; filed May 23, 1980.

Patent application 6-155,334: Improved Dual-Chambered High Pressure Furnace; filed June 2, 1980.

Patent application 6-155,340: Mechanism for Removing Dust Particles from an Engine Air Cleaner; filed June 2, 1980.

Patent application 6-155,341: Articulation Joint Roll Stabilizer; filed June 2, 1980.

Patent application 6-159,407: Inverter Circuit with Current Equalization; filed June 13, 1980.

Patent application 6-159,539: Radar Target Angle Measuring System; filed June 16, 1980.

Patent application 6-160,349: False Count Correction in Feedback Shift Registers and Pulse Generators Using Feedback Shift Registers; filed June 17, 1980.

Patent application 906,187: Bonding Plastic Layers; filed May 15, 1978.

Patent 4,203,115: Zero-Doppler Shift Positioning Technique; filed October 11, 1973, patented May 13, 1980; not available NTIS.

Patent 4,216,737: Revenue Metering System for Power Companies; filed August 30, 1977, patented August 19, 1980; not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, D.C. 20324.

Patent application 6-161,185: Microwave Power Level Stabilizing Circuit for Cesium Beam Frequency Standards; filed June 19, 1980.

Patent application 6-163,134: Symmetrical Diphosphatetraazacyclooctatetraenes; filed June 26, 1980.

Patent application 6-163,135: Unsymmetrical Diphosphatetraazacyclooctatetraenes; filed June 26, 1980.

Patent application 6-169,020: Temperature Sensing Assembly; filed July 15, 1980.

Patent 4,215,634: Mechanical Munition Flight Environment Sensor; filed July 28, 1978, patented August 5, 1980; not available NTIS.

Patent 4,216,338: Synthesis of Fluorocarbon Esters; filed June 8, 1979, patented August 5, 1980; not available NTIS.

Patent 4,216,723: Bomblet Fuze; filed May 31, 1977, patented August 12, 1980; not available NTIS.

Patent 4,218,928: Double Acting Delay Mechanism; filed January 5, 1979, patented August 26, 1980; not available NTIS.

Patent 4,219,845: Sense and Inject Moving Target Indicator Apparatus; filed April 12, 1979, patented August 26, 1980; not available NTIS.

Patent 4,219,936: Hole Angularity Gage; filed September 19, 1979, patented September 2, 1980; not available NTIS.

Patent 4,220,750: Thermally Stable Aromatic Enyne Polyimides; filed April 24, 1978, patented September 2, 1980; not available NTIS.

Patent 4,222,745: Indicator for Detection of SD2 Leakage; filed November 8, 1978, patented September 16, 1980; not available NTIS.

Patent 4,224,388: Hydraulic Seal Battery Terminal; filed August 28, 1979, patented September 23, 1980; not available NTIS.

Patent 4,224,515: High Accuracy Optical Shaft Encoder System; filed October 27, 1978, patented September 23, 1980; not available NTIS.

Patent 4,224,558: Selectable Servo Ratio and Dual Speed Control System for Large Centrifuge Units; filed January 10, 1978, patented September 23, 1980; not available NTIS.

Patent 4,224,607: Intruder Detector System Having Improved Uniformity of Detection Sensitivity; filed June 25, 1979, patented September 23, 1980; not available NTIS.

Patent 4,224,788: Apparatus for, and Method of, Plunge Grinding; filed December 5, 1978, patented September 30, 1980; not available NTIS.

Patent 4,225,016: Hydraulic Decelerator with Segmented Cylinder; filed February 26, 1979, patented September 30, 1980; not available NTIS.

Patent 4,225,101: Aircraft Ejection System Collision Avoidance System; filed January 9, 1979, patented September 30, 1980; not available NTIS.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, D.C. 20545

Patent application 6-107,741: Porous Electrolyte Retainer for Molten Carbonate Fuel Cell; filed December 27, 1979

Patent application 6-107,791: Direct Contact, Binary Fluid Geothermal Boiler; filed December 27, 1979.

Patent 4,209,236: Solar Central Receiver Heliostat Reflector Assembly; filed October 21, 1977, patented June 24, 1980; not available NTIS.

Patent 4,209,552: Thin Film Deposition by Electric and Magnetic Crossed-Field Diode Sputtering; filed December 18, 1978, patented June 24, 1980; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent application 6-155,877: Polymer Modified TNT containing Explosives; filed June 2, 1980.

Patent application 6-157,770: Target Acquisition Apparatus; filed June 9, 1980.

Patent application 6-165,166: Improved Gas Generant Propellants; filed July 1, 1980.

Patent application 6-170,355: A Thixotropic Restrictor, Curable at Room Temperature, For Use on Solid Propellant Grains; filed July 21, 1980.

Patent application 6-180,538: Laser Beam Directional Deviation and Noise Stabilization Device; filed August 22, 1980.

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Patent application 6–180,547: Ferrofluid Transducer; filed August 25, 1980.
Patent application 6–180,548: Low Sidelobe Linear FM Chirp System; filed August 25, 1980.
Patent application 6–184,823: Propulsion/Control Modular Booster; filed September 8, 1980.
Patent application 6–185,039: Surface Hardening by Particle Injection into Laser Melted Surface; filed September 8, 1980.

National Aeronautics and Space Administration, Assist. Gen. Couns. for Pat. Matters, NASA Code GP–4, Washington, D.C. 20546

Patent application 6–175,452; Phosphorus-Containing Bisimide Resins; filed August 5, 1980.
Patent 4,215,548: Free-Piston Regenerative Hot Gas Hydraulic Engine; filed October 12, 1978, patented August 5, 1980; not available NTIS.
Patent 4,216,186: Means for Growing Ribbon Crystals Without Subjecting the Crystals to Thermal Shock-Induced Strains; filed August 31, 1978, patented August 5, 1980; not available NTIS.
Patent 4,217,165: Method of Growing a Ribbon Crystal Particularly Suited for Facilitating Automated Control of Ribbon Width; filed April 28, 1978, patented August 12, 1980; not available NTIS.

[FR Doc. 81–5362 Filed 2–17–81; 8:45 am]
BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare Draft Enviromental Impact Statement (DEIS) for Shoreline Erosion and Beach Restoration Study Located at Maumee Bay State Park, Lucas County, OH

AGENCY: U.S. Army Corps of Engineers, Buffalo District. DOD.

ACTION: Notice of Intent to prepare a Draft Environment Impact Statement (DEIS).

PROPOSED ACTION: The proposed action would involve constructing beach and shore protection measures to deal with the shore erosion problem at Maumee Bay State Park.

Alternatives Considered

Preliminary design studies examined the feasibility of developing each of four various alternatives. Alternatives 2 and 3 have been recommended for final design. The original four alternatives are:

1. No Action, which would mean no Federal involvement in shoreline protection at Maumee Bay State Park.

2. Alternative 2, Protective Beach and Revetment—This alternative would provide for a 5,500-foot long protective sand beach with a storm dune along the western half of the park shoreline, a 450-foot long rubblemound jetty at the western end of the beach, two 250-foot jetties at the eastern end of beach at Berger Ditch, and a 5,500-foot long rubblemound revetment along the eastern half of the park. The proposed initial beach fill of 300,000 cubic yards (cy) of sand would provide a 250-foot wide recreational beach (with a mean lake level of 2.6 feet above the Low Water Datum (LWD), extending 5,500 feet east from the west park boundary. The plan would also include annual beach replenishment of an estimated 30–45,000 cy of sand to maintain the initial fill.

3. Alternative 3, Protective Beach with Detached Breakwaters and Revetment—This alternative would provide for a 5,500-foot protective sand beach with a storm dune along the western half of the park shoreline, a 250-foot long rubblemound jetty at the western end of the beach, two 250-foot jetties at the eastern end of the beach at Berger Ditch, and a 5,500-foot long rubblemound revetment along the eastern half of the park. The proposed initial beach fill of 300,000 cy would be the same as Alternative 2, except the annual beach replenishment rate would be an estimated 10–20,000 cy. Four segmented rubblemound breakwaters, each 600 feet long with 600-foot gaps between them, would be constructed from 800 to 1,000 feet offshore at a depth of 3 feet below LWD. The breakwaters would be placed parallel to the shore to help stabilize the beach.

4. Alternative 4, Protective Beach with Groin Field and Revetment—This alternative would provide for a 5,500-foot protective sand beach with a storm dune along the western half of the park shoreline, a 450-foot long rubblemound jetty at the western end of the beach, two 250-foot jetties at the eastern end of the beach at Berger Ditch, and a 5,500-foot long rubblemound revetment along the eastern half of the park. The proposed initial beach fill of 300,000 cy would be the same as Alternatives 2 and 3, except the annual beach replenishment rate would be an estimated 30–45,000 cy. The protective beach would be stabilized by four 450-foot long rubblemound groins spaced perpendicular to the shore at 1,100-foot intervals.

Public Involvement

Public involvement, primarily with the principal study participants, has been conducted during the Maumee Bay State Park study to date. A public meeting for Stage 1 (Reconnaissance Report) of the West Shore of Lake Erie Study under which this Interim study on Maumee Bay State Park is being conducted, is being planned for early summer 1981. One of the purposes of this meeting will be to present and discuss the results of the Stage 2 Interim study. Upon release of the Draft Environmental Statement, a final public meeting will be held in July 1982. Participation in these meetings by affected Federal agencies, State and local agencies, and other interested private organizations and parties is invited. The final selection of the recommended alternative will be closely coordinated with the appropriate State and local officials.

Issues

Significant issues to be analyzed in the DEIS will include a determination of the extent, in degree and kind, to which the Selected Plan and any reasonable alternatives might positively or negatively impact upon the human and natural environments, to include fish and wildlife habitat areas, vegetation, water quality, aesthetic quality of the area and cultural resources.

Scoping Meeting

No scoping meeting will be held since extensive coordination has already been conducted.

Availability

This Draft Environmental Impact Statement will be made available to the public on or about 30 April 1982.

ADDRESS: Questions about the proposed action and DEIS can be answered by William E. Butler, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207. Phone 716/876–5454.

Dated: February 10, 1981.

George P. Johnson,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81–5513 Filed 2–17–81; 8:45 am]
BILLING CODE 3710–GP–M

Defense Advanced Research Project Agency

Privacy Act of 1974; Deletion of a System Notice of Records

AGENCY: Defense Advanced Research Project Agency.

ACTION: Deletion of a system notice.

SUMMARY: The Defense Advanced Research Project Agency is deleting the system notice for system of records E DARPA 002, entitled: Biographical Sketch. This action is being taken as this system is no longer being maintained.

DATES: This deletion shall be effective March 20, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (46 FR 6533; January 21, 1980).

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, The Pentagon, Washington, DC. 20301 Tele: (Area Code 202) 695–0970.

SUPPLEMENTARY INFORMATION: The Defense Advanced Research Project Agency system notices for records systems subject to the Privacy Act of 1974 (5 USC 552a) Public Law 93–579 were published in the **Federal Register** in FR Doc. 81–897 (46 FR 6532) January 21, 1981.

M.S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 11, 1981.

[FR Doc. 81–5508 Filed 2–17–81; 8:45 am]
BILLING CODE 3810–70–M

Department of the Navy

Decision To Continue Naval Activities on the Island of Vieques

Decision: The Navy has decided to continue its activities on the Island of Vieques which include: air-to-ground and naval gunfire support training; marine landing; maneuver and artillery training operations; and the storage of ammunition.

Description of Activity

An environmental impact statement has been completed in compliance with the National Environmental Policy Act (NEPA) for the proposed continued use of the Island of Vieques for naval training. Vieques is located in the Caribbean Sea approximately seven miles southeast of Puerto Rico and 22 miles southwest of St. Thomas, U.S. Virgin Islands. Naval training activities on Vieques are conducted within an area known as the inner range, which encompasses an area extending to a limit of three miles seaward from the eastern end of the island.

Within the inner range the Atlantic Fleet's surface ships, aircraft, and marine forces carry out training in all aspects of naval gunfire support, air-to-ground ordnance delivery, air-to-surface mine delivery, amphibious landings, small arms, artillery and tank fire, and combat engineering. Two facilities comprise the inner range on Vieques: The Atlantic Fleet Weapons Training Facility (AFWTF) and the Eastern Maneuver Area (EMA). The AFWTF on Vieques occupies approximately 350 acres on the eastern tip of the island. It is tasked with providing facilities, scheduling and conducting naval gunfire support and air-to-ground ordnance delivery training for 96 Atlantic Fleet ships, 30 NATO ships, eight air wings (approximately 50 to 70 aircraft comprise an air wing), and smaller air units from Great Britain and the Puerto Rico National Guard. The 11,000 acres to the west and adjacent to the AFWTF is designated as the EMA. Fleet Marine Force, Atlantic conducts training for marine amphibious units, battalion landing teams, and combat engineering units. Brazilian, Venezuelan, Dutch and Royal Marines and Puerto Rico National Guard also utilize the EMA.

Not within the inner range, but also on Vieques, is the Naval Ammunition Facility (NAF) which occupies approximately 8,000 acres on the western tip of the island. Operated by the Weapons Department of U.S. Naval Station, Roosevelt Roads, Puerto Rico, its mission is to receive, store and issue all ordnance authorized by Roosevelt Roads Naval Station for support of Atlantic Fleet units. The activities at the AFWTF, EMA, and NAF function under the consolidated command of Commander Fleet Air, Caribbean, Commander U.S. Naval Forces, Caribbean and Commander Antilles Defense Command, whose headquarters is at U.S. Naval Station, Roosevelt Roads.

Four additional facilities or areas which are related to the inner range are the U.S. Naval Station, Roosevelt Roads, and AFWTF's outer, underwater, and electronic warfare ranges. AFWTF's range operations center, radar and communications facilities, drone (*i.e.*, unmanned, radio-controlled aircraft) launching area, and essential support functions such as emergency medical services, administrative functions, engineering command, logistics and support air squadron are located at Roosevelt Roads.

The outer range consists of two vast sea areas which cover a total of 194,000 square miles. AFWTF utilizes these areas for fleet training in missile exercises (surface-to-air, surface-to-surface, air-to-surface and air-to-air) and surface and anti-aircraft gunnery. The outer range is also used for subsonic and supersonic drones, aerial targets, MK35 seaborne power targets, towed targets, and at-sea simulator platforms (for launching drones). To monitor these exercises AFWTF has tracking stations at St. Thomas, St. Croix, and Roosevelt Roads and surveillance radar in eastern Puerto Rico.

AFWTF's underwater tracking range encompasses 21 square miles of deep water off the west coast of St. Croix. This range provides for three-dimensional tracking of surface ships, submarines, and underwater weapons.

These ranges comprise one of the largest and most technologically advanced training areas in the world. They function as an integrated unit in which Vieques plays a critical role to provide training in all aspects of naval warfare for the Atlantic Fleet and NATO units.

Alternatives Considered

The alternatives considered included:

(1) Continuation of Navy activities on Vieques;

(2) Cessation of Navy activities on Vieques, excessing the lands involved, and transferring the activity to an alternate location; and

(3) Cessation of activities without their relocation and excessing the lands involved.

For purposes of analysis the three Navy facilities on Vieques were analyzed both separately and as they interrelate. The comparative evaluation of sites used information developed during the detailed analysis of the environmental effects of naval operations on Vieques and also the results of a separate study of several possible alternate locations. Although the NEPA does not require consideration of alternative sites within the jurisdiction of countries other than United States or which are not subject to the jurisdiction of any country, in arriving at a decision in this instance the alternatives considered were not limited to sites within the jurisdiction of the United States.

The evaluation of alternatives was conducted in three steps. First, a preliminary-screening set of criteria was developed and applied to all potential sites. These criteria primarily relate to operational requirements for the various activities with distance from Roosevelt Roads, land mass, topography, and existing population as the primary measures of possible acceptability.

Thirty alternative sites for AFWTF, EMA, or NAF activities were originally considered. All these sites are within 200 miles of U.S. Naval Station, Roosevelt Roads. After the initial screening a total of eight alternative sites satisfied the criteria for one or more activities. There were six alternatives (including Vieques) for AFWTF, five for EMA, and seven for NAF. Only four sites (Vieques, Culebra, Mona and Saona) qualified for all three activities. Only Vieques was large enough to accommodate some degree of simultaneous operation of all three activities.

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Environmental evaluation criteria were developed in order to compare the impacts of alternatives. These criteria included physical and natural invironmental factors, a broadly defined array of cultural factors, and socio-political factors. The factors derive from considerations which are environmentally important for projects which require considerable land area and for specific types of activity impact (*e.g.*, population within a specified aircraft noise contour).

The cultural criteria stressed the relationships of population and economic activities to the land requirements for a range facility. Economic growth potential and tourist potential in prticular were singled out as separate criteria because of the likelihood that islands or other places considered could have this potential in varying degrees but might not yet have achieved significant development. This category was evaluated on the basis of infrastructure (present or proposed), location, and the availability of physical or natural resources for development. Land ownership patterns, land use policy, and agricultural and forestry resources were evaluated in order to indicate the varieties of impacts on existing and future land use. Because of the nature of naval activities, sea lanes and air traffic space which would require restrictions were evaluated, as was the effect of noise on the population. Archaeological and historical sites were evaluated using applicable criteria.

The cost of each alternative was evaluated in terms of estimated capital costs for constructing facilities and costs for operating. Evaluation of cost was carried out on an order of magnitude basis in order to obtain an approximate level of cost by which to compare the alternatives.

In the final analysis, all of the foregoing factors were given a quantitative weight or value and each alternative was given a quantitative rating for that factor. Each alternative then earned a composite score which was the sum of the products of weights and ratings. The alternative with the highest score was deemed the preferred alternative. Evaluation of AFWTF, EMA, and NAF alternatives lead to the conclusion that it is difficult to justify relocating an activity which is considered vital to national defense and which has been satisfactorily operating at a location for many years in an environmentally acceptable manner. The alternatives analysis found that continued use of Vieques is the preferable alternative for all three operations.

Discussion of Environmental Impacts and Mitigative Measures

The environmental impacts on Vieques and appropriate mitigative measures considered include:

—Use of explosive ordnance. Marine maneuvers and normal facility maintenance and construction procedures which have minor impacts on the topography of the island and create localized soil erosion problems. These impacts are subject to simple mitigative procedures.

—Fugitive dust and other air pollutants generated by naval training activities. These impacts are minor and can be largely mitigated by such actions as surfacing or otherwise treating heavily traveled roads on Navy land.

—Adverse effect on limited areas of terrestrial vegetation by Navy operations. This includes scrub vegetation in the target areas, lowlands forest in the maneuver area, and mangroves in several parts of the island. Most of these adverse impacts are subject to mitigation, with the exception of some continuing damage to existing vegetation in and around targets on the eastern end of the island and in the maneuver area. Vegetation which will continue to be affected is of limited ecological value and impacts on it will be minor if mitigative measures are implemented.

—Minor impacts on wildlife, resulting from indirect losses due to the impact on habitat and occasional losses of individuals from stray ordnance. Positive impacts include the sanctuary effect which results from restricted access to Navy lands. A Biological Opinion of the United States Fish and Wildlife Service made pursuant to Section 7 of the Endangered Species Act states that naval activities are not likely to jeopardize the continued existence of manatee, brown pelican, loggerhead turtle, green turtle, leatherback turtle or hawksbill turtle or adversely modify habitat essential to these species' existence. The United States Navy and the Fish and Wildlife Service have entered into a Cooperative Plan Agreement for the conservation and development of wildlife resources and natural habitat on Cayo Conejo to protect the brown pelican population.

— Limited damage caused by bombing and shelling at the AFWTF target area. The ecologic balance in the waters around Vieques is largely unaffected by Navy activities on the island, except for this limited damage. Such essentially unavoidable impact results in minor damage to coral communities and loss of small numbers of fish, but does not threaten the overall viability or productivity of the marine community or threaten endangered species at Vieques.

— Navy ownership and continued use of about 68% of Vieques, preventing alternative uses of the island. As a result, much of the island remains undeveloped despite economic growth pressures in the area. The island offers a potential for large-scale tourism or resort development, but this is unlikely to occur so long as the Navy retains control of the majority of the island's land.

— A negative effect on local fishermen resulting from restriction of access to fishing areas near the eastern end of the island. This impact is mitigated by allowing fishermen into the fishing grounds to the extent possible.

— Both positive and negative effects on archaeological and historic sites on the island resulting from Navy activities. Inventory forms for 34 sites have been submitted to the Keeper of the National Register of Historic Places for determination of eligibility. A cultural resources plan and a Memorandum of Agreement are being developed in cooperation with the Advisory Council on Historic Preservation and the Historic Preservation Officer for Puerto Rico.

— Minor negative impacts on the civilian community due to noise and vibration related to naval activities. These impacts are subject to mitigative measures such as improved sound-focusing projections and do not pose a serious long-term problem to local residents.

Unavoidable Adverse Effects

In reaching the decision to continue Navy activities on Vieques it is recognized that there are certain adverse effects upon the environment which cannot be avoided. These impacts are inherent in Navy activities and, although subject to mitigation, cannot be totally eliminated if the Navy's use of the island continues.

The AFWTF activities on the eastern end of the island of necessity will continue occasionally to destroy or damage individual plants, fish, reefs, or animals in the vicinity of targets. It should be pointed out, however, that the impact resulting from planned activities on the aquatic and terrestrial environment is considered minor and will not affect the productivity and function of these ecosystems as a whole.

Noise from ordnance detonation and associated ground-borne vibrations will continue, but the distance from civilian populations is such that levels are within acceptable limits. Air emissions associated with AFWTF training exercises, because of their highly localized effects, have a negligible impact outside the inner range. The use of the impact areas by AFWTF for training prevents any other use of this land, and in that sense can be viewed as a long-term adverse effect. This is balanced, however, by the beneficial sanctuary effect that Navy ownership has for wildlife and vegetation, especially for endangered species.

In the Eastern Maneuver Area (EMA), marine amphibious landings and maneuvers cause some similar damage to vegetation, and generated noise and vibration in the EMA result in a negligible impact upon population centers. Potential adverse effects upon sensitive ecological areas or archaeological sites will be avoided by use of mitigative measures. As with AFWTF, military use of the EMA precludes most other uses of the land. However, the maneuver area can be used for cattle grazing, limited civilian recreation and some special agriculture. This serves to preserve the land in an undeveloped state.

On the Western end of Vieques, the Naval Ammunition Facility operation has few adverse impacts other than precluding use of the land for other purposes. The land is preserved for wildlife and vegetation, with limited recreation and cattle grazing authorized.

Mitigation

In order to mitigate the impacts discerned during the analysis of the Navy's use of Vieques, a series of actions has been developed to address the several distinct issues involved. These issues were organized under the headings of: operations and facilities management; archaeological and cultural resources management; rare and endangered species management; land transfer and land needs evaluation; community relations; and land and facilities management planning. Numerous mitigative recommendations which evolved from this approach have been incorporated as integral components of the environmental plan for Navy activities on Vieques. These mitigative proposals will have the effect of keeping to a minimum the impacts on the natural, cultural, and social entities affected and should continuously keep the need for environmental concerns at the forefront in Navy planning.

Basis for Decision

Continuation of naval activities on the Island of Vieques provides benefits which offset the adverse environmental effects discerned. The primary purpose of naval activities on Vieques is to ensure combat readiness of the Atlantic Fleet by providing advanced training of individual air, sea, and land units and combat groups engaged in combined operations (*i.e.*, operations carried out by a combination of air, sea, and land forces). The nation depends on the Atlantic Fleet to provide strategic nuclear deterrance, maintain sea lines of communications (especially major oil routes from the Middle East and South America), and deploy forces overseas if the need arises.

The nationa strategy of the United States is significantly influenced by this nation's insular position on the North American continent. Because geopolitical considerations dictate a forward strategy, national security cannot be assured without a balance of maritime superiority in favor of the United States and its allies. The Atlantic Fleet is one of the principal forces required to achieve and maintain the maritime superiority. Continuation of naval activities such as those in Vieques, therefore, is beneficial to the nation because it helps to ensure that the Atlantic Fleet will fulfill the mission on which the nation depends.

As a result of the thorough and analytical alternatives-analysis procedure conducted to choose among the three feasible alternatives available, it was determined that the first alternative, the continuation of Navy activities on Vieques, was the most reasonable and beneficial.

Training at Vieques is of the most advanced nature, and it is the last stage in the Navy's training program. The final stage in the training cycle is necessary because of the complexity of modern weapon systems themselves and the complex procedures required to utilize the systems in combat situations. More importantly, advanced training is required to mold the combined sea, land, and air forces into an effective combat group which is capable of deterring simultaneous attacks of enemy sea, land, and air forces.

In order to maintain combat readiness and test new weapons systems and tactics, the Atlantic Fleet units and groups alternate between training and tours of duty in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean and Mediterranean Seas. Because the Fleet is constantly performing its mission and is in contact with potentially hostile forces on a day-to-day basis, maintenance of combat readiness is essential. The Vieques range is the keystone in the training process. As concluded by the alternatives analysis, the range at Vieques is the best alternative in terms of operational, environmental and cost considerations for providing advanced training for the Atlantic Fleet.

Conclusions

In short, the Final Environmental Impact Statement (FEIS) supports a conclusion that the proposed continuation of Navy activities on Vieques will have not significant impact on the environment beyond that which has been occurring during the more than 20 years these activities have been carried out on Vieques prior to the preparation of the FEIS. In fact, the mitigation plans developed will surely reduce some of the impacts felt in the past. The analytical framework designed and the volume of information compiled in support of the search for the proper alternative are clear and unambiguous. There is ample evidence to support the choice of the alternative to continue the Navy's activities on Vieques.

For further information, contact: Mr. E. W. Johnson, Environmental Protection and Occupational Safety and Health Division, Office of the Deputy Chief of Naval Operations (Logistics), Rm BD 766, The Pentagon, Washington, D.C. 20350, telephone (202) 697–3639.

Dated: February 11, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81–5512 Filed 2–17–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Proposed Designation of Off-Limits Area

AGENCY: Department of Energy.

ACTION: Proposed designation of Rocky Flats Plant site as Off-Limits Area in accordance with 10 CFR Part 860.

SUMMARY: The Department of Energy proposes to designate the Rocky Flats Plant site an off-limits area in accordance with 10 CFR Part 860, making it a federal crime under 42 U.S.C. 2278a for unauthorized persons to enter into or upon the Rocky Flats Plant site. If unauthorized entry into or upon the plant site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine or not more than $5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the plant site is into area not enclosed by a fence, wall, roof, for other standard barrier, conviction for such unauthorized entry may result in a fine of not more than $1,000.

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On January 5, 1981, the United States Court of Appeals for the Tenth Circuit in *United States v. Jonathan Seward, et al.*, Nos. 79–1711 through 79–1728, 79–1745, 79–1749, 79–1750, 79–1754, 79–1757, 79–1777 through 79–1790, 79–1795, 79–1800, 79–1802 through 79–1804, 79–1809, 79–1811, 79–1812, 71–1815 through 79–1817, 79–1822, through 79–1835, 79–1848 through 79–1855, 79–1857, 79–1858, 79–1860, 79–1861, 79–1931, 79–1932, 79–1934, 79–1936 through 79–1945, and 79–2037, issued a decision invalidating eighty-six trespass convictions on the ground that the Department of Energy's designation of boundaries at the Rocky Flats Plant site published in the **Federal Register** on April 13, 1979 did not comply with the provisions of the Administrative Procedure Act, 5 U.S.C. 551, *et seq.* Pending any review of the decision of the Court, the Department of Energy, in deference to the Court, is publishing this proposed designation in accordance with the procedural requirements of 5 U.S.C. 551, *et seq.* and 42 U.S.C. 7191, *et seq.*

DATE: Comments must be received on or before March 20, 1981.

ADDRESSES: Send written comments to: Assistant Secretary for Defense Programs (DP–1), United States Department of Energy, Room 5–F–043, Forrestal Building, 1000 Independence Ave., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Jo Ann Williams, (202) 252–6867.

SUPPLEMENTARY INFORMATION:

A. Comment Procedure

Interested persons are invited to submit written comments with respect to the proposed designation. Comments should be identified on the outside of the envelope as "Comments on Rocky Flats." All written comments filed pursuant to this notice will be available for inspection and copying during normal business hours at the Department of Energy public document rooms at the following locations:

Washington, D.C., U.S.D.O.E., Forrestal Building, 1000 Independence Ave., S.W.;
Albuquerque, New Mexico, Albuquerque Operations Office, U.S.D.O.E., Kirtland Air Force Base East;
Lakewood, Colorado, Regional Office, U.S.D.O.E., 1075 So. Yukon St.

B. Miscellaneous

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy of large numbers of individuals or businesses. Accordingly, no public hearing is required.

For the same reasons DOE has determined that these regulations are not "significant" as that term is defined by DOE in its notice of "Regulatory Reform-Improving Government Regulations," 44 FR 1032, January 3, 1979, in implementation of Executive Order 12044.

DOE has determined that initial and final regulatory flexibility analyses required by Sections 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations since they would not exert; if promulgated, a significant economic impact on a substantial number of small entities.

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, do not apply.

DOE has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821, and OMB Circular A–107.

Notice is hereby given that the Department of Energy, pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the **Federal Register** on July 9, 1975 (40 FR 28789, 28790), and Section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), proposes to designate the Rocky Flats Plant Site as an off-limit area and to prohibit the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon the Rocky Flats Plant Site of the Department of Energy, such site being the tracts of land located in Jefferson and Boulder Counties, Colorado, the aforesaid tracts being more particularly described as follows:

1. A tract of land primarily in Jefferson County, Colorado, with a small tract of Boulder County, Colorado, being contained in part of all of Section 1 through 4 and 9 through 15, Township 2 South, Range 70 West, Jefferson County, and Section 35 Township 1 South, Range 70 West, Boulder County, being described more particularly as follows:

Beginning at a point on the NW¼ Section 15, coordinates N 31806.92/E 14979.26, proceed S 00° 12′ 53″ E for 2656.90 feet; Thence S 89° 56′ 47″ E for 2659.72 feet; Thence N 89° 27′ 20″ E for 2706.57 feet; Thence N 89° 57′ 26″ E for 5258.00 feet; Thence S 89° 45′ 01″ E for 2657.68 feet; Thence S 89° 29′ 40″ E for 2647.70 feet; Thence N 00° 19′ 16″ W for 2666.68 feet; Thence N 00° 17′ 51″ W for 2499.30 feet; Thence N 89° 26′ 47″ E for 50.00 feet; Thence N 00° 17′ 51″ W for 125.00 feet; Thence N 00° 20′ 43″ W for 2687.19 feet; Thence N 00° 03′ 12″ E for 2627.80 feet; Thence S 89° 41′ 19″ W for 66.50 feet; Thence N 00° 21′ 24″ W for 2829.19 feet; Thence N 00° 20′ 46″ W for 1210.57 feet; Thence along the Southerly right-of-way of Colorado State Highway 128 for a distance of 14,709.42 feet to a point on the north line of Section 3, a distance of 755.73 feet from the North ¼ corner of Section 3. Thence S 89° 34′ 50″ W for 1852.97 feet; Thence S 89° 58′ 03″ W for 2875.28 feet; Thence N 89° 56′ 23″ W for 1335.90 feet; Thence S 00° 31′ 12″ E for 2601.34 feet; Thence S 00° 41′ 29″ E for 2824.66 feet; Thence S 00° 02′ 15″ E for 5348.28 feet; Thence N 88° 26′ 46″ E for 1306.99 feet; Thence N 88° 27′ 16″ E for 2640.02 feet; Thence S 00° 12′ 41″ E for 2701.13 feet to point of beginning. The following parcel of land is excepted from the plant site:

Beginning at a point N 80° 39′ 17″ E for 42.70 feet East of the Northeast corner of the SE¼ of Section 12, thence S 00° 33′ 54″ W for 585.15 feet; thence N 89° 26′ 06″ W for 50.00 feet to the true point of beginning of the excepted parcel; thence S 89° 39′ 17″ W for 70.00 feet; thence S 00° 20′ 43″ E for 140.00 feet; thence N 39° 11′ 12″ E for 112.00 feet; thence N 00° 06′ 15″ W for 55.00 feet to point of beginning.

2. A perpetual and assignable easement and right-of-way for the location, construction, operation, maintenance, and patrol of an access road in, on, over, and across the land described below, including, but not limited to the right to enclose the land with a fence and the right to construct and maintain on said land a guard house or station house:

A tract of land in Section 9, Township 2 South, Range 70 West, of the 6th P.M., Jefferson County, Colorado, which adjoins the Plant and which is described as follows:

Beginning at the SW corner of Section 9, proceed N 00° 03′ 26″ W for 200.00 feet; thence N 88° 26′ 46″ E for 1306.99 feet; thence S 00° 02′ 15″ E for 200.00 feet; thence S 88° 26′ 46″ W for 1306.99 feet to point of beginning.

3. Three perpetual and assignable easements and rights-of-way (referred to hereinafter as Tract 14–E, Tract 12–E, and Tract 6–E) in, on, over, and across the lands described below, for the location, construction, operation, and maintenance of a water pipeline and a railroad spur track, subject to easements and rights-of-way reserved:

a. Tract 14–W is a tract of land which adjoins both the Plant and Tract 12–E and is described more particularly as follows:

A tract of land 100 feet in width, situated in Section 16, Township 2 South Range 70 West of the 6th Principal Meridian, Jefferson County, Colorado, being more particularly described as follows: Beginning at a point on the South line of said Section 16, said point being North 89° 30′ East, 1236.70 feet from the Southwest corner of said Section 16; thence, from said point of beginning, North 03° 42′ East, 455.40 feet; thence along a 00° 59′ 28″ curve to the right, 353.14 feet; thence North 07° 12′ East, 2514.30 feet; thence along a 06° 19′ 54″ curve to the left, 194.26 feet; thence North 05° 06′ West, 771.30 feet; thence along a 07° 28′ 40″ curve to the right, 1138.71 feet; thence North 80° 03′ East, 1813.20 feet; to a point on the North line of said Section 16, said point being South 88° 13′ 30″ West 1256.10 feet from the Northeast corner of said Section 16; thence North 88° 13′ 30″ East, along the North line of said Section 16, 703.30 feet; thence South 80° 03′ West, 2509.30 feet; thence along an 8° 36′ 04″ curve to the left, 989.99 feet; thence South 05° 06′ East, 771.30 feet; thence along a 05° 42′ 04″ curve to the right, 215.75 feet; thence South 07° 12′ West, 2514.30 feet; thence along a 01° 00′ 32″ curve to the left, 346.92 feet; thence South 03° 42′ West, 448.00 feet, to the South line of said Section 16; thence South 89° 30′ West, along the South line of said Section 16, 100.30 feet to the point of beginning.

b. Tract 12–E is a tract of land which adjoins both Tract 14–E and Tract 6–E and which is described more particularly as follows:

A strip of land 100 feet in width situated in the N½ NW¼ and the SW¼ NW¼ of Section 21, T 2 S, R 70 W, Sixth Principal Meridian, Jefferson County, Colorado, said strip being more particularly described as follows:

Beginning at a point on the South line of the SW¼ NW¼, T 2 S, R 70 W, Sixth Principal Meridian, Jefferson County, Colorado, which bears North 89°22′10″ East, 1050.1 feet from the West ¼ corner of said Section 21; thence North 03°42′ East, 2661.40 feet to a point on the North line of said Section 21, which point bears North 89°30′ East 1236.7 feet from the NW corner of said Section 21; thence North 89°30′ East along said North line of Section 21 a distance of 100.30 feet; thence South 03°42′ West, 2661.20 feet to a point on the South line of the SW¼ NW¼ of said Section 21; thence South 89°22′10″ West, 100.30 feet of the points of beginning.

c. Tract 6–E is a tract of land, which adjoins both Tract 12–E and the Denver & Rio Grande Western Railroad main line and is described more particularly as follows:

A tract of land situated in the North Half of the Southeast Quarter of Section 20 and the Northwest Quarter of the Southwest Quarter of Section 21, Township 2 South, Range 70 West of the Sixth Principal Meridian, Jefferson County, Colorado, more particularly described as follows: Beginning at a point on the West line of said Section which bears South 00°25′ East, 823.10 feet from the West quarter-corner of said Section; thence South 82°53′East 28.70 feet; thence Northeasterly along curve to the left, tangent to the last recited course and having a radius of 905.37 feet, for a distance of 1474.40 feet to a point on the North line of the Northwest Quarter of the Southwest Quarter of said Section 21 which bears North 89°22′10″ East, 1050.10 feet from the West quarter-corner of said Section 21; thence North 89°22′10″ East, along the North line of the Northwest Quarter of the Southwest Quarter of said Section 21, 100.30 feet; thence South 03°42′West, 5.80 feet; thence Southwesterly along a curve to the right, tangent to the last recited course and having a radius of 1005.37 feet, for a distance of 1490.00 feet to a point on the North right-of-way line of the main line tract of the Denver & Rio Grande Western Railroad Company; thence Northwesterly, along the said North right-of-way line, 1687.00 feet; thence North 89°59′ East, 393.00 feet; thence Easterly along a curve to the right, tangent to the last recited course and having a radius of 1482.69 feet and a central angle of 07°06′, for a distance of 184.50 feet; thence South 82°53′ East, 935.30 feet to the point of beginning.

The attached map [1] of the Rocky Flats Plant Site depicts in general the tracts referred to in this designation.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and penalties of 10 CFR 860.5 will be posted at all entrances of said tracts and at intervals along its perimeters' as provided in 10 CFR 860.6.

Dated at Washington, D.C. this 30th day of January, 1981.

Phillip E. Coyle III,

Acting Assistant Secretrary for Defense Programs.

[FR Doc. 81–5527 Filed 2–17–81; 8:45 am]

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[1] Map filed as part of the original document.

Economic Regulatory Administration

Koch Industries, Inc.; Amendment of Proposed Remedial Order; Opportunity for Objections

AGENCY: Department of Energy.

ACTION: Notice of Amendment of Proposed Remedial Order for Koch Industries, Inc. and Notice of Opportunity for Objections.

Pursuant to 10 CFR 205.192(c) the Special Counsel for Compliance, Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its amendment of a proposed Remedial Order which was issued to Koch Industries, Inc. (Koch), Wichita, Kansas on September 21, 1980. (This matter is independent of and unaffected by the proposed consent order between Koch and Special Counsel published in 46 FR 6100 (January 28, 1981)).

The unamended Proposed Remedial Order set forth findings of fact and conclusions of law concerning Koch's failure to supply two retail outlets in Austin, Texas with motor gasoline. The outlets are presently owned by Startex Petroleum, Inc. (Startex) with one outlet being operated by Startex and the other being operated by Startex's lessee, Beverage Barn Drive Thru (BBDT). According to the order, Koch (the base period supplier) sold these stations to Startex in August, 1979, pursuant to a contract which attempted to terminate Koch's base period supply obligation. However, approval of the Department of Energy was not obtained as required by 10 CFR 211.9(a)(2)(i) until August 18, 1980. The Proposed Order cited Koch's consistent refusal to supply these outlets between August, 1979 and August, 1980 as a violation of 10 CFR 211.9(a)(1).

The amendments change the period of the violation to include October, 1980. This change was based on the new finding of fact that on October 8, 1980 the Department of Energy rescinded its August 18, 1980 approval of the termination of the supplier/purchaser relationship between Koch and the two retail outlets.

The unamended order required Koch to offer to supply each station with its base period entitlement of gasoline which Koch withheld from August, 1979 to August, 1980 at the prices in effect at the time the gasoline should have been supplied.

The amended order now requires Koch to also supply each station with its base period entitlement of gasoline which Koch withheld in October, 1980. In addition, Koch is ordered to supply

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each station with its base period entitlement in all subsequent months.

Any persons may obtain a copy of the Amended Proposed Remedial Order, with confidential information deleted, from the ERA. Requests may be addressed to: Milton Jordan, Director, Division of Freedom of Information, Forrestal Building, Room 1G–051, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

On or before March 5, 1981, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. If a Notice of Objection is not filed, the Proposed Remedial Order may be issued as a final order. Such notice should be filed with: Office of Hearing and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

Issued in Washington, D.C., on Feb. 6, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81–5353 Filed 2–17–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RA80–116]

ABC Union Cab Co.; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal. On January 29, 1981 petitioner requested an extension of time to file comments on the proposed order issued by the presiding officer.

The request for extension of time is granted and comments on the proposed order may be filed by February 25, 1981. By the same date each participant that disagrees with this tentative conclusion on the mootness of the case shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5428 Filed 2–17–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA80–51]

Alameda Texaco; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 F.R. 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5429 Filed 2–17–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA81–4–000]

American Motohol Supply Corp.; Requesting Supplemental Filing

February 12, 1981.

On January 28,-1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5430 Filed 2–17–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA80–18]

Bud's "66"; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5431 Filed 2–17–81; 8:45 am]

BILLING CODE 6450–85–M

[Projects Nos. 3378–000 and 3532–000]

Cascade Water Power Development Corp.; Ochoco Irrigation District; Application for Preliminary Permit

February 11, 1981.

Take notice that Cascade Water Power Development Corporation and Ochoco Irrigation District (Applicants) filed on August 25, 1980 and October 7, 1980, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 3378 and 3532, respectively, to be known as the Ochoco Project located on Ochoco Creek in Crook County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. David Holzman, Cascade Water Power Development Corporation, P.O. Box 246, June Lake, California 93529, and Mr. LaSelle E. Coles, Ochoco Irrigation District, P.O. Box 6, 1001 North Deere, Prineville, Oregon 97754. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a penstock located in the outlet works of the Ochoco Irrigation District's (Ochoco) existing Ochoco Dam; (2) a powerhouse containing a single generating unit; and (3) a short transmission line. Cascade Water Power Development Corporation's (Cascade) project would have a capacity of 1.2 to 2.4 MW. Ochoco's project would have a capacity of 1.6 MW.

Cascade and Ochoco estimate that the average annual energy output of their projects would be 5.2 to 8.5 and 4.0 GWh, respectively.

Purpose of Project—Applicants would sell project energy.

Proposed Scope and Cost of Studies under Permit—Applicants propose conducting feasibility studies to determine the technical, economic and financial feasibility of the project. Cascade and Ochoco estimate the cost of their studies would be $57,000 and $42,000, respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980)). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Reponsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in reponse to this notice of application for preliminary permit for Projects Nos. 3378 and 3532. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC., 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, DC., 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5436 Filed 2–17–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3606–000]

City of Yelm, Washington and Pacific Hydro, Inc.; Application for Preliminary Permit

February 11, 1981.

Take notice that The City of Yelm, Washington and Pacific Hydro, Inc. (Applicant) filed on November 24, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3606 to be known as Bumping Lake Dam located on Bumping River in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert H. Sherman, P.O. Box 572, 14030 Yelm Highway SE, Yelm, Washington 98597. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 4,400-foot long, 8-foot diameter penstock at the Water and Power Resource Service's Magic Dam; (2) a 6.2-mile concrete lined open flume; (3) a 5.4-mile, 10-foot diameter, concrete lined tunnel; (4) a powerhouse containing two generating units with a combined capacity of 22,500 kW; and (5) an 8-mile long transmission line.

The Applicant estimates that the average annual energy output would be 191.1 GWh.

Purpose of Project—The power generated by the proposed project would be sold to the Bonneville Power Administration.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would assess the environmental and social impacts; make engineering studies; and determine the feasibility of the project.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this

notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 15, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3606. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Application specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5440 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-159-000]

Colorado Interstate Gas Co.; Application

February 11, 1981.

Take notice that on January 23, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-159-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, and operation of additional compression facilities at Applicant's existing Desert Springs compressor station, Sweetwater County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its present compressor configuration is inadequate to meet Applicant's contract volume requirements in the Desert Springs Field and the seasonal needs of its customers.

Applicant, therefore, proposes to construct and operate one additional 800-horsepower compressor unit at its Desert Springs compressor station.

Applicant asserts that the proposed compressor addition would allow Applicant to increase the 1982 winter-day volumes by approximately 10,000 Mcf above present levels and enable the annual contract volume of 12,400,000 Mcf to be produced from the Desert Springs Field.

Applicant estimates that the total cost of the proposed facilities would be $99,000 which would be financed from current funds on hand, funds from operations, short-term borrowings or long-term financing.

Any person desiring to be heard or to make any protest with references to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5432 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-154-000]

Columbia Gas Transmission Corp.; Application

February 11, 1981

Take notice that on January 21, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-154-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities in McKean County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to purchase approximately 15.7 miles 6-inch and 8-inch pipeline located in McKean County, Pennsylvania, from Columbia Gas of Pennsylvania, Inc. (Columbia Pennsylvania).

Applicant states that the pipeline proposed for acquisition is a portion of Columbia Pennsylvania's Line D-4002 which has been removed from utility service as it is not longer useful therein.

Applicant further states that the pipeline traverses an area containing producing oil wells from which Applicant intends to purchase casinghead gas presently being vented and flowed. Applicant would transport such gas to its existing transmission system by means of the proposed facilities.

Applicant anticipates that during the first year of operation 1,000 Mcf per day would be available and after producers complete construction of gathering lines approximately 4,000 Mcf to 5,000 Mcf per day would ultimately be available.

Applicant estimates that the net book value of the acquisition proposed would be $11,352.00 which cost would be financed from internally generating funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is simply filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5433 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-253-000]

Consumers Power Co.; Filing

February 12, 1981.

The filing Company submits the following:

Take notice that on February 2, 1981, Consumers Power Company (Consumers Power) tendered for filing a Coordinated Operating Agreement and the Delhi Interconnection Facilities Agreement between Consumers Power and the Board of Water and Light of the City of Lansing, Michigan. (Lansing)

Consumers Power states that each Agreement is effective on February 1, 1981 and is effective until terminated by mutual consent or upon 60 months written notice by either party to the other. Consumer Power further states that these Agreements cancel and supersede on their effective date an existing Interconnection Agreement between Consumers Power and Lansing dated October 7, 1979 that is on file with FERC and which has been designated Consumers Power Company Rate Schedule FPC No. 31.

An person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5434 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-251-000]

Consumers Power Co.; Contract Filing

February 12, 1981.

The filing company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on February 2, 1981 submitted for filing a contract for wholesale electric service with the City of Harbor Springs, Michigan. Consumers Power states that the contract provides for service to a second delivery point and will be effective on the date that service to the second delivery point is begun, expected to be on or after February 1, 1981. Consumers Power states that rates charged under the contract are those established for wholesale service in Docket No. ER80-55, as they may be amended from time to time.

Consumers Power states that copies of the filing were served on the City of Harbor Springs and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Engery Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5435 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-11-000]

Courtesy Fuel, Inc.; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

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By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5420 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 364]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 11, 1981.

JD NO	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION					
-CHAMPLIN PETROLEUM COMPANY		RECEIVED: 01/26/81	JA: KS		0.0 CITIES SERVICE GAS C
0114323 79-0932	1500700000	108 DAVIS RANCH 7 NO 1	AETNA		
LOUISIANA OFFICE OF CONSERVATION					
-AMERADA HESS CORPORATION		RECEIVED: 01/23/81	JA: LA		47.0
0114209 81-42	1709920702	102 DOW-NORMAN #1	MURPHYS LAKE		
-BOUCAU COMPANY		RECEIVED: 01/23/81	JA: LA		12.4 UNITED GAS PIPE LINE
0114160 81-9	1703320319	108 HOSS RA SU 16 9TOCAW COMPANY	CASTOR		
-CEAA GAS CORP		RECEIVED: 01/23/81	JA: LA		
0114159 81-19	1711122020	108 HSC NO 13	MONROE GAS FIELD		0.0 INTERNATIONAL MINERA
0114152 81-17	1711122021	108 HSC NO 14	MONROE GAS FIELD		0.0 INTERNATIONAL MINERA
0114153 81-18	1711122022	108 HSC NO 15	MONROE GAS FIELD		0.0 INTERNATIONAL MINERA
0114151 81-20	1711121701	108 HSC NO 5	MONROE GAS FIELD		0.0 INTERNATIONAL MINERA
-CUSTER K PRIMOS		RECEIVED: 01/23/81	JA: LA		
0114109 81-75	1707321349	108 LIEBER ESTATE #1	MONROE		6.0 MID LOUISIANA GAS CO
-D J SIMMONS & CO OF LA		RECEIVED: 01/23/81	JA: LA		
0114180 81-63	1707300214	108 UNION DARBONNE #17	MONROE GAS		8.0 UNITED GAS PIPELINE
0114192 81-61	1707300511	108 UNION-COLE #Y-1	MONROE GAS		0.0 UNITED GAS PIPE LINE
0114193 81-62	1707300512	108 UNION-COLE NO 2-1	MONROE GAS		0.0 UNITED GAS PIPE LINE
-EXCALIBUR RESOURCES INC		RECEIVED: 01/23/81	JA: LA		
0114132 81-8	1703121341	103 CONTINENTAL CAN A-41	RED RIVER BULL BAYOU		300.0 LOUISIANA INTRASTATE
0114131 81-47	1703121340	103 WILMER LEINDECKER #1	RED RIVER BULL BAYOU		100.0 LOUISIANA INTRASTATE
-EXXON CORPORATION		RECEIVED: 01/23/81	JA: LA		
0114120 81-110	1710921984	107 LATERRE CO INC NO 35	LIRETTE		1800.0 COLUMBIA GAS TRANS C
-FARRELL & CO OF LOUISIANA		RECEIVED: 01/23/81	JA: LA		
0114112 81-73	1706700347	108 STATE OF LA #27	MONROE GAS		0.5 UNITED GAS PIPELINE
-FLYNN ENERGY CORP		RECEIVED: 01/23/81	JA: LA		
0114163 81-7	1710100000	107 WILLIAMS INC NO 1	GARDEN CITY		1500.0 UNITED GAS PIPE LINE
-GLENDA PETROLEUM CORP		RECEIVED: 01/23/81	JA: LA		
0114139 81-65	1711122044	108 EXXON 11 #1 S/N 165665	MONROE 6824		5.5 MID LA GAS CO
0114134 81-76	1711122117	108 EXXON 11 #10 S/N 166200	MONROE		6.0 MID LA GAS CO
0114138 81-55	1711122119	108 EXXON 11 #12 S/N 166341	MONROE		5.6 MID LA GAS CO
0114146 81-68	1711122122	108 EXXON 11 #15 S/N 166344	MONROE		5.6 MID LA GAS CO
0114144 81-70	1711122123	108 EXXON 11 #16 S/N 166320	MONROE		5.6 MID LA GAS CO
0114140 81-66	1711122045	108 EXXON 11 #2 S/N 165666	MONROE		5.5 MID LA GAS CO
0114141 81-67	1711122046	108 EXXON 11 #3 S/N 165667	MONROE		5.5 MID LA GAS CO
0114147 81-57	1711122047	108 EXXON 11 #4 165668	MONROE		5.6 MID LOUISIANA GAS CO
0114136 81-53	1711122090	108 EXXON 11 #5 S/N 166126	MONROE		5.6 MID LA GAS CO
0114137 81-54	1711122091	108 EXXON 11 #6 S/N 166127	MONROE		5.6 MID LA GAS CO

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VOLUME 344 PAGE 002

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114140	81-64	1711122102	108	EXXON 11 #9 S/N 166201	MONROE	6.0	MID LA GAS CO
8114145	81-69	1711122048	108	EXXON 12 #1 S/N 165669	MONROE	5.4	MID LA GAS CO
8114182	81-86	1707321351	108	PERSIMMON ACRES #1 S/N 166756	MONROE	19.8	MID LOUISIANA GAS CO
8114186	81-87	1707321352	108	PERSIMMON ACRES #2 S/N 166757	MONROE	18.9	MID LA GAS CO
8114185	81-88	1707321353	108	PERSIMMON ACRES #3 S/N 166758	MONROE	19.8	MID-LA GAS CO
8114142	81-50	1711122236	108	RIVER CITY #1 S/N 167456	MONROE	5.0	MID LOUISIANA GAS CO
8114141	81-49	1711122276	108	RIVER CITY #2 S/N 167576	MONROE	5.6	MID LOUISIANA GAS CO
8114135	81-52	1711122275	108	RIVER CITY #3 S/N 167575	MONROE	5.7	MID LA GAS CO
8114134	81-51	1711122277	108	RIVER CITY #4 S/N 167577	MONROE	5.5	MID LOUISIANA GAS CO
8114195	81-57	1711122337	108	SMITH 35 #1 S/N 168110	MONROE	5.8	MID LOUISIANA GAS CO
8114189	81-58	1711122338	108	SMITH 35 #2 S/N 168111	MONROE	5.2	MID LA GAS CO
8114190	81-59	1711122339	108	SMITH 35 #3 S/N 168112	MONROE	5.4	MID LA GAS CO
-IMC EXPLORATION COMPANY				RECEIVED: 01/23/81 JA: LA			
8114156	81-15	1711122901	103	DEAN #3	MONROE	23.0	PETRO-LEWIS CORP
8114154	81-13	1711122507	108	HILL #5	MONROE	4.6	IMC PIPELINE COMPANY
8114159	81-12	1711122511	108	LA GAS LANDS # F-322	MONROE	5.0	IMC PIPELINE CO INC
8114157	81-16	1711122902	103	RABUN #29	MONROE	21.0	PETRO-LEWIS CORP
8114155	81-14	1711122906	103	RABUN #30	MONROE	20.0	PETRO-LEWIS CORP
-JAMES P SPILLERS				RECEIVED: 01/23/81 JA: LA			
8114206	81-40	1711120906	108	GRAYLING N-10 151840	MONROE	7.1	IMC PIPELINE CO INC
8114207	81-39	1711120908	108	GRAYLING N-11 151850	MONROE	7.1	IMC PIPELINE CO INC
8114201	81-38	1711120909	108	GRAYLING N-12 151860	MONROE	10.5	IMC PIPELINE CO INC
8114202	81-37	1711120910	108	GRAYLING N-13 151861	MONROE	6.7	IMC PIPELINE CO INC
8114203	81-36	1711120911	108	GRAYLING N-14 151899	MONROE	6.7	IMC PIPELINE CO INC
8114198	81-34	1711120912	108	GRAYLING N-15 151900	MONROE	10.5	IMC PIPELINE CO INC
8114205	81-41	1711120920	108	GRAYLING N-16 151968	MONROE	15.6	IMC PIPELINE CO INC
8114204	81-35	1711120919	108	GRAYLING N-17 151967	MONROE	17.2	IMC PIPELINE CO INC
-K U LANKFORD JR & L&M DRLG CO				RECEIVED: 01/23/81 JA: LA			
8114126	81-44	1711121462	108	MEEKS NO 2	MONROE	12.0	UNITED GAS PIPELINE
8114173	81-45	1711121463	108	MEEKS NO 3	MONROE	0.0	UNITED GAS PIPELINE
8114174	81-46	1711121879	108	MEEKS NO 6	MONROE	13.0	UNITED GAS PIPELINE
8114127	81-43	1711121880	108	MEEKS NO 7	MONROE	12.0	UNITED GAS PIPELINE
-MARTIN EXPLORATION COMPANY				RECEIVED: 01/23/81 JA: LA			
8114158	81-11	1710921946	102	SOUTH COAST CORP NO 1	SOUTHEAST HOUMA FIELD	365.0	
-MID LOUISIANA GAS COMPANY				RECEIVED: 01/23/81 JA: LA			
8114128	81-79	1711121862	103	MLGC FEE GAS #796	MONROE GAS FIELD	54.0	MID LOUISIANA GAS CO
8114129	81-80	1711121925	103	MLGC FEE GAS 6813	MONROE GAS FIELD	56.0	MID LOUISIANA GAS CO
8114187	81-97	1711122749	103	MLGC FEE GAS NO 1000	MONROE FIELD	77.8	
8114115	81-98	1711122324	103	MLGC FEE GAS NO 868	MONROE FIELD	39.6	
8114114	81-99	1711122332	103	MLGC FEE GAS NO 876	MONROE FIELD	72.0	
8114113	81-100	1711122551	103	MLGC FEE GAS NO 919	MONROE FIELD	19.8	
8114118	81-101	1711122588	103	MLGC FEE GAS NO 931	MONROE FIELD	50.4	
8114117	81-102	1711122589	103	MLGC FEE GAS NO 932	MONROE FIELD	39.9	
8114116	81-103	1711122590	103	MLGC FEE GAS NO 933	MONROE FIELD	51.8	
8114122	81-104	1711122651	103	MLGC FEE GAS NO 940	MONROE FIELD	32.4	
8114121	81-105	1711122656	103	MLGC FEE GAS NO 947	MONROE FIELD	41.4	
8114197	81-33	1711122678	103	MLGC FEE GAS NO 955	MONROE FIELD	72.0	
8114198	81-32	1711122679	103	MLGC FEE GAS NO 956	MONROE FIELD	76.3	
8114199	81-31	1711122680	103	MLGC FEE GAS NO 957	MONROE FIELD	86.4	
8114200	81-30	1711122681	103	MLGC FEE GAS NO 958	MONROE FIELD	97.2	
8114208	81-29	1711122682	103	MLGC FEE GAS NO 959	MONROE FIELD	72.0	
8114166	81-28	1711122684	103	MLGC FEE GAS NO 961	MONROE FIELD	81.4	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114183	81-89	1711122685	103	MLGC FEE GAS NO 962	MONROE FIELD	59.0	
8114181	81-90	1711122686	103	MLGC FEE GAS NO 963	MONROE FIELD	73.4	
8114180	81-91	1711122687	103	MLGC FEE GAS NO 964	MONROE FIELD	55.8	
8114179	81-92	1711122691	103	MLGC FEE GAS NO 968	MONROE FIELD	62.3	
8114178	81-93	1711122731	103	MLGC FEE GAS NO 987	MONROE FIELD	29.8	
8114177	81-94	1711122740	103	MLGC FEE GAS NO 991	MONROE FIELD	72.0	
8114175	81-95	1711122741	103	MLGC FEE GAS NO 992	MONROE FIELD	64.8	
8114176	81-96	1711122742	103	MLGC FEE GAS NO 993	MONROE FIELD	67.7	
-MIDWAY PRODUCTION CO IX				RECEIVED: 01/23/81 JA: LA			
8114169	81-23	1707321613	103	MADDELL #5	MONROE	43.0	INC EXPLORATION CO
-MIDWAY PRODUCTION CO VI				RECEIVED: 01/23/81 JA: LA			
8114210	81-26	1707321556	103	G R COLLIER #1	MONROE	25.0	INC EXPLORATION CO
8114165	81-25	1707321598	103	LEDOUX-BROCKMAN #6	MONROE	25.0	INC EXPLORATION CO
8114168	81-24	1707321599	103	LEDOUX-BROCKMAN #7	MONROE	25.0	INC EXPLORATION CO
-MIDWAY PRODUCTION CO VII				RECEIVED: 01/23/81 JA: LA			
8114167	81-27	1707321388	108	SUNSHINE #5	MONROE	15.0	PETRO-LEWIS CORP
-PELICAN PRODUCING CO				RECEIVED: 01/23/81 JA: LA			
8114111	81-76	1707321159	108	STUBBS #1	MONROE	13.7	PETRO-LEWIS FUNDS IN
-PENNZOIL PRODUCING COMPANY				RECEIVED: 01/23/81 JA: LA			
8114164	81-6	1707522702	102	TAMBOUR CORP ET AL NO 38	WEST BAY	1000.0	SOUTHERN NATURAL GAS
-PLACID OIL COMPANY				RECEIVED: 01/23/81 JA: LA			
8114119	81-111	1705921775	103	IPB LLS LIC NO 2	LITTLE CREEK	35.0	
-PRIMOS-TOMLINSON				RECEIVED: 01/23/81 JA: LA			
8114133	81-78	1706721555	108	HART #1	MONROE	4.3	LOUISIANA GAS SOURCE
8114110	81-76	1706721519	108	MURPHY #1	MONROE	8.3	LOUISIANA GAS SERVIC
-RELIANCE TR-JV				RECEIVED: 01/23/81 JA: LA			
8114124	81-83	1711122697	103	D C HUDSON #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8114184	81-85	1711122253	103	D T AKIN #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8114123	81-82	1711122839	103	HOPKINS ESTATE #7	MONROE	13.0	TEXAS GAS TRANSMISSI
8114130	81-81	1711122840	103	HOPKINS ESTATE #8	MONROE	11.0	TEXAS GAS TRANSMISSI
8114125	81-84	1711122564	103	J C BRIGHT #1	MONROE	11.0	TEXAS GAS TRANSMISSI
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 01/23/81 JA: LA			
8114161	81-10	1708520053	108	VUA DOSTER	CONVERSE	17.0	J-W OPERATING CO
-TEXACO INC				RECEIVED: 01/23/81 JA: LA			
8114162	81-8	1710922213	102	CI 91 RO90 SU SL 301 394	CAILLOU ISLAND	155.0	KAISER ALUMINUM & CH
-UNION TEXAS PETROLEUM				RECEIVED: 01/23/81 JA: LA			
*8114172	81-77	1705320603	103	J CAM C RD SUA HUGHES 8-9	LAKE ARTHUR	187.5	TEXAS GAS TRANSMISSI
-VIKING RESOURCES (LA)				RECEIVED: 01/23/81 JA: LA			
8114170	81-21	1711122855	103	FROST D #3	MONROE	26.0	PETRO-LEWIS FUNDS IN
8114171	81-22	1711122856	103	FROST D NO 4	MONROE	15.0	PETRO-LEWIS FUNDS IN
8114149	81-72	1707321475	103	MUNHOLLAND #1	MONROE	27.0	PETRO-LEWIS FUNDS IN
8114143	81-71	1707321476	103	MUNHOLLAND #2	MONROE	27.0	PETRO-LEWIS FUNDS IN
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MISSISSIPPI OIL & GAS BOARD							
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-GETTY OIL COMPANY				RECEIVED: 01/26/81 JA: MS			
8114211	79-80-467	2309120102	107	F W BUCKLEY 33-6 NO 1	EAST MORGANTOWN	1650.0	TRANSCONTINENTAL GAS
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OHIO DEPARTMENT OF NATURAL RESOURCES							
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-A & R COMPANY				RECEIVED: 01/26/81 JA: OH			
8114277		3416725947	107	BOYD EDDY NO 2 OH 36 1002	NEWPORT	10.0	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114273		3416725059	107	DEAN ARICHT NO 2 OH 37 0202	NEWPORT	18.0	
8114270		3416724715	107	DIANE ELLIS CAIN NO 1 OH 14 1601	NEWPORT	27.0	
8114271		3416724888	107	HERSCHEL GROSE NO 1-K OH 18 2601	NEWPORT	16.0	
8114278		3416725948	107	HERSCHEL GROSE NO 2-K OH 35 2601	NEWPORT	35.0	
8114276		3416725946	107	JOSEPH EDDY NO 1-O OH 33 3011	NEWPORT	35.0	
8114279		3416725988	107	JOSEPH EDDY TR C NO 2-C OH 39 0702	NEWPORT	40.0	
8114272		3416724889	107	MARIE HAYNES NO 1-K OH 20 2801	NEWPORT	14.0	
8114275		3416725896	107	W B PETTY NO 2 OH 38 0802	NEWPORT	50.0	
-AMERICAN WELL MANAGEMENT COMPANY				RECEIVED: 01/26/81 JA: OH			
8114241		3403124015	103	JACOB KAUFMAN NO 1	NEW CASTLE	18.0	
-BEREA OIL AND GAS CORPORATION				RECEIVED: 01/26/81 JA: OH			
8114261		3411925063	103	CAIN #4	RICH HILL	8.0	COLUMBIA GAS TRANSMI
-BETHEL RESOURCES INC				RECEIVED: 01/26/81 JA: OH			
8114282		3416922413	103	DANIELS #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
8114283		3416922442	103	HOWMAN #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
8114284		3416922443	103	LADRACH #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
8114281		3416922408	103	MYKRANTZ #2	PLAIN	12.0	COLUMBIA GAS TRANSMI
8114285		3416922445	103	SPRING LAKE DEVELOPMENT CORP #1	WAYNE	12.0	COLUMBIA GAS TRANSMI
8114280		3416922363	103	STULL #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
-BUCKHORN OIL COMPANY INC				RECEIVED: 01/26/81 JA: OH			
8114246		3407522765	103	BEILER #1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
8114247		3407522767	103	RABER #1-1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
8114244		3407522743	103	YODER #2-1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
8114245		3407522745	103	YODER #21-1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
-C W RIGGS INC				RECEIVED: 01/26/81 JA: OH			
8114256		3411122024	107	ETHEL PIATT #1	GRAYSVILLE FIELD	11.0	
8114257		3411122045	107	OSCAR & VIRGINIA ALLISON #1	GRAYSVILLE FIELD	11.0	
-CARL E SMITH INC				RECEIVED: 01/26/81 JA: OH			
8114251		3410521952	103	HAROLD BARNHART NO 1	ORANGE	16.0	COLUMBIA GAS TRANSMI
8114250		3410521936	103	LORENA A FRECKER NO 1	ORANGE	16.0	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC				RECEIVED: 01/26/81 JA: OH			
8114264		3411925352	103	CHARLES & PAUL WILKINS #1	SPRINGFIELD	12.0	NATIONAL GAS & OIL C
8114263		3411925351	103	DARYL CLARK #1	SPRINGFIELD	12.0	NATIONAL GAS & OIL C
-HOPCO RESOURCES INC				RECEIVED: 01/26/81 JA: OH			
8114262		3411925133	103	WAYNE GRAHAM #2C	JACKSON	12.0	NATIONAL GAS & OIL C
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 01/26/81 JA: OH			
8114268		3412724592	103	CHARLES JONES #1	BEARFIELD	12.0	NATIONAL GAS & OIL C
-HORTIN & HUFFMAN				RECEIVED: 01/26/81 JA: OH			
8114243		3407522726	103	JAMES BAKER NO 1		8.0	COLUMBIA GAS TRANSMI
8114239		3405523345	103	LARRY G & BARBARA S HOOVER NO 2	MOHICAN	6.0	COLUMBIA GAS TRANSMI
8114240		3405523347	103	VIRGIL KLINE NO 1	MOHICAN	9.0	COLUMBIA GAS TRANSMI
-IRVIN PRODUCING COMPANY				RECEIVED: 01/26/81 JA: OH			
8114269		3412724864	103	RICHARD HOUK #2	MONROE	10.0	COLUMBIA GAS TRANSMI
-L & M PETROLEUM				RECEIVED: 01/26/81 JA: OH			
8114274		3416725488	107	ELIZA BROOKS #3	LAWRENCE	12.0	COLUMBIA GAS TRANSMI
-MOHAWK OIL & GAS CORP				RECEIVED: 01/26/81 JA: OH			
8114266		3412122275	103	#2 ROMAN SMITHBERGER	HARRIETTSVILLE	3.6	COLUMBIA GAS TRANS C
8114267		3412122391	103	#8 ROMAN SMITHBERGER	HARRIETTSVILLE	7.3	COLUMBIA GAS TRANS C
-MONROE & KEUSINK INC				RECEIVED: 01/26/81 JA: OH			
8114248		3403822749	103	JAMES C MARY BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRANSMI
-NATIONAL PETROLEUM CORP				RECEIVED: 01/26/81 JA: OH			
8114258		3411122080	107	CLYDE & MARY RUBLE #2	SUMMIT	15.0	TEXAS EASTERN TRANSM

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114260		3411122164	107	CLYDE RUBLE #3	SUMMIT	15.0	TEXAS EASTERN TRANSM
8114259		3411122163	107	CLYDE RUBLE #4	SUMMIT	15.0	TEXAS EASTERN TRANSM
8114255		3411121991	107	RICHARD NEUHARDT #1	SUMMIT	15.0	TEXAS EASTERN TRANSM
-NOBLE ENERGY				RECEIVED: 01/26/81 JA: OH			
8114265		3412122221	107	BESSIE FLEEMAN #1	ELK	25.0	COLUMBIA GAS TRANSMI
-PREMIER ENERGY CORP				RECEIVED: 01/26/81 JA: OH			
8114253		3411121984	103	ARTHUR BLOCK #1	MALAGA	0.0	COLUMBIA GAS TRANSMI
8114254		3411121986	103	VERNON REISCHMAN #1		0.0	COLUMBIA GAS TRANSMI
-ROBERT L CRAIG SR				RECEIVED: 01/26/81 JA: OH			
8114242		3403124104	103	JOHN T SPEAKS #1	JEFFERSON	0.0	NATIONAL GAS & OIL C
-SOUTHERN OHIO PETROLEUM CO INC				RECEIVED: 01/26/81 JA: OH			
8114252		3411121969	107	CHARLES D ZWICK #1	BETHEL	12.0	COLUMBIA GAS TRANSMI
-WOA INC & MELLENCO INC				RECEIVED: 01/26/81 JA: OH			
8114249		3410322273	103	NOTEBAERT #1	BRUNSWICK HILLS	20.0	
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** U.S. GEOLOGICAL SURVEY - DENVER,CO							
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-CHANDLER & ASSOCIATES INC				RECEIVED: 01/26/81 JA: CO 1			
8114319	CC350-0	0510308468	103	FORK UNIT 13-19-1-1	DOUGLAS CREEK NORTH	49.0	NORTHWEST PIPELINE C
8114318	CC352-0	0510308469	103	FORK UNIT 4-19-1-1	DOUGLAS CREEK NORTH	108.0	NORTHWEST PIPELINE C
8114315	CD20-80	0510307780	108	NORTH DOUGLAS CREEK FED 4-12	DRAGON TRAIL	0.0	PHILLIPS PETROLEUM C
-COSERA RESOURCES (USA) LIMITED				RECEIVED: 01/26/81 JA: CO 1			
8114320	CD0064-80	0510308568	103	FEDERAL 9-34-4-101	WILDCAT	534.0	SOUTHWEST GAS CORP
-LYNCO OIL CORPORATION				RECEIVED: 01/26/81 JA: CO 1			
8114295	CD0059-80	0506706286	103	EAST BONDAD 2-X	IGNACIO BLANCO DAKOTA	100.0	WESTERN SLOPE GAS CO
-MOUNTAIN FUEL SUPPLY COMPANY				RECEIVED: 01/26/81 JA: CO 1			
8114291	CC 332-0	0510308270	103	BIG HORSE DRAW NO 28-3	CATHEDRAL	68.0	WESTERN SLOPE GAS CO
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 01/26/81 JA: CO 1			
8114301	CD0093-80	0510308224	108	PHILADELPHIA CREEK #12X	PHILADELPHIA CREEK MANCO	20.0	NORTHWEST PIPELINE C
8114292	CD0094-80	0510308066	108	PHILADELPHIA CREEK #17	PHILADELPHIA CREEK MANCO	20.0	NORTHWEST PIPELINE C
8114299	CD0076-80	0510308362	103	PHILADELPHIA CREEK #21	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114313	CD0077-80	0510308363	103	PHILADELPHIA CREEK #22	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114302	CD0090-80	0510308364	103	PHILADELPHIA CREEK #23	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114293	CD0091-80	0510308367	103	PHILADELPHIA CREEK #26	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114312	CD0079-80	0510308368	103	PHILADELPHIA CREEK #27	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114311	CD0080-80	0510308369	103	PHILADELPHIA CREEK #28	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114310	CD0081-80	0510308376	103	PHILADELPHIA CREEK #30	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114303	CD0089-80	0510308377	103	PHILADELPHIA CREEK #31	PHILADELPHIA CREEK MANCO	20.0	NORTHWEST PIPELINE C
8114306	CD0086-80	0510308382	103	PHILADELPHIA CREEK #32	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114305	CD0087-80	0510308381	103	PHILADELPHIA CREEK #33	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114304	CD0088-80	0510308378	103	PHILADELPHIA CREEK #34	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114307	CD0085-80	0510308422	103	PHILADELPHIA CREEK #36	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114308	CD0084-80	0510308383	103	PHILADELPHIA CREEK #37	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114298	CD0083-80	0510308380	103	PHILADELPHIA CREEK #38	PHILADELPHIA CREEK MANCO	20.0	NORTHWEST PIPELINE C
8114309	CD0082-80	0510308457	103	PHILADELPHIA CREEK #39	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
8114300	CD0092-80	0510308360	103	PHILADELPHIA CREEK #6	PHILADELPHIA CREEK	20.0	NORTHWEST PIPELINE C
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 01/26/81 JA: CO 1			
8114296	CD0062-80	0508106349	103	FEDERAL FOX NO 29-1	NORTH CRAIG	7.3	MOUNTAIN FUEL SUPPLY
-TERRA RESOURCES INC				RECEIVED: 01/26/81 JA: CO 1			
8114297	CD0063-80	0507708229	103	BAR-X UNIT #9	BAR-X	36.0	NORTHWEST PIPELINE C
-WALTER S FEES JR				RECEIVED: 01/26/81 JA: CO 1			
8114317	CD0061-80	0504506188	103	GOVT #1-8	BRIDLE	110.0	COLORADO INTERSTATE
-WEXPRO COMPANY				RECEIVED: 01/26/81 JA: CO 1			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114316	CC330-0	0510308272	103		WEXPRO 29-1	BIG HORSE DRAW (CATHEDRA	73.0	WESTERN SLOPE GAS CO
-ALBERT A THORNBROUGH					RECEIVED: 01/26/81 JA: KS 1			
8114286	KN 62-0	1507520319	103		#2 24-25S-39W HAMILTON CO KANSAS	PANOMA-COUNCIL GROVE	100.0	COLORADO INTER STATE
-CIG EXPLORATION INC					RECEIVED: 01/26/81 JA: UT 1			
8114322	UD0096-80	4304730543	103		CIGE 57-10-10-21	NATURAL BUTTES	90.0	COLORADO INTERSTATE
8114321	UD0095-80	4304730636	103		CIGE 70-20-9-21	NATURAL BUTTES	164.0	COLORADO INTERSTATE
-COTTON PETROLEUM CORPORATION					RECEIVED: 01/26/81 JA: UT 1			
8114290	UC 368-0	4304730638	102		LOVE UNIT NO 12-1	WILDCAT	550.0	
-GAS PRODUCING ENTERPRISES INC					RECEIVED: 01/26/81 JA: UT 1			
8114289	UC 357-0	4304730514	103		NATURAL BUTTES UNIT 32Y	BITTER CREEK	465.0	COLORADO INTERSTATE
8114288	UC321-0	4304730503	103		NATURAL BUTTES UNIT 35Y	BITTER CREEK	342.0	COLORADO INTERSTATE
-TENNECO OIL COMPANY					RECEIVED: 01/26/81 JA: UT 1			
8114287	UC 348-0	4301930541	103		FEDERAL #14-7	SAN ARROYO	500.0	SOUTHWEST GAS CORP
-TEXACO INC					RECEIVED: 01/26/81 JA: UT 1			
8114314	UC 366-0	4304730143	108		TEXACO-SKYLINE ET AL GOVT AF NO 1	SEEP RIDGE	18.0	MESA PIPELINE CO
-TEXAS OIL & GAS CORP					RECEIVED: 01/26/81 JA: UT 1			
8114294	UD0046-80	4301930639	103		VALENTINE FEDERAL #1	SAN ARROYO	183.0	NORTHWEST PIPELINE C
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA								
-GULF OIL CORPORATION					RECEIVED: 01/26/81 JA: LA 3			
*8114235	GO-1770	1771540342	107		OCS-G 2624 NO 8-13	SOUTH TIMBALIER	850.0	TEXAS EASTERN TRANSM
-MOBIL OIL EXPLORATION & PROD S E					RECEIVED: 01/26/81 JA: LA 3			
8114236	GO-1758	1771040887	102		EUGENE ISLAND 354 #A-2	EUGENE ISLAND	51.6	SEA ROBIN PIPELINE C
8114226	GO-1759	1771040897	102		EUGENE ISLAND 354 #A-4	EUGENE ISLAND	50.0	SEA ROBIN PIPELINE C
8114234	GO-1761	1771040899	102		EUGENE ISLAND 354 #A-5C	EUGENE ISLAND	60.0	SEA ROBIN PIPELINE C
*8114224	GO-1741	1771340074	102		SOUTH PELTO 10 #13-A	SOUTH PELTO	1500.0	TRANSCONTINENTAL GAS
8114225	GO-1740	1771340061	102		SOUTH PELTO 9 #6A	SOUTH PELTO	55.0	TRANSCONTINENTAL GAS
-OCEAN PRODUCTION CO					RECEIVED: 01/26/81 JA: LA 3			
8114220	GO-1746	1771140521	102		OCS-068 NO 6A	SHIP SHOAL	290.0	TRANSCONTINENTAL GAS
-PLACID OIL COMPANY					RECEIVED: 01/26/81 JA: LA 3			
*8114233	GO-1687	1770740344	102		C-19	SOUTH MARSH ISLAND	2190.0	TRUNKLINE GAS CO
-SHELL OIL CO					RECEIVED: 01/26/81 JA: LA 3			
8114229	GO-1734	1770840132	102		OCS-G 2280 A-14	SOUTH MARSH ISLAND	12.0	TRANSCONTINENTAL GAS
8114231	GO-1736	1770840297	102		OCS-G 2280 A-40	SOUTH MARSH ISLAND	170.0	TRANSCONTINENTAL GAS
8114221	GO-1737	1770840133	102		OCS-G 2280 C-4	SOUTH MARSH ISLAND	129.0	TRANSCONTINENTAL GAS
8114227	GO-1735	1770840139	102		OCS-G 2281 A-16	SOUTH MARSH ISLAND	20.0	TRANSCONTINENTAL GAS
-SUPERIOR OIL CO					RECEIVED: 01/26/81 JA: LA 3			
8114232	GO-1766	1770040350	102		OCS 0245 NO 9	WEST CAMERON	3650.0	MICHIGAN WISCONSIN P
8114237	GO-1774	1770040294	107		OCS-0244 NO 18	WEST CAMERON	365.0	MICHIGAN WISCONSIN P
-UNION OIL COMPANY OF CALIF					RECEIVED: 01/26/81 JA: LA 3			
8114230	GO-1753	1770540367	107		OCS 0297 NO 33	VERMILION	730.0	TRUNKLINE GAS CO
8114238	GO-1772	1770540417	107		OCS 0297 NO 37	VERMILION	729.6	TRUNKLINE GAS CO
8114222	GO-1730	1770540414	107		OCS 0548 NO 5	VERMILION	0.0	
-EXXON CORPORATION					RECEIVED: 01/26/81 JA: TX 3			
8114224	GO-1768	4271140494	102		OCS-G 3486 NO 8-5	HIGH ISLAND	400.0	COLUMBIA GAS TRANS C
-MCMORAN OFFSHORE EXPLORATION CO					RECEIVED: 01/26/81 JA: TX 3			
*8114223	GO-1744	4270740060	102		OCS-G 2342 #A-10	GALVESTON	851.7	TRANSCONTINENTAL GAS
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
-GEORESOURCES INC					RECEIVED: 01/26/81 JA: MT 5			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114216	M 414-0	2501121262	102	D	1-13 FEDERAL		6.0	MONTANA - DAKOTA UTI
8114217	M 415-0	2501121264	102	D	1-18 FEDERAL		20.0	MONTANA - DAKOTA UTI
8114215	M 412-0	2501121263	102	D	1-3 FEDERAL		16.0	MONTANA - DAKOTA UTI
-MIDLANDS GAS CORPORATION					RECEIVED: 01/26/81 JA: MT 5			
*8114219	M439-0	2507121215	108		1231 FEDERAL 1	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
*8114213	M373-0	2507121580	108	D	3061 FEDERAL 1	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
-CITIES SERVICE COMPANY					RECEIVED: 01/26/81 JA: WY 5			
8114218	W 22-0	4903721607	102		FEDERAL 7 #1	SIBERIA RIDGE	0.0	
-HUSKY OIL COMPANY					RECEIVED: 01/26/81 JA: WY 5			
8114212	W153-0	4903721446	102		#13-24 FEDERAL-CHANDLER BAXTER	WILDCAT	90.0	PANHANDLE EASTERN PI
-PACIFIC TRANSMISSION SUPPLY COMPANY					RECEIVED: 01/26/81 JA: WY 5			
8114214	W 377-0	4902302275	108		PTS 42-33 FEDERAL	FONTENELLE	21.0	PACIFIC GAS TRANSMIS

OTHER PURCHASERS

8114163 MICHIGAN WISCONSIN PIPELINE CO
8114172 SUGAR BOWL CORP
8114213 MONTANA-DAKOTA UTILITIES CO
8114219 MONTANA-DAKOTA UTILITIES CO
8114223 COLUMBIA GAS TRANSMISSION CO
8114228 TRANSCO (AMOCO & NEWMONT)
8114233 SOUTHERN NATURAL GAS CO
8114239 TENNESSEE GAS PIPELINE CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 5, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5386 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 363]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 11, 1981.

JD NO	API NO	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD				
-COQUINA OIL CORPORATION				
		RECEIVED: 01/23/81		JA: MS
811404	2314720117 103	JOE PITTMAN #1	961.0	
-ELF AQUITAINE INC		RECEIVED: 01/23/81		JA: MS
811405	2308720035 102	WAYNE DUNCAN 10-1 #1	73.0	TENNESSEE GAS PIPELI
-GETTY OIL COMPANY		RECEIVED: 01/23/81		JA: MS
811406	2309120102 107	F W BUCKLEY 33-6 #1 (6TH	0.0	
811401	2309120089 107	ROGERS 28-11 NO 1	1000.0	
-GULF OIL CORPORATION		RECEIVED: 01/23/81		JA: MS
811400	2307320194 103	J M ANDREW NO 73	25.0	UNITED GAS PIPE LINE
811407	2307320217 103	J M ANDREW NO 77	20.0	UNITED GAS PIPE LINE
811406	2307320213 103	W J HOWARD NO 12	22.0	UNITED GAS PIPE LINE
-INEXCO OIL COMPANY		RECEIVED: 01/23/81		JA: MS
811403	2307720035 107	ARRINGTON ESTATE NO 2	365.0	SOUTHERN NATURAL GAS
-TOMLINSON INTERESTS INC		RECEIVED: 01/23/81		JA: MS
811402	2309120090 107	PITARO & POROBIL #1	0.0	TRANSCONTINENTAL GAS
OHIO DEPARTMENT OF NATURAL RESOURCES				
		RECEIVED: 01/21/81		JA: OH
-A & R COMPANY				
814074	3416724717 107	BOYD EDDY NO 1 OH 13 1001	3.0	LONG RUN
814077	3416724911 103	DARLENE A LUKSHIN NO 1	20.0	NEWPORT
814072	3416724173 103	EDDY E BINGLER NO 1	3.0	LONG RUN
814063	3416725945 103	EDWIN FLANDERS NO 1	14.0	NEWPORT
814070	3416724100 103	HAZEL HOFF NO 1 OH 05 1301	25.0	NEWPORT
814069	3416723996 103	JOSEPH EDDY NO 1 N OH 04 0601	14.0	LONG RUN
814076	3416724910 103	LARRY W HAYNES NO 1	3.5	NEWPORT
814071	3416724133 103	W B PETTY NO 1	10.0	LONG RUN
-AMERICAN EXPLORATION CO		RECEIVED: 01/21/81		JA: OH
813000	3411924064 108	DAILEY #1	20.0	TIMKEN CO
813949	3407521611 108	M COBLENTZ #1	20.0	COLUMBIA GAS TRANS C
-APPALACHIAN PETROLEUM CORP		RECEIVED: 01/21/81		JA: OH
811010	3412122368 103	CLARK ATHERTON #1	3.5	COLUMBIA GAS TRANSMI
811011	3412122370 103	CLARK ATHERTON #2	3.5	COLUMBIA GAS TRANSMI
811017	3412122411 103	MARVIN OAKS #1	3.5	COLUMBIA GAS TRANSMI
811016	3412122407 103	WESLEY JOHNSON #1	3.5	COLUMBIA GAS TRANSMI
811015	3412122406 103	WESLEY JOHNSON #2	3.5	COLUMBIA GAS TRANSMI
-ATLAS ENERGY GROUP INC		RECEIVED: 01/21/81		JA: OH
814060	3415521556 103	MCMILLAN NO 1	0.0	COLUMBIA GAS TRANSMI
814059	3415521467 103	YASNICK NO 1	0.0	COLUMBIA GAS TRANSMI
-BAMOS COMPANY INC		RECEIVED: 01/21/81		JA: OH

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JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8113955		3407522700	103	GLEN KOVEMAN #2	HARDY	15.0	COLUMBIA GAS TRANS C
8113984		3411122091	103	HAYES #1	SENACA	20.0	COLUMBIA GAS
-BELDEN & BLAKE & CO L P NO 76				RECEIVED: 01/21/81 JA: OH			
8113975		3409921294	103	BROTHERTON COMMUNITY #1-997	SMITH	36.5	EAST OHIO GAS CO
-BELDEN & BLAKE AND CO L P NO 4-K				RECEIVED: 01/21/81 JA: OH			
8113929		3401921374	103	M MOHLS #1-1006	BROWN	36.5	
-BELDEN & BLAKE CORPORATION				RECEIVED: 01/21/81 JA: OH			
8113930		3401921382	103	E FRANK #4-1023	ROSE	36.5	
8114055		3415123384	103	H STIPE #3-1027	MARLBORO	36.5	EAST OHIO GAS CO
8114067		3415723555	103	J & N BOGER #1-1006	FRANKLIN	36.5	EAST OHIO GAS CO
8114054		3415123375	103	W & E LLOYD COMMUNITY #1-1003	CANTON	36.5	TIMKEN CO
8113931		3401921386	103	WHITACRE-GREER #32-1024	BROWN	36.5	
-BERMAN J SHAFER				RECEIVED: 01/21/81 JA: OH			
8113976		3410322349	103	DALLAS THOMPSON #1	SPENCER	10.0	COLUMBIA GAS TRANSMI
-BUCKEYE-FRANKLIN CO				RECEIVED: 01/21/81 JA: OH			
8114090		3416922486	103	JOHN & KATIE STUTZMAN NO 1	SUGAR CREEK	5.0	COLUMBIA GAS TRANSMI
8114089		3416922485	103	MALINDA MILLER NO 1	SUGAR CREEK	9.0	COLUMBIA GAS TRANSMI
8114088		3416922484	103	PAUL J MILTY #1	SUGAR CREEK	5.0	COLUMBIA GAS TRANSMI
-BUCKHORN OIL COMPANY INC				RECEIVED: 01/21/81 JA: OH			
8113960		3407522750	103	MILLER 18-1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
8113961		3407522766	103	RABER #3-1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
8113958		3407522741	103	YODER 18-1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
8113959		3407522749	103	YODER 19-1	MECHANIC	20.0	COLUMBIA GAS TRANSMI
-C W RIGGS INC				RECEIVED: 01/21/81 JA: OH			
8113983		3411122068	107	BRADY CLINE #2	GRAYSVILLE FIELD	8.1	
8113980		3411122047	107	DWIGHT BLAMEY #1	GRAYSVILLE FIELD	9.5	
8113979		3411122046	107	KELLEY-WILKINSON UNIT #1	GRAYSVILLE FIELD	13.5	
8113982		3411122067	107	KUTA-MCMANE UNIT #1	GRAYSVILLE FIELD	7.3	
8113978		3411122030	107	LOUISA WILSON #1	GRAYSVILLE FIELD	14.6	
8113981		3411122066	107	ROBERT & MAXINE BRAUN #1	GRAYSVILLE FIELD	7.3	
-CALLANDER & KIMBREL INC				RECEIVED: 01/21/81 JA: OH			
8113970		3408923966	103	HAYDEN - MILLER UNIT #1	MADISON	6.0	
8113969		3408923958	103	HURCHELL & GLADYS WILLIAMS #2	MANOVER	6.0	
8113941		3403124121	103	PHILIP BROWN #5	BEDFORD	3.0	
-CARL E SMITH INC				RECEIVED: 01/21/81 JA: OH			
8113928		3400922020	103	ERNEST W CURTIS NO 1	CARTHAGE	16.0	COLUMBIA GAS TRANSMI
-CHANSE PETROLEUM CORPORATION				RECEIVED: 01/21/81 JA: OH			
8113925		3400721277	103	JAMES & ELLEN CLARK #1	NEW LYME	5.0	
-CLINTON OIL CO				RECEIVED: 01/21/81 JA: OH			
8113934		3403122930	108	BURLEY FISHER #2		0.0	CUMBERLAND GAS CO
8113935		3403123208	108	BURLEY FISHER #3		20.0	CUMBERLAND GAS CO
8113936		3403123263	108	BURLEY FISHER #4		20.0	CUMBERLAND GAS CO
8113965		3408923076	108	CREMEANS-MILLER #1		3.0	NEW ZANE GAS CO
8114043		3413322420	103	D & T TURNER #1-559	MANTUA	100.0	
8114002		3411924155	108	M FOSTER #2		20.0	NATIONAL
8113962		3408300003	108	WALDO BLUE #1	JACKSON	20.0	COLUMBIA GAS TRANS C
8113933		3403122755	108	WM ANDERSON #1		20.0	COLUMBIA GAS TRANS C
8113932		3403122531	108	WM ANDERSON #2		20.0	COLUMBIA GAS TRANS C
-DAVID A WALDRON & ASSOC INC				RECEIVED: 01/21/81 JA: OH			
8113948		3405922804	103	MCMULLEN #3	CAMBRIDGE	15.0	
-DORSET DRILLING CO INC				RECEIVED: 01/21/81 JA: OH			
8113923		3400721157	103	#3 MC CONNELL	LENOX	15.0	EAST OHIO GAS

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8113921		3400721129	103	#4 MCCONNELL	LENOX	15.0	EAST OHIO GAS CO
8113922		3400721130	103	#5 MC CONNELL	LENOX	15.0	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC				RECEIVED: 01/21/81 JA: OH			
8114093		3416922538	103	BL-2A HERSHBERGER	SUGAR CREEK	18.0	
8114092		3416922509	103	BL-2A HOFSTETER	SUGAR CREEK	18.0	
-ELKHEAD GAS & OIL COMPANY				RECEIVED: 01/21/81 JA: OH			
8113963		3408321943	108	MCMILLAN #3 - 1943		1.3	COLUMBIA GAS TRANSMI
8113964		3408322001	108	MCMILLAN #4 - 2001		1.3	COLUMBIA GAS TRANSMI
-ENTERPRISE GAS & OIL INC				RECEIVED: 01/21/81 JA: OH			
8114098		3405921925	108	B RAMAGE #1		2.6	COLUMBIA GAS TRANSMI
8114097		3405921939	108	WILLIAMS #1		6.6	COLUMBIA GAS TRANSMI
-EVERFLOW EASTERN INC				RECEIVED: 01/21/81 JA: OH			
8113974		3409920823	108	D MOSS #1	GOSHEN	2.0	AMERICAN ENERGY SERV
8113972		3409920886	108	SHEBAN #2	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8113973		3409920768	108	SHEBAN #3	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8113971		3409920685	108	SHEBAN #4	ELLSWORTH	2.0	AMERICAN ENERGY SERV
-FORAKER PRODUCING COMPANY INC				RECEIVED: 01/21/81 JA: OH			
8114023		3412724866	103	DEROLPH #2	HOPEWELL	8.0	
8114019		3412724857	103	HOOVER #2	HOPEWELL	8.0	
8114022		3412724862	103	KELLY #2	HOPEWELL	8.0	
8114020		3412724779	103	STAR-FRIEL-FORAKER #1	PIKE	8.0	
-GIANT PETROLEUM CORPORATION				RECEIVED: 01/21/81 JA: OH			
8113926		3400721513	103	STUDER UNIT #3	ROME	20.0	EAST OHIO GAS CO
8113927		3400721514	103	STUDER UNIT #4	ROME	20.0	EAST OHIO GAS CO
-GILBERT EADE				RECEIVED: 01/21/81 JA: OH			
8113946		3405320607	103	VERNON & BONNIE LEE WEARS #1	ADDISON	25.0	
8113945		3405320603	103	VERNON & BONNIE LEE WEARS #2	ADDISON	100.0	
-HOPCO RESOURCES INC				RECEIVED: 01/21/81 JA: OH			
8114001		3411924119	103	JEFFERSON-HOPKINS #1	HOPEWELL	12.0	NATIONAL GAS & OIL C
-INLAND DRILLING CO INC				RECEIVED: 01/21/81 JA: OH			
8114036		3413322182	103	ARMENTROUT UNIT #1	ARMENTROUT	1.7	
8114042		3413322361	103	DYBIEC #1	FREEDOM	1.0	
8114035		3413322173	103	MCCOY UNIT #1	FREEDOM	1.0	
-IRVIN PRODUCING COMPANY				RECEIVED: 01/21/81 JA: OH			
8114008		3411925422	103	HAROLD BLAKE #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
-J-R DEVELOPMENT CO				RECEIVED: 01/21/81 JA: OH			
8114024		3412724871	103	ARTZ #3	JUNCTION CITY POOL NO 64	10.0	ENTERPRISE GAS & OIL
8114027		3412724994	103	SAMSON #1	CLAYTON POOL NO 612	10.0	COLUMBIA GAS TRANSMI
-JOHN C MASON				RECEIVED: 01/21/81 JA: OH			
8113940		3403124089	103	JOHN MASON #3	CLARK	12.0	NATIONAL GAS CO
-K S T OIL & GAS CO INC				RECEIVED: 01/21/81 JA: OH			
8114061		3415522304	103	FEAR #3	FREEDOM	11.0	
8113924		3400721208	103	GRAND VALLEY #2	ORVILLE	20.0	
8114059		3415521330	103	GRAND VALLEY #4	BLOOMFIELD	20.0	
8114057		3415320872	103	JULIUS ZORN INC #1	NORTHAMPTON	16.0	
8114041		3413322334	103	LANGE - STONESTREET #8	FREEDOM	14.0	
8114038		3413322287	103	LANGE-STONESTREET #6	FREEDOM	15.0	
8114039		3413322288	103	LANGE-STONESTREET #7		15.0	
8114056		3415320850	103	NABORS #1	NORTHAMPTON	20.0	
8114040		3413322300	103	PITTMAN #1	FREEDOM	12.0	
-L & M OPERATING INC				RECEIVED: 01/21/81 JA: OH			
8114073		3416724440	103	VERNON AUGENSTIEN #1-M	ADAMS	12.0	GAS TRANSPORT INC
-L & M PETROLEUM				RECEIVED: 01/21/81 JA: OH			

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JOB NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114080		3416724980	103		ELIZA BROOKS #1	LAWRENCE	12.8	COLUMBIA GAS TRANSMI
8114082		3416725336	103		ELIZA BROOKS #2	LAWRENCE	12.8	COLUMBIA GAS TRANSMI
8114075		3416724728	103		FRANK BALL #3	NEWPORT	12.8	COLUMBIA GAS TRANSMI
8114078		3416724946	103		FRANK BALL #4	NEWPORT	12.8	COLUMBIA GAS TRANSMI
8114081		3416725021	103		FRANK BALL #5	NEWPORT	12.8	COLUMBIA GAS TRANSMI
8114079		3416724975	103		PAUL LANE #3	FEARING	12.8	COLUMBIA GAS TRANSMI
-LBJ DRILLING DBA JEFF MORAN					RECEIVED: 01/21/81 JA: OH			
8113968		3408923935	103		ARNOLD & ONA MULLINS #1	EDEN	18.0	
-LEADER EQUITIES INC					RECEIVED: 01/21/81 JA: OH			
8114005		3411925316	103		ARNOLD DINGESS #1	CASS	15.0	
8114012		3412122374	103		JOHN WITT #1		12.0	
8114006		3411925318	103		WAYNE BURLINGAME #1	MONROE	15.0	
-LOMAK PETROLEUM INC					RECEIVED: 01/21/81 JA: OH			
8114003		3411924622	103		FINNEY #1	BLUE ROCK	25.0	
-MICHAEL HASKA					RECEIVED: 01/21/81 JA: OH			
8114046		3415121140	108		PANDORA PARK #1		1.0	EAST OHIO GAS CO
-MID-ATLANTIC OIL CO					RECEIVED: 01/21/81 JA: OH			
8113988		3411522001	102		R SCOTT #1	MEIGSVILLE	80.0	COLUMBIA GAS CO
-MORGAN-PENNINGTON INC					RECEIVED: 01/21/81 JA: OH			
8113956		3407522704	103		PACKE NO 1	RICHLAND	6.6	COLUMBIA GAS TRANSMI
-MORRACK IND INC					RECEIVED: 01/21/81 JA: OH			
8114050		3415121734	108		ALBERT MILLER #1	EAST CANTON	0.8	EAST OHIO GAS
8114049		3415121733	108		ALBERT MILLER #2	EAST CANTON	0.8	EAST OHIO GAS
8114047		3415121528	108		L H COPE #1	EAST CANTON	0.8	EAST OHIO GAS
8114051		3415121755	108		L H COPE #2	EAST CANTON	0.8	EAST OHIO GAS
8114048		3415121717	108		L N SPONSELLER ET AL #1	EAST CANTON	0.8	EAST OHIO GAS
8114052		3415121767	108		WILDA MOTTS #1	EAST CANTON	0.8	EAST OHIO GAS
-NATIONAL PRODUCTION CORPORATION					RECEIVED: 01/21/81 JA: OH			
8113949		3411924008	108		BAUGHMAN NO #1		10.7	NATIONAL GAS & OIL C
8113985		3411520529	108		GILLESPIE NO #1		6.3	NATIONAL GAS & OIL C
8113992		3411921928	108		GORSUCH NO #1		7.7	NATIONAL GAS & OIL C
8113991		3411921890	108		MATTINGLY NO #1		14.8	NATIONAL GAS & OIL C
8113993		3411921975	108		MCCARTY NO #1		6.5	NATIONAL GAS & OIL C
-NOBLE OIL CORP					RECEIVED: 01/21/81 JA: OH			
8114018		3412723246	108		FORBES #1		20.0	NATIONAL GAS & OIL C
-OHIO NATURAL FUEL CO					RECEIVED: 01/21/81 JA: OH			
8114086		3416922094	108		ECK #1		9.0	COLUMBIA GAS TRANSMI
8113918		3400523133	108		GAST #2		10.0	COLUMBIA GAS TRANSMI
8113919		3400523199	108	D	MILLER #1		4.0	COLUMBIA GAS TRANSMI
8113920		3400523215	108		KAUFMAN #1		2.0	COLUMBIA GAS TRANSMI
8113937		3403123861	103		MAC KENZIE #1	BETHLEHEM	20.0	COLUMBIA GAS TRANSMI
8113938		3403123862	103		MAC KENZIE #2	BETHLEHEM	20.0	COLUMBIA GAS TRANSMI
8114085		3416922074	108		REDICK #1		3.0	COLUMBIA GAS TRANSMI
8114084		3416922035	108		REDICK #2		10.0	COLUMBIA GAS TRANSMI
-OHIO PRODUCERS SERVICES INC					RECEIVED: 01/21/81 JA: OH			
8114025		3412724878	103		C & M COLLINS #1	READING	10.0	COLUMBIA GAS TRANSMI
-OILTECH INC					RECEIVED: 01/21/81 JA: OH			
8113957		3407522715	103		MABEL BRUMME #2	KILLBUCK	0.0	COLUMBIA GAS TRANSMI
-ONEAL PRODUCTIONS INC					RECEIVED: 01/21/81 JA: OH			
8113986		3411521845	102		BROWNRIGG #1	MEIGSVILLE	120.0	COLUMBIA GAS TRANSMI
8113987		3411521878	102		CHILDS #3	MEIGSVILLE	120.0	COLUMBIA GAS TRANSMI
-ORION ENERGY CORP					RECEIVED: 01/21/81 JA: OH			

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JOB NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113990		3411522215	103		DILLE #1	WINDSOR	40.0	
8113989		3411522214	103		WEINSTOCK #2	WINDSOR	50.0	
-OXFORD OIL CO					RECEIVED: 01/21/81 JA: OH			
8113998		3411923919	108		JERRY MILLER #1		9.0	NATIONAL GAS & OIL C
8114007		3411925391	103		LARRY MITCHELL #1	CLAY	10.0	
-PETROG CO					RECEIVED: 01/21/81 JA: OH			
8114004		3411925242	103		G E WAGNER #2	ADAMS	10.0	COLUMBIA GAS CO
-PONINEX INC					RECEIVED: 01/21/81 JA: OH			
8114094		3413320628	108	D	#1 BUJALSKI		5.0	STARK OILFIELD SERVI
8114096		3409920555	108	D	#1 GARLAND CRUMBACHER		20.0	EAST OHIO GAS CO
8114095		3409920524	108	D	#1 RICHARD CALVIN		20.0	EAST OHIO GAS CO
-PONDEROSA OIL COMPANY					RECEIVED: 01/21/81 JA: OH			
8113954		3407522683	103		R J MILLER #1	PRAIRIE	12.0	COLUMBIA GAS TRANSMI
-PREMIER ENERGY CORP					RECEIVED: 01/21/81 JA: OH			
8113953		3407522502	103		B E DEETZ #1	MECHANIC	0.0	COLUMBIA GAS TRANS C
8113966		3407522415	103		BALDER #3	HARDY	15.0	COLUMBIA GAS TRANS C
8113951		3407522416	103		BALDER #4	HARDY	15.0	COLUMBIA GAS TRANS C
8113952		3407522417	103		BALDER #5	HARDY	15.0	COLUMBIA GAS TRANS C
8113950		3407522372	103		RICHARD STEIMEL NO 1	HARDY	0.0	COLUMBIA GAS TRANSMI
-RELIANCE OIL CORP					RECEIVED: 01/21/81 JA: OH			
8113995		3411922057	108		CLEO BEISSER #1		0.0	NATIONAL GAS & OIL C
8113994		3411922027	108		ROY GARRETT #1		0.0	NATIONAL GAS AND OIL
8113997		3411922270	108		W H HUTSON #1		0.0	NATIONAL GAS & OIL C
8113996		3411922136	108		WALDRON & DEITRICK #1		0.0	NATIONAL GAS & OIL C
-RICHARD C POLING					RECEIVED: 01/21/81 JA: OH			
8114021		3412724806	103		CARL SHEPPARD #1	HOPEWELL	5.0	
-RODGER V BOWERS					RECEIVED: 01/21/81 JA: OH			
8114026		3412724904	103		ABDELLA #1	HOPWELL	4.0	NATIONAL GAS & OIL C
-ROYAL PETROLEUM BD - IV					RECEIVED: 01/21/81 JA: OH			
8113943		3405320568	103		PROCTOR #1	ADDISON	5.0	COLUMBIA GAS TRANSMI
8113944		3405320569	103		PROCTOR #2	ADDISON	5.0	COLUMBIA GAS TRANSMI
8113942		3405320513	103		STOVER #3	ADDISON	5.0	COLUMBIA GAS TRANSMI
-SCHRIMSHER OIL & GAS EXPLORATION					RECEIVED: 01/21/81 JA: OH			
8114091		3416922454	103		HAMMER-GRABER #3	BAUGHMAN	20.0	EAST OHIO GAS CO
-SOUTHERN OHIO PETROLEUM CO INC					RECEIVED: 01/21/81 JA: OH			
8113977		3411121969	103		CHARLES D ZWICK #1	BETHEL	12.0	COLUMBIA GAS TRANSMI
-T C & RAY PERCY					RECEIVED: 01/21/81 JA: OH			
8113939		3403124034	103		PERRY #4	WASHINGTON	12.0	NATIONAL GAS & OIL C
-THE MUTUAL OIL & GAS COMPANY					RECEIVED: 01/21/81 JA: OH			
8114087		3416922400	103		CHIPPEWA DEV INC #1	CHIPPEWA	30.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO					RECEIVED: 01/21/81 JA: OH			
8113947		3405922787	103		BLANEY #1	WILLS	0.0	
8114019		3412122388	103		G RICHEY #1	WAYNE	0.0	
8114069		3412122037	103		R BURNS #4	WAYNE	0.0	
8114014		3412122397	103		R SCHAFER #1	OLIVE	0.0	
-UNION CAMP CORP					RECEIVED: 01/21/81 JA: OH			
8114068		3415723564	103		R CHUMNEY COMMUNITY #5-4054	DOVER	36.5	EAST OHIO GAS CO
-VESCORP INDUSTRIES INC					RECEIVED: 01/21/81 JA: OH			
8114053		3415122955	108		APPLEBY #1	CANTON	20.0	TIMKEN CO
8114064		3415723047	108		CROSS CREEK COAL #1		20.0	TIMKEN
8114063		3415723046	108		CROSS CREEK COAL #2		20.0	TIMKEN
8114033		3413321754	108		DEANER #1		20.0	TIMKEN

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JD NO	JA	API NO	SEC	D	WELL NAME	FIELD NAME	RECEIVED	PROD	PURCHASER
8114029		3413321265	108		FOLTZ #1			20.0	TIMKEN
8114030		3413321266	108		FOLTZ #2			20.0	TIMKEN
8114031		3413321269	108		M ELY #1			20.0	TIMKEN
8114028		3413321262	108		M ELY #2			13.0	TIMKEN
8114032		3413321327	108		W E R EVANS #1			20.0	TIMKEN
-VIKING RESOURCES CORP							RECEIVED: 01/21/81	30.0	
8114045		3413322430	103		STRONG #1	DEERFIELD		30.0	
8114044		3413322431	103		THOMAS #5	PALMYRA			
-W E SNYDER CO							RECEIVED: 01/21/81	3.0	NATIONAL GAS & OIL C
8113967		3408923806	103		CHESTER FLOWERS #1	HANOVER			
-WILLIAM M TIPKA							RECEIVED: 01/21/81	12.0	EAST OHIO GAS CO
8114062		3415722445	108	D	DAVIDSON #1			0.0	COLUMBIA GAS TRANSMI
8114065		3415723348	103		STEINER-HROMETZ #1	WASHINGTON		0.0	COLUMBIA GAS TRANSMI
8114066		3415723546	103		STEINER-HROMETZ #2	WASHINGTON			
-TRAY PETROLEUM CORP OF OHIO							RECEIVED: 01/21/81	0.0	
8114037		3413322234	103		OROS #1	NELSON		0.0	
8114034		3413322029	103		SHAFFER #1	NELSON			
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-W E ELLIOTT TRUSTEE ACCT 507							RECEIVED: 01/23/81	120.0	COLUMBIA GAS TRANSMI
8114099		4505120349	103		N D HOWARD ET AL ACCT 507 NO 3	NORA			

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 5, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5394 Filed 2-17-81; 8:45 am]

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 11, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION							
-GULF OIL CORPORATION				RECEIVED: 01/21/81 JA: LA			
8113804	80-3351	1708920337	102	D S C INC NO 135	BAYOU COUBA	80.3	TRANSCONTINENTAL GAS
8113803	80-3350	1708920362	102	DELTA SECURITIES CO INC #141	BAYOU COUBA	13.8	TRANSCONTINENTAL PIP
-LAWSON/ONSHORE PETROLEUM CORP				RECEIVED: 01/21/81 JA: LA			
8113801	80-3480	1701920904	102	PALVEST INC NO 1	LOCKPORT	474.5	CONOCO INC
-MCALESTER FUEL COMPANY				RECEIVED: 01/21/81 JA: LA			
8113802	80-3491	1702320170	102	STATE LEASE 7839 #1 BLK 6	WILDCAT WEST CAMERON BAY	912.0	
-PATRICK PETROLEUM CORP				RECEIVED: 01/21/81 JA: LA			
8113800	80-3525	1709320194	102	DEBRA WALSH NORRIS NO 1	HESTER	365.0	UNITED GAS PIPELINE
8113805	80-3352	1709320202	102	JOC OIL FEE NO 2 167994	HESTER	365.0	UNITED GAS PIPELINE
-WAINOCO OIL & GAS COMPANY				RECEIVED: 01/21/81 JA: LA			
8113799	80-3761	1700320177	102	POWELL LUMBER CO NO 1	NORTH INDIAN VILLAGE	144.0	TRUNKLINE GAS CO
8113799	80-3761	1700320177	103	POWELL LUMBER CO NO 1	NORTH INDIAN VILLAGE	144.0	TRUNKLINE GAS CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-GETTY OIL COMPANY				RECEIVED: 01/19/81 JA: NM			
8113780		3004509568	108	M L R WRIGHT GU #1	BASIN DAKOTA	17.3	EL PASO NATURAL GAS
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION							
-PARAGON RESOURCES INC				RECEIVED: 01/22/81 JA: NY			
8113844	158	3101309871	108	UNIT NO 10 - ALFRED KNIGHT	LAKESHORE	5.8	NATIONAL FUEL GAS DI
8113849	148	3101311098	108	UNIT NO 100 - WOODROW WADSWORTH	LAKESHORE	6.2	NATIONAL FUEL GAS DI
8113854	151	3101310146	108	UNIT NO 115 - MARY A SCHOLL	LAKESHORE	7.7	NATIONAL FUEL GAS DI
8113851	156	3101310174	108	UNIT NO 117 - FRANK BEST	LAKESHORE	9.1	NATIONAL FUEL GAS DI
8113835	171	3101310175	108	UNIT NO 119 - DONOVAN CROSBY	LAKESHORE	2.0	NATIONAL FUEL GAS DI
8113831	172	3101310177	108	UNIT NO 130 - DALE BABCOCK	LAKESHORE	5.5	NATIONAL FUEL GAS DI
8113830	173	3101310178	108	UNIT NO 133 - ROLLIN J NORTHRUP	LAKESHORE	8.8	NATIONAL FUEL GAS DI
8113824	187	3101310957	108	UNIT NO 147 - JOSEPH CIMINELLO	LAKESHORE	5.5	NATIONAL FUEL GAS DI
8113829	174	3101310532	108	UNIT NO 198 - DOROTHY NORMAN	LAKESHORE	7.3	NATIONAL FUEL GAS DI
8113828	175	3101310485	108	UNIT NO 199 - QUINTLEY LEAMER	LAKESHORE	6.3	NATIONAL FUEL GAS DI
8113827	176	3101310486	108	UNIT NO 200 - WM A MITCHELL	LAKESHORE	2.3	NATIONAL FUEL GAS DI
8113826	177	3101310949	108	UNIT NO 203 - FRED DAVIS	LAKESHORE	4.7	NATIONAL FUEL GAS DI
8113825	178	3101310943	108	UNIT NO 204 - ROBERT C FREELING	LAKESHORE	0.5	NATIONAL FUEL GAS DI
8113853	154	3101310109	108	UNIT NO 24 - ALVIN COLT	LAKESHORE	14.5	NATIONAL FUEL GAS DI
8113839	157	3101309618	108	UNIT NO 3 - DONALD YOKUM	LAKESHORE	4.5	NATIONAL FUEL GAS DI
8113845	160	3101310292	108	UNIT NO 31 - GLADYN B BABCOCK	LAKESHORE	5.3	NATIONAL FUEL GAS DI
8113836	161	3101310345	108	UNIT NO 32 - GERALD CARRIS	LAKESHORE	1.2	NATIONAL FUEL GAS DI
8113837	162	3101310029	108	UNIT NO 33 - A J KNIGHT	LAKESHORE	3.7	NATIONAL FUEL GAS DI

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113838	163	3101310293	108	UNIT NO 34 - CHESTER WAITE	LAKESHORE	4.8	NATIONAL FUEL GAS DI
8113840	164	3101309960	108	UNIT NO 35 - LLOYD JOHNSON	LAKESHORE	2.4	NATIONAL FUEL GAS DI
8113841	165	3101310086	108	UNIT NO 36 - FRANK ZOHNS	LAKESHORE	4.4	NATIONAL FUEL GAS DI
8113842	166	3101310087	108	UNIT NO 37 - FRANK ZOHNS	LAKESHORE	5.2	NATIONAL FUEL GAS DI
8113843	167	3101310088	108	UNIT NO 38 - A J KNIGHT	LAKESHORE	7.0	NATIONAL FUEL GAS DI
8113832	168	3101310406	108	UNIT NO 39 - SALVATORE PICARDINI	LAKESHORE	3.3	NATIONAL FUEL GAS DI
8113833	169	3101310258	108	UNIT NO 40 - LARRY D HUNT	LAKESHORE	1.6	NATIONAL FUEL GAS DI
8113834	170	3101310407	108	UNIT NO 66 - FRED DAVIS	LAKESHORE	1.3	NATIONAL FUEL GAS DI
8113852	155	3101310884	108	UNIT NO 74 - L R PALMER	LAKESHORE	4.8	NATIONAL FUEL GAS DI
8113856	149	3101310579	108	UNIT NO 81 - RICHARD GILBERT	LAKESHORE	7.1	NATIONAL FUEL GAS DI
8113855	150	3101310484	108	UNIT NO 82 - CLARENCE LINES	LAKESHORE	5.4	NATIONAL FUEL GAS DI
8113850	144	3101311033	108	UNIT NO 85 - JOHN ABRAM	LAKESHORE	8.7	NATIONAL FUEL GAS DI
8113846	145	3101310878	108	UNIT NO 86 - WILLIAM FARRAR	LAKESHORE	7.7	NATIONAL FUEL GAS DI
8113847	146	3101311029	108	UNIT NO 95 - WILLIAM FARRAR	LAKESHORE	5.9	NATIONAL FUEL GAS DI
8113848	147	3101310956	108	UNIT NO 96 - JUNE CROSS	LAKESHORE	9.7	NATIONAL FUEL GAS DI
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES							
-ADOBE OIL & GAS CORPORATION				RECEIVED: 01/22/81 JA: PA			
8113857	6245	3705120190	103	ANDREW J CERNUSKA #1	DAWSON	29.0	PEOPLES NATURAL GAS
8113859	6243	3706324472	103	ANGELO ROMAINE	ERNEST	25.0	PEOPLES NATURAL GAS
8113866	6235	3712921280	103	ARTHUR WARNER #2	LATROBE	29.0	PEOPLES NATURAL GAS
8113864	6237	3706324445	103	C PENNINGTON	INDIANA	29.0	PEOPLES NATURAL GAS
8113868	6233	3712921175	103	CARL EARHART ET UX #2	LATROBE	21.0	PEOPLES NATURAL GAS
8113870	6231	3712921274	103	CHARLES MASON	LATROBE	25.0	PEOPLES NATURAL GAS
8113858	6244	3712921008	103	CLYDE E VERNA BARNHART #1	BLAIRSVILLE	25.0	PEOPLES NATURAL GAS
8113865	6236	3712921405	103	CLYDE BARNHART #4	BLAIRSVILLE	21.0	PEOPLES NATURAL GAS
8113869	6232	3712921375	103	EDGAR J EBNER #2	BLAIRSVILLE	21.0	PEOPLES NATURAL GAS
8113867	6234	3712920984	103	EDGAR J EBNER ET UX	BLAIRSVILLE	30.0	PEOPLES NATURAL GAS
8113916	3948	3700522360	103 D	FRANK S THOMPSON #2	ELDERTON	29.0	
8113860	6242	3712921145	103	J P MARTIN #1	BLAIRSVILLE	29.0	PEOPLES NATURAL GAS
8113861	6241	3712921336	103	J P MARTIN #2	BLAIRSVILLE	30.0	PEOPLES NATURAL GAS
8113871	6230	3705120188	103	LAWRENCE MARCHOL #1	DAWSON	25.0	PEOPLES NATURAL GAS
8113862	6240	3712921184	103	NELLIE B FOSTER #3	BLAIRSVILLE	21.0	PEOPLES NATURAL GAS
8113863	6239	3706324403	103	V HALDIN #1	ERNEST	25.0	PEOPLES NATURAL GAS
8113917	3867	3706324404	103	VERNER HALDIN #2	ERNEST	21.0	PEOPLES NATURAL GAS
-CASTLE GAS CO INC				RECEIVED: 01/22/81 JA: PA			
8113905	6210	3706325309	103	ANTHONY NASTASI #1 C-657 IND 25309	GREEN TOWNSHIP	50.0	COLUMBIA GAS TRANSMI
8113904	6209	3706325310	103	ANTHONY NASTASI #2 C-658 IND-25310	GREEN TOWNSHIP	70.0	COLUMBIA GAS TRANSMI
8113884	6215	3706325222	103	DANIEL J HILL # 1 C-596	GRANT TOWNSHIP	70.0	COLUMBIA GAS TRANSMI
8113888	6211	3706325277	103	FERD P RICE (51-A) #1 C-654	GREEN TOWNSHIP	60.0	COLUMBIA GAS TRANSMI
8113874	6225	3706325241	103	FERD R RICE #1 (C-594) (30-A)	GRANT TOWNSHIP	60.0	COLUMBIA GAS TRANSMI
8113875	6224	3706325276	103	FERD R RICE #1 (50-A) C-653	GREEN TOWNSHIP	65.0	COLUMBIA GAS TRANSMI
8113879	6223	3706325232	103	HELEN M BERNARD ET AL #1 C-614	RAYNE TOWNSHIP	55.0	COLUMBIA GAS TRANSMI
8113878	6222	3706325234	103	HELEN M BERNARD ET AL #3 C-616	RAYNE TOWNSHIP	50.0	COLUMBIA GAS TRANSMI
8113876	6221	3706325235	103	HELN M BERNARD # 4 C-617 25235	RAYNE TOWNSHIP	70.0	COLUMBIA GAS TRANSMI
8113883	6216	3706325240	103	JAMES C GREEN # 2 C-656	GREEN TOWNSHIP	65.0	COLUMBIA GAS TRANSMI
8113880	6217	3706325239	103	JAMES C GREEN #1 C-655	GREEN TOWNSHIP	60.0	COLUMBIA GAS TRANSMI
8113885	6214	3706325273	103	M V LIAS # 1 C-618	RAYNE TOWNSHIP	60.0	COLUMBIA GAS TRANSMI
8113877	6220	3706325236	103	MARTHA SIMCHAK # 1 C-650	GREEN TOWNSHIP	60.0	COLUMBIA GAS TRANSMI
8113882	6219	3706325237	103	MARTHA SIMCHAK #2 C-651	GREEN TOWNSHIP	55.0	COLUMBIA GAS TRANSMI
8113881	6218	3706325238	103	MARTHA SIMCHAK #3 C-652	GREEN TOWNSHIP	50.0	COLUMBIA GAS TRANSMI

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113886	6213	3706325392	103	SAMUEL KIRK ET UX #1 C-620	RAYNE TOWNSHIP	65.0	COLUMBIA GAS TRANSMI
8113887	6212	3706325507	103	SAMUEL KIRK ET UX #2 C-621	RAYNE TOWNSHIP	55.0	COLUMBIA GAS TRANSMI
8113873	6226	3706324955	103	WASSEL PLESS # 2 C-609 24955	YOUNG TOWNSHIP	60.0	PEOPLES NATURAL GAS
8113872	6227	3706325531	103	WASSEL PLESS #1 C-290 25531	YOUNG TOWNSHIP	55.0	PEOPLES NATURAL GAS
-ENVIROGAS INC				RECEIVED: 01/22/81 JA: PA			
8113910	6126	3704921147	103	#1 C MILLER	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
8113911	6125	3704921134	103	#1 GREENFIELD TOWNSHIP	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
8113914	6122	3704921166	103	#1 R ARRIGO	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
8113909	6127	3704921118	103	#1 T SAUNDERS	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
8113913	6123	3704921145	103	#2 D CHESLEY	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
8113912	6124	3704921184	103	#2 J COOK	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS SU
-FLANIGAN BROTHERS				RECEIVED: 01/22/81 JA: PA			
8113906	6139	3703920847	103	ARCHIE L SHELLITO #1	ALBION	15.0	NATIONAL FUEL GAS
8113907	6140	3703920867	103	RALPH L & MARG L TAU #1		15.0	NATIONAL FUEL GAS
-FOX OIL & GAS INC				RECEIVED: 01/22/81 JA: PA			
8113915	6026	3706325733	103	FLORENCE DHARRAH #3	MONTGOMERY	2.6	COLUMBIA GAS TRANS C
-GAMMA 79-S T JOINT VENTURE				RECEIVED: 01/22/81 JA: PA			
8113889	6189	3706522028	103	WESLEY SMITH #1		25.0	NATIONAL FUEL GAS SU
-NORTHWEST NATURAL GAS CO				RECEIVED: 01/22/81 JA: PA			
8113894	6199	3703920819	103	AUTHUR HICKLING #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113895	6200	3703920848	103	CAROLINE HATCHER #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113897	6202	3703920798	103	CLARENCE & EDNA GUIANEN #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113896	6201	3704921179	103	DAVID & FELICIDAD GUIANEN #3	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113891	6196	3704921131	103	EDWARD & JEANETTE MIKOVICH #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113893	6198	3704921129	103	FRANK L & LUCILLE G KITCEY #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113898	6203	3703920816	103	GREEN/GREENFIELD/COOK #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113900	6206	3703920861	103	HAROLD ESCHWEILER #2	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113902	6207	3704921137	103	JOAN ELWINGER #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113890	6195	3703920880	103	JOHN FRANK STEIGERWALD #2	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113899	6204	3704921112	103	JOSEPH F & JOSEPHONE GLAVIC #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113892	6197	3703920849	103	MARY KULIK #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113901	6205	3703920809	103	NICK M & VIRGINIA M GESSNER #1	CONNEAUT	0.0	NATIONAL FUEL DISTRI
8113903	6208	3703920814	103	WALTER A & PATRICIA R ULAN	CONNEAUT	0.0	NATIONAL FUEL DISTRI
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 01/22/81 JA: PA			
8113908	6133	3704921117	102	CURTIS #1	MC KEAN	30.0	COLUMBIA GAS TRANSMI

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TEXAS RAILROAD COMMISSION

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-AMOCO PRODUCTION CO				RECEIVED: 01/22/81 JA: TX			
8113821	25856	4221932867	103	LEVELLAND UNIT # 769	LEVELLAND	5.3	EL PASO NATURAL GAS
-D L BISHOP				RECEIVED: 01/22/81 JA: TX			
8113822	27545	4210532641	103	THOMASON-UNIVERSITY #4 (RRC #05070)	AMIGO (SAN ANDRES)	8.0	NORTHERN NATURAL GAS
-GULF OIL CORPORATION				RECEIVED: 01/22/81 JA: TX			
8113815	13304	4238931002	108	S E LIGON NO 3	NAHA WEST (DELAWARE)	11.1	TRANSWESTERN PIPELIN
-JOHN DEETER				RECEIVED: 01/22/81 JA: TX			
8113818	19445	4247931343	108	RACHAL A NO 2 (84455)	BLOCKER RANCH (OLMOS N-2	3.2	HOUSTON PIPELINE CO
8113817	19444	4247900000	108	RACHAL B NO 1 (84454)	GALAN (EDWARDS LIME)	9.6	HOUSTON PIPELINE CO
-MITCHELL ENERGY CORPORATION				RECEIVED: 01/22/81 JA: TX			
8113816	18775	4249731282	108	MARGARET YOUNG #2 (80343)	BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPELINE
-PETRO-SEARCH INC				RECEIVED: 01/22/81 JA: TX			
8113814	06719	4217900000	108	READ #6 (1-090-02709-3)	PANHANDLE	7.5	DORCHESTER GAS PRODU
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 01/22/81 JA: TX			
8113823	28036	4249530429	108	(23967) VEST-B NO 3	EMPEROR (DEEP)	2.0	EL PASO NATURAL GAS

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 01/22/81 JA: TX			
8113819	21836	4242700000	108	L & L GARCIA B NO 8	YTURRIA	19.0	TRANSCONTINENTAL GAS
8113820	21935	4224900000	108	SEELIGSON UNIT NO 20-7	SEELIGSON	6.0	TENNESSEE GAS PIPELI

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WEST VIRGINIA DEPARTMENT OF MINES

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-BEREA OIL AND GAS CORPORATION				RECEIVED: 01/21/81 JA: WV			
8113810		4700121202	102	D SOUTHERLY #1	VALLEY	20.0	
8113806		4700121229	102	H L STEERMAN #1	VALLEY	20.0	
8113813		4700121201	102	HENRY WATSON #1	VALLEY	20.0	
8113812		4700121200	102	L O SHINGLETON #1	VALLEY	20.0	
8113811		4700121240	102	R VOWLS #3	VALLEY	20.0	
8113808		4700121241	102	R VOWLS #4	VALLEY	20.0	
8113809		4700121203	102	T HARRIS #1	VALLEY	20.0	
-JUSTIN M HENDERSON				RECEIVED: 01/21/81 JA: WV			
8113807		4701701865	102	INDIAN MOUND #1	LEEMAN MAXWELL-SW DISTRI	52.0	CARNEGIE NATURAL GAS

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** U.S. GEOLOGICAL SURVEY - DENVER,CO

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-CHANDLER & ASSOCIATES INC				RECEIVED: 01/19/81 JA: CO 1			
8113787	CC 263-0	0510307781	108	NO DOUGLAS CREEK FED 11-12	DRAGON TRAIL	15.0	NORTHWEST PIPELINE C
-COSERA RESOURCES (USA) LIMITED				RECEIVED: 01/19/81 JA: CO 1			
8113786	CC 272-0	0510308452	103	13-9-4-102	WILDCAT	0.0	NORTHWEST PIPELINE C
-KOCH INDUSTRIES INC				RECEIVED: 01/19/81 JA: CO 1			
8113794	CD0046-80	0507708143	103	HORSESHOE CANYON UNIT #1	ROBERTS CANYON-SHIRE GUL	365.0	NORTHWEST PIPELINE C
8113793	CD 0041-80	0507708233	103	HORSESHOE CANYON UNIT #2	ROBERTS CANYON-SHIRE GUL	55.0	NORTHWEST PIPELINE C
8113797	CD0037-80	0507708232	103	HORSESHOE CANYON UNIT #3	ROBERTS CANYON-SHIRE GUL	146.0	NORTHWEST PIPELINE C
8113795	CD0039-80	0507708231	103	HORSESHOE CANYON UNIT #4	ROBERTS CANYON-SHIRE GUL	128.0	NORTHWEST PIPELINE C
8113796	CD0038-80	0507708230	103	HORSESHOE CANYON UNIT #5	ROBERTS CANYON-SHIRE GUL	36.0	NORTHWEST PIPELINE C
-LECLAIR-WESTWOOD INC				RECEIVED: 01/19/81 JA: CO 1			
8113785	CC 286-0	0508106408	103	ELK SPRINGS UNIT #1	WILDCAT	18.0	
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 01/19/81 JA: CO 1			
8113792	CD 0052-80	0510307704	108	PHILADELPHIA CREEK #1	CATHEDRAL	0.0	NORTHWEST PIPELINE C
8113791	CC 184-0	0510308064	108	PHILADELPHIA CREEK #16	CATHEDRAL	22.0	NORTHWEST PIPELINE C
-ARCO OIL AND GAS COMPANY				RECEIVED: 01/19/81 JA: UT 1			
8113783	UD0054-80	4301930570	103	ARCO #27-1	SAN ARROYO (DK)	47.0	MESA PIPELINE CO
8113784	UD0055-80	4301930608	103	SAN ARROYO FED #33 (DK)	SAN ARROYO	50.0	MESA PIPELINE
-BELCO PETROLEUM CORPORATION				RECEIVED: 01/19/81 JA: UT 1			
8113781	#UC 317-0	4304730523	103	DUCK CREEK 5-16 GR 30523	DUCK CREEK	0.0	NORTHWEST PIPELINE C
8113782	#UC 311-0	4304730540	103	DUCK CREEK 6-16 GR 30540	DUCK CREEK	0.0	NORTHWEST PIPELINE C
-GAS PRODUCING ENTERPRISES INC				RECEIVED: 01/19/81 JA: UT 1			
8113786	UC 189-0	4304730485	102	NATURAL BUTTES CIGE 20-20-10-21	BITTER CREEK	90.0	COLORADO INTERSTATE
8113788	UC 161-0	4304730508	102	NATURAL BUTTES CIGE 34-13-10-20	BITTER CREEK	270.0	COLORADO INTERSTATE
8113789	UC 162-0	4304730507	102	NATURAL BUTTES CIGE 49-22-10-21	BITTER CREEK	225.0	COLORADO INTERSTATE
-NP ENERGY CORPORATION				RECEIVED: 01/19/81 JA: UT 1			
8113790	UD 0007-80	4301930302	108	NP ENERGY FEDERAL 19-3	CISCO DOME	6.0	NORTHWEST PIPELINE C

BILLING CODE 6450-86-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 5, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

R: Revision or redetermination by Jurisdictional Agency
C: Correction to prior Fed. Reg. notice

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	R:	C:
80-27501	LA	Ergon Inc	POST #1	191	5/23/80	C:	103 and 108 approved
80-11187	OK	Ladd Petroleum Corp	Roger Hays #1	139	2/06/80	C:	108 denied
80-27682	LA	Ergon Inc	J O MISECARVER #1	191	5/23/80	C:	103 and 108 approved
80-27497	LA	Ergon Inc	S L REEVES #1	191	5/23/80	C:	103 and 108 approved
80-27782	LA	Ergon Inc	VUA; ROY OLIVER ET AL #1	191	5/23/80	C:	103 and 108 approved
80-27776	LA	Ergon Inc	W T MILLER #3	191	5/23/80	C:	103 and 108 approved
80-27777	LA	Ergon Inc	W T MILLER #2	191	5/23/80	C:	103 and 108 approved
80-27500	LA	Ergon Inc	MILAS MEDLIN #2	191	5/23/80	C:	103 and 108 approved
80-27636	LA	Ergon Inc	EUGENIA THOMAS #1	191	5/23/80	C:	103 and 108 approved
80-27775	LA	Ergon Inc	MARY PHILLIPS #1	185	5/08/80	C:	103 and 108 approved
80-25230	LA	Ergon Inc	R S ALLEN #3	191	5/23/80	C:	103 and 108 approved
80-27781	LA	Ergon Inc	L B HOFFORD #1				

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

[FR Doc. 81-5390 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-C

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 11, 1981.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC J WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD						
-CARDELL-TLAPEK COMPANY			RECEIVED: 01/19/81 JA: MS			
8113540	98-80-496	2316320135 102	HENDERSON-LEWIS #1	MECHANICSBURG FIELD	730.0	SOUTHERN NATURAL GAS
MONTANA BOARD OF OIL & GAS CONSERVATION						
-AMOCO PRODUCTION CO			RECEIVED: 01/19/81 JA: MT			
8113541	9-80-218	2500921103 103	ELK BASIN MADISON UNIT 2 #306	ELK BASIN	7.1	MONTANA-DAKOTA UTILI
8113546	9-80-215	2500921099 103	ELK BASIN MADISON UNIT 2 #307	ELK BASIN MADISON	6.3	MONTANA-DAKOTA UTILI
8113542	9-80-220	2500921171 103	ELK BASIN MADISON UNIT 2 #309	ELK BASIN MADISON	7.3	MONTANA-DAKOTA UTILI
-FALCON-COLORADO EXPLORATION INC			RECEIVED: 01/19/81 JA: MT			
8113545	9-80-215	2510521172 102	1-2 STUFF	SWANSON CREEK	2.0	MONTANA-DAKOTA UTILI
8113543	9-80-214	2507121717 102	1-28 KERN	SWANSON CREEK	13.0	MONTANA-DAKOTA UTILI
8113544	9-80-216	2507121732 103	1-32 MANCOCK	SWANSON CREEK	20.0	MONTANA-DAKOTA UTILI
OKLAHOMA CORPORATION COMMISSION						
-AN-SON CORPORATION			RECEIVED: 01/19/81 JA: OK			
8113573	06838	3507322395 103	POST #1	S W LINCOLN	150.0	CITIES SERVICE GAS C
-ANDOVER OIL COMPANY			RECEIVED: 01/19/81 JA: OK			
8113586	07061	3501721493 102	ALFADALE FARMS #2-3		185.0	DELHI GAS PIPELINE C
8113594	07061	3501721493 103	ALFADALE FARMS #2-3		185.0	DELHI GAS PIPELINE C
8113608	06867	3501721470 103	GLOBE LIFE J #35-1		0.0	DELHI GAS PIPELINE C
-ARCO OIL AND GAS COMPANY			RECEIVED: 01/19/81 JA: OK			
8113557	07232	3505920814 102	WAYNE B CATLIN #1	WILDCAT	182.0	MICHIGAN WISCONSIN P
-CHARLES HILL JR			RECEIVED: 01/19/81 JA: OK			
8113602	07092	3506321044 102	WILSON #1	CITRA	360.0	ARKANSAS LOUISIANA G
-CLARK RESOURCES INC			RECEIVED: 01/19/81 JA: OK			
8113548	06835	3504700000 103	FARRELL #26-1	SOONER TREND	120.0	ARKANSAS LOUISIANA G
8113549	06834	3507322502 103	HAJEK #6-1	SOONER TREND	750.0	CITIES SERVICE GAS C
-CONOCO INC			RECEIVED: 01/19/81 JA: OK			
8113626	05660	3501900000 108	H S MANIRE #6-1	SHOLEM-ALECHEM	12.5	GETTY OIL CO
8113628	04657	3500300000 108	N E CHEROKEE UNIT #58	N E CHEROKEE	0.1	OKLAHOMA NATURAL GAS
8113630	05651	3501900000 108	VELMA CAMP DEESE UNIT #48	S E VELMA	0.1	GETTY OIL CO
8113629	05652	3501900000 108	VELMA CAMP DEESE UNIT #49	S E VELMA	0.3	GETTY OIL CO
-COTTON PETROLEUM CORPORATION			RECEIVED: 01/19/81 JA: OK			
8113571	09866	3501520967 107	HARRISON ESTATE #1	N W LAVERTY	700.0	SOUTHERN NATURAL GAS
-COURT PAPPE JR			RECEIVED: 01/19/81 JA: OK			
8113621	06868	3507300000 103	JOYCE #1	SOONER TREND	127.8	PHILLIPS PETROLEUM C
-CUMMINGS OIL CO			RECEIVED: 01/19/81 JA: OK			
8113632	05353	3507322303 103	WRIGHT #2-11	SOONER TREND	0.0	CONOCO INC
-DICK BOGERT INC			RECEIVED: 01/19/81 JA: OK			

JD NO	JA DKT	API NO	SEC J WELL NAME	FIELD NAME	PROD	PURCHASER
8113617	06891	3507322520 103	SMITH #1A-21	SOONER TREND	73.0	CONOCO INC
8113618	06892	3508321355 103	SWAIM 1-25	SOONER TREND	180.0	EASON OIL CO
-DOME PETROLEUM CORP			RECEIVED: 01/19/81 JA: OK			
8113614	06946	3504921232 102	FERGUSON 1-1	FOSTER S E	33.5	SOHIO PETROLEUM CO
-EDINGER INC			RECEIVED: 01/19/81 JA: OK			
8113561	06847	3500320707 103	DEWITT #1	RINGWOOD	73.0	PANHANDLE EASTERN PI
8113558	06849	3500320706 103	HODGE-RYEL #1	RINGWOOD	55.0	PANHANDLE EASTERN PI
8113595	06848	3500320593 103	MONSEES #2	RINGWOOD	0.0	OKLAHOMA GAS & ELECT
8113556	06850	3500320649 103	OBANNON #1	RINGWOOD	26.0	UNION TEXAS PETROLEU
8113560	06846	3500320654 103	REXROAT #1	RINGWOOD	26.0	UNION TEXAS PETROLEU
-EL PASO NATURAL GAS COMPANY			RECEIVED: 01/19/81 JA: OK			
8113572	09871	3514920096 107	LAMBERT #1	ELK CITY MORROW UPPER	4400.0	EL PASO NATURAL GAS
8113623	06508	3500935560 108	PUCKETT #2	ERICK SOUTH-BROWN DOLOMI	20.0	EL PASO NATURAL GAS
-ELCOOL CORP			RECEIVED: 01/19/81 JA: OK			
8113565	06696	3510300000 108	DAUMAN NO 1	PERRY	4.2	CITIES SERVICE GAS C
-FERGUSON OIL & GAS COMPANY INC			RECEIVED: 01/19/81 JA: OK			
8113624	06259	3509321390 103	NIGHTINGALE NO 1	FAIRVIEW	300.0	PHILLIPS PETROLEUM C
-FRENCH & WALKER INC			RECEIVED: 01/19/81 JA: OK			
8113584	06757	3507920335 103	MACKEY #1	EAST SPIRO	365.0	DELHI GAS & PIPELINE
8113550	06756	3507920308 103	REES #1	BOKOSHE	100.0	ARKLA LOUISIANA GAS
-FUNK EXPLORATION INC			RECEIVED: 01/19/81 JA: OK			
8113563	06744	3507332369 103	BRUEGGEN #1	SOONER TREND	37.0	CONOCO INC
-GLENCO PETROLEUM CORP			RECEIVED: 01/19/81 JA: OK			
8113551	06626	3506321020 103	MARJORIE SEABORN #2	GREASY CREEK	360.0	WELLHEAD ENTERPRISES
8113552	06627	3506321023 103	MARJORIE SEABORN #3	GREASY CREEK	150.0	WELLHEAD ENTERPRISES
-HEATH OIL CO INC			RECEIVED: 01/19/81 JA: OK			
8113553	06758	3507121876 103	ARNOLD #1		109.5	CITIES SERVICE GAS C
-HOLD OIL CORP			RECEIVED: 01/19/81 JA: OK			
8113590	06635	3506320942 103	ROY WELCH #1	SOUTHEAST HORNTOWN	35.0	WELLHEAD ENTERPRISES
-INDIAN TERRITORY OPERATING CO			RECEIVED: 01/19/81 JA: OK			
8113622	06664	3500700000 108	BARBY 1-A	MOCANE-LAVERNE	17.1	NORTHERN NATURAL GAS
-INEXCO OIL COMPANY			RECEIVED: 01/19/81 JA: OK			
8113547	07297	3512920463 102	WICKHAM 1-25	HAMMON	730.0	DELHI GAS PIPELINE C
-JAMES C MEADE			RECEIVED: 01/19/81 JA: OK			
8113577	06786	3506100000 103	EBERLY & MEADE MASON #2-18	KINTA	146.0	ARKANSAS LOUISIANA G
-JONES EXPLORATION CO			RECEIVED: 01/19/81 JA: OK			
*8113620	06861	3513722062 103	SUMMARK #1	WILDCAT	31.0	NATURAL GAS OPERATIO
-JOSEPH I ONEILL JR			RECEIVED: 01/19/81 JA: OK			
8113582	06780	3506520474 108	COOPER #1	MOCANE-LAVERNE	16.0	MICHIGAN-WISCONSIN P
-KAISER-FRANCIS OIL COMPANY			RECEIVED: 01/19/81 JA: OK			
8113575	07284	3505120877 103	ALLEN #1	S CHICKASHA	300.0	ARKANSAS LOUISIANA G
8113593	07284	3505120877 102	ALLEN #1	S CHICKASHA	300.0	ARKANSAS LOUISIANA G
8113562	06746	3505920853 103	RADER NO 2	MOCANE-LAVERNE	275.0	NORTHERN NATURAL GAS
-KERR MCGEE COAL CORP			RECEIVED: 01/16/81 JA: OK			
8113539	07882	3506100000 107	CHOCTAW MINE	KERR MCGEE CHOCTAW MINE	360.0	COLUMBIA GAS TRANSMI
-L & N EXPLORATION INC			RECEIVED: 01/19/81 JA: OK			
8113580	06755	3508321297 103	FAGAN #3-24	WEST LAWRIE	18.0	EASON OIL CO
-LADD PETROLEUM CORPORATION			RECEIVED: 01/19/81 JA: OK			
8113631	00591	3504700000 108	BEHRING B-#1 (MISS)			
8113576	06787	3506721413 103	BEHRING NO 2	N E ENID	20.1	CITIES SERVICE GAS C
8113612	06898	3504772179 103	CHARLTON-HOPWOOD NO 2	NORTHEAST ENID	26.2	CITIES SERVICE GAS C
-LINCOLN ROCK CORP			RECEIVED: 01/19/81 JA: OK	NORTHEAST ENID	27.3	CITIES SERVICE GAS C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113613	06902	3508520397	103		RUTH #1	NORTHEAST MARIETTA	12.0	CIMARRON TRANSMISSIO
-LOGOS OIL INC					RECEIVED: 01/19/81 JA: OK			
8113567	06844	3511120495	103		CHILDERS 1-9	NUYAKA	4.5	PHILLIPS PETROLEUM
8113569	06842	3511121656	103		LATTY 1-A	BEGGS	4.3	PHILLIPS PETROLEUM C
8113570	06849	3511121830	103		WILSON 1-A	HAMILTON SWITCH	0.0	PHILLIPS PETROLEUM C
-LUBELL OIL CO					RECEIVED: 01/19/81 JA: OK			
8113610	06897	3506321139	103		LUBELL NO 1-17 MATHIS	NORTH WETUMKA	150.0	
-M M RESOURCES INC					RECEIVED: 01/19/81 JA: OK			
8113579	06781	3504722148	103		ROBERT HELBERG NO 1	SOONER TREND	0.0	GRACE PETROLEUM CORP
-MAJOR OIL CORP					RECEIVED: 01/19/81 JA: OK			
*8113566	06863	3509321822	103		MAJOR-OTT NO 1-4	MENO-RINGWOOD	0.0	PIONEER GAS PRODUCTS
*8113605	06862	3509321769	103		OTT NO 1-4	MENO-RINGWOOD	0.0	PIONEER GAS PRODUCTS
-MARLIN OIL CORPORATION					RECEIVED: 01/19/81 JA: OK			
8113578	06784	3500721787	103		RABE #1	MOCANE-LAVERNE	120.0	COLORADO INTERSTATE
-MCFARLAND ENERGY INC					RECEIVED: 01/19/81 JA: OK			
8113585	06431	3506321035	103		MEADORS NO 3-23	WEST FURHMAN	0.0	PUBLIC SERVICE CO OF
-MOBIL OIL CORP					RECEIVED: 01/19/81 JA: OK			
8113574	06858	3504900000	108		C LAMBERT #3	GOLDEN TREND	13.8	WARREN PETROLEUM COR
8113583	06856	3503900000	108		JONES HUNTON UNIT #1	NORTH CUSTER CITY	20.8	NATURAL GAS PIPELINE
8113581	06857	3501900000	108		SUSAN LAHMAN #5	SHO-VEL-TUM	7.6	OKLAHOMA NATURAL GAS
-NATURAL GAS ANADARKO INC					RECEIVED: 01/19/81 JA: OK			
8113603	09782	3500721781	103		VAUGHN #1-13	MOCANE LAVERNE	180.0	MICHIGAN WISCONSIN P
-PARADOX PETROLEUM CO					RECEIVED: 01/19/81 JA: OK			
8113555	06855	3513921193	103		MUSSMAN #1	SOUTH GUYMON-C NE-27-2N-	144.0	PHILLIPS PETROLEUM C
-PARKER BROTHERS OIL CO					RECEIVED: 01/19/81 JA: OK			
8113588	05532	3513121344	102		WEST #2		10.0	DIAMOND-S GAS SYSTEM
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/19/81 JA: OK			
8113564	06677	3505120842	103		NORVILL B #1	BRADLEY	0.0	TRANSOK PIPELINE CO
-PIONEER PRODUCTION CORPORATION					RECEIVED: 01/19/81 JA: OK			
8113615	07289	3515121063	102		LUELLA MORGAN #1-28	WILDCAT	33.0	PANHANDLE EASTERN PI
-PITCO					RECEIVED: 01/19/81 JA: OK			
8113604	07175	3506321068	102		HUQUA 1-31	NORTH TALOGA	350.0	DELHI GAS PIPELINE C
-SAMEDAN OIL CORPORATION					RECEIVED: 01/19/81 JA: OK			
8113596	06833	3501720967	103		DUNGAN NO 1		75.0	PHILLIPS PETROLEUM C
8113601	07147	3501721448	102		J & J FARMS #3		55.0	PHILLIPS PETROLEUM C
8113597	06832	3501720946	103		PETERS NO 1		300.0	PHILLIPS PETROLEUM C
-SAMSON RESOURCES COMPANY					RECEIVED: 01/19/81 JA: OK			
8113625	05777	3506120185	108		QUINTON ET AL #1	KINTA	16.5	ARKANSAS LOUISIANA G
8113627	05773	3512120380	108		TREKELL NO 1	KINTA	17.4	ARKANSAS LOUISIANA G
-SENECA OIL COMPANY					RECEIVED: 01/19/81 JA: OK			
8113592	07257	3513921296	102		WEHMEIER NO 1-13	S W DOMBEY	360.0	PANHANDLE EASTERN PI
8113619	07257	3513921296	103		WEHMEIER NO 1-13	S W DOMBEY	360.0	PANHANDLE EASTERN PI
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/19/81 JA: OK			
8113616	06864	3515120998	103		H A GARDNER NO 2	N W AVARD	620.0	PANHANDLE EASTERN PI
-TENNECO OIL COMPANY					RECEIVED: 01/19/81 JA: OK			
8113587	02662	3508336666	108		E COLUMBIA OSWEGO LIME #13-1	COLUMBIA EAST	3.0	EASON OIL CO
8113589	02665	3507336136	108		E COLUMBIA OSWEGO LIME #6-2	COLUMBIA EAST	3.0	EASON OIL CO
-TEXAS OIL & GAS CORP					RECEIVED: 01/19/81 JA: OK			
8113554	06548	3501120729	108		BICHENEN #1	WATONGA	18.0	DELHI GAS PIPELINE C
8113586	06403	3512900000	108		EAKINS #1	SOUTH BISHOP	7.0	CITIES SERVICE GAS C
8113559	06830	3506120349	103		KINSEY #1	WILDCAT	207.0	
-THOMAS N BERRY & CO					RECEIVED: 01/19/81 JA: OK			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113591	02497	3505900000	108		OSMON UNIT #1	NORTH LOVEDALE	0.0	CITIES SERVICE GAS C
-TRANSIERRA EXPLORATION CORP					RECEIVED: 01/19/81 JA: OK			
8113600	06828	3508121022	103		MELVIN SHEBEK ET AL #1	SW PRAIRIE GEM FIELD	68.0	SUN OIL CO
8113598	06827	3508121027	103		MELVIN SHEBEK ET AL #2	SW PRAIRIE GEM FIELD	51.0	SUN OIL CO
-UNIVERSAL RESOURCES CORPORATION					RECEIVED: 01/19/81 JA: OK			
8113634	06824	3501721517	103		JACOBS 1-25	PIEDMONT WEST	150.0	PHILLIPS PETROLEUM C
8113599	06826	3501721403	103		JAMES #1-36	PIEDMONT WEST	150.0	PHILLIPS PETROLEUM C
-VERN C SHIMP					RECEIVED: 01/19/81 JA: OK			
8113611	06870	3507120822	108		#1 SHIMP-RATMEYER	NORTH VERNON	16.4	CHARLES NESBITT TRUS
8113607	06865	3507120467	108		#1-A RATMEYER	NORTH VERNON	16.4	EUFALA ENTERPRISES I
8113609	06869	3507100000	108		#3 RATMEYER	NORTH VERNON	16.4	EUFAULA ENTERPRISES
-VIERSEN & COCHRAN					RECEIVED: 01/19/81 JA: OK			
8113606	06866	3501121461	103		TRIBAL #1-32	WATONGA TREND	72.0	DELHI GAS PIPELINE C
-WALKER & WITHROW INC					RECEIVED: 01/19/81 JA: OK			
8113635	06817	3501721469	103		CITY OF YUKON #17-1	YUKON	270.0	DELHI GAS PIPELINE C
8113633	06812	3501721468	103		SALISBURY #10-1	YUKON	263.0	DELHI GAS PIPELINE C
**********								
WEST VIRGINIA DEPARTMENT OF MINES								
**********								
-ALTHEIRS OIL INC					RECEIVED: 01/19/81 JA: WV			
8113640		4705320232	103		R KINNAIRD #1	CLENDENIN DIST	4.0	
8113638		4705320229	103		ROBT MOORE #1	CLENDENIN DIST	3.0	
8113639		4705320230	103		ROBT MOORE #2	CLENDENIN DIST	3.0	
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 01/19/81 JA: WV			
8113676		4708100499	103		BEAVER COAL CO 820622	WEST VIRGINIA FIELD AREA	140.0	COLUMBIA GAS TRANS C
8113670		4700501078	103		BETHELEM MINES CORP 820531	WEST VIRGINIA FIELD AREA	7.2	COLUMBIA GAS TRANS C
8113648		4705900917	103		BURNING CREEK MARROWBONE 820445	W VA FIELD AREA B	64.0	COLUMBIA GAS TRANS C
8113652		4705900916	103		CENTRAL TRUST CO 820444	WEST VIRGINIA FIELD AREA	15.0	COLUMBIA GAS TRANS C
8113714		4705900913	103		COTIGA DEVELOPMENT 820567	WEST VIRGINIA FIELD AREA	129.0	COLUMBIA GAS TRANS C
8113651		4705500079	103		MCCREERY COAL CO 820594	WEST VIRGINIA FIELD AREA	14.0	COLUMBIA GAS TRANS C
8113713		4705900925	103		TURKEY CREEK OGG CO 820033	WEST VIRGINIA FIELD AREA	53.2	COLUMBIA GAS TRANS C
-CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 01/19/81 JA: WV			
8113666		4704700670	108		CONSOLIDATION COAL CO 12176	PINEVILLE A59442	7.0	GENERAL SYSTEM PURCH
8113699		4704700652	108		CROZIER LAND ASSOC 12085	PINEVILLE A59442	9.0	GENERAL SYSTEM PURCH
8113662		4704700649	108		CROZIER LAND 12092	PINEVILLE A59442	9.0	GENERAL SYSTEM PURCH
8113661		4704700650	108		CROZIER LAND 12094	PINEVILLE A59442	9.0	GENERAL SYSTEM PURCH
8113660		4704700655	108		CROZIER LAND 12099	PINEVILLE A59442	9.0	GENERAL SYSTEM PURCH
8113663		4704101898	108		HITT HEIRS 11528	WEST VIRGINIA OTHER A857	18.0	GENERAL SYSTEM PURCH
8113688		4703301070	103		JOHN HURST 12294	WEST VIRGINIA OTHER A857	56.0	GENERAL SYSTEM PURCH
8113658		4701701803	108		MARGARET J MCMILLIAN 12075	WEST VIRGINIA OTHER A857	20.0	GENERAL SYSTEM PURCH
8113665		4704700641	108		MCDOWELL POCA COAL CO 12002	PINEVILLE A59442	8.0	GENERAL SYSTEM PURCH
8113703		4704700694	108		POCAHONTAS LAND CORP 12203	PINEVILLE A59442	10.0	GENERAL SYSTEM PURCH
8113657		4703301041	108		R W MCCARTY 12225	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PURCH
8113664		4703301212	108		W G ALLEN 12293	WEST VIRGINIA OTHER A857	5.0	GENERAL SYSTEM PURCH
-D C MALCOLM INC					RECEIVED: 01/19/81 JA: WV			
8113692		4703903516	103		ORLANDI #3	CAMPBELLS CREEK - MALDEN	72.0	COLUMBIA GAS TRANSMI
-DENNIS D BLAUSER					RECEIVED: 01/19/81 JA: WV			
8113669		4701722632	103		W BRENT MAXWELL #1-B	SOUTHWEST DISTRICT	20.0	EQUITABLE GAS CO
8113643		4701722633	103		W BRENT MAXWELL #2-B	SOUTHWEST DISTRICT	18.0	EQUITABLE GAS CO
-DORAN & ASSOCIATES INC					RECEIVED: 01/19/81 JA: WV			
8113659		4703322012	103		J MITCHELL K-L-227	UNION DIST	20.0	CONSOLIDATED GAS SUP
-EASTERN AMERICAN ENERGY CORPORATION					RECEIVED: 01/19/81 JA: WV			

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JO NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8113653		4702103637	107	W E FRASHURE #2	GLENVILLE	46.0	EQUITABLE GAS CO
-GLENN W JOHNSON DBA JOHNSON PRODUCI		RECEIVED: 01/19/81 JA: WV					
8113693		4703322083	103	STARK HEIRS #1	EAGLE	50.0	CONSOLIDATED GAS SUP
-J & J ENTERPRISES INC		RECEIVED: 01/19/81 JA: WV					
8113682		4700100924	103	B-133	PHILIPPI	70.0	CONSOLIDATED GAS SUP
8113684		4700100925	103	B-135	PHILIPPI	70.0	CONSOLIDATED GAS SUP
8113683		4700100916	103	B-136	PHILIPPI	70.0	CONSOLIDATED GAS SUP
8113836		4700100911	103	B-137	PHILIPPI	70.0	CONSOLIDATED GAS SUP
8113686		4700100936	103	B-139	PHILIPPI	70.0	CONSOLIDATED GAS SUP
8113685		4700100926	103	B-156	PLEASANT	70.0	CONSOLIDATED GAS SUP
8113707		4703301201	103	B-157	TENMILE	70.0	CONSOLIDATED GAS SUP
8113656		4703301202	103	B-158	TENMILE	70.0	CONSOLIDATED GAS SUP
8113687		4700100960	103	B-160	PHILIPPI	70.0	CONSOLIDATED GAS SUP
8113674		4703301960	103	B-247	GRANT	70.0	CONSOLIDATED GAS SUP
8113708		4701702456	103	B-280	WEST UNION	500.0	CONSOLIDATED GAS SUP
8113675		4703302197	103	B-304	EAGLE	500.0	CONSOLIDATED GAS SUP
8113710		4701702548	103	J-107	WEST UNION	500.0	COLUMBIA GAS TRANSMI
8113711		4701702567	103	J-108	WEST UNION	500.0	COLUMBIA GAS TRANSMI
8113715		4700101286	103	J-2	BARKER	200.0	COLUMBIA GAS TRANSMI
8113649		4701725060	103	J-20	NEW MILTON	200.0	COLUMBIA GAS TRANSMI
8113645		4701702617	103	J-230	CENTRAL	500.0	COLUMBIA GAS TRANSMI
8113679		4701702626	103	J-233	CENTRAL	200.0	COLUMBIA GAS TRANSMI
8113694		4701726270	103	J-234	CENTRAL	200.0	COLUMBIA GAS TRANSMI
8113641		4708504593	103	J-236	UNION	150.0	CONSOLIDATED GAS SUP
8113709		4701702560	103	J-35	NEW MILTON	500.0	CONSOLIDATED GAS SUP
8113681		4701702563	103	J-48	NEW MILTON	200.0	CONSOLIDATED GAS SUP
8113712		4701725720	103	J-72	WEST UNION	200.0	CONSOLIDATED GAS SUP
8113654		4701702472	103	J-75	NEW MILTON	200.0	COLUMBIA GAS TRANSMI
-JAMES F SCOTT		RECEIVED: 01/19/81 JA: WV					
8113706		4703301136	108	J T WILLIAMS #3 (S-233)	COAL DISTRICT	14.0	CONSOLIDATED GAS SUP
8113705		4703301123	108	M H ALFRED #2 (S-225)	COAL DISTRICT	14.0	CONSOLIDATED GAS SUP
8113697		4703301074	108	TILTON T CARTER #1 (S-215)	CLARK DISTRICT	12.0	CONSOLIDATED GAS SUP
8113696		4703301075	108	TILTON T CARTER #2 (S-216)	CLARK DISTRICT	12.0	CONSOLIDATED GAS SUP
8113704		4703301103	108	WILLIAM G PLANT (S-206)	SARDIS DISTRICT	14.0	CONSOLIDATED GAS SUP
-L & M PETROLEUM		RECEIVED: 01/19/81 JA: WV					
8113677		4707300788	103	GEORGE MILLS #1	JEFFERSON	3.7	CONSOLIDATED GAS SUP
-MOUNTAINEER 1979-B		RECEIVED: 01/19/81 JA: WV					
8113637		4708524479	102	ANDERSON-VANCAMPEN H-519	CLAY DISTRICT	35.0	CONSOLIDATED GAS SUP
-NRM PETROLEUM CORPORATION		RECEIVED: 01/19/81 JA: WV					
8113717		4709702023	103	NEELEY #3	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8113716		4709702034	103	VADA #1	BUCKHANNON RIVER	0.0	COLUMBIA GAS TRANSMI
-PATRICK PETROLEUM CORP OF MICHIGAN		RECEIVED: 01/19/81 JA: WV					
8113698		4703501517	103	R STARTS NO 2	SYCAMORE CREEK	250.0	DEVON PIPELINE CO
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 01/19/81 JA: WV					
8113650		4700101191	103	BADGER COAL CO #1	CLEMTOWN	40.0	CONSOLIDATED GAS SUP
8113667		4703302178	103	FARIS HEIRS #12	BRIDGEPORT	22.0	CONSOLIDATED GAS SUP
8113668		4703302179	103	FARIS HEIRS #13	BRIDGEPORT	125.0	CONSOLIDATED GAS SUP
8113690		4703302210	103	FRANK FAHEY #2	ROCK CAMP RUN	40.0	CONSOLIDATED GAS SUP
8113689		4703302214	103	FRANK FAHEY #3	ROCK CAMP RUN	80.0	CONSOLIDATED GAS SUP
8113691		4704102863	103	J WORKMAN #1A	ASPINALL-FINSTER	43.0	CONSOLIDATED GAS SUP
8113644		4701702585	103	L BROADWATER #1	STRAIGHT FORK- BLUESTONE	80.0	COLUMBIA GAS TRANSMI
8113655		4703302183	103	ORAL LAKE FISHING CLUB #1	BRIDGEPORT	82.0	CONSOLIDATED GAS SUP

JO NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8113646		4700101179	103	V BOYLEN #1	TAYLOR DRAIN	23.0	CONSOLIDATED GAS SUP
8113676		4703301922	103	WILLIAM ALLEN #2	BRIDGEPORT	28.0	CONSOLIDATED GAS SUP
-ROCKWELL PETROLEUM COMPANY		RECEIVED: 01/19/81 JA: WV					
8113700		4702102994	108	BARKER-MARSHALL NO 1	GLENVILLE DISTRICT	8.2	CONSOLIDATED GAS SUP
8113701		4701701878	108	GRAY NO 1	COVE DISTRICT	6.0	CONSOLIDATED GAS SUP
8113695		4701722302	108	HAUGHT #1	BRUSHY FORK	6.0	COLUMBIA GAS TRANSMI
8113702		4700721239	108	R HUFFMAN NO 1	SALT LICK DISTRICT	18.0	EQUITABLE GAS CO
-TRIO PETROLEUM CORP		RECEIVED: 01/19/81 JA: WV					
8113680		4702103568	103	MOLLOHAN NO 1	GLENVILLE NORTH	50.0	CARNEGIE NATURAL GAS
-UNION DRILLING INC		RECEIVED: 01/19/81 JA: WV					
8113671		4708300301	103	HARRY MCMULLAN JR EST #2 1554	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8113672		4708300310	103	HARRY MCMULLAN JR EST #6 1548	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8113673		4708300308	103	MIKE ROSS #1 1588	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
-UNION GAS CORP		RECEIVED: 01/19/81 JA: WV					
8113647		4702103001	103	COLLINS #103	GLENVILLE DISTRICT	0.0	PENNZOIL CO
-WACO OIL AND GAS CO INC		RECEIVED: 01/19/81 JA: WV					
8113642		4702100610	107	GERSTNER #1A	STEWARTS CREEK	40.0	COLUMBIA GAS TRANSMI
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM							
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-AMOCO PRODUCTION CO		RECEIVED: 01/19/81 JA: NM 4					
8113768	NM 1597-80	3004524202	103	A L ELLIOTT B NO 8	BLANCO PICTURED CLIFFS	40.0	EL PASO NATURAL GAS
8113769	NM 1598-80	3004524379	103	A L ELLIOTT D NO 8	BLANCO PICTURED CLIFFS	40.0	EL PASO NATURAL GAS
8113774	NM 1614-80	3004524206	103	E J JOHNSON C NO 1E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
8113719	NM-0229-80	3003920190	108	JICARILLA APACHE 102 #16	BLANCO-MESA VERDE	21.0	GAS CO OF NEW MEXICO
-BTA OIL PRODUCERS		RECEIVED: 01/19/81 JA: NM 4					
8113757	NM-1572-80	3002527028	103	T406 JV-S LEA 21 #2	TANSILL-YATES (COMMANCHE	36.7	EL PASO NATURAL GAS
-CITIES SERVICE COMPANY		RECEIVED: 01/19/81 JA: NM 4					
8113773	NM 1613-80	3001523254	103	GOVERNMENT-AG #1	UND BURTON FLAT MORROW	175.0	EL PASO NATURAL GAS
-CONOCO INC		RECEIVED: 01/19/81 JA: NM 4					
8113747	NM-1340-80	3002526899	103	MEYER B-28A AC/1 NO 4	NEW MEXICO FEDERAL UNIT	338.0	EL PASO NATURAL GAS
8113770	NM-1599-80	3002526842	103	WARREN UNIT NO 81	NMFU - WARREN TUBB	27.0	WARREN PETROLEUM CO
-DUGAN PRODUCTION CORP		RECEIVED: 01/19/81 JA: NM 4					
8113763	NM 1588-80	3004524235	103	KING FISH #1	WAW FIELD	50.0	EL PASO NATURAL GAS
-EL PASO EXPLORATION CO		RECEIVED: 01/19/81 JA: NM 4					
8113724	NM-0868-80	3003907140	108	JICARILLA 119 N #6	TAPACITO-PICTURED CLIFFS	20.0	NORTHWEST PIPELINE C
8113744	NM-1236-80	3003921162	108	JICARILLA 123 C #20	BLANCO SOUTH-PICTURED CL	20.0	NORTHWEST PIPELINE C
8113767	NM-1594-80B	3003922274	103	JICARILLA 152 M #5 (PC)	BLANCO SOUTH PICTURED CL	70.0	NORTHWEST PIPELINE C
8113766	NM 1594-80-A	3003922274	103	JICARILLA 152M #5 (MV)	BLANCO MESAVERDE	100.0	NORTHWEST PIPELINE C
-EL PASO NATURAL GAS COMPANY		RECEIVED: 01/19/81 JA: NM 4					
*8113741	NM-1228-80	3003920074	108	CANYON LARGO UNIT #141	OTERO-CHACRA	22.0	EL PASO NATURAL GAS
8113725	NM-1027-80	3003920727	108	CANYON LARGO UNIT #206	BALLARD - PICTURED CLIFF	22.0	EL PASO NATURAL GAS
8113742	NM-1234-80	3004520284	108	DAY A #9	BLANCO-PICTURED CLIFFS C	20.0	EL PASO NATURAL GAS
8113737	NM-1222-80	3003906851	108	HARRINGTON #2	BLANCO SOUTH - PICTURED	20.0	EL PASO NATURAL GAS
8113736	NM-1221-80	3004506030	108	HUERFANITO UNIT #24	BALLARD - PICTURED CLIFF	22.0	EL PASO NATURAL GAS
*8113749	NM-1358-80	3004505916	108	HUERFANITO UNIT #92	BASIN-DAKOTA	21.0	EL PASO NATURAL GAS
8113729	NM-1201-80	3004506120	108	HUERFANO UNIT #79	WEST KUTZ - PICTURED CLI	19.0	EL PASO NATURAL GAS
8113731	NM-1204-80	3004506180	108	HUERFANO UNIT #82	WEST KUTZ-PICTURED CLIFF	17.0	EL PASO NATURAL GAS
8113732	NM-1212-80	3004505743	108	HUERFANO UNIT NP #23	HUERFANO - PICTURED CLIF	22.0	EL PASO NATURAL GAS
8113726	NM-1034-80	3003906001	108	JICARILLA E #4	SOUTH BLANCO PICTURED CL	20.0	EL PASO NATURAL GAS
8113730	NM-1202-80	3004505696	108	MC CONNELL #6	BALLARD-PICTURED CLIFFS	22.0	EL PASO NATURAL GAS
8113748	NM-1350-80	3004505604	108	MC MANUS #9	BALLARD - PICTURED CLIFF	20.0	EL PASO NATURAL GAS
8113743	NM-1235-80	3004520537	108	P L DAVIS #2	BASIN-DAKOTA GAS	20.0	EL PASO NATURAL GAS

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JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8113745	NM-1238-80	3003960093	108	RINCON UNIT #137 MV & PC	BLANCO-MESAVERDE GAS BLA	19.0	EL PASO NATURAL GAS
8113739	NM-1226-80	3004508208	108	ROELOFS #3	BLANCO-MESAVERDE	20.0	EL PASO NATURAL GAS
8113728	NM-1198-80	3003906939	108	SAN JUAN 27-4 UNIT #29	BLANCO-MESAVERDE GAS	15.0	EL PASO NATURAL GAS
8113730	NM-1388-80	3003906770	108	SAN JUAN 27-4 UNIT #6	TAPACITO PICTURED CLIFFS	12.0	EL PASO NATURAL GAS
8113734	NM-1216-80	3003907369	108	SAN JUAN 28-5 UNIT #55	BLANCO-MESAVERDE GAS	20.0	EL PASO NATURAL GAS
8113738	NM-1223-80	3003907167	108	SAN JUAN 28-6 UNIT #26	BLANCO - MESAVERDE GAS	16.0	EL PASO NATURAL GAS
8113720	NM-0531-80	3003921082	108	SAN JUAN 28-7 UNIT #240	LARGO-CHACRA GAS	21.0	EL PASO NATURAL GAS
8113723	NM-0862-80	3003907411	108	SAN JUAN 28-7 UNIT #30	BLANCO-MESAVERDE	20.0	EL PASO NATURAL GAS
*8113735	NM-1220-80	3003907482	108	SAN JUAN 29-7 UNIT #96	BLANCO-MESAVERDE	22.0	EL PASO NATURAL GAS
8113722	NM-0858-80	3003907844	108	SAN JUAN 30-6 UNIT NO 66	BLANCO MESAVERDE	21.0	EL PASO NATURAL GAS
8113740	NM-1227-80	3004507183	108	STOREY #1	BLANCO-MESAVERDE	20.0	EL PASO NATURAL GAS
8113733	NM-1215-80	3004505660	108	WHAN JONES #1	BALLARD-PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
-GETTY OIL COMPANY				RECEIVED: 01/19/81 JA: NM 4			
8113775	NM 1615-80	3004524402	103	FEDERAL 3-S WELL #1-E	BASIN-DAKOTA	80.0	EL PASO NATURAL GAS
8113752	NM-1537-80	3001521175	108	FORTY MINER RIDGE UNIT #2	FORTY MINER RIDGE-BONE S	4.4	NATURAL GAS PIPELINE
-GULF OIL CORPORATION				RECEIVED: 01/19/81 JA: NM 4			
8113774	NM-1612-80	3001523124	103	POTTS FEDERAL COM #2	BURTON FLAT MORROW	200.0	EL PASO NATURAL GAS
-HARVEY E YATES COMPANY				RECEIVED: 01/19/81 JA: NM 4			
8113746	NM 1255-80	3001523306	102	NORTH TRAVIS 12 DEEP #1		300.0	EL PASO NATURAL GAS
-JACK A COLE				RECEIVED: 01/19/81 JA: NM 4			
8113755	NM-1560-80	3004320500	103	CHACON AMIGOS NO 101	CHACON DAKOTA ASSOCIATED	20.0	EL PASO NATURAL GAS
8113754	NM-1559-80	3004320490	103	CHACON AMIGOS NO 2	CHACON DAKOTA ASSOCIATED	14.0	EL PASO NATURAL GAS
-LAURENCE M RITTER				RECEIVED: 01/19/81 JA: NM 4			
8113718	NM003380	3004506620	108	TIDAL #1	WEST KUTZ	0.0	EL PASO NATURAL GAS
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 01/19/81 JA: NM 4			
8113751	NM-1476-80	3003922402	103	LINORITH B UNIT NO 10	CHACON DAKOTA ASSOCIATED	18.3	EL PASO NATURAL GAS
8113771	NM-1609-80	3003922422	103	LINORITH B UNIT NO 8	CHACON-DAKOTA ASSOCIATED	91.2	EL PASO NATURAL GAS
-ODESSA NATURAL CORPORATION				RECEIVED: 01/19/81 JA: NM 4			
8113762	NM-1583-80	3004320444	103	CHACON JICARILLA D #17	CHACON DAKOTA	80.0	EL PASO NATURAL GAS
8113761	NM-1581-80	3004320445	103	CHACON JICARILLA D #18	CHACON DAKOTA	66.0	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO				RECEIVED: 01/19/81 JA: NM 4			
8113776	NM 1618-80	3004522561	103	BURNT MESA #1A	SO LOS PINOS FRUITLAND	95.0	NORTHWEST PIPELINE C
-SUPRON ENERGY CORPORATION				RECEIVED: 01/19/81 JA: NM 4			
8113765	NM-1592-80-B	3004523910	103	PAYNE 2-A (DAKOTA)	BASIN DAKOTA	567.0	SOUTHERN UNION GATHE
8113764	NM-1592-80-A	3004523910	103	PAYNE 2-A (MV)	BLANCO MESAVERDE	567.0	SOUTHERN UNION GATHE
8113756	NM-1561-80-A	3004524362	103	WITT 1-E (DAKOTA)	BASIN DAKOTA	193.0	SOUTHERN UNION GATHE
-TENNECO OIL COMPANY				RECEIVED: 01/19/81 JA: NM 4			
8113727	NM 1172-80-B	3004524161	103	HANNER #2-A	BLANCO MESAVERDE	500.0	SOUTHERN UNION GATHE
8113753	NM-1543-80	3004524207	103	OMLER A 1-E	CHACRA/BASIN DAKOTA	500.0	SOUTHERN UNION GATHE
-YATES PETROLEUM CORPORATION				RECEIVED: 01/19/81 JA: NM 4			
8113777	NM 1619-80	3001523214	103	FEDERAL CW-8 NO 3	PENASCO DRAW SA-YESO-ASS	0.0	TRANSWESTERN PIPELIN
8113778	NM 1620-80	3001523258	103	IRISH HILLS-YESO NW FED #4	PENASCO DRAW SA YESO ASS	0.0	TRANSWESTERN PIPELIN
8113779	NM 1621-80	3001523448	103	LECHUGUILLA CANYON UNIT NO 8	WILDCAT	0.0	EL PASO NATURAL GAS
8113721	NM 814-80	3001523079	102	SOUTH AVALON MA FED #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 01/19/81 JA: UT 4			
8113760	UA-1580-80	4303730450	103	RATHERFORD UNIT NO 10-44	GREATER ANETH	21.2	EL PASO NATURAL GAS
8113758	UA-1578-80	4303730447	103	RATHERFORD UNIT NO 15-42	GREATER ANETH	3.3	EL PASO NATURAL GAS
8113759	UA-1579-80	4303730445	103	RATHERFORD UNIT NO 28-11	GREATER ANETH	49.3	EL PASO NATURAL GAS

OTHER PURCHASERS VOLUME NO 361

8113766	OKLAHOMA NATURAL GAS GATH CORP
8113605	OKLAHOMA NATURAL GAS GATH CORP
8113620	LONE STAR GAS COMPANY
8113739	NORTHWEST P L CORP
8113741	NORTHWEST P L CORP
8113749	SOUTHERN UNION GATH CO

Federal Register Notices, Feb. 18, 1981

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 5, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	R: Revision or redetermination by Jurisdictional Agency C: Correction to prior Fed. Reg. notice
80-37859	MT	Midlands Gas Corp	2460 1-24 White	222	7-02-80	C: Well Name
80-27503	LA	Ergon Inc	STONE #1	191	5-23-80	C: 103 and 108 approved
80-27499	LA	Ergon Inc	D MILLER #1	191	5-23-80	C: 103 and 108 approved
80-27496	LA	Ergon Inc	CORA C SMITH #2	191	5-23-80	C: 103 and 108 approved
80-55695	USGS	Amoco Production Co	AMOCO GULF #1	283	9-30-80	C: 102 Denied; Rec'd 8-27-80 Control No. 80-55116 deleted
81-09794	OH	Superior Petroleum Inc	BRICKER #2	348	1-29-81	C: Applicant Name
80-42179	OK	Sabine Production Co	AKE UNIT #1-26	238	7-29-80	C: 102 and 103 approved

[FR Doc. 81-5392 Filed 2-17-81; 8:48 am]

BILLING CODE 6450-85-C

[Docket No. ER80-473]

Duke Power Co.; Filing

February 12, 1981.

The filing company submits the following:

Take notice that on February 5, 1981, Duke Power Company submitted for filing a compliance report pursuant to the Commission's order, dated January 27, 1981, in the above referenced proceeding.

A copy of the filing has been served upon the parties to this proceeding, the North Carolina Utilities Commission, and the Public Service Commission of South Carolina.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 4, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5436 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-130-000]

El Paso Natural Gas Co.; Application

February 11, 1981.

Take notice that on January 2, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-130-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued gathering of natural gas in production fields on an exchange basis for the account of Southern Union Gathering Company (Gathering Company), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Gathering Company have each acquired and currently possess leasehold working and purchase interests in certain natural gas produced in the San Juan Basin, located in San Juan and Rio Arriba Counties, New Mexico, and that it and Gathering Company have constructed, operated and continue to operate certain gathering facilities there. It is stated that in order for Applicant and Gathering Company to make maximum utilization of their respective existing gathering facilities and to preserve for each party the natural gas collected from the San Juan wells, Applicant and Gathering Company have entered into a January 1, 1962, gas exchange agreement which was restated in a composite supplemental gas exchange agreement dated May 1, 1975, as amended. Applicant states that the agreement provides for the mutual gathering on an exchange basis and delivery between Applicant and Gathering Company on gas for gas basis natural gas produced from wells located in San Juan and Rio Arriba Counties. It is further stated that pursuant to the agreement, the parties have agreed to balance exchange volumes on or about January 1 of each year. Applicant states that the balancing would be accomplished by either the party delivering the smaller volumes increasing the natural gas volumes available to the other party by committing interests in one or more newly completed wells to the agreement or by the party delivering the smaller volumes making delivery of an additional natural gas volume equal to the imbalance volume at an existing point of interconnection between gathering facilities of Applicant and Gathering Company located in Rio Arriba County, New Mexico. It is asserted that for each Mcf of natural gas gathered and delivered at the balancing point the receiving party has agreed to pay a gathering charge equal to 6.61 cents plus any taxes.

Applicant herein proposes to continue the gas exchange with Gathering Company which prior to 1980 had been considered by both parties to be a non-jurisdictional activity pursuant to Section 1(b) of the Natural Gas Act. It is stated that there are presently 78 wells having an aggregate average daily deliverability of approximately 5,500 Mcf of natural gas connected to both companies' gathering systems.

Although Applicant states that it views the exchange of gas set forth herein as not jurisdictional, if the subject gathering exchange is found to be jurisdictional, Applicant requests authorization for (i) the continued gathering on an exchange basis of natural gas from existing wells for the account of Gathering Company, (ii) the continued operation of certain existing field gathering facilities necessary to facilitate said gathering by exchange, and (iii) the gathering on an exchange basis of natural gas from future wells attached to Applicant's system within a specified area of interest located in San Juan and Rio Arriba Counties, New Mexico. In addition, Applicant requests blanket authorization for the deletion of wells and/or balancing points as may be mutually agreed to from time to time by Applicant and Gathering Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5437 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-109]

R. Jack Fishman, Citizen Tribune; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5410 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3855-000]

Fluid Energy Systems, Inc.; Application for Preliminary Permit

February 11, 1981.

Take notice that Fluid Energy Systems, Inc. (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3855 to be known as the Hobo Project located on the Kern River in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: K. Thomas Miller, President, Fluid Energy Systems, Inc., 2210 Wilshire Boulevard #699, Santa Monica, California 90403. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 20-foot high concrete diversion dam; (2) a 5.25-mile long, 14-foot diameter tunnel; (3) a buried surge chamber; (4) an 800-foot long, 14-foot diameter power tunnel; (5) Powerhouse No. 1, containing two generating units, each rated at 6,475 kW; (6) a 1,500-foot long transmission line; (7) an 80-foot high and 600-foot long earthfilled dam, impounding an offstream reservoir of 2,570 acre feet; (8) a 13,000-foot long, 10-foot diameter pipeline; (9) a surge tank; (10) two 1,400-foot long penstocks; (11) Powerhouse No. 2, containing two generating units, each rated at 5,500 kW; and (12) a 1,300-foot long transmission line; and appurtenant facilities.

The Applicant estimates that the average annual energy output would be 133 million kWh.

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Purpose of Project—The energy output from the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering and geotechnical studies, conduct environmental studies, consult with agencies, prepare preliminary designs, make a feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant has filed a work plan for the studies for the new dams, which include borings, trenches, geophysical surveys, and visual inspections. The estimated cost of the work to be performed under the preliminary permit is $211,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for the license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comment should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 17, 1981, either the competing application itself or a notice or intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3855. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5441 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-46-000, et al.]

Patricia M. Friedman, et al.; Applications for "Small Producer" Certificates [1]

February 11, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS81-46-000	1/5/81	Patricia M. Friedman, P.O. Box 2148, Santa Fe, N. Mex. 87501.
CS81-47-000	1/5/81	Albert J. Yost, P.O. Box 2148, Santa Fe, N. Mex. 87501.
CS81-48-000	12/31/80	Dr. Steve Price, P.O. Box 2148, Santa Fe, N. Mex. 87501.
CS81-49-000	1/6/81	American International Oil & Gas Corp., 1333 New Hampshire Ave. N.W., Suite 400, Washington, D.C. 20036.
CS81-50-000	1/12/81	McSuper Enterprises, Inc., 215 Lane, Portland, Tex. 78374.
CS81-51-000	1/12/81	Nan S. Wier, 412 East 84th Street, New York, N.Y. 10028.
CS81-52-000	1/12/81	Paxton Petroleum Ltd., 2102 Hollydale Avenue, Baton Rouge, La. 70808.
CS81-53-000	1/19/81	Michael R. Mitchell, 1610 Baylor, Colorado Springs, Colo. 80909.
CS81-54-000	1/22/81	Harry A. Trueblood, Jr., 1660 Lincoln Street, Suite 1300, Denver, Colo. 80295.
CS81-55-000	1/30/81	Holiday Resources, Inc., 1660 Lincoln Street, Suite 1300, Denver, Colo. 80295.
CS81-56-000	2/2/81	Sanchez-O'Brien Oil & Gas Corp., No. 19 Briar Hollow Lane, Suite 200, Houston, Tex. 77027.
CS81-57-000	2/2/81	Sanchez-O'Brien Oil & Gas Corp., No. 19 Briar Hollow Lane, Suite 200, Houston, Tex. 77027.
CS81-58-000	2/5/81	Coot Oil Co., Box 148, Medicine Lodge, Kan. 67104

[FR Doc. 81-5419 Filed 2-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-38-000]

Len Gregory, d.b.a. Redding Uni-Hoist; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5422 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-45-000]

City of Groton, Department of Utilities; Application for Exemption

February 11, 1981.

Take notice that the City of Groton, Department of Utilities (Groton), on December 31, 1980, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E of Part 290.

In its application for exemption, Groton states that it should not be required to file the specified data for the following reasons:

(1) Groton's retail sales are expected to exceed the 500 million kWh sales threshold in calendar year 1980.

(2) Approximately 68% of the 1980 fiscal year retail sales (330,089,000 kWh) were to 3 large industrial customers served from Groton's subtransmission system (Naval Submarine Base, New London, Electric Boat Division of General Dynamics Corporation, and Pfizer, Inc.).

(3) These three customers maintain an annual load factor of 77% and monthly load factors generally over 80%.

(4) Groton has an annual load factor of over 76%, with monthly load factors often in excess of 80%.

(5) Groton maintains a policy of basing rates on costs of service and is participating in an aggressive energy conservation program for its residential and commercial customers.

(6) Groton's ratemaking proceedings and the Department's cost of service and ratemaking information is available for public inspection.

(7) Without these three unique industrial customers, Groton's retail sales (currently 160,000,000 kWh) would not exceed the PURPA threshold until well into the next century, at current growth rates.

(8) Given the above, Groton seeks a total permanent exemption from Section 133 information reporting requirements.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street,

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N.E., Washington, D.C. 20426, on or before April 6, 1981. Within that 45-day period such person must also serve a copy of such comments on the City of Groton, Department of Utilities, Attention: Mr. William W. Clinton, Director of Utilities, P.O. Box 820, Groton, Connecticut 06340.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5439 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-31-000]

Henry's Gulf; Requesting Supplemental Filing

Issued: February 12, 1981.

On February 6, 1981 the Secretary of Energy requested an extension of time until February 19, 1981 to file a reply to the petition for review to file the administrative record. On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion concerning mootness shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review. Finally, given the possible mootness of this case, the request for extension of time is granted. The filing of the reply of the Secretary of Energy and the administrative record is stayed pending further notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5421 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-75]

Huber's Inc.; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5423 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3910-000]

Idaho Water Power Co.; Application for Preliminary Permit

February 11, 1981.

Take notice that Idaho Water Power Company (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3910 to be known as Twin Falls Canal Big Drop Project located on the Snake River and the Twin Falls Canal in Twin Falls County, near Hansen, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jay R. Bingham, President, Idaho Water Power Company, 165 Wright Brothers Drive, Salt Lake City, Utah 84116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure diverting water, during non-irrigation season and that in excess of irrigation needs, from the Twin Falls Canal to: (2) a 1,900-foot long, 14-foot diameter penstock serving: (3) a powerhouse with a rated capacity of 150 MW: (4) between 0.7 mile and 1.4 miles of 230-kV transmission line to connect to an existing Idaho Power Company's transmission facilities. The proposed project would be located 11 miles downstream from Twin Falls and North Side Canal Companies' Milner Dam. The project would operate under a hydraulic head of 440 feet. The Applicant estimates that the average annual energy output would be 576 GWhs.

Purpose of Project—Applicant proposes to sell the project energy to Idaho Power Company or wheel the power to the utilities in the Pacific Northwest region.

Proposes Scope and Cost of Studies under Permit—The Applicant has conducted some investigation concerning the hydrology of the site, estimated costs and potential revenues. The Applicant now seeks issuance of a preliminary permit for a period of 36 months during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The costs of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application are estimated by the Applicant to be about $110,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Twin Falls Canal Company and North Side Canal Company's Project No. 2889, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before February 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before *March 27, 1981.*

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3910. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5442 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI81-14-000]

Inexco Oil Co.; Petition for Declaratory Order

February 11, 1981.

On October 10, 1980, Inexco Oil Company (Inexco) petitioned the Commission to issue a declaratory order removing uncertainty as to the applicability of Section 12 of the Natural Gas Act to its officers and directors.

Inexco states that a former member of its board of directors has simultaneously served as an officer of an underwriting company which Inexco utilized in September, 1980 to issue securities in Inexco's behalf. The underwriting firm received compensation for the placement of these securities and thus arguably the officer of this underwriting company received money from the sale of securities of a natural gas company (Inexco) of which he was a director, in contravention of Section 12.

The question Inexco presents is whether a director of a natural gas company (i. e. independent producer) violates the prescription in Section 12 by holding a position as an officer or director of the underwriting company aiding in the issuance of the independent producer's securities? Inexco asserts that the Commission has never applied Section 12 to the activities of independent producers and that it should not begin to do so now. The petitioners state it is its understanding that many larger independent producers, as well as some smaller producers have relationships with their underwriters similiar to Inexco's.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 13, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5424 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-257-000]

Interstate Power Co.; Filing

February 12, 1981.

The filing Company submits the following:

Take notice that Interstate Power Company (Interstate) on *February 6, 1981* tendered for filing an "Agreement for Integrated Transmission Area" between Interstate, Central Iowa Power Cooperative (CIPCO) and Iowa Electric Light and Power Company (Iowa Electric) and a "Facilities Agreement" between Interstate and Iowa Electric.

Article I of the "Agreement for Integrated Transmission Area" provides for the termination of Interstate Power Company F.E.R.C. Rate Schedule No. 53. The "Facilities Agreement" betwen Interstate and Iowa Electric provides for the perpetuation of facilities arrangements previously agreed to in Rate Schedule 53.

The remainder of the "Agreement for Integrated Transmission Area" provides for an integrated transmission system to be used in common by CIPCO and Interstate.

Interstate proposes an effective date of January 1, 1980 for the "Agreement for Integrated Transmission Area" and an effective date of July 29, 1980 for the "Facilities Agreement". Since the date of this filing is less than 60 days prior to the effective date of the contracts, Interstate requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *March 6, 1981.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

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with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5425 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-34-000]

Frederick G. Jackson, d.b.a. Midway Oil Co.; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5426 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-252-000]

Kansas City Power & Light Co.; Filing

February 12, 1981.

The filing Company submits the following:

Take notice that on February 2, 1981, Kansas City Power & Light Company (KCPL) tendered for filing Service Schedule E-MPA-1 replacing Service Schedule E-MPA-1 under the Missouri Participation Agreement between KCPL and Associated Electric Cooperative, Inc. (AEC), Supplement No. 5 to KCPL's Rate Schedule FPC No. 31A.

Service Schedule E-MPA-2 changes from June 1, 1981 to January 5, 1981, the date on which KCPL agrees to make available, and AEC agrees to take and pay for, 300 MW of Two Unit Capacity Participation Service. KCPL requests an effective date of January 5, 1981, for this filing.

KCPL states that AEC began taking 300 MW of Two Unit Capacity Participation Service at 12:01 a.m. on January 5, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc.81-5427 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-13]

Kingsport Publishing Co.; Notice Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5408 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-28-000]

Ronald J. Koch, d.b.a. Eddie's Market; Notice Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-caption case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5409 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-32]

Robert Koch, Jr., d.b.a. Koch's Exxon Service; Notice Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 Fed. Reg. 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-caption case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5410 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-151-000]

Lone Star Gas Company, a Division of Enserch Corp.; Application

February 11, 1981.

Take notice that on January 19, 1981, Lone Star Gas Company, a Division of ENSERCH CORPORATION (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP81-151-000 an application pursuant to Section 7 (b) of the Natural Gas Act for permission and approval to abandon certain facilities used in the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by removal and salvage a portion of Line A-18, approximately 4.4 miles of 8-inch, 6-inch, 4-inch and 2-inch pipeline and appurtenances in Wichita County, Texas.

Applicant further proposes to abandon the following facilities and subsequently to employ the said facilities in the transportation of gas which would be produced, purchased and consumed wholly within the State of Texas:

(1) A portion of Line A-18, approximately 1.48 miles of 8-inch, 6-inch, 4-inch and 2-inch pipeline and appurtenances in Wichita County, Texas.

(2) All of Line A-18-1, approximately 0.6 mile of 4-inch and 2-inch pipeline and appurtenances in Wichita County, Texas.

Applicant states that the portion of Line A-18 and all of Line A-18-1 to be abandoned and subsequently employed in intrastate commerce are transmission limes that permit the delivery of gas to 29 right-of-way customers in Wichita County, Texas.

Applicant further states that Line A-18 has deteriorated to the point that a realignment of Applicant's system is necessary in order to provide intrastate service to the aforementioned 29 customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5411 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-49]

Mardiros Torikian; Notice Requesting Supplemental Filing

Issued February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 Fed. Reg. 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5412 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-35-000]

Reuben Markowitz, d.b.a. Wawarsing Service Station; Notice Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5413 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3942-000]

Mason County Public Utility District No. 3; Application for Preliminary Permit

February 10, 1981.

Take notice that Mason County Public Utility District No. 3 (Applicant) filed on January 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3942 to be known as the South Fork Skokomish River Hydroelectric Project located on the South Fork Skokomish River in Mason County, near Shelton, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis E. Rohr, General Manager, Mason County PUD No. 3, P.O. Box 490, Shelton, Washington 98584, and Mr. Benjamin N. Settle, P.O. Box 308, Shelton, Washington 98584, with copies to CH2M Hill, Attention: Mr. Abbas Orumchian, 1500 114th Avenue SE, Bellevue, Washington 98004. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

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Project Description—The proposed project would consist of: (1) a new 300-foot high, 1,200-foot long gravel filled dam, coupled with a concrete ogee spillway creating; (2) a reservoir with storage capacity of 305,000 acre-feet and surface area of 2,600 acre; (3) an intake structure; (4) a 1,400-foot long, 15-foot diameter concrete-lined penstock serving; (5) a powerhouse to contain three vertical Francis-type turbine generator units to be operated under a head of 290 feet with a rated capacity of 54 MW; (6) a tailrace channel; and (7) a 6-mile long, 115-kV transmission line to connect to an existing Bonneville Power Administration transmission line. The Applicant has selected four alternative sites located between river miles 7.1 and 18.4, on the Skokomish River, to conduct its feasibility studies. The sites are shown on the project map. The Applicant estimates that the average annual energy output would be 300 million kWhs.

Purpose of Project—The power output would be used to meet the Applicant's load growth and to offset power purchases now being made by the Applicant to supply its customers.

Proposed Scope and Cost of Studies under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $2,860,000. A detailed work plan and schedule was submitted as part of the application. Some ground disturbing activities, including field tests, and borings, will be undertaken during the permit period. All distrubances will be kept at a minimal and will be restored to their original condition as close as possible. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). a competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protest, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in respone to this notice of application for preliminary permit for Project No. 3942. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5443 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3683-000]

Mitchell Energy Company, Inc; Application for Preliminary Permit

February 11, 1981.

Taken notice that Mitchell Energy Company, Inc. (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3683 to be known as the Summersville Project located on the Gauley River in Nicholas County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Summersville Dam and Reservoir, and would consist of: (1) a penstock utilizing the existing outlet works in the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 165,000 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 722,700,000 kWh.

Purpose of Project: Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's a Application for the Summersvill Project No. 3493 filed on September 22, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3683–000. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5444 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2594]

Montana Light and Power Co.; Application for Major License for Constructed Project

February 10, 1981.

Take notice that Montana Light and Power Company (Applicant) filed on November 25, 1980, an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–825(r)] for the constructed Lake Creek Project No. 2594, located on Lake Creek, in Lincoln County, Montana. Correspondence concerning the application should be directed to: Mr. Douglas Kilner, Treasurer, Montana Light and Power Company, P.O. Box V-X, Libby, Montana 59923, with copies to: Mr. Homer Crawford, St. Regis Paper Company, 150 East 42rd Street, New York, New York 10017. The existing project consists of: (1) a 268-foot high concrete gravity dam creating; (2) a reservoir with a usable storage capacity of 154-acre-feet; (3) a reinforced concrete intake structure; (4) a 1,694-foot long, 10-foot diameter flume leading to; (5) a forebay created by a reinforced concrete structure with wood superstructure; (6) a 297-foot long, 5-foot diameter penstock leading to; (7) Powerhouse #1 containing a Francis-Type, turbine-generator unit with a rated capacity of 1 MW; (8) a second penstock 441 feet long with a diameter of 8.5 feet leading to; (9) Powerhouse #2 containing a Francis-Type, turbine-generator unit with a rated capacity of 3.5 MW; and (10) appurtenant facilities. The Applicant permits recreational use including boating and fishing at the project's lake. No new construction or changes in the project operations has been proposed by the Applicant.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either competing application itself or a notice of intent to file a the competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in $1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must filed a petition to intervene in accordance with the Commission's Rules. Any Comments, protests, or petitions to intervene must be filed on or before April 13, 1981. The Commission's address is: 825 North Capital Street, N.E., Washington D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

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INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3705. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commisson, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5445 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-70]

John Mrjenovich, d.b.a. Mrjenovich Shell; Notice Requesting Supplemental Filing

Issued: February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5414 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1935]

Dr. Paul W. Murrill; Filing

February 12, 1981.

The filing Company submits the following:

Take notice that on January 30, 1981, Dr. Paul W. Murrill submitted an application, pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Gulf States Utilities Company, Public Utility

Director, The Foxboro Company, supplier of electrical equipment

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1981. Protests will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5415 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-126]

Niles Avenue Standard Service; Notice Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal of withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5416 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-167-000]

National Fuel Gas Supply Corp.; Application

February 11, 1981.

Take notice that on January 30, 1981,[1] National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP81-167-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to certain customers part of which would be resold to Penn-York Energy Corporation (Penn-York) for use as base storage gas and part of which would be used in such customers' system supply and further authorizing the use of Applicant's transportation facilities for direct sales of natural gas to Penn-York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests limited-term authorization to sell up to 9,966,660 Mcf of natural gas to certain of its customers of which 3,696,660 Mcf would be immediately resold by such customers to Penn-York for use as base gas and fuel and 6,270,000 Mcf would be used by the customers in their system supply.

Applicant proposes to make the following sales:

[1] The application was initially tendered for filing on January 30, 1981; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until February 2, 1981; thus, the filing was not completed until the latter date.

Customer [1]	Total base gas and fuel volume	Maximum daily base gas and fuel volume	Total top/system supply gas volume	Maximum top/system supply gas daily volume [2]
Berkshire	106,090	870	260,00	1,300
Boston	232,770	1,908	.....	.....
Connecticut	400,670	3,284	1,500,000	7,500
Connecticut Natural	400,670	3,284	1,235,000	6,175
Delmarva	200,850	1,646	750,000	.....
Elizabethtown	.....	.....	1,900,000	.....
Fitchburg	151,410	1,241	.....	.....
Granite	1,325,610	10,866	.....	.....
Gas Service	53,560	439	100,000	500
Haverhill	93,730	768	350,000	1,750
Lowell	534,570	4,382	.....	.....
Manchester	36,050	295	135,000	675
Southern Connecticut	40,170	329	140,000	700
Valley	180,510	880	300,000	1,500
Total	3,696,660	30,292	6,270,000	20,100

[1] The full names of these Customers are: The Berkshire Gas Company, Boston Gas Company, the Connecticut Gas Company, Connecticut Natural Gas Corporation, Delmarva Power & Light Company, Elizabethtown Gas Company, Fitchburg Gas & Electric Light Company, Granite State Gas Transmission, Inc., Gas Service Inc., Haverhill Gas Company, Lowell Gas Company, Manchester Gas Company, The Southern Connecticut Gas Company and Valley Gas Company

[2] No maximum daily quantity and no fuel allowance is applicable to top gas volumes sold to Delmarva and Elizabethtown because such volumes will be transferred in place from time to time as Applicant has necessary surplus volumes in its facilities.

Applicant states that it would make such sales on an interruptible basis pursuant to its Rate Schedule I-1 and that the indicated base gas volumes would be sold to the respective customers at the point of interconnection with Penn-York's pipeline facilities near Ellisburg, Pennsylvania. Applicant also states that no construction of facilities would be required to effectuate the proposed sales. It is asserted that system supply gas would be delivered to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) near Ellisburg, Pennsylvania, or such other existing interconnection as Applicant and Tennessee may agree. It is further asserted deliveries to Delmarva and Elizabethtown would be made by transfer of title in place of volumes located in Applicant's capacity leased to Penn-York during the storage year beginning April 1, 1981.

Applicant further states that the maximum daily delivery quantities may be exceeded by Applicant in its sole discretion upon request by the customer subject to availability of transportation at the point of delivery.

Applicant estimates that the total volume of base gas and fuel sold to indicated customers would be sold and delivered during the period beginning April 1, 1981, and ending on or before July 31, 1981. However, Applicant requests authorization to make sales through October 31, 1981, to permit completion of such sales should injection conditions preclude completion as scheduled and surplus volumes continue to be available for sale.

Applicant further request limited-term authorization to use its existing transportation facilities to make direct sales of natural gas to Penn-York for use as base storage gas.

Applicant states that it is currently making direct sales of natural gas to Penn-York under authorization received in Docket No. CP80-232 which expires March 31, 1981, and that it proposes to sell a maximum of 1,500,000 Mcf of natural gas to Penn-York in the injection season beginning April 1, 1981.

Applicant also states that on January 27, 1981, Penn-York anticipated requirements for 2,075,640 Mcf of additional base gas and fuel and that while Applicant expects to sell Penn-York a significant portion of this requirement before March 31, 1981, Applicant requests authorization for transportation incident to direct sale of up to 1,500,000 Mcf in order to allow for uncertainties of injection conditions and weather related demand by Applicant's firm customers which may impede completion of the interruptible sales to Penn-York before March 31, 1981.

Applicant further states that its direct sales to Penn-York would be effectuated through Applicant's existing transportation facilities for delivery at the interconnection with Penn-York's facilities near Ellisburg, Pennsylvania. Such delivery would be interruptible to assure unimpaired service to Applicant's existing customers. The rates to be charged to Penn-York by Applicant would be equivalent to the rate charged by Applicant under its Rate Schedule I-1 at the time of delivery and there would be no separate charge for transportation, it is asserted.

Applicant assets that sales and delivery would begin on April 1, 1981, and end on or before July 31, 1981. However, Applicant requests authorization to enable use of transportation facilities through October 31, 1981, in the event injection conditions preclude completion of injections as scheduled and surplus volumes continue to be available for sale.

Applicant further requests that the transportation be conditioned such that all volumes of natural gas sold to customers and/or transported to enable direct sale to Penn-York would not be considered as either a gas supply or market in determination of any interstate pipeline company's end use profile for present or future allocations of natural gas during periods of natural gas curtailment.

It is stated that the authorization requested herein would permit Penn-York to acquire base gas necessary for storage development and would permit customers to fill their available storage capacity while continuing to meet local service area demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5417 Filed 2-17-81; 8:45 am]

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[Docket No. CP81-127-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

February 11, 1981.

Take notice that on December 31, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-127-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Pioneer Natural Gas Company (Pioneer) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Pioneer are parties to a March 3, 1975, gas sale agreement which primary term expired October 1, 1980, and which provided for the delivery by Applicant to Pioneer of up to 60,000 Mcf of natural gas per day and up to 2,500,000 Mcf of natural gas between April 1, 1980, and October 1, 1980. It is asserted that this service provided under Applicant's Rate Schedule X-43 permitted the continuation of previously authorized service to Pioneer from El Paso Natural Gas Company's Plains to Dumas pipeline. It is stated that by contract dated October 20, 1980, Applicant and Pioneer have agreed to further extend service on the Dumas pipeline for a period of one year and from year to year thereafter. Pursuant to the contract, Applicant states that it has agreed to sell and cause delivery to Pioneer of up to a maximum of 60,000 Mcf per day and an annual contact quantity of 2,500,000 Mcf from March 27 to September 27 of each year.

Moreover, it is asserted that in addition to these contract volumes Pioneer may purchase authorized overrun volumes on any day including but not limited to the period mentioned hereinabove. Applicant states that authorized overrun volumes in excess of the maximum daily quantities or annual contract quantity may be taken by Pioneer only on those days and only in these volumes specifically authorized by Applicant pursuant to advance operating arrangements. It is stated that those volumes taken in excess of the maximum daily quantity and/or of the overrun volumes authorized would be considered unauthorized overrun volumes and would be billed at a rate of $5.00 per Mcf in addition to the commodity rate in effect at that time.

Applicant asserts that it would continue to make the sale to Pioneer under its Rate Schedule X-43.

Applicant states that the sale and delivery of natural gas to Pioneer would not impair its ability to render service to its other existing high priority customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5398 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-132-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

February 11, 1981.

Take notice that on January 5, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-132-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase of partial ownership in certain offshore compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire by purchase from Amoco Production Company (Amoco) its undivided fractional interest in the compression facilities on the High Island Block 536 C production platform located in High Island Block 536, offshore Louisiana. It is stated that the purchase of Amoco's 50 percent interest in the facilities is Applicant's contractual obligation under a March 29, 1979, gas purchase contract between Applicant and Amoco. Applicant states that it purchases certain gas volumes from Amoco in the High Island Block 537 field and that the nature of the casinghead production requires compression in order to transport and deliver the natural gas available as a result of the oil production into the gas pipeline against the operating pressure of connecting lines.

Applicant states that the facilities to be purchased consist of a three stage 1,350 horsepower compressor unit which would be maintained and operated for Applicant by Amoco.

Applicant states that the installation of the compression would permit an estimated 5,964,000 Mcf of additional natural gas to be delivered which otherwise would not be available of which 2,892,000 Mcf of natural gas would flow into Applicant's pipeline system.

It is stated that as consideration for the undivided fractional interest in the ownership of the compression facilities, Applicant would pay its proportionate share of the construction cost of such facilities as required by the gas purchase contract which is estimated to be $323,149 which would be financed with general corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party

in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5399 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-256-000]

Oklahoma Gas and Electric Co.; Filing

February 12, 1981.

The filing Company submits the following:

Take notice that on February 5, 1981, Oklahoma Gas and Electric Company (Oklahoma) tendered for filing an Agreement for sale of 150 MW of power and energy to Gulf States Utilities Company (GSU) for the year 1981. Oklahoma states the rate is the same as that contained in the Settlement Agreement in Docket No. ER80-184 which covered a similar sale during year 1980.

Oklahoma requests an effective date of January 1, 1981 for the service to commence, and a waiver of the advance notice requirement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 abd 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5400 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-162-000]

Panhandle Eastern Pipeline Co.; Application

February 11, 1981.

Take notice that on January 27, 1981, Panhandle Eastern Pipeline Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-162-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the establishment of a new point of delivery to Southeastern Michigan Gas Company (Southeastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to abandon by sale to Consumers Power Company (Consumers) for a sum of $32,320.00 a portion of Applicant's Clawson Lateral consisting of approximately 8 miles of 12-inch pipe and the Plymouth and Clawson measuring and regulating stations and appurtenant facilities in Oakland County, Michigan, pursuant to a letter agreement dated July 21, 1980.

Applicant states that it is presently using the aforementioned facilities to sell gas to Michigan Gas Storage Company (Storage Company) for ultimate delivery into Consumers' distribution system and for the delivery of gas to Southeastern.

Applicant asserts that all volumes of natural gas formerly delivered to Southeastern at Port Huron would be delivered to Storage Company at Storage Company's South Lyon measuring station for transportation and delivery by Storage Company and Consumers to Southeastern at the New Haven delivery point, a new facility, pursuant to the July 17, 1980, transportation agreement between Applicant, Consumers, Southeastern and Storage Company.

Applicant states that it has agreed to contribute $25,000 toward the modification of the South Lyon measuring station to be financed from general funds available to Applicant while Storage Company has agreed to operate and maintain the measuring station.

Applicant further states that Consumers and Southeastern would construct, operate and maintain the New Haven delivery station at their own expense.

It is asserted that the acquisition of the subject facilities would enable Consumers to integrate its distribution system within its franchise area and would relieve Applicant of the obligation of operating and maintaining such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5401 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. CP80-557-001]

Panhandle Eastern Pipe Line Co.; Amendment to Application

February 11, 1981.

Take notice that on January 12, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-557-001 an amendment to its application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect the inclusion of an additional point of delivery of natural gas to Cities Service Gas Company (Cities), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that its pending application seeks authorization to implement a June 30, 1980, gas exchange agreement between itself and Cities.

Applicant and Cities have entered into an October 27, 1980, amendment to the exchange agreement which proposes to provide for an additional point of delivery to Cities at the outlet of measurement facilities at a mutually agreeable point on Cities system in Barber County, Kansas. It is stated that the new point of delivery is for Applicant's purchases of up to 5,000 Mcf of natural gas per day from Zenith Natural Gas Company. Applicant states that all other provisions of the original exchange, agreement with Cities would remain in full force and effect.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 5, 1981, file with the Federal energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5402 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-120]

William Pase, Inc.; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an exective's order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdrawal its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5403 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-32-000]

Prachar Oil Co.; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequenence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5405 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-42]

Loris Pizzini, d.b.a. L&L Arco Service; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR. 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5404 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-21]

Saffari Mobil Service; Requesting Supplemental Filing

Issued February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-capitioned case, which requests a prospective adjustment to the based period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if peititioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5406 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RA81-6-000 and RA81-7-000]

Self Service Chevron, and Ron Cromwell Chevron; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States isued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5407 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-58]

A. T. Smith Merchantile; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of the order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5385 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-254-000]

Southern Indiana Gas and Electric Co; Filing

February 12, 1981.

The filing Company submits the following:

Take notice that on February 2, 1981, Southern Indiana Gas and Electric Company tendered for filing, Supplement No. 9 to Electric Power Agreement dated May 21, 1971 (Alcoa Generating Corporation Rate Schedule FERC No. 2) (Southern Indiana Gas and Electric Company Rate Schedule FERC No. 29) and modified by the Fourth, Fifth, Sixth, and Eight Supplements.

The instant filing proposes an increase in the Charges for short term power reserved for a period not less than a calendar week to $0.85 and should there be any reduction in the amount of short term power taken, the demand charge shall be reduced by $0.14 per kilowatt for each day during which any reduction is in effect. The filing also proposes an increase in the demand charges for any month for limited term power reserved to $4.50, and should there be any reduction to the amount of limited term firm power taken, the demand charge shall be reduced to $0.15 per kilowatt of reduction for each day during which any reduction is in effect.

Waiver of the Commission's notice requirements is requested to allow for an effective date of February 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5386 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-302]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition To Terminate

February 11, 1981.

Take notice that on December 31, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-302 [1] a petition pursuant to Section 7 of the Natural Gas Act for authorization to terminate the direct sale of natural gas order in the instant docket on September 3, 1975, as amended, pursuant to Section 7(a) of the Natural Gas Act to the Town of Elizabeth, Louisiana, and to abandon present service to Elizabeth, and pursuant to § 284.107 of the Commission's Regulations under the Natural Gas Policy Act of 1978 for authorization to render natural gas transportation service for a five-year period on behalf of EOOE Gas Company (EOOE), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it has been delivering natural gas to Elizabeth under authority pursuant to Section 7(a) of the Natural Gas Act while Elizabeth searched for alternate intrastate supplies of gas to meet the needs of its residences, a few small commercial establishments, and four small agricultural users. It is stated that Louisiana Resource Company (LRC), an intrastate pipeline, would sell a quantity of natural gas not to exceed 6,000 Mcf per day to EOOE a newly formed intrastate pipeline company. Petitioner states that EOOE in turn would supply the total natural gas requirements of Elizabeth as well as one industrial customer and four small agricultural customers.

Applicant assets that the natural gas to be purchased by EOOE from LPC would be received by Petitioner from LRC and transported by Petitioner on behalf of EOOE to United Gas Pipe Line Company (United) which would transport such volumes to EOOE. It is stated that the point(s) of receipt for all volumes of natural gas at which EOOE shall cause LRC to deliver to Petitioner would be at the interconnection of the facilities of Petitioner and the tailgate of the Continental Grand Chenier gas processing plant in Cameron Parish, Louisiana, or at such other mutually agreeable point of interconnection that may be established between Petitioner

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

and LRC. It is further stated that the point of delivery for natural gas transported by Petitioner on behalf of EOOE would be at the interconnection of the facilities of Petitioner and United to be located near Petitioner's main line valve in Allen Parish, Louisiana, or at such other existing points of interconnection between the facilities of Petitioner and United as may be required by operating conditions and mutually agreed upon by United and Petitioner.

Petitioner states that its proposed transportation service on behalf of EOOE is proposed to commence on April 1, 1981, and terminate March 31, 1986. Petitioner estimates the daily volume of natural gas to be transported would be 6,000 Mcf and the total volume of natural gas to be transported would be 10,956,000 Mcf. Petitioner states that service under the transportation contract would be conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Petitioner's existing customers. Petitioner contends that because the maximum daily volume of 6,000 Mcf is relatively small compared to the total volumes of natural gas which Petitioner handles in this portion of its system, Petitioner anticipates that it would be able to handle the terms of the arrangement without any interruption of service to EOOE.

Petitioner states that under the temporary arrangement Elizabeth was directed to repay Petitioner in kind for the volumes received and that now because of the prohibitive cost of such a practice at today's market prices compared to the cost of the gas billed to Elizabeth, Petitioner proposes that it be authorized to retain the revenue it has previously received from Elizabeth as well as that revenue which is properly owed to Petitioner by Elizabeth at the date of the issuance of this order.

Because Elizabeth has acquired an intrastate supply of gas, Petitioner proposes to terminate its authorization received on September 3, 1975, in the instant docket and to abandon its sales service to Elizabeth.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5367 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-125-000]

Tennessee Gas Pipeline Co., a Division of Tennco Inc., Columbia Gulf Transmission Co.; Application

February 11, 1981

Take notice that on December 31, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-125-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities to connect gas reserves in the Mississippi Canyon area, offshore Louisiana, and the transportation of natural gas for Gulf Oil Corporation (Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants proposed to construct and operate approximately 7.8 miles of 20-inch pipeline extending from an existing production platform in Mississippi Canyon Block 148A, offshore Louisiana, and connecting with Applicants' SP55 "A" platform in South Pass Block 55, offshore Louisiana, which Applicants have acquired as part of their Project SP77.

Applicant state that the proposed facilities would enable Applicants to attach gas reserves presently committed and to be committed to them from Mississippi Canyon Blocks 148 and 192 for transportation and delivery into Applicants' Project SP77 for further delivery onshore. Applicants assert that the Mississippi Canyon Blocks 148 and 192 contain total estimated recoverable reserves of 211,430,000 Mcf with a maximum daily deliverability of 109,000 Mcf. It is stated that the reserves are owned 50 percent by ARCO Oil and Gas Company (ARCO), 16.67 percent each by Mobil Oil Corporation (Mobil) and Gulf, 12.5 percent by Chevron Oil Company (Chevron), and 4.17 percent by ICI Delaware Inc. (ICI) and that ARCO's interest is dedicated jointly to Tennessee and to Arkansas-Louisana Gas Company. It is further stated that Columbia Gas Transmission Company (Columbia Gas) which uses gas transported by Columbia Gulf to supply a large portion of its customers' needs has a preferential right to purchase Chevron's 12.5 percent interest and is presently negotiating along with Tennessee for the acquisition of a joint dedication of Mobil's 16.67 percent interest. Applicants maintain that Tennessee and Columbia Gulf require the gas from the reserves in order to minimize or stall curtailment of their customers' service.

Applicants estimate the total direct cost of the proposed connecting facilities to be $13,546,000 and that such costs would be shared as follows: Tennessee-58.33 percent, Columbia Gulf-25 percent, and Gulf-16.67 percent. It is stated that the facilities would be owned entirely by Tennessee and Columbia Gulf on a 70 percent—30 percent basis, respectively.

Applicants further propose to transport for Gulf up to 16,677 Mcf per day of its own production from the Mississippi Canyon area as a result of Gulf's payment of a percentage of the cost to construct the proposed facilities. It is asserted that Applicants are presently negotiating the terms of a transportation agreement with Gulf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be uncessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5368 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RO80-6]

Triangle J Oil Co.; Requesting Supplemental Filing

Issued February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)), which exempts all crude oil and petroleum products from the Mandatory Petroleum Price and Allocation Regulations. As a consequence, certain cases on review before the Commission may be moot.

The issues raised in the above-captioned case may not be affected by the Executive Order because they involve a finding by the Secretary of Energy that the petitioner violated the regulations during a period prior to the issuance of the Executive Order.

By February 25, 1981 each participant shall file a response stating if it disagrees with this tentative conclusion and, if so, explaining in detail its reasons for disagreement. The remedial order requires petitioner to make price reductions in future sales after the effective date of the Executive Order. Each participant shall state in its response whether, even if the Secretary of Energy's finding of violation is upheld, the price reduction requirement should be modified and, if so, what modifications are necessary and whether they should be made by the Commission or on remand by the Office of Hearings and Appeals. In addition, each participant shall state whether, in light of deregulation, it wishes to continue to litigate the case. Failure to file a response will be deemed a concurrence with the presiding officer's tentative conclusion that the issues in this proceeding are not affected by the Executive Order.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5369 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-92]

Wedge Service Station; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981 the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5370 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-255-000]

West Texas Utilities Co.; Filing

February 12, 1981.

The filing Company submits the following:

Take notice that West Texas Utilities Company (WTU) on February 4, 1981, tendered for filing an executed Service Agreement providing for service to the City of Sonora, Texas under WTU's FERC Electric Tariff, Original Volume No. 1. WTU requests that the service agreement be allowed to become effective on February 16, 1981.

WTU also states that a copy of the complete filing was served on the City of Sonora, Texas, and on the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5391 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1107-001]

City of Ashland, Oregon; Application for Exemption From Licensing of a Small Hydroelectric Power Project

February 12, 1981.

Take notice that on December 15, 1980, the City of Ashland, Oregon (Applicant) filed in application for exemption for Reeder Gulch Hydroelectric Project No. 1107 from requirements of part 1 of the Federal Power Act pursuant to 18 CFR Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on Ashland Creek in Jackson County, Oregon. Correspondence with the Applicant should be directed to: Mr. Brian L. Almquist, City Administrator, City Hall, Ashland, Oregon 97520.

Project Description—The proposed project would consist of existing project works including: (1) concrete diversion dams on the East and West Forks of Ashland Creek; (2) Reeder Reservoir with a storage capacity of 845 acre-feet and a surface area of 20.5 acres at normal maximum surface elevation 2873 feet and impounded by; (3) Hosler Dam, a concrete arch dam 114 feet high and 546.5 feet long at its crest; and (4) a 24-inch diameter penstock conveying flows from the three dams to; (5) a powerhouse located approximately 4,000 feet downstream of Hosler Dam Applicant proposes to install in the powerhouse a single 700-kW generating unit. Existing project works are currently and will continue to be used to supply water to the City of Ashland. Applicant estimates that the average annual energy output would be 3,300 MWh.

Propose of the Project—Project energy would be used by Applicant to meet the demands of its existing load.

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

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Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before *March 27, 1981,* either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than *July 27, 1981.* Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 1107. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5485 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2762]

Central Vermont Public Service Corp.; Intent To Prepare Environmental Impact Statement; Scoping Meeting; East Georgia Project

February 11, 1981.

An applicatin has been filed with the Federal Energy Regulatory Commission by the Central Vermont Public Service Corporation for a major Federal license for the construction, operation, and maintenance of the proposed East Georgia Hydroelectric Project, FERC No. 2762. The application was mailed out for agency review and comment on November 10, 1980.

The proposed project, which would have a generating capacity of 14 MW, would be located on the Lamoille River near the towns of Milton, East Georgia, and Fairfax, in Franklin County, Vermont. Proposed project facilities would consist of: (1) a concrete gravity dam founded on rock with earth abutments, with a maximum height of 80 feet above the river and a length of 715 feet; (2) a 380-acre reservoir having a total gross storage capacity of 7,500 acre feet; (3) a powerhouse adjacent to the south abutment of the dam, containing two turbines and generators; (4) an approximately 3.5-mile-long, 33-kV overhead transmission line; and (5) appurtenant works. Proposed construction would also include recreation facilities and would require relocation of a segment of a state highway.

The Commission's staff has determined that issuance of the proposed license would be a major Federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act.

Interested persons are invited to participate in a scoping meeting to be convened by the Commission's staff at 9:30 a.m. on March 4, 1981, at the Pavilion Office Building, Auditorium, 109 State Street, Montpelier, Vermont. The meeting will be recorded by a stenographer.

The primary goal of this meeting is to encourage interested parties to assist the staff in identifying the significant issues that should be analyzed in the environmental impact statement. If you are unable to attend the meeting, you are asked to provide detailed comments by mail to William W. Lindsay, Director, Office of Electric Power Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, by February 27, 1981.

Questions concerning the proposed action and the environmental impact statement should be directed to: James Feeney, Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426 at (202) 376-1758.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5494 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3742-000]

Joseph M. Keating; Application for Preliminary Permit

February 12, 1981.

Take notice that Joseph M. Keating (Applicant) filed on November 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3742 to be known as the Aspen Park Project located on Rock Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph M. Keating, 847 Pacific Street, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 6-foot high, 35-foot long, concrete gravity diversion dam; (2) a 6 acre-foot water impoundment with a surface area of 2 acres; (3) a 13,000-foot long, 27 to 30-inch diameter, penstock; (4) a powerhouse containing a 2,500-kW turbine generator set; and (5) a 4,000-foot transmission line. The Applicant estimates that the average annual energy output would be 8,000,000 kWh.

Purpose of Project—The power generated from the proposed project would probably be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 20 months. During this time it would conduct an historical review, a hydrologic study, and a field survey; contact and review with necessary Federal, State, and local agencies; determine environmental impacts; and prepare a feasibility report and preliminary designs. The Applicant estimates the cost of these studies to be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protest, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other coments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3742. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 5436 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3786-000]

Town of Morrison and Hydroelectric Constructors, Inc.; Application for Preliminary Permit

February 12, 1981.

Take notice that the Town of Morrison and Hydroelectric Constructors, Inc. (Applicant) filed on November 24, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3786 to be known as the Chatfield Project located on the South Platte River in Douglas County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glen G. Dorman, President, Hydroelectric Constructors, Inc., Box 16, 5353 West Dartmouth Avenue, Denver, Colorado 80299. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Chatfield Dam and Reservoir and would consist of a powerhouse with a single turbine-generating unit having a total rated capacity of 500 kW and a 1-mile-long transmission line. The project would be capable of generating up to 2,000,000 kWh annually saving the equivalent of 3,300 barrels of oil or 1,000 tons of coal.

Purpose of Project—Energy generated at the project would likely be sold to Public Service Company of Colorado or Intermountain Rural Electric Association for distribution to their customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant has requested a preliminary permit term of 36 months. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

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Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. [A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applictions—This application was filed as a competing application to the Chatfield Project No. 3358 filed on August 25, 1980, by Continental Hydro, Inc., under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commision will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 26, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3786. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5496 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3590-000]

Northern Resources, Inc.; Application for Preliminary Permit

February 12, 1981.

Take notice that Northern Resources, Inc. (Applicant) filed on October 20, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3590 to be known as Montgomery Creek Power Project located on Montgomery Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. D. Thomas McGregor, President, Northern Resources, Inc., 2885 Bechelli Lane, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock and concrete diversion structure; (2) a 1,200-foot diversion conduit; (3) an 800-foot long, 30 inch diameter penstock; (4) a powerhouse with a 500-kW generating unit; and (5) a 1 mile, 12.5 kV transmission line.

The Applicant estimates that the average annual energy output would be 4 million kWh.

Purpose of Project—The power produced by the proposed project would be sold to Pacific Gas and Electric Company or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which they would make geologic studies, determine environmental impacts, make economic and financial feasibility studies, and apply for necessary rights. The cost of these activities is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that received this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. [A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevent to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comment will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard of to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3590. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W. Washington,D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5497 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3541-000]

Utah Hydro Corp.; Application for Preliminary Permit

February 12, 1981.

Take notice that Utah Hydro Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3541 to be known as Moon Lake Hydro Project located on the West Fork of Lake Fork River in Duchesne County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. D. Catten, 8184 Breeze Dr., Magma, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Moon Lake Dam and Reservoir, operated and maintained by the Moon Lake Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works in the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 1,200 kW and 3,100 kW, depending on studies; (3) a tailrace; (4) new transmission lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 3,400,000 kWh and 8,900,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $58,300.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. [A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3541. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5501 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 3543-000]

Utah Hydro Corp.; Application for Preliminary Permit

February 12, 1981.

Take notice that Utah Hyrdo Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3543 to be known as the Pineview Hydro Project located on the Ogden River in Weber County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. D. Catten, 8184 Breeze Dr., Magna, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Pineview Dam and Reservoir, operated and maintained by the Ogden River Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works in the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 730 kW and 2,100 kW, depending on studies; (3) a tailrace; (4) a new 65 kV transmission line, twenty-five miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 3,100,000 kWh and 8,780,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company. Other market alternatives will also be studied.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $37,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confirmed to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3543. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5488 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3544-000]

Utah Hydro Corp.; Application for Preliminary Permit

February 12, 1981.

Take notice that Utah Hydro Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3544 to be known as the Causey Hydro Project located on the Ogden River in Weber County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. D. Catten, 8184 Breeze Dr., Magna, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservation District, and would consist of: (1) a penstock utilizing the existing outlet works in the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 1,160 kW and 2,790 kW; (3) a tailrace; (4) a new 46 kV transmission line, 17½ miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 2,410,000 kWh and 5,800,000 kWh.

Purpose of Project—Project Energy would be sold to the Utah Power and Light Company. Other alternative markets will also be studies.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $39,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application shoud file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3544. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5500 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3767-000]

Vermont Electric Cooperative, Inc.; Application for Preliminary Permit

February 12, 1981.

Take notice that Vermont Electric Cooperative, Inc. (Applicant) filed on November 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3767 to be known as the Emery Mills Project located on the Ottauquechee River in Windsor County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr William J. Gallagher, Manager, Vermont Electric Cooperative, Inc., School Street, Johnson, Vermont 05656. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would include the following existing works: (1) a 25-foot high concrete dam; (2) a reservoir having negligible storage capacity and a surface area of approximately 40 acres; and (3) a powerhouse. In addition, power generating equipment and appurtenant works having a total installed capacity of up to 1,330 kW would be installed at the project.

The existing dam and water rights at the project are currently owned by the State of Vermont, Agency of Environmental Conservation.

The estimated average annual net generation of the project would be 4,050,000 kWh.

Purpose of Project—Project energy would be used by the Applicant to meet the electrical energy requirements of its members.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminay permit for a period of 36 months, during which time it would prepare cost estimates, and investigate hydraulic, economic, environmental, and recreational aspects of the project. Various types of turbine installations would be assessed. Depending upon the outcome of the preliminary permit studies, the Applicant would determine whether to proceed with the filing of an application for license. The Applicant estimates that the total cost of permit studies would be at least $25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly

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from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Emery Mills Project No. 3215, filed June 12, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3767. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applicants Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5802 Filed 2-17-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51226; TSH-FRL 1755-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by:

PMN 80-369—March 4, 1981.
PMN 81-5—March 6, 1981.
PMN 81-6—March 6, 1981.
PMN 81-13—March 14, 1981.
PMN 81-19—March 15, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460. (202-755-8050).

FOR FURTHER INFORMATION CONTACT:

For PMN No	Notice manager	Telephone	Room No
81-369	Denise Devoe	(202-426-3980)	E-221
81-5	David Dull	(202-426-2601)	E-206
81-6	George Bagley	(202-426-3938)	E-210
81-13	Kirk Macon-aughey	(202-426-3936)	E-210
81-19	Rachel Diamond	(202-426-3980)	E-221

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances complied by EPA section 8(b) of TSCA. EPA first published the initial inventory on June 1, 1979. Notices of availability of the inventory were published in the **Federal Register** May 15, 1979 (44 FR 28558—initial), and July 29, 1980 (45 FR 50444—revised).

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51226]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 11, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80-369. The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 19, 1981.

Manufacturer's Identity. Loctite Corporation, 705 No. Mountain Road, Newington, CT 06111.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester diurethane methacrylate resin based on the reaction of a dialkyl diol/adipic acid polyester diol with toluene diisocyanate and hydroxyethyl methacrylate.

Use. Claimed confidential business information. The manufacturer states that the PMN substance will be used in a contained use that will release less than 50 kilograms (kg) to the environment per year; that use will involve exposure to non-chemical industry employees.

Production Estimates.

	(Kilograms per year)	
	Minimum	Maximum
1981	200	3,300
1982	2,500	3,700
1983	2,500	6,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (ppm)	
		Hours/day	Days/year	Average	Peak
Site controlled by submitter:					
Manufacture: Dermal	4	2	34	0-1	
Processing: Dermal	4	2	60	0-1	
Use: Dermal	2			0-1	
Disposal: Dermal	1	5	60	0-1	
Site not controlled by submitter:					
Use: Dermal	1	8	250	0-1	
Disposal: Dermal	1	5	250	0-1	

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter 10-100 kg of the PMN substance will be released into the land by landfill. At a site not controlled by the submitter, 10-100 kg of the new substance will be released into the land.

PMN 81-5. The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 5, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Nylon.

Use. The manufacturer states that 90 percent of production will be used for automotive, electrical, mechanical, and appliance parts; 10 percent for eyeglass frames.

Production Estimates

First year	136,000 kg.
Second year	227,000 kg.
Third year	409,000 kg.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that the PMN substance is neither a primary skin irritant nor a sensitizing agent.

Exposure. The manufacturer states that during manufacture 93 employees will be exposed dermally for a maximum of 113 da/yr.

Environmental Release/Disposal. The manufacturer states that between 4,100 and 8,200 kg/yr of the PMN substance will be disposed by incineration. Wastes recovered during manufacture are sent to bio-pond treatment facilities.

PMN 81-6. The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 5, 1981.

Manufacturer's Identity. The Upjohn Co., 410 Sackett Point Rd., North Haven, CT 06473.

Specific Chemical Identity. Polyesteramide polymer.

Use. Hydrolic seals, gasket, and tubing.

Production Estimates

	(Kg/yr)	
	Minimum	Maximum
1981	1,000	5,000
1982	3,000	10,000
1983	5,000	20,000

Physical/Chemical Properties. Data submitted by manufacturer too voluminous for inclusion in this notice. Data are available for review at the Agency.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and disposal of the PMN substance, five workers will be exposed dermally for 8 hr/da, 10-35 da/yr to the new substance at a peak concentration of 0-1 ppm during water cooling, chopping, and bagging operations.

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At a site not controlled by the submitter, a maximum of 15 workers will be exposed dermally for 2 hr/da, 90 da/yr during processing at an average concentration of 0–1 ppm during casting, formulation, and molding operations.

The manufacturer states that use of a product containing the PMN substance will expose dermally a maximum of two workers per week.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into the air; that between 100 and 1,000 kg will be drummed and released to the land in accordance with RCRA rules to an EPA approved site; and that less than 10 kg/yr will be released into the water for 12 hr/da, 14 da/yr.

PMN 81–13. The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 13, 1981.

Manufacturer's Identity. Exxon Chemical Americas, PO Box 3272, Houston, TX 77001.

Specific Chemical Identity. C18–32 Polypropylene ether.

Use. Oil well drilling mud additive.

Production Estimates:

First year—30,000 lb.
Second year—33,000 lb.
Third year—36,000 lb.

Physical/Chemical Properties:

Physical state—Semi-solid.
Density—7.74 lb/gal at 60°F (11.6°C).
Melting point—115°F (46°C).
Solubility at 3%:
Water—Insoluble.
IPA—Insoluble.
Heavy aromatic naptha—Soluble.
Kerosene—Soluble.
Isopar M—Soluble.
Low odor paraffin solvent—Soluble.

THE manufacturer states that the new substance is unreactive to acids and bases; that the high molecular weight associated with propoxylation enhances solubility in organic solvents, coinciding with its non-ionic characteristics.

Toxicity Data:

Acute oral toxicity (male rats)—<10 ml/kg
Acute dermal toxicity (male rabbits)—Moderate to high skin irritation.
Eye irritation (rabbit)—Slight irritation.
Fish toxicity (24-hour LC_{50})—2,000–5,000 ppm.

Exposure. The manufacturer states that the new substance will be manufactured 4–6 times a year; that dermal exposure is possible, however, the use of protective clothing and equipment will make this type exposure unlikely.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released into the land during manufacture.

During use, the PMN substance is added to drilling mud, which is injected into the well. Approximately, 400 to 600 barrels of mud per well are used per drilling opreation.

PMN 81–19. The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Morton Chemical, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of acrylic acid, acrylonitrile, butyl acrylate, 2-hydroxyethyl acrylate, and methyl acrylate.

Use. Laminating adhesive.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	15,000	75,000
1982	25,000	125,000
1983	50,000	250,000

Physical/Chemical Properties:

Solids content—40%
pH—7
Viscosity, 25°C—1,000 centipoise.
Density—1.05 (water=1)
Residual monomer—0.25% maximum.
Odor—Characteristic.
Appearance—Off-white, opaque liquid.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that manufacture of the new substance at a site controlled by the submitter will dermally expose a maximum of six workers for 1 hr/da, 90 da/yr, at an average concentration of 0–1 mg/m³ and a peak concentration of 1–10. Exposure will occur during laboratory analysis, quality control sampling, and cleanup.

At a processing site not controlled by the submitter, a maximum of two workers would be dermally exposed for 1 hr/da, 20 da/yr, at an average concentration of 0–1 mg/m³ and a peak of 1–10. Exposure would occur during quality control sampling.

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, less than 20 kg/yr of the new substance would be released into the air and water, and from 1,000 to 10,000 kg/yr into the land by landfill.

At a site not controlled by the submitter, less than 20 kg/yr of the new substance will be released into the air and water, and from 10 to 100 kg/yr into the land by landfill.

[FR Doc. 81-5449 Filed 2-17-81; 8:45 am]
BILLING CODE 6560-31-M

[ER—FRL 1754-8]

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A–104), U.S. Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report identifies EPA's comments on EIS's and other actions impacting the environment which were released during December 1980 has been prepared and is available upon request, to obtain a copy of this report you should contact:

Ms. Kathi L. Wilson, Office of Federal Activities (A–104), U.S. Environmental Protection Agency, Washington D.C. 20460.

This report is also published in the monthly publication entitled, 102 Monitor, which is available through subscription with the Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing the document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: February 10, 1981.

William N. Hedeman, Jr.,
Director, Office of Federal Activities.

[FR Doc. 81-5447 Filed 2-17-81; 8:45 am]
BILLING CODE 6560-37-M

[PP 8G2118/T278; PH-FRL 1755-6]

Elanco Products Co.; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an extension of temporary tolerances for the herbicide ethalfluralin *N*-[-ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluromethyl)benzenamine] in or on the raw agricultural commodity grouping: seed and pod vegetables, forage legumes, peanuts, and peanut hulls at 0.05 part per million (ppm).

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of May 21, 1980 (45 FR 34052) that temporary tolerances had been established for residues of the herbicide ethalfluralin, *N*-[-ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)benzenamine] in or on the raw agricultural commodity groupings: seed and pod vegetables, forage legumes, peanuts, and peanut hulls at 0.05 ppm. These tolerances were established at the request of Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206.

Elanco Products Co. has submitted a request for an extension of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (1471–EUP–63) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are being extended on the condition that the experimental use permit and temporary tolerances be used with the following provisions:

1. The total amount of the pesticide to be used must not exceed the amount authorized in the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 16, 1982. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after the expiration data will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

((Sec. 408(j), 68 Stat. 561; (21 U.S.C. 346a(j)))

Dated: January 13, 1981.

Douglas D. Campt,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-5446 Filed 2-17-81; 8:45 am]
BILLING CODE 6560-32-M

FARM CREDIT ADMINISTRATION

Relocation of Farm Credit Banks of New Orleans

AGENCY: Farm Credit Administration.

ACTION: Notice.

SUMMARY: The Federal Farm Credit Board invites public comment by March 12, 1981, on a proposal made by the Farm Credit District Board of District No. 5 to relocate the principal offices of the Federal Farm Credit Banks of New Orleans to the Jackson, Mississippi area.

DATE: Comments must be received on or before March 12, 1981.

ADDRESSES: Send comments to: Donald E. Wilkinson, Governor, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578, (202–755–2181).

SUPPLEMENTARY INFORMATION: At its regularly scheduled meeting on February 2, 1981, the Federal Farm Credit Board ("Federal Board") formally received written materials and an oral presentation on a proposal from the Farm Credit District Board of District No. 5 ("District Board") to relocate the principal offices of the Farm Credit Banks of New Orleans to the Jackson, Mississippi area, and to appropriately amend the charters and bylaws of the affected banks to reflect such action. An initiating resolution to that effect was passed unanimously by the District Board on December 19, 1980. Farm Credit District No. 5 encompasses all of the States of Alabama, Mississippi and Louisiana.

Under section 5.18(2) of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2001 *et seq.*, ("Act") the Farm Credit Administration, of which the Federal Board is a part, has the power to, among other things, "where necessary and appropriate to carry out the policy and objectives of this Act * * * amend or modify Federal charters or the bylaws of institutions of the System [and] approve change in names of banks operating under this Act * * *". In receiving and acting upon the proposal, the Federal Board would be engaged in the exercise of the powers so conferred.

Also, in the course of the December 13, 1980 consideration by the United States Senate of the Farm Credit Act Amendments of 1980, S. 1465, 96th Cong., 2d Sess. (1980), Senator Edward Zorinsky (Nebr.), in commenting on the subject of relocation of district credit banks, stated the expectations of the managers of the bill that the Federal Board would promptly notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate as to receipt of any notification by a district board of possible intent to move Farm Credit banks, and as to the details of any proposed move prior to Federal Board final decision. Senator Zorinsky also expressed the further expectation that in making its decision the Federal Board will give full consideration to both the economic justification and added convenience to the member/borrowers that will result from the proposed move. 177 Cong. Rec. S16553 (daily ed. Dec. 13, 1980.)

In receiving the written materials and presentation on the proposal from the District Board, the Federal Board noted that, consistent with the aforesaid statement of Senator Zorinsky, the appropriate Committees had been notified as to receipt of the proposal and furnished with the related materials from the District Board. The Federal Board indicated that it would not act upon the proposal in the course of its meeting, but directed the Governor and the staff of the Farm Credit Administration to evaluate the materials submitted by the District Board containing and supporting the proposal, together with all other materials which may be received with respect thereto, and to present a summary of those materials and a recommendation for action at the next regular meeting of the Federal Board scheduled to be held on April 6–8, 1981 in Washington, D.C.

While the Federal Board recognized that the process by which it receives and acts upon the proposal pursuant to section 5.18(2) of the Act does not constitute a rulemaking or adjudicatory

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proceeding under Chapter 5 of Title 5 of the United States Code, it nevertheless directed that the Governor place a notice in the Federal Register acknowledging receipt of the proposal and related materials, and inviting public comment thereon to the Farm Credit Administration for a period of twenty one (21) days. Also at the direction of the Federal Board, any member of the public may examine a copy of the materials presented to the Federal Board relating to the relocation proposal at the principal offices of the Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20[illegible] Farm Credit District Banks of New Orleans, 860 St. Charles Avenue, New Orleans, Louisiana 70130. Those materials consist of a January 16, 1981 letter from the Chairman of the District Board to the Chairman of the Federal Board setting forth the proposal and requesting Federal Board action, as well as an Executive Summary of Fifth Farm Credit District Relocation Studies and Conclusions, an Analysis of Alternatives to Satisfy Future Office Space Requirements for the Farm Credit Banks, and a Report From Committee on Relocation Comparisons, all of which were transmitted with the letter.

Donald E. Wilkinson,

Governor.

[FR Doc. 81-5376 Filed 2-17-81; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-50, File No. BPCT-781211LC, et al.]

Highland Communications, Inc., et al.; Hearing Designation Order

[illegible] January 29, 1981.

[illegible] February 13, 1981.

In re Applications of Highland Communications, Inc., Medford, Oregon, [illegible] BPCT-781211LC; Christian Broadcasting Corp., Medford, Oregon, [illegible] No. 81-51, File No. BPCT-[illegible] Sunshine Television, Inc. [illegible] Oregon, BC Docket [illegible] Channel 12 Limited Partnership, [illegible] W. Jenkins and [illegible] Associates, Inc., General Partners), Medford, Oregon, BC Docket No. 81-53, File No. BPCT-790[illegible]-5AG for construction permit for a new television station.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration: (a) the above-captioned mutually exclusive applications filed by Highland Communications, Inc. (Highland), Christian Broadcasting Corp. (Christian), Sunshine Television, Inc. (Sunshine) and Medford Channel 12 Limited Partnership (Med-12) for a new commercial television station to operate on Channel 12, Medford, Oregon; (b) a "Request for Stay," filed August 15, 1979 by Oregon Broadcasting Company (OBC); (c) a "Petition to Deny" filed August 15, 1979 by OBC; (d) Opposition to Petition to Deny and Request for Stay filed August 28, 1979 by Christian; (e) Opposition to Petition to Deny and Request for Stay filed August 22, 1979 by Highlands; (f) Comments on Petition to Deny and Request for Stay, filed September 13, 1979 by Sunshine.

2. In both the Request for Stay and the Petition to Deny filed by Oregon Broadcasting Co., (OBC) licensee of television station KOBI, Channel 5, Medford, Oregon, OBC alleges that, pending the outcome of its application for review of a previous ruling which assigned VHF television Channel 12 to Medford, Oregon, *Report and Order* (Docket No. 21109) 43 Fed. Reg. 1503 (January 10, 1978) any processing of the above-captioned applications would be premature and not in the public interest. However, on November 10, 1980, the Commission affirmed the assignment of Channel 12 to Medford, Oregon, and denied OBC's application for review. In view of the Commission's action affirming the Channel 12 assignment, the Request for Stay, considered as a Motion for Deferred Processing, and the Petition to Deny will be dismissed as moot.

Sunshine Television Inc.

3. Analysis of the financial data submitted by Sunshine reveals that $2,256,790 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment payments	$1,814,800
Building [illegible]	[illegible]
Other items:	
Legal [illegible]	[illegible]
Insurance [illegible]	75,000
Total other items [illegible]	130,000
Miscellaneous [illegible]	[illegible]
Operating costs (for 3 mos)	151,990
Total [illegible]	2,256,790

Sunshine plans to finance construction and operation of the proposed facility with the following funds:

Existing capital	$20,000
New capital (stock subscriptions)	215,000
Stockholder loans	765,000
Bank loan	1,800,000
Total	2,800,000

4. Section III, Page 3, Item 4(b) of FCC Form 301 requires each person who has agreed to furnish funds, purchase stock, extend credit or guarantee loans to submit a balance sheet or a detailed financial statement indicating financial ability to comply with terms of the agreement. Letters of assurance from various local banks purportedly summarizing the financial condition of each stockholder, are insufficient to allow us to determine whether each stockholder is financially capable of meeting the terms of the subscription and loan commitments to the corporation. In most instances there has been no showing of current and liquid assets sufficient in amount to meet current liabilities. Thus, the Commission is unable to determine the net liquid assets of the stockholders. Therefore, a question arises as to the ability of the stockholders to comply with the terms of the subscription and loan agreements.

The First National Bank of Oregon loan commitment is contingent upon the following conditions:

(1) the execution of a personal guaranty by each stockholder in the amount of $1,800,000.

(2) stockholders' capital injection of $250,000 in the form of the initial stock issue.

(3) loans to Sunshine, from stockholders, in the amount of $750,000 to be subordinated to the Bank debt prior to the disbursement of any funds to the corporation.

However, there is no documentation evidencing each stockholder's willingness to guarantee the above-mentioned loan, or to subordinate his loan to the bank loan. Inasmuch as Sunshine has not submitted a balance sheet or financial statement pursuant to Section III, Page 2, Paragraph 2 of FCC Form 301, we are unable to determine whether the applicant has the net liquid assets to meet the terms of the bank loan. Accordingly, limited financial issues will be specified against Sunshine.

Medford Channel 12 Limited Partnership

5. The financial data submitted by Med-12 reveals that approximately $2,831,800 will be required to construct and operate the proposed station for three months, estimated as follows:

Equipment	$1,830,400
Land and buildings	401,000
Legal, engineering installation and miscellaneous	214,400
Estimated operating costs (3 mos)	385,000
Total	2,831,800

To meet these expenditures, Med-12 relies upon approximately $3,918,000, itemized as follows:

Existing capital	$35,000
Anticipated limited partnership contribution	2,935,000
Net deferred credit from equipment supplier	948,000

Analysis of the financial data presented in paragraph 5 leads to the following conclusions:

(a) The applicant proposes to acquire equipment from an unidentified supplier on a deferred credit basis. However, Med-12 has not submitted a letter from its proposed supplier setting forth the terms upon which the equipment will be made available. Therefore, a question arises as to the terms of the equipment agreement and whether the applicant has the necessary funds.

(b) The applicant intends to rely on approximately $2.9 million in partnership contributions. However, the partners have not submitted current balance sheets (dated within 90 days of the filing of the application). In addition, the applicant has not submitted a copy of the financial agreement pursuant to Section III, Page 3 Paragraph 4, Form 301. Therefore, a further question arises as to the availability of the partnership contributions as a source of funds. Accordingly, a limited financial issue will be specified against Med-12.

6. Except as indicated by the issues specified below, the Commission finds Highland Communications, Inc., Christian Broadcasting Corp., Sunshine Television, Inc., and Medford Channel 12 Limited Partnership, legally, financially, technically and otherwise qualified. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that grant of the applications will serve the public interest, convenience and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues set out below.

7. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine with respect to Sunshine:

(a) Whether the applicant has $2,256,790 available to construct and operate the proposed station for three months.

(b) Whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified to construct and operate as proposed.

(2) To determine with respect to Med-12:

(a) Whether the applicant has $2,831,800 available to construct and operate the proposed station for three months.

(b) Whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified to construct and operate as proposed.

(3) To determine, on a comparative basis, which of the applications would best serve the public interest.

To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that the Request for Stay, considered as a Motion For Deferred Processing and the Petition to Deny filed by, Oregon Broadcasting Company ARE DISMISSED AS MOOT.

9. It is futher ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within twenty (20) days of the mailing of this Order, shall file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

10. It is futher ordered, That the applicants herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934 as amended, and § 73.3594 of the Commisison's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-5378 Filed 2-17-81; 8:45 am]

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[BC Docket Nos. 81-46, 81-47; File Nos. BPCT-800409KE, 790920KH]

Roanoke Christian Broadcasting, Inc. and Western Virginia Television Co.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 23, 1981.

Released: February 6, 1981.

In re Applications of Roanoke Christian Broadcasting, Inc. Roanoke, Virginia, BC Docket No. 81-46, File No. BPCT-800409KE; and Western Virginia Television Co. Roanoke, Virginia, BC Docket No. 81-47, File No. BPCT-790920KH For a Construction Permit; Hearing Designation Order.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications of Roanoke Christian Broadcasting, Inc. (RCB) and Western Virginia Television Company (WVTC) for a new commercial television station to operate on Channel 27, Roanoke, Virginia.[1]

Roanoke Christian Broadcasting, Inc.

Financial Qualifications

2. Analysis of the financial data submitted by RCB reveals that $155,505 will be required to construct the proposed station and operate it for three months, without revenue, itemized as follows:

Equipment payment (lease for three months)	$39,525
Miscellaneous	37,000
Operating costs (including land and studio) (three months)	78,980
Total	155,505

To meet these costs, RCB intends to rely on a $50,000 loan from Christian Television Services, Inc., on a prepaid affiliation agreement for $72,800 with the PTL Club through Trinity Advertising Agency, and on $94,000 in loans from individuals.

3. According to *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 F.C.C. 2d 784, 45 RR 2d 925 (1979), the affiliation agreement with the PTL Club may not be relied upon by RCB. The Commission's policy regarding financial qualifications requires an applicant to demonstrate that it has sufficient capital to cover construction costs and the costs for the initial commencement period between inauguration of broadcast service and the point where advertising or broadcasting accounts begin to "pay off." Therefore, applicants must show the ability to construct and operate for three months without any reliance on broadcast revenues. *New Financial Qualifications Standard for Broadcast Television Applicants*, supra, *Amber Productions, Inc.*, FCC 79-549, 46 RR 2d 448. Accordingly, a limited financial issue will be specified against RCB

[1] On September 8, 1980, WTVC filed a petition to deny RCB's application. The petition is, realistically, a pre-designation petition to specify issues. Since such petitions are no longer permitted, it will be dismissed. *Processing of Contested Broadcasting Applications*, 45 RR 2d 1220 (1979).

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concerning the $72,800 from the PTL Club agreement.

4. Two individuals, R. W. Bowers and Randolph Kingery, are committed to loan RCB $25,000 and $15,000, respectively, but have insufficient liquid assets to meet their commitments.[2] Accordingly, a limited financial issue will be specified regarding the availability of $40,000 in loans from the above-mentioned individuals.

Western Virginia Television Company

Financial Qualifications

5. Analysis of the financial data submitted by WVTC reveals that $924,133 will be required to construct the proposed station and operate it for three months, without revenue, itemized as follows:

Equipment downpayment	$384,750
Equipment payments with interest (3 months)	98,109
Miscellaneous	272,956
Operating cost (including land and studio costs) 3 months	168,318
Total	924,133

WVTC intends to finance construction and operation with $25,489 in current assets, $660,000 in subscription agreements with its stockholders, and a $250,000 loan from the First National Exchange Bank; totaling $910,000.

6. WVTC'S fifteen stockholders entered into subscription agreements with the applicant during the period from April 4, 1979 to April 30, 1979. The agreements specified that the subscriptions would be "null and void and of no further effect if the FCC does not issue a construction permit" within one year from the date of subscription. Thereafter, on October 4, 1979, WVTC held a special meeting of its stockholders in which it was resolved to extend the effective date of the subscription agreements to December 1, 1980. All of the subscribers were present except Gordon C. Willis.[3] Since the expiration date, as extended, has now passed, the viability of the subscription agreements is in doubt.[4] Accordingly, an appropriate issue will be specified.

[2] The financial statement of R. W. Bowers indicates that his current liabilities exceed his liquid assets by $75,423. Likewise, Randolph Kingery's financial statement indicates that his current liabilities exceed his liquid assets by $5,027.

[3] Normally, a legal question would be raised as to whether the stockholders, without the concurrence of Willis, could extend the life of Willis' commitment. However, since the viability of all the subscription agreements must be determined, a separate issue with regard to Willis is not necessary.

[4] One of the applicant's shareholders, Frank A. Boxley, placed $44,000 in an escrow account with Colonial American National Bank. The money was to be used to purchase stock according to a subscription agreement with WVTC. The terms of the escrow agreement between Frank A. Boxley and Colonial American National Bank indicate that the account terminated May 30, 1980. Accordingly, the availability of the $44,000 will be explored within the larger issue concerning $660,000 in subscription agreements.

7. The loan commitment from First National Exchange Bank to WVTC indicates that the bank's commitment to lend $250,000 is contingent upon the injection of stockholders' equity in the amount of $750,000. Of this amount, $90,000 in stock has already been issued and paid for, leaving $660,000 to be collected. Of the $90,000 received, $25,489 remains in cash. Since the availability of the remaining $660,000 has yet to be determined, a limited financial issue concerning the availability of the bank loan will be specified.

8. Except as indicated by the issues specified below, we find the applicants qualified to construct and operate as proposed. However, because the applications are mutually exclusive, we are unable to make the statutory finding that grant of them would serve the public interest, convenience and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, It is ordered, That the petition to deny filed by Western Virginia Television Company is dismissed.

10. It is further ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Roanoke Christian Broadcasting, Inc., and Western Virginia Television Company are designated for hearing in a consolidated proceeding at a time and place before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Roanoke Christian Broadcasting, Inc.:

(a) Whether at least $72,800 upon which the applicant had relied from PTL Club will be available to it;

(b) Whether R.W. Bowers and Randolph Kingery have net liquid assets sufficient to meet their commitments to the applicant; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. To determine, with respect to Western Virginia Television Company:

(a) Whether at least $660,000 represented by stock subscriptions will be available to the applicant;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant will have available to it a loan of at least $250,000 from First National Exchange Bank; and,

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

3. To determine which of the proposal would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice, as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-5379 Filed 2-17-81; 8:45 am]

BILLING CODE 8712-01-M

[CC Docket No. 81-41, Transmittal No. 242; FCC 81-28]

RCA American Communications, Inc., Tariffs F.C.C. Nos. 1 and 2; Instituting Investigation

Memorandum Opinion and Order

Adopted: January 29, 1981.

Released: February 9, 1981.

By the Commission: Commissioners Ferris, Chairman; and Brown not participating; Commissioner Fogarty concurring and issuing a statement.

1. Before the Commission are petitions to reject and/or suspend and investigate the above-captioned tariff revisions filed by RCA American Communications, Inc. (RCA Americom).[1] These revisions, which are scheduled to become effective February 6, 1981, set forth an allocation plan for domestic satellite transponders according to which permanent customers of RCA Americom's Cable Net II satellite will be leased an additional transponder.[2] The substance of the petitions is that this proposed allocation plan is unreasonable and unlawfully discriminates against those persons or entities who are not permanent customers on the Cable Net II statellite in violation of Sections 201(a), 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(a), 201(b) and 202(a). For the reasons stated below, we suspend the effectiveness of these tariff revisions and institute an investigation.

[1] Petitions to reject and/or suspend have been filed by Eastern Microwave Inc. (EMI), United Video, Inc. (United Video), and the Hon Foundation and Timothy J. Flynn. Total Communications Systems (TCS) has submitted a letter request for suspension and investigation. Comments have been filed by the Spanish International Network (SIN), Southern Satellite Systems, Inc., (Southern Satellite) and the Fine Arts Satellite Network, Inc. (FASN). RCA Americom has responded to the petitions of EMI and the Hon Foundation and Timothy J. Flynn. EMI also moves to file its petition one day late. This motion is hereby granted. Although the Hon Foundation and Timothy J. Flynn have subsequently stated that they have withdrawn their petition, we choose to consider the arguments raised.

[2] A transponder is a device in a satellite (space segment) that receives signals from an uplink (transmitter) in the 6 GHz frequency range, converts the signals to the 4 GHz frequency range, retransmits them back to earth where a downlink (receiver) picks them up, and then relays them to a cable system or television station for distribution. *See Western Union Telegraph Company*, 67 F.C.C. 2d 98, 97 fn. 3 (1977). For a more detailed description of the transmission of video signals by satellite, *see e.g.*, Preliminary Report on Prospects for Additional Networks by the Federal Communications Commission Network Inquiry Special Staff, released March 1980.

Background and Description of the Tariff

2. RCA Americom's fixed transponder service is currently provided on three satellites—SATCOMS I and II, and COMSTAR D–2.[3] SATCOM II is used by government and private line customers. For the most part, transponders on SATCOM I and COMSTAR D–2 are leased to customers in the business of providing video program distribution service to cable television systems. RCA Americom calls these satellites and the video distribution service provided on them "Cable Net I" and "Cable Net II", respectively.

3. The demand for RCA Americom's domestic fixed transponders exceeds available capacity. In the past RCA Americom has leased space on a first-come-first-served basis, *Spanish International Network* v. *RCA Americom Communications Inc.*, 78 FCC 2d 1451 (1980), and more recently, through the use of a lottery procedure, *RCA Americom Communications Inc.* 79 FCC 2d 331 (1980). Under the latest revisions, RCA Americom would lease an additional transponder to each customer permanently assigned to Cable Net II effective upon the launch and operation of SATCOM III,[4] or earlier if sufficient transponder capacity becomes unavailable.[5]

Contentions for Rejection

4. EMI argues that the proposed tariff revisions would allocate facilities on SATCOMS IV and V, which have not yet been authorized by the Commission, pursuant to Section 214 of the Act and must therefore be rejected.[6] EMI states that the lack of underlying authority to provide the services offered under a proposed tariff is grounds for rejection of a tariff filing. As a separate matter, it argues that the proposed tariff revision must be rejected as a *prima facie* violation of Sections 201 and 202(a) of the Act.[7] It alleges in this regard that RCA American has refused to consider EMI's requests for service in the past and continues to do so. Against this background, EMI reasons that RCA's proposal to give existing Cable Net II customers an additional transponder constitutes an unlawful denial of service to EMI under Section 201(a). Moreover, contends EMI, the proposal is unlawful under Section 201(b) because it would result in six users controlling 66 percent of available transponders.[8] Finally, EMI complains that RCA is trying by the present proposal to aid and expand the business of its customers while thwarting the business of RCA's competitors like EMI. It contends, therefore, that these tariff provisions violate Section 202(a) because they unjustly and unreasonably discriminate against EMI and all others not currently customers of Cable Net II, while granting an undue and unreasonable preference to Cable Net II customers.

5. United Video argues in a similar vein. Although it was a "winner" of the lottery conducted by RCA Americom in July, 1980, and thus will receive a transponder on the replacement SATCOM III,[9] it complains that RCA Americom's definition of "permanent" is too restrictive because the winners of the lottery would not be regarded as permanent customers for purposes of Cable Net II. It finds no justification for such a restriction. Accordingly, United Video urges that the tariff revision be rejected as an unreasonable practice under Section 201(b) and as creating an unlawful prejudice under Section 202(a).

Discussion

6. RCA Americom's tariff revision states that its Cable Net II service will be provided on a company satellite after the operational date of its SATCOM III satellite, and, by a letter dated December 18, 1980, RCA Americam has informed the Commission that the proposed allocation procedure will apply to SATCOM IV. What's more, the construction and launch of SATCOM III and IV have already been approved. See, *RCA American Communications, Inc.*, FCC 80–715, adopted December 4, 1980. Thus, regardless of whether the proposed tariff could at one time have been rejected for lack of Section 214 authorization, the Commission's recent authorization of the necessary facilities moot petitioners' contentions on this point.

7. The additional grounds asserted for rejection fare no better. We have carefully examined the other rejection arguments based on the reasonableness of the proposed tariffs. They do not demonstrate that the proposed tariffs are clearly unlawful under the Act.

[3] This apparently refers to the replacement satellite for the original STACOM III which was lost shortly after its launch in December, 1979.

[4] RCA Americom stated in its original transmittal letter that the revision would be applicable to transponders to be made available upon the launch and operation of SATCOM V. By subsequent letter to the Commission dated December 12, 1980 RCA Americom stated that the proposed allocation will apply to the fourth in-orbit satellite, apparently SATCOM IV.

[5] Section 214, 47 U.S.C. 214, provides in pertinent part: No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operations, of such additional or extended line.

[6] Section 201(a), 47 U.S.C. 201(a), provides in pertinent part that: It shall be the duty of every common carrier engaged in interstate or foreign communication by wire or radio to furnish such communication service upon reasonable request therefor . . .

Section 201(b), 47 U.S.C. 201(b), requires, inter alia, that: [a]ll charges, practices, classifications, and regulations for and in connection with such communications service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful.

Section 202(a), 47 U.S.C. 202(a) makes it: . . . unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

[7] Transponders on Comstar D–2 are leased from the American Telephone and Telegraph Company.

[8] This situation is aggravated, according to EMI, by the fact that most of these customers are not apparently using the transponders, currently assigned. In support, it points to an article which appeared in Broadcasting Magazine on June 30, 1980.

[9] See *RCA American Communications, Inc.*, 79 FCC 2d 331 (1980).

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American Broadcasting Companies, Inc. v. Federal Communications Commission, No. 78–1968 (D.C. Cir. April 28, 1980). Rather, as we explain in greater length shortly, the lawfulness of these provisions appears to turn in the final analysis on the adequacy of RCA Americom's justification for the allocation scheme it now proposes. This justification will require further scrutiny, but it is not patently in violation of the statute as to warrant rejection. Accordingly, we will deny petitioners' requests for rejection.

Contentions for Suspension and Investigation

8. EMI and United Video submit that the bases offered in support of rejection also warrant suspension. EMI alleges in addition that RCA Americom has, or may have, a monopoly in cable television program distribution via satellite and that it may be attempting by the proposed tariffs to control competing participants among program suppliers. EMI argues that the Commission has an obligation to consider the competitive consequences of its actions, *FCC* v. *RCA American Communications, Inc.*, 346 U.S. 86 (1953), and that to do so in this instance it must suspend and investigate RCA Americom's proposal. EMI further argues that RCA Americom's proposal, by limiting access to transponders to only selected program suppliers, threatens existing systems such as EMI's service to 350 cable systems and one million cable subscribers.

9. TCS by contrast argues for suspension and investigation on the basis of the impact of the present proposal on RCA Americom's previous allocation policy. TCS states that under RCA Americom's previous first-come, first-served allocation policy it was awarded the 7th and last available transponder on Cable Net II. This resulted in the splitting of its order for two transponders, meaning, according to TCS, that the second requested transponder was next in line to be granted. TCS states that it relied on RCA's previous first-come, first-served policy to its detriment and that RCA's change in allocation policy is highly inequitable. TCS requests that we suspend the RCA tariff revision and explore the public interest justification for RCA's failure to honor its first-come, first-served commitments.

10. The Fine Arts Satellite Network finds inequities of a different nature in the proposal. It states that approximately one year ago it contacted RCA Americom to obtain a transponder, submitted a written confirmation of its service request, and was led to believe that it would be placed 40th–50th on a waiting list. In reliance on this understanding, it states that it took steps to be able to commence service and will shortly file an application with the Commission for authority to provide its program distribution service. FASN believes that the public would be disserved if it is prevented from providing its proposed service because of an artificial barrier such as RCA's tariff which would give preferential treatment to existing transponder users. In a similar vein, the Hon Foundation and Timothy J. Flynn state that they, too, are prospective customers of RCA and that they have been placed on the waiting list for transponder service. They note that under RCA Americom's allocation plan existing customers will receive an additional transponder; however, whether those on the waiting list receive a transponder award will depend upon the method finally selected by the carrier for such awards as well as the number of transponders remaining. This allocation plan, they urge, fails to meet RCA Americom's responsibilities as a carrier.[10]

Discussion

11. RCA Americom acknowledges that it has received more than fifty requests for transponders for video distribution service, and that if all of these requests for service were firm it would not be able to satisfy demand for five years.[11] Indeed, RCA Americom also concedes that it would have sufficient customers for all of its transponders regardless of the method used for allocating them.[12]

12. The Communications Act is silent on the specific point of how carriers may allocate their facilities when, as here, requests for service exceed available capacity. The Act merely requires that such an allocation plan, as with other practices, be reasonable under Sections 201(b) and 202(a). In the past we have accorded communications common carriers considerable latitude when confronted by a serious facility shortfall. *See Metrock Corporation*, 73 FCC 2d 802 1979 ("first come, first served" method of allocating MDS service by a carrier not found unreasonable); *MCI Telecommunications Corporation*, Mimeo No. 25862, released February 7, 1980, *aff'd MCI Telecommunications Corporation*, 81 FCC 2d 568 (1980) (carrier initiated tariff provision limiting the number of authorization codes available to each subscriber not found unreasonable). In the case of RCA Americom, we have found that this carrier's previous allocation schemes did not raise questions of reasonableness under the Act. *Spanish International Newtwork* v. *RCA American Communications, Inc.*, 78 FCC 2d 1451 (1980) (first-come, first-served); *RCA American Communications, Inc.*, 79 FCC 2d 331 (1980) (lottery). Furthermore, we have proposed giving domestic satellite carriers the ability to use price to allocate scarce transponder capacity, (e.g., transponders would be leased to the highest bidder). *Further Notice of Proposed Rulemaking*, FCC 80–724, Docket No. 79–252, released January 16, 1981. We examine now whether this latest proposed allocation plan, by which permanent customers on Cable Net II would receive another transponder, raises questions of reasonableness under the Act and current Commission policy.

Section 202(a) discrimination

13. We agree with petitioners that the proposed tariff revisions create a discrimination in the allocation of transponders. Only permanent customers of Cable Net II would receive an additional transponder while other potential customers are not covered by the proposal. The question, then, is whether this discrimination is reasonable within the meaning of Section 202(a).

14. RCA Americom does not seriously dispute that its tariff proposal envisions a discrimination in the allocation of transponders. Instead, it advances its allocation scheme as a reasonable means of establishing a second cable network. As we understand this claim, RCA Americom is referring to the fact that Cable Net I is actively being used by various customers to supply video programming to cable systems whereas the Cable Net II transponders, although leased at the tariff rate, are for the most part unused. RCA Americom suggests that the award of an additional transponder to these Cable Net II customers will act as incentive for them to begin video distribution on Cable Net II. Presumably, once video programming is available via this satellite, cable systems will then be willing to invest in earth stations to receive signals from Cable Net II. In this manner, RCA Americom hopes to establish Cable Net II as a viable cable network.

15. However, RCA Americom's contentions in this regard raise several problems. For one thing, we question whether RCA Americom's stated goal of establishing a second cable network is an appropriate criterion under the Act for allocating scarce common carrier facilities. Moreover, assuming *arguendo* that the creation of a second network is a valid business interest which RCA Americom may pursue through its allocation scheme, the carrier has failed to demonstrate that this end justifies the particular discriminatory means it seeks to employ. Since RCA Americom's representations on this point are generalized and conclusory, we doubt the adequacy of this justification and shall put it to the test of an investigation.

16. In addition to the more policy-oriented questions raised above, RCA Americom has not explained why it expects the proposed allocation scheme to achieve the desired result. Stated differently, the carrier must provide some reasonable basis to support its view that the award of an additional transponder would in fact operate as an incentive to the establishment of a second cable network. The present record provides no such support. Rather, it is merely assumed that the scheme will be effective. Largely unaddressed is the impact of the Commission's resale policy,[13] and whether, because the bonus transponders could be resold, RCA Americom's plan is likely to be effective. RCA Americom has not supported its claim that an additional transponder could overcome the alleged problem of establishing a second cable network. Accordingly, in the absence of any convincing showing that the proposed discriminatory allocation scheme is likely to create the necessary incentive, we question its reasonableness.

17. In its transmittal letter, RCA Americom offers additional justification for its proposed method of allocating transponders. It asserts, for example, that the proposal would greatly increase the probability that each customer included in the plan will develop its business rapidly and have the facilities necessary for sustained growth and profitability. RCA Americom also urges that its tariff proposal gives due recognition to those customers who have borne the financial risks of uncertainty following the loss of the original SATCOM III.

18. While we appreciate that RCA Americom believes the award of an additional transponder will be profitable to its Cable Net II customers it has not adequately explained why it proposes to favor these particular customers, rather than others whose businesses also would benefit. RCA Americom's statements that its Cable Net II customers are in some sense entitled to a reward for having leased transponders on Comstar D–2 is also unsubstantiated. In addition to the foregoing, we note that RCA Americom has not responded to the allegations of United Video that the proposal unlawfully discriminates against those Cable Net II customers who are not "permanant". Moreover, RCA Americom has not specifically addressed EMI's contentions that the proposal will have undesirable anticompetitive effects. Our investigation will give RCA Americom the opportunity to support and clarify the justification for the proposed allocation scheme.

Section 201(b) lawfulness

19. As we have indicated, the demand for domestic satellite transponders exceeds available capacity. In such circumstances, the carrier is accorded reasonable flexibility in allocating limited facilities but any allocation must be reasonable under Section 201(b) of the Act. See para. 12, *infra* and cases cited there.

20. We question whether the proposed allocation plan would be a reasonable practice within the meaning of Section 201(b). It is far from clear that RCA Americom's plan, while recognizing its own business needs, is fair to current and potential customers alike.[14]

Suspension

21. We find it necessary to suspend these tariff revisions for the full five month statutory period. Given the importance of these allocation issues to RCA Americom's customers, we think it better to maintain the status quo until we have had the opportunity to pass on the lawfulness of the proposed scheme.

22. Accordingly, it is ordered, pursuant to Sections 201–205 and 403 of the Communications Act, 47 U.S.C. 201–205, and 403,[15] That an investigation is instituted into the issues discussed above.

23. It is further ordered, That the burden of introduction of evidence and the burden of proof are placed upon RCA Americom.

24. It is further ordered, That RCA American Communications Inc., Eastern Mircowave, Inc., United Video, Inc., Spanish International Network, Southern Satellite Systems, Inc., Fine Arts Satellite Network, Inc. and Total Communications Systems, shall be named parties to this proceeding. Any other interested persons who wish to participate as parties may file a notice with the Commission within 30 days of the release date of this Order, or by filing comments in response to RCA Americom's direct case.

25. It is further ordered, That RCA American Communications, Inc. shall submit its direct case within 45 days of the release of this Order. Other parties may file their reply cases of comments within 30 days thereafter. RCA American Communications, Inc. may file its responses within 15 days thereafter.

It is further ordered, That the Chief, Common Carrier Bureau is delegated authority to require the submission of additional information, to make further inquiries, to modify issues, dates and procedures, and if necessary, to provide for a fuller record and more efficient proceeding.

27. It is further ordered, That the effectiveness of the tariff revisions proposed in Transmittal No. 242 of RCA American Communications, Inc. is suspended for a period of five months.

28. It is further ordered, That the petitions to reject and/or suspend and investigate filed by Eastern Microwave, Inc. and United Video, Inc. and the letter request for suspension and investigation submitted by Total Communication Systems are granted to the extent indicated above and otherwise are denied.

Federal Communications Commission.*

William J. Tricarico,

Secretary.

Concurring Statement of Commissioner Joseph R. Fogarty

In Re: RCA American Communications, Inc., Tariffs FCC Nos. 1 and 2, Transmittal No. 242.

The fallacy of the theory, as established in the *Further Notice of*

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[10] The Spanish International Network and Southern Satellite, who would benefit from RCA Americom's proposal, have submitted comments in favor of the tariffs. Although our rules do not contemplate comments such as have been submitted by SIN and Southern Satellite, we have accepted and considered them.

[11] See letter to the Commission from RCA Americom dated January 29, 1980, attached as Exhibit H to EMI's "Petition to Reject or Suspend."

[12] Opposition and Reply, p. 7.

[13] *Resale and Shared Use*, 60 FCC 2d 261 (1976), *recon. granted in part*, 62 FCC 2d 588 (1977).

[14] We do not discuss whether RCA Americom's alleged refusals of service to EMI are unlawful refusals of service under Section 201(a). In so far as this issue has not been previously resolved by the Commission, this matter is appropriately raised in a complaint. We are here concerned only with the lawfulness of the present tariff proposal. Nor do we find any other Section 201(a) issue raised by RCA Americom's tariff proposal.

[15] Section 204 of the Act provides in part: "Whenever there is filed with the Commission any new or revised charge, classification, regulation, or practice, the Commission may either upon complaint or upon its own initiative without complaint, upon reasonable notice, enter upon hearing concerning the lawfulness thereof; and pending such hearing and the decision thereon the Commission, upon delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such charge, classification, regulation, or practice, in whole or in part but not for a longer period than five months beyond the time when it would otherwise go into effect."

*See attached concurring statement of Commissioner Fogarty.

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Proposed Rulemaking in the *Competitive Carrier* proceeding, that domestic satellite carriers (Domsats) should not be subject to regulation, is [illegible] in here.[1] This is the [illegible] one month in which the Commission has suspended RCA's proposed tariff revisions for the full statutory period and designated various [illegible] ion.[2] In each case [illegible] on to protect users from tariff revisions with discriminatory effects. The very fact that such actions [illegible] ents out the continuing [illegible] tion.

The [illegible] that in a deregulated environment us[illegible] do not need this [illegible] atory protection is specious. The [illegible] This argument is [illegible] tory structure affords Domsats "unilateral power" permitting these carriers to act in a predatory fashion and that such conduct would not be possible in a deregulated market. The ability of Domsats to earn excessive profits at the expense of users and consumers in a deregulated market is dismissed as a "short-run" phenomenon. this reasoning is incorrect.

The ability of Domsats to earn supracompetitive profits indicates their significant "market power" and their serious potential ability to set rates which may be *prima facie* "unjust and [illegible] and to engage in [illegible] crimination among like customers. Moreover, the fact, speculative at best, that this situation may be alleviated "over the long run" by [illegible] rance, new competitive entry [illegible] odal competition will [illegible] for current Domsat customers who have no idea as to how long the "short run" may last.[3] Their fear [illegible] be dead.

[illegible] ich deregulation of [illegible] w would require—is no [illegible] ir market power.

[illegible] [illegible] [illegible] [

granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Harvey Jacquin d.b.a. Radio-Communication Company, Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to the proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearances in accordance with the provisions of Section 1.221 of the Commission's Rules.

Thomas J. Casey,

Deputy Chief, Operations, Common Carrier Bureau.

[FR Doc. 81-5473 Filed 2-17-81; 8:45 am]

BILLING CODE 6712-01-M

Microband Corp. of America and Daniels and Associates, Inc.; Applications

In re applications of Microband Corporation of America (CC Docket No. 81-19, File No. 1030-CM-P-79) and Daniels and Associates, Inc. for construction permits in the multipoint distribution service for a new station at Lincoln, Nebraska (CC Docket No. 81-20, File No. 1903-CM-P-79); memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: January 5, 1981.

Released: February 2, 1981.

By the Deputy Chief, Common Carrier Bureau:

1. The Commission has before it the above-referenced application of Microband Corporation of America, filed on January 3, 1979 (accepted on Public Notice of January 15, 1979) and the application of Daniels and Associates, Inc., filed on March 15, 1979 (accepted on Public Notice of April 2, 1979). These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 in Lincoln, Nebraska. The applications are therefore mutually exclusive under present procedures and require comparative consideration. These applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to either of the applications have been filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 C.F.R. § 309(e) and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Microband Corporation of America, Daniels and Associates, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

Thomas J. Casey,

Deputy Chief, Operations, Common Carrier Bureau.

[FR Doc. 81-5472 Filed 2-17-81; 8:45 am]

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[1] Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

[CC Docket Nos. 81-27, 81-28; File Nos. 704-CM-P-79, 1638-CM-P-79]

Microband Corporation of America and Daniels and Associates, Inc.; for Construction Permits in the Multipoint Distribution Service for a New Station at Kileen, Texas

Memorandum Opinion and Order

Adopted: January 5, 1981.

Released: February 3, 1981.

By the Deputy Chief, Common Carrier Bureau.

1. The Commission has before it the above-referenced application of Microband Corporation of America filed on December 4, 1978 (accepted on Public Notice of December 26, 1978) and the application of Daniels and Associates, Inc., filed on February 26, 1979 (accepted on Public Notice of March 26, 1979). These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 in Kileen, Texas. The applications are therefore mutually exclusive under present procedures and require comparative consideration. Both applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to either of the applications have been filed.

2. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR § 309(e) and Section 0.291 of the Commission's Rules, 47 CFR § 0.291 the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Microband Corporation of America, Daniels and Associates, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Thomas J. Casey,

Deputy Chief, Operations Common Carrier Bureau.

[1] Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

Notification List; List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments of Canadian Standard Broadcast Stations Modifying the Assignments of Canadian Broadcast Stations Contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941

December 5, 1980.

Canadian List No. 401

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Lenght (feet)	
CKSW	Swift Current, Saskatchewan, N 50°09'39", W. 107°48'58" (Correction of geographical co-ordinates)	10	DA-2	*570 kHz* U	III	.....	.....	.....	
CJBR	Rimouski, Quebec, N 48°26'27" W 68°34'42" (Correction of geographical co-ordinates and day-time radiation)	10	DA-N, ND-D-*214*	*900 kHz* U	II	.....	.....	.....	
CFFB	Frobisher Bay, North West Territories, N. 63°43'47", W. 68°32'34" (Vide 1230 kHz)	0.25	ND-180	*1210 kHz* U	II	[1] 150	[1] 90	[1] 280	
CFFB	Frobisher Bay, Northwest Territories, N 63°43'55", W. 68°32'47" (P.O. 1210 kHz)	*1*	ND-*183*	*1230 kHz* U	*IV*	150	*120*	*320*	Dec. 5, 1981.
New	Red Lake, Ontario, N. 51°00'47", W. 93°49'21".	0.25	ND-180	*1340 kHz* U	IV	[2] 100	[2] 120	[2] 294	Dec. 5,1981

[1] Top-loaded to 96 degrees. [2] Top-loaded to 80 degrees.

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 81-5480 Filed 2-17-81; 8:45 am]

BILLING CODE 6712-01-M

Notification List; List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments of Canadian Standard Broadcast Stations Modifying the Assignments of Canadian Broadcast Stations Contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941

December 31, 1980.

Canadian List No. 402

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CFQC	Saskatoon, Saskatchewan, N 52°06'43", W. 106°46'25" (Now in operation with increased power).	10	DA-2	*600 kHz* U	III	.....	.....	.....	
CKCK	Regina, Saskatchewan, N. 50°19'36", W. 104°37'13" (Now in operation with increased power).	10	DA-2	*620 kHz* U	III	.....	.....	.....	
CHVO	Spaniard's Bay/Harbour Grace, Newfoundland, N. 47°39'36", W. 53°15'14" (Now in operation)	5	DA-1	*850 kHz* U	II	.....	.....	.....	

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Notification List; List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignments of Canadian Standard Broadcast Stations Modifying the Assignments of Canadian Broadcast Stations Contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941

December 31, 1980.

Canadian List No. 402

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
				1230 kHz					
CJLB	Thunder Bay, Ontario, N. 48°24'31", W. 89°14'50" (Change of call letters from CFPA).	1D/0.25N	ND-210	U	IV	306	120	500 ave	
				1280 kHz					
CJSL	Estevan, Saskatchewan, N. 49°03'26", W. 102°55'20" (Now in operation with increased power)	10	DA-2	U	III	.....	.....	.....	
				1350 kHz					
CKEG	Nanaimo, British Columbia, N. 49°09'07", W. 123°48'40" (Assignment of call letters)	10	DA-2	U	III	.....	.....	.....	Nov. 17, 1981

[FR Doc. 81-5491 Filed 2-17-81; 8:45 am]

BILLING CODE 6712-01-M

[FCC 81-26]

Petition by Clairol, Inc. for a Waiver of Section 2.805 of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Order

SUMMARY: Clairol, Inc. filed a petition requesting the Commission to waive its marketing rules to permit the sale of an ultrasonic denture cleaner. The Commission denied this petition noting that the device does not comply with the present rules designed to protect radio communication and was found to be capable of interfering with broadcast reception. The Order puts Clairol on notice that the sale of the cleaner is not permitted under the present FCC Rules.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Art Wall, Chief, RF Devices Branch, 202-653-8128.

In the matter of petition by Clairol, Inc. for a waiver of § 2.805 of the FCC rules.

Adopted: January 29, 1981.

Released: February 5, 1981.

By the Commission:

1. Clairol Incorporated (Clairol) on February 27, 1980 filed a petition to waive § 2.805 to permit Clairol to market an ultrasonic denture cleaner that does not comply with the conducted radio frequency (RF) limit for ultrasonic equipment in rule § 18.72(e). This petition was put on public notice on March 11, 1980. Comments regarding this petition were received from Branson Ultrasonic Corporation on April 1, 1980 and May 19, 1980. Clairol replied to these comments in filings received April 21, 1980 and May 27, 1980.

2. The petition states that Clairol, in an effort to expand its appliance product line into the area of home health care, has developed an ultrasonic denture cleaner which is modeled on the denture cleaners used by dentists and dental laboratories. Clairol claims that extensive marketing research has shown that there is a substantial need for a low-cost home unit that can provide the denture wearer with the benefits of ultrasonic cleaning without the expense and delay of dealing with a dentist or dental laboratories. Clairol points out that their research showed there are approximately 42 million denture wearers in the United States, that over 75 percent of them earn less than $15,000 annual income, and that over 35 percent of them are 65 years of age or older, many of whom are retired and living on fixed incomes. Thus, Clairol believed it was imperative to develop a very low-cost product if it were to be of any benefit to the vast majority of denture wearers.

3. An ultrasonic cleaner is a device that uses ultrasonic pressure waves (sound waves that vibrate at frequencies just above the range of human hearing, 16,800 Hertz) to clean objects. It generally consists of a radio frequency oscillator—the output of which is applied to a transducer which in turn takes the electrical oscillations and transforms them into mechanical oscillations (sound waves) in solids, gases, or liquids. These high frequency sound waves passing through a liquid cause a phenomenon known as cavitation, which is the formation of partial vacuums in a liquid. In the Clairol device, cavitation of water is used to remove plaque and stains from dentures.

4. Since the Clairol device generates radio frequency energy and utilizes that energy to excite or drive a electromechanical transducer for the production of sonic or ultrasonic mechanical energy for noncummunication purposes it is considered to be ultrasonic equipment subject to the provisions of Subpart C Part 18 of the Commission's Rules. Subpart C provides that ultrasonic equipment operating on frequencies below 90 kHz and generating less than 500 watts of radio frequency power may be operated without license, type approval or certification, if such equipment complies with the technical standards specified in Section 18.72.[1]

5. Section 18.72 contains the technical standards which ultrasonic equipment must comply with in order to be operated without a license. One of these standards requires that on any frequency above 490 kHz, the radio frequency voltage conducted from the ultrasonic device backed into the power lines shall not exceed 200 microvolts and at any frequency below 490 kHz this voltage shall not exceed 1000 microvolts. It is with this section of the ultrasonic rules that the Clairol denture cleaner does not comply.

6. Clairol has requested that Section 2.805 of our rules be waived because it prohibits any person from selling or leasing, or offering for sale or lease (including adverstising for sale or lease) or importing, shipping, or distributing for the purpose of selling or leasing or offering for sale or lease, any radio frequency device which in accordance with the Commission's rules must

[1] The Clairol Ultrasonic denture cleaner operates at 58 kHz and a power level of 60 watts.

comply with specified technical standards prior to use.

7. In its petition Clairol has claimed that the failure of its device to meet the Commission's technical standards for ultrasonic equipment was the result of their being unaware that this type of household appliance was considered by the Commission to be a piece of ultrasonic equipment subject to Part 18 of the Rules. Therefore, no consideration was given to designing a unit which would operate within the conducted emission limits of the Rules. Clairol also indicated that marketing of the denture cleaner was well underway when they were informed that § 18.72(e) was applicable to this equipment. Since being informed that their ultrasonic denture cleaner was not in compliance with the Commission's rules, Clairol indicates that they have made an extensive effort to comply with the technical limits of Part 18. Yet, according to Clairol, no redesign or installation of filters in the existing units has produced a technique for meeting the limits in § 18.72(e) without a significant increase in the total cost of the denture cleaner. In other words, Clairol has concluded that there is no cost-effective way of complying with the present Part 18 of our rules. Therefore, Clairol has requested that they be allowed to continue marketing the existing model of denture cleaner until present stocks of the device are exhausted. They have indicated that this would be approximately 50,000 units in various stages of shipment to retail outlets.

8. Although Clairol has requested in its petition a waiver of § 2.805 of the Rules to permit the marketing of an ultrasonic denture cleaner not meeting the technical requirements of Part 18, they contend that in their opinion the technical requirements were never intended to be applied to a low-cost, household appliance incorporating ultrasonic technology. In addition, Clairol contends that technical limits of Part 18 are unnecessary for such household appliances because of unlikelihood of harmful interference resulting from their operation.

9. One party filed opposing comments with the Commission regarding the Clairol petition. Branson Ultrasonic Corporation (Branson), a subsidiary of Smithkline Corporation, a manufacturer of ultrasonic cleaners believes that the benefit to the public of Clairol's marketing another denture cleaning device is negligible. Branson indicates that they and others manufacture and market ultrasonic cleaners which comply with the Commission's Rules and which can be and probably are used as denture cleaners. Therefore, there is no irreparable harm to consumers in view of the multitude of alternative cleaning devices in the marketplace, many of which are less expensive to the consumer than an ultrasonic denture cleaner. Branson agrees with Clairol's contention that there is a need for a low-cost ultrasonic cleaner, but indicates that the reasons that the Clairol unit is low-cost is because of the failure to comply with the Commission's rules. Branson believes that the additional cost incurred in the manufacturing of a product due to compliance with Federal regulations should not be used as a basis for seeking relief through a waiver. There is a risk any manufacturer assumes when entering a new market, namely that a new product will comply with all applicable regulations, be free of potential patent infringement, be price competitive, and have a market.

10. In its reply comments, Clairol indicates that Branson has, in effect, agreed with their contentions that the Commission's conducted radiation limits are improperly applied to small ultrasonic devices and that Branson has acknowledged in submissions in other FCC proceedings that there is no danger of interference from the operation of small ultrasonic devices. Yet, according to Clairol, Branson urges the Commission to enforce unnecessary technical requirements, which impose higher costs upon the consumers, solely to protect its competitive position in the marketplace. Clairol states that the Commission has turned aside such arguments in the past and should do so in the instant case. Clairol reemphasized their contention on unnecessary and inappropriate regulations being applied to small ultrasonic devices and indicate that they are currently dealing with that problem by analyzing the interference potential of household appliances using ultrasonic technology and studying the most appropriate regulatory standard to deal with that potential. When the study is complete, Clairol claims it will share its results with the Commission, Branson and other mmanufacturers and seek the adoption of a new, more realistic conducted radiation standard. Clairol believes, in the interim, it must be allowed to coninue to market the ultrasonic denture cleaner.

11. In regards to the question of the applicability of Part 18 to low-cost household appliances incorporating ultrasonic technology, the definition of ultrasonic equipment in § 18.3(e) of our rules is comprehensive.

Ultrasonic equipment shall include *any apparatus* which generates radio frequency energy and utilizes that energy to excite or drive an electromechanical transducer for the production of sonic or ultrasonic mechanical energy for industrial, scientific, medical or other non-communication purposes (accent added).

This definition has no exclusions for ultrasonic equipment used as a household appliance. The establishment of ultrasonic equipment as a specific category of equipment regulated under Part 18 of our rules was promulgated in Docket 11031.[2] In this docket the Commission defined ultrasonic equipment as a special type of miscellaneous equipment.[3] Miscellaneous equipment has historically been construed by the Commission to cover domestic household appliances such as microwave ovens. More recently, we have established specific rules in Part 18 for induction cooking ranges which are used in the home.[4]

12. Among the changes proposed in the proceeding in Docket No. 20718[5] is the relaxation of the conducted RF voltage limits in Part 18 of the rules and the establishment of a separate set of limits for consumer ISM equipment, such as household appliances, which are more restrictive than those proposed for other ISM equipment. This was necessary recognizing the more sensitive radio environment present in the home. The conducted inteference limits for consumer ISM equipment proposed in Docket 20718 were relaxed for induction cooking ranges on the grounds that the proposed limits were not economically feasible for induction cooking ranges. At the same time, it was felt that the relaxed limits were

[2] Docket 11031: In the Matter of Amendment of Part 18 of the Commission's Rules and Regulations Relating to the Operation of Ultrasonic Equipment. NPRM adopted May 19, 1954, released May 24, 1954. Memorandum Opinion and Order adopted January 27, 1955, released January 31, 1955, 20 FR 741, February 3, 1955.

[3] Part 18 defines miscellaneous equipment as any apparatus other than medical diathermy or industrial heating equipment in which radio frequency energy is applied to materials to produce physical, biological, or chemical effects such as heating ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles, which do not involve communications or the use of radio receiving equipment. Miscellaneous equipment is regulated under Subpart H, Part 18 (47 CFR 18.261-18.262).

[4] First Report & Order adopting regulations for Induction Cooking Ranges, Docket 20718, adopted August 1, 1979; released August 9, 1979; 44 FR 48178 (August 17, 1979).

[5] Docket No. 20718: In the Matter of Overall Revision of Part 18 governing Industrial, Scientific, and Medical Equipment. Notice of Inquiry adopted 3-9-76, released 3-15-76; 41 FR 11628. Notice of Proposed Rule Making adopted 9-19-78, released 9-29-78; 43 FR 45326. Second Notice of Proposed Rule Making adopted 1-18-79, released 1-29-79; 44 FR 9771.

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adequate to protect the operation of AM receivers in the home.[6]

13. Clairol contends that the application of § 18.72(e) to small ultrasonic devices is unnecessary and inappropriate. Such issues as this cannot be adequately addressed in a proceeding dealing with a waiver of the rules. A matter such as this is best handled in a rulemaking proceeding. Since we have indicated in paragraph 12 of this document that such a proceeding is currently in progress, we believe that it is incumbent upon Clairol to raise the issue of new technology limits for small ultrasonic devices in that proceeding, suggest more appropriate regulations, and to demonstrate that the operation of these devices under the proposed regulations will not be a source of harmful interference.

14. We accept Clairol's contention that in the past we have not accepted competitive advantage as an argument for the denial of a new technology to the public. But, the decision in this matter before us does not hinge on giving competitive advantage to one manufacturer or another but on the question of the interference potential of the introduction of an additional 50,000 non-complying devices into the marketplace. The waiver as requested by Clariol, if granted, would permit the marketing of these denture cleaners without any technical limitations on the RF energy conducted into the power line. In our opinion, until such time as the question of the interference potential of small ultrasonic devices has more fully been addressed, the possibility of a relaxation of the technical limits of § 18.72(e) would be a more acceptable alternative than a waiver of § 2.805 of our rules.

15. We believe that it is in the public interest to provide denture wearers a low cost denture cleaner which takes advantage of ultrasonic technology but not at the expense of the public who may want to use this part of the spectrum for communications purposes. Until such time as the final rules for consumer ISM equipment are finally promulgated in Docket 20718, we are willing to consider a waiver of the technical limits in § 18.72(e) to allow for marketing of the Clairol Ultrasonic Denture Cleaner on the condition that these devices at least comply with the conducted RF emanations set forth for induction cooking ranges. As indicated in paragraph 12 of this Order, we believe that it is likely these limits on the level of conducted RF energy from consumer ISM equipment are the minimum necessary to provide protection to the operation of AM receivers in a home environment. We wish to emphasize, however, that our willingness to entertain a request to waive § 18.72(e) of our rules based on the standards for induction cooking ranges does not in any way prejudice any actions the Commission may take in Docket 20718.

16. Clairol's request, therefore, to waive § 2.805 of our rules (47 CFR 2.805) is denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-5508 Filed 2-17-81; 8:45 am]

BILLING CODE 6712-01-M

[6] The Commission is continuing to study the problem of conducted interference limits for frequencies below 500 kHz and will revise its present standards if the study shows such action to be warranted.

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: January 27, 1981.

Cut-off date: March 12, 1981.

Notice is hereby given that the application listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after March 12, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 12, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than the close of business on March 12, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on March 12, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.

William J. Tricarico,

Secretary.

UHF TV Translator Applications

BPTT–800318IH (new), Orangeville, Utah, Emery, County A Public Body Corporate. Req: Channel 57, 728–734 MHz, 100 watts. Primary: KSTU–TV, Salt Lake City, Utah

BPTT–800527IE K74AC, Bayfield and Ignacio, Colorado, Pine River TV Association. Req: Change frequency to Channel 65, 776–782 MHz

BPTT–800527IF K77AA, Bayfield and Ignacio, Colorado, Pine River TV Association. Req: Change frequency to Channel 67, 788–794 MHz

BPTT–800616ID K71AS, Newport & Otter Rock, Oregon, Eugene Television, Inc. Req: Change frequency to Channel 55, 716–722 MHz

BPTT–800823IA (new), Glacier, Toole & Liberty Counties, Montana, East Butte TV Club. Req: Channel 54, 710–716 MHz, 1,000 watts. Primary: KFBB–TV, Great Falls, Montana

BPTT–800820IC (new), Iron Mountain, Michigan, U.P. TV Systems, Inc. Req: Channel 47, 668–674 MHz, 100 watts. Primary: KTBN–TV, Los Angeles, California

BPTT–800827IG (new), Sebring, Florida, WTSP–TV, Inc. Req: Channel 48, 674–680 MHz, 1,000 watts. Primary: WTSP–TV, Largo, Florida

BPTT–800919IK (new), Baton Rouge, Louisiana, Neighborhood TV Company, Inc. Req: Channel 55, 716–722 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800919IR (new), Columbus, Ohio, Neighborhood TV Company, Inc. Req: Channel 62, 758–764 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800919IS (new), Indianapolis, Indiana, Neighborhood TV Company, Inc. Req: Channel 36, 602–608 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800919IT (new), Dayton, Ohio, Neighborhood TV Company, Inc. Req: Channel 56, 722–7281 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800919IQ (new), Des Moines, Iowa, Neighborhood TV Company, Inc. Req: Channel 53, 704–710 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800922IO (new), Dallas, Texas, Richard V. Menchaca. Req: Channel 55, 716–722 MHz, 100 watts. Primary: KWEX–TV, San Antonio, Texas

BPTT–800930II (new), Richmond, Virginia, Neighborhood TV Company, Inc. Req: Channel 41, 632–638 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800930IP (new), San Jose, California, Neighborhood TV Company, Inc. Req: Channel 18, 494–500 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800930IQ (new), Tacoma, Washington, Neighborhood TV Company, Inc. Req: Channel 45, 656–662 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IC (new), Spokane, Washington, Neighborhood TV Company, Inc. Req: Channel 55, 716–722 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001ID (new), Shreveport, Louisiana, Neighborhood TV Company, Inc. Req: Channel 55, 716–722 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IE (new), Lansing, Michigan, Neighborhood TV Company, Inc. Req: Channel 69, 800–806 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IF (new), Las Vegas, Nevada, Neighborhood TV Company, Inc. Req: Channel 55, 716–722 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IG (new), Aurora, Illinois, Neighborhood TV Company, Inc. Req: Channel 69, 800–806 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001II (new), Melbourne, Florida, Neighborhood TV Company, Inc. Req: Channel 62, 758–764 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IJ (new), Savannah, Georgia, Neighborhood TV Company. Req: Channel 55, 716–722 MHz, 100 watts.

BPTT–801001IK (new), Charlotte, North Carolina, Neighborhood TV Company, Inc. Req: Channel 68, 794–800 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IL (new), Jackson, Mississippi, Neighborhood TV Company, Inc. Req: Channel 56, 722–728 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IM (new), Lincoln, Nebraska, Neighborhood TV Company, Inc. Req: Channel 67, 788–794 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801001IH (new), Madison, Wisconsin, Neighborhood TV Company, Inc. Req: Channel 59, 740–746 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801003IE (new), Fort Wayne, Indiana, Neighborhood TV Company, Inc. Req: Channel 68, 794–800 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801003IF (new), Little Rock, Arkansas, Neighborhood TV Company, Inc. Req: Channel 55, 716–722 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801003IG (new), Chattanooga, Tennessee, Neighborhood TV Company, Inc. Req: Channel 67, 788–794 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801003IH (new), Corpus Christi, Texas, Neighborhood TV Company, Inc. Req: Channel 57, 728–734 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801113JF (new), Ft. Lauderdale (Also Hollywood), Florida, Neighborhood TV Company, Inc. Req: Channel 63, 764–770 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801117JL (new), Jackson, Mississippi, Leslie Alan Williams. Req: Channel 62, 800–806 MHz, 100 watts. Primary: WRBV–TV, Vineland, New Jersey

BPTT–801117JM (new), Jacksonville, Florida, Trans America Television Corporation. Req: Channel 53, 704–710 MHz, 100 watts. Primary: WRBV–TV, Wineland, New Jersey

BPTT–801117JO (new), Baton Rouge, Louisiana, Panorama Broadcasting Corporation. Req: Channel 61, 752–758 MHz, 100 watts. Primary: WEVV–TV, Vineland, New Jersey

BPTT–800908JE (new), Detroit, Michigan, Neighborhood TV Company, Inc. Req: Channel 20, 342–548 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800908JF (new), San Diego, California, Neighborhood TV Company, Inc. Req: Channel 45, 656–662 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800908JJ (new), Seattle, Washington, Neighborhood TV Company, Inc. Req: Channel 59, 740–746 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800910IJ (new), Buffalo, New York, Neighborhood TV Company, Inc. Req: Channel 53, 734–740 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800915IF (new), Rochester, New York, Neighborhood TV Company, Inc. Req: Channel 42, 638–644 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800916 (new), Village of Manlius and surrounding area, New York, Michael J. Devine. Req: Channel 56, 722–728 MHz, 100 watts. Primary: KLAX–TV, Santa Ana, California

BPTT–800919IE (new), Toledo, Ohio, Neighborhood TV Company, Inc. Req: Channel 60, 746–752 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800919IX (new), [illegible], Washington, Full Gospel Business Men's Fellowship International, Lower Kayima Valley Chapter. Req: Channel 55, 716–722 MHz, 100 watts. Primary: WJAN–TV, Canton, Ohio

BPTT–800924ID (new), Captan–Ruidoso, New Mexico, Hubbard Broadcasting, Inc. Req: Channel 61, 752–758 MHz, 100 watts. Primary: KOB–TV, Albuquerque, New Mexico

BPTT–800926ID (new), West Palm Beach, Florida, Neighborhood Broadcasting Service, Mark Kane Goldstein, President. Req: Channel 67, 788–794 MHz, 10 watts. Primary: WSVN–TV, Miami, Florida

BPTT–800926IO (new), Tabiona & Myton, Utah, University of Utah. Req: Channel 57, 728–734 MHz, 100 watts. Primary: KUED–TV, Salt Lake City, Utah

BPTT–801003IB (new), Charleston, South Carolina, Neighborhood TV Company, Inc. Req: Channel 58, 734–740 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801003IC (new), Rockford, Illinois, Neighborhood TV Company, Inc. Req: Channel 68, 794–800 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801003ID (new), Columbus, Georgia, Neighborhood TV Company, Inc. Req: Channel 60, 746–752 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–801906IA (new), Davenport, Iowa, Lloyd Hearing Aid Corporation. Req: Channel 18, 494–500 MHz, 1000 watts. Primary: WQRF–TV, Rockford, Illinois

BPTT–801007IB (new), Potter Valley, California, Potter Valley Television Association, Req: Channel 69, 800–806 MHz, 20 watts. Primary: KQED TV, San Francisco, California

BPTT–801021ID (new), Kalamazoo, Michigan, Neighborhood TV Company, Inc. Req: Channel 52, 698–704 MHz, 100 watts. Primary: KUSK–TV, Prescott, Arizona

BPTT–800709ID K58AF, Windom, Minnesota, City of Windom. Req: Change primary TV Station to KSTP–TV Channel 5. Minneapolis, Minnesota

BPTT–800825IB K65BR, Wellton & Mohawk Val, Arizona, Wellton–Mohawk I. & D. District. Req: Change primary TV Station to KPHO–TV, Channel 5, Phoenix, Arizona

BPTT–800825IC K63DQ, Wellton & Mohawk Val, Arizona, Wellton–Mohawk I.D. District. Req: Change primary TV Station to KOOL–TV, Channel 10, Phoenix, Arizona

BPTT–800908JB (new), Fresno, California, International Panorama TV, Inc. Req: Channel 63, 764–770 MHz, 100 watts. Primary: KTBN–TV, Fontana, California

BPTT–800908JC (new), Porterville, Visalia and Reedley, California, International Panorama TV, Inc. Req: Channel 57, 728–734 MHz, 100 watts. Primary: KTBN–TV, Fontana, California

BPTT–800915IM (new), Montgomery Alabama, Ronald D. and Artelia G. Fleming. Req: Channel 61, 752–758 MHz, 100 watts. Primary: WRBV–TV, Vineland, New Jersey

BPTT–800915IN (new), Portland, Oregon, Ronald D. and Artelia C. Fleming. Req: Channel 58, 734–740 MHz, 100 watts. Primary: KSTS–TV, San Jose, California

BMPTT–800305IC K62AX, Smoky Valley, Nevada, Smoky Valley TV District. Req: Change primary Station to KTVN, Channel 2, Reno, Nevada

BMPTT–800826IA K25AC, Capitola, Et Al, California, Santa Clara County Board of Education. Req: To add Salinas and Monterey, California to present principal community

VHF TV Translator Applications

BPTTV–800924IB (new), Quemado, New Mexico, Quemado TV Association. Req: Channel 6, 82–88 MHz, 1 watt. Primary: KGGM–TV, Albuquerque, New Mexico

BPTTV–800925ID (new), San Jose, California, American Translator Development Corporation. Req: Channel 6, 82–88 MHz. Primary: KBDI–TV, Broomfield, Colorado

BPTTV–800925IE (new), Miami, Florida, American Translator Development Corporation. Req: Channel 6, 82–88 MHz. Primary: KBDI–TV, Broomfield, Colorado

BPTTV–800925IF (new), Chicago, Illinois, American Translator Development Corporation. Req: Channel 13, 210–216 MHz, 10 watts. Primary: KBDI–TV, Broomfield, Colorado

BPTTV–800926IP (new), Schwab–Severance Ranch, Post, Oregon, Paulina Telecasters, Inc. Req: Channel 6, 82–88 MHz, 10 watts. Primary: KTVZ–TV, Bend, Oregon

BPTTV–800929IB (new), Lake City, Florida, Neighborhood Broadcasting Service, Mark Kane Goldstein, President. Req: Channel 2, 54–60 MHz, 1 watt. Primary: WUFT–TV, Gainesville, Florida

BPTTV–800929IC (new), Orlando, Florida, Neighborhood Broadcasting Service, Mark Kane Goldstein, President. Req: Channel 4, 66–72 MHz, 1 watt. Primary: WUFT–TV, Gainesville, Florida

BPTTV–800929IE (new), Tallahassee, Florida, Neighborhood Broadcasting Service, Mark Kane Goldstein, President. Req: Channel 2, 54–60 MHz, 1 watt. Primary: WUFT–TV, Gainesville, Florida

BPTTV–800929IF (new), Ocala, Florida, Neighborhood Broadcasting Service, Mark Kane Goldstein, President. Req: Channel 7, 174–180 MHz, 1 watt. Primary: WUFT–TV, Gainesville, Florida

BMPTTV–9210 K11JY, Carbonville, Colorado, Garfield County. Req: Change frequency to Channel 10, 192–198 MHz

BPTTV–790416IL (new), Redstone, Colorado, Roaring fork TV Association, Inc. Req: Channel 7, 174–180 MHz, 10 watts. Primary: KBMA–TV, Denver, Colorado

BPTTV–800613IC K12IR, Brookings, Oregon, Sierra Cascade Communications, Inc. Req: Change frequency to Channel 10, add Carpenterville, Oregon to principal community

BPTTV–800902IA (new), Bozeman, Montana, Harriscope Broadcasting Corporation. Req: Channel 9, 186–192 MHz, 100 watts. Primary: KULR–TV, Billings, Montana

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BPTTV–801002IC K10IE, Area SW of Estes Park, Colorado, Platte Valley Farm Supply Company. Req: Channel Change principal community to residential area SW of Estes Park, Colorado
BPTTV–801002ID K12IV, Area SW of Estes Park, Colorado, Platte Valley Farm Supply Company. Req: Channel Change principal community to residential area SW of Estes Park, Colorado
BPTTV–801002IE K13PW, Area SW of Estes Park, Colorado, Platte Valley Farm Supply Company. Req: Change principal community to residential area SW of Estes Park, Colorado
BPTTV–800929IC (new), Jacksonville, Florida, Neighborhood Broadcasting Service, Mark Kane Goldstein, President. Req: Channel 10, 192–198 MHz, 1 watt. Primary: WUFT–TV, Gainesville, Florida
BPTTV–800929IK (new), New Orleans, Louisiana, American Translator Development, Inc. Req: Channel 10, 192–198 MHz, 10 watts. Primary: KBDI–TV, Boulder, Colorado
BPTTV–800930IB (new), Petersburg (Southern portion), Alaska, Narrows Broadcasting Corporation. Req: Channel 11, 198–204 MHz, 5 watts. Primary: KENI–TV, KTVA–TV, KIMO–TV, KAKM–TV, Anchorage, Alaska, KTOO–TV, Juneau, Alaska, KYUK–TV, Bethel, Alaska, KUAC–TV, Fairbanks, Alaska

UHF Low Power TV Applications

BPTTL–801106IC (new), Orchards, East Vancouver, Brush Prairie and Battle Ground, Washington, Travis Huennekens. Req: Channel 69, 800–806 MHz, 1000 watts
BPTTL–801107IA (new), Buena Park, Santa Ana, Tustin, Anaheim, Newport Beach and Costa Mesa, California, Paul Edward Herzog/Zoom Communications. Req: Channel 60, 746–752 MHz, 100 watts
BPTTL–801110IE (new), Long Beach, California, Paul Edward Herzog/Zoom Communications. Req: Channel 65, 776–782 MHz, 100 watts
BPTTL–801125IF (new), Santa Monica and San Pedro, California, Community Service Telecasting. Req: Channel 66, 542–548 MHz, 1000 watts

VHF Low Power TV Applications

BPTVL–800923IB (new), San Francisco, California, Corporation for Black Television of San Francisco. Req: Channel 12, 204–210 MHz, 10 watts
BPTVL–800925IG (new), Washington, D.C., Community Television Network, Inc. Req: Channel 12, 204–210 MHz, 10 watts

[FR Doc. 81–5466 Filed 2–17–81; 8:45 am]
BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Lousiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 10, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T–3949.

Filing Party: Mr. Peter P. Wilson, Senior Counsel, Matson Navigation Company, 333 Market Street, San Francisco, California 94119.

Summary: Agreement No. T–3949 between Matson Terminals, Inc. (Matson) and Nippon Yusen Kaisha (NYK), provides for Matson's performance of maintenance and repair services on NYK container and container handling equipment at Matson's Honolulu, Oakland and Los Angeles terminals. Both parties agree to an itemized schedule of rates on maintenance and repair services and to terms, provided in the agreement, for the review of rate changes. The parties further agree to various working procedures, conditions and terms provided for in the agreement. The agreement shall remain in effect for one-year and continue on a year-to-year basis until terminated by either party.

Agreement No.: 10107–10.

Filing Party: George A. Quadrino, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10108–10 amends Articles 1 and 3 of the basic agreement of the Trans-Pacific Freight Conference (Hong Kong)/Independent Lines Rate Agreement. This agreement would expand the scope of the basic agreement to provide for the conveyance of merchandise to inland points in the U.S. via U.S. Pacific Coast ports, including ports in Hawaii and Alaska. This shall include merchandise destined to overland points and to merchandise destined to U.S. Atlantic and Gulf ports via Pacific Coast ports moving via transcontinental routing. This agreement would also provide for the joint filing of a Conference intermodal tariff(s), as well as individually filed intermodal tariffs.

Agreement No.: 1028–1.

Filing Party: Ms. Patricia E. Byrne, Mr. Howard A. Levy, Attorneys at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 10281–1 modifies the basic agreement of the Trans-Atlantic Associated Freight Conference by changing the method by which representatives to the Executive Committee are appointed.

Agreement No. 10410

Filing Party: Ronald C. Rasmus, President, American Atlantic Lines, One World Trade Center, Suite 1067, New York, New York 10048.

Summary: Agreement No. 10410, between Frota Amazonica, S.A. and American Atlantic Shipping, Inc., Brazilian-flag and American-flag operators respectively, provides for the discussion and negotiation of a possible cargo sharing and traffic rationalization agreement in the trades between the Brazilian Amazon Basin and the U.S. Gulf.

By Order of the Federal Maritime Commission.

Dated: February 11, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–5366 Filed 2–17–81; 8:45 am]
BILLING CODE 6730–01–M

Oivind Lorentzen LTD/AKRA Shipping Co., Ltd. Cooperative Working Arrangement; Cancellation

Filing Party: Mr. Helge Pedersen, Helge Pedersen, Inc., 1221 Ave. of Americas, Suite 1500, New York, New York 10020.

Agreement No. 10367.

SUMMARY: On January 15, 1981, the Commission received notice of the termination of Agreement No. 10367 between Oivind Lorentzen Ltd. and Akra Shipping Co., Ltd. The agreement will be cancelled effective January 19, 1981, the date the notice of cancellation was received by the Commission.

Dated: February 11, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–5367 Filed 2–17–81; 8:45 am]
BILLING CODE 6730–01–M

[Docket No. 81–12]

SPADA Distributing Company Inc. v. Matson Navigation Co.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Spada Distributing Company Incorporated against Matson Navigation Company was served February 3, 1981. Complainant alleges that respondent has subjected it to payment of rates for transportation and services in violation of sections 16 First and 18(a) of the Shipping Act, 1916.

This proceeding has been assigned to Chief Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81–5368 Filed 2–17–81; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed "De Novo" Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 13, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York (travelers check sales; United States): to engage in the reatil sale of travelers checks. This activity would be performed from an office in New York, New York, serving the entire United States.

2. CITICORP, New York, New York (consumer and mortgage lending and servicing activities; Alabama, Alaska, Connecticut, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Mississippi, Montana, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, West Virginia, and Wyoming): to engage through its subsidiary, Citicorp Homeowners, Inc., in the activities of making, acquiring, and servicing of residential mortgage loans and consumer loans secured by residential real estate. These activities would be performed from an office in St. Louis, Missouri, serving the States listed in the caption above.

B. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

UNION PLANTERS CORPORATION, Memphis, Tennessee (industrial loan and insurance activities; Tennessee): to engage, through its subsidiary Madison Loan & Thrift Company, in operating an industrial loan company including making direct loans (both unsecured and secured by real and/or personal property) for consumer and other purposes, discounting notes, security agreements and other indicia of security, making direct loans to dealers for the financing of inventory and the sale of investment certificates. In addition, Applicant proposes to act as insurance agent at offices at which it is otherwise engaged in business with respect to credit life, credit accident and health insurance, and vehicle and household goods property damage insurance directly related to extensions of credit made by Applicant. Applicant will conduct the activities from offices located in Memphis, Tennessee serving Shelby County, Tennessee.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81–5453 Filed 2–17–81; 8:45 am]
BILLING CODE 6210–01–M

Beardsley Bancshares, Inc.; Formation of Bank Holding Company

Beardsley Bancshares, Inc., Beardsley, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.2 percent of the voting shares of Security State Bank of Beardsley, Beardsley, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81–5436 Filed 2–17–81; 8:45 am]
BILLING CODE 6210–01–M

CBC Bancorp, Inc.; Formation of Bank Holding Company

CBC Bancorp, Inc., Cookeville, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding

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company by acquiring 93.24 percent of the voting shares of Citizens Bank, Cookeville, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5454 Filed 2-17-81; 8:45 am]

BILLING CODE 6210-01-M

Chase Manhattan Corp.; Proposed Acquisition of Western Hemisphere Life Insurance Company

The Chase Manhattan Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Western Hemisphere Life Insurance Company, Wilmington, Delaware.

Applicant states that the proposed subsidiary would underwrite as reinsurer credit life insurance and credit accident and health insurance directly related to extensions of credit by Applicant's banking subsidiary. These activities would be performed from offices of Applicant's subsidiary in Wilmington, Delaware, and the geographic areas to be served are New York, Puerto Rico and the U.S. Virgin Islands with respect to credit life insurance and New York with respect to credit accident and health insurance. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 13, 1981.

Board of Governors of the Federal Reserve System, February 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5455 Filed 2-17-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of American National Bank of Garland, Garland, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5452 Filed 2-17-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Federal Council on the Aging; Meeting

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec 10, 1976) that the Council will hold a meeting on March 9, 1981 from 9:00 a.m. to 5:00 p.m., March 10, 1981 from 9:00 a.m. to 5:00 p.m. in Rooms 703-737A, Hubert Humphrey Building and March 11, 1981 from 9:00 a.m. to 12:00 p.m. in Rooms 337-339A, Hubert Humphrey Building, 200 Independence Ave., S.W., Washington, D.C. 20201.

The major topic on the agenda will be the Congressionally-Mandated Study. In addition, there will be a presentation on the White House Conference on Families, a status report on the White House Conference on Aging, an update of FCA studies and a review of the FCA 1981 workplan and organization. Other issues concerning the well-being of the elderly may also be discussed.

Further information the Council may be obtained from the Federal Council on the Aging, Washingon, D.C. 20201. Telephone (202) 245-0441.

FCA meetings are open for public observation.

Dated: February 10, 1981.

Rev. Msgr. Charles J. Fahey,

Chairman, Federal Council on the Aging.

[FR Doc. 81-5520 Filed 2-17-81; 8:45 am]

BILLING CODE 4110-92-M

Office of the Assistant Secretary for Health

Intent To Make "March-In" Determination

Pursuant to 45 CFR Parts 6 and 8, notice is hereby given of the intent of the Assistant Secretary for Health of the Department of Health and Human Services to determine whether the Government is entitled to exercise its rights to require the licensing of U.S. Patent No. 3,397,267 entitled "Method of Producing Rabies Vaccine," which issued to Mario V. Fernandes, Hilary Koprowski, and Tadeusz J. Wiktor on August 13, 1968.

Narrative

Rights to the patent were released to The Wistar Institute by a determination dated February 16, 1969, with a reservation to the Government of the United States (including any agency thereof, state, or domestic municipal government) of a nonexclusive, irrevocable, royalty-free license. The Wistar Institute granted an exclusive license for the United States to Wyeth Laboratories, Inc., on March 20, 1976, and another to L'Institut Merieux on January 1, 1977 for foreign countries, which is subject to the licenses to Wyeth and the Government. The Government granted a sublicense to L'Institut Merieux on June 13, 1980, permitting it to sell the vaccine to the public sector in the United States. Private sector sale in the United States is not being made. Questions presented include:

Has Wistar Institute and its licensee, Wyeth Laboratories, Inc., expeditiously developed the invention in the public interest?

Should the Government revoke the determination of February 16, 1969, and issue a nonexclusive license to L'Institut Merieux to permit it to market the vaccine to the private sector in the United States?

How should the Government exercise its right to protect the public health?

DATES: Interested parties are encouraged to submit relevant written evidence and comments on this matter on or before March 20, 1981. An opportunity to present an oral statement, and to answer questions may be provided ten (10) days after the expiration of the thirty (30) day period for submitting a written response, unless the day for the oral statement falls on a Sunday, Saturday, or Federal holiday, in which event the oral statement will be heard on the next succeeding day which is not a Saturday, Sunday, or Federal holiday.

ADDRESS: Comments and notices of intention to present an oral statement should be addressed to Charles Miller, Acting Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Leroy B. Randall, Acting Chief, Patent Branch, Westwood Building, Room 5A03, c/o National Institute of Health, Bethesda, MD 20205, or (301) 496-7056.

(45 CFR Parts 6 and 8)

Dated: February 4, 1981.

Charles Miller,

Acting Assistant Secretary for Health.

[FR Doc. 81-5519 Filed 2-17-81; 8:45 am]

BILLING CODE 4110-85-M

Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of the following three tests: 1. Photo Densitometry, 2. Bone Biopsy for Mineral Analysis (or Bone Histology), and 3. Photon Absorptometric Procedure for Bone Mineral Analysis. We are seeking specific advice concerning each of these techniques to include a summary statement of the relative safety and clinical effectiveness and appropriate use of each of the above procedures. In addition, we would appreciate information regarding other established (i.e., safe and effective) bone (mineral) density tests.

We are also seeking specific advice concerning the applicability and frequency of performing each of the above techniques and any others established as safe and effective as they relate to studying the progression of bone (mineral) density changes in end-stage renal disease patients.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 19, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane., Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone, (301) 443-4990.

Dated: February 11, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-5356 Filed 2-17-81; 8:45 a.m.]

BILLING CODE 4110-85-M

Privacy Act of 1974; New System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Waiver of advance notice period for a new system of records; and extension of public comment period.

SUMMARY: **Federal Register** document 81-1007, appearing at page 2722 in the issue for Monday, January 12, 1981, provided notification of a new system of records proposed by the Alcohol, Drug Abuse, and Mental Health Administration. That system is 09-30-0036, "Mental Health Epidemiologic and Biometric Research Data," HHS/ADAMHA/NIMH. The document stated that the Public Health Service (PHS) had requested that the Office of Management and Budget (OMB) grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress.

OMB granted the requested waiver on February 4, 1981. Accordingly, system of records number 09-30-0036 became effective upon the date of the waiver except for the routine uses established for the system, which would have become effective on February 11 following the close of the 30-day public comment period.

Attorneys representing mental health service providers and physicians' associations have requested an extension of the public comment period, in order to study and coordinate their clients' concerns and transmit them to the National Institute of Mental Health. The Alcohol, Drug Abuse, and Mental Health Administration has approved an extension until February 25, 1981, applicable to all persons who wish to comment on the routine uses for this system of records. Accordingly, the routine uses will become effective on February 25 unless the Public Health Service receives comments which would result in a contrary determination.

Dated: February 12, 1981.

Jack N. Markowitz,

Acting Director, Office of Management.

[FR Doc. 81-5500 Filed 2-17-81; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-42]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Kingsbridge Subdivision, Fort Bend County, Texas; Landmark Subdivision, Montgomery, Illinois; Historic Towne of Smithville, Residential Planned Community, Atlantic County, New Jersey; Applewood Village, Planned Residential Development, Lehigh County, Pennsylvania; Prattville East Subdivision, Prattville, Alabama; and the Times Square Hotel, New York, New York. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. February 11, 1981.

Richard H. Broun,

Director, Office of Environmental Quality.

Appendix A

EIS on Kingsbridge Subdivision, Fort Bend County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement for a proposed subdivision to be known as Kingsbridge, located in Fort Bend County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description.—First General Realty Corporation, has filed an application with the Houston Multifamily Service Office for the Department of Housing and Urban Development to accept the subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934, as amended. The proposed subdivision is located on either side of Texas State Highway Number 6, approximately 7 miles south of Interstate 10 (the Katy Freeway) and consists of 680 acres of land to be developed into approximately 1,754 single family residential lots and will be known as Kingsbridge Subdivision. When fully developed, in approximately 10 years, the proposed subdivision will provide housing for approximately 4,913 persons.

Need.—Due to the size and scope of the total proposed project, the Dallas Area Office has determined that an Environmental Impact Statement will be prepared pursuant to Public Law 91–190, the National Environmental Policy Act of 1969.

Alternatives.—The alternatives available to the Department are (1) accept the project as submitted, (2) accept the project with modifications, or (3) reject the project.

Scoping.—No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered a part of the process used for scoping the Environmental Impact Statement. Any responses to this Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

Contact.—Comments should be sent on or before March 11, 1981 to L. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, 2001 Bryan Tower, Dallas, Texas 75201. The commercial telephone number of this office is 214–767–8347 and the FTS number is 729–8347.

Appendix B

EIS on Landmark Subdivision, Montgomery, Illinois

The Chicago Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement for a subdivision known as Landmark located in Montgomery, Illinois. HUD hereby solicits comments and information for consideration in the EIS.

Description.—Landmark is a 208-acre, 644-unit planned unit development combining residential, commercial, and school/park land uses. The residential portion will consist of 344 single family homes, 100 duplex family units, and 200 condominiums. The commercial portions will include a 17.4 acre shopping center site. The school/park site will utilize 16 acres. The project site is located east of Route 25, south of Montgomery Road, west of Douglas Road, and north of US Route 30.

Presently, an early-start application has been submitted to HUD for mortgage insurance for 190 single family and duplex units under the FHA Title X Land Development Program. The proposed Federal action for which the EIS will be prepared is to make available FHA mortgage insurance for fully improved lots as sites for homes which would subsequently be eligible for FHA mortgage insurance under Sections 203(b) and 245 of the National Housing Act. If additional Title X mortgage insurance is sought for the remaining 254 single family and duplex units to be developed, homes on those sites would also be eligible for consideration under Sections 203(b) and 245. If the sponsor applies for FHA mortgage insurance for the 200 condominium units the application would fall under the provisions of Section 234 of the Act.

Need.—An EIS is being prepared because the project exceeds the threshold level for EIS's established by HUD and its Departmental Procedures for Protection and Enhancement of Environmental Quality (24 CFR 50). The threshold level in Kendall County is 500 units (Section 24 CFR 50.31(b)), which is exceeded by that part of the 644-unit development which is located in that county. The Draft EIS is expected to be completed and distributed by January 1981.

Alternatives.—Alternative Land use studies for this particular site include: 1) the project as proposed; 2) the project as proposed with modification such as more or fewer single family or duplex units or more or less commercial development; and 3) land uses that may result if the project is rejected.

Scoping.—Response to this notice will help determine significant environmental issues and identify project aspects that the EIS should address. Presently, identified potential issue areas concern highway noise, adequate site access, and conversion of agricultural land to developed uses.

Comments.—Comments should be sent on or before March 11, 1981 to the Environmental Office, Department of Housing and Urban Development, Chicago Area Office, 1 North Dearborn, Chicago, Illinois 60602. The commercial telephone number of this Office is 312–353–7660 and the FTS number is 886–5312.

Appendix C

EIS on Historic Towne of Smithville, Residential Planned Community, Atlantic County, New Jersey

The HUD Service Office in Camden, New Jersey intends to prepare an EIS for a residential planned community known as Historic Towne of Smithville located in Atlantic County, New Jersey, to establish eligibility for individual home mortgage insurance under Section 203(b) of the National Housing Act. The purpose of this notice is to solicit recommendations from interested persons, governmental agencies and organizations regarding the issues to be addressed in depth in the environmental impact statement.

Description.—The Historic Towne of Smithville, sponsored by Historic Smithville Development, Inc., is a planned development about ten miles north of Atlantic City. It is located in Galloway Township and the City of Port Republic in Atlantic County, New Jersey. The main access roads are New York Road (Route 9) and Moss Mill Road. Within the project area are the Historic Smithville Inn, old village and village shops.

Of the total 2388 acres: 1130.9 acres are proposed for residential units; 974.6 acres for open spaces; 121.9 acres for commercial; 102 acres for planned offices and 59.2 acres for streets. The 6850 total housing units will consist of 172 estates, 1484 low density, 2662 low medium density, 1660 medium density and 862 towne center residential. The proposed project is to be constructed in five phases over a period of ten years with a total population of approximately 20,433 residents upon completion.

Need.—An EIS is proposed due to HUD threshold requirements in accordance with Housing program environmental regulations and probable impacts on water resources, energy, transportation systems and community services.

Alternatives Perceived.—At this time the HUD alternatives include: accept the project as proposed; accept the project with conditions or modifications; or no project. The "no project" alternative would mean that existing open spaces could be developed piecemeal without an overall plan to address environmental impacts.

Scoping.—HUD will hold a pre-project "scoping" meeting in accordance with the National Environmental Policy Act. This meeting will be open to all persons, groups, organizations and governmental agencies. HUD invites responses to identify all significant issues to be analyzed in the Environmental Impact Statement to identify data which the EIS should consider and to identify cooperating agencies. The time and place of this scoping meeting will be announced at a later date by notice in a local newspaper of general circulation. HUD will mail notices of the scoping meeting to most Federal, state and local public agencies and some private local organizations and groups. The project is near the Brigantine Wildlife Refuge.

Comments.—Comments should be sent on or before March 11, 1981 to: Elmer L. Roy, Supervisor, HUD Service Office, 519 Federal Street, Camden, New Jersey 08103. The commercial telephone number of this office is 609–757–5107 and the FTS number is 488–5081.

Appendix D

EIS on Applewood Village, Lehigh County, Pennsylvania

The Philadelphia Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement on the Applewood Village Title X Site Appraisal and Market Analysis (SAMA-Feasibility) Application. The intended documentation will address the environmental impacts that would result from the phased expansion of the partially completed, planned residential development to the proposed level of 1,880 units in consideration of the Title X Application action by HUD. Interested agencies organizations, and the public are invited to provide comments and information on issues which the EIS should address.

Description.—Applewood Village is a large planned residential development which is presently composed of attached, detached, and clustered housing with attendant street systems, parking areas and recreational facilities. The Applewood project is situated along Mohr Lane off Route 100, approximately 0.5 miles north of Interstate 22 and approximately 4.5 miles west of Allentown Pennsylvania. The central business district of Allentown is approximately 20 minutes by car from the Applewood Village via Route 22 and MacArthur Road. The Village of Fogelsville, the nearest settlement to Applewood Village, is less than one mile to the south.

Applwood Village is an existing subdivision totaling 583.8 acres with approximately 200 housing units presently on the site. The section of the site to be considered for the Title X program encompasses 477.7 acres which, over a construction period of at least 10 years will be developed in a manner as directed by a comprehensive site plan, thereby resulting in the construction of 1,880 units. These additional units will be built in both detached and attached arrangement. Additional recreational facilities will also be constructed. The Applewood Village site is at the border junctions of Lowhill, Upper Macungie, and Weisenberg Townships.

Need—Due to the projected development of 1,880 units over a construction period of 10 years, the EIS threshold (24 CFR Part 50, 50.31(b) Threshold Determination) is met. Therefore, an EIS is categorically required. In addition, socio-economic, comprehensive planning, and traffic issues are now perceived as environmental issues meriting further analysis.

Alternatives.—Alternatives for the project as percieved at this point and as formulated in the context of the of the Title X Application are as follows: (a) to accept the proposed development and provide mortgage insurance; (b) to accept the proposed development with modifications and provide mortgage insurance contingent upon modifications; and (c) not accept the proposed development and deny mortgage insurance. This constitutes the HUD "do-nothing" alternative. However, development may progress under other financing options available to the owner.

Scoping.—This Notice of Intent to Prepare an EIS is part of the process used for scoping the EIS, and responses will help determine significant environmental issues and identify data which the EIS should address, and will help to identify cooperating agencies. A scoping meeting is planned. Inquires as to specifics of this meeting should be directed to the project contact, Mr. James Treadwell, the HUD Environmental Officer.

Comments.—Comments and information should be sent on or before March 11, 1981 to Mr. James Treadwell, Environmental Officer, Department of Housing and Urban Development, Philadelphia Area Office, Curtis Building, 625 Walnut Street, Philadelphia, Pennsylvania 19106. The commercial telephone number is 215–597–2605 and the FTS number is 597–2603.

Appendix E

EIS for Prattville East Subdivision, Prattville, Alabama

The Department of Housing and Urban Development, Region IV, Birmingham Area Office, intends to prepare an Environmental Impact Statement on the project described below and solicits comments and information for consideration in the EIS.

Description.—The Prattville East Subdivision is located in Prattville, Autauga and Elmore Counties, Alabama. The site lines within the corporate limits of Prattville and is bounded on the north by Cobbs Ford Road, on the south generally by Tara Drive, on the west by Sweet Ridge Road, and on the east by vacant land ending approximately 1500 feet west of the Autauga-Elmore County line. David Thames, Aronov Realty Company, the Developer, proposes a total development of 903 units of single family, townhouse and garden apartments on a 345 acre tract.

Need.—Pursuant to 24 CFR Part 50, Procedures for Protection and Enhancement of Environmental Quality, HUD has determined that an Environmental Impact Statement will be prepared for this project due to the size of the development.

Alternatives.—The alternatives to be considered include: (1) accepting the project as submitted; (2) adjusting the development of the units to reflect a low density, medium density, or high density, or a combination of these; (3) development of other alternative to mitigate adverse impacts that may be uncovered during the EIS process; and (4) to reject the project.

Scoping.—A scoping meeting with the participation of cooperating government agencies and the general public will be held. For further information on this meeting contact the person listed below.

Comments.—Comments should be sent within 21 days of publication of this Notice in the **Federal Register** to Floyd A. Nichols, Acting Area Manager, HUD Birmingham Area Office, 15 South 20th Street, Birmingham, Alabama 35233. HUD plans to have the Draft EIS completed by May 1, 1981, and ready for publication.

Appendix F

EIS on the Times Square Hotel, New York, New York

The City of New York has determined to prepare an EIS on the Time Square Hotel. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description.— The Time Square Hotel will be a mixed use building containing a hotel with approximatley 2,000 rooms, a theater, restaurants and retail shops. The project is proposed to be located on the easterly portion of the block bounded by Broadway, West 45th Street, 8th Avenue and West 46th Street, Borough of Manhattan. The estimated area of the project site is 74,301 square feet. The estimated start of the project is in the summer of 1981. It is estimated that the project will take 33 months to complete. An Urban Development Action Grant loan of

approximately $21.5 million will help finance the project which has a total cost of approximately $261.5 million. The Federal Economic Development Agency ("EDA") is providing a $30 million loan guarantee.

Need.—Due to the size and scope of the project, the City of New York has determined that an EIS will be prepared.

Alternatives.— Alternatives to the project will be considered and analyzed including no action, alternative sites, and feasible design alternatives. The draft EIS will also discuss mitigating measures that may be employed to minimize any adverse impacts.

Scoping.—No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered part of the process used for scoping the EIS. Any responses to this Notice will be used to help (1) determined significant environmental issues, and (2) identify data which the EIS should address.

The draft EIS will describe and analyze the ecological, aesthetic, historic, cultural, economic, and social impacts and effects of the proposed project.

Comments.— Comments should be sent within 21 days following publication of this Notice in the **Federal Register** to Mr. Bernard Zimmerman, Principal Planner, Room 1409, Department of City Planning, 2 Lafayette Street, New York, New York 10007. Mr. Zimmerman's telephone number is (212) 566-0605.

[FR Doc. 81-5377 Filed 2-17-81; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6692-A2]

Alaska Native Claims Selection

On December 9, 1975, Pilot Native Corporation for the Native village of Pilot Point, filed selection application AA-6692-A2 under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Pilot Point.

On December 5, 1975, Bristol Bay Native Corporation filed regional selection application AA-8097-23 pursuant to Sec. 12(c) of ANCSA for the surface and subsurface estates of certain lands in the Pilot Point area. The following described lands have been properly selected by Pilot Point Native Corporation and Departmental regulation 43 CFR 2651.4(d) states:

> Village corporation selections within sections 11(a)(1) and (a)(3) areas shall be given priority over regional corporation selections for the same lands.

Therefore, regional selection application A-8097-23 is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 32 S., R. 50 W.,
Secs. 2, 7, and 8, excluding the Dog Salmon River;
Secs. 9 and 10, all;
Sec. 11, excluding the Dog Salmon River;
Secs. 17 and 18, all.
Containing approximately 4,538 acres.

Further action on regional selection application AA-8097-23 as to those lands not rejected herein will take place at a later date.

As to the lands described below, the application submitted by Pilot Point Native Corporation, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface of the following described lands selected pursuant to Sec. 12(b) of ANCSA, aggregating approximately 4, 538 acres, is considered proper for acquisition by Pilot Point Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 32 S., R. 50 W.,
Secs. 2, 7, and 8, excluding the Dog Salmon River;
Secs. 9 and 10, all;
Sec. 11, excluding the Dog Salmon River;
Secs. 17 and 18, all.
Containing approximately 4,538 acres.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

> The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundry description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601,1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Pilot Point has been reallocated 4,780 acres of land pursuant to Sec. 12(b) of the Alaska Native Claims Settlement Act. To date, approximately 4,538 acres of the 12(b) reallocation have been approved for conveyance. The remaining entitlement of approximately 242 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to the Bristol Bay Native Corporation when conveyance is granted to Pilot Point Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water body is considered to be navigable within the described lands:
Dog Salmon River

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 20, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Pilot Point Native Corporation, Pilot Point, Alaska 99649
Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 81-6806 Filed 2-17-81; 8:45 am]
BILLING CODE 4310-84-M

[W-73821]

Wyoming; Invitation for Coal Exploration License; Wyodak Resources Development Corporation

February 5, 1981.

Wyodak Resources Development Corporation hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following-described land in Campbell County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 50 N., R. 71 W.,
Sec. 27, E½SW¼, and SW¼SE¼;
Sec. 34, E½, E½NW¼, SW¼NW¼, and SW¼.
Containing 720.00 acres.

All of the coal in the above lands is unleased Federal coal within the Powder River Basin Known Recoverable Coal Resource Area. The purpose of the exploration program is to determine the quantity of coal available as well as other coal resource data.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-73821): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of February 22, 1981, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Wyodak Resources Development Corporation no later than March 20, 1981. The written notices should be sent to the following addresses: Wyodak Resouces Development Corporation, 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota 57709, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, Section 3410.2-1(d)(1).

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5363 Filed 2-17-81; 8:45 am]
BILLING CODE 4310-84-M

Salem District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Bureau of Land Management's Salem District Advisory Council will be held on March 16, at 9 a.m. at the BLM Salem District Office, 1717 Fabry Road S.E., Salem, Oregon.

Agenda for the meeting will include:

1. Election of officers for the current year as provided by charter.
2. An introduction of the Land Use Alternatives being considered for the District's Eastside Planning Area.
3. Presentation and discussion of the proposed Oregon BLM Program Priority Guidelines.

The meeting will be recessed at noon.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and noon or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at P.O. Box 3227, Salem, Oregon 97302, prior to March 9, 1981. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Edward G. Stauber,
District Manager.

[FR Doc. 81-5400 Filed 2-17-81; 8:45 am]
BILLING CODE 4310-10-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G2919, Block 91, Ship Shoal Area, Offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:
U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

V 46 / 32 FE 18 81 UMI

Dated: February 4, 1981.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-5364 Filed 2-17-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2830, Block 147, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-5385 Filed 2-17-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4119, Block 50, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 10, 1981.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 81-5461 Filed 2-17-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1528, Block 233, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 9, 1981.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 81-5462 Filed 2-17-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Samedan Oil Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3297, Block 215, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 10, 1981.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 81-5460 Filed 2-17-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

[DES–81–7]

Appalachian Power Company's Proposed 765-kV Electric Transmission Line Crossing Blue Ridge Parkway, Va.; Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Draft Environmental Impact Statement (DEIS) on the Appalachian Power Company's (APCo) proposal to cross the Blue Ridge Parkway with a 765-kV electric transmission line. The DEIS discusses alternatives on which a final decision is required before a right-of-way permit to cross the Blue Ridge Parkway with the transmission line is granted or denied.

The four alternatives considered are: (A) granting a permit for crossing the parkway at milepost 159.9 which is the proposal of APCo and the preferred alternative of the National Park Service, (B) granting a permit for crossing at milepost 167.3, (C) granting a permit for crossing at milepost 164.1, and (D) no action.

A limited number of copies are available upon request to:

Superintendent, Blue Ridge Parkway, 700 Northwestern Bank Building, Asheville, North Carolina 28801, Telephone: (704) 258–2850, FTS: 672–2850.

Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone: (404) 221–5835, FTS: 242–5835.

Public reading copies will be available for review at the following locations as well as the above two locations:

Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240, Telephone: (202) 343–6843.

North District Office, Blue Ridge Parkway, Richard H. Poff Federal Building, 210 Franklin Road, SW., Roanoke, Virginia 24006, Telephone: (703) 982–6213, FTS: 672–0264.

Comments on the Draft Environmental Impact Statement are invited from all interested parties and should be forwarded to the following official no later than April 6, 1981. Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

Dated: February 12, 1981.

Ira J. Hutchison,

Deputy Director.

[FR Doc. 81-5636 Filed 2-17-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3 These rules provide that an original and two (2) copies of protection to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–95

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114,

Republication

MC 59666 (Sub-1–6 TA), filed January 7, 1981. Applicant: TRAFIK SERVICES, INC, 25 Esten Avenue, Pawtucket, RI 02860. Representative: A. Joseph Mega, Trafik Services, Inc., 25 Esten Avenue, Pawtucket, RI 02860. *Commodities classified as hazardous waste other than movements in bulk* from points in RI to the facilities of Cecos International Inc. at or near Williamsburg, OH. Supporting shipper: Ciba-Geigy Corporation, 180 Mill Street, Cranston, RI. Previously published in **Federal Register** of January 22, 1981 on Page 7093.

Republication

MC 151004 (Sub-1–1TA), filed January 9, 1981. Applicant: WARNACO TRUCKING CORPORATION, 350 Lafayette Street, Bridgeport, CT 06602. Representative: John F. Ryan, 350 Lafayette Street, Bridgeport, CT 06602. *Contract carrier:* irregular routes: *Piece goods NOIBN and piece goods and clothing not on hangers NOIBN (in boxes or bales),* between points in AL, CA, CT, DE, FL, GA, ME, MD, MA, MO, NH, NJ, NY, NC, OR, PA, RI, SC, TN, VT, AND VA, under continuing contracts(s) with Henderson Camp Products of Chicago, Il. Supporting Shipper(s): Henderson Camp Products, Inc., 300 W. Washington St., Chicago, IL 60067.

MC 145848 (Sub-1–1TA), filed January 28, 1981. Applicant: CROSLAND TRUCKING, INC., 3170 Broadway, Ville Brossard, Quebec, CD J4A 2P5. Representative: Richard H. Streeter, Esq., Wheeler & Wheeler, 1729 H Street, N.W., Washington, DC 20006. *Contract carrier:* irregular routes: *Lumber and lumber products,* between the ports of entry on the International Boundary Line between the U.S. and CD located in ME, NH, NY and VT, on the one hand, and, on the other, points in NH, under continuing contract with Northland Forest Products, Inc. of Kingston, NH. Supporting shipper: Northland Forest Products, Inc., P.O. Box 547, Kingston, NH 03848.

MC 144061 (Sub-1–9TA, filed January 28, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Rd., Hawthorne, NJ 07506. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, NY 11230. *Contract carrier:*

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irregular routes: *Slurry titanium dioxide, in bulk,* from Sayreville, NJ to points in GA, MD, ME, MI, OH, and WI; *raw materials used in the production of slurry titanium dioxide, in bulk,* from points in GA, MD, ME, MI, OH, and WI to Sayreville, NJ, under continuing contract(s) with NL Chemicals-Division of NL Industries, Inc., of Hightstown, NJ. Supporting shipper: NL Chemicals Division of NL Industries, Inc., P.O. Box 700, Hightstown, NJ 08520.

MC 153784 (Sub-1-1TA), filed January 28, 1981. Applicant: MANTEK TRUCKING, INC., 168A Amboy Road, Matawan, NJ 07747. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Metal and plastic containers and equipment, materials and supplies used in the manufacture, packaging and distribution thereof,* between Washington, NJ, on the one hand, and, on the other, points in MO and points in the U.S. in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Treitler-Owens, Inc. of Washington, NJ. Supporting shipper: Treitler-Owens, Inc., Brass Castle Road, Washington, NJ 07882.

MC 142603 (Sub-1-16TA), filed January 29, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Stephen J. Habash, 100 E. Broad Street, Columbus, OH 43215. *Contract carrier:* irregular routes: *(1) Pulp, paper and related products and (2) materials, equipment and supplies used in the manufacture and distribution of (1) above* between points in the US under continuing contract(s) with Scott Paper Company, Philadelphia, PA. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 153785 (Sub-1-1TA), filed January 28, 1981. Applicant: JOSEPH R. PACE, R.F.D. No. 2, Chester Road, Derry, NH 03038. Representative: Joseph R. Pace, R.F.D. No. 2, Chester Road, Derry, NH 03038. *Act and decorative objects* between points in CT, ME, MA, NH, NJ, RI and VT. Supporting shipper: Charles Spada, Inc., 85 Newbury St., Boston, MA 02116.

MC 153 (Sub-1-1TA), filed January 28, 1981. Applicant: SCHENCK TOURS, INC., 372 Jericho Turnpike, Floral Park, NY 11002. Representative: David E. Schwab II, Esq., Room 3655, Avenue of Americas, New York, NY 10036. *Contract carrier:* irregular routes: *Passengers and their baggage* from Queens County, NY, to Atlantic City, NJ, and return, under continuing contract with Happy Day Tours, Inc., as agent for Harrah's Marina Hotel Casino of Atlantic City, NJ. Supporting shipper: Happy Day Tours, Inc., as agent for Harrah's Marina Hotel Casino, 1616 Pacific Avenue, Atlantic City, NJ 08401.

MC 108359 (Sub-1-2TA), filed January 22, 1981. Applicant: WESTERN NEW YORK MOTOR LINES, INC., d.b.a. EMPIRE TRAILWAYS, 67 Chestnut Street, Rochester NY 14604. Representative: Edward G. Villalon and Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. *Common carrier:* regular routes: *Passengers and their baggage, express, mail, and newspapers in the same vehicle with passengers,* between Erie, PA, and Cleveland, OH, from Erie over Interstate Hwy 79 to Interstate 90, then over Interstate Hwy 90 to Cleveland, and return, serving all intermediate points. Note: Applicant proposes to tack this authority with that held by it in MC-108359 Sub 1-1TA at Erie, PA and interline passengers at Syracuse, NY to participate in through bus operations between Boston, MA and Cleveland, OH. Supporting shipper: None. Applicant has appended a statement of necessity.

MC 145488 (Sub-1-5TA), filed January 29, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. *Plastic products and containers,* between Erie County, OH, on the one hand and on the other, points in the US. Supporting shipper: Venture Packaging, Inc., 310 East Boalt, Sandusky, OH 44870.

MC 143493 (Sub-1-3TA), filed January 29, 1981. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. *Contract carrier:* Irregular routes: *Ferrous Sulphate* from Sayreville, NJ to Willow Island, WV. Under continuing contract(s) with American Cyanamid Co. of Wayne, NJ. Supporting Shipper: American Cyanamid Co., Berdan Ave., Wayne, NJ. 07470.

MC 152450 (Sub-1-2TA), filed January 30, 1981. Applicant: WEGNAM'S FOOD MARKETS, INC., 1500 Brooks Avenue, Rochester, NY 14603. Representative: Guy D. Richardson, 3596 Ransomville Road, Ransomville, NY 14131. *Foodstuffs (except commodities in bulk) and other commodities dealt in by grocery stores* between all points in the United States restricted to traffic originating at or destined to the facilities of Gioia Macaroni Company at Buffalo, NY and Rochester, NY or the facilities of Kleen-Brite Chemical Company, Inc. at Rochester, NY. Supporting shipper(s): Gioia Macaroni Co., Rochester, NY. Kleen-Brite Chemical Co., Inc., Rochester, NY.

MC 141533 (Sub-1-9TA), filed January 29, 1981. Applicant: LYN TRANSPORT, INC., 40 Wheeler Avenue, Pleasantville, NY 10570. Representative: Bruce J. Robbins, Esq., Robbins & Newman, P.C., 118-21 Queens Blvd., Forest Hills, NY 11375. *Fresh and frozen foodstuffs,* from Green Bay, WI, to points in the New York, NY Commercial Zone and points in VA. Supporting shipper: Economy Meats, Inc., 635 Henry St., Elizabeth, NJ 07201.

MC 59720 (Sub-1-5TA), filed January 30, 1981. Applicant: KENMORE TRANSPORTATION COMPANY, 22 Eskow Road, Worcester, MA 01604. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Food and related products,* between Windsor Locks, CT, Northboro and Worcester, MA, and states of NY and PA. Supporting shipper: New England Grocer Supply, 30 Bearfoot Road, P.O. Box 638, Northboro, MA 01532.

MC 153808 (Sub-1-1TA), filed January 29, 1981. Applicant: THE PAUL J. BUCCHERI COMPANY, 181 Pane Road, Newington, CT 06111. Representative: John E. Fay, Esq., 663 Maple Avenue, Hartford, CT 06114. *Heavy hauling contractors and road equipment,* between points in NY, RI, NH, MA and CT. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 151773 (Sub-1-11TA), filed January 27, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes: *Building materials and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except classes A and B explosives and household goods as defined by the Commission),* between points in NJ, NY, and PA on the one hand, and, on the other points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, and DC, under continuing contract(s) with James H. Boyle & Son, Inc. of Everett, MA. Supporting shipper: James H. Boyle & Son, Inc., 77 Ferry St., Everett, MA 02149.

MC 87523 (Sub-1-1TA), filed January 27, 1981. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. *General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, those requiring special equipment and commodities in bulk),* between points in ME, MA, NH, RI and CT. Supporting shipper(s): Based on discontinuance of service by Auclair Transportation Inc. of Manchester, NH.

MC 153786 (Sub-1-1TA), filed January 27, 1981. Applicant: S & W WASTE, INC., 53 Pennsylvania Avenue, South Kearny, NJ 07032. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Hazardous waste and/or waste material, with the exception of Class A & B explosives,* between points in and east of ND, SD, NB, KS, OH and TX. Supporting shipper(s): Gold Cooperage, Inc., 401 South St., Newark, NJ. Sinclair & Valentine Co., Secaucus Rd. Extension, Secaucus, NJ.

MC 151341 (Sub-1-2TA), filed January 27, 1981. Applicant: ALDERSHOT CARRY-ALL SERVICE LIMITED, P.O. Box 70, Burlington, Ontario, DC L7R 3X8. Representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *(1) Contractor's materials, equipment and supplies, (2) Commodities, the transportation of which because of size or weight require the use of special equipment, and, (3) Self-propelled articles each weighing 15,000 pounds or more,* between ports of entry along the International Boundary Line between the US and CD, on the one hand, and, on the other, points in GA, OK and TX, restricted to traffic originating at or destined to the facilities of Dresser Industries Canada Ltd. of Cambridge, Ontario, CD. Supporting shipper: Dresser Industries Canada Ltd, 200 Avenue Road, Cambridge, Ontario, CD.

MC 153811 (Sub-1-1TA), filed January 29, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Road, Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. *Foodstuffs* between points in Louisville and Jefferson County, KY, on the one hand, and, on the other hand, points in and east of IA, KS, MN, OK and TX. Restricted to traffic originating at or destined to the facilities of Ralston Purina Company, of St. Louis, MO. Supporting shipper: Ralston Purina company, St. Louis, MO 63188.

MC 150494 (Sub-1-2TA), filed January 27, 1981. Applicant: SIMCOE COACH LINES LIMITED, R.R. No. 3, Sutton West, Ontario, CD L0E 1R0. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *Passengers and their baggage, in the same vehicle with passengers, in round-trip charter and special operations, in sightseeing and pleasure tours,* beginning and ending at ports of entry on the U.S./CD Boundary lines and extending to points in FL, GA, KY, MA, ME, MI, NC, NH, NJ, NY, OH, PA, SC, TN, VA, VT, WV, and DC, restricted to trips beginning and ending at or near Keswick and Sutton, Ontario. Supporting shipper: Walker Travel Service, 33 Queensway South, Keswick, Ontario L4P 1Y8.

MC 61502 (Sub-1-3TA), filed January 30, 1981. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., 1130 U.S. Highway 1, Elizabeth, NJ 07201. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10123. *Mine supports and props* between Baltimore, MD, on the one hand, and, on the other, Fairmont, WV. Supporting shipper: U.S. Navigation Co., 17 Battery Place, New York, NY.

MC 148890 (Sub-1-2TA), filed January 30, 1981. Applicant: SENTRY ARMORED COURIER CORP., 3548 Boston Road, Bronx, NY 10469. Representative: Ronald I. Shapss, Esq., 450 Seventh Ave., New York, NY 10123. *Coin and currency* between New York, NY and Fairfield County, CT under contract(s) with the Federal Reserve Bank of New York, NY. Supporting shipper: Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045.

MC 149302 (Sub-1-4TA), filed January 29, 1981. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland Street, Fall River, MA 02724. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Plastic articles and materials, equipment and supplies used in the manufacture thereof* between Clinton, MA; Miami, Jacksonville, Orlando and Tampa, FL; Greenville, SC; Montgomery, AL; Chattanooga, TN; and Baltimore, Jessup and Savage, MD. Supporting shipper: Van Brode Milling Co., Inc., Cameron Street, Clinton, MA 01510.

MC 58852 (Sub-1-3TA), filed January 30, 1981. Applicant: SALEM MOTOR TRANS., INC., 121 Webster Avenue, Chelsea, MA 02150. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Candy and confectionery* (except in bulk), (1) from points in the Boston, MA commercial zone to points in MD, DE, VA, and DC; and (2) from Reading, West Reading and Wyomissing, PA to points in CT, ME, MA, NH, RI and VT. Supporting shippers: Deran Confectionery Co., 134 Cambridge Street, Cambridge, MA 02141, Nabisco Confectioners, Inc., 810 Main Street, Cambridge, MA 02141, Luden's Inc., 200 N. 6th Street, Reading, PA 09601 and R.M. Palmer Co., 77 2nd Avenue, West Reading, PA 19611.

MC 96839 (Sub-1-1TA), filed January 29, 1981. Applicant: PALMER TRUCKING CO., INC., 239 Park Street, Palmer, MA 01069. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *General commodities, usual exceptions,* between points in CT, MA, ME, NH, NY, RI and VT. Supporting shipper(s): There are 12 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 147895 (Sub-1-1TA), filed January 27, 1981. Applicant: EXPRESS TRANSPORT CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) General commodities (except classes A and B explosives and articles of unusual value) in containers or in trailers, and (2) empty used containers, used trailers and used trailer chassis,* between ports along the eastern seaboard and the gulf of Mexico, on the one hand, and, on the other, points in the contiguous 48 states, restricted to shipments having an immediately prior or subsequent movement by water or rail, and against shipments moving between Charlestown, SC and Savannah, GA, on the one hand, and, on the other, points in SC. Supporting shipper(s): There are six statements in support of this application that may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 153817 (Sub-1-1TA), filed January 30, 1981. Applicant: KILBERN TRUCKING AND LEASING INC., 5 Rosewood Road, Edison, NJ 08817. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* Irregular routes: *Hospital equipment and materials and supplies used in connection therewith, and materials and supplies used in the manufacturing and sales of the aforementioned commodities, except in bulk,* between points in the U.S., except AK and HI, under continuing contract(s) with Beckman Instruments, Inc. of Somerset, NJ. Supporting shipper: Beckman Instruments, Inc., 45 Belmont Drive, Somerset, NJ.

MC 151939 (Sub-1-1TA), filed January 28, 1981. Applicant: BARRINGTON HAULAGE COMPANY INCORPORATED, 300 Treble Cove Road, Billerica, MA 01862. Representative: James R. Barrington, 300

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Treble Cove Road, Billerica, MA 01862. *Contract carrier;* irregular routes: *Steam turbines, generators, speed reducing machinery, and related parts* between (1) Lynn, MA on the one hand, and Durham, NC, Chester, PA, and Warren, OH, on the other, (2) between Durham, NC on the one hand, and, on the other, Fitchburg and Gradner, MA and Merrimac, NH, under continuing contract with General Electric Co., MSTD(E&M) of Lynn, MA. Supporting shipper: General Electric Co., MSTD(E&M), !!))) Western Ave., Lynn, MA 01910.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 North 7th St., Rm. 620, Philadalphia, PA 19106.

MC 128729 (Sub-II–1TA), filed January 27, 1981. Applicant: GIANNINI TRUCKING, INC., 9 Maywood Avenue, R.D. 5, Sinking Spring, PA 19608. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. *Contract:* Irregular: (1) *fresh and frozen meats* from Dakota City, NE to Robesonia, PA, and (2) *rough iron castings* from the Borough of Sinking Spring, PA to Lindsay, NE and Newton, IA. An underlying ETA seeks 120 days authority. Supporting shippers: United Associated Grocers, Inc., P.O. Box 67, Robesonia, PA 19551 and Hoffman Industries, Inc., 3145 Shillington Rd., Sinking Spring, PA 19608.

MC 143394 (Sub-II–21TA), filed January 22, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). Contract: Irregular: *General Commodities* (except commodities in bulk) moving on bills of lading of Delaware Valley Shippers Assn., Bristol, PA, from Bristol, PA to CA and FL under continuing contract(s) with Delaware Valley Shippers Asen., Bristol, PA 19007. An underlying ETA seeks 120 days authority. Supporting shipper: Delaware Valley Shippers Association, 2209 E. Farragut Avenue, Bristol, PA 19007.

Originally published in Federal Register of January 7, 1981.

MC 150432 (Sub-II–10TA), filed December 9, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 & 70 London, OH 43140. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036. *General commodities (except household goods as defined by the Commission, commodities in bulk, those requiring special equipment, classes A & B explosives, and articles of unusual value),* between points in Franklin, Pickaway, Madison, Licking and Delaware Counties, OH, and points in Erie County, PA, on the one hand, and, on the other, points in AL, AR, AZ, CA, FL, GA, KS, KY, LA, MS, NC, OH, OK, SC, TN, TX, VA and WV, and 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 23 supporting shippers: statements attached to this application which may be examined at the Phila. Regional office. The purpose of this re-publication is to show counties in OH that were omitted in the first publication.

MC 153761 (Sub-II–1TA), filed January 27, 1981. Applicant: LESTER TRANSPORTATION, INCORPORATED, P.O.B. 4784, Martinsville, VA 24112. Representative: Tilden J. Lester (same address as applicant). Contract, irregular—*Building materials and supplies, materials and equipment used in the manufacture and distribution of the above commodities (except commodities in bulk),* between Martinsville, VA, on the one hand, and, on the other, points in DE, GA, IN, MD, MI, NJ, NY, NC, OH, PA, SC, TN, VA and WV. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Lester Group, Inc., P.O.B. 4784, Martinsville, VA 24112.

MC 163344 (Sub-II–1TA), filed January 27, 1981. Applicant: ZEIGLER'S LIQUID WASTE MANAGMENT, INC., P.O.B. 1943, 700 N. Hartley St., York, PA to Glen Burnie and Essex, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Liquacon, 1600 Pennsylvania Ave, York, PA 17404; AMF, Eden Rd., York, PA; GTE Products Corp., 1128 Roosevelt Ave., York, PA.

MC 2368 (Sub-II–12TA), filed January 23, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O.B. 495, Richmond, VA 23204. Representative: William T. Marshburn (same address as applicant). *Chemicals, in bulk, in tank vehicles,* from Charlotte, NC and its commercial zone to points in GA, NC, SC, TN and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ace Chemical Corp., P.O.B. 7031, Charlotte, NC 28217; Chem-Way Corp., P.O.B. 8129, Charlotte, NC 28208; Jones Chemical Inc., P.O.B. 30516, Charlotte, NC 28230.

MC 146885 (Sub-II–3TA), filed January 23, 1981. Applicant: M. T. SERVICES, INC., d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *General commodities (except Classes A and B Explosives),* between points in DE, MD, PA, VA and DC, restricted to the transportation of traffic having a prior or subsequent intermodal movement, for 270 days. Supporting shippers: Danzas Alltransport, Incorporated, World Trade Center-Baltimore, Suite 753, Baltimore, MD 21202; and D. Lee Kraus & Co., 408 Water Street, Baltimore, MD 21202.

MC 115413 (Sub II–11TA), filed January 26, 1981. Applicant: BLISSFIELD TRUCK LINE, INC., 507 Stryker St., Archbold, OH 43502. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *General commodities (except classes A and B explosives),* between points in Monroe, Lenawee and Hillsdale Counties MI, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA for 270 days. Applicant will tack with its regular route in MC–15413 for movement of LTL shipments by interlining at Toledo, OH. Supporting shipper(s): Machinery Mart, Inc., 7380 Express Rd., Temperance, MI 48182; American Warming & Ventilating, Inc., 335 Water St., Waldron, MI 49288; Modern Packaging Corp., 412 S. Monroe, MI 48161; Eklund Broach, 322 Salisbury, Morenci, MI 49256.

MC 115413 (Sub II–10TA), filed January 26, 1981. Applicant: BLISSFIELD TRUCK LINE, INC., 507 Stryker St., Archbold, OH 43502. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *General commodities (except classes A and B explosives),* between points in Williams, Defiance, Paulding, Van Wert, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Wyandot, Seneca, Sandusky, Ottawa, Crawford, Huron and Erie counties, OH, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA for a period of 270 days. Applicant will tack this authority with its regular route issued in MC–115413 and interline at Toledo, OH. Supporting shippers: There are thirty (30) supporting shippers. Their statements may be examined at the ICC office in Philadelphia, PA.

MC 150939 (Sub II–14TA), filed January 26, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, Esq., 2310 Grant Bldg., Pittsburgh, PA 15219. *Such commodities as are dealt in by retail department stores, and equipment, materials and supplies used in the conduct of such business* (except commodities in bulk) from points in TX and points in and east of MN, IA, MO, AR, and LA to the facilities of Zayre Corp. located at or near Alsip, IL; Forest Park, GA; Tampa and Miami, FL; and Framingham, Clinton and Mansfield, MA, under a continuing contract(s) with Zayre Corp.

of Framingham, MA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Zayre Corp., Route 6, Framingham, MA 01701.

MC 67646 (Sub-2–7TA), filed January 21, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher, (same address as applicant). Authority sought: (1) *Foodstuffs and commodities used in the manufacture, sale and distribution of foodstuffs,* between Archbold, OH, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK, and TX (except OH); (2) *Meat, meat products, meat by-products, and articles used in the manufacture, sale and distribution thereof,* between Archbold, Dayton, Defiance, Napoleon, and Troy, OH, Wilson, NC, and Columbia, SC, on the on the one hand, and, on the other, points in CT, DE, DC, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MO, NY, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI. An underlying ETA seeks 120 days authority. Supporting shippers: Beatrice Frozen Specialties, P.O. Box 180, Archbold, OH 43502, and Dinner Bell, Inc., P.O. Box 388, Defiance, OH 43512.

MC 119315 (Sub-II–6TA), filed January 19, 1981. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Textile mill products* between Oneda County, NY, Oconee County, SC, Covington and Russell Counties, AL, Chester County, PA and Rockingham County, NH, on the one hand, and, on the other, Lucas County, OH for 270 days and an underlying ETA has been filed for 120 days. Supporting shipper: Textile Leather, Division of General Tire and Rubber Company, P.O. Box 4875, Toledo, OH 43612.

MC 67646 (Sub-2–6TA), filed January 20, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Respresentative: Edward W. Kelliher (same address as applicant). Authority sought: *New furniture, church pews and altars, paneling, wallboard and particle board, and articles used in the manufacture, sale and distribution thereof,* between Archbold, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX (Except OH). An underlying ETA seeks 120 days authority. Supporting shipper: Sauder Woodworking Company, P.O. Box 156, Archbold, OH 43502.

MC 147570 (Sub-II–5TA), filed January 20, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 44113. Representative: Daniel M. Kabat, (same address as applicant). *Electric motors, electric gear motors, power transmission equipment, and machinery and controllers or controller parts and parts and accessories thereof, weighing machines and parts and accessories, tele-communication equipment and parts and accessories, electric circuit breakers, switches, condensors or capacitators and parts thereof, (except commodities which because of size or weight require use of special equipment) and materials, equipment and supplies used in manufacture and distribution of above commodities,* between points in the U.S. restricted to the facilties of Reliance Electric Company or its subsidiaries, for 270 days. Supporting shipper(s): Reliance Electric Company, 220 Eastview Dr., Brooklyn Heights, OH 44131.

MC 128371 (Sub-II–3TA), filed January 22, 1981. Applicant: BELLEVUE AGGREGATE HAULERS, INC., 9410 Airport Hwy., Holland, OH 43528. Representative: Monte Warner (same address as applicant). *Scrap mental,* from points in Wood County, OH to points in Lake County, IN and Allegheny County, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Vulcan Materials Co.—Metals Division, P.O. Box 7588, Birmingham, AL 35253.

MC 107403 (Sub-II–40TA), filed January 30, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Cationic resin, in bulk, in tank vehicles,* from Torrance, CA to Arlington, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 110746 (Sub-II–1TA), filed February 2, 1981. Applicant: PARKS MOVING & STORAGE, INC., 740 Commonwealth Dr., Thorn Hill Industrial Park, Warrendale, PA 15086. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Girl Scout cookies,* between Louisville, KY, on the one hand, and, on the other, Allegheny, Fayette, Greene, Washington, Somerset, Westmoreland and Butler Counties, PA, Monogalia and Preston Counties, WV and Garrett County, MD for 270 days under a continuing contract(s) with Table Tested Foods, Inc. of Richmond, Va. An underlying ETA seeks authortiy for 120 days. Supporting shipper: Table Tested Foods, Inc., 308 Janlar Dr., Richmond, VA 23235.

MC 151703 (Sub-II–3TA), filed February 2, 1981. Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburg, PA 15222. *Water and air treating chemicals and equipment, activated carbon, and materials and supplies used in the manufacture thereof,* between points in KY, PA and TX on the one hand, and, on the other, points in CT, FL, KS, KY, LA, MD, MO, NJ, NY, OH, PA, and TX for 270 days. Restricted to traffic originating at or destined to the facilities of Calgon Corp. An underling ETA seeks 120 days authority. Supporting shipper: Calgon Corp., Calgon Center, P.O. Box 1346, Pittsburgh, PA 15230.

MC 111611 (Sub-2–6TA), filed February 2, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Such commodities as are required, manufactured or dealt in by manufacturers and distributors of rubber tires, tubes, roofing materials and radiator hose,* between Carlisle, PA and Greenville, IL, on the one hand, and, on the other, point in the U.S. for 270 days. Supporting shipper: Carlisle Tire & Rubber Co., P.O. Box 99, Carlisle, PA.

MC 151599 (Sub-II–2TA), filed February 2, 1981. Applicant: J. L. McCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract; irregular: General commodities, except household goods and class A and B explosives,* between points in the US (except AK and HI) for 270 days, under contract with L. B. Foster Co. Supporting shippers: L. B. Foster Co., Suite 210, 3169 Holcomb Bridge Rd., Norcross, GA 30071.

MC 13471 (Sub-II–2TA), filed February 3, 1981. Applicant: WILEY'S AUTO EXPRESS INC., Oak Lane and MacDade Blvd., Glenolden, PA 19036. Representative: Fred E. Wiley, Jr. (same as applicant). *Contract; irregular: Roofing and Building Supplies,* between pts. in MD, NJ, OH, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Haff and Howard Inc., Broad & Gauntt Sts., Burlington, NJ 08016.

MC 105886 (Sub-II–3TA), filed February 3, 1981. Applicant: MARTIN TRUCKING, INC., East Poland Ave., Bessemer, PA 16112. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Lime,* between

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Bellefonte, PA and points within five miles of Bellefonte, PA, on the one hand, and, on the other, Bridgeport, CT, and points within five miles of Bridgeport, CT for 270 days. An underplying ETA seeks 120 days. Supporting shipper: Carpenter Technology, 837 Seaview Ave., Brideport, CT 06607.

MC 116763 (Sub-II–53TA), filed February 3, 1981). Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Such commodities as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles),* from the facilities of Hunt-Wesson Foods at Bayonne & Jersey City, NJ to points in ME, NH, and VT for 270 days. An underlying ETA seeks 120 days authority. Restricted to traffic originating at the named origin and destined to the indicated destinations. Supporting shipper(s): Hunt-Wesson Foods, Inc., P.O. Box 127, Rossford, OH 43460.

MC 116763 (Sub-II–52TA), filed February 2, 1981). Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Doors, door sections and accessories and material used in the installation and distribution of doors and door sections (except commodities in bulk)* from the facilities of Clopay Corporation, Overhead Door Division, at or near Hialeah, FL to points in AL and GA for 270 days. Restricted to the transportation of traffic originating at or destined to the facilities of Clopay Corporation. Supporting shipper(s): Clopay Corporation—Overhead Door Division, 745 West 18th St., Hialeah, FL 33010.

MC 147013 (Sub-II–1TA), filed February 2, 1981). Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Meat, meat products and meat by-products and articles distributed by meat packing houses,* and *materials and supplies* used in the manufacture and distribution of the aforesaid commodities, between the facilities of National Beef Packing Company located at or near Liberal, Kansas, on the one hand, and, on the other, points in the United States (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): National Beef Packing Company, Liberal, KS 67901.

MC 141094 (Sub-II–1TA), filed February 2, 1981). Applicant: ACME TRUCKING, INC., 1298 Thurston Dr., Columbus, OH 43227. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Contract, irregular: *General commodities, except commodities in bulk and classes A and B explosives,* (1) between the facilities of Franklin Chemical Industries, Inc., at Columbus, OH, on the one hand, and on the other, points in the US (except AK and HI), under a continuing contract with Franklin Chemical Industries, Inc.; (2) between the facilities of Franklin Distribution Co., at Moonachi, NJ, New Rochell, NY, Nicholasville, KY, and Totowa, NJ, on the one hand, and on the other, points in the US (execpt AK and HI), under a continuing contract with Franklin Distribution Co., for 270 days. Supporting shipper(s): Franklin Chemical Industries, Inc., Franklin Distribution Co., 2020 Bruck St., Columbus, OH 43207.

MC 118570 (Sub-II–5TA), filed February 2, 1981. Applicant: DEFAZIO EXPRESS, INC., 1024–26 Springbrook Ave., Moosic, PA 18507. Representative: Thomas R. Melvin (same as applicant). Contract, irregular: *General commodities, except class A and B explosives, household goods as defined by the Commission, and commodities in bulk,* between points in the states of CT, DC, DE, MA, MD, NE, NH, NJ, NY, OH, PA, RI, VA and VT, restricted to traffic originating at or destined to the facilities of Wakefern Food Corp., for 270 days. Supporting ,shipper: Wakefern Food Corp., 342 Westminister Ave., Elizabeth, NJ 07207.

MC 153871 (Sub-II–1TA), filed February 2, 1981. Applicant: ED COCHRAN, d.b.a. ED'S TRUCKING CO., 2214 Poplar Rd., Baltimore, MD 21221. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Contract, irregular: *Steel reinforcing bar,* (1) from Sayreville, NJ and Steelton, PA to Baltimore, MD and (2) from Baltimore, MD to Washington, DC and pts. in VA under continuing contract with Capital Fireproof Steel, a div. of New Jersey Steel Corp., for 270 days. Supporting shipper: Capital Fireproof Steel, a division of New Jersey Steel Corp., 4501 Curtis Ave., Baltimore, MD 21226.

MC 145282 (Sub-II–3TA), filed February 2, 1981. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *Seamless steel tubing and materials, supplies and equipment used in the manufacture and distribution of such commodities,* between all ports of entry on the international boundary line between the US and Canada and all pts. in the US except AK and HI. Restricted to traffic originating at or destined to the facilities of Welded Tube of Canada, Ltd., for 270 days. Applicant intends to interline at all ports of entry on the international boundary line between the US and Canada. An underlying ETA seeks 120 days authority. Supporting shipper: Welded Tube of Canada, Ltd., 111 Rayette Rd., Concord, Ontario, Canada LK4 1B2.

MC 138000 (Sub-II–26TA), filed February 2, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Such merchandise as are dealt in by retail chain department stores,* between pts. in the US in and east of MN, IA, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Restricted to the facilities of or utilized by K-Mart Corporation and its subsidiaries. Supporting shipper(s): K-Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48084.

MC 118570 (Sub-II–3TA), filed January 30, 1981. Applicant: DEFAZIO EXPRESS, INC., 1024–26 Springbrook Ave., Moosic, PA 18507. Representative: Thomas R. Melvin (same as applicant). Contract, irregular: *General commodities, except class A and B explosives, household goods as defined by the commission, and commodities in bulk,* between pts. in the state of CT, DC, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA and VT, restricted to traffic originating at or destined to the facilities of Burry-Lu, Inc., for 270 days. Supporting shipper: Burry-LU, Inc., 925 Newark Ave., Elizabeth, NJ 07207.

MC 118570 (Sub-II–4TA), filed January 30, 1981. Applicant: DEFAZIO EXPRESS, INC., 1024–26 Springbrook Ave., Moosic, PA 18507. Representative: Thomas R. Melvin (same as applicant). Contract, irregular: *General commodities, except class A and B explosives, household goods as defined by the commission, and commodities in bulk,* between pts. in the state of CT, DC, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA and VT, restricted to traffic originating at or destined to the facilities of Personal Products Co., for 270 days. Supporting shipper: Personal Products Co., Milltown, NJ 08850.

MC 151807 (Sub-II–2TA), filed January 29, 1981. Applicant: FWC, INCORPORATED, Route 2, Box 123, Rustburg, VA 24588. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Furniture and fixtures* between Pulaski County, VA on the one hand, and, on the other, pts. in MA, CT, RI, VT, NH and ME, for 270 days. Supporting shipper: Coleman Furniture Corp., P.O. Box 908, Pulaski, VA 24301.

MC 138000 (Sub-II–25TA), filed January 30, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *(1) Rayon staple fibers, synthetic yarn and empty beams and racks (except in bulk), (2) materials, equipment and supplies* used in the manufacture, sale and distribution of (1) above, between Front Royal, VA, and Meadville and Lewistown, PA, including their respective commercial zones, on the one hand, and, on the other, points in and east of MN, IA, KS, OK and TX., for 270 days. Supporting shipper(s): Avtex Fibers, Inc., No. 9 Executive Mall, P.O. Box 880, Valley Forge, PA 19485.

MC 65941 (Sub-II–7TA), filed January 29, 1981. Applicant: TOWER LINES, INC., 3rd & Warwood Avenue, Wheeling, WV 26003. Representative: James R. Stevick (same as applicant). *Contract Carrier,* transporting *General Commodities* (except classes A & B Explosives) between Wheeling, WV; Clifton, NJ; Jersey City, NJ; Parsippany, NJ; Trenton, NJ; Hammonton, NJ; Hawthorne, NY; Jeffersonville, IN; Elkhart, IN; and Buffalo, NY. For 270 days under a continuing contract or contracts with Wheeling Stamping Co. of Wheeling, WV. An underlying ETA seeks 120 days authority. Supporting shipper: Wheeling Stamping Co., N. 8th St. and Hazlett Ave., Wheeling, WV 26003.

MC 146807 (Sub-II–15TA), filed January 29, 1981. Applicant: S-n-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F. V. Pietrowski; 3300 Birney Ave., Moosic, PA 18507. *Steel doors, aluminum grills, door frames, fire alarm pedestals, light poles, balers and compactors, bailing machines, and mobilizers* from Old Forge, PA, to points in OH, NY, MD, GA, TX, CA, IL, MN, MI, VA, CT and NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Afton Door, Union Environmental, Gichner Mobile Systems, Inc., Garlet Company, Divisions of Union Corporation, 401 Bridge Street, Old Forge, PA 18518.

MC 150954 (Sub-II–TA), filed January 30, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, Pennsylvania 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Contract, Irregular; *Flat Glass,* between Corsicana, TX on the one hand, and, on the other, points in AR, KS, LA, MO, NM, OK, and Houston, TX (For export) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Guardian Industries Corporation, P.O. Box 10001, Corsicana, TX 75110.

MC 150954 (Sub-II–17 TA), filed January 30, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesora Drive, Suite 515, San Antonio, TX 78217. *Aloe vera juice, aloe vera jell and aloe vera cosmetic products,* from Brownsville, TX to (1) Phoenix, AZ; Los Angeles and San Francisco, CA; Atlanta, GA; Chicago, IL; New Orleans, LA; Boston, MA; Portland, OR; Pittsburgh, PA and Salt Lake City, UT; and (2) points in NY and WA for export to Canada for 270 days. Applicant intends to interline with Alamo Express Inc., MC 107727 at Houston and San Antonio, TX. Supporting shipper: Kenwood Corporation, P.O. Box 50, Brownsville, TX 78520.

MC 153820 (Sub-II–1 TA), filed January 30, 1981. Applicant: PURNELL BROTHERS TRANSPORT, LTD., 7631 Fullerton Rd., Springfield, VA 22153. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Contract; irregular: Furniture and fixtures* between points in DE, MD, VA and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 70832 (Sub-II–2 TA), filed January 29, 1981. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17405. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Boston, MA, on the one hand, and, on the other, points in NH on and south of a line beginning ME–NH boundary line, then along NH Hwy. 25 to its intersection with NH Hwy. 104, then along NH Hwy. 104 to its intersection with US Hwy. 4, then to its intersection with the VT–NH boundary line, and Berwick, ME for 270 days. Applicant intends to tack authority sought herein with authority held under MC–70832 at Boston, MA. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are approximately 11 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 107012 (Sub-II–132 TA), filed January 26, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Materials used in the manufacture of shoes,* from Washington, PA; Sullivan, MO; Peabody, MA; Penacook, NH; Milwaukee, WI; and Grand Haven, MI to Gardena, CA for 270 days. Supporting shipper: Cherokee Shoe Co., 13151 S. Western Ave., Gardena, CA 90248.

Note.—Common control may be involved.

MC 151709 (Sub-II–2 TA), filed January 26, 1981. Applicant: U.S. SERVICES, INC., 470 Mall Circle Dr., Monroeville, PA 15146. Representative: Michael J. Peretto (same address as applicant). *Hazardous and industrial wastes for treatment and/or disposal,* between pts. in and east of MS, TN, KY, IL, WI, and MI, for 270 days. Supporting shippers: Neville Chemical Co., Neville Island, Pittsburgh, PA 15225;Koppers Co., Inc., 850 Koppers Bldg., Pittsburgh, PA 15219; SCA Chemical Services, Inc., 1135 Balmer Rd. (P.O. Box 200), Model City, NY 14107.

MC 150339 (Sub-2–27TA), filed January 28, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr., (same as applicant). *Contract; irregular: Commodities as are dealt in by drug and department stores,* between Milford, CT, Long Island City, NY, Elizabeth, NJ, Jacksonville, FL, Houston, TX, New Orleans, LA, Philadelphia, PA, Lititz, PA, South Brunswick, NJ, Morrow, GA, Avon, CT, Atlanta, GA, Dallas, TX, Grand Prairie, TX, Grand Rapids, MI, Holland, MI, Detroit, MI, Rochester, MI, Elk Grove Village, IL, Kansas City, MO, Rockford, IL, Denver, CO, Cincinnati, OH, Baltimore, MD, Pico Rivera, CA, Anaheim, CA, Lake Oswego, OR, Allen Park, MI, and Sandy, UT, on the one hand, and, on the other, points in the US (except AK and HI), under continuing contract(s) with Warner Lambert, 201 Tabor Rd., Morris Plains, NJ 07950. Supporting shipper: Warner Lambert, 201 Tabor Rd., Morris Plains, NJ 07950.

MC 153546 (Sub-II–2TA), filed January 30, 1981. Applicant: M & C TRANSPORT, INC., 1708 East Manhattan Blvd., Toledo, OH 43608. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. *Wine* between Kern County, CA on the one hand, and on the other, points in the US for 270 days. Supporting shipper: Giumarra Winery, Inc., P.O. Bin 1969, Bakersfield, CA 93303.

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The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 145906 (Sub-3-2TA), filed February 3, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, Tennessee 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. *Silica (sand and gravel) and coal* from points in KY, to points in TN. Supporting shipper: Southern Stone Company, Inc., P.O. Box 801, Columbia, TN 38401.

MC 145906 (Sub-3-1TA), filed February 3, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, Tennessee 38401.Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. *Silica (sand and gravel) and coal* from points in KY to points in TN. Supporting shipper: Southern Stone Company, Inc., P.O. Box 801, Columbia, TN 38401.

MC 145906 (Sub-3-1TA), filed February 3, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, Tennessee 38201. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. *Iron and steel articles* from points in IL, IN, OH and Davidson County, TN to Lauderdale, Limestone and Madison Counties, AL; Cobb, DeKalb, Fulton and Polk Counties, GA.; Butler, Christian, Edmonson, Hardin, Jefferson, Simpson and Warren Counties, KY; and Davidson, Giles, Lauderdale, Lawrence, Loudon, Maury, Obion and Williamson Counties, TN. Supporting shipper: Peachtree Trading, Inc., 216 West 7th St., Columbia, TN 38401.

MC 3581 (Sub-3-6TA), filed February 2, 1981. Applicant: THE MOTOR CONVOY, INC., Ste. 107, 2175 Parklake Dr. NE., Atlanta, GA 30345. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Automobiles, trucks and tractors,* between points in AR, LA and MS. Supporting shippers: American Motors Corp., 14250 Plymouth Rd., Detroit, MI 48232 and Chrysler Corp., P.O. Box 1976, Detroit, MI 48288.

MC 123880 (Sub-3-2TA), filed February 2, 1981. Applicant: BROWN GOBBLE, d.b.a. GOBBLE TRUCKING COMPANY, 706 High Street, Lawrenceburg, TN 38464. Representative: B. E. Bryant, Attorney, 336 Pulaski Street, Lawrenceburg, TN 38464. *All building materials and building supplies,* from all points in GA, AL and MS to all points in TN and KY. Supporting shippers: Gobble Lumber Company, P.O. Box 782, Lawrenceburg, TN 38464; Parkes Lumber Company, P.O. Box 505, Lawrenceburg, TN 38464; H. B. Brink Company, Inc., P.O. Box 645, Lawrenceburg, TN 38464.

MC 134105 (Sub-3-11TA), filed February 2, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). *General commodities (except articles of unusual value, class A and B explosives, commodities in bulk, and household goods as defined by the Commission)* from points in the States of: AL, AR, CO, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, ND, NE, NJ, NY, OH, OK, PA, SC, SD, TX, VA, WI, and WV to Nashville, TN (restricted to traffic originating at or destined to the facilities of Tennessee Donut Corp.). Supporting shipper: Tennessee Donut Corp., 1975 Armory Drive, Nashville, TN 37204.

MC 115841 (Sub-3-41TA), filed February 2, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same address as above). *Iron or steel articles, machinery and machinery parts, underground tunnel support systems, steel beams and structural steel plates, and materials, equipment and supplies used in the manufacture and distribution of the above commodities,* between the plants, warehouses or sub-contractors utilized by Commercial Shearing, Inc., located at or near Benton, AR; Orange, CA; Chicago, IL; Butler, IN; Hagerstown, MD; Kings Mountain, NC; Canton, Girard, Hicksville, Niles, Westerville and Youngstown, OH; Pulaski, PA; Houston, TX; Salt Lake City, UT; and Berkeley Springs, WV, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Commercial Shearing, Inc., P.O. Box 239, Youngstown, OH 44501.

MC 85970 (Sub-3-18TA), filed February 2, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Automobile wrecker assembly and parts thereof,* between Newbern, TN on the one hand, and, on the other, points in the continental 48 States. Supporting shipper: Dover Corporation/Ernest Holmes Div., Highway 77 E., Newbern, TN 38059.

MC 153858 (Sub-3-1TA), filed February 3, 1981. Applicant: B. J.'S EXPRESS, INC., P.O. Box 472, Lakeland, FL 32802. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Meats, meat products and meat by-products, including hides, in bulk, and articles distributed by meat packing houses, as described in Sections A & C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* between the facilities of Lykes Bros. Meat Co. in Hillsborough County, FL and all points in GA, AL, LA, AR, TX, MS, TN, KY, NC, OH, NE. Supporting shipper: Lykes Bros. Meat Co, P.O. Box 518, Plant City, FL 33566.

MC 75840 (Sub-3-55TA), filed February 3, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or used by a processor and distributor of food oils and shortening (except in bulk),* between the facilities of Food Oils Corporation, at or near Carlstadt, NJ, and Stuttgart, AR, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and TX. Supporting shipper: Food Oils Corporation, 145 Grand Street, Carlstadt, NJ 07072.

MC 31675 (Sub-3-36TA), filed February 2, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, North Carolina 28234. Representative: Garland V. Moore (same as above). *General Commodities (except Class A and B explosives and bulk commodities)* between the facilities of Allied Chemical Coporation and Fibers and Plastics Company at Irmo and Columbia, SC on the one hand, and on the other all points in the U.S. except AK and HI. Supporting shipper(s): Allied Chemical Corp., and Fibers Plastics Company, P.O. Box 1788, Columbia, SC 29202.

MC 121568 (Sub-3-19TA), filed February 2, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same as applicant's). *Irregular routes, plastic hose and plastic pellets and the materials, supplies, and equipment used in the manufacture and distribution of these commodities,* between Brownsville, TN on the one hand, and, on the other, points in the U.S. (except AK and HI). Applicant intends to interline at Memphis, TN. Supporting shipper: Teknor Apex Co., 505 Central Ave., Pawtucket, R.I. 02862.

MC 149433 (Sub-3-1TA), filed February 2, 1981. Applicant: CARL O. BOONE, d.b.a. BOONE EXPRESS, Post Office Box 114, Smyrna, TN 37167. Representative: Carl O. Boone, Sr. (same address as applicant). *New and used automotive parts, supplies and accessories,* between Nasville, TN and its commercial zone, on the one hand, and, on the other, points in Clinton, Russell, Adair, Cumberland and Monroe Counties, KY and Jackson County, TN. Supporting shipper: Parts Distributors Warehouse, 33 Fairfield Avenue, Nashville, TN 37167.

MC 124306 (Sub-3-9TA), filed February 2, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514.Representative: W. David Fesperman (same as above). *Liquid cleaning compounds, methylene chloride and orthodichlorobenzene, in bulk, in tank vehicles,* between Elgin, IL; Clayton, NJ; Middlesex, NJ; Hebron, OH; Lexington, SC; and Denton, TX. Supporting shipper: Safety Kleen Corp., 1625 West Ryerson Rd., New Berlin, WI 53151.

MC 152864 (Sub-3-2TA), filed January 30, 1981.Applicant: TOMBIGBEE TRANSPORT CORP., P.O. Box 412, Industrial Park, Adamsville, TN 38310. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Plastics (except commodities in bulk)* from points in and east of ND, SD, NE, KS, OK and TX to facilities of Beta Industries, Inc. at or near Collierville (Fayette County), TN. Supporting shipper: Beta Industries, Inc., P.O. Box 157, Highway 57E, Collierville, TN 38017.

MC 147127 (Sub-3-13TA), filed February 2, 1981.Applicant: McLAURIN TRUCKING COMPANY, P.O. Box 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., Wick, Vuono & Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. (1) *Carbonated beverages and other soft drinks,* between points in Mecklenburg and Richmond Counties, NC, and Chesterfield County, SC, on the one hand, and, on the other, points in NC, SC, VA, and WV; and (2) *Materials, equipment and supplies used in the production, sale and distribution of carbonated beverages and other soft drinks,* between points in Bibb County, GA and Darlington County, SC, on the one hand, and, on the other, points in Mecklenburg and Richmond Counties, NC and Chesterfield County, SC. Supporting shipper: King Cola Carolinas, 2800 Bush River Road, Columbia, SC.

MC 153834 (Sub-3-1TA), filed February 2, 1981.Applicant: ATLANTA DISPATCH AND DISTRIBUTION, INC., 4779 Fulton Industrial Blvd., Atlanta, GA 30336. Representative: Clinton J. Altman, Jr. (same address as applicant). *General commodities (except Classes A and B explosives, household goods as defined by this commission)* between points within Clayton, Cobb, Coweta, DeKalb, Douglas, Fulton, Gwinnett, Rockdale counties, GA having prior or subsequent movement in interstate or foreign commerce by rail or motor. There are 9 statements of support attached to this application that may be examined at the Interstate Commerce Commission office in Atlanta, GA.

MC 114562 (Sub-3-9TA), filed February 2, 1981.Applicant: WENDELL TRANSPORT CORPORATION, P.O. Box 100, Wendell, NC 27591. Representative: Ralph McDonald, Attorney at Law, P.O. Box 2246, Raleigh, NC 27602. *Condensed molasses solubles and brewers' condensed solubles* from Williamsburg, VA to Baltimore, MD. Supporting shipper(s): Pacific Molasses Company, P.O. Box 739, Wilmington, NC 28402.

MC 148360 (Sub-3-5TA), filed February 3, 1981. Applicant: PDR TRUCKING, INC., P.O. Box 609, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Contract carrier;* irregular: *department store merchandise,* from New York, NY, and points in its commercial zone, to Pittsburgh, PA, and points in its commercial zone, under continuing contract(s) with Gimbel Brothers, Inc., of Pittsburgh, PA. Supporting shipper: Gimbel Brothers, Inc., 339 6th Avenue, Pittsburgh, PA 15272.

MC 147054 (Sub-3-2TA), filed February 3, 1981. Applicant: JAMES RAY BRADY, d.b.a. J. R. BRADY TRUCKING, 801 Enochville Avenue, Route 3, Box 265, Kannapolis, NC 28081. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Chemicals, noi, cleaning, deforming and paint removing compounds, solvents, plastic liquid, ink, plastic sheeting, machinery, machinery parts, paint, lacquer, varnish and paint, lacquer and varnish thinner, resins, and plastic film other than cellulose,* between Matthews, NC, on the one hand, and, on the other, Tustin, CA. Supporting shipper: Rexham Corporation, 700 Crestdale Drive, Matthews, NC.

MC 142680 (Sub-3-5TA), filed February 3, 1981. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Forest Products, pallets,* From Sumter and Lamar Counties, AL and points in MS to GA, FL, AL, MS, LA, TX, AR, TN, NC, SC, IL and KY. Supporting shippers: A T & N Lumber Service, Inc., P.O. Box 536, York, AL 36925; Livingston Wood Products, Inc., P.O. Box 1061, Livingston, Al 35470; Weyerhaeuser Company, P.O. Box 2288, Columbus, MS 39701.

MC 144503 (Sub-3-9TA), filed February 5, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeshler Exchange Building, La Crosse, WI 54601. *Such commodities as are dealt in, issued or distributed by a manufacturer of lighting fixtures (except in bulk)* between Sumter County, GA, and Barbour County, AL, on the one hand, and on the other, points in the U.S. Supporting shipper(s): Matalux Lighting, Box 1207, Americus, GA 31709.

MC 144503 (Sub-3-10TA), filed February 5, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Chemicals and related products and materials, equipment and supplies used in the manufacture and distribution thereof, (except commodities in bulk)* between points in Wayne County, MI, on one hand, and, on the other, points in the U.S. Supporting shipper(s): Solventol Chemical Products, Inc., Div. of Oakite Products, Inc., 13177 Huron River Drive, Romulus, MI 48174.

MC 145219 (Sub-3-2TA), filed February 5, 1981. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: William P. Sullivan, 818 Connecticut Avenue NW., Washington, DC 20006. *Tires and materials, equipment and supplies used in the distribution or manufacture of tires, except commodities in bulk,* between Warren, OH, on the one hand, and, on the other, points in AL, FL, GA, MS, NC, SC, TN and VA. Supporting shipper(s): Denman Rubber Manufacturing Co., P.O. Box 951, Warren, OH 44482.

MC 128117 (Sub-3-7TA), filed February 4, 1981. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 898, Hickory, NC 28601. Representative: Francis J. Ortman, Esquire, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *New furniture and furniture parts* from Montgomery County, NC to points in LA, TX, OK, CO, and AR. Supporting shipper: Biscoe Furniture Industries, Inc., P.O. Box 40, Biscoe, NC 27209.

MC 151394 (Sub-3-2TA), filed February 4, 1981. Applicant: BERNHARDT FURNITURE COMPANY, P.O. Box 740, Lenoir, NC 28645. Representative: Fred R. Piercy (same address as applicant). *Packing partitions NOIBN* from Jackson County, IN to points in NC. Supporting shipper:

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Jiffy Manufacturing Company, 1015 2nd St., NE, Hickory, NC 28601.

MC 153927 (Sub-3-1TA), filed February 5, 1981. Applicant: M. A. TRANSPORTATION, INC., P.O. Box 2322, Peachtree City, GA 30269. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Contract Carrier*, Irregular: *(1) Plastic Containers, (2) Plastic scrap in bulk, between Arlington, TN, Peachtree City, GA and Roebling, NJ and points in the United States, except AK and HI*, under a continuing contract with Southeastern Plastic Container Co. and M. A. Industries, Inc. Supporting shippers: Southeastern Plastic Container Co., 6055 Airline Rd, Arlington, TN 38002 and M. A. Industries, Inc., 303 Dividend Drive, Peachtree City, GA 30269.

MC 115841 (Sub-3-45TA), filed February 5, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Drugs, toilet preparations, personal care items and foodstuffs (except commodities in bulk) when moving in mixed loads with the above-named commodities*, between Chicago, IL and its Commercial Zone and Milltown, NJ. Supporting shipper: Albert Culver, 2525 Armitage Avenue, Melrose Park, IL 60160.

MC 144027 (Sub-3-7TA), filed February 5, 1981. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route No. 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. *General commodities (except classes A and B explosives and household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Barren County, KY on the one hand, and on the other, points in MS. Supporting shipper(s): There are 15 certificates of support submitted with this application that can be reviewed at the Atlanta, GA regional office. Applicant intends to interline at Glasgow, KY, Columbus, Greenville, Hattiesburg, Jackson and Meridian, MS.

MC 3581 (Sub-3-7TA), filed February 5, 1981. Applicant: THE MOTOR CONVOY, INC., Suite 107, 2175 Parklake Drive, N.E., Atlanta, GA 30345. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Automobiles, trucks and tractors*, from the facilities of Ford Motor Company in Jefferson County, KY to points in the United States (except AK and HI). Supporting shipper: Ford Motor Company, P.O. Box 1529-B, NAAO Bldg., Dearborn, MI 48121.

MC 114334 (Sub-3-21TA), filed February 5, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal articles* between points in Shelby County, TN on the one hand, and, points in GA on the other. Supporting shippers: S & I Steel Company, 203 Trigg Ave., Memphis, TN and Southern Steel Supply Co., Inc., 475 N. Dunlap, Memphis, TN.

MC 119777 (Sub-3-27TA), filed February 5, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. *General commodities, (except Classes A and B explosives), in containers, having a prior or subsequent movement by water*, between port facilities in Panama City, FL, Mobile, AL, New Orleans and Lake Charles, LA, Houston and Galveston, TX, Long Beach, San Francisco and Oakland, CA, Portland, OR and Seattle, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic for the account of Lykes Bros. Steamship Co., Inc. Supporting shipper: Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras Street, New Orleans, LA 70130.

MC 149237 (Sub-3-1TA), filed February 5, 1981. Applicant: WATSON TRUCKING CO., 6412 Lou Court, Louisville, KY 40216. Representative: William P. Whitney, Jr., Attorney at Law, Suite 708, McClure Building, Frankfort, KY 40601. *Such commodities which are dealt in or used by retail or wholesale drug, department or grocery stores*, from Jeffersonville, IN to Atlanta, GA. Supporting shipper: Colgate Palmolive Company, 300 Park Avenue, New York, NY.

MC 144922 (Sub-3-4 TA), filed February 5, 1981. Applicant: A.T.F. TRUCKING CO., INC., Route 11, Box 507-B, Birmingham, AL 35210. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Food products, the materials, equipment and supplies used in the manufacture, sale and distribution of food products* (except commodities in bulk) between the facilities of Borden Incorporated on the one hand and on the other all points in the U.S., restricted to traffic originating at or destined to the facilities of Borden Incorporated. Supporting shipper: Borden Incorporated, 3900 Vanderbilt Road, Birmingham, AL 35217.

MC 138157 (Sub-3-46 TA), filed February 5, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *General commodities (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment)* between points in the United States. Restricted to traffic originating at or destined to the facilities of Chevron Chemical Company. Supporting shipper: Chevron Chemical Company, 575 Market Street, San Francisco, CA 94105.

MC 115841 (Sub-3-44 TA), filed February 5, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (Same as above). *(1) Paint in pails and drums* from Ennis, TX to points in AL, AR, CA, CO, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, ND, NE, NJ, NM, NY, OH, OK, PA, SC, SD, TN, TX, VA, WI and WV: and *(2) Materials, equipment and supplies used in the manufacture, sale or distribution of paint* from Glens Falls, Buffalo and Brooklyn, NY and Linden, Bayonne and Parlin, NJ to Ennis, TX. Restricted to traffic originating at or destined to the facilities utilized by Ennis Paint Manufactures. Supporting shipper: Ennis Paint Manufacturers, P.O. Box 6, Ennis, TX 75119.

MC 143061 (Sub-3-2 TA), filed February 4, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews, P.O. Box 528, Eden, NC 27288. *Contract irregular*; routes *Wearing apparel, textile products and materials, supplies and equipment used in manufacture, sale and distribution of wearing apparel and textile products, except commodities in bulk*, between Lee County, MS and Los Angeles County, CA. Supporting shipper: Blue Bell, Inc., and its subsidiaries, 335 Church Court, Greensboro, NC 27401.

MC 138308 (Sub-3-20 TA), filed February 5, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *Such commodities as are dealt in or used by grocery and food business houses* from the facilities of The Kroger Co. at or near Jackson, TN to points in AR, CA, and TX. (Supporting shipper: The Kroger Co., 1240 State Ave., Cincinnati, OH 45204).

MC 153914 (Sub-3-TA), filed February 4, 1981. Applicant: NEWMAN

BROTHERS TRUCKING, INC., Highway 96, Belk, AL 35545. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Forest products, lumber and wood products* between points in the states of AL, GA and MS, on the one hand, and, on the other, points in the U.S. for the account of Forest Lumber Company, Kennedy Forest Products, Inc., Webb Lumber Company, Inc., Weyerhaeuser Company. Supporting shippers: Forest Lumber Company, P.O. Box 5535, Meridian, MS 39301; Webb Lumber Co., Inc., P.O. Drawer 10, Demopolis, AL 36732; Kennedy Forest Products, Inc., 5659 Stadium Drive, Kalamazoo, MI 49009; Weyerhaeuser Company, P.O. Box 2288, Columbus, MS 39701.

MC 115840, (Sub-3-10TA), filed February 5, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Glass and glass products, and materials, equipment and supplies used in the manufacture and distribution of glass and glass products*, between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695.

MC 148340, (Sub-3-2TA), filed February 3, 1981. Applicant: CITIZENS CARPET SERVICE, INC., 600 Fourth Avenue, Dalton, GA 30720. Representative: James Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203. *Floor coverings, carpets, rugs and/or samples in bales, rolls or boxes*, between points in GA and points in CA, CO, WY, UT and AZ. Supporting shipper(s): There are nine statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

Note.—Applicant intends to interline with other carriers at Dalton, GA and Denver, CO.

MC 111936 (Sub-3-4TA), filed February 3, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. (1) *New furniture, furniture parts, and fixtures, and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above*, between Kane Cty., IL, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, TN, VA and WV. Supporting shipper: Authentic Furniture, 971 Industrial Dr., Aurora, IL.

MC 127810 (Sub-3-1TA), filed February 3, 1981. Applicant: SHERMAN & BODDIE, INC., P.O. Box 621, Oxford, NC 27565. Representative: K. Edward Wolcott, P.O. Box Box 872, Atlanta, GA 30301. *Contract* carrier, *irregular* routes, *polyester and acrylic staple and fibre* from Decatur, AL to Henderson, NC under a continuing contract(s) with Harriet & Henderson Yarns, Inc., Henderson, NC. Supporting shipper: Harriet & Henderson Yarns, Inc., P.O. Box 789, Henderson, NC 27536.

MC 134105 (Sub-3-12TA), filed February 3, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: James E. Elgin (address same as applicant). *Electroless nickel solution in drums, steel and plastic tanks in crates*, between points in the United States in and east of CO, ND, SD, NE and TX (restricted to transportation originating at or destined to facilities of Elnic, Inc Nashville, TN). Supporting shipper: Elnic, Inc., 657 Massman Dr., Nashville, TN 37210.

MC 148163 (Sub-3-12TA), filed February 3, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Mr. Jerry Gereghty, P.O. Box 432 Gainesville, GA 30503. *Malt beverages and materials, equipment and supplies used in the manufacture, distribution and sale of malt beverages*, between the facilites of The Stroh Brewery Company, Detroit, MI; Fostoria, OH on the one hand and points in GA on the other. Supporting Shipper: The Stroh Brewery Company, One Stroh Drive, Detroit, MI 48226.

MC 148947 (Sub-3-1TA), filed February 2, 1981. Applicant: HUNTER TRANSPORT CO., INC., 1603 Long Street, Chattanooga, TN 37408. Representative: Ann K. Merriman, Assistant to the President, 1603 Long Street Chattanooga, TN 37408 .*Contract* carrier, *irregular* routes: *Carpet, jute and other backing materials; materials, equipment and supplies used in the manufacture and distribution thereof*, between Dalton, GA, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI. Supporting shipper: Phoenix Mills, Inc., P.O. Box 3517, Dalton, GA 30721.

MC 153859 (Sub-3-1TA), filed February 2, 1981. Applicant: ENVIRONMENTAL COASTAL POLLUTION CLEAN UP SERVICES INC., 8050 Seminole Mall Suite 325, Seminole, FL 33542. Representative: James A. Graham (Same address as above). *Hazardous waste material* between points and places in and east of IL, KY, LA, IN and WI. Supporting shipper: Pollution Control Services, Inc., Seminole, FL.

MC 75840 (Sub-3-58TA), filed February 4, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham AL 35202. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in or distributed by a manufacturer of baseboard heaters, boilers, and air conditioners (except in bulk)*, between the facilities of Slant Fin Coporation located at or near Greenvale, NY, on the one hand, and, on the other, points in TX, AR, LA, MS, TN, GA, FL, AL, KY, NC, SC, VA, DE, MD, WV, OH, PA, NY, NJ, RI, CT, MA, and DC. Supporting shipper: Slant Fin Corporation, 100 Forest Drive at East Hills, Greenvale, NY 11548.

MC 109708 (Sub-3-18TA), filed February 4, 1981. Applicant: INDIAN RIVER TRANSPORT CO., P.O. Box AG, 2580 Executive Rd., Dundee, FL 33838. Representative: Russell E. Haas (same as above). *Nonexempt Food and Kindred Products*, between points in Anne Arundel County, MD on the one hand, and, on the other, points in FL. Supporting shipper: Ardmore Farms, Inc., P.O. Box 183, DeLand, FL 32720.

MC 143059 (Sub-3-32TA), filed February 4, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same as applicant). *Roof Decking*, from Elbert County, GA, to ND, SD, MT, WY, CO, ID, UT, WA, OK, and NV. Supporting shippers: Martins Fireproofing, P.O. Box 768, Elberton, GA 30635.

MC 153088 (Sub-3-2TA), filed February 4, 1981. Applicant: CONWAY TRANSPORTATION, INC., 3312 Eugenia Avenue, Covington, KY 41015. Representative: Robert Neville, 553 Kinsella Drive, Edgewood, KY 41017. *Contract carrier:* Irregular route: *Plastic Sheet or Plate, NOI, Flat or Corrugated*, from Covington, KY to Hasbrouck Heights, NJ. Supporting shipper: Filon, Division of Vistron Corp., 3535 Latonia Avenue, Covington, KY 41015.

MC 124154 (Sub-3-14TA), filed February 4, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate, P.O. Box 645, Albany, GA 31703. *Aluminum articles, iron and steel articles, and brass, bronze and copper articles, and materials, equipment and supplies used in the manufacture, sales and distribution of these commodities*, between points in Carrollton, GA, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper:

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Southwire Company, P.O. box 1000, Carrollton, GA 30119.

MC 153747 (Sub-3–1TA), filed February 4, 1981. Applicant: EZ–E–GO EXPRESS, INC., P.O. box 3183, Jackson, TN 38301. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. *Contract carrier*, irregular: *(1) Molded and finished plastic products; and (2) materials, supplies and equipment used in the manufacture, packaging and installation of the commodities named in (1) above*, between points in the U.S. (except AK and HI), under continuing contract(s) with Henry Products. Supporting shipper: Henry Products, P.O. Box 3564, Henry, TN 38231.

MC 112520 (Sub-3–14TA), filed February 4, 1981. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Styrene*, from Texas City, TX to Panama City, FL. Supporting shipper: Arizona Chemical Company, 859 Berdan Avenue, Wayne, NJ 07470.

MC 149289 (Sub-3–1TA), filed February 4, 1981. Applicant: PALMER INDUSTRIES, INC., P.O. Box 839, Macon, GA 31202. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Tires and Tubes*, from the facilities of B. F. Goodrich Co. at Tuscaloosa, AL and Columbus, OH to points in the U.S., except AK and HI. Supporting shipper: The B. F. Goodrich Company, 500 South Main Street, Akron, OH 44318.

MC 108651 (Sub-3–8TA), filed February 4, 1981. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, TN 37662. Representative: Daniel H. Moore (Same address as applicant). *Fertilizer and fertilizer materials*, except in bulk, between points in NC, SC, TN, VA, and WV. Supporting shipper(s): W. R. Grace & Co., P.O. Box 368, Wilmington, NC 28401.

MC 75840 (Sub-3–56TA), filed February 4, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in, or distributed by a manufacturer of chemicals, chemical products and polymers (except in bulk)*, between the facilities of Amoco Chemicals Corporation, located at or near Hammond, IN, Griffith, IN, Decatur, AL, Joliet, IL, Willow Springs, IL, Wood River, IL, Chocolate Bayou, TX, Texas City, TX and Cooper River, SC, on the one hand, and, on the other, points in TX, AR, LA, MS, TN, GA, FL, AL, KY, NC, SC, VA, DE, MD, WV, OH, PA, NY, NJ, RI, CT, MA and DC. Supporting shipper: Amoco Chemicals Corporation, 200 east Randolph Drive, Chicago, IL 60601.

MC 75840 (Sub-3–57TA), filed February 4, 1981. Applicant: MALONE FREIGHT LINES, INC., Post Office Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Such commodities as are used, dealt in, or distributed by a manufacturer of copper wire and cable products (except in bulk)*, between the facilities of Hatfield Wire & Cable Division, located at or near Linden, NJ, Atlanta, GA, Melrose Park, IL, Greensboro, NC and Houston, TX, on the one hand, and, on the other, points in TX, AR, LA, MS, TN, GA, FL, AL, KY, NC, SC, VA, DE, MD, WV, OH, PA, NY, NJ, RI, CT, MA and DC. Supporting shipper: Hatfield Wire & Cable Division, 12 Commerce Drive, Cranford, NJ 07016.

MC 148183 (Sub-3–13TA), filed February 4, 1981). Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Mrs. Jerry Gereghty, P.O. Box 432, Gainesville, GA 30503. *Candy, confectionery, display and advertising materials relating thereto*, between the facilities of Tootsie Roll Industries, Inc. at or near Chicago, IL and Atlanta, GA; Birmingham, AL; Charlotte, NC; Jacksonville, FL; New Orleans, LA; Memphis, TN; Nashville, TN and points in their respective commercial zones. Supporting shipper: Tootsie Roll Industries, Inc., 7401 South Cicero Avenue, Chicago, IL 60629.

MC 69492, (Sub-3–6TA), filed February 4, 1981). Applicant: HENRY EDWARDS TRUCKING CO., INC., P.O. Box 97, Clinton, Kentucky 42031. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *Malt beverages* from Trenton, NJ and its commerical zone to Memphis, TN and its commercial zone. Supporting shipper: A. S. Barboro, Inc., P.O. Box 18837, Memphis, TN 38118.

MC 145571 (Sub-3–1TA), filed February 4, 1981). Applicant: RALPH AARON, JAMES BARTHOLOMEW, and AUBRY WILLIS, d.b.a., ABW TRUCKING COMPANY, Box 113, Scotts Hill, TN 38374. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier*; irregular routes; *Sand, gravel and aggregate* between points in De Soto County, MS, on the one hand, and, on the other, points in Shelby and Hardin Counties, TN under continuing contract with Clyde Owens Sand and Gravel, Inc. Supporting shipper: Clyde Owens Sand and Gravel, Inc., P.O. Box 190, Collierville, TN 38017.

MC 116254 (Sub-3–27TA), filed February 4, 1981). Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: Mr. M. D. Miller (same address as above). *Aluminum and Aluminum Articles*, from the facilities of Anaconda Aluminum Company at or near Sebree, KY to KS and OK. Supporting shipper: Anaconca Aluminum Company 600 West Main Street, Louisville, KY 40201.

MC 115841 (Sub-3–43TA), filed February 4, 1981). Applicant: COLONIAL RERIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Bananas* from Galveston, TX to points in the US (except AK and HI). Supporting shippers: Castle & Cooke Foods, 2800 Veterans Boulevard, Metairie, LA 70002; Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645 and Del Monte Banana Co., P.O. Box 011940, Miami, Fl 33101.

MC 125368 (Sub-3–16TA), filed February 2, 1981. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Glass and glass products as well as material, supplies and equipment used in the manufacture, sale and distribution thereof*, except in bulk, between the facilities of Libbey-Owens-Ford Company and points in the 48 contiguous United States. Supporting shipper: Libbey-Owens-Ford Company, 811 Madison Ave., Toledo, OH 43695.

MC 115841 (Sub-3–42TA), filed February 4, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (Same as Above). *Foodstuffs (except commodities in bulk), and materials, equipment and supplies used in the manufacture, sale and distribution thereof*, between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by Pet, Inc. Supporting shipper: Pet, Inc., 400 South Fourth Street, St. Louis, MO 63102.

MC 146646 (Sub-3–40TA), filed February 3, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Floor tile and commodities used in the distribution, manufacture and installation of tile except commodities in bulk*, between the facilities of Kentile Floors Inc. in Chicago, IL, Brooklyn, NY, South Plainfield, NJ, on the one hand, and, on the other, points in the United States. Supporting shipper: Kentile Floors, Inc., 58 Second Avenue, Brooklyn, NY 11215.

MC 153883 (Sub-3–1TA), filed February 3, 1981. Applicant: THE GREAT AMERICAN TRUCKING COMPANY, INC., P.O. Box 125164–B, Orlando, FL 32858. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Contract carrier*, irregular routes, *foodstuffs; and materials equipment and supplies used in the manufacture, sale and distribution of foodstuffs* between the plantsites and facilities used by Ore-Ida Foods, Inc. and points in the U.S. under continuing contract(s) with Ore-Ida Foods, Inc. Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707.

MC 112520 (Sub-3–13TA), filed February 3, 1981. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Mineral Oil*, from New Orleans and Gretna, LA, to Panama City, FL. Supporting shipper: Arizona Chemical Company, 859 Berdan Avenue, Wayne, NJ 07470.

MC 148822 (Sub-3–7TA), filed February 3, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35214. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL. 35203. *Contract*, irregular; *Textile products, gloves and disposable clothing and materials, equipment and supplies* used in the manufacture thereof between points in the states of LA, MS, TX, AL, GA, SC, NC, VA, TN, AR, KY and OH under continuing contract with Edmont Division—Becton Dickinson Company. Supporting shipper: Edmont Division—Becton Dickinson Company, Route 1, Box EW, Haynesville, LA 71038.

MC 107515 (Sub-3–95TA), filed February 3, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd., NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Metal Products and Materials, Equipment and Supplies used in the manufacture and distribution of metal products (except in bulk)* between facilities of Westinghouse Electric Corporation at or near Abington, VA, on the one hand, and, on the other, all points in the US. Supporting shipper: Westinghouse Electric Corporation, P.O. Box 869, Abington, VA 24210.

MC 148320 (Sub-3–5TA), filed February 3, 1981. Applicant: MHB INC., 204 E. North St., Warsaw, NC 28398. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New furniture*, from Vander, NC to points in FL, GA, and OH. Supporting shipper: International Walls Inc., Route 9, Box 400B, Fayetteville, NC 28301.

MC 144827 (Sub-3–29TA), filed February 3, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N Main Bldg., Memphis, TN 38103. *(1) Air conditioning and heating equipment, and associated accessories, equipment and components, (except commodities which, because of size or weight, require the use of special equipment)* from the facilities of The First Company at Dallas, TX to points in the U.S.; and (2) *Materials and supplies used in the manufacture and distribution of air conditioning and heating equipment and associated accessories, equipment and components, (except commodities which, because of size or weight, require the use of special equipment)* from points in the U.S., to the facilities of The First Company at Dallas, TX. Supporting shipper: The First Company, 8273 Moberly, Dallas, TX 75227.

MC 129537 (Sub-3–8TA), filed February 4, 1981. Applicant: REEVES TRANSPORTATION CO. Route 5 Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. *Plastic or Rubber Articles (except in bulk)* between Shelby County, TN and TX, LA, AR, and MS. Supporting shipper: Huntsman Container Corporation, 5837 Distribution Drive, Memphis, TN 38115.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 95876 (Sub-4–13TA), filed February 2, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. *Transformers and parts*, from points in Halifax County, VA, to points in the U.S. (Except HI). Supporting shipper: Westinghouse Electric Corp., Hwy. 58 West, P.O. Box 920, South Boston, VA 24592.

MC 19945 (Sub-4–3TA), filed February 3, 1981. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Joseph R. Behnken (same as applicant). *Ammonium Nitrate in bulk* from Seneca, IL. to Boonville, IN. Supporting shipper: Peabody Coal Company, 301 North Memorial Drive, St. Louis, MO.

MC 153829 (Sub-4–2TA), filed February 3, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Canned foodstuffs*, from the facilities of Owatonna Canning Company and its affiliates at or near Owatonna, Bricelyn and Olivia, MN to points in and east of MT, ID, UT and AZ. Supporting shipper: Owantonna Canning Company, 100 West Winona, Owatonna, MN 55060.

MC 153829 (Sub-4–3TA), filed February 3, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Door and windon latches and door and window locks, and materials, equipment and supplies used in the manufacture thereof*, between the facilities of Ideal Security Hardware Corporation at or near St. Paul, MN, on the one hand, and, on the other, points in the US. Supporting shipper: Ideal Security Hardware Corporation, 215 East 9th St., St. Paul, MN 55101.

MC 119641 (Sub-4–5TA), filed February 3, 1981. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth Street, Fowler, IN 47944. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Agricultural machinery, implements, and parts*, from Wilson, NC to points in IL, IN, OH, and WI. Restricted to traffic originating at the facilities of Lely. Supporting shipper: Lely, P.O. Box 1060, Wilson, NC 27893.

MC 149057 (Sub-4–4TA), filed February 3, 1981. Applicant: C & M TRUCKING, INC., 3500 North Monroe, Monroe, MI 48161. Representative: John C. Scherbarth, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Coke*, in bulk, between Toledo, OH and Monroe, MI. Supporting shipper: Hickman, Williams & Company, c/o Richard Lambrecht, 40 Port Avenue, Monroe, MI 48161.

MC 134612 (Sub-4–11TA), filed February 3, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Contract:* Irregular: *Air conditioners, heating equipment, air cleaners, humidifying equipment and furnaces and materials, equipment and supplies used in the manufacture, distribution and repair of the above-named commodities*, between Effingham, IL and points in the U.S. An underlying ETA

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seeks 120 days authority. Supporting shipper: Fedders Corporation, Woodbridge Avenue, Edison, NJ 08877.

MC 119726 (Sub-4-6TA), filed February 2, 1981. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 300 E. Fall Creek Parkway, Suite 403, Indianapolis, IN 46205. *Charcoal briquets, and materials, equipment and supplies* used in the manufacture, sale and distribution of charcoal briquets, between points and places in the U.S. Supporting shipper: Cupples Company, Manufacturers, 1034 S. Brentwood, St. Louis, MO 63117.

MC 146636 (Sub-4-2TA), filed February 3, 1981. Applicant: J. K. SMITH, P. SMITH, and M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. (1) *Candy and confectionery*, between points in CA, MN, NE, NY, PA and DC, and (2) *Materials, supplies and equipment* utilized in the manufacture, sale and distribution of the commodities in (1) above, from points in the U.S. to points in CA, MN, NE, NY and PA. Supporting shipper: Blum's of San Francisco, Industrial Parkway, Jackson, MN 56143.

MC 34156 (Sub-4-1TA), filed February 3, 1981. Applicant: NIEDERT FREIGHT, INC., 7000 West 103rd Street, Chicago Ridge, IL 60415. Representative: William D. Brejcha, Sullivan & Associates, Ltd., 10 S. LaSalle, Suite 1600, Chicago, IL 60603. *General Commodities* (except Classes A and B explosives) between points in IL, on the one hand, and, on the other, points in IL, IN, WI, the lower peninsula of MI, and Scott and Clinton Counties, IA. Supporting shippers: There are 25 supporting shippers.

MC 153016 (Sub-4-1TA), filed February 3, 1981. Applicant: McGUIRE TRUCKING, INC., P.O. Box 5417, Lake Station, IN 46405. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Contract:* Irregular: *Thread, yarn, clothing components and accessories, including materials and supplies* used in the manufacture of such commodities, between all points in the United States in and east of MN, IA, MO, AR and LA. An underlying ETA seeks 120 days authority. Supporting shippers: Coats and Clark, Inc., 2915 Northeast Parkway, Doraville, GA 30360.

MC 146573 (Sub-4-1TA), filed February 2, 1981. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Ores, minerals, and metal products*, between points in the Chicago, IL commercial zone, on the one hand, and, on the other, points in the U.S. Restricted to the transportation of traffic originating at or terminating at the facilities of Alcan Ingot and Powders. Supporting shipper: Alcan Ingot and Powders, P.O. Box 920, Rt. 53 and Caton Farm Rd., Joliet, IL 60434.

MC 153861 (Sub-4-1TA), filed February 3, 1981. Applicant: ROGERS PETRO-CHEM, INC., R.R. 1, Grove City, MN 56243. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Hazardous waste materials* between all points in the United States. Supporting shippers: There are 6 supporting shippers.

MC 148380 (Sub-4-9TA), filed February 2, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Clay, concrete, glass or stone products and equipment, machinery and supplies* used in the manufacture and distribution thereof, between Pottawatomie County, OK, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX, under contract with National Tile Industries, Inc. An underlying ETA seeks 30-day authority. Supporting shipper: National Tile Industries, Inc., 706 West Independence, Shawnee, OK 74801.

MC 126904 (Sub-4-6 TA), filed February 3, 1981. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Pipe, pipe fittings and hydrants, and materials, equipment and supplies used or useful in the installation of pipe and hydrants* between Springfield and Litchfield, IL, and Booneville, MS on the one hand, and, on the other, points in the US (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper(s): Contractor Utility Sales Co., Marathon Pipe Co., 4755 Industrial Drive, Springfield, IL 62708; H & W Industries, Inc., 200 Park Place, Booneville, MS 38829.

MC 153829 (Sub-4-1 TA), filed February 2, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Cleaning compounds and related articles, and commodities used in the manufacture, distribution and sale thereof*, between the facilities of Economics Laboratory, Inc. at or near Joliet, IL, on the one hand, and, on the other, points in the United States. Supporting shipper: Economics Laboratory Inc., Osborn Bldg., St. Paul, MN.

MC 152439 (Sub-4-2 TA), filed February 2, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 S. Ashland Avenue, Chicago, IL 60609. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract;* irregular; *General commodities (except Classes A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission),* between points in the United States, except AK and HI for the account of W. W. Grainger, Inc. under continuing contract or contracts. The above authority is restricted to the movement of traffic originating at and/or destined to the facilities utilized by W. W. Grainger, Inc. Supporting shipper: W. W. Grainger, Inc., 5959 W. Howard St., Chicago, IL.

MC 144121 (Sub-4-9 TA), filed February 3, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Speigel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* irregular; *malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment* from Columbus, OH, Belleville, IL, and Frankenmuth, MI, to the St. Paul/Minneapolis, MN, Commercial Zone. Restricted to transportation to be performed under a continuing contract with Kuether Distributing Company. An underlying ETA seeks 120 days authority. Supporting shipper: Kuether Distributing Company, 112 19th Avenue, N.E., Minneapolis, MN 55418.

MC 143032 (Sub-4-5 TA), filed February 3, 1981. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *(1) Iron and steel articles, and (2) equipment, materials and supplies used in the manufacture and distribution of iron and steel articles,* between Wilton, IA, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: North Star Steel Company, 2901 Metro Drive, Minneapolis, MN 55420.

MC 111812 (Sub-4-28TA), filed February 3, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Such commodities as are dealt in or used by manufacturers of paper and paper products (except commodities in bulk),* between the facilities of Fort Howard Paper Co. located at Green Bay, WI and Muskogee, OK on the one hand, and, on the other, points in AZ, CA, FL, GA, ID, MT, NV, NC, OK, OR, SC, UT, WA and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Fort Howard Paper Company, 1919 South Broadway, Green Bay, WI 54305.

MC 146380 (Sub-4-1TA), filed February 3, 1981. Applicant: WILLIAM PIERCE, d.b.a. PIERCE TRUCKING, 205 First Street, Ludington, MI 49431. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *General commodities* (except household goods as defined by the Commission and class A and B explosives) (i) from Mason and Midland Counties, MI to various points in the United States and (ii) from various points in the United States to various points in Muskegon, Kent, Oceana, Manistee, Mason, Kalamazoo and Midland Counties, MI. Supporting shippers: There are seven (7) supporting shippers.

MC 145882 (Sub-4-4TA), filed February 2, 1981. Applicant: KUVASZOK TRANSPORT, INC., 1630 Rhonda Road, St. Joseph, MI 49085. Representative: Paul W. Fichtner, 1630 Rhonda Road, St. Joseph, MI 49085. *Residual Fuels* and *Crude Oil* from all points in MI to all points in IN North of Highway 30; and *Residual Fuels* from Fort Wayne, IN to St. Joseph, MI. Supporting shipper: Gladieux Refinery, 4133 New Haven Road, Fort Wayne, IN 46803.

MC 114632 (Sub-4-24TA), filed February 4, 1981. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (Same address as applicant). *Such commodities as are dealt in by food business houses, and materials, ingredients and supplies used in the manufacture and distribution of such commodities,* between points in the Cleveland, OH Commercial Zone, on the one hand, and, on the other, points in CT, DC, DE, IL, IN, IA, KS, KY, ME MD, MA, MI, MN, MO, NE, ND, NH, NJ, NY, PA, RI, SD, VT, VA, WV and WI. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Road, Solon, OH 44139.

MC 138432 (Sub-4-4TA), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Plastic materials and rubber articles; and materials, equipment, and supplies used in the manufacture, sale distribution, and assembly of plastic materials and rubber articles;* between points in the United States (except AK and HI). Supporting shipper: Brahler Tire Group, 6th and Laurel, Springfield, IL 62703.

MC 138432 (Sub-4-5TA), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Glass and glass articles; and material and supplies used in the manufacture, distribution and sale of glass and glass articles,* between McKean County, PA, and Logan County, IL, on the one hand, and, on the other, points in IL, IN, MI, MO, MN, NY, OH, and TN. Supporting shipper: Pierce Glass, 1 Glass Place, Port Allegany, PA 16743.

MC 138432 (Sub-4-6TA), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Charcoal briquettes, and materials, equipment and supplies used in the manufacture, sale and distribution of charcoal briquettes,* between points in the U.S. (except AK and HI). Supporting shipper: Cupples Company, Manufacturers, 1034 S. Brentwood, St. Louis, MO 63117.

MC 138432 (Sub-4-7TA), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Printed matter; and material, equipment and supplies used in the manufacture, sale and distribution of printed matter,* between points within the United States (except AK and HI). Restricted to shipments originating at or destined to the facilities of R. R. Donnelley & Sons Company. Supporting shipper: R. R. Donnelley & Sons Company, 2223 S. Martin Luther King Dr., Chicago, IL 60616.

MC 138432 (Sub-4-8TA), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Plastic articles, materials, equipment and supplies used in the manufacture and distribution of plastic articles (except in bulk),* between points within the U.S. (except AL and HI). Restricted to shipments originating at or destined to the facilities of Mobile Chemical Company. Supporting shipper: Mobile Chemical Company, Macedon, NY 14502.

MC 138432 (Sub-4-9TA), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Containers and container accessories; and materials, equipment and supplies used in the manufacture, sale and distribution of containers and container accessories (except in bulk),* between points within the U.S. (except AK and HI). Restricted to shipments originating at or destined to the facilities of Kerr Glass Manufacturing Corporation. Supporting Shipper: Kerr Glass Manufacturing Corporation, P.O. Box 97, Sand Springs, OK 74066.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 3062 (Sub-5-8TA), filed February 4, 1981. Applicant: INMAN FREIGHT SYSTEM, INC., 321 N. Spring Ave., Cape Girardeau, MO 63701. Representative: G. H. Boles (same address as applicant). *General commodities (except Classes A and B explosives)* between St. Louis, Mo, Evansville, IN, MT. Vernon, IL and points in Champaign, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Effingham, Fayette, Jasper, Lawrence, Logan, Macon, Marion, McLean, Morgan, Moultrie, Peoria, Piatt, Richland, Shelby, Tazewell and Wabash Counties, IL. Applicant intends to tack and interline supporting shippers: 17.

MC 30844 (Sub-5-48TA), filed February 4, 1981. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 East 67th Street, Tulsa, OK 74121. Representative: Robert Kroblin, P.O. Box 21222, Tulsa, OK 74121. *Coffee makers, Glassware, coffee filters and such materials and supplies as are used in the manufacture thereof.* Between Bedford Heights, OH on the one hand, and on the other, points in the U.S. Supporting Shipper: North American Systems, 24700 Miles Road, Bedford Heights, OH 44146.

MC 30844 (Sub-5-49TA), filed February 4, 1981. Applicant: KROBLIN REFRIGERATED XPRESS, INC. 4616 East 67th Street, Tulsa, OK 74121. Representative: Robert Kroblin, P.O. Box 21222, Tulsa, OK 74121. *Industrial chemicals, detergents, cleaning compounds and such materials and supplies as are used in the manufacture and distribution thereof (except hazardous waste).* Between Sumner and Waterloo, IA on the one hand, and on the other, points in the U.S. Supporting Shipper: Overton Chemical Sales, Inc., 701 North Railroad Street, Sumner, IA 50674.

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MC 35320 (Sub-5–46TA), filed February 4, 1981. Applicant: T.I.M.E.-DC, Inc. 2598 74th Street, P.O. Box 2550, Lubbock, TX. 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Cameron and Hidalgo Counties, TX. as off-route points in connection with carrier's otherwise authorized regular-route operations. Supporting shippers: 12.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 47583 (Sub-5–15TA), filed February 3, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *Mineral wool insulation and insulating products,* from Corbin, KY, to points in AR, IA, IL, LA, KS, MO, MN, NE, OK and TX. Supporting shipper: CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482.

MC 100666 (Sub-5–14TA), filed February 4, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). (1) *Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products (except commodities in bulk); and (2) Materials, equipment and supplies used in the manufacturing and distribution of the commodities described in part (1) above (except commodities in bulk),* (a) From Shreveport, LA; Laurinburg, NC; Oklahoma City, OK; Irving, TX; and San Antonio, TX to points in AL, AR, FL, GA, LA, MS, NC, NM, OK, SC, TN, TX, and VA, restricted to traffic having a prior movement by rail. Supporting shipper: International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611.

MC 105566 (Sub-5–18TA), filed February 4, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120 Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Metal Products and Hardware and materials, supplies and equipment used in the manufacture and distribution of such commodities,* between points in Berrien County, MI and points in the U.S. Supporting shipper: Shepherd Products U.S., Inc., 203 Kerth Street, St. Joseph, MI 49085.

MC 111401 (Sub-5–30TA), filed February 4, 1981. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Quick Lime, in bulk,* from Cleburne, TX to Brownsville, TX, in foreign commerce only. Supporting shipper: Texas Lime Co., P.O. Box 851, Cleburne, TX, 76031.

MC 113908 (Sub-5–29TA), filed February 3, 1981. Applicant: ERICKSON TRANSPORT CORP., 2255 N. Packer Road, P.O. Box 10068 G.S., Springfield, MO 65808. Representative: Jim G. Erickson (same address as applicant). *Chemicals or allied products* between (Muscle Shoals), Colbert County, AL; (Panama City), Bay County, FL; (Hillsdale), Rock Island County, IL; (Calvert City), Marshall County, KY; (Springhill), Webster County, LA; (Sterlington), Ouachita County, LA; (Midland), Midland County, MI; (Kearney), Hudson County, NJ; (Chattanooga), Hamilton County, TN; (Belle), Kanawha County, WV; (Follansbee), Brooke County, WV; (South Charleston), Kanawha County, WV; on the one hand, and, on the other, (Dallas), Dallas County, TX. Restricted to shipments originating at or destined to the facilities of Van Waters and Rogers. Supporting shipper: VAN WATERS AND ROGERS, 4707 Alpha Road, P.O. Box 34749, Dallas, TX 75234.

MC 124673 (Sub-5–8TA), filed February 4, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail P. Johnson (same as applicant). *Liquid fertilizer,* from points in KS to points in ID, WA, CA and OR. Supporting shipper: Ruffin, Inc., P.O. Box 940, Dodge City, KS 67801.

MC 129908 (Sub-5–44TA), filed February 4, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Electrical sound amplifying equipment, component parts and accessories and lumber and lumber products* between Oklahoma City, OK, Los Angeles, CA and Chicago, IL on the one hand, and on the other, points in the U.S. Supporting shipper: Altec. Corporation, 10500 W. Reno, Oklahoma City, OK 73128.

MC 133805 (Sub-5–36TA), filed February 4, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1-Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Wood, Wood Products and materials used in the manufacture thereof*—Between points in the U.S. (except AK and HI) Supporting shipper: Ampac Hardwoods, Inc., 7412 S.W. Beaverton Highway, Portland, OR 97225.

MC 133805 (Sub-5–37TA), filed February 4, 1981. Applicant: LONE STAR CARRIERS, INC., Route 1-Box 48, Tolar, TX 76476. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Malt Beverages and Empty Beverage Containers and Materials and Supplies used in and dealt with by breweries*—Between Jefferson County, CO, on the one hand, and, on the other, points in LA, MS, TN and TX. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 135797 (Sub-5–96TA), filed February 4, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (Address same as applicant). *Iron or steel or metal alloy castings,* between points in TX and LA on the one hand, and on the other, points in OK. Restricted against traffic moving on flatbed trailers. Supporting shipper: Demco, Inc., 845 S.E. 29th St., Oklahoma City, OK 73129.

MC 135797 (Sub-5–97TA), filed February 4, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130 Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (Address same as applicant). *Such commodities as are dealt in or used by oilfield supply houses,* between points in OK on the one hand, and on the other, points in the US (except AK and HI). Restricted against traffic moving on flatbed trailers. Supporting shipper: Republic Supply Co., 135 Couch Drive, Oklahoma City, OK 73101.

MC 140655 (Sub-5–60TA), filed February 4, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. *Potato Products,* from Clark, SD to points in and east of SD, NE, KS, OK and TX. Supporting shipper: Chef-Reddy Food Corporation-Midwest, P.O. Box 100, Clark, SD 57225.

MC 141039 (Sub-5–1TA), filed February 3, 1981. Applicant: HARRY DAVIDSON, d.b.a. DAVIDSON TRUCKING, Hwy 59 South, Siloam Springs, AR 72761. Representative: Harry Davidson (same as above). Contract, Irregular, *Cement in bulk, in tank trailers,* from Fredonia, KS, Chanute, KS, Tulsa, OK, Pryor, OK To Fayetteville, AR. Supporting shipper: Tune Concrete Products, Inc., 700 W. North St., P.O. Box 1826, Fayetteville, AR 72701.

MC 141039 (Sub-5–2TA), filed February 3, 1981. Applicant: HARRY DAVIDSON, d.b.a. DAVIDSON TRUCKING, Hwy 59 South, Siloam Springs, AR 72761. Representative: Harry Davidson (same as above). Contract, Irregular, *Cement in bulk, in tank trailers,* between Chanute, KS and Siloam Springs, AR. Supporting shipper: Siloam Springs Ready Mix; P.O. Box 582, Siloam Springs, AR 72761.

MC 145797 (Sub-5–2TA), filed February 3, 1981. Applicant: NANCY TRANSPORTATION, 429 Stablestone Drive, Chesterfield, Mo 63017. Representative: R. Thomas Grasso, 429 Stablestone Drive, Chesterfield, MO 63017. *Foodstuffs (except in bulk, in tank vehicles)* from Jacksonville, IL to points in the states of CT, MD, MA, NJ, NY and PA. Supporting shipper: Anderson Clayton Foods, P.O. Box 226265, Dallas, TX 75266.

MC 145797 (Sub-5–3TA), filed February 3, 1981. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: R. Thomas Grasso, 429 Stablestone Drive, Chesterfield, MO 63017. *Foodstuffs, candy and confectionery* from the states of NJ, NY and PA to points in the states of IL and MO. Supporting shipper: ABE Specialty Food, Inc., 5531 Phantom Drive, Hazelwood, MO 63042.

MC 146055 (Sub-5–12TA), filed February 3, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats, and packinghouse products,* from the facilities of Dubuque Packing Co., Denison, IA to points in the U.S. in and west of MT, WY, CO, and NM. Supporting shipper: Dubuque Packing Co., P.O. Box 610, Denison, IA 51442.

MC 148447 (Sub-5–4TA), filed February 3, 1981. Applicant: LCBS TRUCKING ENTERPRISES, 329 Ouida Street, Irving, TX 75061. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Plastic Articles (other than in bulk)* from facilities of D & D Container Corporation, Grand Prairie, TX to AR, LA, MN, OK and IL. Supporting shipper: D & D Container Corporation, 1031 Avenue M, Grand Prairie, TX 75050.

MC 149026 (Sub-5–24TA), filed February 4, 1981. Applicant: TRANS-STATES LINES, INC., Post Office Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (address same as applicant). *(1) Heating and air conditioning equipment (2) temperature control devices and (3) machinery, and material, equipment and supplies used in the assembly, manufacture and distribution of (1), (2), and (3) above,* Between Fort Smith, AR; Jonesville, MI and Jackson, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Heat Controller, Inc., 1900 Wellworth, Jackson, MI 49203.

MC 150578 (Sub-5–25TA), filed February 4, 1981. Applicant: STEVENS TRANSPORT, a Division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey, 2944 Motley Drive, Suite 302, Mesquite, TX 75150. *Nonexempt food or kindred products* from the facilities of Heinz USA located at or near Pittsburgh, PA to points in TX. Restricted to traffic originating at the named facility and destined to the named state. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 152599 (Sub-5–2TA), filed February 3, 1981. Applicant: SOUTHERN CARRIERS, INC., P.O. Box 631, Galena Park, TX 77547. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), in Containers, having a prior or subsequent movement by water or rail* between Denton, Graham and Greenville, TX on the one hand, and, on the other, Galveston and Harris Counties, TX. Supporting shippers: I.C.E. Company, Inc., P.O. Box 61583, DFW Airport, TX 75261; Fred Hall & Associates, P.O. Box 58725, Dallas, TX; Harper Robinson, 1012 South Main St., Grapevine, TX; Expeditors International, P.O. Box 61629, DFW Airport, TX.

MC 152649 (Sub-5–2TA), filed February 4, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Avenue, Drawer E, Reserve, LA 70084. Representative: Harry M. England, West 10th Avenue, Drawer E, Reserve, LA 70084. Contract; Irregular. *Non-alcoholic beverages and materials, equipment and supplies used in manufacture, distribution or sale of non-alcoholic beverages* between Reserve, LA on the one hand, and, on the other points in AL, AR, FL, LA, MS, TN, TX and GA. Supporting shipper: Coastal Canning Enterprises, Inc., West 10th Avenue, Reserve, LA 70084.

MC 152649 (Sub-5–3TA), filed February 4, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Avenue, Drawer E, Reserve, LA 70084. Representative: Harry M. England, West 10th Avenue, Drawer E, Reserve, LA 70084. Contract; Irregular. *Such commodities as are manufactured by, dealt in, or used by manufacturers and distributors of containers, paper and plastic products,* between Reserve, LA on the one hand, and, on the other, points in AL, AR, FL, LA, MS, TN, TX and GA. Supporting shipper: American Can Company, Attention R. E. Begler, American Lane, Greenwich, CT 06830.

MC 153483 (Sub-5–1TA), filed February 3, 1981. Applicant: ANTWEILER TRUCKING COMPANY INC., Star Route, Montgomery City, MO 63361. Representative: William L. Antweiler, Star Route, Montgomery City, MO 63361. *General Commodities,* between Mexico MO, Des Moines IA, Indianapolis IN, Columbus OH, Decatur IL, Memphis TN, Bloomington MN, Omaha NE, Houston TX, and Kansas City KS. Restricted to traffic moving for the account of Griffin Corporation. Supporting shipper: Griffin Corporation, 2201 Lakeview Rd., Mexico, MO 65265.

MC 153763 (Sub-5–1TA), filed February 3, 1981. Applicant: GARY NIPPERT TRUCKING, INC., 114 Duffer, Mangum, OK 73554. Representative: James W. Hightower, Hightower, Alexander and Cook, P.C., 5801 Marvin D. Love Freeway #301, Dallas, TX 75237. (1) *Bulk Asphalt,* Between Harris County, TX and Greer County, OK; and (2) *Iron and Steel Articles and materials, supplies and equipment used in manufacture, processing, sales and distribution thereof,* Between Greer County, OK on the one hand, and, on the other hand, points in TX, OK and KS. Supporting shipper: ARMCO Inc., 703 Curtis Street, Middletown, OH 45053.

MC 153838 (Sub-5–1TA), filed February 4, 1981. Applicant: VALLEY TRANSPORT, INC., 1810 East Highway 30, Lexington, NE 68850. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. (1) *Livestock handling and feeding equipment, livestock enclosures and fabricated metal products,* from Lexington, NE to points in the U.S.; (2) *Materials, supplies and equipment utilized in the manufacture, sale and distribution of commodities named in* (1) above, from points in the U.S. to Lexington, NE; and (3) *Lumber, lumber products and forest products,* from points in AL, AR, AZ, CA, CO, GA, ID, KY, LA, MS, MT, NV, ND, NM, OK, OR, SD, TN, TX, UT, WA and WY to points in NE on and west of U.S. Highway 81. Supporting shippers: 8.

MC 153874 (Sub-5–1TA), filed February 3, 1981. Applicant: A H R TRUCKING & STORAGE, INC., 2200 8th Avenue, Ft. Worth, TX 76109. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX

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75062. Contract: Irregular, *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between Dallas, TX; Ft. Worth, TX on the one hand, and, on the other, Johnson and Hill County, TX. Under contract with Springmeier Shipping Company. Supporting shipper: Springmeier Shipping Company, 525 S. Hawkins St., Dallas, TX 75226.

MC 153886 (Sub-5-1TA), filed February 4, 1981. Applicant: GEORGE N. THARPE TRUCKING CO., P.O. Box 285, Sibley, LA 71073. Representative: George N. Tharpe Trucking Co., P.O. Box 285, Sibley, LA 71073. *Batteries, Battery Parts, Block and Revert Lead and Revert Slag (except liquid commodities in bulk) and (2) Electric Storage Batteries and Parts, and (3) Spent Batteries,* between the facilities of Dixie Metal Plant, Heflin, LA, on the one hand, and, on the other, points in AR, IL, MO, TN, and TX. Supporting shipper: Dixie Metal Company, P.O. Box 8, Heflin, LA 71039.

MC 35320 (Sub-5-47), filed February 5, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Sedgwick County, KS as an off-route point in connection with carrier's otherwise authorized regular route operation. Supporting shippers: 8.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 35320 (Sub-5-48), filed February 6, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Hyannis, MA and its commercial zone as an off-route point in connection with carrier's otherwise authorized regular route operations. Supporting shipper: Rexene Polyolefins, Paramus, NJ. T.I.M.E.-DC, Inc.'s Environmental Protection Agency Number is TXD007934193.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 52460 (Sub-5-28 TA), filed February 5, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *General Commodities (except household goods, as defined by the Commission and Classes A and B Explosives)* between points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities used by National Services Industries, Inc. Supporting shipper: National Services Industries, Inc., Lithona Lighting Div., Box A, Conyers, GA 30207.

MC 111401 (Sub-5-31 TA), filed February 6, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant) *Sulfuric acid, in bulk,* from Playas, NM to Amarillo, Amherst, Borger, Lubbock, Sunray and Denver City, TX. Supporting shipper: McKesson Chemical Company, Division of Foremost-McKesson, Inc., P.O. Box 9001, Amarillo, TX 79105.

MC 114273 (Sub-5-41 TA), filed February 6, 1981. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Corporate Counsel (same as above). *Chemicals, metals and plastics (except commodities in bulk, in tank vehicles)* between pts in the U.S. Restricted to traffic originating at or destined to the facilities of Dow Chemical USA—Texas Div. Supporting shipper(s): Dow Chemical USA—Texas Div., Freeport, TX 77541.

MC 117119 (Sub-5-51 TA), filed February 6, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 11, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Printed matter and by-products thereof, and materials, supplies, and equipment used in the manufacture of printed matter,* between the facilities of R. R. Donnelley & Sons Company at Chicago, Dwight, and Mattoon, IL; Plymouth, Warsaw and Crawfordsville, IN; Willard, OH; Glasgow, KY; Gallatin, TN; Spartanburg, SC; Harrisonburg, VA; Lancaster, PA; Old Saybrook, CT; and Los Angeles, CA, on the one hand, and, on the other hand, points in the U.S. (except AK and HI). Supporting shipper(s): R. R. Donnelley & Sons Company, 2223 South King Drive, Chicago, IL 60616.

MC 117686 (Sub-5-6), filed February 5, 1981. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 West 21st Street, P.O. Box 155, South Sioux City, NE 68776. Representative: George L. Hirschbach, 920 West 21st Street, P.O. Box 155, South Sioux City, NE 68776. (1) *malt beverages and related advertising materials,* and (2) *Empty used beverage containers and materials and supplies used in and dealt with by breweries,* (1) from Jefferson County, CO to LA and MS, and (2) from LA and MS to Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 119988 (Sub-5-34TA), filed February 6, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Steve E. Beck, Traffic Analyst, P.O. Box 1384, Lufkin, TX 75901. *Such commodities as are dealt in or used by wholesale, retail discount, variety and department stores. Between points in AR, KS, MO, OK, TN, and TX on the one hand, and, on the other points in the U.S. Supporting shipper(s): Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.*

MC 120761 (Sub-5-4TA), filed February 5, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, TX 76117. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. (1) *Machinery, equipment, materials, and supplies, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products by by-products;* (2) *Machinery, equipment, materials and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof;* (3) *Commodities because of size and weight require the use of specialized equipment;* and (4) *Commodities used in, or in connection with earth drilling operations.* Between points in the U.S. (except AK and HI). Restriction: Restricted to shipments moving to or from the facilities of the Halliburton Company. Supporting shipper: Halliburton Company, P.O. Drawer 1431, Duncan, OK 73536.

MC 123476 (Sub-5-7), filed February 5, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *1. Gloves and disposable clothing and 2. Materials, equipment and supplies used in the manufacture of items named in 1. above,* between points in AL, AR, GA, IN, KY, LA, MS, NC, OH, SC, TN, TX, and VA. Supporting shipper: Edmont, Inc., Rt. 1, Box E-W, Haynesville, LA 71038.

MC 134467 (Sub-5-16TA), filed February 6, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *(1) Emulsified petroleum parafin wax and chemicals (except in bulk), and (2) Materials, equipment and supplies used in the application of the commodities named in Item (1) above (except in bulk),* from Cincinnati, OH and points in its commercial zone, to points in the U.S. Supporting shipper: Michelman Chemicals, Inc., 9089 Shell Road, Cincinnati, OH 45236.

MC 135070 (Sub-5-35TA), filed February 5, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Food and related products,* from points in CA, CO, FL, NE, TX, and WA, to points in AZ, CA, CO, FL, GA, ID, IL, MI, MN, MT, NE, NJ, NM, OH, OR, PA, SD, TX, UT, and WA, restricted to traffic originating at or destined to the facilities of Beatrice Foods Co., its divisions and subsidiaries. Supporting shipper: Beatrice Foods Co., 4287 So. Eldridge, Morrison, CO 80465.

MC 135283 (Sub-5-10TA), filed February 5, 1981. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Road, P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Fertilizer and fertilizer materials (except in bulk)* from the facilities of USS Agri-Chemicals, Div. of U.S. Steel Corp., at Chicago Heights, IL, to points in KS and NE. Supporting shipper: USS Agri-Chemicals Div. of U.S. Steel Corp., 233 Peachtree Street, N.E., Atlanta, GA 30303.

MC 138104 (Sub-5-7TA), filed February 5, 1981). Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Iron and steel articles and pipe* between Abilene, Fort Worth, Midland and Wichita Falls, TX and Fort Morgan, CO, on the one hand, and, on the other, points in AR, CA, CO, KS, LA, MT, ND, NE, NM, OK, SD, TX, UT and WY, restricted to shipments originating at or destined to facilities of Fort Worth Pipe & Supply. Supporting shipper: Fort Worth Pipe & Supply, 3128 Bolt Street, P.O. Box 2108, Fort Worth, TX 76101.

MC 148143 (Sub-5-1TA), filed February 6, 1981). Applicant: MID-AMERICA FARM LINES, INC., P.O. Box 1837 S.S.S., Springfield, MO 65805. Representative: John Ringenberg, P.O. Box 1837 S.S.S., Springfield, MO 64805. *General commodities (except household goods and classes A and B explosives)* between points in the U.S. restricted to the account of United Freight, Inc. Supporting shipper: United Freight, Inc. Morrow, CA 30260.

MC 148284 (Sub-5-2TA), filed February 6, 1981). Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., Post Office Box 309, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Such commodities as are manufactured, processed, sold, used, distributed and dealt in by Fort Howard Paper Company—(except commodities in bulk)*—Between Green Bay, WI and Muskogee, OK, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, KS, LA, MT, NM, NV, OK, OR, TX, UT, WA, WI and WY. Supporting shipper: Fort Howard Paper Company, Post Office Box 130, Green Bay, WI 54305.

MC 148319 (Sub-5-3TA), filed February 5, 1981). Applicant: ELLIS B. STOFLE, d.b.a. STOFLE TRUCKING, P.O. Box 42, Tioga, TX 76271. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Alcoholic beverages,* from Landsdowne, MD to points in TX and LA. Supporting shipper: Glazer's Wholesale Drug Co., Inc., P.O. Box 1768, Dallas, TX 75221.

MC 149333 (Sub-5-2TA), filed February 6, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251 Kansas City, MO, 64141. *Plastic Products and materials, supplies and equipment used in the manufacture of such items,* between the Commercial Zone of Kansas City, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Sunset Plastic, Inc., 11800 West 85th, Lenexa, KS 66215.

MC 150102 (Sub-5-7TA), filed February 4, 1981. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue Corton, Slidell, LA 70458. Representative: Albert T. Riddle (same as above) Contract—Irregular. *Chemcials, Cleaning Compounds, Washing Compounds and Related Articles,* between the Dallas, Fort Worth commercial zone and all pts in the states of LA, MS and AR. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, MN 55102.

MC 150578 (Sub-5-28TA), filed February 6, 1981. Applicant: STEVENS TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX. 75150. Representative: E. Lewis Coffey, 2944 Motley Drive, Suite 302, Mesquite, TX 75150. *Meat, meat products, and meat by-products* between pts in the U.S. (except AK and HI). Supporting shippers: 4.

MC 150783 (Sub-5-31TA), filed February 6, 1981. Applicant: SCHEDULED TRUCKWAYS, INC, Post Office Box 757, Rogers, AR 72756. Representative: Ronnie D. Sleeth (same as above). *1. Such commodities as are dealt in or used by manufacturers and distributors of chicken meat, poultry by-products and 2. Commodities otherwise exempt from economic regulations and pursuant to 49 U.S.C. 10526 (a)(6) in mixed loads with the commodities in (1) above.* Between points in the United States (except AK and HI) on the one hand and on the other the facilities of Triple T Foods Inc. located in Rogers, AR. Supporting shipper: Triple T Foods Inc., 2200 Townwest Dr., Rogers, AR 72756.

MC 151644 (Sub-5-3TA), filed February 6, 1981. Applicant: WILDCAT TRUCKING COMPANY, 6810 Dollarway Road, Pine Bluff, AR 71602. Representative: M. Douglas Wood, Attorney at Law, 2500 McCain Blvd., Suite 103, North Little Rock, AR 72116, (501) 758-1058. *Electric transformers,* between Jefferson County, points in U.S. (except AK and HI). Supporting shipper: Central Maloney Transformer Division, 2400 W. 6th Street, Pine Bluff, AR 71601. Hearing site: Little Rock, Arkansas; Dallas, Texas.

MC 151866 (Sub-5-2TA), filed February 6, 1981. Applicant: R. L. JONES & SONS, INC., 4900 E. 12th Street, Kansas City, MO 64127. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 E. Franklin, Liberty, MO 64068. Contract irregular *(1) Floor covering products, and (2) Products used in the manufacture, sale, distribution and installation of (1) above,* between points in the U.S. Supporting shipper: 5.

MC 153207 (Sub-5-2TA), filed February 6, 1981. Applicant: NEBRASKA CARRIERS, INC., RR 2, Box 123-C, Grand Island, NE 68801. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. *Iron and steel articles* from Norfolk, NE and points in its commercial zone to points in WA, OR, CA, NV, AZ, NM, ID, MT, WY, CO, TX and UT. Supporting shipper: Nucor Steel Corp., P.O. Box 309, Norfolk, NE 68701.

MC 153830 (Sub-5-3TA), filed February 6, 1981. Applicant: LORI-MATT CARRIERS, INC., 8803 Meadows Parkway, Omaha, NE 68138. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract: Irregular. *Equipment, machinery, and component parts, and materials and supplies necessary for the*

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manufacture thereof between all points in the United States Supporting shipper: Sperry Vickers, 6600 North 72 Street, Omaha, NE.

MC 153910 (Sub-5–1TA), filed February 5, 1981. Applicant: L & B TRUCKING CORPORATION, Johnson Street Road, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *General Commodities (except Class A and B explosives)*, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Morse Rubber, Div. of Borg Warner and Sheller Globe Corp., Keokuk Div. Supporting shippers: Morse Rubber, Div. of Borg Warner; Main Street Road; Keokuk, IA 52632 and Sheller Globe Corp., Keokuk Div.; 3200 Main Street, Keokuk, IA 52632.

MC 153930 (Sub-5–1TA), filed February 6, 1981. Applicant: BILLY SIMS TRANSPORTATION, 1232 McDaniel Drive North, Shreveport, LA 71107. Representative: Same as above. Contract: Irregular. *Petroleum products in bulk in tank vehicles*, from Shreveport, LA and Greenville, MS to points in TX, AR, MS, AL, TN, and GA, from Moundsville, AL to Shreveport, LA. Supporting shipper: Atlas Processing Company, P.O. Box 3099, Shreveport, LA 71103.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, MOTOR Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 64499 (Sub-6–1TA), filed February 3, 1981. Applicant: AMERICAN PACIFIC STAGE COMPANY, 11910 Greenstone, Santa Fe Springs, CA 90670. Representative: Robert N. Cleaves, 4676 Admiralty Way, Suite 801, Marina del Rey, CA 90291. *Contract carrier*, irregular routes: *Passengers and their baggage* in the same vehicle with passengers or in separate vehicles, between points in CA in the countis of San Francisco, Alameda, Contra Costa, Marin and Sonoma, on the one hand, and points in the US (except AK & HI) on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional office listed.

MC 153895 (Sub-6–1TA), filed February 3, 1981. Applicant: KENT V. COBB, P.O.B. 14514, Portland, OR 97214. Representative: Kent V. Cobb, (same as applicant). (1) *Roofing Products, Roofing Tools & Equipment*, from the facilities of Berkheimers Inc. at Portland and Salem OR, and Seattle WA to points in WA and OR—from points in CA to Berkheimers Inc. facilities in WA and OR. (2) *Lumber & Particle Board*, between points in WA and OR, for 270 days. Supporting shippers: Berkheimers Inc., 9111 N. Denver Ave., Portland OR 97217; McPherson Lumber Sales Inc., 7220 N. Burlington Ave., Portland OR 97203.

MC 42487 (Sub-6–54TA), filed February 4, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025 Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Common carrier*, regular routes: *General commodities, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving points in Vernon County, WI, as off-route points, in connection with carrier's existing regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future, to permit service to and from points throughout the U.S. Applicant proposes to interline with its present connecting carriers. Supporting shippers(s): Dairyland Power Cooperative, 2615 East Ave. S., LaCrosse, WI 54601; Nelson Muffler, P.O. Box 428, Stoughton, WI 53589; Nelson Agri Center, 217 N. Center, Veroqua, WI 54665; Tri State Breeders Cooperative, Rt. 2, Westby WI 54667.

MC 42487 (Sub-6–55TA), filed February 4, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Common carrier*, regular routes: *General commodities, (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading)*, serving the facilities of Coast to Coast Stores, Inc., at or near Crawfordsville, IN as an off-route point in connection with carrier's existing regular route oprations, for 270 days. Supporting shipper(s): Coast to Coast Stores, Inc., 10801 Red Circle Drive, Minnetonka, MN 55343.

Note.—Applicant intend to tack to its exiting authority to permit service to and from points throughout the U.S.

Note.—Applicant proposes to interline traffic with its present connecting carriers.

MC 42487 (Sub 6–56TA), filed February 4, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, Or 97208. *Common carrier*, regular routes: *General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading)*, serving the facilities of Martin Marietta Cement (under construction) near Leamington, UT, as an off-route point in connection with carrier's existing regular route operations for 270 days. Supporting Shipper(s): S & W Construction Company of Tennessee, Inc., 42 South 500 East, Salt Lake City, UT 84110.

Note.—Applicant intends to tack its existing authority to permit service to and from points throughout the U.S. Applicant proposes to interline traffic with its present connecting carriers.

MC 148158 (Sub 6–13TA), filed February 3, 1981. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M St., NW., Washington, DC 20036. *Contract*, Irregular; *General Commodities (except Classes A and B explosives)* between IL, IN, OH, on the one hand, and, on the other, all points in the US, under continuing contract with Trans-Am Shippers Cooperative Association, Inc., of Chicago, IL, for 270 days. Supporting Shipper: Trans-Am Shippers Cooperative Association, Inc., 3750 W. 47th St., Chicago, IL 60632.

MC 153881 (Sub 6–1TA), filed February 2, 1981. Applicant: MAURICE FOYE, d.b.a. FOYE TRUCKING, 17142 Eureka St., Victorville, CA 92392. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier*, Irregular routes: *Ulexite and Ulvite-7*, from Dunn, CA. to N. Las Vegas, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Celu-Chem, Inc., 1208 Wagner, N. Las Vegas, NV 98030.

MC 141460 (Sub 6–1TA), filed February 3, 1981. Applicant: THE GRAY LINE TOURS COMPANY, 1207 W. Third St., Los Angeles, CA 90017. Representative: Warren N. Grossman 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Passengers and their baggage* in the same vehicle with passengers, between points in round-trip, special-event (sightseeing) operations beginning and ending at points in Clark, Douglas, Storey, Washoe Counties, NV and extending to points in Los Angeles, Orange and San Diego Counties, CA for 180 days. Supporting Shippers: All State Tours, Inc., 911 E. tropicana, Las Vegas, NV 89109; Escape Travel Tour Service, Inc., 557 E. Sahara Ave., Las Vegas, NV 89104.

MC 153898 (Sub 6–1TA), filed February 4, 1981. Applicant: H & B TRUCKING, INC., P.O. Box 25723, Salt Lake City, UT 84125. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract Carrier*, Irregular Routes: (1) *Lumber and wood products* (2) *building materials* (3) *petroleum products* and (4) *commodities dealt in by hardware stores*, (a) from Minneapolis, MN, Denver, CO, Portland, OR, Las Vegas, NV and CA to Salt Lake County, UT; and (b) from Salt Lake County, UT to Elko and Reno, NV, Boise, Idaho Falls, and Pocatello, ID and Rock Springs, WY, for 270 days. Supporting Shipper: Harrington & Company, 760 West Layton Av., Salt Lake City, UT.

MC 153894 (Sub-6–1TA), filed February 4, 1981. Applicant: JOYCE STRAIT MITCHELL d.b.a. JOYCE STRAIT MITCHELL TRUCKING CO., 2040 Rancho Dr., Riverside, CA 92507. Representative: W. G. Reese III, 315 W. Victoria, Gardenia, CA 90248. *Such commodities as are dealt in or used by manufacturers of electrical equipment, electrical products, energy systems, and plastic items*. Except commodities in bulk. Between points and places in continental U.S. restricted to traffic originating or destined for the facilities of the General Electric Company for 270 days. Supporting shipper: General Electric Company, 1285 Boston Ave., Bridgeport, CT 06602.

MC 144572 (Sub-6–10TA), filed February 4, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632.Representative: Steven K. Kuhlmann, 717—17th St., Suite 2600, Denver, CO 80202. *Floor coverings*, from Baltimore, MD and its commerical zone to Denver, CO and Cheyenne, WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Price Business Interiors, Inc., 755 S. Federal Blvd., Denver, CO 80129.

MC 153897 (Sub-6–1TA), filed February 4, 1981. Applicant: MONTEZUMA WEST, INC., 11884 Ehlen Rd., NE, Aurora, OR 97002. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. *Contract carrier*, irregular routes: (1) *lumber and wood products* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1), between points in the U.S., under continuing contract(s) with Navajo Forest Products Industries, Navajo, NM, for 270 days. Supporting shipper: Navajo Forest Products Industries, P.O. Box 1280, Navajo, NM 87328.

MC 153896 (Sub-6–1TA), filed February 4, 1981. Applicant: LONNIE POWELL d.b.a. PACIFIC TANK LINES, 825 W. Olympic Blvd., Montebello, CA 90640. Representative: Lonnie Powell (same as applicant). *Polymeric Isocyanates, Polyol Resins and Water Treatment Compounds* in bulk in tank trucks and trailers, from Los Angeles, CA and its Commercial Zone to points in AZ, ID, NV, OR, UT and WA, for 270 days. Supporting shipper: CPR Division, The Upjohn Company, 555 Alaska Ave., Torrance, CA 90503.

MC 72423 (Sub-6–1TA), filed February 3, 1981. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., P.O. Box 1007, Sterling, CO 80751. Representative: Raymond M. Kelley, Suite 450, Capitol Life center, Denver, CO 80203. *Common carrier*, regular route: *General Commodities (except Classes A & B explosives, household goods and commodities in bulk)*; Between Holyoke, CO, and McCook, NE, over U.S. Hwy 6, and return serving all intermediate points and the commercial zones of points for 270 days. Applicant intends to tack with other authority held by it and to interline. Supporting shippers: There are 15 shippers. Their statements may be examined at the Regional Office listed.

MC 145531 (Sub-6–1TA), filed February 4, 1981. Applicant: RAPID TRANSFER, INC., 3219 Airport Way South, Seattle, WA 98134. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. *General commodities* (except Class A & B explosives) between points in WA, ID, OR, CA, MT, UT, NV, and AZ for 270 days. Supporting shippers: Puget Sound Traffic Association, P.O. B. 68927, Seattle, WA 98188; Lykes Bros. Steamship Co., 2607 Second Ave., Seattle, WA 98121; United-Maritime Agents, Inc., Fourth & Battery Bldg., Suite 900, Seattle, WA 98121; George S. Bush & Co., Inc., 259 Colman Bldg., Seattle, WA 98104.

MC 113658 (Sub-6–5TA), filed February 3, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Richard J. Loose (same as applicant). *Malt beverages and related advertising materials* from Jefferson County, CO to points in TN, LA and MS; and, *empty used beverage containers and materials* used in and dealt with by breweries from TN, LA and MS, to Jefferson County, CO, for 270 days. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 153899 (Sub-6–1TA), filed February 4, 1981. Applicant: ST FREIGHT SYSTEMS, 14th Floor, One California St., San Francisco, CA 94111. Representative: Charles A. Webb, Suite 1111, 1828 L Street, N.W., Washington, DC 20036. *Contract Carrier*, Irregular routes: transporting *general commodities* except used household goods, vehicles, class A and B explosives, commodities in bulk, commodities requiring specialized equipment, cement, logs, and commodities of unusal or extraordinary value between all points in the United States for 270 days. For the account of Cost Plus, Inc. Supporting shipper: Cost Plus, Inc., 2598 Taylor Street, San Francisco, CA 94133.

MC 153904 (Sub-6–1TA), filed February 4, 1981. Applicant: WESTSIDE CHARTER SERVICE, INC., 120 W. McWilliams St., Las Vegas, NV 89106. Representative: Art Chapman, 3505 W. Washington Ave., Las Vegas, NV 89107. *Passengers and their baggage* in Special and Charter Operations, from Clark County, NV, on the one hand, and on the other hand to points and places in CA, AZ, UT, and return for 180 days. Supporting shippers: There are seven supporting shippers, their statements may be examined at the Regional Office listed.

MC 143154 (Sub-6–4TA), filed February 2, 1981. Applicant: A & S TRUCKING, P.O.B. 20214, Missoula, MT 59801. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101. *Such items as are dealt in by wholesale and retail grocery outlets* between points in MT, ID, and WY on the one hand and points in WA, OR, CA, UT, CO, TX, NM, IN, MN, ID, WY, and MD on the other, for 270 days. Supporting shippers: There are nine shippers. Their statements may be examined at the Regional office listed.

MC 115931 (Sub-6–5TA), filed February 2, 1981. Applicant: BEE LINE TRANSPORTATION, INC., POB 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, POB 2471, Fargo, ND 58108. *Grain storage bins*, from Marengo, IL to points in CO, ID, MT, ND, NE, OR, SD, WA and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chicago Eastern Corp., 200 N. Prospect St., Marengo, IL 60152.

MC 153311 (Sub-6–1TA), filed February 2, 1981. Applicant: C & D TRANSPORT, INC., P.O. Box 687, Fruitland, ID. Representative: George Christoffersen, P.O. Box 416, Homedale, ID 83628. (1) *Wood moulding, plastic*

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moulding and lumber products, from Owyhee, Canyon, Ada, Gem, Boise and Payette Counties, ID to points in continental U.S. for 270 days. Supporting shippers: Dame Lumber & Mouldings, Inc., P.O. Box 369 Fruitland, ID 83619; Hoff Forest Products, Inc., Box 185 Homedale, ID 83628; Teton Sales Company, 109 N. Kimball, Suite 3, Caldwell, ID 83605.

MC 152534 (Sub-6–3TA), filed February 3, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (Same as applicant). *Contract carrier*, irregular routes: *Non-fabricated metal products*, between points in CA and UT, restricted to shipments moving under continuing contract(s) with K & H Steel & Tube, Salt Lake City, Utah, for 270 days. Supporting shipper: K & H Enterprises d.b.a. K & H Steel & Tube, 4035 So. 500 W., Salt Lake City, UT 84107.

MC 69062 (Sub-6–1TA), filed February 2, 1981. Applicant: TRAMMELL CROW DISTRIBUTION CORPORATION, Bldg. F–10, Freeport Center, Clearfield, UT 84016. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Contract carrier*, irregular routes: (1) *Appliances;* and (2) *parts, materials, supplies and equipment used in the distribution or repair of appliances*, from the facilities of Whirlpool Corporation at Clearfield, UT, to all points AZ, CA, NV, OR and WA, for the account of Whirlpool Corporation, for 270 days per Ex Parte MC–67 (Sub-9). Supporting shipper: Whirlpool Corporation, 2000 U.S. 33, North, Benton Harbor, MI 49022.

MC 153802 (Sub-6–1TA), filed February 2, 1981. Applicant: WILLIAM A. FARRIMOND TRUCKING, 9207 163rd Ave., SE., Snohomish, WA 98290. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract carrier*, irregular routes: *Building products, shakes, shingles, ridgetrim, rough and dimensional lumber*, between points in WA, OR and CA for account P.S.F. Industries, Saroyan Lumber, Shuksan Timber, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: P.S.F. Industries, 5330 Primrose Dr. #147, Fair Oaks, CA 95628; Saroyan Lumber Co., 3000 Exposition Blvd., Los Angeles, CA 90018; Shuksan Timber Products, Inc., P.O.B. 426/20715 Armar Road, Arlington, WA 98223.

MC 151905 (Sub-6–2TA), filed January 30, 1981. Applicant: FREHNER WHOLESALE, 1208 Taylor, Las Vegas, NV. 89030. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV. 89701. (1) *Lumber and wood products and building materials*, from points in CA., or OR. and AZ. to Clark County, NV., and (2) *Iron and steel products*, between points in CA., AZ., UT. and NV., for 270 days. Supporting shipper: There are five Supporting Shippers. Their statements may be examined at the Regional office listed.

MC 139588 (Sub-6–1TA), filed January 30, 1981. Applicant: GRANDVIEW ENTERPRISES, INC., 8265 North Borthwick Ave., Portland, OR 97217. Representative: Stuart Thompson (same as applicant). *Contract Carrier*, Irregular routes: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Portland, OR, and its commercial zone and points in the U.S. excluding AK and HI, for the account of Western States Shipper's Association, Inc., for 270 days. Supporting shipper: Western Shipper's Association, Inc., 4940 N.E. 122nd Ave., Portland, OR 97230.

MC 128917 (Sub-6–3TA), filed January 30, 1981. Applicant: HANDY TRUCK LINE, INC., P.O.B. 148, Heyburn, ID 83336. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Cement, lime and pozzolana*, from Pocatello or Inkom, ID to points in UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Oregon-Portland Cement Co., 111 SE Madison St., Portland, OR 97214.

MC 119639 (Sub-6–4TA), filed December 17, 1981. Applicant: INCO EXPRESS, INC., 3600 So. 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle WA 98101. *Paper, paper products, and printed forms*, between points in CA, OR, and WA for 270 days. Supporting shipper: Uarco, Inc., 990 Palmyrita, Riverside, CA 92507.

MC 139906 (Sub-6–53TA), filed February 3, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. (1) *Machinery, hardware, bearings; and* (2) *parts, materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in* (1) *above* (except in bulk) between points in the U.S., restricted to traffic originating at or destined to the facilities of Ingersoll-Rand Company, its divisions and subsidiaries for 270 days. Supporting shipper: Ingersoll-Rand, 277 Park Ave., New York, NY 10017.

MC 147712 (Sub-6–20TA), filed January 30, 1981. Applicant: MID–WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same as applicant). *Plastic and synthetic materials*, between points in the United States for 270 days. Supporting shipper: Shannon Industrial Corporation, 2020 Algonquin Road, Schaumburg, IL 60195.

MC 144572 (Sub-6–9TA), filed February 2, 1981. Applicant: MONFORT TRANSPORATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202. *Alcoholic beverages and related mixes*, from the Chicago, IL commercial zone to the facilities of McKesson Wine & Spirits Co. at Denver, CO, for 270 days. Supporting shipper: McKesson Wine & Spirits Co., P.O.B. 5388, T.A., Denver, CO 80217.

MC 153863 (Sub-6–1TA), filed February 2, 1981. Applicant: MORINI COAL AND BUILDING SUPPLIES, INC., P.O. Box 386, Moroni, UT 84646. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier*, Irregular routes: *Coal*, from the facilities of Consolidated Coal Company at or near Emery, UT to McGill, NV and to the railheads at Salina and Price, UT for subsequent movement by rail, for the account of Kennecott Minerals Company Division, Kennecott Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kennecott Minerals Company Division of Kennecott Corporation, 10 East South Temple, Salt Lake City, UT 84147.

MC 153875 (Sub-6–1TA), filed February 2, 1981. Applicant: O'NEIL BROTHERS DISTRIBUTION COMPANY, P.O. Box T, Akron, CO 80720. Representative: Nancy P. Bigbee, 1125 University Building, 910—16th Street, Denver, CO 80202. *Contract Carrier:* Irregular routes: *Wine, liquor, and malt beverages*, between points in the U.S. under continuing contract(s) with Van Munching & Co., Inc., 51 West 51st Street, New York, NY 10019 and B & K Distributing Co., P.O. Box 2172, 30890 Moffat Avenue, Steamboat Spring, CO 80477, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Van Munching & Co., Inc., 51 West 51st Street New York, NY 10019; and B & K Distributing Co; P.O. Box 2172, 30890 Moffat Ave, Steamboat Springs, CO 80477.

MC 141628 (Sub-6–1TA), filed January 30, 1981. Applicant: OVEROAD CONTAINER SERVICE, INC., 3980 Quebec St., Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Plastic granules, synthetic stucco, adhesives, fiberglass rolls, paints, stains, and varnishes*, from

points in MA, NJ, and PA to Denver and Colorado Springs, Co., for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Jones Heartx Lime Co. Inc., 1450 W. Colfax Ave., Denver, CO 80204.

MC 141628 (Sub-6–2TA), filed February 2, 1981. Applicant: OVEROAD CONTAINER SERVICE, INC., 3980 Quebec St., Denver CO 80207. Representative: Rick Barker (same address as applicant). *Alcoholic liquors and wine* (except in bulk), from points in MD, MA, NJ, NY and DC to Denver, CO, for 270 days. An underlying ETA seeks 90 days. Supporting shipper: McKesson Wine & Spirit Co., 1800 Bassett, Denver, CO 80217.

MC 145813 (Sub-6–2TA), filed February 2, 1981. Applicant: POINTS WEST TRUCKING, INC., P.O. Box 55085, Valencia, CA 91355. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Bagels*, from the facilities of Lender's Bagel Bakery, Inc. at or near New Haven, CT and West Seneca, NY, to points in AZ, CA, CO, KS, MO, NV, NM, OK, TX and UT, for 270 days. Supporting shipper: Lender's Bagel Bakery, Inc., P.O. Box 191, West Haven, CT 06516.

MC 144080 (Sub-6–1TA), filed February 3, 1981. Applicant: ROBERT VERN PONTIUS, d.b.a. PONTIUS TRUCKING CO., 11640 Seola Beach Dr. S.W., Seattle, WA 98146. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Steel Pipe and Tubing, Fabricated Steel Products, Structural Steel Shapes, Fiberglas, Steel and Aluminum Grating and Parts*, between points in WA, OR, ID, MT, WY, CO, UT, CA, AZ, and NM for 270 days. Supporting shippers: Edison Pipe & Tubing, Inc., S. 104 Freya—Suite 308, Spokane, WA 99202; Meyers Pacific, Inc., 459 Coleman Bldg., Seattle, WA 98104; Borden Metal Products, 7935 2nd St., Seattle, WA 98108.

MC 148874 (Sub-6–3TA), filed February 2, 1981. Applicant: PROFICIENT FOOD CO., 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract carrier; Irregular Routes: Frozen Foodstuffs*, between Malbeur County, OR, Cassia County, ID and points and places in CA, for 270 days. Supporting shipper: ORE–IDA FOODS, Inc., Post Office Box 10, Boise, ID 83707.

MC 153842 (Sub-6–1TA), filed February 2, 1981. Applicant: RAYMOND W. GILLIGAN and JOSEPH L. MONDERINE, a partnership d.b.a. R & L PROPERTIES CHRISTIAN CARRIERS, 6571 Altura Boulevard, Buena Park, CA 90620. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. *Passengers and their baggage* in the same vehicle, in round trip special or charter operations, beginning and ending at points in Los Angeles, Orange, San Bernardino, Riverside and San Diego Counties, CA to all points in the U.S., for 180 days. Supporting shippers: Athletes In Action, A Division of Campus Crusade For Christ, Arrowhead Springs, San Bernardino, CA 92414; Adventures In Faith, 215 S. Olive, Orange, CA 92666; Son Light Christian Center, 172 North LaSalle St., Orange, CA 92666.

MC 126514 (Sub-6–11TA), filed February 2, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *General commodities (except in bulk)* from the facilities of Charter Oak Shippers Association at New Haven, CT to points in CA, WA, OR, AZ, NV, UT, CO, NM, TX, GA and FL for 270 days. Supporting shipper: Charter Oak Shippers Association, One Parkland Drive, Darien, CT 06820.

MC 126514 (Sub-6–12TA), filed February 2, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301.Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *Sponge rubber, carpet cushioning in boxes or wrapped rolls* from Columbus, MS to AZ, NV and CA for 270 days. Supporting shipper: The General Tire & Rubber Company, 1 General Street, Akron, OH 44329.

MC 126514 (Sub-6–13TA), filed February 2, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *Hardware and related items used in the manufacture of locks and finished locksets and coiled steel* between Franklin Park, IL; Bristow, OK and Anaheim, CA for 270 days. Supporting shipper: Kwikset-Division of Emhart Industries, Inc., 516 East Santa Ana Street, Anaheim, CA 92803.

MC 126514 (Sub-6–14TA), filed February 2, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *General commodities (except commodities in bulk)* from all points in the U.S. to the facilities of the County of Los Angeles at Los Angeles, CA and points within its commercial zone for 270 days. Supporting shipper: The County of Los Angeles, 2500 S. Garfield Ave., Commerce, CA 90040.

MC 119710 (Sub-6–4TA), filed February 2, 1981. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. *Contract carrier*, irregular routes: *Salt and salt products*, between Saltair, UT, and the facilities of Great Salt Lake Minerals & Chemicals Corp., at or near Little Mountain, UT, on the one hand, and, on the other, points in ND, restricted to service performed under contract with Morton Salt Co., and Great Salt Lake Minerals & Chemicals Corporation, for 270 days. An underlying E.T.A. seeks 120 days authority. Supporting shipper: Morton Salt Co., 110 N. Wacker Dr., Chicago, IL, and Great Salt Lake Minerals & Chemicals Corp., P.O. Box 1190, Ogden, UT 84402.

MC 144682 (Sub-6–2TA), filed February 2, 1981. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., 4270 Maywood Ave., Vernon, CA 90058. Representative: John C. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017. *Contract carrier*, irregular routes: *such commodities as are dealt in or used by wholesale or retail department, discount or variety stores* (except commodities in bulk), between Washoe County, NV and points in ID for the account of K-Mart Corporation for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: K-Mart Corporation, 3100 West Big Beaver, Troy, MI.

MC 141232 (Sub-6–1TA), filed February 2, 1981. Applicant: STATEWIDE TRUCKING CO., 1801 West Oxford Ave., Engelwood, CO 80110. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Building Materials*, between Denver and Pueblo, CO and their commercial zones, on the one hand, and, on the other, those points in NM on and north of Interstate Hwy 40 for 270 days. Supporting Shipper: C F & I Fabricators of Colorado, 9002 North Moore Road, P.O. Box 471, Douglas County, CO 80160.

MC 148425 (Sub-6–1TA), filed February 3, 1981. Applicant: SUNDANCE STAGE LINES, INC., 5920 Mission Gorge Rd., San Diego, CA 92120. Representative: Roger Curtis McKee, 110 West "C" St., Suite 1803, San Diego, CA 92101. *Passengers and their baggage* in the same vehicle, both special and charter operations; Beginning and ending in the San Diego, CA, Commercial Zone, and extending to AZ, NM, CO, UT, and NV (except Las Vegas) for 180 days. Supporting

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Shippers: There are six (6) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 136818 (Sub-6-26TA), filed February 2, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. *Pet foods and materials and supplies* used in the manufacture of pet foods, (1) from points in NE and CA to Ogden, UT and Phoenix, AZ, and (2) from Ogden, UT and Phoenix, AZ, to points in AZ, CA, NM, OR and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: American Nutrition, Inc., 2890 Reeves Ave., Ogden, UT 84401.

MC 110325 (Sub-6-54TA), filed February 3, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier, regular routes, general commodities* (except Classes A and B explosives), serving points in Bennington County, VT, as off-route points in connection with carrier's regular route operations, for 270 days. Applicant proposes to tack to its existing authority and interline at authorized service points throughout its system. There are six (6) supporting shippers. Their statements may be viewed at the regional office listed.

MC 58035 (Sub-6-6TA), filed: February 2, 1981. Applicant: TRANS-WESTERN EXPRESS, LTD., 5231 Monroe Street, Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Bentonite clay, lignite and drilling mud additives* from points in Phillips County, MT, Big Horn and Weston Counties, WY, Butte County, SD and Bowman County, ND to points in KS, OK, NM, LA and TX for 270 days. Supporting shipper: American Colloid Company, P.O. Box 228, Skokie, IL 60077.

MC 96929 (Sub-6-1TA), filed: December 22, 1980. Applicant: TRIANGLE FREIGHT CO., 826 Main St., Springfield, CO 81073. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203. *Common carrier,* regular routes: *General commodities* (except used household goods, Classes A and B explosives) between Springfield, CO and Elkhart, KS, over the following routes: (1) from Springfield, CO via U.S. 287 to Boise City, OK, thence via U.S. 56 to Elkhart, KS, serving all intermediate points, or (2) via U.S. 287 to its junction with U.S. 160 thence via U.S. 160 to Manter, KS, thence via unnumbered county road to KS 27, thence via KS 27 to Elkhart, KS, serving all intermediate points, with the right to return over the same routes. Applicant requests authority to utilize as an alternate route only unnumbered CO highway, from Campo, CO to the CO-KS stateline and KS 50 to its junction with KS 27 with no authority to serve along said route, for 270 days. Supporting shippers: Elkhart Implement, 620 Kansas, Elkhart, KS; Duckwall Store #78, 417 Morton, Elkhart, KS; Springfield Parts, Inc., 826 Main, Springfield, CO; Nusser Oil, 12695 E. 39th Ave., Elkhart, KS, and Everitt-Moore Lumber Co., 518 Main, Sringfield, CO 81073.

MC 123329 (Sub-6-8TA), filed: February 3, 1981. Applicant: H. M. TRIMBLE & SONS LTD., POB 3500, Calgary, Alberta, CAN T2P 2P9. Representative: D. S. Vincent (same as applicant). *Arsenic Trioxide* in bulk between the International Boundary between the U.S. and CAN on the one hand and Dekalb County, GA on the other, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Koppers Company 850 Koppers Bldg., Pittsburgh, PA 15219.

MC 26396 (Sub-6-59TA), filed February 2, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O.B. 82028, Lincoln, NE 68501. *"Mercer Commodities",* from Galion, OH; Wausau, WI; and Oil City, PA to points in CO, ID, IL, KY, LA, MI, MS, MT, NM, ND, OH, OK, SD, TX, UT, WV, WI and WY, for 270 days. Supporting shipper: United States Steel Corporation, 600 Grant St., Pittsburgh, PA 15230.

MC 151225 (Sub-6-2TA), filed February 2, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718 17th Street, Suite 1700, Denver, CO 80202. (1) *Building and construction materials and supplies,* and *prefabricated homes* between points in: CO, ID, KS, MT, NE, ND, OK, OR, SD, WA, WY and NM for 270 days. Supporting shippers: Deadwood Avenue Lumber, Inc., West Plant Street, Rapid City, SD 57701; Buckingham Wood Products/Midwestern Homes, Inc., 912 East Philadelphia, Rapid City, SD 57701.

MC 153877 (Sub-6-1TA), filed February 2, 1981. Applicant: A. L. ZARY TRANSPORT, LTD., 210 Vancouver Avenue South, Saskatoon, SK Canada S7M 3M9. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Contract Carrier;* irregular routes, *Chipboard, particle board, lumber, plywood and waferboard,* between points on the U.S.-Canadian International Boundary located at or near Sweetgrass, MT; Eastport, ID; Blaine, Lynden and Sumas, WA, and points in the states of WA, OR and ID for 270 days. Supporting shipper: MacMillan Bloedel Industries Limited, Box 460, Hudson Bay, Saskatchewan S0E 0Y0.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5301 Filed 2-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision-Notice

Correction

In FR Doc. 81-1099 appearing on page 3083 in the issue of Tuesday, January 13, 1981, make the following correction:

In first column of page 3083, in the eighth line from the bottom, ". . ." should have read "on or before February 27, 1981 . . . on or before March 2, 1981 . . .".

BILLING CODE: 1505-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the Human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-031

Decided: February 5, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (member Hill not participating in part.)

MC 311 (Sub-2), filed January 23, 1981. Applicant: BURREN TRANSFER COMPANY, A corporation, Second and Berkley Sts., Elgin, IL 60120. Representative: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. Transporting *food and related products,* between points in Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, Livingston, McHenry, Marshall, Ogle, Putnam, Rock Island, Stark, Stephenson, Whiteside, Will, and Winnebago Counties, IL, Lake and Porter Counties, IN, and Kenosha, Racine, Rock, and Walworth Counties, WI.

MC 19550 (Sub-8), filed January 26, 1981. Applicant: OBSERVER TRANSPORTATION COMPANY, INC., P.O. Box 34245, Charlotte, NC 28234. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives), between Charlotte, NC, on the one hand, and, on the other, points in Alamance, Alexander, Alleghany, Anson, Ashe, Averty, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cleveland, Columbus, Cumberland, Davidson, Davie, Duplin, Curhan, Forsythe, Franklin, Gaston, Granville, Guilford, Harnett, Haywood, Henderson, Koke, Iredell, Jackson, Johnston, Lee, Lincoln, McDowell, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Orange, Pender, Person, Polk, Randolph, Richmond, Robeson, Rockingham, Rorvan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Watauga, Wilkes, Wilson, and Yadkin Counties, NC, and those in Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Fairfield, Florence, Georgetown, Greenville, Horry, Kershaw, Lancaster, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Spartanburg, Sumter, Union, Williamsburg, and York Counties, SC. CONDITION: Issuance of a certificate in this proceeding is conditioned upon cancellation, upon applicant's written request, of its certificates in MC-19550 and Subs 4F and 5F.

MC 35320 (Sub-629), filed January 21, 1981. Applicant: T.I.M.E.-DC, INC., 2598 75th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Jackson County, MS, on the one hand, and, on the other, points in the U.S.

MC 52460 (Sub-310), filed January 15, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *adhesives, and rubber and plastic products,* (1) between points in Butte County, CA, Spaulding County, GA, Muscatine County, IA, Granville County, NC, and Taylor County, TX, and (2) between Baton Rouge, LA, and points in Jefferson County, TX, on the one hand, and, on the other, points in in Butte County, CA, Spaulding County, GA, Muscatine County, IA, Granville County, NC, and Taylor County, TX.

MC 79700 (Sub-3), filed January 23, 1981. Applicant: LORRAINE T. KARCHNER, d.b.a. RUSSELL KARCHNER TRUCKING, P.O. Box 20, Sybertsville, PA 18251. Representative: Daniel W. Krane, Box 628, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting (1) *food and related products,* between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, including points in LA and MI, and (2) *such commodities* as are dealt in or used by retail grocery and food business houses, between points in Northumberland and Lackawanna Counties, PA, and Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 108121 (Sub-16), filed January 21, 1981. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., 18800 Southcenter Parkway, Tukwila, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. Transporting *transportation equipment,* between Seattle, WA, on the one hand, and, on the other, points in Ormsby and Washoe Counties, NV.

MC 111231 (Sub-333), filed January 26, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Amma Ave., Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Transporting *lumber and wood products,* between points in Clark, Dallas, and Quachita Counties, AR, on the one hand, and, on the other, points in the U.S.

MC 113651 (Sub-346), filed January 8, 1981. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 4, Omaha, NE 68154. Representative: James F. Crosby, Oak Park Office Bldg., 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *general commodities* (except classes A and B explosives), between the facilities of Champlain Valley International, Inc., and its members at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121811 (Sub-5), filed January 16, 1981. Applicant: McCLELLAN S. ENTERPRISES, INC., Highway 41 South, Tifton, GA 31794. Representative: Arthur L. McClellan (same address as applicant). Transporting *metal products,* (1) between points in Chatham County, GA, on the one hand, and, on the other, points in AL, FL, NC, SC, and TN, and

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(2) between points in Tifty County, GA, on the one hand, and, on the other, points in Jefferson and Shelby Counties, AL.

MC 126930 (Sub-58), filed January 26, 1981. Applicant: BRAZOS TRANSPORT CO., a corporation, 1611 Ave. M, P.O. Box 2746, Lubbock, TX 79401. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. In foreign commerce only, transporting *building materials*, between points in Tarrant County, TX, on the one hand, and, on the other, points in TX.

MC 129660 (Sub-11), filed January 29, 1981. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., 3708 Highway 90, Gautier, MS 39553. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *building materials*, between points in Quachita County, AR, on the one hand, and, on the other, those points in the U.S. in and east of MN, NE, KS, OK, and TX.

MC 130880 (Sub-1), filed January 26, 1981. Applicant: ROCKY MOUNTAIN SKI TOURS, INC., 4085 Mercury St., San Diego, CA 92111. Representative: Roger Curtis McKee, 1100 West "C" St., Suite 1803, San Diego, CA 92101. As a *broker*, at San Diego, CA, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in the San Diego, CA commercial zone, and extending to points in the U.S.

MC 135861 (Sub-84M1F), filed December 16, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting (1) *alcoholic beverages and non-alcoholic beverages*, and (2) *materials, equipment, and supplies* used in the distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with (a) Faith Distributing Co., of Ennis, TX, (b) Longhorn Liquors, Ltd., of Arlington, TX, (c) Central Beverage, Inc., Penland Distributors, Inc., and Julius Schepps Wholesale Liquors, all of Dallas, TX, (d) Metro Beer Distributing Company, McKesson Wine & Spirits Co., and B & S Distributing Company, all of Fort Worth, TX, and (e) Better Brands, and Lone Star Beer Co., Inc., both of Houston, TX. Condition: Issuance of a permit in this proceeding will cancel permit MC–135861 Sub 84, issued January 9, 1981.

Note.—The purpose of this petition is to add McKesson Wine & Spirits Co., of Fort Worth, TX, B & S Distributing Company, of Fort Worth, TX, Better Brands, of Houston, TX, and Lone Star Beer Co., Inc., of Houston, TX, as contracting shippers.

MC 138750 (Sub-13), filed January 21, 1981. Applicant: W. F. BARTHELME, d.b.a. W. F. BARTHELME DIST. CO., 1602 North Broadway, Pittsburg, KS 66762. Representative: Laurel D. McClellan, 401 North Sixth, P.O. Box 478, Fredonia, KS 66736. Transporting *food and related products, and hides*, between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

MC 140611 (Sub-2), filed January 16, 1981. Applicant: HARKEMA EXPRESS LINES LIMITED, 265 Rutherford Road S., Brampton, Ontario, Canada L6W 1V9. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), (1) between ports of entry on the international boundary line between the U.S. and Canada, on the Niagara River, on the one hand, and, on the other, Buffalo, NY, and (2) between ports of entry on the international boundary line between the U.S. and Canada, at Port Huron, MI, on the one hand, and, on the other, Port Huron, MI.

MC 144761 (Sub-8), filed January 26, 1981. Applicant: R. B. (PARKER) GOODLOE d.b.a. GOODLOE TRUCKING CO., Route 10, Box 89A5, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79406. Transporting *food and related products* and *farm products*, between points in CO, KS, NM, OK, and TX.

MC 145341 (Sub-10), filed January 29, 1981. Applicant: NORTH CENTRAL DISTRIBUTING CO., a corporation, P.O. Box 5453 University Station, Fargo, ND 58105. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Champion International Corporation, of Hamilton, OH.

MC 146820 (Sub-11), filed January 26, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA.

MC 147850 (Sub-2), filed January 22, 1981. Applicant: BURGESS TRUCKING COMPANY, INC., P.O. Box 96, Sedley, VA 23878. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *lumber and wood products*, between points in Nash and Edgecombe Counties, NC, Patrick and Sussex Counties, VA, and Bradford County, PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 152330 (Sub-1), filed January 21, 1981. Applicant: GLACIER CARRIERS, P.O. Box 1438, Kalispell, MT 59901. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Plum Creek Lumber Company of Columbia Falls, MT.

MC 153130, filed January 27, 1981. Applicant: MERSCHMAN TRUCKING CORPORATION, P.O. Box 67, West Point, IA 52656. Representative: Gregory J. Humphrey, 627 Avenue G, Fort Madison, IA 52627. Transporting *farm products*, between points IA, IL, MO, IN, KY, TN, AL, MS, AR, KS, NE, SD, ND, MN, WI, and MI.

MC 153600, filed January 13, 1981. Applicant: EMPIRE TRUCK LINES, INC., P.O. Box 15235, Houston, TX 77020. Representative: David R. Acker (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between Houston, TX, on the one hand, and, on the other, points in Jefferson, Orange, and Brazoria Counties, TX.

MC 153790, filed January 26, 1981. Applicant: TERMINAL TRANSPORTATION SERVICES DIV., THE TERMINAL CORP., 211 E. Pleasant St., Baltimore, MD 21202. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, and points in Wicomico County, MD, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NJ, NY, OH, VA, WV, and DC.

Volume No. OP1–033

Decided: February 5, 1981.

By the Commission. Review Board No. 3, Members Parker, Fortier, and Hill. (member Hill dissenting.)

MC 146551 (Sub-13), filed January 21, 1981. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285, Grand Rapids, OH 43522. Representative: Owen B. Katzman, 1828 L Street, NW., Suite 1111, Washington, DC 20036. Transporting *such commodities* as are dealt in by grocery stores and food business houses, between points in CA and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Volume No. OP1–034

Decided: February 6, 1981.

By the Commission. Review Board No. 3, Members Parker, Fortier, and Hill (Member Hill not participating.)

MC 35320 (Sub-628), filed January 29, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives) serving points in Washington County, AR, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 47171 (Sub-197F), filed December 24, 1980, and previously noticed in **Federal Register** issue of January 28, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NJ, NY, SC, PA, RI, VA, and DC.

Note.—This republication adds VA to the radial territory.

MC 65941 (Sub-67), filed January 26, 1981. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, WV 26003. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, KY, NC, OH, PA, SC, TN, VA, and WV, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX. CONDITION: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its existing duplicating certificates in MC–65941 and subs thereunder.

MC 74321 (Sub-160), filed January 23, 1981. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17–B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. Transporting *metal products* between points in the U.S.

MC 75840 (Sub-151), filed January 26, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, points in the U.S.

MC 93840 (Sub-60), filed January 29, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *general commodities* (except classes A and B explosives), between the facilities of the Kent Feeds, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 93840 (Sub-61), filed January 29, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *general commodities* (except classes A and B explosives), between the facilities of Cargill, Incorporated and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 111231 (Sub-335F), filed December 12, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Transporting *rubber and plastic products*, between Cleveland, OH, and points in Kern, Orange, and Los Angeles Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 111310 (Sub-63), filed January 26, 1981. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *food and related products*, between points in the U.S. Condition: Prior to issuance of a certificate in this proceeding, applicant must request cancellation of those certificates which duplicate the above requested authority.

MC 115931 (Sub-190), filed January 16, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 119931 (Sub-1), filed February 4, 1981. Applicant: DEWEY FREIGHT SYSTEM, INC., 12900 Quivira Rd., Overland Park, KS 66213. Representative: Robert W. Dewey, 939 State Line, Kansas City, MO 64101. Transporting *general commodities* (except classes A and B explosives), between points in IL, KS, and MO.

MC 124830 (Sub-3), filed January 21, 1981. Applicant: HOLMES FREIGHT LINES, INC., 7878 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Over regular routes, transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, and Wichita, KS, from St. Louis, over Interstate Hwy 70 to Topeka, KS, then over KS Turnpike to junction Interstate Hwy 35, then over Interstate Hwy 35 to Wichita, KS, and return over the same route, serving all intermediate points, and points in Sedgwick, Harvey, Rice, Reno, Kingman, Harper, Sumner, Cowley, Butler, Marion, and McPherson Counties, KS, as off-route points.

Note.—Applicant intends to tack the above requested authority with its existing authority.

MC 130891 (Sub-1F), filed December 30, 1980. Applicant: ROYAL COACH TRANSPORTATION COMPANY, INC., 911 Conley Drive, Mechanicsburg, PA 17055. Representative: Linus E. Fenicle, 2917 North Front St., Harrisburg, PA 17110. Transporting *passengers and their baggage*, in the same vehicle as passengers, in charter and special operations, between points in PA, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

MC 135070 (Sub-179), filed January 21, 1981. Applicant: JAY LINE, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between Dallas, TX, on the one hand, and, on the other, points in the U.S.

MC 143730 (Sub-5), filed January 22, 1981. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Dr., New Castle, DE 19720. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19120. Transporting *such commodities* as are dealt in or used by drug and pharmaceutical business houses, between points in the U.S., under continuing contract(s) with R. Baylin Company t/a Action Drug Company, of New Castle, DE.

MC 144061 (Sub-20), filed January 29, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Rd., Hawthorne, NJ 07506. Representative: Jack L. Schiller, 345 Webster Ave., Brooklyn, NY 11230. Transporting *bulk commodities*, between points in the U.S., under continuing contract(s) with NL

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Chemicals-Division of NL Industries, Inc., of Highstown, NJ.

MC 144300 (Sub-4), filed January 23, 1981. Applicant: J & D TRUCKING, INC., 2985 Meadow Ave., Ft. Myers, FL 33901. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Transporting *textile mill products*, between the facilities of Amoco Fabrics Company in (a) Randolph County, AL, and (b) Berrien, Jeff Davis, and Decatur Counties, GA, on the one hand, and, on the other, points in the U.S.

MC 144300 (Sub-7), filed January 21, 1981. Applicant: J & D TRUCKING, INC., P.O. Box 1187, Marietta, GA 30061. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Transporting *appliances*, between points in Sumter County, GA, and Barbour Counties, AL, on the one hand, and, on the other, points in the U.S.

MC 145981 (Sub-31), filed January 29, 1981. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *chemicals and related products*, between points in the U.S.

MC 145981 (Sub-32), filed January 29, 1981. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S.

MC 146451 (Sub-35), filed January 26, 1981. Applicant: WHATLEY-WHITE, INC., P.O. Box B, Dothan, AL 36302. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by manufacturers of tires, between points in TX, and those in Houston County, AL, Anderson, Greenville and Spartanburg Counties, SC, on the one hand, and, on the other, points in U.S.

MC 147521 (Sub-28), filed January 28, 1981. Applicant: J.S.I., 918 E. Vermont Ave., Anaheim, CA 92805. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *lumber and wood products*, between points in AZ and CA, on the one hand, and, on the other, points in NM, and TX.

MC 149420 (Sub-1), filed January 21, 1981. Applicant: DWAYNE C. ATKINS d.b.a. ATKINS TRUCKING, P.O. Box 4, Tea, SD 57064. Representative: Claude Stewart, S.D. Transport Services, Inc., P.O. Box 480, Sioux Falls, SD 57101. Transporting *feed ingredients*, between the facilities of International Mineral and Chemical Company, in Eddy County, NM, on the one hand, and, on the other, points in Minnehaha and Beadle Counties, SD.

MC 149440 (Sub-4), filed January 26, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Jay County, IN and Darke County, OH, on the one hand, and, on the other, points in the U.S.

MC 151750 (Sub-2), filed January 29, 1981. Applicant: ARK-LA MUD CO., INC., Route 3, Box 360, Magnolia, AR 71753. Representative: Joe D. Woodward, P.O. Box 727, Magnolia, AR 71753. Transporting *mercer commodities*, between the facilities of Milchem, Incorporated, in Custer County, OK, on the one hand, and, on the other, points in AR, LA, and TX.

MC 152821 (Sub-1), filed January 22, 1981. Applicant: PATHFINDER LINES, INC., P.O.B. 4022, South Edmonton, Alberta, Canada T6E 4S8. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transporting *mercer commodities* between the ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA (including AK, but excluding HI).

MC 153050 (Sub-2F), filed January 6, 1981. Applicant: RIVER BEND TRANSPORT COMPANY, a corporation, Sunset Ave., North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 45202. Transporting *metal products, and ores and minerals*, between Cincinnati, OH, on the one hand, and, on the other, points in KY, IL, IN, OH, MI, and WV.

MC 153110, filed February 4, 1981. Applicant: LADNER & DAVIDSON LINES, INC., 1680 West Slauson Ave., Los Angeles, CA 90047. Representative: Howard Ladner (same address as applicant). Transporting *passengers*, between points in the U.S.

MC 153681, filed January 14, 1981. Applicant: FRAZIER-FARRIS, INC., Box 178, Gower, MO 64454. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *petroleum, natural gas and their products*, between Kansas City, MO, on the one hand, and, on the other, those points in Kansas on and north of Interstate Hwy 35, and on and east of U.S. Hwy 75, and those in MO, on, west and north of a line beginning at the IA–MO State line and extending along to junction MO, Hwy 52, then along MO, Hwy 52 to junction MO, Hwy 2, then along MO, Hwy 2 to the MO–KS State line.

MC 153721, filed January 19, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204. Transporting *food and related products*, between points in (1) Montcalm County, MI, on the one hand, and, on the other, points in IL, IN, KY, OH, and TN, and (2) points in Stark County, OH, on the one hand, and, on the other, points in IL, IN, and MI.

MC 153730, filed January 23, 1981. Applicant: QUICK TRANSPORT, INC., P.O. Box 4216, Port Wentworth, GA 31407. Representative: Robert J. Erb, 345 Bull St., P.O. Box 9386, Savannah, GA 31412. Transporting *general commodities* (except classes A and B explosives), between points in Chatham County, GA, on the one hand, and, on the other, points in AL, FL, GA, LA, MI, NC, SC, TN, and VA.

Volume No. OP1–037

Decided: February 10, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 730 (Sub-521), filed January 21, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Port of Seattle, of Seattle, WA.

MC 7840 (Sub-38), filed January 23, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting (1) *lumber and wood products*, (2) *pulp, paper and related products*, and (3) *rubber and plastic products*, between the facilities used by Georgia-Pacific Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 33641 (Sub-158), filed February 2, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant).

Transporting *general commodities* (except classes A and B explosives), serving Freeport Gold Mine in Elko County, NV, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 47171 (Sub-202), filed January 30, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *furniture and fixtures*, between points in Rockdale County, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 52460 (Sub-314), filed January 27, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *food and related products*, between points in Jefferson County, CO, on the one hand, and, on the other, points in LA, MS, and TN.

MC 61231 (Sub-183), filed February 2, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50309. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50305. Transporting *clay, concrete, glass or stone products*, between points in Macon County, IL, on the one hand, and, on the other, points in AR, AZ, CO, IA, ID, IN, KS, KY, LA, MI, MN, MO, MS, MT, ND, NE, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

MC 75840 (Sub-150), filed January 21, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, Malone Freight Lines, Inc., 3400 Third Ave., South, Birmingham, AL 35222. Transporting *food and related products*, between points in Suffolk and Chesapeake, VA, on the other hand, and, on the other, points in DE, DC, MD, NJ, PA, and WV.

MC 79700 (Sub-4), filed January 23, 1981. Applicant: LORRAINE T. KARCHNER, d.b.a. RUSSELL KARCHNER TRUCKING, P.O. Box 20, Sybertsville, PA 18251. Representative: Daniel W. Krane, Box 628, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting *general commodities* (except classes A and B explosives), between points in Cumberland County, PA, and those points in PA, on and east of U.S. Hwy 15, on the one hand, and, on the other, points in the U.S.

MC 102401 (Sub-25), filed January 30, 1981. Applicant: TAYLOR HEAVY HAULING, INC., 59765 Market St., South Bend, IN 46614. Representative: John M. Roelke (same address as applicant). Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in AR, KS, LA, MO, OK, and TX.

MC 106920 (Sub-121), filed February 2, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 28, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Transporting *food and related products*, between points in Gibson County, TN, on the one hand, and, on the other, points in the U.S.

MC 106920 (Sub-122), filed February 2, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 28, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Transporting *food and related products*, between points in Grayson County, TX, on the one hand, and, on the other, points in the U.S.

MC 109891 (Sub-51), filed January 29, 1981. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Ave., P.O. Box 70698, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., 521 South Cameron St., Winchester, VA 22601. Transporting *petroleum, natural gas and their products, chemicals and related products, and food and related* products, (1) between points in AL, FL, GA, NC, and SC, and (2) between points in AL, FL, GA, NC, and SC, on the one hand, and, on the other, points in MS, TN, KY, OH, VA, WV, DE, and MD.

MC 110541 (Sub-20), filed January 26, 1981. Applicant: MARK E. YODER, INC., Route 61, Box 348, Schuylkill Haven, PA 17972. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *coal and coal products*, between points in Carbon County, PA, on the one hand, and, on the other, points in Camden County, NJ.

MC 111231 (Sub-334), filed January 29, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Transporting *clay, concrete, glass or stone products*, between points in Lake County, IN, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, KS, LA, MO, MS, NE, OK, TN and TX.

MC 117370 (Sub-43), filed February 2, 1981. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tootsie Roll Industries, Inc., of Chicago, IL and Sanna Division of Beatrice Foods Company, of Madison, WI.

MC 119631 (Sub-41), filed January 27, 1981. Applicant: DEIOMA TRUCKING COMPANY, a corporation, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lideman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in Tuscarawas County, OH, on the one hand, and, on the other, points in the U.S.

MC 120981 (Sub-34), filed January 27, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Dr., Nashville, TN 37210. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601. Transporting *petroleum, natural gas and their products*, between the facilities of Exxon Company, U.S.A. at points in AL, FL, GA, IL, IN, KY, LA, MS, NC, OH, PA, SC, TN, TX, and WV, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MS, NC, OH, PA, SC, TN, TX, and WV.

MC 123061 (Sub-136), filed January 23, 1981. Applicant: LEATHAM BROTHERS, INC., 46 Orange St., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84116. Transporting *ores and minerals*, between points in Malheur County, OR, on the one hand, and, on the other, points in WA, ID, CA, NV, UT, MT, WY, and CO.

MC 127090 (Sub-8), filed January 27, 1981. Applicant: PACIFIC STORAGE, INC., P.O. Box 1757, Tacoma, WA 98401. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, and ID.

MC 135410 (Sub-119), filed January 26, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th St. Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by manufacturers of heating and air conditioning equipment, between points in Lorain and Medina Counties, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, NE and WI.

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MC 140460 (Sub-11), filed January 21, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington DC 20006. Transporting *machinery and metal products*, between points in the U.S., under continuing contract(s) with Fedders Corp., of Edison, NJ.

MC 143280 (Sub-12), filed January 23, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118.Transporting *food and related products*, between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 144190 (Sub-15), filed January 29, 1981. Applicant: STORY, INC., P.O. Box 187, Henagar, AL 35978. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ohio Valley Shippers Association and its members at points in OH, KY, and IN, on the one hand, and, on the other, points in the U.S.

MC 145150 (Sub-18), filed February 2, 1981. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *farm products*, between points in Moore County, TX, on the one hand, and, on the other, points in UT.

MC 146760 (Sub-3), filed January 4, 1981. Applicant: GARY V. MONDUS & GARY E. HAGER, d.b.a. G & G EXPRESS, 318 Brunswick Ct., Streamwood, IL 60103. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60603. Transporting *medical supplies and equipment*, between points in Cook County, IL, on the one hand, and, on the other, points in IA.

MC 147851 (Sub-8F), filed December 2, 1980, and previously noticed in **Federal Register** issue of December 18, 1980. Applicant: KWESVA, INC., Route 10, Benson Valley Rd., Frankfort, KY 40601. representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in KY and WV.

Note.—This republication clarifies the commodity description.

MC 149581 (Sub-1), filed January 14, 1981. Applicant: LUJO TRUCKING CO., INC., 121 Braley Road, East Freetown, MA 02717. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *electrical wiring devices* and (2) *loose-leaf binder mechanisms*, between points in Bristol County, MA, on the one hand, and, on the other, points in the U.S., and (3) *textile mill products*, between points in MA, on the one hand, and, on the other, points in the U.S.

MC 150080 (Sub-3), filed January 21, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Graco Children's Products, Inc., of Elverson, PA.

MC 151471 (Sub-5), filed January 27, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 151611 (Sub-1), filed February 2, 1981. Applicant: WAYFARE TRUCKING, INC., 725 Industrial Way, Port Hueneme, CA 93041. Representative: Ronald C. Chauvel, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Transporting *foundry supplies*, between points in the U.S.

MC 151711, filed January 26, 1981. Applicant: DAVID I. L. SUNSTEIN, d.b.a. SUN COACH LINES, 1721 Busch St., McKeesport, PA 15132. Representative: David I. L. Sunstein (same address as applicant). Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Allegheny, Washington, and Westmoreland Counties, PA, and extending to points in the U.S.

MC 152021 (Sub-2), filed January 26, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin, (same address as applicant). Transporting *refractory products* and *materials*, between points in the U.S., under continuing contract(s) with Kaiser Aluminum and Chemical Corporation, of Houston, TX.

MC 152021 (Sub-2), filed January 26, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin, (same address as applicant). Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Westvaco, of New Orleans, LA.

MC 152021 (Sub-4), filed January 26, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin, (same address as applicant). Transporting *metal products*, between points in the U.S., under continuing contract(s) with Gulf and Western Company, Taylor Forge Division, and Edgcomb Metals, both of Memphis, TN.

MC 152281 (Sub-1), filed January 27, 1981. Applicant: LIBERTY EXPRESS, INC., 1044 Swift, North Kansas City, MO 64116. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *general commodities* (except classes A and B explosives), between points in AR, IA, KS, MO, NE, and OK.

MC 153021F filed December 1, 1980, and previously noticed in **Federal Register issue of December 18, 1980.** Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin St., West Medway, MA 02053. Representative: Frank H. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *adhesives and plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in MA, on the one hand, and, on the other, points in the U.S. (except AK and HI). NOTE: This republication clarifies the territorial description.

MC 153060 (Sub-1), filed January 21, 1981. Applicant: PAUL FELLINGER, d.b.a. PAUL FELLINGER AND SON, P.O. Box 86, Monticello, IA 52310. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in Polk County, IA, on the one hand, and, on the other, points in IL, IN, KS, MI, MN, MO, NE, OH, OK, TN and WI.

MC 153780, filed January 28, 1981. Applicant: PHILIP C. KALF, d.b.a. MARINE DISTRIBUTORS, 135 Woodhaven Road, Woonsocket, RI 02895. Representative: Philip C. Kalf (same address as applicant). Transporting *boats*, between points in RI, MA, CT, VT, NH, ME, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, OH, MI, and DC.

MC 153831 (Sub-1), filed February 2, 1981. Applicant: MONITOR DISTRIBUTING SYSTEMS, INC., 1925 Skyline Drive, Oklahoma City, OK 73125. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI.

MC 153880, filed January 27, 1981. Applicant: ANN CLEMENT, 225 Pine Ridge Dr., High Point, NC 27260. Representative: Ann Clement (same address as above). As a *broker* at High Point, NC, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Davidson and Guilford Counties, NC, and extending to points in the U.S.

MC 153920, filed January 28, 1981. Applicant: TARGET TOURS, INC., 200–211 Portage Ave., Winnipeg, Manitoba, Canada R3B 2A2. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. As a *broker*, at Moorhead, MN, in arranging for the transportation of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in Clay County, MN, and Cass and Grand Forks Counties, ND, and extending to points in the U.S. (including AK but excluding HI).

Volume No. OP2–009

Decided: February 9, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 3062 (Sub-55), filed January 19, 1981. Applicant: INMAN FREIGHT SYSTEM, INC., 321 North Spring Ave., Cape Girardeau, MO 63701. Representative: G. H. Boles (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving points in St. Charles County, MO as off-route points in connection with carrier's otherwise authorized regular-routes operations, to and from St. Louis, MO.

MC 97863 (Sub-8F), filed December 1, 1980. Applicant: VICTORVILLE-BARSTOW TRUCK LINE, 4366 East 26th St., Los Angeles, CA 90023. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *general commodities* (except household goods) as defined by the Commission, (A) Over *Regular routes*, (1) between San Clemente and Mojave, CA: from San Clemente over Interstate Hwy 5 to junction CA Hwy 14, then over CA Hwy 14 to Mojave, (2) between junction Interstate Hwys 405 and 5 (near Mission Viejo, CA) and junction Interstate Hwy 405 and Interstate Hwy 5 (near San Fernando, CA), over Interstate Hwy 405), (3) between Santa Monica and Baker, CA: from Santa Monica over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Baker, (4) between junction Interstate Hwys 10 and 15 (near Ontario, CA) and Beaumont, CA, over Interstate Hwy 10, (5) between Los Angeles and Beaumont, CA over CA Hwy 60, (6) between Beaumont and Hemet, CA, over CA Hwy 79, (7) between Hemet, CA and junction Interstate Hwys 15E and 15 (near Devore, CA): from Hemet over CA Hwy 74 to junction Interstate Hwy 15E, then over Interstate Hwy 15E to junction Interstate Hwys 15E and 15, (8) between Hermosa Beach and Riverside, CA over CA Hwy 91, (9) between long Beach and Alhambra, CA over CA Hwy 7, (10) between Long Beach and Pasadena, CA over CA Hwy 19, (11) between junction Interstate Hwys 210 and 5 (near San Fernando, CA), and junction CA Hwy 57 and Interstate Hwy 5 (near Orange, CA): from junction Interstate Hwys 10 and 5 over Interstate Hwy 210 to junction CA Hwy 57, then over CA Hwy 57 to junction CA Hwy 57 and Interstate Hwy 5, (12) between Mojave, CA and junction CA Hwy 58 and Interstate Hwy 15 (near Barstow, CA), over CA Hwy 58, (13) between Palmdale, CA and junction CA Hwy 138 and Interstate Hwy 15, over CA Hwy 138, (14) between junction U.S. Hwy 395 and Interstate Hwy 15 (near Hesperia, CA) and junction U.S. Hwy 395 and CA Hwy 58 (near Kramer, CA), over U.S. Hwy 395, (15) between Lucerne Valley, CA and junction CA Hwy 18 and Interstate Hwy 15 (at Victorville, CA), over CA Hwy 18, (16) between junction CA Hwy 18 and Interstate Hwy 15 (near Victorville, CA and junction CA Hwys 18 and 138 (near Llano), over CA Hwy 18, (17) between Victorville, CA and Barstow, CA, over National Trails Highway (near Oro Grande, Helendale, Hodge, and Lenwood, CA), (18) between Adelanto, CA and junction Air Base Road and National Trails Highway over Air Base Road, (19) between Los Angeles, CA and Bakersfield, CA: from Los Angeles over Interstate Hwy 5 to junction CA Hwy 99, then over CA Hwy 99 to Bakersfield, (20) between Mojave, CA and Ridgecrest, CA: from Mojave over CA Hwy 14 to junction CA Hwy 178, then over CA Hwy 178 to Ridgecrest, (21) between junction U.S. Hwy 395 and CA Hwy 58 (near Kramer, CA) and junction U.S. Hwy 395 and CA Hwy 178 (near Inyokern, CA) over U.S. Hwy 395, (22) between Mojave, CA and Bakersfield, CA over CA Hwy 58, (23) between Baker, CA and Las Vegas, NV over Interstate Hwy 15, (24) between Barstow, CA and Kingman, AZ, over Interstate Hwy 40, and return over the same routes in (1), (3), (7), (11), (16), (19), (20), and (21) above, serving all intermediate points and off-route points in Los Angeles, Kern, Orange, Riverside, and San Bernardino Counties, CA, Clark County, NV, and Mojave County, AZ; and (B) over *irregular routes*, between points in the Los Angeles Basin Territory:

Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Hwy 118, approximately two miles west of Chatsworth; easterly along State Hwy 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Hwy 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Hwy 10; northwesterly along Interstate Hwy 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Hwy 60; southeasterly along State Hwy 60 and U.S. Hwy 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Hwy 79; southerly along State Hwy 79 to State Hwy 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Hwy 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S.

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Hwy 395; southerly along U.S. Hwy 395 to the Riverside County-San Diego County Boundary line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. Conditions: (1) To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance; and (2) issuance of a certificate is subject to the prior or coincidental cancellation at applicant's written request of applicant's Certificate of Registration in MC–97863 Sub 7, issued January 18, 1977.

Note.—(1) By routes (1) through (19), applicant seeks to convert its Certificate of Registration in MC–97863 Sub 7, to a certificate of public convenience and necessity, and (2) By routes (20) through (24) applicant seeks to extend its operations.

MC 99493 (Sub-10), filed January 9, 1981. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, P.O. Box 2821, Harrisburg, PA 17105. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, on the one hand, and, on the other, points in Adams, Berks, Blair, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Union, Wyoming, and York, Counties, PA.

MC 105813 (Sub-279), filed January 16, 1981. Applicant: Belford Trucking Co., Inc., 1759 S.W. 12th Street, P.O. Box 270, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general Commodities* (except Classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 110012 (Sub-79), filed January 23, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, NW., Washington, D.C. (202 737–1030). Transporting *general commodities* (except classes A and B explosives) between points in Kaufman, Comal, Bell, and Titus Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 151893 (Sub-1), filed February 3, 1981. Applicant: B & Q DISTRIBUTION SERVICE, INC., RD #4, Baldwinsville, NY 13027. Representative: Andrew C. Pappas, Gridley Building, Syracuse, NY 13202, (315) 472–4481. Transporting *food and related products* between points in Broome, Cayuga, Chemung, Chenango, Cortland, Jefferson, Madison, Oneida, Onondaga, Ontario, Oswego, Seneca, Tioga, Tompkins and Wayne Counties, NY, on the one hand, and, on the other, points in PA.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 18163. (Sub-4), filed January 8, 1981. Applicant: CORDERA TRANSFER CO., INC., 132 E. Jackson St., Carlinville, IL 62626. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *general commodities* (except classes A and B explosives), between St. Louis, MO, and points in Macoupin County, IL, and (2) *metal products*, between points in Macoupin County, IL, on the one hand, and, on the other, points in IN, IA, MO, KY, and WI.

Volume No. OP2–011

Decided: February 10, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 11722 (Sub-75), filed November 12, 1980. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Phillip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Transporting *evaporated milk*, canned, from Buhl, ID, to points in OR and WA.

MC 16872 (Sub-29), filed January 26, 1981 Applicant: WILLIAM MIRRER, d.b.a. MIRRER'S TRUCKING, 100 E. 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *rubber and plastic products and metal products*, between points in the U.S.

MC 119702 (Sub-80), filed October 16, 1980 Applicant: STAHLY CARTAGE CO., 119 S. Main St., Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *fertilizer*, in bulk, between points in AR, IL, IN, IA, KS, KY, MN, MO, MI, NE, OH, TN, and WI.

MC 121332 (Sub-4), filed January 21, 1981 Applicant: STEVE J. DUNNE CARTAGE, INC., 1800 South Wolf Rd., Des Plains, IL 60018. Representative: William J. Boyd, 2021 Midwest Rd, Suite 205, Oak Brook, IL 60521, 312–629–2900. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Dry Storage Corporation, of Des Plaines, IL, (b) E.J. Brach & Sons, Inc., of Chicago, IL, (c) Durkee Foods, Division of SCM Corporation, of Cleveland, OH, (d) Lorillard, Division of Loew's Theatres, of Greensboro, NC, (e) Brown & Williamson Tobacco Corporation, of Louisville, KY, (f) Thomas J. Lipton, Inc., of Englwood Cliffs, NJ, (g) Airwick Industries, Inc., of Carlstadt, NJ, (h) Deran Confectionery-Borden, Inc., of Cambridge, MA, and (i) Nabisco Confections, Inc., of Cambridge, MA.

MC 124692 (Sub-357), filed January 23, 1981 Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *refractories* and *building materials*, between points in Latah County, ID, Jefferson County, AL, Bibb County, GA, Middlesex County, NJ, Philadelphia, Allegheny and Clarion Counties, PA, and Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 134612 (Sub-4), filed January 21, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, 312–332–5106. Transporting *non-alcoholic beverages* between points in the U.S., under continuing contract (s) with Kolmar Products Corporation, of Chicago, IL.

MC 138512 (Sub-41), filed January 26, 1981. Applicant: ROLAND'S TRANSPORTATION SERVICES d.b.a. WISCONSIN PROVISIONERS EXPRESS, P.O. Box 656, Cudahy, WI. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, 414–677–2586. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under a continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 145842 (Sub-21), filed January 23, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, 319–557–1320. Transporting *food and related products*, between points in the U.S.

MC 147933 (Sub-2), filed January 26, 1981. Applicant: JOHN H. BRYANT d.b.a. J.B. TRANSPORTATION, 211 Lea Court, San Pablo, CA 94806. Representative: Richard E. Macey, 2111 W. March Lane, Suite A, Room 3, Stockton, CA 95207. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Union Oil Company, of Los Angeles, CA.

Note.—Any certificate issued in this proceeding to the extent it authorizes the movement of liquefied petroleum gas shall be limited in point of time to 5 years from date of issuance.

MC 149172 (Sub-3), filed January 26, 1981. Applicant: GARY HOFFMAN, d.b.a. HOFFMAN TRUCKING, 2807 Desirae St., Chickasha, OK 73018. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034, 405–348–7700. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Zelrich Steel Co., Inc., of Dallas, TX.

MC 151193 (Sub-3), filed January 26, 1981. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Dr., Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076, 201–322–5030. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of toilet preparations, cosmetics, personal care products, and beauty supplies, between points in the U.S., under continuing contract(s) with Revlon Inc., of Edison, NJ.

MC 151312 (Sub-2), filed January 23, 1981. Applicant: NORTHWEST FREIGHTLINES, INC., East 604 Montgomery Ave., Spokane, WA 99207. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Transporting *clay, concrete, glass, or stone products*, between points in the U.S., under continuing contract(s) with Jensen Brick Company, of Clarkston, UT.

MC 151373 (Sub-1), filed November 16, 1980. Applicant: SIGLIN TRUCKING, 401 Lake St., Alta, IA 51002. Representative: William H. Siglin (same address as applicant). Transporting *meat and bone meal mixtures, and blood meal*, in hopper type vehicles, from Omaha, NE, to points in IA.

MC 151533 (Sub-9), filed January 26, 1981. Applicant: BESTWAY FREIGHT LINES, LTD., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *machinery and metal products*, between points in Hamden County, MA, on the one hand, and, on the other, points in the U.S.

MC 153302 (Sub-1), filed January 21, 1981. Applicant: M. E. HALL d.b.a. HALL TRUCKING COMPANY, 88 West Middle St., Montevalo, AL 35115. Representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, AL 35203, 205–254–3880. Transporting *general commodities* (except classes A and B explosives) between points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, NO, NC, OH, TN and TX.

FF 532, filed November 14, 1980. Applicant: HECTOR PORTILLO, INC. d.b.a. INTERNATIONAL EXPORTING & WAREHOUSE, 2120 El Paisano Dr., El Paso, TX 79905. Representative: Hector Portillo, 4217 Hampshire Lane, El Paso, TX 79902, (915) 544–3457. To operate, in interstate commerce, as a freight forwarder, of *general commodities*, between El Paso, TX, on the one hand, and, on the other, points in the U.S., restricted to the movement of export and import traffic.

Volume No. OP3–160

Decided: February 3, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 135154 (Sub-9F), filed November 29, 1980, previously published in the **Federal Register** of January 6, 1981. Applicant: BADGER LINES, INC., 3109 W. Lisbon Avenue, Milwaukee, WI 53208. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of glass containers, and closures, between the facilities of Thatcher Glass Manufacturing Co., a division of Dart & Kraft, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *plastic and cellulose articles*, between points in Muscatine County, IA, and Fayette County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This republication clarifies the route description under part (1) of the commodity description.

Volume No. 161

Decided: February 6, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 1515 (Sub-295), filed January 21, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). Over regular routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Mt. Clemens and Lansing, MI, from Mt. Clemens over MI Hwy 3 to junction MI Hwy 59, then over MI Hwy 59 to junction Interstate Hwy 96, then over Interstate Hwy 96 to junction Interstate Hwy 496, and then over Interstate Hwy 496 to Lansing, MI, and return over the same route, serving all intermediate points.

Note.—Applicant intends to tack this authority with existing authority.

MC 8515 (Sub-42), filed January 21, 1981. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. Transporting *furniture and fixtures*, and *display material*, between points in IL, NC, TX, UT, and MO, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC 8515 Sub 27, at applicant's written request.

MC 151855 (Sub-1), filed January 21, 1981. Applicant: AUTOMOTIVE EXPRESS, INC., 13005 Algarita Terrace, Manchaca, TX 78652. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. Transporting (1) *automotive parts*, between points in AR, IL, IA, LA, MO, NC, NY, OH, OK, PA, and TN, on the one hand, and, on the other, points in TX, and (2) *petroleum products*, between points in Jefferson County, TX, on the one hand, and, on the other, points in IA, IL, IN, MO, NC, OH, OK, and TN.

MC 151415 (Sub-1), filed January 21, 1981. Applicant: HORIZON CHARTER COACHES, INC., P.O. Box 15655, Milwaukee, WI 53215. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in WI, and extending to points in the U.S. (except HI). CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343–11344, or submit an affidavit indicating why such approval is unnecessary.

MC 119654 (Sub-94), filed January 22, 1981. Applicant: HI-WAY DISPATCH, INC., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *metal products and machinery*, between the facilities of Fedders Corporation in the U.S., on the one hand, and, on the other, points in IN, IA, KY, MI, MN, MO, NJ, OH, PA, and WI.

MC 153504 (Sub-1), filed January 12, 1981. Applicant: CHRISTENSEN TRANSPORTATION, INC., 416 South Second St., Pierce, NE 68767. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting *Mercer commodities*, between points in the U.S. under continuing contract(s) with Pierce Manufacturing, Inc., of Pierce, NE.

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MC 151615 (Sub-1), filed January 21, 1981. Applicant: R-S ENTERPRISES, INC. d.b.a. ROCKET HOTSHOT, 94 Calypso, Casper, WY 82601. Representative: Sandra R. York (same address as applicant) Transporting *Mercer commodities*, between points in WY, CO, UT, ID, MT, ND, SD, and NE.

MC 110365 (Sub-6), filed January 8, 1981. Applicant: BRUCE W. TRENT, R. D. #1, Friedens, PA 15541. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *coal* and *coal products*, between points in Westmoreland, Cambria, Bedford, and Somerset Counties, PA, on the one hand, and, on the other, points in OH, WV, MD, VA, NJ, DE, and NY.

MC 146215 filed January 21, 1981. Applicant: WOLFE TRUCKING, INC., 1333 E. 7th St., Los Angeles, CA 90021. Representative: Milton W. Flack, 6363 Wilshire Blvd., Suite 900, Beverly Hills CA 90211. Transporting (1) *pulp, paper and related products*, between points in the U.S. under continuing contract(s) with Sheldon Forwarding Company, of Holyoke, MA, and (2) *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with United Freight Forwarders, Inc., of Holyoke, MA.

MC 31675 (Sub-30F), filed November 6, 1980, previously noticed in the FR on January 28, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Washington, DC 20036. Transporting *general commodities* (expect household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities which require the use of special equipment), (1) between Charleston, Dorchester, Berkeley, Colleton, Florence and Sumter Counties, SC, and Rutherford County, NC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX, (2) between New Haven County, CT, on the one hand, and, on the other, points in VA, NC, SC, TN, AL, GA, and FL, (3) between Gordon, Whitfield, Catoosa, Bibb, and Walton Counties, GA, Jackson County, IN, Cook and Dupage Counties, IL, Franklin County, TN, Orange and Seminole Counties, FL, Harris and Orange Counties, TX, Worcester and Bristol Counties, MA, Columbia, Lucerne, Chester, Berks, and Bucks Counties, PA, Hudson and Union Counties, NJ, New Castle County, DE, Los Angeles County, CA, and Gaston, Forsyth and Rowan Counties, NC, and Utah County, UT, on the one hand, and, on the other, points in the U.S., and (4) between points in AL, CT, GA, MD, NC, NJ, NY, PA, SC, and VA.

Note.—This republication clarifies the territorial description in Part (3) of this application.

Volume No. OP4–002

Decided: February 4, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 2416 (Sub-12), filed January 5, 1981. Applicant: HULME TRANSPORTATION CO., P.O. Box 101, Foster, RI 02825. Representative: A. Joseph Mega, 175 Forbes St., Riverside, RI 02915. Transporting (1) *chemicals and related products*, and (2) *petroleum, natural gas and their products*, between points in RI, MA,and CT.

MC 59666 (Sub-4), filed January 26, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant). Transporting (1) *chemicals and related products* and (2) *hazardous materials*, between points in the U.S., under continuing contract(s) with American Hoechst Corp. of Coventry, RI.

MC 139906 (Sub-139), filed January 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *metal products*, and (2) *such commodities* as are dealt in by welding supply and industrial gas distributors, between points in Salt Lake County, UT, on the one hand, and, on the other, points in the U.S.

MC 140916 (Sub-3), filed January 26, 1981. Applicant: R & E HAULING, INC., 2940 Waterview Ave., Baltimore, MD 21230. Representative: Ronald N. Cobert, Suite 501, 1730 M St., NW, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 151646 (Sub-2), filed January 26, 1981. Applicant: MISS–ALA DISTRIBUTORS, INC., Hwy 45 South, P.O. Box 1728, Columbus, MS 39701. Representative: Peter A. Greene, 1920 N St., N.W., Washington, DC 20036. Transporting *machinery*, between points in Lowndes County, MS, on the one hand, and, on the other, points in AL, CT, MI, MN, OH, PA, TN, and WI.

MC 151946 (Sub-1), filed January 23, 1981. Applicant: BIG LAKE TRANSPORT, INC., P.O. Box 98, Charleston, MO 63834. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Huron Copysette, Inc., of Leitchfield, KY.

Volume No. OP5–40

Decided: January 30, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 78118 (Sub-59), filed January 14, 1981. Applicant: W. H. JOHNS, INC., 35 Witmer Rd., Lancaster, PA 17824. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives) serving points in DE, MD, NJ, and PA, as intermediate and off-route points in conncection with applicant's otherwise authorized regular route operations.

MC 110988 (Sub-437), filed January 26, 1981. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. Transporting *commodities in bulk* between points in the U.S.

MC 123748 (Sub-26), filed January 15, 1981. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State St., New Haven, CT 06511. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103. Transporting *passengers and their baggage*, betweens points in New Haven and Fairfield Counties, CT, on the one hand, and, on the other, Atlantic City, NJ.

MC 129749 (Sub-7), filed January 14, 1981. Applicant: FOUNDRY SERVICE CORPORATION, South 15th Street, Millville, NJ 08332. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *sand and gravel*, between points in the United States, under continuing contract(s) with Jesse S. Morie and Sons, Inc., of Mauricetown, NJ.

MC 133078 (Sub-1), filed January 14, 1981. Applicant: T. ACHENBERG TRANSPORTATION CO., 208 Sheridan St., Perth Amboy, NJ 08861. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting (1) *ores and minerals*, (2) *chemicals and related products*, between New York, NY and points in NJ, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, and MD.

MC 134229 (Sub-11), filed January 15, 1981. Applicant: RICHMOND TRANSFER, INC., Route 4, Box 1000, Richmond, MO 64084. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities* (except classes A and B explosives) between points in Ray and Lafayette Counties, MO, on the one hand, and, on the other, points in CO, IA, IL, IN, KS, KY, NE, OH, OK, and TX.

MC 135598 (Sub-50F), filed October 20, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between points in IL, IA, MO, and WI, and (2) between points in IL, IA, MO, and WI, on the one hand, and, on the other, points in AL, AR, GA, IN, KS, KY, LA, MI, MN, MS, NE, OH, and TN.

MC 135678 (Sub-29), filed January 16, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting (1) *pulp, paper and related products*, (2) *plastic products*, and (3) *glass products*, between points in AR, OK, TX, KS, MO, CA, NV, NM, AZ, and CO.

MC 135909 (Sub-3), filed January 16, 1981. Applicant: WALTER V. BAKER & ELLIS D. W. BAKER, d.b.a. BAKER BROS., 304 S. Main, Ellington, MO 63638. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Transporting (1) *metal products*, (2) *rubber and plastic products*, (3) *construction equipment*, (4) *machinery*, (5) *building materials*, and (6) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in OH, IN, SC, WV, VA, IL, MI, CA, MD, NJ, FL, AZ, IA, MN, WI, TN, KY, NE, AR, AL, MO, PA, MS, GA, LA, KS, CO, NM, OK, MT, TX, WY, UT, OR, ID, NV, WA, NC, and MH.

MC 138318 (Sub-1), filed January 14, 1981. Applicant: EMPIRE STEVEDORING CO., LTD., 200 St. James St., Montreal, Quebec, Canada H2Y 1M1. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Transporting *pulp, paper, and related products*, between points in the United States, under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 138469 (Sub-262), filed January 12, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting (1) *chemicals and related products*, (2) *ore and minerals*, and (3) *vegetable oil*, between St. Louis, MO and points in San Bernardino County, CA, on the one hand, and, on the other, points in the U.S.

MC 143738 (Sub-3), filed January 5, 1981. Applicant: DONALD D. HAVELICK, d.b.a. PADO COMPANY, 7902 Husky Way SE, Olympia, WA 98503. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting (1) *malt beverages*, and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) in (1) above with Frank's Distributors, of Sandpoint, ID, and in (2) above with Dakota Supply Co., Inc., of Seattle, WA.

MC 48848 (Sub-2), filed January 14, 1981. Applicant: UNIVERSAL DELIVERIES, INC., 2100 North Southport Ave., Chicago, IL 60614. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. Transporting *general commodities* (except classes A and B explosives), between points in Boone, Bureau, Cass, Champaign, Cook, DeWitt, DeKalb, DuPage, Ford, Fulton, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Marshall, McHenry, McLean, Menard, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Stark, Stephenson, Tazewell, Vermilion, Whiteside, Will, Winnebago, and Woodford Counties, IL, Lake, LaPorte, Marshall, Porter, St. Joseph, and Stark Counties, IN, and Dane, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties, WI.

MC 152679 (Sub-1), filed January 14, 1981. Applicant: ONORIO GIANCARLO, d.b.a. G–2 TRUCKING, 233 Thomas Ave., Lyndhurst, NJ 07071. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, and points in Union, Essex, and Bergen Counties, NJ, and Queens County, NY, on the one hand, and, on the other, points in the U.S.

MC 153499F, filed December 29, 1980. Applicant: ELIZABETH A. KNOPF, d.b.a. PORTAGE TOUR & TRAVEL, 225 West Main St., Ravenna, OH 44266. Representative: Peter M. Lynagh, 1121 Hawthorne Circle, Sagamore Hills, OH 44067. To engage in operations in interstate or foreign commerce, as a *broker*, at Ravenna, OH, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special or charter operations, beginning and ending at points in Portage County, OH, and extending to points in the U.S.

MC 153659, filed January 12, 1981. Applicant: CAPITOL TOURS, INC., P.O. Box 4241, Springfield, IL 62708. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. To operate as a *broker*, at Springfield, IL, St. Louis, MO, and Nashville, TN, in arranging for the transportation by motor vehicle of *passengers and their baggage*, between points in the U.S.

MC 153669 (Sub-1), filed January 21, 1981. Applicant: GEORGIA-PACIFIC CORPORATION, 900 S.W. Fifth Ave., Portland, OR 97204. Representative: Roger P. Campbell (same address as applicant). Transporting *iron and steel articles*, between points in United States, under continuing contract(s) with Oregon Culvert Company, of Tualatin, OR. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 153709 (Sub-1), filed January 22, 1981. Applicant: DEPOT TRUCKING, INCORPORATED, Building 54, Rotterdam Industrial Park, Rotterdam, NY 12306. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. Transporting *general commodities* (except classes A and B explosives), between points in Schenectady and Albany Counties, NY, on the one hand, and, on the other, points in the U.S.

Volume No. OP5–42

Decided: February 4, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 2428 (Sub-35), filed January 14, 1981. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Ave., Hopelawn (Perth Amboy), NJ 08861. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *waste or scrap materials not identified by industry producing*, between points in the U.S., under continuing contract(s) with Nassau Recycle Corp., of Gaston, SC.

MC 14138 (Sub-12), filed January 19, 1981. Applicant: HEAVY TRANSPORT, INC., 6242 Paramount Blvd., Long Beach, CA 90805. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting (1) *machinery*,

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and (2) those commodities which because of their size or weight require the use of special handling or equipment, between points in CA, TX, AZ, NM, ID, UT, CO, WY, NV, WA, and OR.

MC 22988 (Sub-20), filed January 14, 1981. Applicant: K. G. MOORE, INC., 9 Park Ave., Hudson, NH 03051. Representative: Robert G. Parks, 20 Walnut St.—Suite 101, Wellesley Hills, MA 02181. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation at applicant's written request, of its certificates No. MC 22988 (subs 9G, 12, 15, 18, and 19).

MC 30139 (Sub-15), filed January 21, 1981. Applicant: HOLMES TRANSPORTATION, INC., 550 Cochituate Rd., Framingham, MA 01701. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting *general commodities* (except classes A and B explosives), serving those points in VT east of U.S. Hwy 5, as off-route points in connection with applicant's otherwise authorized operations; regular-route operations.

MC 56679 (Sub-176), filed January 21, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). Transporting *clay, concrete, glass or stone products,* between points in Hamilton County, TN, on the one hand, and, on the other, points in AL, AR, LA, TX, TN, KY, MS, MO, GA, FL, NC, SC, VA, IL, ND, SD, ID, IN, MI, OH, WV, ME, MA, NH, VT, NY, NJ, RI, PA, IA, KS, NE, WI, MN, UT, CO, AZ, NM, and DC.

MC 63838 (Sub-15), filed January 21, 1981. Applicant: BOLUS MOTOR LINES, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *food and related products,* between points in Warren County, NJ, on the one hand, and, on the other, points in PA, NY, CT, MA, RI, MI, and OH.

MC 114569 (Sub-377), filed January 21, 1981. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *such commodities* as are dealt in by retail stores between points in the U.S.

MC 124078 (Sub-1037), filed January 14, 1981. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting *ores and minerals,* between points in Blaine County, OK, on the one hand, and, on the other, points in TX, LA, and KS.

MC 121568 (Sub-76), filed January 21, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). Transporting *rubber and plastic products,* between points in Haywood County, TN, on the one hand, and, on the other, points in the U.S.

MC 121598 (Sub-15), filed January 21, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: James G. Caldwell, P.O. Box 100906, Nashville, TN 37210. Transporting *metal products,* between points in TN, on the one hand, and, on the other, those points in the U.S., in and east of MT, WY, CO, and NM.

MC 124949 (Sub-6), filed January 14, 1981. Applicant: HI–LINE TRUCKING, INC., P.O. Box 628, Sidney, MT 59270. Representative: James B. Hovland, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *Mercer commodities,* between points in ND, SD, MT, and WY.

MC 129788 (Sub-17), filed January 27, 1981. Applicant: NASS TRUCK LINES, INC., P.O. Box H, Wenona, IL 61377. Representative: E. Stephen Heisley, 666 Eleventh St., NW., Suite 805, Washington, DC 20001. Transporting *food and related products,* between Milwaukee, WI, Detroit, MI, and points in La Crosse County, WI, Allen County, IN, and Campbell County, KY, on the one hand, and, on the other, points in IL.

MC 138438 (Sub-103), filed January 21, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *building and insulating materials,* between points in the U.S.

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Decided: February 4, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 142059 (Sub-152), filed January 21, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley, (same address as applicant). Transporting *iron and steel articles,* between points in the U.S.

MC 145359 (Sub-30), filed January 28, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Wilsey Bennett Company of San Francisco, CA, and its subsidiaries.

MC 145629 (Sub-4), filed January 23, 1981. Applicant: FUCHS, INC., R.R. 1, Box 576, Sauk City, WI 53583. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *material handling equipment,* between points in the U.S., under continuing contract(s) with Meridian Corporation of Columbus, WI.

MC 146209 (Sub-4), filed January 21, 1981. Applicant: EARL L. HENDERSON TRUCKING COMPANY, 1439 B Westgate, Salem, IL 62881. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *food and related products,* between points in Macon County, IL, on the one hand, and, on the other, those points in the U.S., in and west of WI, IL, KY, TN, and MS.

MC 146239 (Sub-5), filed January 21, 1981. Applicant: INTERNATIONAL FOODS TRANSPORT, INC., Box 127 Hope, NJ 07844. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123. Transporting (1) *Transportation equipment,* and (2) *electrical equipment,* between points in the U.S., under continuing contract(s) with General Electric Company, of Erie, PA.

MC 146859 (Sub-2), filed January 26, 1981. Applicant: WESTERN STATES FREEPORT, INC., 4280 Yellowstone Ave., P.O. Box 2618, Pocatello, ID 84201. Representative: William S. Richards, P.O. Box 2465 Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amway Corporation, of Kent, WA.

MC 14869 (Sub-4), filed January 21, 1981. Applicant: JAMES BRUCE LEE AND STANLEY LEE d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 46, Pontiac, IL 61764. Representative: Edward F. Stanula, 637 East 162nd St., South Holland, IL 60473. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Knoedler Manufacturers, Inc., of Streator, IL.

MC 150049 (Sub-2), filed January 14, 1981. Applicant: JAMES RESSLER, d.b.a. JAMES RESSLER TRUCKING, 300 East Turnpike Ave., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2576, Bismarck, ND 58502. Transporting *general commodities* (except classes A and B explosives), between points in the United States, under continuing contract(s) with Keenan Supply, Inc., of Mandan, ND, Northwest Lumber Sales, of Spokane, WA, Lyman Lumber Company, of Excelsior, MN, and Sage Cedar Distribution Center, Inc., of Excelsior, MN.

MC 150939 (Sub-6), filed January 21, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Van Leer U.S.A. and Hysil Manufacturing Company, Division of Van Leer of Woburn, MA.

MC 151168 (Sub-1), filed January 21, 1981. Applicant: STEPHEN W. KETCHUM d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 152418 (Sub-1), filed January 21, 1981. Applicant: FLOUR TRANSPORT, INC., 5218 Denison Street, Muskogee, OK 74401. Representative: C. L. Phillips, Rm. 248, Classen Terrance Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *commodities* in bulk, between points in the U.S. under continuing contract(s) with Shawnee Milling Company, of Shawnee, OK.

MC 152439 (Sub-1), filed January 21, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 S. Ashland Ave., Chicago, IL 60609. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. Transporting *such commodities* as are dealt in by retail discount stores, between points in the U.S., under continuing contract(s) with Venture Stores, Inc., of St. Ann, MO.

MC 153618, filed January 13, 1981. Applicant: PASCO TOURS, LTD. d.b.a. PASCO TRAVEL, 105 Lakehill Road, Burnt Hills, NY 12027. Representative: Frederic W. Burr, Five Computer Drive, Albany, NY 12205. To engage in operations in interstate or foreign commerce, as a broker at Burnt Hills, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in special or charter operations, beginning and ending at points in NY, MA, and VT, and extending to points in the U.S. (including AK, but excluding HI).

MC 153768, filed January 13, 1981. Applicant: ATKINSON & MULLEN TRAVEL, INC., 606 East Baltimore Pike, P.O. Box 904, Media, PA 19063. Representative: Martha L. Smylie (same address as applicant). To operate as a *broker* at Media, PA, in arranging for the transportation by motor vehicle of *passengers,* between points in the U.S.

Volume No. OP5–44

Decided: February 5, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 59488 (Sub-50), filed January 21, 1981. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, 1766 El Camino Real, P.O. Box 990, Burlingame, CA 94010. Representative: Lloyd M. Roach, 7600 South Central Expressway, P.O. Box 226187, Dallas, TX 75266. Over regular routes, transporting *general commodities* (except classes A and B explosives) between Bowie County, TX, and Jackson County, MO; from Texarkana, AR–TX, over U.S. Hwy 71, to Kansas City, KS–MO, and return over the same route, serving Topeka, KS, as an off-route point.

MC 85019 (Sub-10), filed January 21, 1981. Applicant: BEATRICE MOTOR FREIGHT, INC., 123 Court St., Beatrice, NE 68310. Representative: Jack L. Shultz, P.O. Box 82029, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in Gage County, NE, on the one hand, and, on the other, points in CA, CO, GA, IA, IL, IN, KS, KY, LA, MN, MO, OH, OK, TN, TX, WI, and WY.

MC 78728 (Sub-5), filed January 19, 1981. Applicant: EVERETT EXPRESS, INC., Highway 258, North, Tarboro, NC 27886. Representative: John H. Everett, P.O. Box 6274, Chesapeake, VA 23323. Transporting *general commodities* (except classes A and B explosives), between points in NC and VA.

MC 99408 (Sub-9), filed January 21, 1981. Applicant: CITY DELIVERY SERVICE, INC., 1 Passan Dr., Laflin Borough, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *general commodities* (except classes A and B explosives), between points in Lackawanna and Luzerne Counties, PA, on the one hand, and, on the other, points in the U.S. (except AK, HI, MI, OH, CT, MA, VA, NJ, IL, and MD.

MC 118288 (Sub-51), filed January 21, 1981.Applicant: FROST TRUCK LINES, INC., 928 Broadwater Ave., Suite 208, Billings, MT 59101. Representative: Ronald D. Browning, 1321 S.E. Water Ave., Portland, OR 97214. (1) Over regular routes, transporting *general commodities* (except classes A and B explosives), between Tonopah, NV, and Salt Lake City, UT, serving all intermediate points, from Tonopak, NV, over U.S. Hwy 6 to junction interstate Hwy 15 near Santaquin, UT, then over Interstate Hwy 15 to Salt Lake City, UT, and return over the same route, and (2) over irregular routes, transporting *general commodities* (except classes A and B explosives), (a) between Los Angeles, CA, on the one hand, and, on the other, points in Ventura, Kern, Los Angeles, San Bernardino, Orange, Riverside, and San Diego Counties, CA, (b) between points in Mineral, Esmeralda, Nye, and Lander Counties, NV, and (c) between points named in (b), on the one hand, and, on the other, points in Spokane County, WA, and points in NV and ID.

Note.—Applicant intends to tack the authority with its existing authority.

MC 121568 (Sub-78), filed January 12, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of rubber and rubber products, between points in and east of MT, WY, CO, and NM.

Note.—Applicant intends to tack.

MC 128449 (Sub-12), filed January 21, 1981. Applicant: JIMMIE TUCKER TRUCKING, INC., P.O. Box 428, Broken Bow, OK 74728. Representative: R. H. Lawson, 2753 Northwest 22nd St., Oklahoma City, OK 73107. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Weyerhaueser Company, of Hot Springs, AR.

MC 138308 (Sub-135), filed January 21, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *such commodities* as are dealt in or used by construction and home improvement businesses, between points in Crawford County, AR, El Paso County, CO, and Lucas County, OH, on the one hand, and, on the other, points in the U.S.

MC 138328 (Sub-130), filed January 19, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Transporting *general commodities* (except classes A

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and B explosives), between Omaha, NE, and points in the U.S.

MC 140689 (Sub-10) filed January 22, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Road, Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Transporting *chemicals and related products*, between points in the U.S., under continuing contracts(s) with State Chemical Manufacturing Co., Inc., of Cleveland, OH.

MC 145359 (Sub-31), filed January 29, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities*, between points in the U.S., under continuing contract with Soya Pacific, Inc. of Oakland, CA.

MC 147259 (Sub-7), filed January 21, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 Van Dam Road, South Holland, IL 60473. Transporting *rubber and plastic products*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 148479 (Sub-18), filed January 21, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Bob W. Storey, 310 Columbian Title Bldg., 820 Quincy St., Topeka, KS 66612. Transporting (1) *pulp, paper and related products*, (2) *chemicals and related products*, (3), *food and related products*,(4) *clay, concrete, glass or stone products*, and (5) *Machinery*, between points in the U.S., under continuing contract(s) with Midwest Solvents Company of Illinois, of Pekin, IL.

MC 149308 (Sub-9), filed January 27, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, Va. 22210. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company, of Fairfield, CT.

MC 150798 (Sub-2), filed January 22, 1981. Applicant: CKR TRANSPORT, LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, 1261 Columbia Ave., Franklin, TN 37064. Transporting (1) *chemicals and related products*, and (2) *food and related products*, between Chicago, IL, points in Erie and Chautauqua Counties, NY, and Middlesex County, NJ, on the one hand, and, on the other, points in MO, NE, CO, KS, VA, NV, WA, CA, OR, MA, NY, MD, GA, MN, MI, and PA.

MC 152289 (Sub-1), filed January 22, 1981. Applicant: HOWARD L. LESTER, INC., 308 N. Jefferson, Indianaola, IA 50125. Representative: Douglass Blakely (address same as applicant). Transporting (1) those *commodities* which because of size or weight require the use of special handling and equipment, and (2) such commodities as are dealt in or used by the construction industry, between points in IA, IL, WI, MN, MO, KS, NE, ND, and SD, on the one hand, and, on the other, points in MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MI, KY, OH, and IN.

MC 153598, filed January 9, 1981. Applicant: PETERSON BROS. TRUCKING CO., A Corporation, 200 Myrtle St., P.O. Box 306, Aberdeen, WA 98520. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *machinery, transportation equipment, and lumber and wood products*, between points in WA, OR, CA, ID, and MT.

MC 153798, filed January 27, 1981. Applicant: AAA SPECIAL DISPATCH, INC., P.O. Box 75124 AMF, Cincinnati, OH 45275. Representative: Stephen D. Strauss, 2613 Carew Tower, Cincinnati, OH 45202. Transporting *general commodities* (except classes A and B explosives), between points in Butler, Clermont, Hamilton, Warren, Montgomery Counties, OH, Campbell, Kenton, Boone, Pendleton, Grant, Harrison, Scott Counties, KY, and Dearborn County, IN, on the one hand, and on the other, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, WI.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5448 Filed 2-17-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29508]

Emons Industries, Inc.—Purchase—West Virginia Northern Railroad Co. Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343–11347

February 11, 1981.

On October 22, 1980, Emons Industries, Inc. (Emons) filed a petition to exempt its acquisition of the West Virginia Northern Railroad Company (WVN). Emon's petition shall be treated as a notice of exemption under 49 CFR 1111.4(g) and 1111.5(c)(2), as amended by *Railroad Consolidation Procedures*, 363 I.C.C. 200, 224, 226 (1980).

Emons is a publicly held corporation which finances and leases rail cars for use in the National Rail Interchange System. Emons owns all of the issued and outstanding capital stock of the Maryland and Pennsylvania Railroad Company (MP), a Class III, short-line railroad. MP carries freight only and operates between Whiteford, MD and York, PA (a distance of 28 miles) and between York and Littleton, PA (a distance of 35 miles). MP interchanges freight with the Consolidated Rail Corporation at York and with the Western Maryland Railroad at York and Hanover, PA.

Emons proposes to acquire substantially all of WVN's assets and liabilities for $1.6 million in cash and expects to form a wholly-owned subsidiary under the same name to take title to the assets. WVN is a Class III freight railroad which hauls coal. It provides service over one line between Kingwood and Tunnelton, WV, a distance of 11 miles. WVN owns three locomotives, has twelve employees and two stockholders. It interchanges with the Baltimore & Ohio Railroad Company at Tunnelton, WV.

The WVN line and MP lines are 150 miles apart. The proposed acquisition will not cause any change in the operations of MP or adversely affect its employees. Emons expects to retain all of WVN's employees, except for the two present owners.

This transaction involves the acquisition of a nonconnecting carrier where (i) the railroads would not connect with each other or any railroads in their corporate family, (ii) the acquisition is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family, and (iii) the transaction does not involve a Class I Carrier. Thus, it is eligible for the class exemption already granted in 49 CFR 1111.5(c)(2).

In granting an exemption under 49 U.S.C. 10505, the Commission may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C., Subtitle IV. (See 49 U.S.C. 10505(g)(2) as amended by Section 213 of the Staggers Rail Act of 1980 Pub. L. No. 96–448, October 14, 1980.) We have determined that the employee protective provisions developed in *New York Dock Ry-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements for protection of employees involved in acquisition transactions under 49 U.S.C. 11343. Accordingly, these protective

provisions, which are normally imposed in purchase transactions, are imposed here as a condition to exercise this exemption.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5549 Filed 2-17-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29463 (Sub-1)]

Norfolk and Western Railway Co.; Trackage Rights Over the Baltimore and Ohio Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Supplemental decision and notice accepting application for consideration.

SUMMARY: On January 7, 1981, the Commission published notice in the **Federal Register**, at 46 FR 1789, accepting the application of Norfolk and Western Railway Company for authority to acquire trackage rights over a line of railroad owned by The Baltimore and Ohio Railroad Company. That notice did not comply fully with the requirements of the Staggers Rail Act of 1980. Therefore, the Commission is publishing this supplemental notice of acceptance of the application. The proposed transaction is not one of regional or national transportation significance within the meaning of the Staggers Rail Act of 1980.

DATES: Written comments must be filed no later than February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275–7245, or Ernest B. Abbott, (202) 275–3002.

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: Applicant Norfolk and Western Railway Company (NW) seeks authority pursuant to 49 U.S.C. 11343 *et seq.* to acquire trackage rights over the tracks of The Baltimore and Ohio Railroad Company (B&O) between milepost 6.7 at Winton Place in Cincinnati, OH, and milepost 26.5 at Old River Junction in Hamilton, OH, a distance of approximately 19.9 miles, in Hamilton and Butler Counties, OH.

The application was filed under our current consolidation regulations, 49 CFR Part 1111, as modified in Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation* Procedures, (45 FR 62991, September 23, 1980), 363 I.C.C. 200 (1980). The transaction is governed by 49 U.S.C. 11343 and the time limits of 49 U.S.C. 11345, as those sections are modified by section 228 of the Staggers Rail Act of 1980, Pub. L. 96–448, October 14, 1980.

On January 7, 1981, by notice published in the **Federal Register** at 46 FR 1789, the Commission accepted the application for consideration because it substantially complies with the applicable regulations.

The application and exhibits are available for inspection in the Public Docket Room at the offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

We are publishing this supplemental notice to cure defects in our January 7, 1981 notice, which did not comply fully with the requirements of the Staggers Rail Act of 1980. However, because the January 7 notice stated that commentors on the proposal had 45 days after the date notice is published to file their submissions (based on our findings herein, commentors normally would have been allowed only 30 days), we shall continue to regard February 23, 1981 as the deadline for comments. The Secretary of Transportation and Attorney General shall file comments by March 9, 1981.

We shall continue to treat January 7 as the notice date for other deadlines in this proceeding. For example, because we find that the proposal is a minor transaction as that term is used in our consolidation regulations, 49 CFR Part 1111, the Staggers Rail Act of 1980 requires us to conclude the evidentiary proceeding by April 22, 1981 (the 105th day after publication of the notice).

Statutory Standards

Under the Staggers Rail Act, if a proceeding does not involve the merger or control of at least two class I railroads, we must approve the application unless we find:

(1) As a result of the transaction there is likely to be a substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

(2) The anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

49 U.S.C. 11344(d). Parties filing comments are cautioned and urged to address these statutory criteria.

The Staggers Rail Act requires us, in the notice accepting an application involving a transaction under 49 U.S.C. 11343, to indicate whether the proposed transaction is of "regional or national transportation significance."[1] Our interim regulations state that a section 11343 transaction between a Class I railroad and a Class I or Class II railroad is of regional or national transportation significance if it is a "control or merger" or if it is a "major market extension" resulting from, *inter alia*, trackage rights. 49 CFR 1111.5(a), *as amended by* Ex Parte No. 282 (Sub-No. 8), (45 FR 74488, November 10, 1980), *supra*.

On October 14, 1980, in response to a petition filed by NW in Finance Docket No. 29463, we found that the trackage rights involved here would not constitute a major market extension and would be considered a minor transaction. Moreover, the transaction is not a "control or merger." Accordingly, we find that the proposed transaction is not of regional or national transportation significance. 49 CFR 1111.5(a).

Participation in the Proceeding: Comments

Any interested person may participate in this proceeding by submitting written comments regarding the application. An original and 10 copies must be filed with the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, no later than February 23, 1981. Written comments shall be concurrently served by first-class mail on the United States Secretary of Transportation, the Attorney General of the United States, and the applicant's representative: John S. Shannon, Senior Vice President-Law, Norfolk and Western Railway Company, Roanoke, VA 24042. Written comments must also be served upon all parties of record within 10 days of our issuance of the service list in this proceeding. (We plan to issue that service list by March 2, 1981.) All persons who file timely written comments may be considered as parties of record, but only if they so indicate in their comments. In this event no petition for leave to intervene need be filed.

Written comments must contain:

(1) The docket number and title of the proceeding;

[1] This finding determines the time frames applicable to the proceeding. If the transaction is not of regional or national transportation significance, we must issue a final decision within 180 days from the date of publication of the notice in the **Federal Register**; otherwise, we have 270 days in which to issue a final decision.

Furthermore, there is no provision for the filing of inconsistent applications if the transaction is not of regional or national transportation significance. See Ex Parte No. 282 (Sub-No. 8), *Railroad Consolidation Procedures—Time Revisions*, (decided October 29, 1980), 45 Fed. Reg. 74488 (November 10, 1980).

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(2) The name, address and telephone number of the commenting party and its representative upon whom service shall be made;

(3) The commenting party's position, in support of or opposition to the proposed transaction;

(4) A statement of whether the commenting party intends to participate formally in hearings or merely comment upon the proposal;

(5) A list of all information sought to be discovered from applicant carrier;

(6) An initial list of specific protective conditions sought; and

(7) Any request for oral hearing that the commenting party will make with reasons supporting the request. Particular attention should be given to Ex Parte No. 282 (Sub-No. 3A), *Railroad Consolidation Proceedings, Expedited Processing*, served December 17, 1980, 45 FR 84803 (December 23, 1980).

We advise interested persons to direct their comments to the statutory criteria discussed at page 3, *supra*.

Preliminary comments from the Secretary of Transportation and the Attorney General must be filed with the Commission by March 9, 1981.

Responsive Applications

The Staggers Rail Act of 1980 contains no provision for inconsistent applications in connection with a transaction which is not of regional or national significance. Our interim regulations implementing the Act expressly prohibit such responsive applications. Ex Parte No. 282 (Sub-No. 8), *supra*. Thus, none will be entertained.

Procedural Information

Applicant is directed to respond no later than March 11, 1981, to any information requests contained in the written comments of other parties. We encourage response to discovery requests as soon as possible in order to expedite the proceeding. Applicant's responses should indicate what information will be voluntarily supplied and the reasons why the remainder will not be voluntarily supplied. We warn parties now that we will not tolerate dilatory tactics in response to reasonable discovery requests designed to elicit relevant evidence. A refusal voluntarily to supply information will be treated as an objection to the request for discovery. Responses should be served upon all parties of record, and 10 copies of these responses should be concurrently filed with the Commission.

Oral hearings are not contemplated at this time. On or before March 20, 1981, if oral hearings or other evidentiary proceedings are deemed necessary, we will issue a further order to that effect.

By statute, the evidentiary phase of the proceeding must be concluded by April 22, 1981. Service of an initial decision will be waived, and determination on the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345, by June 5, 1981.

It is ordered:

1. The application in Finance Docket 29463 (Sub-1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5548 Filed 2-17-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisifed before the authority will be issued. Once this compliance is met, the authority will be issued.

With 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. 162

Decided: February 6, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 140555 (Sub-5), filed January 21, 1981. Applicant: J G EXEC, INC., 1125 S. Bradford St., Dover, DE. Representative: Marshall Kragen, 1919 Pennsylvania Avenue NW., Washington, DC 20006. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150214 (Sub-2), filed January 21, 1981. Applicant: J. N. CARR TRANSPORT, INC., 351 Market St., Espy, PA 17815. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001.Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP1-032

Decided: February 5, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill.

MC 153590, filed January 13, 1981. Applicant: BELCOURT OIL COMPANY, INC., P.O. Box 750, Belcourt, ND 58316. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave. NW., Washington, DC 20036. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP1-035

Decided: February 6, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 133590 (Sub-32F), filed November 18, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 153781, filed January 29, 1981. Applicant: L & J TRANSPORTATION CONSULTANTS, INC., 7667 West 95th St., Hickory Hills, IL 60457. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP1-036

Decided: February 10, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

MC 52460 (Sub-312), filed January 26, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Jack R. Anderson, Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 99680 (Sub-12), filed January 26, 1981. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., a corporation, 7701 W. 95th St., Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *general commodities*, between Roseville, IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OP2-010

Decided: February 10, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 16872 (Sub-28), filed January 26, 1981. Applicant: WILLIAM MIRRER, d.b.a. MIRRER'S TRUCKING, 100 E 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201-435-7140. Transporting for or on behalf of the United States Government *general commodities* (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 16872 (Sub-30), filed January 26, 1981. Applicant: WILLIAM MIRRER, d.b.a. MIRRER'S TRUCKING, 100 E 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201-435-7140. Transporting *shipments weighing 100 pounds or less*, in motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 141523 (Sub-5), filed January 5, 1981.Applicant: C. R. KIDD PRODUCE, INC., P.O. Box 364, Springdale, AR 72764. Representative: Connie R. Kidd (same address as applicant). Transporting *general commodities*, between Ft. Calhoun, NE, Arbyrd, Hornersville, and Whitewater, MO, Gosnell, AR, Roseville, IL, Randolph, IA, Clayton, Commerce, and Talihina, OK, Treece, KS, Griffith and Merrillville, IN, Cayce, KY, Lanare and Mentone, CA, Pierce, WV, and Ballston and Milton, NY, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

MC 151383 (Sub-3), filed January 26, 1981. Applicant: NICKELL TRUCKING COMPANY, a corporation, 4901 West 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East 4th St., Tulsa, OK 74103, 918-583-9000. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP4-5

Decided: February 5, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 153767, filed January 16, 1981. Applicant: JET DELIVERY, INC., 750 E. 10th St., P.O. Box 21306, Market Station, Los Angeles, CA 90021. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP4-11

Decided: February 9, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 45626 (Sub-75F), filed January 9, 1981. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul St., Burlington, VT 05401. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 140096 (Sub-1), filed January 27, 1981. Applicant: ROBERTS DELIVERY SERVICE, INC., 28 Spencer St., Agawam, MA 01001. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP5-41

Decided: January 30, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 22139 (Sub-16), filed January 16, 1981. Applicant: ROBERT F. ZAPORA, d.b.a. ZAPORA MOTOR TRANSPORTATION, 22 Auburn Rd., Manchester, NJ 03104. Representative: Arthur J. Piken, 95-25 Queens Blvd., Rego Park, NY 11374. Transporting, for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 133118, filed January 26, 1981. Applicant: PHIL CARLSON, INC., 6045

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S.W. 179th Ave., Beaverton, OR 97005. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201. Transporting *food and other edible products* and *byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone*, and *fertilizers*, and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the US.

MC 136818 (Sub-121), filed January 14, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood, Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 145999 (Sub-9), filed January 12, 1981. Applicant: WESTERN DRYWALL TRANSPORT INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Robert H. Guck (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for or on behalf of the United States Government, between points in the United States.

MC 147969 (Sub-6), filed January 16, 1981. Applicant: JOE S. BOWEN, INC., P.O. Box 262, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5844 Filed 2-17-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 406

Decided: February 9, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 70525 (Sub-1), filed April 18, 1979, previously published in the **Federal Register** issue of February 14, 1980. Applicant: MATHESON TRANSFER COMPANY, a Corporation, 157 Welles St., Forty Fort, PA 18704. Representative: Richard M. Goldberg, 700 United Penn Bank Bldg., Wilkes-Barre, PA 18701. Transporting *household goods* as defined by the Commission, between points in Luzerne, Monroe, Lackawanna, Wyoming, Carbon, Columbia, Sullivan, Wayne, and Schuylkyll Counties, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD, VA, WV, OH, CT, and DC.

Note.—This republication corrects the territory.

MC 134064 (Sub-35F), filed February 4, 1980, previously published in the **Federal Register** issue of May 1, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *alcoholic liquors*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of alcoholic liquors (except commodities in bulk, in tank vehicles), (a) between Ft. Smith, AR, on the one hand, and, on the other, those points in the United States in and east of MN, IA, NE, CO, OK, and TX (b) between Bardstown and Louisville, KY, on the one hand, and, on the other, points in AR, IL, IN, MI, OH, NY, PA, GA, SC, FL, LA, MS, KS, CO, NE, MN, CT, MA, IA, NJ, MD, DE, and AL, (c) between New Orleans, LA, on the one hand, and, on the other, points in AR, MS, AK, FL, OK, KS, CO, NE, IA, MN, MO, MI, OH, KY, IN, IL, GA, and SC, and (d) between Plainfield, IL, on the one hand, and, on the other, points in MI, MO, IA, NE, KS, CO, OK, AR, LA, and KY, restricted in (a), (b), (c) and (d) above to the transportation of traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc.

Note.—This republication indicates the correct territorial description in (b) above and also correctly states the restriction.

Volume No. OP2-012

Decided: February 10, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 116763 (Sub-558F), filed July 16, 1979 (Correction) previously noticed in the **Federal Register** issue of February 14, 1980, and republished this issue. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of foodstuffs (except commodities in bulk, in tank vehicles), between those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of Vlasic Foods, Inc.

Note.—This republication corrects the commodity description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5845 Filed 2-17-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the serivce proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-159

Decided: February 5, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 2754 (Sub-34), filed January 16, 1981. Applicant: NEUENDORF TRANSPORTATION CO., 121 South Stoughton Road, Madison, WI 53714. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Chicago, IL, and Minneapolis, MN, (a) over Interstate Hwy 94, and (b) from Chicago over Interstate Hwy 90 to junction U.S. Hwy 52, and then over U.S. Hwy 52 to Minneapolis, and return over the same route; (2) Between Rockford, IL, and Wausau, WI, over U.S. Hwy 51; (3) Between Menomonie and Green Bay, WI, over WI Hwy 29; (4) Between Marshfield and Manitowoc, WI, from Marshfield over WI Hwy 13 to junction U.S. Hwy 10, and then over U.S. Hwy 10 to Manitowoc, and return over the same route; (5) Between Milwaukee and Green Bay, WI, over U.S. Hwy 41; (6) Between Dubuque, IA, and Manitowoc, WI, over U.S. Hwy 151; (7) Between

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Milwaukee and Green Bay, WI, over Interstate Hwy 43 and U.S. Hwy 141; (8) Between Beloit and Milwaukee, WI, over WI Hwy 15; (9) Between St. Paul, MN, and LaCrosse, WI, over U.S. Hwy 61; and (10) Between Madison and LaCrosse, WI, over U.S. Hwy 14; serving (1) through (10) above all intermediate points and the off-route points of Menominee, Norway, Kingsford, Ironwood, Iron Mountain, and Quinnesec, MI, and Duluth, MN, points in WI, and those points in IL on, east, and north of a line beginning at the WI–IL State line and extending along U.S. Hwy 51 to junction U.S. Hwy 30, and then along U.S. Hwy 30 to the IL–IN State line.

MC 56984 (Sub-5), filed January 19, 1981. Applicant: VALLEY TRANSFER, INC., d.b.a. MURRAY AND MIDVALE TRUCK LINE, a Corporation, 572 DeLong St., Salt Lake City, UT 84111. Representative: Thomas M. Zarr, 455 South Third East, Suite 301, Salt Lake City, UT 84111. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pioneer Carloading, Division of Universal Carloading and Distributing, Inc., of Salt Lake City, UT.

MC 72495 (Sub-24), filed January 21, 1981. Applicant: DON SWART TRUCKING, INC., P.O. Box 49, Route 2, Wellsburg, WV 26070. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting *limestone and sand*, between points in KY, MD, OH, PA, VA, WV, and DC.

MC 106674 (Sub-521), filed January 9, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *building materials*, between the facilities of Donn Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116544 (Sub-237), filed January 21, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of sound, communcations, educational, and entertainment materials, between points in CA, CT, GA, IN, MA, ME, MD, NJ, NY, PA, and TX.

MC 117765 (Sub-310), filed January 19, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75216, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *lumber and wood products*, between points in Spencer County, IN, on the one hand, and, on the other, points in IN, AR, IA, IL, MO, OK, and TN.

MC 128095 (Sub-41,) filed January 21, 1981. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. Transporting *furniture and fixtures*, between points in Fulton County, GA, on the one hand, and, on the other points in AL, GA, AR, LA, MS, and TN.

MC 136315 (Sub-140), filed January 21, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807 Jackson, MS 39205. Transporting *lumber and wood products*, between points in Morgan County, AL, on the one hand, and, on the other points in AL, IL, IN, MA, MI, MO, NY, OH, OK, PA, TX, and WI.

MC 139284 (Sub-7), filed January 21, 1981. Applicant: TRUCKER'S, INC., P.O. Box 337, 4316 South Main St., Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main St., Houston, TX 77002. Transporting *mercer commodities, pipe and related products, metal products*, and *machinery*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 140615 (Sub-58), filed January 21, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *food and related products*, between points in WI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of carrier's existing certificate in MC 140615 (Sub-15, 24, 44, 50, and 54), at applicant's written request.

MC 145914 (Sub-15), filed January 21, 1981. Applicant: COASTAL TRUCK LINE, INC., How Lane, P.O. Box 600, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Coordinated Caribbean Transport, Inc., of Miami, FL.

MC 145914 (Sub-16), filed January 19, 1981. Applicant: COASTAL TRUCK LINE, INC., How Lane, P.O. Box 600, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Caribmar, Ltd., of Miami, FL.

MC 150745 (Sub-3), filed January 19, 1981. Applicant: ART WHIPPLE TRUCKING, INC., 2595 N. Walker Way, Fresno, CA 93727. Representative: Raymond A. Greene, Jr., 100 Pine St., No 2550, San Francisco, CA 94111.Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Fresno Pallet, Inc., of Fresno, CA.

MC 152235F, filed October 15, 1980, previously published in the **Federal Register** of December 2, 1980. Applicant: PFI TRANSPORT, INC., 1218 Lime Street, Fremont, OH 43420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Peoria, IL, and Points in Huron, Sandusky and Scioto counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This republication corrects the commodity description.

MC 152485 (Sub-1), filed January 19, 1981. Applicant: PETER G. BAKER, d.b.a. MEDFIELD TRANSPORT, P.O. Box 529, Milford, MA 01757. Representative: Peter G. Baker, 304 A Oakwoods, Bellingham, MA 02019. Transporting *auto parts*, between points in the U.S., under continuing contract(s) with Real Warehousing, of Millis, MA.

MC 153774 (Sub-1), filed January 21, 1981). Applicant: S & C TRANSPORTATION, INC., 2301 B Washington Ave., P.O. Box 1268, Conway, AR 72032. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *such commodities* as are deal in or used by variety and department stores, between points in AR, KS, MO, OK, TN, and TX, on the one hand, and, on the other, points in the U.S.

Volume No. OP3–166

Decided: February 9, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

MC 44605 (Sub-56F), filed October 17, 1980, previously noticed in the **Federal Register** issue of November 18, 1980. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Ann M. Pougiales, 100 Bush St. 21st Floor, San Francisco, CA 94104. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Rock Spring, WY and Denver, CO: From Rock Springs over Interstate Hwy 80 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Denver, and return over the same route, and (2) Between Laramie, WY and Denver, CO, over U.S. Hwy 287, in (1) and (2) above serving Laramie, WY for purposes of joinder only, and the intermediate or off-route points of Fort Collins, Loveland, Greeley, Longmont and Boulder, CO, and Cheyenne, WY.

Note.—This republication reflects (1) the fact that Rock Springs is in Wyoming rather than West Virginia, and (2) the inadvertent omission of Cheyenne, WY, as an off-route point.

MC 152894, filed November 25, 1980, previously noticed in the **Federal Register** issue of December 16, 1980. Applicant: SUMMIT GROUP TRAVEL, INC., 917 Western Savings Bank Bldg., broad and Chestnut St., Philadelphia, PA 19107. Representative: Alan R. Squires, 818 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107. As a *broker* at Philadelphia, PA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in PA, NJ, MD, DE, VA, and DC, and extending to points in the U.S. (except HI).

Note.—This republication indicates that the application is for broker authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5547 Filed 2-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 20]

Restriction Removals; Decision-Notice

Decided: February 11, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 3101 (Sub-6)X, filed February 4, 1981. Applicant: SCHAUM TRANSFER COMPANY, 410 Davis Street East, St. Louis, Missouri 63111. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to broaden the territorial scope of its Sub-4 permit to between points in the United States, under continuing contract(s) with named shippers.

MC 13087 (Sub-58)X, filed January 27, 1981. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Ave., S.W., P.O. Box 1095, Mason City, IA 50401. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks removal of restrictions to (1) expand the commodity description of its regular-route authority from livestock to "farm products" in the lead certificate; (2) expand the commodity descriptions of its irregular-route authority from: agricultural implements and parts to "machinery," feed to "food and related products," petroleum products, in containers, to "petroleum products," shop machinery to "machinery," binder twine to "textile mill products," waste paper to "pulp, paper and related products," road construction machinery and equipment to "machinery," agricultural chemicals and corn, oats and soya bean seeds to "chemicals and farm products" in the lead certificate, liquid fertilizer and sulphuric acid, in bulk, in tank vehicles, to "chemicals" in Sub-14, dry fertilizer in bulk and in bags to "chemicals" in Sub-15; general commodities (with exceptions) to "general commodities except classes A and B explosives" in Sub-16, part (5); clay products to "clay, concrete, glass or stone products" in Sub-19; empty shipping containers to "containers" in Sub-24, part (2); twine to "textile mill products," butter to "food and related products," brick to "clay, concrete, glass or stone products," plumbing supplies to "building materials," canned goods to "food and related products" in Sub-28; meats, meat products and meat by-products and articles distributed by meatpacking houses, as described in the *Descriptions* case, except commodities in bulk, in tank vehicles, and hides, to "food and related products" in Sub-26, 36, 44, 46, 48F, 50F and 56F; petroleum and petroleum products, in bulk, in tank vehicles to "petroleum and petroleum products" in Sub-30; agricultural chemicals, except in bulk, to "chemicals" in Sub-31; meats, with or without other ingredients, in hermetically sealed containers to "food and related products" in Sub-35; canned goods to "food and related products" in Sub-38G; motor oil and grease, in containers, to "petroleum products" in Sub-40; livestock to "farm products," feed to "food and related products," malt beverages to "food and related products" in Sub-43; tree and weed killing compounds, except in bulk, to "chemicals" in Sub-45F; foodstuffs, except in bulk, to "food and related products" in Sub-53F; crushed glass to "clay, concrete, glass or stone products" in Sub-55F. Applicant also seeks to remove restrictions where service is limited to the transportation of traffic originating at or destined to a named shipper facilities, expand the territorial descriptions to authorize county-wide authority in place of plantsite or city-wide authority, and change the territorial descriptions from one-way to radial service: lead certificate, between Cerro Gordo County, IA, (Mason City, IA) and points in MN withing 100 miles of Mason City, IA; between St. Paul and Minneapolis, MN, and points in Cerro Gordo County, IA (Mason City, IA); between Chicago, Canton, Rock Falls, Rockford, Rock Island and Moline, IL, and points in Cerro Gordo, Worth, Kossuty, Winnebago Counties, IA, (Mason City, Algona, Northwood, Lake Mills, Leland, Thompson, Rake, Harlontown, Joice, IA) and Mower and Freeborn Counties, MN (Keister, Austin, Albert Lea, MN); between Minneapolis and St. Paul, MN, and points in Cerro Gordo, Worth, Winnebago Counties, IA (Mason City, Northwood, Manly, Kensett, Lake Mills, IA); between Chicago, Moline, East Moline, and Rock Island, IL, and points in Cerro Gordo County, IA (Mason City, IA); between Washington County, MN (Stillwater, MN), and points in Winnebago (Lake Mills, IA), Cerro Gordo and Worth Counties, IA; between points in MN, ND, SD, KS, NE, MO, IL, and WI, and points

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in Cerro Gordo and Tama Counties, IA (Mason City and Tama, IA); between Hancock, Wright and Audubon Counties, IA (Britt, Belmond, and Audubon, IA) and points in MO (with exceptions), NE, ND, SD, MN, WI, IL and KS: Sub-14, between Cerro Gordo County, IA (Mason City, IA), and points in MN, SD, and WI, and that part of ND on and east of ND Hwy 1, and those points in SD and NE on and east of U.S. Hwy 281: Sub-15 between Cerro Gordo County, IA (Mason City, IA), and points in MN; between Winona County, MN (Winona, MN), and fifteen counties in IA: Sub-16, between Chicago, IL, and points in Cerro Gordo, Linn, and Marshall Counties, IA (Mason City, Cedar Rapids, and Marshalltown, IA): Sub-19, between Cerro Gordo County, IA (Mason City, IA), and points in IL, NE, ND, SD, and WI: Sub-24, between Minneapolis, MN, Rice, Steele and Freeborn Counties, MN (Faribault, Owatonna, Albert Lea, MN), and Des Moines, IA, Marshall, Cerro Gordo and O'Brien Counties, IA (Marshalltown, Mason City, Sheldon, IA); between Webster County, IA (Des Moines, Fort Dodge, Marshalltown, Mason City, Sheldon, IA), and Minneapolis, MN; between Des Moines, IA, points in Webster, Marshall and Cerro Gordo Counties, IA (Fort Dodge, Marshalltown and Mason City, IA), and points in a described portion of MN and SD, between described portions of MN and SD destinations and described IA origins: Sub-28, between Milwaukee, WI, and, points in a described portion of IA; between Bremer, Floyd, and Butler Counties, IA (Plainfield, Kelsey, Colwell, Shell Rock, Allison, IA), and Chicago, IL; between points in LaSalle County, IL (Lowell and Streator, IL), and points in Bremer, Cerro Gordo, and Buchanan Counties, IA (Waverly, Mason City, Independence, IA); between Sheboygan County, WI (Kohler, WI), and Marshall County, IA (Marshalltown, IA); Sub-26, between Cerro Gordo County, IA (Mason City, IA), and points in IL and IN (except the Chicago, IL commercial zone as defined by the Commission), KS, MI, MN, MO, NE, SD, WI (except Green Bay, Madison, Oshkosh, and Two Rivers, WI): Sub-30, between points in Fillmore County, MN (plantsite near Springs Valley, MN), and points in WI and IA: Sub-31, between points in Muscatine County, IA (plantsite near Muscatine, IA), and points in IN, KS, MI, MN, MO, NE, ND, OH, PA, SD, and WI: Sub-35, (1) between points in Lee County, IA (plantsite at Fort Madison, IA), and points in WI, IL, and MN: Sub-36, between points, in Tama County, IA (plantsite at Tama, IA), and points in IL, IN, MI, MN, MO and WI: Sub-38G, between points in named Wisconsin Counties, and Minneapolis, MN, Steele County, MN (Owatonna, MN) and Sioux Falls, SD: Sub-40, between Sheboygan County, WI (Plymouth, WI), and points in Cerro Gordo, IA (Mason City, IA): Sub-43, between Fayette County, IA (Arlington, IA, and points within 25 miles) and Chicago, Il, on the movement of farm products and food; between Milwaukee, WI, Chicago, IL, and Black Hawk County, IA (Waterloo, IA): Sub-44, between Freeborn County, MN (plantsite at Albert Lea, MN), and points in WI: Sub-45F, between Clinton and Cerro Gordo Counties, IA (Clinton and Mason City, IA), and points in MN: Sub-46F, between Black Hawk County, IA (plantsite at Waterloo, IA), and points in Upper Peninsula of Michigan: Sub-48F, between Emmet County, IA (plantsite near Estherville, IA), and points in IN, IL, MN, MO, and WI: Sub-50F, between Cerro Gordo and Hancock County, IA (plantsite near Britt and Mason City, IA), and points in IL, IN, KS, MI, MN, MO, NE, ND, SD and WI: Sub-53F, between points in Floyd County, IA (plantsite at Charles City, IA), and points in IL, IN, MI, MN, MO, NE, ND, SD, and WI: Sub-55F, between Cerro Gordo, IA (Mason City, IA), and points in MN: Sub-56F between Marshall County, IA (Marshalltown, IA), and Chicago, Il, and Omaha, NE.

MC 58923 (Sub-65)X, filed February 4, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: Fritz R. Kahn, 1660 L Street NW., Suite 1100, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-33 certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to general commodities (except Class A and B explosives) and, (2) delete the restriction requiring a prior or subsequent rail movement.

MC 68100 (Sub-44)X, filed February 3, 1981. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-25F certificate, to (1) change the commodity description from metal articles to "metal products," (2) remove the restriction which limits transportation of traffic originating from a named shipper facility at Houston, TX, and (3) change from one-way to radial authority between Houston, TX, and points in AR, KS, LA, MO, NM and OK.

MC 104430 (Sub-63)X, filed January 29, 1981. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-5, 10, 12, 19, 20, 21, 29, 34, 38, 40, 43, 44, 47, 48, 49, 51F, 52F, 54F, 57F, 58F, and 59F certificates to broaden its commodity descriptions to "commodities in bulk", from various specified commodities which move in bulk, in tank vehicles such as petroleum and petroleum products, blackstrap molasses, and liquid animal feed. In addition, in Sub-5, it seeks to broaden Baton Rouge to East Baton Rouge Parish, LA; Marrero, Grenta and Westwego, to Jefferson Parish, LA; Destrehan and Norco to St. Charles Parish, LA; and to broaden its one-way authority to radial authority between East Baton Rouge, Jefferson and St. Charles Parishes, LA, and, points and places in that portion of MS on, south and west of a line beginning at Vicksburg, and extending along US Hwy 80 to Jackson and then along US Hwy 49 to Gulfport, MS. In Sub-12, it seeks to broaden Baton Rouge to East Baton Rouge Parish, LA; Laurel and Meridian, MS, to Jones and Lauderdale Counties, MS; and to expand its one-way authority to radial authority between East Baton Rouge Parish, LA, and, points in Jones and Lauderdale Counties, MS. In Sub-19, its seeks to broaden Purvis, MS, and points within five miles thereof, including a named plantside to Lamar County, MS, and expand its one-way authority to radial authority between Lamar County, MS, and, points in LA east of the Mississippi River. In Sub-21, parts (a) and (b), it seeks to broaden Baton Rouge to East Baton Rouge Parish, LA; Norco, Good Hope, Destrehan and St. Rose, LA, to St. Charles Parish, LA; and to broaden its one-way authority to radial authority between East Baton Rouge and St. Charles Parishes, LA, and, points in MS north of US Hwy 80. In Sub-29, it seeks to expand its one-way authority to radial authority between Pascagoula, MS, and, points in AL, FL, GA, and KY. In Sub-38, it seeks to broaden a facilities limitation at McComb to Pike County, MS; to remove the restriction limiting service to the transportation of shipments originating at the named facilities; and to expand its one-way authority to radial authority between Pike County, MS, and points in AL, AR, FL, GA, LA, MS, TN, and TX. In Sub-48, it seeks to broaden Reserve, LA, to St. John the Baptist Parish, LA; and to expand its one-way authority to radial authority between St. John the Baptist Parish, LA, and, points in MS. In Sub-49, part (a) it seeks to broaden the facilities limitation at Greenville, MS, to Washington County, MS; and to expand its one-way authority to radial authority between Washington County, MS, and, points in AL, AR, LA, MS, and TN; in part (b) its seeks to broaden the facilities limitation at Vicksburg, MS, to Warren County, MS; and to expand its one-way authority to radial authority between Warren County, MS, and points in AL, AR, LA, and MS; and in part (c) it seeks to broaden the facilities limitation at Mobile, AL, to Mobile County, AL; and to expand its one-way authority to radial authority between Mobile County, AL, and, points in AL, FL, LA, and MS. In Sub-51F, its seeks to broaden Natchez, MS to Adams County, MS, and to expand its one-way authority to radial authority between Adams County, MS, and, points in LA. In Sub-52F, it seeks to broaden the facilities limitation at Metairie and Good Hope, LA, to Jefferson and St. Charles Parishes, LA; and to expand its one-way authority to radial authority between Jefferson and St. Charles Parishes, LA, and, points in MS, AL, FL, GA, IN, KY, OH, TN, and AR. In Sub-54F, it seeks to remove the restriction limiting service to the transportation of shipments originating at the facilities of a named shipper at Warren County, MS; and to expand its one-way authority to radial authority between Warren County, MS, and, points in AL, AR, FL, GA, IN, KY, LA, MO, OH, NC, SC, and TN. In Sub-57F, it seeks to broaden Montgomery, AL, to Montgomery County, AL, and to expand its one-way authority to radial authority between Montgomery County, AL, and, points in MS. In Sub-58F, it seeks to broaden its one-way authority to radial authority between points in Jefferson Parish, LA, and, points in the United States. Applicant also seeks in Sub-10, 20, 34, 40, 43, 44, 47, and 59F to expand its one-way authority to radial authority.

MC 106074 (Sub-456)X, filed February 4, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221-S, Forest City, NC 28043. Representative: Larry Lawing (same address as above). Applicant seeks to remove restrictions from its Sub-42 and 56 certificates which authorize the transportation of glass fiber, glass fiber rovings, yarn, strands, matting, fabric and waste, from South Lexington and West Shelby, NC to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, by changing its commodity description to "textile mill products" and authorizing county-wide radial authority between Davidson and Cleveland Counties, NC, and points in the above named destination States.

MC 107544 (Sub-157)X, filed February 2, 1981. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Permit MC 113959 (Sub-4) to (1) broaden the commodity description from red water in bulk to "commodities in bulk", and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 113855 (Sub-520)X, filed February 4, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions from its Sub-22 certificate to (1) broaden the commodity descriptions from (a) wine and grape juice concentrates, (b) vegetable oil and fish oil, (c) fish solubles, and (d) molasses and molasses derivatives, to "food and related products" (2) eliminate the restriction, "in liquid form, in bulk, in rubber-cord cargo tanks, of not less than 3,000 gallons capacity which by reason of size, construction, or attachment to the transporting motor vehicle, must be loaded and unloaded without being removed from such vehicle," (3) broaden its territorial description by (a) replacing Warrenton, OR with the county-wide authority of Clatsop County, OR, and (b) expanding its one-way authority to radial authority between points in CA, MT, Clatsop County, OR, and Seattle, WA, and points in IL, IN, IA, MI, MN, MO, and NE.

MC 114457 (Sub-564)X, filed February 2, 1981. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same as applicants). Applicant seeks to remove restrictions in its Sub-491F and 549F certificates, in Sub-491 to (a) broaden the territorial description from a named plantsite at Green Bay, WI, to Brown County, WI (b) delete the restriction limiting transportation to traffic "originating at or destined to" a named facility, and in Sub-549 to (a) eliminate the restriction limiting transportation to traffic moving on a named freight forwarders' bills of lading, (b) broaden the territorial description from one-way authority to radial authority between St. Louis, MO, and those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN to the International Boundary line between the United States and Canada, and, points in Anoka, Dakota, Hennepin, Otter Tail, Ramsey, Wadena, and Washington Counties, MN.

MC 115557 (Sub-34)X, filed February 3, 1981. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Larry D. McCauley (same as applicant). The application seeks to remove restrictions in Sub-24F, in order to (1) broaden commodity description from molds, and materials, equipment and supplies used in the manufacture of molds and glass containers (except commodities in bulk) to "clay, concrete, glass or stone products", (2) eliminate the restriction against commodities in bulk, (3) eliminate the facilities restriction, and broaden the territorial description to county-wide authority from (a) Antioch, Hayward, and Vernon, CA, to Contra Costa, Alameda, and Los Angles Counties, CA (b) Dayville, CT, to Windham County, CT, (c) Forest Park GA to Clayton County, GA, (d) Gas City, and Indianapolis, IN, to Grant County and Indianapolis, IN commercial zone, (e) Jackson, MS, to Jackson, MS commercial zone (f) Knox, Marienville, Parker and Reno, PA, to Clarion, Forest, Armstrong and Venango Counties, PA, and (g) Palestine, TX to Anderson County, TX, to authorize service between those named Counties in place of authority between the named facilities at the above city origins.

MC 115567 (Sub-35)X, filed February 3, 1981. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Verne T. Mahood (same as applicant). Applicant seeks to remove restrictions in the Sub-81F certificate to (1) broaden the commodity descriptions from (a) new furniture and materials, equipments, and supplies used in the manufacture of new furniture (except commodities in bulk) to "furniture or fixtures" and, (b) materials and supplies used in the manufacture of plywood (except commodities in bulk) to "lumber or wood products," (2) eliminate the "except in bulk" restricition, (3) broaden the territorial description by (a) removing the restriction against transportation to AK and HI, (b) replacing named facilities with county-wide authority: Jamestown, NY, with Chautauqua County, NY and New Bethlehem, PA, with Clarion County, PA, (c) broadening Conneautville and Reno, PA, to Crawford and Venango Counties, PA and, (d) expanding the one-way authority to radial authority between Chautauqua County, NY,

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Crawford, Venango and Clarion Counties PA, and, points in the United States.

MC 116014 (Sub-91)X, filed February 5, 1981. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, KY 40391. Representative: Harry Ross, Jr., 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-31 certificate, to (1) broaden the general commodities authority by deleting the restriction against transporting household goods and commodities in bulk, (2) replace plantsite authority with county-wide authority for Clark County, KY, and (3) eliminate the "originating at" and "destined to" restriction.

MC 119234 (Sub-6)X, filed February 3, 1981. Applicant: MERCER MARINE TRANSIT CORP., P.O. Box 368, Calhoun, GA 30701. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions from the Sub-2 certificate which authorizes the transportation of boats and boating equipment, except outboard motors, (a) between points in that part of the United States on and east of U.S. Highway 85, restricted against the transportation of diesel marine engines from Detroit, MI to points in LA and MS, and (b) from points in that part of the United States on and east of U.S. Highway 51, to points in that part of the United States west of U.S. Highway 85 (except AK and HI), by (1) changing its commodity description to "transportation equipment;" (2) authorizing roundtrip operations in (b) above and removing the AK and HI exception and, (3) eliminating the restriction in (a) against "diesel marine engines from Detroit, MI, to points in LA and MS".

MC 119441 (Sub-55)X, filed January 30, 1981. Applicant: BAKER HI-WAY EXPRESS, INC., P.O. Box 506, Dover, OH 44622. Representative: Richard H. Brandon, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-50F certificate to (1) broaden the commodity description from brick, clay products, mortar and cement (except such as is used in manufacturing concrete and concrete products) to "clay, concrete, glass or stone products", (2) eliminate an in bulk restriction, (3) eliminate the restriction against the transportation of lime, limestone, and limestone products, (4) eliminate the restriction against the trasportation of shipments from and to Maple Grove, OH, Lawrenceburg, KY and points in Jackson & Lawrence Counties, OH; from Lewis Run, PA, to 19 named States; and (5) broaden the territorial description to include Clearfield County, PA since applicant holds authority to serve plantsites in that County. Applicant authority will retain the restriction againt serving points in Centre, Jefferson, and Berks Counties, PA, Columbiana County, OH, and Buckingham County, VA.

MC 133591 (Sub-134)X, filed February 3, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks removal of restrictions in its Sub-98F certificate to (1) broaden the commodity description from canned goods and canned pet foods to "food and related products," and (2) replace one-way authority with radial service between OR, and points in AR, KS, LA, MO, OK and TX.

MC 133591 (Sub-136)X, filed February 3, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restriction in its Sub-94F certificate by (1) broadening the commodity description from frozen foodstuff to "food and related product"; (2) replacing authority to serve Chickasha and Tulsa, OK and Memphis, TN with countywide authority for Grady and Tulsa Counties, OK, and Shelby County, TN, and (3) broadening the territorial description from one-way authority to radial authority between Grady and Tulsa Counties, OK, and Shelby County, TN, and points in 22 named States.

MC 133591 (Sub-137)X, filed February 3, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 90F certificate to (1) broaden the commodity description from fabrics, towels, cloths, aprons and textile products to "textile mill products", (2) replace authority to serve North Little Rock, AR, with county-wide authority to serve Pulaski County, AR, and (3) replace one-way authority with radial authority between Pulaski County, AR, and points in CA.

MC 135525 (Sub-1)X, filed February 4, 1981. Applicant: RAIBLE'S COMMERCIAL WAREHOUSE, INC., P.O. Box 109, Altoona, PA 16603. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its lead certificate which authorizes the transportation of general commodities (with the usual exceptions), from Altoona, PA, to points within 100 miles of Altoona, by removing all exceptions in its general commodities authority except Classes A and B explosives and household goods as defined by the Commission, and by expanding its one-way authority to radial authority.

MC 144140 (Sub-55)X, filed January 30, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: K. Edward Wolcott, Suite 1200, 235 Peachtree St., N.E., Atlanta, GA 30303. Applicant seeks to remove restrictions in its Sub-Nos. 6F, 11F, 21F paragraph (7), 26F, 31F and 35F certificates to (1) broaden the commodity descriptions to "food and related products (except commodities in bulk)" from (a) beverages, beverages preparations, citrus and citrus products, and foodstuffs in mixed shipments with the above (except commodities in bulk) in Sub-No. 6F, citrus products not canned and not frozen (except in bulk) in Sub-No. 31F, and citrus products, not canned and not frozen in Sub 35F, and (b) to "food and related products" from foodstuffs in Sub-No. 26F (2) replace the plantsite restrictions with (a) Philadelphia, PA and Delaware County, PA, from Eddystone, PA, Camden and Mercer Counties, NJ from Camden and Trenton, NJ, and Lee County, MS from Tupelo, MS in Sub-No. 11F, and (3) broaden the territorial description from one-way authority to radial authority between (a) points in FL (except points in Dade, Broward, Palm Beach and Monroe Counties) and points in 14 named States and DC in Sub-No. 6F, (b) Philadelphia, PA and Delaware County, PA, Camden and Mercer Counties, NJ, and points in 8 named States and Lee County, MS and points in 8 named States in Sub-No. 11F, (c) points in the United States in and east of MN, IA, MO, KS, OK, and TX and points in FL, in Sub-No. 21F, paragraph (7), (d) points in 4 named GA Counties and points in 14 named States and DC, and points in 4 named MD Counties, and points in 16 named States and DC in Sub-No. 26F, (e) points in FL and points in 10 named States in Sub-No. 31F and (f) named facilities at points in FL and points in 7 named States and named facilities at points in NJ and points in 14 named States and DC in Sub-No. 35F and (4) delete the restriction to transportation of traffic destined to points in the destination area in Sub-No. 6F, (5) delete the restriction requiring traffic that originates at 11 named GA Counties move on bills of a specified shipper in Sub-No. 21F, paragraph (7).

MC 147612 (Sub-4)X, filed February 3, 1981. Applicant: WILLARD D. VAN ZUIDAN, TRUCKING, INC., Box 333, Albany, IL 61230. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to broaden the commodity description from iron and steel articles to "metal products"; eliminate the facilities limitation at Sterling and Rock Falls, IL, and broaden Sterling and Rock Falls to county-wide authority in Lee and Whiteside Counties, IL; remove the restriction limiting service to the transportation of shipments originating at the named facilities and destined to the named destinations; and expand its one-way authority to radial authority service between Lee and Whiteside Counties, IL, and points in 24 States.

MC 148000 (Sub-7)X, filed January 26, 1981. Applicant: C. H. DREDGE & CO., INC., 916 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Applicant seeks to remove restrictions from its Permits MC-125872 MIF and Sub-Nos. 8F, 10F and 11F and from its Certificates MC-148000 Sub-Nos. IF, and 4F as follows: (1) broaden the commodity authority (a) in its MIF permit by removing "and materials, equipment, and supplies used in the manufacture, processing, and distribution of foodstuffs from "foodstuffs;" (b) in Subs 8F and 11F from salt and salt products, and materials moving in mixed loads with salt and salt products (except in bulk) to "chemicals and allied products"; (c) in its Sub-10F from potatoes (except frozen), to "foodstuffs"; and (2) broaden the territorial authorities in the above permits to between points in the U.S. under continuing contract(s) with amend shippers; (3) broaden the territorial authority in its Sub-1F certificate by removing the plantsite at or near Laveen, AZ and replacing with radial authority between points in Maricopa County, AZ and points in OK and UT and by removing the restriction limiting traffic originating at the named origin; (4) broaden the territorial authority in its Sub-4F certificate by replacing the named facility at or near Las Vegas, NV, with county-wide Clark County, NV, authority and replacing one-way authority with radial between points in Clark County, NV and Salt Lake City, UT.

Rerouting of Traffic

[I.C.C. Order No. 65 Under S.O. No. 1344; Amdt. 7]

To: All Railroads:

Upon further consideration of I.C.C. Order No. 65, and good cause appearing therefor:

It is ordered:

I.C.C. Order No. 65 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., April 15, 1981, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., February 15, 1981.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 5, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-5648 Filed 2-17-81; 8:45 am]

BILLING CODE 7035-01-M

[No. 17000-7]

Rate Structure Investigation, Part 7, Grain and Grain Products

AGENCY: Interstate Commerce Commission.

ACTION: Notice of petition filing.

SUMMARY: The Commission seeks comments on a Denver and Rio Grande Western Railroad Company request to cancel allegedly absolete rates on grain and grain products.

DATE: Comments are due March 20, 1981.

ADDRESSES: An original and 6 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The proposed cancellation would affect practically all stations Missouri River and west and stations in Colorado and Utah as published in Section 3, Pages 57 to 77, Supplement 39 to Tariff ICC DRGW 4011; and Section 2, Pages 11 to 17, Supplement 51 to Tariff ICC DRGW 4012 (except item 360-D). These rates were initially prescribed by the Commission in docket No. 17000-7, *Grain and Grain Products Within the Western District and for Export*, 205 I.C.C. 301 (1934).

In our decision in No. 37161, *Denver and Rio Grande Western Railroad Company—Petition For Permission to Cancel Obsolete Rates on Grain and Grain Products*, served April 8, 1980, we permitted the DRGW to cancel other similarly obsolete rates. Petitioner asserts that these rates have become obsolete due to general increases and truck and market competition.

This notice will be served on the Utilities Commission of the State of Colorado and on the Public Service Commission of the State of Utah.

It does not appear that this action is a major Federal action significantly affecting the quality of the human environment or conservation of energy resources. However, comments on this issue are invited.

Dated: November 6, 1980.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5667 Filed 2-17-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Wednesday, March 18, 1981, 9:00 a.m., Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C.

The Commission will consider program objectives for fiscal years 1982-1985, the listing of bobcat, lynx and river otter on the Convention on International Trade in Endangered Species, criteria for export approval of Convention species, and miscellaneous business pertaining to the third meeting of Convention party representatives in New Delhi, India.

For further information contact Dr. William Y. Brown, Executive Secretary, International Convention Advisory Commission, Suite 220, 1010 Wisconsin Avenue, NW., Washington, D.C. 20007, telephone 202/343-7407. Opportunity will be given for oral or written presentations provided that appointments are made with Dr. Brown by 5:00 p.m., March 13, 1981.

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Dated: February 12, 1981.

William Y. Brown,

Executive Secretary, International Convention Advisory Commission.

[FR Doc. 81-5467 Filed 2-17-81; 8:45 am]

BILLING CODE 4310-68-M

DEPARTMENT OF JUSTICE

Ford Motor Co.; Proposed Consent Decree In Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 5, 1981, a proposed Consent Decree in *United States of America* v. *Ford Motor Company*, Civil No. 78-5658, was lodged with the United States District Court for the Eastern District of Michigan.

The proposed consent decree will require Ford to come into compliance with the Michigan State Implementation Plan mass emission and opacity standards at its coke, BOF, and blast furnace facilities. Ford would use a combination of reasonably available control technology (RACT) and operating and maintenance procedures to achieve the SIP standards at its five coke batteries by December 1982. RACT based standards would also be met at their BOF Shop.

The Department of Justice will receive on or before March 20, 1981, written comments related to the proposed judgment. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States of America* v. *Ford Motor Company*, D.J. Ref. No. 90-5-2-1-141.

The proposed consent decree may be examined in the Office of the United States Attorney, 817 Federal Building, 231 W. Lafayette Street, Detroit, Michigan, at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 S. Dearborn Street, Chicago, Illinois, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1250, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $2.50 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-5360 Filed 2-17-81; 8:45 am]

BILLING CODE 4410-01-M

Ford Motor Co.; Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on January 30, 1981, a proposed consent decree in *United States* v. *Ford Motor Company* was lodged with the United States District Court for the Northern District of Ohio. The proposed decree would require Ford Motor Company to reduce particulate emissions and visible emissions for 12 coal-fired, steam-generating boilers located at 3 different company-owned plants in Ohio: the Brook Park Engine plant, Cleveland, Ohio; the Sharonville Transmission plant, Cincinnati, Ohio; and the Canton Forge plant, Canton, Ohio.

The Department of Justice will receive, on or before March 20, 1981, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530, and refer to *United States* v. *Ford Motor Company*, D.J. Ref. 90-5-1-1-1074.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Courthouse, 201 Superior Avenue, N.E., Cleveland, Ohio 44114, or at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois, 60604, or at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1254), Ninth Street and Pennsylvania Avenue, NW., Washington, D.C., 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $2.30 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-5361 Filed 2-17-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice (81-21)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

Name of Committee: NASA Advisory Council, Informal Ad Hoc Advisory Subcommittee on Computer Technology and Information System.

Date and Time: March 5, 1981, 3:00 p.m.-5:00 p.m.

Address: National Aeronautics and Space Administration, Room F5026, Federal Building 6, 400 Maryland Avenue SW., Washington, DC 20546.

Type of Meeting: Open.

Purpose of Meeting: Discussion of status of study.

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Wiskerchen, National Aeronautics and Space Administration, Office of Space Science, Washington, DC 20546 (202/755-3685).

SUPPLEMENTARY INFORMATION: The NAC Informal Ad Hoc Advisory Subcommittee on Computer Technology and Information Systems was established to investigate the status of NASA computer technology relative to the state of the art in terms of information system hardware, software, and management; identify any areas of significant lag; and recommend actions it believes NASA should take. The Subcommittee, chaired by Dr. A. G. W. Cameron, consists of two other members of the NASA Advisory Council. The meeting is open to the public up to the seating capacity of the room (approximately 60 persons, including Subcommittee members and other participants).

Dated: February 11, 1981.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

[FR Doc. 81-5370 Filed 2-17-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Artists-in-Education Advisory Panel (formerly Artists-in-Schools Advisory Panel); Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Artists-in-Education Advisory Panel (formerly the Artists-in-Schools Advisory Panel) has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and b) policies and programs of the National Endowment for the Arts. This Committee shall report to the national Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5531 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Expansion Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5532 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Federal Graphics Evaluation Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Federal Graphics Evaluation Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and Humanities.

This charter will be filed with the Standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5533 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel (formerly Special Projects Advisory Panel); Renewal

In accordance with the Provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Inter-Arts Advisory Panel (formerly the Special Projects Advisory Panel) has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5534 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Literature Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and b) policies and programs of the National Endowment for the Arts. This

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Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5535 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is thereby given that renewal of the Media Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5536 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Museum Advisory Panel has been approved by the Chairman of the National Endownment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5537 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Music Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submited to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended , and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts. National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5538 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Office for Partnership Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended , and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts. National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5539 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Theatre Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Theatre Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended , and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5540 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Visual Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended , and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-5541 Filed 2-17-81; 8:45 am]

BILLING CODE 7537-01-M

[Docket No. 50-364]

Alabama Power Co.; Issuance of Amendment to Facility License NPF-8

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility License No. NPF-8 issued to Alabama Power Company (the licensee), which added Technical Specification 7.1 to Facility License NPF-8 for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment grants relief from certain requirements in the Technical Specifications to permit the conduct of augmented low power tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Comission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The activity authorized by the amendmnet is encompassed by the overall action involving the proposed issuance of an operating license for which prior notice was issued in the **Federal Register** on October 30, 1973 (38 FR 29907).

The Commission has determined that the issuance of this amendment will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authroized by the amendment is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) the application for amendment dated January 5, 1981, (2) Amendment No. 2 to License No. NPF-8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-5480 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358 OL]

Cincinnati Gas & Electric Company, et al. (William H. Zimmer Nuclear Station, Operating License Proceeding); Order Changing Location of Evidentiary Hearing

Notice is hereby given that the location of the evidentiary hearing scheduled by the Atomic Safety and Licensing Board's Order dated February 4, 1981, is hereby changed from Room 805 to Room 822, U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45202. As previously scheduled, the hearing will commence at 9:30 a.m. on March 2, 1981 and will continue at 9:00 a.m. on March 3 and (if necessary) March 4.

It is so ordered this 10th day of February 1981.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81-5481 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329-OL and OM 50-330-OL and OM]

Consumers Power Co. (Midland Plant, Units 1 and 2); Prehearing Conference

February 9, 1981.

Notice is hereby given that the prehearing conference which had been tentatively scheduled for the week of March 23, 1981, is hereby scheduled to commence at 9:30 a.m. on Tuesday, March 24, 1981, and the continue (if necessary) at 9:00 a.m. on Wednesday, March 25, 1981. The conference will be held in the Auditorium, Midland County Courthouse, 301 W. Main Street, Midland, Michigan 48640.

The conference will consider matters specified in 10 CFR 2.752, to the extent they were not dealt with in the prehearing conference held on January 28-29, 1981. Parties are invited to submit proposed agenda, which should reach the Board no later than Friday, March 20, 1981.

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No oral limited appearance statements will be entertained at this conference.

Dated at Bethesda, Maryland this 9th day of February 1981.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81-5482 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Operating License No. DPR-73; Docket No. 50-320, EA-80-43]

Metropolitan Edison Co. Three Mile Island Nuclear Station, Unit No. 2; Order Imposing Civil Monetary Penalty

I

The Metropolitan Edison Company (the "licensee") is the holder of Operating License DPR-73 (the "license") which authorizes operation of the Three Mile Island Nuclear Station, Unit 2, 100 Interpace Parkway, Parsippany, New Jersey 07054, at steady state reactor core power levels not in excess of 2772 megawatts thermal (rated power). The license was issued on February 8, 1978. However, the licensee's authority to operate the facility was suspended by Order for Modification of License dated July 20, 1979 after the incident which occurred at the facility on March 28, 1979. The facility consists of a pressurized water moderated and cooled reactor (PWR), located at the licensee's site in Dauphin County, Pennsylvania, three miles south of Middletown, Pennsylvania.

II

Special inspections were conducted on March 17 through April 11, 1980 at the Three Mile Island Nuclear Station of events involving the transportation of radioactive liquid samples from the licensee's facility on February 6 and March 6, 1980, and on June 10, 1980 at Richland, Washington of events involving the transportation of radioactive waste from the licensee's facility on June 6, 1980. These inspections revealed that three of the licensee's activities were apparently not conducted in full compliance with NRC regulations. A written Notice of Violation was served upon the licensee by letter dated August 7, 1980 specifying the items of noncompliance, in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was concurrently served upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, incorporating by reference the Notice of Violation, which stated the nature of the items of noncompliance and the provisions of NRC Regulations and license conditions.

A response, dated September 8, 1980, was received from the licensee on September 11, 1980. In this response, the licensee acknowledged the noncompliances described in Items A and C of the Notice of Violation and enclosed a check in the amount of $5,000 in payment of the civil penalties associated with these items. The licensee disputed Item B, however.

III

After consideration of the answer received and the statements of fact, explanation, and argument in denial or mitigation of Item B of the Notice of Violation, as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for this item of noncompliance should be reduced.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the total amount of Two Thousand Dollars ($2,000) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may, within twenty-five (25) days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in noncompliance with the Commission's regulations as designated in Item B of the Notice of Violation referenced in Section II above; and,

(b) Whether, on the basis of such item of noncompliance, this Order should be sustained.

Dated this 10th day of February 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Appendix A

Evaluation and Conclusions

For the item of noncompliance and associated civil penalty identified, in the Notice of Violation dated August 7, 1980, as Item B, the original item of noncompliance is re-stated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response dated September 8, 1980 is presented.

Statement of Noncompliance (Item B)

10 CFR 71.5(a) requires that NRC licensees comply with the applicable packaging and transportation requirements of the Department of Transportation (DOT) in 49 CFR Parts 170–189.

B. 49 CFR 173.393(g) requires liquid radioactive material in Type A quantities be packaged in or within a leak-resistant and corrision resistant inner containment vessel.

Contrary to the above, on February 6 and March 6, 1980, the inner containment vessels of the packages leaked radioactive material during transport demonstrating that the inner containers were not leak-resistant. In the February 6 shipment, the value handles were not removed and were left unprotected on the sample bomb, the inner containment vessel, resulting in the leakage. In the March 6 shipment of the ten polyethylene bottles shipped as inner containment vessels, one was crushed and three others leaked.

This is a Severity Level II Violation (Civil Penalty—$4,000).

Evaluation of the Licensee Response and Conclusions

The license disputes the items of noncompliance and requests reconsideration of the finding because the sample bombs were contained in an additional sealed steel container and had previously been used weekly for the period March 1979 through January 1980 without any leakage.

Given the configuaration of this particular package, that is a sample bomb surrounded by moisture-absorbent material within a second carbon steel sealed container that is, in turn, surrounded by moisture-absorbent material and enclosed within a 7A certified 55 gallon drum, the staff agrees that this particular package complies with the requirements of 49 CFR 173.393(g). Consequently, the penalty for Item B of the Notice of Violation is mitigated by $2,000.00

With respect to the polyethylene sample bottles, the licensee stated in his September 8, 1980 letter that "the bottles are not necessarily leakproof, however, they are leak resistant as required by the cited regulation." The fact that 4 of 10 polyethylene bottles leaked or were crushed demonstrated that, for the conditions under which these bottles were shipped, they were not leakproof or leak resistant as required by the regulation. In addition, in its September 8, 1980 letter, the licensee stated that a 30 foot drop that was made on March 23, 1980, of a container using polyethylene bottles without any leakage. Review of the test data by our inspector disclosed that there were gross differences between the materials and configuration of packaging for the test and the actual shipped containers. The sample bottles shipped were wrapped in lead and not secured to prevent crushing of the bottles from the accumulated weight of the lead wrapping. While the licensee argues that certain impact tests demonstrated leak resistance for these bottles, these tests did not simulate actual conditions in transit. Consequently, those tests were not adequate to demonstrate leak resistance as shown by the failures experienced during the shipment in question.

Conclusion

The March 6, 1980 shipment of liquids in ploye thylene bottles is an item of noncompliance. However, the information presented by the licensee, with respect to the sample bomb shipped on February 6, 1980, provides a reasonable basis to reduce the civil penalty to Two Thousand Dollars ($2,000).

[FR Doc. 81-5483 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

Availability of Report on Analyses, Conclusions, and Recommendations for Operator Licensing

Notice is given that the Commission's Office of Nuclear Reactor Regulation has published a report on analyses, conclusions and recommendations concerning Operator Licensing which was prepared for the Commission by Analysis & Technology, Inc., of North Stonington, Connecticut. Identified as NUREG/CR-1750, the report is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in all other Commission Local Public Document Rooms. This document is a study of requirements for operator licensing as described in Task 1.A of the NRC Action Plan developed as a result of the TMI-2 Accident, NUREG-0660. This report presents an independent perspective for the Nuclear Regulatory Commission regarding the requirements and practices for control room operator licensing; and to assess the issues about requirements for operator licensing and training programs raised by the March 28, 1979, accident at Three Mile Island, Unit 2. The objective is to establish requirements and practices regarding the selection, screening, training, licensing, requalification and performance of nuclear power plant licensed operators and the training and qualification of non-licensed operators and maintenance personnel. Another overall objective is to insure the employment of qualified personnel in nuclear power plants.

Interested persons may submit comments on the report for the Commission's consideration. Operating reactor licensees, applicants for operating licenses, and designated Federal agencies and organizations with experience in operation of nuclear power plant are being provided with copies of the report. Comments on the report received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Upon consideration of comments submitted with respect to the report, the NRC will prepare final recommendations for improvements in requirements for operator licensing and training programs, the availability of which will be published in the **Federal Register**.

Comments received after April 30, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments filed on or before April 30, 1981.

Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch.

For further information contact: P. F. Collins, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-7486.

NUREG/CR-1750 is available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be purchased for $10.00 directly from NRC by sending a check or money order, payable to the Superintendent of Documents, to the Director, Division of Technical Information and Document Control, Attention: Sales Manager, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their order by calling (301) 492-9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Maryland, this 27th day of January 1981.

Paul F. Collins,

Chief, Operator Licensing Branch, Division of Human Factors Safety.

[FR Doc. 81-5484 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications to allow operation through Cycle 6 with less than 75 percent of the incore detectors operable provided additional, compensatory measures are followed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated January 14, 1981, (2) Amendment No. 55 to License No. DPR-40, and (3) the Commission's related Safety

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Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 2nd day of February 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-5486 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Revision 1 to Regulatory Guide 8.12, "Criticality Accident Alarm Systems," describes a system acceptable to the NRC staff for meeting the Commission's requirements for a criticality accident alarm system. It endorses, with some exceptions, ANSI/ANS 8.3–1979, "Criticality Accident Alarm System." The guide has been revised as a result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of Feburary 1981.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-5488 Filed 2-17-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE FEDERAL REGISTER

Agreements Between the American Institute in Taiwan and the Coordination Council for North American Affairs

AGENCY: Office of the Federal Register.

ACTION: Notice of availability of agreements.

SUMMARY: The American Institute in Taiwan has concluded a number of agreements with the Coordination Council for North American Affairs in order to maintain cultural, commercial and other unofficial relations between the American people and the people on Taiwan. The Director of the Federal Register is publishing the list of these agreements on behalf of the American Institute in Taiwan in the public interest.

SUPPLEMENARY INFORMATION: Cultural, commercial and other unofficial relations between the American people and the people on Taiwan are maintained on a nongovernmental basis through the American Institute in Taiwan (AIT), a private nonprofit corporation created under the Taiwan Relations Act (Pub. L. 96–8; 93 Stat. 14). The Coordination Council for North American Affairs (CCNAA) is its nongovernmental Taiwan counterpart.

Under § 12(a) of the Act, agreements concluded between the AIT and the CCNAA are transmitted to the Congress, and according to §§ 6 and 10(a) of the Act, such agreements have full force and effect under the law of the United States.

The texts of the agreements are available from the American Institute in Taiwan, 1700 North Moore Street, 17th floor, Arlington, Virginia 22209. For further information contact Joseph Kyle at this address, telephone (703) 525–8474.

Following is a list of agreements concluded by AIT with CCNAA as of December 31, 1980.

Aviation

Air transport agreement, with exchange of letters. Signed at Washington, March 5, 1980; entered into force March 5, 1980.

Education and Cultural

Implementing agreement financing certain educational and cultural exchange programs. Exchange of letters at Taipei April 14 and June 4, 1979; entered into force June 4, 1979.

Privileges and Immunities

Agreement relating to privileges and immunities of courier system. Signed at Washington and Arlington December 31, 1979 and January 7, 1980; entered into force January 7, 1980.

Agreement on privileges, exemptions and immunities. Signed at Washington October 2, 1980; entered into force October 2, 1980.

Scientific Cooperation

Agreement relating to cooperation in science and technology. Exchange of letters at Arlington and Washington September 4, 1980; entered into force September 4, 1980.

Trade and Commerce

Agreement on trade matters, with annexes. Exchange of letters at Arlington and Washington October 24, 1979; entered into force October 24, 1979.

Implementing agreement relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington November 5 and 21, 1979; entered into force November 21, 1979.

Implementing agreement relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington December 13 and 17, 1979; entered into force December 17, 1979.

Implementing agreement relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington March 7, and April 10, 1980; entered into force April 10, 1980.

Implementing agreement concerning export limitations relating to trade in cotton, wool and man-made fiber textiles and textile products. Exchange of letters at Arlington and Washington July 25 and August 25, 1980; entered into force August 25, 1980.

Agreement relating to exports of color television receivers, with annexes. Signed at Taipei June 28, 1980; entered into force June 28, 1980.

Weather Observations

Agreement relating to provision of AIT of ionospheric weather observations by CCNAA. Signed at Arlington and Washington November 26, 1980; entered into force November 26, 1980.

Dated: February 6, 1981.

Joseph B. Kyle,

Corporate Secretary, American Institute in Taiwan.

Dated: February 12, 1981.

John E. Byrne,

Director of the Federal Register.

[FR Doc. 81-5516 Filed 2-17-81; 8:45 am]

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17532; File No. 4–208]

American Stock Exchange, Inc., et al.; Notice and Order Approving Proposed Amendment to the Intermarket Trading System Plan

February 10, 1981.

In the matter of American Stock Exchange, Inc., Boston Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc.

Notice is hereby given that the Securities and Exchange Commission has issued a provisional order, pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 (the "Act"), approving an amendment ("Amendment") to the "Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage" ("ITS Plan").[1]

I. Background

On February 10, 1981, the Amendment was filed with the Commission. The Amendment would revise the ITS Plan to reflect the membership of the Cincinnati Stock Exchange ("CSE") in ITS. The Amendment provides that CSE's participation in the actual operation of ITS would take place through a manual interface between the CSE's automated National Securities Trading System ("NSTS") and ITS. An ITS terminal would be located on CSE's trading floor, staffed by CSE employees.[2] Commitments sent from, or to, NSTS would be intitially routed to the CSE's physical trading floor, to be rerouted to the designated market center.

In addition, the Amendment would effect a change in the ITS Plan which would apply to all participants. The ITS Plan would require that an ITS participant may only permit its floor members to route commitments through ITS in stocks in which that participant publicly disseminates a continuous two-sided quotation. As a result, securities may be traded in ITS by any participant if members of that participant perform market making functions with respect to that security.

In filing the Amendment, the ITS participants and the CSE requested that the Commission approve the order on an accelerated basis so that CSE might begin participation in ITS on February 11, 1981. The parties suggested that expedited treatment was appropriate in order to avoid further delays in the development of inter-market linkages and because the CSE would otherwise incur substantial additional costs for ITS related equipment which is already installed and prepared for immediate operation.

II. Discussion

Since its January 1978 policy statement on the national market system,[3] the Commission has consistently stated that all qualified market centers must be included in any market linkage facilities which may evolve in order to permit efficient transmission of orders between markets. The Commission believes that the implementation of the manual interface will increase the opportunities for brokers to secure best execution of their customers' orders, and enhance market making competition and efficient pricing. Moreover, the effecting of a linkage between ITS and NSTS is critical to achieving the Commission's goals of eliminating trade throughs and ensuring nationwide price protection of limit orders in securities traded through ITS. Accordingly, the Commission believes that the implementation of the manual interface is a desirable step toward the creation of a more integrated trading environment.[4]

As noted above, the ITS participants and the CSE have requested that the Commission immediately approve the Amendment. The Commission believes that the linking of the NSTS and ITS systems is a significant step toward the creation of a national market system which may enhance market making competition, pricing efficiency and the ability of brokerage firms to ensure best execution of their customers' orders. Therefore, the Commission is approving the Amendment on a temporary basis, for 60 days from the date of publication in the Federal Register. The Commission anticipates that interested parties will submit comments on the Amendment to the Commission and that, prior to the expiration of this period, the Commission will determine whether to issue an order approving the Amendment on a permanent basis.[5]

Publication of the submission is expected to be made in the Federal Register during the week of February 16, 1981. Interested persons are invited to submit written data, views and arguments concerning the submission within 60 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–208.

Copies of the submission, including all amendments, all written statements with respect to the Amendment which are filed with the Commission, and of all written communications relating to the Amendment between the Commission and any person, other than those which may be withheld from the public[6] will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

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[1] The ITS Plan and Amendments thereto are contained in File No. 4–208. The ITS Plan was first approved on an interim basis in 1978. Securities Exchange Act Release No. 14661 (April 14, 1978), 43 FR 17419. Approval on a temporary basis has been extended through January 31, 1983. Securities Exchange Act Release No. 16214 (September 21, 1979), 44 FR 56069.

[2] The CSE, in the Amendment, has agreed that it shall be liable for any loss incurred by any other participant member or member organization of a participant or clearing member or clearing corporation acting on behalf of a participant, as a consequence of any error or omission made by any CSE employee in facilitating or effecting any communication between a participant and the CSE or a CSE member.

[3] *See* Securities Exchange Act Release No. 14416 (January 26, 1978), 43 FR 4354.

[4] The Commission is concerned, however, that a manual interface will prove too slow and cumbersome to provide an efficient mechanism for routing orders among market centers. Accordingly, the Commission expects that, if the CSE is willing to implement the necessary technical changes in order to effect an automated interface between the NSTS and the ITS, the ITS participants will take the necessary steps to implement such an interface. *See* Securities Exchange Act Release No. 17516 at n.22 (February 5, 1981). ——FR——.

[5] The CSE submitted proposed amendments to its rules, consistent with the revised ITS Plan, for approval by the Commission. The Commission, pursuant to 19(b)(3)(B) has summarily approved these amendments. *See* Securities Exchange Act Release No. 17531 (February 10, 1981.

[6] *See* 17 CFR 240.24b–2.

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For the Commission, by the Division of Market Regulation pursuant to delegated authority.[7]

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5467 Filed 2-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17531; File No. SR-CSE-81-1]

Self-Regulatory Organizations

Cincinnati Stock Exchange; Rules To Implement and Govern Participation in the Intermarket Trading System Plan; Proposed Rule Change

Comments requested on or before March 20, 1981.

Prusuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 26, 1981, the Cincinnati Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The proposed rule change has become effective summarily upon filing pursuant to Section 19(b)(3)(B) of the Act; the Commission is publishing this notice to solicit comments on the proposed rule change from interested person.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides for the amendment of the Cincinnati Stock Exchange (the "Exchange" or "CSE") rules necessary to implement an amendment to the joint self-regulatory organization plan which is the basis for the Intermarket Trading System ("ITS"). The amendment to the ITS Plan would make the Exchange an ITS participant by linking the current ITS with the Exchange's National Securities Trading System ("NSTS"). The proposed rule change would implement a manual interface arrangement between ITS and NSTS.

Trades would be effected through the manual interface as described below:

Assume that a broker on the NYSE receives a market order to buy 100 shares and the quotation display at the appropriate NYSE trading post shows that the best offer from participants is one of 40⅛ on the CSE. The NYSE broker may decide to attempt to buy the 100 shares for his customer from the 40⅛ offer on the CSE. By using an ITS terminal located on the NYSE trading floor, the broker would send, or cause to be sent, to the CSE a commitment to buy 100 shares of the stock at 40⅛. Upon receipt of the commitment at an ITS station located on the CSE floor, a CSE employee would enter the order into NSTS through an NSTS terminal to determine whether the 40⅛ offer is still the best offer then being furnished by CSE members. If the 40⅛ offer is still available at the time of such entry, or if a better offer is available, and if the rules of the CSE permit an execution at that price, then the order would be accepted in NSTS and the CSE employee would enter an appropriate acceptance into the System. Upon entry of an acceptance into the System on behalf of the responsible CSE member, an execution at 40⅛ (or at the better price) would take place.

Commitments to trade originating from CSE members would be transmitted through NSTS to an employee on the CSE floor who would enter the commitment into an ITS terminal.

The above described manual interface would be effected through new CSE Rules 14.1 through 14.8 of Chapter XIV to govern the Exchange members' activities in connection with the ITS Plan. Specifically, proposed Rule 14.1 would define key terms that are unique to the Plan. Proposed Rule 14.2 (relating to the ITS) and proposed Rule 14.3 (relating to the Pre-Opening Application) would incorporate the salient provisions of the Plan into rules to which Exchange members would be subject so that those provisions could be properly enforced by the Exchange.

Proposed Rule 14.4 provides that any commitment to trade received through ITS or the Pre-Opening Application, and any commitment to trade issued by an Exchange User (as defined by Exchange Rule 11.9(a)(8)) through ITS, would be subject to such rules as the Exchange from time to time may determine.

Proposed Rule 14.8 would implement the provision of the ITS Plan which provides that the rules of each participant shall provide that a commitment to trade received in its market during the trading day shall, except as otherwise provided for in the Plan, be treated in the same manner and entitled to the same privileges as would an "immediate or cancel" order that reaches the trading floor of that participant at the same time. In addition, proposed Rule 14.8 states how Exchange trading rules apply with respect to the execution of any purchase or sale against a commitment to trade received through NSTS.

The Exchange's liability with respect to transmissions through the ITS Communications System or the NSTS in connection with a commitment or obligation to trade through ITS or in connection with a response to any such commitment or obligation (a "Systems Transmission") or the Pre-opening Application would be limited to the extent set forth in proposed Rule 14.5. The rule provides that the Exchange shall not be liable to any User or other Exchange member for any loss resulting from a Systems Transmission, failure to compare a trade resulting therefrom or other act, error or omission of an Exchange employee sending or receiving a Systems Transmission for a User, unless a written audit trail clearly indicates a failure to perform by the employee. In any event, the CSE has limited its liability to (i) $5,000, in the case of a single claim by a User ($25,000 in the aggregate for multiple claims for a single trading day); or (ii) the amount of recovery obtained by the Exchange under any applicable insurance maintained by the Exchange, whichever is larger. The rule also provides that if the Exchange side of an ITS System transaction is to be settled by an Exchange member who becomes insolvent, the Exchange would not be required to assume that side of the transaction for its own account.

Proposed Rule 14.6 sets forth various record-keeping requirements with respect to commitments or obligations to trade through ITS of the Pre-Opening Application and proposed Rule 14.7 specifies the hours when dealings may be effected through the System.

In addition, two minor revisions are proposed in Rule 11.9 to change the name of the trading system governed by that rule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[7] *See* Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1); 17 CFR 200.30-3(a)(29).

A. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to provide for the implementation and operation of a manual linkage between ITS and the Exchange through NSTS, and to govern CSE members trading in accordance with the provisions of the ITS Plan as amended.

Pursuant to the intent of the Congress, as expressed in Section 11A(a)(3)(B) of the Securities Exchange Act of 1934, as amended (the "Act")—that self-regulatory organizations act jointly in planning, developing, operating and regulating a national market system (or a subsystem or one or more facilities thereof)—the Exchange and the American, Boston, Pacific, New York, Philadelphia, and Midwest Stock Exchanges have entered into a plan agreement providing for an electronic communications system (the "System") which is designed to link together the various participating exchanges in order to permit a trade to take place between the members of different participants. The proposed rule change relates to Section 11A(a) of the Act because it would provide for the implementation and operation of the Intermarket Trading System and the Pre-Opening Application through the Exchange's NSTS.

The proposed rule change also relates to Section 6(b)(1) of the Act on that it would enable the Exchange to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder and the rules of the Exchange in an environment where Users of the NSTS will be able to effect securities transactions with broker-dealers located in different market centers.

Finally, the proposed rule change relates to Section 6 (b) (5) of the Act in that it is designed to promote just and equitable principles of trade; to remove impediments to, and perfect the mechanism of, a free and open market and a national market system; and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

In discussing the need for market linkage systems, the Commission has stated its belief that communication facilities which link all qualified markets are necessary "to ensure effective competition among qualified markets and to achieve the purposes of a national market system established by the Congress in Section 11A of the Act." Securities Exchange Act Release No. 14416 (January 26, 1978) at 28–29. The Commission also has specifically stated that it believes both the ITS and NSTS Systems offer valuable opportunities for increased competition. Securities Exchange Act Release No. 15671 (March 22, 1979) at 10–12. The Exchange fully concurs and believes that the proposed rule change is designed to enhance fair competition among markets in a manner consistent with the requirements of Section 11A of the Act and, as such, imposes no burdens on competition not necessary or appropriate in furtherance of the purposes of the Act to facilitate the development of a national market system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange sent a letter to and solicited comments from its members regarding versions of proposed Rule 14.5 (d) which would limit Exchange liability to its members for errors, acts or omissions by its employees in connection with ITS trades. After consideration of oral comments received from a few CSE members, the proposed rule was redrafted to set forth a written audit trail standard for determining liability and to establish a system for arbitration of disputed claims. The Exchange also notified its members by letter of that revision.

The foregoing rule change has been put into effect summarily, pursuant to Section 19 (b) (3) (B) of the Securities Exchange Act of 1934, based on the Commission's findings that summary effectiveness is necessary for the maintenance of fair and orderly markets and the protection of investors in that an ITS/NSTS interface is a significant and positive step in the evolution of a national market system linking all qualified markets. In addition, the Commission found that the proposed rule change is important for the following reasons: to promote effective competition; to increase the information available to brokers, dealers, and investors; to enhance interaction of orders; to foster pricing efficiency and to ensure the best execution of investors' orders. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before March 20, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 10, 1981.

[FR Doc. 81-5468 Filed 2-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21915; 70-6551]

Middle South Services, Inc., Middle South Utilities, Inc.; Proposed Guarantee by Holding Company of Subsidiary Service Company's Performance Under Computer Leasing Agreement

February 12, 1981.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and Middle South Services, Inc. ("Services"), a subsidiary service company of Middle South, have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

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Services intends to enter into computer equipment leasing arrangements with Comdisco, Inc. ("Comdisco"), a nonaffiliated Delaware corporation, with respect to two IBM 3033 computer systems and related equipment currently being operated by Services at its data-processing computer center in Gretna, Louisiana. In order to effectuate these transactions, Middle South proposes to guarantee the performance by Services of its lease obligations without recourse to Services first being required.

Services is currently utilizing two IBM 3033 computer systems and related equipment under leasing arrangements between itself and International Business Machines Corporation ("IBM"). Services plans to purchase from IBM the two IBM 3033 computer systems and related equipment, together with certain additional model upgrading in respect to one of the two computer systems, at the IBM purchase option accrual prices provided for in the related IBM lease documents (estimated to be approximately $2,107,964 and $2,158,045, respectively), and, immediately thereafter, to sell the two computer systems, related equipment, and model upgrading ("Computer Systems") to Comdisco at Services' cost thereof.

Concurrently with the purchase by Comdisco from Services of the Computer Systems, Comdisco will lease the Computer System to Services for a term of not less than 48 months. The leasing arrangements with Comdisco will be covered by a Master Lease Agreement, dated as of May 9, 1980, between Comdisco and Services, and separate Equipment Schedules attached thereto setting forth separate rental terms and other provisions in respect of each Computer System (said Master Lease Agreement, insofar as it relates to the two Computer Systems, and said Equipment Schedules being hereinafter together referred to as the "Leases").

The Leases will be net leases conferring responsibility for operation, maintenance, insurance, and other expenses upon Services. Services will be obligated to maintain the Computer Systems in good working condition, normal wear and tear excepted. The Leases will be noncancellable during the initial 48-month terms thereof except in the event of: (a) irreparable damage, loss, or destruction of the Computer Systems or (b) default by Services thereunder.

Rental payments during the initial 48-month terms of the Leases will be made by Services in monthly installments in the estimated amounts of $60,697 and $56,925, respectively. Services intends to charge the payments under the Leases to operating expense. The rental payments are such that Services will not acquire any equity in the Computer System and, consequently, the Leases will be accounted for by Services as leases.

Based upon the above monthly charges, Services estimates that the Comdisco Leases will result in savings to it, when compared with the current IBM leasing arrangements, of between $61,194 and $89,380 per month, or an aggregate savings over a term of 48 months of between $2,937,312 and $3,387,529.

The fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 12, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-5489 Filed 2-17-81; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 32

Wednesday, February 18, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

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[M-307; Feb. 12, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Waiver requests by carriers holding Section 418 certificates for domestic all-cargo service. (Memo No. 286, OGC, OC, BDA, OEA, BCCP)
3. Dockets 38948 and 38900, *Muse Air Corporation Fitness Investigation, Application of Muse Air Corporation.* (Memo No. 060-C, OGC)
4. Docket 38785, *Application of Trans-Panama, S.A., for an Exemption*—Motion to Revoke Exemption. (Memo No. 275, OGC)
5. Dockets 33363, 38182 and 38183, *Former Large Irregular Air Service Investigation Phase III, Application of Elan Air Corp.* (OGC)
6. Docket 34650, Finalization of the interim rule governing the load factor standard the Board uses in making essential air service determinations. (OGC, BDA)
7. Docket EAS-346, Appeal of Essential Air Service Determination for Blythe, California. (Memo No. 290, OGC, BDA, OCCR)
8. Docket EAS-548, Appeal of essential air service determination for Zanesvill, Ohio. (Memo No. 195-A, BDA, OGC, OCCR)
9. Dockets 39036 and EAS-603, Piedmont's notice to suspend service at Staunton, Virginia. Docket 39086, Piedmont's exemption application to suspend on less than 90 days' notice. (Memo No. 267, BDA, OCCR)
10. Dockets 39137 and 39138—90-day notice of Texas International Airlines to terminate its service at Las Vegas and request for exemption to terminate on less than the statutory notice period. (Memo No. 280, BDA, OCCR)
11. Dockets 39185 and 39186—90-day notice of Altair Airlines to terminate its service at Charlotte, North Carolina and request for exemption to terminate on less than the statutory notice period. (BDA, OCCR)
12. Dockets 39203 and Docket EAS-122, Peninsula's notice to terminate service at Atka, Alaska, and Appeal of the Essential Air Transportation Determination of Atka, Alaska, filed by the Alaska Transportation Commission. (Memo No. 068-A, OGC, OCCR, BDA)
13. Docket 39135, Application of Jet America under our expedited procedures for a 401 certificate. (Memo No. 266, BDA)
14. Docket 39135, Application of Jet America under our expedited procedures for a 401 certificate. (Memo No. 366-A, BDA)
15. Docket 37392, *Transatlantic, Transpacific, and Latin American Service Mail Rates Investigation.* (Memo No. 264, BDA)
16. Docket 37462, Application of United Air Lines for an exemption or declaratory order under section 403(b) to permit travel agents to assess customers service charges. (Memo No. 299, BDA)
17. Docket 38623, IATA agreements proposing new U.S.-Latin America fare structures. (Memo No. 300, BIA)
18. Docket 38606, Application of Air Florida to amend its certificate to permit it to add New York and Governors Harbor, Bahamas Islands as coterminal points on its Route 197-F. (BIA, OGC, BALJ)
19. Docket 25709, In the matter of the schedules of Philippine Airlines; Docket 34302, Application of Philippine Airlines to increase frequencies. (Memo No. 288, BIA, OGC, BALJ)
20. Docket 39003, Application of Finnair Oy for amended foreign air carrier permit. (Memo No. 296, BIA, OGC, BALJ)
21. Dockets 38389, 31099, 31100, 33586, 33642, 38673, 33940, 34312, 31217, 31777, 34743, Application of Air Florida, Braniff Airways, Capitol International, Lone Star Airways, Transamerica Airlines, Trans World Airlines and the Flying Tiger Line—Show cause order proposing to grant U.S.-France authority and to defer consideration with respect to other countries. (BIA, OGC, BALJ)
22. Request of Orient Express Co. for registration as a foreign freight forwarder. (Memo No. 274, BIA, OGC)
23. Docket 37834, Application of Montana Austria Flugbetrieb Gesellschaft, m.b.H. for a foreign air carrier permit to operate scheduled service Vienna-New York. (Memo No. 262, BIA, OGC, BALJ)
24. Docket 38528, Application of Qantas Airways Limited to amend foreign air carrier permit by adding new authority to Los Angeles and French Polynesia and by removing an operating restriction. (Memo No. 282, BIA, OGC, BALJ)
25. Docket 38592, application of American Airlines for broad international route authority (all U.S. points to foreign points). (Memo No. 051-A, BIA, OGC, BALJ)
26. Docket 38302, Amendments to the certificates of Pan American and Trans World Airlines authorizing service to Ireland. (Memo No. 273, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[S-238-81 Filed 2-13-81; 3:36 pm]

BILLING CODE 6320-01-M

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February 13, 1981.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 0245.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, February 17, 1981.

CHANGE IN THE MEETING: The following matter was added to the agenda for the open portion of the meeting:

"Proposed Amendments to Federal Handicapped Complaint Regulations" A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

IN FAVOR OF CHANGE: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Armando M. Rodriguez, Commissioner; J. Clay Smith, Jr., Commissioner.

OPPOSED: None.

CONTACT PERSONS FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, (202) 634-6748.

This Notice Issued February 13, 1981.

[S-239-81 Filed 2-13-81; 3:45 pm]

BILLING CODE 6570-06-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5

U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 23, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

First State Bank of DeKalb County, a proposed new bank, to be located at 1117 Gault Avenue South, Fort Payne, Alabama.
Citizens' Bank, a proposed new bank, to be located at the intersection of State Highway 104 and County Road 65, Robertsdale, Alabama.
Bank of Industry, a proposed new bank, to be located at the northwest corner of the intersection of Hacienda Boulevard and Stafford Street, City of Industry, California.
1st Business Bank, a proposed new bank, to be located at 601 West 5th Street, Los Angeles, California.
Bass River Savings Bank, South Yarmouth, Massachusetts, an operating noninsured mutual savings bank.
Gilcrease Hills Bank, a proposed new bank, to be located at 2500 West Edison Street, Tulsa, Oklahoma.
Western Resource Bank, a proposed new bank, to be located at 361 East Main, Vernal, Utah.
Pioneer Bank of Evanston, a proposed new bank, to be located at 913 Center Street, Evanston, Wyoming.

Application for consent to consolidate, establish branches, and interchange main office designation:

York County Savings Bank, Biddeford, Maine, an insured mutual savings bank, for consent to consolidate, under a new State charter, with Brunswick Savings Institution, Brunswick, Maine, also an insured mutual savings bank; to establish the six existing offices of York County Savings Bank and the four existing offices of Brunswick Savings Institution as branches of the resultant institution, which would be titled "Coastal Savings Bank"; and to designate as its main office a newly established *de novo* office to be located at Gorham and Foden Roads, South Portland, Maine.

Application for consent to merge and establish branches:

The Buffalo Savings Bank, Buffalo, New York, an insured mutual savings bank, for consent to merge, under its charter and title, with Jamestown Savings and Loan Association, Jamestown, New York, a State-chartered savings and loan association, and for consent to establish the two existing offices and one approved but unopened office of Jamestown Savings and Loan Association as branches of The Buffalo Savings Bank.

Request for reconsideration of a request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Request for recission of a condition imposed by the Corporation in granting consent to move the bank's main office:

The Peoples Bank and Trust Company, Tupelo, Mississippi.

Request for relief from reimbursement of violations under Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Appeal from an initial denial of a request for records pursuant to the Freedom of Information Act.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,642-L (Addendum)—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.
Case No. 44,643-L (Addendum)—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.
Case No. 44,656-SR—American Bank & Trust Company, New York, New York.
Case No. 44,661-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.
Case No. 44,663-NR—United States National Bank, San Diego, California.
Case No. 44,664-L (Amended)—The Mission State Bank and Trust Company, Mission, Kansas.
Case No. 44,673-L—Chocopee Bank and Trust Company, Chicopee, Massachusetts.
Case No. 44,677-L—Northern Ohio Bank, Cleveland, Ohio.
Memorandum and Resolution re: Northeast Bank of Houston, Houston, Texas.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names of locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Reports of committees and officers:

Audit Report re: Investigation of Telephone Abuse–Washington Office.
Audit Report re: Call Reports Processing System.
Reports of the Director, Division of Liquidation:
Memoradum re: Reports Required Under Delegated Authority Status of Approved Committee Cases
Memorandum re: Status of Case No. 44,563-L, Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-261-81 Filed 2-13-81; 3:44 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's February 23, 1981, to consider the following matters:

Disposition of minutes of previous meetings.
Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed consolidation of Barnett Bank of Manatee County, Bradenton, Florida, and Westside National Bank of Manatee County, Bradenton, Florida.
Memorandum proposing the appointment of an agent for service of process in the State of Alaska.
Memorandum proposing the appointment of an agent for service of process in the State of Louisiana.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Report of the Controller on the termination of the liquidation of Bank of Picayune, Picayune, Mississippi.
Report of the Director of the Office of Personnel Management re: Annual Summary of Personnel Activities for 1980.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-262-81 Filed 2-13-81; 3:45 pm]

BILLING CODE 6714-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published February 17, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 18, 1981, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

ER-11.—ER78-517, Connecticut Light & Power Co.

Kenneth F. Plumb,

Secretary.

[S-254-81 Filed 2-13-81; 10:57 am]

BILLING CODE 6450-85-M

6

February 11, 1981.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 18, 1981.

PLACE: Room 600, 1730, K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

In addition to previously published items the Commission will also consider and act upon the following:

5. Callanan Industries, Inc., Docket No. YORK 79-99-M (Petition for Discretionary Review; issues relate to technological and economic feasibility of noise controls under 30 CFR § 56.5-50).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-257-81 Filed 2-13-81; 3:34 pm]

BILLING CODE 5820-12-M

7

[USITC SE-81-02]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 17, 1981.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Emergency meeting—less than ten days' prior notice. Partially open/partially closed.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
(a) Escargot (Docket No. 713).
5. Plastic animal identification tags from New Zealand (Inv. 303-TA-14 [Final]—vote.
6. Any items left over from previous agenda.

Portions Closed to the Public

5. Plastic animal identification tags from New Zealand (Inv. 303-TA-14 [Final]—briefing.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-256-81 Filed 2-13-81; 2:13 pm]

BILLING CODE 7020-02-M

8

NATIONAL RAILROAD PASSENGER CORPORATION (Board of Directors Meeting)

In Accordance with Rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on February 25, 1981.

A. The meeting will be held on Wednesday, February 25, 1981, in the National Guard Association Building, 3rd Floor, One Massachusetts Avenue, Northwest, Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation; Meeting of the Board of Directors—February 25, 1981

Closed session (9:30)

1. Internal personnel matters.
2. Litigation matters.

Open session (10:30)

3. Reelection of shareholder directors.
4. Approval of minutes of regular meeting of January 28, 1981.
5. Approval of policy governing levels of authority for capital projects.
6. Commitment approval requests:
81-59 Automated data communication switching system.
81-03 Modular office systems.
77-242-S6 Supplemental Funding for Chicago, IL—Modernization of 12th and 16th Street Yards—Phase V.
7. Board Committee Reports: Audit, Equipment, Finance, Northeast corridor improvement project, and organization and compensation.
8. President's Report.
9. New business.
10. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Assistant Corporate Secretary at (202) 383–3091.

Barbara J. Willman,

Assistant Corporate Secretary.

February 13, 1981.

[S-258-81 Filed 2-13-81; 9:36 am]

9

NATIONAL SCIENCE BOARD.

DATE AND TIME: February 19, 1981, 9 a.m., Open session; 10 a.m., Closed session. February 20, 1981, 9 a.m., Open session; 9:30 a.m., Closed session.

PLACE: National Science Foundation, Rm. 540, 1800 G St. NW., Washington, D.C.

STATUS: Deletion from previously published announcements.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION: Thursday, February 19: Delete Item 6, Grants, Contracts, and Programs.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357–9582.

[S-259-81 Filed 2-13-81; 3:36 pm]

BILLING CODE 7555-01-M

10

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Volume 46, Page 12185, Thursday, February 12, 1981.

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TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

CHANGE IN THE MEETING: Additional item to be considered at the portion of the meeting which will be open to the public:

(5) Appeal of nonwaiver of overpayment. Carol W. Demkowicz.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920, FTS No. 387–4920.

[S–255–81 Filed 2–13–81; 12:19 pm]

BILLING CODE 7905–01–M

11

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 17, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, February 18, 1981, at 9 a.m. An open meeting will be held on Thursday, February 19, 1981, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared mattered may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, February 18, 1981, at 9 a.m., will be:

Formal orders of investigation.

Litigation matter.

Freedom of Information Act appeals.

Settlement of administrative proceeding of an enforcement nature.

Institution of administrative proceeding of an enforcement nature.

Institution and settlement of administrative proceedings of an enforcement nature.

Regulatory matters bearing enforcement implications.

Regulatory matters regarding financial institution.

The subject matter of the open meeting scheduled.

for Thursday, February 19, 1981, at 10 a.m., will be:

1. Consideration of requests by Ms. Jane Nerpel and Mrs. Evelyn Y. Davis that the Commission review the Division of Corporation Finance's determination concerning a shareholder proposal submitted to American Telephone & Telegraph Company. For further information, please contact William E. Morley at (202) 272–2573.

2. Consideration of whether to approve a proposed rule change of the National Association of Securities Dealers, Inc., concerning the distribution of investment company securities and reciprocal sales practices (the "Anti-Reciprocal Rule"). For further information, please contact Kathleen McGann at (202) 272–2855.

3. Consideration of whether to issue a release adopting Securities Exchange Act Rule 11Aa3–2 establishing procedures and requirements for plans in connection with planning, developing, operating, or regulating a national market system. For further information, please contact Suzanne Brannan at (202) 272–2889.

4. Consideration of whether to issue a release adopting amendments to Rule 10b–6, excepting from the application of the rule distributions of securities by issuers or their subsidiaries pursuant to employee or shareholder plans sponsored by those issuers or their subsidiaries. For further information, please contact Allyn C. Shepard at (202) 272–2883.

5. Consideration of whether to issue a release proposing amendments to its net capital rule which would affect brokers and dealers conducting certain commodities transactions to reflect the recent amendments adopted by the Commodity Futures Trading Commission to its net capital rule. For further information, please contact Gregory N. Smith at (202) 272–2368.

6. Consideration of whether to approve a limited exception to the Commission's policy regarding the granting of unlisted trading privileges in OTC stocks to extend such privileges in solely listed securities subject to an issuer delisting application. For further information, please contact Susan Wilk at (202) 272–2841.

7. Consideration of whether to grant applications for unlisted trading privileges pursuant to Section 12(f) of the Securities Exchange Act in securities not included in the consolidated transaction and quotation reporting systems. For further information, please contact Susan Wilk at (202) 272–2841.

8. Consideration of whether to issue a release requesting public comments on revisions of Rule 19h–1 under the Securities Exchange Act of 1934 relating to notices by self-regulatory organizations of proposed admissions to, or continuances in, membership or participation of certain persons subject to statutory disqualifications. For further information, please contact H. Steven Holtzman at (202) 272–2842.

9. Consideration of whether to issue a release requesting public comments on proposed Rule 17a–24 concerning the establishment of customer complaint registries. For further information, please contact Stuart Strauss at (202) 272–2413.

10. Consideration of whether to adopt amendments to Securities Exchange Act Rule 11b–1 to eliminate outdated provisions regarding rule changes and to clarify the rule's application to options specialists, as well as stock specialists, on national securities exchanges. For further information, please contact Susan Wilk at (202) 272–2841.

11. Consideration of whether to issue a release requesting comments on proposed amendments to Regulation S–X to provide revised closure requirements for the detailed property, plant, and equipment schedule and the related schedule of accumulated depreciation, depletion, and amortization. The new requirements would be based on disclosures by industry segment. For further information, please contact Arthur J. Schmeiser at (202) 272–2133.

12. Consideration of whether to withdraw proposed Rule 205–3 under the Investment Advisers Act of 1940, which would have provided a limited exception to the performance compensation prohibition of Section 205(1) of the Advisers Act for a registered investment adviser to a business development company. For further information, please contact Arther E. Dinerman at (202) 272–2079.

13. Consideration of whether to grant a request for a waiver of certain provisions of the Commission's Conduct Regulation in connection with outside employment of Irving R. Pollack. For further information, please contact Myrna Siegel at (202) 272–2430.

14. Consideration of whether to grant a request for a waiver of certain provisions of the Commission's Conduct Regulation in connection with outside employment of Ernest T. Kaufmann, a Special Trial Counsel in the Commission's Los Angeles Regional Office. For further information, please contact Myrna Siegel at (202) 272–2430.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

February 11, 1981.

[S–252–81 Filed 2–12–81; 4:01 pm]

BILLING CODE 8010–01–M

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federal register

Wednesday
February 18, 1981

Part II

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

February 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of February 1, 1981 of 34 rescissions and 41 deferrals contained in the first four special messages for FY 1981. These messages were transmitted to the Congress on October 1, and December 2, 1980, and January 15 and 29, 1981.

Rescissions (Table A and Attachment A)

Rescission proposal totalling $1,143.9 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of February 1, 1981, while Attachment A shows the history and status of each rescission proposed during FY 1981.

Deferrals (Table B and Attachment B)

As of February 1, 1981, $4,338.1 million in 1981 budget authority was being deferred from obligation and another $6.7 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the deferrals covered by the cumulative report are printed in the **Federal Register** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1981 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 1,143.9
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$ 1,143.9

* *

TABLE B

STATUS OF 1981 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 5,670.4
Routine Executive releases (-1,326.5 million) and adjustments (+.9 million) through February 1, 1981	-1,325.6
Overturned by the Congress	-0-
Currently before the Congress	$ 4,344.9 a.

a. This amount includes $6.7 million in outlays for a Department of the Treasury deferral (D81-19A).

Attachments

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PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 02/02/81 15:12

AS OF FEBRUARY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81-34		1,500	1 29 81			
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Operations, research, and facilities							
BA	R81- 1		30,493	1 15 81			
National Telecommunications and Info Administratio							
Public telecom facilities, planning and constructi							
BA	R81- 2		4,000	1 15 81			
DEPARTMENT OF COMMERCE TOTAL BA			34,493				
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Elementary and secondary education							
BA	R81- 4		52,150	1 15 81			
School assistance in federally affected areas							
BA	R81- 3		148,000	1 15 81			
Office of Vocational and Adult Education							
Vocational and adult education							
BA	R81- 5		11,862	1 15 81			
Office of Postsecondary Education							

PAGE 2 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 02/02/81 15:12

AS OF FEBRUARY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Higher and continuing education							
BA	R81- 7		30,989	1 15 81			
Student loan insurance							
BA	R81- 6		78,728	1 15 81			
DEPARTMENT OF EDUCATION TOTAL BA			321,729				
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses							
BA	R81- 8		25,026	1 15 81			
Energy supply R&D- plant and capital equip.							
BA	R81- 9		3,650	1 15 81			
Fossil energy research and development							
BA	R81-10		25,450	1 15 81			
Energy conservation							
BA	R81-11		47,800	1 15 81			
DEPARTMENT OF ENERGY TOTAL BA			101,926				
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
Health Services Administration							
Health services							
BA	R81-12		8,057	1 15 81			

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PAGE 3 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 As of 02/02/81 15:12

AS OF FEBRUARY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Centers for Disease Control							
Preventive health services BA	R81-13		27,000	1 15 81			
National Institutes of Health							
National Cancer Institute BA	R81-14		13,565	1 15 81			
National Heart, Lung, and Blood Institute BA	R81-15		10,324	1 15 81			
National Institute of Dental Research BA	R81-16		302	1 15 81			
Nat. Inst. of Arthr., Metabolism, & Diges. Disease BA	R81-17		3,232	1 15 81			
Nat. Inst. of Neurol. and Comm. Disord. and Stroke BA	R81-18		2,031	1 15 81			
Nat. Inst. of Child Health and Human Develop. BA	R81-19		3,285	1 15 81			
National Eye Institute BA	R81-20		2,353	1 15 81			
Nat Inst of Environmental Health Sciences BA	R81-21		3,258	1 15 81			
National Institute of Aging BA	R81-22		588	1 15 81			
Research resources BA	R81-23		10,561	1 15 81			
National Library of Medicine BA							

PAGE 4 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 As of 02/02/81 15:12

AS OF FEBRUARY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81-24		341	1 15 81			
Office of the Director BA	R81-25		360	1 15 81			
Alcohol, Drug Abuse, and Mental Health Admin.							
Alcohol, drug abuse, and mental health BA	R81-26		67,140	1 15 81			
Health Resources Administration							
Health resources BA	R81-27		78,683	1 15 81			
Human Development Services							
Human development services BA	R81-28		10,000	1 15 81			
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			241,080				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Congregate services program BA	R81-29		10,000	1 15 81			
OTHER INDEPENDENT AGENCIES							
Community Services Administration							
Community services program BA	R81-30		6,000	1 15 81			
Federal Mine Safety and Health Review Commission							
Salaries and expenses BA							

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PAGE 5 ATTACHMENT A - STATUS OF RESCISSIONS FISCAL YEAR 1981 AS OF 02/02/81 15:12

AS OF FEBRUARY 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
		R81-31		163	1 15 81			
Postal Service								
Payment to the Postal Service Fund								
	BA	R81-32		250,000	1 15 81			
Tennessee Valley Authority								
Tennessee Valley Authority fund								
	BA	R81-33		177,000	1 15 81			
OTHER INDEPENDENT AGENCIES TOTAL	BA			433,163				
TOTAL	BA			1,143,891				

END OF REPORT

PAGE 1 ATTACHMENT B STATUS OF DEFERRALS FISCAL YEAR 1981 AS OF 02/05/81 10:26

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military credit sales	BA	D81-23	659,250		12 2 80	-199,450			459,800
Economic support fund	BA	D81-24	1,984,500		12 2 80	-690,880			1,293,620
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales	BA	D81- 1	16,481		10 1 80				16,481
Expenses, brush disposal	BA	D81- 2	37,342		10 1 80				37,342
DEPARTMENT OF AGRICULTURE TOTAL	BA		53,823						53,823
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions	BA	D81- 3	2,867		10 1 80				
	BA	D81- 3A		184	1 15 81				3,051
National Oceanic and Atmospheric Administration									
Construction	BA	D81- 4	10,230		10 1 80	-5,239			4,991
DEPARTMENT OF COMMERCE TOTAL	BA		13,097	184		-5,239			8,042

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PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 02/05/81 19:26

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy	BA	D81-27	1,125,000		1 15 81				1,125,000
Procurement activities	BA	D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation									
RDT&E Activities	BA	D81- 6	46,500		10 1 80				46,500
Military Construction									
Military construction (medical facilities)	BA	D81-25	111,300		12 2 80	-19,300			92,000
Military construction, all services	BA	D81- 7	6,983		10 1 80				
	BA	D81- 7A		600,344	12 2 80	-210,209		800	397,918
Family Housing, Defense									
Family housing, Defense	BA	D81- 8	18,651		10 1 80	-18,651			
	BA	D81-28	1,992		1 15 81				1,992
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			1,450,126	600,344		-387,860		800	1,663,410
DEPARTMENT OF DEFENSE-CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D81- 9	667		10 1 80	-136a			
	BA	D81- 9A		147	1 15 81			136	814
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									

PAGE 3 ATTACHMENT B STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 02/05/81 19:26

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
Operating expenses	BA	D81-29	5,000		1 15 81				5,000
Plant and capital equipment	BA	D81-30	12,000		1 15 81				12,000
Energy Programs									
Fossil energy construction	BA	D81-33	42,000		1 15 81				42,000
Energy conservation	BA	D81-34	10,450		1 15 81				10,450
Energy supply R&D-operating expenses	BA	D81-31	23,860		1 15 81				23,860
Energy supply R&D-plant and capital equip.	BA	D81-32	3,690		1 15 81				3,690
DEPARTMENT OF ENERGY TOTAL BA			97,000						97,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D81-10	10,698		10 1 80				10,698
Office of Assistant Secretary for Health									
Special foreign currency program	BA	D81-11	8,000		10 1 80				8,000
Human Development Services									
White House Conference on Children and Youth	BA	D81-12	562		10 1 80				562
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			19,260						19,260
DEPARTMENT OF THE INTERIOR									

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PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 02/05/81 19:26

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
Heritage Conservation and Recreation Service								
Land and water conservation fund								
BA	D81-13	30,000		10 1 80				30,000
Geological Survey								
Exploration of National Petroleum Res. in Alaska								
BA	D81-35	10,710		1 15 81				10,710
Payments from proceeds, sale of water								
BA	D81-14	41		10 1 80				41
Bureau of Mines								
Drainage of anthracite mines								
BA	D81-15	765		10 1 80				765
DEPARTMENT OF THE INTERIOR								
TOTAL BA		41,516						41,516
DEPARTMENT OF JUSTICE								
Federal Prison System								
Buildings and facilities								
BA	D81-16	15,750		10 1 80				
BA	D81-16A	"	4,050	1 15 81				19,800
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance								
BA	D81-36	76,699		1 15 81				76,699
DEPARTMENT OF STATE								
Other								
Emergency refugee and migration assistance fund								
BA	D81-37	15,000		1 15 81				15,000

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 02/05/81 19:26

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration								
Facilities & equip. (Airport & airway trust fund)								
BA	D81-17	133,823		10 1 80				
BA	D81-17A		240,603	12 2 80	-14,893			359,533
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
State and local government fiscal assistance fund								
BA	D81-18	111,773		10 1 80	-1,365			110,408
O	D81-19	6,488		10 1 80				
O	D81-19A		5,209	12 2 80	-3,959			6,735
Bureau of the Mint								
Construction of mint facilities								
BA	D81-20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY								
TOTAL BA		117,503			-7,095			110,408
TOTAL O		5,488	5,209		-3,959			6,735
OTHER INDEPENDENT AGENCIES								
Federal Emergency Management Agency								
Emergency planning, preparedness, and mobilization								
BA	D81-21	80		10 1 80				80
Intelligence Community Staff								
Intelligence Community Staff								
BA	D81-38	2,000		1 15 81				2,000
National Consumer Cooperative Bank								
Self help development fund								
BA	D81-39	13,133		1 15 81				13,133

PAGE 6 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 02/05/81 19:26

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB/AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
AGENCY/BUREAU/ACCOUNT								
Pennsylvania Avenue Development Corporation								
Land acquisition and development BA	D81-40	30,896		1 15 81				30,896
Small Business Administration								
Business loan and investment fund BA	D81-41	57,500		1 15 81				57,500
			17,000	10 1 80	-17,000			
			15,800	12 2 80				15,800
Tennessee Valley Authority								
Tennessee Valley Authority fund BA	D81-22							
BA	D81-26							
			136,409		-17,000			119,409
OTHER INDEPENDENT AGENCIES TOTAL BA								
			14,423		-1,322,553		936	4,338,134
			5,485		-3,959			6,735
TOTAL BA		4,814,423						
TOTAL O		5,485						

FOOTNOTES

a. This amount was released before the special message containing the deferral was transmitted to the Congress.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments On Proposed Rules for the Week of February 22 through February 28, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

81058 12–9–80 / Antitrust provisions relating to raisins produced from grapes grown in California; comments by 2–27–81

Food Safety and Quality Service—

7387 1–23–81 / Prior label approval program, reopening of comment period; comments by 2–23–81

[Originally published at 45 FR 72197, 10–31–80]

CIVIL AERONAUTICS BOARD

85064 12–24–80 / Accounts and reports for certified air carriers, uniform system; reduction in financial and statistical reporting requirements; comments by 2–23–81

85075 12–24–80 / Cooperative shippers associations; permission to act as agents of direct air carriers; reply comments by 2–23–81

87012 12–31–80 / Tariffs; special tariff permission; fare changes; comments by 2–23–81

COMMERCE DEPARTMENT

Economic Analysis Bureau—

7214, 7244 1–22–81 / Direct investment surveys; proposed survey form and rule changes (2 documents); comments by 2–23–81

International Trade Administration—

85447 12–29–80 / Revision of appeals provisions of the export administration regulations; comments by 2–27–81

National Oceanic and Atmospheric Administration—

3942 1–16–81 / Taking of bowhead whales by Indians, Aleuts, or Eskimos for subsistence purposes; comments by 2–27–81

EDUCATION DEPARTMENT

7002 1–22–81 / Museum Services Program; comments by 2–23–81

ENERGY DEPARTMENT

78600 11–25–80 / Protection of human subjects; comments by 2–23–81

[Corrected at 45 FR 80630, 12–8–80]

Conservation and Solar Energy Office—

2522 1–9–81 / Residential Conservation Service Program; Federal RCS Plan; comments by 2–23–81

Federal Energy Regulatory Commission—

9962 1–30–81 / High-cost natural gas produced from tight formations; ceiling prices; comments by 2–25–81

9637 1–29–81 / Water power projects "short-form" license applications for minor water projects and major water projects 5 megawatts or less; comments by 2–27–81

ENVIRONMENTAL PROTECTION AGENCY

85085 12–24–80 / Air pollution; standards of performance for industrial surface coating operations within appliance assembly plants; comments by 2–23–81

85099 12–24–80 / Air pollution; standards of performance for industrial surface coating; appliance size; priority list; comments by 2–23–81

85084 12–24–80 / Air programs; primary nonferrous smelter orders; comments by 2–23–81

9127 1–28–81 / Air quality implementation plan; Ohio; approval and promulgation; comments by 2–27–81

7008 1–22–81 / Air quality, Ohio; revision to State implementation plan; sulfur dioxide emission limitations for sources in Pike and Wayne Counties; comments by 2–23–81

85481 12–29–80 / Approval and promulgation of Missouri State implementation plan for lead; comments by 2–27–81

8536 1–27–81 / Commonwealth of Pennsylvania; Proposed revision of the Pennsylvania State Implementation Plans; comments by 2–26–81

8575, 8583 1–27–81 / Ohio sulfur dioxide control strategy, approval and promulgation of implementation plans; comments by 2–26–81

84942 12–23–80 / Removal of oil and hazardous substance discharges; comments by 2–23–81

FEDERAL COMMUNICATIONS COMMISSION

9143 1–28–81 / Emergency radio service; additional systems on secondary basis; comments by 2–23–81

3929 1–16–81 / Further proposal regarding implementation of requirements of the International Maritime Satellite Telecommunications Act; comments by 2–27–81

3939 1–16–81 / Public coast station replies to general calls on Channel 16; reply comments by 2–27–81

82282 12–15–80 / TV broadcast station in East St. Louis, Ill.; proposed changes in table of assignments; reply comments by 2–23–81

9145 1–28–81 / TV broadcast stations; New Smyrna Beach, Orlando and Winter Park, Florida; table of assignments; comments by 2–23–81

84834 12–23–80 / TV broadcast station in Sacramento, Calif.; proposed changes in table of assignment; reply comments by 2–23–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

7274 1–23–81 / Antifungal antibiotic drugs; griseofulvin (ultramicrosize) tablets (final rule); comments by 2–23–81

7271 1–23–81 / Antioxidants and/or stabilizers for polymers; N,N'-hexamethylenebis(3,5-di-tert-butyl-4-hydroxyhydrocinnamamide) (final rule); comments by 2–23–81

81065 12–9–80 / Changes in proper names of certain biological products, revision of labeling requirements for blood and blood components, and revision of regulations on whole blood (human); comments period extended to 2–28–81

[*See also* 45 FR 72404, 72416, 72422, 10–31–80]

8451 1–27–81 / D&C Orange No. 4; listing of color additives subject to certification; objections by 2–26–81

8462 1–27–81 / Grapefruit juice; standards of identity and fill of container; objections by 2–26–81

8466 1–27–81 / N-methyl-N-(tall oil acyl) taurine, sodium salt; indirect food additives; paper and paperboard components; objections by 2–26–81

8465 1–27–81 / Polysorbate 60 and polysorbate 80; food additives permitted for direct addition to food for human consumption; objections by 2–26–81

7273 1–23–81 / Tests and methods of assay of antibiotic and antibiotic-containing drugs and tetracycline antibiotic drugs—doxycycline hyclate tablets (final rule); comments by 2–23–81

INTERIOR DEPARTMENT

Geological Survey—

84762 12–23–80 / Mineral resources of Federal and Indian lands; assessment of late payment charge for payments received after due date and for most underpayments; interim rule; comments by 2–23–81

84824 12–23–80 / Oil and gas and sulphur operations in the Outer Continental Shelf; comments by 2–23–81

Surface Mining Reclamation and Enforcement Office—

8997 1–22–81 / Surface coal mining and reclamation operations; State programs; approval procedures; comments by 2–23–81

INTERSTATE COMMERCE COMMISSION

2076 1–8–81 / Carrier net income; definition for dividend purposes; comments by 2–23–81

8604 1–27–81 / Elimination of certificates as the measure of "holding out"; comments by 2–26–81

LABOR DEPARTMENT

Employment and Training Administration—

7395 1–23–81 / Comprehensive Employment and Training Act (CETA) regulations concerning eligibility of prisoners; comments by 2–23–81

Employment and Training Administration—

7270 1–23–81 / Unemployment compensation for ex-servicemembers; new schedule of remuneration (final rule); comments by 2–27–81

PERSONNEL MANAGEMENT OFFICE

85685 12–30–80 / Basic and optional life insurance plans (interim regulations); comments by 2–23–81

84955 12–24–80 / Basic, standard optional, additional optional, and family optional life insurances; comments by 2–23–81

84808 12–23–80 / Elimination of individual listings of excepted service appointing authorities; comments by 2–23–81

SECURITIES AND EXCHANGE COMMISSION

9636 1–29–81 / Investment company current report forms, revisions; comment period extended to 2–27–81

[*See also* 45 FR 78158, 11–17–80]

SMALL BUSINESS ADMINISTRATION

85059 12–24–80 / Surety bond guarantee; revision of rules and regulations; comments by 2–23–81

STATE DEPARTMENT

83970 12–19–80 / International traffic in arms regulations; comments by 2–27–81

TRANSPORTATION DEPARTMENT

Coast Guard—

85476 12–29–80 / Identification of boats; comments by 2–27–81

79258 11–26–80 / Licensing of vessel pilots; comments by 2–26–81

[Corrected at 45 FR 80843, 12–8–80]

85475 12–29–80 / Manufacturer and dealer first-purchaser list requirements; comments by 2–27–81

85468 12–29–80 / Navigation lights for small vessels; comments by 2–27–81

Federal Aviation Administration—

8028 1–26–81 / High density traffic airports; comments by 2–27–81

Federal Highway Administration—

10177 2–2–81 / Buy America requirements; comments by 2–23–81

National Highway Traffic Safety Administration—

8063 1–26–81 / Consumer information regulations; uniform the quality grading; comments by 2–25–81

12001 2–12–81 / Medical standards and certification; issuance of airmen medical certificates for certain conditions; comment date extended to 2–27–81

[*See also* 45 FR 80296, 12–4–80]

10969 2–5–81 / Theft protection safety standard; extension of time for filing petitions for reconsideration; file by 2–27–81

[*See also* 45 FR 85450, 12–29–80]

Research and Special Programs Administration—

2121 1–6–81 / Hazardous Materials Regulations: shipment of dispersant gas and refrigerant gas; comments by 2–23–81

2126 1–6–81 / Shipment of Hazardous Materials miscellaneous amendments; comments by 2–23–81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

10512 2–3–81 / Explosive material regulations amendments; comments by 2–18–81

Comptroller of the Currency—

3237 1–14–81 / Assessment of fees; national banks, District of Columbia; comments by 2–23–81

[*See also* 45 FR 85045, 12–24–80]

85042 12–24–80 / Rules, policies, and procedures for corporate activities; comments by 2–23–81

Internal Revenue Service—

85077 12–24–80 / Deferred compensation plans maintained by State and local governments and rural electric cooperatives; comments by 2–23–81

VETERANS ADMINISTRATION

8575 1–27–81 / Veterans benefits; lengths of service requirement; comments by 2–25–81

Deadlines for Comments On Proposed Rules for the Week of March 1 through March 7, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

87002 12–31–80 / Packers and stockyards; livestock market agencies and dealers; surety bond requirements; etc.; comments by 3–2–81

Animal and Plant Health Inspection Service—

85767 12–30–80 / Export Swine pseudo-rabies test requirements; comments by 3–2–81

8640 12–31–80 / Livestock and poultry disease control; communicable diseases, foot-and-mouth disease, pleuropneumonia, rinderpest, etc., indemnity claims not allowed; commets by 3–2–81

Food and Nutrition Service—

56448 10–7–80 / Penn. Food Stamp Direct Demonstration Project; comments by 3–1–81

Food Safety and Quality Service—

10500 2–3–81 / Accredited Laboratory program; comments by 3–5–81

79819 12–2–80 / Prohibition of polychlorinated biphenyls (PCB's) and PCB-containing equipment or machinery and liquid PCB in Federally inspected meat establishments, poultry product establishments and egg product plants; comment period extended to 3–4–81

[*See also* 45 FR 44317, 10–28–80]

10498 2–3–81 / Proposed shelled peanuts standards; comments by 3–5–81

COMMODITY FUTURES TRADING COMMISSION

9958 1–30–81 / Contract market designation; economic and public interest reqirements; comments by 3–1–81

[Originally published at 45 FR 73504, 11–5–81]

79831 12–2–80 / Speculative position limits; comments by 3–2–81

EDUCATION DEPARTMENT

5410 1–19–81 / Centers for independent living; comments by 3–5–81

86308 12–30–80 / Continuing Education Outreach—State Administered Program provisions; comments by 3–2–81

86894 12–31–80 / Educational Opportunity Centers Program; comments by 3–2–81

86872 12–31–80 / International Education Programs, selection criteria specified; comments by 3–2–81

86331 12–30–80 / Legal Profession Training Program provisions; comments by 3–2–81

86928 12–31–80 / National Graduate Fellows Programs; comments by 3–2–81

4954 1–19–81 / Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance; intent to develop regulations; comments by 3–5–81

86394 12–30–80 / Pell Grant Program provisions; comments by 3–2–81

[*See also* 46 FR 12495, 2–17–81]

86333 12–30–80 / Pell Grant Program provisions; comments by 3–2–81

86333 12–30–80 / Provisions for matching grants orders the High School Equivalency and College Assistance Migrant program; comments by 3–2–81

86340 12–30–80 / Provisions for financial assistance for construction, reconstruction and renovation of higher education facilities; comments by 3–2–81

86315 12–30–80 / Provisions of Continuing Education Outreach—Special Projects program; comments by 3–2–81

86317 12–30–80 / Proposed provisions for handicapped research programs; comments by 3–2–81

86311 12–30–80 / Provisions of Special Impact Aid Program for Refugees; comments by 3–2–81

86378 12–30–80 / Rehabilitation training provisions (final regulations); comments by 3–2–81

[*See also* 46 FR 12406, 2–17–81]

86922 12–31–80 / Special Programs Staff and Leadership Personal Training Program; comments by 3–2–81

86900 12–31–80 / Special Services for Disadvantaged Students Program; comments by 3–2–81

86854 12–31–80 / Student assistance general provisions; comments by 3–2–81

[*See also* 46 FR 12495, 2–17–81]

86908 12–31–80 / Talent Search Program; comments by 3–2–81

4991 1–19–81 / Teacher Corps Program grants; comments by 3–5–81

4913 1–19–81 / Training programs for teachers of handicapped children in areas with a shortage; comments by 3–5–81

[*See also* 46 FR 12495, 2–17–81]

86914 12–31–80 / Upward Bound Program; comments by 3–2–81

86326 12–30–80 / Veterans' Cost-of-Instruction Payments Program provisions; comments by 3–2–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

11839 2–11–81 / Ceiling prices on high cost gas produced from tight formations; comments by 3–6–81

8566 1–27–81 / Gathering allowances and compression allowances under Section 110 of the Natural Gas Policy Act of 1978; comments extended to 3–2–81

[Originally published at 45 FR 84814, 12–23–80]

11890, 11892 2–11–81 / Proposed designation of tight formations producing high cost gas (2 documents); comments by 3–6–81

ENVIRONMENTAL PROTECTION AGENCY

86946 12–31–80 / Air pollution from aircraft; report "Impact of Aircraft Emissions on Air Quality in the vicinity of Airports"; comments by 3–2–81

9661 1–29–81 / Air quality, Utah, nonattainment area boundaries for sulfur dioxide and total suspended particulates in certain counties; comments by 3–2–81

79726 12–1–80 / Chemical imports and exports; proposed policy statement for chemical substances; comments by 3–2–81

86966 12–31–80 / Hazardous waste management system standards for generators of hazardous waste and owners and operators of treatment, storage, and disposal facilities; comments by 3–2–81

86966 12–31–80 / Hazardous waste management system, storage requirements applicable to transporters, etc.; comments by 3–2–81

86970 12–31–80 / Hazardous wastes, transportation by rail; comments by 3–2–81

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9973 1-30-81 / Illinois; revisions to State Implementation Plan; comments by 3-2-81

8589 1-27-81 / Kentucky's application for interim authorization, Phase I, hazardous waste management program; comments by 3-2-81

84828 12-23-80 / Polychlorinated biphenyls (PCB's) manufacturing, processing, distribution in commerce, and use prohibitions; proposed restrictions on use of PCBs at Agricultural Pesticide and Fertilizer Facilities; comments by 3-4-81

10750 2-4-81 / Revised State Implementation Plan regulations for the San Diego Air Basin; comments by 3-6-81

86278 12-30-80 / Standards of performance for new stationary sources; pressure sensitive tape and label surface coating operations; comments by 3-2-81

FEDERAL COMMUNICATIONS COMMISSION

9665 1-29-81 / Aeronautical mobile services on worldwide basis; frequency allotment changes; comments by 3-6-81

11846 2-11-81 / Amendment of FM broadcast station assignment rules; comments by 3-2-81

46121 7-9-80 / American Telephone and Telegraph Co.; long-term cost allocation procedures; reply comments by 3-7-81

3939 1-16-81 / American Telephone and Telegraph Co.; manual and procedures for the allocation of costs; comments by 3-7-81

9133 1-28-81 / Common carrier services; AT&T; wideband circuits to communications companies and public; comments by 3-2-81

10924 2-5-81 / Competitive common carrier services and facilities authorizations; rates; deregulatory approaches; comments by 3-2-81

9141 1-28-81 / FM broadcast station; Norton, Kansas; table of assignments; comments by 3-2-81

84833 12-23-80 / FM broadcast station in Ponca City, Okla.; proposed changes in table of assignments; reply comments by 3-2-81

5009 1-19-81 / Frequency allocations and radio treaty matters; high frequency radio spectrum; reply comments by 3-2-81

69178 10-17-80 / Inquiry into the future role of low-power television broadcasting and television translators in the National Telecommunications System; reply comments by 3-1-81

3939 1-16-81 / Inquiry into future role of low-power television broadcasting and television translators in the National Telecommunications System; comments by 3-2-81

5011 1-19-81 / Land mobile services; one-way paging stations policies and procedures; reply comments extended to 3-6-81

10768 2-4-81 / Multiple-address radio systems, allocation of forty-eight 25 KHz channels in the 800 MHz range and establishment of a new standard for frequency tolerance in the 952-960 MHz band; reply comments by 3-5-81

84835 12-23-80 / TV Broadcast Station in Kerrville, Tex.; proposed changes in table of assignments; reply comments by 3-2-81

9664 1-29-80 / VHF television reception, improvements; comments period extended to 3-6-81

[*See also* 45 FR 70023, 10-22-80]

FEDERAL HOME LOAN BANK BOARD

86500 12-31-80 / Mortgage loans state usury laws; preemption; wraparound mortgages for Federally related residential first mortgages; comments by 3-2-81

FEDERAL MARITIME COMMISSION

10767 2-4-81 / Proposed suspension of regulations establishing level of military rates; comments by 3-6-81

FEDERAL TRADE COMMISSION

10165 2-2-81 / Care labeling of textile products and leather clothing; comments by 3-6-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

85962, 86168 Classification of dental services; comments by 3-2-81 (186 documents)

9924 1-30-81 / Cultured and acidified milks, cultured and acidified buttermilks, yogurts and eggnog; standards of identity; final rule; objections by 3-2-81

79856 12-2-80 / Current good manufacturing practice relating to poisonous and deleterious substances in food, feed, and food packaging materials plants; comments by 3-4-81

2364 1-9-81 / Food labeling, net weight labeling requirements; comments by 3-6-81

10461 2-3-81 / Indirect food additives, adjuvants, production aids, and sanitizers; antioxidants and/or stabilizers for polymers; objections by 3-5-81

9941 1-30-81 / Indirect food additives; safe use regulations for cyclic neopentanetetrayl bis (octadecyl phosphite); objections by 3-2-81

86362 12-30-80 / Infant formula quality control procedures; comments by 3-2-81

28 1-2-81 / Prescription drug products; patient package insert requirements; comments by 3-5-81

85785 12-30-80 / Shipping temperature requirements for certain biological products; comments by 3-2-81

Social Security Administration—

86507 12-31-80 / Financial assistance programs, subsidized housing, treatment in eligibility determinations; comments by 3-2-81

INTERIOR DEPARTMENT

National Park Service—

5668 1-19-81 / Alaska National Wildlife refuge; comments by 3-5-81

5642 1-19-81 / National Park System units in Alaska; comments by 3-5-81

INTERSTATE COMMERCE COMMISSION

9670 1-29-81 / Rail carriers; reasonably expected costs; surcharges on joint-line traffic; comments 3-2-81

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

86206 12-30-80 / Affirmative action obligations of contractors and subcontractors for disabled veterans and veterans of the Vietnam era and handicapped workers; comments by 3-2-81

Office of the Secretary—

11323 2-6-81 / Procurement; grants and contracts; cost principles and procedures; comments by 3-2-81

[Originally published at 45 FR 83096, 12-19-80]

NUCLEAR REGULATORY COMMISSION

3541 1-15-81 / Operational data gathering; comments by 3-2-81

POSTAL SERVICE

10513 2-3-81 / Floodplain management and protection of wetlands procedures; comments by 3-5-81

11301 2-6-81 / Indemnity claims for insured, COD, registered, and express mail; comments by 3-6-81

11296 2-6-81 / International express mail rates; comments by 3-1-81

SECURITIES AND EXCHANGE COMMISSION

78 1-2-81 / Proposed revision of regulation S-K and guides for the preparation and filing of registration statements and reports; comments by 3-6-81

TRANSPORTATION DEPARTMENT

Coast Guard—

74523 11-10-80 / Damage stability standards for Great Lakes bulk dry cargo vessels; comment period extended to 3-1-81

[*See also* 45 FR 54095, 8-14-80]

Federal Aviation Administration—

79302 11-26-80 / Aircraft operating noise limits for aircraft operating under new Part 125; comments by 3-1-81

10164 2-3-81 / Proposed alteration of control zone; San Antonio, Tex. (Kelly, AFB); comments by 3-4-81

76 1-2-81 / Transport category airplanes—Pitot heat indication systems; comments by 3-5-81

National Highway Traffic Safety Administration—

10969 2-5-81 / Fields of direct view safety standards, extension of time for filing petitions for reconsideration; file by 3-3-81

[*See also* 46 FR 40, 1-2-81]

10969 2-5-81 / Hydraulic brake systems safety standards; extension of time for filing petitions for reconsideration; file by 3-3-81

[*See also* 46 FR 55, 1-2-81]

5022 1-19-81 / Passenger automobile average fuel economy standards; proposed decision to grant exemption; comments by 3-5-81

Urban Mass Transportation Administration—

5394 1-19-81 / Charter bus operations; comments by 3-5-81

TREASURY DEPARTMENT

Customs Service—

85780 12-30-80 / Provisions for assessment of liquidated damages under carrier's bonds; comments by 3-2-81

8578 12-30-81 / Provisions relating to quota merchandise, statistical information and merchandise released under the immediate delivery procedure; comments by 3-2-81

79730 12-1-80 / Special classes of merchandise; comments by 3-2-81

Internal Revenue Service—

112 1-2-81 / Basis and nonrecognition of gain or loss in triangular corporate reorganizations; comments by 3-3-81

85786 12-30-80 / Custodial accounts for regulated investment company stock; amendment of prior proposal; comments by 3-2-81

[*See also* 43 FR 5852, 2-10-78]

120 1-2-81 / Definitions and special rules relating to generation—skipping transfers; comments by 3-3-81

85787 12-30-80 / Income tax; charitable contribution of property elected under the Asset Depreciation Range System; comments by 3-2-81

85788 12-30-80 / Inspection of applications for tax exemption and similar material; comments by 3-2-81

116 1-2-81 / Miscellaneous DISC amendments; comments by 3-3-81

114 1-2-81 / Statutory merger using voting stock of the corporation controlling the merged corporation; comments by 3-3-81

129 1-2-81 / Various excise tax amendments relating to Motor Fuels and Buses under the Energy Tax and Revenue Acts of 1978, and the Technical Corrections Act of 1979; comments by 3-3-81

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

12037 2-12-81 / Public Access and Information Committee, Washington, D.C., 2-27-81

AGRICULTURE DEPARTMENT

Forest Service—

12218 2-13-81 / Carson National Forest Grazing Advisory Board, El Rito, N. Mex. (open), 2-28-81

10789 2-4-81 / Gospel-Hump Advisory Committee, Grangeville, Idaho (open), 2-26-81

7418 1-23-81 / Medicine Bow National Forest Grazing Advisory Board, Laramine, Wyo. (open), 2-23-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

11638 2-9-81 / Humanities Panel, Washington, D.C. (closed), 2-23 and 2-24-81

11745 2-10-81 / Media Arts Panel, Opera-Musical Theater Section, Washington, D.C. (closed), 2-25-81

CIVIL RIGHTS COMMISSION

10792 2-4-81 / Mississippi Advisory Committee; Jackson, Mississippi (open), 2-25-81

9683 1-29-81 / Nebraska Advisory Committee, Lincoln, Nebr. (open), 2-23 and 2-24-81

8633 1-27-81 / Virginia Advisory Committee, Richmond, Va., 2-26-81

10792 2-4-81 / Washington Advisory Committee, Seattle, Washington (open), 2-23-81

COMMERCE DEPARTMENT

International Trade Administration—

11570 2-9-81 / Advisory Committee, Importers and Retailers Textile, Washington, D.C. (open), 2-25-81

11570 2-9-81 / Advisory Committee, Management-Labor Textile, Washington, D.C. (open), 2-25-81

7038 1-22-81 / Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (partially open), 2-25-81

National Oceanic and Atmospheric Administration—

10521 2-3-81 / New England Fishery Management Council, Danvers, Mass., (open) 2-24 and 2-25-81

10521 2-3-81 / North Pacific Fishery Management Council, Scientific and Statistical Committee Advisory Panel, Anchorage, Alaska (open) (council), 2-26 and 2-27-81, and (SSC) 2-24 and 2-25-81

10522 2-3-81 / South Atlantic Fishery Management Council, Charleston, S.C. (open), 2-24 through 2-26-81

CONSUMER PRODUCT SAFETY COMMISSION

10795 2-4-81 / Technical Advisory Committee on Poison Prevention Packaging, Washington, D.C. (open), 2-24-81

DEFENSE DEPARTMENT

Engineers Corps, Army Department—

9693 1-29-81 / Terrebonne Parish, forced drainage program; draft environmental impact statement, Houma, La. (open), 2-26-81

Office of the Secretary—

10523 2-3-81 / Advisory Group on Electronic Devices, (AGED) Advisory Committee, Arlington, Va. (closed), 2-24-81

81091 12-9-80 / Defense Intelligence Agency Advisory Committee, Washington, D.C. (closed), 2-24 and 2-25-81

10975 2-5-81 / Defense Science Board Task Force on Anti-Tactical Missiles, Arlington, Va. (closed), 2-24 and 2-25-81

85500 12-29-80 / Wage Committee, Arlington, Va. (closed), 2-24-81

ENERGY DEPARTMENT

11702 2-10-81 / Environmental Advisory Committee, Clean Air Act Reauthorization Subcommittee, Washington, D.C. (open), 2-26 and 2-27-81

11575 2-9-81 / National Petroleum Council, Arctic Oil and Gas Resources Committee, Jurisdictional Issues Task Group, Washington, D.C. (open), 2-24-81

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11703 2-10-81 / Oak Ridge Gaseous Diffusion Plant (ORGDP); intent to prepare an environmental impact statement on an incineration facility, Nashville, Tenn. (open), 2-25-81 and Frankfort, Ky. (open), 2-26-81

7047 1-22-81 / National Institute of Education; follow through research and development; Denver, Colo., 2-24-81; Chicago, Ill., 2-26-81

Economic Regulatory Administration—

9695 1-29-81 / Cromby Generating Station Unit 2; intent to prepare an environmental impact statement (EIS), Phoenixville, Pa. (open), 2-25-81

FEDERAL COMMUNICATIONS COMMISSION

8720 1-27-81 / Marine Services Radio Technical Commission, Special Committee No. 75, Washington, D.C. (open), 2-25-81

FEDERAL ELECTION COMMISSION

8723 1-27-81 / Clearinghouse Advisory Panel, Washington, D.C. (open), 2-23 and 2-24-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

7440 1-23-81 / Meeting, Washington, D.C. (open), 2-26-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

5069 1-19-81 / Alcohol Abuse Prevention Review Committee, Bethesda, Md. (partially open), 2-23 and 2-24-81

5069 1-19-81 / Alcohol Biomedical Research Review Committee, Washington, D.C. (partially open), 2-25 through 2-27-81

5069 1-19-81 / Basic Behavioral Processes Research Review Committee, Washington, D.C. (partially open), 2-27 and 2-28-81

5069 1-19-81 / Basic Psychopharmacology and Neuropsychology Research Review Committee, Bethesda, Md. (partially open), 2-26 and 2-27-81

5069 1-19-81 / Basic Sociocultural Research Review Committee, Rockville, Md. (partially open), 2-26 through 2-28-81

5069 1-19-81 / Drug Abuse Clinical, Behavioral, and Psychological Research Review Committee, Rockville, Md. (partially open), 2-23 through 2-27-81

5069 1-19-81 / Drug Abuse Biomedical Research Review Committee, Washington, D.C. (partially open), 2-23 through 2-27-81

5069 1-19-81 / Drug Abuse Resource Development Review Committee, Rockville, Md. (partially open), 2-23 through 2-27-81

5069 1-19-81 / Life Course Review Committee, Washington, D.C. (partially open), 2-26 through 2-28-81

5069 1-19-81 / Mental Health Services Manpower Development Review Committee, Rockville, Md. (partially open), 2-26 through 2-28-81

10207 2-2-81 / Minority Advisory Committee, Rockville, Md. (open), 2-23 thru 2-25-81

5069 1-19-81 / Minority Group Mental Health Review Committee, Washington, D.C. (partially open), 2-25 through 2-27-81

10856 2-4-81 / National Commission on Alcoholism and Other Alcohol-Related Problems, Washington, D.C. (open), 2-24-81

5069 1-19-81 / Psychopathology and Clinical Biology Research Review Committee, Silver Spring, Md. (partially open), 2-26 through 2-28-81

Centers for Disease Control—

9782 1-29-81 / Intraarterial Pressure Monitoring-Related Infectious Work Group, Atlanta, Ga. (open), 2-23-81

Food and Drug Administration—

12211 2-13-81 / Medicated feed regulations, Indianapolis, Ind. (open), 2-27-81

National Institutes of Health—

3282 1-14-81 / Breast Cancer Task Force Committee, Bethesda, Md. (open), 2-23 and 2-24-81

6072 1-21-81 / Cancer Clinical Investigation Review Committee, Bethesda, Md. (partially open), 2-23 and 2-24-81

83674 12-19-80 / Clinical Cancer Education Committee, Bethesda, Md. (partially open), 2-25 and 2-26-81

3282 1-14-81 / Communicative Disorders Review Committee, Rockville, Md. (partially open), 2-27-81

6073 1-21-81 / General Clinical Research Centers Committee, Bethesda, Md. (partially open), 2-23 and 2-24-81

6074 1-21-81 / Various study sections, Bethesda, Md. (partially open), 2-22 through 2-28-81

Office of the Secretary—

3285 1-14-81 / Secretary's Advisory Committee on the Rights and Responsibilities of Women, Washington, D.C. (open), 2-27-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

75005 11-13-80 / Conference of the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, New Delhi, India (open), 2-25 through 3-6-81

Land Management Bureau—

11370 2-6-81 / Battle Mountain District Advisory Council, Battle Mountain, Nev. (open), 2-25-81

2195 1-6-81 / Burley District Advisory Council, Burley, Idaho (open), 2-25-81

8754 1-27-81 / Craig District Advisory Council, Craig, Colo. (open), 2-26-81

7461 1-23-81 / Miles City District Grazing Advisory Board, Miles City, Mont. (open), 2-26-81

7460 1-23-81 / Miles City District Advisory Committee, Miles City, Mont. (open), 2-27-81

10860 2-4-81 / Riverside District Grazing Advisory Board, Victorville, Calif. (open), 2-26-81

11366 2-6-81 / San Juan Basin Cumulative Overview and New Mexico Generating Station; environmental impact statement preparation, Taos and Dulce, N. Mex. (open), 2-23 and 2-25-81 respectively

8754 1-27-81 / Susanville District Advisory Council, Ravendale, Calif. (open), 2-24 and 2-25-81

3642 1-15-81 / Ukiah District Advisory Council, Ukiah, Calif. (open), 2-26-81

[Rescheduled at 46 FR 8755, 1-27-81]

11356 2-6-81 / White River Management Framework Plan, Rangely, Colo. (open), 2-26-81

National Park Service—

11603 2-9-81 / Upper Deleware Citizens Advisory Council, Narrowsburg, N.Y. (open), 2-27-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

International Development Agency—

11726 2-10-81 / International Food and Agricultural Development Board, Washington, D.C. (open), 2-26-81

LABOR DEPARTMENT

Labor Statistics Bureau—

11382 2-6-81 / Business Research Advisory Council, Washington, D.C. (open), 2-25-81

11381 2-6-81 / Business Research Advisory Council Committees, Washington, D.C. (open), 2-23 and 2-24-81

Occupational Safety and Health Administration—

80078 12-2-80 / Consideration of possible regulation of occupational exposure to pesticides during manufacturing process, San Francisco, Calif. (open), 2-24 and 2-25-81 [Relocated at 46 FR 12213, 2-13-81]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

10570 2-3-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotocraft Technology, Moffett Field, Calif. (open), 2-25, 2-26 and 2-27-81

11388 2-6-81 / NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee, Informal Executive Subcommittee, Washington, D.C. (open), 2-24-81

11389 2-6-81 / NASA Advisory Council (NAC), Space and Terrestrial Applications Advisory Committee, Ad Hoc Informal Advisory Subcommittee on Satellite Communications Applications, Washington, D.C. (open), 2-24-81

NATIONAL SCIENCE FOUNDATION

10572 2-3-81 / NSF Advisory Council, Washington, D.C. (open), 2-26-81

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10572 2-3-81 / Physiology, Cellular and Molecular Biology Advisory Committee, Molecular Biology Subcommittee, Washington, D.C. (closed), 2-25 through 2-27-81

10573 2-3-81 / Social and Economic Science Advisory Committee, Geography and Regional Science Subcommittee, Washington, D.C. (closed), 2-27-81

10573 2-3-81 / Special Research Equipment Advisory Committee (Chemistry Subcommittee) Washington, D.C. (closed), 2-23 and 2-24-81

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11927 2-11-81 / Advisory Committee on Reactor Safeguards, Subcommittee on Virgil C. Summer Nuclear Station, Columbia, S.C. (oped), 2-26 and 2-27-81

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7123 1-22-81 / Safety Standards, International Harmonization; Group of Rapporteurs on Protective Devices, Ninth Session; London, England; 2-24 through 2-27-81

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2244 1-6-81 / Station Committee on Education Allowances, Atlanta, Ga. (open), 2-26-81

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10515 2-3-81 / Gulf of Mexico Fishery Management Council, Panama City, Fla. and Galveston, Tex., 2-23-81; New Orleans, La., 2-25-81; Biloxi, Miss., 2-24-81; Mobile, Ala., 2-26-81

10182 2-2-81 / South Atlantic Fishery Management Council, Charleston, S.C., 2-25 and Surfside Beach, S.C., 2-26-81

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8032 1-26-81 / Higher Education Amendments of 1980, Student Financial Assistance Programs and Title I and TRIO Programs, Washington, D.C., 2-25-81

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4482 1-16-81 / Commerical and Apartment Conservation Service Program, Kansas City, Missouri, 2-26-81

4482 1-16-81 / Commercial and Apartment Conservation Service Program, San Francisco, Calif., 2-23 and 2-24-81

7051 1-22-81 / Solvent refined coal demonstration project; Owensboro, Ky., 2-23-81; Henderson, Ky., 2-24-81; Stanley, Ky., 2-25-81

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2522 1-9-81 / Residential Conservation Service Program; Kansas City, Mo., 2-26 through 2-27-81 [Rescheduled at 46 FR 9005, 1-27-81]

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3976 1-16-81 / Consumer Participation, Philadelphia, Pa., 2-25-81

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5566 1-19-81 / Archaeological Resources Protection Act of 1979; Proposed uniform rulemaking, Anchorage, Alaska, 3-7-81

5566 1-19-81 / Archaeological Resources Protection Act of 1979; Proposed uniform rulemaking, San Francisco, Calif., 2-28-81

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2393 1-9-81 / Gateway National Recreation Area, Atlantic Highlands, N.J., 2-25-81

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10544 2-3-81 / Central Valley Project (CVP), Calif.; Water service rate policy; Availability of a proposed rate setting: Fresno, Calif., 2-24-81 and Sacramento, Calif., 2-26-81

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9824 1-29-81 / Pipeline accident investigation, Long Beach, Calif., 2-25-81

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83290 12-18-80 / Tankerman requirements, Washington, D.C., 2-25-81

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8055 1-26-81 / Trailer-on-Flatcar Transportation of Hazardous Materials, Rosemont, Ill., 2-25-81

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80554 12-5-80 / Front-end tertiary oil under Crude Oil Windfall Profit Tax Act of 1980, Washington, D.C., 2-24-81

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Documents Relating to Federal Grant Programs

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RULES GOING INTO EFFECT

10721 2-4-81 / ED-Postponement of effective dates of regulations for EDGAR grant programs without specific regulations; effective 3-30-81

[See also 45 FR 84058, 12-22-80]

10721 2-4-81 / ED-Postponement of effective dates of Library Career Training Program provisions; effective 3-30-81

[See also 43 FR 84058, 12-22-80]

10721 2-4-81 / ED-Postponement of effective dates of Regulations for Strengthening Research Library Resources Program; effective 3-30-81

[See also 45 FR 84058, 12-22-80]

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11672 2-10-81 / Labor/W&H, ESA—Projects assisted by grants from Arts and Humanities, National Foundation; labor standards for professional performers and technical personnel; Comments extended to 5-22-81

[See also 45 FR 83914, 12-19-80]

11557 2-9-81 / NFAH—Nondiscrimination in Federally assisted programs; comments by 4-10-81

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11856 2-11-81 / Commerce/NTIA—Public Telecommunications Services Program, FY 1981; apply by 4-10-81

12224 2-13-81 / Commerce/NTIA—Public Telecommunications Services Program; apply by 4-10-81

12230 2-13-81 / ED—Fellowship and Institutional Grants for Graduate and Professional Study; apply by 3-23-81

12228 2-13-81 / ED—Museum Service Program Projects; apply by 3-6-81

12338 2-13-81 / HHS/CDC—Venereal Disease Control Project Grants; notice of availability of funds based on fiscal year 1981 continuing resolution; information on deadlines may be obtained from Regional Offices

12337 2-13-81 / HHS/CDC—Venereal Disease Research, Demonstrations, and Public Information and Education Project Grants; notice of availability of funds based on fiscal year 1981 continuing resolution; information on deadlines may be obtained from Regional Offices

12336 2-13-81 / HHS/CDC—Health Programs for Refugees Project Grants; notice of availability of fiscal year 1981 funds; information on deadlines may be obtained from Regional Offices

12335 2-13-81 / HHS/CDC—Preventive Health Services Project Grants; Childhood Immunization; notice of availability of funds based on the fiscal year 1981 continuing resolution; information on deadlines may be obtained from Regional Offices

11713 2-10-81 / HHS/HSA—Assistance under the Public Health Service Act; Project Grants for Hemophilia Treatment Centers; apply by 5-1-81

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11678 2-10-81 / ED—Cancellation of public meetings on proposed and final regulations implementing Higher Education Amendments of 1980

[Originally published at 46 FR 8032, 1-26-81]

12230 2-13-81 / ED—Indian Education National Advisory Council, Tempe, Ariz. (open), 3-6-81

11706 2-10-81 / HHS/ADAMHA—Board of Scientifc Counselors, NIMH, Bethesda, Md. (partially open), 3-26 and 3-27-81

11706 2-10-81 / HHS/ADAMHA—Cognition, Emotion, and Personality Research Review Committee, Washington, D.C. (partially open), 3-6 through 3-8-81

11708 2-10-81 / HHS/ADAMHA—Epidemiological Services Research Review Committee, Washington, D.C. (partially open), 3-9-81

11708 2-10-81 / HHS/ADAMHA—Mental Health National Advisory Council, Rockville, Md. (partially open), 3-2 through 3-4-81

11708 2-10-81 / HHS/ADAMHA—Mental Health Research Education Review Committee, Rockville, Md. (partially open), 3-11 through 3-13-81

11708 2-10-81 / HHS/ADAMHA—Psychiatry Education Review Committee, Rockville, Md. (partially open), 3-2 through 3-6-81

11708 2-10-81 / HHS/ADAMHA—Research Scientist Development Review Committee, Washington, D.C. (partially open), 3-12 through 3-14-81

11708 2-10-81 / HHS/ADAMHA—Treatment Development and Assessment Research Review Committee, Washington, D.C. (partially open), 3-9 through 3-26 and 3-28 through 4-9-81

11603 2-9-81 / HHS/HSA—Maternal and Child Health Research Grants Review Committee, Rockville, Md., 2-25 through 2-27-81 meeting cancelled

[Originally published at 46 FR 10015, 1-30-81]

11714 2-10-81 / HHS/NIH—Aging Review Committee, Bethesda, Md. (partially open), 3-19 and 3-20-81

12333 2-13-81 / HHS/NIH—Allergy and Clinical Immunology Research Committee, Bethesda, Md. (partially open), 3-16 and 3-17-81

11715 2-10-81 / HHS/NIH—Biomedical Library Review Committee, Bethesda, Md. (partially open), 3-23 and 3-24-81

11715 2-10-81 / HHS/NIH—Biomedical Library Review Committee, Review of Medical Library Resource Improvement Grant Applications Subcommittee, Bethesda, Md. (partially open), 3-25-81

11715 2-10-81 / HHS/NIH—Cancer Control Grant Review Committee, Bethesda, Md. (partially open), 3-9 and 3-10-81

12333 2-13-81 / HHS/NIH—Cellular and Molecular Basis of Disease Review Committee, Bethesda, Md. (partially open), 3-23 and 3-24-81

11716 2-10-81 / HHS/NIH—Clinical Trials Review Committee, Boston, Mass. (partially open), 3-29 through 3-31-81

11716 2-10-81 / HHS/NIH—General Research Support Review Committee, Bethesda, Md. (partially open), 3-19 and 3-20-81

11716 2-10-81 / HHS/NIH—Genetic Basis of Disease Review Committee, Bethesda, Md. (partially open), 3-16 and 3-17-81

12334 2-13-81 / HHS/NIH—Heart, Lung, and Blood Research Review Committee A, Bethesda, Md. (partially open), 3-27 and 3-28-81

12334 2-13-81 / HHS/NIH—Heart, Lung, and Blood Research Committee B, Bethesda, Md. (partially open), 3-27-81

12334 2-13-81 / HHS/NIH—High Blood Pressure Working Group, Bethesda, Md. (open), 4-13-81

12334 2-13-81 / HHS/NIH—Interagency Technical Committee Working Group on Blood and Its Substitutes, Bethesda, Md. (open), 3-25-81

11717 2-10-81 / HHS/NIH—Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Subcommittee, Houston, Tex. (partially open), 3-2 and 3-3-81

11717 2-10-81 / HHS/NIH—Maternal and Child Health Research Committee, Bethesda, Md. (partially open), 3-17 and 3-18-81

11717 2-10-81 / HHS/NIH—Microbiology and Infectious Diseases Advisory Committee, Dallas, Tex. (partially open), 3-6 and 3-7-81

12333 2-13-81 / HHS/NIH—Research Grants Division, Applied Physiology and Orthopedics Study Section and Bio-Psychology Study Section, amended notice of meetings (See 46 FR 6073, 1-21-81)

12335 2-13-81 / HHS/NIH—Transplantation Biology and Immunology Committee, Bethesda, Md. (partially open), 3-20-81

11744 2-10-81 / NFAH—Expansion Arts Panel (City Arts Section), Washington, D.C. (closed), 2-23-81

11638 2-9-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 2-23, 2-24, 2-26, 2-27, 3-2 thru 3-6, 3-9 thru 3-13, and 3-16 thru 3-19-81

11926 2-11-81 / NFAH—Media Arts Panel (AFI/Archival Section), Washington, D.C. (closed), 3-3-81

11745 2-10-81 / NFAH—Media Arts Panel (Opera-Musical Theater Section), Washington, D.C. (closed), 2-25-81

2169 2-12-81 / NFAH—National Council on the Arts, Washington, D.C., 2-13 through 2-15-81

11926 2-11-81 / NFAH—Special Projects Panel (Folk Arts Section), Washington, D.C. (partially open), 3-5 through 3-7-81

12371 2-13-81 / NFAH—Visual Arts Panel (Drawing/Printmaking/Artists Books), Washington, D.C. (closed), 3-5 and 3-6-81

12371 2-13-81 / NFAH—Visual Arts Panel (Residencies), Washington, D.C. (closed), 3-7-81

12170 2-12-81 / NSF—Science Education Advisory Committee, Washington, D.C. (open), 3-5 and 3-6-81

11748 2-10-81 / OPM—Private Voluntary Agency Eligibility Committee, Washington, D.C. (open), 2-27-81

12387 2-13-81 / VA—Scientific Review and Evaluation Board for Rehabilitative Engineering Research and Development, Washington, D.C. (partially closed), 3-4 and 3-5-81

OTHER ITEMS OF INTEREST

12232 2-13-81 / ED—Data acquisition activities involving educational agencies and institutions; comments by 3-16-81

5686 1-19-81 / EPA—Intent to issue revised minority business enterprise policy for the Construction Grants Program, technical amendments to the women's business enterprise policy for the Construction Grants Program and procedures for the Implementation of the Minority Business Enterprises and Women's Business Enterprise Policies

[Corrected at 46 FR 11705, 2-10-81]

11662 2-10-81 / EPA—Nondiscrimination on basis of handicap; notice to all recipients of Federal financial assistance

11706 2-10-81 / FMCS—Labor-Management Cooperation Program; guidelines deferred until 3-31-81

[See 46 FR 10008, 1-30-81]

11714 2-10-81 / HHS/NIH—Advisory Committees, Establishment

12335 2-13-81 / HHS/PHS—Filing of annual reports of the Health Services Research and Developmental Grants Review Committee and the Health Care Technology Study Section

11726 2-10-81 / Justice/BJS—Programs in Criminal Justice Statistics; cancellation

12347 2-13-81 / Justice/OJARS—Prison Industries Enhancement Certification Program; request for comments

11754 2-10-81 / VA—Evaluation, review, and coordination of Federal and federally assisted programs and projects

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13193 **Federal Regulation** Executive order (Part III of this issue)

12941 **Rescission of Emergency Building Temperature Restrictions** Presidential proclamation

12943 **Federal Exports and Excessive Regulation** Executive order

13168 **Budget** OMB publishes cumulative report on rescissions and deferrals (Part II of this issue)

12945 **Petroleum** DOE publishes questions and answers relating to the effect of the Executive Order decontrolling crude oil and refined petroleum products on the mandatory petroleum allocation and price regulations

12978 **Banks, Banking** Treasury/Comptroller proposes general principles on the eligibility of investment securities for purchasing, underwriting, holding, and dealing in by national banks; comments by 4-20-81

12999 **Crude Oil** DOE/ERA gives notice of entitlement program crude oil cost data from November 1978 through November 1980

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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12957 **Retirement** State adopts regulations implementing new provisions of the Foreign Service Retirement and Disability System providing benefits for spouses and former spouses of participants and certain former participants in that system; effective 2-15-81

12987 **Veterans** VA proposes to amend its adjudication regulations to implement the Veterans' Disability Compensation and Housing Benefits Amendments of 1980; comments by 3-23-81

12948 **Credit Unions** NCUA publishes final rule regarding penalties that Federal credit unions assess when members make premature withdrawal of funds held in share certificate accounts; effective 2-12-81

12975 **Cable Television** FCC adds frequency channeling requirements and restrictions and to require monitoring for leakage from cable television systems; effective 2-19-81

13061 **Education** Ed/Sec'y publishes notice of data acquisition activities involving educational agencies and institutions; comments by 3-23-81 (3 documents)

12955 **Customs Duties and Inspection** Commerce/ITA revokes countervailing duty order on certain textiles and textile products from Pakistan; effective 2-19-81

13020 **EPA** Publishes availability of position document on the wood preservative uses of creosote, pentachlorophenol and the inorganic arsenicals; comments by 5-20-81

12970 **Postal Service** PS amends regulations regarding enclosures with special fourth-class matter; effective 2-19-81

12994 **Privacy Act Document** ACDA

13137 **Sunshine Act Meetings**

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Title 3—

The President

Proclamation 4820 of February 17, 1981

Rescission of Emergency Building Temperature Restrictions

By the President of the United States of America

A Proclamation

Emergency Building Temperature Restrictions were first implemented on July 16, 1979, by Proclamation No. 4667. They were twice extended, first by Proclamation No. 4750 and second by Proclamation No. 4813. Those restrictions set forth in Energy Conservation Contingency Plan No. 2 (44 FR 12911, March 8, 1979) are effective until October 16, 1981, unless earlier rescinded.

Although restrictions on building temperatures may result in reduced consumption of fuel, I have concluded that the regulatory scheme designed to accomplish that objective imposes an excessive regulatory burden and that voluntary restraint and market incentives will achieve substantially the same benefit without the regulatory cost.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 201(a) of the Energy Policy and Conservation Act (42 U.S.C. 6261(a)), do hereby proclaim that:

Section 1. The Energy Building Temperature Restrictions as provided for in Energy Conservation Contingency Plan No. 2 (44 FR 12911, March 8, 1979) are no longer required. Therefore, the effectiveness of that Plan as provided for in Proclamation No. 4813 is hereby rescinded.

Section 2. Proclamation No. 4813 is revoked.

Section 3. The Secretary of Energy shall take such action as may be necessary to ensure the implementation of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of February, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-5788
Filed 2-17-81; 3:17 pm]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12290 of February 17, 1981

Federal Exports and Excessive Regulation

By the authority vested in me as President by the Constitution of the United States of America, and in order to ensure that the Export Administration Act of 1979 is implemented with the minimum regulatory burden, Executive Order No. 12264 of January 15, 1981, entitled "On Federal Policy Regarding the Export of Banned or Significantly Restricted Substances," is hereby revoked.

Ronald Reagan

THE WHITE HOUSE,
February 17, 1981.

[FR Doc. 81-5789
Filed 2-17-81; 3:18 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
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Thursday, February 19, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 510; Navel Orange Reg. 509, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 20–26, 1981, and increases the quantity of such oranges that may be so shipped during the period February 13–19, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective February 20, 1981, and the amendment is effective for the period February 13–19, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on February 17, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is steady.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. § 907.810 is added as follows:

§ 907.810 Navel Orange Regulation 510.

The quantities of navel oranges grown in Arizona and California which may be handled during the period February 20, 1981, through February 26, 1981, are established as follows:

(1) District 1: 1,335,000 cartons;
(2) District 2: 135,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 30,000 cartons.

2. § 907.809 Navel Orange Regulation 509 (45 F.R. 11943), is hereby amended to read:

§ 907.809 Navel Orange Regulation 509.

* * * * *

(1) District 1: 1,350,000 cartons;
(2) District 2: 120,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 30,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 18, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-5088 Filed 2-18-81; 11:42 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 205

Administrative Procedures and Sanctions; Questions and Answers Relating to the Effect of the Executive Order Decontrolling Crude Oil and Refined Petroleum Products on the Mandatory Petroleum Allocation and Price Regulations

AGENCY: Department of Energy.

ACTION: Rule.

SUMMARY: The Department of Energy (DOE) Office of General Counsel issues the appended Ruling pursuant to 10 CFR 205.150 to respond to questions relating to the effect of the Executive Order decontrolling crude oil and refined petroleum products on the Mandatory Petroleum Allocation and Price Regulations. A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 205.153.

FOR FURTHER INFORMATION CONTACT: Lona L. Feldman, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Forrestal Building, Washington, D.C. 20585, (202) 252–2929.

Issued in Washington, D.C.

Dated: February 12, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

Title 10 of the Code of Federal Regulations is hereby amended by adding to the Rulings appearing at the end of Chapter II the following Ruling 1981–1 to read as follows:

Ruling 1981-1—Questions and Answers Relating to the Effect of the Executive Order Decontrolling Crude Oil and Refined Petroleum Products on the Mandatory Petroleum Allocation and Price Regulations

On January 28, 1981, the President signed Executive Order 12287, 46 FR 9909 (January 30, 1981), exempting all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.* (1976)) (EPAA). This Order was effective at 12:01 a.m., January 28, 1981.[1] This Ruling is issued in order to promote the immediate implementation of this Executive Order. It answers some of the questions received by the Department of Energy (DOE) concerning the Executive Order and DOE regulations after January 27, 1981.

Questions #1: Are firms required to follow the reporting, record-keeping, and record maintenance requirements set forth in the Mandatory Petroleum Allocation and Price Regulations after 12:01 a.m., January 28, 1981?

Answer #1: Section 2 of the Executive Order states that: "[a] 11 reporting and record-keeping requirements in effect under the Emergency Petroleum Allocation Act, as amended, shall continue in effect until eliminated or modified by the Secretary of Energy." Accordingly, until the Secretary of Energy promulgates regulations changing the record-keeping requirements, all existing records must be maintained in their current form, and no existing records may be altered or destroyed. Records that relate to matters occurring after January 27, 1981 are still subject to ongoing reporting or regulatory requirements, and must also be maintained. For example, crude oil producers and crude oil resellers must continue to certify each barrel of crude oil sold in accordance with 10 CFR 212.131, although after January 27, 1981 the crude oil is exempt from any pricing restrictions. In addition, all reports required to be filed by firms for the periods prior or subsequent to January 28, 1981, must still be filed with the appropriate officials until these reporting requirements are modified or eliminated. The on-going record-keeping and reporting requirements also are subject to 10 CFR 205.202 which prohibits any practice that circumvents or contravenes the requirements of the regulations. The failure to maintain, or the destruction or alteration of records, or the failure to submit reports accurately to the DOE could subject a firm to both civil and criminal penalties.

Question #2: How does the Executive Order affect the issuance of entitlements notices for the period prior to January 28, 1981 under 10 CFR 211.66 and 211.67 (the Entitlements Program)?

Answer #2: In section 3 of the Executive Order the Secretary of Energy is given authority to promulgate entitlements notices for periods prior to January 28, 1981, and further to establish a mechanism for entitlements adjustments for periods prior to the Executive Order. Thus, the Secretary will publish in February 1981 an entitlements notice which accounts for crude oil runs to stills in December 1980. The Secretary will also publish in March 1981 an entitlements notice reflecting crude oil runs to stills from January 1, 1981 through January 27, 1981.

For the month of January 1981, each refiner is required to report all information required by the Form ERA-49, the Domestic Crude Oil Entitlements Program Refiners Monthly Report, pursuant to the provisions of 10 CFR 211.66 and 211.67 and the instructions set forth in the Form ERA-49. Each refiner will report its actual crude oil runs to stills for that month. However, each refiner shall also report in Item 7 in the Form ERA-49 its actual crude oil runs to stills in the first 27 days of January 1981, or if it does not have that information available, its crude oil runs to stills for the full month of January 1981, multiplied by the fraction 27/31, which will be deemed the firm's crude oil runs to stills for the first 27 days of the month. In a footnote to Item 7, a refiner shall state which method of computation for the first 27 days of January it used in its Form ERA-49.

Each refiner will be required further to report its receipts of crude oil as set forth in 10 CFR 211.66(h) and Form ERA-49, for the entire month of January 1981. Each refiner will also report for the first 27 days of the month its crude oil receipts as set forth in Items 4, 5, 6, 9, and 10 in the Form ERA-49 on the basis of actual crude oil receipts for the first 27 days of January or, if the refiner does not have that information available, on the basis of receipts for the full month, multiplied by 27/31. In a footnote to Items 4, 5, 6, 9, and 10 each refiner shall state which method of computation for the period January 1 through 27, 1981, it used on the Form ERA-49. All reporting and record-keeping requirements will remain in effect. Thus, crude oil must be certified by its proper regulatory classification, such as lower tier, upper tier, etc., even though after January 27 the crude oil could be sold without regard to price controls. Refiners, therefore, should have data as to the tier and type of crude oil received for the entire month of January 1981.

Moreover, each refiner that is otherwise eligible to receive entitlements for eligible products under 10 CFR 211.67(a)(3) or for petroleum substitutes under 10 CFR 211.67(a)(5), or that is required to adjust its volume of crude oil runs to stills pursuant to 10 CFR 211.67(d), shall report in Item 7 or 8 of the Form ERA-49 the volume of eligible products, petroleum substitutes, or reduction in runs to stills for the entire month of January 1981. In addition, each refiner will report its actual volume of eligible products and petroleum substitutes or will adjust its crude oil runs to stills for the first 27 days of January 1981. If that information is not available, a refiner will report the volume of eligible products or petroleum substitutes or will adjust its crude oil runs to stills by multiplying the monthly calculation of such volumes or the crude oil runs to stills, respectively, by the fraction 27/31. In a footnote to Item 7 or 8 of the Form ERA-49 each refiner shall state which method of computation for the first 27 days of January it used.

Each non-refiner that is eligible to receive entitlements for eligible products under 10 CFR 211.67(a)(3) or for petroleum substitutes under 10 CFR 211.67(a)(5) is required to report its volume of the eligible products or petroleum substitutes for the entire month of January 1981. In addition, each firm will report its volume of eligible products or petroleum substitutes for the first 27 days of January 1981. If that information is not available, the firm must multiply the full monthly volume of the eligible products or petroleum substitutes by the fraction 27/31. Each firm shall state which method of computation for the first 27 days of January it used.

The DOE will develop a mechanism to implement any adjustments to the Entitlements Program resulting from changes or corrections in crude oil receipts, runs to stills, volumes of other eligible products or volumes of petroleum substitutes by refiners and other eligible firms for months or partial months prior to January 28, 1981.

Question #3: How was a producer to determine the volumes of upper and lower tier crude oil produced and sold from a property during January 1981?

Answer #3: Executive Order 12287 does not affect the determination of the base production control level of a property for the full month of January 1981. Thus, the volumes of old (lower tier) crude oil and new (upper tier) crude oil produced and sold from a property must be determined according to the procedures found in 10 CFR Part 212, Subpart D, for the full month of January 1981. Crude oil produced and sold from a property prior to January 28, 1981, was subject to the pricing requirements of 10 CFR Part 212, Subpart D, and the certification requirements at 10 CFR 212.131. Neither the price regulations of 10 CFR Part 212, Subpart D nor the certification provisions of 10 CFR 212.131 specify any sequence of sale or identify which particular barrels of crude oil are to be sold at lower tier or upper tier ceiling prices. However, a producer was required to deal with purchasers of its crude oil in accordance with its normal business practices as set forth in 10 CFR 210.62 with respect to that purchaser and was not to discriminate among any purchasers of its crude oil in its sale of upper tier or lower tier crude oil during January 1981. A producer's variance from its historical sales practices with respect to a purchaser in January 1981 could be evidence of behavior proscribed under 10 CFR 210.62.

Accordingly, crude oil sold before January 28, 1981 that was properly certified as lower tier or upper tier crude oil was subject to the ceiling price limitations of 10 CFR Part 212, Subpart D. Crude oil sold after January 27, 1981 is exempt from any ceiling price limitation whether or not it was certified as lower tier or upper tier crude oil.

Question #4: May a producer obtain market level prices from a purchaser for crude oil produced prior to January 28, 1981, but sold after January 27, 1981?

Answer #4: The contract terms between a purchaser and a seller determine whether the producer of controlled crude oil produced prior to January 28, 1981, but sold after the effective date of the Executive Order, may obtain market-level prices for its crude oil production. The Mandatory Petroleum Price Regulations do not affect sales after 12:01 a.m., January 28, 1981. The question of the time of sale is to be answered by reference to the contract or agreement, not by reference to the Mandatory Petroleum Allocation and Price Regulations.

Question #5: May crude oil sold in the months of December 1980 and January 1981 be retroactively recertified (or certified) in accordance with 10 CFR 212.131 by a crude oil producer within the consecutive two-month period immediately following the month the sale was made?

Answer #5: If crude oil would have otherwise qualified for lawful recertification (or certification) prior to the implementation of the Executive Order, a producer may recertify (or certify) crude oil sold in the months of December 1980 and January 1981 pursuant to 10 CFR 212.131(a)(6) within the consecutive two-month period immediately following the month in which the sale was made. For example, in March 1981 a producer could recertify upper tier crude oil sold in January 1981 as tertiary incentive crude oil if the crude oil would have otherwise qualified for that classification. After March 1981 no such recertifications can be made by a producer of crude oil.

Question #6: May a producer or reseller of controlled crude oil, either lower tier or upper tier crude oil sold prior to January 28, 1981 retroactively increase its price to market level after decontrol if the producer or reseller cannot lawfully recertify the crude oil under 10 CFR 212.131(a)(6) or 212.131(b), respectively?

Answer #6: A producer or crude oil reseller is not permitted to increase retroactively its price for controlled crude oil that it sold prior to January 28, 1981, if the producer or reseller cannot lawfully recertify the crude oil pursuant to 10 CFR 212.131(a)(6) or 212.131(b), respectively. However, if a producer or crude oil reseller can lawfully certify or recertify crude oil pursuant to 10 CFR 212.131(a)(6) or 212.131(b), respectively, that producer or crude oil reseller may of course do so.

Question #7: May a firm first become a qualified producer as defined in 10 CFR 212.78(c) on or after January 28, 1981? Moreover, may the retroactive recertification of crude oil sold in the months of December 1980 and January 1981 as tertiary incentive crude oil be used to recover recoupable allowed expenses that are incurred, paid, and reported after the effective date of the Executive Order, but within the consecutive two-month period within which retroactive certification is permitted under 10 CFR 212.131(a)(6)?

Answer #7: The Tertiary Incentive Program provides that first sales of crude oil by or on behalf of a qualified producer are not subject to the ceiling price limitations of 10 CFR Part 212, Subpart D, provided that the tertiary incentive revenue does not exceed the allowed expenses attributable to the producer. Tertiary incentive revenue is the difference between the controlled price and the market price received by the qualified producer in accordance with 10 CFR 212.78 and constitutes the front-end money which is the incentive that the program is intended to provide.

Absent the Executive Order, a qualified producer that would have incurred, paid, and reported its allowed expenses prior to February 28 and March 31, 1981, respectively, could have recovered those expenses through the recertification of crude oil sold in the months of December 1980 and January 1981, respectively, as long as those recertifications were made within the consecutive two-month period within which such certification is permitted under 10 CFR 212.131(a)(6). Executive Order 12287 is intended to provide for an immediate decontrol of crude oil and refined petroleum products. The Order does not abrogate the right that accrued to a firm to establish prices for crude oil prior to January 28, 1981. Thus, a firm may become a qualified producer as defined in 10 CFR 212.78(c) on or after January 28, 1981. A qualified producer may also recover allowed expenses through the recertification of crude oil sold in the months of December 1980 and January 1981, respectively, as long as the producer has incurred, paid, and reported those expenses prior to February 28 and March 31, 1981, respectively.

Question #8: How does a crude oil reseller compute its lawful prices pursuant to 10 CFR Part 212, Subpart L for the period January 1 through January 27, 1981?

Answer #8: A crude oil reseller must generally compute its average markup on a monthly basis under 10 CFR 212.183(a). The average markup is the total revenue in sales of properly certified crude oil by the reseller, less the lawful costs and expenses associated with such sales of crude oil in the month, divided by the number of barrels of crude oil sold by the reseller in the month. *See* 10 CFR 212.182. Since only a 27-day period rather than the full month was subject to price controls, a crude oil reseller's average markup would also reflect prices charged after the exemption of crude oil from price controls. Since some sales of crude oil could be made at prices that were exempt from the price regulations, the average markup could lawfully exceed the permissible average markup of 20 cents per barrel during January 1981. Accordingly, no valid comparison of a crude oil reseller's average markup with its permissible average markup of 20 cents per barrel can be made for the month of January 1981.

In addition, prior to January 28, 1981, crude oil resellers were subject to 10 CFR 212.183(a) which prohibits any markup in certain specified sales of crude oil and to 10 CFR 212.186 which prohibits any markup in a sale in which a reseller performs no service or other function traditionally and historically

[1] Executive Order 12287 is effective at 12:01 a.m., January 28, 1981, in each different time zone. *See* 15 U.S.C. 282 (1976). Thus, while the Order was effective on the East Coast at 12:01 a.m., e.s.t., January 28, 1981, it was not effective on the West Coast until 12:01 a.m. p.s.t., January 28, 1981.

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associated with the resale of crude oil. Moreover, crude oil resellers were subject to all other provisions of 10 CFR Part 212, Subpart L and the certification provisions of 10 CFR 212.131 prior to January 28, 1981. Until further notice, crude oil resellers also must continue to maintain records and file reports in conformance with 10 CFR 212.187.

Question #9: May a seller of refined petroleum products retroactively increase its selling price to a purchaser for a covered product actually sold prior to January 28, 1981?

Answer #9: A seller may not, through a retroactive price assessment, increase its selling price for a covered product sold prior to January 28, 1981 to a level in excess of its maximum lawful price to a purchaser as that concept is discussed in 10 CFR Part 212, Subparts E, F, and K for the period in which the product was sold. A retroactive increase in price will be considered part of the price charged for a product for the period prior to January 28, 1981, and could result in the initiation of enforcement action.

Question #10: Must a retailer of motor gasoline continue to post either the maximum lawful selling price for each grade of motor gasoline or a certification that the maximum lawful selling price for each grade of motor gasoline has been calculated by the retail seller and that the actual selling price for that type or grade of gasoline is either equal to or less than the maximum lawful selling price pursuant to 10 CFR 212.129(b)?

Answer #10: The posting requirement is neither a reporting nor a recordkeeping requirement. Thus, a retailer of motor gasoline is no longer required to continue posting either its maximum lawful selling prices for each grade of motor gasoline or a certification concerning the lawfulness of its prices under 10 CFR 212.129(b) after January 27, 1981.

Question #11: May a firm obtain an exception, stay, modification, or special redress or other relief from the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subparts D, I, J, and R, respectively, from the terms of Executive Order 12287 which exempts crude oil and refined petroleum products from the Mandatory Petroleum Allocation and Price Regulations as of 12:01 a.m., January 28, 1981?

Answer #11: No firm may obtain from the Office of Hearings and Appeals an exception, stay, modification of or special redress relief from the provisions of the Executive Order which exempts crude oil and refined petroleum products from the Mandatory Petroleum Allocation and Price Regulations.

Question #12: Is that state set-aside for motor gasoline set forth at 10 CFR 211.17 still in effect?

Answer #12: The Executive Order exempts all refined petroleum products, including motor gasoline, from all allocation and pricing regulations promulgated under the Emergency Petroleum Allocation Act of 1973, except as expressly provided. The State set-aside program for gasoline was established as part of those regulations and was not excepted from the provisions of the Executive Order. Therefore, the state set-aside for motor gasoline is no longer in effect. However, under the terms of the Executive Order, the State set-aside program for middle distillates remains in effect until March 31, 1981.

Issued in Washington, D.C., on February 12, 1981.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-5575 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Share, Share Draft and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This final rule concerns the penalties that Federal credit unions assess when members make premature withdrawal of funds held in share certificate accounts. The rule allows, but does not require, Federal credit unions to adopt penalties that result in invasion of principal when funds are withdrawn early in the term of a certificate. The rule gives Federal credit unions greater flexibility to address problems associated with so-called "rate-hopping", that is, instances of very early withdrawal of money market certificates and other market sensitive share certificates during times of rapidly rising rate ceilings. Withdrawal is made in these cases for the purpose of reinvestment in certificates at the new higher rate. The existing maximum penalty (loss of all earned dividends) may not be a sufficient disincentive to premature withdrawal, since the total return on the new certificate less the penalty will exceed the return on the outstanding lower rate certificate. High incidences of withdrawal and reinvestment are administratively burdensome and disruptive to the credit union's financial planning. Pursuant to this rule, Federal credit unions have the option of addressing this problem by adopting penalties that result in invasion of principal.

EFFECTIVE DATE: Inasmuch as this rule relieves an existing restriction and imposes no burden on Federal credit unions it is effective immediately, February 12, 1981.

ADDRESS: National Credit Union Administration, 1776 G St., N.W., Washington, D.C., 20456.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Deputy General Counsel, or Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis. Telephone: 202 357-1030 (Mr. Fenner) and 202 357-1090 (Mr. Miller).

SUPPLEMENTARY INFORMATION:

I. Background

DIDC Action

On June 2, 1980, the Depository Institutions Deregulation Committee (DIDC) adopted a final rule concerning penalties for premature withdrawals from time deposits. The DIDC rule affects federally insured banks, savings and loan associations and mutual savings banks. The rule mandates minimum penalties that have the effect of invading principal in the event a customer withdraws funds from a time deposit very early in the term of the deposit (unless certain standard exceptions to the imposition of the penalty are met). The rule is designed to ease problems faced by financial institutions as a result of high incidences of rate-hopping, described above. The DIDC rule was published at 45 FR 40109.

The DIDC rule establishes the following mimimum penalties: For time deposits with maturities less than three months, the minimum penalty for premature withdrawal is an amount equalling the interest that could have been earned on the amount withdrawn had the deposit been held until maturity. For time deposits with maturities from 3 months to one year, the minimum penalty is an amount equalling 3 months simple interest on the amount withdrawn. (Thus, for example, if the entire deposit is withdrawn earlier than three months from the date of issuance, the penalty will result in some invasion of principal, since sufficient interest will not have been earned to absorb the penalty.) For time deposits with maturities in excess of one year, the minimum penalty is an amount equalling 6 months simple interest on the amount withdrawn.

NCUA Proposal

On June 23, 1980, the NCUA Board issued a proposal requesting comment on whether DIDC-like premature withdrawal penalties should be adopted for Federal credit unions. This action was taken in order to determine whether the problem addressed by the DIDC rule was presenting difficulties for Federal credit unions. The NCUA proposal was published on June 25, 1980, at 45 FR 42628.

NCUA's Present Rule

NCUA's present rule on early withdrawal penalties is set forth in Section 701.35(e) of NCUA's regulations. (Codified at 12 CFR 701.35(e), and most recently published at 45 FR 75169.) NCUA's rule differs from the DIDC rule in one major respect: NCUA's rule does not allow Federal credit unions to impose penalties that invade principal. (For purposes of this discussion, a penalty is not considered to "invade" principal to the extent that principal is reduced only because dividends against which the penalty would have otherwise been assessed have been previously withdrawn.) NCUA's rule establishes the following minimum penalties: For certificates with maturities of one year or less, the minimum penalty is the *lesser* of (1) 90 days worth of dividends on the amount withdrawn (essentially the equivalent of the DIDC penalty of 3 months simple interest) or (2) all dividends on the amount withdrawn since the date of issuance or renewal (if this latter amount is the lessor of the two, it constitutes the penalty, and thus the penalty does not invade principal). For certificates with maturities greater than one year, the minimum penalty is the *lesser* of (1) 180 days worth of dividends on the amount withdrawn (comparable to the DIDC penalty of 6 months simple interest) or (2) all dividends on the amount withdrawn since the date of issuance or renewal. Again, these are minimum penalties. Federal credit unions are free, in fashioning their share certificate contracts, to require a higher forfeiture of dividends (but no forfeiture of principal).

Recent Developments

The comment period on NCUA's proposal ended August 18, 1980. On November 6, 1980, in adopting a comprehensive revision of NCUA's rules on share, share certificate and share draft accounts, the NCUA Board deferred action on the question of revising NCUA's minimum withdrawal penalties, partly to await the outcome of DIDC deliberations on possible amendments to its rule. At its meeting of December 12, 1980, the DIDC considered but declined to adopt revisions concerning waiver of the penalty in the event of personal hardship of the depositor.

Decision

Inasmuch as the DIDC has apparently concluded its deliberations on substantive revisions to its penalty rule, the NCUA Board has again reviewed its proposal to adopt DIDC-like penalties. Some 45 comments were received on the NCUA proposal. An analysis of those comments was published at 45 FR 75169, as part of NCUA's aforementioned revisions to its share account rules. In short, the comments did not support adoption of the DIDC rule as a mandatory penalty. Many commentors did support, however, a revision to allow Federal credit unions the option of using the DIDC penalties. Consistent with these comments, the NCUA Board has decided at this time to revise its rules so as to allow, but *not require*, Federal credit unions to adopt penalties similar to those mandated for other institutions. This is accomplished by simply eliminating from the present NCUA rule § 701.35(e)(1), which establishes the prohibition against penalties that invade principal. The remaining of section 701.35(e) are renumbered accordingly. Also, renumbered § 701.35(e)(1) (previously § 701.35(e)(2)) has been revised to more clearly convey its meaning: that it is within the discretion of the board of directors of a Federal credit union to establish penalties for failure to meet the terms and conditions of any account other than a regular share account. Renumbered § 701.35(e)(2) then states the minimum *required* forfeiture of dividends for premature withdrawal from share certificates.

Minimum Penalty

The minimum penalty in the existing rule is maintained in order to preserve the integrity of the 7% dividend ceiling on share accounts. For example, in the absence of a minimum penalty, Federal credit unions would be allowed to issue 9% certificates with no minimum denomination and *no* premature withdrawal penalty. As can easily be seen, this would have the effect of permitting a share account (called a share certificate account) from which penalty free withdrawals might be made, but at a rate 2% above the ceiling for accounts described correctly as share accounts.

Member Interests

In removing the prohibition against invasion of principal, the NCUA Board has carefully considered the interests of Federal credit union members. The Board believes, for the following reasons, that member interests are adequately protected by this action: First, the new penalties may not be applied to existing share certificates. Rather, they can only be applied prospectively (to new certificates) as a matter of contractual agreement between the credit union and the member. Further, any premature withdrawal penalty is subject to disclosure requirements pursuant to § 701.35(l) of NCUA's rules. Also, FCU's are not required to impose penalties that invade principal. They may choose not to impose the penalties at all, or they may choose to apply them only to those certificates (such as money market certificates) for which rate-hopping has been a problem.

Related Issue

Some Federal credit unions have inquired of NCUA whether it would be permissible to protect against premature withdrawal by issuing share certificates that are redeemable solely at the discretion of the credit union. NCUA's regulations do not address this issue. The very essence of a share certificate, however, is that the member receives a higher dividend rate in return for a commitment to leave the funds with the credit union for a specified period of time. Thus, the Board considers it *permissible* for a Federal credit union, by contract, to reserve the right to refuse to allow premature withdrawal. Such a condition must be clearly disclosed to the member pursuant to § 701.35(l) of NCUA's regulations, and the credit union should avoid favoritism in determining, from case to case, whether to exercise the right. Also, if a Federal credit union reserves the right to deny access, the NCUA Board recommends that the credit union adopt an internal policy that defines emergencies for which either premature withdrawal will nonetheless be allowed or a secured loan will be granted. Finally, there are certain instances, specified in § 701.35(f) of NCUA's regulations, where a penalty for premature withdrawal is not permitted. The Board believes it is implicit in these cases that the member or the member's successor may affect premature withdrawal. The cases are (1) death of the member, (2) termination of the membership of a person who has left the field of membership, (3) distribution from an IRA or Keough account following death or disability and (4)

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liquidation of the credit union. (On December 29, 1980, the Board proposed an amendment that would add bankruptcy of the member to this list. See 46 FR 920. The comment period on that proposal expires February 23, 1981.)

Effective Date

This final rule relieves an existing restriction and imposes no new mandatory requirements on Federal credit unions. Accordingly, it is being issued without a delayed effective date.

Dated: February 12, 1981.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

(12 U.S.C. 1757(6); 12 U.S.C. 1766(a))

§ 701.35 [Amended]

1. Section 701.35(e) is revised to read as follows:

* * * * *

(e) *Penalty Provisions.* (1) The board of directors may establish a penalty to be imposed for failure to comply with any terms or conditions of any account other than a regular share account.

(2) The board of directors shall establish a penalty to be imposed for premature withdrawal from a share certificate account. The penalty established shall, at a minimum, require:

(i) If the qualifying period is one year or less the member shall forfeit an amount equal to the lesser of:

(A) All dividends for 90 days on the amount withdrawn, or

(B) All dividends on the amount withdrawn since the date of issuance or renewal.

(ii) If the qualifying period is greater than one year, the member shall forfeit an amount equal to the lesser of:

(A) All dividends for 180 days on the amount withdrawn, or

(B) All dividends on the amount withdrawn since the date of issuance or renewal.

[FR Doc. 81-5577 Filed 2-18-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NE-43; Amdt. 39-4043]

Airworthiness Directives; Sikorsky S-76A Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: On October 24, 1980, a telegraphic airworthiness directive (AD), T80-22-55, was issued requiring visual and dye penetrant inspections for cracks in the piston rods of main rotor dampers and the removal from service of these dampers if cracks were found. On November 21, 1980, an emergency AD (air mail) revision to the AD, T80-22-55 R1, was issued to add requirements for a one-time dye penetrant inspection for cracks and inspections for main rotor damper bearing wear. This revised AD was published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations on January 15, 1981. Subsequent to the adoption of that amendment, an additional failure in flight of a damper piston rod occurred. The FAA has determined that the requirement for the visual inspections of AD T80-22-55 R1 was ineffective and must be replaced with the more stringent repetitive dye penetrant inspections. Therefore, this amendment revises AD T80-22-55 R1 to require repetitive dye penetrant inspections and to eliminate the requirement for visual inspections.

DATES: Effective date February 15, 1981. Comments must be received on or before April 15, 1981.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 80-NE-43, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

William E. Garlock, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

The applicable Sikorsky publications may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of the maintenance manual revisions are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

Because of recent fatigue failures and the separation of the piston rods of main rotor dampers, a telegraphic AD, T80-22-55, was issued on October 24, 1980, requiring visual inspections and, if any indications of a crack was found, dye penetrant inspections of the piston rods. The AD also required that the dampers be removed from service if a crack was found. Subsequent to the issuance of the telegraphic AD, engineering research and tests indicated that the wear and metal-to-metal contact within the damper spherical bearings can increase the loads sustained by the damper piston rods and therefore contribute to the fatigue failure of these rods. There was also an additional failure of a piston rod in service. Therefore, emergency AD T80-22-55 R1 was issued on November 21, 1980, effective November 28, 1980, to add requirements for a one-time dye penetrant inspection of all damper piston rods, based upon time in service and previous replacement of bearings, and repetitive inspections of the damper rod end bearings for wear. Emergency AD T80-22-55 R1 was published in the Federal Register on January 15, 1981, as Amendment 39-4018 (46 FR 3496). Subsequent to the adoption of that amendment, an additional failure in flight of a damper piston rod occurred. The FAA has determined that the requirement for the visual inspections of AD T80-22-55 R1 was ineffective and must be replaced with the more stringent repetitive dye penetrant inspections. Therefore, this amendment revises Amendment 39-4018 (46 FR 3496), AD T80-22-55 R1, to eliminate the requirement for visual inspections and to establish a requirement for repetitive dye penetrant inspections.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective February 15, 1981, by revising Amendment 39-4018 (46 FR 3496), AD T80-22-55 R1, to read as follows:

Sikorsky Aircraft. Applies to S-76A series helicopters certificated in all categories.

To prevent operation with cracked or separated main rotor damper piston rods accomplish the following:

1. Within 25 hours time in service, after the effective date of this AD, and thereafter at intervals not to exceed 30 hours time in service, conduct dye penetrant inspections for cracks in the piston rods of P/N 76106-08000 main rotor dampers with more than 400 hours time in service or that have had a damper spherical bearing replaced. Accomplish these inspections in accordance with specification MIL-I-6866, Type II, Method C, and with at least a 3-power magnifying glass. Protect piston seals and rod end bearings from cleaning and inspection fluids. If a crack is found, replace the piston rod prior to further flight with a serviceable piston rod.

2. On damper spherical bearings with more than 100 hours time in service: Within the next 25 hours time in service, after the effective date of this AD, and thereafter at intervals not to exceed 15 hours time in service, conduct a bearing wear inspection of the damper spherical bearings in accordance with Item 88 of Temporary Revision 5-27 (Reference Paragraph 9 of Temporary Revision 5-23) of Sikorsky S-76 Maintenance Manual No. SA4047-76-2.

When a damper spherical bearing fails to meet the wear criteria of this inspection, conduct a dye penetrant inspection in accordance with the specification in paragraph 1 of the damper piston rod for cracks. If a crack is found, replace the piston rod prior to further flight with a serviceable piston rod.

3. Other methods of compliance with this directive must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

4. Report any discrepancies found and associated main rotor blade damper times in service to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

(Reporting approved by the Office of Management and Budget Under OMB No. 04-40174)

Note.—The following revisions to the Sikorsky S-76 Maintenance Manual No. SA 4047-76-2 pertain to the subject matter of this directive:

a. Item 28 of Temporary Revision No. 5-21, dated January 28, 1981.

b. Item 88 of Temporary Revision No. 5-27, dated January 28, 1981 (Reference Paragraph 9 of Temporary Revision 5-23).

c. Temporary Revision No. 5-31, dated January 28, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602.

These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

A historical file on this AD is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under Executive Order 12044, as amended, on June 27, 1980, by Executive Order 12221, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information."

The undersigned certifies, pursuant to 5 U.S.C. 605(b), that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The equipment necessary to conduct the inspections required by this Final Rule is standard and so frequently used in the inspection of aircraft components that all operators of S-76A helicopters will have this equipment available. The inspection required by this final rule can be made to coincide with other inspections, and therefore, the down-time on the aircraft would not be solely limited to these inspections. The time to complete these inspections is not considered to be significant.

It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-5381 Filed 2-18-81; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 80-AAL-20]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Low Frequency Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Green Airway 10 between Elfee, Alaska, NDB and Port Heiden, Alaska, NDB. The present alignment of G-10 from Humboldt, Alaska, NDB has proven to be unusable. The realignment would enhance the traffic flow in the area.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: On November 24, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign G-10 from Elfee, Alaska, NDB to Port Heiden, Alaska, NDB (45 FR 77452). The former alignment of G-10 utilizing the Humboldt, Alaska, NDB 345° bearing is not usable, according to flight check data. Therefore, this segment of G-10 between Humboldt NDB and the intersection at G-8 is revoked because it is not usable; however, the new G-10 realignment will enhance air safety and simplify flight planning. This amendment is the same as that proposed in the notice. Section 71.103 of Part 71 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1981, (46 FR 407).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters G-10 by redescribing this portion from Elfee, Alaska, NDB to Port Heiden, Alaska, NDB. This action will enhance air safety and improve traffic flow in the area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.103 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 407) is amended, effective 0901 GMT, April 16, 1981, as follows:

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Under § 71.103 Green Federal Airways, G–10 is amended to read as follows:

"G–10 From Elfee, Alaska, NDB, via INT Elfee NDB 041° and Port Heiden, Alaska, NDB 248° bearings; Port Heiden NDB; 67 miles 12 AGL, 77 miles 85 MSL, 67 miles 12 AGL, to Woody Island, Alaska, NDB."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(a)]; Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–5593 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–EA–56]

Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points; Designation and Alteration of Transition Areas: States of Pennsylvania and New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a New York State Transition Area over the State, and alters the description of the Pennsylvania Transition Area. The designation will consolidate many separate transition areas presently existing within the territorial boundaries of New York State, but will not expand present controlled airspace. It will permit the revocation of the separate transition areas in the same area in favor of one designation. The alteration will change the description of Pennsylvania from a detailed specification of the geographic area to a general reference to the territory of the State of Pennsylvania.

EFFECTIVE DATE: 0901 GMT April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reahle, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: On November 11, 1980, the FAA published a Notice of Proposed Rulemaking on page 75684 of its **Federal Register**, 45 FR 54078 and gave interested parties until January 5, 1981, to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT April 16, 1981, as published.

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on February 2, 1981.

Murray E. Smith,

Director, Eastern Region.

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, as follows:

a. Designate a New York State 1200 foot floor transition area as follows:

"New York State

That airspace extending upward from 1200 feet above the surface within the boundary of the State of New York including the offshore airspace 3NM east of and parallel to the shoreline".

b. Remove the description of the (State of) Pennsylvania 1200 foot floor transition area in its entirety and substitute therefor, "That airspace extending upward from 1200 feet above its surface within the State of Pennsylvania".

c. Remove the description of the Albany, New York 1200-foot floor transition area in its entirety.

d. Remove the description of the Andover, New Jersey 1200-foot floor transition area in its entirety.

e. Remove the description of the Buffalo, New York 1200-foot floor transition area in its entirety.

f. Remove the caption and description of the Cranberry Lake, New York 1200-foot floor transition area in its entirety.

g. Remove the caption and description of the Delancey, New York 1200-foot floor transition area in its entirety.

h. Remove the description of the Fulton, New York 1200-foot floor transition area in its entirety.

i. Remove the description of the Ogdensburg, New York 1200-foot floor transition area in its entirety.

j. Remove the caption and description of the Oswego, New York 1200-foot floor transition area in its entirety.

k. Remove the description of the Poughkeepsie, New York 1200-foot floor transition area in its entirety.

l. Remove the description of the Rochester, New York 1200-foot floor transition area in its entirety.

m. Remove the description of the Utica, New York 1200-foot floor transition area in its entirety.

n. Remove the description of the Watertown, New York 1200-foot floor transition area in its entirety.

o. Remove the description of the White Plains, New York 1200-foot floor transition area in its entirety.

[FR Doc. 81–5580 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 71 and 73

[Airspace Docket No. 80–AS0–71]

Temporary Restricted Area Camp Lejeune, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments designate temporary restricted areas in the vicinity of Camp Lejeune, N.C., to contain hazardous air activity associated with a major joint military exercise. Applicable areas are included in the Continental Control Area. This action prohibits unauthorized flight operations by nonparticipating aircraft within the restricted areas during their designated times of use.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT:
George O. Hussey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY:

History

On December 15, 1980, the FAA proposed to amend § 71.151 of Part 71 and § 73.53 of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R–5315A, R–5315B, R–5315C, R–5315D, and R–5315E, Camp Lejeune, N.C., to contain hazardous air activity associated with a major joint military exercise (45 FR 82270). This exercise will provide necessary training for several military commands operating under the sponsorship of the United States Atlantic Command, Norfolk, Va. The air activities associated with the exercise will be such that simultaneous flight by nonparticipating aircraft cannot be safely conducted within the temporary restricted areas when they are in the use by the military. These activities will consist of high performance military aircraft and helicopters engaged in fast tempo air-to-air and air-to-ground air operations where pilots may be restricted from properly clearing themselves from nonparticipating aircraft. This situation creates a hazard and requires designation of temporary restricted areas. Live ordnance will not be used and supersonic flight will be prohibited within the temporary restricted areas. Approximately 225 aircraft will be utilized to conduct approximately 270 fixed wing and 150 helicopter daily sorties. Participating aircraft operating outside the exercise areas will file individual flight plans to the maximum extent practicable. The boundary abutments to existing special use airspace areas are necessary to accommodate interarea transition into and out of adjacent areas which will also be utilized extensively during the exercise. Communications equipment will be installed and maintained between appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise areas when military activity permits. Additionally, a reverse charge telephone number and VHF radio communications frequency will be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. This rule is the same as that proposed in the notice. Of the comments received, none were objections to the proposal. The United States Atlantic Command, Norfolk, Va., has certified that the requirements of the National Environmental Policy Act (NEPA) have been met. Section 71.151 of Part 71 and § 73.53 of Part 73 were republished in the **Federal Register** on January 2, 1981 (46 FR 446 and 817).

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations designate temporary restricted areas identified as R–5315A, R–5315B, R–5315C, R–5315D, and R–5315E, Camp Lejeune, N.C. This rule prohibits unauthorized flight by nonparticipating aircraft within the restricted areas during their designated times of use. Applicable areas are included in the Continental Control Area and the areas are designated for joint use. The military will provide reasonable access to private or public use land within the restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 817) are amended, effective 0901 GMT, April 16, 1981, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

§ 71.151 [Amended]

1. In § 71.151 between "R–5314 Dare County, N.C." and "R–5502B Lacarne, Ohio" the following are added:

"R–5313A Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981.

"R–5315C Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981.

"R–5315D Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981.

"R–5315E Camp Lejeune, N.C. Continuous from 0001 May 6 until 2400 local time May 12, 1981."

PART 73—SPECIAL USE AIRSPACE

§ 73.53 [Amended]

2. In § 73.53 the following are added:

"R–5315A Camp Lejeune, N.C."

Boundaries. Beginning at Lat. 34°36'05" N., Long. 77°26'08" W.; to Lat. 34°33'00" N., Long. 77°19'00" W.; to Lat. 34°30'20" N., Long. 77°15'50" W.; thence southwest 3 NM from and parallel to the shoreline to Lat. 34°23'30" N., Long. 77°30'00" W.; to Lat. 34°21'45" N., Long. 77°32'30" W.; to Lat. 34°26'30" N., Long. 77°40'00" W.; to point of beginning.

Designated altitudes. Surface to but not including FL 180.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5315B Camp Lejeune, N.C.

Boundaries. Beginning at Lat. 34°51'00" N., Long. 77°05'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°41'50" N., Long. 76°56'20" W.; to Lat. 34°37'30" N., Long. 76°56'20" W.; thence southwest 3 NM from and parallel to the shoreline to Lat. 34°34'30" N., Long. 77°09'00" W.; to Lat. 34°44'50" N., Long. 77°14'40" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.

Designated altitudes. Surface to but not including 1,200 feet MSL.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5315C Camp Lejeune, N.C.

Boundaries. Beginning at Lat. 34°57'00" N., Long. 77°02'45" W.; to Lat. 34°36'30" N., Long. 76°43'00" W.; thence west 3 NM from and parallel to the shoreline to Lat. 34°37'30" N., Long. 76°56'20" W.; to Lat. 34°41'50" N., Long. 76°56'20" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 34°51'00" N., Long. 77°05'30" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.

Designated altitudes. 4,000 feet MSL to but not including FL 180.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5315D Camp Lejeune, N.C.

Boundaries. Beginning at Lat. 35°12'00" N., Long. 77°25'30" W.; to Lat. 34°57'00" N., Long. 77°02'45" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to Lat. 34°44'50" N., Long. 77°14'40" W.; to Lat. 34°40'30" N., Long. 77°19'00" W.; to Lat. 35°06'00" N., Long. 77°30'00" W.; to point of beginning.

Designated altitudes. Surface to but not including FL 180.

Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5315E Camp Lejeune, N.C.

Boundaries. Beginning at Lat. 35°20'30" N., Long. 77°19'00" W.; to Lat. 35°43'50" N., Long. 76°35'30" W.; to Lat. 35°38'55" N., Long. 76°01'00" W.; to Lat. 35°36'45" N., Long. 76°01'20" W.; to Lat. 35°18'15" N., Long. 76°16'40" W.; to Lat. 35°23'15" N., Long. 76°34'40" W.; to Lat. 35°03'00" N., Long. 76°57'00" W.; to Lat. 34°57'00" N., Long. 77°02'45" W.; to Lat. 35°12'00" N., Long. 77°25'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to but not including FL 180.

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Time of designation. Continuous, 0001, May 6, 1981, to 2400 local time, May 12, 1981.

Controlling agency. FAA Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. It has been determined that this regulation involves a military function of the United States under the President's memorandum of January 29, 1981.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-5582 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 80-AWA-14]

Special Use Airspace; Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of Restricted Area R-4305 by changing the time of designation from 5 days per week to continuous. The Minnesota Air National Guard is conducting an increasing amount of training on weekends and this action extends the time of designation for R-4305 to include weekends.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION: On December 29, 1980, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the time of designation for the utilization of Restricted Area R-4305 from Monday through Friday, to "Continuous" (45 FR 85467). The 148th Tactical Reconnaissance Group (MN ANC), conducts an increasing amount of training missions on weekends and requires additional operating hours. This action extends the operating hours. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal. No comments were received objecting to the proposal. This amendment is the same as that proposed in the notice. Section 73.43 of Part 73 was republished in the **Federal Register** on January 2, 1981 (46 FR 808).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) extends the time for training missions for the Minnesota Air National Guard in Restricted Area R-4305 from 5 days per week to "Continuous." This action allows more flexibility for scheduling military training.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 808) is amended, effective 0901 G.M.T., April 16, 1981, as follows:

In § 73.43

Under R-4305 Lake Superior, Minn.

Time of designation. "0001 local time Monday to 2400 local time Friday." is deleted and "Continuous." is substituted therefor.

Using agency. "Commander, Eighth Air Force, Barksdale AFB, La." is deleted and "Commander, Eighth Air Force, Barksdale AFB, LA/DOOBS. (Autovon 781-3917/3857)." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 13, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-5631 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-ANW-4]

Special Use Airspace; Amendments to Restricted Areas R-6701, Admiralty Inlet, Wash., and R-6714 A, B, C and D, Yakima, Wash.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment changes the times of use of existing restricted areas to accurately reflect operational requirements and reduced usage. This action will result in more efficient joint utilization of the affected airspace.

EFFECTIVE DATE: April 16, 1981. Comments must be received on or before March 23, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-4, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket may be examined at the following location: FAA, Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch, AAT-230, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

The Rule

This amendment to § 73.67 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) changes the time of use for Restricted Area R-6701, Admiralty Inlet, Wash., to read "Sunrise to Sunset, Monday through Friday. Other times by NOTAM."; and for R-6714 A, B, C, and D, Yakima, Wash., to read "Intermittent by NOTAM." The current provision in R-6701 to issue a NOTAM 24 hours in advance of Saturday and Sunday usage frequently causes unnecessary denial of access to civil aircraft resulting from reservation 24 hours in advance by the military based on anticipated usage. Removal of the 24 hour advance notice requirement will improve real time scheduling of the area and result in enhanced joint use efficiency. This same rationale applies in the case of R-6714 A and D. The continuous use of R-6714 B and C is no longer required by the military. Because this action results in increased public access to the affected airspace, I find that notice and public procedure are unnecessary; however, comments are invited on the rule. When the comment periods ends, the FAA will use the comments and any other available information to review the regulation. Section 73.67 of Part 73 of the Federal Aviation Regulations was republished on January 2, 1981 (46 FR 827).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.67 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 827) is amended, effective 0901 GMT, April 16, 1981, as follows:

1. Under R-6701 Admiralty Inlet, Wash., Time of designation, delete "Saturday and Sunday as published by NOTAM 24 hours in advance." and substitute therefor "Other times intermittent by NOTAM."

2. Under R-6714 A, B, C, and D, Yakima, Wash., Time of designation, delete all of the existing words and substitute for them the words "intermittent by NOTAM."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C. on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-5632 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 399

Expansion of Foreign Policy Control; Correction

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim final rule; correction.

SUMMARY: This notice corrects three errors in the "Expansion of Foreign Policy Control; Correction" notice printed in the January 21, 1981 **Federal Register** (46 FR 5864). The action is necessary to correct errors in citations and dates.

DATE: These corrections are effective February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel E. Cook, Assistant to the Director, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-4159.

Dated: February 12, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

Accordingly, the following corrections are made to FR Doc. 81-1964 appearing on page 5864 of the issue of January 21, 1981.

1. The CFR reference "15 CFR Parts 371 and 374" is changed to read "15 CFR Parts 385 and 399."

2. The date "January 6, 1980" appearing in the **SUMMARY** is corrected to read "January 6, 1981."

3. The citation "45 FR 1256" appearing in the **SUPPLEMENTARY INFORMATION** is corrected to read "46 FR 1258."

[FR Doc. 81-5649 Filed 2-18-81; 8:45 am]

BILLING CODE 3510-25-M

19 CFR Part 355

Countervailing Duties, Certain Textiles and Textile Products From Pakistan; Preliminary Results of Administrative Review and of Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review and of Revocation of Countervailing Duty Order.

SUMMARY: This notice is to advise the public that, as a result of a negative injury determination by the International Trade Commission, the Department of Commerce ("the Department") is revoking the countervailing duty order on certain textiles and textile products from Pakistan effective April 3, 1980. Further, the Department has tentatively determined that the net subsidies given under the programs cited in that countervailing duty order were *de minimis* from July 13, 1979, through April 2, 1980, the period during which the order was in effect. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION: On July 13, 1979 a notice of "Final Countervailing Duty Determination," T.D. 79-188, was published in the **Federal Register** (44 FR 40884). The notice stated that the Treasury Department had determined that exports of textile mill products and men's and boys' apparel from Pakistan were provided bounties and grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). The notice also stated that the *ad valorem* benefits of the programs investigated were possibly *de minimis* but that they were based on information that was 2 years old. Therefore, Treasury suspended liquidation of entries of the merchandise and a deposit of estimated countervailing duty of 1 percent *ad valorem* was required pending the receipt of more current information

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regarding utilization of the programs investigated.

For purposes of this notice, "textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified handloomed and folklore products, made of cotton, wool and man-made fibers as specified in U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) set forth in the appendix to the **Federal Register** notice published on October 13, 1978 (43 FR 47340). "Men's and boys' apparel" includes those items described by TSUSA item numbers in the appendix to the above-cited **Federal Register** notice. The order excluded cotton towels. The countervailable programs under the order were: (1) reduction in the total income tax liability of firms that export, and (2) preferential short-term export financing.

On January 1, 1980, title I of the Trade Agreements Act of 1979 ("the TAA") went into effect. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). On March 31, 1980, the Government of Pakistan requested that the International Trade Commission ("the ITC") conduct an injury investigation under section 104(b) of the TAA. On April 3, 1980, the ITC notified the Department of that request. The ITC published a negative material injury decision in the **Federal Register** of July 24, 1980 (45 FR 49398). (The decision by the ITC also applied to the programs found countervailable under a second determination by the Department on June 5, 1980 (45 FR 37873) concerning textiles from Pakistan.)

As a result, the Department hereby revokes T.D. 79–188 with respect to certain textiles and textile products from Pakistan following the requirement of section 104(b)(4)(B) of the TAA. The Department will instruct Customs officers to liquidate all entries of such merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980 without regard to countervailing duties.

The Department has conducted an administrative review of the original order for the period July 13, 1979 (the date of suspension of liquidation) through April 2, 1980. For that period we tentatively determine that the *ad valorem* benefits for each product are: (1) cotton thread, cotton yarn, cotton cloth—0.47%; (2) cotton hosiery—0.33%; (3) cotton garments and other made-ups—0.39%. The Department considers these rates of net subsidy to be *de minimis* in this case. Therefore, the Department intends to instruct the Customs Service that entries of this merchandise entered, or withdrawn from warehouse, for consumption from July 13, 1979 through April 2, 1980 shall be liquidated without regard to countervailing duties.

Interested parties may submit written comments concerning this administrative review on or before March 23, 1981 and may request disclosure and/or a hearing on or before March 6, 1981. The Department will publish a notice of final results of administrative review after analysis of issues raised in written comments or at a hearing.

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed "Country" the name "Pakistan;" from the column headed "Commodity," the words "Certain textile products;" from the column headed "Treasury decision," the number "79–188;" and from the column headed "Action," the words "Bounty declared."

This revocation, administrative review, and notice publication are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note), section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5576 Filed 2-18-81; 8:45 am]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PH-FRL 1756-3; FAP 9H5241/R75]

Thiophanate-Methyl; Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR Part 561 by establishing a feed additive tolerance for the fungicide thiophanate-methyl (dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)] bis[carbamate]), its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl). This amendment to the regulation was requested by Pennwalt Corporation. This rule establishes maximum permissible level for residues of thiophanate-methyl in or on the commodity dried apple pomace.

EFFECTIVE DATE: Effective on February 19, 1981.

ADDRESSES: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of February 15, 1980 (45 FR 10402) the Pennwalt Corporation, P.O. Box C, King of Prussia, PA 19406, had filed a feed additive petition (FAP 9H5241) with the EPA. The petition proposed that 21 CFR Part 561 be amended by permitting residues of the fungicide thiophanate-methyl (dimethyl[(1,2- phenylene)bis (iminocarbonothioyl)]bis[carbamate]) its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on the commodity dried apple pomace with a tolerance limitation of 70 parts per million (ppm). Subsequently, an amended notice of filing was made which proposed a reduction of the proposed permissible residues of thiophanate-methyl in dried apple pomace from 70 ppm to 40 ppm (45 FR 84850). No comments were received in response to this notice of filing.

On February 15, 1980 (45 FR 10402) and February 29, 1980 (45 FR 13528) petitions for tolerances in raw agricultural commodities were published in response to requested tolerances for residues of thiophanate-methyl in the raw agricultural commodities almonds (nuts) at 0.2 ppm, almond hulls at 1.0 ppm, apples (pre- and post-harvest) at 7.0 ppm, beans (snap and dry) at 2.0 ppm, bean forage and hay at 50.0 ppm, cattle liver at 0.5 ppm, cattle kidney at 0.2 ppm, celery at 3.0 ppm (pre-H), eggs at 0.1 ppm, meat, fat, and meat byproducts of cattle (excluding liver and kidney), goats, hogs, horses, poultry (excluding liver) and sheep at 0.1 ppm, pecans at 0.2 ppm (pre-H), peanuts, meats (hulls removed) at 0.2 ppm, peanut hulls at 2.0 ppm and peanut hay at 15.0 ppm, pineapple (preplant seed piece treatment only) at 0.1 ppm, poultry liver at 0.2 ppm, soybeans at 0.2 ppm, sugar beets (roots) at 0.2 ppm, sugar beets (tops) at 15.0 ppm and sugarcane (preplant seed piece treatment only) at 0.1 ppm. Subsequently, an amended notice of filing was published which proposed increasing the tolerance for thiophanate-methyl in milk from 0.1 ppm to 1.0 ppm, in cattle liver from 0.5 ppm to 2.5 ppm, in liver of horses and hogs from 0.1 ppm to 1.0 ppm, in liver of goat and sheep from 0.1 ppm to 2.5 ppm, in kidney of goats and sheep from 0.1 ppm to 0.2 ppm (45 FR 84850). No comments were received in response to this notice of filing.

The scientific data considered in support of this tolerance were a 2-year rat oncogenic study (negative, with a no-observed-effect level (NOEL) of 160 ppm) a 2-year mouse oncogenic study (negative at highest dose of 640 ppm), a 2-year dog feeding study (NOEL at 10 mg/kg/day), a 6-litter rat reproduction study (NOEL of 160 ppm), a mouse teratology study (negative at 1,000 mg/kg, a rat mutagenic study (negative at 1,000 mg/kg, no chromosomal aberrations in somatic and spermatogonial cells), and dominant lethal study in mice (negative at 500 mg/kg). Based on the rat feeding study, the no-observed-effect level is 8.0 mg/kg/day. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.08 mg/kg/day and the maximum permissible intake (MPI) is 4.8 mg/day for 60-kg person. Established tolerances and these proposed tolerances result in a maximum theoretical exposure of 0.7667 mg/day for a 60-kg person and utilizes 15.97 percent of the ADI. Tolerances have previously been established for residues of thiophanate-methyl in or on a variety of raw agricultural commodities, ranging from 0.2 to 15 ppm (40 CFR 180.371). A related document establishing tolerances for residues of thiophanate-methyl on certain raw agricultural commodities (PPOF2274/OF2293/R307) appears elsewhere in this issue of the **Federal Register**.

Thiophanate-methyl was subjected to a rebuttable presumption against registration (RPAR) review, based on the mutagenic potential of its metabolite methylbenzimidazole carbamate (MBC). The agency determined that the presumption was rebutted on the basis of low exposure potential (40 CFR 162.11(a)(4)(ii), and that the current use patterns of thiophanate-methyl do not pose unreasonable adverse effects on the environment. Subsequent to this determination, a positive oncogenicity study on MBC was submitted to the agency. Upon completion of the review of this study, the agency will reconsider whether the use of thiophanatemethyl poses unreasonable adverse effects on the environment.

The data submitted in the petition and all other relevant material have been evaluated. The proposed analytical method for determining residues is UV spectrofluorometry. Based on the information considered by the agency, the pesticide is considered useful for the purposes for which the tolerances are sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999 89 Stat. 751; 7 U.S.C. 136(a) et seq.). Therefore, the regulation 21 CFR Part 561 is amended as set forth below to establish a tolerance of 40 ppm for residues of the fungicide thiophanatemethyl in or on dried apple pomace.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" procedures. EPA labels these other regulations "specialized". This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044. Effective date: February 19, 1981.

(Sec 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348))

Dated: January 29, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Part 561 of 21 CFR is amended by establishing § 561.387 to read as follows:

§ 561.387 Thiophanate-methyl.

Tolerances are established for residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene)bis (iminocarbonothioyl)], its oxygen analogue dimethyl-4, 4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanatemethyl) in or on the following commodity:

Feed	Parts per million
Apple, dried pomace	40.0

[FR Doc. 81-5582 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF STATE

[Departmental Reg. 108.801]

22 CFR Part 18

Benefits for Spouses and Former Spouses of Participants in the Foreign Service Retirement and Disability System

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is adopting regulations to implement new provisions of the Foreign Service Retirement and Disability System providing benefits for spouses and former spouses of participants and certain former participants in that System. The System was recently amended by chapter 8 of title I of the Foreign Service Act of 1980 (Pub. L. 96–465, 94 Stat. 2102; 22 U.S.C. 4041 *et seq.*) (hereafter "the Act"). The Foreign Service Retirement and Disability System includes Foreign Service employees of the Department of State, United States International Communication Agency, Agency for International Development, Foreign Commercial Service of the Department of Commerce and Foreign Agricultural Service of the Department of Agriculture. The regulations set forth below, which are excerpts from the comprehensive retirement regulations for the Foreign Service, describe those benefits and how they will be administered, impose certain notification requirements on Foreign Service employees, former employees and their former spouses, and are considered to be of interest to a larger group than the employees themselves, unlike the comprehensive regulations as a whole.

EFFECTIVE DATE: February 15, 1981.

FOR FURTHER INFORMATION CONTACT: Gertrude Wiekoski, Chief, Retirement Division, Bureau of Personnel, Department of State, Washington, D.C. 20520, Phone (202) 632–0315.

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SUPPLEMENTARY INFORMATION: Proposed regulations to implement these provisions of the Foreign Service Retirement and Disability System were published in the **Federal Register** on January 15, 1981 (46 FR 3547) as Part 17. They are published here in final form as Part 18.

The public was invited to send written comments to the Department. As of February 10, 1981, none has been received. Because of the February 15, 1981 effective date of the Act, comments received after February 10, 1981 cannot be considered prior to the publication of this regulation. If written comments are subsequently received, they will be considered for possible amendments.

As a result of further management review, the following substantive changes in the proposed regulations have been incorporated in the regulations set forth below:

1. Sections 18.5–1 and 18.9–1 were amended to indicate that a former spouse of an annuitant is only eligible for a pro rata share of the annuity if the annuitant separated from the Foreign Service after February 15, 1981.

2. Paragraph (c) of § 18.9–3 was amended to make clear that pension payments to former spouses discussed therein are increased by cost-of-living adjustments received by other annuitants and to explain the special rule applicable to former spouses of disability annuitants.

3. Subparagraph (e)(2) of § 18.11–2 was amended to give more time to annuitants to elect survivor benefits for former spouses who are not eligible for survivor annuities under other sections of the regulation. The time for election was extended from March 31, 1982 to December 31, 1982.

4. Section 18.13 was amended to indicate (1) that only former spouses of persons separated from the Foreign Service on or after February 15, 1981 are eligible for a pro rata share of lump-sum payments that may accrue to these individuals and (2) to make clear that if a participant or former participant dies and no claim for annuity is payable, the lump-sum credit is payable to surviving beneficiaries.

Accordingly, Part 18 is added as set forth below.

Dated: February 12, 1981.

Thomas M. Tracy,

Assistant Secretary for Administration.

PART 18—BENEFITS FOR SPOUSES AND FORMER SPOUSES OF PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

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Authority: Secs. 206 and 801 of Foreign Service Act of 1980 (94 Stat. 2079, 2102); Sec. 4 of Act of May 26, 1949 (22 U.S.C. 2658).

§ 18.1 Authorities.

Chapter 8 of the Foreign Service Act of 1980 (Pub. L. 96–465, 94 Stat. 2102) (hereafter "the Act"), and any Executive order issued under authority of section 827 of the Act.

§ 18.2 Definitions.

(a) "Agencies" means the Department, the Agency for International Development (AID), the International Communication Agency (USICA), the Foreign Agricultural Service (FAS), and the Foreign Commercial Service (FCS).

(b) "Annuitant" means any person including a former participant or survivor who meets all requirements for an annuity from the Fund under the provisions of the Foreign Service Act of 1980, or any other law and who has filed claim therefore.

(c) "Basic salary" means the salary fixed by law or administrative action before deductions and exclusive of additional compensation of any kind. It includes the salary fixed by sections 401, 402, 403, and 406 of the Act and salary incident to assignment under section 503 of the Act. Basic salary excludes premium pay for overtime, night, Sunday and holiday work, allowances, post and special differentials, and chargé pay.

(d) "Chief of Mission" means a principal officer in charge of a diplomatic mission of the United States or of a United States Office abroad which has been designated diplomatic in nature or any member of the Foreign Service assigned under the terms of the Act to be chargé d'affaires or head of such a mission or office.

(e) "Child" means, except with reference to lump-sum payments, an unmarried child, under the age of 18 years, or such unmarried child regardless of age who because of physical or mental disability incurred before age 18 is incapable of self-support. In addition to the offspring of the participant, the term includes:

(1) An adopted child;

(2) A stepchild or recognized natural child who received more than one-half support from the participant; and

(3) A child who lived with and for whom a petition of adoption was filed by a participant, and who is adopted by the surviving spouse of the participant after the latter's death. "Child" also means an unmarried student under the age of 22 years. For this purpose, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while a student, is deemed to have become 22 years of age on the first day of July after the birthday.

(f) "Court" means any court of any State or of the District of Columbia.

(g) "Court Order" means any court decree of divorce or annulment, or any court approved property settlement agreement incident to any court decree of divorce or annulment.

(h) "Department" means the Department of State.

(i) "Divorce" means the dissolution of a marriage by a final decree of divorce or annulment.

(j) "Expressly provided for" means a direction by a court order to divide a member's Foreign Service Retirement benefits or survivor benefits and awarding a portion of such benefits to a previous spouse.

(k) "Former spouse"[1] means a former wife or husband of a participant or former participant who was married to such participant for not less than ten years during periods of service by that participant which are creditable under section 816 of the Act provided the participant was making contributions to the Fund under section 805 of the Act during some portion of such service, and provided the divorce occurred after February 15, 1981. For this purpose, a former spouse shall not be considered as married to a participant for periods assumed to be creditable under section 808 of the Act in the case of a disability annuity or section 809 of the Act in the case of a death in service. A former spouse will be considered married to a participant for any extra period of creditable service provided under section 817 of the Act for service at an unhealthful post during which the former spouse resided with the participant. See § 18.5–3 for procedures to determine this extra period of marriage.

(l) "Fund" means the Foreign Service Retirement and Disability Fund.

(m) "M/MED" means the Department's Office of Medical Services.

(n) "Military and naval service" means honorable active service:

(1) In the Armed Forces of the United States;

(2) In the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or

(3) As commissioned officer of the National Oceanic and Atmospheric Administration or predecessor organization after June 30, 1961.

However, this definition does not include service in the National Guard, except when ordered to active duty in the service of the United States.

(o) "Participant" means a person as described in § 18.3.

(p) "Previous spouse" means any person formerly married to a principal, whether or not such person qualifies as a former spouse under paragraph (k) of this section.

(q) "Principal" means a participant or former participant whose service forms the basis for a benefit under chapter 8 of the Act for a spouse, previous spouse, former spouse or child of a participant.

(r) "PER/ER/RET" means the Department's Retirement Division in the Bureau of Personnel.

(s) "Pro Rata Share" means, in the case of any former spouse of any participant or former participant, a percentage which is equal to the percentage that (1) the number of years and months during which the former spouse was married to the participant during the creditable service of that participant is of (2) the total number of years and months of such creditable service. When making this calculation, item (1) is adjusted in accordance with paragraph (k) of this section and item (2) is adjusted in accordance with § 18.4. In the total period, 30 days constitutes a month and any period of less than 30 days is not counted.

(t) "Spousal Agreement" means any written agreement between a participant or former participant, and the participant's spouse or former spouse.

(u) "Student" means a child regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, university, or comparable recognized educational institution. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years, semesters, or terms if the interim or other period of nonattendance does not exceed 5 calendar months and if the child shows to the satisfaction of the Retirement Division (PER/ER/RET) that the child has a bona fide intention of continuing to pursue such course during the school year, semester, or term immediately following the interim.

(v) "Surviving Spouse" means the surviving wife or husband of a participant or annuitant who, in the case of death in service or marriage after retirement, was married to the participant or annuitant for at least one year immediately preceding death or is the parent of a child born of the marriage.

(w) "System" means the Foreign Service Retirement and Disability System.

[1] Note: Section 804(6) of the Act defines "former spouse" with respect to duration of marriage as being married to a participant "for not less than 10 years during periods of service by that participant which are creditable under section 816." The Department interprets this as necessarily implying that the marriage must have covered a period of at least one day while the member of the Foreign Service was a participant in the System.

§ 18.3 Participants.

The following persons are participants in the System:

(a) Members of the Service serving under a career appointment or as a career candidate under section 306 of the Act (1) in the Senior Foreign Service, or (2) assigned to a salary class in the Foreign Service Schedule;

(b) Any person not otherwise entitled to be a participant who has served as chief of mission or an ambassador at large for an aggregate period of 20 years or more, exclusive of extra service credit for service at unhealthful posts, and who has paid into the Fund a special contribution for each year of service;

(c) Any individual who was appointed as a Binational Center Grantee and who completed, prior to February 15, 1981, at least 5 years of satisfactory service as a grantee, as determined by the Director of Personnel of USICA, or under any other appointment under the Foreign Service Act of 1946, as amended, who has paid into the Fund a special contribution for such service.

(d) Any person converted to the competitive service pursuant to section 2104 of the Act who elects to participate in the System pursuant to section 2106(b)(1) or (2) shall remain a participant so long as he/she is employed in an agency which is authorized to utilize the Foreign Service personnel system.

§ 18.4 Special rules for computing creditable service for purposes of payments to former spouses.

For purposes of determining the pro rata share of annuity, survivor annuity or lump-sum payable to a former spouse, the following shall be considered creditable service—

(a) The entire period of a principal's approved leave without pay during full-time service with an organization composed primarily of Government employees irrespective of whether the principal elects to make payments to the Fund for this service;

(b) The entire period of Government service for which a principal received a refund of retirement contributions which he/she has not repaid unless the former

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spouse received under § 18.13 a portion of the (lump-sum) refund or unless a spousal agreement or court order provided that no portion of the refund be paid to the former spouse; and

(c) All creditable service including service in excess of 35 years;

The period covered by the credit for unused sick leave is not creditable for this purpose.

§ 18.5 Required notifications to Department respecting spouses and former spouses.

§ 18.5–1 Notification from participant or annuitant.

If a participant or former participant becomes divorced on or after February 15, 1981, he/she shall notify the Department (PER/ER/RET) of the divorce on or prior to its effective date. The notice shall include the effective date of the divorce, the full name, mailing address, and date of birth of the former spouse and the date of the member's marriage to that person, and enclose a certified copy of the divorce decree. If there is a court order or spousal agreement concerning payment or nonpayment of Foreign Service benefits to the former spouse, the original or a certified copy of the order or agreement shall also be forwarded to PER/ER/RET. In the absence of a court order or spousal agreement providing otherwise, the Department will pay a pro rata share of the member's benefits to the former spouse. (A former spouse of a former participant who separated from the Service on or before February 15, 1981 is not eligible for a pension under § 18.9, i.e. not eligible for a pro rata share of the principal's annuity.) Upon receipt of notice of a divorce, a court order, or spousal agreement, the Department will proceed as indicated in § 18.6 or § 18.7. Delinquent notice to the Department of the divorce of an annuitant will result in retroactive payments to any qualified former spouse to the extent that the retroactive payments can be deducted from future annuity payments to the principal as stated in § 18.6–4.

§ 18.5–2 Notification to Department from former spouses.

A former spouse is obligated to notify the Department of the following on a timely basis:

(a) A divorce from a participant or former participant when the former spouse is notified by the court of the divorce before the participant is notified;

(b) Any change in address; and

(c) Any remarriage.

Notices shall be sent to the Department of State, Attention PER/ER/RET, Washington, D.C. 20520.

§ 18.5–3 Residence of spouse during service at unhealthful post.

(a) The calculation of the pro rata share of benefits for a former spouse, and the determination of whether a person qualifies as a "former spouse" depends on the length of the marriage. The latter, under the definition in the Act and when the principal has received extra service credit for an assignment to an unhealthful post, depends upon whether a spouse has resided with the principal at the unhealthful post. In order to determine residency for this purpose, whenever a married participant is assigned to an unhealthful post for which he/she *does not* receive post differential and *does* receive or request extra service credit, the participant shall report on Form OF–140, Election to Receive Extra Service Credit Towards Retirement, whether his/her spouse is or is not residing at the post. Although a chief of mission is not required to submit Form OF–140 in order to receive extra credit for service at an unhealthful post, he/she must nevertheless submit this form if the chief of mission has a spouse that does not accompany him/her at post for the entire assignment. Both the participant and spouse shall sign the completed form. If there is a change in residence of the spouse during the assignment, a new joint Form OF–140 shall be filed to report the change.

(b) Whenever a participant retires or becomes divorced, or whenever a former participant becomes divorced who has extra service credit for assignment at unhealthful posts completed prior to the issuance of this regulation who was married during at least a portion of the assignment, the participant or former participant shall submit a statement to PER/ER/RET reporting on whether his/her spouse resided at the unhealthful post and the dates of such residence. The statement shall be signed by the principal and his/her spouse or former spouse whenever possible.

(c) In the event of a disagreement between a principal and his/her spouse or former spouse concerning residency at an unhealthful post, or the submission of a report or statement by a principal showing a period of nonresidence at a post by a spouse which is not signed by the spouse, the determination of residence will be made by PER/ER/RET and based on records in the Department of payments for travel and allowances plus any other evidence that can be adduced. In the absence of any evidence to the contrary, the assumption will be made that the spouse resided at the post.

§ 18.6 Court orders and divorce decrees.

§ 18.6–1 Orders by a court.

(a) A court may—

(1) Fix the amount of any pension to a former spouse under § 18.9, or order that none be paid;

(2) Fix the amount of any regular survivor annuity to a former spouse under paragraphs (a) and (b) of § 18.11, or order that none be paid;

(3) Order provision of an additional survivor annuity for a spouse or former spouse under § 18.10–5;

(4) Fix the amount of any benefit under § 18.10–6 based on recall service payable to a former spouse to whom the annuitant was married during any portion of the recall service, or order that none be paid;

(5) Fix the amount of any lump-sum payable to a former spouse under § 18.13 or order that none be paid;

(6) Order, to the extent consistent with any obligation stated in § 18.8 between a participant and a former spouse, and pursuant to any court decree of divorce, legal separation or annulment or any court ordered or approved property settlement agreement incident to any court decree of divorce, legal separation, or annulment, that any payment from the Fund which would otherwise be made to a former participant based on his/her service shall be paid (in whole or in part) by the Secretary of State to a previous spouse or child of such participant. No apportionment under this paragraph may be made of a payment authorized to be paid to a survivor of a participant or annuitant.

(b) An order by a court that does not meet the definition of "court" in § 18.2(f) is not valid for purposes of this section even though a divorce decree issued by such court may be a basis for pro rata share payments to a former spouse as described in these regulations.

§ 18.6–2 Qualifying court order.

(a) To be valid for purposes of this section, a court order must be found to be "qualified" by PER/ER/RET acting for the Secretary of State. A qualifying court order must—

(1) Be consistent with the terms of the Act and applicable regulations;

(2) Not direct payment of an amount in excess of the maximum amount authorized to be paid by the relevant regulation;

(3) Expressly provide that payments be made to the beneficiary by the Secretary of State as distinguished from a principal. If an order is ambiguous in this respect, it will be considered a qualifying order if the principal does not object during the 30-day notice period provided under § 18.6–6;

(4) Define the amount to be paid to a beneficiary in way so that it can be readily calculated from information in the normal files of the Department;

(5) Not make payment contingent upon events other than those on which other payments from the Fund are based such as age, marital status and school attendance; and

(6) Not be in conflict with any previously issued court order which remains valid.

(b) No apportionment of annuity to a beneficiary under § 18.6–1(a) (1) or (6) shall exceed the net annuity of the principal. The net annuity is computed by excluding from the gross annuity the amounts which are:

(1) Owed by the individual to the United States;

(2) Deducted for health benefits premiums pursuant to section 8906 of title 5, United States Code;

(3) Deducted for life insurance premiums under the Government Life Insurance Program;

(4) Owed due to overpayment of annuity;

(5) Properly withheld for Federal income tax purposes, if amounts withheld are not greater than they would be if the individual claimed all dependents to which he/she was entitled.

§ 18.6–3 Application for payment.

(a) To receive payment from the Fund pursuant to a court award, the beneficiary must submit an application in writing to the Chief of the Retirement Division (PER/ER/RET), Department of State, Washington, D.C. 20520. The application must be typed or printed, signed by the beneficiary, and include—

(1) The full name, date of birth, current address and current marital status of the beneficiary;

(2) Full name and date of birth of the participant or former participant and his/her date of birth or other identifying information;

(3) Relationship to the beneficiary, and if a spouse or former spouse, date of marriage to and/or divorce from the participant;

(4) A statement that the court order has not been amended, superseded, or set aside;

The original of the court order or a recently certified copy must be enclosed with the application, or a statement appended that such a copy has been sent to the Department by other means.

(b) When payments are subject to termination upon the occurrence of a condition subsequent, such as marriage, remarriage or termination of schooling, or death of the principal, no payment will be made until the beneficiary submits a statement to PER/ER/RET that—

(1) The condition has not occured;

(2) He/she will notify the Department (PER/ER/RET) within 15 calendar days of the occurrence of the condition subsequent; and

(3) He/she will be personally liable for any overpayment to him/her resulting from the occurrence of the condition subsequent. PER/ER/RET may require periodic recertification of these statements.

§ 18.6–4 Date of court orders.

(a) A court order directing or barring payment of a pension to a former spouse under § 18.9 may not be given effect by the Department if it is issued more than 12 months after the divorce becomes final. A court order adjusting the amount of a regular or additional survivor annuity to a former spouse under §§ 18.11–2 or 18.10–5 may not be given effect by the Department if it is issued after the death of the principal.

(b) A court order issued within 12 months after a divorce becomes final directing payment of a pension to a former spouse in an amount other than provided in § 18.9 may be made retroactively effective to the first of the month in which the divorce becomes final if so specified by the court. In such event, the Department will adjust any future payments that may become due to an annuitant and a former spouse by increasing one and correspondingly reducing the other in order to give effect to the order of the court. However, if future payments to one party are not due, as for example if a court orders that no payments be made to a former spouse, or that 100 percent of an annuity be paid as pension to a former spouse, the Department will not give retroactive effect to a court order by collecting overpayments from one party in order to pay them to the other party and will not make overpayments from the Fund.

(c) A court order under this chapter involving any payment other than a pension to a former spouse under § 18.9 may not be given retroactive effect and shall not be effective until it is determined to be a qualifying order under § 18.6–5.

§ 18.6–5 Preliminary review.

(a) Upon receipt of an application for payment under § 18.6–3, PER/ER/RET will determine whether—

(1) The application is complete;

(2) The applicant is an eligible beneficiary under this chapter; and

(3) The court order is a qualifying order. If the application is completed, the beneficiary is eligible and the court order appears on its face to be a qualifying order, PER/ER/RET will provide the notification required by § 18.6–6, otherwise, it will notify the applicant of any deficiency or requirement for additional information, and if the order is determined to be non-qualifying, the basis for such determination.

(b) Upon receipt of a certified copy of a final decree of divorce, PER/ER/RET will determine whether—

(1) it is a valid decree. Any decree recognized as valid by the parties will be considered valid for this purpose. In addition, any non-recognized decree will be considered valid for this purpose unless:

(i) (A) Neither party was domiciled within the court's jurisdiction, and

(B) The party denying recognition did not participate in the proceedings, or

(ii) The party denying recognition was not afforded notice of the proceedings (actual or constructive);

(2) a related court order has been submitted by either party; and

(3) a pro rata share payment is or may become due the former spouse. If it determines that a pro rata share payment is due, it will provide the notification required by § 18.6–6, otherwise, unless action is being taken pursuant to a related court order, it will notify both parties to the divorce the reason a pro rata share payment is not payable.

§ 18.6–6 Notification.

(a) *Notification to a principal.* Whenever PER/ER/RET receives from a former spouse or other eligible beneficiary—(1) a court order which it deems qualified that requires payment to the beneficiary; or

(2) a final decree of divorce which it deems valid together with a request for a pro rata share payment—PER/ER/RET will send a copy of the document to the principal and a notice stating: (1) that PER/ER/RET deems the order qualified or the divorce decree valid, (2) that payments will be made from the principal's account to the beneficiary and the effective date of such payments, (3) the effect of such payments on the principal's retirement benefit. In the case of any court order with retroactive or immediate effect, and in the case of pro rata share payments, the amounts will be withheld from future payments to the principal but will not be paid to the beneficiary for 30 days from the notice date in order to give the principal an opportunity to contest the court order or the validity of the divorce.

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PER/ER/RET will provide the former spouse or other beneficiary the same information, stating the exact amount that will be payable to the beneficiary and explaining how that amount was calculated.

(b) *Notification to a former spouse.* When PER/ER/RET receives from a principal—(1) a court order which it deems qualified that requires or forbids payment to a former spouse; or (2) a final decree of divorce which it deems valid without an accompanying court order—PER/ER/RET will send a copy of the document to the former spouse and a notice stating: (1) that PER/ER/RET deems the court order qualified or the divorce decree valid, (2) that PER/ER/RET intends to honor the court decree or to make pro rata share payments because of the divorce, (3) the effective date, exact amount, and method of calculation of any payments to the former spouse.

PER/ER/RET will provide the same information to the principal and will explain the effect any payment to a former spouse will have on the principal's retirement benefit.

§ 18.6–7 Decision.

(a) When a response has not been received by PER/ER/RET from a principal within the 30-day period under § 18.6–6a, payment will be made in accordance with the notification. When a response is received, the Chief, PER/ER/RET will consider the response. If it is shown that a court order is not qualifying or that a divorce is not valid under terms of the Act and these regulations, payment proposed in the notification will not be made. In such a case, PER/ER/RET will advise both parties of the basis for its decision and the alternative action, if any, that it proposes to take.

(b) If a principal responding to a notification under § 18.6–6a objects to the payment or other action proposed by the Department in the notification based on the validity of the court order or divorce decree, and the record contains support for the objection, PER/ER/RET will grant the principal 30 days to initiate legal action to determine the validity of the objection, will continue to delay payment to the former spouse or other beneficiary during this period, and will notify the beneficiary of this action. If evidence is submitted that legal action has been started within the 30-day period, the amount of any proposed payment to a former spouse or other beneficiary will continue to be withheld from any payments due the principal, but no payment will be made to the former spouse or other beneficiary until a judicial decision is rendered or agreement reached between the parties.

§ 18.6–8 Allotment to beneficiary.

If a court order is not a qualifying court order because it directs or implies that payment to the beneficiary is to be made by the principal rather than the Secretary of State, the principal may make an allotment to the beneficiary from his/her annuity. An annuitant may also make an allotment from his/her annuity to a previous spouse in the absence of a court order.

§ 17.6–9 Limitations.

(a) Retirement benefits are subject to apportionment by court order under § 18.6–1(6) only while the principal is living. Payment of apportioned amounts will be made only to a previous spouse and/or the children of the principal. Such payments will not be made to any of the following:

(1) Heirs or legatees of the previous spouse;

(2) Creditors of either the principal or the previous spouse; or

(3) Assignees of either the principal or the previous spouse.

(b) The amount of any court ordered payment may not be less than one dollar and, in the absence of compelling circumstances, shall be in whole dollars.

(c) In honoring and complying with a court order, the Department shall not be required to disrupt the scheduled method of accruing retirement benefits or the normal timing for making such payments, despite the existence of any special schedule relating to a previous spouse or other beneficiary.

(d) In cases where the court order apportions a percentage of the retirement benefits, PER/ER/RET will initially determine the amount of proper payment. That amount will only be increased by future cost-of-living increases unless the court directs otherwise.

§ 18.6–10 Liability.

(a) The Department shall not be liable for any payment made from retirement benefits pursuant to a court order if such payment is made in accordance with the provisions of this chapter.

(b) In the event that the Secretary is served with more than one court order with respect to the same retirement benefits, the benefits shall be available to satisfy the court orders on a first-come, first-served basis.

(c) A previous spouse or other beneficiary may request that an amount be withheld from the retirement benefits of a principal or survivor of a principal which is less than the amount stipulated in a court order, or otherwise scheduled to be paid to the beneficiary under this chapter. This lower amount will be deemed a complete fulfillment of the obligation of the Department for the period in which the request is in effect. See § 18.14.

§ 18.7 Spousal agreements.

§ 18.7–1 Purpose.

A spousal agreement may be used by both parties to establish an agreed-upon level of benefits to a spouse or a former spouse and to relieve the participant of responsibility for providing a higher level of benefits.

§ 18.7–2 Agreement with spouse.

(a) A spousal agreement between a participant and a spouse may waive or fix the level of a regular survivor annuity under § 18.11–3. If an agreement is filed, it will assure the spouse that the agreed-upon level of survivor annuity will be paid, irrespective of a future divorce provided the survivor meets the definition of "former spouse" in § 18.2(k). If an agreement is not filed, the participant's annuity will be reduced under § 18.10–2 to provide the maximum regular survivor annuity for the spouse, but in the event of a future divorce if the spouse meets the definition of "former spouse," that person will be entitled only to a pro rata share of the survivor annuity. An agreement under this paragraph may be filed with PER/ER/RET at any time prior to retirement (commencement of the principal's annuity).

(b) A spousal agreement between an annuitant and a spouse filed with PER/ER/RET before commencement of a supplemental annuity for recall service may waive a supplemental survivor annuity that would otherwise be provided for a spouse under § 18.10–6.

(c) A spousal agreement between a participant or former participant and a spouse may be filed with PER/ER/RET at any time in accordance with § 18.10–5 and provide for an additional survivor annuity for the spouse.

(d) A spousal agreement filed under paragraph (a) (b) or (c) remains valid and binding in the event of divorce if the spouse qualifies as a former spouse.

§ 18.7–3 Agreement with former spouse.

(a) A spousal agreement between a participant or former participant and a former spouse may waive, reduce or increase the following benefits for a former spouse;

(1) A pension under §18.9;

(2) A regular survivor annuity under §18.11–2;

(3) A supplemental survivor annuity under §18.10–6;

(4) A lump sum payment for regular or recall service under §18.13.

A spousal agreement shall also be used by a participant or former participant who has a former spouse on February 15, 1981, to elect a regular survivor annuity for such former spouse in accordance with §18.11–2(e). An agreement to establish or increase any benefit for a former spouse entered into while the principal is married to someone else, must be signed and agreed to by both the spouse and the former spouse. An agreement affecting pension benefits may be filed at any time and will govern payments made after its acceptance by PER/ER/RET. An agreement affecting a regular survivor annuity must be filed before the end of the 12-month period after the divorce involving that former spouse or at the time of retirement, whichever occurs first, except as authorized in §18.11–2(b) for persons retired on February 15, 1981, or in §18.11–2(e) with respect to persons who were former spouses on February 15, 1981. This filing requirement stated in the Act makes it impossible to adjust, other than by court order, a regular survivor annuity for a former spouse when the divorce occurs after a retirement which occurs on or after February 15, 1981. The survivor annuity for the former spouse in such case is fixed by any spousal agreement entered into prior to the divorce, by §18.11–2 or by court order. An agreement affecting supplemental survivor benefits or lump-sum payments must be filed before the supplemental annuity of the principal begins or lump-sum payment is made.

(b) A spousal agreement between a participant or former participant and a former spouse may be filed with PER/ER/RET at any time in accordance with §18.10–5 to provide an additional survivor annuity for the former spouse.

§18.7–4 Form of agreement.

(a) A spousal agreement is any legal agreement between the parties accepted by PER/ER/RET as meeting the requirements of this section. If in accordance with the regulations, PER/ER/RET will accept as a valid spousal agreement a property settlement agreed to by the parties and approved by a court regardless of the date of the agreement.

(b) A spousal agreement must either be authenticated by a court or notarized.

§18.7–5 Limitations.

(a) A spousal agreement may not provide for any payment from the Fund in excess of the amount otherwise authorized to be paid, or at a time not authorized by these regulations, or to a person other than a spouse or former spouse.

(b) A spousal agreement must be filed with the Department, Attention PER/ER/RET, and accepted by that office as in conformance with the Act and these regulations prior to the times specified in sections 18.7–2 and 18.7–3. That office will provide advice to the parties on the validity of any proposed agreement and on proper format.

(c) A spousal agreement may apply only to payments from the Fund for periods after receipt of a valid agreement by the Department.

(d) Paragraphs (b), (c) and (d) of §18.6–9 and §18.6–10 apply to spousal agreements and payments made pursuant to spousal agreements to the same extent that they apply to court orders and court ordered payments.

§18.7–6 Duration and precedence of spousal agreements.

(a) A spousal agreement may be revised or voided by agreement of the parties (by filing a new agreement under this section) at any time prior to the last day for filing an agreement determined in accordance with §18.7–2 or §18.7–3, except spousal agreements for additional survivor annuities are irrevocable. After the last day for filing a particular agreement, such agreement is irrevocable.

(b) A valid spousal agreement entered into subsequent to the issuance of a court order affecting the same parties will override the court order, and shall govern payments from the Fund.

(c) A spousal agreement may not override a previous spousal agreement involving the same principal but a different spouse or former spouse without agreement of such spouse or former spouse.

§ 18.8 Obligations of members.

Participants and former participants are obligated by the Act and these regulations to provide the following benefits to others and must accept the necessary reductions in their own retirement benefits to meet these obligations:

(a) A pension to a former spouse pursuant to § 18.9;

(b) A court ordered apportionment of annuity to a previous spouse or child under § 18.6–1(6) (the benefit to a child referred to here is paid during the annuitant's lifetime as distinguished from the automatic survivorship annuity to a child described in § 18.11–7);

(c) A regular survivor annuity to a former spouse who has not remarried prior to age 60, and to a spouse to whom married when annuity commences, pursuant to § 18.11–2 and 18.11–3;

(d) An additional survivor annuity for a spouse or former spouse under § 18.10–5 when elected by the participant or ordered by a court;

(e) Lump-sum payments to a former spouse pursuant to § 18.13;

(f) Benefits ordered by a court under § 18.6 or specified in a spousal agreement under § 18.7.

§ 18.9 Pension benefits for former spouses

§ 18.9–1 Entitlement.

(a) Unless otherwise expressly provided by a spousal agreement under § 18.7 or a court order under § 18.6, a person who, on or after February 15, 1981, becomes a former spouse of a participant (or former participant who separated from the Service after February 15, 1981) and who has not remarried prior to becoming 60 years of age, becomes entitled to a monthly pension benefit effective on a date determined under § 18.9–2 in an amount determined under § 18.9–3.

(b) A former spouse shall not be qualified for a pension under this subsection if, before the commencement of that pension, the former spouse remarries before becoming 60 years of age.

(c) A pension benefit under this section is treated the same as a survivor annuity for purposes of § 18.11–5(b): a former spouse who elects to receive a pension under this section must waive simultaneous receipt of any survivor annuity.

§ 18.9–2 Commencement and termination.

(a) The pension of a former spouse under this subsection commences on the latter of the day the principal becomes entitled to a Foreign Service annuity or on the first day of the month in which the divorce becomes final. (Suspension or reduction of a Foreign Service annuity because or reemployment does not affect the commencement of a pension to a former spouse.) In the case of any former spouse of a disability annuitant, the pension of such former spouse shall commence on the latter of:

(1) The date the principal would qualify for an annuity (other than a disability annuity) on the basis of his/her creditable service;

(2) The date the disability annuity begins; or

(3) The first of the month in which the divorce becomes final.

(b) The pension of a former spouse and the right thereto terminate on:

(1) The last day of the month before the former spouse dies or remarries before 60 years of age; or

(2) The date the annuity of the former participant terminates unless the

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termination results from recall, reappointment or reinstatement in the Foreign Service or reemployment in Government service.

§ 18.9–3 Computation and payment of pension to former spouse.

(a) A pension to a former spouse is paid monthly on the same date that annuity is paid to the principal.

(b) No spousal agreement or court order may provide for a pension or any combination of pensions to former spouses of any one principal which exceeds the net annuity of the principal as defined in § 18.6–2(b).

(c) A pension to a former spouse not fixed by a spousal agreement or court order shall equal the former spouse's pro rata share of 50 percent of the annuity to which the principal is entitled on the date the divorce becomes final, or, if not then entitled to an annuity, 50 percent of the annuity to which the principal first becomes entitled following that date. A pension to a former spouse of a disability annuitant shall be calculated on the basis of an annuity for which the participant would qualify if not disabled. A pension to a former spouse will be increased by the same percentage of each cost-of-living adjustment received by the principal.

(d) The Department will initiate payment of a pension to a former spouse after complying with the notification and other procedures described in § 18.6.

(e) If a pension can not be paid because a former spouse is missing, the principal may file an affidavit with PER/ER/RET that he/she does not know the whereabouts of the former spouse. In such an event, the principal and the Department will follow the procedures in § 18.11–4 in an effort to locate the former spouse. The annuity of the principal will be reduced by the amount of the pension to the former spouse even though the latter is not being paid. If the former spouse has not been located during the 12-month period following the date the principal files an affidavit under this section, the annuity of the principal will be recomputed effective from its commencing date (or on the date following the last month a pension payment was made to the former spouse) and paid without reduction of the amount of pension to the former spouse. If the former spouse subsequently is located, pension payments to him/her will be initiated at that time at the rate that would have been payable had they been paid continuously from the original effective date. The Department shall not be liable to make any pension payments to the former spouse for the missing period if the procedures under this section were faithfully complied with nor will the Department be responsible for recovering any payments made to the principal for the benefit of the former spouse.

§ 18.9–4 Effect on annuitant.

Any pension payable to a former spouse under this section or pursuant to any spousal agreement or court order shall be deducted from the annuity of the principal. (See § 18.6–4 concerning retroactive adjustments.) If the annuity of such a principal in any month is discontinued or reduced so that the net amount payable is less than the pension to the former spouse or spouses of the principal because of recall, reappointment or reinstatment in the Foreign Service or reemployment in the Government service, the principal's salary, rather than annuity, shall be reduced by the amount of the pension payment(s). Such salary reductions shall be deposited in the Treasury to the credit of the Fund. If a pension to a former spouse is discontinued for any reason except a suspension pending a determination of entitlement, the annuity of the principal shall be recomputed effective as of the date of discontinuance of the pension, and paid as if the pension to the former spouse had never been deducted.

§ 18.10 Types of annuities to members.

§ 18.10–1 Full annuity.

If a participant retires and does not provide a survivor annuity to a spouse, former spouse or designated beneficiary, the participant receives a "full" annuity. A full annuity means an annuity computed without any survivorship reduction. Example: Average salary $20,000 and maximum of 35 years of service.

Average basic annual salary for high 3 consecutive years of service	$20,000
Multiplied by 2 pct	.02
	$400.00
Multiplied by 35 yr of creditable service	35
Full annuity	$14,000

§ 18.10–2 Reduced annuity with regular survivor annuity to spouse or former spouse.

(a) At commencement of annuity, a participant or former participant may provide a regular survivor annuity for any eligible former spouse and, within the limits of paragraph b, a regular survivor annuity to any spouse to whom he/she is then married as described in §§ 18.11–2 and 18.11–3, respectively. A regular survivor annuity for a spouse or former spouse equals 55 percent of the portion of the retiree's annuity (up to the full amount) designated as the base for the survivor annuity. To provide the survivor annuity, the participant must accept a reduction in his/her full annuity equal to 2 1/2 percent of the first $3,600 of the designated base, plus 10 percent of the balance of the base. If a regular survivor annuity is being provided for both a spouse and a former spouse, the bases for each are added and the calculation made as in the following example:

Participant's full annuity as computed in § 18.10–1: $14,000.

Maximum regular survivor annuity is 55 percent of full annuity: $7,700.

Case I (Participant has a spouse and former spouse at retirement) If the pro rata share for a former spouse is 75 percent, the base for this benefit will be 75 percent of $14,000: $10,500.

The base for the maximum regular survivor annuity for a spouse would then be 25 percent of $14,000, or $3,500.

Combined base: $14,000.

Participant's full annuity reduced as follows:

2 1/2 percent of first $3,600 of the base: $90.

Plus 10 percent of the amount over $3,600 ($14,000–3,600) $10,400: $1,040.

Total reduction in participant's full annuity: $1,130.

Participant's reduced annuity: $12,870.

Survivor annuity for former spouse: 55 percent of $10,500 or $5,775.

Survivor annuity for spouse: 55 percent of $3,500 or $1,925.

Case II (Participant married at retirement with no former spouse. All calculations made without reference to cost-of-living increases described in section 18.11–5d.)

Joint election of base for regular survivor annuity of 90 percent of the maximum, or 90 percent of $14,000: $12,600.

Participant's full annuity reduced as follows:

2 1/2 percent of first $3,600 of the base: $90.

Plus 10 percent of the amount over $3,600 ($12,600–3,600) $9,000: $900.

Total reduction in participant's full annuity: $990.

Participant's reduced annuity: $13,010.

In this example, if divorce occurs subsequent to retirement and a court orders a 75 percent share for the former spouse, the base for the survivor annuity for the former spouse would be 75 percent of $14,000: $10,500.

The participant's full annuity would then be reduced by $780 in accordance with the above formula for this survivor benefit, and the reduced annuity would be $14,000–780: $13,220.

If the former spouse qualifies for a pension as described in section 18.9 based on a pro rata share of 75 percent, the pension would equal 50 percent of the participant's reduced annuity times 75 percent (50% × $13,220 × 75%): 4,957.50.

The participant's reduced annuity would then be further reduced by this pension ($13,220–$4,957.50) to provide an annuity to the former participant of $8,262.50.

If this annuitant later remarried, the maximum base for the regular survivor annuity for the new spouse would be the amount designated at retirement, $12,600, less the amount committed to the former spouse, $10,500: $12,600–10,500 or $2,100.

The survivor annuity for this spouse: 55 percent of $2,100 or $1,555.

The election of this benefit for the new spouse would be made individually by the annuitant since a marriage after retirement does not give a spouse a right to participate in the election.

If the election is made to provide a regular survivor annuity to the new spouse, all of the above calculations would be recomputed effective the first day of the month beginning one year after the date of the remarriage, as follows:

Base for survivor annuity for former spouse: 75% of $14,00 or $10,500.

Survivor annuity for former spouse: 55% of $10,500 or $5,775.

Base for survivor annuity for spouse: 15% of $14,000 or $2,100.

Survivor annuity for spouse: 55% of $2,100 or $1,555.

The combined base for the survivor benefits is $10,500 plus $2,100 or $12,600. The annuity reduction on this combined base as computed above is $990.

The participant's annuity after reduction for survivor benefit would be $14,000–$990 or $13,010.

The pension for the former spouse would be 50%×$13,010×75% or $4,878.75.

The participant's annuity would be further reduced by this amount: $13,010–$4,878.75 to provide an annuity after this recalculation of $8,131.25.

(b) The maximum regular survivor annuity or combination of regular survivor annuities that may be provided under this section is limited to 55% of the principal's full annuity computed at retirement. If an annuitant is recalled to active duty in the Foreign Service, he/she may provide additional regular survivor annuities under § 18.10–6. The maximum regular survivor annuity or combination of regular survivor annuities that an annuitant who was married at retirement may elect or provide, pursuant to a court order or otherwise, after retirement in the event of his/her divorce or remarriage, is limited to the amount provided at the time of initial retirement or reversion to retired status following recall service.

§ 18.10–3 Marriage after retirement.

If an annuitant who was unmarried at the time of retirement, marries, he/she may within one year after such marriage irrevocably elect to receive a reduced annuity and to provide, subject to any obligation to provide a survivor annuity for a former spouse, a survivor annuity for the new spouse. If such an election is made, the principal's annuity shall be reduced in accordance with § 18.10–2 effective on the first day of the first month which begins at least one year after the date of the marriage. The reduction is computed on the commencing rate of the principal's annuity.

§ 18.10–4 Death or divorce of a spouse and remarriage after retirement.

(a) If the marriage of an annuitant who received a reduced annuity at retirement under § 18.10–2 to provide a survivor annuity for a spouse is dissolved by divorce or by death of the spouse, the retiree's annuity shall be recomputed, if necessary, as of the first of the month following the death or divorce. If the marriage was dissolved by death, the annuity shall be recomputed and paid at its full amount. If the marriage is dissolved by divorce, procedures in § 18.11–2(b) shall be followed.

(b) In the event an annuitant affected by this paragraph remarries, the annuitant may elect within one year of remarriage to provide a survivor annuity for the new spouse equal in amount to the survivor benefit formerly in effect for the previous spouse less any amount committed for a former spouse. The annuity of a retiree making such an election shall be reduced effective on the first day of the first month which begins at least one year after the remarriage to the amount that would have been payable had there been no recomputation under paragraph a.

§ 18.10–5 Reduced annuity with additional survivor annuity to spouse or former spouse.

(a) *General.* This section provides an opportunity for a participant or former participant who has provided a regular survivor annuity to a former spouse to provide a survivor annuity to a second spouse or to another former spouse. The additional survivor annuity provided under this section generally is more costly than the regular survivor annuity because the participant is required to pay it's full cost by deduction from salary or annuity, or otherwise, as specified in paragraph (e) of this section. The participant must also be in normal health for his/her age and pass a physical examination prescribed by the Secretary of State (M/MED) to be eligible to provide an additional survivor annuity under this section.

(b) *Limitation on amount.* Neither the total amount of additional survivor annuity or annuities under this section provided by any participant or former participant nor any combination of regular or additional survivor annuities for any one surviving spouse or former spouse of a principal may exceed 55 percent of the principal's full annuity counting any supplemental annuity or recomputation of annuity because of recall service. An additional survivor annuity provided by any principal shall be further limited to the amount that can be provided by a monthly payment which is not greater than the principal's net annuity described in §§ 18.6–2(b). The amount of any additional survivor annuity provided by a spousal agreement effective prior to the principal's retirement, shall be reduced as necessary by PER/ER/RET after the principal's retirement to comply with this limitation. Any amount paid by a participant for the portion of additional survivor annuity cancelled pursuant to this paragraph shall be treated as an additional lump sum payment under paragraph (e) and used to increase the amount of the additional annuity. A participant who separates from the Service without entitlement to any annuity is not entitled to provide an additional survivor annuity. Payments in such a case would be discontinued as described in paragraph (e) of this section.

(c) *Procedures to grant additional survivor annuity.* A participant or former participant who has provided a regular survivor annuity to a former spouse who wishes to provide, or who is ordered by a court to provide an additional survivor annuity under this section to a spouse or another former spouse, shall do so by filing a spousal agreement with PER/ER/RET on a form acceptable to PER/ER/RET. Such an agreement will be irrevocable when accepted by PER/ER/RET unless the beneficiary of the additional survivor annuity is subsequently made a beneficiary of a regular survivor annuity in equal amount. Within the limitations specified in paragraph (b) of this section, an individual may be made the beneficiary of both a regular and an additional survivor annuity. A spousal agreement granting an additional survivor annuity to a spouse will remain valid in the event the marriage is dissolved and the spouse qualifies as a former spouse under the definition § 18.2(k).

(d) *Eligibility for additional survivor annuity.* A spouse or former spouse must meet the same criteria (§ 18.2(v) or 18.2(k)) to be eligible for an additional survivor annuity as a spouse or former spouse must meet to be eligible for a regular survivor annuity. Payment of a special survivor annuity will commence on the day after the participant dies and shall terminate on the last day of the month before death or remarriage before attaining age 60. If it is discontinued

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because of remarriage, it will not be resumed.

(e) *Payment for additional survivor annuity.* (1) Payment for an additional survivor annuity will commence on the first of the month following the effective date of a spousal agreement provising the additional survivor annuity. The effective date will be the date of acceptance of the spousal agreement by PER/ER-RET (upon a finding that the agreement conforms to the law and regulations) or such later date as may be specified in the agreement. No payment will be made to a beneficiary under the agreement if the principal dies before its effective date. Accordingly, in order to give protection to a beneficiary during active service, the agreement must be made effective, and payment commence, during active service. Payment will be made by a participant or annuitant by deduction from salary or annuity. Payment will be made by a former participant while awaiting commencement of a deferred annuity by direct payment to the Department, Office of Financial Operations (M/COMP/FO). Payments not received by the due date may, at the option of M/COMP/FO and with notice to the principal and the beneficiary be collected from the principal's lump-sum account. Amounts so collected must be repaid by the principal with interest compounded at 10 percent annually to prevent exhaustion of the lump-sum account. If the lump-sum account does become exhausted, any rights to the lump-sum payment under § 18.13 and survivorship rights under this paragraph will expire on that date. If the principal dies with an amount owing, it shall be collected by set off from the survivor annuity or lump-sum account.

(2) Monthly payments may be reduced or eliminated by direct payment to M/COMP/FO by any participant or former participant under terms mutually agreed upon by the participant and PER/ER/RET. Minimum monthly payments will be based upon actuarial tables prescribed from time to time by the Director General of the Foreign Service (M/DGP) with the advice of the Secretary of Treasury. Such tables will be calculated so that the present value of all payments equal the present value of the survivor annuity. If new tables are prescribed, they would be applicable to additional survivor annuities provided by spousal agreements that become effective on or after the effective date of the new tables. Additional survivor annuities will be increased by regular cost-of-living adjustments from their commencing dates only when so specified at the option of the participant or former participant in a spousal agreement. Monthly payments will be higher if cost-of-living adjustments are provided.

(3) In the event of the disqualification of a beneficiary for an additional survivor annuity because of death, remarriage prior to age 60 or divorce from the principal and failure to meet the definition of "former spouse," or in the event of an authorized reduction or cancellation of an election for an additional survivor annuity, the monthly payment for such discontinued or reduced additional survivor annuity will be discontinued or reduced, as appropriate, effective at the beginning of the first month following termination or reduction of the benefit. Except as otherwise specified in paragraph (b) of this section, any amount paid for such discontinued or reduced benefit by a participant or former participant in excess of the minimum monthly payments described above shall be refunded to the participant or former participant with interest calculated at the annual rate used in the last evaluation of the System or at such higher rate as may be authorized by M/COMP/FO as will not cause a loss to the Fund. The following table illustrates the minimum monthly payments schedule in effect February 15, 1981.

Age of principal and beneficiary on effective date of spousal agreement	Minimum monthly payment required to provide an additional survivor annuity of $100 per month.	
	Without COLA	With COLA
40	$7.46	$12.34
50	14.18	22.01
60	23.55	37.90
70	35.57	47.12

(4) Reduction from annuity to a principal to pay for an additional survivor annuity will be in the nature of an allotment and will not affect computations of cost-of-living adjustments to the principal.

§ 18.10–6 Benefits for recall service.

(a) *Annuity of recalled participant.* Any participant who is recalled to the Service under section 308 of the Act, shall, while serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service, the recalled annuitant shall make contributions to the Fund under section 805(a) of the Act. If a share of the annuity is being paid as a pension to a former spouse under § 18.9, that share shall be deducted from the salary of the recalled annuitant during the period of the recall service. Upon reversion of the annuitant to retired status, any pension payable to a former spouse that was being deducted from the salary of the principal shall again be deducted from the annuity of the principal which shall be determined as follows:

(1) If the recall service lasts less than one year, a refund of retirement contributions made during the recall period will be refunded under § 18.13 and the former annuity will be resumed at the previous rate adjusted by any cost-of-living increases that became effective during recall service.

(2) If the recall service lasts between one and five years, the annuitant will be entitled to elect benefits under paragraph (a)(1) of this section or receive both the former annuity adjusted by cost-of-living increases and a supplemental annuity computed under § 18.10 on the basis of service credit and average salary earned during the recall period, irrespective of the number of years of service credit previously earned.

(3) If the recall service lasts five years or more, the annuitant will be entitled to recomputation of the annuity as if there had been no previous retirement, or elect benefits under paragraph (a) (1) or (2) of this section.

(4) An annuitant may receive credit in any computation under paragraph (a) (2) or (3) of this section for any Federal service performed subsequent to the separation upon which the original annuity was computed provided a special contribution is made for such service under section 805 of the Act.

(5) An annuitant entitled to a supplemental annuity under paragraph (a)(3) of this section or a recomputated annuity under paragraph (a)(4) of this section is obligated, in the absence of a court order or spousal agreement to the contrary, to have those annuities reduced to provide the benefits described in § 18.8 to any spouse or former spouse to whom married during any portion of the recall service. An annuitant must accept a reduction of 10 percent of his/her supplemental annuity in order to provide a supplemental survivor annuity to a spouse or former spouse. The maximum supplemental survivor annuity equals 55 percent of the supplemental annuity. If, upon reversion to retired status, an annuitant has a former spouse entitled to a pro rata share or some other share of the supplemental survivor annuity, but no spouse, the appropriate share of the supplemental annuity shall be reduced by 10 percent to provide such former spouse a share of the maximum supplemental survivor annuity.

(b) *Survivor benefit for death during recall service.* (1) If an annuitant entitled to a reduced annuity under § 18.10–2 dies in service after being recalled and is survived by a spouse or former spouse entitled to a survivor annuity based on the service of such annuitant, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the annuity of the deceased had been resumed in accordance with paragraph (a). If such death occurs after the annuitant had completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse or surviving former spouse who was married to the participant at any time during a period of recall service shall be entitled to elect, in addition to any other benefits and in lieu of a refund of retirement contributions made during the recall service, a supplemental survivor annuity computed and paid under § 18.10–6a(5) as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his/her annuity determined anew, a surviving spouse or such a surviving former spouse may elect, in lieu of any other survivor benefit under § 18.11, to have the rights of the annuitant redetermined and to receive a survivor annuity computed under §§18.11–2 or 18.11–3 on the basis of the total service of the annuitant. In the event such an annuitant is survived both by a spouse and such a former spouse, the former spouse will be entitled to a pro rata share of any refund or supplemental survivor benefit under this section computed on the basis of total service during the recall period and months of marriage during such period. If the surviving spouse and surviving former spouse elect different benefits under this paragraph, the former spouse will receive the pro rata share of the benefit he/she elects and the spouse will receive the reciprocal share of the benefit he/she elects.

(2) In the event an annuitant dies during recall service and is survived by a former spouse to whom not married during any period of the recall service, such former spouse will not be entitled to any benefits based on the recall service.

§ 18.11 Survivor benefits.

§ 18.11–1 Kinds of survivor benefits.

If a participant or former participant dies in active service or after retirement, regular survivor annuities are payable under terms of this section to an eligible surviving spouse, former spouse or child. Also, if all rights to annuity and survivor annuity terminate prior to exhaustion of the participant's lump-sum credit, a lump-sum payment is made pursuant to § 18.13. In addition to the above, an additional survivor annuity, and a supplemental survivor annuity may be payable to an eligible survivor under §§ 18.10–5 and 18.10–6, respectively. If any participant or former participant makes an election, files a spousal agreement or becomes subject to a court order to provide a regular survivor annuity for a spouse or former spouse and does not subsequently become entitled to leave a survivor annuity under these regulations (because of separation from the Service and withdrawal of contributions, death after separation but before commencement of a deferred annuity, or for any other reason), none will be paid and such election, spousal agreement or court order to provide such survivor annuity will have no force or effect.

§ 18.11–2 Regular survivor annuity for a former spouse.

(a) *Divorce prior to retirement.* If a participant or former participant is divorced prior to commencement of annuity, any former spouse shall be entitled to a pro rata share of such a principal's maximum regular survivor annuity (based on service performed prior to the first date the principal becomes eligible for an annuity following the divorce) unless a different amount is elected in a spousal agreement filed with PER/ER/RET within 12 months after the divorce becomes final or at the time of the retirement, whichever occurs first, or unless a different amount is specified by a court prior to the death of the principal. The principal's annuity shall be reduced at the commencing date under § 18.10–2 in order to provide the survivor annuity committed to the former spouse.

(b) *Divorce after retirement.* In the event an annuitant is divorced after retirement (commencement of annuity), the maximum survivor annuity that may be provided for that former spouse is limited to the amount provided for that person at the time of retirement. Within that limit, the former spouse is entitled to a pro rata share of the participant's maximum survivor benefit (based on service performed prior to the divorce) unless a different amount was elected in a spousal agreement filed with PER/ER/RET at the time of retirement, or in the case of retirement before February 15, 1981, filed with PER/ER/RET within 12 months after the divorce becomes final, or unless a different amount is specified by a court prior to the death of the principal. For this purpose, a joint election filed with PER/ER/RET at the time of retirement is considered a spousal agreement. If the survivor annuity for the former spouse is reduced at the time of the divorce (because the pro rata share or the amount specified in a spousal agreement or court order is less than the amount elected at retirement), the principal's annuity shall be recomputed and paid, effective on the date the survivor benefit is reduced, as if the lower amount had been elected at the outset of retirement.

(c) *Death or remarriage of former spouse and transfer of survivor benefit to a spouse.* Remarriage below age 60 or death of a former spouse while a principal is alive will disqualify the former spouse for benefits under this section. In the event of such a remarriage or death of a former spouse, the portion of a principal's survivor annuity committed to that person will become available for transfer to any spouse. If such a remarriage or death of the former spouse occurs after the principal's annuity commences, any reduction in the principal's annuity for that former spouse will be discontinued effective at the beginning of the first month following the remarriage or death unless the annuitant elects to provide or to increase a survivor benefit for a spouse. Such an election may be made within one year after the annuitant receives notice of the remarriage or death of his/her former spouse. The Department (PER/ER/RET) and the annuitant shall each notify the other promptly whenever either receives independent notice of such a remarriage or death. If an election to transfer survivor benefits to a spouse is not made by the annuitant, his/her annuity will be recomputed and paid as if there had been no reduction for the discontinued survivor benefit. If an annuity is so recomputed and an election is subsequently made to designate as beneficiary a spouse to whom married for at least one year at the time the election is made, the principal's annuity shall be restored retroactively to its former, lower rate and then adjusted by cost-of-living increases that have occured since the date of the first recomputation. If an election is made for a spouse when the marriage has not yet lasted a year, the procedures in § 18.10–4 shall be followed.

(d) *Amount of survivor annuity.* The amount of a regular survivor annuity is determined under § 18.11–3(c).

(e) *Special rules for election of survivor annuity for a person who is a former spouse on February 15, 1981.* (1) Any participant, or former participant eligible for a deferred annuity which has not yet commenced, who, on February

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15, 1981 has a former spouse, may at any time prior to commencement of annuity, elect, with the consent of any spouse to whom married at the time of the election, to receive a reduced annuity and provide a regular survivor annuity for such former spouse. Such survivor annuity shall be limited by § 18.10–2(b). An election under this paragraph for a former spouse will reduce the amount of any regular survivor annuity that may subsequently be provided for any spouse or other former spouse.

(2) Any former participant in receipt of an annuity who has a former spouse on February 15, 1981 and who has not committed his/her entire annuity as a base for a regular survivor annuity for a spouse or any other former spouse, may, prior to December 31, 1982, designate any portion of the uncommitted base as the base for a regular survivor annuity for such former spouse.

(3) The annuity of a former participant making an election under this paragraph shall be reduced under § 18.10–2(a) effective February 15, 1981, or from its commencing date if later.

(4) An election under this paragraph shall be made by filing a spousal agreement with PER/ER/RET under § 18.7. A spousal agreement to provide a regular survivor annuity under this paragraph for a former spouse may be revoked or amended after its acceptance by PER/ER/RET as in accordance with the Act and these regulations, only by agreement of the parties up to the last day allowed by this paragraph for filing such an agreement. Thereafter, it is irrevocable. If a participant dies in service after having filed a valid election under this section, a survivor annuity will be paid to an eligible former suriving spouse in accordance with the terms of the election.

18.11–3 Regular survivor annuity for a spouse.

(a) In the absence of a joint election or a spousal agreement to the contrary, a participant or former participant who is separated from active service on or after February 15, 1981 who is married at the commencement of his/her annuity shall provide a regular survivor annuity for a spouse under § 18.10–2 equal to the maximum amount that remains available under limitations stated in paragraph (b) of that section after allowing for any commitment of a regular survivor annuity for a former spouse who has not remarried prior to age 60 and who is alive on the date the former participant becomes eligible for an annuity.

(b) A regular survivor annuity is also payable to a surviving spouse for whom a principal elected an annuity under §§ 18.10–3, 18.10–4, or 18.11–2(c) following a marriage after comencement of his/her annuity.

(c) The amount of a regular survivor annuity equals 55 percent of the base designated for the benefit at the time the principal's annuity commenced, adjusted by the total percentage of cost-of-living increases the principal was receiving at death. In the case of a marriage after retirement, the regular survivor annuity for a surviving spouse equals 55 percent of the base designated for the benefit at the time the benefit was elected, adjusted by the percentage of all cost-of-living increases received by the principal from the effective date of the election.

(d) A survivor annuity is payable to a surviving spouse only if that person was married to the principal at the time of his/her death or if the spouse became a former spouse under the definition in § 18.2(k).

§ 18.11–4 Procedure in event a spouse or former spouse is missing.

If a participant or former participant has a spouse or former spouse whose whereabouts are unknown, such participant may elect to reduce or eliminate the share of a regular survivor annuity provided for that person under §§ 18.11–2 or 18.11–3 by filing an affidavit with PER/ER/RET stating that his/her spouse or former spouse is missing and giving full name, last known address, date last heard from, circumstances of the disappearance and a description of the effort that has been made to locate the individual. Thereafter, the participant shall take such additional steps to locate the missing person as may be directed by PER/ER/RET. That Office shall also attempt to locate the missing person by sending a letter to the individual's last known address given in the Department's files, to the address given on the affidavit, and, if a Social Security number is known, to the Social Security Administration for forwarding. The election and affidavit may be filed at any time before commencement of annuity. It must remain on file with PER/ER/RET for at least one year before being given irrevocable effect by the Department. If the annuity to the former participant becomes effective prior to the expiration of this one year period, the annuity shall be computed and paid without reference to the election filed under this section. Following this one-year period, or at the commencement of annuity, if later, if the missing person has not been located, the affidavit may be reaffirmed by the participant, after which an election by the participant to reduce or eliminate the share of regular survivor annuity for the missing person shall be given irrevocable effect by the Department. If the annuity to the former participant has commenced, it shall be recomputed and paid retroactively to give effect to any election made under this section.

§ 18.11–5 Commencement, termination and adjustment of annuities.

(a) An annuity payable from the Fund to a surviving spouse or former spouse begins on the day after the participant or annuitant dies and stops on the last day of the month before the survivor's (1) marriage before age 60, or (2) death. If a survivor annuity is terminated because of remarriage, the annuity is restored at the same rate effective on the date such remarriage is terminated, provided any lump-sum paid upon termination of the annuity is returned to the Fund. The termination of a surviving spouse annuity due to remarriage does not apply to a survivor annuitant who is a surviving spouse of a participant who died in service or retired before October 1, 1976, unless elected following a marriage after retirement under circumstances described in §§ 18.10–3 or 18.10–4.

(b) A surviving spouse or former spouse shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which entitled under this or any other retirement system for Government employees. (For this purpose, neither the Social Security system nor the military retirement system is considered a retirement system for Government employees.) This restriction does not apply to a survivor annuitant who is a surviving spouse of a participant who died in service or retired before October 1, 1976, unless the survivor annuity was elected under circumstances described in § 18.10–3 or § 18.10–4.

(c) A child's annuity begins on the day after the participant dies, or if a child is not then qualified, on the first day of the month in which the child becomes eligible. A child's annuity shall terminate on the last day of the month which precedes the month in which eligibility ceases.

(d) Regular and supplemental survivor annuities to a spouse or former spouse of an annuitant described in §§ 18.11–2, 18.11–3 and 18.10–6(b) are increased from their effective date by the cumulative percentage of cost-of-living increases the annuitant was receiving under section 826 of the Act at death. All annuities payable to survivors on the date a cost-of-living adjustment becomes effective are increased by that percentage except (1) the first increase to a surviving spouse or former spouse of a participant who dies in service shall be pro rated and (2) additional survivor annuities under § 18.10–5 when the spousal agreement authorizing the annuity makes no provision for cost-of-living increases.

(e) The annuity of survivors becomes effective as specified in this section but is not paid until the survivor submits Form JF–38, Application for Death Benefits, supported by such proof as may be required, for example, death, marriage, and/or divorce certificates. In the event that such is not submitted during an otherwise eligible beneficiary's lifetime, no annuity is due or payable to the beneficiary's estate.

§ 18.11–6 Death during active duty.

(a) *Annuity for surviving former spouse.* In the event a participant dies before separation from the Service and leaves a former spouse, such former spouse is entitled to a regular survivor annuity under § 18.11–2 computed as if the participant had retired on the date of death unless a court order or spousal agreement is on file in the Department waiving such entitlement or providing for some other computation, or unless the former spouse had been found missing and an election filed under the procedures of § 18.11–4 waiving a survivor benefit for that person. Any assumed service authorized to be used under paragraph (b) of this section in computing the annuity for a surviving spouse may not be counted as "years of marriage" when determining whether the previous spouse qualifies as a "former spouse" under the definition in § 18.2(k) or when computing the pro rata share under § 18.2(s). A former spouse is entitled to an additional survivor annuity under § 18.10–5 provided death occurs on or after the effective date of a spousal agreement providing for the additional annuity.

(b) *Annuity for surviving spouse.* If a participant who has at least 18 months of civilian service credit toward retirement under the System, excluding extra service credited for unhealthful post duty in accordance with section 816 of the Act, dies before separation from the Service, and is survived by a spouse as defined in § 18.2(v) such survivor shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with § 18.10–1 less any annuity payable to a former spouse under paragraph a. If the participant had less than three years of creditable civilian service at the time of death, the survivor annuity is computed on the basis of the average salary for the entire period of such service. If, at time of death, the participant had less than 20 years of cerditable service, the annuity shall be computed on the assumption that the participant has had 20 years of service, but such additional service credit shall in no case exceed the difference between the participant's age on the date of death and age 65. A spouse is entitled to an additional survivor annuity under § 18.10–5 provided death occurs on or after the effective date of a spousal agreement providing for the additional annuity.

(c) *Annuity for a child or children.* If a participant described in paragraph (b) is survived by a child or children, each surviving child is entitled to an annuity as described in § 18.11–7.

(d) *Annuity changes.* Annuities based on a death in service are subject to the provisions of § 18.11–5 governing commencement, adjustment, termination and resumption of annuities.

§ 18.11–7 Annuity payable to surviving child or children.

(a) If a participant who has at least 18 months of civilian service credit under the System dies in service, or if an annuitant who was a former participant dies, annuities are payable to a surviving child or children, as defined in § 18.2(e) as follows:

(1) *When survived by spouse and child or children.* If a principal is survived by a wife or husband and by a child or children, in addition to any other annuity, there shall be paid to or on behalf of each child an annuity equal to the smallest of:

(i) $900

(ii) $2,700 divided by the number of children—adjusted under paragraph (b).

(2) *when Survived by a child or children but no spouse.* If the principal is not survived by a wife or husband, but by a child or children, each surviving child shall be paid an annuity equal to the smallest of:

(i) $1,080

(ii) $3,240 divided by the number of children—adjusted under paragraph (b) of this section.

(b) *Adjusted rates.* In order to reflect cost-of-living increases, the amounts referred to in paragraphs (a)(1) and (2) are increased from the commencing date of the annuity to each child by the cumulative percentage of all cost-of-living increases that have occurred under 5 U.S.C. 8340 since October 31, 1969.

(c) *Recomputation of annuity for child or children.* If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such spouse or child had not survived the participant. If the annuity to a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children in the family were then being initiated.

§ 18.11–8 Required elections between survivor benefits.

(a) *Bar against concurrent payment under this Act and Workers' Compensation Act.* Except as stated below, survivor annuities and survivors' compensation for work injuries under 5 U.S.C. 8102 are not payable concurrently if both are based on the death of the same employee. A survivor entitled to both must elect which of the two benefits he/she prefers. Should all eligible survivors of a deceased employee elect to receive the compensation benefit rather than the survivor annuity, their rights to the latter are terminated and, if the lump-sum credit has not been exhausted, a lump-sum payment will become due under § 18.13. The one exception to this rule occurs when a widow or widower is being paid the balance of a scheduled compensation award under 5 U.S.C. 8107 due the deceased employee. If so, the widow or widower may receive the survivor annuity and compensation award concurrently.

(b) *Election between survivor annuity and social security benefits.* Pursuant to 42 U.S.C. 417 (a) and (e), survivors who are eligible for annuity which is based in part on military service performed by a principal between September 16, 1940, and December 31, 1956, and also for survivor benefits under the Social Security system, may elect to have the military service credited toward the Social Security benefit. In practice, the survivors should apply for both benefits, ask the Department and the Social Security Administration for statements showing the amount of each benefit, and then make their election of where to credit the military service. If Social Security benefits are elected, the rights of *all* survivors to a foreign service annuity are terminated.

§ 18.12 Employment in a government agency.

An annuitant who is reemployed by a Federal Government agency may not

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receive a combination of salary and annuity which exceeds his/her Foreign Service salary at the time of retirement. Refer to § 18.9–4.

§ 18.13 Lump-sum payment.

§ 18.13–1 Lump-sum credit.

"Lump-sum credit" is the compulsory and special contributions to a participant's or former participant's credit in the Fund for his/her first 35 years of service plus interest thereon computed from the midpoint of each service period and compounded at four percent annually to the date of separation or December 31, 1976, whichever is earlier, and after such date, for a participant who separates from the Service after completing at least one year of civilian service and before completing 5 years of such service, at the rate of three percent annually to the date of separation. Interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from the annuitant for recall service or other service performed after the date of separation which forms the basis for annuity.

§ 18.13–2 Share payable to a former spouse.

A former spouse of a participant or annuitant is entitled to a prorata share of 50 percent of any lump-sum payment authorized to be paid to a former participant under this section who separated from the Service on or after February 15, 1981, unless otherwise directed in a court order or a spousal agreement.

§ 18.13–3 Payment after death of principal.

If a participant or former participant dies and no claim for annuity is payable, the lump-sum credit is paid to surviving beneficiaries.

§ 18.14 Waiver of annuity.

An individual entitled to be paid an annuity may, for personal reasons, decline to accept all or any part of the annuity. However, a principal may not waive the portion of his/her annuity authorized to be paid to a former spouse under § 18.7 or 18.9 or to a beneficiary under § 18.6. An annuity waiver shall be in writing and sent to the Department (PER/ER/RET). A waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.

[FR Doc. 81–5099 Filed 2–18–81; 8:45 am]

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2608, 2610, 2613 and 2615

Deferral of Effective Date of Regulations and Change of Date in Notification

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of deferral of effective date of regulations and change of date in notification.

SUMMARY: This notice defers the effective date of four regulations that were published by the Pension Benefit Guaranty Corporation ("PBGC") in the **Federal Register** on January 28, 1981 (46 FR 9480–9542 and corrected at 46 FR 10720, February 4, 1981). This document also extends the time period within which certain employers may pay their liability to PBGC without interest (46 FR 9545). This action is taken in response to a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. The effect of this notice is to defer the effective date of certain regulations and to relieve certain employers of a liability for interest they would otherwise incur.

EFFECTIVE DATE: Accordingly, the effective date of each of the following final rules as well as the "Notification of change in procedure for payment of employer liability" is deferred until April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the PBGC published the following four regulations in the **Federal Register:**

1. 29 CFR Part 2608—Allocation of Assets in Non-Multiemployer Plans, 46 FR 9480;
2. 29 CFR Part 2610—Valuation of Plan Benefits in Non-Multiemployer Plans, 46 FR 9492;
3. 29 CFR Part 2613—Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals from and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans, 46 FR 9520; and
4. 29 CFR Part 2615—Determination of Plan Sufficiency and Termination of Sufficient Plans, 46 FR 9532.

Each of these regulations provided for an effective date of March 1, 1981. On the same day, PBGC published, at 46 FR 9545, a "Notification of change in procedure for payment of employer liability", effective March 1, 1981.

On January 29, 1981, President Ronald Reagan issued a memorandum, which was published at 46 FR 11227 (February 6, 1981), requesting that the executive agencies postpone for 60 days the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during the 60-day period following the date of the memorandum. In accordance with the President's memorandum, the PBGC hereby postpones the effective date of each of the above-named regulations and the "Notification of change in procedure for payment of employer liability" to April 1, 1981, in order to allow for a full and appropriate review of these rules.

(Secs. 4002(b)(3), 4041, 4044, 4062–4064, 4067, 4068, Pub. L. 93–406, 88 Stat. 1004, 1020–21, 1025–27, 1029–33 (29 U.S.C. 1302(b)(3), 1341, 1344, 1362–1364, 1367, 1368), as amended by secs. 403(1), 403(d), 402(a)(7), 403(g)–(i), Pub. L. 96–364, 94 Stat. 1299–1302)

Issued at Washington, D.C. on this 10th day of February 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81–5191 Filed 2–18–81; 8:45 am]

BILLING CODE 7708–01–M

PANAMA CANAL COMMISSION

35 CFR Part 103

Order of Passage of Vessels Through the Panama Canal

AGENCY: Panama Canal Commission.

ACTION: Interim rule.

SUMMARY: On December 4, 1980, [45 FR 80313] the Panama Canal Commission published a notice of proposed rulemaking to provide for a system of scheduling vessels for transit through the Panama Canal. The Commission began testing the plan on January 11, 1981, and on January 30, 1981, [46 FR 9942] published an interim rule effective for the duration of the test. In the January 30th publication, the Commission gave notice that, based on certain comments received from interested parties on the proposed rule, it would change the minimum period for cancellation of booked transits from seven days to four days, after the fourth or fifth week of the test. This rule implements that change.

DATES: Interim rule effective February 19, 1981. Comments must be received on or before March 13, 1981.

ADDRESSES: Comments may be mailed to the Secretary, Panama Canal Commission, 425 Thirteenth Street NW., Washington, D.C. 20004, or delivered to Room 312, Pennsylvania Bldg., 425 Thirteenth Street, NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m. Comments may also be submitted to the Marine Director, Panama Canal Commission, Balboa, Republic of Panama, or delivered to Room 310, Administration Building, Balboa Heights, between 7:15 a.m. and 4:15 p.m. Comments may also be mailed to Marine Director, Panama Canal Commission, APO Miami, Florida 34011.

FOR FURTHER INFORMATION CONTACT:

Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Bldg., 425 Thirteenth Street, NW. Washington, D.C. 20004, (202) 724–0104.

Captain John D. Thurber, Marine Director, Panama Canal Commission, (telephone Republic of Panama 52–7917)

SUPPLEMENTARY INFORMATION: This document changes the minimum period prior to which a booked transit may be canceled without penalty from seven days to four days. The purpose of the change is to make booking more readily available to short haul operators whose transit times from final loading ports to the Canal are so short as to preclude booking transits without undue risk of incurring a penalty. The Commission considers that the reduction to four days is workable from the point of view of scheduling and administration; however, this will be evaluated during the operational test.

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

For the reasons set out in 46 FR 9942, 9944 and in this notice, § 103.8 of Part 103 of Title 35 of the Code of Federal Regulations is amended by revising paragraph (b) to read as follows:

§ 103.8 Preference with transit schedule; Order of transiting vessels.

* * * * *

(b) The Canal Authorities shall impose a penalty of 24 hours' delay in placing a vessel in the transit schedule when such vessel has been booked or prescheduled and does not arrive at a terminus of the Canal by midnight of the day prior to the intended transit. This penalty will not be applied if the late arrival is due to *force majeure* or to delay for humanitarian purposes. A prescheduled transit may be canceled without penalty if notice of the cancellation is received by the Canal authorities at least 48 hours prior to the day of the intended transit. A booked transit may be canceled without penalty if notice of the cancellation is received by the Canal authorities at least four days prior to the day of the intended transit. Requests for booking or prescheduling may be denied in the case of vessel operators or agents who establish a record of numerous or repeated cancellations.

Michael Rhode, Jr.,

Secretary.

[FR Doc. 81–5589 Filed 2–18–81; 8:45 am]

BILLING CODE 3640–01–M

POSTAL SERVICE

39 CFR Part 111

Enclosures With Special Fourth-Class Matter

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends regulations to permit mailers to enclose loose printed matter which would be mailable as third-class mail with qualifying materials mailed at the special fourth-class postage rates and to make several editorial changes. The Postal Service believes that the present limitations on enclosures in special fourth-class mail are no longer necessary because the tax subsidies for that subclass of mail have expired.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Earnest J. Collins, 202–245–4749.

SUPPLEMENTARY INFORMATION: On December 12, 1980, the Postal Service published for comment in the **Federal Register** proposed changes in sections 136, 722, 723, 724 and 764 of the Domestic Mail Manual (45 FR 81787–81789). The Postal Service received six comments in response to the proposal, four written and two oral.

All the commenters favored adoption of the proposed rule. In addition, one commenter assumed there will not be a limitation as to the number of loose enclosures that can be mailed at the special fourth-class rate along with qualified material. The proposed rule did not not specify a limitation as to the number of loose enclosures or the maximum weight for the printed third-class loose enclosures. If the quantity of loose enclosures should become a problem, the Postal Service may have to initiate action to impose limitations.

One commenter believes the proposed rule will create significant new mail volume for the Postal Service. Another commenter believes the proposed rule is a proper step forward by the Postal Service to maintain the most efficient possible service at the lowest possible rates.

In view of the full support of mailers, the Postal Service hereby adopts, without change, the following amendments to the *Domestic Mail Manual*, which is incorporated by reference in the **Federal Register** (39 CFR 111.1).

Part 136—Mixed Classes of Mail

1. In part 136, amend section 136.322 to read as follows:

136.322 *Third-Class Enclosures.* Third-class mail may be enclosed in any forth-class parcel mailed at the rates in 711 or mailed free under 135. Postage at the applicable third-class rate must be paid on such matter except as provided in 721.2, 722.3, 723.3, 724.3, and 725.5.

Part 722—What May Be Mailed at Parcel Post Rates

2. In part 722, renumber section 722.23 as section 722.3.

Part 723—What May Be Mailed at Bound Printed Matter Rates

3. In part 723 renumber section 723.23 as section 723.3.

Part 724—What May Be Mailed at Special Fourth-Class Rates

4. In part 724, amend section 724.1 to read as follows:

724.1 General Description. Only the following specifically described articles may be mailed at the special fourth-class rates (see 711.3):

a. Books, including books issued to supplement other books, of 24 pages or more (at least 22 of which are printed) consisting wholly of reading matter, scholarly bibliography, or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and the publishers' own advertising in display, classified, or editorial style.

b. 16-millimeter or narrower width films (which must be positive prints in final form for viewing) and catalogs of such films of 24 pages or more (at least 22 of which are printed). Films and film catalogs sent to or from commercial theaters do not qualify for the special fourth-class rate.

c. Printed music whether in bound form or in sheet form.

d. Printed objective test materials and their accessories used by or in behalf of educational institutions to test ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark.

e. Sound recordings and guides or scripts prepared solely for use with such recordings.

Note: Video recordings and player piano rolls are classified as sound recordings.

f. Playscripts and manuscripts for books, periodicals, and music.

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g. Printed educational reference charts, including but not limited to:
(1) Mathematical tables,
(2) botanical tables,
(3) zoological tables, and
(4) maps produced primarily for educational reference purposes.
h. Looseleaf pages, and binders thereof, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students.

5. In part 724, amend section 724.3 to read as follows:

724.3 Enclosures.
.31 *Specific items.* The specific enclosures and additions listed in 721.2 may be included with any qualifying material mailed at the special fourth-class rates in 711.3.
.32 *Loose Enclosures.* Any printed matter which would be mailable as third-class mail may be included loose with any qualifying material mailed at the special fourth-class rates in 711.3.
.33 *Bound Enclosures in Books.*
.331 *Envelopes.* Either one envelope or one addressed post card may be bound into the pages of a book mailed at the special rates in 711.3. If also serving as an order form, the envelope or card may be in addition to the order form permitted by 724.332.
.332 *Order Forms.* One order form may be bound into the pages of a book mailed at the special rates in 711.3. If also serving as an envelope or post card, the order form may be in addition to the envelope or card permitted by 724.331.
.333 *Announcements of Books.* Books mailed at the special fourth-class rates in 711.3 may also contain announcements of books appearing as book pages. These announcements of books must be incidental, and must be exclusively devoted to books. They may not contain extraneous advertising of book related materials or services.
Exception: Announcements may fully describe the conditions and methods of ordering books (such as by membership in book clubs) and may contain ordering instructions for use with a separate order form.
.334 *Order Forms with Announcements.* No more than three of the announcements permitted by 724.333 may contain as part of their format a single order form, which may also serve as a post card. The order forms permitted with announcements of books are in addition to, and not in lieu of, order forms which may be enclosed by virtue of any other provisions of this section.

Note.—This provision is applicable only to books mailed at the special fourth-class rate. Such order forms are not permitted in books mailed at the library rate.

Part 764—Preparation of Special Fourth-Class Presort Rate Mail

6. In part 764, amend the title of 764 to read "Preparation of Special Fourth-Class Mail"; amend the title of 764.2 to read *"Sack Labeling Requirements for Presort Rate Mail"*; amend the title of 764.3 to read *"Container or Pallet Labeling Requirements for Presort Rate Mail"*, and amend 764.1 to read as follows:

764.1 Marking.
.11 *Single Piece Rate.* Each piece mailed at a special fourth-class rate in 711.3, must be legibly marked "Special Fourth-Class Rate" on the address side. This marking must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit indicia, meter strip or postage stamps.
.12 *Presorted Special Fourth-Class Rate.* Each piece mailed at the presorted special fourth-class rate in 711.3 must be legibly marked "Presorted Special Fourth-Class Rate" on the address side. This marking must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit indicia.

This rule is being adopted on the date of publication because it provides for a relaxation of existing restrictions on the types of materials which may be attached to or enclosed with qualifying matter mailed at the special fourth-class rates of postage (commonly known as the book rate). It permits mailers of special fourth-class matter to include previously prohibited materials but does not require any mailer to do so. For these reasons, the Postal Service believes there is no justification for a delay in the rule's implementation.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2)).

W. Allen Sanders,
Associate General Counsel, General Law and Administration.

[FR Doc. 81-5651 Filed 2-18-81; 9:29 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300038A; PH-FRL 1756-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Certain Inert Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR 180.1001(c) and (e) by revising (broadening) the exemption to read: "alpha-alkyl [C_{9-C18}-omega-hydroxypoly(oxyethylene)): the poly (oxyethylene) content averages 2–20 moles." This regulation was requested by Shell Oil Co.

EFFECTIVE DATE: Effective on February 19, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 21, 1980 (45 FR 77078) that Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036, requested that the Administrator amend 40 CFR 180.1001 (c) and (e) by broadening the range of alkyl groups in alpha-alkyl (C_{10}-C_{18})-omega-hydroxypoly (oxyethylene) from (C_{10}-C_{18}) to (C_9-C_{18}), and the range of poly(oxyethylene) groups from 3–20 moles to 2–20 moles in this inert ingredient.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR 180.1001 will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: February 19, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: January 26, 1981.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by revising the entry "alpha-alkyl(C_{10}-C_{18})-omega-hydroxypoly (oxyethylene): the poly(oxyethylene) content averages 3–20 moles" under § 180.1001 paragraphs (c) and (e) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

(c) * * *

Inert ingredients	Limits	Uses
Alpha-alkyl (C_9-C_{18})-omega-hydroxypoly (oxyethylene): the poly (oxyethylene) content averages 2–20 moles.		Solvent, cosolvent, surfactant, and related adjuvants of surfactants.

(e) * * *

Inert ingredients	Limits	Uses
Alpha-alkyl (C_9-C_{18})-omega-hydroxy poly (oxyethylene): the poly (oxyethylene) content averages 2–20 moles.		Solvent, cosolvent, surfactant, and related adjuvants of surfactants.

[FR Doc. 81-5091 Filed 2-18-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 9F2205/R260; PH-FRL 1757-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 3-(3,5-Dichlorophenyl)-5-Ethenyl-5-Methyl-2,4-Oxazolidinedione

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites in or on strawberries at 10 parts per million (ppm). The regulation was requested by BASF Wyandotte Corp. This rule establishes a maximum permissible level for residues of the fungicide in or on strawberries.

EFFECTIVE DATE: Effective on February 19, 1981.

ADDRESSES: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: Notice was published in the **Federal Register** of June 15, 1979 (44 FR 34693) that BASF Wyandotte Corp., 100 Cherry Hill Road, Parsippany, NJ 07054, had filed a pesticide petition (PP 9F2205). This petition proposed that 40 CFR Part 180 be amended by establishing a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites resulting from preharvest application in or on the raw agricultural commodity strawberries at 10 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a mouse teratology study (negative at 600 ppm), a three-generation rat reproduction study (negative at 1,458 ppm, the highest dose fed), a chronic feeding 130 week oncogenic study in rats (negative oncogenic potential; NOEL was 486 ppm), a chronic feeding 26 month oncogenic study in mice (negative oncogenic potential; NOEL was 1,458 ppm), a dominant lethal assay in mice (negative at 2,000 mg/kg for 5 days), a repeated oral dosing metabolism study in rats, a 90-day rat study (NOEL was 450 ppm), and 90-day dog study (NOEL was 300 ppm). Based on the 90-day dog study, the no-observed-effect level (NOEL) is 300 ppm, or 7.5 milligrams (mg)/kilogram (kg) of body weight (bw) per day. Using a 2,000 fold safety factor, the acceptable daily intake (ADI) is 0.0038 mg/kg of bw/day and the maximum permissible intake (MPI) is 0.2250 mg/day for a 60 kg person.

This tolerance results in a maximum theoretical exposure of 0.027 mg/day for a 1.5 kg diet, and utilizes 12.0 percent of the ADI. An adequate analytical method (gas chromatography using an electron capture detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerance is sought. The proposed tolerance is adequate to cover residues in or on the raw agricultural commodity strawberries, and there is no reasonable expectation of residues in eggs, milk, meat, or poultry.

Hence, the agency has determined that establishing a tolerance for residues of the fungicide 3-(3-5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites in or on strawberries at 10 ppm will protect the public health. Therefore, the regulation amending 40 CFR 180.380 is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must be supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" procedures. EPA labels these other regulations "specialized." This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: February 19, 1981.

(Sec. 408(e), 68 Stat. 614, (21 U.S.C. 346a(e)))

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by adding the raw agricultural commodity "strawberries" under § 180.380 to read as follows:

§ 180.380 3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione; tolerances for residues.

* * * * *

V 4 6 / 3 3 F E 1 9 8 1 UMI

Commodity	Parts per million
Strawberries	10

[FR Doc. 81-5694 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 9F2274/OF2293/R307; PH-FRL 1756-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Thiophanate-Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the fungicide thiophanate-methyl (dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)]bis [carbamate]), its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl). The amendment to the regulation was requested by Pennwalt Corporation. This regulation establishes maximum permissible levels for residues of thiophanate-methyl in or on certain raw agricultural commodities.

EFFECTIVE DATE: Effective on February 19, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M Street SW. Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued notices that published in the Federal Register of February 15, 1980 (45 FR 10402) and February 29, 1980 (45 FR 13528) that Pennwalt Corp. P.O. Box C, King of Prussia, PA 19406, had filed pesticide petitions 9F2274 and 0F2293 with the EPA.

The petitions proposed that 40 CFR 180.371 be amended to establish tolerances for residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene) bis (iminocarbonothioyl)]bis[carbamate]), its oxygen analogue dimethyl-4,4'-*o*-phenylene bis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophenate-methyl) in or on the raw agricultural commodities almonds (nuts) at 0.2 (N) ppm; almond (hulls) at 1.0 ppm; apples, pre- and post-harvest at 7.0 ppm; beans, (snap and dry) at 2.0 ppm; bean vine forage and hay at 50.0 ppm; cattle liver at 0.5 ppm; cattle kidney at 0.2 (N) ppm; celery (pre-harvest) at 3.0 ppm; eggs at 0.1 (N) ppm; meat, fat, and meat byproducts of cattle (excluding liver and kidney), goats, hogs, horses, poultry (excluding liver), and sheep at 0.1 (N) ppm; milk at 0.1 (N) ppm; pecans (pre-plant) at 0.2 ppm; peanuts, meats (hulls removed) at 0.2 (N) ppm; hulls at 2.0 ppm; forage and hay at 15.0 ppm; pineapple (preplant seed piece treatment only) at 0.1 (N) ppm; poultry liver at 0.2 (N) ppm; soybeans at 0.2 (N) ppm; sugar beets, roots at 0.2 (N) ppm; tops at 15.0 ppm; sugarcane (preplant seed piece treatment only) at 0.1 (N) ppm. No comments were received in response to these notices of filing.

Subsequently, an amended notice of filing was made which increased the proposed tolerances for thiophanate-methyl in milk from 0.1 ppm to 1.0 ppm, in cattle liver from 0.5 ppm to 2.5 ppm, in liver of horses and hogs from 0.1 ppm to 1.0 ppm, in liver of goats and sheep from 0.1 ppm to 2.5 ppm, and in kidney of goats and sheep from 0.1 ppm to 0.2 ppm (45 FR 84850). No comments were received in response to this notice of filing.

The data submitted in these petitions and all other relevant material have been evaluated. The scientific data considered in support of these tolerances were a 2-year rat oncogenic study (negative, with a no-observed-effect-level (NOEL) of 160 ppm), a 2-year mouse oncogenic study (negative at highest dose of 640 ppm), a 2-year dog feeding study (NOEL of 10 mg/kg/day), a six-litter rat reproduction study (NOEL of 160 ppm), a mouse teratology study (negative at 1,000 mg/kg), a rat mutagenic study (negative at 1,000 mg/kg, no chromosomal aberrations in somatic and spermatogonial cells), and a dominant lethal study in mice (negative at 500 mg/kg). Based on the rat feeding study, the NOEL is 8.0 mg/kg/day. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.08 mg/kg/day and the maximum permissible intake (MPI) is 4.8 mg/day for a 60-kg person. Established tolerances and these proposed tolerances result in a maximum theoretical exposure of 0.7667 mg/day for a 60-kg person and utilizes 15.97 percent of the ADI. Tolerances have previously been established for residues of thiophanate-methyl in or on a variety of raw agricultural commodities, ranging from 0.2 to 15 ppm (40 CFR 180.371).

The metabolism of thiophanate-methyl is adequately understood and an adequate analytical method is available for enforcement purposes (UV spectrofluorometry).

Thiophanate-methyl was subjected to a rebuttable presumption against registration (RPAR) review, based on the mutagenic potential of its metabolite methyl benzimidazole carbamate (MBC). The agency determined that the presumption was rebutted on the basis of low exposure potential (40 CFR 162.11(a)(4)(ii)), and that the current use patterns of thiophanate-methyl do not pose unreasonable adverse effects on the environment. Subsequent to this determination, a positive oncogenicity study on MBC was submitted to the agency. Upon completion of the review of this study, the agency will reconsider whether the use of thiophanate-methyl poses unreasonable adverse effects on the environment.

Based on the information cited above the agency has determined that the establishment of tolerances for residues of the fungicide thiophanate-methyl in or on the raw agricultural commodities will protect the public health. Therefore, the regulation is established by amending 40 CFR 180.371 is as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the Federal Register, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on: February 19, 1981.

(Sec. 408(d)(2), 68 Stat. 514, (21 U.S.C. 348(c)(1)))

Dated: January 29, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by revising § 180.371 to read as follows:

§ 180.371 Thiophanate-methyl; tolerances for residues.

Tolerances are established for residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene)-bis(iminocarbonothioyl)] bis[carbamate]), its oxygen analogue dimethyl-4,4'-*o*-phenylene bis(allophonate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on the following raw agricultural commodities:

Commodities	Parts per million
Almonds pre-H	0.2(N)
Almonds (hulls) pre-H	1.0
Apples (pre- and post-H)	7.0
Apricots (pre- and post-H)	15.0
Bananas (pre-H)	2.0
Bananas, pulp (pre-H)	0.2
Beans (snap and dry) pre-H	[illegible]
Bean (forage and hay) pre-H	50.0
Cattle, fat	0.1
Cattle, kidney	0.2(N)
Cattle, liver	[illegible]
Cattle, meat byproducts (exc. kidney and liver)	0.1(N)
Cattle, meat	0.1(N)
Celery (pre-H)	3.0
Cherries (pre- and post-H)	15.0
Eggs	0.1(N)
Goats, fat	0.1(N)
Goats, kidney	0.2
Goats, liver	2.5
Goat, meat byproducts (exc. kidney and liver)	0.1(N)
Goat, meat	0.1(N)
Hogs, fat	0.1(N)
Hogs, liver	1.0
Hogs, meat byproducts (exc. liver)	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, liver	1.0
Horses, meat byproducts (exc. liver)	0.1(N)
Horses, meat	0.1(N)
Milk	1.0
Nectarines (pre- and post-H)	15.0
Pecans (pre-H)	[illegible]
Peaches (pre- and post-H)	15.0
Peanuts pre-H	0.2(N)
Peanuts (hulls) pre-H	2.0
Peanuts (forage and hay) pre-H	15.0
Plums (pre- and post-H)	15.0
Poultry, fat	0.1(N)
Poultry, liver	0.2(N)
Poultry, meat byproducts (exc. liver)	0.1(N)
Poultry, meat	0.1(N)
Prunes (pre- and post-H)	15.0
Sheep, fat	0.1(N)
Sheep, kidney	0.2
Sheep, liver	2.5
Sheep, meat byproducts (exc. kidney and liver)	0.1(N)
Sheep, meat	0.1(N)
Soybeans (pre-H)	0.2
Strawberries (pre-H)	5.0
Sugar beets (roots pre-H)	0.2
Sugar beets (tops pre-H)	15.0
Sugarcane (seed piece treatment pre-H)	0.1(N)

[FR Doc. 81-5693 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 205

[EN-FRL 1758-3]

Noise Emission Standards for Truck-Mounted Solid Waste Compactors: Notice of Reconsideration and Temporary Suspension of Enforcement

AGENCY: U.S Environmental Protection Agency (EPA).

ACTION: Notice of reconsideration and suspension of enforcement.

SUMMARY: Effective immediately, the Environmental Protection Agency is temporarily suspending enforcement of the Noise Emission Standards for New Truck-Mounted Solid Waste Compactors, 40 CFR Part 205, Subpart F (44 FR 56526) pending reconsideration of the testing, reporting, and related provisions of the regulation. While the suspension of enforcement is in effect, the Agency will not enforce any of the requirements of the regulation. At the end of six months, EPA will decide whether to terminate the suspension or, if adequate progress is being made toward improving the testing and reporting requirements, to continue the suspension.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Martha G. Prothro, Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460 ((703) 557-7470).

SUPPLEMENTARY INFORMATION: On October 1, 1979, EPA promulgated a regulation (40 CFR 205.200, *et seq.*) which established noise emission standards for newly manufactured truck-mounted solid waste compactors (44 FR 56526). The regulation became effective and enforceable on October 1, 1980. The practical experience gained since the effective date by the manufacturers subject to the regulation and by the Agency's enforcement personnel suggests that the production verification testing, reporting, and related requirements may be more onerous than the Agency intended or expected at the time the regulation was promulgated.

At a February 4, 1981 meeting between Agency representatives and representatives of the truck-mounted solid waste compactor manufacturing industry and the truck chassis (cab-chassis) manufacturing industry, some compactor manufacturers indicated that they believe the regulation can be amended so as to impose a lesser burden on the regulated manufacturers without sacrificing the Agency's environmental protection objectives. The Agency believes that alternative testing, compliance determination, and related provisions would and should be developed. This will require detailed technical discussion with the industry.

Therefore, I have decided to reconsider the testing, reporting, and related requirements of the Truck-Mounted Solid Waste Compactor regulation. A suspension of enforcement for the regulation is necessary to avoid unintended burdens on the industry pending the outcome of the Agency's reconsideration of the regulatory requirements involved. During this period of reconsideration, the Agency will solicit public comment on whether alternatives to the present regulations should be adopted and on any related issues.

The Agency expects the issues to be resolved and the suspension to be terminated within six months. However, if no solution has been accomplished by that time, the Agency will review the progress being made and will determine whether the suspension should remain in effect. If, at any time, the Agency determines that the suspension should be terminated, the Agency will provide a sixty-day notice prior to such termination. Any termination of the suspension will be prospective only; manufacturers subject to the regulation will not be held responsible for compliance of products distributed before or while the suspension was in effect.

Dated: February 12, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-5708 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[Docket No. 21006; FCC 81-51]

Amendment of Part 76 of the Commission's Rules To Add Frequency Channeling Requirements and Restrictions and To Require Monitoring for Leakage From Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The rules in question are intended to "assure that cable television systems operating on frequencies used by air navigation and aeronautical and marine emergency radio services to not cause harmful interference to those

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safety of life services. . . ." The change is adopted because it has now become impossible to complete review of the aeronautical interference notifications within the sixty day period provided in the rule. The Commission hereby amends § 76.610(b) of its rules to require that cable television systems intending to use a frequency or frequencies in the frequency bands 108–136 MHz and 225–400 MHz shall not commence such operation without prior Commission authorization. Pursuant to Section 553(b)(B) of the Administrative Procedure Act, the Commission finds that the paramount need to protect the public health and safety warrants adoption of the new rule without prior notice and comment.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Ratcliffe, Cable Television Bureau, (202) 254–3407.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 76 of the Commission's rules to add frequency channeling requirements and restrictions and to require monitoring for signal leakage from cable television systems.

Adopted: February 3, 1981.

Released: February 4, 1981.

By the Commission: Chairman Ferris not participating.

1. By *Report and Order* in this proceeding, FCC 77–541, 65 FCC 2d 813 (1977), the Commission adopted §§ 76.610 and 76.611 of the Rules to "assure that cable television systems operating on frequencies used by air navigation and aeronautical and marine emergency radio services do not cause harmful interference to those safety of life services. . . ." *Id.* The Commission further specified that the underlying purpose of the rules is "to eliminate *the possibility* of interference" to these services. *Id.* at 815, emphasis added. To achieve that purpose § 76.610(b) provides that, on or after January 1, 1978, cable television systems intending to use frequencies within the 108–136 MHz and 225–400 MHz bands must notify the Commission of their intention to do so at least sixty days prior to commencing use.

2. The procedure contained in § 76.610(b) was promulgated in the belief that sixty days would afford a sufficient period of time for Commission staff to review the incoming notifications, coordinate as necessary with other interested federal agencies, and notify the concerned cable television systems of any restrictions on or preclusions to their planned frequency use necessary to protect air traffic safety. However, in recent months the television industry's demand for utilization of these frequencies has increased to an unexpected extent, and the Commission is now receiving many more notifications than it had initially anticipated. As a result it has now become impossible to complete review of these notifications within the sixty day period provided in the rule. Because § 76.610(b) does not provide for Commission grant of authorization prior to use, this situation is resulting in a number of instances in which system operators are commencing use of these frequencies without the opportunity for Commission review. In some instances this frequency use has conflicted with existing aeronautical navigation frequency usage and thus has posed a threat of interference to air navigation and ground-to-air communication. As a result, § 76.610(b) has become critically ineffective as a means of eliminating the possibility of dangerous interference to safety of life radio services by cable television systems.

3. In view of the foregoing and in order to most effectively insure that the health and safety of the public is preserved, the Commission is hereby amending § 76.610(b) to include the requirement that prior Commission authorization be obtained before a cable system may commence using a frequency or frequencies in the 108–136 MHz and 225–400 MHz bands. Pursuant to Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B)(1966), the Commission finds that the overriding need to protect the health and safety of the public by eliminating the possibility of cable system interference with aeronautical frequency use which, under present circumstances, § 76.610(b) fails to accomplish, renders it contrary to the public interest to elicit notice and comment in this matter. Moreover, pursuant to Section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C 553(d)(3)(1966), the Commission finds that the demonstrable urgency of the need to immediately set in place procedures designed to most effectively eliminate potential interference to air navigation and communications services justifies dispensing with the thirty-day pre-effective period. In adopting this rule change the Commission cautions all cable television system operators that unauthorized use of the referenced frequencies is irreconcilable with the public interest.

Authority for the rule adopted herein is contained in Sections 2, 3, 4(i) and (j), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective upon publication in the **Federal Register**, Part 76 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 76.610 is amended by revising paragraph (b) to read as follows:

§ 76.610 Operation in the frequency bands 108–136 and 225–400 MHz.

* * * * *

(b) The operator of the cable system shall notify the Commission of proposed use of any new frequency or frequencies in these bands. Notification shall include carrier and subcarrier frequencies, types of modulation, and maximum peak power occurring at any location in the cable distribution system. No system shall commence use of any frequency or frequencies in these bands without prior Commission authorization.

* * * * *

[FR Doc. 81–5714 Filed 2–18–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 81

Stations on Land in the Maritime Services and Alaska—Public Fixed Stations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an editorial amendment updating the rules on Stations on Land in the Maritime Services and Alaska—Public Fixed Stations which was published in the **Federal Register** on November 18, 1980 (45 FR 76179) by adding an omitted frequency to § 81.304(a) and an omitted note to § 81.304(b).

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

In the matter of editorial amendment of §§ 81.140, 81.142, 81.304, 81.306, 81.308, 81.360, 81.361, and 81.708 of the commission's rules.

Released: February 5, 1981.

The following corrections are made to the Order of the above captioned matter appearing on 76179 in the **Federal Register** issue of November 18, 1980:

§ 81.304 [Amended]

1. On page 76180 the frequency table listed in column three under § 81.304 should include the frequency 156.850 MHz after the listing for 156.800 MHz as follows:

Carrier frequency (kHz)	Conditions of use	
	Section	Limitations
MHz:		
• • •	•	•
156.800	81.304	25
156.850	81.185	7
161.800	81.304	6, 22, 24
• • •	•	•

2. On page 76180, column 3, under § 81.304, a listing should be made for (b)(7) to read "Available for assignment to coast stations on Great Lakes for transmission of scheduled Coded Marine Weather Forecasts (MAFOR), Great Lakes Weather Broadcast (LAWEB) and unscheduled Notices to Mariners or Bulletins as received. Transmissions are permitted on F3 and F4 emissions. Coast stations on the Great Lakes will cease weather broadcasts which cause interference to stations operating on Channel 16 until the interference problem is resolved."

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

[FR Doc. 81–5566 Filed 2–18–81; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Seamount Groundfish Fishery Resources

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Postponement of effective date of final rule.

SUMMARY: NOAA published on January 23, 1981 a final rulemaking (46 FR 7386) amending the preliminary fishery management plan (PMP) for seamount groundfish fishery resources. This regulation, which established a joint venture processing capacity (JVP) of zero, was to be effective on February 23, 1981.

In response to President Reagan's Memorandum of January 29, 1981 entitled "Postponement of Pending Regulations," the effective date is being postponed to March 30, 1981.

EFFECTIVE DATE: The effective date of the amendment for the Seamount Groundfish Fishery Resources is postponed until March 30, 1981. The postponement is effective February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Denton R. Moore, (Chief, Permits and Regulations Division, National Marine Fisheries Service, NOAA), (202) 634–7432.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this 13th day of February, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–5690 Filed 2–18–81; 8:45 am]

BILLING CODE 3510–22–M

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Proposed Rules

Federal Register
Vol. 46, No. 33
Thursday, February 19, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 1

[Docket No. 81-4]

Eligibility of Securities for Purchase, Dealing in, Underwriting and Holding by National Banks; Proposed Rulemaking

AGENCY: Office of the Comptroller of the Currency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency is proposing to add to 12 CFR 1 a set of general principles on the eligibility of investment securities for purchasing, underwriting, holding, and dealing in by national banks. The general principles would provide more concise guidelines for applying the banking law and regulations in this area than the codification of individual rulings, discontinued in 1979. This notice solicits comments on the proposed principles.

DATES: Comments must be received on or before April 20, 1981.

ADDRESS: Comments should be sent to Docket No. 81-4, Communications Division, 3rd Floor, Office of the Comptroller of the Currency; 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, Attn.: Marie Giblin. Telephone: (202) 447-1800. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Raija H. Bettauer, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: The principal drafter of this document was Raija H. Bettauer, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, (202) 447-1880.

On January 28, 1980, the Office of the Comptroller of the Currency ("Office") issued an advance notice of proposed rulemaking ("Notice"), which solicited comments from the public and the industry on the need for additional guidance in applying federal banking law and regulations regarding the purchase, dealing in, underwriting and holding of investment securities by national banks. 45 FR 6407. As the Notice indicated, 12 CFR Part 1, which contains regulations on these matters, had traditionally also codified a great number of individual rulings issued by the Office regarding the eligibility of specific investment securities. 12 CFR 1.105–1.480 (1979). In view of the steady growth in the number of such rulings over the years, their continued codification did not appear to be practical or feasible. The Office determined, therefore, to discontinue the future codification of individual rulings, as well as to delete such rulings from 12 CFR Part 1. 44 FR 76263 (December 26, 1979). The discontinued codification of the rulings in the Code of Federal Regulations does not indicate the rescission of the individual rulings but should be viewed as a further effort by the Office to streamline the existing bulk of banking regulations. In the future, the Office will publish periodically as notices in the **Federal Register** any new significant rulings. *See* 45 FR 8934–8937 (February 11, 1980). The rulings deleted from 12 CFR Part 1 and the newly published rulings remain available to the public in the same manner as are other significant letters issued by the Comptroller and his staff.

While the codification of individual rulings in 12 CFR Part 1 may have been cumbersome, the ready reference to the rulings did provide insight into the Office's practice regarding the federal banking law and regulations applicable to the purchase, dealing in, underwriting and holding of investment securities by national banks. Therefore, in discontinuing the codification of individual rulings, the Office anticipated the issuance of more concise and manageable guidelines in this respect. It was expected that, for instance, a set of general principles, to be codified in 12 CFR Part 1, could provide such necessary guidance for the application of the relevant law and regulations by the banking industry. The Notice explained the Office's desire to provide additional guidelines on the eligibility of investment securities and solicited comments from the public regarding the perceived need, form, and extent of such clarification. In response, the Office received four comments, two from banking trade associations, and two from individual banks.

All the commenters agreed on the need to develop guidelines which would provide a more manageable reference to the Office's interpretations than individual rulings aggregated over a number of years. The trade associations particularly felt that such a ready reference could provide substantial assistance to banks in independently evaluating the eligibility of investment securities, and could reduce, if not entirely eliminate, the need for a ruling or informal advice from the Office on specific offerings. The consensus among the commenters appeared to be that such guidelines should reflect the general principles emerging from the Office's past rulings and clarifying particular problem areas, such as municipal obligations indirectly supported by general taxing powers, the effect of quantitative or other limitations on the taxing powers, and the relevant criteria for limited underwriting of obligations issued for housing, university or dormitory purposes.

Accordingly, the Office is proposing to amend Part 1 to add a set of general principles which reflect the rulings published in the last 18 years. Specifically, the general principles focus on those prevalent types of financing, the eligibility of which for underwriting, dealing in or unlimited holding is not immediately obvious, but which has been clarified by the past rulings. In this respect, it appeared particularly useful to address the eligibility of:

1. Obligations issued or guaranteed by the United States or its agencies;

2. Obligations which are issued by a political subdivision or an agency of a State which does not possess general powers of taxation, and which are supported by a contractual or legislative promise by an entity possessing general powers of taxation to provide the necessary funds for the repayment of the obligation (*i.e.*, so-called indirect general obligations);

3. Obligations supported by a State or a political subdivision thereof possessing taxing powers, when such taxing powers are specified or limited by state law; and

4. Obligations issued by a State, a political subdivision, or an agency of a State or a political subdivision for housing, university, or dormitory purposes.

While individual rulings have significantly clarified the scope of the applicable law and regulations, it has not been possible to reduce them into general principles which in the future would provide a ready answer to each potential question regarding the eligibility of investment securities. First, because of their retrospective nature, the general principles obviously cannot provide guidance with respect to new financing techniques, or in situations where amendments to state law(s) impact the relevant features of the obligation. Second, the general principles do not reflect certain past rulings which, because of their complexity and unique considerations, could not at this stage be reduced to a general principle. In instances where the general principles do not provide relevant guidance, the banks may wish to request a ruling from the Office pursuant to the current procedure (12 CFR § 1.9). In view of the evolving nature of public financing, the Office expects that such individual rulings of significant public interest will continue to be issued. In order to reflect such new practice, the Office intends periodically (*e.g.*, annually) to review the need to add new principles, or to amend the existing general principles.

Because these proposals are characteristic of interpretive rules or general statements of policy, the Regulatory Flexibility Act does not apply, and the Administrative Procedure Act does not require the solicitation of comments. Nevertheless, the Office has determined that comments would be in the public interest and would improve the final document.

In accordance with the current initiative of the Department of Treasury to establish specific retention periods for all recordkeeping requirements, the Office is considering establishing specific retention periods for information which is required under 12 CFR § 1.8 to deomonstrate that a national bank has exercise prudence in its investment activity. As part of revision of Part 1, the Office specifically invites the views of the industry regarding the appropriate retention period.

INVESTMENT SECURITIES REGULATION

Proposed General Principles

12 CFR Part 1 would be amended as follows:

1. The authority citation for Part 1 would be revised and the following sections added to the table of contents to read as follows:

* * * * *

1.100 Eligibility of securities for purchases, dealing in, and underwriting by national banks; general principles.
1.110 Obligations of the United States; general principles.
1.120 Indirect general obligations; general principles.
1.130 Taxing powers of a State or a political subdivision thereof; general principles.
1.140 Type II securities; general principles.

Authority.—R.S. 324, et seq., as amended (12 U.S.C. 1, et seq.); Paragraph Seventh of R.S. 5136, as amended (12 U.S.C. 24(7)).

2. 12 CFR Part 1 would be revised by adding §§ 1.100 through 1.140 to read as follows:

§ 1.100 Eligibility of securities for purchase, dealing in, and underwriting by national banks; general principles.

(a) The Office of the Comptroller of the Currency has issued a number of specific rulings at the request of national banks regarding the applicability of federal banking law and regulations to the purchase, underwriting, dealing in, and holding of securities. Certain interpretations of law and regulations are frequently stated in these rulings. Such interpretations are outlined in the following set of general principles.

(b) The general principles are issued to assist national banks and their counsel in independently applying the relevant law. The principles are not, however, intended to address comprehensively all the potentially relevant issues. For instance, the principles cannot provide guidance in evaluating individual offerings which, because of their unique or complex characteristics, are not susceptible to generalization, nor do they anticipate potential legal problems in new financing arrangements. In such instances, national banks may wish to request a specific ruling pursuant to the procedure contained in § 1.9.

§ 1.110 Obligations of the United States; general principles.

(a) The limitations and restrictions contained in 12 USC 24(7) regarding the authority of national banks to deal in, underwrite and purchase investment securities do not apply to "obligations of the United States". Obligations issued by a department or an agency of the United States Government, which commit the full faith and credit of the United States for their repayment, constitute such exempt securities.

(b) In instances where the payment of interest on, and principal of, securities issued by a municipal agency or a private corporation is fully and unconditionally guaranteed by the Government of the United States or a department or an agency thereof, such obligations qualify as "obligations of the United States" for the purposes of 12 USC 24(7).

(c) Obligations issued by a department or an agency of the United States or a municipal agency may in some instances represent a legal or beneficial interest in a loan or a pool of loans made to third parties. Such obligations qualify as "obligations of the United States" where the full faith and credit of the United States has been validly pledged for the full and timely payment of interest on, and principal of, such loans in the event of non-payment by the third party obligor(s).

§ 1.120 Indirect general obligations; general principles.

(a) As § 1.3(g) indicates, an obligation issued by an obligor not possessing general powers of taxation may qualify as a "general obligation of any State or any political subdivision thereof" for the purposes of 12 USC 24(7), provided that an obligor possessing general powers of taxation has unconditionally promised to make sufficient funds available for all required payments in connection with the obligation. A number of methods, alone or in combination, may demonstrate a commitment of the full faith and credit of a State or a political subdivision in support of an obligation.

(1) *Lease/rental agreement.* (i) A State or a political subdivision thereof prossessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a valid and binding lease agreement where the State or the political subdivision has unconditionally promised to pay rentals which, together with any other available funds, are sufficient for the timely payment of interest on, and principal of, the obligation. Such lease/rental agreements may, for instance, provide support for obligations financing the acquisition or operation of public projects in the areas of education, medical care, transportation, recreation, public buildings and facilities, etc.

(ii) The State may designate a special fund from which the rental payments will be made. In the event of a deficiency in such a fund, however, the general revenues of the State or the political subdivision must be available for the rental payments.

(2) *Service/purchase agreement.* (i) A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a valid and binding agreement where the State or the political subdivision has

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unconditionally promised to make payments for services or resouces provided through or by the issuer of the obligation, and such payments, together with any other available funds, are sufficient for the timely payments of interest on, and principal of, the obligation. An agreement to purchase municipal sewer, water, waste disposal, or electric services may, for instance, provide support for obligations financing the construction or acquisition of facilities supplying such services.

(3) *Refillable reserve fund.* (i) A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a statutory provision or a valid and binding agreement where the State or the political subdivision is required by law, or unconditionally promises, to maintain a debt service reserve fund for the obligation. Such reserve funds must be maintained at least at the amount necessary to meet any succeeding year's annual requirements for the payment of interest on, and principal of, the obligation. The maintenance of such a refillable reserve fund may be provided, for instance, by statutory direction for an appropriation or by statutory automatic apportionment and payment from the state funds of such amounts as are necessary to restore the fund to the required level.

(4) *Other grants or support.* (i) A State or a political subdivision thereof possessing general powers of taxation may pledge its full faith and credit in support of an obligation under § 1.3(g) in a statutory provision or a valid and binding agreement (in instances other than those described above) which unconditionally commits the State or the political subdivision to provide funds which together with other available funds are sufficient for the timely payment of interest on, and principal of, the obligation. Such funds may, for instance, be supplied in the form of annual grants or may be advanced, from time to time, whenever the other available revenues are not sufficient for the payment of principal and interest.

(ii) The State or a political subdivision may designate a special fund consisting of, for instance, excise revenues for the payment of annual grants or appropriations. In order to pledge the full faith and credit of the State or the political subdivisions, the payments on the obligation must not be exclusively limited to such a fund, but must, if necessary, be available from the general revenues of the State or political subdivision.

(5) *Obligations secured by U.S. obligations or general obligations of a State or a political subdivision thereof.* (i) The standards in § 1.3(g) are satisfied where an obligation is secured by an escrow fund consisting of obligations of the United States or general obligation of a State or a political subdivision thereof, and the escrowed obligations produce interest earnings sufficient for the full and timely payment of interest on, and principal of, the obligation. Such escrow accounts may, for instance, guarantee the repayment of certain refunding obligations.

(ii) Where the interest earning from the escrowed general obligations alone are not sufficient to guarantee the full repayment of an obligation, it may be further supported by a promise of a State or a political subdivision thereof (possessing general powers of taxation) to maintain a reserve fund for the timely payment of interest on, and principal of, the obligation.

(iii) A refunding obligation may be supported in a number of ways which in combination are sufficient at all times to pledge the full faith and credit of the United States or a State or a political subdivision thereof (possessing general powers of taxation) for the payment of the obligation. For instance, during the initial period, the proceeds of the obligations may be invested in U.S. obligations or municipal general obligations, which produce sufficient interest income for payment of principal and interest. Subsequently, upon the retirement of outstanding general obligation bonds which may be supported, for instance, by an unconditional lease obligation, the refunding bonds will be supported by the same lease obligation.

(6) *Tax and bond anticipation notes.* (i) Tax anticipation notes, which are repayable from the current and future general revenues of a State or a political subdivision thereof possessing general powers of taxation, are supported by the full faith and credit of the State or the political subdivision.

(ii) Bond anticipation notes, which are repayable from the proceeds of general obligations to be issued at a later date by a State or a political subdivision thereof possessing general powers of taxation, are supported by the full faith and credit of the State or the political subdivision.

§ 1.130 Taxing powers of a State or a political subdivision thereof; general principles.

(a) Quantitative restrictions on the general powers of taxation of a State or a political subdivision thereof do not imply that an obligation supported by such limited taxing powers could never qualify as a "general obligation of a State or a political subdivision thereof" for the purposes of 12 USC § 24(7). In order to determine the eligibility of such obligations, it is necessary to estimate whether the tax revenues available under the limited taxing powers appear to be sufficient for the full and timely payment of interest on, and principal of, the obligation. Current and reasonable financial projections may be used in calculating the availability of revenues for the payment of the obligation.

(b) As § 1.3(g) indicates, an obligation is supported by the full faith and credit of a State or a political subdivision possessing general powers of taxation, when the promise or other commitment of the State or the political subdivision will produce funds "which (together with any other funds available for the purpose) will be sufficient to provide for all required payments in connection with the obligation." In order to evaluate whether a commitment of a State or a political subdivision is likely to generate such sufficient funds, the Office has considered the impact of any possible limitations regarding the State's or political subdivision's taxing powers, as well as the availability of funds in view of the projected revenues and expenditures.

(c) Obligations supported exclusively by excise taxes or license fees are not "general obligations" for the purposes of 12 USC § 24(7). However, an obligation which is primarily payable from a fund consisting of excise revenues, may qualify as a "general obligation", provided that, in the event of a deficiency of such revenues, it is also supported by the general revenues of a State or a political subdivision thereof possessing general powers of taxation.

§ 1.140 Type II securities; general principles.

(a) *Investment quality.* Pursuant to 12 USC § 24(7), obligations issued for "housing, university, or dormitory purposes" may be eligible for dealing in and underwriting (subject to the 10 percent limitation) provided that they "are at the time eligible for purchase by a national bank." Consequently, in determining whether an obligation is eligibile for underwriting and dealing in as a Type II investment security, it is first necessary to evaluate whether the obligation is of sufficient investment quality and marketability, as indicated in § 1.5, and, as a second step, whether the obligation has been issued for the appropriate purpose and by a qualifying issuer.

(b) *Obligations issued for universtiy purposes.* (1) Obligations issued by any State or political subdivision or any agency of a State or a political subdivision for the purpose of financing the construction of facilities at a university or an institution of higher education or financing loans for studies at such institutions demonstrate a "university" purpose sufficient to qualify as Type II securities. Facilities financed in this manner have included student buildings, classrooms, university utility buildings, cafeterias, stadiums, and university parkings lots.

(2) Obligations which finance the improvement of facilities used by a hospital which trains students of a university medical school may be eligible as Type II securities. In such instances, the hospital may be a department or a division of a university, or may have an affiliation agreement with the university providing training for medical students.

(c) *Obligations issued for housing purposes.* (1) Obligations issued by any State or political subdivision or any agency of a State or a political subdivision for the primary purpose of financing low- or moderate-income housing qualify as Type II securities.

(2) Obligations issued for such housing purposes by a nonprofit corporation acting as an agent or an instrumentality of a public housing agency may qualify as Type II securities. For instance, such obligations may be issued to finance housing projects under Section 8 of the Housing Act of 1937, as amended, and found by the Department of the Housing and Urban Development to be tax-exempt under Section 11(b) of the Housing Act.

Dated: February 6, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-5606 Filed 2-18-81; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 204 and 217

[Docket No. R-0214]

International Banking Facilities; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking: Extension of comment period.

SUMMARY: The Board of Governors of the Federal Reserve System has extended the period for receipt of public comments on its proposal to amend Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) to facilitate the establishment in the United States of international banking facilities of depository institutions, Edge and Agreement corporations, and branches and agencies of foreign banks located in the United States. The comment period is extended through March 16, 1981.

DATE: Comments must be received by March 16, 1981.

ADDRESS: Comments, which should refer to Docket No. R-0214, should be addressed to James McAfee, Assistant Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or should be delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), or Paul S. Pilecki, Attorney (202/452-3281), Legal Division; or Robert F. Gemmill, Associate Director (202/452-3733), Division of International Finance, board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On December 16, 1980 [45 FR 84070, December 22, 1980], the Board of Governors proposed amendments to Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) that would facilitate the establishment in the United States of international banking facilities ("IBFs") by depository and other institutions to promote international banking activity in the United States. Under the proposal, IBFs in all U.S. depository institutions, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks would be permitted to accept time deposits from foreign residents and to borrow from foreign depository institutions or other IBFs. All such funds would be exempt from Federal reserve requirements. Funds raised by an IBF could be used only to extend credit to foreign residents, to other IBF's or to the institution establishing the IBF. Funds derived by an institution from its own IBF would be subject to Eurocurrency reserve requirements. In addition, member banks, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks that are subject to Regulation Q[1] would be authorized to offer and pay interst on an IBF time deposit with a minimum maturity or required notice period prior to withdrawal of two days if the funds were received from non-United States residents and used to extend credit only to non-United States residents, other IBFs or the U.S. offices of the depository institution conducting the IBF business.

Comment was requested on the proposal by February 13, 1981. Several request have been received from depository institutions for additional time in which to submit comments. In light of the issues involved in the proposal and in order to provide interested parties with additional time in which to present their views, the comment period has been extended through March 16, 1981.

By order of the Board of Governors, acting through its Assistant Secretary under delegated authority, February 12, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-5573 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

[1] Regulation Q applies to the following offices of parent foreign banks having total worldwide consolidated bank assets in excess of $1 billion: insured and uninsured Federal branches, uninsured State branches, and Federal and State agencies. Under Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(g)), 12 CFR Part 320 applies to all insured State branches and those insured Federal branches of foreign banks with total worldwide consolidated bank assets of $1 billion or less.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-3]

Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number

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involved and be received on or before: April 20, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. , 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on February 11, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Docket No.	Petitioner	Description of the rule requested
	Petitions for Rulemaking	
21133	Orestes J. DioGuardi, petition dated Dec. 14, 1980	To amend § 61.58(b)(1) to allow a certificated flight instructor who has past experience in a particular type aircraft (vintage) to conduct pilot-in-command proficiency checks in aircraft requiring more than one required pilot crewmember. Section 61.58(b)(1) states that a pilot in command of an airplane type certificated for more than one required pilot crewmember must have completed a proficiency check in an airplane or approved simulator since the beginning of the 12th calendar month before the month in which the pilot acts as pilot in command.
20312	Hawk Industries, petition dated Oct. 19, 1980	To amend § 1.1 to redefine "small airplanes" to include airplanes weighing up to 14,500 pounds for use in "freight operations" only. "Small aircraft" is defined in § 1.1 as aircraft weighing less than 12,500 pounds maximum certificated takeoff weight.
19344	Aviation Training Enterprises, petition dated Dec. 15, 1977	To amend Part 141 to change the requirement for one solo cross-country flight with landings at three points. Petitioner proposes to requires two flights with landings at three points, each of which is more than 100 nautical miles from the other points, and that the only airport that could be used on both flights would be the home base.
20511	Richard L. Taylor	To amend certain sections of Part 61 to standardize the time period specifications used to determine pilot privileges and limitations. Petitioner contends the present language is confusing, lacks definition, and is open to interpretation.
20843	Air Transport Association of America, petition dated Oct. 9, 1980	To amend § 121.391(a) to allow less flight attendants than presently required to be on board a passenger-carrying airplane when passengers are on board other than during flight time. Section 121.391 sets forth the minimum flight attendant requirements for airplanes based on passenger seating capacity.
21277	Peter W. Fairchild, petition dated July 14, 1977	To amend § 61.57(a) to allow solo flight privileges by a certificated pilot who does not meet the recent flight experience requirements. Section 61.57(a) prohibits a person from serving as pilot in command of an aircraft unless, within the preceding 24 months, that person has satisfactorily accomplished a flight review in an aircraft for which he is rated. Petitioner contends the current rule does not necessarily promote safety and good operating practice.
	Petitions for Rulemaking: Denied	
17885	Mr. David Bogart	To require intercommunications (intercom) systems be installed in all powered aircraft primarily intended for dual flight instruction. This requirement would include all powered aircraft used to give more than 5 hours of dual flight instruction per month for hire having a cockpit noise level exceeding 75 decibels during any normal operation. *Denied Feb. 2, 1981.*

[FR Doc. 81–5584 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–ASW–55]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter V–77E, in part, by revoking that segment between Pioneer, Okla., and Oklahoma City, Okla., and to extend V–354 from Pioneer via Trump, Okla., Intersection to Oklahoma City. This action would improve traffic flow in the Oklahoma City terminal area by providing flexibility for maneuvering arrival and departure aircraft.

DATES: Comments must be received on or before March 23, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 80–ASW–55, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An information docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before March 23, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NRPMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would revoke the portion of alternate airway V–77E between Pioneer, Okla., and Oklahoma City, Okla. In addition, V–354 would be extended from Pioneer to Oklahoma City, via TRUMP, Okla., Intersection. This proposed amendment would permit more flexibility for maneuvering traffic in the Oklahoma City terminal area, thereby reducing delays, improving safety and aiding flight planning. Subpart C of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under V–77 "Pioneer, OK., Including an E alternate via INT Oklahoma City 037° and Pioneer 186° radials;" is deleted, and "Pioneer, Okla.;" is substituted therefor.

Under V–354 "From Pioneer, Okla.," is deleted and "From Oklahoma City, Okla., via INT Oklahoma City 045°T(036°M) and Pioneer, Okla., 186°T(177°M) radials; Pioneer;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so mininal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–5603 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–AWE–17]

Designation of New VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new VOR Federal Airway V–388 between Paradise, Calif., and Palm Springs, Calif. This new airway would permit a lower minimum en route altitude (MEA) in the area, thereby reducing controller workload and increasing aviation safety.

DATES: Comments must be received on or before March 23, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 80–AWE–17, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SE., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 23, 1981 will be considered before

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action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate new VOR Federal Airway V–388 from Paradise, Calif., to Palm Springs, Calif., via a north dog-leg. This airway was designed to provide a route which would permit a lower minimum en route altitude (MEA) between those terminal areas. The MEA for the current direct route is 13,000 feet. This action would increase aviation safety, provide an airway in an area where aircraft are vectored, and aid flight planning. Subpart C of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under § 71.123

"V–388 From Paradise, Calif., via INT Paradise 087°T (072°M) and Palm Springs, Calif., 287°T (272°M) radials; to Palm Springs." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–5634 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–AWE–18]

Designation of New VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new VOR Federal Airway V–386 from Palmdale, Calif., to Thermal, Calif., via a dog-leg. This airway would permit a lower minimum en route altitude (MEA) and aircraft would be given radar service. This action would increase aviation safety by providing an airway in an area where aircraft are normally vectored.

DATES: Comments must be received on or before March 23, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 80–AWE–18, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 23, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate new VOR Federal Airway V–386 from Palmdale, Calif., to Thermal, Calif. V–386 would permit a lower minimum en route altitude (MEA) between these two points. Currently, traffic utilizing V–137, the direct route, are required to maintain a MEA of 14,000 feet which is the service ceiling of some light aircraft. Also, V–386 would permit radar coverage. Subpart C of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under § 71.123 "V–386 From Palmdale, Calif., via INT Palmdale 096° T (081° M) and Thermal, Calif., 335° T (320° M) radials; Thermal, Calif." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C. on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–5635 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AEA–1]

Amendment to North Atlantic Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to expand the North Atlantic Control Area to provide additional control area airspace offshore. This action would ensure efficient joint use of warning area airspace by permitting the application of domestic rather than oceanic air traffic control procedures within the affected airspace.

DATES: Comments must be received on or before March 23, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81–AEA–1, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before March 23, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would expand the North Atlantic Control Area to coincide with scheduled expansions of Warning Areas W–72 and W–386 by separate nonregulatory action. The North Atlantic Control Area is one of several additional control areas which are categories of controlled airspace

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designated for the purpose of extending the application of domestic air traffic control procedures into offshore airspace. Without this action, efficient civil joint use of the expanded warning areas would be severely impaired because of the complex coordination that would be required to apply domestic procedures in one portion and oceanic procedures in another portion of the affected airspace. Section 71.163 of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 449).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend North Atlantic Control Area under § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449) by deleting the description in its entirety and substituting the following therefor:

That airspace extending upward from 2,000 feet MSL within the area bounded by a line beginning at Lat. 35°29'30" N., Long. 75°24'50" W.; thence along a line 3 NM east of and parallel to the U.S. shoreline to Lat. 41°40'00" N.; to Lat. 41°40'00"N., Long. 67°00'00" W.; to Lat. 39°00'00" N., Long. 67°00'00" W.; to Lat. 38°35'00" N., Long. 68°53'00" W.; to Lat. 38°20'00" N., Long. 69°57'00" W.; to Lat. 37°31'00" N., Long. 71°41'00" W.; to Lat. 37°13'39" N., Long. 72°40'00" W.; to Lat. 35°05'35" N., Long. 72°40'00" W.; to Lat. 34°29'17" N., Long. 73°34'23" W.; to Lat. 34°33'10" N., Long. 73°40'50" W.; to Lat. 34°21'18" N., Long. 73°58'53" W.; to point of beginning.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-5636 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 80-AWE-9]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Route—Revocation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws a proposal published on July 31, 1980, (45 FR 50814) to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75). Part 75 was republished on January 2, 1981, (46 FR 834). The proposed amendment would have realigned Jet Route J-4 between Twentynine Palms, Calif., and San Simon, Ariz. After analysis of additional information, the amendment does not satisfy current operational requirements; therefore, the proposal is withdrawn.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

Discussion of Comments

The Department of Air Force objected to the proposed realignment of Jet Route 4. They stated, the realignment would adversely impact the Undergraduate Pilot Training Program. Also, the current minimum assigned airspace will be additionally impacted due to proposed increase in students and training missions. The proposed realignment would add additional restrictions to the present confined airspace.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, effective February 19, 1981, the proposal to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75), as specified in Airspace Docket No. 80-AWE-9 and published in the Federal Register on July 31, 1980, (45 FR 50814) is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on February 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Airtraffic Rules Division.

[FR Doc. 81-5501 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Parts 1, 92, 161

[CGD 78-079]

St. Marys River Vessel Traffic Service

AGENCY: Coast Guard.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Coast Guard has proposed to revoke the anchorage and navigation regulations for the St. Marys River, Michigan (46 FR 946, January 5, 1981), and to establish a vessel traffic service (VTS) under the authority of the Ports and Waterways Safety Act (33 U.S.C. 1221-1227). Because navigation on this part of the Great Lakes is largely secured at present, it is quite likely that a number of interested persons would be unavailable to comment before the present deadline. This action will extend the comment period 45 days beyond the projected date for a resumption of navigation.

DATES: Comments must be received on or before May 15, 1981.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/24), (CGD 78-079), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477 between the hours of 7 a.m. and 5 p.m., Monday through Thurday.

FOR FURTHER INFORMATION CONTACT: Bruce Novak, (202) 426-1477.

Dated: February 11, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-5503 Filed 2-13-81; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Changes in Veterans' Disability Compensation and Survivors Benefits

AGENCY: Veterans Administration.

ACTION: Proposed Regulation.

SUMMARY: The Veterans Administration is proposing to amend its adjudication regulations to implement a new law, the Veterans' Disability Compensation and Housing Benefits Amendments of 1980. This law (1) increases the rates of disability compensation and the rates of dependency and indemnity compensation (DIC) payable to surviving spouses and children, (2) amends the rules on reduction of pension due to hospitalization, (3) eliminates waiver of retired pay in improved pension cases, (4) authorizes a new limited specially adapted housing grant, (5) provides that compensation and DIC shall be substantially reduced if the payee is incarcerated as a result of conviction of a felony, and (6) directs that a total compensation rating based on unemployability may not be assigned to an incarcerated veteran.

DATES: Comments must be received on or before March 23, 1981. Except for reduction of compensation and DIC due to incarceration, it is proposed to make these changes effective October 1, 1980 (or for months beginning after September 30, 1980) the date specified in the new law designated as Pub. L. No. 96-385. The proposed effective date of the incarceration regulations is October 7, 1980.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until March 31, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202-389-3005).

SUPPLEMENTARY INFORMATION: References to monetary rates in §§ 3.350 and 3.552 have been replaced with citations to the provisions of title 38, United States Code where the rates may be found.

Under current law, 38 U.S.C. 3203(a)(1), where any veteran having neither spouse nor child is being furnished domiciliary care by the Veterans Administration, no pension in excess of $60 monthly shall be paid to or for the veteran after the second full calendar month following admission to domiciliary care. In cases involving veterans having neither spouse nor child who are furnished hospital or nursing home care by the Veterans Administration, the pension limitation is applicable after the end of the third full calendar month following the month of admission.

Prior to the enactment of Pub. L. No. 96-385, the law further provided that when a veteran having neither spouse nor child was readmitted to domiciliary, hospital, or nursing home care within 6 months, pension would be limited to $60 monthly after the month of readmission if the earlier period of care was of not less than 2 full calendar months. The anomalous result of this statutory scheme was that a veteran who had been furnished hospital or nursing home care for a period of more than 2 but less than 3 months and, therefore, did not experience a reduction in pension, would experience an immediate reduction of pension if readmitted to such care within 6 months of the initial period of care.

Pub. L. No. 96-385 has amended 38 U.S.C. 3203(a)(1)(C) to provide that upon readmission for hospital or nursing home care, an immediate pension reduction after the month of readmission shall occur only if the initial period of care had been at least 3 full calendar months. The amendment of § 3.551(c)(3) implements this change.

Under 38 U.S.C. 3104(a) and 3105 a veteran could not receive Veterans Administration pension or compensation concurrently with military retired pay without waiving an amount of his or her retired pay that equaled the amount of pension or compensation payable. Pub. L. No. 96-385 has amended § 3104(a) to permit concurrent receipt of retired pay. In determining entitlement to improved pension, military retired pay will be treated as if it were countable pension income from a private source.

For example, a veteran with no dependents who receives military retired pay in the amount of $4,000 yearly establishes entitlement to improve pension. The veteran has no other income. The maximum annual improved pension rate of $4,460 is reduced by $4,000. The veteran would receive pension of $460 annually plus annual military retired pay of $4,000. No waiver of retired pay is required. Under the law previously in effect the veteran would have been required to waive retired pay in the amount of $460 annually. The amendment of § 3.750 implements this change.

A limited specially adapted housing grant of up to $5000 has been extended to certain seriously disabled veterans by the enactment of Pub. L. No. 96-385. This

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grant is payable for home adaptations. The addition of § 3.809a sets forth the requirements that a veteran must meet to receive a certificate of eligibility for this benefit.

Certain veterans whose service-connected disabilities are rated less than total may nevertheless receive compensation at the 100 percent rate if their service-connected disabilities make them unemployable. Pub. L. No. 96-385 provides that a veteran incarcerated in a penal institution for conviction of felony may not be assigned a total compensation rating based on unemployability. The amendment of § 3.341 implements this provision of Pub. L. No. 96-385.

A person in receipt of disability compensation, death compensation or dependency and indemnity compensation (DIC) who is incarcerated in a penal institution for conviction of a felony will now forfeit a substantial portion of his or her benefit. The law provides, however, that all or part of the amount withheld may be apportioned for the benefit of the incarcerated person's dependents. The addition of § 3.665 and the amendment of § 3.666 implements this provision of Pub. L. No. 96-385.

The Veterans Administration has determined that these proposed regulation changes are nonsignificant. They impose no compliance costs or reporting burdens and they have no effect on the environment, public business or institutions.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until March 31, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 11, 1981.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

Therefore the Veterans Administration proposes to amend 38 CFR Part 3 as set forth below:

§ 3.340 [Amended]

1. Section 3.340 is amended by deleting the words, "1945 Schedule for Rating Disabilities" and inserting the words "Schedule for Rating Disabilities" in paragraph (a)(2) and adding the words "or herself" after the word "himself" in the last sentence of paragraph (a)(3)(iii).

2. Section 3.341 is revised to read as follows:

§ 3.341 Total disability ratings for compensation purposes.

(a) *General.* Subject to the limitation in paragraph (b) of this section, total-disability compensation ratings may be assigned under the provisions of § 3.340. However, if the total rating is based on a disability or combination of disabilities for which the Schedule for Rating Disabilities provides an evaluation of less than 100 percent, it must be determined that the service-connected disabilities are sufficient to produce unemployability without regard to advancing age. 38 U.S.C. 355.

(b) *Incarcerated veterans.* A total rating for compensation purposes based on individual unemployability which would first become effective while a veteran is incarcerated in a Federal, State or local penal institution for conviction of a felony, shall not be assigned during such period of incarceration. However, where a rating for individual unemployability exists prior to incarceration for a felony, or prior to October 7, 1980 and routine review is required the case will be reconsidered to determine if continued eligibility for such rating exists. (38 U.S.C. 3113(c)).

3. In § 3.342, paragraph (a) is revised to read as follows:

§ 3.342 Permanent and total disability ratings for pension purposes.

(a) *General.* Permanent total disability ratings for pension purposes are authorized for disabling conditions not the result of the veteran's own willful misconduct whether or not they are service connected. However, no rating is required in claims for pension if the veteran is 65 years of age or older. In such instances permanent and total disability will be presumed. (38 U.S.C. 502(a)

* * * * *

4. In § 3.350, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation under 38 U.S.C. 314(k) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed the monthly rate set forth in 38 U.S.C. 314(l) when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed the monthly rate set forth in 38 U.S.C. 314(o). The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

* * * * *

5. In § 3.551, paragraph (c)(3) is revised to read as follows:

§ 3.551 Reduction because of hospitalization.

* * * * *

(c) *Section 306 pension, improved pension, and service pension based on entitlement after June 30, 1960.* * * *

(3) No pension in excess of $60 monthly shall be paid to or for a veteran having neither spouse nor child, or to a veteran who is married or has a child and is receiving pension as a veteran without dependents, for any period after the month in which the veteran is readmitted within 6 months of a period of care for which pension was reduced under paragraph (c) (1) or (2) of this section. (38 U.S.C. 3203(a))

* * * * *

6. In § 3.552, paragraph (g) is revised to read as follows:

§ 3.552 Adjustment of allowance for aid and attendance.

* * * * *

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (l), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation at the rate under 38 U.S.C. 314(o) because of entitlement to another rate under section 314(l) on account of need for aid and attendance, the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be at the rate under 38 U.S.C. 314(m) since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p))

(2) If entitlement is under section 314(m), at the rate under 38 U.S.C. 314(n).

(3) If entitlement is under section 314(n), the rate under 38 U.S.C. 314(o) would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

* * * * *

7. Section 3.665 is added to read as follows:

§ 3.665 Penal institutions—compensation.

(a) *General.* Any person specified in paragraph (c) of this section who is incarcerated in a Federal, State or local penal institution in excess of 60 days for conviction of a felony shall not be paid compensation or dependency and indemnity compensation (DIC) in excess of the amount specified in paragraph (d) of this section beginning on the 61st day of incarceration. A person whose benefits are subject to this reduction shall be informed of the rights of the person's dependents to an apportionment while the person is incarcerated, and the conditions under which payments to the person may be resumed upon release from incareration. In addition, the person's dependents shall also be notified of their right to an apportionment if the Veterans Administration is aware of their existence and can obtain their addresses.

(b) *Definitions.* For the purposes of this section the term "compensation" includes disability compensation under 38 U.S.C. 351. The term "dependency and indemnity compensation" (DIC) includes death compensation payable under 38 U.S.C. 321 or 341, death compensation and DIC payable under 38 U.S.C. 351, and any benefit payable under chapter 13 of title 38, United States Code. The term "release from incarceration" includes participation in a work release or halfway house program, parole, and completion of sentence.

(c) *Applicability.* The provisions of paragraph (a) of this section are applicable to the following persons:

(1) A person serving a period of incarceration for conviction of a felony committed after October 7, 1980.

(2) A person serving a period of incarceration after September 30, 1980 (regardless of when the felony was committed) when the following conditions are met:

(i) The person was incarcerated on October 1, 1980; and

(ii) An award of compensation or DIC is approved after September 30, 1980.

(d) *Amount payable during incarceration*—(1) *Veteran rated 20 percent or more.* A veteran to whom the provisions of paragraphs (a) and (c) of this section apply with a service-connected disability evaluation of 20 percent or more shall receive the rate of compensation payable under 38 U.S.C. 314(a).

(2) *Veteran rated less than 20 percent.* A veteran to whom the provisions of paragraphs (a) and (c) of this section apply with a service-connected disability evaluation of less than 20 percent (even though the rate for 38 U.S.C. 314(k) or (q) is paid) shall receive one-half the rate of compensation payable under 38 U.S.C. 314(a).

(3) *Surviving spouse, parent or child.* A surviving spouse, parent, or child, beneficiary to whom the provisions of paragraph (a) and (c) of this section apply shall receive one-half the rate of compensation payable under 38 U.S.C. 314(a).

(e) *Apportionment*—(1) *Compensation.* All or part of the compensation not paid to an incarcerated veteran may be apportioned to the veteran's spouse, child or children and dependent parents on the basis of individual need. In determining individual need consideration shall be given to such factors as the apportionee claimant's income and living expenses, the amount of compensation available to be apportioned, the needs and living expenses of other apportionee claimants as well as any special needs, if any, of all opportionee claimants.

(2) *DIC.* All or part of the DIC not paid to an incarcerated surviving spouse or other children not in the surviving spouse's custody may be apportioned to another child or children. All or part of the DIC not paid to an incarcerated child may be apportioned to the surviving spouse or other children. These apportionments shall be made on the basis of individual need giving consideration to the factors set forth in paragraph (e)(1) of this section.

(f) *Effective dates.* An apportionment under this section shall be effective the date of reduction of payments to the incarcerated person, subject to payments made to the incarcerated person over the same period, if an informal claim is received within 1 year after notice to the incarcerated person as required by paragraph (a) of this section, and any necessary evidence is received within 1 year from the date of request; otherwise, payments may not be made for any period prior to the date of receipt of a new informal claim.

(g) *Incarcerated dependent.* No apportionment may be made to or on behalf of any person who is incarcerated in a Federal, State, or local penal institution for conviction of a felony.

(h) *Notice to dependent for whom apportionment granted.* A dependent for whom an apportionment is granted under this secton shall be informed that the apportionment is subject to immediate discontinuance upon the incarcerated person's release or participation in a work release or halfway house program. A dependent shall also be informed that if the dependent and the incarcerated person do not live together when the incarcerated person is released (or participated in a work release or halfway house program), the dependent may submit a new claim for apportionment.

(i) *Resumption upon release*—(1) *No apportionment or family reunited.* If there was no apportionment at the time of release from incarceration, or if the released person is reunited with all dependents for whom an apportionment was granted, the released person's award shall be resumed the date of release from incarceration if the Veterans Administration receives notice of release within 1 year following release; otherwise the award shall be resumed the date of receipt of notice of release. If there was an apportionment award during incarceration, it shall be discontinued date of last payment. Payment to the released person shall then be resumed at the full rate from date of last payment. Payment from date of release to date of last payment shall be made at the rate which is the difference between the released person's full rate and the sum of (i) the

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apportioned rate and (ii) the rate payable during incarceration.

(2) *Apportionment granted and family not reunited.* If there was an apportionment granted during incarceration and the released person is not reunited with all dependents for whom an apportionment was granted, the released person's award shall be resumed as stated in paragraph (i)(1) of this section except that when the released person's award is resumed it shall not include any additional amount payable by reason of a dependent(s) not reunited with the released person. The award to this dependent(s) will then be reduced to the additional amount payable for the dependent(s).

(3) *Apportionment to a dependent parent.* An apportionment made to a dependent parent under this section cannot be continued the beyond veteran's release from incarceration unless the veteran is incompetent and the provisions of § 3.452(c)(1) and (2) are for application. When a competent veteran is released from incarceration an apportionment made to a dependent parent shall be discontinued and the veteran's award resumed as provided in paragraph (i)(1) of this section.

(j) *Increased compensation during incarceration*—(1) *General.* The amount of any increased compensation awarded to an incarcerated veteran that results from other than a statutory rate increase may be subject to reduction due to incarceration. This applies to a veteran whose compensation is subject to reduction under paragraphs (a) and (c) of this section prior to approval of an award of increased compensation as well as to a veteran whose compensation is not subject to reduction under paragraphs (a) and (c) of this section prior to approval of an award of increased compensation.

(2) *Veteran subject to reduction under paragraphs (a) and (c) of this section.* If prior to approval of an award of increased compensation the veteran's compensation was reduced under the provisions of paragraphs (a) and (c) of this section, the amount of the increase shall be reduced as follows if the veteran remains incarcerated:

(i) If the veteran's schedular evaluation is increased from 10 percent to 20 percent or greater, the amount payable to the veteran shall be increased from one-half the rate payable under 38 U.S.C. 314(a) to the rate payable under section 314(a).

(ii) If the veteran's schedular evaluation was 20 percent or more, none of the increased compensation shall be paid to the veteran while the veteran remains incarcerated.

(3) *Veteran's compensation not subject to reduction under paragraphs (a) and (c) of this section prior to award of increased compensation.* If prior to the approval of an award of increased compensation the veteran is incarcerated in a Federal, State, or local penal institution for conviction of a felony and the veteran's compensation was not reduced under the provisions of paragraphs (a) and (c) of this section, none of the increased compensation shall be paid to the veteran for periods after October 7, 1980, subject to the following conditions:

(i) The veteran remains incarcerated after October 7, 1980 in a Federal, State, or local penal institution for conviction of a felony; and

(ii) The award of increased compensation is approved after October 7, 1980. If the effective date of the increase is prior to October 8, 1980, the amount payable for periods prior to October 8, 1980, shall not be reduced.

(4) *Apportionments.* The amount of any increased compensation reduced under this paragraph may be apportioned as provided in paragraph (e) of this section.

(k) *Retroactive awards.* Whenever compensation or DIC is awarded to an incarcerated person any amounts due for periods prior to date of reduction under this section shall be paid to the incarcerated person.

(l) *DIC parents.* If two parents are both entitled to DIC and were living together prior to the time the DIC payable to one parent was reduced due to incarceration, they shall be considered as two parents not living together for the purpose of determining entitlement to DIC. (38 U.S.C. 210(c), 3113)

8. In § 3.666, the headnote and paragraph (d) are revised to read as follows:

§ 3.666 Penal institutions—pension.

* * * * *

(d) *Veteran entitled to compensation.* If an imprisoned veteran is entitled to a lesser rate of disability compensation, it shall be awarded as of the 61st day of imprisonment in lieu of the penison the veteran was receiving if the veteran has neither spouse nor child. If the veteran has a spouse or a child, compensation will be awarded only after the veteran has been furnished an explanation of the effect of electing compensation on the amount available for apportionment. If the veteran then requests compensation, it shall be awarded from the date the veteran requests the Veterans Administration to take such action.

9. Section 3.750 is amended as follows:

(a) By deleting the words "paragraph (c) of this section" and inserting "paragraphs (c) and (d) of this section" in paragraph (a); by deleting the words "as well as pension" in the first sentence of paragraph (b); and by deleting the words "pension or" twice in the first sentence and "or pension" in the last sentence of paragraph (c).

(b) Paragraph (d) is added to read as follows:

§ 3.750 Retirement pay.

* * * * *

(d) *Pension*—(1) *Improved pension.* A person specified in paragraph (a) of this section may receive improved pension and retirement pay concurrently without having to waive any portion of the person's retirement pay. In determining entitlement to improved pension, retirement pay shall be treated in the same manner as countable income from other sources.

(2) *Old-law and section 306 pension.* A person specified in paragraph (a) of this section may not receive old-law or section 306 pension and retirement pay concurrently without waiver of retirement pay as provided in paragraph (c) of this section concerning compensation. (38 U.S.C. 3104(a))

10. In § 3.809, the headnote and the introductory portion preceding paragraph (a) are revised as follows:

§ 3.809 Specially adapted housing under 38 U.S.C. 801(a).

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 801(a) may be extended to a veteran if the following requirements are met:

* * * * *

11. Following § 3.809 and the cross reference, a new § 3.809a is added to read as follows:

§ 3.809a Special home adaptation grants under 38 U.S.C. 801(b).

A certificate of eligibility for assistance in acquiring necessary special home adaptations under 38 U.S.C. 801(b) may be issued to a veteran who served after April 20, 1898, if the following requirements are met:

(a) The veteran is not entitled to a certificate of eligibility for assistance in acquiring specially adapted housing under § 3.809 nor had the veteran previously received assistance in acquiring specially adapted housing under 38 U.S.C. 801(a). A veteran who first establishes entitlement under this section and who later becomes eligible for a certificate of eligibility under § 3.809 may be issued a certificate of eligibility under § 3.809. However, no particular type of adaptation,

improvement, or structural alteration may be provided to a veteran more than once.

(b) The veteran is entitled to compensation for permanent and total disability which (1) is due to blindness in both eyes with 5/200 visual acuity or less, or (2) includes the anatomical loss or loss of use of both hands. (38 U.S.C. 801(b)).

(c) The assistance referred to in this section will not be available to any veteran more than once. (38 U.S.C. 802).

[FR Doc. 81-5800 Filed 2-18-81; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Indemnity Claims; Correction

AGENCY: Postal Service.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 81-4085 which proposed changes to the Domestic Mail Manual, concerning indemnity claims for insured, COD, registered and express mail.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Belford, (202) 245-4529.

Indemnity Claims—Correction

In FR Doc. 81-4085 appearing on page 11301, in the issue of Friday, February 6, 1981, make the following correction:

On page 11302, third column, the first sentence of 149.222a is incorrect and should be revised to read as follows:

.222 Loss Claims.

a. Insured and COD

The mailer may not file a claim until 30 days after the date of mailing for insured articles and 45 days after the date of mailing for COD articles. * * *

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-5624 Filed 2-18-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 720

[OPTS-50018B; TSH-FRL 1757-1]

Premanufacture Notification Requirements and Review Procedures; Extension of Time for Comment on Proposed Economic Impact and Draft Regulatory Analyses

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule Related Notice; Extension of Time for Comment.

SUMMARY: This notice extends the comment period and offers an opportunity to present oral discussion in a meeting, open to the public, for the Agency's proposed economic impact analysis and draft regulatory analysis for the Premanufacture Notification requirements proposed under section 5 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2604). The Agency has granted a request by the Chemical Manufacturers Association (CMA) to extend the time for written comment until March 13, 1981, and offers an opportunity to present oral discussion of previously submitted commentary on March 26, 1981.

DATES: The time for written comments ends at close of business, Friday, March 13, 1981. The opportunity to present oral discussion will be from 12:00 p.m. to 4:00 p.m. on Thursday, March 26, 1981.

ADDRESS: The meeting, to be held only upon prior request and arrangement, will be in Washington, D.C. at: Environmental Protection Agency Headquarters, Rm. 3906, Waterside Mall, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-136, 401 M St., SW., Washington, D.C. 20460. (Toll-Free: 800-424-9065, In Washington, D.C.: 554-1404).

SUPPLEMENTARY INFORMATION: Publication of the proposed economic impact and the draft regulatory analyses to support Premanufacture Notification requirements as proposed was announced in the **Federal Register** of November 13, 1980 (45 FR 74945), and the comment period, originally 30 days, was extended until February 13, 1981 in a **Federal Register** notice on December 11, 1981 (45 FR 81615).

The CMA requested the Agency to grant an additional 30 days to complete their written comment. In light of the size and scope of the EPA analyses and of their review by CMA, as outlined in a letter, EPA has granted this request. Thus, the time for submitting written comments is hereby extended until the close of business, Friday, March 13, 1981.

In addition, to expedite its own process of developing a final position on the economic impacts projected for Premanufacture Notification (PMN), which must accompany the final rule on PMN, the Agency is hereby offering an opportunity to hear oral discussion of previously submitted written comments on Thursday, March 26, 1981, from 12:00 p.m. to 4:00 p.m. Such a meeting, should sessions be arranged at the request of either a commentator or of EPA, will be open to public. A transcript will be made and included in the official public record. Participation in a session will be limited to representatives of the organization scheduled to present discussion and of EPA. The place of meeting will be Rm. 3906, Waterside Mall, Environmental Protection Agency Headquarters, 401 M St., SW., Washington, D.C. Persons interested in requesting time to present discussion should telephone as soon as possible the Industry Assistance Office (Toll-Free: 800-424-9065; in Washington, D.C.: 554-1404).

Persons interested in ascertaining if sessions have been scheduled or in attending should also call the Industry Assistance Office. Please note that only material already submitted during the written comment period will be considered or discussed at this meeting.

(Sec. 5, Toxic Substance Control Act (TSCA); 90 Stat. 2006 (15 U.S.C. 2604))

Dated: February 12, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-5605 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-31-M

DEPARTMENT OF THE INTERIOR

Water and Power Resources Service

43 CFR Part 426

Acreage Limitation; Water and Power Rules and Regulations

AGENCY: Water and Power Resources Service, Interior.

ACTION: Suspension-of comment period on proposed rules.

SUMMARY: This Notice suspends the comment period on the proposed rules and regulations for acreage limitation for an indefinite period of time. On January 14, 1981, the Department of the Interior published in the **Federal Register** (46 FR 3350-3357) proposed rules and regulations for administering the acreage limitation provisions of Reclamation law. The closing date for written comments on the proposed rules was March 16, 1981. To allow adequate time for the Department to study and review thoroughly the issues involved, the comment period is hereby suspended for an indefinite period of time. Notice of resumption of the comment period on the proposed rules, and establishment of a new deadline for comments, will be published in a future edition of the **Federal Register**. A Notice

of suspension of the comment period on the draft environmental impact statement on the proposed rules and regulations for acreage limitation is published separately in this issue of the Federal Register.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Senior Staff Assistant for Special Projects, Operation and Maintenance Policy Staff, Water and Power Resources Service, Department of the Interior, Washington, D.C. 20240, (202) 343–2148.

Dated: February 12, 1981.

David C. Russell,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81–5585 Filed 2–18–81; 8:45 am]

BILLING CODE 4310–09–M

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43 CFR Part 426

[INT—DES 81–1]

Acreage Limitation: Suspension of Comment Period on Draft Environmental Impact Statement

AGENCY: Water and Power Resources Service, Interior.

ACTION: Suspension of comment period on draft environmental impact statement.

SUMMARY: On January 14, 1981, the Department of the Interior published in the Federal Register (46 FR 3358) a Notice of Availability of a draft environmental impact statement on proposed rules and regulations for administering the acreage limitation provisions of reclamation law. The closing date for written comments on the draft statement was March 16, 1981. To allow adequate time for the Department to study and review thoroughly the issues involved, the comment period is hereby suspended for an indefinite period of time. Notice of resumption of the comment period on the draft statement, and establishment of a new deadline for comments, will be published in a future edition of the Federal Register.

DATE: Effective date of this action is February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, (202) 343–2148.

Dated: February 12, 1981.

David C. Russell,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81–5582 Filed 2–18–81; 8:45 am]

BILLING CODE 4310–09–M

Notices

Federal Register
Vol. 46, No. 33
Thursday, February 19, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Planning; Interim Policy

Correction

In FR Doc. 81–4697, published on page 11690, on Tuesday, February 10, 1981, in the first column, in the "SUMMARY" paragraph, in the last line "FSMN 24100" should be corrected to read "FSM 2410".

BILLING CODE 1505–01–M

Access Road and Bulk Sampling at Quartz Hill Tongass National Forest Ketchikan, Alaska; Intent To Prepare an Environmental Statement

The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement for an access road for bulk sampling purposes and the bulk sampling phase proposed by U.S. Borax and Chemical Corporation in the Quartz Hill Area. The project area is located near Wilson Arm and Boca de Quadra in the Misty Fjords National Monument. Alternatives to be developed and considered range from no action to various road routes from the heads of Wilson Arm and Boca de Quadra along with alternative mitigating measures for the road, bulk sampling, and related facilities.

The Alaska National Interest Lands Conservation Act of 1980 requires that an Environmental Impact Statement (EIS) covering an access road for bulk sampling purposes be completed within twelve months of passage of the Act. The Act specifies that the EIS include as a minimum the following considerations:

"A. An evaluation of alternative surface access routes which may minimize the overall impact on fisheries of both access for bulk sampling and mine development access;

B. An evaluation of the impacts of the alternatives on fish, wildlife, and their habitats, and measures which may be instituted to avoid or minimize negative impacts and to enhance positive impacts;

C. An evaluation of the extent to which the alternatives can be used for, and the likelihood of each alternative being used as a mine development road, including the impacts of widening a road, realinements and other design and placement options; and

D. Plans to evaluate the water quality and water quantity, fishery habitat, and other fishery values of the affected area, and to evaluate, to the maximum extent feasible and relevant, the sensitivity to environmental degradation from activities carried out under a plan of operations of the fishery habitat as it affects the various life states of anadromous fish and other foodfish and their major food chain components."

Additionally the EIS shall incorporate all relevant data and other information included in the EIS previously prepared on access to the Quartz Hill area.

As a first step in the environmental analysis, Federal, State, and local agencies, organizations, and individuals who may be interested in or affected by the decision will be invited to participate in the scoping process which includes: (a) Identification of those issues to be addressed; (b) identification of issues to be analyzed in depth; and (c) elimination of insignificant issues or issues which are unrelated to the access road. Notice of scoping sessions will be sent to news media and interested groups and individuals.

To reduce paper work and time in the acquisition of various permits within their authorities and to make better use of their special expertise, the State of Alaska, U.S. Fish & Wildlife Service, U.S. National Marine and Fisheries Service, and the U.S. Army Corps of Engineers have agreed to be participating agencies in preparation of this environmental statement.

The draft environmental statement will be issued no later than December 1, 1981 and the final statement is anticipated for release by April 1, 1982. Implementation of the selected alternative would begin 60 days later.

The responsible official is J. S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest. Comments on the Notice of Intent or the Proposed Activity sould be sent to Edward R. Johnson, Interdisciplinary Team Leader, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901, telephone (907) 225–3101.

J. S. Watson,

Forest Supervisor, Ketchikan Area, Tongass National Forest.

[FR Doc. 81–5580 Filed 2–18–81; 8:45 am]

BILLING CODE 3410–11–M

Siskiyou National Forest Vegetation Management Program for Site Preparation and Conifer Release; Finding of No Significant Impact.

An Environmental Assessment that discusses the vegetation management program for site preparation and conifer release on the Chetco, Galice, Gold Beach, Illinois Valley and Powers Ranger Districts of the Siskiyou National Forest has been prepared. The Environmental Assessment considered vegetation management on 14,570 acres, and involves the control of competing vegetation on 7,130 acres of National Forest lands within Coos, Curry and Josephine Counties, Oregon, and Del Norte County, California. The report is available for review at the Chetco Ranger Station in Brookings, Oregon, the Galice Ranger Station in Grants Pass, Oregon, the Gold Beach Ranger Station in Gold Beach, Oregon, the Illinois Valley Ranger Station in Cave Junction, Oregon, the Powers Ranger Station in Powers, Oregon, and the Siskiyou National Forest Office in Grants Pass, Oregon.

Based on the analysis and evaluation described in the environmental assessment, I have selected a preferred alternative that includes the following control measures: aerial application of 2,4-D, 5,833 acres; aerial application of glyphosate, 454 acres; ground application of 2,4-D, 115 acres; ground application of glyphosate, 51 acres; ground application of picloram and 2,4-D mixture, 191 acres; hand removal of vegetation, 4 acres; hand cutting of vegetation, 472 acres; handcutting of vegetation and broadcast burn, 10 acres. No treatment was selected for the additional 7,440 acres considered.

The preferred alternative, with the specified management requirements, preventative or protective measures, and monitoring controls is considered to be environmentally preferable, as it

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provides the best combination of physical, biological, social and economic factors.

The analysis considered public issues, management concerns and opportunities. Evaluation criteria were developed to incorporate this input, and key criteria identified. Effects of the program on the identified criteria were considered through a range of alternatives which included no action. the greatest weight in evaluations was given the key criteria, which included effects on: health and safety; plants and animals; treatment costs; and treatment efficiency. The relationship between local short-term uses of the renewable resources and maintenance of long-term productivity was considered through effects on these criteria: use patterns; soil productivity; timber supply; and, treatment efficiency. The evaluations also considered: fossil fuel energy requirements; direct and indirect benefits and costs; effects on minority groups and civil rights; and the relationship of expected outputs to the Forest's goals. Preservation of Threatened and Endangered plants and animals, cultural resource values, biological areas, wilderness, and other sensitive environmental factors was considered. Evaluations also included consideration of effects on wetlands and floodplains, adverse environmental effects which cannot be avoided, and irreversible and irretrievable resource commitments.

I have determined, based on the environmental analysis, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) the preferred alternative, with included requirements, preventative or protective measures and monitoring controls, will protect public health and safety, and plants and animals, including Threatened and Endangered; (b) the preferred alternative will best meet treatment cost and efficiency criteria; (c) all included chemicals are approved by EPA for the proposed uses, and the application of these chemicals will comply with pertinent EPA labels, State and Federal law, and Forest Service policies; (d) treatment with the included chemical, manual, and thermal methods will have only a slight and temporary effect on the ecosystems of the specific project areas; (e) physical and biological effects are limited to the areas of planned treatment; (f) there are no irreversible or irretrievable resource commitments or losses; (g) a balance is achieved between local short-term uses of the renewable resources and the maintenance and enhancement of long-term productivity; (h) the proposed program is in accord with the requirements and direction contained in Final Environmental Statements for the Mt. Butler-Dry Creek (1976), Rogue-Illinois (1979), and Chetco-Grayback (1979) Land Management Planning Units; (i) no wetlands or floodplains will be treated.

No action will be taken prior to 30 days from the date this finding is published in the **Federal Register**.

The responsible official is William H. Covey, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, 6th and Midland, Grants Pass, Oregon 97526.

Dated: February 9, 1981.

William H. Covey,

Forest Supervisor.

[FR Doc. 81-5644 Filed 2-18-81; 8:45 am]

BILLING CODE 3410-11-M

ARMS CONTROL AND DISARMAMENT AGENCY

Privacy Act of 1974; Annual Notice of the Existence and Character of Systems of Records

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Annual notice of the existence and character of systems of records.

SUMMARY: As required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), the U.S. Arms Control and Disarmament Agency gives annual notice of the existence and character of its systems of records.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond O. Waters, (202) 632-0760.

SUPPLEMENTARY INFORMATION: As required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) the U.S. Arms Control and Disarmament Agency hereby gives annual notice of the existence and character of its systems of records, without changes, as published in the **Federal Register** on September 20, 1977 (42 FR 47464), and amended on June 21, 1978 (43 FR 26602), on September 15, 1980 (45 FR 61003), and on December 16, 1980 (45 FR 82684) as adopted on January 29, 1981 (46 FR 9680).

Dated: February 9, 1981.

James T. Hackett,

Administrative Director.

[FR Doc. 81-5593 Filed 2-18-81; 8:45 am]

BILLING CODE 6820-12-M

CIVIL AERONAUTICS BOARD

[DOCKET 39251]

New Gateways to Brazil Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on March 5, 1981, at 9:30 a.m. (local time), in Room 1003, hearing Room B, Universal Building North, 1875 Connecticut Ave., NW., Washington, D.C. before the undersigned administrative law judge.

In view of the expedited nature of the proceeding directed by the Board in Order 81-2-22, and in order to facilitate the conduct of the conference, parties are requested to serve, on or by February 27, 1981, statements of issues, (2) proposed stipulations, (3) proposed requests for additional information and for evidence, (4) statements of position, and (5) proposals for organizing cross-examination or otherwise expediting the hearing.

Parties with common interests are encouraged to determine the feasibility of making joint, rather than individual, presentations at the hearing and at the conference.

The Bureau of International Aviation has advised that it will circulate to all parties by February 20, 1981, its information requests.

Set forth below is a proposed schedule for subsequent procedural dates. Due to the need for expedition, it will be adopted unless objection is made at the conference.

Direct Exhibits, March 25, 1981.
Rebuttal Exhibits, April 8, 1981.
Hearing, April 13, 1981.
Briefs, May 4, 1981.

Dated at Washington, D.C., February 12, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-5637 Filed 2-18-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39267; Orders 81-2-58]

South Pacific Island Airways; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause, Order 81-2-58.

SUMMARY: The Board proposes to award South Pacific Island Airways authority to serve between Honolulu, Hawaii, Pago Pago, American Samoa and Papeete, Tahiti. Docket 39267.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be awarded as described in the order cited above, shall file a statement of such objections no later than March 16, 1981, with the Civil Aeronautics Board (20 copies) and mail copies to South Pacific Island Airways and the Bureau of Domestic Aviation, Civil Aeronautics Board. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificates.

ADDRESSES FOR OBJECTIONS:

Docket 39267 Docket Section, CAB, Washington., D.C. 20428.
Stephen A. Alterman, Counsel for South Pacific Island Airways, 1730 Rhode Island Ave., NW., Washington, D.C. 20036.
Phyllis Solomon, Bureau of Domestic Aviation, B-72, Civil Aeronautics Board, Wash., D.C. 20428.

To get a copy of the complete order, request it from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia N. Snyder, Office of General Counsel, Pricing and Entsy Division, Civil Aeronautics Board, (202) 673-5207.

By the Civil Aeronautics Board: February 12, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-5636 Filed 2-18-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Alabama Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 3:30 p.m., on March 23, 1981, at the Holiday Inn-State Capito, 924 Madison Avenue, Montgomery, Alabama 36104. The purpose of this meeting is to plan for the voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Marie S. Jemison, 3328 Dell Road, Birmingham, Alabama 35223, (205) 871-0283; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303 (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 11, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-5613 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

Alabama Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Alabama Advisory Committee to the Commission will convene at 1:00 pm and will end at 3:00 pm, on March 9, 1981, at the Hyatt Birmingham, 901 21st N., Birmingham, Alabama 35203. The purpose of this conference is to release an ERA statement.

Persons desiring additional information or planning a presentation to the Committee, should contract the Chairperson, Ms. Marie S. Jemison, 3328 Dell Road, Birmingham, Alabama 35223, (205) 871-0283; the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-5614 Filed 2-18-81; 8:45am]

BILLING CODE 6335-01-M

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 10 a.m. and will end at 5 p.m., on March 26, 1981, at the Marriot Hotel, 2 Stamford Forum, Stamford, Connecticut. The purpose of this meeting is to have a public forum on civil rights issues in Stamford, Connecticut.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, (203) 525-4700; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 11, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-5615 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm, on March 5, 1981, at the Lord Cromwell Inn, Exit 21, Interstate 91, Cromwell, Connecticut. The purpose of this meeting is to plan programs for FY 81.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, (203) 525-4700; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 11, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-5616 Filed 2-18-81; 8:45 am]

BILLING CODE 6335-01-M

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee of the Commission will convene at 3:30 p.m. and will end at 5:30 p.m., on March 10, 1981, at the Potomac Institute, 1501 Eighteenth Street, Washington, D.C. 20036. The purpose of this meeting is to consider 1) program options for 1981; 2) the release and distribution of recently printed District of Columbia Advisory Committee reports; and 3) scheduled meetings for 1981.

Persons desiring additional information or planning a presentation

to the Committee, should contact the Chairperson, Rev. Ernest R. Gibson, 1239 Vermont Avenue, NW., Room 102, Washington, D.C. 20005, (202) 332–2080; or the Mid-Atlantic Regional Office, 2120 L Street, NW., Room 510, Washington, D.C. 20037, (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–5617 Filed 2–18–81; 8:45 am]

BILLING CODE 6335–01–M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee of the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on March 12, 1981, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of this meeting is to review draft of report on Affirmative Action at the MBTA; discuss how the cutback in public employment will impact upon minorities and women.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, E. Falmouth, Massachusetts 02536, (617) 548–5123; or the New England Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 11, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–5618 Filed 2–18–81; 8:45 am]

BILLING CODE 6335–01–M

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:00 pm and will end at 6:30 pm, on April 8, 1981, at the Phelps Stokes Fund, 10 East 87 Street, New York, New York 10028. The purpose of this meeting is to discuss the coming projects for the year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Franklin H. Williams, Phelps Stokes Fund, 10 East 87 Street, New York, New York, 10028, (212) 427–8100; or the Eastern Regional Office, 26 Federal Plaza, Room 1639, New York, New York 10007, (212) 264–0600.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 11, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–5619 Filed 2–18–81; 8:45 am]

BILLING CODE 6335–01–M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1 p.m. and will end at 4:30 p.m., on March 9, 1981, at the Carolina Townhouse, Pavilion Room, 1615 Gervais Street, Columbia, South Carolina 29202. The purpose of this meeting is a press conference to release Statement on ERA, also to plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Oscar P. Butler, Jr., P.O. Box 1705, South Carolina State College, Orangeburg, South Carolina 29117, (803) 536–7040; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303, (404) 42–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 11, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–5620 Filed 2–18–81; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Maritime Administration

Determination by Maritime Subsidy Board Regarding Environmental Impact Statement for Tanker Construction Program and Application by Falcon World Shipping Corp.

The Maritime Subsidy Board (the Board) has approved an application from Falcon World Shipping Corporation (Falcon) for construction-differential subsidy (CDS) to aid in the construction of two Bulk Liquid Petroleum Product Carriers of the modified SEALIFT TANKER DESIGN, MA Design T6–M–136a. The Board noted that such approval was subject to the compliance of the shipyard and Falcon with the findings, conditions and order of the Board in Maritime Subsidy Board Docket No. A–75, served on August 30, 1973, as implemented by the Government actions taken thereunder. In that connection notice is hereby given that the environmental impact of constructing such vessels, which can be categorized by size as handy tankers, is adequately covered in the Environmental Impact Statement for the Tanker Construction Program (EIS) which was published on May 30, 1973, and adopted by the Maritime Administration/Maritime Subsidy Board in Docket No. A–75 on August 30, 1973. Therefore, neither a new nor a supplemental EIS is required with respect to this application.

A paper discussing the basis for the Board's decision, and copies of the EIS and Docket No. A–75, are available for public inspection in the Office of the Secretary, Room 3099–B, Maritime Administration, Department of Commerce Building, 14th & E Sts., NW., Washington, D.C. 20230.

(Catalog of the Federal Domestic Assistance Program 11.500)

Dated: February 13, 1981.

By Order of the Maritime Subsidy Board/ Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81–5653 Filed 2–18–81 8:45 am]

BILLING CODE 3510–15–M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce; Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that is is soliciting applications under its General Buiness Services Program (GBS) to operate one project for a 12 month period beginning May 1, 1981 in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia in Southeastern Pennsylvania, and in the counties of New Castle, Delaware and Cecil County, Maryland. The cost of the Project is estimated to be $442,000. The Project I.D. Number is 03–10–67006–00.

CLOSING DATE: February 27, 1981.

ADDRESS: U.S. Department of Commerce, Minority Business Development Agency, Washington Regional Office, 1730 K Street, N.W., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/ 634–7883.

SUPPLEMENTARY INFORMATION:

A. Scope of Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants

Educational institutions, state or local goverments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will emloy the following criteria:

1. *Capability of Firm.*

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. *Staffing Capability.*

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials.*

A. Submit examples of work specimen packages acceptable (Case Histories/ Business Plans).

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions centers of business influence, etc.

4. *Techniques and Methods Proposed to Implement the work requirement (Applicant Work Plan).*

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs: provide explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A Pre-Application Conference To Assist all Interested Applicants Will Be Held at the Following Address on February 3, 1981 at 10:00 a.m.

William J. Green, Jr., Federal Building, Room 10,320, 6th and Arch Streets, Philadelphia, Pennsylvania 19106.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: February 10, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81–5730 Filed 2–18–81; 8:45 am]

BILLING CODE 3510–21–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for a Proposed Improvement To Deepen the Existing Channels and Approaches to Baltimore Harbor

AGENCY: Baltimore District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. A plan of improvement to deepen the existing channels and approaches to Baltimore Harbor to meet the existing and prospective needs of navigation was authorized by the Congress (1970 Rivers and Harbors Act, P.L. 91–611) for construction. The proposed action is to modify the existing 42-foot channel by dredging to a depth of 50 feet. This would be accomplished by deepening the approach channels in Virginia, i.e., those channels needed to connect naturally deep water in the Chesapeake Bay, to 50 feet for a width of 1,000 feet and 29.8 miles and for deepening the main channel in Maryland to 50 feet for a width of 800 feet and 19.9 miles. Also, the Curtis Bay Channel in Baltimore Harbor will be deepened to 50 feet for a width of 600 feet and the east and west channels of the Northwest Branch are to be deepened to 49 feet and 40 feet, respectively, for a width of 600 feet. The project, as modified, will include 53 miles of imporved channels. Construction of these channels will result in dredging of approximately 72 million cubic yards of material (42 million in Maryland and 30 million in Virginia).

2. Investigative findings concerning the Baltimore Harbor and Channels were contained in survey reports published in 1969 and 1974. The purpose of these reports was to evaluate the need for and the advisability of deepening the existing channels and approaches to Baltimore Harabor in order to meet the existing and prospective needs of navigation.

The purpose of this study is to affirm the authorized plan of imporvement; taking into account environmental and technical considerations, economic feasibility, social impact, public involvement; and refine the design, construction schedule, and operation/ maintenance plan for the authorized imporvements. Therefore, alternatives to the proposed action are mainly directed towards those involved with disposal of the dredged material. Since channel depths and dimensions have been recommended to meet the existing and prospective needs of navigation, there are no viable alternative solutions other than that of no action

3.a. The public involvement program consisted principally of workshops over the duratioin of the study, public meetings, letters of coordination to appropriate agencies and parties to identify concerns and issues, and additional coordination and communication efforts deemed appropriate. A public meeting is tentatively scheduled to be held in April of 1981. All appropriate Federal, State, and local agencies, interested citizens groups, and individuals will be notified of the public meeting.

3.b. Issues that will be analyzed in the DEIS are: (1) the selection and alternatives to the disposal of dredged

material; (2) the effects of disposal; and (3) economic, social, and ecological remifications of the project.

3.c. The U.S. Fish and Wildlife Service has provided input to the survey reports, GDM, and DEIS in accordance with the provisions of the Fish and Wildlife Coordination Act.

4. Various resource agencies have been coordinated with to address pertinent environmental concerns that have risen through the scoping process. In addition, a Technical Advisory Group (TAG), consisting of the major resource agencies, and various State and Federal agencies was formed. Information regarding existing data and specific environmental concerns was elicited from those present. This group met periodically for the duration of the study to assist in the identification of existing information sources, remaining information needs, means of data collection, specific concerns, and to provide timely contributions to and review of the study documents.

5. The DEIS is scheduled to be available to the public in April 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Robert N. Blama, Study Manager, Baltimore District, Corps of Engineers, P.O. Box 1715, Baltimore, Maryland 21203, Telephone (301) 962–2558.

Dated: February 15, 1981.

James B. Royce,

LTC, Corps of Engineers, Deputy District Engineer.

[FR Doc. 81–5551 Filed 2–18–81; 8:45 am]

BILLING CODE 3710–41–M

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Louisiana Coastal Area, Freshwater Diversion for Breton Sound, Barataria Basin, and Terrebonne Basin

AGENCY: U.S. Army Engineer District, New Orleans, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. *Proposed Action.* The proposed work to be analyzed in this statement is the diversion of Mississippi River water into estuarine areas at four locations in southeastern Louisiana. The purposes of the proposed work include improvement of wildlife and fisheries production, reduction of saltwater intrusion, enhancement of vegetative growth, and restoration of coastal wetlands. Development of one site as a pilot to be intensively monitored and to provide a basis for evaluating other elements of any plan prior to their construction is a possibility. The possible diversion sites are at the following locations, all in southeastern Louisiana:

a. A diversion structure through the westbank leves of the Mississippi River at about river mile 141, then via a dredged channel to Bayou Lasseigne to Lac des Allemands, a total distance of 4.5 miles.

b. A diversion structure through the westbank levee at about river mile 131, then via dredged channel to Bayou Fortier to Lac des Allemands, a total distance of 7.5 miles.

c. A diversion structure through the westbank levee at river mile 70, then via a dredged channel in the vicinity of Hero Canal to the Gulf Intracoastal Waterway to Barataria Waterway to Barataria Bay, a total distance of 10 miles.

d. A diversion structure through the eastbank levee at about river mile 81, then via a dredged canal in the vicinity of Caernarvon Canal to Big Mar, then through connecting waterbodies to Breton Sound, a total distance of 5 miles.

2. *Alternatives.* a. A total of 17 candidate sites were studied, including a mix of various structural alternatives. Most were eliminated because of engineering, environmental, and socioeconomic considerations.

b. Saltwater barriers have been considered but they only partially meet the planning objectives of the proposed action.

c. The no action alternative is also being considered. However, this would be unacceptable because no action would allow continued deterioration of the estuarine environment of coastal Louisiana.

3. *Scoping Process.* a. Three initial public meetings were held on November 19, December 13, and December 17, 1968 at Jennings, LA; Houma, LA; and New Orleands, LA, respectively. A draft study report entitled "Fish and Wildlife Study of the Louisiana Coastal Area and the Atchafalaya Basin" was released in September 1974. A coordination meeting was held on April 23, 1980 with representatives of Federal, state, and local agencies interested in freshwater diversion to discuss the status of the study and the planning course of action. Various informal meetings were held and more will be held with representatives of Federal and state fish and wildlife agencies, local interests, environmental groups, and other special interest groups. A Stage 3 plan formulation public meeting is scheduled to be held in November 1981.

b. Significant issues to be addressed in the draft EIS include coastal wetland deterioration, adverse and beneficial impacts of freshwater diversion on the estuarine ecosystem, water quality, project costs, real estate requirements, effects of diversion on local drainage, impacts on the human environment, and cultural and historical resources.

c. The U.S. Fish and Wildlife Service has provided a draft planning aid report on the proposed action. In the future, the agency will provide a final planning aid report and a Coordination Act Report.

d. Periodic reviews will be held with U.S. Fish and Wildlife Service and other Federal, state, and local agencies.

4. *Scoping Meetings.* The public meeting scheduled for November 1981 is considered a scoping meeting. Public distribution of notices relative to the study will be provided.

5. *Availability.* The draft EIS is scheduled to be available to the public in October 1981.

ADDRESS: Questions concerning the proposed action and draft EIS can be directed to Frank J. Cali, U.S. Army Engineer District, New Orleans, Planning Division, P.O. Box 60267, New Orleans, LA 70160, telephone: (504) 838–2520.

Dated: February 4, 1981.

Thomas A. Sands,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81–5643 Filed 2–18–81; 8:45 am]

BILLING CODE 3710–84–M

Office of the Secretary of Defense

DOD Advisory Group on Electron Devices; Notice of Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session 24 and 25 March 1981, at the Palisades Institute for Research Services, Inc. 1925 North Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, § 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer Washington Headquarters Services.

Feduary 12, 1981.

[FR Doc.81–5674 Filed 2–18–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Energy Policy Task Force; Change in Meeting Time

This notice is given to advise of a change in the time of the meeting of the Energy Policy Task Force. The meeting will begin at 1:30 p.m. and adjourn at approximately 4:00 p.m. on February 19, 1981, in lieu of the times announced in the February 11, 1981, issue of the Federal Register (46 FR 11858).

Issued at Washington, D.C. on February 13, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81–5753 2–17–81; 2:10 pm]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Entitlements Program Crude Oil Cost Data November 1978 Through November 1980

The Economic Regulatory Administration (ERA) hereby issues its bi-monthly notice of crude oil cost data. The purpose of this notice is to make available to the public information on the effect of the entitlements program on the crude oil costs of the various segments of the refining industry. Table I (attached) sets forth the pre-entitlements costs of crude oil to (1) the major refiners (Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobil, Phillips, Shell, Sunoco, Texaco, and Union-Oil), (2) large independent refiners (Amerada Hess, Sohio, Ashland, Coastal, Tosco, Kerr-McGee, and Champlin), and (3) small refiners. Table II (attached) shows the post-entitlements crude oil cost distribution for the 22 major and large independent companies. Table III (attached) shows the pre-entitlements imported crude oil cost distribution for the same 22 companies.

The data are based on the reports filed each month on the Form ERA–49 by all refiners in the entitlements program.

Issued in Washington, D.C. on February 16, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

For Further Information Contact:

David A. Welsh (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, N.W., Room 6128, Washington, D.C. 20461 (202/653–3459)

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461 (202/653–4055)

Table I.—*Crude Oil Costs Before and After Entitlement Payments*

(Dollars per barrel)

	Majors (top 15)[1]		Large independents[2]		Small refiners	
	Pre	Post[3]	Pre	Post[3]	Pre	Post[3]
1978:						
November	$12.51	$12.91	$13.26	$12.95	$13.07	$12.23
December	12.68	13.06	13.78	13.25	13.22	12.23
1979:						
January	12.76	13.24	14.08	13.48	13.60	12.65
February	13.17	13.65	14.22	13.60	13.72	12.77
March	13.40	13.82	14.60	14.55	14.11	13.23
April	14.15	14.60	15.85	15.27	14.82	13.96
May	14.82	15.42	17.10	16.41	15.89	14.78
June	16.43	16.93	18.61	17.39	17.76	17.17
July	18.13	18.71	20.74	19.19	18.74	18.11
August	19.11	19.62	21.75	20.25	20.52	[illegible]
September	19.29	19.85	21.43	[illegible]	21.43	[illegible]
October	20.02	[illegible]	22.63	[illegible]	21.[illegible]	20.62
November	21.03	21.81	25.87	24.61	[illegible]	21.97
December	22.71	23.55	[illegible]	23.65	[illegible]	24.23
1980						
January	23.96	24.90	26.19	25.15	26.81	24.62
February	25.22	26.13	[illegible]	26.15	27.32	26.51
March	25.85	26.88	[illegible]	26.87	[illegible]	27.34
April	[illegible]	27.02	29.41	[illegible]	[illegible]	27.22
May	[illegible]	[illegible]	29.33	29.22	29.89	27.04
June	27.60	[illegible]	31.51	30.41	30.58	[illegible]
July	[illegible]	28.95	[illegible]	29.73	30.37	[illegible]
August	27.54	[illegible]	31.25	30.44	[illegible]	27.77
September	[illegible]	[illegible]	[illegible]	28.64	[illegible]	27.75
October	29.19	[illegible]	30.44	29.87	30.17	27.85
November	[illegible]	31.09	30.53	31.15	[illegible]	27.19
Change January 1979 to November 1980	16.62	17.85	16.47	17.67	[illegible]	14.54

[1] Amoco, Arco, Chevron, Citgo, Conoco, Exxon, Getty, Gulf, Marathon, Mobile, Phillips, Shell, Sunoco, Texaco, and Union-Oil.

[2] Hess, Sohio, Ashland, Coastal, Tosco, Kerr McGee & Champlin.

[3] Post Entitlements payment costs show the effect of the entitlements payments in the month for which the notice is published even though the payments take place two months later. For example, November 1979 data are shown in the entitlement notice for November 1979 published in January 1980. August and September Post Entitlement Cost for small refiners have been adjusted to exclude SPR Enitlements.

BILLING CODE 6450–01–M

V 46 / 33 FE 19 81 UMI

TABLE II

PAGE 1

POST ENTITLEMENT
CRUDE OIL COST DISTRIBUTION
22 MAJOR AND LARGE INDEPENDENT COMPANIES

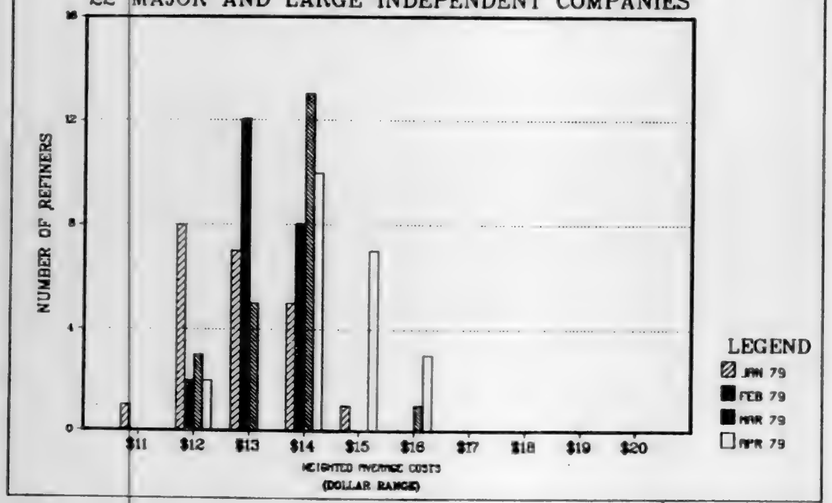


TABLE II

PAGE 2

POST ENTITLEMENT
CRUDE OIL COST DISTRIBUTION
22 MAJOR AND LARGE INDEPENDENT COMPANIES

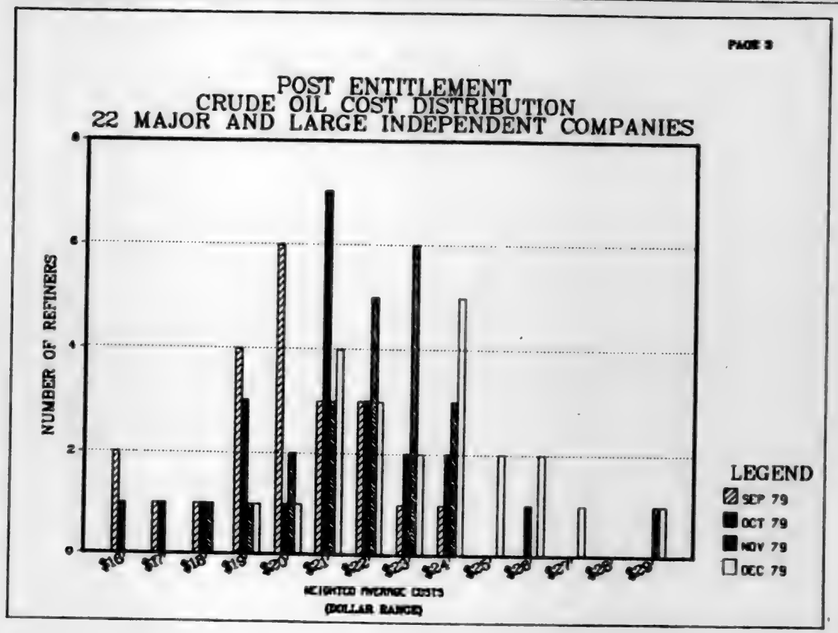


TABLE II

PAGE 3

POST ENTITLEMENT
CRUDE OIL COST DISTRIBUTION
22 MAJOR AND LARGE INDEPENDENT COMPANIES

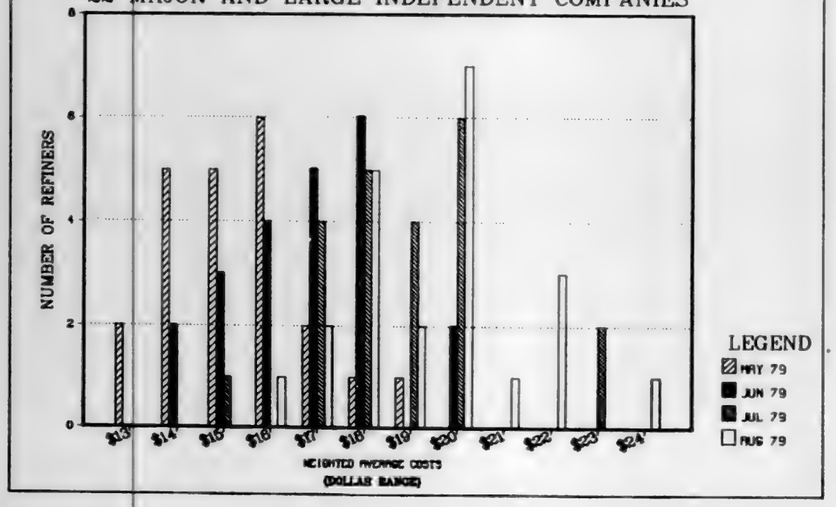
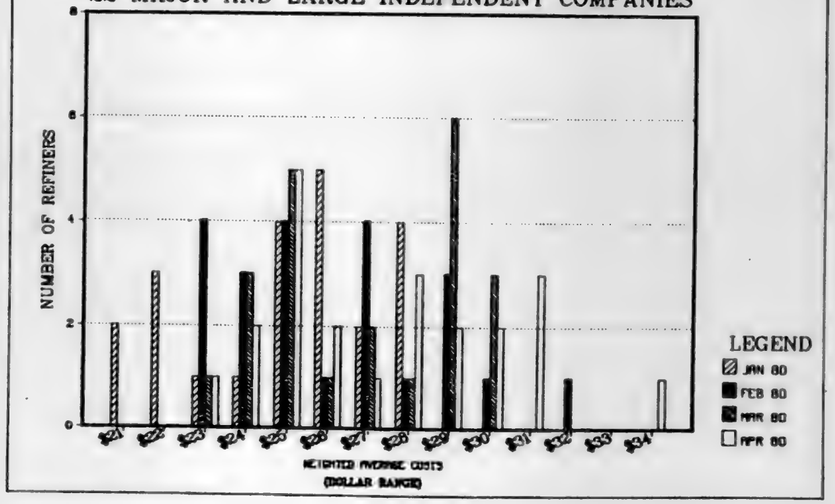


TABLE II

PAGE 4

POST ENTITLEMENT
CRUDE OIL COST DISTRIBUTION
22 MAJOR AND LARGE INDEPENDENT COMPANIES



V 46 / 33 FE 19 81 1 UMI

TABLE II

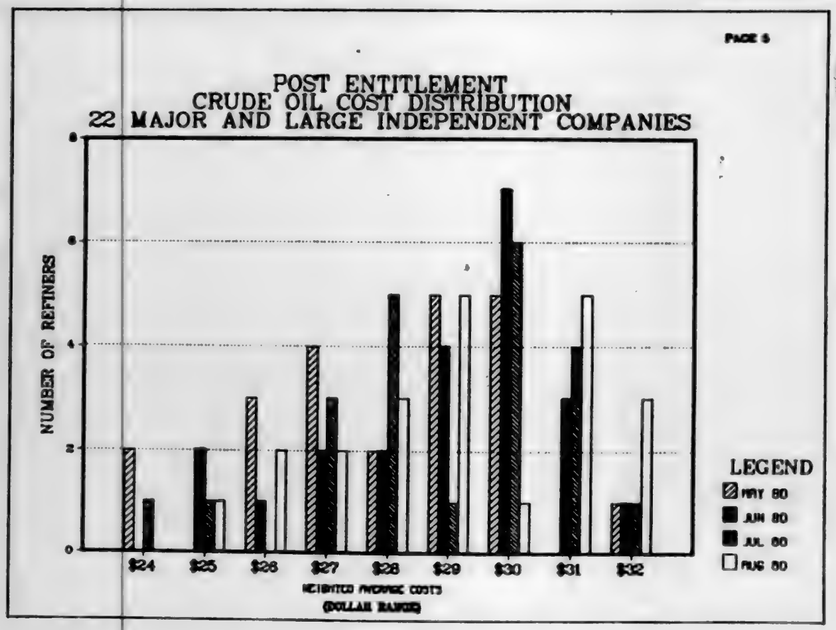


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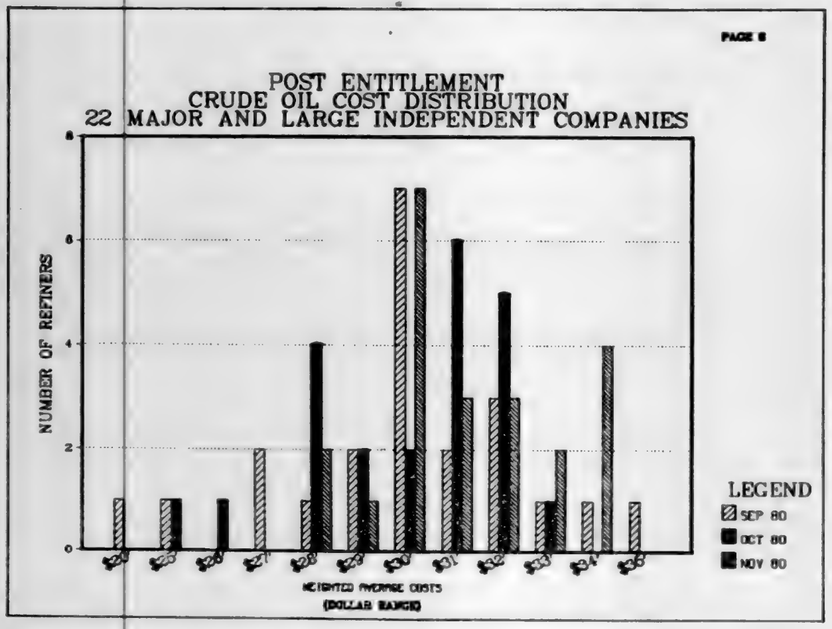


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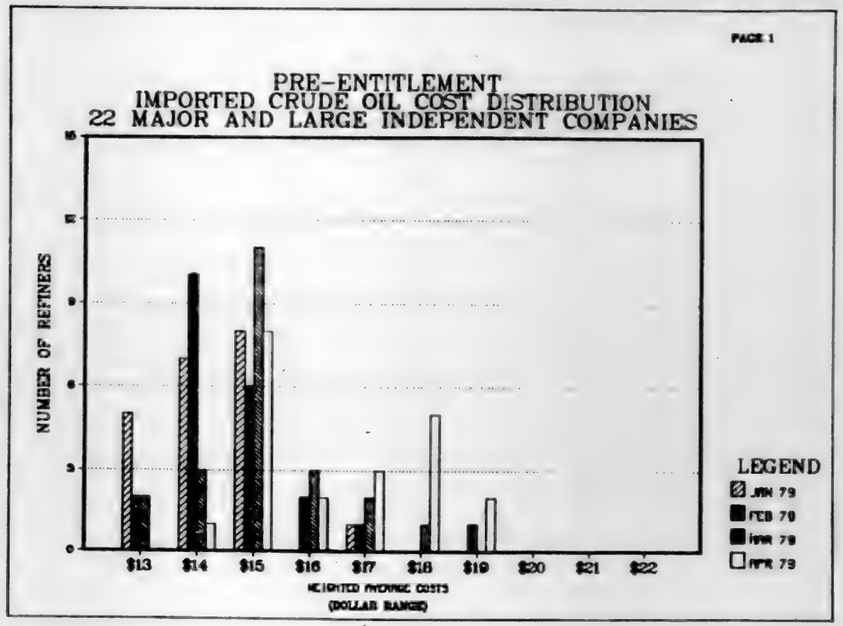
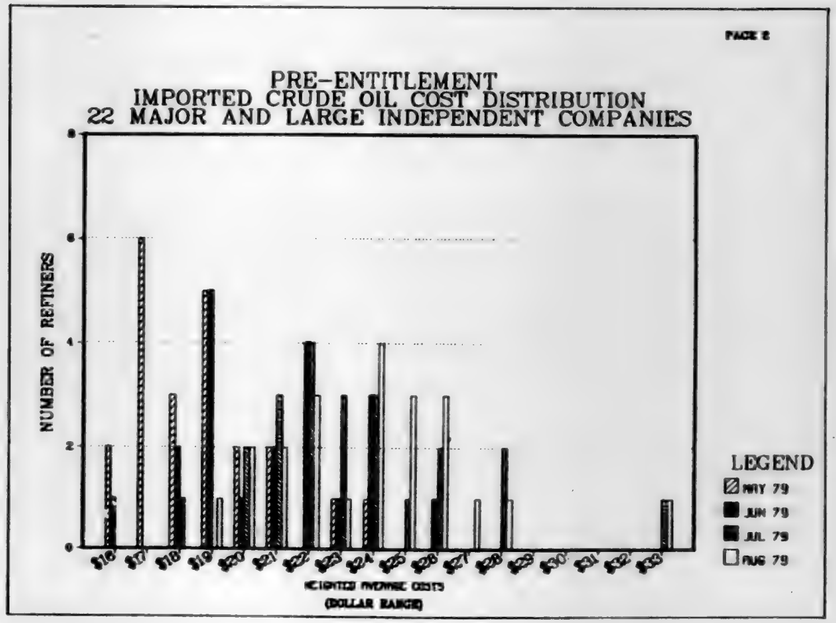


TABLE III



V 46 / 33 FE 19 81 UMI

TABLE III

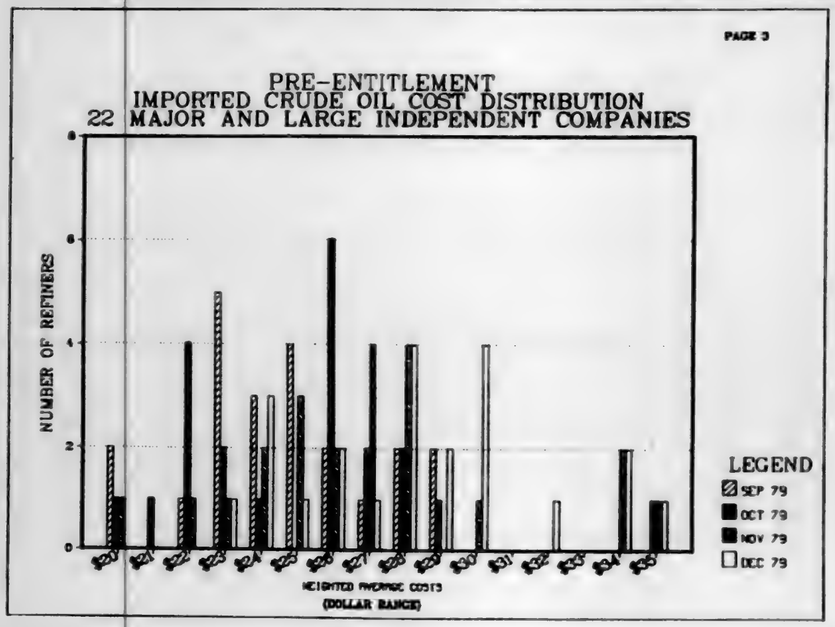


TABLE III

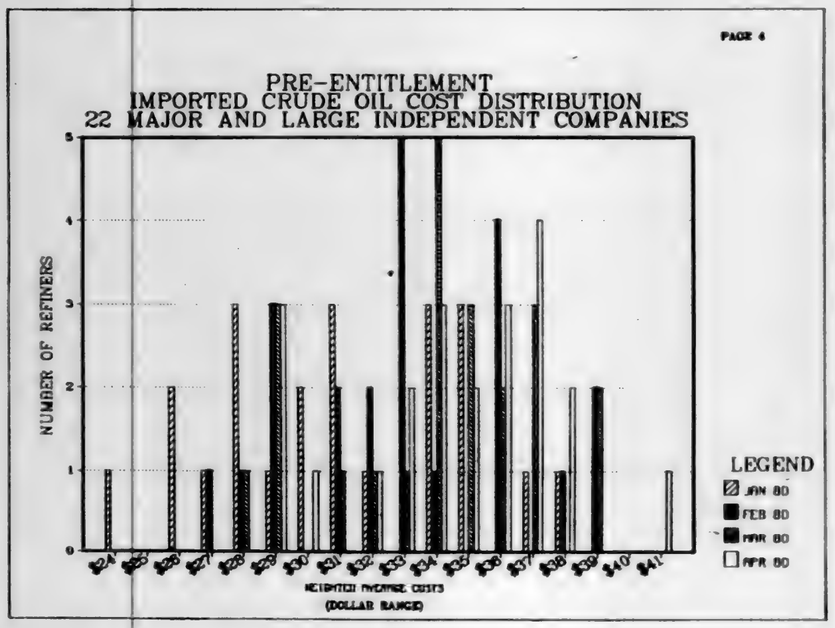


TABLE III

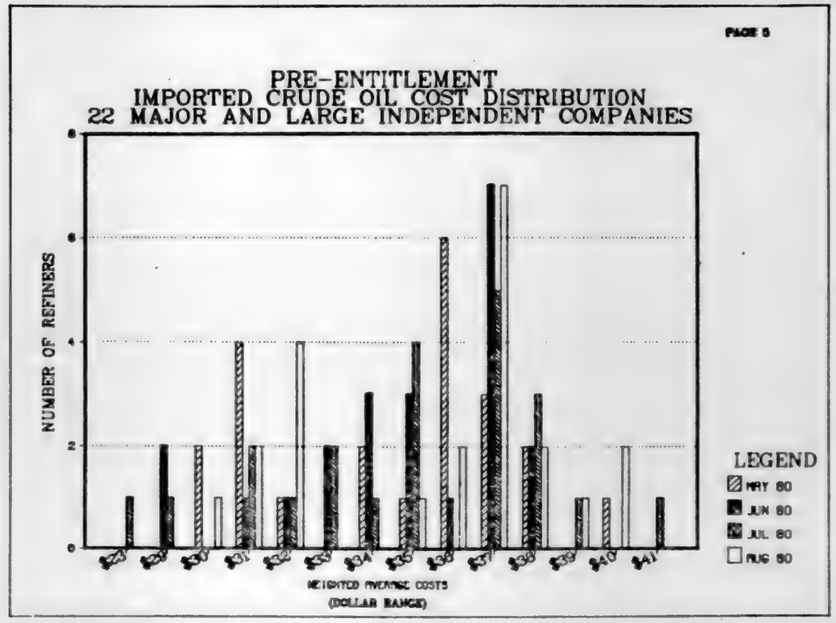
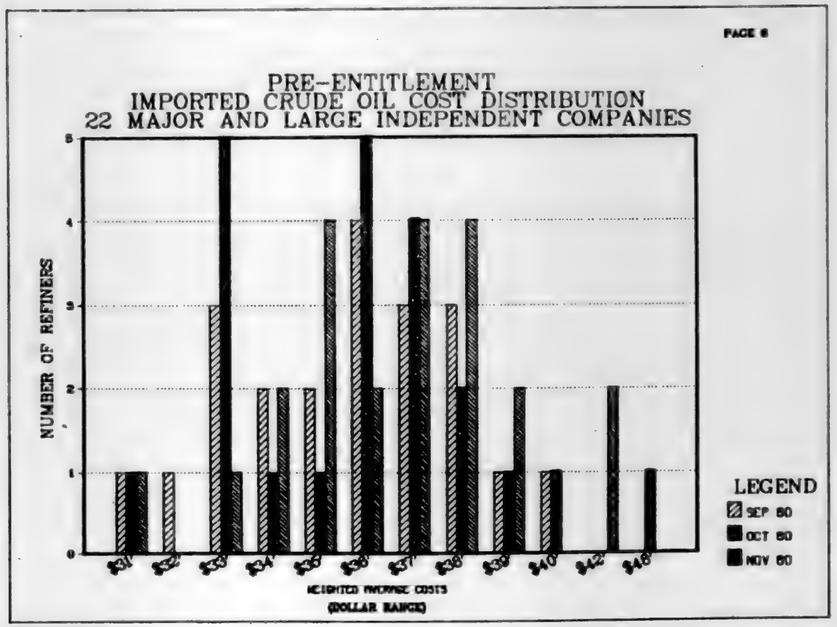


TABLE III



[FR Doc. 81-5083 Filed 2-18-81; 8:45 am]
BILLING CODE 6450-01-C

V 46 / 33 FE 19 81 UMI

Proposed Remedial Orders

Pursuant to 10 CFR 205.192 (c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3569. On or before March 6, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, DC, on the 12th day of February 1981.

Robert D Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders

Station	Address	Date	Violation amount	Highest cents per gallon violation
Central District				
Mid-River Manna	R.R. No. 43, North Liberty, IA 52317	10-21-80	[illegible]	31.4
Southwest District				
Dunn's Texaco	901 E. Downing, Tahlequah, OK 74464	[illegible]	$712.51	3.1
Western District				
Ty Gazaway Chevron	4188 N. Blackstone, Fresno, CA 93726	12-31-80	$1,614.88	5.7
Warren Maguire, Maguire's Chevron.	1459 W. Olive, Fresno, CA 93728	12-31-80	2,048.37	4.5
Harv's Sacramento Car Wash	2105 Arden Way, Sacramento, CA 95825	12-31-80	6,717.77	11.0
Ron Pratt, Ron's Shell	301 North Hartz, Danville, CA 94526	12-31-80	3,965.38	4.9
John Cardoza, Cardoza Service	400 Park Avenue, Rodeo, CA 94572	12-31-80	3,304.34	4.5
Sandusky's Service	1201 Tennessee St., Vallejo, CA 94590	12-31-80	1,890.86	5.6
Concord Chevron Service	2001 Willow Pass Rd., Concord, CA 94520	12-31-80	19,307.50	7.1
Suds Machine	4400 Piedmont, Oakland, CA 94611	12-31-80	36,968.51	7.8
Ken Betts Montclair Chevron	6550 Moraga Blvd., Oakland, CA 94611	12-31-80	34,071.97	16.4
Pinole Valley	2695 Pinole Valley Road, Pinole, CA 94564	12-31-80	20,425.99	16.4
Ken Betts Towing Service	10th & Webster, Oakland, CA 94606	12-31-80	31,125.03	15.0
Gerald Bushman Chevron	1490 So. Park Victoria, Milpitas, CA 95035	12-31-80	55,340.00	[illegible]
Don Skilling Chevron Service	105 Riburon Blvd., Mill Valley, CA 94941	12-31-80	24,380.85	11.3
Jim Stuart, CP Marketing, Chevron Car Wash.	485 San Ramon Valley Road, Danville, CA [illegible]	12-31-80	$19,468.71	[illegible]
Bubble Machine	609 Oak St., Oakland, CA 94607	12-31-80	52,979.18	16.4
Crossroad Texaco	2500 Guerneville Rd., Santa Rosa, CA 95401	12-31-80	2,739.40	5.7
Aptos Shell	18 Rancho Del Mar, Aptos, CA 95003	12-31-80	4,588.44	7.3
Ben's Shell	1898 Van Ness Ave., San Francisco, CA [illegible]	12-31-80	16,301.15	10.4
Andy's Shell	400 So. Van Ness, San Francisco, CA 94102	12-31-80	9,084.55	9.5
Fell St. Chevron	1101 Fell St., San Francisco, CA 94117	12-31-80	82,341.41	[illegible]
Luster Car Wash	444 Divisadero, San Francisco, CA 94117	12-31-80	8,628.13	9.6
Roy's Shell	1070 Oak St., San Francisco, CA 94117	12-31-80	40,239.18	[illegible]
Auto City Chevron	501 So. Van Ness, San Francisco, CA 94102	12-31-80	41,673.81	[illegible]
Delamo & Arias Texaco	Highway 126, Piru, CA 93040	8-14-80	3,580.74	16.6

[FR Doc. 81-5558 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-263-000]

Illinois Power Co.; Notice of Filing

February 13, 1981.

The filing Company submits the following:

Take notice that on February 9, 1981, Illinois Power Company (Illinois Power) tendered for filing proposed Modification No. 2, dated January 27, 1981, to the Interconnection Agreement, dated January 14, 1975, between the City of Springfield and Illinois Power.

Illinois Power indicates that this filing is made for an increase in coordination of Scheduled Maintenance of Generating Facilities, Short Term Firm Power, and Short-Term Non-Firm Power reservation charges. Also included in this filing is the provision for deletion of the connection between Illinois Power and City of Springfield at Jerome.

Illinois Power states that a copy of the filing was served upon the City of Springfield and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5870 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

Economic Regulatory Administration

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3569. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 11th day of February 1981.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders

Station	Address	Date	Violation amount	Highest cents per gallon violation
Northeast District				
Corrigan's Yacht Yard & Marine Sales, Inc.	Newton Road, Hampton Bays, NY 11946	12-11-80	$2,241.11	14.5
Southeast District				
Stadium Chevron	244 Clark, Atlanta, GA 30312	1-8-81	$1,583.11	4.0
Western District				
Atkin's Bros. Union 76	8656 Balboa Blvd., Northridge, CA 91720	12-23-80	$33,304.75	15.3
O'Neal's Service Center Union 76	304 South Main St., Corona, CA 91720	1-6-81	7,310.55	3.6

[FR Doc. 81-5589 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 3839-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 13, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. (sections 791(a)-825(r)] for proposed Project No. 3839 to be known as Mississippi River Lock and Dam No. 9 Hydroelectric Project located at the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 9 on the Mississippi River in Crawford County, Lynxville, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02110. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 9 operated as a navigational aid and flood control facility. Project No. 3839 would consist of: (1) a proposed powerhouse located just below the existing dam structure and operated as a run-of-river installation having an estimated installed generating capacity of 14 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 61,320,000 kWh.

Purpose of Project—The Applicant intends to sell the generated output of energy to Wisconsin Power and Light Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3839. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F.

V 4 6 / 3 3 F E 1 9 8 1 UMI

Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5672 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3837-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 13, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3837 to be known as Green River Lock and Dam No. 6 located at the U.S. Army Corps of Engineers' Green River Lock and Dam No. 6 on the Green River, Edmonson County, Bowling Green, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02110. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' dam. Project No. 3837 would consist of: (1) a proposed powerhouse located below the existing structure, operated as a run-of-river installation utilizing a 9-foot head, and have an estimated installed generating capacity of 5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal land. The Applicant estimates that the average annual energy output would be 21,900,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Kentucky Utilities or another local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility to the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitons to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature or a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3837. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5671 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3707-000]

Mitchell M. White & Melba M. White; Notice of Application for Preliminary Permit

February 13, 1981.

Take notice that Mitchell & Melba M. White (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3707 to be known as Oregon Water Power Project located on the Rock River in Oregon, Ogle County, Illinois. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Mr. Mitchell M. White and Mrs. Melba M. White, 1855 Glendale Road, Clinton, Iowa 52732. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would consist of: (1) an existing rock filled crib dam approximately 876.5 feet long, 25 feet wide, and 12 feet high; (2) a proposed powerhouse containing one generating unit having an estimated capacity of 750 kW; (3) a proposed transmission line extending approximately 500 feet from the powerhouse to a switchyard located southwest of the powerhouse and owned by Commonwealth Edison; and (4) appurtenant facilities. No lands of the United States are enclosed within the project boundary. The Applicant estimates that the average annual energy output would be 6,439,000 kWh.

Purpose of Project—Energy produced at the proposed project would be sold to Commonwealth Edison.

Proposed scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies and soil and foundation data. The cost of the activities along with obtaining agreements with Federal, State, and local agencies is estimated to be $71,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3707. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5673 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-6-000]

Municipal Electric Utilities Association of New York State and Power Authority of the State of New York; Notice of Filing

February 12, 1981.

The filing company submits the following:

Take notice that on February 2, 1981, Municipal Electric Utilities Association of New York (MEUA) filed a complaint against the Power Authority of the State of New York (PASNY). In its complaint, MEUA alleges that PASNY, as licensee for the Niagara Project, has failed to arrange for firm transmission of power and energy generated at that project to its preference customers. MEUA further alleges that as a result of this failure, many of PASNY's preference customers have been threatened with termination or curtailment of power deliveries.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5674 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-14-000]

J. Cleo Thompson and James Cleo Thompson, Jr., a Partnership; Notice of Application for Adjustment

February 13, 1981.

On February 2, 1981, J. Cleo Thompson and James Cleo Thompson, Jr., a Partnership (Thompson), filed with the Federal Energy Regulatory

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Commission (Commission) an Application for Adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. II 1978). Thompson seeks relief from a certain requirement of § 273.204 regarding retroactive collection of the maximum lawful prices under sections 102 and 107 of the NGPA. Specifically, Thompson requests that the Commission grant it the right to collect the applicable section 102 and 107 rates from the date of first production rather than the date applications were filed with the Texas Railroad Commission.

Section 273.204(a)(1) of the Commission's regulations provides for retroactive collection of any maximum lawful price under Subpart B, C, G or H of the Part 271. Assuming all other requirements are met, if the determination becomes final that the well qualifies, the seller may collect retroactively from the date of filing with the jurisdictional agency. Thompson avers that it is basically a one-man operation and Mr. Thompson, being responsible for both drilling operations and necessary paperwork, could not perform both tasks simultaneously. Thompson claims that the wells in question were economically feasible only because of incentive pricing provisions such as sections 102 and 107 and that to deny this application would counteract the policy of encouraging new production. The difference between the amounts collected between the production dates and filing dates and the rates under sections 102 and 107 is § 19,716.34. For these reasons, Thompson contends that an adjustment under section 502(c) is necessary to alleviate special hardship, inequity or unfair distribution of burdens and requests that it be allowed to retroactively collect the 107 and 102 rates from the dates of production rather than the filing dates.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FM 18981, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5669 Filed 2–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RE81–57–000]

Omaha Public Power District; Application for Exemption

February 13, 1981.

Take notice that Omaha Public Power District, on January 29, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the metered load data specified in Section 290.404 (a) and (g).

In its application for exemption, Omaha Public Power District states that it should be allowed to file best estimate data for the following reason:

Cost of Service Studies and other Public Utility Regulatory Policies Act of 1978 activities and reporting requirements prevented timely selection of customer sample, recorder purchase, and installation.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Omaha Public Power District, Attention: Mr. Allan R. Spangler, Manager, Cost of Service Rate Design, 1623 Harney Street, Omaha, Nebraska 68102.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5664 Filed 2–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3561–000]

Pennichuck Water Works; Application for Preliminary Permit

February 13, 1981.

Take notice that the Pennichuck Water Works (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3561 to be known as the Pennichuck Project located on the Souhegan River in Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John B. Collins, President, Pennichuck Water Works, 11 High Street, Nashua, New Hampshire 03061. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing ogee-type spillway 145 feet long and 12 feet high superimposed on an earlier dam 8.5 feet high; (2) a reservoir with a storage capacity of 170 acre-feet at an elevation of 131 feet m.s.l.; (3) an existing water control structure 34 feet long housing two 7-foot square timber sluice gates (to be rehabilitated); (4) an existing outlet canal (to be cleared) next to the spillway; (5) an existing secondary intake structure housing a 10-inch discharge line for process water; (6) a proposed 20 by 20-foot powerhouse adjacent to the canal; (7) a new turbine/generator unit producing 450-kW at a gross head of 21 feet; (8) a new 1.0-mile long, 13.8 kV transmission line from the project to the water works plant and (9) appurtenant facilities.

The applicant estimates that the average annual energy output would be 2,709,500 kWh.

Purpose of Project—Project power will be used by the Applicant to run equipment used in its water works.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $9,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 of 1.10 for protests. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or othert comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3561. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5665 Filed 2–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3509–000]

St. Cloud Development Ltd.; Application for Preliminary Permit

February 13, 1981.

Take notice that St. Cloud Development Ltd. (Applicant) filed on October 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3609 to be known as the St. Cloud Dam located on the Mississippi River in Stearns and Sherburne Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to : Mr. Kenneth Lever, 6566 France Avenue South, Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing reservoir having a storage capacity of 3,000-acre/feet at a power pool elevation of 989.4 feet m.s.l.; (2) an existing 19.5 feet high and 550 feet long concrete gravity dam; (3) a proposed powerhouse with generating units having a total installed capacity of 3,000 kW; (4) proposed transmission lines; and (5) appurtenant facilities. The dam, reservoir, and property within the project boundary are owned by the City of St. Cloud.

The Applicant estimates that the average annual energy output would be 30,000,000 kWh.

Purpose of Project—The power produced at the project would be sold to the Northern States Power Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to conduct engineering, economic, and environmental studies, along with an assessment of dam integrity, and final project designs. The Applicant estimates the cost of the proposed studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself for a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

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protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person, must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters to the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3609.

Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5666 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-42-000]

The Filling Station; Requesting Supplemental Filing

February 12, 1981.

On January 28, 1981, the President of the United States issued an executive order entitled "Decontrol of Crude Oil and Refined Petroleum Products" (46 FR 9909 (January 30, 1981)). Section 1 of that order exempted motor gasoline from allocation controls. As a consequence, the petition for review in the above-captioned case, which requests a prospective adjustment to the base period volume of motor gasoline, may be moot and subject to dismissal.

By February 25, 1981, each participant that disagrees with this tentative conclusion shall file a statement explaining in detail its reasons for disagreement. In addition, if petitioner asserts that the case is not moot, petitioner shall state whether, in light of deregulation, it wishes to continue its appeal or withdraw its petition for review.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5667 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3542-000]

Utah Hydro Corp.; Application for Preliminary Permit

February 13, 1981.

Take notice that Utah Hydro Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3542 to be known as Lost Creek Hydro Project located on the Weber River in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. D. Catten, 8184 Breeze Dr., Magna, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified of the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Lost Creek Dam and Reservoir, operated and maintained by the Weber Basin Conservation District, and would consist of: (1) a penstock utilizing the existing outlet works in the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 230 kW and 1,320 kW, depending on studies; (3) a tailrace; (4) new transmission lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 460,000 kWh and 2,640,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company. Other alternative markets will also be studied.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3542. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5668 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3407-000]

Cook Electric Co.; Application for Preliminary Permit

February 13, 1981.

Take notice that Cook Electric Company (Applicant) filed on November 3, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 3407 to be known as Magic Dam located on Big Wood River in Blaine County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) An earth and rock fill dam, Magic Dam, with a length of 3,100 feet and a height of 128 feet; (2) a reservoir with a surface area of 3,776 acres and a storage capacity of 191,500 acre-feet; (3) an outlet conduit with a diameter of 11 feet and a length of 607 feet; (4) a 7 mile, 125-kV transmission line; and (5) three 1,000-kW, two 500-kW, and one 25-KW generating units. The Applicant estimates that the average annual energy output would be 8,859,000 kWh.

Purpose of Project—Much of the power generated by the proposed project would be used locally through the Idaho Power system. The balance would be delivered to the main Idaho Power grid.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time they would conduct hydrologic, environmental, and engineering studies and inspect the existing project structures. The Applicant estimates the cost of the studies to be $33,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3407. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-5654 Filed 2-18-81; 8:45 am]

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[Project No. 3613-000]

Coon Rapids Development Ltd.; Application for Preliminary Permit

February 13, 1981.

Take notice that Coon Rapids Development Ltd. (Applicant) filed on October 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3613 to be known as the Coon Rapids Dam located on the Mississippi River in Hennepin and Anoka Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth Lever, 6566 France Avenue South Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) An existing reservoir with a storage capacity of 700 acre-feet at a power pool elevation of 830.1 feet M.S.L.; (2) an existing powerhouse containing spaces for seven generating units. The proposed installed capacity of the powerhouse would be 7,000 kw; (3) an existing concreted dam consisting of a north and south section. The north section is approximately 450 feet long and 10 feet high; (4) proposed transmission lines; and (5) appurtenant facilities. The dam and adjacent property are owned by the Hennepin County Park Reserve.

The Applicant estimates that the average annual energy output would be 50,000,000 kWh.

Purpose of Project—The power produced at the project would be sold to the Northern States Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time a study would be made of the engineering, economic and environmental feasibility of the project. In addition, soil borings, concrete coring, and ground surveys would be performed within the project boundary, along with preparing preliminary and final design plans for the project. Applicant estimates the cost of the proposed studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE,"OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3613. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street., NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5655 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-265-000]

Duke Power Co.; Supplement to electric Power Contract

February 13, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on February 9, 1981 a supplement to the Company's Electric Power Contract with the City of Abbeville. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 231.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in contract demand: Delivery Point No. 1 from 6,000 KW to 7,100 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately proceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of April 21, 1981.

According to Duke Power copies of this filing were mailed to the City of Abbeville and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5656 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-264-000]

Duke Power Co.; Supplement to Electric Contract

February 13, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on February 9, 1981 a supplement to the Company's Electric Power Contract with the Commissioners of Public Works of the City of Greenwood. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 250.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 3 from 7,500 kW to 9,000 kW and Dexwey Point No. 4 from 9,000 kW to 10,000 kW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of April 21, 1981.

According to Duke power copies of this filing were mailed to the Commissioners of Public Works of the City of Greenwood and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5657 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-266-000]

Edison Sault Electric Co.; Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison), on February 9, 1981, tendered for filing a Supplemental Agreement No. 8 between Edison and Cloverland Electric Cooperative, Inc. (Cloverland) dated November 1, 1980, which agreement will supplement an existing Contract for Electric Service, dated January 2, 1952, between the same two parties. The contract between the parties, dated January 2, 1952, has been designated FPC Rate Schedule FPC No. 2 (Docket No. E-7870). The proposed supplemental agreement provides a change in the rate schedule as provided in the contract, dated January 2, 1952 supplemented, under "Article V, Rates".

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20428, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5658 Filed 2-18-81; 8:45am]

BILLING CODE 6450-85-M

[Project No. 3789-00]

Enagenics; Application for Preliminary Permit

February 13, 1981.

Take notice that Enagenics (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3789 to be known as Lahontan Dam located on Carson River in Churchill County, Nevada. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a penstock attached to an outlet conduit of the Water and Power Resources Services' Lahontan Dam; (2) a powerhouse containing a 4.6 MW generating unit; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 18.8 GWh.

Purpose of Project—The power generated by the proposed project would be sold to the Sierra Pacific Power Company or to nearby public or private users.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would make hydrologic and engineering studies; assess environmental impacts; and determine economic feasibility. The cost of these studies is estimated by the Applicant to be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the

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application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3789. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5659 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-258-000]

Florida Power & Light Co., Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on February 6, 1981 tendered for filing documents entitled "Exhibits I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibits, FPL will transmit power and energy for the Jacksonville Electric Authority (Jacksonville) as is required by Jacksonville in the implementation of its interchange agreement with the City of Vero Beach, City of Kissimmee, Sebring Utilities Commission and the City of Homestead.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Managing Director of Jacksonville.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-5661 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-259-000]

Florida Power & Light Co.; Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on February 6, 1981 tendered for filing a document entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the Utilities Commission of the City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the Fort Pierce Utilities Authority.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of New Smyrna.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5660 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-260-000]

Florida Power & Light Co.; Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on February 6, 1981 tendered for filing documents entitled "Exhibits I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibits, FPL will transmit power and energy for the Sebring Utilities Commission (Sebring) as is required by Sebring in the implementation of its interchange agreement with the Lake Worth Utilities Authority and the Jacksonville Electric Authority.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Chairman of Sebring.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5662 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-261-000]

Florida Power & Light Co., Filing

February 13, 1981.

The filing Company submits the following:

Take notice that Flordia Power & Light Company (FPL) on February 6, 1981 tendered for filing documents entitled "Exhibits I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibits, FPL will transmit power and energy for the City of Homestead (Homestead) as is required by Homestead in the implementation of its interchange agreement with the City of Kissimmee, Sebring Utilities Commission and the Jacksonville Electric Authority.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of Homestead.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5663 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL 1758-1; OPP-180553]

Arizona and California; Issuance of Specific Exemptions for Fenvalerate on Lettuce

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions to the Arizona Commission of Agriculture and the California Department of Food and Agriculture (hereafter referred to as "Arizona," "California," or the "Applicants") for the use of Pydrin (fenvalerate) to control *Heliothis* species infecting head lettuce in Arizona and California. The specific exemptions are issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: Arizona's specific exemption expires on April 1, 1981; California's specific exemption expires on March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Room E-107, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: *Heliothis* species, particularly the tobacco budworm in California, are serious pests infesting lettuce in Arizona and California. Moths can deposit eggs on the lettuce at any time in the affected area. Larvae then bore into the forming head of lettuce damaging the crop.

Prior to 1976, the tobacco budworm was not a major problem in lettuce in California. Budworm problems on lettuce paralleled the development of this pest as a problem on cotton. By 1976, this pest had spread to lettuce and has since been a problem on lettuce. California states that two products, one of which contains carbaryl and the other *Bacillus thuringiensis*, are registered for use on lettuce to control the tobacco budworm. However, the carbaryl formulation is not registered for use in California and the *Bacillus thuringiensis* formulation is a bait that is effective only when lettuce is in the seedling stage. California claims that if an adequate control is not available, a $4.27 million loss would be sustained by lettuce growers, and that with the use of fenvalerate, this loss could be reduced substantially.

Arizona claims that available registered pesticides failed to control *Heliothis* spp. adequately in lettuce in 1977-1979. Control must be achieved before the lettuce leaves cup over and provide protection against pesticide treatment. Arizona expects that losses resulting from inadequate control of *Heliothis* spp. could be in excess of $10 million to lettuce growers in that State.

The Applicants propose to use the product Pydrin at a rate of 0.1 to 0.2 pound active ingredient (a.i.) per acre on 45,000 acres of head lettuce in each State. A maximum of 10 applications in California and 5 in Arizona are proposed to be made at 5- to 7-day intervals, using ground or aerial equipment. A 7-day preharvest interval will be observed.

EPA has determined that residues of fenvalerate in or on lettuce should not exceed 2 parts per million (ppm) from the proposed used. This level has been judged adequate to protect the public health. A restriction to prohibit the feeding of lettuce trimmings from treated fields to animals has been imposed to

preclude any secondary residues in meat and milk.

After reviewing the applications and other available information, EPA has determined that the criteria for exemptions have been met. Accordingly, Arizona has been granted permission to use the pesticide noted above until April 1, 1981, and California until March 31, 1981, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. The product Pydrin (EPA Reg. No. 201–401) may be used at a maximum dosage rate of 0.2 pound a.i. per acre.

2. Available data indicate that the 0.1 pound a.i. rate should provide as good a control as the 0.2 pound a.i. rate in most situations. Therefore, in most instances the 0.1 pound a.i. rate should be recommended.

3. A maximum of 45,000 acres of head lettuce may be treated in each State.

4. A maximum of 5 applications in Arizona and 10 applications in California may be made per season at 5- to 7-day intervals with a 7-day preharvest interval.

5. Applications may be made using either aerial or ground equipment.

6. Lettuce will be field trimmed to remove wrapper leaves.

7. The feeding of trimmings of lettuce from treated fields to livestock is prohibited.

8. All applicable directions, restrictions, and precautions on the product label must be followed.

9. Pydrin is extremely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes.

10. It is recommended that fenvalerate not be applied any closer to fish-bearing fresh waters than 200 feet (at the 0.1 pound a.i. rate) and 300 feet (at the 0.2 pound a.i. rate) when ground application equipment is used; and 750 feet (at the 0.1 pound a.i. rate) and 1,250 feet (at the 0.2 pound a.i. rate) when aerial equipment is used. Applications closer than these may result in fish and/or other aquatic organism kills.

11. Precautions must be taken to avoid or minimized spray drift to non-target areas. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour.

12. Pydrin is highly toxic to bees exposed to direct treatment or resideues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are actively foraging in the treatment area. Protective information may be obtained from each State's Cooperative Agricultural Extension Service.

13. Treated areas may not be planted to root crops for 12 months after the last application of Pydrin. No other crop, except cotton, may be planted in treated areas for 60 days after the last application of Pydrin.

14. Applications will be made by or under the direct supervision of applicators State-certified for this category of pest control.

15. Head lettuce with residue levels of fenvalerate not exceeding 2 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. Arizona and California are each responsible for ensuring that all of the provisions of its specific exemption are met.

17. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with these exemptions.

18. A final report summarizing the results of this program must be submitted by Arizona by June 1, 1981 and by California by April 1, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: January 15, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–5605 Filed 2–18–81; 8:45 am]

BILLING CODE 6560–32–M

[TSH–FRL 1756–8; OPTS–51225]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture of import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by March 16, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, D.C. 20460, (202–426–3980).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1,979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identify of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identify or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before March 16, 1981, submit to the Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51225]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–16

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Reaction product of an epoxy resin and a substituted amine.

Use. Claimed confidential business information. The submitter states that the new substance will be used in an open use that will release more than 50 but less than 5,000 kilograms (kg) per year into the environment with potential for skin and eye exposure to chemical industry employees and to consumer as part of an article.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200,000	500,000
2d year	300,000	750,000
3rd year	400,000	1,000,000

Physical/Chemical Properties

Epoxy Eq. Wt.—Infinity.
Milliequivalent base—0.30/g (solids).
Percent Total solids—60.0.
Viscosity—Z–7 (solids).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at a site controlled by the manufacturer, processing and manufacture would expose to the new substance a maximum of 104 workers for 2 hr/da, 21 da/yr, through skin and eye contact with average and peak concentrations of 0–1 mg/m³. Employee exposure will be limited to small samples for quality control, minimal exposure to small quantities during transfer and cleanup operations, and filling of shipping containers.

At a typical user site, a maximum of three workers would be exposed to the new substance 1 hr/da, 200 da/yr, through skin and eye contact with average and peak concentrations of 0–1 mg/m³.

Environmental Release/Disposal. The manufacturer states that at a site controlled by the manufacturer, less than 20 kg/yr of the new substance will be released into the air and water and from 100 to 1,000 kg/yr into the land. The sludge and other organic waste are either landfilled or sold as fuel.

At a typical user site not controlled by the manufacturer, less than 30 kg/yr of the new substance will be released into the air, land, and water.

PMN 81–17

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative.

Use. Claimed confidential business information. The submitter states that the new substance will be used in an open use that will release more than 50 but less than 5,000 kg/yr into the environment with potential for skin and eye exposure to chemical employees and non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	8,000	16,000
2d year	8,000	24,000
3d year	12,000	36,000

Physical/Chemical Properties

Acid value—7.8 mg *KOH*/gm.
Percent Weight solids—45.2.
Viscosity—Z–6.
Color—1.
Flash point—50° F open cup.

Toxicity Data. No data were submitted.

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Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (mg/m³)	
		Hours/day	Days/year	Average	Peak
Manufacture: Skin and eye	39	6	3–6	0–1	0–1
Processing: Skin and eye	22	4	12–47	0–1	0–1
Typical user: Skin, eye, and inhalation	6	6	250	0–1	0–1

At all sites, exposure may occur during quality control sampling, processing, cleanup, and filling operations.

Environmental Release/Disposal. The submitter states that at each of the sites controlled by the manufacturer, less than 30 kg/yr of the new substance will be released into the air, land, or water. Sludge is incinerated.

At the site of a typical user not controlled by the submitter, less than 20 kg/yr of the new substance will be released into the air and water and from 100 to 1,000 kg/yr into the land.

[FR Doc. 81-5609 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-01-M

[TSH-FRL 1757-2 (OPTS-59019B)]

Certain Chemicals; Premanufacture Exemption Applications; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(h)(1) of the Toxic Substances Control Act (TSCA) allows EPA to exempt any person, for purposes of test marketing a new chemical substance, from premanufacture notification requirements imposed by section 5(a)(1). This notice announces the withdrawal during 1980 of test marketing exemption applications (TMEA's) T80-19, T80-27, T80-28, T80-29, T80-30, T80-32, T80-33, and T80-35.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(h)(1) allows EPA to exempt any person, upon application, from PMN requirements for purposes of test marketing the new chemical. In order to grant an exemption, EPA must find that the proposed test marketing activities will not present any unreasonable risk of injury to health or the evnironment. If granted, the Agency may include in the exemption any restrictions which are considered appropriate. Section 5(h)(6) requires EPA to publish a notice of receipt of each application in the **Federal Register**. That section also requires the Agency to either approve or deny exemptions within 45 days of receipt of an application and to publish notice of its action in the **Federal Register.**

This notice announces that during 1980 eight applications for test marketing exemptions were voluntarily withdrawn from review by the submitting companies. Pertinent information is supplied for each application to the extent it was not claimed to be confidential business information.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 11, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Withdrawn Test Marketing Exemption Applications

Number and manufacturer's identity	Chemical identity	Section 5(h)(6) FR citation	Date withdrawn
TM-80-19 Claimed confidential business information (CBI)	CBI	45 FR 30133 (May 7, 1980)	Dec. 15, 1980
TM-80-27 E. I. du Pont de Nemours	Acidic phenyltetrazole derivative. (Generic)	45 FR 44394 (July 1, 1980)	Nov. 20, 1980
TM-80-28 E. I. du Pont de Nemours	Nitro acid. (Generic)	45 FR 44394 (July 1, 1980)	Nov. 20, 1980
TM-80-29 E. I. du Pont de Nemours	Substituted propane. (Generic)	45 FR 44394 (July 1, 1980)	Nov. 20, 1980
TM-80-30 E. I. du Pont de Nemours	Substituted nitroaromatic (Generic)	45 FR 44394 (July 1, 1980)	Nov. 20, 1980
TM-80-32 E. I. du Pont de Nemours	Monosubstituted dialkyl aniline. (Generic)	45 FR 51906 (Aug. 5, 1980)	Nov. 20, 1980
TM-80-33 E. I. du Pont de Nemours	Disubstituted indole. (Generic)	45 FR 51906 (Aug. 5, 1980)	Nov. 20, 1980
TM-80-35 CBI	CBI	45 FR 52242 (Aug. 6, 1980)	Dec. 15, 1980

[FR Doc. 81-5608 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-31-M

[PH-FRL 1757-3; OPP-30000/28C]

Creosote, Pentachlorophenol and the Inorganic Arsenicals; Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration of the Wood Preservative Uses of Pesticide Products; Notice of Availability of Position Document 2/3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Preliminary Notice of Determination; Availability of Position Document on the Wood Preservative Uses of Creosote, Pentachlorophenol and the Inorganic Arsenicals.

SUMMARY: The Environmental Protection Agency issued notices of rebuttable presumption against registration and continued registration (RPAR) of pesticide products containing coal tar, creosote, and coal tar neutral oil, pesticide products containing inorganic arsenic and pesticide products containing pentachlorophenol which appeared in the **Federal Register** of October 18, 1978 (43 FR 48154, 48267, and 48443, respectively). Since these pesticides are the most widely used pesticidal wood treatment chemicals, the wood treatment uses of these pesticides were considered together in the risk/benefit evaluation phase of the RPAR review process. This notice presents the preliminary determinations of the Agency concluding the RPAR proceedings for the wood preservative uses of coal tar, creosote, coal tar neutral oil, inorganic arsenic and pentachlorophenol, and solicits comments on these determinations. Other uses of these pesticide chemicals will be considered at a future time in individual risk/benefit analyses for each chemical.

DATE: Comments should be received on or before May 20, 1981.

ADDRESS: Written comments should be submitted to: Document Control Officer, Management Support Division (TS-793), Environmental Protection Agency, Room E-401, 401 M St., SW., Washington, D.C. 20469.

Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the comments. The comments should bear the identifying notation OPP-30000/28C. The administrative record supporting this action is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Joan Warshawsky, Special Pesticide Review Division (TS-701), Environmental Protection Agency, Room 711-B, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557-7460.

SUPPLEMENTARY INFORMATION:

I. Introduction

On September 30, 1978, the Environmental Protection Agency issued notices of rebuttable presumption against registration and continued registration (RPAR) for pesticide products containing coal tar, creosote and coal tar neutral oil, pesticide products containing inorganic arsenic and pesticide products containing pentachlorophenol, notice of which appeared in the **Federal Register** of October 18, 1978 (43 FR 48154, 48267, 48443, respectively). For coal tar, creosote and coal tar neutral oil, the rebuttable presumption was issued on the basis of oncogenicity and mutagenicity. The Agency's basis for the issuance of a rebuttable presumption against registration for the inorganic arsenical pesticides was oncogenicity, mutagenicity and reproductive and fetotoxic effects. In addition, the Agency solicited additional information bearing on the possible adverse effects of delayed neurotoxicity and population reduction in nontarget aquatic and mammalian species for inorganic arsenic. The Agency issued a rebuttable presumption against pesticide products containing pentachlorophenol on the basis of teratogenicity and fetotoxicity, and in addition, solicited further evidence bearing on the possible adverse effect of mutagenicity.

Since these pesticides are the most widely used pesticidal wood treatment chemicals, the Agency considered the wood treatment uses of these pesticides together in the risk/benefit evaluation phase of the RPAR review process. This notice constitutes the Agency's Notice of Determination (Notice), pursuant to 40 CFR 162.11(a)(5), concluding the RPAR proceedings for the wood preservative uses of (1) coal tar, creosote, and coal tar neutral oil (hereinafter referred to as "creosote"), (2) inorganic arsenic and (3) pentachlorophenol. This determination is preliminary at this point pending external review through submission to, and review by, the United States Department of Agriculture and the Scientific Advisory Panel, pursuant to Sections 6(b) and 25(d) of the Federal Fungicide, Insecticide, and Rodenticide Act (FIFRA), as amended. This action does not become final until the Agency has reviewed the comments of these reviewers and issued a final notice. Other non-wood preservation pesticidal uses of these chemicals will be considered at a future time in individual risk/benefit analyses for each chemical.

In broad summary, the Agency has determined that the wood preservative pesticidal chemicals creosote, pentachlorophenol, and the inorganic arsenicals (the term "wood preservative chemicals" is used in this notice and the accompanying Position Document to refer to the three wood preservatives under RPAR review) continue to exceed the risk criteria set forth in 40 CFR 162.11 for the adverse effects on which rebuttable presumptions against registration were issued. The Agency has also determined, based on information received since the issuance of the pentachlorophenol RPAR, that the use of pentachlorophenol (as well as its sodium salt) poses the risk of oncogenicity because of the presence of the contaminants hexachlorodibenzo-p-dioxin (HxCDD) and hexachlorobenzene (HCB). HxCDD also has the potential to produce teratogenic/fetotoxic effects. With regard to the other effects on which additional information was sought, the Agency has concluded that the available information is still insufficient to allow the Agency to draw a conclusion regarding the potential of the wood preservation chemicals to produce these effects.

The risks posed by creosote, pentachlorophenol and the inorganic arsenicals to certain exposed groups are of sufficient concern to require the Agency to consider whether these risks can be reduced. The Agency has considered benefits information including that submitted by registrants, interested persons and the United States Department of Agriculture and has analyzed the economic, social and environmental benefits of the uses of the wood preservation chemicals. The Agency has weighed the risks and benefits together, in order to determine whether the risks of the wood preservative uses are warranted by the benefits of the uses. In weighing risks and benefits, the Agency considered what risk reductions could be achieved and the impact of these risk reductions measures on the benefits of each use.

The Agency has determined that the spray method of application for pentachlorophenol products which are available for retail sale in concentrations of 5% or less are greater than the social, economic and environmental benefits of use, and that risk reduction measures cannot reduce the risk to an acceptable level. Accordingly, the Agency is proposing to initiate action to cancel or deny registrations for the spray use of pentachlorophenol products which are available for retail sale in concentrations of 5% or less. The Agency has determined that the cancellation of the spray method of application for these pentachlorophenol products will not have a significant impact on the production and prices of agricultural commodities, retail food prices and otherwise on the agricultural economy or on the rest of the American economy.

For all the other wood preservative uses of creosote, pentachlorophenol and the inorganic arsenicals, the Agency has determined that the risks of use of these pesticide chemicals are greater than the social, economic and environmental benefits of each use, *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for all the wood preservative uses of these pesticides *unless* the terms and conditions of registration are modified for these uses. The modifications proposed by the Agency are set forth in Unit III of this Notice on a use-by-use basis for each of the wood preservative pesticides. These modifications include protective clothing and equipment requirements, prohibitions against eating, drinking and smoking while applying wood preservative agents, requirements for proper care and disposal of work clothing and equipment, the classification of certain uses for restricted use, the requirement for a closed mixing and a closed emptying system for power and prilled formulations, the prohibition against all but a few low exposure indoor application uses, the prohibiton against

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applying the wood preservative pesticides in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed or drinking and irrigation water, and the requirement of control technologies to reduce arsenic surface residues on the treated wood. The Agency has determined that these risk reductions can be achieved without significant impacts on the benefits of the uses. These modifications in the terms and conditions of registration for the wood preservative uses will not have a significant impact on the American economy. In addition to the modifications proposed under the authority of FIFRA, the Agency expects to propose regulatory measures for the safe use and disposal of treated wood products pursuant to the Toxic Substances Control Act.

The remainder of this notice and the accompanying Position Document set forth in detail the Agency's analysis of comments submitted during the rebuttal phase of the RPAR for creosote, pentachlorophenol and the inorganic arsenicals and the Agency's reasons and factual bases for the regulatory actions it is initiating. The Notice is organized into four units. Unit I is this introduction. Unit II, titled "Legal Background", sets forth a general discussion of the regulatory framework within which this action is taken. Unit III and the accompanying Position Document set forth the bases for these determinations. Unit IV, titled "Procedural Matters", provides a brief discussion of the procedures which will be followed in implementing the regulatory actions which the Agency is initiating in this notice.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment" under section 3(c)(5). The term "unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the uses of any pesticide" under FIFRA, section 2(bb). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practices. The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a public, informal procedure for the gathering and evaluation of information about the risks and benefits of these uses. The regulations governing the RPAR process are set forth at 40 CFR §162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set forth in the regulations.

The Agency generally announces that an RPAR has arisen by publishing a notice in the **Federal Register**. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to humans or to animals or plants of concern with regard to the adverse effects in question. See 40 CFR 162.11(a)(4). Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on the question of whether the risk presumptions have been rebutted. If the Agency determines that a presumption is not rebutted, it will then consider information relating to the social, economic and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency.

After weighing the risks and the benefits of a pesticide's uses, the Administrator may conclude the RPAR process by issuing a notice of intent to cancel or deny registration pursuant to FIFRA section 6(b)(1) and section 3(c)(6) or by issuing a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registrations should be cancelled or applications for registration denied.

In determining whether the use of a pesticide poses risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of the use. Among the risk reduction measures short of cancellation which are available to the Agency are changes in the directions for use on the pesticide's labeling and classification of the pesticide for "restricted use" pursuant to FIFRA section 3(d).

FIFRA requires the Agency to submit notices issued pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy under section 6(b). Under FIFRA, if the Secretary of Agriculture comments in writing within 30 days after receiving the notice, the Agency is required to publish the Secretary's comments and the Administrator's response with the notice. In this case, due to the length and complexity of the Notice and the Position Document which set forth the Agency's proposed determinations and the rationale for these determinations, the Agency will allow 90 days for receipt of comments. FIFRA also requires the Administrator to submit section 6 to a Scientific Advisory Panel for comment on the impact of the proposed action on health and the environment, at the same time and under the same procedures as those described above for review by the Secretary of Agriculture under Section 25(d).

Although not required to do so under the statute, the Agency has decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decision making to afford registrants and other interested persons an opportunity to comment on the bases for the proposed action during the time that the proposed action is under review by the Secretray of Agriculture and the Scientific Advisory Panel. Accordingly, appropriate steps will be taken to make copies of the Position Document available to registrants and other interested persons at the time the decison documents are transmitted for formal external review, through publication of a notice of availability in the **Federal Register** or by other means. Registrants and other interested pesons will be allowed the same 90 day period of time to comment that the Agency is providing for receipt

of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After completing these external review procedures and making any changes in the proposed action which are deemed appropriate as a result of the comments received, the Agency will proceed to implement the desired regulatory action by preparing appropriate documents and releasing them in the manner prescribed by the statute and by the Agency's rules.

III. Determination and Initiation of Regulatory Action

The Agency has considered information on the risks associated with the uses of the wood preservative pesticide chemicals including information submitted by registrants and other interested persons in rebuttal to the creosote, pentachlorophenol and the inorganic arsenical RPAR notices. The Agency has also considered information on the social, economic and environmental benefits of the uses of the wood preservative chemicals subject to RPAR review, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information submitted by the United States Department of Agriculture.

The Agency's assessment of the risks and benefits of the uses of the wood preservative chemicals subject to this RPAR, its conclusions and determinations whether any uses of these chemicals pose unreasonable adverse effects on the environment, and its determinations whether modifications in the terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects are set forth in detail in the Position Document. This Position Document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this Notice and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy or on the rest of the American economy. For the reasons summarized below and developed in detail in the Position Document, the determinations of the agency with respect to the wood preservative pesticide chemicals are as follows:

A. Determinations on Risk

The creosote RPAR was based on information indicating that creosote posed the risks of oncogenicity and mutagenicity to humans the pentachlorophenol RPAR was based on information indicating the pentachlorophenol posed the risks of teratogenicity and fetotoxicity to humans. The Agency also solicited further information bearing on the potential for pentachlorophenol to produce mutagenic effects. The Agency's basis for the issuance of a rebutable presumption against registration for the inorganic arsenical pesticides was oncogenicity, mutagenicity and teratogenic, fetotoxic and reproductive effects. In addition, the Agency solicited additional information bearing on the possible adverse effects of delayed neurotoxicity and population reduction in nontarget aquatic and mammalian species for inorganic arsenic. As developed fully in the Position Document (Pd 2/3), the Agency has determined that the information submitted to overcome the risk concerns cited above for the wood preservative pesticide chemicals was insufficient to overcome the presumption against these chemicals for the effects of concern. The Agency has also determined, based on information received since the issuance of the pentachlorophenol RPAR, that the use of pentachlorophenol poses the risk of oncogenicity because of the presence of the contaminants hexachlorodibenzo-p-dioxin (HxCDD), and hexachlorobenzene HCB). HxCDD also has the potential to produce teratogenic/fetotoxic effects. After reviewing the data and comments on the adverse effects for which additional information was sought, the Agency has concluded that the available information is still insufficient to allow the Agency to draw a conclusion that inorganic arsenic has the potential to produce delayed neurotoxicity and population reductions in nontarget aquatic and mammalian species and that pentachlorophenol produces mutagenic effects.

In making its risk determinations, the Agency considered the following populations: treatment plant applicators, non-treatment plant applicators and the general population who may be exposed to the wood preservative pesticides by the use of treated wood products. About 9,000 to 13,000 workers (10–15 per plant) are involved in the pressure treatment of wood. The number of workers applying creosote is about 4,000; 1,400 to 2,000 workers are engaged in applying the inorganic arsenicals and 4,000–5,000 workers apply pentachlorophenol. For the non-pressure treatment plants, the work force includes about 20,000 workers (10 per plant) for sapstain control with sodium penta, 7,000 to 10,000 workers (3–5 per plant) for the application of pentachlorophenol to millwork and plywood and about 10 workers (1 plant) for the application of pentachlorophenol to particleboard.

The groundline treatment of poles with creosote and pentachlorophenol involves about 350 applicators. For the home and farm use of pentachlorophenol and creosote, the Agency estimates that approximately 3 million to 6 million individuals apply pentachlorophenol and 50,000 individuals use creosote products. In addition, about 50,000 commercial applicators apply formulations of pentachlorophenol, creosote and the inorganic arsenicals.

For creosote, the risks of oncogenicity and mutagenicity are posed to pressure treatment applicators, who may be exposed to creosote both dermally and via inhalation during application procedures. Treatment plant activities which entail significant creosote exposure include opening cylinder doors, handling treated wood and cleaning the treatment cylinders. Although the Agency was unable to quantitate the risks to the creosote tratement plant applicators, these risks are believed to be significant.

The use of the inorganic arsenical wood preservative chemicals poses the health hazards of oncogenicity, mutagenicity and teratogenic, fetotoxic and reproductive effects to treatment plant applicators. The risks to treatment plant workers who pressure treat wood with the inorganic arsenicals result from dermal and inhalation exposure from a variety of application activities as well as from inhalation of background arsenic dust produced during mixing operations and from the release of particles from the drying wood. Activities which result in both dermal and inhalation exposure include bag emptying, mixing concentrated solutions, and cleaning the treatment cylinders. Dermal exposure can occur when an applicator mixes dilute solutions, opens cylinder doors and handles treated wood. The oncogenic risk to the inorganic arsenical treatment plant workers, estimated by standard Agency techniques, ranges from 10^{-3} to 10^{-2}, and the mutagenic risk also appears to be significant for these workers. However, for the oncogenic risk estimates, the Agency believes that the model tends to overstate the actual risk in this case because of adjustments and assumptions made to handle uncertainty in a conservative manner. For the inorganic arsenical treatment plant workers, the margins of safety for teratogenic/fetotoxic effects falls in the 100–500 range.

The risks posed by the use of pentachlorophenol, which is contaminated with hexachlorobenzene

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(HBC) and hexachlorodibenzo-p-dioxin (HxCDD), include fetotoxicity, teratogenicity and oncogenicity. High inhalation and dermal exposure situations include bag emptying of prilled formulations, opening cylinder doors, and cleaning cylinders and vats. Dermal exposure can also result from the handling of treated wood. These pressure-treatment plant activities pose an oncogenic risk which ranges from negligible to 10^{-3}, and result in fetotoxic margins of safety ranging from 6 to 730.

The use of creosote and pentachlorophenol mixtures for groundline treatment of poles results in dermal exposure to the applicators. The Agency was unable to quantify the risks to applicators engaged in the groundline treatment of poles. For the home and farm application of creosote and pentachlorophenol products, the exposure during outdoor application is primarily by the dermal route. The home and farm use of pentachlorophenol by means of dipping and brushing results primarily in dermal exposure during application; where spraying is the method of application, significant inhalation as well as dermal exposure will be incurred by the applicators. The home and farm uses of pentachlorophenol pose an oncogenic risk to the applicators in the negligible to 10^{-4} range, and result in fetotoxic margins of safety ranging from 6 to 650.

Commercial applicators who apply brush-on solutions of arsenic to cut-ends of wood incur exposure by both the inhalation and dermal routes. Arsenic brush-on applicators face an oncogenic risk in the 10^{-3} range (subject to the caveats stated earlier regarding the high estimated levels of quantitative risk) and a teratogenic-fetotoxic margin of safety of about 1,200.

For the sapstain control use of sodium pentachlorophenate and the millwork and plywood use of pentachlorophenol, exposure occurs by both the inhalation and dermal routes during the spray method of application; with the dip method, exposure will be primarily dermal. For the particleboard use, applicator inhalation exposure will result from airborne pentachlorophenol in the treatment plant, and dermal exposure will be incurred by applicators who handle the treated particleboard without gloves and other protective clothing. For the sapstain and millwork and plywood use, the estimated risk of oncogenicity due to exposure to the pentachlorophenol dioxin contaminant falls in the 10^{-5} to 10^{-7} range, and the fetotoxicity margins of safety range from 6–60. The Agency was unable to quantify the risks for the particleboard use.

Risks to users of treated wood products arise primarily from dermal contact with the treated wood, although inhalation exposure can result from certain use patterns. Individuals who lay railroad ties or who work with creosote-treated pilings and telephone piles will incur dermal exposure resulting from the leaching of creosote to the surface of the treated wood. Individuals who handle and saw wood treated with the inorganic arsenicals will incur exposure both by dermal contact with the wood and via the inhalation of arsenic dust. The oncogenic risk to construction workers who saw inorganic arsenical-treated wood is estimated to be in the 10^{-4} range (subject to the caveats stated earlier regarding the high estimated levels of quantitative risk) and the teratogenic/fetotoxic margin of safety for this activity ranges from 106–128. Users of pentachlorophenol-treated wood will incur exposure primarily by the dermal route. Significant inhalation exposure to pentachlorophenol and creosote could result after application in situations where these chemicals are applied indoors. The user of treated particleboard in the indoor setting will experience pentachlorophenol exposure via inhalation as well as via food contamination, as this product is used primarily for kitchen cabinets. The risks due to exposure to creosote, pentachlorophenol and inorganic arsenical-treated wood have not been quantified for most use situations, but are believed to be significant in some situations.

The risks of use for all use situations for the three wood preservative chemicals are of sufficient magnitude to require the Agency to determine whether the uses of the wood preservative pesticide chemicals offer offsetting social, economic or environmental benefits.

B. Determination on Benefits

For both the pressure and non-pressure uses, the Agency has evaluated the economic impact of the cancellation of one or more of the wood preservative agents in terms of the cost of substitution of the remaining registered wood preservative(s) or alternative materials. The detailed analysis which appears in the accompanying Position Document was based on information submitted by the registrants, material from the USDA-States-EPA Assessment Report and other information available to the Agency. The economic impacts were derived by evaluating the cancellation scenarios of each wood preservative on a use-by-use basis. For the cancellation of all three wood preservative pesticides for all uses, the impacts may have been significantly underestimated because the resultant technological and social changes (e.g., large scale displacements and reeducation) cannot be fully assessed by the methods employed in the analysis. The pressure uses which were included in this benefits analysis are: (1) railroad ties, (2) lumber, timber and plywood, (3) pilings, (4) posts, (5) crossarms, and (6) poles. The non-pressure uses which were considered included: (1) poles-groundline (2) home and farm, (3) stain control, (4) millwork and plywood, and (5) particleboard.

1. *Introduction.* All untreated wood products, regardless of their original strength, durability or natural resistance, are subject to degradation when placed in end-use situations which are conducive to attack by fungi, insects, bacteria, or marine borers. The application of selected chemicals as wood preservatives protects wood from deterioration and frequently yields a product with significant advantages in terms of cost and performance over non-wood alternatives that might be available. The actual service life of treated wood products depends on the treated wood's inherent resistance to decay as well as on the environmental conditions of end-use such as marine immersion or ground contact. An increase in life expectance of five or more times that of untreated wood is achieved for most treated wood products.

2. *Pressure uses*—a. *Railroad ties.* In 1978, about 103.5 million cubic feet of railroad crossties and switchties were treated with wood preservatives for use in the railroad tie system in the United States. Approximately 99.6% of these ties were treated with creosote and the remaining 0.4% with pentachlorophenol. The high usage of creosote-treated ties reflects the greater strength and lower cost of the creosote-treated ties compared with other preservative-treated wood ties. Inorganic arsenical treatment is considered to be unacceptable for railroad tie use because inorganic arsenical-treated ties are brittle and do not hold fasteners well. Concrete ties are technically feasible substitutes for treated wood ties; however, treated wood ties and concrete ties cannot be intermixed in a given section and the replacement of creosote-treated ties with concrete necessitates the replacement of all the ties in a given section of the railroad tie system.

The impact of the cancellation of creosote was analyzed in terms of the "annualized" or average annual cost, which represents the average yearly investment which is required to maintain the railroad system for a finite time period (the time selected for this analysis was 100 years). The Agency has determined that there would be a major adverse economic impact of a $40.5 million annualized cost increase if creosote were cancelled and pentachlorophenol were still available for the railroad tie use. The first year impact would result in a decline in cost of $18.2 million due to lower installation costs for pentachlorophenol-treated ties compared to creosote-treated ties. There would be little or no first year ensuing long-term adverse economic impact if pentachlorophenol were cancelled and creosote were still available to the railroad industry. However, if both creosote and pentachlorophenol were cancelled, the most likely substitutes would be copper naphthenate-treated ties and concrete railroad ties. If copper naphthenate-treated ties or concrete ties are used, the annualized costs for the railroad tie system would increase by $0.74 billion and $2.4 billion, respectively. The first year economic impacts would be an additional cost of $0.58 billion for copper naphthenate-treated ties, and $3.7 billion for concrete ties. These projected major adverse impacts are based on the assumption that the supply of alternative materials is adequate for substitution at current prices.

b. *Lumber, timber and plywood.* Treated lumber is used in a variety of end-uses formerly served almost exclusively by cedar and redwood. Shorter supplies and higher prices for the naturally resistant wood species have resulted in a great demand for treated wood. Inorganic arsenical-treated wood, which is suitable for almost all end-uses of lumber, timber and plywood, has been the primary replacement material for cedar and redwood.

An estimated 105.3 million cubic feet of lumber and timber were treated with the three wood preservatives in 1978. In addition, more than 2 million cubic feet of plywood and a substantial amount of sawn material were treated. In 1978, creosote was used for treating about 10.78 million cubic feet of lumber and timber. Industrial block flooring accounted for about 700,000 cubic feet of creosote-treated lumber; the other 10.08 million cubic feet of creosote-treated wood in this use category are used primarily as timbers for landscape, farm, mine and marine construction purposes. More than 70% of the total treated lumber and timber, about 73.32 million cubic feet, was treated with inorganic arsenicals and about 20%, or about 21.21 million cubic feet of lumber and timber, was treated with pentachlorophenol in 1978.

Based on efficacy and other performance characteristics, inorganic arsenical-treated wood is suitable for most end-uses of lumber, timber and plywood. Inorganic arsenical-treated wood is clean, odorless, paintable, easy to handle, harmless to plants and durable compared to either pentachlorophenol or creosote-treated wood. Pentachlorophenol and creosote-treated lumber, timber and plywood have limited uses due to odor, objectionable vapors and oily, unpaintable surfaces. Inorganic arsenical wood preservatives are used for treating wood for such uses as patios, decks, playground equipment, cooling towers, greenhouses, horticultural nurseries and all weather wood foundations; these uses comprise the bulk of the market for treated lumber, timber, and plywood.

Creosote is the only wood preservative which is satisfactory for use in interior industrial block flooring to protect the wood from mechanical as well as physical deterioration. Creosote applications are preferred where treated wood is subject to a high volume of heavy traffic because of the protection from weathering and abrasion that it imparts to the wood. Pentachlorophenol in P9 oil also has these protective qualities (except for marine applications) and can be substituted for creosote for these uses; inorganic arsenicals are also an alternative for these use patterns except under conditions of high mechanical stress due to the brittleness imparted by the inorganic arsenical treatment. Creosote-treated wood is also preferred for industrial applications in high acid environments due to creosote's high resistance to acids. Pentachlorophenol in heavy oil ranks second to creosote in this regard, with inorganic arsenicals having no acid resistance.

Since lumber, timber and plywood include a wide variety of treated wood used for many different end-uses, replacement costs could not be determined for all treated wood products in this use category. Thus, the total economic impact of cancellation of the three wood preservatives could not be estimated for comparison to the actual 1978 situation. If inorganic arsenicals were cancelled for lumber, timber and plywood, there would be a major first year and major annual long-term adverse economic impacts since pentachlorophenol and creosote are not acceptable alternatives to inorganic arsenic for wood preservative treatment of lumber, timber and plywood.

If creosote were cancelled, there would be a minor first year and minor long-term economic impacts of an annual cost increase of $39 million. If pentachlorophenol were cancelled, the first year estimated impact and subsequent annual impact would be an increase of $18 million. If pentachlorophenol and creosote were cancelled, the first year impact and the estimated annual long-term impact would be an increase of $5.2 million.

If the inorganic arsenical compounds, and pentachlorophenol were cancelled, there would be major first year and long-term cost impacts since creosote would not be an acceptable substitute for most uses of lumber, timber and plywood. If the inorganic arsenicals and creosote were cancelled, there would be major cost impacts since pentachlorophenol is not an acceptable substitute for most uses on lumber, timber and plywood.

If all three wood preservatives were cancelled, non-wood materials such as plastic, steel, concrete or similar materials would be substituted for the three wood preservatives. The economic impact resulting from this cancellation scenario cannot be determined because of the diversity of end-uses of lumber, timber, and plywood. However, it is expected that the non-wood materials would have a higher cost than treated wood. The Agency does have preliminary information on the impacts of the cancellation of inorganic arsenical-treated lumber used for home construction (e.g., all weather wood foundations (AWWF), plates and sills, and structural framing). There are about 10,000 homes built annually with AWWF (about 2,400 board feet of ACA-and/or CCA-treated lumber per home), about 750,000 homes with treated plates and sills (about 220 board feet of ACA-and CCA-treated lumber per home), and about 8,000 homes with treated structural framing (about 10,000 board feet of CCA-treated lumber per home). Most of the AWWF homes are located in the northern United States; plates and sills are found in southern homes on slab foundations, and the structural framing homes are located only in Hawaii. In recent years, about 1% of the home foundations used treated wood or masonry and 99% used concrete. However, the all weather wood foundations are projected to have an increasing share of the market.

If inorganic arsenicals were cancelled for treating AWWF, the most likely substitutes would be concrete and masonry foundations. In rural, isolated

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areas in the northern United States the use of AWWF's results in a savings to the home buyer, but the concrete and masonry foundations are likely to be lower or equal in cost to all weather wood foundations in urban areas. If the inorganic arsenicals were cancelled for treatment of plates and sills, the most likely substitute would be steel plates and sills. The use of steel plates and sills for home construction instead of treated wood would not result in a cost increase. If the inorganic arsenicals were cancelled for treatment of structural framing, the most likely substitutes would be concrete, masonry, and steel framing. The cost of these substitutes are similar to that of treated wood.

c. *Pilings.* An estimated 12.09 million cubic feet of pilings were treated with wood preservatives in 1978 for use as marine and foundation pilings. Creosote was used to treat 82.7% of these pilings in 1978, while pentachlorophenol was the wood preservative for 9.5% of the pilings and the inorganic arsenicals were used for 7.8%. Pentachlorophenol is not recommended or used for marine pilings; inorganic arsenicals could serve as an alternative for creosote in marine and foundation uses even though the brittleness imparted to pilings by inorganic arsenic results in some breakage of pilings during shipping and mechanical driving. Both concrete and steel can provide technically acceptable alternative materials for pilings in foundation uses. However, steel would be subject to corrosion in highly acidic soils or in marine environments.

The Agency has determined that there would be a major adverse economic impact if pentachlorophenol or creosote were cancelled. The annual cost impacts would be a $9–10 million increase for the cancellation of creosote and a $8.3–9.0 million increase for the cancellation of pentachlorophenol. If the inorganic arsenicals were cancelled, the extent of the annual economic impacts would be minor since creosote-treated pilings could substitute for inorganic arsenical-treated pilings. If both pentachlorophenol and the inorganic aresenicals were cancelled for use on pilings, there would be a major annual cost increase of greater than $9.0 million. If both creosote and the inorganic arsenicals were cancelled, steel or concrete would be used as alternatives for 4.3 million cubic feet of marine pilings, since pentachlorophenol is not recommended or used for marine use. If pentachlorophenol and creosote were cancelled for pilings, the annual impact would be an additional cost of $8 million, for both the first and subsequent years. Under this scenario, the high cost increase for equipment changes is largely offset by the lower cost of arsenical-treated pilings.

If all three wood preservatives were cancelled, the most likely substitutes would be concrete for marine uses and concrete and steel for the foundation uses. The costs of both concrete and steel pilings (including installation costs) are higher than treated wood piles on a one for one basis. If concrete or steel pilings are used instead of treated wood pilings, the total average annual (annualized) installed cost of pilings would increase 33.3% ($64.5 million) for concrete and 67% ($129.1 million) for steel compared to the 1978 cost of treated wood pilings (assuming a one to one replacement for the wood pilings). However, if concrete and steel piles are assigned heavier loads than those previously assigned to the treated wood piles, the total installed cost of pilings could decrease by as much as 11% for concrete and increase by as much as 11% for steel, compared to the 1978 annualized cost of treated wood pilings. In the use of foundation pilings in residential and small commercial buildings where loads are relatively low concrete or steel pilings will usually be much higher in cost than treated wood pilings.

d. *Posts.* In 1978, an estimated 20 million cubic feet of posts were treated with preservatives. Treated wood posts include such uses as fences, highway guardrails and signposts, farm fence posts account for the largest proportion of treated posts use. The average service life of untreated fence posts is only 3.3 years, compared with 38 years for creosote or inorganic arsenical-treated posts (ACA) and 33 years for posts treated with pentachlorophenol. The 1978 distribution of fence posts by treatment chemical was 22.9% for creosote, 54.8% for pentachlorophenol and 22.3% for the inorganic arsenicals. The total cost of treated wood posts in 1978 was $66.1 million.

The Agency has determined the economic impacts if one or more of the three wood preservatives were cancelled. If pentachlorophenol were cancelled, there would be a moderate economic impact, an annual increase of $0.75 million to $5.1 million in the costs of treated wood posts, depending on which alternative (e.g., creosote or the inorganic arsenicals) is chosen. If cresote were cancelled, there would be a moderate economic impact of a $3.3 million annual cost increase for the first and subsequent years. If the inorganic arsenicals were cancelled, the first year and annual long-term impacts would be a cost increase of $4.0 million to $4.5 million in treated wood posts depending on which alternative (e.g., creosote or pentachlorophenol) is chosen; this impact is viewed as moderate.

If both creosote and the inorganic aresenicals were cancelled, there would be major adverse economic impacts for both the first year and subsequent years; the cost impact is estimated to be an annual cost increase of greater than $7 million for treated wood fence posts. If both the inorganic arsenicals and pentachlorophenol were cancelled, there would be a moderate adverse economic impact for both the first and subsequent years (an annual increase in post cost of greater than $5.1 million). Under this cancellation scenario, steel posts would probably replace treated wood posts for suburban uses since creosote-treated posts are unacceptable replacements. However, if both creosote and pentachlorophenol were cancelled, there would be minor adverse first year and annual long-term impacts; this impact is estimated, based on current levels of usage, to be an annual cost increase of $383,000.

If all three wood preservatives were cancelled, steel or concrete posts would be the most likely alternative materials that would be used for fence posts. T-type steel posts which serve as substitutes for treated wood posts in farm uses, are priced competitively with treated wood posts. Thus, substitution of steel posts in many farm uses would not necessarily lead to much higher fencing cost. Concrete posts would be more expensive than steel and probably would not be substituted in most farm situations.

e. *Crossarms.* Crossarms are the cross members of assembled utility poles. An estimated 1,685,000 cubic feet of crossarms were treated with wood preservatives in 1978. The distribution of crossarms by preservative treatments was 2.5% for creosote, 95.8% for pentachlorophenol and 1.7% for the inorganic arsenicals. The 1978 cost of treated crossarms was estimated as $14.86 million. The service lives of crossarms treated with the three major wood preservatives are considered to be equivalent (40 years). Steel crossarms can be used as alternatives for treated wood crossarms in some use situations.

The Agency has determined the economic impact if one, two, or all three wood preservatives were cancelled. If pentachlorophenol were cancelled for the crossarm use, there would be minor to moderate adverse economic impacts for both the first and subsequent years ranging from a decline in annual cost of $0.23 million to an additional annual cost of $1.2 million, depending upon which alternative (creosote or inorganic arsenicals) is chosen. If creosote were cancelled, there would be minor adverse first year and annual long-term impacts, ranging from a decline in cost of $15,000 to $30,000, depending on which alternative (e.g., inorganic arsenicals or pentachlorophenol) is chosen. These economic impacts are based on current preservative prices and do not include any additional investment costs for conversion from one treatment process to another. If the inorganic arsenicals were cancelled, there would be a slight increase in treated crossarm cost, resulting in minor adverse first year and annual long-term impacts.

If both the inorganic arsenicals and pentachlorophenol were cancelled, there would be an additional annual cost of $1.2 million for treated crossarms, which represents a moderate adverse economic impact. If both the inorganic arsenicals and creosote were cancelled for the crossarm use, there would be an annual decline in cost of $0.2 million. If both pentachlorophenol and creosote were cancelled, there would be a small decline in the annual cost of treated crossarms.

If all three wood preservatives were cancelled, the most likely substitute would be steel crossarms. The steel crossarms would be competitive with treated crossarms for some uses, but, in most instances, this cancellation scenario would result in higher crossarm costs and a major adverse economic impact.

f. *Poles.* Treated poles are the principal structural support elements in the 4.52 million miles of the electric distribution system and the estimated 640,000 miles of electrical transmission lines in the United States. Treated poles are also used to support telephone lines, as light standards, and for construction uses in residential and other buildings. In 1978, an estimated 64.2 million cubic feet of wood were treated for pole use (2.86 million treated poles). The distribution of the three preservatives for pole treatment by volume in 1978 was 65.3% for pentachlorophenol, 28.4% for creosote and 6.3% for the inorganic arsenicals. There are no viable chemical alternatives for the three major wood preservative agents for pole treatment with the possible exception of copper naphthenate for certain limited uses. However, copper naphthenate is unsuitable for large-scale use in poles because it imparts a green, greasy surface to the poles, is unstable in the presence of moisture and causes corrosion of metals. Non-wood alternatives for treated poles include the use of concrete and steel as pole construction materials and the installation of underground distribution and transmission lines in urban areas or in new subdivisions.

The Agency has determined the economic impact on the distribution and transmission pole system if one, two, or all of the three wood preservatives were cancelled. If pentachlorophenol were cancelled for poles, there would be a first year cost increase, ranging from $19.9 million to $24.2 million depending upon which alternative is chosen (e.g., creosote or the inorganic arsenicals.) The long-term economic impact for the cancellation of pentachlorophenol would range from a total annualized cost decrease of $43.6 million to an annualized increase of $32.8 million. If creosote were cancelled, there would be a major adverse economic impact for the first year with an additional cost of $9.4 million to $20.7 million. The long-term impact would range from an average annual decline in cost of $43.6 million to an additional cost of $17.8 million and could cause a major adverse economic impact. If the inorganic arsenicals were cancelled, there would be a minor adverse impact of an additional cost of $1.9 million for the first year and a major adverse economic impact (additional cost of $17.8 million to $32.8 million) for each subsequent year.

If pentachlorophenol and creosote were cancelled, there would be an additional first year cost of $28 million and an annual decline in cost of $43.6 million in subsequent years. If pentachlorophenol and the inorganic arsenicals were cancelled, there would be a major adverse economic impact with a cost increase of $35.5 million in the first year and an average annual cost increase of $32.8 million in subsequent years. The cancellation of creosote and the inorganic arsenicals would result in an additional first year cost of $24.3 million and an average annual cost increase of $18 million in subsequent years, or major economic impacts. If all three major wood preservatives were cancelled for poles, the most likely substitutes would be concrete and steel. Under this cancellation scenario, there would be large first year cost increases and major adverse impacts in subsequent years ranging from $1.3 billion to $2.1 billion depending upon the alternative which is chosen.

3. *Non-pressure uses*—a. *Poles-groundline.* The poles-groundline treatment of in-place utility poles is a small, but increasingly important segment of the wood treatment industry. In poles-groundline treatment, wood preservatives are applied to a previously installed pressure treated pole over a section covering the six inches above and six inches below the ground level of the pole. This treatment can delay decay and subsequent pole failure for 20 years or more.

The two major formulations of commercial poles-groundline treatments marketed in the United States contain both creosote and pentachlorophenol; one of these formulations has a high creosote content and the other a high pentachlorophenol content (the latter product also contains sodium fluoride). Currently, the high creosote formulation is used for about 66% of all poles-groundline treatments and the high pentachlorophenol content product is used for about 33% of the poles-groundline treatment. The number of utility poles receiving groundline treatment in the United States was estimated to be approximately 1 million in 1978.

The Agency has determined the economic impacts if pentachlorophenol, creosote or both were cancelled for this use. If either pentachlorophenol or creosote were cancelled, there would be minor adverse first year or annual long-term impacts because the remaining registered wood preservative would be substituted for the cancelled one.

If both pentachlorophenol and creosote were cancelled for the groundline treatment of poles there would be a first year cost decrease of $10 million to $12 million, but an average annual cost ("annualized") increase of about $36.8 million. If the current level of groundline treatment doubles in the next 5 years, as projected by some experts, the increase in annualized pole replacement costs would exceed $70 million. Thus, the cancellation both creosote and pentachlorophenol for groundline treatment of poles would result in a major adverse economic impact.

b. *Home and farm.* Pentachlorophenol and creosote solutions are applied by homeowners, farmers, and, to some extent, by on-the-job carpenters by brushing, rolling, dipping, soaking or spraying the wood. Typical treated wood items include decks, siding, millwork, lumber, fences, shingles, outdoor furniture and other miscellaneous wood products. These non-pressure applications of pentachlorophenol and creosote extend the useful service life of wood in above ground applications and provide limited protection for wood in contact with the ground. About 1.6 million pounds of pentachlorophenol and 2.0 million pounds of creosote are used around homes and farms to protect various wood structures and products exposed

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to natural elements. The inorganic arsenicals preservatives are not generally available to home and farm applicators because of current marketing practices.

There are several alternative wood preservatives registered for use at the home and farm level, the most common being copper naphthenate, copper-8-quinolinolate (Cu-8), zinc naphthenate and tributyltin oxide (TBTO). Copper naphthenate is effective under certain conditions, but its overall performance is questionable and it imparts a green color to the wood, makes a poor base for paint, and leaves the wood difficult to finish naturally. Zinc naphthenate, which imparts a colorless finish to wood, is considered less effective than copper naphthenate. The TBTO formulations are colorless in solution and leave the wood clear and paintable. This chemical has some known merit for protecting wood above ground, but is ineffective for ground contact use. Registered Cu-8 formulations have demonstrated less effectiveness in controlling rot and decay than either creosote, the inorganic arsenicals or pentachlorophenol. Alternatives to non-pressure treatment with chemical agents include leaving the wood untreated, using non-wood materials (e.g., aluminum and concrete), purchasing lumber which has been pressure treated, or using a naturally resistant wood species; these naturally resistant wood species are, however, in short supply.

The Agency has evaluated the benefits of the home and farm uses of pentachlorophenol and creosote and has determined that there would be a minor economic impact consisting of a slight increase in preservative cost if creosote or pentachlorophenol were cancelled. The chemical alternatives (copper naphthenate, copper-8-quinolinolate, zinc naphthenate and tributyltin oxide) are currently available to homeowners and farmers but at prices which are somewhat higher than the price of pentachlorophenol or creosote. These alternatives do not have the wide range of control characteristic of pentachlorophenol or creosote. Non-wood materials such as aluminum and concrete can replace treated wood in some circumstances at comparable prices; the comparability of cost does not, however, take into account the aesthetic value of wood. The price of pressure treated lumber is slightly higher than lumber treated by brush or dip applications, but the pressure treatments provide better protection to the wood. However, the inorganic arsenical-treated lumber can only be considered a partial a substitute for the home and farm uses of pentachlorophenol and creosote since pressure treated lumber is not an alternative for all non-pressure home and farm uses.

c. *Sapstain control.* Although the most serious structural damage to wood is caused by insects and decay, infestion with sapstain fungi increases the capacity of the wood to absorb moisture, thus making the wood more vulnerable to decay. Sapstain fungi infestation also causes discoloration which reduces the market value of the wood. Currently, sodium pentachlorophenate (sodium penta) is the primary antimicrobial used to contain sapstaining and surface staining fungi in the United States. About 1.15 million pounds of sodium penta are used annually for this purpose. These sodium penta solutions often include the salts of other chlorinated phenols.

The alkali salts of tetrachlorophenol (tetra) have used effectively for sapstain control for over 40 years; in recent years, however, sodium penta has replaced sodium tetra as the primary antimicrobial for sapstain control. Copper-8-quinolinolate (Cu-8) is currently registered for sapstain control; information is unavailable on the volume of Cu-8 used for sapstain control and the effectiveness of this chemical for this use. Kiln drying can be used to prevent sapstain for most softwoods; however, kiln drying cannot be utilized in those situations where freshly-cut lumber cannot be placed in the kiln within 48 hours. Kiln drying is also not appropriate for a number of hardwood species which are subject to warping and honeycombing during kiln drying.

The Agency has determined that there would be a minor adverse economic impact if sodium penta were cancelled. The most likely substitutes for controlling sapstain would be the alkali salts of tetrachlorophenol (e.g., sodium tetra or postassium tetra), which are equal in cost and efficacy to sodium penta. There would be only minor changes in treatment cost if applicators switched from sodium penta to sodium tetra for sapstain control; no adverse economic impacts in consumer prices for lumber are anticipated if sodium tetra replaces sodium penta for this use. Other alternatives (e.g., Cu-8 and potassium tetra) are available at a slightly increased cost; these alternatives, however, may not provide adequate protection for sapstain control.

d. *Millwork and plywood.* Millwork includes wood windows, sash screens, blinds, shutters, window frames, doors, door frames and mouldings, as well as machined parts of these products. All of these items are manufactured primarily from ponderosa pine and other softwoods which have a low natural resistance to decay. Millwork and plywood are usually treated with a 5% pentachlorophenol solution in mineral spirits (containing water repellants) which is applied by spraying, brushing, dipping or by the vacuum process. Available alternatives include TBTO, Copper-8-quinolinolate and non-wood structural materials such as aluminum. Pentachlorophenol is colorless, compatible with paints, stains, sealers and primers and does not interfere with the adhension of glazing compounds, caulkings or other sealants. The 0.75% TBTO formulations are effective for exterior millwork which is painted, varnished or coated subsequent to TBTO treatment; however, if millwork is subjected to severe exposure, the prolonged service life provided by 0.75% TBTO will not equal that of pentachlorophenol. The 0.25–0.3% Cu-8 solutions are approved by the National Wood Manufacturers Association (NWMA) for use on millwork, but not recommended by the National Forest Products Association for millwork protection. A waterbased Cu-8 product (0.5%) is available but has not been approved for use by the NWMA.

The Agency has determined that there would be a minor adverse economic impact to the millwork and plywood industry if pentachlorophenol were cancelled. If pentachlorophenol is cancelled, millwork and plywood manufacturers would most likely switch to TBTO, which costs about the same as pentachlorophenol, and is effective for above ground exposure if the TBTO treated wood is painted. If the water-based Cu-8 solution proves to be efficacious many pentachlorophenol users would switch to this formulation. Other alternatives that could be substituted for pentachlorophenol would be untreated wood, which would require frequent replacements and increase the demand for wood products, naturally resistant wood, and non-wood materials (e.g., aluminum).

e. *Particleboard.* In some areas of the United States it may be necessary to use treated particleboard to prevent attack by dry-wood termites and other wood destroying insects. Pentachlorophenol is presently the only preservative used for this specific purpose. There is currently only one known plant producing pentachlorophenol-treated particleboard. The treated particleboard constitutes less than 1% of the average annual particleboard production at the plant and represented a very small part (about 0.005%) of the 3.9 billion square feet of particleboard produced in the United States in 1978.

The production of treated particleboard generates an annual revenue of about $35,000. Thus, even though there are no registered alternatives for the particleboard use, the economic impacts would be minor if pentachlorophenol were cancelled for this use.

C. Determination of Unreasonable Adverse Effects

For the reasons set forth in detail in the accompanying Position Document, the Agency has made the following unreasonable adverse effects determinations about the uses of the wood preservative chemicals.

The Agency has determined that the risks arising from the use of creosote for wood preservative treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms, and poles are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for creosote use for treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms, and poles *unless* the terms and conditions are modified. For the above uses these modifications include:

1. The requirement that all applicators wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with creosote is possible (e.g., handling treated wood and opening cylinder doors).

2. The requirement that all applicators who open treatment cylinder doors wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

3. The requirement that all applicators who enter pressure treatment cylinders and other related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of in accordance with the instructions for pesticide container disposal.

5. The prohibition of eating, drinking and smoking during the application of creosote wood preservative treatments.

6. The classification of creosote wood preservative products as restricted use pesticides for application by or under the direct supervision of a certified applicator.

7. The prohibition against the application of creosote to wood which is intended for interior use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites.

8. The prohibition against the application of creosote to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the use of pentachlorophenol for wood treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles are greater than the social, economic and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for pentachlorophenol use for wood treatment of railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles *unless* the terms and conditions of registration are modified. For the above uses, these modifications include:

1. The requirement that all applicators wear gloves impervious to the wood preservative solution (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated wood and opening cylinder doors).

2. The requirement for the use of a closed emptying and a closed mixing system for all prilled (granular) formulations of pentachlorophenol.

3. The requirement that all applicators who enter pressure treatment cylinders and other related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators who open treatment cylinder doors wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

5. The requirement that all applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of in accordance with the instructions for pesticide container disposal.

6. The prohibition of eating, drinking and smoking during the application of pentachlorophenol products.

7. The classification of pentachlorophenol wood preservative products formulated for pressure treatment uses as restricted use pesticides for application by or under the direct supervision of a certified applicator.

8. The prohibition against the application of pentachlorophenol to wood which is intended for interior use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites.

9. The prohibition against the application of pentachlorophenol to wood which will be used in a manner which may result in direct exposure to domestic animals or livessock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the use of the inorganic arsenicals for wood preservative treatment of lumber, timber and plywood, piling, posts, crossarms and poles are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the inorganic arsenicals for treatment of lumber, timber and plywood pilings, posts, crossarms and poles *unless* the terms and conditions of registration are modified. For the above uses, these modifications include:

1. The requirement that all applicators wear gloves impervious to the wood preservative solutions (e.g., rubber) in all situations where dermal contact with the inorganic arsenicals is possible (e.g., handling treated wood and opening cylinder doors).

2. The requirement for the use of a closed emptying and a closed mixing system for all powder formulations of the inorganic arsenical compounds.

3. The requirement that individuals who enter pressure treatment cylinders

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and other related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day and that worn-out protective clothing be disposed of in accordance with the instructions for pesticide container disposal.

5. The requirement that applicators working outdoors in arsenical wood treatment plants wear a dust mask capable of trapping 80% of particulates greater than 5 microns in size.

6. The prohibition of eating, drinking and smoking during the application of arsenical wood preservatives by pressure treatment.

7. The classification of the inorganic arsenical wood preservative chemicals as restricted use pesticides for application by or under the direct supervision of a certified applicator.

8. The requirement for the filtration of the treatment solutions prior to use in the treatment cylinders and the requirement for use of an additional vacuum step prior to the removal of the treated wood from the treatment cylinders. The Agency also recommends the use of wood that is free of heavy resins ("clean" wood), the post-treatment rinsing of treated wood, and the installation of protective sheds or covers over the drying treated wood.

9. The prohibition against the application of inorganic arsenicals to wood which is intended for interior use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates, and structural framing.

10. The prohibition against the application of inorganic arsenicals to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has further determined that these modifications in the terms and conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of these uses. These stricter label requirements will not have a significant impact on production and prices of agricultural commodities, retail food prices, or otherwise on the agricultural or on the rest of the American economy. The Agency has determined that, unless these changes in the terms and conditions of registration are accomplished, the uses of creosote for railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles, and of pentachlorophenol for railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles, and of the inorganic arsenicals for lumber, timber and plywood, pilings, posts, crossarms and poles, will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and that the labeling of the wood preservative pesticide products will not comply with the provisions of FIFRA.

The Agency has determined that the risks arising from the wood preservative use of creosote and pentachlorophenol for the groundline treatment of poles are greater than the social, economic and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for creosote and pentachlorophenol use for wood preservative treatment of poles-groundline *unless* the terms and conditions of registration are modified. For the poles-groundline use, these modifications include:

1. The requirement that all applicators using poles-groundline formulations wear gloves impervious to these formulations (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible.

2. The requirement that poles-groundline applicators wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

3. The requirement that poles-groundline applicators dispose of worn-out protective clothing by following the instructions for pesticide container disposal.

4. The prohibition of eating, drinking and smoking during the groundline application of creosote or pentachlorophenol to poles.

5. The classification of all creosote and pentachlorophenol formulations for poles-groundline use as restricted use pesticides.

The Agency has determined that the risks arising from the wood preservative use of creosote and pentachlorophenol for the home and farm uses are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the creosote and pentachlorophenol home and farm uses *unless* the terms and conditions of registration are modified. For the home and farm uses, these modifications include:

1. The requirement that all home and farm applicators wear gloves impervious to creosote and pentachlorophenol (e.g., rubber) in all situations where dermal contact with these pesticides is possible (e.g., handling treated wood).

2. The requirement that all certified applicators who apply creosote and pentachlorophenol by the spray method wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use, and that all certified applicators who apply creosote and pentachlorophenol by other application processes (e.g., brush-on) clothes wear disposable coveralls (e.g., nitrite or polyethylene) or similar protective clothing.

3. The requirement that non-certified applicators wear tightly-woven cotton coveralls or similar protective clothing during the application process.

4. The requirement that all certified applicators applying creosote or pentachlorophenol solutions dispose of worn-out protective clothing in accordance with instructions for pesticide container disposal.

5. The prohibition of eating, drinking and smoking during the application of creosote or pentachlorophenol products.

6. The classification of all creosote products and all pentachlorophenol formulations containing a pentachlorophenol concentration greater than 5% as restricted use pesticides.

7. The prohibition against applying creosote and pentachlorophenol products indoors and the prohibition against the application of creosote and pentachlorophenol to wood intended for indoor use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, and except for millwork (pentachlorophenol only) which has outdoor surfaces (e.g., doorframes, windows and patio frames).

8. The prohibition against using creosote and pentachlorophenol in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the wood preservative use of the inorganic arsenicals for brush-on treatment by applicators are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the brush-on inorganic arsenical use *unless* the terms and conditions of registrations are modified. For the brush-on inorganic arsenical use, these modifications include:

1. The requirement that all applicators wear gloves impervious to the inorganic arsenical solution (e.g., rubber) in all situations where dermal contact with the pesticide solution is possible (e.g., handling treated wood).

2. The requirement that applicators wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

3. The prohibition of eating, drinking and smoking during the application of the inorganic arsenical products.

4. The requirement that applicators applying brush-on inorganic arsenical solutions dispose of worn-out protective clothing in accordance with the instructions for pesticide container disposal.

5. The classification of all inorganic arsenical products as restricted use pesticides.

6. The prohibition against applying brush-on inorganic arsenical treatments to wood intended for indoor use, except for those support structures (e.g., foundation timbers, pole supports, and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates and structural framing.

7. The prohibition against using the inorganic arsenicals in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the wood preservative use of sodium pentachlorophenate for sapstain control are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for the sodium pentachlorophenate use for sapstain control *unless* the terms and conditions of registration are modified. For the sapstain use, these modifications include:

1. The requirement that all applicators using sodium pentachlorophenate for sapstain control wear gloves impervious to sodium pentachlorophenate (e.g., rubber) in all situations where dermal contact with sodium pentachlorophenate (e.g., handling treated wood) is possible.

2. The requirement for the use of a closed emptying and a closed mixing system for prilled (granular) and powder formulations of sodium pentachlorophenate.

3. The requirement that applicators who apply sodium pentachlorophenate formulations by spray methods wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all individuals who enter or clean vats and other related equipment wear a neoprene coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

5. The requirement that sapstain control applicators leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of following the instructions for pesticide container disposal.

6. The prohibition against eating, drinking and smoking during the application of sodium pentachlorophenate for sapstain control.

7. The classification of sodium pentachlorophenate formulations for sapstain control as restricted use pesticides.

8. The prohibition against using sodium pentachlorophenate for sapstain control in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the risks arising from the wood preservative use of pentachlorophenol for millwork and plywood are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the term and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for pentachlorophenol use for the wood preservative treatment of millwork and plywood *unless* the terms and conditions of registration are modified. For the millwood and plywood use, these modifications include:

1. The requirement that all applicators using pentachlorophenol wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with the pentachlorophenol is possible (e.g., handling treated wood).

2. The requirement for the use of a closed emptying and a closed mixing system for all prilled (granular) formulations of pentachlorophenol.

3. The requirement that applicators who apply pentachlorophenol formulations by spray methods wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that all applicators who enter or clean vats and related equipment wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

5. The requirement that applicators who apply pentachlorophenol to millwork and plywood leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of following the instructions for pesticide container disposal.

6. The prohibition against eating, drinking and smoking during the application of pentachlorophenol to millwork and plywood.

7. The classification of pentachlorophenol for the millwork and plywood use as a restricted use pesticide.

8. The prohibition against the application of pentachlorophenol to millwork and plywood products which are intended for interior use, except for millwork which has outdoor surfaces (e.g., doorframes, windows and patio frames).

9. The prohibition against using pentachlorophenol for millwork and plywood in a manner which may result in direct exposure to domestic animals, livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes and watering troughs).

The Agency has determined that the risks arising from the wood preservative use of pentachlorophenol on particleboard are greater than the social, economic, and environmental benefits of use *unless* risk reductions are accomplished by modifications in the terms and conditions of registration.

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Accordingly, the Agency is proposing to initiate action to cancel or deny registration for pentachlorophenol use for wood preservative treatment of particleboard *unless* the terms and conditions of registration are modified. For the particleboard use, these modifications include:

1. The requirement that all persons who apply pentachlorophenol to particleboard wear gloves impervious to pentachlorophenol (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated particleboard).

2. The requirement for the use of a closed emptying and a closed mixing system for all prilled (granular) formulations of pentachlorophenol.

3. The requirement that all individuals who enter or clean vats, and other related equipment wear a neoprene coated cotton or rubberized overall and jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

4. The requirement that applicators who apply pentachlorophenol to particleboard leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day, and that worn-out protective clothing be disposed of following the instructions for pesticide container disposal.

5. The prohibition of eating, drinking, and smoking during the application of pentachlorophenol to particleboard.

6. The classification of pentachlorophenol for particleboard treatment as a restricted use pesticide.

7. The prohibition against the application of pentachlorophenol to particleboard products which are intended for any interior use (e.g., kitchen cabinets).

8. The prohibition against using pentachlorophenol for treatment of particleboard in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

The Agency has determined that the modifications in the terms and conditions of registration for the use of creosote and pentachlorophenol on poles-groundline, for the use of creosote and pentachlorophenol for home and farm uses, for the use of the inorganic arsenicals for brush-on treatments, for the use of sodium pentachlorophenol for sapstain control, for the use of pentachlorophenol for millwork and plywood and for the use of pentachlorophenol on particleboard accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of these uses. These stricter label requirements will not have a significant impact on production and prices of agricultural commodities, retail food prices, or otherwise on the agricultural economy, or on the rest of the American economy. The Agency has determined that, unless these changes in the terms and conditions of registration are accomplished, the non-pressure uses of creosote, pentachlorophenol and inorganic arsenicals listed above will generally cause unreasonable adverse effects on the environment when used in accordance with widespread and commonly recognized practice, and that the labeling of the wood preservative pesticide products will not comply with the provisions of FIFRA.

The Agency has determined that the risks arising from the spray method of application for pentachlorophenol products which are available for retail sale in concentrations of 5% or less are greater than the social, economic and environmental benefits of use, and that risk reduction measures cannot reduce the risk to an acceptable level. Accordingly, *the Agency proposes to cancel or deny registrations for the spray use of pentachlorophenol products which are available for retail sale in concentrations of 5% or less.* The Agency has determined that the cancellation of the spray method of application for pentachlorophenol products will not have a significant impact on the production and prices of agricultural commodities, retail food prices and otherwise on the agricultural or on the rest of the American economy.

In reaching a regulatory position on the wood preservatives, the Agency has considered several important factors: the potentially high risk estimates for all three wood preservative chemicals for pressure and non-pressure treatment plant applicators and for certain non-plant uses, the low number of applicators involved, the extremely high benefits for each chemical, the uncertainty associated with the risk numbers, and the non-substitutability of alternative chemicals for certain uses. The Agency is very concerned about reducing the possible high risks to treatment plant workers. However, cancelling a specific use or uses for each one of the three wood preservative chemicals is unlikely to alter the overall risk picture for that chemical, since the treatment plant applicator is likely to apply the chemical to another end-use product. Thus, in order to appreciably lower the estimated risks from exposure to each one of the wood preservatives pesticides, the Agency would have to cancel all uses of that pesticide. Due to the non-substitutability of the wood preservative compounds and the lack of acceptable non-wood or other chemical alternatives for many use situations, the economic impact which would result from an across-the-board cancellation would be immense. Moreover, the only wood preservative pesticide which is efficacious for a majority of the use sites is inorganic arsenic, which poses the highest level of estimated risk. In order to achieve significant reductions in risks, while retaining the benefits of use to the fullest extent possible, the Agency carefully considered the full range of modifications to the terms and conditions of registration which are available under FIFRA. The Agency selected those risk reduction measures which are cost effective and which will reduce the risk by a significant amount.

D. Initiation of Regulatory Action

Based upon the determinations summarized above and set forth in detail in the Position Document, the Agency is proposing to initiate the following regulatory actions:

1. Cancellation and denial of registration of the spray method of application for pentachlorophenol products which are available for retail sale in concentrations of 5% or less.

2. Cancellation and denial of registration of creosote products for wood preservative use on railroad ties, lumber, timber and plywood, pilings, posts, crossarms, and poles *unless* the registrants modify the labeling of creosote products to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.*

(1) All applicators must wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with creosote is possible (e.g., handling treated wood and opening cylinder doors).

(2) All applicators who open treatment cylinder doors must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

(3) Applicators who enter pressure treatment cylinders and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. All applicators must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of in accordance with the instructions for pesticide container disposal.

d. Eating, drinking and smoking is prohibited during the application of creosote products.

e. The application of creosote to wood which is intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with soil in barns, stables and similar sites.

f. Do not apply creosote to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

3. Cancellation and denial of registration of pentachlorophenol products for wood preservative use on railroad ties, lumber, timber and plywood, pilings, posts, crossarms and poles *unless* the registrants modify the labeling of products to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only be certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.*

(1) All applicators must wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated wood and opening cylinder doors).

(2) All applicators who open treatment cylinder doors must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

(3) Applicators who enter pressure treatment cylinders and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) formulations of pentachlorophenol.

d. All applicators must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of in accordance with the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of pentachlorophenol products.

f. The application of pentachlorophenol to wood which is intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites.

g. Do not apply pentachlorophenol to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetables stakes, feed lot bins and watering troughs).

4. Cancellation and denial of registration of the inorganic arsenical products for wood preservative use on lumber, timber and plywood, pilings, posts, crossarms and poles *unless* the registrants modify the labeling of inorganic arsenical products for these uses to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.*

(1) All applicators must wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with the inorganic arsenicals is possible (e.g., handling treated wood and opening cylinder doors).

(2) Applicators who enter pressure treatment cylinders and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

(3) Applicators who work outdoors in arsenical wood treatment plants must wear a dust mask capable of trapping 80% of particulates greater than 5 microns in size.

c. A closed emptying and a closed mixing system must be used for all powder formulations of the inorganic arsenicals.

d. All applicators must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of in accordance with the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of inorganic arsenical wood preservative pesticides by pressure treatment.

f. The inorganic arsenical treatment solutions must be filtered prior to use in the treatment cylinders and an additional vacuum step must be used prior to the removal of the treated wood from the treatment cylinders. In addition to these requirements, recommended control technologies to reduce the surface levels of arsenic on the treated wood include the use of wood that is free of heavy resins ("clean" wood), the post-treatment rinsing of the treated wood, and the installation of protective sheds or covers over the drying treated wood.

g. The application of inorganic arsenicals to wood which is intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates, and structural framing.

h. Do not apply inorganic arsenicals to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

5. Cancellation and denial of registration of creosote or pentachlorophenol for wood preservative use for groundline treatment of poles *unless* the registrants modify the labeling of creosote and pentachlorophenol products for the poles-groundline use to including the following statements:

a. *Restricted Use Pesticide:* for sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators certification.

b. *Protective Clothing and Equipment:*

(1) All applicators must wear gloves impervious to the pentachlorophenol and creosote poles-groundline formulations (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible.

(2) All applicators must wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

c. All applicators must dispose of wornout protective clothing in accordance with the instructions for pesticide container disposal.

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d. Eating, drinking and smoking is prohibited during the application of creosote and pentachlorophenol products for the poles-groundline use.

6. Cancellation and denial of registration of creosote and pentachlorophenol for wood preservative home and farm uses *unless* the registrants modify the labeling of creosote and pentachlorophenol products for home and farm use to include the following statements:

a. For all creosote products and those pentachlorophenol products containing a pentachlorophenol concentration greater than 5%: *Restricted Use Pesticide:* For retail sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.* (1) All applicators must wear gloves impervious to the creosote and pentachlorophenol treatment solutions (e.g., rubber) in all situations when dermal contact with these pesticides is possible (e.g., handling treated wood).

(2) All non-certified applicators must wear tightly-woven cotton long-sleeved coveralls or similar protective clothing during the application process.

(3) All certified applicators who apply creosote and pentachlorophenol by the spray method must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots and a properly maintained half-mask canister or cartridge respirator designed for pesticide use, and all certified applicators who apply creosote and pentachlorophenol by other application processes (e.g., brush-on) must wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing.

c. All certified applicators applying creosote or pentachlorophenol solutions must dipose of worn-out protective clothing in accordance with the instructions for pesticide container disposal.

d. Eating, smoking and drinking is prohibited during the application of creosote or pentachlorophenol products.

e. The application of creosote and pentachlorophenol products indoors is prohibited. The application of creosote and pentachlorophenol products to wood intended for interior use is prohibited, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, and millwork (pentachlorophenol only) which has outdoor surfaces (e.g., doorframes, windows and patio frames).

f. Do not use creosote or pentachlorophenol in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetables stakes, feed lot bins and watering troughs).

7. Cancellation and denial of registration of brush-on treatments of the inorganic arsenicals *unless* the registrants modify the labeling of the inorganic arsenical restricted use products to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicator's certification.

b. *Protective Clothing and Equipment:* (1) All applicators must wear gloves impervious to the inorganic arsenical solutions (e.g., rubber) in all situations where dermal contact with the pesticide solution is possible (e.g., handling treated wood). (2) All applicators must wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing during the application process.

c. Eating, drinking and smoking during the application of the inorganic arsenical products is prohibited.

d. All applicators applying brush-on inorganic arsenicals solutions must dispose of worn-out protective clothing in accordance with the instructions for pesticide container disposal.

e. Do not apply brush-on inorganic arsenical solutions to wood intended for indoor use, except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables and similar sites, all weather wood foundations, sills and plates and structural framing.

f. Do not use the inorganic arsenicals in a manner which may result in direct exposure to domestic animals or livestock or in the contamination of food, feed, or drinking or irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

8. Cancellation and denial of registration of sodium pentachlorophenate products for sapstain control *unless* the registrants modify the labeling of sodium pentachlorophenate products to include the following statements:

a *Restricted Use Pesticide:* For sale to and use only be certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment:* (1) All applicators using sodium pentachlorophenate for sapstain control must wear gloves impervious to sodium pentachlorophenate (e.g., rubber) in all situations where dermal contact with sodium pentachlorophenate is possible (e.g., handling treated wood). (2) All applicators who apply sodium pentachlorophenate formulations by the spray method must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

(3) All individuals who enter or clean vats and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) and powder formulations of sodium pentachlorophenate.

d. All sapstain control applicators must leave all protective clothing, work shoes or boots and equipment at the plant. Worn-out protective clothing must be disposed of following the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of sodium pentachlorophenate for sapstain control.

f. Do not use sodium pentachlorophenate for sapstain control in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

9. Cancellation and denial of registration of the wood preservative use of pentachlorophenol for millwork and plywood *unless* the registrants modify the labeling of pentachlorophenol products for the millwork and plywood uses to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

b. *Protective Clothing and Equipment.* (1) All applicators applying pentachlorophenol must wear gloves impervious to the wood treatment solution (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated wood). (2) All applicators who apply pentachlorophenol to millwork and plywood by the spray method must wear gloves and a properly maintained half-mask canister or cartridge respirator designed for pesticide use. (3) All individuals who enter or clean vats and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) formulations of pentachlorophenol.

d. All applicators who apply pentachlorophenol to millwork and plywood must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of following the instructions for pesticide container disposal.

e. Eating, drinking and smoking is prohibited during the application of pentachlorophenol to millwork and plywood.

f. The application of pentachlorophenol products to wood intended for interior use is prohibited, except for wood which has outdoor surfaces (e.g., doorframes, windows and patio frames).

g. Do not use pentachlorophenol in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

10. Cancellation and denial of registration of the wood preservative use of pentachlorophenol on particleboard *unless* the registrants modify the labeling of pentachlorophenol products for the particleboard use to include the following statements:

a. *Restricted Use Pesticide:* For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certifications.

b. *Protective Clothing and Equipment.* (1) All applicators who apply pentachlorophenol to particleboard must wear gloves impervious to pentachlorophenol (e.g., rubber) in all situations where dermal contact with pentachlorophenol is possible (e.g., handling treated particleboard). (2) All individuals who enter or clean vats and other related equipment must wear a neoprene-coated cotton or rubberized overall, jacket, gloves and boots, and a properly maintained half-mask canister or cartridge respirator designed for pesticide use.

c. A closed emptying and a closed mixing system must be used for all prilled (granular) formulations of pentachlorophenol.

d. Eating, drinking and smoking is prohibited during the application of pentachlorophenol to particleboard.

e. All applicators who apply pentachlorophenol to particleboard must leave all protective clothing, work shoes or boots, and equipment at the plant at the end of the day. Worn-out protective clothing must be disposed of following the instructions for pesticide container disposal.

f. The application of pentachlorophenol to particleboard intended for any interior use (e.g., kitchen cabinets) is prohibited.

g. Do not apply pentachlorophenol to particleboard which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

E. Other Determinations

In addition to the regulatory actions summarized in Unit III.D of this Notice, the Agency will propose labeling measures for the treated wood under the authority of the Toxic Substances Control Act (TSCA). The Consumer Product Safety Commission (CPSC) has some regulatory jurisdiction pertaining to the consumer use of wood treated with pesticides; the CPSC, however, has not issued any pertinent regulations to date. If the CPSC promulgates regulations covering the wood treated with pesticides, TSCA will be pre-empted to the extent that the CPSC takes sufficient action to protect against the risks of concern. These TSCA measures will be presented in the near future in a notice of proposed rulemaking issued pursuant to Section 6 of TSCA. The measures which the Agency expects to propose by TSCA rulemaking are labeling changes which will recommend appropriate precautions for using treated wood products. The recommendation are set forth below in this document in order to present a complete picture of the actions which the Agency plans to initiate with regard to the wood preservative chemicals. These TSCA labels would be distributed to the end-users of the treated wood and would include the following statements: The Agency recommends that:

1. All individuals who handle pesticide-treated wood wear gloves impervious to the wood preservatives (e.g., rubber).

2. Individuals who saw pesticide treated wood wear disposable coveralls (e.g., nitrile or polyethylene) or similar protective clothing (for homeowners, tightly-woven cotton coveralls are acceptable).

3. Individuals who saw pesticide-treated wood and fabricate structures with treated wood wear a dust mask capable of trapping 80% of particulates greater than 5 microns in size.

4. Treated wood not be used indoors except for those support structures (e.g., foundation timbers, pole supports and the bottom six inches of stall skirtboards) which are in contact with the soil in barns, stables, and similar sites (all three wood preservatives); all weather wood foundations, sills and plates, structural framing (inorganic arsenicals only); millwork (pentachlorophenol only) which has outdoor surfaces (e.g., doorframes, windows and patio frames); and wood treated for sapstain control with 0.5% sodium pentachlorophenate.

5. Treated wood not be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feed lot bins and watering troughs).

6. Treated wood be disposed of by methods, such as on-site burial, which are in accordance with local and state laws, and the Resource Conservation and Recovery Act, rather than by burning.

Procedural Matters

This Preliminary Notice of Determination notifies the United States Department of Agriculture, the Scientific Advisory Panel, pesticide registrants and users, and other interested parties of the Agency's preliminary determinations relating to the risks and benefits of the uses of the wood preservative pesticide chemicals; (1) coal tar, creosote and coal tar neutral oils, (2) pentachlorophenol, and (3) inorganic arsenic, and provides these entities and individuals with the opportunity to comment on these determinations.

As discussed in Unit II of this Notice, the Agency's decision to initiate the regulatory actions described in Unit III must be referred for review by the Secretary of Agriculture and the Scientific Advisory Panel. The EPA Position Document setting forth in detail the reasons and factual bases for the regulatory actions which the Agency proposes and this Notice of

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Determination are being transmitted immediately to the Secretary of Agriculture and the Scientific Advisory Panel for comments. The Agency will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action. Interested persons may receive copies of the document by communicating their requests to Joan Warshawsky, Section Head, Special Pesticide Review Division, Office of Pesticide Programs, EPA (TS-791), Room 711B, Crystal Mall II, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557-7460. Registrants and other interested persons have the same period of 90 days to submit comments that the Agency is providing for comments from the Secretary of Agriculture and the Scientific Advisory Panel.

All comments on the proposed actions should be sent to the Document Control Office, Chemical Information Division, EPA (TS-793), Room E-401, 401 M Street SW., Washington, D.C., 20460. In order to facilitate the work of the Agency and of others inspecting the comments, registrants and other interested persons should submit three copies of their comments. The comments should bear the identifying notation 30.000/28C and should be submitted on or before May 20, 1981.

After completion of these review procedures, the Agency will consider the comments received and publish an analysis of them, together with any changes in the regulatory actions announced in this Notice which it determines are appropriate. Until this final review phase is concluded in this manner, it is not necessary for registrants or other interested persons to request a hearing to contest any regulatory action resulting from the conclusion of this RPAR.

Dated: January 19, 1981.

Steven D. Jellinek,

Assistant Administrator for Pesticide and Toxic Substances.

[FR Doc. 81-5603 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1757-7; OPP-50524]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued extensions of experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The designated product manager cited in each permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, 401 M St. SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: EPA has extended the following experimental use permits: 891-EUP-30. Boots Hercules Agrochemicals Co., Concord Plaza, Box 7489, 3509 Silverside Rd., Wilmington, DE 19803. This experimental use permit allows the use of 2,470 gallons (9,880 pounds) of *N*-chloroacetyl-*N*-(2,6-diethylphenyl)glycine, ethyl ester on sugar beets to evaluate control of weeds. A total of 5,800 acres are involved. The program is authorized only in the States of California, Colorado, Idaho, Kansas, Michigan, Minnesota, Montana, North Dakota, Nebraska, Ohio, Oregon, and Wyoming. The experimental use permit is effective from March 1, 1981 to March 1, 1982. (PM 23, Richard F. Mountfort, 703-557-7070).

10182-EUP-17. ICI Americas, Inc., Wilmington, DE 19847. This experimental use permit allows the use of 45.0 pounds of the insecticide permethrin on livestock and livestock premises to evaluate control of various insects. A total of 330,000 square feet per livestock premises are involved. The program is authorized only in the States of Alabama, Arkansas, Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin. The experimental use permit is effective from January 25, 1981 to January 25, 1982. This experimental use permit is issued with the limitation that all the animals will be destroyed or used for research purposes only. (PM 17, Franklin D. R. Gee, 703-557-7028).

Persons wishing to review the experimental use permit are referred to the product manager. Inquiries regarding these permits should be directed to persons cited above. It is suggested that interested persons call before visiting the EPA headquarters office so that the appropriate file may be made available for review purposes, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (21 U.S.C. 136))

Dated: February 5, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-5607 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1756-6; PW-24]

ICI Americas, Inc.; Withdrawal of Food Additive and Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: ICI Americas Inc., has submitted withdrawals for food additive and pesticide petitions for use of the insecticide pirimicarb.

ADDRESS: Written comments to: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller (703-557-7040).

SUPPLEMENTARY INFORMATION: ICI Americas, Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897 has withdrawn the following pesticide and food additive petitions: PP 7F1915 for use of the insecticide pirimicarb in or on broccoli, lettuce, Brussels sprouts, cabbage, cauliflower, and bell peppers (45 FR 13045); PP 9F2175 for use of the insecticide pirimicarb in or on alfalfa hay, fresh alfalfa, pecans, meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, milk, poultry, and eggs (44 FR 21862); PP 9E2235 for use of pirimicarb in or on apples and cottonseed; FAP 9H5235 for residues of insecticide pirimicarb in cottonseed oil; and FAP 9H5332 for residues of the insecticide pirimicarb on apple pomace and pulp (44 FR 49789); and FAP 9H5238 for use of the insecticide pirimicarb in or on apple pomace, pulp, cabbage, and lettuce wrapper leaves (44 FR 57483).

ICI Americas, Inc., has withdrawn these petitions without prejudice to further filing in accordance with the regulations (40 CFR 121.52) pertaining to section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: February 5, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-5607 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1757-4; OPP-50521]

State of Florida; Renewal of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a renewal of an experimental use permit to the State of Florida, Department of Citrus. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA has issued a renewal of an experimental use permit to the State of Florida, Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33802. This experimental use permit (43808-EUP-1) allows the use of 1,001 pounds (quantity remaining from 3,000 pounds in original program) of the plant growth regulator 5-chloro-3-methyl-4-nitro-1*H*-pyrazole on oranges to evaluate the product as an abscission agent. A total of 500 acres are involved. The program is authorized only in the State of Florida. The experimental use permit is effective from January 5, 1981 to January 5, 1982. A temporary tolerance for residues of 5-chloro-3-methyl-4-nitro-1*H*-pyrazole on oranges has been renewed.

Persons wishing to review the experimental use permit are referred to the product manager. Inquiries regarding the permit should be directed to the person given above. It is suggested that interested persons call before visiting the EPA headquarters office so that the appropriate file may be made available for review purposes, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (21 U.S.C. 136))

Dated: February 5, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-5602 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1757-8; OPP-50522]

University of Wyoming; Application for Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An experimental use permit application has been received from the Animal Science Division, University of Wyoming, Box 3354, Laramie, WY 82071 to use the active ingredient sodium monofluoroacetate in toxic collars and balloons attached to sheep; as baits to evaluate control of coyotes.

ADDRESS: Written comments in response to this application may be submitted to: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller (703-557-7040).

SUPPLEMENTARY INFORMATION: The Animal Science Division, University of Wyoming, Box 3354, Laramie, WY 82071, has applied for an experimental use permit. This experimental use permit, File Symbol 43974-EUP-E, purposes the use of 7.2 ounces of the active ingredient sodium monofluoroacetate. It is proposed that the active ingredient be used in toxic collars and balloons attached to sheep; and as baits to evaluate control of coyotes. A total of 5,000 acres are involved. The program is proposed for use in Idaho and Wyoming.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: February 5, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-5604 Filed 2-18-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 723

[OPTS-50028; TSH-FRL 1756-7]

Control of Chemicals Used in or for Instant Photographic Systems; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Receipt of Exemption Application.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before commencement of manufacture or import. However, under section 5(h)(4) the Agency may, upon application and by rule, exempt any person from all or part of the requirements of section 5 if the Agency determines that the new chemical substance will not present an unreasonable risk of injury to health or the environment. This notice announces receipt of an application submitted by Polaroid Corporation for such an exemption. The application requests an exemption for certain new chemical substances used in or for Polaroid Corporation's "SX-70" photographic system. The Agency invites comments from interested parties on the application.

DATES: Written comments are requested by March 23, 1981.

ADDRESS: All written comments should be addressed to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, D.C. 20460 (202-755-9326).

FOR FURTHER INFORMATION CONTACT: Paulette Wolfson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-299, 401 M Street SW., Washington, D.C. 20460 (202-755-9317).

SUPPLEMENTARY INFORMATION:

A. Status of Section 5 Rulemaking

Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA published the Initial Inventory on June 1, 1979. The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 49764). EPA issued a clarification of importing responsibilities, published in the **Federal Register** of September 23, 1980 (45 FR 63006). EPA proposed processor requirements, published in the **Federal Register** of August 15, 1980 (45 FR 54642). The Agency issued Statements of Interim Policy to govern submission and review of premanufacture notices prior

to promulgation of the final rules and forms, published in the **Federal Register** of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378).

B. The Polaroid Corporation Section 5(h)(4) Exemption

Application

Section 5(h)(4) authorizes the Administrator, upon application and by rule, to exempt the manufacturer of any new chemical substance from all or part of the requirements of section 5 if he determines that the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance, or that any combination of such activities, will not present an unreasonable risk of injury to health or the environment. Consideration of an application for an exemption granted under section 5(h)(4) must follow the rulemaking procedures outlined in sections 6(c) (2) and (3) of TSCA.

EPA has received an application from Polaroid Corporation requesting the Agency begin rulemaking procedures under section 5(h)(4) to exempt certain chemicals used in or for Polaroid Corporation's "SX–70" photographic film process. As requested by the applicant, the exemption would provide that the company could manufacture these chemical substances for a commercial purpose before the end of the 90 day review period. The application also provides that the exemption would be limited to chemical substances that will be used in the manufacture, processing, use, and disposal of Polaroid Corporation's "SX–70" film units. The Polaroid Corporation's application requests that an exemption treat such chemicals as a category of chemicals as defined by section 26(c). Under terms outlined in the application, a premanufacture notice would be submitted for each chemical eligible for the exemption and Polaroid would comply with a number of preconditions for each particular chemical to which the exemption would apply. EPA solicits comments on the Polaroid Corporation application (See "D. Public Record").

C. Section 5(h)(4) Policy Issues

The Agency has not proposed rules implementing section 5(h)(4). EPA intends to develop an overall approach for handling 5(h)(4) exemption applications because such action will lead to a consistent policy and better serve the public interest than would development of procedures for 5(h)(4) exemption applications on a case-by-case basis. However, pending development of such procedures, EPA may consider individual applications.

The Agency believes that decisions made as a result of this exemption application could effect the development of an overall policy and has sought to resolve such issues before taking formal action on the application. Specifically, EPA solicits comments on the following:

1. Should the Agency consider individual exemption applications before development of the general approach?
2. What should the scope of an exemption rulemakig be? Should an exemption rulemaking on the new chemical substance apply broadly to an industry segment or narrowly to a particular firm? Likewise, should a rulemaking provide partial relief from certain PMN reporting requirements, such as the 90 day review period, or full relief from all PMN requirements?
3. Are there alternative procedures which could be used to consider exemption applications pending a rulemaking?
4. How would other interested parties be involved in the proceedings?
5. What is an appropriate basis for creating a category of chemicals? Can factors other than structural similarities serve as a basis for defining a category? For example, the Polaroid application proposes to treat all new chemical substances used in a process as a "category of chemicals". The Agency requests comments on this use of the term "category" as well as other ways of categorizing chemical substances for purposes of sections 5(h)(4) and 26(c) of TSCA.

The Agency solicits comments on these issues and others which may be appropriate, and will consider recommendations in development of section 5(h)(4) exemption policy.

D. Public Record

Interested persons may submit written comments regarding this notice to the Document Control Officer (TS–793) Rm. E–401, Office of Pesticides and Toxic Substances 401 M Street, SW., Washington, D.C. 20046. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–50028]".

EPA has established a public record of this rulemaking (docket number OPTS–50028) which is available for inspection in the OPTS Reading Room E–105 from 8:00 a.m. to 4:00 p.m. Monday through Friday except legal holidays at the above address. This record includes all information considered by the Agency in reviewing this exemption application. The Agency will supplement the record with additional information as it is received. The record includes the following information.

1. Polaroid Corporation, "Application of Polaroid Corporation for Exemptive Rule Under Paragraph 5(h)(4) of the Toxic Substances Control Act, 15 U.S.C. Secs. 2601, 2604 (h)(4)", dated April 2, 1980.
2. USEPA–OTS, "EPA acknowledgement of the Polaroid Exemption Application" letter from Steven D. Jellinek, Assistant Administrator for Pesticides and Toxic Substances, dated May 16, 1980.
3. Polaroid Corporation letter requesting a meeting, dated May 16, 1980.
4. Polaroid Corporation letter responding to EPA suggestion of a meeting with Polaroid, dated May 27, 1980.
5. USEPA–OTS, "Agenda for the July 17, meeting with Polaroid", letter from Warren R. Muir, Deputy Assistant Administrator for Toxic Substances, dated June 1, 1980.
6. USEPA–OTS, "Summary of the July 17 meeting between EPA and Polaroid Corporation concerning the section 5(h)(4) exemptive application."
7. Polaroid Corporation, "Petition for Rules and Policies under Rule 5 U.S.C. section 553(e)," dated October 10, 1980.
8. USEPA–OTS, Control No. 68–01–6016 Technical Directive 23, "Examination of the Domestic Non-Instant Photographic Industry", September 8, 1980.
9. SRI International, "Examination of the Domestic Non-Instant Photographic Film Industry—EPA contract 68–01–6016", Technical Directive 23, dated October 16, 1980.
10. Polaroid Corporation, "Control of PMN Chemicals by Polaroid Corporation during Exemption Period covered by Paragraph 5(h)(4) of the Toxic Substances Control Act", dated November 12, 1980.
11. Polaroid Corporation, "Manufacturing and Processing by Polaroid Corporation of Photographic Chemicals", dated November 25, 1980.

EPA welcomes comment on the documents included in the public record.

Dated: February 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81–5688 Filed 2–18–81; 8:45 am]

BILLING CODE 6560–31–M

[AS–FRL 1758–2]

Annual Comprehensive Review of EPA Advisory Committees

We are currently in the process of conducting the Agency's annual comprehensive review of Federal advisory committees. I invite you to submit whatever remarks are germane to answering the following questions about each of our advisory committees: (1) Does the Agency have a compelling need for it; (2) Is the committee's membership truly balanced in terms of the points of view represented and the functions to be performed; and (3) Has the Committee conducted its business as openly as possible, consistent with the law and its mandate? The EPA advisory committees are listed below:

1. Administrator's Toxic Substances Advisory Committee
2. Clean Air Scientific Advisory Committee
3. FIFRA Scientific Advisory Panel
4. Management Advisory Group to the Municipal Construction Division
5. National Air Pollution Control Techniques Advisory Committee
6. National Drinking Water Advisory Council
7. Science Advisory Board

If you wish to comment, please submit your responses by March 13, 1981 to: Mrs. Mary Anne Beatty, Committee Management Officer, U.S. Environmental Protection Agency, Room 2125 Waterside Mall (PM–213), 401 M Street, S.W., Washington, D.C. 20460, (telephone (202) 755–0866). Also, if you would like to receive a copy of our brochure of advisory committee charters, rosters and accomplishments for calendar year 1980, contact Ms. Vicki Bailey Hostetter at the same telephone number.

Dated: February 10, 1981.

Roy Gamse,

Acting Assistant Administrator for Planning and Management.

[FR Doc. 81–5001 Filed 2–18–81; 8:45 am]

BILLING CODE 6560–36–M

FEDERAL COMMUNICATIONS COMMISSION

Information Concerning Limits on ISM Equipment

AGENCY: Federal Communications Commission.

ACTION: Public Notices.

SUMMARY: The International Radio Consultative Committee (CCIR) has been directed to study the limits and interference potential of industrial, scientific and medical (ISM) equipment. An interim working party and study program has been established. The output of this working party may form the basis of a recommendation for an international standard for such equipment. Parties interested in helping to prepare a U.S. response to this Study Program are invited to submit their comments and views.

DATES: Comments are due March 31, 1981.

ADDRESS: Federal Communications Commission Office of Science and Technology Chief, RF Devices Branch Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Art Wall, U.S. Representative CCIR/IWP 1/4, phone 202–653–8128 or Mr. Herman Garlan, U.S. Technical Advisor for CISPR/B, phone 202–653–8121.

The World Administrative Radio Conference meeting in Gevena during 1979 (WARC–1979) requested the CCIR [1] to prepare a Recommendation on the limits to be imposed on radiation from ISM equipment both inside and outside the ISM frequencies.

In response to this request, CCIR Study Group I drafted a new Study Program AT/1, attached below and established an Interim Working Party (IWP 1/4) to prepare the requested Recommendation. All Administrations were invited to participate in the work of IWP 1/4. The United States named Art Wall, Chief of RF Devices Branch, FCC, to be the U.S. representative.

In view of the urgency in finding an answer to this question, IWP 1/4 was requested to prepare its response to AT/1 for consideration at the Final Meeting of CCIR Study Group 1 scheduled to begin October 19, 1981. To meet this schedule, the U.S. response to AT/1 must be in the hands of the Chairman of IWP 1/4 no later than June 19, 1981.

All persons desiring to help the U.S. prepare a response to Study Program AT/1 are invited to submit their views on the limits that should be imposed on radiation from ISM equipment inside and outside the bands designated for ISM purposes. Comments and views should be submitted to: Mr. Art Wall, U.S. Representative CCIR/IWP 1/4, Federal Communications Commission, Office of Science and Technology, Washington, D.C. 20554, Phone: 202–653–8128.

Information is particularly requested as to the cost of suppression, the technical problems involved and the degree of protection that the proposed limit will provide.

In a related action CCIR Study Group 8 has proposed a new study question (CCIR Document 8/218–E, December 1, 1980) whether the current IEC/CISPR recommended limits for ISM equipment provide adequate protection for the aeronautical radionavigation service. Since this question is closely related to Study Program AT/1, persons commenting on the Study Program are also requested to reply to the new study question Document 8/218–E. The replies to Document 8/218–E will be consolidated into a U.S. reply and submitted to CCIR for appropriate consideration by Study Group 8.

Comments on both documents are requested by March 31, 1981.

[1] CCIR is the acronym of the name in French of the International Radio Consultative Committee (of the International Telecommunications Union (ITU)).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment 1

Annex III.—Study Programme at/1 [*] Limitation of Radiation From Industrial, Scientific and Medical (ISM) Equipment*

The CCIR, Considering

(a) that WARC–79 (in Resolution 63(AC)) invites the CCIR to continue, in collaboration with the CISPR and the IEC, its studies relating to radiation from ISM equipment;

(b) that limits should be imposed on radiation from ISM equipment inside and outside the bands designated for their use in the Radio Regulations;

(c) that WARC–79 (in Resolution No. 63(AG)) invites the CCIR to specify these limits in the form of Recommendations;

(d) that priority should be given to study limits in the following recently designated frequency bands:

6765–6795 kH,
433.05–434.79 MH,
61–61.5 GH,
122–123 GH,
244–246 GH,

Decides that the following studies should be carried out:

1. to determine, in collaboration with the CISPR and IEC, tolerable limits for the radiation of ISM equipment in those parts of the spectrum which are not designated for use of ISM equipment;

2. to determine, in collaboration with the CISPR and IEC, acceptable limits for the radiation of ISM equipment in the frequency bands which are designated for their use, taking into account the needs for present and future ISM applications.

Note.—See CISPR Publication 11 (1975)—Limits and methods of measurement of radio interference characteristics of ISM radio frequency equipment (excluding surgical diathermy apparatus), with its Amendment No. 1 (1976) and first supplement CISPR 11A (1976).

8–E.—Draft New Question Interference to the Aeronautical Radionavigation Service

The CCIR, considering

(a) that the Aeronautical Radionavigation Service is a safety service;

(b) the increasing concern being expressed over the degree of control of harmful interference to this safety service;

(c) that the types of radiation which can cause harmful interference to this service can differ widely, depending on the particular technical and operational characteristics involved;

(d) that it may be possible in some cases to identify in detail the characteristics of the interfering radiation;

(e) that the radiations from many of the potential sources of harmful interference are the subject of standards and measurement methods developed by the International Electrotechnical Commission (IEC);

(f) that the practical control of harmful interference often needs to be effected by the

[*] This Study Programme derives from Question 4–1/1.

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national legislation of individual Administrations and it is common for the above-mentioned IEC standards and measurement methods to be adopted in this context;

(g) that there would be considerable practicable advantages if there was a better understanding of relationships between these IEC test and measurement standards and the protection criteria for the aeronautical radionavigation service.

Decides that the following Question should be studied:

1. are the IEC/CISPR recommended limits and measurement methods adequate for the protection of the aeronautical radionavigation service?

2. what methods can be recommended for stating detailed protection criteria?

Note.—The Director, CCIR, is invited to draw the attention of the IEC, ICAO and the CISPR to this Question.

Attachment 2

February 10,1981.

Supplementary Information Requested Concerning Limits on ISM Equipment.

Re: Public Notice titled Information concerning limits on ISM equipment is sought (FCC 06176 released January 23, 1981).

On January 23, 1981, the reference Public Notice was released, asking for information to be used in formulating a US reply to CCIR Study Program AT/1 being considered by Interim Working Party IWP 1/4.

Study Program AT/1 recognizes that CISPR (Special International Committee on Radio Interference of the IEC) has prepared recommendations for limits on interference radiation from ISM equipment and instructs persons studying this problem to take into account the work performed by CISPR.

CISPR proposes to prepare its own reply to the Chairman of IWP 1/4 as its contribution toward preparing a comprehensive reply to the questions in Study Program AT/1. The persons contributing to the work of CISPR have been asked to provide answers to a questionnaire on the subject of interference from ISM equipment.

The US is a participant and proposes to provide a response to CISPR. (This response to CISPR will be in addition to the response to the Chairman of IWP 1/4 as indicated in the reference Public Notice.)

Persons desiring to help the US prepare a response to CISPR are invited to submit answers to the CISPR questionnaire to: Mr. Herman Garlan, US Technical Advisor for CISPR/B, FCC/Office of Science and Technology, Washington, DC 20554, Phone 202-653-8121.

Replies should be submitted as soon as possible but in no event later than March 31, 1981.

Attachment: CISPR Questionnaire on Interference from ISM equipment.

Federal Communications Commission.

William J. Tricarico,

Secretary.

CISPR Questionnaire

Interference From ISM Equipment

1. What is the estimated total number and total power of ISM Equipment installed in your country?

2. What is the estimated percentage of ISM Equipment working in the frequency bands designated by the ITU for ISM Applications in relation to the total number of installed ISM Equipment?

3. What is the estimated percentage of ISM Equipment fulfilling the CISPR Publ. 11 limits in relation to the total number of installed ISM Equipment?

4. What is the estimated number of verified complaints on interference from the ISM Equipment in comparison with:

(a) the total number of verified complaints from all man-made sources of interference?

(b) the total number of installed ISM Equipment?

5. Please specify radio services really and potentially affected by ISM generated interference.

6. Please specify the verified causes of the ISM generated interference and types of equipment and operational conditions in which interference occurs in the following groups:

(a) radiation within the bands designated by the ITU for ISM applications

(b) excessive/not fulfilling the CISPR limits/radiation out of ITU-Designated bands

(c) other.

7. Can the limits recommended by the CISPR Publ. 11, including amendments, be accepted by the CCIR to cover radiation of ISM Equipment in those parts of the spectrum which are not designated by the ITU for use of ISM Equipment?

If not, what are your proposal/with full discussion of the background?

8. What are your proposals for acceptable limits for the ISM generated radiation not covered by the CISPR Publ. 11:

(a) in the frequency bands designated by the ITU for ISM application

(b) out of the frequency bands designated by the ITU for ISM application above 18 GHz

(c) for the r.f. excited arc welding equipment/with full discussion of the background.

In answering questions 1 to 5, please estimate the present state and the forecasts for the future. Other comments you may have are welcomed too.

[FR Doc. 81-5598 Filed 2-18-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-17]

Aroundworld Shipping & Chartering, Inc., License No. 1860 and John Tarnowski, Applicant for a License as an Independent Ocean Freight Forwarder; Order of Investigation and Hearing

Aroundworld Shipping & Chartering Inc. (ASC), 16515 Hedgecroft Street, Houston, TX 77205, is an independent ocean freight forwarder operating pursuant to FMC License No. 1860 issued October 17, 1976.

John J. Tarnowski, 10902 Clear Forks Street, Humble, TX 77338, an officer of ASC, has applied for a license as an independent ocean freight forwarder.

Information has been developed by the Commission's staff which indicates that ASC has apparently violated §§ 510.5(c), 510.23(a), 510.23(d), 510.23(e), 510.23(f), and 510.23(j) of the Commission's General Order 4 (46 CFR 510). ASC's actions may render it unfit to continue to be licensed. Information also indicates that Mr. Tarnowski apparently had management control of ASC during the period of time when that firm apparently violated §§ 510.5(c) and 510.23(a) of the Commission's General Order 4. Mr. Tarnowski's actions may render him unfit to be licensed.

Section 510.5(c) of the Commission's General Order 4 states that every licensee shall submit to the Commission each change of business address and any other changes in the facts called for on form FMC-18 (application form for a license) within thirty days after each change occurs. During the course of an investigation of ASC it was disclosed that the licensee had failed to report changes in its management, changes in its headquarters and changes in the address of its branch office, within the prescribed time limit.

Section 510.23(a) of the Commission's General Order 4 provides that no licensee shall permit his license or name to be used by any person not employed by him for the performance of any freight forwarding service. The investigation revealed that ASC, with Mr. Tarnowski as President and managing officer, apparently permitted its license and name to be used by an unlicensed individual on at least sixteen occasions from December 17, 1979 to January 25, 1980.

Section 510.23(f) of the Commission's General Order 4 provides, among other things, that each licensee shall promptly account to its principal for overpayments, adjustments of charges, reductions in rates, etc. Investigation of ASC has shown that on one occasion the firm apparently did not make a prompt refund of freight monies due a shipper, but rather withheld such payment for 337 days.

Sections 510.23(d), 510.23(e) and 510.23(j) of the Commission's General Order 4 requires that licensees properly invoice their clients as to the insured value, insurance, rate and premium cost of insurance arranged and the charge for each accessorial service performed in connection with the shipment on behalf of their clients. The investigation of ASC disclosed at least 31 instances during the period September 15, 1977 through March 1, 1979 in which ASC apparently invoiced various shippers incorrectly for the cost of insurance and accessorial services.

Mr. Tarnowski was apparently in control of ASC when the apparent violations of §§ 510.5(c) and 510.23(a) were committed. He was the manager of ASC's Houston branch office and appears to have exerted a substantial degree of control over the firm when the apparent violations of §§ 510.23(d), 510.23(e), 510.23(f) and 510.23(j) were committed.

On September 7, 1978, Mr. Tarnowski submitted an application for an independent ocean freight forwarder license as a sole proprietor. Based upon the information developed by the Commission's field staff, Mr. Tarnowski was sent a letter informing him that the Commission intended to deny his application and also advising him of his opportunity to request a hearing. In a letter dated October 6, 1980, Mr. Tarnowski requested that he be given an opportunity to show at a hearing that such a denial is, in fact, unwarranted.

Therefore it is ordered, that pursuant to sections 22, 32 and 44 (USC 821, 831 and 841(b)) of the Shipping Act, 1916, and section 510.9 of General Order 4 (46 CFR 510.9) a proceeding is hereby instituted to determine:

1. Whether ASC has violated § 510.5(c) of the Commission's General Order 4 by failing to inform the Commission of changes in its management and location within the thirty day time limit;

2. Whether ASC has violated § 510.23(a) of General Order 4 by permiting its license to be used by a person not in its employ to perform ocean freight forwarding services on 16 shipments from December 17, 1979 through January 25, 1980;

3. Whether ASC violated § 510.23(f) of General Order 4 by failing to promptly refund monies due one shipper in March 1978;

4. Whether ASC has violated §§ 510.23(d), 510.23(e) and 510.23(j) of General Order 4 by incorrectly invoicing shippers for the cost of cargo insurance and accessorial services on at least 31 instances during the period September 15, 1977 through March 1, 1979;

5. Whether a civil penalty should be assessed against ASC pursuant to section 32(e), Shipping Act, 1916, for violations of sections 510.5(c) and 510.23(a), (d)(e)(f) and (j) of the Commission's General Order 4 and, if so, the amount of any such penalty.

6. Whether ASC's independent ocean freight forwarder license should be suspended or revoked, pursuant to section 44(d) of the Shipping Act, 1916 for:

a. willful violations of the sections of the Commission's General Order 4 listed in subparagraph 5 above; or

b. such conduct as the Commission shall find renders ASC unfit to carry on the business of forwarding in accordance with § 510.9(e) of General order 4.

It is further ordered, that pursuant to the above cited sections of the Shipping Act, 1916, this proceeding also determines whether John J. Tarnowski, in light of the evidence adduced pursuant to the first, second, third and fourth issues, together with any other evidence adduced, possesses the requisite fitness within the meaning of section 44(b) Shipping Act, 1916, to be licensed as an independent ocean freight forwarder.

It is further ordered, that Aroundworld Shipping & Chartering Inc. and John J. Tarnowski be made Respondents in this proceeding.

It is further ordered, that in accordance with Rule 42 of the Commission's Rules and Practice (46 CFR 502.42), the Commission's Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, that this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in no event later than the time limitation set forth in rule 61 (46 CFR 502.61). The hearing shall include oral testimony and cross-examination at the discretion of the Presiding Officer only upon the proper showing that there are genuine issues of material fact that cannot be resolved on a basis of sworn statements, affidavits, depositions or other documents, or that the nature of the matters in issue are such that oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, that notice of this Order be published in the **Federal Register** and that a copy thereof and notice of hearing be served upon Repsondents and the Commission's Bureau of Investigation and Enforcement.

It is further ordered, that any person other than Respondents and the Commission's Bureau of Investigation and Enforcement having an interest in and desiring to participate in this proceeding shall file a petition for Leave to Intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

It is further ordered, that all future notices issued by or on behalf of the Commission, including notice of time and place of hearing and prehearing, shall be mailed directly to all parties of record.

By the Commission.

Frances C. Hurney,

Secretary.

[FR Doc. 81-5679 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 872]

Inter Americas Shipping Co. (Miguel A. Jorba, d.b.a.); Order of Revocation

On March 25, 1980, Inter Americas Shipping Co. (Miguel A. Jorba, dba), 127 North Broadway, Hicksville, NY 11801, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 872 effective March 31, 1980.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarer License No. 872 issued to Inter Americas Shipping Co. (Miguel A. Jorba, dba) be revoked effective March 31, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 872 issued to Inter Americas Shipping Co. (Miguel A. Jorba, dba) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Inter Americas Shipping Co. (Miguel A. Jorba, dba).

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-5681 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1322]

Kriegsman Transfer Co.; Order of Revocation

On February 2, 1981, Kriegsman Transfer Company, 278 Koch St., Pekin, Illinois 61554, surrendered its Independent Ocean Freight Forwarder License No. 1322 for revocation effective May 11, 1980.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), 5.01(c), dated August 8, 1977;

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It is ordered, that Independent Ocean Freight Forwarder License No. 1322 issued to Kriegsman Transfer Company, be revoked effective May 11, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Kriegsman Transfer Company.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-5682 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3948]

Lease Agreement Between Georgia Ports Authority and Sea-Land Services, Inc.; Notice of Availability of Finding of No Significant Impact

Upon completion of an assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3948 between the Georgia Ports Authority and Sea-Land Services, Inc., with regard to a container storage and handling facility in Container Central at the Garden City Terminal of Georgia Ports Authority will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Commission action on the agreement also will not have an impact upon energy conservation.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5680 Filed 2-18-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Dritter Financial Corp.; Formation of Bank Holding Company

Dritter Financial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5641 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

National Detroit Corp.; Proposed Acquisition of Auto-Draft Forwarding Company, Inc.

National Detroit Corporation, Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Auto-Draft Forwarding Company, Highland Park, Michigan.

Applicant states that the proposed subsidiary would be organized as a limited purpose bank and would engage in the activities of receiving cash drafts from Chrysler Corporation for deposit to demand accounts, for processing, and for collection. These activities would be performed from offices of Chrysler Corporation in Highland Park, Michigan, and the only customer to be served would be Chrysler Corporation. Such activities have not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies. Neither has the Board approved a previous individual proposal to engage in these activities in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether the activity is so closely related to banking or managing banks as to be eligible under the Bank Holding Company Act as a "proper incident" to banking and whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 16, 1981.

Board of Governors of the Federal Reserve System, February 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5639 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

Society Corp.; Acquisition of Bank

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The First National Bank at Carollton, Carollton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5640 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

CNB Corp.; Formation of Bank Holding Company

CNB Corp., Shenandoah, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The City National Bank, Shenandoah, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5572 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

Commonwealth Bancshares, Inc.; Formation of Bank Holding Company

Commonwealth Bancshares, Inc., Shelbyville, Kentucky, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C.§ 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Shelby County Trust Bank, Shelbyville, Kentucky. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5570 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

First United Bancshares, Inc., Formation of Bank Holding Company

First United Bancshares, Inc., North Platte, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of McDonald State Bank, North Platte, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 12, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc.81-5571 Filed 2-18-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group on Infectious Diseases; Open Meeting

On February 26 and 27, 1981, the Centers for Disease Control will convene an open meeting of a work group to discuss infectious diseases. The meeting is open to the public, limited only by space available. Time will be set aside for public comment.

The meeting is scheduled to begin at 8:30 a.m., in Room 207, Building 1, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia.

Additional information may be obtained from: Walter R. Dowdle, Ph. D., Director, Center for Infectious Diseases, Centers for Disease Control, Building 1, Room 2118, 1600 Clifton Road, N.E., Atlanta Georgia 30333, Telephones: FTS: 236-3701, Commercial: (404) 329-3701.

Dated: February 13, 1981.

George E. Hardy, Jr., M.D.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-5599 Filed 2-18-81; 8:45 am]

BILLING CODE 4110-86-M

Health Resources Administration

Determination of Population of Health Service Areas

Section 1516 of the Public Health Service Act (added by the National Health Planning and Resources Development Act of 1974, Pub. L. 93-641 and the Health Planning and Resources Development Amendments of 1979, Pub. L. 96-79), authorizes the Secretary of Health and Human Services to make grants (hereinafter referred to as "planning grants") to health systems agencies to assist them in meeting their costs of operation. The amount of the planning grant to each health systems agency is determined in accordance with a formula set forth in amended section 1516, and is based in part upon a determination by the Secretary of the population of the health service area to be served by each agency. The governing regulations, at 42 CFR 122.205, provide that the Secretary will determine the population of the areas based upon the latest available estimate from the Department of Commerce, and will publish annually in the **Federal Register** a list of all health service areas and their populations. The populations of the health service areas are to be published prior to the final allocation of funds in each fiscal year. Pursuant to section 1536 of the Act, certain States (District of Columbia, Hawaii and Rhode Island, as well as the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands and American Samoa) do not have health service areas established within them or health systems agencies designated for them but are nonetheless eligible to receive planning grants under section 1516 based in part upon their population. This Notice sets forth their populations as of July 1, 1978, on the same basis as for health service areas.

The Secretary of Health and Human Services has determined, for puposes of the determination of planning grants for health systems agencies of Fiscal Year 1981, that the population of the health service areas and the District of Columbia, Hawaii and Rhode Island, based on the latest available estimates of the Department of Commerce, are to be derived from the July 1, 1978,

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revenue-sharing estimates issued by the Bureau of the Census. These Series P–25 Population Reports furnish the latest available estimates (known as "revenue-sharing estimates") for the population of States and territories by counties, incorporated places, and selected minor jurisdictions which are on a comparable, uniform, and consistent basis as needed for the derivation of population totals for health service areas. Data from the Department of Treasury, Office of Revenue Sharing, "General Revenue Sharing Indian Tribe List", were used to make adjustments of the population of health service areas in Arizona and the health service area that includes portions of Arizona, New Mexico, and Utah.

Accordingly, the Secretary has made the following determination of the populations of the health service areas and areas designated under section 1536 as described above.

Dated: February 12, 1981.

Robert Graham,

Acting Administrator.

Health Service Area Populations for Purposes of Determination of Planning Grants in Fiscal Year 1981 [1]

	Health service area	Population
Alabama	1	717,887
	2	219,738
	3	875,104
	4	480,443
	5	695,386
	6	691,841
	(7) See Ga. No. 5	
Alaska	1	50,977
	2	276,263
	3	83,866
American Somoa	Sec. 1536	31,100
Arizona	1	1,428,520
	2	581,001
	3	156,301
	4 Incl. Ut. No. 2–6,194 and N. Mex. No. 2–52,555.	142,010
	5	116,845
Arkansas	1	663,837
	2	569,114
	3	473,769
	4	480,765
California	1	624,617
	2	1,172,719
	3	576,694
	4	1,462,089
	5	1,727,781
	6	755,436
	7	1,233,792
	8	613,839
	9	1,211,594
	10	776,825
	11	7,079,216
	12	1,408,563
	13	1,832,854
	14	1,833,790
Colorado	1	1,858,050
	2	534,111
	3	259,479
Connecticut	1	636,075
	2	594,132
	3	497,553
	4	900,151
	5	488,017
Delaware	1	583,553
District of Columbia	Sec. 1536	671,001
Florida	1	808,927
	2	586,289
	3	936,337
	4	1,530,075
	5	853,138
	6	857,466
	7	662,780
	8	869,317
	9	1,509,163
Georgia	(1) See Tenn. No. 3	
	2	530,115
	3	2,103,708
	4 Incl. S.C. No. 5–98,961	105,909
	5 Incl. Ala. No. 7–46,274	780,642
	6	536,897
	7	662,363
Guam	Sec. 1536	113,800
Hawaii	Sec. 1536	902,370
Idaho	1	862,155
Illinois	1	572,954
	2	702,306
	3	567,613
	4	782,008
	5	616,127
	6	3,049,479
	7	2,822,464
	8	848,196
	9	475,630
	10 Incl. Ia. No. 3–196,060	432,567
	(11) See Mo. No. 3	
Indiana	1	1,951,827
	2	2,140,879
	3	1,294,113
Iowa	1 Incl. Nebr. No. 4–16,854	2,539,604
	(2) See Nebr. No. 3	
	(3) See Ill. No. 10	
Kansas	1	431,431
	2	585,076
	3	829,795
	(4) See Mo. No. 1	
Kentucky	1	1,761,875
	2	1,471,171
	(3) See Oh. No. 1	
Louisana	1	1,440,802
	2	1,420,219
	3	1,117,526
Maine	1	1,091,537
Maryland	1	322,919
	2	575,009
	3	817,920
	4	2,147,103
	5	264,637
Massachusetts	1	803,750
	2	675,563
	3	476,144
	4	2,172,875
	5	1,002,840
	6	639,783
Michigan	1	4,703,826
	2	584,109
	3	759,851
	4	1,051,643
	5	588,055
	6	758,695
	7	311,617
	8	327,320
Minnesota	(1) See N. Dak. No. 2	
	2 Incl. Wis. No. 7–135,031	477,878
	(3) See N. Dak. No. 3	
	4	437,085
	5	1,954,904
	6	526,754
	7	404,134
Mississippi	1	2,409,165
Missouri	1 Incl. Kans. No. 4–493,606.	1,370,980
	2	1,071,471
	3 Incl. Ill. No. 11–576,041	2,394,171
	4	589,621
	5	494,640
Montana	1	780,039
Nebraska	1	627,838
	2	376,337
	3 Inc. Ia. No. 2–187,315	734,960
	(4) See Ia. No. 2	
Nevada	1	289,319
	2	376,899
New Hampshire	1	908,100
New Jersey	1	1,308,201
	2	1,933,893
	3	554,297
	4	2,034,358
	5	1,493,070
	4	497,897
New Mexico	1	1,162,049
	(2) See Ariz. No. 4	
New York	1	1,717,256
	2	1,201,137
	3	1,415,762
	4 Incl. Pa. No. 8–103,868	419,424
	5	1,351,267
	6	1,916,616
	7	7,134,542
	8	2,695,930
	9	954,556
North Caroline	1	1,056,223
	2	939,140
	3	784,754
	4	843,942
	5	1,013,624
	6	296,651
North Dakota	1	311,848
	2 Incl. Minn. No. 1–181,335.	
	3 Incl. Minn. No. 3–198,678.	404,552
Northern Mariana Islands.	Sec. 1536	16,700
Ohio	1 Incl. Ky. No. 3–256,500	1,731,441
	2	1,113,952
	3	402,007
	4	996,124
	5	1,585,336
	6	710,786
	7	801,632
	8	657,971
	9	2,206,516
	10	757,037
Oklahoma	1	2,842,516
Oregon	1	1,057,246
	2	1,062,786
	3	332,010
Pennsylvania	1	3,736,983
	2	906,239
	3	799,939
	4	1,350,738
	5	729,856
	6	2,859,122
	7	750,131
	(8) See N.Y. No. 4	
	9	495,182
Puerto Rico	Sec. 1536	3,355,00
Rhode Island	Sec. 1536	932,702
South Carolina	1	771,533
	2	803,408
	3	579,945
	4	649,062
	(5) See Ga. No. 4	
South Dakota	1	690,573
Tennessee	1 Incl. Va. No. 6–87,185	481,445
	2	799,189
	3 Incl. Ga. No. 1–99,669	565,192
	4	1,410,611
	5	433,883
	6	829,527
Texas	1	348,271
	2	350,820
	3	465,151
	4	529,076
	5	2,983,460
	6	1,232,218
	7	724,964
	8	1,146,906
	9	1,279,284
	10	617,608
	11	2,945,726
	12	323,307
Trust Territory of the Pacific Islands.	Sec. 1536	128,000
Utah	1	1,316,741
	(2) See Ariz. No. 4	
Vermont	1	489,124
Virginia	1	965,435
	2	1,050,920
	3	1,107,710
	4	837,582
	5	1,332,376
	(6) See Tenn. No. 1	
Virgin Islands	Sec. 1536	95,900
Washington	1	2,303,973
	2	543,370
	3	456,793
	4	497,897
West Virginia	1	1,949,991
Wisconsin	1	812,109
	2	1,787,288
	3	487,796
	4	513,861
	5	577,053
	6	995,623
	(7) See Minn. No. 2	
Wyoming	1	425,180
Total	213	222,010,758

[1] Population based on Bureau of the Census "revenue-sharing" estimates for July 1, 1978 as noted in the accompanying text of this Notice.

[FR Doc. 81–5563 Filed 2–18–81; 8:45 am]

BILLING CODE 4110–83–M

Health Services Administration

Advisory Committee, Announcement of Meeting; Cancellation

In **Federal Register** Document 81–4014 appearing at pages 10856–10857 in the issue for Wednesday, February 4, 1981, the March 10–11, 1981 meetings of the EMS Communications Work Group of the Interagency Committee on Emergency Medical Services, the EMS Training Work Group of the Interagency Committee on Medical Services, and the Interagency Committee on Emergency Medical Services have been cancelled.

Dated: February 12, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81–5567 Filed 2–18–81; 8:45 am]

BILLING CODE 4110–84–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Intent To Prepare an Environmental Impact Statement and To Hold Public Scoping Meetings on the Reclamation of the Jackpile-Paguate Uranium Mine Complex on the Laguna Indian Reservation in Northwestern New Mexico

AGENCY: Geological Survey, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey and the U.S. Bureau of Indian Affairs have determined that an environmental impact statement (EIS) is required on the Anaconda Copper Company's proposal to reclaim the Jackpile-Paguate Uranium Mine on the Laguna Indian Reservation in northwestern New Mexico, approximately 40 miles west of Albuquerque.

The Jackpile-Paguate Uranium Mine has been in operation since 1953. The mine complex affects approximately 2,650 acres and measures approximately 3 miles by 4 miles.

A plan of reclamation has been submitted by Anaconda to reclaim the affected acreage. The U.S. Geological Survey and the U.S. Bureau of Indian Affairs have prepared a proposed scoping document for the EIS which summarizes Anaconda's reclamation plan, anticipated issues and concerns, alternative decisions, and identifies responsible personnel on the EIS task force.

Important issues and concerns to be discussed and clarified at the public scoping meetings include:

1. The potential release of radioactive substances into the atmosphere from waste and storage piles.
2. Potential radiological contamination of the Rio Paguate and Rio Moquino Rivers and the Quick Reservoir.
3. Potential radiological contamination of the groundwater by the leaching of the waste piles, backfills, and underground mining areas.
4. Potential radiological contamination of the soil-vegetation-livestock-wildlife-human food chain.
5. The establishment of long term monitoring needs and procedures.
6. Development of alternative methods of conducting the proposed reclamation.

Copies of the proposed scoping document are available on request from those individuals identified under information contacts. Additional public during business hours at the following locations:

- U.S. Geological Survey, Western Bank Building, Room 515, 505 Marquette, NW., Albuquerque, New Mexico 87102
- U.S. Bureau of Indian Affairs, Room 322, 123 Fourth Street, NW., Albuquerque, New Mexico 87103
- Laguna Tribal Council Building, Laguna, New Mexico 87104
- U.S. Geological Survey, National Center, Room 6A206, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

DATES: Public meetings will be held on March 16, 1981, at the Laguna Tribal Council Building, Laguna, New Mexico, at 6:00 p.m., and on March 18, 1981, at the Classic Hotel, 6815 Menaul Boulevard, NE., Albuquerque, New Mexico, at 9:00 a.m. The purpose of these meetings is to gather public input in determining the final scope of the EIS to be prepared on the reclamation of the Jackpile-Paguate Uranium Mine complex.

FOR FURTHER INFORMATION CONTACT: Marc Nelson, U.S. Geological Survey, Room 815, Western Bank Building, 505 Marquette, NW., Albuquerque, New Mexico 87102, ((505) 766–2841 or FTS 474–2841); or Bill Allan, Bureau of Indian Affairs, Room 322, 123 Fourth Street, NW., Albuquerque, New Mexico 87103, ((505) 766–3374 or FTS 474–3374).

SUPPLEMENTARY INFORMATION: Oral statements at the meeting will be limited to a period of 5 minutes. Individuals will be allotted time for the specific meeting requested in the order the requests are received. To the extent that time is available, after presentation of oral statements by those who have given advance notice, the presiding officer will give others present an opportunity to be heard in the order that their name appears on the meeting register.

Written comments may also be submitted to Mr. Nelson or Mr. Allan at the above addresses and shall be considered part of the meeting record if they are received by March 30, 1981.

The ultimate goal of the U.S. Geological Survey and U.S. Bureau of Indian Affairs is the preparation of an EIS which will assess all relevant issues. In order to accomplish that goal, public involvement is vital to assure that all important aspects will be addressed and properly considered. Moreover, all interested parties are invited to contact the task force at any time during the preparation of this EIS.

Dated: February 13, 1981.

Eddie R. Wyatt,

Acting Deputy Division Chief, Onshore Minerals Regulation.

[FR Doc. 81–5564 Filed 2–18–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

Lakeview District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Lakeview District Advisory Council will be held on March 24, 1981.

The meeting will begin at 9 a.m. Pacific Standard Time, in the Lakeview BLM District Office Conference Room at 1000 South Ninth Street, Lakeview, Oregon.

The agenda for the Advisory Council Meeting is:

1. Review and discussion of Draft Lakeview Grazing E.I.S.
2. Discussion of Oregon BLM Range Improvement Policy.
3. Report on District Wild Horse Program.
4. Wilderness Review Update.

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The meeting is open to the public and news media. Interested persons may make oral statements to the council between 2 and 3 p.m., or file written statements for the council consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, P.O. Box 151, Lakeview, Oregon 97630, telephone 503–947–2177, by close of business March 17, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the council meeting will be maintained at the Lakeview District Office and be made available for public use. Copies of all or part of the report may be obtained for a fee.

Malcolm T. Shrode,

Acting District Manager.

February 9, 1981.

[FR Doc. 81-5645 Filed 2-18-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-7)]

Consolidated Rail Corporation Exemption for Contract Tariffs ICC–CR–C–0006 and ICC–CR–C–0007

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariffs will become effective February 12, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Richard B. Felder, (202) 275–7656 or Richard Schiefelbein, (202) 275–0826.

SUPPLEMENTARY INFORMATION:
Consolidated Rail Corporation (ConRail) has requested that we authorize short notice for its proposed tariffs ICC–CR–C–0006 and ICC–CR–C–0007. Those tariffs reflect four month contracts expiring on May 1, 1981.

The purpose of the contracts is to maximize the dumping capacity of the Pier 124 coal dumping facility in South Philadelphia, PA. ConRail currently operates two coal dumpers at this site. Under a modernization program scheduled to begin in February, 1981, only one of these dumpers will remain operational during construction activity. In order to take advantage of the Pier's dumping capacity while both dumpers are still available, ConRail is encouraging the substitution of untreated, water-washed coal with coal that has been chemically treated to prevent freezing. This treated coal dumps more quickly than untreated coal and requires little or no thaw shed time. ConRail plans to use one dumper exclusively for treated coal until construction forces shutdown of one of the two dumpers.

Tariffs ICC–CR–C–0006 and ICC–CR–C–0007 and their accompanying contracts provide that the shippers may replace their untreated coal destined for Pier 124 with an equivalent tonnage of freeze-treated coal. The untreated coal will be stored on ConRail lines without accruing demurrage charges.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contracts are intended to allow the most efficient use of ConRail's Pier 124 facilities before they are disrupted by planned construction beginning in February of this year. To permit the contracts to become effective only after a 30 day period would frustrate this purpose. We believe that the contract proposals will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. ConRail states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted.

ConRail has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

> If the Commission permits the contracts to become effective on one day's notice, this fact neither shall be construed to mean that these are Commission approved contracts for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contracts and to disapprove them during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(a) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Decided: February 11, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5568 Filed 2-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-5)]

Consolidated Rail Corporation Exemption for Contract Tariff ICC–CR–C–0008

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective February 10, 1981. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Richard B. Felder, (202) 275–7656 or Richard Schiefelbein, (202) 275–0826.

SUPPLEMENTARY INFORMATION:
Consolidated Rail Corporation (ConRail) has requested that we authorize short notice for its proposed tariff ICC–CR–C–0008. That tariff reflects a four month contract expiring on May 1, 1981.

The purpose of the contract is to maximize the dumping capacity of the Pier 124 coal dumping facility in South Philadelphia, PA. ConRail currently operates two coal dumpers at this site. Under a modernization program scheduled to begin in February, 1981, only one of these dumpers will remain operational during construction activity. In order to take advantage of the Pier's dumping capacity while both dumpers are still available, ConRail is encouraging the substitution of untreated, water washed coal with coal that has been chemically treated to prevent freezing. This treated coal dumps more quickly than untreated coal and requires little or no thaw shed time. ConRail plans to use one dumper exclusively for treated coal until construction forces shutdown of one of the two dumpers.

Tariff ICC–CR–C–0008 and its accompanying contract provide that the shipper may replace its untreated coal destined for Pier 124 with an equivalent tonnage of freeze-treated coal. The untreated coal will be stored on ConRail lines without accruing demurrage charges. Additional contracts embodying these same provisions will be filed by ConRail in the near future.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The contract is intended to allow the most efficient use of ConRail's Pier 124 facilities before they are disrupted by planned construction beginning in February of this year. To permit this contract to become effective only after a 30 day period would frustrate this purpose. We believe that the contract proposal will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. ConRail states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted.

ConRail has already indicated in its petition a willingness to be bound by the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101 a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: February 9, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5500 Filed 2-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-6)]

Petition Requesting Inspection of Rail Contract

Decided: February 6, 1981.

On February 3, 1981, Louis Dreyfus Corporation (Dreyfus) filed a petition requesting the opportunity to review and copy a contract filed by the Atchison, Topeka and Santa Fe Railway Company (Santa Fe). The Santa Fe contract, ICC–ATSF–C–0006 (filed on January 23, 1981), applies to the movement of wheat from Denver, Colorado to the ports of Beaumont, Galveston, and Houston for export. The narrative summary of the Santa Fe's contract tariff reads as follows:

> Contract ICC–ATSF–C–0006 provides a varying annual volume basis for shipping wheat over a three year period of time from Denver, Colorado to the Gulf Ports of Beaumont, Galveston and Houston for export. The base rate is $2.07 per hundredweight for a distance of 1,150 miles. This contract also provides that the rate is to be subject to an escalation agreement and that shipments will apply in carrier unassigned equipment or shipper-owned or shipper-leased equipment or a mixture thereof.

In its petition, Dreyfus claims that the "essential terms" of the contract (which are to be available to the general public under the provisions of 49 U.S.C. 10713 (b) are more than the information made available in the summary of the Santa Fe's contract. Dreyfus claims that the information in the summary is insufficient to allow Dreyfus to determine whether it has sufficient grounds to challenge the contract under the "unreasonable discrimination" or "destructive competitive practice" provisions of 49 U.S.C. 10713(d)(2)(B). Dreyfus states: "The extent of rate decreases and the volume which must be shipped to obtain the reduced rates clearly are essential terms of the contract, necessary for Dreyfus to determine whether the contract violates 49 U.S.C. 10713(d)(2)(B) as to Dreyfus."

Dreyfus also states that 49 U.S.C. 10713(d)(2)(B)(i) entitles Dreyfus to offer to enter a similar contract with Santa Fe for transportation of the same commodity under similar conditions to the contract at issue, and that, without access to various contract provisions not included in the summary, Dreyfus cannot determine whether to offer to enter into a similar contract.

We consider the confidentiality of railroad transportation contracts to be an important and serious matter. In our interim rules on *Railroad Transportation Contracts* (Ex Parte No. 387, served October 24, 1980) [45 FR 73481, November 5, 1980], which were subsequently changed to proposed rules, we stated the following regarding the summary of nonconfidentail contract information and the essential elements of a contract (at pages 73481 and 73482):

> We interpret this provision [Section 10713 (b)] to mean that the summary must be available to the public, but that the actual contract filed with the Commission need not be made available and should be treated as confidential. This interpretation is consistent with the intent of the Rail Act to rely on ordinary market mechanisms. Rail contracts, like most other contracts, should be the result of private negotiations and should not, without an exceptional showing of need, be made available to the parties' competitors or the general public. Our rules provide that such a showing of need would have to demonstrate that the petitioner is likely to succeed on the merits of its complaint and that the matter complained of could not be proven without access to the complete contract.

We also consider the right of individuals to due process important and serious. For that reason, we included in the discussion quoted above a procedure by which a potentially harmed party could have access to a confidential contract. In balancing the right of confidentiality with the right of access under due process, we believe that there should be a heavy burden of proof placed on a party requesting the Commission to make its competitor's confidential marketing information available for inspection. This belief was reflected in part 1300.310(b) of our proposed rules (at page 73485):

> (b) The contract filed under these rules will not be available for inspection by persons other than the parties to the contract and authorized Commission personnel, except by petition demonstrating that petitioner is likely to succeed on the merits of its complaint and that the matter complained of could not be proved without access to the complete contract.

In our initial review of the Dreyfus petition, we do not find that Dreyfus has demonstrated that it is likely to succeed on the merits of its complaint and, thus, has not presented sufficient justification to warrant our revealing confidential information to Dreyfus. We do not believe that contracts should be made available to other shippers based simply on statements that certain information is not included in a contract tariff summary. We do not believe that such a decision would be consistent with the intent of Section 208 of the Staggers Rail Act of 1980 (Pub. L. 96–448). We will not establish here a precedent which would allow a potential protesting shipper full access to a contract on the basis of simple allegations.

We acknowledge, however, that the criteria by which we would weigh petitions for inspection of a contract

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were not clearly described in our proposed rules. In order to provide Dreyfus the full benefit of the provisions permitting it to challenge a contract, we will describe the criteria by which we will judge inspection petitions and will provide Dreyfus additional time in which to determine whether its situation meets the criteria and to present its petition to us.

We believe that, before a shipper can claim that a contract unreasonably discriminates against it or is a destructive competitive practice, the shipper should be expected to have attempted to negotiate with the railroad. One can hardly claim discrimination if a railroad is willing to provide the same treatment to him as it did to another shipper. Similarly, we cannot find a "destructive competitive practice" to exist on the basis of unsupported allegations. Specific evidence must be offered.

We find it to be crucial in this decision that Dreyfus has not claimed to have attempted to secure similar treatment from the Santa Fe. To the contrary, Dreyfus, on page 6 of its petition, states that without access to various undisclosed elements of the contract, "* * * Dreyfus cannot conceivably determine whether to offer to enter into a similar contract, as provided by statute."

In any petition requesting access to a rail transportation contract, we will expect the petitioner to demonstrate that it has contacted the railroad involved and has attempted to secure an agreement similar to the contract at issue. We will expect the petitioner to detail the terms and conditions it is willing to accept. The Commission will then be in a position to determine whether it is necessary to release any additional contract information. Without this information, we would not be in a position to determine whether a petitioner is likely to succeed on the merits of its challenge. Without such a determination, we cannot justify the disclosure of confidential information.

In order to provide time for Dreyfus to meet with and negotiate with the Santa Fe, we will extend the time available to Dreyfus to file a challenge to the contract and/or a sufficient petition for inspection of the contract. We will not, however, suspend the effective date of the contract at this time based on the petition before us now. If, in its subsequent filing, Dreyfus presents sufficient information to warrant a proceeding to review the contract under the provisions of 49 U.S.C. 10713(d), we will at that time institute the necessary proceeding.

We will extend until February 18, 1981 the deadline for Dreyfus to file either a challenge to the contract or a sufficient petition for inspection of a contract. This is an extension of eight days beyond normal procedures. This will permit us two working days in which to decide, prior to the February 22, 1981 effective date, whether to initiate a proceeding to review the contract.

It is ordered:

1. The petition of Louis Dreyfus Corporation filed on February 3, 1981 is denied without prejudice to refiling as described above.

2. Louis Dreyfus Corporation is granted an extension until February 18, 1981 to file a complaint against the subject contract and/or to file a new petition to inspect the contract.

3. This decision is effective on February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp dissenting in part and submitting a separate expression at a later date.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5564 Filed 2-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29486]

Delaware and Hudson Railway Co.—Purchase (Portion)—Consolidated Rail Corp.[1]

AGENCY: Interstate Commerce Commission.

ACTION: Supplemental decision and notice accepting application for consideration.

SUMMARY: On January 7, 1981, the Commission published notice in the **Federal Register**, at 46 FR 1789, accepting the application of Delaware and Hudson Railway Company for authority to purchase a line of railroad owned by Consolidated Rail Corporation. That notice did not comply fully with the requirements of the Staggers Rail Act of 1980. Therefore, the Commission is publishing this supplemental notice of acceptance of the application. The title has also been changed to accurately reflect the proposed transaction. The proposed transaction is not one of regional or national transportation significance within the meaning of the Staggers Rail Act of 1980.

DATES: Written comments must be filed no later than February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275-7245 or Ernest B. Abbott, (202) 275-3002.

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: Applicants Delaware and Hudson Railway Company (D&H) and the Consolidated Rail Corporation (Conrail) jointly seek authority pursuant to 49 U.S.C. 11343 *et seq.* for D&H to purchase and operate a line of railroad owned by Conrail between Binghamton, NY and Scranton, PA, a total distance of 60.34 miles in Broome County, NY, and Susquehanna, Wyoming, and Lackawanna Counties, PA.

The application was filed under our current consolidation regulations, 49 CFR Part 1111, as modified in Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures*, (45 FR 62991, September 23, 1980), 363 I.C.C. 200 (1980). The transaction is governed by 49 U.S.C. 11343 and the time limits of 49 U.S.C. 11345, as those sections are modified by section 228 of the Staggers Rail Act of 1980, Pub. L. 96-448, October 14, 1980.

On January 7, 1981, by notice published in the **Federal Register** at 46 FR 1789, the Commission accepted the application for consideration because it substantially complies with the applicable regulations.

The application and exhibits are available for inspection in the Public Docket Room at the offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicants' representatives upon request.

Background

On September 22, 1980, D&H filed an application under 49 U.S.C. 10901 for authority to "acquire and operate" the Conrail line between Binghamton, NY and Scranton, PA. After a preliminary review, Commission staff determined that the application could not be processed under Section 10901 and that the application should properly have been filed under 49 U.S.C. 11343 because it involved "a purchase, lease, or contract to operate property of another carrier by any number of carriers." 49 U.S.C. 11343(a)(2).

Subsequently, D&H and Conrail supplemented the application and later further supplemented it with additional information. The last supplemental filing was received on December 3, 1980; that date is now treated as the actual filing date of the application.

[1] Previously titled *Delaware and Hudson Railway Company—Acquisition and Operation—of A Line of Railroad In Broome County, NY, and Susquehanna, Wyoming, and Lackawanna Counties, PA.*

On January 7, 1981, the Commission published notice in the **Federal Register** inviting comments on the proposal. 46 FR 1789 (January 7, 1981). This notice did not comply fully with the requirements of the Staggers Rail Act of 1980, in that, *inter alia*, it did not specify the statutory time limits applicable to this proceeding. In addition, the title in the notice was that given the proposal when it was initially filed under section 10901.

Therefore, we are publishing this supplemental notice to cure the defects of the previous notice. However, because the January 7 notice stated that commenters on the proposal had 45 days after the date notice is published to file their submissions (based on our findings herein, commentors normally would have been allowed only 30 days), we shall continue to regard February 23, 1981 as the deadline for comments. The Secretary of Transportation and Attorney General shall file comments by March 9, 1981.

We shall continue to treat January 7 as the notice date for other deadlines in this proceeding. For example, because we find that the proposal is a minor transaction within the meaning of that term as used in our consolidation regulations, 49 CFR Part 1111, the Staggers Rail Act of 1980 requires us to conclude the evidentiary proceeding by April 22, 1981 (the 105th day after the publication of the notice).

Statutory Standards

Under the Staggers Rail Act, if a proceeding does not involve the merger or control of at least two class I railroads, we must approve the application unless we find:

(1) as a result of the transaction there is likely to be a substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and

(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

49 U.S.C. 11344(d). Parties filing comments are cautioned and urged to address these statutory criteria.

The Staggers Rail Act requires us, in the notice accepting an application under 49 U.S.C. 11343, to indicate whether the proposed transaction is of "regional or national transportation significance." [2] Our interim regulations state that a § 11343 transaction between a Class I railroad and a Class I or Class II railroad is of regional or national transportation significance if it is a "control or merger" or if it is a "major market extension" resulting from, *inter alia*, an acquisition or purchase. 49 CFR 1111.5(a), *as amended by* Ex Parte No. 282 (Sub-No. 8), (45 FR 74488 November 10, 1980) *supra*.

The application does not appear to constitute a major market extension. The attractiveness of the proposal to D&H is clear; it would permit D&H to transfer its traffic from one of its existing lines to a parallel adjacent line currently owned by Conrail which D&H considers to be a physically superior line. The Conrail Binghamton-Scranton line is approximately 20 miles shorter than D&H's Lanesboro, PA-Scranton line for east-west traffic and has more favorable grades and curvature; the smmmit is 810 feet lower than the elevation of the largely parallel Lanesboro-Scranton line. D&H expects these characteristics to permit it to provide better service at a lower cost in its existing market. Since it believes the Conrail line is generally in better condition than its own line, D&H would spend far less for necessary rehabilitation. D&H also anticipates that it will be able to abandon a substantial portion of the parallel route and reduce the cost of operating the remainder.

However, we do not believe these improvements would give D&H a "major market extension." D&H will not be given acess to any new markets as a result of the transaction. The estimated reduction in running time anticipated from the purchase is only 1½ Hours, which is not likely to be of competitive significance. The seller, Conrail, has already diverted its overhead traffic to a different route, indicating its belief that transfer of the line to D&H will not affect Conrail's ability to provide competitive service. Finally, the acquisition will not permit D&H to bypass major areas of congestion over which it has little operating control. *Compare* F.D. 30,000, *Union Pacific Corp.—Control—Missouri Pacific Corp.* (not printed), served December 29, 1980, at 3.

For all of these reasons, we believe the proposed transaction is not a major market extension. Moreover, the transaction is clearly not a "control or merger". Accordingly, we find that the proposed transaction is not of regional or national transportation significance. 49 CFR 1111.5(a).

Participation in the Proceeding: Comments

Any interested person may participate in this proceeding by submitting written comments regarding the applications. An original and 10 copies must be filed with the Section of Finance, Room. 5414, Interstate Commerce Commission, Washington, DC 20423, no later than February 23, 1981. Written comments shall be concurrently served by first-class mail on the United States Secretary of Transportation, the Attorney General of the United States, and the applicants' representatives:

Charles E. Mechem, Commerce Counsel, Consolidated Rail Corporation, 6 Penn Center Plaza, Philadelphia, PA 19104
and
George H. Kleinberger, corporate Counsel, Delaware and Hudson Railway Company, Albany, NY 12207.

Written comments must also be served upon all parties of record within 10 days of our issuances of the service list in this proceeding. (We plan to issue that service list by March 2, 1981). All persons who file timely written comments may be considered as parties of record, but only if they so indicate in their comments. In this event no petition for leave to intervene need be filed.

Written comments must contain: (1) the docket number and title of the proceeding;

(2) the name, address and telephone number of the commenting party and its representative upon whom service shall be made;

(3) the commenting party's position, in support of or opposition to the proposed transactions;

(4) a statement of whether the commenting party intends to participate formally in any hearings or merely comment upon the proposal;

(5) a list of all information sought to be discovered from applicant carriers;

(6) an initial list of specific protective conditions sought; and

(7) anyrequest for oral hearing that the commenting party will make with reasons supporting the request.

Particular attention should be given to Ex Parte No. 282 (Sub-No. 3A), *Railroad Consolidation Proceedings, Expedited Processing*, —— I.C.C. —— (served December 17, 1980), 45 FR 84803 (December 23, 1980).

We Advise Interested Persons to Direct Their Comments to the Statutory Criteria Discussed at Page 4, *supra*.

Preliminary comments from the Secretary of Transportation and the

[2] This finding determines the time frames applicable to the proceeding. If the transaction is not of regional or national transportation significance, we must issue a final decision within 150 days from the date of publication of the notice in the **Federal Register**; otherwise, we have 270 days in which to issue a final decision.

Furthermore, there is no provision for the filing of inconsistent applications if the transaction is not of regional or national transportation significance. See Ex Parte No. 282 (Sub-No. 8), *Railroad Consolidation Procedures—Time Revisions.* (decided October 29, 1980), 45 *Fed. Reg.* 74488 (November 10, 1980).

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Attorney General must be filed with the Commission by March 9, 1981.

Responsive Applications

The Staggers Rail Act of 1980 contains no provision for inconsistent applications in connection with a transaction which is not of regional or national significance. Our interim regulations implementing the Act expressly prohibit such responsive applications. Ex Parte No. 282 (Sub-No. 8), *supra*. Thus, none will be entertained.

Procedural Information

Applicants are directed to respond no later than March 11, 1981, to any information requests contained in the written comments of other parties. We encourage response to discovery requests as soon as possible in order to expedite the proceeding. Applicants' responses should indicate what information will be voluntarily supplied and the reasons why the remainder will not be voluntarily supplied. We warn parties now that we will not tolerate dilatory tactics in response to reasonable discovery requests designed to elicit relevant evidence. A refusal voluntarily to supply information will be treated as an objection to the request for discovery. Responses should be served upon all parties of record, and 10 copies of those responses should be concurrently filed with the Commission.

Oral hearings are not contemplated at this time. On or before March 20, 1981, if oral hearings or other evidentiary proceedings are deemed necessary, we will issue a further order to that effect.

By statute, the evidentiary phase of the proceeding must be concluded by April 22, 1981. Service of an initial decision will be waived, and determination on the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345, by June 5, 1981.

It is ordered:

1. The application in Finance Docket No. 29486 is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5563 Filed 2-18-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-39760, published at page 84882, on Tuesday, December 23, 1980, on page 84883, in the first column, in paragraph "MC 112520 (Sub-397F)", in the seventh line, "AL, AR, GA" should be corrected to read "AL, AR, FL, GA".

BILLING CODE 1505-01-M

INTERNATIONAL TRADE COMMISSION

[332-123]

Probable Economic Effect on Domestic Industries of the Designation of the Peoples Republic of China as a Beneficiary Developing Country for Purposes of the U.S. Generalized System of Preferences

AGENCY: United States International Trade Commission.

ACTION: The Commission has rescheduled the hearing dates for the above captioned investigation, No. 332-123. The hearing will now be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t., on April 22, 1981, and continued on April 23, 1981, as required. Requests to appear at the public hearing should be filed in writing with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, April 16, 1981.

The hearing was originally scheduled to begin April 21, 1981. The Commission's initial notice concerning the investigation, including the scope, the hearing, and procedures for submitting information, was published in the **Federal Register** of January 22, 1981 (46 F.R. 7108).

By order of the Commission.

Issued: February 13, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-5667 Filed 2-18-81; 8:45 am]

BILLING CODE 7020-02-M

[332-122]

Study of the Economic Impact on the Domestic Jewelry Industry of the Subdivision of Item 740.10 of the Tariff Schedules of the United States for Purposes of the Generalized System of Preferences

AGENCY: United States International Trade Commission.

ACTION: As a result of a request of February 5, 1981 from the Senate Committee on Finance to give favorable consideration to any request from domestic interests for an extension of the date for the public hearing for the subject investigation, the Commission has rescheduled the hearing for Investigation No. 332-122 from February 19, 1981 to March 30, 1981. The hearing will be held in the conference room of the Biltmore Hotel, Kennedy Plaza, Providence, RI beginning at 10:00 a.m. e.s.t. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436 not later than noon, March 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Bodde, General Manufacturers Division, Office of Industries, U.S. International Trade Commission, Washington, D.C. 20436 (Telephone 202-724-1730).

SUPPLEMENTARY INFORMATION:

Request for Extension

The Commission's initial notice of Investigation No. 332-122 containing information on investigation coverage, the public hearing, and related information, was published in the **Federal Register** of January 22, 1981 (46 F.R. 7108). On February 5, 1981 the Commission received a Senate Finance Committee request to give favorable consideration to any request by a domestic interest for extenstion of the date of the public hearing for the investigation. on February 6, 1981 a letter was received from a representaitve of the domestic jewelry industry requesting that the hearing be postponed three weeks until sometime after March 9, 1981.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commerical or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persosns. To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than April 6, 1981 (extended from the original deadline of February 27, 1981). All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commisison.

Issued: February 11, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-5668 Filed 2-18-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Judgment in Action To Enjoin Discharge of Air Pollutants

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Keystone Coke Co., and Alabama By-Products Corporation* has been lodged with the District Court for the Eastern District of Pennsylvania. The proposed decree requires the defendant to comply with the Clean Air Act at two coke batteries in Upper Merion Township, Pennsylvania. In particular, the decree requires the Defendants to control emissions from its coke batteries by installing pushing control technology and a coke oven gas desulfurization system. In addition Keystone is required to pay a $250,000 penalty to the Pennsylvania Clean Air Fund for violations of a previous state decree.

The Department of Justice will receive written comments relating to the proposed judgment for 30 days from the date of publication of this notice. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to "*United States* v. *Keystone Coke Co.*," D.J. Ref. No. 90-5-2-1-125.

The proposed decree may be examined at the Office of the United States Attorney, United States Courthouse, Philadelphia, Pennsylvania, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. All requests for copies should be accompanied by a check or a money order made out for $2.00 to the Treasurer of the United States in order to cover the reproduction costs.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-5640 Filed 2-18-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacture of Controlled Substances; Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 21, 1980, Arenol Chemical Corporation, 40-33 23rd St., Long Island City, N.Y. 11101, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Methamphetamine (1105)	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I St., N.W., Washington, D.C 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 13, 1981.

Dated: February 12, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-5629 Filed 2-18-81; 8:45 am]

BILLING CODE 4410-09-M

S & S Pharmacy, Inc.; Denial of Registration

On September 4, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause proposing to deny the pending application of S & S Pharmacy, Inc., trading as Commercial Wharf Pharmacy (Respondent), of Boston, Massachusetts, for registration as a retail pharmacy under section 303 of Controlled Substances Act, 21 U.S.C. 823. The basis for the the proposed denial, as stated in the Order to Show Cause, was that Stanley J. Sokolowski, and owner of S & S Pharmcy, Inc., and registered pharmacist-manager of Commercial Wharf Pharmacy, had been convicted of felony offenses relating to controlled substances and that the application which is the subject of this proceeding was materially falsified in that it denied that any officer, partner or shareholder had been convicted of a felony offense relating to controlled substances and denied that any such person had previously had a registration revoked, when in fact, Mr. Sokolowski had been convicted of a controlled substance-related felony and had, in the Matter of Llynnfield Drug, Inc., DEA Docket No. 76-6, had such a registration revoked.

The Respondent, pursuant to 21 CFR 1301.54(c), has filed a waiver of hearing and a written statement of fact intended to show cause why its application should not be denied.

The Respondent's statement was accompanied by a number of documents submitted in support of its contention that its application for registration should not be denied. In summary, the statement and documents show that on May 8, 1980, the date of the Respondent's application for DEA registration, Stanley Sokolowski was not an officer, director or stockholder of S & S Pharmacy, Inc., and therefore, the Respondent argues, the application was not materially falsified in any way. The supporting documents reveal that as of the date of its incorporation, about December 12, 1979, Stanley Sokolowski was the president, treasurer, clerk, sole director and sole shareholder of S & S Pharmacy, Inc. These documents further show that on May 4, 1980, Stanley Sokolowski resigned his offices and his directorship and transferred all of his stock in the corporation to Barbara Ann Sokolowski, his wife, who then became president, treasurer, clerk, sole director and sole shareholder of the corporation.

Subsequent to the receipt of the Respondent's waiver of hearing and supporting statement, further inquiries were made to ascertain whether the information supplied by the Respondent was accurate and, if so, whether is was sufficient to persuade the Administrator to grant the Respondent's application for registration. In response to its inquiry, DEA received certified documents from the Commonwealth of Massachusetts' Board of Registration in Pharmacy. The State documents include the

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Respondent's applications for a permit to operate a retail pharmacy and for a State controlled substance registration. These documents, filed on or about December 18, 1979, show Stanley Sokolowski as the president, clerk, treasurer, sole stockholder and registered pharmacist in charge. As of October 8, 1980, a full five months after the Respondent's application was executed and filed with DEA, the Board of Registration in Pharmacy still carried Stanley Sokolowski as holding all of these positions of responsibility.

The Massachusetts Pharmacy Regulations, 247 CMR § 4.04(5), provide that licensees such as the Respondent must promptly notify the Board of Registration in Pharmacy of changes in the identify of officers and major stockholders, such as that which occured within the Respondent coporation on May 4, 1980. The Respondent has failed to make such notification. This fact, taken together with the fact that the corporate changes took place just four days prior to the filing of the application for DEA registration, lead the Administrator to conclude that the transfer of Stanley Sokolowski's offices, directorship and stock to Barbara Sokolowski represents nothing more that a straw transaction, designed to conceal Stanley Sokolowski's management of the Respondent's business, for the purpose of obtaining a Federal Controlled Substance registration.

Even if these transactions were genuine, the State documents show, and the Respondent admits, that Stanley Sokolowski is still the registered pharmacist in charge of Commercial Wharf Pharmacy. The Controlled Substances Act speaks in terms of the conviction of the "registrant" of felony offenses relating to controlled substances. 21 U.S.C. 824(a)(2). In a retail pharmacy, such as the Respondent's, the registered pharmacist in charge of the pharmacy is responsible for ordering controlled substances; for keeping and maintaining the required records and inventories; for taking all necessary measures to prevent the loss and diversion of controlled substances; and for dispensing such substances only in accordance with applicable State and Federal laws. The corporate pharmacy acts through the agency of its pharmacist-manager or pharmacist in charge.

Business entities are rarely convicted of criminal offenses. On the other hand, the people who are entrusted with the operation of such businesses can be, and they are, convicted when they violate the law. In enacting the Controlled Substances Act, the Congress provided a means for protecting the public by denying certain convicted felons access to controlled substances. The remedies, found in 21 U.S.C. 823 and 824, provide for the denial, revocation and suspension of registrations when it is found that the registrant has been convicted of a felony offense relating to controlled substances. A further remedy, designed to prevent these individuals from having access to controlled substances is found in the DEA's regulations. 21 CFR 1301.76(a) provides that a registrant shall not employ, as an agent or employee having access to controlled substances, any person who has had an application for registration denied, or has had his registration revoked, at any time. The law and the regulation apply, with equal force, to all registrants: manufacturers, distributors, individual practitioners and pharmacies.

Congress did not intend to exempt pharmacies from the reach of the law merely because they may be organized along corporate lines as opposed to being sole proprietorships. Thus, the Administrator has in the past looked behind the corporate veil to revoke or deny a registration when a responsible official of a corporate registrant has been convicted of violating the laws relating to controlled substances. See, for example, the *Matter of Serling Drug Company, Inc.*, DEA Docket No. 74–12, 40 FR 11918, affirmed without written opinion by the United States Court of Appeals for the Sixth Circuit at 524 F.2d 1406 (1975); the *Matter of Nicholas G. Gakidis, t/a New Seabury Pharmacy*, DEA Docket No. 76–2, 41 FR 52555 (1976); the *Matter of Lynnfield Drug, Inc.*, DEA Docket No. 76–6, 42 FR 8435 (1977). The law will not be read to permit corporate pharmacies to evade a congressionally mandated sanction by permitting a convicted individual to simply shed his various offices and financial interests, by transferring them to a member of his family, and then to continue to do business as usual.

The Administrator finds that Stanley Sokolowski has been convicted of felony offenses relating to controlled substances and that he is a person who has had a controlled substance registration revoked. The Administrator further finds that the Respondents have materially falsified their application for registration by incorporating into that application a straw transaction designed to conceal Stanley Sokolowski's management of the Respondent's pharmacy business. Were the Respondent a current registrant under the Controlled Substances Act, there would be lawful or statutory grounds for the revocation of its registration. See, for example, the *Matter of Lynnfield Drug, Inc., supra*, the case in which Mr. Sokolowski originally had a registration revoked. The Administrator has consistently held that where there are grounds for the revocation of a registration, an application for the issuance of such a registration may likewise be denied, since the law will not be read as requiring the granting of a registration on one day, only to revoke it on the next. See the *Matter of Thomas W. Moore, Jr., M.D.*, DEA Docket No. 79–13, 45 FR 40743 (1980). The Administrator concludes that there are lawful grounds for the denial of the Respondent's application for registration and that, under all of the facts and circumstances presented in this case, the application should be denied.

Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act, 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the application of S & S Pharmacy, Inc., for registration as a retail pharmacy under Section 303 of the Controlled Substances Act, 21 U.S.C. 823, be, and it hereby is, denied.

Dated: February 13, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-5625 Filed 2-18-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum Change

February 12, 1981.

The agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for February 24–25, 1981, published in the February 11, 1981 Federal Register, on pages 11925–11926, has been changed. The amended agenda is as follows for February 24, 1981:

February 24, 1981

Plenary Session

8:45 a.m.–9:00 a.m.

- Announcements—Acting Chairman

9:00 a.m.–10:30 a.m.

- Guest Speaker: Congressman Joel Pritchard, Ranking Minority Member, Subcommittee on Oceanography, Committee on Merchant Marine and Fisheries, U.S. House of Representatives

10:30 a.m.–12:00 Noon

- Robert W. Knecht, Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration

12:00 Noon–1:00 p.m.

Lunch

1:00 p.m.–3:30 p.m.

Panel Meetings

- Hydrology Panel, Paul Bock, Chairman

Speakers: Alfred J. Cooper, Former Chief, River Control Branch, Tennessee Valley Authority

Peter Eagleson, Professor of Civil Engineering, Massachusetts Institute of Technology

- Ad Hoc Panel on Oil Pollution Liability Legislation, (Room B–100)

3:30 p.m.–5:00 p.m.

Steering Committee Meeting

- To discuss internal administrative matters of NACOA

5:00 p.m.

Adjourn

Stephanie M. Jones,

Administrative Assistant.

[FR Doc. 81-5585 Filed 2-18-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL CREDIT UNION ADMINISTRATION

Performance Review Board

AGENCY: National Credit Union Administration.

ACTION: Notice of appointment to Performance Review Board.

SUMMARY: Notice is hereby given of an additional member of the Performance Review Board.

DATE: Effective March 4, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy W. Foster, Director, Division of Personnel, National Credit Union Administration, 1776 G St. N.W., Washington, D.C. 20456, telephone (202) 357–1156.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Dr. Harold Black, Member of NCUA Board.
2. Mr. Leonard Lapidus, President, Central Liquidity Facility.
3. Mr. Barry Jolette, Regional Director, Region VI.
4. Mr. John Otsby, General Counsel.

Dated: February 6, 1981.

Lawrence Connell,

Chairman, National Credit Union Administration Board.

[FR Doc. 81-5587 Filed 2-18-81; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-8]

Report, Recommendations and Reponses; Availability

Railroad Accident Report No. NTSB–RAR–80–12: Train Accident Involving Amtrak Work Extra No. 4934, Linden, New Jersey, July 9, 1980.—This report, released by the National Transportation Safety Board on February 9, indicates that westbound train No. 225 was struck by a 15-foot section of rail that had been protruding from the side of a railcar on Work Extra No. 4934, an eastbound continuous welded rail train. The rail penetrated the first car of the passenger train, struck and killed one passenger, and injured 17 others.

The safety Board determines that the probable cause of this accident was the failure of the track supervisor to instruct the maintenance crew and the failure of the crewmembers of Work Extra No. 4934 to remove and secure loose buffer rails when the train was being prepared for movement. Contributing to the accident were the failure of Amtrak to provide comprehensive instructions for unloading rails and the failure of Amtrak to provide qualified personnel to direct the unloading of continuous welded rail.

As a result of its investigation, the Board last September 15 recommended (No. R–80–37) that Amtrak set up procedures to insure that all loose material carried on continuous welded rail trains and work trains is removed or secured. (See 45 FR 63584, September 25, 1980.) The Board also reemphasizes a 1979 recommendation to the Federal Railroad Administration to require operable radios on all mainline trains. The passenger train's radio was inoperable at the time of the accident.

Aviation Safety Recommendations to the Federal Aviation Administration—A–81–9 through A–81–11, issued February 6, 1981.—The Safety Board's letter cites the crash of a Cessna 207A, N6424H, into a hanger at Merrill Field, Anchorage, Alaska, moments after lift-off. The accident occurred October 8, 1979. All four occupants were killed, and the postcrash fire destroyed the hanger.

Investigation revealed that: the fuel system showed evidence of extensive water and rust contamination; the underground fuel tank at Merrill Field where the aircraft was last fueled contained a large quantity of water and rust; the underground fuel tank's filtration system was heavily contaiminated, and an incorrect fuel system dispensing filter, intended for use with diesel fuel, had been installed. The Board issued the following "Class II, Priority Action" recommendations to FAA.

Expand 14 CFR Part 139 to include minimum specifications and design criteria for the installation, maintenance, and inspection of aviation fuel storage and dispensing systems at airports certificated under 14 CFR Part 139. (A–81–9)

Take necesary action to establish minimum specifications and design criteria for aviation fuel storage and dispensing systems at public-use airports not certified under 14 CFR Part 139. In addition to the equipment itself, such criteria should address their installation, operation, maintenance, and inspection.(A–81–10)

When specifications and criteria are established for aviation fuel storage and dispensing systems at public-use airports are not certified under 14 CFR Part 139, establish and implement procedures to verify compliance. (A–81–11)

A–81–12 and A–81–13, issued February 10, 1981.—The recommendation letter notes that the Safety Board sent a U.S. Accredited Representative and accompanying advisors to participate in the investigation of the Saudi Arabian Airlines Lockheed L–1011 accident at Riyadh, Saudi Arabia, on August 19, 1980. The accident involved an in-flight fire in the aft area of the aircraft. Even though the aircraft was landed successfully, the fire spread and all 301 occupants died as a result. The investigation, conducted in accord with provisions of International Civil Aviation Organization Annex 13, is continuing and a report of the investigation will be issued by the Kingdom of Saudi Arabia upon completion. As part of U.S. assistance in the investigation, tests and research were conducted at the Lockheed California Company and at the FAA Technical Center, Atlantic City, N.J. The fire ignition source and exact area in which the in-flight fire originated have not yet been determined.

The Safety Board is aware of several instances of fire in checked baggage from ignition of matches and other items. In most of these instances, fires ignited while the aircraft were on the

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ground and the aircraft were not damaged. However, the possibility of such a fire while in-flight and the questionable capability of the L-1011 C-3 compartment to contain a fire by "snuffing" it to keep it from spreading suggest that the "Class D" certification of the C-3 compartment should be reevaluated. Accordingly, the Board recommends that FAA:

Reevaluate the "Class-D" certification of the L-1011 C-3 cargo compartment with a view toward either changing the classification to "C," requiring detection and extinguishing equipment, or changing the compartment liner material to insure containment liner material to insure containment of a fire of the types likely in the compartment while in-flight. (Class I, Urgent Action) (A-81-12)

Review the certification of all baggage/cargo compartments (over 500 cu. ft.) in the "D" classification to insure that the intent of 14 CFR 25.857(d) is met. (Class II, Priority Action) (A-81-13)

Responses to Safety Recommendations

Highway: H-80-29 through H-80-35, from the National Highway Traffic Safety Administration, January 19, 1981.—Letter is in response to the Safety Board's December 24 inquiry concerning NHTSA's comments of October 17, 1980, regarding Board Evaluation of the National Highway Traffic Safety Administration's Rulemaking Process, Volume 4, Analysis, Conclusions and Recommendations. (See 45 FR 30573, May 8, 1980.) The Board noted that NHTSA's October 17 letter, while commenting extensively on the report, did not address the recommendations issued last April 22 (45 FR 29144, May 1, 1980), which called on NHTSA to:

•Revise its regulatory rules to (1) give early definition of the "precise nature and magnitude" of a safety problem, and compile more detailed support data; (2) consider all significant and practicable alternative approaches to its proposal, and detail the preliminary evaluation of such alternatives; (3) require that Rulemaking Support Papers detail NHTSA plans for evaluation of safety standards after they are issued; (4) revoke procedures formerly followed for Project Plan Descriptions and require that the Five-Year Plan for Motor Vehicles Safety and Fuel Economy Rulemaking be a continuing process; and (5) carefully coordinate Notices of Proposed Rulemaking and NPRM comment periods with other pending NPRM's on related safety standards.

•Establish written procedures which will formalize the safety standard research and development decisionmaking process to require: At least annual review of the R & D program, including summaries and analyses of work accomplished on specific issues; and documentation of specific decisions on the direction of future research, including decisions not to proceed in a given direction, with such documents made available to the public.

•Develop a system for collection, storage and rapid retrieval of research material related to the safety standard program.

In its January 19 response, NHTSA details its rationale in finding no basis for revising its Order 800-1 (Rulemaking Procedures: Motor Vehicle Standards) as recommended by the Board, or for initiating further rulemaking action.

Marine: M-79-70 and M-79-71, from Offshore Crews, Inc. (Seahorse, Inc.), February 3,1981.—Response is to Safety Board inquiry of January 26 as to status of implementation of recommendations developed as a result of investigation into the January 31, 1978, sinking in the Gulf of Mexico of the M/V SABINE SEAHORSE. The recommendations asked Seahorse, Inc., to instruct its offshore supply vessel crews to keep all watertight doors closed at all times, except when actually being transited, and its offshore supply vessel engineers to test the operation of high bilge water alarms before each voyage. (See 44 FR 39320, July 5, 1978.)

Offshore Crews reports that, upon receipt of the Safety Board's June 25, 1979, recommendation letter, copies of the letter were sent to the masters of all vessels in its fleet, urging them to carry out the Board's recommendations "which have been and are our Company Policy and Safety Rules." Offshore Crews is again circulating the Board's June 25, 1979, findings to all its vessels in view of considerable increase in its fleet and a considerable turnover and increase in its masters.

Pipeline: P-72-10 and P-79-30, from Research and Special Programs Administration, U.S. Department of Transportation, January 15, 1981.—Letter transmits a copy of a notice of withdrawal of Materials Transportation Bureau's Docket PS-53 concerning remote controlled valves and spacing of valves on highly volatile liquid (HVL) pipelines. The notice of withdrawal was published at 46 FR 2130, January 8, 1981, and contains information on past notices and public hearing along with related comments. The notice closes with the statement: "Because valves are not an effective means to reduce the accident effects of an HVL spill, the proposal to install valves along the pipeline and the proposal to install valves at pump stations and terminals as contained in Docket PS-53 are hereby withdrawn."

Recommendation P-72-10, issued June 12, 1972, following investigation of the gas explosion in Franklin County, Mo., December 9, 1970, called for a study, in cooperation with sources of qualified pipeline expertise, concerning minimum valve spacing standards and the use of remotely operated valves, and check valves on all liquefied petroleum pipelines. As an adjunct to this recommendation, the Safety Board invited attention to a recommendation made in its special study NTSB-PSS-71-1, "Effects of Delay in Shutting Down Failed Pipeline Systems and Methods of Providing Rapid Shutdown."

Recommendation P-79-30, issued October 4, 1979, in connection with the Board's safety report NTSB-SR-79-3, "Progress of Improvements in Pipeline Transportation of Highly Volatile Liquids," asked RSPA to establish minimum performance standards for the prompt detection and rapid isolation of failed sections of HVL pipelines. (See 44 FR 60183, October 18, 1979.)

Note—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All regests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

February 13, 1981.

[FR Doc. 81-5642 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-58-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Delegation of Authority to the General Counsel

Notice is given pursuant to the Freedom of Information Act, 5 U.S.C. 552, that the Commission hereby adopts a Delegation of Authority and Direction for the General Counsel concerning requests for briefs in cases before the Commission. The Delegation, which is effective immediately, states as follows:

Delegation of Authority and Direction for the General Counsel

The General Counsel is hereby empowered, on behalf of the Members of the Commission, to instruct the Executive Secretary to issue requests for briefs under Commission Rule 93, 44 FR 70106, 70111-70112 (Dec. 5, 1979) (to be codified at 29 CFR 2200.93), in cases that are next in succession for disposition and that can be placed on the agenda at a Commission meeting within a reasonable period after briefs have been filed. This delegation of authority does not empower the General Counsel to waive the submission of briefs or to alter, add, or delete issues on review.

Signed this 13th day of February, 1981.

Timothy F. Cleary,

Chairman.

Frank R. Barnako,

Commissioner.

Bertram Robert Cottine,

Commissioner.

[FR Doc. 81-5628 Filed 2-18-81; 8:45 am]

BILLING CODE 7600-01-M

PENSION BENEFIT GUARANTY CORPORATION

Multiemployer Pension Plans: Filing of Notices, Applications, and Complaints

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of mailing address.

SUMMARY: This notice advises plan sponsors of multiemployer pension plans of the mailing address for notices and applications to be filed with the Pension Benefit Guaranty Corporation (PBGC) pursuant to the Multiemployer Pension Plan Amendments Act of 1980. Because the PBGC has not yet issued regulations dealing with most of the notices required by the Multiemployer Act, it is necessary to establish a mailing address for those notices to assist PBGC in processing them in a timely manner. This notice establishes the mailing address which plan sponsors should use for all multiemployer plan notices, applications, and complaints unless the PBGC specifically provides otherwise in a notice of regulation.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Terrence Deneen, Office of the Executive Director, Policy and Planning, Suite 7100, 2020 K Street, N.W., Washington, D.C.; 202-254-4895.

SUPPLEMENTARY INFORMATION: Unless otherwise provided by the Pension Benefit Guaranty Corporation in a notice or regulation published in the **Federal Register**, all notices or applications to be filed with the PBGC pursuant to the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208, shall be mailed or delivered by hand to:

Division of Case Classification and Control-Room 5300A, Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006

All notices shall be clearly marked: "Multiemployer Notice—Attention: Policy and Planning". All applications shall be clearly marked: "Multiemployer Application—Attention: Policy and Planning".

All complaints required to be served upon PBGC pursuant to Section 104, Pub. L. 96-364, 94 Stat. 1263 (29 U.S.C. 1451), shall be mailed by certified mail to:

Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006

(Sec. 4002(b)(3), Pub. L. 93-406, 88 Stat. 1004, as amended by Section 403(1), Pub. L. 96-364, 94 Stat. 1302 (29 U.S.C. 1302))

Issued in Washington, D.C. this 12th day of February, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-5580 Filed 2-18-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17535; SR-CBOE-80-16]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

February 12, 1981.

On June 9, 1980, the Chicago Board Options Exchange, Inc. ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which, among other things, eliminates supplemental appointments for market makers, requires that a certain part of a market maker's transactions be executed by that market maker personally, and establishes an exchange committee which is responsible for evaluating the performance of market makers. On July 9, 1980 the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculation of transactions required to be executed in person by market makers and to require the recording of additional information on market maker orders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16919, June 24, 1980) and by publication in the **Federal Register** (45 FR 43914, June 30, 1980). Notice of the amendment to the proposed rule change and its substance was given in a Commission Release (Securities Exchange Act Release No. 34-17012, July 25, 1980) and in the **Federal Register** (45 FR 51325, August 1, 1980).

The Chicago Board of Trade ("CBOT") filed a comment letter with the Commission concerning the proposed rule change. In that letter the CBOT argues that the proposed rule change would prevent its members from exercising their right to CBOE membership as provided in the CBOE constitution by eliminating the ability of CBOT members to trade as options market makers on a part-time basis. The Commission believes, however, that the proposed rule change would not unfairly affect the membership rights of CBOT members since it merely imposes on CBOT members the same obligations imposed on other CBOE members who register as market makers. As a result of compliance with these obligations, market makers receive certain benefits, including preferential credit treatment.

The Commission finds, therefore, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulations pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 81-5628 Filed 2-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11618; 812-4803]

Cooperative Centrale Raiffeisen-Boerenleenbank B.A.; filing of application

February 12, 1981.

Notice is hereby given that Cooperative Centrale Raiffeisen-Boerenleenbank B.A. ("Applicant") c/o Michel de Konkoly Thege, Esq., Shearman & Sterling, 53 Wall Street, New York, New York 10005, filed an application on January 14, 1981, and an amendment thereto on January 29, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all the provisons of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

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Applicant states that it is a joint stock cooperative society, and that, as of December 31, 1979, it was the largest bank in The Netherlands, as measured by total deposits, and is among the twenty-five largest banks in the world. Its principal office is located at Catharijnesingle 30, P.O. Box 8098, 3403 S.E. Utrecht, The Netherlands. Applicant was formed in 1972, as a result of the merger of Cooperatieve Centrale Raiffeisen-Bank of Utrecht and Cooperatieve Central Boerenleenbank of Eindhoven.

Applicant states that it serves as the "umbrella" cooperative for 988 local cooperative credit institutions, which are both members and shareholders of Applicant. The application states that Applicant's principal business is the receipt of deposits, the issuance of bonds and notes and the extension of all types of credit, particularly agricultural and mortgage loans. In addition, Applicant provides international banking services such as international payments (remittances, collections, and letters of credit), foreign exchange, export credit, foreign currency loans and correspondent banking services. At December 31, 1979, Applicant's assets amounted $43,143,220,000. Agricultural loans to Dutch borrowers make up 33% of Applicant's loan portfolio and represent 90% of all the agricultural loans made in The Netherlands. Residential mortgages account for 48% of Applicant's loan portfolio and commercial and industrial loans account for the remaining 19% of its loan portfolio. Saving deposits, representing slightly more than 8 million savers and 42% of the market, comprise 62% of Applicant's total deposits. Demand balances account for 14% of deposits, with the remaining 24% of funding sources comprised of bond issues, private borrowings and other securities.

The application states that as a member of the Amsterdam stock exchange and options exchange, Applicant purchases and sells securities for the accounts of clients. Applicant provides non-discretionary investment management services to clients, and it participates with other banks in the underwriting and selling of new securities issues and sells insurance as well as tour packages and travel services, as an intermediary. The application states that Applicant has a wholly-owned mortgage banking subsidiary named Rabohypotheekbank, whose total assets are approximately $7 billion, and that this subsidiary obtains a substantial portion of its funds through the issuance of mortgage backed notes and bonds. Finally, according to Applicant, preliminary approval was granted by the Comptroller of the Currency on December 9, 1980, to Applicant's application to establish a branch in the United States.

Applicant represents that it is subject to extensive supervision by the Dutch Central Bank and by the Minister of Finance. Applicant states that the regulatory supervision is generally comparable to, and in certain respects more stringent than, the supervision imposed on United States banks. The application indicates that principal regulation of Applicant is under The Act On The Supervision Of The Credit System, and relates to minimum capital ratios, liquidity and reserve requirements. In addition, Applicant represents that it must file with regulatory authorities monthly financial statements and that it must annually submit audited financial statements to the Dutch Central Bank.

As a foreign bank having a branch in the United States, Applicant states that it is also subject, pursuant to the International Banking Act of 1978 ("IBA"), to most of the provisions of the United States Bank Holding Company Act, and thus to the regulation of the Federal Reserve Board. The principal effect of the applicable provisions of the IBA is to restrict the United States nonbanking activities of a foreign bank with a branch or agency to generally the same activities as those which may be performed by domestic bank holding companies. Furthermore, Applicant's branch bank in the United States will be subject to the supervision and examination by the Comptroller of the Currency.

Applicant proposes to issue and sell prime quality commercial paper notes ("notes") in bearer form and denominated in United States dollars to a registered United States securities dealer, who will then reoffer the notes in minimum denominations of $100,000 or more to institutional investors, entities and individuals in the United States who normally purchase commercial paper. The notes are intended to be of prime quality and of the type eligible for discounting by a Federal Reserve Bank. The notes will not be advertised or otherwise offered for sale to the general public, and will mature not more than nine months from the date of issuance with no provision for extension, renewal, or automatic roll-over at the option of either the holders or Applicant. Applicant represents that it does not intend to sell the notes in the United States in excess of an aggregate principal amount of $350 million outstanding at any one time. Applicant states that the purposes for making the proposed offering of the notes are to provide funds for use in its New York branch operations and to provide an additional source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market.

The application states that the notes will rank *pari passu* among themselves and equally with other unsecured indebtedness (including deposit liabilities) of Applicant and ahead of its share capital. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("Securities Act"), in reliance upon an opinion of its United States counsel that the offering will qualify for the exemption from the registration requirements of the Securities Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not issue its notes until it has received such an opinion. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the proposed issue of notes and any future issue of debt securities in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization, and that its United States counsel shall have certified that such rating has been received.

Applicant agrees to secure an undertaking from its commercial paper dealer that such dealer will provide each offeree who has indicated an interest in the notes, prior to any sale of notes to such offeree, with a memorandum describing Applicant's business and containing Applicant's most recent publicly available annual financial statements (including a balance sheet, profit and loss statement and notes thereto) audited in accordance with Dutch accounting principles and its most recent publicly available unaudited semi-annual balance sheet and summary profit and loss statement. Such memorandum will describe the material differences between Dutch accounting principles applicable to Dutch banks and "generally accepted accounting principles" applicable to United States commercial banks. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in offering commercial paper in the United States and that they will be updated periodically to reflect material changes in Applicant's business and financial condition. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon Applicant's compliance with all of its undertakings regarding disclosure documents. Applicant represents that any future offering of its debt securities in the United States will be made on the basis of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial statements as those used in the presently proposed offering. In no event will such disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities. Applicant undertakes to insure that such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered by Applicant, prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the Securities Act, such disclosure documents will be provided to such persons and in such manner as may be required by such Act and the rules and regulations thereunder.

Applicant represents that it will appoint a bank in the United States (the authorized agent to issue Applicant's notes) or the Commission to accept sevice of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York with respect to any such action. Applicant states that both its appointment of an authorized agent for service of process and its consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the notes have been paid by Applicant. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the notes or otherwise. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any other offerings of securities that it may make in the United States, which may include debt securities but not shares of its capital stock.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act because of uncertainty as to whether a foreign commercial bank such as Applicant would be considered an investment company as defined under the Act. Applicant states that, among other things, compliance by it with a number of substantive provisions of the Act would, as a practical matter, conflict with its operation as a bank and that Applicant would thus be effectively precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Applicant further submits that an exemptive order pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States because they would otherwise be precluded from purchasing Applicant's commercial paper notes. Moreover, the application contends that because of the development of the large Eurodollar market, the major foreign banks which deal in that market need a source of United States dollars in case of a disruption of the market. Applicant additionally argues that its activities are extensively regulated by Dutch banking authorities and that the limitations imposed by Dutch banking laws together with the requirements of Section 3(a)(3) of the Securities Act and the anti-fraud provisions of the Securities Act and the Securities Exchange Act of 1934 will afford substantial protection to investors in its debt securities. As a closely regulated banking entity, Applicant also states that it is different from the type of institution that Congress intended the Act to regulate. It is asserted that the particular abuses against which the Act is directed are not present in Applicant's case. Finally, Applicant states that granting its requested order will not give it an advantage over domestic banks in the issuance of commercial paper. Applicant concludes that granting its requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 9, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–5630 Filed 2–18–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09–0282]

Benox, Inc., Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (CFR 107.102 (1981)), under the name of Benox Incorporated, 17295 East Railroad Street, City of Industry, California 91749, for a license to operate as a small

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business investment company, under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The Proposed officers, directors and stockholders are as follows:

Name and Title

John C. Bennett, 125 Belday, Pasadena, Ca. 91105—Chairman of the Board
Easton E. Thornton, Jr., 520 So. Fairmont Circle, Anaheim, Ca. 92807—President, Director
L. James Frazer, 20359 Dulliand Drive, Walnut, Ca. 91789—Secretary
Neal G. Smith, 20339 Fuerte Drive, Walnut, Ca. 91789—Chief Financial Officer
Utility Trailer Manufacturing Co., 17295 East Railroad Street, City of Industry, Ca. 91749—100 percent
John, Walter and Paul Bennett own 36.8, 30.1 and 12.9 percent, respectively of Utility Trailer Manufacturing Co.

The Applicant which is a California Corporation, proposes to commence operations with private capital of $500,000 and intends to purchase convertible subordinated obligations or other securities of small business concerns located throughout the United States.

Matters involved in SBA's consideration of the application include the general business reputations of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before March 5, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Investment, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Asistance Program No. 59.011, Small Business Investment Companies)

Dated: February 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-5562 Filed 2-18-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5112]

Invesat Capital Corp.; Approval of Application for Transfer of Control of a Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration's (SBA) Rules and Regulations governing section 301(d) small business investment companies (13 CFR 107.701(1980)) a proposed transfer of control of Invesat Capital Corporation, 162 East Amite Street, Jackson, Mississippi 39201, to the National Business League, 4324 Georgia Avenue, N.W., Washington, D.C. 20011, was published in the **Federal Register** on September 5, 1980 (45 FR 59005).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Invesat Capital Corporation.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-5561 Filed 2-18-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent to Prepare a Finding of No Significant Impact for Proposed Improvements, Alterations and Additions at Aurora Municipal Airport, Aurora, Illinois.

On April 7, 1980, the Federal Aviation Administration, Great Lakes Region, give notice that it intended "* * * to prepare an Environmental Impact Statement for the acquisition of approximately 155 acres of land for installation of an ILS, approach protection, and a primary borrow area; the expansion of general aviation aircraft parking apron; the construction of a storm water detention area; and, the installation of an ILS (Instrument Landing System) and approach lighting system."

As a result of preliminary consultation with Federal agencies with jurisdiction by law or having special expertise regarding environmental impacts involved, it was determined that the proposed action is not likely to have a significant adverse environmental impact.

An environmental assessment for the proposed action has been prepared and submitted to Federal, State and local agencies, the State and Regional Clearinghouses, and concerned individuals. A review period ending March 13, 1981, has been established. Upon completion of this review a Finding of No Significant Impact is proposed.

Additional information concerning the proposed project may be obtained by contacting: Mr. Michael C. Rose, AGL-611.1, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018 (Tel: (312) 694-7536).

Dated this 2nd day of February, 1981.

Frederick M. Isaac,

Chief, Airports Division, Federal Aviation Administration, Great Lakes Region.

[FR Doc. 81-5550 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

Israel Aircraft Industries Ltd., Arava Model 101B Airplane; Aircraft Certification and Availability of Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of documents.

SUMMARY: On November 17, 1980, the FAA amended Type Certificate No. A32EU by adding the Arava Model 101B airplane. The airplane is a new version of the Arava Model 101 which has been upgraded and modified to comply with SFAR 41. The Arava Model 101B is a twin turbopropeller small airplane with 20 seats. Changes in weights are accompanied with a change of engine from the PT6A-27 to PT6A-36 to maintain the airplane performance at higher weights.

The Director, Europe, Africa, and Middle East Office, FAA, has examined the document, which was prepared by the State of Israel Ministry of Transport, Civil Aviation Administration (CAA), at the request of the FAA and has reviewed the findings of the FAA certification team. Based on this information and the CAA's certifying statement that the Arava 101B airplane, produced by Israel Aircraft Industries Ltd., Ben-Gurion International Airport, Israel, has been examined, tested, and found to meet the applicable airworthiness requirements of the Federal Aviation Regulations, as outlined in paragraph 2 of the Airworthiness Bilateral Agreement between the United States of America and Israel, Type Certificate A32EU was amended to include approval of the Arava 101B airplane.

The document includes the basis upon which the final recommendations for certification was made including, but not limited to, the certification basis, including discussion of special conditions, design features, significant type certification issues and their resolution, type certification board minutes, and type inspection results.

A copy of the document is available for examination at the FAA Rules Docket, Room 916, 800 Independence Avenue, SW, Washington, DC, between 8:30 a.m. and 5 p.m. Copies of the report may be obtained from the Technical Standards Branch, AWS-110, Room 335, 800 Independence Avenue, SW, Washington, DC.

Issued in Washington, DC, on February 12, 1981.

Joseph A. Pontecorvo,

Acting Director of Airworthiness.

[FR Doc. 81-5552 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; City and County of Fresno, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City and County of Fresno, California.

FOR FURTHER INFORMATION CONTACT:
C. Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2521.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct State Route 41 as a freeway, north from Bullard Avenue, a distance of approximately 3.5 miles.

There is a need to relieve congestion and reduce accidents now being experienced on the present State Route 41 (Blackstone Avenue). The proposed project will satisfy this need by moving the State highway to a new alignment, thereby removing through traffic from the existing conventional highway. The proposed alignment is in the northern part of the City of Fresno, and runs parallel to the existing State Route.

The alternatives under consideration are: (1) Extend Route 41 northerly on the adopted line as a freeway; (2) Extend Route 41 northerly on the adopted line as a freeway to Herndon Avenue and as an expressway to the vicinity of the San Joaquin River; (3) Extend Route 41 northerly on the adopted line as an expressway; (4) Extend Route 41 northerly on the adopted line as an expressway to Herndon Avenue, jog westerly on Herndon Avenue to Blackstone Avenue, continue northerly on Blackstone; and (5) No-Build. Traffic will jog westerly to Blackstone Avenue on Bullard Avenue.

Incorporated into and studied with the various build alternatives will be design variations of grade, alignment, and number of lanes. Transportation system management strategies will also be considered with each alternative. Upgrading the existing facility is not considered to be a viable alternative.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public notice will be given of the time and place of meetings and a public hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: February 9, 1981.

C. G. Clinton,

District Engineer, Sacramento, California.

[FR Doc. 81-5339 Filed 2-18-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-3; Notice 1]

Firestone Tire & Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Firestone Tire & Rubber Company of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicles Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5 of Standard No. 119 requires tires to be marked with certain information on each sidewall. Firestone has produced "not more than 51 tires" at its Memphis, Tenn., plant on November 24-25, 1980, with incorrect or missing information on the sidewall. The correct information on the serial sidewall reads:

10.00-20 Load Range G
10 Plies Nylon 14 Ply Rating Tube Type
Max Load Single 6040 lbs. at 100 PSI Cold
Max Load Dual 5300 lbs. at 90 PSI Cold

The information the side opposite the serial side, however, reads:

10.00-20 Nylon
Load Range F
12 Ply Rating

The tires, therefore, fail to state the maximum load rating and corresponding inflation pressure, the words "tube type" while containing an incorrect tire load range and actual number of plies. The noncompliance was caused by "two instances in which stamping cover plates fell out of the top halves of molds, so as to expose pre-FMVSS 119 stamping. The same molds are used to cure Load Range G and Load Range F tires of this type in size 10.00-20. Some of the noncompliant tires have been retrieved from Firestone facilities.

The noncompliance is said to be inconsequential for several reasons. First, mismounting the tire on the wrong size rim will not occur as "there is no tubeless rim available in this size and a tubeless valve is too small to fill the tube-type slot". Second, the correct ply information does appear on the other sidewall and can be referred to "at the time of purchase, time of retreading and/or time of application". Thus, user reliance on "understated load range and ply-rating" will not increase the likelihood of overloading but should increase the user's margin of safety. Fourth, "any user who actually searches for [tire load-rating and corresponding inflation pressure] on the tire sidewall will be sufficiently knowledgeable and/or concerned to check the inward sidewall if the outward sidewall does not contain it" because "the trucking community is generally more attentive to tire capability information than are passenger car tire purchasers."

Interested persons are invited to submit written data, views and arguments on the petition of Firestone Tire & Rubber Company described above. Comments should refer to the docket number and submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C.

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20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 19, 1981.

(Sec. 102, Pub. L. 93–492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.1)

Issued on February 10, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–5458 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–4; Notice 1]

Suzuki Motor Co., Ltd.; Receipt of Petition for Determination of Inconsequential Noncompliance

Suzuki Motor Co., Ltd. of Santa Fe Springs, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR Part 567 (a safety-related defect) and 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance and defect are inconsequential as they relate to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

The petition involves both a safety-related defect and a noncompliance with a Federal Motor Vehicle Safety Standard. The defect exists from failure to meet the certification regulations, 49 CFR Part 567. Section 567.4(g) (3) and (4) requires that the maximum load rating marked on the rear tire of a motorcycle be not less than the Rear Gross Axle Weight Rating ("RGAWR") of the machine.

From January through September 1980 Suzuki produced 6,675 1980 model and 1,500 1981 model GS1000 G model motorcycles with incorrectly marked certification labels. The RGAWR marked on the motorcycles is 668 pounds. The correct value is 640 pounds, 28 pounds less. The GVWR marked on the motorcycles is 1112 pounds. The correct value is 1084 pounds, 28 pounds less. The maximum load rating marked on the 4.50 V17–4PR rear tire is 640 pounds at 40 psi cold. The tire, however, is rated at 670 pounds up to 130 mph regardless of the 640 pounds marked on the sidewall. With respect to future production, Suzuki could have resolved the noncompliances either by marking future tires with a 670 pound maximum load rating, or by marking future certification labels with a 640 pound RGAWR (1084 pounds GVWR). It has decided to change future certification labels.

The company argues that the noncompliances are inconsequential because the tire will not be overloaded even if the operator puts 668 pounds on it; and that its customers to date are not confused by the incorrect information. In addition, there should be no safety problem with replacement tires; the maximum load rating of the tire meets or exceeds RGAWR and all are rated up to 130 mph, identical to the the tires in question.

Interested persons are invited to submit written data, views, and arguments on the petition of Suzuki Motor Co., Ltd. described above. Comments should refer to the Docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 19, 1981.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 10, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–5457 Filed 2–18–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–2; Notice 1]

Mercedes-Benz of North America, Inc.; Receipt of Petition for Determination of Inconsequentiality

Correction

In FR Doc. 81–4656, published on page 12182, on Thursday, February 12, 1981, in the third column, in the first paragraph, in the ninth line, "Fire Selection" should be corrected to read "Tire Selection."

BILLING CODE 1505–01–M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 24, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A–220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Blount County Sheriff's Department, Blount County Courthouse, Maryville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: February 11, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tenn.

[FR Doc. 81–5647 Filed 2–18–81; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATE: March 6, 1981—Legislative Advisory and Policy Committee Meeting March 7–9, 1981—Full Council Business Meeting—9:00–5:00 p.m.

ADDRESS: Legislative Advisory and Policy Committee Meeting will be held in the Reporters Building, 300 7th Street, NW., Room 412. Full Council Business Meetings will be held at the Reporters Building, Room 409 on March 7 and March 8, 1981. The meeting of March 9 will be held in Room 5167 of the North Building, 330 "C" Street, SW., Washington, D.C. For further information contact: Louis J. Serpa, Office of Bilingual Education and Minority Languages Affairs, Reporters Building, Room 514, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202–245–2600).

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242) to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act.

The meetings on March 7–9, 1981 will be open to the public beginning at 9:00 a.m. (unless otherwise stated).

March 7, 1981: A meeting of the Council on the following subjects is scheduled from 9:00 a.m. until 5:00 p.m. The proposed agenda includes the following:

9:00–11:00—Business Meeting
- a. Call to Order
- b. Approval of Minutes
- c. Chairperson's Report
- d. Committee Reports
- e. Ad Hoc Reports

11:00–11:30—OBEMLA Director's Report
11:30–12:00—Coordination and Research Report
1:30–2:00—Briefing and Discussion on Field Reader Process
2:00–3:00—Old Business
- a. Budget Report
- b. Activities with NABE

3:00–5:00—New Business
Annual Report

March 8, 1981: The proposed agenda includes the following:

10:00–12:00—New Business (cont.)
- a. Agenda for Meeting with Secretary
- b. Activities with NABE

1:30–5:00—New Business (cont.)
- a. Annual Report
- .b. Action Items

March 9, 1981: The proposed agenda includes the following:

9:00–9:45—Action Items
9:45–11:45—Meeting with Secretary Bell
11:15–12:00—Discussion on Administration Initiatives
12:00–1:00—Plans for Public Hearings
2:00–5:00—Public Participation

Records will be kept of all Council proceedings and shall be available for public inspection after approval by the Full Council, of said records has been obtained. These records will be available in Room 421, Reporters Building, 300 7th Street, SW., Washington, D.C. Written requests for such records should be sent to 400 Maryland Avenue, SW., Reporters Building, Room 421, Washington, D.C. 20202.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C. on February 13, 1981.

Gilbert Chavez,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 81–5627 Filed 2–18–81; 8:45 am]

BILLING CODE 4000–01–M

Office of the Secretary

Data Acquisition Activities Involving Educational Agencies and Institutions

AGENCY: Department of Education.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

SUMMARY: The paperwork control requirements in Section 400 A of the General Education Provisions Act, added by Pub. L. 95–561, require public announcement of certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981–82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary through the Federal Education Data Acquistion Council (FEDAC).

DATE: Comments must be received by March, 23, 1981.

ADDRESSES: Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace R. McPherson, Division of Education Data Control (Room 4522 Switzer), 400 Maryland Avenue, S.W., Washington, D.C. 20202 Telphone: (202) 472–3554. The contact persons listed in conjuction with the individual summaries are the ones to whom questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981–82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite

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listing of known data acquisition activities planned for School Year 1981–82 will be published by February 15, 1981.

Dated: February 13, 1981.

T. H. Bell,

Secretary of Education.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Grant application under Title I, Section 143 of the Elementary and Secondary Education Act, as amended.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362–2.

(d) Justification: The purpose of this program is to award discretionary grants to State educational agencies (SEAs) for special projects designed to improve the interstate and intrastate coordination of the migrant education services conducted under the Elementary and Secondary Education Act, Title I, Section 141, basic program. Applications are accepted in accordance with the provisions in the Education Division General Administrative Regulations.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	13	20

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,300.

(l) Detailed Justification of How Information Once Collected Will Be Used: The data will be used by the Secretary in making the determination of which grant applications to fund to provide assistance through Section 143.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: ". . . authorized to make grants to, or enter into contracts with, State educational agencies. . . ." (Section 143(a) of the Elementary and Secondary Education Act, as amended by Pub. L. 95–561, 20 U.S.C. 2763).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: A total of 260 person-hours are estimated for the completion of the application at an estimated cost of $4,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the application may be obtained from the Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue SW., Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: The Office of Migrant Education conducted technical assistance workshops at national conferences on migrant education to assist potential grantees with the application requirements.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: A Notice of Closing Date will be published in the **Federal Register** at least thirty days prior to application deadline.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status Reports and Performance Reports for the Title I, Section 143, Elementary and Secondary Education Act, Grant Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362–3.

(d) Justification: The purpose of this program is to award discretionary grants to State educational agencies (SEAs) for special projects designed to improve the interstate and intrastate coordination of the migrant education services conducted under the Elementary and Secondary Education Act, Title I, Section 141, basic program. Grantees are required to submit a financial status and performance report in accordance with the provisions of the Education Department General Administrative Regulations (EDGAR).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Not applicable.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	13	5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $50.

(l) Detailed Justification of How Information Once Collected Will be Used: The data will be used by the Office of Migrant Education to assure that grantees are in compliance with fiscal and performance reporting requirements.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Grantees will use Standard Form 269, Financial Status Report, to report the status of funds for all non-construction grants. . . ." (34 CFR Part 74 Section 74.73(a)). ". . . grantees shall submit annual performance reports. . . ." (34 CFR Part 74 Section 74.82(b)).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: A total of 65 person-hours is required to complete this requirement, and the estimated cost is $1,000.

(q) Evidence of Any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the financial status report and the performance report may be obtained from the Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Office of Migrant Education conducted technical assistance workshops at national conferences on migrant education to assist potential grantees with financial and performance reporting requirements.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Financial status and performance reports will be required annually—90 days after completion of the project.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: State Plan for Adult Education.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Vocational and Adult Education/Division of Adult learning Programs.

(c) Agency Form Number: ED 652.

(d) Justification: The Adult Education Act, pub. L. 91–230, as amended, authorizes a State-adminstered adult education program. This program includes adult basic and adult secondary education as well as State-administered special experimental demonstration projects and teacher training projects. For a State to participate in the adult education program, the Act requires that a State educational agency submit a general State application and a three-year State plan. Final regulations to implement the Act were published in the **Federal Register** on April 3, 1980, and contain program assurances for inclusion in the State plan.

The general State application is submitted only once and the first three-year plan is approved for Fiscal Years 1980, 1981, and 1982. Accordingly, the next three-year State plan is due on July 1, 1982, and will be submitted to the U.S. Department of Education, Division of Adult Learning Programs.

The statute is detailed and specific as to the contents of the State plan. The regulations follow the statue closely.

(e) Description of Survey Plan: NA.

(f) Tabulation and Publication Plans: NA.

(g) Time Schedule for Data Collection and Publication: NA

(h) Consultations Outside the Agency: In October and November of 1978, the Division convened four area workships with State Directors of Adult Education. The purpose of these workshops was to raise issues concerning the fulfillment of the legislative intent with suggested alternatives for resolving the issues. These workshops also provided an opportunity to share with State Directors suggested models and processes for planning and carrying out State adult education programs.

On November 29, 1978, a Notice of Intent to Develop Regulations for the Adult Education program was published in the **Federal Register**. Following this announcement, ten area meetings were held across the country to identify and resolve major issues raised by the amended legislation before final regulations were implemented.

Many comments and suggestions were submitted at the four workships and ten area meetings. In addition, over 200 persons mailed comments. These comments were analyzed and, in many instances, incorporated into the proposed regulations.

The Notice of Proposed Rulemaking was published on June 28, 1979. On August 7, 1979, public meetings were held in ten cities in order to receive public comment regarding the proposed regulations. Over 300 public comments were received. Due consideration was given to these comments in formulating the final regulations. Disposition of the various comments and suggestions appeared in an appendix to the final regulations.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Adult Education Administrators	57	400

This estimate includes the effort required by a State educational agency on behalf of participatory planning in the formulation of the three-year plan. Participatory planning is required by the regulations. Representatives of a number of agencies and groups are given an opportunity to actively participate in all stages of formulating the plan. These representatives have the opportunity annually to comment on (1) how the State educational agency is carrying out the plan and (2) the expansion of the delivery system for providing adult education services.

(j) Sensitive Questions: NA.

(k) Estimate of Cost to Federal Government: The cost to the Federal Government involves $200 for development and $1,400 for the review and approval of State plans.

(l) Detailed Justification of how Information Once Collected Will be Used: Information in a State plan is used primarily for the determination of grant eligibility. It will serve as a program management tool for (1) conducting a compliance review, (2) assessing program effectiveness, and (3) identifying problem areas in a specific State program which require technical assistance.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"(a) A State shall be eligible to receive its allotment under section 305 if—

"(1) It has on file with the Secretary a general State application under section 435 of the General Education Provisions Act, and

"(2) It has submitted to the Secretary at such times (not more frequently than one every three years), and in such detail, as the Secretary shall prescribe a State plan meeting the requirements of subsection (b)."

(Section 306 of the Adult Education Act. Pub. L. 91–230, as amended)

(o) Timetable for Dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: With the 57 State programs individually expending 400 person-hours to complete a three-year plan, it is estimated that 22,800 total person-hours are required at a total cost of approximately $228,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy or the Exact Data Instrument: Copies of the legislation and regulations which include the State plan requirements may be obtained from Mrs. Sallie R. Grimes, U.S. Department of Education, Office of Vocational and Adult Education, Division of Adult Learning Programs, Room 5052, 7th and D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The involvement that took place in the development of the regulations is discussed in item (h). Technical assistance was provided to the respondents during the development of the three-year plan for Fiscal Years 1979–1981. Ongoing communications and exchanges between State and Federal staffs during the implementation of that plan will prove beneficial to the forthcoming cycle.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The approval of a State plan as a prerequisite for funds in a State-administered program is a standard procedure. Therefore, State educational agencies will establish their own individual timetable to meet the July 1 date on which funds are availabe.

(u) Specific Justification for a Multi-Year Approval: The legislation authorizes a three-year State plan. The State plan for Fiscal Years 1979–1981 followed the legislative and regulatory requirements.

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Data Activity Plan Summary

(a) Title of the Proposed Activity: Pell Grant Program Student Validation Roster.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Pell Grant Program.

(c) Agency Form Number: ED Form 255–4.

(d) Justification: The Student Validation Roster is the vehicle through which end-of-year adjustments to the authorization of Pell Grant Grant are made, based on the actual and accepted disbursement of funds as reflected by the number of eligible BEOG recipients at the institution.

(e) Description of Survey Plan: The current approved Student Validation Roster for 1980–81 will be used throughout the remainder of the award year. It is anticipated that some changes will be made for the 1981–82 Award Year.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: The report is collected after the end of the award period on an annual basis. This information is not published but used in-house to reconcile and close the institution account.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Postsecondary Educational institutions	5,000	5

(j) Sensitive Questions: Not Applicable:

(k) Estimate of Cost to Federal Government: Not Applicable:

(l) Detailed Justification of How Information Once Collected Will Be Used: The information is supplied by the institution on the Validation Roster to verify the actual disbursements made to recipients on behalf of the Pell Grant Program. This information, when compared with the final Progress Report data and actual institutional accounting data, will serve to reconcile each school's Pell Grant account at the end of the year. The roster also serves to assist in tracking recipients to ensure that no student receives Pell Grant awards beyond the duration of his/her eligibility and that overpayments are identified and collected.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The institution must submit the reports and information the Secretary requires in connection with the funds advanced to it and must comply with the procedures the Secretary finds necessary to ensure that the reports are correct." (34 CFR 690.84) (20 U.S.C. 1070a)

(o) Timetable for dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request:

5,000 institutions × 5 person-hours = 25,000
25,000 × $10 = $250,000

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: The data instrument is available at: U.S. Department of Education, Pell Grant Program, Room 4718, ROB–3, 400 Maryland Avenue SW., Washington, D.C. 20202, Attn: Charles Brazil.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not Applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: For the past award periods, a roster has been mailed to the institutions thirty to sixty days after the close (June) of the award period. Reports are due six weeks after the date received.

(u) Specific Justification for Multi-Year Approval: The Pell Grant Student Validation Roster is a document utilized by the Basic Grant Program completed by the institutions to report final Program expenditures. The Pell Grant Program requires that the institution submit this roster annually. The Student Validation Roster has been utilized since the inception of the Program which began in 1973.

The legislative authority states that the institution shall submit such reports and information as the Secretary requires in connection with the funds advanced to it and must comply with the procedures the Secretary finds necessary to ensure that the reports are correct. 34 CFR 690.84 (20 U.S.C. 1070a)

Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Fulbright Teacher Exchange Program.

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of International Education, Fulbright Teacher Exchange Program.

(c) Agency Form Number: ED forms 356, 356–1, 356–2, 356–3.

(d) Justification: The U.S. Department of Education (ED) cooperates with the U.S. International Communication Agency (USICA) in administering the Teacher Exchange program as provided under the authority of the Mutual Educational and Cultural Exchange (Fulbright) Act of 1961. In accordance with an agreement between USICA and ED, funds are transferred to ED. ED administers this program under policies established by USICA and the Board of Foreign Scholarships, a twelve member body appointed by the President. Section 106(a)(1) of the Fulbright Act establishes the Board "* * *" for the purpose of selecting students, scholars, teachers, and other persons to participate in the programs * * *." ED annually publishes a brochure in August announcing opportunities for American educators to teach abroad or to attend summer seminars overseas during the following year. Application to the program is made between September 1 and November 1.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Publicity and applications are distributed during September and October and collected by November for programs conducted during the following summer and the following academic year.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Teachers	525	.5

(j) Sensitive Questions: Selection criteria established by the Board of Foreign Scholarships for educators hoping to participate in the Teacher Exchange program requires ascertaining some sensitive information. For example, participants must be responsible U.S. citizens, emotionally stable, in good health, have demonstrated ability to work effectively with students and colleagues, have interest and background to well represent the U.S. Government and the American education community abroad, and be acceptable to the host country's school which may be parochial.

(k) Estimate of Cost to Federal Government: $10,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Each application for the Teacher Exchange program is initially screened by an ED program specialist to determine whether prospective candidates meet the announced basic qualifications for consideration. If so, the applicant is requested to report to one of 70 regional interviewing committees, comprised of highly qualified, volunteer educators, for a personal interview. In order to receive preliminary consideration applicants must be favorably recommended by the Interviewing Committee and three references, and have the concurrence of his/her school administrator.

a. The applications of those desiring to interchange positions are then referred to ED's counterpart agencies in selected countries abroad to be matched, if possible, with one of their applicants. Taken into consideration are similarity of respective teachers' particular assignments and responsibilities; type of school system, i.e. urban, rural or denominational; personal recommendations; academic background; language ability where required, as well as other factors. If a match can be proposed, each applicant and respective school administrator is so advised and requested to indicate concurrence of the exchange. When all parties concur to a proposed match, it is recommended by ED to the Board of Foreign Scholarships for final approval. Teachers who have applied to teach abroad are notified of the Board's action in April or May. There are no ED funded grants; usually the American teachers take their home salaries with them and pay their own travel and in-country costs. In some cases teachers may be provided maintenance and round-trip travel by binational commissions abroad in the currency of the host country.

b. The applications from those wishing to attend a summer seminar abroad are reviewed by appropriate ED staff and by staff of the appropriate binational commissions abroad. Consideration is given to candidates' training and experience, current assignment, numbers of students and colleagues likely to benefit from the recipient's experience, and to geographical distribution. The funding of seminar grants varies from country to country and year to year.

A primary purpose of these programs is to broaden the educator's understanding of another culture. This understanding, in turn, is expected to be shared with students, colleagues, members of civic and professional organizations, and other interested parties in his/her respective community here and abroad. With the cooperation of American schools, teachers from other countries teach for an academic year in the United States. All of those who participate in these programs have opportunities to develop a better understanding of themselves and their society through the perspectives gained by cross-cultural experiences.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Sec. 101. Statement of Purpose.—The purpose of this Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange * * *"

(Public Law 87–256, 22 USC 2451)

(o) Timetable for Dissemination of Collected Data: Educators who apply for seminars are notified in March or April of the Board of Foreign Scholarship's action; those who apply to teach abroad are notified of the Board's action in April or May.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Person-hours: 1,050; Costs: $10,500.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Ms. Pat Kern McIntyre, Chief, Fulbright Teacher Exchange Program, Office of International Education, U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In August–September each year, 19,000 announcements of opportunities available under the Teacher Exchange Program are sent to public and private school, junior college and university administrators for circulation among their respective staffs. An additional 23,500 announcements are sent to foreign language and area studies professional groups and as requested by other groups and individuals.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: This annual program is announced in Spring and Summer issues of professional journals, newsletters, school bulletins, and conferences.

(u) Specific Justification for Multi-Year Approval: The Teacher Exchange Program has been in existence since 1947. The information needed from and about individual applicants varies little, if at all, each year. In order to maintain the necessary supply to serve public requests promptly, it is desirable to reprint the same form each July for the upcoming competition.

Data Activity Plan Summary

(a) Title of Proposed Activity: Lender's Request for Payment of Interest on Student Loans.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education: Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 799.

(d) Justification: ED Form 799 is used by an eligible lender to bill the Guaranteed Student Loan Program for interest benefits and for reporting data for calculation of special allowance.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Representatives of commercial lenders, guarantee agencies, and lender's association were consulted in the development and modification of this form since 1966.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Commercial banks	15,000	2.0

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $145,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Upon receipt of this completed form, the Department of Education edits, corrects, and records the amounts due the lenders. This is an automated system which produces the accounting tapes for delivery to the Finance Division of ED for payment.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 428 of the Higher Education Act as amended (P.L. 89–329)

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states in part: "The holder of a loan with respect to which payments are reqiured to be made under this section shall be deemed to have contractual right as against the United States, to recover from the Secretary the portion of interest which has been determined."

(o) Timetable for Dissemination of Collected Data: The legislation requires the Secretary of Education to pay daily interest on all billings for interest and special allowance not paid by the Department of Education within 30-days of receipt.

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: It is estimated that 30,000 hours at $8.00 hourly will cost the respondents approximately $240,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Maurice Tansey, Chief, Guaranteed Student Loan Branch, Department of Education, 7th & D Street SW. Room 4642 ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Representatives of commercial lenders, guarantee agencies, and lender's association were consulted in the development and modifications of this form since 1966.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Forms are mailed to the lenders and the lender has 90 days to complete the form and return to the Student Loan Processing Center.

(u) Specific Justification for a Multi-Year Approval: This program has been authorized through 1985.

(a) Title of Proposed Activity: Lender's Annual Report on Guaranteed Student Loans Outstanding.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Division of Program Operations, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 799–1.

(d) Justification: ED Form 799–1 is used by GSLB to collect, on an annual basis, essential data on regulated lenders (primarily banks, savings and loans and credit unions).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publications Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Government sends to lenders on October and report is completed by lender within 30 days.

(h) Consultations Outside The Agency: All eligible lending institutions.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Eligible lending institution	15,000	1.0

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $20,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: This data is received, reviewed and used by the Guaranteed Student Loan Branch in financial reports and budget estimates.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act of 1965 states in part: "The Secretary may (1) prescribe such regulations as may be necessary to carry out the purposes of this part . . . Section 177.519, Title 34 states in part: "A lender shall submit reports to the Secretary at the time and in the manner the Secretary may reasonably require . . . (3) The Lender's Annual Report on Guaranteed Student Loans Outstanding . . .

(o) Timetable for Dissemination of Collected Data: The report for the fiscal year ending September 30, 1981 must be completed and submitted within 30 days from the date of request.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: It is estimated that 15,000 hours at $8.00 hourly will cost respondent approximately $120,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Maurice Tansey, Chief GSLB, Office of Student Financial Assistance, Department of Education, 7th & D Street SW., Room 4642 ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The form is mailed to the lenders 2 weeks before the start of a new fiscal year, and the lender has 30 days to complete and return to the Student Loan Processing Center.

(u) Specific Justification for a Multi-Year Approval: This program has been authorized through 1985.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Field Testing of the Pell Grant (formerly Basic Educational Opportunity Grant) Application Form.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Postsecondary Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number: ED–817.

(d) Justification: A Pell Grant (formerly Basic Grant) Common Form is to be designed and used for the 1983–84 Academic Year. A field test of the 1982–83 application will be conducted during FY 1982 to aid in preparing the 1983–84 Pell Grant Common form.

(e) Description of Survey Plan: The objectives of the project is to field test the 1982–83 Application Form together with at least two alternative application forms on a sampled group of students and parents to determine its reliability, validity, applicant appropriateness and ease of responding, management usability, and technical excellence. The two alternative forms are prototypes of the 1982–83 application form. Reactions to the application forms from the postsecondary school Financial Aid officers and from the secondary school guidance counselors are to be solicited from a small judgmental sample of schools.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: The field test will begin in March 1982 and end in May 1982. Results and recommendations must be delivered as an interim report in May 1982 or as a final report in November 1982, to meet critical management decision schedules.

(h) Consultations Outside the Agency: DQA/Office of Evaluation and Management, Senior Policy Advisor to the Assistant Secretary Postsecondary Education, OED/Office of Evaluation and Management, Federal Office of Statistical Policies and Standards.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Students	1,000	2 hours each (two or more variations of application forms).
Parents	1,000	2 hours each (two or more variations of application forms).

(j) Sensitive Questions: The field test will request income and financial information of students and parents. However, respondents are informed that by participating in the field test, they will assist us in making future application forms for Pell Grant aid easier to fill out and reduce the total paperwork involved. The information provided by the respondents will be held in the strictest confidence. There is no risk involved in filling out the form; their participation will not affect their chances of receiving Pell Grant aid in the future.

Data from the field test will only be analyzed and reported in summary fashion for purposes of constructing the best possible form. Questions being asked are those used on the application form that are necessary in determining the expected contribution of students and parents for student assistance programs and the degree to which the student and parents understand what is required of them for reporting purposes.

(k) Estimate of Cost of Federal Government: Estimate: $400,000.

(l) Detailed Justification of How Information Once Collected Will be Used: From the findings of the field test will come recommendations for the 1983–84 Common Form including a prototype of a 1983–84 Common Application Form.

In addition, the field test will also address the following questions:

1. How reliable—stable—are the responses elicited by the application form? Does the item convey the same meaning to all types of applicants and in all types of situations?

2. How valid are the responses elicited by the items? Does the item (data elements) obtain the response that was sought?

3. What are the types and possible reasons for the error in the responses that are attributable to the application form design and item construction?

(m) Methods of Analysis: Cross tabulations by student/parent characteristic correlations, content analysis and basic descriptive data to be used in assessing and identifying the most effective form and item constructed for the 1983–84 Common Form.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary, in cooperation with representatives of agencies and organizations involved in Student Financial Assistance, shall prescribe a Common Federal Financial Aid Application Form to be used to determine the need and eligibility of a student for financial assistance under this title . . . ."

(Sec. 483(a) of the Higher Education Act of 1965, as amended by P.L. 96–374, 20 U.S.C. 1090)

(o) Timetable for Dissemination of Collected Data: The results of the field test and recommended common 1983–84 form will be available in May 1982.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 4,000 for a total estimated cost of $40,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Ms. Davelyn Bailey, Department of Education, Office of Student Financial Assistance, Division of Quality Assurance, Room 4673, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Student and parent sample will be drawn from secondary and postsecondary institutions, and letters will be sent requesting participation in the field test.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Planned data collection will begin in March 1982. Once responses have been received from the letter of request for participating in the field test, an agreed upon date will be established between the interviewer and the respondent for filling out the application form.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary(a) Title of the Proposed Activity: Equipment list for construction, reconstruction, and renovation projects.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of Institutional Support Programs/Academic Facilities Branch/Division of Facilities and General Support Programs.

(c) Agency Form Number: ED 1136–1.

(d) Justificiation: 1. The equipment lists are required to ascertain that recipients of Federal funds do not purchase elaborate and costly initial equipment above and beyond that needed for projects approved under Title VII of the Higher Education Act of 1965. In addition to costs expended for construction, reconstruction or renovation, the Title VII program authorizes financial assistance to meet the cost for initial equipment. However, all such costs must meet the statutory and regulatory costs eligibility requirements. Accordingly, program uses the lists to determine the extent of Federal cost participation for the Title VII approved projects.

2. The data are used only by the Department of Education program for the sole purpose of computing the amount of Federal financial assistance applicable to Title VII approved projects.

3. The information requested in the equipment list is not available from any other source.

(e) Description of Survey Plan. 1. Respondents are limited to institutions of higher education with Title VII approved projects that have not been closed out.

2. Information sufficient to identify the institution and the project, and the Title VII grant or loan recipient will be requested to indicate if the list constitutes an inventory of items already purchased, or if the items on the list have not been purchased. Also, information is requested to indicate if the list is a complete or partial listing of all initial equipment items for the project. In addition, specific information is requested with regard to the description of the items, the purchase dates, quantities, unit prices, and total costs. The Title VII grant or loan recipient will be requested to certify that the equipment listed will be housed and used in the Title VII supported facilities. Submission of an equipment list will be required to maintain project grant or loan eligibility.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: The equipment list must be submitted to the Department of Education before the project closeout. A Title VII grant or loan recipient will be required to submit an itemized equipment list only once and in connection with the project closeout. However, some Title VII recipients may want to seek equipment list approval from the Department of Education several times during the life of the project, to make sure eligible items are being purchased.

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(h) Consultations Outside the Agency: None were consulted since only the basic, minimum information required is requested.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	150	1.5

1. The estimated average person-hours required per response was arrived at after a review of the size of equipment lists submitted in the Past on Title VII projects.

2. Respondents keep records of costs for Title VII supported facilities. Accordingly, there is no unusual delay in gathering or compiling the data.

3. There is not any considerable variation in the reporting burden. This would depend on the size of the project.

(j) Sensitive Questions: There are no sensitive questions. The equipment list is kept by the Department of Education. However, one copy may be returned to the respondent, if equipment items are declared ineligible for Federal cost participation purposes.

(k) Estimate of Cost to Federal Government: $4,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: The equipment list is used to determine the extent of grant or loan eligibility of projects funded under Title VII.

(m) Method of Analysis: The equipment list will be used to ascertain that Federal funds are expended only for initial equipment meeting the regulatory requirements.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection "A grantee shall insure that the construction is—

(1) Functional;

(2) Economical; and

(3) Not elaborate in design or extravagant in the use of materials, compared with facilities of a similar type constructed in the State or other applicable geographic area." (Section 75.607(a) of the Education Department General Administration Regulations (EDGAR))

"The project will be undertaken in an economical manner." (Section 731(a)(3) of Title VII of the Higher Education Act of 1965, as amended)

(o) Timetable for Dissemination of Collected Data: The information is used only by the Department of Education program. Thus, there is no dissemination of collected data.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 225 person-hours for $3,375.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: Thomas F. McAnallen, Chief, Academic Facilities Branch Office of Institutional Support, Office of Postsecondary Education, Division of Facilities and General Support Programs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: No contact has been made since only data required to meet regulatory and statutory requirements is to be collected.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The respondents have sufficient time since the information is required only once in connection with project closeouts.

(u) Specific Justification for a Multi-Year Approval: Several years may be involved from the time of a Title VII award until the completion of a project and the closeout. Accordingly, multi-year approval is required, especially in view of the fact that all Title VII awards are not made in the same year. This data collection instrument has been used, substantially in its existing form, since 1965 for all Title VII projects and will continue to be needed as long as there are Title VII projects which have not been completed and closed out.

Data Activity Plan Summary

(a) Title of Proposed Activity: Physician's Certification of Borrower's Total and Permanent Disability.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Bureau of Student Financial Assistance, Division of Policy and Program Development, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED–1172.

(d) Justification: Legislative authority for use of this information based on Title IV, Part B, of the Higher Education Act of 1965, as amended. Section 437 (a) states "If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428 (a) (1) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Secretary), then the Secretary shall discharge the borrower's liability on the loan by repaying the amount owed on the loan." The Secretary of Education in regulations published September 17, 1979, Section 514 (b) (2) provides * * * "The lender shall promptly request that the borrower or his or her representative obtain a certification, from a physician who is a doctor of medicine or osteopathy and legally authorized to practice, on a form provided by the Secretary, that the borrower is totally and permanently disabled." In compliance with the law and the regulations, the Secretary provides ED Form 1172.

This form may be used by all student loan programs administered by the Bureau of Student Financial Assistance under Title IV of the Higher Education Act of 1965, as amended: Guaranteed Student Loan Program (GSLP); Health Education Assistance Loan (HEAL); National Defense/Direct Student Loan (NDSL); and the United States Loan Program for Cuban Students (USLPCS) for obtaining a physician's certification of the borrower's total and permanent disability for the purpose of cancelling the borrower's obligation to repay his or her student loan(s). The borrower or borrower's representative obtains the form from the lending institution, completes Section I, has his or her physician complete Section II, and then returns the form to the lending institution. The physician must make a judgement decision regarding the borrower's total and permanent disability. The borrower must be unable to engage in any substantially gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death.

The promissory notes for the four student loan programs, signed by the borrower and held by the lender, contain a provision for cancellation of the indebtedness in the event of the borrower's permanent and total disability.

For the indebtedness to be cancelled, a certification by a physician that the borrower is permanently and totally disabled is required by the Department of Education. The certification on this form provides the basis for ED to reimburse lenders the amount of indebtedness cancelled.

The data collected on Form ED 1172 will be used only in the aggregate, e.g. the total amount of disability claims paid in the Federal Insured Student Loan Program. There is no similar data available.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Borrower	6500	
Physician	6500	.333

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,000.00.

(l) Detailed Justification of How Information Once Collected Will be Used: Legislative authority for use of this information is based on Title IV, Part B, of the Higher Education Act of 1965, as amended.

The data collected on Form ED 1172 will be used only in the aggregate, e.g. the total amount of disability claims paid in the Federal Insured Student Loan Program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority for use of this information is based on Title IV, Part B, of the Higher Education Act of 1965, as amended. Section 437(a) states "If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428(a)(1) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Secretary), then the Secretary of Education in regulations published September 17, 1979, Section 514(b)(2), provides * * * "The lender shall promptly request that the borrower or his or her representative obtain a certification from a physician, who is a doctor of medicine or osteopathy and legally authorized to practice, *on a form* provided by the Secretary, that the borrower is totally and permanently disabled." In compliance with the law and the regulations, the Secretary provides ED Form 1172.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 1,300; Total costs: $28,000.

(q) Evidence of any Urgent or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Steven Wingard, Division of Training and Dissemination, OASPE/Office of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance that Respondents Will Have Sufficient Lead Time to Comply With Request: Not applicable.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Request for Deferment of Repayment-Student Loan Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Bureau of Student Financial Assistance, Division of Policy and Program Development.

(c) Agency Form Number: ED–1188.

(d) Justification: Public Law 89–329, Title IV, Part B, Section 429(a)(3) states: "* * * (the lender) * * * will submit such supplementary reports and statements during the effective period of the loan agreement, upon such forms, at such times and containing such information as the Secretary may prescribe * * *".

Section 429(b)(i) further states: "* * * while protecting the financial interest of the United States * * *, including (but not limited to) provisions as to the reporting of such loans and information relevant thereto * * * as to the payment of initial and other premiums and the effect."

Section 428(a)(3) in addition states: "* * * (the lender) * * * shall submit to Secretary, at such time or times and in such manner as he may prescribe statements containing such information * * * to determine the amount of payment which the Secretary must make with respect to that loan."

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent Type	Number	Estimate of average person-hours
Borrower	10,000	1666

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $900.

(l) Detailed Justification of How Information Once Collected Will Be Used: The data collected on this form will be used as a basis of justification of a lenders claim for Federal interest benefits during the claim period of deferment. The data will also be used by the lender to prepare the lenders request for payment of interest on student loans.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 80–329, Title IV, Part B, Section 428(e) states: "* * * requiring that in the case of student loans covered by such program periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (1) during which the borrower is pursuing a full-time course of study at an eligible institution, (2) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (3) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (4) not in excess of three years during which the borrower is in service as a full-time volunteer under Title VIII of the Economic Opportunity Act of 1964."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total Person-Hours: 1,666.

Total Costs: $8,330.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data. Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Steven Wingard, Division of Training and Dissemination, OASPE/Office of Student Financial Assistance, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request. Not applicable.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Lender's application for Insurance on Federal Insured Student Loan.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education; Office of Student Financial Assistance Division of Program Operations/Guaranteed Student Loan Branch

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(c) Agency Form Number: ED Form 1207.

(d) Justification: Lenders must use this form in filing for payment of all student insurance loan claims.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Lenders submit on as needed basis.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden

Respondent type	Number	Estimate of average person-hours
Financial Inst.	12,000	[1]30 minutes per form

[1] Minutes per form.

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: Estimated cost is $25,000.

(l) Detailed Justification of How Information Once Collected Will be Used: The form is used by landers for requesting payment of defaulted guaranteed student loan claims. The form provides ED with loan and payment history information which is vital in determining the validity of the claim and the amount to be paid.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 430 of the Higher Education Act, as amended (Pub. L. 89–329) states in part: "Upon default (death or disability included) by the student borrower on any loan covered by Federal Loan Insurance pursuant to this part * * * insurance beneficiary shall promptly notify the Secretary * * *.

(o) Timetable for Dissemination of Collected Data: ED receives the form, assigns a claim number for indentification purposes, reviews for accuracy and validity and determines amount to be paid. The claim should be paid in approximately 6–8 weeks from claim receipt.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that 6,000 hours at $8.00 per hour, the cost to the respondent will be $48,000.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th & D. Street, S.W. Room 4642 ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The form has been used since the inception of the Program.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Lender submits on as need basis and the time determination is his decision.

(u) Specific Justification for a Multi-Year Approval: This program is authorized through 1985. This has been funded.

Data Activity Plan Summary

(a) Title of Proposed Activity: Institutional of Release Funds/Request for Additional Funds under the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs.

(b) Agency/Bureau/Office: Department of Education/Bureau of Student Financial Assistance/Division of Program Operations.

(c) Agency Form Number: ED Form 1286.

(d) Justification: Under Title IV of the Higher Education Act, as amended, the Secretary of Education is assigned the task of allotting unused SEOG, CWS, and NDSL program funds within each State. Therefore in order to maximize the utilization of funds available for the current award period, and to assist as many needy students as possible the Department of Education conducts a reallocation process.

The form for which we are requesting clearance is a vehicle to identify those institutions that are unable to utilize all of the Federal funds in either the SEOG, NDSL and/or CWS Programs during the Award Period, and the amounts, if any, that they are willing to release. Funds released in this manner are, for the most part, the only funds available for reallocation to other institutions within each State. This form will also be a means to identify those institutions with additional need for funds in either or all three Programs.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: The Data will be collected annually in the fall. Institutions will submit the data on the ED Form 1286 by mail.

(h) Consultation Outside the Agency: Not applicable.

(i) estimation of Respondent Reporting Burden: Respondent reporting burden should be minimal. The form contains only eight data cells.

No institution is required to complete or return the form to the Washington office. If an institution does not wish to release funds or to request additional funds, no report is required and the Department of Education will not adjust that institution's award. Of approximately 4,000 participants in these programs, we expect a maximum return rate of 62% or 2,500. The avarage time to complete the form should be no more than 10 minutes since the information is readily available.

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Government: The total direct cost to the Federal government (including processing cost and staffing personnel) is estimated to be $5,000 per year.

(l) How Information Collected Will Be Used: The information will be used to identify those institutions that are unable to utilize all of their Federal funds in either the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs during the award period, and the amounts, if any, that they are willing to release. The information will also be used to identify those institutions with additional need for funds in either or both programs.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority for This Activity: The Supplemental Educational Opportunity Grants Statute states that funds allocated to an institution for initial grants which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State. Pub. L. 95–205 (20 U.S.C. 1070b–3), 34 CFR 176.4(b).

The College Work-Study statute states that funds allocated to an institution which the institution anticipates will not be used by the end of the period for which the funds were made available may be reallocated on an equitable basis to other institutions in that State. Pub. L. 95–205 (42 U.S.C. 2756), 34 CFR 175.4(b).

The National Direct Student Loan statute states that "if an institution . . . projects that it will not use a portion of its allocation by the end of the period for which those funds were made available, the amount . . . will be restored as part of the State apportionment. When the aggregate of

funds restored to a State's apportionment becomes sufficient to increase significantly the amount of Federal capital contributions that can be awarded to other institutions within the State, those funds will be awarded to other institutions in that State . . ." Pub. L. 95–480 (20 U.S.C. 1087bb), 34 CFR 144.4(b)).

(o) Timetable for Dissemination of Collected Data: The data will be collected annually in the fall. Institutions will submit the data on the ED 1286 by mail.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Person-hours = 500. Costs = $5,500.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Date: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the full plan and the data instrument may be obtained from: Robert R. Coates, Chief, Campus and State Grants Branch, DPO, Bureau of Student Financial Assistance, Room 4621, RHOB #3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Plans for conducting reallocation process are published in the BSFA Bulletin.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection is planned for November, 1981. The forms are mailed to institutions approximately three weeks prior to the deadline for submission of data.

(u) Specific Justification for a Multi-Year Approval: The reallocation process is conducted annually, with legislative authorization. The ED 1286 is a simple form and it is a vehicle which presents a minimal burden on the respondents. It has been used successfully in previous years and it provides for minimal effort to process.

Data Activity Plan Summary

(a) Title of Proposed Activity: Application to participate in State Student Incentive Grant Program [annual request for State's share of SSIG formula-grant funds).

(b) Name of Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Policy and Program Development/ State Programs Branch/State Student Incentive Grant Section.

(c) Agency Form Number: ED 1288.

(d) Justification: 1. This is the annual application for SSIG funds required by Sec. 415 of Title IV, HEA. This application form has been used since 1975 with only minor editorial changes. A revised version of the existing State application and instructions is needed in order to reflect the changes introduced in the Education Amendments of 1980. The following crosswalk shows adjustments in detail.

(Old) 1980 version	(New) 1981 version
Section—Contents	Section—Contents.
I. General Information	I. General Information.
II. State Request for Federal Funds (Initial Awards Only).	II. State Request for Federal Funds (All Awards).
III. State Request for Federal Funds (Continuation Awards Only).	Deleted (Combined in Sec. II).
IV. State Matching Funds Available.	III. State Matching Funds Available.
V. State Maintenance of Effort.	IV. State Maintenance of Effort.
VI. State Criteria for Determining Substantial Financial Need of Students.	V. State Determination of Substantial Financial Need of Students.
VII. Number of Students Receiving Assistance.	Deleted (Not required in 1980 Statute).
VIII. Institutional Eligibility Within State.	VI. Institutional Eligibility Within State.
IX. Assurances	VII. Assurances.
X. Allotment Table (5 Columns)	VIII. Allotment Table (3 Columns).

2. Exemption from A–102 Grants Application Format: The SSIG application form is exempt from the A–102 grants application format because this is a formula grant program and also because it does not use Federal funds on a project basis. This exemption is specifically stated in the Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, Office of Management and Budget Circular A–102, published in 42 FR 176, September 12, 1977, page 45830. All SSIG funds must be used specifically for awards to help needy students attend higher education institutions. States pay all administrative costs. There are no projects, no budgets, no earned income from supported activities. Federal funds may be used only for student awards.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and publication: The application form is mailed to officially designated State agencies in December of each year for a January closing date.

(h) Consultation Outside the Agency: Representatives of the National Association of State Scholarship and Grant Programs participated in development of the original form and in subsequent updates.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours per response
State scholarship or grant agency.	57 States and territories.	3

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The total direct cost to the Federal Government is estimated to be $50,000. This includes staff time in processing forms submitted by States and in recording and analyzing data.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used to determine State eligbility for allotments and for various budget and policy decisions by the agency.

(m) Method of Analysis: Applications will be reviewed by program staff for compliance with statutory and regulatory requirements. Data will be recorded manually for analysis by program staff.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "A State which desires to obtain a payment under this subpart for any fiscal year shall have a State agreement under section 1203 and shall submit an application therefor through the State agency administering its program of student grants, at such time or times, an containing such information as may be required by, or pursuant to, regulations for the purpose of enabling the Secretary to make the determinations required under this subpart."—Sec. 415C(a), HEA, as amended.

"To participate in the State Student Incentive Grant Program, a State must * * * (b) For each fiscal year that it wishes to participate, submit an application that contains the information that shows that the State's student grant program meets the requirements in § 692.21."—34 CFR 692.20. [Sec. 692.21 lists requirements in Sec. 415C(b) (1) through (8), HEA, as amended.]

(o) Timetable for Dissemination of Collected Data: Awards are mailed to States in April following receipt of applications.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Person-hours—171 (3 hours per State agency). Dollars—$1,800 (est.), absorbed by State agencies.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

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(r) Copy of the Exact Instrument: Copies may be obtained from: Mrs. Lanora G. Smith, Acting Chief, State Student Incentive Grant Program, Room 4004, ROB #3, Washington, D.C. 20202; Tel. (202) 472–4285.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: State officials from the National Association of State Scholarship and Grant Programs participated in the original design of the form and have always been consulted about annual updates.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Forms are always mailed to participating State agences more than a month before announced closing dates.

(u) Specific Justification For a Multi-Year Approval: The legislative changes introduced by the 1980 Education Amendments have been incorporated into the new application form. There are no further changes anticipated in the program, except for the funding level. Therefore, multi-year approval is requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Financial Status and Performance Report—State Student Incentive Grant Program.

(b) Name of Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Policy and Program Development/ State Programs Branch/State Student Incentive Grant Section.

(c) Agency Form Number: ED 1288–1.

(d) Justification: This form has been used since 1975 with only minor editorial changes to update or condense. It is being revised to accommodate provisions of the Education Amendments of 1980. The report fulfills the statutory requirement in Sec. 415C(b)(8) of the Higher Education Act of 1965 (HEA), as amended. The following crosswalk shows adjustments in detail.

(Old) 1980 version	(New) 1981 version
Section—Contents	Section—Contents
I. Student Information (State Grant applicants and awards, initial and continuation)	I. Student Information, State grant applicants and awards
II State Student Incentive Grant Award Recipients (Initial and continuation, awards and recipients)	II. State Student Incentive Grant Recipients (All awards—initial/continuation combined, recipients, and Federal funds)
III SSIG Awards by Type of Institution	III. SSIG Awards by Type of Institution
A. Less-than full-time student eligibility	A. Student eligibility: Half-time, less-than-half-time, graduate
IV Certification by Authorized Official of Agency.	IV Certification by Authorized Official of Agency

(e) Description of Survey Plan: The combined report uses ED 1288–1 for the performance data and SF 269 for the financial report. The current performance report includes data on student awards by income level, by size and type of institution, and whether part-time or graduate students are eligible.

(f) Tabulation and Publication Plans: The data will be used in the annual report of OSFA programs and as a basis for various budget and policy decisions.

(g) Time schedule for Data Collection and Publication: Data are collected annually, at the end of October, covering performance for the previous academic year, including summer term.

(h) Consultations Outside the Agency: The original form was developed in consultation with representatives from the National Association of State Scholarship and Grant Programs, and they have been consulted on any revisions through the years.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours per response
State Scholarship or Grant Agency	57	3

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The total direct cost to the Federal Government is estimated to be $50,000. This includes staff time in processing forms submitted by States and in recording and analyzing data.

(l) Detailed Justification of How Information Once Collected Will Be Used: Data from individual States are used to determine the nature of program accomplishments and to provide fiscal information. Data summaries are analyzed and used for various budget and policy decisions by the agency and to assist States in program improvement.

(m) Methods of Analysis: Data will be recorded manually and analyzed by program staff. No ADP will be required.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "(8) provides * * *. (B) for the making of such reports in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform the functions under this subpart." Sec. 415C(b)(8), HEA, as amended.

"Provides for reports to the Secretary that are necessary to carry out the Secretary's functions under this part."—34 CFR 692.21(i).

(o) Timetable for Dissemination of Collected Data: Data from individual States are used throughout the year as a basis for monitoring and program improvement efforts. Summaries of data are analyzed to determine trends and as a basis for budget and policy decisions.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Person-hours 171 (3 hours per State agency). Dollars $1,800 (est), absorbed by State agencies.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Eact Data Instrument: A copy of the full plan and the data instruments may be obtained from: Mrs. Lanora G. Smith, Acting Chief, S.S.I.G., Room 4004, ROB #3, Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Cmmunication Wh Rspondent populations: State officials from the National Association of State Scholarship and Grant Programs participated in the original design of the form and have always been consulted about updates.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Forms are mailed to participating State agencies in August for reports due after the end of September (by October 31).

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is requested because provisions added by the Education Amendments of 1980 have been incorporated and no further changes are anticipated at this time.

Data Activity Plan Summary

(a) Title of the Proposed Activity: The Transition From Home to School For Children and Their Families: An Ecological Experiment.

(b) Name of the Sponsoring Agency/ Bureau/Office: Education Department: National Institute of Education; Teaching and Learning Program.

(c) Agency Form Number: ED(NIE)244.

(d) Justification: The study is addressed to the need to understand the influence of newly-developed experimental programs in conjunction with naturally-occurring environmental factors on the performance of children entering elementary school. The programs may affect the natural ecology both inside and outside the home, and are designed to build on family strengths and help families develop the kinds of competencies they want their children to possess. The data to be collected are focused on the child's behavior and accomplishments at home and at school, and the support given by parents which encourages such activities. Unlike most intervention studies which tend to be limited to special populations, this sample, randomly assigned to programs, encompasses a wide range of family types and social contexts found in contemporary urban environments.

(e) Description of Survey Plan: Information will be collected from three sources: (a) From parents by interview on parent-child activities, supports and strains on their ability to help children develop, and knowledge and attitudes toward the school and children's behavior and accomplishments in different settings. (b) From children by interview concerning their everyday activities, attitudes toward school and perceptions of significant persons in their lives. (c) From school-related sources—by records of children's school performance and by questionnaire to teachers dealing with home-school relationships and perceptions of the child's behavior and personal characteristics. The study is being conducted in Syracuse, New York.

(f) Tabulation and Publication Plans: Information will be provided on possible causal connections between children's behavior and accomplishements, their parents' caregiving activities, and both the innovative programs and natural ecologies. Information collected by parental interview when children were 3–4 will be used as a baseline. Characteristics of the children, their parents, each other, the school and other environments will also be described. A technical report will be prepared for the sponsor. Other reports will be prepared for audiences of social scientists, local community and educational groups and other broader groups of educational practitioners and policy makers.

(g) Time Schedule for Data Collection and Publication: The estimated start date for data collection in the schools is May 1982, with data collection completed by September 1982. Published results are expected by September 1983, twelve months after the completion of data collection.

(h) Consultations Outside the Agency: The research design for this study was developed in collaboration with colleagues conducting similar studies in four other countries. The sponsoring agency has also conducted site reviews with outside professionals, and a symposium in Washington, DC on the project utilizing some reviewers. The study is based on available school recores, and does not require data collection from state or local governments.

(i) Estimate of Respondent Reporting Burden: For children in the study, the respondent burden is expected to total 270 hours for interviewing. For parents, the respondent burden is expected to total 1170 hours for five interviews. For teachers, the respondent burden for questionnaires on the children will vary depending on the number of project children in their classes but will be about 1.25 hours per child. The number of children per teacher ranges from one to four at present. This makes about 190 hours of teacher time needed.

Respondent type	Number	Estimate of average person-hours
First grade children	270	1
Their mothers	270	3
Their fathers	190	2
First grade teachers	150	1.25

(j) Sensitive Questions: There are no sensitive questions in this study. Participation is voluntary and participants will be assured of anonymity.

(k) Estimate of Cost to Federal Government: The total cost of this research project for work begun in September 1980 will be $450,000 over three years.

(l) Detailed Justification of How Information Once Collected Will be Used: The purpose of this research is to acquire new knowledge about how the family and its environment affect children's preparation for the demands of school. The information will be available for educational policy makers and practitioners to use in developing more effective programmatic responses to these needs.

(m) Methods of Analysis: A combination of methods will be used to analyze these data. The open-ended questions in the parent interviews, approximately one-third of all questions, will be subjected to both qualitative and quantitative analysis. Statistical techniques for casual modeling will be applied to the study of linkages between family ecologies, parent-child relations and child outcomes.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The General Education Provisions Act (section 405, as amended, 20 USC 1221 (e) authorizes the National Institute of Education to foster and conduct educational research which "seeks to improve education in the United States through concentrating the resources of the Institute on . . . priority research and development needs."

(o) Timetable for Dissemination of Collected Data: It is expected that a technical report will be available to the sponsor twelve months after the completion of data collection, and that practitioner and policy oriented reports will also be produced at about this same time.

(p) Estimate of the Total Person-Hours and Cost Required To Complete: The total person hours to respond is estimated at 1630 hours based on item (i) including 270 for students and 1360 hours for adults. At a cost of $5.00 per hour for the time of the adults a total cost of $6800 would be incurred.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: the instruments can be obtained from Oliver Moles, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The contractor's staff have already collected data from the parents and maintain continuing contact with them or the intervention programs and the liaison staff who contact all families periodically. Contacts are presently underway with school systems in the Syracuse, NY area which are receiving the project children regarding access to school records and teachers.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection in schools will occur during May-September 1982 for information on the '81–'82 school year, over a year after the start of the project. Initial contact with schools will be made in the winter of 1981 but to avoid having teachers treat project children differently, they will not be told of the project till shortly before they are asked to describe the child and home-school relations.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Non-Competing Continuation Grants under the Ethnic Heritage Studies Program.

(b) Name of the Sponsoring Agency/ Bureau/Office: Department of Education; Office of Educational Research and Improvement, Office of School Improvement, Ethnic Heritage Studies Program.

(c) Agency Form Number: ED 349–1.

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(d) Justification: 1. In FY 1981 the Ethnic Heritage Studies Program is planning to award 25 awards that will be non-competing continuations in FY 1982 and years following. We anticipate to award additional non-competing continuations in FY 1982 and years following. We anticipate to award additional non-competing continuation awards that will begin in FY 1982. This form will be used to request information that will give evidence of satisfactory performance in the first year and provide budget informaton for the second and third fiscal year of the grant. It will also provide a place for the grantee to make modifications as needed in the activities proposed in the second and third year of the grant.

2. The Ethnic Heritage Studies staff will use the information provided to determine the continuation of the grant into second and third years.

3. There is no evidence of similar data already available.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: It is our intention to consult with the members of the National Advisory Council on Ethnic Heritage Studies and also the Council of Chief School Officers.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	3	10
Local Educational Agencies	10	[illegible]
Nonprofit Organizations	3	15
Public Elementary/Secondary Schools	2	10
Public Junior Colleges	1	5
State Educational Agencies	3	15
State Library Agencies	1	[illegible]
Public Libraries, Librarians	2	[illegible]

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $165,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program Management:* Management will use the data in determining whether modification proposed by the grantee in the second or third year are within the activities originally approved, and (3) the budget proposed is appropriate for the activities to be carried out.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: P.L. 95–561, Title IX, Part E. Elementary and Secondary Education Act of 1965 as amended.

Applications

Section 954(a) Any public or private nonprofit agency, institution, organization desiring assistance under this part shall make application therefore in accordance with the provisions of this part and other applicable law and with regulations of the Secretary promulgated for the purposes of this part. The Secretary shall approve an application under this part only if he determines that—

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program in accordance with this part;

"(2) such program will involve the activities described in section 953;

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group of groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this part, the Secretary shall ensure that there is cooperation and coordination of efforts among the programs assisted under this part, including the exchange of materials and information and joint programs where appropriate."

"Administrative Provisions"

"Sec. 955.(b). Funds appropriated to carry out this part may be used to cover all or part of the cost establishing and carrying-out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purposes of carrying out the purposes of this part. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Secretary) to individuals receiving training as part of such programs, including allowances for dependents." P.L. 95–561, Title IX, Part E Elementary and Secondary Education Act of 1965, as amended.

(o) Timetable for Dissemination of Collected Data: It is intended that the data will be available on an annual basis during the second quarter of the fiscal year so that program managers can make decisions on continuations during the third quarter.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond is estimated to be 125 for a total cost estimated to be $3,225.00.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Mrs. Carmen D. Rodriquez, Program Officer, Ethnic Heritage Studies Program, Donohoe Building, Room 1128, 400 6th Street, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Grantees who visit the office and applicants inquiring about multi-year grants have been consulted during the application period that began October 7, 1980.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Data collection is planned to be conducted during the month of January in FY 1982 and each year following. It is expected that the forms due date will be March 1982.

(u) Specific Justification for a Multi-Year Approval: We are requesting multi-year approval through FY 1983 because the form is a routine application representing a minimum burden on fewer than 50 grantees over the next two fiscal years.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Final Financial Status and Perfomance Report for:

84.005—College Library Resources Prgram.

84.036—Library Career Training Program.

84.091—Strengthening Researcy Library Resources Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office for Educational Research and Improvements/Office of Libraries and Learning Technologies.

(c) Agency Form Number: ED–606.

(d) Justification: This consolidated report form (approved by OMB–SF 269) is used to determine the utilization of grant funds administered by three discretionary grant programs. This form is mandated by 34 CFR Part 75.720, Subpart F of EDGAR. The College Library Resources Program awards resource development grants to eligible institutions of higher education. A supplementary performance report is necessary to confirm the maintenance of effort assurance that is required of all grantees. The Library Career Training Program awards Fellowships to insitutions of higher education with degree programs in library science, while the Strengthening Research Library Resources Program assists

major research libraries in the collection and dissemination of research materials. Additional performance report requirements are necessary to determine project performance for both the Library Career Training and Strengthening Research Library Resources Programs. This data is unique and not collected by any other data activity initiated by the Department of Education.

(e) Description of Survey Plan: No applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Because of the use of Standard Form 269 and the relative simplicity of additional data requested, there was no consultation outside the agency.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
College and universities	1400	4
Nonpublic junior colleges	230	4
Nonprofit organizations	40	4
Combinations of institutions	30	4
Public junior colleges	1000	4
State library agencies	1	4

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: Not applicable.

(l) Detailed Justification of how Information once Collected will be used: The proposed data acquisition activity is intended to provide detailed data describing the performance and expenditure of grant funds for the three discretionary grant programs. It provides the program with the fiscal data necessary to initiate the closeout of the grant awards.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing Data Collection: The General Education Provisions Act, as demonstrated in 34 CFR Part 75.720 in Subpart F—Financial and Performance Reports, provides the legislative authority allowing the data collection for all three programs. In addition, the College Library Resources Program has the following provision in its legislation—"A grant under this part may be made only if the application provides * * * (3) for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and (4) for making such reports as the Secretary may require and for keeping such records and for affording such access thereto as the Secretary deems necessary to assure the correctness and verification of such reports." (Section 211 (b)(3) and (4) of the Higher Education Act as amended by P.L. 96–374, 20 USC 1029).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that it takes approximately 10,804 hrs. for a total cost estimated at $108,040.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Mr. Frank A. Stevens, Department of Education, Library Education and Postsecondary Resources Branch, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The financial reports are due ninety days after the end of the grant periods for each program. Three months is considered sufficient time for the grantees to examine their expenditure reports as well as to assess their performance of specific project goals.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval for this form is requested because this routine administrative final report form has been used successfully in the past. Also, the three discretionary grant programs that require this form have been reauthorized until FY 1985.

Data Activity Plan Summary

(a) Title of Proposed Activity: Degrees and Other Formal Awards Conferred Between July 1, 1980 and June 30, 1981, (HEGIS XVI)

(b) Agency/Bureau/Office: Department of Education/Office of Educational Research and Improvement/National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency Form Number: ED (NCES) 2300–2.1A. ED (NCES) 2300–2.1B.

(d) Justification: Both surveys:

These data are the only data concerned with the manpower resultants of higher education that are collected and reported annually by the National Center for Education Statistics (NCES), and are necessary for NCES to meet its requirement to provide "full and complete statistics on the conditions of educaton in the United States." (Section 406, Pub. L. 93–380). Also, Title IX of the Education Amendments of 1972 requires that, with certain exceptions, the services and benefits of Federally assisted educational programs and activities be offered without discrimination on the basis of sex.

The data from this survey are used by the Office for Civil Rights (OCR) of the Department of Education (ED) in carrying out its responsibilities to verify compliance or lack of compliance with Title IX.

(e) Description of Survey Plan: Both Surveys:

These surveys collect and report the number of degrees and other formal awards conferred by accredited universities and colleges in the aggregate United States in the academic years 1980–81. The surveys are part of the Higher Education General Information Survey (HEGIS). The data are collected and reported by level of degree, sex of recipient, discipline division, discipline specialty, control and level of institution. The data are reported by the above variables by institution and also in State aggregates.

The data are needed by NCES to meet its requirements and by OCR to meet its requirements respecting Title IX (see (d) above). The data also are needed by the Congressional Research Service of the Library of Congress, by the Department of Labor, by the Office of Postsecondary Education, Department of Education and by many other users at the national, regional, State and local levels (see (d) above).

1980–81 survey: This survey will collect and report the above data elements by racial/ethnic categories. These data are necessary for OCR to meet its requirements respecting Section 601 of Title VI—Nondiscrimination in Federally Assisted Programs of the Civil Rights Act of 1964 (Pub. L. 88–352) (see (d) above).

(f) Tabulation and Publication Plans: Data are arrayed in table format by U.S. total, State aggregates in institutional listings, cross tabulated by type of degree awarded, discipline specialty and sex of student. A limited number of charts and graphs are prepared showing trend data by number of degrees awarded, percent change in degrees conferred from year to year.

NCES' own Statistical Information Branch uses actual degree data in the preparation of the annual projections of earned degrees. The information from the survey and from the projections are used by the Bureau of Labor Statistics, U.S. Department of Labor, in its annual

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projections of labor supply. The Department of Education's Offices of Postsecondary Education uses the degree data in its program planning and program mangement. The Congressional Research Service of the Library of Congress uses the data of this survey in preparing information for the members of the Congress, to help them assess tha changing and developing needs of our nation with respect to manpower and higher education.

The National Science Foundation uses these data in analyses of the supply and education of the scientists of our Nation; the Equal Employment Opportunity Commission (EEOC) uses the data in carrying out its mission respecting the employment of women; the U.S. Office of Personnel Management and all of the branches of the Armed Forces use the data in hiring women with specific skills and education specialities; and Office for Civil Rights uses the data in compliance review respecting Section 901 of Title IX — Prohibition of Sex Discrimination, of Education Amendments of 1972 (Pub. L. 92–380). In addition to the above uses by the Federal Government, these data are used by many national, regional, and State associations and agencies, by individual institutions of higher education in comparing their institution with peer institutions, and by guidance counselors in high schools and colleges, as well as by private citizens. Moreover, the data from this survey are used by a large number of businesses and industries to help them meet the requirements of Executive Order 11246, respecting the development and implementation of Affirmative Action Plans and the equal opporutunity program for women.

An early release of total degrees conferred by discipline division is published prior to the completion of the final hard copy report. The final report containing earned degree data is prepared by NCES and printed by GPO approximately seven months after the due date of surveys. Edited data are available on computer tape and disseminated by NCES.

(g) Time Schedule for Data Collection and Publication: The date are collected between June 1981 and December 1981. Approximately five months from due date of the survey form, a final earned degrees conferred count will be released through an NCES announcement. Approximately eight months from survey due date, all data will be available through an NCES data tape. Approximately ten months from due date of survey form a hard copy NCES publication will be released to the public.

(h) Consultations Outside the Agency: The 1981 survey has been developed in close cooperation with State postsecondary education agencies, Federal agencies and postsecondary education associations about their requirements for institutional data. Individuals such as the Executive Director, American Association of College Registrars and Admissions Officers; the Associate Director, NCHEMS; the Director SHEEO/NCES Communications Network; the Director for Institutional Coordination, Louisiana State Board for Higher Education; were actively involved in developing and reviewing items and definitions contained in the survey form.

(i) Estimate of Respondent Reporting Burden:

Respondent Type	Number	Estimation of average person-hours
College and Universities	3,190	[illegible]

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The total cost of this survey to the Federal government is estimated at about $294,000.00.

(l) Detailed Justification of How Information Once Collected Will Be Used: See (d) above.

(m) Method of Analysis: Data are arrayed in table format by U.S. total, State total and institutional listing cross tabulated by type of degree award, discipline specialty, and sex of student. A limited number of charts and graphs are prepared showing trend data of degrees conferred, percent change in degrees conferred from year to year, and degrees conferred by selected categories.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See (d) and (h) above.

(o) Timetable for Dissemination of Collected Data: See (g) above.

(p) Estimate of Total Person-Hours and Cost Required to Complete the Request: $100.00 per institution X 3,190 institutions = $319,000.00. Person-hours: 3.8 hours per institution X 3,190 institutions = 12,122 hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the survey instrument may be obtained from the Project Officer, Dr. Andrew Pepin, National Center for Education Statistics (Presidential Building), 400 Maryland Avenue, S.W., Washington D.C. 20202: (301)436–6791.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: HEGIS has been the major survey program specifically designed to collect major national data on postsecondary colleges and universities. This will be the 16th survey year in which degrees conferred data has been collected from the nation's colleges and universities. In developing this survey program, NCES holds an annual conference of all respondent populations to consult with and brief representatives of the institutions concerning the completion of the survey form. The conferences have provided each respondent annual opportunity tocomment on and give feedback to the utility and feasibility of the HEGIS program.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutions are notified one year in advance as to changes in HEGIS surveys and definitions. In addition, the NCES/SHEEO network provides for a direct communication line with institutions as to probable change to survey forms.

(u) Specific Justification for Multi-Year Approval: A one-year clearance is requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Fall Enrollment in Institutions of Higher Education, 1981.

(b) Agency/Bureau/Office: Department of Education/Office of Educational Research and Improvement/National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency Form Number: ED (NCES) 2300–2.3A. ED (NCES) 2300–2.3B.

(d) Justification: "* * * The (National) Center (for Education Statistics) shall— * * * collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States * * *" (Sec. 501. (a) of Pub. L. 93–380; Sec. (G) of the General Education Provisions Act, 20 USC 1221e–1). The execution of Pub. L. 89–329, as amended requires the use of college enrollment data in making formula allotments in college work-study programs, State incentive grants, direct loans to students, equipment and remodeling, and others.

Fall enrollment data are also used to provide full and complete statistics on the condition of education in the United States, not only in their absolute form as

standards of measurement and comparison, and in making projections, but also in combination with other educational variables to calculate indices and perform other analyses.

In addition, these enrollment data are used by other Federal agencies, by Congress, by State education agencies, by institutions of higher education, by private education associations and organizations, by market and other research firms and individuals, and by students.

(e) Description of Survey Plan: This activity involves the collection of enrollment data from all 3,190 institutions of higher education in the United States as of fall 1981. The number of students enrolled by each college and university are identified according to the students' sex, attendance status, race/ethnicity, major field of study, and level of enrollment.

(f) Tabulation and Publication Plans: Data are arrayed in table format by U.S. aggregation, State aggregation, and institutional listing. Cross tabulation of the above categories are made by sex of student, attendance status, level of enrollment, and type and control of institution attended. A limited number of charts and graphs are prepared showing trend data of enrollments, percentage change in enrollments from year to year, and enrollment distribution by selected categories.

A preliminary estimate of total enrollment by full-time and part-time status and sex of student is released in Bulletin format by October 31 of the school year. A final hard copy report containing final enrollment data is prepared by NCES and printed by GPO approximately seven months after the due date of the enrollment survey form. All edited data are available on computer tape and are disseminated by NCES.

(g) Time Schedule for Data Collection and Publication: The data are collected between October 1981 and December 1981. Approximately two months from due date of survey form, a final enrollment count will be released through an NCES announcement. Approximately seven months from survey due date, all data will be available through an NCES data tape. Approximately twelve months from due date of survey form, a hard copy NCES publication will be released to the public.

(h) Consultations Outside the Agency: Prior to preparing the 1981 HEGIS package, UCSSB queried State postsecondary education agencies, Fedeal agencies, and postsecondary education associations about their requirements for institutional data. Excluded from their consideration were the Survey of Institutional Characteristics and Fall Enrollment in Higher Education because these two surveys were the most vital data sources for these constituencies and thus were not questioned as to their priority in the HEGIS package. The specific needs of the fall enrollment data are grouped in a number of programs requiring fall enrollment data which are essential to the program's operation and success.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	3,190	1.5

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government:

Contractor:	
Data Processing and Collection	$113,754
Publication Costs: NCES	10,000
Salaries and Expenses: NCES	50,000
Total	173,754

(l) Detailed Justification of How Information Once Collected Will Be Used: Higher education enrollment data are widely used for a broad range of purposes not only by various government agencies, but in many areas of the private sector as well. They are used by the Department of Education for both program planning and as funding allocation standards; i.e., *College Work Study Programs, State Incentive Grants, Direct Loans to Students, Equipment and Remodeling,* and *Supplemental Opportunity Grants.* The National Center for Education Statistics uses higher education enrollment data developed from this survey not only to update its annual enrollment projections, but also as important inputs in the *Condition of Education* and *Digest of Education Statistics* publications. In addition to other Federal agencies such as the Bureau of the Census and the National Science Foundation, many State government education agencies depend heavily on annual college enrollment data for use in economic and financial planning and policy formulation. If these data were not collected on an annual basis by NCES, the States themselves would have to collect them to meet State needs. This would doubtless result in a departure from the standardization of terms and categories that have developed over many years. These points apply to the private sector as well. Educational and professional associations use enrollment data for a wide variety of purposes and, since they are for the most part nationally oriented, data collected by individual States would have very limited utility.

Perhaps more than anything else, enrollment data are extremely important for their measurement and comparability characteristics. Higher education enrollment data are the most common and equitable measure of comparison among individual institutions or groups of institutions.

(m) Method of Analysis: Data are arrayed in table format by U.S. aggregation, State aggregation and institutional listing. Cross tabulation of the above categories are made by sex of student, attendance status, level of enrollment and type and control of institution attended. A limited number of charts and graphs are prepared showing trend data of enrollments, percent change in enrollment from year to year, and enrollment distribution by selected categories.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See (d) and (h) above.

(o) Timetable for Dissemination of Collected Data: Approximately two weeks after due date of questionnaire, preliminary estimates will be available in bulletin format. Approximately four months after due date of survey final edited data will be available on computer tape and seven months from survey due date a final hard copy publication with tables, text, and graphs will be available for dissemination.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request:

—$100.00 per institution × 3,190 institutions = $319,000.00.

—Person-hours: 1.5 hours per institution × 3,190 institutions = 4,785 hours.

(q) Evidence of any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: An exact copy of the survey instrument may be obtained from the Project Officer, Dr. Andrew Pepin, Department of Education, Office of Educational Research and Improvement, NCES, DPVES/UCSSB, Room 905, Presidential Building, Prince George's Plaza, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (301) 436–6791.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: HEGIS has been the major survey program specifically designed to collect major national data on postsecondary colleges and universities.

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The 1981–82 cycle will be the 16th survey year in which enrollment data have been collected from the nation's colleges and universities. In developing this survey program, NCES holds an annual conference with respondents to brief these individuals on completing the survey forms. In addition, the conferences have provided respondents an opportunity to comment on the data collection process, and to suggest changes in the process to improve the utility and feasibility of the HEGIS program.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: All institutions are notified one year in advance as to changes in HEGIS surveys and definitions. In addition, the NCES/SHEEO network provides a direct communication line with institutions as to probable change to survey forms.

(u) Specific Justification for a Multi-Year Approval: This is a one-year approval request only.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Survey of College and University Libraries, Fall 1981.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, Division of Multilevel Education Statistics, Learning Resources Branch.

(c) Agency Form Number: ED (NCES) 2300–5.

(d) Justification: The survey of academic libraries is one of the biennial components of the Higher Education General Information Survey (HEGIS) which is conducted on a regular basis by the National Center for Education Statistics. HEGIS includes surveys of institutional characteristics, enrollment, degrees, finance, faculty salaries, facilities, and student migration, as well as libraries. Thus, the survey of libraries represents an important component of a data system covering the vital elements of colleges and universities. The continuation of the data obtained from HEGIS provides a basis for evaluating trends as well as current condition of higher education institutions.

(e) Description of Survey Plan: The survey forms will be mailed to 3,300 colleges and universities listed in the *Education Directory, College and Universities, 1980–81* compiled by the National Center for Education Statistics and to the 475 separately organized health science libraries as identified by the National Library of Medicine. A pretest is not required, because the survey items have been included in previous library surveys. The response rate has traditionally been high (95 percent). Nonresponse will be imputed by substituting data from a responding library which is located in an institution having the same characteristics as the institution in which the nonresponding library is located. Institutions will be matched on the basis of financial control, enrollment, level of degrees offered, geographical location, etc. The contractor will conduct follow-up to obtain response, prepare an edit and tabulation specification manual, edit responses, and tabulate the data under direction of the NCES Survey Director. Survey data will be divulged by the contractor only on approval of the Survey Director. Furthermore, salaries will be suppressed in all data releases if they reflect the salary of 1 or 2 individuals.

(f) Tabulation and Publication Plans: A preliminary report will be published in March 1982, and will include tabulations as follows:

(1) National totals for each data item in 1979 and 1981 with percentage changes.

(2) Number of items in collections, by control and type of institution.

(3) Total and detailed expenditures, by control and type of institution and by State.

(4) Number and mean salaries of library staff, (total, men women), by type of position, control and type of institution.

(5) Circulations, library loans, and transactions by control and type of institution.

In June 1982, institutional data will be published, which will include tabulations as follows:

(1) National totals of all data items in 1979 and 1981 and percent changes over the two-year period.

(2) Number of collections in each category, added during year and held at end of year, by institution.

(3) Library operating expenditures for each purpose and total, by institution.

(4) Interrelationship of library and other institutional data; i.e., book volumes per FTE student, library staff per FTE student and faculty, ratios of library expenditures to education and general expenditures, by institution.

In December 1982, an analytical report will be published presenting frequency distributions, means, quartiles by control, type and enrollment-size of institutions for all survey items.

(g) Time Schedule for Data Collection and Publication:

May 1981—survey forms mailed to respondents
October 15, 1981—completed survey forms due
February 1, 1982—survey closeout
April 1982—preliminary report published
June 1982—institutional data report published
December 1982—analytical report published

The lapsed time between close-out and the first published report will be two months.

(h) Consultations Outside the Agency: The proposed survey form was reviewed by individuals representing the following organizations: Library Education and Postsecondary Resources Branch, Office of Libraries and Learning Resources, Department of Education; National Library of Medicine; College and University Library Statistical Committee, American Library Association; and Association of Research Libraries. Several minor modifications of the survey were made in response to their recommendations.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	3,300	2.5
Health science libraries	475	2.5

(j) Sensitive Questions: Information on individuals must be treated confidentially as required by both the Education Amendments of 1974 and the Privacy Act. Responses to the survey items on library staff which reveal salaries of individuals will be suppressed whenever salaries are reported to the public in association with the names of individual libraries.

(k) Estimate of Cost to Federal Government: The estimated cost of this project to the government is $152,800; $133,000 for contract costs and $19,000 in salaries and expenses.

(l) Detailed Justification of How Information Once Collected Will Be Used: Data will be used by the Congress to assess the impact of library grant programs, the need for revision of present legislation, the need for new or revised legislation, and for the allocation of funds; by governmental agencies such as the Education Department, Library of Congress, State education departments, and State Library Agencies to evaluate the condition of libraries and to administer programs; by college administrators and librarians to compare their libraries with libraries in other colleges, to evaluate and prepare library budgets, establish salaries of library staff, etc.; Library Associations to determine status of library operations and status of the profession, provide information to their members, and petition governments; by publishers and associations of publishers to assess growth in libraries and to evaluate markets; by trade associations and equipment manufacturers to identify needs for services and to evaluate markets; and by research organizations for studies on libraries as it relates to studies on education and finance.

(m) Methods of Analysis: Survey results will be analyzed by examining and interrelating library collections, staff, salaries, expenditures, circulations, etc. both within the current survey and in comparison with previous survey data. Current and recent library data will also be related to data from other HEGIS surveys such as enrollment, faculty, and institutional expenditures. Percentages, means, medians, and quartiles will be utilized in the analysis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 93–380 states, "* * * The (National) Center (for Education Statistics) shall * * * collect, collate, and, from time to time report full and complete statistics on the condition of education in the United States * * *"

This survey is responsive to the mandate to "* * * review the life long learning opportunities provided through * * * libraries and museums, * * * to determine means by which the enhancement of their effectiveness and coordination may be facilitated." (Higher Education Act of 1965, as amended in the Education Amendments of 1976, Pub. L. 94–482, 20 U.S.C. 1001.)

(o) Timetable for Dissemination of Collected Data:

(1) Publication of a preliminary release of partially edited data—April 1982.

(2) Availability of a computer tape of completely edited data—June 1982.

(3) Publication of selected data items by individual libraries—September 1982.

(4) Publication of an analytical report of all data in the survey in aggregate form—December 1982.

(5) Data will be available in response to special requests beginning in June 1982.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 9,438. Total costs: $377,520.

The estimated average cost for one respondent to complete the form is $40, assuming $7 for one-half hour by an administrator, $11 for 2 hours clerical effort, and $22 for computer time.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies May Be Obtained From: Richard M. Beazley, Department of Education, National Center for Education Statistics, (Room 205, Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: The respondent population is very familiar with the library survey, which has been conducted at regular intervals for more than 20 years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: An announcement of intent to conduct the 1981 Higher Education General Information Survey (HEGIS), of which the library survey is one part, will be mailed in March, 1981, to each college and State education agency. The survey forms will be mailed to respondents in May, 1981. Since the due date for the library form is October 15, 1982, respondents will have approximately 6 months advance notice.

(u) Specific Justification for a Multi-Year Approval: It is planned that this survey will be conducted biennially. No changes in the form are anticipated. This survey has been conducted for many years, and consistency in the items collected is important to produce time series and to spare respondents the additional burden of adjusting to changes in data requirements.

Data Activity Plan Summary

(a) Title of the Proposed Activity: 1982 Survey of 1980–81 College Graduates.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, National Center for Education Statistics, Division of Elementary and Secondary Education Statistics.

(c) Agency Form Number: ED (NCES) 2385.

(d) Justification: This is a survey of the occupation and education experience of recent college graduates. A major emphasis of the study will be on graduates prepared to teach in order to assess teacher supply and demand. This survey will provide data on the supply of beginning teachers and on the numbers of those who obtain teaching jobs (demand). It is the third in a series of surveys whose data are being used to fulfill the Education Amendments of 1976 (Pub. L. 94–482) which requires NCES to "conduct a continuing survey *. * * to determine the demand for, and the availability of, qualified teachers * * *" Since persons newly qualified to teach come from the pool of new college graduates, this study is necessary to carry out the mandate.

(e) Description of Survey Plan: The survey will consist of a sample of approximately 15,000 graduates (12,000 Bachelor's degree and 3,000 Master's degree recipients from July 1, 1980 through June 30, 1981).

(f) Tabulation and Publication Plans:

Publication Plans: The contractor will deliver the final methodological report in March 1983. NCES plans to publish in December 1982 two management bulletins, one on the employment status of recent college graduates and one on new teachers in the job market. Two analytic reports on those topics are planned for release in July 1983. The NCES reports will include tabulations of the data as described below, with accompanying narrative and interpretive analysis as well as comparison of data with that of previous surveys.

Tabulation Plans: In general, the tabulations arising out of this study will give information on the labor force and education status of recent college graduates. Particular attention will be given to graduates who, by virtue of their recent degree work, represent additions to the national supply of elementary and secondary teachers. Sets of cross tabulations will be used to answer the major questions of the study. All tabulations will present weighted national estimates (adjusted for nonresponse) of the number and percent of persons in each analytic cell.

(g) Time Schedule for Data Collection and Publication:

Gather lists of 1980–81 college graduates—September 1981–March 1982;
First mailing to graduates—February 1982;
Telephone and other field follow-up—April–June 1982;
Final tables—January 1983;
Final publications—June–August 1983.

(h) Consultations Outside the Agency: Consultations and coordination (outside of NCES) were made with a number of representatives of government and private organizations. While individuals differed as to what areas should be emphasized, there was general agreement that the objectives of the study were reasonable and that the questionnaire was appropriate. Among those consulted in this and earlier surveys in the series were individuals from the College Placement Council; American Association of Collegiate Registrars and Admissions Officers; U.S. House of Representatives, Committee on Education and Labor; National Institute of Education; Bureau of Labor Statistics; National Science Foundation; Department of Education, Bureau of

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Education for the Handicapped and the Office of Planning, Budget and Evaluation; National Education Association; and the American Association for Colleges of Teacher Education.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	851	2
Individuals	15,000	.33

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $420,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The final data tape, tabulations and publications will be available to the Congress and to the public for any research or study of the supply of persons newly qualified to teach. The survey will also provide the employment and enrollment status of all college graduates during the year following their graduation by major field. It will allow for the conduct of trend analyses with the previous two surveys.

Up-to-date information on the current problem of the employment status of college graduates will be available, with data relating to such issues as: What kinds of jobs are recent college graduates getting?; What is the relation between major field of study and jobs?; How many recent graduates are unemployed?; How many are not in the labor force?; For what fields of study are unemployment rates high or labor force participation rates low?; How many recent graduates are underemployed?; What salaries do the graduates earn by race, sex, and major field of study?; What do students receiving different types of Federal educational assistance choose as their major field of study and what is their labor force status?

Articles based on data form this survey series will be published in the *Condition of Education Report.*

Other Federal agencies will make use of the report, such as the Department of Agriculture—Outlook for agricultural personnel; Department of Labor, Bureau of Labor Statistics—occupational outlook studies; and U.S. Department of Education, Office of Student Financial Assistance—for planning student loan programs.

Outside users include: Southern Regional Education Board; American Association of Colleges for Teacher Education; National Education Association; Council of Graduate Schools, State Departments of Education; State Education Associations; and Colleges and Universities.

(m) Methods of Analysis:

(1) Data aggregation—National;

(2) 100 complex tables, each run for bachelor's degree recipients—males, females and total; and master's degree recipients—males, females and total;

(3) Trend analyses with the previous two surveys in this series;

(4) Cross tabulations; and

(5) Tests of Significance of difference of means and proportion.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406(b)(5). (The Center shall) "Conduct a continuing survey of institutions of higher education to determine the demand for, and the availability of qualified teachers * * * " (Pub. L. 93-380 as amended by Pub. L. 94-480; 20 USC 1221e-1)

(o) Timetable for Dissemination of Collected Data: Final tables and data tape—January 1983. Final publications and/or reports in print—June-August 1983.

(p)Estimate of the Total Person-Hours and Costs Required to Complete the Request: Colleges and universities—700 person-hours. Individuals—4,950 person-hours. Costs—$27,000.

(r) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(s) Copy of the Exact Data Instrument: Copies may be obtained from: Jane L. Crane, U.S. Department of Education, National Center for Education Statistics, Division of Elementary and Secondary Education Statistics, Population Surveys Branch, (Room 901, Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(t) Brief Account of Early Involvement and Communications With Respondent Population: Contacts have been made with the American Association of Collegiate Registrars and Admissions Officers and the State Higher Education Executive Officers to facilitate contacts with the colleges and universities.

(u) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: See item (g).

(1) Gather lists of 1980-81 college graduates for the major survey—September 1981-March 1982

(2) Mailing to graduates—February 1982

(3)Telephone and other field follow-up—April-June 1982. Colleges and universities have lists of graduates on file. Graduates answer the questionnaire from memory.

(v) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Survey of Teacher Demand and Shortage, 1981-1982.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, National Center for Education Statistics, Division of Elementary and Secondary Education Statistics, Population Surveys Branch.

(c) Agency Form Number: ED (NCES) 2406-1.

(d) Justification: The survey responds in part to the mandate of Section 406 of the General Education Provisions Act, which requires that the National Center for Education Statistics "conduct a continuing survey of * * * local education agencies to determine the demand for * * * qualified teachers * * * especially in critical areas which are developing or are likely to develop * * *".

(e) Description of Survey Plan: Survey forms will be mailed to approximately 2000 local education agencies (LEAs) and other institutions providing elementary and secondary level education. The methods of dissemination and return will vary from State to State, in accordance with the preferences of State education officials. The Survey will be conducted during the 1981-82 school year.

(f) Tabulation and Publication Plans: Data will be tabulated by subject field and area of assignment. Other tabulation categories will be geographical region (NE, SE, NW, SW), size of responding unit, metropolitan status, and socioeconomic characteristics of school district. Publications will be in the form of reports, bulletins, and formal publications. Data tapes will be made available.

(g) Time Schedule for Data Collection and Publication: Data collection will take place between October, 1981 and April, 1982. No large-scale mailout will occur after April, 1982. Respondents will be asked to return the forms within 30 days of receipt, with 30 additional days allowed for followup and call-back activities. Initial reporting of survey results will be made within six months of the end of the 1981-82 school year.

(h) Consultations Outside the Agency: Consultations on this survey in 1979 were held with the Committee on Evaluation and Information Systems (CEIS) and other State education agency personnel, and with program specialists in the Office of Bilingual Education and Minority Language Affairs and the Office of Special Education and Rehabilitative Services of the Department of Education. Consultations have also been held with the American Association of Colleges for Teacher Education, the National Education Association, and the American Personnel and Guidance Association. Consultations to determine whether changes in the 1981-82 form are necessary and ongoing.

(i) Estimate of Repondent Reporting Burden: Respondent burden including administrative time is expected to average 30 minutes per questionnaire. This burden will fall primarily on school district superintendents and private school principals or their designees.

Some burden will also fall on survey coordinators in the State education agencies, to varying degrees according to the type of involvement in the survey elected by the chief State school officer.

Respondent type	Number	Estimate of average person-hours
Local education agencies	1100	0.5
Nonpublic, nonprofit elementary/secondary schools	150	0.5
Nonpublic, propretary elementary/secondary schools	50	0.5
State education agencies	50	1.0

(j) Sensitive Questions: There are no sensitive questions in the survey. No records will be kept on respondents' names. Participation in the survey is voluntary. No confidentiality problems are anticipated.

(k) Estimate of Cost to the Federal Government: The estimated cost of this survey is $200,000. This includes both contract funds and staff time.

(l) Detailed Justification of How Information Once Collected Will Be Used: *General Purpose:* The results of this survey will be used (a) by Congress in its deliberations concerning programs dealing with teacher preparation, (b) by universities in their planning regarding teacher preparation programs, (c) by State and local education officials in their staffing strategies, and (d) by students and counsellors in career planning.

(m) Methods of Analysis: In addition to the basic tabulations outlined in part (f) above, the relative magnitude of most data elements will be shown through the use of percentages.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406 of the General Education Provisions Act (20 USC 1221e-1) requires that the National Center for Education Statistics "conduct a continuing survey of * * * local education agencies to determine the demand for * * * qualified teachers * * * especially in critical areas which are developing or are likely to develop * * *".

(o) Timetable for dissemination of the collected data: The first reports from these data should be available by October of 1982. Other reports and publications will be made available as they are completed during the following 6 months.

(p) Estimate of the Total PersonHhours and Costs Required to Complete the Request: The total estimated cost to the respondents and the coordinating State agencies is $16,275. The total number of person-hours is 1,050.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data instrument may be obtained from John P. Sietsema, Department of Education, National Center for Education Statistics, Presidential Building, Room 901, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Representatives of both public and nonpublic education institutions have been involved in planning for this survey series. The previous edition of this form, nearly identical to this one, included a pretest and a post-survey validation, both involving extensive dialogue and feedback from respondents.

(t) Assurance That Respondents Will have sufficient lead time to comply with request: The data collection is planned for November of 1981. Initially, 30 days will be allotted for questionnaire return, with extensions available where needed. Potential respondents are informed of this survey through State education agency officials, national nonpublic education organizations, and the coordinated data plan of the Committee on Evaluation and Information Systems of the Council of Chief State School Officers. A list of school districts selected for the sample will be sent to each chief State school officer in the summer of 1981, when they are formally notified of the survey and are invited to participate and to express their preference as to the method of distribution and return. As soon as possible thereafter, LEAs and others in the sample are notified either by NCES or by the State education agency of their selection and the nature of the survey.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of proposed activity: 1981-82 Library Human Resources: Study of Supply and Demand. (b) Name of sponsors: Department of Education, National Center for Education Statistics, Division of Multilevel Education Statistics, Learning Resources Branch.

(c) Agency form number: ED (NCES) 2425.

(d) Justification: (1) The proposed survey instruments are part of the "1981-82 Library Human Resources Study of Supply and Demand." The data to be collected are needed to model the library labor market in order to develop projections of supply and demand through 1990. The projections will provide government and educational policy-makers with information on the library labor market, including information on whether supply will exceed demand, and on the social and economic factors affecting supply and demand. For the legislative justification for this data collection effort, see section (n).

(2) The information collected on the pretest will be used to modify the survey instruments prior to the full survey. The information collected on the full survey will be used to generate the projections. The data collected on the surveys and the projections that result will be used by ED in designing and funding programs in library education, research, and development; by state library agencies, for the same purposes; by colleges and universities in designing library education programs and deciding on the number of students to admit to them; by individuals considering entering the library profession, and those who counsel them; by individuals currently in the library profession, to assess their future opportunities; and by libraries and other employers of librarians for information about their potential labor pool.

(3) As part of the literature review on this project, we have collected all existing secondary data. The information needed to develop the models of library supply and demand does not exist. The available data have been collected by different organizations using different data elements and different survey universes. No consistent, comparable data across types of libraries and library education programs currently exist.

(e) Description of the survey plan: (1) The potential respondent universe for the Library School survey is directors of college and university library education programs, estimated at 500. The

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potential respondent universe for the Employer Survey is heads of public, academic, school and special libraries.

(2) The full-scale survey will be conducted by mail using two survey instruments—one instrument for library schools and one instrument for each of the four types of libraries: public, academic, special and school. The mailout package including a cover letter explaining the study, the appropriate survey instrument and a return postage-paid envelope will be sent to 500 library schools and to 2,000 libraries (500 of each type).

The pretest will be conducted using a combination of site visits and a mail survey. The pretest respondents will be a subset of the samples of the full-scale survey. As with the full-scale survey, two survey instruments will be used—one for library schools and one for the libraries. For the pretest, 35 library schools will be surveyed (4 site visits and 31 mailouts) and 100 libraries (25 of each of the four types of libraries; 16 site visits and 84 mailouts).

The sample design for the full-scale survey is to be provided by NCES, for development of the sample selection program by the contractor. The universes will be stratified, and software designed to make the selections with the probabilities specified within each sector. The software program will be applied to make the selections of the specified number of sample units from each sector, and of an alternate for each sample unit from the same stratum. These alternates will make up a "shadow sample" to be used to replace members of the original sample that no longer exist or that refuse to respond after strong follow-up efforts.

The survey will be performed by a contractor who will design the survey instruments, conduct the surveys, process the returns, perform the analysis of the data, including modeling, and submit a final report which details the conduct and the findings of the study. Confidentiality of the data is not promised to the respondents. Completed report forms, punch cards, and tapes will be delivered to the Federal Government at the end of the project.

(f) Tabulation and publication plans: Tabulation of the responses from the pretest of both the Employer and Library School surveys will be performed. As a result of the pretest findings, the survey instruments will be modified if needed. No separate publication of the pretest is planned.

The results from the full-scale surveys will also be tabulated. Summary statistics, such as totals, means, and proportions will be cross-tabulated by type of library on the Employer Survey and type of degree program, on the Library School Survey. The data will be input to the models of the library labor market developed as part of this project and used to generate projections.

The data and the results of the analysis will be presented in a final report, which will outline the methods and findings of the entire project, including the surveys, the projections based on regression analyses of the supply and demand for librarians as functions of other social and economic variables, and a qualitative discussion of the factors that shape the library labor market. It will also develop the implications of the findings for the Department of Education, other Federal, State, and local government agencies, and for libraries and the library profession. The report will be published in December 1982.

(g) Time schedule for data collection and publication: The planned time schedule for the entire project is as follows:

Activity	Date
Award of Contract	September 1980.
Conceptual Framework and Literature Search	December 1980.
Survey Instruments Developed	December 1980.
Pretest Begun	April 1981.
Pretest Completed	May 1981.
Mailout of Survey	Late September 1981.
Survey Completed	January 1982.
Clean Data Base	March 1982.
Final Tables	April 1982.
Final Report Published	December 1982.

(h) Consultations Outside the Agency: A Review Panel has been established for this project, with individuals representing the following organizations. They have reviewed and advised on the conceptual framework, the literature report, and the draft survey instruments, and will review the pretest, tabular output, and the final reports. Organizations represented include: U.S. Bureau of Labor Statistics, American Library Association, National Science Foundation, Special Libraries Association, and chairpersons of various committees of the American Library Association. No major problems were encountered. Consultation was also made with the Council of Chief State School Officers.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number of respondents: Pretest	Number of respondents: Full-scale survey	Estimate of average person-hours: Pretest	Estimate of average person-hours: Full-scale survey
Colleges and Universities	60	960	.7	.7
Public Libraries, Librarians	25	475	.7	.7
School Libraries, Librarians	25	475	.7	.7
Employers, including State library agencies, Nonprofit organizations, Organizations other than schools or education agencies, and Federal agencies	25	475	.7	.7

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to Federal Government: $260,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The data collected in the pretest will be used to modify the survey instruments, if necessary, before the full-scale survey. The data collected on the proposed surveys will be used in developing models of the library labor market and generating projections of supply and demand. The information collected on the proposed Employer Survey will be used to estimate the number of individuals currently employed in libraries and trend data on changes over time; to develop a demographic profile of the current pool of employed librarians; and to estimate the relative importance of various sources of newly-hired librarians; and to describe the subsequent employment status of librarians changing their jobs. The information collected on the proposed Library School Survey will be used to identify the number and kinds of library degrees awarded; to estimate ratio of applications to admissions to library programs; to develop a demographic profile of recent library school graduates; to describe the subsequent employment status of recent graduates; and to estimate the future number of graduates of library programs. The data collected from the surveys and the supply and demand analysis will be of use in the following areas.

Program Management—ED administers programs that affect public, school, college and university, and research libraries, professional and para-professional library training, and library research and development. A comprehensive picture of the expected supply of and demand for librarians and of the social and economic factors that affect supply and demand is of great importance in the development and administration of such programs.

Evaluation—The purpose of this study is not ot perform an valuation, but rather to provide a projection of the supply and demand of library human resources. However, the data and results should be useful to researchers concerned about evaluation of the library field, library professional community or library networks and systems.

—The model of the library labor market developed by this project will be of use in understanding the dynamics of supply and demand for librarians in the future, and predicting the effects of changes in other social and economic variables on the numbers of librarians demanded and available. The model itself will also be of use in other contexts, e.g., developing projections for an individual state.

General Purpose—Aside from governmental users, the audience for this study is large, consisting of librarians, library educators, employers of librarians, counsellors, and individuals considering entering the library profesion. The information in the modelling will help them to assess future job prospects in the library profession.

(m) Methods of Analysis: The data collected on the pretest will be used primarily to determine whether modification of the proposed survey instruments is required. The data collected on the full-scale survey will be aggregated and projected to national totals based on appropriate weights for each observation established from probabilities of selection, response rates, and missing values. The employer data will also be analyzed by type of library, and the library school data by type of program. The principal analysis of the data will be based on cross-tabulations and estimates of population totals, means, and proportions. These will be accompanied by estimates of standard errors. In addition, there will be multiple regression analysis for estimating supply of and demand for librarians (e.g., number of graduates entering the job market each year). In each regression analysis, time series analysis will be performed on the dependent variable so that an autoregression variable will also be incorporated as an independent variable (using a Box-Jenkins approach). Preliminary regression analysis will include independent tests of linearity of each independent variable with the dependent variable and transformations will be made if necessary. Also some tests will be done to consider interactive independent variables. The regression analysis will be step-wise and include traditional statistical tests of regression coefficients, contribution of the equation to variance and estimates of standard error.

(n) Legislative Authority Specifically Requiring or Allowing Data Collection: The General Education Provisions Act, P.L. 90-247, as amended, Part A, Section 406(f)(1)(a), states that the National Center for Education Statistics shall furnish such special statistical compilations and surveys as the Committees on Labor and Public Welfare and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request. In addition, Public Law, 93-380 states in Section 406(b) that "The Center shall:

(1) Collect, collate, and from time to time, report full complete statistics on *the condition of education in the United States;*

(2) Conduct and publish reports on specialized analyses of the meaning and significance of such statistics;

(3) Assist State and local education agencies in improving and automating their statistical and data collection activities * * *".

(o) Timetable for Dissemination of Collected Data: The tape will be available to the public approximately March of 1982. The final tables will be prepared April of 1982. The analysis of the data, including the regressions, will be included in the final report which will be delivered at the end of the project, September 1982. The final report will be published by NCES in December of 1982.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond to the pretest is estimated to be 100 for a total cost estimated to be $1,000. The total person-hours to respond to the full-scale survey is estimated to be 1,662 for a total cost estimated to be $16,625.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Helen M. Eckard, Project Officer, National Center for Education Statistics, Department of Education, (Room 205, Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: See section (h).

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The pretest will be conducted in April of 1981. The full-scale survey will be conducted September 1981. Telephone and mail follow-up will be conducted between then and January 1982. Respondents will have adequate time in both the pretest and the full-scale survey to complete this voluntary request.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Grants to affiliated medical schools and grants to assist in the education and training of professional and technical allied health manpower.

(b) Name of Sponsoring Agency/Bureau/Office: Veterans Administration/Office of Academic Affairs.

(c) Agency Form Number: VA Form 10-1494.

(d) Justification: The Veterans Administration Medical School Assistance and Health Manpower Training Act of 1972 (Pub. L. 92-541) authorizes a program of grants to provide assistance in the establishment of cooperative arrangements among institutions and agencies, including Veterans Administration medical facilities, which provide or participate in the education and training in the health professions and occupations, so that they may coordinate, expand, and improve their programs, and enter into special projects to improve the utilization and distribution of health manpower.

(e) Description of Survey Plan: Not applicable.

(f) Tablulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Recipients are requested to submit an annual application form.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Person-hours
College and Universities	28	17.5

The average number of man-hours required per response will vary greatly, depending upon the complexity of the programs being described and the administrative capability of the applicant institution. In some instances the response will include studies, plans and projections already made by the applicant as part of feasibility studies undertaken at its own expense. We

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estimate an average of 17½ hours to complete the continuation application, pages 1 through 4–1, by querying several grantees representing various size grants.

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted.

(k) Estimate of Cost to Federal Government: The cost of the data for the distribution and use components is estimated at $1,000 for the 1981–82 year.

(l) Detailed Justification of How Information Once Collected Will be Used: The data from these applications will be used by VA policy makers to determine program progress, funding levels, compliance with Federal regulations, and the expenditure of funds within Federal guidelines.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"*§ 5081. Declaration of purpose*

"The purpose of * * * is to authorize the Administrator (of Veterans Affairs) to carry out a program of grants to medical schools * * *"

"*§ 5091. Declaration of purpose*

"The purpose of * * * is to authorize the Administrator to carry out a program of grants to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, * * * health manpower utilization."

(Pub. L. 92–541, 38 USC 5051.)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond is estimated to be 455 for a total estimated cost of $4,550.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Dr. Chester DeLong, Office of Academic Affairs, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficent Lead Time to Comply With Request: Application packets are sent to grantee organizations three months prior to review. Additional time is alloted if necessary.

(u) Specific Justification for a Multi-Year Approval: Fund commitments through Fiscal Year 1984.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Equal Opportunity Compliance Report.

(b) Name of Sponsoring Agency/Bureau/Office: Veterans Administration, Department of Veterans Benefits.

(c) Agency Form Number: VA Form 27–4274.

(d) Justification:

(1) The Veterans Administration, Department of Veterans Benefits, is responsible for assuring compliance with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 in VTCs (nonpublic vocational/technical/career non-college level schools) which are approved for the training of veterans and their beneficiaries, who receive payments from the VA as a result of their participation in the training programs. 38 CFR 18.6(b), 38 CFR 18.6(c), and 38 CFR 18c.61 (proposed) require recipients (VTCs) to submit compliance reports containing information that will enable VA officials to determine whether or not recipients are in compliance with Title VI and Title IX. The VA also assures compliance in VTCs which receive Federal financial assistance from the ED (Department of Education).

(2) The VA Form 27–4274 will be used to collect data prior to approval of a program or activity (pre-award review); for desk audits to assist in making selection of recipients for onsite compliance reviews; and to collect data at an onsite compliance review after approval (post-award review), for a selected sample of recipients. The data will be used by compliance specialists in 57 VA field stations in 50 States and in Puerto Rico, to evaluate the equal opportunity compliance status of the recipients of Federal financial assistance provided through the VA.

(3) Similar data are not otherwise available.

(e) Description of Survey Plan:

(1) The potential respondent universe is the total of the VTCs reported as active with the VA in November 1980 (indicating that veterans and/or eligible dependents were enrolled in programs conducted by the recipients), and VTCs which receive Federal financial assistance from ED.

(2) The VA Form 27–4274 asks each recipient for data on applications for and enrollment in programs receiving Federal financial assistance, and for information on placement referrals following completion of a program. Facilities which refuse to complete VA Form 27–4274 will be subject to enforcement proceedings under 38 CFR Part 18.6—18.11 and Part 18b. The frequency of collection of data is approximately 10% of active VTCs each year. The selection of recipients for collection of data will be determined by:

a. New approvals (for which a pre-award review is required);

b. Appraisal of the last compliance report (VA Form 27–4274) received from the recipient.

d. History or record of compliance status derived from investigations of complaints by the VA, from other agencies, or from court decisions;

e. Complaints of discrimination; and

f. Requirement to conduct a follow-up review after an earlier finding of non-compliance.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time and Schedule for Data Collection and Publication:

(1) The collection of data is an ongoing process.

(2) No publication of data will be made.

(h) Consultations Outside the Agency:

(1) Persons outside this agency: Mr. Stephen M. Appell, Civil Rights Division, Federal Programs Section, U.S. Department of Justice.

Mr. Clarence Eldridge, Bureau of Apprenticeship and Training, U.S. Department of Labor.

(2) Availability of records and reportability of data were excellent.

(3) Compliance information relating to facilities under the jurisdiction of the Veterans Administration is requested from State and local governments located in the area in which the recipients operate.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Nonpublic vocational/technical/non-college degree schools	926	198

(j) Sensitive Questions: The required data include information on race, color, sex, and national origin of enrollees in the programs which receive Federal financial assistance. This information is necessary in order to evaluate the compliance status of a recipient's program. The information to be provided by beneficiaries is required to be kept separate and is not to be used in selection procedures. The information is reported as statistics without personal identification attached. Beneficiaries are told that disclosure of information is voluntary.

(k) Estimate of Cost to Federal Government: The project cost to the Federal Government is expected to be $1,169 for fiscal year 1981–82.

(l) Detailed Justification of How Information Once Collected Will be Used: Once collected, data reported on VA Form 27–4274 will be used to appraise the compliance status of applicants and recipients. The form will be reviewed for information which may indicate discriminatory conditions or practices based on race, color, national origin or sex.

(m) Methods of Analysis: Equal opportunity compliance specialists in VA field stations review VA Forms 27–4274 completed by facilities under their jurisdiction to evaluate equal opportunity compliance status of the facilities.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) Legislative authority (Public Law 88–352, sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d.): "Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, * * * is authorized and directed to effectuate the provisions of Section 601 by issuing rules, regulations, or orders of general applicability * * *"

(2) Applicable regulation (38 CFR 18.6(b)): "Each recipient shall keep such records and submit to the responsible agency official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part."

(o) Timetable for Dissemination of Collected Data: The data collected by this report are not published. The report is kept in a file for compliance review.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Approximately 198 person-hours will be required to complete VA Form 27–4274. The estimated cost is $1,980.

(q) Evidence for an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of VA Form 27–4274 may be obtained from Melvin T. Jackson (273), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C., 20420.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: No contact is made with respondents or representatives of their organizations other than to collect data prior to approval or during compliance review after approval.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The gathering of data through use of this form is ongoing. Respondents at the time of their initial request for approval of their application are allowed all the time they wish to take to complete the forms. VA personnel assist respondents to complete the form during subsequent requests for data.

(u) Specific Justification for a Multi-Year Approval: The VA Form 27–4274 is used in appraising equal opportunity compliance at VTCs. Compliance is required by pertinent laws and regulations in these programs which provide Federal financial assistance. The compliance process is ongoing. Multi-year approval is anticipated, in order to continue the compliance requirements in the affected programs.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Equal Opportunity Compliance Review Report.

(b) Name of the Sponsoring Agency/Bureau/Office: Veterans Administration, Department of Veterans Benefits.

(c) Agency Form Number: VA Forms 27–8734 and 27–8734a.

(d) Justification:

(1) The report form is necessary to assist in determining the equal opportunity compliance status of VTCs (nonpublic vocational/technical/career non-college degree schools) which are approved to train veterans and other eligible beneficiaries and/or which are receiving funds through the ED (Department of Education). It is used to appraise the compliance status of VTCs under Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The requirement for assuring compliance is defined in the Department of Justice policies and procedures for coordination of enforcement of nondiscrimination in Federally assisted programs (28 C.F.R. 42, December 1, 1976). The form is used in the VA education benefits program, to assure that ED and VA education benefits are awarded without discrimination on the basis of race, color, national origin or sex.

(2) The form is used as a guide by agency equal opportunity compliance personnel when conducting onsite reviews at VTCs, to appraise their compliance under Title VI and Title IX.

(3) There are no similar data already available in the subject field.

(e) Description of Survey Plan:

(1) This form is used to gather equal opportunity compliance data from VTCs which are approved to train veterans and other eligible beneficiaries. It is also used to gather data from VTCs which are recipients of Federal assistance through the ED under an exchange agreement between the VA and ED. The VA has 2,833 institutions with eligible persons enrolled as of November 30, 1980. The ED has 6,268 private, non profit and proprietary (private, profit) institutions which are reported as being eligible for Federal financial assistance; this figure includes those institutions for which there is dual compliance responsibility by the VA and ED.

(2) The VA conducts onsite equal opportunity compliance reviews annually at 10 percent of the VTCs which receive Federal financial assistance from the VA or ED, plus those in which compliance has been uncertain or questionable on the basis of past reviews or reports. The survey design is in the form of a printed guide which a compliance specialist uses at the time of an onsite compliance appraisal visit to the facility. Since the form has been in use for several years, a pretest is not required. On failure of response by an institution, the VA makes repeated attempts to achieve voluntary compliance, with option to terminate Federal financial assistance upon a continued failure to respond. Recipients are afforded the opportunity for a hearing before termination of Federal assistance.

(3) There is no contractor or grant involved in the use of this form by the VA.

(f) Tabulation and Publication Plans: The VA regional offices in the 50 States and in Puerto Rico transmit a report on the number of reviews made and the number of noncompliances found during the reviews. The VA Central Office tabulates the total of the reviews in a computer-generated report, and reports the number of noncompliances to the Department of Justice.

(g) Time Schedule for Data Collection and Publication: The project is ongoing, having been conducted by this department for 7 years. There is no completion of report or publication date.

(h) Consultations Outside the Agency: VA program officials make regular contacts with State agencies prior to initiating onsite compliance reviews.

(i) Estimate or Respondent Reporting Burden:

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Respondent type	Number	Estimate of average person-hours
Nonpublic vocational/technical/career noncollege degree schools	306	2.44
Students, nonpublic vocational/technical career noncollege degree schools	792	.25

(j) Sensitive Questions: Questions of a sensitive nature are those which request the identification of name, sex and race of beneficiaries. Individual consent is required and privacy is protected to the extent provided by law. Individuals are informed of the voluntary nature of the survey and are given a Privacy Act statement to read and sign before the interview is conducted. Information is requested to assure compliance of approved facilities with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Uses for the information are to help serve as evidence for compliance or, where discrimination is found, to serve as basis for seeking compliance. Completed forms are maintained in each regional office and may become available for review under the Freedom of Information Act.

(k) Estimate of Cost to Federal Government: The cost of the equal opportunity compliance surveys is estimated to be $17,257 for FY 1981–82. This cost includes preparation for a compliance review, travel time, onsite review, and report of review (see section (e)(2)).

(l) Detailed Justification of How Information Once Collected Will Be Used: The data from this study will be used to determine compliance of approved facilities with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and to determine the quality of the surveys performed in the field. The data collected will be used by equal opportunity compliance specialists to evaluate the equal opportunity compliance status of the recipients of Federal financial assistance.

(m) Methods of Analysis: Data are collected at the State and local level. No analytical methods are applied since each form is reviewed for appraisal of the recipients program on an individual basis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) Legislative authority (Public Law 88–352, sec. 602, Civil Rights Act of 1964: 78 Stat. 252; 42 U.S.C. 2000d): "Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, * * * is authorized and directed to effectuate the provisions of Section 601 * * * by issuing rules, regulations, or orders of general applicability * * *"

(2) Applicable regulation (38 CFR 18.6): "Each recipient shall keep such records and submit to the responsible agency official or his designee timely, complete and accurate compliance reports at such times and in such form and containing such information, as the responsible agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part."

(o) Timetable for Dissemination of Collected Data: The data are not disseminated.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours for responding VTCs are estimated to be 966 at approximately $10.00 per hour, for a total estimated cost of $9,660.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: There is no indication that there will be any urgent need and/or unusual circumstance.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Melvin T. Jackson (273), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

(s) Brief Account of Early Involvement and Communications With Respondent Populations:

(1) The onsite compliance review, using the survey form, VA Form 27–8734, Title VI Compliance Review Report, has been conducted by VA field station personnel since 1975. Contact has been made individually with respondents at the beginning of each review.

(2) Beginning in December 1976, the VA distributed VA Pamphlet 27–76–1, Guidelines for Compliance with Title VI of the Civil Rights Act of 1964, to all respondents. The pamphlet, along with letters of transmittal, explained the VA Title VI compliance requirements, including the requirement for an onsite review.

(3) Beginning in fiscal year 1981, VA compliance specialists contact the respondents prior to each onsite visit, when the onsite visit is conducted solely for equal opportunity compliance appraisal. (If the equal opportunity appraisal is only a part of a larger program survey appraisal visit, the respondent is not notified prior to the onsite visit.)

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection is an ongoing process. Respondents are notified of the requirement for a compliance review at the beginning of the training program; and again through the distribution of the VA Guidelines for Compliance (see section (s)(2)); and, for each independent compliance review, through prior notification of the onsite visit, (see section (s)(3)).

(u) Specific Justification for a Multi-Year Approval: The programs receiving Federal financial assistance which require use of the VA Form 27–8734 are ongoing. Use of the form is expected to continue for a 2-year period of OMB clearance, from July 1, 1981 through June 30, 1983.

[FR Doc. 81–5621 Filed 2–13–81; 4:15 pm]

BILLING CODE 4000–01–M

Data Acquisition Activities Involving Educational Agencies and Institutions

AGENCY: Department of Education.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95–561, require public announcement of certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981–82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary through the Federal Education Data Acquisition Council (FEDAC).

DATES: Comments must be received by March 23, 1981.

ADDRESS: Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 (Switzer), 400 Maryland Avenue, S.W., Washington, D.C. 20202 Telephone: (202) 472–3554. The contact persons listed in conjunction with the individual summaries are the ones to whom questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981–82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981–82 will be published by February 15, 1981.

Dated: February 13, 1981.

T. H. Bell,

Secretary of Education.

Data Activity Plan Summary

(a) Title of Proposed Activity: FY–1982 Financial and Performance Report for the Incentive Grant Program (Pub. L. 94–142, Section 619).

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Special Education, Division of Assistance to States.

(c) Agency Form Number: ED 716.

(d) Justification: The data to be collected will be used to monitor the use of the funds, to prepare the Annual Congressional Report, required by statute, and to provide resource data in the analysis of policy issues. Performance data are not available from any other source.

(e) Description of Survey Plan: Respondents are the 58 State Education Agencies. ED 716 forms are disseminated to States annually. Data needed to complete the forms are obtained from routine reports submitted from local educational agencies to the State. Data are aggregated at the State level and forwarded to the Department of Education. State data are then aggregated to obtain national figures.

(f) Tabulation and Publication Plans: The Office of Special Education will tabulate responses from the survey instrument for distribution and component use. Summary statistics such as, the number of children served (ages 3 through 5), number of children screened, number of children evaluated, etc., will be used as part of the Congressional report. This report is forwarded to members of Congress, to States and to organizations interested in special education.

(g) Time Schedule for Data Collection and Publication: The ED 716 is an annual reporting form. Forms will be distributed to States in July, 1981. Data are due in the Division of Assistance to States no later than January 1, 1983. The data will be tabulated and distributed by January 1984. Twelve months will elapse between the collection of data and the issuance of the first published results.

(h) Consultations Outside the Agency: ED form 716 for FY–1982 was reviewed by the OSE Task Force of CEIS in January, 1981. Modifications were suggested and are being incorporated into the form.

(i) Estimates of Respondent Reporting Burden: The respondent burden is estimated to be 5 hours per State. Respondents will be State Education Agencies participating in the Incentive Grant program.

Respondent type	Number	Estimated average person-hours
State education agencies	58	5

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted. No confidentiality problems are anticipated.

(k) Estimate of Cost to Federal Government: Estimated cost to collect, process and analyze the data is $2,500 for the 1981–82 school year.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report provides accountability for funds generated by the SEA's application for participation in the Incentive Grant program under Section 619 of Pub. L. 94–142.

Performance data provide an indication of program effectiveness. The Performance data also become an integral part of the Office of Special Education's Annual Report to Congress on the general condition of special education services to children ages 3, 4, and 5. The reports are required in the Act. (Pub. L. 94–142, 20 U.S.C. 141a.)

(m) Methods of Analysis: Data will be compiled and tabulated by computers and then reviewed and analyzed by education program specialists.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "* * * each State agency shall report outlays and program income on the same accounting basis * * * the report will not be required more frequently than quarterly or less frequently than annually * * *" (45 CFR 100b.43).

(o) Timetable for Dissemination of Collected Data: Dissemination is anticipated for January 1984

(p) Estimate of Total Person-Hours and Cost Required To Complete the Request: The total person-hours to respond is estimated to be 290 hours for a total cost estimated to be $2900.

(q) Evidence of any Urgent Need of Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Dr. Lou Danielson, Office of Special Education, Division of Assistance to States Compliance, Room 4737, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: DAS staff met with members of CEIS on January 28, 1981 to review this form. Revisions have been

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made to the instrument as a result of CEIS suggestions.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Requests: Data will be collected in January 1983 and will be used January 1984. Data collected are for the 1981–82 school year and respondents should have adequate time to compile the necessary data.

(u) Specific Justification for a Multi-Year Approval: The ED 716 is a routine administrative form. Statute requires annual Financial/Performance reports of all participants; therefore multi-year approval will be requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Deaf-Blind Service Matrix

(b) Name of the Sponsoring Agency/Bureau/Office: Office of Special Education and Rehabilitation Services; Office of Special Education, Division of Innovation and Development, Division of Education.

(c) Agency Form Number: ED Form 813.

(d) Justification: (1) The matrix report form is to be used by the Program Centers and Services for Deaf-Blind Children (CFDA 84.025) administrated by the Office of Special Education. Section 622(d)(1), Title VI-C, of PL 91–230 authorizes specific services to be provided to deaf-blind children. The purpose of the form is to collect data in those service areas authorized by the law on a national basis for planning purposes.

(2) The data will be used to determine if services are being provided to these children by the 8 single State Deaf-Blind Centers and 8 multistate deaf-blind centers as required under the contract agreement.

(3) Data collected under 94–142 and 89–313 do not provide information on the types of services being provided e.g., full time educational services, full time educational services with emphasis in prevocational/vocational education.

(e) Description of Survey Plan: Respondents will be approximately 300 service providers such as local education agencies, State education agencies, and State institutions which are under subcontract with the 16 Deaf-Blind Centers.

(f) Tabulation and Publication Plans: Tabulation of data from the service matrix from each contractor will be processed at the federal program level. Summary data such as the total number of deaf-blind children receiving educational services, medical diagnosis and evaluation services, and residential type services, will be compiled to illustrate if program goals to serve all deaf-blind children are being met. Tabulation of data on age groupings and services being provided will be used for projecting program and service needs of this population on a State, local, and national basis.

A summary report of data will be prepared for program management purposes such as program review and budget justifications. A general summary will be prepared and disseminated to the contractors and State education agencies.

(g) Time Schedule for Data Collection and Publication: (1) The collection of data takes place within the award period which starts July 1 and ends June 30th of each program year. The data are submitted on February 28th of each program year when the continuation proposals are due in the Federal office.

(2) The issuance of tabulated results of data collected will be within 90 days after February 28th.

(h) Consultations Outside the Agency: Persons representing the contractors and subcontractors have been involved in the design of this service matrix.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	55	1
Local education agencies	220	1
State and private institution	24	1

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted. Only statistical data are requested such as the age grouping and service provided a child.

(k) Estimate of Cost to Federal Government: The estimated cost to the Federal government is $5,000 a year.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program managment:* Determination is made on compliance with P.L. 94–142; approval for funding of contract award; assessment of program effectiveness, planning program and service priorities on short and long term basis.

General-purpose: The data will be used by the Federal Agency, Contractor, and State and local education agencies. The data will be used by each agency for identifying and tracking the deaf-blind population, identifying the types of services being provided these children, the age groupings of the population identified and served, and planning of programs and services to meet current and future needs of this population at the local, State, and national level.

(m) Methods of Analysis: Tabulation of data will be done at the State, regional, and national levels. The data tabulated are statistical data identifying the number of children receiving educational, diagnostic and evaluative services; residential placements; and the number of teachers, parents, and others receiving consultative/counseling services.

(n) Legislative Authority Specifically requiring or allowing the Data Collection: Section 622(d)(1) of Title VI, Part C, P.L. 91–230 states that "A grant or contract—shall be made only if the Secretary determines that there is satisfactory assurance that the center will provide such services as he has by regulations prescribed. . . ." Section 121c.12(c) of the Rule and Regulations (Part 121C—Centers and Services for Deaf-Blind Children) states that the regional center staff shall ". . . maintain adequately organized records on each such child . . ."

(o) Timetable for Dissemination of Collected Data: Collected data will be available to users about 90 days after submission of continuation proposals which are due in the Federal office on February 28th of each program year.

(p) Estimate of the Total Person-Hours and Cost Required to Complete the Request: The total person-hours to respond is estimated to be 300 for a total cost estimated to be $3,600.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Mr. Robert Dentona, Department of Education, Office of Special Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: See response to item (h).

(t) Assurance that Respondent will have Sufficient Lead Time to Comply with Request: The collection of data by subcontractors and contractors is an ongoing process from the start of the contract on July 1, to the end on June 30th of each program year. The data are collected during February of each program year, allowing eight months lead time to comply with the request.

(u) Specific Justification for a Multi-Year Approval: The contracts are awarded for a 5-year period with the option to renew on an annual basis. The services provided this population are from birth through age 21 and the data collected are useful for planning services throughout the educational lifetime of the child. The matrix is a routine administrative form and represents a small burden to all participants who are responsible for providing services to this population.

Data Activity Plan Summary

(a) Title of Proposed Activity: Financial and Performance Report for OSE Discretinary Grant Programs.

(b) Sponsoring Agency/Bureau/Office: Office of Special Education and Rehabilitative Services/Office of Special Education.

(c) Agency Form Number: ED Form 9037–1.

(d) Justification: (1) The Education Department General Administration Regulations (EDGAR) and the Administration of Grants (45 CFR Part 74, Subparts I and J) state that the granting agency may request financial and performance reports from all grantees. The frequency and report content is left to the discretion of the granting agency, given certain specification in EDGAR and Part 74.

(2) The information is used by the Office of Special Education to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. Regulations require that a financial status report describing program outlays and expenditures be submitted at least annually. However, the granting agency may determone that performance information sufficient to meet its programmatic needs will be available from subsequent applications, and therefore require specific reports of performance only upon the expiration or termination of the grant. In accordance with these regulations, OSE intends to require annual financial status reports and a single performance report which will be due upon project expiration. In addition to program management and monitoring uses, project reports may be aggregated for reporting to the Congrss on program accomplishments and achievements.

(3) The data and information requested in this financial and performance report is not available from any other source or report.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	775	1.0
Non-profit Organizations	165	1.0
Local educational agencies	120	1.0
State education agencies	170	1.0
Other	10	1.0

Performance Report (Final Report):

Respondent type	Number	Estimate of average person-hours
Colleges and universities	310	15.0
Non-profit organization	64	15.0
Local education agencies	48	15.0
State education agencies	44	15.0

(j) Sensitive questions: There are no questions of a sensitive nature in these financial and performance report forms.

(k) Estimate of Cost to Federal Government: $20,275.

(l) Detailed Justification of How Information Once Collected Will be Used: *Program management:* Grantees are required by grant terms and conditions to submit to the Education Department an expenditure (financial status) report on an annual basis. Each report must provide an accurate and complete disclosure of the financial results of each project or program and includes a breakdown of: outlays; unliquidated obligations; Federal funds authorized; unobligated balance of Federal funds. The reports will be reviewed/analyzed by the Education Department as measures of program effectiveness and accountability for the expenditure of federal funds. Performance data and information will be required in the form of a final report, due upon project expiration or termination. OSE considers the performance and achievement data/information provided in annual continuation proposals sufficient to meet the management and administrative needs of the agency. In addition, telephone and on-site monitoring will be relied upon on an annual basis to assure that adequate progress is being made towards achieving the goals and objectives of the grant. The (performance) final report will be required upon project expiration so that the Education Department has an official record and report of all accomplishments and activities carried out during the grant period, including educational products and materials.

(m) Methods of Analysis: Not applicable.

(n) Legislative authority Specifically Requiring or allowing the Data Collection: "Accurate, current and complete disclosure of the financial results of each project or program shall be made * * *" (45 CFR 74.61(a)) * * * the granting agency will require the grantee to submit a performance report only upon expiration or termination of grant support." (45 CFR 74.82(a)).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs required to Complete the Request: Total person-hours: 8,225. Cost: $9,0475.

(q) Evidence of any Urgent need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact data instrument may be obtained from:

Slagle Allbritton, Office of Special Education and Rehabilitative Services, Room 4030, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Copies of the financial and performance report (ED Form 9037–1) will be distributed to all grantees as part of their grant award document. No information will be requested that is not consistent with the requirements for new and continuation grant applications. Therefore, reporting requirements will be known at the time of project and proposal planning.

(u) Specific Justification for a Multi-Year Approval: The ED 9037–1 is a routine management and administrative form necessary to assure compliance with applicable grant and program regulations, as well as a record of grantee performance. The basic form has been used for several years with much success. The proposed form is a modified version which will result in a burden reduction on grantees of approximately 50 percent. Since the performance report will, in most cases, be submitted on a triennial basis, multi-year approval is necessary and therefore requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Financial Status and Performance Report for Follow Through Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and

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Secondary Education, Office of Compensatory Education.

(c) Agency Form Number: ED 376.

(d) Justification: 1. "Grantees shall use Standard Form 269, Financial Status Report, to report the status of funds for all nonconstructive grants." Section 74.73(a) of the Education Department General Administrative Regulations (EDGAR) (45 FR 22584).

"* * * grantees shall submit annual performance reports * * *." Section 74.82(b) of the Education Department General Administrative Regulations (EDGAR) (45 FR 22585).

2. Survey is a financial statement and submission of performance.

3. Data change annually.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimated average person-hours
Colleges and universities	15	2.5
Local educational agencies	148	2.5
Organizations other than schools or educational agencies	2	2.5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $1,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Follow through grantee performance report:* Data collected are used as a basis for decisions concerning support of projects.

Financial status report: Data is collected to determine the extent to which funds awarded under the grant have been expended.

(m) Methods of Analysis: Project and grant officers review to determine compliance with applicable regulations.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Sec. 551. (a)(1) The Secretary is authorized to provide financial assistance in the form of grants to local educational agencies, combinations of such agencies, and, as provided in paragraph (2) of this subsection, any other public or appropriate nonprofit private agencies, organizations, and institutions for the purpose of carrying out Follow Through programs focused primarily on children from low-income families in kindergarten and primary grades, including such children enrolled in private nonprofit elementary schools, who were previously enrolled in Head Start or similar programs. Other children in kindergarten and primary grades, including such other children enrolled in private nonprofit elementary schools, who were previously enrolled in preschool programs of a compensatory nature which received Federal financial assistance may participate in such Follow Through programs * * *.

"Sec. 553. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public and private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or in otherwise furthering the purposes of this part * * *.

"Sec. 556. The Secretary may provide, directly or through grants or other appropriate arrangements (1) technical assistance to Follow Through programs in developing, conducting, and administering programs under this part, and (2) training for specialized or other personnel which is needed in connection with Follow Through programs.

(Economic Opportunity Act of 1964, as amended by Pub. L. 95-568, 42 U.S.C. 2929) (see also item (d))

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person hours to respond is estimated to be 423 for a total of $4,230.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Rosemary Wilson, Division of Follow Through Office of Compensatory Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue, SW., ROB 3, Room 3624, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: These forms have been used for the population for the last ten years. Organizations made individual input during this time.

(t) Assurance That Respondents Will Have Sufficent Lead Time To Comply With Request: Information collection to be made in September 1981. This is three months after grant closing date, which allows sufficient time for response.

(u) Specific Justification for a Multi-Year Approval: **Three-year approval should be granted since:**

- **it is a routine administrative since;**
- **it represents small or minimal burden;**
- **it has been used successfully in the past;**
- **it is legislatively required.**

Data Activity Plan Summary

(a) Title of the Proposed Activity: Performance and Financial Reports for Teacher Centers Program.

(b) Name of the Sponsoring Agency: Education Department—Office of Elementary and Secondary Education—Office of Educational Support—Division of Teacher Centers

(c) Agency Form Number: ED Form 834.

(d) Justification: **The revision has three purposes:**

(1) to reduce the requirement from a semi-annual to a final annual report (Since the information required by the mid-year report is largely and unavoidably duplicated in the grantee's applications for support of its second and third project years);

(2) to modify the questions so as to make them more directly applicable to the Teacher Centers Program;

(3) to make it possible to aggregate some items of data across all projects, nation-wide.

It should be noted that the presently-used form expires in October of 1981 and must therefore be reconsidered if it is to be used in 1981-82.

(e) Description of Survey Plan: It is not a survey, but performance and financial reports are required of all grantees by regulation. Grantees receive financial assistance to plan and operate "teacher centers" engaged in inservice training and curriculum development. The data acquired will be used to better manage the program and will increase the agency's capacity to report on the effectiveness of the program.

There are no other data that duplicate these reports.

(f) Tabulation and Publication Plans: Responses will be tabulated and analyzed by the staff of the Division of Teacher Centers with assistance from the Office for Information Resource Management.

Technical summaries, as appropriate, will be prepared by the DTC staff.

(g) Time Schedule for Data Collection and Publication: Grantees *must* respond by 90 days following termination of annual project period.

(h) Consultations Outside the Agency: There will be consultation with LEA grantees (specifically, project directors and Policy Board chairmen), and with the Council of Chief State School Officers (CCSSO).

(i) Estimation of Respondent Reporting Burden:

Respondent	Number	Estimate of average person-hours
LEA's	92	2
CoE's	7	8

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: Negligible cost: approximately $900. All work done by program staff.

(l) Detailed Justification of How Information Once Collected Will Be Used: The basic purpose of the performance and financial reports is (1) to enable ED to determine the extent to which the grantee has complied with the terms of the grant award and the plan of operation, and (2) to determine whether a second or third grant should be made to continue the project.

Program management: Assessment of program effectiveness.

Evaluation: This is not evaluation per se, but will enable ED to aggregate some of the evaluative data which each grantee must perforce gather. Most importantly, it will help to shape each project's evaluation in ways which focus on common features which can then be aggregated.

General purpose: The data on effectiveness will be of especial service to policy makers in ED.

(m) Methods of Analysis: Level of data aggregation: program-wide.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: EDGAR, Sec. 100a. 720 ("* * * a grantee shall submit these reports annually * * *") EDGAR, Sec. 100a.590 ("* * * a grantee shall evaluate at least annually * * *")

(o) Timetable for Dissemination of Collected Data: The data are for internal ED use and will be available by February 1, following submission the previous year.

(p) Estimate of the Total Person-hours and Costs Required to Complete the Request: See (i) above. For each grantee, 2 hours at $15 per hour, $30. For 99 grantees, $2970 total.

(q) Evidence of Any Urgent Need or Very Unsual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from—A. Bruce Gaarder, U.S. Department of Education, Teacher Centers Program, Room 2010, FOB No. 6, 400 Maryland Ave., SW, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: We are in close, continuous contact with the respondent/grantees.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: They have a full year, since the requirement reaches them with grant award.

(u) Specific Justification for a Multi-year Approval: Requested because the Teacher Centers Program has new 5-year authorization. We do not anticipate changing the form in the future.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Standard Application (Nonconstruction) (for Foreign Language and Area Studies

(1) National Resource Centers and Fellowships Program for Language and Area or International Studies.

(2) Grauduate International Studies Program.

(3) Undergraduate International Studies Program.

(4) Foreign Language and Area Studies Research Program.

(5) Foreign Curriculum Consultant Program.

(6) Group Projects Abroad Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Office of International Education/Office of Postsecondary Education/Department of Education.

(c) Agency Form Number: ED 324-1, -2, -3.

(d) Justification: 1. Because activities 1, 2 and 3 above are institution-based, the form collects data necessary for a comparative assessment of the capabilities and needs of institutions in in developing and sustaining specialists in modern foreign languages and area studies. Activity 4 must comparatively assess the capabilities and materials dissemination potential of institutions and/or individuals to perform and implements the results of needed research, the results of which are basic tools to activities 1, 2 and 3. The nature of the data collected is determined by the authorizing legislation and the General Provisions of the Education Department for grant administration.

2. The data will be used by the Office of International Education for awarding grants on a competitive basis.

3. Similar data already in existence would not suffice because data must be current in order to assure validity to the competition because resources and competitiveness change.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans. Not applicable.

(g) Time Schedule for Data Collection and Publication. Data collected in 1981 and awards will be announced Spring and Summer of 1982.

(h) Consultations Outside the Agency: The material was discussed outside the bureau with the Department of Education's OMB liaison person. Over a period of time, feedback from the respondents let to the present version of the form.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	400	15
Individuals	15	10
Local education agencies	80	20
Nonpublic junior colleges	15	15
Nonprofit organizations	20	15
Public junior colleges	25	15
State education agencies	8	20

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $10,000.

(l) Detailed Information of How Information Once Collected Will Be Used. Program Management.—The data collected will determine grant eligibility and amount of grant award as well as providing an assessment of program capability compared with other applicants. The institutions or individual tendering the application with the accountable for grant funds.

Although funded applications are in the public domain and open to public scrutiny, safeguards are employed to protect proprietary information such as faculty salaries.

Applications not funded are returned to the applicant and/or destroyed.

(m) Method of Analysis. Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection. Title VI of the Higher Education Act of 1965 as amended in 1980 (Pub. L. 96-374) or National Resource Centers and Fellowship Program for Language and Area or International Studies:

Centers

"Sec. 602 (a)(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, or combination of such institutions, for the purpose of establishing, strengthening, and operating graduate and undergraduate centers and programs which will be national resources for the teaching of any modern foreign language, for

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instruction in fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training international studies and the international aspects of professional and other fields of study * * *."

Fellowships

"(b) The Secretary is also authorized to pay stipends to individuals undergoing such advanced training in any center or program approved by the Secretary under this part, including allowance for dependents and for travel for research and study in the United States and abroad."

Undergraduate Programs

"Sec. 604. (a) The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, to assist them in planning, developing, and carrying out a comprehensive program to strengthen and improve undergraduate instruction in international studies and foreign languages. Grants made under this section may be for projects and activities which are an integral part of such a comprehensive program."

Foreign Language and Area Studies Research Program

"Sec. 605. (a) The Secretary may, directly or through grants or contracts, conduct research and studies which contribute to the purposes of this part and part N of title III of the Elementary and Secondary Education Act of 1965."

The Mutual Educational and Cultural Exchange Act of 1961 (Pub. L. 87–256) for the *Group Projects Abroad Program* and the *Foreign Curriculum Consultant Program:* "Sec. 102(b) In furtherance of the purposes of this Act, the President is further authorized to provide for—* * * (6) promoting foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of these countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities; * * *."

In addition, certain U.S.-owned foreign currency funds are provided for programs operating under the authorities named above by Section 104(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 83–480) "* * * the President may use or enter into agreements with foreign countries or international organizations to use the foreign currencies, including principal and interest from loan repayments, which accrue in connection with sales for foreign currencies under this title for one or more of the following purposes: * * * For carrying out programs of United States Government agencies to— * * * finance with not less than 2 per centum of the total sales proceeds received each year in each country activities to assist international education and cultural exchange and to provide for the strengthening of the resources of American schools, colleges, universities, and other public and nonprofit educational agencies for international studies and research under the programs authorized by title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, * * *."

(o) Timetable for Dissemination of Collected Data: Data are not disseminated but are used by sponsoring agency on an annual cycle.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours—7,370. Total costs to all respondents—$88,440.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument Available From:

Dr. Richard T. Thompson, Office of International Education, Room 3923 ROB–3, U.S. Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations. In past years, the interaction of the submission process provided the feedback which led to the present version of the form.

(t) Assurance That Respondents Will Have Sufficient Time To Comply With Request. Responses are requested, generally, in fall or early winter each year. First-time applicants are assured the response time required by Federal Register procedures, in addition continuation applications enjoy liaison with staff and are notified through the special terms and conditions of the previous grant.

(u) Specific Justification for Multi-year Approval: This application form is used annually by the programs listed above. The International Research and Studies Program, the Foreign Curriculum Consultant Program and Group Projects Abroad Program hold annual competitions. The Undergraduate International Studies programs hold annual competitions and also utilize the form each year for non-competing continuation grant applications. The National Resource Centers and Fellowships program holds triennial competitions but also utilizes the form for non-competing continuation grants in the intervening years.

Data Activity Plan Summary

(a) Title of Proposed Activity: Educational Opportunity Centers Financial Status and Performance Reports.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Division of Student Services

(c) Agency Form Number: ED 366.

(d) Justification: (1) The Higher Education Act of 1965 (Pub. L. 89–329, as amended) authorizes a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which serve areas with major concentrations of low-income populations. The Center's purpose is to help clients through conseling, tutoring, and referral services to pursue postsecondary education. The need for reporting project performance is established in subparts I and J of 34 CFR Part 74. As prescribed by § 74.82(c) of subpart J, a comparison of actual accomplishments to the goals established for the period is requested. Participant information is requested to determine if the program is meeting the needs of the target population as stated in the Code of Federal Regulations, Part 644. In conformance with subpart I of 34 CFR Part 74, Standard Form 269 is included in order to report on a project's financial status.

(2) The information will be used by the Education Department and project directors (a) to assess and monitor project effectiveness, and (b) to determine if the program is meeting the needs of the target populations intended and as a corollary to provide base information for planning future program needs and modification.

(3) There is no similar data already available in the subject field which could be used for these purposes.

(e) Description of Survey Plan: (1) Each Education Opportunity Center receiving a federally funded grant is required to submit a *Financial Status Report* and a *Performance Report* which must be signed and dated by the Project Director. An estimated 32 Educational Opportunity Centers will receive grants in the program year 1981–82 and will be required to respond to this form.

(2) Our current data preparation contractor, is responsible for mailing report forms, logging in and editing reports, keypunching, and compiling data. The contractor is aware of the impact of the Privacy act of 1974 on the handling of ED data, and is in full compliance with it. Strict confidentiality is observed in the processing and filing of sensitive material, and reproduction of such material is performed according to Industrial Security Manual (ISM) standards in a locked room, with only those persons with appropriate clearance and need-to-know permitted. Requests for information, if any, are referred to ED.

(f) Tabulation and Publication Plans: A computer generated report will be published January. The report will give data for each individual project and a national summary.

(g) Time Schedule for Data Collection and Publication: (1) Report forms are sent to the project directors in May. Reports are due on a staggered basis depending on the ending date of the grant period. In accordance with the Education Department General Administrative Regulations the Educational Opportunity Centers are required to submit the *Financial Status Report* and the *Performance Report* as follows:

Report	Form	Period covered	Due date	Projects required to report
Annual				
Performance	366	Beginning to end of budget year just completed	90 days after end of budget period	Multi-year projects not in final year.
Financial Status		Beginning to end of budget year just completed	90 days after end of budget period	Multi-year projects not in final year.
Final				
Performance	366	Beginning to end of budget period just completed	90 days after end of budget period	Multi-year projects in final year and single-year projects
Financial Status		Cumulative for entire single or multi-year grant period.	90 days after end of budget period	Multi-year projects in final year and single-year projects

(2) The summary report is completed in January which is one month after the last reports are due.

(h) Consultations Outside the Agency: (1) Annual workshops are held for project directors at which time the completion of required forms is discussed. The Department of Education welcomes any suggestions that these persons may have. There have not been any problems on which agreement could not be reached.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Adult education administrators	2	4
Colleges and universities	16	4
Nonprofit organizations	9	4
State institutions	2	4
Vocational/technical/career postsecondary institutions	1	4

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: (1) It is estimated that the annual cost of this form is approximately $1,795. This includes $1,430 for editing, coding, tabulating, and publication of results and $365 for printing and mailing.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management:* The proposed data acquisition activity is intended to serve as a basis for compliance review and for accountability to Congress under Pub. L. 89–329, IV Section 417B. The data collected will be used in assessing program effectiveness and in the observation of trends in the program to determine what program changes are needed.

General purpose: Data will be used by the Education Department, project directors, Congress, and by the general public. An example of an issue that the data illuminates is the success or accomplishments of the program. This is indicated by the number of participants who either began or were accepted in postsecondary studies since entering the program.

(m) Methods of Analysis: Data are published by project and then summarized in a national total. Proposed methods of analysis include: correlations, tests of significance, and analysis of variance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative authority comes from the General Education Provisions Act, Section 434(b)(3)(C) which states: In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval, shall—

* * * * *

(C) provide for making such reports as the Secretary may require to carry out his functions.

Administrative authority comes from Part 75.720 of Education Department General Administrative Regulations which states: "(a) This section applies to the reports required under Subpart I (Financial reporting) and J (Performance reporting) or Part 74 of this title. (b) A grantee shall submit these reports annually, unless the appropriate official of the Education Division allows less frequent reporting."

(o) Timetable for Dissemination of Collected Data: Data should be available in January. Currently there is no dissemination other than in-house distribution of summary reports; however, the data are widely disseminated as needed in response to requests.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The estimated average person-hours per respondent is 4 hours. It is estimated that 32 grants will be funded which would require a total of 128 person-hours to complete the reports at a total estimated cost of $1,320.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: The report forms may be obtained from:

Arnold H. Silver, Management Information Specialist, ISPSB/Information Systems Section, U.S. Department of Education, Room 3514, ROB–3, 7th & D Streets, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: A "welcome abroad letter" is mailed to project directors at the beginning of the project year along with

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copies of the reports that are required to be filed at the end of the project year. The letter indicates the names and telephone numbers of individuals who can answer any questions. Each year workshops are held for project directors in which the report forms are thoroughly discussed.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Data is collected on a staggered basis depending on project expiration dates and will take place from May thru December. Project directors are sent copies of the reports at the beginning of the project year and are notified when they will be due. Report forms are again sent to all project directors six weeks before they are due.

(u) Specific Justification for a Multi-Year Approval: The report forms have been used successfully in the past. Multi-Year approval is justifiable as it would minimize the burden for the project directors to use the same forms throughout the grant.

Data Activity Plan Summary

(a) Title of Proposed Activity: Financial Status and Program Performance Report for Graduate Programs.

(b) Agency/Bureau/Office: Department of Education/Bureau of Higher and Continuing Education.

(c) Agency Form Number:

ED 404–1 Fellowship Financial Status and Program Performance Report.

ED 404–2 Institutional Grant Financial Status and Performance Report.

(d) Justification: Financial Information on (ED 404–1) and a printout verifying fellowship data provided the institutions are required of institutions receiving fellowships. Financial Information on (ED 404–2) and a 5-page narrative report are required of institutions receiving institutional grants.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: This information will be used in the Secretary's Report to Congress on Title IX Programs which is due approximately January 31 each year.

(g) Time Schedule for Data Collection and Publication: Fall. Annually. Disseminate in early spring.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	[1]350	5

[1] Universe of institutions with programs.

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Justification of How Information Once Collected Will Be Used: This information will be used in program management to determine whether the institutional objectives have been fulfilled as stated in their original application. It will be used to assess the overall effectiveness of the fellowships and institutional grants in meeting the legislative intent of the Federal programs in graduate training. In addition to assessing program effectiveness, the data collected will also be used to account for funds expended.

(m) Methods of Analysis: Descriptive.

(n) Legislative Authority for This Activity: Regulations which apply to direct grant and State administrative programs require grantees to submit Financial Status and Performance Reports annually unless advised otherwise. The statutory authority for these regulations is the General Education Provisions Act and the statutes that authorize the programs covered.

(20 U.S.C. 1221e–3(a)(1))

(o) Timetable for Dissemination of Collected Data: Spring annually.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 1,750. Total costs: $210,000.

(q) Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument Available From: Can be obtained from: Donald N. Bigelow, OPE/Graduate Programs Branch (Room 3060, ROB #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply: Request for the data will be mailed to institutions at the end of each fiscal year. 30–60 days are allowed for responding.

(u) Specific Justification for a Multi-Year Approval: It is a routine administrative form which has been successfully used in the past.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Law School Clinical Experience Program—Application.

(b) Agency/Bureau/Office: Department of Education/Bureau of Higher and Continuing Education.

(c) Agency Form Number: ED 595.

(d) Justification: The information collected will be used to evaluate and recommend institutions of higher education for participation under Law School Clinical Experience Program. Institutions applying for Federal grant money must include information which addresses the selection criteria published in program regulations.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Average person-hours
Accredited law schools	130	[illegible]

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $3,500.

(l) Justification of How Information Once Collected Will Be Used: This information will be used in the evaluation of applications by a panel of consultants to determine which proposed programs should be funded.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority for This Activity: The Secretary is authorized to enter into grants or contracts with accredited law schools in the States for the purpose of paying not to exceed 90 per centum of the cost of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, which includes any form of law student work involving performance in the role of a lawyer exercising legal skills and roles such as those of an advocate, counselor, negotiator, investigator, and ethical practitioner, whether by way of the provision of representation of or services to an identifiable client in actual situations or by way of simulation of such provision through appropriate exercises.

(Pub. L. 92–318, as amended by Pub. L. 96–374, 94 Stat. 1367, 1487; 20 U.S.C. 1134n-p)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 4,800 hours. Costs: $192,000.

(q) Evidence or Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Donald N. Bigelow, Department of Education, Office of Postsecondary Education, Graduate Programs Branch (Room 3060, ROB #3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply: Request for the data will be mailed to institutions annually in the fall at least 60 days prior to the announced notice of closing.

(u) Specific Justification for a Multi-Year Approval: It is a routine administrative form which has been used successfully in the past. Legislation authorizes collection of the data.

Data Activity Plan Summary

(a) Title of the Proposed Activity: The Pell Grant (formerly Basic Grant) Quality Control Project—Stage II.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Postsecondary Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number: ED–628–2.

(d) Justification: The Pell Grant Program (formerly Basic Grant) has experienced an initial period of rapid expansion. Over the last five years, the number of recipients has increased tenfold, while the total funds disbursed has increased by a factor of forty. As in other Federal Aid Programs, this growth has been accompanied by numerous problems associated with the accuracy and consistency of program data and the program administration processes. Now that the system for aiding students has been securely established, the Department of Education (ED) officials are focusing increased attention on methods to measure and improve program performance, particularly the quality of data used in student eligibility and award determinations, the various associated data handling processes, and overall programs administration.

It is expected that the results of this study will be used to support the development of an ongoing, comprehensive quality control system.

Although ED and other organizations have made considerable progress in identifying and analyzing error and abuse in the Pell Grant program, the Pell Grant Quality Control Study may be viewed as the culmination of these preliminary efforts, which so far have been less comprehensive in their attempts to address the problem of error and abuse in the Pell Grant program. Taking into consideration the numerous recommendations and actions which resulted from prior studies, the current study will take a fresh look at the problem of error and abuse patterns in the Pell Grant program, thus building upon previous knowledge to develop practical, effective solutions for improving data quality.

(e) Description of Survey Plan: The OSFA has a contract to conduct a three year quality control project for the Pell Grant program. Three surveys will be conducted to obtain three distinct sets of data for analysis.

The first data set will consist of a nationally representative sample of approximately 400 institutions (public, private and proprietary). The financial aid officers at each institution will be interviewed and asked to describe the institution's Pell Grant processing procedures. In addition, an average of approximately 14 student records will be selected at each institution. These records will be examined and the student financial aid awards recomputed.

The second data set will consist of students. The same students who are randomly selected at the institutions, or approximately 4,000 students nationwide, will be interviewed.

The third data set will consist of parents. The parents of the students randomly selected at the institutions, or the parents of approximately 4,000 students, will be interviewed. Parents of both dependent and independent students will be included.

Source of information	Number sampled	Form	Response burden in minutes
Institutions	400	FAA Interview Guide	60
Contractor	5,600	Student Record Abstract.	30
Students	4,000	Student Interview Guide.	60
Parents	4,000	Parent Interview Guide	60

(f) Tabulation and Publication Plans: The data collected will be tabulated to provide program-wide and subpopulation discrepancy rates for the various steps in the Pell Grant delivery process. Additionally, recipient and subpopulation rates of error for each line item of the Pell Grant application used in determining eligibility will be tabulated.

(g) Time Schedule for Data Collection and Publication: Data collection will begin January 1981. The final report is expected to be ready in December 1981.

(h) Consultation Outside the Agency: Office of Management and Budget (OMB)/Deputy Assistant for Planning and Evaluation, Department of Education (ED)/Assistant Secretary for Management, Department of Education/Federal Office of Statistical Policies and Standards, Department of Commerce/Office of Research and Statistics, Social Security Administration (SSA)/Contracts Procurement Management Division, Department of Education.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Institutions	400	1
Students	4,000	1
Parents	4,000	1

(j) Sensitive Questions: Respondents will read the following statement:

This study is being conducted according to the regulations and provisions of the Privacy Act. The primary purpose of the study is to obtain information to improve the operation of the grant program. However, this information will become part of the existing BEOG System of Records and the findings may result in a correction of the amount of your (son's/daughter's) grant. Other possible uses are defined by law. I have signed a confidentiality statement and, except for the express purpose of this study, I have sworn not to reveal any information you give me during this interview, except as required by law.

The data collected by the survey questionnaires will be safeguarded by the contractors. After the study is completed all identification will be destroyed by the contractors.

(k) Estimate of Cost of Federal Government: Estimate: $2.7 million.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary objective of this study is to assess the accuracy of the data and procedures used in disbursing Pell Grants for the 1980–81 funding year

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by measuring program error rates, determining their causes, and recommending changes to reduce them. Data will be used to meet the following twelve sub-objectives:

1. Within a confidence interval of 95% determine to ±5% such things as:

- Program-wide discrepancy rates by recipients found ineligible, non-recipients incorrectly denied (optional), recipient over-payment and under-payment.
- Program-wide discrepancy rates by control of institution.
- Program-wide discrepancy rates for validated and non-validated Pell Grant recipients.
- Discrepancy rates attributable to parents' and students' errors.
- Discrepancy rates attributable to application processing and servicing errors.
- Discrepancy rates attributable to institutional errors.
- Discrepancy rates attributable to incorrect eligibility index determination.
- Discrepancy rates attributable to incorrect award computations.
- Discrepancy rates atttibutable to payment errors.
- Discrepancy rates attributable to processing errors.
- Discrepancy rates for each SER data element.
- The rate of incorrect filing of supplemental applications (optional).
- Reasons for eligible applicants not receiving grants (optional).

2. Determine probable causes for each of the above discrepancy rates.

3. Identify "error-prone" sub-populations, both student and institutional.

4. Estimate errors in funding of Campus-Based Aid programs due to incorrect application data.

5. Determine the extent of processor data entry errors not corrected by applicants.

6. Estimate the extent of incorrect awards in the AD$ system.

7. Determine the extent of improper disbursement of awards to students.

8. Determine the extent to which continued student eligibility is monitored.

9. Develop cost-benefit analyses for feasible corrective management activity to reduce error rates for every area in which discrepancy rates are excessive, including procedures for implementation and long-term impact analysis.

10. Determine the likely program impact and resource requirements of each feasible corrective management activity.

11. Provide a plan for evaluation of the impact of each feasible corrective management activity.

12. Evaluate changes in the error rates between those reported for 1978–79 and those determined in this study for 1980–81.

(m) Methods of Analysis: The results of student and parent interviews will be analyzed to determine the nature, frequency, causes, and affects of the errors on Pell Grant awards, as well as determine procedures that may be used to reduce or eliminate these errors. Data will also be used as a base-line for development of an ongoing quality control system for the Pell Grant program.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(a) "The applicant, and where relevant the applicant's parents or spouse will provide (if requested by either the Secretary or the school) information or documents, including a copy of Federal Income Tax Returns, necessary to verify the accuracy of the information provided."

(b) "Failure to provide the requested documentation may make the applicant ineligible to receive a Basic Grant."

Title IV of the Higher Education Act of 1965, (20 U.S.C. 1070 a(b)(2) and 34 CFR Part 690.12) as amended.

(o) Timetable for Dissemination of Collected Data: Final Results will be available December 1982.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Requests: The survey will require no more than one hour of each respondent's time. It is estimated that the total respondent's cost will be $13,000 for the student and parent survey each and approximately $4,536 for the institutional survey. Minimum wage hourly rate of $3.25 was used to calculate the cost required to complete the request for student and parents.

The median salary of $21,775 (for Financial Aid Officers) was used to calculate the cost required to complete the request for institutions. The total costs required to complete the requests is estimated to be $31,836. The estimate total person hours is 8,400.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from David Iwamoto, Division of Quality Assurance, OSFA, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Students and parents were sent a letter describing the study and informing them of the necessary documentation needed. In addition, they were sent release forms so that IRS forms and other information could be sent directly to the contractor.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data Collection is expected to take place during January–June 1981. Once responses have been received from the letter of request for participation in the Project, then an agreed upon date will be established between the interviewer and the respondent for filling out the application form.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Quality Control Surveys of Student Financial Aid Programs

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number : ED–765.

(d) Justification: The Office of Student Financial Assistance (OSFA) provides aid to approximately three million students attending over 7,000 different educational institutions. The major programs delivering this aid are the Pell Grant Program (formerly Basic Education Opportunity Grant (BEOG), College Work-Study (CWS), National Direct Student Loan (NDSL), Supplemental Educational Opportunity Grant (SEOG) and Guaranteed Student Loan (GSL) programs. These programs are diverse and complex, and problems relating to the delivery of services to participants occur from time to time. However, OSFA's means of early detection of potential or actual problems are presently limited. For example, a massive processing backlog of the Basic Grant applications was discovered at a very late stage during the 1978–79 award year, and thus required the implementation of extensive emergency procedures. We, therefore, believe that there is an urgent need to establish a quality control mechanism to allow for routine examinations of service delivery in the field. We propose to establish not a long-term study, but a series of abbreviated surveys designed to provide immediate feedback to OSFA management. If problems are surfaced, further in-depth reviews will be conducted and corrective action taken. This in turn will provide more effective management of the OSFA administered programs.

(e) Description of Survey Plan: The survey plan encompasses two universes:

(1) A universe of approximately 7,000 educational institutions which are participating in the five major financial aid programs sponsored by OSFA (listed above); and

(2) A universe of approximately 13,000 lending institutions which participate in the GSL program.

We intend to collect data from a selected sample of both universes by means of telephone surveys which will take no more than thirty minutes per respondent per survey. The surveys will occur every two months during the period September 1981—August 1982. Two sets of survey questions will be designed to elicit feedback from the educational and lending institution respondents regarding activities being undertaken by OSFA at the time of the interview. No more than four questions will be asked during any particular survey.

The samples selected for participation in these surveys will not be statistically valid due to the limited nature of the project. Rather, judgmental samples of twenty educational and twenty lending insitutions which are willing to participate will be chosen. Criteria such as size, type and control (educational institutions) and type and number and value of loans made (lending institutions) will be used. The same selected samples will be used for each set of surveys so that we can alleviate repetitive introductions, develop a working relationship with the respondents, and ensure a high response rate within a short period of time.

(f) Tabulation and Publication Plans: An analysis of each survey and recommendations will be forwarded to appropriate program managers by means of memoranda at the conclusion of each survey. No formal report will be issued.

(g) Time Schedule for Data Collection and Publication: Data will be collected every two months during the period September, 1981 through May, 1982 (i.e., eleven surveys). For each survey, two sets of questions will be chosen (one each for educational and lending institution respondents) and a short training session for interviewers will be held to ensure the questions and probing tactics are reliably consistent. Telephone interviewing will then commence and once completed, data analysis will take place. The results and recommendations will then be forwarded to program managers. Activities relating to each survey should be completed within approximately ten working days. (Data collection will be replicated in FY 1982.)

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Average person-hours/ respondent/ survey	Number of surveys[1]	Total burden/ respondent/ (hours)
Financial aid officers	[illegible]	½	11	5½
Lending institutions	[illegible]	½	11	5½

[1] September 1981 to May 1982.

(j) Sensitive Questions: None.

(k) Estimate of cost of Federal Government: Each survey will require approximately forty person-hours to conduct (this includes the time required for the development of questions, training of interviewers, interviewing, tabulation of results, and preparation of memo to program managers). The estimated cost is $427 ($280 for salary; $137 for overhead and $10 for other expenses per survey).

The total cost of Federal Government to conduct the eleven proposed surveys is $4,700.

(l) Detailed Justification of How Information Once Collected Will Be Used: The collected data will be used for program management purposes. It will provide program managers with routine estimation of their service delivery. Also, by highlighting potential or actual problems, it will give program managers an awareness of areas requiring additional, in-depth review to determine the extent of the problems and what corrective action is necessary.

(m) Methods of Analysis: The analysis will be a tabulation of the descriptive data provided by the respondents.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 401(a) "It is the purpose of this part to assist in making available the benefits of postsecondary education to qualified student in institutions of higher education by * * *"

Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070, Pub. L. 92–318), as amended.

(o) Timetable for Dissemination of Collected Data: Analysis of the data and resulting recommendations will be forwarded to appropriate program managers by means of memoranda approximately ten working days after the initiation of each survey.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Each survey will require not more than thirty minutes of each respondent's time totalling 220 person hours for 11 surveys. It is estimated that the total respondent's cost will be $140 per survey and $1,540 total for the eleven surveys.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Information may be obtained from Mr. Ernst Becker, Department of Education, OSFA, Division of Quality Assurance, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Once the survey plan has been proposed, educational and lending institutions will be informed of the scope and purpose of the surveys by means of an article in the *OSFA Bulletin*. In addition, the selected institutions will be contacted and requested to participate.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection will take place every two months during the period September 1981 and May 1982. The respondents will not be asked to submit data requiring prior tabulation, and therefore, will not require lead-time to prepare for the interviews.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Fellowship Nomination for programs administered under Graduate and Professional Study Programs.

(b) Agency/Bureau/Office: Department of Education/Bureau of Higher and Continuing Education.

(c) Agency Form Number: ED 1048.

(d) Justification: Information to be collected includes data for the HEA, Title IX–B, Fellowships for Graduate and Professional Study. Data will be collected on program area and degree for which nominated: Sex; racial or ethnic group; previous degrees; and background and experiences of the nominee.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Spring/summer annually.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

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Respondent type	Number	Average person-hours
Colleges and universities	250	3

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $8,000.

(l) Justification of How Information Once Collected Will Be Used: This information will be used to meet the objectives of the HEA, Title IX–B Graduate and Professional Study Fellowships Program; to monitor eligibility of nominees; for program analysis of background characteristics of fellows: for analysis of manpower supply and demand; and for fiscal control and audit purposes.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority for This Activity: "The Secretary is authorized to provide, through institutions of higher education, a program of grants in making available the benefits of post-baccalaureate education to graduate and professional students who demonstrate financial need." (Pub. L. 92–318, as amended by Pub. L. 96–374, 94 Stat. 1367, 1487; U.S.C. 1134d)

(o) Timetable for Dissemination of Collected Data: Institutions of higher education are advised prior to start of academic year that individuals nominated are acceptable.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 750. Costs: $150,000.

(q) Evidence of Urgent Need: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Donald N. Bigelow, Department of Education, Office of Postsecondary Education, Graduate Programs Branch, (Room 3060, ROB #3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Fellowship Nomination forms will be mailed to institutions of higher education receiving an allocation of fellowships in the spring of each year for nomination of the fellows by September 1.

(u) Specific Justification for a Multi-Year Approval: It is a routine administrative form which has been used successfully in the past.

(a) Title of Proposed Activity: Lender's Report of Guaranteed Student Loan.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1070.

(d) Justification: This report is used by State guarantee agencies to report disbursements of Guaranteed Student Loans.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation, Outside the Agency: All participating lending institutions such as banks, credit unions, etc * * *

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Financial institutions	8,000	.25

(j) Sensitive Questions. Not applicable.

(k) Estimate of Cost to Federal Government: The estimate of cost is $6,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Once information is received, data is processed into our system. Then information is submitted to lenders for verification.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 428 of the Higher Education Act of 1965 states in part: "The Secretary may enter into a guaranty agreement with any State of any nonprofit institution* * * The guaranty agreement shall provide for making such reports, in such form and containing such information as the secretary may reasonably require."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required to Complete the Request: The total person hours to respond is estimated to be 1500 hours for a total cost (at $8.00 hr) of $12,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: This may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th and D Streets SW., Room 4642, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Not applicable.

(t) Assurance That Respondents will have sufficient Lead Time To Comply With Request: Not applicable.

(u) Specific Justification of a Multi-Year Approval: This program is authorized through 1985.

Data Activity Plan Summary

(a) Title of Proposed Activity: Student Confirmation Report, Guaranteed Student Loan Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1072.

(d) Justification: This form, when completed by educational institutions, supplies the Guaranteed Student Loan Program with current student attendance status. Completion of this form is required per program regulations (45 CFR 177.612(a)(2)).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside Agency: All eligible educational institutions such as universities, colleges, junior and community colleges, technical schools, etc.

(i) Estimation of Respondent Reporting Burden:

Respondent type #	Number	Estimate of average person-hours
Universities and colleges	4,000	0.5
Junior and community colleges	1,200	.5
Vocational and technical institutions	800	.5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $60,000.

(l) Detailed Justification of how Information Once Collected Will Be Used: The information, once collected, is processed and entered into the computer system to update the Student Status Field of all pertinent students to show current attendance status. This then is forwarded to lending institutions, from which each student received their loans, via the Loan Transaction Statement to indicate if and when any student ceases attendance at his/her educational institution so that the lender may get in contact with the student to begin the grace period and prepare a repayment schedule.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act of 1965 states in part: "The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this part; * * *." Section 177.612 Title 45 states: "Each school shall submit such reports, as are necessary to comply * * * This requirement includes the timely completion and submission of the Student Confirmation Report."

(o) Timetable for Dissemination of Collected Data: Data will be made available to lending institutions the month after which the Student Confirmation Report (SCR) has been processed.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: The total person-hours to respond is estimated at 30 minutes. With 6,000 respondents it would require an estimate of 3,000 hours at $8.00 per hour or $24,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copy may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue SW., Rm. 4642, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Per general instructions, the report should be returned to the Department of Education within 45 days from the date of mailing.

(u) Specific Justification of a Multi-Year Approval: This program has been authorized through 1985.

Data Activity Plan Summary

(a) Title of Proposed Activity: Loan Transfer Statement, Guaranteed Student Loan Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education; Office of Student Financial Assistance; Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1074.

(d) Justification: This form, when completed by lending institution, notifies the Guaranteed Student Loan Program of any kind of transfer of a Federal insured Loan between participating lenders. This notification must be made in compliance with program regulations (45 CFR 177.153).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: This form must be submitted as loans are transferred, therefore, there is no set schedule for collection.

(h) Consultations Outside the Agency: All participating lending institutions such as banks, credit unions, etc.

(i) Estimation of Responsdent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Financial institutions	15,000	.25

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $85,000.

(l) Detailed Justification of How Information Once Collected Will be Used; The information once received, is proceeded and entered into the computer system to update the Lender Identification file to show the new lender. This information is then printed on the Loan Transaction Statement and mailed to lenders to notify them that the transfer has taken place and to verify the data which has been transferred.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act of 1965 states in part: "The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this part." Section 177.513, Title 45 states these regulations: "A Federal Insured Student Loan * * * assigned (sold) from one lender to another * * * the buyer must (1) notify the Secretary of the assignment (sale)."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: It is estimated that 15,000 forms will be completed and submitted annually. Estimated time of preparation of each form is 15 minutes. At a cost of $8.00 per hour, 3,750 hours, it is estimated that the cost will be approximately $30,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue SW., Rm 4642, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will have Sufficient Lead Time To Comply With Request: This form must be submitted by the buying lender within 30 days of loan purchase so that changes can be made in a lender's right to receive interest benefits and/or special allowance.

(u) Specific Justification for Multi-Year Approval: This program is authorized through 1985.

Data Activity Plan Summary

(a) Title of Proposed Activity: Lender's Manifest for Federally Insured Student Loans.

(b) Name of Sponsoring Agency/Bureau/Office: Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education.

(c) Agency Form Number: ED Form 1151.

(d) Justification: This form is submitted by lenders providing ED with the necessary disbursement data on loans to enable the insurance premium to be calculated and billed to the lenders. Loan data is entered into the Loan Control Master File. Other data retrieved from this form are loan status, i.e., converted to repayment status or paid in full.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Every 30 days if activity takes place.

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(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Lenders	5,000	.5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost is estimated at $5,000.

(l) Detailed Justification of how Information Once Collected Will Be Used: Data is used by ED in monitoring student status, loan status and for calculating the insurance premiums due from lenders.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 432 of the Higher Education Act, as amended (Pub. L. 89–329) states in part: "* * * The Secretary and all other insurers under this part shall collect and accumulate all data relating to (1) loan volume insured * * *"

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required To Complete the Request: It is estimated that 2,500 hours at $8.00 hourly will cost the respondent $20,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief GSLB, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue SW., Rm. 4642, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Commercial lenders and lending associations participated in the development and modification of this form since 1968.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Lender submits form when there is a disbursement on a loan. This is submitted on an as needed basis.

(u) Specific Justification of a Multi-Year Approval: This program is authorized through 1985.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Federal Insured Student Loan Application

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department/Office of Postsecondary Education/Office of Student Financial Assistance

(c) Agency Form Number: ED 1154.

(d) Justification: The Guaranteed Student Loan Program (GSLP) provides loan guarantees to private lenders willing to make educational loans to students. The GSLP has two components, the guarantee agency programs and the Federal Insured Student Loan (FISL) Program. In the guarantee agency programs, the loans are insured by a State or private, non-profit agency and are then reinsured by the Federal Government. Under the FISL Program, loans made in States without an agency and in other limited cases, are directly insured by the Federal Government.

The application process for both the guarantee agency programs and the FISL Program is essentially the same. The student completes the student portion of the application and then brings it to the school that he/she is attending. The school is responsible for supplying information such as student enrollment status, cost of education and financial aid awarded. The student takes the application to the lender who, if it agrees to make the loan, obtains the approval of the appropriate guarantor (i.e., the Federal Government or a guarantee agency). The loan is then disbursed to the student in one or more installments under terms spelled out in the promissory note which the student must sign. The FISL segment of the GSLP has accounted for approximately 5 million loans for a total of over $6.3 billion since the inception of the program in 1965. In order to accomodate the large volume of applications generated by the GSLP, it is imperative that the application process be straightforward and easily understood by not only the student applicant but also by the many thousands of schools and lenders which play a major role in the application process.

In addition to the rather complex program application form, there are 49 Guarantee Agency student application forms, each in a different format and each requiring slightly different information as guarantee agencies have control over the development of their own forms. The complexity of the various forms causes problems for students and families. Their diversity causes confusion and a great deal of administrative burden on Financial Aid Administrators, especially those whose schools draw students from many states. These problems have recently been compounded as the number of guarantee agencies grew from 35 to the present level. It is anticipated that the remaining states will form their own agencies within the coming year.

On October 3, 1980 the President signed into law the Education Amendments of 1980, which amends and extends the Federal student aid programs through 1985. These amendments represent a landmark commitment to providing student financial assistance for students in postsecondary education. In addition, it is these legislative amendments which necessitated changes to the current Federal Insured Student Loan Application Form.

In an effort to keep up with changing laws and regulations, a cooperative project was initiated to develop a common simplified guaranteed Student Loan Application form to be used by the Federal Government and guarantee agencies. The revised Student Application for a Federal Insured Student Loan (ED 1154) represents the final consensus of the Application Committee composed of representatives from the State Agency ADP/Paperwork Committee and the Office of Student Financial Assistance. Many months of effort have been put into modifying the existing form to reflect legislative changes and to simplify and improve the format and data elements. The Application Committee believes that this "model" application form can be used by all of the guarantee agencies together with minimal additional items reflecting individual state needs.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: The content and format of the Common Form are the product of extensive consultation and colaboration among state guarantee agency and Department of Education representatives. All constitutents were encouraged to provide input and comments on the various draft revisions of the form as it progressed from rough draft to the final version. Members of the Application Committee include:

Mr. Jensen Audioun, Florida Student Financial Assistance Commission
Ms. Gwen Davis, North Carolina State Education Assistance Authority
Mr. Woody Farber, State Student Assistance Commission of Indiana
Mr. Robert Fomer, Colorado Guaranteed Student Loan Program
Mr. Ted Freeman, Pennsylvania Higher Education Assistance Agency
Mr. Richard Innocenzi, New Jersey Higher Education Assistance Corporation
Mr. Ron Lauver, Georgia Higher Education Assistance Authority
Mr. Paul Lombardo, Higher Education Assistance Foundation
Ms. Pat Mullins, New York State Higher Education Services Corporation
Mr. William Nester, New Jersey Higher Education Assistance Authority
Mr. Michael Riordan, Massachusetts Higher Education Assistance Corporation
Mr. David Solar, Vermont Student Assistance Corporation

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hour
Borrowers	250,000	.50
Schools	250,000	.50
Lenders	250,000	.25

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost To Federal Government:

Processing cost	$850,000
Printing cost	80,000
Mailing cost	90,000
Total cost to the Government	1,020,000

(l) Detailed Justification of How Information Once Collected, Will Be Used: *Program management:* The FISL application form is the means by which a student submits information to ED, the educational institution, and the lender in order to qualify and ultimately receive a student loan. This information is required for purposes of correspondence as well as to qualify the student borrower for the requested loan amount. In addition, this information proves invaluable once the student borrower leaves school and enters into the repayment phase.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: General authority for collection of this information is based on 20 U.S.C. 1079(a)(1) which states, "If, upon application by an eligible lender, made upon such form, containing such information, and supported by such evidence as the Secretary may require, and otherwise in conformity with this section, the Secretary finds that the applicant has made a loan to an eligible student which is insurable under the provisions of this part, he may issue to the applicant a certificate of insurance covering the loan and setting forth the amount and terms of the insurance."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 1,037,500. Total costs: $5,187,500.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: May be obtained from: Richard C. Rude, Chief, State Agency Branch, Division of Systems Design and Development, Office of Student Financial Assistance, 400 Maryland Avenue SW., Rm 4624, ROB 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Not applicable.

(u) Special Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Guarantee Agency Request for Claims Paid (Title IV, Part B, Pub. L. 89–329) as amended; Guarantee Agency Request for Reimbursement for Claims Paid (Title Part B, Sec. 428(c) Pub. L. 89–32), as amended; Guarantee Agency Request for Reimbursement for Death & Disability (Title IV, Part B. Sec, 427 Pub. L. 89–329) as amended; Guarantee Agency Report of Recoveries on Claims Paid Under Federal Reinsurance (Title IV–B, Sec. 430, Pub. L. 89–329) as amended.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Guaranteed Student Loan Branch, Office of Student Financial Assistance.

(c) Agency Form Number: ED Forms 1189, 1189–1, 1189–2, 1189–3.

(d) Justification: Collection and Payment Activity Forms: Necessary for reporting of all claims on defaulted loans by schedule. The official document is signed by a responsible official of state agency attesting that the request is accurate and that the required proof is on file in the state agency office. This is the official signed document by which claims payments are authorized.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Participating state agencies—all in agreement.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State and nonprofit	8,000	.30
Guarantee agencies		

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The estimated cost is as follows:

1189	$16,000
1189–1	[illegible]
1189–2	72,500
1189–3	[illegible]
Total	156,700

(l) Detailed Justification of How Information Once Collected Will Be Used: Reinsurance claims payable to agencies is based on information provided ED on these forms. Repayments received by agencies on reinsured defaulted loans are recorded and credited to the Student Loan Insurance Fund as reported on these forms.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 428 of the Higher Education Act as amended * * * The Secretary may enter into an agreement with any State or non-profit agency whereby the Secretary shall undertake to reimburse it * * * on unpaid balances of principal and interest * * * with respect to losses.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person Hours and Costs Required to Complete the Request: The total person hours to complete this form is estimated to be 4,000 hours for a total cost estimated to be $32,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th & D

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Street, SW., Room 4642, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Officials of the Office of Education worked closely with the National Council of Higher Education Loans Plans (Guarantee Agency Association) in developing this form in 1967. There have been no changes to this form since.

(t) Assurance That Respondent Will Have Sufficient Lead Time To Comply With Request: The forms are used as the need arises and on a regular monthly/weekly basis. Supply of forms furnished on regular yearly basis and upon request by Agency as needed.

(u) Specific Justification of a Multi-Year Approval: This program has been authorized through 1985.

Data Activity Plan Summary

(a) Title of Proposed Activity: Federal Loan Transaction Statement.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1199.

(d) Justification: The Guaranteed Student Loan Program enables students to borrow directly from qualified lending institutions to pay for their cost of attending eligible postsecondary educational institutions. The loans are made at the discretion of lenders and such loans are insured by the Federal Government. Therefore the form in effect is used to bill lenders for insurance premiums on the loans. It is also used to report changes in the status of existing loan until the loan is repaid in full. The form also reports loans bought and sold by lenders.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Government generates a monthly statement to the lender. There are 30–60 days to review, make corrections and remit payment.

(h) Consultation Outside the Agency: Financial institutions.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Financial institutions	8,000	1.5

(j) Sensitive Questions: Not applicable.

(k) Estimate To Cost to Federal Government: The estimated cost is $11,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Changes indicated by the lender are entered into ED's automated system. Insurance premium payments are recorded and deposited to the Student Loan Insurance Fund.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Higher Education Act of 1965, Pub. L. 89–329, Title IV–B.

(o) Timetable for Dissemination of Collected Data: Data is provided to lenders on monthly basis.

(p) Estimate of Total Hours and Costs Required To Complete the Request: It is estimated that 7,500 hours at $8.00 hourly, respondent's cost will be $60,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, GSLB, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, 7th & D Street, SW., Room 4642, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Commercial lenders and lending associations participated in the development and modification of this form.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Lenders are required to make payment of insurance premiums when billed or within 90 days of submission of reporting disbursement.

(u) Specific Justification of a Multi-Year Approval: This program is authorized through 1985.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Request for Collection Assistance under Federal Insured Student Loan Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Guaranteed Student Loan Branch.

(c) Agency Form Number: ED Form 1249–1.

(d) Justification: Respondents who loan money to students under the Federal Insured Student Loan Program are provided with skip-trace assistance by the Department Education to locate students who are delinquent on monthly payments, or who have failed to establish repayment agreements. Unless the lender can located the borrower and establish a payment procedure, the loan would go into default and be turned over to the Government for further action. It is in the interest of the Government to provide assistance to the lenders prior to this action being taken.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans:

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Lenders	13,860	333

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost to the Government of processing the ED 1249–1 Forms; mailing and handling the postcards; and providing the results to the respondents is estimated at $15,765.

(l) Detailed Justification of How Information once Collected will be used: It will be used to locate the borrower and collect the monies due, in order to prevent a defaulted loan.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 430 of the Higher Education Act of 1965 states in part: "Upon default by the student borrower * * * the Secretary shall if requested by the beneficiary (lender * * * pay to the beneficiary the amount of the loss sustained * * * Such beneficiary shall be required to meet the standards of due diligence in the collection of the loan."

(o) Timetable for Dissemination of Collection Data: Approximately six weeks are required between receipt of the form and the completion of the cycle with the results to the respondent.

(p) Estimate of Total Person-Hours Required to Complete the Request: The total number of estimated hours for the respondents to prepare and submit a total average of 13,860 forms per years is 4,625 hours. Using a factored hourly rate of $8.00 per hour (includes fringe and overhead requirements), the total cost is estimated at $37,000.

(q) Evidence of any Urgent need or very Unusual Circumstance Requiring the Data: Not applicable:

(r) Copy of the Exact Data Instrument: Copies may be obtained from:

Maurice Tansey, Chief, Guaranteed Student Loan Branch, Office of Student Financial Assistance, Department of Education, Room 4642, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Not applicable.

(t) Assurance that Respondents will have Sufficient Lead time to Comply with Request: Not applicable.

(u) Specific Justification for a Multi-Year Approval: This program has been authorized through 1985.

Data Activity Plan Summary

(a) Name of Proposed Activity: Continuing Education Outreach—Special Projects Program Application.

(b) Name of Sponsoring Agency: Department of Education, Office of Postsecondary Education.

(c) Agency Form Number: ED Form 1280.

(d) Justification: These are application packages that are distributed for one of the discretionary programs of the Secretary of Education.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable

(h) Consultations Outside the Agency: Periodic consultations with the National Advisory Council on Continuing Education and the State Administrator for Title I.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Higher Education Institutions	230	40
Private Institutions	70	40
Private Organizations	70	40
Business	70	40
Industry	70	40
Labor	70	40
States	70	40

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to the Federal Government: Printing—$8,000. Readers—$15,000.

(l) Detailed Justification of How Information Once Collected Will be Used: Applications will be evaluated by panelists, and ranked in order of merit.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority: "From 10 percent centum of the sums appropriated to carry out the provisions of this part, the Secretary is authorized to make grants to and enter into contracts with public and private institutions and organizations, institutions of higher education, business, industry, labor, and States, or any combination thereof."

(20 U.S.C. 1016)

Education Amendments of 1980, Pub. L. 96–374, HEA Title I–B, Section 116.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total person hours: 40 × 350 + 14.00. Total cost: $10 × 14,000 burden hours — $140,000.

(q) Evidence of Any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Mr. Charles I. Griffith, Office of Postsecondary Education, U.S. Department of Education (Room 3717, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: State Administrators were involved in the development of the activity and information appeared in copies of the Newsletter "Continuing Education Technical Assistance Center".

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Formal notice will be published in **Federal Register** in April which will allow at least 90 days for preparation.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information requested in the individual application form is used by the Department of Education, a panel of consultants from the academic community, the Department of State, the International Communications Agency, American Embassies, binational commissions, host country officials and the Board of Foreign Scholarships to determine the academic qualifications and suitability of the candidates for grants to conduct research and/or study overseas in assisting successful applicants to secure the appropriate research visas.

The data requirements of the institutional application form simplify the administration of the programs as authorized in Section 434(a)(3) of the General Provisions Act. U.S. institutions of higher education utilize this form to transmit all the individual applications of their scholars and, in the event their scholars are selected for funding, the data provided in the form enables the Department of Education to make grants to the institutions.

(20 U.S.C. 1232c)

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Selection 434(a)(3) of the General Education Provisions Act states: "In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Secretary at such time, in such manner, and containing such information as the Secretary shall prescribe by regulation and, as a precondition for approval * * *"

(20 U.S.C. 1232c)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete Request: 1. Individual application total person-hours: 9,600; Total Costs: $60,000.

2. Institutional application total person-hours: 4,080; Total Costs: $40,800.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Applications may be obtained from John Paul, Research Branch, Division of Advanced Training and Research, Office of International Education, Office of Postsecondary Education, Department of Educatian, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The description of collection of information and data acquisition activity were made available for public comment through publication in the **Federal Register**, Vol. 42, No. 59, March 28, 1977.

(t) Assurance that Respondents Will Have Sufficient Lead Time to Comply With Request: (1) Announcement of deadline for competition: 45 days prior to deadline.

(2) Time of collection: First week in

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November in the year preceding the planned overseas activity.

(3) Frequency: Annually.

(4) Method of collection: Mail.

(u) Specific Justification for a Multi-Year Approval: The individual and the institutional application have not only simplified the application process but also have given institutions and individual applicants a comprehensive idea about the mechanics of the application process and the need for each data item.

The data requested is the minimum necessary to evaluate the applicant and his project, determine his chances for success in an overseas context, and facilitate the issuance of research permissions by host country governments.

Since the forms are the result of a refinement process which started in 1964 and they contain the minimum data needed, it is anticipated that these forms, which have both reduced respondent burden and the workload of the Federal administrative office, will not be modified.

Keeping the forms without change enables institutional representatives to counsel prospective applicants during the school year. Furthermore, applicants not used in one year may be utilized in another year resulting in a saving to the taxpayer.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Institutional application for Faculty Research Abroad and Doctoral Dissertation Research Abroad. Individual application for Faculty Research Abroad and Doctoral Dissertation Research Abroad.

(b) Name of the Sponsoring Agency/Bureau/office: U.S. Department of Education, Office of Postsecondary Education, Office of International Education, Division of Advanced Training and Research, Research Branch.

(c) Agency Form Number: ED 7628, ED 7628–1, ED 7628–2 (Individual application); ED 7628–3 (Institutional application).

(d) Justification: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 has as its objective the improvement and development of modern foreign language and area studies in the educational structure of the United States through visits and study of American scholars abroad.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

To help accomplish this objective, the Faculty Research Abroad and Doctoral Dissertation Research Abroad programs provide opportunities for scholars to conduct research in the non-Western world.

The data requirements of the individual application forms, which were published in the **Federal Register**, Vol. 42, No. 59, March 28, 1977, are used by the Department of Education, a panel of consultants from the academic community, the Department of State, the International Communication Agency, American Embassies, binational commissions, host country officials and the Board of Foreign Scholarships to determine the academic qualifications and suitability of the candidates for grants to conduct research and/or study overseas and in assisting successful applicants to secure the appropriate research visas.

The data requirements of the institutional application form simplify the administration of the programs as authorized in Section 434(a)(3) of the General Provisions Act. U.S. institutions of higher education utilize this form to transmit all the individual applications of their scholars and, in the event their scholars are selected for funding, the data provided in the forms enables the Department of Education to make grants to the institutions.

(20 U.S.C. 1232c)

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: November, 1981; see also item (t).

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Students and faculty in postsecondary education	500	16
Colleges and universities	170	24

(j) Senstive Questions: Item 22 of the individual application is a health statement (to be completed by a private or university physician) in which the physician simply certifies that the applicant "is physically and psychologically able to carry out all phases of the study as outlined in this application". This statement, which replaced a form requiring a detailed medical history, is needed because health conditions and medical care in many parts of the non-Western world are often inadequate. This can present problems for healthy individuals. It can have serious consequences for individuals with medical problems.

Respondents have not objected to this item in the application form because they are sophisticated enough to realize its necessity.

The information is protected under the terms of the Privacy Act of 1974.

(k) Estimate of Cost to Federal Government: $6,000.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Foreign Languages and Area Studies Fellowships Institutional List of Principal/Alternate Candidates.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of International Education.

(c) Agency Form Number: ED 7632.

(d) Justification: This form is necessary to comply with the selection process as put forth in the rules and regulations. This form lists fellowship nominees in ranked order together with the nominees' language of award and major discipline. It is filled out by the fellowships office of the institution and is used by the staff of OIE to award fellowships as well as monitor the results of the awards at the end of the academic year.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Financial aid officers at colleges and universities	100	1

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $1,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Program management*—Data will be used to determine grant eligibility and at the end of the academic year will be compiled for assessment of program effectiveness.

Evaluation—The primary objective of the final evaluation of the data is to determine which languages and academic disciplines are receiving what portion of Federal funds.

Research—Upon completion of the final evaluation, the knowledge gained is used to determine the extent to which fellowships have been awarded in priority fields and languages, in accordance with the rules and regulations (34 CFR 656.33).

General purpose—This data is for use by the staff of OIE to monitor program effectiveness. Institutions will be informed of how well they have adhered to program priorities, and an assessment will be made as to the success of the Fellowships program in meeting the needs of the less commonly taught languages as set forth in the regulations.

(m) Methods of Analysis: Tabulation of descriptive data.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection Title VI of the Higher Education of 1965 as amended in 1980 (Pub. L. 96–374) for National Resource Centers and Fellowship Program for Language and Area or International Studies:

Fellowships

"Sec. 602(b) The Secretary is also authorized to pay stipends to individuals undergoing such advanced training in any center or program approved by the Secretary under this part, including allowance for dependents and for travel for research and study in the United States and abroad * * *."

(o) Timetable for Dissemination of Collected Data: In the summer of the year following the fellowship awards. In this case, autumn 1981.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 100 man hours, $800.00.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: U.S. Department of Education, Office of Postsecondary Education/Office of International Education, 400 Maryland Avenue, S.W. Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Contract is made through the award process.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: September—January.

(u) Specific Jutification for a Multi-Year Approval: This is considered a routine administrative form necessary to the Office of International Education in successfully completing the awards process of the Foreign Language and Area Studies Fellowships according to the rules and regulations of the aforementioned program. Since the data collected from this form is required by the rules and regulations, we request that a multi-year approval be granted.

Data Activity Plan Summary

(a) Title of the Proposed Activity: LEEP Student Certification and Note.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Student Financial Assistance, Division of Program Operations.

(c) Agency Form Number: ED (LEEP) 3.

(d) Justification: This is an application form which students use to apply for a loan under the Law Enforcement Education Program. The application is required for the student to obtain the benefits of the program.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Individuals (students)	30,000	.45
Colleges and universities	826	435.8

(j) Sensitive Questions: Only those questions are asked which are needed to administer the program.

(k) Estimate of Cost to Federal Government: $160,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: This form is used to gather data to identify the recipients of LEEP assistance. It also provides a list of obligations of the recipient and, as a legal note, it establishes the amount to be repaid, plus interest, should a recipient not complete the employment obligation established by the note. This form must be completed each academic semester, quarter or term. All students shall contact the institution before each term begins in order to obtain LEEP funds for the subsequent term.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Required or Allowing the Data Collection: Section 406, Part D, Title I, of the Crime Control Act of 1976 (Pub. L. 94–503) states "Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency * * *"

(o) Timetable for Dissemination of Collected Data: No later than 20 calendar days after the end of the rebate period for each academic term, the institutions shall forward all executed LEEP–3 forms to the Department of Education in Washington with a completed LEEP 5 and LEEP 12.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 20,250 with a total cost estimate to be $67,500.

(q) Evidence of an Urgent Need or a Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations, Office of Student Financial Assistance/OPE, Department of Education, Rm. 4661, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Population: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutions participating in the program know well in advance that they must provide copies of these forms for use by the students.

(u) Specific Justification for a Multi-Year Approval: While the 1981–82 academic year may be the last year that awards will be made, the accounting function will extend into 1983.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Minority Institutions Science Improvement Program (MISIP).

(b) Name of Sponsoring Agency/Bureau/Office: Education Department, Office of Educational Research and Improvement, Fund for the Improvement of Postsecondary Education.

(c) Agency Form Number: ED 0007.

(d) Justification: This competition solicits proposals from predominantly minority institutions and are designed to enhance an institution's capacity for developing and maintaining a quality science education program for all of its students and to augment the institution's capability for increasing the flow of

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underrepresented ethnic minorities into scientific careers. The data collected are used only internally to determine how grants will be made.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Applications will be due in December and March.

(h) Consultations Outside the Agency: MISIP consults with grantees, and a National Science Foundation Board of Advisors.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	150	199
Nonpublic junior colleges	15	100
Public junior colleges	15	100

(j) Sensitive Questions: There are no sensitive questions on this form, and no problems are anticipated.

(k) Estimate of Cost to Federal Government: The total cost is estimated at $18,109.

(l) Detailed Justification of How Information Will Be Used: The data collected will be used only internally to determine how grants will be made.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Authority for this program is contained in the Higher Education Act, Sec. 408A. "There is authorized . . . to the Secretary of Education . . . $5,000,000 for the purpose of carrying out the Minority Institutions Science Improvement Program . . . Public Law 96–374: USC 1226a.

(o) Timetable for Dissemination of Collected Data: There is no dissemination of collected data.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 18,000. The total costs is estimated to be $180,000.

(q) Evidence or Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Diana Hayman, Fund for the Improvement of Postsecondary Education, Department of Education, 400 Maryland Avenue SW., Room 3123, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: MISIP consults each year with its grantees at its annual project directors meeting. MISIP has used the same form for the past 4 years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: MISIP will announce December 1981 and March 1982 deadlines. Application packages will be mailed to its permanent mailing list (as well as to requestors) no less than 60 days before each deadline.

(u) Specific Justification for a Multi-Year Approval: Not requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Survey of State Educational Assessment Programs.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, National Institute of Education, Teaching and Learning Program.

(c) Agency Form Number: ED (NIE) 245.

(d) Justification: State assessment is an important area of research support for the Assessment Team of the Testing, Assessment, and Evaluation Program in the coming years. Information is needed, for planning purposes, on the nature of individual assessment programs as well as the kinds of assessment research efforts being undertaken by States and the kinds of research problems that need to be addressed. While some fragmentary information exists, there is no comprehensive information available on these items.

(e) Description of survey plan: The respondent universe is composed of the Directors of State Assessment and/or Testing in 50 States. A survey instrument will be developed which solicits information concerning various aspects and activities of individual State assessment programs and the nature of research efforts being undertaken. No pretests are planned; however, the questionnaire will be sent to half a dozen Directors for comments and reactions concerning the items included. For non-response, a follow-up letter will be sent, and, as necessary, telephone contacts will be made as a second follow-up.

(f) Tabulation and publication plans: A report containing descriptions of individual assessment programs with respect to various assessment aspects/activities is planned to be published in the summer of 1982. A few simple frequency tabulations will be made and included in the report.

(g) Time schedule for collection and publication: Data will be collected in the five-month period between October 1981 and February 1982. The reports will be issued in the summer of 1982.

(h) Consultations outside the agency: Half a dozen State Assessment Directors will be asked to review the survey questionnaire. CEIS will be informed of the plan to survey State assessment programs and will also be asked to review the questionnaire.

(i) Estimation of respondent reporting burden: Respondents are 50 Directors of State Assessment and/or Testing, and the average response time is estimated to be 1.5 hours, though the range of estimated response time is 0–2 hours. For States which do not have an assessment program, it is only necessary to indicate to that effect.

(j) Sensitive questions: Not applicable.

(k) Estimate to Federal Government: The estimated total cost of the survey to Federal Government is $15,000.

(l) Detailed justification of how information once collected will be used: The data from this survey will be used by the Assessment Team as a basis for planning a program to support research related to State assessment. The report is also expected to be used by State Assessment Directors in comparing their programs with other programs and in improving their current assessment practices.

(m) Methods of analysis: Various assessment practices and assessment research problems will be identified. A few simple frequency tabulations will be made, and, where appropriate, data will be aggregated at the national level.

(n) Legislative authority specifically requiring or allowing the data collection: 20 U.S.C. 1221(e) states: "* * * To achieve quality will require far more dependable knowledge about the process of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primary responsibilities of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

"(2) The Congress further declares it to be the policy of the United States to

———* * *

"(iv) build an effective educational research development system."

(o) Timetable for dissemination of collected data: A report will be prepared in the summer of 1982 and will be distributed to State Assessment Directors.

(p) Estimate of the total person-hours and costs required to complete the request: The estimated total person-hour to complete the request is 75 hours for a total estimated cost of $2,000 to the

respondents.

(q) Evidence of an urgent need for very unusual circumstance requiring the data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Tongsoo Song, Assessment Team, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

(s) Brief account of early involvement and communications with respondent populations: A few State Assessment Directors will be informed about this study in the summer of 1981 and will be asked to review the draft questionnaire.

(t) Assurance that respondents will have sufficient lead time to comply with requests: Since data collection will take place during a five-month period, respondents will have sufficient time to complete this request.

(u) Specific justification for a multi-year approval: Not applicable.

Data Activity Plan Summary

(a) Title of the proposed activity: Application for Grants Under Teacher Corps.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Dissemination and Professional Development Teacher Corps.

(c) Agency for number: ED 298.

(d) Justification: Grantees must submit annual continuation requests for each grant period of five year projects, according to Section 172.30 of the Teacher Corps Rules and Regulations.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication:

(1) Notice of Closing published in October.

(2) Applications received in March.

(3) Grants awarded June 1, and July 15.

(h) Consultations Outside the AGency: Schedule was developed in conjunction with GPMD.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Institutions of higher education	132	16
Local education agencies	132	16
State education agencies	54	2
Intermediate institutions	2	80

(j) Sensitive questions: Not applicable.

(k) Estimate of cost to Federal Government: $50,120.

(l) Detailed justification of how information once collected will be used:

Program Management

Continuation Applications will be reviewed to determine funding levels for the next grant period.

(m) Methods of analysis: Not applicable.

(n) Legislative authority specifically requiring or allowing the data collection: "The Secretary awards separate grants for each of the five years, subject to the availability of funds and continued effectiveness of the project." (Section 172.30) 45 CFR 172. (New designation for Teachers Corps will be 34 CFR 791, 792, 793, and 794.)

(o) Timetable for dissemination of collected data: Grants will be awarded by June 1, or July 15, to the two project groups.

(p) Estimate of the total person-hours and costs required to complete the request: 5,380 hours; $554,400.

(q) Evidence of any urgent need or very unusual circumstances requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be otained from Dr. Preston M. Royster, Teacher Corps, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent populations: Ongoing contact with grantees is maintained by education program specialist.

(t) Assurance that respondent will have sufficient lead time to comply with request: The notice of closing indicating deadline is published at least 60 days prior to closing date for receipt of applications. The forms are the Standard Request for Federal Assistance forms which have been used by these grantees for the past several years. Therefore, there should be adequate time for grantees to respond.

(u) Specific justification for a multi-year approval: This is a routine administrative form which has been used for Teacher Corps applications and continuation applications for several years. The requested expiration date would allow use of the form through the last year of the current group of five-year projects.

Data Activity Plan Summary

(a) Title of the proposed activity: Study of NIE's Program to Increase the Participation of Minorities and Women in Educational R&D.

(b) Name of the sponsoring agency/bureau/office: Education Department/National Institute of Education/Dissemination & Improvement of Practice.

(c) Agency form number: ED (NIE) 192.

(d) Justification: NIE's Program to Increase the Participation of Minorities & Women has two overarching goals. The first is to increase the numbers and influence of minorities and women in educational research. The second is to identify successful approaches for doing so in order that further Program efforts can build on the most appropriate methods and that non-federally funded programs can use them. The study is designed to accomplish the second Program objective. By studying the first two cohorts of Program grantees, successful approaches will be identified. No data now exist that can provide this information since its inception in 1977. The data will be used by NIE to refine the Program, and the results will be widely disseminated for non-federal use.

(e) Description of survey plan: The respondent universe consists of participants in Program grants, staff of those projects, and officials of the institutions that have received grants. All participants and a sample of project staff and institutional officials will be surveyed. The sample will be purposive, representing the variety of types of projects funded and of institutions that house them. Non-respondents will be contacted by mail and telephone to encourage response. The contractor, Inter-America, Inc., will have full responsibility for data collection and analysis. All data will be confidential with no individual or institution identifiable in the final report. Raw data will remain in the possession of the contractor.

(f) Tabulation and publication plans: The data analysis will comprise the contractor's Final Report and is due January, 1983. Interim reports will be shared with Program staff.

(g) Time schedule for data collection and publication: The project will last two years, beginning January 1981. Data collection will begin in April 1981. A second round of data will be collected in Spring 1982. The Final Report will be available in January 1983.

(h) Consultations outside the agency: The study design has been discussed with directors of funded projects and the Program staff. A consultant group that includes representatives of participant groups and institutions was formed following contract award. Projects differ as to the amount of data available in written form and the study design uses those data in place of questionnaires where possible.

(i) Estimation of respondent reporting burden:

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Respondent type	Number	Estimate of average person-hours
Students in post-secondary education	400	400
Employees in post-secondary education	100	100

(j) Sensitive Questions: Not applicable.

(k) Estimate of cost of Federal Government: $75,000.

(l) Detailed justification of how information once collected will be used: The data will be used in two ways: to increase the effectiveness of program management and to increase research knowledge concerning how to increase the participation of minorities and women in education R&D. Program management will use study results to refine and target their future grant awards. The results will be widely disseminated so they can be used by the R&D community in general.

(m) Methods of analysis: Data will be aggregated by type of project activity and educational level of participant (pre-doctoral or post-doctoral). The primary analytic technique will be correlation with some cross-tabulation.

(n) Legislative authority specifically requiring or allowing the data collection: "The Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs. "(E) improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and insitutions in the application of such results and knowledge. "In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals". (Section 405 of the General Education Provisions Act, as amended, 20 U.S.C. 1221e).

(o) Timetable for dissemination of collected data: Data will be available in January 1983. Convention reports and ERIC will be the primary dissemination mechanisms.

(p) Estimate of the total person-hours and costs required to complete the request: 100 staff person-hours; $500.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies will be available in May, 1981, and may be obtained from: Naida Bagenstos, U.S. Department of Education, National Institute of Education, Program on Dissemination and Improvement of Practice, 1200 19th Street, N.W., (Mail Stop 24), Washington, D.C. 20208.

(s) Brief account of early involvement and communications with respondent populations: Respondent populations have been involved in the design of the study from the beginning. Project directors and participants have reviewed preliminary study design drafts. These reviews have occurred in meetings and on-site visits to projects.

(t) Assurance that respondents will have sufficient lead time to comply with request: The design allows two months for completion of the forms.

(u) Specific justification for a multi-year approval: Because the population to be surveyed is small (n=500) and it is important to determine the effects of various project activities on participants' career development, multi-year approval is requested. The data collection will be limited to two years only. By gathering data for two years it will be possible to distinguish those activities that are helpful immediately after participation in a project and those that have longer range effects.

Data Activity Plan Summary

(a) Title of proposed activity: Application for Grants Under Women's Educational Equity Act Program.

(b) Name of sponsoring agency/bureau/office: U.S. Department of Education, Office of School Improvement, Women's Educational Equity Act Program.

(c) Agency form number: ED Form 436–1.

(d) Justification: The Women's Educational Equity Act Program was enacted as Section 408 of the Education Amendments of 1974 (Pub. L. 93–380). It was reauthorized by the Education Amendments of 1978 (Pub. L. 95–561) as Title IX, Part C of the Elementary and Secondary Education Act. The program requires an instruction form and standard applicable form. The instructions are specific to the program.

(e) Description of survey plan: Not applicable.

(f) Tabulation and publication plans: Not applicable.

(g) Time schedule for data collection and publication: Not applicable.

(h) Consultations outside the agency: The Women's Educational Equity Act Program has had extensive consultations with organizations and individuals that represent the variety of its constituents. Throughout the consultations the members and staff of the National Advisory Council on Women's Educational Programs have been closely involved. The WEEA Program held a public meeting in Washington, D.C. to discuss issues in the Act. Three meetings were held with the National Coalition of Girls and Women in Education and one with the Washington Area Higher Education Representatives. Three topical meetings were also held: one on Title IX of the Education Amendments of 1972 with experts from the State, local, and Federal levels, as well as researchers and leaders of advocacy groups; a second, on the status of women's educational equity programming for representatives of foundations and major women's organizations, and evaluators; and a third on program priorities for representatives of minority women's organizations. Public meetings have been held in all 10 ED Regions. There have been intensive discussions with WEEA project directors. The extent and quality of the public participation have contributed substantially to both the overall approach and specific details on costs and activities for grants under the program.

(i) Estimate of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	100	25
Educ. Broadcasting Systems	15	25
Individuals	150	25
Local Education Agencies	150	25
Nonprofit Organizations	330	25
Public Junior Colleges	30	25
State Boards/Commissions	15	25
State Education Agencies	30	25
Voc/Tech/Career Institutes	10	25

(j) Sensitive questions: Not applicable.

(k) Estimate of cost to Federal Government: The estimated cost for printing and distribution of the application package is $20,000.

(l) Detailed justification of how information once collected will be used: The applications will be submitted to the Application Control Center where they will be assigned a control number, placed in the computer system and then forwarded to the WEEA program. Once at the program they will be reviewed by three non-Federal experts. Raw scores will be sent to the Grants & Procurement Management Division to be normalized and placed in rank order. WEEA program staff will review the highest ranking applications and make recommendations for funding. Those applications which are funded become part of the Department's official files on the grantee. The original copy of those that are not funded are returned to the applicant. A copy is kept on file at the WEEA program for one year.

(m) Methods of analysis: Not applicable.

(n) Legislative authority specifically requiring or allowing the data collection: The Women's Educational Equity Act 45 CFR 160 f.1: "the purpose of the Women's Educational Equity Act is to award grant * * *"

EDGAR 45 CFR 100a.104: "The appropriate official of the Education Department may make a grant only to an eligible party that submits an application."

(o) Time table for dissemination of collected data: Approximately 10 months passes from the time the application packages are mailed to respondents to be completed and the time that reviewed applications are returned.

(p) Estimate of the total person-hours and costs required to complete the request: Approximately 37,500 person-hours will be necessary. Total costs will be approximately $375,000. Costs to each applicant will vary anywhere from $1.00 to $1,000.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from Dr. Leslie R. Wolfe, WEEAP, Room 1100, Donohoe, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: See (h).

(t) Assurance that respondents will have sufficient lead time to comply with request: In accordance with Federal regulations, the deadline for receipt of applications will be 60 days after the notice is published in the Federal Register.

(u) Specific justification for a multi-year approval: The same application package will be used on an annual basis unless the program regulations are substantially changed, which is not probable. The WEEA program current authorization runs through 1983.

Data Activity Plan Summary

(a) Title of proposed activity: Residence and Migration of College Students, Fall 1981.

(b) Agency/bureau/office: Department of Education/Office of Educational Research and Improvement/National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch.

(c) Agency form number: ED (NCES) 2300–2.8.

(d) Justification: Residence and Migration of College Students (R & M) has been an irregularly scheduled survey included in the Higher Education General Information Survey (HEGIS). It was last conducted for the Fall of 1979. In addition to availability of the on-line EDSTAT system, special tabulations have been prepared and distributed to all State Commissions of Higher Education, the CEIS Network and a large number of national and regional associations of higher education, institutional representatives and individual researchers. Their topic of interest ranged from comparison of student movement among States to detailed examination of economic impact on States receiving a large net migration versus those States losing a significant portion of their college age student population. When State representatives were surveyed concerning those surveys of greatest value to them, the R & M was listed as a high priority item. Because of the complexity of the survey and, the felt need for revision of the questionnaire, the National Center for Education Statistics (NCES), in cooperation with the American Association of Collegiate Registrars and Admissions Officers (AACRAO), established a task force to examine the need for a new survey and practical means of collecting the data if the question of need was answered in the affirmative.

(e) Description of survey plan: The source for the list of institutions to be included in the survey will be the Education Directory, 1980–81: Colleges and Universities which contain approximately 3,200 institutions. The questionnaire for the proposed survey will be included in the HEGIS XVI package that will be mailed to all institutions of higher education in May 1981; HEGIS is coordinated by a State Commission, at the option of the State.

(f) Tabulation and publication plans: Data are arrayed in table format by U.S. total, State aggregates and in institutional listing, cross tabulated by origin of residency and by level of enrollment. A limited number of charts and graphs will show residence and migration data for previous years. Additional information will be published if warranted by the findings, including possibly a specialized classification of institutions of higher education based on immigration data. Several of the particular needs outlined by the Task Force deserve serious consideration. The potential for describing full-time versus part-time migration rates may yield some unanticipated findings. The final report containing residence and migration data will be prepared by NCES and printed by GPO approximately seven months after due date of the survey. Edited data will be available on computer tape and disseminated by NCES.

(g) Time schedule for data collection and publication: The data are collected between May 1981 and November 1981. Approximately five months from due date of survey form, a final residence and migration edited survey tape will be available to the public. Approximately seven months from the due date of the survey, a final hard copy publication will be available from GPO for public purchase.

(h) Consultations outside the agency: Agencies of the Federal Government and of the higher education community have been consulted extensively regarding the 1981 survey of residence and migration of college students. As mentioned in section (d) above, the joint task force of NCES and the American Association of College Registrars and Admissions Officers (AACRAO) devoted considerable time and energy to the review of the R & M survey and made recommendations that are accommodated in the proposed survey instrument.

Similar attention was given to comments afforded in late 1980 by regional meetings of AACRAO in New England, Middle States and Area IX.

Informal discussions were held with a number of potential users in the Federal establishment, including the Assistant Secretary's Office of Post-secondary Education and the Office of Policy Development, Assistant Secretary for Planning, Budget and Evaluation, Department of Education. The National Science Foundation, the National Institutes of Health and the Bureau of the Census were contacted and expressed interest in using the data in conjunction with their own studies relating to their specific program missions.

(i) Estimation of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	3,190	1.5

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: The total cost to the

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Federal Government for this survey is estimated at about $168,000.

(l) Detailed justification and how information once collected will be used: Residence and Migration of College Students (R & M) has been an irregularly scheduled survey included in the Higher Education General Information Survey (HEGIS). It was last conducted for the Fall of 1979. In addition to availability of the on-line EDSTAT system, special tabulations have been prepared and distributed to all State Commissions of Higher Education, the CEIS Network and a large number of national and regional associations of higher education, institutional representatives and individual researchers. Their topics of interest ranged from comparison of student movement among the States to detailed examination of economic impact on States receiving a large net migration versus those States losing a significant portion of their college age student population. When State representatives were surveyed concerning those surveys of greatest value to them, R & M was listed as a high priority item. Because of the complexity of the survey and, they felt, need for revision of the questionnaire, the National Center for Education Statistics (NCES), in cooperation with the American Association of Collegiate Registrars and Admissions Officers (AACRAO), established a task force to examine the need for a new survey and practical means of collecting the data if the question of need was answered in the affirmative.

Data will be of continued use to the Census Bureau in conjunction with 1980 decennial census, the National Science Foundation intends to examine the migration of graduate student enrollment at the institutional level. The Department of Education's Office of Postsecondary Education is concerned with analyzing data on both graduate versus undergraduate mobility by control and type of institution for policy and program planning in conjunction with program assessment and development of institutions support programs.

R & M survey will assist in providing useable answers to needs at the State and institutional level as well as the serious questions of policy planning and analysis which must be performed in the face of the impending decline of college age population.

(m) Methods of analysis: Data are arrayed in table format by U.S. total, State total, and institutional listing cross tabulated by State of residency and level of enrollment and sex of student. A limited number of charts and graphs are prepared showing residence and migration data by selected categories.

(n) Legislative authority specifically requiring or allowing the data collection: These data are necessary for NCES to meet its requirement to provide "full and complete statistics on the condition of education in the United States." (Section 406, Public Law 93–380).

(o) Timetable for dissemination of collected data:

Survey closeout	November 1981
Tape available	May 1982.
Publication from GPO	July 1982

(p) Estimate of the total person-hours and costs required to complete the request:

—$100.00 per institution X 3,190 institutions = $319,000.00.

—Person-hours: 1.5 hours per institution X 3,190 institutions = 4,785 hours.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies of the survey instrument may be obtained from the Project Officer, Dr. Andrew Pepin, National Center for Education Statistics, (Presidential Building, Room 205), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: HEGIS has been the major survey program specifically designed to collect major national data on postsecondary colleges and universities. The residence and migration survey was conducted 1963, 1968, 1975 and 1979 as part of the HEGIS survey progrm. In developing the HEGIS survey program, NCES holds an annual conference of all respondent populations to consult with and brief representatives of the institutions concerning the completion of the survey form. The conferences have provided each respondent an annual opportunity to comment on and give feedback to the utility and feasibility of the HEGIS program.

(t) Assurance that respondents will have sufficient lead time to comply with request: All institutions are notified one year in advance as to change in HEGIS surveys and definitions. In addition, NCES/SHEEO network provides for a direct communication line with institutions as to probable changes to survey forms.

(u) Specific justification for a multi-year approval: A one-year approval is requested.

Data Activity Plan Summary

a. Title of the proposed activity: Survey of Salaries, Tenure, and Fringe Benefits of Full-Time Instructional Faculty in Institutions of Higher Education, 1981–82.

b. Agency/bureau/office: Department of Education/Office of Educational Research and Improvement/National Center for Educational Statistics/ Division of Postsecondary and Vocational Education Statistics/ University and College Surveys and Studies Branch.

c. Agency form number: ED (NCES) 2300–3.

d. Justification: The proposed survey is one of a group of surveys of postsecondary education included in the annual Higher Education General Information Survey (HEGIS) conducted by the National Center for Education Statistics. HEGIS fulfills in part the mandate contained in the Education Amendments of 1974—Public Law 93–380, 93rd Congress, H.R. 69, August 21, 1974, Title V, Sec. 406(b). It provides data on a broad range of subjects that are not only of interest within themselves, but through interrelationships with each other give a comprehensive view of the condition of postsecondary education institutions.

Salary, tenure, and fringe benefit data are used by institutions, State agencies, professional and education associations, and Federal agencies for purposes such as comparing salaries, evaluating the mobility of faculty, and planning budgets.

The American Association of University Professors (AAUP) dispensed with its faculty compensation survey after the 1975–76 academic year and relies on the NCES to collect the data it needs to publish its annual report.

The Equal Employment Opportunity Commission (EEOC) collects salary data in very broad increments which do not render a meaningful average or median or a meaningful distribution. Mean salaries generated from the EEOC data are of little use for purposes of budgeting and contract negotiations at individual institutions. In addition, the EEOC does not collect fringe benefit data which permit the determination of faculty compensation and will not release institutional data to the public "prior to the institution of any proceeding under Title VII" (of Public Law 88–352).

e. Description of survey plan: The respondent universe will include the postsecondary institutions listed in the 1980–81 edition of the *Education Directory, Colleges and Universities* published by NCES.

The proposed 3-part survey instrument is designed to collect faculty data by academic rank, sex, and length of salary contract. It is essentially identical to that used over the last four years, so no pretest is indicated.

Information to be collected include number of faculty, number of tenured faculty, total salary outlays, distribution of faculty by salary intervals, salaries of continuing faculty and fringe benefit expenditures by type of fringe benefit plan and number of faculty covered. Data for nonresponding institutions will be estimated.

The confidentiality of individuals' salaries will be preserved in accordance with Title V, Section 501(a) of the Education Amendments of 1974 (Public Law 93–380, 93rd Congress, August 21, 1974).

f. Tabulation and publication plans: A few selected summary tabulations based on partial returns will be produced in February 1982, for a preliminary release of data on faculty salaries. A tape containing complete and final data will be produced in June 1982.

The final printed publication, to be published in September 1982, will include summary tables for each part of the survey, and comparisons with the salary data from previous surveys, by sex, academic rank, and length of contract, as well as detailed tabulations.

g. Time schedule for data collection and publication: Survey forms will be mailed to institutions in May 1981. Responses will be due by November 1981. In February 1982, a preliminary release based on partially edited responses from approximately 75 percent of the universe will be published. The data collection will be closed out in March 1982. Final edited data will be produced and available on computer tape by June 1982.

The final printed publication is expected to be available by September 1982, 6 months from the end of data collection.

h. Consultations Outside the Agency: In preparation for each Higher Education General Information Survey (HEGIS), NCES attempts to ascertain the needs of the postsecondary education institutions and associations and State and Federal agencies that utilize the information produced by the surveys. In keeping with this practice, on August 22–23, 1980, NCES staff met with representatives of approximately 40 States and several institutions at a NCES sponsored conference for postsecondary education planners, mainly HEGIS coordinators, and were briefed on the data needs and HEGIS data collection problems as perceived by the participants.

i. Estimation and Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hour
Colleges and universities	3,190	8.0

The data requested in this survey are contained in payroll records. The time required to extract the data from the payroll records and transcribe them onto the survey form may vary considerably among institutions. It is estimated that the time required to complete the form will average 8.0 manhours. In institutions with less than 100 employees, it is estimated that the form could be completed in 2 hours or less.

j. Sensitive Questions: The Freedom of Information Act requires that any information gathered by the Federal Government must be made available to the public when requested. However, the Privacy Act and the Education Amendments of 1974 prohibit the release of information that pertains to individuals. The data gathered by the survey will be reported by institutions in the form of aggregates of groups of individuals who hold various faculty ranks and will not contain personal identifiers of the individuals involved. When the number of individuals holding a particular faculty rank at an institution is so small as to allow the possible inference as to the persons involved, these data items will be withheld from publications and from computer tapes which are released to the public. When two or fewer individuals appear in any data cell in the computer tape or in a tabulation, the average salary for those individuals will not be presented.

k. Estimate of Cost to Federal Government: The estimated cost of the proposed survey to the Federal Government is estimated at $200,000.

1. Detailed Justification of How Information Once Collected Will Be Used: Institutions use the salary by rank and the distribution data to establish their own salary scales. State agencies rely on salary, tenure, and fringe benefit data to determine budgets for their State-supported institutions. Data are reviewed by professional and education associations and by Federal agencies to evaluate the extent to which a salary differential between men and women faculty exists and to monitor the progress of individual institutions, and the profession as a whole, to eliminate this differential. Tenure data are used by the above organizations to evaluate mobility of faculty. Salary and fringe benefit data are used by the Bureau of Labor Statistics to project salary levels for faculty and the National Institute of Education to calculate the Higher Education Price Index.

m. Methods of Analysis: All tabulations will show United States aggregation. Analysis will be performed to obtain descriptions of the variables important to the survey process. For identified variables, standard techniques means, differences, frequency distributions.

n. Legislative Authority Specifically Requiring or Allowing the Data Collection: See item (d) above.

o. Timetable for Dissemination of Collected Data: See item (g) above.

p. Estimated Total Person-hours and Costs Required To Complete the Request:

Total person-hours	25,520
For 3,190 institutions, 8.0 hours required to complete the request	
Total cost	$300,416
For 3,190 institutions	
5.5 hours of professional time @ $12.00 per hour	$210,540
2.5 hours of clerical time @ $5.00 per hour	$39,875
For 2,000 institutions	
$25.00 computer time	$50,000

q. Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

r. Copy of the Exact Survey Instrument: Copies of the survey instrument may be obtained from Carolyn R. Smith, Survey Director, National Center for Education Statistics (905 Presidential Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

s. Brief Account of Early Involvement and Communications With Respondent Populations: In planning the 16th HEGIS survey, UCSSB personnel met with HEGIS coordinators and representatives from institutions in the survey universe at an NCES sponsored conference in an attempt to obtain information that would be helpful in determining what changes could be made that would improve the survey or reduce the problems and/or burdens of the respondents.

Prior to the mailout of the HEGIS package, the HEGIS State coordinators and the chief executive officers of the institutions in the survey universe will be notified by letter of the schedules for the component surveys and of the differences between the previous and current surveys.

t. Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The items package will

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be mailed out in May 1981. The due date is November 15, 1981. Because incomplete contract negotiations may make it impossible for some institutions to respond by the survey due date, an additional 4 months will be allowed for such delayed responses.

u. Specific Justification for a Multi-year Approval: The survey instrument has been used successfully in the past. Respondents to the survey have indicated their choice of the format and Federal agencies that use the data have expressed agreement with the content of the survey; therefore, there are no plans to change the survey instrument.

Data Activity Plan Summary

(a) Title of proposed activity: National Assessment of Educational Progress Writing Field-Tests October 1981–September 1982.

(b) Name of the sponsoring agency/bureau/office: Department of Education, National Institute of Education, Teaching and Learning Program, Testing, Assessment and Evaluation Program.

(c) Agency form number: ED (NIE) 2371–TA 9, 10, 11, 12, 13, 14; ED (NIE) 2371–TB 9, 10, 11, 12, 13, 14; ED (NIE) 2371–TI 4, 5, 6, 7, 8, 9.

(d) Justification: Legislative authority is given to the National Institute of Education in Pub. L. 92–318, as amended; 20 U.S.C. 1221e to conduct research in education-related areas.

This study responds to the need to describe the national educational attainment of individuals at the ages of 9, 13, 17 and 26–35. In October 1978 Congress mandated the collection of national educational survey data through a national assessment program in the Education Amendments of 1978, 20 U.S.C. 2701, Section 1242. National Assessment will be conducting field-tests in order to develop the most effective materials for a future national writing assessment. The field-test information will be used only for the internal development of the future writing assessment instrument. No reports will be generated for external dissemination.

(e) Description of survey plan: The field-tests will be conducted in various locations throughout the United States using students in grades 4, 8 and 11. An estimated 100 respondents will be selected for each item field-tested. State school superintendents, school principals and building coordinators will be contacted to request their participation in these voluntary field-tests.

The schools will be selected to represent four regions of the country and three sizes and types of communities. The respondents will come from intact classrooms of grades 4, 8 and 11.

(f) Tabulation and publication plans: There will be no publication generated by the field-tests for public dissemination. The information collected will only be used for internal development of a future writing assessment.

(g) time schedule for data collection and publication: The field-test data collection will occur in two phases, the first being October 1–November 30, 1981 and the second phase from March 1–May 20, 1982.

(h) Consultations outside the agency: The development and/or review of items will involve approximately 200 educators, measurement specialists and the lay public. All attitudinal and background questions and instructional program questions will be reviewed by FEDAC and CEIS.

(i) Estimate of respondent reporting burden: The individual student respondent burden will be approximately 45 minutes. This represents the upper limits of the respondent burden time. There may be an instructional program questionnaire which a school official will be asked to answer. Respondent burden for a school official is estimated to be 45 minutes which is the upper limit on the respondent burden.

Respondent type	Number	Estimate of average person-hours
Students, public elementary and secondary schools	6,000	.75
Principals (schools) or their designate	80	.75

(j) Sensitive questions: Not applicable. No items of a sensitive nature will be field-tested.

(k) Estimate of cost to Federal Government: The estimated cost to the Federal Government for both the Fall 1981 field-tests and the Spring 1982 field-tests is $125,000 to $150,000. This includes the costs for printing field-test booklets, mailings, data collection, computer and analyses. The costs do not reflect the costs for development or review of the items. The overhead expense included in the figures above is at a 24.8% rate.

(l) Detailed justification of how information once collected will be used: Research—The data from these field-tests will be used to make decisions on the inclusion of the same or revised items and/or questions in the writing assessment currently scheduled for 1983–84. Decisions for inclusion will include looking at item clarity, vocabulary difficulty and the timing of the item. In addition, items will be reviewed for regional, sex and ethnic bias and for achievement on the item.

(m) Methods of analyses: All multiple choice items will have percentages (p-values) computed and correlation statistics generated by a "LERTAP" computer program. This information will be used in the reviews described in "l". All open-ended responses will be reviewed by educators familiar with scoring writing responses.

(n) Legislative authority specifically requiring or allowing the data collection: Public Law 95–561, Education Amendments of 1978, 20 U.S.C. 2701, Sec. 1242 describes the Congressional mandate for the National Assessment of Educational Progress. Specifically, the legislation states the following:

* * * "(k)(l) In addition to other responsibilities of the Institute under this section, the Institute shall carry out * * * a National Assessment of Educational Progress which shall have as a primary purpose the assessment of the performance of children and young adults in the basic skills of reading, mathematics, and communication. Such a National Assessment shall—

"(A) collect and report at least once every five years data assessing the performance of students at various age or grade levels in each of the areas of reading, writing, and mathematics;

"(B) report periodically data on changes in knowledge and skills of such students over a period of time;

"(2)(C) * * * (5) Participation in the National Assessment by State and local educational agencies selected as part of a sample of such agencies shall be voluntary * * *

(o) Timetable for dissemination of collected data: Not applicable—No data will be disseminated to the public.

(p) Estimate of the total person-hours and costs required to complete the request: The response burden for students will be 4,500 hours; the response burden for school officials will be 60 hours; the total response burden will therefore be 4,560 hours.

Respondent burden costs will be $12.00/45 minutes x 80 respondents, which is a total cost of $960.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from Tongsoo Song, National Institute of Education, Room 822A, 1200 19th Street, N.W., Washington, D.C. 20208.

Dates of availability are September 30, 1981 and February 28, 1982. All items

are secure since they may be used in an upcoming assessment. All school officials participating in the field-test will be able to view the assessment instrument upon request before data collection commences.

(s) Brief account of early involvement and communications with respondent populations: School principals were sent a letter in the Fall of 1980 requesting their voluntary participation in the field-test activities. Superintendents will be notified of those schools wishing to participate.

(t) Assurance that respondents will have sufficient lead time to comply with request: Each data collection phase will occur during a two-month period as indicated in section (g). The actual dates of data collection will be determined in discussion with the school representative for each site. The letter of voluntary recruitment occurred during the fall of 1980, a follow-up phone call will occur in August 1981 for phase 1 of data collection and in February 1982 for phase 2. A final letter of specific data collection dates will occur approximately one month preceding data collection.

(u) Specific justification for a multi-year approval: Not applicable.

Data Activity Plan Summary

(a) Title of the proposed activity: National Assessment of Educational Progress Citizenship/Social Studies, Mathematics and Science Assessments—September, 1981–August, 1982.

(b) Name of the sponsoring agency/bureau/office: Education Department, National Institute of Education, Teaching and Learning Division, Testing, Assessment and Evaluation Program (Citizenship/Social Studies) and National Science Foundation, Science Education Directorate, Research in Science Education (Science).

(c) Agency form number: ED (NIE) 2371–13SSR; 2371–13SLF; 2371–13PQ; 2371–13SOQ; ED (NIE) 2371–13QC; 2371–13TEQ; 2371–13BQ; 2371–13A; 2371–13I; ED (NIE) 2371–ISQO; 2371–BQO; 2371–13DLO; 2371–13ELO; ED (NIE) 2371–13VO; 2371–AO.

(d) Justification: Legislative authority is given to National Institute of Education to do research in education in P.L. 92–318, as amended; 20 U.S.C. 1221e. Congress also mandated in the Educational Amendments of 1978, 20 U.S.C., 2701, Section 1242, the collection of national educational survey data through a national assessment program.

This study responds to the need to describe the national educational attainment of individuals ages 9, 13 and 17 in the learning areas of citizenship/social studies, mathematics and science. The assessment will be conducted during the 1981–82 school year and gather information on student knowledge, skills and attitudes of these four learning areas as well as some student background information. In addition, instructional program information will be collected from school officials. The school and student information collected during the national survey will be analyzed and reported to the public and Congress.

(e) Description of the survey plan: The respondents will represent public and private school students ages 9, 13 and 17 as well as out-of-school 17-year-olds. In addition, a school official in each school where the assessment occurs will be asked to respond to questions about the instructional program.

National Assessment will use a multi-stage national probability sample design, stratifying by population, size and geographic region. Within regions, sample schools are drawn with probability proportional to estimated population sizes and random samples of students are drawn from these schools for administration of assessment booklets and background questionnaires.

The out-of-school sample will be half of the participating in-school sample. The in-school sample schools will provide National Assessment with a list of discontinuers and early graduates from which the out-of-school respondent sample will be drawn.

Assessment booklets will be group administered. Twenty-eight mathematics assessment booklets will be administered. Fourteen of these will be given to a sample of 2,000 and the other fourteen will be given to a sample of 1,200. Fourteen citizenship/social studies assessment booklets will be administered to a sample of 1,200. Nine science assessment booklets will be administered to a sample of 2,000.

Every effort will be made to limit the number of non-responses of participation by schools. Should non-responses occur they will be replaced by schools with similar size and type of communities in the same primary sampling unit whenever possible. Non-response of eligible students will be compensated by drawing a slightly larger sample size. Sampling weights will be adjusted to compensate for student or school non-response.

(f) Tabulation and publication plans: Reports will be generated for citizenship/social studies, mathematics and science which describe changes in student achievement since the last assessment of these areas. There will be additional reports which describe educational achievement of specific objectives, content areas, topics, attitudes and background information. These reports will begin being released one to one and one-half years after the completion of data collection. The reports will not identify performance of individual respondents, schools or school districts.

(g) Time schedule for data collection and publication: Data collection will begin September 21, 1981 and continue until August 1, 1982. The reporting phase will begin June, 1983 and continue through 1984 for citizenship/social studies and mathematics data. The reporting for science data will begin in Fall, 1982 and continue in 1983. The reports will be written for public dissemination and articles will be written for professional journals.

(h) Consultations outside the agency: All items and questions contained in the assessment were reviewed by about 500 subject matter specialists, educators, lay public, measurement specialists and learning area advisory committees comprised of the previously described role groups. The advisory groups consist of 16 members for citizenship/social studies; nine members for mathematics; and five members for science. The committees were involved in the development and review of assessment instruments and in the discussions of the reporting capability of the information.

(i) Estimation of respondent reporting burden: The individual student respondent burden will be approximately 45 minutes. This represents the upper limits of the respondent burden time. There will be instructional program questionnaires which a school official will be asked to answer. Respondent burden for a school official is estimated to be 45 minutes which is the upper limit on the respondent burden

Respondent type	Number	Estimate of average person-hours
Student public elementary and secondary students	61,100	.75
Student private elementary and secondary students	7,000	.75
Principals (schools) or their designate	1,500	.80
Out-of-School Respondents	1,350	II
Counselors, Secretaries Schools	1,200	II

(j) Sensitive Questions: Not applicable—No sensitive items will be assessed.

(k) Estimate of Cost to Federal Government: Fiscal year 1981 funding for National Assessment of Education Progress is $3.88 million. However, because the activities involved in

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developing the assessment, collecting the data, analyzing the data and reporting the data span a three-year period, it is estimated that the total cost for the assessment including reporting, dissemination and technical assistance is approximately $6 million.

(l) Detailed Justification of How Information Once Collected Will Be Used: General purpose: The information collected will be disseminated in public reports, as well as in articles to professional journals. In addition, the data for each learning area will be available in public use data tapes. Descriptions of student performance on each item will be useful to groups such as: classroom teachers, school administrators, curriculum specialists, national educational organizations, researchers and lay public. In addition, the overall results in changes of groups performance over time will be of use to federal agency staff and congressional representatives in making educational policy decisions.

(m) Methods of Analysis: Descriptive data will be analyzed at the national and regional levels. There will be no state, school district or respondent level data reported. In addition, there will be performance analyses of specific groups such as: sex, race, size and type of community, and parental background.

(n) Legislative Authority Specifically Requiring or Allowing the Data: Public Law 95–561, Educational Amendments of 1978, 20 U.S.C. 2701, Sec. 1242 describes the Congressional mandate for the National Assessment of Educational Progress. Specifically, the legislation states the following:

* * * "(k)(1) In addition to other responsibilities of the Institute under this section, the Institute shall carry out * * * a National Assessment of Educational Progress which shall have as a primary purpose of the assessment of the performance of children and young adults in the basic skills of reading, mathematics, and communication. Such a National Assessment shall—

"(A) collect and report at least once every five years data assessing the performance of students at various age or grade levels in each of the areas of reading, writing, and mathematics;

"(B) report periodically data on changes in knowledge and skills of such students over a period of time;

"(2)(c) * * * (5) Participation in the National Assessment by State and local educational agencies selected as part of a sample of such agencies shall; be voluntary * * *."

(o) Timetable for Dissemination of Collected Data: Data will begin being available to users beginning June, 1983 in report form. National news releases will be provided on all major publications for citizenship/social studies and mathematics to the national education media. Information will be described in the NAEP Newsletter and in NAEP Publications List brochure for all four learning areas.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The estimated response burden for public school students will be 45,825 hours. The estimated response burden for private school students will be 5,925 hours. The estimated response burden for school officials will be 750 hours. The estimated response burden for out-of-school respondents will be 4,050 hours. The estimated response burden for counselors/secretaries will be 1,200 hours. The total response burden is estimated to be 57,750 hours. Estimated respondent burden cost will be $25,200.

(q) Evidence of Any Urgent or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instument: Copies may ber obtained from Tongsoo Song, National Institute of Education, Room 822A, 1200 19th Street, N.W., Washington, D.C. 20208. Dates of availability of the instruments will be September, 1981 for 13-year-old assessment booklets; December, 1981 for 9-year-old assessment booklets; March, 1982 for 17-year-old in-school assessment booklets; and June, 1982 for 17-year-old out-of-school assessment booklets. All items are secure since they are being used in the assessment. However, school officials participating in the assessment will be able to view the assessment instruments upon request before data collection commences.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The development and review of the instruments involved about 500 teachers, administrators, curriculum specialists, students, lay public, measurement specialists, an attorney and representative of national organizations related to the respective learning areas. Before data collection begins, each state superintendent, district superintendent and school principal participating in the assessment will have received correspondence from National Assessment explaining the scope and procedures of the assessment. All items will have been reviewed by a CEIS representative.

(t) Assurance That Respondents Will Have Sufficient Lead time to Comply With Request: The data collection will occur for each age in three months phases. The data collection will begin September, 1981 and continue until August 1, 1982.

State superintendents will be notified by letter in August, 1981 of the school districts selected for the assessment. Local superintendents and principals of participating schools will be notified by letter in July, 1981. On-site meetings will be held with each school principal in August and September of 1981 to determine the actual administration dates for the respective school.

(u) Specific Justification For a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Higher Education Panel Surveys.

(b) Name of the Sponsoring Agency/Bureau/Office: The contracting agency is the National Science Foundation, Division of Science Resources Studies, Supply and Education Analysis Group. The survey is jointly sponsored by the National Science Foundation, Department of Education, and the National Endowment for the Humanities.

(c) Agency Form Number: NSF E0011.

(d) Justification: The National Science Foundation Act of 1950, as amended (Pub. L. 81–507, 42 U.S.C. 1862) in Section 3(a)(6), directs the Foundation "* * * to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection interpretation, and analysis of data on the technical resources of the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government * * *." These surveys are part of the Foundation's response to its responsibilities under the Act as well as under Section 2 of Executive Order 10521 which charges the Foundation to "make comprehensive studies and recommendations regarding the Nation's scientific scientific research effort and its resources for scientific activities, including facilities and scientific personnel, and its foreseeable needs, with particular attention to the extent of the Federal Government's activities and the resulting effects upon trained scientific personnel." Recent Higher Educaton Panel surveys have provided baseline data and/or trend analyses about a variety of policy issues. These include assessments of sharing practices and expenditures for scientific equipment at colleges and universities; trends in the composition and research activity of young doctoral faculty in selected science and engineering fields; problems of recruitment and retention of engineering faculty; scientific and technical cooperation wtih developing countries; and changes in the supply of elementary and secondary school teachers. The resultant data have been necessary for policy-making by the sponsoring agencies, educational associations and the institutions of higher education which respond to the survey inquiries.

(e) Description of Survey Plan: Approximately six times per year, survey instruments are mailed to campus representatives at 760 Panel member institutions or a subsample thereof. The representatives forward the instruments to the most appropriate respondents, who are then responsible for completing and returning the forms to the Higher Education Panel staff for processing.

(f) Tabulation and Publication Plans: Survey findings are weighted to produce national estimates. In addition to basic tabulations, special analyses using merged data from other sources and previous surveys are produced, as requested by the sponsoring agencies. A final report of the results of each survey is published. There are procedures to allow outside researchers access to the data collected by the survey while protecting the confidentiality of individual survey participants.

(g) Time Schedule for Data Collection and publication: Each of the three sponsoring agencies (National Science Foundation, Department of Education, and National Endowment for the Humanities) develops each year two survey topics relevant to current policy issues. Short survey instruments focused on a single issue are sent to Panel representatives at the cooperating colleages and universities approximately evey 8 weeks. The schedule normally calls for analysis and publication of each survey's results within four to six months of its inception.

(h) Consultations Outside the Agency: Primary consultations are with the Higher Education Panel's Advisory Committee, made up of chief officers of the American Council on Education and four other major national education associations including, Council of Graduate Schools in the United States. Association of American Universities National Association of College and University Business Officers, and American Association of Community and Junior Colleges. Their function is to advise on the appropriateness of the survey topic with emphasis on reasonableness of the response burden upon cooperating institutions and the avoidance of duplication of information gathering. In the pretest of each survey, technical experts and potential respondents are contacted to assure the quality and reasonableness of the survey content.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Average respondents per survey	Estimate of average person-hours per survey
Colleges and universities	400	1.5

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: For 12 months, total estimated costs, including salaries of National Science Foundation staff and the contract with the American Council on Education are $300,000.

(l) Detailed justification of how information once collected will be used: Since Panel surveys are responsive to a wide variety of current policy issues, the specific uses of the resultant data also differ. Recent individual surveys have served program management needs, research objectives, and general purpose uses:

Program Management: Management decisions have been aided by several recent Panel surveys: (1) NSF's International Travel Grant Program obtained a background assessment of the participation rates, costs and benefits of faculty travel to international scientific meetings; (2) NSF's Division of Grants and Contracts requested information on the extent of and techniques for institutional sharing of scientific equipment; (3) ED's Division of Program Planning and Development reviewed HEP survey results on refund policies and practices at colleges and universities and determined that institutional self-regulation was working well in the absence of Federal regulations; (4) a survey sponsored by the National Endowment for the Humanities provides information about faculty gender, minority status, tenure status, and rank. The survey findings will aid in the improved allocation of resources from the Endowment's fellowship programs, as well as in the assessment of the status of women and minorities.

Research: A recent HEP survey for ED was part of a larger project designed to develop useful indicators of financial status among the nation's colleges now experiencing enrollment declines and inflationary pressures.

General Purpose: Some recent HEP surveys have served multiple uses. For example, ED sponsored a detailed inventory of newly qualified elementary and secondary school teachers by field. These data aided in the manpower planning of several groups, including Federal agencies which support teacher education, as well as institutions with extensive programs of teacher education.

(m) Methods of analysis: Data are collected from a national stratified sample of colleges and universities and are statistically adjusted to represent all higher education institutions by type and control of institution, and trend analyses. When appropriate, standard errors of estimation are produced for key data items.

(n) Legislative authority specifically requiring or allowing the data collection: See (d) above.

(o) Timetable for dissemination of collected data: See (g) above. Requests for tabulations or data tapes are processed after publication of the respective survey reports.

(p) Estimate of the total person-hours and costs required to complete the request:

For each survey: 600 person-hours; $9,700 (imputed salaries and overhead).

For six surveys: 3,600 person-hours; $58,200.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from: Mr. Larry Lacy, National Science Foundation, Division of Sciences Resources Studies, Supply and Education Analysis Group, 1800 G Street, N.W., Washington, D.C. 20550.

(s) Brief account of early involvement and communications with respondent populations: The American Council on Education has operated the Higher Education Panel since 1971, and many of the Panel institutions are constituent members of the Council. The president of each institution agreeing to participate has appointed a representative to the Panel responsible for assuring completion of the surveys. Selected representatives are also contacted in a field test of each questionnaire to determine whether the response burden is reasonable and the data are available.

(t) Assurance that respondents will have sufficient lead time to comply with request: Through prearrangement with the presidents of Panel institutions, the Panel gathers in a short period of time

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limited information on particular issues. Surveys are limited to those topics for which data are readily available, thus eliminating the need for long lead times. The continuing cooperation of Panel respondents is evidenced by the fact that the Panel survey system has been in operation for ten years and obtains consistently high response rates, averaging about 85 percent.

(u) Specific justification for a multi-year approval: Although each survey topic generally different, the level of respondent effort remains minimal. There are no planned changes in basic procedure which has been used successfully in the past.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Survey of Earned Doctorates Awarded in the United States.

(b) Name of the Sponsoring Agency/Bureau/Office: The contracting agency is the National Science Foundation, Division of Science Resources Studies, Supply and Education Analysis Group. The survey is jointly sponsored by the National Science Resources Studies, Supply and Education Analysis Group. The survey is jointly sponsored by the National Science Foundation, Department of Education, the National Endowment for the Humanities, and National Institutes of Health.

(c) Agency Form Number: NSF 558.

(d) Justification: The National Science Foundation Act of 1950 as amended in Pub. L. 507 (42 U.S.C. 1862) Section 3(a)(6) directs the Foundation "* * * to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for collection, interpretation, and analysis of data on the technical resources of the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government * * *." Executive Order 10521 (March 17, 1954) states that the NSF "* * * shall continue to make comprehensive studies and recommendations regarding the Nation's scientific research effort and its resources for scientific activities, including facilities and scientific personnel." This survey is part of the Foundation's response to meeting its responsibilities under the Act and the Executive Order. The survey has been conducted each year since 1957, and the resultant data are widely used for research and policy-making by the sponsoring agencies, educational institutions, professional societies, private foundations, and industry.

(e) Description of the Survey Plan: Each year, survey forms are delivered to the graduate deans of U.S. doctorate-granting institutions. The deans distribute the questionnaires to each doctoral candidate who then fills out the form when all requirements for the doctorate are completed. The forms are returned to the graduate deans and are sent to the NRC for processing.

(f) Tabulation and Publication Plans: Cross tabulations and trend analyses will be produced from the survey results. A uniform set of tabulations are prepared annually for the sponsoring agencies. Within the provision of the Privacy Act of 1974, special tabulations from the Doctorate Records File data base are produced at the request of external researchers. A *Summary Report, Doctorate Recipients from United States Universities* is prepared from the results of each survey. Periodically there are comprehensive reports based on the DRF—the most recent, *A Century of Doctorates*, was published in 1978.

(g) Time Schedule for Data Collection and Publication: The forms will be distributed for the July 1, 1981–June 30, 1982 graduates. Publication of the *Survey Report* will take place in the spring of 1983.

(h) Consultations Outside the Agency: The Doctorate Survey is one of the projects under the cognizance of the Commission on Human Resources of the National Research Council. The Commission reviews the questionnaire and survey plan and provides advice to project staff. This data collection activity is conducted with the cooperation of the Council of Graduate Schools in the United States, which has previously reviewed the content of the questionnaire.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
All new Ph.D.'s	31,000	33

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: Total estimated costs, including salaries of National Science Foundation staff and contract with the National Research Council, are $375,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The results of each year's survey are added to the Doctorate Records File, a virtually complete listing of over 630,000 doctorate recipients from 1920 to the present. The File is a unique source of information on earned doctorates and is used in a variety of policy studies, human resource plans, and research projects. In the past 12 months, over one hundred requests have been made for special tabulations from the Doctorate Records File. The National Science Foundation used data from the File in its response to President Carter's request for an evaluation of Federal policies for science and engineering education. New York State has used the data in its review of doctoral programs at public universities. A number of colleges and universities have referred to the Doctorate Records File in making comparisons of their educational programs with those of other universities. Because of the very high (98%) response rate to the survey and the timely reporting of survey results, data on racial/ethnic group are widely used by universities, professional societies, private research organizations, industry and government for affirmative action purposes.

(m) Methods of Analysis: These will consist of cross tabulations and trend analysis.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "* * * to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection, interpretation, and analysis of data on the technical resources of the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government * * *." (The National Science Foundation Act of 1950 as amended in Pub. L. 507, 42 U.S.C. 1862)

(o) Timetable for Dissemination of Collected Data: See (g) above. Requests for special tabulations from the Doctorate Records File will be processed following publication of the *Summary Report.*

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 10,300 person-hours; no dollar costs to respondents.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the exact instrument may be obtained from: Dr. Charles H. Dickens, Senior Study Director, Supply and Education Analysis Group, Division of Science Resources Studies, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Although the Survey of Earned Doctorates is the first contact with the individual doctorate recipient, the project has been associated with the graduate deans of doctorate-granting institutions since the beginning of the survey in 1957.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Through the cooperation of the graduate deans, the survey instruments are provided to the individual doctorate recipients well in advance of the date of graduation.

(u) Specific Justification for a Multi-Year Approval: The basic format of the questionnaire has been established over the past two decades. Data in the Doctorate Records File is uniquely suited to trend analysis because of the efforts made to maintain consistent questions over time. Accordingly, no significant changes in the questionnaire items are anticipated during the requested two-year period.

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Notice of Data Acquisition Activities Involving Educational Agencies and Institutions and Requests for Comments

AGENCY: Department of Education.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions and Request for Comments.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by P.L. 95–561, require public announcement of and solicitation of comments on certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981–82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary in accordance with procedures approved by the Federal Education Data Acquisition Council (FEDAC).

DATES: Comments must be received on or before March 23, 1981.

ADDRESS: Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 Switzer), 400 Maryland Avenue, S.W., Washington, D.C. 20202 Telephone: (202) 472–3554. The contact persons listed under item (r) in each individual summary are the ones to whom questions concerning a data acquisition activity and request for copy of the exact data instrument should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately proceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981–82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981–82 will be published by February 15, 1981.

Dated: February 13, 1981.

T. H. Bell,

Secretary of Education.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Compliance Review System for P.L. 94–142, The Education of All Handicapped Children Act.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Special Education/Division of Assistance to States.

(c) Agency Form Number: ED 9066

(d) Justification: The Division of Assistance to States, Office of Special Education, is responsible for monitoring the compliance of State Education Agencies with the Education of the Handicapped Act, Part B, as amended by P.L. 94–142. The conduct of on-site compliance reviews determines whether State Education Agencies are implementing the procedures described in each State's State Plan.

(e) Description of Survey Plan: Each State receives a compliance visit at least once in a two-year cycle. Within each State, Special Purpose Facilities and LEAs are selected to be visited, based on input from parent, professional and advocate information and on the analysis of extant data.

(f) Tabulation and Publication Plans: Information compiled from this on-site activity will not be aggregated or published but will be utilized in the development of a letter of findings to individual Chief State School Officers relative to non-compliance of their States and territories with Federal statutes and regulations.

(g) Time Schedule for Data Collection and Publication: The process is

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continuous. Visitations to States comprise three to five days each. States are scheduled throughout the year and each State receives at least one review every other year. Findings of the visit are communicatead within sixty (60) days of the on-site visit.

(h) Consultations Outside the Agency: Contact with the Office for Civil Rights regarding the potential for collecting information already available was made and all duplicative questions eliminated. The Committee on Evaluation Information Systems (CEIS) of the Council of Chief State School Officers has been alerted to the technical revisions being made in the documents they have previously reviewed. The response burden on public agencies is being dramatically reduced in the proposed revisons so that CEIS endorsement can be anticipated. They will be consulted within the next few weeks as clearer draft copies of the proposed guides are made available.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average Person-hours
SEA	30	8
LEA	150	80
Special education facilities	120	16

(j) Sensitive Questions: The items all deal with required Federal procedures. None would be classified as sensitive.

(k) Estimate of Cost to Federal Government: About $12,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information recorded during the on-site visits will be used to verify that policies and procedures described in the SEA Annual Program Plan are in place and that observed practices are in compliance with Federal requirements. Such information will be used to write letters of findings which describe the areas in which a State is out of compliance with Federal requirements. For areas in which a State is out of compliance, States are requested to submit volumtary compliance plans which describe activities, resources and timelines by which the non-compliance will be estimated. If an SEA is not responsive to this request, procedures are available for withholding and terminating funds, or for initiating cease and desist orders. Thus this Compliance Review process serves as the principal way of ensuring compliance with Federal statutes and for determining eligibility for continued funding.

(m) Methods of Analysis: Each of the requirements for P.L. 94–142 has specific compliance criteria associated with it. Reviews seek evidence confirming that all compliance criteria are being met, that policies are in place, and procedures are being implemented. Through interviews, documents reviews, and on-site observations, OSE staff determines the compliance status of multiple sites within each State. From this information a letter of findings is written which cites the areas in which the SEA has been found to be in non-compliance.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Whenever the Secretary * * * finds—1) that there has been failure to comply substantially with any provision of Section 612 or Section 613, or, 2) that in the administration of the State Plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local education agency or intermediate education unit approved by the State Plan, the Secretary * * * shall * * * withhold further payments." (P.L. 94–142, Part B, Section 616 (a), 20 U.S.C. 1401–1402; 35 CFR 121 (a).

(o) Timetable for the Dissemination of the Collected Data: As indicated above, a letter of findings is written for each State visited. This letter is sent to the CSSO within sixty (60) days after the site visit.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: A total of approximately 1200 person hours will be required for education agency staff in the 30 States to be visited in each year. The total respondent cost per State should not exceed $15,000 per year for all 30 States.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Visitations can be relied on to obtain such evidence.

(r) Copy of the Exact Data Instrument: Copies of any instruments utilized in this process may be obtained from: Dr. Lou Danielson, Compliance and Enforcement Branch, Office of Special Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Because this process applies to SEAs, LEAs, and special purpose facilities, substantial consultation with appropriate officials has occured. They also have had more than 4 years experience with the process. Individuals with experience at all levels of educational policy-making have been consulted. When the process was first initiated several workshops were held at the national level to assure understanding of the Federal procedures and objectives. SEAs have tended to model their own monitoring procedures after those used by OSE. The CEIS group of the Chief State School Officers has been and will continue to be involved.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: To minimize the response burden and time, copies of any instruments utilized in the process will be mailed prior to monitoring visiting.

(u) Specific Justification for Multi-Year Approval: The proposed process is likely to be used without substantial change during the foreseeable future.

Data Activity Plan Summary

(a) Title of the Proposed Activity: The Pell Brant (formerly Basic Grant) Quality Control Project—Stage III.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/Postsecondary Education/Office of Student Financial Assistance/Division of Quality Assurance.

(c) Agency Form Number: ED–628–3.

(d) Justification: The Pell Grant Program (formerly Basic Grant) has experienced an initial period of rapid expansion. Over the last five years, the number of recipients has increased tenfold, while the total funds disbursed has increased by a factor of forty. As in other Federal Aid Programs, this growth has been accompanied by numerous problems associated with the accuracy and consistency of program data and the program administration processes. Now that the system for aiding students has been securely established, the Department of Education (ED) officials are focusing increased attention on methods to measure and improve program performance, particularly the quality of data used in student eligibility and award determinations, the various associated data handling processes, and overall program administration.

It is expected that the results of this study will be used to support the development of an ongoing, comprehensive quality control system.

Although ED and other organizations have made considerable progress in identifying and analyzing error and abuse in the Pell Grant program, the Pell Grant Quality Control Study may be viewed as the culmination of these preliminary efforts, which so far have been less comprehensive in their attempts to address the problem of error and abuse in the Pell Grant program. Taking into consideration the numerous recommendations and actions which resulted from prior studies, the current study will take a fresh look at the problem of error and abuse patterns in the Pell Grant program, thus building upon previous knowledge to develop practical, effective solutions for improving data quality.

(e) Description of Survey Plan: The OSFA has a contract to conduct a three year quality control project for the Pell Grant program. Three surveys will be conducted to obtain three distinct sets of data for analysis.

The first set will consist of a nationally representative sample of approximately 400 institutions (public, private and proprietary). The financial aid officers at each institution will be interviewed and asked to describe the institution's Pell Grant processing procedures. In addition, an average of approximately 14 student records will be selected at each institution. These records will be examined and the student financial aid awards recomputed.

The second data set will consist of students. The same students who are randomly selected at the institutions, or approximately 4,000 students nationwide, will be interviewed.

The third data set will consist of parents. The parents and students randomly selected at the institutions, or the parents of approximately 4,000 students, will be interviewed. Parents of both dependent and independent students will be included.

Source of information	Number sampled	Form	Response burden in minutes
Institutions	400	FAA interview guide.	60
Contractor	1,600	Student record abstract	30
Students	4,000	Student interview guide	60
Parents	4,000	Parent interview guide.	60

(f) Tabulation and publication plans: The data collected will be tabulated to provide program-wide and sub-population discrepancy rates for the various steps in the Pell Grant delivery process. Additionally, recipient and sub-population rates of error for each line item of the Pell Grant application used in determining eligibility will be tabulated.

(g) Time Schedule for Data Collection and Publication: Data collection will begin February 1982. The final report is expected to be ready in December 1982.

(h) Consultation Outside the Agency: Office of Management and Budget (OMB)/Deputy Assistant for Planning and Evaluation, Department of Education (ED)/Assistant Secretary for Management, Department of Education/Federal Office of Statistical Policies and Standards, Department of Commerce/Office of Research and Statistics, Social Security Administration (SSA)/Contracts Procurement Management Division, Department of Education.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Institutions	400	1
Students	4,000	1
Parents	4,000	1

(j) Sensitive Questions. Respondents will read the following statement: This study is being conducted according to the regulations and provisions of the Privacy Act. The primary purpose of the study is to obtain information to improve the operation of the grant program. However, this information will become part of the existing BEOG System of Records and the findings may result in a correction of the amount of your (son's/daughter's) grant. Other possible uses are defined by law. I have signed a confidentiality statement and, except for the express purpose of this study, I have sworn not to reveal any information you give me during this interview, except as required by law.

The data collected by the survey questionnaires will be safeguarded by the contractors. After the study is completed all identification will be destroyed by the contractors.

(k) Estimate of Cost of Federal Government. Estimate: $2.7 million.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary objective of this study is to assess the accuracy of the data and procedures used in disbursing Pell Grants for the 1980–81 funding year by measuring program error rates, determining their causes, and recommending changes to reduce them. Data will be used to meet the following twelve sub-objectives.

1. Within a confidence interval of 95% determine to 15% such things as:

- Program-wide descrepancy rates by recipients found ineligible, non-recipients incorrectly denied (optional), recipient over-payment and under-payment.
- Program-wide discrepancy rates by control of institutions.
- Program-wide discrepancy rates for validated and non-validated Pell Grant recipients.
- Discrepancy rates attributable to parent's and students' errors.
- Discrepancy rates attributable to application processing and servicing errors.
- Discrepancy rates attributable to institutional errors.
- Discrepancy rates attributable to incorrect eligibility index determination.
- Discrepancy rates attributable to incorrect award computations.
- Discrepancy rates attributable to payment errors.
- Discrepancy rates attributable to processing errors.
- Discrepancy rates for each SER data element.
- The rate of incorrect filing of supplemental applications (optional).
- Reasons for eligible applicants not receiving grants (optional).

2. Determine probable causes for each of the above discrepancy rates.

3. Indentify "error-prone" sub-populations, both student and institutional.

4. Estimate errors in funding of Campus-Based Aid programs due to incorrect application data.

5. Determine the extent of processor data entry errors not corrected by applicants.

6. Estimate the extent of incorrect awards in the ADS system.

7. Determine the extent of improper disbursement of awards to students.

8. Determine the extent to which continued student eligibility is monitored.

9. Develop cost-benefit analyses for feasible corrective management activity to reduce error rates for every area in which discrepancy rates are excessive, including procedures for implementation and long-term impact analysis.

10. Determine the likely program impact of each feasible corrective management activity.

11. Provide a plan for evaluation of the impact of each feasible corrective management activity.

12. Evaluate changes in the error rates between those reported for 1978–79 and those determined in this study for 1980–81.

(m) Methods of Analysis: The results of student and parent interviews will be analyzed to determine the nature, frequency, causes, and effects of the errors on Pell Grant awards, as well as determine procedures that may be used to reduce or eliminate these errors. Data will also be used as a base line for development of an on-going quality control system for the Pell Grant program.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: (a) The applicant, and where relevant the applicant's parents or spouse will provide (if requested by

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either the Commissioner or the school) information or documents, including a copy of Federal Income Tax Returns, necessary to verify the accuracy of the information provided.

(b) Failure to provide the requested documentation may make the applicant ineligible to receive a Basic Grant.

Title IV of the Higher Education Act of 1965, (20 U.S.C. 1070a(b)(2) 34 CFR Part 690.12) as amended.

(o) Timetable for Dissemination of Collected Data: Final Results will be available December 1982.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Requests: The survey will require no more than one hour of each respondent's time. It is estimated that the total respondent'a cost will be $13,000 for the student and parent survey each and approximately $4,536 for the institutional survey. Minimum wage hourly rate of $3.25 was used to calculate the cost required to complete the request for student and parents.

The median salary of $21,775 (for Financial Aid Officers) was used to calculate the cost required to complete the request for institutions. The total costs required to complete the request is estimated to be $31,836. The estimated total person-hours amount to 8,400.

(q) Evidence of Any Urgent Need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from David Iwmoto, Division of Quality Assurance, OSFA, 7th & D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Students and parents were sent a letter describing the study and informing them of the necessry documentation needed. In addition, they were sent release forms so that IRS forms and other information could be sent directly to the contractor.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data Collection is expected to take place during February–June 1982. Once responses have been received from the letter of request for participation in the Project, then an agreed upon date will be established between the interviewer and the respondent for filling out the application form.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Performance and Financial Status Reports for the Strengthening Developing Institutions Program.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number: ED 1049–2.

(d) Justification: The Division of Institutional Development will use the information to determine that adequate progress is being made toward achieving the goals of the grants.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Reports 1, 2 and 3 will be collected annually within 90 days after the end of the project year.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden.

Respondent type	Number	Estimate of average person-hours
Colleges and universities	700	9

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $50,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Report 1—Activity Monitoring Report, tracks performance in accordance with an estimated timetable in order to insure that time schedules are being met; and provides for explanations of deviations from the time-table.

Report 2—Activity Evaluation Report, indicates performance based on quantitative and qualitative measures for assessing achievement of the activity objectives.

Report 3—Financial Status Report, monitors the rate of grantee expenditures, and identifies potential budgetary problems.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Grantee shall submit a performance report . . . (c) Performance reports shall include to the extent appropriate to the particular grant or contract, a brief presentation of the following for each function or activity involved. (1) a comparison of actual accomplishments to the goals established for the period . . . (2) reasons for slippage in those cases where established goals were not met . . . (3) Other pertinent information . . ." (34 CFR 74.62(c). Section 304(c)(1) "An application for assistance . . . shall be approved only if it . . . (c) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose . . . (e) Provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title . . ." (20 U.S.C. 1054; P.L. 92–318)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-hours and Costs Required to Complete the Request: Total person-hours—$8,300. Total costs—$63,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained, when available, from: Dr. Richard L. Fairley, Deputy Assistant Secretary for Institutional Support, U.S. Department of Education, Office of Postsecondary Education, (Room 3054, ROB No. 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: None.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Participating institutions are notified of their reporting responsibilities when they receive their grant award notice.

(u) Specific Justification for a Multi-Year Approval: This form is expected to be used annually.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Request for Designation as a Qualified Institution under the Institutional Aid Programs.

(b) Name of the Sponsoring Agency/Bureau-Office: U.S. Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number: ED 1049–6.

(d) Justification: The Division of Institutional Development will use the information requested to determine if an eligible institution of higher education meets the specific program qualifications to receive Title III funds as provided for in the legislation and regulations governing the Institutional Aid Programs.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: September, 1981, and annually thereafter.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	750	2

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $40,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Part I: Institutional Data, provides information required in the law and regulations, including the following: institutional eligibility status and whether it is requesting a waiver of several legal requirements and certain financial and enrollment data.

Part II: Institutional Narrative, explains the status of other factors that may be considered in determining an institution's eligibility; and justifies any request for a waiver, if applicable.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Any institution which is eligible for assistance under this title may submit to the Secretary an application for assistance at such time, in such form, and containing such information, as may be necessary to enable the Secretary to evaluate its need for assistance. Subject to the availability of appropriations to carry out this title, the Secretary may approve an application for a grant under this title if the application meets the requirements of subsection (b) and show that the applicant is eligible for assistance in accordance with the part of this title under which the assistance is sought." (P.L. 96–374, Section 341(a); 20 USC 1066)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: Total person-hours: 2,000.

Total costs: $20,000.

(q) Evidence of Any Urgent Need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained, when available, from: Dr. Richard L. Fairley, Deputy Assistant Secretary for Institutional Support, U.S. Department of Education, Office of Postsecondary Education, (Room 3054, ROB #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Current Title III grantees were given a synopsis of new legislative requirements at technical assistance workshops in Fall 1980.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Time of Collection: Fall Respondents are given approximately six weeks to respond to the request.

(u) Specific Justification for a Multi-Year Approval: Expected to be used annually.

Data Activity Plan Summary

(a) Title of the Proposed Activity: State Student Financial Assistance Training Program Financial Status and Performance Report.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Postsecondary Education/Office of Student Financial Assistance/State Student Financial Assistance Training Program (SSFATP).

(c) Agency Form Number: ED 1329–1.

(d) Justification: Program regulations, 34 CFR Section 695.10 (Reporting requirements), derived from 20 U.S.C. 1088b–3, require each participating jurisdiction to submit a report at the end of each award period, containing the information determined by the Secretary to be necessary to ensure that the State is adequately performing the responsibilities for which training funds have been awarded. These include the following particular provisions:

1. The requirement in Section 695.4(b) of the program regulations that States must administer the training programs in consultation with Statewide financial aid administrator organizations.

2. The requirement in Section 695.4(c) of program regulations that State training programs must, to the extent of available funds, sequentially perform at least 1 of 5 training objectives each year.

General Reporting requirements governing SSFATP are also found in Education Department General Administrative Regulations, 34 CFR Part 76 (made applicable to SSFATP by Section 695.1(b) of program regulations), Section 76.720 (Financial and Performance Reports by a State).

The data obtained from the Performance Report will be used to determine and verify the extent to which the State has successfully implemented each of the activities and achieved each of the program goals contained in its approved SSFATP applications and thus, the extent to which the State program is in conformity with the requirements established.

The information reported by States on the Financial Status Report will be used to verify that States have not exceeded their approved levels of expenditure under program grant award notifications, to determine the amounts of unobligated program funds to be reverted to the Treasury, and to verify that States have expended SSFATP funds in conformity with approved program budgets contained in SSFATP applications, as amended. The SSFATP staff will take any necessary follow-up management action on any reporting deviations from approved program applications in order to secure full conformity on the part of the State to program regulatory requirements.

As the content of the methods involved in the State training programs change from year to year, so does the data to be reported. Thus, completion of a new report is necessary each year.

The person responsible for completing the performance part of this document must compile data as well as write some short narrative statements. The fiscal person at the State agency who usually completes the financial part must also compile data before filling in that portion. These tasks combined with the clerical ones of typing and xeroxing the report would normally take more than 30 minutes.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: 90 days after grant period ends.

(h) Consultations Outside the Agency: First drafts of the original form used to report on the 1977–78 and 1978–79 award periods were discussed with representatives of several State scholarship agencies.

Several changes were made in the FSPR for the 1979–80 award period. Prior to submitting the new form to FEDAC for clearance, we sent a copy to the SSFATP coordinator in each State requesting their comments and suggestions for improvement. States responded and most of their suggestions were incorporated into the new form. That form was used for the first time in October of 1980 and many of the coordinators have commented, both in writing and verbally, that the form is much clearer and easier to complete.

(i) Estimation of Respondent Reporting Burden:

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Respondent type	Number	Estimate of average person-hours
State Scholarship Agencies	57	4

(j) Sensitive Questions: None.

(k) Estimate of cost to Federal Government: $2,582.

(l) Detailed Justification of How Information Once Collected Will be Used: This document collects performance data that is used to monitor compliance of the State training programs with the provisions of the SSFATP regulations that require the sequential attainment of 5 objectives and the consultation with Statewide financial aid administrator organizations in the administration of the program. The additional data collected is used to monitor the effectiveness and the quality of the States' training programs in terms of number of people benefiting, the method of training provided, and the means of evaluation used. The fiscal data collected with this document indicates compliance with the State matching of resources requirement and also shows any unobligated balance of Federal funds that must be returned to ED.

(m) Methods of Analysis: Data is collected at the State level. Tabulations of descriptive data are then compiled in this office.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "At the end of each award period for which a State receives a grant under this part, the State shall provide a report containing such information as the Secretary determines necessary to ensure that the State is adequately performing its responsibilities." (34 CFR 695.10 (20 U.S.C. 1088b–3)).

(o) Timetable for Dissemination of Collected Data: Data will be available approximately 6 weeks after the data on which the reports are due. The information will be made available either in writing or by telephone upon request as well as in an annual report to be disseminated to the States.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total Person-hours: 228. Total Costs: $2,100.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Patricia Hopson, Director, Division of Training and Dissemination, Office of Postsecondary Education, Office of Student Financial Assistance, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The first draft of the original ED 1329–1 was discussed with representatives of several State Scholarship agencies. Later, second drafts were submitted for comment to all executive and/or program directors in the 57 eligible States and territories, and although we received some comments that were used in refinement of the document, no major disagreements or problems arose.

The revised form, used for the first time to report on the 1979–80 award period, was sent to the SSFATP coordinator (the person responsible for completing the form) in each State for suggestions and comments. Several States responded and we incorporated most of the suggestions into the new forms. No one expressed a major disagreement with the document or its format.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Documents are mailed to the State agencies in July of each year, and the completed forms are due in DTD on October 31 of the same year. Not only do States have 3 months to complete the form, but because this is an annual procedure, the program officials are aware of the form's general content as well as its due date.

(u) Specific Justification for a Multi-Year Approval: This document is a routine administrative form designed for compliance with SSFATP regulations that require States to submit performance reports to ensure that they are adequately fulfilling their responsibilities. The document has been used successfully in each of the program years since the program's inception.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Law Enforcement Education Program (LEEP).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Student Financial Assistance, Division of Program Operations.

(c) Agency Form Number: ED (LEEP) 1.

(d) Justification: This is an application form which postsecondary education institutions use to provide fiscal information required to assess their qualifications for LEEP funding and to determine the proper award amount. Programmatic data is obtained through institutional updating.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Data are collected once a year in Spring.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden: Respondent type—Colleges and Universities; Number—1,000; Estimate of Average Person-hours—2.

(j) Sensitive Questions: The form includes only those questions needed to administer the LEEP program.

(k) Estimate of Cost to Federal Government: $33,500.

(l) Detailed Justification of How Information Once Collected Will be Used: Institutional applications for LEEP funds shall be submitted annually to the Department of Education. Applications shall be submitted by institutions already participating in the program as well as by those making their first application. Neither a statutory nor administrative allotment formula governs LEEP fund distribution. Consideration is given to State percentages of gross population and criminal justice practitioners, the dollar requirements for returning students, and institutional records of financial management. Distribution of funds not required for returning students is based primarily on the availability of quality educational programs responsive to criminal justice human resource needs identified through a comprehensive analysis and planning process.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406(b) of the Crime Control Act of 1976, P.L. 94–503, states "The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 2,000 with a total cost estimated to be $20,000.

(q) Evidence of Any Urgent Need or a Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations, Office of Student Financial Assistance, Office of Postsecondary Education, Department of Education, (Room 4661, ROB #3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: None.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The deadline date is May 15. The forms will be sent to the institutions a month and a half prior to the deadline date.

(u) Specific Justification for a Multi-Year Approval: The 1981–82 academic year may be the last year that awards will be made. Therefore, the current expiration date is sufficient.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Summary and Certification Sheet for Administering the Law Enforcement Education Program (LEEP).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Aid, Department of Program Operations.

(c) Agency Form Number: ED (LEEP) 5.

(d) Justification: The Crime Control Act of 1976, authorized the Law Enforcement Education Program to provide loans and grants for higher education and thus contribute to the development of human resources needed by the criminal justice system to reduce crime and delinquency. LEEP–5 is one of the forms required for administering the use of program funds by the participating postsecondary education institutions.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: This form meets record keeping requirements, transmits negotiable documents and accounts for the expenditure of funds.

(g) Time Schedule for Data Collection and Publication: Schools on a semester system normally will submit three LEEP–5's one each during the Fall and Spring semesters and another during summer school.

(h) Consultations Outside Agency: The accounting system employed for administering the Law Enforcement Education Program was developed under contract by KMS in 1970.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	826	[1] 2.0

[1] Per year, 4 responses.

(j) Sensitive Questions: This form uses only questions needed to administer the program.

(k) Estimate of Cost to Federal Government: $7,020 annually.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used in the administration of the Law Enforcement Education Program.

(m) Methods of Analysis: See "(d) Justification".

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Crime Control Act of 1968, Title I, Part D. Section 406 ". . . Institutions will account for the utilization of LEEP funds. . . ."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The estimated total hours of annual burden is 1,652. At $10 per hour the cost would be $16,520.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations, Office of Student Financial Assistance/OPE, Department of Education, Room 4661, ROB–3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Population: LEEP has been active since FY 1969, starting with 486 institutional participants and reaching a maximum of 1,065 institutions of higher education in FY 1975. Because the program is being phased out and because no new students or institutions are being admitted to the program, the number of institutional participants has dropped to 826.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: All institutional participants have participated in the program for several years and are familiar with the guideline requirement that LEEP 3 student notes are to be transmitted with a LEEP 5, 20 days after the expiration of the student tuition rebate period.

(u) Specific Justification for a Multi-Year Approval: While the 1981–82 academic year may be the last year that awards will be made, the accounting function will extend into 1983 and there will be a requirement for the LEEP 5 in order to close out institutional accounts.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Billing Statement of LEEP account.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Aid, Division of Program Operations.

(c) Agency Form Number: ED (LEEP) 6.

(d) Justification: The Statement of LEEP Account is a form mailed quarterly to students in repayment status; it is also used by students to inform the Department of Education of employment or deferment status or to request deferment, cancellation or information. Upon receipt of the LEEP 6 the borrower or grant recipient who is not required to make cash repayment must complete Section B and submit the form to the Department of Education. On the LEEP 6 the recipient can report any of the following conditions which pertain to his/her repayment schedule: (1) full-time employment with a criminal justice agency, (2) Service with the Armed Forces, (3) Permanent and total disability, (4) Resumption of full-time student status, (5) Completion of 2-year employment obligation, or (6) Other circumstances justifying a request for repayment cancellation or deferment.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and publication plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent	Number	Estimate of average person-hours (quarterly)
Individuals (students)	30,000	½

(j) Sensitive questions: Only those questions are included which are needed to administer the grant or loan.

(k) Estimate of Cost to Federal Government: $92,400.

(l) Detailed Justification of How Information Once Collected Will Be Used: The student who has received either a grant or loan incurs either a service or repayment obligation to the Department of Education. A grant is

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forgiven totally if a student is employed by an approved criminal justice related employer for a period of 2 years following completion of the funded course. There is no provision for partial forgiveness of a grant. Loan cancellation for employment in a criminal justice field is earned at the rate of 25% for each complete year of service. If the employment is interrupted because of permanent and total disability, any grants or loans still outstanding are canceled. Repayment, cancellation, or forgiveness conditions exist after the award recipient has left the institution that made the award. The obligee is billed directly through use of the LEEP 6 form, which when completed properly allows the recipient to establish his eligibility for deferment, forgiveness, or cancellation of the repayment portion due as of the date of billing.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Required or Allowing the Data Collection: Section 406(b) of the Crime Control Act of 1976 (P.L. 94–503) Title I, Part D, states ". . . that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement and criminal justice agency at the rate of 25 percentum."

(o) Timetable for Dissemination of Collected Data: Upon receipt of a billing statement, the former LEEP recipient must either complete Sections B and C of the billing statement or send a payment to the Department of Education.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request: The total person-hours to respond is estimated to be 30,000 hours with a total cost of $300,000.

(q) Evidence of an Urgent Need or a Very Unusual Circumstance Requiring the Data: Not applicable:

(r) Copy of Exact Data Instrument: Copies may be obtained from Mr. Ed Mack, Division of Program Operations, Office of Student Finanial Assistance/OPE, Department of Education, Rm 4661, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Population: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: These forms are computer generated and are mailed to LEEP recipients on a quarterly basis.

(u) Specific Justification for a Multi-Year Approval: While the 1981–82 academic year may be the last year that awards will be made, the accounting function will extend into 1983 and there will be a requirement for the LEEP 6 in order to inform LEEP recipients of their repayments and obtain information from them concerning their deferment or cancellation status.

Data Activity Plan Summary

a. Title of the Proposed Activity: Learning School Language Through Bilingual Instruction.

b. Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, National Institute of Education.

c. Agency Form Number: ED (NIE) 229A.

d. Justification: The study discussed herein is one of four studies commissioned by Congress for the purpose of producing research evidence on the effectiveness of bilingual education programs. The results of this research will be presented in time for the 1982–83 hearings on whether or not to renew the legislation that provides funding for bilingual education program, and on just what shape such programs, if they are continued, should take. Thus, the major justification for this work is that the answers to the questions raised in the study will provide Congress with some of the research data it needs in order to decide an important question of educational policy.

A secondary justification for carrying out this work is a practical one. At present, there is little hard research evidence available as to which, of a variety of instructional practices, work and which don't work in helping non-English speaking students acquire English language skills. Such information is badly needed by educators in order to plan programs that meet the educational needs of non-English speakers. In the absence of research evidence, educators have to base the design of programs on guesswork, and the frequent outcomes of such ungrounded educational planning are programs that do not work for many children. Thus, this research can be justified on these grounds: It will enable us to determine what instructional practices best foster the acquisition of English skills by non-English speaking students, findings that will have relevance not only for making policy decisions concerning the education of students who do not speak the school language, but also for the design of educational programs that best meet the needs of these students.

e. Description of survey plan: The major objectives of this research study are to examine (a) the bilingual instructional practices that best foster the acquisition and development of school-related language skills in English and (b) the student language characteristics that interact with bilingual instructional practices to affect the acquisition of language skills. In order to discover the features of the home environment which contribute to the language characteristics of the student, the design calls for a parent interview in which this information can be obtained with a minimum of time imposition and cost. The plan is for a trained bilingual interviewer fluent in the language of the respondents and totally familiar with their culture to visit a parent or guardian of each subject during the second year of the study (between June and August 1982). The interview will, therefore, be conducted with between 256 and 320 parents, half of whom will be Cantonese-speaking and half Spanish-speaking. The instrument is a much-revised version of that used in a previous research project by Fillmore (NIE–C–79–01180) entitled "Individual Differences in Second Language Acquisition." It was modified in collaboration with Don Hansen and Vicky Johnson from the University of California, Berkeley. It is designed to yield background information on language used in the home, attitudes to English, length of time the family has been in English-speaking countries, and exposure of the child to English through TV, books, movies and friends.

f. Tabulation and publication plans: The chief aim behind the project's dissemination plan is to make the findings available both to educational practitioners who will benefit in their involvement with NES/LES students, to Congress and policy-planners, and to other researchers in the field in order to promote further research of this nature. Publication will be of five basic types:

1. *Written Research Reports.* These will include formal project reports for NIE (one at the end of year one and one final report) which are required by the contractual agreement and will also provide information useful to the Congressional hearings on bilingual education, research papers submitted to journals such as *NABE Journal, TESOL Quarterly,* and *Language Learning.* A copy of the final report will also be sent to ERIC.

2. *Formal Oral Presentations.* Project workers will present papers at conferences, colloquia and symposia throughout the country.

3. *Articles on Instructional Methods.* These will be directed towards teachers and school administrators and submitted to such journals as: *Teacher, Today's Education, Urban Education, The American Teacher,* and *TESOL Quarterly.*

4. *Written Guides for Practitioners.* A series of guides for bilingual teachers will be prepared based on the outcomes of the research.

g. Time Schedule for Data Collection and Publication: November 1981–June 1982—Data Collection Including Classroom Observations, Videotape Recordings, Child Observations and Cognitive/Language Measures. June–August 1982—Interviews with parents.

h. Consultations Outside the Agency: A Community Advisory Panel consisting of both teachers and parents from the Hispanic and Chinese communities has reviewed the instrument. Research plans have been discussed with school district personnel in potential sites and their support for the project has been obtained. A Technical Advisory Panel was consulted during the development of the plan.

i. Estimation of Respondent Reporting burden: The parent interview is estimated to take a maximum of two hours but will vary according to the enthusiasm with which the respondents engage in the undertaking. Some are more reticent and give short responses while others are more voluble and like to discuss issues beyond the range of the questions. The interviewers will be bilingual Spanish/English or Cantonese/English and therefore able to conduct the interview in the home language of the respondents. The majority of other data will be collected from classroom observations, a small proportion of which will include videotape recordings. For the interviews, the respondent burden is as follows:

Respondent type	Number	Estimate of average person-hours
Parents	900	2.0

j. Sensitive Questions: Questions all have direct bearing on the issues inherent in the research question—What are the student language characteristics that interact with bilingual instructional practices to affect the acquisition of language skills? Those questions that are likely to be sensitive concern family background information useful for determining length of stay in English-speaking countries. Thus for some respondents who may have had difficult experiences with immigration to the U.S., these questions may be threatening. However, it will be made clear that answers are voluntary. Response forms will be number coded and children's first names only will be used. In addition, the interviewers will be trained to ask the questions in a sympathetic manner and instructed to postpone these questions until the respondent is totally at ease.

k. Estimated Cost to Federal Government: The three-year project is contracted for total cost of $472,976. S and E costs for this period are estimated at $2,500.

l. Detailed Justification of How Information Once Collected Will Be Used: The primary use for these data will be to serve as a direct source of information on bilingual instructional practices to the Congressional hearings on the Bilingual Education Act. The reports are also expected to be useful to the U.S. Office of Bilingual Education and Minority Language Affairs who maintain a significant interest in all phases of the study. In addition, an important audience will be educational practitioners—bilingual teachers, teacher trainers, program coordinators and teachers with NES/LES students in their regular classes. Some reports will be directed at other researchers in order to disseminate knowledge among academics in the field and to stimulate further research.

m. Methods of Analysis: Statistical analysis will be performed on the data using multiple regression and analysis of variance (or their nonparametric analogs) in which measures derived from the parent interview will be entered with other individual and situational variables to assess their independent and joint effects on the learning of school language. However, much of the analysis will be descriptive rather than inferential in order that more variables may be taken into consideration than a strict statistical analysis would permit with relatively small samples of subjects.

n. Legislative Authority Specifically Allowing or Requiring the Data Collection: Legislative mandates for this study include—

Section 703(b) "Secretary . . . shall establish, publish, distribute . . . bilingual (program) models, (including) pupil-teacher ratios, teacher qualifications, and other factors affecting the quality of instruction."

Section 742 requires ASE to coordinate all research activities in order to "develop a national research program for bilingual education." This section also provides explicit authority for the Secretary of Education and NIE Director to carry out a program of research and evaluation; requires OE and NIE to consult regularly with appropriate outside agencies and organizations; and expands areas in which research is authorized. These research areas include:

"(b)(1) studies to determine and evaluate effective models of bilingual-bicultural program; . . .

(2) studies to determine

(A) language acquisition characteristics and

(B) the most effective method of teaching English (in a bilingual-bicultural program);" (P.L. 95–561, ESEA Title VII, Part C—Supportive Services and Activities, Section 741–742, 20 USC 3251–52)

o. Timetable for Dissemination of Collected Data: As outlined in section F, reports on the research will be directed at a number of different audiences. These documents will begin to appear after the first-year report to NIE, due in November 1981, which will also be made available to the public via ERIC and the National Clearinghouse for Bilingual Education. The final report, due in September 1983, will be similarly disseminated. Throughout 1982 and 1983 project personnel will be submitting articles to professional journals and conference audiences.

p. Estimate of the Total Person-Hours and Cost Required To Complete the Request: Six hundred person hours will be required for the parent interviews at an estimated cost of $2,010 based on two hours volunteered per interview @ $3.35 per hour.

q. Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

r. Copy of the Exact Data Instruments: Copies of the instrument may be obtained from Judith Orasanu, National Institute of Education, Room 819–E, 1200 19th Street, N.W., Washington, D.C. 20208.

s. Brief Account of Early Involvement and Communications with Respondent Populations: Some school district personnel have already expressed interest in the project and some schools have been nominated for preliminary visits in early 1981. However it is too early for contact with the parents of subjects who have yet to be identified and selected.

t. Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The interviews will not take place until June-August of 1982, allowing a full school year for respondents to comply with the request for their participation.

u. Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Language Attitudes of Parents, Students, and Teachers in Bilingual Classrooms.

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(b) Name of the Sponsoring Agency/Bureau/Office: National Institute of Education.

(c) Agency Form Number: ED (NIE) 229B.

(d) Justification: Congress and the courts have mandated instruction that takes into account students' language abilities. However, the dearth of US based research in bilingual instruction and learning means that there is little empirical evidence to help guide the design of such bilingual instructional programs and practices. This study of attitudes is part of the effort to address that need.

This research will investigate the effects of attitudes on education for language minority students in eight grade-school classrooms—six Spanish-English, two Cantonese-English. Two general questions about attitudes and bilingual education will be addressed: (1) How do parent, teacher and student attitudes about language, culture, and bilingual instruction influence teaching and learning in the bilingual classroom? (2) How do the attitudes of parents, teachers and students affect each other, and how might they change over time?

These general questions translate into six research objectives:

1. To develop a more effective approach to the study of "attitudes" and of their relationships to students' involvement in the learning processes. This objective will be approached through a synthesis of research on bilingual education with related fields, including psychological studies of attitudes, sociological theories of classroom influences and phenomenological understandings of the importance of meaning in individual action.

2. To identify the attitudes toward language, culture and bilingual instruction held by teachers, parents and students. This objective will be approached through attitude measures and systematic classroom observations.

3. To determine how these attitudes of parents, teachers and students affect each other. This objective will be approached through interviews with parents, teachers, and administrators, classroom observations, and analyses of video-tape of student-teacher interactions.

4. To determine the influence of these attitudes on the instructional features of the bilingual classroom. This objective will be approached through the study of curricular materials, school organization analyses, and classroom observation.

5. To determine the influence of these attitudes on the language learning and school attainments of the bilingual child. This objective will be approached through repeated classroom observations of students' involvement in the learning process, and through analyses of attitude and language measures.

6. To determine the influence of "summer learning" on the attitudes, language learning and school attainments of the bilingual student. This objective will be approached through comparing Spring term with Fall term data on students' language attitudes and linguistic abilities.

(e) Description of the Survey Plan: The primary mode of data collection in this research is ethnographic observation, following the constant-comparative procedures advanced by Strauss, Glazer, and Schatzman. Although these procedures involve no set instrumentation, supplementary data will be gathered through semi-structured interviews and specific language-attitude measures, to be administered to students and students' parents.

Student interviews, including the language attitude-measures, will be held when the students are in 1st and 4th grades. In addition, attitude measures will be administered in the fall and spring of the 1981–82 school year (when the students are in 2nd and 5th grades) and again at the beginning of the following school year (when students are in the 3rd and 6th grades). The application of the language-attitude measures in this spring-fall, spring-fall sequence will allow estimation of the "out of school" influences on the language attitudes of the bilingual child.

The children's interviews also will provide preliminary information on use of language at home.

The 1981–82 interviews will provide information about the child's perceptions of his/her home environment, self-concept, attitudes toward school, and perceptions of the attitudes of others in the school toward bilingual education and toward the student's home language and culture.

Parental interviews, to be conducted in the Winter of 1982, are designed to provide demographic-contextual data for the analyses (paralleling 1980 Census forms) and information about parental attitudes toward bilingual education, toward their native language and toward English, as well as information about parental interaction with the school and their perceptions of the activities and motivations of school personnel involved with their child's education. Information will also be sought to help us identify the particular character of the family environment, and the structures of relationships in the family that bear most closely on the child's classroom learning.

The language attitude measures will also be administeed to key teachers and administrators in the target schools in interviews that also request background-contextual data.

The data derived from these various instruments are expected to supplement and contextualize the primary ethnographic data that will be developed through observations in the spring term of 1981, and throughout the academic year of 1981–82. Second and fifth grade bilingual classrooms in four target school sites will be studied intensively. One of these school sites will include target 2nd and 5th grade classrooms bilingual in Cantonese and English, in inner-city settings, marked by community support of the programs. The other three sites will be Spanish-English: one inner-city with community support of bilingual education; one rural-small town, with support, and one rural-small town with community resistence to bilingual education. The target schools will be selected to maximize the potentials of comparative analysis, which is essential to the constant-comparative ethnographic approach.

(f) Tabulation and publication plans: The data gathered through the instruments described in Section (e) will be coded in relatively straightforward and conventional ways to offer categorical quantitative evidence of familial and classroom situations (see Section (m), below, for further details).

Three yearly reports are required by the terms of our contract. Each report will stand on its own, and is expected to provide information useful to Congressional hearings and deliberations on bilingual education, as well as findings of relevance to theories and practices of bilingual learning. Each of the year-end reports will be prepared in at least two forms: one oriented primarily toward practitioners and parents, the other toward Congress and policy-planners. The Year One report will include descriptions of the instruments that we have developed and selected, of our site selection and other responded-identification procedures, of our data collection procedures, and of results of preliminary analyses. The Year Two report will include, in addition to such descriptions as are identified for Year One, a preliminary analysis of the data gathered in the second year of our study. The final report, to be offered by October 1, 1983, will be a special synthesis offering a fully detailed research report prepared for NIE and the academic community. Specialized reports will also be presented at that time, aimed at (A) bilingual teachers and teacher-trainers, (B) school administrators and policy planners, and (C) parents.

Various other research reports are anticipated, some of which will be aimed at the academic community interested in bilingual education and human development, others oriented toward program and policy audiences. These reports will take a variety of forms, including: (A) academic research articles; (B) practitioner, policy, and program reports of research and pragmatic implications; (C) at least one major research monograph to be oriented toward the academic community.

(g) Time schedule for data collection and publications:

Language attitudes and language proficiency tests: September-October, 1981.

Interviews with children and teachers: October 1981-May 1982 (articulated with classroom observation).

Interviews with parents: January-March 1982.

Language attitude and proficiency measures: May, 1982, and September-October, 1982.

(h) Consultations Outside the Agency: The research plan and instruments have been reviewed by a committee of parents, teachers, and researchers. The Committee on Evaluation and Information Systems (CEIS) of the Chief State School Office (CSSO) has been contacted.

(i) Estimation of Respondent Reporting Burden: As the majority of data will be gathered via unobtrusive observation methods, respondent burden on both teachers and students of the target classrooms is within reasonable limits. The interviews and attitude measurements of Spring, should require no more than two hours of each student's time. The interviews in the academic year 1981–82 will total no more than three hours. Interviews with parents (as all interviews in this study) will be voluntary and, consistent with the University of California requirements for the protection of human subjects, will be conducted in such a way as to minimize time and psychological burden. Depending upon language facility and the respondents' own degree of involvement with the informal interview, interviews should last approximately two hours. When both parents, or parent-surrogates, are interviewed, interviews will be conducted concurrently, in separate rooms, minimizing interruption of normal household routines. All interviews will be conducted in the language with which the respondent feels most comfortable.

Respondent type	Number	Estimate of average person-hours
Students, public elementary	2000	5.30
Teachers, elementary	40	.50
Teachers aides (5 only)	8	1.00
School administrators and supervisors (8 only)	8	1.000
Parents	390	2.00

(j) Sensitive Questions: The interview schedules themselves do not delve into areas that are generally considered to be "private." Nonetheless, it is recognized that some questions can be particularly sensitive to individuals who are in unusual circumstances, or who perceive themselves to be. Questions of place of birth and date of entry into the United States, for example, could be posed in such a way as to threaten individuals whose entry might be questioned, and could be somewhat uncomfortable to individuals who feel inadequate in their command of English or in their understanding of the surrounding culture. The contractor is aware of such possibilities, and, with concern both for the respondents and for the accuracy of the data obtained, has scheduled intensive training of interviewers, including training in recognizing possible problems in respondent interpretation of questions and situations. Further, it is recognized that questions about the attitudes of individuals toward languages, schools and family relations may be somewhat sensitive, at least for some respondents. Again, effective conduct of the contracted research requires that such questions elicit accurate and open responses, and considerable attention will be paid to the training of interviewers in procedures that minimize respondents' sensitivities. Throughout, the project will be conducted under the surveillance of the Committee for the Protection of Human Subjects at the University of California, Berkeley, which is concerned with protecting the privacy of subjects, and with protecting their time and feelings.

(k) Estimated Cost to Federal Government: The contracted project is projected to cost a total of $438,512 for the three-year period. Anticipated S&E Costs are $2,500.

(l) Detailed Justification of How Information, Once Collected, Will Be Used: The reports developed from these and other data in the language attitudes project will be used to provide information to Congressional hearings for the Bilingual Education Act, to offer policy makers and program designers information on the relationship of language attitudes to language acquisition and academic sucess in bilingual classrooms, and to further the academic research knowledge about the contextual relevancies and processes of learning in bilingual classrooms. In addition to the United States Congress, which provided the necessary funding through Part C of Title VII legislation, and NIE, which contracted this specific research, the reports are expected to be useful to the US Office of Bilingual Education and Minority Language Affairs, whose involvement and interests in the study have been and will continue to be significant.

(m) Methods of Analysis: In the final synthesis of our research, the quantitative data are expected to offer information supplementing the ethnographic data, which will be particularly useful in developing perspectives on questions of bilingual education. As importantly, these quantitative data will assist in identification of possible causal relationships, primarily through two statistical procedures: Path Analysis and Discriminant Analysis. Although Path Analysis is familiar in educational and social policy research literature, and need not be described here, Discriminant Analysis may be less familiar. In this procedure, students are grouped according to some theoretically-specified characteristic, such as those who effectively engage in language learning, contrasted with those who reject or withdraw. The research question, then, is: How does one group differ from the other? Discriminant Analysis may identify variables that are statistically relevant: for example, females are more likely than males to engage in language learning; language-engagers are more likely to be situated in classrooms that are biculturally enriched; language-engagers are more likely to be first-born than last-born children in the family. In each of the three yearly reports to be generated by our research, these quantitative analyses will be brought together with our observational data. Although the results of the qualitative and quantitative analyses cannot be mechanically related, their interaction is expected to enrich the final synthesis and practical relevancies of our work.

(n) Legislative Authority Specifically Requiring or Allowing the Data collection: Authority is provided in Title VII Education Amendments of 1978, Part C, Section 742, which specifies that the National Institute of Education shall carry out appropriate programs of research in the field of bilingual

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education. This legislative mandate led to the creation of the Part C Coordinating Committee for Bilingual Education, to help plan and implement various studies and activities that would comprise a research program.

This committee drew up a research agenda whose component studies are organized around three concerns: (A) assessment of national needs for bilingual education; (B) improvements in the effectiveness of services for students; (C) improvement in Title VII program management in operations. The studies under B, including the study herein discussed, deal with specifying practices, suggesting quality approaches, and encouraging the use of these.

(o) Timetable for Dissemination of Collected Data: In addition to the reports described in Section G, reports are expected to be disseminated, beginning in the second year of the study, through the following agencies:

1. Dissemination centers, notably the National Network of Centers for Bilingual Education, ERIC, National Clearinghouse for Bilingual Education;

2. Professional newletters, such as *NABE News, ASA Footnotes, The Washington COFO* (Coalition of Family Organizations) *Memo, NCBE's Focus,* the *Center for Applied Linguistic Reporter;*

3. Scholarly and professional journals, including *NABE Journal, American Educational Research Journal, Urban Education, Child Development, Family Relations, Journal of Marriage and the Family,* and others in the areas of education, psychology, and sociology.

(p) Estimate of the Total Person-Hours and Cost Required To Compete the request: Approximately 1,800 person-hours will be used in the individual interviews, 1,100 hours with children; 700 hours with parents; 20 hours with teachers. Cost estimate, equivalent involving parents at minimum wage of $3.35 is $2,345. Cost estimate for teachers at $15 per hour is $300.

(q) Evidence of Any Urgent Need or Very Usual Circumstances requring the data: The most urgent requirement is to provide information for the Congressional hearings on bilingual education, scheduled for late 1981 or early 1982.

(r) Copy of the Exact Data Instruments: Copies of the exact data instruments can be obtained from Blanca Rosa Rodriguez, National Institute of Education, 1200 19th Street, N.W. Stop #6, Room 819. (202) 254–5766.

(s) Brief Account of Early Involvement and Communication With Respondent population: Initial contact has been made with some of the various schools within the 50-mile radius of UCB within which the target sites will be selected.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The major thrust of data gathering is concentrated in the academic year 1981–82. In our discussions with school administrators and teachers (see item (s), above), it has becom apparent that the lead time allowed by this design is more than adequate.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants Under Metric Education Program.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Educational Research and Improvement, Office of School Improvement, Metric Education Program.

(c) Agency Form Number: ED 425.

(d) Justification: The official grant application is required by the grant application cycle and is published anew for each grant year.

The data provided by the various applicants permit the classification of the applying agency and the potential impact of the activity proposed if funded.

Due to the dynamics involved in the various proposed metric educational strategies, new data must be provided to ensure the accuracy due to applicant configuration changes.

Summary data must be collected and analyzed to determine program impact and indications for policy revisions.

(e) Description of Survey Plan: The potential respondent universe includes State and local education agencies, institutions of higher education, and public and private non-profit groups with an intent and capability for carrying out metric educational programs. This universe also includes prior and current grantees.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Fall '81 Collection. Early '82 Publication. Mid-'82 Dissemination.

(h) Consultations Outside the Agency: Discussions at the Program's National Metric Education Conferences.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
SEA's	20	40
LEA's	220	40
IHE's	180	40
NPO's	106	40

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The estimated cost is $15,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used in administering the program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The legislation, Public Law 95–568, Elementary and Secondary Education Act, Title III, Part B, Secs. 311–313, provides for the encouragement of educational agencies to teach the metric measurement system and for any other activities supportive of this goal. Data are needed to administer this program.

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total person-hours: 21,000. Total costs: $210,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: There is a strong demand for detailed analyses of the accomplishments of the program. The kind of quantified data provided will significantly contribute to program participation in over-sight hearings. There are those who still need to be sensitized to the essential role of metric education from both cultural and economic points of view.

(r) Copy of the Exact Data Instrument: Copies may be obtained when available from: Mr. Floyd Davis, Program Director, U.S. Department of Education, Office of Educational Research and Improvement, Office of School Improvement, Metric Education Program, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Contact has been made with State and local organizations through National meetings, telephone communication, reviews of special reports, and with the applicants.

(t) Assurance That Respondents Will Have Sufficent Lead Time To Comply With Request: Lead time will be provided through announcement in the

Federal Register, the Spring national meeting, through direct correspondence with grantees, publication in professional journals, and publication in reasonable advance of project initiation.

(u) Specific Justification for a Multi-Year Approval: This study will be semi-longitudinal if analysis of trend data is to be effectively verified and validated.

Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Grants Under the Consumers' Education Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education/Office of Educational Research and Improvement/Office of School Improvement/Office of Consumers' Education.

(c) Agency Form Number: ED 733.

(d) Justification: This application is needed for the administration of P.L. 95–561, Part E—Consumer Education, 92 Stat. 2214–2215.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Applications will be due by the closing date, which will be announced in the **Federal Register**.

(h) Consultants Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Educational Group	(245)	
SEA	10	20
LEA	60	20
IHE	175	20
Public Private Nonprofit	(455)	
Public governmental agencies	70	20
Private nonprofit agencies	385	20

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $120,000—This includes printing, field review, and applicable staff time.

(l) Detailed Justification of How Information Once Collected Will Be Used: As an aspect of program management, information collected will provide a basis for awarding 55–60 grants in 1982 and in 1983.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: P.L. 95–561, Part E—Consumer Education, Section 334: "Financial assistance under this part may be made available only upon application to the Secretary."

(o) Timetable for Dissemination of Collected data: Not applicable.

(p) Estimate the Total Person-Hours and Costs Required to Complete the Request: 14,000 person-hours; about $140,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: A copy of the exact data instrument may be obtained from: Dustin W. Wilson, Department of Education, Office of Consumers' Education, 6th and D Streets, Southwest, Room 1630, Donohoe Building, Washington, DC 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: At an early stage of regulation, public comment was sought and incorporated into the regulations.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The announcement and application are sent to a large mailing list, and the announcement is published in the **Federal Register** at least 60 days prior to the closing date.

(u) Specific Justification for a Multi-Year Approval: The same instrument is expected to be used for several years without change.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Annual Report for the Library Services and Construction Act.

(b) Name of the sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies, Division of Library Programs.

(c) Agency Form Number: ED 774.

(d) Justification: "Sec. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan . . ." (P.L. 84–597, as amended by P.L. 95–123, 20 U.S.C. 354).

The State library in its Basic State Plan "Assures that it will make reports, including reports of evaluations . . . as the Secretary may reasonably require to carry out the Secretary's functions under this Act and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes." (34 CFR Sec. 770.42)

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Data will be edited, tabulated, analyzed and published in "The Bowker Annual" and as a separate publication.

(g) Time Schedule for Data Collection and Publication: Mail form—September 30, 1982. Completion deadline—December 31, 1982. Edit, tabulate, analyze and published—August 1, 1983.

(h) Consultations Outside the Agency: Consultations were made with selected State library agencies, including those in Maryland and West Virginia.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State Library Agency	57	30

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $8,671.

(l) Detailed Justification of how Information once Collected will be used: Information will be used for program management and evaluation purposes. Fiscal data are analyzed to determine whether maintenance-of-effort and other requirements have been met. Program information is analyzed regarding mandated priorities and optional utilization of funds. Information from the form is used as a basis for consultation with State library agencies, for program monitoring and for State management reviews. It is also needed for budgetary purposes and for responding to requests for current program information that are received from the Congress and other data users.

(m) Methods of Analysis: State tabulations to be made to obtain national totals.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: See item (d) above.

(o) Timetable for Dissemination of Collected Data: Approximately August 1, 1983 via article in "The Bowker Annual" or as a separate publication.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Person-hours: 1,710. Costs: $16,313.

(q) Evidence of any Urgent need or very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Instrument: Copies may be obtained from: Nathan

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M. Cohen, U.S. Department of Education, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies, Room 3124, ROB 3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: In addition to communications with specific State library agencies some years ago when the form was first developed, as noted in item (h) above, there has been continuing consultation with State library agencies over the years. The latest such communication was held in April 1979 with representatives from 57 States and Outlying Parts.

(t) Assurance that Respondents will have Sufficient Lead Time to Comply with Request: Previous experience indicates that lead time is adequate.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of proposed activity: You're On!—Parenting/Teenager Television Series.

(b) Name of sponsoring agency/bureau/office: Department of Education, Office of Libraries and Learning Technologies Division of Educational Technology.

(c) Agency form number: ED 847.

(d) Justification: The Teenagers and Parents series—"You're On!", requires evaluation to help determine the effectiveness of the pilot before production begins on the remaining programs.

(e) Description of survey plan: A national quota sample will be conducted of approximately 1,500 secondary school students. Target schools will be selected by ETS Regional Office Coordinators according to a set of sampling instructions provided by the Educational Testing Service (ETS) staff. Five regional offices will participate and they are located in Evanston, Illinois; Princeton, New Jersey; Atlanta, Georgia; Austin, Texas; and Berkeley, California. Test classroom will be at all grade levels offered; at least one group of parents will be involved at each school. A control group of students will be selected and will be administered the evaluation instruments.

Instruments used may include viewer survey, teachers, observation record for group behavior; discussion protocol and accompaning report from; follow-up questionnaire of interview guide.

A Viewer Survey will assess the immediate effects of the program. It will ask for reactions to the program and include background/demographic items. Multiple-choice format will include attitude and opinion items based on affective objectives of the program.

(f) Tabulation and publication plans: Results of the survey will be published as a final report for the project. It will be submitted to WQED and they will submit the report to the contract officer.

Tabulation: There will be descriptive statistics for the purpose of making inferences to the WQED development people.

(g) Time schedule for data collection and publication: Data will be collected during the last month of Phase I. No published report of the survey findings will be given. The results will be included in the final report to the Department of Education contract officer.

(h) Consultation outside the agency: The contractor will consult with various experts who will serve the projects outside of the Pittsburgh area. Staff will ask other consultants who are not free to travel to the area to provide written responses to crucial questions.

(i) Estimation of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Students; public or private secondary school	750	750
Teachers; public and/or private secondary schools	350	350
Parents	400	400

(j) Sensitive questions: There will be attitude questions and questions about the materials that are covered in the show that are not sensitive. Respondents names are not on the instruments and participation is voluntary.

(k) Estimate of cost to Federal Government: The cost of the data collection for distribution and use components is estimated at $66,021.

(l) Detailed justification of how information once collected will be used: The collected data will be used to determine if the series should be developed as planned.

(m) Methods of analysis: Two types of activities are proposed: A series of clinical trials of selected programs components, and a laboratory evaluation of one or more pilot programs in Phase II, a full scale evaluation involving both field and laboratory components in Phase II.

Clinical trials will take place during the early stages of series development and are intended to provide feedback to the curriculum developers about the content and format of their series. This early activity will aso serve as a means of trying out instruments to be used in the full scale pilot program evaluation. In addition, a laboratory-based evaluation will test audience reaction through the use of distractor analysis. Following each evaluation activity, discussions will be conducted with groups of viewers in order to collect reactions of the audience.

Phase II will involve a national sample of students, parents and teachers. Assessments will be made of viewers understanding of content of programs and their behavior while viewing the series.

(n) Legislative authority specifically requiring or allowing data collection: Television and radio programs authorized by P.L. 95–561, Education Amendments of 1978, Title III, Section 303(a), to support the development production of evaluation, dissemination and nationwide utilization of innovative educational television and radio programs for broadcast and/or non-broadcast uses.

(o) Timetable for dissemination of collected data: Data collected will be analyzed and submitted to the WQED producer by October 1981.

(p) Estimate of the total person-hours and cost required to complete the request: 1500 hours including 750 hours of pilot viewing time. Costs: $7500.

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies may be obtained from Mary Ches Applewhite, Educational Technology Development Branch, U.S. Department of Education, (3116 ROB), 400 Maryland Ave., S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: Contacts with schools will be made in April of 1981 for permission to conduct field testing in the Fall of 1981.

(t) Assurance that respondents will have sufficient lead time to comply with request: The data will be collected during the beginning of Phase II of the project. Respondents will have adequate time to complete the voluntary request before the complete production of the series.

(u) Specific justification for a multi-year approval: Not applicable.

Data Activity Plan Summary

(a) Title of the proposed activity: "Almost Even" a teenagers and parents radio series.

(b) Name of the sponsoring agency/bureau/office: Department of Educations, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies Division of Educational Technology, Educational Technology Development Branch.

(c) Agency form number: ED 848.

(d) Justification: The radio sries is a continuation of the Department's priority to support parenting activities. This series is designed to address the important adolescent developmental period. The evaluation of the programs in the series will help to determine if series goals have been met.

(e) Description of survey plans: A national field test will be conducted at the following sites: Washington, D.C.; Charlottesville, VA., Indiana and California. Three teachers and their students; 2 youth group leaders and their groups and 3 teenager/parent families will evaluate each of the programs and accompanying non-broadcast materials. During the national field test over 100 adults and 400 adolescents will be asked to evaluate each of the 10 programs and non-broadcast materials.

(f) Tabulation and publication plans: The contractor is responsible for the tabulation of the data collected through the survey and for the development of the pilot series. All materials are subject to review and approval by the Department project officers prior to initiating the plan. Tabulation of the results will be completed within two weeks of data collection. Results will be used internally and reported to ED. No formal publication of results is anticipated.

(g) Time schedule for data collection and publication: Data will be collected in six sites as described in (e) above, during the period March 1, 1982-May 30, 1982. Immediately following the final evaluation data will be analyzed and reported to ED by June 30, 1982. No further publication is anticipated.

(h) Consultations outside the agency: Audience Profile Services, Inc. is responsible for all aspects of data collection and analysis. APS national staff will be employed to conduct data collection.

(i) Estimate of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Individuals	100	1 12
Students	400	1 12

(j) Sensitive questions: Questions of a sensitive nature are not anticipated.

(k) Estimate of cost to the Federal Government: The total cost is estimated to be $23,203.50 during FY 1982.

(l) Detailed justification of how information once collected will be used: The information will be used to verify that the design, development and production of the educational radio programs have met their state goals.

(m) Methods of analysis: Frequencies, crosstabs analysis of variance and chi squared will be the statistics used to measure the effects of the programs.

(n) Legislative authority specifically requiring or allowing the data collection: This project is authorized by P.L. 95–561 Education Amendments of 1978, Title III, Section 303(a) to support the development, production of evaluation, dissemination and nationwide utilization of innovative educational television and radio programs for broadcast and/or non-broadcast uses.

(o) Timeable for dissemination of collected data: The results will be delivered to ED on June 30, 1982. Refer to (g) above for collection schedule.

(p) Estimate of the total person-hours and costs required to complete the request:

Total person-hours (adults)	100
Total costs (adults)	$1,000

(q) Evidence of any urgent need or very unusual circumstance requiring the data: The series is designed to promote communication between parents and teenagers. Due to the nature and expense of production it is extremely important that once the programs are completed they be evaluated quickly. The data provided to the producer about the effectiveness of the series can be useful and supporting evidence for distributors. It is important to know that series goals have been met.

(r) Copy of the exact data instrument: The exact data instrument may be otained from Mary Ches Applewhite, Division of Educational Technology Development Branch, U.S. Department of Education, (3116 ROB), 400 Maryland Ave., S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communication with respondent populations: No respondent populations have been contacted as of this date.

(t) Assurance that respondents will have sufficient lead time to comply with request: Data collection will be conducted the first six months of fiscal year 1982. respondents will be contacted at least 90 days before their participation is required.

(u) Specific justification for a multi-year approval: Not applicable. This is a one-time collection of data.

Data Activity Plan Summary

(a) Title of the proposed activity: The Utilization of Technology in the Development of Basic Skill Instruction: Reading.

(b) Name of the sponsoring agency/bureau/office: Department of Education, Division of Educational Technology, Office of Libraries and Learning Technologies/Office of Educational Research and Improvement.

(c) Agency form number: ED849.

(d) Justification: The testing to be done is performed as part of a contract issued to WICAT.

(e) Description of survey plan: The survey plan will acutually be a pre-test–post-test, experimental-control group quasi-experimental design, using a sample of all fifth grade children in the target schools. This will yield a total sample of no fewer than 180 children, and potentially as many as 270 children.

(f) Tabulation and publication plan: The data will be tabulated during the spring of 1982, and will be published in the year-end report in September, 1982.

(g) Time schedule for data collection and publication: Data will be collected in the fall and spring of the 1981–82 academic year, and will be published as indicated in f, above.

(h) Consultations outside agency: None.

(i) Estimation of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Students	270	2
Teachers	9	4

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: Approximately $8,000.

(l) Detailed justification of how information once collected will be used: The information will be used to assist the evaluation of the efficacy of Computer Assisted Instuction for reading comprehension.

(m) Methods of analysis: Data will be collected in three school sites, one each in Kansas City, Missouri, San Antonio, Texas (Northside Independent School District), and Provo, Utah. Formative evaluation data will be processed through a discrepancy model in which optimum levels of performance for hardware, software and management systems will be specified, and against which empirically observed levels of performance will be contrasted. Ongoing modifications in the system and its

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component parts will be implemented as necessary. Summative evaluation data will be collected through pre-post test administrations of the Stanford Achievement Test: Reading, Intermediate Level II. ANOVA, regression, and MultiVariate analyses on both raw and normal curve equivalency scores will be performed both within and across populations.

(n) Legislative authority specifically requiring or allowing the data collection: "Sec. 207. The Secretary, in accordance . . . shall support development and demonstration activities related to the improved use of television and other technology to contribute to the instruction of children in reading, mathematics, and written and oral communcation . . ." (P.L. 95–561; 20 USC 2887)

(o) Timetable for dissemination of collected data: Formative data will be used to modify initial product designs, and hence will be available only in the sense that the data is used to formulate the final product. The final product will be disseminated during the 1982–83 academic year by the creation of a dissemination package consisting of software, a management system, and a staff training program. Ten schools will be specifically identified to receive and implement the system for the year. At the end of the year, a final report, including the results of the summative evaluation of the field test, will be written for the Department of Education and the National Diffusion Network.

(p) Estimate of the total person-hours and cost required to complete the request:

Total person-hours	576
Total costs	$252

Formative evaluation will involve the same 270 students and will flow from direct observation as well as from data regarding responses to instructional tasks. Since the data collection is part of the instructional task, no time apart from instruction is allocated.

(q) Evidence of an urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument: The exact data instrument is to be a standardized measure of reading comprehension. The instrument will be either the *Predictive Reading Inventory* (PRI, McGraw-Hill, Delmonte Research Park, Monterey, CA 93940) or the *Stanford Achievement Test:* Reading, Intermediate Level II (Harcourt, Brace, Jovanovich, Chicago).

(s) Brief account of early involvement and communications with respondent populations: All three school districts were contacted by telephone at the time of the writing of the proposal. Subsequently, two districts, Provo and San Antonio, were contacted by letter; a letter is in preparation now for Kansas City.

(t) Assurance that respondents will have sufficent lead time to comply with requests: Since the testing will not begin until September of 1981, there is clearly sufficient lead time for the school districts to respond to our requests for site selection and participation.

(u) Specific justification for a multi-year approval: Not applicable.

Data Activity Plan Summary

(a) Title of the proposed activity: Field test of mathematics curriculum materials using high technology (upper elementary grades)

(b) Name of the sponsoring agency/bureau/office: U.S. Department of Education/Office of Libraries and Learning Technologies/Division of Educational Technology.

(c) Agency form number: ED 850.

(d) Justification: Curricular units in basic skill areas of mathematics are being developed for delivery by microcomputer and interactive videotape. The field test will be conducted to verify that the units are effective in teaching the mathematical concepts and skills and that they are usable by and useful to classroom teachers.

(e) Description of survey plan: The field test will be conducted in three Ohio school districts. Microcomputers will be provided at each site. Students using the curricula will be given appropriate tests over the mathematical content, and will be questioned (via interview and/or questionnaire) concerning their attitudes towards computers, mathematics and the curricular units. Teachers will be questioned (via interviews and/or questionnaire) concerning their assessment of the units and any suggestions for revision. All human subjects guidelines of the Ohio State University and the participating school districts will be followed.

(f) Tabulation and publication plans: Specific tabulation plans will be submitted after instruments are developed. Summary findings will be presented in regional and national conferences, and will be submitted to professional journals (e.g. American Educational Research Association, National Council of Teachers of Mathematics) for publication.

(g) Time schedule for data collection and publication: Data will be collected from January 1982 to May 1982. A preliminary report of findings will be included in the quarterly report due to The Office of Libraries and Learning Technologies on June 30, 1982. More refined analyses will be made between June 30 and August 1982 in preparation for publication.

(h) Consultations outside the agency: All work to be performed by contractor, Ohio State University.

(i) Estimation of respondent reporting burden:

Respondent type	Number	Estimate of average person-hours
Students, public elementary	450	50
Teachers, elementary	15	150
Principals	3	120
Parents	600	2

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: $90,000.

(l) Detailed justification of how information once collected will be used: Information will be used in modifying the curricular prior to dissemination and evaluating and/or modifying the support materials and inservice training given to teachers.

(m) Methods of analysis: To be determined.

(n) Legislative authority specifically requiring or allowing the data collection: "Sec. 207. The Secretary, in accordance . . . shall support development and demonstration activities related to the improved use of television and other technology to contribute to the instruction of children in reading, mathematics, and written and oral communication . . . " (P.L. 95–561; 20 USC 2887)

(o) Timetable for dissemination of collected data: Data dissemination will begin in the summer of 1982. A paper will be submitted for the National Educational Computing Conference. During the School Year 1982–83 several reports will be issued.

(p) Estimate of the total person-hours and costs required to complete the request:

Person-hours	2,650
Costs	$90,000

(q) Evidence of any urgent need or very unusual circumstance requiring the data: None.

(r) Copy of the exact data instrument: Not available; instruments will be produced April 1981–July 1981, and will be available from Sheldon Fisher, Educational Technology Development Branch, U.S. Department of Education, Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent

populations: Dr. Franklin Walter, Superintendent of Public Instruction, Ohio Deaprtment of Education was consulted during the development of the proposal for this project, as was Dr. Howard Merriman, Assistant Superintendent, Columbus Public Schools. Dr. Irene Bandy, who coordinates programs involving educational technology in the Ohio Department of Education, serves on the National Advisory Board for the project. Also on the Advisory Board are an administrator from the Columbus Public Schools and a teacher from the Worthington (Ohio) Public Schools. Other school systems have been made aware of the project through communications to district personnel; discussions with potential field site superivsors are underway at this time.

(t) Assurance that respondents will have sufficient lead time to comply with request: Data will be collected beginning January 1982 and continue through April 1982. Contacts with school personnel have been initiated (see (s) above).

(u) Specific justification for a multi-year approval: None.

Data Activity Plan Summary

(a) Title of the proposed activity: 1981–82 Common Core of Data (CCD).

(b) Name of the sponsoring agency/bureau/office: U.S. Department of Education/Office of the Assistant Secretary for Research and Improvement/National Center for Education Statistics/Division of Elementary and Secondary Education Statistics/Institutional Surveys Branch.

(c) Agency form number(s): ED (NCES) 2350–5; –6; –7; –8; 8–1 –9; –14; ED (NCES) 2393–2; –2A; –4.

(d) Justification: (1) Section 406(b)(1) of the General Education Provisions Act provides that NCES shall "collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States * * *" The Common Core of Data (CCD) survey was developed jointly by staff from NCES, the State Education Agencies (SEAs), and selected local education agencies (LEAs). As an alternative to reduncant data collections, excessive detail, and lack of agreement among data collectors on standard terminology and measures, the Council of Chief State School Officers (CCSSO) and its Committee on Evaluation and Information Systems (CEIS) encouraged NCES to complete the development of CCD and plan full-scale implementation. The CCSSO has encouraged each of its members to develop the capacity to report all of the data included in the CCD data base. NCES has assisted each SEA in the form of workshops, on-site visits, and technical assistance where needed.

(2) When fully implemented, the CCD data base will:

a. Contain part of the general statistical data needed about public education agencies,

b. Supply some of the data needed in the tabulations that appear in the Statistical Abstract of the United States, the Digest of Education Statistics, and

c. Serve as the basis for many estimates and projections of elementary and secondary education generated by NCES. The availability of the CCD data base contributes to elimination of redundant requests for the same data and subsequent reduction in the respondent burden. The updated automated system will provide a core of fiscal and nonfiscal data for Federal analysis purposes.

(3) The purpose of this collection is to measure the allocation of personnel resources to functions performed by employees. The data collected by other agencies do not satisfy this purpose, nor do the data collected by NCES satisfy the purpose of identifying potential employment discrimination based on race or sex. (This pertains to the staff data collection only.)

(e) Description of survey plan: (1) The universe of respondents is the 57 State education agencies. Each SEA requires annual statistical reports from each LEA. These data are examined and verified and become a matter of record in each SEA. The SEAs compile the data requested by NCES from their records.

(2) The CCD design consists of basically three components:

a. A group of State aggregate reports on pupils, employees, revenues, and expenditures, and selected other data (ED (NCES) 2350–5; –6; –7; –9).

b. An LEA nonfiscal report on public membership, employees, and a universe of schools operated by each LEA in each State (ED (NCES) 2350–2; –8; 8–1; 2393–2; 2393–2A).

c. A report from each SEA on its revenues, expenditures, and employees (ED (NCES) 2350–13; 2393–4).

(f) Tabulation and publication plans: A series of reports will continue to be published and several topical reports are planned for publication based on the LEA aggregate data. This series will include at least one report on measures of disparity among LEAs in each State in terms of size, number of schools operated, and staff/pupil ratios.

Most of the tabulations will be of the several data components reported for each State. The tables used in the previous reports will continue to be used. A series of summary tabulations of LEA aggregate data is planned. This series will include tables such as number of schools in each State by type and size intervals, pupil/staff ratio tables by size of LEA and State, etc. Also planned is a set of tables that present summary data about the operations of the SEAs; revenues by source, expenditures by agency function, and employees by function.

(g) time schedule for data collection and publication: The due date for each component part of this survey is printed on the survey form. It is planned that mailing will be accomplished two months prior to the due date. The first due date is scheduled for August 15, 1981 and the last due date is scheduled for May 15, 1982.

Contingent upon the availability of processing support resources, the lapsed time between survey close-out and publication should not exceed nine months. This also assumes that each of the SEAs will have reported on or before the due date. Should this not be the case, it will be necessary to publish bases upon those received.

(h) Consultations outside the agency: Since all of the components included within this survey are continuations of surveys previously conducted, no special consultations outside the agency other than several reviews by the CCD Task Force and the NCES Task Force of CEIS have been conducted.

(i) Estimation of respondent reporting burden: There are extreme variations in the number of schools and school districts in each State. The estimates provided must be interpreted carefully. One State is expected to prepare only nine reports, while another State is asked to prepare 1,340 reports.

Based on prior experience with the four previous CCD's, the following estimates are provided:

Form number	Respondent type	Number	Estimate of average person-hours
2350–5	SEA's	57	20
2350–6	SEA's	57	20
2350–7	SEA's	57	4
2350–8	SEA's	57	10
2350–9	SEA's	57	10
2350–13	SEA's	57	8
2393–2	LEA's	15,000	1.25
2393–2A	Schools	80,000	.083
2393–4	SEA's	57	25

(j) Sensitive questions: None.

(k) Estimate of cost to Federal Government: $844,900.

(l) Detailed justification of how information once collected will be used: In addition to the tabulation and publication in section (f), NCES plans to publish two directories, one listing public officers and officials of State

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Education Agencies, and the second listing names, location, number of pupils and number of school served by each LEA. In addition, the Center plans to publish a series of statistical reports providing State and U.S. totals for pupil membership, staff employed by public school districts, revenues and expenditures for public education, and characteristics of public schools. These directories and reports will be disseminated to individuals and organizations interested in public elementary and secondary education in the United States. The Center will also make available for dissemination a series of data tapes for use by educational planners, analysts, and researchers. It is expected that these data bases will be used as the sampling frame for many special purpose surveys.

(m) Methods of analysis: Analysis will be mainly aggregations to generate tables of State and area totals, distributions of large city school systems, and institutional data, as permitted, on items such as pupil-teacher ratios, staff ratios, expenditure per pupil, etc.

(n) Legislative authority specifically requiring or allowing the data collection: NCES "shall . . . collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States; . . ." (Section 406(b)(1) of the General Education Provision Act)

(o) Timetable for dissemination of collected data: See item (g).

(p) Estimate of the total person-hours and costs required to complete the request:

Person-hours	32,744
Costs	$545,000

(q) Evidence of any urgent need or very unusual circumstance requiring the data: Not applicable.

(r) Copy of the exact data instrument(s): Copies may be obtained from: Mr. Warren A. Hughes, U.S. Department of Education, National Center for Education Statistics, (Room 901, Presidential), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief account of early involvement and communications with respondent populations: The development of the survey has been through the joint efforts of NCES staff, the State agencies, and some local education agencies. The Council of Chief State School Officers, through its Committee on Evaluation and Information Systems, has encouraged all States to help in fully implementing the survey.

(t) Assurance that respondents will have sufficient lead time to comply with request: Each SEA is apprised six to seven months in advance of the request for data. Additionally, these data returned to NCES have already been collected by the SEA for much of its on-going work.

(u) Specific justification for multi-year approval: Not applicable.

Data Activity Plans Summary

(a) Title of the Proposed Activity: 1981–82 Teachers Language Skills Survey (TLSS).

(b) Name of the Sponsoring agency/bureau/office: Department of Education/National Center for Education Statistics/Division of Elementary and Secondary Education Statistics/Population Surveys Branch.

(c) Agency Form Number: ED (NCES) 2397.

(d) Justification: Secs. 731(c) (1) and (4) of the Bilingual Education Act, Title VII, ESEA, as amended by P.L. 95–561, call for assessment of the number of teachers needed to carry out bilingual education programs and a plan for training the needed teachers. Sec. 742(b) provides for studies to determine the effectiveness of Title VII-sponsored teacher training programs. This study is required to update the count of public school teachers with the required qualifications obtained in the 1976–77 TLSS. It will make possible estimates in the changes in the numbers of fully qualified and partially qualified teachers between 1976–77 and 1981–82, the number of teachers in 1981–82 who have received training sponsored by Title VII, ESEA, and the number trained in Puerto Rico and in foreign countries who are available to implement programs of bilingual education.

The study will be coordinated with the study of the Impact of Title VII-funded Training Programs Operated by Institutions of Higher Education sponsored by the Department of Education's Office of Evaluation and Dissemination. Data from this study will be used by planners in the Department of Education in preparing the mandated reports to the Congress and in implementing and monitoring sections of the legislation pertaining to teachers' qualifications and training.

Sections of the legislation had not been implemented at the time that the first survey of teachers' qualifications for bilingual education programs was conducted in 1976–77. There is no other source of this type of information on teachers in U.S. schools.

(e) Description of Survey Plan: Approximately 15,000 public school teachers will be sampled in a two-stage sample with schools as the first stage units. The sample will be drawn to represent the States of California, New York, Texas, and all other States in aggregate. Teachers teaching in programs supported by Title VII, ESEA, will be oversampled to permit separate analysis of their qualifications in comparison with teachers not teaching in programs supported by Title VII. A subsample of about 200 responding teachers at approximately five sites will be interviewed and tested using a standardized language proficiency testing procedure. The sites will be selected with the assistance of local personnel and will not be intended to be nationally representative. Findings will be used to validate the self-ratings of language proficiency in the questionnaire.

The survey will call for a study of non-responding teachers and schools in the event that the response rate for any of the geographic areas or among the Title VII teachers falls below 85 percent. Findings from this study will be used to minimize possible bias resulting from non-response.

(f) Tabulation and Publication Plans: Data will be tabulated for teachers using non-English languages in instruction or teaching English as a second language (ESL) and those not doing either in 1981–82 by background and qualifications and whether they received training supported by Title VII or not and whether training was obtained abroad or not. Data will be tabulated separately for teachers teaching in bilingual education programs supported by Title VII. Tabulations will be produced by March 1982 for use in reporting to the Congress and the President as required in the legislation. A summary report with all relevant data will be published in Summer 1982 to be distributed to bilingual educators and the general public.

(g) Time Schedule for Data Collection and Publication: Data will be collected during the 1981–82 academic year. Clean data tapes and tabulations will be produced by March 1982, for the use by Department of Education planners and the Congress. The final will be published in the Summer of 1982, four months after completion of the data collection.

(h) Consultations Outside the Agency: As study A–6, under the Part C Research Agenda of the Bilingual Education Act, Title VII, ESEA, as amended by P.L. 95–561, the 1981–82 Teachers Language Skills Survey has been developed and coordinated under the supervision of the Part C Coordinating Committee, including James J. Vanecko, Deputy Assistant Secretary for Education Policy Development; Josue M. Gonzales, Director, Teaching and Learning Programs Division, National Institute of Education; Carl E. Wisler, Director, Elementary and Secondary Programs Division, Office of Education and Dissemination; Kathy Truex, Office of Assistant Secretary for Education and Ron Hall, Office of the Assistant Secretary for Education. In addition John Chapman, Office of the Assistant Secretary for Planning and Evaluation; Ernestina Carrizosa, National Institute of Education; Tetsuo Okada, Office of Bilingual Education, provided assistance.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Public elementary/secondary teachers	13,900	.2
Public elementary/secondary teachers	200	.5
School administrators and supervisors	2,000	.5

(j) Sensitive questions: None.

(k) Estimate of Cost to Federal Government: $450,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: *Legislation.*—Data are needed to fill the reporting requirements in the Bilingual Education Act and to provide the information needed by the Congress in the renewal of the legislation beginning in the spring of 1982. Data on the numbers of fully qualified and partially qualified public school teachers will be used by Department of Education planners and the Congress in considering changes in the legislation pertaining to qualifications and training of teachers. In addition, updated numbers of qualified teachers being used and not being used are needed as input for the bilingual teacher supply/need model.

Program Management.—The data will be used by the Office of Bilingual Education (OBE) to determine training needs of teachers, the extent to which teachers with Title VII-sponsored training are employed in programs, the extent to which teachers employed in Title VII programs meet qualifications standards and compare with teachers not employed in Title VII programs. It will also be used by OBE in the preparation of the mandated plan to train teachers for programs to meet the needs of limited-English-proficient children.

Research and Evaluation.—The data being collected in the TLSS will be coordinated with data from an evaluation study of Title VII teacher training conducted under an Office of Evaluation and Dissemination contract. The TLSS will provide information on the numbers of teachers with foreign training who are teaching in U.S. schools for use in the teacher training study. This information is available from no other source. The TLSS will also provide an independent estimate of the number of Title VII-trained teachers using their training in Title VII-supported programs.

(m) Methods of Analysis: Data will be aggregated on the national level and for three States—California, New York and Texas—and the rest of the country. The main analytical method will be cross-tabulation. Descriptive data only will be reported initially.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The Bilingual Education Act, Title VII, Elementary and Secondary Education Act of 1965, as amended by P.L. 95–561. Sec. 731(c), 20 USC 3241.

"The Secretary, in consultation with the Council, shall prepare and, not later than February 1, 1980, 1982, and 1984, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the programs for persons of limited English proficiency. Such report shall include—

(1) a national assessment of the education needs of children and other persons with limited English proficiency (and of the extent to which such needs are being met from Federal, State, and local efforts, including) . . . (b) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

(4) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English proficiency and a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel needed to carry out programs of bilingual education in the States."

Sec. 742(b), 20 USC 3252.

"Research activities authorized to be assisted under this section shall include—

(7) studies to determine the effectiveness of teacher training preservice and inservice programs funded under this title; . . ."

(o) Timetable for Dissemination of Collected Data: Data will be available for planning use and for the mandated report by spring, 1982. See (f) for the method and content of the data dissemination and (g) for the time schedule of publication.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: Estimated total person-hours, 3,860.

Estimated total costs to respondents, $45,100.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the instrument may be obtained by writing to:

Ms. Jane L. Crane, U.S. Department of Education, National Center for Education Statistics, Room 901, Presidential Building, 400 Maryland Avenue, SW. Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Approximately 10,000 teachers responded to the 1976–77 TLSS. The findings were the subject of various papers and two articles published in professional journals. The new survey was announced to directors of bilingual education projects and State agency representatives in November 1979, and to numerous teachers and other individuals who have requested the Office of the Assistant Secretary of Education for information about bilingual education research plans throughout 1979. The draft questionnaire was reviewed by the Chief State School Officers' Committee on Evaluation and Information Systems at its January 1980 meeting. The Committee recommended the survey.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Administrators and teachers will have approximately one month to reply.

(u) Specific Justification For a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Application under the Library Service and Construction Act.

(b) Name of the Sponsoring Agency: Department of Education, Office of Educational Research and Improvement, Office of Libraries and Learning Technologies Division of Library Programs.

(c) Agency Form Number: ED–4563.

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(d) Justification: "Sec. 2(a). It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, in promoting interlibrary cooperation among all types of libraries, and in strengthening major resource libraries.

"Sec. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan . . ., (2) submit an annual program . . . and shall submit . . . a long-range program . . ." P.L. 84–597, as amended by P.L. 95–123, 20 U.S.C. 352 and 354.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Consultations were made with selected State library agencies, including those in Maryland and West Virginia.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate average of person-hours
State Library Agency	57	90

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $1,100.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information will be used for program management and evaluation purposes. Fiscal data are analyzed to determine whether maintenance-of-effort and other requirements have been met. Program information is analyzed regarding mandated priorities and optional utilization of funds. Information from the form is used as a basis for consultation with State library agencies, for program monitoring and for State management reviews. It is also needed for responding to requests for current program information that are received from the Congress and other data users.

(m) Methods of Analysis. Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: From P.L. 95–123:

Title I.—"Sec. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall . . . include an extension of the long-range program, taking into consideration the results of evaluations."

Title III.—"Sec. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall . . . include an extension of the long-range program, taking into consideration the results of evaluations." (P.L. 84–597, as amended by P.L. 95–123, 20 U.S.C. 354)

(o) Timetable for Dissimination of Collected Data: Not applicable.

(p) Estimate of Total Person-hours and Costs Required to Complete the Request: Person-hours, 1,710. Cost, $16,313.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: Nathan M. Cohen, Office of Libraries and Learning Technologies, Office of Educational Research and Improvement, Department of Education, Room 3124, ROB–3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In addition to communication with specific State library agencies some years ago when the form was first developed, as noted in item h above, there has been continuing consultation with State library agencies over the years. The latest such communication was held in April 1979 with representatives from 57 States and Outlying Parts.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Previous experience indicates that lead time is adequate.

(u) Specific Justification for a Multi-year Approval: Not applicable.

[FR Doc. 81–5622 Filed 2–13–81; 4:15 pm]

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 33
Thursday, February 19, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, February 27, 1981.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–287–80 Filed 2–17–81; 2:23 pm]

BILLING CODE 6351–01–M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, February 24, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington,D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel.Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, February 26, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certification
Granting extensions of time in Commission enforcement proceedings
Appropriations and budget
Pending legislation
Classification actions
Routine administrative matters

* * * * *

DATE AND TIME: Monday, February 16, 1981 at 12:45 p.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting was open to the public. Due to extraordinary circumstances, the Commission met to discuss the following matter:

Revised fiscal year 1982 budget—response to OMB

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S–286–81 Filed 2–17–81; 3:36 pm]

BILLING CODE 6715–01–M

3

FEDERAL RESERVE SYSTEM. (Board of Governors)

TIME AND DATE: 10 a.m., Monday, February 23, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: February 13, 1981.

James McAfee,
Assistant Secretary of the Board.

[S–283–80 Filed 2–13–81; 4:08 pm]

BILLING CODE 6210–01–M

4

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, February 19, 1981.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed Clearance Rules.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–3830; Recorded Message: (202) 523–3806.

[S–284–80 Filed 2–17–80; 9:53 am]

BILLING CODE 6750–01–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of February 16 (changes).

PLACE: Commissioners' conference room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Tuesday, February 17 (changes):

3 p.m.

The Briefing on Significant Enforcement Action has been *delayed.*

3:30 p.m.

1. Discussion of Draft Bailly Show Cause Order (closed—Extension 10) (as announced)

Wednesday, February 18:

10 a.m.

1. Discussion of Policy on Proceeding with Pending Construction Permit and Manufacturing License Applications (additional item) (continued from Feb. 12, public meeting)

2 p.m.

1. Discussion and Vote on Systematic Safety Evaluation of All Currently Operating Nuclear Power Reactors (approx 1 hour, as announced) (public meeting)

2. Affirmation/Discussion Session (public meeting) (changes)

Affirmation and/or Discussion and Vote:

a. Proposed Rule Changes to Implement the Commission's Delegation of OL Antitrust Determination to Director, NRR & NMSS (as announced)

b. Redraft of **Federal Register** Notice on Spent Fuel Generic (as announced)

c. Review of ALAB–618–LaCrosse (as announced)

d. **Federal Register** Notice–Suspension of Procedural Assistance Program (additional item)

[Fire Protection Rule for Future Plants (delayed)]

[Part 51—NEPA Regulations (delayed)]

ADDITIONAL INFORMATION: By vote of 4–0 on February 12, the Commission determined pursuant to 5 U.S.C. 552b(e)(9) and § 9.107(a) of the

Commission's Rules that Commission business required that the Discussion of Budget Testimony, held that day, be held on less than one week's notice to the Public.

On Monday, February 23, 1981, at 2 p.m. there will be a Management–Organization and Internal Personnel Matters discussion held in closed session under exemptions 2,6).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202)634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

Walter Magee,

Office of the Secretary

[S–286–81 Filed 2–17–81; 1:14 pm]

BILLING CODE 7590–01–M

6

[1P0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:30 a.m., Friday, February 20, 1981.

PLACE: Room 724, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 4 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (202) 724–3094.

[S–285–81 Filed 2–17–81; 11:39 am]

BILLING CODE 4410–01–M

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federal register

Thursday
February 19, 1981

Part II

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

To the Congress of the United States:

I hereby withdraw the 33 rescission proposals transmitted to the Congress by the Carter Administration on January 15, 1981 totalling $1,142.4 million and temporarily convert them to deferrals. A list of the withdrawn rescission proposals is attached.

The conversion to temporary deferrals will provide my Administration with the opportunity to review and revise these proposals within the context of my overall plan to curtail the growth of government and reduce Federal spending.

In addition, I am reporting four other new deferrals totalling $8.0 million and a revision to a previously transmitted deferral increasing the amount deferred by $51.1 million. These four new items involve programs in the Departments of the Interior and Transportation and the International Communication Agency. The revision to the existing deferral involves the Department of the Treasury.

The details of the deferrals are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
February 13, 1981.

BILLING CODE 3110-01-M

Rescission #	Item	Budget Authority
	Research Resources	10,521
RSI-23	National Library of Medicine	341
RSI-24	Office of the Director	360
RSI-25	Alcohol, Drug Abuse and Mental Health Administration	
RSI-26	Health Resources Administration:	67,140
	Health resources	78,983
RSI-27	Health services	
RSI-28	Human development services	10,000
	Department of Housing and Urban Development	
	Housing Programs	
RSI-29	Congregate services program	10,000
	Other Independent Agencies	
	Community Services Administration	
RSI-30	Community services programs	6,000
	Federal Mine Safety and Health Review Commission	
RSI-31	Salaries and expenses	165
	Postal Service	
RSI-32	Payment to the Postal Service Fund	250,000
	Tennessee Valley Authority	122,000
RSI-33	Tennessee Valley Authority Fund	
	Subtotal, rescission proposals withdrawn	1,142,991

Attachment

Rescission Proposals Withdrawn
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
RSI-1	Operations, research and facilities	10,493
RSI-2	National Telecommunications and Information Administration	
	Public telecommunications facilities, planning and construction	4,000
	Department of Education	
	Office of Elementary and Secondary Education	
RSI-3	Education assistance to federally affected areas	149,200
RSI-4	Education for the handicapped	52,150
	Office of Vocational and Adult Education	
RSI-5	Vocational and adult education	11,862
	Office of Postsecondary Education	
RSI-6	Student loan insurance	28,750
RSI-7	Higher and continuing education	33,989
	Department of Energy	
	Energy programs	
RSI-8	Energy supply, research and development - operation; expenses	25,026
RSI-9	Energy supply, research and development - plant and capital equipment	3,650
RSI-10	Fossil energy research and development	25,450
RSI-11	Energy conservation	47,804
	Department of Health Services	
	Health Services Administration	
RSI-12	Health services	8,059
	Centers for Disease Control	
RSI-13	Preventive health services	27,000
	National Institutes of Health	
RSI-14	National Cancer Institute - research	13,965
RSI-15	National Heart, Lung and Blood Institute	10,324
RSI-16	National Institute of Dental Research	302
RSI-17	National Institute of Arthritis, Metabolism, and Digestive Diseases	3,242
RSI-18	National Institute of Neurological and Communicative Disorders and Stroke	2,031
RSI-19	National Institute of Child Health and Human Development	3,285
RSI-20	National Eye Institute	2,353
RSI-21	National Institute of Environmental Health Sciences	3,254
RSI-22	National Institute of Aging	588

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CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
D81-42	Operations, research, and facilities	39,493
	National Telecommunications and Information Admin.	
D81-43	Public telecommunications facilities, planning and construction	4,490
	Department of Education	
	Office of Elementary and Secondary Education	
D81-44	School assistance in federally affected areas	148,000
D81-45	Elementary and secondary education	52,150
	Office of Vocational and Adult Education	
D81-46	Vocational and adult education	11,862
	Office of Postsecondary Education	
D81-47	Student loan insurance	78,728
D81-48	Higher and continuing education	30,989
	Department of Energy	
	Energy programs	
D81-49	Energy supply, research and development - operating expenses	25,025
D81-50	Energy supply, research and development - plant and capital equipment	3,650
D81-51	Fossil energy research and development	25,450
D81-52	Energy conservation	47,800
	Department of Health and Human Services	
	Health Services Administration	
D81-53	Health services	8,057
	Centers for Disease Control	
D81-54	Preventive health services	27,000
	National Institutes of Health	
D81-55	National Cancer Institute	13,565
D81-56	National Heart, Lung, and Blood Institute	10,324
D81-57	National Institute of Dental Research	302
D81-58	National Institute of Arthritis, Metabolism, and Digestive Diseases	3,232
D81-59	National Institute of Neurological and Communicative Disorders and Stroke	2,931
D81-60	National Institute of Child Health and Human Development	3,235
D81-61	National Eye Institute	2,353
D81-62	National Institute of Environmental Health Sciences	1,258
D81-63	National Institute of Aging	538
D81-64	Research Resources	10,361
D81-65	National Library of Medicine	341
D81-66	Office of the Director	390
D81-67	Alcohol, Drug Abuse and Mental Health Administration Alcohol, Drug Abuse, and Mental Health	67,140
D81-68	Health Resources Administration Health resources	78,453
D81-69	Human Development Services Human development services	10,000
	Department of Housing and Urban Development	
	Housing Programs	
D81-70	Congregate services program	10,000
	Department of the Interior	
	Bureau of Land Management	
D81-71	Oregon and California grant lands	1,949
	Department of Transportation	
	Federal Aviation Administration	
D81-72	Various activities	3,693
	Department of Treasury	
	Office of the Secretary	
D81-1YB	State and local government fiscal assistance trust fund	61,756
	Other Independent Agencies	
	Community Services Administration	
D81-73	Community services program	6,000
	Federal Mine Safety and Health Review Commission	
D81-74	Salaries and expenses	163
	International Communication Agency	
D81-75	Salaries and expenses (Special foreign currency program)	1,500
D81-76	Acquisition and construction of radio facilities	1,252
	Postal Service	
	Postal Service	
D81-77	Payment to the Postal service Fund	250,000
	Tennessee Valley Authority	
D81-78	Tennessee Valley Authority Fund	177,300
	Total, deferrals	1,212,151

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(in thousands of dollars)

	Rescissions	Deferrals
Fifth special message:		
New items	---	1,150,395
Change to amounts previously submitted	---	51,062
Rescission proposals withdrawn	-1,142,391	---
Effect of fifth special message	-1,142,391	1,201,457
Previous special messages	1,143,891	5,670,450
Total amount proposed in special messages	1,500	6,871,907 a/

a/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-19B).

Deferral No: D81-42

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce
Bureau: National Oceanic and Atmospheric Administration
Appropriation title & symbol:
Operations, Research, and Facilities
13X1450

CMB Identification code:
13-1450-0-1-306

Grant program: ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year _____ (expiration date)
☒ No-year

New budget authority (P.L. 96-536)	$ 274,367,000
Other budgetary resources	11,850,061
Total budgetary resources	786,217,061
Amount to be deferred: Part of year	$ 30,693,000
Entire year	

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other _____

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other _____

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-43

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce Bureau: National Telecommunications and Information Administration	New budget authority (P.L. 96-367): $25,705,000 Other budgetary resources: 11,510 Total budgetary resources: 25,716,510
Appropriation title & symbol: Public Telecommunications Facilities, Planning and Construction 13X0551	Amount to be deferred: Part of year: $4,000,000 Entire year:
OMB identification code: 13-0551-0-1-503	Legal authority (in addition to sec 1013): [X] Antideficiency Act [ ] Other
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-44

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Education Bureau: Office of Elementary & Secondary Education	New budget authority (P.L. 96-536): $740,000,000 Other budgetary resources: -0- Total budgetary resources: 740,000,000
Appropriation title & symbol: School Assistance in Federally Affected Areas 9110102	Amount to be deferred: Part of year: $148,000,000 Entire year:
OMB identification code: 91-0102-0-1-501	Legal authority (in addition to sec 1013): [ ] Antideficiency Act [ ] Other
Grant program: [X] Yes [ ] No	
Type of account or fund: [X] Annual [ ] Multiple-year _____ (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-45

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Education Bureau: Office of Elementary and Secondary Education	New budget authority (P.L. 96-536): $1,838,098,000 Other budgetary resources: -0- Total budgetary resources: 1,838,098,000
Appropriation title & symbol: Elementary and Secondary Education 9110100	Amount to be deferred: Part of year: $58,155,000 Entire year:
OMB identification code: 91-0100-0-1-501	Legal authority (in addition to sec 1013): [X] Antideficiency Act [ ] Other
Grant program: [X] Yes [ ] No	
Type of account or fund: [X] Annual [X] Multiple-year September 30, 1982 (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-46

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Education Bureau: Office of Vocational and Adult Education	New budget authority (P.L. 96-536): $28,617,000 Other budgetary resources: -0- Total budgetary resources: 28,617,000
Appropriation title & symbol: Vocational and Adult Education 1910400	Amount to be deferred: Part of year: $11,862,000 Entire year:
OMB identification code: 91-0400-0-1-501	Legal authority (in addition to sec 1013): [X] Antideficiency Act [ ] Other
Grant program: [X] Yes [ ] No	
Type of account or fund: [X] Annual [ ] Multiple-year _____ (expiration date) [ ] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-47

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536): $2,312,479,000
Bureau: Office of Postsecondary Education	Other budgetary resources: 210,816,000
Appropriation title & symbol: Student Loan Insurance Fund 91X0230	Total budgetary resources: 2,523,295,000
	Amount to be deferred: Part of year: $ 78,728,000
	Entire year:
OMB identification code: 91-0230-0-1-502	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-48

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Education	New budget authority (P.L. 96-536): $ 410,863,315
Bureau: Office of Postsecondary Education	Other budgetary resources: 16,941,872
Appropriation title & symbol: Higher and Continuing Education 9110201	Total budgetary resources: 427,805,187
	Amount to be deferred: Part of year: $ 38,989,000
	Entire year:
OMB identification code: 91-0201-0-1-502	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-49

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-367, 96-536, 96-369): $2,298,750,000
Bureau: Energy Programs	Other budgetary resources: 131,820,000
Appropriation title & symbol: Energy Supply Research and Development Operating Expenses 89X0224	Total budgetary resources: 2,430,270,000
	Amount to be deferred: Part of year: $ 25,026,000
	Entire year:
OMB identification code: 89-0224-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-50

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 96-367): $ 383,287,000
Bureau: Energy Programs	Other budgetary resources: 22,282,000
Appropriation title & symbol: Energy Supply, Research and Development Plant and Capital Equipment 89X0225.40	Total budgetary resources: 405,569,000
	Amount to be deferred: Part of year: $ 3,650,000
	Entire year:
OMB identification code: 89-0225-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-51

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514) $ 711,435,000
Bureau Energy Programs	Other budgetary resources 31,019,111
Appropriation title & symbol Fossil Energy Research and Development 89X0213	Total budgetary resources 742,454,111
	Amount to be deferred: Part of year $ 25,450,000
	Entire year
OMB identification code: 89-0213-0-1-271	Legal authority (in addition to sec 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-52

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514 &) $ 862,107,000
Bureau Energy Programs	Other budgetary resources 83,405,000
Appropriation title & symbol Energy Conservation 89X0215	Total budgetary resources 945,512,000
	Amount to be deferred: Part of year $ 47,800,000
	Entire year
OMB identification code: 89-0213-0-1-999	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-[illegible]

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 1,056,227,000
Bureau Health Services Administration	Other budgetary resources 58,778,000
Appropriation title & symbol Health Services 7510350	Total budgetary resources 1,115,005,000
	Amount to be deferred: Part of year $ 8,057,000
	Entire year
OMB identification code: 75-0350-0-1-551	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-[illegible]

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 259,427,000
Bureau Centers for Disease Control	Other budgetary resources 20,000,000
Appropriation title & symbol Preventive Health Services 7510941	Total budgetary resources 279,427,000
	Amount to be deferred: Part of year $ 27,000,000
	Entire year
OMB identification code: 75-0941-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-55

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 724,755,000
Bureau National Institutes of Health	Other budgetary resources 100,000
Appropriation title & symbol	Total budgetary resources 724,855,000
National Cancer Institute 7510849	Amount to be deferred: Part of year $ 13,565,000 Entire year
OMB identification code: 75-0849-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-56

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 406,281,000
Bureau National Institutes of Health	Other budgetary resources 100,000
Appropriation title & symbol	Total budgetary resources 406,381,000
National Heart, Lung, & Blood Institute 7510872	Amount to be deferred: Part of year $ 10,324,000 Entire year
OMB identification code: 75-0872-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-57

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 51,353,000
Bureau National Institutes of Health	Other budgetary resources 125,000
Appropriation title & symbol	Total budgetary resources 51,478,000
National Institute of Dental Research 7510873	Amount to be deferred: Part of year $ 302,000 Entire year
OMB identification code: 75-0873-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-58

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 248,740,000
Bureau National Institutes of Health	Other budgetary resources -0-
Appropriation title & symbol	Total budgetary resources 248,740,000
National Institute of Arthritis, Metabolism and Digestive Diseases 7510884	Amount to be deferred: Part of year $ 3,232,000 Entire year
OMB identification code: 75-0884-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-59

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 195,564,000
Bureau National Institutes of Health	Other budgetary resources 69,000
Appropriation title & symbol	Total budgetary resources 195,633,000
National Institute of Neurological and Communicative Disorders and Stroke	Amount to be deferred: Part of year $ 2,031,000
7510886	Entire year
OMB identification code: 75-0886-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-60

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 161,887,000
Bureau National Institutes of Health	Other budgetary resources 10,000
Appropriation title & symbol	Total budgetary resources 161,897,000
National Institute of Child Health and Human Development	Amount to be deferred: Part of year $ 3,285,000
7510844	Entire year
OMB identification code: 75-0844-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-61

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 87,282,000
Bureau National Institutes of Health	Other budgetary resources 60,000
Appropriation title & symbol	Total budgetary resources 87,302,000
National Eye Institute	Amount to be deferred: Part of year $ 8,353,000
7510887	Entire year
OMB identification code: 75-0887-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-62

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 96-536) $ 70,946,000
Bureau National Institutes of Health	Other budgetary resources 5,613,000
Appropriation title & symbol	Total budgetary resources 76,559,000
National Institute of Environmental Health Sciences	Amount to be deferred: Part of year $ 3,258,000
7510862	Entire year
OMB identification code: 75-0862-0-1-550	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-63

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 54,850,000
Bureau: National Institutes of Health	Other budgetary resources: 100,000
Appropriation title & symbol: National Institute on Aging 7510843	Total budgetary resources: 55,050,000
	Amount to be deferred: Part of year: $ 588,000
	Entire year:
OMB identification code: 75-0843-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-64

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 170,779,000
Bureau: National Institutes of Health	Other budgetary resources: 7,390,000
Appropriation title & symbol: Research Resources 7510848	Total budgetary resources: 178,169,000
	Amount to be deferred: Part of year: $ 10,561,000
	Entire year:
OMB identification code: 75-0848-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-65

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 32,301,000
Bureau: National Institutes of Health	Other budgetary resources: 2,400,000
Appropriation title & symbol: National Library of Medicine 7510807	Total budgetary resources: 34,701,000
	Amount to be deferred: Part of year: $ 341,000
	Entire year:
OMB identification code: 75-0807-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-66

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 16,336,000
Bureau: National Institute of Health	Other budgetary resources: 8,169,000
Appropriation title & symbol: Office of the Director - 7510846	Total budgetary resources: 24,505,000
	Amount to be deferred: Part of year: $ 36,000
	Entire year:
OMB identification code: 75-0846-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-67

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 766,857,000
Bureau: Alcohol, Drug Abuse and Mental Health Admin.	Other budgetary resources: -0-
Appropriation title & symbol: Alcohol, Drug Abuse, Mental Health 7511361	Total budgetary resources: 766,957,000
	Amount to be deferred: Part of year: $ 87,140,800
	Entire year:
OMB identification code: 75-1361-0-1-850	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-68

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. 96-536): $ 691,634,000
Bureau: Health Resources Administration	Other budgetary resources: 2,741,000
Appropriation title & symbol: Health Resources 7510712	Total budgetary resources: 694,375,000
	Amount to be deferred: Part of year: $ 78,683,000
	Entire year:
OMB identification code: 7509712-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-69

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Health and Human Services	New budget authority (P.L. 96-536): $ 185,250,000
Bureau: Human Development Services	Other budgetary resources: -0-
Appropriation title & symbol: Human Development Services (Administration on Aging - Social Services & Centers) 7511636	Total budgetary resources: 185,250,000
	Amount to be deferred: Part of year: $ 10,000,000
	Entire year:
OMB identification code: 75-1636-0-1-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-70

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Housing & Urban Development	New budget authority (P.L. 96-526): $ 10,000,000
Bureau: Housing Programs	Other budgetary resources: 11,136,000
Appropriation title & symbol: Congregate Services Program 869/40179, 860/40178 and 861/40178	Total budgetary resources: 21,136,000
	Amount to be deferred: Part of year: $ 10,000,000
	Entire year:
OMB identification code: 86x0178x0-1x4Ax	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year 9/30/84 (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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Deferral No: D81-71

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Departmentof the Interior	New budget authority (P.L. 96-514): $ 87,500,000
Bureau: Bureau of Land Management	Other budgetary resources: 2,548,562
Appropriation title & symbol: Oregon and California Grant Lands 14X5136	Total budgetary resources: 60,048,562
	Amount to be deferred: Part of year: $ ---
	Entire year: 1,848,882
OMB identification code: 14-5136-0-2-302	Legal authority (in addition to sec 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [X] Other: Appropriated Receipts

Justification: The Interior and Related Agencies Appropriation Act for 1981, (P.L. 96-514) includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on receipts collected in the same fiscal period and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal period are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts. Deferral is planned to cushion fluctuations in receipt levels.

Receipts for FY 1980 were $195,214,247 with an unobligated balance of $2,548,562 brought forward into FY 1981. Total budgetary resources for this program are $60,048,562. P.L. 96-514, however, provides for obligation of no more than $58,200,000 in FY 1981. Consequently, the balance of $1,848,652 has been reserved for use in FY 1982. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There will be no programmatic impact in FY 1981 since the receipts will continue to accrue but will remain unobligated until such time as the amount available can be used more effectively.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: D81-72

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. ____): $ -0-
Bureau: Federal Aviation Administration	Other budgetary resources: 3,402,671
Appropriation title & symbol: see coverage below	Total budgetary resources: 3,402,671
	Amount to be deferred: Part of year: $ -0-
	Entire year: 3,402,671
OMB identification code: 69-0106-0-1-402	Legal authority (in addition to sec 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Coverage	Account Symbol	Total Budgetary Resources	Amount Deferred
1. Civil Supersonic Aircraft Development	69X1358	$3,007,717	$3,007,717
2. Civil Supersonic Aircraft Development Termination	69X0108	342,120	342,120
3. Research and Development	69X1308	52,834	52,834
		3,402,671	3,402,671

Justification: Funds were appropriated to these accounts in the Department of Transportation and Related Agencies Appropriation Acts of 1971 and 1972. These accounts finance the termination of the supersonic transport development program, including the total cost of settlement of contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests. The deferred funds will not be needed for obligation during this fiscal year and are reserved for use in FY 1982.

Estimated Effect: This deferral action has no budgetary or programmatic effect

Outlay Effect: This deferral action has no effect on outlays.

D81-19S

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-19A, transmitted in the special message to Congress on December 2, 1980.

This revised deferral report for the State and Local Government Fiscal Assistance Trust Fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $10,694,198 to $61,756,000. The increase of $51,061,802 results from additional funds becoming available under P.L. 96-536 and the associated increase in withholdings of payments from various governments for reasons of noncompliance with the requirements of the State and Local Assistance Act, as amended.

Deferral No: D81-19S

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 96-536): $4,544,700,988*
Bureau: Office of the Secretary	Other budgetary resources: 11,759,548*
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/ 2/	Total budgetary resources: 4,556,940,452*
	Amount to be deferred: Part of year: $ 61,756,000*
	Entire year: ____
OMB identification code: 10-811-0-7-851	Legal authority (in addition to sec 1013): [X] Antideficiency Act P.L. 92-512 Sections 121 & 123; [X] Other P.L. 94-488 and P.L. 96-604*
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: The State and Local Governmental Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effects: The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account is currently the subject of another deferral in FY 1981 (D81-18) and was the subject of a similar deferral in FY 1980 (D80-23A).

2/ Deferral of outlays only.

* Revised from previous report.

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Deferral No: D81-73

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Community Services Administration Bureau: Community Services Program Appropriation title & symbol: Community Services Program 8110500 OMB identification code: 81-0500-0-1-999 Grant program: [X] Yes [ ] No Type of account or fund: [X] Annual; [ ] Multiple-year ____ (expiration date); [ ] No-year	New budget authority (P.L. 96-536): $ 6,000,000 Other budgetary resources: -0- Total budgetary resources: 6,000,000 Amount to be deferred: Part of year: $ 6,000,000; Entire year: ____ Legal authority (in addition to sec. 1013): [ ] Antideficiency Act; [ ] Other ____ Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-74

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Federal Mine Safety and Health Review Commission Bureau: Appropriation title & symbol: Salaries and Expenses 9512800 OMB identification code: 95-2800-0-1-554 Grant program: [ ] Yes [X] No Type of account or fund: [X] Annual; [ ] Multiple-year ____ (expiration date); [ ] No-year	New budget authority (P.L. 96-536): $ 3,140,000 Other budgetary resources: -0- Total budgetary resources: 3,140,000 Amount to be deferred: Part of year: $ 163,000; Entire year: ____ Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other ____ Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

Deferral No: D81-75

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: International Communication Agency Bureau: Appropriation title & symbol: Salaries and Expenses (Special Foreign Currency Program) 67X0205 OMB identification code: 67-0205-0-1-154 Grant program: [ ] Yes [ ] No Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	New budget authority (P.L. 96-536): $ 10,603,000 Other budgetary resources: 4,015,034 Total budgetary resources: 14,618,034 Amount to be deferred: Part of year: $ ____; Entire year: 1,500,000 Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other ____ Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: The United States International Communication Agency (ICA) is authorized by the United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), Executive Order No 11034 of June 25, 1962, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication, cultural and edutational exchange programs.

The Continuing Appropriations Act, 1981 (P.L. 96-369, approved December 16, 1980) appropriated $10,603,000, to remain available until expended, for the "Salaries and expenses (special foreign currency program)" account. The account is used for payment of ICA local program expenses in U.S.-owned foreign currencies in those countries where the Department of Treasury determines that the supply of local currency is in excess of the normal requirements of the U.S. Government. In fiscal year 1981, the "excess currency" countries are: Burma, Guinea, India, Pakistan, and Egypt.

It is now estimated that the 1981 beginning-of-year unobligated balance for this account, plus anticipated reimbursements from other agencies, will amount to $4,015,034, which is significantly more than the sum estimated in the 1981 Budget. The deferred amount represents funds that will not be obligated during this fiscal year under current program plans. Accordingly, these funds are reserved for use in succeeding years.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral action has no budgetary or programmatic effect.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: D81-76

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: International Communication Agency Bureau: Appropriation title & symbol: Acquisition & Construction of Radio Facilities, International Communication Agency 67X0204 OMB identification code: 67-0204-0-1-154 Grant program: [ ] Yes [X] No Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	New budget authority (P.L. 96-536): $ 2,562,000 Other budgetary resources: 21,338,658 Total budgetary resources: 23,900,658 Amount to be deferred: Part of year: $ ____; Entire year: 1,252,000 Legal authority (in addition to sec. 1013): [ ] Antideficiency Act; [ ] Other ____ Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: The United States International Communication Agency (ICA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1962 (22 U.S.C. 2451 et seq.), Executive Order No. 11034 of June 25, 1962, as amended and Reorganization Plan No. 2 of 1977, to carry out international communication, cultural and educational exchange programs.

The International Communication Agency Authorization Act, Fiscal Year 1980 - 1981 (P.L. 96-60, approved August 15, 1979) authorized appropriations for ICA. The Continuing Appropriations Act, 1981 (P.L. 96-369, approved December 16, 1980) appropriated $2,562,000, to remain available until expended, for the "Acquisition and Construction of Radio Facilities" account primarily to expand the transmitter capacity of the Voice of America's worldwide broadcasting system.

This amount, together with funds appropriated in prior years, will be used to maintain and update existing VOA facilities and to expand transmitter facilities in East Asia, Africa, and Europe. The augmentation of the facilities in East Asia and Africa has been delayed due to significant increases in the cost estimates to complete these projects. Also, the scheduled completion of the modernization of the Master Control Complex in Washington has been delayed until 1982. As a result, $1,252,000 in funds that will not be obligated during this fiscal year are reserved for use in subsequent years.

This action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action has no budgetary or programmatic effect.

Outlay Effect: This deferral action has no effect on outlays.

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Deferral No: D81-77

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: United States Postal Service	New budget authority (P.L. 96-536): $1,593,217,000
Bureau:	Other budgetary resources: -0-
Appropriation title & symbol: Payment to Postal Service Fund 18X1001	Total budgetary resources: 1,593,217,000
	Amount to be deferred: Part of year: $250,000,000
	Entire year:
OMB identification code: 18-1001-0-1-372	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral actinn will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

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BILLING CODE 3110-01-C

Deferral No: D81-78

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Tennessee Valley Authority	New budget authority (P.L. 96-367): $287,563,000
Bureau:	Other budgetary resources: 87,394,000
Appropriation title & symbol: Payment to the Tennessee Valley Authority Fund 64X4110	Total budgetary resources: 374,957,000
	Amount to be deferred: Part of year: $177,005,000
	Entire year:
OMB identification code: 64-4110-0-3-999	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: A rescission proposal for this account, transmitted to the Congress by the Carter Administration on January 15, 1981, has been withdrawn and the subject funds are now being deferred.

This deferral action is taken to give the new administration an opportunity to review the previously proposed rescission in the context of President Reagan's overall plans to curtail the growth of government and reduce Federal spending.

This deferral will remain in effect until decisions are completed on the new administration's proposals for reducing Federal spending in FY 1981, but in any event no longer than June 30, 1981.

Estimated Effects: This deferral action will have the effect of preserving these funds until decisions are completed on the new administration's proposals.

Outlay Effects: Due to the expected short duration of this deferral action no significant effect on outlays is anticipated.

federal register

Thursday
February 19, 1981

Part III

The President

Executive Order 12291—
Federal Regulation

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Federal Register
Vol. 46, No. 33
Thursday, February 19, 1981

Presidential Documents

Title 3—

The President

Executive Order 12291 of February 17, 1981

Federal Regulation

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations, it is hereby ordered as follows:

Section 1. *Definitions.* For the purposes of this Order:

(a) "Regulation" or "rule" means an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency, but does not include:

(1) Administrative actions governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code;

(2) Regulations issued with respect to a military or foreign affairs function of the United States; or

(3) Regulations related to agency organization, management, or personnel.

(b) "Major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(c) "Director" means the Director of the Office of Management and Budget.

(d) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), excluding those agencies specified in 44 U.S.C. 3502(10).

(e) "Task Force" means the Presidential Task Force on Regulatory Relief.

Sec. 2. *General Requirements.* In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, all agencies, to the extent permitted by law, shall adhere to the following requirements:

(a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(c) Regulatory objectives shall be chosen to maximize the net benefits to society;

(d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the

particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Sec. 3. *Regulatory Impact Analysis and Review.*

(a) In order to implement Section 2 of this Order, each agency shall, in connection with every major rule, prepare, and to the extent permitted by law consider, a Regulatory Impact Analysis. Such Analyses may be combined with any Regulatory Flexibility Analyses performed under 5 U.S.C. 603 and 604.

(b) Each agency shall initially determine whether a rule it intends to propose or to issue is a major rule, *provided that,* the Director, subject to the direction of the Task Force, shall have authority, in accordance with Sections 1(b) and 2 of this Order, to prescribe criteria for making such determinations, to order a rule to be treated as a major rule, and to require any set of related rules to be considered together as a major rule.

(c) Except as provided in Section 8 of this Order, agencies shall prepare Regulatory Impact Analyses of major rules and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmitted, along with the proposed rule, to the Director at least 60 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, the agency shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, agencies shall submit to the Director, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(d) To permit each proposed major rule to be analyzed in light of the requirements stated in Section 2 of this Order, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(5) Unless covered by the description required under paragraph (4) of this subsection, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of this Order.

(e) (1) The Director, subject to the direction of the Task Force, which shall resolve any issues raised under this Order or ensure that they are presented to the President, is authorized to review any preliminary or final Regulatory Impact Analysis, notice of proposed rulemaking, or final rule based on the requirements of this Order.

(2) The Director shall be deemed to have concluded review unless the Director advises an agency to the contrary under subsection (f) of this Section:

(A) Within 60 days of a submission under subsection (c)(1) or a submission of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under subsection (c)(2);

(B) Within 30 days of the submission of a final Regulatory Impact Analysis and a final rule under subsection (c)(2); and

(C) Within 10 days of the submission of a notice of proposed rulemaking or final rule under subsection (c)(3).

(f) (1) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under this Order, and shall, subject to Section 8(a)(2) of this Order, refrain from publishing its preliminary Regulatory Impact Analysis or notice of proposed rulemaking until such review is concluded.

(2) Upon receiving notice that the Director intends to submit views with respect to any final Regulatory Impact Analysis or final rule, the agency shall, subject to Section 8(a)(2) of this Order, refrain from publishing its final Regulatory Impact Analysis or final rule until the agency has responded to the Director's views, and incorporated those views and the agency's response in the rulemaking file.

(3) Nothing in this subsection shall be construed as displacing the agencies' responsibilities delegated by law.

(g) For every rule for which an agency publishes a notice of proposed rulemaking, the agency shall include in its notice:

(1) A brief statement setting forth the agency's initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination; and

(2) For each proposed major rule, a brief summary of the agency's preliminary Regulatory Impact Analysis.

(h) Agencies shall make their preliminary and final Regulatory Impact Analyses available to the public.

(i) Agencies shall initiate reviews of currently effective rules in accordance with the purposes of this Order, and perform Regulatory Impact Analyses of currently effective major rules. The Director, subject to the direction of the Task Force, may designate currently effective rules for review in accordance with this Order, and establish schedules for reviews and Analyses under this Order.

Sec. 4. *Regulatory Review.* Before approving any final major rule, each agency shall:

(a) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent, and include in the **Federal Register** at the time of promulgation a memorandum of law supporting that determination.

(b) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

Sec. 5. *Regulatory Agendas.*

(a) Each agency shall publish, in October and April of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review pursuant to this Order. These agendas may be incorporated with the agendas published under 5 U.S.C. 602, and must contain at the minimum:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate

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schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking;

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and

(3) A list of existing regulations to be reviewed under the terms of this Order, and a brief discussion of each such regulation.

(b) The Director, subject to the direction of the Task Force, may, to the extent permitted by law:

(1) Require agencies to provide additional information in an agenda; and

(2) Require publication of the agenda in any form.

Sec. 6. *The Task Force and Office of Management and Budget.*

(a) To the extent permitted by law, the Director shall have authority, subject to the direction of the Task Force, to:

(1) Designate any proposed or existing rule as a major rule in accordance with Section 1(b) of this Order;

(2) Prepare and promulgate uniform standards for the identification of major rules and the development of Regulatory Impact Analyses;

(3) Require an agency to obtain and evaluate, in connection with a regulation, any additional relevant data from any appropriate source;

(4) Waive the requirements of Sections 3, 4, or 7 of this Order with respect to any proposed or existing major rule;

(5) Identify duplicative, overlapping and conflicting rules, existing or proposed, and existing or proposed rules that are inconsistent with the policies underlying statutes governing agencies other than the issuing agency or with the purposes of this Order, and, in each such case, require appropriate interagency consultation to minimize or eliminate such duplication, overlap, or conflict;

(6) Develop procedures for estimating the annual benefits and costs of agency regulations, on both an aggregate and economic or industrial sector basis, for purposes of compiling a regulatory budget;

(7) In consultation with interested agencies, prepare for consideration by the President recommendations for changes in the agencies' statutes; and

(8) Monitor agency compliance with the requirements of this Order and advise the President with respect to such compliance.

(b) The Director, subject to the direction of the Task Force, is authorized to establish procedures for the performance of all functions vested in the Director by this Order. The Director shall take appropriate steps to coordinate the implementation of the analysis, transmittal, review, and clearance provisions of this Order with the authorities and requirements provided for or imposed upon the Director and agencies under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Paperwork Reduction Plan Act of 1980, 44 U.S.C. 3501 *et seq.*

Sec. 7. *Pending Regulations.*

(a) To the extent necessary to permit reconsideration in accordance with this Order, agencies shall, except as provided in Section 8 of this Order, suspend or postpone the effective dates of all major rules that they have promulgated in final form as of the date of this Order, but that have not yet become effective, excluding:

(1) Major rules that cannot legally be postponed or suspended;

(2) Major rules that, for good cause, ought to become effective as final rules without reconsideration. Agencies shall prepare, in accordance with Section 3 of this Order, a final Regulatory Impact Analysis for each major rule that they suspend or postpone.

(b) Agencies shall report to the Director no later than 15 days prior to the effective date of any rule that the agency has promulgated in final form as of the date of this Order, and that has not yet become effective, and that will not be reconsidered under subsection (a) of this Section:

(1) That the rule is excepted from reconsideration under subsection (a), including a brief statement of the legal or other reasons for that determination; or

(2) That the rule is not a major rule.

(c) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require reconsideration, in accordance with this Order, of any major rule that an agency has issued in final form as of the date of this Order and that has not become effective; and

(2) Designate a rule that an agency has issued in final form as of the date of this Order and that has not yet become effective as a major rule in accordance with Section 1(b) of this Order.

(d) Agencies may, in accordance with the Administrative Procedure Act and other applicable statutes, permit major rules that they have issued in final form as of the date of this Order, and that have not yet become effective, to take effect as interim rules while they are being reconsidered in accordance with this Order, *provided that*, agencies shall report to the Director, no later than 15 days before any such rule is proposed to take effect as an interim rule, that the rule should appropriately take effect as an interim rule while the rule is under reconsideration.

(e) Except as provided in Section 8 of this Order, agencies shall, to the extent permitted by law, refrain from promulgating as a final rule any proposed major rule that has been published or issued as of the date of this Order until a final Regulatory Impact Analysis, in accordance with Section 3 of this Order, has been prepared for the proposed major rule.

(f) Agencies shall report to the Director, no later than 30 days prior to promulgating as a final rule any proposed rule that the agency has published or issued as of the date of this Order and that has not been considered under the terms of this Order:

(1) That the rule cannot legally be considered in accordance with this Order, together with a brief explanation of the legal reasons barring such consideration; or

(2) That the rule is not a major rule, in which case the agency shall submit to the Director a copy of the proposed rule.

(g) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require consideration, in accordance with this Order, of any proposed major rule that the agency has published or issued as of the date of this Order; and

(2) Designate a proposed rule that an agency has published or issued as of the date of this Order, as a major rule in accordance with Section 1(b) of this Order.

(h) The Director shall be deemed to have determined that an agency's report to the Director under subsections (b), (d), or (f) of this Section is consistent with the purposes of this Order, unless the Director advises the agency to the contrary:

(1) Within 15 days of its report, in the case of any report under subsections (b) or (d); or

(2) Within 30 days of its report, in the case of any report under subsection (f).

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(i) This Section does not supersede the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations", which shall remain in effect until March 30, 1981.

(j) In complying with this Section, agencies shall comply with all applicable provisions of the Administrative Procedure Act, and with any other procedural requirements made applicable to the agencies by other statutes.

Sec. 8. *Exemptions.*

(a) The procedures prescribed by this Order shall not apply to:

(1) Any regulation that responds to an emergency situation, *provided that,* any such regulation shall be reported to the Director as soon as is practicable, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency shall prepare and transmit as soon as is practicable a Regulatory Impact Analysis of any such major rule; and

(2) Any regulation for which consideration or reconsideration under the terms of this Order would conflict with deadlines imposed by statute or by judicial order, *provided that,* any such regulation shall be reported to the Director together with a brief explanation of the conflict, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency, in consultation with the Director, shall adhere to the requirements of this Order to the extent permitted by statutory or judicial deadlines.

(b) The Director, subject to the direction of the Task Force, may, in accordance with the purposes of this Order, exempt any class or category of regulations from any or all requirements of this Order.

Sec. 9. *Judicial Review.* This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person. The determinations made by agencies under Section 4 of this Order, and any Regulatory Impact Analyses for any rule, shall be made part of the whole record of agency action in connection with the rule.

Sec. 10. *Revocations.* Executive Orders No. 12044, as amended, and No. 12174 are revoked.

Ronald Reagan

THE WHITE HOUSE,
February 17, 1981.

[FR Doc. 81-5790
Filed 2-17-81; 3:19 pm]
Billing code 3195-01-M

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

List of Public Laws

Last Listing February 13, 1981.

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 272 / Pub. L. 97–4 To increase the membership of the Joint Committee on Printing. (Feb. 17, 1981; 95 Stat. 6) Price $1.

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Friday
February 20, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

13492 **Hazardous Materials** EPA will now allow liquid ignitable wastes in containers to be disposed in landfills under particular conditions until 5-19-81; effective 2-20-81 (Part III of this issue)

13318 **Natural Gas** DOE/EIA publishes computed natural gas ceiling prices and a high cost gas incremental pricing threshold; effective 3-1-81

13202 **Nuclear Power Plants and Reactors** NRC increases monetary amount of civil penalties for noncompliance of reporting defects of certain licensed or regulated facilities or activity; effective 2-20-81

13250 **Grant Programs—Health and Safety** Commerce/NBS announces $2 million funding of program in fire research

13262-13264 **Education** ED lists data acquisition activities for School Year 1981-82; comments by 3-23-81 (3 documents)

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Highlights

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations clarify how agencies identify employees with transferring positions under the transfer of function provisions of OPM's reduction in force regulations.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ted Dow or Tom Glennon, (202) 632–4422.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 1980, OPM published proposed regulations in the **Federal Register** (45 FR 71363) that would explain how agencies identify positions for transfer under the transfer of function provisions found in Subpart C of Part 351 of this title. These proposed regulations did not change OPM's transfer of function policies, but simply incorporated the identification procedures set forth in Appendix C of Federal Personnel Manual (FPM) Chapter 351. The 60-day period for interested parties to submit written comments ended on December 29, 1980.

The transfer of function provisions found in Subpart C of Part 351 of this title are derived from Section 12 of the Veterans' Preference Act of 1944, as presently codified in 5 U.S.C. 3503. Additional instructions implementing the transfer of function provisions of Part 351 are contained in FPM Chapter 351. Specifically, Subchapter 3 of FPM Chapter 351 is primarily concerned with transfer of function while Appendix C of that chapter covers the procedures used by agencies to identify the positions of competing employees with a transferring function. For reference, the identification procedures were originally transmitted to Federal agencies in Supplement Number 2 to Departmental Circular 740, dated June 23, 1960.

Discussion of Comments

Three written comments were received concerning the proposed regulations: one from an agency and two from labor organizations.

The agency and one of the unions submitted comments concerning proposed § 351.303(e)(2). This section would limit employees who volunteer for transfer with a function (even though their positions are not identified with the transferring function) to those employees who are in competitive levels that, because of the transfer of function, have a surplus of employees.

Both the agency and the union believed that if volunteers are permitted, all employees in a competitive area should be eligible to volunteer to transfer with a function. After full consideration of these comments, we agree that proposed § 351.303(e)(2) would, in certain situations, serve to unnecessarily restrict eligible employees from volunteering to transfer with a function. As a result, we have deleted proposed § 351.303(e)(2) from the final regulations. This would permit any employee in the competitive area losing the function to volunteer for transfer with the function when volunteers are permitted.

The agency also suggested that the paragraph following proposed § 351.303(e)(2) be revised by replacing the word "should" with "will". This paragraph would provide that if the total number of employees who volunteer for transfer exceeds the total number of employees required to perform the function in the competitive area that is gaining the function, the losing competitive area should give preference to the volunteers with the highest retention standing.

After full consideration we decided not to adopt this suggestion on the basis that it is unnecessary. At present an agency is encouraged to select volunteers for transfer with a function on the basis of retention standing. We believe that the final decision should be left to the agencies on when to permit employees to volunteer for such transfer.

The other union had no specific objection to our proposed regulations.

Explanation of Final Regulations:

The following changes in Title 5, Code of Federal Regulations, are now made final:

(1) A new § 351.303 is added. Section 351.303(a) provides that the competitive area losing the function is responsible for identifying the positions of competing employees with the transferring function(s) under Identification Method One or Identification Method Two.

(2) Section 351.303(b) provides that Identification Method One must be used if it is applicable. Otherwise, Identification Method Two is used to identify the positions of competing employees with a transferring function or functions.

(3) Section 351.303(c) covers the applicability and operation of Identification Method One.

(4) Section 351.303(d) covers the applicability and operation of Identification Method Two.

(5) Section 351.303(e) covers employees of the competitive area that is losing the function who volunteer to transfer to the competitive area that is gaining the function.

Final § 351.303 is intended to be used in conjunction with final §§ 351.301 and 351.302 published in the **Federal Register** on September 12, 1980 (45 FR 60401).

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, Subpart C of Part 351, Title 5, Code of Federal Regulations, is revised to read as follows:

PART 351—REDUCTION IN FORCE

Subpart C—Transfer of Function

351.301 Applicability.
351.302 Transfer of employees.
351.303 Identification of positions with a transferring function.

§ 351.301 Applicability.

The transfer of function provisions set forth in § 351.203(i)(1) are applicable when the work of one or more employees is moved from one competitive area to another, regardless of whether or not the movement is made

under authority of a statute, Executive Order, reorganization plan, or other authority.

§ 351.302 Transfer of employees.

(a) Before a reduction in force is made in connection with the transfer of any or all of the functions of a competitive area to another continuing competitive area, each competing employee in a position identified with the transferring function or functions shall be transferred to the continuing competitive area without any change in the tenure of his or her employment.

(b) An employee whose position is transferred under this subpart solely for liquidation, and who is not identified with an operating function specifically authorized at the time of transfer to continue in operation more than 60 days, is not a competing employee for other positions in the competitive area gaining the function.

(c) Regardless of an employee's personal preference, an employee has no right to transfer with his or her function, unless the alternative in the competitive area losing the function is separation or demotion.

§ 351.303 Identification of positions with a transferring function.

(a) The competitive area losing the function is responsible for identifying the positions of competing employees with the transferring function. Two methods are provided to identify employees with the transferring function:

(1) Identification Method One; and

(2) Identification Method Two.

(b) Identification Method One must be used to identify each position to which it is applicable. Identification Method Two is used only to identify positions to which Identification Method One is not applicable.

(c) Under Identification Method One, a competing employee is identified with a transferring function if:

(1) The employee performs the function during all or a major part of his or her work time; or

(2) Regardless of the amount of time the employee performs the function during his or her work time, the function performed by the employee includes the duties controlling his or her grade or rate of pay.

(d) Under Identification Method Two, competing employees are identified with a transferring function in the inverse order of their retention standing.

(e)(1) The competitive area losing the function may permit other employees in the competitive area to volunteer for transfer with the function in place of employees identified under Identification Method One or Identification Method Two. However, the competitive area may permit these other employees to volunteer for transfer only if no competing employee who is identified for transfer under Identification Method One or Identification Method Two is separated or demoted solely because a volunteer transferred in place of him or her to the competitive area that is gaining the function.

(2) If the total number of employees who volunteer for transfer exceeds the total number of employees required to perform the function in the competitive area that is gaining the function, the losing competitive area should give preference to the volunteers with the highest retention standing.

(5 U.S.C. 1302, 3503)

[FR Doc. 81-5808 Filed 2-19-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This regulation clarifies the criteria under which agencies may formally designate positions as trainee or developmental positions for reduction in force purposes. In addition, this regulation clarifies the conditions under which an employee may be assigned to a formally designated trainee or development position in reduction in force competition.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ted Dow or Tom Glennon, (202) 632-4422.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1980, OPM published a proposed regulation in the **Federal Register** (45 FR 69469) that would explain how agencies consider trainee and developmental positions in the determination of employee retention standing. The 60-day period for interested parties to submit written comments ended on December 22, 1980.

The proposed regulation represented a clarification, rather than a major change, of OPM's reduction in force policies. For reference, these provisions have been set forth in paragraph 7-6a of Federal Personnel Manual (FPM) Chapter 351 since March 1972.

Discussion of Comments

Three written comments were received concerning the proposed regulation: one from an agency and two from labor organizations. In addition, we received several telephone calls from interested parties concerning the proposed regulation.

The agency suggested that the final regulation be more specific in covering the four characteristics of a formally designated trainee or developmental program. Also, the agency suggested that the final regulation provide that the establishment of separate competitive levels for trainee or developmental positions be optional.

The four characteristics of a formally designated trainee or developmental program that were provided for in the proposed reduction in force regulation are intended to establish general guidelines for agencies to follow in determining employee retention rights. The characteristics covered in the proposed regulation allow agencies considerable flexibility in determining employees rights to trainee and developmental positions in both first and second round reduction in force competition. However, the characteristics are still sufficiently specific to prevent agencies from routinely labeling a position in a career ladder as a trainee or developmental position for reduction in force purposes. In view of the considerable diversity in both the terminology and substance of trainee and developmental programs among different agencies, we believe that we should not at this time establish more specific guidelines for agencies to follow.

One union had no specific objection to the proposed regulation. The other union agreed with the proposed regulations.

Explanation of Final Regulation

The following changes in Title 5, Code of Federal Regulations, are now made final:

(1) Section 351.403(b)(1)(vii) is added. Section 351.403(b)(1)(vii) provides that employees in trainee or developmental positions, as provided for in § 351.701(e), are assigned to separate competitive levels on that basis. This subparagraph incorporates into Part 351 of this title a provision that is presently set forth in paragraph 4-3b of FPM Chapter 351.

(2) Section 351.701(e) is added. Section 351.701(e) covers the four characteristics of a formally designated program that, for reduction in force purposes, may be considered to include trainee and developmental positions. Section 351.701(e) also provides that an employee who does not hold a trainee or developmental position must meet all of the conditions required for selection and entry into the program in order to displace, as part of second round reduction in force competition, an employee who is presently in the program.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, Title 5, Code of Federal Regulations, is amended as follows:

(1) In § 351.403(b)(1), subparagraph (vii) is added. Revised § 351.403 reads as follows:

§ 351.403 Competitive level.

(a) Each agency shall establish competitive levels consisting of all positions in a competitive area and in the same grade or occupational level which are sufficiently alike in qualification requirements, duties, responsibilities, pay schedules, and working conditions, so that an agency readily may assign the incumbent of any one position to any of the other positions without changing the terms of his appointment or unduly interrupting the work program. Sex may not be a basis for assigning a position to a competitive level, except for a position for which restriction of certification of eligibles by sex is found justified by OPM.

(b)(1) Each agency shall establish separate competitive levels for competitive positions, as distinguished from excepted positions. Among competitive positions and among excepted positions, each agency shall establish separate competitive levels for positions that are:

(i) Under different pay schedules;

(ii) Filled on a full-time basis;

(iii) Filled on a seasonal basis;

(iv) Filled on a part-time basis;

(v) Filled on an intermittent basis;

(vi) Filled by a supervisor or management official, as defined in 5 U.S.C. 7103(a) (10) and (11); or

(vii) Filled by an employee in a formally designated trainee or developmental program having all of the characteristics covered in § 351.701(e)(1) through (e)(4) of this part.

(2) Among excepted positions, each agency shall establish separate competitive levels for positions filled under different appointment authorities.

(3) Employees covered by the Merit Pay System provisions are General Schedule employees for all reduction in force purposes.

(4) A probationary period required by Subpart I of Part 315 of this title upon initial appointment to a supervisory or managerial position does not constitute a basis for establishing a separate competitive level.

(5) Differences in work schedules among other-than-full-time employees who would otherwise be assigned to the same competitive level do not constitute a basis for establishing separate competitive levels.

(2) In § 351.701 Paragraph (e) is added to read as follows:

§ 351.701 Qualifications for assignment.

* * * * *

(e) An agency may formally designate a position in a program with all of the following characteristics as a trainee or developmental position:

(1) The program must have been designed to meet the agency's needs and requirements for the development of skilled personnel;

(2) The program must have been formally designated, with its provisions made known to employees and supervisors;

(3) The program must be developmental by design, offering planned growth in duties and responsibilities, and providing advancement in recognized lines of career progression; and

(4) The program must be fully implemented, with the participants chosen through standard selection procedures.

To be considered qualified for assignment under § 351.603 to a formally designated trainee or developmental position in a program having all of the characteristics covered in paragraphs (e)(1), (e)(2), (e)(3) and (e)(4) of this section, an employee must meet all of the conditions required for selection and entry into the program.

(5 U.S.C. 1302, 3502)

[FR Doc. 81-5809 Filed 2-19-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 292, Amendment 1; Lemon Regulation 293]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 22-28, 1981, and increases the quantity of such lemons that may be so shipped during the period February 15-21. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective February 22, 1981, and the amendment is effective for the period February 15-21, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on February 17, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons has improved.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of

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lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 910.593 is added as follows:

§ 910.593 Lemon Regulation 293.

The quantity of lemons grown in California and Arizona which may be handled during the period February 22, 1981, through February 28, 1981, is established at 215,000 cartons.

2. Section 910.592 Lemon Regulation 292 (46 FR 12191) is revised to read as follows:

§ 910.592 Lemon Regulation 292.

The quantity of lemons grown in California and Arizona which may be handled during the period February 15, 1981, through February 21, 1981, is established at 215,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 18, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-6053 Filed 2-19-81; 11:47 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 21

Statutory Increase in Civil Penalty Limits for Violations of Part 21

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations governing the reporting of defects and noncompliance, 10 CFR Part 21, to reflect the statutory increase in the monetary amount of civil penalties which the Commission may impose pursuant to Section 234 of the Atomic Energy Act of 1954, as amended. This amendment affects individual directors or responsible officers of firms constructing, owning, operating or supplying the components of any facility or activity which is licensed or regulated under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7678.

SUPPLEMENTARY INFORMATION: Section 206 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5846, requires individual directors or responsible officers of firms constructing, owning, operating, or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended (Atomic Energy Act), or the Energy Reorganization Act who obtain information reasonably indicating that such facility or activity or basic components supplied to such facility or activity (1) fails to comply with the Atomic Energy Act or any applicable rule, regulation, order, or license of the Nuclear Regulatory Commission (Commission) relating to substantial safety hazards, or (2) contains a defect which could create a substantial safety hazard, as defined by regulations which the Commission shall promulgate, to immediately notify the Commission of such failure to comply, or of such defect, unless such person has actual knowledge that the Commission has been adequately informed of such defect or failure to comply. Subsection 206(b) of the Energy Reorganization Act specifically provides that any person who knowingly and consciously fails to provide the required notice is subject to a civil penalty in an amount equal to the amount provided by Section 234 of the Atomic Energy Act, 42 U.S.C. 2282.

Section 234 of the Atomic Energy Act, "Civil Monetary Penalties for Violation of Licensing Requirements," was recently amended by Congress. The maximum civil penalty per violation was increased from $5,000 to $100,000 and the "cap" which limited the total penalty for violations occurring during a 30-day period to $25,000 was eliminated.[1] Therefore, persons who knowingly and consciously fail to provide the notice required by section 206 of the Energy Reorganization Act are now subject to civil penalties of up to $100,000 per violation.[2]

The Commission's regulations implementing the requirements of Section 206 of the Energy Reorganization Act are codified in 10 CFR Part 21, "Reporting of Defects and Noncompliance." Section 21.61 of the regulation specifies the monetary limits on civil penalties which the Commission may assess for failures to comply with the notification requirements of Part 21. However, § 21.61 does not presently reflect the statutory increase in the amount of civil penalties which the Commission may assess pursuant to amended section 234 of the Atomic Energy Act. Therefore, § 21.61 is amended to account for the increase. The amended regulation references the civil penalty limits of section 234 of the Atomic Energy Act without repeating in the regulation the precise dollar figures set forth in the statute. This avoids the necessity of amending 10 CFR 21.61 again should the Congress subsequently amend the dollar limits in section 234 of the Atomic Energy Act.

Since the amendment to 10 CFR 21.61 is required to comply with the statutory increase in the monetary amount of civil penalties which the Commission may impose pursuant to section 234 of the Atomic Energy Act, the Commission has found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon as unnecessary and for making the amendment effective upon publication in the **Federal Register** without the customary 30-day notice.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 21 is published as a document subject to codification, to be effective on February 20, 1981.

10 CFR Part 21 is amended as follows:

1. The authority citation for Part 21 reads as follows:

Authority: Sec. 161, Pub. L. 83–703, 68 Stat. 948; sec. 234, Pub. L. 91–161, 83 Stat. 444; sec. 206, Pub. L. 93–438, 88 Stat. 1246 (42 U.S.C. 2201, 2282, 5846), unless otherwise noted.

2. In Part 21, § 21.61 is revised to read as follows:

§ 21.61 Failure to notify.

Any director or responsible officer subject to the regulations in this part who knowingly and consciously fails to provide the notice required by § 21.21 shall be subject to a civil penalty equal to the amount provided by section 234 of the Atomic Energy Act of 1954, as amended.

Dated at Bethesda, Maryland this 27th day of January, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-6772 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Section 206, Nuclear Regulatory Commission FY 1980 Appropriation Authorization, Pub. L. 96–295, 94 Stat. 787, June 30, 1980.

[2] In this regard the Conference Report H.R. Rep. No. 96–1070 at 34, states that "the conferees intend that the increased limits contained in the provision of the conference agreement [amended section 234 of the Atomic Energy Act] will also apply to civil penalties imposed pursuant to section 206 of the Energy Reorganization Act of 1974."

10 CFR Part 95

Access by Representatives of the International Atomic Energy Agency

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: These amendments permit Nuclear Regulatory Commission (NRC) licensees to grant International Atomic Energy Agency (IAEA) representatives access to NRC classified information as required by their visits to NRC-licensed facilities under the U.S./IAEA Safeguards Agreement. The amendments also specify recordkeeping requirements related to this access.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Security Policy Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4415.

SUPPLEMENTARY INFORMATION: On July 31, 1980, the Nuclear Regulatory Commission published, as final rules, 10 CFR Part 75, "Safeguards on Nuclear Material—Implementation of U.S./IAEA Agreement," and other conforming amendments which provide the framework under which IAEA representatives will make visits and carry out certain inspections in NRC-licensed facilities (45 FR 50705). The Commission noted in the Statement of Considerations accompanying the rule that additional details of the implementation process would need to be treated by the time the Agreement enters into force. One of the details referred to in that notice was assurance that IAEA representatives could have access to some items of classified information, where required, in carrying out visits and inspections under the Safeguards Agreement.

On March 5, 1980, 10 CFR Part 95, "Security Facility Approval and Safeguarding of National Security Information and Restricted Data," was published as a final rule in the **Federal Register** (45 FR 14476). This part, which sets forth the information and physical security requirements that affected licensees must follow to protect NRC classified information, became effective October 1, 1980. Part 95 as currently written limits access to classified information to individuals possessing an NRC personnel security clearance.

This necessary amendment to Part 95 brings NRC procedures and regulations governing control and access to classified information into conformance with the U.S./IAEA Safeguards Agreement. Under these amendments, licensees are authorized to release (i.e., transfer possession of) copies of classified documents directly to IAEA representatives officially designated by IAEA to make these requests. However, in order that the U.S. may maintain an accurate account of what classified information has been disclosed to IAEA representatives, affected licensees will be required to keep certain records concerning IAEA visitations.

The Commission has determined that there are only three licensees presently affected by these amendments, namely, Rockwell International, General Atomic, and Public Service Co. of Colorado. Each of these licensees has been afforded an opportunity to comment regarding this action, and some clarifying changes have been made in response to their concerns. Other significant comments are discussed below. A record of the communications with these licensees has been placed in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., where it is available for inspection and copying.

One commenter noted that the disclosure provisions of the NRC regulations may be inconsistent with requirements imposed by the Department of Energy (DOE) with respect to work performed under DOE contract at the licensee's site. NRC has brought this matter to the attention of DOE. It is anticipated that DOE will take appropriate action to modify its contract requirements so as to eliminate the potential conflict with NRC regulations.

Another commenter suggested that since the classified information to which IAEA inspections would require access was entirely, or at least primarily, "safeguards information" as defined in section 147 of the Atomic Energy Act of 1954 (as amended by Pub. L. 96–295, the NRC Authorization Act for Fiscal Year 1980), the access and disclosure provisions should be drafted in accordance with that provision. Proposed regulations under section 147 were issued for public comment in the **Federal Register** on December 29, 1980 (45 FR 85459). Licensees, therefore, currently have the opportunity to consider these regulations and comment upon their relationship to Part 95. The immediate need is to provide a means for IAEA inspectors to have access, where required by the Agreement, to information which is currently classified as National Security Information, and this can only be accomplished by amending Part 95 along the lines of the present action.

A commenter suggested that the classification of information subject to disclosure be defined more specifically. The rule now specifically bars disclosure of Restricted Data. By authorizing access or release of National Security Information generally, it allows both Confidential and Secret NSI to be disclosed, where "relevant" to the conduct of a visit or inspection; we do not consider a specific reference to Confidential and Secret classifications to be needed.

Under the circumstances described in the rule, licensees are authorized to permit an IAEA inspector to have access to NSI. An inspector may make notes which reflect the contents of NSI to which he has had access. The inspector may carry these notes, along with copies of documents which have been released pursuant to specific disclosure authorization, away from a licensed facility as set forth in 95.36; measures relating to the protection of any NSI contained in these materials are provided for in the arrangements between the Government and the IAEA and are not the responsibility of the licensee. It should be noted, however, that no reproduction of NSI by the licensee is permitted except as provided under other portions of existing regulations.

One commenter suggested that the duration of the record keeping period be reduced from five years to two years, which would conform to other provisions of Part 95. Two years is considered inadequate, however, in view of the unique aspects arising out of the release of classified information to representatives of international organizations. Compromise of the information, should it occur, is less likely to come to the attention of United States officials within a two-year period. Moreover, the investigation of disclosures might be complicated by the need to make inquiries through diplomatic channels and by the inability to rely upon subpoenas and similar measures that are effectual only within the jurisdiction of the United States. In view of the national security interests involved, the small number of affected licensees, the low number of predicted visits, and the relatively small number of documents likely to be disclosed, the five-year requirement is not regarded as being unduly burdensome. However, in an effort to keep the burden as small as possible, the rule differs from that

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discussed with affected licensees by providing that records pertaining to documents to which inspectors have been permitted access (but which have not been released) may identify such documents by category rather than individually.

In view of the fact that each licensee subject to this rule upon entry into force of the Agreement has been afforded an opportunity to comment thereon, and since delay in promulgating this rule could result in actions inconsistent with the Agreement, and because there is involved a foreign affairs function of the United States, the NRC finds that notice of proposed rulemaking and public procedure thereon are unnecessary and contrary to the public interest.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Part 95 of Title 10, Chapter 1, Code of Federal Regulations are published as a document subject to codification.

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

1. The authority citation for Part 95 is revised to read as follows:

Authority: Secs. 145, 161b., i., and o., Pub. L. 83–703, 68 Stat. 942, as amended, 948, as amended (42 U.S.C. 2165, 2201); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841); E.O. 10865 and E.O. 12065. Sec. 95.36 also issued under Sec. 122, Pub. L. 83–703, 68 Stat. 939 (42 U.S.C. 2152).

2. Section 95.27 is revised to read as follows:

§ 95.27 Protection while in use.

While in use, matter containing National Security Information or Restricted Data shall be under the direct control of an appropriately authorized individual to preclude physical, audio and visual access by persons who do not have the prescribed access authorization or other written Division of Security disclosure authorization.

3. Section 95.29(b)(3) is revised to read as follows:

§ 95.29 Establishment of security areas.

* * * * *

(b) The following measures shall apply to security areas:

* * * * *

(3) Access to classified matter shall be limited to persons who possess appropriate access authorization or other written Division of Security disclosure authorization and who require access in the performance of their official duties or contractual obligations.

* * * * *

4. Section 95.35 is amended by adding a new paragraph (c).

§ 95.35 Access to national security information and/or restricted data.

* * * * *

(c) Access to National Security Information at NRC-licensed facilities by authorized representatives of IAEA is permitted in accordance with § 95.36 of this Part.

5. A new § 95.36 is added to read as follows:

§ 95.36 Access by representatives of the International Atomic Energy Agency.

(a) Based upon written disclosure authorization from the Division of Security that an individual is an authorized representative of the International Atomic Energy Agency (IAEA), and that the individual is authorized to make visits or inspections in accordance with the US/IAEA Safeguards Agreement, a licensee will permit the individual (upon presentation of the credentials specified in § 75.7 of this chapter and any other credentials identified in the disclosure authorization) to have access to National Security Information (NSI) which is relevant to the conduct of a visit or inspection. A disclosure authorization under this section does not authorize a licensee to provide access to Restricted Data.

(b) For purposes of this section, NSI is relevant to the conduct of a visit or inspection if:

(1) In the case of a visit, this information is needed to verify information according to § 75.13, or

(2) In the case of an inspection, the information is information to which an inspector is entitled to have access under § 75.42.

(c) In accordance with the specific disclosure authorization provided by the Division of Security, licensees are authorized to release (*i.e.*, transfer possession of) copies of documents which contain NSI directly to IAEA inspectors and other representatives officially designated by IAEA to request and receive classified documents. Licensees are not authorized to reproduce documents containing NSI except as provided in § 95.43 of this part.

(d) Records regarding these visits and inspections shall be maintained for five years beyond the date of the visit or inspection. These records shall specifically identify each document which has been released to an authorized representative and shall indicate the date of such release. These records shall also identify (in such detail as the Division of Security, by letter, may require) the categories of documents to which the authorized representative has had access and the date of such access. A licensee shall also retain Division of Security disclosure authorizations for five years beyond the date of any visit or inspection when access to classified information was permitted.

(e) Licensees shall take such measures as may be necessary to preclude access to classified information to which IAEA representatives are not authorized access.

(Secs. 145, 161 b., i., and o., Pub. L. 83–703, 68 Stat. 942, as amended, 948, as amended, (42 U.S.C. 2165, 2201); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841); E.O. 10865 and E.O. 12065. Sec. 95.36 also issued under Sec. 122, Pub. L. 83–703, 68 Stat. 939 (42 U.S.C. 2152))

Dated at Bethesda, Maryland, this 3d day of February 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–6773 Filed 2–19–81; 8:45 am]

BILLING CODE 7590–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 700

Definitions; Interpretive Ruling and Policy Statement—Exclusions From Gross Income in Computing Reserve Requirements

AGENCY: National Credit Union Administration.

ACTION: Interpretive ruling and policy statement.

SUMMARY: This statement indicates that credit unions that receive Central Liquidity Facility dividends directly or through an Agent (or Agent group representative) are permitted to exclude those dividends in computing Federally-imposed reserve requirements.

DATE: February 20, 1981.

ADDRESS: National Credit Union Central Liquidity Facility, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Mark Medvin, Assistant to the President, Central Liquidity Facility, at the above address. Telephone: 202–357–1130.

IRPS 81—1

On July 2, 1980, the NCUA Board adopted regulations that, among other things, permit credit unions that receive CLF dividends, whether directly or indirectly in the form of dividends on "special share accounts," to exclude these dividends from "gross income" in computing the amount required to be transferred to reserves pursuant to NCUA's reserve requirements.

The question has risen as to whether CLF dividends passed through state chartered Agent members of the Facility, or through state or federally chartered Agent group representatives and/or members, qualify for the dividend exclusion to the same extent as those passed through federally chartered Agents. The question arises because § 700.1(1)(2) of the NCUA Rules and Regulations provides an exclusion from gross income for dividends paid on "special share accounts," the designation given to CLF stock reimbursement accounts in Federal corporates, without specifically mentioning dividends paid on accounts, however designated, in state chartered corporates that serve the same CLF stock reimbursement purpose.

In providing an exclusion for dividends on CLF stock, whether received directly or through Agents, it was the intent of the NCUA Board to focus on the original source of the dividend—the CLF—and not the type of charter, structure of the Agent (i.e., direct or group), or designation given to the account, as the determining factor of whether the dividend is excludable.

Therefore, in computing the transfer to reserves required by NCUA, federally insured credit unions can exclude from "gross income" dividends received directly or indirectly (through any Agent member) from the Facility. In the case of federally insured corporate credit unions, this exclusion applies to CLF dividends received directly or through an Agent group representative.

Rosemary Brady,

Secretary of the Board.

February 12, 1981.

[FR Doc. 81–5775 Filed 2–19–81; 8:45 am]

BILLING CODE 7535–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34–17534]

FOCUS Reporting System; Requirements for Financial Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting previously proposed amendments to Part I of Form X–17A–5, the Financial and Operational Combined Uniform Single Report required to be filed by brokers and dealers, and related Rule 17a–5 under the Securities Exchange Act of 1934, and is issuing instructions useful to completion of Part I. The amendments to Part I of the FOCUS Report are designed to reorganize the Form so that it follows a more logical progression from an accounting and operational viewpoint. Paragraph (d) of Rule 17a–5 is amended to require that two copies of the Annual Audited Report of Financial Statements be sent to the Commission's principal office in Washington, D.C., instead of the one copy currently required. This change is necessitated by the requirements of the Commission's micrographics program.

EFFECTIVE DATE: April 1, 1981 (for filing period in May 1981).

FOR FURTHER INFORMATION CONTACT: James G. Moody, Attorney Advisor, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2370.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of certain amendments to Part I of Form X–17A–5 (§ 249.617) and Rule 17a–5 (17 CFR 240.17a–5) under the Securities Exchange Act of 1934. The amendments, which become effective on April 1, 1981, are substantially the same as those proposed in Securities Exchange Act Release No. 17138 (September 9, 1980); 45 FR 62092 (September 18, 1980).[1]

Introduction

Section 17(a)(1) of the Securities Exchange Act of 1934 provides that the Commission shall prescribe by rule the records to be kept and the reports to be made and disseminated by brokers and dealers. Under that section the Commission has adopted Rule 17a–5 which is the basic reporting rule for brokers and dealers. It requires the filing of Form X–17A–5, the Financial and Operational Combined Uniform Single ("FOCUS") Report, which was the culmination of years of study and comment by representatives of the securities industry through advisory committees and through the normal rule proposal method.[2] The FOCUS Report was designed to eliminate the overlapping regulatory reports required by various self-regulatory groups and the Commission and to reduce reporting burdens as much as possible.

The FOCUS Report is one of the primary means of monitoring the financial and operational condition of brokers and dealers and enforcing the financial responsibility rules. The completed forms are also used to determine which firms are engaged in various securities-related activities, and how economic events and government policies might affect various segments of the securities industry.

Amendments

Part I of Form X–17A–5 [§ 249.617][3]

Part I of the FOCUS Report is a monthly form which must be filed by every broker or dealer who clears transactions or carries customer securities. In general, the changes to Part I are designed for two purposes. First, the Form has been reorganized. It will call for the net capital computation each broker or dealer is required to make at month end. The prior Form was designed as a "key indicator" report without balancing items. Second, it will now require disclosure from brokers and dealers of information in the following areas which have been of recent regulatory concern: (1) concentrations in government guaranteed mortgage backed securities; (2) concentrations in commodity positions; and (3) current operational difficulties.

In response to the Commission's request for comments from interested members of the public concerning the amendments proposed in Securities Exchange Act Release No. 17138, several commentators addressed the proposed changes to Part I. Although the comments were generally favorable as to the changes to Part I, certain questions were raised requiring definitions and clarification.[4] While many of the concerns expressed are dealt with by the revised instructions[5] to Part I, certain items are discussed herein.

Several commentators requested clarification of the definition of "exempt" securities as it pertains to

[1] In light of the comments received, the staff is reviewing whether to recommend that the Commission repropose for comment in the near future a revision of Parts II and IIA of the FOCUS Report. In so doing, the staff hopes to develop a dialogue with respect to the issues raised by those who commented and the overall purposes of the Form including the time necessary to implement any revisions proposed for the Report.

[2] The Commission adopted the FOCUS Report as of January 1, 1976. See Securities Exchange Act Release No. 11935 (December 17, 1975) 40 FR 59706 (December 30, 1975).

[3] The text of the amended Part I is appended hereto as Appendix A.

[4] Comments received concerning Part II are discussed elsewhere in this release. See Note 1 *supra*.

[5] The text of the instructions to Part I is appended hereto as Appendix B.

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cash margin deficiencies and proprietary haircuts.[6] In both instances the instructions make it clear that the only "exempt" securities involved are United States Government guaranteed mortgage backed securities, such as GNMA's.

One commentator indicated that the inclusion of certain balancing items in Part I might increase the reporting burden for brokers and dealers. The Commission notes first, that affected brokers and dealers are required to prepare a net capital computation at least once a month and the preparation of a trial balance should be an integral part of that process. Secondly, no new information is required; only internal additions within the form itself. Accordingly, it is the Commission's view that no significant increase in the reporting burden will result from the inclusion of such items.

Several commentators sought clarification as to whether the Schedule of Operational Exposure Items will be a mandatory filing requirement for all brokers and dealers and, if so, they were concerned that the two (2) business days resolution period alluded to in the corresponding footnote would not be adequate. The Commission recognizes that, due to the nature and limited exposure of the securities business of some broker-dealers, the Schedule of Operational Exposure Items may not be relevant to their mode of operation and its adoption could increase the regulatory burden on such firms. The Commission also recognizes that the nature of the exposure information required for adequate surveillance may vary between self-regulatory organizations depending upon the mix of business of its members. Accordingly, the Commission is not adopting the Schedule as proposed in Securities Exchange Act Release No. 17138. Rather, the Commission is adopting alternate schedules, which may be used by each Designated Examining Authority ("DEA") as it deems appropriate. Each broker or dealer will be required to report only out-of-balance differences where the firm was actually required to deduct the amount of differences from its net capital at month-end. Other brokers or dealers will complete in the first three columns, if the DEA requires. Moreover, even if the firm were not required to charge its net capital at month-end, the DEA may require it to complete a separate schedule if it has open operational items not resolved by the seventh business day following the date of the report.

[6] See Securities Exchange Act Release No. 17138.

Finally, the Commission realizes that, for the purpose of implementation, a DEA may wish to continue to require its members to file the current Part I for the duration of 1981 or until its surveillance systems are revised. Accordingly, the Commission will permit a DEA to require its members to report on the current Part I until January 1, 1982 so long as the DEA collects the additional information required by Part I,[7] as adopted herein, by supplemental schedules (excluding the "balancing items" in the Report).

Audited Report

Paragraph (d) of Rule 17a–5 is amended to require that two copies of the Annual Audited Report of Financial Statements be sent to the Commission's principal office in Washington, D.C., instead of the one copy currently required. This change is necessitated by the requirements of the Commission's micrographics program.

Accordingly, 17 CFR Chapter II is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. Paragraph (d)(6) of § 240.17a–5 is revised to read as follows:

§ 240.17a–5 Reports to be made by certain brokers and dealers.

* * * * *

(d) * * *

(6) One copy of the annual audit report shall be filed at the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the principal office of the designated examining authority for said broker or dealer. Two copies of said report shall be filed at the Commission's principal office in Washington, D.C. Copies thereof shall be provided to all self-regulatory organizations of which said broker or dealer is a member.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

2. Part I of Form X–17A–5, § 249.617, is amended as set forth in Appendix A.

§ 249.617 [Amended]

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(c)(3), 17 and 23 thereof, 15 U.S.C. 78o(c)(3), 78q and 78w, the Commission hereby amends 17 CFR 240.17a–5 and 249.617 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth above. The Commission believes that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 11, 1981.

Appendix A

Name of Broker/Dealer _____

Name and Telephone No. of Person Completing This Report _____

ID No. _____
For month _____
SEC File No. _____

	Item
1710	1. Subordinated Loan Agreements—Cash
1730	2. Secured Demand Notes—Face Amount
3520	3. Total Subordinations Allowable for Net Capital
3501	4. Ownership Equity/Partnership Capital—Beginning of Month
	5. Unconsolidated Income/Expense for the Month
3950	a. Trading and Investment Account Profit or (Loss)
4212	b. Other Gross Income (Loss)
4201	c. Expenses
4221	d. Federal Income Taxes
4250	6. Net Profit or (Loss) for the Month
	7. Other (Exclude Non-Conforming Capital)
4264	a. Additions to Capital
4274	b. (Deductions) from Capital
3500	8. Ownership Equity/Partnership Capital—End of Month
3525	9. Other (Deductions) or Allowable Credits
3530	10. Total Capital and Allowable Subordinations Deductions and/or Charges to Capital
	11. Added Charges Customer and Non-Customer
3550	a. Securities Accounts
3560	b. Commodity Accounts
3575	12. Operational Charges to Capital (pg. 2 Line 8 Col IV)
3540	13. Non-Allowable Assets (Not Includable Above)
3600	14. Proprietary Charges on Commodities
3612	15. Other Charges and/or Deductions
3620	16. Total Deductions and/or Charges (Lines 11 thru 15)
3640	17. Net Capital—Before Haircuts on Securities
	18. Haircuts on Proprietary Security Positions (Including Contractual Commitments)
3740	
3750	19. Net Capital
4880	20. Scheduled Capital Withdrawals Within 6 Months
4881	21. Net Capital After Withdrawals
1011	22. Total Equity Subordinations
	23. a. Aggregate Indebtedness Under SEC Rule 15c3–1
3840	b. Aggregate Debits Under SEC Rule 15c3–3 as Adjusted
4470	
3760	24. Minimum Net Capital Required
	25. Ratios/Excess Net Capital
3850	a. Aggregate Indebtedness to Net Capital
3851	b. Net Capital to Aggregate Debit Items
	c. Net Capital in Excess of Greater of 6⅔% of AI or Minimum
3770	
	d. Net Capital in Excess of Greater of 4% of ADI or Minimum
3910	
3852	e. Option Deductions/Net Capital Ratio
4430	26. Total Credits—Rule 15c3–3 Reserve Formula
	27. Total Debits—Rule 15c3–3 Reserve Formula—Net
4472	
4530	28. Amount in Reserve Bank Account
7050	29. Commodity Exchange Act—Segregation Requirement: a. Amount Required to be Segregated
7180	b. Amount Segregated
	30. Firm Proprietary Positions.
850	a. Long—All Securities
1620	b. Short—All Securities
	c. Long—Contractual Commitments Certain Exempt Securities
841	
	d. Short—Contractual Commitments Certain Exempt Securities
1621	
	31. Customer and Non-Customer Charges—Certain Exempt Securities
3551	
5371	32. a. Security Concentration—Firm
5372	b. Security Concentration—Customer
5375	c. Commodity Concentration—Firm
	d. Commodity Concentration—Customers and Others
5376	
4960	33. Total Tickets
	34. Aged Fails.
5362	a. To Deliver
5365	b. To Receive
	35. Total Fails:
770	a. To Deliver
1505	b. To Receive
	36. Equity Markets.
114	a. NASDAQ
116	b. Other
	37. Clearing Agency Balances.
810	a. Due from Clearing
1560	b. Due to Clearing
750	38. Unrestricted Cash
	39. Customers' Accounts (Securities)
310	a. Secured Debits
1561	b. Total Credits
103	40. Securities Borrowed

[7] Items which are currently not required of firms designated to the New York Stock Exchange will continue not to be required (see generally items 30 a & b as well as 35–40).

Name of Broker/Dealer _____

Name and Telephone No. of Person Completing This Report _____

ID No. _____
Operational Items for the Month of _____
SEC File No. _____

Operational Deductions From Net Capital

	I	II	III	IV[1]
	No. of items	Debits (short value)	Credits (long value)	Deductions in computing net capital
1 Money suspense and balancing differences				
2 Security suspense and differences with related money balances				
3 Market value of short and long security suspense and differences without related money (other than reported in item 4 below)				
4 Market value of security record breaks				
5 Unresolved reconciling differences with others:				
A Correspondents and broker/dealers				
B Depositories				
C Clearing organizations				
D Inter-company accounts				
E Bank accounts and loans				
F Other				
G (Offsetting) items A–F				
Total line 5				
6 Commodity differences				

Operational Deductions From Net Capital—Continued

	I	II	III	IV[1]
	No. of items	Debits (short value)	Credits (long value)	Deductions in computing net capital
7 Open transfers and reorganization account items over 40 days not confirmed or verified				
8 Total (lines 1–7)				
9 Lines 1–8 resolved subsequent to report date				
10 Has respondent completed this form in accordance with instructions of the designated examining authority? Yes ☐ No ☐				

[1] All line items (1–8) column IV (columns I, II and III if required) must be answered. If respondent has nothing to report, enter -0-.

NOTE A—Include aged items which resulted in a deduction in the computation of net capital (column IV) at the report date as appropriate (Lines 1–7) whether resolved subsequently or not (see instructions). Complete columns I, II and III only if required by the "designated examining authority."

NOTE B—The respondent's "designated examining authority" may require on a separate schedule headed "Potential Operational Deductions from Net Capital" that the same information be submitted, as formated above, for line items 1–6 stating open items, at the report date, that were not deducted in the computation of net capital and which were not resolved in seven (7) business days subsequent to the report date.

Appendix B.—Focus Report Instructions to Part I

General

Line items 1 through 25 represent a computation of the net capital and capital requirement of the broker/dealer and are to be completed in accordance with Rule 15c3–1, appendices thereto and interpretations issued by the Commission. References are to the pertinent subparagraphs of the Rule.

Most line items contained herein correspond to similar line items in Part II and/or IIA and the same instructions, as interpreted, shall be followed unless specified herein.

1710

1. Subordinated Loan Agreements—(as defined in Appendix D, Rule 15c3–1)—enter the total amount of cash obtained pursuant to subordinated loan agreements in effect at the report date. This item corresponds to the same item number in Parts II and IIA.

Appendix D to Rule 15c3–1 sets forth minimum and non-exclusive requirements for satisfactory subordination agreements.

1730

2. Secured Demand Notes—(as defined in Appendix D)—enter the total face amount of all secured demand notes in effect at report date. This item corresponds to the same item number in Parts II and IIA.

Where collateral to a secured demand note is in the form of cash, the collateral account credit should not be reflected as a reduction of the amounts reported. It should be reported as a non-A.I. Liability to the extent that it does not exceed the face amount of the collateralized note. Secured demand note deficiencies should be included as a deduction on Line 15.

The collateral contained in each secured demand note collateral account shall relate only to the specific demand note that it collateralizes. Excess collateral value in one account shall not be applied to the deficiency in another account.

3520

3. Total Subordinations Allowable for Net Capital—(Total of Lines 1 and 2). This item corresponds to the same item number in Parts II and IIA.

3501

4. Ownership Equity/Partnership Capital—Beginning of month—enter here the same total amount from the prior month end (corrections of prior month should be included on line 7.) as reported on Part I or II. Lines 5 through 7 reflect all changes of ownership equity qualified for inclusion in net capital from the last previously filed FOCUS Report.

5. Unconsolidated income/expense.

3950

(a) Enter the net of realized and unrealized gains (or losses) in all trading, investment and other proprietary accounts for the current reporting month. Losses should be recorded in brackets. This item corresponds to the sum of items 3950 and 3952 in Parts II and IIA.

4212

(b) Report unconsolidated gross income for the current reporting month excluding realized or unrealized gains (or losses) reported under item 5(a) above.

4201

(c) Enter the total unconsolidated expenses for the current reporting month. Provision for federal income taxes should not be included in this amount.

4221

(d) Federal income taxes to be reported by corporations only.

4250

6. Net Profit or (Loss) for the Month—Net of lines 5a through 5d.

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4264

7a. Additions to Capital—Includes all additions to capital even though subsequently withdrawn before the end of the period. Capital additions which are not qualified for Net Capital should be excluded. Also include sale of capital stock or partners' contributions and income adjustments applicable to prior periods, or non-recurring items not included in 5. (a), (b) or (d) related federal income tax provision.

4274

7b. (Deductions) from Capital (Exclude Non-Conforming Capital)—Include contributions made and withdrawn during the period, partners' capital withdrawals, retirement or repurchase of capital stock, dividends, and income adjustments applicable to prior periods, or other non-recurring items (adjusted for any related income tax provision) not included on Line 5. (c) or (d).

3500

8. Ownership Equity/Partnership Capital—End of Month—This item corresponds to the same item number in Parts II and IIA. Include here the total of lines 4, 6 and 7a less 7b.

3525

9. Other (deductions) or allowable credits.

This item allows for adjustments, both (deductions) and additions (such as deferred tax credits) not otherwise provided for in lines 4 to 8. These adjustments will generally arise as a result of the provisions of subparagraph (c)(2)(i); for example:

Tax benefits can be added to net worth to the extent that income tax liabilities could have been reduced on the date of the capital computation, if the related unrealized losses had been realized on that date. This means that, a calendar year company that has unrealized losses to the extent of the realized gains on December 31, will immediately at the beginning of the next year, not have the right of offset for the unrealized losses, since no realized gains would yet exist.

Certain deferred tax debits relating to deferred compensation payable may be treated in a like manner. Where a deferred compensation plan is structured so that the broker/dealer may at any time at its option make payment, the related deferred income tax receivable may be applied to reduce the tax liability on the broker/dealer's books for other items.

Sole proprietors who are registered broker/dealers shall record on line 9 any deductions required by subaragraph (c)(2)(iii).

3530

10. Total Capital and Allowable Subordinations—Total (add lines 3, 8 and 9) represents the capital and subordinated liabilities which are qualified for net capital under Rule 15c3–1. This item corresponds to the same item number in Parts II and IIA.

Item 3550

11a. Added Charges Customer and Non-Customer Securities Accounts. The rule requires a deduction for deficiencies in customers' or non-customers' accounts in meeting the maintenance margin requirements of the broker's or dealer's Examining Authority. See subparagraph (c)(2)(xii), the maintenance margin requirements of your Examining Authority and related instructions. This item corresponds to the same item number in Part II and represents charges other than amounts deducted as nonallowable assets.

3560

11b. Added Charges Customer and Non-Customer Commodity Accounts—this item covers charges under Appendix B to Rule 15c3–1, other than amounts deducted as nonallowable assets. It corresponds to the same item number in Part II.

3575

12. Operational Charges to Capital—Enter total of lines 1–7 in Column IV of Operational Deductions from Net Capital (page 2 of Part I). See separate instructions contained herein.

3540

13. Non-Allowable Assets (Not Included in lines 11 and 12)—This total amount should also exclude the value of securities borrowed under subordination agreements not in satisfactory form and the market value of memberships in exchanges contributed for use of a company and partners' securities which are included in non-allowable assets and excluded from line 10 as non-conforming captial. Also, excludes any non-allowable amounts included on line 12 as deductions.

3600

14. Proprietary Charges on Commodities—see Appendix B for charges applicable to proprietary commodity positions;—include charges on futures, forward contracts and spot commodities.

3612

15. Other Charges and/or Deductions—include on this line all other charges and deductions to capital specified in the rule not included in lines 11 to 14. These deductions will include but are not limited to, any secured demand note deficiency, charges related to aged fails to deliver or fails to receive, deficit in securities loaned, aged security dividends short, losses on contractual commitments, guarantees and insurance claims, etc.

If the respondent has elected under the provision of Subparagraph (c)(2)(xiii) to deduct 4% of indebtedness collateralized by customers' exempted securities or municipal securities in lieu of including the borrowing in aggregate indebtedness, the respondent should make that deduction in this item.

Also deductions for accounts carried under Rule 15c3–1(a)(6), (a)(7) and (c)(2)(x)—brokers or dealers carrying accounts of options specialists or market makers subject to subparagraph (a)(6) or (c)(2)(x) are required to compute deductions in accordance therewith for each such specialist or market maker. Any deficiency existing in each such account is to be deducted in computing the carrying broker's or dealer's net capital.

3620

16. Total Deductions and/or Charges—Add line items 11 through 15.

3640

17. Net Capital before Haircuts on Securities Positions—item line 10 less line 16. This item corresponds to the same item in Parts II and IIA.

3740

18. Haircuts on Proprietary Security Positions—Report the sum of all haircuts applied in the computation of net capital pursuant to subparagraphs (c)(2)(vi), (c)(2)(viii) and Appendix A of Rule 15c3–1 adjusted where applicable by the provisions of paragraph (f) when the alternative computation is elected. This item corresponds to the same item number in Parts II and IIA.

3750

19. Net Capital—Line 17 less line 18. This item corresponds to the same item number in Parts II and IIA.

4880

20. Scheduled Capital Withdrawals Within 6 Months—The amounts included herein shall include, but not be limited to, all obligations to repay, in whole or in part, within the six months subsequent to the reporting date, any Payment Obligation as defined in Appendix (D) to Rule 15c3–1. Also to be included are those items defined in the instructions to the schedule of capital withdrawals in Part II or Part IIA. This item corresponds to the same item number in Parts II and IIA.

4881

21. Net Capital After Withdrawals—line 19 less line 20—This item corresponds to the same item number in Part II.

1011

22. Total Equity Subordinations—Enter the total amount of approved subordination agreements which are considered equity capital pursuant to paragraph (d) of Rule 15c3–1. This item corresponds to the same item in Parts II and IIA.

23. Aggregate Indebtedness/Aggregate Debit Items.

3840

(a) Report the total amount of all aggregate indebtedness items, i.e., the total money liabilities of the firm exclusive of (i) through (xiii) under subparagraph (c)(1) of Rule 15c3–1, or

4470

(b) If the alternative method is used, report the total of all debit items computed in accordance with the Reserve Formula under Rule 15c3–3 as adjusted. (Note) Do not reduce the aggregate debits by the 3% adjustment specified under Rule 15c3–1(f)(5)(i).

Note.—A broker/dealer electing the alternative may not use any approximation or netting procedures in making the month-end Reserve Formula computation. The calculations should be as complete and accurate as possible.

The debit line item amounts in the Reserve Formula may vary from the final amounts reported for FOCUS Reporting (adjusted amount) due to closing entries or adjustments that a broker/dealer may not have been aware of or was unable to document on a timely basis until after the second business day following the month-end. Some of these adjustments are, but are not limited to:

1. Balancing and bookkeeping errors.
2. Reclassification and undisclosed unsecured debits.
3. Unidentified errors and suspense items.

Report on Line 23 the final adjusted aggregate debits to determine the capital requirement under paragraph (f).

3760

24. Minimum capital requirement.

Report the greater of the dollar amount of minimum net capital required pursuant to Rule 15c3–1, i.e., $5,000, $25,000, $50,000 or $100,000, or;

The amount of net capital required to support 6⅔% of aggregate indebtedness or 4% of aggregate debit items if on the alternative.

25. *Ratios/excess net capital.*

3850

(a) Report the percent of aggregate indebtedness (line 23a) to net capital, if applicable. If not, complete 25b.

3851

(b) Report the percent of net capital to the aggregate debit items (line 23b) in the Reserve Formula, if the alternative computation is used.

3770

(c) Enter the amount of net capital in excess of the greater of: 6⅔ percent of aggregate indebtedness or the minimum dollar net capital requirement. If not applicable, complete 25d.

3910

(d) Enter the amount of net capital in excess of the greater of 4 percent of the aggregate debit items in the Reserve Formula or the minimum dollar net capital requirement, if the alternative computation is used.

3852

(e) Report the percent of the total options deductions under subparagraph (a)(6), (a)(7) and (c)(2)(x) of Rule 15c3–1 to net capital as of the reporting date. (1,000 % test).

4430 and 4472

26, 27. *Total credits and debits—Rule 15c3–3 reserve formula.*

The credit and debit balance to be reported on these lines should be identical with the Rule 15c3–3 Formula "Exhibit A" computation prepared the business day following the month end to determine the amount to be deposited as specified under subsection (e)(1) by 10 A.M. the next (second) business day.

The total debits should be net of the 3% adjustment specified under Rule 15c3–1(f) or 1% specified in Note e(3) of Exhibit A.

4530

28. Amount in Reserve Bank Account. Include on this line item the actual amount on deposit (or deposited) by 10 A.M. of the second business day following the end of the month. Include the total of both cash and qualified securities as defined under Rule 15c3–3, subparagraph (a)(6), which may be deposited in lieu of cash.

7060

29a. Amount Required to be Segregated—this amount represents the requirements under the Commodity Exchange Act—this item corresponds to line number 5 of the Schedule of Segregation Requirements and Funds in Segregation Customers' Regulated Commodity Futures Accounts in Part II.

7180

29b. Amount Segregated—Commodity Exchange Act. This is the amount actually segregated as shown in Part II, line 11 in the schedule cited under 29a.

30. Firm proprietary positions.

850

(a) Long securities—Report at market value all long positions carried in the proprietary accounts of the firm as of the current month end reporting period, i.e., trading and investment accounts, and other proprietary accounts. Do not include secured demand note collateral. Include qualified securities held in banks pursuant to Rule 15c3–3(e)(1).

1620

(b) Short—All Securities—Report at market value all short positions carried in the proprietary accounts of the firm as of the current month end reporting period.

841 and 1621

(c) (d) Long and Short—Contractual Commitments Certain Exempt Securities—Include only U.S. Government Guaranteed Mortgage Backed Securities, such as GNMA securities.

Report separately the total long and short positions in U.S. Government Guaranteed Mortgage Backed Securities Commitments relating to forward and standby contracts in firm accounts. The face amount of the securities under contract may be reported in lieu of market value or contract value. Please designate which value is reported.

Include forward contracts purchased or sold for delivery after five business days from the date of the transaction. Include delayed delivery contracts such as TBAs (to be announced). Do not net forward contracts to purchase with forward contracts to sell and do not net long and short standby contracts.

Standbys for the purpose of this item are put options, i.e., the purchaser of the standby has the right to sell a security at a specified price within or at a specified time. A dealer who is obligated to buy a security under a standy contract, for which he has received a fee, should report the standby as a long position. A dealer who has paid a fee for the right to sell securities under a standby contract should report the standby as a short position.

31. Customer and non-customer capital charges related to commitment—certain exempt securities. Include only

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charges on forward contracts, TBAs (to be announced) and standby contracts in U.S. Government guaranteed mortgage-backed securities.

32. *Security concentration.*

5371

(a) *Firm*—Report the aggregate value of all securities positions which are subject to undue concentration haircuts as specified in subparagraphs (c)(2)(vi)(M) or (f)(3)(iii) of Rule 15c3–1.

5372

(b) *Customer*—Report the aggregate market value of specific securities, other than exempted securities, which exceeds *10 percent* of the value of all securities which collateralize all margin receivables pursuant to NOTE E to Exhibit A of Rule 15c3–3. The percentage standard of Note E has not been changed.

Commodity Concentration

5375

(c) *Firm concentration—trading and investment accounts.*

Report concentrations in commodity futures carried in trading and investment accounts calculated as follows:

(1) Determine the greater of the total number of long or short commodity futures in each commodity. Positions representing purchases and sales of a like amount of the same commodity or hedges of spot (cash) commodity where the spot commodity is in the possession or under the control of the broker/dealer may be eliminated.

(2) Determine the greatest original margin requirement for each commodity stipulated by a registered U.S. Commodity Exchange for speculative accounts. If the commodity exchange has no original margin requirement, use the clearing house margin requirement.

(3) Determine the total amount of margin that would be required as per (2) above on the greater of the total number of long or short positions in each commodity as per (1) above.

(4) For *each commodity* calculated as per (3) above, determine whether (3) exceeds 10% of excess net capital. For purposes of (4) and (5) only, excess net capital at the end of the prior month may be used.

(5) Aggregate and report in one total on line 32.c) those amounts calculated in (3) above for each commodity which exceeds 10% of excess net capital.

5376

(d) *Commodity concentration—customers and others.*

Report concentrations in commodity futures carried for all customers, non-customers, omnibus and general partners' accounts calculated as follows:

(1) Determine the greater of the total number of long or short commodity futures in each commodity. Positions in each account representing purchases and sales of a like amount of the same commodity or hedges of spot (cash) commodity where the spot commodity is in the possession or under the control of the broker-dealer may be eliminated.

(2) Determine the greatest original margin requirement for each commodity stipulated by a registered U.S. Commodity Exchange for speculative accounts. If the commodity exchange has no original margin requirement, use the clearing house margin requirement.

(3) Determine the total amount of margin that would be required as per (2) above on the greater of the total number of long or short positions in each commodity as per (1) above.

(4) For each commodity calculated as per (3) above, determine whether it exceeds 50% of excess net capital. For purposes of (4) and (5) only, excess net capital as of the end of the prior month may be used.

(5) Aggregate and report in one total on line 32(d) the amount calculated in (3) above for each commodity which exceeds 50% of excess net capital.

4980

33. Total Tickets—Enter the total number of buy and sell tickets executed as agent and/or principal. For agency transactions, count both street and customer side as one transaction. Multiple executions at the same price which result in one confirmation should be counted as one transaction. In the case of principal transactions, dealer-to-dealer and retail transactions are counted separately. Firms carrying public customer accounts for other broker-dealers on a fully disclosed basis are to include transactions emanating from those accounts in their total ticket count. Firms which introduce accounts on a fully disclosed basis should include transactions so introduced in their ticket count. Exclude from total ticket counts transactions executed on behalf of monthly investment plans and those filled on a subscription basis wherein payment is made directly to an underwriter, sponsor or other distributor who in turn delivers the security purchased directly to the subscriber. This item corresponds to the same item number on Part II.

5362 and 5365

34(a)(b). Aged Fails—Enter the ledger balances of a) fail to deliver and b) fail to receive aged eleven (11) business days or more (21 business days or more for municipal securities) following settlement date.

Total fails:

779

(a) Report total contract value of all fails to deliver. If records are maintained on a trade date basis, enter here the total amount of all broker-dealer receivables. This item corresponds to the same number in Part II.

1505

(b) Report total contract value of all fails to receive. If records are maintained on a trade date basis, enter here the total amount of all broker-dealer payables. This item is equal to the sum of items 1490 and 1500 on Part II.

36. Equity markets:

114

(a) Enter the total number of equity securities in which a market is made on NASDAQ based on the average number of such markets made during the 30 days immediately preceding the report date pursuant to Rule 15c3–1(a)(4).

116

(b) Enter the total number of other equity securities in which a market is made based on the average number of such markets made during the 30 days immediately preceding the report date pursuant to Rule 15c3–1(a)(4).

37. Clearing agency balances:

810

(a) Report total dollar amount due from clearing agencies on current short positions at current prices as per the clearing agency.

1560

(b) Report total dollar amount due to clearing agencies on current long positions at current prices as per the clearing agency.

750

38. Unrestricted Cash—Report all cash on hand and cash in banks subject to immediate withdrawal net of overdrafts. This would exclude cash segregated in accordance with federal or state securities or commodities law.

39. Customers' accounts:

310

(a) Report total amount of secured debits in customer accounts as of month end reporting date. This item corresponds to the same item number in Part II.

1580

(b) Enter total amount of all customers' free and other credit balances as defined in Rule 15c3–3, subparagraphs (a)(8) and (a)(9).

103

40. Securities Borrowed—Enter the total market value of all securities borrowed from customers and non-customers including other broker-dealers and financial and nonfinancial institutions.

Operational Capital Charge Items

General

For reporting purposes the debit (short value) column II and credit (long value) column III should be rounded to the nearest one thousand dollars ($000 omitted). Omit pennies in column IV.

Complete columns I, II, and III of the Sechedule only if required by your designated examining authority.

Include on lines 1–7 all items that are, or result in, capital charges or additions to aggregate indebtedness at the report date even if resolved subsequently. Items resolved subsequent to the report date may be shown on line 9 at the option of the respondent unless specifically required by the Examining Authority or as noted herein.

All commodity money suspense differences and uncompared and unconfirmed items should be reported on line 6 only.

If the designated examining authority requires completion of columns, I, II and III, all aged operational items (lines 1–7) are reportable whether they result in a capital charge or not.

If more than one item is reportable for each line the aggregate number of items should be reported in Column I. The related aggregate amount (values) are reportable in Columns II, III and IV if required. A related money and security value should be considered as one item.

Suspense and reconciliation difference items may not be updated by transfer, journal entry or otherwise, to another account with a different nomenclature. Each item must retain its original discovery date unless clearly identified with another item.

Suspense Differences (relative to lines 1, 2, 3 and 4)

The net capital treatment of suspense differences is as follows:

The net capital treatment of security positions and money balances whose ultimate disposition is not known, e.g., DKs and suspense items which remain unresolved (7) business days after discovery, is as follows:

(1) Long position and related debit balance, and short position and related credit balance—treat as proprietary commitments that cannot operate to increase net capital (see line 2 instructions);

(2) Long position only—no deduction except as noted herein (see line 3 instructions);

(3) Short position and breaks only—deduct current market value (Rule 15c3–1(c)(2)(v)) (see treatment of security count difference below and lines 3 and 4 instructions);

(4) Credit balance only—include in aggregate indebtedness; and

(5) Debit balance only—deductions (see line 1 instructions).

The resolution of suspense or difference items after the report date shall not result in a reduction of the required charge as of the report date. For example, a short security difference which is open at the report date and has been unresolved for seven (7) business days after discovery is required to be deducted even though the difference is resolved prior to the date the FOCUS Report is filed.

Security Count Differences (relative to lines 2, 3, 4 and 5)

Rule 17a–13 (Quarterly Security Count Requirements) requires unresolved differences to be recorded in a difference account no later than seven business days following the security count and verification. Paragraph (b)(3) of the Rule requires verification of all securities in transfer, in transit, pledged, loaned, borrowed, deposited, failed to receive and deliver or otherwise subject to the broker/dealer's control or direction but not in his physical possession where such securities have been in said status for longer than 30 days. With respect to these items requiring verification, the seven day period begins after verification takes place; that is, when a confirmation is returned indicating a discrepancy with the books and records of the broker/dealer, or where such confirmations have not been returned within a reasonable period of time (15 days) to establish the validity of the position. In instances where confirmations have been outstanding for 15 business days without return, the broker/dealer should record as a difference such securities on the 22nd business day.

Specific Line Item Instructions

Line 1. *Money suspense and balancing differences* (money only).

These differences shall include any amount required to balance the general ledger and unresolved differences between general ledger control accounts and subsidiary records or balancing of blotters, etc.

A "debit" difference is one that, if recorded in the general ledger would result in a debit balance. This may result because of an amount needed to balance excess ledger credits over ledger debits or as a result of adjusting general ledger control accounts to subsidiary records. Report debit differences in columns II and IV.

A "credit" difference is one that, if recorded in the general ledger, would result in a credit balance. This may result because of an amount needed to balance excess ledger debits over ledger credits or as a result of adjusting general ledger control accounts to subsidiary records. Report credit differences in column III only.

Money suspense and balancing differences shall also include all accounts, in whole or part, containing ledger debits or credits representing unidentified or unknown items with no related security position or an account which may contain security positions that cannot be properly related to the money ledger balances.

Money differences could include, but are not limited to the following:

a. Unallocated receipts or disbursements.

b. Cash Dividend Balancing Accounts (out-of-balance proofs).

c. Money Balancing Accounts (EDP), Cage, P&S, Accounting and others.

d. Unresolved Money Differences resulting from the comparison of detail records to control accounts for customer accounts, fail to receive, fail to deliver, stock borrowed, stock loaned, bank loans, inter-office accounts and adjustments of General Ledger control accounts to agree to subsidiary records.

e. Any account utilized to balance "daily work" which contain debits or credits requiring resolution. If any such accounts exist, the ledger balance resulting from one day's "out of balance" work, shall not be netted against another day's "out of balance" work, unless related to each other.

For reporting purposes, debit and credit money differences shall not be netted.

Line 2. *Securities differences with related money balances.*

Report in Columns I, II and III all transactions in *any* accounts containing a long or short security position with a related ledger balance pending determination of ownership, collectibility, or deliverability, which are in doubt.

Long positions and related debits, and short positions and related credits are treated as proprietary commitments in computing net capital if they remain

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unresolved seven (7) business days after discovery. This requires mark to market adjustments and haircut charges computed under subparagraph (c)(2)(vi), (f)(3) or Appendix A. The aggregate total of deductions is reportable in Column IV and shall not operate to increase net capital.

Line 3. *Market value of short and long suspense and differences without related money*—Shall include all transactions in any accounts containing long and short security positions, for which no related ledger balance exists regardless of the nomenclature of the account.

Long differences are generally ignored in the capital computation process unless the securities have been sold by the broker/dealer before the differences are adequately resolved. In such instances, include the excess of the market value (Column III) of the long securities sold over any reserve established as deductions in Column IV.

The market value of short security differences is deducted in the computation of net capital if the differences remain unresolved seven days after discovery (see Rule 15c3–1(c)(2)(v)), and should be reported in Columns II and IV.

Unrelated differences in the same security or other securities shall not be netted.

Line 4. *Market value of security record breaks*—Security record breaks are defined as out-of-balance error conditions in the daily recording of security position changes or movements where the total longs do not equal the total shorts on a given security.

"Long" differences are the amounts needed to balance an excess of short positions over long positions. When recorded in a difference account, such would be recorded long on the stock record.

"Short" differences are the amounts needed to balance an excess of long positions over short positions. When recorded in a difference account, such would be recorded short on the stock record.

Security record breaks resulting from one day "out of balance" shall not be netted against another day's "out of balance" work unless research specifically discloses that it is the proper resolution of particular differences.

The day of discovery for security record breaks should be the day following after any movement in a security and may *not* be updated by transferring the break to a suspense or difference account unless related to some other clearly indentifiable item of suspense or difference item.

The market value of long security record breaks unresolved seven business days after discovery should be reported in Column III.

The market value of short security record breaks are deductions in the computation of net capital if they remain unresolved seven days after discovery (see Rule 15c3–1(c)(2)(v)), and should be reported in columns II and IV.

Unrelated security breaks in the same or other securities shall not be netted.

Line 5. *Unresolved reconciling differences with others*—The respondent shall report in column IV the total net overall unfavorable aged reconciling differences disclosed by reconciliations (lines 5A–F) when required to be deducted in computing net capital. Each broker-dealer having any such differences shall maintain a record of the date of receipt of the pertinent statement of account or, in the absence of such record, shall compute the elapsed days (aging) from the date of the statement. The treatment of differences disclosed by reconciliations required under Rule 17a–13 shall be governed by the requirements of that Rule.

Differences which have been resolved but which have not yet been appropriately corrected in the records shall be so identified on the reconciliations and may be considered resolved for purposes of computing net capital. Unresolved favorable and unfavorable differences with the same carrying entity may be netted for purposes of determining the deductions in computing net capital.

Debit amounts and short values (Column II) or credit amounts and long values (Column III) applicable to *all* unresolved reconciling items should be reported broad and not netted. Offsetting favorable and unfavorable differences by the same carrying entity should be reported on line 5 G as a (deduction) in Columns II and III.

Line 6. *Commodity suspense differences unresolved*—Report on this line all unresolved commodity differences or suspense items as a result of internal balancing of records, and comparison of broker-dealer's books of accounts with the records of clearing organizations and others. Such items would include:

1. Customer, non-customer, omnibus and proprietary accounts.

2. Ledger balances and realized and unrealized gains and losses relating to long and short positions in spot (cash) commodities, forward contracts in commodities and futures contracts.

Report in Column II aggregate total debits, unrealized losses or short values and in Column III credits, unrealized gains or long values relating to deductions from net capital. The aggregate deduction from net capital is reportable in Column IV; that is, losses which would be incurred to correct unresolved recordkeeping differences, including differences with other entities as of the report date which have not been resolved, within time frames required, for firm, customer, non-customer omnibus, clearing, and contract difference accounts.

In determining data to be included in the report, the following schedule may be used. It should be noted that this schedule may not be all-inclusive. Other suspense items not included in this schedule should also be reported on line 6.

a. Clearing accounts with commodity clearing organizations:

1. Number and amount of unresolved reconciling money items—

a. Debits
No.:_____
$_____
b. Credits
No.:_____
$_____

2. Gain or loss in unresolved future contract differences after comparison and balancing with proprietary and customers' positions and other positions—

a. Gain
$_____
b. Loss
$_____

b. Clearing accounts with commodity brokers and dealers:

1. Number and amount of unresolved reconciling money items—

a. Debits
No.:_____
$_____
b. Credits
No.:_____
$_____

2. Gain or loss in unresolved future contract differences after comparison and balancing with proprietary and customers' positions:

a. Gain
$_____
b. Loss
$_____

c. Other gains and losses in forward or futures contracts:
Unresolved differences—

a. Debits
$_____
b. Credits
$_____

d. Warehouse receipts on hand:
1. Number of unresolved differences _____

2. Market value of unresolved differences Long (Short) $_____

Line 7. *Open transfers and reorganization items over 40 days not confirmed or verified.*

The term "reorganization account" shall include, but not be limited to, transactions in the following:

(a) "rights" subscriptions
(b) warrants exercised
(c) stock splits
(d) redemptions
(e) conversions
(f) exchangeable securities
(g) spin-offs

See general comment relative to the verification of transfers and reorganization items in connection with Rule 17a–13 quarterly counts and time frames for considering charges to capital.

Line 8. Total of lines 1 thru 7; the total in column IV should be entered here and on line 12 of Part I page I.

Line 9. This line item may be used, at the option of the respondent or as required by the designated examining authority, to report items (lines 1–8) subsequently resolved up to the filing date of the FOCUS Report.

[FR Doc. 81-5652 Filed 2-19-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Certain Handbags From the Republic of Korea; Final Results of Administrative Review and of Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review and of Revocation of Countervailing Duty Order.

SUMMARY: On October 17, 1980, the Department of Commerce published a notice of "Preliminary Results of Administrative Review and Tentative Determination To Revoke" with respect to the countervailing duty order on certain handbags from Korea. Reasons for the tentative determination was given in the notice and interested parties were afforded an opportunity to present written or oral views. The Department received no comments. Therefore, the Department of Commerce is revoking such order on the grounds that net subsidies have been *de minimis* for at least two years. The table in Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo, Office of Compliance, Room 2126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2786).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 3, 1977, a notice of "Final Countervailing Duty Determination" with respect to certain handbags from the Republic of Korea was published in the **Federal Register** as Treasury Decision 77–152 (42 FR 28532). On October 17, 1980, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (45 FR 68988).

Scope of the Review

Imports covered by this review are pocketbooks, purses, shoulder bags, clutch bags, and all similar articles by whatever name known, customarily carried by women or girls. Such imports are currently classifiable under items 706.06, 706.07 and 706.09 (both formerly 706.08), 706.20, 706.22, 706.23, 706.24, 706.30, or 706.60, Tariff Schedules of the United States (TSUS). Luggage, flat goods or other articles classifiable under these TSUS items and handbags under item 706.40 are not included.

The review covered the period January 1977 through December 1979. The programs found countervailable in the Final Determination were: (1) preferential short-term export financing, (2) tax benefits resulting from the inclusion in loss accounts of sales and entertainment expenses incurred in connection with development of overseas markets, (3) tax benefits resulting from the inclusion in loss accounts of reserve funds for losses accruing from overseas activities, and (4) accelerated depreciation of machinery and equipment utilized for export production. The preliminary results of the review specified a *de minimis* level of net subsidies of not more than 0.3% for over a two-year period. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Results of the Review

As a result of the review, we conclude that the imported merchandise has not benefitted from more than *de minimis* net subsidies for at least the two-year period specified in § 355.42, Commerce Regulations (19 CFR 355.42). As further required by this section, the manufacturers and exporters have agreed in writing to an immediate suspension of liquidation and, if appropriate, reinstatement of the order if circumstances develop which indicate that the imported merchandise benefits from a net subsidy. Therefore, the Department hereby revokes the countervailing duty order concerning certain handbags from Korea (T.D. 77–152) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after October 17, 1980. In addition, the Department will instruct Customs officers to proceed to liquidate all unliquidated entries from January 1, 1980 to October 17, 1980 without regard to countervailing duties.

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Korea" by deleting from the column headed "Commodity," the word "Handbags"; from the column headed "Treasury Decision," the number "77–152"; and from the column headed "Action," the words "Bounty declared."

The revocation, administrative review, and notice publication are in accordance with sections 751(a)(1), (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,
Deputy Assistant Secretary for Import Administration.

February 17, 1981.

[FR Doc. 81-5845 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Dinoprost Tromethamine Sterile Solution; Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for added uses of dinoprost tromethamine injectable in beef cattle and nonlactating dairy heifers for synchronization of estrus.

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EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT:
William D. Price, Bureau of Veterinary Medicine (HFV–123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3442.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed NADA 108–901 providing for intramuscular use of dinoprost tromethamine in beef cattle and nonlactating dairy heifers as a luteolytic agent for synchronization of estrus. Approval was published in the **Federal Register** of November 2, 1979 (44 FR 63097) providing for administration of the drug twice, at 10- to 12-day intervals, with breeding several days later. The supplemental NADA provides for administration of the drug once, then continuation of normal breeding practices. The regulations are amended to reflect approval of the supplemental NADA.

Approval of this supplement provides for reduced use of the drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) this is a Category II approval which will decrease possible human exposure to drug residues and will not require reevaluation of the food safety data in the parent application.

The agency has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.690 is amended by revising paragraph (d), to read as follows:

§ 522.690 Dinoprost tromethamine sterile solution.

* * * * *

(d) *Conditions of use*—(1) *Mares*—(i) *Amount.* Equivalent of 1 milligram of dinoprost per 100 pounds of body weight.

(ii) *Indications.* For its luteolytic effect to control timing of estrus in estrous cycling mares and in clinically anestrous mares that have a corpus luteum.

(iii) *Limitations.* For use once as a single intramuscular injection. Not for use in horses intended for food. Women of child-bearing age, asthmatics, and persons with bronchial and other respiratory problems should exercise extreme caution when handling this product. Dinoprost tromethamine is readily absorbed through the skin and can cause abortion and bronchiospasms. Accidental spillage on the skin should be washed off immediately with soap and water. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Cattle*—(i) *Amount.* 5 milliliters (equivalent to 25 milligrams of dinoprost), as a single injection or repeated 10 to 12 days after first injection.

(ii) *Indications.* For its luteolytic effect to control timing of estrus and ovulation in estrous cycling cattle that have a corpus luteum.

(iii) *Limitations.* For use in beef cattle and nonlactating dairy heifers, as follows:

(*a*) Double dinoprost injection followed by artificial insemination at estrus: Inject 5 milliliters of solution (25 milligrams of dinoprost) intramuscularly; repeat injection 10 to 12 days after first injection; observe for estrus after second injection; inseminate at the usual time relative to detection of estrus following second injection. If cattle are estrous cycling and have a corpus luteum, estrus is expected 2 to 5 days after second injection. Cattle that do not become pregnant usually return to estrus 21 to 27 days after second injection.

(*b*) Double dinoprost injection followed by artificial insemination at 80 hours: Inject 5 milliliters (25 milligrams of dinoprost) intramuscularly; repeat injection 10 to 12 days after first injection; inseminate at about 80 hours after second injection without estrus detection or observation. Cattle that do not become pregnant usually return to estrus 21 to 27 days after second injection.

(*c*) Single dinoprost injection followed by artificial insemination at estrus: Inject 5 milliliters of solution (25 milligrams of dinoprost) intramuscularly; observe for estrus for 5 days; inseminate at the usual time relative to detection of estrus. If the cattle are exhibiting estrous cycles and have a corpus luteum, estrus is expected 1 to 5 days after injection. Cattle that do not become pregnant usually return to estrus 21 to 27 days after injection.

(*d*) Single dinoprost injection on day 5 of breeding followed by artificial insemination at estrus: Observe for estrus for 4 days and inseminate at the usual time relative to detection of estrus; for the cattle not detected in estrus through day 4, inject 5 milliliters of solution (25 milligrams of dinoprost) intramuscularly on the morning of day 5; continue with estrus observation on days 5 through 9 and inseminate at the usual time relative to detection of estrus. Breeding for the remainder of the breeding season may be with artificial insemination, bulls or some combination of artificial insemination and bulls.

(*e*) Do not administer to pregnant cows, abortion may result. Do not administer intravenously, this may potentiate adverse reactions.

(*f*) When handling this product, women of child-bearing age, asthmatics, and persons with bronchial and other respiratory problems should exercise extreme caution. Dinoprost tromethamine is readily absorbed through the skin and can cause abortion and bronchiospasms. Accidental spillage on the skin should be washed off immediately with soap and water.

(*g*) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective February 20, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 5, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–5578 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 522

Prednisolone Sodium Succinate Injection; Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for safe and effective use of additional concentrations of prednisolone sodium succinate injection as an anti-inflammatory agent in horses, dogs, and cats.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT:
Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (11–593) providing for additional concentrations of 20 and 50 milligrams (mg) of prednisolone (as prednisolone sodium succinate) per milliliter (mL) of injection solution. Upjohn has an existing approval for a 10 mg/mL solution. The drug is indicated for use in horses, dogs, and cats when an adrenal glucocorticoid and/or anti-inflammatory effect is required. The regulations are amended to add the new injection concentrations.

This action, providing for additional injection concentrations, does not affect the conditions of use currently provided for in the regulations. Therefore, in accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplement does not require reevaluation of the safety and effectiveness data in the parent application.

Approval of this supplement is an administrative action that did not require generation of new safety or effectiveness data; therefore, a freedom of information summary is not required for this action.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1884 by revising paragraph (b), to read as follows:

§ 522.1884 Prednisolone sodium succinate injection.

* * * * *

(b) *Specifications.* Each milliliter of prednisolone sodium succinate injection contains: Prednisolone sodium succinate equivalent in activity to 10, 20, or 50 milligrams of prednisolone.

* * * * *

Effective date. This amendment is effective February 20, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: January 27, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–5579 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 548

Bacitracin, Neomycin, Polymyxin B Sterile Ophthalmic Ointment; Certifiable Peptide Antibiotic Drugs for Animal Use

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Burroughs Wellcome Co. providing for safe and effective use of a sterile ophthalmic ointment for the treatment of dogs and cats. The product, containing bacitracin zinc, neomycin sulfate, and polymyxin B sulfate, is used for the treatment of acute and chronic conjunctivitis due to susceptible organisms.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT:
Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 filed an NADA (65–465) providing for safe and effective use of a sterile ophthalmic ointment containing bacitracin, neomycin, and polymyxin B. The product is used for the treatment of dogs and cats for acute and chronic conjunctivitis caused by susceptible organisms. The product is essentially the same as one codified for animal use in 21 CFR 548.314a. In accordance with 21 CFR 514.1(b)(9), approval of this NADA did not require submission of certain effectiveness data as provided by 21 CFR 514.1(b)(8) but did require meeting certification requirements and conditions of marketing as in 21 CFR 548.314a.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m. Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 548 is amended in § 548.314a in paragraph (c)(2)(ii) by adding after the word "To" the phrase "000081 and" to read as follows:

§ 548.314a Bacitracin, bacitracin zinc-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

* * * * *

(c) * * *

(2) * * *

(ii) To 000081 and 025463; for a drug containing in each gram, 400 units or bacitracin zinc, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B sulfate.

* * * * *

Effective date. This regulation shall be effective February 20, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: January 30, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–5580 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

32 CFR Part 1282

[DLAR 5710.1]

Security of DLA Activities and Resources

AGENCY: Defense Logistics Agency (DLA).

ACTION: Final rule.

SUMMARY: This regulation establishes policy, assigns responsibilities, and prescribes procedures for the issuance of security regulations and orders by Heads of DLA activities. The regulation implements DoD Directive 5200.8 and is applicable to HQ DLA, DLA field activities and property/places subject to the jurisdiction or administration of the Defense Logistics Agency.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT:
Maj. David H. Gilmore, Commercial—AC 202–274–7810; AUTOVON—284–7810.

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By order of the Director.

R. F. McCormack,

Colonel, USA, Staff Director, Administration.

Part 1292, Subchapter B, Chapter XII of Title 32 of the Code of Federal Regulations is added to read as follows:

PART 1292—SECURITY OF DLA ACTIVITIES AND RESOURCES

Sec.

1292.1 Purpose and scope.
1292.2 Policy.
1292.3 Background.
1292.4 Responsibilities.
1292.5 Procedures.

Authority: DoD Directive 5200.8 and in accordance with Sec. 21 of the Internal Security Act of 1950, 50 U.S.C. 797.

§ 1292.1 Purpose and scope.

"To establish policy, assign responsibilities, and prescribe procedures for the issuance of security regulations and orders by Heads of DLA activities. This Part 1292 implements DoD Directive 5200.8, Security of Military Installations and Resources, and is applicable to HQ DLA, DLA field activities and property/places subject to the jurisdiction or administration of the Defense Logistics Agency.

§ 1292.2 Policy.

(a) Military Heads of DLA field activities are authorized to issue or approve necessary security regulations and orders for the protection of property and places under their jurisdiction/administration. Regulations and orders for the protection of property and personnel of subordinate activities headed by civilians shall be promulgated by the military commander in the chain of command immediately above such subordinate activity.

(b) Regulations and orders for the protection of property and personnel of primary level field activities (PLFAs) headed by civilians, and subordinate activities of such PLFAs which likewise are headed by civilians, shall be promulgated by the Director, DLA/Deputy Director/Deputy Director, CAS.

(c) Heads of DLA field activities that are tenants on a military reservation, post, camp, station, installation, base, or Government-owned or leased facility administered by another command or agency are responsible for protection of property and places under their command and may issue security regulations and orders in fulfillment of their responsibility to protect property and places under their jurisdiction and administration. However, separate security regulations and orders should not be issued when the host has issued security regulations and orders that afford protection to the DLA activity.

(d) Detailed physical security and emergency plans developed in conjunction with these security regulations and orders will be as prescribed by DLAM 5710.1, Physical Security Manual, and DLA War and Emergency Support Plan (WESP), Part II, Annex A.

§ 1292.3 Background.

Section 21 of the Internal Security Act of 1950 (Appendix A) authorizes the Secretary of Defense to designate military commanders to promulgate or approve regulations and orders for the protection of property and places under their command. DoD Directive 5200.8 designates military commanders of Army, Navy, Air Force, and Defense Agency activities as having authority to promulgate regulations and orders pursuant to the Internal Security Act of 1950.

§ 1292.4 Responsibilities.

(a) HQ DLA.

(1) The Director, DLA/Deputy Director/Deputy Director, CAS will issue necessary security regulations and orders for PLFAs headed by civilians.

(2) The Command Security Officer, DLA (DLA–T) will:

(i) Provide technical staff guidance on the issuance of security regulations and orders.

(ii) Keep the Director, DLA informed of violations of regulations/orders as reported.

(b) Field Activities.

(1) The Heads of Primary Level Field Activities will:

(i) Publish a physical security plan which provides proper and economical use of personnel and equipment to prevent or minimize loss or damage from theft, espionage, sabotage, and other criminal or disruptive activities.

(ii) Report violations of security regulations and orders to HQ DLA, ATTN: DLA–T, in accordance with DLAR 5705.1, Reporting of Security and Criminal Violations.

(2) The Military Heads of DLA field activities will issue security regulations and orders as necessary for the protection of places and property under their jurisdiction pursuant to the provisions of this Part 1292 and other pertinent directives.

§ 1292.5 Procedures.

(a) Security regulations and orders will be promulgated by any of the following means:

(1) Written directives of the activity Head.

(2) Signs and similar media.

(3) Orally, when required by a contingency/emergency.

(b) Written directives and orders will contain so much of the following statement as is pertinent: "This order (directive, bulletin, etc.) is issued pursuant to Section 21, Internal Security Act of 1950, 50 U.S.C. 797, DoD Directive 5200.8, DLAR 5710.1, (directive issued by the Head of a DLA field activity subordinate to HQ DLA)."

(c) Signs used as the sole vehicle for issuing a security regulation or order must contain a recitation of the authority under which issued and the title of the authorized official who issued the regulation or order. DLAM 5710.1, chapter 3, contains instructions on the exact wording of such signs.

(d) Oral orders will include a statement which clearly indicates the authority for issuance similar to the provisions of paragraph (b) of this section.

(e) Written security orders and regulations will be posted in conspicuous and appropriate places to ensure widest dissemination. The posting of a general security regulation/order, or a listing of applicable directives, will suffice provided it cites the authority to issue such directive. The posting of voluminous, individual security regulations and orders will be avoided.

Appendix A.—Section 21 of the Internal Security Act of 1950

"*797. Security regulations and orders; penalty for violation*

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year or both.

"(b) Every such regulation or order shall be posted in conspicuous and appropriate places. Sept. 23, 1950, c. 1024, Title I, Par. 21, 64 Stat. 1005."

[FR Doc. 81-5723 Filed 2-19-81; 8:45 am]

BILLING CODE 3820-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1–7

[FPR Amendment 214]

Moving Contracts for Relocating a Federal Office

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The Federal Procurement Regulations are amended to eliminate the mandatory requirement that contractors obtain State operating permits in connection with the movement of Government-owned property. The change was requested by the Office of General Counsel, General Services Administration. The intended effect is to make it possible for contracting officers to delete the contract requirement that contractors have or obtain State operating permits when it is in the best interest of the Government and to delete a certification requirement.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

Section 1–7.703–20 is amended by revising the introductory material to read as follows:

§ 1–7.703–20 Moving contracts for the relocation of a Federal office.

(a) A prospective contractor shall be competent to perform a moving contract involving the relocation of a Federal office, whether a move of this type takes place between States, including the District of Columbia (i.e., an interstate move), or wholly within the borders of one State or the District of Columbia (i.e., an intrastate move).

(b) Paragraph (b) of the Performance Capability clause prescribed by this § 1–7.703–20 and the Permits, Authorities, or Franchises clause prescribed by § 1–7.701–2 may be deleted when the contracting officer determines that the exclusion of the provision is in the best interest of the Government. In these cases, the requirement relating to obtaining or holding State authority to operate within the State, and to maintaining a facility within the State or commercial zone, shall not apply.

(c) The following provisions, subject to paragraph (b) of this section, shall be included in each such invitation and in the resulting contract:

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 3, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-5590 Filed 2-19-81; 8:45 am]

BILLING CODE 3820-61-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Public Land Order 5856

[I–16254]

Idaho; Public Land Order 5778; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will correct an error in the land description of Public Land Order 5778 of November 28, 1980.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202–343–6486.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order 5778 of November 28, 1980, in FR Doc. 80–37640 appearing at parge 80290 in the issue of Thursday, December 4, 1980, in the second column under T. 7 S., R., 43 E., the penultimate line reads "Sec. 29, SE¼NE¼, NE¼NW¼, and W½SE¼." It should be corrected to read "Sec. 29, SW¼NE¼, NE¼NW¼, and W½SE¼."

James G. Watt,

Secretary of the Interior.

February 12, 1981.

[FR Doc. 81–5722 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Amdt. 7; Docket 80–40]

Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: These final rules implement certain provisions of the Ocean Shipping Act of 1978 (Public Law 95–483, 92 Stat. 1607) which provide for the regulation of the rates and charges of certain state-owned or controlled carriers operating as "cross traders" in the United States foreign commerce. These rules amend the foreign tariff filing requirements to provide for the publication, filing, justification and suspension of controlled carrier tariff matter.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Commission previously gave notice (45 FR 42721–24) that it proposed to amend 46 CFR 536 to prescribe the technical requirements for the publication, filing, justification and suspension of controlled carrier tariff matter. The amendments are necessary to implement portions of the requirements of section 18(c) of the Shipping Act, 1916, which took effect November 17, 1978, pursuant to the Ocean Shipping Act of 1978 (Pub. L. 95–483, 92 Stat. 1607). Comments from the public were invited with respect to the proposed rules, and one set of comments was received from Baltic Shipping Company, Black Sea Shipping Company, Far Eastern Shipping Company and Murmansk Shipping Company (Baltic). The following is a section-by-section analysis of the commentator's position on specific sections of the proposed rules.

1. Section 536.1

Baltic states generally that the exemptions proposed in the rules differ from the statute. Baltic specifically asserts that paragraph (c)(1)(iii) is more restrictive than that provided in the statute and that the Commission lacks the authority to make such a substantive change.

The Commission believes that the proposed rule accurately reflects the intent of the statute. The proposed change in paragraph (c)(1)(iii) merely

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clarifies the statutory language, "covered by an agreement approved by section 15 of the Act" in a way which is consistent with the legislative history. As published on page 28 of the Senate Committee on Commerce, Science and Transportation Report No. 95–1260, clarification of the statutory words "covered by" is provided by the following Committee statement:

"* * * [the Ocean Shipping Act is intended] to exempt the rates, charges, classifications, rules or regulations of a controlled carrier which are *established* pursuant to an *agreement* among carriers such as a conference agreement. Rates set independently by a controlled carrier whether in connection with a section 15 agreement or otherwise, should remain subject to the regulatory provisions of these bills." Sen. Rep. No. 95–1260, 95th Cong., 2nd Sess. 28 (1978).

Paragraph (c)(1)(iii) requires that for a rate of a controlled carrier to be exempt it must be set by the duly authorized action of a ratemaking body approved under section 15 of the Act.

Baltic's view that the proposed paragraph (c)(1)(iii) is more restrictive than the statute requires may have originated with a statement in the Notice of Proposed Rulemaking under Supplementary Information wherein it was stated in paragraph Number 1 thereof that the proposed § 536.1(c)(1)(iii) "more clearly indicates that only rates actually set by the concerted action of an agreement's membership are exempt." This language was neither contained in the proposed rule nor is it intended to interpret the language actually contained in the proposed rule.

It appears, however, that a reference to "the *vessels* of the controlling state" was inadvertently omitted from proposed paragraph (c)(1)(i) which could be viewed as altering the intended meaning of the statute. This was not the Commission's purpose, and appropriate revisions have therefore been made in the final version of this paragraph.

The proposed exemption requirement makes no predetermination of the authority encompassed by any particular ratemaking body's section 15 agreement. Therefore, the Commission believes that the proposed rule conveys the precise meaning of the statutory language: "covered by."

2. Section 536.3(d)

Baltic states that the extra costs incurred in filing three copies of tariff pages, rather than two, would be very substantial, but fails to provide any estimate of the additional burden.[1] The Commission believes that the extra copy is an administrative necessity to ensure proper and timely monitoring of controlled carrier tariff filings. We also note that no other classified controlled carrier has chosen to comment on this proposal. Therefore, the Commission will retain the triplicate filing requirement in the final rule.

3. Section 536.5(a)(i)

Baltic states that this designation serves no useful purpose and is an unwarranted attempt to stigmatize certain carriers. To the contrary, the Commission believes that this designation is useful to the general public to alert them that certain carriers are subject to rules which differ from the general tariff filing rules. That difference is important to the shipping public and tariff users who would benefit from knowing that reductions in a certain carrier's tariff are subject to 30 days' notice.

The Commission does not believe that this identification requirement unduly stigmatizes certain carriers. An identification requirement already applies to NVOCCs and carriers party to an approved section 15 agreement primarily for the purpose of alerting the tariff user to important distinctions between common carriers.

The Commission, in addition, has published lists of carriers found to be controlled carriers subject to the provisions of section 18(c) which likewise, do not unduly stigmatize certain carriers, but merely put the public on notice as to which carriers are subject to the requirements of section 18(c). Therefore, the Commission adopts the requirement as proposed.

4. 536.11(g)(3)

The Commission has determined to amend the rule as proposed to avoid the establishment of any single, rigid standard for rejection of replacement rates. However, the lowest comparable charges of U.S. flag or reciprocal flag carriers will continue to be considered as a factor in determining whether to reject such rates.

Under the statute, replacement rates for rates suspended may be filed to be effective during the suspension period. If filed during the suspension period, the rates become effective immediately. Therefore, it is necessary for the Commission to establish a method to expeditiously evaluate and act upon these replacement rates. The lowest total charges then in effect for a U.S. flag or reciprocal flag carrier provide one important factor to assist the Commission in coping with the evaluation and time problem, without establishing minimum levels of rates in the U.S. foreign commerce.

It should be noted that under the statute, the replacement rate concept was primarily designed to allow the controlled carrier to have a set of rates in effect during the suspension period. Any replacement rates filed under the statute can be effective for the duration of the suspension period. However, the controlled carrier is not precluded from filing other rates (at higher or lower levels) during the suspension period, on 30 days' statutory notice. These rates would "replace" the replacement rates, which may have been filed on immediate notice. In such cases, the Commission would have the benefit of the notice period to evaluate the justness or reasonableness of the new rate level. The Commission could then either act to suspend such rates before they become effective, or allow them to go into effect if it is believed that they are just and reasonable.

The final rule, therefore, would require the Commisson to consider the lowest charges then in effect by U.S. or reciprocal flag carrier as proposed, but would not require the rejection of any replacement rate solely upon that criterion.

The commentator notes finally that the concept of "total transportation charge" is improper when considering rate levels. We refer the commentator to *Rates of Far Eastern Shipping Company*, 19 S.R.R. 1541 fn. 9, (1980) (Docket No. 79–10 served 3/10/79) where the Commission held: "Rate comparisons conducted pursuant to section 18(c)(2)(ii) should include not only the applicable freight rate, as stated in the carrier's respective tariffs, but also any differences in surcharges, accessorial charges and tariff rules which may affect the total transportation charge to the shipper." The total transportation concept was also utilized in Commission Docket No. 79–104 (served 12/28/79) and in instituting Docket No. 80–6 (served 1/31/80). Commissioner Kanuk's dissenting opinion in Docket No. 79–10, cited by the commentator, was based on opposition to the introduction of the total charge concept after the proceeding was instituted, and not on opposition to the concept itself.[2]

[1] The Commission notes that the volume of filings made by the companies, on whose behalf the commentator seeks elimination of this requirement, has been severely curtailed in recent months due to the withdrawal of their service from certain U.S. trades.

[2] On page 5 of Commissioner Kanuk's dissenting opinion, it is stated: "I concur with the majority that consideration of 'total charges' may well be a matter of great importance in a controlled-carrier proceeding."

The Commission notes that a controlled carrier may have a rate published at a level which is higher than that of any other carrier in a trade but that it may apply a surcharge in such a manner that the resulting total transportation charge to the shipper is considerably lower than that of any other carrier in the trade. For this reason the Commission will retain the total charge concept in the final rule.

The Commission has also amended § *536.8 Tariffs containing through rates and through routes* to include a reference to 18(c). This amendment was not included in the Notice of Proposed Rulemaking and appears as part VIII of the attached appendix.

Accordingly, pursuant to the provisions of 5 U.S.C. 553 and sections 18(b), 18(c), and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 817(c) and 841(a)), the Federal Maritime Commission hereby amends 46 CFR 536 in the manner set forth in the attached appendix.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

46 CFR Part 536 is amended as follows:

I. *Authority:* References to section 18(c) and 46 U.S.C. 817(c) are added.

II. The second sentence of § 536.0(b) is revised to read:

§ 536.0 Scope.

* * * * *

(b) * * * These regulations implement this requirement and, in addition, the requirements of sections 14(b) and 18(c) of the Act. * * *

III. A new paragraph (d) is added to § 536.1 to read as follows:

§ 536.1 Exemptions and exclusions.

* * * * *

(d) *Controlled carriers.* (1) A controlled carrier shall be exempt from the provisions of this part exclusively applicable to controlled carriers when: (i) the vessels of the controlling state are entitled by a treaty of the United States to receive national or most-favored-nation treatment; (ii) the controlling state subscribed, as of November 17, 1978, to the shipping policy statement contained in note 1, Annex "A" of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development; (iii) as to any particular rate, the controlled carrier's tariff contains an amount set by the duly authorized action of a ratemaking body approved under section 15 of the Act; *Provided, however,* that this exemption is inapplicable to rates established pursuant to an agreement in which all the members are controlled carriers not otherwise excluded by paragraph (d) of this section; (iv) the controlled carrier's rates, charges, classifications, rules or regulations govern transportation of cargo between the controlling state and the United States (including its districts, territories and possessions); and (v) the controlled carrier operates in a trade served exclusively by controlled carriers.

(2) The Commission will notify any carrier of its classification as a controlled carrier.

(3) Any carrier contesting such a classification may within 30 days after the date of the Commission's notice, submit a rebuttal statement. The Commission shall review the rebuttal and notify the carrier of its final decision within 30 days from the date the rebuttal statement was filed.

IV. Present paragraphs (f) through (n) are redesignated as (g) through (o) and a new paragraph (f) added to read as follows:

§ 536.2 Definitions.

* * * * *

(f) *Controlled carrier.* A carrier which is, or whose operating assets are, directly or indirectly owned or controlled by the government under whose registry the vessels of the controlled carrier operate. Ownership or control by such government shall be deemed to exist if a majority interest in the carrier, or its operating assets, is owned or controlled in any manner by such government, an agency of such government, or any person, corporation, or entity controlled by such government. Ownership or control shall also be deemed to exist if the government of registry has the right to appoint or veto the appointment of a majority of the carrier's directors or its chief operating or executive officer.

* * * * *

§ 536.3 Filing of tariffs; general. [Amended]

V 1. Paragraph (d) is revised to read:

* * * * *

(d) All tariffs published in a foreign language shall be accompanied by two true copies translated into the English language when submitted for filing, except that controlled carriers shall submit three true copies translated into the English language.

2. Paragraph (f) is revised to read:

* * * * *

(f) All tariff matter, including temporary filings by mail pursuant to § 536.10(c)(1) of this part, shall be filed in duplicate, except by controlled carriers who shall file all tariff matter in triplicate; *Provided, however,* that temporary filings made by telegraph or cable pursuant to § 536.10(c)(1) need not be submitted in duplicate or triplicate.

* * * * *

3. Paragraph (k) is amended to add a final sentence reading:

* * * * *

(k) * * * *Provided further,* That a controlled carrier newly admitted to membership in a conference shall, 30 days prior to admission, file notice of cancellation of any applicable independent tariff effective upon the date of admission to conference membership, unless special permission has been granted by the Commission pursuant to § 536.15 of this part.

* * * * *

4. Paragraph (l) is amended so that the first sentence reads:

* * * * *

(l) Any tariff submitted for filing which fails to conform with sections 14b, 18(b), or 18(c) of the Act, or with the provisions of this part, is subject to rejection by the Commission and, upon rejection, shall be void and its use unlawful. Rejection will be accomplished pursuant to § 536.10(d).

* * * * *

VI. Paragraph (a)(1) is amended to add a final sentence to read as follows:

§ 536.5 Tariff contents.

(a) * * *

(1) * * * A controlled carrier subject to section 18(c) of the Act shall so identify itself under the carrier name on the title page.

* * * * *

VII. Paragraph 536.6(n) is amended to add a final sentence which reads as follows:

§ 536.6 Statement of rates and charges.

* * * * *

(n) * * * Controlled carriers filing open rates are subject to the 30-day controlled carrier notice requirement of § 536.10(a)(3) of this part, except when special permission is granted by the Commission under § 536.15 of this part.

* * * * *

VIII. The third sentence in paragraph 536.8(b) is revised to read:

§ 536.8 Tariffs containing through rates and through routes.

* * * * *

(b) * * * Such tariffs will be filed and maintained in the manner provided in

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section 18(b) and 18(c) of the Act, and rules of this part.

§ 536.10 Amendments to tariffs. [Amended]

IX. 1. Paragraph 536.10(a)(3) is amended to add a final sentence which reads as follows:

(a) * * *

(3) * * * *Provided, however,* that all changes to controlled carrier tariffs shall not become effective earlier than 30 days from the date of filing, unless special permission has been granted by the Commission under § 536.15 of this part, or the change affects tariff matters which are the subject of a suspension proceeding, in which case § 536.11(g) of this part shall apply.

* * * * *

2. Paragraph 536.10(a)(4) is amended by adding a subdivision (iii) which reads as follows:

(a) * * *

(4) * * * and (iii) the carrier is not a controlled carrier and has not received special permission authorizing the amendment.

* * * * *

3. Paragraph 536.10(b)(2) is amended to add a final uniform symbol "K," defined as follows:

* * * * *

(b) * * *

(2) * * *

(K) To denote a rate or charge that is filed by a controlled carrier member of a conference or rate agreement under independent action.

* * * * *

4. Paragraph 536.10(b)(4), (d)(1) and (d)(2) are amended to add a reference to section 18(c).

§ 536.11 Supplements to tariffs. [Amended]

X. 1. Paragraph 536.11(a) is amended to add a new subparagraph (6), as follows:

(a) * * *

(6) To indicate controlled carrier rates which have been suspended by the Commission.

* * * * *

2. Section 536.11 is amended to add a new paragraph (f), as follows:

* * * * *

(f) General rate increase/decrease supplements filed by controlled carriers are subject to the 30-day notice requirements of section 536.10 of this part, unless special permission has been granted pursuant to § 536.15 of this part or the change affects tariff matter which is the subject of a suspension proceeding, in which case § 536.11(g) of this part shall apply.

* * * * *

3. Section 536.11 is amended to add a new paragraph (g), as follows:

* * * * *

(g) Treatment of suspended tariff matter (controlled carriers).

(1) Tariff matter filed by a controlled carrier may be suspended at any time before its effective date. Tariff matter already in effect may be suspended upon issuance of a show cause order on not less than 60 days' notice to the carrier. In either instance, the suspension period shall not exceed 180 days.

(2) Upon receipt of a suspension order the controlled carrier shall immediately file a supplement which: (i) contains the specific rates, charges, classifications or rules suspended; (ii) cites the date upon which the suspension becomes effective; and (iii) states that all use and application of the suspended tariff matter is deferred for 180 days.

(3) Controlled carrier tariff matter filed to become effective during a suspension period in lieu of the suspended matter may become effective immediately upon filing or upon the effective date of the suspension, whichever is later. In determining whether to reject replacement rates, the Commission shall consider whether such rates result in total charges (*e.g.*, rate plus applicable surcharges), that are lower than the lowest comparable charges effective for a U.S. flag or reciprocal flag carrier serving the same trade.

(i) The filing carrier shall identify the specific U.S. flag or reciprocal flag carrier's rates, charges, classifications, or rules resulting in total charges which equal or are lower than its own.

(ii) All replacement filings shall state on the appropriate tariff page the following:

(Filed pursuant to 46 U.S.C. 817(c)(4) and 46 CFR 536.11(g))

§ 536.14 Transfer of operations, transfer of control, changes in carrier name, and changes in conference membership.

XI. Section 536.14 is amended to add a new paragraph (c), as follows:

* * * * *

(c) Whenever a carrier transfers operations, control or ownership which results in a majority portion of the interest being owned or controlled in any manner by a government under whose registry the vessels of the carrier are operated, the carrier shall immediately notify the Commission in writing of the detailed of the change.

§ 536.15 Applications for special permission. [Amended]

XII. 1. Paragraph 536.15(a) is amended to add a second sentence, as follows:

(a) * * * Section 18(c)(3) of the Act authorizes the Commission to permit a controlled carrier's rates, charges, classifications, rules or regulations to become effective within less than 30 days of filing.

* * * * *

2. Paragraph 536.15(b) is amended so that the first sentence reads as follows:

* * * * *

(b) Applications for special permission to establish rate increases or decreases on less than statutory notice * * *

* * * * *

3. Paragraph 536.15(f) and footnote 2 thereof is amended to read:

* * * * *

(f) Every tariff or tariff amendment filed pursuant to a Special Permission granted by the Commission shall contain the following notation:

"Issued under authority of Federal Maritime Commission Special Permission No.———." [2]

XIII. The statement of General Accounting Office reporting clearance is amend to read as follows:

The reporting requirements contained in §§ 536.3, 536.11(g)(2), 536.14 and 536.15 have been approved by the U.S. General Accounting Office under B–180233 (RO226).

[FR Doc. 81–5853 Filed 2–19–81; 8:45 am]

BILLING CODE 6730–01–M

[2] "The filing carrier(s) shall fill in the blank with the special permission [letter and] number assigned by the Commission," (for example: No. F–1212 or No. CC–1212).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

Inspection and Certification; Fees and Charges

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to increase the hourly rates for inspection fees.

On October 1, 1980, the President, by Executive Order 12248 (45 FR 69199), increased the rates of basic pay of General Schedule employees. Title 50 CFR 260.81(a) requires that the hourly rates for inspection fees be automatically increased on the effective date of the pay adjustment by an amount equal to the increase received by the average General Schedule grade level of fishery product inspectors receiving such pay increases. This pay increase resulted in a 9.1 percent increase in the basic pay of fishery product inspectors.

DATE: These amended rates became effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Irving D. Sackett, Jr., Field Operations Coordinator, Seafood Research, Inspection and Consumer Services Division, National Marine Fisheries Service, Washington, D.C. 20235. Phone: (202) 634–7458.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (84 Stat. 2090), 260.70 of Part 260, Inspection and Certification, is hereby amended by adjusting the rates for fees and charges to provide for the recovery of increased costs attributable to the upward adjustment of the rates of basic pay of fishery product inspectors.

In 260.70, paragraphs (b) (1), (2), and (3) are revised as follows:

§ 260.70 [Amended]

* * * * *

(b) * * *

(1) Type I—Official establishment and product inspection—contract basis:

	Per hour
Regular time	$20.80
Overtime	28.45
Sunday and legal holidays (2 h minimum)	35.15

The contracting party shall be charged at an hourly rate of $20.80 per hour for regular time; $28.45 per hour for overtime in excess of 8 hours per shift per day; and $35.15 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this Section.

(2) Type II—Lot inspection—Official and unofficially drawn samples:

	Per hour
Regular time	$30.55
Overtime	41.90
Sunday and legal holidays (2 h minimum)	53.80
Minimum fee	24.85

For lot inspection services performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, $30.55 per hour.

For lot inspection services performed at times Monday through Friday other than 7:00 a.m. to 5:00 p.m. and on Saturdays (2 hr. minimum) $41.90 per hour. Sunday and national legal holidays (2 hr. minimum) $53.80 per hour. The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $24.85.

(3) Type III—Miscellaneous inspection and consultative services.

When any inspection or related service, such as but not limited to, initial and final establishment surveys, appeal inspections, sanitation evaluation, SIFE inspections, sampling product evaluation, and label and product specification review, rendered is such that charges based on the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular time	$26.05
Overtime	34.25
Sunday and legal holidays (2 h minimum)	43.90
Minimum fee	19.65

For miscellaneous inspection and consultative services performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday—$26.05; for miscellaneous inspection and consultative services performed at times Monday through Friday other than 7:00 a.m. to 5:00 p.m. and on Saturdays (2 hr. minimum)—$34.25 per hour.

For miscellaneous inspection and consultative services performed on Sunday and national holidays (2 hr. minimum)—$43.90 per hour. The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour shall be $19.65.

[36 FR 21038, Nov. 3, 1971, as amended at 45 FR 39276, June 10, 1980]

* * * * *

Dated: January 7, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–5866 Filed 2–19–81; 8:45 am]

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COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1060

General Characteristics of CSA Funded Programs; Income Poverty Guidelines (Revised)

AGENCY: Community Services Administration.

ACTION: Withdrawal of final rule—income poverty guidelines (Revised).

SUMMARY: The Community Services Administration is withdrawing its revision of the Income Poverty Guidelines (45 CFR 1060.2–1 and 1060.2–2) published in the January 22, 1981, edition of the **Federal Register**, (46 FR, No. 14, pp. 6950–6951). This rule was scheduled to go into effect on February 23, 1981. However, recent interpretation of the President's January 29, 1981 memorandum to many Federal agencies requesting postponement of final regulations makes it necessary that CSA review the Final Rule—CSA Income Poverty Guidelines (revised) and provide the Office of Management and Budget certain data before the rule can again be submitted for publication. In lieu of new Income Poverty Guidelines, please revert to the rules published April 21, 1980, and August 4, 1980. The Agency anticipates publishing the guidelines in the near future.

EFFECTIVE DATE: This notice of withdrawal of final rule is effective February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ernest F. Powers, Office of Policy, Planning & Evaluation, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone: (202) 632–6630, Teletypewriter: (202) 254–6218.

Authority: (Sec. 602, 78 Stat. 530, 42 U.S.C. 2942).

William Allison,

Acting Director.

[FR Doc. 81–6052 Filed 2–19–81; 12:19 pm]

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TOTAL	[illegible]	23

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Proposed Rules

Federal Register
Vol. 46, No. 34
Friday, February 20, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

Training

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes changes in the regulations implementing the Government Employees Training Act relating to: situations in which selection for training must be consistent with agency merit promotion procedures and the nature of an appropriate consideration of already fully trained employees before assigning an employee to training by, in, or through a non-Government facility. It also proposes to eliminate an out of date regulation relating to the organizational level necessary to authorize training.

DATE: Comments must be received on or before April 21, 1981.

ADDRESS: Send or deliver written comments to U.S. Office of Personnel Management, Training Policy Division—Room 200TC. Attn: Mr. Masterson, P.O. Box 7230, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Ms. Constance Guitian, [202] 653–8171.

SUPPLEMENTARY INFORMATION: These proposed changes will affect three parts of the selection or authorization procedures. First, procedures affecting selection for training which lead to a promotion or advancement will be clarified. Agency merit promotion procedures would have to be followed when selecting employees for training that is: (1) for career or occupational change; (2) part of a promotion program such as upward mobility or internships; and (3) required before an employee may be considered for promotion.

Second, the initial regulations implementing the Government Employees Training Act placed the authority for authorizing two types of non-Government training at the headquarters level of the agency. Experience has shown that agencies no longer need this sort of direction from OPM. The sections (5 CFR 410.302(b) (1) and (2)), which specify how far down in the organization an agency head may delegate the authority to approve non-Government training over 40 hours and training outside the limits of the United States, will be eliminated. The agency heads will have the flexibility to delegate training decisions to the level each agency finds the most efficient.

Third, before an agency trains an employee in a non-Government facility, it is necessary to determine that appropriate consideration is given to already trained employees. We believe it is impracticable to do this for every instance of non-Government training. The proposed regulation would make it necessary to determine if there are other employees who could assume the function for which training is needed before training in a non-Government facility only when the training would lead to a change in occupational series or be for more than 120 hours in a single program.

The Office of Personnel Management has determined that this is a significant regulation for the purposes of E.O. 12044, Improving Government Regulations.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR Part 410 as follows:

1. Section 410.302 is revised to read as follows:

§ 410.302 Selection and assignment of trainees.

(a) An agency must follow its merit promotion procedures when selecting a career or career-conditional employee for training which is: (1) part of an authorized training agreement; (2) part of a promotion program, except for career promotions which are described in the Federal Personnel Manual, chapter 335, section 1–5.c.(1)(a); or (3) required before an employee may be considered for a promotion.

(b) The head of an agency shall prescribe such procedures as are necessary to assure that the selection of employees for training is made without regard to race, color, religion, sex, national origin, age, or other factors unrelated to the need for training.

2. Section 410.503 paragraph (e) is revised to read as follows:

§ 410.503 General prohibitions, training through non-Government facilities.

* * * * *

(e) When training by, in, or through a non-Government facility in a single program exceeds 120 hours, or is used to prepare an employee for a different occupational series, the head of the agency must determine, before authorizing the training, that the functions for which the training would be needed cannot be assumed by other employees.

(5 U.S.C. 4101 *et seq.*)

[FR Doc. 81–5810 Filed 2–19–81; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1076

[Docket No. AO–260–A24]

Milk in the Eastern South Dakota Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends changes in the present milk marketing order provisions for the Eastern South Dakota marketing area based on industry proposals which were considered at a public hearing held March 11, 1980. The recommended amendments would provide plant operators and cooperative associations greater flexibility in handling and accounting for milk under the order. Also, the late-payment charge on overdue payments by handlers would be increased and a marketing services payment by producers would be instituted. The amendments are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

DATE: Comments are due on or before March 9, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant." This decision constitutes the Department's Draft Impact Analysis Statement for this proceeding.

Prior document in this proceeding: Notice of Hearing: issued February 21, 1980; published February 27, 1980 (45 FR 12823).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern South Dakota marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the **Federal Register.** Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business ours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Sioux Falls, South Dakota, on March 11, 1980. Notice of such hearing was issued February 21, 1980 (45 FR 12823).

The material issues on the record of the hearing relate to:

1. The definition of a plant.
2. Pooling standards for supply plants.
3. Diversion of producer milk.
4. Cooperative association as a handler.
5. Application of location adjustments.
6. Charges on overdue accounts.
7. Deductions for marketing services.
8. Reporting and payment dates.
9. Base pricing points.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The definition of a plant.* A "plant" definition should be included in the order for the purpose of designating the type of handling facilities to which the order provisions would apply. As defined a plant would be the land, buildings, facilities, and equipment that constitute a single operating unit at which milk or milk products are received, processed, or packaged. Separate facilities used solely a intermediary distribution points in the disposition of packaged fluid milk products would not be plants. Similarly, separate facilities at which milk is only reloaded from on tank truck to another would not be a plant as defined herein.

Under the present provisions of the order the term plant is used in describing the types of facilities involved in the handling of the milk supply for the market. The two principal types of plant operations subject to regulation under the order are distributing plants and supply plants. A distributing plant is defined as a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which there is route disposition during the month in the marketing area. A supply plant is defined as a plant from which milk or skim milk acceptable to an appropriate health authority for distribution in the marketing are under a Grade A label is shipped during the month to a pool distributing plant.

Distributing plant operators in the market use facilities separate from their plants in the disposition of milk on routes to retail or wholesale outlets. Packaged fluid milk products processed at a distributing plant are in some cases moved to and stored in a distribution point en route to retail or wholesale outlets. In the case of milk assembly operations milk picked up at farms in tank trucks is sometimes reloaded into another tank truck at a reload point en route to a distributing plant or supply plant.

A cooperative association that operates both a distributing plant and a supply plant regulated under the order proposed the adoption of a "plant" definition in the order to specify that milk must be received, processed, or packaged at a plant and that separate facilities used as distribution points or reload points not be considered plants. Proponent operates reload points in its milk assembly and distribution points and distribution/operations in the market. These separate facilities are not considered plants under the current application of the order and proponent desires that the terms of the order be made more specific in this regard. Otherwise, these types of handling facilities could conceivably be considered plants with respect to the application of the accounting, pricing, and pooling provisions of the order.

In accounting for disposition of fluid milk products on routes from a plant, it is not necessary to provide any different treatment under the order for milk that is distributed through distribution points than for milk delivered directly from the plant to retail or wholesale outlets. Handlers maintain fluid milk product disposition records for each distributing plant on the basis of retail or wholesale sales accounts served by the plant irrespective of whether the product is moved through distribution points or not. In the case of records of sales accounts served through a distribution point, the handler merely needs to assemble those records along with all other records of sales originating from the plant to conform with the plant accounting system provided in the order.

If a distribution point were to be treated under the order as a plant, it could unduly complicate the acounting and administrative procedures under the order. This would especially be so in the application of plant inventory and shrinkage provisions of the order. It is much simpler to account for inventory and shrinkage on the basis of each processing plant as opposed to extending inventory and shrinkage accounting to the several individual distribution points that may be associated with the processing plant. To separately account for inventory and shrinkage at distribution points would place an increased recordkeeping burden on handlers as well as an increased administrative burden on the market administrator in carrying out his duties of verifying the disposition of milk by handlers.

Similarly, if the accounting provisions of the order were to be made applicable at reload points, it could increase the recordkeeping burden on handlers and the verification work to be undertaken by the market administrator.

The proponent cooperative operates reload points in the assembly of milk at its supply plant as well as in moving milk from farms to pool distributing plants. Milk is picked up at farms by several tank trucks and moved to a reload point where the milk is transferred directly to a large over-the-

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road tank truck for movement to the processing plant. In this circumstance, the identity of the producer milk that is transshipped in the over-the-road tank truck is ascertainable. Thus, it is not necessary to consider milk received at a reload point as being received at a plant for purposes of accounting for an individual producer's milk. Accordingly, any facility at which milk from farms is only reloaded onto another tank truck need not be considered a plant for purposes of proper application of the order's accounting provisions.

Under the present terms of the order, that portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, is not considered a part of a pool plant. The two pool supply plants in this market are operated in plants that have non-Grade A manufacturing facilities. This application of the order should be continued, as requested by the proponent of the previously described plant definition. It is customary for health authorities having jurisdiction in the order area to permit the operation of both Grade A and non-Grade A facilities in the same plant.

Cooperative association spokesmen testified to the desirability of recognizing the transfer of milk through a pipeline connecting a pool plant to an adjoining facility which is not approved for the handling of Grade A milk in lieu of transfer in a tank truck. The cooperative witnesses held that recognition of pipeline transfers would promote efficient handling of milk.

It is essential to the proper operation of the order that movements of milk from a pool plant be fully and accurately reported to the market administrator and that reported movements be readily verifiable. Thus, the flexibility to be accorded handlers with respect to the manner of movements of milk is necessarily an administrative matter that must be left to the discretion of the market administrator. Accordingly, no specific changes in the order provisions are made in this regard.

2. *Pooling standards for supply plants.* Several modifications should be made in the pooling standards for supply plants.

First, producer milk that is delivered by the operator of a supply plant directly from producers' farms to pool distributing plants should count as qualifying shipments from the supply plant for purposes of determining the supply plant's pooling status. However, such direct deliveries should count as qualifying shipments only from plants located in the marketing area or any county adjacent to the marketing area.

Second, the months of automatic pooling on the basis of shipment of 50 percent or more of a supply plant's receipts during each of the prior months of September through November should be extended from March through June to March through July.

Third, an optional shipping standard of 35 percent of a supply plant's receipts during the 12-month period immediately preceding the current month should be adopted.

Presently, a supply plant must transfer 35 percent of its receipts of milk to pool distributing plants during the month to qualify as a pool plant. However, if a supply plant transfers 50 percent of its milk receipts to pool distributing plants in each of the months of September through November, it need only make one or more shipments in each of the months during the next March through June period.

Several proposals dealing with supply plant performance standards were considered at the hearing. All such proposals were made by a cooperative association representing most of the producers supplying the market. One proposal would count that milk moved directly from farms to pool distributing plants by a supply plant operator as qualifying shipments in meeting the supply plant shipping performance standards. In support of this proposal, the witness for the cooperative stated that its adoption could result in more efficient milk handling practices because in certain cases milk associated with supply plants could be moved most efficiently directly from farms to distributing plants.

Another proposal by the cooperative would add the month of July to the present March through June period during which a supply plant is automatically qualified as a pool plant on the basis of shipments of 50 percent or more during the prior months of September through November. Additionally, the proposal would modify this pooling standard to include a minimum shipping percentage of 15 percent during each of the months of March through July. The cooperative's witness stated that July should be included as a month of lower shipping requirements because the market's Class I utilization in July is significantly lower than during the months of August through February. However, the witness contended that at least 15 percent of a supply plant's milk receipts should be shipped during March through July to meet pool distributing plant requirements for milk.

The operator of a proprietary pool supply plant opposed the adoption of a 15 percent shipping requirement during March through July. He contended that this would require increased shipments from his supply plant at a time when milk produced on farms located nearer to pool distributing plants normally is used to meet the needs of the distributing plants.

An additional proposal by the cooperative would include a 12-month moving average pooling standard for a plant operated by a cooperative association. Specifically, a cooperative would have the alternative of meeting the pooling performance requirement for a plant that it operates on either the basis of shipments during the current month or shipments made during the prior 12-month period. The cooperative's witness stated that this modification to the pooling standards would facilitate the pooling of milk of its member producers in the event of a sudden change in supply-customer relationships, since it would allow the cooperative time to make any necessary changes in market outlets for its milk supplies.

The hearing evidence supports the adoption of the cooperative's pooling performance proposals with certain modifications. The proposal to count direct movements of milk from farms to pool distributing plants as qualifying shipments, in meeting pooling standards for supply plants, should be adopted. However, it should be limited to those supply plants located in the present production area for the market.

Presently, there are two supply plants pooled under the order. One is located at Lake Norden, South Dakota, in the northern segment of the marketing area and is operated by a cooperative association. The other supply plant is located at Mitchell, South Dakota, in the western edge of the marketing area and is operated by a proprietary handler. The pool distributing plants served by the two supply plants are located at Sioux Falls, South Dakota, in the southern portion of the marketing area. The production area for the market encompasses that territory within the marketing area plus the counties bordering on the marketing area. A major proportion of the production area is located closer to the pool distributing plants at Sioux Falls than are the supply plants at Lake Norden and Mitchell. Thus, a majority of the farms of producers on the market are either located closer to the pool distributing plants than the pool supply plants or are located between the pool supply plants and the pool distributing plants.

The majority of the farm bulk tank truck routes serving the market are

located either between the pool distributing plants at Sioux Falls and the pool supply plants or closer to the distributing plants. Thus, in this circumstance, milk transportation mileage can be minimized by moving milk directly from farms to pool distributing plants. For example, the milk assembly route for the supply plant at Mitchell operates primarily in the area between Mitchell and Sioux Falls. Thus, as stated by the plant operator, transportation savings can be realized by moving the milk on this route to Sioux Falls directly from the farms rather than through the supply plant at Mitchell.

The proponent cooperative association has followed the practice of serving pool distributing plants primarily on a direct-shipped basis. Under the present terms of the order, a cooperative may pool a plant, other than a distributing plant, on the basis of counting direct shipments of member producer milk to pool distributing plants as qualifying shipments. This type of plant is commonly referred to in the industry as a cooperative association balancing plant. Thus, the proposal to count direct shipments as qualifying shipments for supply plants will enable a proprietary supply plant operator to pool its plant by the same shipment method permitted for a cooperative association balancing plant.

Adoption of the proposal, however, would make the separate cooperative association balancing plant pooling provision redundant. This provision calls for a shipping percentage of 50 percent while the proposal would be applicable to the regular supply plant pooling provision which has a 35 percent shipping requirement. Thus, any cooperative association balancing plant pooling under the 50 percent shipping requirement would also be qualified for pool status under the regular supply plant pooling standard. Accordingly, the cooperative association balancing plant provision is no longer needed.

The adoption of the direct-shipment method of qualifying a supply plant for pool plant status should be accompanied by a geographical plant location limit to insure that the milk pooled at the plant is reasonably associated with the market. Presently, the production area for the market encompasses that territory within the marketing area plus the counties located adjacent thereto. Moreover, all of the plants (both pool and nonpool plants) to which producer milk is delivered are located within the production area. However, a milk manufacturing plant located in territory remote from the production area could be pooled primarily on the basis of direct shipments of milk from within the production area. Thus, without some appropriate limitation on the area within which a plant can pool on the basis of direct shipments from the farm, there would be a possibility of milk being pooled that is produced in an area remote from the market which is not a practicable source of milk supply for pool distributing plants. This could in turn detract from the basic purpose of the pooling provisions, which is to aid in insuring that adequate milk supplies will be made available to pool distributing plants. Accordingly, the option of pooling a plant on the basis of direct shipments should be limited to those plants located within the normal production area, which is the marketing area or those counties adjacent to the marketing area. This limitation would not preclude, however, a supply plant located outside the current production area from being able to qualify as a pool plant on the basis of shipments of milk from the plant to pool distributing plants.

The cooperative's proposal to add July to the March through June period of reduced shipping requirements for a pool supply plant that shipped at least 50 percent of its receipts to pool distributing plants in the prior months of September through November should be adopted. However, the cooperative's companion proposal to require at least a 15 percent monthly shipping requirement during March through July for a plant qualifying for pool status under this pooling option should not be adopted.

There is a wide seasonal variation in the Class I utilization percentage in this order market. For example, during 1979 the market's Class I utilization percentage varied from a seasonal low of 38 percent in June to a seasonal high of 58 percent in October. With a Class I utilization perentage pattern of this seasonal nature in the market, it can be expected that there would be a wide seasonal variation in the need for shipments of milk from supply plants to distributing plants. This is particularly the case when distributing plants obtain a large proportion of their milk supplies from producers that deliver their milk to the distributing plants on a year-round basis.

Supply plants tend to serve the function of balancing the milk requirements of distributing plants. Typically, distributing plants in the market obtain a major proportion of their milk requirements directly from farms. During the months of seasonally high production, receipts of producer milk supplies associated with the distributing plants fulfill a much larger proportion of the milk requirements of the distributing plants than is the case during the months of seasonally low milk production. Consequently, the seasonal variation in the amount of milk needed from supply plants as supplemental supplies is much more pronounced than the seasonal variation in Class I utilization in the market. The supply plant pooling option of virtually automatic pool plant status during the flush production months for a plant that shipped 50 percent or more of its receipts during the prior short production months of September through November is intended to accommodate this type of milk procurement situation.

To adopt increased shipping requirements, as proposed, for supply plants in the flush production months could tend to encourage displacement of direct-delivered nearby milk supplies with distant supply plant milk. This would tend to increase total milk transport costs in supplying distributing plants, as was contended by a proprietary pool supply plant operator.

Witnesses for the supply plant operators in the market stated that it is a practice in the market for supply plant operators to make milk shipping agreements with distributing plant operators on a yearly basis. In this circumstance, it is not necessary nor desirable to adopt additional shipping requirements under the order. Supply plant and distributing plant operators can negotiate on the level of supply plant shipments to be made during the flush production months. The adoption of additional shipping requirements under the order could detract from the flexibility in shipping performance that plant operators may desire to arrange between themselves to best serve their particular marketing situation.

In this regard, the addition of July to the period of no specified shipping percentage under the order would afford greater flexibility in milk shipping arrangements between supply plant and distributing plant operators. Moreover, reduced shipping requirements for July would be desirable since, as pointed out by proponent, it is one of the months of seasonally lower Class I utilization in the market. For example, in 1979 Class I utilization in the market was lower in July than in all other months except May and June.

The cooperative's proposal to adopt an additional alternative supply plant pooling performance standard of a 12-month moving average shipping percentage will provide an increased degree of flexibility in the shipping

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arrangements that can be negotiated between supply plant and distributing plant operators. In addition, it will afford the supply plant operator an opportunity to retain pool plant status for a month or more in the event of an unexpected change in supply-sales arrangements. As noted by proponent, there is always a possibility that a distributing plant operator could lose a major sales account that would significantly reduce his milk requirements from a supply plant. In such an event the supply plant operator may need time to arrange for an alternative pooling outlet for its milk supply that has been associated with the market on a regular basis. Appropriately, producers who have been regularly supplying the market should be afforded the opportunity to retain pooling status during the time it takes to make necessary adjustments in outlets for milk supplies.

3. *Diversion of producer milk.* Rules concerning the diversion of producer milk from a pool plant to another plant should be modified. The order should provide that a handler may divert milk from any pool plant to any other plant except a producer handler plant. The order should also provide that at least one day's production of a producer must be physically received at a pool plant during each month in order to be eligible for diversion. A handler's diversions of milk to nonpool plants should be limited during the months of August through February to 35 percent of the handler's producer milk supplies. Also, the provisions with respect to the identification of milk diverted in excess of the 35 percent limit (commonly referred to in the industry as "overdiverted" milk) should be modified to account for such milk on the basis of that milk last diverted during the month, if the handler fails to designate those producers whose milk constitutes excess diversions.

Presently, the order provides that milk may be diverted only from pool distributing plants to nonpool plants. To be eligible for diversion, the order now requires that a producer's milk must be delivered to a pool plant on at least 3 days during the month. Diversions to nonpool plants are now limited during the months of July through February to 35 percent of the volume of milk received at pool plants.

Several changes in the order's diversion provisions were proposed by a cooperative association and were supported by another cooperative association at the hearing. The proposals would (1) permit the diversion of producer milk from pool supply plants to nonpool plants and between pool plants in addition to the present allowable diversions of milk from pool distributing plants to nonpool plants, (2) provide that only one day's production of a producer must be received at a pool plant during the month in order for the milk of such producer to be eligible for diversion, and (3) limit the proportion of a handler's total producer milk supply that may be diverted to nonpool plants to 50 percent during each month in the March through July period and to 35 percent in any other month of the year.

The cooperatives' witnesses supported these modifications to the order primarily on the basis that they would facilitate greater efficiency in milk handling and hauling. With respect to permitting diversions from supply plants, one witness stated that his cooperative operates a pool supply plant in conjunction with a nonpool manufacturing plant at which reserve pool milk supplies transferred from the supply plant are processed. He reasoned that it would be a more efficient handling practice for the cooperative to divert the reserve milk supplies directly from farms to the nonpool manufacturing plant rather than first receiving such milk at the pool supply plant. In addition, he stated that the same milk handling situation exists for the proprietary pool supply plant operator in the market. Moreover, he pointed out that the proprietary supply plant operator could realize transportation savings by diverting milk from his supply plant to pool distributing plants, as was mentioned previously in this decision.

In connection with the proposal that only one day's production of a producer be required to be received at a pool plant each month, instead of three deliveries per month, a witness stated that his cooperative could reduce its farm bulk tank truck mileage by about 400 miles per month if the proposal were adopted. This, he said, would be accomplished by making increased deliveries to pool distributing plants from its bulk tank truck route that is located closest to the distributing plants and less frequent deliveries from its more distant bulk tank truck route. The other cooperative witness stated that the proposal would permit his cooperative to reduce milk assembly mileage since milk of its Grade A producers that is not needed for fluid use could be transported to manufacturing plants more frequently on the same bulk tank trucks hauling milk of its Grade B dairy farmers.

The proposal to change the percentage limit on a handler's diversion from pool plants to nonpool plants to 35 percent of his total producer milk supplies rather than 35 percent of that volume received at pool plants would increase total allowable diversions during the months of August through February. This is because 35 pounds of milk could be diverted for each 65 pounds received at pool plants compared to the present 35 pounds for each 100 pounds received. Proponents contended that this relaxation of diversion limits could also facilitate reductions in hauling mileage in milk assembly operations.

The proponent cooperative supported the adoption of a 50 percent diversion limit in the months of March through July on the basis that it would encourage handlers on the market to serve the fluid milk needs of distributing plants as opposed to making one delivery per month and diverting the remainder for manufacturing use.

Except for this proposal to adopt diversion limits during the flush production months, the cooperative's proposed changes in diversion provisions should be adopted. As pointed out by the witnesses for the cooperatives, the proposals would allow for more flexibility in milk assembly operations and, thus, better enable handlers to effect increased efficiency in handling milk, particularly in the disposition of the market's reserve milk supplies. Pool supply plant operators will be able to avoid moving reserve milk supplies through their pool plants en route to manufacturing plants. Also, they will be able to divert milk directly from farms to pool distributing plants and avoid reloading it at the supply plant (except for one occasion per month).

The requirement that each producer's milk be received at a pool plant each month will tend to insure that milk pooled on the market can be relied on as a source of milk to meet the needs of fluid milk processors. Also, it will encourage the use of quality control measures with respect to all producer milk, since it must be marketed in fluid milk channels each month.

Increased diversion allowance in the months of August through February will more closely reflect that proportion of the market's reserve milk supplies that must be disposed of in manufacturing use, which takes place at nonpool plants. For example, Class III utilization in the market during such months of 1979 ranged between 29 and 40 percent of producer milk on the market. The 35 percent diversion limit will be enable handlers to move virtually all of the milk for Class III use directly from farms to nonpool manufacturing plants.

A further modification of the diversion provisions concerning any overdiverted milk of a handler was suggested by cooperatives and should be adopted. Under the present terms of the order, a handler who overdiverts milk may designate those producers whose milk is overdiverted. If he fails to do so, all of the milk that the handler diverts to nonpool plants is disqualified from being producer milk. It was proposed that only that milk last diverted during the month, starting with the last day of the month, then the second to last day, until all the overdiverted milk is accounted for, be disqualified as producer milk. This proposal would have less severe impact on handlers who may mistakenly overdivert milk and, therefore, is a much preferable provision.

The proposal to adopt diversion limits during the flush production months would tend to detract from the efficient handling of reserve milk supplies on the market. This would especially be the case with respect to a supply plant that pools under the option of making shipments of 50 percent or more during the months of September through November and is thereby entitled to pool plant status the following March through July by meeting the supply plant definition, which simply requires that a milk shipment be made to a pool distributing plant each month. If diversion limits were to be made applicable to such a plant it would require that milk be received at the supply plant before being transferred to a nonpool manufacturing plant. This is directly opposite to the intent of the cooperatives' proposal to allow diversions from supply plants. In view of these circumstances, the proposal is not adopted.

At the hearing, a proprietary distributing plant operator proposed a modification to the cooperatives' proposed limit on diversions of milk to nonpool plants. The modification would permit a handler to divert to nonpool plants a quantity of producer milk equivalent to 35 percent of his producer milk supply and milk purchased from a cooperative supply plant located in the marketing area. In support of this modification the handler stated that it would enable him to divert the milk of the nonmember producers associated with his plant to a nonpool plant closer to the producers' farms and thereby reduce the hauling cost paid by such producers. The handler stated that he could increase his milk purchases from the cooperative to replace the increased diversions of his producer milk.

The cooperative supplying this handler opposed the proposal, in its brief, on the basis that its supply plant is located more distant from the handler's pool distributing plant than the location of the farms from which the handler purchases nonmember milk. Consequently, the cooperative contended, the proposed modification could result in increased trucking costs in supplying milk to the market.

The handler's proposed modifications to the method of computing diversion limits should not be adopted. The proposal would increase a pool distributing plant operator's allowable diversions during August through February by an amount equivalent to 35 percent of the volume of milk purchased from a supply plant operated by a cooperative. In a situation where the distributing plant purchases a large proportion of its milk supply from a cooperative association supply plant, the proposal would tend to permit the distributing plant operator to divert its supply of producer milk on a year-round basis, except for one day's production of each producer each month. Consequently, the proposal could be used to circumvent the diversion limits with respect to certain handlers' supplies of producer milk. Such nonuniform application of diversion limits among handlers would not be appropriate.

4. *Cooperative association as a handler.* The order should be modified with respect to the treatment of milk which a cooperative moves from the farm to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative. Specifically, a cooperative should be permitted to act as a bulk tank handler with respect to milk of a producer who is not a member of the cooperative and with respect to milk that it delivers to a pool plant operated by the cooperative. In addition, cooperative association bulk tank handler milk should be transferred between pool handlers on the basis of the uniform price.

Presently, the order provides that a cooperative may be a bulk tank handler only with respect to milk of member producers and only on that milk transferred to the plant of another handler. Such transfers of milk between handlers are accounted for on a classified use basis.

The largest cooperative in the market proposed that a cooperative be permitted to be a bulk tank handler for milk on routes under its control that is produced by nonmember as well as member producers. Also, it proposed that the cooperative be permitted to report in its capacity as a bulk tank handler rather than as a plant operator on milk that it delivers to its own pool plant, in addition to being a bulk tank handler on milk delivered to a pool plant of another handler. Another proposal by the cooperative would provide that cooperative bulk tank handler milk transfers be accounted for on the basis of the uniform price.

In support of its proposals, the cooperative stated that on occasion it picks up the milk of a nonmember producer on a bulk tank truck route that it operates. Also, milk from its bulk tank truck routes is delivered to its own pool plants as well as to pool plants operated by other handlers. The cooperative's witness indicated that its plant operations and its milk procurement operation are separate divisions within the association and separate milk accounting systems are maintained with respect to each division. In this circumstance, the cooperative would prefer to account for bulk tank milk delivered to its own pool plants on the same basis as that delivered to pool plants of other handlers. One benefit pointed out by the cooperative's witness is that the cooperative would be able to maintain one payroll for all its milk deliveries to pool plants as opposed to maintaining a separate payroll for those producers whose milk is received at its own pool plants. With respect to the payment procedure for cooperative bulk tank handler milk, proponent witness contended that accounting for such interhandler transfers at the uniform price rather than class prices would facilitate administration of the order with respect to the matter of financial responsibility and audit adjustments.

A cooperative should be the handler with respect to any milk which it receives for its account from the farm of a producer for delivery to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative. When the milk of any producer is commingled in a tank truck with that of other products, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the handler and commingled with the milk of other producers, there is no opportunity to measure, sample, or reject the milk of an individual producer.

Much of the milk received at pool plants in the market is picked up at the farm in trucks owned or operated by, or

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under the control of, cooperative associations. In this case, it is only the association that has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm. However, if there is a mutual arrangement between the cooperative and the plant operator, noticed to the market administrator, whereby the plant operator agrees to purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, either the cooperative or the pool plant operator may be the reporting handler for such milk, according to the agreement reached between them. The order should afford all cooperatives in the market flexibility in the arrangements under which they sell milk to pool plants.

If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its member producers for delivery to a pool plant. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. In the event a cooperative does market the milk of a producer who is not a member of the association, a question arises about the appropriate method of paying such producer. If the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk and collect payments therefor, the cooperative may pay the nonmember in accordance with the contract. If such marketing functions occur in the absence of a written contract, the cooperative would be required to pay the nonmember producer not less than the prices prescribed by the order.

Transfers of bulk tank milk by a cooperative handler to a pool plant operator should be made at the uniform price rather than at class prices as is now the case. The purchase of such milk by the pool plant operator should be treated as an interhandler transfer but would be classified pro rata with producer milk that the pool plant operator may receive. The pool plant operator would be obligated to the producer-settlement fund for the milk received by transfer from bulk tank cooperative handlers at its classified use value. The cooperative in turn would be reimbursed by the handler at the uniform price. Under the present procedure where the plant operator settles with the cooperative at class prices and the cooperative settles with the producer-settlement fund, an unnecessary third party is involved in the transaction. Also, the adopted procedure will facilitate the handling of audit adjustments that might result from verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and, thus, its obligation to the pool for such milk.

5. *Application of location adjustments.* The order should be modified with respect to the application of location adjustments on bulk milk transferred between pool plants. The present provision that assigns to a distributing plant's Class I use 95 percent of any direct receipts from producer farms before any assignment of receipts from supply plants for location adjustment purposes should be changed to a 10 percent "set-aside" for unavoidable Class II and Class III utilization at pool distributing plants. Also, the assignment of Class I location adjustment credits among supply plants should be on a pro rata basis rather than in sequence beginning with the plant at which the least location adjustment would apply.

The major cooperative in the market proposed that transportation credits from the pool be provided under the order with respect to all movements of milk from supply plants to pool distributing plants. Specifically, the proposal would accomplish this by pricing all bulk milk transfers at the uniform price applicable at the location of the transferee plant. Proponent contended that the order should provide the same location pricing incentive to move milk to pool distributing plants irrespective of whether it is received directly from producers' farms or from another pool plant.

To encourage the efficient movement of milk between plants under Federal orders, it is generally necessary, either through the allocation procedure in the assignment of milk receipts to classes of utilization or in the application of location adjustment credits, to protect the pool from bearing the costs of unnecessarily moving milk to the central market for other than Class I use. Otherwise, the net return to producers is reduced by the amount of any location adjustment credit assigned to other than Class I milk, since no location adjustments apply to Class II or Class III use. This principle is reflected under the present terms of the order and it should not be completely abandoned by allowing unlimited transfers of milk between plants for which location adjustment credits from the pool would be provided.

As an alternative to the proposal to provide location adjustment credits with respect to all transfers of milk from supply plants to pool distributing plants, proponent proposed that a 15 percent "set-aside" be adopted under the order to cover unavoidable Class II and Class III use at pool distributing plants. In addition, the proposal would prorate a pool distributing plant's Class I use plus a 15 percent "set-aside" to all sources of fluid milk receipts in computing location adjustment credits to be given to pool supply plant operators.

In support of its proposed 15 percent "set-aside" to cover unavoidable Class II and Class III use, proponent related that there are several types of non-Class I uses that are unavoidable at distributing plants, namely, cream from standardization, shrinkage, route returns, milk disposed of for animal feed or dumped, and inventory at the end of the month. He stated that such uses could represent as much as 14 percent of a plant's utilization of milk receipts.

In further support of the proposed increase in the "set-aside" provision of the order, a proprietary pool distributing plant operator offered into evidence certain figures with respect to non-Class I use at his plant. He stated that for the four-month period preceding the hearing he averaged 1.25 percent shrinkage and 0.5 percent dumped milk. In addition, he sold significant quantities of cream from standardization of his milk receipts and had variation in inventories of fluid milk products at the end of each month. Consequently, his Class I utilization averaged 92 percent for the four-month period.

It is concluded on the basis of the evidence presented that a "set-aside" allowance of 10 percent should be provided under the order. A 10 percent allowance should accommodate the necessary Class II and Class III use experienced by pool distributing plants in most months. An allowance above 10 percent, as proposed, is clearly excessive and should not be adopted.

The aggregate amount of Class I milk assigned to transferor pool plants for location adjustment credit purposes should be prorated to each transferor pool plant based on the proportion of receipts from each plant. This will assure that each transferor pool plant gets a proportionate share of the Class I location adjustment credit, instead of, as is presently being done, giving preference first to the closest plant and then to successively more distant plants.

The latter procedure was adopted to encourage milk to come from the closest source of production, thereby eliminating unnecessary transportation. However, changes in milk marketing have made this procedure impractical in this market.

Whereas, in the past, a handler would bottle a fairly even amount of milk six or seven days a week, now handlers bottle on only 4 or 5 days a week, and there is a wide variation in the amount bottled from one day to the next. Accordingly, on certain days handlers may require more milk than can be supplied from the nearest supply plant. However, if a handler purchases milk from more than one supply plant, the more distant supply plant may not be allocated its proportionate share of Class I location adjustment credits. To avoid this problem, a handler would have the incentive to purchase all his milk from a larger, but more distant, supply plant, thereby being assured that all of the milk purchased from the supply plant would get the maximum amount of Class I location adjustment credits available. Under these circumstances, the provisions now in the order would result in greater transportation costs from the pool, which is the opposite of what it is intended to do.

The proposed pro rata assignment of Class I use at a pool distributing plant to all sources of fluid milk product receipts for the purpose of computing location adjustment credits should not be adopted. Such procedure would result in granting some location adjustment credits to supply plants irrespective of the Class I utilization percentage at the transferee plant. It was argued by proponent cooperative, that Class II products are a part of a distributing plant operator's regular product line and such operators expect to receive a regular supply of milk for Class II use as well as Class I.

It would not be appropriate under the order to encourage the movement of milk for Class II use unless handlers paid for such transportation under the order. Otherwise, the handlers would get free transportation of this milk at the expense of all producers in the market. If handlers want milk at deficit production locations for Class II use, they should be willing to pay the transportation costs involved. Under the order, this could be accomplished by increasing the Class II price. Location adjustments could then be incorporated in the order to accommodate the movement of milk for Class II use should be accompanied by some restructuring of the classification and pricing provisions for such milk under the order, which is beyond the scope of this hearing.

6. *Charges on overdue accounts.* The order should be revised to extend the application of the charge on overdue accounts to all handler obligations to the market administrator. Also, the rate of the charge should be increased to 1 percent per month.

Presently, under the order a late payment charge of 0.5 percent per month is applicable to any overdue obligation of a handler to the producer-settlement fund.

The application of the late-payment charge to all handler obligations to the market administrator and the increase in the rate charged was proposed by a cooperative. In support of such amendments the cooperative's witness stated that they are needed to better assure equity among handlers. There was no opposition to these proposed amendments.

The charge on overdue payments to the producer-settlement fund is intended to encourage handlers to make such payments on time. If the charge is to have any impact on handlers in terms of encouraging prompt payments, it must be an amount that is reasonably comparable to what a delinquent handler would be charged by commercial banks for money borrowed for short-term purposes. If this is not so, handlers who may have financial problems would be encouraged to delay their payments, knowing that the charge under the order is cheaper than borrowing money commercially at a higher loan rate. The record testimony indicates that a monthly charge of 1 percent more nearly reflects the current cost of borrowed money. Thus, the rate charged under the order should be increased to 1 percent to provide more reasonable assurance that order obligations do not represent a cheap source of money.

With respect to handler obligations to the market administrator, the amounts owed to the producer-settlement fund account for the major portion of such obligations. However, handlers are also obligated to make payments to the market administrator for his costs of administration of the order and for any adjustments to a handler's obligation based on audit of handler's reports. In addition, provision is made in this decision to adopt a marketing service program under the order whereby handlers will be obligated to make deductions from payments to producers who are not members of a cooperative and remit such money to the market administrator. Such other handler obligations to the market administrator also should be made subject to the late-payment charge, as proposed, to better insure compliance with the payment provisions of the order.

The present order language with respect to the late-payment charge is redrafted to make it more specific that the full charge is to be assessed on the first day an obligation is overdue and on the same day of each succeeding month until the obligation is paid. There was discussion on the record concerning whether the charge of 1 percent per month should be apportioned on a daily basis, such as 1/30 of 1 percent if the obligation is paid one day late. This latter procedure should not be adopted. If late-payment charges were treated strictly on a money market basis, the order would merely represent a banking service for handlers who desire to use order obligations as a source of borrowed funds. This is not the intended purpose of the late-payment charge. Rather, it is to be an inducement for handlers to pay their obligations under the order on time.

7. *Deductions for marketing services.* Provision should be made under the order to conduct a marketing services program for producers supplying the market. Such services should include providing marketing information to producers and providing for the verification of the weights, samples, and tests of milk of producers. The program should be financed by handlers' deductions from payments to producers. In the case of producers for whom a cooperative association is actually performing the services set forth above, each handler should make deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between the cooperative and such producers. In the case of other producers, the market administrator performs the specified marketing services. The order should provide for a maximum deduction of 6 cents per hundredweight for marketing services furnished by the market administrator. Handlers should remit marketing service deductions to the market administrator and cooperatives by the 15th day after the end of the month.

This marketing service program was proposed by a cooperative association representing most of the producers supplying the market. A witness for the cooperative stated that cooperative associations in the market are providing marketing services for member producers and the member producers

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pay the cooperatives to provide the service. In the case of nonmember producers, he stated that the market administrator is performing the specified services; however, administrative expense funds are being used for this purpose rather than deductions from producers. Proponent stated that nonmember producers should be charged for the services performed for their benefit.

It is essential to the proper application of the order that weights and butterfat tests of all producer milk be accurate. Otherwise, a handler could gain a competitive advantage at the expense of producers if reported producer milk weights and butterfat tests are understated.

The Agricultural Marketing Agreement Act, as amended, under which milk orders are issued, expressly provides that a marketing service program may be included in an order. Most Federal milk orders now in effect contain marketing service provisions. The neighboring order markets of Nebraska-Western Iowa, Upper Midwest, and Iowa have marketing service provisions.

Until recent years a marketing service provision was not needed in the Eastern South Dakota order, since all of the producers on the market were members of cooperative associations that provided the services for their members. A few years ago the order area was expanded to include Brookings, South Dakota, at which a plant supplied by nonmember producers was located. The plant has since closed, but the producers are still marketing their milk under the order to a proprietary pool distributing plant in Sioux Falls. More recently a proprietary pool supply plant at Mitchell became associated with the order market. This handler's supply of milk is from nonmember producers.

Since these nonmember milk supplies became associated with the market, the market administrator has performed milk weight and butterfat test verification services with respect to the milk pool handlers buy from the nonmembers. Such activities are necessary to insure that the handlers are accounting properly for the milk received from the producers. Appropriately, the nonmember producers should be assessed for the performance of these services as is done under the neighboring orders.

The market administrator for the Eastern South Dakota order is also the market administrator for the neighboring Nebraska-Western Iowa and Iowa orders, as well as the Greater Kansas City order. Each of these other orders has a marketing service program with a maximum producer assessment rate of 6 cents per hundredweight. In the administration of the several orders under a single agency, a joint marketing services budget is maintained. This is because there are agency employees engaged in performing marketing services activities for the several markets being administered by the one agency. In this circumstance, it is appropriate that the marketing service assessment be maintained at the same rate under the several orders administered by the same market administrator. Accordingly, the maximum rate of assessment should be set at 6 cents, the same as the other orders administered by the market administrator.

8. *Reporting and payment dates.* Several of the reporting and payment dates provided in the order should be set at a later date. Handlers' reports of milk receipts and utilization should be changed from the 7th day to the 8th day after the end of the month. Handler obligations to the producer-settlement fund should be made due on the 15th rather than the 13th day after the end of the month. Payments from the producer-settlement fund should be set back two days also.

With respect to handler payments to cooperatives for milk received from the cooperative during the first 15 days of the month, payment should be made by the 28th day rather than the 26th day of the month. Final payment to cooperatives by handlers should be moved from the 13th to the 15th day after the end of the month. Final payments to individual producers should be on or before the 18th day after the end of the month rather than the 15th.

These changes in the order's reporting and payment dates were proposed by a cooperative association which represents most of the producers suppling the market. The cooperative is the reporting handler with respect to most of the producer milk on the market. It also operates two of the five pool plants regulated under the order. The basic reason given by the cooperative in support of the proposed later dates was that the cooperative is experiencing delays in delivery through the mail of its milk receipts and sales reports from its several reload points, distribution points, and plants to its central bookkeeping office located in Minneapolis. Such mail delays have made it extremely difficult for the cooperative to file its report of receipts and utilization by the 7th day after the end of the month.

The date by which the market administrator is required to announce a uniform price based on handler reports is not until the 12th day after the end of the month. Consequently, an allowance of an extra day, to the 8th, for handlers to file reports should not cause any undue burden for the market administrator in processing reports and announcing the uniform price on time. In this circumstance, and since a reporting date of the 8th would provide some relief for handlers in their bookkeeping operations, the proposal should be adopted.

With respect to setting back the due dates for handlers' payments, proponent stated that the proposed dates would better align such payment dates among orders in the region. Proponent is a regional cooperative that markets milk under neighboring orders as well as the Eastern South Dakota order. Its payments to all member producers throughout the order areas in the region are coordinated on the same date. The cooperative's witness stated that it is the cooperative's policy to pay its members by the 20th day after the end of the month.

Under the neighboring orders the final date for payments to individual producers by handlers is the 18th day after the end of the month. Thus, the proposal to change the final payment date under the Eastern South Dakota order from the 15th to the 18th day after the end of the month would coordinate the producer payment dates throughout the region. There is a significant degree of overlapping of milk procurement areas for the Eastern South Dakota market and neighboring order markets. For example, there is nearly as much milk produced in South Dakota pooled on the Nebraska-Western Iowa market as is pooled on the Eastern South Dakota market. In addition to intermarket procurement competition, there is a significant amount of intermarket sales competition among handlers regulated under the orders in the region. Consequently, adoption of the proposed producer payment date will provide a more uniform intermarket competitive situation among both producers and handlers in the region.

Adoption of a later payment date for payments to producers will enable setting later dates for payments into and out of the producer-settlement fund. This should tend to benefit handlers with respect to their cash flow position and, thus, should be adopted.

9. *Base pricing points.* The proposal to delete Mitchell, South Dakota, as a base pricing point under the order should not be adopted.

Presently, the order provides a plant location adjustment for milk received from producers at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90. At a plant located in such territory Class I and uniform prices are reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the nearer of the Post Offices in Mitchell or Sioux Falls, South Dakota. Mitchell and Sioux Falls are located on U.S. Highway 90 that crosses the southern portion of the marketing area in an east-west direction.

The major cooperative association in the market proposed that Mitchell should be deleted as a base pricing point for the purpose of plant location adjustment and that all plant location adjustments be based on the distance that the plant is located from Sioux Falls. Proponent stated that the proposal would reduce Class I and uniform prices at plants in Mitchell, which is 70 miles west of Sioux Falls, by 10.5 cents per hundredweight. In support of the proposal, the witness for proponent stated that his cooperative operates a reload point at Mitchell through which milk produced on farms located north of Mitchell is moved to pool distributing plants at Mitchell and Sioux Falls. The witness indicated that the majority of this milk supply is moved to Sioux Falls, which is the primary milk processing and consumption center in the market. He argued that a reduction in the order prices at Mitchell would better encourage milk to be moved from the market's production areas to the primary processing and consumption center of the market.

The operator of a pool supply plant and a nonpool manufacturing plant, both located at Mitchell, opposed the proposal. He stated that the proposal would reduce the order price to his producers below the price that the proponent cooperative would be able to pay its producers in his procurement area and, thus, he would be forced to pay a premium to his producers to stay competitive in obtaining his milk supply.

The proposed 10.5-cent reduction in the order's Class I and uniform prices at Mitchell relative to Sioux Falls raises the question of whether the pool distributing plant located to Mitchell would be adversely affected with respect to its ability to attract a supply of milk under the order's price structure. The adoption of a single base pricing point at Sioux Falls would tend to attract all the market's milk supplies to such location relative to any other plant location unless the other plant were located at or near a point through which milk would be transported en route from the farm to Sioux Falls. Mitchell is located on the western edge of the milk production area for the market. On the basis of December 1979 data, less than 20 of the market's 449 producers are located in Davison County, where Mitchell is located, and the nearby counties of Aurora, Jerauld, Douglass and Charles Mix. In this circumstance, there is serious question whether the order price structure would attract adequate supplies of milk to the pool distributing plant at Mitchell if the order prices at such plant were reduced 10.5 cents relative to plants in Sioux Falls.

Intermarket procurement competition could be disrupted if the order prices were reduced at the Mitchell location. The Nebraska-Western Iowa market is supplied in part by milk produced on farms in the general vicinity of Mitchell. Thus, the pool plants at Mitchell are in procurement competition with Nebraska-Western Iowa handlers.

Presently, there is close alignment of Class I prices at Mitchell and Sioux Falls under both orders. The Eastern South Dakota Class I differential is $1.40 at Mitchell and Sioux Falls. The Nebraska-Western Iowa Class I differential adjusted for location is $1.39 at Sioux Falls and $1.375 at Mitchell. The proposal would provide a differential of $1.295 at Mitchell, or 8 cents under the Class I differential at such location under the Nebraska-Western Iowa order.

A 10.5-cent reduction in the location adjustment at Mitchell would reduce the uniform price by the same amount relative to Sioux Falls. With an overlapping of procurement areas under the Eastern South Dakota and Nebraska-Western Iowa orders, it could be expected that, until the uniform prices under the two orders at the Sioux Falls location become essentially equal through changes in market utilization, producers would be attracted to the market with the higher uniform price. In such circumstance, the uniform price under the Nebraska-Western Iowa order would be 9 cents higher than the Eastern South Dakota uniform price at a plant in Mitchell. Thus, it could be expected that producers in the vicinity of Mitchell would be attracted to the Nebraska-Western Iowa market before alignment of the respective order prices is realized at the Sioux Falls location.

In view of the above considerations, it is concluded that the proposed elimination of Mitchell as a base point could threaten the availability of milk supplies for the pool distributing plant at Mitchell on the basis of both intramarket and intermarket procurement competition. Accordingly, it should not be adopted.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby

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proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Eastern South Dakota marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Add a new § 1076.4 to read as follows:

§ 1076.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

2. In § 1076.7 paragraphs (b), (c) and (d) are revised to read as follows:

§ 1076.7 Pool plant.

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, transferred to pool distributing plants is not less than the applicable percentage, specified in paragraph (b)(1) (i), (ii) or (iii) of this section, of Grade A milk received at such supply plant from dairy farmers (including milk diverted therefrom by the plant operator) and handlers described in § 1076.9(c).

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 35 percent for the current month;

(ii) 35 percent for the 12-month period immediately preceding the current month; or

(iii) One or more shipments in each of the months of March through July if shipments were not less than 50 percent during each of the immediately preceding months of September through November.

(c) Any plant located in the marketing area or in any county adjacent to the marketing area that meets an applicable shipping standard described in paragraph (b) of this section, subject to the following conditions:

(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1076.9(c).

(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to § 1076.13 to pool distributing plants.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified as a pool plant pursuant to this section:

(i) From which a lesser volume of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area either as route disposition or to pool plants qualified on the basis of route disposition than in the marketing area of another order issued pursuant to the Act or to other order plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part;

(3) For the period of March through July, inclusive, if the operator of a plant qualified pursuant to paragraph (b)(1)(iii) of this section submits a request to the market administrator in writing that such plant not be a pool plant, such nonpool status will be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements of 35 percent or more as set forth in this section;

(4) That portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for receiving, processing, or packaging of any fluid milk product for Grade A disposition; and

(5) A governmental agency plant.

3. In § 1076.9 paragraph (c) is revised to read as follows:

§ 1076.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer which is delivered to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative association. If the milk is delivered to the pool plant of another handler, the plant operator may be the handler for such milk if both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

* * * * *

4. Section 1076.13 is revised to read as follows:

§ 1076.13 Producer milk.

"Producer milk" of each handler means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1076.9(c); or

(c) Diverted from a pool plant, for the account of the handler operating such plant or for the account of a handler described in § 1076.9(b), to another plant (other than a producer-handler plant) subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the months of August through February may not exceed 35 percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plant during the month;

(3) The total quantity of milk diverted by a proprietary operator of a pool plant during the months of August through February to a nonpool plant may not exceed 35 percent of the milk received at or diverted from such pool plant (excluding any milk under control of a cooperative association that diverted milk during the month pursuant to paragraph (c)(2) of this section);

(4) Any milk diverted in excess of the limits prescribed in paragraph (c)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the milk diverted in excess of the limit is accounted for; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1076.30 [Amended]

5. In the preamble of § 1076.30 the number "7th" is changed to "8th".

6. In § 1076.41 paragraph (b)(2) is revised to read as follows:

§ 1076.41 Shrinkage

* * * * *

(b) * * *

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1076.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

* * * * *

7. In § 1076.42 paragraph (a) is revised and a new paragraph (e) is added to read as follows:

§ 1076.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1076.44(a)(12) and the corresponding step of § 1076.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1076.44(a)(7) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1076.44(a) (11) or (12) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee plant or divertee plant.

* * * * *

(e) *Transfers by a handler described in § 1076.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1076.9(c) to a pool plant shall be classified pursuant to § 1076.44 pro rata with producer milk received at the transferee-handler's plant.

8. In § 1076.43 the preamble and paragraph (a) are revised to read as follows:

§ 1076.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1076.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1076.9(b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1076.40, 1076.41 and 1076.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1076.9 (b) or (c) shall be the classification of producer milk for such handler;

* * * * *

9. In § 1076.44 the preamble, paragraph (a) (13) and (14), and paragraph (c) are revised to read as follows:

§ 1076.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1076.9(a) for each of its separate pool plants the classification of producer milk and milk received from a handler described in § 1076.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1076.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceeds the pounds of skim milk in producer milk and milk received from a handler described in § 1076.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

* * * * *

(c) The quantity of producer milk and milk received from a handler described in § 1076.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

10. In § 1076.52 paragraphs (a) and (b) are revised to read as follows:

§ 1076.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or from a handler described in § 1076.9(c) at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, and which is classified as Class I milk without movement in bulk form to a pool plant at which a higher Class I price applies, the price specified in § 1076.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota.

(b) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant determined by the market administrator as follows:

(1) Subtract from the pounds of Class I milk remaining at the transferee-plant after the computations pursuant to § 1076.44(a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Subtract the pounds of bulk fluid milk products physically received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1076.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining pro rata to bulk receipts of fluid milk products from each transferor-plant at which a lower Class I price applies; and

(5) Multiply the pounds computed for each transferor-plant in paragraph (b)(4) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

* * * * *

11. In § 1076.60 the preamble and paragraph (a) are revised to read as follows:

§ 1076.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator

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shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1076.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1076.9(c) in each class as determined pursuant to § 1076.43(a) and § 1076.44(c) by the applicable class prices and add the resulting amounts.

* * * * *

12. In § 1076.71 paragraph (a) is revised to read as follows:

§ 1076.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1076.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1076.75, of such handler's receipts of producer milk and milk received from a handler described in § 1076.9(c) for which a value is computed pursuant to § 1076.60(a); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1076.60(f).

* * * * *

§ 1076.72 [Amended]

13. In § 1076.72 the number "14th" is changed to "16th."

14. Section 1076.73 is revised to read as follows:

§ 1076.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for whom payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight, as adjusted pursuant to §§ 1076.74 and 1076.75, plus or minus adjustment for errors made in previous payments to such producer, less the following amounts:

(i) Payments made pursuant to paragraph (a)(1) of this section;

(ii) Location adjustment deductions pursuant to § 1076.75;

(iii) Proper deductions authorized by such producer; and

(iv) Deductions for marketing services pursuant to § 1076.86.

(b) Except as provided in paragraph (c) of this section each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 28th day of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(1) of this section; and

(2) On or before the 15th day after the end of each month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(2) of this section.

(c) Each handler shall pay a cooperative association for receipts of milk for which such cooperative association is the handler pursuant to § 1076.9(c) as follows:

(1) On or before the 28th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the uniform price for the preceding month; and

(2) On or before the 15th day after the end of each month not less than the value of such milk at the uniform price, as adjusted by the butterfat differential specified in § 1076.74, applicable at the location of the receiving handler's plant, less the amount paid pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer from a pool plant operated by the cooperative association as follows:

(1) On or before the 28th day of the month, the handler shall pay for each hundredweight of fluid milk products received during the first 15 days of the month not less than the uniform price for the preceding month, adjusted by the butterfat differential pursuant to § 1076.74 for the preceding month; and

(2) On or before the 15th day after the end of the month not less than the value of such milk at the class prices, as adjusted by the butterfat differential specified in § 1076.74, that are applicable at the location of the transferee plant, less payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraphs (a) and (b) of this section, each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds and the average butterfat content of milk received from the producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount of rate per hundredweight and nature of each deduction claimed by the handler, including any deduction claimed pursuant to § 1076.86; and

(6) The net amount of payment to such producer or cooperative association.

15. In § 1076.75 paragraph (a) is revised to read as follows:

§ 1076.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1076.61 for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1076.52; and

* * * * *

16. Section 1076.78 is revised to read as follows:

§ 1076.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1076.71(a), 1076.77(a), 1076.85 or 1076.86 shall be increased 1 percent beginning on the day after the due date, and on the same day of each succeeding month until such obligation is paid.

17. The centerheading immediately preceding § 1076.85 is revised to read:

"Administrative Assessment and Marketing Service Deduction"

18. A new § 1076.86 is added to read as follows:

§ 1076.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer (other than himself) pursuant to § 1076.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk

received from the producer's farm during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Signed at Washington, D.C., on February 17, 1981.

William T. Manley,

Acting Administrator.

[FR Doc. 81-5765 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 9144]

Sherman A. Hope, M.D., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, that five individual Brownfield, Tex. physicians each cease, for the ten-year duration of the order, from taking any concerted action with another person or entity which would improperly restrict, impede, or otherwise interfere with a hospital's physician recruitment program or contractual arrangement with a physician.

DATE: Comments must be received on or before April 21, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of Sherman A. Hope, M.D., Morris S. Knox, M.D., Carl R. Smith, M.D., Noah W. Stone, M.D., and Harlan L. Willis, M.D. as individuals; agreement containing consent order to cease and desist.

The agreement herein, by and between Dr. Sherman A. Hope, Dr. Morris S. Knox, Dr. Carl R. Smith, Dr. Noah W. Stone and Dr. Harlan L. Willis, hereinafter referred to as respondents, and their attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondents are individuals, whose addresses are as follows:

Dr. Sherman A. Hope, Brownfield Medical Clinic, 901 Tahoka Road, Brownfield, Texas 79316

Dr. Morris S. Knox, Knox-Stone-Hurd Clinic, 706 E. Felt Street, Brownfield, Texas 79316

Dr. Carl R. Smith, Brownfield Medical Clinic, 901 Tahoka Road, Brownfield, Texas 79316

Dr. Noah W. Stone, Knox-Stone-Hurd Clinic, 706 E. Felt Street, Brownfield, Texas 79316

Dr. Harlan L. Willis, Brownfield Medical Clinic, 901 Tahoka Road, Brownfield, Texas 79316.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violation of Section 5 of the Federal Trade Commission Act.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and order contemplated hereby. They understand that once the order has been issued, they will be

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required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

I

It is ordered that respondents Dr. Sherman A. Hope, Dr. Morris S. Knox, Dr. Carl R. Smith, Dr. Noah W. Stone, and Dr. Harlan L. Willis shall each cease and desist from directly or indirectly, through any agent or otherwise, taking any concerted action with any person or entity with the purpose or effect of restricting, impeding, or in any way interfering with any hospital's recruitment of or contractual arrangement with any physician by any means, including but not limited to any threatened or actual concerted refusal to:

(a) provide emergency room coverage;

(b) perform administrative functions; or

(c) professionally refer patients to, or receive referrals of patients from, any physician.

The above provisions do not prohibit respondents from:

(a) commenting on bona fide quality of care considerations relating to any physician who is recruited or employed by, or associated with, any hospital;

(b) recruiting, employing, or associating with any physician for the private practice of medicine; or

(c) contacting, reporting to, or conferring with the Texas State Board of Medical Examiners, any state or federal drug enforcement agency, and/or any other governmental body concerning a violation of law by any physician.

II

This Order will expire ten years after the date on which it is served on respondents.

III

It is further ordered that each respondent shall within sixty days after service upon them of this Order file with the commission a written report setting forth the manner and form in which the respondent has complied with this Order and that additional reports shall be filed at such other times as the Commission may by written notice to each respondent require. Each compliance report shall include all information and documentation as may be required by the Commission to show compliance with this Order.

Hope, et al., Docket No. 9144, Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Sherman A. Hope, M.D., Morris S. Knox, M.D., Carl R. Smith, M.D., Noah W. Stone, M.D., and Harlan L. Willis, M.D.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will determine whether it should withdraw the agreement or make final the agreement's proposed order.

A complaint issued by the Commission on July 30, 1980, alleges that the respondents named above engaged in a group boycott of a hospital to prevent the hospital from recruiting new physicians, regardless of their medical qualifications. The complaint alleges that respondents entered into a conspiracy to boycott the hospital by refusing to provide emergency room coverage or to fulfill certain administrative obligations to the hospital. The complaint also alleges that the respondents conspired to boycott physicians recruited by the hospital by refusing to work with them, to refer patients to them, or to accept patient referrals from them. The complaint alleges that these activities are unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that the respondents were the only physicians in active medical practice in Brownfield, a small community in west Texas, at the time they allegedly engaged in the boycotts. The Brownfield Regional Medical Center, a county hospital, is the only hospital in Terry County, Texas. The next nearest hospital is approximately 35 miles away. If medical services are not available in Brownfield, residents must go at least 35 miles to receive medical care.

The complaint alleges that the Board of Directors of the hospital decided in February 1979 to begin a recruitment program to bring six more physicians to Terry County. As part of this program, the board recruited and signed an agreement with an obstetrician-gynecologist. There was no obstetrician-gynecologist in practice in Brownfield at that time.

The complaint alleges that the respondents entered into a conspiracy to prevent the recruited physician from coming to Brownfield. In furtherance of the conspiracy, the complaint alleges, the respondents delivered petitions to the hospital board threatening that they would not provide emergency room coverage and would not perform certain administrative tasks which they had previously agreed to perform. Furthermore, the complaint alleges that the respondents threatened to refuse to work with, refer patients to, or receive referrals from the recruited physician, and that one of the respondents wrote to the recruited physician to tell him that he probably would not be accepted into the local medical society if he came to Brownfield. The complaint alleges that, as a result of the respondents' actions, the new physician did not come to Brownfield and the hospital board terminated its recruiting program.

The proposed order would prohibit each respondent from joining together with anyone else to take any action with the purpose or effect of restricting, impeding, or in any way interfering with physician recruitment efforts by any hospital. It would also prohibit each respondent from joining together with anyone else to take any actions having the purpose or effect of restricting, impeding, or interfering with any contractural arrangement between any hospital and any physician. The order does not in any way limit unilateral actions taken by any of the physicians.

The order contains three provisos, which essentially provide that the physicians can take some concerted actions (but not concerted refusals to deal) in certain circumstances. The first proviso, stating that the provisions of the order do not prohibit respondents from "commenting on bona fide quality of care considerations," is included to allow the respondents to comment on the competence, qualifications, or disabilities of a physician where they genuinely have a bearing on the quality of care provided by that physician. The second proviso, allowing physicians to recruit, employ, or associate with any physician for the private practice of medicine, is included so that respondents may seek to recruit new physicians to associate with their practices in Brownfield, even if the hospital is recruiting some or all of the same physicians. The third proviso allows respondents to contact appropriate state, federal, or other governmental agencies concerning a violation of law by any physician. For example, respondents could contact drug enforcement agencies if they knew of a physician who was prescribing narcotics illegally.

The order will expire after ten years. Respondents will be required to file a report with the Commission sixty days after the order is served on them (as well as any other reports the Commission may require) explaining how the respondents have complied with the terms of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-5774 Filed 2-19-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 207, 210, 225, 226, 501, 510, 514, and 558

[Docket No. 77N-0076]

New Animal Drugs for Use in Animal Feeds; Definitions and General Considerations; Revised Procedures Re Medicated Feed Applications

Correction

In FR Doc. 80-40845, published at page 2456, on Friday, January 9, 1981, make the following corrections:

(1) On page 2462, in the second column, in the sixth paragraph, in the third line "section 210" should be corrected to read "section 201".

(2) On page 2495, § 558.195(g)(1) in Table 1, in the entry for "Chlortetracycline 200" in the second line under "Indications for use", "*E. acervulina*" should be corrected to read "*E. mivati, E. acervulina.*"

(3) On page 2495, in Table 1, in the last entry, in the third line under "conditions in grams portion", "bacitracin 2 to 50." should be corrected to rad "bacitracin 1 to 50."

(4) Also on page 2495, in the third column, in paragraph (f)(1)(ii) of § 558.205, in the ninth line "day for 3" should be corrected to read "day for 2".

(5) On page 2506, in the third column, in paragraph (b)(1) of § 558.525, in the second line "Feeds:" should be corrected to read "Articles:".

(6) On page 2511, § 558.680(e)(1)(i), in the table, in the entry "Bacitracin 100 to 500", at the bottom of the page in the right-hand column, "As bacotracom zomc;" should be corrected to read "As bacitracin zinc;".

(7) And on page 2512, in the table, in the entry "Chlortetracycline 100 to 200", at the top of the page, in the left-hand column, in the third line, "enteritis); development" should be corrected to read "enteritis); prevention of synovitis; development".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 203, 207 and 220

[Docket No. R-81-906]

Debenture Interest Rate

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional waiver request.

SUMMARY: Section 7(o)(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information a final rule on debenture interest rate with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request waiver of the 30 day delayed effective date for the final rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Final Rule—24 CFR Parts 203, 207 and 220—Debenture Interest Rate

This rule change provides for an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for debentures issued under the Act's Section 221(g)(4) provision, committed or endorsed on or after January 1, 1980. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to increase debenture interest rates for appropriate mortgages.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C. February 12, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-5822 Filed 2-19-81; 8:45 am]

BILLING CODE 4210-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Discretionary Funds

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Proposed rule.

SUMMARY: The Navajo and Hopi Indian Relocation Commission proposes to establish Subpart N, Discretionary Funds, to 25 CFR Part 700. Proposed Subpart N would provide procedures for the submission, review and approval, and administration of applications for financial assistance from the discretionary fund established by Pub. L. 93-531 as amended (25 U.S.C. 640d-25). The proposed rule lists States, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals as eligible to apply for financial assistance under this subpart and describes the requirements which applicants must meet to be eligible for financial assistance.

DATE: Comments must be received on or before March 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779-3311, Extension 1376, FTS: 261-1376;

The principal author is William G. Lavell, Field Solicitor, Valley Bank Center, Suite 2080, 201 N. Central Avenue, Phoenix, Arizona 85073.

SUPPLEMENTARY INFORMATION: Pub. L. 93-531 as amended, establishes a discretionary fund for use in alleviating adverse impacts caused by the relocation and resettlement of individuals under the Act. The discretionary fund delineates two categories of programs or projects for which financial assistance is available.

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The purpose of both categories is to aid relocatees, however, the two categories address different areas of relocatee needs. Eligible applicants for the first category are States, local governments, the Navajo and Hopi Tribes, tribal chapters, and profit and nonprofit organizations. Eligible applicants for the second category are the same as for the first with the addition of individuals.

For the first category of financial assistance, the Navajo and Hopi Indian Relocation Commission may match or pay not to exceed 30% (thirty percent) of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization. The focus of the applications should be the indirect impacts of relocation upon relocatees and should include assisting the host communities, towns, cities, or other entities in accommodating the relocatees. Examples of activities eligible under the first category of financial assistance are: (1) economic development projects providing jobs to relocatees; and (2) community development projects which permit communities, towns, cities or chapters accepting relocatees to build, expand, or improve community facilities. Although others may accrue benefits from projects such as these, projects must be designed so that relocatees are the primary beneficiaries.

For the second category of financial assistance, the Commission may provide grants, cooperative agreements, or contracts of up to 100% (one hundred percent) to States, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals for demonstration projects in housing or for programs which provide related community projects or other related services in the relocation and resettlement of individual relocatees.

The proposed rules place a significant limitation on eligible costs for both categories by prohibiting payment of operating costs, except in the case of a demonstration project or a specific annual contract for services. The intention of this limitation is to focus the objectives of applications on fairly short-term, completable activities. The purpose of financial assistance from the discretionary fund is to provide relocatees with rapidly perceivable benefits whose usefulness is not contingent upon a continual flow of financial assistance. The life of the Commission is limited; therefore, it cannot fund the operating costs of long-term projects.

In both categories, the Commission has the legislative authority to fund a wide range of applicants for a variety of programs or projects. This latitude allows the Commission to deal effectively and sensitively with the diverse kinds of problems which may arise as a result of relocation. However, this latitude could create a situation where the Commission would receive numerous applications which do not address the most pressing needs of the relocatees. To avoid this situation, the Commission intends to publish annually a list of priorities in the **Federal Register**. The list will describe activities receiving the highest priority in obtaining financial assistance. This list will be developed with input from interested groups and will enable the Commission to exercise flexibility in designating eligible projects but at the same time will permit it to utilize its own staff time efficiently and to provide adequate guidance to potential applicants.

The list of priorities will specify both the types of activities which are eligible and any constraints related to their eligibility. The limitations are important for projects which could fit into either category of financial assistance depending on who will benefit from the project.

The list of priorities will also specify whether applications for certain types of programs or projects to be funded under the second category require matching funds from the applicants. If the Commission requires matching funds, the applicant may meet this requirement through in-kind contributions.

Applicants wishing an initial determination on the acceptability of a program or project before preparing an application may submit a letter of inquiry.

As soon as applications are received for either category, the review and approval process will begin. The Commission recognizes the need for rapid implementation of acceptable applications and will develop a thorough yet speedy review and approval process. If an applicant submits a generally sound application which meets the purpose of the first or second category but which contains deficiencies or problems, the Commission may, if requested and resources permit, assist the applicant in making necessary changes to the application.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is proposed to be amended by adding regulations now designated as Subpart N—Discretionary Funds, to read as follows. The present sections in Part 700 remain in effect until a complete revision is published.

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Subpart N—Discretionary Funds

Sec.
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Subpart N—Discretionary Funds

§ 700.451 Purpose.

The purpose of this subpart is to establish procedures for the submission, review and approval, and administration of applications for financial assistance from the discretionary fund established by Pub. L. 93–531, as amended. The purpose of the discretionary fund is to provide financial assistance to activities which will expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals.

§ 700.453 Definitions.

(a) Act means Pub. L. 93–531 (88 Stat. 1712, 25 U.S.C. 640d), as amended.

(b) Applicant means with respect to this subpart, any applicant as defined under § 700.459(c) or § 700.462(b).

(c) Business means any lawful activity, except a nonprofit organization or a farm operation, that is—

(1) Conducted primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(2) Conducted primarily for the sale of services to the public.

(d) Commissioners means the three Commissioners of the Navajo and Hopi Indian Relocation Commission.

(e) In-kind contribution means a noncash contribution as described in attachment F of OMB Circular A–102.

(f) Local government means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, council of governments, and other regional or interstate entity, or any agency or instrumentality of a local government.

(g) Nonprofit organization means a corporation, partnership, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

(h) Related facilities means any building or structure normally found in a community and includes but is not limited to water, sewer and electrical lines, community centers, health centers and clinics, roads, and business establishments.

(i) Services means activities relating to human development including, but limited to, educational and job training, mental health counseling, health care, and technical assistance in business administration, agriculture, and home economics.

(j) Tribe means the Navajo Tribe or the Hopi Tribe.

(k) Tribal subdivision means a Navajo Chapter or a Hopi Village.

§ 700.455 Financial assistance.

(a) The Commission may provide financial assistance to applicants eligible under this subpart from funds available for any fiscal year.

(b) To obtain financial assistance, an applicant shall submit an application in accordance with § 700.468.

(c) The Commission may make funding decisions throughout the year as applications are approved. The Commission shall, to the extent possible, make funds available throughout the year for approved applications. Based upon the merit of applications received under this subpart, the Commission shall determine how funds available under this subpart shall be apportioned among the activities described in § 700.459 and § 700.462.

§ 700.457 Assistance to match or pay 30% of grants, contracts or other expenditures.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act and to assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of the relocatees. For this purpose, the discretionary fund may be used to match or pay not to exceed 30% (thirty percent) of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization for the benefit of the Navajo or Hopi Tribe, if the Commission determines that such grant, contract, or expenditure would significantly assist the Commission in carrying out its responsibilities or assist either Tribe in meeting the burdens imposed by this Act.

(b) An "other expenditure" under this subsection is defined as cooperative agreements, direct provision of services, or in-kind contributions. The Commission may match or pay not to exceed 30% (thirty percent) of an other expenditure through a grant, contract, or cooperative agreement.

(c) Eligible applicants under this section for a grant, contract, or cooperative agreement are defined as States, local government, the Navajo and Hopi Tribes, tribal chapters or villages and profit and nonprofit organizations.

(d) Total Federal financial assistance under this section may reach 100% (one hundred percent) if the applicant receives 70% (seventy percent) Federal funding from Federal agencies other than the Commission.

(e) When another Federal agency is a primary source of financial assistance for an applicant, the Commission may, pursuant to an interagency agreement, transfer funds to the primary Federal agency providing financial assistance to the applicant.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of paragraph (a). Financial assistance transferred to accomplish an eligible activity under paragraph (a) may not exceed the funding limitations of paragraph (a).

(g) An applicant may apply for financial assistance under this section in accordance with the funding limitations described in paragraph (a) for the purpose of undertaking a technical feasibility study of a construction project or any major project with a total funding of over $200,000 (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.459 Assistance for demonstration projects and for provision of related facilities and services.

(a) The purpose of applications for financial assistance under this section shall be to directly and solely aid individuals subject to relocation under the Act. For this purpose, the discretionary fund may be used by the Commission to engage or participate either directly through Federal activities, or by cooperative agreement, grant, or contract in demonstration efforts to employ innovative energy or other technologies in providing housing; and in providing related facilities and services in the relocation and resettlement of individuals under this Act.

(b) Applicants eligible under this section to receive grants, cooperative agreements or contracts are: states, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals.

(c) The Navajo or Hopi Tribe may submit a single application to accomplish several of the activities described in paragraph (a) (1) and (2).

(d) Applicants for assistance under this section may receive up to 100% (one hundred percent) project or program funding from the Commission, however, the Commission may specify in the list of priorities published pursuant to § 700.465 if applications for certain types of programs or projects under this section require matching funding from the applicant.

(e) Activities described in paragraph (a) (1) and (2) may be provided by the Commission through in-house activities which receive financial assistance under this section.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of paragraph (a) (1) and (2).

(g) An applicant may apply for financial assistance under this section for the purpose of undertaking a technical feasibility study of a construction project, or any major project with a total planned funding of over $200,000, (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.461 Application priorities.

(a) The Commission shall prioritize those types of applications for financial assistance under this subpart which would most effectively achieve the purposes of § 700.459(a) or § 700.462(a). In developing a list of priorities, the Commission shall—

(1) Solicit views from interested groups on which types of applications would most assist persons subject to relocations;

(2) Publish the list annually in the **Federal Register**;

(3) Review and if necessary, revise the list at least annually or as needed following the procedures described in

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paragraph (a)(1) of this section and publish the revision in the **Federal Register.**

(b) Examples of possible priorities for applications under § 700.459 include—

(1) Projects which build, expand or improve community facilities to be used by relocatees in communities, towns, cities, or other entities accepting relocatees; and

(2) Projects which will provide job opportunities which are accessible to and intended for relocatees.

(c) Examples of possible priorities for applications under § 700.462 include—

(1) Demonstration houses for relocatees which achieve energy conservation through low cost maintenance and low cost operation, building design, building materials, and solar or other technologies;

(2) Projects which provide electricity directly to and solely for relocatees through solar photovoltaic and wind power systems;

(3) Projects providing other community facilities or services directly to and solely for relocatees; and

(4) The establishment of businesses which are owned solely by relocatees.

§ 700.463 Requirements for applications.

(a) Brief letters of inquiry are encouraged for all applicants except for a State, local government (exclusive of an institution of higher education or a hospital), or the Navajo or Hopi Tribe which submit an application for a grant or cooperative agreement meeting the conditions described in OMB Circular A–102, attachment M, which requires a preapplication for a construction, land acquisition, and land development project or program for which the need for total Federal funding exceeds $100,000 (one hundred thousand dollars). A letter or inquiry shall contain—

(1) The name and address of the applicant;

(2) Budget information;

(3) A brief narrative describing how the program or project will meet the purpose of § 700.459(a) or § 700.462(a).

(b) The Commissioners shall review each letter of inquiry to determine if the preapplication conforms to the purpose of § 700.459(a) or § 700.462(a) and may, in writing, invite each applicant submitting an acceptable preapplication to submit an application.

(c) Application for financial assistance for a project or program may be submitted on an ongoing basis after publication of the final regulations for this subpart. An original and 5 (five) copies of each application must be submitted to the Commission. An application shall contain—

(1) The name and address of the applicant;

(2) Budget information, including where appropriate, the source and amount of other Federal and all non-Federal contributions to the proposed or actual project or programs; and

(3) The following for applications under § 700.459—

(i) A narrative statement which shall include an explanation of how the application would aid relocatees and assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of relocatees;

(ii) Documentation that the applicant has fulfilled all of the requirements of any Federal agency, State or local government, tribal government or chapter, or private organization from which financial assistance is also requested;

(4) For applications under § 700.462, an explanation of how the application would directly and solely aid relocatees and a thorough description of either the demonstration effort in housing or the related facilities and services which the proposed project or program would provide; and

(5) The requirements described in § 700.471, as applicable.

(d) The format of the preapplication or application may be selected by the applicant except that an applicant covered by OMB circular A–102 or A–110 as described in § 700.469(a) and (b) shall use such forms as the Commission may prescribe in conformity with these circulars.

§ 700.465 Technical feasibility.

Unless required by a non-Commission source of financial assistance, completed plans and specifications are not required in an application for construction, technology, or an other engineering project, however, an application for a construction, technology or an other engineering project shall;

(a) Include sufficient information to determine the nature and scope of the project, its probable useful life, and a reasonable estimate of cost;

(b) Fully show that the applicant will follow design and performance criteria which conform to professionally recognized standards and which adequately define the technical capability of the project to serve current and foreseeable needs; and

(c) Justify any evidence or use of unorthodox design.

§ 700.467 Construction costs.

Construction costs and costs relating to construction such as machinery and equipment, architect/engineer services, and administrative services may be allowable as determined by the Commission.

§ 700.469 Unallowable program and project costs.

Costs for program or project operating expenses are not allowable except in the following cases—

(a) An application for an annual contract for services under § 700.459 or § 700.462 may include necessary operating expenses; and

(b) An application for a demonstration effort under § 700.462 may include costs relating to the operation of the demonstration.

§ 700.471 Review and approval.

(a) Upon receipt of an application for financial assistance under this subpart, members of the Commission staff shall begin a preliminary review of the application with the intent of submitting a recommendation to the Commissioners of whether to accept or deny the application. The Commission staff shall inform the applicant in writing and before its recommendation to the Commissioners, of any special problems or impediments which may result in a recommendation for disapproval; may offer any available technical assistance required to overcome such problems or impediments; and solicit the applicants written response.

(b) The Commission staff may solicit comments on an application from technical specialists, community groups and others, when such advice is needed to fully evaluate the application.

(c) The Commission staff shall forward the application with their recommendation to the Commissioners. The Commissioners shall review each application. Applications may be approved if the Commissioners determine that—

(1) The application meets the requirements of this subpart;

(2) The application meets the intent of the Act;

(3) The application fully demonstrates that it will expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals or by the Tribes.

(4) The application is compatible with the list of priorities published in the **Federal Register;** and

(5) The applicant can carry out the activities described in the application and can maintain proper financial controls on the activities for which financial assistance is requested.

(6) Funds are available.

§ 700.473 Administrative expenditures of the Commission.

The Commission may use funds in an amount not to exceed 5 percent of the funds authorized under this subpart for expenses relating to the administration of the discretionary fund including—

(a) Personnel, whose time is expended directly in support of such administration;

(b) Supplies which are expended directly in support of such administration;

(c) Contracts, where the work performed is directly related to such administration;

(d) Printing, directly in support of such administration; and

(e) Travel, directly related to such administration.

§ 700.475 Reports.

Reports shall be furnished by any recipient of financial assistance under this subpart, in such manner as may be required by the Commission.

§ 700.477 Administration of financial assistance and recordkeeping requirements.

(a) A State or local government [except an institution of higher education or a hospital since they are governed by paragraph (b)], or the Navajo or Hopi Tribe receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" including attachment C describing recordkeeping requirements; and

(2) Federal Management Circular 74–4 (34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts With State and Local Governments."

(b) A nonprofit organization, institution of higher education, or hospital receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–110, entitled "Grants and Agreements With Institutions of Higher Education, Hospitals and Other Nonprofit Organizations" including attachment C describing recordkeeping requirements; and

(2) Office of Management and Budget Circular A–122, entitled "Cost Principles for Nonprofit Organizations."

(c) A profit organization receiving a grant or cooperative agreement under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Subpart 1–15.2) for determining the reasonableness, allowability, and allocability of costs.

(d) A profit organization, tribal chapter, or individual receiving a grant or cooperative agreement under this subpart shall—

(1) Follow sound and proper procedures for the administration of the financial assistance including any procedures established by the Commission; and

(2) Retain records as required by the Commission.

(e) A State, local government, the Navajo or Hopi Tribe, a tribal chapter or an individual receiving a contract under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Parts 1–1 through 1–30). Recordkeeping requirements for contracts are described in §§ 1–3.814–2, 1–7.103–3, 1–7.103–18, 1–7.603–20, and 1–7.603–7 of the Federal Procurement Regulations.

(f) A State, local government, profit or nonprofit organization, or an individual residing off of the Navajo or Hopi reservation applying for a grant or cooperative agreement under this subpart shall comply with Office of Management and Budget Circular A.95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" unless exempted under Part I, section 8.b. of this circular.

(g) Recipients of financial assistance under this subpart shall comply with other procedures which the Commission may from time to time prescribe for the administration of financial assistance provided under this subpart.

§ 700.479 Administrative review.

(a) If the Commissioners intend to deny an application for financial assistance submitted under this subpart, the Commissioners shall give notice to the applicant.

(b) If the Commissioners determine that implementation of an application approved according to § 700.471 fails to meet the requirements of this subpart, the Commissioners shall give notice to the recipient of their intent to terminate or suspend financial assistance to the recipient.

(c) The Commission shall issue such notice in written form sent by registered mail, return receipt requested, including—

(1) A statement of the reasons for the findings referred to in paragraph (a) or (b) of this section, including an explanation whether any amendments or actions would result in compliance with the regulation; and

(2) An explanation of the availability of a hearing for actions to suspend or terminate financial assistance.

(Pub. L. 96–305, 94 Stat. 929, 25 U.S.C. 640–d)

Roger Lewis,

Chairman Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81–5719 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–HB–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 601

[LR–74–80; LR–78–80]

Secretarial Authority To Add Items to the List of Items Eligible for Certain Energy Credits

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearings on proposed regulations.

SUMMARY: This document provides notice of public hearings on proposed regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit and proposed regulations relating to Secretarial authority to add items to the category of specially defined energy property.

DATES: The public hearings will be held on April 30, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 16, 1981.

ADDRESS: The public hearings will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines for oral comments on the proposed regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit, should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–74–80), Washington, D.C. 20224. The outlines for oral comments on the proposed regulations relating to Secretarial authority to add items to the category of specially defined energy property, should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–78–80), Washington, D.C. 20224.

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FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subjects of the public hearings are:

1. Proposed regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit under section 44C (c) of the Internal Revenue Code of 1954. These proposed regulations appeared in the **Federal Register** for Wednesday, October 15, 1980 (45 FR 68399).

2. Proposed regulations relating to Secretarial authority to add items to the category of specially defined energy property under section 48 of the Internal Revenue Code of 1954. These proposed regulations appeared in the **Federal Register** for Wednesday, January 7, 1981 (46 FR 1753).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearings. Persons who have submitted written comments within the time prescribed in the respective notices of proposed rulemaking and who desire to present oral comments at the respective hearing on such proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 16, 1981. Each speaker will be limited to 10 minutes for an oral presentation on each of the above listed proposed regulations for which timely comments have been submitted, exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Acting Commissioner of Internal Revenue:

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-5778 Filed 2-19-81; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A3 FRL 1758-6]

Proposed Revision of the Pennsylvania State Implementation Plan; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of Proposed Rule (Hearing Notice).

SUMMARY: This notice clarifies and corrects the language contained in the preamble to EPA's proposed revision to Pennsylvania's State Implementation Plan, appearing at page 9128, in the **Federal Register** of Wednesday, January 28, 1981. Please note the following changes:

1. On page 9129, second column, fourth full paragraph, fifth line, "permit" should be corrected to read "prevent".

2. On page 9130, second column, second full paragraph, sixteenth line, "will hold a public hearing on this" should be corrected to "will hold a public hearing at 9:00 a.m. on February 25, 1981 on this".

FOR FURTHER INFORMATION CONTACT: Ed Shoener, U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone Number 215/597–8174.

Both of these corrections apply to the preamble of the referenced rulemaking notice, and do not affect the regulations that were submitted to EPA.

(42 U.S.C. 7401–7642)

Dated: February 12, 1981.

H. Glenn Hanson,

Chief, Pennsylvania Section, Air Media and Energy Branch.

[FR Doc. 81-5021 Filed 2-19-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[SW 10-FRL 1757-6]

Oregon Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA), Region 10.

ACTION: Notice of Public Comment Period and Recommencement of Review Periods.

SUMMARY: EPA regulations to protect human health and the environment from improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (40 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. On September 16, 1980, the State of Oregon applied for Phase I Interim Authorization. Today EPA is announcing the availability for public review of additional material submitted by the State in support of their application, and is giving notice that the review period for the Oregon application is being recommenced.

DATE: Written comments on the additional material submitted by Oregon in support of their application must be received by March 23, 1981. Furthermore, if sufficient public interest is demonstrated, EPA will hold a public hearing to receive oral comments on the additional material. Requests for a public hearing should be submitted to EPA by March 12, 1981.

ADDRESSES: Copies of the material under review are available at the following addresses for inspection and copying by the public.

Oregon Department of Environmental Quality, Solid Waste Division, 14th Floor, 522 SW., 5th Street, Portland, Oregon, (503) 229–5913.

Environmental Protection Agency, Region 10, Library, 12th Floor, 1200 Sixth Avenue, Seattle, Washington, (206) 442–1289.

Comments and/or requests for a hearing should be sent to: David Hanline, Program Development Section, M/S 530, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442–1260.

FOR FURTHER INFORMATION CONTACT: Same as above.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated Phase I of its regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. EPA's Phase I regulations establish, among other things: The initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous wastes, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

The May 19 regulations also include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for Interim Authorization, the State hazardous waste program must, among other things:

(1) Have been in existence prior to August 17, 1980, and

(2) Be "substantially equivalent" to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33479).

On September 16, 1980, the State of Oregon applied to EPA for Phase I interim authorization of their hazardous waste management program. On October 16, 1980, EPA issued in the **Federal Register** (45 FR 68693) a notice of a public hearing and comment period on the State's application. The public hearing was held in Portland on November 17, 1980, and the comment period remained open until November 24, 1980.

As discussed in the October 16 **Federal Register** Notice, one of the major issues of concern to EPA in reviewing Oregon's application was Oregon's lack of full authority to apply standards substantially equivalent to the interim Status Standards (45 FR 33232, May 19, 1980) to facilities which are not required to obtain licenses in Oregon (i.e., on-site treatment and collection facilities). In the course of discussions with the State on this issue, the State pointed out that additional authorities under the water quality control program offered the State a means to apply the Interim Status Standards to facilities in Oregon which utilize surface impoundments for on-site storage or treatment of hazardous wastes.

Because these authorities were not fully documented in their original application, Oregon requested on January 13, 1981 that EPA extend the review period of the application, and agreed to submit additional material pertaining to their authority to require compliance with the Interim Status Standards by facilities in Oregon utilizing on-site surface impoundments, through the water quality control program. This material was received by EPA on February 5, 1981, and is now available for public review and comment.

Since the State's submission has been materially changed, the formal review period for the interim authorization application is hereby recommenced (40 CFR 123.123(c), 45 FR 33480). As noted above, requests for a hearing will be received until March 12, 1981 and written comments will be received until March 23, 1981. EPA will make a final determination on Oregon's application within 90 days of the date of this Notice.

Dated: February 6, 1981.

Donald Dubois,

Regional Administrator.

[FR Doc. 81-5707 Filed 2-19-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

46 CFR Part 524

[Docket No. 81-18]

Exemption of Agreements Covering the Collection, Compilation and Exchange of Credit Information

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: This Rule would exempt agreements covering the collection, compilation, and exchange of credit information from the filing and approval requirements of section 15 of the Shipping Act, 1916. Experience has shown that this exemption would not impair the Commission's effective regulation. The exemption will reduce regulatory requirements.

DATE: Comments (original and fifteen copies) due on or before April 21, 1981.

ADDRESS: Address comments and inquiries to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney (202) 523–5725.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Maritime Commission is considering the promulgation of a rule to exempt certain agreements covering the collection, compilation, and exchange of credit information from the filing and approval requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 841).

This category of agreements covers the collection, compilation and exchange of credit information. It does not include credit rule enabling authority found in conference or ratemaking agreements.

While current Commission policy requires that the subject agreements be subjected to the full section 15 review process prior to their implementation, it is apparent that the resulting delay, and use of staff time that could be used more productively on other matters, is not offset by a corresponding regulatory benefit under the Act.

Section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) provides that the Commission, upon application or on its own motion, may by order or rule exempt any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, where it finds that such exemption will not impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

Based on the information presently before the Commission, this exemption would present no impairment of the Commission's effective regulation of the parties' activities under the subject agreements, nor would it be unjustly discriminatory or detrimental to commerce.

The proposed exemption would not confer antitrust immunity. Section 15 approval consideration will, however, remain available to parties requesting it.

The Commission certifies that this proposed rule will not, if promulgated and adopted, have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, September 19, 1980 (5 U.S.C. 601 et seq.).

Therefore, pursuant to sections 15, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a and 841a), the Commission proposes to amend 46 CFR Part 524 as follows:

1. A new paragraph (e) would be added to § 524.2, *Definitions*, to read as follows:

§ 524.2 Definitions.

* * * * *

(e) Agreements covering the collection, compilation, and exchange of credit information, but not including credit rule enabling authority found in conference or ratemaking agreements.

2. A sentence would be added to § 524.3, *Exemption of agreements*, to read as follows:

§ 524.3 Exemption of agreements.

* * * Agreements as defined in paragraph 524.2(e) shall be kept by the parties and shall be available for inspection by the Commission during the term of the agreement and two years thereafter.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5846 Filed 2-19-81; 8:45 am]

BILLING CODE 6730-01-M

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1206 and 1207

[Docket No. 37465]

Business Entertainment Expenses

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule: Change of comment date.

SUMMARY: The American Trucking Associations, Inc. and the Associations of American Railroads have requested a 30-day extension for filing comments in this proceeding concerning business entertainment expenses. As set forth in our notice of proposed rulemaking published in the **Federal Register** of January 6, 1981 (46 FR 1323), the current comment date is February 20, 1981. The request shall be granted. An extension is warranted to enable the motor and rail industries to develop their positions in order to file comments.

DATE: Comments are due March 23, 1981.

ADDRESS: Send comments with 10 copies, if possible, to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Phone No. (202) 275–7448.

Decided: February 12, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–5320 Filed 2–19–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 643

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on the Fishery Management Plan for Atlantic Billfishes.

DATES: Written comments on the billfish plan from members of the public may be submitted no later than close of business on March 30, 1981.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

March 9, 1981—New Orleans, Louisiana; Biloxi, Mississippi
March 10, 1981—Lakes Charles, Louisiana; Mobile, Alabama
March 11, 1981—Galveston, Texas; Destin, Florida
March 12, 1981—Corpus Christi, Texas; St. Petersburg, Florida
March 13, 1981—Port Isabel, Texas

All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Bobby G. O'Barr, Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

See Supplementary Information for location of public hearings.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228–2815.

SUPPLEMENTARY INFORMATION: The hearings will be held at the following locations:

March 9, 1981—Landmark Motor Hotel, 2601 Severn Avenue, Metairie, Louisiana
March 9, 1981—Community Center, 500 East Howard Avenue, Biloxi, Mississippi
March 10, 1981—Downtowner Motor Hotel, 507 North Lakeshore Drive, Lake Charles, Louisiana
March 10, 1981—Municipal Auditorium, Room 3, 401 Auditorium Drive, Mobile, Alabama
March 11, 1981—Jury Assembly Room, County Court House, 722 Moody Avenue, Galveston, Texas
March 11, 1981—Destin County Center, Stahlman Avenue, Destin, Florida
March 12, 1981—Texas A&M Research and Extension Center, Highway 44, Corpus Christi, Texas
March 12, 1981—Bayfront Center, Posno Room, 400 First Street, South, St. Petersburg, Florida
March 13, 1981—Port Isabel Community Center, Corner, Yturria and Maxan, Port Isabel, Texas.

These are fact-finding hearings to obtain public input on a proposal to implement a fishery management plan for billfish in the geographical area of the Gulf of Mexico Fishery Management Council under the authority of the Magnuson Fishery Conservation and Management Act.

The draft plan for billfish, when approved, will serve to manage the billfish fishery for optimum yield (OY) and therefore, contains proposed regulatory measures applicable to domestic and foreign fishing. The management area is the U.S. fishery conservation zone (FCZ) of the Gulf of Mexico, Atlantic and Caribbean. Proposed regulations discussed at the hearings will be those which apply to the Gulf of Mexico.

Species: Billfish are defined in this plan as sailfish *(Istiophorus platypterus)*, white marlin *(Tetrapturus albidus)*, blue marlin (*makaira nigricans)* and longbill spearfish *(Tetrapturus pfluegeri)*.

Specific Management Objectives

A. Promote conservation of the stocks throughout their range.

B. To optimize the social and economic benefits to the nation from the billfish fishery by continuing the traditional use of billfishes in the FCZ.

The fishery on the continental United States has been and currently is almost entirely a recreational fishery. In the Caribbean, the fishery is both a recreational and commercial fishery where billfishes are primarily used as a source of food.

C. Maintain a high availability of billfishes to U.S. recreational fishermen.

D. Increase understanding of the condition of the stocks and the fishery.

Maximum Sustainable Yield

The estimated maximum sustainable yield of the four species in the management unit for their entire range, including areas outside the FCZ are:

White marlin—3,000 metric tons
Blue marlin—2,000 metric tons
Sailfish/spearfish—2,100 metric tons

Proposed Management

Implementation of the Fishery Plan for Atlantic Billfishes will provide for restrictions on longline fishermen, both domestic and foreign, and on U.S. recreational fishermen, in order to maintain a high availability of billfish. This will maximize social and economic benefits to the nation by maintaining the billfish fishery as primarily recreational and by maximizing recreational opportunities in the fishery.

Optimum yield is defined as 5,665 blue marlin, 13,929 white marlin, and 59,545 sailfish and spearfish. OY includes fish caught and released as well as those retained. Ninety-eight percent of OY is allocated to U.S. fishermen and two percent to foreign longliners.

Directed fisheries for billfish will be limited to the use of rod and reel gear of the sort customarily used in the recreational fishery.

Management measures for foreign longline fishermen include no retention of billfish, limitation on fishing effort, closed areas, statistical reporting requirements, 100 percent observer coverage, and use of electronic locating devices.

Management measures affecting domestic longliners seeking swordfish or tuna include a retention limit of one billfish per boat per trip, and possible future restrictions on their fishing operations if their billfish incidental catch exceeds 10 percent of OY.

Management measures for U.S. recreational fishermen include mandatory statistical reporting, bag limits in the South Atlantic region, possible future bag limits in the Gulf if catches begin to exceed OY, and no further retention of billfish in the South Atlantic region during any year when the catch exceeds OY.

Dated: February 17, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–5080 Filed 2–19–81; 8:45 am]

BILLING CODE 3510–22–M

V 4 6 / 3 4 F E 2 0 8 1 UMI

Notices

Federal Register
Vol. 46, No. 34
Friday, February 20, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee Agency Decisional Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, March 6, 1981 in the offices of Ginsburg, Feldman and Bress, 1700 Pennsylvania Avenue, NW, Suite 300, Washington, D.C.

The Committee is meeting to discuss Professor Michael Asimow's report on separation of functions in agency proceedings and to formulate a schedule for the development and consideration of a draft recommendation on this topic.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this offcie at least two days in advance of the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

FOR FURTHER INFORMATION CONTACT: Charles R. Pouncy (202–254–7065). Minutes of the meeting will be available on request.

SUPPLEMENTARY INFORMATION: At the Plenary Session held on December 11–12, 1980, the Assembly of the Administrative Conference voted to table a proposed recommendation, entitled Separation of Functions and Staff Communications with Decisionmakers in Agency Proceedings. The Assembly's action contemplated further consideration of this topic and on January 28, 1981, the Chairman of the Administrative Conference assigned responsibility for this project to the Committee on Agency Decisional Processes.

Dated: February 11, 1981.

Richard K. Berg,

Executive Secretary.

[FR Doc. 81–5634 Filed 2–19–81; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Green Mountain National Forest Land and Resource Management Plan, State of Vermont; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Green Mountain National Forest in Vermont.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction affecting the natural and human resources within the proclamation boundaries of the Green Mountain National Forest.

The planning process begins with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria must be developed, and data collected and analyzed in order to best address the identified issues and concerns. An assessment of the capability of the land to produce goods and services and an estimation of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information and will be used to formulate alternatives.

A range of alternative plans will be considered and described in the environmental impact statement. This range will be broad enough to respond to the major issues, concerns, and opportunities. One alternative will be the continuation of current management practices and policies. These alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent, to the extent practical, a cost efficient combination of management practices which will best meet the objectives of that alternative.

Public participation is a vital part of the Forest planning and environmental analysis processes. Federal, State and local agencies, organizations and individuals who may be interested in or affected by the decision will be invited to participate early and throughout the process. Public participation activities will include meetings, periodic written reports, media releases, and other techniques to inform and involve interested citizens. These activities are essential to a complete and accurate identification of the full range of issues important to the Green Mountain National Forest. Each major public participation activity will be announced through the news media and mailings to interested parties.

The draft environmental impact statement is scheduled for release in June 1982 with a 90 day review and comment period. The final environmental impact statement is scheduled for filing in December 1982.

Steve Yurich, Regional Forester of the Eastern Region, is responsible for approval of the Forest Plan. Stephen C. Harper, Forest Supervisor of the Green Mountain National Forest, is the responsible official in charge of preparation and implementation of the plan.

Questions about the proposed action and environmental impact statement should be directed to Richard T. Ackerman, Lands and Planning Staff Officer on the Green Mountain National Forest at 802–775–2579. Written comments on this proposed action are encouraged and should be directed to: Forest Supervisor, Green Mountain National Forest, Rutland, Vermont 05701.

James H. Freeman,

Director, Planning, Programming and Budgeting.

February 9, 1981.

[FR Doc. 81–5784 Filed 2–19–81; 8:45 am]

BILLING CODE 3410–11–M

Monongahela National Forest Land and Resource Management Plan, State of West Virginia; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Monongahela National Forest in West Virginia.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the natural and human resources within the proclamation boundaries of the Monongahela National Forest.

The planning process will begin with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria will be developed, and data will be colllected and analyzed to determine how the identified issues and concerns can be resolved. An assessment of the capability of the land to produce resource outputs and a determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objectives of the alternative. In addition, each identified major public issue will be addressed; each alternative will specify methods to maintain or enhance renewable resources, and a no-change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects. It will include the best combination of resource uses on the Forest and will also provide for a continuous monitoring and evaluation process.

A draft environmental impact statement will be released around January 1983. The final land and resource management plan and environmental impact statement will be released approximately 8 months later.

Public participation will be an intergral part of the planning process. Response forms, meetings, and other public involvement tools will be used to identify issues early in the planning process. Each public involvement activity will be announced through the news media and mailings to interested agencies, organizations, and individuals.

Steve Yurich, Regional Forester of the Eastern Region, is responsible for approval of the Forest Plan, and Ralph F. Mumme, Forest Supervisor of the Monongahela National Forest is the responsible official in charge of preparation and implementation of the plan.

Further information about the planning process can be obtained by calling Gilbert Churchill, Planning Staff Officer on the Monongahela National Forest at 304–636–1800, extension 261. Written comments on this Notice of Intent should be directed to: Forest Supervisor, Monongahela National Forest, Post Office Box 1548, Elkins, West Virginia 26241.

James H. Freeman,

Director, Planning, Programming and Budgeting.

[FR Doc. 81–5785 Filed 2–19–81; 8:45 am]

BILLING CODE 3410–11–M

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet March 20, 1981 at 10:00 a.m. in Room 2002 at the Federal Building in Fresno, California.

Purpose of the meeting includes:

A. Identify Board's purposes, functions, responsibilities, and limitations.

B. Identify rules of operation of the newly-formed Board.

C. Elect Board chairman, vice-chairman, and secretary.

D. Scenario of the grazing situation on the Sierra National Forest.

E. Plan Board activities for 1981.

F. Identify date and purpose of next meeting.

The meeting is open to the public. Matters identified by the public will be considered by the Board at close of the above agenda to the extent that time is available before 5:00 p.m.

Dated: February 12, 1981.

Richard L. Stauber,

Forest Supervisor, Sierra National Forest.

[FR Doc. 81–5838 Filed 2–19–81; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Central Electric Power Cooperative; Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) intends to adopt the Final Environmental Impact Statement (FEIS) prepared by the Corps of Engineers, in order to fulfill REA's requirements under the National Environmental Policy Act of 1969, in connection with providing financial assistance to Central Electric Power Cooperative (Central Electric), P.O. Box 269, Jefferson City, Missouri 65101, for the construction of a 161 kV transmission line. The proposed project is a 161 kV, three-phase, five-wire overhead transmission line across the Osage River adjacent to the Hurricane Deck Bridge and across the Niangua River adjacent to Highway 5 Bridge on the Lake of the Ozarks, Missouri.

On July 26, 1979, a Draft Environmental Impact Statement was issued by the Kansas City District Corps of Engineers on this proposed project. On March 21, 1980, the FEIS was issued. The FEIS addressed the comments and concerns raised on the Draft Environmental Impact Statement by Federal agencies, including REA, state and local agencies, organizations and interested individuals. The FEIS states:

The U.S. Corps of Engineers has acted as lead agency in the preparation of this Environmental Statement. REA has participated in the preparation of this Environmental Statement by providing review and comment throughout the National Environmental Policy Act (NEPA) process. REA intends to use this Statement to fulfill its requirements under the NEPA. In this case, REA's anticipated potential actions are those of guaranteeing or insuring loan funds for Central Electric to construct the subject transmission line crossing.

REA has reviewed the FEIS and comments to it and finds it adequate for REA purposes. Pursuant to 40 CFR 1506.3 of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the NEPA, REA is adopting this statement as a Final EIS. Based on (1) REA's participation in the NEPA process as a cooperating agency (2) the recent circulation of the FEIS by the Corps of Engineers, and (3) REA's conclusion after an independent review of the Final EIS that our comments and suggestions have been satisfied, REA is adopting the FEIS without recirculation.

The Corps of Engineers' FEIS may be examined during regular business hours at REA in the offices of Mr. Frank W. Bennett, Room 5168, in the South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C. 20250, or at Central Electric's Headquarters, Jefferson City, Missouri.

Final REA action with respect to this matter will only be taken after REA has reached satisfactory conclusions with respect to the proposed action's environmental effects and after requirements set forth in the NEPA have been met.

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Dated at Washington, D.C., this 11th day of February 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-5528 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Continental Telephone Co. of Kansas, Inc; Gardner, Kans.; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $20,440,000 to Continental Telephone Company of Kansas, Inc. of Gardner, Kansas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Eugene J. Fix, President, Continental Telephone Company of Kansas, Inc., P.O. Box 307, Wentzville, Missouri 63385.

To assure consideration, proposals must be submitted on or before March 23, 1981, to Mr. Fix. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Continental Telephone Company of Kansas, Inc. and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. This program is listed in the Catalog of Federal Domestic Assistance as 10.851-Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C. this 13th day of February, 1981.

Joseph S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-5720 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Puerto Rico Electric Power Authority, Loan Guarantee; Intent To Hold Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA) will hold public scoping meetings in order to fulfill its requirements under the National Environmental Policy Act of 1969 in connection with a possible loan guarantee commitment to the Puerto Rico Electric Power Authority (PREPA), P.O. Box 4267, San Juan, Puerto Rico, 00936, to provide partial financing for the construction of certain generation and related transmission facilities.

PREPA has been and is exploring all viable alternatives and their environmental impacts for meeting the increasing power requirements of its consumers. Such studies are being conducted in consultation with and using input from Federal and local agencies and officials. PREPA is tentatively proposing the construction of 3-300MW coal/oil-fired units and auxiliary facilities at one of four new site locations on the Island of Puerto Rico. The sites that PREPA has indentified as possible sites are near Aguada, Rincon, Punta Borinquen and Puerto Arroyo. PREPA has tentatively identified the Aguada site as a preferred site and the Punta Borinquen site as an alternate.

REA, if lead agency, will consider the need for additional generating capacity and the environmental effects of both structural and nonstructural alternatives. Public scoping meetings will be held in order to receive public input and comments concerning the need for the project, finalist alternatives, and sites proposed by PREPA, other potential alternatives, significant issues that should be addressed in the Federal Environmental Impact Statement and other matters concerning the proposal.

A representative of REA will act as a chairperson of the public scoping meetings and other involved agencies have been invited to send representatives. The schedule for these meetings is:

March 23, 1981, 7:00 p.m. in the auditorium of the College of Engineers and Surveyors of P.R. located in Urbanizacion Roosevelt at the intersection of Antolin Nin and Ricardo Skerret, Hato Rey, PR 00926.

March 24, 1981, 7:00 p.m. in the Rotary Club Barrio Asomante at the intersection of Aguada and Aguadilla Roads, Aguada, PR 00925.

REA encourages the public to attend these meetings and provide their input. Any person, group, or government entity which desires to make its comments, questions and/or recommendations in writing may do so either at the meeting or by submitting them to: Mr. Joe S. Zoller, Assistant Administrator Electric Rural Electriification Administration USDA, Washington, D.C. 20250.

A record will be made of each meeting. These records will be held open until April 24, 1981, to receive additional written comments. If REA is lead agency, comments made at these meetings will be addressed in the Draft Environmental Impact Statement. If another agency assumes the role of a lead agency, the records of the meetings will be made available to the lead agency.

Any questions prior to the meetings, concerning the nature of the project or the meetings, should be directed to PREPA at the address given above, or by calling Mr. Vincent F. Kaminski at 202-447-3855. Copies of the Site Selection Study and Alternative Evaluation, prepared for this projected by the PREPA, can be reviewed in Room 3331, South Building, USDA, Rural Electrification Administration, 14th and Independence Avenue, SW., Washington, D.C. 20250 and the following locations in Puerto Rico:

The Library of the College of Engineers and Surveyors of Puerto Rico located in the Urbanizacion Roosevelt at the intersection of Antolin Nin and Ricardo Skerret, Hato Rey, PR 00926.

The San Alberto Building of the Puerto Rico Electric Power Authority, Room 517, Condado Avenue, No. 605, Santurce, PR 00907.

The Municipal Library at Aguada, Aguada, PR 00925.

Any financing assistance to PREPA which may be made pursuant to a potential loan application will be subject to, and the release of funds thereunder will be contingent upon, REA reaching satisfactory conclusions with respect to environmental effects. Final action will be taken only after compliance with the environmental impact statement procedures required by the National environmental Policy Act of 1969. This Federal Assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 17th day of February 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-5679 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Sun River Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared an Environmental Assessment (EA) and based upon this EA REA made a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed construction of 32.0 km (20 miles) of 69 kV transmission line and associated substation facilities by Sun River Electric Cooperative, Inc. (Sun River), of Fairfield, Montana. A proposed insured loan by REA will assist Sun River in the construction of these facilities.

The 69 kV transmission line will be built between the proposed Highwood Substation to be located in Cascade County, Montana and Montana Power Company's existing Rainbow Switchyard in Chouteau County, Montana. Related substation facilities include the construction of a new distribution substation at Highwood and expansion of the Rainbow Switchyard. Sun River has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and flood plains, and other potential impacts of the project are adequately considered in the Sun River and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of Sun River's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20-21: 320-21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by Sun River and REA. The alternatives include no action, use of existing facilities and alternative corridors. The most viable alternative to deliver power to existing and future loads of Sun River is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and Sun River's Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, Sun River Electric Cooperative, Inc., P.O. Box 217 Fairfield, Montana 59436.

This program is listed in the catalog of Federal Domestic Assistance as 10.850—Rural Electrification loan and loan guarantees.

Dated at Washington, D.C., this 11th day of February 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-5529 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Connellsville Redevelopment Authority Critical Area Treatment, RC&D Measure, Pennsylvania; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202,

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Connellsville Redevelopment Authority Critical Area Treatment RC&D Measure, Fayette County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize heavy use areas in parks. Practices include waterways, subsurface drains, grading, a catch basin, and seeding with mulch.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. the FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-5783 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-16-M

George Stevens Academy Critical Area Treatment, RC&D Measure, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth E. Growe, Acting State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207-866-2132.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the George Stevens Academy Critical Area Treatment, RC&D Measure, Hancock County, Maine.

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The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth E. Growe, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for surface and subsurface water control and disposal on a steep embankment, fire access road, and parking lot in the town of Blue Hill, Maine. The planned works of improvement include installation of three paved diversion ditches, two closed conduit systems, and subsurface drainage to collect, convey, and dispose of surface and subsurface water, and seeding the area disturbed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth E. Growe. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be intiated until March 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-5782 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Steel Trigger Price Mechanism; Preclearance Requests

AGENCY: International Trade Administration, Commerce.

ACTION: Preclearance requests.

SUMMARY: This notice is to advise the public which companies have applied for preclearance, under the preclearance procedures, in addition to those published on November 24, 1980 (45 FR 77501) and on December 31, 1980 (45 FR 86523) in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3793.

The Department of Commerce uses trigger prices to monitor imports of steel mill products into the U.S. Sales below trigger price indicate possible sales of the subject merchandise at less than fair value within the meaning of Title VII, Tariff Act of 1930, as amended. In those instances where imports appear to be priced at less than fair value, the Secretary of Commerce may exercise his authority to self-initiate antidumping investigations.

The Department of Commerce recognizes that there may be certain manufacturers/exporters that can produce and/or export steel to the U.S. at prices below the TPM which are not at less than fair value. Where this is the case, the foreign producer/exporter can avoid the risk of a TPM initiated antidumping investigation by requesting preclearance and cooperating with the Department's preclearance review of the producer's/exporter's production costs and pricing practices.

A number of preclearance requests have already been filed and were published on November 24, 1980 (45 FR 77501) and on December 31, 1980 (45 FR 86523) in the Federal Register. A list of those companies which have subsequently requested preclearance follows in Table I. A request may cover any of the categories in the TPM Price Manual published by the U.S. Department of Commerce for the fourth quarter of 1980.

Any additional preclearance requests or comments on these requests should be filed with the U.S. Department of Commerce, International Trade Administration, Import Administration, Office of Compliance, Room 1001, Washington, D.C. 20230

Algoma Steel Corp., Ltd.:
- Structurals
- Plates
- Rail and track accessories
- Carbon bars
- Alloy bars
- Cold finished bars
- Pipe and tubing

Stelco:
- Wire rods
- Plates
- Rail and track accessories
- Carbon bars
- Alloy bars
- Cold finished bars
- Pipe and tubing
- Wire
- Wire nails
- Barbed wire
- Black plate
- Tin plate
- Sheets
- Hot rolled strip

Sidbec-Dosco:
- Wire rods
- Structural
- Carbon bars
- Welded pipe and tubing
- Wire

Atlas Steels:
- Alloy bars
- Cold finished bars

Dominion Steel Export Co., Ltd.:
- Structural tubing

Courtice Steel, Ltd.:
- Bars
- Structurals

Welded Tube of Canada, Ltd.:
- Welded pipe and tubing

Condel:
- Welded pipe and tubing

Standard Tube Canada, Ltd.
- Welded pipe and tubing

Namasco Ltd.
- Plates
- Sheets

N. V. Bekaert
- Wire

Pusan Steel Pipe Industrial Co., Ltd.
- Welded pipe and tubing

Dated: February 13, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5096 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Center for Fire Research; Research Grant Program

In accordance with section 4.02 of the "Department of Commerce Grants Administration" Department Administrative Order 203-26, dated January 13, 1981, notice is hereby given of the Research Grant Program of the Center for Fire Research.

The Center for Fire Research (CFR), National Engineering Laboratory, National Bureau of Standards, supports a grant program in fire research. Funding is approximately $2 million per year. The CFR program is based on Pub. L. 93-498, Section 18 (88 Stat. 1545; 15 U.S.C. 278f), which authorizes a wide range of fire research directly or through contracts or grants. The effort supported by grants is considered an integral part of the CFR program.

The current and planned future program as detailed in the Center's long range plan includes 10 task areas. A large fraction of the grants support task areas 5, 6, and 8.

1. Fire Suppression Systems
2. Toxic Hazard Assessment
3. Ignition Source Control
4. Test Method Development
5. Mechanisms of Fire Phenomena
6. Analytical Fire Growth Studies
7. Decision Analysis/Hazard Analysis
8. Design Concepts
9. Arson Detection and Prevention
10. Materials and Systems Testing

Task area 1 includes automatic detection and suppression (usually sprinkler) technology. Task 2 involves measuring the toxicity of the fire gases from various materials, and evaluating the hazard from these toxic gases in various scenarios. Task 3 is concerned with fires started electrically or by wood-burning equipment. Task 4 entails the development of a variety of practical test methods to obtain the fire properties of materials or assemblies. Task area 5 includes research on flame radiation, soot formation, fire plume phenomena, flame spread over solid surfaces, smoldering combustion, and pyrolysis of polymeric materials. Task area 6 combines mathematical algorithms of the various phenomena into calculation methods to predict fire growth, movement of smoke and toxic gases, plume growth, etc. Area 7 calculates the cost-effectiveness of alternate strategies to reduce a given kind of fire loss. Area 8 combines knowledge of fire growth, smoke movement, construction criteria, and psychological factors into design concepts to achieve adequate fire safety efficiently. Task 9 includes CFR's portion of the overall U.S. Federal role in arson reduction—largely, projects related to laboratory measurements. Task 10 is related to testing equipment that may involve unique fire hazard.

Grants are awarded based on unsolicited proposals after favorable technical peer review and CFR decision of priority for the CFR program. For each grant the CFR appoints a "Scientific Officer", who does related research within CFR, to maintain technical contact with the grantee.

This grant program is not listed in the *Catalog of Federal Domestic Assistance* (OMB Circular A-89), and is not within the coverage of OMB Circular A-95.

Those interested in proposing work in this program are invited to secure copies of the Center for Fire Research Long Range Plan and the CFR Proposal Preparation Guide.

Please write Dr. Robert S. Levine, Chief, Fire Research Resources Division, Center for Fire Research, National Bureau of Standards, Washington, D.C. 20234, or telephone (301) 921-3845.

Dated: February 17, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-5779 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notice 01-81.

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the Title IV Program. Any interested person may, on or before March 23, 1981, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

Important Date: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before March 23, 1981.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Kathryn Hensley, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202 634-4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require the publication in the **Federal Register** of a notice of each claim submitted (see 50 CFR 296.8(a)(1)(iii)). Each **Federal Register** notice published shall contain the following information: (a) a brief statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) a statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) a statement that an interested person or any other person may, within thirty (30) days following publication of this notice in the **Federal Register**, submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides than any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted not later than 30 days after publication of this notice in the **Federal Register.**

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing, not later than 30 days after publication of the notice of claim in the **Federal Register.** Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the Claimant agrees to a proposed settlement, the Chief, FSD, will, no sooner than 30 days after publication of the notice of the claim in the **Federal Register,** forward the proposed settlement agreement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the **Federal Register.** Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

The following claims have been received:

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CLAIM #	NATURE OF LOSS AND LOCATION	AMOUNT
FCF-33-79	On 2-8-79 claimant lost 3 hours fishing time while trawling for shrimp at the following coordinates between: 119°21'N & 119°25'N 34°04'W	$ - 0 - - Gear Loss $ 360.00 - Economic Loss $ - 0 - - Consequential Loss $ 360.00 - Total
FCF-84-79	On 12-15-78 claimant lost one 80 ft. net and lazy line and 12 hours fishing time while trawling for shrimp at the following coordinates: 28°58.3'N 92°45.9'W	$ 1,690.00 - Gear Loss $ 1,800.00 - Economic Loss $ - 0 - - Consequential Loss $ 3,490.00 - Total
FCF-99-79	On 8-22-79 claimant lost 1-80 ft. net, lazy line, tickler chains, bag ties, and 12 hours fishing time while trawling for shrimp at the following coordinates: 29°46.9'N 93°14.1'W	$ 2,440.00 - Gear Loss $ 1,800.00 - Economic Loss $ - 0 - - Consequential Loss $ 4,240.00 - Total
FCF-100-79	On 12-18-78 claimant lost 1-80 ft. net, damaged trawl doors and 4 days fishing time while trawling for shrimp at the following coordinates: 29°28.4'N 92°54.9'W	$ 2,790.00 - Gear Loss $ 4,500.00 - Economic Loss $ - 0 - - Consequential Loss $ 7,290.00 - Total
FCF-102-79	On 2-26-79 claimant lost 1-80 ft. net, trynet, damaged an outrigger and 12 hours fishing time while trawling for shrimp at the following coordinates: 23°45.3'N 90°38.2'W	$ 2,265.00 - Gear Loss $ 2,400.00 - Economic Loss $ - 0 - - Consequential Loss $ 4,665.00 - Total
FCF-103-79	On 7-1-79 claimant lost 1-80 ft. net, lazy line, tickler chain, hydrolic cable and 12 hours fishing time while trawling for shrimp at the following coordinates: 29°04.5'N 93°05.5'W	$ 2,140.00 - Gear Loss $ 3,000.00 - Economic Loss $ - 0 - - Consequential Loss $ 5,140.00 - Total
FCF-106-79	On 7-31-79 claimant lost 2-80 ft. net, bag ties, lazy lines, hang lines, tickler chains, damaged a trawl door and 36 hours fishing time while trawling for shrimp at the following coordinates: 28°50.5'N 93°53.5'W	$ 4,505.00 - Gear Loss $ 3,600.00 - Economic Loss $ - 0 - - Consequential Loss $ 8,105.00 - Total
FCF-107-79	On 8-9-79 claimant lost 1-80 ft. net, lazy line, bag ties; damaged a net and door and lost 12 hours fishing time while trawling for shrimp at the following coordinates: 29°00.4'N 93°55.2'W	$ 2,790.00 - Gear Loss $ 900.00 - Economic Loss $ - 0 - - Consequential Loss $ 3,690.00 - Total

CLAIM #	NATURE OF LOSS AND LOCATION	AMOUNT
FCF-09-80	On 1-12-80 claimant lost a pair of 10'x44" doors, 2-65 ft. nets, cable and damaged the vessel's power take-off, damper and hub; and 11 days fishing time while trawling for shrimp at the following coordinates: 28°54.6'N 91°30.7'W	$ 5,716.77 - Gear Loss $ 3,520.82 - Economic Loss $ 326.43 - Consequential $ 9,564.02 - Total
FCF-25-80	On 4-4-80 claimant lost 2-42 ft. nets, a pair 9'x40" doors, 9'x40" sled, cable, bridles, stabilizer, splices, thimbles, shackles, door pins, and chain while trawling for shrimp at the following coordinates: 27°55.7'N 96°39.4'W	$ 3,260.34 - Gear Loss $ - 0 - - Economic Loss $ - 0 - - Consequential Loss $ 3,368.34 - Total
FCF-28-80	On 9-10-79 claimant lost a pair of 9'x40" trawl doors, four 35 ft. nets, bridles, sled, tickler chains, shackles, lazy line, bag ties, and 4 days fishing time while trawling for shrimp at the following coordinates: 28°20.9'N 90°58.9'W	$ 3,287.66 - Gear Loss $ - 0 - - Economic Loss $ - 0 - - Consequential Loss $ 3,287.66 - Total
FCF-31-80	On 3-30-80 claimant lost two complete rigs; damaged the boat's cabin and broke an outrigger; and lost 14 days fishing time while trawling for shrimp at the following coordinates: 28°17.8'N 91°12.1'W	$ 5,484.55 - Gear Loss $10,780.00 - Economic Loss $ - 0 - - Consequential Loss $16,264.55 - Total
FCF-40-80	On 8-1-80 claimant lost a 40 ft. net, bag, lazy line, tickler chains and 4 hours fishing time while trawling for shrimp at the following coordinates: 29°03.9'N 90°31.1'W	$ 1,245.93 - Gear Loss $ 166.40 - Economic Loss $ - 0 - - Consequential Loss $ 1,412.33 - Total
FCF-41-80	On 8-4-80 claimant lost a pair of 10'x44" pine doors, 7'x46' sleds, cable, bridles, shackles, four 45 ft. nets with chain and mud rollers, and 3 days fishing time while trawling for shrimp at the following coordinates: 31°19.5'N 97°27.1'W	$ 8,625.00 - Gear Loss $ 1,616.00 - Economic Loss $ - 0 - - Consequential Loss $10,241.00 - Total

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Anyone wishing to submit evidence concerning any of these claims, or to become a party to any hearing, must contact, in writing, Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, on or before March 23, 1981 (telephone (202) 634–4688).

Dated: February 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–5861 Filed 2–19–81; 8:45 am]

BILLING CODE 3510–22–M

Office of Secretary

[Department Organization Order 35–2B; Transmittal 540]

Bureau of the Census; Obligation and Funtions

Effective date: January 23, 1981.

Subject: This order effective January 23, 1981 supersedes the material appearing at 45 FR 58641 of September 4, 1980.

Section 1. Purpose

.01 This Order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 The purpose of this revision is to abloish the 1980 Census Promotional Office, and change the functional statements of the Computer Operations Division and the Systems Support Division (Section 8.).

Section 2. Organization Structure

The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Director

.01 The *Director* determines policies and directs the programs of the Bureau, taking into account applicable legislative requirements and the needs of users of statistical information. The Director is responsible for the conduct of the activities of the Bureau and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Federal Statistical Policy and Standards of the Department of Commerce and by the Office of Management and Budget.

.02 The *Deputy Director* assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 *Staff Elements.*

a. The *Data User Services Division* shall plan, coordinate, and administer a comprehensive data dissemination and user services program to help users identify, acquire, understand, and use Bureau products and services; conduct seminars, workshops, and conferences; prepare user aids and reference materials; promote Bureau products and services; prepare statistical compendia such as the *Statistical Abstract of the United States* and its supplements; design and develop special tabulations and distributable computer programs; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, and maps; research users' needs for statistical products; coordinate the Bureau's regional user services program; and carry out cooperative data dissemination and user services programs with State and local governments and other organizations.

b. The *Program and Policy Development Office* shall assist in the overall planning, review, and evaluation of Bureau programs. The Office shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long-range policy and resource planning for the Bureau as a whole. It shall advise on all congressional matters related to the Bureau's activities and serve as the primary point of coordiantion for maintaining liasion on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

c. The *Public Information Office* shall, under the policy guidance of the Director of the Bureau and in liasion with the Departmental Office of Public Affairs (as provided by DOO 15–3), develop public information programs and coordinate and review for clearance the release and distribution of information disseminated by the Bureau.

Section 4. Office of the Associate Director for Administration

The *Associate Director for Administration* shall provide administrative management services to all components of the Bureau; advise the Director in these fields; and shall have and direct the following units:

a. The *Administrative Services Division* shall provide administrative services to include property, space and facilities management, procurement control, library, communications, records disposition, files, mail, and forms management, and related administrative operations.

b. The *Budget Division* shall perform budget functions, which shall include preparation of official budget estimates and justifications and allocation and control of all funds.

c. The *Finance Division* shall perform financial analyses, maintain financial accounts, coordinate payroll and leave audits, and prepare financial reports.

d. The *Organization and Management Systems Division* shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management systems; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; prepare special analytical reports on management matters; develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of administrative and management data; and support management in planning and controlling its programs and projects.

e. The *Personnel Division* shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

f. The *Publications Services Division* shall provide publication, printing, and graphic art services, including publications design and distribution planning and control.

g. The *Equal Employment Opportunity Officer*, designated under the provisions of subparagraph 3.02b. of Department Organization Order 10–5 "Assistant Secretary for Administration," shall report and be responsible to the Associate Director; shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202–713 "Equal Employment Opportunity"; and shall participate in the planning and direction of the Equal Employment Opportunity program.

Section 5. Office of the Associate Director for Demographic Fields

.01 The *Associatee Director for Demographic Fields* shall plan and direct the social and demographic statistical programs and advise the Director in these fields; and shall have and direct the following units:

a. The *Demographic Surveys Division* shall plan and develop specifications, survey design, and methodology for, and provide technical direction over, the development of statistical data collection in current and special surveys; plan and develop system and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform nonmechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

b. The *Housing Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics, and conduct research for and prepare analytical reports, monographs, and special studies.

c. The *Center for Demographic Studies* shall plan and develop analyses of and publish social and socioeconomic data; prepare articles, position papers, and detailed analytic reports related to current policy issues; develop measures of social well-being and publish social indicator reports; develop and publish a quarterly journal on social; socioeconomic, and demographic trends; conduct research on possible data gaps and develop recomendations to fill these needs; and conduct research on new analytic techniques.

d. The *Population Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; conduct special studies and publish analytical reports and monographs.

e. The *Statistical Methods Division* shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.02 The *Assistant Director for Demographic Censuses* shall assist the Associate Director for Demographic Fields; and shall direct and provide planning and coordination for the demographic censuses; and direct the following units:

a. The *Decenniol Census Division* shall provide overall direction for program planning of the Decennial Census; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing specifications, instructions and controls, and computer programming; and organize and conduct pretest research programs.

b. The *Mid-decade Census Staff* shall provide for research on population and housing data needs of the Federal, State and local governments and other public and private agencies; develop and review methodological alternatives; and develop overall plans required for an effective and efficient mid-decade census including the impact the mid-decade census shall have on demographic data collection activities otherwise planned for the 1980's, and how the demographic census data needs for the decade should be distributed between the decennial and mid-decade censuses.

Section 6. Office of the Associate Director for Economic Fields

.01 The *Associate Director for Economic Fields* shall plan and direct the economic statistical programs and advise the Director in these fields; and shall have and direct the following units:

a. The *Business Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

b. The *Construction Statistics Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

c. The *Foreign Trade Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform nonmedical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare reports, monographs, and special studies.

d. The *Governments Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare analytical reports, monographs, and special studies.

e. The *Industry Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

f. The *Center for Economic Studies* shall plan, develop, and publish analyses of the Bureau's economic surveys directed at improving the usefulness and validity of the data; develop and prepare studies of trends and relationships in the Bureau's economic reports and in series from other sources; prepare special analytical and interpretive reports and monographs of a specialized nature, dealing with the data being published to enable the Bureau to disseminate information that more extensively uses the large body of economic microdata at its disposal.

.02 The *Assitant Director for Economic and Agriculture Censuses*

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shall assist the Associate Director for Economic Fields; and shall direct and provide planning and coordination for the following units:

a. The *Agriculture Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities, and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

The *Economic Census Staff* shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

c. The *Economic Surveys Division* shall plan and develop specifications, survey design, and methodolgy for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to the transportation industry.

Section 7. Office of the Associate Director for Statistical Standards and Methodolgy

The *Associate Director for Statistical Standards and Methodolgy* shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques; carry out long-range studies on the basic problems of measurement of social and economic phenomena; provide research and consulting facilities oriented specifically toward psychological and behavorial science factors; and advise the Director in these fields and shall have and direct the following unit:

a. The *Center for Social Science Research* shall provide the Bureau with research and consulting facility oriented specifically to social science factors which affect respondent cooperation, the quality of data obtained, and the efficiency of Bureau data collection activities.

b. The *Statistical Research Division* shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; carry out long-range studies on the basic problems of measurement of social and economic phenomena; provide guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other organizations on all aspects of mathematical, statistical, and research problems.

Section 8. Office of the Associate Director for Information Technology

.01 The *Associate Director for Information Technology* shall plan and direct programs for communicating and processing information, and advise the Director in these matters. The Associate Director shall have and direct the following units:

a. The *Technical Services Division* shall plan and perform engineering services, including research, development and maintenance, to provide and support electromechanical and electronic equipment required for automated document handling and data capture; and provide for a developmental program for devising solutions to data communcations problems.

b. The *Systems Development Division* shall plan for and develop general purpose applications of new technology to the solution of Bureau problems; research new programming languages and techniques; and conduct research and development concerned with requirements for new technology and future systems designs for the various programs of the Bureau.

.02 The *Assistant Director for Computer Services* shall assist the Associate Director for Information Technology; shall direct and provide planning and coordination for the computer services area; and shall have and direct the following units:

a. The *Computer Operations Division* shall operate and manage the electronic computers and related ancillary equipment of the Bureau; plan for and provide the activities required to maintain this equipment at required hardware performance levels; and perform associated coordination for data keying, scheduling of processing, staging, tape library, and on-line data file services.

b. The *Systems Support Division* shall plan for and provide activities required to maintain and modify operational support software at performance levels necessary to meet mission objectives; develop and maintain ADP and related standards; direct and provide services such as user ADP training, software documentation, program optimization, and consultation on applications design to meet informational needs of the user community; and be the focal point for receiving and resolving trouble reports to facilitate the effective use of the Bureau's ADP resources.

Section 9. Office of the Associate Director for Field Operations

The *Associate Director for Field Operations* shall direct programs of field data collection and precomputer processing operations, and advise the Director in these fields; and shall have and direct the following units:

a. The *Data Preparation Division* located in Jeffersonville, Indiana, shall carry out precomputer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as is specifically delegated; and administer through its Pittsburg, Kansas branch, a personal census service to furnish information about individuals as reflected by census records, as provided by law.

b. The *Decennial Processing Staff* shall plan, organize, coordinate, and direct the decentralized processing of the 1980 Decennial Census of Population and Housing; plan, develop, implement, and coordinate, with the Decennial Census Division, manual and precomputer processing procedures, schedules and control systems; and coordinate with administrative divisions in the development and implementation of procedures/systems to meet administrative requirements.

c. The *Field Division* shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the regional offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

d. The *Geography Division* shall plan, coordinate, and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods, and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

Section 10. Office of the Assistant Director for International Programs

The Assistant Director for International Programs shall plan and direct the international statistical program activities of the Bureau; advise the Deputy Director in these activities; and shall have and direct the following units:

a. The *International Demographic Data Center* shall develop and maintain a comprehensive demographic (and socioeconomic) data base for all countries of the world; provide users with demographic data which have been evaluated and adjusted for inaccuracies and inconsistencies; prepare estimates and projections of population and selected socioeconomic characteristics for countries and regions and the world; and prepare Country Demographic Profiles detailing fertility, mortality, and population changes.

b. The *International Statistical Programs Center* shall train foreign technicians in censuses, surveys, and other statistical methods, especially relating to large-scale data collection; provide onsite statistical assistance of a varied nature to developing countries; provide, at the request of the Agency for International Development and of countries participating in the AID program, short and long-term consultation services; and maintain a capability for developing variety of computing programs and software to assist in processing census and survey data, editing packages, and specialized packages for applying standard, demographic, and statistical techniques.

c. The *Foreign Demographic Analysis Division* shall conduct specialized studies of population, labor force, and statistical reporting systems of foreign countries, involving the collection, compilation, and evaluation of relevant data; prepare estimates and projections and special analytical and interpretative reports and monographs.

Section 11. The Regional Offices

.01 The principal field structure of the Bureau shall consist of 12 regional offices, each headed by a Regional Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Field Operations. The location and geographic area covered by each regional office shall be as shown in Exhibit 2 of this Order.

.02 Each regional office shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

.03 As may be required for specific census or special survey, temporary district or other subordinate offices shall be established under the regional offices.

.04 The Seattle Regional Office shall have an area office in San Francisco, California, which shall carry out assigned field data collection programs.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5793 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-17-M

[Department Organization Order 30-7B; Transmittal 539]

National Technical Information Service; Organization and Functions

Effective Date: January 8, 1981.

Subject: This order effective January 8, 1981 supersedes the materials appearing 42 FR 44831 of National Technical Information Service September 8, 1977, 42 FR 60946 of November 30, 1977, 43 FR 6131 of February 13, 1978, and 44 FR 47974 of August 16, 1979

Section 1. Purpose

.01 This Order prescribes the organization and assignment of functions within the National Technical Information Service (NTIS).

.02 This revision effects a comprehensive reorganization aligning the organization structure with programmatic responsibilities and providing a more equitable distribution of personnel and functions. This revision establishes four major line components in addition to the Office of Financial and Administrative Management, which was previously established. The new components are the Office of the Associate Director for Science Information Exchange, Office of Data Base Services, Office of Bibliographic and Document Services, and the Office of Product and Market Development. Also established are three staff offices reporting to the Director in addition to the previously established Office of Government Inventions and Patents. The new staff offices are the Office of Policy and Planning, the Office of Computer and Communications Services, and the Office of Customer Services.

Section 2. Organization Structure

The organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Director

.01 The *Director*, as head of NTIS, directs and is responsible for all activities of the organization.

.02 The *Deputy Director* assists the Director in managing NTIS and performs the functions of the Director during the latter's absence.

Section 4. Staff Offices Reporting to the Director

.01 The *Office of Customer Services* is the principal NTIS liaison with all major user communities. The Office evaluates NTIS' relationships with major user groups; identifies potential customer services problems and recommends solutions; and conducts studies to analyze and evaluate the quality of customer service, providing recommendations for changes to processing systems. The Office also develops and presents educational programs on NTIS products and services; conducts plant tours, provides NTIS employees dealing with the public with information needed to respond to public inquiries on NTIS products and services; and manages other functions under the general heading of specialized ordering, including telephone orders.

.02 The *Office of Government Inventions and Patents* develops and operates programs to promote wider private sector use of government inventions; assists in the development and formulation, to the extent appropriate, of a uniform governmentwide patent policy; and administers a program for the foreign filing and licensing of government inventions under Executive Order 9865, as amended.

.03 The *Office of Policy and Planning* develops long-range strategic and implementational program plans including general strategies, guidelines and formats, analyzing external trends, opportunities, and user needs to

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recommend priorities in program development; advises the Director on policy matters and coordinates on policy issues affecting more than one NTIS office; maintains an inventory on the status of major policy issues, and advises the Director of those requiring decision; and provides analyses and recommendations in all areas relating to NTIS' information systems.

a. The *Planning and Evaluation Division* designs and implements integrated long-range program planning systems and develops criteria for the systematic and objective evaluation of ongoing programs; monitors programs to evaluate their contribution to reaching NTIS' stated goals and objectives; and identifies major program problems and makes recommendations to the Director for resolution.

b. The *Management Support Services Division* conducts surveys of NTIS organizational units or functions; and develops and implements new or revised policies, requirements, standards, and procedures on NTIS-wide organization concerns.

.04 The *Office of Computer and Communications Services* provides computer and information processing services and otherwise conducts all functions relating to planning and operating the NTIS automated data processing and communications systems used to process the bibliographic data file, edit programs for bibliographic publications, inventory management programs, financial management system programs, sales order processing programs, computer readable products, and marketing and market projection programs. The Office participates in studies and analyses of all NTIS automated systems; develops and implements detailed systems and associated computer programs to support those processes selected for automated data processing; and provides technical support for on-line word processing systems to support the NTIS mission.

Section 5. Office of the Associate Director for Financial and Administrative Management

The Office shall be headed by an Associate Director who services as Chief Administrative Officer of NTIS, responsible for the conduct of all functions relating to financial and administrative management, and for the development and implementation of financial and administrative policy recommendations. The functions of the Office shall be carried out through its principal organizational components as prescribed below:

.01 The *Management Systems Staff* develops policy and standards applicable to the coordination and integration of financial and administrative systems including those operating in an automated environment; reviews financial and administrative systems designs and implementation plans; and provides liaison with the Department and other agenices on administrative systems matters.

.02 The *Office of Financial Management* provides technical direction, coordinates, evaluates, and executes financial management policies; formulates and executes an integrated budget, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; and develops and implements accounting procedures and systems.

a. The *Accounting Division* ensures appropriate accountability of funds which in part requires NTIS to conform to the principles, standards, and related requirements prescribed by the Comptroller General of the United States and the Department (see 31 U.S.C. 65 *et seq.*); provides control over and accountability for all funds, property, and other assets for which NTIS is responsible; provides accounting results to serve as a basis for preparing and supporting budget requests; and assists in the development of financial arrangements for NTIS' interagency agreements.

b. The *Budget Division* develops procedures and schedules for timely preparation and review of all NTIS budgets, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; provides appropriate assistance to line managers in preparing budget estimates including, where appropriate, cost benefit analyses, trend data, unit cost information, and other analytical tools to promote the development of meaningful budgets; reviews and consolidates budgets, ensuring the availability of funds to cover planned expenditures and preparing presentations for formal approval by the NTIS Director; documents budget justifications for presentation to the Departmental Office of Budget and Program Evaluation; develops program presentations to the Office of Management and Budget (OMB) and the Appropriations Subcommittees; assists in the development of financial arrangements for NTIS' interagency agreements; and maintains and monitors NTIS staffing to ensure the end-of year ceiling is not exceeded.

c. The *Reports and Analysis Division* measures and reports performance against approved financial operating plans and standards, and reports and interprets the results of operations to all levels of management; performs studies of product costs, analyses of profitability by product line, studies of volume and price changes and the effect of reductions in costs, analyses of profitability by different product managers, and analyses in support of forecasts to aid in management decision making; develops alternative pricing mechanisms to aid management in realizing full cost recovery in the sale of products and services; controls the execution of the budget; provides financial and quantitative data for internal management and control; and assists in the development of financial arrangements for NTIS' interagency agreements.

.03 The *Office of Administrative Management* directs the management of NTIS-wide facilities and management improvement projects, including studies for work measurement, workflow analysis, and operations research; directs the personnel management function, including labor relations, training, and liaison with the Departmental Office of Personnel; issues directives on administrative and paperwork management; and plans and administers an NTIS-wide program of general services.

a. The *Agreements Staff* serves as the internal focal point for the administrative clearance of all NTIS agreements, ensuring compliance with applicable rules and regulations, NTIS and Department policies and procedures.

b. The *Facilities Management Division* provides for all components of NTIS the following administrative services: property and supply management; records and files management; space management; transportation and traffic management; telecommunications, mail, messenger, and related office services; occupational health and safety; and security.

c. The *Contracting Services Division* establishes and maintains liaison with Department officials on all NTIS contracting and procurement matters; serves as the internal focal point for administrative clearance of all NTIS agreements, ensuring compliance with applicable rules and regulations; assists NTIS managers and employees on matters concerning arrangements for travel, ensuring full compliance with applicable travel regulations; and controls the design and maintenance of all NTIS forms.

d. The *Management Analysis Division* develops and recommends, or receives requests for management studies/analyses of administrative proceses, procedures and programs; plans and conducts approved studies, analyses, surveys or reviews of tasks, task relationships, workflow, work measurement and/or functional relationships of existing and proposed administrative programs; develops new or revised policies, requirements, standards, and procedures on administrative matters within the Office of Administrative Management, among selected organizational units, or throughout NTIS.

Section 6. Office of the Associate Director for Product and Market Development

The Office shall be headed by an Associate Director who shall be responsible for the conduct of all functions relating to product development, marketing, technical support to other government agencies, managing the NTIS on-site sales activities, and recommending policy in all areas relative to the design, development, business management, and domestic and international marketing of NTIS products and services.

The functions of the Office shall be carrried out through its principal organizational components as prescribed below:

.01 The *Graphics Design Staff* conceives, initiates, and designs graphics and illustrative material for all publications, services, and sales promotion; maintains a central photographic and illustrations file; and serves as a liaison with the Department's graphic arts group.

.02 The *Office of International Affairs* administers bilateral agreements and otherwise directs, coordinates, and evaluates NTIS' relationships with international and U.S. orgainzations which carry out international activities; leads in the identification and acquisition of foreign technological information; and manages the Foreign Dealer Program.

.03 The *Office of Market Development* conducts all functions relating to marketing, including market research, market development, promotion, and exhibits; advises the Office of Product Development with respect to the design, format, and presentation of all NTIS products and services and in planning new products; recommends, develops and implements methods and procedures for identifying, locating, and refining potential markets for NTIS products and services; and designs and uses professional promotional vehicles for stimulating NTIS sales in such markets.

a. The *Market Research Staff* analyzes market survey information and provides product and marketing recommendations, in coordination with the Office of Product Development, towards meeting NTIS objectives and goals for various products and services.

b. The *Promotion Division* recommends, develops, and implements methods and procedures for identifying potential channels for promotional vehicles; and conceives, initiates, and designs material for publications.

c. The *Sales Division* processes telephone orders for NTIS products and services; identifies titles for telephone orders, and provides telephone price and availability quotations; administers the Rush Handling Service and on-site Sales Office activities; processes multiple copy orders for classes and seminars; processes Congressional orders; and also executes orders for special NTIS products which involve other than normal processing.

.04 The *Office of Product Development* coordinates the production and delivery of ongoing products and services, develops and brings to the market new and improved information products and services, and responds to the needs of NTIS source clients and major customers by monitoring their acceptance of, and sensitivity to, NTIS products and services.

.05 The *Office of Government Agency Support* provides technical support to other government agencies to assist them in developing their scientific and technical information programs operated by the agencies or by NTIS under agreements with other agencies. The Office is responsible for the regular acquisition of scientific and technical, economic, and engineering information from domestic sources; and for planning and arranging special services for NTIS clients.

Section 7. Office of the Associate Director for Data Base Services

The Office shall be headed by an Associate Director who shall be responsible for the conduct of all functions relating to computer products. The responsibilities shall include developing comprehensive programs for identifying and acquiring for NTIS machine-readable data files created for the government; identifying and acquiring for NTIS on-line computer retrieval systems operating by/for the government; and creating customized packages of scientific and technical information and providing public access to these products; coordinating and ensuring the development of cataloging and indexing standards which can be used on a government-wide basis for the preparation of bibliographic records describing machine-readable data files and software programs; and operating and administering the Federal Software Exchange Center, with special emphasis on ensuring the widest possible use of government-generated machine-readable products and services.

The functions of the Office shall be carried out through its principal organizational components as prescribed below:

.01 The *Data Files Division* identifies, catalogs, indexes, and performs subject analyses of machine-readable data files created by/for the government; and coordinates and provides technical assistance on a government-wide basis in the development of cataloging and indexing standards for machine-readable data files.

.02 The *Software Division* identifies, catalogs, indexes, and performs subject analyses of software created by/for the government; provides coordination and technical assistance on a government-wide basis in the development of standards for cataloging and indexing software; and operates the Federal Software Exchange Center, with special emphasis on machine-readable products and services.

.03 The *Custom Services Division* creates customized packaging of machine-readable products from software and data files; provides access to these products, when appropriate; and identifies on-line computer retrieval systems operated by/for the government.

Section 8. Office of the Associate Director for Science Information Exchange

The Office shall be headed by an Associate Director who shall be responsible for managing activities involved in providing a national resource of ongoing research information. The responsibilities shall include contacting agencies for the purpose of negotiating for input or clarifying information about input received and reviewing potential input sources; and recommending policy in all areas relative to the design, development, business management, and marketing of information on research in process.

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Section 9. Office of the Associate Director for Bibliographic and Document Services

The Office shall be headed by an Associate Director who shall be responsible for managing the cataloging, indexing, abstracting, filming, copying, order processing, warehousing, archiving, and distribution of publications. The Office also plans and administers the Productivity Clearinghouse.

The functions of the Office shall be carried out through its principal organizational components as prescribed below:

.01 The *Productivity Clearinghouse Staff* maintains a centralized data bank of information concerning productivity and the quality of working life; designs and implements an outreach program to inform appropriate groups and individuals of services available from NTIS' Productivity Clearinghouse; identifies federal government experts in different functional areas of productivity and quality of working life; and responds, as appropriate, to requests for productivity information from the public and private sectors. The Office also provides support services to the National Productivity Council.

.02 The *Bibliographic Services Division* collects, catalogs, indexes, abstracts, and performs subject analyses of all material processed into the NTIS bibliographic collection; provides on-line information retrieval services for the NTIS Bibliographic Data File; and develops NTIS Published Searches in accordance with objectives set by the Office of Product and Market Development.

.03 The *Publications Division* performs editorial, composition, make-up, and other publishing functions associated with all NTIS-produced announcement media and periodicals of source clients; creates machine-readable bibliographic data entries; requests and controls printing and filming of copies of NTIS information products; keeps abreast of print capabilities of the Department and GPO contractors for making economical changes in printing schedules. The Division also establishes reproduction formats, including technical specifications, methods, and location, in accordance with objectives of the Office of Product and Market Development.

.04 The *Document Services Division* receives, controls, stores and ships documents and other information products announced for sale; and receives and processes routine customers' requests for products and services.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5792 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-17-M

Suspension of Delegation of Authority to Deputy Secretary

Department Organization Order 10-8, Amendment 3, dated March 21, 1978, delegated to the Deputy Secretary of Commerce the authority of the Secretary of Commerce pertaining to the review of actions by the Maritime Subsidy Board. In view of the vacancy in the Office of the Deputy Secretary of Commerce, the Secretary has suspended that delegation effective December 15, 1980. The suspension will remain in effect until such time as a new Deputy Secretary of Commerce is sworn in. In the interim all authorities delegated to the Deputy Secretary under the above Department Organization Order will be exercised by the Secretary of Commerce.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5794 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-17-M

Delegation of Authority To Act as Secretary of Commerce

Until a Deputy Secretary of Commerce and/or other Secretarial Officers take office, as specified in Secretary's Circular 16, dated October 2, 1980, Dr. Ernest Ambler, Director, National Bureau of Standards, shall act as Secretary of Commerce during the Secretary's absence. This delegation is effective as of February 5, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5795 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-17-M

COMMODITY FUTURES TRADING COMMISSION

Resolution of the Chicago Board of Trade Proposing Additional Trading Months in the United States Treasury Bond Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of contract market proposal.

SUMMARY: The Chicago Board of Trade ("CBT") has submitted a proposal to add four additional delivery months for trading in the long-term United States Treasury bond futures contract. The additional four months would be August 1981, November 1981, February 1982 and May 1982. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 23, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CBT Treasury Bond Months.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581; Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The text of the CBT's proposal is as follows: In accordance with the provisions of Regulation 1805.01, trading is authorized in August 1981, November 1981, February 1982 and May 1982 Treasury Bond.[1]

* * * * *

Issued in Washington, D.C., on February 17, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-5770 Filed 2-19-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Rocky Mountain Arsenal, Colo.; Filing of Draft Second Supplement to Final Environmental Impact Statement, Transportation of Chemical Material, Operation RMT (October 1977)

A Final Environmental Impact Statement (FEIS) for the transportation of WETEYE chemical bombs from Rocky Mountain Arsenal, Colorado to Tooele Army Depot, Utah was filed in November 1977.

A First Supplement to the FEIS was filed in October 1978 to present the results of the 1978 Special Surveillance Inspection of the munitions.

Section 809 of the Military Construction Authorization Act of 1981, Public Law 96-418, requires the Secretary of Defense, notwithstanding any other provision of law, to remove all chemical munitions from Rocky Mountain Arsenal, CO by 10 October 1981. In compliance with Section 809(b) of that Act, the Under Secretary of Defense (Research and Engineering) proposed to the Congress that the munitions be moved to Tooele Army Depot for future storage.

Although Section 809 of the Military Construction Act, 1981, exempts the removal of the WETEYE bombs from Rocky Mountain Arsenal from the requirements of other laws, the Department of Defense and Army, as a matter of policy, are continuing to use the procedures of Section 102 of the National Environmental Policy Act, 42 U.S.C. section 4332 (1976) as a guide in planning the movement. Accordingly, a Second Supplement to the Final Environment Impact Statement is being filed as a draft. This Supplement presents the results of the 1979 WETEYE Reassessment inspection, changes in insection criteria, and other clarifications to the FEIS.

Copies of this Second Supplement[1] have been delivered to the Environmental Protection Agency and are being forwarded to concerned Federal, State and local agencies, as well as congressional delegations and Chairmen of the Congressional Armed Services Committees. Interested organizations or individuals may obtain copies from Commander, U.S. Army Armament Materiel Readiness Command, Building 390, ATTN: DRSAR-ASN (Mr. N. H. Baker), Rock Island, IL 61201 (Phone (309) 793-5916). In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (Phone (202) 694-1163).

[1] CBT regulation 1805.01, governing months traded in the long-term Treasury bond futures contract, provides as follows: Trading in long-term U.S. Treasury bonds may be scheduled for trading in such months as determined by the Financial Instruments Committee or the Board, subject to the requirement that all such determinations and other actions implementing such determinations be submitted to the Commodity Futures Trading Commission in accordance with the provisions of Section 5a(12) of the Commodity Exchange Act and all Commission regulations adopted thereunder.

[1] A copy of the Supplement and of the Report of the WETEYE Reassessment Inspection Task Group is filed with the original document.

Dated: February 13, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA(IL&FM).

[FR Doc. 81-5716 Filed 2-19-81; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: 9-10 March 1981
Place: U.S. Army Tank Automotive Command, Warren, Michigan
Time: 0830-1700 hours, 9-10 March 1981 (Closed)

Proposed Agenda

ASB Ad Hoc Sub-Group participants will receive classified briefings and hold discussions on "Design of Army Tests." Specifically, items to be presented will provide information to address these Terms of Reference:

1. How can plans make provision for testing inherent technology insertion capabilities? Can external or sub-system simulation assist in evaluating such technological flexibility? Can form, fit, and function be facilitated in test design?

2. How can plans better identify key data or factual results useful in the review of progress of the equipment under test? Can testing assist in evaluating program management?

3. What test design management processes are needed to explicitly identify critical collectable data to better measure system performance against Decision Coordinating Paper (DCP) missions and quantified criteria? How can test results be fed back to correlate DCP statements with realistically achievable system performance?

4. Are critical issues and criteria for test design provided on a timely basis? Are such issues and criteria examined and approved during milestone reviews such that noncritical testing may be deferred to the next acquisition phase?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-5697 Filed 2-19-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers; Department of the Army

Deferred Channel Maintenance, Buffalo Bayou, Texas

The Corps of Engineers is experiencing severe funding shortages in the Fiscal Year 1981. This funding shortfall has required a reduction in the level of maintenance which can be performed. During the period from February 1981 through September 1981, the Channel in Buffalo Bayou from the Huston Turning Basin to the head of the project will have reduced channel depths.

Information regarding actual channel conditions will be provided as appropriate in local notices to navigation interests and hydrographic bulletins. Current information on specific channel conditions may be obtained from the Area Engineer, Fort Point Area Office, at (713) 763-1211 Ext. 891. This notice will be revised from time to time as funding or other conditions warrant.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-5835 Filed 2-19-81; 8:45 am]

BILLING CODE 3710-GK-M

Office of the Secretary of Defense

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 7, 1981; Tuesday, April 14, 1981; Tuesday, April 21, 1981; and Tuesday, April 28, 1981 at 10:00 a.m. in Room 3D-325, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in

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section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552d. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 17, 1981.

[FR Doc. 81-5734 Filed 2-19-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Data Acquisition Activities Involving Educational Agencies and Institutions and Request for Comments

AGENCY: Department of Education.

ACTION: Notice of data acquisition activities involving educational agencies and institutions and request for comments.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95-561, require public announcement of and solicitation of comments on certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981-82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary in accordance with procedures approved by the Federal Education Data acquisition Council (FEDAC).

DATES: Comments must be received by March 23, 1981.

ADDRESS: Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 Switzer), 400 Maryland Avenue, S.W., Washington, D.C. 20202 Telephone: (202) 472-3554. The contact persons listed under item (r) in each individual summary are the ones to whom questions concerning a data acquisition activity and request for copy of the exact data instrument should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procdures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981-82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981-82 will be published by February 15, 1981.

Dated: February 13, 1981.

T. H. Bell,

Secretary of Education.

Data Activity Plan Summary

(a) Title of the Proposed Activity: An Impact Evaluation Study of Programs and Projects Funded under Pub. L. 92-318, Indian Education Act—Part A.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Program Evaluation.

(c) Agency Form Number: ED 761.

(d) Justification: On September 30, 1980, a contract was awarded to Development Associates of Arlington, Virginia, to evaluate the impact of the programs and projects funded under Pub. L. 92-318, Indian Education Act—Part A. This contract was awarded based upon the requests by both Interior subcommittees during their 1980 appropriations hearings that they receive information on the impact of the Part A program. The evaluation results are also needed for the 1983 legislative reauthorization of the Indian Education Act.

A previous study of the Part A programs completed in 1978 provided descriptive information and not impact data. If data collection is to be implemented in time for reauthorization hearings, it must commence by September 1981. During the first months of the design phase of the impact evaluation, a survey plan and data collection instruments have been developed. These are described in the sections which follow.

(e) Description of the Survey Plan: The survey design calls for a stratified random sample from a universe of 1,094 local educational agencies which sponsor programs funded through Pub. L. 92-318, Indian Education Act—Part A. These public school district programs provide for the special educational and culturally related academic needs of approximately 328,000 American Indian and Alaskan Native children in 41 states.

Using a stratified random sampling plan with proportional allocation across strata, 120 Part A projects will be selected. The stratification variables to be used are geographic location, project size (dollars and number of students), type of school district setting (urban, suburban, rural, reservation), and types of activities provided for students.

Additionally, there will be two mail surveys of 35 LEAs each. The first will be of LEAs excluded from the main survey universe because of small size or irregular funding patterns, the second will be of LEAs eligible for but not receiving Part A funds. Data from these surveys will be combined with a portion of the main survey results to address Congressional interests regarding total LEA resources for supplemental programs serving Indian student needs. Mail survey data will be collected during Spring 1982.

The data collection activity for the 120 site visits will take place twice, once in September 1981 and once during May 1982. Structured interviews will be conducted with an SEA representative, LEA representatives, project staff, public school staff, members of the Parent Advisory Committee, parents, Indian community representatives, and Tribal leaders at each of the 120 sites selected. A document review guide will be completed onsite by the site visit team.

Eleven respondent universes are involved in the data collection activity. Each is a category of personnel or individuals associated with the SEA, LEA, Part A project, Indian community, or students served by the project. These universes are:

Coordinator of Indian Education within State Educational Agencies
Local Educational Agency
  Superintendents
  Federal Programs Coordinator
  School Principals
  Teachers
  Part A Project Directors
  Part A Project Staff
  Students served by the Project
Parent Advisory Committee Members
Parents of children served by the project
Indian/Native Community representatives and Indian/Native Tribal Leaders

Statisticians who have reviewed and approved the design:

Dr. Milton R. Goldsamt
Mr. Earl A. Houseman

(f) Tabulation and publication plans: The information and data from this study will be published in the form of a final report and executive summary to be delivered upon completion of the project, in March 1983. This report will contain a detailed description of the study and all the results obtained. It will also contain an overview with a general description of the study and a discussion of the major findings.

(g) Time schedule for data collection and publication:

Event	
Data Collection	September 1981 and May 1982

(h) Consultations outside the agency: During the developmental and design phase and planned for the duration of this evaluation, there have been extensive consultations with LEAs, Part A project staff, the Office of Indian Education, Indian Experts across the country, Indian organizations, and parents and students. This has been accomplished, in part, by establishing and meeting with a Technical Advisory Panel made up of nine members, six of whom are Indians with recognized expertise in various areas of evaluation, testing and measurement, two of whom are Indians representing the National Advisory Council on Indian Education, and one who is a non-Indian nationally recognized expert in the area of educational statistics, design, analysis, testing and measurement. Various individuals with expertise in education evaluation design, testing, measurement analysis, and field data collection have also been consulted during the development of the survey plan and instrumentation. Additionally, during December 1980, the evaluation staff visited nine Part A projects geographically distributed across the country and interviewed individuals involved in these projects. This exploratory study was geared toward providing the evaluation staff with a first-hand look at projects of different sizes, in different regions and locations, and composed of different kinds of activities. Based upon the results of the exploratory study, the consultations with Indian consultants, and the meeting of the Technical Advisory Panel, the evaluation staff has been able to complete the major elements of the evaluation design, including the questionnaires, interview forms, and forms review guides.

Additional consultations, as well as meetings of the Technical Advisory Panel, are scheduled throughout the duration of the project.

(i) Estimation of respondent reporting burden:

	Number	Estimate of average person-hours
SEA's (Structured Interviews)	30	.75
LEA's (Main Survey)	70	1.0
Superintendents (Structured Interviews)	120	3
Federal Programs Coordination (Structured Interviews)	120	.5
Principal's (Structured Interviews)	480	.3
Teachers (Structured Interviews)	1,800	.25
Project Directors (Structured Interviews)	120	3.0
Project Staff (Structured Interviews)	360	.5
Parent Committees Members (Interviews)	480	.5
Parents (Structured Interviews)	5,400	.75
Indian Community or Tribal Leaders (Structured Interviews)	360	.5
Students Served by Part A Project (Self-Administered Questionnaire)	16,000	2.0

(j) Sensitive questions: No sensitive questions.

(k) Estimated cost to the Government: The total cost of the 2.5 year contract to the federal government is $1,443,418.00. The estimated cost of forms design, sampling, editing, data management, analyses, and publication of results is $746,966.00.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary users of the information collected will be the Department of Education and the Congress. The evaluation design and data collected in this study will have multiple uses:

Program Management and Policy Makers

Certain elements of the evaluation design and findings will be useful at the local project level as well as at the Department of Education level. Data will be available to determine the effectiveness and the impact of current projects funded under Part A of the Indian Education Act. Policy makers will be able to determine if a revision of regulations is needed and/or if new legislation is required. Program managers within the OIE will be provided with information on any needs for technical assistance. This is a particularly important consideration since the newly established Indian

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Education Technical Assistance and Evaluation Centers will be able to use this type of information, as it is their responsibility to provide technical assistance services to the Part A projects.

Evaluation

The intent of this contract is to develop an appropriate evaluation approach that is sensitive to the unique and diverse nature of the Part A projects across the country and then conduct the actual evaluation. The approach, as well as intermediate findings during the course of the project, are expected to be useful to those who are involved in Part A programs and evaluation activities. The study is expected to develop ways and provide answers to the following types of questions:

- What are the characteristics of the Part A program?
- What are the kinds and extent of project objectives and activities and what are their anticipated outcomes?
- How effective have the Part A projects been in achieving their educational objectives as well as the purposes of the Part A program?
- Have those Part A projects which have focused upon academic skills been successful in increasing student academic achievement?
- Have the projects caused changes in the schools and communities which benefit the students?
- Have project activities caused an increase in involvement of Indian and Native parents, community members, and tribal leaders in the schools?
- What process, management, or administrative imporvements are needed?
- What improvements should be made in the delivery of financial aid to LEA's?
- What improvements should be made in instructional techniques and materials?
- What improvements should be made with regard to the required project evaluations for Part A programs?

(m) Methods of analysis: Several stages of analysis will occur.

Descriptive. Analysis will first be conducted to determine the distributional properties of each variable and its typical value. This will include using: frequencies, percentages, counts, modes, means, medians, standard deviations, and outlier plots. Cross tabulations and correlation coefficients also will be conducted to determine how strongly certain variables relate to others. Following this stage, composite indices, ratios and Likert rating scale summative scores will be constructed from those items found to relate to each other and measuring a common dimension. Psychometric analyses also will be conducted with student test scores to determine: (a) test item bias, (b) overall variability of scores, and (c) pre-test score Part A participant and comparison group score patterns.

All of the above analyses will provide a description of the Part A characteristics, overall and for selected groups of projects and students. Following that stage, *impact* analyses will be conducted using the project as well as the student as the unit of analysis. Trend analysis techniques will be used to determine if various behavioral and attitudinal project-level impact measures indicate that local Part A projects have positively affected the district, parents, teachers, tribal leaders, etc. Analysis of variance, covariance and multiple linear regression analysis techniques will be used to determine if shifts in student-level impact measures (of reading and math achievement, self-esteem, cultural knowledge and attitude toward school among others) indicate that students in Part A projects have benefited more than those either not in the project or receiving relatively less intensive services.

Other correlational or *explanatory* analyses will be used to merge findings from different parts of the study and indicate relationships between Part A program features and impacts. Comparisons also will be made at the between-projects and within-projects level to better explain the obtained results and thus provide insights into the types of projects where Part A was most effective.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Evaluation activities are authorized under the General Education Provisions Act which states in part: ". . . the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs . . . such report shall . . . contain information on progress being made . . . describe the cost and benefits of the applicable program . . . identify which sectors of the public receive the benefits of such program . . ." (20 U.S.C. 1226C) Pub. L. 95–561.

(o) Timetable for Dissemination of Collected Data: The data collected during the study will be available for dissemination within 30 days of submittal of the final report. At this time, the report and findings will be delivered to the Congress and its appropriate committees and to Federal personnel. The executive summary will be mailed to State and local official projects and other interested organizations and individuals.

(p) Estimate of total person-hours and costs required to complete request:

Total person-hours	37,800
Total costs	$10,687.68

(q) Evidence of urgent need or very unusual circumstances requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies of the data instruments may be obtained by writing to Ms. Dorothy Shuler, U.S. Office of Education, Office of Program Evaluation, (Transpoint Building, Room 442), 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Early involvement and communications with respondent population: Development of the evaluation design and data collection instruments has included a thorough literature review, reanalyses of data from past studies, consultation with the Bureau of Indian Affairs, a review and analysis of 1,127 project grant applications, and analyses of project performance, fiscal and evaluation reports available at the Office of Indian Education.

Before data collection begins, the data collection procedure and instruments will be pilot-tested in nine Part A projects using selected individuals from the respondent population. Additionally, the data collection procedure and the instruments will be reviewed by selected consultants who have been identified for that purpose; the Technical Advisory Panel for the evaluation; the Office of Indian Education Technical Assistance and Evaluation Centers; and LEA project officials, including parents and selected parent committee members. Additionally, the usual protocol procedures will be followed in informing and advising SEA's and LEA's as well as the Part A projects, parent committees, national, regional, and local Indian organizations and other interested individuals.

(t) Assurance that respondents will have sufficient lead time to comply with request: Data collection will occur during the 1981–1982 academic year. Site selection will take place in March 1981 in order to provide sufficient lead time for contacting the potential sites and making the appropriate arrangements well prior to actual data collection.

(u) Specific justification for a multi-year approval: No multi-year approval is requested.

Data Activity Plan Summary

(a) Title of the proposed activity: A study of the Strengthening Developing Institutions Program.

(b) Name of the sponsoring agency/bureau/office: Department of Education, Assistant Secretary for Management, Office of Program Evaluation.

(c) Agency form number: ED 845.

Justification: This study will apply to developing institutions the program-relevant impact criteria developed in FY 1981. The purposes of the study include (1) to improve program monitoring and management by ED; (2) to determine significant areas of impact on institutions and students served; and (3) to identify, describe and disseminate exemplary practices.

(e) Description of survey plan: (1) A brief survey questionnaire will be mailed to *all* institutions (approximately 400) funded in FY82 to obtain data on critical program history and outcome or impact criteria not currently available in ED files. This information will yield a descriptive summary of how Title III funds (Higher Education Act) are used as well as provide a basis for a purposive selection of a sample of institutions for intensive case study.

(2) Using procedures and instruments developed and pretested in FY81, some fifty developing institutions of higher education funded for five or more years will be selected for intensive observation and case study. These institutions will be selected so as to be representative of all currently funded institutions. Data forms will involve semi-structured interview guides to be completed by interviewers/observers, and a form for recording critical data of record from institutional files. These materials, together with available data of record in the ED program offices, will be used to identify and document factors associated with purposeful program impact on institutions and students.

(f) Tabulation and Publication Plans: Information tabulated will be considered most useful to institutions in improving their program most needed by Federal program administrators.

(g) Time Schedule for Data Collection and Publication: Data collected: September 1981–March 1982. Reports available to ED: August 1982.

(h) Consultations Outside the Agency: The Title III Advisory Committee reviewed and discussed plans (see also(s)).

(i) Estimation of Respondent Reporting Burden: Respondents for the institutional questionnaire will be Title III coordinators in all public and private colleges and universities funded (in FY 1982) under Title III; data requested are expected to be readily available in institutional records, and will be provided principally be marking appropriate categorical responses.

Up to 15 facilty and administrative staff will be interviewed or observed (each interview averaging one hour's duration) at approximately 50 institutions.

Instrument	Respondent type	Number	Estimate of average person-hours
Institutional Questionnaire	Employees in Post-secondary education	400	8
Interviews of Title III Project Staff	....do	750	1

(j) Sensitive questions: No sensitive data are needed or will be solicited.

(k) Estimate of Cost to Federal Government: The cost of preliminary evaluability assessment and study design (Phase I) was $127,561 (FY 1981); the cost of data collection and subsequent analysis and reports is estimated at $350,000 (FY 1982). In addition, Federal S&E expenses are estimated at $20,000.

(l) Detailed Justification of How Information Once Collected Will be Used: Information collected and compiled or analyzed will serve program management and evaluation purposes for three classes of recipients: (1) members or Congress and their staffs; (2) Federal officials and program managers; and (3) chief administrative officers and project staff in developing institutions. Interpretation of data on program characteristics and associated impacts will be directed toward providing answers to such questions as: Where, under what circumstances, and to what extent are the legislative intents of the program being realized? How can program management and oversight be made more efficient and effective? How can institutional staff improve the effectiveness of their development efforts? Relevance of data to be collected should be substantially enhanced by the deliberate and structured effort by the contractor in the evaluability asssessment phase of the study to clarify and relate legislative intent to impact and outcomes criteria, and to examine the plausibility of cause-effect assumptions.

(m) Methods of Analysis: Intensive case studies and statistic analysis.

(n) Legislative Authority Specifically Requiring or Allowing the data Collection: Planning and evaluation activities are authorized under the General Education Provisions Act which states in part "* * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on progress being made * * * describe the cost and benefits of the applicable program * * * identify which sectors of the public receive the benefits of such program. * * *" (20 U.S.C. 1226C.)

(o) Timetable for Dissemination of Collected Data: Final reports are expected to become available to ED on or before 31 August 1982. Reports will include an analysis of program impact and a policy implications report. Dissemination plans are incomplete at this time.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: A total of 1550 hours of time by institutional respondents will be required. Assuming that average salary for respondents is $12.50 per hour, costs to the responding institutions would total $19,375.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instruments: Copies of the data instruments may be obtained from Mr. James Maxwell, Office of Program Evaluation, Room B–110/Trans Point Building, 2nd and V Streets SW, Washington, D.C., 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Presentations of study purposes and plans were made at the 3 regional meetings of Title III Institution Presidents and Project Coordinators (sponsored by the ED Office of Institutional Support), in November, 1980. This study has been coordinated with institutions submitting program review documents to the joint dissemination review panel. Feasibility of instruments and data needs will be pretested with subsequent revision as appropriate, at up to nine volunteering institutions in early 1981.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Survey questionnaires will be mailed in October 1981, with an allowance of three months for follow-up, completion, and return permitted by project schedule. Site visits are contemplated to take place over a three month period beginning in December, 1981. Respondents will have adequate time for preparing their voluntary responses.

(u) Specific Justification for a Multi-Year Approval: (Not applicable).

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Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants under the Strengthening Institutions Program.

(b) Name of the Sponsoring Agency/ Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number. ED–851.

(d) Justification: The Division will use the information to evaluate the needs of the applicants for assistance under the Strengthening Institutions Program.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plan: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Time of Collection—Fall. Time of Selection of Grantees—Winter.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person hours
College and University	400	60

(j) Sensitive Questions: Not Applicable.

(k) *Estimate of Cost to Federal Government:* $145,000.

(l) *Detailed Justification of How Information Once Collected Will Be Used:* The Division will use the information in its grants award process in order to determine (1) which applicants will receive grants, and (2) the total amount of any grant that may be awarded, in keeping with the objectives and priorities of the Strengthening Institutions Program.

(m) *Methods of Analysis:* Not Applicable.

(n) *Legislative Authority Specifically Requiring or Allowing the Data Collection:* "The Secretary shall carry out a program of special assistance to qualifying institutions to improve their academic quality, management and fiscal stability, in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation." Sections 311–313, Title III of the Higher Education Act of 1965, as amended.

(o) *Timetable for Dissemination of Collected Data:* Not Applicable.

(p) *Estimate of the Total Person-Hours and Costs Required to Complete the Request:* 24,000 person-hours, $240,000.

(q) *Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data:* Not Applicable.

(r) *Copy of the Exact Data Instrument:* Division of Institutional Development, Office of Institutional Support, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Not currently available—must be developed.)

(s) *Brief Account of Early Involvement and Communications With Respondent Populations:* Current Title III grantees were given a synopsis of new legislative requirements at technical assistance workshops in Fall 1980.

(t) *Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request:* Applicants will have 60 days from publication of Notice of Closing.

(u) *Specific Justification for a Multi-Year Approval:* The Strengthening Institutions Program is authorized for five years. This form will be required for applicants for grants under the program in each of the five years. Only minor or technical changes to the form are expected.

Date Activity Plan Summary

(a) *Title of the Proposed Activity:* Application for Aid to Institutions with Special Needs Program.

(b) *Name of the Sponsoring Agency/ Bureau/Office:* Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) *Agency Form Number:* ED 852.

(d) *Justification:* The Division will use the information to evaluate the needs of the applicants for assistance under the Aid to Institutions with Special Needs Program.

(e) *Description of Survey Plan:* Not applicable.

(f) *Tabulation and Publication Plan:* Not applicable.

(g) *Time Schedule for Data Collection and Publication:* Time of collection—Winter. Time of Selection of Grantees—Spring.

(h) *Consultations Outside the Agency:* Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
College and university	500	60

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $165,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The Division will use the information in its grant award process in order to determine (1) which applicants will receive grants, and (2) the total amount of any grant that may be awarded, in keeping with the objectives and priorities of the Aid to Institutions with Special Needs (Special Needs) Program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall carry out a program of short-term Federal assistance to strengthen the planning, management, and fiscal capabilities of institutions with special needs." Sections 321–324, Title III of the Higher Education Act of 1965, as amended.

(o) Timetable For Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 30,000 person-hours, $390,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Division of Institutional Development, Office of Institutional Support, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Current Title III grantees were given a synopsis of new legislative requirements at technical assistance workshops in Fall 1980.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Applicants will have 60 days from publication of Notice of Closing.

(u) Specific Justification for a Multi-Year Approval: The Special Needs Program is authorized for five years. This form will be required for applicants for grants under the program in each of the five years. Only minor or technical changes to the form are expected.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Challenge Grant Program.

(b) Name of the Sponsoring Agency/ Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number: ED–853.

(d) Justification: The Division will use the information to evaluate the needs of the applicants for assistance under the Challenge Grant Program.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plan: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Time of Collection—Winter. Time of Selection of Grantees—Spring.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
College and university	200	80

(j) Sensitive Questions: Not Applicable.

(k) Estimate of Cost to Federal Government: $100,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The Division will use the information in its grant award process in order to determine (1) which applicants will receive grants, and (2) the total amount of any grant that may be awarded, in keeping with the objectives and priorities of the Challenge Grant Program.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall carry out a program of special assistance to qualifying institutions to improve and strengthen the institution's academic quality, and their planning, management and fiscal capabilities." Sections 331 and 332, Title III of the Higher Education Act of 1965, as amended.

(o) Timetable for Dissemination of Collected Data: Not Applicable.

(p) *Estimate of the Total Person-Hours and Costs Required To Complete the Request:* 12,000 person-hours, $120,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: Division of Institutional Development, Office of Institutional Support, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. (Not currently available—must be developed.)

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Current Title III grantees were given a synopsis of new legislative requirements at technical assistance workshops in Fall 1980.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Applicants will have 60 days from publication of Notice of Closing.

(u) Specific Justification for a Multi-Year Approval: The Challenge Grant Program is authorized for five years. This form will be required for applicants for grants under the program in each of the five years. Only minor or technical changes to the form are expected.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Request for Institutional Eligibility Under the Higher Education Act of 1965, as Amended.

(b) Name of the Sponsoring Agency/ Bureau/Office: Education Department, Office of Postsecondary Education, Eligibility and Agency Evaluation Staff, Institutional Eligibility Section.

(c) Agency Form Number: ED Form 1059.

(d) Justification: Under the Higher Education Act of 1965, as Amended, the Secretary of Education must determine which postsecondary institutions are eligible to receive Federal funds for the institution or for its students. Over 25 programs are authorized under this Act, and these programs are administered by three separate organizations of the Office of Postsecondary Education. An institution can be declared eligible only if it meets the various criteria contained in the statutes and regulations. ED Form 1059 is used by the Secretary to help determine which, if any, of the appropriate definitions are met by an applicant postsecondary institution. For initial eligibility, an institution needs to complete Form 1059 only once, since the form includes the five basic eligibility requirements which most institutions must meet. The requirements include: (1) admission requirements; (2) legal authorization to operate by the State; (3) length of program, or degree granted; (4) form of control: public, nonprofit or proprietary; and (5) accredited status.

(e) Description of Survey Plan: An institution requests the ED 1059 in order to be declared eligible to apply for participation in the Higher Education Act of 1965, as Amended.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Institutions complete the ED Form 1059 as needed in order to obtain or to maintain benefits under the Higher Education Act of 1965, as Amended.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities, Nonpublic Junior Colleges, Public Junior Colleges, Vocational/Technical Career, Postsecondary Institutions	1,000	1

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $10,000.

(l) *Detailed Justification of How Information Once Collected Will Be Used:* Program Management—The data requested on ED Form 1059 will continue to be used to determine eligibility of institutions of postsecondary education to participate in programs authorized by the Higher Education Act of 1965, as Amended. Depending on the conditions which the institution meets, it will be determined to be eligible to receive funds for itself or for its students under one or more applicable Education Department programs.

(m) *Method of Analysis:* Not Applicable.

(n) *Legislative Authority Specifically Requiring or Allowing the Data Collection:* Section 1201 (a) of the Higher Education Act of 1965, as amended (Pub. L. 89–329) provides that an institution which is not accredited may be eligible to participate in the programs authorized under the Act if it ". . .is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited."

(o) *Timetable for Dissemination of Collected Data:* Not Applicable.

(p) *Estimate of the Total Person-Hours and Costs Required to Complete the Request:* Total Person-Hours, 1,000. Total Costs Required, $7,000.

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(q) *Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data:* Not Applicable.

(r) *Copy of the Exact Data Instrument:* Copy of ED–1059 can be obtained from:

Mr. Joseph M Hardman, Chief, College Eligibility Unit, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, Education Department, Washington, D.C. 20202, or

Mrs. Peggy J. Whitehead, Acting Chief, Occupational School Eligibility Unit, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, Education Department, Washington, D.C. 20202

(s) *Brief Acount of Early Involvement and Communications With Respondent Populations:* Not Applicable.

(t) *Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request:* Institutions that wish to benefit from the program authorized under the Higher Education Act of 1965, as amended, complete ED Form 1059 once. Eligibility for the programs is then determined. The form is also used to renew basic information about an eligible institution.

(u) *Specific Justification for a Multi-Year Approval:* The ED Form 1059 is a routine administrative form that is used to determine the eligibility of institutions of postsecondary education to participate in the programs authorized by the Higher Education Act of 1965, as amended. An institution may be determined eligible to participate in over 25 programs on the basis of the data requested on the form. The form is completed once by an institution unless the Education Department wants to renew basic information. The form represents a minimal burden for institutions, since it requires approximately 60 minutes for completion on the average. ED Form 1059 has been successfully used by the Institutional Eligibility Section to determine the eligibility status of institutions of postsecondary education.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Procedure for Qualification under Three-institutional-Certification Method (as an alternative to accreditation); Transfer Credit Letter.

(b) Name of the Sponsoring Agency/bureau/office: Education Department, Office of Postsecondary Education, Eligibility and Agency Evaluation Staff, Institutional Eligibility Section.

(c) Agency Form Number: ED Form 1261.

(d) Justification: Section 1201(a) of the Higher Education Act of 1965, as amended Pub. L. 89–329) provides that an institution which is not accredited may be eligible to participate in the programs authorized under the Act if it ". . . is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited."

(e) Description of Survey Plan: The Transfer Credit Letter is requested by unaccredited institutions of higher education as an alternative to satisfying the accreditation element of eligibility in defining an "institution of higher education" for purposes of participating in programs established under the Higher Education Act of 1965, as amended.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Institutions request the Transfer Credit Letter, as needed.

(h) Consultations Outside the Agency: Not applicable because the legislation specifies the requirements.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities Nonpublic Junior Colleges, Public Junior Colleges, Vocational/Technical/ Career Postsecondary Institutions....	300	.25

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $100.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management use—The information is used as a reference to determine if the institution should be declared eligible to apply for participation in programs authorized by the Higher Education Act of 1965, as amended.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 1201(a) of the Higher Education Act of 1965, as amended (Pub. L. 89–329) (see item (d)).

(o) Timetable for Dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-hours and Costs Required to Complete the Request: Total Person-hours, 75. Total Costs, $750.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: The Transfer Credit Letter may be obtained from: Mr. Joseph M. Hardman, Chief, College Eligibility Unit, Institutional Eligibility Section, Eligibility and Agency Evaluation Staff.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Not Applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Institutions request the Transfer Credit Letter at their convenience.

(u) Specific Justification for a Multi-Year Approval: The Transfer Credit Letter is specifically required by Section 1201(a) of the Higher Education Act of 1965, as amended (Pub. L. 89–329). It is a routine procedure used by a small number of institutions that are unaccredited. It has been successfully used in the past as an alternative to accreditation for unaccredited institutions to participate in programs authorized by the Higher Education Act of 1965, as amended.

Data Activity Plan Summary

(a) Title of Proposed Activity: Capacity Building for Statistical Activities in State Agencies (Provides grants to State agencies responsible for elementary and secondary, post-secondary, and vocational education to improve and automate their education statistical and data collection activities).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, Division of Statistical Services, Federal-State Coordination Branch.

(c) Agency Form Number: ED (NCES) 2413.

(d) Justification: (1) The report form, in this case, is actually the application form for the capacity building grants described in (a) above. Pub L. 93–380, as amended, authorizes NCES to make technical assistance grants to State agencies responsible for education.

(2) The information received will provide the basis for making grant awards to the applicants on a competitive basis.

(3) Grant applications must be submitted annually on a competitive basis and this year's capacity building grants have revised regulations, and, more important, new criteria for making final selections for grant awards.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not Applicable.

(h) Consultations Outside the Agency: (1) Program material was discussed with the following persons:

Jane Ryland, Director SHEEO/NCES Communication Network representing the State Higher Education Executive Officers;

George Rush, Director, Joint Data Project representing the Council of Chief State School Officers;

Assistant Secretary for Educational Research and Improvement June Schuchardt, Office of the General Counsel.

The following State Education Agency Officials:

John Stiglmeier, New York
Joanne Kearney, South Carolina
Alan Hill, North Carolina
John Allan, Missouri

(i) Estimation of Respondent Reporting Burden:

	Number	Estimate of average person-hours
State education agencies	75	40

(j) Sensitive Questions: No sensitive questions are included.

The grant applications will become public information after the awards have been made. Each will be seen only by 3 selection panel members and 2 Federal program personnel until that time.

(k) Estimate of Cost to Federal Government: $50,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary purpose of collecting the informatioin in the grant applications and proposals is, of course, to evaluate and rank them to make competitive grant awards. In the program management sense, ideas may be obtained to help develop alternative methods of technical assistance to the States. Also, the adaptation or replication of procedures developed as a result of the grants will be helpful to agencies in other States.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Center shall * * * assist State and local educational agencies in improving and automating their statistical and data collection activities * * *." (Section 406 (b) (3) and (e) of the General Education Provisions, Section 501 (a) of Pub. L. 93–380, 88 Stat. 556, 557, as amended, 20 U.S.C. 1221e–1(b) (3) and (e)).

"The Capacity-Building Program is a program under which statistical capabilities of State agencies are to be built by facilitating improvements in or automation of their statistical systems." (Part 726.01 of Title 34 CFR)

(o) Timetable for Dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 3000 total person-hours; $30,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: The grants must be awarded before July 31, 1981, in order to avoid restrictions on end-of-year expenditures. $1,300,000 has been set aside for the grant awards this year. These grants which have been awarded to 39 States during the past three years have had a major impact in improving the States' education information systems and in reducing their data burden and concomitant costs.

(r) Copy of the Exact Data Instrument: Mr. MacKnight Black, National Center for Education Statistics, U.S. Department of Education, 901 Presidential Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: We have had frequent and continued communication with the Council of Chief State School Officers (CCSSO) and the State Higher Education Executive Officers (SHEEO) through conferences and contacts with Ms. Ryland and Mr. Rush mentioned in (h) above. Also, the capacity-building program has been on the agenda of periodic meetings of CCSSO and SHEEO. We also met on November 25, 1980 with the Four SEA officials listed in (h) above. During these contacts the proposed changes in the regulations and criteria were discussed. Modifications were made as a result.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The capacity-building grant application forms will be mailed to the State education agencies in February of 1981. The States will be given 45 days to submit their applications. This will provide them with sufficient time to prepare the forms; they have had experience in preparing the forms during the previous three years.

(u) *Specific Justification for a Multi-Year Approval:* It is expected that the revised regulations governing the capacity-building program will be finalized in FY 1981, with the application form not changing for a few years after that thereby establishing the application form as routine. The form represents a relatively small burden for the respondents, especially considering that successful applications result in grant awards. Furthermore, the form has been used successfully for the past three years minus the revisions in the form. The program was mandated by Pub. L. 93–380, as amended.

[FR Doc. 81–5611 Filed 2–13–81; 4:15 pm]

BILLING CODE 4000–01–M

Data Acquisition Activities Involving Educational Agencies and Institutions and Request for Comments

AGENCY: Department of Education.

ACTION: Notice of data acquisition activities involving educational agencies and institutions and request for comments.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95–561, require public announcement of and solicitation of comments on certain data requests that Federal agencies address to education agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during School Year 1981–82. The data acquisition activities that are covered by this Act are subject to review and approval by the Secretary in accordance with procedures approved by the Federal Education Data Acquisition Council (FEDAC).

DATES: Comments must be received by March 23, 1981.

ADDRESSES: Comments should be addressed to the appropriate project sponsor listed in item (r) of each of the data activity plan summaries.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace R. McPherson, Division of Education Data Control, (Room 4522 Switzer), 400 Maryland Avenue, SW, Washington, D.C. 20202 Telephone: (202) 472–3554. The contact persons listed under item (r) in each individual summary are the ones to whom questions concerning a data acquisition activity and request for copy of the exact data instrument should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

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(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated this authority to the Assistant Secretary for Management.

Interim FEDAC review procedures were published on August 8, 1979 (44 FR 46535), which are now effective. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

Data activity plan summaries of proposed data acquisition activities for School Year 1981–82 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before the end of the comment period. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for School Year 1981–82 will be published by February 15, 1981.

Dated: February 13, 1981.

T. H. Bell,

Secretary of Education.

Data Activity Plan Summary

(a) Title of Proposed Activity: Annual Count of Eligible Handicapped Children in Schools Operated or Supported by State Agencies.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education/Office of Special Education.

(c) Agency Form Number: ED Form 9052.

(d) Justification: "* * * the maximum basic grant which that agency shall be eligible to receive under this title for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance as determined by the Commissioner * * *" (Pub. L. 89–313; 20 U.S.C. 241c–1) This form is used to collect data necessary to allocate Pub. L. 89–313 funds to State agencies serving handicapped children.

(e) Description of Survey Plan: Respondents include State agencies providing special education services to handicapped children in the 50 states, D.C., Puerto Rico, and the Territories.

(f) Tabulation and Publication Plans: These data are summarized and reported on a State-by-State basis in the annual report to Congress in January of each year.

(g) Time Schedule for Data Collection and Publication: Data are collected by State agencies from their programs on October 1 of each year. Each State agency aggregates and reports this to OSE by November 15. The results are published in the annual report to Congress approximately 14 months later.

(h) Consultations Outside the Agency: This form has been reviewed with the Committee on Evaluation and Information Systems of the Council of Chief State School Officers.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State agencies providing special ed	145	1

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $5000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report is used to determine the amount of the grant award that a State agency is eligible to receive.

(m) Methods of Analysis: Tabulations of descriptive data will be reported for each State.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "* * * the maximum basic grant which that agency shall be eligible to receive under this title for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance as determined by the Secretary * * *."

(Pub. L. 89-313; 20 U.S.C. 241c–1)

This form is used to collect data necessary to allocate Pub. L. 89–313 funds to State agencies serving handicapped children.

(o) Timetable for Dissemination of Collected Data: Data will be available to users approximately 2 months after all State agencies have submitted the form.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request: Person-hours: 145. Costs: $1500.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Contact: Dr. Lou Danielson, Office of Special Education, 400 Maryland Avenue, SW., Room 4737 Donohoe Building, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Data instrument has been reviewed with the Special Education Task Force of the Data Acquisition Subcommittee of CEIS.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection will take place on October 1, 1981. Since this is a recurring data requirement, States will have ample lead time to respond to this activity.

(u) Special Justification for a Multi-Year Approval: Since this instrument is a recurring and routine administrative form which represents minimal burden, a 3-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Standard Application (Non-construction) for the Migrant Education Program, Title I, Elementary and Secondary Education Act.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362.

(d) Justification

"Sec. 141. (a) Entitlement.—A State educational agency or a combination of such agencies shall, upon application, be entitled to receive a grant for any fiscal year under this part to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers or of migratory fishermen which meet the requirements of Section 142."

"Section 142. (a) Requirements for Approval of Application.—The Secretary may approve an application submitted under Section 141(a) . . ."

(20 U.S.C. 2761–2763, the Elementary and Secondary Education Act, as amended by Pub. L. 95–561)

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Data Burden:

Respondent type	Number	Estimate [illegible] average man-hours per respond- [illegible]
State education agencies	49	[illegible]
Local education agencies	1,200	[illegible]

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of how Information Once Collected Will Be Used: This information will be used to determine grant eligibility and compliance with applicable regulations.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) Legislative Authority—see item (d). (Sec. 141(a) of the Elementary and Secondary Education Act, as amended by Pub. L. 95–561, 20 U.S.C. 2761–2763).

(2) Regulatory Authority—"to receive a grant, an SEA shall submit to the Secretary an application. . . ."

(34 CFR Section 204.10 ESEA, Title I Migrant Education Program Regulations, April 3, 1980).

(o) Timetable for Dissemination of Collected Data: Date of Availability: October 1, 1981.

Method of Dissemination: (1) Each State education agency will conduct a 30 day comment period on the State application prior to submittal to the U.S. Department of Education. (2) Completed OE Form 362's will be available for perusal upon request.

Data to be disseminated: All respondents will be required to provide information requested on the standard non-construction application for Federal assistance, including the standard face page SF–242. Part IV, the Program Narrative incorporates requests for information based on statutory and regulatory needs.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request:

Respondent	Person-hours	Cost
State education agency	[illegible]	$16,240
Local education agency	24,000	[illegible],000

(q) Evidence of Any Urgent Need of Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained by contacting the Office of Migrant Education, Department of Education, 400 Maryland Avenue, SW, Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: A notice of Closing Date was published on December 23, 1980 in the **Federal Register** indicating that State applications should be received by the Office of Migrant Education on or before April 15, 1981, for migrant education programs beginning in July or October 1981. An applicant may request a waiver of the closing date with a written justification for the change.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Standard Financial Status Report for the Title I, Section 141, Migrant Education Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362–1.

(d) Justification: Grantees are required to make a financial status report in compliance with the Education Department General Administrative Regulations.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Data Burden:

Respondent type	Number	Person-hours
State education agencies	49	5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of How Information Once Collected Will Be Used: Financial Status Reports must be received from each applicant within 90 days after completion of the project to assure compliance with fiscal accounting requirements as prescribed by EDGAR.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Grantees shall use Standard Form 269, Financial Status Report, to report the status of funds for all non-construction grants * * *" (34 CFR, Part 74, Section 74.73 (a)).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: A total of 250 person-hours is estimated to meet this requirement at a cost of $3,650.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the financial status report may be obtained from the Office of Migrant Education, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202, Vidal A Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: The Office of Migrant Education has conducted workshops at national and regional conferences and it has distributed directions to inform and assist grantees regarding the financial reporting requirements.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Financial Status Reports

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are due within 90 days after completion of the project.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Indian Student Certification.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 506.

(d) Justification: Entitlement grants to Local Educational Agencies under Part A of the Indian Education Act are made on the basis of the number of eligible Indian children enrolled in the LEAs' schools. An LEA must have a student certification on file for each child it counts for its entitlement grant. The form must be signed by the child's parents. The information required on the form is mandated by Section 453(c) of the Indian Education Act, as amended by Pub. L. 95–561. There is no other source for this information. However, parents have to fill out the form only once for a child so long as that child remains in the LEA. Since the forms were first required in 1980–81, the bulk of the burden was in that year.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Date Collection and Publication: Not Applicable.

(h) Consultations Outside the Agency: This form is required by statute. In developing the form—its format and instructions—the Department consulted with staff members of appropriate congressional committees and member's of the National Advisory Council of Indian Education.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Parents	28,000	0.5

(j) Sensitive Questions: There are no sensitive questions on this form. LEAs are responsible for maintaining confidentiality. Forms may be shared with the elected parent committee for a Part A project only if the parent gives permission by signing the appropriate line on the form.

(k) Estimate of Cost to Federal Government: Since the initial cost of printing and distributing the forms took place in the school year 1980–81, the cost for 1981–82 is expected to be minimal—$2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information collected serves three purposes:

1. The forms are used by LEAs to determine the number of eligible Indian children enrolled in their schools. This number determines the amount of funds an LEA will receive from Part A of the Indian Education Act.

2. The Congress requested through its report accompanying Pub. L. 95–561, that the Department of Education provide a profile of the kinds of Indian children being served under the Indian Education Act. These forms provide the information necessary for describing that profile.

3. The Congress has also mandated, through Pub. L. 95–561, that the Department of Education conduct program audits of at least one-third of the Part A projects annually. One of the purposes of the audits is to determine whether or not the students being counted and served are "boan fide recipients." These forms will be reviewed by Department personnel conducting those audits to make that determination.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"Section 453(c). On the form establishing a child's eligibility for entitlement under Part A of this Act, the Secretary shall request at least the following information on the student eligibility form:

(1) the name of the tribe, band, or other organized group of Indians with which the applicant claims membership, along with the enrollment number establishing membership (where applicable), and the name and address of the organization which has updated and accurate membership data for such tribe, band or other organized group of Indians; or, if the child is not a member of a tribe, band, or other organized group of Indians, the student eligibility form shall bear the name, the enrollment number (where applicable) and the organization (and address thereof) responsible for maintaining updated and accurate membership roles of any of the applicant's parents or grandparents, from whom the applicant claims eligibility;

(2) whether the tribe, band, or other organized group of Indians with which the applicant, his parents, or grandparents claim membership are federally recognized;

(3) the name and address of the parent or legal guardian;

(4) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

(5) any other information which the Secretary deems necessary to provide an accurate program profile."

(Pub. L. 92–318, Section 453(c) as amended by Pub. L. 95–561, section 1148)

(o) Timetable for Dissemination of Collected Data: This data will not be disseminated. LEAs must have forms on file by the time they submit their annual applications, usually in January, prior to the project year.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Data: 14,000 Total Person-Hours at a cost of $56,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Indian Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement With Respondent Populations: Form was shared with grantees and parent respondents over a year prior to required use. Workshops run by the Office of Indian Education over the past 1½ years have included instructions on responding to the form.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Only parents who have not filled out a form for their child prior to this time will have to respond to the form in 1981–82. School districts will have been using the forms for 2½ years by the time any new forms are due for 1981 applications.

(u) Specific Justification for a Multi-Year Approval: The information collected by this form is required by statute. School districts must submit an annual count of their Indian students in order to receive entitlement grants under Part A of the Indian Education Act. The count is based on the number of student certification forms on file at the time of application submission.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Seventh Annual data Collection in Response to Section 406A of the General Education Provisions Act.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Program Evaluation, Office of the Director.

(c) Agency Form Number: ED Form 511.

(d) Justification: (1) This data collection is mandated by Section 406A of the General Education Provisions Act.

(2) The collected data item specifically described in legislation are used by the sponsor to prepare the mandated annual report to the Congress.

(3) Similar data are not available.

(e) Description of Survey Plan: (1) The respondent universe is composed of the State education agencies and other State and Federal agencies which administer Federal formula grant education programs.

(2) The data collection requires a total response for all applicable data items from all respondents. Pretest is not used. Non-response is handled by informal and formal communication with the respondent.

(3) Data collection is performed in-house.

(f) Tabulation and Publication Plans: By law the mandated report is to be submitted to the Congress by March 31, 1982. Copies of the report will then be published by the Government Printing Office.

(g) Time Schedule for Data Collection and Publication: (1) Time schedule is mandated in law. Data collection forms are to be submitted to respondents after October 1, 1981. Respondents are required to return forms by December 31, 1981. Report is to be submitted to the Congress by March 31, 1982.

(2) The expected elapsed time between completion of data collection and issuance of first published results is three months.

(h) Consultations Outside the Agency: (1) Material pertinent to this data collection is regularly submitted to representatives of the Committee on Evaluation and Information Systems of the Council of Chief State School Officers.

(2) No information concerning availability of records or reportability of data has been provided by respondent groups.

(3) Regular consultation through Department of Education channels is conducted with the Council of Chief State School Officers.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	51	120
Federal agencies	1	[illegible]
State library agencies	30	[illegible]
State vocational education directors	6	40
Adult education administrators	2	10

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to the Federal Government: (1) The estimated cost of complying with the mandated data collection and preparation of the Congressional report is $100,000.

(2) Data are not collected to serve administrative or management uses.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information once collected is used for the two purposes specified in law: to produce an annual report to the Congress, and to assist the States in making the information publicly available. In past years, public and private agencies have been known to make use of the collected information. The Office of Program Evaluation has provided this information on request as intended in the law. Information describing the end uses of this data is not required to be collected.

(m) Methods of Analysis: Data are aggregated to State and national totals. Data are presented in various analytical tables as cross-tabulations by main classifications. In two tables, data are aggregated to county level in order to make analytical comparisons with Federal revenue sharing data collected at county level.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406A, General Education Provisions Act, states:

Responsibility of States To Furnish Information

(a) The secretary shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall:

(1) List all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) Include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriate Act or Acts these funds were available;

(3) With respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) With respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

(5) Be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

(b) On or before March 31 of each year, the Secretary shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom.

((20 U.S.C. 1232f) Enacted August 21, 1974, Pub. L. 93–380, sec. 512(a), 88 Stat. 571)

(o) Timetable for Dissemination of Collected Data: Collected data will be available to users on or about March 31, 1982. Data will be available in the form of a copy of a magnetic tape data file which may be purchased from the tape library of the National Center for Education Statistics.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that completing this request will require a total of approximately 6640 person-hours. At an average cost of $10 per person-hour, total cost would be $66,400.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies of the data instrument may be obtained from the Office of Program Evaluation, Room B–442, Trans Point Building, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Early involvement and continuous communications have been maintained through formal channels of the Department of Education with the Committee on Education and Information Systems of the Council of Chief State School Officers, representing the respondent populations.

(t) Assurances That Respondents Will Have Sufficient Lead Time To Comply With Request: According to law, response to the request is scheduled for the period between October 1 and December 31, 1981. Respondents will have sufficient time to comply with the request for the following reasons: (1) No new systems are required, since the needed information is currently developed by respondents in their routine administration of federal education program formula grant funds; (2) Since this will be the seventh consecutive such data collection respondents are by now thoroughly experienced in complying with this mandatory requirement of law.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is requested since this request is repeated yearly and routinely.

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Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Career Education Descretionary Programs.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education.

(c) Agency Form Number: ED Form 692.

(d) Justification: In the procedure for awarding Federal grants, some criteria by which an applicant may be judged eligible or ineligible for Federal funds must be devised. An application form serves this function. The data collected in an application form are therefore necessary to program operation. Application information will be used to determine eligibility for grant awards in Career Education discretionary programs.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Date Collection and Publication: Not Applicable.

(h) Consultations Outside the Agency: Previous grantees were consulted. Consultation with the Committee on Evaluation and Information Services of the Council of Chief State School Officers has been initiated.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies, local education agencies, colleges and universities, nonprofit organizations	150	40

(j) Sensitive Questions: Not Applicable.

(k) Estimate of Cost to Federal Government: $2,960.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information will be used to determine an applicant's eligibility for grant awards, and for determining the amount of award if applicant is found to be eligible.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

Sec. 10. (a) From funds reserved under Section 5(a)(2)(A) of this Act, the Secretary is authorized to make grants directly to State and local educational agencies, institutions of postsecondary education, and other nonprofit agencies and organizations to support projects, including projects of proven effectiveness, to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models particularly projects designed to eliminate bias and stereotyping on account of race, sex, age, economic status, or handicap.

Sec. 11. (a) The Secretary is authorized to arrange by way of grant, contract, or other arrangement with institutions of higher education, public agencies and nonprofit private organizations for the conduct of postsecondary educational career demonstration projects which—

(1) may have national significance or be of special value in promoting the field of career education in postsecondary education programs,

(2) have unusual promise of promoting postsecondary career guidance and counseling programs, particularly postsecondary guidance and counseling programs designed to overcome bias and stereotyping on account of race, sex, age, economic status, or handicap, or

(3) show promise of strengthening career guidance, counseling, placement, and followup services.

(b) The Secretary shall approve arrangements under subsection (a) of this section if he finds—

(1) that the funds for which assistance is sought will be used for one of the purposes set forth in subsection (a) of this section, and

(2) that effective procedures, including objective measurements, will be adopted for evaluating at least annually the effectiveness of the project * * *"

(Pub. L. 95-207; 20 U.S.C. 2809-10)

(o) Timetable for Dissemination of Collected Data: Data are for Office of Career Education program use. Applications which receive grant awards are available to the public.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 6,000 person-hours, $72,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from: John Lindia, Deputy Director, Office of Career Education, Room 3100, ROB #3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Previous career education grantees were consulted and they found the estimated burden to be a fair estimate.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: A notice announcing the grant competition is published in the **Federal Register** prior to the Office of Career Education application deadline.

(u) Specific Justification for a Multi-Year Approval: This is a routine administrative form representing a small burden to respondents. It is required by law and regulation. Therefore, a two-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grant under HEP (High School Equivalency Program).

(b) Name of Sponsoring Agency/Bureau/Office: Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education.

(c) Agency Form Number: ED 819.

(d) Justification: Section 418A of the Higher Education Act of 1965, as amended, authorizes the Secretary of Education to maintain and expand secondary and postsecondary high school equivalency program and college assistance migrant program projects (HEPs and CAMPs). These programs are currently funded and housed through institutions of higher education and are designed to provide higher educational opportunities to migrant and seasonally employed farm workers.

Although originally funded through the Comprehensive Employment and Training Act of 1973, the programs were transferred from the Department of Labor to the Department of Education with the transition that took place in May 1980. As such, the grants were funded for Fiscal Year 1980 using Department of Labor grant award procedures.

In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed services.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: All data to be considered with regard to the funding of projects will be gathered directly from respondent groups. The applicants will also have to comply with OMB Circular A-95 clearinghouse procedures.

(i) Estimate of Respondent Data Burden: The estimation of respondent data burden was gathered from the current 17 grantees of the programs after their review of the draft application.

Respondent type	Number	Estimate of average person-hours
Postsecondary Schools	100	20

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost of the data collection for application and financial reporting purposes is $29,700.

(l) Detailed Justification of How Information Once Collected Will be Used: The data will be used by the Secretary in making the determination of which grant applications to fund to provide services through the High School Equivalency Program.

(m) Methods of Analysis: See evaluation plan.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall maintain and expand existing secondary and post-secondary high school equivalency program and college assistance migrant program projects * * *" (Section 418A of the Higher Education Act, as amended by Pub. L. 96-374, 20 USC 1070d-2).

(o) Timetable for Dissemination of Collected Data: Applications will be due in the Office of Migrant Education in Spring, 1982.

(p) Estimate of Total Person-Hours and Cost Required to Complete the Request: The total person-hours required to complete the request in 2000 and the total cost estimated to be $4,000.

(q) Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Migrant Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondent population has attended a national Migrant Education Conference in December 1980, to receive technical assistance in the preparation of applications and reports.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With the Request: A Notice of Closing Date is expected to be published in the **Federal Register** indicating the application should be received by the Office of Migrant Education on or before the application deadline date. At least thirty days will be provided to make application.

(u) Specific Justification for a Multi-Year Approval: Not applicable

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grant under CAMP (College Assistance Migrant Program)

(b) Name of Sponsoring Agency/Bureau/Office: Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education.

(c) Agency Form Number: ED 819-1.

(d) Justification: Section 418A of the Higher Education Act of 1965, as amended, authorizes the Secretary of Education to maintain and expand secondary and postsecondary high school equivalency program and college assistance migrant program projects (HEPs and CAMPs). These programs are currently funded and housed through institutions of higher education and are designed to provide higher educational opportunities to migrant and seasonally employed farmworkers.

Although originally funded through the Comprehensive Employment and Training Act of 1973, the programs were transferred from the Department of Labor to the Department of Education with the transition that took place in May 1980. As such, the grants were funded for Fiscal Year 1980 using Department of Labor grant award procedures.

In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed services.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: All data to be considered with regard to the funding of projects will be gathered directly from respondent groups. The applicants will also have to comply with OMB Circular A-95 clearinghouse procedures.

(i) Estimate of Respondent Data Burden: The estimation of respondent data burden was gathered from the current 17 grantees of the programs after their review of the draft application.

Respondent type	Number	Estimate of average person-hours
Postsecondary schools	100	20

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost of the data collection for application and financial reporting purposes is $29,700.

(l) Detailed Justification of How Information Once Collected Will be Used: The data will be used by the Secretary in making the determination of which grant applications to fund to provide services through the College Assistance Migrant Program.

(m) Methods of Analysis: See evaluation plan.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall maintain and expand existing secondary and postsecondary high school equivalency program and college assistance migrant program projects.* * *" (Section 418A of the Higher Education Act, as amended by Pub. L. 96-374, 20 USC 1070d-2).

(o) Timetable for Dissemination of Collected Data: Applications will be due in the Office of Migrant Education in Spring, 1982.

(p) Estimate of Total Person-Hours and Cost Required to Complete the Request: The total person hours required to complete the request is 2000 and the total cost estimated to be $4,000.

(q) Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Migrant Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondent population has attended a national Migrant Education Conference in December 1980, to receive technical assistance in the preparation of applications and reports.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With the Request: A Notice of Closing Date is expected to be published in the **Federal Register** indicating the application should be received by the Office of Migrant Education on or before the application deadline date. At least

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thirty days will be provided to make application.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status Report and Performance Report for HEP or CAMP (High School Equivalency Program or College Assistance Migrant Program).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 819-2.

(d) Justification: Grantees are required to file a financial status report and a performance report in compliance with the Education Department General Administrative Regulations (EDGAR).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: 90 days after grant period.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Data Burden:

Respondent type	Number	Person-hours
Postecondary Schools	80	6

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of how Information Once Collected Will Be Used: The data will be used to assure grantee compliance with fiscal and performance reporting requirements as specified in EDGAR.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing Data Collection: "Grantees shall use Standard Form 269, Financial Status Report, to report the Status of funds for all non-construction grants * * *" (34 CFR, Part 74, § 74.73(a)). "* * * the granting agency will require the grantee to submit a performance report * * *" (34 CFR, Part 74, § 74.82(a)).

(o) Timetable for Dissemination of Collected Data: Financial Status Reports and Performance Reports are due within 90 days after completion of the project.

(p) Estimate of Total Person-Hours and Cost Required To Complete the Request: The total person-hours needed to complete this requirement is 100 at an estimated cost of $1,500.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the financial status report and performance report may be obtained from the Office of Migrant Education, Department of Education, 400 Maryland Avenue, SW., Washington, D.C., 20202, . Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communication With Respondent Population: The Office of Migrant Education conducted technical assistance workshops at national conferences on migrant education to assist potential grantees with financial reporting and performance reporting requirements.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Financial status and performance reports will be required annually, 90 days after completion of the grant period (34 CFR, Part 74, § 74.73(d)).

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Standard application for Federal Assistance (non-construction) for the Follow Through Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Compensatory Education.

(c) Agency Form Number: ED Form 4473.

(d) Justification: The Follow Through Program provides funds on an annual basis through discretionary grants to local school systems and sponsoring institutions who are expected to provide a full range of education and comprehensive services to children from low-income families. This application form is necessary in order to make annual grants to applicants. The information contained in the application is used to determine annual funding levels to grantees. In addition, information is extracted from the application which is used to prepare reports for Congress, OMB, and the GAO.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultation Outside the Agency: Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	19	50
Local Educational Agencies	148	50
Organizations Other than Schools or Educational Agencies	2	50

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted.

(k) Estimate of Cost to Federal Government: $1,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: Application form will be used to make funding decisions, monitor compliance, serve as a basis for analyzing program priorities and projecting future program modifications.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"Sec. 551. (a)(1) The Secretary is authorized to provide financial assistance in the form of grants to local educational agencies, combinations of such agencies, and, as provided in paragraph (2) of this subsection, any other public or appropriate nonprofit private agencies, organizations, and institutions for the purpose of carrying out Follow Through programs focused primarily on children from low-income families in kindergarten and primary grades, including such children enrolled in private nonprofit elementary schools, who were previously enrolled in Headstart or similar programs. Other children in kindergarten and primary grades, including such other children enrolled in private nonprofit elementary schools, who were previously enrolled in preschool programs of a compensatory nature which received Federal financial assistance may participate in such Follow Through programs.

"Sec. 553. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public and private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or in otherwise furthering the purposes of this part.

"Sec. 556. The Secretary may provide, directly or through grants or other appropriate arrangements (1) technical assistance to Follow Through programs in developing, conducting, and administering programs under this part, and (2) training for specialized or other personnel which is needed in connection with Follow Through programs.

(Economic Opportunity Act of 1964, as amended by Pub. L. 95-568, 42 U.S.C. 2929)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person hours to respond is estimated to be 5,070 for a total of $50,700.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Rosemary Wilson, Division of Follow Through, Office of Compensatory Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue (7th & D Sts., SW. ROB 3, Room 3624), Washington, D.C. 20202

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Not applicable. These are non-competing continuation grants.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data will be collected in February of 1982, respondent will have approximately 60 days to submit request for funds.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Financial Status and Performance Report—Veterans' Cost-of-Instruction Payments Program.

(b) Agency/Bureau/Office: U.S. Department of Education, Postsecondary Education, Office of Institutional Support, Veterans' Programs Branch.

(c) Agency Form Numbers: ED 261-1-2.

(d) Justification: Public Law 92-318, Higher Education Act of 1965 (as amended), Title X, Section 420, titled Veterans' Cost-of-Instruction Payments to Institutions of Higher Education, provides payments to postsecondary institutions based on their undergraduate veteran enrollment. Payments are based on the number of veterans receiving vocational rehabilitation or educational assistance for undergraduate study and the number of veterans who have participated in special prediscbarge or remedial programs subsidized by the Veterans Administration. An institution receiving funds must establish and maintain a full-time Office of Veterans' Affairs and to provide the services mandated in Section 420(c)(1)(B). Section 189.33 of the Regulations specifies that "within 90 days of the expiration of the academic year for which such assistance was awarded . . . an institution or consortium . . . shall submit a full account of funds expended, obligated and remaining." Items requested in the Performance Report are required either by statute or regulation. Section 189.35 of the Regulations specifies that an annual report by submitted from each participating higher education institution to measure program performance in accordance with the criteria established in Section 189.16 and jointly prescribed by the Secretary of Education and the Administrator of the Veterans Administration.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: The Financial Status and Performance Report package will be mailed to participating postsecondary institutions by June 30 annually.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Institutions of higher education	1,200	1.5

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: Approximate cost for manpower, printing, and distribution=$8,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Financial Status Report—Information will be used as the basis for determining project compliance with eligibility criteria imposed by program legislation; as an effective measure of project accountability as indicated by project accomplishments. Data reported by participating institutions are used by the Branch to insure full accountability for Federal funds awarded and to generate DFAFS/OEFMIS reconciliation computer tapes. Performance Report—Information is used to (1) develop profiles describing institutional services for veterans, the Office of Veterans' Affairs and demographic characteristic; (2) identify differences and similarities in institutions' veteran assistance programs; and (3) describe the degree to which institutions have met the major criteria listed in the Regulations.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 419(c)(1)(A)(iv) of the Higher Education Act of 1965, as amended, indicates that * * * "the applicant will submit to the [Secretary] such reports as the [Secretary] may require by regulation * * *". Section 189.33 of the Rules and Regulations governing the Veterans' Cost-of-Instruction Payments Program stipulates that a participant "* * * shall render annually, * * * a full account of funds expended, obligated, and remaining." Section 189.35 of the Regulations requires that a participant "must submit to the [Secretary] * * * a report describing the manner in which the required veterans' service were provided * * *". (Pub. L. 92-318; 20 U.S.C. 1070e; 1070e-1).

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total Person-hours: 1,800. Total cost to Respondents: $14,400.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Dorothy C. Parker, U.S. Department of Education, Veterans' Programs Branch, 400 Maryland Avenue, SW., Room 3514 ROB No. 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: Information is sent in June of each year to respondents

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The Financial Status and Performance Report package is mailed to respondents in June of each year with instructions indicating that data is due within 90 days of receipt of document.

(u) Specific Justification for a Multi-Year Approval: These are standard forms and will not be subject to change over the years.

Data Activity Plan Summary

(a) Title of Proposed Activity: Referral/Assignment of Defaulted Note(s) National Direct Student Loan Program.

(b) Agency/Bureau/Office: U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grants Branch, Services and Collections Section.

(c) Agency Form Number: ED 553.

(d) Justification: This form was designed to provide the maximum efficiency for full reporting of debtor information for both the institution and the Federal government. The reports will contain a complete statement of the facts and computations which are pertinent under laws and regulations on

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the basis of which the debt was administratively determined.

(e) Description of Survey Plan: Institutions of higher education use the form to transmit defaulted NDSL accounts to the Department of Education under the statutory authority for assignment to the United States or referral for collection assistance under the 1979 amendment.

(f) Tabulation and Publication Plans: Data will be keyed into our computer data base to generate listing of eligible institutions which will then be published in the **Federal Register.**

(g) Time Schedule for Data Collection and Publication: Data collection occurs during the Fall for publication and distribution to participating NDSL institutions during the following summer.

(h) Consultations Outside the Agency: Consultation is made with State Departments of Educations.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours per response
(1) State Educational Agencies	57	10

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Government: The total direct cost of the Federal government (including processing cost and staff personnel) is estimated to be $20,000 per year excluding cost of **Federal Register** publication and distribution.

(l) How Information Collected Will Be Used: The primary use of these forms will be established a sound collection program to reduce the default rate in the National Defense/Direct Student Loan Program and provide a systematic procedure for the deposit of collected sums to the U.S. Treasury in accordance with the statutory provisions for assigned accounts and for the return of appropriate sums collected to the institutions in accordance with the referral authority. For accounts submitted under the assignment authority, the forms will provide information required by the General Accounting Office should the outstanding balance assigned to the U.S. Government be referred to that office for litigation in accordance with standards contained in the Federal Claims Collection Act of 1966 and the implementing joint standards, and to ascertain the performance of due diligence on the part of the lending institution as required. These forms will also provide historical data which will be collected and summarized for informational purposes regarding defaulted notes legally assigned or referred to the U.S. Government by lending institutions under the authority cited in Item (N) below. These data will include the borrower's name, social security number, birth date, address, principal amount loaned, repayment or legal cancellation of principal and interest, outstanding balance and efforts of past collected activity. Summary reports will be categorized by institutional type and control and used to determine defaulted patterns.

(m) Method of Analysis: Data aggregation will be by institutional type and control, State and national. Analysis to determine institutional exercise of due diligence requirements.

(n) Legislative Authority for This Activity:

Provide that where a note or written agreement evidencing a loan has been in default for at least 2 years despite due diligency on the part of the institution in making collection thereon, the institution may assign its rights under such note or agreement to the United States, without recompense, and that in that event any sums collected on such loan shall be deposited in the general fund of the Treasure.

(Sec. 463(a)(5) of the Higher Education Act of 1965, as amended by Pub. L. 92–318, 20 USC 1087cc)

The Secretary is authorized to attempt to collect any loan, which was made under this part and which is in default, referred to him by an institution, with which he has an agreement under subsection (a) of Section 463, on behalf of such institution under such terms and conditions as they may prescribe, including reimbursement for expenses he may reasonably incur in attempting such collection.

(Sec. 467, of the Higher Education Act of 1965, as amended by Pub. L. 96–49

(o) Timetable for Dissemination of Collected Data: Current plans call for quarterly reports to the institutions involved. The first report of borrower's account, name, address, total loan, repayments/cancellations, status and balance due.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request:
3300×05=165×$10=$1,650.

(q) Evidence of any Urgent Need for Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Florence V. Taylor, Chief, Services and Collections Section, Campus and State Grants Branch, DPO, OBPE, Room 4621–ROB #3, Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: None.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Form was submitted by some 2,000 colleges and universities during 1979. Voluntary submission at discretion of the lending institutions and may be submitted at any time.

(u) Specific Justification for a Multi-Year Approval: The legislative authority is open and voluntary for the submission of accounts as long as they meet the criteria of default status.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Report of Defaulted National Direct Student Loans (NDSL).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Division of Program Operations.

(c) Agency Form Number: ED 574.

(d) Justification: Statutory reporting requirement, see item (n).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Report dispatched to participating institutions in late February—See item (o).

(h) Consultations Outside the Agency: Reporting requirements were discussed with Federal Aid Administrators of higher educational institutions and billing services at various times during the past year. The major problem being the reporting burden. They felt the problem existed because the annual report (ED Form 646 Fiscal Operations Report, Part II–NDSL, Section C) on defaulted loans which is required divides the defaulted accounts into five categories. The semi-annual defaulted loan report all defaulted accounts into two categories. Therefore, the institutions had to combine the five categories required annually for June 30, into the two categories which were required for December 31 plus include any additional defaulted accounts for that period. Comments and suggestions were considered in the revision of the form.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
College and universities	3,200	2.5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The total direct cost to the Federal government (including processing cost and staff personnel) is estimated to be $6,144 per year.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report will serve to provide information about the capability of the institutions to establish and administer effective collections programs. The data will be used to determine the effectiveness of the loan activities and to determine whether the institutions are following the steps necessary in the performance of due diligence as stipulated in the regulations. It will also be used in the formula to compute delinquency percentage and potential default rates.

Evaluation: Data collected will allow a standard for measurement of the institution's compliance with established regulations pertaining to collection practices, such as regular billing, follow-up procedures and collection activities. The data will also serve as an additional review of the institution's practices and policies established to meet the due diligence requirements.

Research: The data collected may be used for the purpose of establishing default trends in various types of institutions and for the comparison of default ratios. It will also be used for analysis and studies of defaulted loans by educational organizations and inter-office reviews.

Condition of Education: The data will be summarized and categorized for the use of the Department of Education and organizations associated with the educational community. It will also be used for responding to Congressional inquiries and public dissemination.

(m) Methods of Analysis: Data aggregation will be institutional type and control, State and national.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall: "provide that where a note or written agreement evidencing a note has been in default for (A) one hundred and twenty days, in the case of a loan which is repayable in monthly installments, or (B) one hundred and eighty days, in the case of a loan which is repayable in less frequent installments, notice of such default shall be given to the Secretary (formerly the Commissioner) in a report describing the total number of loans from such fund which are in such default, and made to the Secretary at least semi-annually."

(Pub. L. 92–318, Section 137(b), 20 U.S.C. 1087cc, as amended under Sec. 130(c), Pub. L. 94–482, Education Amendments of 1976, Sec. 463(a), Pub. L. 96–374, Education Amendments of 1980)

(o) Timetable for Dissemination of Collected Data: Reports as of December 31, 1980.

Report Due in ED—March 31, 1982
Tabulation of Data—March 31, 1982–May 15, 1982
Production of Final Summary Tables—May 31, 1982

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The estimated reporting burden per respondent was obtained by comparison with the average number of man-hours required to complete the same number of data cells on a comparable report. Respondent time involves several variables: the length of participation in the NDSL Program and variance in loan schedules used; the availability of information from collection agencies and whether or not the data represents a single entity or multi-campuses. Average person-hours per Respondent 2.5 × 3,200 (Universe) = 8000 total person-hours. Estimated total cost—$30,800.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Robert R. Coates, U.S. Dept. of Education, Bureau of Student Fin. Assist., Campus and State Grants Branch, Rm. 4642/ROB #3/7th & D St., SW., Washington, D.C. 20202

(s) Brief Account of Early Involvement and Communications With Respondent Populations: See item (h).

(t) Assurance That Respondents Will Have Sufficiant Lead Time to Comply With Request: Deadline date will be extended, if sufficient lead time is not afforded.

(u) Specific Justification for a Multi-Year Approval: The NDSL program currently has statutory authority through Fiscal Year 1985.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for grants—International Understanding Program.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Postsecondary Education/Office of International Education.

(c) Agency Form Number: ED Form 675.

(d) Justification: Section 394 of the Elementary and Secondary Education Act, as amended, authorizes the Secretary to make grants to stimulate educational programs to increase the understanding of students and the public in the United States about cultures, actions and interconnections of nations and peoples in order to better evaluate the international and domestic impact of major national policies. This application form will implement the above intent. In addition, it will enable the Department of Education to insure a fair, objective and impartial identification of applicants and will provide necessary information for selection of grantees.

(e) Description of Survey Plan: N.A.

(f) Tabulation and Publication Plans: N.A.

(g) Time Schedule for Data Collection and Publication: Printing of Application in February; Closing Date for Transmittal of Applications will occur in May; Evaluation of applications will be completed within 8 weeks; Negotiation of grants and announcement in September.

(h) Consultations Outside the Agency: Officials from State and local education agencies, institutions of higher education and educational organizations were consulted in the preparation of the original application materials.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	196	5
Education Broadcasting System	20	5
Local Education Agencies	115	5
Non-public junior colleges	5	5
Non-profit Organizations	110	5
Public Junior Colleges	24	5
State Education Agencies	12	5

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $13,000.

(l) Detailed Justification of how Information once collected will be used: Data will be used to determine eligibility for grants and the amount of the grant award on the basis of criteria set out in 34 CFR Part 655 and 34 CFR Part 667.

(m) Methods of Analysis: N.A.

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(n) *Legislative Authority Specifically Requiring or Allowing the Data Collection:* Title III Elementary and Secondary Education Act of 1965 as amended. Part N section 394.

"Sec. 394. (a)(1) The Secretary is authorized by grant or contract, to stimulate educational programs to increase the understanding of students and the public in the United States about the cultures, actions and interconnecuons of nations and peoples in order to better evaluate the international and domestic impact of major national policies. (2) Grants or contracts under this section may be made to any public or private agency or organization, including, but not limited to, institutions of higher education, State and local educational agencies, professional associations, education consortia, and organizations of teachers.

"(b)(1) Financial assistance under this part may be used for assistance to in-service training of teachers and other education personnel, the development of materials to link languages learning to international studies, the compilation of existing information resources about other nations in forms useful to various types of educational programs, and dissemination of information and resources to educators and educational officials upon their request, but such assistance may not be used for the acquisition of equipment or remodeling facilities.

(2) Financial assistance under this part may be used for projects and programs at all levels of education, and may include projects and programs carried on as part of community, adult, and continuing education programs.

"(3) Financial assistance under this part may be used by local educational agencies to introduce instruction in foreign languages designated by the Secretary as having critical importance for the Nation which have not been offered by the schools of the local educational agency in the three academic years preceding the year in which the grant is made."

(o) *Timetable for Dissemination of Collected Data:* Not Applicable.

(p) *Estimate of Total Person-Hours and Costs Required To Complete the Request:* 2,410 person-hours at a cost of $24,100 to respondents.

(q) *Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data:* None.

(r) *Copy of the Exact Data Instrument:* Available from: The Office of International Education, U.S. Department of Education, Washington, D.C. 20202.

(s) *Brief Account of Early Involvement and Communications With Respondent Populations:* A Global Education Task Force, which involved educators from all levels of American education was set up by the Secretary of Education to advise the Department on direction, policy and procedures for the program.

(t) *Assurance That Respondent Will Have Sufficient Lead Time To Comply With Request:* There will be a 60 day lead time for respondent to comply with request.

(u) *Specific Justification for a Multi-Year Approval:* No multi-year approval requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Non-student Borrower Application for a Health Education Assistance Loan.

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education/Bureau of Student Financial Assistance/Division of Policy and Program Development/Health Loan Branch.

(c) Agency Form Number: ED 768.

(d) Justification: When individuals complete medical school, they are referred to in this program as "nonstudents". Nonstudents are eligible to make loans to pay the interest on loans they made as students. The subject form is the document which initiates the loanmaking process for these nonstudents.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: The Student Application for a Health Education Assistance Loan (ED Form 621–2) requests data similar to that asked for in the proposed Nonstudent Application. In formulating the Student Application, numerous meetings and consultations were held with the Student Loan Marketing Association, various financial institutions, and student organizations.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average
Nonstudent Borrower	400	25
Financial Institution	850	50

(j) Sensitive Questions: Pub. L. 95–630 was enacted November 10, 1978 and it included Title XI, The "Right to Financial Privacy Act (RFPA) of 1978", which applies to all financial institutions. The term "financial institution" includes any bank, savings bank, trust company, savings and loan association, or credit union, among others. The Right to Financial Privacy Act regulates any financial institution which provides a Federal agency, ("Government authority") or its agencies with access to, or information contained in, the financial records of a customer.

The RFPA applies to all financial institutions which are lenders in the Health Education Assistance Loan Program because these lenders disclose identifiable information from customer records to the Department of Education or provide the Department of Education access to customer financial records for purposes of program reviews.

Among other provisions, the RFPS requires that when a Federal agency involved in a loan program seeks information from a customer's financial records, it must certify to the financial institution that the Federal agency is complying with the applicable provisions of the RFPA. No further certification is required by the certifying Federal agency during the term of the loan or loan guaranty.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will be Used: The information on the proposed application form will be used for the following program management functions:

1. to assist lenders in determining the amount of the loan.

2. to determine the insurability of the loan under statutory and regulatory guidelines.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative Authority—(42 U.S.C. 194E), Pub. L. 94–484, Section 735(a) which states, "* * * the Secretary may (1) prescribe such regulations as may be necessary to carry out the purposes of this subpart; * * *" Regulatory Authority—Section 126.19, "All forms required under the HEAL Program are provided by the Secretary of Education."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

1. Nonstudents must only give very general information and will be able to complete Section I in less than 15 minutes. There is no cost to them to supply the requested data.

2. The lender will be able to complete the application in approximately one-half hour. Administrative costs to the lender will be approximately $4,000.

3. Total person-hours: 600.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Mr. J. Fred Wells, Health Education Assistance Loan Program, Room 3674, ROB–3, 7th and D Streets, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Student Application for a Health Education Assistance Loan (ED Form 621–2) basically requests the same information as the proposed Nonstudent application. In developing the student application, numerous meetings and consultations were held with various financial institutions and the Student Loan Marketing Association. Attending the meetings were members of health professions organizations, academic institutions and medical student organizations.

(t) Assurance That Respondents Will Have Sufficient Lead time To Comply With Request: Not applicable.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Summary Data Sheet/Listing Form for National Defense/Direct Student Loan Cancellation Benefits.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grants Branch, Services and Collections Section.

(c) Agency Form Number: ED Form 1269–1.

(d) Justification: This form was designed to provide pertinent information to the U.S. Department of Education for compliance and statutory provisions governing both the National Defense/Direct Student Loan Program.

(e) Description of Survey Plan: State educational departments submit the forms for review and acceptance by the U.S. Department of Education.

(f) Tabulation and Publication Plans: Data will be keyed into our computer data base to generate listing of eligible institutions which will then be published in the **Federal Register.**

(g) Time Schedule for Data Collection and Publication: Data collection occurs during the Fall for publication and distribution to participating NDSL institutions during the following summer.

(h) Consultations Outside the Agency: Consultation is made with State Departments of Education.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours per response
(1) State Educational Agencies	57	20

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Government: The total cost to the Federal Government (including processing cost and staff personnel) is estimated to be $20,000 per year excluding cost of **Federal Register** publication and distribution.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary use of these forms will be by the U.S. Department of Education in its review of school's percentages for accuracy in complying with the rules, regulations, statutory provisions governing both programs.

(m) Methods of Analysis: Record keeping requirements to comply with item (e).

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

Note.—Secs. 137 (c) and (d) of Pub. L. 92–318 provide as follows:

(c) In the case of a loan made before July 1, 1972, under title II of the National Defense Education Act of 1958 not to exceed 50 per centum of such loan (1) shall be canceled for service by the borrower as a full-time teacher in a public or other nonprofit elementary or secondary school in an institution of higher education, or in an elementary to secondary school overseas of the Armed Forces of the United States at the rate of 10 per centum of the total amount of such loan for each complete academic year of such service, except that (A) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, as amended, and which for purposes of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located to be a school in which there is a high concentration of students from low-income families, except that (unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such title exceeds 50 per centrum of the total enrollment of the school) the Secretary shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, (B) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, learning disabled, or other health impaired children who by reason thereof require special education) in a public or other nonprofit elementary or secondary school system, and (C) for the purpose of any cancellation pursuant to clause (A) or (B), an additional 50 per centum of any such loan may be cancelled, and (2) shall be cancelled for service by the borrower after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan for each year of consecutive service, but only if such loan was made after April 13, 1970.

(d)(1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965, as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Secretary except as provided in subsection (c), all rights, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Secretary determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E, and any assets of such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Secretary under such part E.

Sec. 465. (a)(1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

(2) Loan shall be cancelled under paragraph (1) for service—

(A) as a full-time teacher for service in an academic year in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purposes of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965 exceeds 30 per centum of the total enrollment of that school and such determination shall not be made with respect to more than 50 per centum of the total number of schools in the State receiving assistance under such title I;

(B) as a full-time staff member in a preschool program carried on under section 222(a)(1) of the Economic Opportunity Act of

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1964 which is operated for a period which is comparable to a full school year in the locality: Provided, that the salary of such staff member is not more than the salary of a comparable employee of the local educational agency, or

(C) as a full-time teacher of handicapped children in a public or other non-profit elementary or secondary school system; or

(D) as a member of the Armed Forces of the United States, for service that qualifies for special pay under section 310 of title 37, United States Code, as an area of hostilities.

For purposes of this paragraph, the term "handicapped children" means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, learning disabled, or other impaired children who by reason thereof require special education.

(3)(A) The per centum of a loan which shall be cancelled under paragraph (1) of this subsection is—

(i) in the case of service described in clause (A), or (C), of paragraph (2), at the rate of 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service;

(ii) in the case of service described in clause (B) of paragraph (2) at the rate of 15 per centum for each year of such service;

(iii) in the case of service described in clause (D) of paragraph (2) not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of qualifying service.

(B) If a portion of a loan is cancelled under this subsection for any year, the entire amount of interest of such loan which accrues for each year shall be cancelled.

(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

(4) For the purposes of this subsection, the term "year" where applied to service as a teacher means academic year as defined by the Secretary.

(b) The Secretary shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for such year. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this subsection.

(o) Timetable for Dissemination of Collected Data: Current plans call for reports and/or data collection after the State education departments have assembled data after the 4th Friday (4th Friday Report). Data is furnished to the U.S. Department of Education for input into data base from which low-income school list is generated.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Estimate of total person-hours is 1140. Cost estimate is $20,000 per year.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A.

(r) Copy of the Exact Data Instrument: Florence V. Taylor, Chief, Service and Collections Section, Campus and State Grants Branch, DPO, Office of Student Financial Assistance, Rm. 4621 ROB No. 3, U.S. Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvment and Communications With Respondent Populations: Contact is established with each State Department of Education.

(t) Assurance That Responderts Will Have Sufficient Lead Time To Comply With Request: Forms are submitted to the State Departments of Education during Fall of each academic year.

(u) Specific Justification for a Multi-Year Approval: The Legislative authority is open until there is a legislative change.

Data Activity Plan Summary

(a) Title of Proposed Activity: Student Application Package for Foreign Language and Area Studies Fellowship.

1. ED Form 7608—The Basic Student Application.

2. ED Form 7610—The Name Card.

(b) Agency/Bureau/Office: Department of Education/Office of Postsecondary Education/Office of International Education.

(c) Agency Form Number: ED Forms 7608 and 7610.

(d) Justification: Quotas of fellowships are assigned to those programs and centers which have successfully competed for quotas of fellowships. It is essentially an individual grant program where the responsibility for the selection of students for fellowships has been mandated to the Secretary of Education or to his/her delegated representative (20 U.S.C. 1122). The role of the university in the selection process is to nominate students for awards. Both the university and the Department of Education use the student application to (a) determine basic student eligibility and (b) evaluate students in accordance with published criteria, as specified in the **Federal Register**.

(e) Descriptions of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: Forms distributed annually in winter and due back in Spring. This summary pertains to the winter of 1981 and annually thereafter.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate average person hours
Students	1,000	1 hour

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Government: $100,000.

(l) Detailed Information on How Information Once Collected Will Be Used: Program Management: The information on the forms will attest to the individual applicant's eligibility and determine his relative competiveness to other applicants.

(m) Methods of Analysis: N/A.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Title VI of the Higher Education Act of 1965 as amended in 1980 (Pub. L. 96–374) for National Resource Center and Fellowship Program for Language and Area or International Studies:

"(b) The Secretary is also authorized to pay stipends to individuals undergoing such advanced training in any center or program approved by the Secretary under this part, including allowances for dependents and for travel for research and study in the United States and abroad."

(o) Timetable for Dissemination of Collected Data: N/A.

(p) Estimate of the Total Person Hours and Costs Required To Complete the Request: Total person hours—1,000; Dollars Costs—$1,000.

Students are considered to contribute only their time. Estimate $1,000 for respondent institutions' administrative costs.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A.

(r) Copy of the Exact Data Instrument: Copies available from: Dr. Richard T. Thompson, Office of International Education, Room 3923, ROB–3, U.S. Department of Education, Washington, D.C. 20203.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: In past years, the interaction of the submission process provided the feedback which led to the present version of the form.

(t) Assurance That Respondents Will Have Sufficient Time To Comply With Request: Student applications are usually mailed to participating institutions in April each year and are expected back in about two months.

(u) Specific Justification for Multi-Year Approval: Application form used each year and therefore it is appropriate to obtain multi-year clearance.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Comprehensive Program Final Year Dissemination Competition.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, Fund for the Improvement of Postsecondary Education.

(c) Agency form Number: ED Form 0003

(d) Justification: In this competition the Fund supports efforts by grantees to disseminate project ideas and results. Applicants are limited to grantees whose projects are in the final year of funding under the Comprehensive Program.

(e) Description of Survey Plan: Applications are sent to those eligible under (d). Response is voluntary.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not Applicable.

(h) Consulations Outside the Agency: The Fund consulted with grantees, State 1202 Commissions, and its Board of Advisors in preparing this competition.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	50	6
Non-profit Organizations	10	6
Organizations other than schools or colleges	10	8

(j) Sensitive Questions: There are no sensitive questions in the instruments being submitted. Participation is voluntary. No confidentiality problems are anticipated.

(k) Estimate of Cost to Federal Government: The total cost is estimated at $5,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information gathered will be used only internally to help determine how grants will be made.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. (96–374, Title X) 20 U.S.C. 1134 [Subject to the provisions of subsection 1002, the Secretary is authorized to make grants and contracts with institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing asistance to such educational institutions and agencies for* * *]

(o) Timetable for Dissemination of Collected Data: Applications will be due December 1981. There is no dissemination of the information:

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 560 for a total cost estimated to be $5,860.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from Diana Heyman, Fund for the Improvement of Postsecondary Education, Department of Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Fund consults each year with its grantees at its annual project directors meeting. The Fund has used basically the same form for the past 5 years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The Fund plans to announce an early December 1981 deadline for application submission. Application packages will be mailed to those eligible two months in advance.

(u) Specific Justification for a Multi-Year Approval: The form for this application package is brief and simple to fill out. It can be described as a "routine administrative form, representing minimal burden." It has been used for 2 years with no negative feedback from respondents.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1981 (Higher Education General Information Survey XVI).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education/National Center for Education Statistics/Division of Postsecondary and Vocational Education Statistics/University and College Surveys and Studies Branch

(c) Agency Form Number: ED (NCES) Form 2300–4

(d) Justification: This is the only comprehensive nation-wide collection of financial statistics on institutions of higher education. It is needed by NCES to fulfill its mandate to provide "full and complete statistics on the condition of education in the United States;" it is used by the Bureau of the Census for its reports on State and local governments' finances; by the National Institute of Education to develop the Higher Education Price Index; and by the Department of Education for the administration of Title III. The survey also provides the comparative data States need and thus eliminates the need for similar surveys. Data from the survey are used by private agencies for a variety of purposes, including the assessment of financial condition and the economic future of institutions of higher education.

(e) Description of Survey Plan: The HEGIS package, including the Finance questionnaire, will be sent to the 3,200 institutional units that are listed in the Education Directory. Those institutions failing to submit a completed survey form by the due date (October 13, 1981) will receive a reminder letter. Later, non-respondents will be sent mailgrams. Lastly, NCES or its contractor will telephone the nonrespondents (or their State's HEGIS coordinator). Estimation of data for nonresponding institutions (which should be less than 9 percent of the survey population) will be accomplished either (1) using data reported by the nonresponding institutions in previous year's survey, when available, or (2) when not available, a responding institution of the same size and with characteristics similar to the nonresponding institution will be selected and the data from that institution will be used to derive an estimate for the nonresponding institution.

(f) Tabulation and Publication Plans: The following publications and tape are planned by NCES for this survey:

1. Financial Statistics of Colleges and Universities, 1981 Preliminary Tabulations (Early Release).

2. Financial Statistics of Institutions of Higher Education Fiscal Year 1981, State Data.

3. Financial Statistics of Institution of Higher Education for Fiscal Year Ending 1981 (Computer Tape).

(g) Time Schedule for Data Collection and Publication:

Survey due date	Oct. 31, 1981.
Early Release white paper tables and report	Mar. 1, 1982.
Closeout of data collection	Apr. 1, 1982.
Clean data tape	Oct. 1, 1982.
Elapsed time between due date and first report	4 months.

(h) Consultation Outside the Agency: This survey is the same as last year's.

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Last year's survey had the benefit of extensive prior consultation with representatives of institutions, and professional/education organizations. Examples include the National Association of College and University Business Officers and the American Council on Education. The State Higher Education Executive Officers (SHEEO/NCES Communication Network) reported that representatives of the 50 States concluded that, "The survey of Finance was the single most (frequently) selected survey for each year. . . ."

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	3,200	2.25

(j) Sensitive Questions: This survey contains no sensitive questions.

(k) Estimate of Cost to Federal Government: The cost of this survey to the Federal government is estimated as $270,000.

(l) Detailed Justification of How Information Once Collected Will be Used: Federal agencies, State agencies, private organizations, and researchers will use the data to describe the financial condition of institutions of higher education and to project their future development. The Bureau of the Census uses the data for several purposes: 1. to develop estimates of State and local governments' financies; 2. to relay these estimates to the Bureau of Economic Analysis for calculation of the Gross National Product; 3. to publish in the Census reports of State and local governments's financies; and 4. to pick up supplemental data that the Census of Governments does not collect. Further, the Bureau of Labor Statistics and the Federal Mediation and Conciliatory Service are secondary users of these data. The Department of Education's Division of Institutional Support uses Part B data to help determine whether or not an applicant college or university is eligible to receive a Title III (Developing Institutions) grant. The National Institute for Education relies on the survey's data to develop the Higher Education Price Index, which is a measure of inflation in higher education, as is the CPI for the general economy. The data are needed by NCES to fulfill its legal mandate which states that, "The purpose of the Center shall be to collect and disseminate statistics on the condition of education in the United States."

Many States use the data provided by this survey for their own purposes. Nongovernmental uses include the development of indicators of institutional financial health or distress. (The National Association of College and University Business Officers and the American Council on Education are currently engaged in this project.)

(m) Methods of Analysis: Data are published in aggregate form by State and control and level of institution. Detailed data will be made available in the form of a computer tape.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 93–380, 93rd Congress, H.R. 69, August 21, 1974, Title V, Sec. 406(b), "The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United States. . . ."

(o) Time Table for Dissemination of Collected Data:

Early release	Mar. 1, 1982.
State data report (final)	Feb. 1, 1983.
Computer tape	Oct. 1, 1982.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

Total hours response burden	7,200
Professional hourly wage	$12
Total costs	$86,400

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instruments: Copies may be obtained from Norman Brandt, National Center for Education Statistics, Presidential Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: See (h) above.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: See (h) above. The data elements have remained the same since the 1975 fiscal year survey.

(u) Specific Justification for a Multi-Year Approval: It is important to assure respondents of the continuity of data elements. In addition, the Federal and State agencies, researchers, and education associations rely on this survey to collect and provide data for the uses described above.

[FR Doc. 81–5612 Filed 2–13–81; 4:15 pm]

BILLING CODE 4000–01–M

Paperwork Control Procedures

AGENCY: Department of Education.

ACTION: List of education data acquisition activities for school year 1981–82.

SUMMARY: The paperwork control requirements in section 400A of the General Education Provisions Act added by the Education Amendments of 1978 (Pub. L. 95–561), require that certain information or data requested of educational agencies and institutions by Federal agencies by reviewed by the Secretary of Education to eliminate excessive or burdensome requests to them. Further, the data acquisition activities are to be approved and publicly announced no later than February 15 preceding the school year in which the data are to be collected.

The following list of data collection activities for School Year 1981–82 is published as one step to meet these requirements. The list contains:

(a) Data acquisition activities which have already been approved by the Office of Management and Budget under the forms clearance requirements of the Federal Reports Act and OMB Circular A–40.

(b) Data acquisition activities which have been approved under procedures established by the Federal Education Data Acquisition Council (FEDAC), and have multi-year approval.

(c) Data acquisition activities which have not been recommended for approval by FEDAC staff but are under development and proposed for the coming school year.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace McPherson, Division of Education Data Control, (Room 4522, Switzer), 400 Maryland Avenue, SW., Washington, D.C. 20202 Telephone: (202) 472–3554. The contact persons listed in conjunction with the individual summaries are the one to whom specific comments or questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: The paperwork control requirements are intended to reduce the paperwork burden imposed on educational agencies and institutions by Federal agencies. The Secretary of Education is required to develop procedures to review and approve all data acquisition activities by any Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of such activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

Data acquisition activities subject to this review are not subject to the Office of Management and Budget review under OMB Circular A–40 procedures. A detailed plan is required for each data activity and each data activity is to be publicly announced by February 15 preceding the school year in which the data are to be collected. Data Activity Plan Summaries are being published under separate notices.

These data acquisition activities are prepared by program offices throughout the Department and reflect their judgments of the data needs of the individual programs.

The Secretary, however, will institute a study of these proposals with a view toward reducing paperwork burdens. The proposed data collection activities published in this issue and those published in the **Federal Register** on February 13, 1981 will be included in the study.

Public comments on these notices will be considered as part of the study.

In addition to individual summaries, an *Annual Listing of Education-Related Data Collection Activities for School Year 1981–82 Already Approved by OMB/FEDAC* is published containing multi-year approved data acquisition activities already approved by the Office of Management and Budget under review procedures of OMB Circular A–40. The other activities in this list are multi-year activities that have already been reviewed and approved under the Interim FEDAC Review Procedures.

The Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981–82 also includes activities presently under development. Summaries of each data activity plan proposed for School Year 1981–82 are being announced under separate notices. The Secretary requests educational agencies and institutions to cooperate in the conduct of these data collection activities for School Year 1981–82.

Dated: February 13, 1981

T. H. Bell,

Secretary of Education.

BILLING CODE 4000–01–M

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I. ANNUAL LISTING OF EDUCATION-RELATED DATA COLLECTION ACTIVITIES FOR SCHOOL YEAR 1981-82 ALREADY APPROVED BY OMB/FEDAC

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: Office of Public Affairs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 38 ED Forms: 5015 5016	"Directory of Education Associations"	Education Associations	1200	600	--	Lois Lopez 202-245-6420

Name of Agency: Department of Education — Bureau/Office/Group: Office of Program Evaluation

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 143 ED 511	Sixth Annual Data Collection in Response to Section 406A of the General Education Provisions Act	SEA FEA SLA SVED AEA	51 1 30 6 2	6,120 20 240 240 20	84.002 84.009 84.011 84.012 84.013 84.010 84.027 84.042 84.052 84.049 84.034 84.088 84.035 84.046 84.069 84.089 84.050 84.053 84.098 84.071	Murray Spitzer (202) 245-1950

Name of Agency: Department of Education — Bureau/Office/Group: Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. S-120 ED 636	Evaluation of Teacher Corps Programs '78 and '79	PES SAS IND TES EPE SES	420 970 130 3,160 820 400	525 2,685 128 2,715 713 600	13.489 or 84.045	Eugene Tucker 245-8380

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Office of Special Education and Rehabilitative Services — Bureau/Office/Group: Office of Special Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R-123 ED 717	Application for the State-Administered Gifted and Talented Childrens Education Program	SEA	55	618	84.080	Martha Bokee 245-2481
FEDAC R 186 ED 789	Financial Status and Performance Report for P.L. 98-313	SEA	57	456	84.027	Lou Danielson 245-9815
FEDAC R-30 ED 9037	Application for Grants Under Education for the Handicapped Programs	Colleges SEA/LEA Non-profit	1877	69449	84.023 84.024 84.026 84.029 84.078	Slagle Allbritton 245-2381
FEDAC R-31 ED 9047	Application for Grants Under Handicapped Personnel Preparation Programs	Colleges Non-profit organization	1248	34926	84.029	Jim Slantz 245-9491
FEDAC R-188 ED 9048	Gifted and Talented Discretionary Grant Application	Colleges SEA/LEA Non-profit	180	6660	84.080	Mel Ladson 245-2482
FEDAC R-06 ED 9055	FY 81-83 State Plan - P.L. 94-142	SEA	0	0	84.027	Lou Danielson 245-9815
FEDAC R-86 ED 9055-1	Education for the Handicapped Preschool Incentive Grant	SEA	0	0	84.027	Lou Danielson 245-9815

Name of Agency: Office of Special Education and Rehabilitative Services — Bureau/Office/Group: National Institute of Handicapped Research

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R-204 ED 792	Application for Federal Assistance for Rehabilitation Research and Demonstration	Colleges Non-profit organizations	2000	80000	84.133	Mike Merrell 472-6551
FEDAC R 71 ED 9039	FY 1982 Financial Status and Performance Report for Part B of the Education of the Handicapped Act, as amended by P.L. 94-142	SEA	58	464	13.449 or 84.027	Lou Danielson 245-9815
FEDAC R 201 ED 9058	Report of Handicapped Children Receiving Special Education and Related Services	SEA	58	87	13.449 or 84.027	Lou Danielson 245-9815

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Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: Office of Elementary and Secondary Ed. Office of Compensatory Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 11 ED 4376; -1	Annual Survey of Children in Institutions, Operated or Supported by a State Agency, for Neglected or Delinquent Children or Children in Adult Correctional Institutions, ESEA, Title I	SEA OSA	2,000	2,000	84.013	Carolyn Horner (202) 245-2638
FEDAC R 70 ED 686-1, -2	ESEA, Title I Financial Status and Performance Report	SEA	56	51,040	84.010 84.012 84.013	Carolyn Horner (202) 245-2638
OMB 51-R09251 ED 4924	State Report on Title I, ESEA Comparability	SEA	56	84	84.010	John Staehle (202) 245-2722

Name of Agency: Department of Education — Bureau/Office/Group: Office of Indian Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 43 ED 506	Indian Student Certification	FAM			84.060	Patricia Mathews (202) 245-8236
FEDAC R 106 ED 736	Application for Grants under the Indian Education Act of 1972, Title IV, Part A Grants to Local Educational Agencies (New Only)	LEA	801	40,050	84.060	
FEDAC R 106 ED 736-1	Application for Grants under the Indian Education Act of 1972, Title IV, Part A (Continuations only)	LEA	350	3,500	84.060	
FEDAC R 103 ED 267	Application for Grants under Indian Education Program (New Only)	COLL NPO OOS	250	25,000	84.061	
FEDAC R 103 ED 267-1	Application for Grants under Indian Education Program (Noncompeting Continuations only)	COLL NPO OOS	40	1,600	84.061	
FEDAC R 107 ED 737	Application for Grants under Adult Indian Education Program (New only)	NPO OOS	110	11,000	84.062	
FEDAC R 107 ED 737-1	Application for Grants under Adult Indian Education Program (Noncompeting continuation only)	NPO OOS	31	1,240	84.062	
FEDAC R 104 ED 444	Application for Grants under Indian Education Program (new only)	NPO	50	5,000	84.072	
FEDA R 104 ED 444-1	Application for Grants Under Indian Education Program (Noncompeting Continuations Only)	NPO OOS	25	1,000	84.072	Patricia Mathews (202) 245-8236
FEDAC R 105 ED 501	Application for Grants Under Indian Fellowship Program (New Applications Only)	IND	750	3,750	84.087	Patricia Mathews
FEDAC R 105 ED 501-1	Application for Grants Under Indian Fellowship Program (Noncompeting Continuations Only)	IND	160	320	84.087	Patricia Mathews

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: Office of Elementary and Secondary Ed. Equal Educational Opportunity Programs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 61 ED 116-1A	Application for State Agency Grants under ESAA	SEA	14	448	84.110A	Jesse Jordan (202) 245-7965
FEDAC R 61 ED 116-1B	Application for Grants for the Arts under ESAA	OOS	21	630	84.111A	Jesse Jordan (202) 245-7965
FEDAC R 61 ED 116-1 and 116-1C	Application for Local Education Agency Grants under ESAA and Renewal Package for the Continuation of a Local Education Agency Grant under ESAA	LEA	730	24,820	84.056A, 84.056B 84.106A, 84.106B 84.107A 84.108A 84.109A 84.102A, 84.102B	Jesse Jordan (202) 245-7965
FEDAC R 61 ED 116, 116D	Application for Nonprofit Organization Grant under ESAA and Renewal Package for Noncompeting Continuation of Nonprofit Organization Grants under ESAA	NPO	280	9,240	84.057A 84.057B	Jesse Jordan (202) 245-7965
FEDAC R 213 ED 296	Application for Grants under Title IV of the Civil Rights Act of 1964, Technical Assistance and Training Program	COLL LEA SEA Nonprofit Org.	121 96 106 18	3,025 2,400 2,650 360	13.405 or 84.004	Shirley McCune (202) 245-8230

Name of Agency: Department of Education — Bureau/Office/Group: OESE/ Office of Educational Support

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R152 ED 423	Application for Disaster Assistance under Section 7 of P.L. 81-874	LEA	150	150	84.041	William Chase 245-8412
OMB-51-R0653 ED 4038	Annual report by an LEA on any contract awarded for construction of a new school building between July 1 and June 30.	LEA	300	1	84.040	William Chase 245-8412
OMB-51-R0653 ED 4038-1	SEA report of minimum requirements for school construction	SEA	50	1	84.040	
OMB-51-R0893 ED 355	Preapplication for Federal Assistance (construction) P.L. 81-815	LEA	200	16	84.040	William Chase
OMB-51-R01045 ED 355-1	Application for Federal Assistance (construction) P.L. 81-815	LEA	200	16	84.040	William Chase

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Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: OESE /Office of Educational Support

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No.R58 ED 681	State plan-ESEA Title V-B Strengthening State Agency Mgtmt.	SEA	57	955	84.043 or 13.486	Battiste 245-2495
FEDAC No.R59 ED 681-2	Performance Report-ESEA Title V-B	SEA	57	2,280	84.043	Battiste 245-2495
FEDAC No.R59 ED 681-1	Financial Status Report-ESEA Title V-B	SEA	57	1,140	84.043	Battiste 245-2495
FEDAC No. R115 ED 335	Application for Grants Under Teacher Centers Pgm	LEA	450	3	84.006	A.Bruce Gaarder 472-5502
FEDAC No. R162 ED 704,704-1	Career Education State Allotment Program Performance and Financial Status Reports	SEA	53	954	84.104	John Lindia 245-2284
FEDAC No. R203 ED 703	Career Education Financial Status and Performance Reports (Discretionary)	SEA LEA NPO	15	240	84.074	John Lindia 245-2284
OMB-1810-0014 ED 580	Sharing Business Success	SEA LEA	10	84		O.Ray Warner 245-7793

Name of Agency: Department of Education — Bureau/Office/Group: Office of Vocational and Adult Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 130 ED 453	Application for Federal Assistance Programs (Nonconstruction) Community Education Program	LEA NPO COLL SEA	300 300 150 50	6,000 6,000 3,000 1,000	84.081 84.081 84.081 84.081	Martha Methee (202) 245-0691
OMB 51-R1256 ED 560	Adult Education Clearinghouse	AEA	57	200	84.002	Carroll Towey (202) 245-2774
FEDAC R 155 ED 590	State-administered Vocational Education Program Improvement Contracts: Abstracts	SEA	57	228	84.050	Marcia Miller (202) 245-2017
FEDAC R 133 ED 669	Vocational Education Projects in Sex Equity	SEA	57	285	84.048	Dorothy Stockton (202) 245-3552
FEDAC R 183 ED 3176	Application for Vocational Education Direct Grant Programs	Indian Tribal Organizations	80	1,600	84.101	Eugene Long (202) 245-2618

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: Office of Postsecondary Education Office of Student Financial Assistance

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 191 ED 1329-1	State Student Financial Assistance Training Program Application	State Scholarship and Grant Agencies	46	184	84.096	Laura Green (202) 472-3278
FEDAC R 220 ED 786	Pre and Post-Tests on Title IV Student Financial Aid Programs for Counselors, Financial Aid Administrators, and Fiscal Officers	FAO, Business officers in Postsecondary Institutions, High School Guidance Counselors	23,000	11,500	13.460 or 84.032	Rachel McCrae (202) 472-3320

Name of Agency: Department of Education — Bureau/Office/Group: Office of Postsecondary Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 214 ED 404	Public Service Education Fellowships	Colleges and Universities with graduate public service training programs	170	6,800	13.555 or	Donald M. Bigelow (202) 245-2345
FEDAC R 214 ED 405	Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships Application	Colleges and Universities	60	2,400	13.567 or 84.085	Donald M. Bigelow (202) 245-2345
FEDAC R 142 ED 411; 411-1	Cooperative Education Program Performance Report and Related Financial Status Report	Colleges and Universities NJC PJC CNM	167 11 106 2	835 55 530 10	13.510 or 84.055	Morris L. Brown (202) 245-2146
FEDAC R 214 ED 591	Application for Graduate and Professional Opportunity Fellowships and Institutional Grants	Colleges and Universities	350	14,000	13.580 or 84.094	Donald M. Bigelow (202) 245-2345
FEDAC R 45 ED 1193	Cooperative Education Program Application Form - Academic Year 1981-82	Colleges and Universities NJC PJC CNM	350 222 25 3	3,570 2,264 255 31	13.510 or 84.055	Morris L. Brown (202) 245-2146
FEDAC R 138 ED 668	Application for Federal Assistance Under Title VII of the Higher Education Act of 1965, as amended	Colleges and Universities	800	6,400	13.457 13.458 84.001	Thomas F. McAuslen (202) 245-3253
FEDAC R 206 ED 343	Application for Educational Opportunity Centers Program	IHEs Public and private agencies, organizations	16 16	80 80	13.543 84.066	Velma Monteiro-Williams (202) 245-2511
FEDAC R 158 ED 732	Application for Biomedical Sciences Program	IHEs	12	60	13.691 84.112	Velma Monteiro-Williams (202) 245-2511

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Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: Office of Postsecondary Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 113 ED 712	Upward Bound Financial Status and Performance Report	COLL NPO PJC V/T/C	401 11 14 11	1,604 44 56 44	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 113 ED 1196	Report on Current Upward Bound Student	COLL NPO PJC V/T/C	401 11 14 11	1,604 44 56 44	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 113 ED 1197	Report on Former Upward Bound Student	COLL NPO PJC V/T/C	401 11 14 11	1,604 44 56 44	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 113 ED 1225	Report on College Retention of Former Upward Bound Students	COLL	1,800	450	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 159 ED 1231	Financial Status and Performance Report for Special Programs for the Disadvantaged	COLL LEA NJC NPO OOS PJC STI V/T/C	470 5 14 77 5 146 3 33	235 3 7 39 3 73 2 17	13.482 84.042	Arnold H. Silver (202) 245-2424
FEDAC R 144 ED 269	Application for Veterans' Cost-of-Instruction Payments Program	IHE	1,200	1,596	13.540 84.064	Stanley Patterson (202) 245-2806
FEDAC R 207 ED 1294	Financial Status and Performance Report, International Studies	COLL	210	5,250	13.435 84.016	Richard Thompson (202) 245-2356
FEDAC R 179 ED 7614	Performance Reporting by Foreign Language and Area Studies Fellowships Recipients	SPE	1,000	500	13.434 84.015	Richard Thompson (202) 245-2356
FEDAC R 151 ED 633	Application for Certification for Participation in Programs Under Title IV of the Higher Education Act of 1965, as amended	COLL NJC PJC V/T/C	1,300 300 400 500	2,600 600 800 1,000	N/A	Janet Buntebart (202) 245-1744
FEDAC R 129 ED 1118	Application Summary Report for Federal Grants Under Part A of Title VII of the Higher Education Act	SBC	56	84	13.457 13.458 84.001	Thomas McAnallen (202) 245-3253
FEDAC R 124 ED 1143	Certification of Project Costs, Academic Facilities Construction	COLL	400	400	13.457 13.458 84.001	Thomas McAnallen (202) 245-3253
FEDAC R 160 ED 738	Standard Format for State Plans Under Part A of Title VII of the Higher Education Act of 1965	SBC	56	112	13.457 13.458 84.001	Thomas McAnallen (202) 245-3253

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: Office of Bilingual Education and Minority Languages Affairs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R-96 ED 4561	Application for Grants Under Bilingual Education Program (Title VII, ESEA, New Awards)	COLL, LEA, NJC, NPO, PJC, SEA	1,000	32,000	84.003	Regina Robbins (202) 245-2600
FEDAC R 96-1 ED 4561-1	Application for Grants Under Bilingual Education Program (Title VII, ESEA, Continuation Awards)	COLL, LEA, NJC, NPO, PJC, SEA	465	7,400	84.003	Regina Robbins (202) 245-2600
FEDAC R 96-2 ED 4561-2	Applicationfor Participation in Bilingual Education Fellowship Program (Title VII, ESEA)	COLL	15	480	84.003	Joyce Brown (202) 447-9273
FEDAC R 198 ED 791	Applicationfor Grants Under the Bilingual Vocational Training and Bilingual Vocational Instructor Training Program	COLL, LEA, NJC, NPO, OSA, PJC	50	1,500	84.077 84.099	Richard Haber (202) 245-2600
FEDAC R 102 ED 443-2	Application for Grants Under the Transition Program for Refugee Children and Educational Services for Cuban and Haitian Entrant Children Program	SEA	50	2,800	84.146 84.138	Jonathan Chang (202) 472-7177

Name of Agency: Department of Education — Bureau/Office/Group: Office of Educational Research & Improvement, Office of Libraries & Learning Technology, Division of Library Programs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No.R57 ED 535-1	Financial Status Report-ESEA IV-B,C	SEA	58	1,160	84.088 84.089	Milbrey Jones 245-2488 Allen King 245-2592
FEDAC No.R57 ED 535-2	Performance Report-ESEA IV-B, C	SEA	58	3,480	84.088 84.089	Jones/King Jones/King Edward Battiste 245-2495
OMB 51-R1207 ED 547	Application for Grants under Library Career Training Program	Colleges and universities	70	12	84.036	Frank Stevens 245-9530
FEDAC No.R55 ED 592	Application for Grants under Strengthening Research Library Resources Program	Colleges and universities	70	16	84.091	Frank Stevens 245-9530
		Public Lib.	7	16		
		St. Lib. Ag.	3	16		
		Nonprofit Org.	20	16		
FEDAC No.R48 ED 634	ESEA Title IV State Plan-Educational Improvement Resource Support	SEA	55	12,760		Jones/King 245-2495
FEDAC No.R59 ED 681-1	Financial Report-ESEA IV-B	SEA	57	1,140		Edward Battiste 245-2495
FEDAC No.R59 ED 681-1	Perfonmance Report ESEA IV-B	SEA	57	2,280		Edward Battiste 245-2495

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Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research and Improvement/Office of Libraries and Learning Technology/ Division of Library Programs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No.R210 ED 3118-1	Application for Grants under College Library Resources Program	Colleges and universities	1400	3	84.005	Frank A. Stevens
		Nonpublic junior colleges	170	3		
		Nonprofit organizations	30	3		
		Public junior colleges	1000	3		
		Combinations of institutions	[illegible]	3		
OMB 51-R1213 ED 4563	Application Under the Library Services and Construction Act	SLA	57	1,710	84.034 84.035	Nathan M. Cohen (202) 472-5150

Name of Agency U.S. Department of Education — Bureau/Office/Group Office of Educational Research and Improvement/Office of Dissemination and Professional Development/National Diffusion Network Division

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 125 ED Form 734	APPLICATION FOR GRANTS UNDER THE NATIONAL DIFFUSION NETWORK	IHE,LEA,NPO, SEA	200	7,200 hours (4,800 - new 2,400 - cont)	84.073	Robert M. Mullig 245-2243

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvemen National Center for Education Statistics

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 139 ED (NCES) 2404; 2404A	Vocational Education Data System (VEDS)	State Board for vocational education	57		N/A	Robert Morgan (301) 436-6348
		Former students	448,000			
		Employers	112,500			
				206,595		
FEDAC R 5 ED (NCES) 2300-2.1A	Degrees and Other Formal Awards Conferred between July 1, 1980 and June 30, 1981 (for institutions offering bachelors, professional or advanced degrees)	COLL	2,100	20,500	N/A	Agnes Wells (301) 436-6425
FEDAC R 5 ED (NCES) 2300-2.1B	Degrees and Other Formal Awards Conferred between July 1, 1980 and June 30, 1981 (for 2-year colleges only)	COLL (2-year)	1,100	5,500	N/A	Agnes Wells (301) 436-6425

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvemen National Center for Education Statistics

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC S 37 ED (NCES) 2358; -1; -2	Noncollegiate Postsecondary School Survey	Public/Private Vocational Schools	1,400	470	N/A	Art Podolsky (301) 436-6791
		V/T/C	100	[illegible]		
			7,000	580		
FEDAC R 193 ED (NCES) 2325	Private School Survey of Enrollment and Teachers	Private schools	10,000	10,000	N/A	Joanell Porter (301) 436-6779
FEDAC R 13 ED (NCES) 2300-2.3A	Fall Enrollment in Institutions of Higher Education, 1981	COLL	3,200	4,800	N/A	Andrew Pepin (301) 436-6425
FEDAC R 13 ED (NCES) 2300-2.3B	Fall Enrollment in Institutions of Higher Education, 1981 (2-year colleges only)	COLL	3,200	4,800	N/A	Andrew Pepin (301) 436-6425

Name of Agency U. S. Department of Education — Bureau/Office/Group Educational Research & Improvement, Fund for the Improvement of Postsecondary Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 91 ED 0001	The Comprehensive Program	Coll	2139	47,590	84.116A	Diana Hayman (202) 245-8102
FEDAC No. R 135 ED 0005	The Mina Shaughnessy Scholars Pgm	Coll	200	5,000	84.116E	Diana Hayman (202) 245-8102

Name of Agency U.S. Department of Agriculture — Bureau/Office/Group Food and Nutrition Service

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
040-R-1535/ FNS-10	Report of Child Nutrition Operations	State Educa- Agencies (SEA)	1,428,708	9,216,887	10.555	Vicki Urcuyo Special Nutrition Programs Food and Nutrition Service, USDA 202-447-5573
040-R-2470/ FNS-806	School Lunch, Breakfast, & Special Milk Program Monthly Report - Part 210	Private Schools	15,000	21,900	10.553 10.555 10.556	
040-R-2952/	Part 215-Special Milk Program Regulations	SEA's & SFM's	46,124	65,124	10.556	
040-R-3005/	National School Lunch Program Regulations	SEA's and School Food Managers (SFM)	11,384	38,396	10.555	
040-R-3508	Part 220 - School Breakfast Program Regulations	SEA's & SFM's	9,956	2,531	10.553	

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Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency U.S. Department of Agriculture Bureau/Office/Group Food and Nutrition Service

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
040-R-3511/ FNS-67, FNS-66, FNS-66-1	Application and Agreement-National School Lunch Program, School Breakfast Program, Special Milk Program	School Administrators	5,000	2,500	10.553 10.555 10.556	
040-R-3565/ FNS-360	Federal Outlay Report	SEA's	790	18,960	10.555	
040-R-3591/ FNS-65	Application, Claim, and Agreement Non-food Assistance	SEA's	2,500	5,750	10.555	
040-R-5004/ FNS-44	Monthly Report of the Child Care Food Program & Summer Food Service Program for Children	SEA's	714	861	10.558 10.559	
040-R-3662/	Determining Eligibility for Free & Reduced Price Meals and Free Milk in Schools - Part 245	SEA's	5,177	16,395	10.553 10.555 10.556	Vicki Urcuyo Special Nutrition Programs Food and Nutrition Service, USDA 202-447-5573
040-R-3702/ FNS-130	Monthly Report of Lunch Service Operations in Commodity Only Schools	School Administrators	2,754	1,377	10.550	
040-R-3704/ FNS-129	Agreement-Nonprofit Lunch Program (Commodity Only Schools)	SFM's	10	5	10.550	
040-R-3708/ FNS-127	Application for Donated Commodities (Commodity Only Schools)	SFM's	10	5	10.550	
040-R-3787/	Procedures for Requesting Technical Assistance When Establishing, Maintaining and Expanding Food Service Facilities	SFM's	120	240	10.554	
040-R-3830/ FNS-47	Annual Report of Meal Service in Schools	SEA's	59	17,416	10.553 10.555 10.556	
040-R-3899/	Regulations - Cash in Lieu of Commodities	Public and Private Schls. Non-profit Private Schls.	109,529 2,800		10.550	
040-R-3908/ FNS-168	Administrative Review Report Schools and Institutions	SEA's	2,178	3,267	10.553 10.555 10.556	
040-R-3999/ FNS-80, FNS-418	Summer Food Service Program for Children	SEA's	11,788	23,318	10.559	Vicki Urcuyo Special Nutrition Programs Food and Nutrition Service, USDA 202-447-5573
040-R-4046/ FNS-42	Nutrition Education and Training Program Regulations	SEA's	250	1,008	10.555	
040-R-4058/	Part 230 Food Service Equipment Assistance Program Regulations	SEA's & SFM's	112	448	10.554	
040-R-4059/	State Administrative Expenses Part 235 Regulations	SEA's	171	114	10.555	
040-R-4086/ FNS-13	Annual Report of Revenue & Cost	SEA's	59	9,515,720	10.553 10.555 10.556	

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency NATIONAL SCIENCE FOUNDATION Bureau/Office/Group

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
OMB 3145-0019 NSF Form 558	Survey of Earned Doctorates	SPE	31,500	10,500	N/A	Charles H Dickens (202) 634-4787
OMB 3145-0009 NSF E0011	Higher Education Panel	COLL	760 Maximum	4,550 (Six surveys, at 760 hours per Survey)	N/A	Larry W. Lacy (202) 634-4787
OMB 3145-0015 NSF Form 411	Scientific and Engineering Expenditures at Universities and Colleges, FY 1981	COLL	586	14,700	N/A	James Hoehn (202) 634-4673
FEDAC S109 NSF Form 724	Scientific and Engineering Personnel Employed at Universities and Colleges, January 1982	COLL	2,246	23,760	N/A	James Hoehn (202) 634-4673
FEDAC R93 NSF 811, 812	Survey of Graduate Science Students and Postdoctorates, Fall 1981	COLL	7,572	19,660	N/A	Penny D. Foster (202) 634-4630

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
21-674B 76-R0267	School Attendance Report	COLL NJC PJC V/T/C	9,875	825	64.117	Larry Nicholson 389-3062
22-1905 76-R0050	Authorization and Certification of Entrance and Reentrance into Training (Vocational Rehabilitation)	COLL NJC OOS V/T/L PJC	45,000	7,500	64.113	Charles A Graffam 389-2887
22-1905b 76-R0181	Trainee Request for Leave (Vocational Rehabilitation)	SPE NJC OOS V/T/C PJC	40,000	10,000	64.116	Charles A. Graffam 389-2887
22-1905m 76-R0285	Request for Training Supplies	SPE COLL NJC PJC OOS V/T/C	1,000	1,000	64.116	Charles A. Graffam 389-2887
22-1905p 76-R0289	Annual Farm and Home Plan for Institutional On-Farm Course of Training	SPE	100	300	64.116	Charles A. Graffam
22-1905n 76-R0290	Farm Survey and Overall Farm and Home Plan Self-Proprietor	SPE	30	60	64.116	Charles A. Graffam

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Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
22-1999 & -1 76-R0327	Enrollment Certification (under chapter 32, 34 or 35, 38 U.S.C.)	SAS	1,000,000	200,000	64.111	A. C. Cochar 389-2771
FL 22-315 76-R0439	Transfer of (Scholastic) Credit (Schools)	SAS	1,600	266	64.111	A. C. Cochar 389-2771
22-1999b &-1 76-R0546	Notice of Change in Student Status Institutional Courses only (under chapter 32, 34 or 35, Title 38 USC)	SAS	200,000	16,666	64.111	A. C. Cochar 389-2771
22-6553c 76-R0563	Monthly Certification of Flight Training	SAS Flight Students	190,000	47,500	64.111	A. C. Cochar 389-2771
22-5490w 76-R0566	Application for Educational Assistance by a Spouse or Surviving Spouse (Under Provisions of chapter 35, Title 38 U.S.C.)	SAS Applicant	5,500	3,600	64.111	A. C. Cochar 389-2771
22-5490 76-R0401	Application for Educational Assistance (Son or Daughter) (Under Provisions of chapter 35, Title 38 U.S.C.)	SAS Applicant	11,500	7,590	64.111	A. C. Cochar 389-2771
22-1990t 76-R0581	Application and Enrollment Certification for Individualized Tutorial Assistance (chapter 34 or 35, Title 38 U.S.C.)	SAS Tutor Student	26,000	13,000	64.111	A. C. Cochar 389-2771

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
22-6553d 76-R0594	Monthly Certification of On-the-Job and Apprenticeship Training	EMP EPE	850,000	85,000	64.111	A. C. Cochar 389-2771
22-1999v 76-R0645	Certification of Delivery of Advance Payment and Enrollment (Chapters 32, 34, 35, Title 38USC)	SAS	20,000	2,000	64.111	A. C. Cochar 389-2771
22-8722, 22-8723, 22-8724 76-R0688	Occupational Graduate Employment Questionnaire	SAS SEA Graduate	375,000	650,000	64.111	A. C. Cochar 389-2771
22-8725 76-R0689	Application for Education Loan (For Veterans & Eligible Persons Enrolled under chap. 32, 34 or 35 Title 38 U.S.C.)	SAS Student	120,000	80,000	64.111	A. C. Cochar 389-2771
22-8794 76-R0729	Designation of Certifying Official	SAS	36,000	3,000	64.111	A. C. Cochar 389-2771
22-1990 76-R0543	Veteran's Application for Educational Benefits (Under chapter 34, Title 38 U.S.C. for Service Beginning Prior to January 1, 1977)	SAS Applicant	200,000	133,000	64.111	A. C. Cochar 389-2771
22-1990a 76-R0544	Serviceperson's Application for Educational Benefits (Under chapter 34, Title 38, U.S.C. - For Service which began Before 1-1-77)	SAS Applicant	50,000	33,000	64.111	A. C. Cochar 389-2771

II. ANNUAL LISTING OF EDUCATION-RELATED DATA COLLECTION ACTIVITIES

PROPOSED FOR SCHOOL YEAR 1981-82

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group OFFICE FOR CIVIL RIGHTS/OFFICE OF PLANNING AND COMPLIANCE OPERATIONS/ANALYSIS AND EVALUATION DIVISION

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC S 51 AS/CR 532-1	Supplemental Information for Local Education Agency (LEA) Grants Under the Emergency School Aid Act:	SAS	550	138	13.675	Nancy Russell (202) 245-0705
FEDAC S 51 AS/CR 532-2	Supplemental Information for Local Education Agency (LEA) Grants Under the Emergency School Aid Act: Individual School Report	PES	6600	33,000		Nancy Russell (202) 245-0705

Name of Agency Department of Education Bureau/Office/Group Office of Program Evaluation/ESAD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 758	Estimation of the Construction Needs of School Districts with Federally-Connected Children	SAS SEA	400 10	1,000 20		Peter Stowe 245-8364
ED 824	Analysis of ESAA-Funded Activities and Establishment of an ESAA Mgt.Info. System	LEA	240	240	13.525 or 84.056	Curtis Groves 245-7875
ED 832	ESAA Magnet School Study	District Staff Principals Teachers/ Aides Students (testing) Students (assessment) Community Leaders Parents	100 100 700 3,000 3,500 600 3,000	60 100 350 9,000 1,400 300 900	13.589 or 84.102	Pat Deven 245-1950
ED 855	Assessment of the Social Implications of the Follow-Through Pgm	Teachers, Students, Administrators, Parents, Social Svcs Providers	600	900	13.433 or 84.014	Jerry Burns 245-7875
ED 854	A Description of District Practices Since 1978 Under Title I of the Elementary and Secondary Education Act of 1965	LEA Title I Coordinators LEA Superintendents Parents of Title I Students Building Principals Title I Instructional Staff	2150 2150 2150 300 600	1075 1075 1075 150 300	13.428 or 84.010	Jan Anderson 245-8195

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 725	An Evaluation of the Basic Skills Program	School Administrators and Supervisors	396	916.50	13.599 or 84.105	Art Kirschenbaum 245-8380
		Principals	125	93.75		
		Teachers Elementary/ Secondary	875	718.75		
		Parents/ Volunteers	450	112.5		
		Organizations Other than Schools or Education Agencies	75	56.25		
		Individuals (out of school youth, adults)	225	56.25		
		Non-public, non-profit Elementary/ Secondary schools	15	15.00		
		Non-public Jr. Colleges	15	15.00		
		Public Jr. Colleges	15	15.00		
ED 725	An Evaluation of the Basic Skills Program (continued)	Non-profit organizations	15	15.00	13.599 or 84.105	Art Kirschenbaum 245-8380
		Colleges & Universities	30	30.00		
ED 760	Assessment of ESEA Title I Handicapped Pgm	SEA	50	50	13.427 or 84.009	Eugene Tucker 245-8380
		TES	700	250		
		PES	350	250		
		PAR	500	125		
		SES	2,000	500		

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency U.S. Department of Education — Bureau/Office/Group OEPM/OPE/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED-761	Impact Study of Programs and Projects Funded Under P.L. 92-318, Indian Education Act, Part A	SAS	120	40 hrs.	13.534 or 84.060	Dorothy Shuler 245-8877
		LEA	220	165 hrs.		
		Project Director	120	480 hrs.		
		Project Staff	240	240 hrs.		
		PES	720	240 hrs.		
		TES	3600	1500 hrs.		
		SES	16800	16800 hrs.		
		PAR	840	2480 hrs.		
		Tribal Leaders	720	360 hrs.		

Name of Agency Department of Education — Bureau/Office/Group Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 857	Evaluation of Discretionary Progs. (Arts in Education) (Consumer Education) (Ethnic Heritage) (Health Education) (Law Related Education) (Metric Education)	Employees in Postsecondary Education	50	25	84.084 84.082 84.070 84.090 84.123 84.179	Art Kirschenbaum 245-8380
		Individuals	100	50		
		LEAs	200	100		
		Non-public, non-profit elementary/ secondary schools	25	25		
		Organizations other than schools or education agencies	20	40		
		Principals (schools)	40	40		
		Public elementary/ secondary schools	80	120		
		School administrators or Supervisors	50	50		
		SEAs	45	22.5		

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 857	Evaluation of Discretionary Progs. (continued)	Teachers, elementary/ secondary	80	160	84.084 84.082 84.079 84.090 84.123 84.179	Art Kirschenbaum 245-8380
		Colleges & Universities	20	40		
		Other (parents, adult, dropouts, specialists)	200	100		
		Students in postsecondary	100	25		
		Students, non-public elementary/secondary schools	100	25		
		Students in public elementary/secondary schools	400	100		

Name of Agency U.S. Department of Education — Bureau/Office/Group OEPM/OPE/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 858	Evaluation of the Federal Role in Vocational Education Research	SEA	48	24 hrs.	13.493 13.498 13.495 or 84.048 84.051 84.050	Dorothy Shuler 245-8877
		SVED	48	24 hrs.		
		State Vocational Staff	240	120 hrs.		
		Research Coordinating Unit Directors	48	144 hrs.		
		RCU Staff	144	144 hrs.		
		LEA	120	120 (mail questionnaire)		
		V/T/C	120	120		
		State Adv. Council	48	24		

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Program Evaluation/PTD

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 637	Study of the Impact of Student Financial Aid Programs (SISFAP4)	SFE	25,000	29,000	13.463 or 84.033 13.418 or 84.007	C. Dennis Carroll (202) 245-7884
		PAR of SFE	15,000	3,750	13.460 or 84.032 13.471 or 84.038	
ED 856	Evaluation of the Language and Area Studies Program	Faculty Members and Other individuals	1,700	1,700	13.435A or 84.015 13.435B and C or 84.016 13.434 or 84.015	Robert K. Berls (202) 245-8130
ED 833	Assessment of the Developing Institutions Program	Institutional Administrators	50	750	13.454 or 84.031	James Maxwell (202) 245-7884
		Title II Coordinators	400	800		
ED 627-13	Evaluation of the Special Services for Disadvantaged Students Program: A First Follow-up	Postsecondary Students	5,800	2,900	13.482	C. Dennis Carroll (202) 245-7884

Name of Agency Department of Education — Bureau/Office/Group Office of Special Education and Rehabilitative Services, Office of Special Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 814	Impact of P.L. 94-142 on Services for the Handicapped	Administrators Supervisors SEA Parents Noneducation organizations	220	240	84.026	Martin Abramson 472-4652
ED 812	Essential Elements of Successful Programs for the Gifted and Talented	State Coordinators of Gifted and Talented Programs	57	29	84.080	Gail Beaumont 245-2482
		Program Administrators	50	25		
		Teachers	50	25		
		Students	200	50		
		Parents	200	50		
ED 775	Impact Survey of the Handicapped Children's Early Education Programs	LEA/SEA Colleges, Non-profit Org	350	700	84.024	Bill Swan 245-9722

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Elementary and Secondary Ed. Office of Compensatory Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
OMB 51-R0979 ED 4473	Standard ApplicationForm for Federal Assistance (Non-Construction) for the Follow Through Program	COLL LEA OOS	169	5,070	84.014	Rosemary Wilson (202) 245-8946
ED 4473-1	Application for Federal Assistance (Non-Construction) for the Follow Through Program	COLL LEA OOS	1,000	30,000	84.014	Rosemary Wilson (202) 245-8946
OMB 51-R1088 ED 376	Financial Status and Performance Report for the Follow Through Program	COLL LEA OOS	169	423	84.014	Rosemary Wilson (202) 245-8946
ED 808	Field Test of a Performance Indication System for Local Follow Through Projects	LEA	49	48	13.433 or 84.014	Patricia Gore (202) 245-9846
ED 831	Activity Report of State Monitoring and Enforcement Efforts, Title I, ESEA	SEA	57	4,800	84.013	Benjamin Rice (202) 245-9454

Name of Agency Department of Education Bureau/Office/Group Office of Indian Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 354-1	Indian Education Grant Performance Report	COLL LEA NPO OOS	1,252	25,040	84.060 84.061 84.062 84.072	Patricia Mathews (202) 245-8236
ED 818	Evaluation of Indian-Controlled Schools	OOS	50	To be Determined	84.072	Patricia Mathews
ED 354	Financial Status Report	COLL LEA NPO OOS	1,252	3,756	84.060 84.061 84.062 84.072	Patricia Mathews 245-8236

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group OESE/Office of Migrant Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 362	Application for Migrant Education Pgm, Title I, Section 141	SEA	50	1000	84.011	Vidal Rivera 245-2222
ED 362-3	Financial Status and Performance Report, Title I, ESEA, Section 143, Migrant Ed. Pgm.	SEA	13	65	84.144	Vidal Rivera 245-2222
ED 819	Application for Grants Under High School Equivalency Pgm and College Assistance Migrant Pgm, Migrant Ed.	COLL	18	360	84.141	Joseph Bertoglio 245-2222
ED 819-1	Application for Grants Under High School Equivalency Pgm and College Assistance Migrant Pgm, Migrant Ed.	Coll	100	2,000	84.141 (Part B)	Joseph Bertoglio 245-2222
ED 819-2	Financial Status and Performance Report, High School Equivalency Pgm, and College Assistance Migrant Pgm.	Coll	20	100	84.141	Joseph Bertoglio 245-2222

Name of Agency Department of Education Bureau/Office/Group OESE/Equal Educational Opportunity Pgm

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 116-2 Series	Financial Status Report and Program Performance Report for the Emergency School Aid Act and Title IV of the Civil Rights Act	LEA SEA COLL OOS OSA NPO	730 14 50 30 21 200	10,220 196 750 420 294 2,800	84.057A 84.057B 84.056A/B 84.106A/B 84.107A 84.108A 84.109A 84.102A/B 84.110A 84.111A 84.102A/B	Jesse Jordan (202) 245-7965

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group OESE/Office of Educational Support

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 692	Application for Career Education Discretionary Pgms	SEA LEA NPO	150	6000	84.074	John Lindia (202) 245-2284
ED 829	Review of a Sample of Local Educational Agency Pgms Funded Under the Career Education Incentive Act	LEA	70	280	84.104	John Lindia (202) 245-2284
ED 825	Review of State-level Activities Funded Under the Career Education Incentive Act	SEA	49	98	13.596 or 84.104	John Lindia (202) 245-2284
ED 830-1 thru -5	Assessment of the Processes and Outcomes of Career Education in Three Local Settings	EAS TES HES PAR IND	12 270 540 81 27	1452 1080 270 40.5 13.5	84.074	John Lindia
ED 834	Teacher Centers Pgm. Performance & Financial Report Form (used by grantees)	LEA IHE SEA Comm D.C.	91 8 42 10 10	3640 320 420 10 10		A.Bruce Gaarder
FEDAC No. R65 ED 4019 (RSF-1)	Application for School Assistance in Federally Affected Areas	LEA	5,000	60,000	84.041	Director, DIA (202) 245-8427

Name of Agency Department of Education — Bureau/Office/Group Office of Vocational and Adult Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 360	Financial Status and Performance Report for Discretionary Grants - OVAE	LEA NPO COLL SEA Other (Indian Tribal Org.)	23 9 7 23 35	184 72 56 184 280	84.081 84.081 84.081 84.081 84.081	Eugene Long (202) 245-2626
ED 365; -1	Financial and Performance Report for Adult Education	SEA	57	4,560	84.002	Carroll Towey (202) 245-2774
ED 575-1, -2	Financial Status and Performance Report for Emergency Program for Indochina Refugees	AEA LEA	1 14	8 8	84.093 84.093	Gerald Randall (202) 245-9751
ED 750	Adult Education - Management Review for Program Improvement	AEA BEA	330 12	242 3	84.002 84.002	Carroll Towey (202) 245-2774
ED 773	Application for State Advisory Council for Vocational Education	SEA Other (Governors) Other (State Advisory Councils for Vocational Education)	14 43 57	28 86 114	84.053 84.053 84.053	Jeanne Williams (202) 472-3430
ED 652	State Plan for Adult Education	AEA	57	22,800	84.002	Carroll Towey (202) 245-2774
ED 700	Nationwide Study of the Distribution, Utilization, and Impact of Research and Development Products in Vocational Education	COLL EPE LEA NPO SEA	160 60 230 30 100	32 15 58 6 20	84.101 84.101 84.101 84.101 84.101	Mary Lovell (202) 245-2617

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Postsecondary Education Office of Student Financial Assistance

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 628-2	BEOG Quality Control Project Stage III	COLL FAH SPE	400 4,000 4,000	600 4,000 4,000	84.064	David Iwamoto (202) 245-1747
ED 765	Quality Control Surveys of Student Financial Aid Program	FAO FIN	20 20	10 10	84.064	Ernst Becker (202) 245-1747
ED 815	GSL Quality Control Project for FY 82	FIN Borrowers	500 5,000	1,000 5,000	84.064	Barbara Sanders (202) 245-1747
FEDAC R 181 ED 304	Request for Payment of 1981-82 BEOG Award	FAO SPE	850 40,000	27,233	84.063	Shirley Purvis (202) 472-2685
FEDAC R 181 ED 304-1	AIS Student Report	FAO	35,000	17,500	84.063	Shirley Purvis (202) 472-2685
OMB 51-R1261 ED 579	ADS Student Validation Roster	FAO	850	2,000	84.063	MaryAnn Nelson (202) 472-2685
FEDAC R 94 ED 255	Basic Grant Application Form for 1981-82	SPE	1,750,000	2,625,000	84.063	Robert J. Tuccillo (202) 472-4300
FEDAC R 94 ED 255-2	Basic Grant Special Condition for 1981-82	SPE	215,333	323,000	84.063	Robert J. Tuccillo (202) 472-4300
FEDAC R 94 ED 255-1	Basic Grant Student Eligibility Report for 1981-82	Postsecondary Financial Aid Administrators	5,000	1,350,000	84.063	Robert J. Tuccillo (202) 472-4300
FEDAC R 148 ED 255-3	Institutional Progress Report for Basic Educational Opportunity Grants	EPE	5,000	11,250	84.063	Charles Brazil (202) 447-9025
OMB 51-R1055 ED 255-4	Basic Educational Opportunity Grant Program Student Validation Roster	EPE	5,000	25,000	84.063	Charles Brazil (202) 447-9025
ED 1189-1	Guarantee Agency Request for Reimbursement Under Agreement for Federal Reinsurance	State Guarantee Agencies	50	5,408	84.032	Maurice Tansey (202) 245-8122
ED 1189-2	Guarantee Agency Report of Recoveries on Claims Paid Under Federal Reinsurance	State Guarantee Agencies	50	5,408	84.032	Maurice Tansey (202) 245-8122
ED 1189-3	Guarantee Agency Request for Reimbursement on Death and Disability	State Guarantee Agencies	50	5,408	84.032	Maurice Tansey (202) 245-8122
ED 1199	Federal Loan Transaction Statement	FIN	19,000	28,500	84.032	Maurice Tansey (202) 245-8122
ED 1207	Lender's Application for Insurance Claim on Federal Insured Student Loan	FIN	12,000	6,000	84.032	Maurice Tansey (202) 245-8122
ED 1249-1	Request for Collection Assistance Under Federal Insured Student Program	FIN	13,000	4,584	84.032	Maurice Tansey (202) 245-8122
ED 816	Basic Educational Opportunity Grant (BEOG) Delivery System Redesign Pilot Project	FAO		1 hour each	84.064	Sylvia Cowan (202) 245-1747
ED 1288	Application for SSIG Program Funds	SEA	57	171	84.069	Lanora Smith (202) 472-4265
ED 1288-1	Fiscal Status and Performance Report for SSIG	SEA	57	171	84.069	Lanora Smith (202) 472-4265

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education — Bureau/Office/Group: Office Of Postsecondary Education, Office of Student Financial Assistance

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 1070	Lenders Report of Guaranteed Student Loans	FIN	Varies - only lenders in NH and RI		84.032	Maurice Tansey (202) 245-8122
ED 1072	Student Confirmation Report	COLL, NJC, PJC, V/T/C, Guarantee Agency	Depends on number of eligible schools at the time	Not available	84.032	Maurice Tansey (202) 245-8122
ED 1074	Loan Transfer Statement	FIN	Number changes monthly	2 hrs. per person	84.032	Maurice Tansey (202) 245-8122
ED 1151	Lenders Manifest for Federally Insured Student Loans	FIN	19,000	9,500	84.032	Maurice Tansey (202) 245-8122
ED 799	Lenders Request for Interest and Special Allowance, Guaranteed Student Loan Program, Parents Loans to Undergraduate Students	FIN	19,000	Varies depending on resources	84.032	Maurice Tansey (202) 245-8122
ED 799-1	Lenders Annual Report on Guaranteed Student Loan Outstanding	FIN	19,000	varies depending on resources	84.032	Maurice Tansey (202) 245-8122
LEEP 1	Law Enforcement Education Program (LEEP) Application	Colleges and Universities	834	2,000	N/A	Edward Mack (202) 492-9040
LEEP 3	LEEP Student Certification and Note	Criminal Justice Students	60,000	27,500	N/A	Edward Mack (202) 492-9040
FEDAC R 52 LEEP 5	Summary and Certification Sheet	Colleges and Universities	834	2,500	N/A	Edward Mack (202) 492-9040
FEDAC R 78 LEEP 6	Statement of LEEP Account	Criminal Justice Students and Agencies	340,000	68,000	N/A	Evelyn Scott (202) 633-3900
FEDAC R 79 LEEP 9	LEEP Rebate Credit Form	Colleges and Universities	600	180	N/A	Evelyn Scott (202) 633-3900
FEDAC R 81 LEEP 12	LEEP System Note Control Log	Colleges and Universities	4,000	800	N/A	Evelyn Scott (202) 633-3900

Name of Agency: Department of Education — Bureau/Office/Group: Office of Postsecondary Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 621-3	Loan Transfer Statement	FIN	520	130	84.090	Fred Wells (202) 245-2201
ED 639	Lender Manifest	FIN	520	130	84.090	Fred Wells (202) 245-2201
ED 768	Non-Student Borrower Application	FIN NPE	1,200	900	84.090	Fred Wells (202) 245-2201

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education — Bureau/Office/Group: Office of Postsecondary Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 140 ED 756	Borrower Status Form	SPE	1,200	600	84.090	Fred Wells (202) 245-2201
ED 769-1	Repayment Schedule and Truth in Lending Disclosures (variable rate)	FIN	1,000	400	84.090	Fred Wells (202) 245-2201
ED 769-2	Repayment Schedule and Truth in Lending Disclosures (Fixed rate)	FIN	3,000	750	84.090	Fred Wells (202) 245-2201
ED 621-2	Student Application for a Health Education Assistance Loan	FIN SPE COLL	12,000	12,000	84.090	Fred Wells (202) 245-2201
ED 553	Referral/Assignment of Defaulted Note(s)	IHE	3,000	3,300	84.038	Ronald Allen (202) 245-9640
ED 574	Report on Defaulted Loan (NDSL)	IHE	3,000	14,000	84.038	Ronald Allen (202) 245-9640
ED 1269-1	Summary Data Sheet/Listing Form for NDSL Cancellation Benefits	State Departments of Education	114	304	84.037	Ronald Allen (202) 245-9640
ED 851	Application for Grants Under the Strengthening Developing Institutions Program	COLL	400	60	84.031	Richard L. Fairley (202) 755-1254
ED 852	Application for Grants Under the Aid to Institutions with Special Needs Program	COLL	500	60	84.031	Richard L. Fairley (202) 755-1254
ED 853	Application for Challenge Grant Program	COLL	200	60	84.031	Richard L. Fairley (202) 755-1254
ED 1251	Application for Special Programs From Disadvantaged Backgrounds	IHE Public and Private agencies, organizations, and secondary schools	1,000 250	5,000 1,250	13.482 84.042	Velma Monteiro-Williams (202) 245-2511

Name of Agency: Department of Education — Bureau/Office/Group: Office of Bilingual Education and Minority Languages Affairs

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 844	Financial Status and Performance Report for Bilingual Education Grants	COLL, LEA, NJC, NPO, PJC, SEA	850	24,200	84.003	Gilbert Garcia (202) 245-2600
ED 443; -1	Financial Status and Performance Report for the Transition Program for Refugee Children and the Educational Services for Cuban and Haitian Entrant Children Program	SEA	50	6,424	84.146 84.138	Jonathan Chang (202) 472-7177
ED 843	Program Performance Report for Grants Under the Bilingual Vocational Training Program and the Bilingual Instructor Training Program	COLL, LEA, NJC, NPO, OSA, PJC	21	672	84.077 84.099	Richard Haber (202) 245-2600

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research and Improvement/Office of Libraries and Learning Technology/Division of Library Programs

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R-62 ED 606	Final Financial Status and Performance Report	Colleges and universities	1400	4	84.005 84.036	Frank A. Stevens (202) 245-9530
		Nonpublic junior colleges	230	4	84.091	
		Nonprofit organizations	40	4		
		Combinations of institutions	30	4		
		Public Junior colleges	1000	4		
		State library agencies	1	4		

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research and Improvement/Office of Libraries and Learning Technology

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 835	TV Series, Citizen Education	IND	1000	1000	84.065	Frank Withrow (202) 245-9228
ED 836	Adult Basic Literacy	IND	1000	1000	84.065	Mary Ches Applewhi (202) 245-9228
ED 837	Radio Series, Acculturation	IND	1000	1000	84.067	Mary Ches Applewhi (202) 245-9228
ED 838	Evaluation Study: New Technology	SCH IND	2000	4000	84.067	Frank Withrow (202) 245-9228
ED 839	Utilization of Technology in Teaching of Written Communications	SCH	2000	4000	84.067	Sheldon Fisher (202) 245-9228
ED 840	Demonstration Project in Technology and Job Skills	IND	2000	4000	84.067	Sheldon Fisher (202) 245-9228
ED 841	National Training Project: Use of Instructional Technology	SCH IND	2000	4000	84.067	Sheldon Fisher (202) 245-9228
ED 842	Interactive Videodisc Demonstration	SCH	4000	8000	84.067	Sheldon Fisher (202) 245-9228
ED 846	A Descriptive Study of the effect of HEA II-C on Bibliographic Control in Research Libraries	Academic Librarians Public Lib.	30 5	22.50 3.75	84.039	Henry Drennan (202) 245-2994
ED 774	Annual Report for the Library Services and Construction Act	SLA	57	1,710	84.034 84.035	Nathan M. Cohen (202) 472-5150

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvement, Office of School Improvement, Office of Consumers' Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 733	Application for Grants Under the Consumers' Education Program	LEA	60		84.082	D. Wilson 202-426-9303
		SEA	10			
		IHE-4	100			
		IHE-2	75			
		Pub Govt	70			
		N.Profit	385			

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvement, Office of School Improvement, Metric Education Program

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. 69 ED 425	Applications for grant awardsunder the authority of the Metric Education Act of 1978 (ESEA; Title III; Part B; Section 311-313	SEA LEA IHE NPO	20 220 180 105	1200 6800 7200 4200	84.079	Constance E. Hawle 653-5920

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvement National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 167 ED (NCES) 2350-8	Common Core of Data (CCD) Part I, Local Education Agency Universe (1981-82)	SEA	57	570	N/A	Warren A. Hughes (301) 436-6729
ED (NCES) 2350-9	Part II, Estimates for School Year 1980-81	SEA	57	570		
ED (NCES) 2350-13	Part III, State Education Agency Directory, 1981-82	SEA	57	171		
ED (NCES) 2350-5	Part IV, Fall Report on Pupils and Staff	SEA	57	1,140		
ED (NCES) 2350-7	Part V, Fall Report on School Housing	SEA	57	228		
ED (NCES) 2393-2	Part VI, Local Education Agency non-Fiscal Report	SEA	57	20,000		

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvement, National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NCES) 2393-2A	Part VI-A, Universe of Public Schools	SEA	57	7,500		
ED (NCES) 2393-6	Part VIII, Revenues and Expenditures Elementary and Secondary Education, FY 1981	SEA	57	1,140	N/A	Warren A. Hughes (301) 436-6729
ED (NCES) 2300-5	College and University Libraries	COLL	3,140	6,280	N/A	Richard Beazley (301) 436-6662
ED (NCES) 2349	Public Library Survey, 1981	PLIB	1,500	750	N/A	Helen Eckard (301) 436-6662
ED (NCES) 2421	Museum Universe Update	STI, COLL, OOS	4,400	1,100	N/A	Sally Sanford (301) 436-6662
ED (NCES) 2424	Museum Program Survey	STI, COLL, OOS	1,500	1,825	N/A	Robert Beintze (301) 436-6662
ED (NCES) 2349-1	Public Library Universe Update	SLA	56	56	N/A	Sally Sanford (301) 436-6662
	National Longitudinal Study - High School and Beyond				N/A	Edith M. Huddleston (301) 436-6688
ED (NCES) 2409-30	1980 Sophomore Cohort - First Follow-up Survey	SNE, SES, SDP	27,000	27,000		
ED (NCES) 2409-30-1	Teachers' Comment Checklist	TES	50,000	12,500		
ED (NCES) 2409-30-2	School Questionnaire	SAS	1,000	250		
ED (NCES) 2409-33	1980 Senior Cohort - First Follow-up Survey	IND	15,000	15,000		
ED (NCES) 2409-35	First Follow-up Survey of Parents	IND	8,000	8,000		
ED (NCES) 2405 Series	Postsecondary Network Survey System	SEA	57	456	N/A	MacKnight Black (301) 436-7919
"	State Level Personnel Exchange (postsecondary level)	SEA	57	114	N/A	MacKnight Black (301) 436-7919
"	Survey of State Elementary and Secondary Officials Concerning Ways to Improve State Technical Assistance	SEA	57	114	N/A	George Wade (301) 436-7919
ED (NCES) 2405 Series	Information Exchange Directory (postsecondary level) regarding Status of the States' Information Systems	SEA	57	570	N/A	MacKnight Black
"	Survey of State Postsecondary Officials Concerning Ways to Improve State Technical Assistance	SEA	57	114	N/A	MacKnight Black (301) 436-7919

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvement, National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
"	Information Exchange Directory (elementary/secondary) regarding Status of the States' Information Systems	SEA	57	570	N/A	George Wade (301) 436-7919
ED (NCES) 2434	Offerings and enrollments of Secondary Schools	Teachers and principals in public and private schls	One administrator and an avg. of 20 teachers for 2,000 schools	20,000	N/A	Richard P. Cook (301) 436-7484
ED (NCES) 2433	Private school Federal Program Participation	SEA	50	2,000	N/A	Larry Suter (301) 436-6729
FEDAC R 146 ED (NCES) 2406	Survey of Teacher Demand and Shortage	Private and public schools and public school district administrators	2,000	1,000		John Sietsema (301) 436-6316
ED (NCES) 2407-1, -2	1980 Census Data by School District	SEA LEA	49 14,000	15 4,200		J. Fred Beamer (301) 436-6684
FEDAC R136 ED (NCES) 2349-3	Nonpublic School Libraries/Media Centers	NMB, NPE, SCHL	1,500	750		Elizabeth M. Faupel (301) 436-6662
OMB 51-R1191 ED (NCES) 2379	Fast Response Survey System (FRSS)	SEA LEA SCH NME THE Non-col. p/s schools with occupational programs Museums	57 600 1,000 800 500 750 600	24 1,000 500 400 250 375 300		Jeanette Goor (301) 436-6684
ED (NCES) 2425	1981-82 Library Human Resources Study of Supply and Demand	SCHL PLIB COLL LIB Employers	475 475 950 475	333 333 666 333	N/A	Helen Eckard (301) 436-6662
ED (NCES) 2432	Post-survey-Validation of HEGIS Residence and Migration Survey	Colleges and Universities	120	960	N/A	Masao Yoshitsu (301) 436-7865
FEDAC No. S209 ED (NCES) 2397	1981-82 Teacher Language Skills Survey	Full-time elementary & secondary classroom teachers	15,000	3,750	N/A	Jane Crane (436-7484
FEDAC R 218 ED (NCES) 2413	Application for Grants under the Capacity Building Program for Statistical Activities in State Education Agencies	SEA	57	4,000	84.114	MacKnight Black (301) 436-7919
FEDAC No. R137 ED (NCES) 2426	State Level Personnel Exchange (elementary and secondary level)	SEA	32	32	N/A	George Wade (301) 436-7919
FEDAC R 167 ED (NCES) 2393-4	Part VII, State Education Agency Report (CCD)	SEA	57	1,425	N/A	Warren A. Hughes (301) 436-6729

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education — Bureau/Office/Group: Office of Educational Research & Improvement, National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 25 ED (NCES) 2300-4	Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1981	COLL	3,200	4,800	N/A	Norman Brandt (301) 436-6425
OMB 51-R0560 ED (NCES) 2300-1	Institutional Characteristics, 1981-82	COLL	3,200	1,600	N/A	Geneva Davis (301) 436-6425
FEDAC S 10 ED (NCES) 2300-2.8	Residence and Migration of College Students, Fall 1981	COLL	3,200	4,800	N/A	Andrew Pepin (301) 436-6425
OMB 51-R102 ED (NCES) 2300-3	Salaries, Tenure, and Fringe Benefits of Full-time Instructional Faculty, 1981-82	COLL	3,200	25,600	N/A	Carolyn Smith (301) 436-6425
ED (NCES) 2435	Survey of Research Libraries	NPO, COLL, FEA, NJC, OOS, SLA, PLIB	1,000	500	N/A	Elizabeth Faupel (301) 436-6662

Name of Agency: Department of Education/NIE — Bureau/Office/Group: Dissemination and Improvement of Practice

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 192	Study of NIE's Program Increase the Participation of Women and Minorities in Educational R & D	EPE SPE	500 (total)	500	84.117	Naida Bagenstos 254-6050
ED (NIE)- 218	Fostering Improvement in Education Through General Purpose Dissemination Assistance: An NIE Dissemination program study	EPE SAS LEA SEA OOS SES PES	259 (total)	209	84.117	John Egermeir 254-6050
ED (NIE)- 241	ERIC Distribution System Study	managers administrtive & direct service personnel in information providing organization; Information clients	180	270	84.117	Joe Heinmiller 254-6050
ED (NIE)- 242	STATE - Level Knowledge Use System	COLL NPO FEA SEA LEA IND	205	205	84.117	Naida Bagenstos 254-6050
ED (NIE)- 243	Educational Improvement Support Services	COLL OOS LEA SEA NPO IND	2650	1325	84.117	Naida Bagenstos 254-6050

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education/NIE — Bureau/Office/Group: Educational Policy and Organization

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 221	Study of School Size	FED TES SES	4802	2707	84.117	David Mandel (202) 254-5928 Bella Rosenberg (202) 254-8897
ED (NIE)- 229A	Language Learning in Bilingual Instruction	FAM SES TES	894	2,400	84.117	Judith Orasanu (202) 254-5767
ED (NIE)- 229B	Language Attitudes of Parents Students and Teachers in Bilingual Classrooms:	SES TES FAM SAM TAE	616	1,800	84.117	Blanca Rosa Rodriguez (202) 254-5766
ED (NIE)- 233	A Study of Cost Consequences of Decline	SEA LEA	1000	1000	84.117	Lauren Weisberg (202) 254-5555
ED (NIE)- 235	Special Decline in Rural School District	SEA LEA	160	160		Tom Schultz (202) 254-7930

Name of Agency: Department of Education/NIE — Bureau/Office/Group: Teaching and Learning

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 232-A	Youth Literacy & Basic Skills Policy and Secondary Schools	SES LEA SDP	1,100	1,200	84.117	Thomas Carroll 254-5706
ED (NIE)- 232-B	Functional Literacy for Adults in Classrooms, The Workplace and in the Home and Community	AES EMP AEA	36	212	84.117	Thomas Carroll 254-5706
ED (NIE)- 244	The Tranisition From Home to School for Children and Their Families: An Ecological	SES YES	1,140	1,630	84.117	Oliver Moles 254-5706
ED (NIE)- 245	Survey of State Educational Assessment Programs	DOG (Directors of State, Assessment and/or Testing)	50	75	84.117	Tongsoo Song 254-5830
ED (NIE)- 2371 - TA 9,10,11, 12,13,14 ED (NIE)- 2371 - TB 9,10,11, 12,13,14 ED (NIE)- 2371 - TI 4,5,6,7,8, 9	National Assessment of Educational Progress Writing Field - Tests October 1981 - September 1982	SES PES	6,080	4,560	84.117	Tongsoo Song 254-5830

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Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education/NIE Bureau/Office/Group Teaching and Learning

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 2371-1355R; 2371-1321f: 2371-13PQ; 2371-13SOQ; 2371-13QC; 2371-13TEQ; 2371-13BQ; 2371-13A; 2371-13I; 2371-1371SQO: 2371-13BQO; 2371-13DLO; 2371-13EGLO; 2371-13VO; 2371-1AO	National Assessment of Educational Progress Citizenship Social Studies, Mathematics and Science Assessment - September 1981 - August 1982	SES SNE PES out-of-school respondents school counselors secretaries	73,050	57,750	84.117	Tongsoo Song 254-5830

Name of Agency Department of Education Bureau/Office/Group Educational Research and Improvement, Fund for the Improvement of Postsecondary Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 0003	Comprehensive Pgm Final Year Dissemination Competition	Coll	50	400	84.116A	Diana Hayman (202) 245-8102
ED 0007	Minority Institutions Science Improvement Pgm	Coll	150	15,000	84.120	Diana Hayman (202) 245-8102

Name of Agency Dept. of Health and Human Services Bureau/Office/Group Center for Disease Control

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
CDC 001	Evaluation of School Health Education Programs	Students Teachers Parents Others	25,000 500 2,000 600	53,100	13.283	Dr. Walter Gunn 404-329-3141

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency National Science Foundation Bureau/Office/Group

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
NSF E-0012	Scientific Research Equipment Indicators Study	COLL EPE	200 3000	200 6000	None None	Gerard R. Glaser,Jr (202) 634-4682
OMB 3145-0032	1982 Survey of S & E Graduates	IHU	21,530	5,383	None	James Brown (202) 634-4664
	Designing and Testing Alternative Strategies for Developing Reliable Estimates of Academic Basic Research Expenditures by Field of Science and Engineering	COLL	Unknown at this	-	None	Penny D. Foster (202) 634-4630
	Letter to Institutions - S & E Graduates 1980-81	COLL	225	1,000	None	James Brown (202) 634-4664

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
27-4724	Compliance Report of Proprietary Institutions	NNE MFH V/T/C	367	184	64.116 64.117	Melvin T. Jackson 389-2095
27-8734 & a	Title VI Compliance Review Report	NNE MFH SNE SFH V/T/C	648	1,313	64.116 64.117	Melvin T. Jackson 389-2095
VA 10-1494	Veterans Administration Application for a Grant Under P.L. 94-541	COLL	26	455	64.021	Charles Barnes 389-5128

[FR Doc. 81-5010 Filed 2-13-81; 4:15 pm]
BILLING CODE 4000-01-C

V 46 / 34 F E 20 81 UMI

DEPARTMENT OF ENERGY

Dose Assessment Advisory Group; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting.

Name: Dose Assessment Advisory Group

Date and time: Thursday, March 12, 1981—8:30 a.m. to approximately 5:00 p.m.; Friday, March 13, 1981—8:30 a.m. to approximately 5:00 p.m.

Place: Department of Energy, Nevada Operations Office Auditorium, 2753 South Highland Drive, Las Vegas, Nevada

Contact: Marshall Page, Jr., Deputy Project Manager, Off-Site Radiation Exposure Review Project, Nevada Operations Office, Department of Energy, Box 14100, Las Vegas, Nevada 89114, Telephone: 702–734–3161

Purpose of group: To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-site Radiation Exposure Review project. This project concerns the evaluation and assessment of the amount of radiation received by members of the offsite population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

Tentative agenda:

March 12, 1981

- Introduction and Briefing
- Mission of the Coordination and Information Center (C.I.C.)
- Role of the C.I.C. in Providing Support as the Data Collection Task Group
- Update on Task Group Activities
- Particle Size Distribution Data Discussion
- Dose Assessment Advisory Group Discussion
- Public Comment (5 minute rule)

March 13, 1981

- University of Utah Dose Assessment Project Presentation
- DOD National Troop Participant Review Presentation
- Discussion of Radiological Unit Measurements
- Discussion and Recommendations
- Public Comment (5 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page at the address or telephone number listed above.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office, telephone 202–2523–5187.

Issued in Washington, D.C. on February 13, 1981.

Georgia Hildreth

Director Advisory Committee Management.

[FR Doc. 81–5752 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95–621), signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective March 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., NW., Rm 4121, Washington, D.C. 20461 (202) 633–9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, also by Interim Rule, issued on December 24, 1980, in Docket No. RM81–9; amended price ceilings for Kentucky for the months following January 1981 to be set at the price ceiling at the Region D price until the Commission takes final action on its generic rulemaking in Docket No. RM79–21.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

Dollars per million BTU's

State:	
Alabama	3.09
Arizona	3.44
Arkansas	4.25
California	3.45
Colorado	3.76
Connecticut	4.76
Delaware	5.37
Florida	4.50
Georgia	4.50
Idaho	4.30
Illinois	2.90
Indiana	3.87
Iowa	4.07
Kansas	4.29
Kentucky [1]	3.54
Louisiana	3.85
Maine	4.92
Maryland	5.08
Massachusetts	4.91

[1] Region based price as required by FERC Interim Rule, issued on December 24, 1980, in Docket No. RM81-9.

Dollars per million BTU's

State:	
Michigan	3.85
Minnesota	3.89
Mississippi	4.42
Missouri	4.00
Montana	3.76
Nebraska	4.03
Nevada	3.44
New Hampshire	5.03
New Jersey	4.54
New Mexico	3.70
New York	4.09
North Carolina	4.74
North Dakota	4.62
Ohio	3.55
Oklahoma	3.78
Oregon	3.59
Pennsylvania	4.34
Rhode Island	4.76
South Carolina	4.57
South Dakota	4.39
Tennessee	4.27
Texas	3.55
Utah	4.30
Vermont	5.22
Virginia	4.66
Washington	3.33
West Virginia	4.14
Wisconsin	3.46
Wyoming	3.48

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during December 1980 was $36.86 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective March 1, 1981, is $8.26 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of October 1980, November 1980, and December 1980.[2] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective March 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, October 1980, November, 1980, and December 1980. Reported prices for sales in October 1980 were adjusted by the percent change in the nationwide volume-weighted average price from October to December 1980. Prices for November 1980 were similarly adjusted by the percent change in the nationwide volume-weighted average price from November to December 1980. The volume-weighted 3-month average of the adjusted October 1980 and November 1980, and the reported December prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for two–month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending February 12, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of December 1980. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	
Connecticut	New Hampshire
Maine	Rhode Island
Massachusetts	Vermont
Region B	
Delaware	New York
Maryland	Pennsylvania
New Jersey	
Region C	
Alabama	North Carolina
Flordia	South Carolina
Georgia	Tennessee
Mississippi	Virginia
Region D	
Illinois	Ohio
Indiana	West Virginia
Kentucky	Wisconsin
Michigan	
Region E	
Iowa	Nebraska
Kansas	North Dakota
Missouri	South Dakota
Minnesota	
Region F	
Arkansas	Oklahoma
Louisiana	Texas
New Mexico	
Region G	
Colorado	Utah
Idaho	Wyoming
Montana	
Region H	
Arizona	Oregon
California	Washington
Nevada	

Issued in Washington, D.C. on February 17, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81–5919 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–01–M

[2] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

Economic Regulatory Administration

[Docket No. ERA–FC–80–0–34; OFC Case Number 63003–9188–01–77]

Georgia Pacific Corp., Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Classification—Georgia Pacific Corporation.

SUMMARY: Georgia Pacific Corporation (G–P) has filed with the Economic Regulatory Administration (ERA) a request for classification as "existing" for a field-erected standby boiler a major fuel burning installation, pursuant to Section 515.13 of the "Final Rule to

Permit Classification of Certain Powerplants and Installations as Existing Facilities" (Final Rule), issued by ERA on October 14, 1979 (10 CFR Part 515), pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8301 *et seq.*).

SUPPLEMENTARY INFORMATION: On December 18, 1979 G–P requested that ERA classify a field-erected standby boiler, designated to burn natural gas, at its Plaquemine, Louisiana facility as "existing", under the authority of the Final Rule. Notice of G–P's filing of the request for classification was published in the **Federal Register** on January 5, 1981, at 46 FR 1013. The public comment period provided in the notice expired on January 26, 1981. No comments were received.

G–P established its eligibility to request classification of its standby boiler by satisfactorily demonstrating, pursuant to § 515.10 of the Final Rule, since it executed a contract for the construction or acquisition of the unit prior to November 9, 1978, G–P requested that the unit be classified as "existing" pursuant to § 515.13(a) of the Final Rule, on the basis that the cancellation, rescheduling, or modification of the unit as of November 9, 1978 would have resulted in a substantial financial penalty. Specifically, G–P demonstrated that the nonrecoverable expenditures incurred as a result of cancellation of its contracts for the subject boiler as of November 9, 1978 would have been at least 25 percent of the total projected project cost as required § 515.13(a) of the Final Rule.

Based on a review of G–P's request, ERA has determined to classify G–P's standby boiler as an "existing" facility pursuant to § 515.13(a) of the Final Rule.

FOR FURTHER INFORMATION CONTACT:

Anthony M. Vaitekunas, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128K, Washington, D.C. 20461, Phone (202) 653–4237

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461 (202) 653–4226

James Renjilian, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

The public files (OFC Case Number 63003–9188–01–77) containing documents on these proceedings are available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on February 12, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–5736 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket Nos. 81–09–NG et al.]

Pacific Gas Transmission Co., et al.; Natural Gas Imports, Applications To Pay the Canadian Border Price

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application to Amend Natural Gas Import Authorizations to Permit Purchase Price Increase.

SUMMARY: Pacific Gas Transmission Co. [ERA Docket No. 81–09–NG]; Great Lakes Gas Transmission Company, [ERA Docket No. 81–10–NG]; Northwest Pipeline Corporation [ERA Docket No. 81–11–NG]; Inter-City Minnesota Pipelines Ltd., Inc., [ERA Docket No. 81–12–NG]; St. Lawrence Gas Company, Inc., [ERA Docket No. 81–13–NG].

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of applications by Pacific Gas Transmission Company (PGT), Great Lakes Gas Transmission Company (Great Lakes), Northwest Pipeline Corporation (Northwest), Inter-City Minnesota Pipelines Ltd., Inc. (Inter-City), and St. Lawrence Gas Company, Inc. (St. Lawrence) to amend their current natural gas import authorizations in order to permit the purchase of natural gas imported from Canada into the United States at a price of U.S. $4.94 per MMBtu effective April 1, 1981. Currently, these companies are authorized to purchase natural gas from Canada at a price of U.S. $4.47 per MMBtu.

The applications are filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on March 9, 1981.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Gary (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW., Room 7108, RG–55, Washington, D.C. 20461, (202) 653–3286.

Patricia J. Neel, (Office of the General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Ave., SW., Forrestal Bldg., Room 5E–074, Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: PGT is currently authorized to purchase and import up to 1,021 MMcf of natural gas per day from Alberta and Southern Gas Company, Limited (Alberta and Southern), Canada. All of the gas imported by PGT is resold to Pacific Gas and Electric (PG&E) for use within the State of California.

Great Lakes is currently authorized to purchase and import up to 290 MMcf of natural gas per day from TransCanada Pipelines Limited (TransCanada), Canada. In addition, Great Lakes is also authorized to import a makeup volume of up to 18 Bcf of gas from TransCanada on an interruptible basis through October 31, 1981.

Northwest is currently authorized to purchase and import up to 961 MMcf of natural gas per day from Westcoast Transmission Company, Limited (Westcoast), Canada.

Inter-City is currently authorized to import up to 38 MMcf of natural gas per day at a price of U.S. $4.47 per MMBtu and reimport up to 32 MMcf of natural gas at a price of U.S. $3.65 per MMbtu.

St. Lawrence is currently authorized to import up to 30 MMcf per day from Niagara Gas Transmission Limited (Niagara), Canada. All of the natural gas imported by St. Lawrence, an intrastate distributor, is used within the State of New York.

In DOE/ERA Opinion and Order No. 14, issued on February 16, 1980, ERA approved the import of natural gas for PGT, Great Lakes, Northwest, Inter-City, St. Lawrence, and others at an interim price of U.S. $4.47 per MMBtu, in ERA Docket Nos. 80–01–NG, *et al.*, Inter-City Minnesota Pipelines Ltd., Inc., *et al.* This order was amended by DOE/ERA Opinion and Order No. 14B, issued on May 15, 1980, which authorized the import of natural gas from Canada at the price of U.S. $4.47 per MMBtu.

On January 15, 1981, the Government of Canada announced a border price of U.S. $4.94 per MMBtu for natural gas exported to the United States, effective April 1, 1981. Subsequently, on January 21, 1981, PGT filed an application for authorization to continue its importation of Canadian gas at the new price. In its application, PGT alleges that its sole customer, PG&E, is dependent on these supplies of Canadian natural gas to serve its customers' requirements. This gas represents approximately 37 percent of PG&E's system supply.

On January 23, 1981, Great Lakes filed its application to import Canadian natural gas at the new price. Great Lakes, which imports all of its supply, contends that its customers have expressed a long-term need for Canadian natural gas in ERA Docket No. 80–02–NG. Northwest filed its application to import at this new price on January 27, 1981. Northwest claims that such an amendment to its authorization is necessary because no alternate sources of natural gas are available to replace the volumes of Canadian gas it receives. This imported gas represents approximately 54 percent of Northwest's total system supply.

On February 11, 1981, Inter-City filed its application to import Canadian natural gas at the new prices. For those volumes Inter-City currently imports at U.S. $4.47 per MMBtu the price will increase to U.S. $4.94 per MMBtu. The volumes imported at a price of U.S. $3.65 per MMBtu would increase to U.S. $3.95 per MMBtu. In its application, Inter-City claims that it has no physical access to any source of natural gas other than Canadian. The alternate fuel supply in Inter-City's service area is also uncertain. St. Lawrence also filed an application on February 11, 1981 to import Canadian natural gas at the new border price of U.S. $4.94 per MMBtu. St. Lawrence, which receives all of its natural gas supply from Canada, alleges that such an amendment to its authorization is required so that it may continue to do business.

Other companies which have current authorizations to import natural gas from Canada are expected to submit similar applications to amend their authorizations in order to continue purchasing Canadian natural gas after April 1, 1981. These companies are: Michigan Wisconsin Pipeline Company, Midwestern Gas Transmission Company, Montana Power Company, Northern Natural Gas Company, Tennessee Gas Pipeline Company, Transcontinental Gas Pipeline Company, and Vermont Gas Systems, Inc.

ERA anticipates that it will eventually consolidate for decision all applications to amend the price paid for currently authorized imports of Canadian gas. Therefore, persons with a specific interest in the Canadian price increase should intervene in the dockets noticed herein, without prejudice to filing comments in other related dockets at a later date.

Other Information

The ERA invites protests or petitions for intervention in the applications noticed herein, or in anticipation of a consolidated proceeding to consider all Canadian price increase requests by companies currently authorized to import natural gas from Canada.

Such protests or petitions are to be filed with the Economic Regulatory Administration, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, NW., Washington, D.C. 20461, in accordance with the requirements of the applicable rules of practice and procedure (18 CFR 1.8 and 1.10). Protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on March 9, 1981.

Any person wishing to become a party to the proceedings or to participate as a party in any hearing therein must file a petition to intervene. Protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

A hearing will not be held unless a motion for a hearing is made by any party and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. A party filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is ordered, due notice will be given to the parties.

A copy of the applications noticed herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on February 13, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81–5751 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. EL 81–7–000]

Electric Power; Informal Public Conference

February 13, 1981.

The Federal Power Act[1] and the Public Utility Regulatory Policies Act of 1978,[2] assign the Federal Energy Regulatory Commission various regulatory responsibilities for wholesale transactions of electric power. These responsibilities require the Commission to balance, on the one hand, the need of electric utilities for sufficient revenues to enable them to provide efficient and reliable service to their customers while remaining financially healthy and, on the other hand, the interest of electric consumers in paying no more that the just reasonable price required to defray the costs of providing them with efficient, reliable service.[3]

Recent years have seen great concern, both within and without the government, about the financial health of the electric utility industry.[4] The financial and business risks facing this industry have been extensively discussed. The rapid and large increases in the cost of fuels and electric power are widespread concerns.

Significant changes in the public policy framework affecting the electric utility industry have occurred in recent years, particularly as a result of the various parts of the National Energy Act of 1978.[5] Interest cost have hit historical

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[1] Act of June 10, 1920, *as amended*, Pub. L. 86–619, June 12, 1960; 16 U.S.C. 792, *et seq.*

[2] Pub. L. 95–617, November 9, 1978, *as amended*, Pub. L. 96–294, June 30, 1980; 16 U.S.C. 2601, *et seq.*

[3] *Bluefield Water Works and Improvement Company* v. *Public Service Commission*, 262 U.S 679 (1923) and *Federal Power Commission* v. *Hope Natural Gas Company*, 320 U.S. 591 (1944).

[4] These concerns have surfaced in various forms, including media reports, industry and investment firms reports, legislative and executive initiatives, as well as reports of public and private sector organizations. See, for example, "For the Utilities It's a Fight for Survival", *Fortune*, 1975; Paul L. Joskow and Paul W. MacAvoy, "Regulation and the Financial Condition of the Electric Power Companies in the 1970's", *Transport and Public Utilities*, May 1976; "The Financial Test that Utilities Face", *Business Week*, April 5, 1976; "Utilities Cut Appropriations," *The New York Times*, January 1, 1961; "Plunging Power: Big Financial Problems Hit Electric Utilities; Bankruptcies Feared," *Wall Street Journal*, February 2, 1961", Robert F. Gilkeson and W. Donham Crawford, *Remarks Before the San Francisco Society of Security Analysts*, March 6, 1975; William K. Rahner, *How an Analyst Appraises the Common Stocks of Utility Companies*, March 1, 1976; Bankers Trust Company, *U.S. Energy and Capital: A Forecast 1978–1982*; Andrew F. Brimmer, *Financing Public Utility Investment Requirements: Remarks Before the 43rd Annual Covention of the Edison Electric Institute*, June 3, 1975; William McCollam, Jr., *Remarks Before the New York Society of Security Analysts*, February 13, 1980; National Rural Electric Cooperative Association and National Rural Utilities Cooperative Finance Corporation, *Electric Power Supply. . . . Issue of the 80's); Hearings pursuant to S. Res. 45, The National Fuels and Energy Policy Study*, Before the Committee on Interior and Insular Affairs, United States Senate, 93rd Cong., 2nd Sess., 94th Cong. 1st Sess.; Hearings on *"Electric Utility Rate Reforms and Regulatory Improvement"*, Before the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce of the U.S. House of Representatives, 94th Cong., 2nd Sess.; the Utilities Act of 1975 and the Utility Rate Reform Provisions of the National Energy Plan; Federal Power Commission, the *Financial Outlook for the Electric Power Industry*, Sept. 1974; and Edison Electric Institute, *Financing the Electric Utility Industry*.

[5] In an effort to foster savings in energy, efficient utilization of facilities and resources and fair rates, the Congress enacted the Public Utility Regulatory Policies Act of 1978, the National Energy Conservation Policy Act of 1978, and the Energy Security Act of 1980. Various provisions of these states require consideration of certain ratemaking standards and load management techniques

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highs and, particularly during the past year and a half, there has been unusual volatility of the capital markets.* These and other developments have had special impact on the financial operations of capital-intensive electric utilities.

The Federal Energy Regulatory Commission has attempted to take cognizance of the conditions within which the electric industry operates today and the industry's future prospects in its decisions affecting jurisdictional sales. The Commission has attempted to obtain decisional records in individual rate cases that adequately delineate the relevant considerations that should influence its determinations of just and reasonable rates. It has also attempt to develop general policies and rules that take appropriate cognizance of the financial situation of the companies within its jurisdiction. For example, the Commission is currently considering its policies in connection with construction work in progress, nuclear decommissioning costs, rate of return determination procedures, tax nomalization, cash working capital allowances, and other such policies and is attempting to respond to the current needs of electric utilities and their customers.

The Commission would be assisted in its efforts to calibrate its decision and policies to the needs of the electric industry and its wholesale customers by a general review of the current financial situation and future outlook of the electric industry. To this end, the Commission will hold and informal public conference to discuss the financial position of the electric utility industry, the recent experience of electric utilities in acquiring necessary capital, and what general steps might be taken by the Commission to improve this situation consistent with its responsibilities to electric utility consumers. Discussants are especially requested to provide the Commission with data, views and analyses which the Commission should be aware regarding the following matters:

(1) Short-term (i.e., next five years) estimates of the capital requirements of the electic utility industry (or segments thereof). (The basis, on which capital requirements are projected should be described, including the projected need for additional generating capacity, load growth projections, future conservation, cogeneration, and the need to replace uneconomic oil or gas generation capacity).

(2) The relationship between inflation and capital costs in the markets and how utilities and their ratepayers have been affected by this relationship.

(3) The earnings requirements and past earnings record of the electric utility sector.

(4) Estimates of the sources of capital and amounts of capital that might be available to meet the short-term (i.e., five years) capital requirements of the electric utility industry and the associated costs of capital.

(5) Barriers—internal and external—that hamper the electric utility industry from obtaining access to capital sources at reasonable prices.

(6) Efforts by the utility industry to overcome the obstacles to obtaining the necessary capital at reasonable rates.

(7) Initiatives that the FERC might appropriately undertake to reduce barriers to the electric utility industry in obtaining access to necessary capital at reasonable rates.

(8) Financial consequences for utilities and their wholesale customers of each initiative that the FERC might appropriately implement.

Participants are reminded that specificity of responses greatly enhances the Commission's understanding of the problems.

Requests to participate in the conference should be directed to Commission's Secretary no later than five days prior to the date of the conference. To assist the expeditious consideration of these matters, parties with similar views or information should attempt to provide joint presentations, to the extent practicable. If anyone wishes to participate but is unable to attend, written comments may be submitted and entered into the record of this conference. Written comments should be submitted by February 27, 1981.

The said conference will take place before the Commission (or designated Commissioners), at 10:00 A.M., March 6, 1981, in Hearing Room A, 825 North Capitol Street NE., Washington, D.C. 20426. The Commission herein invites the National Association of Regulatory Utility Commissioners to designate state commissioners to sit with the Commission (or designated Commissioner) in this informal public conference.

The Commission is interested in receiving comments from the broadest public possible. Consumers, the investment community, and any other interested parties outside of the electric utility industry are particularly welcome.

Requests for additional information may be directed to:

Gregory D. Martin, Technical Advisor to the Commissioner, Office of Commissioner Matthew Holden, Jr., Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 9300, Washington, D.C. 20426, Phone: (202) 357–8383

William Lindsay, Director, Office of Electric Power Regulation, Federal Energy Regulatory Commission, Washington, D.C. 20426, Phone: (202) 376–9232

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5796 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3859–000]

City of Ashton, Idaho and Idaho Renewable Resources, Inc.; Application for Preliminary Permit

February 17, 1981.

Take notice that the City of Ashton, Idaho and Idaho Renewable Resources, Inc. (Applicant) filed on December 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3859 to be known as the Magic Reservoir Project located on the Big Wood River in Blaine County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. R. Bingham, 415 Wright Bros. Way, Salt Lake City, Utah 84122. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing earth-fill dam, Magic Dam, with a length of 800 feet and a height of 135 feet; (2) an existing reservoir with a surface area of over 3,500 acres and a capacity of 191,500 acre-feet; (3) a 900-foot long penstock with a 9-foot diameter; (4) a powerhouse containing two generating units rated at 2,500- and 7,500-kW, respectively; and (5) a 3.8 mile, 6.9-kV transmission line.

The Applicant estimates that the average annual energy output would be 34.0 GWh.

Purpose of Project—Power produced by the proposed project would be sold to the Idaho Power Company or the Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which they would determine environmental effects; prepare engineering designs and cost estimates; consult with appropriate agencies; and prepare an economic and financial analysis.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Magic Dam Project No. 3407 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing April 20, 1981 application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3859. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5812 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Federal Energy Regulatory Commission

[Docket No. CP81-165-000]

Cities Service Gas Co.; Application

February 17, 1981.

Take notice that on January 30, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-165-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline taps and appurtenant facilities in order to render natural gas service to 10 right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to provide natural gas service to ten right-of-way grantors as follows:

(1) Tap Applicant's North Ulysses Compressor Station 1½-inch pipeline in Kearny County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Kearny County Rural Fire District #2.

(2) Tap Applicant's Canadian-Blackwell 26-inch transmission pipeline in Woodward County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to C. R. Kornele.

(3) Tap Applicant's East Kansas City 20-inch transmission pipeline in Cass County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jim Lightner.

(4) Tap Applicant's Cambridge 16-inch transmission pipeline in Wilson County, Kansas, and constuct measuring, regulating and appurtenant facilities for delivery of natural gas to Mrs. Walfred E. Nelson.

(5) Tap Applicant's Mulhall-Drumright 12-inch transmission pipeline in Payne County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Joyce Patterson.

(6) Tap Applicant's Sedalia 20-inch transmission pipeline in Miami County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Thomas Stallings.

(7) Tap Applicant's Canadian-Blackwell 26-inch transmission pipeline in Alfalfa County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jack Sturgeon.

(8) Tap Applicant's Tonganoxie-Hund 16-inch transmission pipeline in Leavenworth County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Harry N. Thomas.

(9) Tap Applicant's Ottawa-Sedalia 12-inch transmission pipeline in Pettis County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Franklin T. Walz.

(10) Tap Applicant's Carrollton 8-inch transmission pipeline in Johnson County, Missouri, and construct

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designed to promote conservation and efficiency; cause utilities to provide information to customers about energy conservation devices and financing for same; prohibit new utility plants from burning oil or gas; created tax credits for certain types of investments; and established funds for loans, loan guarantees, and grants for development of alternative energy source.

*We have seen the prime interest rate range from 11.12 percent to 21.53 percent, rates on prime commercial paper (4–6 months) range between 10.82 percent and 16.98 percent, and utility bond yields ranging between 12.27 and 13.85 percent.

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measuring, regulating and appurtenant facilities for delivery of natural gas to Phillip J. Young.

Applicant states that it has no written agreement covering the proposed delivery of natural gas to the Kearny County Rural Fire District #2. Applicant contends that since the fire station is near Applicant's North Ulysses compressor station and would provide it with increased fire protection, Applicant in exchange would provide gas service to Kearny County.

Applicant submits that the sales to the Kearny County Rural Fire District #2 and to C. R. Kornele would be made directly by Applicant. Sales to the other eight customers, it is asserted, would be made to the Gas Service Company for resale to those customers.

Applicant estimates the total cost of the proposed facilities to be $11,319, which would be financed by treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5611 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-163-000]

Columbia Gas Transmission Corp.; Application

February 17, 1981.

Take notice that on January 29, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-163-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Union Carbide Corporation (UCC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on a best-efforts basis up to 16,200 dekatherms (dt) equivalent of gas per day less 2.51 percent retained for fuel and losses for the account of UCC. It is asserted Applicant would receive liquid ethane at its Cobb Compressor Station in Kanawaha County, West Virginia, and deliver thermally equivalent quantities of natural gas to Sugar Bowl Pipe Line (Sugar Bowl) by a reduction in its scheduled receipts at the outlet of Exxon's Garden City Plant in St. Mary Parish, Louisiana. It is submitted that such quantities of natural gas would ultimately be delivered to UCC's Taft Plant by Sugar Bowl.

Applicant submits that deliveries would be made for a three-year term commencing on the date of initial deliveries. Applicant proposes to charge UCC 20.16 cents per dt equivalent for the proposed service. Applicant further asserts that all ethane volumes delivered by UCC to Applicant are subject to the General R&D Funding Unit of the Gas Research Institute which is currently 0.55 cents per dt equivalent.

Applicant further purposes that UCC reimburse Applicant an estimated $155,000 for the construction of 1,250 feet of 4-inch pipeline, a heater and a regenerator which are needed for the receipt and regasification of the liquid ethane. Applicant estimates the annual maintenance and operating costs of such facilities to be $46,900. Such facilities, Applicant contends, are nonjurisdictional. No new facilities would be needed for the Sugar Bowl deliveries, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein Provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5614 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. E-9002 and ER76-122]

Commonwealth Edison Co.; Order Denying Rehearing

Issued: February 13, 1981.

By order issued November 12, 1980, the Commission accepted the compliance filing of Commonwealth Edison Company (Com Ed) to Opinion Nos. 63 and 63-A. In accepting the compliance filing, the Commission determined that the data provided by Com Ed revealed that the rates established by those opinions did not create a price squeeze. On December 11, 1980, Illinois Cities (Cities), intervenors in the proceeding, filed an application for rehearing of the November 12, 1980 order. For the reasons set forth below, we do not believe that the arguments used by Cities are sufficiently meritorious to warrant a result different from that contained in our November 12 order.

In Opinion No. 63, the Commission directed Com Ed in testing for price discrimination to make the relevant rate of return comparisons between *all* customers served under Rate 6, instead of the selected group of industrials, and the customers served under the wholesale rate. In its compliance filing for Opinion No. 63, Com Ed used an estimate of the Rate 6 coincident demand in developing the Rate 6 demand allocator which was based on Com Ed's sampling and class load methodologies as used in its retail rate proceeding before the Illinois Commerce Commission.

In its objection to the compliance filing, Cities' principal criticism was directed to the demand allocator for Rate 6. As noted by Com Ed in its response to the protest, Cities did not contend that the demand allocator was erroneous, nor did they urge the use of some other allocator. Instead, Cities merely pointed out that, as a statistical matter, there was some uncertainty associated with the retail class load estimate and, therefore, the demand allocator. Cities performed a study which purported to derive the likely minimum confidence interval about Com Ed's point estimate of coincident demand. Based upon Cities' computed range, the demand allocation at upper end of the range for a Rate 6 estimate would produce a rate of return less than the rate of return provided by the wholesale rates. However, Com Ed asserted, and our review indicates, that Cities used an improper statistical method. Cities' submission attempted to show the confidence interval for the demands of the Rate 6 Class. A confidence interval is a range. There is a 90% probability that the demands of the Rate 6 rate class are within the range if that interval has been properly determined. Cities' method for calculating the interval was improper. As Com Ed explains in its response, when computing a confidence interval on a total population (*i.e.*, Rate 6 class), it is not statisticaly correct to simply sum the upper and lower bounds of the demand confidence intervals of each stratum within the Rate 6 population to derive the upper and lower confidence limits for the total population. If the Cities had used the proper method, the resultant demand allocator at the upper end of the range for Rate 6 would produce a rate of return in excess of the rate of return provided by the wholesale rates.

Although we did not discuss the objection of the Cities at length in our November 9, 1980 order, we did conclude that Com Ed's method of developing the estimates of the coincident demand appears to be reasonable considering the data available. Cities now claim the Commission erred in approving Edison's compliance filing without according Cities an opportunity for a hearing. We had before us the compliance filing, Cities' objections to the compliance filing, along with testimony and affidavits of its witnesses, as well as Com Ed's response to the objections along with testimony and affidavits of its witnesses. Since the issue raised by the Cities would rise or fall on the validity of their statistical method, a hearing was not necessary to resolve such issues upon a finding that their statistical method was invalid.

Ordering Paragraph (B) of Opinion No. 63 directed Com Ed to provide calculations showing the rates of return earned in the test year under Rate 6 separately for all levels of the rate effective in the locked-in period of the wholesale rate. This was done by applying the billing determinants of the retail class served under retail Rate 6 for the test period to each of the retail rates in effect during the locked-in period of the wholesale rate. These resulting revenues for various levels of Rate 6, as well as the wholesale rate, were tested against the test year cost of service to develop a comparison of the rates of return.

Cities argue that the test is improper because it does not take into consideration the increased costs that necessitated the increase in revenues from the Rate 6 customers. It is important to note that this proceeding determined the appropriate costing methods to ascertain the revenue requirements of the wholesale customers. It is also important to note that the rates designed for this revenue requirement were in effect during the locked-in period of this docket. The task assigned was to compare the rate of return earned for the various levels of Rate 6 with the wholesale rate. If further increased costs were taken into consideration as suggested by the Cities, the earned rates of return would proportionately increase or decrease for both wholesale and retail customers. The use of the test period used in the proceeding is an administrative technique which sufficiently resolves the issue raisod.

Cities also argue that the Commission violated its own criteria for determining a price squeeze case as set forth in "Order 567." Cities apparently intended to refer to Order No. 563, codified in the Commission's regulations as 18 CFR 2.17. Section 2.17 is a policy statement of the Commission which has been modified several times since its initial issuance. The Commission may change the requirements in litigated cases as it gains experience in dealing with the issue. However, Cities' claim that permitting Com Ed to file relevant data on its retail service in its compliance filing does violence to the requirements of § 2.17 is incorrect.

Section 2.17 sets out the elements of a *prima facie* case, a procedural schedule within which to adjudicate the *prima facie* case, and the placement of the burden of proof on the utility to rebut the allegations of price squeeze. The Section does not delineate the manner in which the utility may justify the proposed rates. Contrary to the assertion of Cities, the Commission requirement that Com Ed provide additional information does not "abandon those regulatory standards" (petition at 3) of § 2.17 since no standard relating to showings by the utility exists in that Section.

The Commission orders:

(A) The application for rehearing of Illinois Cities is hereby denied.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5707 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Consolidated Gas Supply Corp.; Amendment to Application

[Docket No. CP81-31-001]

February 17, 1981.

Take notice that on January 29, 1981, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-31-001 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the implementation of a shallow formation relief program in Applicant's Lost Creek Storage Pool area in Harrison and Lewis Counties, West Virginia, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its pending application filed October 24, 1980, Applicant proposed

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the construction and operation of certain facilities in its Lost Creek Storage Pool in an effort to determine the source of gas emanating from a water well near the community of McWhorter, West Virginia.

Applicant states that it has found that one and possibly two shallow formations have become saturated with gas which is migrating upward into a water-bearing formation. Applicant asserts that in order to relieve the pressure on these shallow formations it has drilled four shallow wells and has equipped three other wells including the Hoover water well for use as relief wells.

Applicant proposes herein to retain and operate the aforementioned shallow wells and to construct and operate approximately 1.5 miles of 2-inch gathering pipeline and related facilities and to install one 100 horsepower and one 150 horsepower field compressor unit in the area in order to implement a shallow formation relief program. It is stated that the proposed gathering facilities are required to connect the shallow wells with the suction facilities at Applicant's existing Davis Compressor Station. Applicant contends that the compression facilities would maintain a reduced pressure in the gathering facilities thus maximizing the flow of natural gas from the relief wells.

Applicant estimates the cost of the proposed facilities to be $702,417 which would be financed from either funds on hand or from Applicant's parent corporation, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5815 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3937-000]

Eyman Associates, Ltd.; Application for Preliminary Permit

February 17, 1981.

Take notice that Eyman Associated, Ltd. (Applicant) filed on January 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3937 to be known as Coralville Plant Dam located on the Iowa River in Coralville, Johnson County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Dean Eyman, President, 1427 Cedar Street, Iowa City, Iowa 52240. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing crib and rockfill dam encased in concrete approximately 295 feet in length and 18.5 feet in height; (2) an existing small reservoir formed upstream having negligible storage capacity; (3) a proposed penstock extending from a 10-foot diameter conduit to the proposed powerhouse; (4) a proposed powerhouse to be located on the westerly bank of the river; (5) existing transmission lines; and (6) appurtenant facilities. Applicant estimates the capacity of the project to be 1.5 MW, and the annual energy output would be 5.3 GWh.

Purpose of Project—Energy producted at the proposed project would be sold to Iowa-Illinois Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3937. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5816 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-81-000]

Florida Power and Light Co.; Order Accepting for Filing and Suspending Proposed Rates, Denying Waiver of Notice, Waiving Filing Requirements, Granting Intervention, and Establishing Procedures

Issued February 13, 1981.

On December 16, 1980,[1] Florida Power and Light Company (FP&L) completed its tendered filing of a proposed amendment to its fuel adjustment clause applicable to full and partial requirements customers.[2] Under FP&L's current fuel adjustment clause, a fuel adjustment factor is applied to sales in the billing month; this factor is estimated on the basis of sales and fuel costs in the second preceeding month. The proposed clause would retain this two month lag feature but would provide for a "true up" or correction factor to be applied in the second month succeeding the billing month. The "true up" factor would reflect the difference between billed and actual fuel costs plus interest charges. The proposed revision also would substitute a variable fuel revenue tax factor of 1/1-T for the present tax factor of 1.625%.

FP&L estimates that as a result of closer synchronization, its changed fuel adjustment clause will increase its revenues by approximately $2.5 million during calendar year 1981. The company requests that the new provisions be allowed to become effective on January 1, 1981, and further requests waiver of the Commission's filing and notice requirements as necessary to implement the revised fuel clause on that date. The company proposes to include in January's billings the "true up" adjustment for the differences between billed and actual fuel costs for the month of November, 1980.

Notice of the filing was issued on November 7, 1980, with responses due on or before November 28, 1980. On November 26, 1980, a protest, petition to intervene and motion to refect the filing was submitted by Seminole Electric Cooperative, Inc., and its members (Cooperatives). The Cooperatives request rejection of the proposed filing asserting that FP&L failed to provide (1) detailed cost support for the base cost of fuel as required by § 35.14 of the Commission's regulaitons, and (2) cost of service statements required by § 35.13 of the regulations. The Cooperatives question the imposition of interest at the prime rate on the fuel clause "true up" adjustment. They also allege that the revised fuel clause will create a price squeeze.

On November 28, 1980, the Cities of Ft. Pierce, New Smyrna Beach, Homestead, Starke and Vero Beach, Florida (Cities) filed a petition to intervene and motion to reject or suspend the proposed filing. The Cities contend that FP&L's filing represents a rate increase which must be rejected because it fails to comply with the requirements of § 35.13 of the regulations. The Cities also take exception to the proposed methodology under which FP&L proposes to eliminate the lag in its fuel receipts by subsequent correction subject to interest charges.

On December 10, 1980, FP&L filed an answer to the motions to reject the proposed fuel adjustment clause. FP&L contends that the Cities and Cooperatives have mischaracterized the proposed filing as a $2.5 million rate increase and that rejection of the filing for failure to comply with § 35.13 requirements is inappropriate. FP&L states that the instant filing represents only a change in the application of its existing fuel adjustment clause and proposes no change in the company's wholesale base rates. With respect to the petitioners' allegations that the company has failed to meet the filing requirements under § 35.14 of the regulations, FP&L states that the company is not proposing a new or changed fuel clause but is merely altering the application of its existing fuel clause.

The Cities filed a supplemental petition to intervene, out of time, on December 31, 1980. In that petition, Cities contend that the proposed fuel clause is anticompetitive. Cities reason that because the "true up" factor is billed two months after the service is received, they will not know their current cost of purchasing power. Therefore, they contend that the "true up" precludes Cities from making an informed choice whether to purchase power from FP&L, purchase from other sources, or use self-generation.

FP&L responded to Cities' supplemental petition on January 15, 1981. The company urges rejection of Cities' supplemental pleading as untimely.

Discussion

The Commission finds that participation in this proceeding by the Cooperaatives and Cities may be in the public interest. Accordingly, we shall grant their petitions to intervene.

The proposed addition of the "true up" factor and the substitution of a formula in place of a specific tax factor do constitute a change in FP&L's fuel adjustment clause as comtemplated by § 35.14 of the regulations. However, FP&L's submittal proposes no change in the base cost of fuel from its presently effective fuel adjustment clause. Therefore, the Commission finds that good cause exists to grant waiver of the filing requirements of § 35.14(9) applicable to FP&L's revised fuel clause.

Under the Commission's 60 day notice requirement FP&L's revision to its fuel adjustment clause cannot become effective until February 15, 1981, absent waiver of section 35.3 of the regulations. The company has requested an effective date of January 1, 1981, and has asked for any necessary waiver. FP&L, however, has failed to demonstrate a need for waiver of the notice requirement. Furthermore, the company's customers have impliedly objected to such waiver by requesting maximum suspension of the rate change. Therefore, the commission does not find good cause for the requested waiver and it will be denied.

As indicated above FP&L projects that the revised fuel adjustment clause will result in increased revenues of approximately $2.5 million. The company's filing therefore constitutes a request for a rate increase as contemplated by section 35.13 of the regulations. However, the increased revenues are not a result of changes in the base costs underlying the existing demand or energy charges. Rather, the increase results simply from a closer synchronization of fuel clause revenues and expenses actually incurred. Therefore, the Commission perceives no

[1] The company originally submitted its revised rate schedules on November 3, 1980. By letter dated December 5, 1980, FP&L was advised that its submittal was deficient.

[2] See Attachment A for rate schedule designations.

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need for detailed cost of service statements at this time and shall grant waiver of the filing requirements of section 35.13, and deny the motions to reject.

Our analysis indicates that FP&L's proposed rate schedule revisions have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed revisions for filing and suspend their operation as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances were suspension for the maximum period may lead to harsh and inequitable results. Such circumstances of have been presented here. The Commission notes that a variety of contentions have been raised by the Cities and Cooperatives. However, we further note that the company's present fuel adjustment clause may result in mismatches between fuel costs and revenues which, in turn, can be expected to result in an underrecovery of fuel expenses in periods of rising fuel costs and an overrecovery of fuel expenses in periods of declining fuel costs. In contrast, FP&L's proposed fuel adjustment clause is designed to synchronize these costs and revenues. In general, it appears that such a closer matching is desirable and in the public interest. Moreover, as discussed below, even with a nominal suspension, no "true up" adjustment will actually be reflected in FP&L's billings until April of 1981. Thus, we believe that a maximum suspension is not warranted. However, in order to ensure refund protection to the affected customers pending further review of the proposed rates in light of the allegations contained in the petitions to intervene, we shall exercise our discretion to suspend the rate schedule changes for one day permitting them to take effect subject to refund thereafter on February 16, 1981.

The revised fuel adjustment clause will be allowed to become effective on February 16, 1981. Operation of the revised clause means that the company will be allowed to make a "true up" adjustment for the differences between billed and actual fuel costs incurred during the first month that the fuel clause is effective. This "true up" adjustment will then be collected two months after the first effective month.[4] In other words, FP&L will be allowed to collect its first "true up" adjustment revenues in April, 1981.

In their supplemental petition, the Cities allege that the revised fuel adjustment clause is anticompetitive. Although this claim was not timely raised, it is consistent with the tenor of the Cities' and the Cooperatives' petitions to intervene and raises an issue which is appropriate for investigation at hearing. The Commission does not seek here to encourage untimely pleadings. However, in this case we shall recognize Cities' anticompetitive claim and shall include that issue within the scope of the hearing convened pursuant to this order.

The Cooperatives have alleged that FP&L's revision to its fuel clause may create a price squeeze. In view of the fact that a hearing in this docket need not entail the full panoply of cost of service issues, we find no need to phase the price squeeze issue, as is normally the Commission's practice.[5] However, this does not preclude the presiding administrative law judge from exercising discretion to phase the price squeeze issue, if deemed appropriate.

The Commission Orders:

(a) FP&L's request for waiver of the notice requirements is hereby denied.

(B) Waiver of the filing requirements of §§ 35.13 and 35.14(9) of the Commission's regulations is hereby granted.

(C) Cities' and Cooperatives' motions to reject FP&L's filing are hereby denied.

(D) FP&L's proposed revision to its fuel adjustment clause is hereby accepted for filing and suspended for one day to become effective February 16, 1981, subject to refund pending hearing and decision thereon.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of FP&L's proposed fuel adjustment clause.

(F) The petitions to intervene of Cities and Cooperatives are hereby granted subject to the rules and regulations of the Commission: *Provided, however,* That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference shall be held for purposes of determining the scope of this proceeding, initiating price squeeze procedures under section 2.17 of the Commission's regulations, expediting discovery, and establishing such other procedures as are necessary for the orderly disposition of this case. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Hughes, dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb,

Secretary.

Attachment A.—Rate Schedule Designations, Docket No. ER81–61–000

Designation and Other Party

1. Third Revised Sheet No. 9 under FERC Electric Tariff 1st Revised Vol. No. 1 (Supersedes 2nd Revised Sheet No. 9)—Tariff Customers.
2. Supplement to Service Agreement (dated November 19, 1979) under FERC Electric Tariff 1st Revised Vol. No. 1—Seminole Electric Cooperative, Inc.

Hughes, Commissioner, Dissenting:

Issued: February 13, 1981.

I am unable to agree with my colleagues that it is appropriate to imply a request for waiver in Florida Power & Light Company's filing. Our rules of procedure are perfectly clear that a rate filing which results in an increase must be supported by a filing package required by § 35.13. FP&L's arguments of ambiguity on this point appear to me to be disingenuous. By my negative vote on this issue, I do not suggest disagreement with the actual grant of the waiver based on the facts of the case, or with the Commission's disposition of the matter, having granted the waiver. Rather, I protest the disregard of our procedural rules by the Applicant and the Commission's tolerance for such disregard in this and other cases.

David Hughes,

Commissioner.

[FR Doc. 81–5817 Filed 2–19–81; 8:45 am]

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[3] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[4] We note that this conclusion is contrary to FP&L's suggestion that the adjustment would first operate for the two months preceding the effective date.

[5] *See Arkansas Power & Light Company*, Docket No. ER79–339, order issued August 6, 1979.

[Docket No. CP81–155–000]

City of Florence, Ala., et al.; Application

February 13, 1981.

Take notice that on January 21, 1981, the City of Florence, Alabama (Applicant), P.O. Box 1023, Florence, Alabama 35630, filed in Docket No. CP81–155–000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Respondent Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) to establish a physical connection of its transportation facilities with those facilities of Applicant and directing Respondent Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) to make sales of natural gas to Applicant for resale in Florence, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it receives its natural gas supply from Alabama-Tennessee and that Alabama-Tennessee receives its supply from Tennessee. Applicant requests the Commission to direct Tennessee to construct a tap point connecting its facilities with Applicant's proposed facilities approximately seven miles west of Florence, Alabama.

Applicant proposes to extend approximately 8.2 miles of 6-inch pipeline from the proposed tap to a point on Applicant's existing distribution system. Gas would be delivered to Applicant by Tennessee for the account of Alabama-Tennessee, it is stated. Applicant futher asserts that Alabama-Tennessee would in turn charge the account of Applicant. It is submitted that this service would not increase Applicant's requirements from Alabama-Tennessee nor Alabama-Tennessee's requirements from Tennessee.

Applicant estimates that the cost of the proposed tap would be $95,000. It is further estimated that the cost of Applicant's facilities would be $380,850. Funding for such costs, it is asserted, would come from Applicant's own funds and from loans.

It is asserted that the proposal herein would provide an alternate source of supply in the event of loss of the present line crossing on O'Neal Bridge which is Applicant's only source of natural gas supply and would serve to alleviate low pressure problems in the northern portions of the city during periods of peak load.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5801 Filed 2–19–81; 8:45 am]

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[Docket No. RP79–75]

Gas Research Institute; Request for Reprogramming

February 13, 1981.

Take notice that on November 21, 1980, Gas Research Institute (GRI), 1019 19th Street, N.W., Suite 910, Washington, D.C. 20036, requested authority to reprogram some of the 1980 Research & Development (R&D) Program funds approved in Opinion No. 64. The original notice of December 17, 1980, and the renotice of January 19, 1981, incorrectly stated the docket as RP80–108, the docket which involves GRI's 1981 R&D Program.

The stated purpose of this reprogramming request is to allow these funds to be used in conjunction wih four (4) specific projects. Such projects, asserts GRI, now constitute the best use of the $4,624,137 of 1980 R&D Program funds proposed to be expended on them.

Moreover, GRI states that the proposed reprogramming of 1980 R&D Programs funds blends well with the 1981 GRI R&D Program approved by the Commission in Opinion No. 96 and assures that GRI's continuing effort remains abreast of the state-of-the-art in energy technology.

Any person desiring to be heard or to protest said request should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this request are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5798 Filed 2–19–81; 8:45 am]

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[Docket Nos. EL80–19, EL80–24]

Massachusetts Municipal Wholesale Electric Co., et al.; Order Granting in Part and Denying in Part Motions for Summary Disposition and Providing for Hearing

Issued February 13, 1981.

On March 4, 1980, the Massachusetts Municipal Wholesale Electric Company (MMWEC) filed in FERC Docket No. EL80–19 a complaint and motion for partial summary judgment against the Power Authority of the State of New York (Power Authority or PASNY). On March 27, 1980, the Connecticut Municipal Electric Energy Cooperative (CMEEC) filed in FERC Docket No. EL80–24 a similar complaint and motion against PASNY. The complaints of both MMWEC and CMEEC involve the allocation of preference power from PASNY's Project No. 2216, the Niagara Project, licensed by the Commission on January 30, 1958, 19 FPC 186.

Upon motion by MMWEC, joined by CMEEC and PASNY, the Commission consolidated the two proceedings by notice of September 10, 1980. That same notice granted petitions to intervene to Allegheny Electric Cooperative

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(Allegheny), the Vermont Public Service Board (Vermont), the City of Cleveland (Cleveland), Consolidated Edison Company of New York, Inc. (Con Ed), the Borough of Lansdale, Pennsylvania (Lansdale), the Municipal Electric Utilities Association of New York State (MEUA), New York State Electric and Gas Corporation (NYSEGC) and the New York State Energy Office (NYSEO).

In this consolidated proceeding MMWEC and CMEEC request that the Commission review PASNY's recent decision to allocate 145 megawatts of firm out-of-state preference power from the Niagara Project to Allegheny, Vermont, and Amercian Municipal Power-Ohio, Inc. (AMP-Ohio), through whom Cleveland receives 19 megawatts of firm power, and to exclude CMEEC, MMWEC, and Lansdale from that allocation.

The Niagara Redevelopment Act

The Niagara Redevelopment Act (the Niagara Act), 16 U.S.C. 836, 74 Stat. 401,[1] authorized the construction of a hydroelectric power project on the Niagara River, a boundary stream between the United States and Canada, at Niagara Falls, New York. The project authorized would utilize all of the United States' share of the amount of water in the Niagara River made available for power redevelopment under the terms of a 1950 treaty between the United States and Canada. The 1950 treaty supersedes previous agreements between the United States and Canada and permits the diversion of Niagara River waters above the falls for power purposes by both countries in equal amounts.

Bills were introduced in Congress soon after the ratification of the treaty to authorize the construction of a power project at Niagara Falls. These bills became enmeshed in severe controversy both in the Congress and within the State of New York concerning conflicting proposals on the extent, if any, to which Federal preference power marketing policy as uniformly applied to Federal hydroelectric projects should apply to this non-Federal project and on the extent to which Niagara power should be required to be made available to neighboring States. The controversy delayed passage of any bill until a rockslide in 1956, which destroyed about two-thirds of the power-generating capacity on the United States side of the Niagara River, demonstrated the need for prompt action.

The bill finally enacted as the Niagara Act was a compromise on both of the issues described above. First, the Niagara Act required that an article in the license issued require PASNY to accord a preference to public bodies and nonprofit cooperatives within economic transmission distance with respect to one-half of the project power. It also provided that if project power subject to such preference provisions is sold to public utilities, the contracts must include arrangements for the withdrawal of enough power to meet the reasonably foreseeable needs of the preference customers.

Second, in recognition of the Niagara River as a regional resource, the Niagara Act required that a reasonable portion of Niagara power subject to preference provisions must be made available for use within reasonable economic transmission distance in neighboring states, but not in excess of 20 percent of the power subject to the preference provisions, i.e., 10 percent of total project power. In the event of disagreement between PASNY and the power marketing agencies of the neighboring states, this Commission is authorized to hold public hearings and determine the allocation of preference power. These terms are incorporated in the license for Project No. 2216 in Articles 20 and 21.

History of the Proceedings

In November, 1976, PASNY solicited applications from states neighboring New York for allocations of the preference power which PASNY is required by the Niagara Act to furnish to marketing agencies "in neighboring states." Applications were submitted by MMWEC, CMEEC, Lansdale, American Municipal Power-Ohio, Inc. and also by Allegheny and Vermont, both of which were already receiving preference power from the Niagara Project under existing contracts due to expire February 19, 1978 and December 31, 1978, respectively.

On November 22, 1977, after hearings in which each applicant was allowed to give an oral presentation, PASNY approved contracts with Allegheny and Vermont for a total of 150 MW of firm and 35 MW of peaking power. ON February 3, 1978, the Governor of New York, who by law must either approve or request modification of such contracts within 60 days of their submission, disapproved the contracts and directed PASNY to consider "what amount of Niagara power constitutes a reasonable portion to be made available to our neighboring states."

After further hearings the Trustees of PASNY approved three proposed contracts, one for the sale of 40 MW of firm power and 10 MW of peaking power to Vermont, another for the sale of 19 MW of firm power and 4 MW of peaking power to AMP-Ohio, and a third to Allegheny for the sale of 86 MW of firm power and 21 MW of peaking power. On January 10, 1980, the Governor of New York approved the three contracts, which accounted for a total of 145 MW of firm power and 35 MW of peaking power. The total of 145 MW of firm power sold under the contracts represents 7.7 percent of the Niagara Project's firm power output of 1,880 MW, and the total of 35 MW of peaking power represents 8.75 percent of the Project's 400 MW output of peaking power.

The expiration date of the contracts is June 30, 1985, the same date as the expiration of the contracts from the St. Lawrence Project, Project No. 2000.[2]

[1] 16 U.S.C. 836.

The relevant portions of the Niagara Act are as follows:

(b) The Federal Power Commission shall include among the licensing conditions, in addition to those deemed necessary and required under the terms of the Federal Power Act, the following:

(1) In order to assure that at least 50 per centum of the project power shall be available for sale and distribution primarily for the benefit of the people as consumers, particularly domestic and rural consumers, to whom such power shall be made available at the lowest rates reasonably possible and in such manner as to encourage the widest possible use, the licensee in disposing of 50 per centum of the project power shall give preference and priority to public bodies and non-profit cooperatives within economic transmission distance. In any case in which project power subject to the preference provisions of this paragraph is sold to utility companies organized and administered for profit, the licensee shall make flexible arrangements and contracts providing for the withdrawal upon reasonable notice and fair terms of enough power to meet the reasonably foreseeable needs of the preference customers.

(2) The licensee shall make a reasonable portion of the project power subject to the preference provisions of paragraph (1) of this subsection available for use within reasonable economic transmission distance in neighboring States, but this paragraph shall not be construed to require more than 20 per centum of the project power subject to such preference provisions to be made available for use in such States. The licensee shall cooperate with the appropriate agencies in such States to insure compliance with this requirement. In the event of disagreement between the licensee and the power-marketing agencies of any of such States, the Federal Power Commission may, after public hearings, determine and fix the applicable portion of power to be made available and the terms applicable thereto: Provided, That if any such State shall have designated a bargaining agency for the procurement of such power on behalf of such State, the license shall deal only with such agency in that State. The arrangements made by the licensee for the sale of power to or in such States shall include observance of the preference in paragraph (1) of this subsection.

[2] Project No. 2000, license to PASNY on July 15, 1953, 12 FPC 172, is located on the St. Lawrence River, which is also an international boundary stream between the United States and Canada. Although this project was not Congressionally authorized, the Commission recognized the broad public interest in developing that water resource. In order to insure conformance with comprehensive plans of development, the Commission ordered PASNY to make reasonable amounts of the power output available to neighboring States within economic transmission distance in nearby States. In the event of disagreement over the allocations which PASNY makes, the Commission reserved the right to determine what allocations are reasonable.

PASNY explains that the common expiration dates will allow it to evaluate all future requests from out-of-state entities for its power at the same time.

The Complaints

MMWEC and CMEEC, pursuant to the Niagara Act, Article 21 of the license for Project No. 2216 and Section 1.6 of the Commission's Rules of Practice and Procedure, filed formal complaints against PASNY for its allocation of Niagara Project power. MMWEC and CMEEC allege that PASNY erred in two substantive respects.

First, the complainants allege that the failure to allocate any Niagara Project power to MMWEC, CMEEC or Lansdale is unlawful. The complainants cite the Niagara Act and the Niagara Project's license to the effect that the output of that project must be distributed "in such manner as to encourage the widest possible use." Therefore, the complainants propose pro-rata sharing of the Niagara Project power based upon either the estimated or the calculated peak load of the out-of-state preference applicants within economic transmission distance. Second, the complainants assert that PASNY has violated the Niagara Act and the license to Project No. 2216 by its failure to allocate a full 10 percent of the project's power to out-of-state preference entities.

On May 12, 1980 PASNY filed its answer to the complaints. Some of the issues addressed in these pleadings can be disposed of summarily, while others are set for hearing.

Discussion

On its face the Niagara Act does not specify which states are neighboring states eligible for Niagara power. In Docket E-8746, *State of Vermont Public Service Board*, (issued March 12, 1976) (*mimeo* at 5, 6), the Commission addressed the issue whether Vermont was a neighboring state within the meaning of the Niagara Act. In light of the fact that the literal language of the statute is not restrictive of the term "neighboring states" and that the legislative history clearly favors no particular state(s), the Commission held that Vermont was a "neighboring state." In conformance with the rationale of *Vermont Public Service Board*, we hold that both Massachusetts and Connecticut are neighboring states within economic transmission distance of the Niagara Project.

In *Vermont Public Service Board*, the Commission also found that Congress did not intend substantially disproportionate allocations that favor one neighboring state within economic transmission distance while excluding another state, where similar benefits are to be realized. MMWEC's and CMEEC's first complaint, whether it was a reasonable exercise of PASNY's discretion to exclude the complainants from the Niagara Project allocations, involves factual issues that are not appropriate for summary disposition and will be set for an evidentiary hearing. Thus, we set for hearing the issues whether CMEEC and MMWEC should receive allocations of Niagara Project power and, if so, how much power they should receive.

The second complaint by MMWEC and CMEEC, their assertion that PASNY must allocate a full 10 percent of the project's power to out-of-state preference entities, raises two issues. First, it must be determined whether the Niagara Act requires that 10 percent or merely some amount up to 10 percent of the project's power be made available to out-of-state entities. Second, if PASNY is required to allocate only a reasonable amount of Niagara Project power up to 10 percent, it must be determined whether 145 MW is a reasonable amount.

The first part can be disposed of summarily. PASNY's contracts as they now stand provide only 145 MW of Niagara Project Power to out-of-state preference entities on a firm basis, below 10 percent of the Project's firm capability of 1880 MW. The complainants' assertion that the Niagara Act and its legislative history require PASNY to allocate a full 10 percent of the project's power to out-of-state entities is not well founded. In Docket No. E-8746, *State of Vermont Public Service Board, supra*, the Commission held that "the [Niagara] Act does not require PASNY to sell 10 percent of project power to out-of-state preference customers, but only that PASNY make a reasonable portion of project power—up to 10 percent—available to those customers." *Vermont Public Service Board, mimeo* at 15. Nothing in the complainants' pleadings sets forth anything new to change our decision on this issue. Thus we dispose of this issue summarily in favor of PASNY's position.

Our resolution of this issue, however, does not determine whether the amount of power actually allocated by PASNY to out-of-state preference entities is "a reasonable portion of project power—up to 10 percent." Although PASNY is not required to allocate a full 10 percent of Niagara Power to out-of-state entities, it is required to allocate a reasonable amount up to 10 percent. What constitutes a reasonable amount is an issue that can only be addressed upon examination of all relevant circumstances in an evidentiary hearing.

The Niagara Project's firm capability is 1880 MW. PASNY, however, has allocated 145 MW (7.7 percent) to out-of-state preference entities. The presiding judge shall take evidence to determine the proper allocation of firm and other project power to be made to out-of-state preference entities.

In holding that record evidence should be taken on the issue of the allocation of project power, we specifically reject PASNY's contention that PASNY's discretion in allocating power to out-of-state preference customers is not subject to Commission review. In its answer to the complaint, PASNY cites *City of Santa Clara v. Andrus*, 572 F.2d 660 (9th Cir.), *cert. denied*, 439 U.S. 859 (1978). That case involved the interpretation of some reclamation statutes under the jurisdiction of the Secretary for the Interior. In *City of Santa Clara*, the Ninth Circuit Court of Appeals examined the reclamation statute's language that preference power from a reclamation project is to be disposed of "in such manner as to encourage the most widespread use thereof consistent with sound business principles." It found that nothing in the applicable reclamation statute limited the discretion of the Secretary of the Interior to discriminate against some preference entities in favor of others in allocating power from a federal reclamation project. *City of Santa Clara*, at 666–668. Because the Secretary was granted the widest administrative discretion, the court held that there was no law for a court to apply to review his decision.

PASNY argues that the Niagara Act's provision directing distribution of preference power "in such manner as to encourage the widest possible use" is equally unreviewable by a court or the Commission. We, however, do not read *City of Santa Clara* as precluding our investigation of this particular matter. See *Municipal Electric Utilities Association et al. v. PASNY*, Docket Nos. EL78-24, 78-37, Order Granting in Part and Denying in Part Motions for Summary Disposition, Providing for Expedited Hearing and Consolidating Proceeding (issued November 2, 1979). By the very terms of the Niagara Act and the Niagara Project license, the Commission is granted the power to resolve disputes between the Licensee

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and any states concerning the allocation of Niagara Project power.

Intervenors' Comments

Comments on the complaint were filed May 9, 1980 by MEUA, whose main concern was that in-state preference customers had not received their proper entitlement. MEUA submits that out-of-state preference power can be allocated only if the current and reasonably foreseeable needs of in-state preference customers are first satisfied. This issue is inextricably tied to the issue of whether 145 megawatts is a reasonable amount up to ten percent to be allocated to out-of-state preference entities. As such, the hearing to be convened by the presiding administrative law judge shall also address this issue.

Allegheny also filed comments on May 9, 1980. In its filing Allegheny asserts that the legislative history of the Niagara Act establishes that only the states of Pennsylvania and Ohio were intended by Congress to receive Niagara Project out-of-state preference power. Allegheny's contention is without merit. The Commission has already determined that states other than Pennsylvania and Ohio can be "neighboring states" within the terms of the Niagara Redevelopment Act. Docket No. E-8746, *State of Vermont Public Service Board, supra.* Thus we today hold, in conformance with our decision in *Vermont Public Service Board*, that Massachusetts and Connecticut are "neighboring states" within the scope of the Niagara Act.

The New York State Electric and Gas Corporation (NYSEG) also filed comments on the complaints on May 9, 1980. Among other matters, NYSEG asserted that the Commission is without jurisdiction to take any action based upon the complaints which would affect or abrogate provisions of NYSEG's contract with PASNY for Niagara Project power.

NYSEG's argument concerning the Commission's jurisdiction is without merit. Under the clear terms of the Niagara Act, the Commission is granted jurisdiction to resolve disputes between applicants in neighboring states and PASNY over allocation of Niagara Project preference power. Whether or not NYSEG's contract must be reformed is a question not now before the Commission. The fact that the Commission has jurisdiction to require PASNY to allocate Niagara Project preference power in accordance with the Niagara Act cannot be denied. No contracts already in existence among the parties in this proceeding can in any way oust the Commission of its authority to resolve the dispute before us.

NYSEG also commented that any project power that may be allocated by this Commission to neighboring states in addition to the power currently allocated should not be diverted from any power currently under contract to NYSEG. Rather, such additional power should be diverted from 180 MW of power allegedly set aside by PASNY for this purpose and from 80 MW of firm power made possible by diversity in the loads of New York and municipal and cooperative customers. This question addresses a hypothetical issue that may never be reached. The Niagara Act gives authority to the Commission, in the event of disagreement, to determine and fix the portion of power to be made available to the out-of-state preference entities and leaves, at least in the first instance, to PASNY the responsibility for accommodating the Commission's determination.

The State of Vermont Public Service Board also filed comments on May 30, 1980. Among other matters Vermont asserted that any linkage of the Niagara Project No. 2216 and PASNY's St. Lawrence Project No. 2000 for purposes of allocating power from both is improper. It is not clear to what extent, if any, the Niagara and St. Lawrence projects should be considered together in determining the amount of power subject to the preference provisions of the Niagara Act and in determining the reasonableness of PASNY's allocation to out-of-state entities. This issue shall also be addressed at the evidentiary hearing.

Conclusion

We will leave the specific procedures most effectively and fairly expediting the resolution of the complaints and the other issues raised in the pleadings to the discretion of the presiding administrative law judge, who is directed to convene a prehearing conference within 30 days of this order.

The Commission orders:

(A) Pursuant to the authority contained in the Department of Energy Organization Act, the Federal Power Act, the Niagara Redevelopment Act and the license for Project No. 2216, this matter shall be set for hearing in conformance with the Commission's Rules of Practice and Procedure to consider all matters of fact and law, consistent with the provision of this order, concerning those issues in Docket Nos. EL80-19 and EL80-24 not decided in this order.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the hearing in this proceeding. The Presiding Judge shall convene a prehearing conference in this proceeding within 30 days of the issuance date of this order.

(C) The Secretary shall cause prompt publication of this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5618 Filed 2-19-81; 8:45 am]

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[Docket Nos. ER81-175-000, ER79-642, ER80-124, and ER81-166-000]

Missouri Utilities Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Summary Disposition in Part, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued February 13, 1981.

On December 15, 1980, Missouri Utilities Company (MU) tendered for filing revised rates for service to the Cities of Kennett, Jackson and Malden, Missouri (Cities), which provide for increases in jurisdictional revenues of approximately $201,680 based on the twelve month period ending June 30, 1980.[1] The company has also proposed revisions to its tariff terms and conditions.[2]

Notice of the filing was issued December 19, 1980, with responses due on or before January 9, 1981. On January 9, 1981, the Cities filed a motion to reject, request for summary disposition, protest, and petition to intervene. In their pleading, the Cities further request that price squeeze procedures be established and that the maximum five month suspension period be imposed. On January 26, 1981, MU filed a motion to strike. The motion states that Cities' allegations are inaccurate and may be intended to mislead the Commission. We have treated this motion as an answer to the Cities' pleading.[3]

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest. Consequently, we shall grant the petitions to intervene.

The Cities have requested rejection of MU's filing on the grounds that the company has not submitted appropriate support or adequate explanation of its filing as required by the Commission's regulations. We find that MU's filing substantially complies with § 35.13 of our regulations and, therefore, we shall deny the motion to reject the filing.[4]

Our analysis indicated that the rates, terms, and conditions filed by MU have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Indeed, our preliminary review indicates that the underlying rate may not be just and reasonable. Accordingly, we shall accept the rates, terms, and conditions for filing, as modified by this order, and suspend them as directed below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. We shall therefore accept the proposed rate schedules and tariff sheets for filing, as modified below, and suspend them for five months to become effective thereafter on July 13, 1981, subject to refund.

The Cities object to MU's use of a charge for purchased power which does not reflect Union Electric Company's (UE)[6] filing in compliance with *Union Electric Company*, Opinion No. 94, Docket No. ER77-614 (September 2, 1980). Cities request that MU be directed to incorporate in its rate the revised rates filed by UE in compliance with Opinion No. 94 or, in the alternative, that MU be directed to (1) flow-through all refunds as they are received by MU, and (2) reduce its rates to the Cities when the lower rates charged by UE become effective. We note that the rates filed by UE and referred to by Cities have not yet been accepted for filing. Therefore, we shall deny the Cities' request for an order directing use of the rate submitted by UE in compliance with Opinion No. 94, but shall require MU to flow through all refunds (with interest) as they are received by MU and to reduce its rates to Cities when the UE rates become effective.

The Cities also state that MU has failed to flow through a credit which MU receives for its generation pursuant to UE's tariff rate for service to MU.[7] They seek a Commission directive requiring MU to revise its charges to the Cities to "match an exact flow through from the UE Tariff." Our analysis indicates that MU receives a generation credit from UE and that such credit may already be reflected in MU's stated cost of purchased power. This generation credit, in turn, would be reflected in MU's charges to the Cities. Because the Cities' concern appears to be misplaced, we shall deny their request for summary disposition of this issue, subject to renewal of the motion when the pertinent facts are developed at hearing.

In addition, the Cities move that the Commission summarily reject MU's attempt to recover contributions to EPRI in its rates. Our review of the company's study reveals that the EPRI contributions were eliminated from MU's expenses before such expenses were allocated to the Cities. Therefore, we shall deny the Cities' request for summary disposition on this issue.

The Commission will grant the Cities' motion for summary disposition with respect to one of the issues raised in their pleading. The Cities have challenged the "Billing and Payment" provisions (Section 5) of MU's proposed tariff sheets. In part, this section provides that any bill will be due and payable within ten days from its date; delinquent bills would bear interest at the then-current interest rate. The Cities object to these requirements, stating that the designated payment period is unreasonably short. We believe that these questions should properly be addressed at the hearing designated below. However, the billing provisions further provide as follows: "If the bill shall remain delinquent for (15) fifteen days, the Company shall have the right to forthwith terminate service without notice." MU proposed an identical provision in its service agreements filed in Docket No. ER81-166-000. We summarily rejected that provision by order issued February 6, 1981. For the reasons given in that order, we shall direct MU to strike the last sentence of Section 5 of its currently proposed tariff sheets and to refrain from applying any such unilateral cancellation provision.

The Cities also request summary disposition of a number of other issues, including, *inter alia*, (1) MU's use of a non-coincident peak method of allocating demand-related costs, and (2) MU's proposed tariff provisions which provide that the company shall not be required to increase the capacity of its facilities to provide service to the Cities without contractual provisions acceptable to the company for recovery of associated costs. Furthermore, the Cities object to a variety of cost of service matters without requesting specific Commission action. These remaining issues may be pursued most appropriately at the hearing ordered below.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the Cities. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission finds that Docket Nos. ER80-124, ER79-462, ER81-166-000, and ER81-175-000 may present common questions of law and fact. Accordingly, we shall consolidate these dockets, subject to severance at a later date in the event that action on Missouri's pending motion to terminate Docket Nos. ER80-124 and ER79-462 so warrants.

The Commission orders:

(A) The Cities' motion to reject MU's filing is hereby denied.

(B) MU's proposed rate schedules and tariff sheets tendered for filing on December 15, 1980, are accepted for filing, as modified by this order, and are suspended for five months from sixty days after filing to become effective on July 13, 1981, subject to refund pending hearing and decision thereon.

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[1] *See* attachment A for rate schedule designations.

[2] The currently effective service agreements for Jackson and Malden are under investigation in Docket No. ER81-166-000, those service agreements were submitted by MU on December 11, 1980, with an application to terminate Docket Nos. ER80-124 and ER79-642, which involve the service agreements previously applicable to Jackson and Malden. By order issued February 6, 1981, in Docket No. ER81-166-000, the Commission, *inter alia*, suspended the proposed service agreements for one day and consolidated Docket No. ER81-166-000 with Docket Nos. ER80-124 and ER79-642.

[3] *See* section 1.12 of the Commission's regulations.

[4] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971)

[5] *E.g., Boston Edison Company*, Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80-506 et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[6] MU is a subsidary of UE and purchases virtually all of its power requirements from its parent.

[7] MU purchases virtually all of its power and energy from UE under a rate schedule (UE FPC No. 80) which provides that the monthly billing demand shall be MU's maximum monthly system measured hourly load plus 15% for reserves less the Net Generating Capability of MU, but not less than 100% of the maximum billing demand occurring during the months of June, July, August and September in the 12-month period ending with and including the current month. The Net Generating Capability of MU is 26,300 kW.

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(C) The Cities' motions for summary disposition are hereby denied except as provided in this paragraph and paragraph (D) below. Missouri is hereby directed to strike from its proposed service agreements the last full sentence of Section 5, and to refrain from applying any such unilateral concellation provision. Within thirty (30) days from the date of this order, Missouri shall refile its proposed tariff sheets with the designated sentence deleted.

(D) Cities' request for an order directing immediate use of the rates submitted by UE in compliance with Opinion No. 94 is denied. However, MU is hereby directed to flow through all related refunds (with interest) to the Cities, as they are received by MU, and to reduce its rates to the Cities when the lower UE rates become effective.

(E) The Cities' petition to intervene is hereby granted subject to the rules and regulations of the Commission, *provided, however,* That participation by the intervenors shall be limited to matters set forth in their petition to intervene, and *provided, further,* That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of MU's rates.

(G) The Commission staff shall serve top sheets in this proceeding on or before May 1, 1981.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(I) Docket No. ER81-175-000 is hereby consolidated with Docket Nos. ER80-124, ER79-642, and ER81-166-000, for purposes of hearing and decision, pending appropriate subsequent action on Missouri's December 8, 1980 motion to terminate Docket Nos. ER80-124 and ER79-642.

(J) We hereby order the initiation of price squeeze procedures in Docket No. ER81-175-000 and further order that the price squeeze phase of the proceeding begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the evaluation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Acting Chairman Sheldon dissenting.

Kenneth F. Plumb,

Secretary.

Attachment A.—Missouri Utilities Company, Docket No. ER81-175-000

Item: Revised Tariff Sheets/Rate Increase
Dated: Undated
Filed: December 15, 1980
Effective: July 13, 1981, subject to refund and the outcome of hearings.

Designation and Description

(1) First Revised Sheets Nos. 1, 6, 8, 11 and 12 (Supersedes Original Sheet Nos. 1, 6, 8, 11 and 12)—Table of Contents and Rules
(2) Original Sheet No. 8A—Rules continued (Billing and Payment)
(3) Fifth Revised Sheet Nos. 3, 4 and 5 (Supersedes Fourth Revised Sheet Nos. 3, 4 and 5)—SFR-1 Rates
(4) Third Revised Sheet No. 5A (Supersedes Second Revised Sheet No. 5A)—SFR-1 General Terms
(5) First Revised Sheet No. 13 (Supersedes Original Sheet Nos. 13, 14, 15, 16 and 17)—Deletes Form of Standard Service Agreement

[FR Doc. 81-5819 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3736-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3736 to be known as the Horseshoe Dam Project located on the Verde River in Maricopa County, Arizona. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the United States Water and Power Resources Service. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116.

Project Description—The proposed project would utilize the United States Water and Power Resources Service's existing Horseshoe Dam and Reservoir and would consist of: (1) a proposed powerhouse located just below the dam on the east bank of the Verde River, having units with a total installed capacity of approximately 3,500 kW; and (2) appurtenant works.

The Applicant estimates that the average annual energy output would be 17,000,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3736. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5820 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3773-000]

Mitchell Energy Co. Inc.; Application for Preliminary Permit

February 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) - 825(r)] for proposed Project No. 3773 to be known as All American Canal Drop No. 1 Project located on All American Canal in Imperial County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government structure known as the All American Canal Drop No. 1 and owned by the United States Water and Power Resources Service and would consist of a power plant with a total installed capacity of 2,000 kW. The Applicant estimates that the average annual energy output would be 17,350,000 kWh.

Purpose of Project—Power generated by the project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—The work to be performed under the preliminary permit would include an economic analysis, preliminary engineering plans, and a study of environmental impacts. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and preparation of an application for license to construct and operate the project. Applicant estimates the cost of the studies to be performed under the preliminary permit to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and evnironmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an appplication for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all

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capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3773. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5802 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3808-000]

Old Dominion Electric Cooperative; Application for Preliminary Permit

February 17, 1981.

Take notice that Old Dominion Electric Cooperative (Applicant) filed on December 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3808 to be known as the Sutton Dam Hydroelectric Project located on the Elk River in Braxton County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ernest M. Jordan, Jr., Old Dominion Electric Cooperative, 5601 Chamberlayne Road, Richmond, Virginia 23277. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Sutton Dam and would consist of: (1) a tower intake structure with trash racks and slide gates; (2) a penstock through the right (north) abutment; (3) a powerhouse containing a generating unit having a rated capacity of 19.4-MW; (4) a short tailrace; (5) a substation; (6) a 138-kV transmission line; and (7) appurtenant facilities. Project energy would be delivered to an existing Monongahela Power Company 138-kV transmission line within 3 miles of the Project. The Applicant estimates that the average annual energy output would be 116,000,000 kWh.

Purpose of Project—The power generated from the project would be distributed to Applicant's members in Virginia, Maryland, and Delaware.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the geologic, hydraulic, construction, economic, and environmental aspects of the project, and would prepare an application for a FERC license. Applicant estimates the cost of studies under the permit would be $115,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Noah Corporation and the Town of Gassaway, West Virginia for Project No. 3344 filed on August 20, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3808. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5803 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER-81-230-000]

Pacific Gas & Electric Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that on January 19, 1981, Pacific Gas Electric Company (PGandE) tendered for filing a letter agreement dated 3 September 1980. The agreement specifies the rate to be charged to the Los Angeles Department of Water and Power (LADWP) for emergency capacity provided to LADWP between 21 August and 25 August 1980.

The rate charged for this emergency capacity was 10 cents per kilowatt per day. No energy was taken during this period.

PGandE has requested waiver of the notice requirements pursuant to Section 35.11 of the Commission's regulations to permit an effective date of August 21, 1980.

Copies of this filing were served upon the California Public Utilities Commission and the Los Angeles Department of Water Resources.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1981. Protests will be considered by the Commission determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5799 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3807-000]

City of Rocky Mount, North Carolina; Application for Preliminary Permit

February 17, 1981.

Take notice that the City of Rocky Mount, North Carolina (Applicant) filed on December 1, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3807 to be known as Tar River Waterpower Project located on the Tar River Reservoir in Nash County, Rocky Mount, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frederick E. Turnage, Mayor, City of Rocky Mount, Post Office Drawer 1180, Rocky Mount, North Carolina 27801. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 860-foot long and 40-foot high concrete structure with an ogee type spillway and embankment sections; (2) an existing 60 inch in diameter reinforced concrete pipe, used to maintain low flow releases and as a reservoir overflow outlet conduit; (3) an existing 60 inch × 60 inch slide gate contained within the intake tower; (4) an existing 60 inch conduit extending from the intake tower to the water supply pumping units; (5) a proposed powerhouse with an installed capacity of approximately 1,900 kW; (6) a proposed water conduit consisting of an intake channel or pipe extending from the reservoir to the powerhouse; (7) a proposed tailrace to extend from the powerhouse to return the flow to the Tar River; (8) an existing reservoir extending approximately 5 miles upstream of the dam with a surface area of approximately 1,400 acres, and a gross storage of approximately 13,200 acre-feet at a maximum water surface elevation of 125.0 m.s.l.; and (9) appurtenant facilities.

The proposed project does not affect any Federal lands.

The Applicant estimates that the average annual energy output would be 7,569,000 kWh.

Purpose of Project—The power generated by the proposed project will be used entirely by the City of Rocky Mount.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $40,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3807. Any comments, notices of intent, competing applications,

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protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5613 Filed 2-19-81; 8:45 am]

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[Docket No. ER81-177-000]

Southern California Edison Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Summary Disposition in Part, Denying Motions to Reject, Granting Interventions, and Establishing Procedures

February 13, 1981.

On December 16, 1980, Southern California Edison Company (Edison) tendered for filing a proposed two-step rate increase for service to its nine wholesale customers.[1] The first phase rates (Step I) are proposed to become effective on February 14, 1981, and would result in approximately $18.6 million (7.4%) in additional revenues for the twelve month period ending December 31, 1981. The Step I rates are based on a cost of service which excludes all costs associated with the commercial operation of Edison's San Onofre Nuclear Unit No. 2 (SONGS 2). The second phase rates (Step II) reflect the inclusion of annualized costs associated with the operation of SONGS 2 in the cost of service. Edison proposes to make the Step II rates effective simultaneously with the in-service date of SONGS 2. These rates are expected to produce increased revenues of approximately $23.7 million (9.9%) based on the 12 month test period ending December 31, 1981. Since the date of commercial operation of SONGS 2 is uncertain and may occur more than 120 days after the filing date, Edison requests waiver of the notice requirements for the Step II rates.[2]

Notice of the filing was issued on December 22, 1980, with comments due on or before January 9, 1981. Three pleadings were timely filed.

On January 8, 1981, Anza Electric Cooperative, Inc. (Anza) filed a petition to intervene and protest, requesting that Edison's proposed rates be suspended and set for hearing. On January 9, 1981, the City of Vernon, California (Vernon) also filed a petition to intervene and protest. In its pleading, Vernon requests (1) a five month suspension of the Step I and Step II rates (or, in the alternative, rejection of the Step II rates), and (2) a hearing based on its objection to the amount of the proposed rate increase and certain rate design features.[3] In addition, Vernon alleges price squeeze.

On January 9, 1981, the Cities of Anaheim, Riverside, Banning, Colton and Azusa, California (Cities) filed a protest, petition to intervene, motion to reject, request for summary disposition of certain issues, and request for a five month suspension. In their pleading, Cities raise several rate design and cost of service issues and, further, allege price squeeze.[4] In addition, Cities request summary judgment with respect to the following issues: Edison's proposed attrition allowance; capital structure treatment of accumulated deferred investment tax credits (ADITC); and rate design.

On January 26, 1981, Edison filed an answer which challenges the specific objections raised by the Cities and Vernon.

Discussion

Initially, we find that participation in this proceeding by Anza, Vernon, and the Cities is in the public interest. Consequently, we shall grant their petitions to intervene. As we have done in other phased rate increase proceedings,[5] we shall also grant waiver of section 35.3 of the regulations to permit Edison's Step II rates to be submitted for filing more than 120 days before the proposed effective date.

We note that Edison's Step I cost of service contains an attrition allowance which purports to recover increased costs projected to occur during calendar year 1982.[6] In essence, the attrition allowance elevates the 1981 test year projected costs to the 1982 expense levels without the filing of timely cost supporting statements as required by section 35.13 of the regulations. Accordingly, Edison's attrition allowance will be summarily rejected. Edison will be directed to file revised Step I rates and cost of service statements within 30 days of the issuance of this order to reflect the exclusion of the attrition allowance.

Similarly, Edison's proposed Step II rates include a demand charge escalation clause which attempts to recover (1) carrying costs associated with any AFUDC accumulated from January 1, 1981, to the actual SONGS 2 in-service date,[7] and (2) projected increases in costs during 1982.[8] Such escalation of 1981 test year costs to 1982 expense levels is in violation of the Period II test year requirements of section 35.13 of the regulations. Accordingly, the demand charge escalation clause also will be summarily rejected. We note, however, that in a similar period phased rate increase proceeding (*Pacific Gas & Electric Company*, Docket Nos. ER80-214 and ER80-215, order issued March 28, 1980), the Commission allowed a proposed one-time demand charge adjustment to recover AFUDC to be accumulated from the beginning of the test year through the in-service date of a new nuclear plant. Consistent with that determination, the rejection of the demand charge escalation clause will be without prejudice to Edison's refiling a Step II demand charge adjustment which reflects only the recovery of AFUDC.

The Commission notes that Edison has not included ADITC in its capitalization for purposes of developing its proposed rates, although the company's prepared testimony maintains that ADITC should be reflected as equity capital in determining the rate of return ultimately authorized in this proceeding. We have repeatedly prohibited treatment of ADITC such as that advocated in Edison's testimony. While Edison's filed cost of service does not reflect inclusion of ADITC in the capital structure, we desire to avoid unnecessary litigation on this point. The matter is well settled and, accordingly, we shall grant the Cities' request for summary disposition with respect to this issue.

Additionally, we find that Edison has functionalized its general plant on a basis other than labor ratios. In *Minnesota Power & Light Company*, Opinion No. 20, issued August 3, 1978, we held that general plant should be allocated on the basis of labor ratios. In subsequent orders, we indicated that the use of labor ratios in the functionalization of general plant was a "general rule" and held that the burden on the applicant was to "show that the labor ratios are unreasonable as applied to the company, not merely that its alternative method might be reasonable."[9] Edison bears this same burden.

We decline to grant summary disposition with respect to Edison's proposed rate design, since Edison's Statement P and related work papers are substantially in compliance with the regulations. Moreover, we believe that Edison's rate design involves issues of fact which would be more appropriately addressed in a hearing.

According to our analysis, Edison's Step II cost of service does not reflect the impact of load growth in determining cost allocations to the Edison's wholesale customers. We believe that consideration of the load growth that will occur through the twelve month period commencing with the commercial operation of SONGS 2 is a necessary element in assessing the lawfulness of the proposed rates.[10] As a result, we shall expect Edison to submit evidence on this issue in order to meet its burden of proving that the rates in question are just and reasonable.

Upon review of Edison's submittal, the Commission finds that the filing is in substantial compliance with the requirements of our regulations.[11] The issues raised by the Cities, Vernon, and Anza (other than those summarily disposed of therein) are matters which may be explored during the hearing ordered below. Therefore, we shall deny the motions to reject the Stop II rates.

Our analysis indicates that the proposed Step I and Step II rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as directed below.

In a number of suspension orders,[12] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. We shall therefore accept the proposed Step I rates for filing, as modified by this order, and suspend them for five months from 60 days after filing, to become effective thereafter on July 16, 1981, subject to refund. The Step II rates, as modified, will be accepted for filing and suspended for five months from the commercial operation date of SONGS 2, subject to refund.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the Cities and Vernon. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders: (A) The motions to reject are hereby denied.

(B) Edison's proposed Step I rates are hereby accepted for filing, as modified by this order, and are suspended for five months, to become effective July 16, 1981, subject to refund.

(C) Waiver of the notice requirements of section 35.3 of our regulations is granted in order that the Step II rate increase may be submitted for filing more than 120 days before its proposed effective date.

(D) Edison's Step II rates, as modified by this order, are hereby accepted for filing and suspended for a period of five months from the proposed effective date to become effective five months after the date of commercial operation of SONGS 2. Edison shall notify the Commission and all parties to this proceeding of the date of the commencement of commercial operation of SONGS 2 within 10 days from the date of such operation.

(E) Edison's inclusion of an attrition allowance in its Step I cost of service is summarily rejected. Edison is directed to file revised Step I rates and cost of service statements reflecting the exclusion of the Step I attrition allowance within 30 days of the date of this order.

(F) Edison's proposed demand charge escalation clause relative to the Step II rates is summarily rejected, without prejudice to Edison's refiling such clause to recover only AFUDC accumulated through the SONGS 2 in-service date.

(G) Summary disposition is hereby granted with respect to the treatment of ADITC advocated in Edison's prepared testimony. The final cost of service upon which rates in this proceeding are ultimately based shall exclude ADITC consistent with Commission precedent.

(H) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the tariff and the rates proposed by Edison in this proceeding.

(I) The Cities, Vernon, and Anza are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by

[1] Cities of Anaheim, Azusa, Banning, Colton, Riverside, and Vernon, California, Anza Electric Cooperative, Inc., Arizona Public Service Company, and Southern California Water Company. *See* Attachment A for designations. The wholesale customers are presently served under Edison's Rate Schedule R and optional time-of-use schedule TOU-12. Under the proposed filing, all service would be provided under schedule TOU-12.

[2] In its transmittal letter dated december 22, 1980, Edison anticipated that SONGS 2 would be operational sometime in late 1981.

[3] Vernon criticizes the following major rate design features: (1) imposition of mandatory time-of-use rate schedules applicable to all resale customers; (2) restructuring of the voltage discount applicable to 220 kV, 33 kV, and 66 kV service; (3) revision of the fuel cost adjustment clause which provides for the use of estimated cost data; and (4) inclusion of a "SONGS 2 Adjustment" clause which provides for automatic rate escalation to accommodate nuclear unit costs projected (including an attrition factor) to be incurred after January 1, 1981.

[4] Many of the rate design issues cited by the Cities are similar to those raised by Vernon. *See*, footnote 2, *supra*. The cost of service issues propounded by the Cities relate, *inter alia*, to the (1) computation of Edison's income taxes, (2) inclusion of Mono Power Company's fuel service charge in fuel expenses, (3) inclusion of EPRI contributions in the cost of service, and (4) computation of a working capital allowance.

[5] *See, e.g., Delmarva Power & Light Company*, Docket No. ER80-363, order issued June 30, 1980; and *Pacific Gas & Electric Company*, Docket Nos. ER80-214 and 215, order issued March 28, 1980.

[6] The attrition allowance is equivalent to 1% on common equity and is intended to insure that Edison actually earns its claimed 14% rate of return on common equity notwithstanding anticipated cost increases beyond the Period II test year.

[7] Edison's Step II cost of services reflects an investment in SONGS 2 including AFUDC accumulated through December 31, 1980.

[8] Step II demand charges will thus be increased for each day by which the SONGS 2 in-service date goes beyond January 1, 1981. This is a one time adjustment to be made at the time the Step II rates are placed in effect.

[9] *E.g., Pennsylvania Electric Company*, Docket No. ER78-494, order issued September 27, 1978; *Public Service Company of Indiana*, Docket No. ER78-513, order issued August 25, 1978; *Public Service Company of Colorado*, Docket No. ER78-50, order issued October 4, 1978; and *Central Kansas Power Company, Inc.*, Docket No. ER79-50, order issued January 31, 1979.

[10] *See Delmarva Power & Light Company*, Docket No. ER80-363, order issued June 30, 1980, mimeo at p. 3.

[11] *See Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[12] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

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such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(J) The Commission staff shall serve top sheets in this proceeding on or before April 7, 1981.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(L) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion c this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(M) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—*Rate Schedule Designations (ER81-177-000) Southern California Edison Co.*

[Filing date: Dec. 18, 1980]

	Designation	Description	Other party
(1)	Supplement No. 12 to rate schedule FERC No. 6 (supersedes supplement Nos. 10 and 11).	TOU-R (Step—One—Excl. SONGS 2).	Arizona Public Service Co. (Climax).
(2)	Supplement No. 13 to rate schedule FERC No. 13 (supersedes supplement Nos. 11 and 12).	TOU-R (Step—One—Excl. SONGS 2).	Vernon.
(3)	Supplement No. 17 to rate schedule FERC No. 15 (supersedes supplement Nos. 15 and 16).	TOU-R (Step—One—Excl. SONGS 2).	Anaheim.
(4)	Supplement No. 12 to rate schedule FERC No. 16 (supersedes supplement Nos. 10 and 11).	TOU-R (Step—One—Incl. SONGS 2).	Azusa.
(5)	Supplement No. 18 to rate schedule FERC No. 17 (supersedes supplement Nos. 16 and 17).	TOU-R (Step—One—Excl. SONGS 2).	Riverside.
(6)	Supplement No. 11 to rate schedule FERC No. 19 (supersedes supplement Nos. 9 and 10).	TOU-R (Step—One—Excl. SONGS 2).	Anza Electric Cooperative.
(7)	Supplement No. 11 to rate schedule FERC No. 21 (supersedes supplement Nos. 9 and 10).	TOU-R (Step—One—Excl. SONGS 2).	Banning.
(8)	Supplement No. 11 to rate schedule FERC No. 29 (supersedes supplement Nos. 9 and 10).	TOU-R (Step—One—Excl. SONGS 2).	Arizona Public Service Co. (Blythe).
(9)	Supplement No. 13 to rate schedule FERC No. 31 (supersedes supplement Nos. 11 and 12).	TOU-R (Step—One—Excl. SONGS 2).	Colton.
(10)	Supplement No. 11 to rate schedule FERC No. 33 (supersedes supplement Nos. 2 to supplement Nos. 7 and 8).	TOU-R (Step—One—Excl. SONGS 2).	Southern California Water co. (Harnish)
(11)	Supplement No. 12 to rate schedule FERC No. 33 (supersedes supplement Nos. 9 and 10)	TOU-R (Step—One—Excl. SONGS 2).	Southern California Water Co. (Gold Hill).
(12)	Supplement No. 13 to rate schedule FERC No. 6 (supersedes supplement Nos. 12).	TOU-R (Step—Two—Incl. SONGS 2).	Arizona Public Service Co.
(13)	Supplement No. 14 to rate schedule FERC No. 13 (supersedes supplement Nos. 13).	TOU-R (Step—Two—Incl. SONGS 2).	Vernon.
(14)	Supplement No. 18 to rate schedule FERC No. 15 (supersedes supplement Nos. 17).	TOU-R (Step—Two—Incl. SONGS 2).	Anaheim.
(15)	Supplement No. 13 to rate schedule FERC No. 16 (supersedes supplement Nos. 12).	TOU-R (Step—Two—Incl. SONGS 2).	Azusa.
(16)	Supplement No. 19 to rate schedule FERC No. 17 (supersedes supplement Nos. 18).	TOU-R (Step—Two—Incl. SONGS 2).	Riverside.
(17)	Supplement No. 12 to rate schedule FERC No. 19 (supersedes supplement Nos. 11).	TOU-R (Step—Two—Incl. SONGS 2).	Anza Electric Cooperative.
(18)	Supplement No. 12 to rate schedule FERC No. 21 (supersedes supplement Nos. 11).	TOU-R (Step—Two—Incl. SONGS 2).	Banning.
(19)	Supplement No. 12 to rate schedule FERC No. 29 (supersedes supplement Nos. 11).	TOU-R (Step—One—Incl. SONGS 2).	Arizona Public Service Co. (Blythe).
(20)	Supplement No. 14 to rate schedule FERC No. 31 (supersedes supplement Nos. 13).	TOU-R (Step—One—Incl. SONGS 2).	Colton.
(21)	Supplement No. 12 to rate schedule FERC No. 33 (supersedes supplement Nos. 11).	TOU-R (Step—One—Incl. SONGS 2).	Southern California Water Co. (Harnish).
(22)	Supplement No. 13 to rate schedule FERC No. 33 (supersedes supplement Nos. 12).	TOU-R (Step—One—Incl. SONGS 2).	Southern California Water Co. (Gold Hill).

[FR Doc. 81-5804 Filed 2-19-81; 8:45 am]

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[Docket No. CP79-374-002]

Southern Natural Gas Co.; Petition To Amend

February 17, 1981.

Take notice that on January 9, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-374-002 a petition to amend the order issued August 22, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of additional facilities to increase the capacity of its South Main transmission lines, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 22, 1980, it was authorized to perform certain gas storage services and related transportation services for certain of its customers and to construct and operate the necessary facilities to effectuate such services.

Petitioner states that as it presently exists, the design capacity of its pipeline system is not sufficient to accommodate the transportation of the storage service volumes on a peak day. It is further stated that in calculating what additional facilities would be necessary for it to undertake firm obligations to perform the proposed storage and transportation services, Petitioner anticipated a daily input of 322,000 Mcf of regasified LNG into the eastern end of its pipeline system. Petitioner asserts that it can no longer prudently project that it would have that quantity of regasified LNG available on a daily basis throughout the life of the storage service. Petitioner, therefore, states it must assume that the proposed storage transportation on a peak day cannot be performed without the benefit of the additional capacity in its South Main transmission lines equal to the peak day storage service withdrawal volumes. Accordingly, Petitioner proposes to construct and operate the following facilities to increase the capacity of its South Main transmission lines:

(1) Approximately 5.6 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 56.5 to milepost 62.1,

(2) Approximately 3.1 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 83.3 to milepost 86.4,

(3) Approximately 5.7 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 133.2 to milepost 138.9,

(4) Approximately 3.1 miles of pipeline on Petitioner's 30-inch South Main third loop line from milepost 138.9 to milepost 142.0

(5) Approximately 7.0 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 205.8 to milepost 212.8,

(6) Approximately 3.7 miles of pipeline on Petitioner's 30-inch South Main third loop line from milepost 221.6 to milepost 225.3,

(7) Approximately 9.0 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 298.5 to milepost 307.5,

(8) 2,000 horsepower of compression at Petitioner's Enterprise Compressor Station,

(9) 4,000 horsepower of compression at Petitioner's Gallion Compressor Station,

(10) 5,000 horsepower of compression at Petitioner's Elmore Compressor Station, and

(11) 2,000 horsepower of compression at Petitioner's Ellerslie Compressor Station.

It is stated that the proposed 30-inch pipeline loop segments are located in an area running from Jasper County, Mississippi, to Harris County, Georgia.

Petitioner estimates the cost of the proposed facilities to be $45,191,913, which would be financed initially by short-term financing and/or cash from current operations with subsequent permanent financing, it is stated.

Petitioner submits that it proposes to construct the facilities in two phases. Phase I would be the construction and operation of the loop pipeline to be completed by the beginning of the 1981-82 storage withdrawal period. Phase II would be the construction of the proposed compression facilities which, due to the long lead time required to obtain compression facilities, would not commence until sometime in 1982, it is stated. Petitioner projects the completion of the compression facilities to occur at the beginning of the 1982-83 storage withdrawal period.

Petitioner states that it does not propose to modify the procedure set out in the August 22, 1980, order for determining the storage transportation charge. Because the additional facilities proposed herein would be constructed in two phases, Petitioner requests that it be permitted to collect an interim transportation charge from the time the loop pipelines are completed and placed in service until the compression facilities are completed and placed in service. This interim charge, it is asserted, would be calculated on (i) the latest capital cost estimate of the facilities authorized by the August 22, 1980, order and of the loop pipelines proposed and (ii) the transmission cost of service underlying the rates that Petitioner would be collecting at the time storage transportation service is initiated as adjusted to include the cost of service of the storage service transportation facilities then in service.

Petitioner states that when the proposed compression facilities are completed and ready to be placed in service, Petitioner would recalculate the transportation charge using the same procedures as employed in determining the interim transportation charge but incorporating the latest capital cost estimate of said compression facilities in the cost of the storage service transportation facilities and utilizing the transmission cost of service underlying the rates that Petitioner would be collecting at that time as adjusted to include the cost of service of said compression facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a peition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5805 Filed 2-19-81; 8:45 am]

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[Docket No. ER81-19-000]

Tapoco, Inc.; Order Granting Request for Clarification of Prior Order

February 17, 1981.

On October 9, 1980, Tapoco, Inc (Topoco) filed an Apportionment Agreement with Nantahala Power and Light Company (NP & L) dated June 1, 1971, which specifies amounts of energy available to NP&L and Tapoco, respectively, under a prior agreement (New Fontana Agreement of NFA) between these parties and the Tennessee Valley Authority.

By order issued December 2, 1980, the Commission found the apportionment agreement to be a jurisdictional rate schedule which should be filed as a supplement to the NFA. Upon consideration of the relevant circumstances, including the fact that remedies available through a pending proceeding in Docket Nos. EL78-18 and ER78-828 appeared adequate to protect the interests of all parties involved, the Commission waived the outstanding filing requirements and accepted the apportionment agreement for filing to become effective as of June 1, 1971, when service commenced under the agreement. The Commission however, further ordered that the apportionment question remain subject to the outcome of the proceeding in Docket Nos. ER78-828 and EL78-18.

On January 2, 1981, Highlands filed an application for rehearing and alternative request for clarification of the December 2, 1980 Commission order. Highlands asks for rehearing of the grant of waiver of notice requirements "in an abundance of caution." In the alternative, Highlands seeks clarification to the effect that acceptance of the apportionment agreement, with an effective date of June 1, 1971, will be conditioned so that the Commission retains the authority to order any appropriate remedy concernig the agreement as is justified on the record in Docket Nos. EL78-18 and ER78-828, without any predetermination as to the standards it will apply or the remedies it may impose. Highlands expresses its concern that the available remedies in this proceeding should not be limited to the possibility of a refund obligation.

On January 19, 1981, Tapoco filed a response to Highlands' January 2, 1981 pleading

Discussion

Highlands has challenged the Commission's decision to accept the apportionment agreement for filing as of 1971. However, the pleading demonstrates that Highlands' primary concern is that nothing set forth in the December 2, 1980 order prejudge or prejudice any of the remedies available with respect to Tapoco's submittal in Docket No. ER81-19-000, or the parties' positions in the underlying Dockets, EL78-18 and ER78-828. That, in fact, was the intent of the December 2, 1980 order. Accordingly, we believe that it is unnecessary to separately address Highlands' grounds for rehearing. Nevertheless, we agree that ordering paragraph (A) of the Commission's order was not as clear as it could have been. In order to clarify the Commission's intent, ordering paragraph (A) of the December 2, 1980 order will be modified to read as follows:

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"(A) The instant submittal is hereby declared to be jurisdictional and is accepted for filing to be effective as of June 1, 1971, subject to refund, *provided, however,* that questions concerning the reasonableness of the apportionment agreement shall be subject to the outcome of the proceedings in Docket Nos. EL78–18 and ER76–828, and subject to any remedies deemed appropriate based on the record of those proceedings, including refunds, if warranted."

In its January 19 response, Tapoco contends that Highlands' January 2 submittal asks this Commission to broaden the potential remedies against Tapoco and essentially to reverse its December 2, 1980 order in this docket. After reviewing the pleadings on this matter, we have determined that our December 2, 1980 order should be modified as provided above, not in order to expand or contract the potential remedies in this docket, but merely in order to preserve the positions of the parties and to avoid any limitiations on the available remedies. The Commission will consider any appropriate remedies after the underlying facts and positions have been fully ventilated through hearing and briefing.

The Commission Orders

(A) Tapoco's January 2, 1981 motion to clarify the Commission's order of December 2, 1980, in these dockets is hereby granted and ordering paragraph (A) of that order is hereby modified as set forth in the body of this order.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5800 Filed 2–19–81; 8:45am]

BILLING CODE 6450–85–M

[Project No. 2816–000]

Vermont Electric Corporative, Inc.; Application for Major License

February 17, 1981

Take notice that an application was filed December 11, 1980, under the Federal Power Act, 16 U.S.C., Section 791(a)–825(r)(r), by the Vermont Electric Cooperative Inc., for major license for the North Hartland Project. The proposed project would utilize the existing U.S. Army Corps of Enginers' North Hartland Dam on the Ottauquechee River in Windsor County, Vermont. Correspondence with the Applicnt on this matter should be addressed to: Mr. William J. Gallagher, Vice President and Executive Manager, Vermont Electric Cooperative Inc., School Street, Johnson, Vermont 05656; and Attorney G. Douglas Essy; Belnap, McCarthy, Spencer, Sweeney and Harkaway, 1750 Pennsylvania Avenue, N.W., Washington D.C. 20006.

Project Description—The proposed project would utilize an existing outlet conduit at the dam, and would consist of: (1) a steel bifurcation at the existing outlet connected to two 7.5-foot diameter inlets and leading to; (2) a powerhouse containing two 2,000-kW horizontal shaft turbines and generators; (3) a 400-foot tailrace channel; (4) a 12-foot diameter bypass which would pass additional flows that are not needed for power generation. The bypass would lead from the outlet conduit at a point approximately 100 feet upstream of the bifurcation and discharge through (5) a vertical lift fixed-wheel control gate and into (6) a 60-foot long concrete-lined channel east of the powerhouse and thence to the Ottauquechee River; (7) transmission facilities; and (8) appurtenant works. The application was filed during the term of the Applicant's preliminary permit for the North Hartland Project, issued February 9, 1979. The Applicant does not propose any additional recreational facilities at the porject. Project power would be used by the Applicant for public utility purposes either within its distribution system or for sale to other public utilities.

Competing Applications—Anyone desiring to file a competing appliction must submit to the Commission, on or before April 27, 1981 the competing application itself or an intent to file competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this appliction should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a paty, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before April 27, 1981. The Commission's address is: 825 North Capitol Street, N.W., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5800 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–85–M

[Project 3688–000]

Washington County Hydro Development Associates; Application for Short-Form License (Minor)

February 17, 1981.

Take notice that Washington County Hydro Development Associates (Applicant) filed on November 5, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the East Machias Project No. 3688. The project would be located on the East Machias River in the Town of East Machias, Washington County, Maine. Correspondence with the Applicant should be directed to: Dr. N. Laberge, Washington County Hydro Development Associates, P.O. Box 151 Eastport, Maine 04631.

Project Description—The proposed project would consist of; (1) an existing 25-foot high, 166-foot long concrete stanchion-stop-log dam built in 1926; (2) a new crest gate to be located at the north abutment adjacent to the existing penstock intake structure; (3) a fishway; (4) a reservoir with a total storage capacity of 800 acre-feet; (5) a new 12-foot diameter 1,100-foot long penstock in place of the old penstock; (6) a new powerhouse containing a single turbine-generator with a rated capacity of 1,500–kW; and (7) appurtenant facilities. The project would generate up to 6,990,000 kWh annually saving the equivalent of 11,500 barrels of oil or 3,200 tons of coal.

Purpose of Project—Energy produced at the project would be sold to Bangor Hydro-Electric Company, the local utility, for distribution to its customers.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and

Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 1, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or other comments file, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 204426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–5807 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–85–M

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[Volume 368]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD NO	JA DST	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD							
-GRACE PETROLEUM CORP				RECEIVED: 02/02/81 JA: AL			
8114897	1-16-816PD	0105720205	102	MURPHY 31-16	BLUFF	120.0	
8114895	1-16-813PDA	0107520307	107	SIZEMORE 2-5	W BLOWHORN CREEK	0.0	
-SHELL OIL CO				RECEIVED: 02/02/81 JA: AL			
8114896	1-16-315PD	0130320334	107	WEFEL NO 2	SEVEN MILE AREA WILDCAT	40.0	
-WARRIOR DRILLING & ENG CO INC				RECEIVED: 02/02/81 JA: AL			
8114899	1-16-818PD-A	0105720192	102	STEINER SCHWAB 35-10	MUSGROVE CREEK	30.0	WARRIOR DRLG & ENG
8114898	1-16 817PD A	0105720165	102	WRIGHT 35-4	MUSGROVE CREEK	30.0	WARRIOR DRLG & ENG
MONTANA BOARD OF OIL & GAS CONSERVATION							
-BWAB INC				RECEIVED: 02/02/81 JA: MT			
8114903	11-80-233	2508321344	102	CANOFE #35-31	RIDGE LAWN	41.9	MONTANA DAKOTA UTILI
8114899	10-80-226	2508321346	102	CARLSEN-LYCHE # 22-12	SIDNEY	12.7	MONTANA DAKOTA UTILI
8114904	10-80-227	2508321371	102	HEIN # 27-43	MONDAK WEST	29.2	MONTANA DAKOTA UTILI
8114901	10-80-229	2508321269	102	PETERSEN #20-33X	SIDNEY	19.1	MONTANA DAKOTA UTILI
-HELMERICH & PAYNE INC				RECEIVED: 02/02/81 JA: MT			
8114905	11-80-234	2508321370	103	MARTIN 1-11	NORTH SIOUX PASS	59.0	TRUE OIL CO
-MIDLANDS GAS CORPORATION				RECEIVED: 02/02/81 JA: MT			
#8114903	9-80-193	2507121163	108	0752 ARCHIE DUNBAR 1-7	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
#8114902	4-80-99	2507121588	108	2070 1-20 COMPTON	BOWDOIN	11.0	KANSAS-NEBRASKA NATU
-SHELL OIL CO				RECEIVED: 02/02/81 JA: MT			
8114906	10-80-229	2508321381	107	STEINBEISSER 23-27	MONDAK WEST	10.5	MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED: 02/02/81 JA: MT			
8114907	10-80-225	2509121293	102	PETERSON FLB #1	KATY LAKE NORTH	2.5	TRUE OIL CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-CONSOLIDATED OIL & GAS INC				RECEIVED: 01/30/81 JA: NM			
8114947		3004500000	108	TEMPLETON 1	BASIN DAKOTA	0.0	SOUTHERN UNION GATHE
-EXXON CORPORATION				RECEIVED: 01/30/81 JA: NM			
8114949		3002526196	108	NEW MEXICO AB STATE #5	LANGLIE MATTIX SEVEN RIV	11.0	EL PASO NATURAL GAS
8114948		3002526197	108	NEW MEXICO AB STATE #6	LANGLIE MATTIX SEVEN RIV	8.5	EL PASO NATURAL GAS
-GETTY OIL COMPANY				RECEIVED: 01/30/81 JA: NM			
8114989		3002526158	102	STATE 29 J WELL NO 1	UNDESIGNATED WOLFCAMP	384.0	TRANSWESTERN PIPELIN
-HARVEY E YATES COMPANY				RECEIVED: 01/30/81 JA: NM			
8114946		3002526271	107	AUSTIN MONTEITH #1	UND AUSTIN-MISSISSIPPIAN	365.0	EL PASO NATURAL GAS
-MESA PETROLEUM				RECEIVED: 01/30/81 JA: NM			
8114892		3004523745	103	STATE COM AJ 34E	BASIN DAKOTA	70.0	NORTHWEST PIPELINE C
8114891		3004523746	103	STATE COM AK 35E	BASIN DAKOTA	100.0	NORTHWEST PIPELINE C

JD NO	JA DST	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED: 01/30/81 JA: NM			
8114894		3002526190	103	STATE 17 #1	AUSTIN	274.0	EL PASO NATURAL GAS
8114896		3002526190	107	STATE 17 #1	AUSTIN	274.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION				RECEIVED: 01/30/81 JA: NM			
8114893		3000560788	102	KUYKENDALL OP COM #1	UNDES ABO	0.0	TRANSWESTERN PIPELIN
8114890		3000560728	107	WILLOW CREEK UNIT #2	WILDCAT ABO	0.0	TRANSWESTERN PIPELIN
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY							
-MERRILL NATURAL RESOURCES INC				RECEIVED: 01/30/81 JA: VA			
8114941		4516520351	102	SOUDER #1 #6914	BERGTON	30.0	COLUMBIA GAS TRANSMI
WEST VIRGINIA DEPARTMENT OF MINES							
-ALTON SKINNER				RECEIVED: 01/30/81 JA: WV			
8114843		4704102750	103	MCCUE #1	VANDALIA	5.0	
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 01/30/81 JA: WV			
8114864		4701100670	102	F J MCWHORTER #1	UNION	18.0	COLUMBIA GAS TRANSMI
-ASHLAND EXPLORATION INC				RECEIVED: 01/30/81 JA: WV			
8114876		4701900421	103	CHRISTIAN COLLIERY #2	PAINT CREEK	51.0	COLUMBIA GAS TRANSMI
8114875		4701900435	103	EASTERN ASSOCIATED #68 (089191)	PAINT CREEK	0.0	COLUMBIA GAS TRANSMI
8114877		4704700830	103	LON B ROGERS #21	VIRGINIA	73.0	CONSOLIDATED GAS SUP
-BRAXTON OIL AND GAS CORP				RECEIVED: 01/30/81 JA: WV			
8114942		4704102738	103	NO 1 PERRINE	VANDALIA	4.0	CONSOLIDATED GAS SUP
-BRUCE FOSTER				RECEIVED: 01/30/81 JA: WV			
8114882		4702103614	103	SUMMERS NO 5	GLENVILLE SOUTH	20.0	EQUITABLE GAS CO
-CHASE PETROLEUM				RECEIVED: 01/30/81 JA: WV			
8114878		4701702463	103	BRITTON-LEGGETT #1	BENSON RUN	0.0	
-CITIES SERVICE COMPANY				RECEIVED: 01/30/81 JA: WV			
8114881		4704700826	103	MALONE B-82	BRADSHAW	35.0	COLUMBIA GAS TRANSMI
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 01/30/81 JA: WV			
8114889		4705500078	102	MCCREERY COAL LAND 820362	WEST VIRGINIA FIELD AREA	140.0	COLUMBIA GAS TRANS C
8114887		4705900915	107	W H BRONSON ET AL 820569	TUG RIVER	16.2	COLUMBIA GAS TRANS C
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 01/30/81 JA: WV			
8114872		4703301931	103	LANDORA HARBERT 12567	WEST VIRGINIA OTHER A857	41.0	GENERAL SYSTEM PURCH
-FERRELL L PRIOR				RECEIVED: 01/30/81 JA: WV			
8114944		4708504745	103	ROYAL D COX NO 1 (EAST 50 ACRES)	BEREA	0.0	COLUMBIA GAS TRANSMI
-GENE STALNAKER INC				RECEIVED: 01/30/81 JA: WV			
8114861		4701702523	103	SMITH B-37-1	LOURIE SMITH	21.5	COLUMBIA GAS TRANSMI
8114860		4701702555	103	SMITH B-39-2	LOURIE SMITH	21.7	COLUMBIA GAS TRANSMI
-INDUSTRIAL GAS ASSOCIATES				RECEIVED: 01/30/81 JA: WV			
8114868		4703302042	103	JOHNSON NO 1 HAR-2342	SARDIS DISTRICT	23.0	CONSOLIDATED GAS SUP
8114865		4701702349	103	KING NO 1 DOD-2349	WEST UNION DISTRICT	23.0	CONSOLIDATED GAS SUP
8114869		4701702345	103	POWELL NO 1 DOD-2345	CENTRAL DISTRICT	23.0	CONSOLIDATED GAS SUP
-J & J ENTERPRISES INC				RECEIVED: 01/30/81 JA: WV			
8114883		4700100871	103	R-118	UNION	400.0	CONSOLIDATED GAS SUP
8114885		4709721729	103	B-70A	WARREN	400.0	CONSOLIDATED GAS SUP
8114879		4701702521	103	J-102	NEW MILTON	400.0	CONSOLIDATED GAS SUP
8114871		4703302340	103	J-244	UNION	400.0	CONSOLIDATED GAS SUP
8114862		4701702681	103	J-263	CENTRAL	400.0	COLUMBIA GAS TRANSMI
8114884		4709702083	103	J-281	BANKS	200.0	COLUMBIA GAS TRANSMI
8114870		4701702595	103	J-36 JJ-8 #5	NEW MILTON	400.0	CONSOLIDATED GAS SUP
-MERT DEVELOPMENT INC				RECEIVED: 01/30/81 JA: WV			

JD NO	JA INT	API NO	SEC D WELL NAME	PROD	PURCHASER
	ATTER DISTRICT			1621.9	COLUMBIA GAS TRANS C
-MONITOR PETROLEUM CORP		4700701442	102 YEDLOSKY #1		
			RECEIVED: 01/30/81 JA: WV		
8114965	BARKER	4700701253	103 MONITOR #1 GUY GOLDEN	45.0	COLUMBIA GAS TRANSMI
8114980			RECEIVED: 01/30/81 JA: WV		
-PETROLEUM DEVELOPMENT CORP		4700702586	103 L RADOMSKY #2		
	STRAIGHT FORK-BLUESTONE			48.3	COLUMBIA GAS TRANSMI
8114967					
8114363	STRAIGHT FORK-BLUESTONE	4701702534	103 L S MCGOFF #1	78.3	COLUMBIA GAS TRANSMI
-STONESTREET LANDS CO			RECEIVED: 01/30/81 JA: WV		
8114474	ELMIRA	4701501697	103 C O SUMMERS #1-S-52	35.0	COLUMBIA GAS TRANSMI
-STONEWALL GAS CO INC			RECEIVED: 01/30/81 JA: WV		
8114496	GREENBRIER	4701702594	103 BERNICE L DAVIS #1	18.0	CONSOLIDATED GAS SUP
8114965	TEN MILE	4703322245	103 G WILLIAMS #1	18.0	CONSOLIDATED GAS SUP
-UNION DRILLING INC		4708300299	103 RECEIVED: 01/30/81 JA: WV		
8114373	ROARING CREEK DISTRICT		HARRY MCMULLAN JR EST #5	0.0	COLUMBIA GAS TRANSMI
** U.S. GEOLOGICAL SURVEY - CASPER,WY					
-DOME PETROLEUM CORP			RECEIVED: 01/30/81 JA: ND	30.9	SHELL OIL CO
8114952	WOLF-BAR	3305301095	102 DOME FEDERAL 2-26		
-GETTY OIL COMPANY			RECEIVED: 01/30/81 JA: ND		
*8114953	E * FIELD (UPPER)	3300700372	107 MYSTERY CREEK WELL ND 1-11	15.2	KOCH HYDROCARBON CO
-SHELL OIL CO			RECEIVED: 01/30/81 JA: ND		
8114958	MONJAK	3305301317	102 USA 34-13-59	19.5	MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY			RECEIVED: 01/30/81 JA: ND		
8114959	BIG STICK	3300700473	102 STUART USA 1-33	500.0	WESTERN GAS PROCESSO
-COTTON PETROLEUM CORPORATION			RECEIVED: 01/30/81 JA: WY		
*8114961	WILDCAT	4903721600	102 SHALLOW CREEK UNIT A 1-25	150.0	COLORADO INTERSTATE
-DAVIS OIL COMPANY			RECEIVED: 01/30/81 JA: WY		
8114957	INDIAN CREEK	4901920672	102 #1 CHIEF FEDERAL	432.6	PHILLIPS PETROLEUM C
8114956	(UNNAMED)	4900921641	102 #1 WEST ROBINSON FEDERAL	13.4	PHILLIPS PETROLEUM C
8114953	INDIAN CREEK	4901920545	102 BRAVE FEDERAL NO 1	16.4	PHILLIPS PETROLEUM C
-INEXCO OIL COMPANY			RECEIVED: 01/30/81 JA: WY		
8114955	CENTRAL HILIGHT UNIT	4900525527	103 CHU NO 229	12.0	MCCULLOCH OIL CORP
8114956	CENTRAL HILIGHT UNIT	4900525623	103 CHU NO 229	175.0	MCCULLOCH OIL CORP

OTHER PURCHASERS VOLUME NO 1368

8114952	WESTERN GAS PROCESSORS LTD
8114953	UNITED GAS PIPELINE CO
8114962	MONTANA-DAKOTA UTILITIES CO
8114967	MONTANA DAKOTA UTILITIES CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5978 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

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[Volume 367]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION						
-CHEVRON U S A INC			RECEIVED: 01/29/81 JA: CA			
8114797	80-6-0027	0401120139 102	JIMENO RANCHO #1	COMPTON LANDING	116.5	
8114798	80-6-0028	3411320530 102	KNAGG WALLACE #3	ZAMORA	91.7	PACIFIC GAS & ELECTR
8114799	80-6-0029	3411320572 102	KNAGGS WALLACE #5	ZAMORA	35.1	PACIFIC GAS & ELECTR
-COASTAL OIL & GAS CORP			RECEIVED: 01/29/81 JA: CA			
8114800	80-6-0030	0401120148 102	ABRUCKLE ROAD NO 3	GRIMES	506.0	PACIFIC GAS & ELECTR
-QUINTANA PETROLEUM CORP			RECEIVED: 01/29/81 JA: CA			
8114801	80-6-031	0406720152 103	ELTON #1	NORTH THORNTON	180.0	PACIFIC GAS & ELECTR
COLORADO OIL & GAS COMMISSION						
-AMOCO PRODUCTION CO			RECEIVED: 01/29/81 JA: CO			
8114817	80-392	0512309939 103	ADOLPH ANDERSON UNIT WELL #2	WATTENBERG	292.0	PANHANDLE EASTERN PI
8114812	80-383	0512309514 103	CLARK D VANDERHOFF JNIT WELL #2	WAMBERT	300.0	PANHANDLE EASTERN PI
8114818	80-394	0512309886 103	ESTHER F GAUMER WELL #2	WATTENBERG	292.0	PANHANDLE EASTERN PI
8114816	80-396	0512309919 103	GLADYS JACCARD GAS UNIT WELL #2	WATTENBERG	73.0	PANHANDLE EASTERN PI
8114815	80-395	0512309918 103	MAX KATCHEN WELL #2	WATTENBERG	0.0	PANHANDLE EASTERN PI
8114827	81-113-B	0512307331 108	PRYMACK G U #1	WATTENBERG	0.0	COLORADO INTERSTATE
8114814	80-393	0512309832 103	RAY E OLIN UNIT WELL #2	WATTENBERG	292.0	PANHANDLE EASTERN PI
8114813	80-399	0512309823 103	SALAZAR FAMILY GAS JNIT WELL #2	WATTENBERG	110.0	PANHANDLE EASTERN PI
8114803	80-391	0500107492 103	UPRR 23 PAN AM M WELL NO 1		230.0	PANHANDLE EASTERN PI
8114823	80-344	0512307279 108	UPRR 38 PAN AM B NO 1	WATTENBERG	14.0	PANHANDLE EASTERN PI
8114804	80-398	0512309667 103	UPRR 38 PAN AM GAS JNIT J WELL #1	WATTENBERG	146.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY			RECEIVED: 01/29/81 JA: CO			
8114811	80-354	0506706319 103	SOUTHERN UTE 29-2 33-8	IGNACIO BLANCO	100.0	NORTHWEST PIPELINE C
-COTTON PETROLEUM CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114810	80-380	0512309397 103	HALL NO 2	SPINDLE	60.0	IONE GAS PROCESSING
8114809	80-382	0512309395 103	HIGHLAND NO 2	SPINDLE	24.0	IONE GAS PROCESSING
8114808	80-397	0512309290 103	IONE C #2	SPINDLE	130.0	IONE GAS PROCESSING
8114802	80-379	0512309289 103	IONE D NO 1	SPINDLE	84.0	COLORADO INTERSTATE
8114807	80-388	0512309378 103	STERNDLE B NO 1	SPINDLE	60.0	IONE GAS PROCESSING
8114819	80-381	0512309509 103	WELD COUNTY NO 1	SPINDLE	90.0	IONE GAS PROCESSING
-ENERGY MINERALS CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114805	80-367	0512310024 102	#1 PARMLEE	WAITE LAKE	72.0	CRYSTAL GAS RESOURCE
8114824	80-369	0512308219 108	#3 VONASEK	SPINDLE	11.0	COLORADO INTERSTATE
8114825	80-368	0512309233 108	#8 VONASEK	SPINDLE	9.0	COLORADO INTERSTATE
-EXXON CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114822	80-378	0507708132 107	VEGA UNIT #2	WILDCAT	96.0	NORTHERN NATURAL GAS
-J GREGORY MERRION & ROBT L BAYLESS			RECEIVED: 01/29/81 JA: CO			
8114832	80-317	0506705272 108	CHRISTINE HAMILTON #1	IGNACIO-MESA VERDE	15.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
-MGF OIL CORP			RECEIVED: 01/29/81 JA: CO			
8114830	80-372	0512309945 103	NICHOLS 34-16	WATTENBERG FIELD	700.0	PANHANDLE EASTERN PI
8114828	80-375	0512309950 103	POWERS 21-22	WATTENBERG	700.0	PANHANDLE EASTERN PI
8114829	80-374	0512309949 103	POWERS 34-22	WATTENBERG	700.0	PANHANDLE EASTERN PI
8114826	80-371	0512308015 108	PREMIER 44-33	LOST CREEK	14.0	CRYSTAL GAS RESOURCE
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114833	80-261	0506700000 108	BONDAD 33-9 #32	IGNACIO MESAVERDE	17.0	NORTHWEST PIPELINE C
8114826	80-211	0506705721 108	IGNACIO 33-8 #14	IGNACIO BLANCO MESAVERDE	20.0	EL PASO NATURAL GAS
-SAMSON OIL COMPANY			RECEIVED: 01/29/81 JA: CO			
8114820	80-366	0500906230 103	M L MCLAIN #1-33	STONINGTON	140.0	
-TEXAS OIL & GAS CORP			RECEIVED: 01/29/81 JA: CO			
8114821	80-400	0506106265 103	LAS ANIMAS LTD A #1	MCCLAVE	91.3	NUECES CO
-TRANSCONTINENTAL OIL CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114831	80-340	0512309824 103	A MILLER #1	WILDCAT	233.6	KANSAS NEBRASKA NATU
LOUISIANA OFFICE OF CONSERVATION						
-MCMORAN EXPLORATION CO			RECEIVED: 01/28/81 JA: LA			
8114756	79-759	1704520447 102	IBERIA INVESTMENT CORP NO 1 152864	S E AVERY ISLAND	240.0	TRANSCONTINENTAL GAS
-THE LOUISIANA LAND & EXPLORATION CO			RECEIVED: 01/28/81 JA: LA			
8114757	79-1743	1710921763 102	LLCE FEE #6 - 151610	LAKE HATCH	365.0	
MICHIGAN DEPARTMENT OF NATURAL RESOURCES						
-NORTHERN MICHIGAN EXPLORATION CO			RECEIVED: 01/28/81 JA: MI			
8114758		2110133711 102	DROBENA ET AL #2-23A	CLEON 23	73.0	CONSUMERS POWER CO
8114759		2110100003 102	VAN HORN ET AL #2-16	CLEON 17	500.0	CONSUMERS POWER CO
OHIO DEPARTMENT OF NATURAL RESOURCES						
-A & R COMPANY			RECEIVED: 01/28/81 JA: OH			
8114726		3416724716 103	DEAN ABICHT NO 3 OH 15 1103	LONG RUN	10.0	
8114731		3416725677 107	HELEN SCHULTHEIS NO 1 OH 31 2501	NEWPORT	0.0	
-ALTHEIRS OIL INC			RECEIVED: 01/28/81 JA: OH			
8114574		3400922105 103	STATE OF OHIO-SIFFORD #2	BERN TWP	6.0	COLOMBIA GAS TRANSMI
-ATLAS ENERGY GROUP INC			RECEIVED: 01/28/81 JA: OH			
8114706		3413322313 103	CARVER NO 1	DEER FIELD	18.0	EAST OHIO GAS CO
8114718		3415521487 102	CEBULA NO 1	VERNON	0.0	COLUMBIA GAS TRANSMI
8114707		3413322333 103	EARNEST NO 2	DEERFIELD	0.0	EAST OHIO GAS CO
8114720		3415521574 103	GIBSON UNIT NO 1	BAZETTA	40.0	COLUMBIA GAS TRANSMI
8114716		3415521405 102	LENYO NO 1	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8114722		3415521496 102	LENYO NO 2	JOHNSTON	0.0	COLUMBIA GAS TRANSMI
8114721		3415521595 102	PAULLY UNIT NO 1	JOHNSTON	0.0	COLUMBIA GAS TRANS C
8114719		3415521542 103	POLLOCK NO 1	BAZETTA	35.0	COLUMBIA GAS TRANSMI
8114715		3415521381 102	STARR NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
-BARTLO OIL AND GAS COMPANY			RECEIVED: 01/28/81 JA: OH			
8114690		3410322308 103	BRYAN UNIT #1	SHARON	30.0	
-BECK OIL & GAS CO			RECEIVED: 01/28/81 JA: OH			
8114675		3403123854 103	ROBERT BARRICK NO 1	JACKSON	12.0	NATIONAL GAS & OIL C
8114676		3403123855 103	ROBERT BARRICK NO 11	JACKSON	12.0	NATIONAL GAS & OIL C
-BEREA OIL AND GAS CORPORATION			RECEIVED: 01/28/81 JA: OH			
8114712		3415521356 102	MURCKO #1	BROOKFIELD	10.0	COLUMBIA GAS TRANSMI
8114711		3415521354 102	MURCKO #3	BROOKFIELD	2.0	COLUMBIA GAS TRANSMI

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JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8114713		3415521376	102	PUGH #1	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
8114714		3415521377	102	PUGH #2	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
8114717		3415521442	102	PUGH #3	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
-BERRESFORD ENTERPRISES INC				RECEIVED: 01/28/81 JA: OH			
8114727		3416725281	103	WILBUR WHECKBACHER #1	BEAR CREEK ALLOTMENT	15.0	
-BETHEL RESOURCES INC				RECEIVED: 01/28/81 JA: OH			
8114755		3416722459	103	CHANCE #1	PLAIN	12.0	COLUMBIA GAS TRANSMI
-BOBBY ANDERSON				RECEIVED: 01/28/81 JA: OH			
8114724		3416723555	107	JAMES HALE #1 (DRILLED DEEPER)	BARLOW	7.3	COLUMBIA GAS TRANS C
-BUCKEYE OIL PRODUCING CO				RECEIVED: 01/28/81 JA: OH			
8114669		3400523343	103	PAUL & RUTH FRANK #1	HANOVER	12.0	COLUMBIA GAS TRANSMI
-C W RIGGS INC				RECEIVED: 01/28/81 JA: OH			
8114596		3411121964	107	LAWRENCE KNOWLTON #1	GRAYSVILLE FIELD	0.0	
-CHANSE PETROLEUM CORPORATION				RECEIVED: 01/28/81 JA: OH			
8114571		3400721277	103	JAMES & ELLEN CLARK #1	NEW LYME	5.0	
-DANVILLE PIPE & SUPPLY COMPANY				RECEIVED: 01/28/81 JA: OH			
8114685		3408322684	103	ISAAC MILLER 2-A	UNION	8.0	COLUMBIA GAS TRANSMI
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED: 01/28/81 JA: OH			
8114591		3410322356	103	A & C FIRESTONE #1	GRANGER	5.0	COLUMBIA GAS TRANS C
8114592		3410322357	103	A & C FIRESTONE #2	GRANGER	5.0	COLUMBIA GAS TRANSMI
-DON MCKEE DRILLING CO INC				RECEIVED: 01/28/81 JA: OH			
8114587		3408923968	103	CAREY & KAREN JUDGEON #1	EDEN	5.0	OHIO FUEL
8114588		3408923971	103	M & M ENTERPRISES #1	EDEN	5.0	OHIO FUEL
-FRONTIER PETROLEUM LTD				RECEIVED: 01/28/81 JA: OH			
8114728		3416725415	107	GARY RIGGS #1	INDEPENDENCE TOWNSHIP	25.0	COLUMBIA GAS TRANSMI
-GIANT PETROLEUM CORPORATION				RECEIVED: 01/28/81 JA: OH			
8114572		3400721482	103	STUDER UNIT WELL #2	ROME	20.0	EAST OHIO GAS CO
-HORTIN & HUFFMAN				RECEIVED: 01/28/81 JA: OH			
8114570		3400523346	103	GUY Z & FERN D HUMM NO 2	MOHICAN	10.0	COLUMBIA GAS TRANSMI
-J D DRILLING CO				RECEIVED: 01/28/81 JA: OH			
8114593		3410521828	107	CHARLES LAWRENCE #1	LEBANON	14.0	COLUMBIA GAS TRANSMI
-K S T OIL & GAS CO INC				RECEIVED: 01/28/81 JA: OH			
8114709		3415322871	103	THOMSON #1	NORTHAMPTON	20.0	
-KEN E SAUTER				RECEIVED: 01/28/81 JA: OH			
8114710		3415320898	103	SAUTER #1	SAUTER	15.0	
-L & M PETROLEUM				RECEIVED: 01/28/81 JA: OH			
8114729		3416725466	103	ELIZA BROOKS #4	LAWRENCE	12.7	COLUMBIA GAS TRANSMI
8114730		3416725489	103	ELIZA BROOKS #5	LAWRENCE	127.0	COLUMBIA GAS TRANSMI
-LUDCO INC				RECEIVED: 01/28/81 JA: OH			
8114686		3407322224	103	BEATY #1	STARR	0.0	
-MOHAWK OIL & GAS CORP				RECEIVED: 01/28/81 JA: OH			
8114705		3412122417	103	#1 NEWHART	HARRIETSVILLE	1.0	COLUMBIA GAS OF OHIO
-MONROE & KEUSINK INC				RECEIVED: 01/28/81 JA: OH			
8114595		3408322762	103	DONALD AND JOHN BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRANSMI
-NEW FRONTIER EXPLORATION INC				RECEIVED: 01/28/81 JA: OH			
8114708		3415123389	103	RUSSELL BOUGHMAN #2	BETHLEHEM	30.0	
-OXFORD OIL CO				RECEIVED: 01/28/81 JA: OH			
8114698		3411522206	103	J KOMAROMY #1-A	YORK	12.0	
8114699		3408924004	103	S M GUTRIDGE #12	HOPEWELL	10.0	
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 01/28/81 JA: OH			
8114690		3405320563	103	DALE MULFORD #1	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
8114577		3405320406	103	HELEN SPEARS #1	CHESHIRE	1.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8114679		3405320514	103	JAMES CLARK #1	ADDISON	2.0	COLUMBIA GAS TRANSMI
8114681		3405320565	103	MARION F THOMAS #1	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
8114678		3405320449	103	MARY F RAYNES #1		2.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY INV CORP 80-II				RECEIVED: 01/28/81 JA: OH			
8114682		3405320592	103	HALLIDAY-SHEETS WELL #1	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
-RMR PETROLEUM CO INC				RECEIVED: 01/28/81 JA: OH			
8114702		3412122353	103	SAM TEWANGER #1	ELK	50.0	
8114703		3412122354	103	SAM TEWANGER #2	ELK	50.0	
-SANDHILL ENERGY INC				RECEIVED: 01/28/81 JA: OH			
8114744		3416725991	107	HARRY WEDDLE #1	GRANDVIEW	540.0	
8114742		3416725974	107	JOSEPH SEMON #1	GRANDVIEW	325.0	
8114736		3416725923	107	LLOYD MILLER #1	WASHINGTON	150.0	
8114734		3416725921	107	R D FICKIESEN #1	LAWRENCE	400.0	
8114735		3416725922	107	R D FICKIESEN #2	LAWRENCE	250.0	
8114743		3416725977	107	WILLIAM CLEGG #1	GRANDVIEW	360.0	
-SANTA FE DRILLING CO INC				RECEIVED: 01/28/81 JA: OH			
8114701		3412122187	107	KEHL WELL #2	ELK	50.0	
8114700		3412122188	107	KEHL WELL NO 1	ELK	50.0	
-TEMPLE OIL & GAS CO				RECEIVED: 01/28/81 JA: OH			
8114699		3411522208	103	ROY MILLER #2	YORK	10.0	
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 01/28/81 JA: OH			
8114683		3407322156	103	PACE ENGLAND #2	GREEN	5.0	
-THUNDER CORP				RECEIVED: 01/28/81 JA: OH			
8114725		3416724507	108	D INGRAHAM #1		1.0	RIVER GAS CO
-TIGER OIL INC				RECEIVED: 01/28/81 JA: OH			
8114704		3412122403	107	BECKER-SCHRAMM HEIRS #3	ELK	0.0	COLUMBIA GAS TRANSMI
-W J LYDIC INC				RECEIVED: 01/28/81 JA: OH			
8114697		3411122010	107	E WITTEN #1 E	WITTEN #1E	25.6	COLUMBIA GAS TRANSMI
-WASHINGTON ENERGY LTD				RECEIVED: 01/28/81 JA: OH			
8114695		3411121942	107	U S A #2	WASHINGTON	10.0	COLUMBIA GAS TRANSMI
-WHETNAM OIL & GAS CORP				RECEIVED: 01/28/81 JA: OH			
8114737		3416725958	107	R D DUVALL #1	INDEPENDENCE	24.0	
8114747		3416726007	107	DALE & PHYLLIS HAUGHT #1	INDEPENDENCE	10.0	
8114748		3416726012	103	DALE & PHYLLIS HAUGHT #6	INDEPENDENCE	15.0	
8114749		3416726012	107	DALE AND PHYLLIS HAUGHT #6	INDEPENDENCE	15.0	
8114752		3416726157	103	HAROLD SCHNEIDER #1	MUSKINGUM	10.0	
8114754		3416726164	103	HAROLD WRIGHT #1	MUSKINGUM	10.0	
8114740		3416725964	103	HAUGHT-DECKER #4	INDEPENDENCE	15.0	
8114738		3416725961	103	HAUGHT-DECKER HEIRS #1	INDEPENDENCE	15.0	
8114739		3416725981	107	HAUGHT-DECKER HEIRS #1	INDEPENDENCE	15.0	
8114741		3416725964	107	HAUGHT-DECKER HEIRS #4	INDEPENDENCE	15.0	
8114733		3416725901	107	HOWARD WEST #1	INDEPENDENCE	10.0	
8114573		3400922089	103	JOHN LOCKE #1	CANAAN	10.0	COLUMBIA GAS TRANSMI
8114750		3416726133	103	JOHN STRAHLER #1	ADAMS	10.0	
8114753		3416726163	103	MAREL STACY #2	MUSKINGUM	10.0	
8114751		3416726134	103	RICHARD LANG #1	ADAMS	0.0	
8114732		3416725883	107	ROGER WELCH #1	WASHINGTON	20.0	
8114596		3410522044	103	T WATKINS #1	OLIVE	20.0	
8114745		3416726006	103	WEBB-MCKINNON #4	LUDLOW	15.0	
8114746		3416726006	107	WEBB-MCKINNON #4	LUDLOW	0.0	
-WILLIAM N TIPKA				RECEIVED: 01/28/81 JA: OH			
8114723		3415723453	103	MCCORMICK #1	WASHINGTON	0.0	COLUMBIA GAS TRANSMI

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION							
-MAY PETROLEUM INC				RECEIVED: 01/30/81 JA: OK			
8114838	6968	3500721709	103	NEIDEN #1 (007-SR253)	S W COMO	20.0	PHILLIPS PETROLEUM C
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED: 01/30/81 JA: OK			
8114839	6938	3511921149	103	#2 MORAN	WEST PERKINS	90.0	SERVICE DRILLING CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 01/30/81 JA: OK			
8114840	05943	3513900000	108	RIFFE-B #1	GUYMON HUGOTON	20.0	MICHIGAN WISCONSIN P
-SAMSON RESOURCES COMPANY				RECEIVED: 01/30/81 JA: OK			
8114836	6993	3513520073	102	TAYLOR NO 2-21	KINTA	164.0	ARKANSAS LOUISIANA G
-WESSELY ENERGY CORPORATION				RECEIVED: 01/30/81 JA: OK			
8114835	5767	3504921254	102	MANTOOTH NO 1 049-59990	GOLDEN TREND	35.0	CITIES SERVICE GAS C
8114834	5768	3504921254	102	MANTOOTH NO 1 049-59990	GOLDEN TREND	400.0	CITIES SERVICE GAS C
-WILLIAM MOSS PROPERTIES INC				RECEIVED: 01/30/81 JA: OK			
8114837	5666	3507322339	103	HLADIK 3 NO 1 (MISSISSIPPIAN)	SOONER TREND	36.5	PHILLIPS PETROLEUM C
WEST VIRGINIA DEPARTMENT OF MINES							
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 01/28/81 JA: WV			
8114760		4707900910	107	S W SMITH #1	UNION	18.3	CABOT CORP
8114761		4707900911	107	G W SMITH #2	UNION	15.8	CABOT CORP
8114763		4707900875	107	HARDY HEIRS B-4	UNION	25.6	CABOT CORP
8114774		4707900933	103	L BUSH #1	UNION	12.0	
8114786		4707900862	107	MCLEAN HEIRS A-7	UNION	19.3	CABOT CORP
8114762		4707900923	107	PUTNAM LAND COMPANY B-10	UNION	31.9	CABOT CORP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 01/28/81 JA: WV			
8114775		4705500072	103	POCA LAND CORP 12533	PINEVILLE FIELD AREA A59	33.0	GENERAL SYSTEM PURCH
-FRANKLIN ADKINS				RECEIVED: 01/28/81 JA: WV			
8114768		4709921686	108	HUNDLEY #1	LINCOLN DISTRICT	12.0	COLUMBIA GAS TRANS C
8114769		4709901692	108	MOMILLION #1	LINCOLN	13.0	COLUMBIA GAS TRANS C
-GUYAN GAS CO				RECEIVED: 01/28/81 JA: WV			
8114777		4704300219	108	J W JEFFERS #2	GUYAN RIVER	8.4	PENNZOIL CO
-J & J ENTERPRISES INC				RECEIVED: 01/28/81 JA: WV			
8114773		4703301959	103	B-246	ELK	70.0	CONSOLIDATED GAS SUP
8114783		4703302128	103	B-274	EAGLE	500.0	CONSOLIDATED GAS SUP
8114796		4703302127	103	B-289	EAGLE	500.0	CONSOLIDATED GAS SUP
8114784		4703302196	103	B-303	EAGLE	500.0	CONSOLIDATED GAS SUP
8114779		4702123596	103	J-238	TROY	150.0	CONSOLIDATED GAS SUP
8114797		4701725750	103	J-78	CENTRAL	200.0	COLUMBIA GAS TRANSMI
-J S PRIDEMORE FACTOR				RECEIVED: 01/28/81 JA: WV			
8114780		4704300151	108	MINNIE ADKINS #1	UNION	9.1	PENNZOIL CO
-JAMES F SCOTT				RECEIVED: 01/28/81 JA: WV			
8114771		4703302285	103	A D MORRIS #1 (S-298)	UNION DISTRICT	12.0	CONSOLIDATED GAS SUP
8114770		4703302286	103	A D MORRIS #2 (S-299)	UNION DISTRICT	12.0	CONSOLIDATED GAS SUP
-NRM PETROLEUM CORPORATION				RECEIVED: 01/28/81 JA: WV			
8114785		4709701921	103	SHOMO #3-A	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-PALERMO GAS CO				RECEIVED: 01/28/81 JA: WV			
8114778		4704302466	108	BARRETT ADKINS #2	PALERMO	2.7	PENNZOIL CO
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 01/28/81 JA: WV			
8114772		4703302177	103	WILLIAM ALLEN #1	BRIDGEPORT	85.0	CONSOLIDATED GAS SUP
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 01/28/81 JA: WV			

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114794		4704700682	108	POCAHONTAS #A-10	NORTH FORK	7.4	CONSOLIDATED GAS SUP
8114764		4704700681	108	POCAHONTAS #A-11	NORTH FORK	10.9	CONSOLIDATED GAS SUP
8114793		4704700684	108	POCAHONTAS #A-12	NORTH FORK	14.6	CONSOLIDATED GAS SUP
8114791		4704700697	108	POCAHONTAS #A-18	NORTH FORK	12.5	CONSOLIDATED GAS SUP
8114790		4704700698	108	POCAHONTAS #A-19	NORTH FORK	12.5	CONSOLIDATED GAS SUP
8114767		4704700665	108	POCAHONTAS #A-2	NORTH FORK	4.3	CONSOLIDATED GAS SUP
8114765		4704700673	108	POCAHONTAS #A-5	NORTH FORK	16.0	CONSOLIDATED GAS SUP
8114732		4704700696	108	POCAHONTAS #C-1	NORTH FORK	21.9	CONSOLIDATED GAS SUP
8114766		4704700667	108	POCAHONTAS #3	NORTH FORK	14.3	CONSOLIDATED GAS SUP
8114789		4704700699	108	POCAHONTAS LAND CORP #A-20	NORTH FORK	12.5	CONSOLIDATED GAS SUP
8114788		4704700745	108	POCAHONTAS LAND CORP A-23	NORTH FORK	7.7	CONSOLIDATED GAS SUP
-W E PAULEY AGENT				RECEIVED: 01/28/81 JA: WV			
8114781		4707900339	108	A S DUKE #1 (130 A)	CHARLEYS CREEK	3.9	PENNZOIL CO
8114782		4707900356	108	A S DUKE ET AL #1 (105A)	CHARLEYS CREEK	3.1	PENNZOIL CO
8114776		4707900206	108	C L HARBOUR #1	CHARLEYS CREEK	2.9	PENNZOIL CO
8114795		4707900266	104	C L HARBOUR #2	CHARLEYS CREEK	2.9	PENNZOIL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5677 Filed 2-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 365]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD NO	JA	API NO	SEC D	WELL NAME	FIELD NAME	DATE	PURCHASER
KANSAS CORPORATION COMMISSION							
-ANADARKO PRODUCTION COMPANY				RECEIVED: 01/27/81			
8114497	K 90-1034	1512920461	103	LEWIS A NO 1	INTERSTATE	78.0	PANHANDLE EASTERN PI
8114490	K 90-1041	1512920444	102	MORGAN E NO 1	ROLLA	653.0	NORTHERN NATURAL GAS
9114445	K-80-1063	1517520421	102	UNDERWOOD A NO 2	ADAMSON	184.0	CITAPRON-QUINQUE
-BENSON MINERAL GROUP				RECEIVED: 01/27/81			
8114475	K-80-1074	1512522708	102	ROBERTS #2-31	JEFFERSON - SYCAMORE	388.6	UNION GAS SYSTEMS IN
8114467	K-80-1071	1514529700	102	THOMPSON #1-17	BRYANT	163.0	NORTHERN NATURAL GAS
8114477	K-80-1072	1512322711	102		JEFFERSON - SYCAMORE	321.2	UNION GAS SYSTEMS IN
8114476	K-90-1073	1512522712	102	WISE #3-5	JEFFERSON - SYCAMORE	292.0	UNION GAS SYSTEMS IN
-BEREN CORPORATION				RECEIVED: 01/27/81			
8114471	K-90-1065	1504720689	103	GILES #1	TAYLOCK SOUTHWEST	9.0	
8114532	K 90-1028	1515120778	103	LAMB #1	WIL EXTENSION	205.0	
8114531	K 90-1029	1507720561	103	WINGATE #1	SPIVEY GRABS	6.0	CITIES SERVICE CO
-CABOT CORP				RECEIVED: 01/27/81			
9114447	K-80-1013	1517520465	103	HACKER #2-1		175.0	CITIES SERVICE GAS C
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 01/27/81			
8114466	K-80-1018	1500720877	103	DAVIS RANCH Q NO 2	AETNA	191.6	CITIES SERVICE GAS C
8114464	K-90-1019	1505520354	103	ESTHER NO 2	PANOMA	315.4	COLORADO INTERSTATE
8114444	K-90-0004	1505500900	108	DAMES NO 1	HUGOTON	18.0	KANSAS - NEBRASKA NA
-CITIES SERVICE COMPANY				RECEIVED: 01/27/81			
8114455	K-80-0768	1515520669	103	TONN A #2	ZENITH PEACE CREEK	73.0	PEOPLES NATURAL GAS
-CONTINENTAL ENERGY				RECEIVED: 01/27/81			
8114493	K-90-1042	1505500000	108	GEPPER #1	HUGOTON	6.9	CITIES SERVICE GAS C
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 01/27/81			
8114468	K-80-1012	1511920627	103	MARTIN ECKHOFF NO 1	NOHLER NE	33.0	PANHANDLE EASTERN PI
8114465	K-80-1014	1511920425	103	OTTO FELDMAN NO 4	NOHLER NE	24.0	PANHANDLE EASTERN PI
-GEAR PETROLEUM CO INC				RECEIVED: 01/27/81			
8114479	K-80-1049	1515120756	103	BLACKWELDER #1	HARDING WEST (INDIAN CAV	73.0	CENTRAL STATES GAS C
8114480	K-80-1048	1509520995	103	BOWREP A #1	MILLWDALE SOUTHEAST	20.0	PEOPLES NATURAL GAS
-GERALD W ZORGER				RECEIVED: 01/27/81			
8114494	K80-1036	1515120738	103	#1 EURANK	PRATT	73.0	CENTRAL STATES GAS C
-GRAHAM-MICHAELIS CORP				RECEIVED: 01/27/81			
8114496	K 90-1035	1511900000	108	ADAMS A - 1	ADAMS RANCH	15.0	COLORADO INTERSTATE
-GRIGGS OIL INC				RECEIVED: 01/27/81			
8114491	K80-1040	1504709000	108	MEAD UNIT #1	CARPENTER	9.1	KANSAS-NEBRASKA
-GULF OIL CORPORATION				RECEIVED: 01/27/81			
8114492	K 90-1038	1500720901	103	SCHOOL TRUST #1-4	HARDTNER	55.0	CITIES SERVICE GAS E
-IMPERIAL OIL COMPANY				RECEIVED: 01/27/81			
8114479	K-90-1051	1502523270	102	DAILY #1-17	LEXINGTON	73.0	KANSAS POWER E LIGHT
-INTER-AMERICAN ENERGY CORP				RECEIVED: 01/27/81			
8114486	K 90-1061	1518720242	103	LANE #1	PANOMA POOL (COUNCIL GR	25.0	COLORADO INTERSTATE

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-J MARK RICHARDSON				RECEIVED: 01/27/81 JA: KS			
*8114494	K-80-1063	1509720175	108	CLINTON DEAN #1	ALFORD	12.0	KANSAS GAS SUPPLY CO
8114473	K-80-1064	1509720126	108	PYLE GAS UNIT #1	PYLE EXT	9.0	KANSAS POWER & LIGHT
-J-W OPERATING COMPANY				RECEIVED: 01/27/81 JA: KS			
8114468	K-80-1070	1502320112	102	A ZWEYGARDT #3	CHERRY CREEK	90.0	CITIES SERVICE GAS C
8114452	K-80-0977	1502320045	102	ALVIN ZWEYGARDT #1	CHERRY CREEK	7.4	CITIES SERVICE GAS C
8114453	K-80-0986	1502300300	102	ALVIN ZWEYGARDT #2	CHERRY CREEK	25.2	CITIES SERVICE GAS C
8114453	K-80-0952	1502320078	102	HITT #1	CHERRY CREEK	41.0	CITIES SERVICE GAS C
8114473	K-80-1068	1502320141	102	ROBERT WALTER #A-2	CHERRY CREEK	30.0	CITIES SERVICE GAS C
8114456	K-80-0944	1502320035	102	ROBERT WALTER #3	CHERRY CREEK	59.3	CITIES SERVICE GAS C
8114488	K 80-1056	1502320142	102	ROBERT WALTERS A #3	CHERRY CREEK	33.3	CITIES SERVICE GAS C
8114451	K-80-0983	1502300000	102	RUDOLPH WALTER #4	CHERRY CREEK	10.0	CITIES SERVICE GAS C
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 01/27/81 JA: KS			
8114493	K 80-1037	1509320697	103	TATE 4-2	PANOMA COUNCIL GROVE	96.0	KANSAS-NEBRASKA NATU
-MCCOY PETROLEUM CORP				RECEIVED: 01/27/81 JA: KS			
8114463	K-80-1021	1500720947	103	REED #1-23	AETNA	72.0	
-MCGINNESS OIL COMPANY				RECEIVED: 01/27/81 JA: KS			
8114482	K-80-1043	1500720916	103	LOHMANN B-2	HARDTNER EXT	30.0	PANHANDLE EASTERN PI
-MESA PETROLEUM				RECEIVED: 01/27/81 JA: KS			
8114495	K 80-0612	1502520348	102	DAILY #1-7	LEXINGTON	330.0	KANSAS POWER & LIGHT
8114446	K-80-0618	1511920344	102	HEINSON #1-27	WILDCAT	250.0	
-MOBIL OIL CORP				RECEIVED: 01/27/81 JA: KS			
8114499	K 80-1032	1506720581	103	C L DEW UNIT B NO 2	PANOMA	70.0	CITIES SERVICE GAS C
8114457	K-80-0857	1518920499	103	ETHEL B SPRING UNIT NO 1	NORTH GENTZLER	250.0	NORTHERN NATURAL GAS
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED: 01/27/81 JA: KS			
8114500	K 80-1031	1518920509	103	JONES NO 1 UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8114498	K 80-1033	1518920510	103	KENOYER NO 1 UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
-PETRIE ENTERPRISES INC				RECEIVED: 01/27/81 JA: KS			
8114469	K-80-1069	1515120345	108	L G P CO NO 1	PRATT	7.5	CENTRAL STATES GAS C
-R R PRATER				RECEIVED: 01/27/81 JA: KS			
8114449	K-80-0996	1509520938	103	HAGEMAN #1		145.0	CENTRAL STATES GAS C
-RANGE OIL CO INC				RECEIVED: 01/27/81 JA: KS			
8114474	K-80-1009	1503522199	108	#1 DUNCAN	WALNUT BEND	10.1	COLONIAL CORP
-ROBERT F WHITE				RECEIVED: 01/27/81 JA: KS			
8114461	K-80-1022	1512900000	108	HAYWARD-NATIONAL #1	GREENWOOD FIELD	15.0	COLORADO INTERSTATE
8114472	K-80-1067	1520300000	108	LINDAU #2	EAST ANTELOPE FIELD	0.9	CITIES SERVICE GAS C
8114481	K-80-1046	1512900000	108	SCHWEIZER #1	GREENWOOD	0.0	PANHANDLE EASTERN PI
-RUPE OIL CO INC				RECEIVED: 01/27/81 JA: KS			
8114442	K-80-0980	1505320335	102	#1 KANAK	KANAK	36.5	NORTHERN NATURAL GAS
8114443	K-80-0979	1505300000	102	#1 VONDRA	KANAK	60.0	NORTHERN NATURAL GAS
-TEXACO INC				RECEIVED: 01/27/81 JA: KS			
8114460	K-80-1023	1512920436	103	E C MINGENBACK GAS UNIT #3	PANOMA COUNCIL GROVE	130.0	NORTHERN NATURAL GAS
8114458	K-80-1025	1518920516	103	W C SANDFORD GAS UNIT #2	PANOMA COUNCIL GROVE	160.0	NORTHERN NATURAL GAS
8114459	K-80-1024	1512920435	103	MATTIE VANSANT GAS UNIT #2	PANOMA COUNCIL GROVE	660.0	NORTHERN NATURAL GAS
8114489	K80-1052	1518920515	103	T J ISOM GAS UNIT NO 2	PANOMA	340.2	PANHANDLE EASTERN PI
-TEXAS OIL & GAS CORP				RECEIVED: 01/27/81 JA: KS			
8114485	K-80-1062	1500721002	103	RUSK F #1	MULE CREEK	150.0	DELHI CORP
-THORNTON E ANDERSON				RECEIVED: 01/27/81 JA: KS			
8114462	K-80-1020	1514520604	108	GINGRICH #1	ZOOK	8.5	KANSAS-NEBRASKA NATU
-W B OSBORN JR (OPERATOR)				RECEIVED: 01/27/81 JA: KS			
8114456	K-80-0906	1509320572	108	RUPP #1	HUGOTON	5.8	PANHANDLE EASTERN PI
8114503	K 80-1027	1509300000	102	VACHA #1	HUGOTON (CHASE)	40.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WENERT TRICH				RECEIVED: 01/27/81 JA: KS			
8114487	K 80-1057	1509720610	102	LONG #1		330.0	PANHANDLE EASTERN PI
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MONTANA BOARD OF OIL & GAS CONSERVATION							
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-MIDLANDS GAS CORPORATION				RECEIVED: 01/26/81 JA: MT			
*8114432	10-80-221	2507121568	108	1771 1-1771 P ANDERSON	BOWDOIN	23.0	KANSAS-NEBRASKA NATU
*8114430	10-80-223	2507121538	108	2460 1-24 WHITE	BOWDOIN	26.0	KANSAS-NEBRASKA NATU
*8114433	10-80-222	2507121491	108	2470 1-24 BROWN	BOWDOIN	27.0	KANSAS-NEBRASKA NATU
*8114431	10-80-224	2507121492	108	2770 1-27 ROSE	BOWDOIN	22.0	KANSAS-NEBRASKA NATU
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NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
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-DOYLE HARTMAN OIL OPERATOR				RECEIVED: 01/26/81 JA: NM			
8114335		3002526736	103	GUTMAN NO 1	EUMONT	110.0	EL PASO NATURAL GAS
-HOLLY ENERGY INC				RECEIVED: 01/26/81 JA: NM			
8114333		3001500000	103	STATE B 14 COM NO 1	TRAVIS UPPER PENN	110.0	NORTHERN NATURAL GAS
-LEE M CRANE				RECEIVED: 01/26/81 JA: NM			
8114332		3004560215	108	MARTIN #3	OSWALD FARMINGTON	10.0	EL PASO NATURAL GAS
-READ & STEVENS INC				RECEIVED: 01/26/81 JA: NM			
8114336		3002500000	108	STATE D NO 1	INBE PERMO PENN	5.0	WARREN PETROLEUM CO
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OKLAHOMA CORPORATION COMMISSION							
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-AMOCO PRODUCTION CO				RECEIVED: 01/26/81 JA: OK			
8114440	06853	3504520340	108	K L MITCHELL #1 (2ND FILING)	CATESBY NE	14.9	MICHIGAN WISCONSIN P
8114439	06852	3505935290	108	PEARSON UNIT B #1 (2ND FILING)	WOODWARD-LAVERNE	15.9	MICHIGAN WISCONSIN P
8114438	06851	3505935297	109	STATE OF OKLAHOMA GJ W #1 (2ND FLG)	WOODWARD-LAVERNE	11.4	MICHIGAN WISCONSIN P
-AN-SON CORPORATION				RECEIVED: 01/26/81 JA: OK			
8114372	6955	3505120866	103	LENTS #1	V M ALEX	55.0	
-ANDOVER OIL COMPANY				RECEIVED: 01/26/81 JA: OK			
8114382	07285	3501721534	102	FLOYD MILLER #31-2		185.0	DELHI GAS PIPELINE C
8114612	6896	3501721520	102	LOTTIE JONES #33-3		190.0	DELHI GAS PIPELINE C
8114383	7172	3501721533	103	WALTER MILLS #6-2		185.0	DELHI GAS PIPELINE C
-B & H EXPLORATION CO				RECEIVED: 01/26/81 JA: OK			
8114414	6894	3513120778	103	STATE VAN PELT #7	W TALALA	0.3	DIAMOND S GAS SYSTEM
8114413	6895	3513156137	103	STATE VAN PELT #8	SW/4 SE/4 SW/4	0.0	DIAMOND S GAS SYSTEM
8114361	6915	3513120872	103	STATE-VAN PELT #10	WEST TALALA	0.1	DIAMOND S GAS SYSTEM
8114415	6893	3513120873	103	STATE-VAN PELT #11	WEST TALALA	10.0	DIAMOND S GAS SYSTEM
8114421	6882	3513120741	103	STATE-VAN PELT #2	WEST TALALA	24.0	DIAMOND S GAS SYSTEM
8114419	6883	3513020755	103	STATE-VAN PELT #3	WEST TALALA	20.0	DIAMOND S GAS SYSTEM
8114418	6886	3513120774	103	STATE-VAN PELT #4	WEST TALALA	20.0	DIAMOND S GAS SYSTEM
8114417	6885	3513120773	103	STATE-VAN PELT #5	WEST TALALA	30.0	DIAMOND S GAS SYSTEM
8114416	6886	3513120775	103	STATE-VAN PELT #6	WEST TALALA	35.0	DIAMOND S GAS SYSTEM
8114362	6916	3513100000	103	STATE-VAN PELT #9	WEST TALALA	0.1	DIAMOND S GAS SYSTEM
-BOVAN INVESTMENTS				RECEIVED: 01/26/81 JA: OK			
8114359	07327	3507121632	103	MURFT #1-19		5.0	CITIES SERVICE GAS C
8114390	07328	3507121635	103	MURFT #2-19		5.0	CITIES SERVICE GAS C
-CALVERT DRILLING CO				RECEIVED: 01/26/81 JA: OK			
8114405	6959	3510920256	108	SNYDER #1 HUNTON ONLY	WEST EDMOND	4.0	CONTINENTAL OIL CORP
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 01/26/81 JA: OK			
8114377	6957	3500320723	103	L V MAHAFFEY NO 2	EAST CHANEY DELL	57.2	CHAMPLIN PETROLEUM C

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ID NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-CIMARRON PETROLEUM CORPORATION				RECEIVED: 01/26/81 JA: OK			
8114402	6888	3505920866	103	STANLEY CPC #133		400.0	DELHI GAS PIPELINE C
8114373	6956	3507920341	103	TANKSLEY CPC #132		180.0	ARKANSAS LOUISIANA G
-CONOCO INC				RECEIVED: 01/26/81 JA: OK			
8114420	6837	3501121469	103	TRIM UNIT NO 2	S W ALTONA	155.1	
-COTTON PETROLEUM CORPORATION				RECEIVED: 01/26/81 JA: OK			
8114398	06890	3501520411	103	HERROLD NO 1	W SICKLES	350.0	TRANSOK PIPE LINE CO
-DALCO PETROLEUM INC				RECEIVED: 01/26/81 JA: OK			
8114358	07021	3507322451	103	WELCH #1	SOONER TREND	91.3	CITIES SERVICE GAS C
-DAVIS OIL COMPANY				RECEIVED: 01/26/81 JA: OK			
8114375	6945	3501721477	103	LIBERTY TRUST #1	NORTH FORK	329.0	PHILLIPS PETROLEUM C
-GEORGE P POST DBA POST PETROLEUM CO				RECEIVED: 01/26/81 JA: OK			
8114403	6917	3500320688	103	HOLDEN #1	SOONER TREND	365.0	CITIES SERVICE GAS C
-GLENCO PETROLEUM CORP				RECEIVED: 01/26/81 JA: OK			
8114365	06702	3506320897	103	STRINGFELLOW #1	GREASY CREEK	10.0	WELLHEAD ENTERPRISES
-GULF OIL CORPORATION				RECEIVED: 01/26/81 JA: OK			
8114429	7340	3501720978	102	CANON NO 1-15	YUKON	125.0	PHILLIPS PETROLEUM C
8114426	7339	3501726093	102	H E CANON NO 2-15	YUKON	175.0	PHILLIPS PETROLEUM C
8114427	07342	3501720979	102	HARRIS WEST NO 1-15	YUKON	75.0	PHILLIPS PETROLEUM C
8114357	7341	3501720980	102	HARRIS WEST NO 2-15	YUKON	145.0	PHILLIPS PETROLEUM C
-HARPER OIL COMPANY				RECEIVED: 01/26/81 JA: OK			
8114392	06748	3504700000	108	CROMWELL #1	WEST ENID	10.0	EXXON CORP
-HESTON OIL CO				RECEIVED: 01/26/81 JA: OK			
*8114363	6906	3504722144	103	WELLS #18-1	SOONER TREND	136.8	EXXON USA
-HUNT ENERGY CORPORATION ET AL				RECEIVED: 01/26/81 JA: OK			
8114360	6907	3501520870	103	BLAIR #1		110.0	MICHIGAN WISCONSIN P
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 01/26/81 JA: OK			
8114393	06747	3513921219	103	L BROWN 1-X	CAMRICK	34.0	
-KETAL OIL PRODUCING CO				RECEIVED: 01/26/81 JA: OK			
8114378	6971	3503722424	103	EVANS #1	VANDERSLICE	511.0	
8114379	6972	3511720770	103	JENNIE #1	SOUTH RALSTON	56.0	
-LADD PETROLEUM CORPORATION				RECEIVED: 01/26/81 JA: OK			
8114364	07018	3504722169	103	FOD SMITH NO 2	N E ENID	68.4	CITIES SERVICE GAS C
-MACK OIL CO				RECEIVED: 01/26/81 JA: OK			
8114369	5891	3508100000	103	#1 DANKER		0.0	SUN GAS CO
8114376	5889	3501700000	103	#1 DEATHERAGE		0.0	PHILLIPS PETROLEUM C
-MAGAN & ZIMMER				RECEIVED: 01/26/81 JA: OK			
8114373	6926	3511121066	108	ANTHIS NO 1	NUYAKA	18.0	PHILLIPS PETROLEUM C
8114374	6923	3511120751	108	BALDRIDGE NO 1	SOUTH NUYAKA	11.0	PHILLIPS PETROLEUM C
8114441	6922	3511121226	108	THOMPSON NO 1	NUYAKA	13.0	PHILLIPS PETROLEUM C
-MAJOR OIL CORP				RECEIVED: 01/26/81 JA: OK			
8114407	6925	3509321638	103	MAJOR-SHERMAN NO 1-24	HEND-RINGWOOD	0.0	PIONEER GAS PRODUCTS
-NATIONAL OIL COMPANY				RECEIVED: 01/26/81 JA: OK			
8114395	06918	3515321043	103	RUBLE #153-61087	TANGIER	365.0	DELHI PIPELINE CORP
-NORTH AMERICAN ROYALTIES INC				RECEIVED: 01/26/81 JA: OK			
8114436	6937	3501721226	103	MACA #1 (#017-59933)	YUKON	365.0	PHILLIPS PETROLEUM C
8114437	6808	3501721343	103	MILLER #1 (#017-60437)	YUKON	365.0	PHILLIPS PETROLEUM C
8114435	6806	3501721429	103	WRIGHT #1 (#017-60935)	YUKON	365.0	PHILLIPS PETROLEUM C
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED: 01/26/81 JA: OK			
8114404	6936	3510720749	103	#1 MARTIN-HODGES	OKEMAH	91.3	
8114403	6937	3510720748	103	#1 YOUNG	WILDCAT	13.0	
-P-T III LTD				RECEIVED: 01/26/81 JA: OK			

ID NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114389	06646	3504722039	103	MATHEWS #18	SOONER TREND	65.0	WELLHEAD ENTERPRISES
8114367	06644	3504722067	103	WILMA #18-2	SOONER TREND	110.0	WELLHEAD ENTERPRISES
-PEDESTAL OIL CO INC				RECEIVED: 01/26/81 JA: OK			
8114399	05681	3502920068	102	BABY GOOSE #1	CLARITA DIST	0.0	SWAB GAS CO
8114428	5469	3502920184	103	FATHER GOOSE #1	CLARITA DIST	0.0	SWAB GAS CO
8114391	5470	3502920152	102	MOTHER GOOSE #2	CLARITA DIST	0.0	SWAB GAS CO
-PETRO-ENERGY EXPLORATION INC				RECEIVED: 01/26/81 JA: OK			
8114406	6929	3504721960	103	JOHNSON NO 1	NORTHEAST ENID	70.0	GRACE PETROLEUM CORP
-PIONEER PRODUCTION CORPORATION				RECEIVED: 01/26/81 JA: OK			
8114384	07290	3515121063	102	LUELLA MORGAN #1-28	WILDCAT	365.0	PANHANDLE EASTERN PI
-QUINTIN LITTLE CO				RECEIVED: 01/26/81 JA: OK			
8114397	07131	3509520215	102	CARRIE LOU LITTLE #1-25	ISON SPRINGS	25.0	NATURAL GAS PIPELINE
-R R SHEETS				RECEIVED: 01/26/81 JA: OK			
8114394	05833	3505530000	108	PUCKETT #A1	S E ERICK	3.8	HARLOW CORP
-RICKS EXPLORATION CO				RECEIVED: 01/26/81 JA: OK			
8114409	05755	3509321757	103	EWBANKS 10-A	DANE	15.0	PHILLIPS PETROLEUM C
*8114371	6927	3509321691	103	KEHN 33-A	N FAIRVIEW	20.0	PHILLIPS PETROLEUM C
-ROY MARTIN				RECEIVED: 01/26/81 JA: OK			
*8114411	02306	3504300000	102	SCUDDER CHRISTIAN 0-4	WAYSIDE	73.0	COOK CREEK GAS INC
*8114409	02308	3504300000	102	SCUDDER HEIRS 0-4	WAYSIDE	0.0	COON CREEK GAS INC
*8114410	02307	3504300000	102	SCUDDER 0-18	WAYSIDE	46.0	COON CREEK GAS INC
-SANEDAN OIL CORPORATION				RECEIVED: 01/26/81 JA: OK			
8114383	7313	3501721340	102	J J FARMS #2		55.0	DELHI GAS PIPELINE C
-SAMSON RESOURCES COMPANY				RECEIVED: 01/26/81 JA: OK			
8114385	2706	3500700000	108	DILLON-LONKER NO 1		0.0	CITIES SERVICE GAS C
-SEARCH DRILLING CO				RECEIVED: 01/26/81 JA: OK			
8114423	6942	3501721441	103	SANDITEN #2-22	E YUKON	493.0	PHILLIPS PETROLEUM C
-SHELL OIL CO				RECEIVED: 01/26/81 JA: OK			
8114422	6943	3505900000	103	BARRY 2-10	MOCANE LAVERNE	251.0	COLORADO INTERSTATE
8114401	6976	3507300000	108	TAGGERT 2-31	HENNESSEY	8.1	EXXON COMPANY USA
-SULLIVAN AND CO				RECEIVED: 01/26/81 JA: OK			
8114366	7015	3508121008	103	L P CARPENTER NO 1	SOUTHWEST PRAIRIE GEM	69.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 01/26/81 JA: OK			
8114396	06556	3505300000	109	S W WAKITA UNIT NO 14-4	WAKITA SW	7.0	CITIES SERVICE GAS C
-TEXAS OIL & GAS CORP				RECEIVED: 01/26/81 JA: OK			
8114424	6940	3509321810	103	EDWARDS F #1	CHEYENNE	295.0	
-THE SHK COMPANY				RECEIVED: 01/26/81 JA: OK			
8114381	09960	3500920355	107	K C CATTLE 1-34	SOUTH CARPENTER	4380.0	
-TOMLINSON OIL CO INC				RECEIVED: 01/26/81 JA: OK			
8114386	5106	3500720854	108	HUMPHREY #1	BALKO NORTH	13.0	NORTHERN NATURAL GAS
-WESTERN CONTINENT OIL CORP				RECEIVED: 01/26/81 JA: OK			
8114397	05927	3507121330	103	BRAZELTON 3-33	PERMIAN	35.0	CORONADO TRANSMISSIO
8114388	05928	3507121427	103	SMITH 2-36	PERMIAN	35.0	CORONADO TRANSMISSIO
-WILLIAM MOSS PROPERTIES INC				RECEIVED: 01/26/81 JA: OK			
8114434	6684	3504700000	103	HERBERT 16 WELL NO 1	SOONER TREND	192.5	
8114369	06685	3507322440	103	WESTFAHL 5 WELL NO 2	SOONER TREND	73.0	CITIES SERVICE GAS C
-WILSHIRE OIL CO OF TEXAS				RECEIVED: 01/26/81 JA: OK			
8114425	7360	3504321065	102	PICKERING 1-28		292.0	MICHIGAN WISCONSIN P
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
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-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 01/26/81 JA: WV			
8114325		4709701782	102	D CHARLES E SHERMAN 1 920539	WEST VIRGINIA FIELD AREA	21.0	COLUMBIA GAS TRANS C

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114324		4709901607	102 D	F D CALDWELL 820299	WEST VIRGINIA FIELD AREA	42.0	COLUMBIA GAS TRANS C
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 01/26/81 JA: WV			
8114326		4709701783	102 D	CHARLES L WERELY 820539	WEST VIRGINIA FIELD AREA	14.0	COLUMBIA GAS TRANS C
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA							
-AMOCO PRODUCTION CO				RECEIVED: 01/26/81 JA: LA 3			
8114327	GO-1745	1771540284	102	OCS-G 1299 #C-6	SOUTH TIMBALIER	0.0	TRUNKLINE GAS CO
-GULF OIL CORPORATION				RECEIVED: 01/26/81 JA: LA 3			
8114330	GO-1719	1770940380	102	EUGENE ISLAND 238 WELL #-3	EUGENE ISLAND	45.6	SEA ROBIN PIPELINE C
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 01/26/81 JA: LA 3			
8114331	GO-1760	1771040899	102	EUGENE ISLAND 354 #A-5A	EUGENE ISLAND	60.0	SEA ROBIN PIPELINE C
-SHELL OIL CO				RECEIVED: 01/26/81 JA: LA 3			
8114329	GO-1738	1770840139	102	OCS-G 2293 C-7 S/T	SOUTH MARSH ISLAND	9.9	TRANSCONTINENTAL GAS
-GULF OIL CORPORATION				RECEIVED: 01/26/81 JA: TX 3			
8114328	GO-1618	4270940552	102	OCS-G 4188 #1	HIGH ISLAND	0.0	
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
-CHERRY CREEK OIL CO				RECEIVED: 01/26/81 JA: MT 5			
8114341	M 578-0	2503521445	103	CHERRY CREEK #3-34 TRIBAL	CUT BANK FIELD	33.0	FOUREM CO
-DALE G MOORE				RECEIVED: 01/26/81 JA: MT 5			
8114340	M 577-0	2503521382	103	MOORE #3-27 TRIBAL	BIG ROCK GAS FIELD	39.0	FOUREM CO
-FALCON-COLORADO EXPLORATION INC				RECEIVED: 01/26/81 JA: MT 5			
8114342	M 579-0	2507121719	102	I-21 FEDERAL	SWANSON CREEK	10.0	MONTANA-DAKOTA UTILI
-MIDLANDS GAS CORPORATION				RECEIVED: 01/26/81 JA: MT 5			
*8114336	M 233-0	2507121532	108	1432 1 FEDERAL	BOWDOIN	13.0	KANSAS-NEBRASKA NATU
*8114337	M 515-0	2507121260	108	1761 #1 FEDERAL	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
-BWAB INC				RECEIVED: 01/26/81 JA: ND 5			
8114355	ND 608-0	3305301108	102	ALLEN-FEDERAL #2-43	MONDAK	7.5	MONTANA DAKOTA UTILI
-DOME PETROLEUM CORP				RECEIVED: 01/26/81 JA: ND 5			
8114356	ND 612-0	3305301088	102	DOME FEDERAL 1-17	MON-DAK	25.7	SHELL OIL CO
-FARMERS UNION CENTRAL EXCHANGE INC				RECEIVED: 01/26/81 JA: ND 5			
8114347	ND 597-0	3300700475	102	FEDERAL 16-9	ELKHORN RANCH	40.0	KOCH HYDROCARBON CO
8114345	ND 591-0	3300700175	102	FEDERAL 5-4	ELKHORN RANCH	30.0	KOCH HYDROCARBON CO
8114346	ND 592-0	3300700413	102	FEDERAL 5-9	ELKHORN RANCH	30.0	KOCH HYDROCARBON CO
-GETTY OIL COMPANY				RECEIVED: 01/26/81 JA: ND 5			
*8114344	ND 590-0	3300700388	102	MYSTERY CREEK ND I-3	T R FIELD (FRY3JRG)	36.5	KOCH HYDROCARBON CO
-AMOCO PRODUCTION CO				RECEIVED: 01/26/81 JA: WY 5			
8114343	W 582-0	4903721553	103	HARRINGTON FEDERAL UNIT WELL #1	EMIGRANT SPRINGS	250.0	NORTHWEST PIPELINE C
-ARCO OIL AND GAS COMPANY				RECEIVED: 01/26/81 JA: WY 5			
8114353	W 606-0	4901320916	103	ARCO TRIBAL NO 30	RIVERTON DOME	68.0	MONTANA-DAKOTA UTILI
-DAVIS OIL COMPANY				RECEIVED: 01/26/81 JA: WY 5			
8114350	W 602-0	4900520489	103	CULP DRAW UNIT II #36	CULP DRAW	17.2	PHILLIPS PETROLEUM C
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 01/26/81 JA: WY 5			
8114354	W 607-0	4900921644	103	WESTSIDE FEDERAL 24-28	WESTSIDE	2.0	
-ENERGETICS INC				RECEIVED: 01/26/81 JA: WY 5			
8114351	W 603-0	4903520508	102	FEDERAL 10-5	BIRD CANYON	180.0	NORTHWEST PIPELINE C
-INEXCO OIL COMPANY				RECEIVED: 01/26/81 JA: WY 5			
*8114339	W 546-0	4900921753	103	FEDERAL ANADAR NO 1-1	WELL DRAW	46.0	INEXCO GASOLINE PLAN
*8114338	W-572-0	4900921754	103	FEDERAL MARGARET NO 1-28 WELL	WELL DRAW	20.0	INEXCO GASOLINE PLAN
-MARATHON OIL COMPANY				RECEIVED: 01/26/81 JA: WY 5			

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8114352	W 605-0	4902920662	103	CUSTER #32	OREGON BASIN FIELD	10.5	COLORADO INTERSTATE
8114348	W 599-0	4903721505	102	FABIAN DITCH #3-32	FABIAN DITCH	91.0	
8114349	W 600-0	4902320332	103	WILSON RANCH UNIT NO 15	WILSON RANCH UNIT	632.0	

OTHER PURCHASERS

8114336	MONTANA DAKOTA UTILITIES CO
8114337	MONTANA DAKOTA UTILITIES CO
8114338	PANHANDLE EASTERN PL CO
8114339	PANHANDLE EASTERN PL CO
8114348	WESTERN GAS PROCESSORS LTD
8114352	CODY GAS CO
8114363	PANHANDLE EASTERN PIPE LINE
8114371	DELHI GAS PIPELINE CORP
8114407	CITIES SERVICE GAS CO
8114410	CITIES SERVICE GAS CO
8114411	CITIES SERVICE GAS CO
8114430	MONTANA DAKOTA UTILITIES CO
8114431	MONTANA DAKOTA UTILITIES CO
8114432	MONTANA DAKOTA UTILITIES CO
8114433	MONTANA DAKOTA UTILITIES CO
8114484	KANSAS GAS SUPPLY CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5675 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 366]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD NO	API NO	SEC'D WELL NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES				
-DELTA OIL CO INC				
0114505	2105500000	103 RECEIVED: 01/27/81 JAS: MI HAIGHT-RAWLINGS #1-9	750.0	CONSUMERS POWER CO
-ENERGY ACQUISITION CORP	2107900000	102 RECEIVED: 01/27/81 JAS: MI STATE-HAYDEN 1-5	87.5	MICHIGAN CONSOLIDATE
-MGU DEVELOPMENT CO		RECEIVED: 01/27/81 JAS: MI		
0114591	2102500000	102 C & M BROWN ET AL 1-15	250.0	MICHIGAN GAS UTILITI
0114592	2102500000	102 IRVING ET AL #1-25	90.0	MICHIGAN GAS UTILITI
0114593	2102500000	102 KOYL ET AL 3-10	250.0	MICHIGAN GAS UTILITI
0114594	2102500000	103 NAIL ET AL #1-3A	0.0	MICHIGAN GAS UTILITI
-TRAVERSE OIL CO		RECEIVED: 01/27/81 JAS: MI		
0114587	2105533940	102 MACDONALD #2-15	140.0	CONSUMERS POWER CO
	2110133488	102 WAR-LAWN HEIGHTS SJA #3-36	100.0	CONSUMERS POWER CO
0114589	2110133621	102 SPAULDING ETAL #1-32	90.0	CONSUMERS POWER CO
0114590				
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS				
-ALPHA TWENTY-ONE PRODUCTION CO		RECEIVED: 01/27/81 JAS: NM		
0114644	3001522626	102 CERRO COM #1	40.5	EL PASO NATURAL GAS
0114666	3001522626	103 CERRO COM #1	49.5	EL PASO NATURAL GAS
-AMINOIL USA INC		RECEIVED: 01/27/81 JAS: NM		
0114535	3001523300	103 VASQUEZ COMM NO 1	2920.0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO		RECEIVED: 01/27/81 JAS: NM		
0114527	3004521147	108 CANDELARIA GAS COM #1 (1SO FILING)	18.5	EL PASO NATURAL GAS
0114530	3004524178	103 GALLEGOS CANYON UNIT #108E	30.0	AMOCO GAS CO
0114532	3004524169	103 GALLEGOS CANYON UNIT #173F	31.3	EL PASO NATURAL GAS
0114534	3004524284	103 GALLEGOS CANYON UT COM A #143E	30.0	EL PASO NATURAL GAS
0114542	3001522729	102 RIO SIETE #1	273.8	NATURAL GAS PIPELINE
0114639	3004524282	103 SAMMONS GAS COM C NO 1E	30.0	EL PASO NATURAL GAS
0114654	3001522953	103 STATE HE COM #1	45.0	PHILLIPS PETROLEUM C
0114657	3002526492	102 STATE HL #1	610.2	LLANO INC
0114647	3002526696	103 STATE HQ #2	40.0	WARREN PETROLEUM CO
0114643	3001523202	102 STATE IC COM #1	598.0	EL PASO NATURAL GAS
-BCO INC		RECEIVED: 01/27/81 JAS: NM		
0114597	3003922333	103 STATE H #3	300.0	EL PASO NATURAL GAS
0114598	3003922332	103 STATE H #4	300.0	EL PASO NATURAL GAS
-BTA OIL PRODUCERS		RECEIVED: 01/27/81 JAS: NM		
0114551	3002526692	103 8006 JV-P RIDGE #1	328.0	EL PASO NATURAL GAS
-CASING PULLERS INC		RECEIVED: 01/27/81 JAS: NM		
0114623	3002500300	109 YATES A NO 2	4.4	PHILLIPS PETROLEUM C
0114529	3002500300	108 YATES A NO 5	2.1	PHILLIPS PETROLEUM C
				NORTH SAN SIMON YATES
				NORTH SAN SIMON YATES
				BASIN DAKOTA
				BASIN DAKOTA
				ANTELOPE RIDGE (MORROW)
				NORTH SAN SIMON YATES
				NORTH SAN SIMON YATES
				BASIN DAKOTA
				BASIN DAKOTA
				WILDCAT MORROW
				BASIN DAKOTA
				WILDCAT MORROW
				NORTH BELL LAKE WOLFCAMP
				AIRSTRIP UPPER WOLFCAMP
				3ND MORROW
				CASS DRAW WOLFCAMP
				CASS DRAW WOLFCAMP
				UNDESIGNATED MALAGA MORR
				AZTEC-PICTURED CLIFFS
				BASIN DAKOTA
				BASIN-DAKOTA
				BASIN DAKOTA
				WILDCAT MORROW
				BASIN DAKOTA
				WILDCAT MORROW
				NORTH BELL LAKE WOLFCAMP
				AIRSTRIP UPPER WOLFCAMP
				3ND MORROW
				EAST RAY TO T26N R10W
				NAVISTEE 36 FIELD T22N R
				CLEAN 32 R T24N R13W
				LEE 10B FIELD
				CLARENCE 19A
				LEE 10C
				LEE 9 FIELD
				BLAIR 34-26N-11W PDTL
				BLUE LAKE TOWNSHIP

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-CITIES SERVICE COMPANY					RECEIVED: 01/27/81 JA: NM			
8114599		3002526639	103		BRUNSON-C #13	WANTZ ABO	147.0	GETTY OIL CO
-CONSOLIDATED OIL & GAS INC					RECEIVED: 01/27/81 JA: NM			
8114548		3004523636	103		ROBINSON BROS 1-M (DAKOTA)	BASIN-DAKOTA	0.0	SOUTHERN UNION GATHE
8114549		3004523636	103		ROBINSON BROS 1-M (MV)	BLANCO MESAVERDE	0.0	SOUTHERN UNION GATHE
8114666		3004524234	103		WILMERDING NO 1-M (DAKOTA)	BASIN DAKOTA	0.0	SOUTHERN UNION GATHE
8114663		3004524234	103		WILMERDING NO 1-M (MV)	BLANCO MESAVERDE	0.0	SOUTHERN UNION GATHE
-DUGAN PRODUCTION CORP					RECEIVED: 01/27/81 JA: NM			
8114611		3004524265	103		STELLA NEEDS A COM #1-E	BASIN DAKOTA	65.3	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 01/27/81 JA: NM			
8114531		3003921636	108		SAN JUAN 28-7 JNIT #249	BASIN DAKOTA	22.0	EL PASO NATURAL GAS
8114533		3003907282	108		SAN JUAN 28-7 JNIT NP #96 PCCMV	SOUTH BLANCO-PICTURED CL	21.0	EL PASO NATURAL GAS
8114630		3004505721	108		THOMPSON A #1	BALLARD PICTURED CLIFFS	10.0	EL PASO NATURAL GAS
-EL RAN INC					RECEIVED: 01/27/81 JA: NM			
8114598		3030520753	103		CARROLL #2	CHAVEROO	36.0	TRANSWESTERN PIPELIN
-FLAG-REDFERN OIL CO					RECEIVED: 01/27/81 JA: NM			
8114531		3001522970	103		NEW MEXICO STATE NO 2	SHUGART (Y TR QUEEN GRAY	6.2	CONTINENTAL OIL CO
8114596		3001523280	103		NEW MEXICO STATE NO 4	SHUGART (Y TR QUEEN GRAY	9.1	CONTINENTAL OIL CO
-GETTY OIL COMPANY					RECEIVED: 01/27/81 JA: NM			
8114665		3002526824	103		HOBBS N NO 6	VACUUM ABO REEF	75.9	PHILLIPS PETROLEUM C
-MARALO INC					RECEIVED: 01/27/81 JA: NM			
8114615		3002526646	102		MARALO 16 STATE #4	SIOUX YATES	23.4	EL PASO NATURAL GAS
8114655		3002526646	103		MARALO 16 STATE #4	SIOUX YATES	23.4	EL PASO NATURAL GAS
8114616		3002526753	102		MARALO 16 STATE #9	SIOUX YATES	13.9	EL PASO NATURAL GAS
8114617		3002500000	102		MARALO 16 STATE 3Y	SIOUX YATES POOL	36.7	EL PASO NATURAL GAS
8114659		3002500000	103		MARALO 16 STATE 3Y	SIOUX YATES POOL	36.7	EL PASO NATURAL GAS
-MESA PETROLEUM					RECEIVED: 01/27/81 JA: NM			
8114635		3004524039	103		STATE COM AL #36F	BASIN DAKOTA	400.0	EL PASO NATURAL GAS
-MILLARD DECK					RECEIVED: 01/27/81 JA: NM			
8114632		3002510823	108		MAY A NO 1	LANGLIE MATTIX	2.4	EL PASO NATURAL GAS
-MORRIS R ANTWEIL					RECEIVED: 01/27/81 JA: NM			
8114610		3002526764	103		ALBERT #1	JNDESIGNATED DRINKARD	0.0	WARREN PETROLEUM CO
-MWJ PRODUCING CO					RECEIVED: 01/27/81 JA: NM			
8114522		3000500000	103		SAUNDERS 16 STATE #1	SAUNDERS PERMO PENN	31.0	WARREN PETROLEUM CO
-PERRY R BASS					RECEIVED: 01/27/81 JA: NM			
8114541		3001523164	102		PALMILLO STATE NO 1		85.0	PHILLIPS PETROLEUM C
8114658		3001523164	103		PALMILLO STATE NO 1	JNDESIGNATED	85.0	PHILLIPS PETROLEUM C
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/27/81 JA: NM			
8114652		3002526569	103		E VAC GB/SA UNIT TR 2059 #333	VACUUM GB/SA	2.0	EL PASO NATURAL GAS
8114653		3002526850	103		LEAMEX NO 27	MALJAMAR GB/SA	14.0	EL PASO NATURAL GAS
8114528		3002504351	108		NEW #2	EUMONT (QUEEN)	15.0	NORTHERN NATURAL GAS
-SHELL OIL CO					RECEIVED: 01/27/81 JA: NM			
8114525		3002500000	108		COOPER B NO 1	EUNICE-MONUMENT (S-SA)	16.4	WARREN PETROLEUM CO
8114624		3002500000	108		STATE J NO 3	EUNICE-MONUMENT (S-SA)	6.4	GETTY OIL CO
8114626		3000500000	108		THELMA CROSBY B NO 4	CATO (SAN ANDRES)	1.7	CITIES SERVICE CO
-SOUTHLAND ROYALTY CO					RECEIVED: 01/27/81 JA: NM			
8114612		3004523959	103		PATTERSON B COM #1E	BASIN	105.0	SOUTHERN UNION GATHE
8114656		3002526991	103		SCHARB 4 #1	JNDESIGNATED	40.0	WARREN PETROLEUM CO
-STEVENS OIL COMPANY					RECEIVED: 01/27/81 JA: NM			
8114508		3000560717	103		OBRIEN F NO 5	TWIN LAKES-SAN ANDRES AS	8.5	TRANSWESTERN PIPELIN
8114507		3000560732	103		OBRIEN F NO 6	TWIN LAKES-SAN ANDRES AS	29.6	TRANSWESTERN PIPELIN
8114519		3000500000	103		OBRIEN F NO 7	TWIN LAKES-SAN ANDRES AS	0.0	TRANSWESTERN PIPELIN

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114506		3000560695	103		OBRIEN I NO 5	TWIN LAKES-SAN ANDRES AS	16.6	TRANSWESTERN PIPELIN
8114521		3000560696	103		OBRIEN I NO 6	TWIN LAKES-SAN ANDRES AS	8.0	TRANSWESTERN PIPELIN
8114520		3000560697	103		OBRIEN I NO 7	TWIN LAKES-SAN ANDRES AS	20.0	TRANSWESTERN PIPELIN
8114518		3000560767	103		OBRIEN I NO 8	TWIN LAKES-SAN ANDRES AS	5.0	TRANSWESTERN PIPELIN
8114509		3000560768	103		OBRIEN J NO 2	TWIN LAKES-SAN ANDRES AS	3.0	TRANSWESTERN PIPELIN
-TAHOE OIL & CATTLE CO					RECEIVED: 01/27/81 JA: NM			
8114540		3002504461	108		BROWNLEE #1	PENROSE SKELLY - GRAYBUR	1.4	WARREN PETROLEUM COR
8114661		3002526827	103		TONTO	LANGLIE-MATTIX	58.0	EL PASO NATURAL GAS
-TENNECO OIL COMPANY					RECEIVED: 01/27/81 JA: NM			
8114562		3001523370	103		CATCLAW DRAW #14	CATCLAW DRAW MORROW	365.0	TUCO INC
8114650		3001523753	103		CATCLAW DRAW UNIT #12	CATCLAW DRAW MORROW	15.3	TUCO INC
-TEXACO INC					RECEIVED: 01/27/81 JA: NM			
8114660		3004524385	103		NEW MEXICO COM C 1A	BLANCO MESAVERDE	182.5	EL PASO NATURAL GAS
-W M GALLAWAY					RECEIVED: 01/27/81 JA: NM			
8114557		3003922048	103		DAVIS #3	BLANCO MESAVERDE	50.0	NORTHWEST PIPELINE C
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 01/27/81 JA: NM			
8114613		3002526480	103		LAURA J MAY #1	DRINKARD	0.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION					RECEIVED: 01/27/81 JA: NM			
8114568		3001523059	102		GOAT ROPER LP COM #1	EAGLE CREEK ATOKA MORROW	0.0	TRANSWESTERN PIPELIN
8114505		3001523426	103		GUSHWA DP #3	BOYD MORROW	0.0	TRANSWESTERN PIPELIN
8114614		3000560741	102		JOHNSON FEE #1	JNDES ABO	0.0	TRANSWESTERN PIPELIN
8114504		3001523447	103		NICHOLAS RJ #2	PENASCO DRAW SA-YESO ASS	0.0	TRANSWESTERN PIPELIN
8114503		3000560754	103		NINE MILE OB STATE #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
8114645		3000560775	102		PAPALOTE OI STATE #1	JNDES ABO	0.0	TRANSWESTERN PIPELIN
8114546		3000560733	102		RATTLESNAKE NZ STATE COM #1	JNDES ABO	0.0	TRANSWESTERN PIPELIN
8114537		3001523204	103		RUSHING NJ #1	PENASCO DRAW SA YESO	0.0	TRANSWESTERN PIPELIN
********** WEST VIRGINIA DEPARTMENT OF MINES **********								
-ASHLAND EXPLORATION INC					RECEIVED: 01/27/81 JA: WV			
8114584		4700501273	107		SOUTHERN LAND CO #5- 080071	LOGAN-WYOMING	27.0	
-BEREA OIL AND GAS CORPORATION					RECEIVED: 01/27/81 JA: WV			
8114545		4710720905	103		A HENDERSHOT #1	JNION	1.7	
8114544		4710720906	103		B HENDERSHOT #2	JNION	17.0	
8114552		4710720907	103		C S HOWARD #1	JNION	17.0	
8114550		4710720904	103		J H CARPENTER #1	JNION	17.0	
8114556		4710720911	103		M STUDENIC #1	JNION	17.0	
8114553		4710720910	103		MOORE-PRITCHETT #1	JNION	17.0	
8114551		4710720922	103		T CORBIN #1	JNION	17.0	
-BOW VALLEY PETROLEUM INC					RECEIVED: 01/27/81 JA: WV			
8114561		4704700810	103		CONSOLIDATION COAL #767		40.0	CONSOLIDATED GAS SUP
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 01/27/81 JA: WV			
8114504		4703903351	102		TCO OIL&GAS 820515	INDIAN CREEK	78.1	
-D C MALCOLM INC					RECEIVED: 01/27/81 JA: WV			
8114531		4707900942	103		BOGGESS #1	ST ALBANS - BURDETTE	12.0	COLUMBIA GAS TRANSMI
8114529		4701501695	103		HEROLD #1	SWANDALE-MIDEN	66.0	EQUITABLE GAS
8114528		4701501665	103		MULLINS #1	SWANDALE-MIDEN	24.0	EQUITABLE GAS
-DEVON CORPORATION					RECEIVED: 01/27/81 JA: WV			
8114514		4707900948	103		#864 DELMER K FOSTER #1	MIDWAY	4.0	DEVON PIPELINE CO &
8114516		4707900851	103		#853 W DALE LONG	SCOTT DEPOT	17.0	DEVON PIPELINE CO &
8114511		4707900957	103		#870 WAYNE WINTER	MIDWAY	28.0	DEVON PIPELINE CO &
8114507		4707900958	103		#871 ROY BENNETT #1	MIDWAY	26.5	DEVON PIPELINE CO &

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JOINT	JA DKT	API #	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114567		4707900859	103	#872 GAE SIDERS #1	MIDWAY	35.0	DEVON PIPELINE CO &
8114509		4707900854	103	#873 MAXINE LARCK	SCOTT DEPOT	2.0	DEVON PIPELINE CO &
8114508		4707900853	103	#874 HENSON BROTHERS	SCOTT DEPOT	14.0	DEVON PIPELINE CO &
8114515		4707900852	103	#875 MAE ANDERSON	SCOTT DEPOT	4.4	DEVON PIPELINE CO &
8114513		4707900355	103	#876 DELMER K FOSTER #2	MIDWAY	1.0	DEVON PIPELINE CO &
8114535		4707900860	103	#877 VEACHER WINTERS	MIDWAY	0.2	DEVON PIPELINE CO &
8114506		4707900876	103	#878 PEARL RICKMAN	MIDWAY	23.0	DEVON PIPELINE CO &
8114541		4707900903	103	#879 LUELLA M HENSON	SCOTT DEPOT	7.0	DEVON PIPELINE CO &
8114565		4707900902	103	#880 A C RADFORD	SCOTT DEPOT	7.0	DEVON PIPELINE CO &
8114566		4707903P77	103	#881 C W CASDORPH	SCOTT DEPOT	3.5	DEVON PIPELINE CO &
8114540		4707900905	103	#882 L M HENSON #2	SCOTT DEPOT	7.0	DEVON PIPELINE CO &
8114539		4707900906	103	#883 TEAYS FARMS #1	SCOTT DEPOT	3.3	DEVON PIPELINE CO &
8114538		4707900907	103	#884 TEAYS FARMS #2	SCOTT DEPOT	3.3	DEVON PIPELINE CO &
8114537		4707900936	103	#900 ROY ARTHUR	SCOTT DEPOT	3.5	DEVON PIPELINE CO &
8114560		4703501466	103	#902 MAYWOOD GARNES	PARCHMENT	14.0	DEVON PIPELINE CO &
8114559		4703501444	103	#907 FREDA BATTEN	PARCHMENT	4.5	DEVON PIPELINE CO &
8114532		4707900937	103	#928 ROY BENNETT #2	MIDWAY	14.0	DEVON PIPELINE CO &
8114536		4707900938	103	#929 GAE SIDERS #2	MIDWAY	14.0	DEVON PIPELINE CO &
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED: 01/27/81 JA: WV			
8114582		4702103667	107	F W FLOYD #3	GLENVILLE	66.0	EQUITABLE GAS CO
8114586		4701702716	107	FA #4 CUMPSTON	BEECHLICK FORK	20.0	COLUMBIA GAS TRANSMI
-ENERGY DEVELOPMENT CORPORATION				RECEIVED: 01/27/81 JA: WV			
8114564		4704700813	103	FDC NO 16 MCD-813	BIG SANDY	25.0	CONSOLIDATED GAS SUP
8114563		4704700817	103	FDC NO 18 MCD-817	BIG SANDY	25.0	CONSOLIDATED GAS SUP
8114562		4704700819	103	FDC NO 19 MCD-819	BIG SANDY	60.0	CONSOLIDATED GAS SUP
-J & J ENTERPRISES INC				RECEIVED: 01/27/81 JA: WV			
8114585		4701702653	103	J-101	NEW MILTON	0.0	CONSOLIDATED GAS SUP
-MAGNUM OIL CORP				RECEIVED: 01/27/81 JA: WV			
8114533		4701702637	103	C SWENTZEL #4	GRANT DISTRICT	23.0	CARNEGIE GAS CO
8114530		4701702619	103	CALDWELL #1 DODD-2619	TOLLGATE	23.0	CARNEGIE GAS CO
8114527		4708504738	103	J MCCULLOUGH #1	CLAY DISTRICT	23.0	CONSOLIDATED GAS & S
8114534		4701702628	103	JACKSON #1 DODD-2628	DUCKWORTH	23.0	CONSOLIDATED GAS & S
8114535		4701702657	103	WALDO #1	TOLLGATE	0.0	CARNEGIE GAS CO
-PATRICK H CUNNINGHAM				RECEIVED: 01/27/81 JA: WV			
8114558		4703302278	103	NAY #1	EAGLE DISTRICT	50.0	CONSOLIDATED GAS SUP
-PETRO ENTERPRISES INC				RECEIVED: 01/27/81 JA: WV			
8114517		4701303002	103	A MALONEY NO 1 CAL-3002	SHERIDAN DISTRICT	23.0	COLUMBIA GAS TRANSMI
8114526		4701303001	103	STUMP #2 CAL - 3001	SHERIDAN DISTRICT	23.0	COLUMBIA GAS TRANSMI
8114521		4701303000	103	STUMP NO 1 CAL-3000	SHERIDAN DISTRICT	23.0	COLUMBIA GAS TRANSMI
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 01/27/81 JA: WV			
8114570		4704102535	103	C O DENNISON #3	ASPINALL-FINSTER	20.0	CONSOLIDATED GAS SUP
8114583		4700101278	103	C TABLER #1	TAYLOR DRAIN	21.0	CONSOLIDATED GAS SUP
8114543		4704102545	103	F PUMPHREY #1	ASPINALL-FINSTER	37.0	CONSOLIDATED GAS SUP
8114573		4703302181	103	JOHN WEBB #1	BRIDGEPORT	3.7	CONSOLIDATED GAS SUP
8114575		4703301239	108	LILLIE BARTLETT #1	BRIDGEPORT	5.0	CONSOLIDATED GAS SUP
8114578		4703301240	108	LILLIE BARTLETT #2	BRIDGEPORT	6.0	CONSOLIDATED GAS SUP
8114577		4703301923	108	LILLIE BARTLETT #3	BRIDGEPORT	3.5	CONSOLIDATED GAS SUP
8114576		4703301924	108	LILLIE BARTLETT #4	BRIDGEPORT	5.0	CONSOLIDATED GAS SUP
-R & S GAS COMPANY				RECEIVED: 01/27/81 JA: WV			
8114579		4708524265	103	ELIZABETH CAMPBELL NO 3	MURPHY DISTRICT	12.0	CABOT CORP
8114542		4708524737	103	ELIZABETH CAMPBELL NO 4	MURPHY DISTRICT	12.0	CABOT CORP
8114546		4708524342	103	J W HEFFNER NO 3	MURPHY DISTRICT	24.0	CABOT CORP
-STERLING DRILLING & PROD CO INC				RECEIVED: 01/27/81 JA: WV			

JOINT	JA DKT	API #	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114555		4701501679	103	ALOI #21 SOR #181	BUFFALO DISTRICT	93.6	EQUITABLE GAS CO
8114569		4701501677	103	ALOI 19 SOR #179	BUFFALO DISTRICT	360.0	EQUITABLE GAS CO
8114556		4701501680	103	ALOI 22 SOR #192	BUFFALO DISTRICT	177.8	EQUITABLE GAS CO
8114523		4701501683	103	ALOI 23 SOR #193	BUFFALO DISTRICT	124.0	EQUITABLE GAS CO
8114557		4701501684	103	ALOI 24 SOR #194	BUFFALO DISTRICT	21.6	EQUITABLE GAS CO
8114525		4701501686	103	ALOI 26 SOR 186	BUFFALO DISTRICT	90.0	EQUITABLE GAS CO
8114524		4701501688	103	ALOI 28 SOR #188	BUFFALO DISTRICT	72.0	EQUITABLE GAS CO
-THE CARTER JONES LUMBER CO				RECEIVED: 01/27/81 JA: WV			
8114512		4709500779	103	MILDRED TUTTLE #2	PADEN CITY	15.0	
-UNION DRILLING INC				RECEIVED: 01/27/81 JA: WV			
8114549		4709702066	103	BRENT T SCOTT #2 1560	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114581		4709702071	103	FLODA DINSER #3 1483	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114580		4709702355	103	G H ERVIN HEIRS #1 1559	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114574		4708300300	103	HARRY MCMULLAN JR EST #1 1553	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114571		4708300297	103	HARRY MCMULLAN JR EST #3 1545	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114572		4708300298	103	HARRY MCMULLAN JR EST #4 1546	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114548		4709702068	103	OLEN CARPENTER #2 1571	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114547		4709702052	103	WOODY LUMBER CO #1 1558	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
-WARREN R HAUGHT AGENT				RECEIVED: 01/27/81 JA: WV			
8114519		4708524495	103	HARRY MOATS H-900	GRANT DISTRICT	20.0	CONSOLIDATED GAS SUP
8114513		4708524467	103	JOYCE HOWARD H-886	UNION DISTRICT	20.0	CONSOLIDATED GAS SUP
8114520		4708524463	103	KENNETH MERINE H-880	UNION DISTRICT	20.0	CONSOLIDATED GAS SUP
8114568		4708524491	103	KENNETH PERINE H-893	UNION DISTRICT	20.0	CONSOLIDATED GAS SUP
8114518		4708524523	103	STEPHEN DOUGLAS H-959	MURPHY DISTRICT	20.0	CONSOLIDATED GAS SUP
8114522		4701722609	107	WILMA ALKIRE H-959	NEW MILTON DISTRICT	23.0	CONSOLIDATED GAS SUP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf) An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5676 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals;

Issuance of Decisions and Orders; Week of January 5 Through January 9, 1981

During the week of January 5 through January 9, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Exxon Co., U.S.A., Washington, D.C., BEA–0185, motor gasoline

Exxon filed an Appeal from an Assignment Order issued to the firm by the Region VIII Office of the Economic Regulatory Administration (ERA) on January 10, 1980. That Order directed Exxon to supply North Side Center with motor gasoline during the months January through June 1980. In considering the Exxon appeal the DOE found that the ERA had erroneously executed its responsibilities in issuing the Assignment Order. Accordingly, the Exxon appeal was granted. In granting the appeal the DOE rescinded the Assignment Order without provision for a payback of product supplied as a result of that order.

Tulsa Daily World, Tulsa, Oklahoma, BFA–0530, freedom of information

On December 8, 1980, the Tulsa Daily World filed an Appeal from a denial by the Director of Contract Execution Division B of the DOE Office of Procurement Operations of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain portions of the document which was initially withheld under Exemption 4 should be released to the public. Important issues that were considered in the Decision and Order were the applicability of Exemption 4 to cost proposals.

Wesreco, Inc., Woods Cross, Utah, DEA–0166, crude oil

Wesreco, Inc. filed an Appeal from an Economic Regulatory Administration decision which modified Wesreco's crude oil purchase opportunity through the Buy/Sell Program during the April through September 1978 allocation period. Wesreco sought a substantial increase in its purchase opportunity for that period, arguing that the ERA should not have confined its adjustment for unusual and non-recurring operating conditions to episodes which resulted in a complete shutdown of the refinery and that the refinery's runs to stills during the preceding six-month period were abnormally high and therefore should not have been used as a basis for the April through September 1978 allocation. In considering the Appeal, the DOE remanded the matter to the ERA for an explanation of its decision to limit Wesreco's adjustment to decreases in runs to stills attributable to complete shutdowns of the refinery. The DOE also concluded that Wesreco had not demonstrated error in the ERA's rejection of the firm's request for an increased allocation on the grounds of significant changes in the refinery's supply of crude oil. Accordingly, the DOE remanded one portion of Wesreco's Appeal and denied the remainder.

Petition for Special Redress

R. R. Morrison & Son, Inc., Vicksburg, Mississippi, BEC–0041, motor gasoline

R. R. Morrison & Son, Inc., filed a Petition for Special Redress requesting that the retail outlet which it leases in Pearl, Mississippi, be deemed a new outlet and assigned a supplier and base period volume of motor gasoline. In considering the Petition the DOE found that Morrison does not qualify as a new wholesale purchaser-reseller at the site. The DOE found Morrison to be the successor to the allocation of the previous retail operation at the site. Accordingly, the firm's Petition for Special Redress was denied.

Reqest for Exception

Adams Oil Company, Fredericksburg, Virginia, FEE–4816, motor gasoline

Adams Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought retroactive exception relief that would relieve it of a requirement to make refunds pursuant to a Remedial Order. In considering the request, the DOE found that while exception relief was necessary to give the firm more time to make refunds to its customers, it was not suffering a gross inequity or financial hardship that would call for exception relief which would relieve the firm of its obligation. Accordingly, exception relief was granted in part.

Antonio Vricella and Angelo & Sons, Sommerville, Massachusetts, Revere, Massachusetts, BEE–0289, BEE–0784, motor gasoline

Antonio Vricella and Angelo & Sons filed Applications for Exception from the provisions of 10 CFR Part 211 in which the firms sought a change of supplier with respect to their base period allocations of motor gasoline. In considering the request, the DOE found that the firms' base period supplier/purchaser relationships had deteriorated to the degree that the firms would incur a gross inequity and serious hardship in the absence of exception relief. Accordingly, exception relief was granted.

Asamera Oil (U.S.) Inc., Golden Colorado, BXE–1160, BXE–1161, BXE–1162, crude oil

Asamera Oil (U.S.) Inc. (Asamera) filed three Applications for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Asamera to sell at market prices 100 percent of the crude oil produced and sold for the benefit of the working interest owners that are classified as integrated and independent producers from the Carrell Lease and the Knight Lease. Exception relief was also granted to permit the applicant to sell 100 and 76.32 percent of the crude oil produced and sold for the benefit of the integrated and independent producers, respectively, from the Myrin Ranch Lease at market price levels.

Chadwick's Exxon, Columbus, Georgia, BEO–0567, motor gasoline

Chadwick's Exxon filed an Application for Exception in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that additional volumes of motor gasoline were required by the firm in order to continue its business operations. The DOE also found that the firm had failed to demonstrate that it had significantly altered its business practices by investing in additional service equipment.

Continental Oil Company, Houston, Texas, DEE–1775, crude oil

Continental Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit the firm to classify the Shoshone Lease as a stripper well property effective January 1, 1977. In considering the exception application, the DOE determined that an anomalous series of events had precluded the property from otherwise qualifying for stripper well status on that date. The DOE concluded that it was the intent of Ruling 1977–7 to permit such properties to qualify for exception relief. Consequently, exception relief was granted to permit Conoco to classify the Shoshone Lease as a stripper well property on January 1, 1977.

Echo Bay Resort, Overton, Nevada, BXE–1315, motor gasoline

Echo Bay Resort filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an extension of exception relief previously granted which would enable the firm to continue to receive an increase in its base period allocation for motor gasoline. In considering the request, the DOE found that the denial of exception relief would frustrate one or more of the policy objectives set forth in the Emergency Petroleum Allocation Act of 1973. Accordingly, exception relief was granted.

Finnegan's Inc., Chevy Chase, Maryland, BEO–0027, motor gasoline

Finnegan's Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was neither suffering a gross inequity nor financial hardship as a result of DOE regulation. Accordingly, exception relief was denied.

Jet Oil Co., Pinellas Park, Florida, BEO–0196, motor gasoline

Jet Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to allow the firm to realize the intended benefits of its capital investment. Accordingly, exception relief was granted. The important issue discussed in the Decision and Order is the rate of return method for determining the amount of relief.

Kerr-McGee Corp., Washington, D.C., BEE–1561, crude oil

Kerr-McGee Corp. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested that the ERA be directed to issue Kerr-McGee additional entitlements to correct a reporting error which the firm had made. In considering the request, the DOE found that the firm had demonstrated that penalizing it for an inadvertent error would impose a gross inequity and unfair distribution of burdens on the firm. Accordingly, exception relief was granted.

Panasonic Company, Secaucus, New Jersey, BEE–1093, energy testing

Panasonic Company filed an Application for Exception from the provisions of 10 CFR Part 430, Appendix A, the Energy Conservation Program for Consumer Products test procedures for refrigerators. In its Application, Panasonic requested that it be relieved of the requirement to perform energy efficiency tests on two models of small-capacity refrigerators. In considering the request, the DOE found that design characteristics of the Panasonic refrigerators prevented testing in accordance with the applicable test procedures. Accordingly, exception relief was granted which permits Panasonic to modify the test procedures applicable to its small-capacity refrigerators.

Parker Energy & Petroleum Co., Richmond, Virginia, BEE–1234, gasohol

Parker Energy & Petroleum Co. filed an Application for Exception from the provisions of 10 CFR 210.62 in which the firm asked the Office of Hearings and Appeals to issue an order requiring the Cities Service Company to permit Parker to obtain gasoline directly from Citgo's terminal facilities for a retail gasohol outlet which Parker owns. In considering the request, the DOE found that exception relief was necessary to enable Parker to carry out its gasohol marketing efforts. Accordingly, exception relief was granted.

Pride Refining, Inc., Abilene, Texas, BEE–0651, crude oil

Pride Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.65 in which the firm sought an increase in its January through October 1978 base period crude oil runs to stills for the purpose of qualifying for an emergency allocation under the Buy/Sell Program. In considering the request, the DOE found that due to expansion of Pride's refinery, the January through October 1978 period represented an anomalous period in the firm's operations, and that the use of this base period would have a significant adverse effect on the firm. Accordingly, exception relief was granted substituting the firm's crude oil runs to stills during the period January through October 1977 for purposes of calculating Pride's eligibility for the Crude Oil Buy/Sell Program.

Rudolph's, Inc., Yoakum, Texas, DEE–3056, motor gasoline

Rudolph's, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious hardship or gross inequity as a result of DOE regulations. Accordingly, exception relief was denied.

Samedan Oil Corporation, Ardmore, Oklahoma, DEE–1171, crude oil

Samedan Oil Corporation filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Specifically, the firm sought to sell at upper tier ceiling prices the oil it produces from the Martin and Stitt leases. In considering the request, the DOE found that exception relief is not necessary in order to provide the firm with sufficient incentive to undertake needed repairs at the well. Accordingly, the firm's request was denied.

Thunderbird ARCO, Portland, Oregon, BEE–1256, motor gasoline

Thunderbird ARCO filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that Thunderbird ARCO failed to substantiate its claim that its community would suffer an unfair distribution of burdens in the absence of exception relief. Accordingly, exception relief was denied.

Request for Stay

MAPCO, Inc., Washington, D.C., BES–1568, BET–1568, natural gas liquids propane

MAPCO, Inc. filed Applications for Stay and Temporary Stay from the requirement that it and Earth Resources treat their operations as a single firm for purposes of computing maximum permissible selling prices for covered products. In considering the Application, the DOE determined that MAPCO had demonstrated that it would incur an irreparable injury in the absence of relief. MAPCO's stay request was therefore granted and its temporary stay request was dismissed.

Interlocutory Order

Gulf Oil Corporation, Office of Special Counsel, Washington, D.C., BRZ–0078, crude oil

Gulf Oil Corporation and the DOE Office of Special Counsel submitted to the Office of Hearings and Appeals portions of a stipulation concerning discovery matters related to a Proposed Remedial Order which was issued to Gulf on May 1, 1979. In considering these stipulation provisions, The DOE determined that the OSC's negotiated agreement to produce certain documents requested by Gulf with restrictions placed upon the use of those documents does not constitute a waiver by the OSC of any privileges which may be applicable to the documents. Accordingly, the DOE approved the stipulation provisions submitted by Gulf and the OSC.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No., and Location

Atlantic Richfield, Office of Special Counsel, BRJ–0167, Wash., DC
Chevron U.S.A. Inc. (Dow Chemical U.S.A.), BEJ–0101, Wash., DC
Navajo Refining Co., Amoco Oil Co., Chevron U.S.A. Inc., Little America Ref., Mobil Oil Corp., Whitco Chemical Corp., BEJ–0166 thru BEJ–0172, Wash., DC

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No., and Location

Lake Oil Co., BEE–0150, Clear Lake, IA

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions

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and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Bullitt County Board of Education, BEO–0246, Sheperdsville, KY
First Texarkana Co., DEE–4783, Dallas, TX
Morrissette Texaco, BEE–0481, Mammoth Lakes, CA
Rapp Tire & Supply, Inc., BEO–0446, Morton Groves, IL

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case. No.

Giant Industries, Inc., BEL–1346
Good Chevrolet, DEE–3749
Harrison Gas & Oil Co., Inc., BRT–0336, BRS–0336, BEE–1185
John Robert Stratton, Inc., BFA–0583
Johnson Oil Co., Inc., BEJ–0163, BED–0163
Marathon Oil Co., BEE–1426, BEE–1447, BEE–1467
Oklahoma Refining Co., BST–0013
Roadrunner Food Mart, Inc., DEL–7393, DES–7393, DST–7393

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: February 12, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81–5735 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL 1758–7]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A–104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of February 9, 1981 to February 13, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from February 20, 1981 and will end on April 6, 1981. The 30-day review period for final EIS's as calculated from February 20, 1981 will end on March 23, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal Agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period, covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

SUMMARY OF NOTICE: This notice sets forth a list of EIS's filed with EPA during the week of February 9, 1981 to February 13, 1981. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in the notice. Commenting entities on draft EIS's are listed for final EIS's. All additional information relating to EIS's such as time extensions or reductions of prescribed review periods, withdrawals, retractions, corrections or supplemental reports is also noticed under the appropriate agency.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245–3006.

Dated: February 17, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Soil Conservation Service

Draft

MIDDLE FORK OF ANDERSON RIVER WATERSHED: Crawford, Perry Counties, Ind., February 10: Proposed is the awarding of financial assistance for flood protection measures within the Middle Fork of Anderson River Watershed in Crawford and Perry Counties, Indiana. The measures to be completed include: (1) 10.3 miles of channel excavation; (2) 2.3 miles of clearing, snagging and shoal removal; (3) 2.9 miles of debris and shoal removal; (4) 2 single purpose floodwater retarding structures; and (5) approximately 16,548 acres of accelerated land treatment. Ten alternatives are considered. The cooperating agency is the State of Indiana. (EIS Order No. 810114).

SANS BOIS WATERSHED FLOOD PROTECTION: Pittsburg, Latimer, and Haskell Counties, Okla., February 12: Proposed is the awarding of financial assistance for the planning and implementation of a flood protection plan for the Sans Bois Creek Watershed in Pittsburg, Latimer and Haskell Counties, Oklahoma. The plan would involve conservation land treatment, 12 floodwater retarding structures and 5,600 feet of flood dike. In addition to no action, six alternatives are considered. The cooperating agencies are the State of Oklahoma and the Forest Service. (EIS Order No. 810118).

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of The Chief of Engineers, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

CLARKS HILL LAKE, OPERATION AND MAINTENANCE: Georgia, South Carolina, February 9: Proposed is the continued operation and maintenance of the Clarks Hill Lake contiguous to several counties in Georgia and South Carolina. Current activities consist of reservoir regulation; flood control hydroelectric power generation; management of land resources and facilities; management of leases, easements and other outgrants; and project management and maintenance activities. Several alternatives are considered. (Savannah District) (EIS Order No. 810113).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Eugene Wojcik, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2157.

Draft

ST. CROIX FALLS AND TAYLORS FALLS WWT SYSTEM: Polk and Chisago Counties, Minn., February 12: Proposed is an improved system to treat wastewater for the cities of St. Croix Falls, Polk County, Wisconsin and Taylors Falls, Chisago County, Minnesota. The alternatives considered are: (1) no action, (2) upgrading/expanding the existing WWTP at St. Croix Falls, (3) land disposal systems for St. Croix Falls and Taylors Falls, (4) compact activated sludge system for Taylors Falls, (5) rotating biological contractor system for Taylors Falls, (6) stabilization pond system for Taylors Falls, (7) regional conventional WWTP near St. Croix Falls, (8) regional stabilization pond system near Taylors Falls, and (9) regional land disposal system near Taylors Falls. (EIS Order No. 810120.)

Final

REHABILITATION OF WASTEWATER FACILITIES, STREATOR: LaSalle and Livingston Counties, Ill., February 12: Proposed is the rehabilitation of wastewater treatment facilities located in the city of Streator, LaSalle and Livingston Counties, Illinois. The three major interceptor sewers in the combined sewer system would be replaced. The treatment plant would be upgraded to include nitrification and chlorination. The effluent discharged would meet the requirements of a Pfeffer exemption. Combined sewer flows in excess of the plants capacity would receive primary treatment and chlorination prior to discharge into the Vermilion River. Comments made by: USDA, HEW, DOI, DOT, State agencies, business. (EIS Order No. 810121.)

Draft

Contact: Ms. Lisa Corbin, Region 10, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101, (206) 442–1283.

SPOKANE WASTEWATER MANAGEMENT PLAN, 201 GRANT: Spokane County, Wash., February 9: Proposed is the issuance of a grant for the construction of the North Spokane interceptor in Spokane County, Washington. The interceptor would collect and transport water from the North Spokane area to the Spokane City plant. A flow/equalization basin would be provided. Several alternatives are considered. (910/9–81–079.) (EIS Order #810109.)

Federal Energy Regulatory Commission

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000, S–22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357–8228.

Final

PURPA-INDUCED GEOTHERMAL DEVELOPMENT: Regulatory, February 11: Proposed is induced geothermal development through granting of exemptions from the Public Utility Regulatory Policies Act of 1978. These revised rules are expected to stimulate the development of more than 1200 MW of capacity for electrical generation from geothermal facilities by 1995. Purpa-induced development is anticipated in the near term for California, Nevada and Idaho and may occur in other Western States. Comments made by: EPA, DOD, DOE, NRC, State agencies. (EIS Order No. 810117.)

Note.—At the time the above final EIS (No. 810117) was printed and distributed by FERC it was intended to be a final supplement to a previously filed EIS entitled "Small Power Production/Cogeneration Facilities." However, FERC has determined this final EIS addresses a separate Federal action and does not supplement the previously filed EIS.

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755–6300.

Final

MENOKEN GOLF COURSE SUBDIVISION MORTGAGE INSURANCE: Montrose County, Colo., February 10: Proposed is the issuance of mortgage insurance for the Menoken Golf Course Subdivision located in Montrose County, Colorado. The development encompasses 562.82 acres and would contain approximately 1,430 dwelling units. The units would consist of single, detached and attached units. Also included in the subdivision would be a golf course, commercial area, firehouse site, school site, and open space. (HUD–R08–EIS–81–1F.) Comments made by: DOT, USDA, DOI, COE, HHS, State agencies, businesses. (EIS Order No. 810112.)

Section 104(H)

The following is a community development block grant statement prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

CITY OF DE PERE REHABILITATION, CDBG: Brown County, Wis., February 10: Proposed is the awarding of a CDB grant to the city of De Pere, Brown County, Wisconsin. The grant would be used for the construction of a 900-foot segment of storm sewer, placement of fill over the sewer, and development of park facilities on the fill. The project site is located on De Pere's west side in a steep ravine occupied by a small stream, Penore Creek. The alternatives consider: (1) no action, (2) stream channelization, (3) flow diversion, and (4) ravine/wetlands park development. Comments made by: EPA, State and local agencies, individuals and businesses. (EIS Order No. 810111.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Bureau of Land Management

Final

NORTH IDAHO TIMBER MANAGEMENT: Several counties in Idaho, February 10: Proposed is a timber management plan for northern Idaho. The area encompasses approximately 14,000,000 acres and covers several counties. Approximately 3.6 million cubic feet of timber is to be harvested from 80,489 acres of land available for timber production. The alternatives consider: (1) non-commodity emphasis, (2) commodity emphasis, (3) overmature accelerated harvest, (4) transfer of State lieu lands, and (5) no action. (INT–FEIS–81–8.) Comments made by: DOI, USDA, COE, DOE, EPA, State, groups, individuals and businesses. (EIS Order No. 810110.)

National Park Service

Draft

BLUE RIDGE PARKWAY, TRANSMISSION RIGHT-OF-WAY: Several counties in Virginia, February 12: Proposed is the issuance of a right-of-way permit for the construction of a 765 kV electric transmission line across the Blue Ridge Parkway within several counties of Virginia. The permit would grant a right-of-way 1,800 feet long and 200 feet wide at milepost 159.9 on the Parkway. In addition to no action, the alternatives consider granting a permit for right-of-way at milepost 167.3 or 164.1. (DES–81–7.) (EIS Order No. 810119.)

Water and Power Resources Services

Draft Supplement

BRANTLEY DAM ALIGNMENT (DS–1): Eddy County, N. Mex., February 10: This statement supplements a final EIS, No. 725283, filed 9–14–72. Proposed is a new alignment for Brantley Dam in Eddy County, New Mexico. This new alignment has been determined to be more geologically favorable than the original alignment for the purposes of eliminating hazards due to possible failure of the McMillan and Avalon Dams. The no action alternative is considered. (DES–81–6). (EIS Order No. 810115.)

EXTENSION: The review period for the above EIS has been extended until April 11, 1981. (No. 810115.)

Fish and Wildlife Service

EXTENSION: Disposition/administration of culebra-culebrita, PR, published **Federal Register** December 24, 1981-review period has been extended from February 23, 1981 to March 25, 1981. (No. 800975.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Draft

MI–53 RECONSTRUCTION, WASHINGTON TO IMLAY CITY: Macomb and Lapeer Counties, Mich., February 10: Proposed is the reconstruction of MI–53 from 27 Mile Road in Washington, Macomb County to Bower Road in Imlay City, Lapeer County, Michigan. The facility would be reconstructed as a limted-access freeway extending for 22 miles. The alternatives consider: (1) no action, (2) low capital improvements, (3) major reconstruction or upgrading of the existing facility, (4) alternate modes of transportation, and (5) construction of a limited access facility on a new location. The cooperating agency is the State of Michigan. (FHWA–MI–EIS–81–01–D.) (EIS Order No. 810116.)

US 277 GAP CLOSURE, STAMFORD: Jones and Haskell Counties, Tex., February 9: Proposed is the construction of an expressway-type highway to close the gap between existing portions of US 277 southwest and north of the city of Stamford in Jones and Haskell Counties, Tex. The length of the highway is approximately 3 miles and would be constructed as a four lane divided highway with a median and paved shoulders. Two interchanges would also be constructed at the junction of US 277 and TX–6 and at the point where the present

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route crosses McHarg Street. The alternatives consider: (1) no action, (2) construction of the highway further west of the city. The cooperating agency is the State of Texas. (FHWA–TEX–EIS–81–01–D.) (EIS ORDER No. 810108.)

[FR Doc. 81–5880 Filed 2–19–81; 8:45 am]
BILLING CODE 6560–37–M

[A9 FRL 1758–6]

Determination of PSD Applicability for Peabody Coal Company

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that, on December 11, 1980, EPA made a determination, that based on information supplied by Peabody Coal Co., the modifications to their Kayenta, Arizona coal mining operation will require pre-construction review pursuant to the provisions of 40 CFR 52.21 (Prevention of Significant Deterioration of Air Quality). The proposed project is the construction of new coal handling facilities at Peabody's Kayenta, Arizona coal mining operations.

DATE: The PSD applicability determination is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Cecilia Dougherty (415) 556–3450.

Dated: February 10, 1981.

Carl C. Kohnert, Jr.

Acting Director, Enforcement Division, Region IX.

[FR Doc. 81–5771 Filed 2–19–81; 8:45 am]
BILLING CODE 6560–38–M

[SA–FRL–1758–5]

Science Advisory Board; Clean Air Scientific Advisory Committee; Open Meeting

Under Public Law 92–463, notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board (SAB). The meeting will be held March 10–11, 1981, starting at 9:15 am in the Plaza Room, Holiday Inn, 1489 Jefferson Davis Highway, Arlington, Virginia 22202.

The agenda for the meeting includes a status report on the sulfur oxides/particulate matter criteria document and a committee discussion of a draft CASAC report entitled "Findings, Recommendations, and Comments on the Standards Development and Scientific Review Process for National Ambient Air Quality Standards."

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Terry F. Yosie, Science Advisory Board Staff Officer (202) 755–0283 by close of business, March 3, 1981.

J Frances Allen,

Acting Staff Director, Science Advisory Board.

Feburary 13, 1981.

[FR Doc. 81–5738 Filed 2–19–81; 8:45 am]
BILLING CODE 6560–34–M

FEDERAL HOME LOAN BANK BOARD

First Financial Federal Savings and Loan Association, Bellaire, Texas; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(6)(A) (1976)), The Federal Home Loan Bank Board appointed George Weirich as conservator of First Financial Federal Savings and Loan Association, Bellaire, Texas, effective as of February 13, 1981.

Dated: February 17, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–5791 Filed 2–19–81; 8:45 am]
BILLING CODE 6720–01–M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 5, 1981
Thursday, March 12, 1981
Thursday, March 19, 1981
Thursday, March 26, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal Agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

February 10, 1981.

[FR Doc. 81–5375 Filed 2–19–81; 8:45 am]
BILLING CODE 6325–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies, Proposed de Novo Nonbank Activities; Correction

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 25.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons, a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 11, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

This notice corrects a previous **Federal Register** document (FR Doc. 81–3949) published at page 10540 of the issue for Tuesday, February 3, 1981. The locations of the offices at which the activities will be conducted were incorrect.

Security Pacific Corporation, Los Angeles, California (financing and credit-related life, accident and health insurance activities; New York). These activities would be conducted from offices of Security Pacific Finance Corp. and SPF Credit Services, Inc. located in Rockville Center, White Plains, Great Neck Plaza, and Brighton, New York, serving the State of New York.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81–5780 Filed 2–19–81; 8:45 am]
BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Natomas Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities and assets of the Estate of Myron F. Fetterolf. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by the Estate of Myron F. Fetterolf. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action by published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–5777 Filed 2–19–81; 8:45 am]
BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Bernard Dale is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of United States Steel Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–5778 Filed 2–19–81; 8:45 am]
BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Commission on Alcoholism and Other Alcohol-Related Problems; Meeting Postponed

In **Federal Register** Document 81–4016, appearing on page 10856 in the issue of Wednesday, February 4, 1981, the February 24–25 meeting of the National Commission on Alcoholism and Other Alcohol-Related Problems was announced. This meeting has been postponed and will be rescheduled at a later date.

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Dated: February 18, 1981.

Frank T. Hoban,

Director of Administration, National Commission on Alcoholism and Other Alcohol-Related Problems.

[FR Doc. 81-6025 Filed 2-19-81; 10:39 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 80N-0458]

Buffalo Plasma Center Corp.; Revocation of U.S. License No. 786

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the revocation on September 23, 1980, of the establishment license (U.S. License No. 786) and product license issued to Buffalo Plasma Center Corp., 199 Delaware Ave., Buffalo, NY 14202, for the manufacture of Source Plasma (Human). Because of significant deviations from the biologics regulations in the manufacture of this biological product, the manufacturer requested that the licenses be revoked.

EFFECTIVE DATE: The revocation of the establishment and product licenses was effective on September 23, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has revoked the establishment license (U.S. License No. 786) and product license issued to Buffalo Plasma Center Corp., 199 Delaware Ave., Buffalo, NY 14202, for the manufacture of Source Plasma (Human).

Inspections of Buffalo Plasma Center Corporation's two locations at 199 Delaware Ave., Buffalo, NY, from June 24 to July 10, 1980, and at 3104 Bailey Ave., Buffalo, NY, from June 26 to July 17, 1980, revealed numerous deviations from the requirements of Parts 606 and 640 (21 CFR Parts 606 and 640) of the biologics regulations. These deviations were observed at one or both locations and included, but were not limited to:

1. Suitability of donors for Source Plasma (Human) was not always determined by means of a medical history or appropriate tests (21 CFR 640.63);

2. Blood was not always collected, the plasma separated, or the cells returned to donors by aseptic methods (21 CFR 640.64(e));

3. More than the maximum permissible amount of whole blood was collected within a 7-day period (21 CFR 640.65(b)(5));

4. Donor record files lacked a full explanation of donor reactions (21 CFR 640.72(d)); and

5. Prospective new donors were not always given an explanation of the hazards of the plasmapheresis procedure (21 CFR 640.61).

Because these deviations were determined by the agency to constitute a danger to the health of donors, the firm's establishment and product licenses were suspended at both locations on July 11, 1980. Many of these significant deviations were also cited in a previous FDA inspection of the firm conducted on May 16 to 18, 1978.

Following a review of the reports of the June and July 1980 inspections and agency files, which revealed continued and willful violations by the firm, FDA issued a letter informing the firm of the agency's intention to revoke the firm's establishment and product licenses and to publish a notice of opportunity for hearing. Before further regulatory action was taken, the firm requested that its establishment and product licenses be revoked and waived the opportunity for a hearing under § 601.5(a) (21 CFR 601.5(a)). The agency has granted the request.

Accordingly, under § 12.38 (21 CFR 12.38) and section 351 of the Public Health Service Act (42 U.S.C. 262), and the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director, Bureau of Biologics (21 CFR 5.68), U.S. License No. 786 issued to Buffalo Plasma Center Corp. and the product license for the manufacture of Source Plasma (Human) were revoked on September 23, 1980. This notice of revocation is published under § 601.8 (21 CFR 601.8).

Dated: February 13, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5712 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket Nos. 75N-0139, 75N-139F]

Chymolase Tablets; Withdrawal of Approval of Part of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of that part of a new drug application that pertains to Chymolase Tablets (NDA 12-724) because the holder of the new drug application failed to file a written notice stating its intent to participate in a formal evidentiary public hearing. The drug product has been used to control edema and inflammation associated with various disorders.

ADDRESS: Requests for an opinion on the applicability of this notice to a specific drug product should be directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, 5600 Fishers Lane, Rockville, MD 20857.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 9955) published in the **Federal Register** of June 25, 1970 (35 FR 10393), following the evaluation of reports received from the National Academy of Sciences-National Research Council Drug Efficacy Study Group, FDA announced its conclusion that the oral proteolytic enzyme drug, Chymolase, was "possibly effective" and "lacked substantial evidence of effectiveness," and that additional evidence was required to establish its effectiveness. In response to this notice, the manufacturer submitted data to establish effectiveness. After reviewing the data, the Director of the Bureau of Drugs, in a notice of opportunity for hearing published in the **Federal Register** on July 24, 1975 (40 FR 30995), concluded that Chymolase lacked substantial evidence of effectiveness for all indications and proposed to withdraw approval of the new drug applications.

In response to the notice of opportunity for hearing, Warren-Teed Pharmaceuticals, Inc. requested a hearing for Chymolase.

In a **Federal Register** notice of December 21, 1979 (44 FR 75718), FDA ordered a formal evidentiary hearing for the drug because there were questions of fact requiring resolution. However, no one filed a notice of participation on behalf of Chymolase.

Therefore, FDA has determined that Warren-Teed's NDA should be withdrawn as it relates to Chymolase because (1) there is a lack of substantial evidence that Chymolase Tablets have the effects they are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling; because (2) there is a lack of substantial evidence that each component of Chymolase Tablets, a combination product, contributes to the total effects claimed; and because (3) Warren-Teed has failed to file a written notice stating its intent to participate in the hearing which was the subject of the December 21, 1979 notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to the Commissioner (21 CFR 5.1), that part of NDA 12-724 pertaining to Chymolase Enteric-coated Tablets is withdrawn, effective March 2, 1981.

Dated: February 2, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-5711 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80G-0516]

Davidson Chemical Division of W. R. Grace and Co., Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The law firm of Keller and Heckman, on behalf of Davidson Chemical Division of W. R. Grace and Co., has filed a petition proposing affirmation that silica gel for use as a carrier for flavors is generally recognized as safe (GRAS).

DATE: Comments by April 21, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Carl B. Johnson, Bureau of Foods (HFA-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 1G0270) has been filed by the law firm of Keller and Heckman, 1150 17th St., NW., Washington, DC 20036, on behalf of the Davidson Chemical Division of W. R. Grace and Co. and placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, proposing affirmation that silica gel for use as a carrier for flavors is GRAS.

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before April 21, 1981 review the petition and/or file comments (four copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 2, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-5557 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0448]

Laser Presentations; Approval of Variance for the LP Series Projectors and the Laser Presentations Room Laser Show

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance form the performance standard for laser products has been approved by the Bureau of Radiological Health for the Laser Presentations Room Laser Show using the LP Series Projectors manufactured and produced by Laser Presentations. The projector provides laser display to produce a variety of special lighting effects. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective December 15, 1980, and ends December 15, 1982.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Laser Presentations, 1392 King Ave., Columbus, OH 43212, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Laser Presentations Room Laser Show using the LP Series Projectors manufactured by Laser Presentations. The shows have levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warning in the user manual and on the product, and by procedures for Laser Presentations personnel. The product shall bear the Variance Number 80P-0448.

By letter of December 15, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on December 15, 1982.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5554 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80M-0509]

Miles Laboratories, Inc., Biostator® Glucose Controlled Insulin Infusion System; Premarket Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Biostator® Glucose Controlled Insulin Infusion System (GCIIS) sponsored by Miles Laboratories, Inc., Elkhart, Ind. After reviewing the recommendation of the General Hospital and Personal Use Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 23, 1981.

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ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry A. Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: The sponsor, Miles Laboratories, Inc., Elkhart, IN, submitted an application for premarket approval of the Biostator® GCIIS to FDA on February 4, 1980. The application was reviewed by the General Hospital and Personal Use Device Section of the General Medical Devices Panel, an FDA advisory committee which recommended approval of the application. On December 4, 1980, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which GDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cometic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA'S decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under §10.33(b) (21 CFR 10.33(b)).

A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 23, 1981, file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, Md 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above from 9 a.m. to 4 p.m., Monday through Friday.

Dated: January 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5354 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0011]

Milliken and Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Keller and Heckman, on behalf of Milliken and Co., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dibenzylidene sorbitol as a clarifying adjuvant for polypropylene articles intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3541) has been filed by Keller and Heckman, 1150 17th St., Washington, DC 20036, on behalf of the Milliken and Co., Inman, SC 29334, proposing that Part 178 (21 CFR Part 178) of the food additive regulations be amended to provide for the safe use of dibenzylidene sorbitol as a clarifying adjuvant for propylene homopolymers and copolymers intended for use as articles on components of articles intended to contact food.

The potential environmental impact statement of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-5357 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0400]

The Rheem Nederland B.V. Sunfit Sunbed Model 105GU and Sunfit Sunroof Model 105 PU; Approval of Variance

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the first variance from the performance standard for sunlamp products has been approved by the Bureau of Radiological Health for the Sunfit Sunbed Model 105 GU, the Sunfit Sunroof Model 105 PU, and the ultraviolet-A lamps used in these products manufactured by Rheem Nederland B.V. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The variance became effective December 4, 1980, and ends December 4, 1985.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Rheem Nederland B.V., c/o Sunfit U.S.A., Inc., 222 Saint Paul Place, Baltimore, MD 21202, has been granted a variance from § 1040.20(c)(2)(ii) (21 CFR 1040.20(c)(2)(ii)) of the performance standard for sunlamp products, which requires that the maximum timer interval be 10 minutes or less, and § 1040.20(d)(1)(i), (f)(1)(ii), and (f)(2)(ii), which specify the exact wording in a required label warning statement, in the instructions supplied to the user of the sunlamp product, and in the instructions provided to users of an ultraviolet lamp when the lamp does not accompany the sunlamp product. All other provisions of § 1040.20 remain applicable to the sunlamp product and ultraviolet lamp. The variance permits the manufacturer to introduce into commerce the sunlamp products known as the Sunfit Sunbed Model 105 GU and the Sunfit Sunroof Model 105 PU, separately or in combination with each other, and the ultraviolet-A lamps used in these products.

These sunlamp products have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturers does not result in severe acute skin burns or corneal injury. However, even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risk of chemically sensitized lens or cornea damage or of long-term development of lens opacities. Suitable means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the product. The product shall bear the Variance Number 80P-0400.

By letter of December 4, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on December 4, 1985.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5555 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79M-0436]

Soft Lenses, Inc.; Hydrocurve II® (Bufilcon A) Hydrophilic Contact Lenses for Nonaphakic Extended Wear; Premarket Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Hydrocurve II® (bufilcon A) hydrophilic contact lenses, for nonaphakic extended wear, sponsored by Soft Lenses, Inc., San Diego, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 23, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On January 7, 1980, Soft Lenses, Inc., San Diego, CA, submitted to FDA a supplemental application for premarket approval of Hydrocurve II® (bufilcon A) hydrophilic contact lenses for nonaphakic extended wear. FDA initially approved an application for premarket approval of this device for daily wear on March 31, 1977, following the agency's determination that the lenses were safe and effective for use as recommended in the submitted labeling. On June 11, 1979, FDA approved a supplemental application for premarket approval of this device for extended wear by aphakic patients (patients who have had the lens of the eye surgically removed) (see 45 FR 2398; January 11, 1980). The current supplemental application requested approval of these lenses for extended wear by persons with nondiseased eyes. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On January 14, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201 (h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket aapproval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Docket Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of an approved contact lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using inappropriate products, e.g., solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with an approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for

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administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the supplemental application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 23, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–5355 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0024]

Witco Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Witco Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of white mineral oil as a dust control agent for commodity seeds stored in grain elevators

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DE 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 0A3505) has been filed by Witco Chemical Corp., 277 Park Ave., New York, NY 10017, proposing that § 172.878 *White mineral oil* (21 CFR 172.878) be amended to provide for the safe use of white mineral oil as a dust control agent for commodity seeds stored in grain elevators.

The Commissioner of Food and Drugs has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an enviromental impact statement therefore will not be prepared. The Commissioner's finding of no significant impact and the evidence supporting this finding contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch, Food and Drug Administration.

Dated: February 6, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–5356 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N–80–1058]

Brooks Engineering Co., Manufactured Housing Standards; Hearing

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Notice of hearing in the matter of Brooks Engineering Company, 43–80–MH.

SUMMARY: A hearing pursuant to 24 CFR 3282.152 will commence at 10 a.m. on March 2, 1981 at Universal North Building, Suite 1170, 1875 Connecticut Ave., NW, Washington, D.C. 20009, on the Department of Housing and Urban Development's preliminary determination to disqualify Brooks Engineering Company, 801 Old Spanish Trail—Suite 101, Slidell, Louisiana 70458, as a Design Approval Primary Inspection Agency and Production Inspection Primary Inspection Agency.

FOR FURTHER INFORMATION CONTACT: Honorable Martin J. Linsky, Administrative Law Judge, Universal North Building, Room 1170, 1875 Connecticut Avenue, NW, Washington, D.C.

SUPPLEMENTARY INFORMATION: Brooks Engineering Company,(BEC), was granted provisional acceptance to perform Design Approval Primary Inspection Agency (DAPIA) functions on September 28, 1978. This provisional acceptance was ultimately extended to April 1, 1978. On January 11, 1979, BEC was granted full acceptance to perform DAPIA functions, contingent upon continued adequacy of performance as assessed under 24 CFR 3282.451–.454. On July 9, 1980, the Department's contractor, the National Conference of States on Building Codes and Standards, Inc. (NCSBCS), submitted a DAPIA Performance Review rating BEC "Not Adequate."

Brooks Engineering Company was granted full acceptance to perform Production Inspection Primary Inspection Agency (IPIA) functions on July 6, 1978. BEC's IPIA performance was subsequently rated inadequate in a NCSBCS IPIA Performance Review dated August 8, 1980.

On January 6, 1981, the Department issued two letters notifying BEC that the Secretary has preliminarily determined that BEC should be disqualified as a DAPIA and as an IPIA pursuant to 24 CFR 3282.356. BEC requested a hearing on the matter in a letter dated January 12, 1981.

A hearing will commence at 10 a.m. on March 2, 1981 before the Honorable Martin J. Linsky at the address set forth above. The hearing will be held in accordance with 24 CFR 3282.152(g) and 5 U.S.C. 556.

Interested persons wishing to participate in this proceeding may, after motion and consent by the Administrative Law Judge, submit briefs at the completion of the hearing. A motion seeking consent to file a brief must be filed by February 25, 1981.

Issued at Washington, D.C., February 13, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81–5721 Filed 2–19–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Arizona; Intent To Prepare an Environmental Impact Statement on the Clearing of Phreatophytic Vegetation From the Salt and Gila Rivers, 91st Avenue to Gillespie Dam, Maricopa County, Ariz.

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Public Notice.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an environmental impact statement (EIS) for the clearing of phreatophytic vegetation from the Salt and Gila Rivers, 91st Avenue to Gillespie Dam, Maricopa County, Arizona. This notice is being furnished as required by the National Environmental Policy Act Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments during this scoping process are solicited.

A 30-day comment period is provided. A public meeting was held in Buckeye, Arizona, on July 24, 1980, prior to the preparation of an environmental assessment (EA) report to determine the scope of issues to be addressed and to identify significant issues related to the proposed action.

DATES: Written comment should be received by March 23, 1981.

ADDRESS: All written comments are to be submitted to: Acting Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald M. McKinstry, Biologist, U.S. Fish and Wildlife Service, Ecological Services, 2934 W. Fairmount Avenue, Phoenix, Arizona 85017, Telephone: (602) 241–2493.

SUPPLEMENTARY INFORMATION: Benham, Blair and Affiliates, Inc., is the primary author of this document. The U.S. Fish and Wildlife Service (FWS), Department of the Interior, proposes to issue a permit to the Flood Control District of Maricopa County to clear and maintain a 1000-foot-wide channel in the Salt and Gila Rivers of phreatophytic vegetation from 123rd Avenue to Gillespie Dam, Maricopa County, Arizona. Much of the proposed clearing will be done on lands withdrawn by the FWS under P.L. Order 1015 for use by the Arizona Game and Fish Department in connection with the Gila River Waterfowl Area Project.

Need for the proposed clearing action has resulted from flood damages that have occurred over the last 3 years due to major flooding on the Salt and Gila rivers. The clearing should improve the conveyance capacity of the rivers, thereby reducing flooding.

Three alternative clearing plans have been identified. Two of the plans propose that the channel be cleared along an alignment providing the greatest flood relief based on hydrological characteristics of the channel. These plans differ only in channel width; one being 1000 feet wide, the other 2000 feet wide. The third clearing plan consists of a 1000-foot-wide channel following the same alignment except for some modifications to avoid major wildlife habitat areas. A fourth plan, the no-action alternative, has also been considered. It appears at this time that the clearing of a 1000-foot-wide side channel with modifications to avoid major wildlife habitat areas would be the most acceptable plan to the Service.

The major impact of the proposed action, if implemented, would be the loss of vegetative communities and resultant adverse effects on white-winged doves, mourning doves, and other small game and nongame species.

Following are the most significant issues, listed in descending order of importance, that were identified at the Scoping Meeting held on July 24, 1980:

1. Elimination of delays, short study period, and proceeding with clearing.

2. Public safety, health, emotional stress, and loss of life.

3. Financial stress and loss of property, including livestock.

4. Destruction of wildlife and habitat due to flooding.

5. Transportation problems including destruction of transportation links, increased energy costs, effects on education, loss of work days, and energy use.

These issues were used in the preparation of the EA and will be addressed in the EIS.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), other appropriate Federal regulations, and FWS procedures for compliance with those regulations.

Gordon H. Hanson,

Acting Deputy Regional Director, U.S. Fish and Wildlife Service.

February 9, 1981.

[FR Doc. 81–5724 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–55–M

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service publishes the United States' negotiating positions for the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

DATE: A public meeting will be held on Friday, March 13, 1981, from 1:30 to 4:00 p.m. in the main building of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–2418.

SUPPLEMENTARY INFORMATION:

Background

In accordance with § 23.35 of the Service's rules providing for public participation in the development of negotiating positions for meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES or Convention) (45 FR 83236, December 8, 1980), the Service publishes its negotiating positions for the third regular meeting of the Conference of the Parties to the Convention to be held in New Delhi, India, February 25 through March 8, 1981.

The Service published some proposed negotiating positions in the Federal Register of December 8, 1980 (45 FR 80913) and the balance of the proposed negotiating positions in the Federal Register of January 29, 1981 (46 FR 9783). The "Background" section of the December notice contains references to five other notices relevant to the development of the United States' negotiating positions.

What follows is a summary of the negotiating positions on the items of the provisional agenda, as amended, a summary of the information and two comments received in response to the notices of December 8, 1980, and

January 29, 1981, and a summary of the bases for the negotiating positions. In the interests of time and economy, where there has been no change in the proposed negotiating position for a particular agenda item, this will be so stated which means that the proposed negotiating position as published in the relevant notice has been adopted as the negotiating position. If additional information and comments for a particular item were received in response to the notices of December 8 and January 29, they will be summarized in the "Information and Comments" element associated with the agenda item. Where none have been received, it will be so stated. If the basis for a proposed negotiating position has changed while the proposed negotiating position has been adopted without change, the new basis for the negotiating position will be stated. Where there has been no change in the basis for a proposed negotiating position, it will be so stated. Where no elements of a particular agenda item have changed, the words "No change" will appear after the number and title of the agenda item.

Negotiating Positions

I. Opening by the Indian Authorities (No change)

II. Welcoming Addresses (No change)

III. Appointment of Credentials Committee (No change)

IV. Adoption of the Agenda and Working Programme (No change)

V. Report of the Credentials Committee (No change)

VI. Adoption of Rules of Procedure (No change)

VII. Admission of Observers (No change)

VIII. Report of Standing Committee (No change)

IX. Report of the Secretariat (No change)

X. Financing of the Secretariat and of the Meetings of the Conference of the Parties

1. Budget (No change)

XI. Relationship with other international agreements and organizations

(1) European Community (EC)

Negotiating Position: The United States should obtain more detailed information before it develops a position on this matter.

Information and Comments: None received.

Basis for Negotiating Position: EC does not need CITES Parties' approval to establish common external controls; it does to accede to CITIES. Accession can only take place pursuant to a formal CITES amendment which cannot occur at the New Delhi meeting.

(2) International Plant Protection Convention (IPPC) (No change)

(3) International Whaling Convention (No change)

XII. Committee Reports and Recommendations

1. Technical Expert Committee on Harmonization of Permit Forms and Procedures.

a. TEC Resolution 1. Standardization of Permits and Certificates Issued by Parties (No change)

b. TEC Resolution 2. Acceptance of Comparable Documentation Issued by States Not Party to the Convention (No change)

c. TEC Resolution 3. Annual Reports by Parties (No change)

d. TEC Resolution 4. Trade in African Elephant Ivory (No change)

e. TEC Resolution 5. Trade in Whale Products Negotiating Position (No change)

Information and Comments: Several comments raised the possibility of including in TEC Resolution 5 a recommendation that the Parties take special caution when authorizing trade in small cetaceans.

Basis for Negotiating Position: TEC Resolution 5 covers all cetaceans including small ones. The Service believes that there is no reason at the present time to make a distinction between large and small cetaceans with regard to this resolution.

f. Interpretation of Article VI.2 of the Convention (Federal Republic of Germany)

Negotiating Position: The United States supports a draft resolution recently transmitted by the Secretariat which would require all export activities (including transport, and presentation of the permit on import) to be concluded before the expiration of six months from the date of signing of an export permit.

Information and Comments: The Service requests information and comments. In accordance with § 23.38(a) of the rules for public participation, etc., and due to the lack of time that would be necessary to develop this negotiating position with public participation in accordance with such rules, the Director, by this notice, suspends the applicability of §§ 23.32, 23.33, 23.34 and 23.36 as they relate to this issue and the circumstances associated therewith.

Basis for Negotiating Position: Many, if not most exports are made without the date of export being marked on the permit. On importation, the inspecting officer might not be able to determine whether the export occurred before or after the expiration date of the permit. By requiring importation to be accomplished before the expiration date of the permit, the inspecting official will be assured that exportation occurred under a permit that had not expired.

g. Treatment of Exports of Parts and Derivatives without permit from a Party to another which deems them Readily Recognizable (United Kingdom)

Negotiating Position: The United States opposed the adoption of a draft resolution recently transmitted by the Secretariat recommending that importing Parties requiring that export permits accompany imports of parts and derivatives not considered to be readily recognizable by the exporting Party regard that Party as having a reservation in accordance with Article XXIII of the Convention on parts and derivatives.

Information and Comments: The Service requests information and comments. In accordance with section 23.38 of the rules for public participation, etc., and due to the lack of time that would be necessary to develop this negotiating position in accordance with the rules for public participation, the Director, by this notice, suspends the applicability of sections 23.32, 23.33, 23.34, and 23.36 as they relate to this issue and the circumstances associated therewith.

Basis for Negotiating Position: There is no provision in CITES for treating a Party which has not taken a reservation as if it had. The substance of this draft resolution is another attempt at getting the Parties to recognize minimum lists of parts and derivatives. Such lists serve to weaken CITES controls to the disadvantage of the species.

2. Identification Manual Committee (No change)

3. Nomenclature Committee (No change)

4. Ranching Committee (No change)

XIII. Study and Project Reports

1. Guidelines for the preparation and transport of live animals and plants

Negotiating Position: The proposed negotiating position and basis therefore, set out in the December 8, 1980, notice is hereby adopted. The January 29, 1981, notice indicated that new information had been received by the Service showing that the Secretariat would introduce a resolution recommending that the ". . . Parties take the necessary measures to make compliance mandatory for all transport operations under their jurisdiction * * *". Comment was requested. The Service indicated that the U.S. position in San Jose (1979) on this issue viewed the guidelines as advisory to Management Authorities. There was not sufficient time for publication of a notice setting forth a proposed position on this new issue as well as a request for, and receipt and consideration of, comments. However, information and comments were received in writing and at a public meeting conducted by the Service on January 26, 1981. Pursuant to section 23.38(a), and due to the lack of time necessary to develop this negotiating position in accordance with the rules for public participation, the Director, by this notice, suspends §§ 23.33, 23.34 and 23.35 in relation to this issue and the circumstances associated therewith. Accordingly, the negotiating position is changed to add the following: The United States supports the adoption of the draft resolution if the "mandatory" language quoted above is deleted and the following language, or words of similar meaning are substituted: "that suitable measures be taken by the Parties to implement these guidelines."

Information and Comments: Most opposed a call for mandatory implementation, giving such reasons as that they covered species not currently controlled by CITES, they would add another layer of regulation in an already complex situation, the language of the guidelines was not suited for adoption into mandatory rules and there was no mechanism for timely revision of the guidelines. Some comments expressed opposition to the guidelines' coverage of rats, mice and cavies bred for laboratory use, because, among other things, they recommend that no pregnant animal, or animal still dependent on its mother, should be transported. These comments pointed out that, if such a recommendation were to be made mandatory, it could have a serious effect on scientific research projects which require international shipment of such animals. One comment supported mandatory implementation and the applicability of the guidelines to all wildlife asserting that many Party countries do not have sufficient transportation rules, and that coverage of all wild species was necessary to accommodate new listings of species.

Basis for Negotiating Position: The United States believes that the guidelines should be implemented according to each Party's needs and that the procedures of Article XIII which authorize international measures where the provisions of the Convention are not being effectively implemented should be used to promote implementation. The United States also believes that the guidelines would have to be substantially revised to provide the precision necessary for implementation as mandatory rules. The United States believes that the guidelines should cover all wild species, not just those currently listed, in order to accommodate new listings of CITES species. The United States also believes that the guidelines can serve a useful purpose in providing a model for the humane care and handling of live animals.

2. Status of subspecies included in the Appendices (No change)

3. Species thought to be extinct included in the Appendices

Negotiating Position: There is some potential value in retaining names of possibly extinct species on an appendix. However, this should not be done if it interferes with trade controls for species that can realistically benefit from CITES.

Information and Comments: (No change)

Basis for Negotiating Position: The United States is concerned that the appendices be practical in order for CITES to succeed.

4. Exemptions under Article VII of the Convention

Negotiating Position: No change except that the United States opposes the adoption of the United Kingdom's draft resolution concerning the meaning of the term trans-shipment in Article VII.1 (Transit exception).

Information and Comments: Several comments favored the adoption of the United Kingdom resolution and called for defining the term uninterrupted transit so as to place narrow time limits on qualifying transitting shipments. Another comment, directed at the exemption for personal effects, proposed restricting eligibility to a limited number of items or a limited weight.

Basis for Negotiating Position: The Service believes that the problem raised by the United Kingdom proposal should be solved by stricter domestic measures. Delays for such reasons of transport, health of specimen, or compliance with other rules in many instances provide economic benefits to some persons in the country of transit. Adoption of the United Kingdom proposal would pose very difficult administrative and enforcement problems for the United States which has a large volume of shipments in transit. No position is being taken with regard to the personal effects exemption. The United States anticipates that due to the scope and complexity of the Article VII exemptions, only a few of the issues will be resolved at New Delhi and that there will be more work on Article VII between the third and fourth regular meetings of the Conference of the Parties.

5. Index of Species mentioned in legislation (No change)

6. Report of the IUCN/SSC Threatened Plants Committee

Negotiating Position: (No change)

Information and Comments: One comment noted that there is serious lack of CITES reporting for plants and that large numbers of wild cacti are being traded as artificially propagated.

Basis for Negotiating Position: (No change)

7. Technical Cooperation, Training and Implementing Legislation

Negotiating Position: No change except that the United States should caution the Parties against the use of the Environmental Law Center's guidelines for legislation implementing CITES as currently drafted.

Information and Comments: Several comments expressed concern that the guidelines contained unwarranted interpretations of CITES.

Basis for Negotiating Position: The guidelines should not make interpretations that have not been recognized by the Parties.

XIV. Interpretation and Implementation of the Convention

1. Analysis of national reports under Article VIII, paragraph 7, of the Convention TEC (Technical Expert Committee)

Negotiating Position: No change except the United States favors a fair and impartial analysis of national reports.

Information and Comments: (No change)

Basis of Negotiating Position: An analysis of national reports could indicate implementation problems in particular countries. The process of analysis and the handling of the results should be accomplished in a manner which does not injure national pride.

2. Effects of Reservations

Negotiating Position: No change except that the United States urges those Parties with reservations on species to collect and report trade statistics with regard to such species in a manner similar to that used for nonreserved species. The United States urges the Parties to renew their efforts to encourage non-Party countries, particularly those trading a significant amount of CITES controlled specimens, to become Parties.

Information and Comments: One comment indicated opposition to any position which would limit trade with non-Parties.

Basis for Negotiating Position: The Secretariat has indicated that statistics on trade in reserved species would be desirable and that several countries

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have suggested they might be willing to provide them. A call for the removal of reservations might make reserving countries less receptive to a proposal that they keep and report trade statistics on reserved species. CITES membership has increased by 15 (7 in the last 2.5 months) since San Jose (1979) as compared to the slightly longer period between Berne (1976) and San Jose in which 19 countries became members. The United States believes that membership is increasing at an acceptable rate.

3. Disposal of Appendix I specimens

Negotiating Position: The United States will oppose any proposal which provides for the trade of confiscated Appendix I specimens *or Appendix I specimens otherwise acquired* which are to be used primarily for commercial purposes. The United States supports the development of systems or mechanisms designed to facilitate international exchange of confiscated dead specimens for scientific and law enforcement purposes.

Information and Comments: One comment suggested expanding the scope of the issue beyond confiscated specimens to include government acquisitions by such means as government culling operations, specimens acquired in the defense of life or property or specimens found dead.

Basis of Negotiating Position: The underlined portion of the negotiating position recognizes the need to expand the coverage of this item beyond disposal of confiscated specimens.

4. Parts and Derivatives of animal species listed on Appendix III and plant species listed on Appendix II or III (No change)

5. Regulation of trade in Appendix II wildlife (Australia)

Negotiating Position: The United States opposes the establishment of a committee to advise on management plans for the implementation of Article IV.3 of CITES.

Information and Comments: One comment favored the use of Article XIII procedures which calls on the Secretariat to initiate inquiries where there is an indication that an Appendix I or II species is being adversely affected by trade or that the provisions of CITES are not being effectively implemented. Another viewed the proposal to establish such a committee as stricter regulations. One comment favored the proposal.

Basis for Negotiating Position: The United States believes that outright opposition to the proposal for the establishment of such a committee would be a clearer signal of opposition than amending the committee's charge to study Article IV.3 would be. The United States believes that adequate mechanisms already exist for assuring that trade in Appendix II specimens is not detrimental to the survival of the species.

6. Interpretation of the Convention with regard to the exploitation of wild species (Australia)

Negotiating Position: (No change)

Information and Comments: All comments supported a rational use view of CITES generally asserting that a reduction and ultimate cessation of trade would have harmful effects on wild species.

Basis for Negotiating Position: (No change)

7. Treatment of species included in Appendix I or II in order to control trade in other listed species (U.S.) (No change)

8. Scientific Authority review of applications for importation of Appendix I specimens (U.S.) (No change)

9. Other reports by the Parties (No change)

XV. General Matters of Principle relating to the Appendices

1. Ten-year review of the Appendices (Canada)

Negotiating Position: The United States supports a ten-year review of the appendices, if it is well organized and based on appropriate standards for the listing and delisting of species.

Information and Comments: Several commentors proposed that this agenda item be opposed due to its late circulation to the Parties; but they said that, if it were not struck, they would support a review that followed existing criteria for listing and delisting species.

Basis for Position: No change except that, although the specifics of the Canadian proposal were not known until recently, its general nature and purpose was first made public in the **Federal Register** of November 13, 1980 (45 FR 75006). Since that time, this item has been subject to the procedures for public participation in the development of negotiating positions.

2. Criteria for addition to and deletion from the appendices of species in accordance with Article II.2(b) (Canada)

Negotiating Position: The United States supports the adoption of criteria that adequately address the addition or deletion of species included under provisions of Article II.2(b).

Information and Comments: (No change)

Basis for Negotiating Position: (No change)

3. Reverse listing concept for the Appendices (Australia)

Negotiating Position: (No change)

Information and Comments: All comments opposed reverse listing of the CITES appendices generally on grounds that there was no showing of need and that it would do more harm than good.

Basis for Negotiating Position: No change except that reverse listing would probably translate into the creation of an exceptions mechanism that would be costly, time consuming and the subject of much controversy. The end result would be a return to a system similar to the one found in Article II.

XVI. Consideration of Proposals for amendment of Appendices I and II (No change. This item is not a substantive subject of this notice.)

XVII. Conclusion Meeting

1. Election of new members of the Standing Committee (No change)

2. Determination of time and venue of next regular meeting of the Conference of the Parties (No change)

Announcement of Public Meeting

The Service announces that it will hold a public meeting on Friday, March 13, 1981, from 1:30 to 4:00 p.m. in rooms 7000A and 7000B of the main building of the Department of the Interior, 18th & C Streets, N.W., Washington, D.C., for the purpose of informing the public of the results of the third regular meeting of the Conference of the Parties.

This notice was prepared primarily by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: February 17, 1981.

Ronald E. Lambertson,

Acting Director, Fish and Wildlife Service.

[FR Doc. 81-5856 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: The Florida State Museum, Unversity of Florida, Gainesville, FL

The applicant requests a permit to export the skull and post-cranial skeletal elements of an adult manatee (*Trichecus manatus*) to the Museo del Hombre Dominicana, Santa Domingo, Dominicana, for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7606. Interested persons may comment on this application on or before March 23, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 17, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch Federal Wildlife Permit Office U.S. Fish and Wildlife Service.

[FR Doc. 81-5854 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Jardin Zoologico de Puerto Rico, Mayaguez, Puerto Rico and the Marmoset Breeding Farm Riverview, FL—PRT 2-7338

The applicant requests a permit to purchase five (5) captive-bred ring-tailed lemurs (*Lemur catta*) from the Zoological Consortium Corporation, Thurmont, Maryland for enhancement of propagation and survival.

Applicant: Everglades National Park, U.S. National Park Service, Homestead, FL—PRT 2-7585

The applicant requests a permit to export dead eggs of the American crocodile (*Crocodylus actus*) to Dr. Mark, Ferguson, University of Belfast, Northern Ireland for scientific purposes.

Applicant: Dallas Zoo and Aquarium, Dallas, TX—PRT 2-7613

The applicant requests a permit to purchase in interstate commerce three Bactrian camels (*Camelus bactrianus*) from the Knoxville Zoological Park, Knoxville, Tennessee for enhancement of propagation.

Applicant: Charles C. Nugent, Kimbolton, OH—PRT2-7619

The applicant requests a permit to purchase in interstate commerce six captive-bred nene geese (*Branta sandvicensis*) from Kenneth Kalenak, Saginaw, Michigan for enhancement of propagation.

Applicant: Oklahoma City Zoo, Oklahoma City, OK—PRT 2-7617

The applicant requests a permit to import in foreign commerce two captive-bred Indian rhinoceros (*Rhinoceros unicornis*) from the Berlin Zoo, Berlin, West Germany for enhancement of propagation and survival.

Applicant: San Diego Zoological Gardens, San Diego, CA—PRT 2-7644

The applicant requests a permit to import in foreign commerce three captive-bred African wild ass (*Equus asinus*) from the Basel Zoological Garden, Basel, Switzerland for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before March 23, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: February 17, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch Federal Wildlife Permit Office U.S. Fish & Wildlife Service.

[FR Doc. 81-5855 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: James M. LaTorres, P.O. Box 1721, Gibsonton, FL 33543

The applicant requests a permit to export and re-import between the U.S., Canada and Japan, one Asian elephant (*Elephas maximus*) for the purpose of exhibition as defined in 50 CFR 17.3. The elephant was purchased February 20, 1975.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7593. Interested persons may comment on this application on or before March 23, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 12, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-5857 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants have applied for permits for various activities with Endangered Species:

Applicant: Missouri Cooperative Wildlife Research Unit, U.S. Fish & Wildlife Service, University of Missouri, Columbia, Missouri; PRT 2-4108. The applicant requests an amendment to Endangered Species Permit PRT 2-4108 to authorize capture for banding and color marking 80 Hawaiian hawks (*Buteo solitarius*) and to harness and monitor six birds with back-mounted radio transmitters for scientific purposes.

Applicant: Dr. Phillip Zwank, Louisiana Cooperative Wildlife Research Unit, Louisiana State University, Baton Rouge, Louisiana; PRT 2-7526. The applicant requests a permit to release, radio-tag, and monitor captive-bred Mississippi sandhill cranes (*Grus canadensis pulla*) on the Mississippi Sandhill Crane National Wildlife Refuge, Mississippi for scientific purposes and enhancement of survival.

Applicant: North Central Forest Experiment Station, U.S. Forest Service, University of Missouri, Columbia, Missouri; PRT 2-7545. The applicant requests a permit to take (capture) bald eagles (*Haliaeetus leucocephalus*) for banding, color-marking, and radio-telemetry purposes, and to conduct a bioenergetics study on captive eagles from the Raptor Rehabilitation Center, University of Minnesota, for scientific research.

Applicant: National Fishery Research Laboratory, U.S. Fish & Wildlife Service, LaCross, Wisconsin; PRT 2-7546. The applicant requests a permit to take (capture) Higgins eye mussel (*Lampsilis higginsi*) from Pools 7, 8, 10 and 14 of the Upper Mississippi River to conduct a survey on the distribution and life history of the species and to maintain live mussels at the LaCross Lab on a temporary basis for scientific purposes.

Applicant: Washington Park Zoo, Portland, Oregon; PRT 2-7572. The applicant requests a permit to purchase in interstate commerce one 16-year-old Asian elephant (*Elephas maximus*) from Kenneth Berry, Woodland, Washington for enhancement of propagation and survival.

Applicant: Milwaukee County Zoo, Milwaukee, Wisconsin; PRT 2-7561. The applicant requests a permit to export one captive-bred jaguar (*Panthera onca*) to the Societe Zoologique de Granby, Quebec, Canada for enhancement of propagation and survival.

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Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before March 23, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: February 17, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish & Wildlife Service.

[FR Doc. 81-5855 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Texas; Request for Public Comment on Maximum Economic Recovery and Fair Market Value

AGENCY: U.S. Geological Survey, Interior.

The U.S. Geological Survey has identified one tract as a candidate for a possible lease sale in Bastrop County, Texas. The tract is that currently under consideration by the Camp Swift EIS Core Team, and is the subject of an ongoing environmental analysis. A description of this tract is contained in the Table. More complete geologic data on this tract is available in the economic recovery potential analysis prepared for this tract. This report is available for public inspection at the Office of the South Central Region Conservation Manager, Conservation Division, U.S. Geological Survey, Room 815, 505 Marquette, N.W., Albuquerque, New Mexico 87102. Additional data on this tract is available from the Draft Environmental Impact Statement (DEIS). Copies of the DEIS are available from Carol A. MacDonald, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501.

The U.S. Geological Survey will accept public comment on the maximum economic recovery attainable for the tract listed in the Table. The comments should focus on the following considerations:

1. The mining methods or methods which would achieve maximum economic recovery, including specifications of seams to be mined on the tract;
2. The total recoverable reserves on each of the tracts taking into account item (1) above; and
3. Alternative mining methods on each of the tracts.

In addition, the public is invited to submit to the U.S. Geological Survey written comments that will be used in estimating fair market value for coal resources in the listed tracts. Comments should address specific factors related to fair market value, including, but not limited, to the following:

1. The quality and quantity of the coal resources;
2. Which of the tracts, if any, should be evaluated as part of a larger mining unit (those tracts which do not in themselves form a logical mining unit);
3. The configuration of the larger mining unit of which the tract may be a part;
4. The price that the mined coal would bring in the marketplace;
5. The cost of producing the coal;
6. The most desirable timing and rate of production;
7. Depreciation and other accounting considerations;
8. The minimum rate of return that would be desired by a coal company in the absence of inflation (real rate of return); and
9. The value of the surface estate if privately held.

Documented information on recent lease transactions for coal properties in the area should also be submitted at this time. This information should include location of the property, terms of the transactions, and any major conditions specified in the contract. The data should not be limited to transactions involving private property; assignments of Federal leases should also be included. Information submitted will be evaluated on its own merits. Commenters are encouraged, however, to supply technical justification to support their assertions.

If information submitted is considered to be proprietary, the information should be so labeled as such in the first page of the written comment. The U.S. Geological Survey will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to the South Central Region Conservation Manager, Conservation Division, U.S. Geological Survey, Box 26124, Albuquerque, New Mexico 87125. Comments should be received no later than March 23, 1981.

This request for comment should not be interpreted as a firm commitment by the Federal Government to lease the tract listed in the Table. A decision to lease the tract will be made not less than 30 days following publication of a final environmental impact statement (EIS) for the Camp Swift area. This sequence of steps is in accordance with the procedures specified in the 43 CFR series Federal coal management regulations. This final EIS is now under preparation by the Bureau of Land Management, New Mexico State Office. The final EIS is scheduled to be published April 17, 1981.

Departmental policy calls for release of all nonproprietary data which is used as input in the discounted cash flow evaluation model. Under this policy, this economic and geologic information would be released for public comment and review several months prior to the lease sale. However, because of the accelerated time schedule for the sale in the Camp Swift area, these data will be released with the notices of the lease sale. The sale notices will therefore include these data as well as the minimum acceptable bid.

James W. Sutherland,

Conservation Manager, South Central Region.

Tract name, State, county, and legal description	Acreage	Preliminary coal reserve estimate (millions of tons)	Probable type of mine	As received Btu per pound	Sulfur content (percent)	Ash content (percent)
Camp Swift, Texas: Bastrop County, Army Corps of Engineers real estate tract nos.: D151, D171, A21, A22, A31, D131, A27, D133, D137, D140, D141, D145, D146, D146-A, D147, D152, D153, D165, D166, G104, G193, G314, G315, G316, G317, G318, G319, G320, G321, G322, G323, G324, G325, G326, G327, G328, G329, G330, G331, G332, G350, and D145.	6,600	90	Surface	6,730	1	17

[FR Doc. 81-5781 Filed 2-19-81 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[AA-24612]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 11345, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369, 1370) authorized the Secretary of the Interior to identify and reseve within two years after intitial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On February 14, 1979, Interim Conveyance No. 158 was issued to Cook Inlet Region, Inc., for approximately 6,059.82 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska (Unsurveyed)

T. 1 S., R. 13 W.,
Sec. 1, SE¼NE¼, SE¼, SE¼SW¼, Lot 4;
Sec. 2, S½NE¼, W½SE¼, NE¼NE¼SE¼, W½SE¼SE¼, W½NE¼SE¼, Lots 1 and 2;
Sec. 7, Lot 3;
Sec. 11, NE¼NW¼, N½SW¼, N½SE¼;
Sec. 12, W½E½, SW¼, E½NW¼, S½NW¼NW¼, SW¼NW¼, NE¼NW¼NW¼;
Sec. 15, NE¼, E½NW¼, E½W½NW¼; N½SE¼;
Sec. 20, E½SW¼;
Sec. 29, SW¼, NW¼SE¼, W½NE¼, S½NW¼, NE¼NW¼;
Sec. 30, SE¼;
Sec. 32, S½NE¼, NE¼NE¼, SE¼, E½SW¼;
Sec. 33, all;
Sec. 34, W½NE¼, NW¼, NW¼SW¼.
Containing approximately 3,550.59 acres.

T. 1 S., R. 14 W.,
Sec. 25, SW¼, NW¼NW¼;
Sec. 12, Lot 1;
Sec. 35, E½NE¼.
Containing approximately 313.24 acres.

T. 2 S., R. 14 W.,
Sec. 1, N½SE¼;
Sec. 13, E½, E½W½.
Containing approximately 560.00 acres.

T. 3 S., R. 14 W.,
Sec. 19, E½SW¼, W½SE¼.
Containing approximately 160.00 acres.

T. 4 S., R. 15 W.,
Sec. 22, Lot 3.
Containing approximately 33.50 acres.

T. 1 N., R. 12 W.,
Sec. 10, S½SE¼;
Sec. 11, SW¼;
Sec. 15, E½;
Sec. 31, E½W½, Lots 1 through 4;
Sec. 32, E½NE¼, E½SE¼, SW¼NE¼, NW¼SE¼.
Containing approximately 1,119.16 acres.

T. 1 N., R. 13 W.,
Sec. Sec. 13, W½NE¼, SE¼NW¼, Tract C of ASLS 58-38;
Sec. 27, Lots 8, 9, 11 through 18;
Containing approximately 290.72 acres.

T. 2 N., R. 12 W.,
Sec. 29, Lot 4.
Containing approximately 32.61 acres.
Aggregating approximately 6,059.82 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., for the above described lands with no Sec. 17(b) easements reserved. The revised conveyance document will remain subject to all other rights, terms, conditions, and covenants contained in Interim Conveyance No. 158.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 23, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirement for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-5787 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Canyon Management Framework Plan Amendment; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of a proposed amendment to the Canyon Management Framework Plan (MFP) and invitation for public participation.

DATE: A public meeting will be held at the Jerome County Courthouse, Jerome, Idaho, between 7 and 9 p.m., on March 16, 1981. Written or oral comments may be submitted at the public meeting, or letters may be mailed to the Shoshone District BLM Office no later than close of business on March 31, 1981.

ADDRESS: Comments should be sent to: BLM District Manager, Shoshone District Office, P.O. Box 2B, Shoshone, ID 83352.

FOR FURTHER INFORMATION CONTACT: Jack Durham, Bennett Hills Resource Area Manager, Bureau of Land Management, Shoshone District Office, P.O. Box 2B, Shoshone, ID 83352. Telephone: (208) 886-2208 or FTS 554-6576.

SUPPLEMENTARY INFORMATION: A proposal has been made to exchange public land near Jerome, Idaho, and in the Bell Rapids area southwest of Bliss, Idaho, for land northeast of King Hill, Idaho, on Clover Creek. Legal descriptions are as follows:

Public Land

T. 9 S., R. 17 East, Boise Meridian, Section 19, Lots 2,8,9, SE¼NW¼;
T. 6 S., R. 11 East, Boise Meridian, Section 25, SW¼, N½SE¼, SW¼SE¼;
T. 6 S., R. 12 East, Boise Meridian, Section 30, SE¼NW¼;
T. 6 S., R. 18 East, Boise Meridian, Section 30, Lots 1,2, NE¼NW¼.

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Private Land

T. 5 S., R. 11 East, Boise Meridian, a parcel of land containing ±547 acres along Clover Creek described by metes and bounds and contained within Sections 1, 2, 11, and 12.

A complete description is available for review at the Shoshone District Office, Shoshone, Idaho.

An environmental assessment has been completed and additional public input is needed to determine beneficial and/or adverse impacts of the proposed exchange.

Dated: February 13, 1981.

Charles J. Haszier,

District Manager.

[FR Doc. 81-5700 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Cassia Resource Management Plan and Environmental Impact Statement for Public Lands; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to Notice of Intent to prepare Resource Management Plan and Environmental Impact Statement for public lands in Cassia County, Idaho.

SUMMARY: Information published in 46 FR 11370 (Friday, February 6, 1981) was in error on two counts:

1. The telephone contact for further information is corrected to read "(208–678–5514);"

2. The deadline for receiving written comments should be "March 22, 1981."

K. Lynn Bennett,

Acting Burley District Manager.

February 11, 1981.

[FR Doc. 81-5696 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Intent To Amend a Management Framework Plan

February 12, 1981.

The Department of the Interior, Bureau of Land Management (BLM), Socorro District, New Mexico is studying the Arroyo del Tajo Pictograph Site for potential deisgnation as an Area of Critical Environmental Concern (ACEC).

The study involves amending the Stallion management framework plan, including environmental analysis as an integral part of the planning process. The public is invited to participate.

Geographic Area: Arroyo del Tajo Pictograph Site is located east of Socorro in an area of rugged granitic ridges and steep-walled arroyos characterized by natural sink holes called "tinajas." The study area encompasses approximately 1280 acres of BLM-administered surface and mineral estate in central Soccorro County.

Anticipated Issues: The Arroyo Tajo Pictograph Site is the only known pictograph location related to the Piro Indian culture, which dissolved after the Pueblo Revolt of 1680. The site is being considered for nomination to the National Register of Historic Places. The box canyon above the site is highly scenic. Management of the study area as an Area of Critical Environmental Concern would probably require withdrawal from mineral entry of 200 acres, and limitation of off-road vehicles to designated vehicle routes on 1280 acres. Grazing use would not be affected.

Planning Process Steps and Dates

Public notice of intent, February 1981
Description of proposed plan amendment and alternatives, February 1981
Environmental analysis, February 1981
Selection of a preferred alternative, March 1981
Decision and public notice, March 1981
Public protest period, April 1981
Implementation, May 1981

Interdisciplinary Team: The study and amendment will be developed by an interdisciplinary team under the supervision of the Socorro District Manager. Individuals working on the effort will be a team leader, an outdoor recreation specialist, an archaeologist and a wildlife biologist. Additional technical support will be provided by Jornada Resource Area and District staff specialists as needed.

Public Involvement and Formal Notices: Public involvement is encouraged in this planning effort, and input from the public and other agencies is requested. Comments submitted in writing during the planning process will be reviewed and considered for incorporation into the plan. An individual may protest approval of a final plan amendment only if he has addressed those specific items in writing during the planning process. The environmental analysis and summary management plan will be mailed directly to interested parties and those immediately affected. The availability for formal comment of the plan amendment will be announced in the **Federal Register** and the local media before approval and implementation.

Records pertaining to public comment, analysis and conclusions reached by the District Manager and staff throughout the planning and environmental analysis process will also be maintained and will be available for inspection on request.

Additional Information: For information about this plan amendment in the Socorro District, contact one of the following individuals:

Robert D. Cordell, Jornada Resource Area Manager, or
James E. Rasmussen, Environmental Coordinator
U.S. Bureau of Land Management, 198 Neel Avenue, NW., P.O. Box 1219, Socorro, New Mexico 87801
Telephone: (505) 835-0412 FTS 476-1280

Charles W. Luscher,

State Director.

[FR Doc. 81-5727 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Resource Management Planning; Initiation of Planning Activity in the Garnet Resource Area, Butte District, Montana

In accordance with 43 CFR 1601.3 (g), notice is hereby given of resource planning activity now underway.

1. Description of the Proposed Planning Action

The proposed planning action is preparation of the Garnet Resource Management Plan (RMP). This plan will carry out the requirements of the Federal Land Policy and Management Act of 1976. The RMP (including an accompanying Environmental Impact Statement) will provide the basis for future resource allocations and uses, and it will define and guide subsequent management decisions within the Garnet Resource Area. The plan is scheduled for completion by September 30, 1985.

2. Identification of the Geographic Area to be Planned

The Garnet Resource Area is generally located along the west slope of the Rocky Mountains and covers all or portions of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Granite, and Ravalli Counties in Montana. The entire area falls within the upper Columbia River drainage.

3. The General Types of Issues Anticipated

The completed plan will document allocations of the various resources present, including (but not limited to) vegetation allocations to domestic livestock, watershed, and wildlife. The plan will also address other topics such as off-road vehicle management, wilderness study areas, wildlife habitat requirements, designation of common utility corridors, oil and gas exploration and development, timber management practices, land ownership adjustments, and the use of fire and herbicides as resource management tools.

4. Alternatives to be Considered

Several complete, reasonable resource management alternatives will be developed for the Garnet Resource Area. One alternative will consist of no action, which means continuation of present levels or systems of resource management and use. The other alternatives will provide a range of choices from those favoring resource protection to those favoring resource production. The total array of alternatives will reflect the variety of opinions, issues, and guidance applicable to the Garnet Resource Area.

5. The Disciplines to be Represented on the Interdisciplinary RMP/EIS Team

Wildlife biology; soil, water, and air sciences; geology and minerals; engineering; range management; archaeology; outdoor recreation; wilderness; lands and realty; forestry; economics; and social science.

6. Opportunities for Public Participation

Members of the public, other Federal agencies, State and local governments, and Indian tribes are hereby invited to express their concerns and needs, and to identify desired opportunities for resource use, development, and protection in the Garnet Resource Area. All such comments and suggestions will be considered along with existing BLM information regarding resource conditions, trends, problems, and needs in determining significant issues to be addressed by the Garnet RMP. The general types of issues anticipated are listed in paragraph 3 above.

The deadline for comments is April 4, 1981. Persons desiring additional information or wishing to make a statement are urged to attend one of the following open houses:

Town	Date	Time	Location
Drummond, MT.	Wednesday, Feb. 25, 1981.	3 p.m.–9 p.m.	Community Hall.
Missoula, MT.	Thursday, Feb. 26, 1981.	do	Montana Power Company Auditorium.
Philipsburg, MT.	Tuesday, March 3, 1981.	do	Flint Creek Bank Meeting Room.
Ovando, MT.	Thursday, March 5, 1981.	do	Ovando School Gymnasium.

Additional opportunities for public participation will be made available during later steps in the RMP process, including the inventory phase; development of planning criteria; the formulation of alternatives; and review of the draft RMP. During the inventory stage, public participation will take place on an individual basis between interested parties and the Bureau of Land Management. As the planning process moves forward, the public will be asked to become more formally involved through workshops, open houses, and public meetings or hearings. Public notices of meetings and comment periods will be published in the **Federal Register** and/or in local newspapers, newsletters, or by other appropriate means, including letters to all persons who have requested that their names be included on the Garnet RMP mailing list.

The Butte District Multiple Use Advisory Council and the Butte District Grazing Advisory Board will be consulted during plan preparation. Local planning agencies and State and other Federal resource management agencies will also be consulted during the RMP process to assure maximum coordination of their plans and objectives with the Garnet RMP.

7. For Additional Information Contact

Jack A. McIntosh, Butte District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702 (406) 723–6561, ext. 2416
Darrell C. Sall, Garnet Area Manager, Bureau of Land Management, P.O. Box 4427, Missoula, Montana 59806 (406) 329–3686

8. Location of Documents

Planning and EIS documents generally will be available for public review at the Butte District Office, 106 North Parkmont (Industrial Park), Butte, Montana, and at the Garnet Resource Area Office, 515 Kensington, Missoula, Montana.

Dated: February 11, 1981.

Jack A. McIntosh,

District Manager.

[FR Doc. 81-5728 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Ely District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Ely District Advisory Council will conduct its fourth meeting on Wednesday, March 18, 1981. The meeting will convene at 10:00 a.m. in the Conference Room of the Ely District BLM Office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for March 18, 1981:

(1) Minutes of previous meeting.

(2) Identification of Egan Resource Area Problems and Issues.

(3) Formulation of working committees.

(4) Discussion of the Draft MX EIS.

(5) Field trip to view the Amselco Road (weather permitting, public must furnish own transportation).

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard between 3:00 p.m. and 3:30 p.m., March 18, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the meetings will be available for public inspection at the District Office within 30 days following the meeting.

DATE: March 18, 1981, 10:00 a.m.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Rynas (Planning Coordinator), 702–289–4865.

Dated February 10, 1981.

G. Duncan MacDonald IV,

Acting District Manager.

[FR Doc. 81-5726 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

National Outer Continental Shelf Advisory Board, Pacific States Regional Technical Working Group Committee; Notice and Agenda for Meeting; Correction

AGENCY: Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf Office.

ACTION: Correction regarding meeting notice in FR Doc. 81–4174 published at page 11049 of the issue for Thursday, 5 February 1981.

The meeting dates, time and location noted in paragraph two of the above mentioned notice have been changed as follows: The Pacific States Regional Technical Working Group Committee will meet during the period 8:30 am to 4:00 pm, 27 March 1981 at the Federal Building, Room 8041, 300 North Los Angeles Street, Los Angeles, California.

The agenda noted in paragraph three of the original notice is expanded to include the following topics: (a) Tract Selection for Sale 73; (b) Southern California Commercial Fishing Concerns; (c) Vessel Traffic and OCS Activities; (d) Transportation Management Planning; (e) Sale 53 Schedule and Status; and (f) Regional Environmental Studies Program.

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Dated: February 12, 1981.

William E. Grant,

Manager, Pacific Outer Continental Shelf Office.

[FR Doc. 81-5725 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held at 10:00 a.m., Thursday, March 26, 1981.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92-463 and 94-579. The purpose of the meeting will be as follows: (1) to inform the Board of the progress being made on the Ellis-Pahsimeroi planning efforts; (2) to provide the Board with an update on the Challis AMPs; (3) to discuss the range betterment funds for 1981; and (4) to discuss the 12½% Advisory Board funds.

The meeting is open to the public. Anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by March 19, 1981.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within 30 days following the meeting.

Dated: February 10, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-5837 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-4367 WR, CA-7080 WR, CA-7391 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

February 13, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the following withdrawals for Public Water Reserves on the following lands:

Mount Diablo Meridian, California

1. Public Water Reserve No. 107, Interpretation, CA-4367 WR.
T. 6 S., R. 37 E.,
Sec. 24, NE¼NW¼.
The area described contains 40 acres in Inyo County, California.

2. Public Water Reserve No. 107, Interpretation, CA-7080 WR.
T. 21 S., R. 45 E.,
Sec. 10, SE¼NE¼, NE¼SE¼;
Sec. 11, NE¼, SW¼NW¼, unpatented portion of the N½SW¼.
The area described aggregates approximately 355 acres in Inyo County, California.

San Bernardino Meridian, California

3. Public Water Reserve No. 107, Interpretation, CA-7391 WR.
T. 6 S., R. 4 E.
Sec. 20, SE¼SW¼, NW¼SE¼.
The area described aggregates 80 acres in Riverside County, California.

Public Water Reserve No. 107 was created by Executive Order dated April 17, 1926. The lands are segregated from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general use and benefit.

No change in segregative effect of the withdrawals or the use of the land is proposed.

On or before March 23, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 92825.

Joan B. Russell,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5731 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-7078 WR]

California; Proposed Continuation of Withdrawal and Opporunity for Public Hearing

February 13, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the withdrawal of the Hot Springs Reserve on the following lands:

Mount Diablo Meridian, California

T. 13 S., R. 39 E.,
Sec. 18, SE¼NE¼, SW¼SE¼.

The area described aggregates 80 acres in Inyo County, California.

This withdrawal was created by Executive Order 5389 of July 7, 1930, as amended, which segregates the land from settlement, non-metalliferous mineral location, sale or entry in order to preserve for general public use and benefit the unreserved public lands containing a hot spring or a spring the waters of which possesses curative properties.

No change in segregative effect of the withdrawal or the use of the land is proposed.

On or before March 23, 1981, all persons who wish to submit comments suggestions or objections in connection with the proposed withdrawal cotinuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal cotinuations. All interested persons who desire to be heard on the proposed cotinuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determine that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached in the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in conection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5732 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Avisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PST) on Saturday, April 4, 1981, at the West Marin School in Point Reyes Station, California. This meeting will be in lieu of the previously announced March 21, 1981 meeting.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal cotinuations. All interested persons who desire to be heard on the proposed cotinuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determine that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached in the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in conection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5732 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Avisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PST) on Saturday, April 4, 1981, at the West Marin School in Point Reyes Station, California. This meeting will be in lieu of the previously announced March 21, 1981 meeting.

The Advisory Commission was established by Public Law 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margo Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda item for this meeting will be staff briefings and update on the planning and operational matters of the Point Reyes National Seashore.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556-2920.

Minutes of the meeting will be available for public inspection by May 5, 1981, in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: February 12, 1981.

John H. Davis,

Acting Regional Director, Western Region.

[FR Doc. 81-5767 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-70-M

Pictured Rocks National Lakeshore, Mich.; Availability of Finding of No Significant Impact; Assessment of Alternatives, General Management Plan; and Draft General Management Plan

Notice is hereby given of the availability of a Finding of No Significant Impact for the Assessment of Alternatives, General Management Plan, Pictured Rocks National Lakeshore, which the National Park Service has prepared in accordance with 40 CFR 1509.13 in the implementation of the National Environmental Policy Act of 1970, as amended, 42 U.S.C. 4321 et seq. Since the proposed action is one which normally requires an environmental impact statement, in compliance with 40 CFR 1501.4 (e)(2) and 1506.6 this Finding of No Significant Impact is hereby made available for public review until March 23, 1981.

Notice is further given of the availability of the draft General Management Plan for Pictured Rocks National Lakeshore, which is also placed on public review until March 31, 1981.

Copies of the Finding of No Significant Impact and the draft General Management Plan are available for review and comment and may be obtained from or inspected at the following:

Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49802.
Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Written comments will be accepted by the Superintendent, Pictured Rocks National Lakeshore, at the above address until March 23, 1981.

Dated: January 29, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-5768 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-70-M

Rock Creek Park Bicycle Trail Study; Availability of Study and Notice of Public Meetings

The National Park Service cordially invites the public to attend a public meeting on the Bicycle Trail Study for Rock Creek Park, Washington, D.C. This study was prepared to direct future management and use of a limited area within the park, stretching from the Maryland line to Piney Branch Parkway along Beach Drive.

Possible alternatives to the trail system discussed within the study range from no change of present use, to development of a trail paralleling Rock Creek, to permanent closure of certain sections of Beach Drive.

Three public hearings on this study will be held at the Rock Creek Park Nature Center. The times and dates are 8:00 p.m. March 11; 10:00 a.m. March 14; and 8:00 p.m. March 16. The Nature Center is located in the park at 5200 Clover Road N.W. Persons wishing to

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make an oral presentation are asked to contact Bernard Teeple at 426–6832 no later than March 1, 1981.

Written comments on the study are invited and will be accepted until April 17, 1981. Copies of the study are available for public inspection at Rock Creek Park Headquarters and a detailed summary of the study is available by contacting the park at 426–6832 or by writing to Superintendent, Rock Creek Park, 5000 Glover Road, NW., Washington, D.C. 20015.

Dated: February 11, 1981.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 81–5789 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–70–M

Willow Beach Wash, Lake Mead National Recreation Area; Waiver of National Park Service Procedures for Floodplain Management and Wetland Protection

On May 28, 1980, the National Park Service published its Floodplain Management and Wetland Protection Procedures **Federal Register**, Volume 45, Number 104 pages 35916–35922). Section 7.C.2. of these procedures requires that when studies reveal that existing structures are subject to flash flood hazard and thus unsafe for human occupancy or shelter, action shall be taken to vacate the structures. A recent National Park Service flood hazard study has determined that various existing structures and facilities in Willow Beach Wash, Lake Mead National Recreation Area, are located within the flash flood hazard area. This information has been widely disseminated to the public whose input was requested and received. The National Park Service is presently preparing a plan and environmental impact statement to determine long-term resolution of this situation. It also has analyzed interim action alternatives to protect lives and property. Based upon this analysis, public input and certain mitigative measures, the National Park Service has decided to waive its prohibition of use and occupancy of the flash flood hazard area at Willow Beach Wash until an appropriate solution can be achieved.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 81–5766 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Volume 13]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81–4381, appearing at page 11377 in the issue of Friday, February 6, 1981, column 3, paragraph 2, in the application of Eagle Motor Lines, Inc., the docket No. "MC71365" should read "MC73165".

BILLING CODE 1505–1–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Name and address of parent corporation: Aqua Glass Corporation, Industrial Park, Box 412, Adamsville, TN 38310.

2. Name and address of wholly owned subsidiary: Tombigbee Transport Corporation, Industrial Park, Box 412, Adamsville, TN 38310.

1. Parent corporation and address of principal office: Buckhorn Inc., 3275 Alum Creek Drive, Columbus, Ohio 43207.

2. Wholly owned subsidiaries which will participate in the operations and State of incorporation:

a. Applied Distribution Systems, Inc., 3275 Alum Creek Drive, Columbus, OH 43207.
b. Applied Distribution Systems Corp., 3275 Alum Creek Drive, Columbus, OH 43207.
c. Applied Distribution Systems Company, 3275 Alum Creek Drive, Columbus, OH 43207.
d. NesTier Corporation, 10605 Chester Rd., Cincinnati, OH 45215.

1. The parent corporation is the Cincinnati Builders Supply Co., 7130 Dillward St., Cincinnati, OH 45216.

2. The wholly owned subsidiary is S.F.I., Inc., 7130 Dillward Street, Cincinnati, Ohio 45216.

1. Parent Corporation and address of principal office: Patrick Industries, Inc., 1800 South 14th Street, P.O. Box 638, Elkhart, IN 46515.

2. Wholly owned subsidiary which will participate in the operations, and State of incorporation: ILC Products Company, Inc., 1819 14th Street, P.O. Box 338, Elkhart, IN 46515.

State of Delaware

1. Parent corporation and address of principal office: Sterling Colorado Beef Company, Post Office Box 1728, Sterling, Colorado 80751.

2. Wholly owned subsidiaries which will participate in the operations and State(s) of incorporation:

(i) Circle C Beef Company, A Colorado Corporation.
(ii) Circle C Transportation Co., A Colorado Corporation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–5749 Filed 2–19–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 5]

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

MC 74416 (Sub-16) (M1F) (notice of filing of petition to modify a certificate), filed July 3, 1980. Petitioner: LESTER M. PRANGE, INC., P.O. Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Petitioner holds motor *common carrier*

authority in certificate MC 74416 Sub-16, issued March 5, 1979, authorizing transportation, over irregular routes, of *concrete products*, from Eddystone, PA, to points in CT, DE, MD, NY, NJ, OH, VA, WV, and DC. By the instant petition, petitioner seeks to add Wilmington, DE, as an additional origin point.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 217 (Sub-24F) (republication), filed March 29, 1979, published in the **Federal Register** issue of September 11, 1979, and republished this issue. Applicant: POINT TRANSFER, INC., 5075 Naverre Rd S.E., P.O. Box 7141, Station C, Canton, OH 44708. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. A Decision of the Commission, Division 2, Acting as an Appellate Division, decided October 31, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *iron and steel articles;* and (2) *materials, equipment, and supplies* used in the manufacture of iron and steel articles, (a) between points in Bucks and Cambria Counties, PA, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia; (b) between points in Cuyahoga, Lorain, Mahoning, Stark, and Trumbull Counties, OH, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; (c) between points in Allegheny and Westmoreland Counties, PA, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia; (d) between points in Cook and Will Counties, IL, on the one hand, and, on the other, points in Indiana, Kentucky, Lower Peninsula of Michigan, Ohio, Pennsylvania, and West Virginia; and (e) between points in Lake County, IN, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

MC 11207 (Sub-362F) (republication), filed November 26, 1976, published in the **Federal Register** issue of December 23, 1976, and republished this issue. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. A Decision of the entire Commission, decided January 29, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *general commodities* (except those of unusual value, comodities in bulk, household goods as defined by the Commission, classes A and B explosives, frozen foods, and commodities which because of size or weight require the use of special equipment), between The Yellow Creek Port Terminal and Industrial area, located in Tishomingo and Alcorn Counties, MS, on the one hand, and, on the other, points in Arkansas.

Note.—Applicant notes that this authority can be tacked with regular-route authority which it holds to provide service between Atlanta, GA, and Birmingham, AL, and the area surrounding those two cities, on the one hand, and, on the other, points in Arkansas, but that it does not intend to tack to provide this service. The purpose of this republication is to give notice of the tacking possibilities.

MC 11207 (Sub-494F) (republication), filed June 12, 1979, published in the **Federal Register** issue of February 26, 1980, and republished this issue. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. A Decision of the Commission, Review Board 1, Acting as an Appellate Division, decided September 12, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *building materials* (except commodities in bulk), between the facilities of The Celotex Corporation, at (a) Birmingham, AL; (b) Camden, AR; (c) Chester, WV; (d) Chicago and Peoria, IL; (e) Elizabethtown, KY; (f) Goldsboro, NC; (g) Houston and San Antonio, TX; (h) Lockland, OH; (i) Memphis, TN; (j) Perth Amboy and Linden, NJ; (k) Philadelphia, PA; and (l) Wilmington, IL, on the one hand, and, on the other, those points in the United States in and east of Michigan, Illinois, Missouri, Oklahoma, and Texas.

MC 13726 (Sub-9F) (republication), filed June 11, 1979, published in the **Federal Register** issue of February 26, 1980, and republished this issue. Applicant: WILSON TRUCKING, INC., 12th St. Rd. S.E., P.O. Box 1, Linton, IN 47441. Representative: Constance J. Goodwin, Suite 800, Circle Tower Bldg., 5 East Market Street, Indianapolis, IN 46204. A Decision of the Commission, Review Board 1, Acting as an Appellate Division, decided October 9, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Clay, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Knox, Marion, Martin, Morgan, Owen, Perry, Pike, Putnam, Spencer, Sullivan, Vanderburgh, Vigo, and Warwick Counties, IN; and Louisville, KY; and Lawrenceville, IL.

MC 42487 (Sub-926F) (republication), filed June 11, 1979, published in the **Federal Register** issue of February 26, 1980, and republished this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. A Decision of the Commission, Review Board 4, Acting as an Appellate Division, decided October 10, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *regular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Borg Textile Corporation, at Delavan, WI, as an off-route point in connection with carrier's

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presently authorized regular-route operations.

MC 86247 (Sub-26F) (republication), filed August 23, 1979, published in the **Federal Register** issue of March 6, 1980, and republished this issue. Applicant: I.C.L. INTERNATIONAL CARRIERS, LTD., 1333 College Avenue, Windsor, Ontario, Canada. Representative: Joseph P. Allen, 7701 West Jefferson, Detroit, MI 48209. A Decision of the Commission, Review Board 2, acting as an Appellate Division, decided September 18, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in foreign commerce, only over *irregular routes*, transporting *dry commodities*, in bulk, in dump vehicles, and *scrap metal*, between ports of entry on the international boundary line between the United States and Canada, at Detroit and Port Huron, MI, on the one hand, and on the other, points in the Lower Peninsula of Michigan.

MC 95876 (Sub-254F) (republication), filed October 11, 1978, published in the **Federal Register** issue of December 28, 1978, and republished this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue No., St. Cloud, MN 56301. Representative: Robert C. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. A decision of the entire Commission, decided October 29, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *lumber, lumber products, millwork, and waferboard*, from points in Harding, Butte, Lawrence, Meade, Fall River, Pennington, and Custer Counties, SD, to points in Iowa, Indiana, Illinois, Kentucky, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

MC 99427 (Sub-44F) (republication), filed June 28, 1979, published in the **Federal Register** issue of March 18, 1980, and republished this issue. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. A decision of the Commission, Review Board 2, Acting as an Appellate Division, decided November 13, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *petroleum products*; and (2) *sulphuric acid*, in bulk, from Los Angeles, CA, to points in Arizona.

MC 109478 (Sub-157F) (1st republication), filed July 1, 1980, published in the **Federal Register** issue of August 12, 1980, and republished this issue. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Road, North East, PA 16428. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. An Order of the Commission, Division 1, decided December 29, 1980, and served January 6, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of (1) *paper and paper products, and materials, equipment and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk, and those requiring special equipment), between Erie and Lock Haven, PA, and Oswego, NY, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Masschusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk, and those requiring special equipment), from points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, South Carolina, South Dakota, and Tennessee, to Erie and Lock Haven, PA, and Oswego, NY, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 110988 (Sub-429F) (1st republication), filed June 16, 1980, published in the **Federal Register** issue of August 25, 1980 and republished this issue. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. A decision of the Commission, Review Board 4, decided December 3, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting chemicals (1) from points in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oregon, Texas, Utah, and Wisconsin, and (2) from points in Illinois and Wisconsin to points in Connecticut, Maryland, and Massachusetts, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 110988 (Sub-429F) (1st republication), filed June 16, 1980, published in the **Federal Register** issue of August 25, 1980 and republished this issue. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. A decision of the Commission, Review Board 4, decided December 3, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting chemicals (1) from points in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oregon, Texas, Utah, and Wisconsin, and (2) from points in Illinois and Wisconsin to points in Connecticut, Maryland, and Massachusetts, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 117557 (Sub-24F), (republication), filed June 5, 1979, published in the **Federal Reister** issue of March 25, 1980, and republished this issue. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, IA 52506. Representative: Kenneth F. Dudley, 1501 E. Main, P.O. Box 279, Ottumwa, IA 52501. A Decision of the Commission, Office of Hearings, Acting as an Appellate Division, decided November 20, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over *irregular routes*, transporting (1) *such machinery and equipment* as are used in construction, road building and mining activities; and (2) *parts, attachments and accessories* for the commodities described in (1) above, between the facilities of Iowa Manufacturing Company, at Cedar Rapids, IA, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (3) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, sale and distribution of the commodities in (1) and (2) above, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming to the facilities of Iowa Manufacturing Company, at Cedar Rapids, IA.

MC 119176 (Sub-27F), (republication), filed July 12, 1979, published in the **Federal Reister** issue of March 6, 1980, and republished this issue. Applicant: THE SQUAW TRANSIT COMPANY, 6211 S. 49th West Avenue, Tulsa, OK 74107. Representative: Clayte Binton, 1108 Continental Life Bldg., Forth Worth, TX 76102. A Decision of the Commission, Review Board 3, Acting as an Appellate Division, decided October 17, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *overhead crane systems*, from Tulsa, OK, and points in Montgomery County, TX, to points in the United States (except Alaska and Hawaii); and (2) *machinery, equipment, materials and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction.

MC 119777 (Sub-415F) (republication), filed September 26, 1979, published in the **Federal Register** issue of March 14, 1980, and republished this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85—East, Madisonville, KY 42421. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. A Decision of the Commission, Review Board 2, Acting as an Appellate Division, decided November 5, 1980 and finds that the present future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *cooling equipment and materials, equipment and supplies* (except commodities in bulk) for cooling equipment; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture or distribution of the commodities named in (1) above, between points in the United States (except Alaska and Hawaii), restricted in (1) above, to the transportation of traffic originating at the facilities of The Marley Cooling Tower Company or its suppliers, and restricted in (2) above, to the transportation of traffic destined to the facilities in (2) above, to the transportation of traffic destined to the facilities of The Marley Cooling Tower Company.

MC 121082 (Sub-19) (republication), filed August 11, 1980, published in the **Federal Register** issue of August 26, 1980, and republished this issue. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201 A, Troy, MI 48084. A Decision of the Commission, *Review Board No. 1*, decided November 20, 1980, served December 4, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and Pennsylvania, on the one hand, and on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, California, West Virginia, Maryland, Kentucky, Illinois, Indiana, Ohio, Michigan, and the District of Columbia, restricted to the transportation of packages or articles not exceeding 100 pounds in weight moving in shipments not exceeding 500 pounds in weight, from one consignor at one location to one consignee at one location in a single day, moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102 of the Interstate Commerce Act; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirments of Title 49 Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate the authority actually granted. Original publication omitted New Hampshire from the "base" area territorial description.

MC 136786 (Sub-193F) (republication), filed December 13, 1979, published in the **Federal Register** issue of May 1, 1980, and republished this issue. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd—Ste 411, Edina, MN 55435. A Decision of the Commission, Review Board 2, Acting as an Appellate Division, decided November 25, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *wine and spirits*, (1) from San Jose and South San Francisco, CA, to points in Illinois, Kansas, Minnesota, Missouri, Ohio, and Wisconsin; and (2) from points in California, to Minneapolis, MN.

MC 138157 (Sub-196F) (republication), filed October 23, 1979, published in the FR issue of March 14, 1980, and republished this issue. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). A Decision of the Commission, Office of Hearings, Acting as an Appellate Division, decided January 5, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *such merchandise* as is sold and distributed by retail drug stores (except commodities in bulk), between Atlanta, GA, Bedford Park and Chicago, IL, Dallas, TX, Los Angeles, CA, Portland, OR, and Denver, CO, on the one hand, and, on the other, points in Georgia, Illinois, Michigan, Missouri, New Mexico, New Jersey, New York, North Carolina, Ohio, Pennslyvania, and Texas, under continuing contract(s) with Value-Rite Pharmacies, Inc., of West Orange, CA.

MC 143812 (Sub-12) (republication) filed May 7, 1979, published in the FR issue September 7, 1979, and republished, this issue: Applicant: VAN DIEST TRUCKING, INC., 6087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. A decision of the Commission, *Review Board No. 2*, decided July 2, 1980, and served July 21, 1980, finds that the present and future public convenience and necessity require operations by

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applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle transporting *grape juice concentrate and grape brandy*, in bulk, from the facilities of Vie-Del Company at or near Fresno and Kingsburg, CA, to Peoria, IL, Baltimore, MD, Detroit and Paw Paw, MI, Niagara Falls, NY, Cincinnati, Geneva, and Orrville, OH, Memphis, TN, Glendale, WI, and points in Washington; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49 Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden applicant's authority.

MC 145482 (Sub-1) (republication), filed March 19, 1979, published in the FR issue of July 11, 1979, and republished this issue. Applicant: INNER CIRCLE QONEXIONS, INC., 245 Park Avenue, Belford, NJ 07718. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046. A Decision of the Commission, *Division 1*, decided September 22, 1980, served October 23, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *passengers and their baggage*, in the same vehicle with passengers, and *unaccompanied baggage*, in charter operations, beginning and ending at New York, NY, Boston, MA Los Angeles and San Francisco, CA, Nashville, TN, Dallas, TX, New Orleans, LA, Atlanta, GA, Miami, FL, Chicago, IL, Las Vegas, NV, Atlantic City, NJ, and the District of Columbia, and extending to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform the service and to conform to statutory and administrative requirements. The purpose of this republication is to delete the passenger limitation; the equipment restriction and to delete the language in " one-way and round-trip".

MC 145978 (Sub-7F) (1st republication), filed February 27, 1980, published in the **Federal Register** issue of May 9, 1980 and republished this issue. Applicant:
R & S TRUCKING, INC., 1101 West Russell, Suite 102, Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. A decision of the Commission, By Nolin J. Bilodeau, Administrative Law Judge, decided December 8, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting (1)(a) Industrial and contractor's equipment and material handling equipment and (b) parts, accessories and supplies for the commodities in (1)(a) above, between points in SD, on the one hand, and, on the other, points in the United States (except AK and HI); (2) heating equipment and supplies from points in the United States (except AK and HI) to points in SD; (3) lumber and lumber mill products (a) from points in OR, WA, ID, MT, WY, AR, TX, and LA to points in SD, ND, and MN, (b) from points in OR, WA, MT, ID, and CA to those points in IA on, north and west of a line beginning at the Missouri River and extending along U.S. Highway 20 to junction U.S. Highway 169 and then along U.S. Highway 169 to the Iowa-Minnesota state line, (c) from points in CA to points in SD and MN, and (d) from Sioux Falls, SD to points in IA, MN, and ND, restricted in (3) (a), (b), (c), and (d) to the transportation of shipments originating at or destined to the facilities of House of Plywood, Inc., and FORCO Division of Allied Midwest Merchandising, Inc., or those of their customers, suppliers, or warehouses; and (4) fencing and fencing supplies, between Sioux Falls, SD, on the one hand, and, on the other, points in the United States (except AK, HI, and SD), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 145978 (Sub-7F) (1st republication), filed February 27, 1980, published in the **Federal Register** issue of May 9, 1980 and republished this issue. Applicant:
R & S TRUCKING, INC., 1101 West Russell, Suite 102, Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. A decision of the Commission, by Nolin J. Bilodeau, Administrative Law Judge, decided December 8, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting (1)(a) Industrial and contractor's equipment and material handling equipment and (b) parts, accessories and supplies for the commodities in (1)(a) above, between points in SD, on the one hand, and, on the other, points in the United States (except AK and HI); (2) heating equipment and supplies from points in the United States (except AK and HI) to points in SD; (3) lumber and lumber mill products (a) from points in OR, WA, ID, MT, WY, AR, TX, and LA to points in SD, ND, and MN, (b) from points in OR, WA, MT, ID, and CA to those points in IA on, north and west of a line beginning at the Missouri River and extending along U.S. Highway 20 to junction U.S. Highway 169 and then along U.S. Highway 169 to the Iowa-Minnesota state line, (c) from points in CA to points in SD and MN, and (d) from Sioux Falls, SD to points in IA, MN, and ND, restricted in (3) (a), (b), (c), and (d) to the transportation of shipments originating at or destined to the facilities of House of Plywood, Inc., and FORCO Division of Allied Midwest Merchandising, Inc., or those of their customers, suppliers, or warehouses; and (4) fencing and fencing supplies, between Sioux Falls, SD, on the one hand, and, on the other, points in the United States (except AK, HI, and SD), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 148317 (Sub-2F), (republication), filed November 20, 1979, published in the FR issue of March 14, 1980, and republished this issue. Applicant: MICHAEL K. SR & SHIRLEY A. HURLEY, d.b.a. HURLEY TRUCKING, 403 Juliene Way, Moscow, ID 83843. Representative: Winfred B. Moorer, 403 So. Jackson, Box 8489, Moscow, ID 83843. A Decision of the Commission, Review Board 3, Acting as an Appellate Division, decided November 14, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *roofing and fencing materials*, from points in Idaho, to points in Colorado and Utah; Portland, OR; Seattle, WA; and Cheyenne, WY.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket T-1190, filed February 3, 1981. Applicant: N & I EXPRESS, INC., R. D. 1, Box 148, Cobleskill, NY 12043. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany and Rensselaer. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-2494, filed February 10, 1981. Applicant: DICK'S AUTO EXPRESS, INC., 6990 Northern Blvd., East Syracuse, NY 13057. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulation of the State of New York: Between all points in a territory consisting of Cayuga, Chenango, Madison, Monroe, Onondaga, Ontario, Seneca and Wayne Counties, New York. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-3811, February 3, 1981. Applicant: K.C.S. EXPRESS CO., INC., West Cedar Street, Poughkeepsie, NY. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-5088, February 3, 1981. Applicant: UTICA-OSWEGO MOTOR EXPRESS, INC., 1100 Broad Street, Utica, NY 13501. Representative: Joseph N. Gorea, Jr., 1100 Broad Street, Utica, NY 13501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany, Fulton, Herkimer, Madison, Montgomery, Oneida, Onondaga, Oswego, Rensselaer and Schenectady and the Town of Halfmoon (Saratoga County). Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5748 Filed 2-19-81; 8:45 am]
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[Permanent Authority Decisions Volume No. 21]

Restriction Removals; Decision-Notice

Decided: February 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 903 (Sub-39)X, filed Febraury 3, 1981. Applicant: FALWELL FAST FREIGHT, INC., P.O. Drawer 11409, Lynchburg, VA 24506. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St., NW, Washington, DC 20001. Applicant seeks to remove restrictions in its lead and Sub-Nos. 20, 24, 28, 31, 32, 36, and 38 certificates. In its lead and Sub-Nos. 24, 28, and 36, applicant seeks to broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)". In addition, it seeks to remove restrictions against service at intermediate points on its described regular routes between Lynchburg, VA and New York, NY, and to eliminate a restriction limiting shipments service at intermediate and off route points to pick-up on southbound movements and delivery on north-bound movements in its lead; and between Roanoke and Lynchburg, VA, in Sub-No. 36. In the irregular route portion of its lead certificate, it seeks to broaden the commodity descriptions and to expand its territorial authority as follows: (1) remove all exceptions from its general commodities authority (except classes A and B explosives); replace Altavista, VA with Campbell County, VA, and expand its one-way authority to radial authority between NC, PA, and NY, and, points in Lynchburg, VA, and Campbell County, VA; (2) broaden signs and materials and used or rejected signs to "such commodities as are used in or dealt in by manufacturers of signs"; and expand its one-way authority to radial authority between Lynchburg, VA, and points in the New York, NY, Commercial Zone,

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NJ, DE, MD, York County, PA, and that part of PA east of the Susquehanna River; (3) greenstone, vermont marble, granite, and plumbing supplies to "building materials", and expand its one-way authority to radial authority between Lynchburg, VA, and points in MD, NY, PA, GA, NC, SC, TN, VA, and DC; (4) new furniture and paper products, to "furniture and fixtures" and "pulp, paper, and related products", and expand its one-way authority to radial authority between Lynchburg, VA, and, Campbell County, VA, and points in WV, TN, MD, DE, NJ, and DC; (5) malt beverages and empty malt beverage containers and sugar to "food and related products", and expand its one-way authority to radial authority between Baltimore, Allegany County, MD, and Newark, NJ, and points in Lynchburg, Roanoke, and Bedford, VA, and Campbell County, VA; (6) stoves and candy, to "metal products" and "food and related products"; and expand its one-way authority to radial authority between TN, and points in Lynchburg, VA, and Campbell County, VA; (7) cast iron pipe and fittings to "metal products", and expand its one-way authority to radial authority between Radford, VA, and, points in NC, SC, TN, MD, DE, WV, PA, NJ, and DC, and those in the New York, NY commercial zone; (8) new furniture to "furniture and fixtures", and expand its one-way authority to radial authority between Surry and Guilford Counties, NC, and, Danville, VA, and Lynchburg, VA; (9) paper labels to "pulp, paper, and related products"; and to expand its one-way authority to radial authority between Bedford, VA, and, points in MD; and (10) petroleum products, in bulk, in tank vehicles to "commodities in bulk", and expand its one-way authority to radial authority between Richmond, VA, and, points in Greenbrier County, WV. In Sub-No. 20, it seeks to broaden the commodity description from cedar chests to "furniture and fixtures"; replace Altavista, VA, with county-wide authority in Campbell County, VA; and expand its one-way authority to radial authority between Campbell County, VA, and, points in AL, CT, FL, GA, MA, RI, and SC; it also seeks to broaden the commodity description boots and shoes to "leather and leather products"; replace Lynchburg, with Suffolk County, VA, and, to expand its one-way authority to radial authority between Boston, MA, and points in Suffolk County, VA. In Sub-No. 31, it seeks to broaden the commodity description from petroleum and petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles to "commodities in bulk" and to expand its one-way authority to radial authority between York County, VA, and, points in DE, MD, NC, WV, and DC. In Sub-No. 32, it seeks to broaden the commodity description from asphalt and asphalt products, in bulk, in tank vehicles, to "commodities"in bulk"; replace Greensboro, with Guilford County, NC; and to expand its one-way authority to radial authority between Guilford and points in VA, WV, KY, and TN. In Sub-No. 36, it seeks to broaden the commodity description petroleum products (except petrochemicals, asphalt, fuel oils, and nitrogen fertilizer solutions), in bulk, in tank vehicles, to "commodities in bulk"; remove the facilities restriction at Wilmington, NC; broaden Wilmington to New Hanover County, NC; broaden Farmville to Prince Edward County, Forest to Bedford County, Lynchburg to Lynchburg County, Moneta to Cumberland County, and South Boston to South Boston County, VA; and to expand its one-way authority to radial authority between New Hanover County, NC, and the named VA Counties.

MC 10173 (Sub-20)X, filed February 2, 1981. Applicant: MARVIN HAYES LINES, INC., P.O. Box 468, Clarksville, TN 37040. Representative: Val Sanford, P.O. Box 2757, Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 10, 12 and 15 certificates, to (1) broaden its commodity description from general commodities (with exceptions) to general commodities (except classes A and B explosives), (2) authorize service at all intermediate points on its regular routes (a) between Clarksville, TN, and Louisville, KY, (b) Guthrie, and Louisville, KY, and (c) Dover and Memphis, TN, and (3) remove interchange restrictions and restrictions limiting service to transportation of traffic originating at the named origins and destined to named destinations on the above regular route authorities.

MC 25869 (Sub-180)X, filed February 5, 1981. Applicant: C.O.D.E., INC., 4800 N. Colorado Blvd., Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions from its Sub-Nos. 122 and 169F certificates which authorize the transportation of candy and confectioneries from named facilities in Carol Steam and Chicago, IL to points in NE, AR, CO, IA, KS, MO, NM, and TX, to (1) broaden its commodity descriptions to "food and related products", (2) remove the facilities restrictions, and (3) obtain radial authority between the points named above.

MC 72420 (Sub-10)X, filed February 2, 1981. Applicant: THE ACE MOTOR TRANSPORT COMPANY, 3103 Tiffin Ave., Sandusky, OH 44870. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 7, and 8 certificates. In its lead certificate, part (a) and Sub-Nos. 2, 5, and 8, applicant seeks to broaden its commodity description from "general commodities (with the usual exceptions)" to "general commodities (except classes A and B explosives)". In addition, in its lead certificate, part (a), it seeks to serve all intermediate points, on its described regular-route between Sandusky, OH, and Detroit, MI; and, in part (b) it seeks to broaden its commodity description from "strawboard, corrugated paper, and corrugated paper products" to "such commodities as are dealt in or used by manufacturers or distributors of paper and paper products; authorize service at all intermediate points on its described regular route between Cleveland, OH, and Detroit, MI; and in its irregular route portion of the certificate broaden the commodity description from "chemicals used in the manufacture of paper," to "such commodities as are dealt in or used by manufacturers or distributors of paper and paper products; and replace Wyandotte, MI, with Wayne County, MI. In Sub-No. 3, it seeks to (1) broaden the commodity description from (a) iron castings and steel castings, (b) "empty containers," (c) "rejected shipments," (d) "metal containers, wood containers and containers of wood and steel combined," to "such commodities as are dealt in or used by manufacturers or distributors of iron and steel and iron and steel products and containers; broaden Ironton, OH, to county-wide authority in Lawrence County, OH; remove the named facilities at a described point in Sterling Township, MI; broaden Sterling Township, MI, to Macomb County, MI; and merge (a) through (d) above and expand its one-way authority to radial authority authorizing service between Detroit and Macomb County, MI, and points in Lawrence County, OH; and (2) broaden the commodity description from malt beverages and empty malt beverage containers to "such commodities as are dealt in or used by manufacturers or distributors of malt beverages"; broaden Ironton, OH, to county-wide authority in Lawrence County, OH; and to expand its one-way authority to radial authority between Milwaukee, WI, and, points in Lawrence County, OH. In Sub-No. 7, it seeks to broaden the commodity description from automobile parts and assemblies and materials used in the manufacture of automobiles to "such commodities as are dealt in or used by manufacturers of automobiles"; remove a restriction limiting service to the transportation of shipments originating at the facilities of a named shipper at Sandusky, OH; remove the restriction limiting the service to the transportation of traffic having an immediately prior or subsequent movement by air; and remove the limitation to service at the Willow Run Airport in Ypsilanti, MI to allow service at Ypsilanti as an off-route point in connection with the carrier's authorized regular route operations. In Sub-No. 2, it seeks to remove the plantsite limitation to allow service at Romulus Township, MI, as an off-route point.

MC 95876 (Sub-379) X, filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby, Suite 307, 5200 Willson Road, Edina, MN 55424. Applicant seeks to remove restrictions from its Sub-No. 140 certificate to (1) broaden the commodity description from general commodities (with the usual exception and except automobiles, trucks and buses) to "general commodities (except Classes A and B explosives)", (2) remove the restriction limiting transportation to traffic in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, and (3) remove the territorial restrictions against service to and from AK and HI, on its nationwide grants.

MC 96727 (Sub-3) X, filed February 3, 1981. Applicant: R.V.J., INC., 576 Elm Street, Leominster, MA 01453. Representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from rubber and plastic pellets and granules, in bulk, to "commodities in bulk", (2) remove the "except in dump vehicles" restriction, (3) replace authority to serve Leominster, Ayer, and Gardner, MA, with county-wide authority in Worcester and Middlesex Counties, MA, and (4) remove the restriction against the transportation of shipments from the facilities of Bordens, Inc., at Leominster, MA.

MC 100597 (Sub-9) X, filed February 3, 1981. Applicant: FAIRFIELD TRUCKING, INC., P.O. Box 272, Hamburg, AR 71646. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW, Washington, DC 20004. Applicant seeks removal of restrictions to (1) broaden the commodity authority from lumber, roofing, laph and brick in the lead certificate; and from particle-board and lumber products in Sub-No. 8F to "building materials"; (2) broaden the territorial descriptions to authorize county or parish-wide authority; and, (3) change from oneway to radial authority: between Clark, Saline, Dallas, Garland, Hot Springs, Jefferson, Grant and Pulaski Counties, AR (Arkadelphia, Benton, Carthage, Hot Springs, Lonsdale, Malvern, Manning, Pine Bluff, Sheridan and Woodson, AR), and points in MO on and south of U.S. Hwy 66, and OK on and east of U.S. Hwy 81, in the lead; and (a) between Union and Winn Parishes, LA (Lillie and Winnfield, LA), and AR, OK and TX, and (b) between Union County, AR (Huttig, AR), and OK and TX, in Sub-8F.

MC 105007 (Sub-73)X, filed February 3, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-32, 35, 37, 39F, 40F, 43F, 50F, 51F, 57F, 59F, 71F certificates and in its authority under certificate MC 128497 (Sub-4) which was acquired through MC-F-13389, in which issuance of a certificate is pending. It seeks in each of its certificates to (1) broaden the commodity description from various specified foodstuffs, such as meats, and foodstuffs to "food and related products"; (2) eliminate the facilities restrictions in Sub-32, 35, 37, 39F, 40F, 43F, 50F, 51F, 59F, 71F, and MC 128497 (Sub-4), and authorize county-wide authority to Wapello County, IA, in place of Ottumwa, IA (Sub-32 and 59F); Freeborn County, MN, in place of Albert Lea, MN (Sub-35, 39F, and 43F); Eau Claire County, WI, in place of Eau Claire, WI (Sub-37); Freeborn County, MN, Linn, Polk, and Cherokee Counties, IA, and Warren County, IL, in place of Albert Lea, MN, Cedar Rapids, Des Moines, and Cherokee, IA, and Monmouth, IL (Sub-50)F; Emment County, IA and Minnehaha County, SD, in place of Estherville, IA and Sioux Falls, SD (Sub-51)F; Carroll, Macon, and Saline Counties, MO, in place of Carrollton, Macon, and Marshall, MO (Sub-57F); Freeborn County, MN and Linn County, IA in place of Albert Lea, MN, and Cedar Rapids, IA (Sub-71F) and MC 128497 (Sub-4); (3) remove the "originating at" restriction in Sub-51F, and the "originating at and/or destined to" restrictions in Sub-32, 35, 39F, 40F, 43F, 50F, 57F, 59F, and 71F; and (4) expand its one-way authority to radial authority in each of its certificates.

MC 111956 (Sub-58)X, filed February 10, 1981. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, PA 15301. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its Sub-55F certificate to broaden the commodity description from general commodities (with the usual exceptions), to "general commodities (except Classes A and B explosives)", and remove the restrictions against service at intermediate points on both its described regular-routes between Bedford and Philadelphia, PA.

MC 113855 (Sub-519)X, filed February 4, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-90 and 148 certificates, to (1) expand the commodity descriptions from agricultural implements and machinery, soil and beach cleaners, farm tractors and attachments to "machinery"; (2) remove the restriction against the transportation of size and weight commodities in Sub-90; and, (3) change the territorial description from one-way to radial service "between points in CA, and the United States".

MC 117344 (Sub-288)X, filed February 3, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-26, 60, 61, 65, 67, 82, 85, 90, 141, 178, 189, 199, 207 and 211 certificates to (1) broaden the commodity description from paints, varnishes, fertilizer, dry chemicals, lacquers, and various other items in bulk, to "commodities in bulk" in all referenced Sub-Nos., (2) authorize radial service in lieu of existing one-way authority in all referenced Sub-Nos. which authorize service from Cincinnati, OH, to points in numerous named States, and (3) eliminate the "in tank vehicle" restriction in Sub-26, 60, 61, 65, 67, 82, 85, 178, 207 and 211.

MC 127579 (Sub-39)X, filed February 2, 1981. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same as above). Applicant seeks to remove restrictions in its lead certificate and Sub-4, 5, 7, 8, 10, 12, 15, 16, 17, 19, 20, 22, 23, 31, 32, 35, to (1) broaden the

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commodity description from (a) paper, paper products, pulpboard, and particleboard, wrapping paper, woodpulp board, woodpulp, and scrap, groundwood paper to "pulp, paper and related products" in its lead and Sub-7, 15, 16, 20 and 35; (b) from catalogues, fliers, and books to "printed matter" in Sub-Nos. 10 and 19; (c) from glass containers, and clay, to "clay, concrete, glass or stone products" in Sub-17, 32, and 12, (d) from confectionery, foodstuffs, bananas, chocolate, and agricultural commodities to "food and related products" in lead and Sub-22 and 23; (e) from such commodities as are dealt in or used by grocery and food business houses to "such commodities as are dealt in by retail grocery stores" in lead and Sub-31; (f) from general commodities (with exceptions) to "general commodities (except Classes A and B explosives) in Sub-4 and 8; (g) from lubricating oils and greases, asphalt and asphalt products to "petroleum, natural gas, and their products" in lead; (h) from paint to "chemicals and related products" in lead; (i) from toothpicks, clothes pins, matches, cork, cork crowns, to "lumber and wood products" in lead; (j) from tin caps and nails and decorated tin plate to "metal products" in lead; (k) from bottling machinery to "machinery" in lead, (l) from new furniture to "furniture and fixtures" in lead; (m) from unmanufactured tobacco to "tobacco products" in lead, and (n) from, asbestos siding, asphalt, and asphalt roofing, roofing and roofing materials to "building materials" in lead; (2) replace radial for existing one-way authority in lead and Sub-5, 7, 10, 15, 16, 17, 20, 22, 23, and 32 which authorize operations primarily from Virginia and Maryland points to points in numerous eastern States; (3) remove equipment, in bulk, in tank restrictions in Sub-5, 10, 22, 32, and 23; (4) replace plantsite restrictions with county-wide or city-wide authority: Baltimore, MD, in Sub-5; Franklin, VA, in Sub-7; Hanover County for Ashland, VA, and Montgomery County for E. Greenville, PA, in Sub-10; King William County for West Point, VA, in Sub-15; Richmond, VA in Sub-16; Middlesex and Hudson Counties for Carteret and Jersey City, NJ, in Sub-17; Baltimore, MD, and Philadephia, PA, in Sub-20 Monmouth County for Cliffwood, NJ, and Williamsburg, Newport News and Suffolk, VA, in Sub-12; Cumberland County for Hampden Township, PA, in Sub-31; Hanover County for Ashland, VA, in Sub-35; Warren County for Hackettstown, NJ and Chicago, IL, in Sub-22; Bradley County for Cleveland, TN, in Sub-23; and (5) allow service to all intermediate points along a described regular route in lead and Sub-8.

MC 133591 (Sub-133)X, filed February 2, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to modify its Sub-84 certificate which authorizes the transportation of such commodities as are dealt in by wholesale, retail and food business houses (except in bulk, in tank vehicles), from named facilities at St. Louis, MO, to named points in TX, CA, and OR, by (1) deleting the in bulk, in tank vehicles exception in the commodity description, (2) changing one-way to radial authority, and (3) by eliminating an originating and destined to restriction.

MC 133703 (Sub-10)X, filed February 5, 1981. Applicant: WCS, INC., 770 North Springdale Road, Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its lead and Sub-4, 7, and 8 permits; to (1) broaden the commodity description from cheese products, natural and unprocessed cheese, smoked meat products, pickles, sauerkraut, frozen fruits, vegetables, meats, canned vegetables, and various other food related items to "food and related products" in all referenced authority; and (2) allow service between points in the U.S. under continuing contract(s) with named shippers.

MC 133975 (Sub-12)X, filed February 5, 1981. Applicant: FLAMINGO TRANSPORTATION, INC., P.O. Box 670777, Miami, FL 33167. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd Street, Miami, FL 33166. Applicant seeks to remove restrictions in its lead and Sub-6, 9, and 10 certificates to remove restrictions limiting shipments of general commodities between Florida points to those moving on bills of lading of freight forwarders or which require immediately prior or subsequent handling by freight forwarders in all reference authority.

MC 135419 (Sub-5)X, filed February 3, 1981. Applicant: CONTAINER CARRIER CORPORATION, 301 South Eleventh Street, Fort Smith, AR 72901. Representative: William D. Hendrix (same as applicant). Applicant seeks to remove restrictions in its lead certificate by (1) removing all exceptions in its general commodity authority except "classes A and B explosives," and, (2) eliminating the restriction limiting service to the transportation of shipments in containers or in trailers having an immediately prior or subsequent movement by water, on radial movements between Houston, TX, New Orleans, LA, and Mobile, AL, and points in named states.

MC 135640 (Sub-15)X, filed February 9, 1981. Applicant: STALEY EXPRESS, INC., 2501 North Brush College Road, Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same as above). Applicant seeks to remove restrictions in its MC 142548 Sub-2 and 9F permits to (1) broaden the commodity description from tires, tire parts, inner tubes, inner tube parts, equipment, materials and supplies, to "rubber and plastic products" in Sub-2; (2) remove an in bulk restriction in Sub-2 and 9F; (3) allow service between points in the U.S., under continuing contract(s) with a named shipper in Sub-2 and 9F.

MC 141641 (Sub-15)X, filed February 5, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions from its Permit MC 136168 (Sub-6) which authorizes the transportation of boots, shoes and materials, equipment and supplies (except in bulk) under contract(s) with a named shipper, and its Certificate MC 141641 (Sub-3 and 5) which authorize the transportation of such commodities as are dealt in by retail department stores (except foodstuffs) from and to points in specified Eastern States, restricted to facilities not precisely located. Applicant seeks to (1) change the commodity description in its Sub-6 permit to "such commodities as are dealt in or used by manufacturers and distributors of footwear"; and authorize non-radial authority "between points in the US" under continuing contract(s) with a named shipper, in its Sub-6 permit; (2) eliminate the exception of food-stuffs from its commodity description in its Sub-3 and 5 certificates; (3) obtain radial authority in place of its one-way authority in Sub-3 and 5; (4) eliminate the restriction "against the transportation of rugs, carpets, carpeting and tuffed textile products, from Dalton and Calhoun, GA" in Sub-5.

MC 142772 (Sub-9)X, filed February 5, 1981. Applicant: HRDLICKA ENTERPRISES, INC., Route 7, Box 59, Chippewa Falls, WI 54729. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-9 certificate to expand its one-way authority to radial authority authorizing service between the facilities of Potlatch Corporation in Minnesota, and points in the U.S. in and west of MI, PA, OH, KY, TN, and AL, and remove a restriction limiting service to shipments originating at the facilities of Potlatch Corporation.

MC 144688 (Sub-49)X, filed January 30, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks in its Sub-32F certificate (1) to change the commodity description from "containers and materials equipment and supplies therefore, (except in bulk)" to "such commodities as are dealt in or used by manufacturers and distributors of containers"; (2) to substitute counties for named facilities at named points as follows: DeKalb County for Lithonia, GA, Miami County for Pigua, OH, Cleveland County for Shelby, NC, Escambia County for Brewton, AL, Sumter County for Wildwood, FL, and Nassau County for Fernandina Beach, FL; (3) to replace one-way with radial authority; and (4) to remove an originating at and destined to restriction.

MC 144715 (Sub-16)X, filed February 4, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-1F, 2F, 3F, 4F, 8F, 9F, 10F, 11F, and 12F certificates to broaden the commodity descriptions from "air cleaners, fuel and oil filters, air cleaner cartridges, and oil filter cartridges" to "transportation equipment" in Sub-1F, 3F, and 10F; from "malt beverages" in Sub-8F and "meat, in boxes" in Sub-9F to "food and related products"; from "cotton and synthetic sewing thread" in Sub-11F and "synthetic twine and cord" in Sub-12F to "textile mill products". In addition, it seeks to eliminate the facilities restrictions in Sub-1F and 3F and authorize county-wide authority in Sub-1F, 3F and 10F, in place of Dillion, SC, and Gastonia, NC, and expand its one-way authority to radial authority authorizing service between Dillion County, SC and Gaston County, NC, and, points in the United States; in Sub-2F, authorize county-wide authority in place of Florence, KY, Metuchen, NJ, and Statesville, NC, and expand its one-way authority to radial authority authorizing service between Boone County, KY, Middlesex County, NJ, and Iredell County, NC, and, points in the United States in and west of NM, CO, WY, and MT; in Sub-4F, eliminate the facilities restriction at Lockport, LA, Mt. Airy and Southern Pines, NC, and Altoona, PA, authorize county-wide authority, and expand its one-way authority to radial authority authorizing service between Lafourche Parish, LA, and, points in Surry and Moore Counties, NC, and Blair County, PA; in Sub-6F, authorize county-wide authority in place of Wilkesboro, NC, and expand its one-way authority to radial authority authorizing service between Williamsburg, VA, and Jacksonville, FL, and, points in Wilkes County, NC; in Sub-9F, expand its one-way authority to radial authority; in Sub-11F, authorize county-wide authority in place of Mt. Holly, NC, and expand its one-way authority to radial authority authorizing service between Gaston County, NC, and, points in Dallas and El Paso, TX and Los Angeles, CA; in Sub-12F, authorize county-wide authority in place of Mt. Airy, NC, and expand its one-way authority to radial authority authorizing service between Surry County, NC, and, points in the United States. Applicant also seeks to eliminate restrictions against service to AK and HI Sub-10F, 2F, and 12F.

MC 144844 (Sub-13)X, filed January 30, 1981. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to modify its authority (1) by deleting "except in bulk" from such commodities as are dealt in by (a) manufacturers of nails in Sub-2F and (b) metal processors in Sub-4F; (2) by substituting "metal products" for iron and steel articles in Sub-5F, 6F and 8F; (3) by removing facilities designations at St. Charles, MO, in Sub-2F and Chicago, IL, in Sub-5F; (4) by replacing named facilities at (a) Birmingham with Jefferson County, AL, (b) Pocachontas with Randolph County, AR, (c) Dexter with Stoddard County, MO, and (d) Stroud with Lincoln County, OK, in Sub-4F, Elk Grove Village with Cook County, IL, in Sub-6F, and Chicago Heights with Cook County, IL; (5) by removing originating at or destined to restrictions in Sub-2F, 4F, 5F, 6F, and 8F; and (6) by replacing one-way with radial authority between the points in (3) and (4) above, Oklahoma City, OK, and 7 States.

MC 144882 (Sub-2)X, filed February 2, 1981. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., 4270 Maywood Avenue, Vernon, CA 90058. Representative: John C. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Applicant seeks to remove restrictions in its lead permit to broaden the territorial description to between points in United States under contract(s) with named shipper.

MC 145120 (Sub-8)X, filed February 5, 1981. Applicant: HOLMDEL TRUCKING CORP., 16 Hackensack Avenue, South Kearney, NJ 07032. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-1F permit to broaden the commodity from chemicals, metals, oils, catalyst dust, machinery parts, filtration tanks, and filtration tank parts (except commodities in bulk) to "chemicals and related products, metal and metal products, and machinery" and broaden the territorial authority to "between points in the U.S." under continuing contract(s) with a named shipper.

MC 146167 (Sub-3)X, filed February 4, 1981. Applicant: ALL-FREIGHT EXPRESS, INC., 7200 South Ferdinand Ave., Bridgeview, IL 60455. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-2F permits to (1) broaden its commodity description (a) from iron, steel, copper and brass articles, structural steel, and paints, and aluminum products, to "metal products", and "chemicals and related products", in the lead certificate, and (b) from molten aluminum, to "metal products" in Sub-2F, (2) replace its one-way authority with radial authority between points in the United States, in both certificates, under continuing contract(s) with a named shipper in Sub-2F, (3) to eliminate the restriction (a) against transportation to or from the facilities of the Ceco Corporation, or for its account in the lead certificate.

MC 146293 (Sub-74)X, filed January 28, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd., NE., Atlanta, GA 30236. Applicant seeks to remove restrictions in its Sub-2F, 5F, 33F, 42F, 43F, 48F, 59F, 61F, 62F, and 63F certificates to (1) remove "in bulk" restrictions in Subs-5F and 62F; (2) change one-way to radial authority in Sub-61F, between Savannah, GA and points in 11 States, in Sub-42F between named points in WI and points in 5 States, in Sub-43F between Mobile, AL and points in 8 States and DC, in Sub-33F between Union County, PA and points in 6 States, and in Sub-2F between Los Angeles County, CA and points in NJ and Princeton, KY and between Princeton, KY and points in the eastern part of the U.S.; (3) replace (a) Memphis with Shelby Co., TN in Sub-63F, (b) St. Marys with Camden Co., GA and Hazelwood with St. Louis Co., MO in Sub-62F, (c) Jay with Franklin Co., ME

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in Sub-48F, (d) Milton with Union Co., PA in Sub-33F, (e) Jefferson City with Jefferson Co., and Greenville with Greene Co., TN in Sub-5F, (f) Princeton with Caldwell Co., KY in Sub-2F (g) Green Bay with Brown Co., Fond Du Lac with Fond Du Lac Co., Marinette with Marinette Co., and Oconto Falls with Oconto Co., WI in Sub-42F; and (4) eliminate the originating at and destined to restrictions in Sub-48F, 59F, 43F, 5F, and 2F.

MC 146422 (Sub-7)X, filed February 3, 1981. Applicant: DELBERT F. JOHNSTON, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Subs 3F and 6F permits by (a) broadening the commodity description in Sub 3F from brick and building materials and refractories to "building materials, machinery and clay, concrete, glass or stone products", and in Sub 6F from steel pipe to "metal products"; and (b) broadening its territorial scope in Sub 3F and 6F to between points in the U.S. under continuing contract(s) with named shippers.

MC 146590 (Sub-8)X, filed February 9, 1981. Applicant: JOSEPH R. PROSTKO, 1300 Island Avenue, McKees Rocks, PA 15136. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its Sub-No. 5F permit by broadening the territorial description to "between points in the United States", under a continuing contract(s) with a named shipper.

MC 147242 (Sub-11)X, filed February 2, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10016. Applicant seeks removal of restrictions in its Sub Nos. 1F, 3F, 5F, 6F and 9F permits to (1) broaden the territorial description from specified states to authorize service "between points in the U.S.," under continuing contracts with individually named shippers, and (2) broaden the commodity descriptions (a) from drugs, chemicals (except coal tar), insecticides, toilet preparations, acids, dyestuffs, deodorants, disinfectants, herbicides, photographic paper, and film to "chemicals and related products," and, (b) in Sub-Nos. 3F and 5F, from animal feed supplements and sugar cane to "food and related products."

MC 150434 (Sub-2)X, filed February 10, 1981. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) authorize radial authority in lieu of existing one-way authority between CA and points in the U.S. in and east of MI, IN, MO, AR and LA (except FL, GA, SC, NC, VA, AL); and (3) eliminate a restriction limiting service to the transportation of traffic having a prior movement by water.

[FR Doc. 81-5747 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2–017]

Motor Carrier; Permanent Authority Decisions

Decided: February 12, 1981.

The following applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

By the Commission, Review Board Number 2. Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 140243 (Sub-9), filed October 3, 1979. Applicant: APPLE HOUSE, INC., 3728 Birney Ave., Scranton, PA 18505. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *masonry supplies* from Bethany, CT to points in FL, GA, SC, and NC.

[FR Doc. 81-5741 Filed 2-19-81; 8:45 am]

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Motor Carrier; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficent interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be suject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where sevice is for a named shipper "under contract".

Volume No. OP2–015

Decided: February 11, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 151513, filed January 26, 1981. Applicant: JIM NICHOLS d.b.a. JIM'S FURNITURE EXPRESS, 7718 N. Robinson (Space 18A), Oklahoma City, OK 73116. Representative: G. Timothy Armstrong, 200 N. Choctaw (P.O. Box 1124), El Reno, OK 73036, 405–262–1322. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153843, filed January 19, 1981. Applicant: THE PILLSBURY COMPANY, 608 Second Ave. South, Minneapolis, MN 55402. Representative: Eugene J. Mielke, (same address as applicant). (612) 330–4407. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153852, filed January 19, 1981. Applicant: SEQUOIA TRANSPORTATION SALES, INC., P.O. Box 985, Rochester, MI 48063. Representative: John Horiszny, 1058 Arden Lane, Birmingham, MI 48009, (313) 646–3470. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153853, filed January 26, 1981. Applicant: EARL LARRY, d.b.a., EARL LARRY's TRUCKING, 5480 Pomona Blvd., Los Angeles, CA 90022. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 98858, (213) 589–6073. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

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Volume No. OP2–016

Decided: February 11, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 141932 (Sub-43), filed January 22, 1981. Applicant: POLAR TRANSPORT, INC., 178 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150163 (Sub-5), filed January 26, 1981. Applicant: HORWITH TRUCKS, INC., R.D. No. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP5–47

Decided: February 6, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 78728 (Sub-6), filed January 19, 1981. Applicant: EVERETT EXPRESS, INC. Highway 258, North, Tarboro, NC 27886. Representative: John H. Everett, P.O. Box 6274, Chesapeake, VA 23323. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 116519 (Sub-91), filed January 27, 1981. Applicant: FREDERICK TRANSPORT LIMITED, a Corporation, R.R. No. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., NW., Washington, D.C. 20005. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 142909 (Sub-14), filed January 19, 1981. Applicant: TIMBER TRUCKING, INC., 35 South 500 West, Salt Lake City, UT 84101. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. To operate, in interstate or foreign commerce, as a broker of *general commodities* (except household goods), between points in the U.S.

MC 153589, filed January 12, 1981. Applicant: KENWOOD L. HELFRICH, 900 Mickley Rd., Box LT3, Whitehall, Pa. 18052. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153778, filed January 27, 1981. Applicant: TRANSPORT, TRAFFIC & SALES CORP., 325 East 201st St., New York, NY 10458. Representative: J. A. Conners (same address as applicant). To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5742 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349.* These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Decided: December 23, 1980.

By the Commission, Review No. 5 Board member Krock, Taylor, and Williams. In MC–F–14519, Board member Taylor dissents. He finds no public benefit resulting from one party controlling two carriers which may at least in part, provide the same service.

Note.—Do to administrative error MC–F–14519 and MC–F–14513 didn't appear in January 7, 1981 FR.

MC–F–14513, filed November 25, 1980. Applicant: BURNS-PORTLAND EXPRESS, INC. (Burns-Portland) (P.O. Box 11915, Spokane, WA 99211)—purchase (portion)—System 99 (8201 Edgewater Drive, Oakland, CA 94621). Representative: John G. McLaughlin, Jerry R. Woods, Suite 1600, One Main Place, 101 SW Main Street, Portland, OR 97204. Burns-Portland seeks authority to purchase a portion of the interstate operating rights of System 99 contained in System 99 certificate MC 98327 (Sub-10), which authorizes the transportation of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), over regular routes, between Bend, OR and Crane, OR, serving all intermediate points. From Bend over U.S. Highway 20 to Burns, OR, then over OR Highway 78 to Crane, and return over the same route, the rights to be sold by System 99 duplicate, in part, the rights to be retained by System 99 in MC 98327 (Sub-10) to provide service over U.S. Highway 20 between Bend, OR and Burns, OR in connection with its authorized operations under MC 98327 (Sub-10 and 22) between Portland, OR and Boise, ID. Donald A. Miles seeks control of the operating rights through the purchase. Buyer is affiliated with Crocker Truck Lines, Inc., which holds authority in MC 141441. Impediment: An impediment to the approval of this transaction exists due to the sale and retention of duplicating rights.

Note.—Application for temporary authority has been filed.

MC–F–14519F, filed December 1, 1980. ARKANSAS BEST CORPORATION (ABC) (1000 South 21st Street, P.O. Box 48, Fort Smith, AR 72902)—continuance in control—TRANS-STATES LINES, INC. (TSL) 2604 Industrial Park Road, Van Buren, AR 72956). Representatives: Thomas Harper and Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. ABC, a non-carrier with its stock publicly held and widely distributed, seeks authority to continue in common control and management of TSL upon the institution by TSL of operations, in interstate or foreign commerce, as a motor common carrier. ABC holds no authority from this Commission. However, it controls through stock ownership, Arkansas Best Freight System, Inc. (ABF), a motor carrier operating pursuant to authority issued in MC 29910 and sub-numbers thereunder, and Container Carrier Corporation (CCC), a motor common carrier operating pursuant to authority issued in MC 135419 and sub-numbers there under. ABF has also been awarded authority pursuant to MC–F–12110 and MC–F–13608. TSL has been granted authority to operate as a motor common carrier in MC 149026 (Sub-Nos. 5, 7, 8, 9, and 10), as follows: (1)(a) *new furniture,* from Fort Smith, AR, to points in the United States (except AK and HI), (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (a) above (except commodities in bulk), from points in the United States (except AK and HI), to Fort Smith, AR, and (c) *rough lumber,* from points in the United States (except AK and HI), to Russellville, AR; (2) *such commodities* as are dealt in by producers and distributors of alcoholic beverages (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), on the one hand, and, on the other, Little Rock, AR; (3) *office furniture, office supplies, tool boxes, cases, and metal articles,* between Fort Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI); (4) *insulation materials and supplies* used in the manufacture of appliances (except in bulk), from Kansas City, MO, and Newark, OH, to the facilities of Whirlpool Corporation, at Fort Smith, AR; and (5)(a) *new furniture,* and (b) *materials, equipment, and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), between West Plains, MO, on the one hand, and, on the other, points in the United States (except AK and HI). Condition: Arkansas Best Corporation, as a non-carrier holding company, shall continue to be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Arkansas Best Corporation need only file such special reports as the Commission may from time to time require. Arkansas Best Corporation is not made subject to the accounting requirements of 49 U.S.C. 11142. Condition: Authorization and approval of this transaction is conditioned to provide that to the extent that Trans-States Lines, Inc.'s operating rights duplicate those of Arkansas-Best Freight System, Inc., and Container Carrier Corporation, they may not thereafter be severed from common ownership by sale or otherwise.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5745 Filed 2-19-81; 8:45 am]

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Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those

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where service is for a named shipper "under contract".

Volume No. OP3–164

Decided: February 10, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 4484 (Sub-20), filed December 8, 1980. Applicant: CROWN TRANSPORT, INC., R.D. No. 2, Wampum, PA 16157. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 153654, filed December 23, 1980. Applicant: F. H. FENDERSON INC., Bangor International Airport, P.O. Box 614, Bangor, ME 04401. Representative: Robert T. Fenderson (same address as applicant). As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153755, filed January 22, 1981. Applicant: LYLE FISCHER, d.b.a. FISCHER DISTRIBUTING, 775 Kansas Southeast, Huron, SD 57350. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 153795 filed January 21, 1981. Applicant: BERNARD R. and MARGARET J. HEIRONYMOUS, d.b.a. B & M TRANSFER, P.O. Box 1, Geneva, NE 68361. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

Volume No. OP4–22

Decided: February 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 153956 filed January 30, 1981. Applicant: SAM–SON DISTRIBUTION CENTER, INC., 290 Larkin St., Buffalo, NY 14210. Representative: Robert D. Gunderman, Suite 710, Statler Bldg., Buffalo, NY 14202. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–23

Decided: February 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Fortier not participating.)

MC 136446 (Sub-13), filed February 3, 1981. Applicant: PRINCETON MESSENGER SERVICE, INC., P.O. Box 2042, Princeton, NJ 08540. Representative: Harold G. Hernly, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 153846, filed January 26, 1981. Applicant: UNIVERSAL BROKERAGE CO., a corporation, 3820 University, W. Des Moines, IA 50265. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–5801 Filed 2–19–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. 14–OP4]

Motor Carriers; Decision-Notice

Decided: February 13, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance applciation *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board, Number 3, Parker, Fortier and Hill.

Agatha L. Mergenovich,

Secretary.

MC–F–14546F, filed December 30, 1980. SPECIAL CARRIERS, INC. (SPECIAL) (1500 Walnut Street, 19th Floor South, Philadelphia, PA 19102)—Continuance in control—PIONEER TRUCKING, INC. (PIONEER) (1105 N. Market Street, Wilmington, DE 19801). Representative: Roland Rice, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209; and H. Beatty Chadwick, 1500 Walnut Street, Philadelphia, PA 19102.

Special seeks authority to continue in control of Pioneer upon the institution by Pioneer of operations, in interstate or foreign commerce, as a motor contract carrier. I U International Corporation, the sole stockholder of Special, seeks authority to acquire control of said rights and property through the transaction. Special is a newly formed corporation and holds no interstate operating rights. I U International Corporation is a publicly held non-carrier corporation that controls IU Transportation Services, Inc., a holding company controlling Ryder Truck Lines, Inc. (MC 2900) and Pacific Intermountain Express Co. (MC 730). Ryder Truck Lines, Inc., also controls Ryder Truck Lines, LTD, which has applied for authority to purchase operating authority from Reliable Transport (U.S.) Ltd., in MC–F–14429. Ryder Truck Lines, Inc., also controls Ryder Forwarding, Inc., a property broker (MC–130636).

[FR Doc. 81–5740 Filed 2–19–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. 15–OP4]

Motor Carriers; Decision-Notice

Decided: February 13, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance application are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

MC 151707 (Sub-1F), filed December 17, 1980. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl., Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Top Value Enterprises, Inc. of Dayton, OH.

Note.—This application is directly related to MC–F–14546F, published in this same **Federal Register** issue.

[FR Doc. 81–5739 Filed 2–19–81; 8:45 am]

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[Permanent Authority Decision Volume No. 22]

Restriction Removals; Decision-Notice

Decided: February 13, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Spom, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 29910 (Sub-322)X, filed February 2, 1981. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Forth Smith, AR 72901. Representative: Joseph K. Reber (same as applicant). Applicant holds regular-route general commodity authority in its lead and Sub-58, 61, 63, 69, 75, 77, 86, 99, 110, 142, and 169 certificates, and authorities acquired in Finance Dockets MC–F–12956, MC–F–13156, MC–F–13233, MC–F–13396, MC–F–13833F, and MC–F–13608. It seeks to remove restrictions which specify some intermediate points or no intermediate point service to authorize service at all intermediate

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points over a network of regular-routes in 35 States in and east of WI, IA, KS, OK, and TX (except FL, ME, and NH) and CA, CO, AZ, NE, NV, and NM. It also seeks to remove all exceptions in its general commodities authority, "except classes A and B explosives", for those authorities which presently contain exception. In its general commodities authority which authorizes the transportation of explosives, applicant seeks to have the commodity description read "general commodities".

MC 36448 (Sub-10)X, filed February 3, 1981. Applicant: MURFREESBORO FREIGHT LINE CO., P.O. Box 1113, Murfreesboro, TN 37130. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-7F regular-route certificate by (1) removing all exceptions in its general commodity authority except "classes A and B explosives", (2) eliminating the restrictions against the handling of traffic originating at, destined to, or interchanged at Nashville on service at Atlanta, GA, and at Atlanta, GA and Nashville, TN on service at Louisville, KY, (3) removing the "joinder only" restriction for Murfreesboro, TN on a route between Murfreesboro and Louisville, and, (4) removing the restrictions on intermediate point service, to authorize service at all intermediate points between Louisville, KY, and Atlanta, GA.

MC 112801 (Sub-259)X, filed February 2, 1981. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. The applicant seeks to remove restrictions in its Sub-24, 224F, 225F, 234F, 235F, 242F, and 248F certificates to (1) broaden the commodity descriptions to "chemicals and related products," from: anhydrous ammonia, in bulk, in tank vehicles, and dry urea, in bulk, in Sub-24; liquid chemicals, in bulk, in tank vehicles, in Sub-224F and 248F; and chemicals, in bulk, in tank vehicles, in Sub-225F, 242F, 234F, and 235F, (2) replace authority to serve named plantsites with authority to serve the county or city: Jefferson Parish, LA, for a facility at Avondale, LA, in Sub-24; Iberville Parish, LA, for a facility at Plaquemine, LA in Sub-224F; Brazoria County, TX, for a facility in Brazoria County, TX, in Sub-225F; Calcasieu Parish, LA, for a facility at or near Lake Charles, LA, in Sub-234F; Jefferson County, TX, for a facility in Jefferson County, TX, in Sub-235F; Harris County, TX, for a facility in Harris County, TX in Sub-242F; and Brazoria and Galveston Counties, TX, and Houston, TX, for a facility at or near Chocolate Bayou, Texas City, and Houston, TX, (3) broaden the territorial description from one-way authority to radial authority between: Jefferson Parish, LA and MS, LA, AR, TN, and KY, in Sub-24; Iberville and Calcasieu Parishes, LA, and Brazoria, Jefferson and Harris Counties, TX, and points in the United States in Sub-224F, 234F, 225F, 235F, and 242F; and Galveston County, TX and Houston, TX, and points in United States in and east of LA, AR, MO, IA, and MN, in Sub-248F, and (4) remove the restriction against the transportation of shipments to AK and HI in Sub-224F, 234F, 225F, 235F, and 242F.

MC 116544 (Sub-238)X, filed February 4, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, 1703 Embarcardero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Applicant seeks removal of restrictions in its Sub-162, 183, 184 certificates, which authorize regular- and irregular-route transportation of "commodities moving in mechanically refrigerated equipment" (with various exceptions), to (1) expand the commodity authority to "general commodities, except classes A and B explosives", and (2) remove all restrictions in its regular-route authority which specify precise intermediate point service or no intermediate point service, to authorize service at all intermediate points on a network of regular routes in 29 States.

MC 121044 (Sub-7)X, filed February 3, 1981. Applicant: ACTION EXPRESS, INC., P.O. Box 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions from its Sub-4 and 5 certificates which authorize the transportation of general commodities with certain exceptions between (a) specified ID Counties in Sub-4, and (b) Nyssa, OR and points in that part of OR within 50 miles of Nyssa, on the one hand, and, on the other, points in Owyhee, Canyon, and Payette Counties, ID, and between points in those parts of OR and ID within 3 miles of Nyssa in Sub-5. Both subs are restricted against the transportation of packages or articles weighing more than 100 pounds each, or weighing 200 pounds in the aggregate on one bill of lading from one consignor to one consignee on any one day. Applicant seeks to (1) change its commodity description to "general commodities, except classes A and B explosives", (2) eliminate the weight restrictions in both subs, and (3) authorize county-wide authority to Malheur County, OR in place of Nyssa, OR and points in OR within 50 miles thereof.

MC 127745 (Sub-6)X, filed February 4, 1981. Applicant: GEORGE B. KING, d.b.a. KING TRANSFER, 714 Pearl Street, Onawa, IA 51040. Representative: Robert A. Wichser, 5000 S. Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant seeks to remove restrictions in its Subs 1, 5, and 6 certificates to (1) in Sub 1 remove all exceptions from its general commodity authority except classes A and B explosives, allow service at all intermediate points along its regular route between Omaha, NE and Sioux City, IA, and remove the restrictions against traffic moving radially to, from, or through Omaha and Sioux City; (2) in Sub 6, broaden the commodity from farm machinery, implements and equipment, and materials, supplies, and equipment to "machinery", broaden the territory from Onawa and Smithland, IA to authorize radial service between Monona and Woodbury Counties, IA and 12 midwestern States; and in Sub 5, broaden the commodity from chemicals and fertilizers (except commodities in bulk) to "chemicals and related products", remove the facilities limitations in Woodbury County, IA, and Dakota County, NE, and replace its one-way authority with radial authority between the 2 counties and points in 12 midwestern States.

MC 127900 (Sub-5)X, filed February 4, 1981. Applicant: GROOME TRANSPORTATION, INC., Byrd International Airport, P.O. Box A–23, Richmond, VA 23231. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. Applicant seeks to remove restrictions from its lead certificate and Subs 1 and 4F which authorize the transportation of general commodities (with certain exceptions), having an immediately prior or subsequent movement by air, between named airports in VA, PA, NY and MD, on the one hand, and, on the other, named airports in VA and MD and 35 specified counties in VA. Applicant seeks to (1) change the commodity description in the lead and both subs to "general commodities (except classes A and B explosives)"; (2) remove restrictions which limit service to the transportation of traffic having a prior or subsequent movement by air in each certificate; (3) replace authority to serve named airports with authority to serve the city or county: Richmond, VA, for Byrd Airport or Richard E. Byrd Airport; Norfolk, VA, for Municipal Airport or Norfolk Municipal Airport; Newport News, VA, for Patrick Henry Airport in the lead and Sub 1; Fairfax County, VA, for Dulles Airport or Dulles International Airport; Washington, DC, for National Airport or Washington National Airport; Baltimore, MD, for Friendship Airport or Baltimore-Washington National Airport in the lead and Sub 4F; Philadelphia, PA, for Philadelphia International Airport in Subs 1 and 4F; and New York, NY, for John F. Kennedy International Airport in Sub 4F.

MC 129827 (Sub-4)X, filed February 6, 1981. Applicant: BLAIR MOTOR SERVICE, INC., 1531 East 14th St., St. Louis, MO 63106. Representative: B. W. Latourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub 3F certificate to (1) broaden the commodity description from shoes, shoe findings, and shoe factory supplies to "leather and leather products," and (2) delete the facilities limitation at Fredricktown, MO, Trenton and Memphis, TN, and St. Louis, MO.

MC 135438 (Sub-2)X, filed February 5, 1981. Applicant: SHELDON OIL COMPANY, 426 Main St. (P.O. Box 278), Suisun, CA 94585. Representative: Marvin Handler, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its lead certificate by (1) broadening the commodity description from residual fuel oils used in paving operations, asphalt, road oils, and road asphalt emulsions, in bulk, in tank vehicles to "commodities in bulk", (2) replacing its one-way territorial authority with radial authority between points in Contra Costa, Alameda, Sacramento, and Solano Counties, CA, and points in Washoe, Storey, Carson City, Douglas, Lyon, Mineral, Churchill, Pershing, Humboldt and Lander Counties, NV.

MC 138543 (Sub-5)X, filed February 5, 1981. Applicant: GARY A. SCANNAVINO, d.b.a. CHEROKEE FREIGHT LINES, 5463 Cherokee Rd., Stockton, CA 95205. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104. Applicant seeks to remove the facilities limitations in its Sub-No. 1F permit and authorize service "between points in the U.S." under continuing contract(s) with a named shipper.

MC 141852 (Sub-5)X, filed February 5, 1981. Applicant: BILLY BARNETT & JOE D. BARNETT, d.b.a. BARNETT BROS., 442 Pemberton Dr., Pearl, MS 32908. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F permits, to (1) broaden the commodity descriptions to "machinery" from covered copper wire and fluorescent lamp ballasts and materials, equipment, and supplies (except in bulk), used in the manufacture of copper wire and fluorescent lamp ballasts in Sub-No. 2F, and covered copper wire and fluorescent lamp ballasts and materials, equipment, and supplies (except in bulk), used in the manufacture of the commodities above, in Sub-No. 4F, and (2) broaden the territorial descriptions in both Subs to between points in the United States under contract(s) with named shippers.

MC 142508 (Sub-165)X, filed February 5, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 68F certificate to broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; expand Burlington and St. Albans, VT, to the county-wide authority of Chittenden and Franklin Counties, VT; and expand its one-way authority to radial authority authorizing service between MA and Chittenden and Franklin Counties, VT, and, points in 13 states, and remove the "originating at and destined to" restriction.

MC 145359 (Sub-32)X, filed February 6, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its permits in No. MC 141773 (Sub-Nos. 3, 5, and 9F) by (a) broadening its commodity descriptions from iron and steel articles in Sub 3, and part (2) of Sub 5 to "metal products"; for aircraft machine gun links, and 20-millimeter projectile metal parts in part (1) of Sub 5 to "ordnance and accessories", and from materials used in the manufacture and distribution of chain saws, chain saw parts, and accessories for chain saws, in Sub 9F to "machinery"and "metal products"; and (b) removing the restriction "in vehicles equipped with mechanical refrigeration" in part (2) of Sub 5; and (c) replacing its one-way authorities in the above three permits with radial authority between points in the U.S. under a continuing contract(s) with named shippers.

MC 146293 (Sub-76)X, filed February 5, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettlebaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd. NE., Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-No. 4 certificate to remove the restriction "except commodities in bulk and foodstuffs" from the commodity description "such commodities, as are dealt in by hardware stores and department stores"; expand its one-way authority to radial authority authorizing service between Los Angeles and Orange Counties, CA, and, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX (except NC, SC, FL, and GA); and eliminate the restriction limiting the transportation to traffic having a prior movement by air or water.

MC 146703 (Sub-26)X, filed February 4, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos.1F, 2F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, 10F, 13F and 14F to (1) broaden commodity descriptions to: "pulp, paper and related products" from paper and paper products, in Subs Nos. 4F and 5F; "such commodities as are dealt in or used by manufacturers and distributors of medical supplies" from medical supplies in Sub-No. 6F; "metal products; pulp, paper and related products" from aluminum and aluminum products (except aluminum beverage cans and ends), boxes, plastic and plastic articles, paper and paper articles in Sub-No. 7F; "chemicals and related products; pulp, paper and related products" from paints, lacquers, adhesives, cartons and paint materials and compounds in Sub-Nos. 8F and 9F; "machinery; metal products" from ball bearings, pillow blocks, and steel balls in Sub-No. 10F; "metal products" from aluminum plate and aluminum sheet, in coils in Sub-No. 13F; and "clay, concrete, glass or stone products; machinery" from glassware, glass-ceramic ware, laminated glassware, and electrical appliances and parts and accessories in Sub-No. 14F, (2) remove "except commodities in bulk" restriction in Sub-Nos. 4F, 7F and 8F and the "in tank vehicles" restriction in Sub-No. 7F. Applicant also seeks to (1) replace counties and cities for specified plantsites and cities: Hampshire County, MA, for Easthampton, MA in Sub-Nos. 1F and 2F; Cook County, IL and Geary County, KS, for a facility at Hodgkins, IL and Junction City, KS in Sub-No. 3F; Litchfield County, CT, for North Canaan, Ct in Sub-No. 6F; Rockingham County, VA, and Richmond, VA for a facility at Grottoes, VA and Richmond, VA; Erie County, NY, for Buffalo and Cheektowaga, NY and Chester County, PA, for Kimberton, PA, in Sub-No. 9F;

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Montgomery, York and Blair Counties, PA for Kulpsville, Hanover, and Altoona, Pa., Steuben County, NY, for Harnell, NY, and Stark County, OH for Massillon, OH, in Sub-No. 10F; Gloucester County, NJ, for Clayton, NJ, in Sub-No.13F; Franklin and Washington Counties, PA, for a facility at Greencastle and Charleroi, PA; and Franklin, VA, for a facility at Franklin, VA, (3) remove the restriction limiting transportation to traffic originating at the named origins in Sub-Nos. 5F, 7F, and 14F, (4) remove the restriction limiting transportation to traffic destined to the indicated destinations in Sub-No. 3F, and (5) broaden the territorial descriptions from one-way authority to radial authority in the above subs.

MC 149549 (Sub-1)X, filed February 5, 1981. Applicant: HAROLD G. CLINE, INC., Harding Highway & Dupont Road, Penns Grove, NJ 08069. Representative: M. Bruce Morgan, 100 Roesler Road, Suite 200, Glen Burnie, MD 21061. Applicant seeks to remove restrictions in its No. MC-59668 (Sub-No. 7) permit to broaden the commodity description from solidified carbon dioxide to "chemicals and related products" and broaden the territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

[FR Doc. 81-5746 Filed 2-19-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier of Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP2-014

Decided: February 11, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 263 (Sub-236), filed January 30, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same address as applicant), 208-232-8831. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, LA, MN, MT, ND, NM, NV, OR, SD, TX, UT, WA, and WY.

MC 80652 (Sub-30), filed January 27, 1981. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, 202-347-3987. Transporting (1) *machinery*, (2) *building materials*, (3) *lumber and wood products*, (4) *metal products*, (5) *clay, concrete, glass or stone products*, and (6) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in CT, DE, MA, RI, NY, NJ, PA, MD, OH, KY, NC, MI, IL, IN, VA, WV, and DC, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 114123 (Sub-52), filed January 21, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting *food and related products*, and *printed matter*, between points in the U.S., under continuing contract(s) with the Hershey Creamery Company of Harrisburg, PA.

MC 120153 (Sub-5), filed January 21, 1981. Applicant: ROUNTREE TRANSPORT, INC., 3580 S.W. 46th Ave., Ft. Lauderdale, FL 33314. Representative: Norman J. Bolinger, 3100 University Blvd. So., Jacksonville, FL 32216. (1) *Metal products*, (2) *machinery*, (3) *building materials*, (4) *clay concrete products, glass or stone products*, and (5) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in AL, FL, GA, NC, SC, TN, and VA.

MC 123383 (Sub-96), filed January 29, 1981. Applicant: BOYLE BROTHERS, INC., R.D. 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, 212-466-0220. Transporting (1) *pulp, paper and related products*, between points in Suffolk County, MA, on the one hand, and, on the other, points in Bergen, Hudson, Passaic, Essex, Union, and Middlesex Counties, NJ, Nassau and Suffolk Counties, NY, and New York, NY, and (2) *waste or scrap materials not identified by industry producing*, between points in PA, NJ, NY, DE, and MD, on the one hand, and, on the other, points in Hampden and Suffolk Counties, MA.

MC 129413 (Sub-11), filed January 21, 1981. Applicant: SIOUXLAND EXPRESS, INC., P.O. Box 353, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of fertilizers, feed ingredients, and agricultural chemicals, between points in the U.S.

MC 135152 (Sub-48), filed January 23, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rte. 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Bldg., 524 Walnut St., Cincinnati, OH 45202, 513-241-4037. Transporting *pulp, paper and related products*, and *textiles*, between points in Aiken County, SC, Tulare County, CA, and Nodaway County, MO, on the one hand, and, on the other, points in the U.S.

MC 142452 (Sub-6), filed January 27, 1981. Applicant: RIMAR TRANSPORT, INC., 850 Curie Rd., North Brunswick, NJ 08902. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001, 202-628-9243. Transporting (1) *metal products*, (2) *machinery*, and (3) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in Union, Hudson, and Middlesex Counties, NJ and Nassau County, NY, and New York, NY, on the one hand, and, on the other, points in the U.S.

MC 144622 (Sub-202), filed January 30, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021, 817-282-8344. Transporting *such commodities* as are dealt in by discount, variety, or food business houses, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WV, and WI.

MC 144682 (Sub-48F) (Correction), filed November 21, 1980, published in the **Federal Register** issue of December 23, 1980, and republished, as corrected, this issue. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *paper and paper products*, (2) *chemicals* (except in bulk), and (3) *plastic film, plastic articles, and plastic portable toilets*, between points in the U.S.

Note.—The purpose of this republication is to correct the commodity description by adding part (2), inadvertently omitted from the previous publication.

MC 145202 (Sub-6), filed January 26, 1981. Applicant: K-LINES, LTD., 805 32nd Ave., Council Bluffs, IA 51501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with (a) Prime Meat Processors, Inc., and (b) Coast Packing Co. of Omaha, Inc., both of Omaha, NE, and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United A-G Stores Cooperative, Inc., of Omaha, NE.

MC 146703 (Sub-25), filed January 26, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St. NW, Washington, DC 20006, 202-223-8270. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 146782 (Sub-39), filed January 27, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Ave. South, Nashville, TN 37201. Representative: Stephen L. Edwards, 808 Nashville Bank & Trust Bldg., Nashville, TN 37201, 615-244-2926. Transporting (1) *forest products*, and (2) *lumber and wood products*, between points in Escambia County, FL, Winston County, MS, and Madison and Monroe Counties, TN, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 147712 (Sub-13), filed January 21, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant). Transporting *rubber and plastic products*, between points in TX and LA, on the one hand, and, on the other, points in IL, IN, MI, WI, PA, and OH.

MC 151653 (Sub-4), filed January 28, 1981. Applicant: GLOSSON ENTERPRISES, INC., Rte. 15, Box 55, Lexington, NC 27292. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW, Washington, DC 20005, 202-347-9332. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, NE, KS, OK, and TX.

MC 153793 filed January 23, 1981. Applicant: SUPERIOR CHARTER AND TOURS, INC., 1711 North 56th St., Superior, WI 54880. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW, Washington, DC 20004, 202-737-1030. Transporting *passengers and their baggage*, in charter and special operations beginning and ending at points in Douglas County, WI and extending to points in the U.S.

MC 153892 filed January 21, 1981. Applicant: MASMELA BUS LINES, 4254 So. Thistle St., Seattle, WA 98118. Representative: Steve A. Masmela (same address as applicant). Transporting *passenger and their baggage*, in special operations, between Seattle, WA, on the one hand, and, on the other, Lake Tahoe, Las Vegas and Reno, NV.

MC 147712 (Sub-12) (Correction) filed January 2, 1981, published in the **Federal Register**, issue of February 5, 1981, and republished, as corrected, this issue: Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same as applicant). The purpose of this republication is to correct the docket number, which was published February 5, 1981 as MC-147723 Sub 12. The remainder of the application remains as previously published.

Volume No. OP2-018

Decided: February 12, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 41432 (Sub-174), filed January 12, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, TX 75207. Representative: Wayland Little (same address as applicant) (214) 638-2280. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Memphis, TN and junction TN Hwy 88 and U.S. Hwy 79: from Memphis over U.S. Hwy 51 to junction TN Hwy 88, then over TN Hwy 88 to junction U.S. Hwy 79, and return over the same route, (2) between Memphis and Nashville, TN: from Memphis over U.S. Hwy 70 to junction U.S. Hwy 70A, then over U.S. Hwy 70A to junction U.S. Hwy 70, then over U.S. Hwy 70 to Nashville and return over the same route, (3) between Brownsville and Huntingdon, TN, over U.S. Hwy 70, (4) between Nashville and Knoxville, TN, over Interstate Hwy 40, (5) between Nashville and Chattanooga, TN, over U.S. Hwy 41, (6) between Memphis and Chattanooga, TN: from Memphis over U.S. Hwy 72 to junction U.S. Hwy 72A, then over U.S. Hwy 72A to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Chattanooga and return over the same route, (7) between Chattanooga and Knoxville, TN, over U.S. Hwy 11, (8) between Knoxville and Maryville, TN: from Knoxville over U.S. Hwy 129 to junction TN Hwy 73, then over TN Hwy 73 to jucntion U.S. Hwy 411, then over U.S. Hwy 411 to Maryville and return

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over the same route, (9) between Knoxville, TN and Bristol, VA, (a) over U.S. Hwy 11W, and (b) over U.S. Hwy 11E, (10) between Knoxville and Greeneville, TN: from Knoxville over U.S. Hwy 70 to junction U.S. Hwy 411, then over U.S. Hwy 411 to Greeneville and return over the same route, (11) between Johnson City, TN and junction U.S. Hwys 23 and 19, over U.S. Hwy 23, (12) between Johnson City TN and junction U.S. Hwys 421 and 70: from Johnson City over U.S Hwy 321 to junction U.S. Hwy 421, then over U.S. Hwy 421 to junction U.S. Hwy 70 and return over the same route, (13) between Newport, TN and junction Interstate Hwy 40 and U.S. Hwy 23: from Newport over TN Hwy 32 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 23 and return over the same route, (14) between Chattanooga, TN and Atlanta, GA, over U.S. Hwy 41, (15) between Chattanooga, TN and Birmingham, AL, over U.S. Hwy 11, (16) between junction U.S. Hwys 70A and 45W, and, junction U.S. Hwys 45 and 70: from junction U.S. Hwys 70A and 45W over U.S. Hwy 45W to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction U.S. Hwy 70 and return over the same route, (17) between junction U.S. Hwys 70A and 45E, and, junction U.S. Hwys 45E and 45, over U.S. Hwy 45E, (18) between junction U.S. Hwys 11W and 25E, and, junction U.S. Hwys 25E and 70, over U.S. Hwy 25E, (19) between Nashville, TN and Indianapolis, IN: from Nashville over U.S. Hwy 31W to Louisville, KY, then over U.S. Hwy 31 to Indianapolis and return over the same route, (20) between Knoxville, TN and Cincinnati, OH: from Knoxville over U.S. Hwy 25W to junction U.S. Hwy 25, then over U.S. Hwy 25 to Cincinnati and return over the same route, (21) between Nashville, TN and Birmingham, AL, over U.S. Hwy 31, (22) between Nashville, TN and St. Louis, MO: from Nashville over U.S. Hwy 41A to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Interstate Hwy 70, then over Interstate Hwy 70 to St. Louis and return over the same route, (23) between Bristol, VA and Washington, PA: from Bristol over Interstate Hwy 81 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Washington and return over the same route, and (24) between Bristol, VA and Washington, DC: from Bristol over U.S. Hwy 11 to junction U.S. Hwy 211, then over U.S. Hwy 211 to Washington and return over the same route, serving all intermediate points in connection with routes (1) through (24) above.

Note.—Applicant states it intends to tack with existing authority.

MC 78842 (Sub-5), filed January 22, 1981. Applicant: DALEY & WANZER, INC., 821 Nantasket Ave., Hull, MA 02045. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 463–6044. Transporting *furniture and fixtures* and *miscellaneous products of manufacturing*, between points in the U.S., under continuing contract(s) with (a) Direct Office Furniture, of Dorchester, MA, (b) Levine Chapels, of Brookline, MA, and (c) Dedham Antique Shop, of Dedham, MA, and (d) Fisher Woodcraft, of Framingham, MA.

MC 89693 (Sub-46), filed January 22, 1981. Applicant: HARMS PACIFIC TRANSPORT, INC., 7322 N. Division St. Suite 209, Spokane, WA 98208. Representative: Roger J. Mathews, 1206 E. Lytle, Pasco, WA 99301. Transporting *dry commodities*, in bags or in bulk, between points in WA, OR and ID.

MC 124692 (Sub-358), filed January 22, 1981. Applicant: SAMMONS TRUCKING, P. O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *clay, concrete, glass or stone products*, between (a) points in Guadalupe and Harris Counties, TX, (b) Orange County, CA, and (c) Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 124813 (Sub-233), filed January 23, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with AIFP Trading Group, Inc., and its subsidiaries, of Portland, OR.

MC 136383 (Sub-25), filed January 23, 1981. Applicant: J & P PROPERTIES, INC., P. O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Ave., Orlando, FL 32801, (305) 425–2213. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note. Issuance of this certificate is subject to prior or coincidental cancellation at applicant's request, of all outstanding certificates in MC–136363.

MC 1142672 (Sub-161), filed January 23, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *metal products* between points in Noble County, OK, on the one hand, and, on the other, points in IL, LA, NJ and TN.

MC 144622 (Sub-199), filed January 22, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021, (817) 282–8344. Transporting *general commodities* between points in Erie and Westmoreland Counties, PA, Barnstable County, MA and Mahoning County, OH, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issue.

MC 144643 (Sub-13), filed January 22, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Ave., Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Transporting *food and related products*, and *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company of Chicago, IL.

MC 145072 (Sub-50), filed January 21, 1981. Applicant: M. S. CARRIERS, INC., 1797 Florida St., Memphis, TN 38109. Representative: Michael S. Starnes(same address as applicant) 901–774–2940. Transporting *machinery*, between the facilities of Consumer Electronics Group, GTE Products Corporation, at points in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of MN, MO, IA, KS, OK, and TX.

MC 150883 (Sub-5), filed January 23, 1981. Applicant: PDR TRUCKING INC., P.O. Box 609, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW, Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gimbel Brothers, Inc., of Pittsburgh, PA.

MC 151653 (Sub-5), filed January 28, 1981. Applicant: GLOSSON ENTERPRISES, INC., Rte 15, Box 55, Lexington, NC 27292. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *building materials and such commodities* as are dealt in by home improvement and hardware stores, between points in NC, on the one hand, and, on the other, points in the U.S., in and east of MN, IA, NE, KS, OK, and TX.

MC 152153 (Sub-1), filed January 22, 1981. Applicant: MOREAUX BROTHERS TRUCKING, INC., P.O. Box 362, China, TX 77613. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St., NW., Washington, DC 20001 (202) 628–9243. Transporting *petroleum, natural gas and their products* (1) between points in Jefferson County, TX, on the one hand, and, on the other, points in LA, and (2) between points in Montgomery and Jefferson Counties, TX, on the one hand, and, on the other, points in Harris and Galveston Counties, TX and Calcasieu Parish, LA.

Volume No. 163

Decided: February 10, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 6964 (Sub-5), filed January 21, 1981. Applicant: MID WEST MOTOR SERVICE COMPANY OF INDIANA, INC., 219 Maple St., Joliet, IL 60432. Representative: Derald Whiteford (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, OH, PA, NY, NJ, CT, RI, MD, MA, KY, TN, GA, FL, AR, TX, OH, MO, NE, KS, MN, WI, NM, AZ, CA, OR, WA, IA, AL, LA and MI.

MC 107515 (Sub-1411), filed January 21, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. Transporting *rubber and plastic products*, between points in the U.S.

MC 111274 (Sub-65), filed January 22, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). Transporting *such commodities* as are dealt in or used by a manufacturer of animal feed, between points in the U.S., under continuing contract(s) with Allied Mills, Inc., of Bartonville, IL.

MC 116325 (Sub-89), filed January 21, 1981. Applicant: JENNINGS BOND, d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: (same as above). Transporting *food and related products*, between points in Dallas, Johnson, Parker, and Tarrant Counties, TX, on the one hand, and, on the other, points in MO.

MC 121594 (Sub-2), filed January 22, 1981. Applicant: A. M. TRANSFER & CRANE SERVICE, INC., 239 N.W. 26th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53 St., Miami, FL 33166. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in Dade and Broward Counties, FL. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's request, of its Certificate of Registration in MC 121594.

MC 135185 (Sub-54), filed January 21, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Hwy 31 North, South Bend, IN 46624. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Gillette Company, of Boston, MA.

Note.—Issuance of a permit is conditioned upon prior or coincidental cancellation at applicant's written request of MC 135185 (Sub-4, 16, and 28).

MC 135364 (Sub-46), filed January 21, 1981. Applicant: MORWALL TRUCKING, INC., Box 76C, R.D. #3, Moscow, PA 18444. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Harper & Row Publishers, Inc., of Dunmore, PA.

MC 140294 (Sub-23), filed January 21, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Hagerstown and Baltimore, MD, from Hagerstown over MD Hwy 60 to Leitersburg, then over unnumbered highways and PA Hwy 316 to Rouzerville, PA, then over PA Hwy 16 to the PA–MD State line, then over MD Hwy 32 to Westminster, MD, and then over U.S. Hwy 140 to Baltimore, and return over the same route, serving all intermediate points. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in MC 140294 (Sub-17), at applicant's written request.

MC 144115 (Sub-11), filed January 21, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144115 (Sub-12), filed January 21, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *food and related products*, between the facilities of Bunge Edible Oil Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146215 (Sub-2), filed January 21, 1981. Applicant: WOLFE TRUCKING, INC., 1333 E. 7th St., Los Angeles, CA 90021. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Sheldon Forwarding Company of Holyoke, MA, and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight Forwarders, Inc., of Holyoke, MA.

MC 148245 (Sub-2), filed January 19, 1981. Applicant: HENRY ANDERSEN OF TEXAS, INC., Route 287, Stratford, TX 79084. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, NW., Washington, DC 20005. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 148355 (Sub-2), filed January 22, 1981. Applicant: A–1 DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *hazardous materials*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada. Condition: The certificate to be issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 152104 (Sub-1), filed December 22, 1980. Applicant: HOME RUN, INC., 1299 Lavelle Dr., Xenia, OH 45385. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers or installers of buildings, between Wampum, Eight-Four, and Coraopolis.

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PA, Chardon, Jamestown, and Cincinnati, OH, Jefferson and Gainesville, GA, Brandywine, MD, Houston and Dallas, TX, Fredericksburg, VA, Victor, NY, Indianapolis, IN, and points in FL, NJ, and Butler County, OH, on the one hand, and, on the other, points in the U.S.

MC 152905 (Sub-1), filed January 22, 1981. Applicant: DWAN'S MOVING & STORAGE CO., INC., 207 Hawthorne Ave., St. Joseph, MI 49085. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *household goods*, between points in IL, IN, KY, OH, PA, MN, MI, and WI.

Volume No. OP3–165

Decided: February 10, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 22195 (Sub-186), filed January 19, 1981. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Ave., Sioux Falls, SD 57117. Representative: F. Fred Fischer, Box 946, Sioux Falls, SD 57117. Transporting *commodities in bulk*, between points in CO, IL, IA, KS, MN, MO, MT, NE, ND, SD, WI, and WY. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC–22195 and related subs, at applicant's written request.

MC 107295 (Sub-1012), filed January 21, 1981. Applicant: PRE–FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duance Zehr (same address as applicant). Transporting *building materials*, between points in Kent and Ottawa Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 116915 (Sub-136), filed January 21, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route 1, P.O. Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *general commodities* (except classes A and B explosives), between New Orleans, LA, on the one hand, and, on the other, points in the U.S.

MC 130154, filed January 26, 1981. Applicant: ESTHER A. FREAL, d.b.a. Senior Tourister Tours, 366 Forest St., Hamden, CT 06518. Representative: Esther A. Freal (same address as applicant). As a *broker*, at Hamden, CT, in arranging for the transportation of *passengers and their baggage* in special or charter operations, beginning and ending at points in New Haven, Fairfield, and Middlesex Counties, CT, on the one hand, and, on the other, points in the U.S.

MC 135895 (Sub-123), filed January 26, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *such commodities* as are dealt in or used by department and variety stores, between points in the U.S.

MC 138635 (Sub-128), filed January 21, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives), between points in NC and SC, on the one hand, and, on the other, points in the U.S.

MC 138704 (Sub-7), filed December 18, 1980, previously published in the **Federal Register** issue of January 9, 1981. Applicant: GARY L. DUNPHY, Embden, ME 04958. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, VA 22210. Transporting *pulp, paper or allied products*, and *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with Giove Company, Inc., of Jamaica, NY.

MC 140315 (Sub-12), filed January 21, 1981. Applicant: DEES TRANSPORTATION, INC., P.O. Box 446, Worland, WY 82401. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting (1) *food and related products*, (2) *agricultural limestone and fertilizer*, and (3) *feeds and feed ingredients*, between those points in the U.S. in and west of MN, WI, IL, MO, AR, and LA.

MC 140484 (Sub–85), filed January 21, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Palm Beach and Hillsborough Counties, FL, on the one hand, and, on the other, points in Collier, Hendry, and Lee Counties, FL.

MC 144115 (Sub–11), filed January 21, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St., NW, Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147415 (Sub–6), filed January 23, 1981. Applicant: SKY CORPORATION, P.O. Box 838, Bismarck, ND 58502. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *metal products*, between Portland, OR, on the one hand, and, on the other, points in the U.S.

MC 148274 (Sub–2), filed January 27, 1981. Applicant: M & S TRANSPORT, INC., 140 Broadway, Hawthorne, NY 10532. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *such commodities* as are dealt in or used by distributors of automotive parts and accessories, between points in the U.S., under continuing contract(s) with General Motors Warehousing and Distribution Division, General Motors Corporation, of Flint, MI.

MC 153544 (Sub–1), filed January 22, 1981. Applicant: MONARCH CARRIERS, INCORPORATED, Rovar Industrial Park, P.O. Box 1329, Kearney, NE 68847. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *grain bins* and *buildings*, between points in the U.S. under continuing contract(s) with Monarch Industries, Inc., of Kearney, NE.

MC 153774, filed January 21, 1981. Applicant: S & C TRANSPORTATION, INC., 2301 B Washington Ave., P.O. Box 1268, Conway, AR 72032. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *food and related products*, between points in TN, AR, OH, KY, GA, IL, IN, MO, TX, and WV.

Volume No. OP4–008

Decided: February 9, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Liberman not participating.)

FF–537, filed January 21, 1981. Applicant: FLORIDA FREIGHT FORWARDERS, INC., 616 Fields Ave., Jacksonville, FL 32202. Representative: O. C. Beakes, Esq., 836 Riverside Ave., Jacksonville, FL 32204. As a *freight forwarder*, in connection with the transportation of *general commodities*, (a) between points in Duval County, FL, on the one hand, and, on the other, points in Orange, Hillsborough, Pinellas, Palm Beach, Broward, Polk, and Dade Counties, FL, and (b) between points in Orange, Polk, Hillsborough, and Pinellas Counties, FL, on the one hand, and, on the other, points in Palm Beach, Broward and Dade Counties, FL.

MC 42487 (Sub-1022), filed January 19, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Great Salt Lake Minerals & Chemicals Corporation of Ogden, UT.

MC 95678 (Sub-378), filed January 23, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby, Suite 307, Edina, MN 55424. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chandler Corporation of Boise, ID.

MC 111967 (Sub-11), filed January 22, 1981. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton, OK 73502. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northeast Expressway, Oklahoma City, OK 73112. Transporting *petroleum, natural gas and their products*, between points in Caddo and Custer Counties, OK, on the one hand, and, on the other, points in AR, KS, MO, NM, OK, and TX.

MC 124117 (Sub-47), filed January 22, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, a Partnership, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *pulp, paper and related products*, (a) between points in KY, OH, and TN, on the one hand, and, on the other, points in Tippecanoe County, IN, (b) between points in AL, SC, and TN, on the one hand, and, on the other, points in Duval County, FL, and Polk County, GA, and (c) between points in Madison County, IL, on the one hand, and, on the other, points in KY and TN.

MC 133377 (Sub-15), filed January 23, 1981. Applicant: COMMERICAL SERVICES, INC., 114 Memorial Rd., Storm Lake, IA 50588. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses*, between points in Buena Vista County, IA, on the one hand, and, on the other, points in MN and NE.

Volume No. OP4–16

Decided: February 11, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 91306 (Sub-35), filed January 28, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, D.C. 20005. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points in DE, MD, NY, NJ, PA, MA, CT, RI and DC.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written requests of certificated authority under No. MC–91306 (Subs 10, 11, and 14).

MC 105566 (Sub-241), filed February 3, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 134806 (Sub-71), filed January 21, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *textile products, notions, and holiday decorations*, between points in the U.S., under continuing contract(s) with Wm. E. Wright Co., of Warren, PA, and Molnlycke, Inc., of Fresno, CA.

MC 139356 (Sub-4), filed January 27, 1981. Applicant: MIDLAND TRANSPORTATION, INC., 145 N. Main, East Wenatchee, WA 98801. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting *general commodities* (except classes A and B explosives), between those points in WA in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, WA, on the one hand, and, on the other, Seattle, WA and Portland, OR.

MC 139906 (Sub-140), filed February 2, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by farm and home supply stores, between points in the U.S.

MC 142126 (Sub-11), filed February 3, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Cristy Chemical Corporation, of Worcester, MA.

MC 144386 (Sub-7), filed January 23, 1981. Applicant: WILLIAM B. BLANEY, JOHN D. BLANEY, JR. AND JAMES M. BLANEY, d.b.a. BLANEY FARMS, R.D. #1, Box 2188, Perryopolis, PA 15473. Representative: William A. Gray, Esq., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *food or kindred products*, between points in Fayette, Greene, Washington, Westmoreland, Allegheny and Centre Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 145026 (Sub-11F), filed December 22, 1980, and noticed the **Federal Register** issue of January 23, 1981, and republished this issue. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Ave., Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in PA, NJ, NY, RI, MA, CT, NH, VT, ME, DE, MD, VA, and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This republication is to include CT as a destination point which was previously omitted.

MC 147286 (Sub–5), filed February 2, 1981. Applicant: A & L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting *textile mill products*, between points in Chatham County, GA, Charleston and Georgetown Counties, SC, New Hanover County, NC, Independent and Norfolk Counties, VA, Mobile County, AL, Orleans County, LA, and Duval County, FL, on the one hand, and, on the other, those points in GA north of Interstate Hwy 20.

MC 148546 (Sub–1), filed January 21, 1981. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Transporting (1) *chemicals and related products*, and (2) *rubber and plastic products*, between points in the United States, under continuing contract(s) with Lonza, Inc., of Fairlawn, NJ.

MC 148546 (Sub–2), filed January 21, 1981. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Suite 501, Washington, DC

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20036. Transporting *general commodities* (except Classes A and B explosives) between points in the U.S., under continuing contract with SCM Corporation of Cleveland, OH.

MC 149026 (Sub-22), filed January 21, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *such commodities* as are dealt in or used by department stores, (1) between points in AL, AR, IL, KS, KY, LA, MS, MO, OK, TN, and TX, and (2) between those points named in (1) above, on the one hand, and, on the other, points in the U.S.

MC 151596 (Sub-4), filed January 30, 1981. Applicant: BOB WHITAKER & SON, INC., P.O. Box 65, Roswell, NM 88201. Representative: Bruce C. Harrington, Kansas Credit Union Bldg., 1010 Tyler, Suite 1101, Topeka, KS 66612. Transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses*, between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc. of Dakota City, NE.

Volume No. OP4-21

Decided: February 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 41406 (Sub-166), filed January 29, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN 46410. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *metal products*, (2) *machinery*, (3) *building materials*, and (4) *those commodities*, which because of their size or weight require the use of special handling or equipment, between those points in the U.S. in and east of CO, ND, SD, NE, OK, and TX.

MC 67646 (Sub-94), filed January 29, 1981. Applicant: HALL'S MOTOR TRANS T COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in Adams, Allen, Elkhart, La Porte, St. Joseph, and Wayne Counties, IN, Berrien, Cass, Lenawee, Monroe, and St. Joseph Counties, MI, Hillsborough, Rockingham, and Strafford Counties, NH, and Ashland, Butler, Clark, Clermont, Crawford, Delaware, Erie, Fairfield, Fayette, Franklin, Greene, Hamilton, Hancock, Huron, Knox, Licking, Lucas, Madison, Marion, Miami, Montgomery, Morrow, Muskingham, Ottawa, Pickaway, Preble, Richland, Ross, Sandusky, Seneca, Union, Warren, Wood, and Wyandot Counties, OH, as intermediate and off-route points in connection with carrier's otherwise regular routes.

Note.—Applicant intends to take this authority with its existing regular route authority.

MC 89716 (Sub-58), filed February 5, 1981. Applicant: DICK JONES TRUCKING, Box 965, Powell, WY 82435. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203. Transporting *petroleum, natural gas and their products*, between points in Big Horn, Fremont, Hot Springs, Park and Washakie Counties, WY, on the one hand, and, on the other, points in ID, MT, and UT.

MC 113106 (Sub-103), filed February 3, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut,366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *such commodities* as are dealt in and distributed by grocery stores and food business houses, between Baltimore, MD, and points in Frederick and Rockingham Counties, VA, Berkeley County, WV, and Lincoln County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 123916 (Sub-18), filed February 3, 1981. Applicant: GROVE CITY BUS LINES, INC., P.O. Box 31, Grove City, PA 16127. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting (1) *passengers and their baggage*, in round trip charter and special operations, in sight-seeing and pleasure tours, beginning and ending at points in Cuyahoga, Geauga, Lake, Lorain, and Stark Counties, OH, and extending to points in the U.S., and (2) *passengers and their baggage*, in round trip charter and special operations, in sight-seeing and pleasure tours, between points in Cuyahoga, Geauga, Lake, Lorain, and Stark Counties, OH, on the one hand, and, on the other, points in the U.S., restricted to passengers having a prior or subsequent movement by air.

MC 129086 (Sub-32), filed January 30, 1981. Applicant: SPENCER TRUCKING CORP., Rt. 2, Box 254A, Keyser, WV 26726. Representative: Charles E. Creager, 1329 Pennsylvania Ave., Hagerstown, MD 21740. Transporting (1) *clay, concrete, glass or stone products*, (2) *rubber and plastic products*, and (3) *metal products*, between the facilities of Anchor Hocking Corporation and Chattanooga Glass Company, on the one hand, and, on the other, points in the U.S.

MC 130776 (Sub-1), filed January 27, 1981. Applicant: GRAY INTERNATIONAL AIR FORWARDING, INC., 1290 So. Pearl St., Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. As a *broker*, in arranging for the transportation of *household goods*, as defined by the Commission, between points in the U.S.

MC 134467 (Sub-76), filed January 30, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 250 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *food and related products*, between points in Coles County, IL, and Franklin County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 144776 (Sub-8), filed February 3, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., S.W., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *rubber and plastic products*, between the facilities of Dolco Packaging Corp., on the one hand, and, on the other, points in the U.S.

MC 150746 (Sub-4), filed February 5, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *containers and container closures*, between points in the U.S., under continuing contract(s) with Continental Glass Company, of Chicago, IL.

MC 152446 (Sub-1), filed January 30, 1981. Applicant: BEE LINE HOT SHOT SERVICE, INC., 6601 So. May, Oklahoma City, OK 73159. Representative: C. L. Phillips, Rm. 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *machinery*, between points in Oklahoma and Woodward Counties, OK, on the one hand, and, on the other, points in AR, CO, KS, NM, LA, and TX.

MC 153566 (Sub-1), filed February 5, 1981. Applicant: BELCHER TRUCKING CO., INC., P.O. Box 160, Brent, AL 35034. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy., Birmingham, AL 36209. Transporting *lumber and wood products*, between points in Chilton and Bibb Counties, AL, on the one hand, and, on the other, points in GA, OH, TN, KY, IN, IL, WI, MI, VA, WV, PA, and LA.

MC 153936, filed February 2, 1981. Applicant: MARCUM TRUCKING COMPANY, INC., Box 307, Mt. Gay, WV 25637. Representative: Thomas N. Hanna, One Valley Square, Suite 1290, Charleston, WV 25301. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Refab Company, Inc., of Stollings, WV, Pontiki Coal Corporation, of Lovely, KY, and Island Creek Coal Company, of Paintsville, KY.

FF 126 (Sub-2), filed February 3, 1981. Applicant: KNICKERBOCKER DESPATCH, INC., 16 Central Ave., Tenafly, NJ 07670. Representative: Donald E. Cross, 918 16th St., NW., Washington, DC 20006. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives), between points in PA, ME, VT, and NH, on the one hand, and, points in MA, RI, CT, NY, and NJ.

Volume No. OP4-24

Decided: February 13, 1981

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Fortier not participating.)

MC 37896 (Sub-37F), filed January 2, 1981, previously noticed in the **Federal Register** issue of February 3, 1981, and republished this issue.Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1408, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Essex Group, Inc., its subsidiaries and affilitates of United Technologies Corporation, of Fort Wayne, IN.

Note.—The purpose of this republication is to correctly state the contracting shipper.

MC 59666 (Sub-5), filed January 28, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant). Transporting (1) *pulp, paper and related products*, (2) *chemicals and related products*, and (3) *lumber and wood products*, between points in the U.S., under continuing contract(s) with the Westvaco Corporation, of New York, NY.

MC 117786 (Sub-124), filed February 2, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except classes A and B explosives), between facilities of Mid-America Yarn Mills, Inc., and its suppliers on the one hand, and, on the other, points in the U.S.

MC 139326 (Sub-1), filed January 28, 1981. Applicant: W. A. WAGNER, INC., P.O. Box 27, Garden Prairie, IL 61038. Representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in IL, WI, IN, and IA, on the one hand, and, on the other, points in SD, MN, MO, IN, KY, TN, OH, MI, IL, WI, and IA.

MC 139356 (Sub-3), filed January 28, 1981. Applicant: MIDLAND TRANSPORTATION, INC., 145 N. Main, East Wenatchee, WA 98801. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting *materials, supplies and equipment* as are used by orchard and fruit warehouses and fruit packers, between points in Chelan, Douglas, and Okanogan Counties, WA, on the one hand, and, on the other, points in ID and OR, and those points on the international boundary line between the U.S. and Canada in WA and ID.

MC 145636 (Sub-19), filed January 23, 1981. Applicant: BOB BRINK, INC., 128½ Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ Plaza East, P.O. Box 676, Winona, MN 55987. Transporting *general commodities*, between points in Olmsted County, MN, on the one hand, and, on the other, points in the U.S.

MC 146496 (Sub-3), filed January 21, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers, S., 3390 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gulf Oil Company, of Houston, TX.

MC 146516 (Sub-6F), filed October 11, 1980. Applicant: ALEXANDER TRUCKING CO., INC., 1209 S. Woodland Dr., P.O. Box 6243, Dothan, AL 36302. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *Bananas*, from Gulfport, MS, to points in AR, LA, OK, and TX.

MC 148616 (Sub-4), filed January 23, 1981. Applicant: TRANSPORT WEST, INC., P.O. Box 2015, Eugene, OR 97402. Representative: Gene E. Cook (Same address as applicant). Transporting *construction materials*, between points in the U.S., under continuing contract(s) with Ivy Rents, of Eugene, OR.

MC 149546 (Sub-6), filed January 23, 1981. Applicant: D & T TRUCKING CO., INC., 498 First St., NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 151036 (Sub-2), filed January 28, 1981. Applicant: DECATUR TRANSIT, INC., 161 First Ave., NE., Decatur, AL 35602. Representative: Eric G. Hancock (Same address as applicant). Transporting *asphalt and paving materials* in bulk in tank vehicles, between points in Tuscaloosa and Walker Counties, AL, on the one hand, and, on the other, points in Bedford, Cannon, Giles, Grundy, Hamilton, Lawrence, Lewis, Lincoln, Marshall, Maury, Rutherford and Warren Counties, TN.

MC 151706 (Sub-1F), filed October 15, 1980. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, P.O. Box 1567, 324 Exchange Bldg., La Crosse, WI 54601. Transporting (1) *chemicals or allied products, and* (2) *materials equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between points in OH, IL, and NJ, on the one hand, and, on the other, points in CT, GA, IL, IN, IA, MA, MN, MI, NJ, OH, PA, TN, NY, and WI.

MC 153546 (Sub-1F), filed January 27, 1981. Applicant: M & C TRANSPORT, INC., 1708 East Manhattan Blvd., Toledo, OH 43608. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Transporting *rubber and plastic products*, between points in Hancock and Seneca Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 153546 (Sub-2), filed January 27, 1981. Applicant: M & C TRANSPORT, INC., 1708 East Manhattan Blvd., Toledo, OH 43608. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Transporting *pulp, paper and related products*, between the facilities of Automatic Data Processing, Inc., on the one hand, and, on the other, points in the U.S.

Volume No. OP5-48

Decided: February 10, 1981.

By the Commission, Review Board No. 1. Members Carleton, Joyce, and Jones.

MC 72089 (Sub-33F), filed January 14, 1981, previously noticed in the **Federal Register** issue (Republication) of February 9, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: R. Emery Clark, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. Transporting *such merchandise* as is dealt in and distributed by food business houses, between points in the U.S., under continuing contract(s) with Wakefern Food Corporation, of Elizabeth, NJ. Purpose of republication is to show applicant as contract carrier.

MC 143188 (Sub-2F), filed December 1, 1980. Applicant: THE G & K HAULING COMPANY, a Corporation, 744 Water St., Toledo, OH 43604. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *fly ash*, from Toledo, OH, to points in IN and those in the Lower Peninsula of MI.

Volume No. OP 5–45

Decided: February 6, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 107478 (Sub-84), filed January 22, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, 1791 Westchester Drive, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *Plumbing goods and fixtures*, between points in Robeson County, NC, Rhea County, TN, Los Angeles County, CA, Carroll, Cook and Kane Counties, IL, and Weber County, UT, on the one hand, and, on the other, points in the U.S.

MC 109449 (Sub-51), filed January 19, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West Sixth St., Winona, MN 55987. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by food business houses, between LaCrosse, WI, on the one hand, and, on the other, points in the U.S.

MC 110288 (Sub-20), filed January 16, 1981. Applicant: HARRY HENERY, INC., 3517 W. Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *metal products*, (2) *machinery* (3) *those commodities* which because of their size or weight require the use of special handling or equipment (4) *building materials* (5) *Mercer commodities*, (6) *agricultural equipment*, and (7) *contractors' equipment*, between points in OK, KS, CO, NE, MO, AR, IA, IL, WI, and IN.

MC 110288 (Sub-21), filed January 22, 1981. Applicant: HARRY HENERY, INC., 3517 West Washington St., Indianapolis, IN 46214. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46204. Transporting (1) *metal products, and (2) machinery*, between points in Wayne County, IN, on the one hand, and, on the other, points in the U.S.

MC 112108 (Sub-6), filed January 19, 1981. Applicant: LEPRECHAUN LINES, INC., Route 32, P.O. Box 2628, Newburgh, NY 12550. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *passengers and their baggage*, in charter operations, between points in the U.S., under continuing contract(s) with Leprechaun Tours, Inc., of Newburgh, NY.

MC 118159 (Sub-374), filed January 19, 1981. Applicant: DISTRIBUTION SERVICE SYSTEMS, INC., 2961 Interstate St., Charlotte, NC 28208. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. Transporting *general commodities* (except classes A and B explosives) between the facilities used by American Cynamid Company in the United States, on the one hand, and, on the other, points in the United States.

MC 119639 (Sub-25), filed January 16, 1981. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting (1) *plastic*, and (2) *rubber and plastic products*, between points in CA, ID, OR, and WA.

MC 121818 (Sub-3), filed January 19, 1981. Applicant: REGIONAL STORAGE & TRANSPORT, INC., P.O. Box 817, Greenville, NC 27834. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *general commodities* (except classes A and B explosives), (1) between points in NC, and (2) between points in NC, on the one hand, and, on the other, Charleston, SC, Savannah, GA, and Norfolk, VA.

MC 129189 (Sub-10), filed January 19, 1981. Applicant: WING CARTAGE COMPANY, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *salt and salt products*, between points in MI, IN, WI, and IL.

MC 134339 (Sub-1), filed January 22, 1981. Applicant: DUBREUILVILLE ENTERPRISES, Dubreuilville, Ontario, POS IBO Canada. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting (1) *lumber and wood products*, (2) *building materials*, and (3) *machinery*, between points in the U.S., under continuing contract(s) with Dubreuil Lumber Company Limited and Dubreuil Brothers Limited, both of Dubreuilville, Province of Ontario, Canada.

MC 138308 (Sub-137), filed January 23, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22626, Jackson, MS 39205. Transporting (1) *chemicals and related products*, and (2) *such commodities* as are dealt in or used by department stores, supermarkets, hardware stores, and drug stores, between points in Washoe County, NV, on the one hand, and, on the other, points in CA, CO, OR, WA, and UT.

Volume No. OP5–46

Decided: February 6, 1981.

By the Commission, Review Board No. 2: Members Chandler, Easton, and Liberman.

MC 121699 (Sub-12F), filed October 14, 1980. Previously published in FR November 4, 1980. Applicant: VOLUMTEER EXPRESS, INC., 404 Arlington Ave., P.O. Box 100886, Nashville, TN 37210. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting *general commodities* (except A and B explosives, and household goods, as defined by the Commission), between points in the U.S., restricted to traffic originating at or destined to the facilities of CBS, Inc.

Note.—This republication broadens the commodity description.

MC 129378 (Sub-2), filed January 21, 1981. Applicant: JENNINGS TRUCKING SERVICE, INC., Route, Box 72, Gotebo, OK 73041. Representative: Michael H. Lennox, 8903 N. Western Ave., Oklahoma City, OK 73114. Transporting (1) *lumber and wood products* and, (2) *Mercer commodities*, between points in LA, TX, OK, KS, CO, WY, MT, SD, NM, and UT.

MC 141599 (Sub-11), filed January 23, 1981. Applicant: MOUNTAIN PACIFIC TRANSPORT, LTD., d.b.a. SHADOW LINES, 241 School House Road, Coquitlam, B.C., Canada V3K 4X9. Representative: George R. LaBissoniere, 14 S. Grady Way, Suite 233, Renton, WA 98055. Transporting (1) *Mercer commodities* and (2) *contractors and construction materials, supplies and equipment*, between the ports of entry on the international boundary line between the United States and Canada at points in WA, MT, and ID, on the one hand, and, on the other, points in WA, OR, CA, ID, and MT.

MC 142999 (Sub-29F), filed October 31, 1980. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, 1730 M St., NW, Suite 501, Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers Association, Inc., of Bristol, PA.

MC 146808 (Sub-3), filed January 22, 1981. Applicant: D & B TRUCKING, INC., d.b.a. ALCO EXPRESS, 4800 W. Jefferson, Detroit, MI 48209. Representative: James A. Russo (same address as applicant). Transporting *metal products*, between points in IL, IN, OH, and the Lower Peninsula of Michigan.

MC 147259 (Sub-8), filed January 13, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam, South Holland, IL 60473.Transporting *General commodities* (except classes A and B explosives), between points in Cook, DuPage, Kane, Lake, and Will Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, MI.

MC 148119 (Sub-2), filed January 19, 1981. Applicant: T. B. & P. EXPRESS, INC., St. Rte. 67 & Middletown Rd., P.O. Box 71, Daleville, IN 47334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *containers* between points in the U.S., under continuing contract(s) with Kerr Glass Manufacturing Corporation, of Sand Spring, OK.

MC 149419, filed January 21, 1981. Applicant: FRED F. OSTERBUR, JR. and MARVIN F. OSTERBUR, d.b.a. OSTERBUR TRUCKING, Box 26, Royal, IL 61871. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *ores and minerals and* (2) *clay, concrete, glass or stone products*, between points in Fountain and Newton Counties, IN, on the one hand, and, on the other, points in Vermilion and Champaign Counties, IL.

MC 150419 (Sub-1), filed January 19, 1981. Applicant: LEE TRUCKING, INC., P.O. Box 181, Mooresville, IN 46158. Representative: Karl Eugene Lee, Sr., 9 Stormy Lane, Apt. 5, Mooresville, IN 46158. Transporting *building materials* between points in the U.S. under continuing contract(s) with Cellulose Manufacturing, Inc., of Mooresville, IN.

MC 150628 (Sub-2), filed January 22, 1981. Applicant: IRMA SOMERS d.b.a. BLITZ PACK, 1420 Peachtree St., Apt. 1, Atlanta, GA 30309. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Southern Bell Telephone & Telegraph Co., of Atlanta, GA.

MC 153338 (Sub-1), filed January 19, 1981. Applicant: JOBBERS WAREHOUSE CO., INC., 2500 Railroad Ave., Bismarck, ND 58501. Representative: Charles L. Pererson, S.R. No. 1, Box 87, Baldwin, ND 58521. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OP5–49

Decided: February 9, 1981.

By the Commission, Review Board No. 3. Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 9859 (Sub-8), filed January 29, 1981. Applicant: KANE TRANSFER CO., a corporation, 4661 Hollins Ferry Road, Baltimore, MD 21227. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S., under continuing contract(s) with The Proctor & Gamble Company of Cincinnati, OH and its subsidiaries.

MC 30508 (Sub-12), filed January 22, 1981. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Rd., Exeter, NH 03833. Representative: Robert L. Cope, 1730 M St., NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Albany, NY, and Greenfield, MA, from Albany over NY Hwy 2 to the NY–MA State line, then over MA Hwy 2 to Greenfield, and return over the same route; (2) between Stamford, CT, and Boston, MA, from Stamford over U.S. Hwy 1 to Boston; (3) between New Haven, CT, and Boston, MA, from New Haven over U.S. Hwy 5 to junction MA Hwy 2, then over MA Hwy 2 to Boston, and return over the same route; (4) between Albany, NY, and Boston, MA, from Albany over U.S. Hwy 20 to Boston; (5) between Hartford, CT, and Boston, MA, from Hartford over Interstate Hwy 86 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Boston, and return over the same route; (6) between Boston, MA, and Lewiston, ME, from Boston over U.S. Hwy 1 to Portland, ME, then over ME Hwy 100 to Lewiston, and return over the same route, serving all intermediate points on routes (1) through (6), serving all points in Warren, Washington, Saratoga, Schenectady, Rensselaer, and Albany Counties, NY, Cumberland, Androscoggin, Oxford, Kennebec, Sagadahoc, Lincoln, Knox, Franklin, and Waldo Counties, ME, and all points in CT and RI, as off-route points in conjunction with applicant's regular-route or irregular route operations.

MC 40978 (Sub-83), filed January 23, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *general commodities* (except classes A and B explosives), between Minneapolis-St. Paul, MN, and points in Winona County, MN, on the one hand, and, on the other, points in IL, IN, MI, and WI.

MC 97068 (Sub-24), filed January 22, 1981. Applicant: H. S. ANDERSON TRUCKING COMPANY a Corporation, P.O. Box 3656, Port Arthur, TX 77640. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting (1) *machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, equipment, and supplies* used in, or in servicing, maintenance and dismantling of pipe lines, including the string and picking up thereof, between points in the U.S.

MC 107478 (Sub-63), filed January 27, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, 1791 Westchester Drive, High Point, NC 27261. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Transporting *lumber and wood products* between points in the U.S.

MC 107618 (Sub-108), filed January 29, 1981. Applicant: GREENSTEIN TRUCKING COMPANY, A Corporation, 280 N.W. 12th Ave., Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental

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cancellation, at applicant's written request, of all existing certificates.

MC 109238 (Sub-25), filed January 23, 1981. Applicant: DeHART MOTOR LINES, INC., P.O. Box 368, Conover, NC 28613. Representative: Terrell C. Clark, P.O. Box 25, Stanleyville, VA 24168. Transporting *general commodities* (except classes A and B explosives), between points in Alexander, Anson, Burke, Caldwell, and Catawba Counties, NC, on the one hand, and, on the other, points in SC.

MC 115669 (Sub-204), filed January 27, 1981. Applicant: DAHLSTER TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). Transporting (1) *fertilizers*, (2) *petroleum products*, and (3) *feed ingredients*, between points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, WI, and WY.

MC 118838 (Sub-72), filed January 27, 1981. Applicant: GABOR TRUCKING, INC., RR #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *building materials*, between points in CA, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, NE, ND, OH, PA, SD, WI, and WY.

MC 119118 (Sub-67F), filed December 5, 1980, previously noticed in **Federal Register** issue of January 13, 1981. Applicant: MC CURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *malt beverages, in containers, and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), (a) between points in Butler County, OH, on the one hand, and, on the other, Alexandria, VA, and points in Westmoreland and Dauphin Counties, PA, Prince Georges County, MD, and Vanderburgh County, IN, (b) between points in Lehigh County, PA, on the one hand, and, on the other, points in Chautauqua County, NY, and (c) between Baltimore, MD, and points in Vanderburgh County, IN, Campbell County, KY, and Saginaw County, MI, on the one hand, and, on the other, Norfolk, VA, and points in Cayuga County, NY.

Note.—This republication shows the correct territorial description.

MC 119399 (Sub-144), filed January 23, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant.) Transporting *such commodities* as are dealt in or used by manufacturers of plastic insulated copper wire, between points in Buncombe County, NC, and Benton County, AR, on the one hand, and, on the other, points in the U.S.

MC 121568 (Sub-77), filed January 21, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (Same address as applicant.) Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of MT, WY, CO, and NM. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

Note.—Applicant intends to tack with existing authority.

MC 136169 (Sub-5), filed January 23, 1981. Applicant: CHARLES PHILLIPS TRUCKING, INC., P.O. Box 222, Alvarado, TX 76009. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Transporting *commodities in bulk*, between points in Ellis County, TX, on the one hand, and, on the other, points in OK.

MC 138278 (Sub-1), filed January 23, 1981. Applicant: KOCH BUS SERVICE, INC., Waconia, MN 55387. Representative: (Same address as applicant.) Transporting *passengers and their baggage*, in round-trip charter operations beginning and ending at points in Hennepin County, MN, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5862 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 77 (SDM)]

Bangor and Aroostook Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federald Regulations, Part 1121.23, that the Bangor and Aroostook Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 77 (SDM). The Commission on February 11, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 77 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5744 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

February 17, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

43900. RO-LO Pacific Line (No. 3), for rail carriers parties to its tariffs ICC ROLU 300, FMC No. 2, and ICC ROLU 301, FMC No. 5, proposes to establish rail/ocean, ocean/rail intermodal rates on commodities in containers between rail terminals on the U.S. Atlantic and Gulf Coast to Interchange ports with origins or destinations at ports in Japan, Korea, Singapore, Hong Kong, and Philippine Islands, effective March 8, 1981. Grounds for relief—water competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5743 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Revco D.S., Inc., and Zale Corp.; Proposed Final Judgment, and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Northern District of Texas, in *United States of America* v. *Revco D.S., Inc. and Zale Corporation*, Civil No. CA 3–81–0157–H. The Complaint in this case alleged that the acquisition of the assets of the Skillern Drug Division of Zale Corporation by Revco D.S., Inc. ("Revco") may substantially lessen competition or tend to create a monopoly in the retail sale of ethical drugs in the Dallas-Fort Worth, El Paso and Tyler, Texas areas, in violation of section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment requires Revco to divest itself of certain drug stores in each of the markets alleged within nine months from the effective date of the Final Judgment, or by January 31, 1982, whichever occurs later. The proposed Final Judgment also provides for the appointment of a trustee who shall have authority to accomplish the divestiture should Revco be unable to complete the divestiture by the prescribed deadline. The proposed Final Judgment further provides for monthly written reports from Revco setting forth the steps taken by it to accomplish the divestiture required by the Final Judgment. Before the required divestiture is accomplished, Revco must maintain the acquired drug stores as going businesses.

Public comment is invited within the statutory 60-day waiting period. Such comments, and responses thereto, will be published in the **Federal Register** and will be filed with the Court. Comments should be directed to Donald C. Klawiter, Chief, Dallas Field Office, Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, (Telephone (214) 767–8051).

Joseph H. Widmar,

Director of Operations.

In the matter of Northern District of Texas: United States of America, Plaintiff, v. Revco D.S., Inc. and Zale Corporation, Defendants, Civil Action No. 3–81–0157–H, Filed: February 6, 1981, Stipulation.

It is stipulated by and between the undersigned parties, plaintiff, United States of America, and defendants Revco D.S., Inc. and Zale Corporation, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the porposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendants in this or any other proceeding.

3. The Stipulation entered into by the parties on February 2, 1981 is hereby revoked and its provisions are of no further effect.

Dated: February 6, 1981.

For the plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, Donald C. Klawiter, Mary Coleen T. Sowell, Larry R. Patton, *Attorneys Department of Justice, Antitrust Division, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, (214) 767–8051.*

For the defendants: Martin Zeiger, *Vice President, General Counsel, Revco D.S., Inc.; Arter & Hadden, 1144 Union Commerce Building, Cleveland, OH 44115, (216) 696–1144;* Walter A. Bates, *Attorney for Revco D.S. Inc.; Arter hadden & Hemmendinger, 1919 Pennsylvania Ave., N.W., Suite 400, Washington, D.C. 20006, (202) 857–0960;* Jerome A. Hochberg, *Attorney for Revco D.S., Inc.; Weil, Gotthsall & Manges, 787 Fifth Avenue, New York, NY 10153, (212) 310–8650;* Peter D. Standish, *Attorney for Zale Corporation.*

In the matter of Northern District of Texas: United States of America, Plaintiff, v. Revco D.S., Inc., and Zale Corporation, Defendants, Civil No. CA 3–81–0157–H, Filed: February 6, 1981, Final Judgment.

Plaintiff, United States of America, having filed its Complaint herein on February 2, 1981, and the plaintiff and the defendants, Revco D.S., Inc., and Zale Corporation, by their respective attorneys, having consented to the making and entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any such issue;

Now, therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act (15 U.S.C. 18).

II

As used in this Final Judgment:

(A) Revco D.S., Inc. (Revco) is a corporation organized and existing under the laws of the State of Michigan with its principal place of business in Twinsburg, Ohio.

(B) Zale Corporation (Zale) is a corporation organized and existing under the laws of the State of Texas with its principal place of business in Dallas, Texas.

(G) "Assets" means those certain drug stores acquired by Revco from Zale and those certain drug stores operated by Revco which are to be divested as identified and in the manner prescribed in Appendix A to this Final Judgment. More specifically, "Assets" means the leasehold estates created by and all rights conveyed under or by virtue of the leases, the fixed assets and the inventories of the drug stores.

(D) "Eligible purchaser" means any entity or entities approved by the plaintiff or, failing such approval, by the Court to acquire any or all of the Assets as defined in Section II(C) herein.

III

Zale is hereby dismissed as a named defendant in this Final Judgment.

IV

The provisions of this Final Judgment applicable to Revco shall also apply to each of its officers, directors, agents, employees, affiliates, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall not apply to any eligible purchaser which in fact purchases Assets.

V

(A) Revco is ordered and directed within nine months from the effective date of this Final Judgment or by January 31, 1982, whichever occurs later, to divest itself of the Assets.

(B) The divestiture required by this Section V shall be absolute and unconditional to an eligible purchaser or purchasers upon terms and conditions approved by the plaintiff or, failing such approval by the plaintiff, by the Court.

(C) Within 15 days after Revco presents to the plaintiff at the offices of the Antitrust Division in Dallas, Texas, a letter of intent by a prospective purchaser to acquire any of the Assets, and such other information which Revco supplies for evaluating the competitive effects of the transaction, the plaintiff shall indicate its approval or disapproval in writing to Revco at its principal office in Twinsburg, Ohio and to its attorney at his office in Cleveland, Ohio. If plaintiff requires supplementary information concerning the proposed sale, it shall request such information within seven days after receipt of the said letter of intent and must indicate its approval or disapproval in writing within 15 days after receipt of the

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supplementary information. Failure to respond within the required time under either circumstance shall be deemed to be approval by the plaintiff. If plaintiff objects to the proposed divestiture, then such divestiture shall not be consummated unless approved by the Court or unless plaintiff notifies Revco in writing that its objection has been withdrawn.

(D) The period set forth in Section V(A) shall be tolled during any period or periods utilized by the plaintiff pursuant to Section V(C) and during the pendency of any proceedings in this Court under this Final Judgment relating to approval of a proposed divestiture.

VI

(A) If Revco is unable to complete the divestiture required by this Final Judgement within the period set forth in Section V hereof, the Court shall, upon application of the plaintiff, appoint a trustee who shall have authority to divest those Assets that Revco has been unable to divest.

(B) The trustee shall have full power and authority to dispose of the Assets, subject to the prior approval of this Court. The Court shall provide the parties with an opportunity for a hearing prior to granting its approval. The trustee shall serve at the cost and expense of Revco, on such terms and conditions as this Court may set, and shall account for all monies derived from the disposal of the Assets and all expenses so incurred. After approval by this Court of the trustee's account, including fees for his services, all remaining monies shall be paid to Revco, and the trust shall be terminated. Each sale by the trustee shall be in accordance with the provisions of this Final Judgment.

VII

Except as hereinafter provided, Revco is prohibited from reacquiring any of the Assets that are sold pursuant to this Final Judgment, including negotiating for a lease after the expiration of the current lease. Revco may reacquire Assets only to reassume its obligations on leaseholds should any buyer default on its lease obligations, or to enforce any bona fide security interest in any or all of the Assets to be divested to secure payment of any unpaid portion of the purchase price or performance of any term of any contract or contracts required by Section V(A) herein. If Revco should reacquire any Assets pursuant to this Section VII within two years, it shall notify the plaintiff within 10 days after and thereafter, in consultation with the plaintiff, use its best efforts to resell the Assets as drug stores. Failing such resale, Revco agrees it shall not operate such Assets as drug stores and shall be relieved of any requirement to further divest such Assets.

VIII

Revco is ordered and directed to file with the plaintiff at the offices of the Antitrust Division in Dallas, Texas within one month after the effective date of this Final Judgment, and every month thereafter, a written report setting forth the steps taken by it to accomplish the divestiture required by this Final Judgment. Such report shall include, but not be limited to, an identification of any person or persons to whom the Assets have been offered, the terms and conditions of each offer to sell, the identification of any person or persons expressing interest in acquiring the Assets, and the terms and conditions of each offer to purchase. Such reports shall be treated as confidential by the plaintiff.

IX

Until the divestiture of the Assets, Revco is ordered and directed to maintain the Assets listed in Appendix A as going businesses. Revco shall provide such financial, business, promotion and management assistance as necessary to maintain the Assets as going businesses.

X

(A) For the purpose of determining or securing compliance with this Final Judgment duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and upon reasonable notice to Revco made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access, during office hours of Revco to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession of or under the control of said defendant relating to any of the matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Revco, and without restraint or interference from it, to interview the officers and employees of said defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made to its principal office, Revco shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

(C) No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, for enforcement or dompliance therewith and for punishment of violations thereof.

XII

Entry of this Final Judgment is in the public interest.

United States District Judge
Dated:

Appendix A

1. In the Dallas-Fort Worth area the Assets to be divested shall consist of the following:

(a) Each drug store listed below:

Skillern's Store 6003, 2703 South Lancaster, Dallas, Texas 75216
Skillern's Store 6007, 4900 Ross Avenue, Dallas, Texas 75206
Skillern's Store 6029, 326 East Main, Grand Prairie, Texas 75050
Skillern's Store 6056, 1343 Camp Wisdom, Dallas, Texas 75237
Skillern's Store 6072, 3065 Josey Lane, Carrollton, Texas 75006
Skillern's Store 6084, 7602 Campbell Road, Dallas, Texas 75248
Revco Store 267, 3401 Mansfield Highway, Fort Worth, Texas 76119
Revco Store 295, 8433 Lake June Road, Dallas, Texas 75217.

(b) One drug store from each of the following groups of drug stores:

(1) Skillern's Store 6020, 975 Irving Boulevard, Irving, Texas 75060
Skillern's Store 6140, 3624 N. Belt Line, Irving, Texas 75062
Revco Store 296, 1019 W. Rochelle (Pandy Town Shopping Center), Irving, Texas 75062
(2) Skillern's Store 6039, 1511 New York Avenue, Arlington, Texas 76010
Revco Store 271, 1600 E. Abrams Street, Arlington, Texas 76010
(3) Skillern's Store 6139, 2424 South Collins, Arlington, Texas 76014
Revco Store 273, 2212 New York Avenue, Arlington, Texas 76010
(4) Skillern's Store 6080, 724 East Pipeline Road, Hurst, Texas 76053
Skillern's Store 6129, 510 I Harwood Village, Bedford, Texas 76021
Revco Store 270, 1307 Brown Trail, Bedford, Texas 76021
(5) Skillern's Store 6049, 2737 West Park Row, Arlington, Texas 76010
Revco Store 265, 1530 Bowen Road, Pantego, Texas 76013
(6) Skillern's Store 6034, 4701 East Lancaster, Fort Worth, Texas 76103
Revco Store 280, 1111 Oakland Boulevard, Fort Worth, Texas 76103
(7) Skillern's Store 6006, 3177 Denton Highway, Haltom City, Texas 76117
Revco Store 263, 4100 Denton Highway, Haltom City, Texas 76117
(8) Skillern's Store 6027, 4401 River Oaks Boulevard, Fort Worth, Texas 76114
Revco Store 298, 2254 Jacksboro Highway, Fort Worth, Texas 76114
(9) Skillern's Store 6009, 504 West Rosedale, Fort Worth, Texas 76104
Revco Store 268, 1729 Eighth Avenue, Fort Worth, Texas 76110
(10) Skillern's Store 6078, 2720 West Seminary Drive, Fort Worth, Texas 76133
Revco Store 264, 5205 McCart, Fort Worth, Texas 76115
(11) Skillern's Store 6060, 3001 Walton, Fort Worth, Texas 76133
Revco Store 285, 3838 Alta Mesa Boulevard, Fort Worth, Texas 76133
(12) Skillern's Store 6006, 4806 Camp Bowie Boulevard, Fort Worth, Texas 76107
Revco Store 269, 4601 Camp Bowie Boulevard, Fort Worth, Texas 76107
(13) Skillern's Store 6066, 6133 Highway 80 West, Fort Worth, Texas 76116
Revco Store 2816, Las Vegas Trail, Fort Worth, Texas 76116
(14) Skillern's Store 6127, 319 South Cedar Ridge, Duncanville, Texas 75116
Revco Store 282, 267 West Camp Wisdom Road, Redbird Village Shopping Center, Duncanville, Texas 75116
(15) Skillern's Store 6050, 1806 Avenue K, Plano, Texas 75074
Skillern's Store 6097, 2109 Parker Road #100, Plano, Texas 75074
Skillern's Store 6109, 3045 West 15th, Plano, Texas 75074
Revco Store 4102, 907 W. Parker Road, Plano, Texas 75023
(16) Revco Store 242, 5006 N. Jupiter Road, Garland, Texas 75042
Revco Store 2815, 1332 S. Plano Road, Richardson, Texas 75081
(17) Skillern's Store 6024, Saturn/Northwest Highway, Garland, Texas 75041
Skillern's Store 6030, 408 Casa Linda Plaza, Dallas, Texas 75218
Skillern's Store 6092, 31006 N. Buchner, Dallas, Texas 75228
Revco Store 291, 4402 Gus Thomass Road, Oates Park Shopping Center, Mesquite, Texas 75150.

2. In the El Paso area, the Assets to be divested shall consist of one of the following:

(a) One drug store from each of the following groups of drug stores to a drug store chain (four or more stores) competitor presently in the El Paso area, other than the leading competitor in that area:

(1) Skillern's Store 6474, 3333–B North Yarborough, El Paso, Texas 79925
Revco Store 690, 10780 North Pebble Hills Blvd., El Paso, Texas 79935
(2) Skillern's Store 6450, 5579 Alameda (Fox Plaza), El Paso, Texas 79905
Revco Store 671, 5516 Alameda, El Paso, Texas 79905.

(b) One from each of the above groups of drug stores and two other drug stores located in the El Paso area to a new entrant into that area.

3. In the Tyler area, the Assets to be divested shall consist of one of the following:

(a) One drug store from the following group of drug stores to a drug store competitor presently in the Tyler area other than the two leading competitors in that area:

Skillern's Store 6098, 813 North Broadway, Tyler, Texas 75701
Revco Store 289, 1103 East Gentry, Tyler, Texas 75702.

(b) One drug store from the above group and one other drug store located in the Tyler area to a new entrant into that area.

Northern District of Texas: United States of America, Plaintiff, v. Revco, D.S., Inc., and Zale Corporation, Defendants, Civil No. CA–3–81–0157–H, Filed: February 6, 1981, Competitive Impact Statement.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (d)–(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

This is a civil action filed by the United States against Revco, D.S., Inc. of Twinsburg, Ohio and Zale Corporation of Dallas, Texas. The complaint, which was filed on February 2, 1981, alleged that the proposed acquisition by Revco of all of the assets of the Skillern Drug Division of Zale Corporation (Skillern's) would violate Section 7 of the Clayton Act because competition between the two companies in the retail sale of ethical or prescription drugs would be eliminated. The case was brought to enjoin Revco from acquiring the Skillern Drug Division of Zale Corporation.

The complaint alleged that the effect of the proposed acquisition of Skillern's by Revco may be substantially to lessen competition and to tend to create a monopoly in the sale of ethical drugs to the general public in three geographic areas in Texas in violation of Section 7 of the Clayton Act. In the Dallas-Fort Worth area Revco and Skillern's, combined, would have approximately 19.8 percent of ethical drug sales. In the El Paso area Revco and Skillern's, combined, would have approximately 23.9 percent of ethical drug sales, and in the Tyler area Revco and Skillern's combined, would have 13.7 percent of such sales.

II

Description of the Alleged Violation

On December 1, 1980, Revco entered into an agreement with Zale Corporation to acquire all of the assets of the Skillern Drug Division of Zale Corporation. Both Revco and Skillern's are engaged in the retail sale of ethical or prescription drugs to the general public.

Revco is a Michigan corporation, maintaining its principal place of business in Twinsburg, Ohio. Revco is the largest retail drug chain in the United States, operating approximately 1276 pharmacies in 24 states. For the fiscal year ending May 31, 1980, Revco had total corporate sales of $1,092,797,000. As of December 11, 1980, Revco operated 58 pharmacies in the State of Texas, including 27 in the Dallas-Fort Worth area, with 1980 ethical drug sales of $5,381,129; five in the El Paso area, with 1980 ethical drug sales of $966,821; and three in the Tyler area, with 1980 ethical drug sales of $257,003.

Zale Corporation is a Texas corporation and maintains its principal place of business in Dallas, Texas. Zale Corporation owns and controls two wholly-owned subsidiaries, Skillern & Sons, Inc. and Skillern & Sons New Mexico, Inc., both Texas corporations, which were operated as the Skillern Drug Division of Zale Corporation. Skillern's is engaged principally in retail drug sales and, as of November 10, 1980, operated 144 pharmacies in the states of Texas and New Mexico with total sales of $148,700,000. Of these stores, Skillern's operated 75 stores in the Dallas-Fort Worth area, with 1980 ethical drug sales of approximately $21,966,200; 15 stores in the El Paso area, with 1980 ethical drug sales of approximately $2,860,000; and 3 stores in the Tyler area, with 1980 ethical drug sales of approximately $721,000.

The line of commerce involved in this transaction is the retail sale of ethical or prescription drugs to the general public. Ethical drugs are those drugs that are restricted to sale only on a physician's, dentist's, or other licensed practitioner's prescription, as provided by federal law and the laws of the State of Texas. The retail outlets from which ethical drugs are sold to the general public are pharmacies. These pharmacies are licensed by the State of Texas and ethical drugs must be dispensed by a pharmacist, also licensed by the State of Texas.

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The three geographic markets in which Revco and Skillern's are direct competitors are the Dallas-Fort Worth area, the El Paso area and the Tyler area. The Dallas-Fort Worth area includes Dallas and Tarrant counties and the incorporated cities of Lewisville and Plano in the State of Texas; this area includes the cities of Dallas and Fort Worth. The El Paso area includes the county of El Paso, and the Tyler area includes Smith County, Texas. There are also Skillern's stores in other areas of the State of Texas; however, these three areas are the locations where Revco and Skillern's directly compete against against each other in the retail sale of ethical drugs.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. That stipulation provides that there has been no admission by any party with respect to any issue of law or fact. This stipulation also rescinds the stipulation of the parties on February 2, 1981 by which the defendants agreed not to consummate the acquisition pending the outcome of settlement negotiations. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Final Judgment is conditioned upon a determination by the Court that it is in the public interest.

Section III of the proposed Final Judgment will dismiss Zale Corporation form the action.

Section IV of the proposed Final Judgment expressly provides that it appies to Revco, its officers, directors, agents, employees, subsidiaries, affiliates, sucessors, and assigns, and to all other persons in active concert or participation with any of them who receive notice of this Final Judment by personal service or otherwise.

Section V of the proposed Final Judgment orders Revco to divest itself of from 28 to 31 drug stores in three geographic areas in Texas. These drug stores are termed Assets in the Final Judgment where "Assets" is defined as certain drug stores acquired by Revco from Skillern's and certain drug stores operated by Revco. In the Dallas-Fort Worth area, the divestiture provisions require Revco to divest itself of each of the drug stores in listed in 1(a) of Appendix A, and one drug store from each grouping of drug stores listed in 1(b) of Appendix A, to another entity. Revco is also ordered to divest itself of one drug store from each of the groupings for El Paso, Texas, as listed in 2(a) of Appendix A, to a company presently operating drug stores in that market, or four drug stores, including one from each of the groupings for El Paso listed in 2(a) of Appendix A, to a new entrant into the market. The proposed Final Judgment orders Revco to divest itself of one drug store from the grouping for Tyler, Texas listed in 3(a) of Appendix A, to a company presently operating drug stores in that market, or two drug stores, one of which is listed in 3(a) of Appendix A, to a new entrant into the market. The drug store groupings to be divested also listed as Appendix A of this Competitive Impact Statement. The Final Judgment further specifies that "Assets" means the leasehold estates created by and all rights conveyed under or by virtue of the leases, the fixed assets and the inventories of each drug store.

Section V further requires that the Divestiture of these drug stores occur within nine months of the date of entry of this Final Judgment, or before January 31, 1982, whichever date is later.

Section V also gives the government the right to object to the proposed sale of each of the groupings of drug stores to be divested. If the government does object, the period for diverstiture will be tolled during the period that it takes the government to evaluate the proposed sale, and make its objection known. If Revco challenges the objection and the Court sustains the objection, the period for diverstiture will be tolled during the pendency of any Court proceedings.

Section VI provides for the Court, upon the government's request, to appoint a trustee, at Revco's expense, to sell each of the groupings of drug stores to be divested which Revco has not divested within the period specified. The trustee has the authority to dispose of each grouping of drug stores, subject to the approval of the Court.

Section VII provides that Revco may not reacquire any of the drug store locations divested pursuant to the Final Judgment, except to enforce a valid security interest in such drug store obtained to insure payment from the purchaser, or to reassume its obligations on leaseholds in the event that the purchaser defaults. Revco must use its best efforts to resell any drug store reaquired in this manner and, in any event, may not operate that location as a drug store.

Section VIII requires Revco to provide the government with a monthly report detailing its efforts to sell the drug stores to be divested.

Section IX orders Revco to maintain each of the drug stores listed in Appendix A as going businesses and to continue normal business operations until each drug store is sold.

Under Section X of the proposed Final Judgment, the Department of Justice would have access, upon reasonable notice, to the records and personnel of Revco in order to determine the defendant's compliance with the provisions of the Final Judgment.

Under Section XI of the proposed Final Judgment, jurisdiction is retained by the Court for the purpose of enabling any party to apply for such orders to directions as may be necessary to carry out the Final Judgment, for modification of any of its provisions, or for punishment of violations of its provisions.

Section XII indicates that the proposed Final Judgment is in the public interest.

IV

Remedies to Private Plaintiffs

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action.

Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed Final Judgment may not be used as *prima* facie evidence in any subsequent private lawsuit which may be brought against the defendants since it is a consent judgment that will be entered before any testimony has been taken.

V

Procedures Available for Modifications of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Donald C. Klawiter, Chief, Dallas Field Office, Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, within the 60-day period provided by the Act. These comments and responses to them will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification of the Final Judgment is necessary.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment requires Revco to divest from 28 to 31 drug stores in three geographic areas in Texas. The divestiture of these drug stores will eliminate the anticompetitive effects of the proposed acquisition of the Skillern Drug Division by Revco in each of the relevant geographic markets where both Revco and Skillern's are substantial competitors in the retail sale of ethical drugs to the general public. Since the relief obtained in the Final Judgment eliminates the anticompetitives effects of the proposed acquisition in each geographic market, it is substantially similar to the relief the Department of Justice could expect to obtain after a trial on the merits. Although most provisions of the proposed judgment were revised and refined in the course of the negotiations, no relief substantially different in kind was considered by the government.

VII

Determinative Document

There are no materials or documents which the government considered determinative in formulating this proposed Final Judgment. Therefore, none are being filed along with this Competitive Impact Statement.

Dated: February 6, 1981.

Mary Coleen T. Sewell,

Larry R. Patton,

Attorneys, Department of Justice.

Appendix A

1. In the Dallas-Fort Worth area the Assets to be divested shall consist of the following:

(a) Each drug store listed below:

Skillern's Store 6003, 2703 South Lancaster, Dallas, Texas 75216
Skillern's Store 6007, 4900 Ross Avenue, Dallas, Texas 75206
Skillern's Store 6029, 326 East Main, Grand Prairie, Texas 75050
Skillern's Store 6056, 1343 Camp Wisdom, Dallas, Texas 75237
Skillern's Store 6072, 3065 Josey Lane, Carrollton, Texas 75006
Skillern's Store 6084, 7602 Campbell Road, Dallas, Texas 75248
Revco Store 267, 3401 Mansfield Highway, Fort Worth, Texas 76119
Revco Store 295, 8433 Lake June Road, Dallas, Texas 75217.

(b) One drug store from each of the following groups of drug stores:

(1) Skillern's Store 6020, 975 Irving Boulevard, Irving, Texas 75060
Skillern's Store 6140, 3624 N. Belt Line, Irving, Texas 75062
Revco Store 296, 1019 W. Rochelle (Pandy Town Shopping Center), Irving, Texas 75062
(2) Skillern's Store 6039, 1511 New York, Arlington, Texas 76010
Revco Store 271, 1600 E. Abrams, Arlington, Texas 76010
(3) Skillern's Store 6139, 2424 South Collins, Arlington, Texas 76014
Revco Store 273, 2212 New York Avenue, Arlington, Texas 76010
(4) Skillern's Store 6089, 724 East Pipeline Road, Hurst, Texas 76536
Skillern's Store 6129, 510 I Harwood Village, Bedford, Texas 76021
Revco Store 270, 1307 Brown Trail, Bedford, Texas 76021
(5) Skillern's Store 6049, 2737 Park Row, Arlington, Texas 76010
Revco Store 285, 1530 Bower Road, Pantego, Texas 76013
(6) Skillern's Store 6034, 4701 East Lancaster, Fort Worth, Texas 76103
Revco Store 280, 1111 Oakland Boulevard, Fort Worth, Texas 76103
(7) Skillern's Store 6006, 3177 Denton Highway, Haltom City, Texas 76117
Revco Store 283, 4100 Denton Highway, Haltom City, Texas 76117
(8) Skillern's Store 6027, 4401 River Oaks, Fort Worth, Texas 76114
Revco Store 298, 2254 Jacksboro Highway, Fort Worth, Texas 76114
(9) Skillern's Store 6009, 504 West Rosedale, Fort Worth, Texas 76104
Revco Store 268, 1729 Eighth Avenue, Fort Worth, Texas 76110
(10) Skillern's Store 6078, 2720 West Seminary, Fort Worth, Texas 76133
Revco Store 264, 5205 McCart, Fort Worth, Texas 76115
(11) Skillern's Store 6060, 3001 Walton, Fort Worth, Texas 76133
Revco Store 285, 3638 Alta Mesa Boulevard, Fort Worth, Texas 76133
(12) Skillern's Store 6008, 4808 Camp Bowie Boulevard, Fort Worth, Texas 76107
Revco Store 269, 4601 Camp Bowie Boulevard, Fort Worth, Texas 76107
(13) Skillern's Store 6066, 8133 Highway 80 West, Fort Worth, Texas 76116
Revco Store 2816, Las Vegas Trail, Fort Worth, Texas 76108
(14) Skillern's Store 6127, 319 South Cedar Ridge, Duncanville, Texas 75116
Revco Store 282, 267 West Camp Wisdom, Redbird Village Shopping Center, Duncanville, Texas 75116
(15) Skillern's Store 6050, 1806 Avenue K, Plano, Texas 75074
Skillern's Store 6097, 2109 Parker Road No. 100, Plano, Texas 75074
Skillern's Store 6109, 3045 West 15th, Plano, Texas 75074
Revco Store 4102, 907 W. Parker Road, Plano, Texas 75074
(16) Revco Store 242, 5006 N. Jupiter Road, Garland, Texas 75042
Revco Store 2815, 1332 S. Plano Road, Richardson, Texas 75081
(17) Skillern's Store 6024, Saturn/Northwest Highway, Garland, Texas 75041
Skillern's Store 6030, 408 Casa Linda Plaza, Dallas, Texas 75218
Skillern's Store 6092, 3106 N. Buchner, Dallas, Texas 75228
Revco Store 291, Oates Park Shopping Center, Mesquite, Texas 75150

2. In the El Paso area, the Assets to be divested shall consist of one of the following:

(a) One drug store from each of the following groups of drug stores to a drug store chain (four or more stores) competitor presently in the El Paso area, other than the leading competitor in that area:

(1) Skillern's Store 6474, 3333–B North Yarborough, El Paso, Texas 79925
Revco Store 890, 10780 North Pebble Hills Blvd., El Paso, Texas 79935
(2) Skillern's Store 6456, 5579 Alameda (Fox Plaza), El Paso, Texas 79905
Revco Store 871, 5516 Alameda, El Paso, Texas 79905.

(b) One from each of the above groups of drug stores and two other drug stores located in the El Paso area to a new entrant into that area.

3. In the Tyler area, the Assets to be divested shall consist of one of the following:

(a) One drug store from the following group of drug stores to a drug store competitor presently in the Tylor area other than the two leading competitors in that area:

Skillern's Store 6098, 813 North Broadway, Tyler, Texas 75701
Revco Store 289, 1103 East Gentry, Tylor, Texas 75702.

(b) One drug store from the above group and one other drug store located in the Tyler area to a new entrant into that area.

[FR Doc. 81-5729 Filed 2-19-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one

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area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 17th day of February 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending February 21, 1981.

Name of Applicant and Location of Enterprise and Principal Product or Activity

Hearth'N Kettle Restaurant Corp., Branson, Missouri—Motor inn and restaurant

Stonoca Farms Corp., Stono, Johns Island, South Carolina—Tomato packing facility

[FR Doc. 81-5737 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-108-M]

Multi Mineral Corp.; Petition for Modification of Application of Mandatory Safety Standard

Multi Mineral Corporation, 715 Horizon Drive, Suite 380, Grand Junction, Colorado 81501, has filed a petition to modify the application of 30 CFR 57.21-46 (crosscut intervals) to its No. 1 Shaft located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that crosscuts be made at intervals not in excess of 100 feet between entries and between rooms.

2. As an alternative, petitioner proposes to develop:

a. At the 1840 Level, a single entry access drift with two crosscuts, interconnected by the No. 2 drift entry, located at distances of 115 feet and 180 feet from the shaft;

b. At the 2130 Level, a single entry access drift with two crosscuts, interconnected by a stope drift, located at distances of 155 feet and 211 feet from the shaft;

c. At the 2230 Level, a single entry access drift with two crosscuts, interconnected by a sill drift, located at distances of 166.5 feet and 119.5 feet from the shaft.

3. The 1840 Level is not presently in use. The rock formation on the other two levels is competent, massive oil shale, with irregular inclusions of nodular nahcolite. Roof support is reinforced with the use of six foot split set type rock bolts installed on a 5-foot diamond pattern. Mining and roof conditions are considered excellent.

4. Petitioner states that crosscut placement was designed to maximize miner safety.

5. The crosscuts will not be used for ventilation but rather as an extraction point. The ventilation and methane detection systems will be sufficient to support the greater crosscut placement distance.

6. Petitioner states that the alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 23, 1981. Copies of the petition are available for inspection at that address.

Dated: February 9, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5839 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-180-C]

Peacock Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peacock Coal Company, Grove Drive, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Peacock Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. The mine has no history of ignition, explosion or mine fires.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 23, 1981. Copies of the petition are available for inspection at that address.

Dated: February 12, 1981.

Frank A. White,

Director Office of Standards, Regulations and Variances.

[FR Doc. 81-5840 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-156-C]

Triple D Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Triple D Coal Company, Inc., General Delivery, Orkney, Kentucky 41652 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mine No. 1 located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that illumination equipment be installed on the mine's roof bolter, coal drill and battery scoops.

2. The coal seam varies from 30 to 34 inches in height with uneven top and bottom conditions.

3. Petitioner states that because of the low height in the coal seam, lights placed on the equipment could be ripped from their mountings, thereby destroying roof support and resulting in flying debris that may strike the equipment operator or nearby miners. Also, electical wires could be dislodged and exposed, posing a potential hazard of explosion if methane is present in the mine.

4. Petitioner further states that the glare resulting from these lights can cause temporary blindness to the equipment operator, which could also result in an accident affecting other nearby miners.

5. For these reasons, petitioner requests modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 23, 1981. Copies of the petition area available for inspection at that address.

Dated: February 21, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5841 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs Office

[Application No. D-1777]

Proposed Exemption for Certain Transactions Involving the Mead Retirement Master Trust Located in Dayton, Ohio

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the contribution by the Mead Corporation (Mead), the sponsoring employer, of several parcels of improved real estate subject to an existing ground lease to the Mead Retirement Master Trust (the Plan); (2) the holding by the Plan of such real estate; (3) the guaranteed payment of rent by Mead to cure an act of default for a limited period of time; (4) the guaranteed repurchase of the real estate by Mead in the event of a default on the ground lease or inability of the Plan to rent or sell the property upon the expiration of the ground lease, and (5) the exercise of certain contingent voting rights by Mead during the existence of the ground lease. The proposed exemption, if granted, would affect participants and beneficiaries of those pension plans sponsored by Mead and its subsidiaries which participate in the Plan, the lessee of the parcels of real estate, Mead and certain other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before April 3, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. D-1777. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, telephone (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Mead, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are

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summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Mead and its subsidiaries are the sponsors of numerous employee pension benefit plans which are qualified under section 401(a) of the Code and exempt from taxation under section 501(a) of the Code. The Plan is a commingled trust fund in which each of the several participating plans maintain separate accounts. On September 30, 1979, the value of Plan assets was approximately $259,200,000 of which approximately $20,500,000 represented investments in real estate. Wachovia Bank and Trust Co., N.A. (Wachovia) is the corporate trustee of the Plan. Wachovia is independent of and unrelated to any of the parties involved in the proposed transaction.

2. Mead administers the Plan by means of three committees. The Corporate Benefits Committee was created by Mead to exercise all control and authority over the management of the Plan and its assets. The Retirement Plan Investment Policy Committee (the Investment Policy Committee) was created to develop investment policy and procedure, implement investment programs and monitor designated activities of the Plan. The Administrative Committee was created to handle all aspects of Plan administration. All of the aforementioned committees are comprised exclusively of officers and employees of Mead.

3. The Board of Directors of Mead has authorized the sale of three of its divisions (collectively, the Interiors Division) to Stanley Interiors Corporation (Stanley). By an agreement dated September 27, 1979, (the Purchase Agreement) Mead agreed to sell to Stanley the business of the Interiors Division as well as all assets (excluding the real property) used in the business operation of the Interiors Division. The consideration for the sale of those assets consisted of cash paid to Mead and 140,000 shares of Stanley's Senior Cumulative Preferred Stock (the Preferred Stock) issued to Mead.

4. The Purchase Agreement also provides that Mead will lease to Stanley the land and improvements owned and used in the business operations of the Interiors Division (the Land and Improvements) in accordance with a written ground lease (the Lease). The transaction closed on November 28, 1979, (the Closing Date) effective as of October 14, 1979. The Lease is for a term of twenty (20) years commencing on October 15, 1979. Stanley may renew the lease for two successive terms of five years each at the then fair market rental price. The Lease requires total rental payments in the amount of $25,000,000 paid as follows:

Lease year	Annual lease year rental
1 through 5	$1,000,000
6 through 15	1,250,000
16 through 20	1,500,000

The Lease grants Stanley an option to purchase the Land and Improvements. The option to purchase is exercisable at any time during the term of the Lease or of any renewal. The purchase price will be at the then fair market value (or $14,650,000, if greater than the then fair market value), plus a premium in certain years which adjusts for the lower rental paid in earlier years. Moreover, the Lease also provides Stanley with a right of first refusal to purchase the Land and Improvements at a price at least equal to the amount of any offer received by the lessor. The Lease is a "net lease" under which Stanley is required to repair and maintain the Land and Improvements, to pay all taxes, assessments including utility charges assessed with respect to the Land and Improvements, to maintain the Land and Improvements free of any and all liens and to maintain adequate fire insurance protection. Stanley is also required to indemnify and hold harmless the lessor from any liability arising from an occurrence on the Land and Improvements.

5. The Purchase Agreement required Stanley to establish a successor retirement plan or plans (the Stanley Plan(s)), effective as of October 14, 1979, for the provision of retirement benefits to employees of the Interiors Division who became Stanley employees. Retirement benefits under the Stanley Plan(s) were to be at least equivalent to benefits provided to such employees under the plans sponsored by Mead in which they had previously participated. By September 1, 1980, Mead had transferred from the Plan to the successor trust or trusts established pursuant to the Stanley Plan(s), assets equal to the liabilities for benefits accrued by employees of the Interiors Division who became Stanley employees on the Closing Date.

6. Mead intends to contribute the Land and Improvements, subject to the Lease, to the Plan in partial satisfaction of its obligation to fund the Plan for the plan year commencing January 1, 1980. Contributions to the Plan for 1980 will amount to approximately $28,655,000. The Plan will form a corporation, the only asset of which will be the Land and Improvements. According to the appraisal of American Valuation Consultants, Inc., a nationally-recognized firm of appraisers, the fair market value of the Land and Improvements subject to the Lease is $14,466,000. The appraisal recognizes the present value of the various rental payments to be made for the twenty (20) year term of the Lease and the present value of the Land and Improvements at the end of the Lease term. Based upon the appraisal, the income yield to the Plan from the rent will be eight percent per year based on the appraised value of the Land and Improvements. The appraisal also indicates that the value of the Land and Improvements at the end of the Lease term will have appreciated to $20,000,000. Consequently, the estimated combined annual rate of return taking into account both income and appreciation will be nine and six tenths percent per year. The full value of the Land and Improvements at the end of the Lease term can be recognized at this time since any renewal of the Lease must be fair market rental value and the option to purchase is at fair market value.

Concurrently with the transfer to the Plan, Mead and Wachovia will execute an inducement agreement (the Inducement Agreement). The Inducement Agreement contains a put option pursuant to which Wachovia would be required to demand that Mead repurchase the Land and Improvements subject to the Lease: (a) if Stanley materially breaches the Lease, or (b) if the Plan is unable to lease the Land and Improvements at fair market rental value or sell them at fair market value after the expiration of the Lease (including any renewal term). The Inducement Agreement does afford Wachovia some limited flexibility in the event of an unscheduled temporary interruption in the payment of rent by allowing Mead to cure the act of default by making rental payments for a period not to exceed one year. Such provision would not, however, preclude Wachovia from immediately exercising the put option.

7. The trust agreement between Mead and Wachovia has been amended to provide Wachovia absolute discretion with respect to decisions regarding enforcement of the terms contained in the Lease and its rights under the Inducement Agreement. If the repurchase option is exercised by Wachovia, Mead will be required to purchase the Land and Improvements, subject to the Lease if still in effect, at a price determined in accordance with Code Regulation § 141.4975–13 (this section addresses "correction", the procedure for curing a prior prohibited transaction under the Code provisions so as to limit the excise tax liability). Such repurchase by Mead shall be for an amount not less than the greater of: (a) the fair market value of the Land and Improvements being purchased on the date such property was contributed to the Plan or (b) the fair market value of the Land and Improvements being purchased on the date the Plan exercises its option.

8. Under Section 8 of the Purchase Agreement, Mead has agreed to indemnify Stanley against any liability or obligation which Stanley may incur by reason of any transfer by Mead of the Land and Improvements or any assignment by Mead of the Lease or any breach by such transferee or assignee of the obligations to be performed by Mead under the Lease. However, in the Inducement Agreement, Mead has waived any subrogation rights which might arise against the Plan as a result of this indemnity agreement.

9. Smith Barney, Harris Upham & Co. (Smith Barney), an independent investment banker, has reviewed the appraisal of American Valuation Consultants, Inc., the Lease and the Inducement Agreement. Their opinion is that the Land and Improvements represent an appropriate investment for the Trust, particularly in view of the unique opportunity for appreciation without risk of loss. The applicant suggests that the investment is risk-free because of the put option contained in the Inducement Agreement. In addition, there is an opportunity for gain attributable to the increase in value of the residual.

10. The Investment Policy Committee has considered the proposed transfer in detail and has unanimously endorsed it, for the same reasons given in the Smith Barney opinion, and because such an investment fulfills its policy of obtaining real estate holdings which can outpace the inflation of the general economy and outperform other common investment media.

11. As previously noted in paragraph 3, a part of the consideration to Mead from the sale of the Interiors Division was 140,000 shares of the Preferred Stock. Under the terms of the Purchase Agreement, Stanley may redeem the Preferred Stock at any time. However, Stanley is required by the terms of the Purchase Agreement on each July 1, beginning July 1, 1985 and ending July 1, 1989, to redeem 7,000 shares of the Preferred Stock and thereafter is required to redeem on each July 1, beginning July 1, 1990 and ending July 1, 1999, 10,500 shares of the Preferred Stock at a price equal to $100 per share plus accumulated and unpaid dividends. Stanley's failure to redeem any such shares when required will constitute a default, and in such event Mead shall be entitled to elect such number of directors of Stanley as may be elected by all classes of Stanley stock possessing forty-eight (48) percent of the total voting power of all classes of Stanley stock. The percentage of voting power will be increased to fifty (50) percent if a default (as discussed above) occurs and the Lease is in effect. Thus, if Mead were to obtain fifty (50) percent of the total voting power of all classes of Stanley Stock while the Plan held title to the Land and the Improvements subject to the Lease, such voting power would make Stanley a party in interest under the provisions of section 3(14)(G) of the Act (Stanley would also become a disqualified person uder the applicable Code section) and an affiliate of Mead within the meaning of section 407(d)(7) of the Act.

Additionally, because of Mead's obtaining fifty (50) percent voting power, the Land and Improvements would become employer real property under section 407(d)(2) of the Act. The applicant represents that such employer real property would satisfy the requirements of section 407(d)(4) of the Act as qualifying employer real property. However, should the above described events occur, the applicant further represents that the Plan's holding of the Land and the Improvements when combined with its other holdings of qualifying employer real property would result in the ten (10) percent limitation of section 407(a) of the Act being exceeded.

12. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act in that:

(a) the proposed transactions will provide the Plan with a high quality and secure asset. The contribution of the Land and Improvements with the associated favorable Lease produces a return to the Plan of $25,000,000 of rental income over a twenty (20) year period (renewal options could add an additional ten (10) years to the Lease) plus the excellent potential for appreciation with minimal risk based on the provisions of the Inducement Agreement;

(b) the rights of the parties are fixed by the Purchase Agreement, the Lease and the Inducement Agreement, therefore it is possible to determine the adequacy of the protections offered to the Plan;

(c) the fair market value of the Land and the Improvements has been established by an independent appraiser, and the amount to be recorded as a contribution by Mead, $14,650,000, represents approximately five (5) percent of Plan assets;

(d) Wachovia, a party unrelated to Mead or Stanley, will monitor compliance with the terms of the Lease and make any decision about the exercise of the put option in the event of default under the provisions of the Lease or should the Land and Improvements prove unleasable at the expiration of the Lease; and

(e) the Investment Policy Committee and Smith Barney, an independent investment banker, have considered the proposed transaction and have concluded it represents an appropriate investment for the Plan and fulfills the Plan's policy of obtaining real estate holdings as part of a balanced investment portfolio.

Notice to Interested Persons

Mead will notify all interested persons including all active participants and former participants or beneficiaries who have a vested interest in benefits under the Plan. The notice will contain a copy of the notice of pendency and inform interested persons of their right to comment on the exemption and to request a hearing in accordance with the provisions of such notice. Further, Mead will post such notice on bulletin boards and other appropriate places throughout its facilities and the facilities of related companies where the participants of the Plan are employed. In addition, Mead will notify, by certified mail, each employee organization (within the meaning of section 3(4) of the Act) which has as members people who are participating in the Plan by providing them with a copy of the notice. All of the above notification procedures will be accomplished within ten (10) days of the date the notice of pendency is published in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties

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respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the following transactions as described in the Purchase Agreement, the Lease, and the Inducement Agreement:

(a) The contribution by Mead of the Land and Improvements to the Plan subject to the existing Lease;

(b) The holding by the Plan of the Land and Improvements in the event that such property might become employer real property held in violation of section 407(a) of the Act;

(c) The payment of rent by Mead to cure an act of default by making rental payments for a period not to exceed one year;

(d) The repurchase of the Land and Improvements by Mead in the event of a default on the Lease by Stanley or where the Plan is unable to lease or sell the Land and Improvements after the expiration of the Lease; and

(e) The benefit accruing to Mead as a direct result of the increase of its voting rights from forty eight (48) to fifty (50) percent of the total voting power of all classes of Stanley stock, provided that:

(1) The exercise of the voting rights occurs solely as a result of a default under the terms of the Purchase Agreement; and

(2) The Lease is in effect when such default occurs under the Purchase Agreement.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-5542 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-14; Exemption Application No. D-1134]

Exemption From the Prohibtions for Certain Transactions Involving the National Reserve Life Insurance Co., Pension and Profit Sharing Plan Located in Topeka, Kans.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This temporary exemption exempts the purchase and holding by the National Reserve Life Insurance Company Pension and Profit Sharing Plan (the Plan) of participations in real estate mortage loans with the National Reserve Life Insurance Company (the Employer) for a five year period. In addition, the exemption provides for the repurchase of such participations by the Employer.

TEMPORARY NATURE OF EXEMPTION: This exemption is temporary and will expire five years after the date of grant. Should the applicant wish to continue the transactions beyond the five year period, the applicant may submit another application for exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–6462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 5, 1980, notice was published in the **Federal Register** (45 FR 80605) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred to interested persons to the application for a complete statement of facts and representations. The application has been available for public inspection at the Department in Washigton, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed by the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisons of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(f) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statuorty exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (e) of the Code shall not apply to the purchase and holding by the Plan of participations in certain real estate first mortgage loans with the Employer for a five year period begining with the date of the granting of this exemption. In addition, the restrictions and sanctions shall not apply to the repurchase of the participations by the Employer during such five year period. Subsequent to the expiration date of the exemption, the restrictions and sanctions shall not apply to the holding by the Plan and the repurchase by the Employer of such participations, provided such participations were acquired by the Plan during the period the exemption was in effect. This exemption is subject to the conditions set forth in the notice of pendency.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 17th day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-5836 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-11,499]

American Motors Corp., Parts Distribution Center, Burlingame, Calif.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980 in response to a petition received on October 24, 1980 which was filed on behalf of workers at the American Motors Corporation, Parts Distribution Center in Burlingame, California

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA–W–9691). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5821 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,681]

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 8, 1980 in response to a petition received on December 5, 1980 which was filed on behalf of workers at the Forest Hills Sportswear Company, Lawrenceburg, Tennessee.

A negative determination applicable to the petitioning group of workers was issued on January 6, 1981 (TA–W–8096). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5822 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8705 et al.]

General Motors Corp., Delco Electronics, Kokomo, Ind.; Amended Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance: Correction

In FR Doc. 80–39356 appearing at page 83694 in the **Federal Register** of December 19, 1980, the impact date for workers at the Hydra-Matic Division, Ypsilanti, Michigan, TA–W–9566, was inaccurate due to an editorial error. Therefore, the following change should be made:

1. On page 83695, column 1, the impact date is corrected to read "November 1, 1979."

Signed at Washington, D.C. this 9th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-5849 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9762]

Hardwood Dimension and Mouldings, Inc., Richmond Hills, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 11, 1980 in response to a petition received on July 18, 1980 which was filed by Amalgamated

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Industrial Union on behalf of workers at the Hardwood Dimension and Mouldings, Incorporated, Richmond Hills, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5823 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,132]

Herley Shoe Corp., Haverhill, Mass.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 29, 1980 in response to a petition received on September 26, 1980 which was filed on behalf of workers at the Herley Shoe Corporation, Haverhill, Massachusetts.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,029). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5824 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,517]

J'Mar Glove Company, Inc., Gloversville, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 2, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at J'Mar Glove Company, Incorporated, Gloversville, New York. The workers produce sport gloves.

U.S. imports of sport gloves increased both absolutely and relative to domestic production during 1979 compared to 1978. Imports increased absolutely during the first half of 1980 compared to the first half of 1979.

Sales of gloves produced at J'Mar declined during 1979 compared to 1978. Employment of production workers at J'Mar declined during 1979 compared to 1978. Layoffs occurred during July and November of 1980.

The U.S. Department of Commerce conducted a survey of customers of J'Mar who accounted for J'Mar's sales decline. The customers reported that they reduced purchases from J'Mar and increased purchases of imported gloves during 1979 compared to 1978.

On May 9, 1980, J'Mar Glove Company, Incorporated was certified eligible to apply for trade adjustment assistance by the Department of Commerce.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with sport gloves produced at J'Mar Glove Company, Incorporated, Gloversville, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of J'Mar Glove Company, Incorporated, Gloversville, New York who became totally or partially separated from employment on or after July 30, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 9th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-5848 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11, 119-124 & 11,130]

Lake Center Industries, Winona, Minn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on september 29, 1980 in response to a petition received on June 30, 1980 which was filed on behalf of workers at the following facilities of Lake Center industries, Winona, Minnesota: Electronics Division, Winona, Minnesota; Gale Division, Galesville, Wisconsin; Lake Center Switch Division, Winona, Minnesota; LCI Management and Staff Services, Winona, Minnesota; LCI Transportation, Incorporated, Winona, Minnesota; Stewartville Division, Stewartville, Minnesota; and Rush Division, Rushford, Minnesota.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5825 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8076]

Mida Manufacturing, Inc., Philadelphia, Pa.; Negative Determination on Reconsideration

On October 22, 1980, the Department made an Affirmative Detemination Regarding Application for Reconsideration for workers and former workers producing costume jewelry at Mida Manufacturing, Incorporated, Philadelphia, Pennsylvania.

The applicant claimed that although the Department's findings showed that imports of costume jewelry, in terms of value, decreased, the Department may have overlooked the fact that imports, in terms of quantity, may have increased due to lower prices of those items. The applicant further states that on several occasions the company created and developed many new items of costume jewelry that had great consumer acceptance, but that these new items were soon duplicated by offshore producers who imported these items into the United States at lower cost than Mida could produce them.

The Department's review of the investigative file revealed that workers at Mida Manufacturing did not meet the increased import criterion of the Trade Act of 1974 with respect to costume jewelry. The ratio of imports to domestic shipments, in terms of value, declined in 1979 compared to 1978. Imports, in terms of value, decreased absolutely in the first three months of 1980 compared to the same period in 1979. Employment at Mida increased in 1979 compared to 1978 and did not decrease until March 1980 just prior to the closing of the plant. A Departmental survey of customers which purchased costume jewelry from Mida Manufacturing indicated that the surveyed customers, as a whole, decreased their reliance on imported costume jewelry during the first four months of 1980 when compared to the same period in 1979. The survey response was consistent with aggregate import statistics which show a decrease in U.S. imports of costume jewelry in the first quarter of 1980. Given the variety of items of costume jewelry it would not be meaningful to evaluate import data on a quantity basis. For this reason, import data are collected on a value basis.

On reconsideration, the Department reviewed the impact of U.S. imports beyond the closing of the Mida Philadelphia facility to determine a possible trend toward increased imports of costume jewelry. The ratio of imports to domestic shipments barely increased in January to June 1980 compared to the same period in 1979. The ratio of imports to domestic shipments varied less than three percentage points during the years from 1975 through the first six months of 1980. Although imports, in terms of value, increased each year since 1975, domestic shipments in value also increased in each of these years.

A review of the Department's original customer survey responses, which represented major customers who decreased purchases from Mida, showed that although some customers decreased purchases from Mida while increasing imports, they represented an insignificant share of Mida's total sales.

In its reconsideration investigation, the Department developed additional cutomer information. The Department conducted a follow-up survey with the major Mida customers who had not responded to the original survey. One of these customers reported that the ratio of total domestic and import purchases remained relatively unchanged from 1978 through 1980, although purchases from the suject firm did decline. Other respondents indicated that they either did not increase imports while decreasing purchases from their domestic sources or that they did not purchase any imported costume jewelry.

Based on this and other information, the Department is unable to conclude that increased competitive imports of costume jewelry have contributed importantly to the separation of a significant number or proportion of workers at Mida Manufacturing, Incorporated.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Mida Manufacturing, Incorporated, Philadelphia, Pennsylvania.

Signed at Washington, D.C. this 9th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-5850 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,259]

Murray Corp., Eastlake, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 14, 1980 in response to a petition received on October 3, 1980 which was filed on behalf of workers at the Murray Corporation, Eastlake, Ohio.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,551). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5828 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,044]

Questor Shock Absorbers Systems, Dyersburg, Tenn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1981 in response to a petition received on December 23, 1980 which was filed on behalf of workers at the Questor Shock Absorbers Systems, Dyersburg, Tennessee.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9419). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5827 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,509]

Reco Manufacturing Co., Inc., Springfield, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a petition received on May 13, 1980 which was filed on behalf of workers at the Reco Manufacturing Co., Inc., Springfield, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5826 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,047]

Ronson Corp., Flame Products, Accessories and Pens Unit, Woodbridge, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1981 in response to a petition received on December 31, 1980 which was filed on behalf of workers at the Flame Products, Accessories and Pens Unit of Ronson Corporation, Woodbridge, New Jersey.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-8790). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5829 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,989]

South Buffalo Railway Co., Lackawanna, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 22, 1980 in response to a petition received on September 15, 1980 which was filed by United Steelworkers of America on

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behalf of workers at the South Buffalo Railway Co., Lackawanna, New York.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9489). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5830 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,663]

Uniroyal, Inc., Allen Park, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a petition received on September 3, 1980 which was filed on behalf of workers at the Uniroyal, Incorporated, Allen Park, Michigan.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last total or partial separation occurred more than one year before the date of the petition. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5831 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,971]

Universal Chain Co., In., Maplewood, NJ; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 22, 1980 in response to a petition received on September 15, 1980 which was filed on behalf of workers at the Universal Chain Company, Inc., Maplewood, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5832 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligility to apply for worker adjustment assistance issued during the period Feburary 2-6, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-9767; Northeastern Tool and Die Corp., Warren, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotive use are negligible.

TA-W-9478; Great Shapes Leotards, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8766; Hawthorne Metals Products Co., Royal Oak, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8760; C. H. Busch Industries, Inc., Troy, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8208; Newborn Rubber, Inc., Newborn, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8206 and 8207; Cadillac Rubber and Plastics, Inc., Cadillac, MI, and Manton Industries, Inc., Manton, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8970; Coldwater Service Division, Coldwater, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8787; All-Lock Co., Inc., Selma, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8381; Engelhard Minerals and Chemical Corp., Huntsville, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8288; Ohio Rubber Co., Willoughby, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-7934 and 7935; Armstrong Rubber Co., Arco Wheel Inc., West Allis, WI and Industrial Products Div., Clinton, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9017; Russell, Burdshall and Ward Corp., Menton, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9510; B. F. Goodrich Co., Gloucester, MA

Investigation revealed that criterion (3) has been met. Aggregate U.S. imports of rigid poly vinyl chloride are negligible.

TA-W-8325; Hamlin Steel Products, Inc., Akron, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8790; Ronson Corporation, Flame Products, Accessories and Pens Unit, Woodbridge, NJ

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-8717; Caro Manufacturing Corp., Caro., MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9648; Marum Knitting Mills, Chicago, IL

Investigation revealed that criterion (3) has not been met. Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-8187; Inmont Corporation, Toledo, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8967; P&R Leather Sportswear Mfg. Corp., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA-W-10,610; Western Electric Corp., Narcross, GA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8175; Ex-Cell-O Corp., Mainstee, MI

Investigation revealed that criterrion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8388; Noren Pattern and Foundry, Fruitport, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8212 and 8212A; Mitchell Corp. of Owosso, Benzonia and Elberta, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-8280; Carter Automotive Products Corp., Lafayette, TN

A certification was issued applicable to all workers engaged in employment related to by-pass valves at the subject firm separated on or after January 2, 1980.

I hereby certify that the aforementioned determinations were issued during the period February 2-6, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: February 10, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5852 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than March 2, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 2, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of February, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

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Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp. Lakewood plant (UAW).	Atlanta, GA	1-26-81	1-26-81	TA-W-12,213	Chevrolet Chevette.
H. Swoboda & Sons, Division of Trans-Continental Leathers Co. (UFCW).	Philadelphia, PA	1-30-81	1-28-81	TA-W-12,214	Tanning leather.
International Harvester Co., tractor plant (UAW).	Louisville, KY	1-30-81	1-27-81	TA-W-12,215	Tractors.
Lynch Chevrolet, Inc. (workers)	Waukesha, WI	1-26-81	1-21-81	TA-W-12,216	GM dealership.
Midland Steel Products (workers)	Cleveland, OH	1-30-81	1-28-81	TA-W-12,217	Truck frames—Chrysler and Chevy front cross and brackets.
Shelburne Shirt Co., Inc. (workers)	Fall River, MA	2-2-81	1-30-81	TA-W-12,218	Men's shirts, ladies' blouses.
United Technologies Essex Group (workers)	Franklin, TN	1-30-81	11-30-80	TA-W-12,219	Gas manifolds.
Van Wormer Industries Inc. (workers)	St. Clair Shores, MI	1-30-81	1-27-81	TA-W-12,220	Automotive stampings.
G.E.M., Inc. (workers)	Lyburn, WV	1-30-81	1-27-81	TA-W-12,221	Metallurgical coal.
International Shoe Co. (UFCW)	Perryville, MO	1-29-81	1-26-81	TA-W-12,222	Men's and women's shoes.
Mana Fashions, Inc. (company)	Hoboken, NJ	1-30-81	1-15-81	TA-W-12,223	Ladies' coats.
Natalies Fashions, Inc. (workers)	Palmerton, PA	1-29-81	1-26-81	TA-W-12,224	Women's and girls'.
Troy Television, Inc. (company)	Plattsburgh, NY	1-30-81	1-28-81	TA-W-12,225	TV picture tube production.
Troy Television, Inc. (company)	Albany, NY	1-30-81	1-28-81	TA-W-12,226	TV picture tube production.
Troy Television, Inc. (company)	Troy, NY	1-30-81	1-28-81	TA-W-12,227	TV picture tube production.
Cinderella Knitting Mills, Inc. (ACTWU)	Moss Point, MS	1-23-81	1-20-81	TA-W-12,228	Men's and boys' T shirts and briefs.
Gloria Gay Coats (ILGWU)	New York, NY	2-2-81	1-29-81	TA-W-12,229	Ladies' coats.
Lear Siegler (IUE-CIO)	Paramus, NJ	1-29-81	1-19-81	TA-W-12,230	Sound systems.
Modern Tool & Die Co., Liverpool Division (workers).	Valley City, OH	1-30-81	1-30-81	TA-W-12,231	Outdoor power equipment.
Owens Illinois Inc., Lily Tulip Division (workers).	Old Town, ME	2-2-81	1-29-81	TA-W-12,232	Molded pulp.
Portera Garments, Inc. (workers)	Brooklyn, NY	2-2-81	1-27-81	TA-W-12,233	Dresses.
Q & T Coats (company)	Paterson, NJ	2-2-81	1-28-81	TA-W-12,234	Ladies' coats.
Triad-Utrad Division of Litton Systems, Inc. (company)	Huntington, IN	2-2-81	1-29-81	TA-W-12,235	Color deflection yokes used in manufacturing color TV's
U.S. Shoe Corp. (workers)	Harrison, OH	2-2-81	1-26-81	TA-W-12,236	Ladies' shoes.
Winer Ind. Inc. (workers)	Paterson, NJ	1-26-81	1-24-81	TA-W-12,237	Men's and boys' outerwear.
Conca D' Oro (ILGWU)	Paterson, NJ	1-26-81	1-23-81	TA-W-12,238	Ladies' coats.
Disposable Profiles, Inc. (ILGWU)	Utica, NY	2-4-81	1-27-81	TA-W-12,239	Disposable hospital garments and industrial products.
General Electric Co., Semi Conductor Products Dept. (IUE).	Syracuse, NY	2-4-81	1-29-81	TA-W-12,240	Resistors, emitters, defectors, and transistors.
Texas Apparel Co., Division of Salant Corp. (ACTWU).	Eagle Pass, TX Loop 431	2-2-81	1-28-81	TA-W-12,241	Boys' jeans.
Texas Apparel Co., Division of Salant Corp. (ACTWU).	Del Rio, TX	2-2-81	1-28-81	TA-W-12,242	Men's jeans.
Texas Apparel Co., Division of Salant Corp. (ACTWU).	Eagle Pass, TX Alice St.	2-2-81	1-28-81	TA-W-12,243	Boys' jeans.
Potter & Brumfield (workers)	Manon, KY	2-3-81	1-30-81	TA-W-12,244	Electrical relays and switches.
Varbros Corp. (UAW)	Cleveland, OH	2-3-81	1-30-81	TA-W-12,245	Tapping plates for auto and truck filters.
A-One Knitting Mills, Inc. (company)	Brooklyn, NY	2-3-81	1-27-81	TA-W-12,246	Knitter of velour and terry cloth.
Anderson Development (workers)	Miami, AZ	2-3-81	1-27-81	TA-W-12,247	Copper.
Benchmasters, Inc. (company)	Royal Oak, MI	2-4-81	2-1-81	TA-W-12,248	Large steel molds, transmissions, front ends, dash boards and other vital parts.
Brauer Knitting Co. (workers)	Little Ferry, NJ	2-4-81	1-29-81	TA-W-12,249	Circular knitted fabrics.
Brunswick Corp., (BRC Division) (workers)	Fond du Lac, WI	1-26-81	1-19-81	TA-W-12,250	Service food vending equipment.
McMinnville Garment Mill (company)	McMinnville, TN	2-4-81	1-30-81	TA-W-12,251	Men's and boys' work pants.
Ronart Industries Inc. (company)	Detroit, MI	2-4-81	1-28-81	TA-W-12,252	Dies for auto industry.
Sportline Industries (ILGWU)	Chicago, IL	2-4-81	2-2-81	TA-W-12,253	Sleeping bags, comforters, bedspreads, quilts, and blankets.
Turner Manufacturing Co. (company)	Goodlettsville, TN	2-4-81	1-30-81	TA-W-12,254	Ladies' blouses.
USM Corp., Bailey Division (workers)	Seabrook, NH	2-4-81	2-2-81	TA-W-12,255	Auto accessories.

[FR Doc. 81-5851 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Panel (Grants to Dance Companies Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Dance Panel (Grants to Dance Companies Section) to the National Council on the Arts will be held on March 9–13, 1981, from 9:00 a.m.–5:30 p.m. on March 9–10, 1981, the meeting will be in room 1340, and on March 11–13, 1981, the meeting will be held in room 1426, of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5706 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Interdisciplinary/Community Cultural Centers Section; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Interdisciplinary/Community Cultural Centers Section) to the National Council on the Arts will be held on March 9–11, 1981. On March 9–10, 1981, the meeting will be held in room 1426 from 9:00 a.m.–5:30 p.m., and on March 11, 1981 in room 1340, from 9:00 a.m.–5:30 p.m. in the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanitities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5703 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Performing Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Performing Arts Section) to the National Council on the Arts will be on March 18–20, 1981, from 9:00 a.m.–5:30 p.m. in room 1340, of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5701 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Visual/Media/Design and Literary Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Visual/Media/Design and Literary Arts Section) to the National Council on the Arts will be held on March 12–13, 1981, from 9:00 a.m.–5:30 p.m. in room 1422, of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5704 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Panel (Artists Colonies Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Panel (Artists Colonies Section) to the Nation Council on the Arts will be held on March 11, 1981, in room 1426 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5705 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Services to the Field Section); Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Services to the Field Section) to the National Council on the Arts will be held on March 10–13, 1981, from 9:00 a.m.–5:30 p.m. in the Consul Building West Lobby of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts

February 11, 1981.

[FR Doc. 81-5705 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Medical Uses of Isotopes; Renewal Advisory Committee

Notice is hereby given by the Nuclear Regulatory Commission that the charter for its Advisory Committee on the Medical Uses of Isotopes has been renewed for an additional two year period beginning February 1, 1981. This Advisory Committee provides advice, as requested by the Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, with respect to the development of standards and criteria for the regulation and licensing of uses of radionuclides in human subjects. The Committee also provides advice and consultation with respect to individual applications on user qualifications and the human use of radiation sources.

Dated at Washington, D.C. this 12th day of February, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-5780 Filed 2-19-81, 8:45 am]
BILLING CODE 7590-01-M

Reactor Safeguards Advisory Committee; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published Jan. 23, 1981 (46 FR 7546). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been made firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Electrical Power Systems*, February 24-25, 1981, Washington, DC. The Subcommittee will review the San Onofre (Combustion Engineering) Computer Protection System design; discuss the ANO-2 experience with the Combustion Engineering Computer Protection System; and discuss the use of Computer Protection Systems in Canadian reactors.

**Virgil C. Summer Nuclear Station Operating License Review*, February 26-27, 1981, Columbia, SC. The Subcommittee will continue its review of the Operating License application. Notice of this meeting was published Jan. 23.

**Reactor Operations*, March 9-10, 1981, Washington, DC. The Subcommittee will hear a briefing on NRC guidelines for human factors evaluation and will begin work to answer recent questions by Congressman Udall on ATWS.

**Transportation of Radioactive Materials*, March 10, 1981, Washington, DC. The Subcommittee will begin a review of the transportation certification process of the NRC transportation Certification Branch. Notice of this meeting was published Jan. 23.

**Reactor Radiological effects*, March 10-1, 1981, Washington, DC. The Subcommittee will continue its review of NRC reevaluation of the radiological source term to be used in accident analyses.

**NRC Safety Research Program*, March 11, 1981, Washington, DC. The Subcommittee will discuss NRC's Draft Long-Range Research Plan (NUREG-0740). Notice of this meeting was published Jan. 23.

**Generic Items*, March 11, 1981, Washington, DC. The Subcommittee will compare items in order to ensure that ACRS generic items are receiving adequate attention by the NRC Staff; examine methods to combine the ACRS list with the NRC's program for dealing with generic items; and consider means for dealing with future generic items given such a merger. Notice of this meeting was published Jan. 23.

**San Onofre Units 2 and 3*, March 11, 1981, Washington, DC. The Subcommittee will continue its review of the Operating License, concentrating on Three Mile Island Action Plan items.

**Site Evaluation*, March 19-20, 1981, Washington, DC. The Subcommittee will discuss the latest developments in emergency planning and siting rulemaking. Notice of the meeting was published Jan. 23.

**Electrical Power Systems*, March 24-25, 1981, Washington, DC. The Subcommittee will discuss matters relating to the safety implications of reactor control systems.

**ECCS*, March 27, 1981, Pasadena, CA. The Subcommittee will discuss the LOFT Program Test plan for FY 81-82.

**Advanced Reactors*, April 2-3, 1981, Chicago, IL. The Subcommittee will discuss matters related to LMFBR safety design criteria.

**LaSalle*, April 3-4, 1981, near Chicago, IL. The Subcommittee will review the Operating License application.

**Three Mile Island Unit 1*, April 3-4, 1981, Washington, DC. The Subcommittee will continue the review of the potential restart of Three Mile Island Unit 1.

**Regulatory Activities*, April 8, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**Reactor Operations*, April 8, 1981, Washington, DC. The Subcommittee will continue the work on Congressman Udall's ATWS inquiries.

**Advanced Reactors*, April 21-22, 1981, Chicago, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Fluid Dynamics*, April 28-29, 1981, San Jose, CA. The Subcommittee will review the status of the Mark II Containment Program and NRC efforts on the asymmetric LOCA load generic items.

**Regulatory Activities*, May 6, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

ACRS Full Committee Meetings

March 12-14, 1981

A. **Virgil C. Summer Nuclear Station Unit 1*—Operating License.

B. **San Onofre Nuclear Generating Station Units 2 and 3*—Operating License.

C. **NRC Long-Range Safety Research Program Plan*—ACRS review.

D. **Definition of "Plant Features Important to Safety"*—ACRS review.

E. **Reliability of Nuclear Power Plant DC Power Supply*—ACRS review.

F. **NRC Degraded Core Rulemaking*—ACRS position/action re proposed rule.

G. **North Anna Nuclear Power Station Unit 2*—decay heat removal systems.

H. **Meeting with NRC Chairman, NRC Commissioners and the EDO*—discuss safety related issues such as reaction to implemention of ACRS recommendations on the safety research program, proposed revision of the fission product source term used in the siting and design of nuclear plants, and ACRS comments on the proposed NRC Long-Range Safety Research Program.

I. **Reports of ACRS Subcommittees and Members*—status of ACRS review of matters such as the proposed prelicensing review of a passive containment system, status of generic items applicable to LWRS, control system failures that could cause or exacerbate nuclear power plant accidents, and the ATWS resolution taking into account experience at the Browns Ferry Nuclear Power Plant.

J. **Reports and briefings by representatives of the Department of Energy (DOE) and NRC*—application of Three Mile Island Unit 2 lessons learned to DOE facilities and an independent design review program implemented by NRC.

K. **Fission Product Source Term*—ACRS review of the fission product source term used in the siting and design of nuclear facilities.

April 9-11, 1981: Agenda to be announced.

May 7-9, 1981: Agenda to be announced.

Dated: February 13, 1981.

John C. Hoyle,
Advisory Committee Management Officer

[FR Doc. 81-5761 Filed 2-19-81, 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee Reactor Safeguards; Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on Monday and Tuesday, March 9-10, 1981 at 1717 H Street, N.W., Washington, DC in Room 1046. The Subcommittee will hear a briefing on the NRC Staff's Human Engineering Guide to Control Room Evaluation and will begin work on a response to recent inquiries by Congressman Udall on ATWS.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Monday, March 9, 1981—1:00 p.m. until the conclusion of business
Tuesday, March 10, 1981—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 13, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-5762 Filed 2-19-81 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee Reactor Safeguards; Subcommittee on Virgil C. Summer Nuclear Station; Change of Location

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on February 26-27, 1981. The meeting location has been changed to the Capitol Inn (803/252-3100), 1901 Assembly Street, Columbia, SC, Thursday, February 26, 1981 at 2:00 p.m. and Friday, February 27, 1981 at 8:30 a.m. until the conclusion of business each day instead of the Holiday Inn-Northwest, US-1 & I-26, Columbia, SC.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Wednesday, February 11, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 17, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-5763 Filed 2-19-81 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which amended the license for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment revises Paragraph 3.E of the license to incorporate Supplement Nos. 1 and 2 to the Fire Protection Safety Evaluation.

The filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR

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51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's filings dated June 19, 1978, September 15, 1978, September 29, 1978, March 1, 1979, September 28, 1979, April 24, 1980, May 2, 1980, September 9, 1980, and October 13, 1980, (2) Amendment No. 64 to License No. DPR–20, including the Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this tenth day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5. Division of Licensing.

[FR Doc. 81–5754 Filed 2–19–81 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–269, 50–270 and 50–287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 93, 93, and 90 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the Station's common TSs to support the operation of Oconee Unit No. 3 at full rated power during Cycle 6. The amendments also add a new TS 3.1.11, Shutdown Margin, and a new Section 3.5.2.9 to TS 3.5.2, Control Rod Group and Power Distribution Limits, for Oconee Units Nos. 1, 2 and 3.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 25, 1980, as supplemented December 22, 1980, and January 22, 1981, (2) Amendments Nos. 93, 93, and 90 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4. Division of Licensing.

[FR Doc. 81–5755 Filed 2–19–81. 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–369–OL and 50–370–OL]

Duke Power Co. (William B. McGuire Nuclear Station, Units 1 and 2—Reopened Operating License Proceeding); Change of Location of Public Hearing

On January 29, 1981 the Atomic Safety and Licensing Board entered an order reconvening an evidentiary hearing in this proceeding on February 24, 1981 in the auditorium of the Public Library of Charlotte and Mecklenburg County in Charlotte, Norht Carolina. 46 FR 11390 (February 6, 1981).

The Board has now been advised that due to the size and design of the auditorium it will be difficult to provide adequate table space for counsel and seating for the members of the public who are expected to attend the public hearing. Accordingly, it is this 13th day of February, 1981.

Ordered

That the location of the evidentiary hearing scheduled to reconvene at 9:30 a.m. on Tuesday, February 24, 1981 is changed to Wagner Hall, Holiday Inn North, 3815 North Tryon Street, Charlotte, North Carolina 28225.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Administrative Judge.

[FR Doc. 81–5756 Filed 2–19–81 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–309]

Maine Yankee Atomic Power Co., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR–36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment consists of two License Conditions and the incorporation into the Technical Specifications of additional requirements as the result of the completion of reviews and modifications accomplished to satisfy the Category "A", TMI–2 Lessons Learned recommedations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1980, (2) Amendment No. 52 to License No. DPR–36 and (3) the Commisison's related letter dated February 6, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3. Division of Licensing.

[FR Doc. 81–5757 Filed 2–19–81: 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–285]

Omaha Public Power District, Issuance of Amendment to Facility Operating License

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. NPF–40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications to add requirements which provide additional assurance of reliable decay heat removal availability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated November 17, 1980, (2) Amendment No. 56 to License No. DPR–40, and (3) the Commission's related letters dated June 11, 1980 and February 10, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW Washington D.C., and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–5758 Filed 2–19–81: 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–327]

Tennessee Valley Authority; Issuance of Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR–77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility), located in Hamilton County, Tennessee. This amendment allows the temporary operation of Unit 1 with 2A and 1B essential raw cooling water (ERCW) headers connected together for a one-time period no longer than eight weeks.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated January 19, 1981, (2) Amendment No. 3 to Facility Operating License No. DPR–77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 13th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81–5759 Filed 2–19–81: 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Federal Support for Hospital Construction in Overbedded Areas

SUMMARY: This memorandum rescinds the Office of Management and Budget (OMB) memorandum, Federal Support for Hospital Construction in Overbedded Areas, published in the December 19, 1980, **Federal Register** (45 FR 83701–83704).

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Lynn Etheredge, Chief, Health Branch, Office of Management and Budget, Room 7002, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395–4600.

Donald W. Moran,

Associate Director for Human Resources, Veterans and Labor.

[FR Doc. 81–5833 Filed 2–19–81: 8:45 am]

BILLING CODE 3110–01–M

Rescission of Contract Provisions Relating to Wage and Price Standards

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Rescission of policy and procedures governing ineligibility for Federal contracts of companies which do not comply with the wage and price standards.

V 4 6 / 3 4 F E 2 0 8 1 UMI

SUMMARY: On December 27, 1978, OFPP issued Policy Letter 78–6 (January 4, 1979; 44 FR 1229) implementing the President's anti-inflation program in Federal procurement. The Policy Letter provided that companies which did not cooperate in anti-inflation efforts by keeping price and wage increases within standards established by the Council on Wage and Price Stability would be ineligible for prime contracts or first-tier subcontracts over $5 million.

Executive Order 12288, issued January 29, 1981, revoked Executive Order 12092 of November 1, 1978, which was the authority for Policy Letter 78–6. Accordingly, Policy Letter 78–6 is hereby rescinded.

EFFECTIVE DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. LeRoy J. Haugh, Associate Administrator for Regulatory Policies and Practices Telephone 202–395–6166.

Executive Office of the President,
Office of Management And Budget,
Office of Federal Procurement Policy.

Memorandum to the Heads of Executive Departments and Establishments

Subject: Rescission of Policy Letter 78–6, Wage and Price Standards for Federal Contractors.

February 5, 1981.

Policy Letter 78–6, dated December 27, 1978, implemented the President's anti-inflation program by requiring that Federal contractors comply with the voluntary wage and price standards. The Policy Letter required contractors and first-tier subcontractors to certify their compliance with the wage and price standards, in connection with any prime contract or first-tier subcontract expected to exceed $5 million. It also provided that any companies listed by the Council on Wage and Price Stability (CWPS) as noncompliant would not be eligible for prime contract or first-tier subcontract awards over $5 million. This Policy Letter was issued under the authority of Executive Order 12092, dated November 1, 1978.

Executive Order 12288, dated January 29, 1981, revoked Executive Order 12092. Accordingly, Policy Letter 78–6 is hereby rescinded. Outstanding solicitations which include the requirement to certify compliance with the wage and price standards may be amended to delete this requirement. In the case of uncompleted contracts which contain the certification clause, the practical effect of the revocation of Executive Order 12092 and Policy Letter 78–6 is to make the clause meaningless. The same is true with respect to the lists of noncompliant companies which, under Policy Letter 78–6, were ineligible for contract awards.

The Secretary of Defense and the Administrator of General Services are requested to revise the Defense Acquisition Regulation (DAR) and the Federal Procurement Regulations (FPR) respectively, to reflect the above action.

Karen Hastie Williams,
Administrator.

[FR Doc. 81–5713 Filed 2–19–81; 8:45 am]
BILLING CODE 3110–01–M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09–5284]

Good Earth Enterprises, Inc.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), has been filed by Good Earth Enterprises, Inc. (Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Chairman of the Board, President (50 percent Stockholder)
Jeffrey Lau, 1434 Larkin Street, San Francisco, Ca. 94109
Vice President, Treasurer/Secretary, Director, General Manager (50 percent Stockholder)
Sophie Lau, 1434 Larkin Street, San Francisco, Ca. 94109
Director,
Lil S. Wong, 861 Rockdale Drive, San Francisco, Ca. 94127

The Applicant, a California corporation, with its principal place of business at 785 Columbus Avenue, San Francisco, California 94113, will begin operations with $500,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily in the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than March 9, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 11, 1981.

Peter F. McNeish,
Acting Associate Administrator for Investment.

[FR Doc. 81–5710 filed 2–19–81; 8:45 am]
BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 1976]

New York; Declaration of Disaster Loan Area

Orange County and adjacent counties within the State of New York constitutes a disaster area as a result of damage caused by flooding which occurred on February 12, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 17, 1981, and for economic injury until the close of business on November 17, 1981, at:

Small Business Administration, District Office, 26 Federal Plaza—Room 3100, New York, New York 10007.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program No.'s 59002 and 59008)

Dated: February 17, 1981, 2:26 p.m.

Roger H. Jones,
Acting Administrator.

[FR Doc. 81–5843 Filed 2–19–81; 8:45 am]
BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 1977]

Pennsylvania; Declaration of Disaster Loan Area

Pike County and adjacent counties within the State of Pennsylvania constitute a disaster area as a result of damage caused by flooding which occurred on February 11–12, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 17, 1981, and for economic injury until the close of business on November 17, 1981, at:

Small Business Administration, District Office, East Lobby—Suite, One Bala Cynwyd Plaza, 231 Asaphs Road, Bala Cynwyd, Pennsylvania,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February. 17, 1981, 2:26 p.m.

Roger H. Jones,
Acting Administrator.

[FR Doc. 81–5844 Filed 2–19–81; 8:45 am]
BILLING CODE 8025–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Resolution of Complaint of Price-Undercutting by Subsidized Cheese Imports

On February 12, 1981, the United States Trade Representative received a letter from the Secretary of Agriculture informing him of the Secretary's finding that imported Swiss cheese produced in the Federal Republic of Germany has been offered for sale in the United States at duty-paid wholesale prices which are 20 cents per pound less than the domestic wholesale market price of similar cheese produced in the United States.

In accordance with section 702(c) (2) of the Trade Agreement Act of 1979 (the Act) (19 USC 1202 note), the Office of the United States Trade Representative notified the Commission of the European Communities of the price under-cutting determination made by the Secretary of Agriculture, requested that corrective action be taken, and asked for appropriate assurances concerning the commitments made in the Arrangement Between the United States and the Community Concerning Cheeses.

On February 12, 1981, the Commission of the European Communities notified the United States Trade Representative that measures have been taken to ensure that the duty-paid wholesale price of imported Swiss cheese produced in the Federal Republic of Germany will not be less than the domestic wholesale market price of similar cheese produced in the United States. In addition, the Commission gave assurance that it will respect the price commitments in the Arrangement. Since the above notification by the Commission of the European Communities has occurred within the 15-day period provided in section 702(c)(3) of the Act, the United States Trade Representative has notified the Secretary of Agriculture that no further action is required.

William E. Brock,
United States Trade Representative.

[FR Doc. 81–5877 Filed 2–19–81; 8:45 am]
BILLING CODE 3190–01–M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Hearing

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 27, 1981, at 1:00 p.m., the Veterans Administration Regional Office Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A–220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Robertson County Sheriff's Department, 500 Willow Street, Springfield, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: February 12, 1981.

R. S. Bielak,
Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tennessee.

FR Doc. 81–5709 Filed 2–19–81; 8:45 am]
BILLING CODE 8320–01–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80–286]

Federal-State Joint Board; Meeting

The Federal-State Joint Board established by the Federal Communications Commission pursuant to Section 410(c) of the Communications Act, as amended, 47 U.S.C. 410(c), will meet in the Commission Meeting Room (Room 856), 1919 M St., NW., Washington, D.C., at 2:00 p.m., on Monday, February 23, 1981.

The Joint Board was convened to consider, and to issue a recommended decision on amendments to, Part 67 of the Commission's Rules as discussed in the Notice of Proposed Rulemaking in CC Docket No. 80–286 *(In the Matter of Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board)*, released June 12, 1980. This proceeding involves the allocation of exchange plant investment and associated expenses between intrastate and interstate jurisdictions.

At its meeting of February 23, 1981, the Joint Board is expected to consider:

(1) Petitions for reconsideration of the Joint Board's Memorandum Opinion and Order, released December 5, 1980, filed by MCI Telecommunications Corp., United States Transmission Systems, Inc., and Southern Pacific Communications Co. The petitions seek reconsideration of the Joint Board's order insofar as it failed to require that evidentiary hearings and discovery be conducted.

(2) Report and recommendation of the Staff on information requests to be issued for the conduct of this proceeding.

(3) Future meetings of the Joint Board.

(4) Other new business properly before the Joint Board.

Additional information concerning this meeting may be obtained from Bert Halprin, of the Common Carrier Bureau, telephone (202) 632–9342.

Federal Communications Commission.

Issued: February 12, 1981.

William J. Tricarico,
Secretary.

[FR Doc. 81–6109 Filed 2–18–81; 3:27 pm]
BILLING CODE 6712–01–M

V 46 / 34 FE 20 81 UMI

Sunshine Act Meetings

Federal Register
Vol. 46, No. 34
Friday, February 20, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., February 24, 1981.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Review of an Audit and Financial Surveillance Program.
Rule Enforcement Review.
Enforcement Matter.
Legislative Matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–271–81 Filed 2–18–81 9:59 am]

BILLING CODE 6351–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), February 24, 1981.

PLACE: Commission conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1 Freedom of Information Act Appeal No. 80–11–FOIA–16–CH, concerning a request for all documents which have been made a part of the Court's record.

2. Freedom of Information Act Appeal No. 80–12–FOIA–13–NO, concerning a request for certain documents from a Title VII Charge file.

3. EEOC's Semiannual Regulatory Agenda.

4. A report on Commission Operations by the Executive Director.

Closed to the Public

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued February 17 1981.

[S–273–81 Filed 2–18–81 10:56 am]

BILLING CODE 6570–06–M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 12589, February 17, 1981).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 18, 1981, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG–14.—Tennessee Gas Pipeline Co.
CAG–15.—El Paso Natural Gas Co.
M–1.—RM81–, Revisions to Certain Regulations Governing Applications for Preliminary Permit or License for Water Power Projects.
CP–3.—CP80–274, Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc. CP80–275, Mountain Fuel Supply Co. CI80–233, Celsius Energy Co. CP76–397, Mountain Fuel Supply Co.

Kenneth F. Plumb,
Secretary.

[S–270–81 Filed 2–18–81 9:14 am]

BILLING CODE 6450–85–M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: a.m., February 26, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Puerto Rico Maritime Shipping Authority proposed general rate increases in the Puerto Rico trades.

2. Agreement No. 9976–5: Extension of the term of approval of the Mediterranean Associated Conferences Agreement for a period of three years.

3. Agreement No. 8900–14: Modification of the "8900" Lines Rate Agreement to permit discussion of matters with other carriers or conferences and governments.

4. Agreement No. 10401: Establishment of the Transpacific Westbound Discussion Agreement.

5. Petition for Reconsideration of the Commission's order conditionally approving Agreement No. 10137–8 which extended the Barber Blue Sea Line joint service agreement.

6. Agreement No. 10247–3: Extension of the term of approval of the Australian Loading Expense Agreement.

7. Informal Docket No. 800(I): Stoody International Co. v. Sea-Land Service, Inc.—Review of Settlement Officer's Decision.

CONTACT PERSON FOR MORE INFORMATION: C. Hurney, Secretary. (202) 523–5725.

[S–272–81 Filed 2–18–81 10:20 am]

BILLING CODE 6730–01–M

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 25, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive dicussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the items be moved to the discussion agenda.

1. Report to the Congress with respect to recommendations to the Board in the GAO report regarding efforts to enforce compliance with consumer credit protection laws.

Discussion Agenda

2. Proposed Interim Procedures for Pricing Administration.

3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204.

Dated: February 17, 1981.

James McAfee,
Assistant Secretary of the Board.

[S–274–81 Filed 2–18–81; 11:17 am]

BILLING CODE 6210–01–M

6

METRIC BOARD.

PLACE: The Regent Hotel/Convention Center Complex, 201 Marquette, NW., Albuquerque, New Mexico 87103.

TIME AND DATE: 8:30 a.m., Thursday, March 5, 1981; 9:a.m., Friday, March 6, 1981.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

March 5, 1981

Approval of Agenda—approval of agenda for the March 5–6, 1981 Board Meeting to be held in Albuquerque, New Mexico.

Review/Approval of minutes of the Board Meeting held in Arlington, Virginia on February 5, 1981.

Staff Reports and Committee Reports—Committee chairpersons and senior staff will give a status report on activities within their jurisdiction.

Proposed USMB Resolution for Teachers.

Fiscal year 1983 Research Call—The Board's fiscal year 1983 Research call has been initiated and is the third year of the call. A brief review of the past calls and the results that eminated from those calls will be provided to the Board.

Florida Metric Council—Mr. Sydney Andrews will introduce three resolutions passed at the December 4, 1980 meeting of the Florida Metric Council, which contain requests for action by the USMB.

Fiscal year 1981 Private Sector Program Initiatives—Francis Dugan will present the Fiscal 1981 Private Sector Program to the Board.

Meeting Sites—discussion of forthcoming meeting sites.

Agenda Items for next Board Meeting to be held on May 7–8, 1981.

SUPPLEMENTARY INFORMATION: Notice of a Public Forum to be held by the United States Metric Board on March 5, 1981 which will provide individuals and groups the opportunity to comment on metric conversion appears elsewhere on this issue.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. Lu Verne V. Hall, 703/235–3058.

Louis F. Polk,
Chairman, United States Metric Board.

[S–276–81 Filed 2–18–81; 3:52 pm]

BILLING CODE 6820–94–M

7

METRIC BOARD.

ADMINISTRATIVE AND BUDGET COMMITTEE MEETING.

TIME AND DATE: 3 p.m., Wednesday, March 4, 1981.

PLACE: The Regent Hotel/Convention Center Complex, Laguna Room, 201 Marquette, N.W., Albuqerque, New Mexico 87103.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED.

Cost of move to 1600 Wilson Boulevard.
Update on review of Board compensation.
Review of Representation Fund.
Final review of Congressional Handbook.

STATUS: Closed session.

MATTER TO BE CONSIDERED: Review of 1982 Proposed Funding Level.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. Helen T. Stellman, (703) 235–1696.

Louis F. Polk,
Chairman, United States Metric Board.

[S–278–81 Filed 2–18–81; 3:52 pm]

BILLING COLDE 6820–94–M

8

METRIC BOARD.

PLANNING AND COORDINATION COMMITTEE.

TIME AND DATE: 3 p.m., Wednesday, March 4, 1981.

PLACE: The Regent Hotel/Convention Center Complex, Acoma Room, 201 Marquette, N.W., Albuquerque, New Mexico 87103.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED.

1. Approval of Minutes.
2. Private Sector Planning Status Report.
3. Review of New Planning and Coordination Project Initiatives.
4. Update on USMB Involvement in Tariff Conversion.
5. Briefing on Planning Industry Presentations.
6. Agenda Items for Next Meeting.

CONTACT PERSON FOR FURTHER INFORMATION: Charles Danner, (703) 235–2583.

Louis F. Polk,
Chairman, United States Metric Board.

[S–277–81 Filed 2–18–81; 3:52 pm]

BILLING CODE 6820–94–M

9

METRIC BOARD.

PUBLIC AWARENESS AND EDUCATION COMMITTEE.

TIME AND DATE: 9:30 a.m., Wednesday, March 4, 1981.

PLACE: Regent Hotel/Convention Center Complex, Zuni Room, 201 Marquette, N.W., Albuquerque, New Mexico.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Approval of Minutes.
Approval of Agenda.
Report on Personnel.
Review of Previous Month's Activity.
Report on Next Public Forum.
Review of Public Awareness and Education Operating Plan.
Review of Public Awareness and Education FY 82 Meeting Sites.
Discussion of Use of Satellite Telecommunications.
Political Cartoon or Editorial Contest.
Status Report on Surburban Press Articles.
Review of Public Awareness and Education Policy Decisions to Date.
Public Awareness and Education Philosophy.
Discuss Brigham Young (Contest Winner) Public Awareness Plan.
Agenda for Next Meeting.

CONTACT PERSON FOR FURTHER INFORMATION: John Donnelly, (703) 235–2820.

Louis F. Polk,
Chairman, United States Metric Board.

[S–279–81 Filed 2–18–81; 3:52 pm]

BILLING CODE 6820–94–M

10

METRIC BOARD.

RESEARCH COMMITTEE.

TIME AND DATE: 9 a.m., Wednesday, March 4, 1981.

PLACE: The Regent Hotel, Convention Center Complex, Acoma Room, 201 Marquette, NW., Albuquerque, New Mexico 87102, (505) 247–3344.

STATUS: The Meeting will be open to the public.

MATTER TO BE CONSIDERED: Two briefings on Research Activites: (1) A general status report of all research projects and activities; (2) A general status report on the Fiscal Year 1983 Research Call.

CONTACT PERSON FOR MORE INFORMATION: G. Edward McEvoy, Director of Research, United States Metric Board, 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209, (703) 235–1933.

Louis F. Polk,
Chairman, United States Metric Board.

[S–280–81 Filed 2–18–81; 3:52 pm]

BILLING CODE 6820–94–M

11

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

TIME AND DATE: 8 a.m., March 2, 1981.

V 46 / 34 FE 20 81 UMI

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

STATUS: Open.

MATTERS TO BE CONSIDERED: 8 a.m., Meeting, Board of Regents.

(1) Approval of Minutes, 12 December 1980; (2) Faculty Appointments; (3) Report—Financial; (4) Report—Admissions—(a) Current Status, (b) Class Expansion; (5) Report—Acting President; (6) Report—Dean, School of Medicine—(a) General Procedures and Delegations of the Board of Regents (action), (b) Revised Appointment, Promotion and Tenure Document (action), (c) Graduation Plans and Schedule, (d) Establishment of Master of Public Health and Master of Science in Tropical Medicine, (e) Establishment of Department of Medical History, (f) Awards—(1) Establishment of an Outstanding Civilian Educator Award, (2) USUHS Awards.

New Business

SCHEDULED MEETINGS: May 22, 1981.

CONTACT PERSON FOR MORE INFORMATION: Frank M. Reynolds, Executive Secretary of the Board, (202) 295-3025.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 13, 1981.

[S-288-81 Filed 2-18-81; 8:45 am]

BILLING CODE 3810-70-M

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Friday
February 20, 1981

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama	AL79–1134	Nov. 9, 1979.
	AL79–1129	Sept. 21, 1979.
	AL80–1120	Nov. 14, 1980.
Delaware	DE78–3080	Nov. 3, 1978.
Dist. of Columbia	DC80–3040	May 16, 1980.
Florida	FL80–1088	Aug. 1, 1980.
Idaho	ID80–5146	Dec. 12, 1980.
Louisiana	LA80–4084	Nov. 7, 1980.
Maine	ME81–3008	Jan. 16, 1981.
Maryland	DC80–3040	May 16, 1980.
Massachusetts	MA80–2070	Aug. 29, 1980.
Nevada	NV80–5100	Feb. 1, 1980.
New Jersey	NJ79–3013	June 22, 1979.
New York	NY81–3003	Jan. 23, 1981.
Oklahoma	OK80–4067	July 25, 1980.
Texas	TX81–4009	Jan. 6, 1981.
Virginia	DC80–3040	May 16, 1980.
Wisconsin	WI80–2027	Apr. 8, 1980.
Illinois, Indiana, Michigan Minnesota, New York, Ohio, Pennsylvania & Wisconsin	IL79–2062	July 6, 1979.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Nevada	NV79–5131 (NV81–5104)	Aug. 31, 1979.
South Dakota	SD80–5104 (SC81–5105)	Feb. 1, 1980.

Cancellation of General Wage Determination Decisions

None

Signed at Washington, D.C., this 13th Day of February 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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MODIFICATION PAGE 1

DECISION NO. AL79-1134 MODIFICATION 1
(44 FR 65307 November 9, 1979)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Calhoun, Etowah, Green, Jefferson, Pickens, St. Clair, Shelby, Sumter, Talladega, Tuscaloosa and Walker Counties, Alabama					
Heavy Constructimn Projects					
CHANGE:					
Carpenters:					
Green, Pickens, Sumter, & Tuscaloosa Counties	9.50				.06
Jefferson, Shelby, Walker, and that portion of St. Clair and Talledega County west of Highway 231 from the Blount County line south to Interstate 20. Also, that portion of St. Clair and Talledega Cos. south of Interstate 20 and west of U. S. Alternate 231 south, not including the city of Talledaga and that portion of Talladega County south of the city of Talladega and west and south of the Talladega National Forest.	9.97	.55	.35		.08
Calhoun, Etowah, and Remainder of St. Clair and Talladega Counties	8.16	.65	.50		.06
Electricians	13.45	.55	3%+.40		½of1%
Ironworkers	12.35	.76	.82		.06
Laborers:					
Zone 1: Jefferson, St. Clair, Shelby, Talladega & Walker Counties					
Asphalt Raker, Air Tool Op., Chain Saw Op., Concrete Saw Op., Vibrator Op.	6.99	.40	.45		.05
General Laborer, Hand Blade Op., Batch Truck Dumper	6.82	.40	.45		.05
Pipe Layer, Mucker, Mortar Mixer	6.94	.40	.45		.05
Powderman & Blaster	7.77	.40	.45		.05

MODIFICATION PAGE 2

DECISION NO. AL79-1134 MODIFICATION 1 cont

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers-continued					
Tunnel Work:					
Tunnel Miner	7.74	.40	.45		.05
Tunnel Laborer	7.28	.40	.45		.05
Chuck Tender	7.44	.40	.45		.05
Pneumatic Concrete Gun Op. & Nuzzleman	7.62	.40	.45		.05
Zone 2: Calhoun, Etowah, Green, Pickens, Sumter & Tuscaloosa Counties					
Asphalt Raker, Air Tool Op., Chain Saw Op., Concrete Saw Op., Vibrator Operator	6.33	.40	.45		.05
General Laborer, Hand Blade Operator, Batch Truck Dumper	6.18	.40	.45		.05
Pipe Layer, Mucker, Mortar Mixer	6.28	.40	.45		.05
Powderman & Blaster	6.99	.40	.45		.05
Tunnel Work:					
Tunnel Miner	7.07	.40	.45		.05
Tunnel Laborer	6.62	.40	.45		.05
Chuck Tender	6.79	.40	.45		.05
Pneumatic Concrete Gun Op. & Nuzzleman	6.96	.40	.45		.05
Truck Drivers:					
Up to 1-1½ tons	6.97	.50			.03
1½ up to 3 tons	7.24	.50			.03
3 up to 5 tons	7.57	.50			.03
Off Road Truck	8.24	.50			.03
Power Equipment Operators:					
Class A	10.87	.50	.60		.10
Class B	10.20	.50	.60		.10
Class C	9.69	.50	.60		.10
Class D	8.93	.50	.60		.10

MODIFICATION PAGE 3

DECISION NO. AL79-1129 MODIFICATION 1
(44FR 54846 September 21, 1979)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Marengo, Monroe, Washington, and Wilcox Counties, Alabama					
Heavy Construction Projects excluding Sewer and Water Line Construction and Drainage Projects.					
CHANGE:					
Carpenters	11.57	.85	.50		.10
Electricians-wiremen	13.57	.80	3%+.50		.05
Ironworkers:					
Structural & Reinforcing	12.04	.85	.50		.05
Laborers:					
Zone 1: Baldwin, Clarke, Escambia, Mobile, Monroe, Washington Counties					
Asphalt Raker, Air Tool Operator, Chain Saw Operator, Concrete Saw Operator, Vibrator Operator	6.99	.40	.45		.05
General Laborer, Hand Blade Operator, Batch Truck Dumper	6.82	.40	.45		.05
Pipe Layer, Mucker, Mortar Mixer	6.94	.40	.45		.05
Powderman & Blaster	7.77	.40	.45		.05
Zone 4: Choctaw, Marengo, and Wilcox Counties					
Asphalt Raker, Air Tool Operator, Chain Saw Op., Concrete Saw Op., Vibrator Operator	6.14	.40	.45		.05
General Laborer, Hand Blade Operator, Batch Truck Dumper	5.97	.40	.45		.05
Pipe Layers, Muckers, Mortar Mixers	6.07	.40	.45		.05
Powderman & Blaster	6.91	.40	.45		.05

MODIFICATION PAGE 4

DECISION AL79-1129 MOD. 1 con't.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Marengo, Monroe, Washington, and Wilcox Counties, Alabama					
Painters:					
Industrial Brush	11.75	.65	.40		.01
Industrial Spray	12.50	.65	.40		.01
Hazardous Work	12.00	.65	.40		.01
Plumbers & Pipefitters	13.65	.70	1.10		.05
Piledrivermen	11.88	.65	.50		.05

DECISION #AL80-1120 - Mod. #1
(45 FR 75562 - November 14, 1980)
Colbert, Franklin, Lauderdale, Lawrence, Marion, & Winston Counties, Alabama

CHANGE:

Power Equipment Operators:	
Backhoe	$ 7.01
Bulldozer	7.46

ADD:

Power Equipment Operators:	
Front end loader	$ 6.00

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MODIFICATION PAGE 5

DECISION NO. DE78-30MD - MOD. # 11 (42 FR 51567 - November 3, 1978) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians	$14.03	1.15	1.26		1/4%
Glaziers	11.93	.95	1.80		.01
Line Construction:					
Linemen	14.63	.60+4%	3%		3/4%
Winch truck operator	10.20	.60+4%	3%		3/4%
Truck driver	9.46	.60+4%	3%		3/4%
Groundmen	8.73	.60+4%	3%		3/4%
Plumbers & Steamfitters:					
Sussex and Kent, Remainder of Counties	13.30	1.00	1.00		.05
DECISION NO. DC80-3040- MOD. #6 (45 FR 32528 - May 16, 1980) District of Columbia, Maryland - Montgomery & Prince Georges Countims; D.C. Training School; Virginia - Independent City of Alexandria, Arlington and Fairfax Counties					
CHANGE:					
Boilermakers	$14.275	1.275	1.00		.04
Divers' Tenders	13.61	.80	.70		.05
Electricians	13.55	.75	3%+.80		.13
Line Construction:					
Linemen, cable splicers, equipment operators	14.56	.60	3%		.5%
Truck with winch, truck pole or steel handling	8.34	.60	3%		.5%
DECISION NO. FL80-1088 - MOD. #3 (45 FR 51400 - August 1, 1980) Orange County, Florida					
Change:					
Boilermakers	12.75	1.275	1.10		.04
Plumbers	11.49	.75	.62	.50	.12
Roofers					
Roofers	9.50	.35	.25		
Kettlemen	8.05	.35	.25		

MODIFICATION PAGE 6

DECISION NO. ID80-5146 - Mod. #1 (45 FR 81960-December 12, 1980) Statewide, Idaho	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Area 5	$13.90	.90	.60		
Area 6	12.95	.90	.75		
Electricians:					
Area 1:					
Electricians	17.85	.95	3%+.40		.02
Cable Splicers	18.25	.95	3%+.40		.02
Area 3:					
Electricians; Technicians	14.25	.75	3%+1.00		1%
Cable Splicers	15.68	.75	3%+1.00		1%
Glaziers:					
Area 1	11.84	.69	.80		
Area 2	12.51	.42	.70	4%	.02
Ironworkers:					
Ornamental; Reinforcing; Structural:					
Area 2	15.35	.93	1.90		.10
Marble Setters:					
Area 5	13.90	.90	.60		
Area 6	11.25	.90	.75		
Painters:					
Area 1:					
Brush	13.41	.69	1.10		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish Drywall Taper	13.93	.69	1.10		.02
Swing Stage, over 30 ft. high	14.13	.69	1.10		.02
Bitumastic; Sand Blast: Bridge; Towers; Stacks; Steeples; Tanks on Legs	14.21	.69	1.10		.02
Tapers	13.28	.69	1.10		.02
Roofers:					
Area 2:					
Roofers; Kettlemen	13.00	.85	.30		
Roofers working with coal tar and pitch products	15.00	.85	.30		

MODIFICATION PAGE 7

DECISION NO. ID80-5146 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 3	$11.83	.85	.50		
Soft Floor Layers					
Area 2	12.39	.69	.60		
Terrazzo Workers and Tile Setters:					
Area 2	13.50	.80	2.00		
Area 5	13.90	.90	.60		
Area 6	11.25	.90	.75		
Omit:					
Painters:					
Area 4:					
Brush; Roller, Perfatapers	9.96	.62	.80		.005
Structural Steel; Swing Stage; Spray	10.41	.62	.80		.005
Add:					
Painters:					
Area 4:					
Work within 28 ft. of the surface:					
Painters and Tapers	11.11	.69	.50		1%
Spray	11.74	.69	.50		1%
Sand Blasting; Steel	11.69	.69	.50		1%
Work over 28 ft. in height, or downhole more than 28 ft.:					
Painters and Tapers	12.11	.69	.50		1%
Spray	12.74	.69	.50		1%
Sand Blasting; Steel	12.69	.69	.50		1%

MODIFICATION PAGE 8

DECISION NO. LA80-4084 - MOD. #4 (45 FR 74347 - November 7, 1980) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers - Zone 4	$12.69	.45	.50		
Glaziers:					
Zone 1	12.85			c+d	.02
Zone 3	12.30	.32	.35		.01
Decision No. ME81-3008- Mod. #2 (46 FR 4261 - January 16, 1981) STATEWIDE, MAINE					
CHANGE:					
LABORERS:					
Penobscot County	$3.35				

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MODIFICATION PAGE 9

DECISION NO. MA80-2070 - MOD. #2 (45 FR 57926 - August 29,1980 Berkshire, Franklin, Hampden and Hampshire Counties, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS: Cement Masons, Plasterers, Stone Masons, Marble-Tile-Terrazzo Workers, Pointers, Cleaners, Caulkers: HAMPDEN, HAMPSHIRE, FRANKLIN COUNTIES; BERKSHIRE CO. (Twps. of Becket, Otis and Sandisfield only)	11.60	1.03	1.20		.06
CARPENTERS: Soft Floor Layers, Drywall Carpenters: BERKSHIRE CO; FRANKLIN (Twps. of Monroe and Monroe Bridge (only)	12.68	.60	1.00		.04
FRANKLIN COUNTY (Erving, Warwick, Orange and N. Orange)	12.50	.75	1.00		.07
FRANKLIN COUNTY (Remainder of County); HAMPDEN and HAMPSHIRE COUNTIES	12.00	.60	1.00		.07
ELECTRICIANS: FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO. (Remainder of Co.); HAMPDEN CO. (Chester, Holyoke and North portion of Chicopee Electrical Contracts over $75,000.00	12.86	.85	3%+.40		.02
HAMPDEN CO. (Remainder of County); HAMPSHIRE CO. (Belchertown, [illegible])	13.28	.85	3%+.40		.03

MODIFICATION PAGE 10

DECISION NO. MA80-2070 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS' Probationary Helpers	6.065	1.195	.95	a+b	.035
MILLWRIGHTS	13.65	1.00	1.00		.10
PAINTERS: Brush and Taper	10.02	1.20	.65		.08
Spray-epoxy & Interior Dry Fogs & Minerals Thinned with anything other than Water &/or Mineral Spirits	13.36	1.60	.8667	.1067	.1067
Spray - Materials thinned with water &/or Mineral Spirits, excluding Epoxys & Interior Dry Fogs	13.89	1.20	.65		.08
Swing Stage under 40' Steel	10.207	1.20	.65		.08
Swing Stage over 40' Steel	10.52	1.20	.65		.08
PILEDRIVERMEN	13.65	1.00	1.00		.10
PLUMBERS: HAMPDEN COUNTY; BERKSHIRE CO. (Otis, Becket, Sandifield); HAMPSHIRE CO. (Belchertown, Granby, Huntington, Middlefield, South Hadley and Ware)	12.25	1.01	1.70		.10
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO.	13.88	.10	1.60		.10
ROOFERS: Composition, Damp Waterproof	10.565	1.10	2.03		
Slate, Tile, Precast Concrete	11.065	1.10	2.03		
SHEET METAL WORKERS	12.25	1.09	1.46		

MODIFICATION PAGE 11

DECISION NO. MA80-2070 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMFITTERS: HAMPDEN COUNTY; BERKSHIRE COUNTY (Otis, Becket, New Boston, Sandisfield) HAMPSHIRE CO.	13.88	.10	1.60		.10
FRANKLIN CO. (Orange Only)	11.71	.80	.65	.47	.05
FRANKLIN COUNTY (Remainder of County)	13.88	.10	1.60		.10

MODIFICATION PAGE 12

DECISION #NV80-5100 - Mod. #7 (45 FR 7451 - February 1, 1980) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers: Elko, Eureka, White Pine Counties	$14.36	.77	$1.52		
Remaining Counties (Statewide excluding Clark, Elko, Esmeralda, Eureka, Lincoln, Nye, White Pine Counties)	19.51	1.25	1.45		.11
Bricklayers; Stonemasons: Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	15.57	.90	.60		.06
Remaining Counties and Nye County (north of Hwy. #6)	15.21	1.25	.75		.04
Cement Masons: Remaining Counties: Cement Masons	13.05	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	13.30	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	13.55	1.10	1.00	1.45	.05
Lake Tahoe Area: Cement Masons	14.80	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	15.05	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	15.30	1.10	1.00	1.45	.05

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MODIFICATION PAGE 13

DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	$18.53	$1.09	3%+2.09		.14
Cable Splicers	20.38	1.09	3%+2.09		.14
Lake Tahoe Area:					
Electricians; Technicians	20.03	1.09	3%+2.09		.14
Cable Splicers	21.88	1.09	3%+2.09		.14
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	17.06	.98	3%+2.55		.08
Cable Splicers	17.39	.98	3%+2.55		.08
Ironworkers:					
Remaining Counties:					
Fence Erector Ornamental; Reinforcing; Structural	13.46	1.39	3.22	2.15	.07
	14.35	1.39	3.22	2.15	.07
Laborers:					
Remaining Counties:					
Group 1	10.71	1.10	1.30		.10
Group 2	10.81	1.10	1.30		.10
Group 3	10.96	1.10	1.30		.10
Group 4	11.21	1.10	1.30		.10
Group 5	11.51	1.10	1.30		.10
Group 6-A	11.51	1.10	1.30		.10
Group 6-B	11.21	1.10	1.30		.10
Group 6-C	10.86	1.10	1.30		.10
Marble Masons:					
Clark, Esmeralda, Lincoln, Nye County (south half)	15.57	.90	.60		.05
Painters:					
Remaining Counties including Lake Tahoe Area:					
Brush and Roller	15.93	.70	.75		.02

MODIFICATION PAGE 14

DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brush - swing stage, up to 40 ft.; Brush - Steel	$16.18	.70	.75		.02
Spray; Taper; Paperhangers; Sandblaster	16.43	.70	.75		.02
Spray - swing stage, up to 40 ft.; Spray - steel	16.68	.70	.75		.02
Clark, Esmeralda, Lincoln, Nye Counties:					
Brush; Roller	15.74	.80	.70		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Structural Steel; Tapers	16.09	.80	.70		.06
Buffing Steel; Sandblaster - Structural steel	16.44	.80	.70		.06
Steeplejack	17.49	.80	.70		.06
Power Equipment Operators:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	13.60	1.10	2.80	.80	.14
Group 2	13.88	1.10	2.80	.80	.14
Group 3	14.17	1.10	2.80	.80	.14
Group 4	14.31	1.10	2.80	.80	.14
Group 5	14.53	1.10	2.80	.80	.14
Group 6	14.64	1.10	2.80	.80	.14
Group 7	14.76	1.10	2.80	.80	.14
Group 8	14.93	1.10	2.80	.80	.14
Group 9	15.06	1.10	2.80	.80	.14

MODIFICATION PAGE 15

DECISION NO. NV80-5100 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

REMAINING COUNTIES

GROUPS	AREA 1	AREA 2	AREA 3	AREA 4
1-A	$11.64	$12.89	$13.39	$14.14
2	12.08	13.33	13.83	14.58
3	12.31	13.56	14.06	14.81
4	12.93	14.18	14.68	15.43
5	13.18	14.43	14.93	15.68
6	13.32	14.57	15.07	15.82
7	13.53	14.78	15.28	16.03
8	14.02	15.27	15.77	16.52
9	14.20	15.54	16.04	16.79
10	14.59	15.84	16.34	17.09
10-A	14.74	15.99	16.49	17.24
11	14.95	16.20	16.70	17.45
11-A	16.31	17.56	18.06	18.81

FRINGE BENEFITS:	
Health and Welfare:	$2.24
Pensions	3.00
Vacation	2.07
Apprenticeship Training	0.11

MODIFICATION PAGE 16

DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Piledriving:					
Group 1	$11.63	$2.24	$3.00	$2.07	.11
Group 1-A	12.04	2.24	3.00	2.07	.11
Group 1-B	12.29	2.24	3.00	2.07	.11
Group 2-A	12.29	2.24	3.00	2.07	.11
Group 2-B	12.98	2.24	3.00	2.07	.11
Group 2-C	13.19	2.24	3.00	2.07	.11
Group 2-D	13.27	2.24	3.00	2.07	.11
Group 3	13.55	2.24	3.00	2.07	.11
Group 3-A	14.07	2.24	3.00	2.07	.11
Group 4	14.73	2.24	3.00	2.07	.11
Group 5	14.94	2.24	3.00	2.07	.11
Group 6	16.31	2.24	3.00	2.07	.11
Steel Erection:					
Group 1	12.20	2.24	3.00	2.07	.11
Group 2	12.65	2.24	3.00	2.07	.11
Group 3	13.88	2.24	3.00	2.07	.11
Group 4	14.05	2.24	3.00	2.07	.11
Group 4-A	14.42	2.24	3.00	2.07	.11
Group 5	15.02	2.24	3.00	2.07	.11
Group 6	15.54	2.24	3.00	2.07	.11
Group 7	15.90	2.24	3.00	2.07	.11
Group 8	16.25	2.24	3.00	2.07	.11
Group 9	17.51	2.24	3.00	2.07	.11
Roofers:					
Clark, Esmeralda, Lincoln, Nye County (south half)	18.15	1.00			
Remaining Counties and Nye County (north half)	16.42	.85	1.00		.05
Sheet Metal Workers:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	18.02	1.20	1.92		.19
Remaining Counties and Nye County (north half)	14.72	1.20	2.26	1.47	.12

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MODIFICATION PAGE 17

DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers:					
Clark, Esmeralda, Lincoln, Nye Counties	$16.16	$1.11			.25
Remaining Counties including Lake Tahoe Area	14.74	.70	.20	.33	.06
Terrazzo Workers; Tile Setters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	15.57	.90	.60		.06

MODIFICATION PAGE 18

DECISION NO. NJ 79-3813-MOD.#5
(44 FR 36661-June 22,1979)
Atlantic County, New Jersey

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$16.91	7%	15%		3%
Group 2	15.09	7%	15%		3%
Group 3	14.21	7%	15%		3%
Group 4	14.10	7%	15%		3%
Group 5	13.87	7%	15%		3%
Group 6	13.38	7%	15%		3%
Group 7	13.09	7%	15%		3%
Group 8	12.92	7%	15%		3%
Group 9	12.87	7%	15%		3%
Group 10	12.75	7%	15%		3%
Group 11	12.70	7%	15%		3%
Group 12	12.46	7%	15%		3%
Group 13	12.06	7%	15%		3%
Group 14	11.89	7%	15%		3%
Group 15	11.55	7%	15%		3%
Group 16	9.57	7%	15%		3%

DECISION NO. NY81-3003 - Mod. #1
(46 FR 7737 - January 23, 1981)
Orange County, New York

Add:

PLUMBERS & STEAMFITTERS (Remainder of County)	12.05	1.10	1.90		.15

MODIFICATION PAGE 19

DECISION No. OK80-4007 - Mod. # 2
(45 FR - 49834 - July 25, 1980)
Latimer, Leflore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$12.70	1.275	1.00		.03
CARPENTERS					
AREA I					
Carpenters	9.80	.55	.85		.05
Millwrights & Piledrivermen	11.15	.55	.85		.05
CEMENT MASONS					
Pushmataha	12.29		.40		.16
GLAZIERS	11.44	.70	.30		.01
LINE CONSTRUCTION:					
Linemen	12.50		3%		½%
Cable Splicers	13.25		3%		½%
Hole Digger Operator	11.33		3%		½%
Heavy Equipment Operator (Pole Cat or Equivalent)	11.33		3%		½%
Line Truck Driver (winch operator)	10.27		3%		½%
Jackhammerman	9.35		3%		½%
Powderman	11.33		3%		½%
Groundman	8.34		3%		½%
Truck Driver (Flat Bed, Ton & Half and under)	8.91		3%		½%
PAINTERS:					
Brush & Roller	11.05		.40	.20	.10
Highwork & stage	11.65		.40	.20	.10
Sandblasting and Spray Painting	11.90		.40	.20	.10
Hot or Bituminous	12.55		.40	.20	.10
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70		.03

DECISION NO. TX81-4009 - MOD. #2
(46 FR 1549 - January 6, 1981)
Taylor County, Texas

CHANGE:

Plumbers & pipefitters	$11.28	.50	.75		.05

MODIFICATION PAGE 20

DECISION No. WI80-2027-MOD. #3
(45FR 26656 April 8, 1980)
Ashland Bayfield and Douglas Counties, Wisconsin

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:	$12.80	.40	.75	1.15	
Bricklayers	12.26	.85	.55		.01
Carpenters: Douglas Bayfield Cos.	11.00	.50	.85	.75	
Piledrivermen Douglas Bayfield Cos.	11.00	.50	.85	.75	
Millwrights, Douglas Bayfield Cos.	11.22	.50	.85	.75	
Cement Masons: Douglas Co.	12.645	.40			
Ashland & Bayfield Cos.	11.44	.85	.55		.01
Electricians:	13.56	5%	7%	11%	2%
Residential	8.75	.68	3%		4%
Elevator Constructors:					
Mechanic	12.10	1.195	.95	A & B	.035
Helper	8.47	1.195	.95	A & B	.035
Ironworker:	12.30	.50	.90	1.00	.02
Laborers: Bayfield & Douglas Cos.					
General Laborer, Mason Tender, Mortar Mixer, Air Hammer, Air Spade & Jack Hammer Operators	10.20	.55	.50		
Plasterer Laborer	10.45	.55	.50		
Painters:					
Brush	12.06	.50	.60		.13
Spray	12.66	.50	.60		.13
Plasterers	12.50	.40	.45		
Plumbers	12.36	.50	.75	1.50	.05
Roofers	12.38	.40	.35	1.25	
Sheetmetal Workers	12.24	.40	.66	1.50	.04

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MODIFICATION PAGE 21

Decision No. IL79-2062 - Mod. #2
(44 FR 39994 - July 6, 1979)
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania & Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE					
Floating Equipment (Clamshell, Dragline & Marine Construction):					
Engineers and Operators	$17.15	.95	1.20		.10
Equipment Operators	15.40	.95	1.20		.10
Firemen	14.55	.95	1.20		.10
Oiler	17.80	.95	1.20		.10

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Washoe
DECISION NUMBER: NV81-5104 DATE: Date of Publication
Supersedes Decision No. NV79-5131 dated August 31, 1979, in 44 FR 51501
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$19.51	$1.25	$1.45		.11
BOILERMAKERS	15.11	1.275	1.25	1.00	.04
BRICKLAYERS; Stonemasons	15.21	1.25	.75		.04
BRICK HOD CARRIERS	10.80	.95	1.20		.05
CARPENTERS	12.25	1.10	1.61	1.00	.10
CEMENT MASONS:					
Lake Tahoe Area:					
Cement Masons	14.80	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	15.05	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	15.30	1.10	1.00	1.45	.05
Remainder of Washoe County:					
Cement Masons	13.05	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	13.30	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	13.55	1.10	1.00	1.45	.05
DRYWALL INSTALLERS	12.50	1.10	1.61	1.00	.10
ELECTRICIANS:					
Washoe County, does not include Lake Tahoe Area:					
Electricians; Technicians	18.53	1.09	3%+2.09		.14
Cable Splicers	20.38	1.09	3%+2.09		.14
Lake Tahoe Area:					
Electricians; Technicians	20.03	1.09	3%+2.09		.14
Cable Splicers	21.88	1.09	3%+2.09		.14
ELEVATOR CONSTRUCTORS	16.37	.895	.69	a	.03
ELEVATOR CONSTRUCTORS' HELPERS	11.46	.895	.69	a	.03
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	8.185				
GLAZIERS	12.931	.83	1.85	1.584	
IRONWORKERS:					
Fence Erectors	13.46	1.39	3.22	2.15	.07
Ornamental; Reinforcing; Structural	14.35	1.39	3.22	2.15	.07
LATHERS	16.57				.01
MARBLE MASONS	14.00	.95	.75		.01
MARBLE, TERRAZZO, TILE FINISHERS	8.40	.95	.75		.01

DECISION NO. NV81-5104 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller	$15.93	.70	.75		.02
Brush-swing stage, up to 40 ft.; Brush-steel Spray; Taper; Paperhangers; Sandblasters	16.18	.70	.75		.02
Spray-swing stage, up to 40 ft.; Spray-steel	16.43	.70	.75		.02
PLASTER HOD CARRIERS:	16.68	.70	.75		.02
Plaster Hod Carriers serving Plasterers	12.20	.95	1.20		
Plaster Hod Carriers working on any type of gun	12.80	.95	1.20		
PLASTERERS	13.02	.90	1.20		.03
PLUMBERS; Steamfitters	14.14	1.13	1.00	1.95	.20
ROOFERS	16.42	.85	1.00		.05
SHEET METAL WORKERS:					
Residential construction not over 3 stories in height, where each individual family apartment is individually conditioned by a separate and independent unit or system	11.78	1.20	2.26	1.47	.12
All other residential construction	14.72	1.20	2.26	1.47	.12
SOFT FLOOR LAYERS	14.74	.70	.20	.33	.06
SPRINKLER FITTERS	18.23	.85	1.20		.08
TERRAZZO WORKERS; Tile Setters	14.00	.95	.75		.01

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. NV81-5104 Page 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.71	$1.10	$1.30		.10
Group 2	10.81	1.10	1.30		.10
Group 3	10.96	1.10	1.30		.10
Group 4	11.21	1.10	1.30		.10
Group 5	11.51	1.10	1.30		.10
Group 6-A	11.51	1.10	1.30		.10
Group 6-B	11.21	1.10	1.30		.10
Group 6-C	10.86	1.10	1.30		.10

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LABORERS

Group 1: All cleanup work of debris, grounds and buildings including Brushloader and windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer, under 1/2 yd.; Concrete Pan Work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping,grinding, sanding, vibrator; Cribbing, Shoring, Lagging, Trench Jacking, handguided Lagging Hammer; Curbing or Divider Machine; Curb Setter (pre-cast or cut); Ditching Machine (handguided); Driller's Tender, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric not listed in Group 5); Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete wet or dry; Rototiller; Rigger and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt Rakers

Group 5: Blasters and Powdermen, all work or loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and blasting

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

DECISION NO. NV81-5104 Page 5

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUPS	AREA 1	AREA 2	AREA 3
1-A	$ 11.64	$ 12.89	$ 13.39
2	12.08	13.33	13.83
3	12.31	13.56	14.06
4	12.93	14.18	14.68
5	13.18	14.43	14.93
6	13.32	14.57	15.07
7	13.53	14.78	15.28
8	14.02	15.27	15.77
9	14.29	15.54	16.04
10	14.59	15.84	16.34
10-A	14.74	15.99	16.49
11	14.95	16.20	16.70
11-A	16.31	17.56	18.06

FRINGE BENEFITS

Health and Welfare	$2.14
Pensions	2.75
Vacation	1.87
Apprenticeship Training	0.08

AREA DEFINITIONS:

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse
Area 3: Area not included in Areas 1 or 2

DECISION NO. NV81-5104 Page 6

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (Truck Crane); Rotomist; Screedman (except asphalt or concrete paving); Bobcat or similar Loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper (multi-purpose); Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar) (asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Factor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, Warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with Compressor Combination; Pavement Breaker or Tamper (with or without Compressor Combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machines; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small rubber-tired tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning, and Bending Machine; Auger-type drilling equipment up to and including 30 ft. depth drilling capacity M.R.C.

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon drills or Jackhammers); Crusher Plant Engineer; Generator; Holman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (Asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highways); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2¼ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (Wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Hole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (Gunite); Lull Hi-lift (20 ft. or over); Mucking Machine; Subgrader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving machine (single engine with tandem scrapers)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machines; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment floating (200 H.P. and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine, multi-engine with sloping attachments (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane, Auto-grades SP300 and similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to push pull); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired earthmoving machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Universal Liebher and Tower Cranes and similar types; Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth-moving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes, and Gradealls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yd. per hour)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: PILEDRIVING					
Group 1	$11.63	$2.14	$2.75	$1.87	.08
Group 1-A	12.04	2.14	2.75	1.87	.08
Group 1-B	12.29	2.14	2.75	1.87	.08
Group 2-A	12.29	2.14	2.75	1.87	.08
Group 2-B	12.98	2.14	2.75	1.87	.08
Group 2-C	13.19	2.14	2.75	1.87	.08
Group 2-D	13.37	2.14	2.75	1.87	.08
Group 3	13.55	2.14	2.75	1.87	.08
Group 3-A	14.07	2.14	2.75	1.87	.08
Group 4	14.73	2.14	2.75	1.87	.08
Group 5	14.94	2.14	2.75	1.87	.08
Group 6	16.31	2.14	2.75	1.87	.08
STEEL ERECTION					
Group 1	12.20	2.14	2.75	1.87	.08
Group 2	12.65	2.14	2.75	1.87	.08
Group 3	13.88	2.14	2.75	1.87	.08
Group 4	14.05	2.14	2.75	1.87	.08
Group 4-A	14.42	2.14	2.75	1.87	.08
Group 5	15.02	2.14	2.75	1.87	.08
Group 6	15.54	2.14	2.75	1.87	.08
Group 7	15.90	2.14	2.75	1.87	.08
Group 8	16.25	2.14	2.75	1.87	.08
Group 9	17.51	2.14	2.75	1.87	.08

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Fork Lift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-Duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons) (hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, Flash Boiler, Pump or Compressor attached); Operator of steam-powered Crawler, or Universal-type Driver (Raymond or similar type); Truck crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(STEEL ERECTION)

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W or over) (Structural Steel or Tank Erection only); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (Structural Steel or Tank Erection only); Deck Engineer; Signalman (using mechanical equipment); Fork-lift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purposes A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

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TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$10.72	$11.87	$1.00	.98		.05
Group 2	10.77	11.92	1.00	.98		.05
Group 3	10.88	12.03	1.00	.98		.05
Group 4	10.94	12.09	1.00	.98		.05
Group 5	10.99	12.14	1.00	.98		.05
Group 6	11.04	12.19	1.00	.98		.05
Group 7	11.15	12.30	1.00	.98		.05
Group 8	11.21	12.36	1.00	.98		.05
Group 9	11.26	12.41	1.00	.98		.05
Group 10	11.32	12.47	1.00	.98		.05
Group 11	11.43	12.58	1.00	.98		.05
Group 12	11.48	12.63	1.00	.98		.05
Group 13	11.59	12.74	1.00	.98		.05
Group 14	11.76	12.91	1.00	.98		.05
Group 15	11.92	13.07	1.00	.98		.05
Group 16	12.09	13.24	1.00	.98		.05

See "AREA DEFINITION" following Truck Drivers' Classifications.

TRUCK DRIVERS

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, Pickup, up to 18,000 lbs.

Group 3: Bus and Manhaul Drivers, single unit, Pickup, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Drivers; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yds. and under 8 yds.; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with Mechanical Tailgate, single unit 2-axle; Warehouse Clerk

Group 5: Winch Trucks, A-Frame, 18,000 lbs. and over; Lift Jitneys and Fork Lifts

Group 6: Flatrack, Industrial Lift with Mechanical Tailgate, single unit 3-axle

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yds. and under 18 yds.; Transit Mix under 8 yds.; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yds. and including 12 yds.

Group 10: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yds. and under 35 yds.; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tilt-bed or Flatbed Pull Trailers

Group 11: DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water Tank Trailers, Fuel and/or Grease Tank, or other miscellaneous trailers (except as defined under Dump Trucks)

TRUCK DRIVERS (Cont'd)

Group 12: Transit Mix, over 12 yds.; Truck Repairman

Group 13: Dump (single or multiple units including semis, double and transfer units); Dumpcrete and Bulk Cement Spreaders, 35 yds. and under 60 yds.

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yds. and under 75 yds.; Helicopter Pilot (when transporting men or materials)

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yds. and under 100 yds.

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yds. and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

AREA DEFINITIONS
Truck Drivers
WASHOE COUNTY

AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of Township 22N, Range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of Township 22N, Range 22E;
Thence Southerly to the N.E. corner of Township 20N, Range 22E;
Thence Easterly to the N.W. corner of Township 20N, Range 26E;
Thence Northerly to the N.W. corner of Township 22N, Range 26E;
Thence Easterly to the N.W. corner of Township 22N, Range 26E;
Thence Northerly to the N.W. corner of Township 30N, Range 29E;
Thence Easterly to the N.E. corner of Township 30N, Range 33E;
Thence Southerly to the S.E. corner of Township 24N, Range 33E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 15N, Range 30E;
Thence Westerly to the S.E. corner of Township 15N, Range 27E;
Thence Southerly to the S.E. corner of Township 14N, Range 27E;
Thence Westerly to the S.E. corner of Township 14N, Range 23E;
Thence Southerly to the S.E. corner of Township 13N, Range 23E;
Thence Westerly to the S.E. corner of Township 13N, Range 22E;
Thence Southerly to the N.E. corner of Township 10N, Range 22E;
Thence Easterly to the N.E. corner of Township 10N, Range 23E;
Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada Border;
Thence North-Westerly, then Northerly following the California-Nevada Border to the point of beginning.

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AREA DEFINITIONS (Cont'd)
Truck Drivers
WASHOE COUNTY

~~AREA 1 also includes that portion of Northern Nevada included~~ within the following line:

Commencing at the S.W. corner of Township 37N, Range 52E;
Thence Easterly to the S.E. corner of Township 37N, Range 52E;
Thence Northerly to the N.E. corner of Township 37N, Range 52E;
Thence Easterly to the N.E. corner of Township 37N, Range 58E;
Thence Southerly to the S.W. corner of Township 37N, Range 58E;
Thence Easterly to the S.E. corner of Township 37N, Range 58E;
Thence Southerly to the N.E. corner of Township 31N, Range 58E;
Thence Westerly to the N.W. corner of Township 31N, Range 58E;
Thence Southerly to the S.W. corner of Township 31N, Range 58E;
Thence Westerly to the S.E. corner of Township 31N, Range 52E;
Thence Northerly to the N.E. corner of Township 31N, Range 52E;
Thence Westerly to the S.E. corner of Township 32N, Range 51E;
Thence Northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

[FR Doc. 81-5650 Filed 2-19-81; 8:45 am]
BILLING CODE 4510-30-C

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD81-5105 DATE: Date of Publication
Supersedes Decision No. SD80-5104 dated February 1, 1980, in 45 FR 7471
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.44	.50	$1.00		
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS; Stonemasons	11.85		.30		
CARPENTERS:					
Carpenters, Acoustical Drywall Applicators	10.81	.30			.05
Piledrivermen	11.06	.30			.05
Millwrights	11.31	.30			.05
CEMENT MASONS	9.50	.35	.40		
ELECTRICIANS:					
Electricians	11.35	.60	3%+.80	6%	1/2%
Cable Splicers	11.90	.60	3%+.80	6%	1/2%
IRONWORKERS	11.05	.70	1.25		.25
LABORERS:					
Laborers; Power Tool Operator (all mechanical, air, gas or electric tools, including self-propelled buggies, wagon and air track drills); Pipelayer (non-metallic); Sandblasting	6.62	.50	.15		
Mortar Mixer, Mason Tender, Plaster Tender	6.77	.50	.15		
Gunnite Nozzleman, Powderman, Miner, Timberman	7.12	.50	.15		
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.20				
PLUMBERS; Steamfitters	11.04	.75	.60		.03
SHEET METAL WORKERS	11.35				.005
SPRINKLER FITTERS	13.02	.85	1.20		.08

WELDERS, Riggers: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

federal register

Friday
February 20, 1981

Part III

Environmental Protection Agency

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 265

[SW FRL 1758-4]

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Amendment to interim final rule.

SUMMARY: On May 19, 1980, EPA promulgated regulations applicable to hazardous waste landfills which prohibited the landfilling of ignitable wastes as of November 19, 1980. EPA is today amending the regulations to allow liquid ignitable wastes in containers to be disposed of in landfills until May 19, 1981, provided that the containers are landfilled in such a manner that the wastes are protected from any material or conditions which could cause them to ignite. This amendment is to provide temporary, although restrictive, relief to waste generators and landfill operators and to provide an opportunity for public comment on the alleged lack of available alternatives to comply with the May 19, 1980 regulation with respect to containerized liquid ignitable wastes in landfills.

DATES: Effective on February 20, 1981. Comments are due on or before April 10, 1981. A public hearing will be held on March 25, 1981, from 9:00 a.m. to 4:00 p.m.

ADDRESSES: Comments should be addressed to Deborah Villari, Docket clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should identify the regulations docket as follows: "Docket No. 3004, Section 265.312". The official docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

A public hearing will be held at U.S. Environmental Protection Agency, Room 3906, 401 M Street, SW., Washington, D.C. 20460 on March 25, 1981, from 9:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: For general information, contact Kenneth Shuster, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9125. For information on implementation, contact:

Region I, Dennis Huebner, Chief, Radiation, Waste Management Branch, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-5775

Region II, Dr. Ernest Regna, Chief, Solid Waste Branch, 26 Federal Plaza, New York, New York 10007, (212) 264-0504/5

Region III, Robert L. Allen Chief, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-0980

Region IV, James Scarbrough, Chief, Residuals Management Branch, 345 Courtland Street, NE., Atlanta, Georgia 30368, (404) 881-3016

Region V, Karl J. Klepitsch, Jr., Chief, Waste Management Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2197

Region VI, Stan Jorgensen, Acting Chief, Solid Waste Branch, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645

Region VII, Robert L. Morby, Chief, Hazardous Material Branch, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 374-3307

Region VIII, Lawrence P. Gazda, Chief, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-2221

Region IX, Arnold R. Den, Chief, Hazardous Materials Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-4606

Region X, Kenneth D. Feigner, Chief, Waste Management Branch, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-1260

SUPPLEMENTAL INFORMATION:

I. Introduction

On May 19, 1980, EPA promulgated hazardous waste regulations in 40 CFR Parts 260-265 (45 FR 33066 *et seq.*) which established, in conjunction with earlier regulations promulgated on February 26, 1980 (45 FR 12721 *et seq.*), the principal elements of the hazardous waste management program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, (42 U.S.C. 6921, *et seq.*). Part 265 of the May 19 regulations set forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities during the "interim status" period. Subpart N (§§ 265.300-265.339) of those regulations established interim status standards applicable to landfills.

Section 265.312 of these standards provides in part that ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 and 261.23. This standard, promulgated as an interim final regulation, became effective on November 19, 1980.

II. Basis for the Prohibition Against Landfilling Ignitable Wastes

EPA promulgated the prohibition against landfilling ignitable wastes because of the environmental risks associated with this disposal practice. These wastes, when placed in a landfill, increase the potential for a fire. Fires at landfills are frequently very difficult to extinguish; some burn or smolder for months or even years. Often, soaking the site with water is not sufficient to extinguish a landfill fire. In many cases, the waste must be excavated and physically mixed with water. Such use of water increases the risks of ground and surface water contamination. Where excavation is needed to put out a fire, the exposure of workers to hazardous waste, explosions, and toxic fumes is increased. Also, if future excavation is needed at a site for remedial actions (e.g., in cases of ground water contamination), drums containing ignitable wastes pose a serious safety problem. Fires themselves emit toxic fumes and/or other air pollutants and may trigger explosions of drums of ignitable wastes. In summary, fires at landfills are generally very damaging to the environment and often injurious to human health. (Detailed information on the hazards of landfilling ignitable wastes is contained in the Background Document, as amended, for Part 265, Subpart N of the May 19, 1980 regulations.)

III. Short-Term Problems in Implementing the Prohibition Against Landfilling Containerized Liquid Ignitable Wastes

Since EPA promulgated the prohibiition in § 265.312, many generators and landfill operators have contacted EPA to express their concern that the six-month time period allotted for compliance with § 265.312 was too short with respect to containerized (drummed) liquid ignitable wastes. These commenters cited the lack of alternative capacity to treat or dispose of these wastes and the potential safety hazards associated with certain storage or disposal options. Some other facility operators, however, stated that alternative capacity and safe methods to handle these wastes are available. The principal problems are discussed below.

In the past, containerized ignitable liquid wastes, often in large volumes, have been disposed of at many of the major commercial landfills. Typically, these are two-phase wastes, i.e., sludges (semi-solid wastes) with both solid and liquid phases. The liquid phase is often the phase that exhibits the characteristic of ignitability, thereby causing the waste to be a hazardous waste. Paint wastes and spent solvents are the most common of these liquid ignitable wastes.

Because of the high solids content of many of these wastes, they are not easily incinerated (particularly in liquid injection incineration, where the solids tend to plug the injection nozzles). For the same reason, these wastes cannot easily be injected through deep wells. Also, most incinerators (even some rotary kilns) are unable to burn wastes in metal drums. Other options for handling liquid ignitable wastes, such as solvent recovery, land treatment, and chemical, physical, or biological treatment, can successfully be used to treat some but not all of these wastes.

Even when it is technically feasible to handle liquid ignitable waste in incinerators, deep wells, or other facilities, such facilities may not always be readily available. A December 1980 EPA report [1] indicates that several large areas of the United States have limited or no commercial incinerator and deep well capacity. Three of the ten EPA Regions have *no* commercial incinerators and three other Regions have only one each. The entire western region of the United States has only one commercial incinerator. Many incinerators are capable of handling only certain types of wastes, and incinerators frequently experience extensive down time for maintenance or repairs to refractory walls and air pollution control equipment, thereby diminishing available capacity. Off-site deep-well injection facilities are even more scarce than incinerators in some areas of the country. In eight of EPA's Regions there are *no* commercial deep-well injection facilities to dispose of hazardous waste. (The two Regions that have deep wells are included among the same Regions that have incinerators.) Similarly, capacity to handle drummed liquid ignitable wastes through other treatment or disposal options may not be sufficient to treat or dispose of all of these wastes. Thus, some generators may have to transport liquid ignitable wastes for many hundreds of miles or even more to dispose of them.

An additional problem related to implementation of § 265.312 involves worker safety. Removing ignitable wastes from containers in order to treat them "before or immediately after placement in the landfill" so that the resulting wastes are no longer ignitable wastes (as required by the EPA regulations) is not presently practiced at all landfills and could present hazards to workmen and facilities. Operations to remove and treat liquid ignitable wastes must be carried out with considerable care to avoid ignition. Also, many ignitable wastes are volatile and toxic and pose a hazard from this standpoint if they are not carefully handled. Given these considerations, some of the major commercial landfill operators have stated that they need more time to implement safe handling procedures. (Opinion on this issue is not uniform, however. Some landfill operators do open drums or pour materials into the drums through bung-holes to render the resulting material non-ignitable.)

Citing the various problems listed above, in the summer and fall of 1980, several landfill operators and waste generators asked EPA whether the requirement of § 265.312 could be met by carefully placing containerized (drummed) liquid ignitable wastes in landfill cells, segregating them from wastes which could cause them to ignite, and immediately covering them with earthen material. Initially, the Agency's informal response to a number of these inquiries was yes. However, EPA has since reconsidered its response and has concluded that, as written, § 265.312 does not allow the practices suggested. Although these practices reduce the chance of ignition, the wastes in the containers would still be ignitable under § 261.21; thus § 265.312 precludes its landfilling. Thus, the May 19, 1980 regulations do not allow the suggested practice to provide relief from the problems discussed above.

IV. Today's Amendment

As explained in Section III of this preamble, there are strong indications that § 265.312 can be complied with in many areas of the United States. In those areas, either alternatives to landfilling are available in adequate supply for all types of liquid ignitable wastes, or else the wastes are safely mixed with other materials and rendered non-ignitable prior to landfilling. However, serious questions have been raised by a significant number of generators and landfill operators concerning their ability to comply with § 265.312. This circumstance appears to be particularly prevalent throughout the western half of the United States, which may lack sufficient alternatives to treat or dispose of all those wastes or capacity to safely render them non-ignitable.

In light of the above considerations, EPA believes it is prudent to extend the deadline for complying with § 265.312 with respect to containerized liquid ignitable wastes until May 19, 1981. During this time, EPA will hold a public hearing and accept written comments to establish whether a real problem exists and to determine an appropriate response. In granting this very brief extension, however, EPA believes that those who allege that they need a further extension have an obligation to clearly demonstrate this need. EPA will not extend this deadline any further unless commenters present a convincing case, based upon adequate supporting data, that § 265.312 cannot be safely complied with by May 19, 1981.

The extension of the compliance deadline is being granted subject to certain conditions. Liquid ignitable wastes may be placed in a landfill without being treated to render them non-ignitable only if:

1. They are placed in the landfill in non-leaking containers;

2. They are carefully handled and placed in the landfill so as to avoid heat, sparks, rupture or any other condition that might cause ignition before and during that placement;

3. They are covered with soil or other suitable non-combustible material soon after placement to minimize the potential for ignition; and

4. They are not placed in landfill cells which contain or will contain other wastes that could generate heat sufficient to produce temperatures that exceed the flash point of the liquid ignitable wastes.

The Agency believes that these conditions will provide protection of human health and the environment until the ban on landfilling liquid ignitable wastes in containers can be implemented nationwide. It requires handling methods to prevent ignition during both handling and placement, and minimizes the potential for ignition of the wastes after placement in a landfill by requiring cover and prohibiting co-disposal with wastes that could, at present or in the future, cause ignition. The containers must be non-leaking and be handled to avoid rupture during placement in the landfill.

Procedures to implement the required precautions are already used routinely in well-operated landfills. Commonly, a bulldozer or other earthmoving equipment used to cover the waste

[1] Booz, Allen & Hamilton, Inc. and Putnam, Hayes & Bartlett, Inc. *Hazardous Waste Generation and Commercial Hazardous Waste Management Capacity—An Assessment*, EPA (SW-894), December 1980.

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merely pushes or places the soil or other cover material on top of the containers without coming in contact with or crushing the containers. In a recent inspection of over 20 off-site hazardous waste landfills (conducted by EPA between June and October 1980), EPA learned that the operators of all of the visited landfills which receive and dispose of drummed wastes already handle and dispose of the drums in this manner. This practice assures worker safety and reduces the potential for explosions, fires, and injuries or deaths which could result from running bulldozers over drums, as demonstrated by a number of past incidents. Of course, eventually, containers (e.g., steel drums) in landfills do decay and leak. It is not the intent of this regulation to require that the containers permanently remain intact after the disposal operation (placement and covering) is completed. So long as the precautions required by today's regulations are taken, risks of ignition of the drummed wastes will be minimized even if the drums eventually leak at some future time.

Using a cover consisting of soil or other appropriate material and segregating incompatible wastes in the landfill, as required by today's regulations, will limit exposure of wastes to conditions which could cause ignition. Cover should generally be placed over each row or layer of containers. "Other suitable non-combustible material" is allowed as cover instead of or in addition to soil, since other materials, such as industrial sludges or wastes, may sometimes be used effectively. Wastes used for cover over ignitable wastes must not be hot or able to generate enough heat to ignite the waste (e.g., by solar heat). Municipal waste or sludge when decomposing frequently generates heat in excess of 140° F (the ignition level in the definition of ignitable wastes) and therefore is not suitable for co-disposal with ignitable waste (in the same landfill cell) unless stabilized by composting so that decomposition heat will not be generated.

V. Request for Comments

EPA has extended the compliance date for the prohibition in § 265.312 only with respect to containerized liquid ignitable wastes and has limited the extension to the shortest practicable time consistent with giving short-term relief to generators and landfill operators who allege that they need more time to comply. However, EPA is not willing to further extend this deadline unless it receives convincing evidence that such an extension is necessary.

EPA expects those who seek a further extension of the compliance date to demonstrate the need for the extension. Furthermore, any commenter requesting a further extension should indicate what steps he is taking to comply with the prohibition and how much time is needed to complete those steps.

We have listed below several questions which we need to consider in detail if any further extension is to be granted. EPA welcomes comments not only from generators and landfill operators who are having difficulty in complying but also from those who are successfully complying by using various treatment, recovery or disposal options. In addition, we welcome comments from operators of incinerators, solvent recovery facilities, deep wells, land treatment facilities, and chemical, physical and biological treatment facilities which could accept certain types of containerized liquid ignitable wastes but are presently operating at less than full capacity. Finally, we welcome comments from members of the public who are aware of practices or facilities that can help enable all members of the regulated community to comply with the prohibition.

EPA solicits detailed information which would help answer the following factual questions and policy issues in whole or in part:

1. What types of wastes (e.g., solvents, paint wastes) are assumed or known by generators to be ignitable and are being stored at generators' facilities or are being stockpiled elsewhere because of an apparent lack of available treatment, recovery or disposal options? For each such waste:

a. What properties limit the options for treating, recovering or disposing of the waste?

b. What quantities are presently being stored, at what rate are more wastes being generated, and how are these quantities and rates distributed throughout the United States?

c. What measures have generators taken or are they currently taking to seek facilities to accept and treat, recover or dispose of these wastes? How large a geographical area have these generators surveyed to find a suitable facility to accept these wastes? What federal and state agencies and waste management and recovery firms and associations have the generators contacted to find a suitable facility?

2. What safe methods are presently used at landfills and treatment and recovery facilities to manage drums of liquid ignitable wastes in compliance with § 265.312? How long would it take a facility which does not presently use those methods to implement them?

3. What facilities are available to treat, recover or dispose of these wastes and are operating at less than full capacity? Where are these facilities located? Which types of liquid ignitable wastes can they handle, what types of restrictions do they impose on the wastes which they do handle, and how much excess capacity do they presently have? Consider at least the following types of facilities:

a. Incinerators.

b. Solvent recovery facilities.

c. Chemical, physical or biological treatment facilities.

d. Generators or landfills which treat, render or mix the liquid ignitable waste so that the resultant waste or waste residue or mixture is no longer ignitable.

e. Land treatment.

f. Deep well injection.

VI. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient lead time to prepare to comply with major new regulatory requirements. Since an effective date six months after promulgation would defeat the purposes of today's amendment, the Agency is making it effective today.

The Agency is not able to make today's amendment retroactive to November 19, 1980, the effective date of the requirement of § 265.312 which today's amendment modifies. However, the Agency will exercise its enforcement discretion by not taking enforcement action against those persons who managed containerized liquid ignitable waste in accordance with today's amendment between November 19, 1980 and today.

Dated: February 13, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

40 CFR Part 265 is amended by revising § 265.312 to read as follows:

§ 265.312 Special requirements for ignitable or reactive waste.

(a) Except as provided in paragraph (b) of this Section, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that:

(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 or 261.23 of this Chapter, and

(2) Section 265.17(b) is complied with.

(b) Until May 19, 1981, liquid ignitable wastes in containers may be landfilled without meeting the requirement of paragraph (a) of this Section, provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, these liquid ignitable wastes must be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture or any other condition that might cause ignition of the wastes; must be covered with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause temperatures equal to or exceeding the flash point of the wastes.

[FR Doc. 81-5858 Filed 2-19-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 19, 1981

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WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
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WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).
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Monday
February 23, 1981

Highlights

13501 **Poison Prevention** CPSC alters its regulations by exempting requirements for child-resistant packaging of acetaminophen preparations; effective 2-23-81

13580 **Grants** HHS/HRA publishes specific requirements for schools of medicine to establish eligibility for participation in Health Professions Capitation Grant Program

13525 **Excise Taxes** Treasury/IRS rules and proposes to rule on windfall profit tax as it pertains to qualified disburser election; comments by 4-24-81 (2 documents)

13676 **Community Action Program** HUD/CPD revises the Housing Assistance Plan (HAP) regulations for small cities by establishing a single set of requirements for both comprehensive and single purpose grant applicants; effective 3-27-81

13512 **Flood Insurance Program** FEMA revises regulations dealing with minimum premiums, minimum commissions, and the effective date of flood insurance coverage; effective 3-25-81

13587 **Coal** Interior/GS invites the public to submit comments by 3-25-81, on the maximum economic recovery fair market value of the listed tracts

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Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

13528 **Reserve Forces** FEMA proposes peacetime screening of non-Federal employees who are members of the military ready reserve; comments by 4–24–81

13542 **Consumer Protection** CPSC issues list with brief descriptions, priority projects for fiscal year 1981 for commission action to reduce or eliminate unreasonable risks of injury associated with consumer products

13583 **Aliens** HHS/RRO describes the availability of funding for a national service project to establish a comprehensive information system in support of refugee resettlement activities

13511 **Interpretive Rulings** HHS/PHS publishes information relating to requirements for federally qualified health maintenance organizations

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

Uranium Mill Licensing Requirements

Correction

On Friday, February 6, 1981, a correction to 10 CFR Part 40 was published on page 11237. The printed format of the correction was misleading, however. For the convenience of the reader, the changes made by that correction are clarified, and the appropriate Code of Federal Regulations text is included as follows:

1. On page 65531 in the **Federal Register** of Friday, October 3, 1980, a new paragraph added to § 40.31 was incorrectly designated as (g) instead of (h). Therefore, on page 65531, in the center column, the eleventh amendatory instruction is corrected to read:

"11. Section 40.31 of 10 CFR Part 40 is amended by adding a new § 40.31(h) to read as follows:"

§ 40.31 Applications for specific licenses.

* * * * *

(h) An application for a license to receive, possess, and use source material for uranium or thorium milling or byproduct material, as defined in this Part, at sites formerly associated with such milling shall contain proposed written specifications relating to milling operations and the disposition of the byproduct material to achieve the requirements and objectives set forth in Appendix A of this Part. Each application must clearly demonstrate how the requirements and objectives set forth in Appendix A of this Part have been addressed. Failure to clearly demonstrate how the requirements and objectives in Appendix A have been addressed shall be grounds for refusing to accept an application.

Appendix A—[Amended]

2. In addition, Appendix A to Part 40 (appearing on page 65533) is corrected by changing references from "§ 40.31(g)" to "§ 40.31(h)" wherever they occur in the second and third paragraphs.

BILLING CODE: 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-3-AD; Amdt. 39-4049]

Airworthiness Directives; Cessna Models 152, A152, 172N, 172P, R172K and 172RG Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) applicable to Cessna Models 152, A152, 172N, 172P, R172K and 172RG airplanes. This AD requires a one-time inspection of the fuel tank, gauge and selector valve installations to verify that the fuel tank quantity shown on the fuel gauge and selector valve correspond to the actual fuel tank capacity. This action is necessary to prevent inaccurate estimation of fuel reserves on airplanes equipped with improper fuel gauges which could result in premature fuel depletion and an ensuing forced or emergency landing.

EFFECTIVE DATE: March 2, 1981.
Compliance: Within the next 25 hours time-in-service after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT:
Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: A report has been received that a Cessna Model 172N airplane had fuel gauges installed that were placarded for 24 gallons usable fuel while the fuel tanks had a capacity of 20 gallons usable fuel. Additionally, a report was received of a Cessna Model 172N airplane having 24 gallon fuel tanks and a gauge installed that was placarded with 20 gallons when full. It has also been confirmed that on Cessna Model 152 airplanes the manufacturer installed fuel gauges which were incorrectly marked for the capacity of the fuel tanks involved. Those gauges which are marked below the actual usable fuel capacity could result in conservative fuel reserve estimates. However, gauges marked with a usable capacity exceeding the actual tank capacity could result in depletion of fuel reserves prior to reaching the intended destination. FAA investigations at the manufacturer have also indicated that the fuel tank selector marking may not correspond to the fuel tank capacity.

Since this condition is likely to exist or develop on airplanes of the same type design, the FAA is issuing an AD, applicable to Cessna Models 152, A152, 172N, 172P, R172K and 172RG airplanes, requiring a one-time visual inspection of the fuel tank, gauge and selector valve installations to verify that the fuel tank quantity shown on the fuel gauge and selector valve correspond to the actual usable fuel. New placarding and/or fuel gauges, as necessary, must be installed to assure agreement between the airplane markings for usable fuel and actual fuel tank capacity. This action is necessary to prevent inaccurate estimation of fuel reserves on airplanes equipped with improper fuel gauges which could result in premature fuel depletion and ensuing forced or emergency landings.

The FAA has determined that there is an immediate need for this regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest, and good cause exists for making the Amendment effective in less than thirty (30) days after the date of publication in the **Federal Register**.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following AD:

Cessna: Applies to Model 152, A152, 172N, 172P, R172K and 172RG airplanes certificated in all categories with the following serial numbers:

Model and Serial Numbers

152—15283592 thru 15284627
A152—A1520879 thru A1520952
172N—17272885 thru 17274009
172P—17274010 thru 17274357

R172K—R1723200 thru R1723403
172RG—172RG0001 thru 172RG0698

Compliance: Required as indicated unless already accomplished.

To reduce the possibility of fuel depletion due to incorrect fuel quantity markings within the next 25 hours time-in-service after the effective date of the AD, accomplish the following:

(A) Visually inspect the airplane fuel tank access cover using Figure 1 to identify the fuel tank capacity.

(B) When the actual fuel tank capacity has been determined:

(1) Visually inspect the placarding adjacent to the fuel filler openings, to verify that these markings agree with the actual fuel tank capacity; and

(2) Visually inspect the placarding adjacent to the fuel tank selector valve, and fuel gauge markings to verify that these markings agree with the usable fuel for the fuel tanks installed.

(C) Paragraphs A and B of this AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person provided the airplane is not used in air carrier service. An entry must be made in the Aircraft Maintenance Records indicating compliance with this AD.

(D) Replace any incorrect fuel gauges, fuel tank selector valve placards and/or fuel tank filler placards with those compatible with the fuel tank capacity.

(E) Within forty-eight (48) hours after compliance with this AD notify, in writing, the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209 of any incorrect fuel gauges, fuel tank selector valve placards and/or fuel tank filler placards found during AD compliance. One acceptable means of making these reports is Malfunction or Defect Reports (FAA Form 8010). (Reporting approved by the Office of Management and Budget under OMB No. 04–R0174).

(F) The airplane may be flown in accordance with FAR 21.197 to a location where paragraph (D) of this AD may be accomplished.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Room 238, Mid-Continent Airport, Terminal Building No. 2299, Wichita, Kansas 67209; Telephone (316) 942–4285.

(Secs. 313(3), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

This amendment becomes effective on March 2, 1981.

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Office of the Regional Counsel, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–5446.

Issued in Kansas City, Missouri, on February 13, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–5884 Filed 2–20–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80–EA–47; Amdt. 39–4050]

Airworthiness Directives; Mooney Mite Model 18

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues an amendment to AD 79–11–05 applicable to Mooney Mite 18 type airplanes. AD 79–11–05 requires a repetitive inspection every 36 months at areas of the horizontal and vertical stabilizers. Subsequent to publishing AD 79–11–05 at the request of an owner, it was determined that an alternate method of compliance using a borescope and permanent access holes was acceptable. This amendment permits such alternate compliance.

EFFECTIVE DATE: April 1, 1981. Compliance is required as set forth in the AD.

FOR FURTHER INFORMATION CONTACT:
L. Lipsius, Airframe Section, AEA–212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–2875.

SUPPLEMENTARY INFORMATION: Since a situation exists which permits an optional method of compliance, it is found that notice and public procedure hereon are unnecessary, and permits making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended by amending AD 79–11–05 as follows:

Amend AD 79–11–05 as follows:

a. In the first paragraph starting "To prevent failure", after "accomplish the following", add: "inspections and checks or approved equivalents".

b. In paragraph (6), after "Equivalent repairs," add: "inspections and".

c. Change paragraph (7) to read: "A borescope, utilizing FAA approved permanent access holes, is considered an approved equivalent means of inspection only for the vertical and horizontal stabilizers, when satisfying the requirements of paragraphs (1), (2), and (3). The borescope inspection shall be accomplished within the next 30 days after the effective date of this AD, unless already accomplished within the last 11 months, and thereafter at intervals not to exceed 12 months from the last inspection".

d. Add paragraph (8) to read: "Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, May adjust the inspection time in this Airworthiness Directive."

Effective Date: This amendment is effective April 1, 1981.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT:"

Issued in Jamaica, New York, on February 12, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81–5869 Filed 2–20–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–AWA–22]

Revocation and Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes the segment of VOR Federal Airway V–53 between Indianapolis, Ind., and Peotone, Ill. The current V–53 has multiple transition points with V–128 within this area. These transition intersections have caused some misunderstanding and flight plan confusion, thereby compromising air safety. This action eliminates that confusion.

DATES: Effective date: April 16, 1981. Comments must be received on or before March 23, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 80–WA–22, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois, 60018.

The official docket may be examined at the following location: Federal Aviation Administration, Office of the General Counsel, Rules Docket (AGC–204), Room 916, 800 Independence Avenue, SW, Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:
Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.123 of Part 71 is to revoke the segment of V–53 between Indianapolis, Ind., and Peotone, Ill., and designate that segment as V–399. The current charting of V–53 in that portion of the airway has multiple transition points with V–128. There have been misunderstandings, confusion and errors due to the multiple junctions. Also, there is poor radar coverage which compounds the problem. Since this amendment merely renames an existing airway segment with no change in the controlled airspace and since the amendment is editorial in nature, I find good cause that notice and public procedure are unnecessary. However, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished on January 2, 1981, (46 FR 409).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, April 16, 1981, as follows:

In V–53: "Indianapolis; INT Indianapolis 312° and Boiler 159° radials; Boiler; INT Boiler 313° and Peotone, Ill., 152° radials; to Peotone." is deleted and "Indianapolis;" is substituted therefor.

"V–399 From Indianapolis, Ind., via INT Indianapolis 312° and Boiler, Ind., 159° radials; Boiler; INT Boiler 313° and Peotone, Ill., 152° radials; to Peotone." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 13, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–5882 Filed 2–20–81; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9132]

The Central Florida Electrical Bid Depository, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Winter Park, Fla. corporation operating a non-profit electrical bid depository service, and nine individuals to cease engaging in any course of action, conspiracy or agreement which has the purpose or effect of fixing, maintaining, stabilizing, or tampering with the price of electrical contracting services, including: encouraging or requiring members or signatories to exchange relevant bid information prior to bid opening time; barring them from negotiating or submitting bids after the bid filing deadline; requiring them to function exclusively through the bid depository; and penalizing those who fail to do so. Further previously suspended recalcitrants must be reinstated, and the corporation is required to promptly amend its rules and regulations so as to conform with the terms of the order.

DATES: Complaint issued Nov. 28, 1979. Decision and order issued Jan. 22, 1981.[1]

FOR FURTHER INFORMATION CONTACT:
FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Monday, Nov. 10, 1980, there was published in the **Federal Register**, 45 FR 74502, a proposed consent agreement with analysis In the Matter of The Central Florida Electrical Bid Depository, Inc., a corporation, and David Perry, Robert Behe, Larry Poirier, Fred Newton, individually and as officers and directors of said corporation, and Charles Mayo, Helmuth Eidel, Donald Burchnell, Patrick Kelly, and Lynn Harden, individually and as directors of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.385 To boycott seller-suppliers; § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; §13.431 To exchange future price information; §13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; §13.470 To restrain or monopolize trade; §13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Controlling, Unfairly, Seller-Suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements.

[1] Copies of the Complaint and the Decision and Order Filed with the original document.

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§ 13.533–60 Release of general, specific, or contractual constrictions, requirements or restraints.

9(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-6017 Filed 2-20-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. 8940]

Control Data Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, two Bloomington, Minn. sellers of training courses to cease misrepresenting the purpose, significance or results of entrance examinations or aptitude tests; the qualifications or prerequisites necessary to obtain employment in the computer field or in any other field; and the cost and effectiveness of their job-placement services. Respondents are required to give prorated refunds to students who fail to complete their courses, or to compute the amount of money owed to them by students on a prorated basis. Students having unresolved complaints against the companies must be provided, on a shared-cost basis, with an impartial arbitration service empowered to order payment of refunds to those eligible. Additionally, the order requires that individuals selling training courses display nameplates identifying them as "Sales Representatives"; and that the companies institute a surveillance program designed to detect those parties who fail to comply with the terms of the order.

DATES: Complaint issued Oct. 3, 1973. Order issued Jan. 9, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PM, Walter Gross, III, Washington, D.C. 20580. (202) 523–3911.

SUPPLEMENTARY INFORMATION: On Tuesday, Oct. 21, 1980, there was published in the **Federal Register**, 45 FR 69470, a proposed consent agreement with analysis In the Matter of Control Data Corporation, a corporation, and Automation Institute of America, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections; 13.15–20 Business methods and policies; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities § 13.50 Dealer or seller assistance; § 13.105 Individual's special selection or situation; § 13.115 Jobs and employment service; § 13.155 Prices, 13.155–5 Additional charges unmentioned; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–5 Arbitration, 13.533–20 Disclosures, 13.533–45 Maintain records, 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding correction, adjustments or action owed. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies, and practices; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1608 Dealer or seller assistance; § 13.1663 Individual's special selection or situation; § 13.1670 Jobs and employment; § 13.1740 Scientific or other relevant facts; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1882 Prices, 13.1882–10 Additional prices unmentioned; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducement to Purchase or Deal: § 13.1960 Free service; § 13.1995 Job guarantee and employment; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719 as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-6016 Filed 2-20-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-3054]

Mobil Oil Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York City manufacturer of chemical, fuel and lubrication products to cease representing in the advertising, labeling and sale of "Mobil 1" that its use in automobiles will reduce the consumption of engine lubricating oil, unless, in conjunction with such representation, respondent sets forth a prescribed statement advising new users of the product to check the oil level of their cars frequently because some cars will experience higher oil consumption with low viscosity oils like Mobil 1.

DATES: Complaint and order issued Jan. 22, 1981.[1]

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, 2001 Bryan St., Suite 2665, Dallas, Texas 75201. (214) 767–0032.

SUPPLEMENTARY INFORMATION: On Tuesday, Sept. 23, 1980, there was published in the **Federal Register**, 45 FR 63000, a proposed consent agreement with analysis In the Matter of Mobil Oil Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestion or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20, Disclosures; 13.533–40 Furnishing information to media.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-6018 Filed 2-20-81; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging; Exemptions From Requirements for Child-Resistant Packaging of Acetaminophen Preparations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission exempts certain powdered and effervescent acetaminophen preparations from its regulation, under the Poison Prevention Packaging Act of 1970, that requires child-resistant packaging for any acetaminophen preparation in a dosage form intended for oral administration that contains a total amount of more than one gram of acetaminophen in a single package.[1] The exemptions are issued because the available information indicates that special packaging is not required to protect children under 5 years of age from serious personal injury or serious illness resulting from ingesting such substances.

DATE: The exemption is effective February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6400.

SUPPLEMENTARY INFORMATION:

A. Background

The Poison Prevention Packaging Act of 1970 (the "PPPA," 15 U.S.C. 1471–1476) authorizes the Commission to establish standards for the "special packaging" of any household substance if (1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance and (2) the special packaging is technically feasible, practicable, and appropriate for such substance. Special packaging is often referred to as "child-resistant packaging" and is defined as packaging that is (1) designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and (2) not difficult for normal adults to use properly. (It does not mean, however, packaging which all such children cannot open, or obtain a toxic or harmful amount from, within a reasonable time.) Under the PPPA, effectiveness standards have been established for special packaging (16 CFR 1700.15), as has a procedure for evaluating the effectiveness (§ 1700.20). Regulations have been issued requiring special packaging for a number of household products (§ 1700.14).

The Commission has issued a requirement, under the Poison Prevention Packaging Act of 1970, that requires all preparations for human use in a dosage form intended for oral administration and containing in a single package a total of more than one gram of acetaminophen to be packaged in special packaging (section 1700.14(a)(16) of Title 16 of the Code of Federal Regulations, 44 FR 51211). This requirement became effective February 27, 1980, for all acetaminophen products packaged after that date.

Acetaminophen is an analgesic and antipyretic which is widely used as a substitute for aspirin. Although acetaminophen is safe and effective when taken in its proper dose, and is also valuable for those individuals who are sensitive or allergic to aspirin, ingestion of large amounts of acetaminophen can cause serious toxic effects.

Liver damage and deterioration of liver function are the major toxic effects of ingestion of large amounts of acetaminophen. A detailed discussion of the Commission's reasons for requiring acetaminophen preparations to be in special packaging is contained in the notice that issued the requirement.

Although the human experience data and medical literature did not reveal any instance in which one gram or less of acetaminophen had caused serious injury or illness after an acute ingestion, these sources did show that doses of over 1 gram involved an increasing risk of liver damage. Therefore, the Commission required special packaging for acetaminophen products containing more than 1 gram of acetaminophen in a single package.

Several of the comments that were received after the acetaminophen special packaging requirement was proposed (43 FR 4632; February 3, 1978) suggested that certain products should be exempted from the requirement. Two of these exemption requests, for powdered and effervescent acetaminophen preparations, were deemed by the Commission to have sufficient merit to warrant proposal of the exemptions (44 FR 51230; August 31, 1979), and the Commission stayed the effective date of the requirement as to these products. These products are discussed separately below.

B. Requests for Exemptions

Exemption for effervescent formulations. Warner-Lambert Compay requested that the regulation exempt effervescent formulations, which are those in which the presence of moisture causes the rapid liberation of carbon dioxide. Warner-Lambert contended the exemption should be granted because:

1. In the granular form, such products are difficult for children to ingest or consume.

2. Effervescence while the product is on the tongue is markedly unpleasant.

3. The volume of foam and carbon dioxide that is produced when the product is ingested in undissolved form tends to produce gagging.

4. In undissolved form, the products have an objectionable salty taste.

5. It is possible for nausea and vomiting to be caused by the product's salinity.

Warner-Lambert noted that the Commission has previously exempted effervescent aspirin tablets from the regulation that requires child-resistant packaging for aspirin (16 CFR 1700.14(a)(1)(i)). This exemption for aspirin is limited to tablets containing less than 10% aspirin and that have an oral median lethal dose (LD–50) of greater than 5 grams per kilogram of body weight, and the exemption also contains a requirement that the tablet produce at least a specified amount of carbon dioxide when placed in water.

The limitation requiring the release of a minimum amount of carbon dioxide (85 ml of carbon dioxide when a single dosage of aspirin is placed in water at standard temperature and pressure) was established because tablets releasing this amount of carbon dioxide have been found to be repulsive to children

[1] The vote to grant exemption was 4 to 1: Commissioner Edith Sloan dissented.

because of their effervescent characteristic.

The aspirin exemption's limitations that the dosage contain not more than 10 percent of the regulated ingredient and have an LD-50 of greater than 5 grams per kilogram of body weight were designed to establish reasonable limits for the allowable concentration of the regulated ingredient and the toxicity of a single dosage unit.

These particular boundaries were also requested for the exemption for effervescent acetaminophen products, since the commenter asked for an exemption similar to that available for aspirin.

The Commission has determined that the considerations that apply to effervescent tablets also apply to effervescent products in granular form. Therefore, after considering this exemption request, the Commission preliminarily concluded that the effervescent acetaminophen products for which the exemption is requested have similar physical characteristics to the aspirin products which have been previously exempted. In addition, a review of human experience data collected by the National Clearinghouse for Poison Control Centers (NCPCC) shows that there had not been a history of serious illness or serious injury associated with the effervescent acetaminophen product that is currently on the market in granular form. (The NCPCC data for the period from 1972 through 1976 revealed 12 ingestions of effervescent acetaminophen products, 2 of which resulted in symptoms. One case, in which the sympton was reported as lethargy, resulted in hospitalization.) For these reasons, it preliminarily appeared to the Commission that for effervescent acetaminophen products, the special packaging requirement was not necessary to protect children from serious personal injury or serious illness, subject to the conditions applicable to the exemption for effervescent aspirin products.

Exemption for acetaminophen products in powder form. Block Drug Company Inc. commented that it generally agreed with the proposed child-resistant packaging requirement for acetaminophen, but requested an exemption for powdered acetaminophen preparations. Block stated that there should not be a problem with ingestion by children of this form of the product because of its unpleasant taste and because the child is likely to spill much of it before it can be ingested. Block contended that this product is analogous to the powdered aspirin products that have been previously exempted by the Commission from the special packaging requirement for aspirin. See 42 FR 20291, April 19, 1977, and 43 FR 17330, April 21, 1978 (16 CFR 1700.14(a)(1)(ii)).

The exemption for aspirin powders is restricted to unflavored powders, other than those intended for pediatric use, that are packaged in unit doses providing not more than 13 grains of aspirin per unit dose. The specific level of 13 grains of acetaminophen per unit dose was also requested for the acetaminophen exemption requested by Block Drug Company, Inc. The 13 grain unit dose level is less than the 1 gram package level that is regulated under the rule. Therefore, a package containing one unit dose of 13 grains is not subject to the rule. In order for a child to gain access to a toxic amount of acetaminophen powder, the child would have to open at least two of the unit dose packages.

A review of human experience data shows no reports of serious illness or injury in young children from ingestion of powdered acetaminophen preparations; however, these powdered preparations have been on the market for only two years. A review of NCPCC data for *aspirin* powders, which have been marketed for many years, also demonstrates a lack of child ingestion problems with this dosage form. The physical characteristics of the powdered acetaminophen preparations are similar to those of the aspirin products that have been previously exempted. Therefore, it preliminarily appeared to the Commission that in the case of powdered acetaminophen products, the special packaging requirement is not necessary to protect children from serious personal injury or serious illness caused by unflavored acetaminophen preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses containing not more than 13 grains of acetaminophen per dose.

After considering the requests that powdered and effervescent preparations be exempted from the requirement for special packaging of acetaminophen preparations and all the data available to it, the Commission proposed the requested exemptions at 44 FR 51230.

C. 1979 Injury Data

Since the publication of the proposed exemptions for acetaminophen products in unflavored powder or effervescent form, the Commission has received no reports of injuries to children from ingestion of products to which the exemptions would apply.

During 1979, an estimated 5200 children under the age of five years were seen in hospital emergency rooms in the United States for poisonings associated with medicinals containing acetominophen. This estimate is based on 122 cases reported through the National Electronic Injury Surveillance System (NEISS) during the same period. Approximately 16 percent of these children were admitted to the hospital. None of the acetominophen-containing products were identified as effervescent tablets or granules or unflavored powders.

During 1979, unflavored powders containing acetaminophen had been on the market for only a short period of time, and there were no injuries associated with such powders. However, as noted above, aspirin has been marketed in an unflavored powder form for many years. Since these aspirin powders are similar in appearance and taste characteristics to the acetaminophen powders to which the exemption would apply, injury data associated with the aspirin powders may indicate the extent of any risk associated with ingestion of acetaminophen powders. During 1979, NEISS reported 310 cases associated with the ingestion of medicinal preparations containing aspirin by children under five years of age. None of these cases were reported as being associated with unflavored aspirin powders. Two of the cases involved effervescent tablets containing aspirin. Both children in these cases were treated and released from the hospital emergency room.

D. Response to the Proposal

Six comments from the public were received on the proposal. Two comments were received from individuals who opposed the proposed exemptions.

The first comment argued that the fact that the acetaminophen products proposed to be exempted are perceived by adults as having an unpleasant taste should not lead to the conclusion that the products should be exempt from child resistant packaging requirements in view of the fact that infants have been known to swallow products including turpentine and insect repellant, which presumably also have an unpleasant taste. In response to this comment, the Commission notes that the products mentioned by this commenter pose a different type of risk than the powder or effervescent products involved in the proposed exemptions. Harmful amounts of products such as turpentine which are in liquid form can be ingested before the child can react to the unpleasant taste. In addition, one of the major risks associated with products such as turpentine and insecticides that contain petroleum distillates is that the unpleasant taste will cause gagging or coughing resulting in inhalation of the product into the lungs, which can cause chemical pneumonia. The risk is not present with the acetaminophen products covered by the proposed exemptions. Therefore, the fact that children have been known to ingest harmful amounts of turpentine or insect repellant is not deemed to lead to the conclusion that children would ingest harmful amounts of acetaminophen-containing powders or effervescent tablets or granules in view of the human experience data associated with acetaminophen and aspirin products.

This comment, as well as the second comment that was received, stated that acetaminophen is toxic in excessive dosage and that the form that the product takes is irrelevant. However, the act does not require special packaging merely because a product is toxic, but requires consideration of "the degree or nature of the hazard to children in the availability of such substance." As explained above, the product forms involved in the proposed exemptions pose a much lower degree of risk to children than do other forms of acetaminophen products, and the Commission concludes that special packaging for these exempted products is not required to protect children from serious personal injury or serious illness.

The second comment also states that experience with effervescent and powder preparations made of aspirin should be ignored because "aspirin and acetaminophen are two different drugs that cause different side effects." However, the data concerning aspirin is not being used to show that aspirin and acetaminophen have similar toxic properties, but rather that the form in which the product is marketed poses a relatively low risk of ingestion of a harmful amount of the product. The fact that aspirin and acetaminophen "cause different side effects" is not relevant to that determination.

This second comment also theorizes that a child could place the effervescent product in a liquid and drink it due to its similarity to the appearance of a soft drink. The commenter also suggests that children might use the powdered product as they would talc. The Commission cannot conclude that this latter possibility would result in the absorption of a harmful amount of acetaminophen. In any event, these possibilities are deemed to be unlikely in view of the rarity of reports of such types of incidents over the many years that such product forms of aspirin or acetaminophen have been on the market.

The third comment appears to confuse the proposed exemptions with the issuance of the general requirement that acetaminophen products in packages containing more than one gram of acetaminophen must be in child-resistant packaging, and commends the Commission for the issuance of the requirement. However, to the extent that this comment may be interpreted as being in opposition to any exemption to the requirement, it does not address any specific issue associated with consideration of the merits of the exemption.

The fourth comment was from an interested individual and supported the exemptions because of the lack of a history of serious illness associated with acetaminophen and aspirin in these product forms.

The fifth comment received was from the Block Drug Company, Inc., who contended that issuance of the proposed exemptions would result in increased safety for young children. Block's reasoning was that the marketing history of present products shows that the rate of accidental ingestion of unflavored powder and effervescent analgesics is far lower than would be expected on the basis of the market share of these products compared to the non-effervescent tablet form of these analgesics. Block concludes that providing the product in unflavored powder or effervescent form is a more effective way of protecting children than is a child-resistant package for other forms of the product. Block therefore argues that, to the extent the proposed exemptions would encourage the marketing of unflavored powder and effervescent forms of acetaminophen products, children would be safer if the exemptions were issued than if they were not. Although the substantial reduction of accidental ingestions associated with products subject to special packaging requirements indicates that special packaging is clearly effective in reducing childhood poisonings, the Commission does not know enough about the degree of effectiveness of currently marketed special packaging or about the relative market shares of products falling within the proposed exemption to warrant reaching the conclusion advanced by Block Drug. Therefore, the Commission's conclusion to issue the proposed exemptions is based solely on the demonstrated low risk associated with these product forms and not on a comparison of this risk with that of child-resistant packaging for other forms of the product.

Block also argues that the requirement of the proposal that the unflavored powder form be packaged in unit doses in order to be exempt will provide protection against accidental ingestion even though the unit dose packaging does not meet child-resistant packaging standards. Block contends that this is due to the time required to unwrap each dose, which increases the likelihood that the child's attention will be distracted or parental supervision will intervene before a harmful amount can be ingested. Although it is likely that the unit packaging will provide some deterrent, the Commission does not have sufficient data to compare this deterrent to child-resistant packaging. Therefore, the Commission's decision to issue the exemptions is not based on any potential deterrent effectiveness of unit dose packaging.

The last comment was from the American Society of Hospital Pharmacists, who supported the proposed exemptions on the basis that "there is minimal danger of toxicity from ingestion of [the proposed exempted acetaminophen products] by children."

E. Comments by the Technical Advisory Committee

Members of the Technical Advisory Committee (the "TAC") established by section 6 of the PPPA were asked to comment on the merits of the proposed exemptions for these preparations. Twelve members of the committee responded.

Powdered preparations. With regard to powdered preparations, of the 12 members responding, 10 recommended granting the exemption and 2 recommended denial. The reasons given for recommending the exemption included:

1. The unpalatability of the product.
2. The young child's lack of coordination, which makes it difficult to transport the product to the mouth without spilling, thereby preventing the ingestion of toxic amounts.
3. The small amounts likely to be ingested are not sufficient to cause serious toxicity.
4. The lack of reports of toxic ingestions of similar powdered preparations.

The reasons given by the committee members for denial of an exemption for powders included.

1. The possible interaction between acetaminophen and other toxic household substances.
2. The Block Drug Child Taste Study does not substantiate granting the exemption.

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With regard to the argument of possible interaction with other substances, this concern is theoretical and remote and could be made for all known substances. The Poison Prevention Packaging Act was designed to address unreasonable risks of injury for cases with a substantial likelihood of occuring and the Commission is not aware of an instance in which there is a substantial likelihood of injury due to an interaction between acetaminophen and another substance.

The second comment refers to the Taste Study submitted by Block Drug in support of the exemption. The member contends that the data do not indicate that 82% of the children tested found the product unpleasant tasting. The data submitted by Block Drug actually indicated that only 53% of children expressly indicated they found the product unpleasant. However, the recording and analysis of facial expression indicated that 82% of the children tested did not find the product pleasant. Although the recording of facial expressions is definitely subjective and not in itself conclusive, the amounts ingested by the children strongly support the contention that the product is not pleasant tasting to them. Of the 200 children tested, 95% ingested less that 150 mg of acetaminophen, an amount well below the estimated toxic dose of more than 1 gram (1000 mg). Of the remaining 5%, none ingested more than 750 mg. These results are similar to those previously reported for aspirin powder preparations, which also indicated the lack of ingestion of significant amounts. Similarly, human experience data for aspirin powders do not indicate toxic ingestions. Therefore, the Commission concludes that unflavored acetaminophen powders have a taste that is unpleasant to children and that, in any event, it is unlikely that a child would ingest a harmful amount of these powders.

Effervescent preparations. As to effervescent preparations, 9 members recommended granting the exemption and 3 recommended denial.

The reasons given for recommending the exemption were:

1. The unpalatability of the preparation.
2. The small amounts of these preparations usually eaten by children.
3. Lack of reports of toxic ingestions involving effervescent preparations.

The reasons given for denial were:

1. The possible interaction between acetaminophen and other toxic household substances.
2. The toxicity of acetaminophen.
3. The possibility that children might dissolve tablets or granules in water and consequently ingest a toxic amount of acetaminophen.

The first reason for denial was addressed above in the discussion of the comments on powder preparations.

A consumer representative of the TAC did not agree with the petitioner's statement that acetaminophen is safer than aspirin, but contends that data submitted by the McNeil Consumer Product Company show that acetaminophen has twice the death rate per overdose compared with aspirin (page 11 of McNeil comment on the proposed special packaging requirement for acetaminophen).

The toxicity of acetaminophen has been documented, and for this reason the Commission established a regulation for this substance requiring safety packaging for preparations containing more than 1 gram. However, toxic symptoms are more frequently associated with slight deviations from the recommended therapeutic dosage regimen for aspirin as compared with acetaminophen. This occurs because acetaminophen is metabolized more rapidly and excreted faster. Therefore, accumulation, or a build-up of acetaminophen, is less likely to occur even though the dosage regimen is not strictly adhered to. This is not the case for aspirin.

The data submitted by McNeil indicated the frequency of overdoses and fatalities involving these two analgesics in Great Britain. Acetaminophen preparations were introduced in the over-the-counter market in Great Britain earlier than in the United States, and acetaminophen has attained a larger percentage of the market in Great Britain than in the United States. It is important to note that acetaminophen overdose has become one of the preferred methods of committing suicide in Great Britain. Indeed, much of the human toxicity and injury data available on acetaminophen is based on suicide and attempted suicide cases in Great Britain. Therefore, it is improper to compare the rates of fatality for a product which is being used specifically to commit suicide with a product for which fatalities occur as a result of accidental overdose.

Two members on the Committee suggest the possibility that children might dissolve these preparations in water and thereby ingest a toxic amount of acetaminophen.

Although this possibility does exist, the human experience data do not indicate that this is occurring. This may be due to the fact that the age group most frequently involved in cases of accidental ingestions is between the age of 1 and 3. The lack of physical coordination and the short attention span of this age group make the task of insuring sufficient dissolution a difficult and unlikely occurrence. It should be emphasized that there is physical limitation of the amount of this substance which can be dissolved in a given quantity of water. Amounts in large excess of the normal dosage simply won't dissolve. NCPCC data regarding the product Bromo-Seltzer (acetaminophen effervescent granules) for the years 1969 through 1977 indicate 12 ingestions, with only one hospitalization for observation. The human experience data for both powder and effervescent acetaminophen preparations indicate that they have not been involved in serious illness in children, since it appears that these preparations are not appealing to young children by virtue of their bitter taste and physical qualities.

F. Conclusion

After considering the requested exemptions, the available injury information, the opinions of the Commission's staff, the comments on the proposal, and the opinions of the members of the Technical Advisory Committee established by section 6 of the PPPA, the Commission finds that special packaging is not required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting the unflavored powder or effervescent acetaminophen products described in amended §§ 1700.14(a)(16)(i) and 1700.14(a)(16)(ii) below. Since these amendments grant exemptions, the delayed effective date provision of 5 U.S.C. 553(d) does not apply, and the exemptions are therefore effective immediately.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474) and under the authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends section 1700.14(a)(16) of Subchapter E of Chapter II of Title 16 of the Code of Regulations as follows:

1. Replace the period (".") at the end of 16 CFR 1700.14(a)(16) with a comma and add:

§ 1700.14 [Amended]

(a) * * *

(16) * * * except the following—

(i) Effervescent tablets or granules containing acetaminophen, provided the dry tablet or granules contain less than 10 percent acetaminophen, the tablet or granules have an oral LD–50 of greater than 5 grams per kilogram of body weight, the measured dosage of the product,when placed in water, releases at least 85 milliliters of carbon dioxide per grain of acetaminophen in the dry form when measured stoichiometrically at standard conditions (0°C, 760 mm mercury) and the tablets or granules contain no other substance subject to this § 1700.14(a).

(ii) Unflavored acetaminophen-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 13 grains of acetaminophen per unit dose and that contain no other substance subject to this § 1700.14(a)."

* * * * *

Effective date. This amendment becomes effective on February 23, 1981.

(Secs. 2, 3, 5, Pub. L. 91–601, 84 Stat. 1670–1672; 15 U.S.C. 1471, 1472, 1474)

Dated: February 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-6006 Filed 2-20-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200 and 230

[Release No. 33-6289]

Unavailability of Exemption for Limited Offers and Sales of Securities of Certain Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments.

SUMMARY: The Commission announces the adoption of amendments to Rules 242 and 252 under Section 3(b) of the Securities Act of 1933. Rule 252 provides that a Regulation A exemption from registration for small public offerings of an issuer's securities shall not be available if the issuer or any person in a specified relationship with the issuer is subject to one of the disqualifications described in this rule. The amendments make certain changes in the list of disqualifications and provide that disqualifications which now last indefinitely terminate automatically after five years. The amendments to Rule 242, another small issuer exemptive rule, conform the disqualifying provisions of that rule to amended Rule 252. In addition, the Commission is amending its rules relating to general organization to delegate to the Director of the Division of Corporation Finance the authority to grant relief in connection with applications filed pursuant to Rule 252(g) and Rule 242(a)(5)(v) of the Securities Act of 1933.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Michael J. Eizelman, (202) 272–2644, Office of Small Business, Division of Corporation Finance, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of amendments to Rule 252 [17 CFR 230.252] of Regulation A [17 CFR 230.251 et seq.] under the Securities Act of 1933 ("the Securities Act") [15 U.S.C. 77a et seq., as amended] and conforming amendments to Rule 242 [17 CFR 230.242] under the Securities Act.

Regulation A provides a limited offering exemption under Section 3(b) of the Securities Act.[1] It permits primary or secondary public offerings of as much as $1,500,000 of an issuer's securities to be made every twelve months without registration under Section 5 of the Securities Act. Rule 252 raises certain bars to the availability of a Regulation A exemption. The Regulation A exemption is unavailable for the securities of an issuer while a disqualification described in paragraphs (c), (d), (e) or (f) of Rule 252 exists.[2] The existence of a disqualification under Rule 252 does not preclude an issuer or its affiliates from registering the issuer's securities on Form S–1 [17 CFR 239.11] or any other appropriate registration statement.

A disqualification may attach upon the initiation or disposition of certain disciplinary, administrative, civil, or criminal proceedings involving the issuer or persons in a specified relationship with the issuer. The amendments adopted today provide that most other disqualifications, certain of which attached for an indefinite period of time, shall last for a fixed period of five or ten years after the entry of a final order, judgment or decree concludes the proceedings. In addition, Rule 252 now disqualifies an issuer which is subject to the reporting requirements of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq., as amended] if that issuer has not filed all required reports during the last year.

The person subject to a disqualification, or the issuer for whose securities an exemption is sought, may petition the Commission for relief under Rule 252(g). To grant a Rule 252(g) application, the Commission must determine "upon a showing of good cause, that it is not necessary under the circumstances that the [Regulation A] exemption be denied."[3] The amendments adopted today are intended primarily to reduce the necessity for applications under Rule 252(g) by reducing the time periods over which a disqualification will last. The reduced time periods represent those generally considered appropriate for the granting of relief under the rule. Additionally, the Commission anticipates that the number of applications granted pursuant to Rule 252(g) or Rule 242(a)(5)(v) would be minimal, since the duration fixed for each disqualification represents the minimum period the Commission had determined to be consistent with the protection of investors.

In conjunction with the publication of its Rule 252 amendments, the Commission is adopting conforming amendments to Rule 242. Rule 242 provides a limited offering exemption under Section 3(b) of the Securities Act. It permits a qualified issuer to sell without registration as much as $2,000,000 of its securities in any six-month period to an unlimited number of accredited persons, as defined in the rule, and thirty-five other persons. Rule 242(a)(5) defines "qualified issuer" to include certain domestic and Canadian corporations. Rule 242(a)(5)(v) incorporates by reference the provisions of paragraphs (c), (d), (e) and (f) of Rule 252. Accordingly, if a disqualification described in Rule 252 is applicable, an issuer cannot be a qualified issuer for purposes of Rule 242 and may not claim a Rule 242 exemption for an unregistered offering of its securities.[4]

A discussion of the amendments adopted, including changes from the original proposals and the significant public comment received is set forth below. The three comment letters received generally supported the amendments as proposed.[5] Based upon these comments and upon its own experience, the Commission has determined to adopt the amendments to

[1] Section 3(b) of the Securities Act authorizes the Commission to adopt rules and regulations to exempt up to $5,000,000 of securities per issue from registration, subject to appropriate conditions, if it finds that registration is not necessary in the public interest or for the protection of investors by reason of the small amount involved or the limited character of the offering.

[2] The complete text of Rule 252 (c), (d), (e) and (f) as amended, appears at the conclusion of this release.

[3] Rule 252(g), 17 CFR 230.252(g).

[4] The existence of a disqualification under Rule 242(a)(5)(v) does not affect the availability of the registration process for public offerings of an issuer's securities.

[5] Securities Act Release No. 6214 (June 19, 1980) [45 FR 42742].

Rule 252 and Rule 242 substantially as proposed.

Synopsis

The first part of the synopsis describes the general nature of the amendments to Rule 252 and Rule 242 and the reasons therefor in order to provide a framework for understanding the text of the amendment set forth below. The second part of the synopsis summarizes the amendments to the Commission's rules relating to general organization which delegates authority to the Director of Corporation Finance and explains the reasons for such amendments.

Rule 252 and Rule 242

Persons Covered. Paragraph (c) of Rule 252 applies to the issuer, any of its predecessors, and any affiliated issuer. As adopted today, the rule provides that, where the affiliation arises after the entry of the order, judgment, or decree on which the affiliated issuer's disqualification is based, a Regulation A exemption for the issuer's securities will be available under the amended rule if both of two conditions are met. First, the affiliated issuer must not be in control of the issuer. Second, if the affiliation is based upon common control of the affiliated issuer and the issuer by a third party, that third party must not be a person who controlled the affiliated issuer when the order, judgment, or decree which triggered the disqualification was entered. The Commission believes this relaxation in Rule 252(c) will result in more equitable treatment of issuers without any offsetting loss of investor protection.

Today's amendments also add general partners of the issuer to the list of persons to whom paragaph (d) applies, since they perform policy and decision-making functions similar to those of directors or officers of a corporate issuer.

Paragraph (d) previously applied to, among others, the issuer's principal security holders. For clarity, the Commission proposed to replace this term with "beneficial owners of more than ten percent of any class of the issuer's equity securities." One commentator stated that the phrase "beneficial owner" was in and of itself vague and subject to multiple interpretations. Therefore, a parenthetical statement has been added which defines beneficial ownership for purposes of Rule 252 as the power to vote or direct the vote and/or the power to dispose or direct the disposition of such securities.

Finally, the Commission has deleted the reference in paragraph (e) to directors, officers, and partners of an underwriter since such persons ordinarily would not be, or be named as, an underwriter as contemplated by Rule 252(e).

Convictions. Previously, a conviction for making a false filing with the Commission did not raise a disqualification if it did not involve the purchase or sale of a security. The Commission believes that a disqualification resulting from a conviction for making false Commission filings is consistent with the purposes of Rule 252. Therefore, such a conviction has been added to the list of convictions which will disqualify a person under paragraphs (c)(3) and (d)(1).

In order to make the language of paragraphs (c)(3) and (d)(1) consistent with the language of paragraphs (c)(4) and (d)(2), the Commission has made conviction of a felony or misdemeanor "in connection with" as opposed to "involving" the purchase or sale of any security a disqualifying event.

In addition to minor technical amendments, the Commission, in light of the Securities Acts Amendments of 1975 [Pub. L. 94-29, 89 Stat. 97] which provide for the registration and disciplining of municipal securities dealers by the Commission,[6] has created a disqualification under Rule 252(d)(1) for a criminal conviction arising out of the conduct of the business of a municipal securities dealer.

Injunctions. The Commission has augmented the list of injunctions which raise a disqualification under paragraphs (c)(4) and (d)(2) of Rule 252. The amendments to those paragraphs parallel the amendments discussed above regarding convictions.

The Commission has included a five-year time limit on any disqualification based on the results of a non-criminal proceeding. This type of disqualification previously represented a permanent bar to the use of Regulation A. Paragraph (c)(4) already fixes a maximum of five years as the duration of any disqualification which attaches under that paragraph. As adopted, the amendments to paragraph (d)(2) fix five years from the entry of a permanent injunction as the time during which the injunction would disqualify persons subject thereto. A five-year duration is consistent with past Commission practice concerning Rule 252(f) applications.[7]

Commission Administrative Proceedings. Rule 252(d)(3) previously disqualified any enumerated person who is subject to a disciplinary order entered by the Commission under Section 15(b) of the Exchange Act or Section 203 (d) or (e) of the Investment Advisers Act of 1940 (the "Advisers Act") [17 U.S.C. 80-bl et seq., as amended]. Orders entered pursuant to Section 15B(a) or 15B(c) of the Exchange Act which are in effect have been added to those which will raise a disqualification under Rule 252(d)(3). These additions reflect the addition of Section 15B to the Exchange Act by the Securities Acts Amendments of 1975.[8] In addition, technical changes were made which are designed to update 252(d)(3) in light of statutory amendments to the Exchange and Advisers Act.

Two commentators suggested that paragraph (d)(3) be amended to include a five year limitation period to conform with the time period set forth in paragraphs (c)(4) and (d)(2). However, in a majority of cases, this paragraph will be self-operating since many orders specify the period of time to which a person would be subject to such orders. In addition, these time periods are generally less than five years. In those instances where persons are subject to orders containing no definite time limitations, the Commission has consistently taken the position that a person is subject to the order only so long as some act is being performed pursuant to such order; i.e. establishing procedures to assure appropriate supervision of salesmen and reporting on such procedures. Generally, the act required to be performed can be completed in less than a year, although occasionally reports may be required for as long as five years. Therefore, the Commission believes that including a five year period in the rule would be imposing greater restrictions on the use of the exemption than have been imposed in the past.

Proceedings by a Securities Exchange or Association. The amendments to Rule 252(d)(4) are designed to eliminate any ambiguity in the meaning of "[h]as been and is suspended or expelled" from membership in a securities exchange or association since the relevant inquiry regards a person's current membership status. Other changes in paragraph (d)(4) are designed simply to conform its language to Exchange Act terminology added to that Act by the Securities Act Amendments of 1975.

[6] See Pub. L. 94-29, § 13, 89 Stat. 131-137.

[7] See, e.g., Application of Joseph Kipness, File No. 96-318 (filed August 26, 1976).

[8] Paragraphs (a) and (c) of Section 15B direct the Commission respectively to deny registration as, and to take disciplinary action against, a municipal securities dealer under specified circumstances. The provisions of those paragraphs are similar both procedurally and substantively to Section 15(b) of the Exchange Act.

Postal Service False Representation Orders. Amendments to paragraphs(c)(5) and (d)(5) of Rule 252 change the reference to "Post Office fraud orders" in those paragraphs to "Postal Service false representation orders," consistent with new terminology in statutes which provide for the entry of such orders. Under the amendments, a civil injunctive action under 39 U.S.C. 3007 raises a disqualification only as long as a party was subject to it. An administrative proceeding under 39 U.S.C. 3005, on the other hand, may last indefinitely. Since the Postal Service order is entered in the context of an administrative, as opposed to a criminal, proceeding, the Commission believes that a person subject to such an order should be disqualified for only five years.

Underwriters. As previously mentioned, the amendments to Rule 252(e) would eliminate directors, officers, and partners of an underwriter from its coverage. Other amendments to Rule 252(e) which are technical in nature also have been made.

Reporting Companies. The Commission has redesignated paragraph (f) as paragraph (g) and added new paragraph (f) to Rule 252. New paragraph (f) disqualifies an issuer which is subject to the periodic reporting requirements of the Exchange Act if that issuer had not filed all reports required to be filed with the Commission during the year preceding the date on which it files its notification on Form 1-A.

Amendments to Rule 242. The amendments to Rule 242 reflect the redesignation of paragraph (f) of Rule 252 as paragraph (g) and the addition of a new paragraph (f). Also, the reference in Rule 242(a)(5)(v)(B) to Rule 252(c) has been stricken, since the term "underwriter" is not used in Rule 252(c).

Delegation of Authority

The Commission is amending its rules relating to general organization to delegate to the Director of the Division of Corporation Finance ("Director") the authority to grant applications for relief filed pursuant to Rule 252(g) and Rule 242(a)(5)(v). In those instances where a meritorious application is submitted, the delegated authority should result in a more expeditious processing of applications by eliminating the delay involved in obtaining formal Commission approval. In those instances where the Division is not prepared to grant an application for relief, the previous procedure of submitting the application for Commission consideration will continue.

Text of Amendments

17 CFR Chapter II is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. By redesignating paragraphs (c), (d), (e), (f) and (g) of § 200.30-1 as paragraphs (e), (f), (g), (h) and (i) respectively and by adding new paragraphs (c) and (d) thereto as follows:

§ 200.30-1 Delegation of authority to Director of Division of Corporation Finance.

* * * * *

(c) With respect to the Securities Act of 1933 (15 U.S.C. 77a, et seq.) and Regulation A thereunder (§ 230.251, et seq. of this chapter), to authorize the granting of applications under Rule 252(g) (§ 230.252(g) of this chapter) upon a showing of good cause that it is not necessary under the circumstances that an exemption under Regulation A be denied.

(d) With respect to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and Rule 242 thereunder (§ 230.242 of this chapter), to authorize the granting of applications under Rule 242(a)(5)(v) (§ 230.242(a)(5)(v) of this chapter) upon a showing of good cause that it is not necessary under the circumstances that an exemption under Rule 242 be denied.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising paragraphs (c), (d), and (e) of § 230.252; adding a new paragraph (f) thereto; redesignating present paragraph (f) as paragraph (g) and revising it as follows:

§ 230.252 Securities exempted.

* * * * *

(c) No exemption under §§ 230.251 to 230.264 shall be available for the securities of any issuer if such issuer, any of its predecessors, or any affiliated issuer—

(1) Has filed a registration statement which is the subject of any pending proceeding or examination under section 8 of the act, or is the subject of any refusal order or stop order thereunder within five years prior to the filing of the notification required by § 230.255;

(2) Is subject to any pending proceeding under § 230.261 or any similar rule adopted under section 3(b) of the act, or to an order entered thereunder within five years prior to the filing of such notification;

(3) Has been convicted within five years prior to the filing of such notification of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission;

(4) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, entered within five years prior to the filing of such notification, permanently restraining or enjoining, such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the Commission; or

(5) Is subject to a United States Postal Service false representation order entered under section 3005 of title 39, United States Code, within five years prior to the filing of the notification required by § 230.255; or is subject to a temporary restraining order or preliminary injunction entered under section 3007 of title 39, United States Code, with respect to conduct alleged to have violated section 3005 of title 39, United States Code.

This paragraph (c) of § 230.252 shall not apply to any order, judgment, or decree contemplated by paragraphs (1) through (5) hereunder because of its entry against any affiliated entity before the affiliation with the issuer arose, if the affiliated entity is not in control of the issuer and if the affiliated entity and the issuer are not under the common control of a third party who was in control of the affiliated entity at the time the order, judgment, or decree was entered against it.

(d) No exemption under §§ 230.251 to 230.264 shall be available for the securities of any issuer, if any of its directors, officers, general partners, or beneficial owners of ten percent or more of any class of its equity securities (beneficial ownership meaning the power to vote or direct the vote and/or the power to dispose or direct the disposition of such securities), any of its promoters presently connected with it in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of any such underwriter—

(1) Has been convicted within ten years prior to the filing of the notification required by § 230.255 of any felony or misdemeanor in connection with the purchase or sale of any security, involving the making of a false filing with the Commission, or arising

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out of the conduct of the business of an underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(2) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily enjoining or restraining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, entered within five years prior to the filing of such notification, permanently enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of a false filing with the Commission, or arising out of the conduct of the business of an underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(3) Is subject to an order of the Commission entered pursuant to section 15(b), 15B(a) or 15B(c) of the Securities Exchange Act of 1934; or is subject to an order of the Commission entered pursuant to section 203 (e) or (f) of the Investment Advisers Act of 1940;

(4) Is suspended or expelled from membership in, or suspended or barred from association with a member of, an exchange registered as a national securities exchange pursuant to section 6 of the Securities Exchange Act of 1934, an association registered as a national securities association under section 15A of the Securities Exchange Act of 1934, or a Canadian securities exchange or association for any act or omission to act constituting conduct inconsistent with just and equitable principles of trade; or

(5) Is subject to a United States Postal Service false representation order entered under section 3005 of title 39, United States Code, within five years prior to the filing of the notification required by § 230.255; or is subject to a restraining order or preliminary injunction entered under section 3007 of title 39, United States Code, with respect to conduct alleged to have violated section 3005 of title 39, United States Code.

(e) No exemption under §§ 250.251 to 230.264 shall be available for the securities of any issuer if any underwriter of such securities was, or was named as, an underwriter of any securities:

(1) Covered by a registration statement which is the subject of any pending proceeding or examination under section 8 of the act, or is the subject of any refusal order or stop order entered thereunder within five years prior to the filing of the notification required by § 230.255; or

(2) Covered by any filing which is subject to any pending proceeding under § 230.261 of any similar rule adopted under section 3(b) of the act, or to an order entered thereunder within five years prior to the filing of such notification.

(f) No exemption under §§ 230.251 to 230.264 shall be available for the securities of an issuer which is subject to the requirements of sections 13, 14, 15(d) of the Securities Exchange Act of 1934, unless such issuer has filed all reports required by those sections to be filed during the 12 calendar months preceding the filing of the notification required by § 230.255 (or for such shorter period that the issuer was required to file such reports).

(g) Paragraph (c), (d), (e), or (f) of this section shall not apply to the securities of any issuer if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

2. By revising paragraph (a)(5)(v) of § 230.242 as follows:

§ 230.242 Exemption of limited offers and sales by qualified issuers.

* * * * *

(a) * * *

(5) * * *

(v) Is not an issuer described in § 230.252 (c), (d), (e), or (f) under the act; *Provided, however,* That for purposes of this section only:

(A) The term "filing of the notification required by § 230.255" as used in § 230.252 (c), (d), (e) or (f) under the act shall mean the first sale of securities in any issue in reliance on this section; and

(B) The term "underwriter" as used in § 230.252 (d) or (e) under the act shall mean a person which has been or will be paid or given directly or indirectly any commission or similar remuneration for solicitation of purchasers in connection with sales of securities in any issue offered in reliance on this section;

Provided, further, That paragraph (a)(5)(v) of this section shall not apply to any issuer if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption under this section be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

Statutory Authority

The amendments to Rule 242 and Rule 252 are adopted pursuant to Sections 3(b), 4(1) and 19(a) of the Securities Act [15 U.S.C. 77c(b), 77d(1), 77s(a)]. The amendments to the Commission's rules relating to general organization delegating authority to the Director of the Division of Corporation Finance are adopted pursuant to Section 1(a) of the Delegation of Functions Act [15 U.S.C. 78d-1(a)].

(Secs. 3(b), 4(1), 19(a), Pub. L. 73-22, sec. 3(b), 4(1), 19(a), 48 Stat. 76, 77, 85; Pub. L. 73-291, sec. 209, 48 Stat 908; Pub. L. 79-55, 59 Stat. 167; Pub. L. 83-577, sec. 6, 68 Stat. 684; Pub. L. 88-467, sec. 12, 78 Stat. 580; Pub. L. 91-565, 84 Stat. 1480; Pub. L. 94-210, sec. 308(a)(2), 90 Stat. 57; Pub. L. 95-283, sec. 18, 92 Stat. 275; Pub. L. 94-425, sec. 2, 92 Stat. 962; sec. 1(a), 76 Stat. 394; 89 Stat. 163; (15 U.S.C. 77c(b), 77d(1), 77s(a), 78d-1(a))

Procedural Matters

With respect to the amendment to the Commission's rules relating to general organization delegating authority to the Director of the Division of Corporation Finance, the Commission finds that such amendments relate solely to agency management and personnel and accordingly, are excepted pursuant to Section 553(a)(2) of the Administrative Procedure Act (5 U.S.C. 553(a)(2)) from the provisions of such Act which require prior notice and comment (5 U.S.C. 553(b)).

By the Commission.

George A Fitzsimmons,

Secretary.

February 13, 1981.

[FR Doc. 81-5987 Filed 2-20-81; 8:45 am]

BILLING CODE 8010-01-M

BOARD FOR INTERNATIONAL BROADCASTING

22 CFR Part 1300

Rules of Procedure; Radio Free Europe and Radio Liberty; Correction

AGENCY: Board for International Broadcasting.

ACTION: Correction of summary statement.

SUMMARY: This document corrects the Summary which accompanied the Final Rule amending 22 CFR 1300.9(d) published in the **Federal Register** on January 26, 1981 (46 FR 7952). The Summary incorrectly stated that the Chairman of the Board for International Broadcasting was an *ex officio* member of the Nominating Committee of Radio Free Europe/Radio Liberty, Inc. The Chairman is a voting member of that committee.

EFFECTIVE DATE: January 28, 1981.

FOR FURTHER INFORMATION CONTACT: Arther D. Levin, Budget and Administrative Officer, Board for International Broadcasting, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005, telephone 202-254-8040.

SUPPLEMENTARY INFORMATION: The Summary statement which accompanied the Final Rule amending 22 CFR 1300.9(d) published in the **Federal Register** on January 26, 1981 is corrected by deleting the words "shall be an *ex officio* member" from lines 14 and 15 of the Summary and inserting in lieu thereof the words "is a voting member". This correction does not affect the substance of the rule and is being made for clarification purposes only.

Charles D. Ablard,

Acting Chairman.

[FR Doc. 81-6008 Filed 2-20-81; 8:45 am]

BILLING CODE 8155-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 150

[T.D. 7770]

Windfall Profit Tax; Qualified Disburser Election

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of temporary regulations.

SUMMARY: This document amends temporary excise tax regulations relating to the windfall profit tax on domestic crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The new temporary regulations relax the requirements that must be met for disbursers to undertake the responsibilities of the purchaser. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

DATES: These temporary regulations are effective as specifically provided in § 150.4995-5(c) of the regulations.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1981 the **Federal Register** published amended temporary regulations (46 FR 4873) under the Crude Oil Windfall Profit Tax Act of 1980 (relating primarily to various administrative provisions). This document contains further amendments to the temporary regulations.

Explanation of Provisions

The temporary regulations published on January 19, 1981 provided an election whereby a "qualified disburser" could elect to undertake the windfall profit tax administrative responsibilities otherwise imposed upon the purchaser. The election was made available to any person making disbursements of 20 percent or more of the entire proceeds from the sale of oil from a property (excluding that person's own share of production, if any) or any federally registered partnership. This election was intended to provide a method to relieve certain administrative difficulties encountered when the purchaser makes payment for the oil to an intermediate disburser rather than to each producer directly.

Commentators on the new rules have suggested that the 20 percent distribution requirement may preclude a disburser from making the election under circumstances in which the election would be administratively desirable. These amendments to the regulations relax the requirements for "qualified disburser" status in order to make the election more widely available. First, the 20 percent requirement is reduced to 10 percent. Second, the election is made available to any integrated oil company required to make semimonthly deposits acting as a disburser regardless of the size of the disbursements. Generally, these companies are currently required to compute and deposit windfall profit tax on their own production and, under the new rules, are permitted to do so for the producers to whom they make payment.

These amendments to the regulations also extend the date by which the election must be made in order to make the election retroactive and reduce the number of election documents required when the election is made with respect to more than one property.

Drafting Information

The principal author of these regulations is David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, part 150 Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980, is amended as follows:

§ 150.4995-1 [Amended]

Paragraph 1. Paragraph (a)(1)(iii) of § 150.4995-1 is amended by removing "February 16, 1981" and inserting in lieu thereof "May 31, 1981".

Par. 2. Section 150.4995-5 is revised to read as follows:

§ 150.4995-5 Election of qualified disburser to withhold, deposit tax, etc.

(a) *In general.* Any "qualified disburser", as defined in paragraph (b) of this section, may make an election under this section to act as the withholding agent with respect to the oil the sales proceeds of which are distributed by that qualified disburser and to treat as not subject to withholding amounts received for its own production. While the election is in effect, and to the extent of the oil subject to the election, the qualified disburser shall be treated as the purchaser for purposes of chapter 45 (and related provisions of subtitle F of the Code) and this part (other than this section), and accordingly, is subject to all of the requirements imposed thereby upon the purchaser. The qualified disburser shall promptly notify the operator of the property and every payee of any portion of its disbursements that the election has been made and that all information otherwise required to be sent to the purchaser should be sent to the qualified disburser.

(b) *Qualified disburser defined.* The term "qualified disburser" means—

(1) A disburser (as defined in § 150.4996-1(j)) who distributes 10 percent or more of the entire proceeds from the sale of oil from a property (or a portion of a property if that portion constituted a separate property prior to a unitization or aggregation), exclusive of that person's own share of the proceeds (if any), or

(2) A disburser that is an integrated oil company required to make semimonthly deposits pursuant to § 150.4995-3 (a), or

(3) A federally registered partnership as defined in section 6501 (o)(4).

(c) *Method of making election; termination of election.* (1) The election shall be made by furnishing to the

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purchaser a signed and dated document that states facts that would establish that the person making the election is a "qualified disburser" and makes clear that the person had assumed complete responsibility for meeting all the requirements otherwise imposed upon the purchaser by chapter 45 (or related provisions of subtitle F) of the Code or by this part (other than this section) with respect to the oil the sales proceeds of which are distributed by the qualified disburser and for treating as not subject to withholding amounts received for its own production. The election document shall set forth the elector's identifying number (employer identification number or, if none, social security account number), the property or properties subject to the election, including the lease name, location, and identifying number, if any, and such other information as may be required by Form 6458 (Certification and Election Form) or its instructions. If the election is made with respect to more than one property, the election document shall identify each property. Generally, the election shall become effective with respect to oil removed after the election document is received by the purchaser (or a later effective date specified in the election document). However, the election may be made retroactively effective with respect to all oil removed after December 31, 1980, if the purchaser and qualified disburser so agree in writing, and if the election is made no later than May 31, 1981. The election shall remain in effect until 60 days after the qualified disburser furnishes the purchaser a signed and dated document that contains all of the data required to be in the election document and that declares that the election is terminated (or a later date specified in the termination document), unless the purchaser agrees in writing to an earlier termination date. The qualified disburser shall promptly notify the operator and all affected producers of the termination and the resulting changes in responsibilities and shall, within 10 days of furnishing the termination document to the purchaser, forward a copy to the Internal Revenue Service Center, Austin, Texas. Both the purchaser and qualified disburser shall retain in their records, for so long as they may be material in the administration of any internal revenue law, a copy of the election document and any subsequent termination document. If a qualified disburser making the election provided by this section receives payment of the sales proceeds of the oil from an intermediate disburser rather than directly from the purchser, any document required by this section to be furnished to the purchaser shall be furnished to such other disburser. Any person receiving such a document shall furnish a copy to the person from whom that person receives payment and, it any portion of the payments received by that person remains subject to withholding, shall specify the share of production to which the document relates.

(2) Any qualified disburser who, acting in good faith, undertook the responsibilities of the purchaser with respect to disbursements made for oil removed from a property (or portion of a property) after February 29, 1980, and before February 23, 1981 and who, on or before May 31, 1981, makes the election provided by this section with respect to oil removed from that property (or portion) may treat the election as being retroactively effective by so stating in the election document. However, the preceding sentence shall not have the effect of retroactively relieving the actual purchaser of any liability for failure to meet the requirements imposed upon the purchaser by chapter 45 (or related provisions of subtitle F of the Code) or this part.

(d) *Obligation of purchaser to furnish copy of election document to the Internal Revenue Service.* Within 10 days of receipt of an election document under this section, the purchaser shall forward a copy to the Internal Revenue Service Center, Austin, Texas.

(e) *Status of electing qualified disburser who is also a producer.* An electing qualified disburser who is also a producer of oil from the property subject to the election shall comply with all the requirements of this part that are imposed upon a producer whose oil is not subject to withholding (see, *e.g.*, § 150.4995–3 (a) and (f) relating to the deposit schedules for producers not subject to withholding; see also, § 150.4995–3(d) relating to special deposit rules for certain operators and electing qualified disbursers).

(f) *Authority of district director to revoke election, require bond, etc.* If the district director for the district in which the principal place of business of the qualified disburser is located determines that the election under this section of any qualified disburser is not in the best interest of the Government in the effective collection and administration of the windfall profit tax, the district director may revoke the election or may permit the election to continue upon compliance with reasonable conditions, such as the posting of a bond. In the case of a revocation, the district director shall promptly notify the purchaser or other affected disbursers of the change in responsibilities.

(g) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). P purchases crude oil from a lease operated by O. P pays 100 percent of the sales proceeds to O who retains 50 percent (the amount attributable to O's share of production) and distributes the remaining 50 percent to all the other producers in accordance with their percentage share of production. Since O is a qualified disburser, O may elect under this section to undertake all the windfall profit tax responsibilities otherwise imposed upon P. If O does elect, O furnishes P the election document and P withholds no windfall profit tax from payments to O. P must submit a copy of the election document to the Internal Revenue Service.

Example (2). Assume the same facts as in example (1) except that one of the producers receiving payment from O is a federally registered partnership. The partnership and O are both qualified disbursers entitled to make the election provided by this section. If the partnership and O both make the election, O must not withhold tax from payments to the partnership and must furnish a copy of the partnership's election document to P together with O's election document. If the partnership makes the election but O does not, O must furnish a copy of the partnership's election document to P and must specify the share of production held by the partnership. P should withhold tax from payments made to O except for the portion of the payment that is attributable to the partnership's share of production. P must submit to the Internal Revenue Service a copy of any election document received by P.

Example (3). Assume the same facts as in example (1). Assume further that O pays A, a producer that is not an integrated oil company, 20 percent of the entire sales proceeds, and that A retains 75 percent of the 20 percent payment from O and distributes the remaining 25 percent to producer B. A is not a qualified disburser because A distributes only 5 percent of the entire proceeds of sale and is neither an integrated oil company required to make semimonthly deposits pursuant to § 150.4995–3 (a) nor a federally registered partnership.

Example (4). Assume the same facts as in example (1) except that P directly pays producer C, who has a 20 percent share of production and that the remaining 80 percent is said to O who retains the 50 percent share attributable to O's share of production and distributes the remaining 30 percent to the other producers. O is a qualified disburser who may make the election provided by this section with respect to the sales proceeds received by O. C, who retains the entire proceeds received from P, is not a qualified disburser. P must not withhold upon the payment to O but must withhold upon the payment to C in accordance with the rules of § 150.4995–1.

Example (5). Assume the same facts as in example (1) except that O, after retaining the 50 percent share of the sales proceeds attributable to O's production, distributes the remaining proceeds to producer A. Assume further that A retains 20 percent of the 50 percent payment from O and distributes the remaining 80 percent to other producers. O and A are both qualified disbursers because O distributes 50 percent of the entire sales proceeds and A distributes 40 percent. If both O and A make the election provided by this section, O does not withhold tax from the payments to A and deposits tax with respect to O's own production as a producer whose oil is not subject to withholding.

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 4997 and 7805 of title 26 of the United States Code (94 Stat. 249 and 68A Stat. 917; 26 U.S.C. 4997 and 7805).

William E. Williams,

Acting Commissioner of Internal Revenue.

Approved: February 17, 1981.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81–5961 Filed 2–18–81; 3:30 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF EDUCATION

Office of Special Education

34 CFR Parts 104 and 300

Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Notice of Interpretations

Correction

In FR Doc. 81–1683 appearing on page 4912 in the issue of Monday, January 19, 1981, on page 4913, make the following changes:

(1) First column, first paragraph under "**Background**", fourteenth line, "interpretating" should read "interpreting", and in the seventeenth line, "not" should read "now".

(2) Third column, tenth line of the paragraph under "**Judicial Precedent**", "publicaition" should read "publication".

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Information Regarding Requirements for Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Interpretive rulings and other information.

SUMMARY: This notice contains information relating to the requirements for federally qualified health maintenance organizations (HMOs) as set out in Title XIII of the Public Health Service Act (the Act), as amended, and its implementing regulations at 42 CFR Part 110. This information, which includes a number of interpretive rulings, is being published in response to significant questions that have been raised regarding those requirements and supplements previously published information.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Title XIII of the Act, "Health Maintenance Organizations," was enacted by the HMO Act of 1973 (Pub. L. 93–222) and was amended in 1976 by Pub. L. 94–460 and in 1978 by Pub. L. 94–559. During the course of the administration of Title XIII, HMOs and others have raised questions relating to the requirements for qualified HMOs as set out in the statute and in the regulations implementing Title XIII at 42 CFR Part 110, Subpart A. On April 29, 1980, OHMO published at 45 FR 28654–63 its first notice of this type. The material in this notice updates and supplements that information.

The information and interpretive rulings listed below are in the following format: The citation to the relevant section of the regulations; the general topic covered; the specific question that has been asked; and the response of OHMO.

The materials issued in this Notice are available in the form of supplementary pages to the HMO Policy Manual issued on May 1, 1980, by the Office of Health Maintenance Organizations. This manual and the supplementary pages are available to anyone who makes a request to the address listed above.

Dated: February 9, 1981.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

Health Benefits Plan: Basic Health Services

§ 110.102(a)(7)—Home health services

Q. What are some permissible ways for an HMO to provide home health services?

A. An HMO may provide home health services through health care personnel employed by the HMO or through a contract with a home health agency. For purposes of the certification requirement of § 110.108(k), the Department considers home health agencies to be "institutional providers." Therefore, if an HMO elects to contract with a home health agency, that agency must be certified as provided in § 110.108(k) (i.e., in accordance with the regulations governing participation of providers in the Medicare or Medicaid program; or where home health services are provided by a hospital, pursuant to the standards and procedures of the Joint Commission on Accreditation of Hospitals).

Providers of Basic and Supplemental Health Services

§ 110.104(a)(2)—Physician sharing

Q. What factors will the Department consider in deciding whether to approve physician sharing of 50 percent or more between an IPA model HMO and medical group or staff model HMO?

A. The Secretary will, on a case-by-case basis, review the characteristics of those HMOs or applicants for qualification which seek the approval of the Secretary to share physicians in excess of the 50 percent limitation, taking into account the following factors:

1. The total number of practicing physicians in the service area of each HMO which proposes to share physicians with another HMO;

2. The number of physicians to be shared as a percentage of the IPA's total pool;

3. The specialties of the shared physicians;

4. The overlap of the service areas of the HMOs which propose sharing;

5. The practice location of the shared physicians in relation to the location of the other HMO physician providers; and

6. Other factors which the Secretary considers necessary for determining whether the sharing of physicians enables the HMOs to meet the purpose of Section 1310(b).

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Payment of Basic Health Services

§ 110.105(a)(4)(i)—Copayment requirements

Q. Is an HMO required to notify all members and prospective members of copayment amounts for every type of service?

A. Yes. An HMO shall, in advance, advise members and prospective members of its copayment policy in all cases, consistent with the requirements under § 110.108(c) for full and fair disclosure. Specifically, the HMO must identify clearly which services are subject to copayment and the established copayment for those services.

§ 110.105(a)(4)(ii)—Copayments for basic health services

Q. Is the HMO responsible for disclosing to its members the copayment amount that the member must pay before the limit on copayments becomes effective?

A. Yes. The HMO is responsible under the requirements of § 110.108(c) for full and fair disclosure to provide specific information on the copayment dollar limitation.

§ 110.105(b)(1) and (2)—Community Rating System

Q. Are HMOs allowed to apply the different community rating methods, described in Part IV of the community rating paper, to different groups at the same time?

A. No. An HMO must select one of the methods and use that method consistently for all groups of enrollees for which the community rating requirement applies. The HMO may change methods, but it must apply the new method consistently.

§ 110.105(b)(3)(iii)(C)—Community rating: rate differentials

Q. Must the rates established for subscribers enrolled in an HMO under the health benefits program authorized by Chapter 89 ("Health Insurance") of Title 5 ("Government Organization and Employees"), United States Code, be based on a community rating system?

A. Yes. Under § 110.111, however, the HMO is required to provide to these members enrolled under Chapter 89 only those health services for which it will be reimbursed under its Chapter 89 contract.

Q. If a public entity were to establish an HMO for its employees, as well as other groups, would that HMO be exempt from applying the community rating standard to all its member groups?

A. No. A qualified HMO sponsored by a public entity is still required to use the community rating standard for those groups not exempted by § 110.105(b)(3)(ii). However, the HMO need not use the community rating standard for the employees of the public entity.

Organization and Operation

§ 110.108(a)(2)(i) and (ii)—administrative and managerial arrangements

Q. May another party retain the right to approve an HMO's underwriting rules and changes to the subscriber contracts and premium rates?

A. No. The HMO is required to retain the final exclusive approval authority to determine underwriting rules, premium rates, and subscriber contract provisions. Of course, this does not limit State regulatory agencies from exercising any such approval authority they have under State law.

Q. May the Executive Director be subject to removal by any group or individual other than the HMO's policymaking body?

A. No.

§ 110.108(b)—Final risk

Q. Except as specifically authorized, is it allowable for an HMO to transfer its financial risk for the provision of health services to non-providers of health services?

A. No. An HMO is not authorized to transfer any or all of that required risk to non-providers.

Q. Is it allowable for an HMO to transfer its required risk to its providers of service?

A. Yes. The HMO entity may transfer all, or some, of the financial risk of providing health services for its members to its providers of service. However, under such arrangements, the HMO or the providers may not insure or make other arrangements, except in accordance with § 110.108(b)(1), (2), and (3). Further, the HMO entity must be able to maintain its fiscal soundness under any risk-sharing arrangement.

§ 110.108(g)—Conversion of membership

Q. Are HMO members entitled to conversion privileges when the subscriber member retires?

A. Yes. Subscribers and their enrolled dependents are eligible for non-group membership in the HMO when the subscriber employee retires.

Q. Must an HMO offer a Medicaid recipient enrolled in the HMO the option of converting to a non-group membership within the HMO if he leaves the Medicaid group?

A. Yes. A Medicaid recipient, like a member of any other group, must be offered the opportunity to convert to non-group membership if he or she leaves the group, provided that the group contract with the HMO is still in effect. Under the provisions for full and fair disclosure, the HMO must inform an enrollee of this opportunity. (See § 110.108(c)). If the former Medicaid recipient does elect to convert his (or her) membership to non-group membership, he (or she) must initiate his reenrollment and be responsible for the premium payments.

Q. Is it permissible for the HMO to require members who reach age 65 to convert from group to non-group status as a condition of continued membership?

A. No. There has been some confusion about the conversion of membership provision of § 110.108(g) due to a statement added to § 110.108(f) indicating that an HMO may require, as a condition of membership, that dependents of a subscriber, upon reaching a specified age, convert to non-group membership.

This reference to age applies to children or minors who cease to meet the HMO's requirement for eligibility as an employee's dependents. It does not apply to subscribers or their eligible dependents who reach age 65.

[FR Doc. 81-5648 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-85-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 62

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule revises the National Flood Insurance Program regulations dealing with minimum premiums, minimum commissions, and the effective date of flood insurance coverage. A few editorial revisions have also been included in this revision.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: H. Joseph Coughlin, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 451 7th Street SW., Room 5126, Washington, D.C. 20472, Telephone Number (202) 755-6580.

SUPPLEMENTARY INFORMATION: On November 25, 1980, FEMA published for comment in the **Federal Register** (Vol. 45, Page 78181) a proposed rule containing revisions which are the result of over two years of operation of the National Flood Insurance Program as a Federal Program of direct insurance during which time it became apparent that a renewed emphasis was in order in terms of delivering enhancements in flood insurance coverage to the insurance consumer, at rates more reflective of the risk and with a reduction in risk through innovative insurance loss prevention measures. The proposed amendments were to elicit comment on a broadening of coverage under the Standard Flood Insurance Policy, an increase in the basic deductible provisions, an increase in the minimum acceptable premium from $25.00 to $50.00 and in the commissions payable to agents on premium amounts in excess of $2,000 (to be reduced from 15% to 5% consistent with private sector practices of providing graduated commission arrangements as between insurers and producers). As an additional fiscal matter, the agent's flood insurance manual of rules and rates, which becomes effective simultaneously with these amendments, contains an overall rate increase of 32.5%. As another, loss prevention, initiative, the November 25, 1980, proposed rules provided for a new flood insurance rating system to implement Section 9.11(e) of 44 CFR Part 9, which required that after February 1, 1981, new and substantially improved structures in coastal high hazard areas be individually risk rated by the National Flood Insurance Program prior to the issuance of a flood insurance policy. Underlying the proposed rule is the thought that actuarial rating of structures on an individual risk basis serves to further the program goals of providing incentives for hazard mitigation while permitting adequate coverage under premium rates which assure that sizeable risks of loss from flooding incident to dangerous coastal areas are borne by the owners of properties at risk. Thus, those who prefer to remain in coastal high hazard areas would be encouraged to conform to certain minimum construction standards when obtaining a building permit for construction in a coastal high hazard area which will facilitate accurate actuarial rate determinations and assure meaningful hazard mitigation measures in these areas.

The proposed rule provided that under the individual risk rating system, only new buildings and substantial improvement to existing buildings with permits issued on or after February 1, 1981, would be individually rated. The agent's rate manual still contains rates for buildings already in existence on February 1, 1981. The proposed individual rating system would not apply to situations involving building permits issued on or before January 31, 1981, as long as the actual construction of the building was started within 180 days of the permit issue date. It is contemplated that the rating system will work as follows: as to new construction, the builder/owner will retain the services of a registered engineer or architect who will complete a V-Zone Risk Factor Rating Form prior to the submission of an application for flood insurance. This form employs a point system which will provide the basis for determining the Rating Factor for each property. The Rating Factors have been multiplied by the base rate to determine the appropriate V-Zone rate table for the property. The rating form will be submitted to the National Flood Insurance Program, V-Zone Risk Information, P.O. Box 34294, Bethesda, Maryland 20034, whereupon the NFIP will issue a Certification stating the approximate actuarial rate which will be charged in relation to the proposed construction and the estimated base flood level for the property, including wave height. The NFIP Certification will then be submitted to the building permit official, the permit will be issued and a record of the NFIP Certification will be maintained with the appropriate community official designated for the purpose. When the building is completed, a post-construction inspection must be performed by the engineer or architect and furnished to the National Flood Insurance Program.

A brief discussion of the FIA advisory wave height and V-Zone aspects of the individual risk rating system would be helpful at this point. Advisory wave height levels will be provided to communities by FIA on a gradual, "phase-in" schedule. Until these advisory wave heights are available, the calculations on the V-Zone Risk Rating Form can be used to convert stillwater base flood elevations to wave height information which will satisfy the requirements of Section 60.3(e)(2)(iii) of the proposed rule. At a later date, wave height levels for flood plain management purposes as well as rating purposes will be provided through the community consultation process, during which the community will have a 90-day appeal period prior to the new elevations becoming finalized. After the new elevations are final, the community will have 6 additional months to adopt ordinances enforcing these new elevations for flood plain management purposes. Until then, the base flood elevations including advisory wave heights will be in force only for insurance rating purposes.

It is also important to note that, under the individual risk rating system, 44 CFR 9.11(e) provided that on and after February 1, 1981, no flood insurance could be issued for new construction in V-Zones unless the risk was individually rated, with premiums being commensurate with the risk, including the peril of wave height. FEMA has extended this date to May 1, 1981, and, therefore, is not publishing a final rule to implement the insurance program aspects of Section 9.11(e) at this time, as originally described in the November 25, 1980 proposed rulemaking. The background on this decision follows.

Detailed instructions and forms were made available during January 1981 to agents, lenders, engineers, architects, builders, and community officials within communities which have V-Zones. The FEMA Coastal Design and Construction Manual is also available and has been distributed to communities and other interested parties.

Regarding the Coastal Design and Construction Manual, the manual was developed by the Department of Housing and Urban Development and the Federal Emergency Management Agency. It is intended for use by designers, home builders, community leaders, local officials, and home owners who wish to build prudently in areas of high hazard due to coastal flooding and to meet the requirements of the National Flood Insurance Program. The manual focuses on unique factors and conditions found in coastal environments as the basis for design and construction recommendations. Among the subjects discussed are background information on the National Flood Insurance Program, the hazards associated with building in the coastal flood plain, a review of existing alternative approaches for housing built on raised foundations, recommended performance criteria for the construction of foundation systems in flood hazard areas, and some indications of design solutions.

A substantial number of comments were received during the comment period. Moreover, in recognition of the holiday season, which could have delayed the opportunity for some to make comments, the docket was kept open through the period in which this

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final rule has been drafted so as to enable FIA to benefit from comments to the latest possible date. The Federal Insurance Administration also utilized this period of time to meet with representatives of various regulatory and private sector organizations interested in the proposed rulemaking. Thus, meetings and conferences were held with representatives of groups such as the American Consulting Engineers Council and American Institute of Architects (on V-Zone risk certification matters) and the federal financial instrumentalities and agencies, including the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, Federal Reserve Board, Comptoller of the Currency, Veteran's Administration, Federal National Mortgage Association, Department of Housing and Urban Development, and the American Bankers Association. Staff of FIA benefitted considerably by these meetings in terms of positive, substantive input. While comments were still being accepted and reviewed and given due consideration as late as January 16, 1981, thus providing an additional three weeks for comment and review, the tenor of some of the comments received indicated that additional time for eliciting comments and conducting a policy review of many of the new initiatives proposed in the November 25, 1980, proposed rulemaking was in order.

Being anxious to benefit to the fullest extent possible by the comments of interested citizens and communities concerning the November 25, 1980, proposed rulemaking, FEMA has decided to publish as a final rulemaking, at this time, only those rules proposed on November 25, 1980, which have to do with fiscal matters or which incorporate needed editorial matter into the program's existing rules.

Thus, Part 61 of the amendments is being revised to clarify the provisions for calculating the effective date of new flood insurance policies (new Section 61.11 (e)) and, at Section 61.10, the minimum premium is being changed from $25.00 to $50.00 per policy. At Part 62, the minimum commission rule is being revised as proposed. This revision also includes a few editorial revisions to the National Flood Insurance Program regulations.

Concerning the remaining proposed rules contained in the November 25, 1980, proposed rulemaking, including revisions dealing with the individual risk rating system, the broadening of the coverage provisions of the Standard Flood Insurance Policy and the increase in the basic deductible provisions, the final rulemaking is being held in abeyance at this time to provide an additional sixty (60) days for comments and policy review. Accordingly, the docket in respect to FEMA's Proposed Rule on National Flood Insurance Program, Coverage, Sales and Loss Prevention Provisions, 44 CFR Parts 59, 60, 61, 62, and 64, published in the Federal Register on November 25, 1980, at pp. 78181–78188 is being held open at this time, and all comments received on or before April 6, 1981, will be considered before final action is taken on any proposed rules not published as final in these revisions. It should also be noted that, as to the individual risk rating system proposed, to implement 44 CFR Section 9.11 (e), this action is consistent with and engendered by FEMA Amendment of Regulations, dated January 21, 1981, which amended 44 CFR Section 9.11 (e) (2) by changing the date February 1, 1981, to May 1, 1981 (46 FR 9084, on January 26, 1981). Simultaneously with this final rule, a Notice of Intent to Delay Final Rulemaking to Elicit Additional Comments for Sixty Days is being published in the Federal Register with respect to the matters set forth in FEMA's November 25, 1980, Proposed Rulemaking National Flood Insurance Program, Coverage, Sales and Loss Prevention Provisions and not published as final rules herein.

FEMA has determined that an environmental impact statement is not needed for this final rule. A copy of the finding of no significant impact is available for inspection at the above address.

Accordingly, Subchapter B of Chapter 1 of Title 44 is amended at Parts 61 and 62 as follows:

1. Section 61.10 is revised to read as follows:

§ 61.10 Minimum premiums.

The minimum premium required for any policy, regardless of the term or amount of coverage, is $50.00.

2. The title of § 61.11 is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

3. In § 61.11(b), the introductory text is revised to read as follows:

* * * * *

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(b) Where title to property is conveyed, any new or added coverage or increase in the amount of coverage with respect to the property shall be effective as of the time title to the property is transferred to the purchaser, provided the written request for the new or added coverage is received by the NFIP (P.O. Box 34294, Bethesda, Maryland 20034) when:

* * * * *

4. Section 61.11(d) is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(d) Adding new coverage or increasing the amount of coverage in force is permitted during the term of any policy. The additional premium for any new coverage or increase in the amount of coverage shall be calculated pro rata in accordance with the rates currently in force.

* * * * *

5. New § 61.11(e) is added as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(e) With respect to any submission of an application in connection with new business, the payment by an Insured to an Insured's agent or the issuance of premium payment by the agent does not constitute payment to the NFIP. Therefore, it is important that an application for Flood Insurance and its premium be mailed to the NFIP (P.O. Box 34294, Bethesda, Maryland 20034) promptly in order to have the effective date of the coverage based on the application date plus the waiting period. If the application and the premium payment are received at the NFIP within ten (10) days from the date of application, the waiting period will be calculated from the date of application. Also, as an alternative, in those cases where the application and premium payment are mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date of application even though the application and premium payment are received at the NFIP after ten (10) days following the date of application. Thus, if the application and premium payment are received after ten (10) days from the date of the application or are not mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date of receipt by the NFIP. To determine the effective date of any coverage added by endorsement to a flood insurance policy already in effect, substitute the term "endorsement" for the term "application" in this paragraph (e).

6. Section 62.3 (b) and (d) are amended by revising the addresses to read as follows:

§ 62.3 Servicing agent.

(b) * * *

Electronic Data Systems Federal Corporation, 6430 Rockledge Drive, Bethesda, Maryland 20034

* * * * *

(d) National Flood Insurance Program, P.O. Box 34294, Bethesda, MD 20034

* * * * *

7. Section 62.6 is revised to read as follows:

§ 62.6 Minimum commissions.

(a) The earned commission which shall be paid to any property or casualty insurance agent or broker duly licensed by a state insurance regulatory authority, with respect to each policy or renewal the agent duly procures for an insured, shall not be less than $10 and is computed as follows:

(1) In the case of a new or renewal policy, the following commissions shall apply based on the total premiums paid for the policy term:

Policy term	Premium amount	Commissions (percent)
1 year	1st of $2,000	15
	Excess of $2,000	5
3 years	1st of $6,000	15
	Excess of $6,000	5

(2) In the case of mid-term increases in amounts of insurance added by endorsement, the following commissions shall apply based on the total premium paid for the increased amounts of insurance:

Premium amounts	Commission (percent)
1st of $2,000	15
Excess of $2,000	5

(b) Any refunds of premiums authorized under this subchapter shall not affect a previously earned commission; and no agent shall be required to return that earned commission, unless the refund is made to establish a common policy term anniversary date with other insurance providing coverage against loss by other perils in which case a return of commission will be required by the agent on a pro rata basis. In such cases, the policy shall be immediately rewritten for a new term with the same amount(s) of coverage and with premium calculated at the then current rate and, as to return premium, returned, pro rata, to the insured based on the former policy's premium rate.

* * * * *

§ 62.7 [Removed]

6. Section 62.7, titled "Notice to Policyholders" is removed.

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 41943), Executive Order 12127, dated March 31, 1979 (44 FR 19367) Executive Order 11988, dated May 24, 1977 and 44 CFR Part 9, Delegation of Authority to Federal Insurance Administrator)

(42 U.S.C. 4001–4128; 44 CFR Part 9)

Issued at: Washington D.C., February 13, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-5897 Filed 2-20-81; 8:45 am]

BILLING CODE 6718-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1060

Income Poverty Guidelines (Revised); Withdrawal of Final Rule

Note.—This document originally appeared in the **Federal Register** for Friday, February 20, 1981. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Community Services Administration.

AGENCY: Community Services Administration.

ACTION: Withdrawal of Final Rule—Income Poverty Guidelines (Revised).

SUMMARY: The Community Services Administration is withdrawing its revision of the Income Poverty Guidelines published in the January 22, 1981, edition of the **Federal Register**, (46 FR, No. 14, pp. 6950–6951). This rule was scheduled to go into effect on February 23, 1981. However, recent interpretation of the President's January 29, 1981 memorandum to many Federal agencies requesting postponement of final regulations makes it necessary that CSA review the Final Rule—CSA Income Poverty Guidelines (revised) and provide the Office of Management and Budget certain data before the rule can again be submitted for publication. In lieu of new Income Poverty Guidelines, please revert to the rules published April 21, 1980, and August 4, 1980. The Agency anticipates publishing the guidelines in the near future.

EFFECTIVE DATE: This notice of withdrawal of final rule is effective February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ernest F. Powers, Office of Policy, Planning & Evaluation, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone: (202) 632–6630, Teletypewriter: (202) 254–6218.

Authority: The provisions of this subpart are issued under Section 602, 78 Stat. 530, 42 U.S.C. 2942.

William Allison,

Acting Director.

[FR Doc. 81-6052 Filed 2-19-81; 12:19 pm]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-527; RM-3509]

FM Broadcast Stations in Columbia and Monroe City, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends § 73.202(b) of the Commission's Rules, the FM Table of Assignments, by assigning Channel 269A to Columbia, Missouri, and substituting Channel 292A for Channel 269A at Monroe City, Missouri, in response to a petition from Al Germond.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Columbia and Monroe City, Missouri), BC Docket No. 80–527 and RM–3509.

Report and Order

(Proceeding Terminated)

Adopted: February 10, 1981.

Released: February 18, 1981.

By the Chief, Policy and Rules Division:

1. On August 19, 1980, at the request of Al Germond ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 58620,

published September 4, 1980, proposing the assignment of Channel 269A to Columbia, Missouri, as its third commercial FM assignment, and the substitution of Channel 292A for Channel 269A in Monroe City, Missouri. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for Channel 269A, if assigned to Columbia. Comments were filed by Contemporary Broadcasting, Inc. ("Contemporary"), licensee of Station KFMZ–FM, Columbia, Missouri, opposing the assignment. Petitioner responded to Contemporary's arguments.

2. Columbia (pop. 58,804),[1] seat of Boone County (pop. 80,911), is located in central Missouri, approximately 193 kilometers (120 miles) west of St. Louis, and approximately the same distance east of Kansas City, Missouri. According to population estimates provided by petitioner, the population of Columbia rose 60.5% from 1960 to 1970, while that of Boone County rose 46.6% during the same period. Petitioner relies on the local Chamber of Commerce figures to estimate the 1978 population of Columbia at 65,500, and of Boone County at 100,000.

3. Columbia is presently served by two commercial FM stations (KMCQ, Channel 244A; KFMZ–FM, Channel 252A), four noncommercial FM stations (KCOU, Channel 201A; KOPN, Channel 208C; KWWC–FM, Channel 213D; KBIA, Channel 217C), and two AM stations (KFRU, fulltime; KTGR, daytime). Monroe City presently has no aural broadcast service. While Channel 269A was recently assigned to Monroe City,[2] it remains unoccupied and unapplied for.

4. In the *Notice* we indicated that a preclusion study for Channel 269A at Columbia showed that no preclusion area would be created by the proposed assignment, except for the co-channel where there is a small such area near Columbia. A preclusion study conducted by our staff for Channel 292A at Monroe City, indicated preclusion on Channels 289, 290 and 292A in all or parts of the following counties: Macon, Shelby, Lewis, Marion, Randolph, Monroe, Ralls, and Pike (in Missouri); and Adams, Brown, and Pike (in Illinois). In reply comments, petitioner showed that the only community for which there was no alternative channel available for assignment is Huntsville in Randolph County. No comments have been received expressing an interest in applying for a channel in that community.

5. In its comments, Contemporary pointed out the possibility of an FM assignment in the area causing interference to VHF television Channel 11 in St. Louis, Missouri, and suggested that the Commission may wish to receive evidence on the question. In reply, petitioner stated that there was no foundation to Contemporary's claim.

6. The Commission has generally held that interference to television reception caused by FM stations is not a matter taken into account in assigning FM channels. Rather the problem can be more effectively dealt with in connection with the filing of an application for the FM station. See *Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception* (FCC 66–106), 6 RR 2d 672 (1966). In the past certain measures such as traps and filters have been effective in solving the problem. But the extent of the problem is not known until a specific proposal is before the Commission. *Id.*; *FM Interference to Television Reception* (FCC 67–1012), released September 1, 1967.

7. Contemporary also opposes the assignment on the ground that, according to the 1970 U.S. Census, Columbia has only slightly more than the minimum number of people necessary to bring it within the 2–4 channel "bracket" under the Commission's population criteria.[3] Contemporary argues that in such a case the standard to be applied is whether the proposed community of assignment has a fair and equitable share of available frequencies when compared to communities of comparable size. Contemporary pointed out that Columbia is served by two commercial FM stations, four noncommercial FM stations, and two AM stations. Petitioner responded by arguing that noncommercial stations are not considered in calculating whether a new commercial station should be assigned, leaving Columbia with two FM assignments, one full-time AM station and one daytime AM station. Petitioner is correct that noncommercial stations are not considered under the Commission's population criteria for channel assignments. Thus the present assignment would not exceed the population criteria. Furthermore, we believe that the present request is an efficient assignment since the preclusion impact would be insubstantial.

8. After careful consideration of the proposal and comments, we believe it would be in the public interest to assign Channel 269A to Columbia, Missouri, and substitute Channel 292A for Channel 269A at Monroe City, Missouri. The substitution in Monroe City will have no adverse impact on the establishment of a first local service there, and will enable Columbia, a growing community, the opportunity for a third commercial FM service.

9. Accordingly, it is ordered, That effective April 13, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No
Columbia, Mo	244A, 252A, 269A
Monroe City, Mo	292A

10. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81–6015 Filed 2–20–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[2] *Monroe City, Missouri*, BC Docket No. 79–16, adopted June 22, 1979.

[3] See paragraph 4 of the *Further Notice of Proposed Rule Making* in Docket No. 14185, adopted June 25, 1962 (FCC 62–667), and incorporated by reference in paragraph 25 of the *Third Report, Memorandum Opinion and Order*, 40 F.C.C. 747, 758 (1963).

Proposed Rules

Federal Register
Vol. 46, No. 35
Monday, February 23, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Intent Not To Issue Energy Efficiency Standards Until Further Study

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Department of Energy is announcing that it will not prescribe the first national appliance energy efficiency standards until the analysis upon which the standards would be based is reviewed for its sufficiency.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Consumer Products Efficiency Branch, Room GH–065, Mail Station CS–112.1, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–9127.

SUPPLEMENTARY INFORMATION: On June 30, 1980 (45 FR 43976), the Department of Energy (DOE or Department) proposed energy efficiency standards for 8 types of major household appliances, pursuant to the Energy Policy and Conservation Act, as amended (42 U.S.C. 6291 *et seq.*) (PCA). Final rules were required by January 2, 1981 establishing standards for these appliances, if possible. The EPCA provides, however, that a rule establishing no appliance efficiency standard shall be prescribed if it is determined that the standard's establishment would not result in significant conservation of energy or would not be technologically feasible or economically justified.

The sufficiency of the analysis upon which the standards would be based—particularly with respect to their economic justification—was called into question in many of the 1,800 comments received on the proposal. In particular, the Department of Justice and the Regulatory Analysis Review Group had significant reservations about the methodology used and many of the results obtained in the analysis supporting the proposal. While much work on the data has been done since that time, a thorough assessment of the data is till not complete. Consequently, further study is required.

When completed, the Department's review is expected to include an assessment of the need, if any, for standards, taking into consideration the recently initiated program to require energy efficiency labeling of a number of appliances. Moreover, further study of the standards is appropriate to insure that projected energy savings and expected impacts on businesses conform to the objective of a balanced energy program free of arbitrary and counterproductive restraints.

The appliances affected are refrigerators and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, kitchen ranges and ovens, central air conditioners, and furnaces.

Issued in Washington, D.C., February 17, 1981.

Frank DeGeorge

Acting Assistant Secretary for Conservation and Solar Energy.

[FR Doc. 81–5016 Filed 2–18–81; 3:00 pm]

BILLING CODE 6450–01–M

10 CFR Part 477

[CAS–RM–80–513]

Standby Federal Emergency Energy Conservation Plan

AGENCY: Department of Energy.

ACTION: Withdrawal of proposed rule and notice of proposed rulemaking to remove interim final rule.

SUMMARY: On February 7, 1980 (45 FR 8462), the Department of Energy published published a standby Federal emergency energy conservation plan which contained various emergency conservation measures which were published in part as interim final and in part as proposed rules. By this notice the Department of Energy is withdrawing those measures which were proposed for inclusion in the Federal plan and proposing that certain of the interim final measures be removed. The proposed rules which are withdrawn include the compressed workweek measure, the vehicle use sticker measure, and one section of the employer-based commuter and travel measure. The interim final rules which this notice proposes to revoke include the odd-even day motor fuel purchase measure, the rest of the employer-based commuter and travel measure, the speed limit measure, and the mandatory temperature restrictions measure.

DATES: Proposed §§ 477.44(f), 477.46, and 477.47 of Title 10 of the *Code of Federal Regulations* (45 FR 8502–3, February 7, 1980) are withdrawn, effective immediately.

Written comments on the proposal to remove §§ 477.43, 477.44(a)–(e), 477.45 and 477.52 of Title 10 of the *Code of Federal Regulations* (45 FR 8500–8504, February 7, 1980) and on other matters designated elsewhere in this notice as appropriate for comment must be received by April 24, 1981 4:30 p.m. e.s.t. in order to ensure their consideration. A public hearing will be held on March 24, 1981, in Washington, D.C., at the time and place indicated in the Public Hearing section of the Supplementary Information. Requests to speak at the public hearing must be received by March 10, 1981. DOE will notify persons selected to appear by March 17, 1981.

ADDRESS: All written comments and requests to speak should be addressed to: Ms. Kay Loomis, Hearings and Dockets Branch, Conservation and Solar Energy, Department of Energy, Mail Stop 6B–025, 1000 Independence Avenue SW., Washington, D.C. 20585, Attn: CAS–RM–80–513. Telephone: (202) 252–9319. Public hearing location: Room 2105, 2000 M Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Henry Bartholomew, Office of Emergency Conservation Programs, Conservation and Solar Energy, Department of Energy, Room GE–004A, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: (202) 252–4966.

SUPPLEMENTARY INFORMATION:

Background

Section 213(a) of the Emergency Energy Conservation Act of 1979 (Pub. L. No. 96–102) (EECA or the Act) required the Department of Energy (DOE) to establish a standby Federal emergency energy conservation plan (the Federal plan) within 90 days after the date of enactment. As required by the Act, DOE

established the Federal plan on February 4, 1980.

As published (45 FR 8462, February 7, 1980), the Federal plan contained seven interim final measures (10 CFR 477.41, 477.42, 477.43, 477.44(a)–(e), 477.45, 477.51, and 477.52), with four additional measures proposed for inclusion (10 CFR 477.44(f), 477.46, 477.47 and 477.48). Comment was invited on both the interim final and the proposed measures, and extensive comments were received. On May 16, 1980 (45 FR 34015, May 21, 1980), DOE withdrew proposed § 477.48, the recreational watercraft restriction measure, effective retroactively as of April 23, 1980.

In both the written comments on the Federal plan and at public hearings held in eight cities across the country, many individuals and business representatives expressed their concern that several of the emergency energy conservation measures if adopted and implemented would interfere excessively in their lives, were unnecessary restrictions, and would impose costs far in excess of their benefits. In addition, comments often indicated that energy emergencies could be better addressed by an unregulated marketplace.

In general, the Department favors an energy program free of counterproductive constraints—a program designed to promote vigorous domestic production and pricing based on marketplace forces.

On January 28, 1981, the President removed all remaining Federal price and allocation controls on U.S. crude oil and petroleum products (46 FR 9909, January 30, 1981). In light of the decontrol action, an unregulated market may now provide sufficient assurance of an orderly adjustment to any future energy supply interruptions.

Accordingly, the Department is particularly interested in receiving comments on the following:

- Is an unregulated market for petroleum and petroleum products the best approach to an energy supply interruption?
- Would the various conservation meansures which are the subject of today's notice now be counterproductive, imposing greater costs and administrative inconvenience than they may be worth? Commenters are invited to address the proposed measures which are withdrawn as well as the interim final measures.
- Would these requirements, were they even implemented, interfere with public and business day-to-day activities to an unwarranted extent?
- Are there other demand restraint measures which, if implemented during an energy supply emergency, would not be counterproductive?
- Are there better approaches to handling any future energy emergencies than those included in or contemplated by the measures previously proposed?

Final and Proposed Action and Caveat

This notice withdraws the three measures which were proposed for inclusion in the plan: section (f) of the employer-based commuter and travel measure, the compressed workweek measure, and the vehicle use stricker measure.

Additionally, this notice proposes to withdraw the following interim final rules: the odd-even day motor fuel purchase measure, most provisions of the employer-based commuter and travel measure, the speed limit measure, and the mandatory temperature restrictions measure.

Sections 477.41 and 477.51, public information measures, and § 477.42, minimum automobile fuel purchase measure, remain in the Federal plan as interim final rules.

While the Department intends currently to withdraw most of the measures from the Federal plan, it wishes to note that any number of conservation measures might be activated if essential to managing any severe emergency supply shortfall.

Written Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the actions discussed in this notice to Ms. Kay Loomis, Hearings and Dockets Branch, Conservation and Solar Energy, Department of Energy, Mail Stop 6B–025, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attn: CAS–RM–80–513.

Comments should be identified on the outside of the envelope and on documents with the designation "Emergency Energy Conservation," Attn: CAS–RM–80–513. Fifteen copies should be submitted. All comments received by April 24, 1981, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by DOE before final action is taken regarding the proposed guidelines. All comments received will be available for public inspection in the DOE Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., between 8:30 a.m. and 4:00 p.m., Monday through Friday.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which that person believes to be confidential and exempt by law from public disclosure should submit one complete copy, and fifteen copies from which information claimed to be confidential has been deleted. DOE shall make its own determination with regard to any claim that information submitted be withheld from public disclosure.

Public Hearing

DOE will hold one public hearing on this proposed rule. The public hearing will be held in Washington, D.C., at 9:30 a.m., local time on March 24, 1981, at the Department of Energy, Room 2105, 2000 M Street, NW., Washington, D.C.

Any person who has an interest in the proposed regulation or who is a respresentative of a group or class of persons which has an interest in it may make a written request for an opportunity to make an oral presentation. Requests to speak at the hearing should be addressed to Ms. Kay Loomis, Hearings and Dockets, Conservation and Solar Energy, Department of Energy, Mail Stop 6B–025, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attn: CAS–RM–80–513, (202) 252–9319, and must be received by 4:30 p.m., e.s.t. on March 10, 1981. A request may also be hand delivered between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Requests should be marked the same as for written comments with the additional notation "With Request To Speak."

The person making the request shall: describe briefly that person's interest in the proceeding; if appropriate, state why that person is a proper representative of a group or class of persons that has such an interest; give a concise summary of the proposed oral presentation; and provide a phone number where the person may be contacted during the day.

Each person selected to be heard at the public hearing to be held in Washington, D.C., will be notified by March 10, 1981. Those persons selected to be heard should bring 15 copies of their statement to the hearing. If a person cannot provide 15 copies, alternate arrangements can be made in advance of the hearing. This should be done in the letter requesting to speak.

Conduct of Hearing

DOE reserves the right to select persons to speak at the hearing, to schedule their presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation will be limited, based on the number of persons requesting to speak.

A DOE offical will preside at this hearing. This will not be a judicial or evidentiary type hearing. Questions may be asked of speakers only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all the information available to DOE. Any participant who wishes to ask questions at the hearing may submit the questions, in writing, at the registration desk. The presiding officer will determine whether the questions are relevant and material, and whether the time limitations permit them to be answered.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and an entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any person may purchase a copy of the transcript from the reporter. If DOE must cancel the hearing, DOE will make every effort to publish an advance notice of such cancellation in the **Federal Register**. Notice of cancellation will also be given to all persons scheduled to speak at the hearing.

Environmental Review

When the measures which are proposed to be withdrawn were first published as interim final rules, the Department of Energy determined that they, along with the other measures proposed for the Federal plan, did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* (45 FR 8492–8493). The measures have never been placed into effect or scheduled to be placed into effect. Withdrawing the measures will also not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA.

Regulatory Impact Analysis and Review

The Director of the Office of Management and Budget has exempted those parts of this action which propose to revoke portions of the interim final rule from the requirements of Executive Order 12291 (February 17, 1981) because this action proposes to eliminate certain regulatory restrictions. Insofar as this action simply withdraws a proposed rule, no action is required under Executive Order 12291, *supra*.

Urban Impact Analysis

The proposed action has been reviewed in accordance with OMB Circular A–116 to assess the impact on urban centers and communities. In accordance with the DOE finding that the regulation is not likely to have a major impact, DOE has determined that no urban impact analysis of the rulemaking is necessary, pursuant to Section 3(a) of OMB Circular A–116.

Regulatory Flexibility Act Analysis

This notice proposes withdrawing a regulation which is in a standby status and is not now, nor scheduled to be, in effect in any jurisdiction. Since it is not now affecting any small entities nor is it certain that it will ever affect any small entities, its withdraw will have no effect on small entities. Therefore, pursuant to the Regulatory Flexibility Act, this notice constitutes certification that, if promulgated, this regulation will not have a significant economic impact on a substantial number of small entities, and an analysis is not required under this Act (Pub. L. 96–354).

(Title II of the Emergency Energy Conservation Act of 1979, P.L. No. 96–102, 42 U.S.C. 6501 *et seq.*; Department of Energy Organization Act, P.L. No. 95–91, 42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing: (1) proposed §§ 477.44(f), 477.46, and 477.47 of Title 10 of the *Code of Federal Regulations*, which were published on February 7, 1980 (45 FR 8502–3), are withdrawn and (2) Part 477, Chapter II of Title 10 of the *Code of Federal Regulations*, is proposed to be amended as set forth below.

Issued in Washington, D.C., February 17, 1981.

Frank DeGeorge,

Acting Assistant Secretary for Conservation and Solar Energy.

§§ 477.43, 477.44, 477.45, 477.52 [Removed]

1. Sections 477.43, 477.44(a)–(e), 477.45, and 477.52 of Title 10 of the *Code of Federal Regulations*, which were published on February 7, 1980 (45 FR 8500–8504), are removed.

[FR Doc. 81–5915 Filed 2–18–81; 2:30 pm]
BILLING CODE 6450–01–M

10 CFR Part 780

Patent Compensation Board Regulations

AGENCY: Department of Energy.

ACTION: Notice of proposed rule.

SUMMARY: The Department of Energy ("DOE") is proposing to amend the Patent Compensation Board (the "Board") regulations issued in 1975 by the Atomic Energy Commission by deleting them in their entirety and substituting the proposed regulations. The proposed regulations set forth the requirements for initiating proceedings before the Board and the procedures to be followed in such proceedings.

DATES: Comments must be received on or before March 25, 1981.

ADDRESS: Send comments to Mr. James E. Denny, Assistant General Counsel for Patents, U.S. Department of Energy, Mail Stop A2–3018, Washington, D.C. 20545, telephone (301) 353–4018.

FOR FURTHER INFORMATION CONTACT: Judson R. Hightower, Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545, (301) 353–5093.

SUPPLEMENTARY INFORMATION: Sections 104 and 105 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814–15), section 157 of the Atomic Energy Act of 1954 (the "Act") (42 U.S.C. 2187), and section 644 of the Department of Energy Organization Act of 1977 (42 U.S.C. 7254) provide the Secretary of Energy with the authority to issue regulations governing proceedings before the DOE Patent Compensation Board.

The current regulations provide that the Board consider applications (1) for just compensation for revocation of patent rights under sections 151a and 151b of the Act; (2) for the determination of a reasonable royalty fee for patents licensed under sections 153 and 158 of the Act; (3) for the grant of an award for inventions reported under section 151c of the Act; (4) for just compensation pursuant to section 173 of the Act; and (5) for compensation pursuant to the Invention Secrecy Act (35 U.S.C. 183). The Board, however, no longer considers applications for just compensation for revocation of patent rights under sections 151a and 151b since section 157d provides that applications shall be barred unless filed within six years after the date on which the right to just compensation accrues. All rights to just compensation accrued in 1981, the effective date of sections 151a and 151b, making 1967 the last year in which applications could be made.

With the creation of the Energy Research and Development Administration (ERDA), the Board of Hearing Examiners, which, under 10 CFR Parts 701 and 702, was given authority to make the determinations to declare a patent affected with the public interest under section 153a and to

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license a nuclear patent under section 153, was transferred to the Nuclear Regulatory Commission (NRC). This transfer left ERDA with responsibility for, but no entity with the authority to make, the initial determinations required to declare a patent affected with the public interest under section 153a and to license a nuclear patent under section 153. Under the proposed regulations the Patent Compensation Board would make the determinations required by section 153.

This proposed revision of 10 CFR Part 780 would consolidate the procedures for declaring a patent affected with the public interest, granting a license, and determining royalties under a section 153 proceeding. Specifically, the proposed regulations would add to the existing regulations (10 CFR Part 780 (1975)) the requirements set forth in: (1) 10 CFR Part 702, Subpart C (1975), which prescribes the procedures for declaring a patent to be affected with the public interest pursuant to section 153a of the Act and for granting a license pursuant to sections 153b and 153e of the Act; (2) 10 CFR Part 781.70–.72 (1975), which set forth the requirements of applications for licenses under section 153a of the Act and the conditions of licenses issued pursuant to section 153b of the Act; and (3) 10 CFR 781.80–.83 (1975), which provide the requirements of applications for licenses under section 153c of the Act and the conditions of licenses issued pursuant to section 153e of the Act.

The DOE Board of Contract Appeals would act as the Patent Compensation Board in proceedings brought in accordance with the proposed regulations, and the decision of the Board in such proceedings would constitute the final action of DOE.

In accordance with Section 501(c) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses.

DOE has determined that the proposed regulations are non-significant as that term is defined in DOE Order 2030 signed December 18, 1978, (44 FR 1040) (January 3, 1979) to implement Executive Order 12044, and therefore no public hearing pursuant to DOE Order 2030 is required.

In accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601) the Secretary certifies that the proposed regulations will not have a significant impact on a substantial number of small entities. This certification is based on the fact that only six cases have been brought before the Patent Compensation Board by small entities in the past twenty years. Under the proposed regulations no substantial increase in the number of cases annually brought before the Board is anticipated. Since only a few applications by small entities are anticipated, the number of cases would be too small to warrant a finding that the proposed regulations would have a significant impact on a substantial number of small entities.

DOE has determined that the regulations do not require the preparation of an Environmental Impact Statement pursuant to the requirements of the National Environmental Policy Act of 1969.

(Department of Energy Organization Act, sections 301 and 644, 42 U.S.C. 7151 and 7254; Energy Reorganization Act of 1974, sections 104 and 105, 42 U.S.C. 5814–15; Atomic Energy Act of 1954, sections 157, 42 U.S.C. 2187)

In consideration of the foregoing, Part 780 of Title 10 of the Code of Federal Regulations is revised as set forth below.

Issued in Washington, D.C., February 13, 1981.

Eric J. Fygi,

Acting General Counsel, U.S. Department of Energy.

PART 780—PATENT COMPENSATION BOARD REGULATIONS

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Authority: Department of Energy Organization Act, sections 301 and 644, Pub. L. 95–91 (42 U.S.C. 7151, 7254); Energy Reorganization Act of 1974, sections 104 and 105, Pub. L. 93–438 (42 U.S.C. 5814, 5815); Atomic Energy Act of 1954, sections 153, 157 and 173, Pub. L. 83–703 (42 U.S.C. 2183, 2187, 2223); Invention Secrecy Act (35 U.S.C. 183).

Subpart A—General Provisions

§ 780.1 Scope.

The regulations in this part establish the procedures, terms and conditions for Patent Compensation Board:

(a) Proceedings to declare a patent affected with the public interest pursuant to section 153a of the Atomic Energy Act of 1954 (Pub. L. 83–703; 42 U.S.C. 2183);

(b) Proceedings to determine a reasonable royalty fee pursuant to section 157 of the Atomic Energy Act of 1954;

(c) Proceedings for the grant of an award pursuant to section 157 of the Atomic Energy Act of 1954;

(d) Proceedings to obtain compensation pursuant to section 173 of the Atomic Energy Act of 1954 and the Invention Secrecy Act (35 U.S.C. 183);

and for applications to the Department of Energy (DOE) for a patent license pursuant to sections 153b(2) and 153c of the Atomic Energy Act of 1954.

§ 780.2 Definitions.

(a) "Act" means the Atomic Energy Act of 1954 (Pub. L. 83–703; 42 U.S.C. 2011).

(b) "Application" means the application filed by an applicant for a patent license, for the determination of a reasonable royalty fee, for an award, or for compensation under this part.

(c) "Board" means the Patent Compensation Board.

(d) "Chairman" means the Chairman of the Patent Compensation Board.

(e) "Department", or "DOE", or "Department of Energy" means the Department of Energy, established by the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101).

(f) "Party" means the applicant, patent owner, Department representative, and any person admitted as a party by the Board for any proceeding under this part.

(g) "Patent Owner" means the owner of record in the United States Patent and Trademark Office.

(h) "Secretary" means the Secretary of the Department of Energy or the delegate of the Secretary of Energy.

§ 780.3 Jurisdiction of the Patent Compensation Board.

The Patent Compensation Board was established by section 157 of the Atomic Energy Act of 1954. It was transferred to the Energy Research and Development Administration pursuant to section 104(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5814) and subsequently to the Department of Energy by section 301 of the Department of Energy Organization Act (42 U.S.C. 7151). Under section 157, the Board is given authority to determine reasonable royalty fees or resolve issues involving the grant of awards. In addition, the Board has authority: (a) to hear and make decisions as to compensation under section 173 of the Act (42 U.S.C 2223) and the Invention Secrecy Act (35 U.S.C. 183); (b) to hear and make decisions as to whether a specific patent is affected with the public interest pursuant to section 153a of the Act; (c) to hear and make decisions as to whether a specific patent license should be granted under sections 153b(2) and 153e of the Act; (d) to give notices, hold hearings and take such other actions as may be necessary under section 153; and (e) to exercise all powers available under the Act and necessary for the performance of these duties, including the issuance of such rules of procedure as may be necessary.

§ 780.4 Filing and service of documents.

(a) All communications regarding proceedings subject to this part should be addressed to: Chairman, Patent Compensation Board, U.S. Department of Energy, Webb Building, Room 1006, 4040 N. Fairfax Drive, Arlington, Virginia 22203. All documents offered for filing shall be accompanied by proof of service upon all parties to the proceeding or their attorneys of record as required by law, rule, or order of the Department. Service on the Department shall be mail, telegram, or delivery to: Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545.

(b) Filing by mail or telegram will be deemed to be complete as of the time of deposit in the United States mail or with a telegraph company.

§ 780.5 Applications—General form, content, and filing.

(a) Each application shall be signed by the applicant and shall state the applicant's name and address. If the applicant is a corporation, the application shall be signed by an authorized officer of the corporation, and the application shall indicate the state of incorporation. Where the applicant elects to be represented by counsel, a signed notice to that effect shall be filed with the Board.

(b) Each application must contain a concise statement of all of the essential facts upon which it is based. No particular form of statement is required. Each application shall be verified by the applicant or by the person having the best knowledge of such facts. In the case of facts stated on information and belief, the source of such information and grounds of belief shall be given.

(c) Each application must identify any person whose interest the applicant believes may be affected by the proceeding before the Board.

(d) Three copies of each application shall be filed with the Board. However, only one copy of the accompanying exhibits need be filed.

(e) The Board will acknowledge the receipt of the application in writing and advise the applicant of the docket number assigned to the application.

§ 780.6 Department participation.

The Department shall be a party to all proceedings under this part, and the Office of the General Counsel will represent the Department's interests before the Board.

§ 780.7 Designation of interested persons as parties.

In any proceeding under this part, the Board shall admit as a party any person, upon application of such person or on the Board's own initiative, whose interest may be affected by the proceeding.

§ 780.8 Security.

In any proceeding under this part, the Board shall take such steps as necessary pursuant to chapter 12 of the Act and section 181 of the Act to assure compliance with Department security regulations and the common defense.

§ 780.9 Rules of procedure before the Board.

Except as set forth in this part, all Board proceedings, including the hearing and decision, shall be conducted pursuant to the rules of practice of the Department of Energy Board of Contract Appeals, 10 CFR Part 1023, modified as the Board may determine to be necessary and appropriate.

§ 780.10 Decision of the Board.

The decision of the Board in any proceeding under this part shall constitute the final action of the Department on the matter.

§ 780.11 Records of the Board.

The records of the Board in cases filed before it, including the pleadings, the transcript, and the final decision, shall be open to public inspection, except to the extent that such records or portions thereof are withheld from disclosure by the Board pursuant to 10 CFR Part 709 (1975).

Subpart B—Declaring Patents Affected With the Public Interest Under Section 153a of the Atomic Energy Act of 1954

§ 780.20 Initiation of proceeding.

When any person in the Department believes that the Department should declare a patent affected with the public interest pursuant to section 153a of the Act, that person shall make such a recommendation to the Under Secretary. If, after consultation with the General Counsel, the Under Secretary agrees with the recommendation, the Under Secretary shall initiate in writing a proceeding under section 153a before the Board. The communication of the Under Secretary to the Board shall identify the patent and state the basis for the proposed declaration.

§ 780.21 Notice.

The Board will serve upon the patent owner and all other parties a written notice of the Department's proposed action to declare the patent affected with the public interest, and the notice shall identify the patent and state the basis for the proposed declaration.

§ 780.22 Opposition, support and request for hearing.

(a) Any party may, within thirty (30) days after service of the notice or such other time as may be provided by the terms of the notice, file with the Board a written statement in opposition to or in support of the Department's proposed

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action. Such statement may also include a request for hearing. The statement shall contain a concise description of the facts, law, or any other relevant matter which the party believes should be reviewed by the Board during its consideration of the proposed declaration. If the request for a hearing is timely received, the Board shall call a hearing and provide notice of the time and place to all parties.

(b) Failure of all parties to oppose the proposed action or to request a hearing within the time specified in the notice shall be deemed an acquiescence to that action and may result in a declaration by the Board that the patent is affected with the public interest.

§ 780.23 Hearing and decision.

If a timely request for a hearing is made by any party, the Board will proceed with a hearing and decision. If a hearing is not requested, the Board shall prepare and issue its decision on the record.

§ 780.24 Criteria for declaring a patent affected with the public interest.

A patent shall be declared to be affected with the public interest pursuant to section 153a of the Act upon the Board's final decision that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy; and

(b) The licensing of such invention or discovery under section 153 of the Act is of primary importance to effectuate the policies and purposes of the Act.

Subpart C—Application for a License Pursuant to Section 153b(2) of the Atomic Energy Act of 1954

§ 780.30 Filing of application.

An applicant for a license pursuant to section 153b(2) of the Act, under a patent which the Department has declared to be affected with the public interest, shall file an application with the Board in accordance with § 780.5. The Board will docket the application and serve notice of the docketing upon all parties.

§ 780.31 Contents of application.

Each application shall contain, in addition to the requirements specified in § 780.5, the following information:

(a) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the patent license;

(b) The nature and purpose of the applicant's intended use of the patent license;

(c) The relationship of the invention or discovery to the authorized activities to which it is to be applied, including an estimate of the effect on such activities stemming from the grant or denial of the license;

(d) Efforts made by the applicant to obtain a patent license from the owner of the patent;

(e) Terms, if any, on which the owner of the patent proposes to grant the applicant a patent license;

(f) The terms the applicant proposes for the patent license; and

(g) A request for either a hearing or a decision on the record.

§ 780.32 Response and request for hearing.

Any party within thirty (30) days after service of the notice of docketing of the application:

(a) May file with the Board a response containing a concise statement of the facts or law or any other relevant information which that party believes should be considered by the Board in opposition to or in support of the proposed application; and

(b) May file a request for a hearing or for a decision on the record.

§ 780.33 Hearing and decision.

If any party requests a hearing, the Board will proceed with a hearing and decision. If a hearing is not requested, the Board shall on the basis of the record prepare and issue its decision.

§ 780.34 Criteria for decision to issue a license.

A license shall issue to the applicant to use the invention covered by the patent declared to be affected with the public interest pursuant to subsection 153b(2) of the Act upon a final decision that:

(a) The activities to which the patent license is proposed to be applied are of primary importance to the applicant's conduct of an activity authorized under the Act; and

(b) The applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the intended use to be made of the patent by the applicant.

§ 780.35 Communication of decision to General Counsel.

Following a determination to issue a patent license under section 153b(2) of the Act, the Board shall send the decision to the General Counsel and instruct the General Counsel to issue the license on terms deemed equitable by the Department and generally not less fair than those granted by the patentee or by the Department to similar licensees for comparable use.

§ 780.36 Conditions and issuance of license.

(a) Upon receipt of the Board's decision and instruction to issue a patent license, the General Counsel shall issue the license which contains all necessary terms and conditions except for the royalty fee. The parties will propose and agree on a reasonable royalty fee within a reasonable time as determined by the General Counsel. If a party does not agree with the terms and conditions of the license as determined by the General Counsel or if a royalty fee cannot be agreed upon within the reasonable time period established by the General Counsel, any party may, within 30 days after the expiration of such time period, initiate a proceeding before the Board, in accordance with Subpart E of this part, for a reconsideration of the General Counsel's determination. After the proceeding under Subpart E of this part is completed, the General Counsel shall modify the patent license in accordance with the Board's determination.

Subpart D—Application for a License Pursuant to Section 153c of the Atomic Energy Act of 1954

§ 780.40 Filing of application.

An application to the Department, pursuant to section 153c of the Act, for the issuance of a license to use the invention or discovery covered by a patent useful in the production or utilization of special nuclear material or atomic energy shall be filed with the Board in accordance with the requirements of § 780.5.

§ 780.41 Contents of application

In addition to the information specified in § 780.5, each application shall contain the following:

(a) The applicant's contention, with supporting data, that the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) The applicant's contention, with supporting data, that the licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant, including information concerning:

(1) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license;

(2) The nature and purpose of the applicant's intended use of the patent license; and

(3) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of the effect of such activities stemming from the grant or denial of the license.

(c) The applicant's contention, with supporting data, that the activities to which the patent license are proposed to be applied are of primary importance to the furtherance of policies and purposes of the Act;

(d) The applicant's contention, with supporting data, that such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the applicant's intended use of the patent, including information concerning:

(1) Efforts made by applicant to obtain a patent license from the owner of the patent; and

(2) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

(e) The terms the applicant proposes as reasonable for the patent license; and

(f) A copy of any license, permit, or lease obtained by the applicant under the procedures outlined in section 153(c) of the Act.

§ 780.43 Notice of hearing.

Within thirty (30) days after the filing of the application, the Board will serve on all parties a notice of hearing to be held not later than sixty (60) days after the filing of the application.

§ 780.44. Response.

Any party may file a response with the Board containing a concise statement of the facts or law or any other relevant information in opposition to or in support of the application which that party believes should be considered by the Board. Such response must be filed by a party within twenty (20) days after being served a copy of the application.

§ 780.45 Hearing and decision.

In accordance with section 153d of the Act, the Board shall hold a hearing and issue a final decision on the application.

§ 780.46 Criteria for decision to issue a license.

A license shall issue to the applicant to use the invention covered by the patent for the purposes stated in the application upon a final decision that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) The licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

(c) The activities to which the patent license is proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of the Act; and

(d) Such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Department deems to be reasonable for the applicant's intended use of the patent.

§ 780.47 Communication of decision to General Counsel.

When the Board decides to issue a patent license under section 153c of the Act, the Board shall send the decision to the General Counsel and instruct the General Counsel to issue the license on terms deemed equitable by the Department and generally not less fair than those granted by the patentee or by the Department to similar licensees for comparable use.

§ 780.48 Conditions and issuance of license.

Upon receipt of the Board's decision and instruction to issue a patent license, the General Counsel shall issue the license which contains all necessary terms and conditions except for the royalty fee. The parties will propose and agree on a reasonable royalty fee within a reasonable time as determined by the General Counsel. If a party does not agree with the terms and conditions of the license or if a royalty fee cannot be agreed upon within the reasonable time period established by the General Counsel, any party may, within 30 days after the expiration of such time period, initiate a proceeding before the Board in accordance with Subpart E of this part, for a reconsideration of the General Counsel's determination. After the proceeding under Subpart E of this part is completed, the General Counsel shall modify the patent license in accordance with the Board's determination.

Subpart E—Application for Royalties and Awards Under Section 157 of the Atomic Energy Act of 1954 and Compensation Under Section 173 of the Atomic Energy Act of 1954 and the Invention Secrecy Act (35 U.S.C. 183)

§ 780.50 Applicants.

(a) Any owner or licensee of a patent licensed under section 156 or subsections b. or e. of section 153 of the Act may file an application with the Board for the determination of a reasonable royalty fee.

(b) Any owner or licensee of a patent licensed under subsections b. or e. of section 153 of the Act may file an application with the Board for the modification of any terms and conditions of the license.

(c) Any person who has made an invention or discovery useful in the production or utilization of special nuclear material or atomic energy, has complied with the provisions of section 151c, but, under the Act, is not entitled to a royalty for such invention or discovery, may file an application for an award.

(d) Any owner of a patent application that contains restricted data not belonging to the United States which the Department has communicated to any foreign nation may make application for just compensation pursuant to section 173 of the Act.

(e) Any patent applicant, whose patent is withheld because of a secrecy order issued at the request of the Department may, beginning at the date the patent applicant is notified that, except for such order, the application is otherwise in condition for allowance, apply for compensation for the damage caused by the secrecy order and/or for the use of the invention by the Government resulting from any disclosure to the Department required by the Invention Secrecy Act.

§ 780.51 Form and content.

(a) Each application shall contain a statement of the applicant's interest in the patent, patent application, invention or discovery and identify any other claimants of whom the applicant has knowledge.

(b) Each application must contain a concise statement of all of the essential facts upon which it is based. No particular form of statement is required, but it will facilitate consideration of the application if the following specific data accompany the application:

(1) In the case of an issued patent, a copy of the patent.

(2) In the case of a patent application, a copy of the application and of all Patent and Trademark Office actions and responses thereto.

(3) In the case of an invention or discovery as to which a report has been filed with the Department pursuant to subsection c of section 151 of the Act, a copy of such report.

(4) In the case of an award, the date relied upon as the date of invention.

(5) In all cases, a statement of the extent to which the invention or discovery was developed through federally financed research or with other federal support.

(6) In all cases, the degree of the utility, novelty, and importance of the invention or discovery.

(7) In all cases, a statement of the actual use by the federal Government or others of such invention or discovery, to the extent known to the applicant.

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(8) In all cases, the cost of developing the invention or discovery and acquiring the patent or patent application.

(9) The royalty fee proposed, the proposed terms and conditions of a license agreement, or the amount sought as compensation or award, as well the basis used in calculating such fee, compensation or award and whether a lump sum or periodic payments are sought.

(10) In an application for just compensation pursuant to section 173 of the Act, the ownership of the invention that is the subject matter of the patent application at the time the Department communicated the restricted data shall be set forth, and any restricted data contained in the application shall be specifically identified.

(11) In an application for compensation, under the authority provided in the Invention Secrecy Act (35 U.S.C. 183), for the damage caused by imposition of a secrecy order on a patent application and/or for the use of the invention by the Government, the date of the secrecy order, the date of the notice that the patent application is in condition for allowance, and, if known to the applicant, the date of the first use of the invention by the Government.

§ 780.52 Notice and hearing.

The Board shall, in its discretion, afford the applicable party an opportunity for a hearing for the presentation of relevant evidence. Thirty (30) days notice shall be given of the time and place of such hearing. After expiration of the notice period, the Board shall proceed with a hearing and render its decision.

§ 780.53 Criteria for decisions for royalties, awards and compensation.

(a) In deciding a reasonable royalty fee for a patent licensed under section 158 or sections 153b or 153e of the Act, the Board shall consider:

(1) Any defense, general or special, that a defendant could plead in an action for infringement;

(2) The extent to which such patent was developed through federally financed research or with other federal support;

(3) The degree of utility, novelty, and importance of the invention or discovery; and

(4) The cost to the owner of the patent of developing such invention or discovery or of acquiring such patent.

(b) In deciding whether or not to grant an award, under section 157 of the Act, for the making of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy, the Board shall take into account the considerations set forth in subsection 780.53(a) of this part and the actual use of such invention or discovery.

(c) In deciding whether or not to provide compensation, pursuant to section 173 of the Act, to a person who owns a patent application that contains restricted data not belonging to the United States which the Department has communicated to a foreign nation, the Board shall take into account the considerations set forth in subsection 780.53(b) of this part and the damage to the applicant resulting from such communication.

(d) In the course of its review of an application to provide compensation, pursuant to 35 U.S.C. 183, to an applicant whose patent was withheld because of a secrecy order issued at the request of the Department, the Board shall take into account the considerations set forth in subsection 780.53(b) of this part and:

(1) The damage sustained by the applicant as a result of the secrecy order; and

(2) The use of the invention by the Government resulting from the disclosure of such invention to the Department.

[FR Doc. 81-5878 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AWE-1]

Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new VOR Federal Airways V-393 and V-395 from Tucson, Ariz., to Hermosillo, Mexico, via Nogales, Ariz. This action would enhance the new border crossing requirements and improve flight safety in the area.

DATES: Comments must be received on or before March 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-1, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 25, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Indpendence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.124 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate new VOR Federal Airways V-393 and V-395 from Tucson, Ariz., to Hermosillo, Mexico, via Nogales, Ariz. The new airways would enhance traffic flow at the U.S./Mexico border crossing and permit more flexibility for operations in the area. Also, the Nogales VORTAC will be commissioned in February 1981. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under § 71.123

"V-393 From Tucson, Ariz., via Nogales, Ariz. (3 miles east and 4 miles west of centerline); to Hermosillo, Mexico. The segment within Mexico is excluded." is added.

"V-395 From Tucson, Ariz., via INT Tucson 198°T(185°M) and Nogales, Ariz., 338°T(325°M) radials; Nogales; INT Nogales 198°T(185°M) and Hermosillo, Mexico, 355°T(343°M) radials; to Hermosillo. The segment within Mexico is excluded." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 13, 1981

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-5865 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

Correction

In FR Doc. 81-4579, published at page 11830, in the issue of Wednesday, February 11, 1981, make the following corrections:

1. On page 11834, second column, in the first full paragraph, the first word in the next to the last line, now reading "in" should read "is."

2. In that same column, third full paragraph, in the eighth line, the word "the" should read "a."

3. Also in that column, in footnote 1, some material was omitted. In the third line from the end of footnote 1, change the word "voluntary" to "voluntarily" and add "and with little risk. Retailers in wholesaler-sponsored voluntary * * *".

4. On the same page, third column, in the fifth line from the bottom of the page, the word "of" should read "or."

5. On page 11835, second column, some material was omitted from the first full paragraph. In the sixth line from the end of the paragraph, after "Rent for the location" add "is therefore paid not to the property owner but to the wholesaler." The word "if" in that line should then be capitalized.

6. On page 11836, third column, last paragraph, in the fourth line, the word "mane" should read "name."

BILLING CODE 1505-01-M

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

Correction

In FR Doc. 81-4963, published at page 12005 in the issue of Thursday, February 12, 1981, make the following corrections:

1. In page 12006, first column, fourteenth line, the word "an" should be changed to read "any".

2. On the same page, second column, under **Proposed Notice I**, in the second line, the word now reading "RITHTS" should be corrected to read "RIGHTS".

3. On page 12008, second column, eighth paragraph, in the third line from the end of the paragraph, the word "franchise" should read "franchisee".

4. On page 12010, second column, first full paragraph, in the second line, the word "define" should read "defined".

5. In that same paragraph, the next to the last line, the word "sale" should read "sales".

6. Also in that column, in the sixth full paragraph, second line, the word "and" should read "any".

7. In the same paragraph, ninth line, the word "by" should read "be".

8. In the third column on page 12010, in the sixth line from the top of the page, the word "term" should be inserted between "the" and "franchise broker".

9. In the same column, in the second full paragraph (appearing in smaller type), in the sixth and seventh lines, delete "within the intent to include 'franchise brokers'".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Speculative Position Limits; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: On December 2, 1980, the **Federal Register** published (45 FR 79831) the Commission's proposed Rule 1.61 that would require contract markets to establish speculative position limits on all commodity futures contracts not currently subject to exchange or Commission imposed limits. The comment period on that proposed rule expires on March 2, 1981.

The Commission has received requests for an extension of the comment period. Because the Commission wishes to ensure that all interested parties have an opportunity to complete and submit their comments, it has determined to allow an additional thirty days for public comment.

DATE: Accordingly, notice is hereby given that all comments on the Commission's proposed Rule 1.61 (45 FR 79831, December 2, 1980) must be submitted by April 1, 1981.

FOR FURTHER INFORMATION CONTACT: John P. Connolly, Chief Counsel, Division of Economics and Education. (202) 254-3821.

Issued in Washington, D.C. on February 17, 1981, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 81-5909 Filed 2-20-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-48-80]

Windfall Profit Tax; Qualified Disburser Election

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of proposed rulemaking by cross-reference to amended temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary excise tax regulations that relax the requirements that must be met for disbursers to undertake the responsibilities of the purchaser for purposes of administering the Crude Oil Windfall Profit Tax Act of 1980. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 24, 1981.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–48–80), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION: The amendments to the temporary regulations are published in response to public comment received after the temporary regulations, originally published on April 4, 1980 (45 FR 23384), were amended on January 19, 1981 (46 FR 4873). The preamble to the temporary regulations published on January 19, 1981 contained an initial regulatory flexibility analysis. Because these amendments to the regulations relieve certain restrictions on the availability of the qualified disburser election, a further regulatory flexibility analysis is unnecessary.

Comments and Public Hearing

Before the adoption of the final regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amend part 150 of title 26 of the Code of Federal Regulations. The final regulations, which are proposed to be based on the temporary regulations, would amend 26 CFR Part 51.

For the text of the temporary regulations, see FR Doc. 81–5961 (T.D. 7770) published in the Rules and Regulations portion of this issue of the **Federal Register.**

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81–5902 Filed 2–19–81; 2:30 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 299

National Security Agency; Public Access to Records

AGENCY: National Security Agency.

ACTION: Proposed rule.

SUMMARY: This document amends 32 CFR Part 299 to conform with internal reorganization and revises Agency policy concerning the collection of fees. These proposed amendments serve three purposes. First, two office titles are being changed to reflect the new titles now utilized by this Agency. Second, the time limit for the submission of fee waiver appeals is being extended from 30 days to 45 days following receipt of a denial of a fee waiver request. Third, a revision to the Agency policy of fee collection provides for the payment of one half of the estimated fee prior to the initiation of any record search by this Agency. The intent of this revision is to preserve public funds by requiring partial payment in advance, thereby reducing the incidence of default by individuals upon completion of a costly search of records.

DATE: Comments must be received on or before April 24, 1981.

ADDRESS: Send comments to LCDR M. E. Bowman, JAGC, USN, National Security Agency, Fort George G. Meade, Maryland, 20755.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Office of General Counsel, (301) 688–6054.

For the reasons set out above, Part 299 of Title 32, Code of Federal Regulations, is proposed to be amended as follows:

§ 299.2 and 299.4 [Nomenclature change]

32 CFR Part 299 is amended by removing the words "Information Officer" and inserting, in their place, the words "Chief, Office of Policy" in the following places:

(a) 32 CFR 299.2

(b) 32 CFR 299.4 (a), (b) and (c)

§ 299.4 [Amended]

32 CFR 299.4(d) is revised to read as follows:

* * * * *

(d) *Fees.* The Chief, Office of Policy, will inform the requester of the estimated search and duplication fee, and will normally initiate the search upon receipt of one-half of this estimated fee. Upon completion of the search, the requester will be notified of the actual costs and will be requested to submit the balance due prior to further Agency action. Fees will be computed in accordance with the Uniform Schedule of Fees promulgated by the Department of Defense. Fees paid in accordance with this paragraph will be paid by certified check or postal money order forwarded to the Chief, Office of Policy, and made payable to the Treasurer of the United States.

§ 299.5 [Nomenclature change]

32 CFR 299.5 is amended by removing the words "within 30 days" and inserting, in their place, the words "within 45 days"; removing the words "Executive for Staff Services" and inserting, in their place throughout the section, the words "Freedom of Information Act Appeals Authority"; removing the phrase "* * * of access issued by the Agency to the requester * * *".

32 CFR 299.6 is revised to read as follows:

§ 299.6 Effective date.

"This notice shall become effective upon (date of final rule publication in the **Federal Register**)."

(5 U.S.C. 552)

M. S. Healy,

Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 18, 1981.

[FR Doc. 81–6031 Filed 2–20–81; 8:45 am]

BILLING CODE 3810–70–M

32 CFR Part 299a

National Security Agency; Privacy Act Systems of Records, Disclosures and Amendment Procedures, Specific Exemptions, National Security Agency

AGENCY: National Security Agency.

ACTION: Proposed rule.

SUMMARY: This document amends 32 CFR Part 299a to conform with U.S. Government and internal reorganizations, revises Agency policy with regard to collection of fees, and adds further citations to the statutory authority which provides for exemption of certain records from mandatory disclosure. These proposed amendments serve three purposes. First, titles are being changed to conform with those currently used by both the Agency and the Federal Government. Second, the provision is added whereby duplication fees of $30.00 or less will normally be waived. Third, further statutory citations are added, justifying the exemption of certain records from mandatory disclosure.

DATES: Comments must be received on or before April 24, 1981.

ADDRESSES: Send comments to: LCDR M. E. Bowman, JAGC, USN, Office of General Agency, National Security Agency, Ft. George Meade, MD 20755.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Office of General Counsel, 301–688–6054.

For the reasons set out above, Part 299a of Title 32, Code of Federal Regulations, is proposed to be amended as follows:

§ 299a [Amended]

In 32 CFR Part 299a, all references to "Civil Service Commission" and "CSC" are changed to read "Office of Personnel Management" and "OPM," respectively, throughout Part 299a.

In 32 CFR Part 299a, all references to "NSA Information Officer" and "Information Officer" are changed to read "Chief, Office of Policy" throughout Part 299a.

§ 299a.1 [Amended]

32 CFR 299a.1(b) is amended by removing the words "CSC—Retirement Life Insurance and Health Benefits Records System" and inserting in their place, the words "OPM/Central-1: Civil Service Retirement and Insurance Records."

§ 299a.7 [Amended]

32 CFR 299a.7(c) is amended by removing the words "Executive for Staff Services" and inserting, in their place, the words "Privacy Act Appeals Authority"; deleting the phrase ". . . Attention: Privacy Act Amendment Appeal."

§ 299a.8 [Amended]

32 CFR 299a.8 is amended by removing the words "Executive for Staff Services" and inserting in their place, the words "Privacy Act Appeals Authority."

§ 299a.9 [Amended]

32 CFR 299a.9 is amended by adding the following sentence at the end of the paragraph: "Duplication fees which do not exceed $30.00 will normally be waived."

§ 299a.10 [Amended]

32 CFR 299a.10 is amended by adding to the "Authority" section of paragraphs (b)(6) and (b)(9) the following statutory cite "5 U.S.C. § 522a(k)(4)."

M. S. Healy,

Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 18, 1981.

[FR Doc. 81–6022 Filed 2–20–81; 8:45 am]

BILLING CODE 3810–70–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 62

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Notice of intent to delay final rulemaking to elicit additional comments for sixty days.

SUMMARY: The Federal Emergency Management Agency is delaying a final rulemaking in respect to certain of FEMA's Proposed Rules on National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions, 44 CFR Parts 59, 60, 61, 62 and 64, published in the **Federal Register** on November 25, 1980, at pp. 78181–78188 in order to provide for an additional comment period.

DATE: All comments received on or before April 15, 1981, will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: H. Joseph Coughlin, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 451–7th Street SW., Room 5126, Washington, D.C. 20472, Telephone Number (202) 755–6580.

SUPPLEMENTARY INFORMATION: On November 25, 1980, (45 FR 78181) FEMA issued proposed rules to provide a broadening of coverage under the Standard Flood Insurance Policy, an increase in the basic deductible provisions, a reduction, on premium amounts in excess of $2,000, in the commissions payable to agents, an increase in the minimum premium payable to obtain a flood insurance policy and an insurance rating procedure involving the individual rating of structures in coastal high hazard areas to implement Section 9.11(e) of 44 CFR Part 9, which required such a rating system, effective February 1, 1981. Some of the proposed changes in the flood insurance coverage are substantive in nature. For example, the proposed rule would amend the Standard Flood Insurance Policy to provide, as an additional hazard mitigation tool, increased cost of construction coverage with which flood damaged single family residences not located in dangerous coastal high hazard areas or in floodways can be reconstructed after a flood to comply with improved construction practices in effect in the community by virtue of its participation in the National Flood Insurance Program. An enhanced replacement cost provision as to one to four family homes and definitive policy renewal provisions have also been proposed.

While comments were still being accepted and reviewed and given due consideration as late as January 16, 1981, thus providing an additional three weeks for comment review, the tenor of some of the comments received indicated that additional time for eliciting comments and conducting a policy review of many of the new initiatives proposed in the November 25, 1980, proposed rulemaking was in order.

Being anxious to benefit to the fullest extent possible by the comments of interested citizens and communities concerning the November 25, 1980, proposed rulemaking, FEMA is publishing, as a final rulemaking in the Rules section of this date's **Federal Register,** (see Table of Contents) only those rules proposed in November 25, 1980, which have to do with fiscal matters or which incorporate needed editorial matter into the program's existing rules. Matters not published as final rules at this time, but which are subject to an additional comment period through April 15, 1981, include revisions dealing with the individual risk rating system, the broadening of the coverage provisions of the Standard Flood Insurance Policy and the increase in the basic deductible provisions. Thus, the final rulemaking is being held in abeyance at this time to provide an additional sixty (60) days for comments and policy review. Accordingly, the docket in respect to FEMA's Proposed Rule on National Flood Insurance

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Program, Coverage, Sales and Loss Prevention Provisions, 44 CFR Parts 59, 60, 61, 62 and 64, published in the Federal Register on November 25, 1980, at pp. 78181–78188 is being held open and all comments received on or before April 15, 1981, will be considered before final action is taken on any proposed rules contained in the November 25, 1980 publication not published as final in the Rules section of the Federal Register of this date. It should also be noted that, as to the deferral of the individual risk rating system proposed to implement 44 CFR Section 9.11(e), this action is consistent with and engendered by FEMA Amendment of Regulations, dated January 21, 1981, which amended 44 CFR Section 9.11(e)(2) by changing the date February 1, 1981, to May 1, 1981 (46 FR 9034, January 28, 1981).

Pursuant to this notice and pending expiration, on April 15, 1981, of the additional public comment period, FEMA does not intend to publish any final rules generated by the November 25, 1980, proposed rulemaking other than those published as final in the Rules section of the Federal Register of this date.

(42 USC 4001–4128; 44 CFR Part 9)

Dated: February 13, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81–5906 Filed 2–20–81; 8:45 am]

BILLING CODE 6718–01–M

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44 CFR Part 333

[Docket No. FEMA–PP–333–1]

Peacetime Screening of Non-Federal Employees Who Are Members of the Military Reserve

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule applies to key non-Federal employees who are Ready Reservists. It establishes screening procedures to provide the maximum military force in the event of mobilization and at the same time assures effective functioning of State and local governments and defense-supporting and essential civil industries.

EFFECTIVE DATE: Comments are due on or before April 24, 1981.

ADDRESS: Send comments to Rules Docket Clerk, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Henry M. Hyatt, Federal Emergency Management Agency, Washington, D.C. 20472, telephone (202) 566–1476.

SUPPLEMENTARY INFORMATION: On March 27, 1979, in a related rule affecting Federal departments and agencies, the Federal Preparedness Agency, General Services Administration, published a circular (FPC–9) entitled "Federal employees who are members of the Military Ready Reserve." Subsequently, the functions of the Federal Preparedness Agency were transferred to the Federal Emergency Management Agency by Executive Order 12148 (44 FR 43239, effective July 15, 1979). This rule involves the Secretary of Defense and the Secretary of Transportation under Executive Order 11190, as amended by Executive Order 11382. It relates to DOD regulation 1200.7, Screening the Ready Reserve.

In connection with DOD Screening under 32 CFR Part 44, the part furnishes FEMA guidance to nonmilitary Federal departments and agencies, State and local governments, and defense-supporting and essential civil industries.

Accordingly, it is proposed to amend Subchapter E of Chapter 1 of Title 44 by adding new Part 333, "Peacetime Screening."

PART 333—PEACETIME SCREENING

Sec.

333.1 Purpose and definitions.
333.2 Scope and applicability.
333.3 Policy.
333.4 Procedures.
333.5 Responsibilities.

Authority: Section 103 of the National Security Act of 1947, as amended (50 U.S.C. 404), Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et seq.*), Executive Order 12148 of July 20, 1979 (44 FR 43239), Executive Order 11190, as amended by Executive Order 11382.

§ 333.1 Purpose and definitions.

(a) Purpose. The Director, FEMA, after agreement with the Secretary of Labor and the Secretary of Defense, issues this Rule in support of FEMA's Memorandum of Understanding with DOD dated July 15, 1968, "Statement of Understanding Between the Department of Defense and the Office of Emergency Planning Relating to the Screening of Selected Military Ready Reservists Not Employed by the Military Departments or Agencies."

(b) Definitions:

Defense Supporting Industry—That portion of the industrial base of the United States needed to sustain a state of mobilization production to conduct general war or engage in limited conflicts.

Essential Civil Industry—Includes those businesses providing essential goods and/or services needed for the health and safety of the population.

Essential Activities—Includes both defense-supporting and essential civil industry.

Critical Occupations—Those occupations critical for the support of essential activities.

§ 333.2 Scope and applicability.

Key employees of a State, local government, defense-supporting and essential civil industry who are Ready Reservists need to be ascertained by DOD prior to any military mobilization. Upon mobilization, screening will stop and no deferment will be granted a Ready Reservist because of employment.

Employers of Reservists should determine if any perform key functions, and should develop plans and procedures to insure that these functions can be maintained by others in the event of a Ready Reserve mobilization.

§ 333.3 Policy.

Employees who are members of the Ready Reserve may be called into active military service in a national emergency. No deferment from mobilization shall be granted members of the Ready Reserve because of their civilian employment. Key civilian occupation needs must be recognized and planned for in order to accommodate employee reassignment, which may result from a call-up of the Ready Reserve.

§ 333.4 Procedures.

State and local governments, defense-supporting and essential civil industries shall identify all key employees who are members of the Ready Reserve, assess the impact on their organization of a call-up of Reservists in a mobilization of these employees, and use the following procedures as appropriate:

(a) Prepare other employees to assume the essential functions of Ready Reservists.

(b) Transfer the essential functions of Ready Reservists to other employees.

(c) Develop plans to fill positions vacated by Ready Reservists in a mobilization.

(d) Make other arrangements to have the essential functions of Ready Reservists performed.

(e) Use the criteria and procedures in Department of Defense Regulation 32 CFR Part 44 on a case-by-case basis to request that key employees be screened out of the Ready Reserve. These DOD procedures may be used only prior to mobilization. If mobilization is directed, these procedures will be terminated and all members of the Ready Reserve will be subject to mobilization.

§ 333.5 Responsibilities.

Employers of Ready Reservists will notify the Armed Forces in order to determine if potential conflicts affecting their employees between military or civil duties warrant change in Ready Reserve status.

The Department of Labor, through appropriate national and regional offices, will be available to advise defense-supporting or essential civilian businesses on occupations that have been determined to be "Critical" to "Essential Activities" in support of a mobilization and to assist such businesses in substantiating their claims for essential civil positions through the development of local "Employment Stabilization Plans."

In all cases, 32 CFR Part 44 procedures shall pertain. If a firm's request for exemption from military duties is denied by DOD and should continued conflict between DOD and employers persist on essential civil employment, on the basis of criteria adopted jointly by DOC, DOD, DOL, and FEMA, then FEMA Regional Directors shall be delegated the responsibility to adjudicate differences.

Dated: January 27, 1981.

John W. McConnell,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81–5906 Filed 2–20–81; 8:45 am]

BILLING CODE 6718–01–M

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Notices

Federal Register
Vol. 46, No. 35
Monday, February 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Intent to Prepare Environmental Impact Statement; Lake Tahoe Basin

Lake Tahoe Basin Land Acquisition Plan: Portions of the Eldorado, Tahoe and Toiyable National Forests Administered by the Lake Tahoe basin Management Unit; includes lands within El Dorado, Alpine and Placer Counties, California and Washoe and Douglas Counties, and Carson City Nevada.

The U.S. Department of Agriculture, Forest Service, will prepare an environmental impact statement for the acquisition of environmentally sensitive land within the Lake Tahoe Basin as defined and authorized in H.R. 7306 (Santini-Burton Act) passed by the 96th Congress on December 8, 1980, and signed into law by the President on December 23, 1980.

A plan and map are being prepared to identify the environmentally sensitive lands involved. The environmental analysis will identify alternatives and analyze effects of implementing the alternatives. A range of alternatives will be considered. One of these will be no acquisition of these lands. Other alternatives will respond to issues and concerns associated with this action.

All individuals, organizations, Federal, State and local agencies who may be interested in or affected by the decision are invited to participate in the scoping process, which includes: (a) identification of those issues to be addressed; (b) identification of issues to be analyzed in depth; (c) elimination of insignificant issues, (d) possible alternatives to be considered, and (e) related actions. The scoping meetings will be held by the Forest Service as follows:

Monday, March 2, 1981, 2–4:30 p.m.; 7–9:30 p.m., Public Employees Retirement System Bldg., 693 W. Nye Lane, Carson City, Nevada
Thursday, March 5, 1981, 2–4:30 p.m.; 7–9:30 p.m., Country Club Chateau, Fairway Blvd. off Northwood Blvd., Incline Village, Nevada
Wednesday, March 11, 1981, 2–4:30 p.m.; 7–9:30 p.m., State Resources Bldg., 1416 Ninth St., Sacramento, CA
Friday, March 13, 1981, 2–4:30 p.m.; 7–9:30 p.m., Vagabond Motel Conference Room, Highway 50 at Ski-Run Blvd., So. Lake Tahoe, CA

A draft environmental impact statement will be distributed about July 1, 1981. It will display the various alternative plans analyzed including a preferred alternative. Following a minimum 60-day public review period, a plan will be selected and a final environmental impact statement will be prepared and distributed in November 1981.

Mr. John R. Block, Secretary of Agriculture, is the responsible official.

For further information about the planning project or the availability of planning documents, contact Jon Hoefer, USDA-Forest Service, Lake Tahoe Basin Management Unit, P.O. box 8465, 1052 Tata Lane, South Lake Tahoe, California 95731.

Dated: February 13, 1981

R. Max Peterson,
Chief.

[FR Doc. 81-5690 Filed 2-20-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Week ended February 13, 1981.

In the matter of notice of applications for certificates of public convenience and necessity and foreign air carrier permits filed under Subpart Q of the Board's procedural regulations (see, 14 CFR 302.1701 et seq.).

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Feb 12, 1981	39294	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing it to engage in scheduled air transportation between a point or points in the United States, on the one hand, and points in Thailand and Singapore, on the other. Conforming applications, motions to modify scope, and answers may be filed by March 12, 1981.
Feb 12, 1981	39296	Jet Fleet Corporation, 8605 Lemmon Avenue, Dallas, Texas 75209. application of Jet Fleet Corporation pursuant to Section 401(d)(1) of the Act, Parts 201 and 204 of the Board's Regulations and Order 81-1-14, requests a certificate of public convenience and necessity to engage in charter transatlantic cargo air transportation. Conforming applications, motions to modify scope, and answers may be filed by March 12, 1981.
Feb 12, 1981	39297	International Travel Arrangers, Inc., c/o Stephen D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036. Application of International Travel Arrangers, Inc. pursuant to Section 401(d)(1) of the Act, Parts 201 and 204 of the Board's Regulations and Order 81-1-14, requests a certificate of public convenience and necessity to engage in charter transatlantic cargo air transportation. Conforming Applications, motions to modify scope, and answers may be filed by March 12, 1981.
Feb 13, 1981	39307	Sea Airmotive, Inc., P.O. Box 6003, Anchorage, Alaska 99502. Application of Sea Airmotive, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment of its certificate of public convenience and necessity to authorize the air transportation of persons, property and mail over the following new segment. Between the terminal point *Aleknagik*, the intermediate points: Clarks Point, Dillingham, Egegik, Ekuk, Ekwok, Igiugig, King Salmon, Kodiak, Koliganek, Levelock, Manokotak, Naknek, New Stuyakok, Pilot Point, Portage Creek, Queen, San Juan, South Naknek, Togiak, and the terminal point Ugashik. Conforming Applications, motions to modify scope, and answers may be filed by March 13, 1981.

Phyllis T. Kaylor,
Secretary.

FR Doc. 81-5662 Filed 2-20-81; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Georgia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 4:00 pm and will end at 6:30 pm. on March 13, 1981, at the Atlanta Marriott, Courtland and International Boulevard, Hermitage Room, Atlanta, Georgia 303, the purpose of this meeting is to plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Edward E. Elson, 65 Valley Road, Atlanta, Georgia 30305, (404) 691-2800; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-5942 Filed 2-20-81; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bicycle Tires and Tubes From Korea; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on bicycle tires and tubes from Korea. The review covers four of the five known exporters of this merchandise to the United States. The review covers separate time periods for each exporter up to March 31, 1980. This review indicates the existence of dumping margins in each period for all four exporters. The Department is currently conducting a review of the fifth exporter.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and purchase price on each of their shipments occurring during the covered periods. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT:
Joseph A. Fargo, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3020).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 13, 1979, a dumping finding with respect to bicycle tires and tubes from Korea was published in the **Federal Register** as Treasury Decision 79-115 (44 FR 22051-2). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new Title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative review of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on bicycle tires and tubes from Korea. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of bicycle tires and tubes from Korea. The term "bicycle tires and tubes" means pneumatic bicycle tires and tubes, of rubber or plastics, whether such tires and tubes are sold together as units or separately. Bicycle tires and tubes are currently classifiable under items 772.4800 and 772.5700, respectively, of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of five exporters to the United States of Korean bicycle tires and tubes. This review covers four of them from the date of suspension of liquidation for each company up to March 31, 1980, during which shipments of bicycle tires and tubes may have been made to the United States. Different time periods are involved for different companies. The Department is currently conducting a review of the fifth company.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act and section 203 of the 1921 Act, since all sales were made to unrelated purchasers.

In this case purchase price was calculated on the basis of either the F.O.B. or C & F, packed price to unrelated purchasers in the United States. Where applicable, deductions were made for inland freight, ocean freight, customs brokerage charges, wharfage, and commissions. An addition was made for foreign customs duties, a defense tax, and a value-added tax incurred on raw materials rebated by reason of the exportation of the merchandise to the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price for three companies, as defined in section 773(a) of the Tariff Act and section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market by them to provide a basis for comparison. Each company sold in the home market at least 9.5 percent of total sales, and at least 11.3 percent of sales for export to countries other than the U.S., during the periods covered. The Department used third-country price (Canada) for the fourth company, as defined in section 773(b) of the Tariff Act and section 205 of the 1921 Act, since such or similar merchandise was not sold by it in the home market. The home market prices and third-country prices are based on delivered or F.O.B. prices to unrelated purchasers in the home market or third country, with adjustments for inland freight, rebates, bonuses, commissions, insurance, and packing differentials, where applicable. Claims made for interest costs associated with delayed payment on home market sales, and for advertising, bad debt and entertainment expenses, were not allowed because the respondents presented insufficient information to justify those adjustments. In general, the respondents did not show that such costs were attributable to bicycle tires and tubes, nor did they show that those expenses were limited to the home market. Furthermore, they did not prove that such expenses were directly related to the sales under consideration, rather than general overhead expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Korean exporter	Time period	Margin (percent)
Dae Yung Commercial Co., Ltd.	3/1/78–12/31/78	5.75
	1/1/79–3/31/80	1.11
Hung-A Industrial Co., Ltd.	4/1/78–12/31/78	3.62
	1/1/79–3/31/80	2.22
Korea Inoue Kasei Co., Ltd.	4/1/78–12/31/78	1.11
	1/1/79–3/31/80	7.78
Shin Hung Rubber Co., Ltd.	1/1/79–3/31/80	8.86

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess duties on all entries made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication on the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5871 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

Birch 3-Ply Doorskins From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on birch 3-ply doorskins from Japan. The review covers sixteen exporters of this merchandise to the United States and covers separate time periods for each exporter up to January 31, 1980. This review indicates the existence of dumping margins in particular periods for certain exporters.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and United States price on each of their shipments occurring during the covered periods. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Michael P. Galbraith, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3873).

SUPPLEMENTARY INFORMATION:

Procedural Background

On February 18, 1976, a dumping finding with respect to 3-ply birch doorskins from Japan was published in the **Federal Register** as Treasury Decision 76–48 (41 FR 7389). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published a notice of intent to conduct administrative reviews of all outstanding dumping findings in the **Federal Register** of March 28, 1980 (45 FR 20511–20512).

As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on 3-ply birch doorskins from Japan. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of birch 3-ply doorskins manufactured in a variety of types, sizes and colors. Birch 3-ply doorskins are currently classifiable under items 240.1420, 240.1440 and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of sixteen exporters to the United States of Japanese birch 3-ply doorskins purchased from eight manufacturers. Except for those exporters and time periods listed below, this review covers all exporters for all periods up to January 31, 1980, during which shipments of birch 3-ply doorskins may have been made to the United Staes and for which appraisement instructions ("master lists") have not been issued. Therefore, different time periods are involved for different companies. The exporters for the time periods below are not covered by this review:

(1) Nichimen Co., Ltd.	1/1/79–1/31/80
(2) C. Itoh & Co., Ltd. (purchases from all manufacturers except Nitta Veneer Co., Ltd.)	1/1/79–1/31/80
(3) Toyo Menka Kaisha, Ltd.	1/1/79–1/31/80
(4) Associated Lumber & Trading Co., Ltd.	1/1/80–1/31/80
(5) Mitsui & Co., Ltd.	1/1/80–1/31/80
(6) Nissho—Iwai Co., Ltd.	1/1/80–1/31/80

These exporters for these respective periods will be covered in a subsequent notice. The estimated antidumping duty deposit rate for these firms will be based on the most recent of the margins calculated in the present review for each firm.

Six companies stated that they did not export birch 3-ply doorskins during the review period:

(1) Kiyosato Rinsan Co., Ltd.
(2) Keisei Lumber Co., Ltd.
(3) Yuasa Trading Co., Ltd.
(4) Fujikawa Veneer Co., Ltd.
(5) Okura & Co., Ltd.
(6) Iwakura Gumi Lumber Co., Ltd.

The estimated deposit rate for these companies is based on the most recent information for each firm. The rate will be the one published in the most recent master list for each firm.

Tokiwa Plywood Co., Ltd. and Kitami Industry Co., Ltd. are known to have ceased production of birch doorskins and are therefore not covered by this review.

The degree of specificity found in the responses varied widely. When information proved insufficient, we used the best information available.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act or section 203 of the 1921 Act, since all sales were made to unrelated purchasers. Purchase price was calculated on the basis of the F.O.B. or C.I.F. duty paid, packed price to an unrelated purchaser in the United States, as appropriate. Where applicable, deductions were made for ocean freight, insurance, shipping charges, inland freight, brokerage charges, U.S. duty, and loading charges.

An adjustment was also made to reflect actual sales price when a quantity allowance was made by the seller for "free-trim" in excess of the invoice quantity. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used constructed value as defined in section 773(e) of the Tariff Act or section 206 of the 1921 Act, since all manufacturers indicated that insufficient quantities of 3-ply birch doorskins were sold by manufacturers in the home market or in third countries at prices at or above the cost of production. During the current review period, virtually all birch 3-ply doorskins produced by the eight manufacturers were exported to the United States.

Constructed values were calculated as the sum of materials, fabrication costs, general expenses, profit and the cost of packing The amount added for general expenses constituted at least ten percent of the sum of materials, labor and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and cost.

The Department rejected various claims regarding the production cost differentials occurring among certain types and sizes of birch doorskins because supporting data were insufficient to assess the accuracy of such differentials. Instead, whenever possible, the Department estimated these differentials by using detailed production cost data provided by one of the manufacturers in an earlier period, which disaggregated the various cost components of producing most types and sizes of birch doorskins. The Department has applied these estimated production cost differentials to each firm's unit cost of producing the standard type of birch doorskin when such an avarage could be determined.

When the Department could not accurately determine the quantities of each type or size of merchandise sold by a manufacturer to the exporters, the Department used the manufacturer's average production cost as the unit cost of producing the standard birch doorskin, adjusting this unit cost by the same estimated differentials to determine the production costs of different types and sizes. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Japanese exporter	Time period	Margin (percent)
1. Associated Lumber & Trading Co., Ltd. (Mfr.-Sanmoku Lumber Co., Ltd.)	1/1/78–12/29/78	
	12/30/78–12/31/79	4.55
2. Nissho-Iwai Co., Ltd. (Mfr.—Matsumoku Industries, Ltd.)	1/1/79–12/31/79	[1] 2.75
	1/1/78–12/31/78	2.75
(Mfr.—Sattsuru Veneer Co., Ltd.)	1/1/78–12/31/78	
3. Nichimen Co., Ltd.	1/1/78–12/31/78	
4. Shingu Shoko, Ltd.	1/1/78–12/31/78	
	1/1/79–1/31/80	[1]
5. Mitsubishi Corp. (Mfr.—Sattsuru Veneer Co., Ltd.)	1/1/78–12/31/78	
	1/1/79–1/31/80	2.0
(Mfr.—Marutama Industries Co., Ltd.)	1/1/79– 1/31/80	
6. C. Itoh & Co., Ltd. (Mfr.—Matsumoku Industries, Ltd.)	1/1/78–12/31/78	0.25
(Mfr.—Nitta Veneer Co., Ltd.)	1/1/78–12/31/78	0.92
(Mfr.—Nitta Veneer Co., Ltd.)	1/1/79–12/31/79	
(Mfr.—Showa Lumber Co., Ltd.)	1/1/78–12/31/78	
(Mfr.—Sattsuru Veneer Co., Ltd.)	1/1/78–12/31/78	
(Mfr.—Teshiogawa Lumber Co., Ltd.)	1/1/78–12/31/78	
(Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/78–12/31/78	17.0
7. Mitsui & Co., Ltd.	1/1/77–12/31/77	
(Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/78–12/31/78	
	1/1/79–12/31/79	3.1
(Mfr.—Teshiogawa Lumber Co., Ltd.)	1/1/78–12/31/78	
	1/1/79–12/31/79	
(Mfr.—Matsumoku Industries Ltd.)	1/1/78–12/31/78	
	1/1/79–12/31.79	2.9
(Mfr.—Marutama Industries Ltd.)	1/1/81–12/31/78	
	1/1/79–12/31/79	
8. Ikeuchi Industry Co., Ltd.	1/1/78–12/31/78	
	1/1/79– 1/31/80	1.83
9. Toyo Menka Kaisha, Ltd.; (Mfr.—Nitta Veneer Mfg. Co., Ltd.)	1/1/78–12/31/78	16.0
(Mfr.—Marutama Industries Co., Ltd.)	1/1/78–12/31/78	
(Mfr.—Sattsuru Veneer Co., Ltd.)	1/1/78–12/31/78	
(Mfr.—Teshiogawa Lumber Co., Ltd.)	1/1/78–12/31/78	
(Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/78–12/31/78	2.5
10. Nitta Veneer Mfg. Co., Ltd.	1/1/78–12/31/78	9.01
	1/1/79–1/31/80	[1] 9.0
11. Kiyosato Rinsan Co., Ltd.	1/1/78– 1/31/80	[2] 0.65
12. Keisei Lumber Co., Ltd.	1/1/78– 1/31/80	[1]
13. Yuasa Trading Co., Ltd.	1/1/79– 1/31/80	[1]
14. Fujikawa Veneer Co., Ltd.	1/1/79– 1/31/80	[1]
15. Okura & Co., Ltd.	7/1/79– 1/31/80	[1] 1.75
16. Iwakura Gumi Lumber	4/1/79– 1/31/80	[1] 7.2

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the time periods involved. Individual differences between United States price or purchase price and foreign market value or constructed value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C.1675(a)(1)) and 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 81-5872 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

Elemental Sulphur From Mexico; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on elemental sulphur from Mexico. The scope of the review covers the three known exporters of this merchandise to the United States. The review covers separate time periods for each exporter and indicates the existence of dumping margins for two exporters and no margins for the third.

As a result of this review, the Department has preliminary determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and purchase price on each of their shipments occurring during the covered periods. Where no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: Feburary 23, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4106).

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SUPPLEMENTARY INFORMATION:

Procedural Background

On June 28, 1972, a dumping finding with respect to elemental sulphur from Mexico was published in the **Federal Register** as Treasury Decision 72-179 (37 FR 12727). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on elemental sulphur from Mexico. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of elemental sulphur. Basically, there are two types of sulphur, "bright" and "dark". Chemically these two types are almost equal, the dark sulphur being discolored by certain hydrocarbon impurities. The greatest single use of sulphur is in the manufacture of sulphuric acid. In elemental form or as sulphuric acid it enters into the production or processing of hundreds of products. Among the most important are fertilizers, chemicals, titanium and other pigments, pulp and paper, rayon, film, iron and steel, dyestuffs, vulcanized and synthetic rubber, insecticides, fungicides, fuels and explosives. Elemental sulphur is currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of three firms which export sulphur directly to the United States. One of the three, Azufrera Panamerica, S.A., also exports sulphur produced by Pemex. On January 5, 1978, Azufrera was excluded from the finding; however, appraisement instructions ("master lists") for one shipment in 1972 have not been issued. The present review completes consideration of Azufrera through the date of its exclusion. On June 13, 1979, a tentative revocation was published for the second firm, Compania Exploradora del Istmo, S.A. (CEDI). The Department will take no further action at this time on the revocation since CEDI has not provided the requested written agreement required by section 353.54(e) of the Commerce Regulations.

This review covers two time periods for CEDI up to June 13, 1979, the date of the tentative revocation. Master lists have been issued for the periods not covered by this review and there are no known unliquidated entries for CEDI for those periods. The third firm, Agro Centro, S.A., failed to respond to the Department's questionnaire. For this non-responsive exporter we will use the best information available, which is the highest fair value rate for the firms investigated.

Purchase Price/Exporter's Sales Price

The Department used purchase price for Azufrera and Agro Centro, as defined in section 203 of the 1921 Act, and exporter's sales price for CEDI, as defined in section 204 of the 1921 Act. Purchase price was calculated on the basis of the F.O.B. or C.I.F. price to an unrelated purchaser in the United States. Exporter's sales price was calculated on the basis of the delivered price to an unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, insurance, shipping charges, U.S. and foreign inland freight, brokerage and port charges, export tax, U.S. duty, U.S. selling expenses, and terminal charges. We added that portion (50%) of the export tax that was rebated by the Mexican Government. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. The one responding producer sold over 35% of its total production in the home market. The home market prices are based on delivered prices with adjustments for blending and filtering costs and bulk handling, where applicable. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price or exporter's sales price to foreign market value, we preliminarily determine that the following margins exist:

Exporter	Time period	Margin (percent)
Azufrera Panamerica, S.A.	2/72	[1] 1.5686
Compania Exploradora del Istmo, S.A.	11/25/71-12/31/73	
	1/1/79- 6/13/79	
Agro Centro, S.A.	[2] 1/1/77- 5/31/80	[3]

[1] The margin for the one remaining unliquidated entry dated prior to Azufrera's exclusion.
[2] Agro Centro made no entries during the 1980 portion of the period reviewed.

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates or export dates as appropriate during the time periods involved. Individual differences between pruchase price or exporter's sales price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review. Since Azufrera has been excluded from the finding, there will be no cash deposit requirement for this firm.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5673 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

Railway Track Maintenance Equipment From Austria; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on railway track maintenance equipment from Austria. The review covers the only known exporter of this merchandise to the United States, Plasser and Theurer, GmbH, Linz, Austria, and is limited to two product lines, ballast regulators and tamping machines. The review covers two time periods up to December 31, 1979. This review indicates the existence of a *de minimis* margin of 0.13% for the first time period and no shipments for the secont time period.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between constructed value and exporter's sales price on shipments occurring during the first time period. Because of the *de minimis* nature of the calculated margin, the Department has also preliminarily determined not to require estimated cash deposits for shipments entered after the date of publication of the final results of this review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230 (202-377-2209).

SUPPLEMENTARY INFORMATION:

Procedural Background

On February 17, 1978, a dumping finding with respect to railway track maintenance equipment from Austria was published in the **Federal Register** as Treasury Decision 78-61 (43 FR 6937). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the anitdumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on railway track maintenance equipment from Austria. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of ballast regulators and tamping machines, two specific types of railway track maintenance equipment. Any other types of machinery used in the maintenance of railway track are excluded from this finding. All railway track maintenance equipment is currently classifiable under item 692.2000 of the Tariff Schedules of the United States Annotated (TSUSA). Plasser & Theurer, GmbH, is the only known exporter to the United States of Austrian railway track maintenance equipment. this review covers two separate time periods, May 10, 1977 (the date of suspension of liquidation during the fair value investigation) through December 31, 1977, and January 1, 1978, through December 31, 1979. For the latter period, there were no known shipments to the United States.

Exporter's Sales Price

The Department used exporter's sales price, as definded in section 204 of the 1921 Act, since all sales were made to a U.S. firm related to the manufacturer within the meaning of section 207 of the 1921 Act. In this case, exporter's sales price was calculated on the basis of the related U.S. firm's selling price to unrelated U.S. purchasers, with deductions for ocean freight, insurance, foreign inland freight, U.S. duty, brokerage & handling, U.S. inland freight, and selling and technical expenses. Deductions were also made, where applicable, for volume discounts, cash discounts, and any increase in value resulting from further manufacture or assembly performed on the imported merchandise after importation and prior to its sale to the unrelated purchaser. No other adjustments were claimed or allowed.

Constructed Value

The Department used constructed value, as defined in section 206 of the 1921 Act, since there are no sales of such or similar merchandise in the home market, and there are large numbers of functional as well as design differences between machines produced for export to the U.S. and those produced for export to third countries that distort the value of the machines and make them not comparable. The constructed value was calculated on the basis of the sum of the cost of materials and fabrication of the merchandise, an amount for general expenses not less than 10% of the cost of materials and fabrication, an amount for profit not less than 8% of the sum of such general expense and cost related to the manufacture and sale of merchandise of the same general class or kind as the merchandise under consideration, and the cost of all containers and coverings used to pack the merchandise ready for shipment to the U.S.

Results of Review

As a result of our comparison of exporter's sales price to constructed value, we preliminarily determine that the following margins exist:

Time period	Margin (percent)
May 1, 1977 through Dec. 31, 1977	0.13
Jan. 1, 1978 through Dec. 31, 1979	[1] 0.13

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties, where appropriate, on all entries during the period. Individual differences between exporter's sales price and constructed value may vary from the percent stated above. The Department will separately issue appraisement instructions directly to the Customs Service. Because there is a *de minimis* margin for the last known shipments, the Department shall not require a cash deposit, as defined in section 353.48(b) of the Commerce Regulations, on any shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5674 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

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Sugar From France, Belgium and the Federal Republic of Germany; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on sugar from France, Belgium, and the Federal Republic of Germany. The review covers the 13 known exporters and transshippers of this merchandise to the United States and covers the time period February 12, 1979 through May 31, 1980 for each firm. The review has disclosed no imports of sugar from the three countries and no known unliquidated entries during that time.

As a result of this review, the Department has preliminarily decided to require cash deposits equal to the calculated dumping margins on the last known shipments for which margins have been found. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4106).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 13, 1979, a dumping finding with respect to sugar from France, Belgium, and the Federal Republic of Germany was published in the **Federal Register** as Treasury Decision 79–167 (44 FR 33878). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by sections 751 of the Tariff Act, the Department has conducted an administrative review of the finding on sugar from France, Belgium, and the Federal Republic of Germany. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of Review

Imports covered by this review are shipments of sugar, both raw and refined, currently classifiable under item numbers 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 13 exporters and transshippers to the United States of sugar from France, Belgium, and the Federal Republic of Germany. The review covers the period February 12, 1979 (the date of suspension) through May 31, 1980.

Preliminary Results of the Review

Our review shows no shipments or transshipments of sugar from France, Belgium, and the Federal Republic of Germany during the period of review. There are no known unliquidated entires. The Department used fair value weighted-average margins as the best information available.

Shippers	Margins[1] (percent)
France	
S.A. Ancienne Maison Marcel Bauche	102
Societe Beghin Say S.A.	102
Societe Jean Lion	102
Generale Sucriere	102
CIE Commerciale Sucre et Denrees	102
Belgium	
Raffinerie Tirlemontoise S.A.	103
Societe pour l'Exportation des Sucres	103
Federal Republic of Germany	
Suddeutsche Zucker AG	121
Pfeifer & Langen	121
Braunschweiger AG	121
August Topfer & Co.	121
Transshippers	
E.D. & F. Man, Ltd.[2]	
C. Czarnikow, Ltd.[2]	

[1] No shipments during current period.
[2] London, England, rate based on country of origin.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit of 102%, 103%, and 121% of the entered value, based upon the margins calculated above, shall be required on all shipments from France, Belgium, and the Federal Republic of Germany, respectively, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. The cash deposit shall be reduced by the amount of any countervailing duty cash deposit (for an export subsidy) required at the time of entry. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald

Deputy Assistant Secretary for Import Administration.

[FR Doc. 5475 Filed 2–20–81; 8:45 am]

BILLING CODE 3510–25–M

Viscose Rayon Staple Fiber From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commmerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from France. The scope of this review is limited to the only known producer of fiber exported to the United States and to the period November 16, 1978 through February 29, 1980. Neither the producer nor its exporter provided adequate information for analysis. Use of the best information available has resulted in the preliminary determination to assess dumping duties based on information acquired during the fair value investigation. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 21, 1979, a dumping finding with respect to viscose rayon staple fiber from France was published in the **Federal Register** as Treasury Decision 79–88 (44 FR 17156–7). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act of 1930 ("the Act"), the Department has conducted an administrative review of the finding on viscose rayon staple fiber from France.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known French exporter to the United States is Achille Bayart et Cie. The only known producer is Rhone-Poulenc Textile. The review coveres the time from suspension of liquidation, November 16, 1978, through the anniversary date of the finding, February 29, 1980.

The producer, Rhone-Poulenc Textile stated that it did not export viscose rayon staple fiber to the United States. Achille Bayart et Cie stated that it made no direct sales of viscose rayon staple fiber to the United States from June 1, 1979 through February 29, 1980. However, the Department has records of exports of viscose rayon staple fiber from Achille Bayart et Cie. The Department therefore used the best information available to determine dumping margins. The best information is the fair value rate.

In addition, the producer feels that its product is not covered by the scope of the finding. The Department has examined the fiber subject to the review and determined that exports are subject to the antidumping duty finding.

Preliminary Results of the Review

As a result of the review, we preliminarily determine that all viscose rayon staple fiber from France purchased during the period November 16, 1978 through February 29, 1980 shall be assessed dumping duties of 24 percent of the ex-factory, packed purchase price.

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess duties on all entries made with purchase dates during the time period involved. The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties of 24 percent, based on the fair value weighted-average margin for Rhone-Poulenc, shall be required on all shipments of fiber produced in France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–5670 Filed 2–20–81; 8:45 am]

BILLING CODE 3510–25–M

Articles of Quota Cheese; Annual Listing of Foreign Government Subsidies

Correction

In FR Doc. 81–5289, published at page 12528, on Tuesday, February 17, 1981, on page 12529, in the first column, in "Appendix—*Quota Cheese Subsidy Programs*", in the third line under the entry for "Finland", in the "Gross Subsidy" column "1.07" should be corrected to read "$1.07".

BILLING CODE 1505–01–M

[Order No. 41–1 (Amendment 1); D.O.O. Reference 10–3, 40–1]

Director General of the Foreign Commercial Service; Organization and Function Order

Subject: International Trade Administration.

Effective date: January 16, 1981.

ITA Organization and Function Order 41–1 (45 FR 11862) is amended to reflect the revised reporting relationships of the Director General of the Foreign Commercial Service. The Director General reports directly to the Under Secretary for International Trade for matters of an institutional or administrative nature and reports and is responsible to the Assistant Secretary for Trade Development with regard to delivery of services in support of trade development programs. In addition, the order is amended to establish the office of Trade Information Services reporting to the Deputy Assistant Secretary for Export Development.

1. Part I, Section 1.02 is amended to read:

".02 This order also delegates authorities from the Under Secretary for International Trade to the Deputy Under Secretary for International Trade, the Assistant Secretaries for Trade Development, Trade Administration and International Economic Policy and the Director General of the Foreign Commercial Service. Department Organization Order 10–3 prescribes the scope of authority of the Under Secretary."

2. Part II, Section 1 is amended to delete Subparagraphs .01 b and c.

3. Part II, Section 2 is amended to read as follows:

Section 2. Organization and Functions

.01 The Deputy Under Secretary for International Trade ("the Deputy Under Secretary") shall serve as the principal deputy to the Under Secretary, perform such duties as the Under Secretary shall assign and perform the functions of the Under Secretary in the latter's absence. The Deputy Under Secretary shall provided advice and assistance to the Under Secretary and congressional liaison for ITA in coordination with the Assistant Secretary for Congressional Affairs. The Deputy Under Secretary shall be responsible for day-to-day management of ITA.

.02 The Office of the Deputy Under Secretary includes the *Director of Administration* who shall be the principal advisor to the Under Secretary and the Deputy Under Secretary on management policy for the International Trade Administration. The Director of Administration shall direct the ITA Equal Employment Opportunity Program and shall direct the following offices:

a. The *Office of Personnel* shall develop and administer ITA personnel management programs including recruitment, placement, employee development, classification, labor-management relations, equal employment opportunity, and employee relations and provide liaison with the Department Office of Personnel;

b. The *Office of Management and Systems* shall provide management, organization and systems analysis, including management studies and surveys and organizational planning studies; coordinate program evaluation,

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coordinate ADP systems development, perform the committee management, directives management, records management, forms management, files management, correspondence management and reports management functions for ITA; coordinate GAO and Departmental audits; coordinate activity under the Freedom of Information Act and the Privacy Act of 1974; maintain boycott reports for public inspection; and provide liaison with the Departmental Office of Organization and Management Systems and the Office of Information Management;

c. The *Office of Administrative Support* shall provide administrative and support services for ITA including physical and document security and related matters, travel, safety, correspondence control, and space management; and provide procurement liaison consistent with any administrative agreements between the Under Secretary for International Trade and the Assistant Secretary for Administration;

d. The *Office of Budget* shall formulate, present, execute and assess program effectiveness of the ITA budget; effect financial and budgetary controls; prepare budget reports; and provide liaison with the Departmental Office of Budget and Program Evaluation;

e. The *Office of Public Affairs* shall advise on all public affairs and information service matters; provide ITA centralized information services, conduct and be responsible for all publications programs, consonant with the provisions of Department Organization Order 20–9, "Office of Publications"; provide speech writing and scheduling services; coordinate all audiovisual, exhibit, and advertising activities; maintain liaison with the Departmental Office of Publications, the Departmental Office of Public Affairs and the news and trade media consonant with the provisions of Department Organization Order 15–3, "Office of Public Affairs"; and publish *Business America* magazine.

4. Part V, Section 1.01g. is added to read:

"g. The trade promotion and commercial functions transferred to the Secretary from the Secretary of State or the Department of State by section 5(b)(1) of Reorganization Plan No. 3 of 1979 and Executive Order 12188 of January 2, 1980, as necessary to the direction of trade development programs delivered through the Foreign Commercial Service."

5. Part V, Section 2.01a is revised, as follows:

"a. The *Office of Export Marketing Assistance* shall develop programs designed to foster an export consciousness in the United States; identify and attract to exporting U.S. companies that do not export and assist U.S. companies to export to their full potential; inform U.S. companies of export methods benefits and opportunities; develop and carry out programs to attract small and minority businesses to exporting; assess industry's needs for promotional assistance and marketing information through contacts with trade associations, experienced exporters, government entities and individual U.S. companies; assist firms in the resolution of trade complaints; assist U.S. companies to compete for major infrastructure and industrial systems contracts and other major trade opportunities; attract foreign buyers to U.S. trade shows and assist foreign buyers to meet with appropriate U.S. producers; and facilitate foreign direct capital investments and licensing by foreign firms in the U.S."

6. Part V, Section 2.01e is added, as follows:

"e. The *Office of Trade Information Services* shall develop and implement the Worldwide Information and Trade System (WITS); collect, maintain and provide information about the U.S. and foreign trading communities; assist U.S. exporters to identify specific foreign sales representatives, distributors, licensors and direct purchase customers; and collect and disseminate information on specific foreign trade leads."

7. Existing Part VI is renumbered Part VII and a new Part VI is added, as follows:

"Part VI. Foreign Commercial Service

Section 1. Delegation of Authority

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Director General of the Foreign Commercial Service is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended, (15 U.S.C. 1512 *et seq.* 15 U.S.C. 171 *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States, and related provisions;

b. Effective April 1, 1980, the trade promotion and commerical functions transferred to the Secretary from the Department of State or the Secretary of State by section 5(b)(1) of Reorganization Plan No. 3 of 1979, and Executive Order 12188 of January 2, 1980; and

c. The authorities of the Secretary of State under the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*) to be replaced, effective February 15, 1981, by the Foreign Service Act of 1980, and under such other laws the exercise of which are authorized to the Secretary and under Section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980.

.02 Except as otherwise provided, the Director General may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions

The *Foreign Commercial Service* is headed by *Director General* who reports to the Under Secretary and is responsible for administrative management of the Foreign Commercial Service, including development and implementation of policies determining the recruitment, appointment, assignment, evaluation and career development of officers in the Foreign Commercial Service. The Director General Administers the overseas network in ITA for resolving any Foreign Commercial Service post resource conflicts ITA program activities may impose. The Director General also serves as the ITA representative to other U.S. agencies for administrative and management issues affecting the Foreign Commercial Service. For activities relating to the delivery of services in support of the Department's trade development programs, the Director General reports and is responsible to the Assistant Secretary for Trade Development. The Director General directs the following elements:

a. The *Office of Resources Management* shall determine and carry out overall administrative support policies for the FCS including long-term planning and policy for recruitment, appointment, assignment, evaluation, career development and other personnel issues affecting the FCS; and shall carry out administrative management activities for the FCS including oversight of the State Department's shared administration support and activities.

b. The *Office of Operations Planning and Coordination* shall provide oversight and coordination for the workload planning process; represent the FCS overseas in workload management, program and operational policies, and relationships with ITA and other agencies; and provide budget and fiscal planning and control.

c. The *FCS Overseas* shall be responsible for promotion of U.S. commercial interests abroad; implementing the full range of the Department's overseas commercial programs and activities, including those administered by ITA, other Commerce agencies, and other U.S. Government agencies; and coordinating, within the areas of its jurisdiction, the activities of all assigned overseas personnel.

Robert E. Herzstein,

Under Secretary for International Trade.

[FR Doc. 81-5947 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-6; D.O.O. Reference 10-3, 40-1]

Director General of the Foreign Commercial Service, Organization and Function Order

Subject: The Foreign Commercial Service.

Effective date: January 16, 1981.

Part I. Effect on Other Orders

This order supersedes Part III, Section 2 of ITA Organization and Function Order 41–2 of April 28, 1980. (45 FR 38427)

Part II. Purpose

This order delegates authorities from the Director General of the Foreign Commercial Service ("the Director General") to employees of the Foreign Commercial Service (FCS); prescribes the internal organization and assignment of functions of the FCS and describes the reporting relationships between the Director General and the Under Secretary for International Trade ("the Under Secretary") and the Assistant Secretary for Trade Development.

Part III. Organization, Lines of Authority and Principal Functions

Section 1. Organization and Lines of Authority

.01 The internal organization structure for the FCS shall be as depicted in the attached organization chart.[1]

.02 The Director General shall report and be responsible to the Under Secretary for all matters of a management or administrative nature, including, but not limited to, the establishment and structure of the FCS, the operation of its personnel system and authorities, and other support operations.

.03 The Director General shall report and be responsible to the Assistant Secretary for Trade Development for activities relating to the delivery of services in support of the Department's trade development programs, including achievement of marketing and export promotion goals and country planning programs.

[1] Filed as part of the original document.

Part IV. Director General of the Foreign Commercial Service

Section 1. Delegation of Authority

Pursuant to the authorities delegated to the Director General by the Under Secretary, and subject to such policies and directives as the Director General may prescribe, the Director, Office of Resources Management and the Director, Office of Operations Planning and Coordination are delegated such portions of the following authorities as are necessary to the performance of their functions:

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171, *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States, and related provisions;

b. The trade promotion and commercial functions transferred to the Secretary from the Secretary of State or the Department of State by Section 5(b)(1) of Reorganization Plan No. 3 of 1979 and Executive Order 12188 of January 2, 1980; and

c. The authorities of the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.)* to be replaced, effective February 15, 1981, by the Foreign Service Act of 1980, and such other laws, the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and Executive Order 12188 pf January 2, 1980.

Section 2. Organization and Functions

.01 *The Office of the Director General* includes the Director General, who shall direct the Foreign Commercial Service and shall advise the Under Secretary, the Assistant Secretary for Trade Development and other ITA officials regarding the policies and operations of the foreign Commercial Service overseas, the effectiveness of the commercial planning and programming process, and joint activities with the private sector and other foreign affairs agencies. The Office of the Director General also includes the Deputy to the Director General and an *Executive Development Staff* which shall advise the Director General on aspects of FCS operational and policy effectiveness which require special attention and effort, including development of new programmatic or coordination activities, improved management and personnel techniques, clarified or improved policy guidance; and shall consider areas for improvements in personnel assignment, evaluation, and career development; consider findings of State, Commerce and other USG evaluation teams and assure appropriate remedial respones; assure supplementing of evaluation team capabilities with appropriate specialized expertise from FCS staff or elsewhere in Commerce; recommend to Director General measures for increased FCS effectiveness; coordinate its own findings and recommendations with other Commerce or State groups concerned with FCS operations.

The Director General directs the following elements:

.02 *The Office of Resources Management* shall be headed by a Director who shall determine overall administrative support policy, consistent with program priorities and available resources, and shall manage and integrate the activities of the following divisions:

a. *The Personnel Management Division* shall be responsible for long-term planning and policy for all recruitment, appointment, assignment, evaluation and career development issues affecting the FCS, and shall:

1. administer the FCS Officer Evaluation system and related selection boards;

2. establish and provide operational support for all recruitment and assignment panels or boards designed to control the intake and assignement of FCS Officers;

3. develop and manage a program to enhance the allocation, compensation, and career development of Foreign Service National employees;

4. develop business liaison designed to identify and attract business representatives to FCS assignments as well as personnel exchanges between FCS and the private sector;

5. maintain liaison and coordination with ITA and other Department personnel officers, and with the State Department for administration of all Foreign Service Act personnel policies and developments;

6. manage the Commerce-State exchange program;

7. administer an informal FCS grievance program and EEO program;

8. develop and administer post and employee communication programs related to personnel matters and publish related newsletters/journals;

9. provide the staff support for the Department of Commerce's activities on the Board of the Foreign Service and the Board of Examiners of the Foreign Service and be responsible for personnel policy relationships with other civilian

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branches of the Government having overseas personnel; and

10. organize Foreign Commercial staff conferences.

b. *The Management Support Division* shall be responsible for administrative management of the FCS including:

1. oversight of the State Department's shared administration support policies and activities;

2. design and maintenance of a management and logistical support system for FCS posts including operating policies;

3. evaluation and provision of administrative support at posts including space for FCS activities, negotiation and management of leased quarters renovation, supply and local transportation;

4. determination of inventory needs and purchase and maintenance of control over FCS property;

5. representation on the Foreign Affairs Administrative Support Inter-Agency Council;

6. negotiation of agreements with the Departments of State and Defense concerning appropriate regular and emergency medical coverage for FCS employees overseas;

7. participation on the Inter-Agency Allowance Committee to determine appropriate overseas allowances;

8. review and negotiation with the Commerce Department and Department of State security offices of policies and support in the areas of employment and physical security;

9. development and maintenance of FCS international communications systems including policies, clearance, and coordination of equipment selection, procurement and installation;

10. coordination with the Office of the Secretary of Commerce and the Department of State concerning movement of personnel and shipment of household goods;

11. coordination and distribution of scheduled and unscheduled reporting; and

12. assurance of support to posts in business management techniques, business and management information systems and equipment, and telecommunications support, relying primarily on assistance from ITA Administrative elements.

.03 *The Office of Operations Planning and Coordination* is headed by a Director. The Office:

1. provides oversight to the workload planning process;

2. serves as the headquarters liaison for FCS posts and Regional Commercial Officers representing them in the areas of workload management, program and operational policies, procedures, and relationships with other ITA units and foreign affairs agencies;

3. coordinates the FCS role in MTN implementation;

4. recommends long- and short-term budget and staffing levels of effort;

5. serves as ombudsman for FCS clients to resolve problems of program delivery;

6. establishes and maintains liaison with other Government agencies, industry consultative groups, the U.S. Chamber of Commerce and academe to develop new, more effective techniques for promoting U.S. commercial interests abroad;

7. monitors issues involving Congressional liaison, proposing and conducting briefings or other interchanges as appropriate;

8. establishes and monitors the use of small business facilities and services abroad;

9. provides management oversight of the commercial libraries abroad; and

10. provides oversight of fiscal planning and control, representing post needs in the budget formulation and execution processes.

.04 *The Foreign Commercial Service (FCS) Overseas.*

a. The FCS is the overseas operational arm of the Department of Commerce for export development activities. It shall be responsible for promotion of U.S. commercial interests abroad; implementing the full range of Department of Commerce overseas commercial programs and activities, including those administered by ITA, other Commerce agencies, and other U.S. Government agencies; and coordinating, within the areas of its jurisdiction, the activities of all assigned overseas Department of Commerce personnel.

b. FCS posts are directed by a senior commercial officer who reports directly to the ambassador deputy chief of mission and receives program and operational direction from the Department of Commerce. The senior FCS officer at each post shall be responsible for post administration and the utilization and management of the Department of Commerce resources in accordance with objectives, policies and procedures established by the Department of Commerce, as conveyed to the FCS through the Director General of the FCS; and shall be responsible for the direction and supervision of program implementation as conveyed to FCS posts through the Country Commercial Planning and Programming process.

c. Post activities include the following:

1. proposal of Post Commercial Action Programs, including marketing strategies, target industry emphasis, optimum trade promotion events, and budget and personnel resource requirements;

2. support of overseas trade promotion and investment facilitation activities, including Export Development Offices, trade fairs, business development offices, missions, financing support, and related activities, and counseling and support to individual U.S. firms seeking export sales or assistance for procurement contracts;

3. development of marketing and commercial intelligence for dissemination to the U.S. business community through the World-wide Information and Trade System (WITS)-related activities overseas; commercial reporting including industry reports and market research for all ITA units; and management of commercial libraries;

4. support for ITA import and export administration activities; monitoring of U.S. rights and opportunities created by multilateral trade agreements and implementation of related export services and programs; facilitation of U.S. investment and assistance to U.S. service industries' marketing initiatives, and, as resources permit, related needs of other agencies; and

5. representation to host country government on behalf of U.S. business to resolve individual business problems and to further U.S. business interests; representation and participation in negotiations on general trade and investment issues including those relating to implementation of the MTN; assistance to U.S. business representatives to resolve trade complaints; and overseas support for Joint Commission and other trade facilitation groups.

Part V. Administrative and Public Affairs Support

Management, data processing, budget, personnel, public affairs and administrative support services will be provided by Offices reporting to the Director of Administration.

Approved:

Robert E. Herzstein,

Under Secretary for International Trade.

Erland H. Heginbotham,

Director General of the Foreign Commercial Service.

[FR Doc. 81-5840 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name Mr. John Straley and Mrs. Jan Straley (P263).

b. Address Box 273, Sitka, Alaska 99835.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Humpback whales (*Megaptera novaeangliae*)—Up to 100.

4. Type of Take: Potential harassment during observational studies.

5. Location of Activity: Southeastern Alaska.

6. Period of Activity: March 1981-March 1983.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for the Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 25, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: February 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-6012 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Permit

On January 12, 1981, Notice was published in the **Federal Register** (46 FR 2667), that an application had been filed with the National Marine Fisheries Service by the National Zoological Park, Smithsonian Institution, Washington, D.C. 20008 to import specimen material from 200 gray seals (*Halichoerus grypus*) for the purpose of scientific research.

Notice is hereby given that on February 13, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit covering part of the requested activities to the National Zoological Park subject to certain conditions set forth therein. The permit authorizes the import of specimen material from up to 100 gray seals taken by the Canadian government. A decision on the portion of the request involving the import of specimen material taken from live gray seals has been deferred pending receipt of additional information.

The Permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: February 13, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-6013 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-22-M

Regional Fishery Management Councils and Their Advisory Panels; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic, New England, Mid-Atlantic, Gulf of Mexico and Caribbean Fishery Management Councils and their Advisory Panels were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265). This inter-council committee and its Advisory Panels will meet to discuss portions of the draft profile of the Swordfish Fishery Management Plan.

DATES: These public meetings will convene on Thursday, March 12, 1981, at approximately 10 a.m., and adjourn at approximately 5 p.m., on Friday, March 13, 1981, convene at approximately 9 a.m., and adjourn at approximately 3 p.m.

ADDRESS: The meetings will take place at the Ramada Inn-Airport, 845 N. Central Avenue, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: February 18, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-6011 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing the Level of Restraint for Certain Cotton Apparel Imported From Sri Lanka

February 17, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 10 percent the sublimit established for men's and boys' woven cotton shirts (Category 340) within Category 340/341/640/641, produced or manufactured in Sri Lanka, from 350,000 dozen to 385,000 dozen during the agreement year which began on May 1, 1980 and extends through April 30, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement between the Governments of the United States and Sri Lanka, cotton and man-made fiber textile products in Categories 340, 341, 640 and 641 are covered under a single, overall limit with sublimits for the individual categories. Any sublimit may be exceeded by not more than 10

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percent in an agreement year, provided that imports in the four categories do not exceed the overall ceiling. Inasmuch as the overall ceiling will not be exceeded, the sublimit for Category 340 is being increased 35,000 dozen to 385,000 dozen for the agreement year which began on May 1, 1980.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On September 12, 1980, there was published in the **Federal Register** (45 FR 60465) a letter dated September 9, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements which established import restraint levels for certain categories of cotton and man-made fiber textile products, including Category 340/341/640/641, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on May 1, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase to 385,000 dozen the level of restraint established for Category 340.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

February 17, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the letter of September 9, 1980 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption and withdrawal from warehouse for consumption during the twelve-month period which began on May 1, 1980 and extends through April 30, 1981, of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Sri Lanka, in excess of designated levels of restraint.

Effective on February 17, 1981, paragraph 1 of the letter of September 9, 1980 is amended to include an adjusted twelve-month sublimit of 385,000 dozen for cotton textile products in Category 340 within the overall level established for Category 340/341/640/641.[1]

The actions taken with respect to the Government of Sri Lanka and with respect to imports of cotton textile products from Sri Lanka have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-6010 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The adjusted sublimit for Category 340 has not been adjusted to reflect any imports after December 31, 1980.

CONSUMER PRODUCT SAFETY COMMISSION

Priorities for Commission Action; General Statement of Policy

AGENCY: Consumer Safety Commission.

ACTION: Statement of policy.

SUMMARY: This notice lists, with brief descriptions, CPSC priority projects for fiscal year 1981 for Commission action to reduce or eliminate unreasonable risks of injury associated with consumer products. The list is divided into two parts. The first part lists those hazard-related projects designated for priority attention; the second part concerns longer range commitments of the Commission to improve the Commission's regulatory processes. This priority list is for general information to the public and Commission guidance to the staff. The list does not include all activities of the Commission and may change when the Commission believes that revised priorities are appropriate.

EFFECTIVE DATE: Policy now in effect.

FOR FURTHER INFORMATION CONTACT: Charles R. Casper, Deputy Director, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. (301–492–6554).

SUPPLEMENTARY INFORMATION: On December 26, 1979 (44 FR 76387), the Commission published a listing of 23 priority projects for fiscal year 1980. The projects were selected based on the Commission policy for establishing priorities for Commission action (16 CFR 1009.8, 41 FR 27960, July 8, 1976). This policy states that the following criteria will be considered in establishing priorities for Commission action: Frequency and severity of injuries; causality of injuries; chronic illness and future injuries; costs and benefits of Commission action; unforeseen nature of the risk of injury; vulnerability of the population at risk; probability of exposure to the hazard; and, when appropriate, additional factors known to the staff and believed to warrant Commission attention. Those 23 projects were grouped into two categories: a list of hazard-related projects and a list of longer range commitments of the Commission to improve CPSC's regulatory processes.

In this document the Commission establishes 17 priority projects for fiscal year 1981. (Commissioner R. David Pittle dissented from the Commission decision not to list CB antennas as a priority project and to include electric blankets on the priority list.) These projects were selected in accordance with the criteria described above. Several new projects have been added to this year's listing. Others which appeared on the fiscal 1980 list have been dropped either because they are complete or because they no longer warrant priority attention. Because of limited resources, the Commission must carefully focus its activities on the most serious hazards which it can effectively address.

Like the 1980 listing, the fiscal year 1981 listing is divided into two sections. The first section lists on an individual hazard or product basis those 12 products of particular concern to the Commission. The second section lists 5 longer range commitments of the Commission to improve CPSC regulatory processes. While the Commission believes a product-by-product approach to safety is essential in protecting consumers from unreasonable risks of injury, the Commission also believes it must evaluate mechanisms for increasing the overall impact of CPSC on product safety.

The second part of the priority listing, then, is intended to focus the attention of the Commission and the staff on those general areas which will enable the Commission to better fulfill its mission of reducing injuries and deaths to consumers.

The order of projects or categories appearing below does not reflect the priority of one project or cateory as compared to another. In addition, the projects reflect the Commission's judgment of important activities, but should not be taken to be a complete list of all activities of the Commission. The Commission works in many other areas, including enforcing existing regulations and developing material for possible new regulations, conducting research, and monitoring the marketplace for new or unsuspected product hazards.

The Commission issues the following 17 priority projects for fiscal year 1981:

A. Hazard-Related Projects

Aluminum Wiring. Aluminum wiring systems installed in over 1.5 million homes and mobile homes between 1965 and 1973 can overheat posing a potential serious fire hazard. The Commission has asked a federal court to declare such wiring systems an imminent hazard and is seeking an order requiring 26 manufacturers of aluminum wire and electrical devices to give widespread public notice of the hazard and to repair or replace existing wiring systems.

Asbestos. Inhalable asbestos fibers associated with a risk of cancer in humans may be found in a number of consumer products. The Commission has issued a general order to gather information on asbestos in certain consumer products. Selected products will also be tested for asbestos release. Exposure and risk will be determined, and appropriate regulatory actions recommended to the Commission. The Commission and the Environmental Protection Agency are coordinating their efforts in this area.

Benzidine Congener Dyes. Consumers may face a risk of cancer from exposure to consumer dye products and arts/crafts dyes utilizing benzidine, o-tolidine and o-dianisidine dyes (referred to as benzidine congener dyes). The Commission has granted a petition requesting that a ban be proposed for these products and has directed the staff to develop a draft proposed banning regulation for Commission consideration. The Commission will also examine the use of these dyes in clothing and other textiles and will consider whether action is necessary to reduce any hazard identified with this use.

Chain Saws. The Commission estimates that there were over 100,000 chain saw injuries requiring medical attention in 1979, which is up from an estimated 76,000 injuries in 1976. About 23% of the injuries associated with chain saws result from a phenomenon known as "kickback"—the rearward and upward travel of the chain saw when the saw bucks, kicks or otherwise unexpectedly jumps toward the operator. The Commission will begin development of a mandatory consumer product safety standard for chain saws, their components, and replacement parts to address chain saw "kickback" hazards.

Coal and Wood Burning Stoves. Coal and wood burning stoves present a serious fire hazard if improperly installed or inadequately maintained. An estimated 14,000 fires and 115 deaths annually may be associated with such stoves. An unknown number of fires and deaths are associated with components such as chimneys, flues and chimney connectors. The Commission has proposed a mandatory labeling rule regarding safe installation and maintenance of these stoves. The Commission will consider final action on the proposal.

Cribs. Commission staff identified a risk of injury from head entrapment in the cut-out designs of certain crib headboards and footboards, and has developed a suggested test method to identify potentially hazardous cribs. The Commission has proposed an amendment to its crib regulations to address the risk of head entrapment. Work is also continuing to gather information concerning a possible entanglement hazard from a child's clothing or other articles around a child's neck becoming caught on crib corner posts or other projections and strangling the infant.

Electric Blankets. The Commission estimates that in 1978 there were 2200 fires, 15 deaths and 100 consumer injuries associated with electric blankets. As more consumers turn down their thermostats and turn on their electric blankets, the number of blanket-related fires is likely to increase. The Commission will monitor industry's efforts to upgrade the number and placement of thermostats in electric blankets and will perform engineering analyses.

Formaldehyde. Formaldehyde has been found to be carcinogen in test animals and an independent federal panel of expert scientists believe it should be presumed to pose a cancer risk to humans. Formaldehyde gas released from consumer products is also associated with irritation effects such as human respiratory problems, headaches, and eye and skin irritation. The Commission will examine the extent of consumer exposure to formaldehyde from such products as plywood, particle board, and textiles, as well as formaldehyde use in school laboratories. The Commission has voted to propose a ban of urea formaldehyde foam insulation (UFFI) based on the acute and chronic health effects associated with the release of formaldehyde from the product.

House Wiring. A manufacturer of circuit breakers has reported to the Commission that its circuit breakers may fail to open overloaded circuits. The Commission has reviewed a survey which shows that many homes have fuses and circuit breakers rated too high for the circuits. Another report shows that thermal insulation is being installed around electrical parts trapping heat and causing heat buildup which may lead to electrical fires in homes. The Commission will investigate household electrical systems which now account for approximately one-tenth of the home fires reported annually. Based on this, the Commission will consider the need for product standards or for changes in existing standards and codes.

Indoor Air Pollution. Various harmful pollutants—including radon, formaldehyde, carbon monoxide, and nitrogen dioxide—have been found in the air in homes. This problem may be made worse by current efforts to conserve energy by insulating or sealing air leaks and thereby creating a tighter thermal envelope. Indoor air pollution may pose a more serious human health problem than outdoor pollution since Americans spend 70 to 80 percent of their time indoors. The Commission is working with the Environmental Protection Agency, the Department of Energy, and other federal agencies to determine the health effects and environmental implications of major indoor air pollutants. The Commission will identify major sources of home pollution and begin to develop data to determine acceptable levels of major pollutants.

Plastics Flammability. With widespread use of many different types of plastics in consumer products, certain such products containing plastics appear to be unusually flammable or produce unusually toxic gases when they burn. The Commission plans to develop small-scale test methods to evaluate the hazards of plastics in consumer products.

Upholstered Furniture. Every year upholstered furniture fires caused by smoldering cigarettes are estimated to kill at least 1,300 people and seriously injure another 3,700. The industry, in an effort to produce upholstered furniture that is more resistant to ignition from burning cigarettes, has initiated a voluntary program that includes modifications of the materials used in the furniture and changes in the methods of construction. The Commission will complete its assessment of the effectiveness of the industry program and consider appropriate options, both voluntary and mandatory.

B. Regulatory Processes

Further developing the use of section 15 of the Consumer Product Safety Act (CPSA) to identify and remove substantially hazardous products from the marketplace quickly, concentrating efforts on major hazards; and exploring ways in which the effectiveness of product recalls can be improved.

Surveying the Commission's basic injury data needs, improving data collection methods as necessary, and seeking out other useful sources of information on injury, illness and death associated with consumer products.

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Evaluating existing product safety standards, bans, and other regulations to ensure that they are still serving important safety goals, and revoking those that are no longer needed or unduly burdensome.

Continuing the Commission's outreach to minorities, low income consumers, the elderly, and other special populations, focusing on serious hazards and the need to take corrective action.

Looking to voluntary standards, in certain areas, as alternatives and supplements to mandatory regulation, and evaluating their effectiveness.

The priority listings constitute general information for the public and guidance for the Commission staff in planning and executing their tasks. The list is subject to continuing review for additions or modifications that may be made necessary by more recent information, and the emergence of presently unforeseen hazards.

The Commission staff will prepare work schedules detailing the progress of work on approved hazard projects and programs to improve regulatory processes and will periodically report the status of work to the Commission. Some of the priority projects represent a commitment to ongoing activities and will not be completed in one year.

An important reason for publishing this information is to advise the public that, given the limited resources available to it, the Commission will take action based largely on the project priorities discussed in this notice, although the Commission works in other areas as well. The Commission belives that this information will enable the public to understand and follow Commission actions more easily. However, these priority listings should not discourage persons from calling the Commission's attention to other consumer products that may present risks of injury to the public.

Dated: February 18, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-5943 Filed 2-20-81; 8:45 am]

BILLING CODE 6355-01-M

COPYRIGHT ROYALTY TRIBUNAL

[CFR Docket No. 79-1]

Partial Distribution of 1978 Cable Royalty Fund

February 18, 1981.

The Copyright Royalty Tribunal (Tribunal) on October 29, 1980 published in the **Federal Register** (45 FR 71641) an order that no distribution of 1978 cable royalty fees "shall be made by the Tribunal pending the final determination of the pending appeals" of the Tribunal's final decision in CFT Docket No. 79-1.

In accordance with a majority vote of the Tribunal at a public meeting of November 25, 1980, the Tribunal published in the **Federal Register** of December 2, 1980 (45 FR 79867) an order rescinding, effective immediately, the Tribunal order published on October 29.

The Tribunal directs claimants to the 1978 cable royalty fund or their authorized representatives to submit to the Tribunal not later than March 6, 1981 the proposed scope and terms of a final order of the Tribunal providing for partial distribution of the 1978 cable royalty fees.

Clarence L. James, Jr.,

Chairman.

[FR Doc. 81-5863 Filed 2-20-81; 8:45 am]

BILLING CODE 1410-06-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board.
Dates of Meeting: 16-17 March 1981.
Place: Fort Sam Houston, Texas; Austin, Texas; Kelly Air Force Base, Texas.
Time: 0800-1030 hours, March 16, 1981, open; 1030-1645 hours, March 16, 1981, closed; 0830-1100 hours, March 17, 1981, Group 1—closed; 0830-1115 hours, March 17, 1981, Group 2—open; 0830-1100 hours, March 17, 1981, Group 3—closed; 1300-1400 hours, March 17, 1981, closed.
Agenda: The Army Science Board will hold its Spring General Membership Meeting to present and receive briefings as shown in the Agenda:

Monday, 16 March
0800-0815 Opening of Meeting by Chairman, ASB
0815-0830 Remarks
0830-0900 Welcome. Fifth U.S. Army Command Briefing
0900-0930 Break
0930-1010 Health Services Command Briefing
1010-1030 Academy of Health Sciences Briefing

Closed 1030-1645:

1030-1200 ASB Briefings/Discussions
1030-1100 National Training Center
1100-1115 Night Vision Common Module
1115-1140 Testing of Electronic Systems
1140-1200 Design of Army Tests
1215-1300 Lunch
1315-1400 Personnel Strategies of the 1980's
1400-1615 Progress Briefings on Completed Studies
1400-1500 High Technology Light Division
1500-1515 Break
1515-1545 Testing
1545-1615 Other Reviews
1615-1645 Equipping the Army: 1990-2000

Tuesday, 17 March

Closed:

0830-1100 Group 1 Briefing and Tour of Southwest Research Institute facilities, Austin, Texas
0830-1115 Group 2 Briefing and Tour of Army Medical Training facilities, Fort Sam Houston, Texas

Closed:

0830-1100 Group 3 Briefing/Discussion of Joint EW Center/Electronic Security Command, Kelly Air Force Base, Texas
1130-1245 Lunch

Closed:

1300-1400 Round Table Discussion and Conclusion of Meeting

Portions of the meeting as indicated will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and nonclassified matters to be discussed during those portions are so inextricably intertwined so as to preclude opening those portions.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-5863 Filed 2-20-81; 8:45 am]

BILLING CODE 3710-08-M

Privacy Act of 1974; Deletion of Systems Notices

AGENCY: Department of the Army, DoD.

ACTION: Notice of deletion of system notices.

SUMMARY: The Department of the Army proposes to delete 9 system notices for the reason that information therein is described in other system notices, as indicated below or the systems are no longer subject to the Privacy Act.

DATE: This action is effective March 25, 1981.

ADDRESSES: Public comments concerning this proposal are invited and may be submitted to Mr. Richard Christian, The Adjutant General's Office, HQDA (DAAG-AMR-R), Washington, D.C. 20310; telephone: 202/693-0973.

SUPPLEMENTARY INFORMATION: The Army's inventory of system notices is contained in the following editions of the **Federal Register:**

FR Doc. 79-37052 (44 FR 73729), December 17, 1979.
FR Doc. 81-85 (46 FR 1002), January 5, 1981.
FR Doc. 81-3374 (46 FR 6460), January 21, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 18, 1981.

Deletions

A0704.09bDAPE

SYSTEM NAME:

University of Hawaii Army ROTC Alumni (44 FR 73862), December 17, 1979.

REASON:

Information in these records is covered by system notice A0401.02bDAAG, Mailing List for Army Newspapers/Periodicals.

A0715.07bAMC

SYSTEM NAME:

Computerized Time Accounting System (CTAS) (44 FR 73893), December 17, 1979.

REASON:

Information in these records is covered by system notice A0309.05aDAAG, Resource Management and Cost Accounting Files.

A0718.08DAAG

SYSTEM NAME:

World War I Awards and Decorations Card File (44 FR 73895), December 17, 1979.

REASON:

Information contained in these records is covered in system of records A0708.02aDAPC, Official Military Personnel File.

A0725.07aDAAG

SYSTEM NAME:

Commercial Business Solicitation Files (44 FR 73905), December 17, 1979.

REASON:

Information in these records is covered in system of records AO102.02aDAAG, Office Business Visitor Files.

A0808.01aAMC

SYSTEM NAME:

Hazardous Devices Course Graduates (44 FR 73914), December 17, 1979.

REASON:

Information in these records is covered by system notice A0102.03aDAAG, Office Personnel Locator/Organizational Rosters.

A0915.01aDASG

SYSTEM NAME:

Nursing Service Schedule Files (44 FR 73929), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier.

A1011.04aDAPE

SYSTEM NAME:

USMA Institutional Research Survey File (44 FR 73953), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier

A1107.20aDAMO

SYSTEM NAME:

Photographic Caption Files (44 FR 73979), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier.

A1207.09aUSAREUR

SYSTEM NAME:

School Bus System (SBS) (44 FR 73995), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier.

[FR Doc. 81-6021 Filed 2-20-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Systems Management College; Board of Visitors Meeting

A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 204, Fort Belvoir, VA, on Thursday, April 2, 1981, from 11 a.m. until 4:30 p.m. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-served basis. Persons desiring to attend the meeting should call Lieutenant Commander Judy Ray (703-664-1175) to reserve a seat.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-5685 Filed 2-20-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Industrial Energy Conservation Program; Notice of Filing Date To Be an Exempt Corporation or To Be a Sponsor With an Adequate Reporting Program

AGENCY: Department of Energy.

ACTION: Notice of Filing Date to be an Exempt Corporation or to be a Sponsor with an Adequate Reporting Program.

SUMMARY: The Department of Energy (DOE) is notifying corporations which will report under DOE's Industrial Energy Efficiency Reporting Program on energy efficiency improvement in calendar year 1980 of the provisions of DOE's regulations at 10 CFR Part 445 (45 FR 10194, February 14, 1980) for receiving exemptions from filing such reports directly with DOE. The format for making such a request and the criteria for exemption by DOE are set forth at 10 CFR Part 445 Subpart D—Exemption Criteria and Procedures. Corporations which received exemptions from filing direct reports on energy efficiency improvement in calendar year 1979 should note that 10 CFR 445.34(d) permits such corporations to refrain from refiling an exemption request under specified conditions.

DOE is also notifying sponsors of industrial reporting programs which seek to be determined as "adequate" for purposes of 10 CFR Part 445 of the provisions for making such a request set forth at 10 CFR Part 445 Subpart D. Sponsors which were determined "adequate" for filing reports on energy efficiency improvement in calendar year 1979 should note that 10 CFR 445.35(c) provides a simplified procedure for renewing a determination of adequacy.

DATE: Requests for exemption from direct reporting and requests to be a sponsor of an adequate reporting program must be received by DOE not later than February 28, 1981. Sponsor reports must be received by DOE by June 1, 1981.

ADDRESS: Requests filed in response to 10 CFR Part 445, Subpart D—Exemption Criteria and Procedures should be sent to: Office of Industrial Programs, CS-122.1, U.S. Department of Energy, 1000

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Independence Avenue SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:
Tyler E. Williams, Jr., Office of Industrial Programs, CS–122.1, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252–2371.

Issued in Washington, D.C., February 12, 1981.

Frank De George,

Acting Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 81–5920 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Transportation Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Transportation Task Group of the Committee on Arctic Oil and Gas Resources will meet in March 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Transportation Task Group meeting follows:

The second meeting of the Transportation Task Group will be held on Tuesday, March 24, 1981, starting at 9 a.m., in Room 215, Anaconda Tower, 555 Seventeenth Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group members in individual study assignments.
3. Review and discuss the overall schedule of the Task Group.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Transportation Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Transportation Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 10, 1981.

Robert H. Lawton,

Acting Deputy Assistant Secretary, Resource Development and Operations Resource Applications.

February 10, 1981.

[FR Doc. 81–5931 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

Industrial Energy Conservation Program; Notice of 1980 Energy Consumption Filing Requirement

AGENCY: Department of Energy.

ACTION: Notice of Filing Requirement.

SUMMARY: The Department of Energy (DOE) hereby notifies manufacturing corporations of the requirements to file a report on energy consumption for calendar year 1980, as set forth at 10 CFR Part 445, Subpart B—Identification of Corporations. These regulations include both the requirements defining which corporations must report to DOE and the format for the report. DOE will use the reports to identify corporations which must participate in DOE's Industrial Energy Efficiency Reporting Program and, where applicable, the Recovered Materials Reporting Program. To assist corporations in meeting the provisions of 10 CFR Part 445, specifically the exemption from filing for previously identified corporations which do not want to change their status under the program, the appendix to this notice lists the corporations identified by DOE for calendar year 1979.

DATE: Any corporation covered by this filing requirement must report the required information to DOE no later than February 28, 1981.

ADDRESS: Reports filed in response to 10 CFR Part 445, Subpart B—Identification of Corporations should be sent to: Office of Industrial Programs, CS–122.1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:
Tyler E. Williams, Jr., Office of Industrial Programs, CS–122.1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2371.

Issued in Washington, D.C., February 12, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Solar Energy.

List of Corporations Identified for Calendar Year 1979

(Includes subsequent amendments for 1980 as a result of corporate notification to DOE since previous notice 45 FR 33834 May 20, 1980)

SIC 20—Food and Kindred Products

A. E. Staley Manufacturing Company
Adolph Coors Company
Amalgamated Sugar Company
American Brands Inc.
American Crystal Sugar Company
American Home Products Corporation
American Maize-Products Company
AMFAC Inc.
AMPCO Foods Inc.
AMSTAR Corporation
Anderson Clayton & Company
Anheuser-Busch Inc.
Archer Daniels Midland Company
Beatrice Foods Company
Borden Inc.
Bunge Corporation
California & Hawaiian Sugar Company
California Canners and Growers Company
Campbell Soup Company
Campbell Taggart Inc.
Cargill Inc.
Carnation Company
Castle & Cooke Inc.
Central Soya Company Inc.
Coca Cola Company
Conagra Inc.
Consolidated Foods Corporation
Continental Grain Company
CPC International Inc.
Curtice-Burns Inc.
Del Monte Corporation
Dubuque Packing Company
Eli Lilly and Company
Farmland Industries Inc.
Federal Company
Flowers Industries Inc.
Foremost-McKeeson Inc.
G. Heileman Brewing Company Inc.
General Foods Corporation
General Host Corporation
General Mills Inc.
George A. Hormel & Company
Gerber Products Company
Gold Kist Inc.
Grain Processing Corporation
Grain Terminal Association
Great A & P Tea Company Inc.
Greyhound Corporation
H. J. Heinz Company
Hanson Industries Inc.
Henkel Corporation
Hershey Foods Corporation
Heublein Inc.
Holley Sugar Corporation
Hunt International Resources Corporation

IC Industries Inc.
Imperial Sugar Company
International Telephone & Telegraph Corporation
Interstate Brands Corporation
Iowa Beef Processors Inc.
J. R. Simplot Company
Jos. Schlitz Brewing Company
Joseph E. Seagram & Sons Inc.
Keebler Company
Kellog Company
Kraft Inc.
Kroger Company
Ladish Malting Company
Land O'Lakes Inc.
Liggett Group Inc.
Lykes Brothers Inc.
Mars Incorporated
MBPXL Corporation
Michigan Sugar Company
Mid-America Dairymen Inc.
Midwest Solvents Company Inc.
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Moorman Manufacturing Company
Nabisco Inc.
National Starch & Chemical Corporation
National Distillers & Chemical Corporation
Nestle Enterprises Inc.
Norton Simon Inc.
Olympia Brewing Company
Oscar Mayer & Company
Pabst Brewing Company
Pepsico Inc.
Perdue Inc.
Philip Morris Inc.
Pillsbury Company
Procter & Gamble Company
Quaker Oats Company
R. J. Reynolds Industries Inc.
R. T. French Company
Ralston Purina Co.
Rapid American Corporation
Rath Packing Company
Refined Syrups & Sugars Inc.
Revere Sugar Corporation
Riceland Foods Inc.
Safeway Stores Inc.
Savannah Foods & Industries Inc.
SCM Corporation
Southern Minnesota Sugar Cooperative
Standard Brands Inc.
Stokely-Van Camp Inc.
Stroh Companies Inc.
Sunkist Growers Inc.
Swift & Company
Thomas J. Lipton Inc.
Tillie Lewis Foods Inc.
Tri/Valley Growers Inc.
Twin City Foods Inc.
United Brands Company
Univar Corporation
Universal Food Corporation
Wilson Food Corporation

SIC 21—Tobacco Products

American Brands Inc.
Brown & Williamson Tobacco Corporation
Philip Morris Inc.
R. J. Reynolds Industries Inc.

SIC 22—Textile Mill Products

American Thread Company
Armstrong Cork Company
Avondale Mills Inc.
Bibb Company
Burlington Industries Inc.
Cannon Mills Company
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Consolidated Foods Corporation
Cranston Print Works Company
Crompton Company Inc.
Daisy Hosiery Mills Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
Gulf & Western Industries Inc.
J. P. Stevens & Company Inc.
Johnson & Johnson
Kiddie Tot Hosiery Mills Inc.
M. Lowenstein & Sons Inc.
Milliken & Company
Mohasco Corporation
Northwest Industries Inc.
RCA Corporation
Reeves Brothers Inc.
Riegel Textile Corporation
Shaw Industries Inc.
Spartan Mills Inc.
Sperry and Hutchinson Company
Springs Mills Inc.
Standard Oil Company (Indiana)
Standard-Coosa-Thatcher Company
Texfi Industries Inc.
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.
WWG Industries Inc.

SIC 23—Apparel and Other Textile Products

None

SIC 24—Lumber and Wood Products

Bendix Corporation
Boise Cascade Corporation
Champion International Corporation
Crown Zellerbach Corporation
Evans Products Company
Georgia-Pacific Corporation
Jim Walter Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Masonite Corporation
Potlatch Corporation
Southwest Forest Industries Inc.
Time Inc.
Union Camp Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 25—Furniture and Fixtures

None

SIC 26—Paper and Allied Products

Abitibi Corporation
Abitibi Southern Corporation
Alaska Lumber & Pulp Company Inc.
Alton Box Board Company
American Can Company
Appleton Papers Inc.
Arcata Corporation
Armstrong Cork Company
Austell Box Board Corporation
Bell Fibre Products Corporation
Bird & Son Inc.
Blandin Paper Company
Boise Cascade Corporation
Bowater Inc.
Certainteed Corporation
Champion International Corporation
Chesapeake Corporation
Clevepak Corporation
Collins & Aikman Corporation
Consolidated Papers Inc.
Consolidated Packaging Corporation
Continental Group Inc.
Crown Zellerbach Corporation
Dennison Manufacturing Company
Dexter Corporation
Diamond International Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.
Flintkote Company
Fort Howard Paper Company
Fraser Paper, Limited
GAF Corporation
Garden State Paper Company Inc.
General Refractories Company
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Gulf & Western Industries Inc.
Gulf States Paper Corporation
Hammermill Paper Company
Hollingsworth & Vose Company
Howard Paper Mills Inc.
International Paper Company
International Telephone & Telegraph Corporation
Interstate Paper Corporation
James River Corporation of Virginia
Jim Walter Corporation
Johns-Manville Sales Corporation
Johnson & Johnson
Kimberly-Clark Corporation
Litton Industries Inc.
Longview Fibre Company
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Marcal Paper Mills Inc.
Masonite Corporation
Mead Corporation
Menasha Corporation
Minnesota Mining & Manufacturing Company
Mobil Oil Corporation
Mosinee Paper Corporation
National Gypsum Company
Newark Boxboard Company
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
P. H. Glatfelter Company
Pacific Paperboard Products Inc.
Penntech Papers Inc.
Pentair Industries Inc.
Philip Morris Inc.
Pineville Kraft Corporation
Port Huron Paper Company
Potlatch Corporation
Procter & Gamble Company
SCM Corporation
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Southeast Paper Manufacturing Company
Southwest Forest Industries Inc.

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St. Joe Paper Company
St. Regis Paper Company
Stone Container Corporation
Tenneco Inc.
Time Inc.
Times Mirror Company
Union Camp Corporation
United States Gypsum Company
Virginia Fibre Corporation
Wausau Paper Mills Company
Western Paper & Manufacturing Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 27—Printing and Publishing

Arcata Corporation
City Investing Company
Moore Business Forms Inc.
R. R. Donnelley & Sons Company
W. F. Hall Printing Company

SIC 28—Chemicals and Allied Products

Abbott Laboratories
Air Products & Chemicals Inc.
Airco Inc.
Akzona Inc.
Allied Chemical Corporation
Aluminum Company of America
Amerada Hess Corporation
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Home Products Corporation
American Petrofina Inc.
American Synthetic Rubber Corporation
Arizona Chemical Company
Asarco Incorporated
Ashland Oil Inc.
Atlantic Richfield Company
Avtex Fibers Inc.
B. F. Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Baxter-Travenol Laboratories Inc.
Beker Industries Corporation
Big Three Industries Inc.
Borden Inc.
Borg-Warner Corporation
Bristol-Myers Company
Buffalo Color Corporation
C. F. Industries Inc.
Cabot Corporation
Cargill Inc.
Carus Chemical Company Inc.
Celanese Corporation
CIBA-GEIGY Corporation
Cities Service Company
Coastal Corporation
Colgate-Palmolive Company
Cominco American Inc.
Commonwealth Oil Refining Company
Conoco Inc.
Copolymer Rubber & Chemical Corp.
CPC International Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E. I. DuPont De Nemours & Company
Eagle Picher Industries Inc.
Eastman Kodak Company
El Paso Products Company
Eli Lilly and Company
Estech General Chemicals Corporation
Ethyl Corporation
Exxon Corporation
Farmland Industries Inc.
Felmont Oil Corporation
Ferro Corporation
Firestone Tire & Rubber Company
First Mississippi Corporation
FMC Corporation
Freeport Minerals Company
GAF Corporation
Gardinier Big River Inc.
General Electric Company
General Host Corporation
General Tire & Rubber Company
Georgia-Pacific Corporation
Getty Oil Company
Goodyear Tire & Rubber Company
Great Lakes Chemical Corporation
Green Valley Chemical Corporation
Greyhound Corporation
Gulf & Western Industries Inc.
Gulf Oil Corporation
Gulf Resources & Chemical Corporation
Halcon International Inc.
Hardy Salt Company
Henkel Corporation
Hercules Incorporated
Hoffmann-La Roche Inc.
ICI Americas Inc.
International Minerals & Chemicals Corporation
Inter North Inc.
J. M. Huber Corporation
J. R. Simplot Company
Johnson & Johnson
Kaiser Aluminum & Chemical Corporation
Kerr-McGee Corporation
Koppers Company Inc.
Kraft Inc.
Lever Brothers Company
Linden Chemicals & Plastics Inc.
Lubrizol Corporation
Mallinckrodt Inc.
Merck & Company Inc.
Merichem Company
Miles Laboratories Inc.
Minnesota Mining & Manufacturing Company
Mississippi Chemical Corporation
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton-Norwich Products Inc.
N-Ren Corporation
Nalco Chemical Company
National Distillers & Chemical Corporation
Newmont Mining Corporation
NIPRO Inc.
NL Industries Inc.
North American Rayon Corporation
Northwest Industries Inc.
Occidental Petroleum Corporation
Olin Corporation
Pennwalt Corporation
Pfizer Inc.
Phillips Petroleum Company
PPG Industries Inc.
PQ Corporation
Procter & Gamble Company
Publicker Industries Inc.
Quaker Oats Company
Reichhold Chemicals Inc.
Reilly Tar & Chemical Corporation
Reynolds Metals Company
Richardson-Merrell Inc.
Rohm And Haas Company
SCM Corporation
Shell Oil Company
Sherex Chemical Company Inc.
Sherwin-Williams Company
Signal Companies Inc.
Soltex Polymer Corporation
Squibb Corporation
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Stauffer Chemical Company
Sterling Drug Inc.
SunOlin Chemical Company
Tenneco Inc.
Terra Chemicals International Inc.
Texaco Inc.
Texasgulf Inc.
Thiokol Corporation
Tyler Corporation
Union Camp Corporation
Union Carbide Corporation
Union Oil Company of California
Uniroyal Inc.
United States Borax & Chemical Corporation
United States Steel Corporation
United Technologies Corporation
Upjohn Company
Valley Nitrogen Producers Inc.
Vertac Inc.
Virginia Chemicals Inc.
Vulcan Materials Company
W. R. Grace & Company
Warner-Lambert Company
Westvaco Corporation
Weyerhaeuser Company
Williams Companies
Witco Chemical Corporation

SIC 29—Petroleum and Coal Products

Agway Inc.
Amerada Hess Corporation
American Petrofina Inc.
Asamera Oil (U.S.) Inc.
Ashland Oil Inc.
Atlantic Richfield Company
Beacon Oil Company
Bird & Son Inc
Certainteed Corporation
Champlin Petroleum Company
Charter International Oil Company
Cities Service Company
Clark Oil & Refining Corporation
Coastal Corporation
Commonwealth Oil Refining Company
CONOCO Inc.
Crown Central Petroleum Corporation
Crystal Oil Company
Diamond Shamrock Corporation
Dorchester Gas Corporation
Earth Resources Company
Edgington Oil Company
Energy Cooperative Inc.
Exxon Corporation
Farmers Union Central Exchange Inc.
Farmland Industries Inc.
Fletcher Oil & Refining Company
GAF Corporation
Getty Oil Company
Great Lakes Carbon Corporation
Gulf Oil Corporation
Holly Corporation
Hunt Oil Company
Husky Oil Company
Indiana Farm Bureau Cooperative Association
Jim Walker Corporation
Johns-Manville Sales Corporation
Kern County Refinery Inc.

Kerr-McGee Corporation
Koch Industries Inc.
Koppers Company Inc.
Little America Refining Company
Louisiana Land & Exploration Company
Marathon Oil Corporation
Mobil Oil Corporation
Murphy Oil Corporation
National Cooperative Refinery Association
OKC Corporation
Oklahoma Refining Company
Owen-Corning Fiberglas Corporation
Pennzoil Company
Petrolite Corporation
Phillips Petroleum Company
Placid Refining Company
Powerine Oil Company
Pride Refining Inc.
Quaker State Oil Refining Corporation
Rock Island Refining Corporation
Shell Oil Company
Southern Union Company
Southland Oil Company
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Sun Company Inc.
Tenneco Inc.
Tesoro Petroleum Corporation
Texaco Inc.
Texas Eastern Transmission Corporation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Union Oil Company of California
Uniroyal Inc.
United Refining Company
USA Petroleum Corporation
Vickers Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

SIC 30—Rubber and Miscellaneous Plastics Products

Amerace Corporation
American Cyanamid Company
Armstrong Rubber Company
B. F. Goodrich Company
Baxter-Travenol Laboratories Inc.
Budd Company
Carlisle Corporation
Continental Group Inc.
Cooper Tire & Rubber Company
Dart Industries Inc.
Dayco Corporation
Eagle Picher Industries Inc.
Ethyl Corporation
Exxon Corporation
Firestone Tire & Rubber Company
Gates Rubber Company
General Electric Company
General Motors Corporation
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Michelin Tire Corporation
Minnesota Mining & Manufacturing Company
Owen-Illinois Inc.
Union Carbide Corporation
Uniroyal Inc.
W. R. Grace & Company
Westinghouse Electric Corporation

SIC 31—Leather and Leather Products

None

SIC 32—Stone, Clay, and Glass Products

Adolph Coors Company
AFG Industries Inc.
Allied Chemical Corporation
Allied Products Company
Alpha Portland Cement Company
Amcord Inc.
American Standard Inc.
Amsted Industries Inc.
Anchor Hocking Corporation
Arkansas Louisiana Gas Company
Armco Inc.
Armstrong Cork Company
Ash Grove Cement Company
Austin White Lime Company
Babcock & Wilcox Company
Ball Corporation
Belden Brick Company
Bethlehem Steel Corporation
Bickerstaff Clay Products Company Inc.
Boren Clay Products Company
Brockway Glass Company Inc.
California Portland Cement Company
Can-Am Corporation
Capitol Aggregates Inc.
Centex Corporation
Certainteed Corporation
Citadel Cement Corporation
CLM Corporation
Combustion Engineering Inc.
Coplay Cement Manufacturing Company
Corning Glass Works
Crane Company
Cyprus Hawaiian Cement Company
Dart Industries Inc.
Delta Macon Brick & Tile Company
Dickey Company
Domtar Industries Inc.
Dorsey Corporation
Dravo Corporation
Dresser Industries Inc.
Dundee Cement Company
Eagle Picher Industries Inc.
EDW C. Levy Company
Engelhard Minerals & Chemicals Corporation
Ferro Corporation
Filtrol Corporation
Flintkote Company
Florida Mining & Materials Corporation
Ford Motor Company
GAF Corporation
Gallo Glass Company
General Telephone & Electronic Corporation
General Dynamics Corporation
General Electric Company
General Portland Inc.
General Refractories Company
General Shale Products Corporation
Georgia-Pacific Corporation
Giant Portland & Masonry Cement Company
Gifford-Hill & Company Inc.
Glen-Gery Corporation
Glenshaw Glass Company Inc.
Guardian Industries Corporation
Gulf & Western Industries Inc.
Harsco Corporation
Ideal Basic Industries Inc.
Independent Cement Corporation
Indian Head Inc.
Interpace Corporation
J. E. Baker Company
Jim Walter Corporation
Johns-Manville Sales Corporation
Justin Industries Inc.
Kaiser Aluminum & Chemical Corporation
Kaiser Cement & Gypsum Corporation
Kennecott Corporation
Kerr Glass Manufacturing Corporation
Keystone Portland Cement Company
Kohler Company
Kraft Inc.
Lancaster Colony Corporation
Latchford Glass Company
Lehigh Portland Cement Company
Libbey-Owens-Ford Company
Liberty Glass Company
Lone Star Industries Inc.
Louisville Cement Company
Martin-Marietta Corporation
McDonough Company
Midland Glass Company Inc.
Minnesota Mining & Menufacturing Company
Mississippi Lime Company
Missouri Portland Cement Company
Monarch Cement Company
Monolith Portland Cement Company
National Bottle Manufacturing Company
National Can Corporation
National Cement Company
National Gypsum Company
Newmont Mining Corporation
Northwestern State Portland Cement Company
Norton Company
Norton Simon Inc.
OKC Corporation
Oregon Portland Cement Company
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
Pacific Coast Building Products Company
Pacific Holding Corporation
Penn-Dixie Industries Inc.
Pfizer Inc.
Pomona Corporation
PPG Industries Inc.
Puerto Rican Cement Company Inc.
Rangaire Corporation
Raybestos Manhattan Inc.
Reichhold Chemicals Inc.
Republic Steel Corporation
Rinker Portland Cement Corporation
River Cement Company
Rockwool Industries Inc.
Round Rock Lime Company
San Antonio Portland Cement Company
Solite Corporation
South Dakota Cement Corporation
Southdown Inc.
St. Clair Lime Company
Texas Industries Inc.
United States Gypsum Company
United States Steel Corporation
Vulcan Materials Company
Warner Company
Weyerhaeuser Company
Wheaton Industries
Whitehall Cement Manufacturing Company
Woodville Lime & Chemical Company

SIC 33—Primary Metal Industries

A. Finkl & Sons Company
Alcan Aluminum Corporation
Allegheny Ludlum Industries Inc.
Allied Chemical Corporation
Alumax Inc.
Aluminum Company of America
Amax Inc.
American Can Company
American Cast Iron Pipe Company
American Telephone & Telegraph Company
Amsted Industries Inc.
Armco Inc.
Asarco Inc.
Athlone Industries Inc.

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Atlantic Richfield Company
Atlantic Steel Company
Babcock & Wilcox Company
Bethlehem Steel Corporation
Budd Company
Cabot Corporation
Cargill Inc.
Carpenter Technology Corporation
Caterpillar Tractor Company
Ceco Corporation
Century Brass Products Inc.
Chromium Mining & Smelting Corporation
Clow Corporation
Colt Industries Inc.
Connors Steel Company
Consolidated Aluminum Corporation
Copperweld Corporation
Crane Company
Cyclops Corporation
Dana Corporation
Dayton Malleable Inc.
Dow Chemical Company
Eastmet Corporation
Engelhard Minerals & Chemicals
Ethyl Corporation
Evans Products Company
Florida Steel Company
Ford Motor Company
GK Technologies Inc.
General Electric Company
General Motors Corporation
Great Lakes Carbon Corporation
Grede Foundries Inc.
Gulf & Western Industries Inc.
Gulf Resources & Chemical Corporation
Guterl Special Steel Corporation
Hanna Mining Company—Silicon Division
Hanna Nickel Smelting Company
Hayes-Albion Corporation
Huntington Alloys Inc.
IC Industries Inc.
Inland Steel Company
Inspiration Consol Copper Company
Interlake Inc.
International Minerals & Chemical Corporation
Jim Walter Corporation
Jones & Laughlin Steel Corporation
Kaiser Aluminum & Chemical Corporation
Kaiser Steel Corporation
Kennecott Corporation
Keystone Consolidated Industries Inc.
Korf Industries Inc.
Laclede Steel Company
Louisiana Land & Exploration Company
Lukens Steel Company
Martin Industries Inc.
Martin Marietta Corporation
McLouth Steel Corporation
Mead Corporation
Midland-Ross Corporation
National Distillers & Chemical Corporation
National Steel Corporation
National-Standard Company
Neenah Foundry Company
Newmont Mining Corporation
NL Industries Inc.
Noranda Aluminum Inc.
Northwest Industries Inc.
Northwest Steel Rolling Mills Inc.
Northwestern Steel & Wire Company
Ohio Ferro-Alloys Corporation
Olin Corporation
Outboard Marine Corporation
Pechiney Ugine Kuhlmann Corporation
Penn-Dixie Steel Corporation
Phelps Dodge Corporation
Phoenix Steel Corporation
Quanex Corporation
Republic Steel Corporation
Revere Copper and Brass Inc.
Reynolds Metals Company
Roane Electric Furnace Company Inc.
RSR Corporation
Satralloy Inc.
Sharon Steel Corporation
Shenango Inc.
SKW Alloys Inc.
Southwire Company
St. Joe Minerals Corporation
Structural Metals Inc.
Teledyne Inc.
Tenneco Inc.
Textron Inc.
Timken Company
Tyler Corporation
Union Carbide Corporation
United States Steel Corporation
United Technologies Corporation
Vulcan Materials Company
Wabash Alloys Inc.
Washington Steel Corporation
Wheeling Pittsburgh Steel Corporation
White Consolidated Industries Inc.

SIC 34—Fabricated Metal Products

Allegheny Ludlum Industries Inc.
Aluminum Company of America
American Can Company
American Standard Inc.
Ampco-Pittsburgh Corporation
Amsted Industries Inc.
Babcock & Wilcox company
Bethlehem Steel Corporation
Budd Company
Cameron Iron works Inc.
Cameron Tool & Supply Company
Canton Drop Forging & Manufacturing Company
Combustion Engineering Inc.
Continental Group Inc.
Crown Cork & Seal Company Inc.
Cyclops Corporation
General Motors Corporation
Gulf & Western Industries Inc.
Gulf Coast Machine & Supply Company
Harsco Corporation
Inland Steel Company
International Telephone & Telegraph Corporation
Jos. Schlitz Brewing Company
Kaiser Aluminum & Chemical Corporation
Kohler Company
Ladish Company
Litton Industrial Products Inc.
Martin Marietta Corporation
National Can Corporation
National Steel Corporation
Olin Corporation
Park-Ohio Industries Inc.
Remington Arms Company Inc.
Reynolds Metals Company
Rockwell Internationsl Corporation
Signal Companies Inc.
SKF Industries Inc.
Stanley Works Inc.
Textron Inc.
TRW Inc.
United States Steel Corporation
Wallace Murray Corporation
Wyman-Gordon Company

SIC 35—Machinery, Except Electrical

Allis-Chalmers Corporation
Arkansas Louisiana Gas Company
Borg-Warner Corporation
Briggs & Stratton Corporation
Bucyrus-Erie Company
Caterpillar Tractor Company
Clark Equipment Company
Colt Industries Inc.
Control Data Corporation
Cooper Industries Inc.
Cummins Engine Company Inc.
Dana Corporation
Deere & Company
Digital Equipment Corporation
Dresser Industries Inc.
Eaton Corporation
Federal-Mogul Corporation
FMC Corporation
Ford Motor Company
General Electric Company
General Motors Corporation
Harnischfeger Corporation
Hughes Tool Company
IC Industries Inc.
Ingersoll-Rand Company
International Harvester Company
International Business Machines Corporation
Litton Industries Inc.
Mesta Machine Company
Outboard Marine Corporation
Rexnord, Inc.
Rockwell International Corporation
SKF Industries Inc.
Sperry Rand Corporation
Teledyne Inc.
Tenneco Inc.
Timken Company
Trane Company
TRW Inc.
United Technologies Corporation
Xerox Corporation
Westinghouse Electric Corporation
White Consolidated Industries Inc.

SIC 36—Electric, Electronic Equipment

A. O. Smith Corporation
Airco Inc.
Allied Chemical Corporation
American Telephone & Telegraph Company
Bendix Corporation
Emerson Electric Company
Ford Motor Company
General Cable Corporation
General Electric Company
General Motors Corporation
General Telephone & Electronic Corporation
Great Lakes Carbon Corporation
Harvey Hubbell Inc.
Hughes Aircraft Company
Johnson Controls Inc.
Maytag Company
McGraw-Edison Company
Minnesota Mining & Manufacturing Company
Raytheon Company
RCA Corporation
Reliance Electric Company
Rockwell International Corporation
Square D Company
Stackpole Carbon Company
Sunbeam Corporation
Texas Instruments Inc.
Union Carbide Corporation
Westinghouse Electric Corporation
Whirlpool Corporation
White Consolidated Industries Inc.

SIC 37—Transportation Equipment

A. O. Smith Corporation
Avco Corporation
Bendix Corporation
Bethlehem Steel Corporation
Boeing Company
Borg-Warner Corporation
Budd Company
Chrysler Corporation
Dayton-Walther Corporation
Eaton Corporation
Ford Motor Company
Fruehauf Corporation
General Dynamics Corporation
General Electric Company
General Motors Corporation
Goodyear Tire & Rubber Company
Grumman Corporation
Hercules Inc.
Hughes Aircraft Company
Litton Industries Inc.
Lockheed Corporation
Martin-Marietta Corporation
McDonnell Douglas Corporation
Northrop Corporation
Pullman Inc.
Rockwell International Corporation
Signal Companies Inc.
Tenneco Inc.
Textron Inc.
Thiokol Corporation
TRW Inc.
United Technologies Corporation
Vought Corporation

SIC 38—Instruments and Related Products

Eastman Kodak Company
GAF Corporation
Johnson & Johnson
Minnesota Mining & Manufacturing Company
Polaroid Corporation
Warner-Lambert Company

SIC 83—Miscellaneous Manufacturing Industries

Armstrong Cork Company
Congoleum Corporation

[FR Doc. 81-5918 Filed 2-20-81; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-TA-80-11]

Barber Heavy Oil Process, Inc.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Barber Heavy Oil Process, Inc. (HOPCO) a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(e)(3) of the Tertiary Enhanced Recovery Program. Under the Provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have until March 25, 1981 to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Barber HOPCO's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Department of Energy—Economic Regulatory Administration

Proposed Decision and Order

Under the Tertiary Incentive and Incremental Programs

To: Barber Heavy Oil Process, Inc. (Formerly HOP Corporation), Houston, Texas

Subject: Designation of Additional Allowed Expenses for Kern River Heavy Oil Process Project Pursuant to the Firm's Supplemental Application (Docket Number ERA-TA-80-11)

I. Introduction

On October 15, 1980, Barber Heavy Oil Process, Inc., (HOPCO) a subsidiary of Barber Oil Corporation filed a supplemental application to its Decision and Order issued on March 31, 1980, seeking the qualification of the well costs of vertical injection wells as additional allowed expenses. HOPCO proposes to improve the design of this project by adding these vertical injection wells to supplement the procedures described in the initial application.

II. Background

HOPCO self certified its Kern River Heavy Oil Process Project under 10 CFR 212.78(a)(2) claiming that the EOR technique employed is an enhanced heavy oil recovery technique. Pursuant to IV (B) of the general guidelines to 10 CFR 212.78 on August 8, 1979, HOPCO applied to the Economic Regulatory Administration for an order designating expenses that would qualify as allowed expenses under the Tertiary Incentive Crude Oil Program.

The ERA issued a Decision and Order dated March 31, 1980, that designated a list of costs that qualifed as allowed expenses which included tangible and intangible drilling costs for boreholes. HOPCO now seeks to change the design of its project to expand the list of costs that qualify as allowed expenses.

The firm's August 8, 1979 request outlined a unique enhanced oil recovery technique involving a single 60 inch diameter borehole descending to a 25 foot diameter cavern at the base of the oil strata. Extending from that concrete encased cavern are eight horizontal wells radiating like spokes on a wheel. Steam is injected through the laterials, creating a hot plate. One proposed mode of operation is to inject a preset quantity of steam consecutively into each laterial, followed by a soak period and then a production period. The oil/water emulsion will drain through the appropriate laterals to the cavern, through a header into a sump tank, through an internal pump system for transfer of the oil/water phase to the oil recovery system.

HOPCO now proposes to supplement the system initially proposed by installing vertical injection or steam drive wells in combination with the previously proposed laterals. HOPCO's computer models recommend that optimum performance consists of periodic injection of steam into the base of the oil reservoir from the horizontal laterals together with continuous steam injection to the top of the oil reservoir from the vertical steam drive wells. HOPCO seeks to have the cost of these vertical steam injection wells designated as allowed expenses under 10 C.F.R. 212.78(e)(3).

III. Findings and Analysis

Ordinarily, the costs of vertical injection wells would not be recognized as allowed expenses. However, in this instance the vertical steam injection wells are to be used solely to supplement the lateral wells radiating from the cavern near the base of the large diameter vertical borehole (now expanded to an 84 inch diameter). As such, the vertical injection wells are an integral part of the revised enhanced heavy oil recovery technique. The use of the vertical injection wells is necessary in this case so that the enhanced heavy oil recovery technique to be used on the project can be operated at maximum efficiency. In this way, HOPCO hopes to

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achieve the optimum level of production from the project. Accordingly, ERA proposes to designate the cost of these vertical steam injection wells as an allowed expense under 10 CFR 212.78.

IV. Comment Procedures

10 CFR 205.98 requires that this Proposed Decision and Order be published in the **Federal Register** and sets forth the procedures for objection or comment. Objections or comments must be received by the designated office in ERA on or before March 25, 1981 of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. The following expenses are declared to be allowed expenses as defined in 212.78(c) for the Kern River Heavy Oil Process Project located in the Helm and Smith Master Lease in the Kern River Field, California:

a. The well costs (as defined in 212.78(c)) of vertical injection wells.

2. This designation is based on the presumed validity of statements, assertions, and documentary materials submitted by HOPCO. It is further based on our understanding that all actual and projected costs reported by HOPCO represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all costs, revenue and production estimates are reasonably accurate. The order may be revoked or modified upon a determination that the factual basis underlying the order is incorrect.

3. Pursuant to this order, any qualified producer with respect to this project may use any allowed expenses specified herein, so long as such producer pursues the heavy oil process project on the property, as described in this Proposed Decision and Order.

Issued in Washington, D.C., on February 19, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6185 Filed 2-20-81, 9:25 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-80-12]

Carmel Energy, Inc.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Carmel Energy, Inc. (Carmel) a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(a)(2) of the Tertiary Enhanced Recovery Program. Under the Provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have until March 25, 1981 to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Houston's application is available in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Department of Energy Reading Room, Room GE–190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Department of Energy

Economic Regulatory Administration

Proposed Decision and Order Under the Tertiary Incentive Program

To: Carmel Energy, Inc., Houston, Texas

Subject: Designation of a Qualified Producer and Allowed Expenses Pursuant to 10 CFR 212.78(e)(2) for Vernon County, Missouri Modified In-Situ Combustion Project (EF–217) (Docket Number ERA–TA–80–12)

I. Introduction

On September 29, 1980, Carmel Energy, Inc. (Carmel) of Houston, Texas submitted an application for an order designating it as a qualifed producer engaged in a tertiary project that involves high levels of risk and cost and designating allowed expenses with respect to that project. The designation as a qualified producer and the requested allowed expenses are sought under 10 CFR 212.78(e)(2) for a project which does not employ a self-certifiable enhanced oil recovery (EOR) technique.

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 22.78 to establish the Tertiary Incentive Program ("incentive program"). In general, this program permits qualifed producers which are engaged in EOR projects to recover a portion of the costs associated with such projects. Section 212.78(e)(2) authorizes ERA to issue an order that designates a firm as a qualified producer if the firm is engaged in a tertiary project that involves high levels of risk and cost, and specifies what the allowed expenses will be with respect to that project. An allowed expense is seventy-five percent of an environmental expense (as defined in section 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in section 212.78(c)), and seventy-five percent of an expense listed in the Appendix to section 212.78 or in an order issued pursuant to either section 212.78(e)(2) or 212.78(e)(3). As provided in ERA's General Guidelines on Tertiary Enhanced Recovery Projects (Guidelines), when applying for issuance of an order pursuant to § 212.78(e)(2), a producer must demonstrate that it is employing an EOR technique which involves high levels of risks and cost, and that the offset of certain costs is necessary to make the use of that technique an attractive investment opportunity.

On September 11, 1979, Carmel filed a similar application, EF–002, pertaining to property in Township 35N—Range 33W in Vernon County, Missouri. In all respects, other than location, application number EF–002 is identical to this September 29, 1980, application which has been identified as application number EF–217. On April 23, 1980, a Decision and Order was issued with respect to application number EF–002 that designated Carmel as a qualifed producer and specified the allowed expenses under that project. Project number EF–217 applies to property in Township 34N—Range 33W approximately four miles south of the location of project number EF–0.

III. Findings and Analysis

The application for ERA certification for project number EF-217 seeks to have Carmel designated as a qualified producer and to allow the recoupment of certain costs under the provisions of 10 CFR 212.78(e)(2). The application concerns a heavy oil recovery project located in Township 34 North—Range 33 West in Vernon, County, Missouri. Carmel states that all aspects of project number EF-217 are identical to project number EF-002, except that the location of the properties, and the identity of Carmel's partners are not identical. Accordingly, the analysis and findings reached in our April 23, 1980, Decision and Order apply to this application as well.

The project area is underlain by shallow sandstone reservoirs containing heavy oil. Such reservoirs are known to exist throughout a large area of southwestern Missouri, southeastern Kansas, and northeastern Oklahoma. They have been estimated to contain some 50 billion barrels of heavy crude oil with gravities ranging from 13° to 21° API.

Primary and secondary production are virtually nonexistent in the entire Missouri area due to extremely low natural oil production rates. Conventional secondary recovery methods are not feasible due to the high viscosity of the oil and the relatively high reservoir flow resistance.

Carmel has stated, and it is commonly known, that tertiary enhanced oil recovery techniques have been previously attempted in the area by other companies. The methods employed have included steam injection, in-situ combustion and surfactant recovery. All the attempts were economic failures. Carmel has developed an oil recovery techniques which it believes will be economically feasible with respect to the type of oil reservoirs in the project area.

In Carmel's process, fuel oil is burning with a stoichiometric amount of air in a totally contained combustion chamber at high pressure (up to 900 psig) to produce a hot gas mixture (3600–4000 degrees F°) containing predominantly nitrogen, carbon dioxide and water, and small quantities of nitrogen oxides and sulfur oxides (when sulfur is present in the fuel oil). These hot gases, while still contained in the combustion vessel under pressure, are then quenched with water to reduce the temperature to 600–700 degrees F° to produce large quantities of superheated steam.

The entire gas steam containing predominantly superheated steam, nitrogen, and carbon dioxide is then injected into a well for heating the reservoir to increase the recovery rate of the heavy oil. Corrosion controlling chemicals are added to the water quench section of the combustion vessel to react with SO_x and NO_x and to convert them to soluble salts prior to injection.

These soluble salts and any alkali earth metal compounds are removed from the water quench section on a periodic basis and allowed to evaporate in an evaporation pond. The resulting salts are then disposed of as necessary. Due to the unique design of the equipment, there is no flue gas to be vented into the atmosphere. Hence, there is no deterioration of air quality at the generation point. All the products of combustion are injected into the heavy oil bearing reservoir, except those sulphur and nitrogen oxides removed as salts.

The equipment produces approximately 12 million BTU per hour of heat containing about 560 barrels per day of steam (as condensed water) and 2.8 million standard cubic feet per day of nitrogen and carbon dioxide. The oil recovery process which Carmel proposes to employ is the subject of several patents and has been designated the "Vapor-Therm" process or technique. The Vapor-Therm technique has been recognized as an EOR technique by the Department of Energy (DOE) in two prior demonstration contracts. Various components of the Vapor-Therm process are the subject of five patents issued by the United States and Canadian Patent Offices.

Under the first contract, Carmel tested its technology as an EOR cyclic stimulation process for recovering heavy oil from the Bartlesville sandstone reservoir in the Carlyle Field in southeastern Kansas, and was so recognized in its early DOE certified project EF–002.

Before issuing an order finding a producer to be a qualified producer engaged in a tertiary project and allowing the offset of certain project costs, Section 212.78 requires that ERA must determine that:

1. The producer has an interest in the properties on which the project is located;

2. The producer contributes to the initiation or expansion of the project which is the subject of the application;

3. The project employs a tertiary enhanced recovery technique;

4. The application of that technique involves high levels of risk and costs; and

5. The offset of certain costs is required to make the project an attractive investment opportunity.

Carmel has provided information stating that the producers in this project hold a working interest in the leases on which the Vapor-Therm project is being undertaken. The leases are listed in the ordering paragraphs of this Proposed Decision and Order. On the basis of the information submitted by Carmel, ERA has determined that Carmel does have interests in the properties on which the Vapor-Therm project is located, and, thus, satisfies the first requirement for becoming a qualified producer.

The materials submitted by Carmel with its application indicate that it is undertaking a program of investment on the designated properties for the purposes of carrying out the recovery of crude oil through the Vapor-Therm process. Allowing for some program changes as a result of core tests and reservoir characteristics disclosed as application of the oil recovery technique progresses, the total capital expenditure will be approximately $3.5 million. On the basis of information supplied by Carmel, we have determined that Carmel is contributing to the initiation of an oil recovery project which is the subject of its application to ERA, and, therefore, satisfies the second requirement for designation as a qualified producer.

Following an engineering and evaluation program to determine the optimum location for undertaking oil recovery operations, flue gas and steam are to be generated in a pressure vessel by burning fuel and air and partially quenching the comubustion products by water injection. After suitably treating the effluent flue gas and steam, the fluid will be injected into the oil reservoir through injection wells equipped to handle heated fluids. The injectants are designed to heat the oil in the reservoir, reduct its viscosity and permit its displacement toward recovery wells. Oil recovery may be accomplished through offset producing wells or periodically through the former injection well or through both producing and injection wells.

Our evaluation of the Vapor-Therm process, which Carmel proposes to employ in the Vernon County project, leads us to conclude that the process is in some respects closely allied to in-situ combustion, which is a self-certifiable enhanced oil recovery technique under Section 212.78. The Vapor-Therm process could be regarded as a wet in-situ combustion technique, although the local of combustion is on the surface rather than in the oil bearing formation. On the basis of the above

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considerations, we have determined that the Vapor-Therm process is a tertiary enhanced recovery technique within the intent of 10 CFR 212.78.

The materials submitted by Carmel with its application recite a number of attempts made by other producers to employ tertiary enhanced recovery techniques for the recovery of crude oil from the known reservoirs of Western Missouri. Conventional steam injection, in-situ combustion and surfactant (microemulsion) flooding have been tried. These techniques have been economic failures because of three principal technical risks: exceedingly low reservoir pressures, the high viscosity of the oil and the relatively high flow resistance of the reservoir rock to the crude oil in the Eastburn-Cherokee Field. The Vapor-Therm process will be successful only if there is adequate viscosity reduction due to heat and CO_2 solubility, to provide sufficient oil mobility to permit economic oil recovery rates.

Significant problems with sand production, water/oil emulsions, surface handling of produced fluids, injectivity of Vapor-Therm gases and gas leakage during production will be confronted by Carmel. The discussion of these risks in Carmel's submittal and the history of failure have persuaded us the Vernon County project is attended by high levels of technical risks of failure and associated high costs of installation and operation of the Vapor-Therm technique.

After considering the financial materials submitted by Carmel and the offset of the several risks (which could well reduce the theoretical production levels by 50 percent or more), we believe that Carmel's Vapor-Therm project would not be an attractive investment opportunity in the absence of incentives.

Since the Vapor-Therm process can be regarded as a wet in-situ combustion technique, we have determined that the approved costs for the Vernon County project should include those allowed for self-certifiable in-situ combustion projects (see Appendix to Section 212.78). In other respects, however, the EOR technique to be utilized at the Vernon County project departs substantially from the typical in-situ combustion technique, both as to the configuration of the recovery mechanism and as to the type and security of the technical risks confronted by the Vernon County project. In view of the extraordinary risks associated with the Vapor-Therm technique, it is our opinion that the Vernon County project will require the recovery of additional expenses in order to be an attractive investment opportunity. Therefore, we are proposing to designate as allowed expenses the costs of the pressure vessels (Vapor-Therm units).

IV. Comments Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA on or before March 25, 1981 of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. The Carmel Energy Corporation of Houston, Texas is certified as a qualified producer with respect to the properties named below located in the Eastburn-Cherokee Field, Township 34 North—Range 33 West in Vernon County, Missouri:

Lessor	Description of lease	Gross acres
M. J. Jenkins	Sec. 16: N/2 NW/4	80.00
B. D. Yoos	Sec. 21: NE/4/NE/4; SE/4/S/2NE/4; Sec. 22: W/2SW/4; SE/4SW/4; SE4NW/4; NE/4NW/4; SW/4NE/4; NW/4SE/4; SW/4NW/4; 4 acres in NE/4NW/4; SW/4SE/4.	720.00
	Sec. 27: NW/4NE/4; NE/4NW/4	
	Sec. 30: N/2 Lot 5 of NW/4	
R. E. Yoos	Sec. 15: SW/4NW/4; and the north two rods of the SE/4NW/4	395.00
	Sec. 16: N/2NE/4; and the north 15 acres of the SE/4NE/4 except 10 acres in the southeast corner thereof 50 rods north and south by 32 rods east and west	
	Sec. 28: 30 acres in the NE/4 described as all of the W/2NE/4NE/4 and all that part of the NW/4NE/4 lying east of Drywood Creek in Sec. 28.	
	Sec. 30: SE/4 except the east twenty feet thereof	
	Sec. 34: NE/4SE/4 except for a tract described as follows: begin 435 ft. west of the southeast corner of the NE/4SE/4 of said Sec. 34; run thence north 100 ft., thence west 250 ft., thence south 100 ft. to the south line of said quarter-quarter, then east along the south line of said quarter-quarter to the place of beginning.	
F. A. DeCuyper	Sec. 15: SW/4NW/4; and the north two rods of the SE/4NW/4.	720.00
	Sec. 16: N/2NE/4; and the north 15 acres of the SE/4NE/4; SW/4NE/4 except 10 acres in the southeast corner thereof 50 rods north and south by 32 rods east and west.	
	Sec. 21: SE/4; S/2NE/4	
	Sec. 22: W/2SW/4; SE/4SW/4; SE/4/NW/4, NE/4SW/4; SW/4NE/4; NW/4SE/4; SW/4NW/4	
	Sec. 27: NE/4NW/4	
	Sec. 28: 30 acres of the NE/4 described as all of the west half (W/2) of the northeast quarter of the northeast quarter (NE/4NE/4) and all that part of the northwest quarter of the northeast quarter (NW/4NE/4) lying east of the Drywood Creek in Section 28.	
M. C. Hartzfield	Sec. 15: W/2SW/4 and SE/4SW/4 and SW/4SE/4.	1000.00
	Sec. 23: SE/4SW/4	
	Sec. 24: S/2SE/4 and S/2SW/4.	
	Sec. 26: NE/4 and E/2NW/4	
C. L. Holland	Sec. 15: The south 35 acres of NE/4SW/4.	35.00
H. M. Francis	Sec. 13: NW/4; Sec. 14 NE/4	320.00
C. M. Martin	Sec. 13: S/2 and NE/4; Sec. 14: N/2NE/4.	560.00
E. L. Martin	Sec. 13: NE/4	160.00
D. Lest	Sec. 20: SE/4	160.00
E. L. Smith	Sec. 23: E/2NW4; W/2NE4; NE/4 NE/4.	200.00
V. D. Worsely	Sec. 23: SE/4; Sec. 24: S/2NW/4; N/2SW/4.	320.00
W. Johnson	Sec. 30: W/2NE/4	80.00
W. Johnson	Sec. 29: E/2SW/4W/2SE/4	160.00
C. H. Earl	Sec. 29: W/2 NE/4	80.00
J. R. Linn	Sec. 29: E/2NE/4; Sec. 32: NW/4 (less 1 acre); and NE/4SW/4 and NW/4SE/4.	319.00
E. Hope	Sec. 30: NW/4; Sec. 28: SE/4SE/4 and W/2NE/4SE/4; Sec. 30: 27.33 acres of NE/4NE/4.	259.33
R. W. Cliffman	Sec. 27: NW/4NW/4	40.00
R. N. Garton	Sec. 25: SW/4; Sec. 35: except for 8.13 acres in the SE corner	311.87
G. Henson	Sec. 34: N/2SE/4SE/4; Sec 35: 8.13 acres.	28.13
W. Worsley	Sec. 35: E/2NE/4; SW/4NE/4; and E/2SE/4 NW/4; Sec 36: S/2 NW/4.	220.00
H. A. Irwin	Sec. 36: W/2SE/4	80.00
F. I. Dickey	Sec. 31: N/2 of Lot 1 of SW/4 and E/2N/2 of Lot 2 of SW/4 and S/2 of Lot 1 of NW/4 and E/2S/2 of Lot 2 of NW/4.	40.00

2. Except as otherwise indicated in each paragraph below, seventy-five percent of the following expenses are declared to be allowed expenses as defined in 212.78(c) for the Vapor-Therm project undertaken by Carmel Energy, Inc. in the Eastburn-Cherokee Field in Missouri:

a. The allowed costs as defined in 212.78(c) for in-situ combustion as stated in the Appendix to Section 212.78.

b. The allowed costs for engineering and laboratory and environmental expenses as defined in 212.78(c).

c. The costs of pressure vessels (Vapor-Therm units) used for the generation of flue gas and steam, including valves, regulators, control devices, insulation, etc., necessary to generate the injected fluid, provided that with respect to any particular year, the amount of allowed expenses based on such costs may not exceed the amount of depreciation reportable to the IRS with respect to such costs for that year.

In all other respects, Carmel's application for the designation of allowed expenses is hereby denied.

3. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Carmel. It is further based on our understanding that all actual and projected costs reported by Carmel represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all cost, revenue and production estimates are reasonably accurate. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

4. Pursuant to this Order, any producer that certifies to the Economic Regulatory Administration that it has an interest in a property on which this project is located and that it contributes to the initiation or expansion of this project shall be considered a qualified producer with respect to this project and thereby may recover pursuant to the requirements of 10 CFR 212.78, all allowed expenses specified herein which were incurred and paid since August 21, 1979, so long as such producer pursues the Vapor-Therm process project number EF–217 on the properties, as described in this Proposed Decision and Order.

Issued in Washington, D.C., on February 19, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations Economic Regulatory Administration.

[FR Doc. 81–6186 Filed 2–20–81; 9:25 am]

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[Docket Number ERA–TA–80–10]

Shell Oil Co.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Shell Oil Company (Shell) a proposed Decision and Order in response to its application for designation of additional allowed expenses pursuant to 10 CFR 212.78(e)(3) of the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have until March 25, 1981 to submit objections or comments. Upon review of any matters submitted, the ERA may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Other together with a copy of Shell's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Department of Energy Economic Regulatory Administration

Proposed Decision and Order Under the Tertiary Incentive Program

TO: Shell Oil Company, Los Angeles, California.

SUBJECT: Designation of Additional Allowed Expenses for the Coalinga Steam Injection Project located in Fresno County, California (Docket Number ERA–TA–80–10).

I. Introduction

On March 6, 1980, the Shell Oil Company (Shell) of Los Angeles, California, submitted a self-certification application for its Enhanced Oil Recovery (EOR) project located on the Coalinga Field in Fresno County, California (Coalinga Project). On April 22, 1980, Shell submitted an application for an order designating certain additional expenses associated with the Coalinga Project as allowed expenses pursuant to 10 CFR 212.78(e)(3).

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits qualified producers which are engaged in EOR projects to recover a portion of the costs associated with such projects. Section 212.78(e)(3) authorizes ERA to issue an order designating, with respect to a self-certifiable EOR technique being used on a self-certified property, allowed expenses in addition to those based on environmental expenses, engineering and laboratory expenses, or expenses listed in the Appendix to Section 212.78. An allowed expense is seventy-five percent of an environmental expense (as defined in Section 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in Section 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78 or allowed by order issued pursuant to either § 212.78(e)(2) or 212.78(e)(3).

III. Findings and Analysis

On March 6, 1980, Shell submitted an application to ERA to self-certify itself as a qualified producer with respect to the Coalinga EOR project. On April 22, 1980, Shell submitted an application for a Decision and Order to recover certain additional expenses associated with the Coalinga Project. The application specifically requests that the costs resulting from use of insulated tubulars be considered allowed expenses.

The insulated tubulars that Shell proposes to employ consist of two strings of standard oil field tubulars and connections. Each joint contains an

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outer (threaded) and inner (plain) tubular which are matched to each other and factory welded together through thermal expansion bellows located at each joint end. This system thereby separates thermal loads developed by the inner string and mechanical loads carried by the outer string. The annuluar area between the two strings is filled with multi-layered insulation consisting of radiation shields and anti-convection scrim fiberous glass. The annulus is evacuated to reduce heat loss by conduction and hermetically sealed by factory welding. Use of such tubulars allows more efficient transfer of the heat generated at the surface and thus enables the steam entering the reservoir to be of a higher quality than uninsulated operations would permit. As a result of this more efficient use of available steam, crude oil production rates should be higher.

Costs associated with the use of the insulated tubulars in the project amount to $3,337,000.00. It is projected that these costs will be offset by savings in steam costs in about five years, if the technique is successful, assuming reasonable operation and maintenance costs during the period. The tubulars, however, have little history on which to base expectations of success. The possibility of leakage and corrosion are ever present in standard steam injection operations and may be considerably greater in operations that employ insulated tubulars. Additionally, the weight and size (diameter) of the individual tubings may pose difficulties with respect to their installation.

The General Guidelines to 10 CFR 212.78 state that ERA may grant requests to permit recoupment of expenses other than those specified in the Appendix to 10 CFR 212.78, provided that the producer has demonstrated that an EOR technique is being employed which involves high levels of risks and costs, and that the offset of these additional costs is necessary to make the use of that technique an attractive investment opportunity. Additionally, ERA considers the degree to which the recovery of these additional costs will be a stimulus for promoting rapid technical and commercial advances in EOR techniques.

ERA has determined that the use of insulated tubulars represents a technical innovation which involves high levels of cost and risk. Although the costs of the insulated tubulars potentially could be satisfied by the increased production of incremental oil, ERA believes the element of uncertainty to be so great the use of the insulated tubulars in the project will be an unattractive investment opportunity unless Shell can recover a portion of the costs associated with the insulated tubulars. Accordingly, ERA is proposing that certain costs associated with the use of the tubulars identified in the ordering paragraphs be designated as allowed expenses pursuant to 10 CFR 212. 78(e)(3).

IV. Comment Procedures

10 CFR 205.98 requires that this proposed Decision and Order be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated office in ERA on or before March 25, 1981. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA–152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. Except as otherwise indicated in each subparagraph below, the following expenses are declared to be allowed expenses with respect to the Coalinga Project undertaken by Shell in Fresno County, California:

a. Costs of fabrication of double walled insulated tubing for the 43 injector wells.

b. Costs of special casings to accommodate double walled thermal packers.

c. Costs of thermal packers to be used with the double walled insulated tubings.

In all other respects Shell's request for the designation of additional allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Shell. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order any qualified producer with respect to the Coalinga Project may recover all allowed costs specified herein which were incurred and paid on or after August 22, 1979, so long as such producer is engaged in the project described in this Order.

Issued in Washington, D.C., on February 19, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations Economic Regulatory Administration.

[FR Doc. 81-6187 Filed 2-20-81; 8:28 am]

BILLING CODE 6450-01-M

American Pacific International, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to American Pacific International, Inc., 700 S. Flower Street, Los Angeles, CA 90017. This Proposed Remedial Order charges American Pacific International, Inc. with pricing violations in the amount of $380,949.34, connected with the resale of motor gasoline during the time period January 14, 1974 through March 31, 1974, and $252,135.64 connected with the first sale of crude oil during the time period January 1, 1974 through March 31, 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, CA 94105, phone (415) 784–7038. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in San Francisco, CA, on the 30th day of January, 1981.

Lon W. Smith,

District Manager Office of Enforcement, Western District Economic Regulatory Administration.

[FR Doc. 81-5624 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Golden Eagle Refining Co., Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Golden Eagle Refining Co., Inc, 707 Wilshire Blvd., Los Angeles, CA 90017. This Proposed Remedial Order charges Golden Eagle with pricing violations in the amount of $288,555.00 connected with the sale of low sulfur fuel oil in January 1974 in the State of California.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105, phone (415) 784–7038. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR § 205.193.

Issued in San Francisco, CA, on the 11th day of February 1981.

Lon W. Smith,

District Manager of Enforcement, Western District.

[FR Doc. 81-5623 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Hendel's Inc., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, Massachusetts 02114.

SUPPLEMENTARY INFORMATION: "On December 31, 1980, the Office of Enforcement of the ERA executed a Consent Order with Hendel's, Inc. (Hendel's) of Waterford, Connecticut. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. The Consent Order

Handel's with its home office located in Waterford, Connecticut, is a firm engaged in the sale and allocation of Motor Gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Hendel's, the Office of Enforcement, ERA and Hendel's entered into a Consent Order, the significant terms of which are as follows:

1. During the period January 1, 1979 through January 31, 1980, Hendel's recovered in its sales of gasoline revenues in excess of amounts allowed if selling prcies were calculated in accordance with the applicable price rule 10 CFR 212.93, (as preceded by 6 CFR 150.359) which states that "a seller may not charge a price for any item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs concerned."

2. The amount that Hendel's overcharged and the applicable interest is as follows:

Class	Amount	Interest thru Nov. 30, 1980	Total
Dealer	$134,231	$21,651	$155,882

In addition, interest for the period December 1, 1980 to the date of restitution shall be computed and added at the rate of 11.74 percent per annum.

3. In consideration of Hendel's implementation of the terms and conditions of this agreement, DOE releases Hendel's in connection with any claim pursuant to 10 CFR Section 212 for pricing matters in sales of motor gasoline during the period from January 1, 1979 through June 30, 1980 provided, however, that DOE expressly reserves the right to take further action with respect to the matters contained herein if the terms and conditions of this Consent Order are violated. This Consent Order will be effective upon signature of the duly authorized representatives of Hendel's and DOE.

4. This Consent Order does not consitute an admission by Hendel's of having violated DOE Regulations.

II. Disposition of Matters Covered by This Consent Order

Hendel's shall, within thirty (30) days after the effective date of this Consent Order, deliver a certified check in the sum of $115,882.00 plus additional interest accrued from December 1, 1980 to the date of restitution made payable to the United States Department of Energy. Delivery shall be to the Assistant Administrator for Enforcement, Economic Regulatory Administration, Room 5302, 2000 M Street, NW., Washington, D.C. 20461, Attn: Refund Coordinator. The Assistant Administrator for Enforcement, ERA, shall direct that these monies be deposited in a suitable account in order that the monies in the fund may be distributed in a just and equitable manner in accordance with applicable laws and regulations. If the money is deposited into an account established with the Treasury Department, it is understood that, with respect to both the principal in such an account and the interest to be credited to such an account, the Treasury Department would not act as a guarantor, or otherwise assume such responsibilities or obligations with respect to such sums. If the money is deposited into a private bank, it is understood that the bank would not act as a guarantor of the funds, although these funds may be protected by the Federal Deposit Insurance Corporation.

This Consent Order is a final order of DOE, and in consideration of DOE's agreement to the aforementioned terms and in accordance with 10 CFR Section 205.199J(b), Hendel's hereby expressly waives its rights to appeal or to obtain judicial review of this Order. The provisions of 10 CFR Section 205.199J are applicable to this Consent Order and are incorporated by reference herein.

In reliance on this Consent Order, and in accorance with 10 CFR Section 205.203, the ERA of the DOE hereby accepts $3,500 in civil penalties with respect to the overcharges cited in this Consent Order. Hendel's agrees to pay the above amount by delivery of a certified check payable to the Department of Energy within ten (10) days after the effective date of this Consent Order.

III. Submission of Written Comments

A. *Potential Claimants:* Because of the procedure for refund described above, interested persons who believe that they have a claim to all or a portion of the refund amount held by DOE should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notice to the ERA at this time is requested primarily for the purpose of identifying potential claims to the refund amount. After potential claims are identified, procedures for proof of claims may be established. Failure to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or for the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Hendel's.

You should send your comments or written notification of a claim to Edeard F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this

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Consent Order by writing to the same address or by calling (215) 597–2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on Hendel's, Inc. Consent Order". We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on March 25, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania on the 16th day of January 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81–5926 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

Lewtex Oil and Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: February 11, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On August 13, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Lewtex Oil and Gas Company (LOG) of Breckenridge, Texas on July 31, 1979, 44 FR 47396 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a protion of the refund of overcharges paid by LOG pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, LOG is refunding the sum of $189,744 plus interest by certified checks made payable to the United States Department of Energy within 18 months of the effective date of the Consent Order. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following person submitted a claim to the ERA: The Warren Petroleum Company, A Division of Gulf Oil Company.

Action Taken: The ERA is unable to identify readily the persons entitled to receive the $189,744 plus interest or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on February 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 17 day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–5827 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

Palo Pinto Oil and Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On July 16, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** executed a Consent Order with Palo Pinto Oil and Gas Company (PPO) of Wichita Falls, Texas on June 28, 1979, 44 FR 41286 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by PPO pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, PPO refunded the sum of $529,000—a principal amount of $434,822, and interest of $94,178—by certified checks made payable to the United States Department of Energy. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The ERA received no timely claims to the refunds.

Action Taken: The ERA is unable readily to identify the persons entitled to receive the $529,000 or to ascertain the amounts of refunds that such persons are entitled to receive. the ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on February 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 17th day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–5930 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed concerning selling prices alleged to be in excess of the maximum lawful selling price for motor gasoline. The Consent Orders do not address or limit any liability with respect to the consenting firm's prior compliance with the Mandatory Petroleum Price and Allocation Regulations. Among other matters, the consenting firms agree to make proper restitution for overcharges on each grade of gasoline and otherwise comply with applicable law. For further information regarding these Consent Orders, please contact Thomas M. Holleran, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, NW, Washington, DC 20461, telephone number 202–653–3569.

Issued in Washington, DC on the 12th day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Consent Orders Issued

Station	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Northeast District				
Dick's Lower Cape Gulf Service, Inc.	130 Bradford Street, Provincetown, MA 02657	7/31/80	7.3	$3,570.00
Horn's Manna (Texaco)	Seagull Road, Chatham, MA 02633	8/4/80	7.9	406.00
Therien & Sons Texaco	3599 Mendon Road, Cumberland, RI 02864	8/4/80	5.2	1,118.00
Sandwich Gulf	Route 6A and Jarves Sts., Sandwich, MA 02563	8/4/80	5.2	1,118.00
Caron & Sons Mobil	Route 3, Merrimack, NH 02054	8/21/80	1.9	427.00
Richert Service, Inc	850 New Scotland Ave., Albany, NY 12208	8/25/80	1.0	9,285.00
Consolidated Yachts, Inc	157 Pilot Street, City Island, NY 10464	8/4/80	5.0	150.00
Marine Basin Marina	1900 Shore Parkway, Brooklyn, NY 11214	8/1/80	9.1	912.00
Treasure Island Marine Basin	2880 Ocean Avenue, Seaford, NY 11783	8/0/80	1.1	100.00
Riverdale Auto	377 Riverdale Ave., Yonkers, NY 10705	8/6/80	1.6	100.00
Andy's Marine Service	Island Park Place and Sheridan Ave., Island Park, NY 11558	8/11/80	4.7	481.00
Pascack Exxon	Pascack Rd. and Old Nyack Turnpike, Spring Valley, NY	8/11/80	1.6	406.00
The Car Hospital	244 Forest Ave., Locust Valley, NY 11560	8/13/80	5.5	820.00
Viking Marina	3678 Ocean Avenue, Seaford, NY 11783	8/19/80	1.8	336.00
Great Kills Boat Yard & Marina	183 Mansion Ave., Staten Island, NY	8/19/80	10.8	1100.00
Goshen Shell Service	Greenwich and Green Sts., Goshen, NY	8/19/80	1.4	100.00
C&C Yachts, Inc	41 Degnon Blvd., Bayshore, NY	8/19/80	4.1	572.00
Crow's Nest Marina	495 Wood Street, Oceanside, NY	8/22/80	28.8	3817.00
Milton P. Enstine & Son, Inc	635 Hill Street, Southampton, NY	8/22/80	9.6	2008.00
Alex's Garage	Montauk Highway and Tollsome Road, East Hampton, NY	8/20/80	4.1	1,000.00
Montauk Marine Basin	West Lake Drive, Montauk, NY	8/22/80	5.7	1,500.00
Marshall & Sons Service Station	Box MM, Montauk, NY	8/21/80	2.7	1,000.00
John J. Peters Service Station	Main and Brick Kiln Rd., Sag Harbor, NY	8/21/80	2.8	2,000.00
Booker Enterprises of Hempstead	665 Peninsula Blvd., Hempstead, NY	8/22/80	3.9	1,125.00
Chesapeak Phillips 66	Chesapeak Boat Yard, Chesapeak City, MD	8/20/80	2.3	3,774.00
John G. Schaufler	Deleware City Marina, Deleware City, DE	8/13/80	4.1	407.00
H. R. Rager, B.F.G. Marina, Arco	R.D. No. 1, Central City, PA	8/18/80	9.3	478.00
Bill's Marine Service	Star Route 1, Box 104, Oakland, MD	8/4/80	16.7	1,161.00
James Holland, Francis Sweene S&H Marina, Texaco.	Box 8, McHenry, MD	8/5/80	2.3	1,331.00
		8/5/80	5.3	1,378.00
Richard H. Parker, Arco	5000 Butler Street, Lawrenceville, PA	7/28/80	3.3	3,995.00
Cam's Servicenter	693 Peninsula Blvd., Hempstead, NY	9/2/80	6.7	4,004.00
Mayer Boat Works	20–06 119 St., College Point, NY	9/2/80	11.1	1,139.00
Pell's Fish Dock and Marina	Shinnecock Inlet, Hampton Bays, NY	8/26/80	2.1	569.00
Townsend Manor Inn	Main Street, Greenport, NY	8/26/80	9.8	2,486.00
Corn's Marina Cove	9 Canoe Place Rd., Hampton Bays, NY	9/3/80	4.8	992.00
Nick's Manna	Bayberry Avenue, Merrick, NY	9/5/80	5.6	1140.00
Raul's Service Station	234 East Merrick Rd., Freeport, NY	9/8/80	9.4	4,072.00
Anlee Service Station	655 East Jericho Turnpike, Huntington Station, NY	8/8/80	4.0	245.00
Arbe's Service Centers	226 Myers Corners Rd., Wappinger Falls, NY	9/10/80	4.9	2,049.00
W. W. Williams Co	600 Greentree Road, Pittsburgh, PA	9/11/80	9.2	1961.00
Causeway Boat Livery	R.D. No. 1, Sapyville, PA	8/6/80	10.5	1804.00
Richard J. Parker	500 Butler St., Pittsburgh, PA	7/28/80	3.3	1,700.00
Chautauqua Lake Boat Yard	R.D. No. 2, Mayville, NY	8/28/80	5.6	1,126.00
Stirling Harbor Shipyard & Marina	Manhasset Ave., Greenport, NY	8/25/80	17.1	4,855.00
Amity Harbor Marina	30 East Merrick Rd., Amityville, NY	9/15/80	7.6	214.00
Strong's Mattituck Marina	Camp Mineola, Mattituck, NY	8/28/80	1.1	157.00
Monte's Manna	10 Public Highway, Bellmore, NY	9/18/80	6.3	100.00
Riverview Yacht Basin	18 Petten St. Ext., Rochester, NY	9/17/80	5.0	871.00
All Points Exxon	412 Route 59, West Nyack, NY	9/25/80	11.1	4,011.00
Malloy Enterprises Inc.	Bay Street, Sag Harbor, NY	9/29/80	1.9	377.00
Mattituck Fishing Station & Manna	Nauglies Drive, Mattituck, NY	9/30/80	4.3	100.00
Normal Sylvester	Washington and Hannun Street, West Chester, PA	9/30/80	1.4	331.00
William Reynolds	State Rd. and Lansdowne Avenue, Upper Darby, PA 19082	9/30/80	3.2	436.00
Goat Island Marina	Goat Island, Newport, RI 02840	9/10/80	13.0	1,543.00
Dick's Arco	750 Lancaster Avenue, Reading, PA 19607	10/9/80	7.3	2,657.00
Bend, Inc., Bond Boat Basin	Route 114 Melville, Newport, RI 02840	10/7/80	23.7	3,744.00
Trestle Landing	Route 14, Sodus Point, NY 14555	10/7/80	7.5	159.00
Braddock Bay State Marine	9 Lakeland Beach, Kendall, NY 14476	10/9/80	13.7	175.00
Port of Egypt Manne	Route 25, Southhold, NY 11971	10/16/80	19.1	2,559.00
Great River Manne	520 Shore Drive, Oakdale, NY 11769	10/20/80	7.6	464.00
East Meadow Amoco	1878 Hempstead Turnpike, East Meadow, NY 11554	10/20/80	3.3	481.00
Howie's Manna	445 Vanderbilt Blvd., Oakdale, NY 11769	10/30/80	6.7	768.00
Costawzo Mobil	Easton and Meetinghouse Road, Horsham, PA 19044	10/30/80	4.5	340.00
Spag's Ashland	608 S. Chestnut St., Clarksburg, WV 26301	10/3/80	3.3	119.00
Washington, D.C., Metropolitan Area				
Queenstown Exxon	3200 Queens Chapel Rd., Hyattsville, MD 20783	1/2/80	5.8	$979.18
South Dakota Shell	5585 South Dakota Ave., Washington, DC 20013	1/2/80	9.1	1,828.32
Riverdale Mobil	5701 Riverdale Road, Riverdale, MD 20840	1/3/80	1.3	927.93
Brookland Shell	3702 12th Street, NE, Washington, DC 20017	1/3/80	3.4	1,057.15
Beltway Plaza Car Wash	7906 Cherrywood Lane, Greenbelt, MD 20770	1/10/80	2.9	337.01
Aspen Hill Amoco, Inc	13800 Georgia Avenue, Silver Spring, MD 20906	1/17/80	2.0	1,189.06
Silver Spring Amoco	7901 Georgia Avenue, Silver Spring, MD 20910	1/17/80	1.0	116.83

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Consent Orders Issued

Station	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Washington, D.C., Metropolitan Area—Continued				
Dodson's Rockville Texaco	369 Hungerford Drive, Rockville, MD 20850	1/18/80	2.4	435.62
Annandale Shell	7413 Little River Turnpike, Annandale, VA 22003	1/22/80	[illegible]	752.76
Sunderland Shell	7131 Columbia Pike, Annandale, VA 22003	1/23/80	[illegible]	383.37
Fred's Service Center	801 Hungerford Drive, Rockville, MD 20850	1/29/80	3.1	1,368.77
Central District				
Lodge of the Four Seasons Marina	P.O. Box 215, Lake Ozark, MO 65049	9/2/80	5.9	$1,470.70
Dix & Champaign Shell Service	2575 Dix Road, Lincoln Park, MI 48146	8/4/80	4.9	3,526.91
Dickie Dee Marina	8709 Dixie Highway, Fair Haven, MI 48023	9/12/80	2.6	[illegible]
Sparks Bay	R.R. 2, Kellog, LA 50135	8/23/80	[illegible]	100.00
Coral Marina	R.R. 2, Iowa City, IA 52240	[illegible]	15.6	1,137.79
North Shore Boat Co	Red Rock Lake, Pella, IA 50219	[illegible]	[illegible]	150.00
Light House, Inc.	R.R. 2, Moravia, IA 52571	[illegible]	[illegible]	25.00
Trails End Texaco	I-20 and Highway 36, Rock Port, MO 64482	[illegible]	3.7	3,250.00
Kimberling Marina	Box 903, Kimberling City, MO 65686	6/20/80	4.5	[illegible]
Highway 83 Marina	R.R. 1, Flemington, MO 65650	[illegible]	[illegible]	104.00
Patrick's Sunoco	R.R. 1, Box 99, Harrisburg, IL 62946	10/10/80	2.3	273.21
U.S. Army Physical Activities Outdoor Recreation Marina.	Fort Riley, KS 66442	[illegible]	7.8	272.00
Campbell's Marina	R.R. 1, Box 163, Sylvan Grove, KS 67481	9/11/80	3.0	[illegible]
Melvern Lake Marina	R.R. 1, Melvern, KS 66510	9/17/80	6.1	945.23
Hoke Brother's No. 2	3555 Woodward, Detroit, MI 48201	[illegible]	2.6	[illegible]
City of Petoskey	2000 Division Street, Petoskey, MI 49770	10/15/80	7.5	[illegible]
Marx Auto Car Service	27831 Orchard Lake, Farmington Hills, MI 48018	10/8/80	1.0	717.94
8th and Roosevelt Std	715 Roosevelt Rd., Maywood, IL 60153	11/12/80	8.4	1,242.00
Jack's Super Shell	3801 W. Madison, Chicago, IL 60624	11/14/80	4.2	[illegible]
Freeman's Standard Service	3803 W. Roosevelt Rd., Chicago, IL 60624	11/17/80	2.6	[illegible]
Joe's Standard	2801 S. Pulaski Road, Chicago, IL 60623	11/18/80	2.6	1,915.00
Burn's Sohio Center	Sycamore St. and U.S. Route 52, New Richmond, OH 45157	10/2/80	2.0	1,367.47
Southwest District				
The Hut	Route 1, Mead, OK 73449	8/18/80	7.0	$541.25
Hilltop 66 Truck Stop	Route 6, Box 435, Abilene, TX 79601	[illegible]	4.0	[illegible]
Wild Bill's Mobil	2749 Las Vegas Tr., Fort Worth, TX 76118	8/11/80	3.8	171.66
Branson's Gulf	2601 E. Belknap, Fort Worth, TX 76111	[illegible]	2.6	282.00
Edward's Shamrock	Route 2 (Highway 121), Frisco, TX 75034	7/30/80	1.6	459.93
Billy Craig Fina	214 W. First St., Mt. Pleasant, TX 75455	[illegible]	7.2	310.16
Cook's Gulf	Route 2, Box 120, Omaha, TX 75571	[illegible]	5.0	103.00
Grady Nutt Gulf	202 W. Panola, Carthage, TX 75632	8/12/80	4.9	1,100.00
Pineland Exxon	P.O. Box 282, Pineland, TX 75968	[illegible]	.2	102.20
Carmichael's Marina	Star Rt. No. 2, Box 84, Hemphill, TX 75948	[illegible]	7.0	1,181.36
Phil's Fina	Loop 12 and Irving Blvd., Irving, TX 75060	8/13/80	.8	108.05
Flip-In Grocery	Route 7, Box 438, Fort Worth, TX 76119	[illegible]	8.9	721.00
Phil's Corner	Route 3, Wills Point, TX 75169	7/30/80	2.3	[illegible]
White Deer Landing Marina	Route 3, Wills Point, TX 75169	[illegible]	4.3	[illegible]
19th Street Mobil	1402 N.W. 19th, Grand Prairie, TX 75050	8/14/80	3.0	275.23
Pierce's Exxon Service Station	3113 S. Hulen, Fort Worth, TX 76109	[illegible]	[illegible]	434.25
Mudd's Place	3190 N. Main, Mansfield, TX 76063	[illegible]	Recordkeeping	250.00
Mitchell Service Station	500 N. Main, Fort Worth, TX 76106	8/19/80	1.6	[illegible]
Lassiter Shell	Teasley Lane and I-35E, Denton, TX 76201	8/26/80	Recordkeeping	[illegible]
Hilltop Texaco	220 Stemmons, Denton, TX 76201	[illegible]	2.0	440.00
Stafford's Exxon	1901 E. Highway 356, Irving, TX 75060	7/25/80	4.9	[illegible]
Hiway 429 Marina	P.O. Box 746, Terrell, TX 75160	8/12/80	13.0	426.07
Dayle's Avenue "A" Shell Auto Care Center	4290 Westbank Expressway, Marrero, LA 70072	8/18/80	2.0	[illegible]
Prewitt's Grocery	Route 3, Box 71, Florien, LA 71429	[illegible]	.2	50.19
Red's Point	Route 3, Box 109, Florien, LA 71429	[illegible]	2.2	100.00
Winnfield Texaco Center	305 W. Court St., Winnfield, LA 71483	8/5/80	4.5	757.02
Holland's Chevron	P.O. Box 44, Kent, TX 79855	8/16/80	1.0	219.15
Santiago Exxon Station	P.O. Box 154, Van Horn, TX	8/17/80	1.1	[illegible]
Chapa's Chevron	1539 S. Grand, Odessa, TX 79763	[illegible]	6.2	100.00
Smith Enterprises	3630 Will Rogers Dr., Santa Rosa, NM 88435	[illegible]	.5	100.00
North Star Mall Texaco	8519 McCullough, San Antonio, TX 78216	8/4/80	1.0	[illegible]
Morris Gulf Service	711 N. Cockrell Hill Road, Duncanville, TX 75116	9/5/80	2.0	163.25
19th St. Bensha Exxon	1821 Tarrant Road, Grand Prairie, TX 75050	[illegible]	.4	109.61
Nick's Chevron	825 11th Street, Ozona, TX 76943	[illegible]	1.1	1,151.98
Santiago Ameta	131 Avenue A, Robstown, TX 78380	[illegible]	18.1	1,803.20
Nelson Matos Exxon	303 Roland Avenue, San Antonio, TX 78210	[illegible]	8.3	3,490.53
Claybrook & Slack Service Inc., and Vance E. Claybrook Exxon.	P.O. Box 269, Refugio, TX 78377	[illegible]	Allocation	[illegible]
Wizard Enterprises, Inc., and Continental Convenience Stores of Louisiana, Inc.	730 Enterprise Blvd., Lake Charles, LA 70601	9/2/80	[illegible]	40,500.00
Del Norte Gulf	6125 Montgomery, N.E., Albuquerque, NM 87109	9/10/80	1.0	126.04
Bailey's Gulf	3500 E. 66th Avenue, Gallup, NM 87301	9/10/80	3.1	[illegible]
Holiday Shell	P.O. Box 7071, Grants, NM 87020	9/10/80	1.0	100.00
Tinaja Bar & Service Station	Star Route 53, Ramah, NM 87321	7/11/80	Recordkeeping	500.00
Jolly Oil Company	P.O. Box 5365, Wichita Falls, TX 76307	[illegible]	2.7	1,625.00
Charles Burch Exxon	Box 382, Pineland, TX 75968	10/1/80	4.9	449.12
Kamper's Korner	Route 1, Box 52, Frisco, TX 75034	10/15/80	4.7	361.53
Rosborough Texaco	4213 Wilbarger Street, Fort Worth, TX 76119	10/17/80	3.5	9,196.56
Fincher's Exxon	1203 Ferris, Waxahachie, TX 75165	10/27/80	6.3	9,710.77
Cedar Mills Resort, Inc	Route 1, Box 105-R, Gordonville, TX 76245	10/6/80	9.0	242.00
Southside Texaco	3211 Pontchartrain, Slidell, LA 70458	10/20/80	6.9	3,532.90
Director of Personnel and Community Activities.	Headquarters, Fort Polk, LA 71459	10/16/80	1.4	[illegible]
Morrow Gulf Service	6301 S. Claiborne Ave., New Orleans, LA 70125	10/18/80	1.8	190.84

Consent Orders Issued

Station	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Southwest District—Continued				
Barrett's Gulf Service	1011 Tchoupitoulas St., New Orleans, LA 70130	10/10/80	6.8	4,742.66
Boutles Exxon	P.O. Box 278, Boutte, LA 70039	10/14/80	4.1	1,194.35
Domma's Lakeside Exxon	3530 N. Causeway, Metairie, LA 70002	10/29/80	5.3	2,644.04
Western Mart Texaco	FM 1649, El Sauz, TX 78544	10/13/80	16.1	1,700.00
Canyon Lake Marina	Star Route 2, Box 220, New Braunfels, TX 78180	10/26/80	3.6	[illegible]
Holton's Gulf Circle	1280 Avenue H, Lubbock, TX 79483	11/13/80	[illegible]	[illegible]
Ingram's Exxon	Highway 35E and Five Points Road, Waxahachie, TX 75165	11/6/80	[illegible]	[illegible]
Larry's Texaco	Highway 35E and Five Points Road, Waxahachie, TX 75165	11/3/80	Recordkeeping	250.00
Teal Development	P.O. Box 358, Dallas, TX 75221	11/3/80	[illegible]	[illegible]
Wal-Mart, Inc	1400 Lafayette St., Gretna, LA 70053	11/6/80	14.2	841.36
		11/6/80	6.2	6,423.15
Rocky Mountain District				
Best Yet Grocery	7691 Brighton Blvd., Henderson, CO 80640	9/17/80	17.0	[illegible]
Western District				
Packb Texaco	865 W. Sepulveda, Torrance, CA 90502	5/30/80	2.3	[illegible]
Hanson Houston Texaco	800 N. Euclid, Fullerton, CA 92632	[illegible]	2.0	275.18
J. B. Clemen	Beacon Chevron, Beacon Station, CA 93209	[illegible]	11.7	1,068.18
World Oil Shell #64	Beverly and Fairfax, Los Angeles, CA	6/2/80	.8	[illegible]
Kersten's Texaco	1601 Centinela Avenue, Inglewood, CA 90302	[illegible]	4.2	987.31
Hal Butler Chevron Service	9378 Wilshire Blvd., Beverly Hills, CA 90212	6/4/80	1.7	260.99
Hollydale Super Service	13601 S. Garfield Ave., South Gate, CA 90280	6/4/80	3.4	1,890.91
Family Union	7001 Westminster, Westminster, CA 92683	6/4/80	1.0	[illegible]
Chet's Shell Service	2252 Fairview, Costa Mesa, CA 92626	6/4/80	1.9	585.17
Al's Texaco Service	100 W. Katella, Anaheim, CA 92802	6/5/80	5.4	[illegible]
Flynn's Chevron	1801 S. Harbor, Anaheim, CA 92802	[illegible]	4.3	2,136.71
Stoppel Brothers	800 W. Manchester, Los Angeles, CA	[illegible]	5.4	[illegible]
John H. Voight Chevron Service	2051 E. Edinger Ave., Santa Ana, CA 92705	[illegible]	4.3	1,120.96
Katella Standard	801 W. Katella, Orange, CA	6/10/80	9.1	1,017.11
Saverna Texaco	9010 S. Bundy Drive, Los Angeles, CA 90066	6/11/80	4.6	1,741.91
A & A Oil Service, Inc	705 N. Archibald, Ontario, CA 91761	6/11/80	6.0	[illegible]
A & A Oil Service, Inc	11096 Magnolia Ave., Riverside, CA 92601	6/11/80	6.5	2,578.49
A & A Oil Service, Inc	3498 Central Avenue, Riverside, CA 92506	6/11/80	7.0	[illegible]
A & A Oil Service, Inc	3618 Arlington Avenue, Riverside, CA 92506	6/11/80	7.2	1,092.44
Oscar's Service	2991 Pacific Coast, Highway, Lomita, CA	6/12/80	6.7	446.52
Brooks Texaco Service Station	12800 South Avalon Blvd., Los Angeles, CA 90061	6/12/80	1.8	1,054.44
Jerry Luiza Union	4695 E. Florence Ave., Bell, CA 90201	6/13/80	.5	156.26
Red Carpet Car Wash Area	901 N. Vine, Los Angeles, CA 90038	6/13/80	11.2	1,506.95
Norris Height Freeway Texaco #2	23651 Rockfield Blvd., San Clemente, CA 92672	6/15/80	3.2	1,157.28
Norris Height Freeway Texaco #1	23652 Rockfield Blvd., El Toro, CA 92630	6/15/80	5.8	6,852.61
Jose Flores Chevron	1335 Dudley Street, Pomona, CA 91766	6/16/80	1.7	[illegible]
Jack's Mobil Service	2490 S. Western Ave., San Pedro, CA	6/16/80	1.4	315.53
A-Management No. 1	7558 Reseda Blvd	6/17/80	2.2	1,849.49
A-Management No. 3	9010 E. Slauson, Pico Rivera, CA	6/17/80	3.2	1,469.62
A-Management No. 2	17700 Roscoe Blvd., Northridge, CA	6/17/80	2.2	1,110.56
A-Management No. 5	1502 So. Robertson Boulevard, Los Angeles, CA 90035	6/17/80	2.9	1,463.54
A-Management No. 6	22753 Oxnard Street, Woodland Hills, CA 91367	6/17/80	2.2	1,982.61
A-Management No. 7	10610 Garvey Blvd., El Monte, CA	6/17/80	2.0	[illegible]
A-Management No. 8	13001 Francisquito, Baldwin Park, CA 91706	6/17/80	2.2	225.40
A-Management No. 9	14106 Burbank Blvd., Van Nuys, CA	6/17/80	4.2	2,232.80
A-Management No. 10	18855 Nordhoff, Northridge, CA	6/17/80	2.9	2,690.77
Nahas Arco	2466 Riverside, Los Angeles, CA 90039	[illegible]	.7	270.76
Peninsula Center	27450 S. Hawthorne Blvd., Rolling Hills, CA 90274	6/18/80	1.1	[illegible]
WJK Chevron	507 W. Highland Ave., San Bernardino, CA 92408	6/18/80	.4	116.85
Cloyd's Chevron	1198 South "E" Street, San Bernardino, CA 92408	6/18/80	.1	123.58
South Bay Arco Service	4205 Pacific Coast Highway, Torrance, CA 90505	6/18/80	2.7	285.11
Wildwood Plaza Shell	295 E. 40th Street, San Bernardino, CA 92405	6/19/80	6.8	550.22
Cannis Exxon	3008 N. "E" Street, San Bernardino, CA 92405	6/19/80	4.9	1,423.96
South Huntington Chevron	290972 Magnolia, Huntington Beach, CA	6/19/80	3.2	1,056.68
Environmental Oil Co., Inc.	33171 Pasco Cerveza, San Juan Capistrano, CA 92675	6/23/80	3.8	7,012.69
Elrod's Family Chevron	16830 Lakeshore Drive, Lake Elsinore, CA 92330	6/24/80	2.6	[illegible]
Andy's Exxon	301 South D Street, Perris, CA 92370	[illegible]	6.9	1,000.71
Villa Manna Union	4300 Lincoln Blvd., Manna Del Rey, CA	6/27/80	5.4	1,201.97
Airport Arco	920 W. Manchester Boulevard, Inglewood, CA 90301	6/27/80	3.9	383.15
Silver Spur Texaco	601 Silver Spur Rd., Rolling Hills, CA 90274	[illegible]	6.1	1,957.26
Lopez Exxon Service	1806 N. Broadway, Santa Maria, CA 93454	6/13/80	5.4	1,846.77
Tagh Lavassani Arco	2110 Old Middlefield Road, Mountain View, CA 94043	6/13/80	3.9	[illegible]
Fred's Arco	486 A Street, Hayward, CA	6/18/80	2.7	127.53
Northgate Chevron	2150 N. Northgate Way, Seattle, WA 98133	6/5/80	2.4	[illegible]
Highline Exxon	18205 Des Moines Way S, Seattle, WA 98045	6/11/80	4.9	300.00
G & S Enterprises	P.O. Box 990, North Bend, WA 98045	6/19/80	1.5	100.00
Southcenter Chevron	220 Strander, Tukwila, WA 98188	6/30/80	3.2	[illegible]
Mack's Corner Grocery	18550 168th Ave. N.E., Woodinville, WA 98072	6/20/80	7.4	1,187.30
Smokey Point Texaco	2804 172d Ave., N.E., Arlington, WA 98223	[illegible]	.8	100.00
Don's Arco	1013 W. Foothill Blvd., Upland, CA 91786	7/31/80	[illegible]	[illegible]
O'Neals Service Center	304 South Main Street, Corona, CA 91720	[illegible]	3.6	10,904.18
Romero Chevron	500 N. Mission Road, Los Angeles, CA 90033	8/4/80	6.3	2,967.28
North Brand Mobil	1100 N. Brand Blvd., Glendale, CA 91202	[illegible]	2.0	1,500.00
Nacho Chevron	7221 Pacific Blvd., Huntington Park, CA 90255	8/6/80	2.0	1,350.00
Valencia Chevron Service	24137 Lyons Avenue, Valencia, CA 91355	8/6/80	7.3	471.63
Michaels Arco Service Station	23105 Valencia, Valencia, CA	[illegible]	3.5	364.97
Clyde Davis Mobil	1580 West 6th Street, Corona, CA 91720	8/6/80	4.8	4,364.58
Dave Davidson Corona Mall Service Center	309 South Main Street, Corona, CA 91720	8/11/80	3.3	1,355.92
Robert Cocchia coc Freeway Sers-Mobil	1601 Valley Blvd., Colton, CA 92324	8/11/80	6.8	2,906.54
W. F. Saleeb's A-1 Exxon	1295 University Ave., Riverside, CA 92507	8/14/80	4.7	549.37
Ezio's Union Service	8705 Sepulveda Blvd., Sepulveda, CA	8/15/80	10.8	4,030.18
Marv's Chevron	7100 Melrose Ave., Los Angeles, CA 90046	8/18/80	2.0	2,265.00
Wray's Union 76	805 Ocean Blvd., Long Beach, CA 90802	8/18/80	6.4	[illegible]

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Consent Orders Issued

Station	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Western District—Continued				
Michael Kennedy Chevron	23566 Lyons Ave., Newhall, CA 91321	8/18/80	4.8	909.38
Water Wheel Car Wash	27565 Sierra Highway, Canyon Country, CA 91357	8/19/80	3.8	251.04
Dale's Repair—Arco	3283 Main Street, Riverside, CA 92501	8/20/80	1.0	100.00
Burke's Chevron	1011 University Ave., Riverside, CA 92507	8/20/80	5.1	1,213.23
Jack Ware Texaco	14210 E. Imperia Highway, La Mirada, CA 90638	8/21/80	8.8	4,535.04
George Bowers Chevron	19004 E. Colima Rd., Rowland Heights, CA 91748	8/21/80	4.3	1,407.31
Sergio Valenzuela	200 E. Beverly Blvd., Montebello, CA 90640	8/21/80	2.0	750.00
Copeland's Chevron Service	101 East Valley Blvd., Rialto, CA 92376	8/22/80	3.5	1,737.08
Salman's Chevron	532 S. Fremont, Alhambra, CA 91801	8/23/80	2.0	250.00
David Davidson Corona Mall Chevron Service	309 S. Main Street, Corona, CA 91720	8/26/80	12.6	2,698.99
Karoon's Arco	2411 W. Olympic Blvd., Los Angeles, CA 90046	8/26/80	5.0	4,262.00
Frank's Chevron	4419 N. Figueroa St., Los Angeles, CA 90065	8/27/80	3.0	6,732.00
Harry's Chevron Service	9971 Adams, Huntington Beach, CA 92646	8/27/80	8.4	7,367.79
Gary's Mobil	3003 N. San Gabriel, Rosemead, CA 91777	8/28/80	3.0	2,275.00
Helo Shell Service	13700 Sherman Way, Van Nuys, CA	8/28/80	5.5	610.91
Ole & Charles	3568 W. Marginal Way, Seattle, WA 98106	8/11/80	20.5	1,200.00
Lyman Chevron	P.O. Box 1278, Lyman, WA 98263	8/14/80	13.9	5,296.00
Harry's Union 76	16909 Redmond Way, Redmond, WA 98052	8/13/80	3.2	2,164.00
Lillwaup Motel	Highway 101, Lillwaup, WA 98555	8/25/80	5.7	100.00
Circle K—Store #1386	4198 Union Avenue, Bakersfield, CA 93305	8/8/80	11.0	850.44
Circle K—Store #1326	8101 Lander Avenue, Hilmar, CA 95324	8/8/80	13.9	18.84
Circle K—Store #1172	3506 Black Road, Santa Maria, CA 93454	8/8/80	12.5	824.36
Circle K—Store #985	3435 Pioneer Drive, Bakersfield, CA 93306	8/8/80	23.3	2,838.43
Circle K—Store #1126	2501 River Blvd., Bakersfield, CA 93306	8/8/80	13.1	1,302.09
Circle K—Store #1171	1801 6th Street, Kingsburg, CA 93631	8/8/80	15.1	322.80
Masoud Shell	212 Montana, Oakland, CA 94602	8/5/80	6.3	2,397.37
Stanford	5714 San Pablo, Oakland, CA 94608	8/5/80	5.4	1,395.73
Ellis O'Farrell Garage	123 O'Farrell St., San Francisco, CA 94102	8/7/80	4.5	429.80
Golden Gateway Garage	250 Clay Street, San Francisco, CA 94111	8/7/80	4.5	547.06
Columbus/Pacific	170 Columbus Avenue, San Francisco, CA 94133	8/7/80	4.8	381.06
Circle K—Store #1232	4381 El Camino Real, Atascadero, CA 93422	8/5/80	6.4	76.72
Wm. R. Humphries	26409 Sierra Hiway, Newhall, CA 91321	8/5/80	2.7	1,910.20
El's Union 76	20373 Valley Blvd., Walnut, CA 91789	9/5/80	5.3	2,560.98
Emanuel Belmaleck	5851 Franklin Ave., Hollywood, CA 90068	9/8/80	2.9	892.08
Otis Texaco Service	14562 E. Valley Blvd., La Puente, CA 91744	9/9/80	4.3	2,856.22
Guy's Service Station	449 W. Manchester, Playa Del Rey, CA	9/10/80	3.2	1,884.43
Tom & Ernies Richfield	11999 San Vicente Blvd., Los Angeles, CA 90049	9/10/80	.3	376.78
Bob Zook Exxon	24518 Lyon Avenue, Newhall, CA 91321	9/10/80	5.2	1,355.98
Burton Way Arco	8800 Burton Way, Beverly Hills, CA 90210	9/11/80	.2	192.25
Young Cho	3523 West 3rd Street, Los Angeles, CA	9/11/80	3.4	75.00
Alvey's Arco	11840 Foothill Blvd., Lakeview Terrace, CA 91342	9/12/80	5.6	3,207.36
Lincoln Blvd. Car Wash	1624 Lincoln Blvd., Santa Monica, CA 90404	9/15/80	5.8	2,100.00
Adnan Bondugjo Mobil	1809 W. Washington St., San Diego, CA 92103	9/15/80	3.3	604.71
Leslie's Texaco	5278 Sunset Blvd., Los Angeles, CA 90027	9/17/80	1.2	1,430.00
Mark Fayman Chevron	2290 Camino Del Rio, San Diego, CA 92108	9/17/80	.9	144.895
Velasquez Chevron	270 S. Normandie, Los Angeles, CA 90006	9/17/80	.1	50.00
Doc Keats Auto Repairs—Union	601 E. Market Street, San Diego, CA 92101	9/18/80	2.4	5,814.55
Abe's Arco	2523 E. Foothill Blvd., Pasadena, CA 91107	9/18/80	4.9	2,200.00
Tom Unger, d.b.a. T.J.U. Enterprises	P.O. Box 188, Honomu, HI 96728	9/10/80	5.3	$100.00
Mike Miller, d.b.a. Smiley's Super Service	1671 Kam Ave., Hilo, HI 96720	9/10/80	3.3	100.00
Ed's Shell	1967 S.W. Fourth, Portland, OR 97201	9/2/80	6.6	1,069.00
Point Defiance Boathouse	North 54th and Pearl, Tacoma, WA 98407	9/4/80	4.0	500.00
Arden & Bell Texaco	2800 Arden Way, Sacramento, CA 95825	9/12/80	2.0	120.87
Dave's Shell	199 Lincoln Road West, Vallejo, CA 94590	9/10/80	5.4	1,801.31
Dave's Shell	505 Tennessee St., Vallejo, CA 94590	9/10/80	5.4	714.58
B & M Texaco	Lathrop and Hwy 99, Manteca, CA 95336	8/30/80	Recordkeeping	236.00
Ashby	1200 Ashby, Berkeley, CA 94702	8/8/80	5.4	1,232.33
Jorge Perax Chevron	5279 W. Olympic Blvd., Los Angeles, CA 90039	10/15/80	3.0	351.00
Koko & Joe's Service Center	6228 Franklin Ave., Hollywood CA 90028	10/20/80	1.8	600.00
Puna Service Station	P.O. Box 97, Honolulu, HI 96850	9/15/80	7.4	250.00
Kona U-Save	P.O. Box 3077, Kailua Kona, HI 96740	9/26/80	7.6	250.00
Village General Store, Inc	P.O. Box 387, Volcano, HI 96785	9/29/80	3.6	100.00
Howard's Union Service	2077 Kamu Rd., Honolulu, HI 96819	10/10/80	2.0	100.00
Nitmitz Union Service	3033 N. Nimitz, Honolulu, HI 96819	10/24/80	2.4	100.00
Interbay Mobil Service	1517 W. Dravus Street, Seattle, WA 98119	10/2/80	.8	100.00
Tom Dietz	1317 Fulton, San Francisco, CA 94117	10/20/80	5.3	238.62
Young's Texaco	440 Hearn, Santa Rosa, CA 95401	10/17/80	16.9	4,265.66
Mel Cox	2017 W. Shaw, Fresno, CA 93705	10/8/80	3.0	3,065.81
Glenn Lore Chevron	8971 Adams Ave., Huntington Beach, CA 92646	10/26/80	4.3	1,016.00
D. E. Witson Chevron	2160 Harbor Blvd., Costa Mesa, CA 92627	11/18/80	4.9	8,268.58
Douglas Storey Insta-Tune	4399 Main Street, Riverside, CA 92501	11/19/80	5.3	100.00
DeWitt Sanders	2844 Santiago, Orange, CA 92607	11/24/80	5.9	886.67
Cervantes Shell Service	101 W. Pacific Coast, Wilmington, CA 90744	11/24/80	2.3	303.00
Whitfield Shell	5323 Western Ave., Los Angeles, CA 90062	11/26/80	1.9	1,206.00
Maruya's 76 Bay Service	44-740 Kaneohe Bay Dr. Kaneohe, HI 96744	11/4/80	3.7	100.00
Jorge Perez Chevron	5279 W. Olympic Blvd., Los Angeles, CA 90036	10/15/80	3.0	351.00
Koko & Joe's	6228 Franklin Ave., Hollywood, CA 90028	10/20/80	1.8	908.00

[FR Doc. 81-5842 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Ideal Gas, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken and Opportunity for Comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds to be deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: November 3, 1980. Comments by: March 25, 1981.

ADDRESS: Send comments to: U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105, telephone (415) 764–7038.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105, telephone (415) 764–7038.

SUPPLEMENTARY INFORMATION: On November 3, 1980, the Office of Enforcement of the ERA executed a Consent Order with Ideal Gas, Inc. of Nyssa, Oregon. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Ideal Gas, Inc. (Ideal), with its home office located in Nyssa, Oregon, was a firm engaged in the sale and resale of propane, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 6 CFR Part 150, and 10 CFR Parts 210 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Ideal, the Office of Enforcement, ERA, and Ideal entered into a Consent Order, the significant terms of which are as follows:

1. Ideal's sales of propane were audited for the period November 1, 1973 through April 30, 1974.

2. As a result of the audit, the Office of Enforcement alleged that Ideal charged prices for propane in excess of the maximum lawful selling prices permitted under 6 CFR 150.359, and 10 CFR 212.93.

3. Ideal, by entering into the Consent Order, did not concur in the Office of Enforcement's allegations, nor did it admit any liability or violation of any statute or DOE regulation or rule.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Ideal agrees to refund, in full settlement of any civil liability with respect to action which might be brought by the Office of Enforcement, ERA, arising out of the transaction specified in I.1. above, the sum of $72,040 on or before January 3, 1981. Refund overcharges will be distributed as follows:

a. Refund directly to end-user customers a total of $18,326.

b. The remaining refunded overcharges of $53,714 will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts deposited with it in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199J(a).

III. Submission of Written Comments

A. Potential Claimants

Interested persons who believe that they have a claim to all or a portion of the refund amount deposited with ERA should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Ideal Gas, Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 25, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f)

Issued in San Francisco, CA on the 12th day of February, 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-6004 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-004]

Long Island Lighting Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

On January 28, 1981, Long Island Lighting Company (LILCO), 250 Old Country Road, Mineola, New York 11501, filed an application with the Administrator of the Economic Regulatory Administration (ERA) for

V 4 6 / 3 5 F E 2 3 8 1 UMI

certification of an eligible use of natural gas to displace fuel oil at two of its electric generating plants in New York: the E. F. Barrett Electric Plant in Island Park and the Glenwood Electric Plant in Glenwood Landing, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natual Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, LILCO states that the volume of natural gas for which it requests certification is up to 3,500,000 dekatherms (approximately 3,500,000 Mcf) to be purchased from March 1, 1981 to October 31, 1981. This volume is estimated to displace the use of approximately 402,000 barrels of residential fuel oil (1.5 percent sulfur) and 9,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Plant and 164,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glendwood Plant between March 1, 1981, and October 31, 1981.

The eligible seller is City of Danville, P.O. Drawer 3308, Danville, Virginia 24541, and the gas will be transported by the Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Albert F. Bass, on or before March 5, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by an interested person in writing withing the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such as interest. The request should include as summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to LILCO and any persons filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C. on February 13, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81–5928 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 81–CERT–001]

Nebraska Municipal Power Pool; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On March 26, 1980, Nebraska Municipal Power Pool (NMPP), 1335 L Street, Lincoln, Nebraska 68508, acting on behalf of seven of its members, was granted a certificate of eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80–CERT–010). The certification involved the purchase of natural gas from Esperanza Transmission Company for use by NMPP at those member's municipal electric generating facilities in Nebraska. The ERA certificate expires on March 25, 1981.

Those seven members are the Board of Public Works of the City of Auburn, Nebraska (Auburn); the Board of Public Work of the City of Fairbury, Nebraska (Fairbury); the City Utilities Department of the City of Wahoo, Nebraska (Wahoo); the City Utilities Department of the City of West Point, Nebraska (West Point); the City Utilities Department of the City of Crete, Nebraska (Crete); the City Utilities Department of the City of Tecumseh, Nebraska (Tecumseh); and the Village Board of Trustees of the Village of Pender, Nebraska (Pender).

On January 12, 1981, NMPP filed an application for recertification of an eligible use of natural gas to displace fuel oil for the same seven members pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). This application was filed too early, before the 60-day period prior to the expiration date of the original certificate, and ERA and the applicant agreed to postpone this notice of the application until it was eligible. More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

It its application, NMPP states that the total volume of natural gas for which it requests recertification is the same as in its original certification or approximately 7,080 Mcf per day. This natural gas is estimated to displace the use of 10,050 gallowns (239 barrels) per day of No. 6 fuel oil (0.5 percent sulfur) at the Fairbury facility and 35,000 gallons (833 barrels) of No. 2 fuel oil (0.3 percent sulfur) per day at the six remaining municipal generating facilities. Natural gas usage in McF/day and resulting fuel oil displacement for each member is listed below:

Member	Natural gas Mcf/day (up to)	Oil displacement gal/day	Type fuel oil	Average sulfur content percent
Auburn	1,440	9,100	2	0.3
Wahoo	[illegible]	6,100	2	0.3
West Point	[illegible]	6,100	2	0.3
Crete	[illegible]	6,100	2	0.3
Tecumseh	[illegible]	3,800	2	0.3
Pender	[illegible]	3,800	2	0.3
Sub total (No 2 Fuel Oil)		35,000		
Fairbury	1,580	10,050	6	0.5
Totals	7,080	45,050		

The eligible seller of the natural gas is Esperanza Transmission Company having offices in Corpus Christi, Texas. The gas will be transported by the Northern Natural Gas Company, an interstate pipeline, and local distribution companies will make delivery to all seven facilities.

In order to provide the public with as much opportunity to participate in this proceeding as it practicable under the circumstances, we are inviting any person wishing to comment concerning this application to sumbmit comments in writing to the Economic Regulatory Administration, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Albert F. Bass, on or before March 5, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to NMPP and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C. on February 13, 1981.

F. Scott Bush,

Assistant Administrator Office of Regulatory Policy Economic Regulatory Administration.

[FR Doc. 81–5929 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Environment

Environmental Advisory Committee, Synthetic Fuels Subcommittee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Environmental Advisory Committee, Synthetic Fuels Subcommittee.

Date and Time: Wednesday, March 11, 1981—9:30 a.m. to approximately 1:30 p.m.

Place: Department of Energy, Forrestal Building—Room 4A110, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Contact: Rhoda Shechtel, Department of Energy, Forrestal Building—Room 4G052, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202–252–4616.

Purpose of Parent Committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative Agenda: Review Environmental Impact Statements, as available; Prepare Report for Full Committee; Public Comment (10 minute rule).

Public participation: The meeting is open to the public. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Members of the public who have not previously requested an opportunity to make an oral presentation, but who wish to speak, will be permitted to do so at a time determined by the Chairman.

Transcripts: Availabe for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 17, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81–5923 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of January 19 Through January 23, 1981

During the week of January 19 through January 23, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the Issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 17, 1981.

Energy Cooperative, Inc., East Chicago, Indiana, BEE–1298, crude oil

Energy Cooperative, Inc. (ECI) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would provide ECI with approximately $35.6 million in additional entitlements benefits. On January 19, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

Gulf Oil Corporation, Houston, Texas, BEE–0008, motor gasoline

Gulf Oil Corporation filed and Application for Exception from the provisions of 10 CFR 212.83(c)(2)(iii) (C) and (E). The exception request, if granted, would relieve the firm of the requirement that it adjust the cost allocation factor contained in the refiner price rule to account for the repayment of motor gasoline that it had received in exchanges consummated before December 31, 1978 and would thereby permit Gulf to charge prices for motor gasoline in excess of the levels determined in accordance with the price regulations. On January 22, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Southern Fuel Company, Baltimore, Maryland, BEE–1530; Looman Distributing, Inc., Ventura, California, BEE–1549; Ireland Transfer & Storage, Ketchikan, Alaska, BEE–1552, reporting requirements

Southern Fuel Company, *et al.*, filed Applications for Exception from the reporting requirements set forth in Form EIA–9A ("No. 2 Distillate Price Monitoring Report"). The exception requests, if granted, would relieve the firms of the requirement that they complete and submit Form EIA–9A to the Energy Information Administration. On January 23, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the applicants should be granted an extension of time in which to file their reports.

Sunland Oil, Delano, California, BEE–1537; Wooley Fuel Company, Maplewood, New Jersey, BEE–1538; Bachelder Oil Company, Inc., Athol, Massachusetts, BEE–1543; Jamar Oil Distributors, Stockton, California, BEE–1553; Cochran Oil Company, Jefferson, Ohio, BEE–1544, reporting requirements

Sunland Oil, *et al.*, filed Applications for Exception from the reporting requirements set forth in Form EIA–9A ("No. 2 Distillate Price Monitoring Report"). The exception requests, if granted, would relieve the firms of the requirement that they complete and submit Form EIA–9A to the Energy Information Administration. On January 22, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the Applications for Exception should be denied.

Petition Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Proposed Decision and Order which determined that the exception request be denied:

Company Name, Location, and Case No.

Burton Langley, Elizabethtown, KY, DEE–6224

[FR Doc. 81–6002 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

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Issuance of Proposed Decisions and Orders; Week of February 2 Through February 6, 1981

During the week of February 2 through February 6, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D) any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wished to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full test of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 17, 1981.

Burlington Northern, Inc., St. Paul, Minnesota, DEE–2104 EIA form 28

Burlington Northern Inc. filed an Application for Exception from the requirement to file from EIA–28 (Energy Company Financial Reporting System). The exception request, if granted, would relieve Burlington Northern Inc. of any obligation to prepare and submit Form EIA–28. On February 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Conoco, Inc., Houston, Texas, BXE–1681, crude oil

Conoco Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 212, Subpart D. The exception request, if granted, would permit Conoco Inc. to sell a portion of the crude oil produced from the Plum Bush Creek Unit in Washington County, Colorado at prices in excess of the applicable ceiling prices. On February 2, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

McMurrey Petroleum, Inc., Kilgore, Texas, BEE–1546, crude oil

McMurrey Petroleum, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 212.131. The exception request, if granted, would permit McMurrey to certify the production from the B. D. Everett No. 1 Lease during June 1980 according to its appropriate crude oil category. On February 2, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Northland Oil & Refining Company, Tulsa, Oklahoma, DEE–0934, DEE–1692, DXE–2539, crude oil

Northland Oil & Refining Company filed three Applications for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would permit Northland to a portion of its entitlement purchase obligations during the period April 1978 through March 1981 to account for crude oil receipts and runs to stills during the period February 1978 through January 1981. On February 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Sentry Refining, Inc., Washington, D.C., BEE–1339, crude oil

Sentry Refining, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67. The exception request, if granted, would permit Sentry to receive additional entitlements for the crude oil acquired to establish an increased inventory for its expanded refinery. On February 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81–6003 Filed 2–20–81; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary

Proposed Consent Orders With Commonwealth Oil Refining Co., Inc., Koch Industries, Inc., and Pennzoil Co.

AGENCY: Department of Energy (DOE).

ACTION: Clarification of prior notices of proposed consent orders.

The Office of the Special Counsel for Compliance (OSC) previously published notice, as required by 10 CFR 205.199J, that it had entered into Consent Orders with Commonwealth Oil Refining Company, Inc. (Corco), 45 FR 8099 (January 26, 1981), with Koch Industries, Inc. (Koch), 46 FR 8100 (January 26, 1981) and with Pennzoil Company (Pennzoil), 46 FR 8101 (January 26, 1981).

The notices stated that in accordance with the regulatory requirements, OSC would receive comments on the Consent Orders "for a period of not less than 30 days following publication of th[ese] notice[s]." Accordingly, OSC is required to consider all comments received by 5:00 p.m. on February 25, 1981, the thirtieth day following publication of the notices. The Notices of Proposed Consent Orders with Corco and Kock incorrectly stated that the thirtieth day following publication of the notices was February 21, 1981. In accordance with the notices and regulation cited, all comments received by the thirtieth day, February 25, 1981, will be considered.

The published Notice of the Proposed Consent Order with Pennzoil explained the distribution of only $6.5 million of the $10 million cash payment to be made by Pennzoil. The remaining $3.5 million will be refunded, under the same provision that governs the refunds to Pennzoil's electric utility customers, to the Defense Fuel Supply Center.

Issued in Washington, D.C. February 17, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81–6226 Filed 2–20–81; 10:32 am]

BILLING CODE 6450–01–M

Office of Conservation and Solar Energy

[Case No. F–003]

Energy Conservation Program for Consumer Products; Petition for Waiver of Consumer Product Test Procedures From Energy Kinetics Incorporated

AGENCY: Department of Energy.

SUMMARY: The energy conservation program for consumer products, other than automobiles, was established pursuant to the Energy Policy Conservation Act. The Department of Energy (DOE) has amended the prescribed test procedure regulations for the energy conservation program for consumer products to allow the Assistant Secretary for Conservation and Solar Energy temporarily to waive test procedure requirements for a particular covered product (45 FR 64108, Sept. 26, 1980). Waivers may be granted when characteristics of the product prevent use of the prescribed test procedures or lead to results that provide materially inaccurate comparative efficiency data. Pursuant to paragraph (b) of § 430.27 of the Code of Federal Regulations, DOE is required to publish in the **Federal Register** all Petitions for Waiver and the supporting documentation from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11. Also, DOE is required to solicit comments, data and information with respect to the determination of the petition.

DATES: DOE will accept comments, data, and information no later than March 25, 1980.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Solar Energy, Case No. F–003, Mail Stop GH–068, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Solar Energy, Room GH–065, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B–128, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9526.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1980, Energy Kinetics Incorporated filed a Petition for Waiver from the DOE test procedure requirements for measuring the energy consumption of furnaces. Specifically, the petition contends that a particular model of boiler manufactured by Energy Kinetics has design characteristics which prevent testing in accordance with the prescribed DOE test procedures. The petitioner adds further that even if the above request is granted and the test procedures are modified, which would allow testing of the model, the results obtained from the test procedures would provide materially inaccurate comparative data. Also, Energy Kinetics requested confidential treatment of the information contained in the Petition. Energy Kinetics believes the request for confidential treatment is justified in accordance with the applicable provisions of 10 CFR 1004.11.

In consideration of the foregoing and in accordance with the provisions of Part 430.27(b) of Chapter II of Title 10, Code of Federal Regulations, DOE is hereby publishing the "Petition for Waiver" in the **Federal Register** with the confidential information deleted. DOE has determined that the information deleted is confidential in accordance with 10 CFR 1004.11. DOE is hereby soliciting comments, data and information respecting the determination of the petition.

Issued in Washington, D.C., February 12, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Solar Energy.

[The original of this document contains information which is arguably confidential under 18 U.S.C. 1905. Such material has been deleted, from this copy and replaced with XXXXX's.]

December 27, 1980.

Subject: Petition for Waiver, 10 CFR Part 430, 27

Gentlemen: This is an application by Energy Kinetics Inc., Boiler System for an exception to test procedures set forth in sub Part B of Part 430, Chapter II of Title 10, Code of Federal Regulations, Appendix N, Uniform Test Method for Measuring the Energy Consumption of Furnaces.

Energy Kinetics Inc. (Applicant) plans to manufacture and commence marketing in January, 1981, an oil fired residential heating system which includes a low thermal mass, direct exhaust, purgeable boiler with characteristics which do not permit testing with procedures of the above specified test code.

1. Description of Applicant's Business.

The Applicant, incorporated in February, 1980 in New Jersey, has spent considerable effort and expense during the past several years to develop and produce a more energy efficient, oil fired residential hot water heating system.

The system incorporates a number of innovations to improve heat recovery and reduce operating and standby losses.

The Applicant has produced an advanced prototype under contract with Brookhaven National Laboratories, Associated Universities Incorporated under the Conservation Program Management Group acting with the U.S. Department of Energy (DOE).

Brookhaven National Laboratories test of the prototype indicated that the system qualifies as "a high efficiency boiler" within their standards.

The Applicant has continued development and plans to market this system beginning January, 1981.

2. Federal Labeling and Testing Requirements.

The low mass purgeable boiler system is a covered product since a component is an appliance (the boiler) falling within the "furnace" category as set forth in 16 CFR Part 305, and therefore is subject to the rules for using energy costs and consumption information in labeling and advertising under the "Act".

3. Energy Kinetics System: Principles of Operation.

3.1 The System incorporates a low thermal mass, oil fired direct exhaust hot water boiler and a control system which purges the low thermal mass boiler of its energy at the end of each demand cycle to a useful location, so reducing the boiler temperature to near ambient to significantly reduce losses in the standby portion of the operating cycle.

3.2 Details of the specific boiler design and control strategy are considered proprietory (confidential) and are included in a separate attachment to be treated without disclosure per provisions of 10 CFR 1004.1 of the waiver proceedure. Details permit review and evaluation by D.O.E. and N.B.S.

3.3 The Applicant believes that the general description in 3.1 (above) adequately describes the system for purposes of public comment as to why system does not conform to concepts of the test procedures for oil fired boilers.

4. Test Procedures Do Not Adequately Handle Applicant's System.

The test procedures, while they apply to the Applicant's basic oil fired boiler as a covered product under the Act, such procedures do not adequately handle the testing and rating for said boiler for the following reasons:

4.1 The boiler, being a low mass, low water volume boiler requires forced circulation during all sequences of operation. The temperature rise range specified in the procedures creates an inadequate flow rate and results in problems similar to those previously designated for exception in finned tube boilers. The temperature rise for optimum system performance while less than the minimum 120° F. specified in the procedures is a characteristic of the individual system and is more typical of supply/return temperatures of conventional field installed systems, i.e., 20° F. to 60° F. rise.

4.2 The low mass purgeable system operates in a manner similar to a warm air furnace at the end of a burn cycle. The thermal mass of the hot air furnace and the Energy Kinetics boiler are similar. With the warm air furnace, the fan continues to run until the heat exchanger, cooled by return air, reaches a specified condition. The low mass purgeable boiler circulator continues operation until the boiler reaches near ambient temperature.

The test procedure for boilers, which measures losses in standby starting at 200° F, is inappropriate.

4.3 The Energy Kinetics low mass system, starts each operating cycle from near ambient temperature, operates generally for a short cycle and the maximum attained temperature varies greatly, but in most cycles during a heating season will not approach 200° F.

Seasonal fuel efficiency, based on an assumed temperature level of 200° F., maintained throughout the heating season, is not representative of Energy Kinetics system performance.

4.4 The reduction of boiler standby temperature also reduces stack temperature in the standby cycle lessening stack draft in field installations. This further acts to reduce infiltration losses through the boiler in the off cycle.

The procedure specification which requires maintaining stack draft in the off cycle overstates infiltration losses and places undue advantage on use of flue dampers and similar devices.

4.5 The Energy Kinetics direct exhaust with a power burner operating at a slight positive pressure has characteristics which make the specified control of draft

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fluctuations not to exceed .005 inches inconsistent with field operation and would require instrumentation and controls beyond the capability of the Applicant.

5. The Lack of an Appropriate Test Procedure Is Unfair to the Applicant.

For reasons described, the current test procedures are not fair to the Applicant nor representative of seasonal efficiency available to potential users of the system.

Should the Applicant be required to adhere to the existing test procedure:

(A) The Applicant would be legally precluded from marketing a product because of a lack of Proper Test Procedure.

(B) A waiver to adjust only water temperature rise would permit a test but results would not be representative of fuel efficiency of an operating system.

(C) The Applicant would be deprived of introducing an improved efficiency heating system with an equitable marketing position.

(D) The intent of Congress in passing the Act would be frustrated as the public would be deprived of an opportunity to obtain an innovative system with significant potential for National Energy Savings.

6. Energy Kinetics System Testing.

The Applicant proposes that the system be tested in the manner for fuel savings which has been the basis of its development and design. Specifically:

6.1 Water flow rates should be regulated through a bypass system to optimize boiler system performance while providing a continuous flow of hot water at the discharge temperature specified in the procedures. A temperature rise in the range of 30° F. to 60° F.¶s expected.

6.2 Circulator operation and coolant flow should be continued at the end of a run cycle similar to that of a hot air furnace until supply/return temperature reach levels of the manufacturers standard control system. Flue temperatures and flows should be measured at times specified in the procedure.

6.3 Draft conditions should be those established by the manufacturer as typical for operating conditions in field installations.

6.4 The Applicant has had the system evaluated with the control strategy indicated above at an independent laboratory. The annual cyclic efficiency indicated a significant improvement over standard appliances. The above referenced test procedure modifications should approximate a fair AFUE value for the proposed system.

Yours truly,

John D. Marran,

President.

Enclosure Letter

XXXXX

Enclosure I—Oil Fired Boiler

XXXXX

Enclosure II—Insulation System

XXXXX

Enclosure III—Report on Burner-Boiler/Furnace Efficiency Test Project

[Test Report No.: 80-37-H1]

Efficiency Test Report For: Calori Coil Boiler, Prototype Oil Fired Purgeable Boiler, Marran Energy Kinetics, Inc., 140 Overleigh Road, Bernardsville, N.J. 07924

Brookhaven National Laboratory, Burner-Boiler/Furnace Efficiency Test Project, Upton, New York, 11973, July 1980

General Information

Efficiency Tests Performed

Steady-state and part-load efficiency tests were performed in the test facility. Annual fuel use was calculated by the Annual Fuel Use and Efficiency Computational Program.

Equipment Tested

The equipment tested was a prototype "Wet-Base" steel boiler with a non-conventional heat exchanger design, fired with a commercialized high speed retention head burner. The firing rate was nominally 0.85 gallons/hr.

Manufacturer

Marran Energy Kinetics, Inc., 140 Overleigh Road, Bernardsville, N.J. 07924

Model Number

Prototype—Calori Coil Boiler.

Mode of Operation

The boiler as tested is designed to provide only space heat in residential applications using a boiler heat purging technique.

Enclosures

(1) Hydronic Equipment Findings Report Reference Manual, BNL 50644.

(2) Annual Fuel Use and Efficiency Reference Manual, BNL 50816.

Efficiency Test Results

Calori Coil—Prototype Oil Fired Purgeable Boiler

The steady-state efficiency of the Calori-Coil Prototype was measured to be 83.3% by the testing method outlined in the Reference Manual (enclosure 1).

In comparison, typical conventional boilers have been found to operate with steady-state efficiencies between 70 and 75% with the "best" conventional units reaching almost 85%.

Part-load efficiency tests were performed at various heating loads (standby to full load) under the application of conventional control strategies as described in the Reference Manual. The results of the cycle efficiency tests can be found in Fig. 1 and Table 1. The cycle and steady-state efficiency data were used to calculate the annual fuel consumption and the seasonal efficiency of the Calori Coil Boiler fired with its high-speed-retention-head burner. It can be seen from Table 1A that under conventional control strategies, 1,016 gallons of fuel oil will be consumed per year for a structure in the New York City area with a design heating load of 50,000 Btu per hour and $\alpha = 2$. The units seasonal efficiency under this mode of operation was 71.9%.

Part-load efficiency tests (standby to full load) were performed while approximating the manufacturer's purging control philosophy. The manufacturer's philosophy is a departure from conventional stategies. Under these tests the boiler circulator was allowed to start during the burner firing period and continued running after burner shutdown until the boiler outlet temperature reached approximately 107°F. The results of the cycle efficiency tests can be found in Fig. 2 and Table 2. It can be seen from Table 2A that under the purging control strategy, 886 gallons of fuel oil will be consumed per year for the same structure and conditions stated above. The seasonal efficiency under the purge mode of operation was 82.5%. It should be noted that the Calori Coil Boiler tested provided space heat only and did not have domestic hot water capability. It is therefore compared to other units operating at 0 gallons per day of domestic hot water.

The Calori Coil Boiler qualifies as a high efficiency boiler (seasonal efficiency > 70.0%) even when operated under conventional (non-purging) control strategies. In comparison to a "typical" conventional boiler-burner combination operation under the same conditions which would consume 1,332 gallons of fuel oil, the Calori Coil Boiler could reduce fuel consumption by about 316 gallons of fuel oil annually.

The Calori Coil Boiler when operated as designed using the purging strategy can reduce its off-cycle losses to almost negligible levels and yield an additional savings of 130 gallons of fuel oil annually. The combined savings potential of boiler design and operating strategy could reduce annual fuel consumption by about 33%, when compared to the "typical" conventional boiler-burner combination operated under conventional (non-purging) control strategies.

The potential savings characteristics of the purgeable boiler have long been recognized by BNL. Other tests at BNL have revealed similar reductions in off-cycle losses in a conventional boiler. With such reductions in off-cycle losses the seasonal efficiency can be made to approach the steady-state efficiency as a limiting factor.

BILLING CODE 6450-01-M

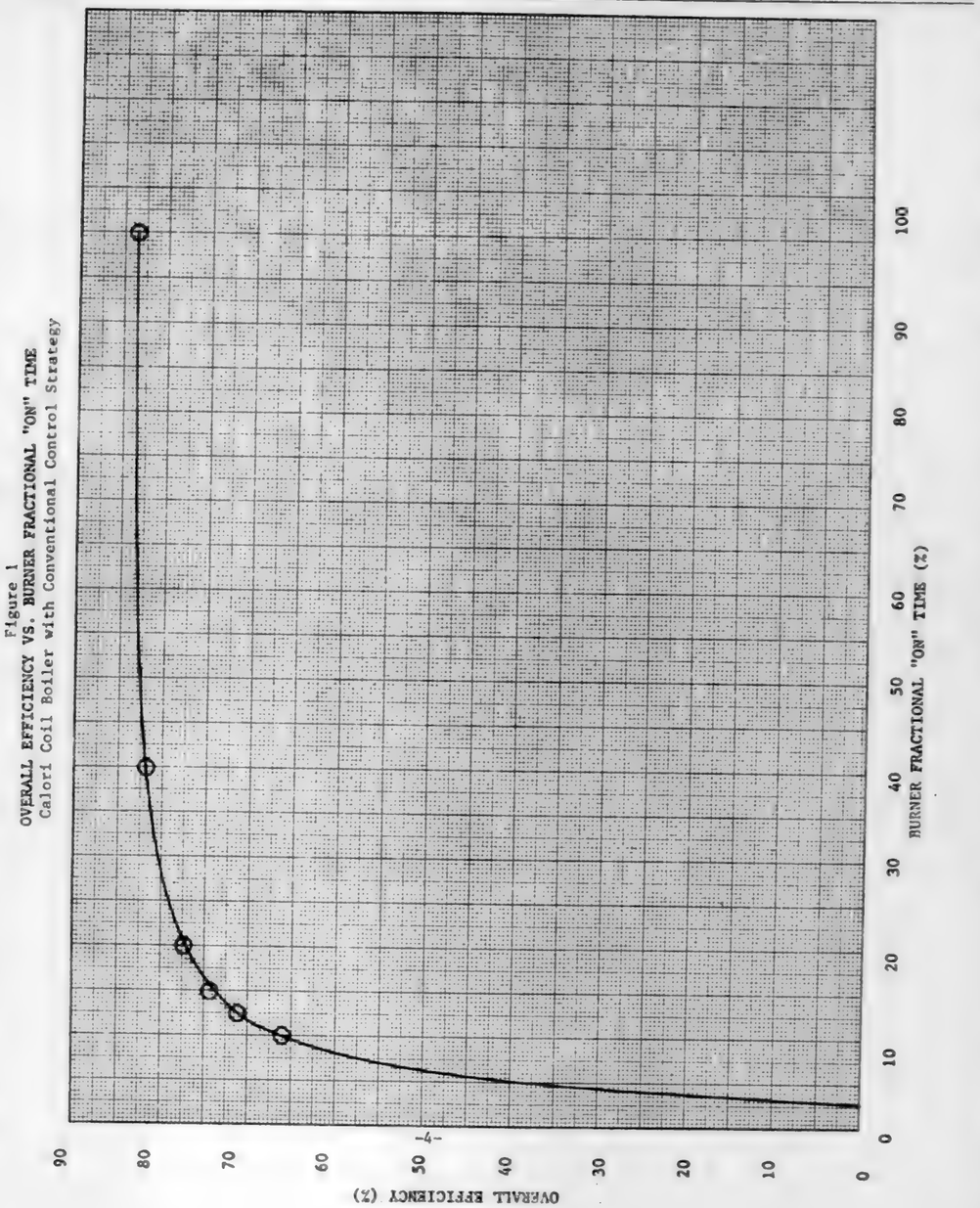


Figure 1

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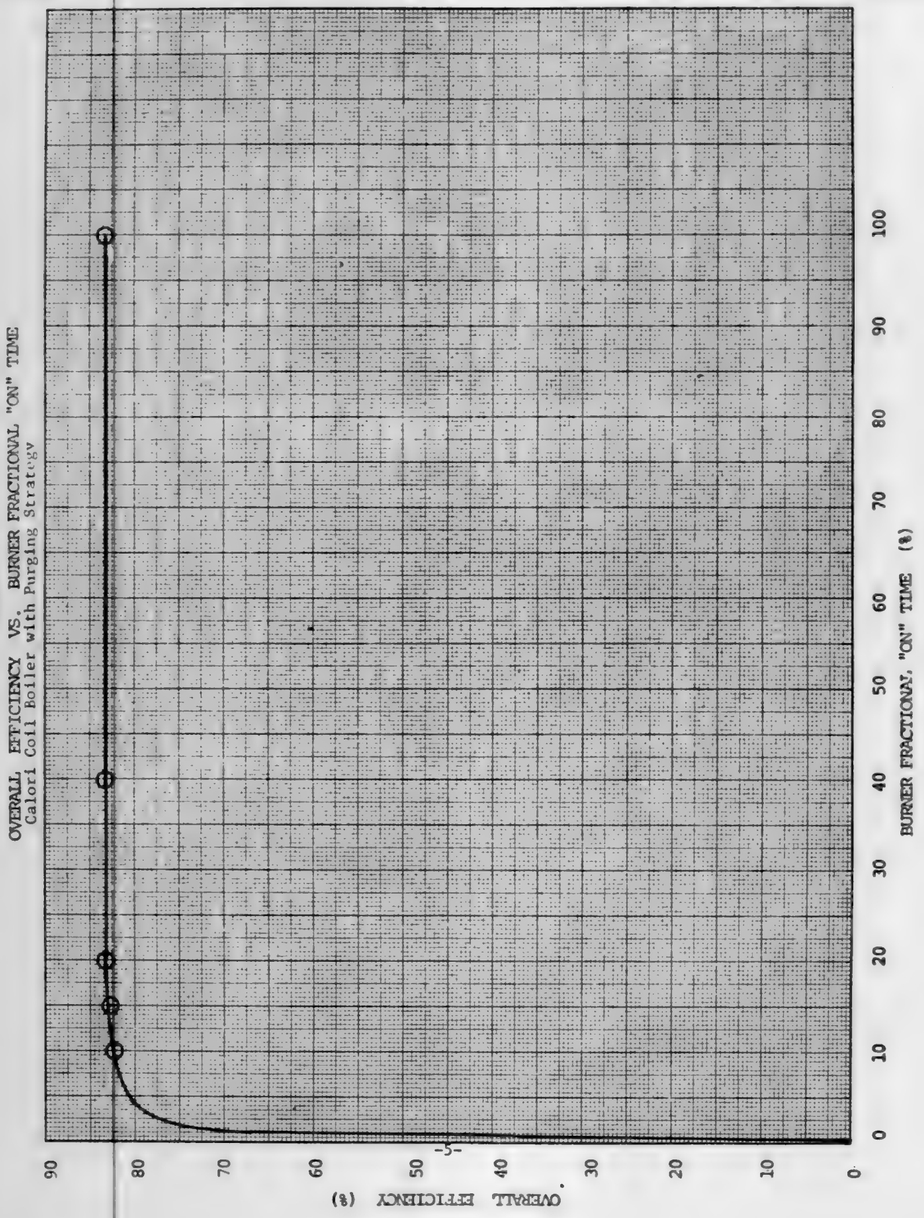


Figure 2

TABLE 1

AFUE COMPUTATIONAL ANALYSIS

Seasonal Efficiency	71.9 %
Annual Fuel Use (Gallons/Year)	1,016

EFFICIENCY DATA

Burner Fractional "On" Time %	Cycle Efficiency %	Overall Efficiency $n_s \times n_c$ %
2.6	0	0
4.0	38.1	31.7
5.0	51.9	43.2
7.0	67.7	56.4
10.0	79.6	66.3
12.0	84.1	70.1
15.0	88.8	74.0
20.0	93.4	77.8
25.0	96.1	80.1
30.0	98.0	81.6
40.0	98.4	82.0
60.0	100.0	83.3
100.0	100.0	83.3

Average Steady-State Efficiency at 180°F Outlet Temperature	83.3 %
Average Steady-State Efficiency by Stack Gas Sampling (Neglecting Jacket Losses):	86.7 %
Percent CO_2	13 %
Net Stack Temp.	297°F

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TABLE 2

AFUE COMPUTATIONAL ANALYSIS

Seasonal Efficiency 82.5%

Annual Fuel Use (Gallons/Year) 886

EFFICIENCY DATA

Burner Fractional "On" Time %	Cycle Efficiency %	Overall Efficiency $n_s \times n_c$ %
0.2	0	0
1.0	80.7	67.2
2.0	90.8	75.6
3.0	94.1	78.4
5.0	96.8	80.6
7.0	97.9	81.6
10.0	98,8	82.3
12.0	99.1	82.6
15.0	99.5	82.9
20.0	99.9	83.2
25.0	100.0	83.3
30.0	100.0	83.3
100.0	100.0	83.3

Average Steady-State Efficiency at 180°F Outlet Temperature 83.3 %

Average Steady-State Efficiency by Stack Gas Sampling (Neglecting Jacket Losses): 86.7 %

Percent CO_2 13 %

Net Stack Temp. 297°F

TABLE 1A

HEATING UNIT: Calori Coil Boiler (Conventional Strategy)
LOCATION: New York, New York
DESIGN HEAT LOAD: 50,000 BTUH
ROOM TEMP: 65
OUTSIDE DESIGN TEMP: 0

DOMESTIC HOT WATER (GAL PER DAY)		α = 1	2	3	4
0	SEASONAL EFFICIENCY	.784	.719	.657	.604
	ANNUAL FUEL USAGE (GAL/YEAR)	932.	1016.	1113.	1211.
	DESIGN FUEL FLOW RATE (GPH)	.433	.866	1.299	1.732

TABLE 2A

HEATING UNIT: Calori Coil Boiler (Purging Control Strategy)
LOCATION: New York, New York
DESIGN HEAT LOAD: 50,000 BTUH
ROOM TEMP: 68
OUTSIDE DESIGN TEMP: 0

DOMESTIC HOT WATER (GAL PER DAY)		α = 1	2	3	4
0	SEASONAL EFFICIENCY	.830	.825	.819	.812
	ANNUAL FUEL USAGE (GAL/YEAR)	881.	886.	893.	900.
	DESIGN FUEL FLOW RATE (GPH)	.433	.866	1.299	1.732

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Enclosure IV—Cycle Efficiency vs. Percentage Run Time

XXXXX

Enclosure V—The Energy Kinetics System

XXXXX

[FR Doc. 81-5917 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-55]

Advisory Committee on Broadcasting Satellite Service; Planning Conference

February 12, 1981.

The Commission has requested GSA approval for the creation of the Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference to provide advice to FCC representatives responsible for participating in the Conference.

Advice by interested agencies, institutions, organizations, and industry sectors will be needed on the wide-ranging matters to be dealt with by the Conference. These include the identification of services that may be provided by a Direct Broadcasting Satellite (DBS) service, transformation of service demands into possible system requirements, development of DBS system technical parameters and their impact on delivery of services, specification of DBS technical parameters relative to an international planning exercise to be conducted at the Conference, and identification of the peculiarities of sharing between DBS and terrestrial services.

Although such a committee cannot be instituted unless and until GSA approves the FCC's proposal, prospective participants should give early consideration to their involvement in the Committee's meetings. The Commission accordingly invites submission of the names of persons who it is believed could contribute usefully to the work of advising FCC staff responsible for participation in the Planning Conference.

If required approvals are obtained for establishing the proposed advisory committee, it will have an open membership and will provide balanced representation of the entities having experience and expertise in the various technical and operating fields involved in the Committee's areas of responsibility. It will be important that its membership be so constituted as to afford balanced representation of diverse interests, views, and experience, and that minorities and women be duly represented.

All suggestions on potential participants in the Committee will be welcome. They should be addressed to: Federal Communications Commission, Office of Science and Technology, Washington, D.C. 20554, Attention: Edward Jacobs.

Action by the Commission February 11, 1981. Commissoners Lee (Acting Chairman), Quello, Washburn, Fogarty and Jones, with Chairman Ferris not participating.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-5982 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 78, Notice of 2nd Meeting, Thursday, March 5, 1981—9:30 a.m., Conference Room 4234/36/38, Nassif (DOT) Building, 400 Seventh Street, SW. at D Street, Washington, D.C.

Agenda

1. Call to order and administrative matters.
2. Review of Federal Radionavigation Plan.

John C. Fuechsel, Chairman SC-78, National Ocean Industries Assoc., 1100 17th Street, NW., Washington, D.C., Phone: (202) 785-5116

Special Committee No. 78, Notice of 3rd Meeting, Tuesday, March 31, 1981—9:30 a.m., Conference Room 4436/38, Nassif (DOT) Building, 400 Seventh Street, SW. at D Street, Washington, D.C.

Agenda

1. Call to order and administrative matters.
2. Review of Federal Radionavigation Plan.

John C. Fuechsel, Chairman SC-78, National Ocean Industries Assoc., 1100 17th Street, NW., Washington, D.C., Phone: (202) 785-5116

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-5991 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-25]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 20, 1981.
Cut-off Date: March 30, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after March 30, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of business on March 30, 1981, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the close of business on March 30, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on March 30, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP-791105AA, WJBL, Zeeland, Michigan, Ottawa Broadcasting Corporation. Has: 1260 kHz, 5 kW, DA-D. Req: 1260 kHz, 1 kW, 5 kW-LS, DA-2, U

BP-800418AI (new), Beaverton, Oregon, Dale A. Owens, Req: 1010 kHz, 0.25 kW, D

BP-800611AD, WCRK, Morristown, Tennessee, WCRK, Inc. Has: 1150 kHz, 0.5 kW, 1 kW-LS, DA-N, U. Req: 1150 kHz, 0.5 kW, 5 kW-LS, DA-N, U.

BP-801104AE, KAZM, Sedona, Arizona, Joseph P. Tabback, d.b.a./Tabback Broadcasting Co., Has: 1470 kHz, 5 kW D. Req: 780 kHz, 250 kW, 5 kW-LS, DA-N, U

BP-801120AC, WIVE, Ashland, Virginia, Christiam Enterprises, Inc. Has: 1430 kHz, 1 kW, D. Req: 1430 kHz, 5 kW, DA-D

BP-801125AA, WTOE, Spruce Pine, North Carolina, Toe River Valley Broadcasting Company, Inc. Has: 1470 kHz, 1 kW, D. Req: 1470 kHz, 5 kW, D

BP-801210AF (new), Elloree-Santee, South Carolina, Santee-Cooper Broadcasting Co. Req: 1370 kHz, 5 kW, DA-D

BP-801216AA, WOLD, Marion, Virginia, Emerlad Sound, Inc. Has: 1330 kHz, 1 kW, D. Req: 1330 kHz, 5 kW, D

BP-801224AC (new), Tamarac, Florida, Broward Public Radio Association, Inc. Req: 670 kHz, 1 kW, DA-1, U

BP-801229AB, KHUG, Phoenix, Oregon, Roque Valley Broadcasting Corporation. Has: 1300 kHz, 5 kW, D. Req: 1300 kHz, 5 kW, DA-N, U

BP-801230AC (new), Glencoe, Minnesota, Mcleod County Broadcasting Company. Req: 1550 kHz, 0.5 kW, DA-D

[FR Doc. 81-5989 Filed 2-20-81; 8:45 a.m.]

BILLING CODE 6712-01-M

[Report No. B-8]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 20, 1981.
Cut-off Date: March 30, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and listed as subject to cut-off dates for conflicting applications, no application which would be in conflict with these applications will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on March 30, 1981.

Minor amendments to these applications, and to the applications they are in conflict with, may be filed as a matter of right not later than the close of business on March 30, 1981.

BPI-801211AH (new), Beaufort, South Carolina, Ronald J. Prohaska and Patricia P. Prohaska d.b.a. Radio Station WSIB. Req: 1490 kHz, 250 W, 500 W-LS, U

BP-810206AD (new), Beaufort, South Carolina, Bobby S. Merritt, Mildred L. Merritt, Emil H. Klatt, Jr., and Alice Klatt. Req: 1490 kHz, 250 W, 500 W-LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-5988 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-18]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 20, 1981.
Cut-off Date: April 2, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on April 2, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on April 2, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPCT-801208KH (new), Victoria, Texas, Community Broadcasting of Coastal Bend, Inc. Channel 25. ERP: Vis. 2140 kW; HAAT: 1020 feet

BPCT-801208KI (new), Burlington, North Carolina, National Group Telecommunications of Burlington, Inc., Channel 16. ERP: Vis. 4502 kW; HAAT: 520 feet

BPCT-801229KH (new), Orange Park, Florida, Christian Communications of Clay, Inc., Channel 25. ERP: Vis. 5000 kW; HAAT: 580 feet

BPCT-801229KK (new), Orange Park, Florida, Orange Park Flordia T.V., Inc., Channel 25. ERP: Vis. 5000 kW; HAAT: 1025 feet

BPCT-801229KI (new), Manchester, New Hampshire, Golden Triangle Broadcasting Corp., Channel 50. ERP: Vis. 4709 kW; HAAT: 700 feet

BPCT-810121KF (new), Derry, New Hampshire (Manchester allocation), CTV of Derry, Inc. Channel 50. ERP: Vis. 1430 kW; HAAT: 704 feet

BPCT-801229KJ (new), Irving, Texas, Irving Texas T.V., Inc., Channel 49. ERP: Vis. 5000 kW; HAAT: 1492 feet

BPCT-810121KE (new), San Juan, Puerto Rico, Three Star Telecast, Inc., Channel 18. ERP: Vis. 3499 kW; HAAT: 1136 feet

BPCT-810121KG (new), Iron Mountain, Michigan, John R. Powley, Channel 8. ERP: Vis. 316 kW; HAAT: 714 feet

[FR Doc. 81-5990 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-48 and 81-49; File Nos. BPCT-800114KG and BPCT-800721KG]

Appalachian Broadcasting Corp., and West Virginia Telecasting, Inc.; Applications; Hearing Designation Order

In the matter of applications, Appalachian Broadcasting Corp., Charleston, West Virginia (BC Docket No. 81-48, File No. BPCT-800114KG) and West Virginia Telecasting, Inc., Charleston, West Virginia (BC Docket No. 81-49, File No. BPCT-800721KG) for Construction Permit; Hearing designation order.

Adopted: January 29, 1981.
Released: February 11, 1981.
By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 23, Charleston, West Virginia.

West Virginia Telecasting, Inc.

2. Since no determination has been reached that the antenna proposed by West Virginia Telecasting, Inc. would not constitute a menace to air navigation, an issue regarding this matter is required.

Appalachian Broadcasting Corporation

3. Analysis of the financial data submitted by applicant reveals that $1,805,965 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$1,058,715
Land	200,000
Building	350,000
Miscellaneous	97,250
Operating Costs (three months)	175,000
Total	1,805,965

Appalachian proposes to finance construction from a loan from Kanawha County with proceeds generated from a $3,000,000 Kanawha County Revenue bond issue.[1] However, we cannot determine that the loan is available because: (1) terms of repayment by Appalachian to Kanawha County are not specified in the Bond resolution or Inducement Contract (which pertains to proposed financing of the acquisition, construction and equipping of the television station facility); (2) Appalachian has not submitted information indicating that the bonds are marketable, and no provisions have been made to underwrite the bond issue; and (3) the Inducement Contract may be cancelled by either party after January 6, 1981. Accordingly, appropriate financial issues will be designated.

4. The Federal Aviation Administration has issued a Determination of Hazard to Air Navigation for Appalachian's proposed tower site, based on height and location. Consequently, an appropriate issue will be specified.

5. Also, we note that the proposed tower is to be located .48 miles from the existing Station WCHS-AM directional

[1] We note that the proceeds of the bond issue are to be aplied only to construction costs. Therefore, as Appalachian's net liquid assets amount to only $1,688, it would need an additional $173,311 to finance its estimated $175,000 first three months operating costs.

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tower. Accordingly, should a construction permit be granted to this applicant, it will be appropriately conditioned.

Conclusion and Order

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to West Virginia Telecasting, Inc. whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine with respect to Appalachian Broadcasting Corporation:

(a) whether it has the $1,805,965 available to met its estimated construction and operational costs; and

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed.

3. To determine with respect to Appalachian Broadcasting Corporation whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That, should a construction permit be granted to Appalachian Broadcasting Corporation, such grant will be subject to the following condition:

Prior to the construction of the TV tower authorized herein, permittee shall notify AM Statio WCHS so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse affects upon the radiation pattern of the aforementioned AM station. Both prior to construction of the TV tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commissions' Rules, shall be conducted to establish that the AM array has not been adversely affected, and, BEFORE TV PROGRAM TESTS COMMENCE, the result submitted to the Commission and to the AM station.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73–3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–5984 Filed 2–20–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket Nos. 81–42, 81–43, 81–44 and 81–45; File Nos. BPH–791026AE, BPH–800403AB, BPH–800723AI and BPH–800725AA]

Hendren Communications, et al.; Applications; Hearing Designation Order

In the matter of applications of Kim D. Hendren and Marylea Hendren, d.b.a. Hendren Communications, Fayetteville, Arkansas, Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1246 feet (BC Docket No. 81–42, File No. BPH–791026AE); Boston Mountain Broadcasting Corp., Fayetteville, Arkansas, Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1259 feet (BC Docket No. 81–43, File No. BPH–800403AB); Little Chief Broadcasting Company of Fayetteville, Inc. (KKEG), Fayetteville, Arkansas, Has: 92.1 MHz, Channel 221, 1.15 kW (H&V), 455 feet; Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1293 feet (BC Docket No. 81–44, File No. BPH–800723AI); and Fayetteville Communications Company, Fayetteville, Arkansas, Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1252 feet (BC Docket No. 81–45, File No. BPH–800725AA); for a construction permit for a new FM station or modification of existing facilities of station KKEG–FM, Fayetteville, Arkansas; Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: January 16, 1981.

Released: February 3, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (1) the above-captioned mutually exclusive applications of Kim D. Hendren and Marylea Hendren d.b.a. Hendren Communications (Hendren), Boston Mountain Broadcasting Corp. (Boston), and Fayetteville Communications Company (Faycom) for a construction permit for a new FM station at Fayetteville, Arkansas; and (2) the mutually exclusive application of Little Chief Broadcasting Company of Fayetteville, Inc., (KKEG) licensee of Station KKEG–FM, Fayetteville, Arkansas, for a modification of its existing facilities.

2. Although Hendren plans to have a staff on nine employees, it has not indicated how many of those will be employed on a fulltime basis or provided us with a statement of its equal employment opportunity program, if such a statement is indeed required. Accordingly, an appropriate issue will be specified.

3. The terrain profile data submitted by Hendren and Faycom indicate that both of these applicants' proposals will not provide clear line-of-sight paths to the entire city of Fayetteville. Boston and KKEG have not provided us with sufficient terrain profile data to determine whether a similar line-of-sight problem exists regarding their applications. In order to determine whether each applicant's proposal provides sufficient coverage to Fayetteville with at least a 3.16 mV/m signal, an appropriate issue will be specified.

4. The Commission amended the FM table of assignments in its *Second Report and Order* in Docket No. 19879 (RM–2264) as follows: an applicant for channel 300 in Fayetteville must specify facilities of 100 kW power and 2000 feet antenna height above average terrain or the equivalent. We indicated that our primary concern was to insure that the channel 300C licensee "provide a first aural service at night to 8,650 persons and a second such service to 35,960 persons." While all four applicants specify power of 100 kW, none is able to specify antenna height above average terrain of 2000 feet. All four applicants instead specify heights ranging from 1246–1293 feet. Hendren, Boston and KKEG all request waivers of the antenna height requirement, citing inability to secure FAA approval. In addition, these three applicants state that their proposals will satisfy the population service requirements that we discussed in the rulemaking. Only Faycom does not affirmatively seek a waiver of the antenna height requirement. In view of the similar facilities specified by all the applicants, we will specify an issue as to whether this provison of the table of assignments should be waived.

5. Data submitted by the applicants indicate that there would be no significant difference in the size of the areas which would receive service from the proposals. There is a significant difference, however, in the estimated populations to be served, possibly due to Boston's transmitter location southeast of Fayetteville. Consequently, for the purpose of comparative, the populations which would receive FM service of 1 mV/m or greater strength, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparison preference should accrue to any of the applicants.

6. Faycom has not provided us with a current FAA clearance. Accordingly, an appropriate issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Hendren has proposed to have five or more fulltime employees, and, if so, whether it has submitted a statement regarding its equal employment opportunity program as required by Section VI of FCC Form 301.

2. To determine whether the proposals of Hendren, Boston, Faycom and KKEG will provide a 3.16 mV/m signal to Fayetteville as required by Section 73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

3. To determine whether the proposals of Hendren, Boston, Faycom and KKEG comply with the FM Table of Assignments in Section 73.202 of the Rules by specifying the required facilities for channel 300C in Fayetteville, Arkansas and, if not, whether circumstances exist which warrant a waiver of that requirement.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Faycom would constitute a hazard to air navigation.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing, within the time and manner prescribed in that Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81–5986 Filed 2–20–81; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 81–72, File No. 5034–CM–P–80 and CC Docket No. 81–73, File No. 10502–CM–P–80]

Application of J. McCarthy Miller and Microband Corporation of America for Construction Permits in the Multipoint Distribution Service for a New Station at Ocala, Florida; Hearing Designation Order

Memorandum Opinion and Order

Adopted: February 2, 1981.

Released: February 11, 1981.

By the Deputy Chief, Common Carrier Bureau:

1. The Commission has before it the above-referenced application of J. McCarthy Miller, filed on April 4, 1980 (accepted on Public Notice of June 3, 1980) and the application of Microband Corporation of America, filed on July 28, 1980 (accepted on Public Notice of August 19, 1980). These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 in Ocala, Florida. The applications are therefore mutually exclusive under present procedures and require comparative consideration. There are no petitions to deny or objection under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR § 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291 the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That J. McCarthy Miller, Microband Corporation of America and the Deputy Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to particiate herein shall file their notices of appearance in

[1] Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

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accordance with the provisions of § 1.221 of the Commission's Rules.

Thomas J. Casey,

Deputy Chief, Operations Common Carrier Bureau.

[FR Doc. 81-5666 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-70, File No. 3567-CM-P-80 and CC Docket No. 81-71, File No. 4959-CM-P-80]

Applications of Roger A. Meyers and Telecommunications Systems, Inc. For a Construction Permit in the Multipoint Distribution Service for New Stations in Nevada; Hearing Designation Order

Memorandum Opinion and Order

Adopted: February 2, 1981.

Released: February 11, 1981.

By the Deputy Chief, Common Carrier Bureau:

1. The Commission has before it the above-referenced application of Roger A. Meyers, filed on January 21, 1980 (accepted on Public Notice February 5, 1980) and the application of Telecommunications Systems, Inc. filed on April 3, 1980 (accepted on Public Notice June 3, 1980). Both applications are for a construction permit in the Multipoint Distribution Service and both propose operations on Channel 1 in the Carson City, Nevada area. The applications are therefore mutually exclusive under present procedures and require comparative consideration. Both applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to either of the applications have been filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291 the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Roger A. Meyers, Telecommunications Systems, Inc. and the Deputy Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Thomas J. Casey,

Deputy Chief, Operations Common Carrier Bureau.

[FR Doc. 81-5667 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 13, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (consumer finance and insurance activities; Pennsylvania): to engage through its subsidiary, Ritter Consumer Discount Company, Inc., of Pennsylvania, in the activities of purchasing consumer installment sales finance contracts; and of selling credit life, accident and health, and property damage and liability insurance directly related to such contracts. These activities would be conducted from four offices located in Philadelphia, Pennsylvania, serving Philadelphia and Delaware Counties, Pennsylvania, and contiguous areas.

B. *Other Federal Reserve Banks:*
None.

Board of Governors of the Federal Reserve System, February 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5665 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Bank Purchase Co., Formation of Bank Holding Company

Citizens Bank Purchase Company, Eugene, Oregon, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens Bank of Oregon, Eugene, Oregon. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5691 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

First State Corp.; Formation of Bank Holding Company

First State Corporation, Albany, Georgia, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to First State Bank & Trust Company, Albany, Georgia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5692 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

First Jersey National Corp.; Acquisition of Bank

First Jersey National Corporation, Jersey City, New Jersey, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to aquire 100 per cent of the voting shares of the successor by merger to Perth Amboy National Bank, Perth Amboy, New Jersey. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5694 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

Pacwest Bancorp; Acquisition of Bank

Pacwest Bancorp, Milwaukie, Oregon, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire, through its wholly owned subsidiary, Citizens Bank Purchase Company, 80 percent or more of the voting shares of Citizens Bank of Oregon, Eugene, Oregon. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5694 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Public Service Commission of Maryland involving electric and gas utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Public Service Commission of Maryland involving the application of the Baltimore Gas and Electric Company for gas and electric rate increases.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: February 11, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-5657 Filed 2-20-81; 8:45 am]

BILLING CODE 6820-AM-M

[D-81-1]

Delegation of Authority to the Secretary of Health and Human Services

1. *Purpose.* This delegation authorizes the Secretary of Health and Human Services to lease approximately 15,000 square feet of special purpose space to house an outpatient clinic for the Public Health Service in Galveston, Texas.

2. *Effective date.* This delegation became effective on November 7, 1980.

3. *Expiration date.* This delegation shall expire 20 years after the effective date of the lease or upon expiration of the lease, whichever occurs sooner.

4. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Health and Human Services to perform all functions in connection with the leasing of approximately 15,000 square feet of special purpose space to house

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an outpatient clinic for the Public Health Service in Galveston, Texas.

b. This delegation shall extend to leasing space under authority in section 210(h)(1) of the above-cited act (40 U.S.C. 490(h)(1)) for a period not to exceed 20 years.

c. The Secretary of Health and Human Services may redelegate this authority to any officer, official, or employee of the Department of Health and Human Services.

d. This authority shall be exercised in accordance with the applicable limitations and requirements of the above-cited act; section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended; other applicable statutes and regulations, including 41 CFR 101-18.105(d), together with policies, procedures, and controls prescribed by the General Services Administration.

Dated: February 11, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-5858 Filed 2-20-81; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Epidemiologic Study of Portsmouth Naval Shipyard and Cutaneous Toxicity Hazards; Open Meetings

The following meetings will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Epidemiologic Study of Portsmouth Naval Shipyard

Date: March 17, 1981
Time: 8:30 a.m. to 4:00 p.m.
Place: Federal Office Building, Room 5405E, 550 Main Street, Cincinnati, Ohio 45226
Purpose: To discuss epidemiologic studies of civilian employees at the Portsmouth Naval Shipyard.

Additional information may be obtained from: Mr. Philip J. Bierbaum, Division of Surveillance, Hazard Evaluations and Field Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio, 45226, Telephone: (513) 684-2422.

Purpose: To discuss epidemiologic studies of civilian employees at the Portsmouth Naval Shipyard.

Cutaneous Toxicity Hazards

Date: March 24, 1981
Time: 8:30 a.m. to 4:00 p.m.
Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B-56, Cincinnati, Ohio 45226
Purpose: To discuss details of a project concerning: a) assessment of objective methods for the evaluation of phototoxic responses, and b) development of methods for studying the percutaneous absorption potential of chemicals in the work environment.

Additional information may be obtained from: Allan S. Susten, Ph. D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio, 45226, Telephone: (513) 684-8357 or 684-8394.

Dated: February 17, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-5856 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-87-M

Physiological and Behavioral Effects of Diurnal Shifts and Cold Stress, Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public for observation and participation limited only by space available:

Physiological and Behavioral Effects of Diurnal Shifts and Cold Stress

Date: March 12, 1981
Time: 9:00 a.m. to 11:00 a.m.
Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B-38, Cincinnati, Ohio 45226
Purpose: To discuss details of an in-house laboratory investigation of the independent and combined effects of diurnal phase shifts and cold stress on select physiological and behavioral parameters in rats.

Additional information may be obtained from: Michael J. Colligan, Ph.D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio, 45226, Telephone: (513) 684-8286.

Dated: February 13, 1981.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 81-5859 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-87-M

Work Group to Review Clinical Trial Data on Hepatitis B Vaccine; Open Meeting

On March 17, 1981, the Centers for Disease Control will convene an open meeting of a work group to review clinical trial data on hepatitis B vaccine and to determine validity of the study. The meeting is open to the public, limited only by space available. Time will be set aside for public comment.

The meeting is scheduled to begin at 8:00 a.m., at 4402 North Seventh Street, Phoenix, Arizona 85014.

Additional information may be obtained from: James E. Maynard, M.D., Director, Hepatitis Laboratories Division, Center for Infectious Diseases, Centers for Disease Control, 4402 North Seventh Street, Phoenix, Arizona 85014, Telephones: FTS: 261-2661, Commercial: 602/241-2661.

Dated: February 13, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-5860 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-86-M

Health Resources Administration

Health Professions Educational Assistance Act of 1976; Direct and Affiliated Medical Residency Program Data

Section 771(b)(2) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484), requires that schools of medicine, to establish eligibility in part, for participation in Health Professions Capitation Grant Program, have a specified minimum percentage of all filled first-year residencies in direct and affiliated medical residency training programs in primary care. Primary care is defined in section 771(b) as family practice, general internal medicine, and general pediatrics. The authorizing legislation requires the following percentages of the filled first-year residencies in primary care: 35 percent on July 15, 1977, 40 percent on July 15, 1978, and 50 percent on July 15, 1979. The requirement that first-year residents in primary care specialties be at least 50 percent of all filled first-year positions, as of July 15, 1980 is implicitly extended by the Continuing Resolution which establishes the funding levels of this program for fiscal year 1981. These percentages are to be computed nationally. If the percentages are not met at a national level, a school-by-school determination will be necessary.

Determination by the Department of Health and Human Services

Based on the information provided by medical schools in August 1980, the Department of Health and Human Services determined that 52.8 percent of all filled first-year positions in direct and affiliated medical residency training programs, as of July 15, 1980, were in the primary care specialties, and that the required 50 percent has been met and exceeded.

Methodology and Definitions for Establishing the Percentages

The materials containing statutory background information and program guidelines, instructions and applications for Special Requirements and Assurances under the Capitation Program were designed by the Health Resources Administration, Department of Health and Human Services and forwarded to all schools of medicine.

For the purpose of section 771(b)(2), only medical residency training programs approved by the Liaison Committee on Graduate Medical Education (LCGME) were recognized in the count. The specialties included are:

1. Allergy and Immunology
2. Anesthesiology
3. Colon and Rectal Surgery
4. Dermatology
5. Family Practice
6. Emergency Medicine
7. General Surgery
8. Internal Medicine
9. Neurological Surgery
10. Neurology
11. Nuclear Medicine
12. Obstetrics and Gynecology
13. Ophthalmology
14. Orthopedic Surgery
15. Otolaryngology
16. Pathology
17. Pediatrics
18. Physical Medicine and Rehabilitation
19. Plastic Surgery
20. Preventive Medicine
21. Psychiatry
22. Radiology
23. Thoracic Surgery
24. Urology

Each school of medicine was asked to provide the following information:

1. The number of direct and affiliated medical residency training programs of the school.

2. The number, as of July 15, 1980, of full-time and full-time equivalent residents in first-year positions in the primary care specialties of family practice, internal medicine, and pediatrics. Shared-schedule or less than full-time equivalent residency positions were counted as fractional positions rounded to the nearest one-tenth of a full-time equivalent position, based on the proportion of total benefits received by the incumbent of the position.

3. The number, as of July 15, 1979, of full-time and full-time equivalent residents in first-year positions in the primary care specialties of family practice, internal medicine, and pediatrics, who, as of July 15, 1980, were no longer in any direct or affiliated primary care medical residency training program of any school.

4. The number, as of July 15, 1980, of filled first-year residency positions in all direct and affiliated medical residency training programs.

5. The number of first-year positions in the following types of medical residency training programs:

a. Categorical first-year program. (A first-year program which is planned, sponsored, and conducted by a single accredited medical residency training program as part of that residency. The content of the first year is limited to the specialty field of the sponsoring residency program.)

b. "Categorical*" [1] first-year program. (A first-year medical residency training program which is planned, sponsored, and supervised by a single, accredited residency program as part of that residency. The content of the first year is not limited to a single specialty).

c. Flexible first-year program. (A first-year medical residency training program which is sponsored by two or more accredited residency programs and jointly planned and supervised by the residency programs that sponsor them).

The formula for computing the percentages is as follows:

$$\frac{\text{Filled First-Year Primary Care Residency Positions}}{\text{Total Number of First-Year Residents}} \times 100 = \text{Percentage in Primary Care}$$

The numerator of the fraction—Filled First-Year Primary Care Residency Positions—comprises the total of all full-time and full-time equivalent, categorical, and "categorical*" first-year positions in family practice, internal medicine, and pediatrics and all filled flexible positions sponsored exclusively by family practice, internal medicine, and/or pediatrics, as of July 15, 1980, less the number of residents who, as of July 15, 1979, had been in first-year primary care positions and, as of July 15, 1980, were no longer in any such program.

The denominator of the fraction—Total Number of (full-time and full-time equivalent) First-Year Residents—comprises the total of:

1. All positions in categorical and "categorical*" first-year programs in family practice, internal medicine, pediatrics, obstetrics-gynecology, pathology, and general surgery;

2. All positions in flexible first-year programs, regardless of the specialty of sponsoring residency programs; and

3. All positions filled by residents in medical residency training programs sponsored by specialties other than those identified in Item (1) above, and who were in their first year of graduate medical education.

Robert Graham,

Acting Administrator.

February 17, 1981.

[FR Doc. 81-6045 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-83-M

[1] The Term, "Categorical*" was adopted by the LCGME and is in general use.

Public Health Service

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1981:

Name: HEALTH SERVICES DEVELOPMENTAL GRANTS REVIEW SUBCOMMITTEE
Date and Time: March 2-3, 1981, 9:00 a.m.
Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue, NW., Washington, D.C. 20036
Open March 2, 9:00 a.m.—10:00 a.m.
Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on March 2, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions the Subcommittee will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-8916.

Name: HEALTH SERVICES RESEARCH REVIEW SUBCOMMITTEE
Date and Time: March 4-6, 1981, 8:00 a.m.
Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue, NW., Washington, D.C. 20036
Open March 4, 8:00 a.m.-9:00 a.m.
Closed for remainder of meeting.

Purpose: The objective of the Subcommittee is to advise the Secretary and

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make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit review of health services research grant applications involving primarily the analysis and use of economic, statistical, and other theoretical approaches which examine problems associated with the delivery of health services.

Agenda: The open session of the meeting on March 4, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Anthony Pollitt, Ph.D., National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–6918.

Name: HEALTH CARE TECHNOLOGY STUDY SECTION
Date and Time: March 16–18, 1981, 8:30 a.m.
Place: Gramercy Inn, South Scott Room, 1616 Rhode Island Avenue, NW., Washington, D.C. 20036
Open March 16, 8:30 a.m.–12:00 noon
Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on March 16 will be devoted to a business meeting covering administrative matters and reports. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–6196.

Agenda items are subject to change as priorities dictate.

Dated: February 5, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 5888 Filed 2–20–81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of hyperbaric oxygen therapy for treatment of the following disorders:

Multiple Sclerosis
Arthritis
Chronic Peripheral Vascular Insufficiency
Acute Peripheral Arterial Insufficiency
Senility—(Cerebral Insufficiency Secondary to Atherosclerosis)
Actionomycosis
Soft Tissue Radionecrosis
Acute Traumatic Peripheral Ischemia
Crush Injuries and Suturing of Severed Limbs
Acute Cerebral Edema
Chronic Refractory Osteomyelities

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301)443–4990.

Dated: February 12, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–5887 Filed 2–20–81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of percutaneous transluminal coronary angioplasty in treatment of coronary artery disease.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301)443–4990.

Dated: February 12, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–5887 Filed 2–20–81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of melodic intonation therapy in the treatment of aphasia.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: February 13, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–5944 Filed 2–20–81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Scientific Evaluation for Medical Technology

The National Center of Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of electroencephalographic monitoring during open heart surgery and the immediate post-operative period. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17–A–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M. D., M.P.H., Health Science Analyst, at the above address or by telephone, (301)443–4990.

Dated: February 17, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–6001 Filed 2–20–81; 8:45 am]

BILLING CODE 4110-85-M

Office of the Secretary

Resettling Refugees; Availability of Funding

AGENCY: HHS, Office of Refugee Resettlement (ORR) Office of the Secretary.

ACTION: Notice of the availability of funding.

SUMMARY: This document governs the award of a grant to a non-profit organization for the development and production of a comprehensive, refugee-related information system. This project includes the publication and national distribution of a newsletter and a refugee casework journal.

DATE: Applications may be mailed, first class mail, postmarked not later than 11:59 p.m., April 15, 1981, or hand delivered not later than 5 p.m. Eastern Standard time on the same date at the central office, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Barry Gordon, 202–245–0403.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This announcement describes the availability of funding for a national service project to establish a comprehensive information system in support of refugee resettlement activities. It is anticipated that this will be a three year project, with funding after the first year contingent on the fulfillment of all the conditions of the agreement, annual budget allocations, and future congressional appropriations.

Multiple sources within the refugee resettlement community have indicated that there is a critical need for the dissemination and exchange of information. This need includes timely access to legislative and government funding initiatives, program models, research and statistical data, and resource material. These materials have proven difficult to access at the local, state and national levels, and particularly in non-urban communities.

The successful grantee will demonstrate an established record of liaison with the refugee resettlement community, and/or a working knowledge of resettlement practices, and the ability to successfully perform the proposed publication activity.

II. Authorization

Funds for the activity described below will be provided under the Refugee Act of 1980. Catalogue of Federal Domestic Assistance No. 13.814.

III. Eligible Grantees

Eligible grantees are organizations incorporated as non-profit under the laws of their State. Private for-profit agencies or firms are not eligible.

IV. Allotment of Funds

Approximately $500,000 will be made available for purposes of this announcement for the 12-month period following the date of the award. This is a one year award with future support predicated on satisfactory performance and availability of funds.

V. Scope of Activities

It is essential that a strict time frame be established and adhered to throughout this project. Because timeliness is viewed as critical to project success and to publication dates, rigorous maintenance of specified time/task accomplishment will be a special condition of the award. In addition, prior approval by the Office of Refugee Resettlement will be required regarding key personnel and publication format.

The following tasks are to be performed:

Task 1: Develop and publish a bi-weekly, refugee-related newsletter for national distribution.

This newsletter serves three primary purposes: (a) timely access to information significant to refugees and resettlement activities, e.g., legislation and funding sources, government regulations; (b) exchange of program-related information, e.g., program models, resource materials; (c) presentation of refugee-related issues, e.g., housing, health, education. The standard distribution list will target individuals, groups, and communities involved with refugee resettlement and will number 20,000. A pre-existing list of approximately 10,000 will be furnished by the Office of Refuge Resettlement. The successful grantee will be expected to make substantial additions to the subscription list.

Task 2: Develop and publish a quarterly professional journal on refugee resettlement for national distribution. The quarterly journal will provide a forum for in-dept presentation of refugee-related activities and issues reflecting practicality and applicability, including such activities as analysis of either suggested and/or actual program service models, research activities, casework, management, administrative and policy considerations. Journal issues should average a minimum of 64 pages. Journal distribution will approximate 5000–7500 units.

Task 3: Develop a mechanism for frequent feedback from relevant project recipients. This task will include some form of reader/user survey and a procedure ensuring responsiveness to survey findings, as well as responsiveness to information obtained through other systematic forms of evaluation.

Task 4: The grantee must establish a project advisory board. This board should have a clearly defined role and relationship to the various aspects of the project. The advisory board or a designated committee may be especially active in providing professional peer review for the journal, while having a

more limited role in the publishing of the newsletter.

VI. Application Submission and Approval Procedures

Applicants should immediately comply with the OMB Circular A–95 procedures which require notification to area clearing-house(s) of grantee intent to submit an application. The short period of time between publication of this notice and award of the grant makes it imperative that applicants comply with this requirment immediately.

Applicants may request grant applications from the Office of Refugee Resettlement, HHS, 330 C Street, S.W., Washington D.C. 20201, 202–245–0403. An original application and two copies must be received by the Director, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201 by 5 p.m. Eastern Time on Wednesday April 15, 1981, or sent by first class mail, postmarked before 11:59 p.m. Late grant applications will not be accepted.

Regulations applicable to this program are set forth in the Grants Administration Manual (GAM) Title 45 Part 74 of the Federal Regualtions, "Administration of Grants".

An independent panel will be convened to evaluate and rate applications. The final funding decision will be made by the Director of the Office of Refugee Resettlement. Criteria for panel evaluation are listed below. It is estimated that grant awards will be issued on or about June 1, 1981.

VII. Criteria for Evaluating Applications

Project grant applications will be evaluated and rated according to the following criteria:

1. The presentation of a clear, efficient, cost-effective plan for organizing, developing, and accomplishing the establishment of the comprehensive information system including the publication of the newsletter and journal.
2. The extent to which the applicant can demonstrate the ability to deliver the proposed services including meeting program timelines.
3. An operationally feasible plan for the establishment of an efficient working relationship between the advisory board and project staff to ensure responsiveness to professional and practitioner needs.
4. A clear delineation of the advisory board roles and how it relates to project operations. Of particular importance to the maintenance of the journal quality is the establishment of a professional peer review procedure.
5. Familiarity and past participation by the applicant within the refugee resettlement process, or the demonstrated ability to establish a working knowledge and familiarity of the subject within a very limited time.
6. The ability to access refugee-related information sources and to maximize the flow of communications within and between these sources.
7. The extent to which activities can be evaluated quantitatively and qualitatively as demonstrated by a reasonable plan for project evaluation.
8. Demonstrated organizational capacity for overall administrative management.
9. The reasonableness of anticipated costs.

VIII. Application Content

All applicants will use Standard Form 424, "Federal Assistance" in submitting project proposals. Grant applications must also include the following:

1. Assurance that applicant has compiled with procedures of OMB Circular A–95 involving notification of a State or regional clearinghouse. (See Item VI, Paragraph 1 above).
2. Description of the applicant organization including its organizational mandate, funding sources, principal officers, addresses, telephone number, and photo copies of the organization's certificate on non-profit status (501–C–3-papers).
3. A listing and explanation of any previous, relevant applicant experience related to this project. Appropriate projects may include (but are not limited to) periodical newsletter or journal production; intensive work with refugees or other special populations; resettlement activities; or other similar specialized projects.
4. Specification of project goals, objectives, and a work plan for their accomplishment. This plan should specifically include a task by task implementation and time schedule.
5. Establishment of an advisory board reflecting experience and expertise relative to the project objectives must be detailed.
6. An evaluation plan to ensure that project objectives are met, and the project and its publications are responsive to suggested changes and findings.
7. A management plan to accomplish fiscal and program administration including but not limited to the following: staff supervision, production management, establishment and maintenance of an adequate information, storage, retrieval and dissemination system.
8. Position descriptions and qualifications for the project director and key staff. All staff must possess demonstrable relevant prior experiences for the functions they are hired to perform. Prior Office of Refugee Resettlement approval will be required for the appointment or change of any key personnel.

IX. Records and Reports

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grant. In addition to the fiscal reporting requirements as delineated in Title 45 CFR Part 74 (GAM/HHS), quarterly project progress reports will be required—due 10 days after the last day of each quarter following the effective date of the grant. The format for these reports will be provided by the Office of Refugee Resettlement.

Roger P. Winter,

Director, Office of Refugee Resettlement.

[FR Doc. 81–5064 Filed 2–20–81; 8:45 am]

BILLING CODE 4110–92–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–81–1059]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective March 25, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–557–0605. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The system is Employee Counseling and Occupational Health Records (HUD/DEPT–67). The system will contain information about HUD employees who are present or past participants in the Employee Counseling and Occupational Health (ECOHP) program. The records provide documentation of the referral of the employee to a referral service and contain other related information to facilitate the proper administration of personnel procedures that allow the employee to work most effectively in the ECOHP Program, such as correspondence from the referral service indicating the need for various administrative functions to be performed by the agency (continuation/termination of the employee's involvement in the program, the need for the regular use of sick leave by the employee, other recommendations that would affect the employee's working relationships, etc.). Occasionally, the diagnosis of the employee's condition is received and maintained in the file. Appendix A, which lists the addresses of HUD's offices was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on January 12, 1981.

HUD/DEPT–67

SYSTEM NAME:

Employee Counseling and Occupational Health Records.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees seeking assistance with alcoholism, drugs or emotional problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, duty assignment, service to which the employee is referred, request, status memoranda from referral services and occasionally diagnosis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 79–658, Employee Health Act, 1946, Public Law 89–183, Mental Health Act, 1963, Public Law 91–616, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, 1970, Public Law 92–225, Drug Abuse Office and Treatment Act, 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To referral services to document referral, status.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored in a lockable cabinet in a secured area.

RETRIEVABILITY:

Name, service to which employee is referred.

SAFEGUARDS:

Files will be kept in locked cabinets. Access will be stricly controlled, and limited to employees who must have access in order to perform their duties.

RETENTION AND DISPOSAL:

These records are disposed of in accordance with the mandatory General Records Schedules contained in HUD Handbook 2228.2.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Employee Relations and EEO Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject employee, referral service.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., February 13, 1981.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[FR Doc. 81–6020 Filed 2–20–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Las Cruces District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 94–579, that a meeting of the Las Cruces District Grazing Advisory Board will be held on Thursday, March 26, 1981.

The meeting will begin at 10:00 a.m. in the Lake Valley Schoolhouse, Lake Valley, New Mexico.

The agenda for the meeting will include:

1. Approval of minutes.
2. Fiscal Year 1982 Range Improvement Projects.
3. Planning Criteria and Issues on Las Cruces/Lordsburg Resource Management Plan.
4. Update on Stewardship program.
5. Public comment period.

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period beginning at 2:00 p.m. and lasting for at least one-half hour. The District Manager may establish a time for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1705 N. Valley Drive (P.O. Box 1420), Las Cruces, New Mexico 88001, by March 19, 1981.

Summary minutes of the Board meeting will be maintained in the Las Cruces BLM District Office and will be available for public inspections and reproduction (during regular business hours) for 30 days following the meeting.

Daniel C. B. Rathbun,

District Manager.

February 12, 1981.

[FR Doc. 81–6052 Filed 2–20–81; 8:45 am]

BILLING CODE 4310–84–M

Las Cruces District Multiple Use Advisory Council, Meeting

Notice is hereby given in accordance with Public Law 94–579, that a meeting of the Las Cruces District Multiple Use Advisory Council will be held on Wednesday, March 25, 1981.

The meeting will begin at 9:30 a.m. in the Las Cruces Room, Best Western of Las Cruces, 901 Avenida de Mesilla, Las Cruces, New Mexico.

The agenda for the meeting will include:

1. Approval of minutes.
2. Update on Southern Rio Grande Environmental Impact Statement.

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3. Work session on Las Cruces/Lordsburg Resource Management Plan.
a. Overview of planning process.
b. Planning criteria
c. Discussion period
d. Summary of Council's Recommendations
4. Public Comment Period—2:00.

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period beginning at 2:00 p.m. and lasting for at least one-half hour. The District Manager may establish a time for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1705 N. Valley Drive (P.O. Box 1420), Las Cruces, New Mexico 88001, by March 19, 1981.

Summary minutes of the Board meeting will be maintained in the Las Cruces BLM District Office and will be available for public inspections and reproduction (during regular business hours) for 30 days following the meeting.

Daniel C. B. Rathbun,
Acting District Manager.
February 12, 1981.
[FR Doc. 81-5953 Filed 2-20-81; 8:45 am]
BILLING CODE 4310-84-M

Arizona, Phoenix District, Phoenix/Lower Gila Resource Areas Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board will be held on Wednesday, March 25, 1981.

The meeting will begin at 9 a.m. in the conference room of the Bureau of Land Management Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

The agenda for the meeting will include:

1. Election of Officers
2. Status of Lower Gila North Planning
3. Status of Range Improvements for fiscal year 1981
4. Review of the New Grazing Regulations
5. Arrangements for future meetings

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 12, 1981.
William K. Barker,
District Manager.
[FR Doc. 81-8654 Filed 2-20-81; 8:45 am]
BILLING CODE 4310-84-M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet March 27, 1981. The meeting will convene at 10:00 a.m. in the conference room at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR. The topic to be considered at the meeting is the land use planning process, with particular attention to the development of management alternatives.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:30 a.m., or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by March 20, 1981. Depending upon the number or persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For additional information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

Dated: February 6, 1981.
Melvin D. Berg,
Acting District Manager.
[FR Doc. 81-5955 Filed 2-20-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 20224]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of March 8, 1920 be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Managment Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 70

T. 21 S., R. 27 E.,
Sec. 29, SE¼SE¼.
Containing 40.00 acres in Harney County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before March 27, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before March 27, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 10, 1981.
Champ C. Vaughan, Jr.
(Acting) Chief, Branch of Lands and Minerals Operations.
[FR Doc. 81-8000 Filed 2-20-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 20231-B]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of June 7, 1922, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 84

T. 26 S., R. 45 E.,
Sec. 23, SE¼SE¼.
Containing 40.00 acres in Malheur County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal, except that the segregative effect is proposed to be expanded to include all mineral location under the mining laws.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before March 27, 1981. Upon determination by the State Director, Bureau of Land Management, that public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments, or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before March 27, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 10, 1981.
Champ C. Vaughan, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.
[FR Doc. 81-8001 Filed 2-20-81; 8:45 am]
BILLING CODE 4310-84-M

Geological Survey

Known Leasing Area (Sodium); Bristol Dry Lake, Calif.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, and Secretary's Order No. 2948, Federal lands within the State of California have been classified as subject to the competitive sodium leasing provisions of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 262), as amended.

The name of the area, the effective date, and the total acreage involved are as follows:

(5) California

Bristol Dry Lake (California) Known Leasing Area (Sodium); June 9, 1979, 35,874.98 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, Western Region, U.S. Geological Survey, 345 Middlefield Road, MS 80, Menlo Park, California 94025.

Dated: February 12, 1981.
George F. Brown,
Acting Chief, Conservation Division.
[FR Doc. 81-5946 Filed 2-20-81; 8:45 am]
BILLING CODE 4310-31-M

Request for Public Comment on Maximum Economic Recovery and Fair Market Value; Uinta-Southwestern Utah Regional Coal Team

AGENCY: U.S. Geological Survey, Department of Interior.

The U.S. Geological Survey has identified 11 tracts as candidates for possible lease sale in the Uinta-Southwestern Utah regional coal area of Colorado and Utah. These tracts are currently under consideration by the Uinta-Southwestern Utah Regional Coal Team and are the subject of ongoing environmental analysis. A description of these tracts is contained in Table I. More complete geological data on these tracts are available in the tract delineation report and the economic recovery potential analysis report prepared for each tract. These reports are available for public inspection at the office of the District Supervisor for Resource Evaluation, Conservation Division, U.S. Geological Survey, 1745 West 1700 South, Room 2070, Salt Lake City, Utah 84104. Additional data on these tracts are available from the Draft Environmental Impact Statement (DEIS). Copies of the DEIS are available from Ron Bolander, EIS Team Leader, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

The public is invited to submit written comments on the fair market value of the listed tracts to the U.S. Geological Survey. Comments should address, but not be limited to, the following:

1. The quantity and quality of the coal resource for each tract;
2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined on each tract and the most desirable timing and rate of production;
3. The recoverable reserves of coal on each tract;
4. Which of the tracts, if any, should be evaluated as part of a larger mining unit (i.e., those tracts which do not in themselves form a logical mining unit);
5. The configuration of the larger mining unit of which the tract may be a part;
6. The price that the mined coal would bring in the marketplace;
7. The cost of producing the coal;

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8. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or including inflation, in which case the anticipated rate of inflation should be given;

9. Depreciation and other accounting factors;

10. The value of the surface estate if privately held; and,

11. The terms and conditions of recent and otherwise similar coal land transactions in the area.

If information submitted is considered to be proprietary, the information should be so labeled in the first page of the written comment(s). The U.S. Geological Survey will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to the Manager, Central Region, Conservation Division, U.S. Geological Survey, Box 25046, M.S. 609, Denver Federal Center, Denver, Colorado 80225. Comments should be received no later than 30 days after publication of this notice.

This request for comments should not be interpreted as a firm commitment by the Federal Government to lease any of the tracts listed in Table I. A decision to lease any or all tracts will be made not less than 30 days from publication of a final environmental impact statement (EIS) for the Uinta-Southwestern Utah region. This sequence of steps is in accordance with the procedures specified in the 43 CFR series, Federal Coal Management Regulations. The final EIS is now under preparation by the Bureau of Land management, Salt Lake City, and is scheduled to be published on February 24, 1981.

Departmental policy calls for release of all non-proprietary data which are used as input in the discounted cash flow (DCF) evaluation model. Under this policy, we are releasing, for public comment and review, our initial estimates of the coal selling price, unit mining cost, discount rate, and inflation rate to be applied in the DCF evaluation of each tract. These estimates are presented in Table II. It must be recognized that these figures are only rough current estimates and will not necessarily reflect the ultimate values applied. The unit mining cost, in particular, may vary greatly after a detailed mining plan has been developed and all costs have been considered.

Table I.—*Description of Possible Lease Tracts in Uinta-Southwestern Utah Coal Region*

[All tracts in Utah]

Tract name, county, townships, and range (SLM)	Acreage	Demonstrated [illegible] (millions of tons)	Probable type of mine	As-received Btu per pound	Sulfur content (percent)	Ash content (percent)
Tucker Canyon, Carbon, T. 12 S., R. 7 E.	161.4	2.147	Underground	(1)	(1)	(1)
Miller Creek, Carbon, T. 13 S., R. 7 E.	1,999.06	43.8	Underground	12,100	0.67	6.76
Gordon Creek, Carbon, T. 13 S., Rs. 7 and 8 E.	4,283.89	64.9	Underground	12,400	.505	6.2
Rilda Canyon, Emery, T. 16 S., R. 7 E.	640	19.5	Underground	12,580	.5	5.51
Meetinghouse Canyon, Emery, Ts. 16 and 17 S., R. 7 E.	1,063.38	31.0	Underground	12,870	.45	6.9
Cottonwood, Emery, T. 17 S., R. 7 E.	2,400	55.4	Underground	12,580	.58	7.6
North Horn Mountain, Emery, T. 18 S., Rs. 6 and 7 E., T. 19 S., Rs. 6 and 7 E.	[2] 21,043	189.5	Underground	12,580	.58	7.6
Slaughterhouse Canyon, Carbon, T. 13 S., R. 7 E.	440	5.55	Surface	12,040	.61	6.24
Emery North, Emery, T. 21 S., R. 6 E.	2,161	36.3	Surface and underground	10,060	.96	22.01
Emery Central, Emery, Ts. 21 and 22 S., R. 6 E.	2,967.65	42.767	Surface	11,000	.8	14.3
Emery South, Emery, T. 23 S., R. 6 E.	748.49	11.53	Underground	12,320	.62	7.5

[1] Proprietary data. [2] Exact boundaries to be determined.

Table II.—*Preliminary Estimates of Economic Data To Be Used in DCF Evaluations*

Tract name	Coal selling price (dollars per ton)	Unit mining cost (dollars per ton)	Inflation [illegible] (percent)	Nominal discount rate (percent, including inflation)
Tucker Canyon	$20.50 to $25.50	$20 to $25	9	19.9
Miller Creek	$20.00 to $25.00	$20 to $25	9	19.9
Gordon Creek	$20.50 to $25.50	$20 to $25	9	19.9
Rilda Canyon	$20.50 to $25.50	$20 to $25	9	19.9
Meetinghouse Canyon	$23.00 to $28.00	$20 to $25	9	19.9
Cottonwood	$20.50 to $25.50	$20 to $25	9	19.9
North Horn Mountain	$20.50 to $25.50	$20 to $25	9	19.9
Slaughterhouse Canyon	$19.50 to $24.50	$20 to $25	9	19.9
Emery North	$16.00 to $21.00	$15 to $20	9	19.9
Emery Central	$18.00 to $23.00	$15 to $20	9	19.9
Emery South	$20.50 to $25.50	$20 to $25	9	19.9

Frank A. Salwerowicz,

Acting Conservation Manager, Central Region.

[FR Doc. 81-5699 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-31-M

Office of the Secretary

Oil Shale Lease; Detailed Development Plan Modification; Public Hearings

Pursuant to section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of a Modification to the Detailed Development Plan, submitted February 2, 1981, for Oil Shale Lease Tract C-a, Serial No. Colorado 20046.

Prior to commencing any operations on the leased lands, under the Modification to the Detailed Development Plan, the lessees must obtain the approval of the USGS Deputy Conservation Manager-Oil Shale.

Notice is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tract C-a Modification to the Detailed Development Plan on the following dates and at the following locations:

March 26, 1981

Fairfield Center, 200 Main, Meeker, Colorado

April 2, 1981

Denver Marina Hotel, 303 W. Colfax, Denver, Colorado

Hearings at both locations will begin in the afternoon at 1 p.m. and continue until all present are heard, or 3 p.m., whichever comes first. In the evening, hearings at both locations will begin at 7 p.m. and continue until all present are heard, or 9 p.m., whichever comes first. The Denver hearing will be in conjunction with a meeting of the Oil Shale Environmental Advisory Panel at which the plan modification will be under review.

Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the U.S. Geological Survey, Oil Shale Office, 131 North 6th Street, Grand Junction, Colorado, no later than March 20, 1981. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings must be received at the above address on or before April 8, 1981.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the Hearing's Officer will give others present an opportunity to be heard.

Notice is also given that copies of the Tract C-a Modification to the Detailed Development Plan and related reports are available for public inspection during regular business hours at the following locations:

U.S. Geological Survey, Oil Shale Office, 131 N. 6th, Grand Junction, Colorado
U.S. Geological Survey, Conservation Division, Bldg. 65, Denver Federal Center, Denver, Colorado
U.S. Geological Survey, Conservation Division, Reston, Virginia
Oil Shale Environmental Advisory Panel, Bldg. 67, Denver Federal Center, Denver, Colorado
Bureau of Land Management, Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colorado
Bureau of Land Management District Office, 455 Emerson Drive, Craig, Colorado
Bureau of Land Management Area Office, Meeker, Colorado
Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah
Bureau of Land Management District Office, 170 South 500 East, Vernal, Utah
Bureau of Land Management, Wyoming State Office, Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming
Mesa College Library, Grand Junction, Colorado
Mesa County Public Library, Grand Junction, Colorado
Montrose Regional Library, Montrose, Colorado
Delta Library, Delta, Colorado
Rangely Public Library, Rangely, Colorado
Meeker Public Library, Meeker, Colorado
Moffat County Library, Craig, Colorado
Garfield County Library, New Castle, Colorado
Colorado Mountain College Library, Glenwood Springs, Colorado
Glenwood Springs Public Library, Glenwood Springs, Colorado
Rifle Public Library, Rifle, Colorado
Uintah County Public Library, Vernal, Utah
Salt Lake City Public Library, Salt Lake City, Utah
Colorado State Library, 1362 Lincoln, Denver, Colorado
Library, Department of the Interior, Main Interior Building, Washington, D.C.
Colorado State University Library, Ft. Collins, Colorado
Colorado School of Mines Library, Golden, Colorado
U.S. Geological Survey Library, National Center, Reston, Virginia
U.S. Geological Survey Library, Denver, Colorado
Denver Public Library, Conservation Library, Denver, Colorado

David C. Russell,

Deputy Assistant Secretary of the Interior.

February 17, 1981.

[FR Doc. 81-5680 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

Oil Shale Environmental Advisory Panel; Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held April 2 and 3, 1981, at the Denver Marina Hotel, 303 West Colfax Avenue in Denver, Colorado. The meeting will begin at 8:30 a.m. on Thursday, April 2, in the Big Horn Room and conclude at noon, Friday, April 3.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program.

The purpose of this meeting is to review a Modification to the Detailed Development Plan for Lease Tract C-a which has been submitted by Rio Blanco Oil Shale Company. It is being held in conjunction with a public hearing on the same matter. The Panel will begin its review on Wednesday morning, April 2, and recess at noon for the hearing which will begin at 1 p.m. in the same meeting room. The Panel will reconvene after the afternoon hearing session. The public hearing will be reopened for an evening session at 7 p.m. The Panel will reconvene at 8:30 a.m. on Friday, April 3, to complete its review and adopt appropriate advice to the U.S. Geological Survey on the plan modification.

The Panel will receive reports from Department of the Interior officials, from various workgroups of the Panel and be briefed on the U.S. Synthetic Fuel Corporation's program and will consider any other matters which have come before the Panel.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the meeting in addition to the Panel members. Interested persons may make brief presentations to the Panel on Friday morning, April 3, or file written statements with the Chairman. Requests to speak to the Panel should be made to Mr. Henry O. Ash, Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 690, Building, 67, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3275.

Further information concerning this meeting may be obtained from Mr. Ash's Office. Minutes of the meeting and the public hearing record will be available for public inspection 30 days after the meeting at the Panel's Office.

David C. Russell,

Deputy Assistant Secretary of the Interior.

February 17, 1981.

[FR Doc. 81-5681 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

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Water and Power Resources Service

Brantley Project, New Mexico; Public Hearings on Draft Supplement to Final Environmental Statement and on Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands)

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, Water and Power Resources Service, has prepared a draft supplement to the final environmental statement (FES) for the Brantley Project, New Mexico. This draft supplement (INT DES 81–6, dated February 10, 1981) was made available to the public on February 10, 1981. The FES (FES 72–30) was dated September 11, 1972.

Brantley Project is located on the Pecos River some 15 miles upstream from the city of Carlsbad, New Mexico; the reservoir will extend downstream from existing McMillan Dam some 5.5 miles and upstream from McMillan Dam about 11 miles. Brantley dam will replace McMillan Dam which has been found to be unsafe.

Following authorization of the project in 1972, geologic investigations in 1974–75 included deeper drilling, coring, and percolation testing. Analysis of the data showed that the original damsite was geologically unsuitable and that construction of a dam along this alinement could, like McMillan Dam, result in another safety of dams problem. Test drilling and investigation have shown that a suitable foundation for a dam exists about 2,100 feet downstream from the original site. This new alinement was selected as the only reliable alternative to the original alinement. This draft supplement comparatively displays the two alinements and the environmental consequences of each.

Public hearings will be held at 7 p.m. on March 24 at New Mexico State University at Carlsbad, 1500 University Drive, and at 7 p.m. on March 25 in the Lecture Room, Artesia Christian College, Room 108, Richey Avenue, Artesia, New Mexico. The purpose of these hearings is threefold: to receive views and comments from interested organizations and individuals relating to the environmental impacts of the new dam alinement and to provide the public with information on the effect this modification will have on wetlands (Executive Order 11990) and flood plains (Executive Order 11988), and will give the public an opportunity to participate in the decisionmaking process.

Oral statements at the hearings will be limited to 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the hearing officer may allow any speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to March 19, 1981, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact Water and Power Resources Service, Suite 201, 714 South Tyler Street, Amarillo, Texas, telephone (806) 378–5400, extension 599, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by April 10, 1981, for inclusion in the hearing record.

Dated: February 19, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources Service.

[FR Doc. 81-6222 Filed 2-20-81; 10:05 am]

BILLING CODE 4310-09-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Arts of Ancient Egypt: Treasures on Another Scale" (included in the list [1] filed as part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the Smithsonian Institution in Washington, D.C., and the Egyptian Museum in Cairo. I also determine that the temporary exhibition or display of the listed exhibit objects at the Smithsonian Institution, Washington, D.C. beginning on or about March 15, 1981, to on or about April 26, 1981, and the Brooks Memorial Art Gallery, Memphis, Tennessee, beginning on or about May 6, 1981, to on or about June 17, 1981, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 18, 1981.

John W. Shirley,

Acting Director.

[FR Doc. 81-6093 Filed 2-20-81; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to opose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 11, 1981

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC–F–14559F, filed January 21, 1981. WHITEFORD TRUCK LINES, INC. (640 West Ireland Road, South Bend, IN 46680)—purchased—WHITEFORD TRANSPORT, INC. (640 West Ireland Road, South Bend IN 46680). Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, In 46240. Whiteford Truck Lines, Inc., seeks authority to purchase the interstate operating rights of Whiteford Transport, Inc. Ronald Whiteford, who controls 58.3% of Whiteford Truck Lines, Inc., and Florence Whiteford who controls 41.7%, seek to acquire control of said operating rights through this transaction. Whiteford Truck Lines, Inc., seeks to purchase the operating rights of Whiteford Transport, Inc., issued in MC–109682 and sub-numbers thereunder, involving the transportation of *New automobiles, new trucks, and new chassis,* in secondary movements, in truckaway service, between points in IN, DE, MD, NJ, NY, OH, PA, VA, WV, and DC, restricted to the transportation of vehicles which have been transported by said carrier, or by other carriers in initial movements from South Bend, IN, and further restricted against the transportation of such vehicles which have had an immediately prior movement by water; *New automobiles and trucks, chassis, and commerical trailers,* restricted to initial movements, in driveaway service, from points of manufacture and assembly, from South Bend, IN, to points in OH, PA, NY, WV, and VA; from points in Wayne County, MI, and Warren Township, Macomb County, MI, to points in OH, PA, and WV; *New automobiles and trucks, chassis and commercial trailers,* restricted to initial movements in driveway service, from point of manufacture or assembly during the open season of navigation on the Great Lakes, from points in Wayne County, MI, and those in Warren Township, Macomb County, MI, to boat docks in Detroit, MI; *New automobiles, new trucks and new chassis,* initial movements in truckaway and driveaway service, from South Bend, IN, to points in DE, MD, NJ, and DC; *New automobiles, new trucks, and new chassis,* in initial movements in truckaway service, from South Bend, IN, to points in IN, NY, OH, PA, VA, and WV; *New automobiles, new automobile bodies and chassis, and automobile show equipment and paraphernalia,* in initial movements in driveway service, and *farm and garden tractors and parts thereof,* from Willow Run in Washtenaw County, MI, to points in OH, PA, VA, WV, and to boat docks in Detroit during the open season of navigation on Great Lakes; and *rejected shipments* of the commodities specified next-above from the destination points specified next-above to Willow Run in Washtenaw County, MI; *Automobile show equipment and paraphernalia,* from South Bend, IN, to points in DE, MD., NJ., VA., and D.C.; *New vehicles and chassis,* except trailers, and *automobile show equipment paraphernalia* (when accompanying the new motor vehicles), by driveway and truckaway service, in initial movements, and *bodies,* from points in Madison County, AL, to all points in the U.S.; *Buses, trackless trolleys,* and passengers who are at the time representatives of manufacturers or purchases of new buses and trackless trolleys, and who have been designated by their principals to accompany such buses during the transportation thereof, and the baggage of such representatives, in special operations, in initial movements, in driveaway and truckaway service, from Kent, OH, to all points in the U.S.; *Automobiles, trucks, chassis, and commercial trailers,* new, used, or unfinished, restricted to secondary movements, in driveaway service, between points in OH, PA, IN, NY, WV, MD, NJ, MI, and D.C.; between points in VA, on the one hand, and on the other, points in OH, PA, IN, NY, WV, MD, NJ, MI, and D.C.; *Trucks,* in initial movements in truckaway method, from Kent, OH, to all points in the U.S. (except those in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY); *Trucks,* in initial movements, by the driveaway method, from Kent, OH, to all points in the U.S.; *Imported automobiles,* in secondary movements, in truckaway service, from South Bend, IN, to points in NY, PA, NJ, DL, MD, VA, WV, OH, NC, SC, IN, and D.C.; *Buses,* in initial movements from points in St. Joseph County, IN, to points in the U.S. (except AK and HI); *Passengers and their baggage,* in special operations, from points in St. Joseph County, IN, to points in the U.S. (Except AK and HI), restricted to the transportation of persons who are representatives of manufacturers or purchases of buses moving in service otherwise authorized herein; *Buses and bus chassis,* in driveaway service, from ports of Entry in TX, on the U.S.-Republic of Mexico Boundary line and from Woodlawn, TX, to points in the U.S. (including AK but excluding HI); *Passenger automobiles,* in secondary movements, from Elkhart, IN, to points in the U.S. (except AK, CT, GA, HI, IN, IL, KY, MD, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VT, VA, WV and D.C.) Whiteford is a motor common carrier authorized in MC–136635 and sub-numbers thereunder.

MC–14557F, filed January 19, 1981. KEN-RENTALS, INC. (K-R) (1401 N. Little St., Cushing, OK 74023)—Merger—BRAY LINES INCORPORATED (Bray) (1401 N. Little St., Cushing, OK 74023), BRAY TRANSPORTS, INC. (Transports) (1401 N. Little St., Cushing, OK 74023), and SUBLER TRANSFER, INC. (Subler) (One Vista Drive, Versailles, OH 45380). Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Authority is sought to merge the operating rights and property of Bray, Transports and Subler into K-R for ownership, management, and operation, following which the name of K-R will be changed to Bray Lines Incorporated. Bray Corporation, 1401 N. Little St., Cushing, OK 74023, a non-carrier holding company which presently controls Bray

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through stock ownership, and which through such control of Bray also indirectly controls Transports and Subler as wholly-owned subsidiaries of Bray, and Frank E. Cochran and Mary B. Cochran who in turn control Bray Corporation through stock ownership, seek authority, respectively, for Bray Corporation to acquire direct control, and for Frank E. Cochran and Mary B. Cochran to continue in indirect control of said rights and property through the transaction. The existing arrangement of common control of the applicants was authorized in No. MC–F–14002. K-R is a wholly-owned subsidiary of Bray but is not a carrier at the present time. The interstate operating rights of Bray sought to be merged into K-R include all of the authority of Bray as authorized in Docket No. MC–112822 and sub-numbers and E-letter notices thereunder, authorizing the transportation, as a motor common carrier, over irregular routes, of such commodities as (1) foodstuffs and other specified commodities falling within the generic description of foodstuffs; (2) such commodities as are used or dealt in by various types of persons or shippers; and (3) numerous other specified commodities including packaged petroleum products and chemicals, orchard heaters and supplies, cleaning compounds and materials, pet supplies, toilet articles and preparations, alcholic liquors and malt beverages, paper products, plastic products, foundary products, carpet, glassware, aquariums and supplies, camping equipment, charcoal, toys and playground equipment, rubber products, building materials, plumbing fixtures and supplies, photographic material, equipment and supplies, and numerous other types of dry freight, from, to, or between specified points or areas in the United States (except AK and HI). The interstate operating rights of Transports sought to be merged into K-R include all of the authority of Transports as authorized in Docket No. MC–140755 and sub-numbers and E-letter notices thereunder, authorizing the transportation, as a motor common carrier, over irregular routes, of commodities in bulk, such as petroleum and petroleum products, chemicals, fertilizers, feed and feed ingredients, sugar and other edible commodities, and various other liquid and dry commodities shipped in bulk, from, to, or between specified points or areas in AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NJ, NM, NY, ND, OH, OK, PA, SD, TN, TX, UT, WA, WI and WY.

The interstate operating rights of Subler sought to be merged into K–R include all of the authority of Subler as authorized in Docket No. MC–117883 and sub-numbers and E-letter notices thereunder, authorizing the transportation, as a motor common carrier, over irregular routes, of commodities such as (1) foodstuffs and other specified commodities falling within the generic description of foodstuffs; (2) such commodities as are used or dealt in by various types of persons or shippers; and (3) numerous other specified commodities including packaged petroleum products, steel strapping, paper and paper products, carpeting and floor coverings, heating stoves, building materials, rubber articles, refactory products, glass, cleaning compounds and supplies, farm machinery and agricultural implements, alkalies, animal food, washing machines and laundry equipment, metal products, automobile parts and appliances, household appliances, refrigeration equipment, and numerous other types of dry freight, from, to, or between specified points or areas in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, SD, VT, VA, WV and DC. None of the foregoing general descriptions of operating rights of Bray, Transports or Subler purports to be a complete description of the authorities involved. More complete descriptions of pertinent operating rights are on file as part of the application at the offices of the Commission in Washington, D.C., and at its Regional Offices in Dallas, TX and Philadelphia, PA.

Notes.—(1) This application was filed in order to comply with a decision in MC–F–14002, served March 21, 1980, which requires corporate simplification. (2) K–R concurrently filed a directly related application under 49 U.S.C. 11301 and 11302 for authority to issue securities and to assume the obligations and liabilities with respect to outstanding securities of the other constituent companies involved in the proposed merger. K–R seeks authority in Finance Docket No. 29562 to increase the number of authorized common stock to 2,000,000 shares. The authorized capital stock of K–R now consists of 25,000 shares of voting common stock, without par value, of which 24,755 shares are now issued and outstanding. Bray is the owner of 100 percent of these outstanding shares. K–R seeks to amend it Certificate of Incorporation and to change its authorized capital stock from 25,000, no-par common stock, to 2,000,000 shares of voting common stock, par value 10 cents per share, at the time of merger proposed in the related finance application in MC–F–14557F. Upon the completion of the merger, up to a total of 1,181,580 shares of this reissued stock will be exchanged, share for share, for each outstanding share of Bray stock.

Also, K–R seeks authority in Finance Docket 29562 to assume the obligations and liabilities of Bray, Subler, and Transports including obligations with respect to a promissory notes in the principle sum of $8,000,000, with interest at 11½ percent per annum originally issued to Bray, as previously approved by this Commission in Finance Docket No. 29201, in a decision served March 21, 1980, the total aggregate amount of all liabilities not to exceed $12,184,540.

MC–F–14561F, filed January 30, 1981. PHYSICAL DISTRIBUTION SERVICES, INC.; W.D. Larson; Beth M. Larson; and Marvin M. Mueller (Parties) (all of 10700 Lyndale Avenue South, Minneapolis, MN 55440)—Continuance in control—ALLSTATE TRANSPORTATION COMPANY (Allstate) (10700 Lyndale Avenue South, Minneapolis, MN 55440). Representative: Robert A Wichser, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Authority is sought by parties to continue in control and management of Allstate. Physical Distribution Services, Inc. (PDS) is a holding company, W.D. Larson, who controls PDS through 100% of its stock, also controls Larson Transfer & Storage Company, Inc. (Larson) through 100% of its stock. Larson is a motor carrier authorized to operate under certificates issued in No. MC–141781, and permits issued in No. MC–128652. Marvin M. Mueller, the executive vice-president of Larson, owns 25% of the stock of Allstate. Beth Larson, daughter of W.D. Larson, controls Allstate through 75% of its stock. By effective notice served November 4, 1980, Allstate was granted authority to operate as a common carrier pursuant to MC–151556 transporting (1) *U.S. Government property and* (2) *shipments weighing one hundred pounds or less* if transported in a motor vehicle in which no one package exceeds one hundred pounds, between points in the United States. IMPEDIMENT: Allstate has applications for both common and contract carrier authority presently pending before the Commission. The operating rights Allstate is seeking in these applications, duplicates to a certain extent the operations authorized in Larson's certificates and permits. We are unable to find these duplications to be de minimus, and we do not find them consistent with the public interest. Approval and authorization of this transaction is, therefore, conditioned upon applicants setting forth all duplications and a plan for the elimination of such duplications in order to comply with the Commission's regulations at 49 CFR 1134.51.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–5938 Filed 2–20–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–96

The following applications were filed in region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 152033 (Sub-1–2TA), filed February 2, 1981. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Such commodities as are dealt in by grocery and food business houses, and (2) materials, equipment, and supplies used in the production, marketing and sale of the commodities named in (1) above,* between points in CA, CO, GA, FL, IL, MA, MN, NY, NC, OH, PA, TX, and VA, restricted to traffic originating at or destined to the facilities used or utilized by Nabisco, Inc. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 153827 (Sub-1–1TA), filed February 2, 1981. Applicant: TRIO-MOTOR TRANSFER, INC., Box 662, Barre, VT 05641. Representative: David M. Marshall, Marshall and Marshall, 101 State St.—Suite 304, Springfield, MA 01103. *Such commodities as are dealt in by a manufacturer or distributor of stone products* between Montpelier, Northfield, Bethel, South Ryegate, Woodbury and Barre, VT, on the one hand, and, on the other, points in MA, CT, RI, NH and ME. Supporting shipper(s): There are ten statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 35387 (Sub-1–1TA), filed February 2, 1981. Applicant: ORBIT EXPRESS, INC., 105 Creeper Hill Road, North Grafton, MA 01536. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Such commodities as are dealt in by a manufacturer or distributor of food products and food-related products,* between Rochester and Manchester, NY on the one hand, and, on the other, points in ME, VT, NH, MA, CT and RI. Supporting shipper: Ragu' Foods, Inc., 33 Benedict Place, Greenwich, Ct 06830.

MC 123922 (Sub-1–1TA), filed February 2, 1981. Applicant: AMTRUK TRANSPORT, INC., Box 4327, Bergen Station, Jersey City, NJ 07304. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 2005. *Gases in a compressed or cryogenic state,* between points in ME, VT, NH, MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, DC, KY, NC, SC, TN, GA and AL. Supporting shipper(s): Department of Public Utilities, 64 Shetucket St., Norwich, CT 06360; Westfield Gas & Electric Light Department, 100 Elm St., Westfield, MA 01085; Manchester Gas Co., 1260 Elm St., Manchester, NH 03101; New Jersey Natural Gas Company, 601 Bangs Ave., Asbury Park, NJ 07712.

MC 153870 (Sub-1–TA), filed February 3, 1981. Applicant: D.A.D. TRUCKING, INC., 157 West 24th Street, New York, NY 10011. Representative: Zoe Ann Pace, Esq., Zelby, Burstein, Hartman & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Works of art and antiques, of all types and kinds, for display by artists, other individuals, museums, galleries, educational facilities, auction houses, or other commercial establishments* between New York, NY; Boston, MA; Miami, FL; Houston, TX; Dallas, TX; Los Angeles, CA; San Francisco, CA; Chicago, IL; Kansas City, MO; Cleveland, OH; Seattle, WA; New Orleans, LA; Scottsdale, AZ; Atlanta, GA; Albuquerque, NM; Washington, DC; Denver, CO; Philadelphia, PA; and St. Louis, MO, supporting shipper(s): There are 31 statements in support which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 153869 (Sub-1–1TA), filed February 3, 1981. Applicant: LORDS TRANSPORTATION, INC., 56 Fisk Street, Jersey City, NJ 07305. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Apparel, or other finished textile products or knit apparel (STOC major industry grouping) and materials and supplies used in the manufacturing and sale thereof, except in bulk* between points in the U.S. except AK and HI, under continuing contract(s) with Kmart Apparel Corporation of North Bergen, NJ. Supporting shipper: Kmart Apparel Corporation, 7373 Westside Avenue, North Bergen, NJ 07407.

MC 149302 (Sub-1–5TA), filed February 3, 1981. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland Street, Fall River, MA 02724. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Such merchandise as is sold or dealt in by retail department stores and material, supplies and equipment (except commodities in bulk) used or useful in the conduct of such business* (1) from Framingham, MA to Alsip, IL. (2) From points in IL, IN, KY, MD, MI, OH, PA, VA, WY and Framingham, Clinton, Mansfield and Stoughton, MA. Supporting shipper: Zayre Corp., Framingham, MA 01701.

MC 152113 (Sub-1–1TA), filed February 3, 1981. Applicant: ARROW COURIER, INC., 3142 Fairfield Ave., Bridgeport, CT 06605. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. *General commodities with the usual exceptions, in messenger service on shipments picked up and delivered on the same day,* between Bridgeport and Norwalk, CT, and points in their commerical zones, on the one hand, and, on the other, New York, NY, and points in its

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commerical zone. Supporting shipper(s): Burndy Corporation, Richards Ave., Norwalk, CT 06856; Dew-Line Research Services, Inc., 152 Millport Ave., New Canaan, CT 06840; Emson Research, Inc., 118 Burr Ct., Bridgeport, CT 06605; Perkin Elmer Corp., Main Ave., Norwalk, CT 06856.

MC 144874 (Sub-1-1TA), filed February 2, 1981. Applicant: HARRY J. BERRY d.b.a. BERRY TRUCKING, P.O. Box 658, Penns Grove, NJ 08069. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue, N.W., Washington, DC 20006. *Roof decking* from the facilities of Roll Form Products, Inc., located at or near Gloucester City, NJ to New York, NY. Supporting shipper: Roll Form Products, Inc., 140 Federal St., Boston, MA 02110.

MC 142603 (Sub-1-17TA), filed February 3, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract carrier:* irregular routes: *Such products as are dealt in or used by pool manufacturers or distributors* between Clifton, NJ and Latham, NY, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Major Pool Equipment Corp. and its Division Burton Pools of Clifton, NJ. Supporting shipper: Major Pool Equipment Corp., and its Division Burton Pools, 200 Entin Road, Clifton, NJ 07014.

MC 145695 (Sub-1-2TA), filed February 2, 1981. Applicant: MAZCO SYSTEMS, INC., 140 Grand Street, Carlstadt, NJ 07072. Representative: Roy A. Jacobs, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Ave., Harrison, NY 10528. *Contact carrier:* irregular routes: *Refined copper between points in the U.S. (except AK and HI),* under continuing contract(s) with Cerro Sales Corporation of New York, NY. Supporting shipper: Cerro Sales Corporation, 250 Park Avenue, New York, NY 10177.

MC 34806 (Sub-1-12TA), filed February 3, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. *Contact carrier:* irregular routes: *Wire, on reels,* from Turners Falls, MA to points in CA under continuing contract with Judd Wire Division of High Voltage Engineering, Turners Falls, MA. Supporting shipper: Judd Wire Division of High Voltage Engineering, 50 Turnpike Road, Turners Falls, MA 01376.

MC 82101 (Sub-1-2TA), filed February 4, 1981. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, MA 02090. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealt in by a manufacturer of footwear and related accessories,* between Nashua, NH, Wilkesboro, NC, and Auburn, MA, under continuing contract(s) with J. F. McElwain Co., Division of Melville Corporation, of Nashua, NH. Supporting shipper: J. F. McElwain Co., Division of Melville Corporation, 12 Murphy Drive, Nashua, NH 03061.

MC 145059 (Sub-1-1TA), filed February 4, 1981. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Boulevard, Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Foodstuffs* from ME to points in the U.S. in and east of MN, IA, NB, KS, OK and TX. Supporting shipper(s): AKF, Inc., d.b.a. Potato Service, P.O. Box 809, Presque Isle, ME 04769.

MC 112854 (Sub-1-1TA), filed February 10, 1981. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, NY 14520. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Frozen Foodstuffs* between Brockport, NY and the states of CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY City Metropolitan Area, OH, PA, RI, VT, VA and DC. Supporting shipper: Brockport Cold Storage Co., Inc. P.O. Box C-98 Spring St. Brockport, NY 14420.

MC 112854 (Sub-1-2TA), filed February 10, 1981. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, NY 14520. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Commodities requiring refrigeration* between points in Cattaraugus, Chatauqua, Erie, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Wayne and Yates Counties, NY on the one hand, and, on the other, points in CT, DC, DE, MD, MA, ME, NH, NJ, NY, OH, PA, VA, VT and WV. Supporting shippers: Waterman Food Sales, P.O. Box 146, 1380 Rt. 104, Ontario Center, NY 14520; J. H. Verbridge & Son, Inc., 6688 Lake Ave., Williamson, NY 14589; Happy Ice Corp. 900 Turk Hill Rd., Fairport, NY 14450.

MC 151004 (Sub-1-2TA), filed February 10, 1981. Applicant: WARNACO TRUCKING CORP., 350 Lafayette St., Bridgeport, CT 06602. Representative: John F. Ryan, Vice President, 350 Lafayette St., Bridgeport, CT 06602. *Contract carrier:* irregular routes: *Stove or range parts; parts, spring powered, clock or timer; fibre board other than corrigated; power tools set up loose or on skids; and power tools KD or SU in boxes or cartons* betwen Waterbury, CT, New Stanton, PA, Providence, RI and Carthage, TN, under continuing contract(s) with Robertshaw Controls Co., Lux-Time Division, of Lebanon, TN. Supporting shipper: Robertshaw Controls Co., Lux-Time Div., 1307 West Main St., Lebanon, TN 37087.

MC 127524 (Sub-1-7TA), filed February 10, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart St., Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart St., Rahway, NJ 07065. *Reagent alcohol in bulk,* from Cleveland, OH to Elizabethport, NJ with subsequent movement by water. Supporting shipper: Airco Caribe, Inc., P.O. Box 1290, Guayama, Puerto Rico 00654.

MC 159536 (Sub-1-4TA), filed February 10, 1981. Applicant: RODCO LEASING, INC., 380 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. *General commodities, usual exceptions,* between points in CT, DE, ME, MD, MA, NH, NY, NJ, PA, RI and VT. Supporting shipper: there are fifteen statements of support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 2066 (Sub-1-2TA), filed February 10, 1981. Applicant: R.M. SULLIVAN TRANSPORTATION, INC., 649 Cottage St., P.O. Box 155, Highland Station, Springfield, MA 01104. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment* between the terminal of R.M. Sullivan Transportation, Inc., at Springfield, MA, on the one hand, and, on the other, points in Westchester, Rockland, Dutchess, Greene, Sullivan, Orange, Ulster, Columbia, Rensselaer, Schenectady, Washington, Saratoga, Warren, Putnam, Albany and Montgomery Counties, NY. Restriction: Restricted to shipments having a prior or subsequent movement by motor carrier including shipments by R.M. Sullivan Transportation, Inc., Applicant intends to tack with authority MC-2066 and subs thereto. Supporting shipper(s): There are eleven statements of support attached to this application which may

be examined at the ICC Regional Office in Boston, MA.

MC 127524 (Sub-1-8TA), filed February 11, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart Street, Rahway, NJ 07065. *Liquid Caustic Potash in bulk in tank trailers* from Delaware City, DE to Baltimore, MD. Supporting shipper: J. F. Chemical Co., Inc., 245 Park Ave., E. Rutherford, NJ 07073.

MC 153993 (Sub-1-1TA), filed February 11, 1981. Applicant: TKN, INC., 1242 Shawmut Avenue, New Bedford, MA 02741. Representative: Michael F. Morrone, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. *Contract carrier,* irregular routes: *(1) Oil well and water well steel pipe and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above* from Minneapolis, MN to points in OK, TX, and WY: (2) from Beaver Falls, PA and Shelby, OH to Minneapolis, MN and Houston, TX: and (3) from points in OK and TX to Minneapolis, MN under continuing contract(s) with Tooltech, Inc. Supporting shipper: TOOLTECH, INC., 3145 Columbia Avenue, Minneapolis, MN 55418.

MC 144874 (Sub-1-2TA), filed Febraury 10, 1981. Applicant: HARRY J. BERRY, d.b.a. BERRY TRUCKING, P.O. Box 658, Penns Grove, NJ 08069. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Ave., NW., Washington, DC 20006. *Roof decking and paint, and materials, equipment, and supplies used in the manufacture of roof decking and paint* between the facilities of Roll Form Products, Inc. located at or near Gloucester City and Camden, NJ, Wilmington, NC, and East Chicago, IN, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, AND MS. Supporting shipper: Roll Form Products, Inc. 140 Federal Street, Boston, MA 02110.

MC 144888 (Sub-1-2TA), filed February 4, 1981. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset St., Somerville, NJ 08876. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives),* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used or utilized by Ciba-Geigy Corporation. Supporting shipper(s): Ciba Geigy Corporation, 444 Sawmill River Rd., Ardsley, NY 10546.

MC 12955 (Sub-1-5TA), filed February 5, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. & Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Malt beverages, in containers,* from Albany, GA and Eden, NC to Monmouth County, NJ. Supporting shipper: Point Pleasant Distributor's, Inc., 319 Hawthorne Ave., Point Pleasant Beach, NJ.

MC 138844 (Sub-1-3TA), filed February 4, 1981. Applicant: TRANSGAS, INC., 87 Industrial Ave., Lowell, MA 01853. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. *Liquefied petroleum gas,* between points in MA, RI, CT, VT, NH, ME, NY, NJ, DE, PA, and OH. Supporting shipper: Colonial Gas Energy System, 95 East Merrimack St., Lowell, MA 01853.

MC 153951 (Sub-1-1TA), filed February 4, 1981. Applicant: NESEL FAST FREIGHT INC., 2460 Lawrence Ave. East, Unit 7, Scarborough, Ontario, CD M1P 2R7. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. *Furniture, and related items and components used in the manufacture, distribution, and sale thereof,* between ports of entry on the International Boundary line between the U.S. and CD on the one hand, and, on the other, points in CT, DC, DE, FL, IL, IN, KY, MA, MD, ME, MI, MN, NC, NH, NJ, NY, OH, PA, RI, VA, and VT. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional office in Boston, MA.

MC 143493 (Sub-1-4TA), filed February 4, 1981. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. *Contract carrier:* irregular routes: *Fuel Oil* from Tullytown, PA to Carteret, Lakewood, and Scotch Plains, NJ under continuing contract(s) with Poling Oil Co. of Westfield, NJ. Supporting shipper: Poling Oil Co., 2285 South Ave., (Scoth Plains) Westfield, NJ 07090.

MC 148657 (Sub-1-1TA), filed February 5, 1981. Applicant: RAYMOND & HIGGINS TRANSPORTATION CO., INC., 78/80 Judith Street, Providence, RI 02902. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. *Petroleum and petroleum products* in bulk in tank vehicles from Providence, RI to points in CT and MA. Supporting shipper(s): Sun Petroleum Products Company, P.O. Box 7399, Philadelphia, PA 19104 and Sunmark Industries, A Division of Sun Oil Company of Pennsylvania, 1845 Walnut Street, Philadelphia, PA 19103.

MC 7840 (Sub-1-5TA), filed February 6, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. (1) *carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies from the facilities of Roberts* Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; (2) *materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and (3) *imported nails* from Savannah, GA to Conyers, GA. Supporting shipper: ROBERTS CONSOLIDATED INDUSTRIES, INC., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 149536 (Sub-1-3TA), filed February 9, 1981. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Chemicals and related products,* between CT and GA, on the one hand and, on the other, points in the contiguous 48 states. Supporting shipper: Darworth Company, Division of Ensign-Bickford Industries, P.O. Box K, Avon, CT 06001.

MC 513933 (Sub-1-1TA), filed February 6, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M-A, Hoboken, NJ 07030. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Contract carrier:* irregular routes: *General commodities, except Class A and B explosives,* between points in the US, except AK and HI, under continuing contract(s) with B. Altman & Co. and Bloomingdale's Of New York, New York, NY. Supporting shipper(s): B. Altman & Co., 361 Fifth Avenue, New York, NY 10016; Bloomingdale's Of New York, 1000 Third Avenue, New York, NY 10022.

MC 154051 (Sub-1-1TA), filed February 13, 1981. Applicant: FRANKLIN PUMPING SERVICE, INC., Industrial Road (P.O. Box 617), Wrentham, MA 02093. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Toxic and hazardous waste materials* between point in CT, ME, MA, NH, NY and VT, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, AR and LA. Supporting shippers: Wrentham Steel Products, Kendrick St., Wrentham, MA 02093; Whiting & Davis Co., 23 W. Bacon St., Plainville, MA 02762; Crosby Value and Gage

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Company, Wrentham, MA 02093; The Foxboro Company, 28 Neponset Avenue, Foxboro, MA 02035; Cecos International, Inc., Wallmore Road, Niagara Falls, NY 14302.

MC 142603 (Sub-1-18TA), filed February 12, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Susan E. Mitchell, P.O. Box 1968, Springfield, MA 01101. *Contract carrier:* irregular routes: *Steel scrap for remelting only* between points in the U.S. under continuing contracts with L. Cohen & Company, Suffield, CT. Supporting shippers: L. Cohen & Company, Suffield Village, Suffield, CT 06078.

MC 134355 (Sub-1-1TA), filed February 12, 1981. Applicant: THETFORD TRANSPORT, LIMITED, 1829 N. Smith Boulevard, Thetford Mines, Quebec CD G6G 5T2. Representative: Richard H. Streeter, Wheeler & Wheeler, 1729 H Street, N.W., Washington, DC 20006. *Electrodes, coal and coke* between point on the CD/US International Border at ME, VT, NH and NY and Morganton, NC. Supporting shipper: Great Lakes Carbon Corp., Canada, P.O. Box 1170, Berthierville, Quebec, CD.

MC 153161 (Sub-1-2TA), filed February 12, 1981. Applicant: WAYNE SOLVENTS, INC., 120 Grace Avenue, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier:* irregular routes: *Chemical, Petroleum Products and Solvents, also, materials, equipment and supplies used in the manufacture, sale and distribution of such commodities* between Great Meadows, NJ, and Toledo, OH, and Wilmington, NC, under continuing contract(s) with the Southland Corporation Chemical Division of Dallas, TX. Supporting shipper: The Southland Corporation Chemical Division, 5801 Marvin D. Love Freeway, Suite 400, Dallas, TX 75237.

MC 154002 (Sub-1-1TA), filed February 12, 1981. Applicant: FREEHOLD CARTAGE, INC., Box 14-5, RD 5, Freehold, NJ 07728. Representative: Harold L. Reckson, 33-28 Halsay Road, Fair Lawn, NJ 07410. *Hazardous waste materials,* from points in NJ, NY and PA to Baltimore, MD, Chester, PA, Emelle, AL, El Dorado, AR, Grand Prairie, TX, McIntosh, AL, and Niagara Falls, NY. Supporting shipper(s): Carter-Wallace, Inc., Half Acre Road, Cranbury, NJ 08512; Nestle Co., Jerseyville Avenue, Freehold, NJ 07728; Service & Technical Systems, 37 Elm Street, Westfield, NJ 07090.

MC 104675 (Sub-1-TA), filed February 9, 1981. Applicant: FRONTIER DELIVERY, INC., 4238 Ridge Lea Road, Amherst, NY 14226. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *Commodities, in bulk,* between points in NY, CT, MA, NH, VT and RI. Supporting shipper(s): Amerada Hess Corp., 1 Hess Plaza, Woodbridge, NJ 07095; Eastman Kodak Co., 2400 Mt. Read Blvd., Rochester, NY 14650; Cibro Petroleum Corp., Inc., Port of Albany, Albany, NY; J. R. Sousa, Inc., P. O. Box 935 Albany Ave., Troy, NY 12181.

MC 142114 (Sub-1-5TA), filed February 10, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract Carrier:* irregular routes: *Games or toys, parts of games or toys, supplies, equipment and machinery used in the production and shipping of games, toys or parts thereof* in the following states: AL, CT, DE, DC, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV, under continuing contract(s) with Mattel Toy Co. Division, Mattel, Inc. of Edison, NJ. Supporting shipper: Mattel Toy Company Division, Mattel, Inc., 112 Truman Drive, Edison, NJ 08817.

MC 153967 (Sub-1-1TA), filed February 9, 1981. Applicant: CONTRANS, INC., 25 James St., New Haven, CT 06513. Representative: Donald S. Baillie, 515-525 Highland Ave., P.O. Box 765, Cheshire, CT 06410. *Liquor and alcoholic beverages* between points in CT on the one hand, and, on the other, points in the New York, NY Commercial Zone. Supporting shipper: Heublein, Inc., 330 New Park Ave., Hartford, CT 06101.

MC 111625 (Sub-1-6TA), filed February 9, 1981. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, NY 13902. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except classes A & B explosives) (STCC Group 51)* between points in CT, MA, ME, NH, NY, PA, RI, and VT. Supporting shipper(s): There are 13 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 151272 (Sub-1-6TA), filed February 6, 1981. Applicant: FOOD HAULERS INC., 600 York Street, Elizabeth, NJ 07207. Representative: Brian H. Siegel, 1101 Connecticut Ave., N.W., Washington, DC 20036. *Such merchansdise as is dealt in by wholesale, retail and chain grocery stores, drug stores and food business houses, and in connection therewith equipment, supplies and materials used to conduct such business* from points in CT to the facilities of Wakefern Food Corporation of Elizabeth, NJ. Supporting shipper: Wakefern Food Corporation, 600 York St., Elizabeth, NJ 07207.

MC 139865 (Sub-1-1TA), filed February 6, 1981. Applicant: GILLIES GARIEPY, d.b.a. MERIDIAN YACHT SALES REG'D, Sales Reg'D 375 Taillon Street, Montreal, Quebec, CD. Representative: Gilles Gariepy, 375 Taillon Street, Montreal, Quebec, CD. *Boats,* between port of entry on US/CD boundary in MI and NY, on the one hand, and, on the other, points in AR, CA, CO, FL, GA, IL, IN, IA, KS, LA, MS, MO, MT, NE, NC, OR, OK, SC, TN, TX, VA, WA. Supporting shipper(s): Corbin Les Bateaux, Inc., 600 Ford Blvd., Chateauguay, Quebec, CD; Reliance Sailing Craft, Inc., 35 Calais Circle, Kirkland, Quebec, CD

MC 153966 (Sub-1-1TA), filed February 9, 1981. Applicant: SEAPORT COACH, INC., 2 Denison Avenue, Mystic CT 06355. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. *Passengers and their baggage, in the same vehicle whith passengers, in charter operations* beginning and ending at points in CT, Hampden County, MA, Washington County, RI and Westchester County, NY and extending to points in the United States (excluding AK and HI) restricted to the transportation of traffic performed for passenger brokers. Supporting shippers: Connectucut Pleasure Tours, Inc., 140 Captains Walk, New London, CT 06032; Colony Tours, Inc., 202 East Center Street, Manchester, CT 06040; Helen F. Czarnecki d.b.a. The Heritage Travel Agency, Union Square, Putnam, CT 06260.

MC 153977 (Sub-1-1TA), filed February 13, 1981. Applicant: ROBERT J. BURNS, d.b.a. DAILY DELIVERY, 1860 Fall River Ave., Seekonk, MA 02771. Representative: Frederick T. O'Sullivan, P.O. Bos 2184, Peabody, MA 01960. *Contract Carrier:* irregular routes: *Machinery and supplies,* between Seekonk, Lexington and Reading, MA, on the one hand, and, on the other, points in RI, under continuing contract(s) with Xerox Corportation of Secaucus, NJ. Supporting shipper: Xerox Corporation, 80 Seaview Dr., Secaucus, NJ 07094.

MC 30374 (Sub-1-1TA), filed February 12, 1981. Applicant: TRI-STATE TRANSPORTATION CO., INC., Interstate Industrial Park, P.O. Box 488, Bellmarw NJ 08031. Representative: A. David Millner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006.

Wearing apparel on hangers, in cartons and department store merchandise, between Washington, DC and Springfield, VA on the one hand, and, on the other, points in PA on and east of US Hwy 15. Applicant seeks to tack the above authority with its existing authority at Washington, DC, Philadelphia, PA and Springfield, VA, and to interline with other carriers at Philadelphia, PA, Secaucus, NJ and New York, NY. Supporting shipper(s): Charming Shoppes, Inc., 450 Winks Lane, Cornwells Heights, PA 19020; Woodward & Lothrop, P.O. Box 1610, Washington, DC 20013; Strawbridge & Clothier Co., Inc., 8th & Market, Philadelphia, PA 19105.

MC 154050 (Sub-1-1TA), filed February 13, 1981. Applicant: CARRIER SYSTEMS INTERNATIONAL MOTOR FREIGHT, INC., Sellers & O'Brien Streets, Kearny, NJ 07032. Representative: Harry J. Jordan, Esq., Macdonald & McInerny, P.C., Suite 502, Solar Building, 1000 Sixteenth Street, N.W., Washington, DC 20036. *General commodities, except Classes A and B explosives, in containers having a prior or subsequent movement by water* between Richmond, VA, on the one hand, and, on the other, NY, NJ, DE, MD, PA, and CT. Supporting shipper: Transocean Transport, Inc., 1201 Corbin Street, Port Elizabeth, NJ 07201.

MC 154046 (Sub-1-1TA), filed February 13, 1981. Applicant: YELLOW TRANSPORTATION SERVICES OF BROOME COUNTY, INC., 385 State Street, Binghamton, NY 13902. Representative: Guy H. Postell, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract,* irregular, *Merchandise, equipment and supplies used, sold, or distributed by a manufacturer of cosmetics,* between Binghamton, NY, on the one hand, and, on the other, Allegany, Broome, Cheming, Chenango, Cortland, Madison, Onondaga, Schuyler, Steuben, Tioga and Tompkins Counties, NY; and, Bradford, Susquehanna and Wayne Counties, PA, under a continuing contract(s) with Avon Products, Inc., New York, NY. Supporting Shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE, 19711.

MC 147811 (Sub-1-4TA), filed February 13, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson, P.O. Box 283, Belgrade Lakes, ME 04918. *Contract carrier:* irregular routes: *Horticultural supplies, chemicals, agricultural supplies, pipe products and salt,* between points on and east of the Mississippi River, under continuing contract(s) with W. H. Shurtleff Co., of Portland, ME. Supporting shipper: W. H. Shurtleff Co., P.O. Box 1019, Portland, ME 04104.

MC 150528 (Sub-1-3TA), filed February 11, 1981. Applicant: YARMOUTH LUMBER, INC., North Street, Box 46, Yarmouth, ME 04096. Representative: William H. Phipps, North Street, Box 46, Yarmouth, ME 04096. *Contract carrier;* irregular routes; *Packaged oil and lubricants,* from points in PA and NJ to points in ME, under continuing contract(s) with Maine Lubrication Services, Inc., of Portland, ME. Supporting shipper: Maine Lubrication Services, Inc., P.O. Box 732, Portland, ME 04104.

MC 513964 (Sub-1-1TA), filed February 9, 1981. Applicant: OCEAN DRIVE TOURS, INC., 49 N. Arkansas Avenue, Atlantic City, NJ. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017. *Passengers and their baggage, in charter operations* beginning and ending at Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester and Camden Counties, NJ and extending to points in the U.S. (including AK but excluding HI). There are 12 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 153982 (Sub-1-1TA), filed February 10, 1981. Applicant: BOEHLE'S EXPRESS, INC., 230 Sandbank Road, P.O. Box 906, Cheshire, CT 06410. Representative: John E. Fay, Esq., 663 Maple Avenue, Hartford, CT 06114. *General commodities with the usual exceptions* between points in CT on the one hand, and, on the other, Springfield, MA and its commercial zone. Applicant intends to interline to all points within the state of CT and points in MA within the commercial zone of Springfield, MA. Supporting shipper(s): There are six statements of support to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 150951 (Sub-1-2TA), filed February 9, 1981. Applicant: CRANSTON TRUCKING CO., A DIVISION OF CRANSTON PRINT WORKS CO., 1381 Cranston Street, Cranston, RI 02920. Representative: A. Joseph Mega, 175 Forbes Street, Riverside, RI 02915. *Contract Carrier:* irregular routes: *Food stuffs and plastic articles and raw materials used in the manufacture thereof* between Clinton, MA on the one hand, and, on the other, Chattanooga, TN and Greenville, SC, under continuing contract(s) with Van Brode Milling Company, Inc., of Clinton, MA. Supporting Shipper: Van Brode Milling Company, Inc., 20 Cameron Street, Clinton, MA 01510.

MC 97184 (Sub-1-1TA), filed February 9, 1981. Applicant: HI-WAY TRUCKING CO., INC., 127-09 91st Avenue, Richmond Hill, NY 11418. Representative: Bruce J. Robbins, Esq., Robbins & Newman, P.C., 118-21 Queens Blvd., Forest Hills, NY 11375. *Computers, computer parts and components, materials, equipment and supplies used in the manufacture and operation thereof,* between the facilities of Wang Laboratories, Inc., located in Stamford, CT, Burlington, MA, Chelmsford, MA, Tewksburg, MA, Bloomfield, NJ, Edison, NJ, Fairfield, NJ, Mountainside, NJ, Tom's River, NJ, New York, NY, and Syosset, NY on the one hand, and, on the other, its customers in the states of CT, MA, NJ, NY, and PA. Supporting Shipper: Wang Laboratories, Inc., Metro Service Division, 770 Lexington Ave., 4th Floor, New York, NY.

MC 143438 (Sub-1-1TA), filed February 3, 1981. Applicant: DENISE, INC. d.b.a., TRAVEL TIME, 277 Newbury Street, Peabody, MA 01960. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *Passengers and their baggage, in the same vehicle as passengers (1) in round trip, charter and special operations, and (2) in one-way charter or special operations,* (1) beginning and ending in and/or (2) originating at points in Essex County, MA and extending to points in the U.S. including AK but excluding HI. Supporting shipper(s): There are approximately 26 statements in support which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 147811 (Sub-1-3TA), filed February 4, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918 Representative: Karl A. Johnson, P.O. Box 283, Belgrade Lakes, ME 04918. *Contract carrier:* Irregular routes: *Lumber and forest products,* between points in the U.S. on and east of the Mississippi River, under continuing contract(s) with United Timber, Inc., of N. Anson, ME. Supporting shipper: United Timber, Inc., N. Anson, ME 04958.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106

MC 145252 (Sub-II-6TA), filed February 4, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Foodstuffs (except in bulk),* from Louisville, KY to pts. in the US located in and east of ND, SD, NE, KS, OK and

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TX, for 270 days. Supporting shipper: Paramount Foods, Inc., Louisville, KY 40213.

MC 141684 (Sub-II–2TA), filed February 4, 1981. Applicant: COMMAND CARGO CORP., 8700 Larkin Rd., Savage, MD 20863. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaitherburg, MD 20760. *General commodities (except Classes A & B explosives, household goods as defined by the Commission, articles of unusual value, commodities in bulk, and those requiring special equipment),* between pts. in Camden, Middlesex, and Somerset Counties, NJ, on the one hand, and , on the other, pts. in PA, WV, VA, DE, MD, and DC, restricted to traffic moving from, to, or through applicant's facilities at Savage, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Baker & Taylor Co., 50 Kirby Ave., Somerville, NJ 08876. Boise Cascade Corp., P.O. Box 7747, Boise, ID 83707. Shaklee Corp., 444 Market St., San Francisco, CA 94111.

MC 123405 (Sub-II–5TA), filed February 6, 1981. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Non-exempt food and kindred products,* between points in Ulster County, NY, on the one hand and, on the other, points in SC and FL, restricted to transportation to be performed under a continuing contract with Heinz USA, Div. of H. J. Heinz Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Heinz USA, Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 59241 (Sub-II–1TA), filed February 6, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Hwy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005. *Adhesives, and materials and supplies used in their manufacture (except in bulk),* Between the facilities of H.B. Fuller Company, Baltimore, MD, on the one hand, and, on the other, points in DE, NJ and PA on and east of U.S. Hwy 15. Supporting shipper: H.B. Fuller Company, 801 Wagner Street, Baltimore, MD 21224.

MC 150715 (Sub-II–2TA), filed January 29, 1981. Applicant: DONALD BAILEY, JUDY BAILEY & MICHAEL BAILEY d.b.a. DJM BAILEY TRUCKING, Box 43, Gaines, PA. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Pipe fittings and iron castings, and materials, supplies and equipment used in the manufacture of the above commodities,* between Blossburg, PA, on the one hand, and, on the other, points in the U.S. (excluding AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper(s): J. P. Ward Foundaries, Inc., Blossburg, PA.

MC 142703 (Sub-II–6TA), filed February 3, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, Cincinnati OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NJ, NY, OH, PA, RI, VA, WV, WI, DC on the one hand, and on the other, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN and TX for 270 days. An underlying ETA seeks 120 days authority. Restricted to shipments moving in railroad or water carrier owned or leased trailers/containers. There are eighty-nine supporting shippers' statements filed with this application which may be examined at the Philadelphia Regional office.

MC 139395 (Sub-II–2TA), filed January 30, 1981. Applicant: BULK TRANSIT CORPORATION, 7177 Industrial Parkway, Plain City, OH 43064. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Lime,* in bulk, in tank vehicles, from the facility of AluChem, Inc., at or near Cincinnati, OH to the facilities of J & L at Aliquippa and Pittsburgh, PA; East Chicago, IN; and Cleveland, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): AluChem, Inc., 01 Landy Lane, Cincinnati, OH 45215.

MC 153868 (Sub-II–1TA), filed February 2, 1981. Applicant: EMMETT BOND, d.b.a. KTA TRANSPORTATION, 295 Orange St., Mansfield, OH 44902. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Contract, irregular, *vitreous china bowls, tanks and lavatories; fiberglass bathtubs and wall enclosures, vanities, marble tops and wall enclosures, vanities, marble tops and brass fittings,* between points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Artesian Industries, Inc., 201 E. Fifth St., Mansfield, OH 44901.

MC 143394 (Sub-II–22TA), filed February 2, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). Contract, irregular, *Corrugated Boxes, Corrugated Sheets* and other miscellaneous paper goods, From Atlanta, GA; Jackson, MS; New Orleans, LA; Port St. Joe, FL, to Mobile, AL, under continuing contract(s) with Port City Box, Inc., Mobile, AL 36607, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Port City Box, Inc., P.O. Box 7244, Mobile, AL 36607.

MC 113106 (Sub-II–8TA), filed February 2, 1981. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Fibreboard containers,* (a) From Reading, PA and Carteret, NJ to points in NY, and, (b) From Louisville, KY to points in VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Continental Forest Industries, Greenwich, CT 06830.

MC 65475 (Sub-II–12TA), filed February 2, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Scrap aluminum,* from Lancaster, PA to Rockwall, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Howmet Aluminum Corp., P.O.B. 96, Rockwall, TX 75087.

MC 99969 (Sub-II–1TA), filed January 30, 1981. Applicant: HUNTLEY TRUCKING CO., RT. 1, New Plymouth, OH 45654. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Coal,* from the facilities of Ohio Valley Coal Co. in Hocking County, OH to points in Adams and Wayne Counties, IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Valley Coal Co., Box 146, Union Furnace, OH 43158.

MC 150511 (Sub-II–7TA), filed January 30, 1981. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Contract, irregular. *Such merchandise as is dealt in by retail department stores, and equipment, materials and supplies used in the conduct of such business,* between West Chester County, NY, on the one hand, and, on the other, points in CT and NJ, under continuing contract(s) with Scandinavian Design, Inc. Supporting shipper: Scandinavian Design, Inc., 575 Worcester Road, Natick, MA 01760.

MC 63417 (Sub-II–15TA), filed February 4, 1981. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as Applicant). *Synthetic yarns or fibers* from Escambia and Santa Rosa Counties, FL, to points in VA for 270 days. Supporting shipper: Martin Processing, Incorporated, P.O. Box 690, Rocky Mount, VA 24151.

MC 153807 (Sub-II–1TA), filed January 29, 1981. Applicant: J & W LEASING, INC., P.O. Box 86, Ottsville, PA 18942. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Concrete compound,* from Buffalo, NY, to Bethlehem, Limerick and the Philadelphia Commercial Zone, PA and New Brunswick and Wall Township, NJ. Supporting shipper: Master Builders Div., Martin Marietta Corp., 23700 Chagrin Blvd., Cleveland, OH 44122.

MC 149153 (Sub-II–3TA), filed February 6, 1981. Applicant: DANNY'S TWO-WAY, INC., 11663 Chester Rd., Cincinnati, OH 45246. Representative: Danny M. Watson, 4195 Crystalview, Cincinnati, OH 45241. *Salt, salt products, and fertilizer in bulk and bag* from Cincinnati, OH to points in IL, IN, KY, MI (lower peninsula), MO (points on and east of US Highway 63), OH, PA (points on and west of Highway 15), WV (points on and west of Interstate Highway 79 from PA–WV state line to its intersection with Interstate Highway 77, thence Interstate Highway 77 to WV–VA state line), and WI (points on and south of WI), for 270 days. Supporting shippers: Cargill Salt Department, 15407 McGinty Road, Minnetonka, MN. Domtar Industries, Inc., Sifto Salt Division, 9950 W. Lawrence Ave., Schiller Park, IL 60176.

MC 146807 (Sub-II–16TA), filed February 6, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as Above). *Printed Matter,* from East Stroudsburg, PA to Hartford, CT, Newark, NJ, New York, NY, Boston, MA, Dallas, TX, Atlanta, GA & Tampa, FL; materials and supplies used in the manufacture of the above commodities on return for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Hughes Printing Co., 34 N. Crystal, E. Stroudsburg, PA 18301.

MC 153929 (Sub-II–1TA), filed February 5, 1981. Applicant: MONROE LEASING, INC., 3434 Akron Cleveland Rd., Cuyahoga Falls, OH 44223. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract,* irregular, general commodities (except class A and B explosives) between points in the U.S. for 270 days and an underlying ETA has been filed for 120 days. Supporting shipper: Go-Jo Industries, Inc., P.O. Box 991, Akron, OH.

MC 109448 (Sub-II–4TA), filed February 4, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of heat exchangers and heating and air conditioning units* between Lorain City, OH, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shippers: Brown Fintube Co., 300 Huron St., Elyria, OH 44036. S.J.C. Corp., 206 Woodford Ave., Elyria, OH 44036. Luxaire, Inc., 301 Filbert St., Elyria, OH 44036.

MC 152566 (Sub-II–1TA), filed February 4, 1981. Applicant: ONEDIN LINE, INC., 6021 Bapst St., Toledo, OH 43615. Representative: Richard A. Eberlin (same as applicant). *Contract Irregular: Such commodities as are dealt in by wholesale grocery distributors* between points in the US under continuing contracts with J. A. Hoffer, Inc., Toledo, OH for 270 days. Supporting Shipper(s): J. A. Hoffer, Inc., 359 Hamilton St., Toledo, OH 43602.

MC 150339 (Sub-2–29TA), filed February 5, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: General commodities, except household goods as defined by the Commission and Classes A & B explosives,* from Baltimore, Columbia, and Hagerstown, MD, to points in the United States (except AK & HI), under continuing contract(s) with Roper/Eastern, Baltimore, MD for 270 days. Supporting shipper: Roper/Eastern, 1601 Wicomico Street, Baltimore, MD 21244.

MC 136511 (Sub-II–5TA), filed February 5, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *(1) Clothing and wearing apparel and component parts and materials and supplies used in the manufacture thereof* between Bennettsville, Loris, and Lake City, SC; Stanley, Woodland and Charlotte, NC; Meadville, PA; New York, NY; Los Angeles and Port Hueneme, CA; Seymour, IN; Cleveland, Decatur and Atlanta, GA; Dallas, TX; Randolph, MA; Milford, CT; and Memphis, TN. *(2) Materials and supplies used in the manufacture of clothing and wearing apparel and component* parts thereof from points in the US to Bennettsville, Loris and Lake City, SC; Stanley, Woodland and Charlotte, NC; Meadville, PA; New York, NY; Los Angeles and Port Hueneme, CA; Seymour, IN; Cleveland, Decatur and Atlanta, GA; Dallas, TX; Randolph, MA; Milford, CT; and Memphis, TN for 270 days. Supporting shipper(s): Talcon, Division of Textron, 626 Arch St., Meadville, PA 16335.

MC 106920 (Sub-II–13TA), filed February 9, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 28, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. *(1) carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; *(2) materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and *(3) imported nails* from Savannah, GA to Conyers, GA; for 270 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 146890 (Sub-II–9TA), filed February 9, 1981. Applicant: C & E Transport, Inc., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. *(1) carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; *(2) Materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries, at or near Conyers, GA; and *(3) imported nails* from Savannah, GA to Conyers, GA, for 270 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 153983 (Sub-II–1TA), filed February 9, 1981. Applicant: STEAM KAT CORPORATION, P.O. Box 1686, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. *Hazardous and toxic waste* between pts in MD, on the one hand, and, on the other, pts in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): DelMarva Power & Light Company, P. O. Box 231, 800 King Street, Wilmington, DE 19899. Dixon Valve &

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Coupling Company, 800 High Street, Chestertown, MD 21620. Dresser Industries, Inc., 124 West College Ave., Salisbury, MD 21801. Rubberset Company, Crisfield, MD 21817.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 2934 (Sub-3-29TA), filed February 13, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. C. Lowry (same as above). *Electrical appliances, electrical equipment, electrical parts and related products; and material and supplies used in the manufacture and distribution of the commodities*, between points in Marion County, IN and Lucas County, OH on the one hand and on the other, points in Lucas County, OH; Orange County, FL; Philadelphia County, PA; and Warren County, KY. Supporting shipper: A.D.I. Appliances, Inc., 8399 Zionsville Road, Indianapolis, IN 46268.

MC 150786 (Sub-3-1TA), filed February 13, 1981. Applicant: EAGLE FURNITURE CORP. d.b.a., GREENWOOD CARRIERS, Route 5, Box 330, Cookeville, TN 38501. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Lumber and lumber products* between the facilities of Lowe Lumber Sales, at or near Cookeville, TN, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper(s): Lowe Lumber Sales Co., P.O. Box 446, Cookeville, TN 38501.

MC 119917 (Sub-3-2TA), filed February 13, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Georgia 30316. Representative: Mr. W. F. Dudley (same address as applicant). *Cornmeal, flour, popcorn, and birdseed in bag (except in bulk)* between the plantsite and shipping facilities of Shawnee Milling Company in Shawnee, OK, on the one hand and points in GA, NC, and SC, on the other. Supporting shipper: Shawnee Milling Company, P.O. Box 1567, Shawnee, OK. 74801.

MC 144827 (Sub-3-30TA), filed February 13, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Foam insulated cups and plastic liners* from San Antonio, TX, to points in the U.S. Supporting shipper: Concept Enterprises, Inc., 10604 Sentinel, San Antonio, TX 78217.

MC 146782 (Sub-3-12TA), filed February 13, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, Tennessee 37201. Representative James Rex Raines, 300 First Avenue, South, Nashville, Tennessee 37201. *(1) Electrical switchboards and high voltage gear and (2) material, equipment and supplies used in the manufacture of (1) above (except commodities in bulk)* between points in Rutherford County, TN. on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Square D Company, 330 Weakley Road, Lavergne, TN 37086.

MC 153509 (Sub-3-4TA), filed January 8, 1981. (Republication—Originally published in **Federal Register** of January 22, 1981, page 7097, Volume 46, No. 14.) Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Rd., Louisville, KY 40216. Representative James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202. *Contract* carrier: Irregular: *adhesives; plastic bottles and materials, equipment and supplies used in the manufacture of these commodities* between Columbus, OH on the one hand, and, on the other, points in the U.S. under continuing contract with Franklin Chemical Inds., Inc. & subsideries. Supporting shipper: Franklin Chemical Inds. Inc. & Subsideries, 2020 Bruck St., Columbus, OH 43207.

MC 146623 (Sub-3-2TA), filed February 12, 1981. Applicant: STAMEY ENTERPRISES, INC., 7350 102d Place, South, Boynton Beach, FL 33435. Representative Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. (A) *Household and Marine fixtures and accessories;* and (B) *materials and supplies used in the manufacture and sale of (A) above* between points in FL on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Martec Corp. 900 SW 20th Way, Ft. Lauderdale, FL 33312; International Cushion Co., Inc., 1110 NE 8th Avenue, Ft. Luaderdale, FL 33304; Moss Manufacturing, Inc., 7600 NW 69th Avenue, Miami, FL 33166.

MC 31675 (Sub-3-37TA), filed February 12, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative Jay R. Hanson (same as above). *Paper and paper products* between Atlanta, GA, and points in the U.S. except AK and HI. Supporting shipper(s): Quality Park Products Division, Saxox Industries, 3350 Hamilton Blvd. S.W., Atlanta, GA 30354.

MC 148423 (Sub-3-9TA), filed February 11, 1981. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative R. Napier Murphy, 700 Home Federal Building, Macon, GA 31201. *Fertilizer and fertilizer materials, including agricultural limestone and other soil conditioners* between points in TN and points in AL, GA, FL and SC. Supporting shipper: Estech General Chemicals Corporation, 740 Winterville Road, Athens, Georgia, 30605.

MC 31675 (Sub-3-38TA), Filed February 12, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, N.C. 28234, Representative: Jay R. Hanson (same as above). *Metal Products and Materials used in the manufacture and distribution thereof* between Gwinett and Fulton Counties, GA, and points in the east of MN, IA, MO, AR and TX. Supporting shipper(s): J.M. Tull Industries, Inc., Old Peachtree Road, P.O. Box 725, Norcross, GA 30071.

MC 140077, (Sub-3-1TA), filed, February 12, 1981. Applicant: SMITH TERMINAL WAREHOUSE CO., 3535 Northwest 112th Street, Miami, FL 33167. Representative: Bernard C. Pestcoe, Suite 700, Security Building, 700 Brickell Ave., Miami, FL 33131.*General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment,* between the facilities of Smith Terminal Warehouse Co., Dade County, FL, on the one hand, and points in the state of FL, on the other, restricted to the transportation of shipments having a prior or subsequent movement in interstate or foreign commerce. Supporting shipper(s): Glorietta Foods, 570 Race St., Box 5040, San Jose, CA 95150; Kellogg Company, 235 Porter Street, Battle Creek, MI 49016; Van Camp Seafood Co., 11555 Sorrentto Valley Rd., San Diego, CA 92121

MC 15403 (Sub-3-1TA), filed February 12, 1981. Applicant: GREEN LINE EQUIPMENT, INC., 2223 Old Hwy. 45 North Columbus, Miss. 39701. Representative: David F. Perkins (same address as applicant). *Treated Lumber, Untreated Lumber, Plywood* from Marion County (Hamilton), AL. to MO., IL., IA., NE., WI., MN. Supporting shipper: W. T. Vick Lumber Co., P.O. Box 340 Hamilton, Al. 35570

MC 143059 (Sub-3-33TA), filed February 12, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same as Applicant). *Lumber, lumber products and forest products,* from AL, to points in SD, KS, OK, TX, MO, IL, MI, IN, KY, TN, MS, OH, NY, PA, WV, VA, GA, LA, WI, NC, AR and SC. Supporting shippers: There are five (5) statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 119917 (Sub-3-1TA), filed February 12, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Georgia 30316. Representative: Mr. W. F. Dudley (same address as applicant). *Cleaning and washing compounds, cleaning and washing compound liquid, soap products, textile softner, food items (margarine and syrup, vegetable oil,) toilet preparations and mouthwash* between St. Louis, MO. on the one hand and Atlanta, GA., Cincinnati, OH; Chicago, IL; Hammond, IN; Jacksonville, FL., on the other. Supporting shipper: Lever Brothers Company, 1400 North Pennsylvania Avenue, St. Louis, Mo. 63133.

MC 56679 (Sub-3-28TA), filed February 12, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). *Such commodities as are dealt in or used by wholesale or retail food business houses,* between the facilities of Piedmont Distribution Center, located in Mecklenburg County, NC, on the one hand, and, on the other, points in the US in and east of TX, OK, KS, NE, ND, and SD. Supporting shipper: Piedmont Distribution Centers, P.O. Box 7123, Charlotte, NC 28217.

MC 144557 (Sub-3-7TA), filed February 11, 1981. Applicant: HUDSON TRANSPORTATION, INC., Post Office Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer or distributor of candy (except in bulk),* between the facilities of American Candy Manufacturing Company Inc., at or near Selma, AL, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: American Candy Manufacturing Company, Inc., Post Office Box 879, Selma, AL 36701.

MC 150706 (Sub-3-2TA), filed February 10, 1981. Applicant: NEELY TRANSPORT, INC., P.O. Box 5132, Birmingham, AL 35214. Representative: George M. Boles, Carlton, Boles, Clark, Vann, Stichweh & Caddis, 727 Frank Nelson Bldg., Birmingham, AL 35203. *General commodities (except Class A and B explosives), regular routes:* (1) Between the AL/MS State Line near Grand Bay, AL, and Savannah, GA, serving all intermediate points as follows: From the AL/MS State Line near Grand Bay, AL, over Interstate Hwy 10 to its junction with US Hwy 31, then over US Hwy 31 to Bay Minette, AL, then over AL Hwy 59 to its junction with Interstate Hwy 65, then over Interstate Hwy 65 to its junction with Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, GA, then over Interstate Hwy 75 to its junction with Interstate Hwy 16, then over Interstate Hwy 16 to Savannah, GA, and return over the same route. (2) Between Augusta, GA, and the AL/MS State Line near Cuba, AL, serving all intermediate points as follows: From Augusta, GA over Interstate Hwy 20 to the AL/MS State Line near Cuba, AL, and return over the same route. (3) Between Columbus, GA and the AL/MS State Line near Cuba, AL, serving all intermediate points as follows: From Columbus, GA over US Hwy 80 to the AL/MS State Line near Cuba, AL, and return over the same route. (4) Betwen Brunswick, GA, and Dothan, AL, serving all intermediate points as follows: From Brunswick, GA over US Hwy 84 to Dothan, AL, and return over the same route. (5) Between Atlanta, GA and Birmingham, AL, serving all intermediate points as follows: From Atlanta, GA over Interstate Hwy 75 to its junction with GA Hwy 20, then over GA Hwy 20 to its junction with US Hwy 411, then over US Hwy 411 to Rome, GA, then over GA Hwy 20 to the GA/AL State Line, then over AL Hwy 9 to its junction with US Hwy 411, then over US Hwy 411 to Gadsden, AL, then over Interstate Hwy 59 to Birmingham, AL, and return over the same route. (6) Between Birmingham, AL and Waycross, GA, serving all intermediate points as follows: From Birmingham, AL over US Hwy 280 to its junction with GA Hwy 55, then over GA Hwy 55 to its junction with US Hwy 82, then over US Hwy 82 to Waycross, GA, and return over the same route. (7) Between Macon, GA and the GA/FL State Line near Lake Park, GA, serving all intermediate points as follows: From Macon, GA over Interstate Hwy 75 to the GA/FL State Line near Lake Park, GA, and return over the same route. (8) Between Atlanta, GA, and the GA/SC State Line, serving all intermediate points as follows: From Atlanta, GA over Interstate Hwy 85 to the GA/SC State Line and return over the same rout. (9) Between the AL/TN State Line near Ardmore, AL, and the AL/FL State Line near Campbellton, FL, serving all intermediate points as follows: From the A/TN State Line near Ardmore, AL, over Interstate Hwy 65 to Montgomery, AL, then over US Hwy 231 to the AL/FL State Line near Campbellton, FL and return over the same route. (10) Between Oxford, AL, and the AL/MS State Line near Margerum, AL, serving all intermediate points as follows: From Oxford, AL, over US Hwy 431 to its junction with US Hwy 72, then over US Hwy 72 to the AL/MS State Line near Margerum, AL, and return over the same route. (11) Between Birmingham, AL, and the AL/MS State Line near Bexar, AL, serving all intermediate points as follows: From Birmingham, AL, over US Hwy 78 to the AL/MS State Line near Bexar, AL, and return over the same route. (12) Between Huntsville, AL, and the junction of US Hwy Alternate 72 and US Hwy 43, serving all intermediate points as follows: From Huntsville, AL over US Hwy Alternate 72 to its junction with US Hwy 43 and return over the same route. (13) Between Tuscaloosa, AL, and the AL/MS State Line near Stafford, AL, serving all intermediate points as follows: From Tuscaloosa, AL over US Hwy 82 to the AL/MS State Line near Stafford, AL, and return over the same route. (14) Between Demopolis, AL, and Mobile, AL, serving all intermediate points as follows: From Demopolis, AL, over US Hwy 43 to Mobile, AL, and return over the same route. (15) Between the AL/FL State Line near Campbellton, FL, and Mobile, AL, as follows: From the AL/FL State Line near Campbellton, FL, over US Hwy 231 to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to Mobile, AL, and return over the same route, for operating convenience only. (16) Between Quitman, GA, and Mobile, AL, as follows: From Quitman, GA, over US Hwy 221 to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to Mobile, AL, and return over the same route, for opeating convenience only. Serving in routes (1) through (16) above points in AL and GA as off-route points. Applicant intends to interline at Florence, Sheffield, Tuscumbia, Birmingham, Huntsville, Montgomery, Mobile and Phenix City, AL; Atlanta, Macon, Savannah, Augusta and Tifton, GA. Supporting shipper(s): There are 212 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 149018 (Sub-3-1TA), filed February 10, 1981. Applicant: MAP TRUCKING AND BROKERAGE, INC., 5357 Ruth Drive, Charlotte, NC 28215. Representative: Richard A. Elkins or David B. Sentelle, Suite 400, 1130 East Third St., Charlotte, NC 28204.

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Components of wood burning stoves and finished wood burning stoves, between points in NC, WV, VA, MD, PA, TN, SC, GA, KY, NJ, FL, OH, DC, NY, CO, AL, MS, LA, AR, TX, OK, IN, IL, DE, CT, MA, VT, NJ, and MI. Supporting shipper: National Steelcrafters, Inc., 1016 I–85 North, Charlotte, NC 28202.

MC 146402 (Sub-3–12TA), filed February 10, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 988, Jackson, Tennessee 38301. Representative: Charles W. Teske (address same as applicant). *Doors, accessories thereto, and equipment material and supplies used in the installation thereof* From facilities of The Ceco Corporation at Little Rock, AR to points in LA, TN and TX. Supporting shipper: The Ceco Corporation, 1400 Kensington Road, Oak Brook, IL 60521.

MC 107934 (Sub-3–10TA), filed February 10, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004 *Carpet* between GA on the one hand, and, on the other, points in Davidson County, NC. Supporting shipper: E. E. Wilson Floor Covering, Inc., 1725 Cotton Grove Road, Lexington, NC 27292.

MC 138308 (Sub-3–21TA), filed February 10, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. (1) *Malt beverages and related advertising materials;* (2) *empty used beverage containers and materials and supplies used in and dealt with by breweries* between Jefferson County, CO, and points in AR, LA, MS, TN, and TX. Supporting shipper: Adolphs Coors Company, Golden, CO 80401.

MC 145230 (Sub-3–4TA), filed February 10, 1981. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39191. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract carrier; irregular* routes: (1) *tiles or slabs, building or roofing, wood or wood fiber,* and *cement combined;* (2) *steel accessories;* and, (3) *precast reinforced concrete slabs* from the facilities of Concrete Products, Inc. at or near Brunswick, GA, and Terry, MS, to points in the U.S., in and east of NM, CO, NE, SD, and ND under a continuing contract(s) with Concrete Products, Inc., P.O. Box 340, Terry, MS 39170. Supporting shipper(s): Concrete Products, Inc., P.O. Box 340, Terry, MS 39170.

MC 153911 (Sub-3–1TA), filed February 9, 1981. Applicant: MOBILE MODULAR TRANSPORT, INC., 1531½ Roswell Road, P.O. Box 327, Marietta, GA 30061. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Buildings, building sections and modules, mobile homes and double wide mobile homes* between Henderson, NC and Gainesville, GA on the one hand, and, on the other, points in NC, SC, GA, VA, WV, TN, MD and DE. Supporting shipper: Vintage Homes, Inc. d.b.a. Parkway Homes Company, P.O. Box 1208, Henderson, NC 27536.

MC 151427 (Sub-3–5TA), filed February 9, 1981. Applicant: SABRE TRANSPORT, INC., P.O. Box 12288, Atlanta, GA. 30305. Representative: Harry L. Walsh, P.O. Box 12288, Atlanta, GA. 30305. *Non-Alcoholic Cocktail Mixes,* from Byhalia, MS., to points in and East of TX, OK, KS, NE, SD, and ND. Supporting shipper: Master of Mixes, 10975 Grandview Street, 27 Corporate Woods., Suite 120, Overland Park, KS. 66210.

MC 107934 (Sub-3–9TA), filed February 9, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004. *Fiberglass insulation,* between GA, SC, AL, on the one hand, and, on the other, points in Davidson County, NC. Supporting shipper(s): Robert Hedrick Supply, Inc., Highway 8, Route 9, Lexington, NC 27292.

MC 115311 (Sub-3–18TA), filed February 9, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Carbon and graphite products (except commodities in bulk),* between Morganton, NC on the one hand, and, on the other, points in the U.S. on and east of U.S. Hwy 85. Supporting shipper: Great Lakes Carbon Corp., 299 Park Avenue, New York, NY 10017.

MC 115311 (Sub-3–19TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Plastic and plastic articles (except in bulk)* between Malvern, AR; Fresno, LaMarada and Torrance, CA; Orlando, FL; Monroe, GA; Joiliet, West Chicago and Willow Springs, IL; Seymour, IN; Oelvein, IA; Worchester, MA; Greensboro, NC; Langhorne, PA; Beach Island, SC; Chocolate Bayou, TX; Winchester, VA; Yakima, WA; and Chippewa Falls, WI on the one hand, and, on the other, points in the U.S. (except AK and HI) restricted to shipments originating at or destined to the facilities of Amoco Chemicals Corp., Amoco Foam Products and Amoco Container Co. Supporting shipper: Amoco Foam Products Company, Suite 200, 2111 Powers Ferry Rd. NW, Atlanta, GA 30339.

MC 115311 (Sub-3–17TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Mathews, P.O. Box 872, Atlanta, GA 30301. *General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between the facilities of Questor Corp. at or near Jasper, AL; Long Beach, CA; Atlanta, Tifton and Tucker, GA; Franklin Park, IL; Pinola and Indianapolis, IN; Holyoke, MA; Reno, NV; Goldsboro, NC; Lodi, Piqua, Ravenna and Toledo, OH; Philadelphia, PA; Dyersburg, TN, Arlington, Ft. Worth and Grand Prairie, TX; and Stevens Point, WI, on the one hand, and, on the other points in the US (except AK and HI). Restriction: Restricted against the transportation of traffic moving between points in Michigan, on the one hand, and, on the other hand, points in Ohio. Supporting shipper: Questor Corporation, P.O. Box 965, Toledo, OH 43694.

MC 115311 (Sub-3–15TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Mathews, P.O. Box 872, Atlanta, GA 30301. *Aquariums, pet supplies, aquarium supplies and playground equipment and materials and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between the facilities of O'Dell Manufacturing, Inc. at or near Canton, GA on the one hand, and, on the other, points in the U.S. Supporting shipper: O'Dell Manufacturing, Inc., P.O. Box 1169, Canton, GA 30114.

MC 115311 (Sub-3–16TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Mathews, P.O. Box 872, Atlanta, GA 30301. *Chemicals (except in bulk)* between the facilities of Bio-Lab, Inc. located at or near Decatur and Conyers, GA on the one hand, and, on the other, points in the United States. Supporting shipper: Bio-Lab, Inc., 1739 Dogwood Drive, Conyers, GA 30207.

MC 153960 (Sub-3–1TA), filed February 9, 1981. Applicant: STANDARD TRANSFER CO., INC., 1500 Bankhead Highway, Mableton, GA 30059. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Liquid asphalt, in bulk, in tank vehicles,* between points in GA, on the one hand, and, on the other, points in Hamilton County, TN, Tuescaloosa County, AL and Walker County, AL. Supporting shipper(s): Metro Materials, Inc., 2480 Pleasantdale Road, Doraville, GA 30340, Young Refining Corporation, P.O. Box 796, Douglasville, GA 30133, Clayton Asphalt Company, 3110 Maple Drive, Atlanta, GA 30305, Dykes Materials, Division of Dykes Paving & Construction Co., 2775 Jones Mill Road, Norcross, GA 30071.

MC 115162 (Sub-3–17TA), filed February 9, 1981. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert W. Tate (same address as applicant). *Glass and glass products, and materials, equipment and supplies used in the manufacture and distribution of glass and glass products* between points in the United States, restricted to the transportation of shipments from, to, or between the facilities of Libbey-Owens-Ford Company. Supporting shipper: Libbey-Owens-Ford Company; 811 Madison Avenue; Toledo, OH 43695.

MC 12181 (Sub-3–9TA), filed February 6, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37201. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Common carrier:* regular: *General commodities (except Classes A and B explosives),* between Nashville, TN and points in its commercial zone and Princeton, KY and points in its commercial zone from Nashville, TN over Interstate Hwy 24 to junction U.S. Hwy alternate 41 then over U.S. Hwy alternate 41 to Hopkinsville, KY, then over KY Hwy 91 to Princeton, KY and return over the same route serving no intermediate points. Supporting Shippers: There are 6 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

Note.—Applicant intends to tack with existing authority in MC–121827, and subs thereto and to interline at Nashville, TN and Princeton, KY.

MC 153421 (Sub-3–3TA), filed February 6, 1981. Applicant: PRINTCO., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 425–13th St., N.W., Suite 1032, Washington, DC 20004. *Printed matter* between Memphis, TN and Dallas, TX, on the one hand, and, on the other, San Francisco and San Bernardino, CA, Seattle WA, Denver, CO, Minneapolis, MN, Des Moines, IA, Kansas City, KS, Dallas–Fort Worth, TX, Memphis, TN, St. Louis, MO, Chicago, IL, Detroit, MI, Cincinnati, OH, Atlanta, GA, Jacksonville, FL, Winston-Salem, NC, Pittsburgh and Philadelphia, PA, Washington, DC, New York, NY, and Springfield, MA. Supporting shipper: Storm Printing, P.O. Box 30208, Memphis, TN.

MC 143959 (Sub-3–1TA), filed February 9, 1981. Applicant: ALL–PRO TRANSPORT LINES, INC., 8900 N.W. 79th Avenue, Miami, FL 33166. Representative: Frank J. Hathaway 7615 Biscayne Boulevard Miami, FL 33138 *General commodities (except those of unusual value: Classes A & B explosives; household goods as defined by the Commission; commodities in bulk; and those requiring special equipment)* between all points in the state of FL, restricted to traffic having a prior or subsequent movement by water, in interstate or foreign commerce. Supporting shippers: East-West Shippers Association, 2000 South 71st Street, Philadelphia, PA; West Coast Shippers Association, Inc., 2000 South 71st Street, Philadelphia, PA.

MC 147286 (Sub-3–1TA), filed February 6, 1981. Applicant: A&L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. *(1) Carpets, jute and yarn, and (2) materials and supplies used in the manufacture and distribution of (1) above,* between Savannah, GA; Charleston and Georgetown, SC; Wilmington, NC; Newport News and Norfolk, VA; Mobile, AL; New Orleans, LA; and Jacksonville, FL, and points in GA north of Interstate 20. Supporting shippers: One East International, Inc., P.O. Box 2182, 444 N. Hamilton St., Dalton, GA 30720; Etco International, Inc., 212 N. Pentz, Dalton, GA 30720; and Halu Company, 14 Walnut Dr., Cartersville, GA 30120.

MC 153957 (Sub-3–1TA), filed February 6, 1981. Applicant: SCA SERVICES OF KENTUCKY, INC., 200 Highrise Drive, Louisville, KY 40213. Representative: Robert E. Lee (same as above). *Hazardous wastes and sludges,* from Jefferson County, KY to points in OH, SC, IL, IN and TN. Supporting shipper(s): Ford Motor Company, Fern Valley Road, Louisville, KY 40213 and The B.F. Goodrich Company Chemical Group, P.O. Box 32950, Louisville, KY 40232.

MC 114848 (Sub-3–5TA), filed February 6, 1981. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tennessee 38113. Representative: James M. Wharton, President (same address as above). *Lime,* from Caldwell County, KY. to Weakley County, TN. Supporting Shipper: Southern Milling Company, 109 Lindell Street, Martin, TN 38237.

MC 28307 (Sub-3–2TA), filed February 5, 1981. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Grahan Street, Charlotte, NC 28206. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., Charlotte, NC 28204. *General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment,* between points in the following counties in NC: Alexander, Alleghany, Ashe, Bladen, Brunswick, Burke, Caswell, Chatham, Columbus, Davie, Duplin, Franklin, Granville, Harnett, Hoke, Lincoln, Moore, Nash, Onslow, Orange, Pender, Person, Polk, Randolph, Robeson, Sampson, Scotland, Stokes, Surry, Transylvania, Watauga, Wayne, Wilson and Yadkin, on the one hand, and points in NC on the other hand. NOTE: Applicant intends to tack with existing authority in MC–28307 and to interline with other carriers at Asheville, Charlotte, Greensboro, and Hickory, NC and Knoxville and Johnson City, TN. Supporting shipper(s): There are 21 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 121081 (Sub-3–5TA), filed February 5, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Pipe, pipe fittings and accessories,* between points in Mecklenburg County, NC, on the one hand, and, on the other, points in the United States in and east of LA, AR, MO, IA, and MN. Supporting shipper: Eslon Thermoplastics Corp., One Rodney Avenue, Pineville, NC.

MC 107960 (Sub-3–2TA), filed February 9, 1981. Applicant: SUMMERFORD TRUCK LINE, INC., 206 Broadway, Ashford, AL 36312. Representative: Robert J. Corber, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. *Tires and accessories, materials, supplies, equipment and machinery used in the manufacture, production and shipping of tires,* between Jacksonville FL, on the one hand, and, on the other hand, Dothan, AL. Supporting Shipper: Michelin Tire Corporation, Manufacturing Division, Post Office Box 2846, Greenville, S.C. 29602.

MC 153997 (Sub-3–1TA), filed February 11, 1981. Applicant: ANMAC

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SERVICES, INC., Route 2, Box 286, Lawrenceburg, TN 38464. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, Tennessee 37219. *Such commodities as are dealt in by manufacturers and/or distributors of carpeting and/or floor covering* between Catoosa, Whitfield, Gordon and Murray Counties, GA, on the one hand, and points in TN, on the other. There are five statements of support attached to this application which may be examined at the ICC Regional Office, Atlanta, Ga.

MC 106074 (Sub-3–18TA), filed February 11, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28045. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Chemicals, dyes and related products,* from the facilities of Hoechst Fibers Industries at or near Mount Holly and Charlotte, NC to Chicago, IL; Des Moines, IA; and Houston, TX. Supporting shipper: Hoechst Fibers Industries, Spartanburg, SC 29304.

MC 135895 (Sub-3–20TA), filed February 11, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Plastics, plastic articles and plastic products (except in bulk) and (2) equipment, materials and supplies used in the manufacture, sale, assembly and distrubition of commodities described in (1) above (except commodities in bulk and those requiring special equipment)* between points in AL, AR, GA, LA, MS, TN and TX: Restricted to traffic originating at or destined to facilities of Sewell Plastics, Inc. Supporting shipper(s): Sewell Plastics, Inc., 595 Industrial Drive, Jackson, MS 39209.

MC 153991 (Sub-3–1TA), filed February 10, 1981. Applicant: CHARLES E. SMITH, d./b./a. CHARLES E. SMITH TRUCKING, 903 Hwy 61, North, P.O. Box 1101, Cleveland, MS 38732. Representative: Harold H. Mitchell, Jr., Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *Contact* Carrier: Irregular. *Iron and steel articles* between Rosedale and Cleveland, MS. Restricted to traffic having a prior or subseqwuent movement by water or rail. Supporting shipper: Duo-Fast Corporation, Route 2, Box 37–A, Cleveland, MS 38732.

MC 153914 (Sub-3–2TA), filed February 6, 1981. Applicant: NEWMAN BROTHERS TRUCKING, INC., Highway 96, Belk, AL 35455. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Tile and tile products, and materials, supplies and equipment used in the manufacture and distribution thereof* between the facilities of American Olean Tile at or near Fayette, AL, on the one hand, and, on the other, all points in the U.S. Supporting shipper: American Olean Tile Company, 1000 Cannon Avenue, Lansdale, PA 19446.

MC 107912 (Sub-3–4TA), filed February 6, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Road, Memphis, TN 38118. Representative: A. Doyle Cloud, Jr. 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Agricultural chemicals, and materials, equipment and supplies utilized in the manufacture of agricultural chemicals* between Iberville and East Baton Rouge Parishes, LA and Phillips County, AR, on the one hand, and, on the other, points in AL, TX, MO, MS, TN, GA, KY and OH. Supporting shipper(s): Ciba-Geigy Corporation, 444 Saw Mill River Road, Ardsley, NY 10502 and Helena Chemical Co., Hwy. 49B, W. Helena, AR.

MC 151463 (Sub-3–1TA), filed February 6, 1981. Applicant: BIGBEE TRANSPORTATION, INC., 2025 Highway 45 North, Columbus, MS 39701. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *Forest products, lumber and/or wood products* from the facilities of Weyerhaeuser Company located at or near Beaumont, Bruce and Philadelphia, MS; and Lamar County and Livingston, AL to points in the States of AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OK, OH, PA, SC, TN, TX, VA, WV and WI. Supporting shipper(s): Weyerhaeuser Company, P.O. Box 2288, Columbus, MS 29701.

MC 144955 (Sub-3–1TA), filed February 10, 1981. Applicant: FLORIDA FAST FREIGHT, INC., P.O. Box 5177, Glencoe, AL 35905. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. *General commodities* (1) from points in Duval, Orange, Polk, Pinellas, and Hillsborough Counties, FL, to points in AL, GA, and TN; and (2) from points in Etowah County, AL, to points in GA and FL. Supporting shippers: There are 10 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 144503 (Sub-3–11TA), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Metal products, machinery and materials, equipment and supplies used or distributed by a tool and machine manufacturer* between points in Oakland and Wayne County, MI, on one hand and on the other points in the U.S. Supporting shippers: Dearborn Toll and Machine, 10200 Ford Road, Dearborn, MI 48126, and DeVlieg Machine Company, 2800 West 14 Mile Road (Fair Street), Royal Oak, MI 48068.

MC 126305 (Sub-3–12TA), filed February 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Prefabricated metal buildings, KD; (2) parts and accessories for commodity named in (1) above, and (3) materials, equipment and supplies (except commodities in bulk) used in the manufacture, sale and assembly of (1) above:* between points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: American Building Company, State Docks Road, Eufaula, Alabama 36027.

MC 126305 (Sub-3–13TA), filed February 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Canned and bottled foodstuffs, including clams, clam chowder, clam juice, mayonnaise, salad dressing, chili sauce, and mustard, among other items,* between points in US east of and including the states of ND, SD, NE, KS, OK, and TX. Supporting shipper: Doxsee Food Corporation, 8840 Kelso Drive, Baltimore, MD, 21221. (Restricted to traffic originating at or destined to the facilities used or utilized by Doxsee Food Corporation).

MC 136828 (Sub-3–2TA), filed February 10, 1981 Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Machinery, the parts, components, equipment, materials, and supplies used in the manufacture, sale and distribution of machinery,* between the facilities of Lane & Bowler Incorporated located in Memphis, TN and Lubbock, TX on the one hand and on the other, all points in the U.S. Supporting Shipper: Lane & Bowler Incorporated, P.O. Box 8097, Memphis, TN 38108.

MC 157763 (Sub-3–2TA), filed February 10, 1981. Applicant: EXPRESSCO, INC., 105 Rhine St., Nashville, TN 37215. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *Wood molding,* from CA and OR to AR, KY, MS, OH, TN and VA.

Supporting shipper: Eagle Forest Products, P.O. Box 26164, Sacremento, CA 95826.

MC 134105 (Sub-3–13TA), filed February 10, 1981. Applicant: CELERYVALE TRANSPORT INC., 1706 Rossville Avenue, Chattanooga, TN. 37408. Representative: James E. Elgin (address same as applicant). *Meat, Meat Products, Meat By-Products and other items produced by meat packing companys (except commodities in bulk, and hides)* between points in the states of: IL, KS, KY and OH on the one hand, and on the other, points in the United States (except AK and HI) restricted to the transportation of traffic originating at or destined to the plantsites and facilities utilized by American Pantry, Inc. Supporting shipper: American Pantry, Inc., P.O. Box 9284, Phoenix, Arizona 85068.

MC 153992 (Sub-3–1TA), filed February 10, 1981. Applicant: C & C TRUCKING, 108 Coburn Drive, Chattanooga, Tennessee 37415. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tennessee 37219. *Lard, shortening, vegetable oil, cooking or salad oil, margarine, edible tallow and supplies* between Hamilton County, TN, on the one hand, and points in NC, SC, AL, FL, GA, VA, LA, MS, KY, and IL, on the other. Supporting shipper: Bunge Edible Oil Corporation, Box 192, Kankakee, Illinois, 60901.

MC 148352 (Sub-3–1TA), filed February 10, 1981. Applicant: R & B TRUCKING CO., INC., P.O. Box 351, Millport, AL 35576. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. *(1) forest products and lumber mill products and (2) materials, equipment, and supplies used in the manufacture of the products specified in (1)* (1) From points in Al, MS, AR, GA, and LA to points in and east of TX, OK, KS, NE, IA, MN, and (2) from points in and east of TX, OK, KS, NE, IA, and MN to points in AL, MS, AR, GA, and LA. Supporting shippers: Weyerhaeuser Company, Inc., 105 Alabama Street (P.O. Box 2288), Columbus, MS 39701, Northwest Wholesale Lumber, Inc., P.O. Box 2256, La Crosse, WI 54601.

MC 144503 (Sub-3–12TA), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Automotive parts, accessories, and supplies* between points in MI, MO, TN, and GA. Supporting shipper: Chrysler Corporation, 26311 Lawrence Avenue, Center Line, MI 48015.

MC 113528 (Sub-3–4TA), filed February 9, 1981. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36633. Representative: Joy Stephenson (same address as applicant). *Common carrier:* Regular routes: *General commodities (with the usual exceptions),* serving all points in Clarke County, GA as off route points in connection with carrier's otherwise authorized regular route operation. Note: Carrier intends to tack with existing authority MC–113528. Supporting shipper: Pesa Sales Company, P.O. Box 4590, Brownsville, TX 78520.

MC 150573 (Sub-3–3TA), filed February 9, 1981. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., Weston Road, P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *Soybean meal and hulls, peanut meal and hulls, sunflower meal, cottonseed meal and citrus pulp,* between all points in AL, and GA on the one hand, and on the other, all points in FL, in dump vehicles. Supporting shipper: Agricol Georgia, Inc., 15 Dunwoody Park, Suite 100–H, Atlanta, GA 30338.

MC 106644 (Sub-3–8TA), filed February 9, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same as applicant). (1) *Commodities, the transportation of which because of size or weight, require use of special equipment, and* (2) *self-propelled articles (except automobiles)* between points in TX, on the one hand, and, on the other, points in OK. Supporting shippers: There are 17 Statements of Support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 138882 (Sub-3–35TA), filed February 9, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema (same address as applicant). (1) *Lumber and lumber mill products, and* (2) *Materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above,* Between Greene County, AL and Emporia, VA on the one hand, and, on the other, points in the states of NC, VA, WV, TX, IL, MI, MS, LA, KY, TN, IN, AR, OH, FL, GA, WI, MD, AL, VT, NJ, and MA. Supporting shipper(s), (1) B & L Plywood, Inc., P.O. Box 828, Emporia, VA 23847 and (2) Sumter Veneer Works, P.O. Box 351, Eutaw, Alabama 35462.

MC 115841 (Sub-3–46TA), filed February 9, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *(1) Malt beverages and related advertising materials (except commodities in bulk),* from Jefferson County, CO to points in TN and MS; and *(2) Empty used beverage containers and materials and supplies used in and dealt with by breweries,* from points in TN and MS to Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 107107 (Sub-3–3TA), filed February 10, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N. W. 42nd Avenue, Opa Locka, Florida 33054. Representative: Sidney Alterman, 12805 N. W. 42nd Avenue, Opa Locka, Florida 33054. *Glass containers, equipment and supplies used in the manufacture and distribution thereof,* between Warner Robins, GA on the one hand, and, on the other, points and places in FL. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721.

MC 18088 (Sub-3–2TA), filed February 9, 1981. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th Street, N.W., Washington, D.C. 20006. *Contract carrier:* Irregular routes; *General commodities (except household goods as defined by the commission and classes A and B explosives):* between points in the U.S. under continuing contract with Union Underwear Company, Inc. Supporting shipper: Union Underwear Company, Inc., P.O. Box 780, Bowling Green, KY 42101.

MC 146646 (Sub-3–41TA), filed February 11, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Such commodities as are manufactured, processed, sold, used, distributed, and dealt in by Fort Howard Paper Company (except commodities in bulk).* Between Green Bay, WI, and Muskogee, OK, on the one hand, and, on the other, points in AL, AR, AZ, CA, FL, GA, IL, IA, KS, KY, LA, MS, MO, NE, NC, OK, OR, SC, TN, TX, WA, and WI. Supporting shipper: Fort Howard Paper Company, 1919 South Broadway, Green Bay, WI 54305.

MC 138157 (Sub-3–47TA), filed February 11, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above).

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Business forms, printed matter, office supplies, paper and paper products, and materials, equipment, and supplies used in the manufacture, production, and distribution of the named commodities between Carson, Fullerton, San Diego, Santa Ana, San Jose, Santee, and Los Angeles, CA; Benton, LA; Brookfield, WI; Chicago, IL; Dallas, Houston, and San Antonio, TX; Eden, NC; Raldolph Township, NJ; Salt Lake City, UT; Tulsa, OK; and Sewanee, GA on the one hand, and, on the other, points in the United States. Restricted against the transportation of commodities in bulk and further restricted to traffic originating at or destined to the facilities of Vanier Graphics Corporation. Supporting shipper: Vanier Graphics Corporation, 1851 Deere Avenue, Santa Ana, CA, 92705.

MC 146782 (Sub-3–11TA), filed February 10, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *Aluminum extrusions,* from the facilities of Jarl Extrusions, Inc., in Carter County, Tennessee, to points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Jarl Extrusions, Inc., Stateline Road, Elizabeton, TN 37654.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 5227 (Sub-5–15TA), filed February 9, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Beverages,* from St. Paul, MN; Portland, OR; Omaha, NE; Los Angeles and Irvine, CA; Phoenix, AZ; San Antonio and Houston, TX; Tumwater, WA; Belleville, IL; and Newark, NJ and pts in their commercial zones to Denver, CO. Supporting shipper: Murray Bros. Distributing Co., 1505 West 3rd Avenue, Denver, CO 80223.

MC 26825 (Sub-5–9TA), filed February 9, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *Food and related products,* between Norfolk, Ne on the one hand, and on the other, Pts in CO, IL, IN, IA, KS, MN, MO, ND, OK, SD, TN, TX, WI and WY. Supporting shipper: Plains Distribution, Inc., d/b/a Plains Double Cola Bottling Co., 405 West Northwest Avenue, Norfolk, NE 68701.

MC 67234 (Sub-5–14TA), filed February 9, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Contract irregular *Data Processing Machines or Systems, Business or Office Machines, Supplies, Units or Devices, and Parts used in the development, manufacture, and distribution of the herein listed commodities,* between points and places in the U.S. under continuing contract with I. B. M. Corporation. Supporting shipper(s): International Business Machines Corp., Old Orchard Road, Armonk, NY 10504.

MC 87511 (Sub-5–5TA), filed February 9, 1981. Applicant: SAIA MOTOR FREIGHT LINE, INC., 100 Elysian Avenue, P.O. Box A, Houma, LA 70360. Representative: A. Rex Joyner (same as above). *Phosgene, in cylinders (ton tanks), and empty cylinders (ton tanks) in return movement* between La Porte, TX and Military and/or Riverton, KS. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

Note.—Applicant intends to tack or join this authority with its authority in MC–87511.

MC 93840 (Sub-5–5TA), filed February 9, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) salt and salt products, and (2) equipment, materials, and supplies used in the manufacture, sale, or distribution of the commodities in (1),* between pts in Scott County, IA, on the one hand, and, on the other, pts in IN, KY, and MN. Supporting shipper: Cargill Incorporated—Salt Division, P.O. Box 9300, Minneapolis, MN 55440.

MC 96881 (Sub-5–1TA), filed February 9, 1981. Applicant: FINE TRUCK LINE INC., 801 West Dodson Avenue, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. *Furnaces, Air Cooling Apparatus, Air Coolers and Blowers and Parts and Accessories thereof (except hazardous materials and commodities in bulk)* between the plantsite of Rheem Manufacturing Company, Fort Smith, AR, on the one hand, and, on the other, points in AL, CO, IL, KS, KY, LA, MS, MO, NE, NM, OK, TN and TX. Supporting shipper: Rheem Manufacturing Company, Fort Smith, AR.

MC 99427 (Sub-5–10TA), filed February 9, 1981. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Sulfuric acid,* from Hayden, AZ to Clark County, NV. Supporting shipper: McKesson Chemical Company, 4909 West Pasadena Avenue, Glendale, AZ 85301.

MC 99427 (Sub-5–11TA), filed February 9, 1981. Applicant: ARIZONA TANK LINES, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same as above). *Sponge iron and cooper cathodes and materials and supplies used in the production of primary metals,* between pts. in Pinal County AZ, on the one hand, and pts. in NM and AZ, on the other hand, having prior or subsequent movement by rail. Supporting shipper: Noranda Lakeshore Mines, Inc., P.O. Box C–6, Casa Grande, AZ 85222.

MC 120419 (Sub-5–3TA), filed February 9, 1981. Applicant: SERVICE TRANSFER, INC., P.O. Box 460, Henryetta, OK 74437. Representative: Dean Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Such commodities as are manufactured, processed, sold, used, distributed and dealt in by manufacturers of paper and paper products* between Muskogee, OK, on the one hand, and, on the other, points in AL, AR, AZ, CO, KS, KY, LA, MO, MS, NM, OK, TN and TX. Supporting shipper(s): Fort Howard Company, 1919 S. Broadway, Green Bay, WI 54305.

MC 128273 (Sub-5–29TA), filed February 9, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P. O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P. O. Box 189, Fort Scott, KS 66701. *General commodities,* between the facilities of Franchise Services, Inc. on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Franchise Services, Inc., P. O. Box 484, Wichita, KS, 67201.

MC 134134 (Sub-5–11TA), filed February 9, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *(1) Lockers, cabinets, storage cases, shelving, sheet metal products, and related parts, and accessories, (2) materials, equipment, supplies, and parts used in the manufacture, sale, and distribution of the articles described in (1) above,* between pts in Cuyahoga County, OH, on the one hand, and, on the other, pts in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, IN, OH, MI, KY, TN, WI, IL, MN, IA, MO, ND, SD, NE, KS, and CO. Restricted to shipments originating at or terminating at the facilities of Interior Steel Equipment Co., Cleveland, OH. Supporting shipper: The Interior Steel Equipment Company, 2352 East 69th Street, Cleveland, OH 44104.

MC 145150 (Sub-5–9TA), filed February 9, 1981. Applicant: HAYNES TRANSPORT CO. INC., R#2 Box 9, Salina, KS 67401. Representative: Donald F. Darling Sr., 1036 Scott, Salina, KS 67401. *Fertilizer and fertilizer ingredients* between Reno & McPherson Counties, KS and points in OK. Supporting shipper: Phillips Petroleum Company, Adams Building, Bartlesville, OK 74004.

MC 145441 (Sub-5–42TA), filed February 9, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. *Meat, meat products, meat by-products, and related products distributed by meat packinghouses* from Detroit, MI and Chicago, IL to Los Angeles, CA, Tucker, GA, Seattle, WA, Oklahoma City, OK. Supporting shipper: RNK Enterprises, 3851 Minges Road, Battle Creek, MI 49015.

MC 146078 (Sub-5–19TA), filed February 9, 1981. Applicant: CAL-ARK, INC., 854 Moline, P. O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P. O. Box A, Prairie Grove, AR 72753. *Paper, paper articles, materials, and supplies utilized in manufacture, and distribution of paper articles and related specialty products,* between Green Bay, WI and Muskogee, OK, on the one hand and, on the other, points in AL, AR, CO, GA, FL, KY, LA, MS, NM, OK, TN, TX, WI, CA, and AZ. Supporting shipper: Fort Howard Paper Company, 1919 S. Broadway, Green Bay, WI.

MC 146078 (Sub-5–20TA), filed February 9, 1981. Applicant: CAL–ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box, Prairie Grove, AR 72753. *Furniture parts, metal products, and paper products, and materials, equipment, and supplies utilized in the manufacture, transportation, and installation thereof,* from (1) Carthage, Aurora, and Springfield, MO, to all points and places in AR and TX; (2) Tupelo, MS to Ennis and Houston, TX; (3) Memphis, TN to Little Rock, AR; and (4) Simpsonville, KY to Ennis, TX. Supporting shipper: Leggett & Platt, Inc., P.O. Box 757, Carthage, MO 64836.

MC 147388 (Sub-5–8TA), filed February 9, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R. R. 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *(1) Irrigation equipment; (2) parts, materials, and supplies used in the manufacture, sale, repair and distribution of irrigation equipment, (except in bulk), and (3) such commodities as are dealt in by food and grocery businesshouses, (except in bulk),* between Kearney, NE, on the one hand, and, on the other, points in the U.S., (except AK and HI). Supporting shippers: Ace Irrigation and Mfg., Inc., P.O. Box 1887, Kearney, NE 68847 and Cashway Candy Co. of Kearney, Inc., Box 309, 119 West 19th Street, Kearney, NE 68847.

MC 147388 (Sub-5–9TA), filed February 9, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R.R. 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Non-alcoholic beverages (except in bulk), and parts, materials, and supplies used in the manufacture, sale and distribution of non-alcoholic beverages (except in bulk),* between Lincoln, NE, on the one hand, and, on the other, points in KS, MN, and OK. Supporting Shipper: Lincoln Coca Cola Bottling Company, Inc., 2120 "G" Street, Lincoln, NE 68510.

MC 147388 (Sub-5-10–TA), filed February 9, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R. R. 1, Box 49, St. Libory, NE 68872.Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* from the facilities of Dugdale of Nebraska, at or near Darr, NE, to points in the U.S. Supporting Shipper: Dugdale of Nebraska, Box 166, Cozad, NE 69130.

MC 149333 (Sub-5–3TA), filed February 9, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington Avenue, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Contract irregular *Waste Scrap and Hazardous Materials,* between points in MO and Emelle, AL. Supporting shipper: Shaw & Sons Enviro Pro Ecology Unit VII, 500 Bennington Avenue, Kansas City, MO 64125.

MC 151158 (Sub-5–3TA), filed February 9, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. *Foodstuffs and materials, equipment, and supplies used in the manufacture, sale, and distribution of foodstuffs* between the facilities of Land O' Frost of Arkansas, Inc. at Searcy, AR on the one hand and points in the U.S. on the other. Supporting shipper: Land O' Frost of Arkansas, Inc., Hastings Avenue, Searcy, AR 72143.

MC 151788 (Sub-5–3TA), filed February 9, 1981. Applicant: MEL JARVIS CONSTRUCTION COMPANY, INC., 2934 Arnold Avenue, Salina, KS 67401. Representative: William B. Barker, Jandera, Gregg & Barker, P.O. Box 1979, Topeka, KS 66601. *(1) Waste Products for Recycling, (2) Recycled Waste Products, and (3) Equipment, Materials and Supplies used in recycling waste products,* Between Salina, Kansas and points in the U.S. Supporting shipper: Pet Recycling, Inc., 401 N. Third, Salina, KS 67401.

MC 151998 (Sub-5–2TA), filed February 9, 1981. Applicant: M & S TRANSPORTATION, INC., Route 3, Box 8B, Lonoke, AR 72086. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. (1) *Malt beverages and related advertising materials, and (2) Empty used beverage containers and materials and supplies used in and dealt with by breweries,* between Jefferson County, CO and points in AR, TN, LA and MS. Supporting shipper: Adolph Coors Company of Golden, CO.

MC 152117 (Sub-5–3TA), filed February 9, 1981. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 824 27th Avenue, S.W., Cedar Rapids, IA 52404. Representative: Virginia A. Wilson, (same). 1. *Film or sheeting, plastic, other than cellulose,* from Richmond, CA to points in the U.S. (excluding AK & HI). 2. *Non-exempt food and kindred products,* from points in the U.S. (excluding AK & HI) to points in IA, IL, MN, NE, ND, KS, SD, and WI. 3. *Such commodities as are dealt in or used by retail drug, variety, and department stores (except commodites in bulk).* Between points in the U.S. (except AK & HI). Supporting shippers: Nash Finch Company, 3381 Gorham Avenue, Minneapolis, MN 55426. Sigmadyne, 1060 Hensley St., Richmond, CA 94804. Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310.

MC 153328 (Sub-5–2TA), filed February 9, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree, Cape Girardeau, MO 63701. Representative: G. H. Boles, 321 North Spring Avenue, Cape Girardeau, MO 63701. *Machinery and metal products and materials, equipment and supplies used in the manufacture and distribution thereof;* (1) betwen points in AR, IL, IN, IA, KS, KY, MI, MS, MO, OH, SC and TN and (2) points in (1) on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Emerson Motor Division,

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Emerson Electric Corporation, St. Louis, MO 63136.

MC 153799 (Sub-5–1TA), filed February 9, 1981. Applicant: EASON & SMITH ENTERPRISES, INC., 1204 Southeast 29th Street, P.O. Box 15463, Oklahoma City, OK 73155. Representative: Carroll L. Smith (same as applicant). Contract; Irregular. *Hazardous chemical waste,* from Oklahoma City, OK, to Union County, AR, Sumter County, AL, Harris County, TX, Calcasieu Parish, LA. Supporting shipper: OC/ALC Tinker AFB, OC/ALC PMKFC Tinker AFB, OK 73145.

MC 153816 (Sub-5–1TA), filed February 9, 1981. Applicant: WELLS TRUCKING, INC., 108 Zeiler, Paris, AR 72855. Representative: Stephen A. White, P.O. Box 85, Charleston, Ar 72933. Contract irregular *cleaning products and household items* from Arlington, TX, to all points in the states of TX, OK, AR and LA. Supporting shipper: Amway Corporation, 2001 Timberlake, Arlington, TX 76010.

MC 153959 (Sub-5–1TA), filed February 9, 1981. Applicant: BERT V. GROVES, JR., d.b.a. TOTAL DRAYAGE COMPANY, 2122 Third Street, New Orleans, LA 70113. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *General Commodities in containers having an immediate prior or subsequent movement by water except Class A and B explosives and commodities in tank vehicles,* between New Orleans, LA on the one hand, and, on the other, all points in LA, MS and AL. Supporting shipper: Biehl & Company, 416 Common Street, New Orleans, LA; Black & Geddes, Inc., 1000 I.T.M. Building, New Orleans, LA; Compre International, Inc., 1023 I.T.M. Building, New Orleans, LA.

MC 153961 (Sub-5–1TA), filed February 9, 1981. Applicant: BINGHAM TRUCKING, INC., Route #2, Box 135, Chickasha, OK 73018. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract; Irregular. *Tublar Goods, Pipe and Steel Products,* between Houston, TX and Okla. City, OK. Supporting shipper(s): Standard Steel Co., 1400 E. Reno, P.O. Box 302, Okla. City, OK 73101 and Sterling Pipe & Supply Co., 5707 S. Eastern, Okla. City, OK 73109.

MC 153962 (Sub-5–1TA), filed February 9, 1981. Applicant: NEBRASKALAND CONTRACT CARRIERS, INC., P.O. Box 1190, Kearney, NE 68847. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Contract, irregular. *Such merchandise as is dealt in by lumber yards and hardware stores,* between points in the U.S., under a continuing contract(s) with Payless Building Center, for Shipper: Payless Building Center, 2501 30th Avenue, Kearney, NE 68847.

MC 153963 (Sub-5–1TA), filed February 9, 1981. Applicant: MID-STATES MOTOR TRANSIT, INC., P.O. Box 4231, Witchita, KS 67204. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Clay, concrete, glass or stone products and pulp, paper and related products,* between Sedgewick County, KS on the one hand, and on the other hand, points in the U.S. Supporting Shipper: Safelite, Division of Lear Siegler, 801 S. Wichita, P.O. Box 1879, Wichita, KS 67201.

MC 5227 (Sub-5–16TA), filed February 10, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Grain handling equipment, parts and steel articles* between Clark County, OH on the one hand, and, on the other, pts in IA, MN, WI, IL, PA, KS, MI, MO, AR, TN, LA, TX, MS, AL, GA and NC. Supporting shipper: Sweet Manufacturing Company, P.O. Box 1086, 2000 E. Leffel Lane, Springfield, OH 45501.

MC 22509 (Sub-5–9TA), filed February 11, 1981. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main St. Winchester, KY 40391. *Such commodities as are dealt in or used by manufacturers of insulation and insulation materials* from pts. in the Kansas City, KS-Kansas City, MO commercial zone to pts. in the U.S. (except AK and HI). Supporting shipper: CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482.

MC 117765 (Sub-5–20TA), filed February 10, 1981 Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Insulation Materials,* from Columbia County, AR; Harvey County, KS; Bowie, Dallas, Ellis and Tarrant County, TX, to KS, MO and OK. Supporting shipper: Thermal Shield, Inc., 6015 South High, Oklahoma City, OK 73149.

MC 119789 (Sub-5–41TA), filed February 10, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC, P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Foodstuffs, (except in bulk) and materials and supplies used in the manufacture, sale and distrubution thereof,* between Chicago, IL; Denver, CO; Los Angeles and Milpitas, CA; on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Fearn International, Inc., 9353 Belmont, Franklin Park, IL, 60131.

MC 138069 (Sub-5–6TA), filed February 10, 1981. Applicant: LUCIUS, INC., 2512 S. 163rd St., Omaha, NE 68130. Representative: James P. Beck, 717 17th St., Ste 2600, Denver, CO 80202. *(1) Malt beverages and related advertising materials, and (2) empty used containers and materials and supplies used in and dealt with by breweries,* between pts in Jefferson County, CO on the one hand, and, on the other, pts in LA, MS and TN. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 145639 (Sub-5–1TA), filed February 11, 1981. Applicant: TRANSTECH LTD., 5500 Bradley, Sioux City, IA 51102. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular. *Trailers, and materials, equipment and supplies used in the production and distribution of trailers,* between Sioux City, IA, on the one hand, and, on the other, pts in the U.S., under continuing contract(s) with Wilson Trailer Company of Sioux City, IA. Supporting shipper: Wilson Trailer Company, 4400 South Lewis Boulevard, Sioux City, IA 51106.

MC 146360 (Sub-5–11TA), filed February 11, 1981. Applicant: DIMENSION TRANSPORTATION, INC., P.O. Box 26656, Oklahoma City, OK 73126. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *Wood shelving and store fixtures and metal shelving and store fixtures* from Los Angeles, CA; Cambridge City, IN; and South Windsor, CT to points in OK, TX, NM, CO, KS, WY, MT, NE, IA, and points in the Memphis, TN commercial zone. Supporting shipper: Kidde Merchandising Equipment Group, Inc., Suite 405, Max-Ex Building, Oklahoma City, OK 73114.

MC 149026 (Sub-5–25TA), filed February 11, 1981. Applicant: TRANS-STATES LINES, INC., 633 Main Street, Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 1486, Van Buren, AR 72956. *Metal articles and material, equipment and supplies used in the manufacture, distribution and assembly thereof;* between Aurora, IL; Little Rock, AR; Dallas, TX; and their respective commercial zones, on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: American Material Handling Co., Inc.,

Post Office Box 5801, North Little Rock, AR 72119.

MC 153743 (Sub-5–1TA), filed February 11, 1981. Applicant: IMPERIAL SWEETENER DISTRIBUTORS, INC., 8016 U.S. Hwy 90A, Sugar Land, TX 77478. Representative: James R. Skiles (same as above). Contract; irregular; *Liquid corn sweeteners, liquid sugar, and blends of any combination thereof;* Between Arlington and Sugar Land, TX, on the one hand, and, points in AR, LA, NM, and OK, on the other. Supporting shippers: A. E. Staley Manufacturing Company, 2200 E. Eldorado, Decatur, IL 62525. Imperial Sugar Company, P.O. Box 9, Sugar Land, TX 77478.

MC 153837 (Sub-5–1TA), filed February 11, 1981. Applicant: ROTA-CARRUS CORPORATION, 900 Kindelberger Road, Kansas City, KS 66115. Representative: Patricia F. Scott, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Contract, irregular; *general commodities* (except Class A & B explosives), between points in the U.S. Supporting shippers: 4.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 143154 (Sub-6–5TA), filed February 6, 1981. Applicant: A & S TRUCKING, P.O.B. 20214, Missoula, MT 59806. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Bee hives, such commodities as can be used in the manufacture of bee hives, and boxes, paper, and packaging materials,* between points in the U.S., except AK and HI, for 270 days. Supporting shipper: Western Bee, Inc., P.O.B. 171, Polson, MT, 59860.

MC 153908 (Sub-6–1TA), filed February 5, 1981. Applicant: BILLY M. ELLIOTT and MARJORIE M. ELLIOTT d.b.a. B.E. & M.E. TRUCKING, 2601 Blackstone Ct., Bakersfield, CA 93304. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Asphalt in packages and in bulk in tank vehicles,* from Bakersfield, CA to points in AZ, NV, OR, and UT, for 270 days. Supporting shipper: San Joaquin Refining Co., P.O.B. 5576, Bakersfield, CA 93308.

MC 63562 (Sub-6–14TA), filed February 5, 1981. Applicant: BN TRANSPORT INC., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *General Commodities (except Classes A and B explosives)* between the facilities of The Gates Rubber Company at Denver, CO; Iola, KS; Galesburg, IL; Versailles, MO; Charleston, MO; Elizabethtown, KY; Rockford, IL; Pontiac, MI; and Boone, IA, on the one hand, and on the other, points in the U.S. for 270 days. Supporting shipper: The Gates Ruber Company, 999 South Broadway, Denver, CO 80222.

MC 63562 (Sub-6–15TA), filed February 6, 1981. Applicant: BN TRANSPORT INC., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *Building materials* from Oconomowoc, WS; Detroit, MI; Providence, RI; East Farmingdale, NY; Houma, LA; Sidney, OH; Temple, TX; and Houston, TX; to points in WA, OR, ID, MT, UT, CA, WY, and CO for 270 days. Supporting shipper: Thomas Architectural Products, Inc., 4000 Aurora Ave. North, Suite 223, Seattle, WA 98103.

MC 153907 (Sub-6–1TA), filed February 5, 1981. Applicant: C.A.M. DISTRIBUTING, 150 S. State, Lindon, UT 84062. Representative: Paul Gottfredson (same as applicant). *Furniture and material, equipment and supplies* used in the manufacturing and distribution thereof. Do not seek to transport commodities in tank vehicles from the facilities in Provo UT to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MO, MT, NE, NV, NM, ND, OH, OK, SD, TX, UT, WI, WY, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Rustic Interiors, 1281 S. Industrial Parkway, Provo, UT 84601.

MC 152238 (Sub-6–3TA), filed February 6, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, Ca. 96038. Representative: John Harleman (same as applicant). *Lumber, lumber mill products, wood products and particleboard,* between points in the U.S. except AK & HI. Supporting shippers: Bendix Forest Products Corp., 2740 Hyde St., San Francisco, CA 94109; Northwest Pine Sales, Inc. P.O. Box 12511, Portland, OR 97212; AMPAC Forest Products, Inc., 7412 S.W. Beaverton Highway, Portland, OR 97225; Pope & Talbot, Inc., 1700 S.W. 4th Ave., Portland, OR 97207.

MC 153938 (Sub-6–2TA), filed February 6, 1981. Applicant: ENERGY EXPRESS, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: Norval Millsap (Same address as applicant). *Contract Carrier,* Irregular routes: *Petroleum and Petroleum products, in bulk,* between UT, WY, and CO, for 270 days. Supporting shipper: Husky Oil Company, 600 South Cherry Street, Denver, CO 80222; Phillips Petroleum Company, 7800 E. Dorado Place, Englewood, CO 80111; Morrison Petroleum, P.O. Box 227, Woods Cross, UT 84087; Elgin Petroleum limited, 8117 S. Wabash Court, Englewood, CO 80112.

MC 109689 (Sub-6–11TA), filed February 9, 1981. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. *Liquid polymer plastic material.* In Bulk, from Longview, WA to Murray, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Poly-Drill Products, 6512 S. 400 W., Salt Lake City, UT 84107.

MC 153708 (Sub-6–1TA), filed February 9, 1981. Applicant: NORCO TRANSPORTATION COMPANY, 8401 Gerber Rd, Sacramento CA 95828. Representative: Pete Kieffer (same as applicant). *Liquefied Petroleum Gas,* from all points in CA to ports of entry on the international boundary line between the U.S. and Mexico located in CA—for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: CAL-GAS, 8401 Gerber Rd, Sacramento, CA 95828.

MC 142941 (Sub-6–20TA), filed February 5, 1981. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: E.W. Scarborough (same as applicant). *Alcoholic beverages* (except in bulk) from points in CA, IL, KY, MI and OH to points in CO for 270 days. Supporting shipper: Foremost McKesson, Inc., One Post St., Crocker Plaza, San Francisco, CA 94105.

MC 126327 (Sub-6–8TA), filed February 5, 1981. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Recyclable and waste paper,* (1) from Heyburn, ID, to Stockton, CA, and (2) from Boise, ID, to Portland, OR, for 270 days. An underlying ETA seeks 120-days authority. Supporting shipper: Western Recycling & Wastepaper Co., Inc., 1990 S. Cole Rd., Boise, ID 83709.

MC 144956 (Sub-6–1TA), filed February 5, 1981. Applicant: TRANS-MUTUAL TRUCK LINES, LTD., 4427A, 72nd Ave. SE, Calgary, Alberta, Canada T2C 2C1. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Salt, salt products and feed*

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ingredients shipped with salt from: Tooele and Grand Counties, UT to points along the international boundary line adjoining British Columbia, Alberta and Saskatchewan for 270 days. Supporting shipper: Utah Salt Company, Inc., 1965 S. Main St., Salt Lake City UT 84115.

MC 138018 (Sub-6-2TA), filed February 6, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same as applicant). *Non-exempt food and kindred products,* from points in FL, to points in CO, ID, MT, NV, OR, UT, WA, and WY, for 270 days. An ETA for 120 days has been applied for. Supporting shipper: There are seven shipper support statements. Their statements may be examined at the Regional Office listed.

MC 58035 (Sub-6-7TA), filed February 6, 1981. Applicant: TRANS-WESTERN EXPRESS, LTD., 5231 Monroe St., Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln St., Denver, CO 80284. (1) *prefabricated metal buildings and related components, parts, accessories, fixtures, cranes and rocks,* from the facilities of American Steel Building Company, Inc. located in Adams County, CO to points in the U.S. and, (2) *such materials, equipment and supplies used in the construction, erection and maintenance of prefabricated metal buildings* from the facilities of American Steel Building Company, Inc. at or near Houston, TX to points in Adams County, CO for 270 days. Supporting shipper: American Steel Building Company, Inc. 20500 East 26th Avenue, Aurora, CO 80011.

MC 140186 (Sub-6-2TA), filed February 5, 1981. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: David A. Sutherlund, 1150 Connecticut Ave., N.W., Suite 400, Washington, D.C. 20036. *Metal buildings,* between points in IA and MN, on the one hand, and, on the other, points in ID, IA, MN, MT, ND, OR, SD and WA, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: The Ceco Corporation, 1400 Kensington Rd., Oakbrook, IL 60521.

MC 26396 (Sub-6-60TA), filed February 9, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357 Billings, MT 59107. Representative Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Animal and poultry feeds, prepared,* from Muscatine, IA to points in MT, ND, SD and WY, for 270 days. Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, MO 64801.

MC 153480 (Sub-6-1TA), filed February 6, 1981. Applicant: RICHARD P. WARD d.b.a., WARD DISTRIBUTING COMPANY, P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101. *Malt beverages and related advertising materials and empty used beverage containers and materials and supplies* used in and dealt with by breweries from, to, or between the following points: From Memphis, TN to points in CO and from Jefferson County, CO to points in TN, LA, and MI, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): There are five (5) shippers. Their statements may be examined at the Regional Office listed.

MC 151225 (Sub-6-3TA), filed February 5, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718—17th St., Suite 1700, Denver CO 80202. *Perlite Ore,* from No Agua and Socorro, NM to points in all states west of the Mississippi River, for 270 days. Supporting shipper: Grefco, Inc., a wholly owned subsidiary of General Refractories Company, 50 Monument Rd., Bala Cynwyd, PA 19004.

MC 141804 (Sub-6-102TA), filed February 5, 1981. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Electrical items and commodities dealt in and utilized by manufacturers and distributors of electrical items,* between Evansville, IN, Watsontown, PA, Springfield, MO, Peris, IL, McAllen, TX, Benton Harbour, MI on the one hand, and, on the other, all points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Zenith Radio Corporation, 1900 North Austin Avenue, Chicago, IL 60639.

MC 152250 (Sub-6-2TA), filed February 6, 1981. Applicant: WHITE TRANSPORT, INC., P.O. Box 2063, Sheridan, WY 82801. Representative: Thomas O. White (same as applicant). (1) *Floor Dry, Oil and Grease absorbing granules, in bags* from Taft, CA, to Sheridan, WY, Big Horn County, MT, Campbell County, WY, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): Big C Service & Supply, Inc., P.O. Box 6468, Sheridan, WY 82801.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5939 Filed 2-20-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by National Steel Corporation at its Weirton, West Virginia Plant

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 9, 1981, a proposed consent decree in *United States* v. *National Steel Corporation* (N.D. W. Va., No. 81-00005-W(H)), was lodged with the United States District Court for the Northern District of West Virginia. The proposed consent decree covers National Steel Corporation's integrated steel making plant in Weirton, West Virginia. The decree is part of a nationwide settlement between the U.S. Environmental Protection Agency and National Steel at its plants in Michigan, Illinois, and West Virginia under the Clean Air Act and Clean Water Act. The decree requires National to bring its West Virginia plant into compliance with the requirements for particulate matter and sulfur dioxide of the Clean Air Act and the West Virginia state implementation plan by installation of pollution control equipment at the coke oven batteries, basic oxygen furnaces, blast furnaces, and sinter plant by no later than December 31, 1982, and by shutdown of several coke oven batteries and construction of a new battery. Mass and visible emission limits for particulate matter required under the decree are comparable but not identical to the West Virginia implementation plan requirements and reflect that degree of emission reduction represented by installation of reasonably available control technology ("RACT"), as required by the Clean Air Act. In lieu of payment of civil penalties, National has agreed to the installation of control equipment at this and other plants which exceed the requirements of law.

The proposed consent decree may be examined at the Clerk's office, United States District Court for the Northern district of West Virginia, Room 207, Old Post Office Building, 12th and Chapline Streets, Wheeling, West Virginia 26003, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of $6.00 reflecting a rate of $.10 per page for the 80-page decree and appendices. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *National Steel Corporation* (N.D. W. Va., No. 81-00005-W(H)), D.J.Ref. 90-5-2-1-318

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-5949 Filed 2-20-81; 8:45 am]

BILLING CODE 4410-01-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, March 5, 1981, from 10:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the Metric Board's regular bimonthly meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum and meeting will be held at the Regent Hotel/Convention Center Complex, 201 Marquette, N.W., Albuquerque, New Mexico.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral or written comments and ask questions of the Board from 11:30 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Mr. Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 4th Floor, 1600 Wilson Blvd., Arlington, Virginia 22209 (703/235-2820).

Louis F. Polk,

Chairman, United States Metric Board.

[FR Doc. 81-6007 Filed 2-20-81; 8:45 am]

BILLING CODE 6820-94-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-22)]

NASA Advisory Council (NAC); Meeting Cancellation

ACTION: Notice of meeting cancellation.

SUMMARY: The scheduled meeting on February 25-27, 1981, of the NAC Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology, published in the **Federal Register** on February 3, 1981 (46 FR 10570), has been cancelled.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJL-2, Washington, D.C. 20546 (202/755-2375).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

February 17, 1981.

[FR Doc. 81-5733 Filed 2-20-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-563, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

(1) Date and time: March 12-13, 1981; 9:00 a.m. to 5:00 p.m.
Room: 911.
Program: This meeting will review applications submitted for the Libraries Humanities Projects Program, Division of Public Programs for projects beginning after January 15, 1981.
(2) Date and time: March 12-13, 1981; 9:00 a.m. to 5:30 p.m.
Room: 1023-25.
Program: This meeting will review applications submitted for Higher Education/Regional and National grants, Division of Education, for projects after July 1, 1981.
(3) Date and time: March 16-17, 1981; 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for Research Materials Programs: Panel for Research Tools in History, Philosophy, Religion, and Social Science, Division of Research Programs, for projects beginning after June 15, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9) (B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen H. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-5937 Filed 2-20-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences; Geology, Geophysics, Geochemistry and Petrology Subcommittees; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Geology, Geophysics, Geochemistry and Petrology Subcommittees)
Date and Time: March 11, 12 and 13, 1981; 8:30 a.m. to 5:00 p.m. each day
Place: The National Science Foundation, Room 643, 1800 G Street, N.W., Washington, D.C. 20550
Type of Meeting: Closed
Contact Person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357-7958
Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial

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data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c). Government in the Sunshine Act.

Authority: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

February 17, 1981.

[FR Doc. 81–5884 Filed 2–20–81; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee on Special Research Equipment (Biology Subcommittee); Meeting

In accordance with the Federal Avisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Special Research Equipment (2-year and 4-year colleges) (Biology Subcommittee)

Date Time: March 16–17, 1981—9:00 a.m. to 5:00 p.m.

Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of Meeting: Closed

Contact Person: Dr. Howard H. Hines, Program Director, Room 428, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357–9615

Purpose of Committee: To evaluate research equipment proposals

Agenda: To review and evaluate research equipment proposals as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matter are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

February 17, 1981.

[FR Doc. 81–5883 Filed 2–20–81; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Science Education; Postponement of Meeting

The Advisory Committee for Science Education had a meeting scheduled to be held on March 5 and 6, 1981, in Washington, D.C. It is now necessary to postpone this meeting until May. A new notice of meeting will be published in the **Federal Register** prior to the May meeting.

The notice for the March meeting was published in the **Federal Register** on Thursday, February 12, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

February 18, 1981.

[FR Doc. 81–5934 Filed 2–20–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Power Systems; Addition to Meeting Agenda

The ACRS Subcommittee on Electrical Power Systems will hold a meeting at 8:30 a.m. on February 24–25, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC. In addition to discussing matters relating to computer protection and control systems and instrument and control system failures which could initiate or exacerbate reactor accidents, the Subcommittee will also discuss matters relating specifically to the ANO–2 and San Onofre Units 2 and 3 Core Protection Calculator Design and the ANO–2 experience with the Core Protection Calculator.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Thursday, February 12, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–5873 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Generic Items; Meeting

The ACRS Subcommittee on Generic Items will hold a meeting at 1:00 p.m. on March 11, 1981 in Room 1167, 1717 H Street, N.W., Washington, DC. The Subcommittee will compare items in order to ensure that ACRS generic items are receiving adequate attention by the NRC Staff; examine methods to combine the ACRS list with the NRC's program for dealing with generic items; and consider means for dealing with future generic items given such a merger. Notice of this meeting was published Jan. 23.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981

1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–5874 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committe on Reactor Safeguards, Subcommittee on NRC Safety Research Program; Meeting

The ACRS Subcommittee on the NRC Safety Research Program will hold a meeting on March 11, 1981 in Room 1046, 1717 H Street, N.W., Washington, D.C. to discuss the NRC's Draft Long-Range Research Plan (NUREG–0740). Notice of this meeting was published Jan. 23.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding pertinent portions of the NRC Draft Long-Range Research Plan.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–5880 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on San Onofre Units 2 and 3; Meeting

The ACRS Subcommittee on San Onofre Units 2 and 3 will hold a meeting on March 11, 1981 at 1717 H Street, N.W., Washington, DC in Room 1046, 2:00 p.m. The Subcommittee will continue its review of the Operating License, concentrating on Three Mile Island Action Plan items.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981

2:00 p.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of Southern California Edison Company, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. David Bessette (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. Gary G. Quittschreiber.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–5904 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittees on Transportation of Radioactive Materials; Meeting

The ACRS Subcommittees on Transportation of Radioactive Materials will meet at 8:30 a.m., March 10, 1981 in Room 1118, 1717 H Street, N.W., Washington, DC. The Subcommittee will review the transportation certification process of the NRC Transportation Certification Branch. Notice of this meeting was published Jan. 23.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, March 10, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be

obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telepone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–5906 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on the Reactor Radiological Effects will hold a meeting at 8:30 a.m. on March 10–11, 1981 in room 762, 1717 H Street, NW, Washington, DC. The Subcommittee will continue its review of the NRC reevalution of the radiological source term to be used in accident analyses.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, March 10–11, 1981

8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. Garry G. Young (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–5091 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment incorporates changes to the Technical Specifications to accommodate operation with low parasitic fuel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 21, 1980, (2) Amendment No. 66 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–5909 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the reactor vessel surveillance specimen removal program in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 3, 1981, (2) Amendment No. 67 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–5870 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–409]

Dairyland Power Coop.; Extension of Completion Date

By letter dated February 6, 1981, Dairyland Power Cooperative (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until November 1, 1981, for installation of the automatic water fire suppression system for protection against fire at the outside transformers at LaCrosse Boiling Water Reactor located in Vernon County, Wisconsin.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely effect the health and safety of the public.

For further details with respect to this action, see (1) the licensee's request dated February 6, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director Office of Nuclear Reactor Regulation.

[FR Doc. 81–5971 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., et al; Issuance of Amendement to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR–66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to incorporate TMI–2 lessons Learned Category "A" items.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 17, 1980, (2) Amendment No. 39 to License No. DPR–66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–5972 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. STN 50–498 OL and STN 50–499 OL]

Houston Lighting and Power Co., et al. (South Texas Project, Units 1 and 2); Prehearing Conference

February 13, 1981

Notice is hereby given that, in accordance with the Licensing Board's Second Prehearing Conference Order, dated December 2, 1980, a prehearing conference will commence at 9:30 a.m. on Tuesday, March 17, 1981, at the Townes Hall Auditorium, University of Texas Law School, 2500 Red River, Austin, Texas 78705. The conference will continue at 9:00 a.m. on Wednesday, March 18, 1981.

The conference will consider various matters contemplated by 10 CFR 2.752 concerning the quality assurance/quality control issues which are to be the subject of an early evidentiary hearing. Parties who wish to submit a proposed agenda for the conference, specifying matters they wish to have discussed, are invited to do so. Such a proposed agenda should reach the Board no later than Friday, March 13, 1981.

In accordance with 10 CFR 2.715(a), the Board will hear limited appearance statements at this prehearing conference. Any person not a party to the proceeding will be permitted to make such a statement, either orally or in writing, setting forth his or her position on the issues. The number of persons making oral statements and the time allotted for each oral statement may be limited depending on the total time available at various sessions. Limited appearance statements will be heard at the beginning of the session on Wednesday, March 18, 1981. In addition, to the extent that time may be available following the completion of conference business on March 17, limited appearance statements will also be heard at that time. (The Board expects to hear additional limited appearance statements at other sessions of the proceeding.) Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Docketing and Service Branch. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary of the Commission.

Dated at Bethesda, Maryland this 13th day of February 1981.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81–5875 Filed 2–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–315 and 50–316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR–58, and Amemdment No. 25 to Facility Operating License No. DPR–74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical

Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revised the set point for the steam generator low-low level settings.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 22, 1980, (2) Amendment Nos. 43 and 25 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of January, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5976 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-58, and Amendment No. 26 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the Fire Protection Technical Specifications to reflect modifications made to the D. C. Cook Nuclear Plant and to administratively revise the Technical Specification index to add Environmental Qualification.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the commission's rules and regulations. The commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated December 22, 1978, February 13, 1979 and April 9, 1980, (2) Amendment Nos. 44 and 26 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation dated July 31, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of January 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5977. Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-74 issued to Indiana Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 2 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications of the Moderator Temperature Coefficient.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 22, 1980, (2) Amendment No. 27 to License No. DPR-74 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5978 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Extension of Completion Dates

By letter dated January 29, 1981, Jersey Central Power & Light Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until November 17, 1981, for installation of an alternate water supply tank for the fire protection system at the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated January 29, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5979 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; R. E. Ginna Nuclear Power Plant; Extension of Completion Dates

By letter dated January 26, 1981, Rochester Gas and Electric Corporation (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until June 30, 1981, for installation of fourteen plant modifications for the fire protection system at the Ginna Nuclear Power Plant located in Wayne County, New York.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated January 26, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February 1981.

For The Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5980 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co.; Extension of Completion Dates

By letter dated February 10, 1981, Southern California Edison Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until November 17, 1981, for installation of eight plant modifications for the fire protection system at the San Onofre Nuclear Generating Station Unit No. 1 located in San Diego County, California.

The Commission's Director of Nuclear Reactor regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 10, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5981 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission has issued Amendment No. 4 to Facility Operating License No. NPF-7 issued to the Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Unit No. 2 (the facility) located in Louisa County, Virginia. The amendment is effective as of the date of issuance.

The amendment revises the time required for the licensee to complete its piping reanalysis for multi-structure Amplified Response Spectra. The date for completion of this reanalysis has been revised from February 21, 1981 to May 22, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 9, 1980, (2) Amendment No. 4 to Facility Operating License No. NPF-7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-5982 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 64 and 64 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to incorporate a

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clarification of the definition of "operable" and adds general Limiting Conditions for Operation with general action statements.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated May 16, 1980, (2) Amendment Nos. 64 and 64 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5956 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-32 issued to Virginia Electric and Power Company, which revised technical Specifications for operation of the Surry Power Station, Unit No. 1 (the facility) located in Surry County, Virginia. The amendment is effective as of the date of issuance.

The amendment incorporates steam generator inservice inspection requirements and reactor coolant and secondary coolant iodine radioactivity concentration limits into the Technical Specifications and deletes a license condition that previously governed steam generator inspections. This amendment is identical to the one issued for Unit 2 on December 20, 1979 and the Safety Evaluation Report for that amendment applied to Unit 1.

These changes have been made to provide inservice inspection requirements suitable for essentially new steam generators in accordance with Regulatory Guide 1.83. Previous requirements were tailored to deteriorating steam generator tubes which were removed as a part of the steam generator repair program approved on January 19, 1979 and implemented on September 14, 1980.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act, and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 30, 1976, as supplemented May 24, 1979, (2) Amendment No. 65 to License No. DPR-32 and (3) the Commission's related Safety Evaluation issued December 20, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-5960 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee-Rowe; Notice of Extension of Completion Dates

By letter dated February 11, 1981, Yankee Atomic Electric Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until April 15, 1981 to complete the installation of fire dampers between the control room and switchgear room and the turbine building, until April 15, 1981 to complete installation of a Halon suppression system in the switchgear room, and until February 18, 1981 to complete the installation of a new fire water storage tank and diesel driven fire pump at the Yankee-Rowe Nuclear Power Station.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the requests have been granted.

For further details with respect to this action, see (1) the licensees requested, dated February 11, 1981, and (2) the Directors letter to the licensee dated this 13th day of February, 1981.

Dated at Bethesda, Maryland this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-6000 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 18, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

New

- Forest Service

Nationwide Household Fuelwood Use Survey
Nonrecurring
Individuals or Households
Households Throughout the United States
Conservation and land management; 5,540 responses, 888 hours, $126,660 Federal cost, 3 forms
Charles A. Ellett, 202-395-7340

P.L. 95- and P.L. 93-378 Require a survey, analysis and projection of requirements for wood resources, including uses for energy, to plan for national renewable resources management. Evaluation of the impact of rapid growth of household wood burning requires nationwide information on fuelwood consumption, consumption determinants, and wood sources.

- Food Safety and Quality Service

Regulations Governing the Inspection of Eggs and Egg Products—Recordkeeping
On occasion
Businesses or other institutions
Egg products processors, shell egg handlers
SIC: 964 201
Consumer and occupational health and safety; 7,800 responses, 7,800 hours, 1 form
Charles A. Ellett, 202-395-7340

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with the standards, methods, and instructions issued or approved by the administrator of FSQS.

- Food Safety and Quality Service

Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products—Recordkeeping
On occasion
Businesses or Other Institutions
Manufacturers and distributors
SIC: 202 964
Consumer and occupational health and safety; 10,000 responses, 10,000 hours, 1 form
Charles A. Ellett, 202-395-7340

This regulation explains the basis of the inspection or grading service performed in accordance with the provisions of the regulation, the instructions and procedure issued or approved by the administrator, U.S. standards for grades, Federal specifications and other specifications as defined in a specific purchase contract.

- Agricultural Cooperative Service

Marketing Operations of Dairy Cooperatives
Nonrecurring
- Business or other institutions
- Dairy marketing cooperatives
- SIC: 202
- Small businesses or organizations
- Agricultural research and services, 465 responses, 688 hours, $74,000 Federal cost, 1 form
- Charles A. Ellett, 202-395-7340

Provide data to update information on structure of dairy cooperatives. Estimates are used by officials of dairy cooperatives, dairy industry organizations, researchers, the Congress, and executive branch agencies in analyzing the position of dairy cooperatives in the changing national dairy industry.

Revisions

- Economics and Statistics Service
- Supermarket Labor Cost Survey
- Nonrecurring
- Businesses or other institutions
- Supermarket operators
- SIC: 541
- Small businesses or organizations
- Agricultural research and services 784 responses, 131 hours, $1,500 Federal cost, 1 form
- Off. of Federal Statistical Policy and Standard, 202-673-7974

Provides data on labor costs of supermarkets. Data will be used as one

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of the variables in a multivariate analy to determine whether market power is a signi factor in explaining retail food price differences between firms and cities.

- Food Safety and Quality Service
- Regulations Governing the Inspection of Eggs and Egg Products
- PY-155, PY-222
- On occasion
- Businesses or other institutions
- Egg products processors, shell egg handlers
- SIC: 964 201
- Consumer and occupational health and safety, 56,292 responses, 4,843 hours, $18,550 Federal cost 2 forms
- Charles A. Ellett, 202-395-7340

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with the standards, methods, and instructions issued or approved by the administrator of FSQS.

- Food Safety and Quality Service
- Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products
- DA-132, DA-125, DA-168, and DA-155
- On occasion
- Businesses or other institutions
- Manufacturers and distributors
- SIC: 202 964
- Consumer and occupational health and safety, 34,308 responses, 5,574 hours, $20,729 Federal cost 4 forms
- Charles A. Ellett, 202-395-7340

This regulation explains the basis of the inspection or grading service performed in accordance with the provisions of the regulation. The instructions and procedure issued or approved by the Administrator, U.S. Standards for Grades, Federal specifications and other specifications as defined in a specific purchase contract.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627.

New

- National Oceanic and Atmospheric Administration
- Fishing Vessel and Gear Damage Compensation Fund
- On occasion
- Businesses or other institutions
- Commercial fishermen, primarily fixed-gear fishermen
- SIC: 091
- Small businesses or organizations
- Other advancement and regulation of commerce, 500 responses, 10,000 hours, $120,500 Federal cost 1 form
- William T. Adams, 202-395-4814

Program provides compensation to U.S. commercial fishermen who suffer fishing gear damages or losses because of foreign or domestic vessels. Information on loss and substantiating documentation are needed to determine eligibility of claims and amounts of awards.

Revisions

- Bureau of the Census
- Methods Development Survey Questionnaires (MDS-2D and 2E) and Methods Development Survey Control Card (MDS-1)
- MDSE-D, MDSE-E, and MDS-1
- Monthly
- Individuals or households
- Households in eight areas
- Other advancement and regulation of commerce, 36,000 responses, 4,660 hours, $860,000 Federal cost 3 forms
- Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey instrument provides a means of testing various labor force concepts for the purpose of improving the quality and reliability of the employment and unemployment statistics collected in the current population survey.

- Economic and Statistical Analysis

Rpts on for PSN's Estb/Acqstn/Prchs of Oprtg Assets of US Bus Entrprs Incl Real Est; by US Psn who Assts/Intrvns in Acqstn of US Bus Entrprs by or who Entrs into Jnt Vntr W
BE-13 BE-14
On occasion
Farms/businesses or other institutions
U.S. bus. enterp. newly acquired or estab. by foreign, etc.
Sic: all
Small businesses or organizations
Other advancement and regulation of commerce, 1,000 responses, 2,000 hours, $70,000 Federal cost, 2 forms
Off. of Federal Statistical Policy and Standard, 202-673-7974

Secures information and data on U.S. companies at the time they are established or acquired by foreign persons, and information on the foreign parent. Consists of data on assets and income; property, plant, and equipment; source of funds for financing the investment; and acres of land and mineral rights owned. Authorized by the International Investment Survey Act of 1976 (P.L. 94-472). Required for the preparation of the international investment.

Extensions (No Change)

- Economic and Statistical Analysis

Transactions of U.S. Banking Branch or Agency With Foreign Parent
BE-606B
Quarterly
Businesses or other institutions
Foreign owned U.S. banking branch or agency
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses, 600 hours, $80,000 Federal cost, 1 form
Off. of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between foreign persons and incorporated U.S. banks in which they have an equity interest of 10 percent or more. Consists of data on earning; interest, and fees and royalties paid; and outstanding permanent investment position. Authorized by the International Investment Survey Act of 1976 (P.L. 94-472). Required for the preparation of the balance of payments accounts of the United States.

- Economic and Statistical Analysis

Industry Classification Questionnaire
BE-607
On occasion
Businesses or other institutions
Ea. U.S. affil. newly estab. or acquired by a foreign, etc.
Small businesses or organizations
Other advancement and regulation of commerce, 1,600 responses, 800 hours, $80,000 Federal cost, 1 form
Off. of Federal Statistical Policy and Standard, 202-673-7974

Secures data necessary for classifying by industry U.S. business in which a foreign person has an equity interest of 10 percent or more. Authorized by the International Investment Survey Act of 1976 (P.L. 94-472). Required for the preparation of the balance of payments and international investment accounts of the United States.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195.

Extensions (Burden Change)

- Department of the Air Force

Civil Reserve Air Fleet (CRAF) Personnel Security Clearance Report
Semiannually
Businesses or other institutions
US airline personnel
Small businesses or organizations
Department of Defense—military, 34 responses, 136 hours, $2,887 Federal cost, 1 form
Edward C. Springer, 202-395-4814

A list of carrier personnel who possess a security clearance of secret and is the basis for dissemination of classified information on US civil air carrier personnel either participating in CRAF planning or performing airlift operations in support of DOD requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

New

- Health Care Financing Administration

Respondent's Estimate of Paperwork Burden
HCFA-261
Nonrecurring
Businesses or other institutions
Home health agencies, hospitals and skilled nursing fac.
SIC: 805 806 808
Health, 3,100 responses, 1,550 hours, $1,136 Federal cost, 1 form
Richard Eisinger, 202-395-6880

This form will collect estimates of paperwork burden from those respondents who are affected by HCFA's data collections. Its use will be limited to data collections which have large burden, where the size of the burden is a matter of controversy or is difficult to determine.

- Office of Assistant Secretary for Health

Evaluation of National Health Promotion Media Campaign
Nonrecurring
Individuals or households/farms/businesses or other institutions
Hsehlds in 9 target cities and one "control" city, health etc.
SIC: 483
Small businesses or organizations
Health, 1,300 responses, 1,300 hours, $300,000 Federal cost, 6 forms
Gwendolyn Pla, 202-395-6880

The evaluation of the national health promotion campaign will determine the effectiveness of media messages in increasing public knowledge of the concept of health risks. It will examine information-seeking and risk assessment activities of individuals, as well as community organizing efforts. Findings will be used in future media campaigns.

- Health Resources Administration

Application for Cooperative Agreement for Continuation Support of 11 Area Health Education Center (AHEC) Projects
PHS-2499-2
Annually
Businesses or other institutions
Med. and osteopathic sch. prev. funded to plan, develop, etc.
SIC: 822
Health, 11 responses, 330 hours, $4,250 Federal cost, 1 form
- Gwendolyn Pla, 202-395-6880

Eleven AHEC projects funded by contracts and having two-seven years continuation activity are required by P.L. 95-244, to be funded by cooperative agreements. The application and instruction sheet including annual budget grid provide the program the information necessary to determine the amount of fiscal support to be awarded to the project and the scope of the activity which will be accomplished by the awardee.

Extensions (Burden Change)

- Food and Drug Administration

Registration of Blood and Blood Product Establishment
FD-2830
Annually
Businesses or other institutions
Manufacturers of blood and blood products
Small businesses or organizations
Consumer and occupational health and safety, 3,360 responses, 880 hours, $49,241 Federal cost, 1 form
Gwendolyn Pla, 202-395-6880

Provides for the registration of all establishments engaged in the manufacture, preparation, propagation, or processing of blood and blood products as a part of FDA's responsibility to ensure that all marketed drugs are safe and effective.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6341.

Revisions

- Employment and Training Administration

National Longitudinal Survey of Work Experience (Mature Women) 1981
LGT-3103 (Census) LGT-3101 MT-290 (ETA)
Annually
Individuals or households
Men 45-59 in 196
Training and employment, 22,600 responses, 19,360 hours, $1,600,000 Federal cost, 3 forms
Arnold Strasser, 202-395-6880

The NLS cohorts represent unique data collection efforts they (1) permit longitudinal examination of labor force behavior patterns, which usually can only be analyzed cross-sectionally, (2) provide economic, social, demographic, and environmental data for in-depth analysis of this behavior, and (3) include detailed information about Government employment and training programs necessary for improving these programs and developing new ones.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202-426-1887.

New

- Research and Special Programs Administration

Immediate Telephone Notice of Hazardous Materials Incidents
On occasion
Businesses or other institutions
Carriers of hazardous materials
SIC: multiple
Small businesses or organizations
Other transportation, 3,450 responses, 1,725 hours, $18,000 Federal cost, 1 form
Terry Grindstaff, 202-395-7340

Immediate telephone notice must be given to the U.S. Department of Transportation on 800-424-8802 by a carrier whenever an incident involving transportation of hazardous materials results in (1) a person being killed, (2) injuries requiring hospitalization, (3) estimated carrier property damage or other exceeds $50,000, (4) fire breakage, spillage or suspected radioactive contamination in shipment of radioactive materials.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-2179.

Extensions (Burden Change)

- United States Customs Service

Oath of Master of Vessel in Foreign Trade
CF-1300
On occasion
Businesses or other institutions
Vessel carriers
SIC: 441
Small businesses on organizations
Federal law enforcement activities, 107,970 responses, 3,595 hours, $193,747 Federal cost, 1 form
Warren Topelius, 202-395-7340

The master's oath developed by the Intergovernmental Maritime Consultive Organization, replaces the numerous forms previously used by the countries that are signatories to the IMCO Treaty Convention. To allow the master to attest to the truthfulness of a complete manifest by signing a single form.

OFFICE OF MANAGEMENT AND BUDGET

Agency Clearance Officer—Jim J. Tozzi—202-395-5897.

New

- Summary of Federal Aid Received by Local Governments

Nonrecurring
State or local governments
300 largest cities and counties in terms of Federal aid

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Executive direction and management, 0 responses, 0 hours, $29,036 Federal cost, 1 form
Edward C. Springer, 202–395–4814

Local governments have asked for single, organization-wide audits. This contrasts with grant-by-grant audits of the past. This implies that one Federal agency is responsible for ensuring the audit is done properly. We need the summary financial data to help us make Federal agency assignments that make sense.

• Geographic Distribution of Federal Funds (GDFF) User Feedback
Annually
Individuals or households/State or local governments/businesses or other ins Govmtl off. and other users or infor. on the distr of Fed.
FU SIC: all
Executive direction and management, 1,000 responses, 83 hours, $825 Federal cost, 1 form
Edward C. Springer, 202–395–4814

Proposed form will be included in the FY 1980 edition of the GDFF report to obtain feedback on overall utility of and suggested improvements to the report. Responses will be used to improve future editions of the report.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Wallace Velander—202–755–3122.

Extensions (No Change)

• Employment Inquiry for Job Applicants
NASA 606
On occasion
Businesses or other institutions
Former emplr of appli. and per. ref. lit on appli.
SIC: all
Small businesses or organizations
Multiple functions, 700 responses, 175 hours, 1 form
Phillip T. Balazs, 202–395–4814

This is an inquiry form used on a continuing basis to obtain information, primarily from former supervisors, about the qualifications and character of applicants selected for appointment with NASA. This form is used to obtain information about applicants for other than scientific positions.

• Qualifications Inquiry Professional and Scientific Positions
NASA 676
On occasion
Businesses or other institutions
Former emplrs. and persnl ref. lited on appli. SF171 forms
Small businesses or organizations
Multiple functions, 400 respones, 80 hours, 1 form
Phillip T. Balazs, 202–395–4814

This is an inquiry form used on a continuing basis to obtain information, principally from former supervisors, about the qualification and character of applicants selected for appointment to scientific positions in NASA.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146.

Revisions

• Supplemental to Insurance Medical Application
29–352A
On occasion Individuals or households
Insured income security for veterans, 5,000 reponses, 416 hours, $10,741 Federal cost, 1 form
Robert Neal, 202–395–6880

The form is used by an applicant to advise the VA that a medical examination is being performed for use on a medical application required to change a plan of insurance, reinstate, add TDIP or replace an expired term policy. When received, the form is diaried for action to be taken on the medical application.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164.

Reinstatements

• Affidavit of Individual Surety
SF–28
On occasion
Individuals or households
Proposed sureties on performance or payment bonds
Small businesses or organizations
General property and records management, 250 responses, 125 hours, $538 Federal cost 1 form
Franklin S. Reeder, 202–395–3785

The SF 28 provides data for the affidavit required of persons being considered for selecton as individual sureties (as distinguished from corporate sureties) on bonds executed in connection with Government procurement contracts or contracts for the sale of Government surplus personal property.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Mrs. Katie Cudmore—202–653–5998.

New

• Readership survey
Biennially
Individuals or households
Present and prosp. sm. bus. owner-mgrs. recev. ma publications
Small businesses or organizations
Other advancement and regulation of commerce, 0 responses, 0 hours, $50,000 Federal cost, 1 form
Edward C. Springer, 202–395–4814

No evaluation has ever been contacted concerning the usefulness and applicability of SBA–MA's publications. Purpose of study is to ascertain the usefulness of the MA publications, readability and finally any topical areas requiring more treatment.

• Cosponsored course survey
Nonrecurring
Individuals or households/businesses or other institutions evaluating SBA cosponsored courses
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce, 800 responses, 400 hours, $35,000 Federal cost, 2 forms
Edward C. Springer, 202–395–4814.

The SBA uses over 2000 various organizations in the nationwide delivery of training programs to present and prospective small business owner-managers. As such, it is important to ascertain the level of quality and competence available at these training programs.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–6014 Filed 2–20–81; 8:45 am]
BILLING CODE 3110–01–M

OHIO RIVER BASIN COMMISSION

Green River Basin; Regional Water and Land Resources Plan and Draft Environmental Impact Statement

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89–80), the Ohio River Basin Commission has completed the plan for the Green River Basin portion of the Ohio River Basin. The plan is currently being reviewed by the governors of each state, the heads of each department or agency, and interstate agency for which a member of the Commission has been appointed.

Views, comments and recommendations on the plan and draft EIS are requested by May 15, 1981. Copies are available on request from the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

Fred J. Krumholtz,
Chairman.

[FR Doc. 81–5963 Filed 2–19–81; 8:45 am]
BILLING CODE 6410–01–M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc., Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 13, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

CSX Corporation: Common Stock, $1 Par Value (File No. 7–5862)

Fairchild Industries, Inc.: Series A Convertible Preferred Stock (No Par Value) (File No. 7–5863)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 9, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81–5936 Filed 2–20–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 17551; SR–NYSE–80–42]

New York Stock Exchange, Inc.; Proposed Rule Change

February 17, 1981.

On December 15, 1980, the New York Stock Exchange, Inc. 11 Wall Street, New York, New York 10005 ("NYSE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would provide that no NYSE specialist should be in a control relationship with respect to any company in whose stock he is registered as a specialist and further that any NYSE specialist should avoid acquiring more than 5 percent of any stock in which he is registered as a specialist.[1] These provisions apply whether the specialist holds the securities for investment, trading, or any other purpose.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17431, January 9, 1981) and by publication in the **Federal Register** (46 FR 4014, January 16, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81–5932 Filed 2–20–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 17550; SR–NYSE–80–45]

New York Stock Exchange, Inc., Proposed Rule Change

February 17, 1981.

On December 8, 1980, the New York Stock Exchange, Inc. Eleven Wall Street, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which amends its Rule 91 to exempt transactions involving DOT [2] orders from the requirement that a specialist must confirm with the member on the floor each transaction in which the specialist takes or supplies securities named in an order that he holds as agent for the member. The present confirmation procedure will be replaced by an exception-type process which would give the member the right to reject any DOT trade by notifying the specialist in writing promptly after the member organization has received a report on the transaction. Orders not submitted through the DOT system will continue to be subject to the present written confirmation procedure.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17414, (January 5, 1981), SEC Docket Vol 21, p. 1250 (January 9, 1981) and by publication in the **Federal Register** 46 FR 2449 (January 9, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81–5933 Filed 2–20–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–17435; File No. SR–PHLX 80–28]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–24, 16 (June 4, 1975), notice is hereby given that on December 23, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule

The Philadelphia Stock Exchange, Inc., (PHLX) proposes an amendment to its listing fee schedule for equity securities listed on the Exchange. The annual maintenance fee for stocks and

[1] Portions of this rule filing have been part of the NYSE's rules (Rule 460.10) since July 1978 but there is a question whether the language was duly approved by the NYSE Board of Directors ("Board"). To eliminate this problem the NYSE Board formally approved the subject language at its meeting on September 4, 1980.

[2] DOT is the Designated Order Turnaround System which electronically delivers directly to the trading post for a stock, orders transmitted to the Exchange by member organizations subscribing to the service. DOT presently handles market orders up to 299 shares and day limit orders up to 500 shares.

V 46/35 FE 23 81 UMI

warrants is increased to $1,000 from $750 for one issue; and to $250 from $100 for each additional issue. No other changes have been made in the listing fee schedule.

Purpose of the change is partially to offset rising administrative costs by an increase in a fixed charge. The new level of the fee is within the range of charges made by comparable exchanges for similar services.

The listing fee change is consistent with equitable allocation of reasonable dues, fees and charges among members, issuers and other persons using the facilities of the Exchange, as contemplated by Section 6(b)(4) of the Act.

No comments have been received from members or issuers on the proposed rule change.

No burden on competition will be imposed by the proposed amendment.

On or before March 30, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 16, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 9, 1981.

[FR Doc. 81-5035 Filed 2-20-81, 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-0280]

Central Valley Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Central Valley Capital Corporation, 1265 West Shaw Avenue, Suite 102, Fresno, California 93711, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name, Title and Ownership

Bernard J. Zaharen 1265 W. Shaw, Suite 102, Fresno, CA 93711; President, General Manager, Director—1

William M. Lyles, 1210 W. Olive, Fresno, CA 93728; Chairman of the Board—2

Paul E. W. Read, 1210 W. Olive, Fresno, CA 93728; Secretary, Chief, Financial Officer, Director—2

Gerald V. Lyles, 1210 W. Olive, Fresno, CA 93728; Director—2

Hugo A. Barbian, 1265 W. Shaw, Suite 102, Fresno, CA 93711; Director

Bernard J. Zahren, Inc., 1265 W. Shaw, Suite 102, Fresno, CA 93711; 10 percent

W. M. Lyles Co., 1210 W. Olive, Fresno, CA 93728; 90 percent

1. Ownership through Bernard J. Zahren, Inc., all of the stock of which is owned by Bernard J. Zahren.

2. Ownership through W. M. Lyles Co.

The Applicant which is a California Corporation, proposes to commence operations with private capital of $500,000 and intends to conduct its operations principally in the State of California and primarily in the San Joaquin Valley.

Matters involved in SBA's consideration of the application include the general business reputations of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than March 11, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Investment, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Fresno, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6040 Filed 2-23-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0230]

Utica Investment Corp.; Issuance of License To Operate as a Small Business Investment Company

On February 11, 1980, a notice was published in the **Federal Register** (45 FR 9147), stating that an application had been filed by Utica Investment Corporation, Suite 418, 1924 South Utica Avenue, Tulsa, Oklahoma 74104, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business February 26, 1980, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0230, on February 3, 1981, to Utica Investment Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6039 Filed 2-23-81; 8:45 a.m.

BILLING CODE 8025-01-M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR § 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR § 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective March 1, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR § 107.301(c) is 13.775% per annum.

Dated: February 18, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-6034 Filed 2-23-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Avco Lycoming ALF 502R-3 Turbofan Engine Certification and Availability of Documents

Based on a review of the entire certification process, the Director of FAA New England Region approved issuance of the ALF 502R-3 Type Certificate as recommended by New England Region Staff. Type Certification E6NE for the ALF 502 series engines has been amended to include approval of the ALF 502R-3.

A copy of the "Decision Basis for Type Certification of the Avco Lycoming ALF 502R-3 Turbofan Engine" is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein Avco Lycoming was required to demonstrate compliance with the applicable Federal Aviation Regulations.

The text of "Decision Basis" includes delineation of the specific legal compliance required by each rule, a summary of the method by which compliance was established for each, and a bibliography of the reports documenting compliance.

Detailed appendices and attachments include: (1) Minutes of Type Certification Board Meetings and (2) Type Certificate E6NE and the Type Certificate Data Sheet. The report is availabe for examination and copying at the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Copies of the report may be obtained from the Office of the Director, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts on February 10, 1981.

Robert E. Whittington,

Director, New England Region.

FR Doc. 81-5670 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Lincoln County, Montana, Highway Project

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Lincoln County, Montana.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Budwig, Division Engineer, Central Direct Federal Division, P.O. Box 25246, Denver, CO 80225, Attention: Mr. Robert Arensdorf or Mr. E. C. Samuelson (303-234-4798).

SUPPLEMENTARY INFORMATION: The Montana Forest Highway Program agencies (FHWA—lead agency, U.S. Forest Service, Montana Department of Highways) and Lincoln County are proposing to improve approximately 17 miles of the Yaak River Road (Forest Highway 62 and Lincoln County Route 508) from the end of previous improvements at the Sylvanite Ranger station to the junction of the Pipe Creek Road (Lincoln County Route 506) at the community of Yaak. The project area crosses both Kootenai National Forest and private lands. The proposed action generally would follow the alignment of the existing 18- to 20-foot surfaced road and would entail regrading, widening, paving, and drainage features to improve capacity and safety features of the existing road. The existing road parallels the Yaak River; road improvement would generally be on the side away from the river except in areas where the river is well-removed from the road. In a few areas, road improvement may encroach on the 100-year flood plain and river-influenced wetlands requiring some special design features or other mitigation measures to avoid or reduce encroachment. The proposed project would also cross seven tributary creeks of the Yaak River.

Alternatives currently being considered for this proposed action include:

No-action, maintain the existing road with no structural or geometric improvement;

Reconstruct and widen the existing road with minor realignments on most curves for safety improvement. This alternative would provide two 12-foot paved travel lanes, two 2-foot paved shoulders, a 12-foot ditch, and variable width/slope backslopes.

Provide other transportation modes to serve the transportation needs in this corridor.

The scoping process for this proposed action was begun in the fall of 1980 with an interagency meeting and field review. Letters of intent describing the proposed project and soliciting comments were sent to numerous federal, state, and local agencies and interested individuals and groups in January, 1981. A public meeting will also be held, probably in the spring of 1981, to obtain public input. Additional interagency or public meetings may be held if significant concerns are raised during the location/environmental analysis process. FHWA and the program agencies are presently conducting environmental assessments and engineering studies for the project which will be documented in a Draft Environmental Impact Statement likely to be issued in the fall of 1981. A corridor/design public hearing(s) will be held before the Forest Highway Program agencies make a final decision on implementing the project. Questions or comments concerning the proposed project can be addressed to the individuals noted above.

Issued on: February 12, 1981.

Jerry L. Budwig,

Division Engineer, Central Direct Federal Division.

[FR Doc. 81-5786 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

List of Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions

V 4 6 / 3 5 FE 2 3 8 1 UMI

from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes March 10, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:
Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
6253-X	Atlantic Cargo Services, Gothenberg, Sweden.	6253
6256-X	American Cyanamid Company, Wayne, NJ.	6256
6296-X	Platte Chemical Company, Fremont, NV	6296
6296-X	Olin Chemicals Groups, Stamford, CT.	6296
6443-X	Montana Sulphur & Chemical Co., Billings, MT	6443
6543-X	Aircro, Incorporated, Murray Hill, NJ.	6543
6564-X	Castle & Cooke, Inc., San Francisco, CA	6564
6583-X	Phillips Petroleum Company, Bartlesville, OK.	6583
6762-X	DuBois Chemical Company, Cincinnati, OH.	6762
6774-X	Hydraulic Research Textron, APCO Products, Paclorna, CA.	6774
6874-X	ICI Americas Inc., Wilmington, DE (See Footnote 3).	6874
6958-X	Great Lakes Chemical Corporation, El Dorado, AR.	6958
7005-X	Logemaier, S.A., Paris, France	7005
7052-X	Industrial Solid State Controls, Inc., York, PA.	7052
7071-X	Philip A. Hunt Chemical Corporation, Palisades Park, NJ (See Footnote 4).	7071
7076-X	LaMotte Chemical Products Company, Chestertown, MD.	7076
7252-X	E. I. du Pont de Nemours & Company, Incorporated, Wilmington, DE	7252
7268-X	Union Carbide Corporation, Linde Division, Tarrytown, NY.	7268
7503-X	Lowaco, S.A., Geneva, Switzerland	7503
7731-X	Minnesota Valley Engineering (MVE), New Prague, MN (See Footnote 5).	7731
7823-X	Air Products and Chemicals, Inc., Allentown, PA.	7823
7942-X	Chevron Chemical Company, San Francisco, CA.	7942
7983-X	Tankcargo Container Leasing, Geneva, Switzerland.	7983
8047-X	Tankcargo Container Leasing S.A., Geneva, Switzerland.	8047
8047-X	Hugonnet, S.A., Paris, France	8047
8047-X	Eurotainer, Paris, France	8047
8080-X	Diamond Shamrock Corporation, Dallas, TX	8080
8086-X	Boeing Aerospace Company, Seattle, WA	8086
8086-X	U.S. Department of Defense, Washington, DC.	8086
8087-X	Union Carbide Corporation, New York, NY.	8087
8099-X	Union Carbide Corporation, New York, NY (See Footnote 6).	8099
8115-X	Acurex Corporation, Mountain View, CA.	8115
8144-X	Atlas Powder Company, Dallas, TX	8144
8163-X	Fauvet-Girel, Paris, France	8163
8163-X	Transport International Containers, Paris, France.	8163
8184-X	International Minerals and Chemicals Corporation, Allentown, PA	8184
8308-X	New England Nuclear Corporation, Boston, MA	8308
8308-X	Associated Couners, Inc., Maryland Heights, MO	8308
8388-X	B. W. Norton Manufacturing Company, Oakland, CA (See Footnote 7).	8388
8431-X	Dow Chemical Company, Midland, MI (See Footnote 8).	8431
8468-X	Hedwin Corporation, Baltimore, MD (See Footnote 9).	8468
8499-X	Hedwin Corporation, Baltimore, MD (See Footnote 10).	8499

[1] To reinstate and expand provisions for shipment of military combat vehicles and accessory weapons on open top rail cars in motor vehicles; and to accommodate stowage aboard vessel

[2] To renew and to provide shipment of triisobutylvanadate, classed as a flammable liquid, in DOT Specification 51 portable tanks.

[3] To renew and to authorize rail as an additional mode of transportation.

[4] To authorize cargo-only aircraft as an additional mode of transportation.

[5] To authorize an additional portable tank model identical to the one presently authorized but built to a design pressure of 90 psi rather than 83 psi.

[6] To renew and to include carbamate pesticide, solid, n.o.s., as a proper shipping name.

[7] To amend by providing for a three and a half gallon polyethylene pail

[8] To authorize shipment of a mixture of 80% monochloroacetic acid and 20% methanol.

[9] To authorize liquid organic peroxides classed as organic peroxide and those classed as flammable liquids as additional commodities.

[10] To authorize liquid organic peroxides classed as organic peroxide and those classed as flammable liquids as additional commodities.

Application No.	Applicant	Parties to exemption
4453-P	Marginal Explosives, Inc., Rancho Cordova, CA	4453
6218-P	MG Burdett Gas Company, Inc., Norristown, PA.	6218
6432-P	MG Burdett Gas Products Company, Inc., Norristown, PA.	6432
6694-P	Eurotainer, Paris, France	6694
6695-P	Eurotainer, Paris, France	6695
6824-P	Alstar Company, Saugus, CA	6824
6824-P	Hasa Chemicals, Inc., Saugus, CA	6824
6824-P	All Pure Chemical Company, Inc., Tracy, CA.	6824
6932-P	Eurotainer, Paris, France	6932
7052-P	United Space Boosters, Incorporated, Huntsville, AL.	7052
7052-P	Sparton Corporation, Jackson, MI	7052
7080-P	Aerotransit, Incorporated, Danvers, MA	7080
7060-P	Alpha Airlines, Incorporated, New Castle, DE.	7060
7576-P	Compagnie des Containers Reservoirs, Paris, France.	7576
7671-P	Logemaier, Paris, France	7671
7770-P	Eurotainer, Paris, France	7770
7770-P	Logemaier, Paris, France	7770
7938-P	Logemaier, Paris, France	7938
8002-P	Logemaier, S.A., Paris, France	8002
8116-P	New York State Department of Health, Albany, NY (See Footnote 1).	8116
8217-P	Compagnie des Containers Reservoirs, Paris, France.	8217
8228-P	U.S. Department of Justice, Washington, DC	8228
8323-P	Contrans, Hamburg, West Germany	8323
8376-P	Compagnie General Maritime, Paris, France.	8376
8434-P	Elkem Metals Company, Pittsburgh, PA.	8434
8523-P	Dehon Services, Paris, France	8523
8544-P	Compagnie des Containers Reservoirs, Paris, France.	8544

[1] To request party status and to add hexane as an additional commodity

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (CFR U.S.C. 1808; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-5717 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-60-M

List of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail Freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes March 25, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the appplication number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8560-N	The Norac Co., Inc., Azusa, CA	49 CFR 173.157(a)(4)	To authorize shipment of benzoyl peroxide 40 pct. slurry in water in a DOT Specification 21C fiber drum without the inside plastic bag. (Mode 1.)
8561-N	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To manufacture, mark and sell non-DOT specification stainless steel cylinders similar to a DOT Specification 3HT, except for girth weld, type of steel, and other variations, for shipment of oxygen. (Modes 1, 2, 4.)
8562-N	Garrett Turbine Engine Co., Phoenix, AZ	49 CFR 173.302, 175.3	To manufacture, mark and sell toroidal pressure vessels similar to DOT Specification 39 for shipment of helium. (Modes 1, 4.)
8563-N	Ashland Chemical Co., Columbus, OH	49 CFR 173.266, 177.848	To authorize shipment of a hydrogen peroxide solution, classed as an oxidizer, and acetic acid, classed as a corrosive liquid, in a compartmented DOT Specification 307 cargo tank. (Mode 1.)
8564-N	Altus Corp., San Jose, CA	49 CFR 173.206, 173.247	To authorize shipment of lithium/thionyl chloride batteries in DOT Specification 19 wooden boxes. (Mode 1.)
8565-N	Olin Corp., Stamford, CT	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as an oxidizer, in fiber drums identical to DOT Specification 21C except for use of a polyester film on the aluminum foil liner. (Modes 1, 2, 3.)
8566-N	Alpha Chemical Co., Lake Charles, LA	49 CFR 173.119, 173.125, 173.245, 173.263, 46 CFR [illegible]	To authorize shipment of various flammable, corrosive and combustible liquids in lined marine portable tanks. (Modes 1, 3.)
8567-N	Georgia Equipment Manufacturing Co., Nowman, GA	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.342-5, 178.343-5.	To authorize shipment of flammable or corrosive waste liquids or semi-solids in non-DOT specification cargo tanks similar to DOT Specification MC-312/307 except for bottom outlet valve variations and rear head dump features. (Mode 1.)
8568-N	Lely Tractor, Inc., Temple, TX	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.342-5, 178.343-5.	To authorize shipment of flammable or corrosive waste liquids or semi-solids in non-DOT specification cargo tanks similar to DOT Specification MC-312/307 except for bottom outlet valve variations. (Mode 1.)
8569-N	General Dynamics Corp., Fort Worth, TX	49 CFR 172.101(6)(b), 173.276, 175.3	To authorize shipment of 6.6 gallons of hydrazine, aqueous solution in non-DOT specification, specially designed, military packaging. (Modes 1, 3, 4.)
8570-N	Snyder Industries, Inc., Lincoln, NE	49 CFR 173.173 Subpart F	To manufacture, mark and sell a rotationally molded, cross-Linked polyethylene portable tank for shipment of those corrosive liquids presently authorized in a DOT Specification 34, and hydrogen peroxide solution, classed as an oxidizer (Modes 1, 2.)
8571-N	MCB Manufacturing Chemists, Inc., Norwood, OH	49 CFR 173.119(a)(b)	To authorize shipment of various flammable liquids packaged in a DOT Specification 12A fiberboard carton with two inside metal containers not over 10 liters capacity each. (Mode 1.)
8572-N	Wayland Explosives and Supply, Inc., Jacksboro, TN	49 CFR 172.101, 172.300, 172.304, 172.400, 172.411(c)(d), 173.114(a).	To authorize shipment of a limited number of packages of nitrocarbonitrate after December 31, 1980, bearing the oxidizer label. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1808; 49 CFR 1.53(e)).

Issued in Washington, D.C., on February 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-5718 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY
Office of the Secretary

[Department Circular Public Debt Series No. 5-81]

Treasury Notes of February 28, 1983, Series N-1983; Invitation for Tenders

1. Invitation for Tenders

February 18, 1981.

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Notes of February 28, 1983, Series N-1983 (CUSIP No. 912827 LP 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts

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of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 2, 1981, and will bear interest from that date, payable on a semiannual basis on August 31, 1981, and each subsequent 6 months on February 28 and August 31 until the principal becomes payable. They will mature February 28, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, February 24, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 23, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commerical banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks, and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily-collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price of over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5, must be made or completed on or before Monday, March 2, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, February 27, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered

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in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 81-6084 Filed 2-19-81; 2:18 pm]

BILLING CODE 4810-40-M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 35
Monday, February 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CHRYSLER CORPORATION LOAN GUARANTEE BOARD.

TIME AND DATE: 8 a.m., February 27, 1981.

PLACE: Room 4121, Main Treasury Building, 15th Street and Pennsylvania Avenue NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE DISCUSSED: The Board will consider requests by Chrysler Corporation for Board consent and approval in connection with various actions proposed to be taken by Chrysler, including various contracts subject to subsection 11(c) of the Chrysler Corporation Loan Guarantee Act of 1979. The Board will also approve minutes of prior closed meetings.

The Board will also consider Chrysler Corporation's request for an additional $400 million of Federal guarantees. The Board expects that it will be able affirm its January 19, 1981 determination that Chrysler has met the conditions of the Chrysler Corporation Loan Guarantee Act of 1979 and grant final approval to Chrysler's request and authorize the issuance of the guarantees.

CONTACT PERSON FOR MORE INFORMATION: Bruce D. Bolander, Secretary of the Board (202) 566-2278.

This notice is given as a result of a court order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

Dated: February 18, 1981.

Bruce D. Bolander,

Secretary of the Board.

[S-286-81 Filed 2-19-81; 1:37 pm]

BILLING CODE 4810-27-M

2

CHRYSLER CORPORATION LOAN GUARANTEE BOARD.

The Chrysler Corporation Loan Guarantee Board will hold a meeting closed to the public on February 27, 1981 at 8:00 a.m., in Room 4121, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C.

The Board will consider Chrysler Corporation's request for an additional $400 million of Federal guarantees. The Board expects to be able to affirm its determination of January 19, 1981, that Chrysler has met the conditions of the Chrysler Corporation Loan Guarantee Act of 1979 and to grant final approval to Chrysler's request and authorize the issuance of the guarantees.

The Board will also consider Chrysler requests for Board consent and approval in connection with various actions proposed to be taken with Chrysler, including review of contracts subject to Board review under subsection 11(c) of the Chrysler Corporation Loan Guarantee Act of 1979. The Board will also approve minutes of prior closed meetings.

Discussions of all of these matters will be closed to the public pursuant to applicable exemptions under the Government in the Sunshine Act. Opening to the public these discussions is likely to disclose privileged and confidential commercial and financial information obtained from Chrysler Corporation, which is exempt under 5 U.S.C. § 552b(c)(4), and information the premature disclosure of which is likely to significantly frustrate implementation of proposed Board action, which is exempt under 5 U.S.C. § 552b(c)(9)(B).

The meeting was closed pursuant to a vote of Paul A. Volcker, Chairman of the Board of Governors of the Federal Reserve System, and Acting Comptroller General Milton Socolar, taken on February 18, 1981. Secretary of the Treasury Donald T. Regan, Chairperson of the Board, was detained by other business and did not participate in the decision to close the meeting.

Those persons expected to attend the meeting, or portions thereof, include the Board members, the Executive Director, General Counsel, and Secretary of the Board, and members of the respective staffs of each Board member.

Those persons desiring further information should contact Bruce D. Bolander, Secretary of the Board, at (202) 566-2278.

This notice is given as a result of a court order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

Dated: February 18, 1981.

Bruce D. Bolander,

Secretary of the Board.

[S-287-81 Filed 2-19-81; 1:37 pm]

BILLING CODE 4810-27-M

3

[M-307 Amdt 2, Feb. 18, 1981]

CIVIL AERONAUTICS BOARD.

Addition of Item.

TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4a *Chicago/Texas/Southeast-Western Mexico Route Proceeding,* Docket 34136.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 4a is being added to the February 19th agenda so that a decision in this proceeding for gateways other than Chicago may be made prior to the oral argument on Chicago proposals, which is scheduled for February 25, 1981. Staff work could not be completed earlier, therefore, agency business requires that item 4a be added to the February 19th agenda on less than seven days notice and that no earlier announcement of this addition was possible.

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S-288-81 Filed 2-19-81; 3:36 pm]

BILLING CODE 6320-01-M

4

[M-307 Amdt. 1, Feb. 17, 1981]

CIVIL AERONAUTICS BOARD.

Addition of Item

TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 8a. Docket 38818, Proposals to Provide Essential Air Transportation at Montpelier/Barre, Vermont: Request for Instructions. (Memo 304, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–281–81 Filed 2–18–81; 4:03 pm]

BILLING CODE 6320–01–M

5

FEDERAL ENERGY REGULATORY COMMISSION.

February 18, 1981.

TIME AND DATE: 10 a.m., February 25, 1981.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, secretary; Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—481st Meeting, February 25, 1981, Regular Meeting (10 a.m.)

CAP–1. Project No. 3018, Mesars. Thomas M. McMaster and Robert L. Schroder; Project No. 3229, Puget Sound Power & Light Co.
CAP–2. Project No. 618, Alabama Power Co.
CAP–3. Project No. 233, Pacific Gas & Electric Co.
CAP–4. Project No. 2197, Yadkin, Inc.
CAP–5. Docket No. ER81–84–001, Alabama Power Co.
CAP–6. Docket No. ER194–000, Mississippi Power Co.
CAP–7. Docket No. ER80–793–001, Kansas Gas & Electric Co.
CAP–8. Docket No. ER76–320, Connecticut Light & Power Co.
CAP–9. Docket Nos. ER81–70–000 and ER81–71–000, New England Power Co.
CAP–10. Docket No. ER81–121–000, Virginia Electric & Power Co.
CAP–11. Docket No. ER81–130–000, Appalachian Power Co.
CAP–12. Docket No. ER77–578, Kansas Gas & Electric Co.
CAP–13. Docket No. ER78–517, The Connecticut Light & Power Co.
CAP–14. Docket Nos. ER76–304, ER76–317 and ER76–498, New England Power Co.
CAP–15. Docket Nos. ER77–485 and ER77–551, Carolina Power & Light Co., North Carolina Electric Membership Corp. and four county Electric Membership, Corp., Docket No. E–9608, Electricities, of North Carolina and Cities of Bennettsville and Camden, South Carolina.
CAP–16. Docket No. ES81–8–000, Pacific Power & Light Co.
CAP–17. Docket Nos. E–9469, ER76–377 and ER78–355, Lockhart Power Co.

Miscellaneous Agenda—481st Meeting, February 25, 1981, Regular Meeting

CAM–1. Docket No. QF81–6–000, Canners Steam Co.
CAM–2. Docket No. RM80–65, final rule governing exemption from all or part of part I of the Federal Power Act of Small Hydroelectric Projects with an installed capacity of 5 megawatts or less.
CAM–3. Docket No. RM80–78, delegation of authority under section 206(d) of the Natural Gas Policy Act of 1978 to the Director, Office of Pipeline and Producer Regulation, to grant exemptions from incremental pricing.
CAM–4. Docket No. RM80–56, revision of form No. 2, annual report for natural gas companies (class A and class B).

Gas Agenda—481st Meeting, February 25, 1981, Regular Meeting

CAG–1. Docket No. TA81–1–29–002 (PGA81–1), Transcontinental Gas Pipe Line Corp.
CAG–2. Docket No. TA81–1–21–001 (PGA81–1) IPR81–1, LFUT81–1, TT81–1 and AP81–1), Columbia Gas Transmission Corp.
CAG–3. Docket No. TA81–1–22–002 (PGA81–1, IPR81–1, LFUT81–1, RD&D81–1, TT81–1 and AP81–1), Consolidated Gas Supply Corp.
CAG–4. Docket No. TA81–1–30–001 (PGA81–1, LFUT81–1, IPR81–1 and TT81–1), Trunkline Gas Co.
CAG–5. Docket No. RP81–34–000, Distrigas of Massachusetts Corp.
CAG–6. Docket No. TA81–1–25–00 (PGA81–1, IPR81–1, AP81–1, TT81–1 and LFUT81–1, Mississippi River Transmission Corp.
CAG–7. Docket No. RP79–59, Colorado Interstate Gas Co.
CAG–8. Docket No. RP79–75, Gas Research Institute
CAG–9. Docket No. CS80–198, Colorado Gas Gathering Co., Inc.; Docket No. CI78–154, Monsanto Co.; Docket No. CI76–683, Marathon Oil Co.; Docket No. CS71–659, the Kilroy Co., a partnership and W. S. Kilroy, et al.; Docket No. CI77–528, Exxon Corp.; Docket No. CI81–71–000, Natresco Inc.; Docket No. CI81–72–000, the Superior Oil Co.; Docket No. CI81–51–000, Arco Oil & Gas Co., a division of Atlantic Richfield Co.; Docket Nos. CI81–50–000, CI81–53–000, CI81–54–000, CI81–55–000, CI81–56–000, CI81–61–000 and CI81–29–000, General American Oil Co. of Texas; Docket No. CI81–70–000, Mobil Oil Exploration & Producing Southeast, Inc.; Docket No. CI78–758, Exxon Corp.; Docket No. CI75–504, Helmerich & Payne, Inc., et al., FERC gas rate schedule Nos. 10, 167, 218, 235 and 540, Exxon Corp.
CAG–10. Docket No. CP80–446, Natural Gas Pipeline Co. of America
CAG–11. Docket No. CP80–373, Tennessee Gas Pipeline Co., a division of Tenneco Inc. and Transcontinental Gas Pipeline Corp.
CAG–12. Docket No. CP80–568, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG–13. Docket No. CP80–301, Colorado Interstate Gas Co.
CAG–14. Docket No. CP80–51, Northern Natural Gas Co., Division of Internorth, Inc.; Docket No. CP81–117–000, Valero Transmission Co.
CAG–15. Docket No. CP80–437, Colorado Interstate Gas Co.
CAG–16. Docket Nos. CP80–461 and CP80–462, United Gas Pipe Line Co.
CAG–17. Docket No. CP79–349, Lone Star Gas Co., a division of Enserch Corp.
CAG–18. Docket No. CP81–59–000, Columbia Gas Transmission Corp.
CAG–19. Docket No. CP80–448, Trunkline Gas Co.
CAG–20. Docket No. CP79–279 (phase I), Texas Eastern Transmission Corp.
CAG–21. Docket Nos. CP66–121, CP66–110, CP79–161, CP66–121–007, CP66–110–016 and CP79–161–003, Midwestern Gas Transmission Co.

Gas Agenda—481st Meeting, February 25, 1981, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP72–133 (PGA75–1, et al.), United Gas Pipe Line Co.
RP–2. Docket No. RP78–78, Natural Gas Pipeline Co. of America.
RP–3. Docket Nos. IS80–70 and IS80–47, et al., Buckeye Pipe Line Co.

II. Producer Matters

CI–1. Reserved.

III. Pipeline Certificate Matters

CP–1. Docket No. CP80–274, Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc.; Docket No. CP80–275, Mountain Fuel Supply Co. and Wexpro Co.; Docket No. CI80–233, Celsius Energy Co.; Docket No. CP76–397, Mountain Fuel Supply Co.
CP–2. Docket No. CP80–306, Western Gas Interstate Co.
CP–3. Docket Nos. CP75–140, et al., Pacific Alaska LNG Co., et al.; Docket Nos. CP74–160, et al., Pacific Indonesia LNG Co., et al.; Docket No. CI78–453, Pacific Lighting Gas Development Co.; Docket No. CI78–452, Pacific Simpco Partnership.

Power Agenda—481st Meeting, February 25, 1981, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2545 (phase II), Washington Water Power Co.

II. Electric Rate Matters

ER–1. Docket Nos. ER80–785 and ER81–3–000, Appalachian Power Co. and Carolina Power & Light Co.
ER–2. Docket No. ER81–179–000, Arizona Public Service Co.
ER–3. Docket No. ER77–614, Union Electric Co.
ER–4. Docket No. EL81–5–000, Edison Electric Institute.

Miscellaneous Agenda—481st Meeting, February 25, 1981, Regular Meeting

M–1. (A) Docket No. RM81–2, small power production & cogeneration facilities; (B) Docket No. QF81–7–000, Occidental Geothermal, Inc.
M–2. Docket No. RM81– , revision of requirements for issuance of securities or the assumption of liability.
M–3. Reserved.
M–4. Reserved.
M–5. Docket No. RM78–22, revision of FERC rules of practice and procedure (part 7), procedures to expedite trial-type hearings.
M–6. Docket No. RM79–21, regulations implementing alternative fuel price ceilings for incremental pricing under the Natural Gas Policy Act of 1978.
M–7. Docket No. GP81–1–000, Kansas Corp. Commission, section 108 NGPA determination, Braden-Deem, Inc., Robbins Unit No. 1, State Docket No. NGPA–K–78–0409, FERC control No. JD79–14135.

Kenneth F. Plumb,
Secretary.

[S–284–81 Filed 2–19–81; 9:56 am]

BILLING CODE 6450–85–M

6

FEDERAL HOME LOAN BANK BOARD:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 31, P. 12590, Tuesday, February 17, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, February, 19, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled for Thursday, February 19, 1981.

[S–285–81 Filed 2–19–81; 11:39 am]

BILLING CODE 6720–01–M

7

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:30 a.m., Tuesday, March 3, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Sonar units (Docket No. 714).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–282–81 Filed 2–18–81; 4:05 pm]

BILLING CODE 7020–02–M

8

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, February 25, 1981.

PLACE: Seventh floor board room, 1776 G. Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDER:

1. Review of Central Liquidity Facility Lending Rate.
2. Consideration of a proposed policy to delegate authority to suspend charter and place a federal credit union into involuntary liquidation.
3. Consideration of an interpretive ruling regarding federal credit union participation in federal funds transactions.
4. Report of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, February 25, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed policy regarding NCUA's computer terminals. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Possible Agency participation in civil litigation. Closed pursuant to exemption (10).
3. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Report of Administration Actions taken under delegated authority under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Proposed mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).
7. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357–1100.

[S–283–81 Filed 2–18–81; 4:40 pm]

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federal register

Monday
February 23, 1981

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

Brucellosis Indemnity; Affirmation of Final Rule and Final Rule

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 51

Brucellosis Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms certain provisions in the final rule governing the payment of indemnities for cattle destroyed because of brucellosis (9 CFR Part 51) as published in the **Federal Register** on Friday, June 27, 1980. This is necessary to encourage closer cooperation between livestock owners and the brucellosis eradication program officials.

EFFECTIVE DATE: June 27, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, Maryland 20782, 301–436–8713. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301–436–6695.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under UDSA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant".

A proposal generally to allow Federal indemnities for cattle destroyed because of brucellosis to move with the market was published in the **Federal Register** on March 21, 1980 (45 FR 18394–18398) with a comment period ending April 21, 1980. The comment period was extended to April 28, 1980, by a notice published in the **Federal Register** (45 FR 28341). A final rule was published in the **Federal Register** on June 27, 1980 (45 FR 43676–43680). The final rule contained two substantive amendments to the proposal, which Paul Becton, Director, National Brucellosis Eradication Program, VS, APHIS, determined constituted an emergency situation which warranted publication prior to providing an opportunity for a public comment period.

As an emergency measure, § 51.1(dd) of the proposal was amended to distinguish between average fair market slaughter value for beef cattle and dairy cattle so as to provide for a national average fair market slaughter value for beef cattle and retain state averages for dairy cattle.

Also, as an emergency measure, § 51.3(a) (1) and (2) of the proposal were amended to provide minimum and maximum per head indemnity for cattle destroyed as brucellosis reactors and for herds depopulated because of infection with or exposure to brucellosis.

Comments regarding the amendments to §§ 51.1(dd) and 51.3(a) (1) and (2) were solicited for 60 days after publication of the amendments. No comments were received in response to the amendments. The factual situations which were set forth in the document of June 27, 1980, still provide a satisfactory basis for the amendments, except with respect to registered cattle. Accordingly, it has been determined that the final rule should remain effective as published in the **Federal Register** on June 27, 1980, except with respect to registered cattle. Amendments concerning registered cattle are published in another document in this issue of the **Federal Register**. (See FR Doc. 81–5966 in this part).

Done at Washington, D.C., this 30th day of January 1981.

Harry C. Mussman,

Acting Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81–5965 Filed 2–19–81; 9:23 am]

BILLING CODE 3410–34–M

9 CFR Part 51

Brucellosis Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations governing the payment of indeminity for registered cattle destroyed because of brucellosis by (1) requiring individual appraisals and the use of actual salvage value; (2) eliminating minimum Federal indemnity on all registered cattle except registered dairy cattle and brucellosis reactor cattle and herd depopulations in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and (3) raising the maximum Federal indemnity on all registered exposed female calves from $250 to $1,000. This action is needed to assure owners of affected registered cattle that the individual value of their cattle is considered in the final indemnity and to protect appropriated funds. The intended effect of this action is to retain the cooperation of the registered cattle owners while properly managing appropriated funds.

DATES: Effective date: March 2, 1981. Comments must be received on or before April 24, 1981.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, Maryland 20782, 301–436–8713.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "significant." The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

Dr. Paul Becton, Director, National Brucellosis Eradication Program, Veterinary Services, Animal and Plant Health Inspection Service, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because the Department has determined that the present rates generally overcompensate owners of registered cattle and seriously reduce appropriated funds for other indemnity cases. Delay in the implementation of this docket would severely undermine producer cooperation in the National Cooperative State-Federal Brucellosis Eradication Program.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Since this action may have a significant economic impact on a substantial number of small entities, the Final Impact Statement will address the issues required in section 604 of Pub. L. 96–354, the Regulatory Flexibility Act.

Published elsewhere in this issue of the **Federal Register** is an Affirmation of Final Rule concerning certain emergency amendments to 9 CFR Part 51, made by the Department on June 27, 1980, with respect to payment of federal indemnity on nonregistered cattle.

Brucellosis is a contagious, infectious, and communicable disease which affects animals and man and is caused by bacteria of the genus brucella. A National Cooperative State-Federal Brucellosis Eradication Program to eliminate brucellosis from cattle and swine in the United States is being carried out in each of the various States. Among the tools being used to eradicate brucellosis in various States are the testing of cattle and swine herds for brucellosis, identification and destruction by slaughter of infected and exposed animals, and the payment of indemnities to owners of animals destroyed because of brucellosis pursuant to the regulations in 9 CFR Part 51.

On June 27, 1980, the Department amended these regulations to permit the indemnity rates to fluctuate according to market averages. Presently, the Department pays indemnity, pursuant to 9 CFR 51.3, to owners of registered cattle destroyed pursuant to the brucellosis program, in an amount which does not exceed the difference between a certain percentage of the "average fair market replacement value" (9 CFR 51.1(cc)) and the "average fair market slaughter value" (9 CFR 51.1(dd)), provided, however, that federal indemnity for all registered animals, except registered exposed female calves, will not be less than $250 and not more than $1,000.00. The percentage paid depends upon whether the animal is classified as a brucellosis reactor or part of a herd depopulation; and, if part of a herd depopulation, whether the herd is from a state which is entirely Certified Brucellosis Free or from a state of mixed or lower brucellosis status areas. It is also provided that federal indemnity may be paid to any owner whose exposed female calf or calves are destroyed because of brucellosis, provided that such federal indemnity shall not exceed $250 for registered calves.

Presently, 9 CFR 51.1(cc) defines "average fair market replacement value" on registered cattle to mean "the arithmetic average price on such cattle during the previous calendar year as reported by the registered breed association." 9 CFR 51.1(dd)(1) defines, in relevant part, "average fair market slaughter value" on beef cattle, whether registered or not, to mean "the arithmetic average price and weight of beef slaughtered in the United States * * * during the previous calendar year quarter." 9 CFR 51.1(dd)(2) defines, in relevant part, "average fair market slaughter value" on dairy cattle, whether registered or not, to mean "the arithmetic average price and weight of dairy cattle slaughtered within a state * * * during the previous calendar year quarter."

Upon implementation of these regulations, it was found that: (1) Not all breed associations submitted the necessary data, (2) an extremely wide variation in values was reported, (3) a few breeds dominated the averages in numbers of animals sold, and (4) these averages represented the value of the top quality animals and did not represent the value of the registered animals usually found affected with brucellosis. Consequently, the indemnity rates established for registered cattle generally reflected the value of herds maintained to compete in prestigious shows and sales and sold in such prestigious marketing channels. However, such herds are only occassionally affected with brucellosis because of careful management practices. Further, the indemnity rates determined by this formula seriously overcompensate the commercial herd owner who has a small number of registered cattle and whose use of the registered cattle is no different than the other nonregistered cattle in his herd. Such overcompensation not only destroys the incentive of the commercial herd owner to cooperate in management practices designed to eradicate brucellosis from his herd, but may result in an incentive for him to adopt practices which result in brucellosis becoming established or remaining in his herd.

A survey of indemnity claims paid under the present regulations showed that registered cattle eligible for indemnity make up less than 4 percent of the total cattle eligible for indemnity. However, at the indemnity rates presently established, this 4 percent will use over 30 percent of the available indemnity funds. The Department believes such inequities will retard the brucellosis eradication program rather than promote the program.

Using an "individual appraisal and the actual salvage value" method on the animal to be indemnified has been recognized as the most accurate method of computing the value of the animal, but volume and the increased costs for administering individual appraisals and actual salvage values has made it impractical for all cattle. However, having determined that registered cattle account for less than 4 percent of the volume, the Department believes the use of individual appraisals and actual salvage values to be manageable tools for determining indemnity for registered cattle.

As a result of these findings, the Department is amending 9 CFR Part 51 as it affects indemnity for registered cattle. Specifically, this action amends § 51.1 (cc)(3), (dd), and (ee); § 51.3; § 51.7; § 51.8; § 51.9 and § 51.10.

This action amends § 51.1(cc)(3) of the regulations, which presently defines the procedure for determining the average fair market replacement value for registered cattle, to require individual appraisals for registered cattle. This action amends § 51.1(dd) by retitling § 51.1(dd)(1) as "Nonregistered beef cattle" and § 51.1(dd)(2) as "Nonregistered dairy cattle". This action redesignates § 51.1 (ee) as (ff) and adds a new subparagraph (ee) to define the term "Actual salvage value." Actual salvage value for registered cattle is defined as "the net amount received for an animal after deducting freight, truckage, yardage, commission, slaughtering charges, and other expenses in disposing of the animal which are approved by Veterinary Services." This definition, which allows the above-mentioned costs to be deducted, is adopted as an incentive to herd owners to participate in the brucellosis eradication program. Participation requires, among other things, that cattle be sent to slaughter within a specified time and to specified slaughtering establishments. Such requirements may make it more expensive to the owner to send his cattle to slaughter under the brucellosis program than if the owner could choose the time and place of slaughter. Consequently, these costs are to be absorbed by the brucellosis program.

This action also amends § 51.3. First, Footnote 4 referenced in § 51.3 is amended to conform the footnote with the other changes being made in § 51.3 by this amendment. Second, § 51.3(a)(1) is revised and retitled "Nonregistered cattle," a new § 51.3(a)(2) is titled "Registered Cattle," and § 51.3(a)(3) is deleted as a separate section. Third, new §§ 51.3(a)(1) and 51.3(a)(2) are subdivided into subsections (i), (ii), and (iii) and titled "Brucellosis reactor cattle," "Herd depopulations," and "Exposed female calves," respectively. The regulations in new §§ 51.3(a)(1) (i), (ii), and (iii) concern nonregistered cattle only and remain substantively the same as the present §§ 51.3(a) (1), (2), and (3), but with all references to registered

cattle removed and with some minor editorial changes for clarity made.

The new § 51.3(a)(2) (i), (ii), and (iii) concern registered cattle only, and explain how indemnity rates are to be calculated for registered brucellosis reactor cattle (§ 51.3(a)(2)(i)), for registered herd depopulations (§ 51.3(a)(2)(ii)), and for registered exposed female calves (§ 51.3(a)(2)(iii)). The formula to be used to determine indemnity rates on registered brucellosis reactor cattle and registered exposed female calves is the difference between 90 percent of the appraisal value and the actual salvage value received for the animal. The formula to be used to determine indemnity rates on registered herd depopulations is the difference between 95, 90 or 80 percent of the appraised value (depending on the brucellosis classification of the state or area in which the animals are located) and the actual salvage value. The new regulation provides, further, that federal indemnity shall not be more than $1,000 for any registered cattle; shall not be less than $150 for any registered dairy cattle, and shall not be less than $150 for any registered brucellosis reactor cattle or registered cattle in herd depopulations in Alaska, Hawaii, Puerto Rico, or the Virgin Islands. Thus, while the present maximum rate which the Deputy Administrator may authorize for registered brucellosis reactor cattle and for registered herd depopulations will be retained at $1,000, it is raised from $250 to $1,000 for registered female exposed calves. Further, the minimum rates presently provided are removed for all registered cattle, except registered dairy cattle, and except for registered brucellosis reactors and registered cattle in herd depopulations in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

The requirement for using individual appraisals and actual salvage values on registered cattle will assure registered cattle owners that the indemnity they will be paid will more accurately reflect the particular registered animal's value. Further, this formula will result in more proper distribution of funds appropriated for brucellosis indemnity purposes. However, the above-mentioned minimum rates are being retained for such registered animals because it appears that in the absence of such minimum rates, the indemnification payments in some instances may be less than the rate paid on the same class of nonregistered cattle, and, consequently, owners of such registered animals would not be encouraged to participate in the brucellosis eradiction program.

Although a minimum rate on registered dairy cattle and on registered brucellosis reactor and registered herd depopulations in Alaska, Hawaii, Puerto Rico, and the Virgin Islands is being retained, it is being lowered from the present $250 to $150 so as to conform the minimum rate for such animals with the minimum rate on the same class of nonregistered animals. The minimum rate for registered cattle (whether beef or dairy) in Alaska, Hawaii, Puerto Rico, and the Virgin Islands should provide an incentive to owners of such cattle to participate in the brucellosis eradication program by helping compensate the owner for the high transportation costs involved in replacing these cattle in these areas.

No minimum rates are being retained for other registered cattle because the indemnification for such cattle, using an appraisal and actual salvage value method, should not be less than the minimum rate for nonregistered cattle of the same class.

As indicated above, the maximum federal indemnity on registered exposed female calves is being raised from $250 to $1,000, the present maximum indemnity allowed for other registered animals. Presently, a flat rate of $250 is set for such calves because no slaughter market averages are available for determining the value of such calves which vary in age from a few days to 6 months. However, by using actual salvage values for each animal, as will be done by this amendment, the Department will be able to get the figures it needs to compute the indemnity for registered exposed female calves. For these reasons, the flat maximum rate of $250 is being terminated and the above-mentioned indemnity formula, based on the difference between 90% of appraisal and the actual salvage value received for the animal with a $1,000 maximum, is applied to registered exposed female calves. This 90% formula is adopted so that such calves, when sent for slaughter, unless they are sent as part of a herd depopulation, will be treated the same as registered brucellosis reactor cattle.

A maximum rate is retained on all registered cattle to protect appropriated funds from being depleted.

This amendment will renumber §§ 51.7, 51.8, 51.9, and 51.10 as §§ 51.9, 51.10, 51.11, and 51.12, respectively, so that a new § 51.7 and § 51.8 may be added. New § 51.7 would allow a second appraisal to be made by an independent professional appraiser, should the owner disagree with the initial appraisal. The decision of the second appraiser would be final, although, in any case, the Veterinarian-in-Charge must decline to accept appraisals that appear to be unreasonable or substantially deviate from the average fair market replacement value of cattle of like quality. The Department feels that this procedure gives the owner an opportunity to appeal the initial appraisal in a manner which provides for an independent and objective review of the initial appraisal.

In addition, new § 51.7 provides that, although registration papers must accompany the registered animals to be appraised for identification purposes, the Veterinarian-in-Charge may grant an extension of not more than 30 days for presentation of the registration papers for cattle less than one (1) year of age and unregistered, or where there is a transfer of ownership and the registration papers have been sent, but not yet received. The one (1) year time limitation mentioned above is imposed to reflect the common practice of not registering cattle until they are one year of age. The decision whether to raise an animal as a registered animal for breeding purposes is usually made by the time the animal is a year old.

New § 51.8 explains the procedures for reporting the actual salvage value received by the claimant on the appraised animals. Such information includes the weight, price per pound, gross receipts, expenses, if any, and the net proceeds for each appraised animal. The form containing this information, which will be furnished by Veterinary Services on request, is to be signed by the purchaser or his agent or the selling agent handling the animals. Alternative acceptable methods for reporting the actual salvage value received are provided in § 51.8 for those situations where the animal is not disposed of through regular slaughterers or through selling agents, or in emergencies, so that the actual salvage value can be obtained under all circumstances.

The following alternatives for determining the value of registered cattle were considered, but rejected. Lowering the percentage of replacement values for registered cattle was rejected since the replacement value would still be that of the prestigious show and sale circle. Establishing a constant flat rate indemnity for registered cattle was rejected since there is insufficient data to support such a rate and it could not properly compensate the owners of all types of registered cattle. Leaving the system as is was also rejected since a quarter year's operation has shown the system, with regard to registered cattle, to operate against program objectives and to be a drain on appropriated funds

that was not anticipated and would not permit a continuing system.

Accordingly, Part 51, Title 9, Code of Federal Regulations is hereby amended in the following respects:

1. In § 51.1, paragraph (cc)(3) is revised to read as follows:

§ 51.1 Definitions.

* * * * *

(cc) *Average fair market replacement value.* * * *

(3) *Registered cattle.* The appraised value determined in accordance with § 51.7.

* * * * * *

2. In § 51.1, the heading of subparagraphs (dd) (1) and (2) are revised to read as follows:

* * * * * *

(dd) *Average fair market slaughter value.* (1) *Nonregistered beef cattle*— * * *

(2) *Nonregistered dairy cattle*— * * *

* * * * * *

3. § 51.1, subparagraph (ee) is renumbered § 51.1(ff) and a new subparagraph (ee) is added to read as follows:

* * * * * *

(ee) *Actual salvage value. Registered cattle*—The net amount received for an animal after deducting freight, truckage, yardage, commission, slaughtering charges, and other expenses in disposing of the animal which are approved by Veterinary Services.

* * * * * *

Footnote 4 in Part 51 [Amended]

4. The first sentence in Footnote 4 referenced in Part 51 is amended to read: "The Deputy Administrator shall authorize payment of federal indemnity by the Department at the applicable maximum percentage and per head rate in § 51.3(a) * * *."

5. Section 51.3 is revised to read as follows:

§ 51.3 Payment to owners for animals destroyed.

(a) *Cattle.* The Deputy Administrator may authorize [4] the payment of federal indemnity by the Department to owners whose cattle are destroyed as affected with brucellosis.

(1) *Nonregistered cattle* (i) *Brucellosis reactor cattle.* The Deputy Administrator may authorize [4] the payment of federal indemnity by the Department to any owner whose nonregistered cattle are destroyed as brucellosis reactors. Federal indemnity for such cattle shall not exceed the difference between 90 percent [4] of the average fair market replacement value and the average fair market slaughter value; *Provided, however,* That federal indemnity shall not be less [4] than $50 for any nonregistered cattle, except that for nonregistered dairy cattle federal indemnity shall not be less than $150; and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than $150 for any nonregistered cattle. *Provided further,* That federal indemnity shall not exceed $250 for any nonregistered cattle, except that for nonregistered dairy cattle federal indemnity shall not exceed $750; and except that, in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not exceed $750 for any nonregistered cattle. Prior to payment of federal indemnity, proof of destruction [5] shall be furnished to the Veterinarian in Charge.

(ii) *Herd depopulations.* The Deputy Administrator may authorize [4] the payment of federal indemnity by the Department to any owner whose herd of nonregistered cattle is depopulated because of infection with or exposure to brucellosis. Federal indemnity for such cattle from states which are entirely Certified Brucellosis Free (as listed in § 78.20(a)) shall not exceed the difference between 95 percent [4] of the average fair market replacement value and the average fair market slaughter value. Federal indemnity for such cattle from areas other than whole states which are Certified Brucellosis Free Areas (as listed in § 78.20(b)) and from Modified Certified Brucellosis Areas (as listed in § 78.21) shall not exceed the difference between 90 percent [4] of the average fair market replacement value and the average fair market slaughter value. Federal indemnity for such cattle from noncertified areas (as listed in § 78.22) shall not exceed the difference betwen 80 percent [4] of the average fair market replacement value and the average fair market slaughter value; *Provide, however,* That federal indemnity shall not be less [4] than $50 for any nonregistered cattle, except that for nonregistered dairy cattle, federal indemnity shall not be less than $150; and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than $150 for any nonregistered cattle; *Provided further,* That federal indemnity shall not exceed [4] $250 for any nonregistered cattle, except that for nonregistered dairy cattle federal indemnity shall not exceed $750, and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not not exceed $750 for any nonregistered cattle. Prior to payment of federal indemnity, proof of destruction [5] shall be furnished to the Veterinarian in Charge.

(iii) *Exposed female calves.* The Deputy Administrator may authorize [4] the payment of federal indemnity by the Department to any owner whose nonregistered exposed female calf or calves are destroyed because of brucellosis. The federal indemnity for such animals shall not exceed $50 per head [4] for nonregistered calves. Prior to payment of federal indemnity, proof of destruction [5] shall be furnished to the Veterinarian in Charge.

(2) *Registered cattle.* (i) *Brucellosis reactor cattle.* The Deputy Administrator may authorize [4] the payment of federal indemnity by the Department to any owner whose registered cattle are destroyed as brucellosis reactors. Federal indemnity for such registered cattle shall not exceed the difference between 90 percent [4] of the average fair market replacement value and the actual salvage value; *Provided, however,* That federal indemnity shall not be less than $150 for any registered dairy cattle and, in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than $150 for any registered cattle; *Provided, further,* That federal indemnity shall not exceed $1,000 for any registered cattle. Prior to payment of federal indemnity, proof of destruction [5] shall be furnished to the Veterinarian in Charge.

(ii) *Herd depopulations.* The Deputy Administrator may authorize [4] the payment of federal indemnity by the Department to any owner whose herd of registered cattle is depopulated [6] because of infection with or exposure to brucellosis. Federal indemnity for such registered cattle from states which are entirely Certified Brucellosis-Free (as listed in § 78.20(a)) shall not exceed the difference between 95 percent [4] of the appraised value and the actual salvage value. Federal indemnity for such registered cattle from areas other than whole states which are Certified Brucellosis Free Areas (as listed in § 78.20(b)) and from Modified Certified Brucellosis Areas (as listed in § 78.21) shall not exceed the difference between 90 percent of the appraised value and the actual salvage value. Federal indemnity for such registered cattle from noncertified areas (as listed in § 78.22) shall not exceed the difference between 80 percent [4] of the appraised value and the actual salvage value; *Provided, however,* That federal indemnity shall not be less than $150 for any registered dairy cattle, and in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than

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$150 for any registered cattle; *Provided, further,* That federal indemnity shall not exceed $1,000 for any registered cattle. Prior to payment of federal indemnity, proof of destruction [8] shall be furnished to the Veterinarian in Charge.

(iii) *Exposed female calves.*

The Deputy Administrator may authorize [4] the payment of federal indemnity by the Department to any owner whose registered exposed female calf or calves are destroyed because of brucellosis. The federal indemnity for such registered calf shall not exceed the difference between 90 percent [4] of the appraised value and the actual salvage value for the registered calf; *Provided, however,* That federal indemnity shall not exceed $1,000 per head for any registered calf. Prior to payment of federal indemnity, proof of destruction [8] shall be furnished to the Veterinarian in Charge.

§§ 51.7, 51.8, 51.9, and 51.10 [Renumbered as §§ 51.9, 51.10, 51.11 and 51.12]

6. Sections 51.7, 51.8, 51.9, and 51.10, are renumbered 51.9, 51.10, 51.11, and 51.12 respectively.

7. New §§ 51.7 and 51.8 are added to read as follows:

§ 51.7 Appraisals.

(a) *Cattle.* Appraisals are required for registered cattle affected with brucellosis which are to be destroyed and for which indemnities may be paid under § 51.3(a)(2) (i), (ii), and (iii).

(b) Registered cattle shall be appraised by a Veterinary Services representative or State representative or an independent professional appraiser at Veterinary Services expense. In appraising registered cattle, due consideration shall be given to their breeding value. Cattle presented for appraisal as registered shall be accompanied by their registration papers issued in the name of, or transferred by the registered breed association to the name of, the owner or shall be paid for as nonregistered cattle: *Provided, however,* that if the registration papers are not available because they have been sent to an association for transfer of ownership or if the cattle are less than 1 year old and unregistered, the Veterinarian in Charge may grant a reasonable time of not more than 30 days for the presentation of their registration papers. The appraiser shall be responsible for their verification. *Provided, further,* That if the owner deems the appraisal of the Veterinary Services representative or State representative to be inadequate an appraisal shall be made by an independent professional appraiser selected by the Veterinarian in Charge at Veterinary Services expense. The two appraisers shall attempt to agree on the appraisal value. If they do not agree, the decision of the independent professional appraiser shall be final; and *Provided, further,* That the Veterinarian in Charge shall decline to accept appraisals that appear to be unreasonable or substantially deviate from the average fair market replacement value of registered cattle of like quality.

(c) Appraisals of cattle shall be recorded on forms furnished by Veterinary Services. The appraisal form shall be signed by the appraiser and by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date that the owner signs the appraisal form but shall in no instance be later than the date of slaughter. The original of the appraisal form and as many copies thereof as may be required for Veterinary Services, the State, and the owner of the animals shall be sent to the appropriate Veterinarian in Charge.

§ 51.8 Report of salvage proceeds, destruction other than by slaughter.

A report of the actual salvage value derived from the sale or other disposition of each registered animal on which a claim for indemnity may be made under the provisions of § 51.3(a)(2) (i), (ii), and (iii) shall be made by the claimant on a salvage form which shall be furnished by Veterinary Services upon request and shall be signed by the purchaser or his agent or by the selling agent handling the animals. If the cattle are sold by the pound, the salvage form shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the salvage form and an explanation of how the price was determined must be submitted. In the event the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the salvage form, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said animals. In an emergency, a certificate executed by the Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The original of the salvage form or the affidavit of the owner furnished in lieu thereof, shall be furnished to the Veterinarian in Charge. Destruction of animals by burial, incineration or other disposal, other than slaughter, of carcasses shall be supervised by a Veterinary Services or State representative who shall prepare and transmit to the Veterinarian in Charge a report identifyting the animals and showing the disposition thereof.

(Sec. 2, 32 stat., 792, and Sec. 23 stat. 32 as amended, (21 U.S.C. 111, and 114a, 37 FR 28464, 28477, 38 FR 19141))

Done at Washington, D.C., this 30th day of January 1981.

Harry C. Mussman,

Acting Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-5906 Filed 2-19-81; 9:23 am]

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federal register

Monday
February 23, 1981

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Community Development Block Grants; Small Cities Program

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-81-899]

Community Development Block Grants; Subpart F—Small Cities Program

AGENCY: Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (HUD).

ACTION: Interim rule.

SUMMARY: This interim rule revises the Housing Assistance Plan (HAP) regulations for small cities by establishing a single set of requirements for both Comprehensive and Single Purpose Grant applicants. To eliminate the confusion caused by two different sets of HAP requirements for small cities, the use of Entitlement HAP regulations for Comprehensive Grant applicants, and the problems with Single Purpose HAP requirements, HUD has modified the HAP requirements for small cities. The new requirements are tailored to small cities' needs, capacities, and access to data, and increase the HAP's usefulness to applicants and HUD. The rule also simplifies and makes the HAP requirements more flexible.

DATES: Effective date: March 27, 1981. Comment due date: April 24, 1981.

ADDRESS: Interested persons should file written comments on or before the due date with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Jody A. Cook, Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Miscellaneous Information

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of No Significant Impact is on file and available for inspection in the Office of the Rules Docket Clerk.

This rule is listed in the Department's semi-annual agenda of significant rules (CPD-3-80), published pursuant to Executive Order 12044.

The Small Cities Program is listed in the Catalog of Federal Domestic Assistance under the number 14-219, *Community Development Block Grants/ Small Cities Program.* OMB Circular A-95 applies to the Small Cities Program.

The Assistant Secretary for Community Planning and Development has determined that it is impracticable to publish proposed regulations and that good cause exists for making this rule effective 30 days after publication because—

1. The rule significantly reduces the Housing Assistance Plan requirements for Comprehensive Grant applicants, clarifies remaining existing requirements, and makes the requirements more flexible for all applicants.

2. Because of the multiyear funding option for Comprehensive grantees begun in Fiscal Year 1978, the Small Cities Program is in effect on a three year cycle—every third year (1978, 1981, etc.) there is a much greater number of grantees with new commitments. In order to match the new HAP requirements with the beginning of a new three year cycle for the multiyear grantees as well as allow other Fiscal Year 1981 applicants to take advantage of the new requirements, the regulations must be effective as soon as possible.

Interested persons, however, are invited to participate in making the final rule by submitting written comments. Each commentor must refer to the docket number and clearly identify each paragraph and its corresponding comments. Comments should be addressed to the Rules Docket Clerk, whose address is above, before the date specified, in order to be considered for the final rule. Copies of the comments will be available for examination and copying during business hours in the Office of the Rules Docket Clerk.

HUD published in the **Federal Register** the regulations governing the Housing Assistance Plan (HAP) for Comprehensive Grant applicants on August 27, 1979 and for Single Purpose Grant applicants on August 21, 1980. This interim rule modifies the HAP requirements in those regulations.

Under the Housing and Community Development Act of 1974, the Act which authorizes the Community Development Block Grant Program, each applicant must submit a HAP. In its HAP, the applicant surveys housing conditions, assesses the housing assistance needs of lower income households, establishes goals to meet the housing needs, and indicates the general locations of proposed assisted housing. A small city uses the HAP to link community development activities with provision of assisted housing and to influence the development and location of assisted housing. HUD uses the HAPs in the allocation of assisted housing and as the basis to approve assisted housing in the grantee's jurisdiction. HUD also compares the grantee's performance assessment report with the HAP to monitor the grantee's provision of assisted housing.

Currently, a Comprehensive Grant applicant must follow the HAP requirements in 24 CFR 570.306, *Housing Assistance Plan,* which are also used by Entitlement Cities. Single Purpose applicants address separate, less specific HAP requirements, described in 24 CFR 570.430(b), *Housing Assistance Plan.* Having two different HAP requirements in the Small Cities Program has created confusion about the applicability of a previous HAP when a grantee switches from one grant type to another.

Experience has shown that the Single Purpose HAP requirements, which are specifically tailored to small cities, are more appropriate for small cities than the Entitlement HAP requirements. The relative simplicity of the Single Purpose HAP accommodates small cities' more limited administrative capacities and smaller staffs. The Single Purpose HAP requires less data, recognizing that reliable data can be very difficult to obtain for small places.

The Single Purpose HAP requirements, however, have also caused problems. Meeting a Single Purpose HAP's goals within the period of a single grant, for example, is nearly impossible given the current level of assisted housing resources. Because a grantee's HAP is evaluated each time the grantee applies for a Small Cities grant, many Single Purpose grantees have not had sufficient opportunity to perform well. In addition, most assisted housing applications are larger than the Single Purpose HAP goals by housing type and household type and, therefore, a substantial amount of time has been spent on HAP amendments.

In addition to concerns about data availability, some small cities had difficulty in establishing realistic goals. This was due in part to the "minimal goals" standard which requires that an applicant set, at a minimum, a three year goal equal to 15 percent of its housing assistance needs, unless the 15 percent goal is specifically demonstrated to be infeasible. In practice, the 15 percent rule resulted in greater emphasis upon the percentage of need to be served than upon more appropriate considerations like

expected available housing assistance resources or feasible project size.

To eliminate the confusion caused by two different sets of HAP requirements for small cities, the use of Entitlement HAP regulations for Comprehensive Grant applicants, and the problems with Single Purpose HAP requirements, HUD has modified the HAP requirements for small cities. The new requirements are tailored to small cities' needs, capacities, and access to data, and increase the HAP's usefulness to applicants and to HUD.

The new HAP requirements, for example, eliminate the 15 percent minimal goals standards. Instead, as specifically discussed below, applicants will base goals on realistic estimates of the amount of assisted housing, making adjustments for considerations like feasible project size. In addition, the new HAP regulations recognize that exceptions to the proportionality requirement are extremely important to a small city which can expect only one assisted housing project during the term of its HAP.

Many former requirements placed upon Comprehensive applicants have been reduced or eliminated. Housing type, for example, need no longer be specified by household type in the three year goal.

Single Purpose applicants, for the first time, will have sufficient time to meet or demonstrate progress toward meeting their HAP goals. Submission of an annual action plan will insure that an applicant's plans for assisted housing are included in HUD's annual allocation of assisted housing in each year the HAP is effective. The three year goal will give an applicant a longer period of time to comment on applications for proposed assisted housing in its jurisdiction (under the provisions for local review and comment on assisted housing, 24 CFR Part 891). In addition, a Single Purpose grantee which submits a new Single Purpose or Comprehensive application at the end of the first or second year of its HAP need not submit a totally new HAP.

Finally, these regulations clearly state the contents of the HAP. The Single Purpose HAP regulations, for example, made no mention of the requirement to specify general locations for assisted housing, although required under the law and included in the forms.

New forms, which must be approved by the Office of Management and Budget before these regulations can become effective, have been developed to implement the regulations. A single set of forms, and accompanying instructions, will be used by all small cities applicants, and are appreciably simpler than the existing forms.

With the exception of changing Small Cities Program HAP references to § 570.437, the new HAP regulations for both Comprehensive and Single Purpose Small Cities Program applicants, each change to the regulations is discussed below.

§ 570.437 Small Cities Housing Assistance Plan

The provisions of § 570.437(a), *Purpose;* § 570.437(b), *Use;* and § 570.437(c) *Responsibility of the applicant,* are self explanatory.

Paragraph § 570.437(d), *General,* explains when an applicant must submit a full HAP, and when the applicant must submit an annual goal with reference to a currently approved HAP in order to satisfy the HAP requirement.

For the purposes of local review of assisted housing applications and HUD's allocation of assisted housing, pursuant to 24 CFR Part 891 (Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds), the HAP is effective for the three Federal fiscal years following its approval. A grantee whose CDBG program extends beyond the HAP's effective period for the purposes of 24 CFR Part 891 is encouraged to submit a new HAP if its performance under the HAP does not satisfy the threshold considerations (§ 570.423(c) for Comprehensive applicants and § 570.427(c) for Single Purpose applicants). The applicant's goals can also then be considered in HUD's allocation of assisted housing, and the applicant can continue to comment on applications for assisted housing in its jurisdiction for conformance with its HAP.

Paragraph (d) allows an applicant to reference a county HAP in lieu of preparing its own. If an applicant chooses to submit a county HAP, it must execute an agreement with the county. The agreement must identify, and obligate the applicant to assume, the applicant's share of the county HAP's housing assistance goals. The agreement must identify the general locations for proposed assisted housing in the applicant's jurisdiction.

Paragraph (d) also clarifies the coverage of Housing Assistance Plans submitted by counties applying to the Small Cities Program. A county applying in its own behalf must submit a HAP which covers its unincorporated area. A county applying in behalf of incorporated places must submit a HAP which covers those incorporated places.

Paragraph (e), *Housing conditions, needs, goals, and locations,* describes the five components of a HAP—a survey of housing conditions, an assessment of housing assistance needs, a three year goal, an annual goal, and identification of general locations for assisted housing.

Paragraph (e)(1), which explains the requirements for the survey of housing conditions, is similar to existing requirements, except that less information is required of Comprehensive applicants.

Paragraph (e)(2) details what groups are to be included in the assessment of housing assistance needs and, again, is similar to existing requirements, with an important exception: the reference to § 570.306(b)(2)(ii), the Entitlement regulations' description of how to estimate the number of households expected to reside in the community, is dropped. Applicants may use the methodology described in the Entitlement regulations, but will not be required to do so. An applicant must, however, submit its best estimate of the number of lower income households which reasonably could be expected to reside in its jurisdiction, based on data generally available from Federal, State, areawide, or local sources. The expected to reside estimate must be based on existing or projected employment data. For elderly households, the estimate may also be based on the availability of health services in the community, or upon the number seeking assisted housing in the community.

Paragraph (e)(2) also explains how handicapped persons are included in the three household types.

Paragraph (e)(3) requires all Small Cities Program applicants to prepare a three year goal for assisted housing. The three year goal has two kinds of closely related subgoals, numerical and proportional. The numerical goals identify the number of households to be served over the three year term of the HAP by tenure (renter, owner), and by household type (elderly, small family, and large family). The numerical goal must be realistic in terms of the number of assisted units the applicant can reasonably expect over the three year term of the HAP and must include only projects of feasible size.

The proportional goal identifies the percentage of the total number of assisted units to be provided to each household type. Because the number of assisted housing units most applicants can reasonably expect is small, it is impracticable to require that the numerical goals always be precisely proportional to need. HUD, however, expects applicants to accommodate the needs of each household type within each tenure group as far as practicable

to their proportion of need within the tenure group. Exceptions to the proportionality requirement may be made on the bases listed in the regulation.

An applicant's population is an important factor in establishing the three year goal. Applicants with larger populations will normally be able to establish numerical goals for projects of feasible size based on the number of assisted housing units expected, and divide their goals proportionally according to need by household type. This general approach may not work for applicants with smaller populations which can reasonably expect enough assisted housing units for only one feasibly sized project. For these smaller applicants, two of the exceptions to proportionality—based on accommodating projects of feasible size and limited housing assistance resources—become important in establishing numerical goals. Limited housing assistance resources, coupled with the need to establish goals for only feasibly sized projects, may limit the smaller applicant to establishing a goal for only one housing project during the three year term of its HAP. Smaller applicants, therefore, may be forced to choose whether to serve elderly or non-elderly (small family plus large family) households in their HAPs. Their choice must be based on their past experience in providing assisted housing. For them, proportionality may not be achieved in a single three year period, but may be achieved over a longer period of time.

The way in which housing type (new, substantial rehabilitation, moderate rehabilitation, existing) is treated in the three year goal is also changed in paragraph (e)(3). Previously, Comprehensive grantees were required to specify housing type by household type in the three year goal. Thus, a community had to establish, before the beginning of the HAP's term, which housing type it would accept in each household type. If, during the HAP's term, an assisted housing application was submitted for a housing type not specified in a community's HAP or for an acceptable housing type for the "wrong" household type, HUD could not approve the application for assisted housing, unless the community amended its HAP. This, then, resulted in many HAP amendments, or the loss of the assisted housing when the amendment process took too long. Paragraph (e)(3), therefore, requires only that the applicant specify the maximum number of assisted housing units it will accept in any of the housing types. An applicant can indicate that it will accept more than one housing type to meet its HAP goals for HUD assisted housing, and will not need to match housing type with household type in the three year goal. Amendments will be made less frequently. Both HUD and the applicant will have more flexibility—the applicant in choosing acceptable housing types and HUD in approving applications for assisted housing in housing types acceptable to the community.

Paragraph (e)(4) explains the contents of the annual goal. The goal must allow for development of feasibly sized projects, and identify any projects to be undertaken during the year by tenure, household type, and housing type. The applicant must also identify the actions it will take during the year to achieve its annual goals and, if appropriate, its three year goals.

A new paragraph, (e)(5), reflects the existing requirement that an applicant identify the general locations of proposed assisted housing.

HUD will review HAP goals based on a realistic estimate of the assisted housing resources expected to be available to the applicant, as described in paragraph (f), *HUD review of HAP.* The review for reasonable goals replaces the strict "minimal goals" standard for Comprehensive Grant applicants and is a new emphasis for Single Purpose Grant applicants. A specific percent of need will not longer be used as the principal basis for establishing the size of goals. Instead, the realistic estimate of resources expected to be available to the applicant over the term of the HAP will be the primary measure, and may be modified by the requirement of feasibly sized housing projects. The applicant's goal must reflect a reasonable effort to reduce housing need in the community and be based on a realistic assessment of expected resources. HUD will continue to disapprove applications with HAPs which contain goals which are plainly inappropriate to meeting the applicant's needs.

HUD will also review the applicant's HAP goals against the requirements for proportionality as discussed above.

The annual goal, in combination with performance against any previous annual goals under the three year goal, must allow the grantee to provide, as far as practicable, assisted housing proportional to need by household type during the HAP's three year period.

§ 570.434 Program Amendments for Comprehensive and Single Purpose Grants

Paragraph § 570.434(b), *Housing Assistance Plan amendments,* has been amended to indicate that a Small Cities Program grantee must amend the three year HAP goals only when the grantee proposes to increase a goal by more than 20 percent (the current limitation imposed by 24 CFR Part 891, Subpart B), to decrease a goal, or to revise general locations.

The following changes are made to 24 CFR Part 570, Subpart F:

§ 570.426 [Nomenclature Change]

I. In § 570.426, all references to § 570.306 are changed to § 570.437.

II. Paragraph (e) of § 570.426 is revised to read as follows:

§ 570.426 Applications for Comprehensive Grants.

* * * * *

(e) *Housing Assistance Plan.* Each Comprehensive Grant applicant shall submit a housing assistance plan in accordance with § 570.437, *Small Cities Housing Assistance Plan.*

* * * * *

§ 570.430 [Amended]

III. Paragraph (b) introductory text of § 570.430 is revised to read as follows:

* * * * *

(b) *Housing Assistance Plan.* Each Single Purpose Grant applicant shall submit a housing assistance plan in accordance with § 570.437, *Small Cities Housing Assistance Plan.*

* * * * *

§ 570.433 [Amended]

IV. In § 570.433(b)(3)(iii)(D), the phrase "§ 570.306 or § 570.430(b)" is changed to "§ 570.437".

§ 570.437 [Added]

V. The table of contents for Subpart F is amended to add a "§ 570.437, Small Cities Housing Assistance Plan".

VI. A new section, § 570.437, is added to read as follows:

§ 570.437 Small cities housing assistance plan.

(a) *Purpose.* In its Housing Assistance Plan (HAP), each applicant surveys its housing conditions, assesses the housing assistance needs of lower (low and moderate) income households, establishes an annual goal and a three year goal for housing assistance to lower income households, and indicates the general locations of proposed assisted housing. Through its HAP, an applicant links provision of assisted housing with community development activities. The HAP must be designed to increase housing opportunities, promote viable neighborhoods, avoid concentrations of assisted housing, and affirmatively further fair housing.

(b) *Use.* HUD uses HAPs in the allocation of assisted housing. An applicant's HAP is also one of the bases upon which HUD approves or disapproves assisted housing in the applicant's jurisdiction and against which HUD monitors a grantee's provision of assisted housing.

(c) *Applicant's responsibility.* Each applicant is responsible for implementing its housing assistance plan expeditiously. This includes the timely achievement of goals for assisted housing. Each applicant is expected to take all actions within its control to implement the approved Housing Assistance Plan. Performance under the HAP will be one of the factors considered in future applications for grants, as provided in § 570.423(c) for Comprehensive Grant applicants and in § 570.427(c) for Single Purpose Grant applicants.

(d) *General.* (1) A Housing Assistance Plan (HAP) consists of the five components described in paragraph (e), *Housing conditions, needs, goals, and locations.*

(2) Each application must include a HAP on a form prescribed by HUD. The grantee shall submit the second and third annual goals of the HAP at the end of the first and second years, respectively, following HUD approval of the HAP. If the grantee files an application for a subsequent grant in a fiscal year in which an annual goal is required, the grantee shall submit the appropriate annual goal with the application, and the annual goal must incorporate the previously approved HAP by reference as the HAP for that application.

(3) For the purposes of allocating HUD-assisted housing and local review and comment pursuant to 24 CFR Part 891, *Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds,* the grantee's HAP is effective for the three Federal fiscal years following the fiscal year of approval of the HAP. A grantee whose performance under the HAP does not satisfy the threshold considerations in § 570.423(c) for Comprehensive applicants and in § 570.427(c) for Single Purpose applicants is encouraged to submit a new HAP in order to be included in HUD's allocation of assisted housing and to comment upon proposed assisted housing in its jurisdiction with respect to its conformance with the HAP.

(4) If the applicant is located within the jurisdiction of a HUD-approved Areawide Housing Opportunity Plan (AHOP), its HAP must be consistent with the AHOP.

(5) An applicant located within a county which has a HUD approved Housing Assistance Plan may submit the county's HAP in lieu of preparing a separate Plan. The county's HAP must identify the housing conditions and needs for assisted housing in the applicant's jurisdiction. The county and the applicant shall execute an agreement which identifies the applicant's share of the county's housing assistance goals, obligates the applicant to assume responsibility for its share, identifies actions the applicant will take to meet its share of housing assistance goals, and identifies the general locations of proposed assisted housing. A copy of the agreement must be submitted with the application. The county HAP must be incorporated into the application by reference.

(6) A county which applies in its own behalf must submit a HAP which covers, at a minimum, the unincorporated area of the county. A county which applies in behalf of a unit(s) of general local government must submit a HAP which meets the requirements of § 570.421(f) and which covers the unit(s) of general local government for which CDBG activities are proposed.

(e) *Housing conditions, needs, goals, and locations.* (1)(i) The applicant shall describe the condition of the housing stock in the community by tenure (renter or owner). The applicant shall estimate the number of vacant units of nonseasonal, available units in standard and in substandard condition, using the best estimate at the time the application is prepared.

(ii) An applicant which proposes goals for rehabilitation of housing units shall identify the number of its occupied and vacant substandard housing units which are suitable for rehabilitation. A HAP with goals for rehabilitation must include the applicant's definitions of substandard housing, and housing suitable for rehabilitation.

(2) The applicant shall assess the housing assistance needs of lower income households currently residing in the community by tenure and by household type (elderly, small family and non-elderly individuals, and large family), including households to be displaced by public action and, where information is available, by private action. The applicant shall also assess the housing assistance needs by household type of lower income households that could reasonably be expected to reside in the community. The estimate for households expected to reside in the community must be based on current and projected employment and, for elderly households may also be based on the number seeking assisted housing in the community or using the community's services. In addition, the applicant must identify any identifiable segment of the total group of lower income households in the community with special housing assistance needs. Handicapped individuals who are elderly or who require group home living arrangements must be included with elderly households, but separately identified in the narrative. All other handicapped persons must be included with small or large family households, according to the sizes of their households.

(3)(i) The applicant shall specify a realistic three year goal by tenure and household type for the number of households to be assisted. In addition, the applicant shall specify a housing type goal which identifies the maximum number of HUD assisted units it will accept of each housing type (new, existing, moderate rehabilitation, substantial rehabilitation).

(ii) The three year goal must be realistic in terms of estimating the assisted housing resources which can be expected to be available to the applicant. The goal must be, as far as practicable, proportional to need by household type within each tenure type, except in cases of natural disasters, significant displacement of a particular household type, participation in a HUD approved Areawide Housing Opportunity Plan, disproportional provision of assisted housing under a previous HAP, adjustments for projects of feasible size, and limited expected housing assistance resources for the applicant.

(4)(i) The applicant shall propose a realistic annual goal to address the identified needs of lower income households. The goals should specify the number of households to be assisted by housing type, (new, existing, moderate rehabilitation, or substantial rehabilitation) and by household type.

(ii) Housing goals must be realistic in terms of estimating the assisted housing resources which can be expected to be available to the applicant. Each annual goal should be established considering feasible project size and should meet a reasonable proportion of the three year goal. In addition, goals established by the grantee must be limited to programs which are clearly available to the households identified in the needs assessment of the HAP, and result in units which: meet the Section 8 Existing Housing Quality Standard (§ 882.109); and are occupied by lower income households which do not pay an excessive proportion of their incomes on housing costs.

(iii) In its annual goal, the applicant shall also describe the actions it will take during the year to meet its annual goal and, as appropriate, its three year

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goal. The applicant shall describe the actions it plans to take to further fair housing for minorities and women pursuant to its certifications under § 570.307(1)(2).

(5)(i) The applicant shall identify general locations of proposed housing for lower income persons to further community revitalization, promote housing opportunity, avoid undue concentrations of assisted housing in areas containing high proportions of low income persons, and assure the availability of public facilities and services.

(ii) General locations for housing projects must contain at least one site which conforms to the site and neighborhood standards established for the appropriate HUD assisted housing program. An applicant which proposes assisted housing in areas of concentration of minorities shall also propose general locations outside areas of concentration in order to assure the balanced provision of assisted housing.

(f)(1) *Hud review of HAP.* Where substantial housing needs are identified pursuant to paragraph (e), HUD may determine that a Housing Assistance Plan with only minimal goals is plainly inappropriate to meeting the applicant's needs.

(2) HUD shall compare the annual goal to the three year goals and any prior annual goals to determine that assisted housing will be provided proportional to need by household type as closely as possible over the three year term of the HAP. The choice of housing type or types (new, existing, moderate rehabilitation, or substantial rehabilitation) must be made considering the type(s) appropriate to the community and to the housing market area. The number of units proposed for each housing type may not exceed the number of that type which can be absorbed in the applicant community.

(3) Any units proposed to be included in the HAP as goals for rehabilitation must meet, at a minimum, the Section 8 Existing Housing Quality Standards pursuant to 24 CFR 882.109 and the Cost-Effective Energy Conservation Standards pursuant to 24 CFR Part 39, and be occupied by lower income households which do not pay an excessive proportion of their incomes on housing costs, upon completion. Weatherization and other similar activities will not alone satisfy rehabilitation housing assistance goals.

VII. § 570.434(b), *Housing Assistance Plan amendments*, is revised to read as follows:

§ 570.434 Program amendments for single purpose and comprehensive grants.

* * * * *

(b) *Housing Assistance Plan amendments.* (1) Grant recipients shall request prior HUD approval of Housing Assistance Plan amendments when the recipient proposes to take an action which would:

(i) increase any three year goal for a household type or housing type by more than the limitations allowed in 24 CFR Part 891, Subpart B, *Applications for Housing Assistance in areas with Housing Assistance Plan;*

(ii) decrease any three year goal; or

(iii) revise the general locations for assisted housing.

(2) Changes not listed in paragraph (b)(1) do not require prior HUD approval, but must be reported to HUD in the grantee's performance assessment report described in § 570.906, *Performance report.*

* * * * *

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-123); and Sec 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., February 9, 1981.

Donald G. Dodge,

Acting General Deputy, Assistant Secretary for Community Planning and Development.

[FR Doc. 81-6009 Filed 2-20-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday)

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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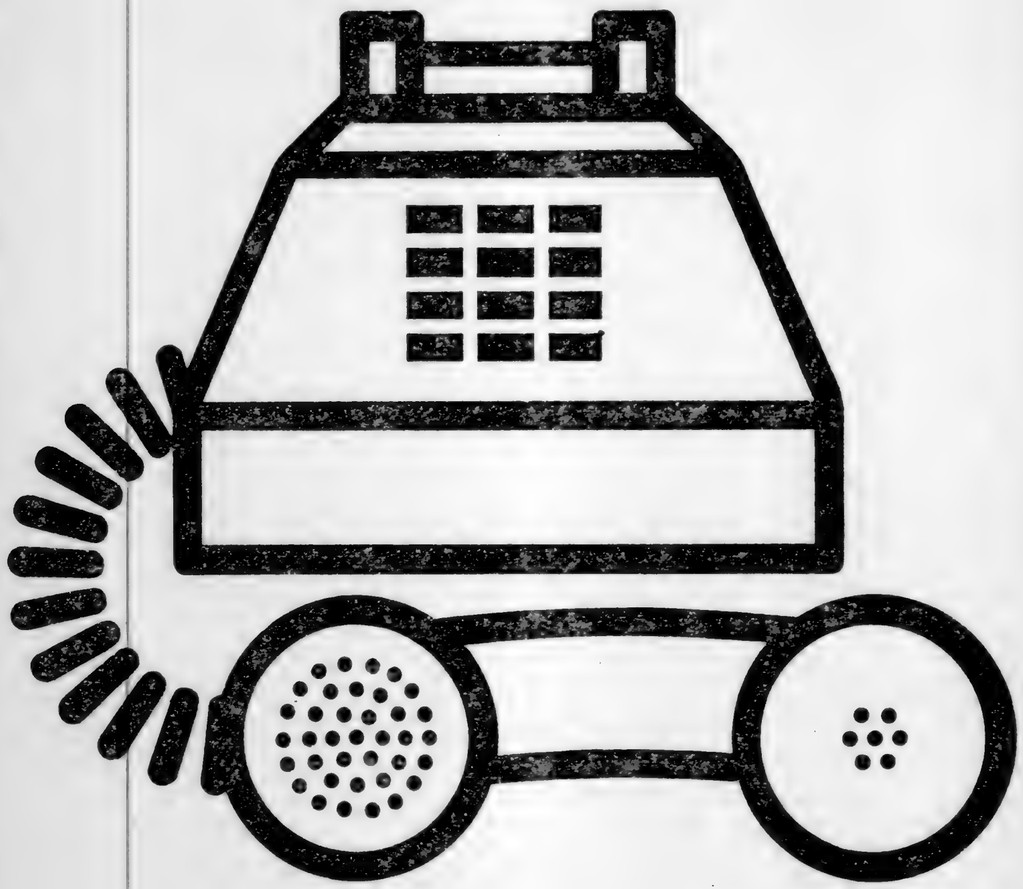
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Tuesday
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Highlights

13682 **Banks, Banking** FHLBB amends regulations governing borrowing by savings and loan institutions the accounts of which are insured by FSLIC; effective 2–13–81

13681 **Nuclear Material** NRC extends effective date until March 21, 1981 on criteria and procedures for determining access to or control over special nuclear material

13816 **Marijuana** HHS/NIH gives notice of study of the health-related effects of marijuana use

13888 **Radio** FCC publishes final rule regarding deregulation of radio; effective 4–3–81 (Part V of this issue)

13818 **Health Planning** HHS/PHS publishes notice of adjustment factor for certificate of need review expenditure minimums

13686 **Air Transportation** CAB amends guidelines for individual determinations of essential air transportation; adopted 2–19–81; effective 2–24–81

13958 **Grant Programs** OMB asks for comments by 4–27–81 regarding standard assurances for Federal Assistance Programs (Part VI of this issue)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

13729 **Government Employees** OPM proposes to amend regulations on agency administrative grievance systems; comments by 4–27–81

13818 **Grant Program** HHS/SSA makes available fiscal year 1981 funds for research grants on improving the Old-Age, Survivors, and Disability Insurance and Supplemental Security Income programs; apply by 5–10–81

13962 **Grant Programs—Youth** HHS/HDSO announces availability of fiscal year 1981 funds for Runaway and Homeless Youth Center Program Grants; apply by 4–27–81 (Part VII of this issue)

13876 **Grant Program—Native Americans** HHS/HDSO announces availability of fiscal year 1981 Financial Assistance for new Native American Projects; apply by 5–11–81 (Part II of this issue)

13880 **Grant Program—Native Americans** HHS/HDSO announces availability of fiscal year 1981 Financial Assistance for a Native American Status Clarification Resource Mobilization Project; apply by 5–11–81 (Part III of this issue)

13884 **Grant Program—Native Americans** HHS/HDSO announces availability of fiscal year 1981 Financial Assistance for Native American Status Clarification Projects; apply by 5–11–81 (Part IV of this issue)

13754 **Minority Businesses** Commerce/MBDA replaces one project to provide management and technical assistance to minority-owned businesses; apply by 3–12–81

13816 **Retirement** HHS/NIH is preparing a report on the mandatory retirement of commercial airline pilots at age 60; available after 4–3–81; comments by 5–4–81

13752 **Cigars** USDA/ASCS gives notice that separate referendums will be held of farmers engaged in production of 1980 crop of cigar binder (types 51 & 52) and cigar filler and binder tobacco; referendums held by mail ballot 2–23 through 2–27–81

13870 **Sunshine Act Meetings**

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Rules and Regulations

Federal Register
Vol. 46, No. 36
Tuesday, February 24, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Domestic Licensing Proceedings; Procedural Assistance Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rules; Suspension of certain provisions.

SUMMARY: The Commission suspends immediately the effectiveness of 10 CFR 2.712(f) and 2.750(c), concerning procedural assistance to non-applicant parties in domestic licensing proceedings. This suspension is based on a December 3, 1980, decision of the Comptroller General (No. B–200585) that found unlawful the use of funds appropriated under Pub. L. 96–367 (FY 1981 Appropriations Act) for the provision of free transcripts to and copying and service of written submissions of non-applicant parties in these proceedings. The Commission may consider a revision of its transcript program at a future date.

EFFECTIVE DATE: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: Martha A. Torgow, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 202/634–1465.

SUPPLEMENTARY INFORMATION: On July 25, 1980, the Commission published a final rule to implement a pilot program of procedural assistance in domestic licensing proceedings, except for antitrust proceedings, to parties other than the applicant by (1) providing a transcript without charge and (2) copying and serving certain written submissions on request. 10 CFR 2.750(c), 2.712(f), 45 FR 49535. In addition, the NRC reduced the number of copies required to be filed by any party with the Commission from 20 to 2. 10 CFR 2.708(d)(2), *supra*. The Commission had begun to implement that program in its licensing proceedings.

The Comptroller General was requested to review this program and determine whether it was lawful under Section 502 of the Energy and Water Development Appropriations Act for FY 1981, Pub. L. 96–367. That section states that FY 1981 funds may not "be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act." On December 3, 1980, the Comptroller General concluded that the first two elements of the program (free transcripts and free copying and service for non-applicant parties) could not be funded from moneys available under that Act, but that the third element (reduction of copies for all parties) could. Opinion No. B–200585. The Comptroller General reasoned that provision of transcripts and free copying and service were litigation expenses that would inevitably have been paid by the non-applicant party and that the assistance program transferred the expense to the NRC to be paid out of appropriated funds. However, a reduction in the number of copies of papers required to be filed did not compensate intervening parties, but merely eliminated a cost for all parties. On December 4, Chairman Ahearne ordered an immediate suspension of the NRC's procedural assistance program on transcripts and copying and service, pending further direction from the Commission.

This notice announces the formal suspension of the transcript and copying and service portions of the program, 10 CFR 2.750(c) and 2.712(f). Because implementation of these portions of the program through appropriations under the FY 1981 Appropriations Act has been found unlawful by the Comptroller General and thus would not be in the public interest, good cause exists for making this suspension effective without prior notice and comment and upon publication. The Commission may at some future time revise its program of free transcripts and will consider any comments filed on the suspension and proposals for future action which are filed with the Secretary of the Commission within 30 days of publication of this notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 2, are published as a document subject to codification.

§ 2.712 [Amended]

1. Section 2.712(f) of 10 CFR Part 2, concerning free copying and service, is amended by revising footnote 1 at the end thereof to read as follows:

[1]This paragraph is suspended until further action of the Commission.

§ 2.750 [Amended]

2. Section 2.750(c) of 10 CFR Part 2, concerning free transcripts, is amended by revising footnote 1 at the end thereof to read as follows:

[1]This paragraph is suspended until further action of the Commission.

(Sec. 161p, as amended, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201p); Sec. 201 as amended, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 19th day of February 1981.

For the Commission.

Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 81–6237 Filed 2–23–81; 8:45 am]
BILLING CODE 7590–01–M

10 CFR Parts 11, 50, and 70

Change of Effective Date for Application, Recordkeeping, and Reporting Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule; Extension of Effective Date.

SUMMARY: The Nuclear Regulatory Commission is extending from February 4, 1981 to March 21, 1981, the effective date for the application, recordkeeping, and reporting requirements contained in a final rule establishing "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material", 10 CFR Part 11, and conforming amendments to 10 CFR Parts 50 and 70, which was published as **Federal Register** Document 80–36442 appearing at page 76968 on November 21, 1980. This extension of the effective

date for the application, recordkeeping, and reporting requirements contained in the rule is made in order to allow additional time for completion of the review of those requirements by the General Accounting Office.

EFFECTIVE DATE: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: Kristina Z. Markulis, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Phone: 301–443–5903).

SUPPLEMENTARY INFORMATION: In a final rule published in the **Federal Register** on November 21, 1980 (45 FR 76968) the NRC published "Criteria and Procedures for Determining Eligiblity for Access to or Control Over Special Nuclear Material," 10 CFR Part 11, and conforming amendments to 10 CFR Parts 50 and 70. That rule was to become effective on February 4, 1981. In order to allow additional time for the Comptroller General's review conducted under the Federal Reports Act, as amended, 44 U.S.C. 3512, the effective date for the application, recordkeeping, and reporting requirements contained in the rule, unless advised to the contrary, is extended to March 21, 1981. The effective date for all of the other regulatory requirements contained in the rule remains unchanged. The application, recordkeeping, and reporting requirements which wilkl become effective on March 21, 1981 are contained in 10 CFR Part 11, §§ 11.9, 11.11(a), 11.13(b), 11.15(b), 11.15(c), and 11.15(d).

Since the requirement relates solely to a minor procedural matter, notice of proposed rulemaking and public procedure thereon are unnecessary, and good cause exists to make the amendments effective upon publication in the **Federal Register.**

(Sec. 161; Pub. L. 83–703, 68 Stat. 948, Pub. L. 93–377, 88 Stat. 475; Sec. 201, Pub. L. 93–438, 88 Stat. 1242–2143, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 2201, 5841)

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-6006 Filed 2-23-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-82]

12 CFR Parts 545, 556, 561 and 563

Amendments Concerning Borrowing

Dated: February 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final amendments.

SUMMARY: The Board has amended its regulations governing borrowing by savings and loan institutions the accounts of which are insured by the FSLIC. These amendments: (1) permit insured institutions to offset liabilities with commitments for borrowing or for sale of an investment for purposes of the limitation on the distribution of maturities of liabilities; (2) clarify that securities evidencing agreements to repurchase direct obligations of, or obligations guaranteed by, the United States or its agencies are not subject to the minimum denomination requirements for securities evidencing outside borrowings; (3) extend treatment as a borrowing to the sale of any type of loan or participation interest subject to a repurchase obligation; (4) provide an alternative for calculating the amount of borrowing resulting from the sale of any type of loan or participation interest subject to an obligation to repurchase at par; (5) exclude from the requirement of sale without recourse, the sale of any type of loan or participation interest subject to either a subordinated interest or a guarantee against loss, not to exceed 10% of the outstanding indebtedness represented by the loans; (6) extend the FSLIC right to purchase to any type of loan collateralizing outside borrowings with an original maturity in excess of one year in the event of default; (7) limit to 7 days the right of the FSLIC to purchase GNMA single-family mortgage-backed securities collateralizing outside borrowings in the event of default; and (8) exempt from offering-circular and review requirements securities evidencing outside borrowings with a maturity of one year or less.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett (telephone (202) 377–6445) or John P. Soukenik (telephone (202) 377–6427), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C., 20552.

SUPPLEMENTARY INFORMATION: On May 22, 1980 (Resolutions No. 80–328, –329), the Board amended its regulations governing outside borrowing by savings and loan institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC"). These amendments liberalized and simplified previously existing limitations. The Board has monitored closely the borrowing activities of insured institutions since adoption of the amended regulations and has received comments concerning the effect of the regulations on the operations of insured institutions. As a result, the Board has determined that modification of certain restrictions contained in the amended regulations is appropriate.

Liability Distribution

By its May, 1980 action, the Board limited the distribution of maturities of all types of liabilities. The regulation (12 CFR 563.8–3) requires that an institution notify the Board's Principal Supervisory Agent (i.e., the President of the Federal Home Loan Bank of which the institution is a member) prior to undertaking any obligation that would cause the aggregate amount of an institution's liabilities maturing in any three-month period, less the amount of the institution's liquid assets, to exceed 30 percent of the institution's assets at the time that the additional liability is incurred. In addition, the regulation requires prior FSLIC approval of any obligation that would cause the aggregate amount of an institution's liabilities maturing in any three-month period, less the amount of its liquid assets, to exceed 40 percent of the institution's total assets.

In determining whether prior notice or prior approval is required before incurring a liability, an institution must aggregate its liabilities maturing in any three-month period. Liabilities include any savings account (including an account of $100,000 or more) with a specified term or maturity date, any borrowing (including advances from a Federal Home Loan Bank or State-chartered central reserve institution), any investment commitment (including any commitment to make or purchase a loan or participation therein), and any loans in process (undistributed loan proceeds).

By its action today, the Board permits institutions to offset against aggregate liabilities commitments for borrowing and commitments for sale of an investment within the three-month period. A commitment for borrowing or a commitment for sale of an investment must be in writing and state the date the transaction is to be completed and the interest rate for the borrowing or the price for the sale. A commitment must be a binding obligation on the part of the lender or the purchaser, and an option to lend or to buy will not be deemed to be a "commitment" even though it may be given that designation by the parties.

By offsetting commitments for borrowing and for sale of investments ("short positions") in defining aggregate liabilities, the Board is liberalizing the limitations of § 563.8–3 with regard to the distribution of maturities of liabilities and increasing the ability of institutions to borrow without prior notice or prior approval. More importantly, the amendments create an incentive for associations to hedge liabilities with appropriate short positions. For example, an institution may offset commitments to make mortgage loans with commitments for the sale of mortgage loans in the secondary mortgage market. The Board hopes that this action will increase the emphasis of institutions on careful planning to provide funds for all types of liabilities consistent with lending objectives, anticipated earnings performance, cashflow forecasts and other budget considerations.

Transfer and Repurchase of Government Securities

On August 2, 1979 (Board Resolution No. 79–419), the Board modified its policy on agreements to repurchase direct obligations of, or obligations guaranteed by, the United States or its agencies (12 CFR 531.12) to provide that member institutions may offer such agreements in denominations under $100,000 with a maturity of less than 90 days, provided that the agreement (1) bears on its face a legend stating that the obligation is not a savings account or deposit and is not insured by the FSLIC and (2) cannot be renewed or extended automatically. The Board also adopted a new policy statement (12 CFR 556.10) that specifically excluded such agreements issued by Federal associations from limitations on the issuance of securities.

In adopting the May, 1980, amendments to the regulations governing outside borrowings, the Board did not make special provision for borrowings resulting from repurchase transactions under § 531.12. This has resulted in questions regarding the application of § 563.8 to such transactions. To resolve any questions, the Board's action today expressly provides an exception to the minimum denomination requirements of § 563.8 for securities evidencing outside borrowings in the form of an obligation maturing in less than 90 days to repurchase direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof. Insured institutions should note, however, that these securities are subject to the requirements otherwise governing secured borrowings, including the requirement that the aggregate book value of all collateral securing outside borrowings may not exceed 25 percent of the institution's assets.

In addition, the Board deletes its policy statement (12 CFR 556.10) governing § 531.12 transactions, which has been superseded by the May, 1980, amendments.

Sale of Loans Subject to Repurchase Obligation

Current regulations (12 CFR 563.8) require an insured institution to treat a sale of a mortgage pool under terms that require repurchase at par of all of the current and outstanding mortgages, up to a stated percentage of the original pool, after a specified period as subject to borrowing and collateral limits to the extent of the total outstanding obligation to repurchase. The total outstanding obligation to repurchase is an amount equal to (1) the outstanding loan balances at the time of sale, less (2) actual prepayments of mortgages in the pool, less (3) scheduled amortization ("repayments") as of the repurchase date. The calculation does not take into consideration anticipated loan prepayments. Further, the sale of loans other than mortgage loans subject to a repurchase obligation is not expressly treated by existing regulations, although by interpretation the sale of such loans subject to a repurchase obligation is treated as a secured borrowing.

By its action today, the Board expressly extends treatment as a borrowing to the sale of any type of loan or participation interest subject to a repurchase obligation, including home improvement, consumer and educational loans, as well as first mortgage loans. This action affords the sale of non-mortgage loans subject to a repurchase obligation more liberal treatment than under the current interpretation by permitting calculation of the amount of the borrowing using the alternative methods set forth below and providing for treatment of an obligation to repurchase at market value as a sale without recourse. The Board has monitored the development of secondary markets for home improvement, consumer and educational loans and encourages institutions to use these markets in order to raise lendable funds. In so doing, the Board believes that any loan sold subject to a repurchase obligation should be subject to the same borrowing and collateral limits.

In addition, the Board is providing an alternative method for calculating the amount of borrowing attributable to an institution by reason of repurchase obligations, by permitting an institution to treat as a borrowing the lesser of its (1) contractual repurchase obligation or (2) estimated repurchase obligation. The estimated repurchase obligation is defined initially as the outstanding loan balances at the time of sale less an amount equal to 5 percent of the outstanding loan balances at the time of sale for each full year from the date of sale until the repurchase date. An institution is required to review the actual repayment and prepayment performance of the loans annually, to adjust the estimated repurchase obligation according to actual performance, and to maintain adequate records to support any adjustment to the estimated repurchase obligation.

For example, if the outstanding loan balances at the time of sale are $100 million and the insured institution is required to repurchase all of the current and outstanding loans after ten years, the amount of the contractual repurchase obligation to be treated as a borrowing at the time of sale pursuant to the existing regulation is $100 million less scheduled amortization as of the repurchase date. The amended regulation permits an institution to treat the lesser of the contractual repurchase obligation or the estimated repurchase obligation as a borrowing. The estimated repurchase obligation in the example is $50 million (outstanding loan balances at time of sale less five percent of the balances for each year of the agreement: $100 million−(5%×$100 million×10)=$50 million) and would be less than the contractual repurchase obligation. However, if the contractual repurchase obligation is to repurchase only up to twenty-five percent of the outstanding loan balances at the time of sale, the institution is permitted to treat only that amount ($25 million in the example) as a borrowing.

Further, the amended regulation requires the institution to make annual adjustments of the estimated repurchase obligation based on actual repayment and prepayment of loans. In the first example above, if actual repayments and prepayments in the first year of the repurchase term amount to $7 million, then the estimated repurchase obligation may be reduced to $48 million. On the other hand, if repayments and prepayments equal $3 million only, then the estimated repurchase obligation must be increased to $52 million.

Sale of Loans with Recourse

Section 563.23 of the Board's regulations (12 CFR 563.23) requires that all loans and participation interests in loans sold by an insured institution must be sold without recourse. Section 561.8 (12 CFR 561.8) defines "without recourse" in connection with the sale of any loan or interest therein, to mean

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without any agreement or arrangement under which the purchaser is to be entitled (1) to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved, or any part thereof, or (2) to withhold or to have withheld from the seller any sum of money or any thing of value by way of security against any such default. In May of 1980, the Board amended the definition of "without recourse" to exclude any sale of mortgage loans through the issuance of mortgage-backed securities that provides for the seller to take a subordinate interest in part of the loans sold, if (a) the subordinate interest does not exceed 10 percent of the outstanding balance of the loans at the time of sale, and (b) a specified reserve is designated from net worth in an amount equal to 50 percent of the amount of the subordinate interest that does not exceed 5 percent of the original amount of the loans, plus 100 percent of the amount of the subordinate interest that exceeds 5 percent of the original amount of the loans.

By its action today, the Board eliminates the requirement that loans be sold through the issuance of mortgage pass-through securities for purposes of the up to 10 percent subordinate interest exclusion and extends the exclusion to the sale of any type of loan or loan participation interest. As noted above, secondary markets have developed for home improvement, consumer and educational loans, and the Board believes that sales of all types of loans and interests should be subject to similar regulatory treatment to the fullest extent possible. Today's action amends §§ 561.8 and 563.23 accordingly, placing the exclusion in § 563.23 rather than § 561.8.

In addition, the Board excludes from the requirement of sale without recourse any guarantee of up to 10 percent of the outstanding balance of any sold loans or interests therein at the time of sale, subject to the same specified reserve requirements as currently apply to a subordinate interest in sold loans. In expanding this exception to the general rule requiring the sale of loans without recourse, the Board further encourages insured institutions to use secondary loan markets to reduce interest rate risk and to generate additional lendable funds. At the same time, the Board maintains the safety and soundness of institutions' operations by requiring the establishment of specified reserves against the contingent liability of subordinate interest or guarantee of sold loans.

The purpose of a subordinate interest or guarantee is to reduce the credit risk to a purchaser of loans by allowing the selling institution to absorb a portion of the risk of defaulted loans. Because the risk to the purchaser is lowered, the required yield needed to sell the loans is lowered. The Board has reviewed the markets for the sale of loans and has determined that a mechanism which adequately can absorb losses up to 10 percent of the original amount of the loans is sufficient to attain the highest rating available from rating agencies. By its action today, the Board has granted institutions selling loans additional flexibility to choose the most appropriate risk reduction vehicle. This may be the purchase of private credit insurance or self-insurance through retention of up to a 10 percent subordinate interest or guarantee.

Lastly, the amendment also facilitates the participation of insured institutions in the FHA Section 244 Single-Family Home Mortgage Co-insurance Program, which requires originating lenders to assume and retain for five years liability for 10 percent of any loss on default for each loan originated. By excluding the guarantee of up to 10 percent of the principal balance of sold loans from the requirement of sale without recourse, the Board makes it possible for insured institutions to sell Section 244 loans in the secondary mortgage market generally and, in particular, to the Federal National Mortgage Association pursuant to its Section 244 purchase program.

Institutions should note that the Board's action today creates an exception to the requirement of sale without recourse only and that an institution is permitted to guarantee or retain a subordinate interest in sold loans only to the extent that is has the legal power to do so.

FSLIC Right of Purchase for GNMA Securities

The borrowing limitations adopted in May, 1980 (12 CFR 563.8), provide that for an outside borrowing in excess of one year that is secured by mortgage loans or mortgage-backed securities, the FSLIC must receive prompt written notice of any default on the obligation. In addition, before sale or other disposition of any portion of the collateral, the FSLIC must have 30 days after written receipt of notice of the sale or disposition to exercise a right to purchase such collateral at the price or value assigned to it in the proposed sale or disposition. The purpose of the right of purchase is to ensure that relatively illiquid collateral is not sold at substantially below its full market value by giving the FSLIC the option of purchasing the collateral and liquidating it at a more opportune time in order to gain full market value. The 30 day period gives the FSLIC an opportunity to evaluate the collateral and market conditions prior to exercising its right of purchase.

By its action today, the Board extends the FSLIC right of purchase to any outside borrowing in excess of one year that is secured by any type of loan. This is in further recognition of the development of secondary markets in loans other than first mortgage loans.

In addition, the Board limits the period for the FSLIC to exercise its right of purchase to 7 days for collateral in the form of Government National Mortgage Association ("GNMA") guaranteed single-family mortgage-backed securities. Since GNMA guaranteed single-family mortgage-backed securities are highly liquid and are traded in a well-established market, the FSLIC is able to evaluate this collateral and market conditions in less than 30 days. Since investors favor use of GNMA guaranteed single-family mortgage-backed securities as collateral, the Board has decided to relieve a possible disincentive to their use.

Review of Offering Circulars

The May, 1980, amendments require institutions to submit offering circulars for proposed debt securities to the Securities Division of the Board's Office of General Counsel for review prior to their use. The amendments further require offering circulars for securities with a minimum denomination of $10,000 unless they are sold in a private placement.

By its action today, the Board exempts securities with a maturity not exceeding one year from the offering circular and review requirements. Such securities currently are exempt from the requirement of review by the Board's Supervisory Agent prior to issuance, and inclusion within the offering circular and Securities Division review requirements was not intended.

The amendments adopted today relieve restrictions by granting greater flexibility to insured institutions to borrow funds and to sell investments in the secondary loan market. Therefore, the Board has determined that public notice and procedure under 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary and contrary to the public interest with regard to these amendments, and that a 30-day delay of effective date under 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reasons.

Accordingly, the Board hereby amends Parts 545, 556, 561 and 563, Subchapters C and D, Chapter V, of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

§ 545.8–10 [Amended]

1. Amend § 545.8–10 by changing the reference to "§ 563.23" in paragraph (b) of that section to "§ 563.23(a)."

PART 556—STATEMENTS OF POLICY

§ 556.10 [Removed]

2. Remove § 556.10.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

§ 1.5561.8 [Amended]

3. Amend § 561.8 by removing the second sentence thereof.

PART 563—OPERATIONS

4. Amend § 563.8 by revising paragraph (c)(2); revising paragraph (f)(2); and amending paragraph (j) by redesignating subparagraphs "(2)," "(3)" and "(4)" as subparagraphs "(3)," "(4)" and "(5)," respectively, revising existing subparagraph (1) and redesignated subparagraph (5), and adding a new subparagraph (2); to read as follows:

§ 563.8 Borrowing limitations.

* * * * *

(c) *Limitations on secured borrowings.*

* * * * *

(2) For an outside borrowing with an original maturity in excess of one year that is secured by any loans or interests therein or mortgage-backed securities, the terms of such borrowing shall provide that the Corporation receive prompt written notification of any default on the obligation and, before a sale or other disposition of any portion of the collateral, that the Corporation shall have thirty days after written receipt of notice of such proposed sale or other disposition, or in the event that the collateral consists of Government National Mortgage Association guaranteed single-family mortgage-backed securities seven days after written receipt of notice of such proposed sale or other disposition, to exercise a right to repurchase such collateral at the price to be paid at such sale or to acquire such collateral at the value to be assigned to it in such other disposition.

* * * * *

(f) *Minimum denominations of securities evidencing outside borrowings.*

* * * * *

(2) *Exceptions.* (i) There is no minimum denomination for securities:

(*a*) issued in a private placement to institutional investors;

(*b*) constituting evidence of a borrowing from a commercial bank; or

(*c*) complying with § 531.12 of this Chapter and evidencing an obligation maturing in less than 90 days to repurchase direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof.

(ii) The minimum denomination may be $10,000, if the securities are not offered or sold at any office of the institution or any of its affiliates, and

(*a*) they are not sold to more than 35 persons or offered by any advertisement, including any broadcast or written communication published in a newspaper, magazine or similar medium, or by any letter, circular or other written communication sent, given or communicated to more than 35 persons who prior to such communication have not indicated an interest in purchasing the securities, and any purchases by such persons are for their own account and not with a view to distribution; or

(*b*) prior to or simultaneously with any offering, and prior to issuance, purchasers of such securities have been furnished an offering circular which conforms to the requirement of paragraphs (g) and (h) of this section; or

(*c*) the maturity of the securities does not exceed one year.

* * * * *

(j) *Sale and repurchase of loans or loan participations.* (1) An agreement for the sale by an insured institution of any loans or interests therein that provides that the selling institution will repurchase at par all of the loans or interests outstanding at a future date, up to a specified portion of the outstanding balance of the loans or interests at the time of sale, for purposes of paragraph (b) and subparagraph (c)(3) of this section shall be treated as a borrowing to the extent of the lesser of (i) the contractual repurchase obligation or (ii) the estimated repurchase obligation: *provided*, that the institution is required to repurchase only current and outstanding loans or interests, and the agreement does not provide for mandatory substitution of collateral.

(2) The estimated repurchase obligation for purposes of subparagraph (j)(1) of this section shall be equal to the outstanding loan balances at the time of sale less an amount equal to 5 percent of such balances for each full year from the date of sale until the repurchase date up to 50 percent of the outstanding loan balances at the time of sale. An insured institution shall adjust the estimated repurchase obligation annually to the extent that the actual repayments and prepayments of the loans or interests therein exceed or are less than 5 percent per year for each preceding year, and shall maintain adequate records to support any adjustment in the repurchase obligation treated as a borrowing. * * *

(5) If the agreement described in subparagraph (j)(1) of this section provides for repurchase of loans or interests therein at market value, the transaction shall be treated as a sale without recourse.

5. Amend § 563.8–3 by redesignating subparagraphs "(1)" and "(2)" of paragraph (a) as subparagraphs "(3)" and "(4)," respectively, and adding new subparagraphs (1) and (2); and revising paragraph (b); to read as follows:

§ 563.8–3 Distribution of maturities of liabilities.

(a) *Definitions.* * * *

(1) The term "commitment for borrowing" means any written commitment to lend money to the institution (including commitments for advances from a Federal Home Loan Bank or a State-chartered central reserve institution) on or before a date and at an interest rate specified in the commitment.

(2) The term "commitment for sale of an investment" means any written commitment to purchase an investment from the institution (including any commitment to purchase a loan or interest therein) on or before a date and at a price specified in the commitment.

* * * * *

(b) *General.* If, by incurring a liability, an insured institution causes the aggregate of its liabilities maturing in any consecutive three months, less the amount at the time it incurs such liability of (1) the institution's liquid assets, (2) any commitment for borrowing at a date within such three-month period, and (3) any commitment for sale of an investment at a date within such three-month period, to exceed an amount equalling 30 percent of the institution's total assets, the institution shall provide to the Principal Supervisory Agent notification as prescribed in paragraph (c) of this section. No institution shall incur any liability that will cause its aggregate liabilities maturing in any consecutive three months, less the items described in subdivisions (1), (2), and (3) of this

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paragraph at the time it incurs such liability, to exceed an amount equalling 40 percent of the institution's total assets, unless the institution has obtained prior approval of the Corporation under paragraph (d) of this section. Any item which qualifies as both a liquid asset and either a commitment for borrowing or a commitment for sale of an investment shall be included only once in determining whether the limitations of this paragraph apply.

§ 563.9–4 [Amended]

6. Amend § 563.9–4 by changing the reference to "§ 563.23" in paragraph (b) of that section to "§ 563.23(a)."

7. Amend § 563.23 by revising and designating the current text as paragraph (a) and adding a new paragraph (b), to read as follows:

§ 563.23 Prohibition of sale with recourse.

(a) *General rule.* All loans and participation interests in loans sold by an insured institution shall be sold without recourse.

(b) *Exceptions.* The prohibition of paragraph (a) of this section notwithstanding, to the extent that it has legal power to do so an insured institution may:

(1) engage in mortgage transactions with Federally-chartered secondary market agencies as provided in § 545.8–10 of this Chapter and § 563.9–4 of this Part; and

(2) sell any loans or interests therein where the agreement of sale provides for the institution directly or indirectly (i) to hold or retain a subordinate interest in a specified percentage of the loans or interests or (ii) to guarantee against loss up to a specified percentage of the loans or interests, which specified percentage shall not exceed 10 percent of the outstanding balance of the loans or interests at the time of sale: *Provided,* That the institution designates a specific reserve from its net worth equal to one-half the amount of its subordinate interest or guarantee that does not exceed 5 percent of the outstanding balance of the loans or interests at the time of sale plus the total amount of its subordinate interest or guarantee in excess of 5 percent of the outstanding balance of the loans or interests at the time of sale.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–6183 Filed 2–23–81; 8:45 am]

BILLING CODE 6720–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 398

[Docket No. 34650; Amdt. No. 2 of Part 398]

Guidelines for Individual Determinations of Essential Air Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: The CAB modifies its essential air service guidelines to make clear that it will not rigidly apply its 50-percent load factor standard, but may guarantee a number of flights to a community on the basis of a slightly different standard when circumstances warrant it. This action is taken in response to comments from the Commuter Airline Association and Frontier Airlines, and the CAB's experience under the Small Community Air Service Program.

DATES: Adopted: February 19, 1981. Effective: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Bureau of Domestic Aviation, (202) 673–5408; or David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5442.

SUPPLEMENTARY INFORMATION: Section 419 of the Federal Aviation Act (49 U.S.C. 1389) requires that the Board establish essential air service levels for communities that are eligible points and guarantee that those communities receive at least that level of service even if an airline must be paid a subsidy to provide it. To aid in the implementation of this provision, the Board added a new Part 398 to 14 CFR, *Guidelines for Individual Determinations of Essential Air Transportation.* That part sets forth guidelines that we use in evaluating the essential air service needs of each community.

When the part was first proposed (PSDR–59, 44 FR 27438, May 10, 1979), the Board tentatively concluded that, as a general matter, communities should be guaranteed enough flights to accommodate passengers there at a 65 percent load factor (the percentage of seats filled on a flight). This meant that if the average daily passenger boardings at a point were 16, for example, that community would be guaranteed 25 seats per day (16 divided by 0.65). When the rule was finally adopted (PS–87, 44 FR 52846, September 7, 1979), the Board expressed concern that a 65-percent load factor standard may be too high for air service to small communities. Although it adopted the 65 percent load factor standard at that time, the Board directed its Office of Economic Analysis (OEA) to examine the effect of that standard when small aircraft or linear routings were used in serving small communities.

The OEA study concluded that when the 65-percent load factor standard is employed, passenger access to reservations in markets served by small aircraft is dramatically lower than what is found in large-aircraft markets. OEA suggested that the load factor standard should be lowered to 50 or 55 percent for markets served by small aircraft.

Based on the findings of the study, the Board, by PS–89, 44 FR 65564, November 14, 1979, amended Part 398 to change the load factor standard to 50 percent. This had the effect of increasing the number of seats that the Board would guarantee to an eligible point. In the example above, the point averaging 16 passengers per day would now be guaranteed 32 seats per day. By PSDR–64, 44 FR (65583) November 14, 1979, issued at the same time, the Board invited comments on this amendment with a view to issuing a revised rule later if necessary.

Three comments were filed in response to the notice. Frontier Airlines opposed a 50-percent load factor standard because of concern that it would be rigidly applied. It stated that this standard made sense when small aircraft were used, but not when 50-seat aircraft were operated. Frontier claimed that a 50-seat aircraft cannot be operated economically at an average load factor of 50 percent, but needs at least 65 percent of its seats filled to be operated profitably. Frontier pointed out that the OEA study had shown that the chance of a passenger being denied a reservation decreases as the size of aircraft increases. It urged the Board to vary the load factor levels with aircraft size. It did not consider this approach to be unduly complex, as it would require only that the Board indicate in essential service orders that use of larger aircraft would reduce the total number of seats that would be required.

The Commuter Airline Association of America (CAAA) considered the 50-percent standard to be too low. It cited a study by Melvin A. Brenner and R. Dixon Speas which found that commuters need load factors of at least 59 percent in order to operate profitably.

Lowering the standard to 50 percent would, in CAAA's view, increase the need for subsidy and reduce the scheduling flexibility of airline management. It would also put an unsubsidized commuter airline in the difficult position of having to either increase its service at a point to meet the higher seat guarantee or compete with a subsidized carrier that the Board brings in to make up the service shortfall in that market. CAAA asked that the Board, in establishing a load factor standard, consider not only the likelihood that a given standard would result in passengers being denied reservations or boarding but also the possibility that that standard might be too low for profitable commuter operations, thereby increasing the government's subsidy bill. CAAA also questioned whether there was as much variation in demand in the small markets as in the large ones. When demand is relatively constant, there are no peak periods when a reservation would be hard to obtain even with higher load factors.

The Texas Aeronautics Commission also commented, but its views were directed toward the Board's implementation of the essential air service program in general rather than to the specific matter, the load factor standard, in issue here.

We agree with Frontier and CAAA that a 50-percent load factor standard may not make sense in all cases and our intention was not to apply it rigidly. In its study, OEA stated (page 22) that its data were "not sufficient for the purpose of fine tuning the load factor standards used in essential air service determinations." It did not find that a 50-percent load factor was the proper level for all communities. It merely found that a 65-percent load factor standard would usually be too high for essential air service determinations involving markets served by small aircraft and would usually result in more people being denied reservations or seats than in areas served by large carriers. As we have repeatedly emphasized, the provisions of Part 398 are merely guidelines that are used in evaluating the essential air service needs of individual communities. These needs vary from case to case. The load factor standard, like the other guidelines in Part 398, must be varied accordingly.

Although we remain committed to the 50-percent standard as a general guideline, there are several situations where the Board may deviate from it. For the reasons stated above by Frontier and CAAA, we may sanction higher load factors in some markets as larger aircraft are employed. As the size of the aircraft used increases, the chance that one would be denied a reservation or seat during peak travel periods diminishes. In those cases there is no reason to require the lower load factor. We may consider load factors above 50 percent justified if the aircraft used has more than eight seats. Of course, the increase in load factor we would sanction would depend on the increase in the size of aircraft employed.

The size of aircraft that a carrier operates at a point, when considered with the number of seats that the Board has guaranteed for that point, may also affect the load factor standard. For example, if a carrier proposes to operate 15-seat aircraft at a point for which the Board has guaranteed 32 seats per day, the Board would generally not require more than two flights per day with that aircraft. To provide the two additional seats with a third flight would be unnecessary and wasteful. Since the 32-seat guarantee would have been based on average daily enplanements of 16 passengers, the provision of two flights would still leave enough room for growth in the market and accommodation of all passengers at times of peak travel demand, even though the service would be provided at slightly more than a 50-percent load factor. Requiring a third flight with 15-seat aircraft would force the carrier to serve at unacceptably low load factors.

While finding another carrier with different-sized aircraft to provide the service would be another approach to this problem, that may not always be the best solution. Even if such a carrier were available, that carrier may not be as reliable or efficient or may not have community support. Varying the load factor guideline for the point involved would be consistent with the spirit of Part 398 and might be the most practical solution to the problem.

The nature of the service at the eligible point might also warrant the application of a different load factor standard there. If a point were an intermediate stop on a linear route to the designated hub, it might be impractical for a carrier to serve that point at the load factor that would usually be required. Nevertheless, we would require the carrier to accommodate traffic at the eligible point and would expect the community to inform us if the carrier were not meeting its obligation.

We are amending Part 398 to set forth some of the situations where the Board may deviate from the load factor guideline. This amendment will not require us to change existing essential air service determinations. It is only meant to clarify that the 50-percent load factor standard, like any other guideline in Part 398, may be altered for individual communities as circumstances warrant.

Since this rule is interpretative in nature, we find that it may take effect immediately.

Accordingly, the Board amends 14 CFR Part 398, *Guidelines for Individual Determinations of Essential Air Transportation,* as follows:

1. The authority for Part 398 is:

Authority: Secs. 204 and 419, Pub. L. 85–726, as amended, 72 Stat. 743, 92 Stat. 1732, 49 U.S.C. 1324, 1389.

2. The Table of Contents is amended by adding a new § 398.9, to read:

Sec.

* * * * *

398.9 Load factor standard.

3. A new § 398.9 is added to read:

§ 398.9 Load factor standard.

The load factor guideline used in this part may be raised for individual eligible points under one or more of the following circumstances.

(a) The aircraft providing the essential air transportation there has more than eight seats;

(b) There is little likelihood that there will be periods of higher-than-normal demand for air transportation at that point;

(c) The number of seats on the aircraft operated at that point is not evenly divisible into the number of seats that the Board has guaranteed for that point;

(d) The point is served by the carrier as part of a linear route; or

(e) It would be in the interest of the community, the carrier, or the general public to increase the load factor standard for that point.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–6186 Filed 2–23–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

Blanket Waiver of Regulations for Specified Period

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interpretation of final rule.

SUMMARY: On December 19, 1980, the Commission issued an order captioned "American Natural Gas Production

Company, *et al.*—Rate Schedule No. 51, *et al.*" which granted a blanket waiver of § 154.94(h)(2)(iii) of the Commission's regulations in Title 18 regarding the 30 day filing requirements for certain notices of change in rate. The Commission waived the requirements of that section to permit untimely filed notices of change in rate for sales of gas governed by Sections 102(d) and 108 of the Natural Gas Policy Act to become effective on either the date of final determination or the date of initial delivery, whichever is later. The Commission intended that the waiver apply to all sales of Section 102(d) and 108 gas for which notices of change in rate, filed pursuant to a final determination, are now on file with the Commission, or are filed within 60 days of the date of issuance of the above order (i.e., February 17, 1981). The Commission emphasized in the order that the waiver applies only to producers whose filings fall into the above categories and noted that all producers are expected to comply with the 30-day filing requirement in the future.

EFFECTIVE DATE: The Commission's interpretation is effective December 19, 1980.

FOR FURTHER INFORMATION CONTACT:
Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202–357–8400.

Kenneth F. Plumb,
Secretary.

Notice of Commission Action Granting Blanket Waiver of § 154.94(h)(2)(iii) of the Regulations for Specified Period

Issued: December 19, 1980.

Take notice that on December 19, 1980, the Commission issued an order captioned "American Natural Gas Production Company, *et al.*—Rate Schedule No. 51, *et al.*" which granted a blanket waiver of § 154.94(h)(2)(iii) of the Commission's regulations regarding the 30 day filing requirements for certain notices of change in rate. The Commission waived the requirements of § 154.94(h)(2)(iii) in order to permit untimely filed notices of change in rate for sales of gas governed by Sections 102(d) and 108 of the NGPA to become effective on either the date of final determination or the date of initial delivery, whichever is later. The Commission intended that the waiver apply to all sales of Section 102(d) and 108 gas for which notices of change in rate, filed pursuant to a final determination, are now on file with the Commission, or are filed within 60 days of the date of issuance of the above order (i.e., February 17, 1981). The Commission emphasized in the order that the waiver applies only to producers whose filings fall into the above categories and noted that all producers are expected to comply with the 30-day filing requirement in the future.

Kenneth F. Plumb.

Secretary.

[FR Doc. 81-6109 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

[Docket No. 80N-0345]

Public Hearing Before a Public Advisory Committee; Advisory Committee Annual Reports

Correction

In FR Doc. 80-40284 appearing on page 85724 in the issue of Tuesday, December 30, 1980, on page 85725, first column, the "*Effective date*" at the bottom should read "December 30, 1980.", and the FR Doc. line should read as set forth below:

"[FR Doc. 80-40284 Filed 12-29-80; 8:45 am]".

BILLING CODE 1505-01-M

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21 CFR Part 131

[Docket No. 77N-0143]

Cultured and Acidified Milks, Cultured and Acidified Buttermilks, Yogurts, and Eggnog; Standards of Identity

Correction

In FR Doc. 81-3139, appearing at page 9924 in the issue for Friday, January 30, 1981, make the following corrections on page 9926 in the third column:

(1) In section 5.6, *Date marking*, in the next to last line "* * * date of minimum * * *" should have read "* * * date or minimum * * *".

(2) Section 5.7, *Lot identification*, should be followed by a double asterisk footnote reference "**".

(3) At the bottom of the column, the last footnote should be designated "**" instead of "*".

BILLING CODE 1505-01-M

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21 CFR Part 178

[Docket No. 80F-0169]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antistatic and/or Antifogging Agents in Food-Packaging Materials

Corrections

In FR Doc. 80-40506 appearing on page 85726 in the issue of Tuesday, December 30, 1980, on page 85727, first column, paragraph (b) of § 178.3130, first column of the table, third line, "C_{16}–$_{18}$" should read "C_{16}–C_{18}"; and in the fifth line, "C_{16}–$_{18}$" should read "C_{16}–C_{18}".

BILLING CODE 1505-01-M

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21 CFR Part 510

Change of Sponsor Name; New Animal Drugs

Correction

In FR Doc. 80-40283 appearing on page 85727 in the issue of Tuesday, December 30, 1980, third column, the "*Effective date*" should read "December 30, 1980.".

BILLING CODE 1505-01-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor

Correction

In FR Doc. 81-3951, appearing on page 10462 in the issue for Tuesday, February 3, 1981, in the middle column, in the second paragraph of the "Supplementary Information", in the seventh line, "42 FR 64357" should have read "42 FR 64367".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 15A

[T.D. 7768]

Temporary Income Tax Regulations; Installment Sales—General Rules

Correction

In FR Doc. 81-4141 appearing at page 10708 in the issue for Wednesday, February 4, 1981, make the following corrections on page 10718, in the third column:

(1) In paragraph (5) (§ 15A.453-1(d)(5)), in the 16th and 17th lines, "February 19, 1981" should have read "May 5, 1981".

(2) In the same paragraph, in the last line, "February 19, 1981", should have read "May 5, 1981".

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2608

Allocation of Assests in Non-Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; amendment.

SUMMARY: This document amends the final rule published in the **Federal Register** on January 28, 1981 as FR Doc. 81-2982 (46 FR 9480) to defer the effective date of 29 CFR Part 2608 to April 1, 1981. This action is necessary to comply with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the effective date of the final rule on Allocation of Assets in Non-Multiemployer Plans.

EFFECTIVE DATE: The effective date of Part 2608 published at 46 FR 9480, as corrected at 46 FR 10720, February 4, 1981 is April 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Renae R. Hubbard, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–4895.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on Allocation of Assets in Non-Multiemployer Plans, 29 CFR Part 2608, at 46 FR 9480, and corrected at 46 FR 10720, February 4, 1981 to become effective March 1, 1981. On January 29, 1981, President Ronald Reagan issued a memorandum (46 FR 11227), requesting that executive agencies, by notice published in the **Federal Register**, postpone for at least 60 days from the date of the memorandum the effective date of all regulations scheduled to become effective during that time period. The PBGC is publishing such a notice; however, without an amendment to FR Doc. 81-2982, 46 FR 9480, January 28, 1981, as corrected at 46 FR 10720, confusion as to the effective date of the final regulation, 29 CFR Part 2608, will arise. Therefore, in order to change the effective date, FR Doc. 81-2982 is amended by changing "March 1" to "April 1" on page 9480, first column, "EFFECTIVE DATE" paragraph; on page 9482, third column, first full paragraph, line 9 as corrected at 46 FR 10720, February 4, 1981; on page 9485, third column, first full paragraph, line 2; and on page 9489, third column, fourth full paragraph "*Effective date*", line 2.

Issued at Washington, D.C. on this 17th day of February 1981.

Robert E. Nagle,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6155 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2610

Valuation of Plan Benefits in Non-Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; Interim rule with request for comments; amendment.

SUMMARY: This document amends the final and interim rules published in the **Federal Register** on January 28, 1981 as FR Doc. 81-2983 (46 FR 9492) to defer the effective date of 29 CFR Part 2610 to April 1, 1981. This action is necessary to comply with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the effective date of the final and interim rules on Valuation of Plan Benefits in Non-Multiemployer Plans.

EFFECTIVE DATE: The effective date of Part 2610 published at 46 FR 9492 is April 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, including an interim rule with request for comments, 29 CFR Part 2610, at 46 FR 9492, to become effective March 1, 1981. On January 29, 1981, President Ronald Reagan issued a memorandum (46 FR 11227) requesting that executive agencies, by notice published in the **Federal Register**, postpone for at least 60 days from the date of the memorandum the effective date of all regulations scheduled to become effective during that time period. The PBGC is publishing such a notice; however, without an amendment to FR Doc. 81-2983, 46 FR 9492, January 28, 1981, confusion as to the effective date of the final and interim rules, 29 CFR Part 2610, will arise. Therefore, in order to change the effective date, FR Doc. 81-2983 is amended by changing "March 1" to "April 1" on page 9492, first column, "DATES" paragraph, lines 1 and 3; on page 9498, first column, first full paragraph (§ 2610.1(b)), line 7; and on page 9517, third column, fifth full paragraph "*Effective date.*"

Issued at Washington, D.C. on this 17th day of February 1981.

Robert E. Nagle,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6156 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2613

Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans To Which More Than One Employer Contributes Other Than Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; amendment.

SUMMARY: This document amends the final rule published in the **Federal Register** on January 28, 1981 as FR Doc. 81-2984 (46 FR 9520) to defer the effective date of 29 CFR Part 2613 to April 1, 1981. This action is necessary to comply with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the effective date of the final rule on Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans.

EFFECTIVE DATE: The effective date of Part 2613 published at 46 FR 9520 is April 1, 1981.

FOR FURTHER INFORMATION CONTACT:
David Weingarten Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One

Employer Contributes Other Than Multiemployer Plans, 29 CFR Part 2613, at 46 FR 9520, to become effective March 1, 1981. On January 29, 1981, President Ronald Reagan issued a memorandum (46 FR 11227) requesting that executive agencies, by notice published in the **Federal Register**, postpone for at least 60 days from the date of the memorandum the effective date of all regulations scheduled to become effective during that time period. The PBGC is publishing such a notice; however, without an amendment to FR Doc. 81-2984, 46 FR 9520, January 28, 1981, confusion as to the effective date of the final regulation, 29 CFR Part 2613, will arise. Therefore, in order to change the effective date, FR Doc. 81-2984 is amended by making the following changes on page 9520:

1. Change "March 1" to "April 1" in first column, "RFFECTIVE DATE" paragraph, lines 2, 5, and 16;

2. In second column, under "Purpose and Scope" lines 15 and 16, substitute "April 1, 1981" for "30 days after publication in the **Federal Register**"; and

3. In second column, under "Purpose and Scope", second paragraph, lines 16 and 17, substitute "April 1, 1981" for "30 days after publication of this regulation."

Issued at Washington, D.C. on this 17th day of February 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6157 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2613

Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects the Part heading for 29 CFR Part 2613 published in the **Federal Register** on January 28, 1981 (46 FR 9520).

DATES: The effective date of Part 2613 published at 46 FR 9520 is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: David Weingarten, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-2984 appearing at page 9520, January 28, 1981, on page 9526, first column, change the Part heading to read: Part 2613—Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans.

Issued at Washington, D.C. on this 17th day of February 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6158 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2615

Determination of Plan Sufficiency and Termination of Sufficient Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; amendment.

SUMMARY: This document amends the final rule published in the **Federal Register** on January 28, 1981 as FR Doc. 81-2985 (46 FR 9532) to defer the effective date of 29 CFR Part 2615 to April 1, 1981. This action is necessary to comply with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the effective date of the final rule on Determination of Plan Sufficiency and Termination of Sufficient Plans.

EFFECTIVE DATE: The effective date of Part 2615 published at 46 FR 9532, as corrected at 46 FR 10720 (February 4, 1981), is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joan Segal, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2615, at 46 FR 9532, to become effective March 1, 1981. On January 29, 1981, President Ronald Reagan issued a memorandum (46 FR 11227) requesting that executive agencies, by notice published in the **Federal Register**, postpone for at least 60 days from the date of the memorandum the effective date of all regulations scheduled to become effective during that time period. The PBGC is publishing such a notice; however, without an amendment to FR Doc. 81-2985, 46 FR 9532, January 28, 1981, as corrected at 46 FR 10720 February 4, 1981, confusion as to the effective date of the final regulation, 29 CFR Part 2615, will arise. Therefore, in order to change the effective date, FR Doc. 81-2985 is amended by changing "March 1" to "April 1" on page 9532, first column, "EFFECTIVE DATE" paragraph; and on page 9541, second column, first full paragraph *"Effective date"*, lines 2, 5, and 16.

Issued at Washington, D.C. on this 17th day of February 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6159 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 369

[DOD Directive 5105.2][1]

Delegation of Authority to Deputy Secretary of Defense

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule delegates authority to the Deputy Secretary of Defense granting him full power and authority to act for the Secretary of Defense. It is being incorporated into this title in compliance with 5 U.S.C. 552(a)(1) and 1 CFR 305.76-2.

EFFECTIVE DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Becker, Office of the Deputy Assistant Secretary of Defense (Administration), Organizational and Management Planning, Washington, D.C. 20301, Telephone: 202-697-1143.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-15869 appearing in the **Federal Register** on May 23, 1980 (45 CFR 34880) the Office of the Secretary of Defense published PART 369. This revision of PART 369 delegates authority to the present Deputy Secretary of Defense.

Accordingly, 32 CFR, Chapter I, is amended by revising PART 369, reading as follows:

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

PART 369—DELEGATION OF AUTHORITY TO DEPUTY SECRETARY OF DEFENSE

Sec.
369.1 Reissuance.
369.2 Purpose.

Authority: 10 U.S.C. 133.

§ 369.1 Reissuance.

This Rule is reissued and updated.

§ 369.2 Purpose.

(a) In accordance with Title 10, U.S.C., Section 133(d), I hereby delegate to Deputy Secretary of Defense Frank C. Carlucci full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

(b) The authority delegated herein may not be redelegated.

(10 U.S.C. 133)

M. S. Healy,

Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 19, 1981.

[FR Doc. 81-5847 Filed 2-23-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL 1759-3]

40 CFR Part 162

Deferral of Effective Dates; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of deferral of effective dates; correction.

SUMMARY: Pursuant to the President's order of January 29, 1981, on February 12, 1981 EPA published a notice deferring until March 30, 1981 the effective dates of certain listed EPA regulations. See 46 FR 11972. Today's notice corrects an error in the deferral list.

FOR FURTHER INFORMATION CONTACT: Faith Halter, Special Assistant to the General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202/755-0709.

SUPPLEMENTARY INFORMATION: The list published on February 12 incorrectly described a final rule on State registration of pesticides to meet local needs promulgated under the Federal Insecticide, Fungicide and Rodenticide Act as affecting 40 CFR 162.150-162.155. This rule also affects 40 CFR 162.156. The February 12 listing for this rule is corrected to read:

CFR part affected	FR citation	Subject matter	Old effective date	New effective date
40 CFR 162.150-162.156	46 FR 2006 (1/7/81).	Federal Insecticide, Fungicide, and Rodenticide Act. State Registration of Pesticides to Meet Local Needs.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (3/9/81).	3/30/81

Dated: February 18, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-6178 Filed 2-23-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5996]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, DC. 20410

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Proection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

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§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama	Baldwin	Daphne, city of	010008B	Feb. 21, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	June 7, 1974 Aug. 15, 1975	Mar. 2, 1981
Do	Madison	Owens Cross Roads, town of	010218A	Aug. 6, 1974, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	June 25, 1976	Do.
Arkansas	Benton	Rogers, city of	050011B	June 12, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	May 24, 1974 Feb. 27, 1976	Do
[illegible]	Will	Crete, village of	170700B	May 21, 1975, emergency, Mar. 2, 1981, regular, Mar 2, 1981, suspended.	April 12, 1974 June 18, 1976	Do
Do	Lake	Green Oaks, village of	170364B	Mar. 12, 1974, emergency, Mar. 2, 1981, regular, Mar 2, 1981, suspended.	March 8, 1974 July 2, 1976	Do
Do	Kane	Hampshire, village of	170327B	Jan. 14, 1976, emergency, Mar. 2, 1981, regular, Mar 2, 1981, suspended.	May 3, 1974 Mar. 26, 1976	Do
Do	Lake	Kilder, village of	170371B	Mar 21, 1975, emergency, Mar 2, 1981, regular, Mar. 2, 1981, suspended.	May 17, 1974 Feb. 20, 1976	Do
Do	do	Tower Lakes, village of	170393C	May 9, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Apr. 5, 1974 Dec. 27, 1974 Mar. 5, 1976	Do
Indiana	Hamilton	Noblesville, city of	180080D	June 12, 1975, emergency, Mar. 2, 1981, regular, Mar 2, 1981, suspended.	May 24, 1974 June 25, 1976 Sept. 16, 1977 Aug. 4, 1978	Do
Iowa	Benton	Vinton, city of	190016B	July 18, 1974, emergency Mar. 2, 1981, regular, Mar 2, 1981, suspended.	Apr 5, 1974 Jan. 23, 1976	Do
Do	Bremer	Waverly, city of	190008B	May 2, 1975, emergency, Mar. 2, 1981, regular, Mar 2, 1981, suspended.	Mar 29, 1974 Apr 30, 1976	Do
Kansas	Butler	Unincorporated areas	200037B	June 23, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Feb. 21, 1978	
Do	Douglas	do	200067B	May 30, 1975, emergency, Mar 2, 1981, regular, Mar. 2, 1981, suspended.	June 17, 1977	Do
Do	do	Lawrence, city of	200083A	June 15, 1973, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended	Aug. 13, 1976	Do
Do	Jefferson	Perry, city of	200153B	Apr. 21, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Dec. 7, 1973 Dec. 26, 1975	Do
Kentucky	Scott	Stamping Ground, city of	210261A	Apr. 28, 1976, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Jan. 3, 1975	Do
Louisiana	Rapids Parish	Cheneyville, town of	220148B	May 27, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	May 17, 1974 Oct. 24, 1975	Do
Do	do	Lecompte, city of	220150B	July 21, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	May 17, 1974 Jan. 16, 1976	Do
Do	Acadia Parish	Mermentau, village of	220008B	Jan. 12, 1976, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Nov. 23, 1973 Nov. 14, 1975	Do
Do	do	Rayne, city of	220008B	Aug. 27, 1974, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Mar 29, 1974 Mar. 5, 1976	Do
Maryland	Baltimore	Unincorporated areas	240010B	Mar. 24, 1972, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Apr 18, 1975 June 4, 1976	Do
Michigan	Eaton	Delta, charter township of	260066C	Dec. 5, 1974, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended.	Sept. 13, 1974 July 16, 1976 Dec. 23, 1977	Do
Do	Wayne	Plymouth, township of	260237B	Aug. 6, 1975, emergency, Mar 16, 1981, regular, Mar. 2, 1981, suspended.	Aug. 9, 1975 Oct. 17, 1975	Do
Minnesota	Clay	Barnesville, city of	270078B	May 2, 1974, emergency, Mar. 16, 1981, regular, Mar. 2, 1981, suspended.	May 10, 1974 June 4, 1976	Do.
Do	Anoka	Fridley, city of	270013B	Jan. 21, 1974, emergency, Mar. 16, 1981, regular, Mar. 2, 1981, suspended.	May 17, 1974 May 14, 1976	Do.
Do	Clay	Glyndon, city of	270083B	Sept. 26, 1975, emergency, Mar. 16, 1981, regular, Mar. 2, 1981, suspended.	May 17, 1974 July 16, 1976	Do.
Do	Fillmore	Mabel, city of	270127B	Apr. 15, 1974, emergency, Mar. 16, 1981, regular, Mar. 2, 1981, suspended.	May 17, 1974 June 4, 1976	Do.

State	County	Location	Community No	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date
Do	Goodhue	Pine Island, city of	270145B	Sept. 4, 1974, emergency, Mar 16, 1981, regular, Mar. 2, 1981, suspended.	May 24, 1974 Aug. 6, 1976	Do
Do	St. Louis	Proctor, city of	270425B	Nov 21, 1974, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	Apr 5, 1974 Mar 19, 1976	Do
Do	Morrison	Randall, city of	270302B	Mar 19, 1975, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	June 7, 1974 July 23, 1976	Do.
Do	Anoka	St. Francis, city of	270017B	Sept. 29, 1975, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	June 28, 1974 Apr 11, 1975	Do
Nebraska	Lancaster	Bennet, village of	310251A	Aug. 3, 1976, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	Apr 25, 1975	Do
New Jersey	Somerset	Hillsborough, township of	340436B	June 18, 1974, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	July 26, 1974 Jan. 14, 1977	Do
Do	Burlington	Mount Laurel, township of	340107B	Feb. 18, 1972, emergency Mar 16, 1981, regular, Mar 2, 1981, suspended.	Jan. 9, 1974 Aug. 6, 1976	Do
New Mexico	Guadalupe	Santa Rosa, city of	350074B	June 11, 1975, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	May 31, 1974 Apr 9, 1976	Do
New York	Cayuga	Auburn, city of	360102C	Feb 16, 1973, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	Nov. 26, 1973 Mar 26, 1976 Dec. 24, 1976	Do.
Oklahoma	Tulsa	Glenpool, town of	400204C	Feb. 6, 1975, emergency, Mar. 16, 1981, regular, Mar. 2, 1981, suspended.	June 28, 1974 May 28, 1976 June 20, 1978	Do.
Pennsylvania	Lycoming	Brown, township of	422078B	May 11, 1973, emergency, Mar 16, 1981, regular, Mar. 2, 1981, suspended.	Aug 9, 1974 Nov 14, 1975	Do
Do	York	Carroll, township of	422216A	Sept 15, 1974, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	Jan. 3, 1975	Do.
Do	Lycoming	Moreland, township of	421846A	June 15, 1976, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	Feb 28, 1975	Do
Texas	Hunt	Commerce, city of	480195B	Apr 10, 1975, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	Mar 8, 1974 Sept 10, 1976	Do
Do	Fort Bend, Harris, and Waller	Katy, city of	480301C	Feb. 13, 1975, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	June 28, 1974 July 9, 1976 Jan. 24, 1978	Do
Vermont	Chittenden	Williston, town of	500043B	July 17, 1975, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.	Mar 15, 1974 Mar 4, 1977	Do.
Wisconsin	Outagamie	Black Creek, village of	550584A	Nov 13, 1975, emergency, Mar 16, 1981, regular, Mar 2, 1981, suspended.		Do

[1] Date certain Federal assistance no longer available in special flood hazard areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 26, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-5806 Filed 2-23-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 5997]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at

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protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama	Jefferson County	Brownville, city of	010270	750916 emerg., 810116 reg	750815
Alabama	Jefferson County	Midfield, city of	010127	750411 emerg., 810116 reg	740614
California	Los Angeles County	Whittier, city of	060189	750728 emerg., 810116 reg	740528
Connecticut	Middlesex County	Deep River, town of	090062	730330 emerg., 810116 reg	731226
Connecticut	Fairfield County	Stamford, city of	090015	720310 emerg., 810116 reg	740602
Delaware	Sussex County	Bethel, town of	100055	760122 emerg., 810116 reg	750117
Delaware	Sussex County	Blades, town of	100031	750530 emerg., 810116 reg	740607
Delaware	Sussex County	Laurel, town of	100040	750402 emerg., 810116 reg	740607
Florida	Pinellas County	Kenneth City, town of	120245	740808 emerg., 810116 reg	740628
Florida	Wakulla County	Wakulla county [1]	120315	730521 emerg., 810116 reg	750214
Illinois	Cook County	Broadview, village of	170067	750307 emerg., 810116 reg	740602
Illinois	Champaign County	Champaign, city of	170026	750806 emerg., 810116 reg	740506
Illinois	Cook County	Hinsdale, village of	170105	750422 emerg., 810116 reg	740201
Illinois	Cook County	Palos Hills, city of	170143	740904 emerg., 810116 reg	740202
Illinois	Champaign County	Urbana, city of	170036	750203 emerg., 810116 reg	740505
Illinois	Du Page County	Westmont, village of	170220	750423 emerg., 810116 reg	740517
Illinois	Lake County	Zion, city of	170399	740524 emerg., 810116 reg	740929
Iowa	Sioux County	Hawarden, city of	190252	740923 emerg., 810116 reg	740524
Iowa	Clay County	Spencer, city of	190071	750626 emerg., 810116 reg	760716
Iowa	Story County	Story City, city of	190259	750625 emerg., 810116 reg	740521
Kansas	Douglas County	Eudora, city of	200089	750612 emerg., 810116 reg	740109
Maryland	Dorchester County	Cambridge, city of	240098	750812 emerg., 810116 reg	741018
Maryland	Dorchester County	Hurlock, town of	240112	750918 emerg., 810116 reg	770121
Michigan	Genesee County	Fenton, city of	260075	740830 emerg., 810116 reg	751001
Michigan	Genesee County	Fenton, township of	260094	780324 emerg., 810116 reg	770401
Michigan	Ottawa County	Grand Haven, township of	260270	731009 emerg., 810116 reg	740602
Michigan	Muskegon County	White River, township of	260299	740821 emerg., 810116 reg	761009
Minnesota	Hennepin County	Corcoran, city of	270156	750908 emerg., 810116 reg	740607
Missouri	Pemiscot County	Caruthersville, city of	290275	740327 emerg., 810116 reg	740528
Missouri	Reynolds County	Ellington, city of	290312	750123 emerg., 810116 reg	740329
Missouri	St. Francois County	Farmington, city of	290323	740625 emerg., 810116 reg	740501
Missouri	St. Louis County	Grantwood Village, town of	290355	740520 emerg., 810116 reg	740806
Missouri	St. Louis County	Kinloch, city of	290361	750718 emerg., 810116 reg	740109
Missouri	St. Louis County	Oakland, city of	290373	750605 emerg., 810116 reg	741101
Missouri	St. Louis County	Shrewsbury, city of	290386	741219 emerg., 810116 reg	740329
Nebraska	Washington County	Arlington, village of	310227	750611 emerg., 810116 reg	731217
Nebraska	Douglas County	Douglas County [1]	310073	741115 emerg., 810116 reg	740726
Nebraska	Sarpy County	Sarpy County [1]	310190	730223 emerg., 810116 reg	770422
Nevada	Clark County	North Las Vegas, city of	320007	730808 emerg., 810116 reg	740215
New Jersey	Warren County	Phillipsburg, town of	340493	720126 emerg., 810116 reg	730413
New Jersey	Passaic County	Wanaque, borough of	340409	740812 emerg., 810116 reg	740517
New Jersey	Monmouth County	West Long Branch, borough of	340334	741101 emerg., 810116 reg	730824
New Jersey	Passaic County	West Milford, township of	340411	750426 emerg., 810116 reg	740719
North Dakota	Pembina County	Crystal, city of	380082	750715 emerg., 810116 reg	740913
North Dakota	Walsh County	Grafton, city of	380137	750117 emerg., 810116 reg	740123
North Dakota	Walsh County	Minto, city of	380139	750627 emerg., 810116 reg	770318
Ohio	Summit County	Berberton, city of	390524	740913 emerg., 810116 reg	740524
Ohio	Cuyahoga County	Brecksville, city of	390098	750711 emerg., 810116 reg	740206
Ohio	Clermont County	Chilo, village of	390057	750120 emerg., 810116 reg	760723
Ohio	Erie County	Erie County [1]	390153	760220 emerg., 810116 reg	750131
Ohio	Summit County	Fairlawn, city of	390357	751229 emerg., 810116 reg	740329
Ohio	Hamilton County	Milford, village of	390227	750415 emerg., 810116 reg	740206
Ohio	Summit County	Norton, city of	390529	750702 emerg., 810116 reg	740315
Ohio	Franklin County	Obetz, village of	390176	780323 emerg., 810116 reg	740215
Ohio	Lake County	Willoughby, city of	390322	750612 emerg., 810116 reg	731130
Pennsylvania	Lancaster County	Adamstown, borough of	420541	731204 emerg., 810116 reg	740412
Pennsylvania	Lancaster County	Bart, township of	421761	750610 emerg., 810116 reg	740906
Pennsylvania	Berks County	Caernarvon, township of	421055	741126 emerg., 810116 reg	740628
Pennsylvania	Lancaster County	Colerain, township of	421765	750917 emerg., 810116 reg	740402
Pennsylvania	Chester County	Malvern, borough of	420281	740620 emerg., 810116 reg	761203
Pennsylvania	Montgomery County	Narberth, borough of	421903	740830 emerg., 810116 reg	741220
Pennsylvania	Allegheny County	Oakmont, borough	420060	740725 emerg., 810116 reg	740308
Pennsylvania	Lancaster County	Quarryville borough	420563	740925 emerg., 810116 reg	740109
Pennsylvania	Allegheny County	Verona, borough of	422611	741213 emerg., 810116 reg	740531
South Carolina	Berkeley County	Moncks Corner, town of	450031	750701 emerg., 810116 reg	740524
South Dakota	Moody County	Flandreau, city of	460062	740913 emerg., 810116 reg	750926

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Texas	Gregg County	Gladewater, city of	480262	741101 emerg., 810116 reg	740301
Texas	Bexar County	Terrell Hills, city of	480048	720908 emerg., 810116 reg	740517
Vermont	Chittenden County	Essex, town of	500024	750708 emerg., 810116 reg	761203
West Virginia	Mingo County	Williamson, city of	540136	750402 emerg., 810116 reg	740531
Wisconsin	Crawford County	De Soto, village of	550060	801215 emerg., 810116 reg	740602
California	Los Angeles County	Burbank, city of	065018	701002 emerg., 810123 reg	740719
Ohio	Knox County	Gambier, village of	390310	780203 emerg., 810130 reg	760723
Pennsylvania	Bucks County	Hilltown, township of	420189	721006 emerg., 810130 reg	740601

[1] Unincorporated areas. Total is: 74.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 9, 1981.

Richard Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–5813 Filed 2–23–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

[Docket No. FEMA 5098]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) For acquisition and construction of buildings, and

(2) For buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not appy until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). An FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws an FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but an FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149	44 FR 815
40 FR 17015	44 FR 6383
40 FR 20798	44 FR 18485
40 FR 46102	44 FR 25636
40 FR 53579	44 FR 34120
40 FR 56672	44 FR 52835
41 FR 1478	44 FR 57094
41 FR 50990	44 FR 12421
41 FR 13352	44 FR 28051
41 FR 17726	44 FR 31318
42 FR 8895	44 FR 34120
42 FR 29433	45 FR 49570
42 FR 46226	45 FR 52385
42 FR 64076	46 FR 13695
43 FR 24019	

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(b) *Flood Insurance Rate Maps (FIRM's)*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015	43 FR 24019	
41 FR 1478	44 FR 25636	
42 FR 49811	44 FR 12421	
42 FR 64076	45 FR 40570	

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made Pursuant to § 65.6:

State	Community name and No.	County	Hazard ID date	Rescission date	Reason
Illinois	Town of La Prairie, 170760E	Adams	Apr. 25, 1975	Jan. 29, 1981	1
Iowa	City of Kelly, 190748E	Story	Nov. 19, 1976	do	1
Missouri	City of Billings, 290757E	Christian	June 27, 1975	do	1
Do	Village of Revere, 290083E	Clark	Jan. 10, 1975	do	1
Nebraska	City of Alexandria, 310243E	Taylor	Sept. 12, 1975	do	1
Do	Town of Burchard, 310169E	Pawnee	Nov. 8, 1974	do	1
Do	City of Bruning, 310253E	Thayer	Jan. 31, 1975	do	1
Do	Village of Burr, 310161E	Otoe	Dec. 6, 1974	do	1
Do	Village of Chester, 310261E	Thayer	Aug. 6, 1976	do	1
Do	Village of Dorchester, 310271E	Saline	Mar. 26, 1976	do	1
Do	City of Gretna, 310375E	Sarpy	Aug. 6, 1976	do	1
Do	Village of Milligan, 310303E	Fillmore	July 9, 1976	do	1
Do	City of Oak, 310159E	Nuckoll	Nov. 15, 1974	do	1
Do	City of Steinauer, 310171E	Pawnee	Nov. 22, 1974	do	1
Do	City of Western, 310333E	Saline	Nov. 19, 1976	do	1
Ohio	Township of Margaretta, 390596E	Erie	June 21, 1974	do	4
Pennsylvania	City of New Alexandria, 420689A	Westmoreland	Oct. 17, 1975	do	1
California	City of LaVern, 060133E	Los Angeles	Mar. 4, 1977	do	1
Nebraska	City of Ohowa, 310081E	Fillmore	Nov. 8, 1974	do	1

Key to Symbols

E—The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.
R—The community is participating in the Regular Program.
1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
3. The Flood Hazard Boundary Map (FHMB) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
4. The community lacked land-use authority over the special flood hazard area.
5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
8. The T&E or H&E Map was rescinded.
9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.
10. Miscellaneous.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 9, 1981.

Richard Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–5014 Filed 2-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA–5999]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register**.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State and county	Community name	Date of conversion to regular program
Indiana, Lake County	City of Whiting	Mar. 6, 1981
Oregon, Lane County.	City of Dunes City	Mar. 24, 1981.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Federal Insurance Administrator)

Issued: February 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–5003 Filed 2-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii Call Toll Free (800) 424–9080), Federal Emergency Mangement Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Madison County (unincorporated areas) (FEMA–5895).	Flint River	100 feet upstream of center of Hobbs Island Road	*578
			100 feet west of west end of Sneed Avenue	*585
		Brier Fork Flint River	50 feet downstream of Old Dam	*675
			100 feet upstream of center of Moores Mill Road	*692
		Beaverdam Creek	100 feet downstream of U.S. Highway 231/431	*718
		Indian Creek	50 feet upstream of center of Southern Railway Bridge	*616
			Intersection of Creek and center of State Route 72	*669
	Maps available for inspection at Madison County Courthouse, Huntsville, Alabama.			
California	Monterey (City), Monterey County (FEMA–5920).	El Estero Lake	Intersection of Camino El Estero and Del Monte Avenue	*9
		Joseelyn Canyon Creek	400 feet west along Garden Drive from its intersection with Garden Avenue.	*12
		Arroyo Del Rey	Intersection of Toyon Avenue and English Avenue	*14
	Maps available for inspection at Public Works, City Hall, Monterey, California			
California	Seaside (City), Monterey County (FEMA–5920).	Arroyo Del Rey	Northern side of intersection of stream and Southern Pacific Railroad	*13
			Approximately 50 feet south of the intersection of stream and Kole Avenue.	*25
	Maps available for inspection at Community Development Department, 440 Harcourt Avenue, Seaside, California.			
Florida	Bay County (unincorporated areas) (FEMA–5920)	Econfina Creek	600 feet upstream from center of Scott Road	*128
		Sweetwater Creek	50 feet upstream from center of County Road	*146
		Juniper Creek	100 feet downstream from center of Atlanta and St. Andrews Bay Railroad.	*155
		Bear Creek	Intersection of Creek and center of State Highway 167	*8
			200 feet upstream from center of Bear Creek Road	*31
			150 feet upstream from center of U.S. Highway 231	*132
		Little Bear Creek	200 feet upstream from center of State Highway 368	*50
		Little Bear Creek Tributary	50 feet upstream from center of U.S. Highway 231	*55
		Double Branch	600 feet upstream from confluence with Little Bear Creek	*56
		Clear Creek	300 feet upstream from center of Camp Flowers Road	*14
		Bayou George	Intersection of Bayou George and U.S. Highway 75	*8
		Mill Bayou	50 feet upstream from center of Atlanta and St. Andrews Bay Railroad.	*11
		Mill Bayou Tributary	Intersection of Avon Road and Wheat Road	*33
		Callaway Creek	1,000 feet downstream from confluence with Reedy Creek (at upstream limit of detailed study)	*28

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Deer Point Lake	Area upstream (north) of Deer Point Dam—State Highway 77A	*8
		Gulf of Mexico	Intersection of Vista Drive and 13th Street (West of City of Panama City Beach).	*9
			Area southwest of the intersection of U.S. Highway 98 and George Wallace Boulevard.	*10
		St. Andrews Bay	Intersection of Wahoo Drive and Perry Street	*9
		West Bay	Intersection of Big Daddy Drive and Wildwood Drive	*9
		North Bay	Intersection of Michigan Avenue and Iowa Street	*9
			Intersection of North Bay Drive and Harvard Street	*8
		East Bay	At Bull Point	*7
			At Davis Point	*8
			At Laird Point	*9
		Lake Martin	Lake shoreline east of U.S. Highway 98	*10
Maps are available for inspection at several locations: Bay County Public Library; 25 W. Government St., Panama City, Florida; Callaway City Hall, Callaway, Florida; Panama City Beach City Hall, Panama City Beach, Florida; Waller Elementary School, Youngstown, Florida; Quickway No. 4, C167 and Bayhead Road, Panama City, Florida; Quickway No. 3, Intersection of State Highway 77 and 77A, Panama City, Florida.				
Florida	Clay County (unincorporated areas) (FEMA–5902).	Black Creek	100 feet downstream of the intersection of County Road 209 and Black Creek.	*10
			100 feet upstream of the intersection of County Road 209 and Clarkes Creek.	*8
		Clarkes Creek	200 feet upstream of the intersection of U.S. Highway 17 (State Highway 15) and Clarkes Creek.	*27
		Double Branch	At the junction of North and South Prongs Double Branch forming Double Branch.	*32
		Governors Creek	150 feet upstream of the intersection of State Highway 16 (Idlewild Avenue) and Governors Creek.	*9
		Little Black Creek	Intersection of State Highway 21 (Blanding Boulevard) and County Road 220 A.	*10
		Little Black Creek Tributary No. 1.	200 feet downstream of the intersection of Branan Field Road and Little Black Creek Tributary No. 1.	*24
		Little Black Creek Tributary No. 2.	200 feet downstream of the intersection of Shindler Road and Little Black Creek Tributary No. 2.	*16
		Long Branch	Intersection of State Highway 217 and Long Branch	*95
		North Fork Black Creek	1,300 feet Northwest along Lazy Acre Road from its intersection with Red Bug Alley.	*15
			100 feet upstream of the intersection of State Highway 218 and North Fork Black Creek.	*66
		North Fork Black Creek Tributary No. 1.	200 feet upstream of the intersection of County Road 220 and North Fork Black Creek Tributary No. 1.	*15
		North Fork Black Creek Tributary No. 2.	1,750 feet upstream from confluence with North Fork Black Creek Tributary No. 1.	*17
		North Prong Double Branch	Intersection of Dirt Road (at River Mile 0.57) and North Prong Double Branch.	*40
		Ortega River	Downstream side of State Highway 21 (Blanding Boulevard) over Ortega River.	*9
		Peters Creek	200 feet downstream of the intersection of Rosemary Hill Road (County Road 315B) and Peters Creek.	*12
		St. Johns River	Intersection of Castle Point Court and Creighton Road (Alternate State Route 15).	*5
		St. Johns River Tributary No. 1	Upstream side of Seaboard Coast Line Railroad over St. Johns River Tributary No. 1.	*5
		St. Johns River Tributary No. 2	Intersection of County Road 209 and St. Johns River Tributary No. 2	*7
		St. Johns River Tributary No. 3 (Backwater From St. Johns River).	200 feet downstream of the intersection of County Road 209 and St. Johns River Tributary No. 3.	*5
		South Fork Black Creek	Intersection of Michaelwood and Thunder Roads	*38
		South Fork Black Creek Tributary No. 1.	Intersection of North Kentucky Road and South Fork Black Creek Tributary No. 1.	*40
		Swimming Pen Creek (Backwater From St. Johns River).	Intersection of State Highway 220 and Swimming Pen Creek	*6
		Brooklyn Lake	Immokolee Road Crossing on the north shore of Brooklyn Lake	*118
		Lake Johnson	3,000 feet west along State Highway 214 from its intersection with County Road 315.	*106
		Kingsley Lake	0.8 mile south along Alabama Avenue from its intersection with State Highway 16.	*178
Maps available for inspection at Public Works Department, Clay County Courthouse, Green Cove Springs, Florida.				
Florida	Town of Hastings, St. Johns County (FEMA–5911).	St. Johns River	Intersection of Church Avenue (State Road 207) with western corporate limits.	*6
		Deep Creek	Intersection of Church Avenue and Orange Street	*7
Maps available for inspection at Town Hall, 401 Main Street, Hasting, Florida 32045.				
Florida	Kenneth City (Town), Pinellas County (FEMA–5886).	Joe Creek	Intersection of 62nd Street North and 43rd Avenue North	*18
			Intersection of Joe Creek Drive and 56th Street	*23
Maps available for inspection at 4600 58th Street North, Kenneth City, Florida.				
Florida	City of Kissimmee, Osceola County (FEMA–5926).	Shingle Creek	Just upstream of S.R. 530	*79
		Mill Slough	Just upstream of Mill Slough Road	*65
		East City Canal	Just upstream of U.S. 441	*60
			Just upstream of U.S. 17–92	*65

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West City Canal	Just upstream of Vine Street	*59
			Just upstream of U.S. 17–92	*63
			Just upstream of Patrick Street	*64
			Just downstream of Oak Street	*66
Maps available for inspection at City Hall, 101 North Church Street, Kissimmee, Florida 32741.				
Georgia	City of Bloomingdale, Chatham County (FEMA–5927).	Pipemakes Canal	Just downstream of Adams Road	*19
		Hardin Canal	Just downstream of Walker Road	*19
Maps available for inspection at City Hall, Highway 80 and Adams Road, Bloomingdale, Georgia 30302.				
Georgia	City of Darien, McIntosh County (FEMA–5927).	Darien River	Just upstream of Highway 17	*11
		Cathead Creek	At confluence point of Darien River and Cathead Creek	*12
Maps available for inspection at City Hall, Highway 17, Darien, Georgia 31305.				
Illinois	(V), Banner, Fulton County (Docket No. FEMA–5911).	Copperas Creek	At the downstream corporate limits	*455
			Approximately 260 feet downstream of U.S. Route 24	*455
			At the upstream corporate limits	*457
Maps available for inspection at the Banner Village Hall, R.R. No. 3, Canton, Illinois 61520.				
Illinois	(C), Havana, Mason County (Docket No. FEMA–5920).	Illinois River	About 0.75 mile downstream of U.S. Route 136	*454
			About 1.2 miles upstream of U.S. Route 136	*454
Maps available for inspection at the City Hall, 227 West Main Street, Havana, Illinois 62644.				
Illinois	(V), Lake Villa, Lake County (Docket No. FEMA–5920).	Eagle Creek	At western corporate limit	*772
			About 100 feet downstream of Monaville Road	*779
			Just downstream of Cedar Lake Road	*782
			About 300 feet upstream of Cedar Lake Road	*783
		East Branch of Eagle Creek	Mouth at Eagle Creek	*778
			About 100 feet downstream of Cedar Lake Road	*785
			About 350 feet upstream of Cedar Lake Road	*789
		North Branch of Eagle Creek	Mouth at Eagle Creek	*784
			About 360 feet upstream of mouth at Eagle Creek	*786
		North Shore Drain	Just upstream State Route 83	*789
			About 1,900 feet upstream State Route 83	*789
		Lake Villa Creek	Mouth at Deep Lake	*780
			Just downstream State Route 83	*783
			At confluence of South Branch of Lake Villa Creek	*790
		South Branch of Lake Villa Creek	Mouth at Lake Villa Creek	*790
			About 2,150 feet upstream of mouth at Lake Villa Creek	*790
		Cedar Lake	Shoreline	*791
		Deep Lake	Shoreline	*780
		Sun Lake	Shoreline	*779
Maps available for inspection at the Office of the Mayor, Village Hall, 65 Cedar Avenue, P.O. Box 176, Lake Villa, Illinois 60046.				
Illinois	(C), Lebanon, St. Clair County (Docket No. FEMA–5920).	Silver Creek	At downstream corporate limits	*441
			At upstream corporate limits	*442
		Little Silver Creek	About 400 feet downstream of the Chessie System	*440
			About 2,400 feet upstream of U.S. Route 50	*444
Maps available for inspection at the Office of the Mayor, City Hall, 312 West St. Louis Street, Lebanon, Illinois 62254.				
Illinois	(V), Mundelein, Lake County (Docket No. FEMA–5920).	Diamond Lake Drain	About 1,600 feet downstream State Route 60	*719
			About 550 feet upstream Diamond Lake Road	*742
		Seavey Drainage Ditch	Just upstream Butterfield Road	*706
			About 450 feet upstream Seymour Avenue	*725
		Buff Creek	About 4,050 feet downstream St. Mary's Seminary Road	*715
			Just downstream Loch Lomond Dam	*737
			Just upstream Loch Lomond Dam	*741
			Just upstream Banbury Avenue	*748
			Just downstream Park Dam	*751
			Just upstream Park Dam	*782
			About 2,000 feet upstream Midlothian Boulevard	*798
			About 4,000 feet upstream Midlothian Boulevard	*799
Maps available for inspection at the Village Administrator's Office, Village Hall, 440 East Hawley, Mundelein, Illinois 60060.				
Indiana	(T), Alexandria, Madison County (Docket No. FEMA–5920).	Alexandria Creek	Confluence with Pipe Creek	*853
			About 75 feet upstream South Harrison Street	*856
			About 2,100 feet upstream Eleventh Street	*861
		Pipe Creek	Just upstream 100 West Road	*848
			Just upstream Conrail	*852
			Just downstream South Harrison Street	*854
			Northeastern corporate limits	*858
Maps available for inspection at the Town Hall, 125 North Wayne Street, Alexandria, Indiana 46001.				
Indiana	(C), Decatur, Adams County (Docket No. FEMA–5920)	St. Mary's River	Downstream corporate limit	*788
			Just upstream Monmouth Road	*789
			Just upstream Monroe Street	*790
			Upstream corporate limit	*791

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Holthouse Ditch	About 1,100 feet upstream of mouth	*786
			At upstream corporate limit	*786
		Borum Run	At mouth	*791
			At upstream corporate limit	*791
		Kohne Ditch	Just upstream of Beal Drive	*788
			Approximately 100 feet upstream Industrial Drive	*802
			Just downstream Conrail	*803
		Koos Ditch	At mouth	*789
			Just upstream Highway 224	*789
Maps available for inspection at the Office of the Mayor, City Hall, 225 West Monroe Street, Decatur, Indiana 46733.				
Iowa	(C), Burlington, Des Moines County (Docket No. FEMA-5911).	Flint Creek	Mouth at Mississippi River	*535
			About 1,050 feet upstream of the Chicago, Rock Island and Pacific Railroad.	*535
			About 1,500 feet upstream Tama Road	*536
		Mississippi River	Downstream corporate limits	*533
			Upstream corporate limits	*535
		Tributary A	About 3,040 feet downstream Plane Street (just upstream of proposed Gunnison Street).	*584
			About 1,360 feet downstream Plane Street (about 700 feet upstream of proposed Remick Street).	*584
			Just downstream Plane Street	*601
			Just upstream Plane Street	*604
			Just downstream Division Street	*606
			Just upstream Division Street	*613
			About 520 feet upstream of Division Street	*613
			At confluence of Tributary B	*617
		Tributary B	Just downstream Division Street	*620
			Just upstream Division Street	*[illegible]
			About 420 feet upstream of Division Street	*631
			About 920 feet upstream Division Street	*[illegible]
Maps available for inspection at the City Hall, Burlington, Iowa 52601.				
Iowa	(C), Clarinda, Page County (Docket No. FEMA-5920).	North Branch	At confluence with Nodaway River	*986
			Approximately 1,200 feet upstream from North Sixteenth Street (just upstream foot bridge).	*1,015
			About 0.8 mile upstream North Sixteenth Street	*1,018
		Tributary to North Branch	At the confluence of North Branch	*993
			Approximately 3,100 feet upstream North Sixteenth Street	*1,051
		Nodaway River	About 1.2 miles downstream U.S. Highway 71	*975
			Northern corporate limit	*987
Maps available for inspection at the City Hall, 200 South 15th Street, Clarinda, Iowa 51632.				
Kentucky	City of Frankfort, Franklin County (FEMA-5911).	Kentucky River	Just upstream of Broadway St	*506
			At the East-West Connector (State Highway 676)	[illegible]
		Benson Creek (Backwater from Kentucky River).	Just upstream Bald Knobb Road	*506
Maps available for inspection at Office of Planning and Zoning, City Hall, 315 W. Second Street, Frankfort, Kentucky 40601.				
Kentucky	Kenton County (unincorporated areas) (FEMA-5920).	Ohio River	Intersection of River Road and Haywood Road	*496
		Pleasant Run Creek	80 feet upstream from center of Bromley Road	*500
			50 feet upstream from center of Pleasant Run Pike	*728
		Pleasant Run Creek Tributary	20 feet upstream from center of private bridge crossing	*573
		Licking River	Intersection of Licking River and Interstate Highway 275	*504
		Banklick Creek	On Whitaker Road, 100 feet west of intersection with Madison Pike	*511
		Fowler Creek	50 feet upstream from center of State Highway 17 (Madison Pike)	*555
			100 feet upstream from center of Petty Road	*713
		Thompson Branch	50 feet upstream from center of State Highway 1486 (Fowler Creek Road).	*779
		Brushy Fork	At City of Independence Southern Corporate Limits	*797
		Decoursey Creek	175 feet east of the intersection of Kenton Road and Old Decoursey Pike.	*541
Maps available for inspection at City-County Office Building, Covington, Kentucky.				
Kentucky	City of Middlesboro, Bell County (FEMA-5927).	Stoney Fork	Just upstream of Wilson Lane	*1,175
			Just upstream of Louisville and Nashville Railroad	*1,218
		Bean's Fork	Just upstream of State Highway 441	*1,205
		Bennett's Fork	Just upstream of State Highway 441	*1,134
			Just upstream of 35th Street (State Highway 1599)	*1,159
		Yellow Creek	Just upstream of State Highway 441	*1,133
			Just downstream of 30th Street (Peters Borough Avenue)	*1,136
		Little Yellow Creek	Approximately 630 feet upstream of U.S. Highway 25E	*1,134
Maps available for inspection at City Hall, 20th and Lothbury Street, Middlesboro, Kentucky 40965.				
Louisiana	Town of Coushatta, Red River Parish (FEMA-5912).	Channel 1	Just upstream of Coushatta Red Oak Road (State Highway 410)	*133
			Just upstream of U.S. Highway 84	*140

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Channel 2	Approximately 350 feet upstream of confluence with Channel 1	*142
		Channel 3	Approximately 650 feet upstream of confluence of Channel 5	*142
		Channel 4	Approximately 150 feet upstream of confluence with Channel 1	*141
		Channel 5	Approximately 400 feet upstream of confluence with Channel 3	*142
Maps available for inspection at City Hall, Alonzo Street, Coushatta, Louisiana 71019.				
Massachusetts	Boylston, Town, Worcester County (Docket No. FEMA-5815).	Sewall Brook	Sewall Pond Outlet	*400
			Upstream of YMCA culvert	*407
			Downstream of Sewall Street	*416
			Approximately 0.145 mile upstream of Sewall Street	*430
			Approximately 0.27 mile upstream of Sewall Street	*440
			Approximately 0.166 mile downstream of Old Stone Dam	*449
			Downstream of Old Stone Dam	*461
			Upstream of Old Stone Dam	*471
			Approximately 0.01 mile downstream of New England Telephone Company culvert.	*481
			Downstream of New England Telephone Company culvert	*486
			Upstream of New England Telephone Company culvert	*495
			Approximately 65' upstream of New England Telephone Company culvert.	*497
		Cold Harbor Brook	Downstream Corporate Limits	*400
			Confluence of Rawson Hill Brook	*408
			Upstream of Reservoir Road	*412
			Approximately 0.202 mile upstream of Reservoir Road	*424
			Approximately 0.281 mile upstream of Reservoir Road	*437
			Approximately 0.325 mile upstream of Reservoir Road	*448
Maps available for inspection at the Planning Board, Municipal Building, Boylston, Massachusetts.				
Massachusetts	Brookfield, Town, Worcester County (Docket No. FEMA-5855).	Dunn Brook	Upstream of Quaboag Street	*607
			Upstream of Conrail	*609
			Approximately 1,550' downstream from Slab City Road (Extended)	*612
			Upstream Corporate Limits	*616
		Quaboag	Downstream Corporate Limits	*605
			Confluence of Quaboag Pond	*606
		Quaboag Pond	Entire shoreline within community	*606
		Quacumquasit Pond	Entire shoreline within community	*606
Maps available for inspection at the Town Clerk's Office, Town Hall, Central Street, Brookfield, Massachusetts.				
Massachusetts	East Bridgewater, Town, Plymouth County (Docket No. FEMA-5817).	Beaver Brook	Upstream side of Elm Street	*85
			Upstream side of Summer Street	*80
			Approximately 3,120' upstream of Summer Street	*84
		Black Brook	Approximately 500' downstream of Central Street	*54
			Upstream side of Central Street	*58
			Approximately 1,000' upstream of Central Street	*59
		Meadow Brook	Upstream side of North Central Street	*41
			Downstream side of dam	*43
			Upstream side of State Route 18 (Downstream crossing)	*49
			Upstream side of Water Street	*51
			Approximately 3,800' upstream of Water Street	*64
			Upstream side of Highland Street	*75
			Downstream side of State Route 18 (Upstream crossing)	*75
		Tributary to Meadow Brook	Confluence with Meadow Brook	*75
			Upstream Corporate Limits	*75
		Satucket River (Plymouth vicinity).	Approximately 700' downstream of dam	*34
			Upstream of dam	*40
			Approximately 900' upstream of Dam	*41
		Satucket River (Washington Street-Pond Street Area).	Confluence with Black Brook	*40
			Downstream side of Pond Street	*43
Maps available for inspection at the Selectmen's Office, Town Hall, East Bridgewater, Massachusetts.				
Massachusetts	(C), Gardner, Worcester County (Docket No. FEMA-5912).	Otter River	About 475 feet downstream confluence of Bailey Brook (at downstream corporate limit).	*894
				*900
			Just downstream of Turner Street	
			Just downstream of Otter River Dam	*904
			Just upstream of Otter River Dam	*914
			Just upstream of West Broadway Street	*922
			About 180 feet upstream confluence of Mahoney Brook (at upstream corporate limit).	*923
		Perley Brook	At confluence with Otter River	*916
			Just downstream of Parker Pond Dam	*959
			Just upstream of Parker Pond Dam	*968
			Just downstream of Perley Brook Reservoir lower dam	*976
			Just upstream of Perley Brook Reservoir lower dam	*986
			At downstream end of Clark Street culvert	*987
			Just upstream of Clark Street	*1,026
			About 100 feet downstream of abandoned railroad bridge	*1,036
			Just upstream of abandoned railroad bridge	*1,044
			Just upstream of Stone Street bridge	*1,054
			Just downstream Wheeler Street	*1,054
		Pond Brook	At confluence with Otter River	*923
			Just downstream of Mancia Drive	*952
			Just upstream of Mancia Drive	*962

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Risley Street bridge	*982
			Just upstream of Risley Street	*985
			About 940 feet upstream of Risley Street	*987
			About 980 feet upstream of Risley Street	*992
		Mahoney Brook	At confluence with Otter River	*923
			Just downstream of Mahoney Brook Dam	*947
			Just upstream of Mahoney Brook Dam	*953
			Just downstream of Ramsdale Pond Dam	*992
			Just upstream of Ramsdale Pond Dam	*1,000
			Just upstream of footbridge (upstream of Winter Street)	*1,012
			Just downstream of Travers Street	*1,014
			Just upstream of Travers Street	*1,019
			Just upstream of covered bridge	*1,029
			About 0.4 mile upstream Partridge Road (downstream of dirt road culvert).	*1,061
			Just upstream of dirt road culvert	*1,067
			Just upstream of Partridge Road (upstream crossing)	*1,073
		Wilder Brook	At confluence with Perley Brook	*966
			Just upstream of Keyes Road bridge	*973
			Just upstream of Clark Street bridge	*981
			About 800 feet upstream of Clark Street bridge	*981
		Baker Brook	At confluence with Mahoney Brook	*1,000
			Just upstream of Union Street	*1,003
			Just downstream of Providence and Worcester Railroad	*1,003
			Just upstream of Providence and Worcester Railroad	*1,009
			About 0.17 mile upstream of Baker Brook Dam	*1,009
		Foster Brook	At confluence with Mahoney Brook	*1,025
			Just upstream of Temple Street	*1,046
			Just downstream of Murdock Pond Dam	*1,046
			Just upstream of Murdock Pond Dam	*1,056
			Just upstream of Betty Springs Road	*1,093
			About 500 feet upstream of Betty Springs Road	*1,094
			About 550 feet upstream of Betty Springs Road	*1,102
		Greenwood Brook	At confluence with Mahoney Brook	*1,052
			About 160 feet upstream of Partridge Street	*1,052

Maps available for inspection at the City Clerk's Office, City Hall, Gardner, Massachusetts 01440.

Massachusetts	Hinsdale, Town, Berkshire County (Docket No. FEMA–5853).	Bennett Brook	Upstream Middlefield Road (lower crossing)	*1,445
			Upstream Private Drive	*1,448
			850' downstream of Middlefield Road (middle crossing)	*1,460
			400' downstream of Middlefield Road (middle crossing)	*1,470
			Downstream Middlefield Road (middle crossing)	*1,482
			Upstream Middlefield Road (middle crossing)	*1,487
			800' upstream of Middlefield Road (middle crossing)	*1,495
			75' upstream of East Washington Road	*1,505
			Confluence of Tracy Brook	*1,509
			50' downstream of Middlefield Road (upper crossing)	*1,513
		East Branch Housatonic River	Downstream Corporate Limits	*1,319
			100' downstream of Old Dalton Road	*1,339
			Confluence of Hinsdale Brook	*1,348
			Walsh Road (Extended)	*1,360
			Upstream State Route 8 (lower crossing)	*1,371
			350' upstream of State Route 8 (lower crossing)	*1,379
			700' upstream of State Route 8 (lower crossing)	*1,390
			450' downstream of Arch Bridge	*1,400
			Downstream Arch Bridge	*1,413
			Upstream Arch Bridge	*1,420
			Upstream Main Street	*1,428
			Upstream Maple Street	*1,431
			Downstream State Route 8 (upper crossing)	*1,433
		Hinsdale Brook	30' upstream of Private Crossing	*1,349
			450' upstream of Private Crossing	*1,360
			800' upstream of Private Crossing	*1,370
			1,175' upstream of Private Crossing	*1,380
			1,150' downstream of Old Dalton Road (second crossing)	*1,390
			850' downstream of Old Dalton Road (second crossing)	*1,401
			700' downstream of Old Dalton Road	*1,410
			250' downstream of Old Dalton Road	*1,420
			Downstream Old Dalton Road	*1,424

Maps available for inspection at the Office of the Town Clerk and at the Kittridge Public School, Hinsdale, Massachusetts.

Massachusetts	Holden, Town, Worcester County (Docket No. FEMA–5841).	Quinapoxet River	Approximately 0.373 mile downstream from River Street	*560
			Upstream side of River Street	*567
			Downstream side of Wachusett Street	*575
			Approximately 0.217 mile upstream from Wachusett Street	*579
		Governors Brook	Area of flooding around Poutwater Pond	*995

Maps available for inspection at the Office of the Town Clerk, Holden, Massachusetts.

Massachusetts	New Marlborough, Town, Berkshire County (Docket No. FEMA–5912).	Lake Buel	Entire Shoreline within Community	*913
		Konkapot River	Approximately 150' downstream Mill River-Southfield Road	*815
			Downstream Granite Block Dam	*830

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Granite Block Dam	*840
			Downstream Mill River-Great Barrington Road	*850
			Upstream Mill River-Great Barrington Road	*887
			Upstream Harbwille-Mill River Road	*898
			Upstream Adalt Crosby Road	*908
			Confluence of Lake Buel Tributary	*913
			Upstream State Route 57	*922
			Approximately 1,250' upstream State Route 57	*950
			Upstream Corporate Limits	*1,002

Maps available for inspection at the New Marlborough Town Hall, Mill River, Massachusetts.

Massachusetts	North Adams, City, Berkshire County (Docket No. FEMA–5812).	Bowerman Creek	Approximately 1,000' downstream of Church Street	*715
			Approximately 200' downstream of Church Street	*725
			Approximately 40' upstream of Church Street	*735
			Approximately 150' upstream of Church Street	*745
		Hoosic River	Downstream Corporate Limits	*611
			Approximately 300' upstream of Ashton Avenue	*619
			Downstream of Barber Dam	*624
			Upstream of Barber Dam	*629
			Upstream of State Route 2 (lower crossing)	*635
			Biltmore Avenue (extended)	*639
			Confluence of Notch Brook	*644
			Upstream of State Route 2 (upstream crossing)	*652
			Upstream of B&M Railroad	*660
			Fairgrounds Avenue (extended)	*670
			Upstream of Brown Street	*680
		North Branch Hoosic River	Magnolia Terrace (extended)	*685
			Upstream of Marshal Street	*695
			Upstream of Holden Street	*701
			Downstream of Eagle Street	*715
			Upstream of Lower Union Street	*728
			Approximately 800' upstream of Lower Union Street	*738
			Upstream of Upper Union Street	*750
			Approximately 500' upstream of Upper Union Street	*760
			Downstream of Hoosic Cotton Mill Dam	*770
			Upstream of Hoosic Cotton Mill Dam	*787
			Upstream of Eclipse Dam	*826
			Upstream of weir (approximately 950' downstream from Beaver Street).	*837
			Upstream of Beaver Street (lower crossing)	*846
			Downstream of Beaver Street (upper crossing)	*857
			Bluff Street (extended)	*866
			End of Crest Street	*880
			Upstream Corporate Limits	*891
		Notch Brook	70' upstream face of Barbour Street extension culvert	*656
			Upstream of spillway	*671
			Pershing Street (extended)	*680
			Downstream of Notch Road	*692
		South Branch Hoosic River	Upstream of Sprague Bridge No. 1	*686
			Upstream of East Main Street	*691
			Upstream of Boston & Maine Yard Road	*701
			Upstream of Hunter Foundry Road	*711
			Confluence of Bowerman Creek	*716
			Upstream Corporate Limits	*721

Maps available for inspection at Town Court, 10 Main Street, North Adams, Massachusetts.

Massachusetts	Pepperell, Town, Middlesex County (Docket No. FEMA–5790).	Reedy Meadow Brook	Confluence with Nashua River	*163
			Shawnee Road (Upstream)	*163
			Lowell Road (Upstream)	*166
			Leighton Road (Upstream)	*188
			Upstream Corporate Limits	*202
		Nissitissit River	Mill Street (Upstream)	*184
			Unnamed Dam 1,900 feet upstream from Mill Street (Downstream)	*192
			Unnamed Dam 1,900 feet upstream from Mill Street (Upstream)	*200
			Prescott Street (Upstream)	*210
		Nashua River	Massachusetts State Line	*177
			Confluence of Reedy Meadow Brook	*163
			Confluence of Nissitissit River	*163
			Boston & Maine Railroad (Upstream)	*163
			Groton Street	*184
			Pepperell Pond Dam (Downstream)	*185
			Pepperell Pond Dam (Upstream)	*203
			Upstream Corporate Limits	*206

Maps available for inspection at the Town Hall, Pepperell, Massachusetts.

Massachusetts	Plainville, Town, Norfolk County (Docket No. FEMA–5780).	Ten Mile River	Downstream Corporate Limits	*191
			Downstream of Witherells Place	*192
			Upstream of Witherells Pond Dam	*199
			Downstream of Plainville Pond Dam	*203
			Upstream of Plainville Pond Dam	*206
			Downstream of Fuller Street	*210

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Fuller Dam	*215
		Brook No. 1	Downstream Corporate Limits	*162
			Downstream of Interstate 495	*163
			Upstream of Interstate 495	*165
			Confluence with Rabbit Hill Pond	*172
		Turtle Brook	Minnichi Street	*163
			Upstream of Dam	*171
			250 feet upstream confluence of Sawmill Brook	*175
			Downstream of Taunton Street	*181
			Upstream of Taunton Street	*186
			Downstream of Turnpike Lake Dam No. 1	*196
			Upstream of Turnpike Lake Dam No. 1	*200
		Hawthorne Brook	Confluence with Hawthorne Brook	*201
			Confluence with Turtle Brook	*201
			50 feet upstream of U.S. Route 1 (Downstream Crossing)	*202
			50 feet downstream of U.S. Route 1 (Upstream Crossing)	*202
			50 feet upstream of U.S. Route 1 (Upstream Crossing)	*205
			Downstream of Cowell Street	*207
			25 feet upstream of Cowell Street	*211
		Whiting Pond Bypass	Downstream Corporate Limits	*187
			Confluence with Ten Mile River	*192

Maps available for inspection at the Office of the Town Clerk, Plainville, Massachusetts.

Massachusetts	Princeton, Town, Worcester County (Docket No. FEMA-5817)[a]	Keyes Brook	Approximately 0.417 mile downstream of Hobbs Road	*769
			Approximately 0.336 mile downstream of Hobbs Road	*778
			Approximately 0.198 mile downstream of Hobbs Road	*783
			Approximately 0.015 mile downstream of Hobbs Road	*786
			Approximately 0.003 mile upstream of Hobbs Road	*787
			Approximately 0.302 mile upstream of Hobbs Road	*790
			Approximately 0.532 mile upstream of Hobbs Road	*795
			Approximately 0.749 mile upstream of Hobbs Road	*800
			Approximately 0.755 mile upstream of Hobbs Road	*801
		Governor Brook	Downstream Corporate Limits	*694
			Approximately 0.837 mile upstream of Downstream Corporate Limits	*806
		Babcock Brook	Confluence with East Wachusett Brook	*638
			Downstream side of Dam	*647
			Upstream side of Dam	*655
			Approximately 0.077 mile upstream of Dam	*655
		East Wachusett Brook	Town Farm Road	*611
			Approximately 0.392 mile upstream of Town Farm Road	*627
			Approximately 0.816 mile upstream of Town Farm Road	*635
			Upstream side Bullard Road	*642
			Approximately 0.16 mile upstream of Bullard Road	*649

Maps available for inspection at the Office of the Town Clerk, Princeton, Massachusetts.

Massachusetts	Spencer, Town, Worcester County (Docket No. FEMA-5817).	Sevenmile River	Downstream Corporate Limits	*824
			Downstream State Route 49	*826
			Downstream State Route 9	*631
			Downstream Smithville Road	*639
			Downstream State Route 31	*648
			Confluence of Turkey Hill Brook	*648

Maps available for inspection at the Selectmen's Office, Memorial Town Hall, Spencer, Massachusetts.

Massachusetts	Tewksbury, Town, Middlesex County (Docket No. FEMA-5796).	Merrimack River	Downstream Corporate Limits	*55
			Upstream Corporate Limits	*88
		Strong Water Brook	Tew-Mac Airport Culvert (Upstream)	*86
			Sewer Treatment Plant Road (Downstream)	*89
			Sewer Treatment Plant Road (Upstream)	*96
		Marshall Brook	Confluence w/Strong Water Brook	*96
			North Street (Upstream)	*112
			State Route 38 (Upstream)	*116
		Darby Brook	Confluence w/Marshall Brook	*101
			Lee Street (Upstream)	*112
			State Route 38 (Upstream)	*116
		Trull Brook	Confluence w/Merrimack River	*56
			3rd Golf Course Bridge Upstream of mouth (Downstream)	*75
			3rd Golf Course Bridge Upstream of mouth (Upstream)	*80
			River Road (Upstream)	*95
			Interstate Route 495 Culvert	*106
		Meadow Brook	Confluence w/Strong Water Brook	*96
			Kendall Road (Downstream)	*103
		Brook A	Confluence w/Shawsheen River	*76
			South Street (Upstream)	*83
		Concord River	Corporate Limits	*107

Maps available for inspection at the Office of the Town Clerk, Town Hall, Tewksbury, Massachusetts.

Massachusetts	Wales, Town, Hampden County (Docket No. FEMA-5845).	Wales Brook	0.655 mile downstream of Holland Road	*700
			0.347 mile downstream of Holland Road	*717
			0.1225 mile downstream of Holland Road	*730
			0.004 mile downstream of Holland Road	*741
			Downstream of Sizer Road	*752

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Sizer Road	*755
			Downstream of Fire Station Drive	*762
			0.1013 mile upstream of Fire Station Drive	*771
			Downstream of Dirt Road	*823
			0.0977 mile upstream of Dirt Road	*836
			0.0481 mile downstream of Laurel Hill Road Dam	*869
			Downstream of Laurel Hill Road Dam	*874
			Upstream of Laurel Hill Road Dam	*885
			0.0041 mile downstream of State Route 19	*895
			Upstream of State Route 19	*906
			0.1625 mile upstream of State Route 19	*912
			Downstream of Monson Road	*915
			Upstream of State Route 19 Lake George Outlet	*920
			0.783 mile upstream of State Route 19 Lake George Outlet	*944

Maps available for inspection at the Office of the Town Clerk, Wales, Massachusetts.

Massachusetts	West Boylston, Town, Worcester County (Docket No. FEMA-5841).	Gates Brook	Approximately 0.029 mile downstream of Boston & Maine Railroad	*444
			Approximately 0.02 mile upstream of Boston & Maine Railroad	*453
			Upstream side of Access Road	*460
			Approximately 0.094 mile upstream of Access Road	*468
			Downstream side of State Route 140	*481
			Approximately 0.019 mile downstream of 1st crossing Worcester Street.	*487
			Upstream side of 1st crossing Worcester Street	*496
			Upstream side of 2nd crossing Worcester Street Culvert	*508
			Downstream side of Driveway approximately 0.086 mile downstream of 3rd crossing Worcester Street.	*514
			Approximately 0.032 mile downstream of 3rd crossing Worcester Street.	*517
			Approximately 0.007 mile downstream of 3rd crossing Worcester Street.	*523
			Upstream side 3rd crossing Worcester Street	*535
			Downstream side of Waterfall	*541
			Upstream side of Waterfall	*554
			Approximately 0.013 mile downstream of Pierce Street	*556
			Approximately 0.012 mile upstream of Pierce Street	*575

Maps available for inspection at the Office of the Planning Board, West Boylston, Massachusetts.

Massachusetts	Whitman, Town, Plymouth County (Docket No. FEMA-5912).	Shumatuscacant River	Approximately 3,130' downstream of South Avenue	*65
			Approximately 80' downstream of Essex Street	*76
		Shumatuscacant Tributary	Approximately 240' upstream of Conrail Bridge	*65
			Approximately 680' upstream of South Avenue	*74
		Meadow Brook Tributary	Confluence with Meadow Brook	*79
			Approximately 525' upstream of Auburn Street	*88
			Approximately 3,625' upstream of Auburn Street	*94
		Meadow Brook	Approximately 1,980' downstream of Auburn Street	*79
			Approximately 2,230' upstream of Auburn Street	*90

Maps available for inspection at the Town Manager's Office, Whitman Town Hall, Whitman, Massachusetts.

Michigan	(Twp.), Caledonia, Kent County (Docket No. FEMA-5912).	Thornapple River	At downstream corporate limit	*669
			About 0.75 mile upstream 68th Street	*682
			About 0.3 mile downstream of Alaska Avenue	*703
			About 0.74 mile upstream 100th Street	*706

Maps available for inspection at the Township Hall, Caledonia, Michigan 49302.

Michigan	(C), Charlotte, Eaton County (Docket No. FEMA-5911).	Battle Creek River	At downstream corporate limits	*879
			Just upstream of South Cochran Street	*880
		Butternut Creek	Just upstream of Packard Street	*876
			About 650 feet upstream of Interstate 69	*878

Maps available for inspection at the City Hall, 111 East Lawrence Street, Charlotte, Michigan 48813.

Michigan	(C), Detroit, Wayne County (Docket No. FEMA-5912).	Detroit River	Confluence of River Rouge	*578
			Upstream corporate limits	*578
		Shallow Flooding (Overflow from Detroit River).	Intersection of Essex Avenue and Piper Avenue	#2
			Intersection of Essex Avenue and Manistique Avenue	#2
			About 900 feet north of Freud Avenue along St. Clair Avenue	#2

Maps available for inspection at the Department of Planning, City Hall, 3400 Cadillac Tower, Detroit, Michigan 48226.

Minnesota	(C), Arden Hills, Ramsey County (Docket No. FEMA-5912).	Valentine Lake	Shoreline	*881
		Lake Josephine	Shoreline	*881
		Lake Johanna	Shoreline	*879
		Little Lake Johanna	Shoreline	*879
		Valentine Lake Discharge Channel.	About 1490 feet downstream of County Road E 2	*878
			Just upstream of County Road E 2	*880
		Lake Josephine Discharge Channel.	At Valentine Lake	*881
			At Lake Johanna	*879
			Just downstream of State Highway 51	*880
			Approximately 90 feet upstream from Hamline Avenue	*881
			At Lake Josephine	*896

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake Johanna-Little Lake Johanna Discharge Channel.	At Lake Johanna	*879
			At Little Lake Johanna	*879
Maps available for inspection at the City Hall, 1450 West Highway 96, Arden Hills, Minnesota 55112.				
Minnesota	(C), Waterville, Le Sueur County (Docket No. FEMA–5702).	White Water Creek	Just downstream of 6th Street	*1,004
			About 160 feet downstream of Paquin Street	*1,005
			Just upstream of Chicago and North Western Railroad	*1,010
			About 160 feet upstream of abandoned railroad (located 1,000 feet upstream of Reed Street).	*1,013
		Lake Sakatah	Shoreline	*1,004
		Lake Tetonka	Shoreline	*1,005
		Shallow Flooding (Overflow From White Water Creek).	About 300 feet east of 4th Street and 120 feet north of Main Street	#1
Maps available for inspection at the City Hall, 201 3rd Street, South, P.O. Box 9, Waterville, Minnesota 56096.				
New Jersey	Fair Lawn (Borough), Bergen County (FEMA–5912).	Passaic River	Intersection of Chiltendon Road and River Road	*37
			Intersection of Passaic River and center of Maple Avenue	*42
		Diamond Brook	Intersection of Diamond Brook and center of Harristown Road	*49
		Henderson Brook	70 feet downstream from center of State Highway 208	*54
			Intersection of McBride Avenue and Pollitt Drive	#1
		Saddle River	Intersection of Saddle River and center of Red Mill Road	*46
			Intersection of Saddle River and the Dam	*55
		Jordan Brook	70 feet upstream from center of Well Drive	*57
		Beaver Dam Brook	Intersection of Beaver Dam Brook and center of Paterson Street	*51
Maps available for inspection at Municipal Building, 8–01 Fairlawn Avenue, Fair Lawn, New Jersey.				
New Jersey	Glen Rock (Borough), Bergen County (FEMA–5912).	Diamond Brook	50 feet upstream of center of Conrail crossing	*58
			At center of Rutland Road crossing	*80
		Hohokus Brook	30 feet upstream of center of the pedestrian bridge	*51
			At center of Grove Street crossing	*65
		Saddle River	600 feet east of the intersection of Leigh Terrace and Franklin Place	*55
Maps available for inspection at Municipal Building, Glen Rock, New Jersey 07422.				
New Jersey	North Haledon (Borough), Passaic County (FEMA–5912).	Molly Ann Brook	20 feet upstream from center of Oldham Dam	*204
			Intersection of Molly Ann Brook and center of High Mountain Road	*277
			70 feet upstream from center of Sicomac Road	*354
			20 feet upstream from center of Haledon Reservoir Dam	*415
		Molly Ann Brook Tributary 3	Intersection of Molly Ann Brook Tributary 3 and center of High Mountain Road.	*218
			170 feet south of the intersection of Walray Avenue and Manor Road	*273
		Molly Ann Brook Tributary 4	Intersection of Molly Ann Brook Tributary 4 and center of De Roon Avenue.	*219
			30 feet upstream from center of Manchester Avenue	*303
			20 feet upstream from center of Motta Avenue	*382
		Squaw Brook	Intersection of Squaw Brook and center of High Mountain Road	*255
			15 feet upstream from center of Saw Mill Road	*349
			20 feet upstream from center of Squaw Brook Road	*404
		Glen Place Brook	15 feet upstream from center of High Mountain Road	*333
			10 feet upstream from center of Dam	*475
			Intersection of Glen Place Brook and the upstream corporate limit	*612
		Molly Ann Brook Tributary 6	15 feet upstream from center of Graham Avenue	*358
			150 feet southeast of the intersection of Romaine Drive and Pleasant View Drive.	*408
Maps available for inspection at 103 Overlook Avenue, North Haledon, New Jersey.				
New York	Cheektowaga, Town, Erie County (Docket No. FEMA–5912).	Ellicott Creek	Downstream Corporate Limits	*685
			Upstream Youngs Road	*691
			Upstream Corporate Limits	*700
Maps available for inspection at the Town Engineer's Office, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York.				
North Dakota	Cavalier (Township) Pembina County (FEMA–5912).	Tongue River	Confluence with Breakout Flow Into Southwest Coulee	*908
		Breakout Flow Into Southwest Coulee.	Intersection of Coulee and Burlington Northern Railroad	*885
Maps available for inspection at Route 1, Box 109A, Cavalier, North Dakota.				
North Dakota	Cavalier (City), Pembina County (FEMA–5912).	Tongue River	Intersection of Bjornson Drive and River Street	*890
			Intersection of Busse Lane and Bjornson Drive	*894
		Breakout Flow Into Southwest Coulee.	At south end of the Cavalier Airport runway	*889
Maps available for inspection at City Hall, Cavalier, North Dakota.				
North Dakota	Horace (City), Cass County (FEMA–5912).	Sheyenne River	Intersection of Park Drive and Sheyenne Drive	*918
			Intersection of Center Avenue and Nelson Street	#2
Maps available for inspection at City Hall, Horace, North Dakota.				
North Dakota	Mapleton (City), Cass County (FEMA–5912).	Maple River	1,500 feet upstream from center of Main Street	*907

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at City Hall, Mapleton, North Dakota.				
Ohio	(V), Germantown, Montgomery County (Docket No. FEMA–5024).	Twin Creek	About 850 feet downstream of State Route 4	*707
			Just downstream of Astoria Road	*720
			Just downstream of State Route 725	*724
		Little Twin Creek	At downstream corporate limits	*711
			About 300 feet upstream of Market Street	*716
			About 600 feet upstream of Cherry Street	*726
Maps available for inspection at the Village Hall, Walnut and Center Streets, Germantown, Ohio 45327.				
Oklahoma	City of Collinsville, Tulsa and Rodgers Counties (FEMA–5907).	Caney River	Just downstream of U.S. Highway 169	[illegible]
		Horsepen Creek	Just upstream of 129th East Avenue	[illegible]
		Black Jack Creek	Approximately 500 feet downstream of Broadway Street, (146th Street North).	[illegible]
			Just downstream of 126th Street North	*642
		Black Jack Creek Tributary A	Just upstream of Atchison, Topeka & Santa Fe Railroad	*625
			Just downstream of Garnett Road	*644
		East Creek	Just upstream of Broadway Street, (146th Street North)	[illegible]
			Just downstream of 126th Street North	*664
Maps available for inspection at City Hall, 12th and Main Streets, Collinsville, Oklahoma 74021.				
Oklahoma	Town of Noble, Cleveland County (FEMA–5911).	Canadian River	At south corporate limits (Cemetery Road Extended)	*1,072
		Belle Creek	Just upstream of Cemetery Road	*1,097
			Approximately 100 feet upstream of U.S. Highway 77	*1,112
			Just upstream of Maguire Road	*1,119
		Dripping Springs Creek	Approximately 100 feet at upstream of Cemetery Road	*1,108
			Just upstream of Maguire Road	*1,125
		N.W. Park Creek	Approximately 100 feet at downstream of Atchison, Topeka & Santa Fe Railway.	*1,106
			At downstream of U.S. Highway 77	*1,116
Maps available for inspection at City Hall, 115 North 2nd Street, Noble, Oklahoma 73068.				
Oklahoma	City of Owasso, Tulsa and Rogers Counties (FEMA–5911).	Ranch Creek	At 76th Street	*591
			Just downstream of 116th Street North	*653
		Ranch Creek Tributary A	Approximately 90 feet at downstream of Atchison, Topeka and Santa Fe Railroad.	*592
			Just upstream of North 19th Street	[illegible]
			Approximately 80 feet upstream of North Birch Street	*660
			Just downstream of Garnett Road	*675
		Bird Creek Tributary 5A	At downstream of 76th Street N (Second Avenue)	[illegible]
			Just downstream of U.S. Highway 169	*601
			Approximately 250 feet at upstream of 83rd Street N	*615
			Approximately 100 feet at upstream of 86th Street N	*628
		Elm Creek	Just downstream of 129th Avenue E	*590
		Bird Creek	Approximately 200 feet at downstream of Atchison, Topeka and Santa Fe Railroad.	*590
Maps available for inspection at City Hall, 207 South Cedar Street, Owasso, Oklahoma 74055.				
Oklahoma	City of Purcell, McClain County (FEMA–5911).	Canadian River	Just downstream of U.S. Highway 77	*1,034
			At the west corporate limits (Approximately 2,900 feet downstream of the Atchison, Topeka and Santa Fe Railway).	*1,057
		Walnut Creek	Just upstream of U.S. Highway 77	*1,036
			Just downstream of Interstate Highway 35	*1,039
		Beaver Creek	Approximately 100 feet upstream of Interstate Highway 35	*1,043
Maps available for inspection at City Hall, 230 West Main Street, Purcell, Oklahoma 73080.				
Oregon	Lebanon (City), Lynn County (FEMA–5924).	Cox Creek South Santiam River	Sherman Street over the channel	*334
			Approximately 600 feet east of the Ash Street intersection with Walnut Street.	*342
Maps available for inspection at Community Development Office, 925 Main Street, Lebanon, Oregon.				
South Carolina	Unincorporated areas of Cherokee County (FEMA–5926).	Buffalo Creek	Approximately 300 feet upstream of Magnolia Plant Road	*570
			Just upstream of State Highway No. 5	*575
			Approximately 5,000 feet downstream of North Bound Bridge Interstate 85.	*576
		Cherokee Creek	Approximately 140 feet upstream of small dam above water filtration plant.	*602
			Just upstream of Interstate Highway 85	*612
			Just downstream of Lake Whelchel Dam	[illegible]
			Just upstream of Lake Whelchel Dam	*682
			Approximately 100 feet downstream of State Highway 150	[illegible]
			Approximately 100 feet downstream of State Road 34	*734
			Just upstream of State Road 61	*762
		Irene Creek	Just upstream of State Highway No. 15	*650
			Approximately 100 feet downstream of Rutledge Avenue	*668
		Limestone Creek	Just upstream of State Road 304	*617
			Downstream corporate limits for the City of Gaffney approximately 2,700 feet upstream from State Road 304.	*584

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Mills Creek	Just upstream of State Road 386	*598
			Just downstream of State Road 512	*658
		Peoples Creek	Just upstream of State Road 296	*643
			Just upsteam of culvert under Railroad Spur embankment	*660
			Just downstream of Beech Street	*668
		Providence Branch	Just downstream of State Highway 18	*626
			Just upstream of Vermont Drive	*668
			Just upstream of State Highway 150	*675

Maps available for inspection at Cherokee County Courthouse, 210 North Limestone Street, Gaffney, South Carolina 29340.

Texas	City of Kilgore, Rusk and Gregg Counties (FEMA– 5926).	Bighead Creek	Approximately 60 feet downsteam of Missouri Pacific Railroad	*283
			At Pentecost Road	*299
			At Houston Street	*306
		Turkey Creek	Approximately 180 feet upstream of Houston Street	*307
			Approximately 100 feet downstream of FM 1249	*312
			Just upstream of Broadway Boulevard	*329
			Approximately 20 feet upstream of Martin Street	*336
		Birdsong Creek	*Approximately 250 feet upstream of Higginbotham Road	*322
			Lockhaven Drive Extended	*323

Maps available for inspection at Building Inspector's Office, City Hall, 901 North Kilgore Street, Kilgore, Texas 75662.

Texas	Unincorporated areas of Smith County (FEMA–5926).	West Mud Creek	Just upstream of State Highway 344	*360
			Just upstream of County Road	*367
			Just downstream of State Highway 346	*385
			Just upstream of U.S. Route 69	*392
		Shackleford Creek	Just upstream of State Highway 346	*397
			Just upstream of Cumberland Road	*452
		Henshaw Creek	Just upstream of U.S. Highway 69	*391
			Just upstream of County Road 143	*402
			Just upstream of County Road 165	*469
		Saline Creek	Just downstream of State Highway 2866	*379
			Just upstream of State Highway 2813	*406
		Willow Creek	Just upstream of Confluence with Black Fork Creek	*419
			Just upstream of State Highway 110	*451
		West Mud Creek Tributary B	Just upstream of Reick Road	*467
			Just upstream of New Copeland Road	*481
			Just downstream of Pskuoy Drive	*504
		Black Fork Creek	Just upstream of State Route 110	*419
			Just upstream of U.S. Highway 69	*430
			Just upstream of State Route 323	*440
			Just upstream of State Route 14	*462

Maps available for inspection at 304 Smith County Courthouse, Tyler, Texas 75702.

Washington	Klickitat, County (Docket No. FEMA–5924).	Little Klickitat River	County Road 2510	*1,574
			State Highway 142	*1,600
			Fairgrounds Road	*1,606
			Green Mesh Road	*1,640
			Approximately 0.8 mile upstream of Green Mesh	*1,663
		Klickitat River	State Highway 142	*379
			Private Suspension Bridge over County Road 1685	*426
			Burlington Northern Railroad at bridge	*478

Maps available for inspection at the Klickitat County Planning Office, Courthouse Annex, Goldendale, Washington.

Washington	Skykomish (Town), King County (FEMA–5924).	South Fork Skykomish River	Northern end of 6th Street (at riverbank)	*925
			Eastern side of 5th Street bridge over channel	*927
		Maloney Creek	Approximately 200 feet southwest of intersection of Northeast Old Cascade Highway and Helen Street.	*923

Maps available for inspection at City Hall, Skykomish, Washington.

Wisconsin	(C), Brillion, Calumet County (Docket No. FEMA–5895).	Unnamed Ditch	About 1,600 feet downstream from confluence of Ariens Ditch	*813
		Ariens Ditch	Just downstream of West Ryan Street	*814
		Black Creek	Just upstream of South Main Street	*810
			At upstream corporate limit	*812
		Spring Creek	About 1.25 miles upstream of State Highway 114	*824
			Just upstream of Sunset Drive	*810
			About 0.18 mile upstream of South Glenview Avenue	*817
			Just upstream of South Main Street	*819
			Just upstream of East Water Street	*823
			At upstream corporate limits	*825

Maps available for inspection at the City Clerk's Office, City Hall, 130 Calumet Street, Brillion, Wisconsin 54110.

Wisconsin	(C), De Pere, Brown County (Docket No. FEMA–5926).	Ashwaubenon Creek	Just downstream of Fort Howard Avenue	*585
			About 800 feet upstream of State Highway 41 Southbound	*589
			About 500 feet upstream Ashwaubenon Street	*590
			About 1,300 feet upstream Main Avenue	*595
		Fox River	Downstream corporate limits	*585
			Just downstream De Pere Dam	*585
			Just upstream De Pere Dam	*591
			Upstream corporate limits	*591

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		East River	Downstream corporate limits	*581
			Upstream corporate limits	*581

Maps available for inspection at the Office of the Building Inspector, City Hall, 335 South Broadway Street, De Pere, Wisconsin 54115.

Wisconsin	(V), Hortonville, Outagamie County (Docket No. FEMA–5924).	Black Otter Creek	About 0.5 mile downstream of U.S. Highway 45	*764
			About 650 feet upstream of U.S. Highway 45	*775
			Just downstream of Nash Street	*780
			Just upstream of Black Otter Lake Dam	*782
		Wolf River	Just upstream of County Highway M	*763
			About 3.0 miles upstream of County Highway M	*764

Maps available for inspection at the Office of the Village Clerk, Village Hall, 111 South Nash, Hortonville, Wisconsin 54944.

Wisconsin	(C), New Holstein, Calumet County (Docket No. FEMA–5911).	Jordan Creek	About 0.7 mile downstream of Wisconsin Avenue	*904
			Just downstream of Milwaukee Drive	*924
			Just upstream of Hickory Lane	*939
			Just upstream of Plymouth Street	*957
			Just downstream of Wisconsin Avenue	*971

Maps available for inspection at the Office of the City Clerk, City Hall, 2100 Washington Street, P.O. Box 136, New Holstein, Wisconsin 53061.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 5, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-5008 Filed 2-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii Call Toll Free (800) 424–9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 60.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of College Station, Brazos County (FEMA–5778).	Carters Creek	At confluence of Wolf Pen Creek	*246
			Just upstream of State Highway 30	*255
		Wolf Pen Creek	Just upstream of West Frontage Road of State Highway 6 Bypass	*259
		Burton Creek	Just upstream of 29th Street (Tarrow Street)	*276
		Bee Creek	Just upstream of West Frontage Road of State Highway 6 Bypass	*252
			Just upstream of Holleman Drive	*294
		Tributary A	Just upstream of Texas Avenue (State Highway 6)	*266
		Tributary B	Just upstream of FM 2818, west of Welch Boulevard	*262

Maps available for inspection at City Hall, Texas Avenue, College Station, Texas 77840.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 4, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-5005 Filed 2-23-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii Call Toll Free (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100–year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated Areas of Limestone County (FEMA–5920).	Swan Creek	Just upstream of County Highway 33	*566
			Just upstream of Louisville and Nashville Railroad	*576
			Just upstream of U.S. Highway 31 (Bee Line Highway)	*586
			Just upstream of County Road 24 (Huntsville-Browns Ferry Road)	*611
			Just downstream of Athens, Alabama corporate limits	*625
		Piney Creek	Just upstream of County Road 24 (Huntsville-Browns Ferry Road)	*615
			Approximately 300 feet downstream of confluence of French Mill Creek.	*630
			Approximately 250 feet upstream of U.S. Highway 72 (Lee Highway)	*644
			Just downstream of confluence of Johnson Branch	*659
			Just upstream of County Road 44 (Nick Davis Road)	*666
			At confluence of Panther Branch	*680
			Approximately 400 feet downstream of State Highway 251 (Old U.S. Highway 31).	*685
		Round Island	Just upstream of County Road 41	*637
			Just downstream of County Road 43 (Blackburn Road)	*657
			Just downstream of U.S. Highway 72 (Lee Highway)	*690
			Just upstream of County Road 52 (West Hobbs Street)	*710
		Round Island Creek	Just upstream of County Road 48 (New Cut Road)	*724
		Panther Branch	Just upstream of Sardis Spring Road	*700
			At confluence of Kaufman Branch	*706
			Just downstream of State Highway 251 (Old U.S. Highway 31)	*713

Maps available for inspection at the County Engineer's Office, Courthouse Annex, 300 South Jefferson Street, Athens, Alabama 35611.

Alabama	Unincorporated areas of Morgan County (FEMA–5920).	Tennessee River	At Johnson Landing Road Extended	*572
			Just upstream of U.S. 231	*576
		Trinity Branch	Just upstream of A Farm Road located at River Mile 3.25	*605
			Just upstream of County Road No. 1	*626
		Baker's Creek	Just upstream of Pump Station Road	*563
			Just downstream of Southern Railway	*586
			Just upstream of Shady Grove Road (County Road)	*603
		Tributary to Baker's Creek	Approximately 528 feet downstream of Old Moulton Road	*594
		Betty Rye Branch	Just upstream of Fifth Street	*586
		Flint Creek	Approximately 300 feet at upstream of Barkley Bridge Road	*586
			At the confluence of an Unnamed Tributary located at upstream of Huckeley Bridge Road.	*589
			Just downstream of County Road 55	*582
		Tributary to Flint Creek	Just upstream of County road	*591
		Shoal Creek	Approximately 900 feet upstream of Parker Bridge Road	*635
			At centerline of Interstate 65	*638
			Just upstream of Lockart Road	*646
		Tributary to Shoal Creek	At the confluence with Shoal Creek	*635
		Cedar Creek	Just downstream of U.S. Highway 31	*590
			Approximately 300 feet at downstream of Chicken Farm Road (County Road).	*594
		Painter Branch	At the confluence with Flint Creek	*590
			At centerline of I–65	*613
		Robinson Creek	Just downstream of U.S. Highway 31	*596
			Just upstream of U.S. Highway 31	*601
			Approximately 300 feet upstream of Douglas Road	*603
			Just upstream of Interstate Highway 65	*605

Maps available for inspection at Morgan County Clerk's Office, County Courthouse, Lee Street, Decatur, Alabama 35601.

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Pine Bluff, Jefferson County (FEMA–5925).	Caney Bayou	At intersection of Woodlee and Woodlawn Drives	*213
		Caney Bayou Tributary A	Just upstream of Hutchinson Street	*226
			Just downstream of Mosley Street	*231
			Just downstream of Bryant Street	*236
		Outlet Canal	Just upstream of U.S. Highway 65	*203
			Just upstream of Ohio Street	*204
			Just downstream of Kentucky Street	*205
		Pitts Drain	Just downstream of Ohio Street	*208
			Just downstream of Main Street	*215
			Just upstream of Laurel Street	*221
		Outlet Canal Tributary A	Just upstream of Ohio Street	*211
			Just upstream of Kentucky Street	*219
			Just upstream of Georgia Street	*221
		Caney Bayou Tributary A1	Just downstream of Rhinehart Road	*231
			Just upstream of U.S. Highway 65 (Blake Avenue)	*231
			Just downstream of Shirley Street	*236
		Brumps Bayou	Just upstream of Pullen Street	*214
			Just downstream of Myrtle Street	*229
			Just upstream of Peach Street	*231
		Harding Drain	Just upstream of Pine Street	*215
			Just downstream of Mulberry Street	*221
			Just downstream of Cypress Street	*224
		Eden Park Drain	Just downstream of Main Street	*206
			Just upstream of Olive Street	*211
			Just upstream of Hickory Street	*222
		Interceptor Canal	Just downstream of West 34th Street	*219
			Just downstream of Catalpa Street	*225
		Bayou Bartholomew	Just downstream of U.S. Highway 79	*219

Maps available for inspection at City Hall, 200 East 8th Avenue, Pine Bluff, Arkansas 71601.

Arkansas	Unincorporated Areas of Pulaski County (FEMA–5927).	Arkansas River	Just downstream of East Belt Freeway	*245
			Just upstream of Baring Cross (Missouri Pacific Railroad)	*256
			Just upstream of U.S. Highway I–430	*265
		Ison Creek	Just upstream of Townsend Street	*325
			Just upstream of Garland Street	*346
		Fourche Creek	Just downstream of Arch Street Pike (State Highway 367)	*256
			Just upstream of New Benton Highway	*280
			Just upstream of Baseline Road	*286
			Just upstream of State Highway 5	*306
		Crooked Creek	Just downstream of Highway I–30	*306
			Just downstream of Alexander Road	*315
		Callaghan Branch	Just downstream of State Highway 5 (Old Stage/Coach Road)	*292
			Just upstream of Baseline Road	*305
		Haw Branch	Just upstream of Highway 5 (Old Stage Coach Road)	*289
		Otter Creek	Just upstream of Mabelville West Road	*297
			Just upstream of Highway I–30	*301
			Just downstream of Alexander Road	*305
		McHenry Creek	Just upstream of State Highway 5 (Old Stage Coach Road)	*280
			Just upstream of Highway I–430	*297
		Nash Creek	Just downstream of Baseline Road	*280
			Just upstream of Meadow Lane	*293
		Young Creek	Just downstream of Mabelvale Pike Avenue	*266
			Just upstream of Highway I–30	*271
		Brodie Creek	Just upstream of State Highway 5 (Old Stage Coach Road)	*293
			Just upstream of Shackleford Road	*314
			Just upstream of Bowman Road	*330
		Panther Branch	Just downstream of West 36th Street	*316
			Just upstream of Bowman Road	*355
		Rock Creek	Just downstream of West Markham Parkway	*463
			Just upstream of Kanis Road	*466
		Grassy Flat Creek	Approximately 600 feet upstream of Rodney Parham Road	*367
		Coleman Creek	Just downstream of Little Rock Corporate Limits	*258
		Little Fourche Creek	Just upstream of Hillard Springs Road	*257
			Just upstream of Chicago, Rock Island, and Pacific Railroad	*273
			Just upstream of Chicot Road	*286
		Smith Creek	Just downstream of Geyers Springs Road	*265
			Just upstream of Chicot Road	*290
		Field Creek	Just downstream of Little Rock Corporate Limits	*263
		Stump Creek	Just upstream of Reck Road	*262
		Fairman Ditch	Just upstream of State Highway 161	*252
		Glenview Ditch	Just upstream of State Highway 161	*251
		Fivemile Creek	Just downstream of U.S. Highway 67–167	*256
		Fivemile Creek McCain Fork	Just downstream of Smokey Lane Road	*261
		Fivemile Creek East Tributary	Just downstream of Smokey Lane Road	*255

Maps available for inspection at City Planning Office, 3201 West Roosevelt Road, Little Rock, Arkansas 72204.

Colorado	Orchard City (Town), Delta County FEMA–5926.	Cedar Run	Downstream edge of Vista Grandge Drive, crossing the stream	*5,297
			Downstream edge of Harts Basin Road, crossing the stream	*5,454
		Surface Creek	Downstream edge of Talbott Lane, crossing the stream	*5,442
			Downstream edge of Hamilton Lane, crossing the stream	*5,767

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Town Hall, 2102 J 50 Road, Austin, Colorado.				
Connecticut	Cheshire, Town, New Haven County (Docket No. FEMA-5920).	Quinnipiac River	At Downstream Corporate Limits	*108
			Upstream of Cheshire Street	*113
			Upstream of Blacks Road	*115
			Upstream of Johnson Avenue	*118
			Downstream of State Route 68	*121
			Upstream of Corporate Limits	*122
		Tenmile River	At Downstream Corporate Limits	*132
			At Peck Lane	*137
			Upstream of Jarvis Street	*142
			Upstream of 1st Dam	*149
			2,750' upstream of Dam	*153
			Upstream of State Route 70	*171
			Upstream of Marion Road	*204
			Upstream of 2nd Dam	*219
			Upstream of Morville Pond Dam	*230
			At Upstream Corporate Limits	*241
		Judd Brook	At confluence with Tenmile River	*137
			140' upstream of Corporate Limits	*138
		Mill River	At Downstream Corporate Limit	*128
			Upstream of Old Lane Road	*131
			Upstream of Cook Hill Road	*150
			Upstream of Mansion Road	*157
		Willow Brook	At Downstream Corporate Limits	*124
			Upstream of Conrail	*136
			Upstream of South Brookvale Road	*139
			Upstream of North Brookvale Road	*142
			Upstream of Higgins Road	*147
Maps available for inspection at the Town Planner's Office, Town Hall, 84 South Main Street, Cheshire, Connecticut.				
Connecticut	New Britain, City, Hartford County (Docket No. FEMA-5920).	Willow Brook	Downstream Corporate Limits	*61
			Downstream of Park Road	*62
			Upstream of Park Road	*66
			1,500' upstream of Park Road	*75
			Downstream of Buell Street	*121
			Upstream of Arch Street	*146
			Downstream of Harding Street	*159
			Downstream of Elbridge Road	*160
			600' upstream of Footbridge	*199
		Mason Pond Brook	Confluence with Willow Brook	*168
			Downstream of Shuttle Meadow Road	*169
			Upstream of Shuttle Meadow Road	*172
			2,230' Upstream of Shuttle Meadow Road	*175
		Schultz Pond Brook	Confluence with Willow Brook	*175
			Downstream of Elbridge Road	*184
			Victoria Road	*215
			80' Upstream of Oakwood Drive	*223
			100' Downstream of Dam	*258
			Upstream of Dam	*285
			Downstream of Reservoir Road	*333
			840' Upstream of Reservoir Road	*345
		Base Brook	Downstream Corporate Limits	*89
			Upstream of East Street	*92
			Downstream of Private Bridge	*132
			Downstream of Barbour Road	*146
			Upstream of Barbour Road	*154
			Upstream of Hartford Road	*162
			Upstream of Stanley Street	*181
			Downstream of Nachilly Street	*243
			900' Upstream of Lewis Road	*263
		Lower Pond Brook	Lower Pond Dam	*166
			120' Upstream of Village Square Road	*166
		Batterson Park Pond Brook	Upper Pond Dam	*177
			Downstream of Stanley Park Road	*180
			90' Downstream of Brittany Farm Road	*194
			90' Upstream of Brittany Farm Road	*202
			75' Upstream of Brittany Farm Road (2nd Crossing)	*207
		Gaffney Brook	Upstream of Frances Street	*174
			1,400' Upstream of Frances Street	*179
		Sandy Brook	Downstream Corporate Limits	*89
			Upstream of Biltmore Street	*90
			Upstream of Princeton Street	*98
			2,500' Upstream of Covington Street	*127
Maps available for inspection at the City Planning Department, City Hall, 27 West Main Street, New Britain, Connecticut.				
Connecticut	Southington, Town, Hartford County (Docket No. FEMA-5920).	Quinnipiac River	Downstream Corporate Limits	*119
			Upstream Interstate Route 84	*130
			Upstream West Main Street	*140

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Mill Street	*150
			Downstream Conrail (1st crossing)	*157
			Conrail (2nd crossing)	*166
			Queens Street—4,200' upstream	*169
		Eightmile River	Confluence with Quinnipiac River	*136
			West Street downstream	*145
			Nickson Industrial Park Road upstream 750'	*155
			Prospect Street upstream 475'	*165
			Interstate 84—upstream	*175
			Interstate 84—3,000' upstream	*179
		Tenmile River	Confluence with Quinnipiac River	*123
			State Route 66 upstream	*130
			Upstream Corporate Limits	*132
		Judd Brook	Downstream County Boundary	*136
			2,000' upstream State Route 66	*145
			1,000' downstream Marion Avenue	*157
			Downstream Marion Avenue	*164
		Misery Brook	Confluence with Quinnipiac River	*121
			Downstream South End Road	*130
			Private Road 600' downstream of dam	*140
			50' downstream of dam	*150
			Upstream of Dam (800')	*169
			Meriden Avenue	*179
			6,650' upstream of East Street	*190
Maps available for inspection at the Town Clerk's Office, Southington Town Hall, Southington, Connecticut.				
Illinois	(V), Richmond McHenry County (Docket No. FEMA-5920).	North Branch Nippersink Creek	About 4500 feet downstream of Main Street	*790
			Just downstream of the Chicago and North Western railroad	*798
			Just upstream of abandoned dam	*804
			About 1800 feet upstream of State Route 173	*805
Maps available for inspection at the Village President's Office, Village Hall, 10308 Main Street, Richmond, Illinois 60071.				
Illinois	(V), South Barrington, Cook County (Docket No. FEMA-5843).	Poplar Creek	About 1,500 feet downstream of Mundhank Road	*824
			Just downstream of Mundhank Road	*830
			About 200 feet upstream of Mundhank Road	*832
			Just upstream of Covered Bridge Dam	*837
			About 800 feet upstream of Barrington Road	*841
		Poplar Creek Tributary A	About 300 feet upstream Interstate 90	*815
			About 2,500 feet upstream of Interstate 90	*817
Maps available for inspection at the Village Clerk's Office, South Barrington Village Hall, Witt Road, Route No. 3, Barrington, Illinois 60010.				
Illinois	(V), South Elgin, Kane County (Docket No. FEMA-5920).	Fox River	At downstream corporate limits	*696
			Just downstream of South Elgin Dam	*706
			Just upstream of South Elgin Dam	*706
			At upstream corporate limits	*706
Maps available for inspection at the Village Clerk's Office, Municipal Building, 10 North Water Street, South Elgin, Illinois 60177.				
Illinois	(C), Wilmington, Will County (Docket No. FEMA-5920).	Kankakee River	About 9,000 feet downstream of Illinois Central Gulf Railroad	*529
			About 4,000 feet upstream Wilmington Dam	*540
		Kankakee River (East Channel)	Just downstream of Old Powerhouse Dam	*539
			At divergence with Kankakee River	*536
		Forked Creek	Mouth at Kankakee River	*532
			Just downstream of dam (near McIntyre Street)	*538
			Just upstream of McIntyre Street	*543
			Just upstream of Baltimore Street	*545
			About 1,500 feet upstream James Street	*546
			About 9,350 feet upstream James Street	*550
		Kahler Road Drainage	At confluence with Kankakee River (East Channel)	*537
			Just downstream of Ryan Street	*544
			Just upstream of Ryan Street	*548
			Just upstream of Kahler Road	*555
			About 1,800 feet upstream of Kahler Road	*556
Maps available for inspection at the City Hall, 114 North Main Street, Wilmington, Illinois 60481.				
Indiana	(Unic.), Howard County (Docket No. FEMA-5920).	Wildcat Creek	About 175 feet downstream of County Road 430 West	*758
			Just upstream County Road 300 West	*772
			Just upstream Norfolk and Western Railway	*787
			At the City of Kokomo corporate limits, about 150 feet upstream U.S. Route 31 (northbound lanes).	*807
			Just downstream County Road 400 East	*810
		Little Wildcat Creek	Just upstream County Road 250 South	*803
			About 200 feet upstream County Road 200 West	*819
			About 150 feet upstream County Road 300 South	*834
			About 700 feet upstream County Road 300 South	*836
			Just upstream U.S. Route 31	*847
			About 1,000 feet upstream State Route 26	*851
			Just upstream County Road 50 East	*854

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Kokomo Creek	Just downstream County Road 500 South	*860
			At the City of Kokomo corporate limits, about 200 feet upstream of Lincoln Road.	*802
			Just downstream County Road 200 East	*818
		Little Wildcat Creek West	At confluence with Little Wildcat Creek	*817
			About 500 feet downstream of intersection of County Road 300 South and County Road 200 West.	*825
			Just upstream of intersection of County Road 300 South and County Road 200 West.	*827
			Just downstream of County Road 400 South	*848
Maps available for inspection at the Courthouse, Kokomo, Indiana 46901.				
Indiana	(C), Logansport, Cass County (Docket No. FEMA–5920).	Wabash River	About .70 mile downstream of Cicott Street	*589
			Just upstream of Cicott Street	*592
			About .22 mile upstream of the Conrail Bridge (near 18th Street)	*597
		Eel River	Mouth at Wabash River	*590
			Just downstream of 3rd Street	*595
			About .20 mile upstream of 6th Street	*600
			About .35 mile upstream of 6th Street	*607
			About .26 mile downstream of Davis Street	*611
			About 1.0 mile upstream of Davis Street	*617
		Goose Creek	Just downstream of Cicott Street	*592
			About 200 feet upstream of Norfolk and Western Railway	*595
			Just downstream of Biddle Street	*596
			Just upstream of Burlington Avenue	*599
			About 400 feet upstream Humphry Street	*601
Maps available for inspection at the Mayor's Office, Room 201, City Building, Logansport, Indiana 46947.				
Iowa	(C), Durango, Dubuque County (Docket No. FEMA–5911).	North Fork Little Maquoketa River	At mouth	
			Southwest corporate limits	*649
				*649
		Sherrill Creek	About 130 feet downstream of Chicago and North Western Railroad	*647
			About 90 feet upstream Glen Delta Road	*649
		Little Maquoketa River	About 660 feet downstream Southeast Road	*647
			About 500 feet upstream Southeast Road	*649
Maps available for inspection at the City Clerk's Home, Durango, Iowa 52039.				
Iowa	(C), Hancock, Pottawattamie County (Docket No. FEMA–5920).	West Nishnabotna River	At the southwest corporate limit	*1,108
			At upstream corporate limit	*1,111
Maps available for inspection at the City Hall, Hancock, Iowa 51536.				
Iowa	(C), Irwin, Shelby County (Docket No. FEMA–5920).	West Nishnabotna River	Downstream corporate limit	*1,250
			Approximately 1,400 feet upstream of Front Street	*1,256
			Approximately 800 feet upstream of Cora Street	*1,259
		Elk Creek	At mouth	*1,250
			Just upstream of Cora Street	*1,258
			At upstream corporate limit	*1,259
Maps available for inspection at the City Hall, Irwin, Iowa 51446.				
Kentucky	Unincorporated areas of Bourbon County (FEMA–5926).	Stoner Creek	Just upstream of US 460	*793
			Just upstream of Southern Paris City Limits	*800
		Houston Creek	Just upstream of Georgetown Road (U.S. 460)	*807
			Just upstream of Abandoned Frankfort and Cincinnati Railroad	*842
Maps available for inspection at the County Judge/Executor's Office or Office of Disaster and Emergency Service, Bourbon County Courthouse, Paris, Kentucky 40361.				
Kentucky	City of Flatwoods, Greenup County (FEMA–5920).	Ohio River	Along entire Shoreline within Corporate limits	*545
Maps available for inspection at the City Clerk's Office, City Hall, 2411 Argillite Road, Flatwoods, Kentucky 41139.				
Louisiana	Unincorporated areas of Acadia Parish (FEMA–5912).	Bayou des Cannes	Just upstream of Louisiana State Highway 100	*16
		North Bayou Mallet	Just upstream of Louisiana Highway 3123	*26
		Eunice South Ditch	Just downstream of Louisiana State Highway 3116	*28
		Morse Lateral	Just upstream of Louisiana Highway 1115	*12
			Just upstream of Louisiana Highway 92	*14
		Mermentau River	Just downstream of the Town of Mermentau's Corporate limits	*13
		Bayou Plaquemine Brule	Just upstream of Louisiana Highway 13	*21
Maps available for inspection at Acadia Parish Secretary's Office, Parish Courthouse Building, Court Circle, Third Floor, Crowley, Louisiana.				
Louisiana	Unincorporated areas of Pointe Coupee Parish (FEMA–5912).	Bayou Pond	Approximately 1,000 feet upstream of confluence with Portage Canal	*31
		Bayou Pond Lateral Number 3	Approximately 1,000 feet upstream of confluence with Portage Canal	*31
		False Bayou	Just upstream of Louisiana 413 Bridge	*22
			Just upstream of Texas and Pacific Railroad Bridge	*29

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		False Bayou Lateral	Just upstream of confluence with False Bayou	*29
		Pelin Dyke Lateral	Just upstream of confluence with False Bayou	*21
		Discharge Bayou	Just upstream of Louisiana 413 Bridge	*21
		Bayou Grosse Tete	Just upstream of confluence with Bayou Fordoche	*19
		Bayou Fordoche	Approximately 2,000 feet upstream of confluence with Bayou Grosse Tete.	*20
		Bayou Black	Just upstream of Missouri Pacific Railroad Bridge	*26
			Just upstream of U.S. 190	*28
Maps available for inspection at the Office of the President of the Pointe Coupee Police Jury, Parish Courthouse, New Roads Road, or Mr. Martin's Office, President, New Roads, Louisiana 70760.				
Louisiana	Town of Vinton, Calcasieu Parish (FEMA–5912).	Hampton Coulee	Just upstream of Southern Pacific Railroad	*12
			Just upstream of West Street	*14
		Vinton Drainage Canal	Just downstream of West Street	*11
Maps available for inspection at Town Hall, 1200 Horridge Street, Vinton, Louisiana 70668.				
Louisiana	Town of Welsh, Jefferson Davis Parish (FEMA–5938).	East Bayou Lacassaine	Just upstream of U.S. Highway 90 (West Russell Avenue)	*16
			Just downstream of Interstate Highway 10	*16
		Lateral L–1	Just upstream of East South Street	*16
Maps available for inspection at City Hall, 200 Elm Street, Welsh, Louisiana 70591.				
Maine	North Yarmouth, Town, Cumberland County (Docket No. FEMA–5912).	Royal River	Downstream Corporate Limits	*84
			Upstream of State Route 9	*89
			Upstream of Mill Road	*94
			Upstream Corporate Limits	*96
Maps available for inspection at the North Yarmouth Town Hall, R.F.D. 2, Cumberland Center, Maine.				
Maryland	Aberdeen, Town, Harford County (Docket No. FEMA–5883).	Swan Creek	Michael Lane Extended	*112
			Northeast Corporate Limits	*131
			Confluence of Carsins Run	*141
			State Route 462 (downstream side)	*146
			State Route 462 (upstream side)	*153
			Approximately 2,470' upstream of State Route 462	*170
		Carsins Run	Confluence with Swan Creek	*141
			Approximately 1,260' upstream of confluence with Swan Creek	*157
			Maxu Road (upstream side)	*167
			Upstream Corporate Limits	*180
		Tributary to Romney Creek	Downstream Corporate Limits	*57
			Conrail Culvert (upstream side)	*64
Maps available for inspection at the Municipal Building, 3 West Bel Air Avenue, Aberdeen, Maryland.				
Massachusetts	Ashland, Town, Middlesex County (Docket No. FEMA–5936).	Sudbury River	Downstream Corporate Limits	*175
			Upstream of Conrail (downstream crossing)	*180
			Upstream of Front Street	*187
			Upstream of Former Lombard Governor Dam	*193
			Upstream of Cordaville Road	*202
			Upstream of Howe Street	*210
			Approximately 600' upstream of Conrail (upstream crossing)	*218
			Upstream Corporate Limits	*236
		Cold Spring Brook	Confluence with Sudbury River	*181
			Ashland State Park Boundary	*181
			Just Upstream of Spring Street	*221
			Approximately 650' upstream of Spring Street	*234
			Upstream Corporate Limits	*238
		Tributary to Cold Spring Brook	Confluence with Cold Spring Brook	*181
			Approximately 900' upstream of Metropolitan Avenue	*189
			Approximately 1,200' upstream of Metropolitan Avenue	*195
			Approximately 1,750' upstream of Metropolitan Avenue	*208
			Approximately 2,400' downstream of Edgewood Drive	*225
			Approximately 1,600' downstream of Edgewood Drive	*233
		Beaver-dam Brook	Downstream Corporate Limits	*158
			Downstream of Dirt Road	*159
		Tributary to Waushakum Pond	Downstream Corporate Limits	*160
			Upstream of Greenwood Street	*164
			Approximately 400' upstream of Werzell Road (extended)	*164
Maps available for inspection at the Town Clerk's Office, Ashland, Massachusetts.				
Michigan	(Chtr. Twp.) Delhi, Ingham County (Docket No. FEMA–5911).	Grand River	Just upstream of Waverly Road	*853
			Upstream corporate limits	*867
		Sycamore Creek	Just upstream of Jolly Road	*838
			Just downstream of College Road	*846
		Mud Lake Drain	Just upstream of Aurelius Road (about 600 feet south of Jolly Road)	*839
			Just downstream of Aurelius Road (about 2700 feet south of Jolly Road).	*843
		Gilbert Drain	Just upstream of Waverly Road	*864
			About 1500 feet upstream of Groveburg Road	*890
Maps available for inspection at the Delhi Township Hall, 1974 Cedar Street, Holt, Michigan 48842.				

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C), Imlay City, Lapeer County (Docket No. FEMA–5874).	North Branch Belle River	About 850 feet downstream Grand Trunk Western Railroad (near eastern corporate limits).	*801
			Just upstream State Highway 21 (near private driveway)	*810
			About 100 feet upstream Grand Trunk Western Railroad (near western corporate limits).	*815
	Maps available for inspection at City Hall, 150 N. Main Street, Imlay City, Michigan 48444.			
Michigan	(Twp.), Oneida, Eaton County (Docket No. FEMA–5911).	Grand River	At county boundary	*792
			At downstream corporate limits of City of Grand Ledge	*798
			At upstream corporate limits of City of Grand Ledge	*800
			At upstream coprorate limits	*803
	Maps available for inspection at the Oneida Township Hall, 11863 Oneida Road, Grand Ledge, Michigan 48837.			
Missouri	(T) Canalou, New Madrid County (Docket No. FEMA–5926).	Shallow Flooding (Little River and Other Slough Overflow).	Within corporate limits	*291
	Maps available for inspection at the Town Hall, P.O. Box 221, Canalou, Missouri 63828.			
Missouri	(C) Morehouse, New Madrid County (Docket No. FEMA–5926).	Shallow Flooding—Little River Overflow.	From Wayne Street to the southern corporate limit	*295
			From Wayne Street to the northwestern corporate limit	*296
		Shallow Flooding—Otter Slough Overflow.	Carrol and Pine Streets	*299
			100 feet north of Craig Place and Front Street	*299
	Maps available for inspection at the City Hall, P.O. Box 98, Morehouse, Missouri 63868.			
Nebraska	(C), Blair, Washington County (Docket No. FEMA–5926).	Missouri River	About 2.5 miles downstream U.S. Highway 30	*1,006
			About 3.2 miles upstream of U.S. Highway 30	*1,011
		Cauble Creek	About 120 feet downstream of confluence of Cauble Creek East Tributary.	*1,034
			Just downstream U.S. Highway 73	*1,048
			Just upstream U.S. Highway 73	*1,055
			Just downstream of College Drive	*1,056
		Cauble Creek East Tributary	Mouth at Cauble Creek	*1,034
			Just downstream Baronage Drive	*1,057
			Just upstream Baronage Drive	*1,085
			Just downstream College View Drive	*1,086
		Cameron Ditch	Mouth at Missouri River	*1,007
			Just downstream of County Road located about 800 feet upstream of U.S. Highway 30.	*1,009
		Unnamed Creek	Just upstream Chicago and North Western railroad	*1,080
			Just downstream 13th Street	*1,073
			Just upstream 17th Street	*1,092
			Just downstream 19th Street	*1,102
	Maps available for inspection at the City Hall, 1570 Washington Street, Blair, Nebraska 68008.			
New York	Town of Wheatfield, Niagara County (FEMA–5911).	Bergholtz Creek	Just upstream of Williams Road	*578
			Just upstream of Hoover Road	*595
		Brent Road Tributary	Approximately 300 feet upstream of Ward Road	*587
		Raymond Road Tributary	Just downstream of Raymond Road	*603
		Cayuga Creek	Just downstream of Lockport Road	*605
			Just upstream of Blank Road	*616
		Cayuga Creek Tributary	Confluence of Cayuga Creek and Cayuga Creek Tributary	*610
		Tonawanda Creek	Just upstream of Niagara Falls Boulevard	*573
		Sawyer Creek	Just upstream of Shawnee Road	*573
			Just upstream of Schultz Road	*575
			Just upstream of Nash Road	*577
		Bull Creek	Just downstream of Town Line Road (Downstream of Crossing)	*573
			Just downstream of Loveland Road	*578
			Just downstream of Town Line Road (Upstream of Crossing)	*580
	Maps available for inspection at Town Hall, 2800 Church Road, Wheatfield, New York 14120.			
North Carolina	Archdale (City), Muddy Creek, Randolph County (FEMA–5911).	Muddy Creek	50 feet upstream from center of North Carolina Secondary Road 1916—Weart Road.	*722
			20 feet upstream from center of North Carolina Secondary Road 1508—School Road.	*784
		Muddy Creek—West Tributary	Intersection of Sunny Lane and Archdale Road	*792
			100 feet upstream from Center of North Carolina Highway 62—Trindale Road.	*823
		Muddy Creek—East Tributary	200 feet upstream from center of Ashbrook Street	*737
			50 feet upstream from center of North Carolina Secondary Road 1912—Aldridge Road.	*759
	Maps available for inspection at City Hall, 307 Balfour Drive, Archdale, North Carolina.			
North Carolina	Asheboro (City), Randolph County (FEMA–5911).	Deep River	100 feet upstream from center of North Carolina Secondary Road 2261—Old Liberty Road.	*572
		Haskatts Creek	20 feet upstream from center of Bridge at Sewage Plant	*611
			100 feet upstream from center of Greenvale Road	*649

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Haskatts Creek—North Tributary	60 feet downstream from center of Northwood Drive	*670
		Penwood Branch	50 feet upstream from center of North Carolina Secondary Road 2261—Old Liberty Road.	*637
			Intersection of Windsor Drive and Camden Court	*667
		Penwood Branch—South Tributary.	Intersection of Grove Street and Glovinia Street	*764
		Vestal Creek	Intersection of creek and center of Cox Road	*669
		Vestal Creek—Tributary I	100 feet upstream from center of Newbern Avenue	*711
		Vestal Creek—Tributary II	50 feet upstream from center of Pine Grove	*710
		Vestal Creek—Tributary III	Confluence with Vestal Creek—Tributary II	*663
	Maps available for inspection at City Hall, 146 N. Church Street, Asheboro, North Carolina.			
North Carolina	Randolph County (Unincorporated Areas) (FEMA–5911).	Richland Creek	Intersection of Creek and center of North Carolina Secondary Road 2831.	*526
		Muddy Creek	50 feet upstream from center of North Carolina Secondary Road 1917.	*717
		Deep River	100 feet upstream of center of North Carolina Secondary Road 2261—Old Liberty Road.	*572
		Haskette Creek	250 feet upstream of Center of North Carolina Secondary Road 3128.	*577
		Vestal Creek	Intersection of creek and center of Cox Road	*669
	Maps available for inspection at Mapping Department, 145 Worth Street, Asheboro, North Carolina.			
Oklahoma	Town of Sperry, Tulsa and Osage Counties (FEMA–5938).	Bird Creek	Approximately 600 feet upstream of Hominey Creek	*614
		Delaware Creek	Just downstream of the Cincinnati Avenue Bridge	*615
	Maps available for inspection at City Hall, 116 South Cincinnati, Sperry, Oklahoma 74073.			
Pennsylvania	Allenport, Borough, Washington County (Docket No. FEMA–5924).	Monongahela River	Downstream Corporate Limits	*763
			Approximately 0.75 mile downstream of upstream Corporate Limits	*764
			Upstream Corporate Limits	*765
	Maps available for inspection at the Allenport Community Center, Main Street, Stockdale, Pennsylvania.			
Pennsylvania	Aston, Township, Delaware County (Docket No. FEMA–5883).	Chester Creek	Downstream Corporate Limits	*31
			Upstream Bridgewater Road	*40
			Upstream Dutton Mill Road	*49
			Downstream Knowlton Road	*66
			Upstream Mt. Alverno Road	*67
			Upstream of Dam	*76
			Upstream Pennell Road	*83
			Approximately 1,600' downstream of Convent Road	*93
			Downstream Convent Road	*102
			Downstream Hollow Hill Road	*105
			Approximately 1,200' downstream of Lenni Road	*107
			Downstream Lenni Road/Corporate Limits	*114
		West Branch Chester Creek	Confluence with Chester Creek	*105
			Upstream New Road	*112
			Upstream of downstream Dam	*121
			Upstream of upstream Dam	*136
			Approximately 2,000' downstream of Aston Mills Road	*139
			Approximately 1,000' upstream of Aston Mills Road	*147
			Approximately 2,000' upstream of Aston Mills Road	*162
			Approximately 3,000' upstream of Aston Mills Road	*167
			Approximately 1,000' downstream of Valley Brook Road	*171
			Corporate Limits/Valley Brook Road	*173
	Maps available for inspection at the Township Building, 233 Pennell Road, Aston, Pennsylvania.			
Pennsylvania	Avoca, Borough, Luzerne County (Docket No. FEMA–5924).	Mill Creek	Downstream Corporate Limits	*642
			Downstream Conrail	*643
			Upstream Conrail	*654
			Upstream West McAlpine Street	*678
			Downstream Pittston Avenue	*703
			Upstream Corporate Limits	*712
	Maps available for inspection at the Borough Building, 752 Main Street, Avoca, Pennsylvania.			
Pennsylvania	Belle Vernon, Borough, Fayette County (Docket No. FEMA–5896).	Monongahela River	Downstream County Boundary	*762
			Upstream Corporate Limits	*763
	Maps available for inspection at the Borough Building, 10 Main Street, Belle Vernon, Pennsylvania.			
Pennsylvania	Ben Avon, Borough, Allegheny County (Docket No. FEMA–5924).	Ohio River	Downstream Corporate Limits	*722
			Upstream Corporate Limits	*723
		Lowries Run	Approximately 170 feet above confluence with Ohio River	*721
			Approximately 590 feet above confluence with Ohio River	*722
	Maps available for inspection at the Ben Avon Borough Building, 7101 Church Avenue, Pittsburgh, Pennsylvania.			

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Charleroi, Borough, Washington County (Docket No. FEMA-5823).	Monongahela River	Downstream Corporate Limits	*760
			Upstream of Lock and Dam No. 4	*761
			Upstream Corporate Limits	*762
	Maps available for inspection at the Charleroi Municipal Building.			
Pennsylvania	Crescent, Township, Allegheny County (Docket No. FEMA-5924).	Ohio River	Downstream Corporate Limits	*711
			Upstream Corporate Limits	*713
	Maps available for inspection at the Crescent Municipal Building, Spring Run Road, Glenwillard, Pennsylvania.			
Pennsylvania	Dunlevy, Borough, Washington County (Docket No. FEMA-5893).	Monongahela River	Upstream Corporate Limits	*763
			Downstream Corporate Limits	*763
	Maps available for inspection at the Dunlevy Borough Building.			
Pennsylvania	East Berlin, Borough, Adams County (Docket No. FEMA-5893).	West Conewago Creek	Downstream Corporate Limits	*401
			Upstream State Route 194	*403
			Downstream State Route 234	*408
			Upstream Corporate Limits	*412
		Beaver Creek	Confluence with West Conewago Creek	*401
			Upstream Corporate Limits	*403
	Maps available for inspection at the East Berlin Borough Offices.			
Pennsylvania	East Bethlehem, Township, Washington County (Docket No. FEMA-5924).	Monongahela River	Downstream Corporate Limits	*777
			Confluence with Tenmile Creek (upstream corporate limits)	*780
		Tenmile Creek	Confluence with Monongahela River	*780
			Upstream side of Center Street	*785
			Approximately 0.93 mile upstream of Center Street	*795
			Approximately 1.53 miles upstream of Center Street	*804
	Maps available for inspection at the East Bethlehem Municipal Building, Water Street, Fredericktown, Pennsylvania.			
Pennsylvania	East Marlborough, Township, Chester County (Docket No. FEMA-5886).	West Branch Red Clay Creek	Upstream side of Township Line Road Bridge	*294
			Downstream side of Mill Road Bridge	*302
			Approximately 2,000' upstream of Mill Road Bridge	*311
			Approximately 5,000' upstream of Mill Road Bridge	*322
			Approximately 80' downstream of State Route 926 Bridge	*328
		East Branch Red Clay Creek	Downstream Corporate Limits	*325
			Approximately 3,000' upstream of downstream Corporate Limits	*336
			Approximately 100' downstream of County Club Road Bridge	*342
	Maps available for inspection at the residence of the Township Secretary, Ms. Jane Laslo, Beverly Drive, Kennett Square, Pennsylvania.			
Pennsylvania	East Rochester, Beaver County (Docket No. FEMA-5893).	Ohio River	Downstream Corporate Limits	*704
			Upstream Corporate Limits	*705
	Maps available for inspection at the Borough Building, Spruce Street, East Rochester, Pennsylvania.			
Pennsylvania	Elco, Borough, Washington County (Docket No. FEMA-5924).	Monongahela River	Downstream Corporate Limits	*766
			Upstream Corporate Limits	*766
	Maps available for inspection at the Borough Building, Elco, Pennsylvania.			
Pennsylvania	Elizabeth, Borough, Allegheny County (Docket No. FEMA-5924).	Monongahela River	Upstream Corporate Limits	*749
			Downstream Corporate Limits	*749
	Maps available for inspection at the Municipal Building, 208 Third Avenue, Elizabeth, Pennsylvania.			
Pennsylvania	Glen Rock, Borough, York County (Docket No. FEMA-5924).	South Branch Codorus Creek	Downstream Corporate Limits	*546
			Valley Street (Upstream side)	*556
			Upstream Corporate Limits	*567
		Tributary A	Argyle Avenue (Downstream side)	*555
			Camp Road Extended	*561
			Upstream Corporate Limits	*570
	Maps available for inspection at the Glen Rock Borough Office.			
Pennsylvania	Green Tree, Borough, Allegheny County (Docket No. FEMA-5924).	Whiskey Run	Downstream Corporate Limits	*818
			Downstream of Penn Lincoln Culvert	*827
			Upstream of Penn Lincoln Culvert	*851
			Upstream from Private Drive	*885
			At Glencoe Avenue Culvert	*907
			Approximately 700 feet upstream from Glencoe Avenue Culvert	*924
	Maps available for inspection at the Green Tree Borough Building, 978 Greentree Road, Pittsburgh, Pennsylvania.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Greenville, Borough, Mercer County (Docket No. FEMA-5883).	Shenango River	Corporate Limits (Downstream)	*942
			Main Street (Upstream side)	*946
			Corporate Limits (Upstream)	*950
		Little Shenango River	Confluence with Shenango River	*947
			College Avenue (Upstream side)	*951
			Corporate Limits (Upstream)	*958
	Maps available for inspection at the Municipal Building in the Council Chambers, Greenville, Pennsylvania.			
Pennsylvania	Kennett Square, Borough, Chester County (Docket No. FEMA-5883).	West Branch Red Clay Creek	Upstream side of West Cypress Street Bridge	*277
			Upstream Corporate Limits	*281
		East Branch Red Clay Creek	Downstream Corporate Limits	*289
			Downstream side of Conrail Bridge	*292
			Downstream side of East State Street Bridge	*300
			Upstream Corporate Limits	*306
	Maps available for inspection at the Borough Building, Broad and Linden Streets, Kennett Square, Pennsylvania.			
Pennsylvania	Monessen, City, Westmoreland County (Docket No. FEMA-5924).	Monongahela River	Upstream Corporate Limits	*760
			Downstream Corporate Limits	*759
	Maps available for inspection at City Hall, Third and Donner Avenue, Monessen, Pennsylvania.			
Pennsylvania	Mountville, Borough, Lancaster County (Docket No. FEMA-5873).	Strickler Run	Downstream Corporate Limits	*358
			Upstream of Main Street (State Route 462)	*372
			Downstream of Hill Street	*386
			Upstream Corporate Limits	*392
	Maps available for inspection at the Mountville Borough Hall.			
Pennsylvania	North Catasauqua, Borough, Northampton County (Docket No. FEMA-5895).	Lehigh River	Downstream Corporate Limits	*280
			Upstream Eugene Street	*284
			Upstream Corporate Limits	*295
		Catasauqua Creek	Downstream Corporate Limits	*308
			Upstream Private Farm Road	*312
			Upstream Private Road	*320
			Upstream Corporate Limits	*325
	Maps available for inspection at Borough Hall, Fourth and Arch Streets, North Catasauqua, Pennsylvania.			
Pennsylvania	North Charleroi, Borough, Washington County (Docket No. FEMA-5924).	Monongahela River	Upstream Corporate Limits	*760
			Downstream Corporate Limits	*760
	Maps available for inspection at the Borough Building, North Charleroi, Pennsylvania.			
Pennsylvania	Rices Landing, Borough, Greene County (Docket No. FEMA-5924).	Monongahela River	Downstream Corporate Limits	*781
			Upstream Corporate Limits	*783
	Maps available for inspection at the Fire Hall, Rices Landing, Pennsylvania.			
Pennsylvania	Roscoe, Borough, Washington County (Docket No. FEMA-5911).	Monongahela River	Downstream Corporate Limits	*765
			Upstream Corporate Limits	*766
	Maps available for inspection at the residence of Ms. Ruth Chester, Borough Secretary, 503 Underwood, Roscoe, Pennsylvania.			
Pennsylvania	Speers, Borough, Washington County (Docket No. FEMA-5893).	Monongahela River	Downstream Corporate Limits	*762
			Upstream I-70	*762
			Upstream Corporate Limits	*763
	Maps available for inspection at the Speers Borough Building.			
Pennsylvania	Stockdale, Borough, Washington County (Docket No. FEMA-5866).	Monongahela River	Downstream Corporate Limits	*785
			Upstream Corporate Limits	*785
	Maps available for inspection at the Stockdale Borough Building.			
Pennsylvania	Straban, Township, Adams County (Docket No. FEMA-5890).	Rock Creek	Downstream Corporate Limits	*461
			State Route 116 (Upstream)	*479
			U.S. Business Route 15 (Upstream)	*483
			Approximately 3,500' upstream of Boyds School Road	*490
		Rock Creek Tributary 1	Confluence with Rock Creek	*462
			State Route 116 (Upstream)	*474
			Natural Springs Road (Upstream)	*486
			Approximately 2,400' upstream of Natural Springs Road	*496
		Rock Creek Tributary 2	Confluence with Rock Creek	*461
			Approximately 1,300' downstream of Legislative Route 01040	*492
			Legislative Route 01040 downstream side	*502

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rock Creek Tributary 3	Confluence with Rock Creek	*480
			Put Road (Upstream)	*509
			Approximately 1,800' upstream of Put Road	*509
		Plum Run	Downstream Corporate Limits	*483
			State Route 116	*487
			Approximately 2,000' upstream of State Route 116	*501
			Approximately 800' upstream of Rocky Grove Road extended	*526
Maps available for inspection at the residence of Mr. Weaner, Township Secretary, Weaners Road, Gettysburg, Pennsylvania.				
Pennsylvania	Wesleyville, Borough, Erie County (Docket No. FEMA–5873).	Fourmile Creek	Downstream Corporate Limits	*682
			Buffalo Road (Downstream)	*698
			Buffalo Road (Upstream)	*705
			Rose Avenue (Extended)	*725
			Station Road (Upstream)	*749
			Upstream Corporate Limits	*771
Maps available for inspection at the Borough Hall, 3421 Buffalo Road, Wesleyville, Pennsylvania.				
Pennsylvania	West Bradford, Township, Chester County (Docket No. FEMA–5924).	East Branch Brandywine Creek	Approximately 1,800' downstream of U.S. Route 322	*209
			Downstream crossing of U.S. Route 322 (upstream)	*212
			Harmony Hill Road (upstream)	*217
			Upstream crossing of U.S. Route 322 (upstream)	*227
			Upstream Corporate Limits	*229
Maps available for inspection at the West Bradford Township Building, 1535 Poorhouse Road, Downingtown, Pennsylvania.				
Pennsylvania	West Donegal, Township, Lancaster County (Docket No. FEMA–5873).	Conewago Creek East	Downstream Corporate Limits	*329
			Downstream of Conrail	*352
			Upstream of Conrail	*358
			Upstream of Zeager Road	*371
			Upstream Corporate Limits	*385
		Snitz Creek	Downstream Corporate Limits	*395
			Downstream of Private Bridge	*433
			Upstream of Private Bridge	*439
			Downstream of Bossler Road	*442
		Conoy Creek	Upstream of Stone Mill Road	*357
			Confluence of Tributary No. 1 to Conoy Creek	*361
		Tributary No. 1 to Conoy Creek	Upstream of confluence with Conoy Creek	*362
			Upstream of Miller Road	*365
			Downstream of Private Road	*377
			Approximately 1,600 feet upstream of Private Bridge	*387
Maps available for inspection at West Donegal Township Building.				
South Carolina	Town of Landrum, Spartanburg County (FEMA–5924).	Spivey Creek	Just upstream of Jones Street	*940
			Just upstream Dam	*981
		Wolfe Creek	Approximately 100 feet upstream of Columbus Road	*952
Maps available for inspection at City Clerk's Office, City Hall, 100 North Shamrock Avenue, Landrum, South Carolina 29356.				
South Carolina	City of Union City, Union County (FEMA–5924).	Meng Creek	Just downstream of Lakeside Drive	*477
		Tributary M–2	Just upstream of Lakeview Heights Road (culvert)	*490
		Tributary M–3	First crossing of Northern Corporate limits	*509
Maps available for inspection at City Hall, North Herndon Street, Union City, South Carolina 29379				
Texas	City of Anahuac, Chambers County (FEMA–5911).	Lake Anahuac	Along Shoreline	*12
		Galveston Bay	Along western corporate limits (Trinity River Channel)	*13
Maps available for inspection at City Manager's Office, City Hall, 501 Miller Street, Anahuac, Texas 77514.				
Texas	City of Driscoll, Nueces County (FEMA–5938).	Shallow Flooding	Intersection of Main Avenue and 1st Street	*84.5
Maps available for inspection at City Secretary's Office, City Hall, Main Street, Driscoll, Texas 78351.				
Texas	City of Odem, San Patricio County (FEMA–5873).	Peter's Swale	Just downstream of Missouri Pacific Railroad	*71
			Just upstream of U.S. Highway 77	*73
Maps available at City Hall, 514 Park Avenue, Odem, Texas 78370.				
Texas	City of Robstown, Nueces County (FEMA–5926).	Ditch A	Just downstream of Missouri Pacific Railroad	*73
			Just upstream of FM Highway 1889	*79
		Ditch BN	Just upstream of Airport Road	*79
		Ditch C	Just downstream of Unnamed Road upstream of confluence of Ditch E	*86
		Ditch E	Just upstream of State Highway 44	*70
			Just upstream of U.S. Highway 77	*73
		Shallow Flooding Area	At intersection of Avenue C and Seventh Street	*73
			At intersection of Main Avenue and San Patricio Street	*77
Maps available for inspection at City Hall, 101 East Main Street, Robstown, Texas 78380.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Sinton, San Patricio County (FEMA–5926).	Chiltipin Creek	Intersection of Rachel Avenue and West Welder Street	*49
			Just upstream of U.S. Route 181	*50
Maps available for inspection at City Hall, 301 East Market Street, Sinton, Texas 78387.				
Texas	Town of Woodsboro, Refugio County (FEMA–5926).	Tributary A	Just upstream of Jetter Street	*34
Maps available for inspection at City Hall, Woodsboro, Texas 78393.				
Wisconsin	(C), Kaukauna, Outagamie County (Docket No. FEMA–5924).	Fox River	Easternmost corporate limits	*610
			Just downstream Thilmany Dam	*612
			Just upstream Thilmany Dam	*631
			Just upstream Elm Street	*640
			Just downstream Kaukauna Dam	*651
			Just upstream Kaukauna Dam	*656
			Westernmost corporate limit	*660
Maps available for inspection at the Office of the City Engineer, City Hall, 201 West Second Street, Kaukauna, Wisconsin 54130.				
Wisconsin	(C), Oconto Falls, Oconto County (Docket No. FEMA–5924).	Oconto River	Downstream corporate limits	*632
			About 2600 feet downstream Paper Mill Dam	*640
			Just downstream Paper Mill Dam	*673
			Just upstream Paper Mill Dam	*706
			Just downstream Power Dam	*707
			Just upstream Power Dam	*732
			At upstream corporate limits	*733
		Unnamed Tributary	Mouth at Oconto River	*639
			About 100 feet downstream Maple Avenue	*645
			Just upstream Maple Avenue	*654
			About 800 feet downstream Flatley Avenue	*659
			About 200 feet downstream Flatley Avenue	*671
			About 60 feet upstream Flatley Avenue	*693
			At upstream corporate limits	*731
Maps available for inspection at the Office of the City Engineer, City Hall, 1040 South Franklin Street, P.O. Box 70, Oconto Falls, Wisconsin 54154.				
Wisconsin	(V), Shiocton, Outagamie County (Docket No. FEMA–5924).	Willow Creek	Downstream corporate limit	*766
			Upstream corporate limit	*768
		Wolf River	Downstream corporate limit	*766
			Upstream corporate limit	*768
Maps available for inspection at the Village Clerk's Office, Village Hall, P.O. Box 96, Shiocton, Wisconsin 54170.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 5, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81–5907 Filed 2–23–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5824]

National Flood Insurance Program; Final Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule; Correction.

SUMMARY: This document corrects a Notice of Final Determinations of base (100-year) flood elevations for selected locations in the Township of North East, Erie County, Pennsylvania, previously published at 45 FR 84794 on December 23, 1980.

EFFECTIVE DATE: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9060), Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Final Determinations of base (100-year) flood elevations for selected locations in the Township of North East, Erie County, Pennsylvania, previously published at 45 FR 84794 on December 23, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

As a result of a typographical error, the numerals for the elevation for the location of upstream Corporate Limits, under the Source of Flooding of Baker Creek, were transposed. The elevation should be amended to read 739 feet in elevation. The corresponding Flood Insurance Study (profile), Flood Insurance Rate Map, and proposed notice were correct as printed.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 6, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–5904 Filed 2–23–81; 8:45 am]

BILLING CODE 6718–03–M

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-327; RM-3544]

FM Broadcast Station in Fruita, Colorado; Changes Made in Table of Assignments; Radio Broadcast Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 260 to Fruita, Colorado, in response to a petition filed by Richard G. Maynard. The proposed station would provide a first local aural broadcast service to Fruita, and provide first and second FM and nighttime aural service to the surrounding area.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: February 10, 1981.

Released: February 13, 1981.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a *Notice of Proposed Rule Making*, 45 Fed. Reg. 46453, published July 10, 1980, which seeks the assignment of Class C Channel 260 to Fruita, Colorado, as that community's first FM assignment, in response to a petition filed by Richard G. Maynard ("petitioner"). Comments were filed by the petitioner in which he restated his intent to file for the channel, if assigned.

2. Fruita (pop. 1,822),[1] in Mesa County (pop. 54,374), is located in the western part of Colorado, approximately 35 kilometers (22 miles) northwest of Grand Junction, Colorado, and 322 kilometers (200 miles) west of Denver, Colorado. It has no local aural broadcast service.

3. As stated in the *Notice*, Fruita's prime economy is based on agriculture and its population is expected to reach 5,000 by 1985. Further, the *Notice* stated that according to the petitioner a Class C FM station with 100 kW power, at an antenna height of 157 meters (517 feet) could provide a first FM service to 956 persons, a second FM service to 117 persons and the same first and second nighttime aural service, respectively.

4. As a result of the proposed Channel 260 assignment to Fruita, preclusion would occur on co-channel 260 and adjacent channels (275A, 258, 259, 261A, 262 and 263). Communities located in fourteen Colorado counties, twelve Utah counties, and one Wyoming county, may be foreclosed from a possible assignment of one or more of the affected channels. However, petitioner states that Channels 272A, 276A, 280A, and 292A are available for assignment to some of the precluded areas.

5. Although a community this size is not normally assigned a Class C channel, the proposed assignment would provide first and second service. Since alternate channels are available for the precluded areas, we believe that the preclusion impact is insubstantial. Therefore, we find the proposal justified.

6. In view of the foregoing, it is ordered, That effective April 13, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Fruita, Colorado	260

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6193 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-519; RM-3642]

TV Broadcast Station in Fort Walton Beach, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: Action taken herein amends § 73.606(b) of the Commission's Rules, the Television Table of Assignments, by assigning UHF Channel 52+ to Fort Walton Beach, Florida, as a second TV assignment, in response to a petition from Fort Walton Beach Broadcasting Corporation, Inc.

EFFECTIVE DATE: March 24, 1981.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, television broadcast stations (Fort Walton Beach, Florida).

Report and Order

(Proceeding Terminated)

Adopted: February 4, 1981.

Released: February 10, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 58609, published September 4, 1980, which proposed the substitution of UHF Channel 50 for UHF Channel 35 at Fort Walton Beach, Florida, in response to a petition filed by Fort Walton Beach Broadcasting Corporation ("petitioner"). Channel 35 is unoccupied and unapplied for. Petitioner filed comments in which it reaffirmed its intent to apply for the channel, if assigned. Omega Communications, Inc., licensee of TV Station WOFL, Channel 35 at Orlando, Florida, expressed support for the proposed substitution. Comments were also filed by Hess Broadcasting Corporation ("Hess"), permittee of UHF Channel 15 in Mobile, Alabama, to which petitioner responded.

2. Fort Walton Beach (population 19,994),[1] in Okaloosa County (population 88,187), is located in northwest Florida, on the Gulf of Mexico, approximately 60 kilometers (37 miles) east of Pensacola, Florida.

3. Petitioner requested that Channel 50 be substituted for Channel 35 at Fort Walton Beach because of limitations caused by close mileage separation tolerances and air hazard considerations (Eglin Air Force Base is located in the area). Hess, in comments, requested that Channel 35 remain in Fort Walton Beach. Hess stated an intention to operate a satellite station there and explained that the limitations leading petitioner to request the substitution do not apply to its contemplated operation. However, Channels 35 and 50 cannot both be assigned to Fort Walton Beach because the minimum distance separation requirement is 75 miles for UHF assignments 15 channels apart.[2] Hess pointed out that there are 14 channels in addition to Channel 50 which could be assigned as the community's second television facility. Petitioner responded, stating they would have no objection, provided one of the channels between Channel 52 through 56 is also assigned.

4. Our staff has verified that Channel 52 with a + offset may be assigned to Fort Walton Beach in full compliance with the minimum spacing requirements.

5. The Commission believes that the public interest would be served by assigning Channel 52 (with a + offset) to Fort Walton Beach and maintaining the assignment of Channel 35 to that community. While affording the petitioner much greater site selection flexibility, Fort Walton Beach will be provided with its second local television assignment.

6. Accordingly, it is ordered, That effective March 24, 1981, § 73.606(b) of the Commission's Rules, the Television Table of Assignments, is amended for

City	Channel
Fort Walton Beach, Florida	35, 52+

7. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6196 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

[2] See § 73.698 of the Commission's Rules.

47 CFR Part 73

[BC Docket No. 79-180; RM-3133, RM-3159]

FM Broadcast Stations in Athens and New Boston, Ohio, and Greenup and Vanceburg, Kentucky; Changes Made in Table of Assignments; Radio Broadcast Services

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: This action assigns Channel 288A to Greenup, Kentucky, as that community's first FM channel assignment in response to a petition filed by Greenup County Broadcasting, Inc., and denies the petition of New Boston Broadcasting Corporation to delete Channel 285A from Vanceburg, Kentucky, reassign it to New Boston, Ohio, and substitute Channel 261A at Vanceburg.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: February 11, 1981.

Released: February 20, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it a *Notice of Proposed Rule Making and Order to Show Cause*, 44 FR 44573, published on July 30, 1979, and issued in response to petitions filed by New Boston Broadcasting Corp. ("NBBC") and Greenup County Broadcasting, Inc. ("GCB"). The *Notice* proposed first FM channel assignments for New Boston, Ohio (population 3,325) [1] and Greenup, Kentucky (population 1,284). Specifically, it would delete presently unoccupied Channel 285A from Vanceburg, Kentucky, reassign it to New Boston and substitute Channel 261A at Vanceburg (RM-3133). In addition, it would delete Channel 288A from Athens, Ohio, reassign it to Greenup and substitute Channel 240A at Athens (RM-3159). Finally, the Commission also proposed to modify the license of WATH, Inc. for Station WXTQ (FM), at Athens to Channel 240A.

2. The two rule making proceedings were consolidated by the Commission due to the fact that, were both proposals to be adopted, the reference points for New Boston and Greenup would fall short of the minimum spacing requirements (Section 73.207 of the Commission's Rules). The proposed assignment of Channel 288A to Greenup would be short-spaced by 1.9 kilometers (1.2 miles) to co-channel Station WPRT-FM at Prestonburg, Ky., to the south and by 3.2 kilometers (2 miles) to the proposed Channel 285A at New Boston to the north. These short-spacings, it stated, combined with the location of Greenup on the Ohio River, would require the Channel 288A transmitter to be located approximately 3.2 kilometers (2 miles) northwest of Greenup and the Channel 285A transmitter to be located approximately 8 kilometers (5 miles) north of New Boston. Accordingly, the Commission requested showings from each petitioner establishing the availability of transmitter sites which would provide the required shadow-free city grade principal community coverage and conform to the site restrictions imposed by the *Notice*.

3. The *Notice* also raised issues concerning (1) New Boston's small size and its relationship with larger neighboring Portsmouth, Ohio, and (2) the availability of transmitter sites to overcome terrain obstacles to city grade coverage on Channel 261A at Vanceburg.

4. Comments on the *Notice of Proposed Rule Making and Order to Show Cause* have been filed by petitioner NBBC, licensee of Station WIOI(AM), New Boston; by petitioner GCB; by T/R, Inc., licensee of Stations WNXT(AM) and WNXT-FM, Portsmouth; by WPAY, Inc., licensee of Stations WPAY(AM) and WPAY-FM, Portsmouth; by Ohio Valley Broadcasting Company ("Ohio Valley"), licensee of Station WKKS(AM), Vanceburg; and by WATH, Inc., licensee of Stations WATH(AM), and WXTQ(FM) in Athens. Reply comments were filed by NBBC, WPAY, Inc., Ohio Valley and T/R, Inc.

5. In comments, WPAY, Inc., T/R, Inc. and Ohio Valley join in opposition to the proposal to reassign FM Channel 285A from Vanceburg to New Boston and to substitute FM Channel 261A at Vanceburg. New Boston, they contend, presently receives adequate service from the two AM and two FM stations operating in Portsmouth and one AM station serving New Boston. They point to New Boston's small size and its geographical and economic relationship with Portsmouth as the bases for stating that the problems and needs of both communities are identical. Indeed, they assert, the relationship is such that an assignment to New Boston should raise

[1] Population figures are taken from the 1970 U.S. Census.

a "Berwick" issue.[2] In their view, petitioner NBBC has failed to demonstrate the existence of needs in New Boston separate from those of Portsmouth.

6. WPAY, Inc., T/R, Inc. and Ohio Valley also argue that the transmitter accessibility problem raised by the site proposed by NBBC on Channel 261A to serve Vanceburg presents a serious obstacle to the proposal. In their opinion, it would be unreasonable to be required to operate a transmitter from a site that would necessitate travelling more than 80 miles round trip from Vanceburg since the trip involves travelling approximately 20 miles downstream to cross the river. As for remedying this problem with ferry service, they point out that petitioner NBBC has provided no indication as to the current status or the projected completion date of such a service and question whether the service will ever become reliable enough in view of the legal, economic and climatic difficulties.

7. Ohio Valley adds that should the Commission nevertheless choose to substitute short-spaced Channel 261A to Vanceburg for Channel 285A, the transmitter must be constructed at a site to the north of Vanceburg in order to meet the minimum mileage separation requirements. However, according to Ohio Valley's engineering study, a transmitter so located (such as the one proposed by petitioner NBBC) would not meet the Commission's line-of-sight coverage requirements for Vanceburg, the principal community, resulting in the shadowing of major portions of the business and residential areas of Vanceburg. Finally, Ohio Valley states that it plans to file an application for a construction permit for Channel 285A as soon as possible.

8. Petitioner GCB's comments state that its principals have obtained a transmitter site as close as possible to the spacing "border" of WPRT–FM at Prestonburg and the Ohio River, which it believes will provide a 1 mV/m signal contour over virtually all of Greenup. Thus, it asserts, insofar as NBBC is able to locate a site fully compatible with that of GCB's, it would not object to the proposal to add Channel 285A to New Boston. In the event, however, that NBBC is not able to demonstrate the availability of a site as outlined in the *Notice*, then its own proposal should prevail since (a) GCB will have located a suitable transmitter site, whereas NBBC would not have, and (b) GCB can adequately demonstrate the need for a first radio service in Greenup County, whereas questions remain on the need for an additional FM assignment at New Boston.

9. In support of the second point above, GCB recites the arguments advanced by WPAY, Inc., T/R, Inc. and Ohio Valley with regard to the adequacy of New Boston's present aural service to meet its programming needs. In addition, it asserts that Greenup's need for FM service is greater than that of New Boston since there are no radio stations presently licensed to Greenup and the signals it receives originate from stations located in other states and counties. Moreover, it asserts, the continuing expansion of population and commerce in Greenup County, as indicated by the community data submitted by GCB, warrants a grant of an FM assignment to Greenup. It concludes by stating that Greenup should prevail over New Boston since under its proposal the only change necessary for compliance with the Commission's spacing requirements would be to modify the license of Station WXTQ(FM) to specify operation on Channel 240A instead of Channel 288A, while under the NBBC proposal the channel substitution at Vanceburg would substantially eliminate the prospects for FM service there. GCB states that should Channel 288A be made available to Greenup it will promptly apply for an FM broadcast construction permit specifying operation on Channel 288A and, if successful, will reimburse the licensee of Station WXTQ(FM), Athens, for all necessary and prudent expenses incurred in implementing the channel modification.

10. WATH, Inc. filed comments in opposition to the *Notice of Proposed Rule Making and Order to Show Cause* insofar as it would modify the license of its Station WXTQ(FM) at Athens to specify an operation on Channel 240A. In pertinent part, the comments state that, concurrent with the filing of the GCB petition, WATH, Inc. began to explore the possibility of relocating the transmitter site of WXTQ(FM) to a point north of Athens as a means of better serving the community's population center. Among the advantages it claimed would follow from the relocation is the elimination of the need to modify its channel as stated in the *Order to Show Cause*. By granting the application to relocate the WATH, Inc. transmitter, it argued, Channel 288A could be assigned to Greenup and retained at Athens as well, consistent with the mileage spacing requirements. It further stated that if the Commission approved the proposed transmitter relocation, the use of Channel 240A would create short spacings which would preclude its use north of Athens.

11. The comments of petitioner NBBC contain an engineering study purporting to demonstrate that sites are available for the use of Channel 261A at Vanceburg which would provide the required shadow-free city grade service. It proposes a randomly selected transmitter site located 4 miles east of Vanceburg on the Kentucky side of the Ohio River which it believes would eliminate both the transmitter accessibility problem and the shadowing problem posed by the site originally specified for Vanceburg in its petition.

12. NBBC's comments acknowledge the fact that the *Notice* requires it to accommodate the GCB proposal in order to meet the 15-mile minimum spacing requirement between Channel 288A at Greenup and Channel 285A at New Boston. In this regard, NBBC submits an engineering study indicating that the terrain in the area is such that a shadow-free city grade service will probably not be provided to all of New Boston from a site conforming to the restrictions as set forth in the *Notice*. To resolve this problem, however, petitioner NBBC states that it will obtain a site at a location in compliance with the minimum spacing requirements and will utilize one or more FM broadcast translator stations to provide a shadow-free city grade service to every part of New Boston. In order to establish the existence of separate needs in New Boston from those of Portsmouth, petitioner cites 1976 U.S. Census tabulations reporting a 7.0 percent (5,500 persons) increase in the population of Scioto County since 1970 and offers information concerning a proposed construction project and the opening of a shopping mall in New Boston. NBBC states that it is seeking the assignment because it hopes to provide the residents of New Boston and its surrounding area with certain types of programming primarily local in nature, which it believes are not presently provided on a fulltime basis, by existing Portsmouth and New Boston stations.

13. In reply comments, WPAY, Inc., T/R, Inc. and Ohio Valley reiterate their claim that petitioner NBBC has failed to establish separate needs for the proposed assignment at New Boston. They particularly criticize the paucity of the community data submitted by NBBC to support that need and assert that the data evidences growth in Scioto County, not in New Boston. Indeed, they claim, the 7.0 percent growth reported by petitioner occurred entirely in Wheelersburg, Ohio, located 11 kilometers (7 miles) east of New Boston. In addition, they believe that all of the programming proposed to be provided to New Boston by NBBC is already provided by existing Portsmouth stations. They argue that an assignment of Channel 285A to New Boston would in fact prove to be a sixth (third FM) station for Portsmouth in view of petitioner's statement that it intends to serve New Boston and its surrounding area.

14. In response to NBBC's assertion that its newly proposed transmitter site for Channel 261A on the Kentucky side of the Ohio River would deliver a shadow-free signal to Vanceburg, WPAY, Inc., T/R, Inc. and Ohio Valley contend that the engineering study offered by NBBC in support of the feasibility of that site is deficient inasmuch as it is based on an outdated representation of the Vanceburg city limits. Vanceburg, they claim, has recently annexed a large residential section to the south which effectively doubles the former size of the community. Petitioner NBBC has not considered this, they assert, and as a result proposes a transmitter site on Channel 261A which it has not positively determined can serve the business and residential sections of Vanceburg with a shadow-free city grade signal. They believe a severe shadowing problem will, in fact, exist at the newly proposed site and point out that a Channel 285A assignment at Vanceburg would be free of such difficulties. Ohio Valley's reply comments add that it has begun the process of preparing an application for a construction permit on Channel 285A which would locate its transmitter at or near its AM facilities on the hills overlooking Vanceburg. From that site, it asserted, FM Channel 285A could deliver shadow-free city grade reception to all of Vanceburg and Lewis County as a first local fulltime broadcast service.

15. NBBC's reply comments responded by first reiterating its belief that New Boston is an underserved community. In support of that statement, it pointed to the fact that New Boston has no FM channels assigned to it and submitted additional population data which indicated that the community had grown by approximately 20 percent since 1970 and other assorted data concerning the community's government, commerce and employment, educational system and social outlets. According to NBBC, the opposition of WPAY, Inc. and T/R, Inc. is primarily motivated by a desire on their part, as licensees of AM and FM stations in Portsmouth, to maintain their competitive advantage over WIOI's daytime-only AM operation in New Boston. In response to the assertion that an assignment to New Boston raises a "Berwick" issue, NBBC cites Commission precedent which states that such an issue is not necessarily warranted merely because an assignment is made to a small community close in geographical proximity to a larger one even though the assignment places a strong signal over the larger community. In NBBC's view, the fact that a community has its own civic, social and political makeup qualifies it for its own station.

16. NBBC's reply comments concede that the site originally proposed for Channel 261A across the Ohio River posed transmitter accessibility problems. However, the availability of what it regards as adequate (*i.e.*, shadow-free and accessible) transmitter sites on the Kentucky side of the Ohio River east of Vanceburg, such as the second proposed site, remedies whatever shortcomings the originally proposed site may have had. Therefore, NBBC concludes, the Commission need not reach the question of which community, New Boston or Greenup, is more deserving of an FM assignment, since (as it stated in its comments), it proposes to obtain a site at a location meeting the minimum spacing requirements and to provide shadow-free city grade service to all of New Boston by utilizing one or more FM broadcast translator stations. In short, it argues, the availability of suitable sites for New Boston, Greenup and Vanceburg eliminates the mutually exclusive features of the two proposals.

17. As stated above, the issue that first confronts us is whether both the New Boston and the Greenup proposal can be separately adopted in accordance with the mileage separation requirements. Here the primary determination depends on whether each petitioner has made the requisite showing as to the availability of a transmitter site which provides a shadow-free city grade principal community coverage and conforms to the site restrictions specified by the *Notice*. As to Greenup, petitioner GCB states that its principals have purchased such a site for its proposed station. Certainly, the provision of a first local aural service to Greenup justifies the requested assignment. In this regard, we note that the Commission, in November, 1980, granted the application of WATH, Inc. to relocate the WXTQ(FM) transmitter site to coordinates north of Athens thereby eliminating the short spacing to the proposed Greenup site and the need to modify the license of Station WXTQ(FM).

18. As for the showings submitted by petitioner NBBC for the New Boston station, it appears that, because of terrain shielding, New Boston will probably not receive primary shadow-free city grade coverage from any site conforming to the site restriction of 4.5 kilometers (3 miles) north of New Boston as proposed. NBBC proposes to resolve this problem by obtaining a site that will meet the minimum spacing requirements and by providing a shadow-free signal utilizing one or more FM broadcast translator stations.

19. We believe this deficiency is fatal to the NBBC proposal. First, there is a long-standing Commission policy that translator stations are to be regarded as secondary services vis-a-vis primary broadcast services. This policy is embodied in § 74.1203(a) of the Commission's Rules, which provides that:

> FM translator services will be authorized and *permitted to continue to operate only where they cause no interference* to the direct reception by the public of any authorized station. (Emphasis added)

Thus, at any point under NBBC's proposal (such as where a broadcast station is authorized to relocate its transmitter site), New Boston, the primary community, would be subject to forfeiting the use of Channel 285A. Second, § 73.315(b) of the Commission's Rules states:

> The transmitter location should be so chosen that line of sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path.

NBBC admits that terrain obstacles are serious enough to require that translators be utilized to eliminate shadowing. However, it has failed to provide line-of-sight projections which might enable the Commission to determine the full extent of the shadowing. Thus, the Commission is unwilling to assume that the problem is minor in the absence of any hard data on the matter. In the case of *Attica, New York*, 54 F.C.C. 2d 1137 (1975), the Commission, citing § 73.315(b), refused to adopt a proposal where the evidence indicated that it would be impossible to locate a site that would meet the required mileage separations and place a shadow-free signal over the principal community. This, in our opinion, is precisely the situation in the present case. Thus, since it appears that NBBC has failed to demonstrate the availability of a transmitter site meeting the signal coverage requirements and site restrictions imposed by the *Notice*,

[2] *Berwick Broadcasting Corporation*, 12 F.C.C. 2d 8 (1968), *aff'd*, 20 F.C.C. 2d 396 (1969).

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we could not adopt this proposal and the Greenup proposal without short-spacing.

20. A comparison of the needs of each community for a first FM assignment reveals the following factors: (1) New Boston already receives local service from daytime-only AM Station WIOI whereas Greenup has no local service. (2) New Boston is said to receive service from 4 Portsmouth stations, a city on which it borders. Greenup is not served by any nearby stations as far as we can determine by the information submitted. New Boston's population is larger than that of Greenup (3,325 to 1,234), but the difference is not large and the 1970 U.S. Census figures are outdated. Greenup is the county seat while New Boston does not appear to be a particularly significant community in its county.

21. In relation to this comparison, the Commission wishes to note the adverse impact of the New Boston proposal upon the prospects for a first FM service at Vanceburg. Although the transmitter accessibility problem is no longer an issue with the proposal of a site on the Kentucky side of the Ohio River, the terrain shadowing problem remains. The comments of WPAY, Inc., T/R, Inc. and Ohio Valley indicate that the ability of the second proposed site for Channel 261A to deliver a shadow-free service to Vanceburg is suspect inasmuch as NBBC's engineering study failed to take account of recently annexed residential sections to the south. An investigation by the Commission's technical staff confirms the claim that large portions of Vanceburg would be severely shadowed. The Greenup proposal, on the other hand, will have no effect on the Athens station as indicated earlier in paragraph 17, *supra*. Thus given the comparative factors and the impact of the New Boston proposal on the prospects for a Vanceburg station, we believe the greater need for a first FM station exists at Greenup.

22. In view of the foregoing and pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, IT IS ORDERED, That effective April 13, 1981, § 73.202(b) of the Commission's Rules IS AMENDED, with respect to Greenup, Kentucky, as follows:

City	Channel No.
Greenup, Ky	285A

23. It is further ordered, That the request (RM-3133) of New Boston Broadcasting Corporation to assign Channel 285A to New Boston, Ohio, IS DENIED.

24. It is further ordered, that this proceeding IS TERMINATED.

25. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6194 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-105; RM-3319]

FM Broadcast Station in Cobleskill, New York; Changes Made in Table of Assignments; Radio Broadcast Services

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: Action taken herein assigns Class B FM Channel 278 to Cobleskill, New York, in response to a petition filed by John C. Clancy. The proposed station would provide a first local aural broadcast service to Cobleskill, and a first and second FM and second nighttime aural service to the surrounding area.

EFFECTIVE DATE: March 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: February 2, 1981.

Released: February 9, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a *Notice of Proposed Rule Making*, 45 FR 19575, published March 26, 1980, proposing the assignment of FM Channel 278 to Cobleskill, New York, as that community's first FM assignment. The petitioner filed supporting comments and reaffirmed his intent to apply for the station, if assigned.

2. Cobleskill (pop. 4,368),[1] in Shoharie County (pop. 24,750), is located approximately 56 kilometers (35 miles) west of Albany. It has no local aural broadcast service.

3. As stated in the *Notice*, a wide area coverage Class B facility would permit expanded FM service to unserved and underserved areas, by providing a first FM and second nighttime aural service to 2,032 persons, and a second FM service to 9,903 persons.

4. Although a community of this size is not normally assigned a Class B channel, the proposed assignment would provide significant first and second service to a substantial population. Therefore, we believe it would be in the public interest to assign Channel 278 to Cobleskill, New York, as its first FM channel assignment. The transmitter site is restricted to 28 kilometers (17.6 miles) north of the city.

5. The Canadian Government has given concurrence to the assignment of Channel 278 to Cobleskill, New York.

6. Accordingly, it is ordered, That effective March 24, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Cobleskill, N.Y	278

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6197 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-525; RM-3554]

FM Broadcast Station in Orem, Utah; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A FM channel at Orem, Utah, and modifies the license of the petitioner, Morris J. Jones to specify the Class C channel. The assignment could provide service to the surrounding area and population.

EFFECTIVE DATE: March 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b) Table of Assignments FM broadcast stations (Orem, Utah); Report and Order (proceeding terminated).

Adopted: February 4, 1981.

Released: February 11, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 58626 published September 4, 1980, proposing the substitution of Class C Channel 298 for Channel 296A at Orem, Utah, in response to a petition filed by Morris J. Jones ("petitioner"), licensee of FM Station KABE (Channel 296A). The *Notice* also proposed modification of the licensee for Channel 296A to specify operation on Channel 298. Petitioner submitted comments restating his intent to apply for authority to construct and operate a station on Channel 298, if assigned.

2. Orem (pop. 25,729),[1] in Utah County (pop. 137,776) is located approximately 56 kilometers (35 miles) south of Salt Lake City. It is served locally by FM Station KABE (Channel 296A).

3. As stated in the *Notice*, Station KABE has difficulty in serving Orem due to low signal strength and multipath interference apparently due to reflections of the signal off the nearby mountains to the east. The unavailability of nearby transmitter sites on the mountains to the east is also a factor. The *Notice* further states that the increase in facilities could provide service to the outlying areas to the north and northwest of Orem and northern Utah County.

4. Due to mileage restrictions for second adjacent Class C stations, the preclusion study was dependent upon the outcome of the Clearfield-Roy, Utah proposal (BC Docket 80-477, RM-3617). Since the petitioner in that proceeding agreed to a transmitter site restriction, we have determined that preclusion is insignificant.

[1] Population figures are taken from the 1970 U.S. Census.

5. In view of the above, the Commission believes that the public interest would be served by the proposed substitution of channels since it would provide expanded service to the surrounding area and population. We have also authorized in paragraph 8, a modification of petitioner's license for Station KABE(FM) to specify Channel 298, since there has been no other expression of interest in the Class C channel. See *Cheyenne, Wyoming* 62FCC 2d 63 (1976).

6. In view of the foregoing, It is ordered, that effective March 24, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended, with respect to the community listed below as follows:

City	Channel No.
Orem, Utah	298

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Morris J. Jones, for Station KABE(FM), Orem Utah, is modified, effective March 24, 1981, to specify operation on Channel 298 instead of 296A. The licensee shall inform the Commission in writing no later than March 24, 1981, of its acceptance of this modification. Station KABE(FM) may continue to operate on Channel 296A for one year from the effective date of this action or until it is ready to operate on Channel 298, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on channel 298, the licensee of Station KABE(FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 298.

(b) At least 10 days prior to commencing operation on Channel 298, the licensee of Station KABE(FM) shall submit measurement data required of an applicant for a broadcast license; and

(c) The license of Station KABE(FM) shall not commence operation on Channel 298 without prior Commission authorization.

Nothing contained herein shall authorize a major change in transmitter site or the necessity of filing an environmental impact statement where required.

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast bureau.

[FR Doc. 81-6195 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1100 and 1131

[Ex Parte No. MC-67 (Sub-No. 6)]

Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Applications Under 49 U.S.C. 10928

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The rules noticed in this document are a partial disposition of the issues in this proceeding in that they clarify the procedures and decisional standards applicable to appeals from decisions on applications for emergency temporary authority. Concurrent with the notice of final rules here, the Commission (in a separate document) is proposing rules applying to ETA applications, to place the burden of notifying competitive carriers upon the applicant.

EFFECTIVE DATE: March 26, 1981.

ADDRESS: Copies of the Commission's decision may be obtained by written request to: Secretary, Interstate Commerce Commission, Washington, DC 20423, or by calling the toll-free number (800) 424-9312.

FOR FURTHER INFORMATION CONTACT: Ombudsman's Office, (202) 275-7440, Jane Alspaugh, (202) 275-1873, or Donald J. Shaw, Jr., (202) 275-7292.

SUPPLEMENTARY INFORMATION: By a notice of proposed rules at 45 FR 6634 (January 29, 1980), we proposed to clarify to some extent the procedures applicable to appeals from decisions on emergency temporary authority applications. These include the time limits and requirements for serving copies of pleadings on other parties.

The Commission adopted the proposed appellate procedures. Applicants must seek reconsideration

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within 20 days of receiving notice of the decision on the application. Any other interested person may file an appeal of an ETA grant at any time during the life of the authority. Pleadings must be served on all other parties.

We also clarified how administrative appeals are handled, for the reasons discussed in the report. The relevant focus on appeal is upon conditions as they existed immediately preceding the grant of the application, not on conditions prevailing at the time of the appeal. (This was explicitly stated in our earlier regulations but was inadvertently rendered ambiguous by a recent revision.) The standard for revoking a grant of authority is indentical to the standard that would have applied had the applicant challenged the application when it was filed.

To conform our regulations to the decision in this matter, the following regulations are adopted by amending Parts 1100 and 1131 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations, as follows.

(1) Revise paragraph 1100.225(f) to read as follows:

§ 1100.225 [Amended]

* * * * *

(f) Except as provided below for matters involving emergency temporary authority, a petition seeking reconsideration of a decision entered under 49 U.S.C. 10928 shall be filed within 20 days after the date of service of this decision. Within 20 days after the filing of the petition, any person may file and serve a reply to the petition. An applicant seeking reconsideration of a decision concerning *emergency temporary authority* must file a petition within 20 days after it is notified of the decision on the application. Any other interested person seeking reconsideration of a decision granting emergency temporary authority may file a petition at any time during the life of the authority. Replies may be filed within 20 days after the filing of the petition. Pleadings must be served on all parties of record.

(2) Revise the introductory text of § 1131.4(b) to read as follows:

§ 1131.4 [Amended]

* * * * *

(b) *Standards for determination.* The following standards shall be used, in the absence of special or unusual circumstances, in the initial or appellate determination under 49 U.S.C. 10928 of applications by motor carriers for temporary authority or emergency temporary authority.

(3) Add the following paragraph (d) to § 1131.6:

§ 1131.6 [Amended]

* * * * *

(d) *Procedures.* The procedures governing petitions and replies are set forth in the Commission's General and Special Rules of Practice, 49 CFR 1100. For special time limits governing petitions and replies, see specifically § 1100.225(f).

These rules are issued under the authority contained in 49 U.S.C. 10321 and 10928, and 5 U.S.C. 553 and were adopted by the Commission on February 12, 1981, M.C.C.

Decided: February 12, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6083 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 36
Tuesday, February 24, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 771

Agency Administrative Grievance System

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This is a proposal by the Office of Personnel Management to amend our regulations on agency administrative grievance systems. These regulations provide criteria for the establishment and publication of an administrative grievance system by each agency and defines the employee and action coverage to comply with those provisions of the Civil Service Reform Act of 1978 which affect employee administrative grievance rights. These proposed amendments further define the employee and action coverage of the system.

COMMENT DATE: Written comments will be considered if received on or before April 27, 1981.

ADDRESS: Send or deliver written comments to the Workforce Effectiveness and Development Group, Employee Relations Branch, Office of Personnel Management, Room 7612, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Gary D. Wahlert, (202) 632-7778.

SUPPLEMENTARY INFORMATION: Four amendments to Part 771 are being proposed. Each amendment affects § 771.206(c) which sets forth certain exclusions from coverage under the agency administrative grievance system.

The first amendment affects paragraph (c)(1)(v) of § 771.206 which is concerned with employees of the Senior Executive Service (SES). Specifically, it is proposed that "an officer or employee" be changed to "a career appointee" to precisely reflect the type of employee affected by this exclusion. In addition, it is proposed that "or another pay system" be inserted after "General Schedule" to reflect the fact that some career appointees to the SES may have previously occupied positions not in the General Schedule.

The second amendment first proposed to redesignate paragraphs (c)(1) (vi) through (xii) of § 771.206 in order that a new paragraph (c)(1)(vi) may be added that also is concerned with employees of the SES. The proposed new paragraph would preclude grievances over a reassignment of a SES appointee following the receipt of an unsatisfactory rating under section 4314 of title 5, United States Code. The exclusion of grievances concerning reassignments under these circumstances is consistent with the mandatory nature of the statute requiring action. It is noted that the current paragraph (c)(1)(xiii) excludes grievances concerning performance evaluations under Subchapter II of Chapter 43 of title 5, United States Code, entitled "Performance Appraisal in the Senior Executive Service." Also paragraph (c)(1)(xiii) would be redesignated as paragraph (c)(1)(xv) to permit insertion of a second new paragraph.

The third proposed amendment is also concerned with employees of the SES. This amendment would add paragraph (c)(1)(xiv) to § 771.206 and would exclude grievances concerning terminations of SES career appointees during probation for unacceptable performance under Subpart D of Part 359 of the Code of Federal Regulations. This exclusion would be consistent with that currently set forth in paragraph (c)(1)(xiii) concerning the termination of other probationary employees for unsatisfactory performance under Subpart H of Part 315 of the Code of Federal Regulations.

The fourth and final amendment would add a new paragraph (c)(1)(xvi) to § 771.206. This proposed paragraph would exclude grievances concerning actions taken in accordance with the terms of a voluntary agreement by an employee that would result in the assignment of the employee from one geographical location to another within the continental United States or would result in the return of the employee from an overseas assignment. In both instances, employees entering into voluntary agreements to accept geographical moves could not subsequently grieve actions by the agency that are nothing more than the effectuation of the agreements.

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulations.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is proposing to amend Part 771 of Title 5, Code of Federal Regulations, as follows:

1. Revise § 771.206 paragraph (c)(1)(v) to read as follows:

§ 771.206 Exclusions.

* * * * *

(c) * * *

(1) * * *

(v) A return of a Senior Executive Service career appointee to the General Schedule or another pay system during the one year period of probation or for less than fully successful executive performance under section 3592 of title 5, United States Code;

2. In § 771.206 paragraphs (c)(1) (vi) through (xii) are redesignated paragraphs (c)(1) (vii) through (xiii). Paragraph (c)(1)(xiii) is redesignated as paragraph (c)(1)(xv). A new paragraph (c)(1)(vi) is added to read as follows:

§ 771.206 Exclusions.

* * * * *

(c) * * *

(1) * * *

(vi) A reassignment of a Senior Executive Service appointee following the appointee's receipt of an unsatisfactory rating under section 4314 of title 5, United States Code;

3. In § 771.206 add paragraph (c)(1)(xiv) to read as follows:

§ 771.206 Exclusions.

* * * * *

(c) * * *

(1) * * *

(xiv) The termination under Subpart D of Part 359 of this title of a Senior Executive Service career appointee during probation for unacceptable performance.

4. In § 771.206 add paragraph (c)(1)(xvi) to read as follows:

§ 771.206 Exclusions.

* * * * *

(c) * * *

(1) * * *

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(xvi) An action taken in accordance with the terms of an agreement voluntarily entered into by an employee which: (A) assigns the employee from one geographical location to another within the continental United States or (B) returns an employee from an overseas assignment.

[FR Doc. 81-6186 Filed 2-23-81; 8:45 am]
BILLING CODE 6325-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 9100]

Sunkist Growers, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.
ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final commission approval, would require, among other things, that Sunkist Growers, Inc. ("Sunkist"), a Sherman Oaks, Cal. processor and marketer of cirtus fruit timely divest, in accordance with the terms of the order, the assets and properties constituting the Arizona Products Division ("APD"), and offer the purchaser, annually for four years, a prescribed volume of citrus fruit for processing. Sunkist would also be barred from using a non-Sunkist plant to process citrus fruit packed in Yuma County, Ariz. until it had first offered the opportunity to the acquirer of APD. Additionally, the order would require that the corporation, for specified periods, limit the number of its commercial packinghouse affiliations and refrain from acquiring, without prior Commission approval, any California or Arizona commercial citrus fruit processing plant or packinghouse.

DATE: Comments must be received on or before April 27, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W. Washington, D.C. 20580

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580 (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

The agreement herein, by and between Sunkist Growers, Inc., a corporation, hereafter sometimes referred to as Sunkist, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Federal Trade Commission's Rules governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Sunkist Growers, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its principal offices located at 14130 Riverside Drive, Sherman Oaks, California.

2. Sunkist has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violation of Section 7, of the Clayton Act, as amended, 15, U.S.C. Section 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. Section 45, and has filed answers to said complaint denying said charges.

3. Sunkist admits all of the jurisdictional facts set forth in the Federal Trade Commission's complaint in this proceeding.

4. Sunkist waives:

(a) Any further procedural steps;

(b) The requirement that the Federal Trade Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order to Divest and Other Relief, sometimes referred to hereafter as the order, entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Federal Trade Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Sunkist, in which event it will take such action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by Sunkist that the law has been violated as alleged in the complaint.

7. If this agreement is accepted by the Federal Trade Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 3.25(f) of the Commission's Rules, the Commission may without further notice to Sunkist (1) issue its decision containing the following Order to Divest and Other Relief in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondent's address as stated in paragraph 1 of this agreement shall constitute service. Sunkist waives any right it might have to any other manner of service.

8. This agreement contemplates that the complaint and Prehearing Order No. 1, dated October 28, 1977, may be used in construing the terms of the order, and that no agreement, understanding, representation, or interpretation not contained in the order or in this agreement may be used to vary or to contradict the terms of the order.

9. Sunkist has read the order contemplated hereby and understands that once the order has been issued, Sunkist will be required to file one or more compliance reports showing that it has fully complied with the order. Sunkist further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For the purpose of this order, the following definitions shall apply:

(a) "Sunkist" means Sunkist Growers, Inc.; its divisions and subsidiaries; its officers, directors, representatives, agents and employees acting as such; and its successors and assigns.

(b) "Affiliated packinghouse" or "packinghouse affiliated with" means a citrus packinghouse authorized by Sunkist to pack citrus for Sunkist grower-members. It does not include a packinghouse which packs citrus for Sunkist members only on a temporary, ad hoc, emergency basis.

(c) "Arizona Products Division" means (1) all facilities and assets located in Yuma, Arizona, owned by Sunkist which are used in connection with the conversion of citrus fruit into citrus products; (2) the cold storage facilities and assets, acquired by Sunkist, which previously had been part of the Southwestern Ice and Cold Storage Company; and (3) all agricultural lands used for effluent disposal from the above-described facilities. The facilities, assets and agricultural lands listed above shall include, but are not limited to, all land, buildings, equipment, supplies and machinery used by Arizona Products Division, together with any other additions and improvements thereto.

(d) "Citrus Packinghouse" means any facility which packs lemons, navel oranges, valencia oranges, grapefruit or tangerines for fresh fruit shipment on a regular basis, but does not include a facility which packs those varieties only on an auxiliary and overflow basis.

(e) "Commercial Packinghouse" means a citrus packinghouse located in California or Arizona which is not a packinghouse owned or operated by an association of growers meeting the requirements of Section 1 of the Capper-Volstead Act, or by one or more growers packing only their own citrus fruit.

(f) "Commercial Citrus Processing Plant" means a processing plant, used or equipped to be used, in whole or in part, to process whole citrus fruit into juice, peel or oil products, which is not owned or operated by an association of growers meeting the requirements of Section 1 of the Capper-Volstead Act.

(g) "District III" means the prorate district established pursuant to the Agricultural Marketing Agreement Act of 1937, 7 U.S.C. §§601 et seq., as amended, and as specified in regulations thereunder, 7 C.F.R. §§907.66(c), 908.60(c) and 910.64(c), as of the date this order becomes final.

(h) "Lemon Administrative Committee" means the Lemon Administrative Committee established pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and regulations thereunder.

(i) "Orange Administrative Committees" means the Navel and Valencia Orange Administrative Committees established pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and regulations thereunder.

(j) "Product-grade citrus" means citrus which is received by processing plants for processing into citrus products.

I

It is ordered that within eighteen (18) months from the date this order becomes final, Sunkist shall divest as a unit, absolutely and in good faith, all properties and assets constituting the Arizona Products Division ("APD") of Sunkist in order to establish APD as a viable competitor in the citrus processing business. The divestiture shall be subject to the prior approval of the Federal Trade Commission. Pending divestiture, Sunkist shall take all measures necessary to maintain APD in its present condition and prevent any deterioration, except for normal wear and tear, of any of the assets to be divested which may impair their present operating abilities or market value.

II

It is further ordered that for each of the four (4) complete District III citrus seasons (approximately September-August) after the divestiture of APD or the four (4) years (twelve-month periods) beginning on the date of divestiture, whichever the acquirer of APD ("acquirer") shall elect, Sunkist shall offer to sell to the acquirer for processing by the acquirer a mixed supply of product-grade citrus grown in District III in the manner discribed below, unless otherwise modified by mutual agreement between Sunkist and the acquirer:

(a) the total volume of citrus to be offered for sale in the first three (3) seasons or years shall be determined as follows:

Sunkist's total seasonal or yearly tons of product-grade citrus from district III	Total tons Sunkist shall offer to sell to the acquirer of APD
0 to 100,000	45 pct of Sunkist's product-grade citrus from district III.
100,001 to 150,000	45,000
150,001 to 170,000	50,000
170,001 and above	55,000

(b) The total volume of citrus to be offered for sale in the fourth (4th) season or year shall be one-half (½) of the amount determined in accordance with subparagraph (a) of this paragraph.

(c) The volume of such citrus shall consist of a mix of varieties grown in District III that is equal to the proportion that each such variety bears to Sunkist's total District III volume of those varieties.

(d) Sunkist's total seasonal or yearly obligation to offer to sell citrus to the acquirer shall be reduced by an amount equal to any amount of citrus the acquirer obtains in that season or year for processing at APD from any citrus packinghouse affiliated with Sunkist on the date this order becomes final and not affiliated with Sunkist at the time the citrus is obtained from the packinghouse. In calculating Sunkist's obligation to offer to sell citrus under this order, the amount of citrus purchased by the acquirer from such a packinghouse shall be included in the total tons of Sunkist's product-grade citrus from District III computed on a yearly or seasonal basis, consistent with the acquirer's election referred to above.

(e) The amount of citrus which the acquirer agrees to buy from Sunkist shall be specified in a yearly contract. Sunkist shall make the citrus available in daily quantities of not less than 100 tons and not more than 600 tons until Sunkist has met its total requirements specified in the yearly contract. If Sunkist's District III tonnage on any day is less than 100 tons Sunkist shall make all its District III citrus tonnage available to the acquirer, and the acquirer shall give reasonable notice to Sunkist whether the acquirer will take such tonnage. The contract shall be in accord with usual and customary industry terms and conditions, including reasonable terms and conditions to assure timely removal of the citrus from Sunkist's affiliated packinghouses.

(f) To determine Sunkist's obligations in paragraphs II (a), (b) and (c) of this order, the seasonal crop projections of the Orange Administrative Committees for oranges, the Lemon Administrative Committee for lemons, and Sunkist's regular seasonal projections for grapefruit, tangerines and other varieties shall be used. If during the season or year the crop projection or the actual crop production for any season or year varies from the projections establishing Sunkist's initial requirements for that season or year, the total amount and mix of citrus that Sunkist must sell under its contract or offer to sell under this order shall be adjusted to conform to the revised projections or to actual production as appropriate.

(g) The price Sunkist shall charge the acquirer for the citrus shall be no less favorable than the price at which Sunkist makes comparable sales of that variety of product-grade citrus to any other processing customer. If Sunkist has no such sales to any other processing customer, then the price shall be the prevailing market price for comparable sales of that variety.

III

It is further ordered that for a period of five (5) years after the divestiture of APD, if Sunkist uses a non-Sunkist processing plant to process the citrus of Sunkist growers packed in Yuma County, Arizona, it shall first offer to the acquirer the opportunity to process that citrus, provided the product will be processed to meet Sunkist's specifications and the charge for processing is commercially reasonable.

IV

It is further ordered that for a period of ten (10) years from the date this order becomes final Sunkist shall not directly or indirectly acquire, without the prior approval of the Federal Trade Commission, any stock interest in or assets of any commercial citrus processing plant in the states of California or Arizona.

V

It if further ordered that for a period of five (5) years from the date this order becomes final, there shall not be more than thirty-nine (39) commercial packinghouses affiliated with Sunkist unless prior approval of the Federal Trade Commission is obtained.

VI

It is further ordered that for a period of five (5) years from the date this order becomes final, Sunkist shall not directly or indirectly acquire, without the prior approval of the Federal Trade Commission, any stock interest in or assets of any citrus packinghouse in the states of California or Arizona, except for an interest resulting from foreclosure by Sunkist, in which case Sunkist shall divest such interest in the packinghouse within one year of the foreclosure.

VII

It is further ordered that within sixty (60) days after the date this order becomes final, and every sixty (60) days thereafter until Sunkist has fully complied with the provisions of paragraph I of this order, Sunkist shall submit to the Federal Trade Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying with or has complied with that provision. All compliance reports shall include, among other things that are required from time to time, a full description of contacts or negotiations with any party for the properties specified in paragraph I of this order and the identity of all such parties. Sunkist shall furnish to the Commission copies of all written communications to and from such parties, and all internal memoranda, reports and recommendations concerning divestiture.

On the date Sunkist divests APD and on every anniversary date of the divestiture thereafter for the following five years, Sunkist shall submit to the Commission a verified written report setting forth the manner and form in which it is complying or has complied with paragraph II of this order.

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On the first anniversary of the date this order becomes final and on every anniversary date thereafter for the following five years, Sunkist shall submit to the Commission a verified written report setting forth the manner and form in which it has complied with paragraphs III, V and VI of this order.

On the first anniversary of the date this order becomes final and on every anniversary date thereafter for the following nine (9) years, Sunkist shall submit to the Commission a verified written report setting forth the manner and form in which it has complied or is complying with paragraph IV of this order.

VIII

It is further ordered that Sunkist notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation, including but not limited to changes in the corporate by-laws of membership contracts, which may affect compliance obligations arising out of this order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Sunkist Growers, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint, as modified by Pre-Hearing Order No. 1 (October 28, 1977), alleges that Sunkist has monopolized or attempted to monopolize, in the United States and Canada, the sale and distribution of fresh California-Arizona oranges, the sale and distribution of fresh lemons, and the manufacture and sale of lemon products.

In general the proposed order provides that Sunkist must: (1) divest its citrus processing plant located in Yuma, Arizona within 18 months; (2) offer substantial supplies of citrus to the divested plant for processing for four years (or seasons) following the divestiture; (3) give the divested plant for five years following the divestiture a right of first refusal to process the citrus of Yuma-area Sunkist members when Sunkist does not process the citrus in its own facilities; (4) refrain for 10 years from acquiring any commercial citrus processor located in California or Arizona without prior approval of the Federal Trade Commission; (5) limit its commercial packinghouse affiliations for 5 years without prior approval of the Federal Trade Commission; (6) refrain for 5 years from acquiring any stock interest in or assets of any citrus packinghouse located in California or Arizona, except for a possible interest resulting from foreclosure which must be divested within one year, without the prior approval of the Federal Trade Commission; (7) file periodic verified written compliance reports setting forth its compliance with the provisions of the order; and (8) provide the Federal Trade Commission at least 30 days notice prior to effecting changes in the corporation which may affect its compliance obligations arising from the order.

Paragraph I of the proposed consent order requires Sunkist to divest the Arizona Products Division (APD), one of its three processing divisions. APD, located in Yuma, Arizona, consists of a citrus processing plant, cold storage facilities, a waste-water treatment system and land. The division was acquired in 1974 by Sunkist. Before that acquisition, APD, then known as Growers Citrus Products, (GCP), was the second largest (Sunkist was, and is, the largest) processor of primary lemon products in the United States and the only non-Sunkist lemon and orange processor in Arizona.

The proposed order requires Sunkist to divest the plant and all post-acquisition improvements, together as one unit, in order to reestablish APD as a viable competitor in the citrus processing business. As a direct result of this provision, competition in the lemon products market should increase and Sunkist's dominance thereof should decrense. The provision may also indirectly increase competition in the fresh citrus markets. Sunkist's bylaws require Sunkist to market all the citrus produced by its growers. Since the divestiture of APD will reduce Sunkist's processing capacity, Sunkist may be required to limit the total volume of fresh and processed citrus it will agree to market. Thus, a larger percentage of citrus production may be available for competitors.

To further insure that the divested plant will be a viable competitor immediately upon divestiture, the proposed order provides for a supply contract, a right of first refusal for certain contract-processing, and a ten year ban on Sunkist's purchases of additional processing plants without prior Commission approval.

Paragraph II requires Sunkist to offer to sell the acquirer of APD a supply of product-grade citrus for four years (or seasons) following the divestiture. The subparagraphs establish the methods of calculating the total annual amounts of citrus to be offered, the varietal mix, the price and the volume of daily deliveries, and provide for an annual contract defining the terms and conditions of sale.

Subparagraph II(a) requires Sunkist to offer APD for three years (or seasons) between 45,000–55,000 tons of citrus, depending upon its total volume of District III production. (District III, as defined, means the prorate district established pursuant to the Agricultural Marketing Agreement Act of 1937 7 U.S.C. § 601 et seq., as amended, and regulations thereunder.) Subparagraph II(b), which applies only to the fourth year (or season), reduces the amount Sunkist must offer by one-half. The reduction in the volume Sunkist must offer in the fourth year creates an economic incentive for the acquirer of the plant to seek out sources of supply apart from that provided by Sunkist, thereby further contributing to the objective of establishing a viable competitor after the supply requirement expires.

Subparagraph II(c) provides the method for determining the varietal mix of citrus that Sunkist is obligated to supply. Each variety is to be supplied in the same ratio that Sunkist's total production of each variety bears to Sunkist's total production of all varieties in District III. The varietal mix recognizes that the APD plant is capable of processing more than just lemons and serves to lengthen its processing season.

The remaining subparagraphs of paragraph II provide further specifics for calculating Sunkist's supply obligation under the schedule in subparagraphs II(a) and (b), for determining the daily amount to be supplied, and the price Sunkist may charge for the supplies provided.

Subparagraph II(d) provides for a "set-off" to be applied in calculating the total amount of citrus Sunkist must supply in accordance with the schedule in II(a) and (b). This provision recognizes that to the extgent that packinghouses disaffiliate from Sunkist and sell their product grade citrus to the acquirer of the APD plant during the term of Sunkist's supply obligation, the plant's need for supply from Sunkist correspondingly decreases. This subparagraph is operative only if a Sunkist packinghouse subsequently disaffiliates from Sunkist and sells citrus to APD. If this sequence of events occurs then the total amount of citrus Sunkist must supply the plant under the schedule is reduced by the same amount that the disaffiliated packinghouse(s) sells to the plant. However, the schedule provides that the amount of product grade citrus Sunkist must supply decreased as its production decreases. To prevent a double count of the set-off, the amount that Sunkist is entitled to set off from its obligation must first be added to its production figure to determine the amount of its obligation before the set-off.

Subparagraph II(e) provides both for a written supply contract between Sunkist and the acquirer and for the daily amounts in which the citrus will be supplied. While the proposed consent requires Sunkist to make available a certain amount and mix of citrus to APD, it does not obligate the plant to buy all or any of the citrus. A contract specifying the amounts APD intends to purchase will provide a degree of certainty for Sunkist and allow Sunkist to rationally anticipate its own processing needs. Sunkist must also offer to supply the citrus in daily quantities to 100 to 600 tons. These figures correspond to the plant's minimum and maximum operating capacity (including storage). The remaining contract terms are to be negotiated between Sunkist and APD in accord with usual and customary industry terms. This flexibility will enable the plant to negotiate a contract accounting for its business needs.

Since exact total citrus production figures are not available until after the season is over, subparagraph II(f) provides for use of industry-recognized estimates in determining, at the beginning of the season, Sunkist's obligation under subparagraphs II(a), (b) and (c). As actual figures become available the subparagraph allows for modification of the initial obligation to conform with the schedule of amounts and varietal mix required by subparagraphs II(a), (b) and (c). Subparagraph II(g) assures that the acquirer will be charged a price no less favorabvie than that charged by Sunkist to other processors. In the absence of sales by Sunkist to others, the prevailing market price is to be charged.

Paragraph III is intended to further assure that the divested plant will become a viable competitor by providing that the plant will have a right of first refusal if Sunkist uses a non-Sunkist processor for the product citrus fruit of its grower members packed in Yuma, Arizona.

Paragraph IV will prevent Sunkist from diminishing competition in the citrus processing industry by banning it for 10 years from acquiring any commercial citrus processing plant located in California or Arizona without prior approval of the Federal Trade Commission.

Paragraph V limits, for five years, the number of Sunkist affiliations with commercial packinghouses. Packinghouses are the vital link between growers, marketers and processors. Without packinghouse affiliations, fresh citrus marketers and processors do not have access to citrus supplies. A substantial number of the industry's approximately 135 packinghouses are commercially owned and operated. Access to those houses by Sunkist's competitors is critical to the competitive health of the western citrus industry.

The year before the issuance of the complaint Sunkist had affiliations with 51 commercial packinghouses. The proposed order limits that number to 39. This reduction will assure competitive access to a significant number of the industry's commercial houses without interfering with Sunkist's right, as a Capper-Volstead agricultural cooperative, to continue affiliating with cooperative packinghouses. Moreover, the five-year duration of this limitation should enable competitors to establish sound relationships with a substantial number of packinghouses to improve competition and thereby provide viable alternatives to Sunkist's marketing operations.

Paragraph VI prevents Sunkist for 5 years from acquiring any stock interest in or assets of any citrus packinghouse, without prior approval of the Federal Trade Commission, except for a temporary interest resulting from foreclosure which must be divested within one year. This provision is intended to prevent Sunkist from evading the limitation on commercial packinghouse affiliations specified in paragraph V.

Paragraphs VII and VIII are intended to assure compliance with the order by requiring Sunkist to file periodic, written, verified compliance reports and to provide advance notice of any change in the corporation which may effect compliance obligations arising out of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas

Secretary.

[FR Doc.81-6044 Filed 2-23-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 161

[Docket No. 80N-0385]

Frozen Lobsters, Rock Lobsters, Spiny Lobsters, and Slipper Lobsters; Intent to Establish Standard

Correction

On page 9985 in the issue for Friday, January 30, 1981, a document appears which corrects FR Doc. 80-34281 published at page 73095 on November 4, 1980. The correction contained three items. Correction paragraph "(3)" is incorrect and should be disregarded. In its place, insert the following:

(3) In the last column, under Annex C-1, in the table, under "*Abnormal colour*", correct the second and third lines to read:

". . . lb), or tail units <, 300g 10 oz."

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 204

Pacific Ocean Between Point Sal and Point Conception, California; Danger Zone

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Corps of Engineers proposes to amend the regulations which establish danger zones in the Pacific Ocean near Vandenberg Air Force Base (VAFB) California. This amendment if approved will extend the period of use for the danger zones, combine 33 CFR 204.202 and 33 CFR 204.202a and make editorial changes to reflect a recent reorganization and redesignation by the Air Force.

DATE: Comments must be received on or before March 27, 1981.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Roman Zawadzki at (213) 688-5606 or Mr. Ralph T. Eppard at (202) 272-0200.

SUPPLEMENTARY INFORMATION: Regulations were promulgated under 33 CFR 204.202 and 204.202a on October 11, 1960, and May 28, 1971, respectively, to govern the use and navigation of danger zones located in the Pacific Ocean between Point Sal and Point Conception, Santa Barbara County, California. These danger zones were established to meet security requirements of the Space and Missile Test Center (SAMTEC) VAFB and the exceptional hazards to persons and property due to missile launches and related activities.

At the request of the Air Force we are proposing to make the following amendments:

(1) The regulations for danger zones 1–8 (33 CFR 204.202) and for danger zones 9–11 (33 CFR 204.202a) are being revised to combine the two regulations under § 204.202 and accordingly to delete § 204.202a. The danger zones are adjacent to each other and the regulations as presently published are duplicative.

(2) Change the review period from 3 years to 10 years to reduce paperwork and the related administrative burden. The Air Force estimates that the present rate of launchings per month will remain unchanged over the next ten years.

(3) Change all references to "Commander, SAMTEC at Vandanberg AFB" to read "Commander, Western Space and Missile Center at Vendenberg AFB." This amendment is editorial in nature and reflects a recent reorganization and redesignation.

(4) Remove §204.202(b)(2) which prohibited the stopping of vessels within a 3 mile radius of Purisima Point in Zone 8.

Accordingly, we propose to amend 33 CFR 204.202 by adding new paragraphs (a)(2) (IX), (X), and (XI), removing (b)(2) renumbering subsections in paragraph (b) and removing § 204.202a as set forth below. For clarity § 204.202 is reprinted in its entirety.

Note.—The Corps of Engineers has determined that this document does not contain a major proposal requiring the preparation of a regulatory analysis under EO 12044, Improving Government Regulations. The Corps of Engineers has also determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to the proposed rule change.

Accordingly, § 204.202 is proposed to be revised to read as follows:

204.202 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, California; danger zones.

(a) The area. (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of

about three nautical miles and basically outlined as follows:

Station	Latitude	Longitude
Point Sal	34°54'08"	120°40'15"
1	34°54'08"	120°44'00"
2	34°52'48"	120°44'00"
3	34°50'00"	120°40'30"
4	34°44'50"	120°42'15"
5	34°41'50"	120°40'12"
6	34°35'12"	120°42'45"
7	34°33'00"	120°41'05"
8	34°30'40"	120°37'29"
9	34°30'40"	120°30'10"
10	34°30'40"	120°37'29"
11	34°24'18"	120°30'00"
12	34°23'34"	120°27'05"
13	34°24'21"	120°24'40"
14	34°27'20"	120°24'40"
Point Sal	34°54'08"	120°40'15"

(2) The danger area described in paragraph (a)(1) of this section will be divided into zones in order that certain firing tests and operations, whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) *Zone 1.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10" thence due west to latitude 34°30'40", longitude 120°37'29"; thence due north to the shoreline at latitude 34°33'15", longitude 120°37'29".

(ii) *Zone 2.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°33'15", longitude 120°37'29"; thence due south to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°33'00", longitude 120°41'05"; thence to latitude 34°34'32", longitude 120°42'30"; thence due east to the shoreline at latitude 34°34'32", longitude 120°39'03".

(iii) *Zone 3.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°34'32", longitude 120°39'03"; thence due west to latitude 34°34'32", longitude 120°42'15"; thence to latitude 34°35'12", longitude 120°42'45"; thence to latitude 34°37'15", longitude 120°41'55"; thence due east to the shoreline at latitude 34°37'15"; longitude 120°36'00".

(iv) *Zone 4.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°37'15", longitude 120°36'00"; thence due west to latitude 34°37'15", longitude 120°41'55"; thence to latitude 34°40'00"; longitude 120°40'50"; thence due east to the shoreline at latitude 34°40'00", longitude 120°36'45".

(v) *Zone 5.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°40'00", longitude 120°36'45"; thence due west to latitude 34°40'00", longitude 120°40'50"; thence to latitude 34°41'50", longitude 120°40'12"; thence to latitude 34°44'50", longitude 120°42'15"; thence to latitude 34°45'28", longitude 120°42'05"; thence due east to the shoreline at Purisima Point latitude 34°45'28", longitude 120°38'15".

(vi) *Zone 6.* An area extending seaward about 3 nautical miles from the shoreline beginning at Purisima Point latitude 34°45'28", longitude 120°38'15"; thence due west to latitude 34°45'28", longitude 120°42'05"; thence to latitude 34°50'00", longitude 120°40'30" thence due east to the shoreline at latitude 34°50'00", longitude 120°36'30".

(vii) *Zone 7.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°50'00", longitude 120°36'30"; thence due west to latitude 34°50'00", longitude 120°40'30"; thence to latitude 34°52'48", longitude 120°44'00"; thence to latitude 34°54'08", longitude 120°44'00"; thence due east to Point Sal latitude 34°54'08", longitude 120°40'15".

(viii) *Zone 8.* An area extending seaward with a radius of 3 nautical miles centered at Purisima Point latitude 34°45'28", longitude 120°38'15".

(ix) *Zone 9.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10"; then due west to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°26'56", longitude 120°33'06"; thence due east to the shoreline at latitude 34°26'56", longitude 120°28'10".

(x) *Zone 10.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26'56", longitude 129°28'10"; thence due west to latitude 34°26'56", longitude 120°33'06"; thence to latitude 34°24'18", longitude 120°30'00"; thence to latitude 34°23'34", longitude 120°27'05"; thence shoreward to latitude 34°26'56", longitude 120°28'10".

(xi) *Zone 11.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26'56", longitude 120°28'10"; thence seaward to latitude 34°23'34"; longitude 120°27'05"; thence to latitude 34°24'21", longitude 120°24'40"; thence due north to the shoreline at latitude 34°27'20", longitude 120°24'40".

(b) The regulations. (1) Except as prescribed in this section or in other regulations, danger zones will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The impacting of missile debris from launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, WSMC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHZ), VHF channel 12 (156.60 MHZ), and VHF channel 16 (156.80 MHZ) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura, Channel Islands, and Port Hueneme Harbors, and any established harbor of refuge between Santa Barbara and Morro Bay.

(3) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHZ), channel 12 (156.60 MHZ), or channel 16 (156.80 MHZ) while in these zones for daily announcements of zone closures.

(4) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all vessels shall leave the specified zone or zones immediately by the shortest route.

(5) The Commander, WSMC, will extend full cooperation relating to the public use of the danger area and will consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(6) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(7) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operations for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate personnel shall be accomplished in accordance with procedures as established between the Commander WSMC and the oil industry in the adjacent waters of the outer Continental Shelf.

(8) No seaplanes, other than those approved by the Commander, WSMC, may enter the danger zones during launch closure periods.

(9) The regulations in this section shall be enforced by personnel attached to WSMC and by such other agencies as may be designated by the Commander, WSMC.

(10) The regulations in this section shall be in effect until further notice. They shall be reviewed again during December 1990.

§ 204.202a [Removed]

Section 204.202a Pacific Ocean, Space and Missile Test Center (SAMTEC) Vandenberg AFB, California; danger zone (Removed).

Authority: 33 U.S.C. 1, 3.

Dated: February 12, 1981.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 81-6046 Filed 2-23-81; 8:45 am]

BILLING CODE 3710-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1760-3]

Approval and Promulgation of Nonattainment Area Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Extension of the comment period.

SUMMARY: On January 27, 1981, EPA proposed rulemaking in the **Federal Register** (46 FR 8583) on proposed revisions to the total suspended particulate (TSP) portion of the Ohio State Implementation Plan (SIP). These revisions were for the primary nonattainment area of Middletown, Ohio. The public comment period was to close on February 26, 1981. For the reasons specified below, EPA is extending the public comment period to March 19, 1981.

DATE: Comments are due on or before March 19, 1981.

ADDRESS: Copies of the SIP revision are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

WRITTEN COMMENTS SHOULD BE SENT TO: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On February 18, 1981, the State of Ohio submitted to EPA the official TSP SIP revision for the primary nonattainment area of Middletown, Ohio. Included with this submittal was the modeling analysis conducted for the area. In addition to the modeling analysis, the State committed to submit by March 9, 1981 the enforceable ARMCO control strategy.

In the January 27, 1981 **Federal Register** EPA noted that upon receipt of the official Middletown SIP revision, which included the modeling analysis conducted for the area and the enforceable ARMCO control strategy, a separate notice would be published in the **Federal Register.** That notice would announce the availability of these documents and would extend the public comment period so as to provide interested individuals additional time to comment on the acceptability of these documents.

The purpose of today's **Federal Register** is to announce receipt and availability of the official Middletown TSP SIP revision and to extend the comment period provided in the January 27, 1981 **Federal Register.** The official Middletown TSP SIP revision contains the modeling analysis conducted for the area and is presently available for inspection. The enforceable ARMCO control strategy will be available for inspection after March 9, 1981.

The comment period provided in the January 27, 1981 **Federal Register** is extended to March 19, 1981 to provide interested individuals an opportunity to comment. After the public comment period has closed, EPA will evaluate and respond in the **Federal Register** to any significant issues raised by a commentor and will proceed with the appropriate rulemaking action.

Dated: February 18, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-8352 Filed 2-23-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 122, 123, 124

[En-FRL 1759-4]

Public Meeting on Consolidated Permit Application Forms 1, 2b, and 2c

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: EPA will hold a public meeting on March 30, 1981 to discuss and receive comments on the public experience with Consolidated Permit Application Forms 1, 2b, and 2c. These forms were published in the **Federal Register** on May 19, 1980 along with the regulations for the Consolidated Permit Program.

DATES: The hearing will be held on March 30, 1981. Anyone wishing to make an oral statement at the meeting should notify Tom Laverty in writing at the address below by no later than March 25, 1981.

ADDRESS: The location of the meeting is the Environmental Protection Agency, Waterside Mall, Room 3906, 401 M Street, SW., Washington, D.C. 20460.

Registration—8:30–9:00 a.m.

Comments will be received from 9:00 a.m. until the comments are concluded, or no later than 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Contact Tom Laverty, Permits Division (EN-336), Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 426-7010.

SUPPLEMENTARY INFORMATION: Consolidated Permit Application Forms 1, 2b, and 2c are the application forms for use by certain categories of dischargers seeking permits under the National Pollutant Dishcarge Elimination System (NPDES). Form 1 is the general application form for use whenever requesting NPDES permits (or other permits under the Consolidated Permit Program). Form 2b is a supplemental NPDES form for concentrated animal feeding operations and aquatic animal production facilities. Form 2c is a supplemental form for existing industrial dischargers applying for NPDES permits. Facsimiles of each of the forms appeared in the **Federal Register** on May 19, 1980 (45 FR 3355–79). Copies of the forms can be obtained by contacting one of EPA's Regional offices, which are listed in Appendix I.

In May 1980 EPA received a one-year clearance for use of Forms 1, 2b, and 2c from the Office of Management and Budget. EPA will seek renewal of that clearance during spring 1981. As part of the renewal process, EPA is conducting an evaluation of the performance of the forms during the first year of their use. The public meeting is one component of that evaluation. The other two components are external and internal evaluations of the information requirements of the forms.

The purpose of the meeting is to focus on several issues, including:

- The time and resources required to complete the forms;

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• Ways in which the forms or their instructions could be clarified; and

• Significant issues related to information requirements which should be addressed in policy statements by the Office of Water Enforcement of EPA.

Dated: February 18, 1981.

Jeffrey J. Miller,

Acting Assistant Administrator for Enforcement.

Appendix I

Permits Branch, Region I, Environmental Protection Agency, John F. Kennedy Federal Bldg., Boston, Mass. 02203, (617) 223–5061

Permits Branch, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007, (212) 264–9881

Water Enforcement Branch, Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA. 19106, (215) 597–8077

Water Enforcement Branch, Region IV, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30308, (404) 881–4727

Permits Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2105

Permit and Support Branch, Region VI, Environmental Protection Agency, 1201 Elm Street, First International Bldg., Dallas, Texas 75270, (214) 767–2600

Permits Branch, Region VII, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, (816) 374–5493

Permits Administration and Compliance Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837–3895

Permits Branch, Region IX, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, (415) 556–3450

Water Compliance and Permits Branch, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Wash. 98101, (206) 442–1220

[FR Doc. 81–6186 Filed 2–23–81: 8:45 am]

BILLING CODE 6560–33–M

40 CFR Part 123

[SW–4–FRL 1760–6]

Tennessee's Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Suspension of Decision Process on Tennessee's Application.

SUMMARY: By Notice dated November 28, 1980, (45 FR 79118), EPA announced review of Tennessee's Application for Interim Authorization to administer a Hazardous Waste Management Program under the Resource Conservation and Recovery Act (RCRA). On December 29, 1980, a public hearing was held concerning Tennessee's Application. By Notice dated January 16, 1981, (46 FR 3924) EPA announced that the comment period on Tennessee's Application was being reopened, at the request of several organizations and individuals, and the final date for receipt of written comments was January 30, 1981.

Today EPA is announcing that Tennessee has requested that EPA stay consideration of the State's Application for Interim Authorization, submitted on October 30, 1980. This stay is requested so that the application may be amended to include revisions in State legislation that are likely to be enacted in the 1981 session of Tennessee General Assembly now in progress. The revisions would amend statutory provisions on coverage of agricultural wastes, State inspections of generators of hazardous waste, and the State's authority to provide propietary information to EPA upon request without restriction.

Further, the stay would allow the State to seek statutory or regulatory amendments, as necessary, to provide for public participation in the State enforcement process.

These anticipated amendments to the Tennessee Application will have an important impact on EPA's consideration of the substantial equivalence of the State's program.

DATE: EPS's decision process on Tennessee's Application for Interim Authorization is hereby suspended until June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia S. Zweig, Residuals Management Branch, Environmental Protection Agency 345 Courtland Street, NE, Atlanta, GA 30365, Telephone: 404/881–3966.

Dated: February 17, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81–6353 Filed 2–23–81: 8:45 am]

BILLING CODE 6560–38–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–5920]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of West Dundee, Kane County, Illinois.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Cardunal Free Press* on September 17, 1980 and September 24, 1980, and at 45 FR 67704 on October 14, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of West Dundee, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Illinois	(V), West Dundee, Kane County	Fox River	At downstream corporate limit	*717
			At upstream corporate limit	*720
		Sleepy Creek	Confluence with Fox River	*717
			About 100 feet downstream Illinois Route 31	*727
			About 100 feet upstream of Market Loop	*732
			About 1,000 feet upstream of Market Loop	*733

Maps available for inspection at the Village Clerk's Office, Village Hall, 102 South Second Street, Dundee, Illinois.

Send comments to Honorable Thomas Warner, Village President, Village of West Dundee, Village Hall, 102 South Second Street, Dundee, Illinois 60118.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19307; and delegation of authority to Federal Insurance Administrator)

Issued: February 6, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–5899 Filed 2–23–81: 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–5701]

Revision of Proposed Flood Elevation Determinations for Pennington County, South Dakota, Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Pennington County, South Dakota.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 56971 on October 3, 1979 and in the *Pennington County Courant*, published on or about September 20, 1979, and September 27, 1979, and in the *Rapid City Journal*, published on or about September 21, 1979 and September 28, 1979, and in the *Hill City Prevalier*, published on or about September 20, 1979 and September 27, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Pennington County Courthouse, Rapid City, South Dakota.

Send comments to: the Honorable Warner Hickey, Pennington County Courthouse, Rapid City, South Dakota.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, in Alaska or Hawaii, call Toll Free Line (800–424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Pennington County, South Dakota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Box Elder Creek (At Blackhawk).	70 feet upstream from center of State Highway 79.	*3,483
Spring Creek (In Hill City).	At Downstream Limit of Detailed Study.	*4,946
Spring Creek (At Hill City).	60 feet upstream from center of Poplar Street.	*4,996
Rapid Creek (East of Rapid City).	Intersection of Creek and center of County Road 255.	*2,989
	Intersection of County Road 210 and Willow Drive.	*3,025
	Intersection of Valley Drive and Orchard Lane.	*3,120
	Intersection of Valley Drive and Long Acres Lane.	*3,137
Rapid Creek (East of Rapid City) Overflow.	Area at overflow from Rapid Creek.	*3,[illegible]
Unamed Tributary	70 feet upstream from center of Jolly Lane County Road 274 (East 39th Street)	[illegible]
Unamed Tributary	60 feet upstream from center of Interstate 90 Access Road	*3,158
Rapid Creek (In Rapid City).	130 feet downstream from center of Park Canyon Road County Road 2334 (at most upstream Rapid City Corporate limits)	*3,456
Rapid Creek (In Dark Canyon).	Intersection of Creek and center of Dark Canyon Approach Road.	*3,579
Rapid Creek (Hisega to Pactola).	Intersection of Creek and center of Thunder Falls Road County Road 200 (Approximately 600 feet South from the intersection of County Road 200 and State Highway 44).	*4,171
Deer Creek	70 feet upstream from center of an Unamed Road (approximately 650 feet upstream from the confluence with Rapid Creek).	*4,326
Cleghorn Canyon	40 feet upstream from center of Harris Approach Road.	*3,421

Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Red Rock Canyon..	Intersection of Red Rock Canyon and center of Rapid City Corporate limits.	*3,423
Robbinsdale Drain..	Area south of Rapid City Corporate limits, approximately 1200 feet upstream from center of State Highway 79.	*3,205

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 5, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-5912 Filed 2-23-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5947]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Ithaca, Tompkins County, New York, previously published at 45 FR 77086 on November 21, 1980, and in the *Ithaca Journal* on October 29, 1980, and November 5, 1980.

EFFECTIVE DATE: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080) Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Ithaca, Tompkins County, New York, previously published at 45 FR 77086 on November 21, 1980, and in the *Ithaca Journal* on October 29, 1980, and November 5, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error, the elevation at approximately 60 feet upstream North Aurora Street, under the Source of Flooding of Sixmile Creek, was incorrectly published as 398 feet (National Geodetic Vertical Datum). It should be amended to read 408 feet in elevation. The corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 6, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-5911 Filed 2-23-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-83; TM-3679]

FM Broadcast Station in Owenton, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Owenton, Kentucky, in response to a petition filed by Charles N. Cutler. The proposed channel would provide a first local FM service to Owenton.

DATES: Comments must be filed on or before April 13, 1981, and reply comments on or before May 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1981.

Released: February 19, 1981.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making [1] filed by Charles N. Cutler ("petitioner") which seeks the assignment of Channel 288A to Owenton, Kentucky, as that community's first FM assignment. Petitioner failed to state that he would apply for the channel, if assigned. He is requested to make a commitment to that effect in comments.

2. Owenton (pop. 1,280),[2] seat of Owen County (pop. 7,470) is located approximately 88 kilometers (55 miles) northeast of Louisville, Kentucky. It has no local aural broadcast service.

3. Petitioner has failed to provide information as to the need for an FM station for Owenton. He should do so in the comments to this proposal.

4. Petitioner originally filed this request for an Owenton FM assignment as supplemental comments to an earlier request to assign Channel 288A to Warsaw, Kentucky. However, petitioner indicated that he could find no satisfactory non-short-spaced site for that proposal. Thus, he amended to specify Owenton presumably because spacing considerations would not be a problem. However, and Owenton FM assignment on Channel 288A would result in a 12.3 kilometer (7.7 mile) short spacing to WMST–FM (Channel 288A) in Mt. Sterling, Kentucky. Thus a site restriction of 12.3 kilometers (7.7 miles) northwest of Owenton must be imposed. Petitioner should furnish information demonstrating that a city grade signal could be provided to all of Owenton from a restricted site.

5. Since Owenton is located within 402 kilometers (250 miles) of the U.S. Canadian border, the proposed assignment of Channel 288A to Owenton, Kentucky, requires coordination with the Canadian Government before it can be assigned.

6. In view of the fact that the proposed FM channel could provide a first local aural broadcast service to Owenton, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with regard to Owenton, Kentucky as follows:

City	Channel No. Present	Proposed
Owenton, Kentucky		288A

7. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 13, 1981, and reply comments on or before May 4, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

10. The Commission has determined that the relevant provision of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504, and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

(Secs. 4,303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assigned a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-6190 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73]

[BC Docket No. 81-82; RM-3686]

FM Broadcast Station Sparks, Nevada; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Sparks, Nevada, in response to a petition filed by Pepper Schultz. The proposed channel could provide for a second local FM broadcast service to Sparks.

DATES: Comments must be filed on or before April 13, 1981, and reply comments on or before May 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1981.

Released: February 19, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Pepper Schultz proposing the assignment of Channel 221A to Sparks, Nevada, as that community's second FM assignment.

(b) The channel can be assigned in compliance with the minimum distance separation requirements.

(c) Petitioner states that he would apply for the channel, if assigned.

2. *Community Data:* (a) *Location:* Sparks, in Washoe County, is located approximately 40 kilometers (25 miles) north of Carson City.

(b) *Population:* Sparks—24,187;[2] Washoe County—121,068.

(c) *Local Aural Broadcast Service:* Daytime-only AM Station KWRL and Channel 252A unoccupied with one application pending.[3]

3. Petitioner asserts that the population of Sparks has doubled since it was assigned a Class A channel fourteen years ago. Thus, petitioner asserts that Sparks is in need of an additional FM service.

4. *Preclusion Consideration:* Petitioner claims that no communities would be precluded as a result of the assignment of Channel 221A to Sparks. Preclusion would be caused on Channel 221A within 65 miles, on Channel 222 within 102 miles, on Channel 223 within 65 miles, and on Channel 224A within 15 miles. Petitioner listed a number of communities within the precluded area, but did not list alternative channels. He should do so in his comments to this proposal.

5. Reno, Nevada, located within 16 kilometers (10 miles) of Sparks, is assigned four FM frequencies (all

[1] Public Notice of the petition was given on June 11, 1980. Report No. 1234.

[2] Population figures are taken from the 1970 U.S. Census.

[1] Public Notice of the petition was given on July 7, 1980. Report No. 1238.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Petitioner previously applied for this channel but has requested dismissal of the application so as to avoid competing with another applicant. Also there is a pending proposal in BC Docket No. 80–91 to substitute Channel 272A at Sparks.

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currently being used): KNEV (Channel 238), KOZZ (Channel 289), KRNO (Channel 295) and KSRN (Channel 283). These stations provide at least a 60 dBu signal over Sparks.

6. Comments are invited on the proposal to amend the FM Table of Assignments (Section 73.202(b)) with regard to Sparks, Nevada, as follows:

City	Channel No.	
	Present	Proposed
Sparks, Nevada	252A	252A, 221A.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 13, 1981, and reply comments on or before May 4, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-6192 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-81; RM-3687]

FM Broadcast Station Crockett, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Crockett, Texas, in response to a petition filed by Amanda Kelton. The proposed assignment would provide a second local FM service to Crockett.

DATES: Comments must be filed on or before April 13, 1981 and reply comments on or before May 4, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1981.

Released: February 20, 1981.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making[1] filed by Amanda Kelton ("petitioner"), requesting the assignment of Channel 228A to Crockett, Texas, as that community's second FM assignment.[2] Petitioner expressed an interest in applying for the channel, if assigned.

2. Crockett (population 6,616),[3] seat of Houston County (population 17,855) is located approximately 176 kilometers (110 miles) north of Houston, Texas. It is served locally by daytime only AM Station KIVY and Station KIVY-FM (channel 224A).

3. Petitioner submitted sufficient demographic and economic information to demonstrate the need for a second FM assignment.

[1] Public Notice of the petition was filed on July 7, 1980, Report No. 1238.

[2] Originally, petitioner requested that channel 244A be assigned to Crockett. This request, however, conflicted with RM-3783 which proposed the substitution of FM Channel 244A for FM Channel 232A at Palestine, Texas. Latin American Broadcasting Company ("petitioner" of RM-3783) filed comments, supporting the modification of petitioner's request.

[3] Population figures are taken from the 1970 U.S. Census.

4. *Preclusion Consideration:* Petitioner claims that the assignment of Channel 228A to Crockett will cause preclusion only on the co-channel within 65 miles. It further states that there are no communities in the precluded area with a population greater than 1,000.

5. In view of the fact that the proposed FM channel could provide a second local broadcast service to Crockett, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Crockett, Texas, as follows:

City	Channel No.	
	Present	Proposed
Crockett, Texas	224A	224A, 228A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 13, 1981, and reply comments on or before May 4, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-6193 Filed 2-23-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1100, 1101, 1131, and 1131a

[Ex Parte No. MC-67 (Sub-8)]

Rules Governing Temporary Authority and Emergency Temporary Authority

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: The Commission is proposing to revise certain temporary authority (TA) and emergency temporary authority (ETA) procedures. The proposed rules would implement Section 23 of the Motor Carrier Act of 1980. In addition, the rules would make minor substantive changes and would unify, to the extent possible, all of the rules having an impact in this area—including those governing motor carriers of passengers and water carriers. This action is proposed to clarify the procedures, and to make them more efficient.

DATES: Comments shall be submitted on or before April 10, 1981.

ADDRESSES: An original and 15 copies should be sent to: Ex Parte No. MC-67 (Sub-8), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Ombudsman's Office, 202-275-7440

Paul Grossman, 202-275-7976

Jane Alspaugh, 202-275-1873

Donald J. Shaw, Jr., 202-275-7292

SUPPLEMENTARY INFORMATION:

Statutory Changes

Section 23 of the Motor Carrier Act of 1980 [Pub. L. No. 96-296, 94 Stat. 793 (1980)] made changes in 49 U.S.C. 10928 which cover temporary and emergency temporary authority. These changes relate exclusively to the motor carriage of property. The Commission may now grant a motor carrier of property temporary authority (TA) for a period of not more than 270 days. The Commission must take final action upon such an application no later than 90

days after the application is filed with the Commission.

The statute now makes specific statutory reference to emergency temporary authority (ETA). The Commission may grant a motor carrier of property ETA for not more than 30 days and may extend the ETA for a period of not more than 90 additional days. Final action on ETA applications must be made no later than 15 days after the application is filed with the Commission.

The Commission may continue to grant motor carriers of passengers and all water carriers temporary authority for a period of not more than 180 days. There is no specific statutory reference to emergency temporary authority for water carriers and motor carriers of passengers.

Summary of Proposed Rules

The proposed revisions are set forth in the appendix. The following is a summary of the changes which codify the revisions to the Act and modify, clarify, and streamline existing TA and ETA rules. In the event that the proposed changes are adopted, appropriately revised application forms will be provided. In the interim, applicants shall continue to use existing application forms.

1. *Automatic extension of ETA.* The proposed rules expand the time period for which an ETA is automatically extended when a corresponding TA application is filed within 15 days of the date of filing the initial ETA application. An applicant for ETA may request in its application an automatic extension of ETA for a period of 90 days. 49 CFR 1131.2(d)(4)(A). The filing fee will be $10. 49 CFR 1002.2(d). The total grant of ETA will thus be for 120 days (the original 30-day grant, plus the automatic 90-day extension). Presently, the rules provide for automatic extensions for a total of 90 days.

Since the Act allows a maximum 90-day extension of ETA grants to motor carriers of property, the proposal to allow requests for 30 days plus an automatic 90-day extension will reduce the amount of time required for administrative processing of the extra 30-day extension request required under present rules. This will also relieve the applicant of the requirement of filing the request for extension (form OP–TA–19). These rules would apply to all motor and water carriers.

Automatic extension of the ETA occurs *only* when a corresponding TA is filed within 15 days of the filing of the ETA. Applicants will be required to include a statement in the TA Caption Summary indicating any corresponding ETA application and its "R" docket number, if known. 49 CFR 1131.2(b). Competing carriers, if they have not received notice of the ETA in another manner, will receive notice in the **Federal Register**. The field staff has averaged 20 days from the filing date until the TA caption is published. If an applicant waits the maximum permissible 15 days to file the TA application, potential protestants should receive notice of the corresponding ETA within approximately 35 days and may petition to have the ETA revoked at that time. 49 CFR 1131.6(f).

2. *Denial of a TA would automatically revoke any corresponding ETA.* The regulations now state that if a TA is denied, the Commission's decision to that effect will revoke the underlying ETA as of a "date certain." The proposed rules would automatically revoke the ETA 10 days after the denial of the TA. 49 CFR 1131.2(e)(4)(A). This will alleviate the confusion that has resulted when no revoking language was contained in the TA decision and will eliminate any possibility that an automatically extended ETA can continue for any substantial period after denial of the TA.

3. *Confirmation of telephonic or telegraphic filing of an ETA.* The proposal codifies the present informal practice of requiring an applicant to confirm an ETA application made by telephone or telegraph by filing the appropriate application and shipper statement within 10 working days after the filing by telephone or telegraph. 49 CFR 1131.2(e)(3).

4. *Identification of documents.* All documents should be identified on the outside of the envelopes in which they are filed as an ETA or TA application, ETA or TA protest, ETA or TA petition or reply, or an ETA or TA stay petition or reply. This will enable Commission staff to hasten the distribution of incoming mail.

5. *Appellate Procedures.* 49 CFR 1131.6. Employee Review Boards in Washington already have been delegated authority to handle appeals from decisions of the six Regional Motor Carrier Boards (RMCB). 49 CFR 1101.6(f)(6). Ex Parte No. MC–67 (Sub-No. 9), *Revised Temporary Authority Rules*, 45 FR 45525 (July 3, 1980). Appellate decisions by the Review Board will be administratively final. In exceptional circumstances, of course, where a party can demonstrate material error, new evidence, or substantially changed circumstances it can request discretionary administrative review. If discretionary administrative review is granted, it will be heard by a division of the Commission.

Appeals shall be filed within 20 days after the date of service of the decision. Replies may be filed within 15 days after the filing of the appeal. (This conforms to the rules in 49 CFR 1100.98). A person appealing a grant of ETA (but not TA) who has not previously been a party to the case may appeal a decision of the Review Board at any time because such person may not have received notice of the ETA grant. However, once such a person becomes a party to a decision of the Review Board, the appellate rules discussed above will apply and the decision will be administratively final.

Petitions and replies will continue to be filed at the office which made the decision which is being appealed. Appeals from decisions made by the RMCB will be filed in that region. That office will then forward the file and pleadings to Washington. If the decision being appealed was made by the Review Board, pleadings will be filed in Washington with the Office of the Secretary.

6. *Stay.* The filing of an appeal does not have the effect of automatically staying the decision to be appealed. The proposed rules provide procedures for the filing of petitions to stay decisions of a Regional Motor Carrier Board or Review Board. 49 CFR 1131.6(h). Pleadings filed under this provision must be filed with the Office of the Secretary in Washington.

7. For simplicity, the special rules of practice governing temporary authority and emergency temporary authority applications have been moved from 49 CFR 1100.225 to 49 CFR 1131.6, to eliminate the need for cross-reference between the two parts.

8. The provisions of 49 CFR Part 1131a governing water carriers would now be embraced in Part 1131. Several nonsubstantive changes are made to the regulations for purposes of clarity and brevity and to reflect the previous codification of the Revised Interstate Commerce Act in Subtitle IV of 49 U.S.C. Since Part 1131a was largely repetitive of Section 1131, and the separate section has been a source of confusion, the two sections have been combined in Part 1131.

9. *ETA for water carriers.* Formal regulations embracing emergency temporary authority for water carriers is proposed. There has never been a specific category of emergency temporary authority for water carriers. The Commission presently informally grants temporary authority to water carriers in emergency situations in which time does not allow prior notice to the public in the **Federal Register**.

10. The provisions of 49 CFR 1131.5 concerning the filing of tariffs on less than statutory notice have been simplified. In addition, proposed Amendment No. 2 to Special Permission and Special Tariff Authority Order No. 78–1000–TA would delete any requirement that an applicant file certification that its rates are no lower than the lowest rates of competing carriers. This requirement is anti-competitive and unnecessary. The permission would also be modified to allow rate filings on one day's notice. Protestants may challenge any rate so-established as part of the TA/ETA appeal process. In such instances, a Review Board will make an initial decision on the lawfulness of the rate established.

11. Present § 1131.4(a)(3) is deleted. This section provides that since a grant of ETA or TA is not a permit or certificate, none of the related incidental rights is applicable. By elimination of this section, the incidental related rights will now apply to ETA and TA. For example, motor carrier of property will be able to serve commercial zones. ETA and TA may be used as a basis for performing a through, joint-line service with other carriers. The ETA or TA may be tacked with permanent authority if it falls under the circumstances set forth at § 1042.10(b). See Ex Parte No. MC–142, *Elimination of Gateway Restrictions and Circuitous Route Limitations* 45 FR 86741, (December 31, 1980).

12. Elimination of notice for ETAs covered in Ex Parte No. MC–67 (Sub-No. 6). Section 1131.1(d)(1) reflects the tentative decision of the Commission in Ex Parte No. MC–67 (Sub-No. 6), *Elimination of Notification Procedure in the Processing of Emergency Temporary Authorities Applications Under 49 U.S.C. 10928*, served concurrently with this decision and published elsewhere in this issue. The issue has not been finally determined and the Commission is seeking comments on the feasibility of having the applicant give notice. Any comments concerning elimination of notice should be directed to the proceeding in Ex Parte No. MC–67 (Sub-No. 6). Comments on that issue will *not* be entertained in this proceeding.

13. Duration of authorities. 49 U.S.C. 10928(a) limits grants of temporary authority to 180 days for motor carriers of passengers and water carriers. Any corresponding emergency temporary authority has always been included within these time limits. See present 49 CFR 1131.1(b)(1). Any grant of temporary authority to these carriers has been considered effective upon expiration of the ETA. See present general policy statement following 49 CFR 1131.2(e)(2). 49 U.S.C. 10928(b)(1) limits grants of temporary authority to 270 days for motor carriers of property. In addition, 49 U.S.C. 10928(c)(1) apparently authorizes a separate grant of emergency temporary authority to such carriers. Accordingly, the 270-day limitation on temporary authority for motor carriers of property should not include any corresponding ETA. Proposed 49 CFR 1101.3 and 49 CFR 1131.1(a) reflect this interpretation. Any grant of temporary authority to these carriers will automatically revoke the underlying ETA upon compliance with the provisions of the decision. 49 CFR 1131.2(d)(4)(A). Since the TA grant and ETA grant are distinct administrative actions taken on separate records and there is no statutory requirement that the ETA time period be included within the TA time period, the same rules will apply to water carriers and motor carriers of passengers, within existing statutory time limitations.

Summary

We propose to adopt the rules as set forth in the appendix which revise 49 CFR 1100, 1101, and 1131, delete Part 1131a and amend the decision in Special Permission and Special Tariff Authority Order No. 78–1000–TA.

This proposed action does not appear to affect significantly the quality of the human environment or the conservation of energy resources. Portions of our proposal of these rules are required to carry out the purpose, findings, and changes made by the Motor Carrier Act of 1980. Most of the rules proposed also constitute technical changes in our procedures for processing applications for TA and ETA. Most relate to rules of agency organization, procedure, and practice and are not subject to the notice and comment requirements of Section 553 of the Administrative Procedure Act, 5 U.S.C. 553. We are, however, soliciting comment on all portions except the elimination of notice on ETA's [see (9) above].

This proposed action is not expected to have a negative impact on small businesses. Comments on this matter are, however, invited.

These actions are taken under the authority of 49 U.S.C. 10321 and 10928, and 5 U.S.C. 553.

Decided: February 12, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix A

PART 1100—GENERAL RULES OF PRACTICE

1. 49 CFR 1100.225 would be revised to read as follows:

§ 1100.225 Rules of practice governing the procedures of the Finance Board, the Operations Boards, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Special Docket Board, and the Tariff Integrity Board (Rule 225).

(a) The proceedings of the Finance Board, the Operations Boards, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Special Docket Board, and the Tariff Integrity Board shall be informal. No transcript of these proceedings will be made. Subpoenas will not be issued, and, except when applications, petitions, or statements are required to be attested, oaths with not be administered.

(b) A petition for reconsideration of a decision of the Operations Boards, the Special Permission Board, the Released Rates Board, the Tariff Rules Board, the Tariff Integrity Board, or the Special Docket Board may be filed by any person.

(c) A petition for reconsideration of a Finance Board decision may be filed only by a party to the proceeding.

(d) A petition for reconsideration under paragraphs (b) and (c) of this section and replies will be governed by the Commission's rules of practice, except as provided in paragraphs (e) and (f) of this section.

(e) The original and six copies of every pleading, document, or paper permitted or required to be filed under this section shall be furnished for the use of the Commission.

(f) *Service; Special Permission Application.* Every application requesting authority to change, cancel, or reissue a tariff matter under suspension or continued in effect as a result of suspension shall include a certificate showing simultaneous service upon all parties to the investigation and suspension proceeding. Service shall be made in the manner specified in Rule 20(a) of this part. Notification of the action taken by the Special Permission Board will be given to all parties of record.

2. 49 CFR Part 1101 would be revised to read as follows:

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PART 1101—TEMPORARY OPERATING AUTHORITIES AND APPROVALS

Sec.
1101.1 Extension of temporary operating authority or approval.
1101.2 Definitions and interpretations.
1101.3 Additional grant for new need.
1101.4 Termination of temporary authority or approval.

Authority: 49 U.S.C. 10324, 92 Stat. 1347; 49 U.S.C. 10928, 92 Stat. 1414; 49 U.S.C. 11349, 92 Stat. 1439.

§ 1101.1 Extension of temporary operating authority or approval.

When an applicant has made a timely and sufficient application for a renewal of, or new, permanent operating authority or approval in accordance with applicable Commission rules, and the application or approval pertains to a need of a continuing nature:

(a) Any corresponding temporary authority (but not emergency temporary authority) granted under 49 U.S.C. 10928 is continued in force, beyond the expiration date specified in the authority, until a final determination is made of the related permanent application.

(b) Any temporary approval granted under 49 U.S.C. 11349 is continued in force, beyond the expiration date specified in such temporary approval, until the final determination of the related application for approval of a consolidation or merger of the properties of two or more motor or water carriers or of a purchase, lease, or contract to operate the properties of one or more of the carriers.

§ 1101.2 Definitions and interpretations.

A determination as to the applicability of § 1101.1 will be guided by the following definitions:

(a) *Timely application.* An application for a certificate of public convenience and necessity or a permit filed in accordance with the applicable laws, regulations, and instructions, not later than 60 days after issuance of temporary authority for a period of 180 days [270 days for a motor carrier of property] or not later than 60 days after issuance of the first of a series of consecutive temporary authorities aggregating 180 days [270 days for a motor carrier of property]. Only a series of grants of temporary authority which have been approved to meet a specific continuing need and which follow one after the other without interruption for a total of 180 days [270 days for a motor carrier of property] will be considered as a series of consecutive temporary authorities aggregating 180 days [270 days for a motor carrier of property]. An applicant may file a petition to waive the timely filing requirement with the Regional Office. Where an applicant has demonstrated good cause, the Regional Motor Carrier Board may extend the time in which a permanent application may be filed under these rules.

(b) *Sufficient application.* An application for permanent operating authority which is in the form, contains the information, and is accompanied by the documents and exhibits required by the applicable laws, regulations, and instructions.

(c) *Need of a continuing nature.* Any need which is the basis of an operation authorized by temporary authority or approval to be conducted for a period of less than an aggregate of 180 days in the case of a motor carrier of passengers or a water carrier, or less than 270 days in the case of a motor carrier of property, is presumed not to be of a continuing nature unless the Commission otherwise expressly determines.

(d) *Final determination of the related application.* For the purpose of this section—

(1) An application for permanent operating authority shall be considered to be "finally determined" (i) with respect to operations for which the application is denied, upon the expiration of the period allowed by the regulations of the Commission or by the decision (whichever is greater) within which appeals may be filed, or upon the denial of an appeal if filed, and (ii) with respect to operations for which the authority is granted, when the certificate or permit becomes effective.

(2) An application for approval of a consolidation or merger of the properties of two or more motor or water carriers, or of a purchase of the properties of one or more such carriers shall be considered to be "finally determined" (i) in the case of denial of such an application, upon the expiration of the period allowed by the regulations of the Commission or by the decision (whichever is greater) within which appeals may be filed, or upon the denial of an appeal if filed and (ii) in the case of approval of such an application, when the certificate or permit to be transferred in connection with such application has been reissued in the name of the transferee and has become effective.

(3) An application for approval of a lease or contract to operate the properties of one or more motor or water carriers shall be considered to be "finally determined," (i) in the case of denial of such an application, upon the expiration of the period allowed by the regulations of the Commission or by the decision (whichever is greater) within which an appeal may be filed, or upon the denial of an appeal if filed, and (ii) in the case of approval of such an application, when the decision approving such application becomes effective.

§ 1101.3 Additional grant for new need.

As used in 49 U.S.C. 10928(a) the term "not more than 180 days" means the total number of days of temporary authority which may be granted to a motor carrier of passengers or a water carrier under the provisions of that section to meet a continuing need for a particular service. As used in 49 U.S.C. 10928(b)(1) the term "not more than 270 days" means the total number of days of temporary authority which may be granted to a motor carrier of property under the provisions of that section to meet a continuing need for a particular service. If the need for a particluar service ceases and the temporary authority covering such need expires or is revoked, and a new or separate need arises subsequent to such expiration or revocation, additional temporary authority may be granted to the same carrier for the service notwithstanding the prior grant or grants. However, an application filed by a motor carrier of passengers or by a water carrier after the expiration or revocation of temporary authority for an aggregate of 180 days and an application filed by a motor carrier of property after the expiration or revocation of temporary authority for an aggregate of 270 days will be denied unless the facts clearly show that the application is in reality based on a new need and not on a continuation of the need on which the prior grant of authority was based. Any corresponding TA may be based on the same need as the underlying ETA.

§ 1101.4 Termination of temporary authority or approval.

Nothing in this part shall be construed as preventing the Commission from terminating at any time, in accordance with law, any temporary or emergency temporary authority or approval, or any extension of these.

3. The title of 49 CFR Part 1131 would be revised to read:

PART 1131—TEMPORARY AUTHORITY (TA) AND EMERGENCY TEMPORARY AUTHORITY (ETA) APPLICATIONS UNDER 49 U.S.C. 10928

4. 49 CFR 1131.1, 1131.2, 1131.3, 1131.4, 1131.5, 1131.6, and 1131.7 would be revised to read as follows:

§ 1131.1 Controlling legislation and definitions.

(a) *Controlling legislation.* 49 U.S.C. 10928 (which the regulations in this part are designed to implement) provides that the Interstate Commerce Commission may grant a motor carrier or water carrier TA to provide transportation to a place or in an area having no carrier capable of meeting the immediate needs of the place or area. Such grants of authority are limited by statute to not more than 180 days in the case of a motor carrier of passengers or a water carrier, and not more than 270 days in the case of a motor carrier of property. ETA may be granted to a motor carrier of property for a period of not more than 30 days, and the Commission may extend such authority for a period of not more than 90 days, for a total of 120 days. ETA may be granted a motor carrier of passengers or a water carrier for a period of not more than 30 days, and the Commission may extend such authority for a period of not more than 150 days, for a total of 180 days. A grant of ETA is not considered as reducing the statutory maximum of 270 days of TA in the case of a motor carrier of property, or 180 days of TA in the case of a motor carrier of passengers or a water carrier, which may be granted to such a carrier. Extensions of TA beyond these statutory limits are governed by the special rules contained in Part 1101 of this chapter. A grant of TA shall create no presumption that corresponding permanent authority will be granted.

(b) *Definitions.* As used in this part, the following words and terms are construed as follows:

(1) *"Temporary authority".* Limited term operating authority issued pursuant to 49 U.S.C. 10928 to authorize transportation service for which there is an immediate need which cannot be met by existing carrier service.

(2) *"Emergency temporary authority."* Limited term operating authority issued pursuant to 49 U.S.C. 10928 to authorize transportation service for which there is an immediate need for service due to emergencies which cannot be met by existing carrier service, in which time or circumstances do not reasonably permit the filing and processing of an application for TA.

(3) *"Carrier."* Includes a motor common carrier, motor contract carrier, water common carrier, or water contract carrier, as defined in subsection (4) below.

(4) *"Motor common carrier", "motor contract carrier", "water common carrier", "water contract carrier," and "person".* Same as defined in 49 U.S.C. 10102.

(5) *"Not more than 180 days" or "not more than 270 days."* Same as defined in 49 CFR 1101.3.

§ 1131.2 Filing of applications.

(a) *General.* All applications for TA and and ETA are to be filed at the Regional Office which has jurisdiction over the area in which applicant's headquarters are located. The Regional Office will review each application filed, after consultation with the affected field offices as appropriate, and then transmit the applications, with recommendations as to their disposition, to the Regional Motor Carrier Board. The Regional Offices will maintain records of authorized carriers with headquarters in their region and their operating authorities, and their staff members, as well as those of the field offices within their jurisdiction, will be available for: consultation; giving assistance in obtaining carrier service; providing guidance in the preparation of TA or ETA applications and related supporting material, and making rate, insurance, and other required filings. Regional and field Offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each TA or ETA sought shall be filed on Form OP–MCB–95 (§ 1003.1 of this chapter) by motor carriers and on Form OP–WC–25 (§ 1003.2 of this chapter) by water carriers. The envelope containing the application shall be clearly marked "ETA APPLICATION" or "TA APPLICATION." The signed original and two copies of each application and all supporting documents shall be filed with the Regional Office which has jurisdiction over the point at which applicant is domiciled, or such other location as the Commission may designate in special circumstances. An applicant seeking TA shall also tender an original and two copies of a caption summary. Caption summaries shall be double spaced and shall follow the format used for permanent authority notices, as described in *Revision of Application Forms,* 125; M.C.C. 790 (1976). Summaries shall incorporate the style changes noticed in the **Federal Register** issue of January 18, 1978 (43 FR 2632). Where an applicant has also applied or will apply for a corresponding ETA, the application shall include the statement, "An underlying ETA seeks —— days authority" in its application. Applicant should also include the "R" docket number of the ETA, if known. Applicants may consult the appropriate Regional Office for assistance in preparing a caption summary.

(c) *Filing Fees.* A filing fee of $60 must accompany each temporary authority application. There is no initial filing fee for ETA applications. If applicant seeks any extensions of the ETA, a $10 fee is required. See Section 1131.2(e)(4)(A) and 49 C.F.R. 1002.2(d).

(d) *Supporting statements.* Each application shall be accompanied by a supporting statement(s) designed to establish an immediate need for service which cannot be met by exisitng carriers. Each statement must contain a certification of its accuracy and must be signed by the person (or an authorized representative) having an immediate need for service. Any supporting statement should contain the following information:

(1) Description of the specific commodity or commodities to be transported (where the transportation of property is involved).

(2) Points or areas to, from, or between which the transportation will be provided.

(3) Volume of traffic involved, frequency of movement, and how transported.

(4) How soon the service must be provided.

(5) How long the need for service likely will continue, and whether the persons supporting the TA will support a permanent authority application.

(6) Recital of the consequences if service is not made available.

(7) The circumstances which created an immediate need for the requested service.

(8) Whether efforts have been made to obtain the service from existing carriers, and the dates and results of these efforts.

(9) Names and addresses of existing carriers, a list of those who have either failed or refused to provide the service, and the reasons given for any failure or refusal.

(10) Name and address of the carrier who will provide services and is filing application for TA.

(11) If the person supporting the application has supported any recent application for permanent, temporary, or emergency temporary authority covering all or any part of the desired service within the year preceding the date of its statement, give the carrier's name, address, and docket number, if known, and state whether the application was granted or denied and the date of the action, if known.

(e) Special procedures for filing ETA applications.

(1) ETA shall be applied for only where emergency conditions exist which do not permit sufficient time to afford the notice specified in § 1131.3(a). Where the application demonstrates the existence of these emergency

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conditions, action will normally be taken without the Commission's notifying interested parties other than by making the application available to the public at the Commission office at which it is filed.

(2) In the cases where the urgency of the situation warrant, the supporting statement of those having the immediate need for carrier service may be furnished by telegram. However the telegram shall contain substantially the factual information which is more fully described in paragraph (c) of this section. The telegram shall be sent to the Regional Office that is handling the application.

(3) The filing of ETA applications by telegram or telephone shall be acceptable in exigent circumstances. Confirmation shall then be made by filing form OP–MCB–95 or OP–WC–25 with the supporting statement, within 10 working days from the filing by telephone or telegram.

(4) Where the emergency is found to continue beyond the period of the initial 30-day grant, the ETA may be extended until disposition is made of the longer TA application. In no event may a 30-day grant of ETA of a motor common of property be extended for a period of more than 90 additional days.

Applications seeking extension of ETA may be filed in two ways:

(i) *If corresponding TA application is filed within 15 days of the date of filing the initial ETA application.* If an applicant shall, within 15 days of the date of filing an application for ETA at the Regional Office, file with the Regional Office a corresponding application seeking TA for a period of 180 or more days, applicant may state on the ETA application form: "Applicant certifies that, within 15 days of the date of filing this application, a corresponding application shall be filed seeking TA for a period of at least 180 days, and requests that an automatic 90-day extension of any ETA granted be issued." An application for ETA which contains this certification shall be accompanied by the fee applicable for the extension which is $10. See 49 CFR 1002.2(d). The filing of the corresponding TA application, within the 15-day period, will automatically serve to extend the ETA for 90 days. The Commission reserves the right to revoke any ETA (or extension). Should corresponding TA be granted, it will be effective upon compliance with the requirements of § 1131.3(c) of this chapter, and any corresponding ETA will automatically stand revoked at that time. Should corresponding TA be denied any carrier, either initially or on appeal, the decision will automatically have the effect of revoking any corresponding ETA 10 days after service of such decision. Any outstanding ETA which would expire by its own terms prior to such time is not affected.

(ii) *If corresponding TA application is not filed within 15 days of the date of filing the initial ETA application.* Any request for extension of ETA, not conforming to the rules in paragraph (a) of this section, shall be made by filing an original and two copies of form OP–TA–19 and shall be accompanied by the $10 fee. See 49 CFR 1002.2(d). These requests shall be filed in the appropriate Regional Office prior to the second day before the expiration date of the ETA sought to be extended. The Regional Motor Carrier Board shall require that any request for continuation of service authorized by the issuance of ETA not filed prior to the second day be filed on form OP–MCB–95 or OP–WC–25 as a separate application. Each extension may be granted for a period of up to 30 days. Extension of ETA are discretionary with the Commission, and if multiple requests for extensions are filed, the Commission may require applicant to file a TA application.

§ 1131.3 Processing of applications.

(a) *Notice to interested persons*—(1) *Service.* Notice of the filing of TA applications shall be given by the publication of a summary of the authority sought in the **Federal Register**. Summaries shall be prepared by applicant in accordance with § 1131.2(b). These will be reviewed by the Commission's Regional Office and forwarded to the Office of the Secretary, Washington, DC. If an incorrect caption is filed, it shall be returned with the application to the applicant for correction. No summary will be published or need be submitted in the case of ETA applications.

(2) *Filing of protest.* Any person who can and will provide all or any part of the proposed service may file a protest against the application. Protests shall be specific as to the service which protestant can and will offer and shall consist of a signed original and two copies. They shall be filed with Regional Office named in the **Federal Register** publication within 15 calendar days after publication. The envelope containing the protest shall be clearly marked "ETA PROTEST" or "TA PROTEST." One copy of a protest shall be served on the applicant (or its authorized representative, if any) by U.S. mail or in person.

(b) *Publication of rates and charges.* A carrier may not lawfully perform transportation under a grant of TA unless and until compliance has been made with the rate filing requirements of 49 U.S.C. 10762. Rates may be filed on less than statutory notice under the provisions of § 1131.5 of this chapter.

(c) Revocation for noncompliance, and reinstatement and extension of time for making compliance. (1) Authority is approved subject to compliance within 30 days, or within such additional time as the Commission may approve, with the applicable provisions of the statute and the commission's regulations governing the filing of rate and contract publications [see subsection (b)]. In addition, TA of motor carriers is approved subject to the filing of acceptable insurance for the protection of the public and designation of agents for service of process [See § 1131.8 of this chapter].

(2) If compliance is not made within the 30-day period, or within the time allowed in any extension, the TA decision will be void. When this occurs, applicant may make written request to the Regional Office of its domicile for reinstatement of the granting decision, provided (i) that the request is made within 50 days from the date of service of the decision, (ii) that good cause can be shown as to why compliance was not made within the time allowed, and (iii) that the request for reinstatement contains positive assurance that applicant will comply immediately with all applicable requirements, if the decision is reinstated.

§ 1131.4 Determination of applications

(a) *General.* (1) Initial determination of TA or ETA applications will generally be made by a Regional Motor Carrier Board. For purposes of administration, distinctions in the applicable grounds of approval and rate filings will be maintained as between ETA's and TA's. Successive grants are limited by the provisions of § 1101.3 and § 1131.1(a) of this Chapter.

(2) While a grant of TA or ETA is neither a permit nor a certificate, it nevertheless enables the applicant to provide service either as a common or a contract carrier. Consequently, a contract carrier applicant for TA or ETA must show that the operation proposed is that of a contract carrier as defined in 49 U.S.C. 10102 (13). No "Dual operation" finding is necessary.

(3) To the extent not otherwise exempt by statute [49 U.S.C. 10526 (a)(10)], for administrative convenience, TA or ETA authority to transport property will be considered to authorize the return transportation of shipper-owned trailers and of empty crates, barrels, bottles, hangers, pallets, bracing, dunnage, and other similar containers and shipping devices used in the outbound transportation covered by the TA or ETA.

(b) *Standards for determination.* The following standards shall be used in the absence of special or unusual circumstances, in the initial or appellate determination under 49 U.S.C. 10928 of applications by motor or water carriers for TA or ETA.

(1) *General.* Grants of TA or ETA shall be made upon the establishment of an immediate need for the transportation of passengers, or of particular commodities or classes of commodities, from origins to destinations not having carrier service capable of meeting the need. Requests involving service to or from entire States, counties, or other defined areas warrant approval when supported by evidence that there is a need for service to or from a representative number of points in each such State, county, or area, that there is a reasonable certainty that the service will be used, and that carrier service capable of meeting the need is not available. Lack of opposition to the application will be considered as indicia of unavailable service.

(2) *Immediate need.* A grant of TA or ETA will be made where it is established that there is or soon will be an immediate transportation need which reasonably cannot be met by existing carrier service. A showing of immediate need may involve a new or relocated plant, different method of distribution, new or unusual commodities, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service, or comparable situations which require new carrier service before an application for permanent authority can be filed and processed.

(3) *Failure to provide equipment.* TA or ETA may be granted where existing authorized carriers are unable or refuse to furnish equipment necessary to move passengers or freight to meet an immediate transportation need.

(4) *General bases for disapproval.* Applications for TA or ETA may be denied for the following reasons:

(i) Failure to meet statutory standards.

(ii) Unfitness of the applicant.

(c) *Determination of fitness issues in motor carrier applications.* The following standards shall be used in the initial or appellate determination of fitness issues in applications by motors carriers for TA or ETA under 49 U.S.C. 10928.

(1) *General.* (i) Unless there is a particularly urgent transportation need, an application will normally be denied where the applicant has been found unfit or in substantial noncompliance with the safety regulations of the Department of Transportation, unless the carrier has reestablished compliance or the application contains sufficient evidence to establish that the carrier has taken significant steps to remedy its deficiencies and is now in substantial compliance.

(ii) Where a fitness proceeding has been instituted against a carrier applicant, or where the Office of Consumer Protection has been ordered to intervene in a pending proceeding because the applicant's fitness is in issue, and no final decision has been entered, TA or ETA shall normally not be denied, unless a fitness flag has been raised against applicant in accordance with the Commission's Fitness Flagging Procedures, 49 CFR 1067. Notwithstanding the existence of the fitness flag, an applicant may attempt to show that there is no nexus between the issues raised in the flagged proceeding and in the application for TA or ETA or that other good cause exists for granting authority.

(iii) Alleged violations of law or regulations or a pending fitness investigation where no formal proceeding has been instituted shall not be used as grounds for denial unless the decision maker has evidence that the carrier applicant has a history of willful or flagrant violation of the law or regulations. If authority is denied for lack of fitness on this basis, the decision shall state the basis for denial. The applicant shall be afforded an opportunity to appeal the denial.

(iv) Any denial under these guidelines shall be without prejudice to the applicant's filing an appeal, and submitting evidence concerning its fitness or safety compliance, as appropriate.

(2) *No presumption of fitness.* The granting of any authority shall not give rise to any presumption regarding the applicant's fitness.

(3) *Revocation for unfitness.* Any grant of authority may be later revoked by the Commission should it determine that the applicant is unfit in accordance with these guidelines.

(4) Urgency considerations. Allegations of unfitness in these proceedings shall be considered in light of the urgency of the shipper's needs.

§ 1131.5 Rates, fares, charges, and special permission applications.

(a) *Rates requirements of motor carriers—Publish on less than 30 days notice.* Rates, fares, charges, and related provisions may be established by motor carriers under the provisions of Special Permission and Special Tariff Authority Order No. 78–1000–TA upon not less than one day's notice to apply on shipments transported under TA.

(b) *Special permission or special tariff authority applications.* If publication is to be made on less than 30 days' notice by the carrier filing the TA application and the carrier does not wish to use the general special permission or special tariff authorities referred to in this section, the TA application must be accompanied by a special permission or special tariff authority application (three copies, only the original of which must be executed and bear the signature of the carrier or its agent officer, specifying title), setting forth the proposed rates, fares, charges, and other tariff, or schedule provisions clearly and completely. An accompanying exhibit may be used if identified by letter, such as exhibit A, and so referred to in the application. If the proposed provisions consist of rates, fares, and/or charges, all points of origin and destination must be indicated. If authority is sought to establish a rule, the exact wording of the proposed rule must be shown. If relief from existing regulations is sought, the exact form of publication must be shown.

(c) *Emergency Temporary Authority.* (1) Each application for ETA shall be accompanied by a statement of the rates, fares, charges, and other tariff or schedule provisions to be filed under Special Permission M–60160 or M–60161, §§ 1306.100, 1306.101, 1307.100 and 1307.101 of this chapter, for use in the event the authority is granted. ETA will be revoked for failure to file a proper tariff or schedule.

(2) In every case the carrier shall state in its application whether there is under suspension any rates, fares, or charges published for its account, or whether an application for special permission authority to file its rates, fares, or charges on less than 30 days' notice has been granted or denied, covering the same traffic from and to the same points in connection with another temporary or permanent authority application. If the applicant has rates, fares, or charges, or other tariff matters under suspension, or has received, or been denied special permission to file on less than 30 days' notice any such rates, fares, or charges not yet effective, covering the same traffic, the Regional Motor Carrier Board will not recommend approval of the request nor will a grant be made of the ETA.

(3) If applicant has rates, fares, or charges under suspension covering the same traffic, it should file a special permission application as set forth in paragraph (b) of this section, stating that a copy was served upon protestant(s) and requesting less-than-statutory

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notice authority to cancel the suspended matter and to file rates, fares, or charges or, in the alternative, state that the suspended rates, fares, or charges will be defended and request less-than-statutory notice authority to file rates, fares, or charges to apply during the suspension period and to expire at the end of the suspension period.

§ 1131.6 Petitions and special procedures.

(a) The proceedings of the Regional Motor Carrier Boards shall be informal. No transcript of these proceedings will be made. Subpoenas will not be issued, and, except when applications, petitions, or statements are required to be attested, oaths will not be administrated.

(b) An appeal and replies filed under this section will be governed by the Commission's rules of practice (49 CFR 1100), except as otherwise provided in this section.

(c) The original and two copies of every pleading, document, or paper permitted or required to be filed under this section shall be furnished for the use of the Commission. Appeals and replies shall not exceed 30 pages in length, including any index of subject matter, argument, and appendices or other attachments. Pleadings must be served on all parties of record.

(d) Appeals from decisions acting on TA and ETA applications may be filed by any person. All appeals from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed. All other appeals shall be filed with the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. The envelope containing the pleading shall be clearly marked "ETA PETITION" or "TA PETITION."

(e) Replies may be filed by any person to these appeals. If the facts stated in any appeal disclose a need for accelerated action, this action, in the discretion of the Commission, may be taken before expiration of the time allowed for reply. Replies received after accelerated action on appeals will be treated as appeals of the accelerated action and given corresponding accelerated treatment. All replies to appeals from decisions of a Regional Motor Carrier Board shall be filed with the Regional Office in which the application was filed. All other replies shall be filed with the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. The envelope containing the reply shall be clearly marked "ETA REPLY TO PETITION" or "TA REPLY TO PETITION."

(f) *Appeals from Regional Motor Carrier Board Decisions.* Except as provided below for matters involving ETA, an appeal of a decision of the Regional Motor Carrier Boards entered under 49 U.S.C. 10928 shall be filed within 20 days after the date of service of the decision. Within 15 days after the filing of the appeal, any person may file and serve a reply. The Regional Motor Carrier Board, after reviewing the pleadings prior to forwarding them to Washington, may modify its initial decision. Any further appeal would be decided by a Review Board. Appeals generally will be decided by a Review Board pursuant to the delegation of authority contained in 49 CFR 1011.6(f)(6). An applicant seeking reconsideration of a decision concerning ETA must file an appeal within 20 days after it is notified of the decision on the application. Any other interested person seeking reconsideration of a decision granting ETA may file an appeal at any time during the life of the authority. Replies must be filed within 15 days after the filing of the appeal. The Review Board handling the appeal may also consider and make an *initial decision* on the lawfulness of any rate established pursuant to Special Permission and Special Tariff Authority Order No. 78–1000–TA.

(g) *Appeals from Review Board appellate decisions entered under 49 U.S.C. 10928.* (1) A person shall not be permitted as a matter of right to file an administrative appeal from an appellate decision entered under 49 U.S.C. 10928 by a Review Board. The appellate decision of the Review Board shall be administratively final. This does not apply to a person seeking to appeal a decision granting ETA until such a person has been a party to a decision by a Review Board. In these instances, the Review Board shall reopen the proceeding to consider the pleading of that person.

(2) Discretionary review—petitions for administrative review. Any party may file a petition for discretionary administrative review of an appellate action made by a Review Board. The petition will be granted in the sole discretion of the Commission. Petitions must be filed within 20 days after the date of service of the Review Board decision. Replies must be filed within 15 days of the date the appeal is filed. The petition should state in detail the respect in which the proceeding involves material error, new evidence, or substantially changed circumstances. These appeals will be determined by a division of the Commission.

(h)(1) *Final action.* The filing of an appeal does not have the effect of automatically staying the decision being appealed. If the decision grants authority, applicant may conduct the operations authorized upon compliance with its tariffs, insurance, and other requirements for the duration of the TA, or until otherwise ordered. If the decision denies authority, applicant may not commence such operations. If the decision revokes authority, applicant must cease such operations. See also § 1131.2(d)(4)(A) of the chapter.

(2) *Stays.* The Commission may stay the effect of any decision on its own motion or on petition. A petition to stay may be filed in advance of an appeal and shall be filed within 10 days of service of the decision. No reply need be filed. However, if a party elects to file a reply, it must reach the Commission no later than 16 days after service of the decision. All petitions to stay decisions of a Regional Motor Carrier Board or a Review Board (and any replies thereto) shall be filed with the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423 with a copy to the Regional Office at which the application was filed. The envelope containing the pleading shall be clearly marked "ETA STAY PETITION," "TA STAY PETITION," "ETA REPLY TO STAY PETITION," or "TA REPLY TO STAY PETITION."

§ 1131.7 State registration of temporary authorities—motor carriers.

Notwithstanding the provisions of 49 CFR 1023.11, a motor carrier shall not be required to file with a State commission a TA or ETA having a duration of 120 consecutive days or less if such carrier has (a) registered its other authority granted by the Interstate Commerce Commission authorizing operation in or through the involved State [a carrier possessing no other such authority may qualify for this exception upon compliance only with condition (b) of this section] and identified its vehicles or driveaway operation under the provisions of those standards set forth at 49 CFR 1023.31–1023.42, both inclusive; and (b) furnished to the State commission a telegram or other written communication from the motor carrier describing the TA or ETA and stating that operations shall be in full accord with the requirements of those standards set forth at 49 CFR 1023.1 et seq.

5. A new section 49 CFR § 1131.8 would be added immediately after 49 CFR § 1131.7 as revised above:

§ 1131.8 Insurance and service of process—motor carriers.

(a) Where the applicant is an authorized motor carrier, a statement must accompany the application indicating whether evidence of effective insurance is on file with the Commission and whether agents for service of process have been designated for each State in which operations are conducted or proposed. If applicant is not an authorized motor carrier, it should furnish a statement containing the name of its insurance company, its policy number, the effective and expiration dates of the policy, the limits of the policy and a copy of the Commission's Form BOC 3 (§ 1003.1 of this chapter) designating an agent for service of process in each State where operations are proposed to be conducted.

(b) On motor carrier ETA where time does not permit the submission of the required written statement by applicant, a telegraphic statement may be accepted.

PART 1131a—[REMOVED]

6. 49 CFR Part 1131a would be removed in its entirety.

Appendix B

Issue the following amended Special Permission decision:

INTERSTATE COMMERCE COMMISSION

AMENDMENT NO. 2 TO SPECIAL PERMISSION AND SPECIAL TARIFF AUTHORITY ORDER NO. 78–1000–TA

ESTABLISHMENT OF RATES, FARES, OR CHARGES ON SHORT NOTICE TO COVER SHIPMENTS AND PASSENGERS TRANSPORTED UNDER TEMPORARY OPERATING AUTHORITY

When temporary operating authority (TA) is granted to a motor carrier under 49 U.S.C. 10928, there is an immediate need for service that cannot be met by existing carriers. Therefore, the rates, fares, or charges and related provisions should be filed and posted to become effective without undue delay.

Rates generally are required to be filed and posted upon not less than 30 days' notice, which delays the commencement of the operations. The only means by which a carrier may establish such rates on less than 30 days' notice is special permission or special tariff authority. Numerous special permission and special tariff authority applications are filed each week, and those that comply with the requirements of 49 CFR 1131.5 and are otherwise justified are usually granted. Such an application must be prepared and filed by the carrier and be processed by the Commission. This is burdensome and expensive to the carrier and also delays the commencement of the operations because the rates may not be filed or posted until after the special permission or special tariff authority is obtained.

It would therefore be in the public interest to permit motor carriers to file and post these rates upon less than 30 days' notice without the necessity of filing in each instance an application for special permission or special tariff authority.

This decision does not appear to affect significantly the quality of the human environment or the conservation of energy resources.

It is ordered:

(1) Motor carriers authorized to perform transportation service under temporary operating authority under 49 U.S.C. 10928 may file and post on not less than one day's notice, rates to apply on the transportation services to be performed under a particular temporary operating authority. If the temporary authority decision indicates that the authority may not become effective sooner than a specified date, the rates may not become effective prior to that date. The publication must be in the possession of this Commission in Washington, D.C. at least one day before the effective date shown thereon.

(2) The authority granted here may be used only for the purpose of establishing *INITIAL RATES* on less than 30 days' notice to cover services to be performed under a particular temporary operating authority [see paragraph (3) for exception]. In all other respects, the publication filed shall comply with all effective governing regulations.

(3) The authority granted here may not be used to establish rates applicable on transportation subject to a subsidy.

(4) The temporary operating authority shall be shown in the publication exactly as granted by the Commission and the rates must be in strict conformity with the authority granted. They may not be published to apply to less than, nor more than, the authority granted.

(5) Only contract carriers authorized to file schedules of minimum rates and charges may file such schedules. Schedules of all other contract carriers shall name actual rates and charges. The title page of each schedule or each supplement to an existing schedule shall indicate the kind of rates and charges (minimum or actual) contained therein.

(6) The docket number, including the sub-number, if any, shall be shown in connection with the rates established.

(7)(a) All tariff and schedule matter filed shall show on the title page of the tariff, schedule or supplement, on the page, or directly with the rates or provisions, as appropriate, the following notation:

"Expires with the same date with which the temporary operating authority in Docket No. (here insert appropriate docket No.) expires."

(7)(b) Carriers not filing upon short notice under this authority are authorized to depart from the appropriate regulations to show the expiration notation set forth in Paragraph (8)(a) in lieu of an explicit expiration date. These publications need not refer to this authority.

(7)(c) Publications filed upon short notice should show the following notation in connection with such matter:

Issued upon one day's notice; ICC Permission (Tariff Authority) No. 78–1000–TA.

(8) If emergency temporary operating authority (ETA) rates applicable on the same traffic are not indicated to expire before the effective date of the rates proposed to be established thereunder, the "TA" publication filed, concurrently with its effective date shall cancel the "ETA" publication.

(9) The authority granted extends only to the filing of the temporary operating authority rates on less than 30 days' notice, and it shall not be construed as granting approval (either direct or implied) of the contents of the publication.

(10) This permission shall become effective _____ and shall expire on _____.

(11) Except as otherwise authorized, this permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction, filing, and posting of tariff or schedule publications.

[FR Doc. 81–6170 Filed 2–23–81; 8:45 am]
BILLING CODE 7035–01–M

49 CFR Part 1131

[Ex Parte No. MC–67 (Sub–6)]

Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Applications Under 49 U.S.C. 10928

AGENCY: Interstate Commerce Commission.

ACTION: Proposed Rules.

SUMMARY: The Commission has tentatively decided to eliminate its informal practice of having its field staff notify competing carriers when a motor carrier files an application for emergency temporary authority (ETA). The practice is not required by the statute and is encumbering the decisional process on applications for short-term authority. The rule proposed here would place the burden of notifying competing carriers upon the applicant. The Commission will continue its present practice of notifying existing carriers until comments are received on this issue and a final decision is made. Final rules clarifying certain procedural and decisional standards applicable to appeals from decisions on ETA applications were also adopted and appear elsewhere in this issue.

DATES: Comments should be filed by March 26, 1981.

ADDRESS: An original and 15 copies should be sent to: Ex Parte MC 67 (Sub-6), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423. Copies of the Commission's decision may be obtained by written request to: Secretary, Interstate Commerce Commission, Washington, DC 20423, or by calling the toll-free number (800) 424–9312.

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FOR FURTHER INFORMATION CONTACT:
Ombudsman's Office, (202) 275–7440
Jane Alspaugh, (202) 275–873 or
Donald J. Shaw, Jr., (202) 275–7292

SUPPLEMENTARY INFORMATION: By a notice of proposed rules at 45 FR 6634 (January 29, 1980), we proposed to eliminate the Commission's informal practice of having the field staff notify competing carriers by telephone of the filing of an application for emergency temporary authority (ETA) conflicting with their authority. A summary of our tentative decision, ——— M.C.C. ——— follows.

Section 10928 of the statute exempts ETA and TA applications from the procedural requirements of the Interstate Commerce Act and the Administrative Procedure Act, including those relating to notice and hearing. The primary statutory criterion for the disposition of these applications is the need for service. Harm to existing carriers is only an incidental consideration and cannot be determinative.

Having concluded that there is no legal requirement that notice be afforded to competing carriers, we then considered whether, nevertheless, it would be helpful to continue the present practice. We tentatively concluded that the present blanket telephone notice program involves a substantial expenditure of Commission resources which could be better spent in the faster handling of these emergency applications, thus providing more responsive service to the shipping public. It appears that other avenues are available for the interests of existing carriers to be protected. The files of the Commission are open for public inspection. Existing competing carriers are in a position quickly to learn either of the pendency of an ETA application or of its being granted. Concurrently with this decision, the field staff has been instructed to indicate the existence of a corresponding ETA application in the **Federal Register** caption for the TA. Since most ETA applications are followed by a TA application, competing carriers will receive notice in most instances in the **Federal Register**.

However, we believe that the comments received in this proceeding suggesting that the burden of notification be made the applicant's responsibility warrant further consideration. Accordingly, the Commission will receive comments on the rule here proposed which would require an applicant for ETA to give written notice to known competitors of its filing of an application for ETA.

We do, however, harbor certain reservations about the feasibility of this system, and we specifically request comments on the practicalities of the suggestion.

(1) Who should applicants be required to notify? It would seem that applicants are not always in a position to know all of the carriers which are already authorized to provide the service. The following have been suggested: (a) all known carriers; (b) all carriers named by the shipper in its certificate of support as not being able to provide service; (c) all carriers which have served the shipper in the year immediately preceding the application; (d) all carriers actually participating in the traffic as well as those actively soliciting the shipper. Is it too time consuming and burdensome for the shippers to determine which carriers would need to be served in (c) and (d) above? Is the applicant-notify system inequitable since, just as in the Commission-notify system there will perhaps be carriers which do not receive notice? Should a carrier be able to challenge a grant on the grounds that it did not receive notice?

(2) How should the applicant be required to give notice? The proposed rules call for written notice to competitors. We would like comments on whether this is too burdensome and whether, because of the time constraints involved, mail service would be too slow. Could a telephone or telegraph notice substitute equally as well? Could applicant be given the option of either providing notice by mail, telegraph, or telephone? How could the Commission verify the notice in the event there was a dispute? One comment suggests that we make applicant publish notice of intent to file for ETA in a newspaper of general circulation serving the area where shipper's facilities are located. This would provide an objective method for giving notice which could be easily verified in case of dispute. However, there appear to be drawbacks in that not all existing carriers would necessarily have offices in the particular locality. We would like comments on this or similar alternatives describing the potential advantages and problems which would be involved.

(3) When should the ETA application be ripe for decision? If notice is to be required, it would seem that it would serve no useful purpose unless existing carriers are accorded sufficient time to register protests. In this connection, we note that Section 23 of the Motor Carrier Act of 1980 (Public Law 96–296, 94 Stat. 793 (1980)) amended 49 U.S.C. 10928 to require that decisions on ETA applications for motor property carriers be decided in 15 days. The comments provided the following suggestions: The Commission could (a) not require notice on applications seeking less than 30 day authority; (b) allow 6 to 10 days from the time of service of notice or filing of the application before reaching a decision; (c) make immediate decisions in cases in which a dire emergency is involved and treat any protests received after the grant as petitions for reconsideration. Are there any other alternatives?

If delay is inherent in this proposal, there could be substantial harm to shippers, as we have already discussed in detail in the decision. We solicit shipper views on this matter. These should include reference to our recent decision in Ex Parte No. 64 (Sub-No. 2), *Special Temporary Authority Procedures*, 45 FR 40680 (June 16, 1980), in which we adopted General Temporary Order No. 22. The order allows a limited-term grant without notice to existing carriers in certain specific situations. Reference could also be made to expanding these situations in Ex Parte No. 64 (Sub-No. 2A), same title, 45 FR 37912 (June 5, 1980). Would the procedures adopted and proposed in these proceedings cover the most pressing needs of shippers? Are there other problems which would result from delay to receive protests that are not susceptible of resolution by expanding the General Temporary Order?

(4) What penalty, if any, should there be if applicant fails to provide notice? Should a penalty of immediate revocation apply if the applicant does not notify all carriers named by the shipper or if the shipper fails to name all existing carriers?

(5) Would the notice problem be largely abated if ETA grants are limited to service only for the supporting shippers?

(6) Should different standards apply to passenger and water carriers? [1]

We were informed in the comments that the California Public Utilities Commission has a similar procedure to notify competitors and that the system is quite successful. We would appreciate information on the administration of this program with as much detail as possible.

The comments should include any other possible alternatives that the Commission should consider.

Our present practice of the Commission's giving notice to existing carriers will be continued until a final decision on this matter is reached after we have considered the additional comments solicited here.

[1] The Commission's regulations do not describe a specific category of emergency temporary authority for water carriers.

The following regulation is proposed to revise § 1131.2(d)(1) of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations as follows:

§ 1131.2 [Amended]

* * * * *

(d) *Special procedures for filing applications for emergency temporary authority.* (1) Emergency temporary authority shall be applied for only where emergency conditions exist which do not permit sufficient time to afford the notice specified in § 1131.3(a). Where the application demonstrates the existence of these emergency conditions, action will normally be taken without the Commission's notifying interested parties other than by making the application available to the public at the Commission office at which it is filed. An applicant for emergency temporary authority shall certify to the Commission in writing that it has sent each known competing carrier [including existing carriers from whom shipper has made efforts to obtain service] a copy of its application for emergency temporary authority [including the Appendix or Certification of Support] by first class mail, postage prepaid, to the carrier's last known business address.

* * * * *

This decision does not appear to affect significantly the quality of the human environment or energy consumption.

This proposed action is not expected to have a negative impact on small businesses. Comments on this matter are, however, invited.

This proposed rule is proposed under the authority contained in 49 U.S.C. 10321 and 10928, and 5 U.S.C. 553.

Decided: February 12, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–6169 Filed 2–23–81; 8:45 am]
BILLING CODE 7035–01–M

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49 CFR Part 1310

[Ex Parte No. MC–77 (Sub-3)]

Elimination of Certificates as the Measure of Holding-Out

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing comments.

SUMMARY: Public notice of this proceeding was served January 22, 1981 and published on January 27, 1981 at 46 FR 8604. In that notice, it was provided that comments by interested persons were scheduled as due 30 days from the date of publication in the **Federal Register**. Under the terms of the notice as published, comments will be due on or before February 26, 1981.

The American Trucking Associations, Inc., and Regular Common Carrier Conference seek an extension for the filing of comments in this proceeding. Because of the complexity of the issues in this proceeding, a short extension will be granted to Monday, March 9, 1981. Further extensions, however, will in all probability be denied.

DATES: Comments in this proceeding are due on or before March 9, 1981.

ADDRESS: An original and 15 copies, if possible, of comments should be sent to: Ex Parte No. MC–77 (Sub-3), Room 5316, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Edward E. Guthrie (202) 275–7691
Dan Campbell (202) 275–7426

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–6173 Filed 2–23–81; 8:45 am]
BILLING CODE 7035–01–M

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Notices

Federal Register
Vol. 46, No. 36
Tuesday, February 24, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Cigar Tobaccos; Referendums

Notice is hereby given that on February 23 through February 27, 1981, each inclusive, separate referendums will be held of farmers engaged in the production of the 1980 crop of cigar binder (types 51 & 52) and cigar filler and binder tobacco.

Notice was given (45 FR 75219) that consideration would be given to data views and recommendations in establishing the 1981 national quota, the national reserve, the dates or periods for holding the referendums and whether the referendums should be conducted at polling places rather than by mail ballot. One comment was received. It requested that the cigar-filler and binder referendum be held by mail ballot.

It is hereby determined that these referendums will be held by mail ballot during the period February 23–27, 1981, inclusive. The purpose of the referendums is to determine whether cigar binder (types 51 & 52) and cigar-filler and binder tobacco farmers are in favor of or opposed to marketing quotas for the 1981–82, 1982–83, and 1983–84 marketing years. The referendums will be conducted in accordance with the provisions of Section 312(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1312(c)) and the regulations set forth in 7 CFR Part 717.

Signed at Washington, D.C. on February 18, 1981.

Edward Hews,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-6177 Filed 2-23-81; 8:45 am]

BILLING CODE 3410-05-M

CIVIL AERONAUTICS BOARD

[Order 81-2-63; Docket 39227]

U.S.-Federal Republic of Germany Fare Revisions Proposed by Deutsche Lufthansa Aktiengesellschaft; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of January, 1981.

In a series of recent tariff revisions, Deutsche Lufthansa Aktiengesellshaft (Lufthansa) has proposed introduction of a "special" group incentive fare from nine U.S. cities to Frankfurt and Munich;[1] introduction of an incentive group fare from seven U.S. cities to Frankfurt and Munich;[2] and expansion of the maximum-stay restrictions on U.S.-Germany excursion, Holiday and winter group inclusive-tour fares from 60 days to 3 months.[3]

We have decided to suspend most of Lufthansa's fare revisions.[4]

Our action against Lufthansa's ex-U.S. initiatives is taken with extreme reluctance. We believe, however, that the significant relaxation of governmental surveillance of fares which we envisioned under the U.S.-Germany Protocol of 1978 has been seriously jeopardized by the German aeronautical authorities.

The Board has, since the signing of the U.S.-Germany Protocol in 1978, permitted Lufthansa full pricing flexibility, including ex-U.S. price leadership. In our view, many provisions in the Protocol campel this liberal stance. It is now obvious that our liberality has not evoked a proper and reciprocal response by the German authorities. Since the signing of the Protocol, the German authorities have routinely thwarted U.S. carrier pricing initiatives which varied from the filings of its national carrier. These adverse actions, which have included notices of dissatisfaction as well as less formal modes of communication, involved such diverse matters as discount fare conditions, introduction of budget and standby fares, group contractor fares, and hinging of permit approvals on matching Lufthansa fare levels. Recently, the German authorities have disapproved, over the objections of the U.S. government, a TWA tariff which the carrier believes merely matches a Lufthansa tariff filing.

The merits of this latest controversy are under review in Docket 39072. Any action on our part in that connection must necessarily await our review of the pleadings in that case and our findings. The action we reluctantly take today under section 1002 of the Act is a response to the German authorities' lack of reciprocity and comity on the price leadership issue.

Under these circumstances, we have no alternative but to deny Lufthansa's ex-U.S. fare proposals which vary from those approved for U.S. carriers. The traveling public stands to gain much more over the long run by our insistence on strict observance of the Protocol of 1978, then it will lose by the suspension of Lufthansa's fare proposals. It is our hope that any impediments to the resumption of normal aviation price relations with Germany can be overcome in forthcoming intergovernmental consultations.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in Appendices A and B hereof, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the tariff provisions in the attached:

Appendix A from February 15, 1981, to and including February 14, 1982;

Appendix B from April 1, 1981, to and including March 31, 1982; unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [5] and, unless disapproved by the President within ten days, it shall become effective:

February 15, 1981, with respect to tariff provisions in *Appendix A;* and

April 1, 1981, with respect to tariff provisions in *Appendix B;* and

4. We shall file copies of this order in the aforesaid tariff and serve them on Deutsche Lufthansa Aktiengsellschaft and the Ambassador of the Federal Republic of Germany in Washington, D.C.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[6]

Phyllis T. Kaylor,

Secretary.

Appendix A—Transatlantic Passanger Fares Tariff NO A–1 C.A.B. NO. 71, Issued by Air Tariffs Corporation, Agent

Lufthansa's 2-Months Maximum-stay provisions for fares *to* Germany in the Exception to Paragraph 3.B. of *Rule 126* on:

90th, 91st, 92nd and 93rd Revised Pages 46–A (see NOTE); Lufthansa's Exception 3 to Paragraph 3.B(1) of *Rule 134* on:

13th, 14th, 15th and 16th Revised Pages 56–C (see NOTE); Lufthansa's 3–Months Maximum-stay provisions in the Exception to Paragraph 3.B of *Rule 426* on:

21st Revised Page 154–F (see NOTE);

Rule 641 on: 19th Revised Page 190–B and 2nd Revised Pages 190–BB and 190–BC; (see NOTE)

All "YLGC" Fares Subject to Rule 641:

1. *From* Atlanta *to* Frankfurt on 42nd, 43rd, 44th and 45th Revised Pages 511 (see NOTE)
2. *From* Boston *to* Frankfurt on 42nd, 43rd, 44th and 45th Revised Pages 512 (see NOTE)
3. *From* Chicago, Dallas/Ft. Worth *to* Frankfurt on 42nd, 43rd, 44th and 45th Revised Pages 512–A (see NOTE)
4. *From* Los Angeles, Miami *to* Frankfurt on 42nd, 43rd, 44th and 45th Revised Pages 512–B (see NOTE)
5. *From* New York *to* Frankfurt on 11th Revised Pages 512–BB and 12th, 13th and 14th Revised Pages 512–BC
6. *From* Philadelphia *to* Frankfurt on 33rd, 34th, 35th and 36th Revised Pages 512–C
7. *From* San Francisco *to* Frankfurt on 33rd, 34th, 35th and 36th Revised Pages 512–D

Note—The suspension of tariff provisions and fares on pages named herein does *not* stay the cancellation of like provisions and fares on previous revisions of said pages.

8. *From* Atlanta, Boston *to* Munich on 42nd, 43rd, 44th and 45th Revised Pages 512 (see NOTE)
9. *From* Chicago, Dallas/Ft Worth *to* Munich on 42nd, 43rd, 44th and 45th Revised Pages 512–A (see NOTE)
10. *From* Los Angeles, Miami *to* Munich on 42nd, 43rd, 44th and 45th Revised Page 512–B (see NOTE)
11. *From* New York *to* Munich on 11th Revised Page 512–BC (see NOTE) and Original and 1st Revised Pages 512–BE
12. *From* Philadelphia *to* Munich on 33rd, 34th, 35th and 36th Revised Pages 512–C (see NOTE)
13. *From* San Francisco *to* Munich on 33rd, 34th, 35th and 36th Revised Pages 512–D

Note—The suspension of tariff provisions and fares on pages named herein *does* not stay the cancellation of like provisions and fares on previous revisions of said pages.

Lufthansa's provisions in Rule 629, insofar as such provisions apply to fares:

From: Atlanta, Chicago, Dallas/Ft Worth, Miami.

To: Frankfurt, Munich on 22nd and 23rd Revised Pages 188–C and 188–D and 13th and 14th Revised Pages 188–E.

ALL "YHGC" and "YLGC" Fares subject to Rule 629:

A. *From* Atlanta *to* Frankfurt on 36th, 37th, 38th, 39th, 40th, 42nd, 43rd, 44th and 45th Revised Page 511

B. *From* Atlanta *to* Munich on 36th, 37th, 38th, and 39th Revised Pages 511 and 40th, 42nd, 43rd, 44th and 45th Revised Page 512

C. *From* Chicago *to* Frankfurt and Munich on 39th Revised Page 511 and 41st, 42nd, 43rd and 44th Revised Pages 512–A

D. *From* Dallas/Ft Worth *to* Frankfurt and Munich on 36th, 37th, 38th and 39th Revised Pages 512 and 41st, 42nd, 43rd, 44th and 45th Revised Pages 512–A

E. *From* Miami *to* Frankfurt and Munich on 36th Revised Page 512 and 41st, 42nd, 43rd, 44th and 45th Revised Pages 512–B

[FR Doc. 81-6170 Filed 2-23-81; 8:45 am]

BILLING CODE 6320-01-M

[1] The "special" incentive group fare, available only for basic-season travel, involves a minimum group size of 50 passengers and a 5/60-day minimum/ maximum-stay period. It became effective January 11, 1981 (to Frankfurt), and December 28, 1980 (to Munich). The nine U.S. cities are Atlanta, Boston, Chicago, Dallas, Los Angeles, Miami, New York, Philadelphia and San Francisco.

[2] The incentive group fare, available all year, involves a minimum group size of ten (during the peak season) or five (during the basic season) and a one-year maximum-stay period. It is intended for effectiveness April 1, 1981, the seven U.S. cities are those above, excluding Boston and Philadelphia.

[3] Effective as of January 1 and 18, 1981.

[4] for reasons explained *infra*, we are suspending only those revisions which constitute liberalizations in the U.S.-Germany fares structure and hence represent Lufthansa as a competitive pricing "leader". We are therefore suspending the "special" incentive group fare since it is a new fare. The incentive group fare, however, is already offered by TransWorld Airlines, Inc. (TWA); we will therefore suspend it only in those markets—Atlanta, Chicago, Dallas and Miami—where Lufthansa's levels undercut those of TWA, and permit its implementation in those markets—Los Angeles, New York and San Francisco—where Lufthansa's levels match or exceed those of TWA. Lufthansa's new maximum-stay provisions are more liberal than those of its U.S. carrier competitors but, in accordance with our country-of-origin pricing agreement with the Federal Republic of Germany, we will suspend them only insofar as they apply to U.S.-originating travel.

[5] We submitted this order to the President on February 2, 1981.

[6] All Members concurred.

DEPARTMENT OF COMMERCE

International Trade Administration

Clearinghouse Depository for Handicapped Students; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number: 80–00327.
Applicant: Clearinghouse Depository for Handicapped Students, California St. Department of Education, 721 Capitol Mall, Sacramento, CA 95814.
Article: Braille Magnetic Recorder.
Manufacturer: Elinfa, Inc., France.
Intended use of article: See Notice on page 47894 in the **Federal Register** of July 17, 1980.
Comments: No comments have been received with respect to this application.
Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.
Reasons: The foreign article provides a digitized recording code and procedure. The Department of Health and Human Services advises in its memorandum dated November 12, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-6028 Filed 2-23-81; 8:45 am]

BILLING CODE 3510-25-M

Tulane University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

V 46 / 36 FEB 24 81 UMI

Docket Number: 80-00395.
Applicant: Tulane University, 6823 St. Chas. Ave., New Orleans, LA 70118.
Article: Solar Panel Test Facility MSTF-1 and Accessories.
Manufacturer: Solarfin Products, Canada.
Intended use of Article: See Notice on page 66829 in the **Federal Register** of October 8, 1980.
Comments: No comments have been received with respect to this application.
Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.
Reasons: The foreign article permits demonstration of a variety of collector principles (utilizing several different test collectors with different absorption rates). The National Bureau of Standards advises in its memorandum dated November 6, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for an applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-6030 Filed 2-23-81; 8:45 am]

BILLING CODE 3510-25-M

University of Maryland; Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number: 80-00349.
Applicant: University of Maryland Center for Environmental & Estuarine Studies, Horn Point Environmental Laboratories, P.O. Box 775, Cambridge, Maryland 21613.
Article: N-15 Analyzer, Model NOI-5.
Manufacturer: DEV Straton (Company) East Germany.
Intended use of Article: See Notice on page 56122 in the **Federal Register** of August 22, 1980.
Comments: No comments have been received with respect to this application.
Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.
Reasons: The foreign article rapidly distinguishes abundance of tracer nitrogen-15 relative to nitrogen-14. The Department of Health and Human Services advises in its memorandum dated November 12, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign aritcle for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-6029 Filed 2-23-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces replacement of Project No. 02-10-80009-01 (Manhattan GBS Center) with that described below.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreements Act of 1977, will be grants.

Program Description: The General Business Services Program of the Minority Business Development Agency (MBDA) provides technical assistance without charge to eligible minority business persons and minority-owned firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either not-for-profit or commercial entities). These firms must be capable of providing such services as preparation of business plans, financial analysis, industrial management assistance, personnel management services, marketing planning and a broad range of other business services excluding legal services.

Applications are invited for the following project: One grant for a management and technical assistance project to operate in New York (Manhattan) and Queens Counties of New York State. The Project will operate at a cost not to exceed $412,000. The Project Number is 02-10-80015-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 26 Federal Plaza, Room 36-116, New York, New York 10278.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal units, educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Those firms which submitted applications for Project 02-10-80009-01 will receive the specification for the replacement. All others must request them.

Award process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of March 12, 1981. Applications received after that date will not be considered. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development

(Catalog of Federal Domestic Assistance) (This program is not subject to the requirements of OMB Circular A-95)

Dated: February 17, 1981.

Ralph J. Perez,

Deputy Regional Director.

[FR Doc. 81-6139 Filed 2-23-81; 8:45 am]

BILLING CODE 3510-21-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop, Division OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent application 4-030,216: Segmented Map and Holder; filed September 7, 1976, patented June 21, 1977. Not available NTIS.
Patent application 4-154,141: Ultrafast, Linearly-Deflagration Ignition System; filed May 17, 1977, patented May 15, 1979. Not available NTIS.
Patent application 4-159,679: Projectile Fuze; filed August 29, 1977, patented July 3, 1979. Not available NTIS.
Patent application 4-159,680: Random Delay timer; filed May 1, 1978, patented July 3, 1979. Not available NTIS.
Patent application 4-160,415: Target Activated Projectile; filed May 5, 1978, patented July 10, 1979. Not available NTIS.
Patent application 4-160,416: Programmed Self-Destruct System for a Munition; filed April 20, 1978, patented July 10, 1979. Not available NTIS.
Patent application 4-160,927: Ferroelectric Ceramic Devices; filed April 5, 1977, patented July 10, 1979. Not available NTIS.
Patent application 4-161,070: Laser Rangefinder Trainer; filed June 20, 1978, patented July 17, 1979. Not available NTIS.
Patent application 4-161,760: Short Circuit Protection of Regulated Power Supplies; filed May 22, 1978, patented June 17, 1979. Not available NTIS.
Patent application 4-163,236: Infrared Semiconductor Device with Superlattice Region; filed June 9, 1978, patented July 31, 1979. Not available NTIS.
Patent application 4-163,328: Moving Target Screen with Improved Optical Control; filed March 10, 1978, patented August 7, 1979. Not available NTIS.
Patent application 4-163,845: Recycle of Spent Acid in Nitrolysis of Hexamine to RDX; filed April 28, 1978, patented August 7, 1979. Not available NTIS.
Patent application 4-164,700: High Pressure Apparatus for Microwave Resonance spectroscopy; filed May 8, 1978, patented February 14, 1979. Not available NTIS.
Patent application 4-164,888: Rocket Remote Engagement Mechanism; filed September 1, 1977, patented August 21, 1979. Not available NTIS.
Patent application 4-165,081: Constant Force Face Seal; filed April 14, 1978, patented August 21, 1979. Not available NTIS.
Patent application 4-165,906: Track Shoe Having Replaceable Pad; filed February 15, 1978, patented August 28, 1979. Not available NTIS.
Patent application 4-166,874: Crashworthy Fuel Cell Repair; filed September 22, 1978, patented September 4, 1979. Not available NTIS.
Patent application 4-167,010: Terminated Microstrip Antenna; filed March 13, 1978, patented September 4, 1979. Not available NTIS.
Patent application 4-167,428: Conductance Method for Determining the Mechanical Properties of Propellants; filed May 17, 1974, patented September 11, 1979. Not available NTIS.
Patent application 4-167,463: Nitrogen Fixation with a High Energy Laser; filed April 12, 1978, patented September 11, 1979. Not available NTIS.
Patent application 4-167,666: Multi-Grating Attenuator for High Power Pulsed Laser Beams; filed April 28, 1978, patented September 11, 1979. Not available NTIS.
Patent application 4-167,905: Hand Grenade Fuze with Self-Induced Spin for Arming; filed September 1, 1977, patented September 18, 1979. Not available NTIS.
Patent application 4-168,931: Freight Container Transport; filed September 26, 1977, patented September 25, 1979. Not available NTIS.
Patent application 4-169,236: Rotation of Characteristic Vectors with Piezoelectric Coupling; filed December 30, 1977, patented September 25, 1979. Not available NTIS.
Patent application 4-169,265: P-Band Loop Antennas in Radial Array; filed May 4, 1978, patented September 25, 1979. Not available NTIS.
Patent application 4-170,757: Method of an Apparatus for Transmitting Clandestine Radio Signals; filed December 30, 1977, patented October 9, 1979. Not available NTIS.
Patent application 4-171,663: Tension Fracture Fitting in Missile Separation Thruster; filed November 22, 1977, patented October 23, 1979. Not available NTIS.
Patent application 4-172,410: Helical Lock for Automatic Gun; filed January 23, 1978, patented October 30, 1979. Not available NTIS.
Patent application 4-172,570: Landing Gear In-Flight Vibration Dampener; filed January 13, 1978, patented October 30, 1979. Not available NTIS.
Patent application 4-173,017: Programmable Signal Processor for Doppler Filtering; filed April 11, 1977, patented October 30, 1979. Not available NTIS.
Patent application 4-173,186: Ammunition; filed July 7, 1960, patented November 6, 1979. Not available NTIS.
Patent application 4-173,187: Multipurpose Protection System; filed September 22, 1967, patented November 6, 1979. Not available NTIS.
Patent application 4-174,137: Control Rod Roll-Over Limiter; filed July 24, 1978, patented November 13, 1979. Not available NTIS.
Patent application 4-175,913: Helicopter Rotor Head Mounting Assembly; filed January 13, 1978, patented November 27, 1979. Not available NTIS.
Patent application 4-176,392: Series Induction/Parallel Inverter Power Stage and Power Staging Method for DC-Dc Power Converter; filed December 14, 1977, patented November 27, 1979. Not available NTIS.
Patent application 4-176,608: Electrically Energized Impact Detonated Projectile with Safety Device; filed May 8, 1978, patented December 4, 1979. Not available NTIS.
Patent application 4-176,099: Scanning Optical Spectral Analyzer; filed October 31, 1977, patented December 11, 1979. Not available NTIS.
Patent application 4-178,832: Automatic Gun Having Gas Leakage Control Mechanism; filed May 25, 1978, patented December 16, 1979. Not available NTIS.
Patent application 4-178,851: Dual Purpose Munition; filed March 8, 1972, patented December 18, 1979. Not available NTIS.
Patent application 4-179,085: Optical Boresight Method for Nutating System; filed January 3, 1978, patented December 18, 1979. Not available NTIS.
Patent application 4-179,088: Offset Beacon Homing; filed November 17, 1976, patented December 18, 1979. Not available NTIS.
Patent application 4-179,599: Laser Plasmatron; filed May 8, 1978, patented December 18, 1979. Not available NTIS.
Patent application 4-179,792: Low Temperature CMOS/SOS Process Using Dry Pressure Oxidation; filed April 10, 1978, patented December 25, 1979. Not available NTIS.
Patent application 4-179,795: Method for Forming a Drive Hole in Arc Plasma Spray Fabricated Ferrite Phasors; filed June 15, 1978, patented December 25, 1979. Not available NTIS.
Patent application 4-179,992: Primer-Igniter for Gun Propellants; filed April 4, 1978, patented December 25, 1979. Not available NTIS.
Patent application 4-180,424: Control of Burning Rate and Burning Rate Exponent by Particle Size in Gun Propellants; filed July 11, 1977, patented December 25, 1979. Not available NTIS.
Patent application 4-180,535: Method of Bonding Propellants Containing Mobile Constituents; filed September 5, 1978,

patented December 25, 1979. Not available NTIS.

Patent application 4–180,599: Crosslinking Photoinitiators of Acrylic Benzophanonetetracarboxylates; filed August 25, 1978, patented December 25, 1979. Not available NTIS.

Patent application 4–180,754: Geiger-Mueller Tube with a Re-entrant Insulator at Opposing Sealed Ends Thereof; filed August 10, 1978, patented January 15, 1980. Not available NTIS.

Patent application 4–183,097: Body Armor for Women; filed March 6, 1978, patented December 25, 1979. Not available NTIS.

Patent application 4–183,215: Pedal Linkage Hydraulic Brake Booster; filed July 22, 1977, patented January 15, 1980. Not available NTIS.

Patent application 4–184,117: Communication Security Method and System; filed April 16, 1956, patented January 15, 1980. Not available NTIS.

Patent application 4–185,244: High Voltage Nanosecond Pulser Using a Repetitive Series Interrupter; filed April 12, 1978, patented January 22, 1980. Not available NTIS.

Patent application 4–185,289: Spherical Antennas having Isotropic Radiation Patterns; filed September 13, 1978, patented January 22, 1980. Not available NTIS.

Patent application 4–185,796: Fiber Optic Missile Guidance and Control; filed December 13, 1976, patented January 29, 1980. Not available NTIS.

Patent application 4–186,040: "BZ" Containing Pyrotechnic Compositions; filed December 2, 1964,, patented January 29, 1980. Not available NTIS.

Patent application 4–186,046: Growing Doped Single Crystal Ceramic Materials; filed November 28, 1977, patented January 29, 1980. Not available NTIS.

Patent application 4–187,351: IMVIC Test Method; filed November 25, 1977, patented February 5, 1980. Not available NTIS.

Patent application 4–187,458: Constant Power Regenerative Magnetic Switching Regulator; filed August 7, 1978, patented February 5, 1980. Not available NTIS.

Patent application 4–187,501: Electronic Intruder Detection System; filed October 7, 1977, patented February 5, 1980. Not available NTIS.

Patent application 4–187,723: Liquid Nitrogen Level Indicator; filed October 16, 1978, patented February 12, 1980. Not available NTIS.

Patent application 4–187,782: Shaped Charge Device; filed April 26, 1978, patented February 12, 1980. Not available NTIS.

Patent application 4–187,783: Shaped Charge Device; filed April 26, 1978, patented February 12, 1980. Not available NTIS.

Patent application 4–187,783: Discarding Sabot Munition; filed March 13, 1978, patented February 12, 1980. Not available NTIS.

Patent application 4–188,503: Digital Data Communications System; filed July 5, 1978, patented February 12, 1980. Not available NTIS.

Patent application 4–188,578: Angular Rate Sensor; filed September 11, 1978, patented February 12, 1980. Not available NTIS.

Patent application 4–188,906: Novel Microscope Slide Smoker; filed January 15, 1979, patented February 19, 1980. Not available NTIS.

Patent application 4–191,087: Rocket Detent and Release Mechanism; filed August 14, 1978, patented March 4, 1980. Not available NTIS.

Patent application 4–191,088: Ammunition Feeder Having Two Feed Pawls; filed April 10, 1978, patented March 4, 1980. Not available NTIS.

Patent application 4–191,886: Radiation Dose Rate Indicator; filed July 31, 1978, patented March 4, 1980. Not available NTIS.

Patent application 4–191,959: Microstrip Antenna with Circular Polarization; filed July 17, 1978, patented March 4, 1980. Not available NTIS.

Patent application 4–193,286: Vehicle Control Arm Spreader Tool; filed May 18, 1978, patented March 18, 1980. Not available NTIS.

Patent application 4–194,187: Analog-to-Digital Conversion by Charge Coupled Device; filed August 7, 1978, patented March 18, 1980. Not available NTIS.

Patent application 4–194,304: Loader and Recoil Simulation Trainer for Artillery Crews; filed November 2, 1978, patented March 25, 1980. Not available NTIS.

Patent application 4–194,431: Active Armor; filed July 5, 1968, patented March 25, 1980. Not available NTIS.

Patent application 4–194,643: Method and Apparatus for Frit-Sealing High Temperature CRT Faceplate to Conventional CRT Envelope; filed December 19, 1978, patented March 25, 1980. Not available NTIS.

Patent application 4–194,929: Technique for Passivating Stainless Steel; filed September 8, 1978, patented March 25, 1980. Not available NTIS.

Patent application 4–195,144: Copolymers of Alpha-N-Alkylstyrenes and Styrene; filed October 19, 1978, patented March 25, 1980. Not available NTIS.

Patent application 4–195,195: Tape Automated Bonding Test Board; filed September 28, 1978, patented March 25, 1980. Not available NTIS.

Patent application 4–195,745: Thermally Sensitive Pressure Release Assembly for Sealed Pressurized Vessel; filed February 13, 1978, patented April 1, 1980. Not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, D.C. 20324

Patent application 6–150,323: Laser Stimulated Raman Molecular Beam Time and Frequency Standard; filed May 16, 1980.

Patent application 6–175,793: Method for Testing and Analyzing Surface Acoustic Wave Interdigital Transducers; filed August 6, 1980.

Patent application 6–175,794: compensated Temperature Sensing Device; filed August 6, 1980.

Patent application 6–175,795: Adaptive Interference Tracker for Suppression of Narrow Band Interference; filed August 6, 1980.

Patent application 6–176,434: Simultaneous Signal Detector for an Instanteous Frequency Measurement Receiver; filed August 8, 1980.

Patent application 6–176,435: Self-Calibrating Interferometer; filed August 8, 1980.

Patent application 6–176,436: Fiber Optic Switching Device; filed August 8, 1980.

Patent application 6–176,437: Survival Target Acquisition and Designation System; filed August 8, 1980.

Patent application 6–177,335: Air Assist Apparatus for Gas Turbomachine Augmentor Spraying; filed August 12, 1980.

Patent application 6–178,042: Continuous Force Actuator; filed August 14, 1980.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 4–219,045: Sea Water Pressure Regulator Valve; filed December 22,1978, patented August 26, 1980. Not available NTIS.

Patent application 4–219,865: Sonar Target Simulator; filed September 8, 1964, patented August 26, 1980. Not available NTIS.

Patent application 4–220,411: Fiber Optic Light Launching Assembly; filed August 14, 1978, patented September 2, 1980. Not available NTIS.

Patent application 4–220,952: Random FM Autocorrelation Fuze System; filed February 17, 1956, patented September 2, 1980. Not available NTIS.

Patent application 4–222,051: Cascaded Digital Cancelers; filed January 18, 1979, patented September 9, 1980. Not available NTIS.

Patent application 4–222,116: Intelligent Automatic Gain Control Circuit; filed July 31, 1978, patented September 9, 1980. Not available NTIS.

Patent application 4–223,123: Aliphatic Phenoxy Polyphthal ocyanine; filed May 29, 1979, patented September 16, 1980. Not available NTIS.

Patent application 4–223,400: Low-Frequency Directional Hydrophone; filed September 28, 1978, patented September 16, 1980. Not available NTIS.

Patent application 4–225,239: Magneto-Optic Bias of Ring Laser Using Reflective Magneto-Optic Element at near Grazing Incidence; filed July 5, 1979, patented September 30, 1980. Not available NTIS.

Patent application 4–225,831: CW Scalable Donor-Acceptor Gas Transfer Laser; filed August 10, 1978, patented September 30, 1980. Not available NTIS.

Nat. Aeronautics & Space Admin., Assist. Gen. Couns. for Pat. Matters, NASA Code GP–4 Washington, DC 20546

Patent application 6–165,910: Multibeam Single Frequency Synthetic Aperture Radar Processor for Imaging Separate Range Swaths; filed July 3, 1980.

Patent application 6–168,995: Electrical Self-Aligning Connector; filed July 15, 1980.

Patent application 6–171,933: Liquid Immersion Apparatus for minute Articles; filed July 16, 1980.

Patent application 6–175,453: Improved Low-Drag Ground Vehicle Particularly Suited for Use in Safely Transporting Livestock; filed August 5, 1980.

Patent application 6–185,865: Pocket Ecg Electrode; filed September 11, 1980.

Patent application 6–185,867: Improving the Efficiency of Silicon Solar Cells Containing Chromium; filed September 11, 1980.

Patent application 6–185,869: Multiple Pure Tone Elimination Strut Assembly; filed September 11, 1980.

Patent application 4–118,427: Curable Liquid Hydrocarbon prepolymers Containing Hydroxyl Groups and Process for Producing Same; filed June 28, 1973, patented October 3, 1980. Not available NTIS.

Patent application 4–196,129: Prepolymer Dianhydrides; filed August 14, 1978, patented April 1, 1980. Not available NTIS.

Patent application 4–210,278: Apparatus for Supplying Conditioned Air at a Substantially Constant Temperature and Humidity; filed February 6, 1979, patented July 1, 1980. Not available NTIS.

Patent application 4–214,226: System for Plotting Subsoil Structure and Method Therefor; filed September 6, 1977, patented July 22, 1980. Not available NTIS.

Patent application 4–214,703: Aircraft Engine Nozzle; filed March 23, 1979, patented July 29, 1980. Not available NTIS.

Patent application 4–214,902: High Toughness-High Strength Iron Alloy; filed January 25, 1979, patented July 29, 1980. Not available NTIS.

Patent application 4–215,273: Multispectral Scanner Optical System, filed March 29, 1979, patented July 29, 1980. Not available NTIS.

Patent application 4–215,327: Support Assembly for Cryogenically Coolable Low-Noise Choke Waveguide. Filed August 31, 1978, patented July 29, 1980. Not available NTIS.

Patent application 4–215,345: Interferometric Locating System. Filed August 31, 1978, patented July 29, 1980. Not available NTIS.

Patent application 4–215,590: Belt for Transmitting Power from a Cogged Driving Member to a Cogged Driven Member. Filed September 18, 1978, patented August 5, 1980. Not available NTIS.

Patent application 4–215,592: Redundant Motor Drive System. Filed August 4, 1978, patented August 5, 1980. Not available NTIS.

Patent application 4–218,280: Method of Cross-Linking Polyvinyl Alcohol and Other Water Soluble Resins; filed December 20, 1978, patented August 19, 1980. Not available NTIS.

Patent application 4–218,633: Hydrogen Hollow Cathode Ion Source. Filed October 23, 1978, patented August 19, 1980. Not available NTIS.

Patent application 4–218,650: Apparatus for Measuring Semiconductor Device Resistance; filed June 23, 1978, patented August 19, 1980. Not available NTIS.

Patent application 4–218,682: Multiple Band Circularly Polarized Microstrip Antenna; filed June 22, 1979, patented August 19, 1980. Not available NTIS.

[FR Doc. 81–6140 Filed 2–23–81; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Chief of Engineers, Environmental Advisory Board; Meeting; Correction

ACTION: Notice of correction to a previously announced meeting.

The next meeting of the Chief of Engineers Environmental Advisory Board originally announced in the **Federal Register** January 29, 1981 (46 FR 9690) to be held 2–5 March 1981, has been changed to 21–24 April 1981. The times and subjects of the meeting will be the same as previously announced. The meeting will be held in the Board of Engineers for Rivers and Harbors Hearing Room, Kingman Building, on Leaf Road, Ft. Belvoir, Virginia.

FOR FURTHER INFORMATION CONTACT:
LTC George F. Boone, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers. Telephone: 202–272–0103.

John O. Roach, II,
Army Liaison Officer with the Federal Register.

[FR Doc. 81–6019 Filed 2–23–81; 8:45 am]

BILLING CODE 3710–93–M

DEPARTMENT OF ENERGY

Finding of No Significant Impact for Improved Uranium Utilization Program

AGENCY: Department of Energy.

ACTION: Finding of no significant impact.

SUMMARY: A notice of availability of an environmental assessment and a proposed Finding of No Significant Impact for a research, development, and demonstration program to improve uranium utilization in light water reactors were issued in the **Federal Register** on October 2, 1980 (45 FR 65276) for a 30-day public review period prior to a determination whether to prepare an environmental impact statement, pursuant to § 1501.4(e) of the Council on Environmental Quality regulations for implementing the National Enviornmental Policy Act. A total of 20 comments were received on the proposed finding. Based on our review of these comments, and upon further consideration of the findings of the environmental assessment, which is available to the public on request, we have determined that the previous tentative conclusion is valid (i.e., the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*). Therefore, no environmental impact statement is required.

Singles copies of the environmental assessment are available from: George Sherwood, Program Manager, NE–53, U.S. Department of Energy, Washington, D.C. 20545 (301) 353–3481.

Date issued: February 17, 1981.

Alex G. Fremling,
Acting Assistant Secretary for Environment.

[FR Doc. 81–6031 Filed 2–23–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

Civil Uses of Atomic Energy; Proposed Subsequent Arrangement Between U.S. and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the sale of 60 grams of uranium hexaflouride containing 0.519% U–235, 60 grams of uranium hexaflouride containing 0.665% U–235, and 60 grams of uranium hexaflouride containing 0.994% U–235, to be used as standard samples in the research and development of ultra-centrifuge for uranium enrichment at the Tokai Laboratory, Tokai-Mura, Japan.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S–JA–291 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.
Dated: February 18, 1981.

Harold D. Bengelsdorf,
Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–6104 Filed 2–23–81; 8:45 am]

BILLING CODE 6450–01–M

V 46 / 36 FEB 24 81 UMI

Economic Regulatory Administration

[ERA Case No. 52416-9185-21, 22-22; Docket No. ERA-FC-80-031]

Puget Sound Power & Light Co.; Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting public hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it will hold a public hearing concerning Puget Sound Power & light Company's (Puget Sound) petitions for permanent peakload powerplant exemptions from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act). The date, time and address of the hearing will be announced in the Federal Register at a later time.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110 Washington, D.C. 20461 (202) 653-4055

Kathleen J. Ewing, FUA Public Hearings Staff, Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3009 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4258

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-178, Washington, D.C. 20585 (202) 252-2967

SUPPLEMENTARY INFORMATION: On August 5, 1980, Puget Sound petitioned ERA for two permanent peakload powerplant exemptions from the prohibitions of FUA.

Puget Sound plans to install two 81,000 KW natural gas/oil-fired combustion turbine units to be known as Frederickson Generating Station unit Nos. 1 and 2, and certifies that each of these units will be operated solely as peakload powerplants to meet peakload requirements for the life of the plants.

ERA accepted the petitons on October 2, 1980, and published notice of its acceptance in the Federal Register on October 9, 1980 (45 FR 67126). Publication of the Notice of Acceptance commenced a 45-day comment period, during which interested persons were afforded an opportunity to file comments and to request a public hearing on the petitions. The comment period ended November 24, 1980. Comments on Puget Sound's petitions were received from: (1) the Washington Utilities and Transportation Commission; (2) J. Nichol Roehr M.D., of Heath-Arnold Radiologists, Inc., P.S.; (3) the Oil Heat Institute of Washington (OHI-W); (4) the Boeing Company; and (5) Georgia-Pacific Corporation, Bellingham Division. OHI-W also requested that a public hearing on the petitions be held in Seattle, Washington.

ERA published a Notice of Availability of Tentative Staff Analysis in the Federal Register on January 26, 1981 (45 FR 8077).

The Tentative Staff Analysis recommends that ERA issue an order granting Puget Sound's the permanent peakload powerplant exemptions for the Frederickson Units. A copy of this Tentative Staff Analysis is available from the Office of Public Information at the address listed above.

Following the publication of the Notice of Availability of the Tentative Staff Analysis, ERA received a renewed request for a public hearing from the OHI-W. ERA has determined to grant this request, and has appointed Lawrence A. Gollomp, Esq., Acting Assistant General Counsel for Regulatory Interventions, as the Presiding Officer in the proceeding.

At the public hearing, ERA will provide interested persons an opportunity to present oral or written data, views and arguments on the petitions for exemption. In additon, in accordance with 10 CFR § 401.34(f), interested persons will be given an opportunity to question (1) other interested persons who make oral presentations, (2) employees and contractors of the United States who have made written or oral presentations or who have participated in the consideration of the Puget Sound petitions, and (3) experts and consultants who have provided information to any person who makes an oral presentation and which is contained in or referred to in such presentation.

Persons who wish to participate in the hearing or who wish to be included on the service list, must submit their names to the Presiding Officer, c/o FUA Public Hearing Staff, Economic Regulatory Administration, Case Control Unit (FUA), Box 4629, Room 3009, 2000 M Street, N.W., Washington, D.C. 20461 by March 7, 1981. In accordance with the provisions of 10 CFR §§ 501.33 and 501.34, that request shall include (1) a description of that party's interest in the issue or issues involved in the proceeding and (2) an outline of the anticipated content of the presentation, identifying any witnesses that are intended to be called at the hearing, a summary of their anticipated testimony and/or questions to be asked and a list of exhibits to be presented and a list of government and/or utility personnel which the parties wish to examine. The date, time and place of the hearing will be announced in the Federal Register following the establishment of the service list.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

February 17, 1981.

[FR Doc. 81-6050 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 3630-000 and 3670-000]

City of Bellevue and Mitchell Energy Co., Inc., Applications for Preliminary Permits

Feburary 19, 1981.

Take notice that City of Bellevue (CB) and Mitchell Energy Company Inc. (MEC), (Applicants) filed on October 31, 1980, and November 4, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3630 and 3670, respectively, to be known as Mississippi Lock and Dam No. 12 Located on the Mississippi River in Jackson County, Iowa. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. David Heiar, city Administrator, City of Bellevue, Bellevue, Iowa 52031, and Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116, respectively. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize an existing dam and reservoir owned by the U.S. Army Corps of Engineers, and the projects facilities would be located mostly on U.S. lands.

The proposed (CB) Project No. 3630 would consist of: (1) a proposed powerhouse, located on top of the existing dam or at the east end of the dam, with generating units having a total maximum installed capacity of 19,250 kW; (2) proposed transmission lines; and (3) appurtenant facilities. The estimated maximum annual energy output would be 77,291,500 kWh.

The proposed (MEC) Project No. 3670 would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, with generating units having a total installed capacity of 14,000 kW; (2) proposed transmission lines; and (3) appurtenant facilities. The estimated average annual energy output would be 72,000,000 kWh.

Purpose of Projects—Energy produced by the City of Bellevue Project No. 3630 would be used to replace the fuel oil used by the City.

Energy produced by Mitchell Energy Company, Inc., Project No. 3670 would be sold to Iowa Power and Light Company.

Proposed Scope and Cost of Studies under Permit—The City of Bellevue seeks issuance of a preliminary permit for a period of 36 months. Mitchell Energy Company, Inc. seeks issuance of a preliminary permit for a period of 24 months. Each Applicant, during the time period specified, would determine the economic feasibility of his project, consult with Federal, State, and local government agencies concerning the potential environmental effects of his project and prepare an application for FERC license, including an environmental report. Each Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing appliation must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3630 and 3670. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by the providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice:

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6052 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4027 and 4048]

Central Maine Power Co. et al.; Applications for Preliminary Permit

February 19, 1981.

Take notice that Central Maine Power Company and Union Water Power Company (CMP) filed on January 16, 1981, an application for preliminary permit [persuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4027 to be known as the Middle Project located on the Lower and Upper Richardson Lakes in Oxford County, Maine. An application was also filed on January 22, 1981 by New England Hydro (New England) for the Middle Project No. 4048 at the same exact location. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Jon S. Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04336 and Mr. Andre Jaeger, 3 Great Pasture Road, West Redding, Connecticut 06896. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project No. 4027 would consist of: (1) an existing 255-foot long, 26.5-foot high, rock-filled crib dam with a 300-foot long earthen wing dike extending from the south abutment and a 100-foot long earthen wing dike extending from the north abutment; (2) Richardson Lakes with a surface area of 7,470 acres and a storage capacity of 130,738 acre-feet; (3) a new powerhouse located immediately below the dam with a single turbine-generator with a total rated capacity of 1.5 MW; (4) a transmission line; and (5) appurtenant facilities. CMP estimates that the average annual energy output would be 7,780,000 Kwh. CMP owns the dam and flowage rights at this project.

The proposed project No. 4048 would utilize the same existing dam and reservoir and would include a new powerhouse also located immediately below the dam containing turbine-generators with a total rated capacity of 5 MW. New England estimates that the averge annual energy output would be 27,700,000 Kwh.

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Purpose of Project—Energy produced at Project No. 4027 would be utilized by Central Maine Power Company for distribution to its customers. Energy produced at Project No. 4048 by New England would be sold to Central Maine Power Company.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environment assessment. Based on results of these studies, Applicants would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. CMP estimates that the work to be performed under this preliminary permit would cost $100,000. New England estimates that the work to be performed under the preliminary permit would be $48,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, give the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the Title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", as applicable. Any of these filings must also state that it is made in response to this notice of applications for preliminary permit for Project No. 4027 and 4048. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6081 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3762-000 and 3958-000]

Continental Hydro Corp. and Enagenics; Applications for Preliminary Permit

February 19, 1981.

Take notice that Continental Hydro Corporation (CHC) and Enagenics (Applicants) filed on November 19, 1980 and January 12, 1981, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 3762 and 3958 to be known as Green River Lock and Dam No. 3 Project located at the U.S. Army Corps of Engineers' Lock and Dam No. 3, a flood control project, on the Green River in Ohio and Muhlenberg Counties near Evansville and Skilesville, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with CHC should be directed to: Mr. A. Gail Staker, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with Enagenics should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects of CHC and Enagenics would both consist of: (1) a proposed power house located on the western bank of the river; (2) proposed transmission lines; and (3) appurtenant facilities. CHC estimates the capacity of their project to be between 9.5 MW and 12.9 MW, and the annual energy output to be 37.2 GWh. Enagenics estimates the capacity of their project to be 23.2 MW, and the annual energy output to be 44.8 GWh.

Purpose of Project—CHC would sell its energy to the Tennessee Valley Authority. Enagenics would sell its energy to the Big River Corp. and Kentucky Utilities Company.

Proposed Scope and Cost of Studies under Permit—Both Applicants have requested 36-month permits to prepare definitive project reports, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The costs of the aforementioned activities along with obtaining the agreements with other Federal, State, and local agencies are estimated to be $63,000 for Project No. 3762 while Project No. 3958 would cost $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, and market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Both applications were filed as competing applications to Eastern States Energy & Resources, Inc., Project No. 3419 on Green River Lock and Dam No. 3 in Evansville and Drakesboro, Kentucky, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the a proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 20, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3762 and 3958. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 625 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6083 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3815-000, 3816-000, 3817-000, 3818-000, and 3819-000]

Enagenics; Applications for Preliminary Permits

February 19, 1981.

Take notice that five applications were filed for preliminary permits on December 3, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)–825 (r) by ENAGENICS (Applicant) for the projects described below. Correspondence with the Applicant on these projects should be addressed to: Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

South Canal Station 106 + 65 Project No. 3815, South Canal Station 19 + 50 Project No. 3817, and South Canal Station 161 + 10 Project No. 3818 would be located on the South Canal at the indicated station numbers in Montrose County, near Montrose, Colorado.

Southside Canal Station 171 + 90 Project No. 3816 would be located on the Southside Canal at Station Number 171 + 90 in Mesa County, near Mesa, Colorado.

Mt. Elbert conduit Project No. 3819 would be located at about Station Number 8 + 00 on the Mt. Elbert Conduit in Lake County, near Malta, Colordo.

Project Description—Project No. 3815 would utilize the Water and Power Resources Service's (WPRS) South Canal and would consist of: (1) a radial gate-check structure; (2) a gated intake structure and trash racks; (3) an 8-foot diameter penstock, 580 feet long; (4) a powerhouse with an installed capacity of 2,100 kW; (5) a tailrace; (6) a transmission line approximately 6.5 miles long; and (7) other appurtenances. Applicant estimates the annual generation would average about 10,700,000 kWh.

Project No. 3816 would utilize the WPRS Southside Canal and would consist of: (1) a gated intake structure with trash racks; (2) a 4-foot diameter penstock, 1,000 feet long; (3) a powerhouse with an installed capacity of 2,400 kW; (4) a tailrace; (5) a transmission line about 2 miles long; and (6) other appurtenances. Applicant estimates the annual generation would average about 6,800,000 kWh.

Project No. 3817 would utilize the WPRS South Canal and would consist of: (1) a radial gate check structure; (2) a gated intake structure and trash racks; (3) a 10-foot diameter penstock, 1,575 feet long; (4) a powerhouse with an installed capacity of 3,300 kW; (5) a tailrace; (6) a transmission line about 6.5 miles long; and (7) other appurtenances. Applicant estimates the annual generation would average about 16,900,000 kWh.

Project No. 3818 would utilize the WPRS South Canal and would consist of: (1) a radial gate check structure; (2) a gated intake structure and trash racks; (3) an 8-foot diameter penstock, 2,750 feet long; (4) a powerhouse with an installed capacity of 2,500 kW; (5) a tailrace; (6) a transmission line about 6.5 miles long; and (7) other appurtenances. Applicant estimates the annual generation would average 14,400,000 kWh.

Project No. 3819 would utilize the WPRS Mt. Elbert Conduit and would consist of: (1) a bifurcation installed in the conduit upstream from valve structure No. 1 with a slide gate control in the power penstock side of the bifurcation; (2) a 57-inch diameter penstock, 600 feet long; (3) a powerhouse with an installed capacity of 1,900 kW; (4) a tailrace; (5) a transmission line about 2 miles long; and (6) other appurtenances. Applicant estimates the annual generation would average about 12,000,000 kWh.

Purposes of Projects—Project energy from projects Nos. 3815, 3816, 3817, and 3818 would be sold to the Colorado-Ute Electric Association. Project energy from Project No. 3819 would be sold to the Public Service Company of Colorado and the Western Area Power Administration.

Proposed Scope and Cost of Studies under the Permits—Applicant seeks issuance of five preliminary permits, each for a period of three years, during which time it would perform for each proposed project, data collection, site reconnaissance, hydrological studies, preliminary design and economic feasibility studies, and, as appropriate, prepare applications for FERC licenses, including environmental reports. Applicant estimates the cost of feasibility studies under each permit would be $40,000, $35,000, $45,000,

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$45,000, and $33,000, for Projects Nos. 3815, 3816, 3817, 3818, and 3819, respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permits. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3815, 3816, 3817, 3818, or 3819, as applicable. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6004 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2981-000]

Enagenics; Application for Preliminary Permit

February 19, 1981.

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3981 to be known as the Caballo Project located on the Rio Grande near the town of Caballo in Sierra County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Services' Caballo Dam and would consist of: (1) a 12-foot diameter steel tunnel liner inside the existing 14-foot diameter outlet conduit; (2) a bifurcation and gate control house at the existing tunnel outlet portal; (3) a hollow cone valve at the end of the bifurcation leg to the existing outlet works; (4) a 50-foot long 11.5-foot diameter penstock; (5) a powerhouse located along the right (west) side of the existing outlet works containing a generating unit having a rated capacity of 5,300-kW; (6) a tailrace; and (7) appurtenant facilities. Project energy would be transmitted over existing 115-kV transmission lines owned by Western Area Power Administration. The nearest interconnection is within about a mile of the dam.

The Applicant estimates that the average annual energy output would be 16,100,000 kWh.

Purpose of Project—Project energy would be sold to the Western Area Power Administration, public institutions or industrial users.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, economic and environmental aspects of the project, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Sequoia Energy Corporation Project No. 3663 filed on November 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3981. Any comments protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 400 First Street, N.W., Room 208 RB, Washington, D.C., 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6006 Filed 2-23-81; 8:45 am]

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[Project Nos. 3952-000 and 4031-000]

Enagenics and City of Peru, Illinois; Application for Preliminary Permit

February 19, 1981.

Take notice that both Enagenics and the City of Peru, Illinois (Applicants) filed on January 9, 1981, and January 19, 1981, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Projects Nos. 3952 and 4031, respectively, both to be known as Starved Rock Lock and Dam located on the Illinois River in LaSalle County, Illinois. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Thomas H. Clarke, Jr., President of Enagenics, 1727 Q Street N.W., Washington, D.C. 20009, and Mayor Donald L. Baker, City of Peru, P.O. Box 299, Peru, Illinois, 61354. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize the existing U.S. Army Corps of Engineers' Starved Rock Lock and Dam. Enagenics' proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 8.0 MW; and (2) appurtenant facilities. The City of Peru's proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 9.0 MW; and (2) appurtenant facilities.

Enagenics and the City of Peru estimate that the average annual energy generation will be 58 GWh and 57.7 GWh, respectively.

Purpose of Project—Enagenics proposes to sell the energy output generated to either Peru Light Department, Central Illinois Light Company or Commonwealth Edison. The City of Peru proposes to sell the energy output to the Illinois Power Company.

Proposed Scope and Cost of Studies Under Permit—Enagenics and the City of Peru, Illinois seek issuance of a mutually exclusive preliminary permit for periods of 36 to 18 months, respectively. During this period the Applicants would accomplish hydrological, engineering, environmental, and economic feasibility studies of the project. Enagenics and the City of Peru both estimate that the cost of studies under the permit would approximate $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of these applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as describe in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to the Starved Rock Lock and Dam Project No. 3568 filed on October 14, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION",

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"PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to these notice of applications for preliminary permit for Projects Nos. 3952 and 4031. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6066 Filed 2-23-81; 8:45 am]

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[Project No. 3909-000]

Idaho Renewable Resources, Inc., and City of Ashton, Idaho; Application for Preliminary Permit

February 19, 1981.

Take notice that Idaho Renewable Resources, Inc. and City of Ashton, Idaho (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3909 to be known as the Mackay Dam Project located on Big Lost River in Custer County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jay R. Bingham, President, Idaho, Renewable Resources, Inc., P.O. Box 22208, Salt Lake City, Utah 84122. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3.4 mile flume installed on the south side of the existing dam; (2) an 8-foot diameter penstock; (3) a 1.35 mile, 4-kV transmission line; and (4) a powerhouse which will house two synchronous generators each having a rated capacity of 3,000 kV and two Francis Turbines each having a rated capacity of 4,000 horsepower. The Applicant estimates that the average annual energy output would be 28.8 GWh.

Purpose of Project—The total output generated by the project is to be sold to Idaho Power Company or the Falls River Cooperative.

Proposed Scope and Cost of Studies Under Permit—(1) Prepare engineering designs and estimates of cost for constructing and operating the project; (2) environmental assessment of effects the proposed project might have on the natural resources; (3) develop a plan to insure safety to personnel, animal and livestock along flume of penstock intake and tailrace; and (4) agreement made with Big Lost River Irrigation District as to the use of water for power generation. The estimated cost of this study is $105,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3909. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6067 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3711-000 and 3811-000]

Mitchell Energy Company, Inc. and Enagenics; Applications for Preliminary Permit

February 19, 1981.

Take notice that the Mitchell Energy Company, Inc. and ENAGENICES (Applicants), filed on November 10, 1980, and December 3, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed hydroelectric projects, each to be known as the Pueblo Dam Project, FERC Projects Nos. 3711 and 3811, respectively, located on the Arkansas River in Pueblo County, Colorado. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116, for Project No. 3711, and Mr. Thomas H. Clarke, Jr., Enagenices, 1727 Q Street, NW., Washington, D.C. 20009, for Project No. 3811. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The projects proposed by the Applicants would each utilize the United States Water and Power Resources Services' Pueblo Dam and would consist of: (1) a new powerhouse with an installed capacity of about 12.3 MW utilizing the existing diversion and bypass conduits as the power conduit (penstock); and (2) other appurtenances. The Applicant estimates that the average annual energy output would be 37.2 GWh based on an available head of 93 feet.

Purpose of Projects—Project energy of Project No. 3711 would be sold to the Public Service Company of Colorado, and energy produced at Project No. 3811 would be sold to the Southern Colorado Power Company or other public or private utilities.

Proposed Scope and Costs of Studies under Permit—Each applicant seeks issuance of a preliminary permit for a period of 24 months, during which time each would perform hydraulic, construction planning, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for a FERC license. Applicants estimate cost of studies under each permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for a preliminary permit. (A copy of each of the applications may be obtained directly from the respective Applicants). Comments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commisson's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of applications for preliminary permit for Project No. 3711 and Project No. 3811. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6068 Filed 2-23-81; 8:45 am]

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[Project No. 3936-000]

Western Water Power, Inc.; Application for Preliminary Permit

February 19, 1981.

Take notice that Western Water Power, Inc. (Applicant) filed on January 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3936 to be known as Stampede Power Project located at the Department of the Interior, Water and Power Resources Service's (WPRS) Stampede Dam on Little Truckeee River in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Timothy M. Ainslie, President, Western Water Power, Inc., 4384 Bechelli Lane, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 54-inch diameter, 70-foot long penstock connecting the existing outlet of the WPRS' Stampede Reservoir with; (2) a powerhouse containing a single generating unit with a rated capacity of 1,600 kW; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 13.2 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility in the Northern California Area.

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Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $125,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Stampede Hydroelectric Project No. 3727 at WPRS's Stampede Dam on Little Truckee River in Sierra County, California, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before March 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3936. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secetary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6089 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-44-000]

Adams Oil Company, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

February 19, 1981.

Take notice that Adams Oil Company, Inc. on February 6, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before March 6, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before March 6, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6088 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3626-000]

The American Hydro Power Co.; Application for Preliminary Permit

February 18, 1981.

Take notice that The American Hydro Power Company (Applicant) filed on October 30, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3626 to be known as the Loyalhanna Project located on Loyalhanna Creek in Westmoreland County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, The American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Corps of Engineers' Loyalhanna Dam and generator house and would consist of: (1) a new steel penstock; (2) units capable of generating 1,920 kW; (3) a 2.8-mile long transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6,055,000 kWh.

Purpose of Project—It is anticipated that all power would be sold to the Pennsylvania Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be between $100,000 and $120,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Hydrocorporation of Pennsylvania's application for Project No. 3308 filed on September 5, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be recieved on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3626. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6144 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3644-000]

Atlantic Power Development Corp.; Application for Preliminary Permit

February 18, 1980.

Take notice that Atlantic Power Development Corporation (Applicant) filed on December 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3844 to be known as the Jackson Project located on the Occoquan River in Prince William County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas F. Nolan IV, 401 C Street, N.E., Washington, D.C. 20002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project description—The proposed run-of-the-river project would redevelop the existing deactivated Prince William County owned facility and would consist of: (1) a 22-foot high and 285-foot long concrete gravity-type dam having spillway crest elevation 150 feet m.s.l.; (2) a reservoir having a surface area of 150 acres and a storage capacity of 2,200 acre-feet at pool elevation 150 feet m.s.l.; (3) a powerhouse located on the dam's left (north) side containing two generating units having a total rated capacity of 450-kW; (4) a one-half-mile long transmission line; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1,577,000 kWh.

Purpose of Project—Project energy would be sold to the local electric public utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform a technical feasibility study, an economic feasibility study, an environmental impact study, and develop data and drawings for inclusion in an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $64,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit

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comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in ths notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the Title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of applications for preliminary permit for Project No. 3844. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6145 Filed 2-23-81; 8:25 am]

BILLING CODE 6450-85-M

[Project No. 2880]

Broad River Electric Cooperative; Application for License (Major)

February 19, 1981.

Take notice that the Broad River Elecric Cooperative (Applicant) filed on July 17, 1980, an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the Cherokee Falls Project No. 2880 located on the Broad River in Cherokee County, South Carolina. Correspondence with the Applicant should be directed to: Mr. R. C. Carroll, General Manager, Broad River Electric Cooperative, P.O. Box 790, Gaffney, South Carolina 29340.

Project Description—The Cherokee Dam Project would consist of: (1) an existing reservoir with a storage capacity of 140 acre-feet at normal power pool elevation of 535.5 feet m.s.l.; (2) an existing granite stone dam approximately 10 feet high and 1,640 feet long; (3) a proposed powerhouse with two generating units, rated at 2050 kW and 1450 kW respectively, for a total installed capacity of 3,500 kW; (4) a proposed 44 kV transmission line; and (5) appurtenant facilities. The estimated average annual output of the proposed project would be 23,650,000 MWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6085 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3608-000]

Byllesby Development Ltd.; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that Byllesby Development Ltd. (Applicant) filed on October 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3608 to be known as the Byllesby Dam located on the Cannon River in Dakota and Goodhue Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kenneth Lever, 6566 France Avenue South, Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing reservoir with a storage capacity of 24,000 acre-feet at a power pool elevation of 862.7 feet m.s.l.; (2) an existing dam consisting of a north and south section. The north section has a height varying from approximately 27 feet to 46 feet and a length of approximately 210 feet. The south section has a height varying from approximately 26 feet to 66 feet and a length of approximately 452 feet; (3) an existing powerhouse, located between the north and south sections of the dam, with proposed new generating units having a total installed capacity of 2,000 kW. (4) proposed transmission lines; and (5) appurtenant facilities. The dam, reservoir, and some of the property within the project boundary are owned by Dakota and Goodhue Counties.

The Applicant estimates that the average annual energy output would be 6,500,000 kWh.

Purpose of Project—The power produced at the project would be sold to the Northern States Power Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made of the engineering, economic, and environmental feasibility of the project. In addition, ground surveys, soil borings, and concrete coring of the existing dam and powerhouse would be performed, along with preparing preliminary and final designs of the project. The Applicant estimates the cost of the proposed studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3608. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6110 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4022 and 4047]

Central Maine Power Co., et al.; Competing Applications for Preliminary Permit

February 18, 1981.

Take notice that Central Maine Power Company and Union Water Power Company (CMP) filed on January 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4022 to be known as Upper Project located on Mooselookmeguntic Lake in Oxford and Franklin Counties, Maine. An application was also filed on January 22, 1981, by New England Hydro (New England) for the Upper Project No. 4047 at the same exact location. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Jon S. Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04338 and Mr. Andre Jaeger, 3 Great Pasture Road, West Redding, Connecticut 06896. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project No. 4022 would consist of (1) an existing 200-foot long, 28.5-foot high rock-filled crib dam; (2) Mooselookmeguntic Lake with a surface area of 15,741 acres and a storage capacity of 192,039 acre-feet; (3) a new powerhouse with a single turbine-generator with a rated capacity of 1.5 MW; (4) a transmission line and; (5) appurtenant facilities. CMP estimates that the average annual energy output would be 7,000,000 kWh. CMP owns the dam and flowage rights.

The proposed Project No. 4047 would utilize the same existing dam and reservoir and would include a new powerhouse also located immediately below the dam containing three turbine-generators with a total rated capacity of 4.8 MW.

New England estimates that the average annual energy output would be 9,847,000 kWh.

Purpose of Project— Energy produced at Project No. 4022 would be utilized by Central Maine Power Company for distribution to its customers. Energy produced at Project No. 4047 by New England would be sold to Central Maine Power Company.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would

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include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicants would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. CMP estimates that the work to be performed under this preliminary permit would cost $100,000. New England estimates that the work to be performed under this preliminary permit would be $48,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of these applications may be obtained directly for the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as describe in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 4022 and 4047. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6164 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3751-000]

City of Guttenberg; Application for Preliminary Permit

February 19, 1981.

Take notice that the City of Guttenberg (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3751 to be known as Mississippi River Lock and Dam No. 10 located at the U.S. Army Corps of Engineers' Mississippi River Lock and Dam No. 10, a navigation project, on the Mississippi River near Guttenberg, in Clayton County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas LeBak, City Manager, City of Guttenberg, Iowa 52052. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' lock and dam. Project No. 3751 would consist of: (1) a proposed powerhouse; (2) a proposed transmission line interconnected at the line side of a substation owned by Interstate Power Company; (3) proposed generating units with a total estimated installed capacity of 8.2 MW; and (4) appurtenant facilities. The applicant estimates that the average annual energy output would be 33,600,000 kWh.

Purpose of Project—Energy produced by the proposed project would be used by the City of Guttenberg and the Interstate Power Company of Dubuque, Iowa.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a twelve month permit to prepare a definite project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies and soil/and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3751. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6088 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3876-000]

City of South Bend, Indiana; Notice of Application for Preliminary Permit

February 18, 1981.

Take notice that the City of South Bend, Indiana (Applicant) filed on December 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3876 to be known as South Bend Water Power Project located at the Indiana and Michigan Electric Company dam on the St. Joseph River in St. Joseph County, South Bend, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Steven F. Crompton, Division of Community Development, 1440 County-City Building, South Bend, Indiana. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an Indiana and Michigan Electric Company dam. Project No. 3876 would consist of (1) an existing elbow-shaped timber crib with concrete cap dam and overflow weir with a total length of approximately 435 feet and height of approximately 12 feet. (2) an existing reservoir of approximately 4.25 miles in length with a storage area of 160 acres and a storage capacity of 1,100 acre-feet at pool elevation of 679.0 feet m.s.l.; (3) a proposed powerhouse with a generating capacity of 2400 kW; (4) a proposed penstock; (5) proposed transmission lines; and (5) appurtenant facilities. The proposed project does not affect any Federal lands. The Applicant estimates that the average annual output would be 21,00,000 kWh.

Purpose of Project—The Applicant proposes to sell the generated output of energy to Indiana and Michigan Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the legal ownership of lands, engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determind, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.00

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, and market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 1, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the a proceeding. To become a party, or to participate in any hearing, a

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person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be recieved on or before April 1, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3876. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, on petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6128 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-58-000]

City of Tallahassee, Florida; Notice of Application for Exemption

February 19, 1981.

Take notice that the City of Tallahassee on February 2, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file, on or before June 30, 1982, information on the costs of providing electric service as specified in Sections 290.403 through 290.406 requiring reporting of load data for certain customer groups.

In its application for exemption, the City of Tallahassee states that it should not be required to file the specified data by June 1982 for the following reasons:

The City of Tallahassee is one of the smaller municipal utilities covered by the Public Utility Regulatory Policies Act of 1978 (PURPA) and as such has extremely limited resources financially and in terms of personnel for compliance with the regulations. While the utility intends to comply with PURPA Section 133 regulations, the utility finds it desirable to comply in the most efficient manner possible.

The City of Tallahassee presently intends to install a two way power line communications system to collect load research data required by Section 290.403 through 290.406 because it is comparable in capital cost to more conventional alternatives for data collection, and also gives capabilities for load management and distribution automation functions. This will also enable the City of Tallahassee to comply with the requirements of the Florida Energy Efficiency and Conservation Act.

The City of Tallahassee plans to issue a request for proposals for such a system within the next four months. The utility does not expect that such a system could be operational until the last quarter of 1981. It will thus be impossible to collect and process an entire year of load research data by major customer class of the June 1982 filing.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on the City of Tallahassee, Attention: A. K. Sharma, System Planning Engineer, Electric Department, City Hall, Tallahassee, Florida 32301.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6111 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-174-000]

Colorado Interstate Gas Co.; Notice of Application

February 19, 1981

Take notice that on February 3, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-174-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas to Trans Louisiana Gas Company (Trans La), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas sales agreement with Central Louisiana Electric Company, Inc. (CLECO) dated November 19, 1980. It is further asserted that as of December 1, 1980, CLECO transferred its gas properties to Trans La.

Applicant herein requests authorization for the limited-term sale of up to 150,000 Mcf of surplus natural gas per day to Trans La. Applicant states that such sale would be made from its system supply at a sale price per Mcf equal to the effective Rate Schedule EX-1 rate in Applicant's FERC Gas Tariff, Original Volume No. 1, which rate is subject to change. It is asserted the rate is presently 303.31 cents per Mcf.

Applicant anticipates that gas currently considered surplus would be required to serve existing customers in the future, therefore, it requests authorization to make the subject sale to Trans La for a limited three year term to commence approximately May 1, 1981.

Applicant states it would sell gas to Trans La on a best-efforts basis subject to Applicant's storage and existing customer requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6112 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER76-320]

Connecticut Light and Power Co.; Filing

February 19, 1981.

The filing company submits the following:

Take notice that on January 21, 1981, Connecticut Light and Power Company (CL&P) submitted for filing a revised summary cost of service and revised tariff sheets for CL&P's R-3 rate. Said filings are being made pursuant to the Commission's order in Opinion No. 103, issued in the above-referenced proceeding.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 16, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6099 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2338]

Consolidated Edison Company of New York, Inc.; Application for Surrender of Major License

February 19, 1981.

Take notice that an application was filed on January 14, 1981, under the Federal Power Act, 16 U.S.C. § 791(a)—825(r), by the Consolidated Edison Company of New York, Inc., for surrender of major license for the Cornwall Project. The proposed project is located on the Hudson River in Orange County Ney York. Except for some minor preliminary clearing, grading and excavation, no construction work at the project was ever performed.

A copy of the application is available for inspection at the FERC's offices at 825 North Capitol Street, Washington, D.C., and at 26 Federal Plaza, Room 2207, New York, New York. Correspondence with the Applicant on this matter should be directed to: Garrett E. Austin, Assistant General Counsel, Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York 10003.

Project Description—As licensed, the proposed Cornwall Project would consist of: (1) an upper reservoir; (2) a tunnel leading from the reservoir to a pumping-generating station at the riverside; (3) a 2000-MW pumping-generating station; (4) primary transmission lines and sub-stations; and (5) recreational facilities.

The Applicant proposes to surrender its license for the Cornwall Project, as part of a settlement agreement it has reached with the EPA and other parties involving the need for the construction of cooling towers at power plants along the Hudson River. It further proposes to convey the land it acquired in connection with that project to the Palisades Interstate Park Commission as a donation and for use exclusively as a public park. Certain parcels may be conveyed to the Village of Cornwall for like purposes.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6087 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3642-000]

Continental Hydro Corp.; Application for Preliminary Permit

February 18, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on November 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3642 to be known as Grey Reef Dam located at the Water and Power Resources Service Gray Reef Dam on the North Platte River in the County of Natrona, Alcova, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, MA 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing Water and Power Resources Service dam. Project No. 3642 would consist of: (1) a proposed 12-foot diameter siphon approximately 300 feet long which will run from the reservoir over the crest of the dam and to the powerhouse; (2) a proposed powerhouse containing three to five generating units to be located on the eastern side of the stilling basin with an approximate capacity of 10 MW; and (3) appurtenant facilities.

The proposed project is located on Federal land.

The Applicant estimates that the average annual energy output would be 30,000,000 kWh.

Purpose of Project—The Applicant proposes to sell the output of energy generated to the Water and Power Resources Service.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. Within the 36 months time frame the Applicant proposes to conduct data aquisition and analysis, technical studies, potential energy production and capacity evaluations, project layout and design, construction options, environmental,

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recreational, and economic examinations.

The Applicant estmates the cost of the proposed examinations would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about the application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3642 comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6147 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3890-000]

Cook Electric Co.; Application for Preliminary Permit

February 19, 1981.

Take notice that Cook Electric Company (Applicant) filed on December 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3890 to be known as the Agency Valley Project located on the North Fork Malheur River in Malheur County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a penstock installed in the existing outlet tunnel of the Water and Power Resources Service's Agency Valley Dam; (2) a powerhouse with a capacity of 900 kW; and (3) associated electrical equipment. The Applicant estimates that the average annual energy output would be 3,000 MWh.

Purpose of Project—Applicant states that the energy produced by the project would be sold.

Proposed Scope and Cost of Studies under Permit—Applicant states that it would study water flow records, the condition of the outlet tunnel and valves, power transmission plans, environmental impacts, and project costs.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consisent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3445, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3890. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6068 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-158-000]

Delhi Gas Pipeline Corp.; Sugar Bowl Gas Corp.; Petition for Declaratory Order

February 18, 1981.

Take notice that on January 13, 1981, Delhi Gas Pipeline Corporation (Delhi), Fidelity Union Tower, Dallas, Texas 75201, and Sugar Bowl Gas Corporation (Sugar Bowl), 1200 Milam, Suite 3310, Houston, Texas 77001, filed in Docket No. CP81-158-000 a joint petition pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for an order declaring that the transportation of natural gas by an interstate pipeline on behalf of an intrastate pipeline pursuant to Section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) does not render the intrastate pipeline jurisdictional if the natural gas was transported across state lines and subsequently resold, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Delhi, an interstate pipeline company engaged in the transportation and sale of natural gas primarily in Texas and Oklahoma, and Sugar Bowl, an intrastate pipeline company engaged in the transportation and sale of natural gas exclusively in Louisiana, state that they have entered into a letter agreement whereby Delhi would sell any surplus gas it has from time to time in Oklahoma to Sugar Bowl in Louisiana. It is stated that Delhi would construct and operate intrastate pipeline facilities of its own in Louisiana and that it would employ one or more interstate pipeline companies to act as intermediaries on its behalf to move the gas from Delhi's Oklahoma facilities to Delhi in Louisiana by displacement exchange.

It is stated that Delhi would charge Sugar Bowl Delhi's monthly weighted average acquisition cost of the gas purchased on Delhi's Oklahoma systems from which the surplus gas is sold plus a gathering and transportation fee of 29.5 cents per million Btu adjusted periodically and that Sugar Bowl would reimburse Delhi for the actual fee charged Delhi by the interstate pipelines for transportation of the gas from Oklahoma to Louisiana.

Petitioners state that insulating the intrastate pipeline from any jurisdictional consequences would not make the transportation and sale of gas free from any regulatory oversight to the detriment of its customers because transportation on behalf of an intrastate pipeline is subject to Part 284, Subpart B of the Commission's Regulations and Section 311 of the NGPA. Furthermore, it is stated that the Commission would require the notification of the state authorities in Oklahoma of the proposed transaction in order to enable it to monitor the sale and transportation and protect the intrastate customers. Moreover, it is stated that Louisiana, the receiving state, has broad statutory and regulatory powers over the transportation and sale of intrastate gas and the setting of its price. Petitioner therefore requests a declaratory order declaring that the transportation of natural gas by an interstate pipeline on behalf of an intrastate pipeline pursuant to Section 311(a) of the NGPA does not render the intrastate pipeline jurisdictional if the natural gas was transported across state lines and subsequently resold.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6146 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3891-000]

East Fork Irrigation District; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that East Fork Irrigation District (Applicant) filed on December 23, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3891 to be known as East Fork Irrigation District Hydroelectric Project located on East Fork Hood River in Hood River County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ron J. Reinhart, Superintendent, East Fork Irrigation District, P.O. Box 162, Odell, Oregon 97540. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing diversion dam across the East Fork Hood River (to be rehabilitated); (2) the existing 6.7-mile long East Fork Irrigation District Main Canal leading to; (3) the existing 4.8-mile long East Fork Irrigation District Dukes Valley Canal; (4) two proposed one-mile long penstocks carrying water, from points one mile upstream of the end of each canal, to: (5) two proposed

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powerhouses, one at the end of each canal, with total installed capacity of 7.8 MW; and (6) appurtenant facilities. The Applicant estimates that the average annual output would be 38.5 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $79,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 29, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 28, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3891. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6113 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3774-000; Project No. 3836-000]

East Kentucky Power, Mitchell Energy Co., Inc.; Notice of Applications for Preliminary Permits

February 20, 1981.

Take notice that East Kentucky Power (EKP) and Mitchell Energy Company, Inc. (MECI) (Applicants) filed on November 21, 1980 and December 5, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Projects Nos. 3774 and 3836 respectively to be known as the Taylorsville Lock and Dam Project located at the U.S. Army Corps of Engineers' Taylorsville Dam and Lake, a flood control project, on the Salt River in Spencer County, Taylorsville, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with EKP should be directed to: Mr. Richard Breckenkamp, East Kentucky Power Cooperative, Inc., P.O. Box 707, Lexington Road, Winchester, Kentucky 40391. Correspondence with MECI should be directed to: Mr. Michell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Descriptions.—Both of the proposed projects would utilize a U.S. Army Corps of Engineers' Dam. EKP's proposed project would consist of: (1) a proposed reinforced concrete powerhouse containing two units with a total estimated installed capacity of 8 MW; (2) a proposed 1,900-foot long concrete lined power tunnel; (3) a proposed concrete intake; (4) a proposed 2,350-foot long riprap lined tailrace channel to convey water from the proposed powerhouse into the river; (5) a proposed 4 mile transmission line to connect to an existing 69 kV transmission line owned by Kentucky Utilities Company; and (6) appurtenant facilities. All of the proposed structures would be located on the right bank of the river. EKP estimates that the average annual energy output would be 12,000,000 kWh.

MECI's proposed project would consist of: (1) a proposed powerhouse operated as a run-of-river installation, utilizing a head of approximately 55 feet and having a total estimated installed capacity of 17 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed powerhouse will be built just below the existing dam structure. MECI estimates that the total estimated annual energy output is 24,000,000 kWh.

Purpose of Project.—EKP intends to utilize the generated output of energy within his own system. MECI intends to sell the generated output of energy to

Louisville Gas and Electric Company or another local utility.

Proposed Scope and Cost of Studies Under Permit.—The Applicants seek issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. EKP estimates that the cost of the studies would be between $150,000 and $300,000. MECI estimates that the cost of the studies would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3774 and 3836. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6114 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-539-001]

East Tennessee Natural Gas Co.; Notice of Amendment to Application

February 19, 1981.

Take notice that on January 16, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP80-539-001 an amendment to its application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in its list of customers receiving a proposed storage service, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed September 9, 1980, in the instant docket it sought authorization to render storage service to eleven of its customers for the period of August 1, 1980, through April 2, 1981. It is further stated that Applicant received temporary certificate authorization for the proposed service on December 22, 1980. However, it is stated that subsequent to the filing of the pending application one of the customers, Roanoke Gas Company, chose not to contract for any extension of its service. Applicant states that in an October 30, 1980, letter it made the relinquished service available to all of its other customers. Applicant states that the City Fayetteville, the City Lewisburg and United Cities Gas Company chose to increase their participation and that Knoxville Utilities Board and Powell Clinch Utility District were added as new customers. Additionally, it is stated, two customers, Colonial Natural Gas Company and Volunteer Natural Gas Company, merged to form Tennessee-Virginia Energy Corporation.

Applicant herein proposes to amend its customer list to reflect the above described changes. It is stated that the revised list of customers for whom the storage service would be rendered is as follows:

Customer	Volumes	
	Original	Revised
Chattanooga Gas Co	200,000	200,000
Colonial Natural Gas Co	100,000	0
City of Fayetteville	3,000	5,000
City of Lewisburg	3,000	6,000
City of Loudon	2,000	2,000
Hawkins County	5,000	5,000
Roanoke Gas Co	100,000	0
Sevier County	12,000	12,000
City of Sweetwater	4,000	4,000
United Cities Gas Co	50,000	85,000
Volunteer Natural Gas Co	21,000	0
Powell Clinch Utility District	0	10,000
Knoxville Utilities Board	0	50,000
Tenn-Virginia Energy Corp	0	121,000
Total	500,000	500,000

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the

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Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6115 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3990-000]

Enagenics; Application for Preliminary Permit

February 18, 1981.

Take notice that ENAGENICS (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3990 to be known as Paint Creek Dam Hydroelectric Project located on Paint Creek in Highland County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Paint Creek Dam and would consist of: (1) a powerhouse containing a single generating unit with a rated capacity of 6.0 MW; (2) existing transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 11.3 GWh.

Purpose of Project—The energy generated by the proposed project would be sold to either the Columbus and Southern Electric Company or other local public or industrial users.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the cost of the work to be performed under the preliminary permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3681 filed on November 5, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before February 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3990. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6100 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3975-000]

Enagenics; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that ENAGENICS (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3975 to be known as Deschutes Main Canal, Mile 45 Hydroelectric Project located on the U.S. Department of the Interior, Water and Power Resources Service's (WPRS) North Unit Main Canal in Jefferson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1725 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a gated intake structure within the North Unit Canal at Station 2376+70; (2) a 1,550-foot long, 80-inch diameter penstock leading to; (c) a powerhouse on the canal containing a single generating unit with a rated capacity of 4,000 kW; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 12.2 million kWh.

Purpose of Project—Project energy would be sold to the Bonneville Power Administration.

Proposed Scope and Cost of Studies Under Permit—The Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Deschutes Main Canal, Mile 45 Hydroelectric Project No. 3794 on WPRS' North Unit Canal in Jefferson County, Oregon, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3975. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6116 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3962-000]

Enagenics; Notice of Application for Preliminary Project

February 20, 1981.

Take notice that Enagenices—a proprietorship (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3962 to be known as Deschutes Main Canal, Mile 46 Hydroelectric Project located on the U.S. Department of the Interior, Water and Power Resources Service's (WPRS) North Unit Main Canal in Jefferson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a gated intake structure within the North Unit Canal at Station 2481 + 30; (2) a 650-foot long, 84-inch diameter penstock leading to; (3) a powerhouse on the canal containing a single genera-unit with a rated capacity of 3,400 kW; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10.2 million kWh.

Purpose of Project—Project energy would be sold to the Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, containing agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and

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preparing designs is estimated by the Applicant to be $350,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to The Mitchell Energy Company, Inc.'s Project No. 3796, under 18 C.F.R. 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, either April 6, 1981, the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 1981. A notice of intent must conform with the requirements of 18 C.FR. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3962. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6117 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3977-000]

Enagenics; Application for Preliminary Permit

February 18, 1981.

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3977 to be known as Kentucky River Lock and Dam No. 4 to be located at the U.S. Army Corps of Engineers' Kentucky River Lock and Dam No. 4, a navigation and flood control project on the Kentucky River in the city limits of Frankfort, Franklin County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and lock. Project No. 3977 would consist of (1) a proposed powerhouse with 4 generating units having an estimated capacity of 3.7 MW; (2) a proposed transmission line to interconnect with existing 138 kV lines owned by the Kentucky Utilities Company; and (3) appurtenant facilities. The project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 26.3 GWh.

Purpose of Project—Energy produced at the proposed project would be sold to Kentucky Utilities Company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including formulation of the most economical scheme to generate hydroelectrical energy. Studies will include determination of size and configuration of generating equipment, field investigations including ground surveys and soundings, soil borings in areas proximate to the existing dam and concrete borings of the existing dam. The cost of the aforementioned activities with obtaining agreements with Federal, State, and local agencies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Dam Four

Development Ltd. Project No. 3675 filed on November 5, 1980, under 18 CFR 4.33 (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3977. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations, to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6149 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 176-003 and-004]

Escondido Mutual Water Co; Applications for Amendment of License

February 19, 1981.

Take notice that Escondido Mutual Water Company (Applicant) filed on November 17, 1980, applications for amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for the Escondido Project No. 176. The project is located on Escondido Creek in San Diego County, California. Correspondence with the Applicant should be directed to: Mr. Richard S. Harper, Secretary, Escondido Mutual Water Company, 620 North Ash Street, Escondido, California 92027.

Project Description—In the first application, Applicant proposes to reconstruct the Bear Valley Powerhouse which was destroyed by a flood on March 6, 1980. The reconstructed powerhouse would restore the original power generating capacity developed from the incidental release of water from Lake Wohlford to meet consumer water demands. The powerhouse would contain a single 700–kW generating unit with provisions for a second unit.

In the second application, Applicant proposes further to increase the capacity of the Bear Valley Powerhouse by installing a second 700–kW generating unit. The proposed second unit would also generate power from the incidental release of water from Lake Wohlford to meet consumer water demands. The second unit would be connected to a 26-inch diameter penstock [owned by Vista Irrigation District] and would replace an energy dissipator which currently bypases the powerhouse.

Applicant estimates that the average annual energy output of the reconstructed powerhouse would be 4,200 MWh with an additional 1,400 MWh of output with the installation of the second generating unit.

Purpose of Project—Project Power would be sold and distributed to consumers in the San Diego area.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, The Endangered Species Act, the National Historic Preservation Act, The Historical and Archeological Preservation Act, The National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. Agencies may obtain additional information on the proposals from the applicant at the above address. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 of § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 3, 1981. Comments and other filings should identify which application is being addressed and be confined to substantive issues relevant to the amendment of license. A copy of the applications may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have none. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-6080 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-169-000]

Florida Gas Transmission Co., Notice of Application

February 19, 1981.

Take notice that on January 30, 1981, Florida Gas transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81–169–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of a 1,000 horsepower turbine-driven centrifugal compressor from Applicant's Avon Park Lateral to a point on Applicant's Sarasota Lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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Applicant proposes herein to relocate its 1,000 horsepower turbine-driven centrifugal compressor from its present location on Applicant's Avon Park Lateral to Applicant's Sarasota Lateral all in Polk County, Florida. It is stated that due to a loss of load at the present location the compressor is no longer necessary.

Applicant contends that absent the relocation, it would have to loop its existing pipeline with approximately eleven miles of 12-inch pipeline and six miles of 10-inch pipeline to provide efficient and reliable service to its customers served by the Sarasota Lateral.

Applicant states that the estimated relocation costs of $387,100 would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6118 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 3820-000]

General Electric Co.; Notice of Application for Short-Form License (Minor)

February 20, 1981.

Take notice that the General Electric Company (Applicant) filed on December 3, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for construction and operation of a water power project to be known as the Somersworth Project No. 3820. The project would be located on the Salmon Falls River in Strafford County, N.H., and York County, Maine. Correspondence with the Applicant should be directed to: W.B. Lynn, General Manager, General Electric Co., 130 Main Street, Somersworth, N.H. 03878.

Project Description—The proposed project would consist of the following existing works: (1) a stone gravity structure known as the Stone Dam, having a length of 400 feet and a height of 16.5 feet; (2) three intake gates diverting water to (3) a power canal having a length of approximately 1,600 feet and leading to (4) a penstock having a length of approximately 600 feet; (5) a powerhouse to be rehabilitated to contain a new turbine-generator having a total rated capacity of 1,500 kW; and (6) appurtenant works. The estimated average annual generation is 7,009,000 kWh.

Purpose of Project—Project energy would be used by the Applicant for industrial purposes.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Coments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6119 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-14-000]

Huntway Refining Co.; Filing of Petition for Review Under 42 U.S.C. 7194

February 19, 1981.

Take notice that Huntway Refining Company on October 27, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before March 6, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before March 6, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6102 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-27-000]

Iowa Public Service Co.; Application

February 19, 1981.

Take notice that on February 10, 1981, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of (a) up to 300,000 shares of Common Stock (par value $5 per share) in connection with the Company's Dividend Reinvestment and Stock Purchase Plan, as amended and (b) up to 150,000 shares of Common Stock (par value $5 per share) in connection with the operation of the Employees' Stock Ownership Plan of Iowa Public Service Company and Participating Subsidiaries, as amended, and to related Employees' Stock Ownership Trust of Iowa Public Service Company and Participating Subsidiaries, as amended.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6103 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3917-000]

Kansas Electric Power Cooperative, Inc.; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that Kansas Electric Power Cooperative, Inc. (Applicant) filed on December 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. §§ 791(a)–825(r)] for the proposed Kanopolis Dam Project, FERC No. 3917, to be located at the U. S. Army Corps of Engineers' Kanopolis Dam and Reservoir, a flood control project, on the Smoky Hill River near Ellsworth, Ellsworht County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James V. Williamson, R. W. Beck and Associates, 200 Tower Building, 7th Avenue at Olive Way, Seattle, Washington 98101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' Kanopolis dam and reservoir. Project No. 3917 would consist of: (1) a proposed waterway formed by a steel liner installed in the existing outlet works conduit; (2) a proposed wye from the existing conduit at or near the entrance to the stilling basin; (3) a proposed shutoff valve in the branch extending to the stilling basin to permit flood control discharges; (4) a proposed penstock from the wye branch to a minifold; (5) a proposed powerhouse located on the east bank of the river; (6) transmission lines; (7) tailrace channel which would discharge into the existing outlets works channel; and (8) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 4 MW and the annual energy output to be 10.3 GWh.

Purpose of Project—The energy generated by the proposed project will be utilized within KEPCO's system to displace power which would otherwise be purchased from other utilities.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal state and local agencies is estimated to be from $295,000 to $320,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the Market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local ageancies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistant with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Project, Project No. 3397 on the Kanopolis Dam Project in Ellsworth, Kansas, under 18 C.F.R. 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirments of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

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protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 20, 1981

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3917. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6120 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3763-000]

Long Lake Energy Corp.; Application for Preliminary Permit

February 19, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3763 to be known as the Diana Energy Mill located on the Oswegatchie River, West Branch, in Lewis County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston and Mr. Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would redevelop the retired St. Regis Paper Company facility deeded to the Village of Harrisville and would consist of: (1) the existing 33-foot high and 380-foot long concrete gravity dam with an 82-foot long spillway section; (2) a small reservoir having a gross storage capacity of 70 acre-feet at spillway crest elevation 790 U.S.G.S.; (3) the existing outlet and control structures; (4) a 625-foot long 12-foot diameter riveted steel penstock along the right (north) bank, a 200-foot section having been removed; (5) a concrete and stone powerhouse containing a generating unit rated at 800 kW and four mechanical water wheels; (6) a short tailrace; (7) a switchyard; (8) the existing 150-foot long 25.5 kV transmission line; and (9) appurtenant facilities. Applicant would restore the existing facility and redevelop the powerhouse to a possible total installed capacity of 1,300 kW. The Applicant estimates that the average annual energy output would be 5,500,000 kWh.

Purpose of Project—Project Energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, and environmental aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $130,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3763. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6090 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3722-000]

Bruce J. Massey; Application for Preliminary Permit

February 19, 1981.

Take notice that Bruce J. Massey (Applicant) filed on November 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3722 to be known as Massey Hydroelectric Power Plant located on the Lower Little River in Alexander County, Millersville, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bruce J. Massey, Route 1, Box 249, Hiddenite, North Carolina 28636. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete ogee dam, having a length of 210 feet and a height varying from 18 feet to 23 feet; (2) an existing 58 feet long canal; (3) an existing concrete powerhouse straddling the canal and housing one generating unit with an estimated capacity of 129 kW; (4) an existing reservoir with an estimated surface area of 6 acres and a storage capacity of approximately 266 acre-feet at a normal pool elevation of 890 feet m.s.l.; (5) a proposed 7.2 kV transmission line approximately six tenth of a mile long and interconnecting with Crescent Electric Membership Corporation distribution facilities; and (6) appurtenant facilities. The proposed project will not effect lands of the United States. The Applicant estimates that the average annual energy output would be 963,600 kWh.

Purpose of Project—The Applicant intends to sell the output of generated energy to the Crescent Electric Membership Corporation.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a 36 month preliminary permit. Within the 36 months time frame the Applicant intends to conduct several preliminary studies regarding the technical, economic and financial feasibility. Detailed studies will be performed regarding stream flow, cost, availability and design of equipment repairs and replacements. The Applicant estimates the cost of the proposed studies is $5,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3722. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6091 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3931-000]

Milton-Freewater Light & Power and Oregon Public Power Agency; Application for Preliminary Permit

February 17, 1981.

Take notice that Milton-Freewater Light & Power and Oregon Public Power Agency (Applicants) filed on January 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3931 to be known as South Fork Walla Walla River Project located on South Fork Walla Walla River in Umatilla County, Oregon. The application is on file with the Commission and is available for public

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inspection. Correspondence with the Applicants should be directed to: George McRae, Milton-Freewater Light & Power City Hall—Box 6, Milton-Freewater, Oregon 97862. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure; (2) a 53,000-foot long penstock; and (3) a powerhouse with a total installed capacity of 9,300 kW.

The Applicants estimate that the average annual energy output would be 54,600 MWh.

Purpose of Project—Power produced by the project would be used to meet the requirements of Milton-Freewater Light & Power and the other utilities of the Oregon Public Power Agency.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preliminary engineering, and a study of environmental impacts. Based on the results of the work, Applicants would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicants estimate that the cost of the studies would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3931. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6101 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3693-0000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

February 20, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant filed on November 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3693 to be known as Gibson Dam Hydroelectric Project located at the United States Water and Power Resources Service's Gibson Dam on the Sun River in Teton County, Gilman, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a United States Water and Power Resources Service's dam. Project No. 3693 would consist of: (1) a proposed powerhouse located just below the dam on the north bank of the Sun River, and having an estimated generating capacity of 11 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 41,000,000.

Purpose of Project—Applicant plans to sell the generated output of energy to the Montana Power Company or local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period, the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3693. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6104 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-269-000]

Montana Power Co.; Filing

February 19, 1981.

The filing company submits the following:

Take notice that on February 11, 1981, Montana Power Company (MPC) submitted for filing a Summary of Sales, made under MPC's Electric Tariff M-1, for the month of December 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6105 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3770-000]

Mitchell Energy Company, Inc.; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3770 to be known as Menasha Lock and Dam Hydroelectric Project located at the U.S. Army Corps of Engineers' Menasha Lock and Dam on the Fox River, Calumet County, and Winnebago County, Menasha, Wisconsin. The application is on file with the Commission and is available for public inspection Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam. Project No. 3770 would consist of: (1) a proposed powerhouse located just below the existing dam structure and having an estimated generating capacity of approximately 2.2 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 11,000,000, kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Wisconsin Electric Power Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (d) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3770. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant Specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-6121 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3749-000]

Mitchell Energy Co., Inc.; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3749 to be known as Yellowtail Afterbay Dam Hydro-Electric Project located at the Water and Power Resources Service's Yellowtail Afterbay Dam on the Bighorn River in Big Horn County, Fort Smith, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02110. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing Water and Power Resources Service's dam. Project No. 3749 would consist of: (1) a proposed powerhouse to be located just below the existing dam structure, having an estimated generating capacity of 10 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 43,800,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Montana Power Company or other local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period, the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 29, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate

action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 28, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3749. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6122 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3772-000]

Mitchell Energy Co., Inc.; Notice of Application for Preliminary Permit

February 18, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3772 to be known as Little Kaukauna Lock and Dam Hydroelectric Project located at the U.S. Army Corps of of Engineers' Little Kaukauna Lock and Dam on the Fox River in Brown County, Kaukauna, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam. Project No. 3772 would consist of: (1) a proposed powerhouse located just below the existing dam structure and having an estimated generating capacity of approximately 2.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 13,092,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Wisconsin Electric Power Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3772. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

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of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6129 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3771-000]

Mitchell Energy Company, Inc.; Notice of Application for Preliminary Permit

February 18, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No 3771 to be known as DePere Lock and Dam located at the U.S. Army Corps of Engineers' DePere Lock and Dam on the Fox River in Brown County, DePere Wisconsin. The applicatioin is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam. Project No, 3771 would consist of: (1) a proposed powerhouse located just below the existing dam structure and having an estimated generating capacity of approximately 2.7 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 14,422,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Wisconsin Electric Power Company or another local utility.

Proposed Scope and Cost of Studies under permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 22, 1981, either the competing application itself or a notice of initent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3771. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretay.

[FR Doc. 81-6130 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No, 3696-000]

Mitchell Energy Company, Inc.; Notice of Application for Preliminary Permit

February 18, 1981.

Take notice that Mitchell Engegy Company, Inc. (Applicant) filed on November 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3696 to be known as the Caballo Project located on the Rio Grande near the Town of Caballo in Sierra County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Caballo Dam and would consist of: (1) a 12-foot diameter steel liner through the existing 14-foot diameter outlet tunnel; (2) a bifurcation and control house located at the existing tunnel outlet portal; (3) an outlet with an energy dissipator leading to the existing stilling basin: (4) a gated 11.5-foot diameter 50-foot long penstock; (5), a powerhouse located along the right (west) bank containing a generating unit having a rated capacity of 2,752 kW; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 12,620,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Mexico or to another local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, and historic aspects of the profect, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Sequoia Energy Corporation's Project No. 3663 filed on November 4, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before February 27, 1981, either the competing application itself or a notice of intent to file competing application. Submission of a timely notice of intent a allows an interested person to file the competing application no later than April 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protests may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or befo.e March 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3696. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6131 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-180-000]

Montaup Electric Co.; Order Accepting for Filing and Suspending Proposed Rates, Directing Amended Filing, Granting Interventions, and Establishing Procedures

Issued February 17, 1981.

On December 19, 1980, Montaup Electric Company (Montaup) submitted for filing a proposed increase in rates to two affiliated [1] and four non-affiliated [2] wholesale customers. This proposed increase would result in additional revenues of approximately $8,982,574 (4.3%) for the twelve month period ending December 31, 1981.[3]

Montaup concurrently submitted for filing revisions to agreements under which (1) Blackstone Valley Electric Company and Eastern Edison Company rent 115 kv transmission facilities to Montaup, and (2) Montaup rents certain transformers and substation facilities to Eastern Edison Company.[4] According to Montaup, these revisions which would provide for increased charges for the transmission facilities which are rented to the other parties have been made in order to reflect the current cost of capital, including return on common equity, for each company.

Montaup requests an effective date of February 18, 1981, for the proposed rate increase to its wholesale customers and for the increased transmission rental charges. If the rates are suspended, Montaup further requests that they be suspended for only one day.

Notice of the filing was issued on December 31, 1980, with responses due on or before January 15, 1981. On January 15, 1981, Newport Electric Corporation and the Attorney General of Rhode Island together with the Rhode Island Division of Public Utilities and Carriers filed petitions to intervene. On January 16, 1981, the Town of Middleborough, Massachussetts and the

[1] Blackstone Valley Electric Company and Eastern Edison Company (Eastern Edison was formed through a merger of Brockton Edison Co. and Fall River Electric Light Company on August 1, 1979).

[2] Newport Electric Corporation, Pascoag Fire District, Town of Middleborough, and Narragansett Electric Company.

[3] Montaup's present rates were submitted as interim rates to reflect a settlement of (1) a proposed rate increase to these same customers which was tendered for filing on July 11, 1980 (Docket No. ER80-520), and (2) an application for the inclusion of certain CWIP in rate base under the severe financial difficulty exception of section 2.16 of our regulations (Docket No. EL80-8). By order issued January 2, 1981, these interim rates were made effective from December 1, 1980, pending final Commission action on the anticipated settlement. An offer of settlement was filed on February 3, 1981.

[4] For rate schedule designations, see Attachment A.

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Pascoag Fire District of the Town of Pascoag, Rhode Island jointly filed an untimely protest and petition to intervene. The Narragansett Electric Company filed an untimely petition to intervene on January 26, 1981. Of the foregoing pleadings, only the January 16th protest raised specific substantive issues. One issue [5] raised in this protest was that Montaup's cost of service should be reduced by $1.2 million to reflect a revised contract, finalized after Montaup's filing was prepared, which provides for a reduction in purchases from the New Brunswick Power Commission's Coleson Cove units.[6]

On February 2, 1981, Montaup filed a response to the joint protest of the Town of Middleborough and the Pascoag Fire District. In this response, Montaup disputed the assertions set out in the protest, but did agree to immediately reduce its cost of service by $1,103,000 because of the revised New Brunswick arrangement.[7] Montaup further stated that if the revised New Brunswick agreement is not accepted, "Montaup will either revert to billing under the demand charge as filed or file whatever revision to the M–6 filing which may be appropriate."

Discussion

Our analysis indicates that Montaup's proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates and revised transmission agreements for filing and suspend them as ordered below.

In a number of suspension orders,[8] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. Although a number of matters raised in this proceeding warrant investigation at hearing, our preliminary analysis reveals that the rates proposed by Montaup may not be substantially excessive. A nominal suspension should minimize any adverse effects on the company while ensuring refund protection for its customers. Accordingly, we shall exercise our discretion to suspend the rates for only one day permitting the rates to take effect subject to refund thereafter on February 19, 1981.

As noted above, Montaup has stated that it would revise its proposed rates downward to reflect the revised New Brunswick arrangement following Commission acceptance of that agreement. According to Montaup, this adjustment has the effect of reducing the M–6 demand charge from $8.35316/kw/month to $8.22031/kw/month. Because the New Brunswick contract has now been accepted for filing (*see* footnote 6, *supra*), we shall direct Montaup to comply with its representation and to file the lower rates within thirty days of this order.

Additionally, we find that participation in this proceeding by each of the petitioners may be in the public interest and that good cause exists to permit the Town of Middleborough, the Pascoag Fire District, and Narragansett Electric Company to intervene out of time. Furthermore, the Town of Middleborough and the Pascoag Fire District will have full opportunity to pursue the matters set forth in their protest at the hearing convened pursuant to this order.

The Commission Orders: (A) Montaup's December 19, 1980 submittals are hereby accepted for filing and suspended for one day to become effective, subject to refund, on February 19, 1981.

(B) Within thirty (30) days after issuance of this order, Montaup is hereby directed to submit revised rate schedules incorporating its agreement to reduce the proposed M–6 demand charge from $8.35316/kw/month to $8.22031/kw/month.

(C) The Newport Electric Company, the Attorney General of the State of Rhode Island and the Rhode Island Division of Public Utilities and Carriers, the Town of Middleborough, Massachusetts, the Pascoag Fire District of the Town of Pascoag, Rhode Island, and Narragansett Electric Company are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act, and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1979)], a public hearing shall be held concerning the justness and reasonableness of the proposed rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before May 4, 1981.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Montaup Electric Company, Docket No. ER81–180–000, Rate Schedule Designations

Designation	Description
Montaup Electric Company	
1. Tenth Revised Sheet No. 4 under FPC Electric Tariff, Original Volume No. 1 (Supersedes Ninth Revised Sheet No. 4).	M–6 Rates.
2. Eleventh Revised Sheet No. 6 under FPC Electric Tariff, Original Volume No. 1 (Supersedes Tenth Revised Sheet No. 6).	Revision of Fuel Clause Base figures.
3. Supplement No. 15 to Rate Schedule FPC No. 33 (Supersedes Supplement No. 14).	Newport Electric Corporation M–6 Rates.

[5] Other issues raised in this protest pertain to (1) rate or return; (2) cash working capital; and (3) various tax items.

[6] That contract was filed with this Commission on December 24, 1980, and assigned Docket No. ER81–205. By letter order dated February 10, 1981, the Director of the Office of Electric Power Regulation accepted the contract for filing pursuant to his delegated authority.

[7] Montaup also stated that it had agreed in its transmittal letter accompanying this filing to file an immediate reduction reflecting the revised New Brunswick contract as soon as that contract is accepted by this Commission.

[8] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illumination Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

Montaup Electric Company, Docket No. ER81–180–000, Rate Schedule Designations—Continued

Designation	Description
4. Supplement No. 19 to Rate Schedule FPC No. 36 (Supersedes Supplement No. 18).	Town of Middleboro, M–6 Rates.
5. Supplement No. 4 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 3).	Revision to Exhibit D (Cost of Capital).
6. Supplement No. 9 to Rate Schedule FEPC No. 63 (Supersedes Supplement No. 8).	Pascoag Fire District, M–6 Rates.
Blackstone Valley Electric Company	
7. Supplement No. 10 to Rate Schedule FPC No. 21 (Supersedes Supplement No. 9).	Revised Cost of Nital.
Brockton Edison Company	
8. Supplement No. 10 to Rate Schedule FPC No. 15 (Supersedes Supplement No. 9).	Revised Cost of Capital.

[FR Doc. 81–6106 Filed 2–23–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–78]

Mountain Fuel Supply Co.; Filing of Offer of Settlement

February 17, 1981.

Take notice that on February 12, 1981, Mountain Fuel Supply Co. (Mountain Fuel) filed on Docket No. CP80–78 an Offer of Settlement pursuant to section 1.18(e)(1)(ii) of the Commission's Rules of Practice and Procedure. Mountain Fuel states that the Offer of Settlement is the product of meetings with Commission Staff and other interested parties and is considered a reasonable resolution of the issues raised in the aforementioned docket.

Mountain Fuel further states that this case involves a May 9, 1980 amended application, notice of which was published in the **Federal Register** on June 3, 1980 (45 FR 37506), for a certificate of public convenience and necessity to construct and operate interstate pipeline facilities for the transportation of natural gas on behalf of Northern Natural Gas Company (Northern). The gas to be transported for Northern is produced from reserves committed to Northern in the Painter Reservoir Field located near Evanston, Uinta County, Wyoming, and in the Pagoda Unit in Routt County, Colorado.

Under the Offer of Settlement, Mountain Fuel would construct and operate 12.23 miles of 12-inch pipeline from the Painter Reservoir to a point of intersection with its Line No. 48, thereby dedicating Line No. 48 to interstate commerce in lieu of constructing and operating the facilities proposed in its May 9, 1980, amendment. Line No. 48 was the subject of a complaint filed November 21, 1979 in Docket Nos. CP79–150, CP80–78 and CP78–449 by Northwest Pipeline Corporation (Northwest), claiming that Mountain Fuel was unlawfully attempting to obtain a competitive advantage by constructing a pipeline facility in the Eastern Utah without a certificate of public convenience and necessity. Mountain Fuel states that it filed an answer to the complaint on December 28, 1979, that on May 9, 1980, Northwest and Mountain Fuel amended their respective applications to remove their competitive character, and that Northwest filed for leave to withdraw the complaint. On August 29, 1980, the Commission dismissed the complaint in Docket Nos. CP79–150 and CP78–449, and stated that it would dispose of the matters raised by Northwest in the instant docket.

Mountain Fuel states that its offer is conditioned upon its actions pursuant to a Commission order accepting this settlement not being used against it in the future and on Northwest's pending motion to withdraw its complaint in this docket being granted.

As part of this settlement, Mountain Fuel further proposes to collect an initial charge of 8.37 cents per Mcf of gas transported from Painter Reservoir for the use of new facilities, a system transportation rate of 13.22 cents per Mcf, and a redelivery charge for compression of 5 cents per Mcf. Mountain Fuel states that it would collect such rates subject to refund, with interest, according to a refund formula set out in the Offer of Settlement, to the extent lower applicable rates are established by a final nonappealable Commission order approving or prescribing an overall transportation rate in Docket No. CP80–274 or any earlier appropriate rate proceeding.

The settlement offer does not affect the proposal to transport volumes for Northern from the Pagoda Unit in Routt County, Colorado, other than to offer to collect rates for such service subject to refund according to a formula set out in the Offer of Settlement.

Any person desiring to comment or to protest such filing should file a petition to intervene and comment, or protest, with the Federal Energy Regulatory Commission, 825 North Capitol St. N.E., Washington, D.C. 20426, in accordance with sections 1.8, 1.10 and 1.18 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10 and 1.18). All such petitions and comments or protests must be filed or before March 4, 1981, the date on which comments on the Offer of Settlement are due pursuant to section 1.18(e)(2) of the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–6107 Filed 2–23–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP76–492]

National Fuel Gas Supply Corp. and Penn-York Energy Corp.; Amendment to Application

February 19, 1981.

Take notice that on January 30, 1981, National Fuel Gas Supply Corporation (Supply), 308 Seneca Street, Oil City, Pennsylvania 16301, and Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14202, filed in Docket No. CP76–492 an amendment to their application filed in said docket on August 20, 1976,[1] pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity so as to permit (a) Penn-York to provide natural gas storage service to identified storage customers according to revised service schedules during a period beginning April 1, 1981, until further determination in this proceeding, (b) Supply to render limited-term and standby storage service through existing facilities to Penn-York during a similar period, (c) Penn-York to construct certain storage facilities, and (d) Supply to add a delivery point for transportation of gas stored for UGI Corporation (UGI), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants propose to render the following storage service beginning in the 1981–82 storage year in an aggregate amount of 15,871,620 Mcf top gas storage capacity:

[In 1,000 ft.³]

Customer [2]	Existing service in storage year beginning Apr. 1, 1980	Service level authorization now requested for storage year beginning Apr. 1, 1981 and thereafter	Service level authorization to be requested for storage year beginning Apr. 1, 1982 and thereafter
Berkshire [3]		260,000	400,000
Boston [3]		879,620	879,620
Central Hudson	200,000	200,000	[4] 200,000
Connecticut		1,500,000	1,500,000
Conn. Natural	1,000,000	1,500,000	1,500,000
Delmarva	450,000	750,000	750,000
Elizabethtown	1,500,000	1,500,000	1,500,000
Fitchburg		90,000	[4] 300,000
Granite			[4] 3,400,000
Gas Service		100,000	200,000
Haverhill		350,000	350,000

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

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Customer [1]	Existing service in storage year beginning Apr. 1, 1980	Service level authorization now requested for storage year beginning Apr. 1, 1981 and thereafter	Service level authorization to be requested for storage year beginning Apr. 1, 1982 and thereafter
Lowell	2,000,000	2,000,000	2,000,000
Manchester [2]		135,000	135,000
O&R	1,000,000	1,000,000	[3] 1,500,000
Penn Fuel		[illegible]	[illegible]
Penn & Southern		[illegible]	[illegible]
Southern Conn [2]		150,000	150,000
UGI	3,000,000	4,000,000	4,000,000
Valley		[illegible]	450,000
Total	9,150,000	15,871,620	19,261,620

[1] The full names of these customers are: The Berkshire Gas Company, Boston Gas Company, Central Hudson Gas & Electric Corporation, The Connecticut Gas Company, Connecticut Natural Gas Corporation, Delmarva Power & Light Company, Elizabethtown Gas Company, Fitchburg Gas and Electric Light Company, Gas Service, Inc., Haverhill Gas Company, Lowell Gas Company, Manchester Gas Company, Orange and Rockland Utilities, Inc., Penn Fuel Gas, Inc., Pennsylvania & Southern Gas Corporation, The Southern Connecticut Gas Company, UGI Corporation, Valley Gas Company

[2] Customers have been the subject of Penn-York's requests to serve in Docket No. CP79-212 which requests are now incorporated herein.

[3] Service to Central Hudson would increase to 500,000 Mcf in the storage year beginning April 1, 1983. Total service by Penn-York in that year would reach 19,561,620 Mcf. All Penn-York annual service quantities in excess of annual levels specified for the year beginning April 1, 1981, would require further authorization. Supporting documentation for such future service quantities has previously been filed excepting increased levels for Fitchburg and O&R, and excepting new service for Granite. Each of these three parties has stated that it would execute a precedent agreement with Penn-York for additional or new storage service to be authorized pursuant to an amendment to be filed in this proceeding in the near future.

Applicants state that they would jointly render such service using Penn-York's facilities supplemented by storage service obtained from Supply while Penn-York would be the certificate holder and contracting party with its customers.

Applicants also state that the maximum daily injection quantity for each customer in the 1981–82 storage year would be one/two-hundredth of its annual storage quantity and the maximum daily withdrawal quantity in the 1981–82 storage year would be one/one-hundredth and fiftieth of its annual storage quantity. Furthermore, the maximum daily injection and withdrawal quantities may be exceeded upon the customers' request as operating conditions permit, it is asserted.

Applicants also propose that Supply render up to 12,171,620 Mcf of underground storage service to Penn-York during the 1981–82 storage year including 3,700,000 Mcf of capacity to be made available on a standby basis only as required by Penn-York. They further propose that Supply make available on a standby basis 7,511,620 Mcf in 1982–83 and 6,185,419 Mcf in 1983–84 and thereafter until Penn-York receives permanent certificate authorization at a level of at least 6,185,419 Mcf. Penn-York would pay Supply 40.77 cents per Mcf for this service which would enable Penn-York to meet customer requirements in excess of available capacity in Penn-York's facilities, it is explained.

Applicants further propose that Penn-York (a) establish seven new injection/withdrawal wells at its West Independence Field by converting three existing observation wells and drilling four new wells, (b) drill one observation well at its East Independence Field, and (c) increase the maximum inventory level in the East Independence Field from 5,000,000 Mcf to 6,100,000 Mcf on a temporary basis during the 1981–82 and 1982–83 storage years.

Applicants further propose that Supply transport storage gas for UGI through an additional existing delivery point near Warton, Pennsylvania.

Applicants state that Supply is presently authorized to provide transportation service to UGI for its gas stored with Penn-York through the First Fork interconnection of facilities of Supply with those of Columbia Gas Transmission Corporation (Columbia) and that such service is being rendered pursuant to an executed service agreement dated August 1, 1980.

It is asserted that the proposed service is necessary because UGI's need for transportation of storage related volumes are in excess of Columbia's ability to transport during 1980–81 and similar difficulties are anticipated for the future. It is also asserted that no construction of facilities is required and no change in terms and conditions applicable to the previously certificated transportation service would occur.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6092 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3874-000]

Niagara Mohawk Power Corp.; Application for Preliminary Permit

February 18, 1981.

Take notice that Niagara Mohawk Power Corporation (Applicant) filed on December 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3874 to be known as the Ogdensburg Project located on the Oswegatchie River in the City of Ogdensburg, St. Lawrence County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Terry, Esquire, Senior Vice President, General Counsel and Secretary, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the river project would consist of: (1) an existing 12-foot high and 347-foot long concrete gravity-type dam having spillway crest elevation 258.0 feet m.s.l. and having three steel flood gates and ice sluice gate; (2) a reservoir having negligible storage capacity; (3) a new integral concrete powerhouse at the left (north) bank including an intake structure and containing two generating units having a total rated capacity of 2,250 kW; (4) an existing tailrace; (5) a new electrical equipment structure; (6) a new 13.2 kV underground transmission cable; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 12,400,000 kWh.

Purpose of Project—Project energy would be incorporated into Applicant's existing transmission distribution network for sale within its service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct geotechnical surveys, perform technical and economic studies, prepare an environmental report and prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $195,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, is issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no leter than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3784. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6180 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3587-000]

Frank B. Nichols; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that Frank B. Nichols (Applicant) filed on October 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3587 to be known as Nichols Power Project located on South Fork of Bear Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frank B. Nichols, P.O. Box A, Shingletown, California 96088. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two concrete diversions and catch basins; (2) a 5,400-foot penstock; (3) 3,800-foot penstock; (4) two power plants with a 250- and a 1,000-kW generator; and (5) two 12.47 kV transmission lines.

The Applicant estimates that the average annual energy output would be 8 million kWh.

Purpose of Project—The power produced by the proposed project would be possibly sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would make geologic studies, determine environmental impacts, make economic and financial feasibility studies, and apply for necessary rights. The cost of these activities is estimated by the Applicant to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the

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requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3587. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6123 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-140-000]

Northern Natural Gas Company, Division of Internorth, Inc.; Notice of Application

February 10, 1981.

Take notice that on January 14, 1981, Northern Natural Gas Company, Division of Internorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-140-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell natural gas to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has acquired a 16.67 percent interest in East Cameron Block 104, offshore, Louisiana, from Texasgulf, Inc. and that Applicant's affiliate, Exploration and Production Division of Internorth, Inc., also owns a 16.67 percent interest in Block 104. Applicant also states that it has entered into an agreement with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) dated October 10, 1980, for transportation of such gas. Applicant further states that under this agreement, Tennessee would receive Applicant's Block 104 gas at a point of interconnection between the jointly owned pipeline facilities extending from Block 104 and Tennessee's pipeline facilities located in East Cameron Block 97 and redeliver such gas to Trunkline Gas Company (Trunkline) at an existing interconnection between the facilities of Tennessee and Trunkline in Jefferson Davis Parish, Louisiana (Kinder).

Applicant asserts that it entered into a transportation and sales agreement with Panhandle and Trunkline dated October 24, 1980, which provides for the transportation of Applicant's Block 104 gas and the sale of up to 20 percent of such gas to Panhandle.

Applicant states that the option by Panhandle to purchase up to 20 percent of the volumes delivered to Trunkline for Applicant's account is partial consideration for the transportation of Applicant's Block 104 gas.

Applicant further asserts that Trunkline would receive Applicant's Block 104 gas at the Kinder delivery point and transport such gas to its Longville, Louisiana, compression station located in Beauregard Parish, Louisiana. Applicant submits that the gas would be transported from Trunkline's Longville Compression Station to Applicant's system by Trunkline and Panhandle pursuant to the terms of a transportation agreement between the parties dated September 24, 1976.

Applicant states that the gas would be sold to Panhandle on a monthly cost of service basis representing Applicant's cost of gas at the point of delivery to Trunkline. Applicant estimates that the average cost of service per Mcf for the first year of operation would be $3.13.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to becomed a party to a proceding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6132 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-135-000]

Northwest Pipeline Corp.; Notice of Application

February 10, 1981.

Take notice that on January 9, 1981, Northwest Pipeline Corporation (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. 81-135-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessary authorizing the reallocation of natural gas service for CP National Corporation (CP National) and for permission and approval to abandon certain natural gas service presently provided to CP National, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes a reallocation of natural gas service under Applicant's Rate Schedule ODL-1 to CP National. Applicant states it would decrease delivery to CP National for resale to Boise Cascade Corporation at Applicant's Beaver Marsh, Oregon, metering station from 1,200 therms to zero therms and increase the daily delivery quantity which Applicant is presently authorized to sell and deliver to CP National at Applicant's Lagrande delivery point in Union County, Oregon, from 53,200 therms to 54,400 therms.

Applicant further requests permission and approval to abandon facilities and service at its Beaver Marsh, Oregon, meter station located in Klamath County, Oregon.

Applicant states that CP National by letter dated February 1, 1979, proposed to abandon service at Beaver Marsh and reallocate the maximum daily delivery obligation assigned to the Beaver Marsh delivery point to the Lagrande delivery point in order to maintain CP National's presently authorized maximum daily delivery obligation after the abandonment of service at the Beaver Marsh meter station.

Applicant asserts reallocation of natural gas service to CP National is the result of the sale of Boise Cascade's lumber mill to Georgia Pacific which caused the sale at Beaver Marsh to cease. It is further asserted that the facilities utilized to provide service at the Beaver Marsh delivery point were constructed by Pacific Gas Transmission Company (PGT) and that Applicant had reimbursed PGT for the costs incurred in construction said facilities. Applicant states, therefore, that upon abandonment of such facilities Applicant would receive any funds resulting from the salvage of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6133 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3809-000]

Old Dominion Electric Cooperative; Notice of Application for Preliminary Permit

February 18, 1981.

Take notice that Old Dominion Electric Cooperative (Applicant) filed on December 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3809 to be known as the Summersville Project located on the Gauley River in Nicholas County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ernest M. Jordan, Jr., Executive Vice President, Old Dominion Electric Cooperative, 5601 Chamberlayne Road, Richmond, Virginia 23227. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Summersville Dam and Reservoir and would consist of: (1) a new penstock tunneled through the right dam abutment or a new penstock utilizing the existing outlet works tunnel; (2) a new powerhouse containing generating units having a total rated capacity of 100,000 kW; (3) a tailrace, (4) two new 138 kV transmission lines of approximately 15 miles length and 25 miles length, respectively; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 338,000,000 kWh.

Purpose of Project—Project energy would be distributed by Old Dominion Electric Cooperative (Applicant), an REA generation and transmission cooperative, to its members in Virginia, Maryland, and Delaware through agreements with the Monongahela Power Company and the Appalachian Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimated the cost of the studies under the permit would be $137,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's Application for Project No. 3493 filed on September 22, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of

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intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedure specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3809–000. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6134 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-13127-000, et seq.]

ONEOK Exploration Co.; Petition To Amend

February 18, 1981.

Take notice that on December 22, 1980, ONEOK Exploration Company (Petitioner), 624 South Boston Avenue, Tulsa, Oklahoma, 74119, filed in Docket No. G-13127-000, et seq. a petition pursuant to Section 16 of the Natural Gas Act to amend certain orders of the Commission and filing so as to change the name on such orders, filings and related rate schedules from ONG Exploration, Inc. to ONEOK Exploration Company, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the sole stockholder approved the subject name change on December 9, 1980. Petitioner further states that on December 9, 1980, it filed an amendment to its corporate charter with the Secretary of the State of Delaware effectuating the name change which amendment is self executing. It is asserted that no order or authorization or other action by the Secretary of State is necessary for the corporate name change to become effective, nor were any of the corporation's rights or obligations affected by the name change.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 26, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificate amendment or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6131 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-26-000]

Pacific Power & Light Co.; Application

February 18, 1981.

Take notice that on February 11, 1981, Pacific Power & Light Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing borrowings in an aggregate principal amount not to exceed $100,000,000 at any one time outstanding through drawings under a $100,000,000 loan facility evidenced by a letter agreement between Applicant and Credit Suisse First Boston Limited as Agent for the foreign banks or their affiliates listed in the Letter Agreement (Banks) or under borrowing arrangements with the same or other foreign banks for a period of 24 months.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6132 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-152-000]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

February 19, 1981.

Take notice that on January 21, 1981, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-152-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas with United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have entered into an October 31, 1980, transportation and exchange agreement as amended January 5, 1981, with United to transport and exchange volumes of natural gas purchased by United in Ellis County, Oklahoma. It is stated that Panhandle would receive gas for United's account for Tejas Gas Company (Tejas) at a proposed point of interconnection between Panhandle's and Tejas' facilities in Ellis County, Oklahoma. Applicants state that Trunkline would redeliver equivalent volumes to United at a primary point of redelivery near Centerville, Louisiana, and at an alternate redelivery point between the facilities of Houston Pipe Line Company (Houston) and Trunkline to be constructed and operated by Trunkline in Waller County, Texas. It is stated that the volumes to be redelivered in Waller County, Texas, would be tendered to Houston for United's account.

Applicants state that they would transport up to 30,000 Mcf of natural gas per day on a firm basis and up to 20,000 Mcf per day on an interruptible basis. It is asserted that United would pay Panhandle a monthly charge of $210,600 and that for additional volumes transported on an interruptible basis the monthly charge would be increased by 23.08 cents per Mcf. It is further stated that pursuant to the transportation and exchange agreement United would pay an additional transportation charge of 1.35 cents per Mcf for volumes of natural gas redelivered for its account to Houston.

Applicants state that as partial consideration for the transportation service United has agreed to assign to Panhandle up to 50 percent of the gas volume so dedicated under each of United's various gas purchase contracts with producers of Ellis County.

Applicants state that they have sufficient capacity in their existing systems to transport the quantity of gas pursuant to the agreement as well as other volumes connected to their system. It is asserted that Panhandle would utilize its budget-type authorization for gas supply facilities to install the tap, valve and measurement facilities at the point of receipt and that United would reimburse Panhandle for the cost of these facilities.

It is asserted that the transportation service is for a term of ten years and from year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natual Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6093 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3913-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

February 18, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on December 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3913 to be known as Thunder Creek Project located on Thunder Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 15-foot high, 150-foot long, concrete gravity dam; (2) a 78-inch diameter, 4,000-foot long, low pressure concrete pipe; (3) a 60-inch diameter, 3,000-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 7,500 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 32.6 million kWh.

Purpose of Project—Project energy would be utilized to serve the Applicant's customers.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and

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consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3913. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6183 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3853]

Jorges Sanchez; Application for Preliminary Permit

February 18, 1981.

Take notice that Jorges Sanchez (Applicant) submitted on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed project No. 3853 at the U.S. Army Corps of Engineers St. Lucie Canal, Martin County, Florida. The application is on file with the Commission and Correspondence with the Applicant should be directed to: Mr. Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers lock and dam Project No. 3853 would consist of: (1) a proposed penstock approximately 20 to 30 feet in length and through the canal; (2) an existing powerhouse located above the eighth section of the dam; (3) existing transmission lines owned by Florida Power & Light Company; and (4) appurtenant facilities. Applicant estimates the capacity of the installed units to be 3.45 MW. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 13,500,000 kWh.

Purpose of Project—Energy produced at the proposed project would be sold to the Florida Power & Light Company or other public institutions.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including, preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $48,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3853. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Coimmission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6181 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3849]

Jorges Sanchez; Application for Preliminary Permit

February 20, 1981.

Take notice that Jorges Sanchez (Applicant) submitted on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3849 to be known as Structure 65 B, to be located at the South Florida Water Management Districts' Structure 65 B, a flood and navigation control project, on the Kissimmee River, Okeechobee, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing South Florida Water Management Districts' dam. Project No. 3849 would consist of (1) a reinforced concrete frame lock measuring 30 feet in width and 90 feet in length having a normal lift of six feet and sill depth of six feet; (2) a proposed penstock approximately 35 feet in length extending from the powerhouse; (3) a proposed powerhouse located on the western bank of the canal; (4) an existing impoundment area, Canal 38, having a normal pool elevation of 40 feet and drainage area of 2,023 square miles; (5) transmission lines owned by Florida Power & Light Company; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 1.85 MW. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 5×10^6 kWh.

Purpose of Project—Energy produced at the proposed site would be sold to Florida Power & Light Company or another industrial user.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit to prepare a definite project report, including preliminary design and economic feasibility studies, environmental and social studies, soil and foundation data. The cost of the aforementioned activities, along with obtaining agreement with other Federal, State, and local agencies is estimated to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing applications must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petiton to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3849. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

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of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6094 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3031]

Shoshone Irrigation District; Application for License (Major)

February 20, 1981.

Take notice that the Shoshone Irrigation District (Applicant) filed on January 16, 1980, an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for the Garland Canal Project No. 3031 located on the Shoshone River in Park County, Wyoming. Correspondence with the Applicant should be directed to: Mr. Dean House, President, Board of Commissioners, Shoshone Irrigation District, P.O. Box 822, Powell, Wyoming 82435.

Project Description—The proposed project would consist of: (1) a concrete powerhouse containing one generating unit with a rated capacity of 2,400 kW and a substation adjacent to the powerhouse. The power plant would utilize an effective head of approximately 2,400 feet long with interior dimensions of 10 feet by 10 feet; (3) a 12.5 kV transmission line which would run along the existing road for approximately 6,300 feet; and (4) appurtenant facilities. The applicant estimates that the project would annually generate 9,754,000 kWh.

Applicant's proposed project would divert and utilize waters owned by the Water and Power Resources Services, Department of the Interior, to develop hydroelectric power. Applicant's facilities would be partially located on U.S. lands.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 3, 1981, either the competing application itself or a timely notice of intent to file a competing application. Submission of a notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 3, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6124 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3933-000]

Eric Tharalson; Application for Preliminary Permit

February 17, 1981.

Take notice that Eric Tharalson (Applicant) filed on January 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3933 to be known as Eric Tharalson Project located on Old Cow Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Eric Tharalson, 3353 Wilshire Drive, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a penstock, 1,000 feet long; and (3) a powerhouse with a total installed capacity of 600 kW.

The Applicant estimates that the average annual energy output would be 2.9 million kWh.

Purpose of Project—Applicant intends to market the power generated by the proposed project to a public utility system.

Proposed Scope and Cost of Studies Under Permit—The studies that would be performed under the preliminary permit would include an economic analysis, preliminary engineering, and a study of environmental impacts. Based on the results of the studies, Applicant would decide whether to proceed with more detailed designs and prepare an application for license to construct and operate the project. Applicant estimates the cost of the proposed studies would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3933. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[Fr Doc. 81-6095 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3607-000]

Thornapple Association, Inc., Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that Thornapple Association, Inc. (Applicant) filed on October 24, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3607 to be known as Ada Dam located on the Thornapple River in Kent County, Michigan. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald P. Weaver, Ayres, Lewis, Norris, and May, Inc., 3983 Research Park Drive, Ann Arbor, Michigan 48104. Any person who wishes to file a response to this notice should read the entire notice and

must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing reservoir with a storage capacity of 2,300 acre-feet and a surface area of 230 acres at normal power tool elevation of 635.8 feet m.s.l.; (2) an existing reinforced concrete dam 106.67 feet long and 38 feet high; (3) an existing powerhouse with proposed generating units having a total estimated installed capacity of 1,000 kW; (4) proposed transmission lines; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 5,000,000 kWh.

Purpose of Project—The power generated at the project would be sold to one of several local utilities.

Proposed Scope and Cost of Studies Under Permit—The applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it proposes to conduct engineering, economic and environmental feasibility studies, along with preparing preliminary and final designs of the project. The Applicant estimates the cost of the proposed studies would be $15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, is issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application of a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issued relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with one Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3607. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the originial and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6125 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 3875-000]

Town of Liberty, Indiana; Notice of Application for Preliminary Permit

February 18, 1981.

Take notice that the Town of Liberty, Indiana (Applicant) filed on December 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for the proposed Brookville Dam, Project No. 3875 to be located at the U.S. Army Corps of Engineers' Brookville Dam and Lake, a flood control project, on the East Fork of the Whitewater River near Brookville, in Franklin County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth D. Neal, c/o Town Hall, P.O. Box 7, Liberty, Indiana 47353. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 3875 would consist of: (1) a proposed penstock extending from the outlet conduit; (2) a proposed powerhouse located on the south bank of the river; (3) proposed transmission lines, and (4) appurtenant facilities. Applicant estimates the capacity of the project would be 5,600 kW, and the annual energy output would be 14 GWH.

Purpose of Project—The Applicant expects to use the energy produced to offset municipal purchases of power and to encourage industry to locate near Liberty with the Prospect of attractive power costs.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit to prepare a definitive project report including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3393 on Brookville Dam Project in Brookville, Indiana, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3875. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6135 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4062-000]

Town of Wayne; Application for Preliminary Permit

February 18, 1981.

Take notice that the Town of Wayne (Applicant) filed on January 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 169 U.S.C. 791(a)–825(r)) for proposed Project No. 4062 to be known as the Wayne Village Project located on Pocasset Lake in the Town of Wayne, Kennebec County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joan A. Hazzard, Chairman, Board of Selectmen, Wayne Town Office, Wayne, Maine 04284. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the Town's existing 13-foot-high, 120-foot-long masonry and concrete dam; (2) a reservoir with a surface area of 587 acres and a storage capacity of 1,174 acre-feet, (3) a new powerhouse containing a single turbine-generator with a rated capacity of 326.4 Kw; (4) a transmission line; and (5) appurtenant facilities.

The Applicant estimates that the average energy output would be 1,122,000 Kwh.

Purpose of Project—Energy produced at the project would be sold to Central Maine Power Company.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the enegineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applicotions—Anyone desiring to file a competing application must submit to the Commission, on or before April 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 1, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervenue—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitons to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4062. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6162 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3982-000]

Utilities Board of the City of Lamar; Application for Preliminary Permit

February 18, 1981.

Take notice that the Utilities Board of the City of Lamar, Colorado (Applicant) filed on January 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] located on Cimarron Creek in Colfax County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bill D. Carnahan, Superintendent; Lamar Utilities Board; 100 North Second Street; Lamar Colorado 81052. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing Eagle Nest Dam, a 140-foot high concrete arch structure having a length of 400 feet; (2) the existing Eagle Nest Reservoir, having 78,800 acre-feet of storage at a normal pool elevation of 8,137 (USGS datum); (3) the existing outlet works and stilling basin; (4) a new powerhouse to be located above the stilling basin, having an installed generating capacity of 985kW; (5) new transmission lines; and (6) appurtenant works. The Eagle Nest Dam and Reservoir are owned by the Charles Springer Cattle Company, Cimarron, New Mexico. The Applicant estimates that the average annual energy output would be 2,704,000 kWh.

Purpose of Project. Project energy would be utilized by the Applicant for the benefit of all its customers.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be between $5,000 and $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent

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allows an interested person to file the competing application no later than June 1, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3982. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to : Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6163 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-175-000]

United Gas Pipe Line Co.; Application

February 19, 1981.

Take notice that on February 3, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-175-000 an application pursuant to Section 311(a)(1) of the Natural Gas Policy Act of 1978 and Section 284.107(b) of the Regulations thereunder for approval to transport natural gas for EOOE Gas Company (EOOE), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement with EOOE dated November 24, 1980, whereby it would receive for the account of EOOE up to 8,000 Mcf of natural gas per day from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at a point of interconnection between Tennessee and Applicant's 6-inch Iowa-Marksville line near Oakdale in Allen Parish, Louisiana. Applicant would subsequently redeliver an equivalent quantity of gas to EOOE at a point of interconnection between Applicant's 6-inch Iowa-Marksville line and EOOEs line in Allen Parish, Louisiana, it is stated.

Applicant further states that the aforementioned agreement with EOOE would become effective on the date delivery of gas commenced and would remain in effect for a primary term of five years and from year to year therefter.

Applicant further proposes that there be no charge to EOOE for this service due to the small volume of gas involved in the arrangement and the minimal distance between the receipt and delivery points.

It is asserted that EOOE has obtained a supply of natural gas in Cameron Parish, Louisiana, from Louisiana Resources Company which gas would be used to provide service to the Town of Elizabeth, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 24028, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6096 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-226-000]

Vermont Electric Power Co.; Errata Notice (February 18, 1981); Notice of Filing (Issued January 30, 1981)

Take notice that the notice issued on January 31, 1981 in the above referenced proceeding is in incorrect. The notice should read:

The filing company submits the following:

Take notice that on January 19, 1981, Vermont Electric Power Company (VELCO) submitted for filing a supplement to a Power Transmission Agreement between VELCO and the State of Vermont. VELCO states that this filing provides for the transmission of 40,000 kilowatts of firm electric power, 10,000 kilowatts of peaking power, and for power of such other classes as may, from time to time, become available, and which the state elects to have transmitted.

VELCO proposes an effective date of January 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriated action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6097 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3944-000]

Village of Rockdale, Illinois; Application for Preliminary Permit

February 17, 1981.

Take notice that the Village of Rockdale, Illinois (Applicant) filed on January 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3944 to be known as Brandon Road Lock and Dam located on the Illinois River in Will County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald Gould, Village President, Village of Rockdale, Otis and Midland Avenue, Rockdale, Illinois 60436. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Brandon Road Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse, containing four generating units with a total installed capacity of 15 MW; and (2) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 70 GWh.

Purpose of Project—Applicant proposes to market the power within its corporate limits or sell the energy produced to Commonwealth Edison of Chicago.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be about $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Brandon Road Lock and Dam Project No. 3567 on the Illinois River, in Will County, Illinois under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3944. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, protest, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6126 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3829-000]

Western Farmers Electric Cooperative and the City of Duncan, Oklahoma; Application for Preliminary Permit

February 18, 1981.

Take notice that Western Farmers Electric Cooperative and the City of Duncan, Oklahoma (Applicant) filed with December 5, 1980, and supplemented on December 31, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for proposed Project No. 3829 to be known as the Pine Creek Project located on The Little River in McCurtain County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joe R. Moody, Jr., Benham-Holway Power Group, 4111 South Darlington Avenue, Tulsa, Oklahoma 74135. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Pine Creek Dam and would consist of: (1) a diversion structure located on the existing outlet conduit; (2) a short penstock; (3) a powerhouse located along the right (west) bank and containing a generating unit having a rated capacity of 2,000 kW; (4) a short tailrace; (5) a switchyard; (6) a 6-mile-long 69-kV transmission line; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 6,300,000 kWh.

Purpose of Project—Project energy would be fed into the existing Western Farmers Electric Cooperative transmission system to supply a portion of Applicant's energy requirements.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks

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issuance of a preliminary permit for a period of three years, during which time it would prepare studies, conduct investigations, tests and surveys, and would prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right to priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of the permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Continental Hydro Corporation Project No. 3372 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3829. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6164 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3830-000]

Western Farmers Electric Cooperative and the City of Duncan, Oklahoma; Notice of Application for Preliminary Permit

February 20, 1981.

Take notice that Western Farmers Electric Cooperative and the City of Duncan, Oklahoma (Applicant) filed on December 5, 1980, and supplemented on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3830 to be known as the Wister Project located on the Poteau River in LeFlore County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joe R. Moody, Jr., Benham-Holway Power Group, 4111 South Darlington Avenue, Tulsa, Oklahoma 74135. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Wister Dam and would consist of: (1) a diversion structure located on the existing outlet conduit; (2) a short penstock; (3) a powerhouse located along the right (south) bank and containing two generating units having a total rated capacity of 3,000 kW; (4) a short tailrace; (5) a switchyard; (6) a 3-mile long 69-kV transmission line; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 8,200,000 kWh.

Purpose of Project—Project energy would be fed into the existing Western Farmers Electric Cooperative transmission system to supply a portion of Applicant's energy requirements.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies, conduct investigations, tests and surveys, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right to priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of the permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Continental Hydro Corporation Project No. 3356 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 20, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3830. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6127 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-248-000]

Wisconsin Electric Power Co.; Filing

February 18, 1981.

The filing company submits the following:

Take notice that on January 26, 1981, Wisconsin Electric Power Company (WEP) submitted for filing Rate Schedules 15 through 24, inclusive. Said rate schedules provide for service to the municipalities of Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Lake Mills, Oconomowoc, Slinger, Waterloo and Kiel, respectively.

WEP requests a waiver of 35.13 of the Commission's rules and regulations and further requests an effective date of April 1, 1981.

A copy of this filing has been served upon the affected wholesale customers and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspecion.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6165 Filed 2-23-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00138; PH-FRL 1761-8]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: There will be a one-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to review EPA's assessment of the oncogenic potential of permethrin. The meeting will be open to the public.

DATES: March 10, 1981, from 8:30 a.m. to 5:00 p.m.

ADDRESS: The meeting will be held at the: Arlington Room, Twin Bridges Marriott Hotel, 333 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Acting Exectutive Secretary, FIFRA Scientific Advisory Panel (TS-766C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 803, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7560).

SUPPLEMENTARY INFORMATION: EPA wishes to review with the Scientific Advisory Panel the Agency's data analyses and conclusions concerning the oncogenc potential of permethrin.

Any member of the public wishing to attend or submit a paper should contact Philip H. Gray, Jr., at the address or phone listed above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before or after the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons wishing to make oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than March 5, 1981.

Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to be instructed on the format and the number of copies to submit to ensure appropriate consideration by the Panel.

The scheduled date for the next Scientific Advisory Panel meeting is March 25–27, 1981.

(Sec. 25(d), as amended, 92 Stat. 819; (7 U.S.C. 136); Sec. 10(a)(2), 86 Stat. 770 (5 U.S.C. App.))

Dated: February 18, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6290 Filed 2-23-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-30163A; PH-T-RL 1759-6]

Sandoz, Inc.; Approval of Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the approval of an application submitted by Sandoz, Inc., to register the pesticide product TECHNICAL PROPETAMPHOS, containing the new active ingredient propetamphos [(E)-1-methylethyl 3-[[(ethylamino) methoxyphosphenothioyl]oxy]-2-butenoate] at 91 percent.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs,

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Environmental Protection Agency, Rm. 403, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703–557–7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 21, 1979 (44 FR 29538) that Sandoz, Inc., 480 Camino del Rio South, Suite 204, San Diego, CA 92108, had filed an application to register the pesticide product TECHNICAL PROPETAMPHOS (for manufacturing use only) containing the new active ingredient propetamphos at 91 percent. The application proposed that the product be used as a technical ingredient only in formulating insecticides.

Sandoz, Inc., has received approval to register the pesticide product Technical Propetamphos [for manufacturing use only) containing the new active ingredient propetamphos [(E)-1-methylethyl 3-[[(ethylamino) methoxyphosphinothioyl]oxy]-2-butenoate] at 90.7 percent. This application was approved on December 22, 1980 and the product has been assigned EPA Registration No. 11273–21.

A copy of the label and list of data references used to support registration are available for public inspection in the product manager's office. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for inspection in the Information Services Branch, Rm. EB–35, EPA, 401 M St. SW., Washington, D.C. (202–426–8850) in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of December 22, 1980. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, at the above address. Such requests should: (1) Identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824, (7 U.S.C. 136))

Dated: February 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–6078 Filed 2–23–81; 8:45 am]

BILLING CODE 6560–32–M

FEDERAL ELECTION COMMISSION

[Notice 1981–2]

Filing Dates for Michigan Special Primary and General Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for Michigan special primary and general elections.

SUMMARY: Committees required to file reports in connection with the special primary election to be held in the 4th Congressional District of Michigan on March 24, 1981 must file the 12-day pre-primary report by March 12, 1981 and an April 15 quarterly report by April 15, 1981. Committees required to file reports in connection with *both* the special primary election and the special general election to be held on March 24, 1981 and April 21, 1981, respectively, must file the 12-day pre-primary report by March 12, 1981, the 12-day pre-general report by April 9, 1981, the 30-day post-election report by May 21, 1981. The April 15 quarterly report is waived by the timely filing of the pre-general election report.

FOR FURTHER INFORMATION:

Ms. Judith Corley, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463, Tel: (202) 523–4068, Toll-free: (800) 424–9530.

Filing Dates for Special Primary and Special General Elections, 4th Congressional District, Michigan

All principal campaign committees of candidates in the special primary election and all other quarterly filing political committees supporting candidates in this special primary election shall file a 12-day pre-election report due on March 12, 1981, with coverage dates from date of candidacy, or last report, through March 4, 1981.

All principal campaign committees of candidates in the special general election and all other quarterly filing political committees supporting candidates in this special general election shall file a 12-day pre-election report due on April 9, 1981, with coverage dates from March 5, 1981 through April 1, 1981, and a 30-day post-election report due on May 21, 1981, with coverage dates from April 2, 1981 through May 11, 1981. The regularly scheduled quarterly report due on April 15, 1981 is waived for those committees which file the 12-day pre-general report.

Dated: February 19, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81–6054 Filed 2–23–81; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1800]

Argosy Forwarding Services (Robert Boyd Deaux, d.b.a.); Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Argosy Forwarding Services (Robert Boyd Deaux, dba), 101 Realty Bldg., P.O. Box 2744, Savannah, GA 31402 was cancelled effective February 1, 1981.

By letter dated January 19, 1981, Argosy Forwarding Services (Robert Boyd Deaux, dba) was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1800 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Argosy Forwarding Services (Robert Boyd Deaux, dba) has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1800 be and is hereby revoked effective Fegruary 1, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1800 issued to Argosy Forwarding Services (Robert Boyd Deaux, dba) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Argosy Forwarding Services (Robert Boyd Deaux, dba).

Daniel J. Connors,

Director Bureau of Certification & Licensing.

[FR Doc. 81–6173 Filed 2–23–81; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 39]

W.J. Byrnes and Company of New York, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of W.J. Byrnes and Company of New York, Inc., 30 Vesey St., New York, NY 10007 was cancelled effective February 14, 1981.

By letter dated January 19, 1981, W.J. Byrnes and Company of New York, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 39 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

W.J. Byrnes and Company of New York, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 39 be and is hereby revoked effective February 14, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 39 issued to W.J. Byrnes and Company of New York, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon W.J. Byrnes and Company of New York, Inc.

Daniel J. Connors,

Director, Bureau of Certification & Licensing.

[FR Doc. 81–6174 Filed 2–23–81; 8:45am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2135]

Gulf United Freight System; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Gulf United Freight System was cancelled effective February 11, 1981.

By letter dated January 19, 1981, Gulf United Fright System was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2135 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Gulf United Freight System has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2135 be and is hereby revoked effective February 11, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2135 issued to Gulf United Freight System be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Gulf United Freight System.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81–6175 Filed 2–23–81; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

American Forwarding, Inc., 5722 John Chaffey Circle, Garden Grove, CA 92645; Officers: James Thompson, President; Sadie Thompson, Secretary/Director

AUT Texas, Inc., 2000 So. Post Oak Road, Suite 2400, Houston, TX 77046; Officers: Peter A. Holzer, President; James T. Hanges, Vice President; Dolores M. Vila, Secretary/Treasurer; Michael Pschoor, Director

Interstate World Forwarders, Inc., 1650 So. Pacific Coast Highway, Associates Bldg., Suite 308, Redondo Beach, CA 90277; Officers: Richard F. B. Goates, President; William G. Thompson, Vice President; James N. McElroy, Secretary/Treasurer

The International Shipping Company, 1001 Connecticut Avenue NW., Suite 628, Washington, D.C. 20036; Officers: Olivier de Chillaz, President/Director; Michel Progent, Treasurer/Director; Collette Progent, Director; Shermin de Chilla, Director; Robert Warren, Vice President; Robert Kolodney, Secretary.

By the Federal Maritime Commission.

Dated: February 17, 1081.

Francis C. Hurney,

Secretary.

[FR Doc. 81–6024 Filed 2–23–81; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2052]

Krupa Shipping Co., (Gary J. Krupa, d.b.a.); Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Krupa Shipping Company (Gary J. Krupa, d.b.a.) was cancelled effective January 8, 1981.

Krupa Shipping Company (Gary J. Drupa, d.b.a.) has failed to furnish a valid replacement bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1677;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2052 be and is hereby revoked effective January 8, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2052 issued to Krupa Shipping Company (Gary J. Krupa, d.b.a.) be returned to the Commission for cancelation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Krupa Shipping Company (Gary J. Krupa, d.b.a.).

Daniel J. Connors,

Director, Bureau of Certification & Licensing.

[FR Doc. 81–6023 Filed 2–23–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and

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§ 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be appgrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 20, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Lincoln First Bank Inc., Rochester, New York (insurance underwriting activities; New York): to engage through its subsidiary, Lincoln first Life Insurance Company, in underwriting credit life and credit accident and health insurance directly related to extensions of credit by Lincoln First Bank, N.A., Rochester, New York. These activities would be conducted from offices in Phoenix, Arizona, serving the State of New York, including the metropolitan areas of Rochester, Syracuse, Jamestown, Binghamton and White Plains, New York.

B. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Cullen/Frost Bankers, Inc., San Antonio, Texas (insurance activities; Texas): to engage through its subsidiary, Daltex General Agency, Inc., in the management and administration of insurance directly related to extensions of credit by itself and its subsidiaries, and other types of insurance for its banking subsidiaries. These activities would be conducted from an office in San Antonio, Texas, serving affiliates presently located in Dallas, Houston, San Antonio, and Corpus Christi, Texas.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 18, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6055 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than March 19, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (loan servicing activites; 29 states): to engage *de novo*, indirectly through Citicorp Person-to-Person, Inc., and its respective subsidiaries in the servicing, for any person, of loans and other extensions of credit. The aforementioned subsidiaries engage in one or more of the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person, Inc. or its subsidiaries, and to the extent permissible under applicable state insurance laws and regulations; the operating as an industrial loan company; the issuing of thrift certificates and thrift passbook certificates; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loan the soliciting and making of consumer installement personal loans, (the "Ready Credit" program); the originating, for its own account or for the account of others, first mortage loans secured by residential or commercial properties; the sale at retail of money orders, travelers checks, U.S. savings bonds and consumer-oriented financial management courses. The aforementioned subsidiaries operate in one or more of the following states: Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wyoming. This application does not involve a change in service area of any of the offices of the aforementioned subsidiaries since each respective subsidiary will only service loans which it originated or acquired.

2. Horizon Bancorp, Morristown, New Jersey (commercial, consumer, and mortgage financing and leasing activites; West Coast of Florida): to engage through its subsidiary, Horizon Creditcorp, in inventory floor plan financing; making and acquiring for its own account or for the account of others, term loans and other extensions of credit to purchase yachts at retail and second mortgage financing, yacht loans will be primarily secured by large U.S. produced fiberglass pleasure yachts, aluminum and fiberglass sport boats and marine equipment; and leasing personal property or acting as broker or advisor in leasing such property. These activities would be conducted from an office in Sarasota, Florida, serving Florida's West Coast.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice president) 400 Sansome Street, San Francisco, California 94120:

1. Crocker National Corporation, San Francisco, California (mortage banking, servicing, and real property leasing activities; nationwide): to engage through its subsidiary, Crocker Mortgage Company, Inc., in originating mortgages on single-and multi-family and commercial non-residential properties, selling the mortgages to permanent investors and servicing the loans on behalf of the investors who purchase the mortgage and assisting developers and builders in obtaining construction loans and other types of development loans; acquiring from others, for its own account or for the account of others, entire or partial interests in real estate loans and extensions of credit secure by real estate, including interim, construction, development and long-term real estate loans and related security, creating, acquiring, holding and disposing of, for its own account or the account of others, notes, bonds, debentures, pass-through certificates, or other similar instruments, which are secured or backed directly or indirectly by interests in real estate or in extensions of real estate credit; leasing real property in accordance with the provisions of Section 225.4(a)(6) of Regulation Y; acting as agent, broker or advisor to any persons or entity in connection with transactions of the types described; servicing real estate loans and other extensions of real estate credit owned by others. These activities would be conducted from additional offices of Crocker Mortgage Company, Inc. located in Campbell, Sacramento, Montclair, Fresno, Walnut Creek, Hayward, Santa Monica, Modesto, Stockton, Bakersfield, San Luis Obispo, Santa Rosa, and Irvine, California, and Tempe, Arizona, serving principally California and Arizona and other states nationwide. This application is for the establishment of additional offices to engage in activities for which Crocker Mortgage Company, Inc. has received prior approval. Comments on this application must be received by March 18, 1981.

2. Western Bancorporation, Los Angeles, California (insurance underwriting activites; Washington): to engage through its subsidiary, Western Bancorp Credit Life Insurance Company, in underwriting credit life insurance directly related to extensions of credit by Western Bancorporation and its credit-granting subsidiaries. These activities would be conducted from offices located in Phoenix, Arizona, serving the State of Washington. Comments on this application must be received by March 16, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferon A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6056 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

Centinel Bank Shares, Inc.; Formation of Bank Holding Company

Centinel Bank Shares, Inc., Taos, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Centinel Bank of Taos, Taos, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 18, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6057 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Security Bancorporation; Acquisition of Bank

Commercial Security Bancorporation, Ogden, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Bear River State Bank, Tremonton, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6058 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

J & L Bancorporation, Inc.; Formation of Bank Holding Company

J & L Bancorporation, Glendive, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First Security Bank of Glendive, Glendive, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

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Board of Governors of the Federal Reserve System, February 18, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6099 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

Osage Bank Services, Inc.; Formation of Bank Holding Company

Osage Bank Services, Inc., Osage, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 64.6 percent or more of the voting shares of Osage Farmer National Bank, Osage, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6090 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 20, 1981.

A. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

CENTRAL FIDELITY BANKS, INC., Richmond, Virginia (investment advisory activities; Virginia): to engage, through its subsidiary, CFB Advisory Corporation, in acting as an investment financial advisory, providing portfolio investment advice and portfolio management services to individuals, partnerships, corporations, pension and profit sharing plans, private foundations and endowments. These activities would be performed from offices in Lynchburg and Richmond, Virginia, serving the State of Virginia.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 18, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6212 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

East Texas Bancshares, Inc.; Acquisition of Bank

East Texas Bancshares, Inc., Sulphur Springs, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Peoples National Bank of Sulphur Springs, Sulphur Springs, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 18, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6211 Filed 2-23-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Valero Energy Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Dennis W. McCarthy. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-6045 Filed 2-23-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Information Capture, Storage Retrieval, and Perpetuation; Meeting

Notice is hereby given that the Subcommittee on Information Capture, Storage, Retrieval, and Perpetuation of the National Archives and Records Service Advisory Committee on Preservation will meet on March 11, 1981, from 10:00 a.m. to 4:00 p.m., at the National Archives Building, Room 15W1, Washington, D.C. The Subcommittee will discuss preservation micro-filming and liaison with other organizations interested in preservation.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: February 19, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-6379 Filed 2-23-81; 11:16 am]

BILLING CODE 6820-26-M

Advisory Committee on Preservation; Long Range Policy and Planning; Meeting

Notice is hereby given that the Subcommittee on Long Range Policy and Planning, of the National Archives and Records Service Advisory Committee on Preservation will meet on March 11, 1981, from 10:00 a.m. to 4:00 p.m., at the National Archives and Records Service, Machine-Readable Archives Division, Room 1100, 711 14th Street, Washington, D.C. The Subcommittee will discuss (a) the size and rate of increase of large collections of machine-readable data within the Federal Government and (b) liaison with other organizations interested in preservation.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: February 19, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-6378 Filed 2-23-81; 11:16 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

National Professional Standards Review Council; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 USC App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: March 16, 1981 (10:00 a.m. to 5:00 p.m.); March 17, 1981 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor) HHS North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

Purpose of the Meeting: The Council was established to advise the Secretary of Health and Human Services on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On February 27, 1981, a tentative agenda will be made available to the public.

The meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairperson will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 4520, Health and Human Services North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-6097.

Cleo E. Hancock, Jr.,

Staff Director, National Professional Standards Review Council.

[FR Doc. 81-6180 Filed 2-23-81; 8:45 am]

BILLING CODE 4110-35-M

National Institutes of Health

Advisory Committee to the Director, NIH; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, on March 16-17, 1981, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place from 8:30 a.m. to 5:30 p.m. on March 16, and from 8:45 a.m. to 12:45 p.m. on March 17, in Building 31, Conference Room 6, C Wing. The entire meeting will be open to the public.

The meeting will focus on relationships among the Government, the private sector, and universities—a continuation of earlier Committee discussions on Government-university relationships. The Committee's meeting of May 1980 centered on indirect costs and other cost and accountability issues. At the October 1980 meeting, several alternative modes for funding health research activities were considered. At the latter meeting NIH policies governing awards to commercial organizations were also briefly discussed; it was suggested at that time that the Committee should explore further the relationship with industry. This will be done at the forthcoming meeting.

Presentations at the meeting will be made by representatives from industry, selected research institutions, and the Federal Government. The first day will be devoted to an overview of Congressional and Administration initiatives and patent and technology policies, with an examination of implications for the Department of Health and Human Services patent policies. A review of NIH programs with the academic-industrial sector will be followed by a session on industry support for developmental health research and an examination of respective roles of Government and industry in consideration of a Department of Justice antitrust guide on research joint ventures.

The second day will be devoted to corporate support for basic health research at universities including an examination of cooperative research relationships at universities. As part of the examination the Committee will consider the Report of the National Commission on Research, *Industry and Universities: Developing Cooperative Research Relationships in the National Interest.* The Executive Secretary, Joseph G. Perpich, M.D., J.D., National Institutes of Health, Building 1, Room 137, Bethesda, Maryland 20205, 301-496-3152, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

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Dated: February 5, 1981.

Thomas E. Malone, Ph. D.,

Deputy Director, NIH.

[FR Doc. 81-6041 Filed 2-23-81; 8:45 am]

BILLING CODE 4110-08-M

Behavioral Medicine Study Section; Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Behavioral Medicine Study Section, Division of Research Grants, which was published in the **Federal Register** on January 21, 1981 (46 FR 6073).

The Behavioral Medicine Study Section was to have met March 4–6, 1981, but will meet March 3–6, 1981, at 9:00 a.m. at the Georgetown Holiday Inn, Washington, DC, the same time and location for which it was originally scheduled.

The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: February 10, 1981.

Thomas E. Malone, Ph. D.,

Deputy Director, NIH.

[FR Doc. 81-6042 Filed 2-23-81; 8:45 am]

BILLING CODE 4110-08-M

Biomedical Research Support Subcommittee, General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Research Support (BRS) Subcommittee, General Research Support Review Committee, Division of Research Resources, March 30–31, 1981, Conference Room 7, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public from 9:00 a.m. on March 30 to approximately 5:00 p.m. and from approximately 8:30 a.m. on March 31 to adjournment for the discussion of (1) the General Accounting Office (GAO) letter report recommending the establishment of measurable objectives for the BRS Program; (2) DRR's preliminary response to the GAO letter report; (3) BRS portion of the DRR presentation in the fiscal year 1982 budget to the Congress showing a competitive "Biomedical Shared Instruments" activity; (4) DRAFT Guidelines of the shared research instruments activity. Attendance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Reseach Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Thomas G. Bowery, Program Director, Biomedical Research Support Program, Room 5B23, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs, No. 13.337, Biomedical Research support, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Thomas E. Malone, Ph. D.,

Deputy Director, NIH.

[FR Doc. 81-6043 Filed 2-23-81; 8:45 am]

BILLING CODE 4110-08-M

National Institutes of Health Study of the Mandatory Retirement Age for Commercial Airline Pilots; Report of the Institute of Medicine of the National Academy of Sciences; Notice of Availability

AGENCY: National Institutes of Health.

ACTION: Notice of availability of the Institute of Medicine report and invitation to comment.

SUMMARY: A report is being prepared for the National Institute on Aging (NIA) of the National Institutes of Health (NIH) by the Institute of Medicine (IOM) of the National Academy of Sciences (NAS) on the medical and scientific issues relevant to the mandatory requirement of commercial airline pilots at age 60. It is anticipated that this report will be completed and submitted to the NIA on March 31, 1981. The NIA plans to make copies of this report available, upon request, and invites technical comments from responsible parties.

DATE: Single copies of the IOM report will be available from NIA after April 3, 1981. Comments on the report must be received by May 4, 1981.

ADDRESS: Requests for the IOM report and comments on it may be sent to Office of the Deputy Director, National Institute on Aging, Building 31, Room 2C02, National Institutes of Health, Bethesda, Maryland 20205.

FOR FURTHER INFORMATION CONTACT: Ms. Lily O. Engstrom, Office of the Deputy Directory, National Institute on Aging, Building 31, Room 2C06, Bethesda, Maryland 20205, (301) 496–5608.

SUPPLEMENTARY INFORMATION: Pub. L. 96–171, enacted on December 29, 1979, requires the Director of NIH, in consultation with the Secretary of Transportation, to conduct a study to determine—

(1) Whether an age limitation which prohibits all individuals who are sixty years of age or older from serving as pilots is medically warranted;

(2) Whether an age limitation which prohibits all individuals who are older than a particular age from serving as pilots is medically warranted;

(3) Whether rules governing eligibility for first- and second-class medical certification, as set forth in part 67 of title 14 of the Code of Federal Regulations (as in effect on the date of enactment of this Act), are adequate to determine an individual's physical condition in light of existing medical technology;

(4) Whether rules governing the frequency of first- and second-class medical examinations, as set forth in part 67 of title 14 of the Code of Federal Regulations (as in effect on the date of enactment of this Act), are adequate to assure that an individual's physical condition is being satisfactorily monitored; and

(5) The effect of aging on the ability of individuals to perform the duties of pilots with the highest level of safety.

The Director of NIH shall complete this study and submit a report on its results to Congress.

The NIH, with the NIA serving as the lead agency, awarded a contract to the Institute of Medicine to provide an objective examination, summary and assessment of existing scientific knowledge that is relevant to the five points in Pub. L. 96–171. Technical comments on this report will be reviewed and considered by the NIH in the process of preparing the report required by the legislation.

Dated: February 12, 1981.

Thomas E. Malone, Ph. D.,

Deputy Director, NIH.

[FR Doc. 81-6047 Filed 2-23-81; 8:45 am]

BILLING CODE 4110-08-M

Study of the Health-Related Effects of Marijuana Use

The Insititute of Medicine (IOM) of the National Academy of Sciences (NAS) is conducting an independent assessment of the physiological and behavioral effects of marijuana use, and of Federal research programs in this area. The study is being funded by the Department of Health and Human Services (National Instititutes of Health).

The IOM proposes to review and analyze the existing scientific evidence that may suggest hazards to the health and safety of marijuana users. Data suggesting certain health benefits and medical utility would also be examined. The IOM study would assess Federal research programs in this area, delineate important directions for further investigation, and produce suggestions for improving the quality and utility of future research.

A Federal Interagency Committee, created under the authority of the Director, NIH, provides for appropriate coordination with the IOM in this effort. The Committee consists of representatives of NIH; the Alcohol, Drug Abuse, and Mental Health Administration; the Office of the Assistant Secretary for Health; and the Office of the Assistant Secretary for Planning and Evaluation, HHS. The Chairman of the Committee is Dr. Carl M. Leventhal, Deputy Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases; and the Executive Secretary and Project Officer is Dr. Joseph G. Perpich, Associate Director for Program Planning and Evaluation, NIH.

Ultimate responsibility for the study rests with a steering committee appointed by the President of the IOM. The IOM Committee to Study the Health-Related Effects of Marijuana Use, representing a diverse group of distinguished scientists, clinicians, and scholars, has named several panels, each chaired by a member of the steering committee, to review the state of knowledge about marijuana and the effectiveness of current research efforts.

The purpose of this notice is to solicit written information and data from the public and from professional groups on any aspect of the proposed study. All submitted material will be incorporated in the record of the IOM Committee activities. Any interested person may submit written views, which will become part of the IOM Committee record. Supplementary information, on which comments are invited, is provided below.

Views should be in writing; should be addressed to Dr. Queta C. Bond, or Dr. Linda Dujack, Institute of Medicine, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20418; and must be postmarked before April 1, 1981.

For further information, contact Dr. Bond [(202–389–6947] or Dr. Dujack [(202)–389–6834].

Supplementary Information

Contradictory results and varying interpretations of research data make it easy to cite "evidence" that marijuana is either extremely dangerous or essentially innocuous. Scientific controversy and public confusion persist in spite of a number of reports on marijuana and health from authoritative agencies and organizations. (*1,6*)

Recent social developments have added some urgency to the need for reassessment of data and for construction of the best possible estimates of actual hazards and potential risks to various types of marijuana users. In recent reviews, the following trends have been noticed.

- Apparently, the proportion of adolescents who regularly use marijuana increased substantially in the late 1970s. Ten percent of high school seniors now report use of this drug daily.(*4*)
- Among 8- to 11-year-olds and 12- to 17-year-olds, frequency and prevalence of use have increased markedly in the past few years.(*3,4,7*)
- The quality of marijuana reaching the street has "improved" because of Colombian and other new sources. Thus, many are using a substance that is 2 to 10 times stronger than that prevalent a few years ago. increased availability of hashish and "hash oil" is also bringing higher concentrations of the active chemical, tetrahydracannabinol (THC), to contemporary users.(*7,8*)
- A majority of marijuana users say they sometimes drive when intoxicated with marijuana.(*2*)

While these social and epidemiological trends were developing in the middle and late 1970s, further scientific explorations with potential implications for health and safety risks of marijuana use continued. The following illustrative findings have emerged:

- Several reports assert that psychomotor skills related to driving motor vehicles are impaired by marijuana intoxication. Because cannabinoids are long-active drugs (half-life of THC is over two days), some of these effects are demonstrable when the user is no longer "high."(*4*)
- Suppression by marijuana of male sex hormone (testosterone) and two pituitary hormones involved in reproductive physiology (luteinizing hormone and follicle-stimulating hormone) has been reported in a number of different studies—in humans and animals. Contradictory results have also been found. Chronic, heavy use adversely affects human spermatogenesis, resulting in an increased proportion of immobile or abnormally formed spermatozoa.(*4,6,8*)
- When smoked heavily and chronically, marijuana, like cigarettes, adversely affects pulmonary functioning. Marijuana smoke may be potentially carcinogenic. Because of poor combustibility, it may even contain a higher concentration of carcinogenic hydrocarbons than does tobacco smoke.(*4,8,9*)
- Reports continue to accumulate asserting adverse effects of marijuana on DNA synthesis, immunological capability, short-term memory, etc. In some animal studies, long-term exposure apparently caused irreversible adverse effects upon brain functions and structure.(*6,8*)

The interpretation of findings like these is even more controversial than the findings themselves. It has been difficult, for example, to assess reports of marijuana's biological impact on hormonal systems and cell metabolism (which could be of great importance to pregnant women and to children and youth who have not yet reached physical maturity). Studies on effect of dose and duration of action on motor vehicle driving skills need to be carefully assessed, since questions have been raised about risks to the safety of others, such as passengers, pedestrians, motorists, and riders of common carriers. Another complex area is multiple drug use, including alcohol, which is a source of potential danger for a subgroup of marijuana users. The pharmacological interactions of these drugs need to be appraised.

Evidence of potential health benefits—e.g., in treatment of glaucoma, nausea (particularly that associated with chemotherapy of certain cancers), seizure disorders, or asthma—also needs to be assessed.(*10*) There is a need to address claims that marijuana use may be psychosocially beneficial in some ways for certain people, and that, for some users, adult adjustment seems to have been relatively unaffected by a history of heavy consumption of marijuana during adolescence.

Some children and adolescents limit themselves to experimenting with marijuana in an exploratory way. Others go on to long-term use. For many, the psychosocial impact of chronic use in the junior and senior high school years may have ramifications for adult patterns of coping and adaptation. These fateful decisions are often made in early adolescence in the absence of adequate information from credible adult sources and under the influence of considerable peer pressure.

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5. Fehr, K., Kalant, O., Kalant, H. and Single, E., *Cannabis: Adverse Effects on Health. A Statement Prepared by Scientists of*

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9. Hoffman, D., et al. "On the Carcinogencity of Marijuana Smoke," in *Recent Advances in Phytochemistry,* Vol. 9. Runechles, V. C. (ed.). New York: Plenum, 1975.
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Dated: February 19, 1981.

Thomas E. Malone, Ph.D.,

Deputy Director, NIH.

[FR Doc. 81-6048 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-88-M

Public Health Service

Health Systems Agencies and State Health Planning and Development Agencies; Certificate of Need Reviews

AGENCY: Health Resources Administration, Public Health Service, HHS.

ACTION: Notice of Adjustment Factor for Certificate of Need Review Expenditure Minimums.

SUMMARY: The Health Planning and Resources Development Amendments of 1979 (Pub. L. 96–79) as amended by the Health Programs Extension Act of 1980 (Pub. L. 96–538) required the Secretary to designate by regulation (1) an index maintained or developed by the Department of Commerce which could be used by States to adjust the minimum threshold for capital expenditures and (2) an index which could be used by States to adjust the minimum threshold for annual operating costs, in the State certificate of need programs. The Secretary designated the Department of Commerce Composite Construction Cost Index for both purposes in the certificate of need final regulations published October 21, 1980 (42 CFR 123.401). This notice provides the change in the Department of Commerce Composite Construction Cost Index from October 1, 1979 to October 1, 1980. On October 1, 1979, the index was fixed at 206.6. On October 1, 1980, the index was fixed at 226.5. This 19.9 point change represents a 9.6 percent increase. States that are authorized to adjust the capital expenditure and operating cost expenditure minimums may increase them up to 9.6 percent.

FOR FURTHER INFORMATION CONTACT: Thomas C. Croft, Jr., Acting Director Division of Regulatory Activities, Bureau of Health Planning, 3700 East-West Highway, Room 6–50, Hyattsville, Maryland 20782, (301) 436–6134.

Dated: February 18, 1981.

Robert Graham,

Acting Administrator.

[FR Doc. 81-6157 Filed 2-23-81; 8:45 am]

BILLING CODE 4110-83-M

Social Security Administration

Title II and Title XVI Research Grants; Availability

The Commissioner of Social Security gives notice that fiscal year (FY) 1981 funds are available for research grants on improving the Old-Age, Survivors, and Disability Insurance (OASDI) and Supplemental Security Income (SSI) programs. The Social Security Administration (SSA) is making these grants, authorized under sections 702 and 1110 of the Social Security Act, available to qualified public and private nonprofit agencies and organizations which include institutions of higher learning. Applications for these grants must be received by May 10, 1981.

General Policy Considerations

The OASDI and SSI programs are the largest income-security programs in the United States. The OASDI program, which covers most persons who earn wages or self-employment income, provides protection against income loss caused by death, disability and retirement. The SSI program provides supplemental income to the needy aged, blind and disabled.

The Social Security Administration needs to continue high caliber research in the income security area to keep pace with the changing composition and needs of contemporary society. In general, SSA is interested in those research projects that develop and implement analytical models for comparing the merits of alternative methods for carrying out the income security goals.

The personnel for a project should have background in an academic discipline that can contribute to wider understanding of issues in income security. These disciplines can include but are not limited to—economics, sociology, demography, industrial relations, statistics, econometrics, psychology, anthropology, systems analysis, and communications.

Priority Areas for Research Funds

Research projects must be directed toward priorities and strategies that are derived from SSA's major policy and program issues. The high priority areas for section 702 and section 1110 research funding are:

(a) Analyses that can contribute to the specification of long-run simulation models dealing with the labor force participation of women and analyses related to women's coverage and eligibility for public income maintenance and private pension plans. Among the topics of interest are the potential impact of a change in the social security dependency benefit provisions on women's labor force participation and the anticipated effect that changes in dependent benefits might have on individual and family retirement planning and economic status.

(b) Studies of the factors that affect the social, psycological, occupational and financial situations of the aged, the timing of their retirement, and the adequacy of their retirement income. This includes analyses of program implications related to issues such as: the delayed retirement options, alternatives and incentives available to the population at retirement age; the potential effect of eliminating the retirement test; the factors related to delaying retirement; the relationship between health status and the timing of retirement; and, the availability of and factors related to flexible work styles for the aged. Also, there is interest in analyses on the impact of inflation on the economic behavior and circumstances of the aged, including expenditure patterns and labor force participation, asset accumulation and spending of savings, and changes in the absolute and relative size and share of income from various sources.

(c) An examination of the potential short and long-run impacts of immigration and immigration policy on social security and related programs. The social security program financing pressures anticipated after the year 2000 could be offset somewhat by increased immigration. However, the potential effect of increased immigration on demands for other service and benefit programs also must be taken into account.

(d) Analysis of people's need for income support, health services, retraining or relocation assistance in relation to long and short-term disability; analyses of psychological, economic, and social barriers that may affect the ability of disabled persons to become rehabilitated and reemployed.

(e) Comparative studies and analyses of other countries' social security concepts and programs, including studies of alternatives income maintenance systems and their effectiveness in providing adequate replacement earnings and in preventing poverty among non-working and low-income groups. Also, comparative analyses of the effects alternative social security financing methods may have on a nation's fiscal stability, economic growth, employment, and income distribution.

(f) SSA invites proposals for research that use available SSA data bases such as the Retirement History Study, Survey of Young Survivors, and the Surveys of the Disabled. These separate data bases contain material on the work and retirement related characteristics of Americans currently or potentially eligible for program benefits. Included are data on size, type and source of income, work activity and factors related to work capacity, health costs and other expenditures, living arrangements and family relations. Of interest are analyses of the events influencing the timing of retirement or the occurrence of disability; analyses of the economic circumstances and behavior of the aged, disabled, survivors and low-income populations; and assessment of the potential impact of proposed changes in social security.

Availability and Duration of Funding

Projects are financed under the authority of sections 702 and 1110 of the Social Security Act. For FY 1981, SSA anticipates allocating $400,000 for new Section 702 and Section 1110 projects. Grants are awarded for a period of one year's duration but may be continued on a non-competitive basis for more than one and up to five years duration if the grantee demonstrates acceptable progress, there is continuing availability of funds, and there is continuing relevance for the research. The amounts that will be awarded will vary, depending upon the research activity.

Basic Criteria for Funding New Projects

We will evaluate each project application under the following criteria:

1. The research or demonstration design of the project demonstrated by the appropriateness of the work statement and the technical approach to the area of inquiry (this includes clarity of goals, the use of scientifically valid methods and data, and the scheduling of tasks and milestones).

2. The application should list the qualifications of the project personnel and show how these qualifications make them capable of competently performing their assigned tasks. The application should also show the project organization i.e., who will be responsible for what portions of the project and the lines of authority in the project.

3. The budget must be detailed with justifications and explanations for the requested amounts. Estimated costs must be reasonable considering the scope of the project.

4. Demonstration projects must have an evaluation component that describes the data collection and analysis procedures for quantitatively assessing achievement of objectives. This evaluation component must be distinguished from activities which provide information to the project staff on their progress toward meeting objectives.

5. The applicant organization must have adequate facilities and resources to carry out the project.

6. The plans for using the project's results, what the deliverable products will be, and the scheduled delivery dates of reports or products, should be discussed.

7. The application must demonstrate the applicant's willingness to comply with the human subjects regulations by including, with the application, a completed form HEW–596 (Rev. 1975) "Protection of Human Subjects" (45 CFR Part 46).

Review of Application

SSA will first screen an application for its relevance to SSA's interests. If judged irrelevant, the application is returned to the applicant. If judged relevant, the application is reviewed by a review panel of not less than three experts. This panel completes a written assessment of each application and ranks each application according to a suggested order for approval.

Application Procedures

8. Application forms: Application kits are available from: Social Security Administration, Division of Contracting and Procurement, Post Office Box 7696, Gwynn Oak Branch, Baltimore, Maryland 21207; Telephone: (301) 594–0284. Grants Management Officer: Mr. Lawrence Pullen.

Additional information about these grants programs is available at the above address upon request. In order to insure receipt of the proper application and guidelines, please fully describe the type of project.

9. Grant Policies: Approving a project for a grant is made by a competitive process based on a choice of proposals submitted in response to this notice. The application kit explains the grantee's responsibilities, the grant award and payment procedures, and any special provisions and assurances.

10. Closing Dates: In order to be considered for a grant using FY 1981 funds, an application must be received by the Division of Contracting and Procurement (at the address shown above) no later than May 10, 1981.

An application will be considered as received on time if—(a) the postmark shows that the application was sent by registered or certified mail on or before May 10, 1981, or (b) the application is received by SSA in Baltimore, Maryland on or before May 10, 1981. The date of receipt by SSA in Baltimore, will be established either by the date stamped on the application by the SSA mailroom or other documentary evidence of the date of SSA receipt.

(Catalog of Federal Domestic Assistance Program No. 13.812—Assistance Payment—Research)

February 10, 1981.

Herbert R. Doggette, Jr.,

Acting Commissioner of Social Security.

[FR Doc. 81-6032 Filed 2-23-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Jackson Zoological Park, Jackson, Mississippi

The applicant requests a permit to purchase in interstate commerce one captive-bred jaguar (*Panthera onca*) from the Rio Grande Zoological Park, Albuquerque, New Mexico for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7660. Interested persons may comment on this application (March 26, 1981) by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

V 46 / 36 FE 24 81 UMI

Dated: February 18, 1961.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-6182 Filed 2-23-81; 8:45 am]

BILLING CODE 4310-55-M

HERITAGE CONSERVATION AND RECREATION SERVICE

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 13, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 11, 1981.

Carol Shull,

Acting Chief, Registration Branch.

ALASKA

Kodiak Division

Larsen Bay vicinity, *KOD-171 Site.*
Larsen Bay vicinity, *KOD-233 Site.*

CALIFORNIA

NEWLANDS RECLAMATION (TRUCKEE-CARSON PROJECT) THEMATIC RESOURCES. Reference—see individual listings under Placer and Nevada Counties. Also in Nevada.

Nevada County

Truckee vicinity, *Boca Dam (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* NE of Truckee.

Placer County

Tahoe City, *Lake Tahoe Dam (Newlands Reclamation (Truckee-Carson Project) Thematic Resources)* Lake Tahoe.

MICHIGAN

Oakland County

Pontiac, *Eastern Michigan Asylum Historic District,* 140 Elizabeth Lake Rd.

NEVADA

NEWLANDS RECLAMATION (TRUCKEE-CARSON PROJECT) THEMATIC RESOURCES. Reference—see individual listings under Churchill, Storey and Washoe Counties. Also in Calif.

Churchill County

Fallon vicinity, *Carson River Diversion Dam (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* Carson River.

Fallon vicinity, *Lahontan Dam and Power Station (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* SW of Fallon.

Fallon vicinity, *T Canal (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* N of Fallon.

Truckee Canal (Newlands Reclamation (Truckee-Carson) Thematic Resources), S to Lahontan Dam (also see listing under Storey County).

Fallon vicinity, *V Canal (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* S of Carson River.

Fallon vicinity, *V Canal Powerplant (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* W of Fallon on V Canal.

Storey County

Sparks vicinity, *Derby Diversion Dam (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* E of Sparks (also see listing under Washoe County).

Truckee Canal (Newlands Reclamation (Truckee-Carson) Thematic Resources), E from Derby Dam (also see listing under Churchill County).

Washoe County

Sparks vicinity, *Derby Diversion Dam (Newlands Reclamation (Truckee-Carson Project) Thematic Resources),* E of Sparks (also see listing under Storey County).

SOUTH DAKOTA

Minnehaha County

Sioux Falls, *South Dakota School for the Deaf,* 1800 E. 10th St.

WISCONSIN

Florence County

Florence vicinity, Fern School, SW of Florence on WI 101.

Marinette County

Amberg, *Amberg Town Hall,* Grant St.

Oneida County

Rhinelander, *Oneida County Courthouse,* S. Oneida Ave.

Racine County

Racine, *Racine Public Library,* 701 S. Main St.

[FR Doc. 81-5750 Filed 2-23-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

Casper District Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Casper District Advisory Council will be held on March 26, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming.

The agenda will include: (1) review of cultural resource inventory procedures; (2) review of areas of critical environmental concern and (3) arrangements for the next meeting.

The meeting will be open to the public. Interested persons may make oral statements or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601 by March 20, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection within 30 days following the meeting.

Robert T. Dale,

Assistant District Manager.

[FR Doc. 81-6376 Filed 2-23-81; 10:42 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29560]

Chicago, Madison and Northern Railway Co.; Acquisition and Operation of a Portion of a Line of Railroad Between Freeport, IL and Madison, WI

Chicago, Madison and Northern Railway Company (CM&N), represented by Mr. John F. Jenswold, President, Chicago, Madison and Northern Railway Company, 16 N. Carroll Street, Suite 900, Madison, WI and Francis G. McKenna, Attorney, 1000 16th Street, N.W., Washington, DC 20036, hereby gives notice that on the 14th day of January, 1981, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing it to operate over a portion of track formerly owned by the Illinois Central Gulf Railway Company (ICG) between Freeport, IL and Madison, WI, a distance of approximately 59 miles, in Green and Dane Counties, WI and Stephenson County, IL.

This section of tracks was the subject of Commission proceeding AB-43 (Sub-No. 28F) in which the Commission approved its abandonment. The line now serves thirty-seven shippers and approximately 1,000 cars moved over the line in the last year. Approval of the application will permit continued rail service to the existing patrons and shippers and enhance the opportunities for the continued economic growth of the involved area.

Wisconsin Department of Transportation and South Central

Wisconsin Transit Commission have acquired the line by purchase from the Illinois Central Gulf Railroad.

In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), as amended by the Commission's decision in Ex Parte No. 55 (Sub-No. 22), *Revision of National Environmental Policy Act Guidelines,* 363 I.C.C. 653 (1980), 45 Fed. Reg. 79810 (December 2, 1980), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra,* at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of publication of this notice in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6214 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-38]

Motor Carriers; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 255 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions,and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

Dated: February 12, 1981.

Agatha L. Mergenovich,

Secretary.

MC 150511F, filed November 17, 1980. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting (1) *such commodities* as are dealt in or used by retail department stores, between points in the U.S., under continuing contract(s) with (a) J. C. Penney company, Inc., of Mountainside, NJ, (b) Bamberger's, Division of R. H. Macy Inc., of Newark, NJ, and (c) Hecht's, Division of The May Department Stores Company, of Washington, DC, and (2) *wtater,* in containers, *empty containers, and materials, equipment and supplies* used in the distribution of water, between points in the U.S., under continuing contract(s) with Pine Hill Crystal Spring Water Co., Div. of The Nestlé Company, Inc., of White Plains, NY.

Note.—This application is directly related to MC-F-14505F, published in this same **Federal Register** issue.

MC 153601, filed January 13, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Road C, St. Paul, MN 55113. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Essex Group, Inc., of Fort Wayne, IN.

Note.—This application is directly related to MC-F-14551, published in this same **Federal Register** issue.

MC 153891, filed February 4, 1981. Applicant: FLEXIBLE TRANSPORT, INC., 610 High St., Wisconsin Rapids, WI 54494. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. transporting *general Commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Commercial Shearing, Inc., of Youngstown, OH.

Note.—This application is directly related to MC-F-14535 published in this same **Federal Register** issue.

[FR Doc. 81-6216 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. OP4-230]

Motor Carriers; Decision-Notice

Decided: February 13, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers

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pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

MC-14549, filed January 13, 1981. COOPER MOTOR LINES, INC. (Cooper) (P.O. Box 2820, Greenville, SC 29602)—Continuance in control—PARK PLACE EQUIPMENT SERVICES, INC. (Park) (P.O. Box 2820, Greenville, SC 29602). Representative: Francis W. McInerny, 1000 16th St., N.W., Suite 502, Washington, DC 20036. Cooper seeks authority to continue in control of Park upon the institution by Park of operations in interstate or foreign commerce, as a motor contract carrier. Calhoun Lemon, Chairman of the Board, and Treasurer, also seeks to continue in control. Park has filed an application in MC-153606 to transport general commodities, between points in the US. Cooper is a motor common carrier pursuant to certificates issued in MC-47171 and sub-numbers thereunder. Calhoun Lemon also has an interest in Southern Bulk Haulers, Inc. (MC-119560); The Geo. A. Rheman Co., Inc. (MC-103191); and Cement Transport, Inc. (MC-138646). (Hearing site: Washington, DC or Atlanta, GA.)

Note.—Park has filed as a directly related application its initial contract carrier application. This application, docketed No. MC-153606, is published in this same **Federal Register** issue.

[FR Doc. 81-6217 Filed 2-23-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 400]

Motor Carriers; Decision-Notice

Decided: January 22, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier sevice will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 134979 (Sub-16F), filed April 7, 1980. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting: (1) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Subtitle IV of 49 U.S.C. 10526 (formerly Sec. 203(b)(6) of the Interstate Commerce Act), in mixed loads with the commodities named in (2) below, (2) *feed, feed ingredients and related materials, equipment and supplies*, and (3) *salt*, in bags, between points in MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142268 (Sub-43F), filed June 19, 1980 (Republication). Applicant: GORSKI BULK TRANSPORT, INC., 843 Central Avenue, Windsor, Ontario N8Y 4S2. Representative: William H. Shawn, Suite 501, 1730 M Street, NW., Washington, DC 20036. Transporting *alcoholic liquors, alcohol, alcohol distilled spirits, neutral spirits, brandy cordials and wine* (1) between Bardstown, KY on the one hand, and on the other, Fort Smith, AR, Plainfield, IL, New Orleans, LA, Detroit, MI, Scobeyville, NJ, and Burlingame, CA, (2) between the ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, Fort Smith, AR, Plainfield, IL, Bardstown, KY, and New Orleans, LA, (3) between Silverton, OH, on the one hand, and, on the other, Fort Smith, AR, Plainfield, IL, Bardstown, KY, New Orleans, LA, and Scobeyville, NJ, (4) between the ports of entry on the international boundary line between the U.S. and the Republic of Mexico at points in TX, on the one hand, and, on the other, Fort Smith, AR, (5) between the ports of entry at points in NY, PA, NJ, MD, FL, AL, LA, on the one hand, and, on the other, Fort Smith, AR, Silverton, OH, Plainfield, IL, Bardstown, KY, and Scobeyville, NJ, (6) between Roberta, GA, Auburndale and Lake Alfred, FL, on the one hand, and, on the other, Fort Smith, AR, and (7) between points in CA on the one hand, and, on the other, Fort Smith, AR, Plainfield, IL, New Orleans, LA, and Bardstown, KY, restricted in (1), (2), (3), (4), (5), and (6) to traffic originating at or destined to the facilities used by Hiram Walker & Sons, Inc.

Note.—This republication changes the commodity description.

[FR Doc. 81-6218 Filed 2-23-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OPY-3-001]

Motor Carriers; Decision-Notice

Decided: February 13, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the

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Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier and Hill participating.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 107515 (Sub-1413), filed February 9, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. (404) 262–7955. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Cyanamid Company, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6219 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–017

Decided: February 17, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 152697F, filed November 18, 1980, previously noticed in the **Federal Register** of December 10, 1980. Applicant: AMERICAN TRUCK LINES, INC., 201 Laurel Lane, Broomall, PA 19008. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting (1) *foodstuffs*, (2) *meats, meat products, meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (3) *materials, equipment, and supplies* (except commodities in bulk) used in their manufacture and distribution, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Note.—The purpose of this republication is to include the commodity of foodstuffs.

Volume No. OP4–018

Decided: February 17, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 153367F, filed December 17, 1980, previously noticed in the **Federal Register** issue of January 16, 1981, and republished this issue. Applicant: TRANSX, LTD., 2595 Inkster Blvd., Box 36, Group 200, R.R. 2, Winnipeg, Manatoba, Canada R3C2E6. Representative: Robert L. Cope, Suite 501, 1730 M St. NW., Washington, DC 20036. In foreign commerce only, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between ports of entry on the international boundary line between the U.S. and Canada, in MI, MN, and ND, on the one hand, and, on the other, points in IA, IL, KS, MO, MI, MN, ND, NE, SD, and WI.

Note.—The purpose of this republication is to correctly state the territorial description.

Volume No. OP4–019

Decided: February 17, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 136077 (Sub-25), filed January 13, 1981, previously published in the **Federal Register** issue of January 29, 1981, and republished this issue. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, Philadelphia, PA 19102. Transporting *materials and supplies* used in the manufacture of iron and steel articles, between points in Middlesex County, NJ, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, WV, WI, and DC.

Note.—The purpose of this republication is to correctly state the territorial description.

Volume No. OP4–024

Decided: February 13, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 14277 (Sub-3), filed January 28, 1981. Applicant: CHICAGO-AUTORA MOTOR SERVICE, INC., P.O. Box 31, Aurora Ave., Lane, Aurora, IL 60507. Representative: Paul J. Maton, 10 South LaSalle St., Suite 1620, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in MN, IA, MO, MI, WI, IL, IN, OH, and KY.

MC 14977 (Sub-1), filed January 19, 1981. Applicant: THE PAUL J. BUCCHERI COMPANY, 181 Pane Rd., Newington, CT 06111. Representative: John E. Fay, Esq., 663 Maple Ave., Hartford, CT 06114. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in NY, RI, NH, and MA, on the one hand, and, on the other, points in CT.

MC 27817 (Sub-174F), filed January 9, 1981. Applicant: H. C. GABLER, INC., R.D. 3, P.O. Box, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives), between the facilities of the General Electric Company, on the one hand, and, on the other, St. Louis, MO, and points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. Condition: Issuance of a certificate in this proceeding is subject to the prior or coincidental cancellation at applicant's request, of Certificate No. MC–27817 (Sub-150F).

MC 42487 (Sub-1023), filed January 23, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except Classes A and B explosives), serving points in Lawrence County, TN, as off-route points in connection with carrier's otherwise authorized regular route authority.

Note.—Applicant intends to tack with its existing authority.

MC 42487 (Sub-1024), filed January 29, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except Classes A and B explosives), serving points in Washington County, VT as off-route points in connection with applicant's existing regular-route operations.

NOTE.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 42487 (Sub-1025), filed January 30, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except Classes A and B explosives), serving points in Escambia County, FL as intermediate or off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 61977 (Sul -38), filed January 21, 1981. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., P.O. Box 5628, Huntington, WV 25703. Representative: N.W. Bowen, Jr. (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with L.B. Foster Company, of Norcross, GA.

MC 93147 (Sub-22), filed January 30, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union St., P.O. Box 546, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 119777 (Sub-515), filed February 3, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), serving points in Escambia County, FL as intermediate or off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant states it intends to tack the requested authority with its regular route authority in MC 119777 Sub 168.

MC 119777 (Sub-516), filed February 3, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in St. Clair County, IL, on the one hand, and, on the other, points in the U.S.

Note.— Applicant states it intends to tack the requested authority with its regular route authority in MC 119777 Sub 168.

MC 119777 (Sub-517), filed February 3, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85–East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in St. Louis County, MO, on the one hand, and, on the other, points in the U.S.

Note.—Applicant states it intends to tack the requested authority with its regular route authority in MC 119777 Sub 168.

MC 119777 (Sub-518), filed February 3, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), (1) between points in Weber and Salt Lake Counties, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, NM, TX, and WY, (2) between points in Davidson County, TN, on the one hand, and, on the other, points in AL, AR, CA, FL, GA, IL, IA, KY, MA, MI, MO, NY, NC, OH, OK, PA, TX and WI, and (3) between points in Kosciusko county, IN, on the one hand, and, on the other, points in AL, DE, GA, IL, IA, MI, MN, MS, NC, OH, PA, SC, TX, and VA.

MC 125687 (Sub-23), filed January 26, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., P.O. Box 1761, York, PA 17405. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *containers and container closures*, between points in CT, DE, MD, MA, NJ, NY, PA, RI, and DC.

MC 128837 (Sub-28), filed January 26, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Micheal W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *metal products*, between points in Cook and Peoria Counties, IL and Montgomery County, IN, on the one hand, and on the other, points in the U.S.

MC 128677 (Sub-5), filed January 29, 1981. Applicant: PORTLAND EXPRESS, INC., Russell St., P.O. Box 179, Portland, TN 37148. Representative: J. R. St. John, Jr., 1220 Faydur Court, Nashville, TN 37210. Transporting *metal products*, between points in Sumner County, TN, on the one hand, and, on the other, those points in the U.S., in and east of MT, WY, CO, and NM.

MC 134467 (Sub-75), filed January 30, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *food and related products*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, between points in Washington County, MS, Sussex County, DE, and Saginaw, Lapeer, Macomb, and St. Clair Counties, MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 138627 (Sub-09), filed January 23, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in WA, ID, and OR, on the one hand, and, on the other, points in NE, IA, NM, and IL.

MC 138627 (Sub-109), filed February 2, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Transporting (1) *metal products*, (2) *machinery*, and (3) building materials, between points in Oklahoma County, OK, on the one hand, and on the other, points in the U.S.

MC 141167 (Sub-9), filed January 23, 1981. Applicant: LANGDON TRANSPORTATION, INC., 5202 Industry Ave., Pico Rivera, CA 90660. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills CA 90211. Transporting *such commodities* as are dealt in by drug, discount and department stores, between points in the U.S.

MC 144407 (Sub-28), filed January 29, 1981. Applicant: DECKER TRANSPORT COMPANY, INC., 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 144757 (Sub-4), filed February 2, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W. Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Trimac Panel Products, Inc., and International Development Group, both of Portland, OR, and Lumbermens Service, Inc., of Madison, WI.

MC 147167 (Sub-1), filed February 3, 1981. Applicant: T. C. SPIRES, INC., 1500 E. Chestnut St., Lancaster, OH 43130. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points on Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, KY, Brooke, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Tylor, Wayne, Wetzel, and Wood Counties, WV, and OH, on the one hand, and, on the other, points in the U.S.

MC 147517 (Sub-6), filed January 30, 1981. Applicant: TEXAS HIGHWAY TRANSPORT, 2311 Butler, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *general commodities* (except classes A and B explosives), between points in TX, on the one hand, and, on the other, points in NM, IA, MO, WI, IL, MI, IN, KY, OH, VA, WV, PA, MD, DE, NJ, NY, CT, RI, MA, VT, NH, ME, TX, and DC.

MC 147807 (Sub-11F), filed December 5, 1980. Applicant: TERESI TRUCKING, INC., P.O. Box 819, 900½ Victor Rd., Lodi, CA 95240. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *general commodities* (except classes A and B explosives), between points in AR, CA, ID, NV, NM, OR, UT, and WA.

MC 148647 (Sub-14), filed January 29, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 148647 (Sub-16), filed January 30, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Renold, Inc., of West Pittston, PA.

MC 148647 (Sub-17), filed February 3, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lever Brothers Company, of New York, NY.

MC 149237 (Sub-3), filed February 2, 1981. Applicant: WATSON TRUCKING CO., a Corporation, 8412 Lou Court, Louisville, KY 40216. Representative: William P. Whitney, Jr., Suite 708 McClure Bldg., Frankfort, KY 40601. Transporting *such commodities* as are dealt in or used by drug, department or grocery stores, between points in Jefferson County, KY, on the one hand, and, on the other, points in GA.

MC 149497 (Sub-5), filed January 23, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Schuld Mfg. Co., Inc., of Mosinee, WI.

MC 150417 (Sub-1), filed February 2, 1981. Applicant: BERGHORST POULTRY, INC., 2986 Dormax, Grandville, MI 49508. Representative: George A. Pendleton, P.O. Box 51, 5116 Brookgate, N.W., Comstock Park, MI 49004. Transporting *food and related products*, between points in Kent, Ottawa, Ionia, Muskegon, and Barry Counties, MI, on the one-hand, and, on the other, points in the Lower Peninsula of MI.

MC 151637 (Sub-2), filed January 21, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayetteville Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in Crawford County, AR, on the one hand, and, on the other, points in the U.S.

MC 152457 (Sub-1), filed January 28, 1981. Applicant: OLIN WILLINGHAM, d.b.a. WILLINGHAM'S GARAGE, 2122 Wilson Rd., Newberry, SC 29108. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211. Transporting *transportation equipment*, (1) between points in GA, NC, and SC, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S.

MC 153777, filed January 21, 1981. Applicant: GREAT ESCAPE TOURS, INC., 411 W. Bay Shore St., Marinette, WI 54143. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Rd., Minneapolis, MN 55424. As a broker in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Marinette County, WI and Menominee County, MI, and extending to points in the U.S.

MC 153887, filed January 26, 1981. Applicant: L & A FORWARDING, INC., 18 Hackensack Ave., Kearny, NJ 07032. Representative: Larry Cohen (same address as applicant). Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with Totowa Shippers Association of Totowa, NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6220 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. OP1-039]

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. §§ 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisons of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. §§ 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human envorinment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 12, 1981.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

MC-F-14505F, filed November 17, 1980. LEASEWAY TRANSPORTATION CORP. (Leaseway) (3700 Park East Drive, Cleveland, OH 44122).—CONTINUANCE IN CONTROL—BETTER HOME DELIVERIES, INC., (Better) (3700 Park East Drive, Cleveland, OH 44122). Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Leaseway, a non-carrier, seeks authority to continue in control of Better upon the institution by Better of operations, in interstate or foreign commerce, as a contract carrier. Leaseway, sole stockholder of Better, seeks authority to acquire control of said rights and property through the transaction. Leaseway is a publicly held corporation, that controls Anchor Motor Freight, Inc. (MC-808), Gypsum Haulage, Inc. (MC-112113), Signal Delivery Service, Inc. (MC-108393), Sugar Transport, Inc. (MC-115924), Dedicated Freight Systems, Inc. (MC-139583), Custom Deliveries, Inc. (MC-142963), LDF, Inc. (MC-147101), Stam-Win, Inc. (MC-147294, MC-150185), Pep Lines Trucking Co. (MC-120184), Mitchell Transport, Inc. (MC-124212, 152085), General Trucking Service, Inc. (MC-143308), Max Binswanger Trucking (MC-116314), and Refiners Transport & Terminal Corporation (MC-50069). Max Binswanger Trucking controls Balser Truck Co. (MC-96630), and Bulk Freightways (MC-125417). Refiners Transport & Terminal Corporation controls A. R. Gundry (MC-25562).

Condition: Leaseway, a non carrier, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Leaseway need only file such special reports as the Commission may from time to time require. Leaseway is not made subject to the accounting requirements of 49 U.S.C. 11142. (Hearing site: Washington, D.C.)

Note.—Better has filed as a directly related application its initial contract carrier application, docketed MC-150511F, published in this same **Federal Register** issue.

MC-F-14535F, filed December 30, 1980. C W TRANSPORT, INC. (C W) (610 High Street, Wisconsin Rapids, WI 54494)—CONTINUANCE IN CONTROL—FLEXIBLE TRANSPORT, INC. (Flexible) (P.O. Box 200, Wisconsin Rapids, WI 54494). Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. CW seeks authority to continue in control of Flexible upon the institution by Flexible of operations, in interstate or foreign commerce, as a motor contract carrier. Gerber Products Company, a publicly held non-carrier, is the sole stockholder of CW, and seeks authority to acquire control of said rights and property through the transaction. CW is a motor common

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carrier pursuant to certificates issued in MC–111594 and subs thereunder.

Condition: Gerber Products Company, a non-carrier company, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Gerber Products Company need only file such special reports as the Commission may from time to time require. Gerber Products Company is not made subject to the accounting requirements of 49 U.S.C. 11142. (Hearing site: Chicago, IL.)

Note.—Flexible has filed as a directly related application its initial contract carrier application, docket NO. MC–153891F, which is published in this same **Federal Register** issue.

MC–F–14551, filed January 13, 1981. INDIANHEAD TRUCK LINE, INC. (Indianhead) (1947 West County Road C, St. Paul, MN 55113)—CONTINUANCE IN CONTROL—ITO LTD. (ITO) (121 West Doty St., Madison, WI 53703). Representative: W. A. Myllenbeck, 1947 West County Road C, St. Paul, MN 55113. Indianhead seeks to continue in control ITO upon the institution by ITO of operations, in interstate or foreign commerce, as a motor contract carrier. Lester Wilsey, Jr., the major stockholder of Indianhead, seeks authority to acquire control of said rights through the transaction. Indianhead is a motor common carrier pursuant to a certificate issued in No. MC–108449 and subs thereunder. (Hearing site: St. Paul, MN.)

Note.—ITO has filed as a directly related application its initial contract carrier application, docketed No. MC–153601, which is published in this same **Federal Register** issue.

[FR Doc. 81–6215 Filed 2–23–81; 8:45 am]
BILLING CODE 7035–01–M

Decision Notice; Motor Carriers

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find that each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5. Members Krock, Taylor, and Williams.

MC–FC–78935. By decision of January 22, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 5 approved the transfer to Milco Trucking, Inc. of Chanute, KS of certificate No. MC–138553 (Sub-No. 13) issued 10/7/75 to M&N Grain Company of Nevada, MO authorizing the transportation of pipeline skids, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming. Applicant's representative is: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. TA application was filed. Transferee holds no authority.

MC–FC–78937. By decision of January 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 5 approved the transfer to Byron D. Richards and Jeffrey C. Richards, a partnership, doing business as Richards Transportation Company of permit No. MC–129477 (Sub-No. 2) issued August 10, 1972 to Richards Transportation Co., Inc., authorizing the transportation of (1) *asphalt* and *asphalt compositions, industrial fuel oils,* and *road oils,* between the facilities utilized by Richards Oil Company at Savage, Pine Bend, St. Paul Park, and Wrenshall, MN, and Superior, WI, on the one hand, and, on the other, points in North Dakota, South Dakota, Iowa, Wisconsin, Illinois, and Minnesota, and (2) *chemicals* used in processing and blending asphalt and oils, from points in Illinois (except East St. Louis) to Savage, MN, subject to the following conditions: limited to a transportation service to be performed under a continuing contract, or contracts, with Richards Oil Company of Savage, MN. Applicant's representative is: James B. Hovland, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55401.

MC–FC–78938. By decision of January 22, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 5 approved the transfer to Allison-Hilliard Van & Storage, Inc., of North Little Rock, AR of Certificate No. MC–126246 Sub-No. 6 issued 6/18/76 to American Transfer and Storage Company, of Dallas, TX, authorizing the transportation of household goods, between points in Arkansas, Baxter, Cleburne, Conway, Faulkner, Fulton, Garland, Grant, Hot Springs, Independence, Izard, Jefferson, Lonoke, Marion, Perry, Prairie, Pulaski, Saline, Searcy, Sharp, Stone, Van Buren and White Counties, AR. Applicant's representative is: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201. TA appln. have been filed.

MC–FC–78942. By decision of January 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to JMT, Inc. d/b/a John Murray Coach Co., of Pittston, PA, of Certificate No. MC–145355F issued July 28, 1980 to John Murray's Motor Tours, Inc., of Pittston, PA authorizing transportation as a *common carrier,* by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *passengers* and their *baggage* in the same vehicle with passengers, in charter operations, in non-scheduled door-to-door service, limited to the transportation of not more than nine passengers in one vehicle, not including the driver, from points in Luzerne, Lackawanna, and Monroe Counties, PA, to points in Connecticut, Maryland, New Jersey, New York, and the District of Columbia, and return.

MC–78943. By decision of January 22, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Mid-Atlantic Freight Carriers, Inc., of Certificate No. MC–134875 issued May 12, 1971, No. MC–134875 (Sub-No. 2) issued March 14, 1974, No. MC–134875 (Sub-No. 4) issued February 25, 1975, and No. MC–134875 (Sub-No. 9), issued June 19, 1979, and Permit No. MC–143761 (Sub-No. 2) issued May 15, 1979, to John W. Smoot, authorizing the transportation of *textiles, yarn, and clothing,* and *materials, supplies, and machinery,* used in the manufacture of textile, yarn, and clothing, except commodities in bulk, between Edinburg, VA, on the one hand, and, on the other, Abilene, TX, *textiles* and *textile products,* from Edinburg, Winchester and Woodstock, VA, Belmont, Albermarle, High Point, and Valdese, NC, and Spartanburg, SC, to Edinburg, Winchester and Woodstock, VA, with no transportation for compensation on return except as otherwise authorized. *Basic liquid fertilizer solution* and *basic feed liquid solution* in tank vehicles, from the facilities of Valley Fertilizer and Chemical, Co., Inc., at or near Mt. Jackson, VA, to points in Maryland, West Virginia, Pennsylvania, New Jersey, Delaware, North Carolina, South Carolina, Connecticut, Rhode Island, Vermont, New York, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. *Granular fertilizer,* in bags and in bulk, from the facilities of Valley Fertilizer and Chemical Co., Inc., at or near Mt. Jackson, VA, to points in Maryland, Pennsylvania, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, NJ), Delaware, South Carolina, Connecticut, Rhode Island, Vermont, and New York, with no transportation for compensation on return except as otherwise authorized. *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), restricted to the transportation of traffic having a prior or subsequent movement by air, water, or rail. Between the facilities of Aileen, Inc., at Woodstock and Edinburg, VA, on the one hand, and, on the other, Baltimore, MD, and the District of Columbia, and to operate as a *contract carrier,* transporting, *plastic articles and materials and supplies* (except commodities in bulk) *used in the manufacture and distribution of plastic articles,* between Winchester, VA, on the one hand, and, on the other, points in Louisiana and Texas under a continuing contract or contracts with Rubbermaid Commercial Products, Inc., of Winchester, VA. Applicant's representative is: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740.

MC–FC–78945. By decision of January 22, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to BUEL, INC. of Certificate No. MC–120427 (Sub-Nos. 14 and 31) issued March 1, 1979 to WILLIAMS TRANSFER, INC. and September 4, 1980, respectively authorizing the transportation of Sub-No. 14: *Meat, meat products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 from the facilities of Gibbon Packing, Inc., at Gibbon, NE, to Los Angeles, CA, Louisville, KY, Miami, FL, Gulfport, MS, Houston, TX, and Philadelphia, PA, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. Sub-No. 31F: *frozen boxed horse meat, and frozen prepared zoo diets,* from North Platte, NE to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the facilities of Central Nebraska Packing Company at North Platte, NE. Applicant's representative is: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106.

MC–FC–78948. By decision of January 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the release, for a one year, to G–M Transports, Inc. of Dallas, Texas of Certificate No. MC–118180 (Sub-No. 1) issued October 25, 1979 to Arctic Express, Inc. of Dallas, Texas authorizing the common carrier transportation to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *meats, meat products,* and *meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between Oklahoma City, OK, on the one hand, and, on the other, points in that part of Texas east and south of a line beginning at the United States-Mexico Boundary line and extending along the Texas-New Mexico State line to junction U.S. Highway 285, thence along U.S. Highway 285 to Pecos, TX, thence along U.S. Highway 80 to Sweetwater, TX, thence in a northeasterly direction through Stamford, TX, to Seymour, TX, thence along U.S. Highway 283 to Vernon, TX, thence due north from Vernon to the Texas-Oklahoma State line, including Sweetwater and points on that portion of the designated line between Sweetwater and the Texas-Oklahoma State line restriction: no service is authorized to or from Houston and Beaumont, TX, and points on U.S. Highway 90 between Houston and Beaumont, or to points on U.S. Highway 75 between Houston and Huntsville, TX, between Oklahoma City, OK, on the one hand, and, on the other, Beaumont, TX, and points on U.S. Highway 90 between Houston and Beaumont, TX (but not including Houston), and all points on U.S. Highway 75 between Houston and Huntsville, TX (but not including Houston), between Oklahoma City, OK, on the one hand, and, on the other, points in the Panhandle territory of Texas, between Forth Worth, TX, on the one hand, and, on the other, points in that part of Oklahoma south of a line beginning at the Texas-Oklahoma State line on U.S. Highway 60 and extending along U.S. Highway 60 to Enid, OK, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, including points on the indicated portions of the highways specified and the points named, from Dallas and Fort Worth, TX, to Corsicana, Waxahachie, Mount Vernon, Longview, Tyler, Kilgore, Gladewater, Henderson, Marshall, Wichita Falls, Arlington, Grand Prairie, Euless, and Hurst, TX, *meats, meat products,* and *meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections, A, B, and C, of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, restricted to the distribution of pool car and pool truck shipments, from Dallas and Fort Worth, TX, to points in Texas (except Corsicana, Waxahachie, Mount Vernon, Longview, Tyler, Kilgore, Gladewater, Henderson, Marshall, Wichita Falls, Arlington, Grand Prairie, Euless, and Hurst, TX), restriction: no single portion of the authority contained herein above shall be tacked, directly or indirectly, with any other portion contained herein above for the purpose of performing any through service, *meats, meat products,* and *meat byproducts,* and *articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 204 and 766 (except commodities in bulk), from the plant site of National Beef Packing Company, located near Liberal, KS, to points in Louisiana, Arkansas, Mississippi, and Alabama, restriction: the operations authorized in the route description next-above is restricted to the transportation of shipments originating at the above-

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named plant site and destined to points in the above-named States, *meats, meat products,* and *meat byproducts,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 from the plant site and storage facilities of National Beef Packing Company near Liberal, KS, to points in Oklahoma and Texas, restriction: the operations authorized in the route description next-above is restricted to the transportation of traffic originating at the above-named plant site and storage facilities, *meats,* from the plant site and storage facilities of Wilson and Co., near Hereford, TX, to points in Oklahoma and Texas, restriction: the authority granted in the route description next-above is restricted to the transportation of traffic originating at the named plant site and storage facilities of Wilson and Co., near Herefore, TX, to points in Oklahoma and Texas, *meats,* with or without other ingredients, in hermetically sealed containers, from the plant site of Armour-Dial, Inc., at Fort Madison, IA, to points in Texas, restriction: the authority granted in the route description next-above is restricted to traffic originating at the named plant site and destined to Texas, *packinghouses, products,* between Shreveport, LA, and Marshall, TX, on the one hand, and, on the other, Longview, Kilgore, Gladewater, Henderson, Tyler, Jacksonville, Palestine, Overton, Arp, Ironton, Carlisle, and Athens, TX, *meats, meat products,* and *meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Wilson Certified Foods, Inc., at Oklahoma City, OK, to points in Colorado, foodstuffs, and laundry products when moving in mixed shipments with foodstuffs, from Dallas and Fort Worth, TX, to points in Texas, Oklahoma, and that part of Louisiana west of the Mississippi River, the authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Applicant's representative is: James W. Hightower, Hightower, Alexander and Cook, P.C., 5801 Marvin D. Love Freeway, Suite 301, Dallas, Texas 75237 (9214) 339–4108.

Note.—Certificate MC–118180 (Sub-No. 1) issued February 17, 1977 is canceled as modified by letter dated February 1, 1979 changing carrier's name from Milko-American Farms, Inc., to Arctic Express, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–6079 Filed 2–23–81; 8:45 am]

BILLING CODE 7035–01–M

Decision Notice; Motor Carriers

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC–FC–78505. By supplemented decision of January 21, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Robert L. Olson d/b/a Olson Trucking of Certificate of Registration No. MC–138016 (Sub-No. 30) issued September 5, 1978 to Refrigerated Foods, Inc. authorizing the transportation over irregular routes of *meat, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Section A and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Flavorland Industries, Inc. located at or near Fargo and West Fargo, Ind., to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Washington. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the above described facilities and origin and destined to points in the above-described destination States. Review Board Number 5, also approved the transfer to Robert L. Olson d/b/a/ Olsen Trucking of Certificate No. MC–134068 issued April 24, 1970 to Refrigerated Foods, Inc. but not yet re-issued in Refrigerated's name, authorizing the transportation over irregular routes, *Dry buttermilk,* From points in Minnesota and Wisconsin within 100 miles of Bongards, MN, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized. *Cheese, condensed whey, and dried whey,* From Watkins, MN, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized. *Butter,* From Watkins, MN, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–6080 Filed 2–23–81; 8:45 am]

BILLING CODE 7035–01–M

Decision Notice; Motor Carriers

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notice within 30 days after publication, or within any approved extension period. Otherwise, the decision-notices shall have no further effect.

By the Commission, Review Board Number 5, The Motor Carrier Board, Members Krock, Williams, and Taylor.

MC–FC–35482. By decision of January 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the lease for one year to S.W. Furniture Carrier, Inc. of Certificate No. MC–40898 and all sub numbers proceedings issued to S & W Motor Lines, Inc. authorizing the transportation of various specialized commodities handled goods from to points located in various states including Pennsylvania, New Jersey, New York and Maryland. There is also some traffic to and from such states as Indiana, Ohio and West Virginia. Subject to the following conditions: if any. Lease shall be for 1 year only pursuant to 49 CFR 1132.5(b). The Commission did not look with favor in extensions of such leases. Applicants' representative: A.W. Flynn Jr., P.O. Box 180, Greensboro, N.C. 27402.

MC–FC–78697. By decision of January 29, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Delmont E. Hart, Inc. of Permit No. MC–12909 and MC–129019 (Sub-No. 1) issued December 26, 1967 and November 28, 1922 to Street and Nadeau, Inc. authorizing the transportation of (1) Finished Lumber from Lincoln, ME to points in Massachusetts, and (2) Lumber from Lincoln, ME to points in Rhode Island and Connecticut, subject to the following conditions: under common carrier or contracts with Haskell Lumber Co. or Haskell Lumber, Inc. of Lincoln Center, ME. Applicants's representative is: Delmont E. Hart, President, Delmont E. Hart, Inc., P.O. Box 26, Etna, ME.

MC 78890. By decision of January 19, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to L.C.W. Transportation Service, Inc., of Edinburg, TX, of the authority set forth below issued January 19, 1981 to L.C.W. Trucking, Inc., of Crowley, TX, and authorizing the irregular-route operations described as follows: (1) Certificate No. MC 138 (Sub-No. 8) issued September 2, 1980: *doors, door frames, and mouldings,* from ports of entry on the internatiional boundary line between the United States and Mexico at or near El Paso, TX, to San Antonio and Houston, TX. (2) Certificate No. MC 138686 (Sub-No. 10) issued December 3, 1980: *doors, door frames, and mouldings,* from ports of entry on the international boundary line between the United States and Mexico, at or near El Paso, TX to Diboll and Harlingen, TX, restricted to traffic moving in foreign commerce. Permit No. MC 138578 issued April 11, 1974: (1) *Paper* and *paper products,* and (2) *equipment, materials, and supplies* (except commodities in bulk) used in the manufacture of paper and paper products, Between the plant and warehouse sites of International Paper Company located in Edinburg, TX., on the one hand, and, on the other, points in Arkansas, Colorado, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with International Paper Company, of New York, N.Y. (3) Permit No. MC 138578 (Sub-No. 3) issued August 12, 1977: *Paper* and *paper products,* From McAllen, TX., to points in Arkansas, Colorado, Louisiana, Missouri, New Mexico, Oklahoma, and Mississippi. Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract, or contracts, with Weyerhaeuser Company, McAllen, TX. (4) Permit No. MC 138578 (Sub-No. 4) issued August 12, 1977: *Materials and supplies,* (except commodities in bulk) used in the manufacture of paper products, From points in Arkansas, Colorado, Louisiana, Missouri, New Mexico, Olkahoma, and Mississippi, to McAllen, TX. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Weyerhaeuser Company, of McAllen, TX. (5) Permit No. MC 138578 (Sub-No. 8) issued January 6, 1978: *Corrugated paper sheets,* From the facilities of Crown Zellerbach, Gaylord Container Division, at Bogalusa, LA, to the facilities of Crown Zellerbach, Gaylord Container Division, at Weslaco, TX. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Crown Zellerbach, Gaylord Container Division, of Weslaco, TX.

Applicants' representative is: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Transferee presently holds no authority from the Commission.

MC 78889. By decision of January 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to William G. Cummings, Inc., of Orofino, ID, of Certificate No. MC 125907, issued January 27, 1971 to Douglas N. Miller, an individual, d/b/a Western Transport, of Missoula, MT, authorizing the transportation, over irregular routes, of *Road building and logging equipment, machinery and supplies,* between points in Deer Lodge, Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, MI, and points in Idaho. Applicants' representative is: Henry C. Winters, 525 Evergreen Building, Renton WA, 98055. Transferee presently holds authority to perform common carrier operations under Certificate No. MC 111751.

Note.—Transferee may not tack the authority acquired in this proceeding with its presently held irregular-route authority for the purpose of providing a through service.

MC–FC–78919. By decision of January 22, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to Incorporated Carriers, Inc., Nevada, Missouri of Certificate No. MC–

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138553, and in MC–138553 (Sub-Nos. 3 and 4) issued July 18, 1973, April 30, 1980, and April 30, 1980, respectively, to M & N Grain Company, Nevada, Missouri authorizing the common carrier transportation of *hides and pelts*, from Butler, MO to Los Angeles and San Francisco, CA, Chicago, IL, Cedar Rapids, IA, Middlesboro, KY, New Orleans, LA, South Paris, ME, Daversport and Peabody, MA, Detroit, MI, Omaha, NE, Newark, NJ, Brooklyn & New York, New York, Brownsville, Houston and Laredo, TX, Norfolk, VA, Fond du Lac, Hartford, Green Bay, Kenosha, Milwaukee and Weyauwega, WI with no transportation for compensation on return except as otherwise authorized. From Fort Smith, AR, Denver, Greeley, Lamar, Monte Vista, Rocky Ford and Stratton, CO, Chicago, Joliet and Milan, IL, Cedar Rapids, Centerville, Des Moines and Marshalltown, IA, Andale, Dodge City, Ellis, Garden City, Pratt, Seneca, Solomon and Wichita, KS, Darr, Gibbon, Omaha and Scottsbluff, NE, Albuquerque, NM, Bismarck, Dickinson, Fargo, Nettinger, Jamestown, Minot and Williston, ND, Enid and Oklahoma City, OK, Mitchell, Rapid City, Sioux Falls and Yankton, SD, Amarillo, Fort Smith, Hamilton, McKinney, Palestine, Paris, San Angelo and San Antonio, TX, Green Bay and Weyauwega, WI and Casper and Worland, WY to Butler, MO with no transportation for compensation on return except as otherwise authorized. Sub 3: *Hides* from Chicago, Hampshire, Mason City and Rockford, IL, Evansville, Fort Wayne and Indianapolis, IN, Cedar Rapids, Denison, Spencer and Tama, IA, Solomon and Wichita, KS, Louisville, KY, Detroit, MI, Minneapolis and St. Cloud, MN, Meridian and Tupelo, MS, Joplin, Kansas City, Rock Port and Springfield, MO, Chadron, NE, Dakota City, Gibbon, McCook and Omaha, NE, Cincinnati, Cleveland, Columbus and Toledo, OH, Rapid City, SD, Memphis, TN and Chippewa Falls, Green Bay, and Milwaukee, WI to Laredo, TX. Sub 4: *Hides* (1) from Los Angeles, CA, Macon, GA, Hampshire, IL, Springfield, MO, Newark, NJ, Philadelphia, PA, Bellingham and Seattle, WA, and Milwaukee and Muskego, WI to Laredo, TX, (2) from Springfield, MO, North Platte and Omaha, NE, Lubbock, TX and Muskego, WI to Los Angeles, CA and (3) from North Platte, NE to Oakland and San Francisco, CA.

MC–FC–78925. By decision of January 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Marion Transport, Inc. of Certificate No. MC–109658 Marion, Kentucky issued November 13, 1980 to Peoples Bank of Marion, Marion, Kentucky authorizing the transportation of irregular routes: *Fluorspar and lead and zinc concentrates*, in bulk between points in Livingston and Crittenden Counties, Ky, restricted to the transportation of shipments having an immediately subsequent movement by rail or water. *Calcium fluoride (fluorspar), zinc, and lead*, in bulk, in dump trucks, between points in Livingston and Crittenden Counties, Ky., on the one hand, and, on the other, points in Hardin County, Ill. *Mining and milling machinery, materials, supplies, and equipment*, from Marion, Ky., to the site of Hutson mine of the Eagle-Picher Company, near Salem, Ky., with no transportation for compensation on return except as otherwise authorized. *Fluorspar*, in bulk, from points in Hardin County, Ill., to Calvert City, Ky., with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted herein is subject to the following conditions: Carrier shall conduct separately his common carrier operations and his other business activities. Carrier shall maintain separate accounts and records therefor. Applicant's representative: William L. Willis, Suite 708 McClure Bldg., Frankfort, Kentucky 40601.

MC–FC–78928. By decision of January 23, 1981 issued under the transfer rules at 49 C.F.R. Part 1133, Review Board Number 5 approved the transfer to Pro Travel Service, d/b/a Bob Mills Tours, of San Diego, CA, of License No. MC–130321 issued October 18, 1979, to Fred Bungle Tours, Inc., of San Diego, CA, authorizing the transportation of passengers and their baggage, in special and charter operations, beginning and ending at points in San Diego County, CA, and extending to points in the United States, including Alaska and Hawaii. Applicant is authorized to engage in the above-specified operations as a broker at San Diego, CA. Applicant's representative is: Carolyn S. Millisor, 3545 Midway Drive, San Diego, CA 92110, 714–224–3761. TA has not been filed. Transferee presently holds no authority from the Commission.

MC–FC–78932. By decision of January 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer to Iroquois Paving Corporation of Watseka, IL, of Certificate No. MC–127767 issued October 25, 1966, to Dominic E. Lynch, d.b.a. D. E. Lynch Construction Company, of Watseka, IL, authorizing the transportation of *crushed limestone, sand, and gravel*, from points in Newton County, Ind., to points in Kankakee, Iroquois, and Ford Counties, Ill., with no transportation for compensation on return except as otherwise authorized. Applicant's representative is: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, 217–528–8476.

Note.—Application for TA has not been filed. Transferee presently holds no authority.

MC–FC–78934. By decision of January 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Northwestern Travel Agency, Inc. of Sioux Falls, SD, of License No. MC–12875 issued July 15, 1979 to Northwestern National Bank of Sioux Falls d.b.a. Northwestern Travel Agency of Sioux Falls, SD, authorizing the transportation of passengers and their baggage, in round-trip tours, beginning and ending at points in South Dakota, and that part of Minnesota on and south of U.S. Hwy 14, and extending to points in the United States, including Alaska, excluding Hawaii. This license authorizes the described operations as a broker at Sioux Falls, SD. Restriction: The service authorized is subject to the right of the Commission to impose such terms and conditions, if any, as may be deemed necessary to insure that transportation which applicant arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage in round-trip tours. Applicant's representative is: James W. Greene, President, Northwestern Travel Agency, Inc., 101 N. Phillips, Northwestern Bank Arenda, Sioux Falls, SD 57102, 605–339–7364.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–6061 Filed 2–23–81; 8:45 am]

BILLING CODE 7035–01–M

[I.C.C. Order No. 74 Under Service Order No. 1344]

Illinois Terminal Railroad Co., Rerouting Traffic

To: The Illinois Terminal Railroad Company. In the opinion of Joel E. Burns, Agent, the Illinois Terminal Railroad Company is unable to transport promptly all traffic offered for movement over its lines between Decatur and Champaign-Urbana, Illinois, because of heavy snow and ice.

It is ordered,

(a) *Rerouting traffic.* The Illinois Terminal Railroad Company, being unable to transport promptly all traffic offered for movement between Decatur and Champaign-Urbana, Illinois, due to heavy snow and ice, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:00 a.m., February 13, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 27, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Car Service Division, as agenct of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 13, 1981.

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[FR Doc. 81–6062 Filed 2–23–81; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. 170

Decided: February 11, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 153934, filed January 27, 1981. Applicant: AARID ENTERPRISE CORPORATION, 1340 Chesapeake Ave., Suite 100, Baltimore, MD 21226. Representative: Samuel L. Silverman, 1100 Tower Bldg., Baltimore Street and Guilford Ave., Baltimore, MD 21202. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153865, filed January 21, 1981. Applicant: JOHN BRUMBACK TRUCKING, 2151 North Redwood Road, Salt Lake City, UT 84116. Representative: Robert Clifford (same address as applicant). Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153845, filed January 21, 1981. Applicant: MARKO ASSOCIATES, INC., 1205 River Ave., Lakewood, NJ 08701. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 73165 (Sub-542), filed January 23, 1981. Applicant: EAGLE MOTOR LINES, INC., 630 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, 124 Commerce St., Kingsport, TN 37660. Transporting *general commodities*, between Foxburg and Parker, PA, on the one hand, and, on the other, points in the U.S. NOTE: The purpose of this application is to

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substitute motor carrier for abandoned rail carrier service.

MC 73165 (Sub-543), filed January 23, 1981. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, 124 Commerce St., Kingsport, TN 37660. Transporting *general commodities*, between Herscher, IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Vol. No. OP3–171

Decided: February 13, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 140025 (Sub-5), filed January 27, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Vol. No. OP4–025

Decided, February 13, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 153847, filed January 22, 1981. Applicant: DATA DISTRIBUTORS INC., 2011 S.E. 10th St., Portland, OR 97214. Representative: John Patrick McDonough (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 153327 (Sub-1), filed December 29, 1980. Applicant: AUBREY T. MILLICAN AND MAURICE TELFORD, d.b.a. BLUE STREAK EXPRESS, a partnership, 5320, S. Third St., Memphis, TN 38109. Representative: Aubrey T. Millican, 5310 Lexie, Memphis, TN 38109. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 119777 (Sub-514), filed January 30, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities*, between Covington and Ewen, MI, Library and Library Junction, PA, and Browder, Penrod and Lewisburg, KY, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service. To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-6072 Filed 2-23-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's rules of practice, see 49 CFR 100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. 169

Decided: February 11, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 1745 (Sub-11), filed January 23, 1981. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Road, West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Interstate International, Inc., of West Springfield, VA.

MC 2304 (Sub-44), filed January 28, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 2605 (Sub-18), filed January 23, 1981. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams St., Philadelphia, PA 19124. Representative: Daniel O. Hands, Suite 200, 205 W. Toucy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by grocery stores (1) between points in Burlington and Mercer Counties, NJ, and Bucks, Montgomery and Philadelphia Counties, PA, on the one hand, and, on the other, points in DE, IA, IL, IN, MD, MI, MO, NJ, NY, OH and PA, and (2) between points in Greene County, MO, on the one hand, and, on the other, points in DE, IA, IL, IN, MD, MI, NJ, NY, OH and PA.

Note.—Applicant intends to tack this authority with its regular-route authority.

MC 8515 (Sub-43), filed January 21, 1981. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362.

Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by tractors and tractor parts, between the facilities of Caterpillar Tractor Co., on the one hand, and, on the other, points in IL, IN, IA, OH, KY, MI, TN, and WI.

MC 13134 (Sub-100), filed January 22, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Ohio St., Route No. 93, North, Oak Hill, OH 45656. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. Transporting *refractory products*, between Chicago, IL, and points in Greenup County, KY, Hamilton, Sandusky, and Franklin Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 16334 (Sub-11), filed January 19, 1981. Applicant: DEBRICK TRUCK LINE COMPANY, R.R. No. 2, Paola, KS 66071. Representative: D. L. Debrick (same address as applicant). Transporting *precast concrete manholes*, between the facilities of Hardwall Fabricators, Inc., at or near North Miami, OK, on the one hand, and, on the other, points in AR, IA, KS, OK, MO, NE, and TX.

MC 59444 (Sub-11), filed January 22, 1981. Applicant: WALLER TRUCK CO., INC., Highway 10 East, Box 5900, Richmond, MO 64085. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *rubber and plastic products*, between Phoenix, AZ, Stone Mountain, GA, Tinton Falls, NJ, City of Industry, CA, El Campo and San Antonio, TX, Des Plaines, IL, Milford, NH, Higginsville, MO, Monroeville and Mt. Sterling, OH, Alexandria, VA, Shreveport, LA, Benton, WA, and Tampa and Miami, FL, on the one hand, and, on the other, points in the U.S.

MC 59655 (Sub-41), filed January 22, 1981. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Rd., Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *beverages*, between the points in the U.S.

MC 62824 (Sub-6), filed January 28, 1981. Applicant: SPARTAN EXPRESS, INC., P.O. Box 1089, Greer, SC 29651. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13 St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, MS, NC, SC, TN, and VA.

MC 73165 (Sub-544), filed January 23, 1981. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, 124 Commerce St., Kingsport, TN 37660. Transporting (1) *clay, concrete, glass or stone products*, between points in Pulaski County, AR, Bibb County, GA, Latah County, ID, Grudy County, IL, Jackson County, MS, Middlesex County, NJ, Pueblo County, CO, Mayes County, OK, and points in AL, MO, OH, PA, and TX, on the one hand, and, on the other, points in the U.S., and (2) *metal products*, between points in Coshocton County, OH, on the one hand, and, on the other, points in the U.S.

MC 114284 (Sub-99), filed January 21, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, P.O. Box 82307, Oklahoma City, OK 73148. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *food and related products*, between points in Tulsa, Creek, Osage, Rogers, and Wagoner Counties, OK, on the one hand, and, on the other, points in AZ, AR, CA, CO, IL, IA, KS, MN, MO, NE, NM, SD, TX and WI.

MC 116915 (Sub-131F), filed December 24, 1980, previously noticed in the **Federal Register** on January 26, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting (1) *rubber and rubber products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between ponts in St. Clair County, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

Note.—This republication corrects the territorial description of St. Clair County, IL, instead of St. Clair County, MO.

MC 119654 (Sub-95), filed January 22, 1981. Applicant: HI-WAY DISPATCH, INC., 1401 West 28th St., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *electrical equipment and parts* for televisions, radios, stereos, tape recorders, computers, video recorders, cabinet speakers, stereo speakers, and security systems, between the facilities of Zenith Radio Corporation, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA, WI.

MC 121805 (Sub-13), filed January 19, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Ave., North Little Rock, AR 72114. Representative: James M. Duckett, 221 West Second, Suite 411, Little Rock, AR 72201. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Little Rock, AR, and the AR-MO State line, over U.S. Hwy 67; (2) between Memphis, TN, and Henderson, AR, from Memphis over Interstate Hwy 40 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 62, and then over U.S. Hwy 62 to Henderson, and return over the same route; (3) Between Jonesboro, AR, and the AR-MO State line, from Jonesboro over U.S. Hwy 49 to junction U.S. Hwy 62, and then over U.S. Hwy 62 to the AR-MO State line, and return over the same route; (4) Between Corning and Piggot, AR, over U.S. Hwy 62; (5) Between Walnut Ridge and Paragould, AR, over AR Hwy 25; (6) Between Jonesboro and Wynne, AR, over AR Hwy 1; (7) Between Jonesboro and Blytheville, AR, over AR Hwy 18; (8) Between Marked Tree and Osceola, AR, over AR Hwy 140; (9) Between Memphis, TN, and Blytheville, AR, from Memphis over Interstate Hwy 40 to junction U.S. Hwy 61, and then over U.S. Hwy 61 to Blytheville, and return over the same route; and (10) Between Pangburn and Searcy, AR, over AR Hwy 16, serving in connection with routes (1) through (10) above all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 124004 (Sub-65), filed January 19, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: Richard Dahn (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between the facilities of the International Paper Company, New York, NY, on the one hand, and, on the other, points in the U.S.

MC 124004 (Sub-66), filed January 29, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *pulp, paper and related products, and rubber and plastic products*, between points in the U.S.

MC 125335 (Sub-109F), filed December 3, 1980, previously notice in the **Federal Register** on January 6, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores and food business houses, between points in Franklin, Cumberland, Dauphin, York, and Adams Counties, PA, on the one hand, and, on

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the other, points in AL, AR, FL, GA, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, and WI.

Note.—This republication corrects the territorial description of the State of KY instead of KM.

MC 135364 (Sub-47), filed January 23, 1981. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 76C, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amana Refrigeration, Inc., of Amana, IA.

MC 136635 (Sub-50), filed January 21, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *plastic articles*, between points in Union County, KY, on the one hand, and, on the other, points in the U.S.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343–11344 or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 3, Room 2158.

MC 136635 (Sub-51), filed January 26, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *iron and steel articles*, between Aliquippa, PA, Youngstown, OH, and Indianapolis, IN, on the one hand, and, on the other, points in CA, OR, WA, and AZ.

MC 139084 (Sub-13), filed January 26, 1981. Applicant: TOTRAN TRANSPORT LTD., Nisku Business Park, P.O. Box 4830, South Edmonton, Alberta T6E 4T5. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *lumber and wood products, metal products, machinery transportation equipment, Mercer commodities, clay, concrete, glass or stone products, fertilizer, and commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S., on the one hand, and, on the other, ports of entry on the International boundary line between the U.S. and Canada, in WA, ID, MT, ND, MN, MI, NY, and AK.

MC 139284 (Sub-8), filed January 22, 1981. Applicant: TRUCKER'S INC., P.O. Box 337, 4316 South Main St., Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., Houston, TX 77002. Transporting *sand, kiln dust, barite ore and gel*, between points in LA, TX, and OK.

MC 140555 (Sub-6), filed January 21, 1981. Applicant: J G EXEC, INC., 1125 S. Bradford St., Dover, DE 19901. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006. Transporting *passengers and their baggage*, limited to not more than 12 passengers (excluding the driver) in one vehicle at one time, in special operations, between points in Kent and Sussex Counties, DE, on the one hand, and, on the other, John F. Kennedy International Airport, and La Guardia Airport, at or near New York, NY, McGuire Air Force Base near Wrightstown, NJ, Dulles International Airport, in Loudoun County, VA, Baltimore, MD, Washington, DC, Philadelphia, PA, and Norfolk, VA.

MC 141684 (Sub-9), filed January 27, 1981. Applicant: COMMAND CARGO CORPORATION, 8700 Larkin Rd., Savage, MD 20863. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *general commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, points in PA, WV, VA, DE, MD, and DC.

MC 144115 (Sub-13), filed January 29, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St., NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *food and related products*, between the facilities of Fearn International, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144715 (Sub-15), filed January 22, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *machinery*, between Baltimore, MD, and points in Blair and Cambria Counties, PA, Patrick County, VA, and Surry, Moore, and Hoke Counties, NC, on the one hand, and, on the other, points in the U.S.

MC 145384 (Sub-53), filed January 23, 1981. Applicant: ROSE-WAY, INC., 1914 East Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Midwest Lumber Associates, of Sun Prairie, WI; and (2) *metal products*, between points in the U.S., under continuing contract(s) with Metal Exchange Corporation, of St. Louis, MO.

MC 146145 (Sub-4), filed January 23, 1981. Applicant: TOWER TRANSPORT, INC., 528 South Cumberland Ave., Park Ridge, IL 60068. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *containers and closures*, between points in IL, IN, and WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146585 (Sub-3), filed January 22, 1981. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Transporting (1) *irrigation systems*, and (2) *machinery*, between points in Multnomah and Washington Counties, OR, on the one hand, and, on the other, points in the U.S.

MC 147475 (Sub-4), filed January 23, 1981. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, McMinnville, OR 97128. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *building materials* and *lumber*, between points in OR, WA, CA, and ID.

MC 148284 (Sub-1), filed January 23, 1981. Applicant: DON YOUNGBLOOD TRUCKING, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *food and related products*, between points in the U.S., on the one hand, and, on the other, points in AR.

MC 152434 (Sub-1), filed January 22, 1981. Applicant: HOOD RAILWAY SERVICES, INC., P.O. Box 7481, Tyler, TX 75711. Representative: William Sheridan, 10235 Metker, P.O. Drawer 5049. Transporting *general commodities* (except classes A and B explosives), between Dallas and Smith Counties, TX, on the one hand, and, on the other, points in Angelina, Anderson, Camp, Cherokee, Gregg, Harrison, Houston, Henderson, Morris, Nacogdoches, Rusk, Smith, Titus, Upshur, Vanzandt, and Wood Counties, TX.

MC 153024 (Sub-1), filed January 29, 1981. Applicant: CAZADOR TRANSPORTATION SERVICES, INC., P.O. Box 10693, El Paso, TX 79997. Representative: Steven W. Gardner, 3574 Piedmont Rd., Atlanta, PA 30305. Transporting *machinery and building materials*, between El Paso, TX, on the one hand, and, on the other, points in NM.

MC 153555 (Sub-1), filed January 26, 1981. Applicant: LEEVAN LEASING CORP., P.O. Box 35087, Fayetteville, NC 28303. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *malt beverages*, between Baltimore, MD, Charleston, SC, Detroit, MI, Norfolk, VA, New York, NY, points in Vanderburgh County, IN, Carteret and New Hanover Counties, NC, Lucas and Wood Counties, OH, and Atlantic County, NJ, on the one hand, and, on the other, Brunswick and Savannah, GA, and points in NC.

MC 153764 (Sub-1), filed January 26, 1981. Applicant: WILLIE L. TURNDER, d.b.a., TURNER TRUCK SERVICE, Route 1, 520 K-45, Blanchard, OK 73010. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Transporting *food and related products*, between Oklahoma City, OK, and points in TX.

MC 153864, filed January 28, 1981. Applicant: R & M EXPRESS, INC., 12330 Park Dr., Orient, OH 43146. Representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43221. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dresser Industries, Inc., of Dallas, TX.

MC 153924, filed January 26, 1981. Applicant: DONALD A. TUOZZO, d.b.a. DONALD A. TUOZZO TRUCKING., 10907 Fruitwood Drive Mitchellville, MD 20715. Representative: Donald A. Tuozzo (same address as applicant). Transporting *such commodities* as are dealt in or used by food and grocery business houses, between point in the U.S. under continuing contract(s) with The Shenandoah Apple Co-operative, Inc., of Winchester, VA.

MC 153925, filed January 22, 1981. Applicant: BASKIN'S TOURS, 600 N. Pine, Chicago, IL 60644. Representative: Willya Baskin Holmes (same address as applicant). As a *broker* in Cook County, IL, in arranging for the transporation of *passengers and their baggage*, beginning and ending at points in Cook County, IL, and extending to points in the U.S.

Volume No. OP3–172

Decided: February 13, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 4484 (Sub-21), filed February 2, 1981. Applicant: CROWN TRANSPORT, INC., R.D. #2, Wampum, PA 16157. Representative: Donald A. Morken, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives, between points in the U.S. Member Hill dissents.

MC 19105 (Sub-66), filed January 26, 1981. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, NC 27893. Representative: Vance T. Forbes (same address as applicant). Transporting *building materials*, between points in GA, MD, NC, SC, and VA.

MC 52704 (Sub-291), filed February 2, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *clay, concrete, glass or stone products*, (2) *waste or scrap materials* not identified by industry producing, and (3) *containers, container closures, and container components*, between points in the U.S. in and east of MN, IA, KS, OK, and TX. Member Hill dissents.

MC 84444 (Sub-8), filed January 26, 1981. Applicant: McCORMICK'S EXPRESS, a corporation, 3rd and Winslow Sts., Camden, NJ 08104. Representative: Joseph A. McCormick, (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of (1) Formigil Corporation, (2) MacAndrews & Forbes Group (a Corporation), (3) Mafcote Specialities, Inc., (4) Thomas & Muller Co., Inc., and (5) Wilbur Chocolate Co., Inc., in Damden and Cumberland Counties, NJ, and Lancaster County, PA, on the one hand, and, on the other, points in the U.S.

Note.—Issuance of a certificate is conditioned upon prior or coincidental cancellation, at applicant written request of existing rights under MC 84444.

MC 40035 (Sub-2), filed February 2, 1981. Applicant: FALL RIVER & NEW BEDFORD EXPRESS CO., INC., Ridge Hill Rd., Assonet, MA 02702. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Transporting *general commodities*, between points in CT, MA, and RI.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 82735 (Sub-6), filed January 26, 1981. Applicant: HUDSON-BERGEN TRUCKING CO., a corporation, 200 Central Avenue, Teterboro, NJ 07608. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Transporting *such commodities* as are dealt in or used by public warehouses, between points in the U.S., under continuing contract(s) with Marschall Warehouse Company, of Teterboro, NJ.

MC 94265 (Sub-373), filed January 26, 1981. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *foods and related products*, between points in IN, on the one hand, and, on the other, points in GA, MD, NC, PA, SC, and DC.

MC 97184 (Sub-3), filed February 2, 1981. Applicant: HI-WAY TRUCKING COMPANY, INC., 127–09 91st Ave., Richmond Hill, NY 11418. Representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, NY 11375. Transporting *machinery*, between points in CT, MA, NJ, NY, and PA.

MC 97874 (Sub-3), filed January 27, 1981. Applicant: WINTER BROS., INC., 4725 N. 56th St., P.O. Box 80547, Lincoln, NE 68501. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting *furniture and fixtures*, between points in CA and NE.

MC 99074 (Sub-6), filed February 2, 1981. Applicant: GREENWOOD MOTOR LINES, INC., P.O. Box 336, Greenwood, SC 29646. Representative: Donald E. Cross, 918 16th Street NW., Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, NC, SC, and TN. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration MC 99074 Subs 1, 3, 4, and 5.

MC 107295 (Sub-1013), filed January 21, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *building materials*, between points in Cooper and Howard Counties, MO, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1015), filed February 2, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *plumbing goods*, between points in Fulton County, GA, Kane County, IL, and Somerset County, PA, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1016), filed February 2, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *lumber and wood*

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products, between Sanford, ME, on the one hand, and, on the other, points in the U.S.

MC 108875 (Sub-3), filed February 2, 1981. Applicant: NYCONN HORSE TRANSPORTATION CORPORATION, P.O. Box 51, White Plains, NY 10605. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting (1) *non-exempt horses*, (2) *stable supplies and equipment*, and (3) *mascots, and personal effects* of attendants, trainers, and exhibitors, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 114284 (Sub-100), filed January 26, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Transporting *food and related products*, between Oklahoma City, OK, on the one hand, and, on the other, points in AR, CA, CO, IL, IA, KS, LA, MN, MO, NE, NV, NM, SD, TX, UT, and WI.

MC 114334 (Sub-91), filed January 21, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation 3710 Tulane Rd., Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Transporting *steel pipe*, between points in Hardin County, TN, on the one hand, and, on the other, points in KS.

MC 116645 (Sub-34), filed February 2, 1981. Applicant: BULK TRANSPORTERS, INC., P.O. Box 127, Gilcrest, CO 80623. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transporting *commodities in bulk*, between points in CO, KS, MT, NE, NM, OK, TX, UT, and WY.

MC 134105 (Sub-560), filed January 27, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of Tennessee Donut Corporation, at Nashville, TN, on the one hand, and, on the other, points in AL, AR, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, ND, NE, NJ, NY, OH, OK, PA, SC, SD, TX, VA, WI, WV, and DC.

MC 134304 (Sub-6), filed January 29, 1981. Applicant: LES DARR TRUCKING CO., a corporation, 2233 Talley Way, Kelso, WA 98626. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *lumber and wood products*, between points in OR and WA.

MC 134604 (Sub-8), filed January 21, 1981. Applicant: HOWARD DULLUM, Gardner, ND 58036. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *chemical and related products*, between points in Woodbury County, IA, on the one hand, and, on the other, points in NE, SD, and MN.

MC 140334 (Sub-6), filed January 26, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Michelin Tire Corporation, of Greenville, SC.

Note.—Issuance of a permit is subject to prior or coincidental cancellation, at applicant's written request of MC 140334 (Subs. 1 and 2).

MC 140345 (Sub-2), filed January 19, 1981. Applicant: PUROLATOR ARMORED, INC., 255 Old New Brunswick Rd., Piscataway, NJ 08859. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036. Transporting *articles of unusual value*, between points in the U.S., under continuing contract(s) with shippers who require that their traffic be transported in armored vehicles under armed guard.

MC 143594 (Sub-29), filed January 29, 1981. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. Transporting *dispersing agents*, between points in the U.S.

MC 145384 (Sub-54), filed January 27, 1981. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *machinery*, between points in Story, Polk, and Marion Counties, IA, on the one hand, and, on the other, points in the U.S., and (2) *chemicals and related products*, between points in Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 145494 (Sub-5), filed February 2, 1981. Applicant: EDINA CARTAGE COMPANY, a corporation, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *food and related products*, between the facilities of Lever Brother Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146145 (Sub-3), filed January 29, 1981. Applicant: TOWER TRANSPORT, INC., 528 South Cumberland Ave., Park Ridge, IL 60068. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Transporting *malt beverages*, and *food and related products*, between Chicago and Huntley, IL, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 147264 (Sub-12), filed January 21, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Avenue, Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *bananas*, between points in Charleston County, SC, and Hillsborough County, FL, on the one hand, and, on the other, points in IL, IN, KY, MI and OH.

MC 147985 (Sub-3), filed January 27, 1981. Applicant: GUNTHER H. M. KLIESE, d.b.a., P & M ENTERPRISES, 10650 SW Wilsonville Rd, Wilsonville, OR 97070. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave, Portland, OR 97210. Transporting *food and related products*, between Hackettstown, NJ, Chicago, IL and Waco, TX, on the one hand, and, on the other, points in OR, WA and CA.

MC 148075 (Sub-4), filed January 26, 1981. Applicant: CECIL E. KING, JR., d.b.a., CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *tire treads and rubber compounds*, between points in the U.S., under continuing contract(s) with Bandag Incorporated, of Muscatine, IA.

MC 148655 (Sub-9), filed February 2, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 666 Eleventh St., NW, No. 805, Washington, DC 20001. Transporting *petroleum, natural gas and their products; lumber and wood products*, and *chemicals, and related products*, between points in Baxter County, AR, on the one hand, and, on the other, points in the U.S.

MC 149324 (Sub-1), filed January 29, 1981. Applicant: BLACK ARROW TRANSPORT, INC., 107 Abbott St., Springfield, MA 01118. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *machinery*, between points in CT, on the one hand, and, on the other, points in the U.S.

MC 112304 (Sub-251), filed January 27, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, KS, OK and TX, on the one hand, and, on the other, points in the U.S.

MC 150735 (Sub-3), filed January 19, 1981. Applicant: BESTWAY TRANSPORT CO., a corporation, Route No. 2, Willard, OH 44890. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Transporting *food and related products*, between points in Sandusky County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 150954 (Sub-11), filed January 27, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting *lumber and wood products* and *building materials*, between points in the U.S., under continuing contract(s) with Five Star Lumber Co., Inc., of Spokane, WA.

MC 153565 (Sub-1), filed January 27, 1981. Applicant: M. L. TRANSPORT DIVISION OF M. L. ENTERPRISES, INC., Route 1, P.O. Box 262 GA, Pell City, AL 35215. Representative: Geogre M. Boles, 727 Frank Nelson Bldg., Birmingham AL 35203. Transporting (1) *metal products* and (2) *building materials*, between points in the U.S. under continuing contracts with Engineered Components, Inc., of Houston, TX, and Jemison, AL, and Culp Metals, Inc., of East Gadsden, AL.

MC 153665 (Sub-1), filed January 28, 1981. Applicant: RICHARD WAGNER AND VIOLET WAGNER, d.b.a., RW TRUCKING, R.R. 1, Box 61, Frankfort, IL 60423. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Morgan Container Corp., and Mor-Cor Company, of Chicago, IL.

MC 153834 (Sub-1), filed Feb. 2, 1981 Applicant: ATLANTA DISPATCH AND DISTRIBUTION, INC., 4779 Fulton Industrial Blvd., Atlanta, GA 30336. Representative: Clinton J. Altman, Jr. (same address as applicant). Transporting *general commodities*, between points in GA.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 153875 (Sub-1), filed Feb. 2, 1981. Applicant: O'NEIL BROTHERS DISTRIBUTING COMPANY, a Corporation, P.O. Box T, Akron, CO 80720. Representative: Nancy P. Bigbee, 1125 University Bldg., 910–16th St., Denver, CO 80202. Transporting *alcoholic beverages*, between points in the U.S., under continuing contract(s) with Van Munching & Co., Inc., of New York, NY, and B & K Distributing Co., of Steamboat Springs, CO.

MC 153885 (Sub-1), filed January 30, 1981. Applicant: THE GREAT AMERICAN TRUCKING COMPANY, INC., P.O. Box 15164–B, Orlando, FL 32858. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ore-Ida Foods, Inc., of Boise, ID.

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Decided: February 17, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 152915F, filed November 24, 1980, previously published in the FR of December 18, 1980 and January 28, 1981. Applicant: SUNNYDALE DISTRIBUTING, INC., 450 Hart-Albin Bldg., Billings, MT 59103. Representative: Daniel J. Sweeney, 1750 Pennsylvania Ave., NW, Washington, DC 20036.

Note.—The republication of January 28, 1981 in this proceeding should be disregarded; the publication of December 18, 1980 is correct.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-6071 filed 2-23-81, 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 24]

Restriction Removals; Decision-Notice

Decided: February 18, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137, Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

No. MC 10169 (Sub-No. 6)X, filed February 9, 1981. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 1515 11th Street, N. E., Roanoke, VA 24012. Representative: Nancy Pyeatt, 815 15th Street, NW., Washington, DC 20005. Applicant seeks to remove restrictions (1) in its lead certificate and Subs 4 and 5, which authorize transportation of general commodities (with the usual exceptions) by removing all exceptions except classes A and B explosives; (2) in Sub-No. 4, by replacing the present one-way authority with radial authority and by broadening Bassett, and Rocky Mount, Va; to Henry, and Franklin Counties, VA, and (3) in Sub-No. 5F, by including Danville in present authority to serve points in Pittsylvania County (except Danville), VA.

No. MC 16682 (Sub-No. 99)X, filed February 6, 1981. Applicant: MURAL TRANSPORT, INC., P.O. Box 1785, North Brunswick, NJ 08902. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its lead and Sub-Nos. 59, 63, 68, 69, 78, 79, 86, 87, 88, 89, 92F, 93F, 94F, 95F, 96F, and 98 certificates to expand its one-way authority to radial authority, in the lead certificate, (a) between St. Louis, MO, and points in 2 States; between Beatrice, NE, and points in 10 States; between TX, and points in the US; between AR and points in the US; between Colorado, and points in 21 States, and part of LA; between Oklahoma City, OK, and points in 12 States; between Orange, Union City, and Union, NJ, and points in the US;

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between Fayetteville and Syracuse, NY, and 7 cities, and points in CA and FL; between Fayetteville, KY, and points in 2 States. (b) in Sub-No. 59, between Los Angeles and Orange Counties, CA and points in the US (except points in AZ, ID, OR, MT, WA, WY, El Paso County, TX, part of UT, Douglas and Ormsby Counties, NV and part of NV); between Los Angeles and Orange Counties, CA and points in the US. (c) in Sub-No. 63, between points within the Los Angeles, CA, commerical zone and points in 31 States and DC. (d) in Sub-No. 68 between TN and KY, and points in the US. (e) in Sub-No. 69, between Fort Smith, AR, and points in the US. (f) in Sub-No. 78, between Omaha, NE, Burlington, IA, and Chicago, IL, and Kansas City, MO—Kansas; and between Kansas City, MO—Kansas City, KS, commercial zone, and points within 25 miles thereof, and points in 7 States. (g) in Sub-No. 79, between a plantsite at Des Moines, IA, and points in the US. (h) in Sub-No. 86, between 3 Counties in AR, and points in the US. (i) in Sub-No. 87, Brattleboro, VT, 5 MA cities, 3 NY cities, 2 PA cities, and 2 NJ cities, and points in 6 States and DC and part of PA between Weehawken, NJ, and points in 10 States and DC. (j) in Sub-No. 88, between Pinedale and Montebello, CA, and points in 25 States. (k) in Sub-No. 89, between 2 facilities at Tacoma and Lakewood (Pierce County) WA, and points in 28 States; (1) in Sub-No. 92F, between a facility at Louisville, KY and points in the US (except part of WI, part of TN, Bomcombe County, NC, and points in

IL, IN, MI, and OH), (m) in Sub-93F between South Grafton, MA, and points in 2 counties in NJ and NY, and points in the US; (n) in Sub-94F between 8 cities and points in the US; (o) in Sub-95F between San Fernando, CA, and Belleville, WI; (p) in Sub-96F, between a plantsite at Louisville, KY, and points in IL, IN, MI, OH, part of WI, part of TN and Bumcombe County, NC, and (q) in Sub-98, between Chicago, IL, and points in 12 States, in parts (1) and (2); between Kansas City, MO, and points in 6 States in part (3); between Kansas City, MO–KS, commercial zone, and points in 15 States, in parts (4) and (5); between New York, NY and points in 9 States, in part (6); between New York, NY and Houston, TX, Oklahoma City, OK, and points in CA, in part (7); between New York, NY and points in 3 States, in part (8); between DE, MD, NJ, NY (other than New York, NY), PA, and DC, and points in 9 States, in part (9); between CT, ME, MA, RI, and VT, and points in a State, in part (10); between 11 named States and DC (other than New York, NY), and points in AZ, NM, and TX, in part (11); between 7 States (other than New York, NY), and points in CO, KS, and OK, in part (12); between 6 States, and points in CT, DE, NJ, and RI, in part (13); between 6 States, and points in ME, NH, and VT, in part (14); between 8 States, and points in MD, MA, and DC, in part (15); between MI, and points in 5 States, in part (16); between CO, and points in 26 States, and DC, in part (25); and between Oklahoma City, OK, and points in 20 States, and DC in part (26). Applicant seeks to remove restrictions prohibiting service from points in MI, to NY and Long Island City, NY, in the lead certificate, sheet 4. Applicant also seeks to remove all exceptions in Sub-98, parts (9), (10), (11), (12), (13), (15), (16), (25), and (26), which prohibit service from and to various combinations of States in the authorized territories, and to remove AK and HI as exceptions on the nationwide authorities.

MC 22311 (Sub-30)X, filed February 9, 1981. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions from its lead certificate which was acquired in MC–F–77755, (issuance of a certificate is pending) which authorizes the transportation of iron and steel articles, contractor's equipment, and scrap metals from and to specified points in IL, IA, IN, MI, and MO, to (1) change its commodity description to "those commodities which because of their size or weight require the use of special handling or equipment and self-propelled articles," (2) expanding its one-way authority to radial authority, and (3) broadening a base point in a described portion of Porter County, IN, to "Porter County, IN."

MC 60186 (Sub-72)X, filed February 12, 1981. Applicant: NELSON FREIGHTWAYS, INC., P.O. Box 1358, 47 East Street, Rockville, CT 06066. Representative: Edward G. Villalon, 1032 Pennsylvania Building, 13th & Pennsylvania Ave. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-69F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions and automobiles) to "general commodities (except classes A and B explosives)," and (2) remove the restriction limiting transportation to traffic having an immediately prior or subsequent movement by rail in its authority between numerous northeastern States.

MC 71593 (Sub-85)X, filed February 9, 1981. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, New Jersey 07076. Representative: David W. Swenson (same as applicant). Applicant seeks to remove restrictions from its Sub-No. 72F certificate to (1) remove all exceptions in its general commodities authority except "Classes A and B explosives," and (2) remove the restriction limiting service to traffic moving on bills of lading of named freight forwarders, on its nationwide irregular route authority.

MC 115821 (Sub-56)X, filed February 11, 1981. Applicant: BEELMAN TRUCK CO., P.O. Box 93, St. Libory, IL 62282. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., 411 North 7th Street, St. Louis, MO 63101. Applicant's Sub-No. 45 certificate authorizes the transportation of dry bulk commodities (with exceptions) from points in that part of IL on and south of US Hwy 36, to points in that part of MO located on and south of US Hwy 36, on and east of US Hwy 63, and on and north of US Hwy 60. Applicant seeks to remove restrictions which prohibit the transportation of cement, fertilizer, starch, sugar, products of corn, crushed rock and stone, haydite, acids and chemicals (including starch), wood sawdust, wood chips, wood shavings, and sugar and blends thereof moving from and to specified points within the above described territory, and seeks authority to conduct radial operations between the above described territory.

MC 118803 (Sub-26)X, filed February 6, 1981. Applicant: ATLANTIC TRUCK LINES, INC., 168 Town Line Road, Kings Park, NY 11754. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10084. Applicant seeks to remove restrictions in its Sub-Nos. 9, 11F, 12F, 14F, 15F, 16F, 17F, 18F, 19F and 20F permits by (a) broadening its commodity descriptions from roofing materials and floor coverings to "building materials, and lumber and wood products" in Sub-No. 9, from foil and scrap to "metal products and waste or soap materials" in Sub-No. 12F, from foodstuffs to "food and related products" in Sub-No. 14F, from dry plastic materials to "rubber and plastic products and chemicals and related products", in Sub-No. 17F, (2) eliminate the "except commodities in bulk" restriction in all permits, and (3) broaden the territorial authority to between points in the U.S. under continuing contract(s) with named shippers.

MC 135045 (Sub-3)X, filed February 9, 1981. Applicant: BERTSCH TRUCKING, INC., Hillsboro, ND 58045. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Applicant seeks to remove restrictions

in its No. MC 123544 (Sub-No. 11) permit which authorizes the transportation of farm machinery and farm implements and parts for farm machinery and farm implements, from Fargo, ND and ports of entry on the international boundary line between the US and Canada located at Neche and Pemblin, ND, and Noyes, MN, to points in 14 states and DC. Applicant seeks to broaden its territorial authority to "between points in the US" under a continuing contract(s) with a named shipper; and, to remove restrictions limiting service to the transportation of shipments originating at or destined to the facilities of a named shipper located at Winnipeg, Manitoba, Canada.

MC 141917 (Sub-2)X, filed February 9, 1981. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representative: Dean N. Wolfe, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its No. MC 123972, Sub-Nos. 1, 13, and 16F permits to broaden the commodity descriptions (1) from slag and ground limestone, in Sub-No. 1, and cement, in Sub-No. 16, to "clay, concrete, glass, or stone products", and from (a) asphalt shingle, siding, roll roofing, waterproof building paper, and wallboard, (b) insulating materials, in mixed loads with the commodities named in (a), and (c) roofing, siding, sealing, insulating, wall, flooring, and ceiling materials, to "building materials" in Sub-No. 13; (2) remove the "in bulk, in dump vehicles", "in truckloads" and "except commodities in bulk" restrictions from the commodity descriptions in Sub-Nos. 1, 13, and 16F and (3) broaden the territorial description in each permit to "between points in the United States under continuing contract(s) with named shippers".

MC 143085 (Sub-7)X, filed February 5, 1981. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, 3725 W. Division, Springfield, MO 65803. Representative: Bruce McCurry, DICKEY, ALLEMANN & McCURRY, 910 Plaza Towers, Springfield, MO 65804. Applicant seeks to remove restrictions in its Subs 3F, 4F, 5F, and 8 certificates by (1) broadening its commodity descriptions in Subs 3F and 4F from general commodities (with exceptions) to "general commodities (except Class A and B explosives)" and in Sub 5F and Sub 8 by eliminating the restrictions "(except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration" to the commodity description "such commodities as are dealt in by chain grocery and food business houses"; (2) replacing authority to serve named plantsites or cities with county-wide authority and one-way with radial authority as follows: Sub 3F, part (a) between Greene County, MO, (Springfield, MO) and Vanderburgh County, IN (Evansville, IN); part (b) between points in Greene County, MO and Vanderburgh County, IN and points in TX and (c) between Vanderburgh, IN and points in MI; Sub 4F, between points in Greene County, MO and Vanderburgh County, IN and points in CA and OR; and in Sub 8 between points in Greene County, MO and points in AL, AR, AZ, CA, CO, FL, GA, KS, KY, LA, MS, NM, NC, OK, SC, TN, TX and VA; (3) removing the restrictions in Subs 3F, 4F, and 8 limiting traffic to that originating at or destined to named facilities.

MC 143591 (Sub-3)X, filed February 9, 1981. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions from its Sub-No. 9 permit which authorizes the transportation of powdered eggs, containing additives and commodities exempt from economic regulation in mixed loads with powdered eggs from specified points in MN to points in 5 central States, by (1) changing the commodity description to "food and related products" and (2) expanding the territorial authority to between points in the US, under continuing contract(s) with a named shipper.

MC 144345 (Sub-22)X, filed February 5, 1981. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 8, 9, 10, 11, 12, 13, 14, 15, 17, and 19 certificates and in the lead certificate (1) broaden the commodity description from dairy products to "food and related products", (2) in part (1) delete the facility limitation and replace its city location with Canyon County, ID, (3) in part (2) replace Grand View, Twin Falls, Boise, and Caldwell, ID with Owyhee, Twin Falls, Ada, and Canyon Counties, ID, (4) broaden the one-way authority to radial authority between (a) Canyon County, ID and points in CA, OR, and WA in part (1) and, (b) points in CA, NV, OR, and WA, and, the counties in (3) above in part (2), and (5) delete the restriction against the transportation of commodities in bulk. In Sub-No. 8 to (1) broaden the commodity description from furniture and window covering and materials and supplies used in the manufacture of commodities named above to "furniture or fixtures", and (2) broaden the one-way authority to radial authority between points in Los Angeles, Orange, Riverside, and San Bernadino Counties, CA, and points in Canyon County, ID; In Sub-No. 9 to (1) broaden commodity description from windows and materials and supplies used in the manufacture of windows to "clay, concrete, glass or stone products", (2) delete the facilities restriction and replace its city location with Canyon County, ID, (3) broaden one-way authority to radial authority between points in Los Angeles, and Orange Counties, CA, and Canyon County, ID; in Sub-No. 10 to broaden the commodity description to "food and related products" from dairy products, delete the facilities restriction and replace its city location with Canyon County, ID, broaden the one-way authority to radial authority between Canyon County, ID, and points in Utah; in Sub-No. 11 to (1) broaden commodity description from plastic containers, and materials and supplies used in the manufacture of plastic containers, soaps, and detergents, soaps, detergents, cleaning compounds and fabric softeners to: "rubber and plastic products and chemicals and related products," and (2) delete the facilities restriction in part (2); (3) broaden one-way authority to radial authority between (1) CA, OR, WA, and UT, and points in Ada, and Canyon Counties, ID, and (2) Canyon County, ID, and, points in CA, NV, OR, UT, and WA; In Sub-No. 12 to (1) delete the facilities restriction and replace Boise, ID with Ada County, ID, broaden one-way authority to radial authority between points in CA, OR, UT, and WA, and, Ada County, ID; In Sub-No. 13 to (1) broaden commodity description from frozen potato products to "food and related products", (2) eliminate the facilities restriction and replace its city location at Nampa, ID with Canyon County, ID; (3) broaden Othello and Moses Lake, WA, to Adams and Grant Counties, WA, (4) broaden one-way authority to radial authority to between Canyon County, ID, and, points in CA, NV, OR and WA, (5) delete the restriction requiring traffic moving between the facilities at named points; In Sub-No. 14 to (1) broaden commodity description from cleaning compounds, scouring compounds, washing compounds, buffing compounds, polishing compounds, sodium hypochlorite solution, soap base compounds, fabric softeners, plastic bags and filters to "chemicals and related products, rubber and plastic products, and, pulp, paper and related

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products"; (2) delete the facilities restriction and replace its city location with
Santa Clara County, CA, (3) broaden one-way authority to radial authority between Santa Clara County, CA, and points in OR, ID, UT, and WA; In Sub-No. 15 to (1) broaden the commodity description from foodstuffs, foodstuff containers, and supplies used in the packaging of foodstuffs to "food and related products", (2) delete the facilities restriction and replace its city locations at Hermiston, OR, Caldwell, Mampa, Burley, Aberdeen, Idaho Falls and Heyburn, ID and Clearfield, UT, with Umitilla County, OR, Canyon, Cassia, Bingham, Bonneville, and Minedoka Counties, ID, and Sauis County, UT, (3) delete the mechanical refrigeration restriction; In Sub-No. 17 to (1) broaden the commodity description from meats, meat products, meat byproducts and articles distributed by meat packing houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* (except hides and commodities in bulk) to "food and related products", (2) delete the facilities restriction and replace its city locations at Boise, ID and Walla Walla, WA, with Ada County, ID, and Walla Walla County, WA, (3) broaden the one-way authority to radial authority, between Ada County, ID and Walla Walla County, WA, and points in ID, WA, OR, CA, AZ, and NV, (4) delete the restriction against commodities in bulk; In Sub-No. 19 to (1) broaden the commodity description from frozen fruit juices to "food and related products", (2) delete the facilities restriction and replace its city location at Ventura, CA, with Ventura County, CA, and, (3) broaden one-way authority to radial authority between Ventura County, CA, and, points in ID, OR, UT, and WA.

MC 145384 (Sub-55)X, filed February 6, 1981. Applicant: ROSE–WAY, INC., 1914 East Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its permits MC–145489 Sub-Nos. 2F and 3F to (1) broaden the commodity description to "metal products," from aluminum and aluminum articles, in Sub-No. 2F, and aluminum ingots and aluminum scrap, in packages, in Sub-No. 3F, and, (2) broaden the territorial scope of service to "between points in the United States," under continuing contract(s) with named shippers.

MC 145441 (Sub-145)X, filed February 13, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. Applicant seeks to remove restrictions in its Sub-No. 119F certificate, which authorizes the transportation of general commodities (except commodities in bulk, classes A and B explosives, and those requiring special equipment) to (1) eliminate the restriction limiting service to a named shipper's association and its members' facilities at points in IN, KY, and OH, and, (2) authorize radial authority in lieu of existing one-way service between points in IN, KY, and OH, and points in the United States.

MC 146499 (Sub-4)X, filed February 5, 1981. Applicant: R. LEON PETERSON TRUCKING, INC., 835 North 600 East, P.O. Box 489, Spanish Fork, UT 84660. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 3F permits to broaden the commodity descriptions (a) in Sub-No. 1F, from high pressure, reinforced rubber hose and equipment, materials, and supplies used in the manufacture, installation, and distribution of high pressure, reinforced rubber hose to "rubber and plastic products", and (b) in Sub-No. 3F, from (1) resin coated sands and chemicals (except commodities in bulk) and (2) such commodities as are used by foundries (except those described in part I and commodities in bulk) to "such commodities as are used by foundries." Applicant also seeks to remove restrictions in both permits to broaden the territorial description to "between points in the United States", under continuing contract(s) with named shippers.

MC 149338 (Sub-1)X, filed February 9, 1981. Applicant: FLEMING TRANSPORT, INC., 222 Airport Road, Butler, PA 16001. Representative: William A. Gray, 2310 Grant Building, Pittsburg, PA 15219. Applicant seeks to remove restrictions in its lead Permit to (1) broaden its commodity description from liquid asphalt and liquid paving materials, in bulk, in tank vehicles, to "petroleum, natural gas and their products" and (2) broaden the territorial scope to between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81–6077 Filed 2–23–81; 8:45 am]
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[Permanent Authority Decisions Volume No. 23]

Restriction Removals; Decision-Notice

Decided: February 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 109 (Sub-4)X, filed February 5, 1981. Applicant: CAMPBELL's AUTO EXPRESS, Lamb's Road and Laurel Drive, Pitman, NJ 08071. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the regular route portion by expanding the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" and the territorial description to serve all intermediate points over regular routes between Philadelphia, PA, and Clayton, NJ; and (2) broaden the irregular route portion by expanding the commodity description in its irregular route authority from phonograph records, jackets, sleeves, labels, etc. to "such commodities as are dealt in or used by manufacturers and distributors of sound, communication, educational, or entertainment materials", removing the plantsite limitations at Pitman, NJ and Edison, NJ and expanding the territorial description to the county-wide authority of Gloucester County, NJ and Middlesex County, NJ.

MC 11207 (Sub-574)X, filed February 6, 1981. Applicant: DEATON, INC., 317 Avenue W., Post Office Box 938, Birmingham, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-No. 504F certificate, which authorizes the transportation of general commodities, with the usual exceptions, between points in AL, GA, LA, MS, and TN, restricted to traffic having an immediate prior or subsequent movement by rail, by (1) removing the ex-rail restriction and (2) excluding only classes A and B explosives from the commodity description.

MC 21779 (Sub-10)X, filed February 6, 1981. Applicant: J. P. GRAHAM TRANSFER, INC., 429 Constitution Blvd., Fallston, PA 15066. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 1, 4, 5, 6, 7, 8, and 9, to (1) authorize radial service primarily between points in Pennsylvania and several midwestern and eastern States in lieu of one-way authority in all referenced authorities, and (2) substitute plantsite restrictions for county-wide authority: Beaver County, PA, for New Brighton and Beaver Falls, PA, in Sub-No. 1; Beaver County, PA, and Lewis County, WV, for Monaca, PA, and Jane Lew, WV, in Sub-No. 4; Allegheny County, PA, for Carnegie, PA, in Sub-No. 5; Allegheny and Beaver Counties, PA, for Ambridge, Beaver Falls, and Koppel, PA, in Sub-No. 6 and Pittsburgh and Aliquippa, PA in Sub-No. 7; Beaver County, PA, for Beaver Falls, PA, in Sub-Nos. 8 and 9.

MC 25869 (Sub-179)X, filed February 5, 1981. Applicant: C.O.D.E., INC., 4800 N. Colorado Blvd., Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 150F and 151F certificates by (A) broadening the commodity description in Sub 150F from general commodities, with the usual exceptions, to "general commodities (except classes A and B explosives)", and in Sub 151F, part (2), from iron and steel articles to "such commodities as are dealt in or used by manufacturers and distributors of iron and steel articles"; (B) removing the plantsite limitation in Sub-150F at or near Chicago, IL; (C) replacing one-way authority with radial authority: in Sub 150F between Chicago, IL and points in IA, Kansas City, MO, Albuquerque, NM, and; in Sub 151F, part (1)(a), between points in Philadelphia, PA and points in OH, and points in CO, KS, MN, NE, IL and IA; (b) between Omaha, NE and Denver, CO; and (c) between Chicago, IL and points in NE, CO and IA (with exceptions); and in part (2) between Chicago, IL and points in CO; and (D) changing the restriction in Sub 151F part 1(a) to traffic originating at or destined to the facilities of a named shipper in OH.

MC 26396 (Sub-389)X, filed January 21, 1981, previously notice in the **Federal Register** of February 3, 1981, republished as corrected this issue. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 356F and 361F to (A) broaden the commodity description from (1) chemicals, chemical additives, plastics, resins, drilling mud, and drilling mud additives to "chemicals and related products, rubber and plastic products, and Mercer commodities in Sub-No. 356F, (B) broaden the commodity description from drilling mud and drilling mud additives (except in bulk, in tank vehicles) to "Mercer commodities" in Sub-No. 361F, and (C) delete the restrictions against the transportation of commodities "in bulk" and "in tank vehicles" in both authorities. The purpose of this republication is to correctly state the docket number involved in this proceeding as MC 26396 (Sub-389)X in lieu of MC 29396 (Sub-389)X.

MC 36556 (Sub-49)X, filed February 5, 1981. Applicant: BLACKMON TRUCKING, INC., P.O. Box 188, Somers, WI 53171. Representative: Fred H. Figge (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 41F, 42F, 44F and 46F certificates to (1) broaden its commodity description (a) from canned goods, canningfactory supplies and equipment; canned goods and such commodities as are dealt in or used by maufactures of canned goods, and canned and prepared foodstuffs (except in bulk, in tank vehicles), to "food and related products, and materials equipment and supplies used in the manufacture and distribution thereof", in the lead certificate (sheet 4), Sub-No. 44F, and Sub-No. 46F, respectively; (b) from pet food (except in bulk), to "pet food, and materials, equipment and supplies, used in the manufacture and distribution thereof", in Sub-No. 41F; (2) change its one-way authority to radial authority between several specified States; and replace specified plantsites or cities with county-wide or commercial zone authority (a) a named plantsite at St. Joseph, MO, with Buchanan County, MO, Jefferson, WI, with Jefferson County, WI, FT. Dodge IA, with Webster County, IA, and Sebring, OH, with Mahoning County, OH, in Sub-No. 41F; (b) a named plantsite at Mount Vernon, and St, Joseph, MO, with Lawrence and Buchanan Counties, MO, a named plantsite at Mansfield, TX, with Tarrant County, TX; and a named plantsite at Waupun, Oconomowoc, and Menomanee Falls, WI, with Fond du Lac, and Waukesha Counties, WI, in Sub-No. 42F, parts (a), (b), and (c), respectively; (c) a named plantsite at 8 named cities in WI, with St. Croix, Marinette, Oconto, Shawano, Fond du Lac, Calumet, and Waukesha Counties, WI; a named plantsite at Louisville, KY and St. Louis, MO with authority to serve their respective commercial zones, a named plantsite at Brownsville WI, with Dodge County, WI, in Sub-No. 44F and (d) 5 named cities in WI, with Sheboygan, Dodge, Jefferson, and Fond du Lac Counties, WI, in Sub-No. 46F; and (3) eliminate the restriction against transportation of commodities in bulk, and shipments originating at the named origins, in Sub-No. 42F.

MC 46421 (Sub-17)X, filed February 4, 1981. Applicant: ESCRO TRANSPORT LTD., 275 Mayville Avenue, Buffalo, NY 14217. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. Applicant seeks to remove restrictions from its lead and Sub-No. 8, 9, 10, 12, 13F, and 15F, certificates to (1) remove the exceptions in its general commodity authority "except classes A and B explosives" in the lead, (2) broaden the commodity descriptions to "food and related products" from cheese, butter, chili con carne, and meat in the lead; meats, meat products, and meat by-products, dairy products and articles distributed by meat packing houses as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 in the lead and Sub-Nos. 8, 9, and 10; dairy products, frozen prepared foods, and prepared foods and fresh meats and fish (except in bulk) in Sub-No. 12; and foodstuffs in Sub-No. 15F. Applicant also seeks to (1) expand its territory from cities and plantsites to counties: Erie County, NY, for Buffalo, NY, in the lead and Sub-Nos. 8, 10, 12 and 15F, and Lancaster, NY in the lead; Niagara County, NY, for Lockport, Newfane, and Niagara Falls, NY; Orleans County, NY, for Medina, NY, Monroe County, NY, for Rochester, NY, McKean County, PA, for

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Bradford and Eldred, PA, and Bradford County, PA, for Sayre and Towanda, PA, Chemung County, NY, for Elmira, NY in the lead and Sub-No. 9; Bergen County, NJ, for Edgewater, NJ, Essex County, NJ, for Fairfield and Newark, NJ, Hudson County, NJ, for Hoboken and Jersey City, NJ, and Passaic County, NJ, for Passaic, NJ, in Sub-No. 12; Cumberland County, PA, for Dauphin Distribution Services Co., at or near Mechanicsburg and Hampden Township, PA; (2) change in one-way authority to radial authority in the above certificates between specified points primarily in NY, PA, and NJ, (3) eliminate the restriction limiting service to traffic having a prior movement by connecting carriers or by rail in the lead and Sub-Nos. 9 and 10, (4) eliminate the restriction limiting service to the transportation of traffic originating at named origins and destined to the named destinations in Sub-No. 12, (5) remove the in vehicles equipped with mechanical refrigeration restriction in Sub-Nos. 12, 13F, and 15F, (6) allow service at all intermediate points between Erie and Niagara Counties, NY in its lead, sheet No. 2, and (7) eliminate the in bulk restriction in Sub-No. 13F.

MC 48958 (Sub-218)X, filed February 6, 1981. Applicant: ILLINOIS–CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. Applicant seeks to removed restrictions from its certificates in Sub-Nos. 116, 123, 133, 134, 138, 149, 151F, 152F, 153F, 158F, 161F, 165F, 166F, 167F, 170F, 175F, 176F, 177F, 179F, 182F, 183F, 184F, 198F, 199F, 206F, 212F, 213F, and 214F, which authorize the transportation of numerous specified commodities from and to specified points in IA, IN, IL, TX, CO, NE, KS, MO, MN, WI, NM AZ, CA, NV, OH, AR, UT, OK, WY, ID. Applicant seeks radial authority where only one-way authority exists in the above-numbered subs.

MC 52750 (Sub-27)X, filed February 2, 1981. Applicant: BLUE LINE TRANSPORTATION CO., INC., P.O. Box 11125, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-Nos. 22, 23F, 24F and 26F certificates to broaden the commodity description as follows: in Sub-No. 22 from cannery cuttings, cannery peelings, cannery waste, distillery grains, mash, feed and fruit and vegetable juices, in bulk, in tank vehicles, and in Sub-Nos. 23F, and 24F from feed and feed ingredients to "food and related products"; and in Sub-No. 26F from asphalt and asphalt products to "petroleum; natural gas and their products".

MC 53965 (Sub-184)X, filed February 6, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock ANB Freight System, Inc., One Woodward Avenue, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 136, 148F, 171F, and 179F certificates to broaden the commodity descriptions from meats, meat products, meat by-products, and articles distributed by meat-packing houses as described in Sections A and C of Appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) in Sub-Nos. 136, and 179F, and pizza and pizza ingredients (except commodities in bulk) and material and supplies used in the manufacture and distribution of pizza and pizza ingredients (except commodities in bulk) in Sub-Nos, 148 and 171F, to "food and related products". In addition, in Sub-No. 136, broaden Great Bend, KS, to county-wide authority in Barton County, KS, and expand its one-way authority to radial authority. In Sub-Nos. 148F and 171F, broaden Salina, KS, to county-wide authority in Saline County, KS. In Sub-No. 179F, remove the facilities limitation and broaden Holcomb, KS, to countywide authority in Finney County, KS, and exand its one-way authority to radial authority.

MC 53965 (Sub-185)X, filed February 5, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, ANR Freight System, Inc., One Woodward Avenue, Detroit, MI 48226. Applicant holds regular-route general commodity authority in its Sub-Nos. 96, 100, 113, 133, 150F, 160F, 161F, 164F, 167F, and 178F certificates. It seeks to (1) remove all exceptions in its general commodities authority, "except classes A and B explosives," (2) remove territorial restrictions which specify some intermediate points or no intermediate point service to authorize service at all intermediate points on regular routes in TX, OK, KS, MO, and NE, and (3) remove a restriction which limits service to Cheyenne, WY for purpose of interline and interchange only in Sub-No. 178F.

MC 56213 (Sub-16)X, filed February 5, 1981. Applicant: RICHARD L. KINARD, INC., 1100 West Locust St., York, PA 17404. Representative: Jeremy Kahn Suite 733 Investment Bldg., 1511 K Street, NW., Washington, DC 20005. Applicant seeks to modify its lead and Sub-No. 12 certificates to (1) broaden its commodity description from (a) canned vegetables, fresh vegetables, eggs, fresh fruit, in containers, and canned mushroom products and canned mushroom products, to "food and related products"; fertilizer and feed, to "farm products", mica pigment, to "clay, concrete, glass or stone products", in the lead certificate, (b) canned mushrooms and canned mushroom products, to "food and related products", in Sub-No. 12, (2) substitute its city-wide authority with county-wide authority (a) Hanover, Codorus, Spring Grove, York, Muhlenberg Township,and Hokes, PA, with York and Berks Counties in PA; Hightstown and Atlantic City, NJ, with Mercer and Atlantic Counties in NJ; Inwood, WV with Berkeley County, WV; and East Walpole, MA, with Norfolk County, MA, in the lead certificate, (b) Muhlenberg Township, PA, with Berks County, PA, in Sub-No. 12, and (3) replace its one-way authority with radial authority in both certificates, authorize service between specified points in several northeastern States.

MC 58777 (Sub-5)X, filed February 10, 1981. Applicant: HAZARD EXPRESS, INC., Box 746, Hazard, KY 41701. Representative: Charles H. White, Jr., Steven A. Lauer, Suite 800, 1019 19th Street, N.W., Washington, D.C. 20036. Applicant seeks to remove restrictions from its Sub-4F certificate by (a) eliminating the restriction on traffic originating at, destined to, or interlined at Lexington, KY in part (3) of its certificate; (b) allowing it to serve all intermediate points between Lexington and Jenkins, KY in part (1) of its certificate; between Louisville and Lexington, KY in part (3) of its certificate; and Cincinnati, OH and Lexington, KY in part (4) of its certificate; and (c) eliminate "serving Lexington, KY for purpose of joinder only" in part (4) of its certificate.

MC 62110 (Sub-19)X, filed February 10, 1981. Applicant: BILLINGS TRUCKING CORPORATION, 509 Cherry St., North Wilkesboro, NC 28659. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions from its Sub-8, 10, and 12 certificates which authorize the transportation of new furniture and general commodities (with certain exceptions) from and to specified points, to (1) change the commodity description to "furniture and fixtures" in all Sub Nos. and "general commodities (except classes A and B explosives)" in Sub-10, (2) authorize radial authority primarily between points in eastern and southern States where only one-way exists in each Sub-No., and (3) replace authority to serve named cities with authority to serve the county: Wilkes County, NC, for North Wilkesboro, NC, and Surry County, NC for Elkin, NC in Sub-8 and 10; Caldwell County, NC, for Lenoir, NC, Mercer County, NJ, for Trenton, NJ, Alleghany County, MD, for Cumberland, MD, Washington County, MD, for Hagerstown, MD, Cumberland County, NY, for Bridgeton, NY, Berks County, PA, for Reading, PA, York County, PA, for York, PA, in Sub-10; and McDowell County, NC, for Marion, NC, in Sub-12.

MC 62181 (Sub-14)X, filed February 9, 1981. Applicant: JOHN HENNES TRUCKING COMPANY, P.O. Box 10-H, Milwaukee, WI 53207. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions for its Sub-13F certificate which authorizes the transportation of "size and weight" commodities, with certain exceptions, between points in 28 central and northeastern States and DC, restricted to the transportation of traffic originating at and destined to those named States, by (1) eliminating from its commodity description "except paper, paper products, tractor cabs, agricultural equipment, lawn garden and agricultural tractors, snowmobiles, aerospace craft, and aerospace craft parts", and (2) removing the "originating at and destined to" restriction.

MC 71593 (Sub-83)X, filed February 6, 1981. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: David A. Swenson (same as above). Applicant seeks to remove restrictions in its Sub-25F, 33F and 66F certificates to (1) remove all exceptions in its general commodity authority except "Classes A and B explosives", (2) broaden the territorial authority from named facilities at Chicago, IL and Los Angeles, CA, to Chicago, IL and Los Angeles County, CA and (3) by replacing one-way authority with radial authority between origins in (2) and points in the United States in Sub-66F, and (4) remove a restriction to traffic destined to named facilities in Sub-66F.

MC 71593 (Sub-84)X, filed February 6, 1981. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Applicant seeks to remove restrictions in its lead and Sub-6F, 7F, 20F, 23F, 24F, 26F, 53F, 56F, 62F, 64F, and 70F, which authorize radial movements between numerous State combinations, (1) by removing all exceptions it its general commodities authority "except Classes A and B explosives"; (2) by eliminating the restiction to traffic moving on the bills of lading of freight forwarders; and (3) by expanding its one-way authority to radial authority in Sub-53F, part 3, between Charlotte, NC, and Chicago, IL, and Memphis, TN.

MC 85718 (Sub-18)X, filed February 9, 1981. Applicant: SEWARD MOTOR FREIGHT, INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-7F certificate to (1) broaden its commodity description from sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing compounds (except soda ash and commodities in bulk), to "chemicals and related products," (2) expand its one-way authority to radial authority between Sweetwater County, WY, and points in 6 named States, and (3) eliminate the restriction prohibiting transportation of traffic originating at named facilities in Sweetwater County, WY.

MC 92688 (Sub-2)X, filed February 10, 1981. Applicant: CHARLES J. KOTWICA, d.b.a. ROME EXPRESS, 5953 Rome Taberg Road, Rome, NY 13440. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in MC 92688 certificate and MC 114912 Sub-4, 6, 12, 13, 15, 18, 19, 20, and 21, permits to (1) broaden the commodity description from (a) oil and grease to "petroleum, natural gas, and their products" in MC 92688, (b) from paper, paper products, pulpboard, cellulose film, parchment paper, sealing tape, pulpboard caps, materials and supplies to "pulp, paper, and related products" in MC 114912 Sub-4 and 20, (c) from plastic products to "rubber and plastic products" in Sub-4 permit, (d) from wax, lacquer, fertilizer materials, laundry supplies, pesticides, to "chemicals and related products" in Sub-4, 12, 18, 19, 21, (e) from aluminum foil caps, copper and brass wires, copper rods, aluminum rods, wire, and cable, metal silos, empty spools, reels, and containers, materials and supplies to "metal products" in Sub-4, 6, 13, 15, (f) building and metal partitions to "building materials" in Sub-4, 18, and 21, (g) from scrap and waste paper to "waste or scrap materials not identified by industry producing" in Sub-4, (h) from outdoor lighting equipment, electrical transmission and distribution equipment, laundry machinery to "machinery" in Sub-4, 18, 21, (i) from lumber, wood burial caskets, wood silos to "lumber and wood products" in Sub-4, 15, (j) from concrete silos to "clay, concrete, glass, or stone products" in Sub-15, (k) from potato, corn and flour products to "food and related products" in Sub-15 and (l) from advertising materials to "printed matter" in Sub-19, (2) eliminate other commodity restrictions such as "loose, in containers, in bulk, size and weight" in MC 92688 and MC 114912 Sub-4, 15, 20, 21, (3) delete the "with no compensation on return" restriction in MC 92688 and in MC 114912 Sub-12, (4) authorize radial for existing one-way authority between Philadelphia, PA and NY in MC 92688, and (5) allow service to between points in the U.S. under continuing contract(s) with a named shipper in all referenced permits.

MC 99755 (Sub-3)X, filed February 9, 1981. Applicant: M & L TRUCKING COMPANY, INC., 4909 Tidewater Avenue, Oakland, CA 94601. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Applicant seeks to remove restrictions in its Sub-2F certificate which authorizes, over irregular routes, the transportation of general commodities (except commodities in bulk, Class A explosives, household goods as defined by the Commission, and those of unusual value), between Oakland, CA, and, points in 17 named counties in CA, by eliminating a restriction limiting traffic moving on freight forwarder bills of lading, as defined by the Commission.

MC 105636 (Sub-40)X, filed February 4, 1981. Applicant: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-28 and 32 certificates to broaden the commodity descriptions from general commodities (with the usual exceptions and frozen foods) to "general commodities (except classes A and B explosives)," and to eliminate the restrictions limiting traffic to that which is moving on freight forwarders bills of lading. Applicant seeks to authorize county-wide authority: New Haven County, CN, for New Haven, CN, and Bergen and Hudson Counties, NJ, for Carlstadt and Jersey City, NJ, in Sub-28; Onondaga, Erie and Monroe Counties, NY, for Syracuse, Buffalo and Rochester, NY, Dauphin and Allegheny Counties, PA, for Harrisburg and Pittsburgh, PA, and Cuyahoga County, OH, for Cleveland, OH, in Sub-32; and Orange, St. Lucie, Palm Beach, Broward and Dade Counties, FL, for Orlando, Fort Pierce, West Palm Beach, Fort Lauderdale and Miami, FL, in both certificates. Applicant also seeks to authorize radial

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authority in lieu of existing one-way service (a) between Philadelphia, PA, Boston, MA, New York, NY, points in New Haven County, CT, Bergen and Hudson Counties, NJ, in Sub-28; (b) between Cincinnati, OH, Detroit, MI, points in Onondaga, Erie and Monroe Counties, NY, Dauphin and Allegheny Counties, PA, and Cuyahoga County, OH, in Sub-32; on the one hand, and, on the other, Jacksonville and Tampa, FL, points in Orange, St. Lucie, Palm Beach, Broward and Dade Counties, FL, in both certificates.

MC 107818 (Sub-109)X, filed February 5, 1981. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Ave., Pompano Beach, FL 33061. Representative: Martin Sacks, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Applicant seeks to remove restrictions in its authorities by (1) replacing specified foodstuffs such as fruits and vegetables, dairy products, cheese products and meats, with "food and related products" in Sub-1, 25, 45, 52, 67, 75, 82, and 88; (2) replacing paper and paper products with "pulp, paper and related products" in Sub-104; (3) deleting all exceptions (except classes A and B explosives) from its general commodity authority in Sub-106; (4) removing originating at or destined to restrictions in Sub-52, 67 and 75; (5) replacing Evansville, and Washington, TN, in Sub-52 with Vanderburgh and Daviess Counties, IN; in Sub-67 South Edmeston and Walton, NY, with Otsego and Delaware Counties, NY, and Hagerstown, MD, with Washington County, MD; in Sub-75, Livonia, MI, with Wayne County, MI and in Sub-104, Menasha, and Kaukauna, WI, with Winnebago and Outagamie Counties, WI; and (6) replacing one-way with radial authority in Subs-1, 25, 45, 52, 67, 75, 82, 88, 104, and 106 between points primarily in 22 eastern and southern States.

MC 108649 (Sub-20)X, filed February 6, 1981. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, IL 61614. Representative: Leonard R. Kofkin, Esq., 39 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-5, 6, 7, 8, 9, 11, 14, 15, and 18 certificates to (1) broaden the commodity description by removing all exceptions in its general commodities authorities except classes A and B explosives in the lead certificate and Sub-5, 6, 7, 8, 9, 11, 14, and 18, (2) broaden the territorial description in the lead certificate to (a) remove the restriction against serving Council Bluffs, IA as an intermediate point between Omaha, NE, and Peoria, IL, to authorize service at all intermediate points, (b) allow service to all intermediate points on its regular-route between Burlington, IA, and Chicago, IL, (c) delete the restriction to delivery of butter; in Sub-5 to (a) allow service to all intermediate points on its regular-route between a point near Lucas, IA and Des Moines, IA, and, (b) remove the restriction against the transportation of traffic moving to, from, or through Omaha, NE, or Chicago, IL, or points within their respective commercial zones, as defined by the Commission; in Sub-9 to remove the restriction to the transportation of shipments moving between the facilities of L. R. Nelson Corporation, at Manning, IA, and Peoria, IL; in Sub-11 to (a) allow service at all intermediate points on its regular-route between Peoria, IL, and Minneapolis, MN, and (b) remove the restriction against the transportation of shipments moving to, from, or through Omaha, NE, Des Moines, IA, or Chicago, IL, or points in the Omaha, Des Moines, or Chicago commercial zones, as defined by the Commission; in Sub-15 to expand one-way authority to radial authority between Omaha, NE, and points in IL; and in Sub-18 to allow service at all intermediate points on its regular-route between Danville, IL, and Indianapolis, IN.

MC 110144 (Sub-21)X, filed February 5, 1981. Applicant: JACK C. ROBINSON, d.b.a. ROBINSON FREIGHT LINES, 3600 Papermill Road, Knoxville, TN 37912. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in a certificate MC 139144 which was acquired in MC–F–13197, which authorizes the transportation of general commodities (with usual exceptions) over regular routes to (1) remove all exceptions in its general commodity authority except classes A and B explosives, and (2) allow service at all intermediate points on regular-routes between: Whitley City, KY, and Atlanta, GA; Jct. U.S. Hwy. 27 and Interstate Highway 40, near Harriman, TN, and Tompkinsville, KY; and Chattanooga, TN, and Jct. TN Hwy. 53 and Interstate Hwy. 40.

MC 111545 (Sub-308)X, filed February 6, 1981. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, GA 30067. Representative: J. Michael May (same address as applicant). Applicant seeks to remove restrictions in its Sub-207, 244, 249, and 253 certificates to (1) broaden the commodity description from (a) radioactive waste materials to "hazardous materials" in Sub-207; (b) from nuclear filtration equipment, and parts, attachments and accessories therefor to "machinery"; in Sub-244, (c) from uranium hexafluoride to "hazardous materials" in Sub-249; (d) and from source, special nuclear, and by product materials, radioactive material, shipping containers, nuclear component parts, and equipment to "such commodities as are dealt in or used by the nuclear industry" (2) authorize radial service in lieu of existing one-way authority in Sub-207 and 244; (3) replace city-wide with county-wide authority: Franklin County for Hillard, OH, in Sub-244; Pike County for Sargent, OH, in Sub-249; (4) remove a disposal facilities limitation in Barnwell County, SC, in Sub-207, and (5) remove the exceptions of AK and HI on the nationwide portion of its radial grants in Sub-207, and 253.

MC 112016 (Sub-16)X, filed February 6, 1981. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-6 permit which authorizes the transportation of such commodities as are dealt in or used by discount department stores and equipment materials, and supplies, used in the conduct of such business to (1) remove the exception of "foodstuffs and commodities in bulk", in the commodity description, and (2) broaden the territorial authority to between points in the United States under continuing contract(s) with named shipper.

MC 115840 (Sub-125)X, filed February 6, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same address as applicant). Applicant seeks to remove restrictions in its Sub-48, 100G, 103G, and 104G certificates to (1) broaden the commodity description to "metal products" from cast iron and brass valves and components and cast iron fire hydrants in Sub-48; from such valves, hydrants, fittings, components, parts and accessories (except in bulk), used in the operation, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes in Sub-100G, paragraph 24; from aluminum ingots, bars, sows, and aluminum scrap (except in dump vehicles), as embraced in aluminum products in Sub-103G, paragraph 1; from aluminum articles, the transportation of which because of size or weight requires the use of special equipment in Sub-104G, paragraph 10; and (2) broaden Birmingham, AL to Jefferson County, AL

in Sub-48; and (3) broaden the territorial descriptions from one-way authority to radial authority between (a) Jefferson County, AL, and points in 9 named States, in Sub-48, (b) between points in 8 named States and a described portion of LA, and, points in 21 named States, described portions of IL and OH, in Sub-100G, paragraph 24, (c) points in and east of TX, OK, KS, NE, SD, and ND, and, points in NC and SC in Sub-104G, paragraph 12.

MC 116014 (Sub-92)X, filed February 9, 1981. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, KY 40391. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-58F certificate to broaden the commodity description from iron and steel articles to "metal products"; to broaden Dearborn, to Wayne County, MI, Oak Park to Oakland County, MI, Georgetown to Scott County, MI, Mount Sterling to Montgomery County, KY, Burns Harbor to Porter County, IN, Gary to Lake County, IN, and Birmingham to Jefferson County, AL; to eliminate the "originating at" and "destined to" restriction; and to expand its one-way authority to radial authority between several combinations of the above points and between Ohio, and NC, SC, WV, and portions of KY, and TN.

MC 117344 (Sub-290)X, filed February 10, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Dr., Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-75 certificate (a) by broadening the commodity description from Spent catalyst (other than Liquid), in bulk, to "commodities in bulk" and (b) by removing the following exceptions from its non-radial authority, between IL, IN, KS, KY, MI, MN, OH, PA, WI and a part of NY: (1) between Louisville, KY and Lima, OH, (2) from Chicago and Chicago Heights, IL to any point, and (3) from Cincinnati, OH, to any point.

MC 118202 (Sub-166)X, filed February 4, 1981. Applicant: SCHULTZ TRANSIT INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-74 certificate to (1) broaden the commodity description from such commodities as are dealt in by electrical and plumbing wholesalers (except commodities in bulk, iron and steel articles, paper products, insulation, new furniture, carpet, and other named commodities), to "building materials, appliances and fixtures, clay, concrete, glass or stone products, and metal products," (2) remove the restrictions prohibiting the transportation on specified commodities orginating at (a) Fairfield, IA, McPherson, KS, Waco, TX, and Columbia, MO, and (b) Sharon or Wheatland, PA, and destined to points in MN and WI, and, (3) authorize two-way authority in lieu of existing one-way service between points in MN, SD, and WI, and, points in the US (with exceptions).

MC 118288 (Sub-52)X, filed February 9, 1981. Applicant: FROST TRUCK LINES, INC., 928 Broadwater Ave., Suite 208, Billings, MT 59103. Representative: Ronald D. Browning, 1321 SE. Water Ave., Portland, OR 97214. Applicant seeks to remove restrictions from its Sub-48 certificate to broaden its commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives). Applicant also seeks to remove the restriction limiting transportation to traffic moving on the bills of freight forwarders radially between CA and UT, CO, and MT.

MC 119383 (Sub-9)X, filed February 10, 1981. Applicant: PORTLAND MOTOR TRANSPORT, P.O. Box 11135, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity from (a) petroleum products as described in Appendix XIII of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 to "petroleum products, natural gas and their products", and (b) rosin size to "chemicals and related products," (2) eliminate the "in bulk, in tank vehicles" restrictions and, (3) change its one-way authority to radial authority in (a) above between Portland, OR and Lewis, Cowlitz, Clark, Skamania, and Klickitat Counties, WA, and in (b) above between Portland, OR, and points in WA west of the Cascade Range.

MC 120646 (Sub-30)X, filed February 3, 1981. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, NC 28803. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Applicant seeks to remove restrictions from its irregular route authority in Sub-3, 5, 15, 17G, 20, and 25F certificates to (1) broaden commodity descriptions (a) from builder's supplies (brick, stone, sand and lumber), to "building materials", in Sub-3, sheet 3, (b) from furniture, furniture stock and parts, new furniture, commodities used in the manufacture of new furniture (except in bulk), new furniture and furnishings (except commodities in bulk), to "furniture and fixtures", in Sub-5, 17G, 20, and 25F, and (c) from textile products to "textile mill products", in Sub-5, (2) replace its specified plantsites and cities with county-wide authority (a) a named plantsite at Swannanoa, NC, with Buncombe County, NC, and a named plantsite at Westminster, SC, with Oconee County, SC, in Sub-5, (b) Berlin, NH, with Coos County, NH; Elizabeth, LA, with Allen County, LA; Pickens and Moss Point, MS, with Holmes and Jackson Counties, MS; Camden, AR, with Ouachita County, AR; and a named plantsite at Asheville, NC, with Buncombe County, NC, in Sub-15, (c) a named plantsite at Arcadia, LA, with Bienville County, LA, in Sub-19, (d) Drexel, Morganton, and Hildebran, NC, with Burke County, NC; Marion, NC, with McDowell County, NC; Shelby, NC, with Cleveland County, NC; Mocksville, NC, with Davie County, NC; High Point, NC, with Guilford County, NC; Black Mountain, NC; with Buncombe County, NC; Whittier, NC with Jackson County, NC; for a named plantsite at each above-named city, in Sub-20, and (e) Homer, LA with Claiborne County, LA, in Sub-25F, (3) expand its one-way authority with radial authority (a) between 3 named counties in NC, and points in the United States; between McMinn and Bradley Counties, TN, and points in 28 named States; between NC and VA, except points in Lee and Wise Counties to Ferndale Station, KY; between TN (with exceptions) and Ferndale Station, KY, in Sub-5, (b) between named counties in NH, LA, MS, and AR, (respectively), and points in Buncombe County, NC, in Sub-15, (c) between NC and points in 8 named States, in Sub-17G, (d) between Bienville County, LA, and points in the United States, in Sub-19, and (e) between IL, IN, KY, MI, MO, NY, OH, PA, VA, WV, and WI, and points in Burke and McDowell Counties, NC, Hildebran, NC, Cleveland, Davie, Guilford, and Buncombe Counties, NC, and Whittier, NC, in Sub-20, (4) eliminate the restrictions (a) prohibiting the transportation of shipments originating at points in 3 named counties in NC, in Sub-5, and (b) prohibiting transportation of lumber (except veneer), in Sub-20.

MC 120924 (Sub-11)X, filed February 9, 1981. Applicant: B & W CARTAGE CO., INC., 2923 West 79th Street, Chicago, IL 60652. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden the commodity description from general commodities

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(with the usual exceptions) to "general commodities (except class A and B explosives)", and (2) remove the restriction limiting transportation to traffic having an immediately prior or subsequent movement by rail.

MC 121254 (Sub-3)X, filed February 9, 1981. Applicant: O'LEARY TRANSPORTATION CO., INC., 324 Grove St., Worcester, MA 01605. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions from its Sub-No. 3 certificate which authorizes the transportation of dry rubber and plastic pellets and granules, in bulk, (except in dump vehicles), between points in MA, and points in 12 Northeastern States, restricted against the transportation of shipments from specified points in MD, RI and NJ, by (1) changing its commodity description to "commodities in bulk"; (2) removing the (except in dump vehicles) restriction; and (3) eliminating the restriction against originating shipments at Perryville, MD, Pawtucket, RI, Bridgewater and Pedricktown, NJ.

MC 123922 (Sub-22)X, filed February 5, 1981. Applicant: AMTRUK TRANSPORT, INC., P.O. Box 4327, Bergen Station, Jersey City, NJ 07304. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden its commodity description from (a) alum, sodium aluminate, and rosin sizing, in bulk, and numerous specified chemicals to "chemicals and related products", and (b) processed clay, in bulk, in tank or hopper-type vehicles, to "clay, concrete, glass or stone products"; (2) expand its one-way authority to radial authority between specified points in northeastern States and to replace specified plantsites and cities with county-wide authority (a) a named plantsite at Adams, MA, with Berkshire County, MA; Solvay, NY, with Onondaga County, NY; a named plantsite at NJ, with Salem County, NJ; Woodbridge, NJ, with Middlesex County, NJ; Nashau, NH, with Hillsborough County NH; a named plantsite at Paulsboro, NJ, with Gloucester County, NJ; Johnsonburg, PA, with Elk County, PA; and remove the plantsite of Church & Dwight Co., Inc. at Syracuse, NY, (3) eliminate the restrictions (a) prohibiting transportation of traffic originating at named plantsites and destined to points in named States (b) prohibiting transportation of shipments destined to points in Canada moving via ports of entry on the United States-Canada Boundary line at or near Buffalo and Niagara Falls, NY.

MC 124213 (Sub-12)X, filed February 5, 1981. Applicant: SWIFTLINES, INC., 7878 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, Suite 610 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 6, 8, 9, 10, and 11 certificates to (1) eliminate all exceptions in its general commodity authority except "classes A and B explosives" in the lead, (2) broaden the commodity descriptions to "food and related products" from meats, meat products, and meat byproducts, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk), in Sub-Nos. 2, 6, 8, 9, 10, and 11, and, frozen meats in Sub-No. 3, (3) replace specified origin cities authority with county-wide authority: Nobles County, MN, for Worthington, MN, in Sub-Nos. 2 and 3; Blue Earth County, MN, for Markato, MN in Sub-No. 3; Clay and O'Brien Counties, IA, for Spencer and Hartley, IL, in Sub-No. 6; Madison County, NE, for Madison, NE in Sub-No. 8; Cherokee County, IA, for Cherokee, IA, in Sub-Nos. 9 and 10; Buena Vista County, IA, for Storm Lake, IA, in Sub-No. 10; and Emmet County, IA, for Estherville, IA, in Sub-No. 11, (4) expand its territorial authority from one-way authority to radial authority in all sub-numbers to authorize service between specified points in midwestern States, (5) eliminate the restriction limiting service to the transportation of traffic originating at and destined to indicated origins and destinations in Sub-Nos. 2, 3, 8, 10, and 11, and (6) remove the "in tank vehicles" restriction in Sub-No. 2.

MC 124621 (Sub-5)X, filed February 2, 1981. Applicant: CLEMENT RISBERG, d.b.a. RISBERG TRUCK SERVICE, 2339 SE Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-No. 4 permit to (1) remove restrictions against articles of unusual value, household goods, commodities in bulk and those requiring special equipment and (2) broaden the territorial description to between points in the United States under contract with a named shipper.

MC 133689 (Sub-354)X, filed February 5, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions from its Sub-No. 264F certificate to (1) broaden the commodity description from parts and accessories for motor vehicles, and, materials, equipment, and supplies used in the manufacture and service of these commodities (except commodities in bulk) to "transportation equipment," (2) remove plantsite restrictions and replace with county-wide or city wide authority: Atlanta, GA; Jefferson County, KY, for Louisville, KY; Suffolk and Hampden Counties, MA, for Boston and Springfield, MA; Washtenaw County, MI, for Milan, Rawsonville, and Saline, MI; Kansas City and St. Louis, MO; Bergen, Middlesex, Camden and Union Counties, NJ, for Mahwah, Teterboro, Metuchen, Pennsauken, and Roselle, NJ; Erie and Onondaga Counties, NY, for Buffalo and Syracuse, NY; Mecklenburg County, NC, for Charlotte, NC; Shelby and Davidson Counties, TN, for Memphis and Nashville, TN; Hamilton, Cuyahoga, Richland, Lorain, and Allen Counties, OH, for Cincinnati, Cleveland, Manifield, Lorain, and Lima, OH; and Chicago, IL.

MC 136436 (Sub-104)X, filed February 2, 1981. Applicant: D. M. BOWMAN, INC., Route #2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. Applicant seeks to remove restrictions from its Sub-No. 44F certificate to (1) broaden the commodity description from gasoline, gasohol, distillates and residual fuel oils, and petroleum and petroleum products to "petroleum, natural gas and their products," (2) broaden its city-wide authority to county-wide authority: Fairfax and Prince William Counties, VA for Fairfax, Newington, and Manassas, VA, and (3) authorize radial authority in lieu of existing one-way authority (a) between Baltimore, MD, and MD, VA, and WV (except 5 WV cities and Winchester, VA); (b) between Fairfax County, VA and points in MD, VA, and WV (except Keyser, Charles Town, and Romney, WV), and (c) between Prince William County, VA and points in MD, VA, and WV, (4) broaden the territory to Berkeley County, VA from all points in Berkeley County east of I–81 except the Veterans Administrative Center and points in Berkeley County west of I–81 in parts 2 (a) and (b) of the certificate.

MC 138627 (Sub-111)X, filed February 5, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions

in its Sub-Nos. 16 and 49 certificates to (1) broaden its commodity description from grain storage equipment, and grain handling equipment, parts and accessories, metal buildings, materials, equipment and supplies, to "machinery and metal products" in Sub-No. 49; (2) expand its one way authority to radial authority between named points in several southern and midwestern States, (3) to replace specified plantsites and cities with county-wide authority: a named plantsite at or near Pine Bluff, AR, with Jefferson County, AR; a named plantsite at Sheridan and Pine Bluff, AR with Grant County, AR; and a named facility at West Memphis, AR, with Crittenden County, AR, in Sub-No. 16, and Grand Island, NE, with Hall County, NE; York, NE, with York County, NE; Elm Creek, NE, with Buffalo County, NE; Bluffton, IN, with Wells County, IN; Crawfordsville, IN, with Montgomery County, IN; Webster City, IA, with Hamilton County, IA; Greenville, MS, with Washington County, MS; Middletown, PA, with Dauphin and Westmoreland Counties, PA; Saginaw, MI, with Saginaw County, MI; and Oklahoma City, OK, with Oklahoma County, OK, in Sub-No. 49, and (4) eliminate the restrictions (a) against service to AK and HI; (b) prohibiting transportation of shipments originating at or destined to a named facility, and (c) against the transportation of commodities in bulk, in tank vehicles, in Sub-No. 49.

MC 139084 (Sub-12)X, filed February 2, 1981. Applicant: TOTRAN TRANSPORT LTD., P.O. Box 4830, South Edmonton, Alberta T6E4T5. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-Nos. 6, 7, 9 and 11 certificates to broaden the commodity descriptions (a) in Sub-No. 6 from self-propelled articles (except automobiles, trucks and buses) to "self propelled articles", from construction, industrial and material handling machinery and equipment and parts and attachments for such commodities to "machinery", machinery, equipment, materials and supplies, used in the discovery of natural gas etc. to "Mercer Commodities"; (b) in Sub-No. 7 from iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 276 (except Mercer Commodities and earth drilling commodities) to "iron and steel articles"; (c) in Sub-9 from road construction machinery and equipment, constructor's equipment, tractors, etc. to "machinery", from all terrain vehicles, amphibious vehicles, off highway vehicles, etc. (except boats, snowmobiles, and motorcycles), and parts and accessories for these commodities to "transportation equipment"; (d) in Sub-11, from fertilizer to "chemicals and allied products". Applicant also seeks to (1) eliminate the facilities limitations in all certificates and the originating at and destined to restriction, and (2) authorize county-wide authority: Madison County, NE, for Norfolk, NE, in Sub-No. 7; and, in Sub-No. 9, from Springfield, IL to Sangamon County, IL, from Evansville, IN to Vanderburgh County, IN, from Terre Haute, IN to Vigo County, IN, from Beltendorf, IA to Scott County, IA, from Burlington, IA, to Des Moines County, IA, from Cedar Rapids, IA, to Linn County, IA, from Topeka, KS To Shawnee County, KS, from Wichita, KS to Sedgwick County, KS, from Findlay, Hudsin, and St. Clairsville, OH, to Hancock County, OH, Summitt, and Belmont Counties, OH, from Pampa, TX to Gray County, TX, from Racine, WI to Racine County, WI, from Schofield and Wausau, WI to Marathon County, WI, and (4) replace its one-way authority with radial authority in Sub-Nos. 7, 9, and 11.

MC 139686 (Sub-4)X, filed February 10, 1981. Applicant: AICRAG CORPORATION, 12312 N.E. Whitaker Way, Portland, OR 97230. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A & B explosives)", (2) delete the restriction limiting transportation to traffic having an immediately prior or subsequent movement by air, and (3) replace airport limitations with county-wide authority: Multnomah County, OR, for Portland International Airport, OR, and Pierce County, WA, for Seattle-Tacoma International Airport, WA.

MC 142361 (Sub-3)X, filed February 9, 1981. Applicant: RISBERG TRUCK SERVICE, INC., 2339 S.E. Grand Avenue, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-No. 2 permit to (1) broaden its commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; and (2) broaden its territorial description to between points in the U.S. under a continuing contract(s) with a named shipper.

MC 143059 (Sub-157)X, filed February 6, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 48F, 76F, 78F, 115F and 118F certificates to (1) broaden its commodity description to "building materials" from building materials, and accessories and supplies used in the installation of building materials, (except commodities in bulk) in Sub-Nos. 48F and 118F, from building materials (except commodities in bulk) in Sub-No. 76F, from composition board and sheets in Sub-No. 78F and from building materials (except in bulk) and insulation board in Sub-No. 115F, (2) authorize radial authority in lieu of one-way authority, (3) eliminate restrictions against service in AK and HI in Sub-No. 115F, (4) eliminate restrictions to traffic originating at named points in Sub-Nos. 76F and 118F, (5) eliminate the facilities limitations and (6) authorize county-wide authority between Nelson County, KY in place of Bardstown, KY and points in 28 states in Sub-No. 48F, Lafayette County, MS in place of Oxford, MS and points in IL, IN, KY, MI, OH, TN, and WI and between Halifax County in place of South Boston, VA and points in 18 states in Sub-No. 76F, Lake County, IL in place of Waukegan, IL and Will County, IL in place of Rockdale, IL and points in the U.S. in Sub-No. 115F, and Nelson County, KY in place of Bardstown, KY and points in 21 states in Sub-No. 118F.

MC 143059 (Sub-158)X, filed February 6, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 13F and 35F certificates to (1) broaden the commodity description from (a) water and sewer line gaskets, materials and supplies, to "clay, concrete, glass or stone products" in Sub-No. 13; (b) from plastic and rubber articles, materials and supplies to "rubber and plastic products and materials and supplies" in Sub-No. 35, (2) eliminate plantsite restrictions and replace with county-wide authority: Geauga County for Middlefield, OH, in Sub-No. 13 and Dallas County, TX, for Irving, TX, in Sub-No. 35, (3) delete an in bulk, in tank vehicle restriction in both Sub-Nos., (4) authorize radial service in lieu of existing one-way authority between Geauga County, OH, and points in the U.S. in Sub-No. 13 and

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between Dallas County, TX, and points in the U.S. in Sub-No. 35.

MC 143059 (Sub-162)X, filed February 6, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40232. Applicant seeks to improve restrictions in its Sub-37F and 62F certificates to (1) broaden the commodity description from (a) iron and steel articles, zinc articles, and lead articles, springs, materials, equipment, and supplies used in construction, (except in bulk), and materials, equipment, and supplies used in the manufacture and distribution of the named commodities to "metal products, machinery, and construction materials" in Sub-37F; (b) air cleaners, air coolers, and air pollution control equipment, and parts and accessories therefore and materials, equipment, and supplies to "metal products and machinery," in Sub-62F, (2) remove plantsite restrictions and specified origin cities authority and replace with Commercial Zone or county-wide authority: Cook and Will Counties, IL, for Blue Island and Joliet, IL; Hamilton, Elkhart, and Howard Counties, IN, for Cicero, Elkhart and Kokomo, IN; Appanoose County, IA, for Centerville, IA; Kent and Ingham Counties, MI, for Grand Rapids and Lansing, MI; Hinds County, MS, for Jackson, MS; and Franklin and Lucas Counties, OH, for Columbus and Toledo, OH in Sub-37F; Louisville, KY; and Haywood and Carter Counties, Brownsville and Elizabethton, TN in Sub-62F. Applicant also seeks in (b) to remove the restriction against the transportation of shipments to AK and HI, (2) commodities in bulk restrictions, (3) broaden the territorial descriptions from one-way to radial authority between named cities or counties and points in the United States, and to remove the restriction limiting transportation to traffic originating at or destined to named facilities.

MC 143098 (Sub-2)X, filed February 9, 1981. Applicant: LAUGHLIN TRUCKING, INC., Route 1, Box 95, Carlton, OR 97111. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its lead and Sub-1 certificates to broaden its commodity description from dry feed and dry feed ingredients, in bulk, in hopper type vehicles, to "food and related products," in the lead certificate, and from cottonseed, meal, cottonseed crumbles, and cottonseed pellets to "food and related products," in Sub-1. Applicant also seeks to change its existing one-way authority to radial authority between 5 Counties in CA to points in OR and WA, in Sub-1.

MC 143127 (Sub-77)X, filed February 6, 1981. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Applicant seeks to remove restrictions in its Sub-73F certificate by broadening the commodity description from medical supplies and equipment to chemicals or allied products and instruments, photographic goods, optical goods, watches or clocks.

MC 144026 (Sub-8)X, filed February 6, 1981. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 1000 Potomac St., NW., Fifth Floor, Washington, DC 20007. Applicant seeks removal of restrictions in its Sub-5F permit to (1) broaden the commodity descriptions to (a) "pulp, paper and related products" from paper and paper products, (b) "waste or scrap materials not identified by industry producing" from waste paper, (c) "lumber and wood products" from lumber products, and (2) broaden the territorial description to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 144524 (Sub-7)X, filed February 9, 1981. Applicant: GK TRUCKING CORP., 500 West Putnam Avenue, Greenwich, CT 06830. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-2F, 3F, 4F, and 5F permits to (1) remove the except "commodities in bulk" restriction in the lead and Sub-3F, 4F, and 5F, (2) broaden the commodity description from telephone and communications equipment to "such commodities as are dealt in by a manufacturer and distributor of telephone and communications equipment," in Sub-5F, (3) eliminate the "size or weight" restriction in Sub-5F, and (4) expand the territorial descriptions to between points in the United States under continuing contract(s) with named shippers.

MC 144542 (Sub-1)X, filed February 9, 1981. Applicant: CAR TRANSPORTERS CORPORATION, Route 1, Box 220 VW, Five Oaks Industrial Park, Hillsboro, OR 97123. Representative: John R. Bagileo, 918 16th Street, NW., Washington, DC 20006. The applicant seeks to remove restrictions in its lead permit to (1) expand the territorial description to between points in the United States under contract(s) with named shippers, (2) broaden the commodity description from "automobiles" to "transportation equipment"; and (3) eliminate the restriction to "in secondary movements, in truckaway service".

MC 144897 (Sub-9)X, filed February 10, 1981. Applicant: SUN FREIGHTWAYS, INC., P.O. Box 2898, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Applicant seeks to remove restrictions from its Sub-Nos. 1F, 4F, and 5F certificates to (1) broaden its commodity descriptions from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)," in each certificate, (2) eliminate the restriction prohibiting transportation of traffic moving between any two points in TX, by enterline or otherwise, in Sub-No. 1F, and (3) remove the plantsite restriction of a named facility in Sub-No. 5F.

MC 146148 (Sub-16)X, filed February 10, 1981. Applicant: B-RIGHT TRUCKING CO., 492 Old St. Rt. 7, Pottery Addition, Steubenville, OH 43952. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 8F, and 12F certificates to broaden the commodity descriptions from iron and steel articles to "metal products" in Sub-Nos. 1F, 3F, and 8F; and from roofing materials to "building materials" in Sub-No. 12F. In addition, it seeks to eliminate the facilities restrictions in 1F, 3F, 8F, and 12F, and authorize countywide authority (1) to Hancock County, WV, in place of New Cumberland, WV in Sub-No. 1F; (2) Washington and Westmoreland Counties, PA, in place of Allenport and Monessen, PA, and Brooke, Marshall and Ohio Counties, WV, in place of Beechbottom, Benwood, Follansbee, and Wheeling, WV in Sub-No. 3F; (3) Clark County, OH, in place of Springfield, OH in Sub-No. 8F; (4) Mahoning, Lake and Licking Counties, OH, in place of Youngstown, Wickliffe and Heath, OH, and Brooke County, WV, in place of Follansbee, WV in Sub-No. 12F. It also seeks to expand its one-way authority to radial authority in Sub-No. 3F, between the counties in (2) above and IL, IN, MI, OH, NY and WV; in Sub-No. 8F, between Clark County, OH and GA, TN, KY, IN, and IL, and in Sub-No. 12F between the counties in (4) above and IN, KY, MI, NY, PA, WV, VA, ME, DE, MD, NJ, CT, RI, MA, VT, NH and DC.

MC 146265 (Sub-8)X, filed February 9, 1981. Applicant: JAMES L. ENGLAND, d.b.a. JIM ENGLAND TRUCKING, P.O. Box 5483, Huntsville, AL 35805. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 4F, and 6F, permits to (1) broaden the commodity description to "metal products" from steel acetylene cylinders and parts for cylinders in Sub-No. 3F; "lumber and wood products" from wooden dowels and wooden blanks in Sub-No. 4F; "rubber and plastic products" from plastic film wrapping in Sub-No. 6F; and, (2) broaden the territorial description to between all points in the United States under continuing contract(s) with named shippers.

MC 146676 (Sub-4)X, filed February 9, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 37, Old Fort, OH 44861. Representative: E. H. Van Deusen, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from (a) stereo speakers to "machinery", (b) cabinets to "furniture and fixtures", (c) wood fuel to "lumber and wood products", (d) insulation board to "pulp, paper, and related products", (2) eliminate an "in bulk" restriction, (3) replace county-wide for city-wide authority: Seneca County for Tiffin, OH and (4) eliminate the restriction against service to AK and HI.

MC 147227 (Sub-9)X, filed February 9, 1981. Applicant: ATLANTIC MARKETING CARRIERS, INC., P.O. Box 493, 39400 Clarkson Drive, Kingsburg, CA 93631. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Applicant seeks to remove restrictions from its Subs 5F, 7F and 8F by (a) broadening the commodity descriptions in Sub 5F from empty glass bottles to "clay, concrete, glass or stone products"; and in its Subs 7F and 8F from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (b) replacing city-wide with county-wide and one-way authority with radial (1) in Sub 5F between points in Kent County, RI (Coventry, RI) and points in MI, IL, MO, KY and IN; between points in Will County, IL (Joliet, IL) and points in CA, NM, and AZ, and between Parkersburg, WV and points in CA, NM, AZ, IL, MO and IA; (2) in Sub 7F between Clinton and Essex Counties, NY, and points in IN, MI, MO, IL, WI, MN, CA, TX, FL, GA, KS, and CO, and between points in MA and VT, and points in TX, FL, GA, KS and CO, and (3) in Sub 8F between points in SD, WY, UT, WA, OR, NV, ID, NE, IA, AZ, NM, OK, NC, and SC, (c) removing the restriction in Sub 5F limiting the transportation of traffic to that originating at the named origin, and (d) remove the restriction to traffic moving in bills of lading of shipper's associations in Sub 6F.

MC 147304 (Sub-3)X, filed February 9, 1981. Applicant: MONTE L. THOEN and DORIS R. THOEN, d.b.a. THOEN TRUCK RENTALS, 13124 N.W. Sue Street, Portland, OR 97229. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from malt beverages to "food and related products", (2) eliminate the plantsite restriction of Blitz-Weinhard Brewing Company, and (3) change the one-way authority to radial authority between Portland, OR and CA, OR, WA, ID, MT, WY, NV, UT, CO, AZ, and NM.

MC 148208 (Sub-9)X, filed February 6, 1981. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, P.O. Box 295, Midvale, UT 84047. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 3F certificates, In Sub-No. 1F, broaden the commodity description from cheese and cheese products to "foodstuffs"; eliminate the facilities restriction limitation and broaden Hyde Park, UT to Cache County, UT, and expand one-way authority to radial authority between Cache County and points in CA, OR, WA, AZ, and CO. In Sub-No. 3F, broaden the commodity description from (1) motor vehicle parts and motor vehicle accessories, and (2) materials and supplies used in the manufacture, packaging, and distribution of the commodities in (1) above, to "transportation equipment", eliminate the facilities restriction limitation and broaden Clearfield, UT, to Davis County, UT, Greenville and Fostoria, OH, to Drake and Seneca Counties, OH, and Nevada, MO, to Vernon County, MO, and expand its one-way authority to radial authority between Davis County, UT and points in CA, OR, and WA.

[FR Doc. 81-6074 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications invovling new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those

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where service is for a named shipper "under contract".

Volume No. OP2-013

Decided: February 11, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

MC 1263 (Sub-39), filed January 19, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Representative: James M. McCarty (same as applicant). Over regular routes, Transporting *general commodities* (except classes A and B explosives), (1) between St. Joseph, MO and Kirksville, MO: (a) from St. Joseph over U.S. Hwy 36 to junction U.S. Hwy 63, then over U.S. 63 to Kirksville, and return over the same route: (b) from St. Joseph over U.S. Hwy 36 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction MO Hwy 6, then over MO Hwy 6 to Kirksville, and return over the same route, serving all intermediate points, and serving points in Buchanan, Adair, Andrew, Caldwell, Clinton, Daviess, DeKalb, Grundy, Harrison, Linn, Livingston, Mercer, Platte, Putnam, Schuyler and Sullivan Counties, MO and Doniphan County, KS, as off-route points: (2) between St. Louis, MO and Kirksville, MO: from St. Louis over Interstate Hwy 70 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Kirksville, and return over the same route, serving all intermediate points, and serving points in St. Louis, Adair, Andrew, Caldwell, Clinton, Daviess, DeKalb, Grundy, Harrison, Linn, Livingston, Mercer, Platte, Putnam, Schuyler and Sullivan Counties, MO and St. Clair and Madison Counties, IL as off-route points: (3) between Kansas City, MO and Kirksville, MO: (a) from Kansas City over Interstate Hwy 35 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Kirksville, and return over the same route, and (b) from Kansas City over Interstate Hwy 35 to junction MO Hwy 6, then over MO Hwy 6 to Kirksville, and return over the same route, serving all intermediate points and serving points in Jackson, Clay, Platte, Cass, Adair, Andrew, Caldwell, Clinton, Daviess, DeKalb, Grundy, Harrison, Linn, Livingston, Mercer, Putnam, Schuyler and Sullivan Counties, MO, and Johnson, Wyandotte and Leavenworth Counties, KS, as off-route points.

MC 2392 (Sub-139), filed January 19, 1981. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Edward J. Kiley, 1730 M St. NW., Washington, DC 20036. Transporting *chemicals and related products* between points in Shelby County, TN, NE, and IA, on the one hand, and, on the other, points in the U.S.

MC 14702 (Sub-89), filed January 27, 1981. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Marc Rich and Company, Inc., of Pittsburgh, PA.

MC 16872 (Sub-27), Filed January 23, 1981. Applicant: WILLIAM MIRRER d.b.a. MIRRER'S TRUCKING, 100 E. 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *chemicals and related products*, between points in the U.S., restricted to traffic originating at or destined to the facilities of Sobin Chemical, Inc., of Boston, MA.

MC 47583 (Sub-136), Filed January 19, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *clay, concrete, glass or stone products, rubber and plastic products, and lumber and wood products*, between points in the U.S., restricted to traffic originating at or destined to the facilities owned or used by Owens-Corning Fiberglass Corporation.

MC 65802 (Sub-72), Filed January 28, 1981. Applicant: LYNDEN TRANSPORT, INC., 5615 West Marginal Way, S.W., Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004, (202) 737–1030. Transporting *chemicals and related products*, between points in Whatcom and Skagit Counties, WA, on the one hand, and, on the other, points in OR.

MC 87532 (Sub-8), Filed January 13, 1981. Applicant: CLAY PRODUCTS TRANSPORT, INC., P.O. Box 429, Dover, OH 44622. Representative: James M. Burtch, 100 E. Broad St., Columbia, OH 43215, (614) 228–1541. Transporting *clay, concrete, glass or stone products*, between points in Carroll, Mahoning, Stark, and Tuscarawas Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 103993 (Sub-1073), filed January 30, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *machinery*, between points in the U.S.

MC 107012 (Sub-650), filed January 26, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *metal products*, between points in NY, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-652), filed February 3, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *building materials*, between points in the U.S.

MC 108473 (Sub-54), filed January 16, 1981. Applicant: ST. JOHNSBURY TRUCKING CO., INC., 87 Jeffrey Avenue, Holliston, MA 01746. Representative: Harry J. Jordan, Esq., Suite 502, Solar Building, 1000 16th St., NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except classes A and B explosives, (1) between Wilmington, DE, and Portsmouth, VA, over U.S. Hwy 13; (2) between Baltimore, MD and South Hill, VA, over U.S. Hwy 1; (3) between Baltimore, MD and Washington, PA, over U.S. Hwy 40; (4) between Washington, DC and Danville, VA, over U.S. Hwy 29; (5) between Cumberland, MD, and Ridgeway, VA, over U.S. Hwy 220; (6) between Chambersburg, PA and Bristol, VA, over U.S. Hwy 11; (7) between Uniontown, PA and Williamson, WV, over U.S. Hwy 119; (8) between Richmond, VA and Martins Ferry, OH, over U.S. Hwy 250; (9) between Virginia Beach, VA and Huntington, WV, over U.S. Hwy 60, serving all intermediate points in part (1) through (9), and those points in DE, MD, VA, and WV, as offroute points in connection with carrier's otherwise authorized regular-route operations.

MC 118202 (Sub-163), filed January 21, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, (a) between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, and (b) between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NM, NY, NC, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC.

MC 125813 (Sub-24), filed January 6, 1981. Applicant: CRESSLER TRUCKING, INC., 691 Orrstown Rd., Shippensburg, PA 17257. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Transporting *coal and coal products, ores and minerals, and machinery*, between points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA.

MC 134752–5, filed January 30, 1981. Applicant: HILL & WILLIAMS BROS., INC., 799–44th St., Marion, IA 52302. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting: *textile mill products and rubber and plastic products*, between points in IA, on the one hand, and, on the other, points in AL, GA, IL, IN, MS, NC, PA, SC and TN.

MC 135762 (Sub-16), filed January 26, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Bekaert Steel Wire Corporation, of Rome, GA.

MC 138432 (Sub-21), filed January 30, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *food and related products*, between points in the U.S.

MC 138633 (Sub-6), filed November 12, 1980. Applicant: STATEWIDE CARRIERS, INC., 1301 Prairie, Chicago Heights, IL 60411. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. Transporting *waste paper*, between points in IL, IN, IA, MI and WI.

MC 142672 (Sub-162), filed January 30, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities*, as are dealt in and used by breweries, between points in Jefferson County, CO, on the one hand, and, on the other, points in LA, MS, and TN.

MC 146782 (Sub-38), filed January 26, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Ave., South, Nashville, TN 37201. Representative: Stephen L. Edwards, 606 Nashville, Bank & Trust Bldg., Nashville, TN 37201. Transporting *metal products*, between points in Tuscaloosa County, AL, on the one hand, and, on the other, those points in U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 146782 (Sub-40), filed January 26, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: J.R. Raines (same address as applicant). Transporting *machinery*, between points in Rutherford County, TN, on the one hand, and, on the other, points in the U.S.

MC 146813 (Sub-8), filed January 27, 1981. Applicant: A. M. DELIVERY, INC., 21454 Cold Springs LN., Diamond Bar, CA 91765. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *petroleum, natural gas and their products*, (2) *food and related products*, (3) *pulp, paper and related products*, (4) *printed matter*, (5) *chemicals and related products*, (6) *rubber and plastic products*, (7) *clay, concrete, glass or stone products*, (8) *metal products*, and (9) *medical products goods, products*, between points in the U.S., under continuing contract(s) with T.T.S., Inc., of Walnut, CA.

MC 148543 (Sub-1), filed January 22, 1981. Applicant: K.T. TRANSPORT, INC., 2320 Coyle Drive, New Albany, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN. Transporting *rubber and plastic products*, between points in Cook County, IL, on the one hand, and, on the other, points in OH, IN, and KY.

MC 149403 (Sub-2), filed February 4, 1981. Applicant: SCOTT'S EXPRESS, INC., Box 728, Grand Forks, ND 58201. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *general commodities* (except classes A and B explosives), between points in ND and those in MN on and west of U.S. Highway 71, on the one hand, and, on the other, points in the U.S.

MC 151533 (Sub-10), filed January 26, 1981. Applicant: BESTWAY FREIGHT LINES, LTD., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *machinery and metal products*, between points in Dutchess County, NY, on the one hand, and, on the other, points in the U.S.

MC 152362 (Sub-1), filed January 19, 1981. Applicant: SOUTHWEST EXPRESS COMPANY, INC., 1007 Cooper Sq. #276, Arlington, TX 76010. Representative: Mr. Timothy C. Hope (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in TX, NM, OK, CO, WY, AR, TN, LA, MS, AL, GA, NC, SC, FL, and VA, on the one hand, and, on the other, points in the U.S.

MC 153002 (Sub-1), filed February 4, 1981. Applicant: GETZINGER TRUCKING, INC., Morton Ave., Rosenhayn, NJ 08352. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. Transporting *food and related products* between points in James City County, VA, on the one hand, and, on the other, points in DE, Bucks, Delaware and Montgomery Counties, PA, and Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, NJ.

MC 153392 (Sub-1), filed January 23, 1981. Applicant: CENTRAL TRACTOR FARM & FAMILY CENTER, INC., 1515 East Euclid, Des Moines, IA 50316. Representative: William L Fairbank, 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Mississippi Milk Producers Association, Inc., of Waterloo, IA, (b) Pomerantz Diversified Services, Inc., of Des Moines, IA, (c) P–K Manufacturing Corp., of Omaha, NE, (d) Atlanta Stove Works, Inc., of Atlanta, GA, (e) Ardan, Inc., of Des Moines, IA, (f) Pidgeon's Furniture & Appliance Stores, Inc., of Des Moines, IA, (g) Walsh Equipment Inc., of Des Moines, IA, and (h) Fi-Shock, Inc., of Knoxville, TN.

MC 153722 (Sub-1), filed January 27, 1981. Applicant: OVERLAND CARRIERS, INC., 8205 "F" St., Omaha, NE 68127. Representative: John D. Sykora, 13075 Sky Park Dr., Omaha, NE 68137. Transporting (1) *food and related products, and chemicals and related products*, between points in the U.S., under continuing contract(s) with (a) Pabst Brewing Company and its wholly-owned subsidiaries, (b) Industrial Products Division, Inc., (c) Blitz-Weinhard Brewing Company, and (d) Premier Malt Products, of Milwaukee, WI.

MC 153792, filed January 26, 1981. Applicant: TABISH BROTHERS DISTRIBUTORS, INC., 955 Beech St., Missoula, MT 59801. Representative: Bradley J. Luck, P.O. Box 7909, Missoula, MT 59807. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Champion International Corporation, of Hamilton, OH.

Volume No. OP4–003

Decided: February 9, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 112547 (Sub-5F), filed November 12, 1980 previously noticed in the

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Federal Register of December 16, 1980. Applicant: J. T. GERKEN TRUCKING, INC., P.O. Box 2468, Lima, OH 45802. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with the Standard Oil Company of Ohio, of Cleveland, OH, and its subsidiaries.

Note.—The purpose of this republication is to delete the exceptions of articles of unusual value and commodities in bulk reflected in the prior Federal Register notice.

MC 118696 (Sub-48F), filed January 5, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Rd., Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *furniture and fixtures*, (2) *pulp, paper and related products*, (3) *printed matter*, (4) *electrical appliances*, and (5) *rubber and plastic products*, between Atlanta, GA, Buffalo, NY, Boston, MA, Houston and Dallas, TX, St. Louis and Kansas City, MO, Minneapolis, MN, Jacksonville, FL, Milwaukee, WI, Detroit, MI, Des Moines, IA, and New Orleans, LA, points in IL, IN, OH, KY, and TN, those in NJ in and north of Mercer and Middlesex Counties, and those in PA on and east of U.S. Hwy 15, on the one hand, and, on the other, those points in the U.S. in and east of ND, SC, NE, KS, OK, and TX.

MC 152246 (Sub-1F), filed November 12, 1981. Applicant: SCHULD TRANS. INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting (1) *storage tanks, silos, and bins*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Mosinee, WI, Iowa Falls, IA, Van Wert, OH, and Milton, PA, on the one hand, and, on the other points in the U.S.

Volume No. OP4–004

Decided: February 9, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 117577 (Sub-5), Filed January 23, 1981. Applicant: A. C. WIDENHOUSE, INC., 400 Old Charlotte Rd., Concord, NC 28025. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., NE., Atlanta, GA 30309. Transporting *petroleum, natural gas and their products*, between points in Brunswick and New Hanover Counties, NC, on the one hand, and, on the other, points in Granville, NC.

MC 138627 (Sub-107), Filed January 23, 1981. Applicant: SMITHWAY MOTOR EXPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Transporting (1) *metal products*, (2) *building materials* between points in Whiteside County, IL, on the one hand, and, on the other, points in the U.S.

MC 146807 (Sub-26), Filed January 21, 1981. Applicant: S-n-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. Transporting (1) *metal products*, and (2) *machinery*, between points in Lackawanna County, PA, on the one hand, and, on the other, points in OH, NY, MD, GA, TX, CA, IL, MN, MI, VA, CT, and NJ.

MC 146817 (Sub-11), Filed January 26, 1981. Applicant: GEORGE CAVES, doing business as, CAVES TRUCKING, P.O. Box 28357, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Transporting *such commodities* as are dealt in and used by building materials and home improvement stores, between points in the U.S.

MC 148647 (Sub-13), Filed January 26, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Perk Foods Company, Division of C.H.B. Foods, of Camp Hill, PA.

MC 148877 (Sub-2), filed January 27, 1981. Applicant: LEON'S TRUCKING CO., a corporation, 1511 Brooklyn Ave., Eugene, OR 97403. Representative: Frederick De Leon (same address as applicant). Transporting (1) *clay, concrete, glass or stone products*, (2) *metal products*, and (3) *rubber and plastic products*, between points in OR, WA, ID, CA, and UT.

MC 149497 (Sub-4), filed January 23, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers of power transformers, between points in the U.S., under continuing contract(s) with Magnetic Controls Company, of St. Peter, MN.

MC 152357 (Sub-1), filed January 26, 1981. Applicant: RONALD GENE, d.b.a. STINE TRUCKING, 801 S. Santa Fe, Visalia, CA 93277. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Early California Foods, of Los Angeles, CA.

Volume No. OP4–10

Decided: February 9, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 35676 (Sub-1F), filed January 6, 1981. Applicant: J. W. MESSERSCHMIDT and S. R. MESSERSCHMIDT, a partnership, d.b.a. ALLSTATE VAN AND STORAGE COMPANY, 115 27th Ave. NE., Minneapolis, MN. Representative: J. W. Messerschmidt (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in MN, WI, IL, IN, MI, IA, NE, ND, and SD.

MC61016 (Sub-60), filed February 2, 1981. Applicant: PETER PAN BUS LINES, INC., 1776 Main St., Springfield, MA 01103. Representative: Robert J. Brooks, 1828 L St., NW., Suite 1115, Washington, DC 20036. Transporting *passengers and their baggage, in the same vehicle with passengers, in charter and special operations, between points in Hartford, New Haven and Fairfield Counties, CT, on the one hand, and, on the other, Atlantic City, NJ.*

MC 105656 (Sub-16), filed January 23, 1981. Applicant: PASQUALE TRUCKING CO., INC., P.O. Box 295, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *meat, meat products, meat byproducts and articles distributed by meat-packing houses*, between points in Linn and Polk Counties, IA, Warren County, IL and Freeborn County, MN, on the one hand, and, on the other, points in CT, DE, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and DC.

MC 147636 (Sub-14), filed January 28, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *chemicals and related products*, and (2) *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Mooney Chemicals, Inc., of Cleveland, OH.

MC 149206 (Sub-7), filed January 19, 1981. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton, P.O. Box 508, Winnfield, LA 71483. Transporting *Mercer commodities*, between points in LA, on the one hand, and, on the other, points in the U.S.

MC 150066 (Sub-1) (M1) (notice of filing of petition to add additional shippers), filed February 2, 1981. Petitioner: MULTI-STATES TRANSPORT, INC., 12800 S. Butler Dr., Chicago, IL 60633. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Petitioner holds motor contract carrier authority in permit MC 150066 (Sub-1), issued January 28, 1981, authorizing transportation, over irregular routes, of (1) iron and steel articles, refractories, and alloys, (2) scrap metal, and (3) materials and supplies used in the manufacture of the commodities in (1) and (2) above, between Alton, Chicago, Madison, and East St. Louis, IL, and Gary, IN, on the one hand, and, on the other, points in IL, IA, IN, KY, MI, MN, MO, MD, MS, NE, NJ, NC, OH, PA, TN, TX, WI, and WV, under continuing contract(s) with Century Steel Corporation, of Chicago Heights, IL, Hyman-Michaels Co., Division of Azcon, of Chicago, IL, Action Metals, Inc., and Steel Mill, Inc., both of Gary, IN. By the instant petition, petitioner seeks to add Stateline Steel Corporation, of Erie, MI; Kasle Steel Co., of Dearborn, MI; Inland Steel Company, of East Chicago, IN; Dooland Steel, Inc., of Moorestown, NJ; Refractory Handling, Inc., of Wyandotte, MI; Whittaker Corporation, Steel Strip Division, of Detroit, MI; Enamel Products and Plating Company, of Portage, IN; Globe Refractories, Inc., of Newell, WV; Cy's Trucking and Transfer, Inc., of Gary, IN; Joseph T. Ryerson & Sons, Inc., Unarco-Leavitt Division of Unarco Industries, Inc., and Pinkert Steel Co., all of Chicago, IL; U.S. Reduction Company and National Briquette Corp., both of East Chicago, IN; Churchill Steel, Ltd., of Chicago Heights, IL; Midwest Division of National Steel Corporation, of Portage, IN; Bethlehem Steel Company, of Chesterton, IN; Resco Products, Inc., of Norristown, PA; Martin Enterprises, Inc., of Great Neck, NY; Allied Tube and Conduit Corp., of Harvey, IL; and Swank Refractories Co., of Coraopolis Heights, PA, as additional contracting shippers.

MC 152096 (Sub-1), filed February 2, 1981. Applicant: TERRANCE E. CARLSON and KENNETH O. CARLSON, d.b.a. CARLSON BROS., P.O. Box 1401, Lewiston, ID 83501. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 88201. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *hog fuel*, between points in the U.S., under continuing contract(s) with Potlatch Corporation, of Lewiston, ID.

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Decided: February 9, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 91306 (Sub-33), filed January 16, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave., NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *pulp, paper and related products*, between points in Burlington County, NJ, on the one hand, and, on the other, points in NC, SC, VA, and GA.

MC 133566 (Sub-176), filed January 21, 1981. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *pulp, paper and related products*, between points in Merrimack County, NH, on the one hand, and, on the other, points in the U.S.

MC 143776 (Sub-17), filed January 22, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids MI 49506. Representative: C. Michael Tubbs (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of Superior Plastics, Inc. and its subsidiaries and affiliates, on the one hand, and, on the other, points in the U.S.

MC 146646 (Sub-121F), filed October 12, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting (1) *cleaning compound and detergents*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Pine Glo Products, Inc., at or near Raleigh, NC, on the one hand, and, on the other, points in the U.S.

MC 151458 (Sub-1), filed January 23, 1981. Applicant: HAROLD GENTRY, d.b.a. BUMPER TO BUMPER WRECKER SERVICE, P.O. Box 598, Pinson, AL 35126. Representative: John R. Prawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Transporting *transportation equipment*, between points in Jefferson County, AL, on the one hand, and, on the other, points in the U.S.

MC 151596 (Sub-3), filed January 22, 1981. Applicant: BOB WHITAKER & SON, INC., P.O. Box 65, Roswell, NM 88201. Representative: Bob Whitaker, (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, between points in Curry County, NM, and Lipscomb County, TX, on the one hand, and, on the other, points in the U.S.

MC 153776 filed January 26, 1981. Applicant: SOUTHLAND HOT SHOT SERVICE, INC., P.O. Box 2618, Houma, LA 70361. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C–2, Baton Rouge, LA 70806. Transporting *Mercer commodities*, between points in AR, AL, CO, FL, LA, MS, NM, OK, TX, and WY.

MC 153796, filed January 21, 1981. Applicant: URBAN TRANSPORT, INC., P.O. Box 12865, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, MN 55118. Transporting *petroleum, natural gas and their products*, between points in Foster County, ND, Dubuque County, IA, and Blue Earth, Swift, and Dakota Counties, MN, on the one hand, and, on the other, points in Polk, Rusk, Sawyer, Vilas, Waupaca, and Oneida Counties, WI, Ramsey, Hennepin, Stearns, Meeker, Winona, and Morrison Counties, MN, and points in SD, ND, and IA.

Volume No. OP4–13

Decided: February 9, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 150457 (Sub-1), filed January 9, 1981. Applicant: SARAI ENTERPRISES LTD., a corporation, 12163 Old Yale Rd., Surrey, B.C., CD V3V 3X6. Representative: Jim Pitzer, 15 So. Gray Way, Evergreen Bldg., Suite 321, Renton, WA 98055. In foreign commerce only, transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Capilano Timber Company Ltd., of New Westminister, B.C. Canada and Orchardson Forest Products Limited, of Surrey, B.C., Canada.

MC 152957F, filed December 1, 1980, previously noticed in the Federal Register issue of December 23, 1980, and republished this issue. Applicant: TURK TRUCKING, INC., Fifth St., West Elizabeth, PA 15088. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (a) *Lumber and wood products*, and (b) *such commodities* as are dealt in by lumber, hardware and builders supply companies, and *materials, equipment, and supplies* used in connection with the conduct of such business, (1) between points in Allegheny, Butler, and Erie Counties, PA, on the one hand, and, on the other, points in NY, OH, and WV, and (2) between N. Jackson, Columbus,

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and Dayton, OH, on the one hand, and, on the other, points in Allen and Marion Counties, IN, and points in Hancock, Brooke, Pleasants, and Wood Counties, WV, and (b) *brick, lumber, and wood products*, between points on the international boundary line between the U.S. and Canada, at Niagara Falls, NY, on the one hand, and, on the other, points in IN, NJ, NY, OH, PA, and WV.

Note.—The purpose of this republication is to correctly state the territorial description in this proceeding.

Volume No. OP4–20

Decided: February 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Fortier not participating.)

MC 39406 (Sub-23), filed January 27, 1981. Applicant: CENTRAL MOTOR LINES, INCORPORATED, P.O. Box 34303, Charlotte, NC 28234. Representative: Leonard A. Jaskiewicz, 1730 M St. N.W., Washington, DC 20036. Transporting *general commodities*, (Classes A and B explosives), between points in McHenry, Lake, Kendall, Will, Cook, Kane, and DuPage Couties, IL, Marion, Johnson, Bartholomew, Jackson, Scott, Clark, Lake, Porter, Marshall, Kosciusko, Whitley, Allen, Elkhart, Noble, Newton, Benton, Tippeconoe, Clinton, Hancock, Shelby, Rush, and Franklin Counties, IN, Lincoln, Boyle, Washington, Nelson, Jefferson, Bell, Knox, Whitely, Laurel, Rock Castle, Madison, Jessamine, Fayette, Scott, Grant, Boone, and Kenton Counties, Ky, Van Wert, Allen, Hardin, Union, Franklin, Pickaway, Ross, Pike, Scioto, Jackson, Gallia, Hamilton, Clermont, Brown, Adams, Washington, Noble, Guernsey, Tuscarawas, Stark, Summit, Cuyahoga, Morgan, Muskingum, Licking, Delaware, Marion, Wyandot, Seneca, Work, and Lucas Counties, OH, Cooke, Jefferson, Hamblen, Grainger, and Claiborne Counties, TN, Carroll, Wythe, Pulaski, Giles, and Pittsylvania Counties, VA, and Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Merder, Raleigh, Fayette, Kanawha, Jackson, Wood, Putnam, Mason, Boyd, Lawrence, Cabell, and Boone Counties, WV.

MC 66886 (Sub-88), filed January 28, 1981. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *metal products*, between points in Boyd County, Ky, on the one hand, and, on the other, points in AR, IL, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 66886 (Sub-89), filed January 28, 1981. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *general commodities* (except classes A and B explosives), (1) between points in IN, KS, MI, MO, and OH, and (2) between points in (1) on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IA, KS, KY, LA, MN, MS, NE, NM, OK, TN,and TX.

MC 66886 (Sub-90), filed January 28, 1981. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting (1) *liquid handling systems, aircraft refueling vehicles, tank trucks and parts*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) between points on OH, MO, and NY, on the one hand, and, on the other, points in the U.S.

MC 66886 (Sub-91), filed January 28, 1981. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *metal products*, between points in Licking County, OH, on the one hand, and, on the other, points in AR, CO, KS, MS, MO, NE, and OK.

MC 91306 (Sub-36), filed January 30, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave., NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, D.C. 20005. Transporting *chemicals and related products*, between points in NY and NJ, on the one hand, and, on the other, points in GA, NC, SC, VA, and TN.

MC 108676 (Sub-163), filed January 30, 1981. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Ave. Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant). Transporting *clay, concrete, glass or stone products*, between the facilities of Libby-Owens-Ford Company, in the United States, on the one hand, and, on the other, points in the U.S.

MC 126176 (Sub-1), filed February 2, 1981. Applicant: FISHER'S MOVING & STORAGE COMPANY, a Corporation, P.O. Box 2095, Jonesboro, AR 72401. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting *household goods*, between points in AL, AR, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC, NE, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC.

MC 133776 (Sub-3), filed January 26, 1981. Applicant: ASSOCIATED TRANSFER & STORAGE, INC., 1310 No. McKinley, P.O. Box 1407, Champaign, IL 61820. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, IA, IL, IN, KY, MI, MN, MO, OH, PA, TN, and WI.

MC 136916 (Sub-24), filed January 30, 1981. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting (1) *commodities in bulk*, between points in CA, FL, IN, IL, MD, NY and NJ, on the one hand, and, on the other, points in ME, VT, NH, MA, RI, CT, NY, NJ, PA, DE, MD, OH, VA and DC. (2) *foods and related products and chemicals and related products*, between points in MD, NJ, and NY, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, DE, MD, NJ, NY, PA, VA, and DC.

MC 144246 (Sub-8), filed February 3, 1981. Applicant: LARSEN TRUCKING, INC., 7703 Sunset Dr., Omaha, NE 68127. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *food and related products*, between points in St. Louis County, MO, on the one hand, and, on the other, points in MN, IA, ND, SD, NE, KS, OK, TX, WI, and CO.

MC 146336 (Sub-17), filed January 28, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609–109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *furniture and fixtures*, (2) *rubber and plastic products*, and (3) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Scott Paper Company of Philadelphia, PA.

MC 146336 (Sub-18), filed January 30, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609–109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Serv-A-Portion, Inc., of Chatsworth, CA.

FF–536, filed January 13, 1981. Applicant: AMERICAN AIRLINES, INC., P.O. Box 61616, Dallas/Fort Worth Airport, TX 75261. Representative: George A. Shipman (same address as applicant). As a freight forwarder in connection with the transportation of

general commodities and express packages between points in the U.S.

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Decided: February 9, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 148538 (Sub-1), filed January 23, 1981. Applicant: JOMAR TRUCK LINE, INC., 7547 W. Ponderosa Ct., Orland Park, IL 60462. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *metal products* between points in IL, WI, IN, and MI.

MC 148569 (Sub-5), filed January 16, 1981. Applicant: JAMES BRUCE LEE & STANLEY LEE, d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 837 East 162nd St., South Holland, IL 60473. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Steator Dependable Manufacturing Company, Inc. of Streator, IL.

MC 149109 (Sub-1), filed January 27, 1981. Applicant: CHARLEY T. LONG, d.b.a. C & F EQUIPMENT, 12260 Central Road, Apple Valley, CA 92307. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Tranporting (1) *rubber and plastic products* and (2) *chemicals and related products*, between points in CA, OR, and WA, on the one hand, and, on the other, points in the U.S.

MC 149548 (Sub-1), filed January 27, 1981. Applicant: LAWRY AIR FREIGHT, INC., 16 Union Avenue, Westfield, MA 01085. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *general commodities* (except class A and B explosives), between points in CT, MA, ME, NH, NY, RI, and VT.

MC 150939 (Sub-9), filed January 26, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Zayre Corp. of Framington, MA.

MC 150949 (Sub-8), filed January 27, 1981. Applicant: NFI, INC., Box 664, Waxahachi, TX 75165. Representative: Gerald S. Duzzinski, 71 West Park Ave., Vineland, NJ 08360. Transporting *rubber and plastic products*, between points in AZ, OK, and TX.

MC 152049 (Sub-1), filed January 22, 1981. Applicant: AIRO SERVICES, INC., 2103 E. 112th St., Tacoma, WA 98445. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *hazardous materials* between points in WA, ID, MT, and UT, on the one hand, and, on the other, points in WA, OR, ID, MT, and UT.

MC 152618 (Sub-1), filed January 26, 1981. Applicant: WILD RIVER TRUCKING CO., a corporation, Milltown, WI 54858. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *petroleum, natural gas and their products*, between points in Dakota County, MN, on the one hand, and, on the other, points in Burnett and Polk Counties, WI.

MC 152649 (Sub-2), filed January 21, 1981. Applicant: RIVERLAND TRUCKING CORPORATION, INC., West 10th Avenue, Drawer E, Reserve, LA 70084. Representative: Harry M. England (address same as applicant). Transporting *such commodities* as are dealt in or used by a manufacturer of containers and paper and plastic products, between points in the U.S., under a continuing contract(s) with American Can Company of Greenwich, CT.

MC 153679 (Sub-1), filed January 22, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 201 25th Ave., N., Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. (1) Transporting *such commodities* as are dealt in or used by manufacturers of textile products, under continuing contract(s) with Horace Small Manufacturing Co. of Nashville, TN; and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Paper & Twine Co. of Nashville, TN.

MC 153729, filed January 5, 1981. Applicant: ORGANIZED GROUP TOURS, INC., 1600 Willow St., Suite 102, San Jose, CA 95125. Representative: Serge V. Talbot (same address as applicant). To engage in operations, as a *broker* at San Jose, CA, in arranging transportation of *passengers and their baggage*, in special or charter operations, between points in the U.S.

MC 153848, filed January 21, 1981. Applicant: T.S.D.C., INC., 536 West 169th St., South Holland, IL 60473. Representative: Edward F. Stanula, Box 306, 837 East 162nd St., South Holland, IL 60473. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tri-State Distribution Center, Inc. of South Holland, IL.

MC 153849, filed January 16, 1981. Applicant: OWENS TRUCKING, P.O. Box 5, Bentonville, AR 72712. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities* as are dealt in or used by food business houses and discount and variety stores, between points in the U.S., under continuing contract(s) with Wal-Mart Stores, Inc. of Bentonville, AR.

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Decided: February 9, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 113908 (Sub-520), filed January 23, 1981. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068, G.S., Springfield, MO 65804. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK.

MC 125368 (Sub-123), filed January 16, 1981. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *food and related products* between points in Montcalm County, MI, Portage County, WI, and Stark County, OH, on the one hand, and, on the other, points in AL, AR, CT, DC, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI.

MC 138306 (Sub-136), filed January 16, 1981. Applicant: KLM, Inc., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Central Ohio Shippers Coordinated Corp. of Columbus, OH.

MC 138306 (Sub-138), filed January 27, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in Madison County, MS, on the one hand, and, on the other, points in the U.S.

MC 141439 (Sub-5), filed January 23, 1981. Applicant: HILL TRUCK LINE, INC., P.O. Box 6291, Omaha, NE 68106. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501.

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Transporting *food and related products*, between points in Douglas, Colfax, and Dodge Counties, NE, and Pottawattami County, IA, on the one hand, and, on the other, points in MO, OK, TX, KS, AR, NE, and LA.

MC 142059 (Sub-153), filed January 27, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). Transporting *metal products*, between points in Trumbull County, OH on the one hand, and, on the other, points in the U.S.

MC 142059 (Sub-154), filed January 27, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *metal products*, between Frederick County, MD, on the one hand, and, on the other, points in the U.S.

MC 145468 (Sub-40), filed January 27, 1981. Applicant: KSS TRANSPORTATION CORP., Rt. 1 and Adams Station, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 146448 (Sub-25), filed January 27, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with ICI, Americas Inc., of Wilmington, DE. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

1MC 46628 (Sub-8), filed January 27, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174. Transporting *such commodities* as are dealt in or used by manufacturers of sound deadening and sealing compounds, between points in the U.S., under continuing contract(s) with Mortell Company, of Kankakee, IL.

Note.—Issuance of a permit in this proceeding is subject to coincidental cancellation of existing permit in MC–146628 Sub 2F.

MC 147259 (Sub-9), filed January 23, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam, South Holland, IL 60473. Transporting *metal products*, between points in IL, IN, KY, MO, NY, OH, PA, and WI, on the one hand, and, on the other, points in the U.S.

MC 147259 (Sub-10), filed January 23, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam, South Holland, IL 60473. Transporting *lumber and wood products*, between points in AL, AR, FL, GA, IL, IN, KY, LA, MS, NY, OH, PA, SC, TN, and WV, on the one hand, and, on the other, points in the U.S.

MC 147318 (Sub-3), filed January 30, 1981. Applicant: DEEP SOUTH TRUCKING, INC., Hwy 11 North, P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main St., P.O. Box 696, Purvis, MS 39475. Transporting *iron and steel products*, between points in the U.S., under continuing contract(s) with International Harvester-Pay Line Product Distribution Company, of Gulfport, MS.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6075 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28873 (Sub-1)]

Norfolk and Western Railway Co., and Chicago and North Western Transportation Co.—Coordination Project—In the City of Albia, Monroe County, IA; Notice of Exemption

Pursuant to 49 CFR 1111.4(g) and 1111.5(c)(3) as amended by *Railroad Consolidation Procedures*, 363 I.C.C. 200 224 and 226 (1980), the Norfolk and Western Railway Company has notified the Commission of its intention to participate in transactions that are considered exempt under 49 U.S.C. 10505.

Norfolk and Western intends to have substituted the name of Wabash Railroad Company (Wabash), a subsidiary non-operating company, for that of Norfolk and Western Railroad Company (NW) in the Bill of Sale and Easement Deed by which the Chicago and North Western Transportation Company (C&NW) acquired approximately 1,947 feet of track and easement which connects NW's Moberly Division between milepost 271.36 and 271.73 in the City of Albia, County of Monroe, IA. The subject track joins what were formerly two disconnected ends of NW's main line in Albia and prior to the authorized acquisition had been operated over by NW and its predecessor, Wabash, pursuant to trackage rights with C&NW and its predecessor, Iowa Central Railway Company. NW proposes to have C&NW substitute the name of Wabash for that of NW as grantee under a corrected Bill of Sale and a corrected Easement Deed No. 80356.

The transaction is within a corporate family that will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balances with carriers outside the corporate family. For the reason, the transaction is eligible for exemption, 49 CFR 1111.5(c)(3). Consummation may occur upon publication of this notice.

In granting this exemption we may not relieve a carrier of its obligation to protect the interests of employees. See 49 U.S.C. 10505(g)(2) as amended by the Staggers Rail Act of 1980 (Pub. L. No. 96–448, October 14, 1980). Therefore, we will require, as a condition to use of this exemption, the same level of labor protection as is usually required in the type of transactions proposed here. We have determined that the employee protective provisions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in these transactions, which normally would require approval under 49 U.S.C. 11343. The exemption, therefore, will be subject to those protective provisions.

NW's failure to comply with these requirements may be grounds to revoke the exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6076 Filed 2-23-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-2-M]

AMAX Lead Co. of Missouri; Petition for Modification of Application of Mandatory Safety Standard

AMAX Lead Company of Missouri, Boss, Missouri 65440, has filed a petition to modify the application of 30 CFR 57.4–61B (fire doors; installation) to its Buick Mine located in Iron County, Missouri. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in the production level maintenance shop.

2. The underground production level shop consists of one room, 240 feet in length, and two rooms, 120 feet in length, which are connected by three crosscuts. The nominal width of all rooms and crosscuts is 30 feet, with the height varying from 12 to 30 feet. The ribs, back (roof) and floors consist of dolomite and concrete, both non-combustible.

3. As an alternative to installing fire doors, petitioner proposes to install and use a pressurized automatic and manual water sprinkler system, with associated dry chemical fire suppressants.

4. In addition to the proposed automatic/manual water sprinkler system, there are 29 manual fire extinguishers, two 150 feet water hopses with fogger nozzles and two 150 pound dry chemical mobile fire suppressant systems located within the shop.

5. Petitioner further states the shop is manned 160 hours per week; in the event of a fire within the shop, personnel using the manual fire extinguishing systems supported by the proposed automatic/manual water sprinkler system could contain and extinguish the fire faster than the time required to evacuate and seal off the shop.

6. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6198 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-179-C]

Leeco, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Leeco, Inc., Route 9, Box 15, London, Kentucky 40741, has filed a petition to modify the application of 30 CFR 75.805 (couplers) to its mines nos. 44 and 45 located in Leslie County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements for the use of and type of couplers to be used in the petitioner's mine.

2. As an alternate method, petitioner proposes to use junction boxes manufactured by Pemco Corporation and equipped with a Micro switch wired in series with the ground check circuit to cause the power circuit to be deenergized in the event the cover is removed. The boxes are constructed of one-eighth inch steel and equipped with insulated strain clamps.

3. In support of this proposed alternate method, petitioner states that the following stipulations will be observed:

a. Junction boxes will be located in dry, well rock-dusted areas or supported above wet locations. The boxes may be supported on concrete blocks or the equivalent;

b. All junction boxes shall be identical to Pemco Corporation part number J–133527;

c. When different size cables are used, fittings for the cable entrance shall be properly sized and secured to prevent strain on the electrical connections;

d. The high-voltage cables shall be terminated in accordance with the termination kit manufacturer's recommendations; and

e. The junction boxes and cables shall be protected in accordance with the provisions of 30 CFR 75.807 and 75.1107–1(a)(3).

4. Petitioner states that this alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6199 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-174-C]

Mine Hill Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mine Hill Coal Company, 247 Wallace Street, Pottsville, Pennsylvania 17901 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Little Buck Mountain Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. There is no history of ignition, explosion or mine fire.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection

for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All Comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6207 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-106-M]

Occidental Oil Shale, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Occidental Oil Shale, Inc., P.O. Box 2687, Grand Junction, Colorado 81502 has filed a petition to modify the application of 30 CFR 57.21-46 (crosscut intervals) to its Federal Prototype Oil Shale Lease Tract C-b located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that crosscuts be made at intervals not in excess of 100 feet between entries and between rooms.

2. Petitioner states that flammable gas has appeared in only negligible concentrations in the vicinity of the Production and Service Shafts; larger concentrations, or gas pockets, if they exist, would first be encountered either with pneumatic drilling equipment which operate under wet conditions or at the time of blasting when the shaft is completely evacuated of personnel.

3. Petitioner seeks a modification to permit driving single drifts in excess of 100 feet between the Production and Service Shafts in conjunction with the following procedures:

a. Ventilation will be initiated by a single 75 Hp type fan, directing air down the service shaft as an intake shaft; this fan is located on the surface over 15 feet from the mine opening and provided with a blast door;

b. Drifting between the Service Shaft and the Production Shaft will be supported by fresh air drawn across the work face by an exhaust type permissible 100 Hp auxiliary fan; this fan and the connected rigid line will exhaust directly into the return air of the Production Shaft.

4. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6204 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-7-M]

Morton Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

Morton Salt Company, P.O. Drawer M, Grand Saline, Texas 75140 has filed a petition to modify the application of 30 CFR 57.19-124 (hoist ropes; requirements) to its Grand Saline operations located in Van Zandt County, Texas. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that hoist ropes, other than those on friction, be cut off at least six feet above the highest connection to the conveyance at time intervals not to exceed one year unless a shorter time is required by 30 CFR 57.19-126 or by conditions of use.

2. As an alternative, petitioner proposes that the following procedures will be followed:

a. Daily inspection will be made of hoist ropes and the results recorded;

b. Wire ropes will be greased on a regular basis;

c. The cage cable will be changed every two years and replaced with a new one;

d. The cable on the skip will be replaced every two years by the cable being taken off the cage;

e. Every six months the entire length of the cable will be X-rayed, checking for wear or damage.

3. Petitioner states that the procedures outlined above provide the same degree of safety to the miners affected as that afforded by the standard, and for those reasons requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6200 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-4-M]

Occidental Oil Shale, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Occidental Oil Shale, Inc., P.O. Box 2687, Grand Junction, Colorado 81501 has filed a petition to modify the application of 30 CFR 57.4-43 (buildings; requirements) to its Logan Wash Mine located in Garfield County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that buildings within 100 feet of a mine opening be constructed of fire resistant materials.

2. Petitioner presently has a building which is anchored to a concrete foundation with a 26 gauge galvanized steel roof and panels mounted on all steel structural framing.

3. This building is intended to house the vent raise switchgear and is located approximately 67 feet from an intake raise. During mid-February 1981, fans will be mounted on the raise and it will become exhaust.

4. Petitioner states that the regulation was intended for structures of wood or similar construction and that the metal structure in use provides the same degree of safety to the miners as that afforded by the standard.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6205 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-169-C]

P.S. & R. Coal Col; Petition for Modification of Application of Mandatory Safety Standard

P.S. & R. Coal Company, 203 Gap Street, Valley View, Pennsylvania 17983 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 2 Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed, it would be activated on knuckles and curves, when no emergency existed, causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6206 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-175-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, Camp No. 1, P.O. Box 350, Morganfield, Kentucky 42437, has filed a petition to modify the application of 30 CFR 75.1403-5(g) (clear travelways at belt conveyors to its Camp No. 1 located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a clear travelway at least 24 inches wide be provided on both sides of all belt conveyors, installed after March 30, 1970, or where roof supports are installed within 24 inches of a belt conveyor, a clear travelway at least 24 inches wide be provided on the side of such support farthest from the conveyor.

2. As an alternate method, petitioner proposes to install belt crossovers at two locations over the conveyor belt in lieu of requiring 24 inch clearance on each side of the belt.

3. Petitioner states that crossovers are needed due to the side clearance being only 18 inches on the right because of installation of an overcast. There is an excess of 24 inch side clearance on the left side of the conveyor belt.

4. In support of the proposed alternate method, petitioner states that the following precautions will be taken:

a. Signs will be posted on inby and outby sides of the affected area warning all persons of the close clearance;

b. No work will be performed in the area of close clearance while the belt is running;

c. Persons working in the close clearance area will be familiar with the hazards associated with working near the belt; and

d. Start and stop controls will be installed immediately inby and outby the affected area to shutdown the belt as necessary.

5. Petitioner states that this alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6201 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-176-C]

Ramey Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Ramey Coal Company, P.O. Box 793, Grundy, Virginia 24614, has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 2 Mine located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's shuttle cars, roof bolters and Lee Norse miner.

2. The coal seam ranges from 42 to 48 inches in height with consistent ascending and descending dips in the coal bed.

3. Installation of cabs or canopies on the mine's equipment would result in a

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diminution of safety to the miners affected because the canopies may strike the roof, destroying roof support. In addition, canopies limit the equipment operator's visibility which creates a hazard to the equipment operator and the miners in the area.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6202 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-8-M]

St. Joe Minerals Corp.; Petition for Modification of Application of Mandatory Safety Standard

St. Joe Minerals Corporation, Southeast Missouri Mining and Milling Division, Viburnum, Missouri 65566, has filed a petition to modify the application of 30 CFR 57.4-81-B (fire doors) to its Fletcher and Bushy Creek Mines located in Iron County, Missouri. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in each opening of an underground shop.

2. Each mine has an ore hoisting shaft, a service hoisting shaft and a number of ventilation shafts, all used to ventilate the mines.

3. Petitioner states that the direction of fresh air into the shop area is capable of being reversed in less than 90 seconds by reversing the primary fans at the ore hoisting shaft. Each mine presently has four downcast and two upcast ventilation shafts; these downcast ventilation shafts greatly reduce the chance that smoke and gas would spread throughout the whole mine in the event of a fire in the shop area.

4. Petitioner states that the procedures outlined above would provide the same degree of safety to the miners affected as that afforded by the standard.

5. Petitioner further states that the chance that smoke and gas will spread from the shop area under the standard's system is actually greater because more time would be required to close fire doors into the shop area that to switch the direction of air flow.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 26, 1981. Copies of the petition are available for inspection at that address.

Dated: February 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6203 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Cancellation of Meeting

The meeting of the Advisory Committee on Construction Safety and Health which was announced in the **Federal Register** of January 23, 1981 (46 FR 7539) is hereby cancelled. The Committee was to have met on March 10-11, 1981.

The Advisory Committee on Construction Safety and Health was established under Section 197(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

Signed at Washington, D.C., this 19th day of February 1981.

David C. Zeigler,

Acting Deputy Assistant Secretary of Labor.

[FR Doc. 81-6244 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-8409]

Eltra Corp., Prestolite Electronics Division, Decatur, Alabama; Affirmative Determination Regarding Application for Reconsideration

On January 8, 1981, applicants requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Woker Adjustment Assistance for workers and former workers of the Prestolite Electronics Division of Eltra Corporation, Decatur, Alabama. The determination was published in the **Federal Register** on December 15, 1980 (45 FR 83695).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The applicant for reconsideration claims that the Department's negative determination "was erroneous on two grounds". First, that the Department had erroneously determined that the applicant's products were component parts of a final product, and, secondly, the Department failed to consider the percentage of the applicant's product which is manufactured and sold as replacement parts and not incorporated into any other product.

In both the first and second claims stated above, the applicant appears to have misunderstood the Department's position. The Department in its original determination did regard the ignition parts (equipment) produced at Prestolite on their own in its consideration of the import impact on those products, regardless of whether they are used as components for original equipment or replacement parts. These ignition equipment products are used as both component parts of a final original equipment product, e.g., automobile, and as replacement parts for a used final product. However, the Department, in effect, treated them as final articles, and was unable to regard the ignition parts incorporated in imported vehicles as being "like or directly competitive with" the ignition parts produced by Prestolite.

as that term is used in the Trade Act of 1974.

In its investigation, the Department found that imports of directly competitive ignition equipment declined relative to domestic production in 1979 compared to 1978 and decreased absolutely in the first six months of 1980 compared to the same period in 1979.

In addition, to reiterate the Department's findings in the original determination with respect to the customer survey, it was found that customers representing a majority of Decatur's sales during 1978, 1979 and the first half of 1980 indicated that they either did not purchase imported solenoids, distributors, electronic ignition systems, voltage regulators, contact sets, condensers, and distributor caps, or, that they imported only a negligible amount compared to their total purchases of these products. The replacement market was included in the customer survey.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 11th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-6210 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9026; 9246-48; 9250-51; 9253; 10,733; 10,735; 10,743-44; 10,748; 10,757; 10,761; 10,763; 10,766; 10,771-72; 10,775; 10,778; 10,781; 10,797; 10,799; 10,801-14; 10,818-44; 10,846-48]

General Motors Corp., Detroit, Mich.; Amended Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued Certifications of Eligibility To Apply for Adjustment Assistance on October 10, 1980, applicable to all workers of certain designated support facilities of General Motors Corporation, Detroit, Michigan. The Certifications were published in the **Federal Register** on October 21, 1980 (45 FR 69600). The Department also issue Notices of Amended Certification of Eligibility To Apply for Worker Adjustment Assistance on November 14, 1980 (45 FR 75368); December 5, 1980 (45 FR 80602) and on January 23, 1981 (46 FR 7537).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certifications. The additional information revealed that significant layoffs occurred prior to the May 1, 1980, impact date set for the General Motors Proving Ground located at Milford, Michigan. Layoffs also occurred just prior to the impact dates of March 1, 1980, May 1, 1980 and June 1, 1980 set for workers at the Chevrolet Motors Division's Zone and Regional Offices in Oakbrook, Illinois, TA-W-10,808 and for workers at the General Motors Central Office in Warren, Michigan, TA-W-9026; Chevrolet Motor Division's Regional Sales Office in Detroit, Michigan, TA-W-10,802; Chevrolet Motor Division's Zone and Regional Offices in Southfield, Michigan, TA-W-10,825; Chevrolet Motor Division's Zone Sales Office in Fargo, North Dakota, TA-W-10,835; and for workers at Chevrolet Motor Division's Zone Sales Office in Tempe, Arizona, TA-W-10,811; Chevrolet Motor Division's Zone Sales Office in Edina, Minnesota, TA-W-10,827; Chevrolet Motor Division's Zone Sales Office in Maryland Heights, Missouri, TA-W-10,828; Chevrolet Motor Division's Zone Sales Office in Bethpage, Long Island, New York, TA-W-10,831; and Chevrolet Motor Division's Zone Sales Office in Wormleysburg, Pennsylvania, TA-W-10,840. These layoffs were not covered by the impact dates set in the certifications immediately cited above.

The intent of the certifications is to cover all workers at the instant General Motors support facilities who were affected by the decline in production of import impacted GM vehicles. The Certifications, therefore, are amended to include new impact dates: January 1, 1980 for workers at the GM Proving Ground in Milford, Michigan, TA-W-10,761 and at Chevrolet Motor Division's Zone and Regional Offices in Oakbrook, Illinois, TA-W-10,808; April 1, 1980 for workers at GM Central Office in Warren, Michigan, TA-W-10,9026; Chevrolet Motor Division's Regional Sales Office in Detroit, Michigan, TA-W-10,802; Chevrolet Motor Division's Zone Sales Office, Southfield, Michigan, TA-W-10,825; Chevrolet Motor Division's Zone Sales Office, Edina, Minnesota, TA-W-10,827; and the Chevrolet Motor Division's Zone Sales Office in Fargo, North Dakota, TA-W-10,835; and May 1, 1980 for workers at Chevrolet Motor Division's Zone Sales Office in Tempe, Arizona, TA-W-10,811; Chevrolet Motor Division's Zone Sales Office in Maryland Height, Missouri, TA-W-10,828; Chevrolet Motor Division's Zone Sales Office in Bethpage, Long Island, New York, TA-W-10,831; and Chevrolet Motor Division's Zone Sales Office in Wormleysburg, Pennslyvenia, TA-W-10,840.

The certifications applicable to TA-W-9026; TA-W-10,761; TA-W-10,802; TA-W-10,808; TA-W-10,811; TA-W-10,825; TA-W-10,827; TA-W-10,828; TA-W-10,831; TA-W-10,835; and TA-W-10,840 are hereby amended as indicated in the appendix.

Appendix

TA-W-	Facility	Location	Impact date
9026	GM Central Office	Warren, Mich	Apr. 1, 1980
10,761	GM Proving Ground	Milford, Mich	Jan. 1, 1980.
10,802	Chevrolet Regional Sales Office.	Detroit, Mich	Apr. 1, 1980.
10,808	Chevrolet Zone and Regional Offices.	Oakbrook, Ill	Jan. 1, 1980
10,811	Chevrolet Zone Sales Office.	Tempe, Ariz	May 1, 1980.
10,825	do	Southfield, Mich	Apr. 1, 1980
10,827	do	Edina, Minn	Do.
10,828	do	Maryland Heights, Mo	May 1, 1980
10,831	do	Bethpage, Long Island, N.Y.	Do.
10,835	do	Fargo, N. Dak	Apr. 1, 1980
10,840	do	Wormleysburg, Pa	May 1, 1980

and issued as follows:

"All workers of the support facilities of General Motors Corporation listed in the Appendix who became totally or partially separated from employment on or after the impact date listed in the Appendix and before November 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C., this 12th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-6208 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9984, 9984A and 9984B]

Robertson Shake, Inc., Robertson Distributing Co., Chehalis, Washington, and Mr. Handiman Home Center, Inc., Centralia, Wash.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the

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results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 11, 1980 in response to a petition which was filed on behalf of workers at Robertson Shake, Incorporated, Chehalis, Washington. The workers produce red cedar shakes, shingles, hips and ridges. The investigation was expanded to include two affiliated companies; Robertson Distributing Company, Chehalis, Washington and Mr. Handiman Home Center, Incorporated, Centralia, Washington.

U.S. imports of red cedar shakes, shingles, hips and ridges increased absolutely and relative to domestic production in 1979 compared to 1978 before declining absolutely during the first three quarters of 1980 compared with the first three quarters of 1979.

A Department of Commerce survey of Robertson Shake, Incorporated's customers revealed that customers reduced purchases from Robertson Shake, Incorporated while increasing their purchases of imported shakes, shingles, hips and ridges.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shakes, shingles, hips and ridges produced at Robertson Shake, Incorporated, Chehalis, Washington, hauled by Robertson Distributing Company, Chehalis, Washington, or sold by Mr. Handiman Home Center, Incorporated, Centralia, Washington contributed importantly to the decline in sales or production and to the total or partial separation of workers of these firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Robertson Shake, Incorporated, Robertson Distributing Company, Chehalis, Washington, and Mr. Handiman Home Center, Inc., Centralia, Washington who became totally or partially separated from employment on or after August 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-6208 Filed 2-23-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act. (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

(1)

Date: March 23-24, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applicantions submitted for Youth Projects Major Project Grants, Division of Special Programs, for projects beginning after July 1, 1981.

(2)

Date: March 30-31 1981.
Time 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Youth Projects Major Project Grants, Division of Special Programs, for projects beginning after July 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose:

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure or which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506 or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-6213 Filed 2-23-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Social Sciences Advisory Committee

Subcommittee on Economics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Economics of the Advisory Committee for Social Sciences.
Date and Time: March 6-7, 1981,[1] 9:00 a.m. to 5:00 p.m. each day.
Place: Room 642 and 628, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Daniel H. Newlon, Program Director for Economics, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-9674.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in economics.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-462. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-6030 Filed 2-23-81; 8:45 am]

BILLING CODE 7555-01-M

[1] Reason for late notice: Difficulty in arriving at an acceptable meeting date for the subcommittee members.

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-424 and 50-425]

Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Authority, City of Dalton (Alvin W.Vogtle Nuclear Plant, Units 1 and 2); Proposed Issuance of Amendment to Construction Permits

The Nuclear Regulatory Commission (the Commission) has received a request dated December 19, 1980, for issuance of amendments to Construction Permits Nos. CPPR-108 and CPPR-109, issued to Georgia Power, et al, (the Permittees), for the Alvin W. Vogtl Nuclear Plant (the facility), a pressurized water reactor to be located in Burke County, Georgia.

The proposed amendments would reflect a modification in plant design. the modification proposes to delete an enclosure building covering the above-grade portions of the primary containment building. The Permittees support the application for the design modification with a revised analysis of the radiological consequences of a postulated loss-of-coolant accident which shows offsite post-accident doses which are less than, or comparable to, doses judged to be acceptable for design now and at the time construction was initially authorized.

Prior to issuance of the proposed amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 26, 1981, the Permittee may file a request for a hearing with respect to issuance of the amendments to the subject facility construction permits and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition of leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to A. Schwencer: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, attorney for Permittees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

The proposed modification of the facility represents a change in the major features or components incorporated therein for the protection of the health and safety of the public. The Commission's staff has determined that the proposed modification may represent a significant hazards consideration and an opportunity for public hearing should be afforded.

For further details with respect to this matter, see the application for amendment dated December 19, 1980, Supplement 6 to the application for a construction permit and operating license dated August 21, 1979, and Supplement 8 to the application for a construction permit and operating license dated December 30, 1980, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Burke County Public Library, Fourth Street, Waynesboro, Georgia 30830. As they become available, the following documents may be inspected at the above locations: (1) the supplement to the safety evaluation prepared by the Commission's staff, and (2) the Environmental Impact Statement, or Negative Declaration and Impact Appraisal.

Dated at Bethesda, Maryland this 17th day of February 1981.

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For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-5906 Filed 2-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443; 50-444]

Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2)

Notice of Evidentiary Hearing

Notice is hereby given that, in accordance with the Appeal Board's order of February 17, 1981, an evidentiary hearing on the seismic issues remanded to this Board by the Commission will be heard at 9:00 a.m. on Monday, April 6, 1981, in the Courtroom of the Superior Court, Hillsborough County Courthouse, 19 Temple Street, Nashua, New Hampshire.

Dated: February 18, 1981.

For the Appeal Board.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 81-6171 Filed 2-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co.; Availability of Safety Evaluation Report for Virgil C. Summer Nuclear Station, Unit 1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Virgil C. Summer Nuclear Station, Unit 1, to be located in Fairfield County, South Carolina. Notice of receipt of South Carolina Electric & Gas Company's application to operate the Virgil C. Summer Nuclear Station, Unit 1 was published in the **Federal Register** on April 18, 1977 (42 FR 20203).

The report has been referred to the Advisory Committee on Reactor Safeguards and is being made available to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201 for inspection and copying. The report (Document No. NUREG-0717) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Manager, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 18th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-6172 Filed 2-23-81; 8:45 a.m.]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Payment of Employer Liability for Plan Terminations Initiated Before Apr. 1, 1981

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notification of change in procedure for payment of employer liability; amendment.

SUMMARY: This document amends the notice published in the **Federal Register** on January 28, 1981 as FR Doc. 81-2986 (46 FR 9545) to defer the effective date of the notice to April 1, 1981. This action is necessary to eliminate a gap between the published effective date and the deferred effective date of 29 CFR Part 2613 established in compliance with a Memorandum from the President of the United States, Ronald Reagan, on the Postponement of Pending Regulations. This action will prevent confusion concerning the date by which certain employers must pay their liability to PBGC to avoid the imposition of interest.

EFFECTIVE DATE: The effective date of this notification published at 46 FR 9545 and of 29 CFR Part 2613 published at 46 FR 9520, to which it relates is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: David Weingarten, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published its final regulation on employer liability, 29 CFR Part 2613, at 46 FR 9520, to become effective March 1, 1981. On the same day, PBGC published a "Notification of change in procedure for payment of employer liability", at 46 FR 9545, as a companion document to 29 CFR Part 2613, to provide guidance for the payment of employer liability during the period before March 1, 1981 and to give notice of rules concerning the imposition of interest on certain unpaid employer liability.

On January 29, 1981, President Ronald Reagan issued a memorandum (46 FR 11227) requesting that executive agencies, by notice published in the **Federal Register**, postpone for at least 60 days from the date of the memorandum the effective date of all regulations scheduled to become effective during that time period. The PBGC is publishing such a notice; however, without an amendment to FR Doc. 81-2986, 46 FR 9545, January 28, 1981, there is a gap between the effective date of the notice and the effective date of the final regulation, 29 CFR Part 2613, to which it relates. The notice, FR Doc. 81-2986 was intended to provide guidance on payment of employer liability between the date of publication and the date 29 CFR Part 2613 becomes effective and having different effective dates will lead to confusion. Therefore, FR Doc. 81-2986 is amended by changing "March 1" to "April 1" in the following locations on page 9545: in the subject heading in column 1 on line 4, in "Summary" paragraph on line 29, in "Effective Date" paragraph, and in first full "Supplementary Information" paragraph on line 16; and in column 2, third full paragraph on line 6.

Issued at Washington, D.C., on this 17th day of February 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-6160 Filed 2-23-81; 8:45 am]

BILLING CODE 7708-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Health Care Distribution and Availability

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the seventh meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held in the Hamilton Room, Messanine, Hay Adams Hotel, 800 16th Street, N.W., Washington, D.C., from 9:00 a.m. to 5:00 p.m. on Friday, March 13, 1981 and from 8:30 a.m. to 4:30 p.m. on Saturday, March 14, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda of this Commission meeting will include, among other things, the ethical and empirical issues in the availability and distribution of health care, and the confidentiality of, and access to, medical and research records.

During the afternoon of Friday, March 13, one-half hour will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestons and comments will be accepted for the record from those who are unable to speak because of the constraints of time or those unable to attend the meeting.

Records shall be kept of all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653-8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 81-6070 Filed 2-23-81; 8:45 am]

BILLING CODE 6820-AY-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No 11625; 812-4735]

INA Tax-Free Reserve Fund, Inc.; Filing of an Application

February 18, 1981.

Notice is hereby given that INA Tax-Free Reserve Fund, Inc. ("Applicant"), 3531 Silverside Road, Wilmington, Delaware 19810, an open-end, diversified managment investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 16, 1980, and amendments thereto on February 2 and February 3, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 threrunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a corporation incorporated under the laws of the State of Maryland. Applicant states that its investment objective is the maximization of current income exempt from Federal income taxes to the extent consistent with preservation of capital and maintenance of liquidity.

Applicant represents that it will invest in tax-exempt instruments largely consisting of debt obligations issued by state or minicipal governments and public authorities; securities sold be state or municipal government and public authorities as interim financing in anticipation of tax collections, revenue receipts or bond sales; project notes which are secured by the full faith and credit of the United States; and commitments to purchase the above described securities on a "when-issued" basis. According to the application, Applicant's portfolio will be limited to those tax-exempt instruments rated at least Aa, MIG-1 or MIG-2 by Moody's Investors Services, Inc., or at least AA by Standard & Poor's Corporation. Applicant further states that tax-exempt instruments which are not rated may be purchased if they are of comparable quality to rated instruments as determined by Applicant's Board of Directors.

To the extent that suitable tax-exempt investments are unavailable or that funds must be invested on a temporary basis, Applicant proposes to make defensive or temporary investments in taxable obligations consisting of securities issued or guaranteed by the United States government or any of its agencies or insturmentalities; bank money instruments (largely certificates of deposit) issued by large, insured, domestic commercial savings banks and savings and loan associations; commercial paper rated Prime-1 or Prime-2 by Moody's or A-1 or A-2 by Standard & Poor's; corporate bonds rated at least Aa by Moody's or AA by Standards & Poor's; unrated corporate debt instruments provided they are of comparable quality as determined by the Applicant's Board of Directors; and repurchase agreements.

Applicant further proposes to establish a dividend policy whereby its net income will be declared as a daily dividend. According to the application, income of the Applicant for the applicable dividend period will consist of: (a) interest accrued and discount earned (including both original issue and market discount), if any, less (b) amortization of premium and accrued expenses of the Applicant.

Applicant states that its net asset value per share for determining the price at which shares are issued and redeemed will be calculated immediately following the daily declaration of dividends by: (a) valuing all portfolio investments as set forth below; (b) deducting the Applicant's liabilities; and (c) dividing the resulting amount by the number of the Applicant's shares outstanding. Applicant further states that portfolio securities and instruments will be valued on the basis of amortized cost (i.e., portfolio securities and instruments will be valued at cost on the date of purchase and thereafter assume a constant amortization of any discount or premium until the security or instrument matures).

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant states its belief that potential investors in shares of the Applicant are concerned that (1) the net asset value of their shares remain stable and (2) investment income be steady. Applicant

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asserts that by maintaining a portfolio of high quality money market instruments of short maturities, it can provide these features to investors. Applicant has further determined that maintaining an average weighted portfolio maturity of 120 days or less will accomplish the aims of Applicant's investors by reducing the risk of significant volatility in the value of portfolio instruments and at the same time producing a yield commensurate with those available in the short-term, tax-exempt money market. Applicant represents that its Board of Directors has determined in good faith that in the light of the characteristics of the Applicant, and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Applicant and will reflect the fair value of its securities. The Applicant further represents that the granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies of the Act.

Applicant expressly consents to the imposition of the following conditions in any order granting the exemptive relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following duties and responsibilities:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated by it.

(c) Where the Board of Directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding or reducing dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will include in the minutes of Board of Directors' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board's consideration and actions taken in connection with the discharge of its responsibilities, as set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon.

Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81–6166 Filed 2–23–81; 8:45 am]
BILLING CODE 8010–01–M

[1] To fulfill this obligation, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Directors in the exercise of its discretion to be appropriate indicators of value, which may include among other things, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing; Drought Emergency Action; Public Hearing

The Susquehanna River Basin Commission (hereinafter "the Commission") will hold a public hearing to receive comments from citizens, government agencies and others on the drought management options available to the Commission under the provisions of Article II of the Susquehanna River Basin Compact, Pub. L. 91–575. The hearing will be held in conjunction with the Commission's regular monthly meeting on March 12, 1981 at the Commission headquarters building, 1721 N. Front St., Harrisburg, Pa., beginning at 10:00 a.m.

The provisions of Article II would allow Commission implementation of certain extraordinary measures, such as limiting the withdrawals of water for certain purposes, to mitigate drought conditions which have developed in the Susquehanna Basin over the past several months. A continuation or worsening of these conditions poses a threat to public health and safety and could result in additional adverse environmental, social and economic consequences.

The hearing will be informal in nature. Interested parties are invited to attend the March 12th hearing and to participate by making oral or written statements presenting their data, views and comments on the subject. Those wishing to personally appear to present their views are urged to notify the Commission in advance that they desire to do so. However, any person who wishes to be heard will be given opportunity to be heard, whether or not they have given such notice. After the hearing, the Commission will evaluate all relevant material and decide on a course of action.

For additional information, contact the Secretary, Richard A. Cairo, Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, PA 17102, (717) 238–0423.

Dated: February 17, 1981.

Robert J. Bielo,
Executive Director.

[FR Doc. 81–6141 Filed 2–23–81; 8:45 am]
BILLING CODE 7040–01–M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 36
Tuesday, February 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a Closed Meeting on the subject listed below on Wednesday, February 25, 1981, following the Open Meeting, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—*Subject:* Carrier applications for authority to expand communication links between the United States and Cuba.

Common Carrier—2—IRC's requests for informal meetings between the carriers and staff members, under the auspices of the Commission, to resolve the accounting rate level dispute between the U.S. IRCs and CEPT.

Complaints and Compliance—1—Pending license renewal applications of Television Stations KLRN, San Antonio, Texas, and KLRU, Austin, Texas.

Hearing—1—Draft Decision in the Alexander S. Klein, Jr., Media, Pennsylvania, comparative FM radio proceeding. [Docket Nos. 20567–9].

General—1—Internal Personnel Matters

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office telephone number (202) 254–7674.

Issued: February 18, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-0298-81 Filed 2-20-81; 2:19 pm]
BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, February 25, 1981, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Petition for Reconsideration of a Commission decision which denied a FOIA request by Alaskans for Better Media for inspection of the 1979 annual financial reports of five broadcast stations licensed to Northern Television, Inc. *Summary:* The Commission denied Alaskan's request on the basis that the Forms 324 are exempt from release under 5 U.S.C. § 552(b)(4) and that Northern had not placed its 1979 financial condition in issue in the underlying renewal proceeding. Alaskans seeks reconsideration of the Commission's ruling.

General—2—*Title:* Add new Section 1.103 to the Commission's Rules, which will 1) establish the effective date of Commission actions and 2) establish a date by which Commission actions are final for purposes of seeking reconsideration or judicial review. Amend Section 1.4(b) of the rules. *Summary:* The Commission must decide whether to adopt a new rule which establishes that the effective date of any Commission action will be the date of public notice of such action, unless affirmatively designated otherwise. The new rule will also provide that all Commission decisions become final, for purposes of initiating further relief, on the date of public notice of such decision. Also, the Commission will consider whether to amend Section 1.4(b) of the rules and establish that the date of public notice will commence at 3 P.M. Eastern Time on the day after the occurence of certain events.

General—3—*Title:* In re General Docket 80–284 for amendment of Parts 2 and 15 of the Rules, relating to verification and methods of measurement of computing devices. *Summary:* Regulations limiting the interference potential of computing devices were adopted in docket 20780 on September 18, 1979, and amended on March 27, 1980. The instant proceeding considers uniform methods of testing computing devices to determine compliance with the technical standards established in Docket 20780. Also considered are rules to spell out a verification procedure—a self-issued form of equipment authorization. The item before the Commission discusses the merits of these actions.

Private Radio—1—*Title:* Amendment of Subpart H of Part 90 of the Commission's Rules and Regulations to allow facilitated procedures for the interservice sharing of private land mobile frequency assignments. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making proposing to amend its rules to facilitate the procedures for the interservice sharing of private land mobile frequencies. If adopted, these procedures would eliminate the need for a waiver action or rule making proceeding each time an "out-of-service" radio frequency assignment was requested.

Private Radio—2—*Title:* Amendment of Part 83 to provide a program and schedule of dates for increasing the required output power of transmitters where vertical antennas are employed aboard compulsorily fitted MF radiotelegraph ships. *Summary:* The Commission will consider the termination, without action, of the proceedings in this matter. The regulatory action rearding the vertical antenna may be postponed until an inspection is made of the individual antennas aboard ship.

Private Radio—3—*Title:* Sixth Notice of Inquiry concerning proposed recommendations to the Safety of Life at Sea Convention by the Intergovernmental Maritime Consultative Organization (IMCO). *Summary:* The FCC will consider whether to adopt a Sixth Notice of Inquiry regarding proposed recommended amendments to Chapter IV of the Safety of Life at Sea Convention, 1974, in reference to VHF Radiotelephone installations. Also included in the Notice of Inquiry are recommended Requirements of the Future Global Maritime Distress and Safety System. The comments received on these items will be used to aid the members of the United States Delegation to prepare for future IMCO Radiocommuncations Subcommittee meetings. The Commission is represented on the Delegation.

Private Radio—4—*Title:* Public coast radiotelegraph (Class I) station applications at Arcadia, TX. *Summary:* The FCC will consider disposition of two applications regarding service by public coast radiotelegraph Class I stations. One application submitted by ITT World Communications, Inc., seeks to close a station at Arcadia, TX; and the other application requests authority to operate a new station at the same location.

Private Radio—5—*Title:* Petition to Revoke the Special Emergency Radio Service authorization of John S. Landes, M.D., for radio station KXQ–858. Petition to Deny the Application for renewal of the license for radio station KXQ–858. *Summary:* On April 4, 1980, the Commission authorized denial of Dr. John S. Landes' renewal application for his cooperatively shared Special Emergency Radio station. Dr. Landes now seeks reconsideration of or other relief from that action. The following petitions are before the Commission: Petition for Reconsideration, Motion to Stay, Motion for Declaratory Ruling on Alternative Plan of Compliance, and Request for Waiver of the Commission's Docket 18921 Interim Policy Regarding Third Party Provision of "Packaged Services."

Common Carrier—1—*Title:* In re American Telephone and Telegraph Company. Charges for Private Line Services Revisions of Tariff F.C.C. Nos. 260, 264, and 286 Filed in Tr. Nos. 12546, 12716, and 12927 (Series 2000/3000); Docket No. 20814. Charges for Private Line Services Revisions of Tariff F.C.C. No. 260, Filed in Tr. No. 12547 (Series 5000) *Summary:* The Commission will consider petitions for reconsideration of its Final Decision in this proceeding, 74 FCC 2d 1 (1979).

Common Carrier—2—*Title:* CC Docket No. 79–105 Accounting for Station connection Costs, Sales of Terminal Equipment and Other Related Items. *Summary:* The Commission will consider the Staff's proposal to phase-in the change in accounting for station connections. This matter was last before the Commission January 29, 1981. The accounting for sales of terminal equipment and other related items were discussed and adopted by the Commission on November 6, 1980.

Common Carrier—3—*Title:* In the Matter of Deregulation of Customer Premises Inside Wiring, CC Docket No. 79–105. *Summary:* The Commission will consider whether to issue a Further Notice of Proposed Rulemaking in this docket designed to further its objective of assuring that the cost of inside wiring is charged to the cost causative customer through the detariffing of inside wiring. The Further Notice would also seek comments on methods to ensure that the provision of inside wiring is not cross-subsidized by regulated carriers.

Common Carrier—4—*Title:* A. F & L Telephone. *Summary:* FCC considers petitions for reconsideration regarding application to renew license for DPLMRS Station KCC480 in Leominster, Massachusetts, operating on frequencies 152.21 and 454.025 MHz. It also considers petition for reconsideration regarding acceptance for filing of a DPLMRS application from Rivers Associates, Inc. requesting frequency 454.025 MHz in Fitchburg, Massachusetts.

Common Carrier—5—*Title:* Application for Review of Bureau action in Northern Television, Inc. v. RCA Alaska Communications, Inc. (File No. TS 7–77). *Summary:* The Commission will consider an application for review of the action taken under delegated authority in this formal complaint proceeding.

Common Carrier—6—*Title:* U.P. TV Systems, Inc. v. American Microwave & Communications, Inc., File No. TS 6–78. *Summary:* TV Systems, a television translator licensee, has filed a formal complaint in which it alleges it is being unlawfully discriminated against by not being able to have rates similar to those available to its cable system competitor for an apparently comparable service, i.e., the delivery of a distant televisions signal from the same point over the same system to the same point. Microwave has sought to defer answer on the absence of policy guidelines to be developed in pending rulemaking proceeding. The Chief, Common Carrier Bureau denied the motion to defer and Microwave's subsequent application for review. The issue raised by Microwave's Petition for Reconsideration is whether the actions of the Chief, Common Carrier Bureau were appropriate.

Common Carrier—7—*Title:* MCI Services Corp. v. Amercian Telephone and Telegraph Co. et al. (File No. TS 16–76). *Summary:* The Commission will consider a formal complaint filed by MCI Services and a Petition for Declaratory Ruling filed by AT&T. Both deal with interconnection between a "stand-alone" switching system and the public switched telephone network.

Common Carrier—8—*Title:* Complaint by Western Union Telegraph Company against Wiltek, Inc. (File No. TS–4–75). *Summary:* The Commission will consider whether the provision of switching without transmission facilities (i.e., "stand-alone" switching), is subject to common carrier regulation under title II.

Common Carrier—9—*Title:* Petition of Microband Pacific Corporation & Microband Corporation of America & an informal request of Theta Cable of California for reconsideration of the Commission's Memorandum Opinion & Order granting RadioCall Corporation's application to construct a new MDS station at San Pedro, California. *Summary:* In its Memorandum Opinion & Order, *RadioCall Corporation*, 77 FCC 2d (1980) the Commission granted RadioCall's application to construct a new MDS station at San Pedro, CA. & in reaching its decision established interim standards for determining the scope of protection to be afforded to existing MDS station from co-channel interference caused by subsequently constructed stations. The petitioners are requesting the Commission to reconsider its action on the grounds that its decision constituted a reversal of past policies without explanation; that it will result in irreparable harm to the public as well as to existing carriers; & that it violated the petitioners' rights to due process.

Common Carrier—10—*Title:* ITT World Communications, Inc.'s Petition for Stay of Further Activities Pending Reconsideration and Clarification of the hearing into its required rate of return, CC Docket 80–633, and the investigation into its rate base and expenses, ENF–80–6. *Summary:* ITT World Communications Inc. has requested that the Commission stay further activities in the rate of return hearing and rate base and expense investigation, asserting generally that the Commission might restructure the proceedings on reconsideration.

Cable Televisions—1—"Petition for Reconsideration" (CSR–1338) filed December 1, 1980, by Thomas Television, Inc. Thomas Television, Inc., licensee of Station WATR–TV (NBC, Channel 20), Waterbury, Connecticut, requests reconsideration of the Commission's decision in *Waterbury Community Antenna, Inc.* (Waterbury, Connecticut), FCC 80–626, —— FCC 2d —— (1980). The petition is opposed by Teleprompter Connecticut CATV Corp. and by New Milford Cablevision Company, operators of cable television systems serving Danbury and New Milford, Connecticut, respectively.

Assignment and Transfer—1—*Title:* Applications for assignment of license of WCMC–TV, Channel 40, Wildwood, New Jersey, from Jersey Cape Broadcasting Corporation to S. Jersey Broadcasting Corporation and for a major change in facilities; a petition to deny both applications filed jointly by Atlantic City Television Corporation and Maria Sherwood. *Summary:* The Commission will consider these applications and the petition which alleges issues regarding de facto reallocation of Channel 40 from Wildwood to Atlantic City, New Jersey; main studio location; one-to-a-market showing; financial qualifications; character qualifications; and adverse economic impact.

Televisions—1—*Title:* Applications of Waterman Broadcasting Corporation of Texas (WBBH–TV, Fort Myers, Florida) and Gainesville Television, Inc. (WCJB (TV), Gainesville, Florida) for changes in facilities. *Summary:* Both applicants propose changes in existing facilities that, if approved, would create a 14.3 mile short-spacing to each other. The applicants, acknowledging the short-spacing, have requested that the Commission waive the short-spacing and grant their joint request for simultaneous grant of the applications.

Broadcast—1—*Title: Notice of Proposed Rulemaking* in BC Docket No. 80–244 proposing amendment of Section 73.99 of the Commission's Rules. *Summary:* This proceeding proposes to amend Section 73.99(b)(1) of the Rules to permit certain Class II stations to commence presunrise operation at 6 a.m., local time.

Complaints and Compliance—1—*Title:* Application for Review, filed April 2, 1980 by the James Robison Evangelistic Association. *Summary:* The Commission considers the James Robison Evangelistic Assocication's Application for Review of a Broadcast Bureau ruling which stated that the licensee of WFAA–TV, Dallas, Texas acted reasonably and entirely within its discretion in terminating Mr. Robison's program. In the Application for Review, the Association contends that a discussion of homosexuality on a specific James Robison program did not constitute a discussion of a controversial issue of public importance, and that the licensee's cancellation of the Robison program was unreasonable. The Association also claims that the licensee's policy of precluding discussion of controversial issues from religious programming is unreasonable and

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inconsistent with its obligations under the Fairness Doctrine. In addition, the Association contends that if the licensee's actions are deemed reasonable by the Commission, then the Fairness Doctrine has an unconstitutional, chilling effect on religious broadcasting. The Commission must decide whether to grant the Application or affirm the Broadcast Bureau.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: February 18, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–0297–81 Filed 2–20–81; 2:19 pm]

BILLING CODE 6712–01–M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Friday, February 27, 1981.

PLACE: 1700 G Street, NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Extension of Time to Establish a Branch Office—Lincoln Federal Saving & Loan Association, Westfield, New Jersey.
Change of Name—First Federal Savings & Loan Association of New Castle County, Wilmington, Delaware
Branch Office Application—First Piedmont Federal Savings & Loan Association, Gaffney, South Carolina
Branch Office Application—Bell Federal Savings & Loan Association of Bellevue, Pittsburgh, Pennsylvania
Application for Bank Membership—Northwest Bank For Savings, Winstead, Connecticut
Branch Office Application—First Federal Savings & Loan Association of Anderson, Anderson, South Carolina
Request for Commitment to Insure Accounts—Grand Savings & Loan Association, Jay, Oklahoma (New Stock Association)
Application for Merger—Security Federal Savings & Loan Association of Oklahoma City, Oklahoma City, Oklahoma *into* Sooner Federal Savings & Loan Association, Tulsa, Oklahoma
Request for Commitment of Insurance of Accounts—(Proposed) Sentry Savings & Loan Association, Stamford, Connecticut
Conversion to Federal Association, Merger and Retention of Facilities—Peoples Savings & Loan Association, Joliet, Illinois *into* Bloomington Federal Savings & Loan Association, Bloomington, Illinois
Adjustable Rate Mortgage Proposal 452.

February 20, 1981.

[S–0291–81 Filed 2–20–81; 10:37 am]

BILLING CODE 6720–01–M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 12184, February 12, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., February 13, 1981.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

2. Docket No. 80–22: International Paper Company v. Seatrain Pacific Services, S.A., et al.—Court Enforcement of Administrative Law Judge Subpoenas.

[S–0289–81 Filed 2–20–81; 9:58 am]

BILLING CODE 6730–01–M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

February 18, 1981.

TIME AND DATE: 10 a.m., Wednesday, February 25, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Lone Star Steel Company, CENT 79–403–M. (Petition for Discretionary Review; issues include interpretation and application of 30 CFR 55.9–2.)

2. United Castle Coal Company, VA 79–141–D. (Issues include scope of right to refuse to work under section 105(c) of the 1977 Mine Act and whether that section was violated in circumstances of this case.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–0295–81 Filed 2–20–81; 1:56 p.m.]

BILLING CODE 6820–12–M

6

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, March 4, 1981.

PLACE: Board hearing room, eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of February, 1981.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel. (202) 523–5920.

Dated: February 20, 1981.

[S–0299–81 Filed 2–20–81; 3:30 pm]

BILLING CODE 7550–01–M

7

[NM–81–6]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, March 3, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—Collision of U.S. Tugboat *Brazos* with Bermudan Bulk Carrier *Fort Calgary*, Houston Ship Channel, August 7, 1980, and *Recommendations* to the U.S. Coast Guard.

2. *Aircraft Accident Report*—Eagle Commuter Airlines, Inc., Piper PA–31–350 Navajo Chieftain, N59932, Houston, Texas, March 21, 1980.

3. *Railroad Accident Report*—Side Collision of Norfolk and Western Railroad Company's Train No. 86 with Extra 1589 West near Welch, West Virginia, September 6, 1980, and *Recommendation* to the Norfolk and Western Railway Company.

4. *Proposed Special Study*—Large Transport Category Aircraft Cabin Safety.

CONTACT PERSON FOR MORE INFORMATION:
Sharon Flemming 202–462–6022.

February 20, 1981.

[S–0283–81 Filed 2–20–81; 1:08 p.m.]

BILLING CODE 4910–58–M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Week of February 23 (changes).

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, February 23 (changes):

2 p.m.—Briefing on Significant Enforcement Action (closed—Exemption 5, previously announced for February 17, but delayed)

Wednesday, February 25:

10 a.m.—Discussion of Application of the hearing process to Pending Proceedings (closed—Exemption 10)

2 p.m. Discussion of Management-Organization and Internal Personnel Matters (closed—Exemptions 2, 6, Previously announced for Monday, February 23)

Thursday, February 26:

2 p.m.—Briefing on Nuclear Reactor Regulation Licensing Schedules (public meeting)

Friday, February 27:

2 p.m.

1. Affirmation/Discussion Session (approx. 30 minutes, public meeting)

Affirmation and/or Discussion and Vote:

a. Final Amendments to 10 CFR Part 20 on Disposal of Certain H–3 & C–14 Wastes (Tentative)
b. Proposed Rule Changes to Implement the Commission's Delegation of OL Antitrust Determination to Directors, NRR & NMSS
c. Review of ALAB–618—LaCrosse
d. GPU Federal Tort Claim Procedures

2. Discussion of Policy, Planning and Program Guidance for fiscal year 1983–87 (public meeting)

ADDITIONAL INFORMATION: By vote of 4–0 on February 18, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the affirmation of FRN—Suspension of Procedural Assistance Program, held that day, be held on less than one week's notice to the Public.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

Walter Magee,

Office of the Secretary.

February 18, 1981.

[S–0294–81 Filed 2–20–81; 1:10 pm]

BILLING CODE 7090–01–M

9

POSTAL SERVICE.

(Board of Governors)

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 10:00 a.m. on Monday, March 2, and at 9:00 a.m. on Tuesday, March 3, 1981, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. Except as indicated in the following paragraphs, the meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

On February 4, 1981, the Board of Governors voted to close to public observation portions of its next meeting. Each of the members of the Board voted in favor of closing the meeting on March 2, which is expected to be attended by the following persons: Governors Hardesty, Ching, Babcock, Camp, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; Counsel to the Governors Califano; and Senior Assistant Postmaster General Finch.

The meeting to be closed is to involve a discussion of the general rate case (Commission Docket No. R80–1).

Agenda

Monday Session (closed)

Discussion of General Rate Case (Commission Docket No. R80–1).

(The Board will review the Opinion and Recommended Decision of the Postal Rate Commission captioned "Postal Rate and Fee Changes, 1980", which was issued on February 19, 1981 (Commission Docket No. R80–1). If the Governors do not reach a decision during this session, they are expected to resume consideration of the rate case in closed session on Tuesday, March 3.)

Tuesday Session (open)

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General: (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Report on Testimony to Legislative Committees: (Mr. Horgan, Assistant Postmaster General, Government Relations Department, will report on recent and anticipated Postal Service testimony before the cognizant Congressional Committees in the light of the requirement encacted by the Postal Reorganization Act Amendments of 1976 that the Postal Service should appear by not later than March 15 of each year before these committees "the submit information which any such committee considers necessary to determine the amount of funds to be appropriated for the operation of the Postal Service, and to present testimony and respond to questions with respect to [the Postal Service's budget and Annual Comprehensive Statement].")
4. Report on Law Department: (Mr. Cox, General Counsel, will brief the Board on developments in the Law Department.)
5. Rate Incentives for Expanded ZIP Code: (Mr. Finch, Senior Assistant Postmaster General, Finance Group, will report on management plans for a filing with the Postal Rate Commission for reduced rates for mail which includes for additional digits in the ZIP Code in the address.)
6. Report of the Committee on Budget, Finance and Compensation: (Ms. Hughes will advise the Board of the Committee's review of compensation of senior Postal Service officials.)
7. Report of the Committee on Corporate Responsibility: (Mr. Ching will give the Board a preliminary report on the Committee's review of the status of women, the handicapped, and minorities in the Postal Career Executive Service.

Louis A. Cox,

Secretary.

[S–0282 Filed 2–20–81; 10:43 am]

BILLING CODE 7710–12–M

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 23, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, February 24, 1981 at 10:00 a.m., immediately followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Friedman, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, February 24, 1981, at 10:00 a.m., will be:

1. Consideration of whether to approve proposed rule changes filed by the New York Stock Exchange, Inc. and the American Stock Exchange, Inc. to make permanent their respective rules regarding Registered Competitive Market Makers ("RCMMs") and

Registered Equity Market Makers ("REMMs") and whether to adopt simultaneously a rule pursuant to Section 11(a)(1)(H) exempting RCMMs and REMMs from the proprietary trading prohibition of Section 11(a) of the Securities Exchange Act of 1934. For further information, please contact Stuart Strauss at (202) 272–2413.

2. Consideration of whether to approve a proposed rule change by the Chicago Board Options Exchange, Incorporated concerning a market for trading standardized options on Government National Morgage Association pass-through securities. For further information, please contact Michael Lefever at (202) 272–3117.

3. Consideration of whether to issue a release proposing for comment proposed amendments to Rule 11Ac1–1 under the Securities Exchange Act of 1934 which, if adopted, would permit market centers, under certain specified circumstances, to disseminate quotations on a voluntary, rather than mandatory, basis. For further information, please contact Bruce beatt at (202) 272–288.

4. Consideration of whether to issue an information release announcing the current status of Reserve Recognition Accounting with respect to its ultimate implementation as a primary method of accounting. The Commission will also consider whether to support a proposed Financial Accounting Standards Board project to develop a comperhensive package of disclosures for oil and gas producers. For further information, please contact James D. Hall at (202) 272–2133.

5. Consideration of whether to grant the FOIA appeal of Stephen Aug of The Washington Star, for certain materials concerning the Commission's implementcation of its Conduct Regulation pertaining to reimbursement of travel and subsistence expenses and that the Commission waive its copying fees with respect thereto. For further information, please contact Anne C. Flannery at (202) 272–2454.

6. Consideration of whether to grant the request for a waiver of certain provisions of the Commission's Conduct Regulation in connection with outside employment of Steven E. Levy, currently the Director of the Directorate of Economic and Policy Analysis. For further information, please contact Myrna Siegel at (202) 272–2430.

7. Consideration of whether to adopt amendments to Securities Exchange Act Rule 11b–1 to eliminate outdated provisions regarding rule changes and to clarify the rule's application to options specialists, as well as stock specialists, on national securities exchanges. For further information, please contact Susan Wilk at (202) 272–2841.

8. Consideration of whether to approve an application filed by American Birthright Trust and Tax-Managed Fund for Utility Shares, registered under the Investment Company Act of 1940 (the "Act") as open-end, diversified, management investment companies, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant's from certain provisions of Section 16(a) of the Act until April 30, 1981. For futher information, please contact Glen a. Payne at (202) 272–3015.

The subject matter of the closed meeting scheduled for Tuesday, February 24, 1981, immediately following the 10:00 a.m. open meeting, will be:

Formal order of investigation.
Settlement of injunctive action.
Settlement of administrative proceeding of an enforcement nature.
Regulatory matter bearing enforcement implications.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Paul Lowsenstein at (202) 272–2092.

February 19, 1981.

[S–0290–80 Filed 2–20–81; 10:24 am]
BILLING CODE 8010–01–M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: to be published.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, February 11, 1981.

CHANGES IN THE MEETING: Deletion/additional item. The following item was not considered at an open meeting scheduled for Thursday, February 19, 1981, at 10:00 a.m.:

Consideration of whether to adopt amendments to Securities Exchange Act Rule 11b–1 to eliminate outdated provisions regarding rule changes and to clarify the rule's application to options specialists, as well as stock specialists, on national securities exchanges. For further information, please contact Susan Wilk at (202) 272–2841.

The following item was considered at a closed meeting scheduled for Thursday, February 19, 1981, following the 10:00 a.m. open meeting.

Regulatory matter bearing enforcement implications.

Chairman Williams and Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

February 20, 1981.

[S–0296–81 Filed 2–20–81; 3:17 pm]
BILLING CODE 8010–01–M

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federal register

Tuesday
February 24, 1981

Part II

Department of Health and Human Services

Office of Human Development Services

New Native American Projects; Availability of Fiscal Year 1981 Financial Assistance

V 4 6 / 3 6 F E B 2 4 8 1 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement Number 13612-812]

New Native American Projects; Availability of FY 1981 Financial Assistance

AGENCY: Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of fiscal year 1981 financial assistance for new Native American projects.

SUMMARY: The Administration for Native Americans announces that applications are being accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, P.L. 93-644, as amended. Regulations covering this program are published in the *Code of Federal Regulations* in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is May 11, 1981.

Program Purpose

The Native American Program serves American Indians, Hawaiian Natives and Alaskan Natives to promote the goal of social and economic self-sufficiency. A priority emphasis is on assisting Native American groups establish and maintain the structures and mechanisms needed for planning and the coordination of Federal and non-Federal resources. The efforts relating to Indian and Alaskan Native groups are directed toward supporting the Federal policy of Indian self-determination.

The program and policy initiatives of the Administration for Native Americans are framed around three major objectives aimed at attaining Native American self-sufficiency. These objectives are:

1. *Social Development*—The development of social institutions and Native American leadership in ways that enhance the capacity of Native Americans to influence their social environment, and the services to which they are entitled.

2. *Economic Development*—The realization of the full benefit from Native American resources, both potential and actual. Progress in the area of economic development is perceived as critical to addressing the fundamental causes of the acute and chronic social problems found among Native Americans.

3. *Service Improvement*—The elimination of gaps in services as a result of jurisdictional ambiguities, unclear areas of program responsibility, discrimination, and fragmented program efforts is fundamental to improving the delivery of human services.

The Administration for Native Americans operates on the principle that economic and social development are essentially interrelated concerns in Native American affairs. A correlative to this position is the conclusion that the dramatic social problems found among Native Americans are directly related to economic development.

Program Goal

The goal of this program announcement is to provide financial assistance to reservation Indian tribes, rural, non-reservation tribes and Indian organizations and urban Indian Centers to enable them to create and implement effective social and economic development projects focused on their own individual communities. The implementation of these projects is expected to result in sustained improvement in the social and economic conditions of Indians within the community, as well as in increased effectiveness and efficiency of the Indian tribe or organization in defining and achieving its own economic and social goals.

Program Announcement Objectives for Indian Applicants

For Indian tribes, the objective of the program announcement is to support projects which strengthen the executive functions and institutions or tribal governing bodies in order to ensure the development of systems needed for overall social development, economic progress, and improved service delivery. Examples of areas on which emphasis might be placed include building and/or strengthening community and governing institutions in such areas as long-range planning for specific initiatives designed to enhance a particular aspect of the community's social, economic and political development, increasing the tribe's capability for effectively exercising executive, judicial and legislative authorities, or developing a system to provide services which are not otherwise available to residents of the service area. Projects are not limited to those areas listed above.

For private, non-profit Indian organizations, tThe objective of the program announcement is to support projects which enable multi-purpose, non-profit Indian community organizations to undertake programs and pursue strategies which promote the social and economic self-sufficiency of American Indians as individuals and as a community. Empasis might be placed on, but is not limited to, projects which build and/or strengthen the administrative and management capacity of the applicant organization to enable that organization to operate as a more viable human service delivery authority at the local level; design and establish community systems which will bring about increased community involvement, to facilitate accessing specific social services and obtaining funding for other projects in cooperation with existing public and private agencies.

The results expected from these efforts is the establishment of Native American human service centers for linking and accessing existing human services and establishing a coherent service network to meet the needs of the local Indian community. The human service projects may include cross-cutting direct services such as outreach, referral and transportation. However, any direct services provided using ANA funds must be services that are not available from other public service agencies. Applicants are encouraged to consider using ANA funds as a means of mobilizing other resources for operating human service programs. This may include for example, obtaining a license from the State to provide services (e.g., child welfare services, day care services, etc.) and/or securing a purchase of service contract from the State Title XX Agency for services available under Title XX of the Social Security Act.

ANA is interested in funding projects which will result in benefits to the community which extend beyond the project period. The projects developed by the applicant must relate to clearly identified community needs and must be a priority of the applicant tribe/organization. The application is expected to reflect significant community involvement and support in the development of project goals, and ensure continuing community input in project implementation. The projects to be funded are expected to be self-sustaining or completed at the end of the project period.

If project funding is requested for more than one year, the second and third years' objectives must relate to those proposed for the preceding year. All objectives for a two- or three-year project period must be in support of specified project goals.

The applicant should also identify by source, purpose and amount, other Federal and non-Federal resources and

show how these resources will be coordinated with the proposed project.

It is the policy of ANA to make training and technical assistance (T/TA) available to each of its grantees. This support is provided over and above the regular grant award and is delivered, usually on site, by the staff or consultants of the ANA T/TA contractor. All applications should, therefore, include a plan specifying the training and technical assistance which will be necessary to support the proposed project objectives. The plan must provide (T/TA) time frames which correspond appropriately to the time frames of the project activities. Information regarding purpose, task, types of assistance needed, and number of days needed should be included.

Applications must include a section on how the grantee intends to monitor the implementation and progress of the proposed project.

Applicants who wish clarification or further explanation of this program announcement should call Ms. Janice B. Phalen (202-245-7730) at ANA in Washington, D.C. Urban applicants should contact the ANA Program Specialists in the ten Regional Offices of HHS (their names and addresses are contained in the grant application kit).

Eligible Applicants

The governing body of tribes, private non-profit Indian organizations and Indian consortia are eligible to apply if they are not presently receiving ANA funding. Current grantees, individual members of inter-tribal councils or consortia currently funded by ANA, organizations serving communities already being served by an ANA grantee, Native Hawaiian organizations and Alaskan Native villages or organizations are not eligible to apply for grants under this program announcement. Also eligible to apply are Coharie Intra-Tribal Council, Haliwa-Saponi Tribe, Waccamaw-Siouan Development Association, Clifton-Choctaw Reservation, Creek Nation East of the Mississippi, Powhatan-Renape Nation, and Huron Potawatomi, Inc.

For the purpose of this program announcement, the applicant organization or Indian tribe must ensure a minimum service population of 350. Indian tribes or organizations which have a service population of less than 350 might wish to consider joining with other small groups to submit a single application.

Available Funds

ANA expects to award $600,000 in Fiscal Year 1981 for new projects under this program. It is anticipated that ten (10) grant awards will be made with a range of $40,000 to $70,000 per award. The budget period for each grant award will be twelve (12) months. The project period for each grant may be up to three (3) years. Refunding on a non-competitive basis after the first year will depend upon the grantee's satisfactory progress, the availability of funds, and the grantee's compliance with the Native American Programs Regulations.

Grantee Share of Project

Grantees must provide up to 20% of the approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contribution must be project related and must be allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in Section 1336.52 of ANA's regulations which will be provided in the application kit.

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information may be obtained from: Administration for Native Americans, Department of Health and Human Services, Room 5300, North Building, 330 Independence Avenue SW., Washington, D.C. 20201, Ms. Janice B. Phalen, (202) 245-7730, Attention: No. 13612-812.

Application submission. One signed original and two copies of the grant application, including all attachments, must be submitted to the address specified in the application kit.

The application shall be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American Programs Rules and Regulations.

A-95 notification process. In compliance with the Department of Health and Human Service's implementation of the Office of Management and Budget Circular No. A-95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants, with the exception of Federally recognized tribes, who request grant support must, prior to submission of an application, notify both the State and Areawide Clearinghouses of the intent to apply for Federal financial assistance. Some State and Areawide Clearinghouses provide their own forms for the notification and others use the facesheet (SF-424) of the application form. Applicants should contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application consideration. The Commissioner (or Regional Administrator (RA) in the case of Regional Office grant awards) determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons who are independent of the Administration for Native Americans. The results of the review assist the Commissioner and the RA, as appropriate, in the consideration of competing applications. The Commissioner's and RA's consideration also takes into account the comments of the A-95 Clearinghouse, ANA staff, and other interested parties. The Commissioner and RA make grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner or the RA has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth in writing to the recipient the amount of funds awarded the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria for Review and Evaluations

Competing grant applications will be reviewed and evaluated against the following criteria:

1. Estimated cost to the government is reasonable considering anticipated results of the project (10 points).

2. Project Design (65 points).

a. Problems to be addressed and demonstrated need for proposed project(s) (10 points).

b. Specified steps for coordination of other Federal and non-Federal resources (10 points).

c. The extent to which the community was involved with the development of the project(s) and will be involved with the project implementation (10 points).

d. A specified training and technical assistance plan which directly corresponds to project goals, objectives and tasks (5 points).

e. Project personnel are or will be qualified, and applicant has or will have adequate facilities (5 points).

f. Monitoring and evaluation plan which details how progress toward meeting the project objectives will be measured (5 points).

g. The project objectives respond to community needs and priorities, which are (1) identified in the description of the tribe/organization and of its community and which are (2) evidenced by results of a recent community profile, if available; or, if not, the applicant has included as one of the first year's objectives the completion of such a community profile (10 points).

h. The project will access or mobilize other resources and there is clear evidence that the project will be completed or self-sustaining at the end of the project period (10 points).

3. Project goals and Objectives (25 points).

a. There are specific, quantifiable (measurable) objectives for the first year (and a clear outline of the objectives for the following two years, if a three-year project period is requested), including a time frame for the specific project objectives for the entire project period (10 points).

b. The proposed activities, if well executed, will achieve project objectives (10 points).

c. Project objectives are identical with or capable of achieving the specific program purpose and goals as described in the program announcement (5 points).

Closing Date for Receipt of Application

The closing date for receipt of all applications under this program announcement is May 11, 1981. Applications may be mailed or hand-delivered. An application will be considered received on time if:

- The application was sent by registered or certified mail not later than May 11, 1981 as evidenced by the U.S. Postal Service, postmark or the original receipt from the U.S. Postal Service;
- The application is received on or before close of business, May 11, 1981 in the OHDS Receiving Office in Washington, D.C.; or
- The application is hand-delivered to the address on the application kit by close of business May 11, 1981. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. The official time and date of receipt is that registered by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13.612 Native American Programs)

Dated: February 3, 1981.

A. David Lester,

Commissioner, Administration for Native Americans.

Approved: February 13, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-6035 Filed 2-23-81; 8:45 am]

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federal register

Tuesday
February 24, 1981

Part III

Department of Health and Human Services

Office of Human Development Services

Native American Status Clarification Resource Mobilization Project; Availability of Fiscal Year 1981 Financial Assistance

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Program Announcement 13612-814]

Native American Status Clarification Resource Mobilization Project; Availability of FY 1981 Financial Assistance

AGENCY: Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Fiscal Year 1981 Financial Assistance for a Native American Status Clarification Resource Mobilization Project.

SUMMARY: The Administration for Native Americans announces that applications are being accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, P.L. 93-644, as amended. Regulations covering this program are published in the *Code of Federal Regulations* in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is May 11, 1981.

Program Purpose

The purpose of the Native American program is to promote the goal of economic and social self-sufficiency for American Indians.

Program Goal and Objectives

It is the policy of the Administration for Native Americans to encourage the efforts of Indian communities seeking to clarify their legal status. ANA is implementiung this policy in three ways:

(1) By encouraging present grantees to direct their ANA grant resources into status clarification research both within their current service population area and within geographically adjacent areas;

(2) Through issuance of Program Announcement 13612-815, providing a competition for mini-grants to approximately 10 Indian groups for applied research for status clarification; and

(3) By issuance of this Program Announcement, implementing a Status Clarification Resource Mobilization Project.

The goal of the Status Clarification Resource Mobilization Project is to provide resources and mobilize academic research support for Indian tribes and groups that are seeking to clarify their status as Indians and as tribes with their states and/or with the Federal government.

The principle method presently being utilized by Indian groups for status clarification is the Federal Acknowledgement Project (FAP).

However, there are other alternatives available, some perhaps more appropriate for specific Indian groups to determine the legal status and anthropological characteristics of Indian groups. This may include but is not limited to designation under the Indian Reorganization Act and state recognition. There alternatives require the same basic research as FAP.

The Federal Acknowledgement Project, under the Bureau of Indian Affairs, estabished administrative requirements for the content of petitions for Federal recognition and established the criteria which would be used in the review process by the Federal government. (25 CFR 54).

Applicants for the status clarification resource mobilization project should indicate that their proposed project will achieve, or is capable of achieving all of the following program objectives:

- To implement a resource mobilization plan;

a. to identify and link with Indian tribes and communities appropriate academic professionals to conduct necessary status clarification research under tribal or community control;

b. to raise from private and other non-ANA sources financial and other assistance for such research;

c. to assist tribes and communities in their own status clarification resource mobilization efforts.

- To establish a network among historians, anthropologists, geneologists, lawyers, etc. who are conducting tribal specific, community controlled status clarification research;

a. to facilitate the exchange of information, the analysis of data, and other aspects of such research;

b. to provide quality control and review for both the academic professionals working in the field and the tribal and community leaders overseeing such research.

Applicants who have questions concerning this announcement may call Ms. Jan Phalen at the Administration for Native Americans, (202) 245-7730 or Mr. Merv Tano, ANA, (202) 245-7714.

Eligible Applicants

Any regional or national private, non-profit Indian organization may apply for assistance under this announcement.

Available Funds

The Administration for Native Americans expects to award one (1) grant for $150,000 for this project. The budget period and project period for the grant will be seventeen (17) months.

Grantee Share of Project

Grantees must provide up to 20% of the approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contribution must be allowable under the Department's applicable regulations in 45 CFR part 74, subparts G and Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in Section 1336.52 of ANA's regulations (45 CFR 1336).

The Application Process

Availability of application forms. In an order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information may be obtained from: Ms. Janice B. Phalen, Department of Health and Human Services, Administration for Native Americans, Room 5300, North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-7730, Attention: No. 13612-814.

Application submission. One signed original and two copies of the grant application, including all attachements, must be submitted to the address specified in the application kit.

The application shall be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American Programs Rules and Regulations.

A-95 notification process. In compliance with the Department of Health and Human Service's implementation of the Office of Management and Budget Circular No. A-95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Areawide Clearinghouses. The State and Areawide Clearinghouses may provide their own forms for the project notification or the applicant can use the facesheet (SF-424) of the application. Applicants should contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application consideration. The Commissioner determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Admininistration for Native Americans. The results of the review assist the Commissioner in the consideration of competing applications. The Commissioner's consideration also takes into account the comments of the A-95 Clearinghouse, the ANA staff, and other interested parties. The Comissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth, in writing, to the recipient the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria for Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria:

(1) Estimated cost to the government is reasonable considering anticipated results. (10.)

(2) Demonstrated ability of the applicant to mobilize financial resources. (20 points)

(3) Demonstrated ability of the applicant to have credibility with both recognized and non-recognized Indian groups. (5 points)

(4) Evidence of applicant knowledge and experience in the field of the Federal Acknowledgement Project and other status clarification strategies. (10 points)

(5) Evidence of support from Indian groups seeking status clarification. (5 points)

(6) That the project objectives are capable of achieving the specific program objectives defined in this announcement. (20 points)

(7) That the proposed activities (procedures) of the work program, if well executed, will achieve the intended results. (10 points)

(8) That project personnel are or will be well qualified, and that the applicant has or will have adequate facilities and resources. (10 points)

(9) Evidence that the applicant has the capability and experience to effectively operate a project that is national in scope. (10 points)

Closing Date for Receipt of Application

The closing date for receipt of all applications under this program announcement is May 11, 1981. Applications may be mailed or hand delivered. An application will be considered on time if:

- The application was sent by registered or certified mail not later than May 11, 1981 as evidence by the U.S. Postal Services;
- The application is received on or before close of business May 11, 1981 in the OHDS Receiving Office in Washington, D.C.; or
- The application is hand-delivered to the address on the application kit by close of business May 11, 1981. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. The official time and date of receipt is that registered by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program No. 13.612 Native American Programs)

Dated: February 3, 1981.

A. David Lester,

Commissioner, Administration for Native American.

Approved: February 13, 1981.

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-6036 Filed 2-23-81; 8:45 am]

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Tuesday
February 24, 1981

Part IV

Department of Health and Human Services

Office of Human Development Services

Native American Status Clarification Projects; Availability of Fiscal Year 1981 Financial Assistance

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Program Announcement 13612-815]

Native American Status Clarification Projects; Availability of Fiscal Year 1981 Financial Assistance

AGENCY: Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Fiscal Year 1981 Financial Assistance for Native American Status Clarification Projects.

SUMMARY: The Administration for Native Americans announces that applications are being accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations covering this program are published in the *Code of Federal Regulations* in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is May 11, 1981.

Program Purpose

The purpose of the Native American Program is to promote the goal of economic and social self-sufficiency for Native Americans.

Program Goal and Objectives

The goal of this program announcement is to provide financial assistance to Indian groups for community applied research to clarify their status as Indians and as tribes within their States and/or with the Federal government. Under the Social and Economic Development Strategies, it is the policy of the Administration for Native Americans (ANA) to encourage the efforts of Indian groups to clarify their status as Indians and as tribes under the Constitution. ANA is implementing this policy in three ways:

(1) Encouragement of present ANA grantees to direct their ANA grant resources into status clarification research, both within their current service population area and within geographically adjacent areas;

(2) The issuance of Progam Announcement 13612-814, a competition for a Status Clarification Resource Mobilization Project to mobilize academic and financial resources for Indian groups for status clarification research; and

(3) The issuance of this program announcement for "mini-grants" to Indian groups for status clarification.

The principal method presently being utilized by Indian groups for status clarification is the Federal Acknowledgement Project (FAP).

However, there are other strategies available, some perhaps more appropriate, to determine the legal and sociological status of Indian groups; for example, designation under the Indian Reorganization Act as a half blood community or State recognition. FAP guidelines provide a framework within which such research can best be accomplished.

Applications for projects should indicate that the proposed project will achieve or is capable of achieving the following program objectives:

- The employment of an academic and/or legal professional(s) to undertake or assist in the community specific research necessary for status clarification.
- The completion of certain defined interrelated phases of the research necessary for an Indian group to clarify its status.
- The development of a plan for completion of community specific research for status clarification remaining at the end of the project period.

ANA is interested in funding projects to Indian groups who have indicated a strong commitment to actively mobilize other resources, (financial, academic, human) to participate in a status clarification project.

ANA encourages present grantees who are applying for this program announcement additionally to redirect current ANA grant resources into status clarification efforts, if possible.

Applicants must identify by source and amount other Federal and non-Federal resources available to the applicant for status clarification and indicate how these resources will be coordinated to accomplish the proposed project.

The applicant is encouraged to have an academic professional involved at the beginning of the development of the application to ensure that appropriate research processes are applied to the project objectives development.

The applicant is discouraged from utilizing ANA funds for costs to recruit researchers. ANA grant funds should be expended directly for the research initiative.

Applicants who wish further clarification or explanation of this announcement should call Ms. Jan Phalen, Administration for Native Americans (202) 245-7730, or Mr. Merv Tano, ANA, (202) 245-7714.

Eligible Applicants

Any non-recognized or terminated tribe which is incorporated as a non-profit organization, residing on or near their reservation, former reservation or traditional homeland is eligible to apply for financial assistance under this program announcement.

ANA is interested in funding Indian groups which believe they should be acknowledged as an Indian tribe under the Federal Acknowledgement Project or believe they have a right to other status recognition such as designation under the Indian Reorganization Act, State recognition or other legal designation.

Available Funds

The Administration for Native Americans expects to award $100,000 in Fiscal Year 1981 for new projects under this program announcement. It is anticipated that up to 10 grant awards will be made, ranging between $10,000 to $15,000 per grant. The budget period for each grant award will be twelve (12) months. The project period for each grant may be up to two (2) years. Beyond the first year, refunding on a non-competitive basis will depend upon the grantee's satisfactory progress, the availability of funds, and the grantee's compliance with the Native American Programs Regulations.

Grantee Share or Project

Grantees must provide up to 20 percent of the approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contributions must be project related and must be allowable under the Department's applicable cost principle published in 45 CFR Part 74, Subparts G and Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in Section 1336.52 of ANA's Regulations, which will be provided in the application kit.

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information may be obtained from: Administration for Native Americans, Department of Health and Human Services, Room 5300 North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, Ms. Janice B. Phalen, (202) 245-7730, Attention: No. 13612-815.

Application submission. One signed original and two copies of the grant application, including all attachments, must be submitted to the address specified in the application kit.

The application must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American Programs Rules and Regulations.

A-95 notification process. In compliance with the Department of Health and Human Services, implementation of the Office of Management and Budget Circular No. A-95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Areawide Clearinghouses of the intent to apply for Federal Assistance. Some State and Areawide Clearinghouses provide their own forms for the notification and others use the facesheet (SF-424) of the application form. Applicants should contact the appropriate Clearinghouses (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application consideration. The Commissioner, ANA, determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Native Americans. The results of the review assist the Commissioner in consideration of competing applications. The Commissioner's consideration also takes into account the comments of the A-95 Clearinghouse, the ANA staff, and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth in writing to the recipient the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria For Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria:

(1) That the application evidences involvement and participation by an academic or legal professional and that the identity of the author of the application is included with a statement on his or her future connection with the project objectives, if a grant is awarded. (10 points)

(2) That there are letters or material from the academic and/or legal community indicating support for the project objectives, commitment of other academic resources (e.g., university students for additional research, access to resource material, academic review and critique of research), and/or additional descriptive material on the historical and sociological aspects of the tribal community. (10 points)

(3) That the applicant provides a clear description of why it beleives it has a right to status designation either through the Federal Acknowledgment Project criteria or through other status designation criteria. (20 points)

(4) That the description of the project objectives, especially the articulation of the actual research objective, is capable of achieving the specific program objectives defined in this announcement. (20 points)

(5) That the proposed procedures (activities) of the work program, if well executed, will achieve the intended results. (10 points)

(6) That the estimated cost of the government is reasonable considering the anticipated results. (10 points)

(7) That project personnel are or will be well qualified, and that the applicant has or will have adequate facilities and resources. (10 points)

(8) That the applicant has indicated how all present resources will be coordinated with this project and how new resources will be mobilized in the future. (10 points)

Closing Date for Receipt of Application

The closing date for receipt of all applications under this program announcement is May 11, 1981. Applications may be mailed or hand delivered. An application will be considered received on time if:

- The application was sent by registered or certified mail not later than May 11, 1981 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service.
- The application is received on or before close of business, May 11, 1981 in the OHDS Receiving Office in Washington, D.C.; or
- The application is hand-delivered to the address on the application kit by close of business May 11, 1981. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. The official time and date of receipt is that registered by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13.612 Native American Programs)

Dated: February 3, 1981.

A. David Lester,

Commissioner, Administration for Native Americans.

Approved: February 13, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-6037 Filed 2-23-81; 8:45 am]

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Tuesday
February 24, 1981

Part V

Federal Communications Commission

Deregulation of Radio

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 73

[BC Docket No. 79-219; RM-3099; RM-3273; FCC 81-17]

Deregulation of Radio

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein resolves the issues raised in the Commission's *Notice of Inquiry and Notice of Proposed Rule Making*, released September 27, 1979, in the matter of the deregulation of radio. The Commission is eliminating its current processing guidelines relative to the amounts of non-entertainment programming which commercial radio stations should provide and the number of commercial minutes per hour which they should not exceed. Additionally, the Commission is eliminating its community ascertainment requirements and its program log keeping requirements for commercial radio stations. The action is being taken to reduce the paperwork and other burdens on commercial radio stations without having a substantial adverse impact upon the public interest.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of Deregulation of Radio, BC Docket No. 79-219, RM-3099, RM-3273. *Report and Order* (Proceeding Terminated).

Adopted: January 14, 1981

Released: February 24, 1981.

By the Commission: Commissioners Ferris, Chairman; and Quello issuing separate statements; Commissioner Washburn approving in part and concurring in part and issuing a statement; Commissioner Fogarty concurring and issuing a statement; Commissioner Brown dissenting and issuing a statement; Commissioner Jones concurring in the result and issuing a statement.

I. Introduction

1. On September 6, 1979, we adopted a *Notice of Inquiry and Notice of Proposed Rule Making* in this proceeding. In that *Notice* we indicated that we were "initiating a proceeding looking toward the substantial deregulation of commercial broadcast radio * * *." Today, having received, and analyzed the numerous comments, and having held panel discussions at which the questions raised by this proceeding were energetically debated, we are prepared to resolve the issues. We believe that our resolution of those issues assures that service in the public interest will continue without unnecessarily burdensome regulations of uniform applicability that fail to take into account local conditions, tastes, or desires.

2. As we stated in the *Notice*, it is our concern that regulation should be kept relevant to technology and an industry that has been characterized from its beginning by rapid and dynamic change. In less than fifty years, broadcast radio has grown from an infancy of 583 stations in 1934 to a maturity of nearly 9000 stations today. Moreover, in the early days of radio, it was essential that a few stations provide a broad general service. Today, however, it has become essential in view of the proliferation of radio stations and other broadcast services that radio licensees specialize to attract an audience so that they may remain financially viable. Consequently, policies that may have been necessary in the early days of radio may not be necessary in an environment where thousands of licensees offer diverse sorts of programming and appeal to all manner of segmented audiences. We believe, therefore, that the Commission is justified in reviewing its regulations in the face of such fundamental changes as have occurred since the dawn of radio regulation in this country. Indeed, failure to do so could constitute less than adequate performance of our regulatory mission.

3. We believe that the course of action which we are taking in this proceeding is warranted under, and consistent with, the public interest standard contained in the Communications Act. It is well settled that this standard was deliberately placed into the Act by Congress so as to provide the Commission with the maximum flexibility in dealing with the ever changing conditions in the field of broadcasting. Moreover, a wide latitude has been provided the Commission to modify its regulations in the face of such changes. We believe that it is entirely consistent with our authority, and our mandate, to consider the changes in broadcasting that have occurred, at an ever accelerating pace, over the past half century, and to adapt our rules and policies to those changes.[1]

II. History of the Proceeding

4. While the Commission has always attempted to assure that its rules and regulations are kept appropriate to a technology and industry that are subject to rapid and fundamental change, this proceeding can be said to have had its genesis in October 1976. At that time we instructed the staff to study the possibility of deregulating radio on either an experimental or general basis and to prepare recommendations. In May 1979, the staff reported to the Commission which requested further study of the matter.

5. At a special Commission meeting on September 6, 1979, we adopted the *Notice of Inquiry and Notice of Proposed Rulemaking* (FCC 79-518) [hereinafter the *Notice*] setting forth the proposals that were the subject of this proceeding.[2] In that *Notice*, we proposed changes to our regulations in four areas as they pertain to commercial radio broadcast stations. The four areas were: the nonentertainment programming guideline; ascertainment; the commercial guidelines; and program log requirements. For each area, we listed a number of options that would be considered ranging all of the way from outright elimination of all current requirements to the retention of current requirements. Comment was also sought on options not specifically listed so long as they pertained to one of the four areas under study. Thereafter staff personnel who participated in the drafting of the *Notice* and personnel from our Consumer Assistance Office conducted a series of five Public Participation Workshops. All seven of the Commissioners participated in these workshops, with one or more Commissioner participating in each. The workshops were held in Boston, Massachusetts; Detroit, Michigan; Houston, Texas; Sacramento, California; and Wheeling, West Virginia. They were intended to alert the public of the existence of this proceeding and to the proposals made in the *Notice*. Additionally, sessions were held to instruct members of the public as to how to find out about other Commission proceedings and how to go about filing comments in rulemaking proceedings.

6. On November 9, 1979, the American Civil Liberties Union and several other groups joined in filing a "Motion for Rescission and Other Procedural Relief" that requested that the Commission rescind the *Notice* or grant other specified relief. The Commission made available for public inspection data which were unavailable when the *Notice* was released, various materials utilized in preparing the *Notice*, and published a description of the methodology used in preparing the Tables attached thereto.[3] This was partially in response to the ACLU request; the remainder of that request was denied (FCC 79-869).[4]

7. The NAACP and several other groups and individuals sought the extension of the comment deadline in this proceeding. Originally, comments were due on January 25, 1980, and reply comments were to be filed by April 25, 1980. On January 7, 1980, the Commission released an *Order Extending Time for Filing Comments and Reply Comments* (FCC 80-4). That *Order* extended the filing deadline for comments until March 25, 1980, and for reply comments until June 25, 1980. Although subsequent requests for extensions of the reply comment period were made, on June 23, 1980, the Commission denied those requests (FCC 80-354).

8. On August 7, 1980, the Commission sent out invitations to a number of organizations and governmental agencies to participate in panel discussions relative to the deregulation issues. These invitations went to a cross-section of broadcasters and industry organizations, citizens groups, charitable and religious organizations and Government agencies representing a wide range of interests and views relative to the proceeding. The discussions were held on September 15 and 16, 1980, and are more fully described below. The identity of the participating organizations and their representatives is set forth in Appendix B, *infra*.

9. With the panel discussions over, the record submitted was analyzed. We are now able to resolve the issues confronting us and to take the following actions in the four principal subject areas:

A. *Nonentertainment programming guideline*—We are eliminating the guideline and retaining only a generalized obligation for commercial radio stations to offer programming responsive to public issues. Under certain circumstances, the issues may focus upon those of concern to the station's listenership as opposed to the community as a whole;

B. *Ascertainment*—We are eliminating both the *1971 Ascertainment Primer* and the *Renewal Primer*. New applicants must file programming proposals with their application and licensees seeking renewal are only obligated to determine the issues facing their community. They may do so by any means reasonably calculated to apprise them of the issues;

C. *Commercial Guidelines*—We are eliminating the commercial guidelines leaving it to marketplace forces to determine the appropriate level of commercialization;

D. *Program Logs*—We are eliminating programming logging requirements. The only record of programming that will be required will be an annual listing of five to ten issues that the licensee covered together with examples of programming offered in response thereto. This record must be placed in the public file.

10. We recognize that some of these changes remove the illusory comfort of a specific, quantitative guideline. The Commission was not created solely to provide certainty. Rather, Congress established a mandate for the Commission to act in the public interest. We conceive of that interest to require us to regulate where necessary, to deregulate where warranted, and above all, to assure the maximum service to the public at the lowest cost and with the least amount of regulation and paperwork. The system of broadcasting that was established in this Nation has always relied to the maximum extent on the good faith efforts and discretion of licensees in carrying out their obligations. In taking the actions outlined above we have relieved radio broadcasters of substantial burdens but have also given them added responsibility—the responsibility to determine how best to serve their public without the Commission providing detailed requirements on how to go about doing so. We are confident that they are up to the task before them.

III. The Comments

An Overview of the Comments

11. The Commission received an extraordinary number of comments in this proceeding. For instance, the Commission received approximately 20,029 comments including 3,247 formal and 16,782 informal comments. An additional 2,044 reply comments were filed consisting of 110 formal and 1,934 informal replies. These numbers are an approximation (but not an estimate) due to the fact that some comments may have been counted more than once given the number of personnel involved and the volume of comments received. By way of example, some commenters that filed formal comments also forwarded a copy of their comment to their Congressperson or Senator. Often the legislator forwarded these to the Commission and, when this copy was received, it may have also received consideration as an informal comment (and been counted as such). It would not have been practical, let alone possible, for each filing to be checked against those previously received to prevent such duplication.

12. A breakdown of the comments and replies has also been prepared. While this tally does not reflect the weight given to any individual comment, it does represent a reflection of sentiment among those filing comments. Of the formal comments: 1,415 were construed by the staff to be predominantly in favor of deregulation, 1,807 predominantly opposed, and 25 mixed in their position. The tally of informal comments was quite different. Of these, 654 predominantly favored deregulation, 16,005 were predominantly opposed, with 123 being more mixed in outlook. Virtually any filing received between the end of the initial comment period and the end of the reply comment period was considered to be a reply comment even if it did not specifically reply to a previously filed comment. Of the formal reply comments, 62 were in favor of deregulation, 41 were opposed and 7 were mixed. Of the informal replies, 122 predominantly favored deregulation with 1,812 being predominantly opposed. Of course a large number of comments objected to the proposal while favoring some aspects, or, conversely, favored the proposal while having reservations over some aspects. The above breakdowns only refer to the predominant flavor of each comment. A more detailed breakdown of the comments is contained in Appendix C.

Common Misconceptions in the Comments

13. Several views were expressed in the written comments that we feel merit attention at this point. These views were apparently the result of some misapprehension or misperception regarding the nature of current Commission requirements and proposals made in the *Notice* to alter them. For example, a great deal of concern was expressed that the elimination of the non-entertainment programming guideline would result in the elimination of Commission requirements for the presentation of public service announcements (PSAs), religious programs, "sustaining programming," and "community service programming." The Commission currently has no such requirements. Public service announcements must be logged and our current renewal forms ask applicants to

[1] A more extended discussion of the Commission's legal authority to reconsider its regulations under the public interest standard can be found at paragraphs 58-68 of Appendix E.

[2] That *Notice* was released September 27, 1979, and was published in Volume 44, Number 195 of the **Federal Register** for Friday, October 5, 1979.

[3] *Public Notice*, "Release of Additional Material in Radio Deregulation Proceeding (BC Docket No. 79-219)," Report No. 15448, January 11, 1980.

[4] Later, the ACLU and other parties asked the Commission to reform the release date of the Commission's *Order* responding to their "Motion for Rescission and Other Procedural Relief." The Commission denied that request on June 11, 1980. (See, *Memorandum Opinion and Order*, FCC 80-345).

state how many they propose to broadcast on a weekly basis in the coming license term. But there is no requirement for their presentation. In fact, the question of how the Commission can foster the presentation of PSAs has recently been the subject of another proceeding. [5] Similarly, the Commission does not require religious programming; rather, such programming can be counted towards meeting the non-entertainment programming guideline. [6] A station may obtain license renewal without any such programming. Additionally as pointed out in the *Notice*, at paragraph 55, the requirement for the presentation of "sustaining programming" was eliminated in 1960, some twenty years ago. [7] Finally, in this vein, the Commission does not require the broadcast of regular weather reports or school closing announcements. Nor does the Commission have a "community service" programming category or programming guideline. [8] Thus, the Commission is not proposing to modify or to eliminate in this proceeding any such "requirements" as described above.

14. Numerous comments also objected to a perceived attempt by the Commission to deregulate television. By this we are not referring to those comments that feared that radio deregulation would inexorably lead to television deregulation. We concede that reasonable people could differ as to their conclusions in that regard. Rather, what we are referring to are a large number of comments that expressed positions either in favor of, or in opposition to, "our proposal to deregulate television." This proceeding does not contemplate the deregulation of TV in any regard and none of the actions taken herein apply to television.

15. Numerous comments also contended that the Commission is attempting to replace the statutory "public interest" concept with the "marketplace" concept. We believe that this is an erroneous analysis of the proposals made in this proceeding. It is not the public interest standard that we proposed to eliminate. That standard is contained in the Communications Act of 1934, as amended, and could not be changed by us even if we wanted to. That is a job for Congress. Rather, since marketplace solutions can be consistent with public interest concerns, we sought to explore in this proceeding the question of whether or not in the context of radio the public interest can be met through the working of marketplace forces rather than by current Commission regulations. Again, that issue does not contemplate the elimination of the standard, only a debate over what the standard requires and what methods are best suited to meet that standard in the most efficient way and at the least cost to the public. As discussed in the *Notice*, the public interest standard has never been regarded as a static concept and was utilized by Congress in enacting the Communications Act so as to provide the Commission with the maximum flexibility in dealing with a rapidly and dynamically changing technology and industry. [9]

16. Similarly, many commenters feared that the Commission is proposing to eliminate the Fairness Doctrine, the Petition to Deny process, and periodic license renewal for commercial radio stations. Each of these requirements and procedures are mandated by statute [10] and, again, such statutory requirements cannot be modified by the Commission. They simply are not subject to deregulation by the Commission.

The Panel Discussions

17. In addition to the comments, the Commission conducted panel discussions on September 15, and 16, 1980. These were held to provide us with further information on the issues present. Individuals from 17 organizations, companies, radio stations and governmental agencies were invited to appear before us and discuss these issues. These discussions resulted in some 267 pages of testimony.

18. We found this procedure most helpful in focusing our thoughts on several crucial issues and in providing us with further information upon which to base our decision. While there was substantial disagreement among the parties on various issues, we found the procedure helpful in shedding light on may areas of concern to us in a constructive manner.

19. Principally, the presentations made by the panelists tracked faithfully the written comments submitted by their organizations. The transcript of the panel discussions has been made part of the record and is available for inspection. A recitation of the issues raised and arguments made in the course of the discussions will not be made herein except as indicated in the discussion of the written comments. We turn now to a discussion of the actions that we are taking in the four areas under consideration.

IV. The Course of Action Being Taken

Non-Entertainment Programming Guideline

The Proposals

20. The Commission set forth a number of options in the *Notice* for modifying or eliminating the current guideline on the amounts of non-entertainment programming that radio stations should air. [11] The current guidelines call for AM stations to offer 8% non-entertainment programming and for FM stations to offer 6%. Non-entertainment programming for the purposes of meeting the guideline includes news, public affairs, and "all other" non-entertainment programs. These guidelines are currently contained in Section 0.281 of the Commission's Rules which set forth the Commission's delegations of authority to the Broadcast Bureau. What the guidelines mean is that applicants proposing to offer less than the guideline amounts of non-entertainment programming cannot have their application routinely processed by the Bureau under its delegation of authority from the Commission; rather, the application must be brought to the attention of the Commission itself. The guidelines do not mean that a station proposing to offer less non-entertainment programming is absolutely barred from, for instance, renewal of its license. It does mean, however, that its application cannot be routinely processed, that it must be brought to the Commission's attention, and that it may be designated for hearing.

[5] See, *Report and Order*. Airing of Public Service Announcements by Broadcast Licensees, BC Docket 78-251 (FCC 80-557) released October 27, 1980, permitting PSAs to be counted toward meeting nonentertainment programming guidelines for the first time since those guidelines were adopted.

[6] Based upon the data accumulated in preparation for the *Notice*, and subsequently compiled data released on January 11, 1980, most stations appear to meet the total nonentertainment programming guideline even without counting their religious programming. This raises a question as to whether or not the guideline has been responsible for the continued presence of substantial amounts of such programming on radio.

[7] See *En Banc Programming Inquiry*, 44 FCC 2303, (1960) (Programming Statement).

[8] In fact, a request by the United States Catholic Conference, the United Church of Christ, the National Council of Churches of Christ in the U.S.A., and 70 other church communicators for the adoption of a "community service" programming category was denied on September 25, 1980, in BC Docket 78-335.

[9] *National Broadcasting Company* v. *United States*, 319 U.S. 190, 219-20 (1943); *Federal Communications Commission* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940).

[10] See, Sections 315, 309(d) and 307(d) of the Communications Act of 1934, as amended, respectively.

[11] As in all of the areas under consideration in this proceeding, the Commission also indicated that it would consider alternatives not specifically set forth. See, paragraph 289 of the *Notice*.

21. In the *Notice* the Commission listed six options for change in this area. They were:

(1) To remove the Commission from all consideration of the amount of non-entertainment programming furnished by commercial broadcast radio licensees and to leave it to the marketplace to determinme what levels of such programming would be offered;

(2) To relieve individual licensees of any obligation to present non-entertainment programming but, instead, to analyze the amounts of such programming being offered on a marketwide basis with the Commission intervening if the amount of non-entertainment programming being offered in the market as a whole fell below a certain level;

(3) To free licensees from any specific responsibilities with respect to non-entertainment programming (and ascertainment and commerical minutes), but instead to require licensees to show, if challenged upon renewal, that they were serving the public interest. Such a showing could be made with reference to what other services were available in the market;

(4) To impose quantitative programming standards for each non-entertainment programming category either in terms of a minimum number of hours per week that would have to be presented for each category, or a percentage of total programming time that each station would have to devote to each category;

(5) To impose quantitative standards but, instead of setting such standards in terms of hours or percentage of time devoted to each category, to measure the adequacy of the programming on the basis of each station's expenditures thereon. This could take the form of the Commission mandating a certain proportion of revenue or profits that each station would have to reinvest in non-entertainment programming; and

(6) To establish a minimum fixed percentage of local public service programming that would have to be presented which could be met by the broadcast of any of the following, alone or in combination: local news, local public affairs, local public service announcements; community bulletin boards; or any other locally produced non-entertainment programming demonstrably related to serving local community needs. The meeting of this minimum percentage would be a *sine qua non* of license renewals.

22. In the *Notice* we tentatively proposed to eliminate the guideline, placing our reliance upon marketplace forces to assure the continuation of non-entertainment programming. The data which were before the Commission indicated that stations were providing amounts of such programming, and at such times of the broadcast day, as to suggest a listenership desire in the programming that would assure its presence through the working of marketplace forces. Under this option Commission intervention would occur only when it had been determined that the market had failed. The Commission noted that it would also consider the other options listed above and, additionally, alternatives proposed by commenters that were not listed in the *Notice*. We also indicated that none of the proposals would diminish the Fairness Doctrine obligations of licensees.

Discussion of the Action Being Taken

23. In this section, we will discuss the action that we are taking and the basic rationale for taking it. As with all four substantive areas under consideration, a discussion of the history of Commission involvement in the area, of the comments filed in this proceeding with regard to the area, and a discussion of the major issues raised in those comments are contained in Appendices.

24. We believe that the public interest warrants the elimination of our current non-entertainment programming guidelines for commercial broadcast radio. We are convinced that absent these guidelines significant amounts of non-entertainment programming of a variety of types will continue on radio. However, because of the growth of radio and other informational and entertainment services available to the public, we do not believe that it is necessary for the government to continue to assume, albeit indirectly, that every radio station broadcast a wide variety of different types of programming. Our review convinces us that the history of governmental involvement in non-entertainment programming has been driven by one overriding concern—the concern that the citizens of the United States be well informed on issues affecting themselves and their communities. It is with such information that the citizenry can make the intelligent, informed, decisions essential for the proper functioning of a democracy. [12] Accordingly, we believe the only non-statutory programming obligation of a radio broadcaster should be to discuss issues of concern to its community of license. This obligation can be fulfilled without resort to a guideline of limited effect and, we believe, of no substantial utility.

25. Furthermore, although we are eliminating the nonentertainment programming guideline, and taking the other actions discussed below, many other Commission policies and rules will remain intact so that, contrary to the fears of many commenters, all control over broadcasting is not being abandoned by the Commission. This proceeding leaves untouched our Equal Employment Opportunities rules for broadcast stations and our minority ownership policies. [13] Additionally, our technical requirements are not being changed herein so that absent the regulations that are being eliminated we will not see a return to that unregulated period prior to 1927 when:

> chaos rode the air waves, pandemonium filled every loud-speaker and the twentieth century Tower of Babel was made in the image of the antenna towers of some thousand broadcasters who, like the Kilkenny cats, were about to eat each other up. [14]

Our network affiliation regulations [15] and general Commission policy prevent licensees from delegating their responsibility to assure that their stations are not utilized for purposes contrary to the public interest. So too will the public be protected. In short, the Commission is not abandoning radio to forces completely beyond its own, or the public's, control. Rather, the action taken herein is intended to assure that broadcasters will have the maximum flexibility to be responsive to issues important to their listeners, with the minimum amount of governmental interference.

26. While eliminating the current non-entertainment programming guideline, we will continue to have certain expectations of radio broadcasters. What we expect, and do not expect, of broadcasters is as follows. We do not expect broadcasters to fit their nonentertainment programming into a mold whereby each station has the same or similar amounts of programming. Other than issue responsive programming, stations need not, as a Commission requirement, present news, agricultural, *etc.*, programming. We believe the record, as discussed in Appendices D and E, demonstrates that

[12] "(S)peech concerning public affairs is more than self-expression: it is the essence of self-government." *Garrison* v. *Louisiana*, 379 U.S. 64, 74-75 (1964).

[13] See Section 73.2080 of the Commission's Rules and *Statement of Policy on Minority Ownership of Broadcast Facilities*, 68 FCC 2d 979 (1978), respectively.

[14] Emery, *Broadcasting and Government*, Michigan State University Press, 1971, pages 23-24, citing, Chase, *Sound and Fury*, New York, 1942, page 21.

[15] For an overview of these regulations see, *Review of Commission Rules and Regulations by Standard (AM) and FM Broadcast Stations*, 63 FCC 2d 674 (1977).

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stations will continue to present such programming as a response to market forces. We do not expect radio broadcasters to attempt to be responsive to the particular problems of each group in the community in their programming in every instance. We do not expect radio broadcasters to be responsive to the Commission's choices of types of programs best suited to respond to their community. What we do expect, however, is that marketplace forces will assure the continued provision of news programs in amounts to be determined by the discretion of the individual broadcaster guided by the tastes, needs, and interests of its listenership. We do expect, and will require, radio broadcasters to be responsive to the issues facing their community. However, in determining which issues to cover, commercial radio broadcasters may take into account their listenership and its interests, and the services provided by other radio stations in the community to groups other than its own listenership. Of course, broadcasters cannot engage in intentional discrimination in their selection of issues to be addressed with programming. Stations in smaller communities, where few alternatives are available to listeners, will have to be more broadly based in their programming. This does not seem to us to be undue governmental interference into programming as good business sense dictates that stations in smaller communities must broadly base all of their programming to attract, hold and serve a large audience. In markets where a full complement of programming services are available in the totality of stations, broadcasters will have the flexibility to choose which issues they believe warrant coverage based on the existence of other radio services appealing to other segments of the community. The focus of our inquiry, in the case of a challenge, will be upon whether the licensee's judgment in this regard was reasonable. Also, we expect adherence to the Fairness Doctrine and to other statutory requirements regarding programming. In other words, radio broadcasters will have what we believe to be the maximum flexibility under the public interest standard as regards their nonentertainment offerings. They will be expected to address issues of concern to the community or, where programming serving many segments of the community is otherwise available, their own listenership. No station, however, will be forced into a rigid mold and we will not endeavor to dictate the types of programs that must be used to respond to community issues or, as will be discussed later, how to ascertain what issues are present and which of these warrant attention.

27. We base this resolution on the data compiled and included both in the *Notice* and the subsequently released *Public Notice* (Report No. 15448, released January 11, 1980), that data filed with comments, and our review of the law, the historical background and, indeed, the entire record of this proceeding. From the beginning of radio regulation, it has been thought that one of the principal purposes of mass communications should be the dissemination of information to the population. Indeed, the possibility of a single group controlling the radio medium and distorting that information was perhaps the chief spur for regulation.[16] As discussed in the *Notice*, in the 1920's, the so-called "Radio Trust" raised the specter of what was perceived to be a monolithic block controlling the means of the distribution of information to the American people. As was stated by Congressman Johnson of Texas, in debating the 1927 Radio Act, "* * * publicity is the most powerful weapon that can be wielded in a republic, and when such a weapon is placed in the hands of one, or a single selfish group is permitted to either tacitly or otherwise acquire ownership and dominate these broadcasting stations throughout the country, then woe be to those who dare to differ with them."[17]

28. As has been concluded by the Supreme Court, in adopting the Radio Act, Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field.[18] The reason for the concern with monopolization was obvious; the control of radio by a single group was thought to create the possibility that the public would receive only limited information in accordance with what the Radio Trust wanted the public to know. Rather, what was then, and has remained, among the primary concerns is that radio should present information on public issues so that the public may be informed and that this information should come from diverse sources.

29. Shortly after the Radio Act was enacted by Congress, the Federal Radio Commission was called upon to consider questions concerning the role of radio in addressing issues of public concern. It stated that the public interest requires "ample play for the free and fair competition of opposing views," and that it believed that "the principle applies * * * to all discussions of issues of importance to the public."[19]

30. The concern that issues be addressed by broadcasters continued unabated. In 1940, the FCC decided the *Mayflower Broadcasting* case [20] in which it noted:

> Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain, the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively and without bias.[21]

Similarly, in 1945, the Commission spoke of:

> The duty of each station licensee to be sensitive to the problems of public concern in the community. * * *[22]

The next year, when the Commission issued its *Public Service Responsibility of Broadcast Licensees*, the so-called *"Blue Book,"* it listed programming devoted to the discussion of public issues among those types felt to be desirable, and gave recognition to the need for adequate reflection in programming of matters of local interest, activities and talent.

31. In 1949, the Commission adopted its *Report on Editorializing by Licensees*,[23] in which it set aside some twenty-two years of precedent and permitted broadcasters to editorialize. In coming to its decision, the Commission addressed the issue of mass communications' impact upon and relationship to democracy. It stated that:

> (i)t is axiomatic that one of the most vital questions of mass communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day. Basically, it is in recognition of the great contribution which radio can make in the advancement of this purpose that portions of the radio spectrum are allocated to that form of radio communications known as radio-broadcasting. Unquestionably, then, the standard of public interest, convenience and necessity as applied to radio-broadcasting must be interpreted in light of this basic purpose.

Accordingly, the Commission recognized the need for stations to offer, ". . . news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station." However, the Commission's role was to defer to the licensee in making the determination of what percentage "of the limited broadcast day should appropriately be devoted to news and discussion or consideration of public issues rather than the other legitimate services of radio broadcasting. . . ."[24]

32. Needless to say, this concern continued as indicated in the 1960 *Programming Statement*. In that *Statement* the Commission concluded that while the First Amendment forbids governmental interference asserted in aid of free speech as well as that repressive of it, broadcasters, because of the peculiar relationship between broadcasting and the First Amendment, had the obligation to offer programming relevant to the "tastes, needs and desires of the public they are licensed to serve."[25] Additionally, because of the then recent amendment of Section 315 of the Act,[26] the Commission noted the additional obligation of licensees to afford reasonable opportunity for the discussion of conflicting points of view on controversial issues of public importance.

33. The Supreme Court had the opportunity to address the impact of Section 315 in the landmark *Red Lion* case.[28] Justice White's opinion in that case spoke eloquently about both the goals of the First Amendment in a democracy and its relationship to the concept of the "public interest." Justice White spoke in terms of a First Amendment goal of producing an informed public capable of conducting its own affairs and stated that:

> (i)t is the purpose of the First Amendment to preserve an uninhibited market-place of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market whether it be by the Government itself or a private licensee. (Citations omitted)[27]

Broadcasting was to have a role in this constitutional scheme. The public interest standard applied to broadcasting was said to encompass "the presentation of vigorous debate of controversial issues of importance and concern to the public." It was suggested, in fact, that this obligation preexisted the amendment of Section 315 of the Act and was an integral element of licensees' public interest obligations. While the manner in which the obligation is to be fulfilled (whether through the broadcaster's exercise of discretion or by the provision of right of access to assure the mandated type of presentation) has been settled,[28] the basic, underlying concern that radio broadcasting addressed issues with programming has been a constant theme at all times in the regulation of broadcasting. As discussed in the section on ascertainment, the broadcaster will have to place a listing of five to ten issues that it addressed with programming, together with a listing of examples of that programming, in its public file at least annually on the anniversary of the grant of authorization or license renewal.

34. Whether the obligation is described as one to serve the specific interests of the community,[29] to meet the tastes, needs and desires of the public,[30] or to address the needs and problems of the community,[31] the chief concern has always been that issues of importance to the community will be discovered by broadcasters and will be addressed in programming so that the informed public opinion, necessary to the functioning of a democracy, will be possible. Accordingly, we will require that stations program to address those issues that it believes are of importance to the general community or, depending upon the availability of other radio services in the community, to its own listenership.[32] In this fashion we believe that we will best assure that the bedrock obligation contemplated by the "public interest" will be fulfilled with the least government intrusion[33] and with the most licensee flexibility. This flexibility will allow radio broadcasters to address issues by virtually any means. This includes programming described under current definitions, and can consist of, by way of example and not limitation, public affairs, public service announcements, editorials, free speech messages, community bulletin boards, and religious programming.[34] Flexibility will also attach to the amounts of such programming to be offered. While we believe the record demonstrated that news programming is presented in response to the interests of listeners, other programming that may be necessary to comply with the requirement to address issues of public importance may not be. We feel that such programming is an important component of the public interest standard and should be available on radio. Nonetheless, we do not believe that it is advisable or necessary to specify precise quantities of programming that should be presented by all stations regardless of local needs and conditions. Therefore, we will eliminate our current guideline and will not specify any particular amount of total nonentertainment programming that should be presented. We believe that given the competition and number of stations now present in the radio broadcasting field, there is even less of a need now than there was twenty years ago for us to articulate any "rigid mold or fixed formula for station operation."[35] Rather, stations should be guided by the needs of their community and the utilization of their own good faith discretion in determining the reasonable amount of programming relevant to issues facing the community that should be presented.[36] The renewal standard

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[16] See, for instance, 67 Cong. Rec. 12352, 12358, 68 Cong. Rec. 2576, 3030 and 3031.

[17] 67 Cong. Rec. 5557, 5558.

[18] *Federal Communications Commission* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 137 (1940); *National Broadcasting Company* v. *United States*, 319 U.S. 190, 219 (1943).

[19] *Great Lakes Broadcasting Company*, 3 FRC Ann. Rep. 32, 33 (1929), *rev'd on other grounds, sub nom. Great Lakes Broadcasting Co.* v. *F.R.C.*, 37 F. 2d 993, *cert. dismissed*, 281 U.S. 706 (1930).

[20] *Mayflower Broadcast Corp.*, 8 FCC 333 (1940).

[21] *Id.* at 340. It should be noted that as of the time this case was decided, broadcasters were still not permitted to editorialize. That restriction, was "deregulated" in 1949.

[22] *United Broadcasting Co.*, 10 FCC 515, 517 (1945).

[23] 13 FCC 1246 (1946); hereinafter referred to as the "Editorializing Report."

[24] *En Banc Programming Inquiry Statement*, 44 FCC 2303, 2314 (1960) (hereinafter to be referred to as the *"Programming Statement"*).

[25] Act of September 14, 1959, § 1.73 Stat. 557, amending 47 USC § 315(a).

[26] *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969).

[27] *Id.* at 390.

[28] *Columbia Broadcasting System* v. *Democratic National Committee*, 412 U.S. 94 (1976), concluded that a right to access did not exist. What was held to be important was the public's right to be informed, not the right of any group or individual to broadcast its own particular views. Therefore, it was up to the licensee to determine which issues would be addressed and by whom.

[29] *P. B. Huff, et al.*, 11 FCC 1211, 1218 (1947).

[30] *En Banc Programming Inquiry Statement*, *supra*, at 2314.

[31] *Ascertainment of Community Problems*, 27 FCC 2d 650 (1971).

[32] Individual radio stations do not exist in a vacuum and should behave accordingly. In every community there are many possible issues worthy of discussion. It is appropriate for an individual licensee to take into account the coverage of issues by other stations, as well as the preferences of its particular audience, in determining which issues it should be addressing.

[33] One criterion of superior performance by broadcast licensees has been stated to be independence from governmental influence in promoting First Amendment objectives. *Citizens Communications* v. *F.C.C.*, 453 F.2d 822 (D.C. Cir. 1972). We certainly agree that for the proper functioning of our system of government, and of broadcasting, such a goal is valid and extremely important. We view our action herein, in part, as furthering this objective.

[34] We would like to reiterate at this point that our recent decision in BC Docket 78-335, Community Service Programming, [FCC 80-558] not to adopt such a category should not in any way be taken to reflect a determination on our part that nonprofit and religious groups do not play an important part in their communities. To the contrary, we believe that such organizations play an important role in their communities and can provide valuable insights to broadcasters with regard to identifying and responding to issues facing the community.

[35] *En Banc Programming Inquiry Statement*, *supra* at 2314.

[36] Such issues need not be controversial issues of public importance such as require coverage pursuant to the Fairness Doctrine. While station

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will be retrospective in application and will contemplate a showing that during the prior license term the licensee addressed community issues with programming. The licensee need not demonstrate that it provided news programs, agricultural programs, *etc.* It need only show that it addressed community issues with whatever types of programming that it, in its discretion and guided by the wants of its listenership, determined were appropriate to those issues. This will, of course, necessitate a change in various Commission forms. Those changes are set forth in Appendix J.

35. Having set forth the general nature of the requirements that will remain in this area in light of the elimination of the non-entertainment programming guideline, we now turn to two areas addressed in the comments that are intimately related to the elimination of the guideline. These are, the effect of the guideline's elimination upon comparative license applications, and upon the petition to deny process.

Comparative Applications

36. A number of commenters asserted that the elimination of the non-entertainment programming guideline would seriously interfere with the comparative application process and the licensee's asserted "legitimate renewal expectancy." When we adopted the *Notice* in this proceeding we, too, had serious questions as to the interplay between the proposed deregulation and the comparative proceeding process.[37] It is important that we discuss and resolve to the extent possible within this document the issues raised in that regard.

37. The first focus of our attention in this subject area must be the claim by many commenters that the elimination of the guideline would, absent the publication of a prgramming policy statement or an optional guideline, impermissably interfere with a broadcaster's "legitimate renewal expectancy." In requiring the periodic renewal of broadcast station licenses, Congress provided what has been called a "competitive spur" to licensees by permitting new parties to have the opportunity to apply for the same license.[38] Indeed, it has been asserted that the "public interest, convenience or necessity" test is, in fact, a matter of comparative reference and not an absolute standard when applied to broadcast stations.[39] To balance against this "competitive spur" licensees have been accorded a "legitimate renewal expectancy." [40] That is not to say that a license holder has an unassailable right to retain his license. The Communications Act clearly provides for periodic renewal [Section 307(d)] and prohibits a licensee from having any "right beyond the terms, conditions, *and periods* of the license." (Section 301 of the Act, emphasis supplied). Rather, what the expectancy contemplates is that a licensee serving the public interest should be able to expect that his license will be renewed and, if challenged by a competing applicant, he will be entitled to a comparative plus if he is able to make a showing of having provided substantial service.

38. Two critical questions arise with regard to the comparative application area. The first is whether or not the present guideline is necessary to provide the "renewal expectancy." The second is whether nonentertainment programming is a necessary element for evaluation in the comparative context.

39. As has been the general case with respect to programming guidelines, the Commission has traditionally declined to adopt numerical standards that it would use in the comparative context as an indicator of substantial service. In fact, beginning in 1971, the Commission adopted a series of *Notices of Inquiry* looking into the advisability of instituting a proceeding to determine whether it should attempt to quantify by a percentage guideline the concept of substantial service in the comparative context.[41] In April, 1977, we adopted a *Report and Order* in which we declined to establish any such quantitative standards. At that time we noted that merely increasing the amount of programming did not necessarily improve the service provided or give any significantly greater certainty as to what constituted superior service. We concluded that guidelines would be, "a simplistic, superficial approach to a complex problem. . . ." [42] We were sustained in this conclusion by the United States Circuit Court of Appeals for the District of Columbia in *National Black Media Coalition* v. *F.C.C., supra,* which noted that:

> (n)othing in the Communications Act imposes any requirement that the FCC promulgate quantitative programming standards. In granting broadcast licenses the FCC must find that the "public convenience, interest or necessity will be served thereby." (Citation omitted) Within these broad confines, the Commission is left with the task of particularizing standards to be used in implementing the Act.[43]

40. Having recently rejected the connection between the mere amounts of programming aired in response to a guideline and the quality of performance (sufficient to constitute substantial service and to thereby satisfy the licensee's "legitimate renewal expectancy"), we cannot find in the instant record any cause to modify that view. Simply speaking, whether or not the Commission were to retain the instant non-entertainment programming guideline, it would not serve the purpose claimed by several commenters with regard to their renewal expectancies and the *ad hoc* evaluation of programming would remain necessary. In fact, the present programming percentages are utilized by the Commission's staff in processing renewal applications. Meeting these guidelines does not assure a licensee of renewal but merely gives the staff a tool by which to judge but one aspect of an applicant's performance. As evidenced by the case law, the analysis of a renewal applicant's programming performance in a comparative renewal situation, even under our existing procedures, goes beyond an examination of programming percentages. Therefore, our determination to eliminate the guideline is not altered on this basis. Similarly, we decline the invitation to provide an optional guideline as to what amount of non-entertainment programming would constitute substantial service as, in this context:

> . . . quantitative standards do not appear to us to offer licensees, competing, applicants, or the public any significantly greater certainty as to what level of performance would constitute substantial service. In addition, of course, even a clear history of substantial service would not guarantee renewal, since any preference awarded for it cannot terminate the hearing in favor of the incumbent licensee.[44]

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programming can, and must, include coverage of such issues, local issues that are not necessarily burning issues of a controversial nature should also be addressed.

[37] See, paragraphs 263–266 of the *Notice*.

[38] See, Section 301 of the Communications Act of 1934, as amended.

[39] Federal Radio Commission, *Second Annual Report to Congress* 170 October 1, 1928).

[40] *National Black Media Coalition* v. *FCC*, 589 F.2d 578 (D.C. Cir. 1978); also see, *F.C.C.* v. *National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978); and *Greater Boston Television Corp.* v. *F.C.C.*, 444 F.2d 841, 854 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 932 (1971). In *Greater Boston*, the court noted that such an expectancy is provided, ". . . in order to promote security of tenure and to induce efforts and investments furthering the public interest that may not be devoted by a licensee without reasonable security."

[41] *Notice of Inquiry*, 27 FCC 2d 580 (1971); *Further Notice of Inquiry*, 31 FCC 2d 443 (1971); *Second Further Notice of Inquiry*, 43 FCC 2d 367 (1973); and *Third Further Notice of Inquiry*, 43 FCC 2d 822 (1973).

[42] 66 FCC 2d 419, 429 (1977).

[43] *Id. at 581.*

[44] 66 FCC 2d 419, 428 (1977).

41. There being no valid nexus between the current guideline and the rendition of substantial service in the comparative context, we do not see any reason on this ground to retain the current guideline or to eliminate it while substituting an optional guideline as an indicator of such service warranting a comparative plus in all situations if met. Rather, where the public "interest lies is always a matter of judgment and must be determined on an *ad hoc* basis." [45]

42. The second aspect of the elimination of the guideline and its impact on the comparative process is somewhat more problematical. To restate the question: in the absence of the guideline, and in view of our determination as set forth above, should quantity or quality of non-entertainment programming be a comparative criterion?

43. The history of non-entertainment programming's relationship to the comparative process over the past 15 years is somewhat involved. In 1965, the Commission issued its *Policy Statement on Comparative Broadcast Hearings.*[46] The *1965 Policy Statement* concluded that there were two principal objectives toward which the "process of comparsion" should be directed: the best practicable service to the public and the maximum diffusion of control of the media of mass communications. Both objectives concern programming, the former because "the best practicable service to the public" necessarily means program service to the public and the latter because such diffusion of control would result in a multiplicity of voices being represented in programming. Indeed, among the factors set forth in the *1965 Policy Statement* as being significant to these two principal objectives were proposed program service and past broadcast record. However, under the policy, only if there were material and substantial differences between applicants' proposed program plans, or where a prior broadcaster had shown unusual attention (or inattention) to the public's needs would a programming showing be relevant in a comparative proceeding.

44. The *1965 Policy Statement* did not necessarily apply to a pure comparative renewal hearing. To clarify the issue of what standards would be applied in such hearings, in 1970 the Commission adopted the *1970 Policy Statement Concerning Comparative Hearings Involving Regular Renewal Applicants.*[47] The *1970 Policy Statement*, too, addressed the issue of programming's relevance to the comparative proceeding. However, the *1970 Policy Statement* was vacated in *Citizens Communications Center* v. *F.C.C.*, 447 F. 2d 1201 (D.C. Cir. 1971). In vacating the *1970 Policy Statement*, the court, citing and reiterating its decision in *Johnston Broadcasting Co.* v. *F.C.C.*, 175 F. 2d 351, (D.C. Cir. 1949), stated:

> The Commission cannot ignore a material difference between two applicants and make findings in respect to selected characteristics only . . . It must take into account all the characteristics which indicate differences, and reach an evaluation of all factors, conflicting in many cases.[48]

Nevertheless, the court approved of a focus on the incumbent licensee's record of past performance where there is a material difference between applicants so long as other factors are also considered.

45. With the *1970 Policy Statement* having been vacated, the Commission undertook case-by-case determinations relative to competing applicants. We also sought to bring more certitude to the process by adopting a series of *Notices of Inquiry*,[49] looking into the adoption of a quantitative programming guideline for utilization in assessing programming performance in the comparative proceeding context. As noted above, the Commission concluded that the adoption of such a guideline was unwarranted and unwise and declined to do so.

46. This difficult area continued to generate cases. For instance, in *Central Florida Enterprises, Inc.* v. *F.C.C.*, 598 F. 2d 37 (D.C. Cir. 1978), *cert. denied* 441 U.S. 957 (1979), the Court of Appeals determined that the Commission could utilize the *1965 Policy Statement* to govern comparative renewal proceedings. However, the court concluded that in the particular case before it the Commission had misapplied the criteria set forth in that *Statement*. The court later amended its opinion and issued a *per curiam* Order [50] in which it noted the importance of programming determinations in the comparative renewal process, especially as such determinations have an impact upon renewal expectancies. More recently, the Court of Appeals indicated that a record of programming service must be considered in the comparative context when not to do so would automatically disadvantage the existing licensee, "in favor of untried newcomers." [51] It is not within the ambit of this proceeding to attempt to resolve the issue of how the various comparative criteria should be weighed in importance as between each other. Further proceedings will be necessary to that end. However, one thing does appear evident from the above. That is that programming has been an essential ingredient of the comparative renewal process. Where proposals indicate material differences between applicants, it has also been relevant to the comparative new applicant process. The extent to which nonentertainment programming has traditionally been considered in the comparative process is not being changed by this rulemaking although the underlying programming obligation is changed as indicated above. Any change in the relative importance of programing viz-a-viz diversification will have to await a further proceeding.

47. We must, however, set forth our policy relative to the question of the type of programming showings we will expect in the comparative new application and renewal application proceedings. Initially, we must note that we intend no departure from current procedures requiring the designation of a specialized programming issues only where substantial or material differences exist between proposals. In the comparative new application proceeding, where there is a programming issue, we will be concerned with comparing the proposals made by the applicants as to which would best provide a new service to a previously unserved significant segment of the community or would best improve upon existing services. We would expect that this showing would be made by reference to what is currently being offered in the market, an evaluation of what significant segments of the community are not receiving program service, and by a showing of how the applicant's proposed programming would serve this unfulfilled need. This will permit applicants to focus upon the needs (or more appropriately unmet wants) of significant segments of the community. As set forth above, our new approach will no longer seek to assure that each station present "well-balanced" or "something-for-everyone" programming. In the past, we have gone to great lengths to attempt to assure that

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[45] *McClatchy Broadcasting Company*, 239 F. 2d 15 (D.C. Cir. 1956).

[46] 1 FCC 2d 393 (1965) (hereinafter referred to as the *"1965 Policy Statement"*).

[47] 22 FCC 2d 424 (1970) (hereinafter referred to as the *"1970 Policy Statement"*).

[48] *Johnston Broadcasting Co.* v. *F.C.C., supra* at 356–357.

[49] See footnote 41, *supra*.

[50] See, *Central Florida Enterprises, Inc.* v. *F.C.C., per curium* Order reprinted at 44 R.R. 2d 1568, 1569 (1979).

[51] *Julie P. Miner* v. F.C.C., Case No. 78–1903, Slip Opinion issued December 1, 1980, p. 12. The *Miner* case itself did not involve a pure comparative renewal situation.

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well balanced programming was offered. In a continuing (although not unbroken) line of authority from the First Annual Report to Congress of the Federal Radio Commission, through the 1946 *Blue Book* and *1960 Programming Statement*, and right up to our ascertainment requirements, we and our predecessors have attempted to assure the presence of programming relevant to all significant segments of the community. Often this was to be accomplished by requiring each station to attempt to meet all such needs, sometimes by reference to other services available.[52]

48. Our new regulatory thrust is to attempt to permit the large number of stations currently operating (and commencing service henceforward) to each serve their own audience in the appropriate circumstances. It is based upon the recognition that more issues can be addressed through such specialized programming than through a generalized "something for everyone" requirement. In markets where there are a significant number of radio stations operating, each will be permitted to assess what other radio services are available in the market in determining its own service and in choosing which issues to address with programming. Of course, the smaller the number of stations and services available, the broader based each will have to be in its programming to assure programming for all significant segments of the community. But in communities with many stations each may make an assessment of the other services available and base its programming on that assessment and be more specialized in its offerings. With regard to competing new applicants, the programming showing should be made on how each intends to serve currently unmet needs; the hallmark of a superior proposal in that context will be based on an *ad hoc* evaluation of which proposal will best serve community needs. We believe that this approach can best serve the public interest objective of obtaining licensees, and programming, that address community issues with fresh voices and which will initiate, encourage and expand diversity of viewpoints and varieties of programs available with the least government oversight of, and intrusion into, programming decisions.

49. The Administrative Law Judge's decision on the programming issue in the comparative renewal setting will, on an *ad hoc* basis, determine whether the incumbent was providing minimal service or substantial service.[53] While minimal service would permit renewal had the licensee not been challenged by a competing applicant, it would not result in a comparative plus. The examiner will also weigh the challenger's proposal and determine whether it was anything more than a "blue sky" proposal. If it appeared to be a viable plan capable and likely of being effectuated by the challenger, it would receive a programming plus in the face of the incumbent's minimal performance. An incumbent found to have rendered substantial performance would have to be given a programming plus of major significance as the incumbent would have already faced the marketplace and provided substantial service to the listenership whereas the challenger, if granted the license, may not be able to effectuate his plans. In that case the Commission would have tossed aside a superior licensee for one that might not perform in such a fashion. This result is inherent in the concept of a legitimate renewal expectancy. We emphasize that we are not changing the procedure, the issues, or the showings necessary to support the specification of an issue. Rather, we are indicating the focus which any comparative consideration of programming should take.

Petitions To Deny

50. In the *Notice*, we cited as the tentatively preferred option in the nonentertainment programming area reliance on market forces, with government intervention occurring only in the event of market failure. Thus, a petitioner would have to have made out a showing of market failure before the Commission would intervene in this area. With the advantage of a complete record, it became clear that the analytical and administrative burdens and costs that this method would place upon petitioners, licensees, and the Commission could be enormous. Extensive data collection, public opinion sampling, and analysis would have to have been performed before the Commission could assess whether any individual market had failed. Given the number of markets in which such an analysis might have to be performed, this is not an appropriate area in which to go to a complete market solution. Additionally, there could be legal ambiguities in reconciling individual licensee responsibilities and obligations, on the one hand, and overall market responsibilities on the other. These problems are more fully discussed in Appendix E, *infra*. Given these difficulties, we have opted for the maintenance of individual licensee obligations to program to meet community needs. In this context, it is possible to discuss the relationship between nonentertainment programming and petitions to deny.

51. The petition to deny is a statutorily authorized process under Section 309(d) of the Act. The sorts of allegations that will be considered in a petition have not been codified and have changed over time. For instance, prior to 1949, a party with standing could legitimately have complained that a particular station was violating the public interest by airing editorials. Once the bar on editorializing by licensees was lifted, such an allegation would not have been appropriate in a petition to deny. Simply, the allegations relevant to a petition to deny change over time and depend upon whatever regulations are then in effect.

52. Given the elimination of the nonentertainment programming guideline, the specific amount of nonentertainment programming being offered by an individual station, standing alone as an allegation, will not be appropriate for petitions to deny. In view of the course of action that we are taking herein, the type of nonentertainment programming allegation that will be relevant for a petition to deny would consist of a showing that an individual station is doing very little, or nothing, to address through its programming issues facing the community. The focus of such an allegation should not be on the mere amount of programming. We do not wish to return to a "numbers game" whereby 6% nonentertainment programming is sufficient to warrant renewal whereas 5% will result in, at least, delay, and, perhaps, designation for hearing with the possibility of the loss of the license. A station with good programs addressing public issues and aired during high listenership times but amounting to only 3% of its weekly programming may be doing a superior job to a station airing 6% nonentertainment programming little of which deals in a meaningful fashion with public issues or which is aired when the audience is small.

53. Similarly, petitioners may make allegations in petitions to deny that an individual station in the community is failing to address issues of particular relevance to a significant segment of the community. However, a station confronted with such a challenge will be able to respond by pointing not only to its own programming that may have addressed such issues, but also to other radio services available in the community that could reasonably have been relied upon to address such issues. It will not have to demonstrate that programming was available in the community in an amount proportional to the complaining group's representation in the community. Proportional programming has never been a requirement of the public interest.[54] In fact, since all individuals have some general interests as well as special interests, it is inappropriate to expect special interest programming to be proportional to special interest populations. Rather the licensee may demonstrate the sufficiency of its own programming and, in doing so, relate to other services available in its community. For instance, an individual licensee with, by way of example, a country and western music format must address public issues. If challenged in a petition to deny alleging a lack of programming directed towards issues faced by minorities, it may demonstrate that it did indeed offer such programming or, if it did not, the local station oriented toward the minority audience was present in the community and that the challenged station was reasonable in its reliance upon that station to offer nonentertainment programming relevent to the issues facing the miniority community. However, the same licensee confronted by a petition alleging that it offered no nonentertainment programming relevant to any public issues may not defend by showing the presence of an all news and public affairs station in the community or by showing that other stations are providing significant amounts of such programming. Individual stations retain the obligation to provide programming relevant to public issues, but which issues they address may be determined by the interests and nature of their audience and the availability of other program services. While the programming offered by a local noncommercial radio station may be taken into account as a factor in making choices such as this, licensees may not rely upon the mere presence of such a station to obviate their obligation to provide programming responsive to issues facing the community. Noncommercial radio stations simply cannot reasonably be expected to respond with programming related to all non-majoritarian related issues.

54. The focus of our inquiry in the case of a challenge to license renewal will be whether the challenged licensee acted reasonably in choosing which issues to address. Licensees directing their nonentertainment programming to a narrow audience may defend their decision by demonstrating the presence of other stations in the community that reasonably were relied upon to address the issues confronting the other segments of the community. If the licensee can demonstrate that such other stations were present and that it acted reasonably in relying upon them to address issues pertinent to other segments of the community, the station will be permitted to be more narrowly focused. When called upon to assess the reasonableness of the licensee's decision, the Commission will have to undertake an *ad hoc* review which considers the circumstances in which the decision was made. For instance, a station in a market with a minority oriented station may be reasonable in not treating issues of particular relevance to the minority community. However, as with noncommercial stations, the mere presence of a minority station is not dispositive. If that minority oriented station, had, for instance, consistently not presented such programming, the licensee's judgment may not have been reasonable. Minority issues may have been ignored long enough for the Commission to determime that the licensee knew or reasonably should have known this and should have taken steps to correct it. Thus, whether a broadcaster's determination is reasonable will depend on the circumstances within which it is made. In all cases, however, the burden will be upon the licensee to demonstrate, if called upon to do so, that its determination was reasonable. Such evaluations have been made by the Commission in other areas of regulation. For instance, in Fairness Doctrine enforcement the focus of our inquiry is upon whether the licensee acted *reasonably*. See, *Fairness Doctrine Primer*, 40 FCC 2d 598, 599 (1964) and *Fairness Report*, 48 FCC 2d 1, 9 (1974). Similarly, the responsiveness of programming under ascertainment requirements has always been assessed on an *ad hoc* basis. Nonentertainment programming, therefore, remains a relevant issue for petitions to deny. Of course, all other potential grounds for petitions to deny that are not affected by this proceeding will also remain as valid subjects for petitions.

Ascertainment

The Proposals

55. In the *Notice* the Commission set forth four proposals relative to our formal ascertainment requirements. Briefly, the proposals were:

(1) To eliminate both the ascertainment procedures and the general ascertainment obligation and to leave it to marketplace forces to ensure that programming designed to meet the needs and problems of each station's listenership is supplied;

(2) To require ascertainment to be conducted by licensees but to permit them to decide in good faith how best to conduct that ascertainment without formalized Commission requirements;

(3) To retain our ascertainment requirements, but in a simplified form; or

(4) To retain our ascertainment requirements as they currently exist.

Discussion of the Action Being Taken

56. We believe that the public interest no longer require adherance to detailed ascertainment procedures. Rather, in conformance with the programming obligations set forth above, radio licensees, applicants for new radio stations, for the assignment or transfer of existing stations or for major modifications of existing stations will be free to determine the issues in their community that warrant consideration and may do so by any reasonable means. To the extent that parties may wish to raise questions concerning those efforts, such questions should be directed to the realities of the program proposal of applicants, or the responsiveness of licensees, rather than to the ritual of ascertainment.

57. In reaching this conclusion, we recognize that ascertainment was never intended to be an end in and of itself. Rather, it is merely a tool to be used as an aid in the provision of programming responsive to the needs and problems of the community. We cannot stress this enough. Although we have been called upon to decide numerous cases revolving around issues of how an ascertainment was conducted, and

[52] See paragraphs 61–65, *infra*.

[53] Minimal performance is only that which would justify renewal in the absence of challenge by a competing applicant. It would consist of performance of all statutory obligations (*i.e.*, Fairness Doctrine, access by candidates for federal elective office, *etc.*) and minimal, although adequate, attention to the issues confronting the licensee's community, primarily, and service area outside of its community, secondarily. Substantial performance would include this, but would additionally contemplate a showing that more or better programming than that which would be considered "minimal" is being devoted to addressing issues facing the community (or, where a number of stations are present, a significant segment of the community). That type of showing can be made by almost any means, including, but not limited to, any of the following: demonstration of amounts of programming, local production of programming, or by any other type of showing reasonably related to demonstrating service over and above what would be considered minimal.

[54] See, *WKBN Broadcasting Corp.*, 30 FCC 2d 958, 970 (1971); *The Evening Star Broadcasting Co.*, 27 FCC 2d 316 (1971) *aff'd sub nom. Stone* v. *F.C.C.*, 466 F.2d 316 (1972); *Miami Valley Broadcasting Corp.*, 48 FCC 2d 177, 178 (1974).

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whether it was sufficient, or if the correct community leaders were contacted by the requisite type of station employee, *etc.*, one should not let this obscure the underlying purpose of ascertainment—to foster relevant programming relating to community issues. The ascertainment process is merely a tool which the Commission has furnished to attempt to assure that all significant segments of a community are at least contacted so that the station can make an informed judgment about which issues it should cover and what needs exist and should be responded to. Ascertainment was never intended to become a "ritual dance." It was intended, rather, to assure discovery of problems, needs, and issues and to generate some relevant programming responsive thereto.

58. As our means to this end, we adopted formalized ascertainment requirements. Ascertainment grew out of two concepts of the role of radio. The first is that radio is a local medium, where stations are licensed to a community and are obligated to program primarily to that community. The second is that each station should attempt to provide "well-balanced" programming so that all segments of the community obtain the benefits of the licensee's ability to utilize a public resource—a radio frequency. The concept of localism was part and parcel of broadcast regulation virtually from its inception. It can be inferred from the Act itself,[56] and, as stated in the *Blue Book*, the Commission has:

> given repeated and explicit recognition to the need for adequate selection in programs of *local* interests, activities and talent. (Emphasis added.)[57]

As noted above, this adherence to the concept of localism continued through the *Programming Statement, supra*, and remains a consideration to this day.

59. The concept of well balanced programming is not quite so firmly entrenched. A bit of the history of the concept is instructive. Early in its history, the Federal Radio Commission, predecessor agency to the F.C.C., asked broadcasters applying for license renewal to list the average amount of time weekly devoted to: (1) entertainment; (2) religious; (3) commercial; (4) educational; (5) agricultural; and (6) fraternal programs. This indicates a concern that broadcasters should be responsive to the needs of these various significant segments of the community. While these elements may in retrospect appear to ignore what today are considered significant segments of the community, in the context of 1928, this list of program types may be seen as representing well-balanced programming. In 1929, the FRC, in its Third Annual Report to Congress stated that service in the public interest should include:

> entertainment . . . religion, education, and instruction, important public events, discussion of public questions, weather, market reports, and news and matters of interest to all members of the family.

Again, the FRC was listing programming types representing "well-balanced" programming.

60. This concept remained vital and in the *Blue Book* the Commission expressly endorsed the importance of well balanced programming. Jumping ahead to 1960 and the *Programming Statement*, the Commission listed fourteen programming elements necessary to service in the public interest. That list included: opportunity for local self-expression; the development and use of local talent; programs for children; religious programs; educational programs; public affairs programs; editorialization by licensees; political broadcasts; agricultural programs; service to minority groups; and entertainment programs. Certainly, this too indicates the Commission's continuing concern with well-balanced programming. Needless to say, the *Ascertainment Primer* [27 FCC 2d 650 (1971)] and *Renewal Primer* [57 FCC 2d 418 (1975), *recon. granted in part*, 61 FCC 2d 1 (1976)] continued the concept. However, ascertainment of all significant segments of the community became the watchword rather than well balanced programming elements.[58]

61. The balanced program concept has never had quite the same force as the concept of localism. For instance, at the very beginning of modern radio regulation, Stephen Davis, the Solicitor of the Department of Commerce (wherein the regulatory authority over broadcasting first resided) stated that:

> The character of the programs furnished is an essential factor in the determination of public interest but a most difficult test to apply, for to classify on this basis is to verge on censorship. Consideration of programs involves questions of taste, for which standards are impossible. It necessitates the determination of the relative importance of the broadcasting of religion, instruction, news, market reports, entertainment, and a dozen other subjects. *It may require the determination of preferences as between stations devoted to service of the public generally and those servicing only special groups, however, important.* (Emphasis supplied.)[59]

From the outset it was contemplated that some stations, depending on circumstances, could present well-rounded programming to the "public generally" while others served "only special groups," and that, therefore, not all stations would offer well-balanced programming.

62. By 1946, and the publication of the *Blue Book*, the Commission recognized that especially in metropolitan areas, where a number of stations existed and the listener could therefore choose among several stations, a balanced service to the listeners could be achieved:

> . . . either by means of a balanced program structure for each station *or by means of a number of comparatively specialized stations which, considered together, offer a balanced service to the community.* (Emphasis supplied.)[60]

In 1946, when the *Blue Book* was published there were but 1,005 stations on the air.

63. As society changed over time, it became more aware of the need for programming by groups that were not being adequately served by broadcasting. Chiefly, this awareness grew out of the civil rights struggle that illuminated a segment of society that had previously been ignored in many ways, among which was by lack of relevant broadcast programming. Accordingly, when the *Programming Statement* was issued in 1960, it stated that the broadcaster should ascertain the needs of *all* segments of the community and:

> should reasonably attempt to meet all such needs and interests on an equitable basis.[61]

No longer did it appear that balanced programming could be achieved through a number of comparatively specialized stations. Should that be permitted, those segments of the community that had been left unserved, or underserved, would be likely to remain unserved or underserved.

64. Eleven years later, when the original *Ascertainment Primer, supra*, was adopted, we set forth a procedure for ferreting out problems of all significant elements of the community, but, nevertheless, did not necessarily require programming responses to all ascertained needs. Even in adopting the ascertainment requirements we noted, in response to question 25 ("Must an applicant plan broadcast matter to meet all community problems disclosed by his consultations?"), the following:

> Answer: Not necessarily. However, he is expected to determine in good faith which of such problems merit treatment by the station. In determining what kind of broadcast matter should be presented to meet those problems, the applicant may consider his program format and the composition of his audience, but bearing in mind that many problems affect and are pertinent to diverse groups of people.

However, as we have stated in applying this programming requirement to particular cases:

> In serving the needs of his community, the broadcaster is not required to meet all community problems; rather, a licensee may determine in good faith which problems merit treatment by the station. In making this determination, it may consider the particular format of the station, the composition of its audience and the programming offered by other stations in the community. *Taft Broadcasting Company*, 38 FCC 2d 770, 790 (1973).[62]

Thus, the broadcaster has been given some latitude to take into account the particular needs of its listeners, and the nature of other available programming in the market, in determining what its own programming responses should be.

65. Accordingly, at several times in the past, the Commission has recognized the possibility that stations could be more narrowly focused in their programming, especially when market factors (*i.e.*, "the particular format of the station, the composition of its audience and the programming offered by other stations in the community") permitted service to the entire community to be provided on a market-wide basis rather than by each individual station.

66. Given this background, the principal focus of ascertainment has been to uncover issues facing the community that go beyond those that might be discovered through the licensee's ordinary contacts, which might be limited to, "a rather narrow range of persons or groups."[63] Whether referred to as problems, needs, or interests, the fact is that what is to be discovered are public, community issues, some of which should be addressed with programming. All of the procedural requirements that have grown up around this basic obligation may have obscured this purpose. That never was our intention. As we stated:

> Moreover, the performance that concerns us is not the degree of sophistication used by the applicant in obtaining the data. Rather, it is his proposed programming.[64]

As noted above, localism has been, and continues to be, an important element of service in the public interest. However, the concept of well-balanced programming has not held such a continuing and elevated status. Given the factors present today in radio, where nearly 9000 stations provide service to the American people, we believe, as stated above, that well-balanced programming need not be required on each station in all instances. What is important is that broadcasters present programming relevant to public issues both of the community at large or, in the appropriate circumstances, relevant primarily to the more specialized interests of its own listenership. It is not necessary that each station attempt to provide service to all segments of the community where alternative radio sources are available.

67. The principal arguments made in the comments against the outright elimination of ascertainment were that: (1) stations would not seek out information regarding the needs and problems of their communities absent ascertainment; (2) even if broadcasters did attempt to find out about such needs and problems, they would only do so with regard to economically significant segments of the community; and (3) as purportedly demonstrated by a study filed by the WNCN Listeners Guild, absent the ascertainment requirement, stations would make woefully incomplete or inaccurate assessments regarding the problems facing their community. We have significant questions concerning the validity of these concerns in the present radio environment.

68. As discussed in the section dealing with the nonentertainment programming guideline, we have concluded that stations should be permitted to tailor their programming to conditions present in their market and the nature of their particular listenership. To reiterate, where there are few stations in the community, each station must be more general in its coverage of issues. However, in communities having a large number of radio services available, the public interest is not offended by permitting each station to base its service, including the issues to which it will be responsive with programming, upon the nature of the radio services otherwise available in the community and the interests of its own listenership. In this way all will continue to obtain the benefits of radio without regulations that straightjacket all stations into the same mold.

69. This being the case, what is important is that licensees utilize their good faith discretion in determining the type of programming that they will offer and the issues to which they will be responsive. It would be inconsistent with the exercise of good faith judgment for a broadcaster to be "walled off" from its community. Rather, broadcasters should maintain contact with their community on a personal basis as when contacted by those seeking to bring community problems to the station's attention. What is not important is that each licensee follow the same requirements dictating how to do so. Accordingly, formal ascertainment will be eliminated.

70. In certain hearing cases involving competing applications for new stations, major modifications of existing stations or renewal of licenses, material differences in program proposals can result in comparative consideration as between various mutually exclusive applicants before the Commission. In such instances, the only proper focus of our inquiry should be the responsiveness of the program proposals before us. We see no continuing reason to burden applicants, licensees or the Commission with detailed inquiries into which or how many community leaders were contacted, by whom, *etc.* This is not to say that the coverage of issues in a community would not be a relevant consideration in making such judgments. Rather, the methodological approach to those problems only obscures the issue of responsiveness and exhausts otherwise valuable resources in meaningless minutae.

71. Similarly, in situations where applicants are being considered without comparative challenge, any interested party will have the applicant's program proposal and be in a position to judge the responsiveness of that proposal. For renewal applicants, the public will have access to their programs/issues list to aid in assessing the station's responsiveness. Thus, broadcasters will be provided with the maximum in flexibility while, at the same time, programming relevant to a variety of significant issues present in the community will be available in that

[56] Section 307(b) provides in part:

> . . . the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

[57] (*Blue Book*, p. 97.)

[58] This is not to say that the *En Banc Programming Inquiry Statement* has ever been repudiated by the Commission. It merely is to suggest that the emphasis has shifted from programming types to a process intending to assure that the content of the programming reflects responsiveness to groups comprising the community.

[59] Davis, *The Law of Radio Communications, 1st Edition*, McGraw-Hill Book Company, Inc., New York, 1927, p. 62.

[60] *Blue Book*, page 13.

[61] *Programming Statement, supra*, at 2314.

[62] *Miami Valley Broadcasting Corp.*, 46 FCC 2d 177, 187 (1974).

[63] *Ascertainment Primer, supra* at 658.

[64] *Id.* at 662. While the passage refers to demographic, nevertheless it exemplifies our original and constant concern that the procedural aspects not overshadow the underlying purpose of ascertainment.

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community on the radio airwaves. We see no reason to require the broadcaster to engage in the current sort of renewal ascertainment if community issues can be determined in a less burdensome manner. Again, it is the programming and not the process that is the most important component of the broadcaster's efforts, the public's attention, and the Commission's concern. The only paperwork requirement that will attach to this obligation will be for each new, assignment or transfer applicant, or each applicant proposing to greatly expand its coverage area to file a programming proposal and for each licensee seeking renewal to annually place (on the anniversary date of the grant of authorization for a licensee's first license term and thereafter on the anniversary date on which the station's renewal application would be due for filing) in its public file a listing of five to ten issues responded to with programming together with examples of such programming offered. The list should, in narrative form, contain a brief description of from five to ten issues to which the station paid particular attention with programming, together with a brief description of how the licensee determined each issue to be one facing his community and of how each issue was treated (i.e., a series of public service announcements, a call-in program with the relevant public official, *etc.*). Additionally, the licensee should list the date, time and duration of listed programming utilized to address these issues. We continue to be concerned that stations serve their local communities. This might often mean that stations use locally produced programs to meet their community issue obligation. This does not preclude, however, the use of other programs which address issues of importance to the community.

72. The list required of renewal applicants need not be exhaustive or, indeed, be a complete recitation of either all of the issues covered or all of the programming offered in response to these issues. Rather, the list is intended to provide examples of both. If challenged at renewal, the licensee may point to both listed and unlisted programming to support any claim of compliance with the Commission's requirements. However, any programming upon which the licensee wishes to rely that was not contained on the issues/programs list must be supported by documentation that was prepared reasonably contemporaneously with the subject programming. Unsupported recollection that the station broadcast or probably broadcast other programming will not be considered by the Commission. Such documentation, in addition to the issues/programs list, need not be maintained in the public file. Given the above, ascertainment will not be an issue in either comparative or renewal proceedings. The focus of our inquiry will relate to the programming proposed or offered, as the case may be, and not the process utilized to identify issues. It would be of no concern to the Commission how the applicant or broadcaster became aware of issues facing his community (or, in the appropriate circumstances, his listenership) so long as programming was being proposed, or offered, in response to such issues.

The Commercial Guidelines

The Proposals

73. The Commission's guidelines regulating maximum amounts of commercial minutes per hour are contained in Section 0.281 of our Rules. That section sets commercial limits that prevent the Broadcast Bureau from routinely processing a license application pursuant to its delegation of authority when an applicant proposes more advertising than the applicable guideline, generally 18 minutes of commercials per hour. Most simply, if a licensee proposes less than the guideline he or she avoids full Commission review of the application on that issue.

74. In the *Notice* we proposed four options for change of this procedure, and invited comments and other suggestions. The four proposed options were:

(1) The elimination of all rules and policies dealing with the amount of commercial time and reliance on marketplace forces to regulate levels of commercialization;

(2) The setting of quantitative standards that, if exceeded, would result in some sanction being imposed against the licensee;

(3) The elimination of all rules specific to individual licensees, but reserving Commission power to intercede if heavy levels of commercialization occur market-wide; or

(4) The retention of quantitative guidelines, but only with regard to the Broadcast Bureau's delegation of authority.

In our "preferred options" section we said that it appears that marketplace forces can better determine appropriate commercial levels than can the Commission, and that these forces will limit these levels. Thus, we said that our preference was to eliminate all rules and policies dealing with commercial time and to leave it to the marketplace to determine appropriate advertising amounts and to deter commercial abuses.

Discussion of the Action Being Taken

Introduction

75. The outstanding features of the history of commercial limitations have been the Commission's persistent concern that advertising not become the superseding force in broadcast service and programming, and our concurrent reluctance to set definitive and rigid standards that would cause all broadcasters to operate in the same mold. Because of these sometimes inconsistent concerns it is not surprising that the current restrictions are not part of a definitive rule but instead take the form of processing guidelines allowing the Broadcast Bureau to process applications, with regard to the issue of commercialization, if the licensee's advertising amounts are below the guideline maximums.

76. With processing guidelines rather than rigid rules by which every licensee would be bound absent an express waiver, the current system apparently was designed to give licensees some flexibility in fulfilling their public interest responsibility in the advertising area. The flexibility was to be accomplished largely by allowing licensees who wished to propose more advertising time to submit their proposals for full Commission consideration.[65]

77. Commenters in this proceeding have almost unanimously made the assumption that as a practical matter the guidelines nearly extinguish alternative proposals, and thus have had a greater tendency than might have been intended to discourage diversity and experimentation in the advertising area.[66] Some commenters, including NTIA, have gone so far as to charge that although the limitations are not rules, they have that practical effect. Although it seems unnecessary to assume the merits of such assertions, the Commission fully appreciates that these guidelines are not impotent and here takes seriously its administrative duty to assess their effects and to reconsider their continuing value in our regulatory scheme.

[65] The guidelines themselves provide for some flexibility, allowing an excess of 18 minutes of advertising per hour in response to considerations such as seasonal markets and political campaigns. The guidelines are set out in 47 CFR Sec. 0.281(a)(7) and reprinted in Appendix G.

[66] *See, for example,* Testimony of Andrew Schwartzman, Transcript of September 16, 1980, Panel Discussion, pp. 140, 193–196.

78. Against this background, it appears that our most important line of inquiry is the determination of whether, within the Commission's legislative mandate to regulate in the "public interest, convenience and necessity," the commercial processing guidelines serve appropriate public interest goals, and, if so, whether the guidelines are needed to achieve those goals. One preliminary question is whether the Commission has any power to regulate the advertising practices of licensees. The history of regulation in the advertising area extends from the early days of the Federal Radio Commission,[67] and it appears safe to assume that the Commission's power to consider advertising excesses as part of the broadcast licensing process is without significant question.[68] In fact, as chronicled in the *Notice* in paragraphs 41–50 and reviewed here in Appendix G, the Commission has considered commercial abuses and has imposed administrative penalties from time to time throughout its history.

79. Stated broadly, the public interest concern of the Commission has been to avoid allowing the commercial use of stations to supersede their public interest use. Congress having opted for a private rather than a governmental system of broadcast operations, revenues from commercial time sales are necessary to enable the vast majority of stations to remain in business, and thus provide the service intended. However, the Commission is charged with insuring that the interests of the listening public are being served, as well as the institutional and financial needs of the private license holder. Having allocated a large amount of spectrum space to commercial stations, the Commission can insure that their commercial aspect does not become so important as to frustrate the purpose of the allocations.[69]

80. But the existence of the authority to prevent commercial abuses has never driven the Commission to broadly exercise that authority absent a rather significant showing of interference with the public interest. And a recent but pronounced trend by the Supreme Court granting significant First Amendment protection to "commercial speech" indicates that the Commission's caution in this regard may have been appropriate not only as a matter of administrative and regulatory policy, but also a matter of constitutional policy. The scope and policy implications of the most important "commercial speech" decisions of the Supreme Court are discussed in Appendix G.

81. Against this background of the scope of Commission power, the effect of the processing guidelines, and the historical reluctance of the Commission to be more intrusive than necessary in this regard, the following discussion of elimination of the commercial guidelines is divided into two major sections: (1) the likelihood of excessive commercialization and (2) the potential advantages of elimination. The excessive commercialization section reviews the data and arguments relating to the likelihood of vast increases in commercial time by broadcast stations in light of the competitive pressures facing radio broadcasters. The final section outlines several potential advantages of guideline elimination, including greater commercial flexibility and diversity, less regulatory burden, and greater citizen opportunity for exposure to commercial information.

Commercial Excesses and Marketplace Forces

82. The record of this proceeding provides convincing evidence that marketplace forces have a significant impact on the amount of advertisements aired by commercial radio licensees. These forces appear more effective in curbing advertising excesses than our own rules, and are so significantly less intrusive and less expensive as to convince us to place greater reliance on them in our regulatory scheme.

83. As indicated in Appendix G, the economic data contained both in the *Notice* and in the comments show that most licensees not only meet the present guidelines but also that their pattern of advertising amounts is generally so far below the guidelines as to demonstrate that it is competition and other forces operating in the marketplace, not regulation, that most effectively restricts the advertising loads of radio licensees. The reasons for this situation are in some instances obvious but at other times not so obvious, prompting us to review them in some detail below. But in nearly every case, the trend appears to be in favor of greater and more effective competition in this area rather than against it, giving us substantial assurance that the policy choices we make herein are warranted.

84. First, as detailed in the *Notice*, the number of radio stations has shown a steady and striking increase over the past few decades. In 1934 there were 583 radio stations. In July of 1979, while the *Notice* was in preparation, there were 8,654 stations, and 15 months later there were 8,921 stations. Also, preceding and since adoption of the *Notice*, the Commission has both proposed and approved various plans to increase the use of the radio spectrum and thereby add a significant number of new competing stations.[70]

85. Although the increase in the number of radio outlets indicates a significant increase in the number of competitive outlets for radio advertisers, it may still significantly understate the amount of increased advertising competition encountered by radio licensees. Radio has faced considerable intermarket competition from its inception when it competed with the already established informational outlets of the print media such as newspapers and magazines, and other established advertising media such as outdoor and specialty advertising. While virtually none of these competing advertising vehicles has disappeared, the radio industry has continued to face additional competition, especially from other broadcast-related media such as VHF and UHF television, and now increasingly from cable television. Other such competitors continue to appear on the horizon, not the least of which are the low powered television stations and

[67] Advertising practices were, at least from 1928, considered as part of the "public interest" responsibility of licensees. *See,* 2 FRC Ann. Rep. 166 (1928).

[68] This issue was raised and discussed in considerable detail in a memorandum by the Commission's General Counsel submitted to the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee in December 1963. That memo reviewed the history of the Communications Act, the applicable provisions of the Act, and the applicable judicial and administrative precedent and found that the Commission not only had the power to regulate based on past commercial excesses of licensees, but also the power to limit by rule the commercial amounts allowed broadcasters. That proceeding by the Congress ended without the adoption of legislative guidelines or more clearly specified rule making authority in the area for the Commission. Later, the Commission also declined to adopt such rules, but incorporated the memo into the final *Report and Order* in that proceeding. *Amendment of Part 3 of the Commissions Rules and Regulations with Respect to Advertising on Standard, FM and Television Broadcast Stations,* 36 FCC 45 (1964). For a further history of this subject area, see Appendix G.

[69] One of the first expressions of this idea came in a 1928 statement by the Federal Radio Commission stating its interpretation of the public interest, convenience, or necessity clause of the Federal Radio Act: "While it is true that broadcasting stations in this country are for the most part supported or partially supported by advertisers, broadcasting stations are not given these great privileges by the United States Government for the primary benefit of advertisers. Such benefit as is derived by advertisers must be incidental and entirely secondary to the interest of the public." 2 FRC Ann. Rep. 166 (1928).

[70] *See, e.g., Clear Channel Broadcasting in the am Broadcast Band,* 78 FCC 2d 1345 (1980); and *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments,* 45 Fed. Reg. 17002, published March 19, 1980.

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even direct broadcast satellite communication media.

86. Perhaps both because of and in spite of this increased competition, the radio industry has continued to prosper as an effective medium. Both the *Notice* and several of the comments in this proceeding noted that because commercial radio is almost exclusively an advertiser supported industry, advertisers can in some ways be considered the "buyers" of the radio product. Although this may have some undesirable effects, it was noted in the comments and elsewhere that advertisers have become more sophisticated in their ability to identify potential consumer groups and are more successful at "positioning" their products, *i.e.*, setting them apart from competing products and appealing to specific market segments within the mass consumer market.[71] Advertisers, in turn, have utilized advertising media with compatible specialized audiences.[72]

87. This desire of advertisers for more specifically segmented audiences has been one of the forces that has facilitated the movement of the commercial radio industry, especially in the past decade, toward greater specialization and diversity in program formats, paralleling a somewhat earlier trend of the magazine industry. As both audiences and advertisers sought more specific media for editorial and commercial information, magazines decreased in average circulation but increased in number and specificity while retaining a largely national character.[73] Likewise, a great number of radio stations now deliver more specialized services.

88. Against this background, we view with some skepticism the assertions by some commenters that elimination of our guidelines will lead to widespread increases in the commercial loads of radio stations. Indeed, absent our own intervention—which, of course, would continue to be possible—there appear to be at least three major sources of market pressure that will inhibit commercial abuses: audiences, advertisers, and individual station owners. Together, these appear to create a largely self-regulating system and one wherein correction of commercial abuses by the system's own forces may be more swift and more efficient than those ordinarily imposed by the Commission.

89. The commercial clutter issue was discussed by several of the commenters in this proceeding. Most simply, the idea is that stations with commercial excesses are attractive neither to listeners nor to advertisers. Audiences exposed to highly concentrated ads don't listen attentively, retain less of what they do hear, and become decreasingly responsive to commercial appeals.[74] In other words, each ad tends to get lost in the "clutter" and thus is less effective, leaving advertisers to seek stations with less advertising clutter. Meanwhile, audiences avoid stations with too many commercials. Stations with excessive commercials will often find themselves with smaller audiences and fewer advertisers.[75]

90. Additionally, reply comments of NTIA suggest that station owners who may wish to increase profits will have other incentives to restrict the number of ads they accept. One reason is that increased availability of advertising has a depressing effect on the unit price of *every* ad sold.[76] Thus, although they may be able to increase the number of ads they sell, their total profits will not necessarily increase and, in fact, will likely decrease.

91. One potentially troublesome situation suggested by some commenters is that raised by those stations which may be less susceptible to market forces. These stations are said to have unusual "market power" either because they face little local competition in a small community or because they have a unique format or audience in a larger community. In both cases, these commenters suggest that the stations with this "market power" will increase their levels of advertising time.[77] NTIA cast considerable doubt upon the extent and intensity of such "market power" in both situations. In small markets, there are not typically many purchasers of advertising time.[78] Hence, the ability of find purchasers of additional time is not great. In larger markets, specific format stations apparently face the considerable "cross format" competition discussed in the comment summary in Appendix G, and also competition from other advertising media.

92. These countervailing forces lead us to conclude that "market power" may be more a theoretical concern than an actual one. Our own data in the *Notice*, for example, confirm this conclusion by showing that the lightest advertising loads are usually found in the small markets with little or no local radio competition, and in the large markets with presumably the greatest amount of format specification. In any case, if it becomes obvious that a certain class of stations (*e.g.*, specific format or small market stations) have significant market power and exert that power to the detriment of the public interest, the Commission can always revisit the area in a general inquiry or rulemaking proceeding.

Potential Advantages of Elimination

93. We think that the data and economic analysis indicating that marketplace forces will effectively regulate commercial excesses and the analysis of other issues discussed in Appendix G indicating that elimination of the guidelines will not otherwise harm the public interest provide sufficient cause for us to eliminate the commercial processing guidelines. No government regulation should continue unless it achieves some public interest objective that cannot be achieved without the regulation. Further, we think it would be irresponsible to ignore both the direct and indirect burdens of unnecessary regualtion on this Commission and the broadcasters (and ultimately the public). The most direct of these costs are the unnecessary record keeping, reviewing, and monitoring required by the stations and the Commission pursuant to the regulation. We do not consider these trivial, especially in light of the fact that they undoubtedly contribute to the recent conclusion of the Small Business Administration[79] and the General Accounting Office[80] that the Commission is a major source of government paperwork burdens.

[71] "The power of [market segmentation] is that in an age of intense competition from the mass market, individual sellers may prosper through developing brands for specific market segments whose needs are imperfectly satisfied by the mass market offerings." Kotler, *Marketing Management: Analysis, Planning and Control*, 1976, p. 144.

[72] *See also, Notice*, paragraphs 71–85.

[73] The trend toward more specificity in magazines has also manifested itself in the emergence of many regional, state, and local magazines. These have also provided competition with radio for advertising dollars.

[74] "The kaleidoscope of clutter in commercials produces confusion among viewers and listeners . . . ." Kleppner, *Advertising Procedure*, 7th ed., 1979, p. 118.

[75] *See*, J. R. Dominicle, "The Effects of Commercial Clutter on Radio News," *Journal of Broadcasting*, Spring 1976, at pp. 169–176.

[76] This is only relevant where changes by any one station have a significant effect on the total advertising time available in a market.

[77] That is, they would sell a greater amount of advertising time than would be true in a competitive market. Economic theory suggests that the incentive would be the opposite—the station that has "market power" would want to restrict its advertising time.

[78] This is true both because the numbers of advertisers in small markets is limited, and because the value to listeners of the advertising messages is likely to be small.

[79] Advocacy Paperwork Measurement and Reduction Program, U.S. Small Business Administration, September 30, 1979. *See especially*, Appendix 4.

[80] "Federal Paperwork: Its Impact on Small Business," General Accounting Office, November 17, 1978, p. 43.

94. But the paperwork burden of the commercial guidelines according to the record of this proceeding appears only to be a small part of the burden the guidelines impose. Other burdens are less direct, though no less real, and often take forms that are nearly impossible to measure or to predict accurately. Elimination of the guideline may well reduce these burdens and have substantial advantages. The potential advantages include: (1) the reduction of any anti-competitive impact of the current rules, and (2) an increase in commercial flexibility for broadcasters and diversity for audiences.

95. First, as NTIA and other commenters suggest, the commercial guidelines may have serious economic consequences. NTIA says that to the extent that the commercial guidelines depress the amount of commercial time below the advertiser demand for such time, they may be anticompetitive. And, to the extent that such limits decrease the advertising available to consumers, they can result in higher prices for many consumer products.[81] When commercial levels are restricted, the price of each commercial is likely to rise, thereby restricting its availability to larger and better established businesses. Conversely, an increased supply of advertising time can be expected to decrease unit price, allowing smaller businesses to use the medium to reach potential consumers. This point is made by the National Black Media Coalition (NBMC) which states that the guidelines increase the prices of spot advertisements, "which hurt[s] small businesses generally and Black businesses particularly by making access to radio time more difficult to obtain than would otherwise be the case."[82]

96. NTIA also asserts that the restrictions have adverse competitive effects within the radio broadcasting industry: "Large, well established radio stations can prosper despite limitations on commercial time because they tend to sell time to businesses with large advertising budgets. They thus can compensate for decreased quantity by increasing the cost of commercial time. Small stations (many of which are minority owned) may need quantity, however, to survive."[83] The joint comments of Dow, Lohnes, & Albertson reinforce this point, suggesting that larger commercial loads on minority owned stations could strengthen their revenue base.[84] NBMC suggests that the present guidelines also weaken the "ability of marginal Black stations to attract capital needed to support news and public affairs programming."[85]

97. These observations lead to our second major point here, *i.e.*, without the guidelines stations may show an increased willingness to experiment with advertising formats that might exceed present limits but could serve the public interest. NBMC again provides a major point suggesting that the present guidelines restrict general consumer use of the radio medium, and saying that the guidelines are responsible for the current "absence of programs on which Black consumers may themselves advertise, such as want-ad shows or consumer sell-a-thons."[86] Others note that our present policy discourages the use of "program length commercials" which may be very useful to consumers where products or services cannot be adequately explained in the usual spot advertisement. Although we are mindful that some such advertising procedures are subject to abuse, we think that it is preferable to encourage experimentation and diversity in this area. To encourage such experimentation, we will no longer adhere to our policy against "program length" commercials. We also understand that what might appear to us at first blush as an abuse may be a significant service to a substantial portion of the market's radio audience. Thus, we prefer to allow the interplay of good faith discretion of licensees and the competitive forces of the marketplace to determine which advertising policies better serve the needs and interests of particular listening audiences. If prolonged and blatant excesses occur in defiance of the best interests of the public, then again, we can revisit the area and take appropriate action in another rulemaking proceeding.

98. In summary, the current processing guidelines for maximum commercial amounts are herein eliminated. We expect that this change will promote licensee experimentation in the commercial area, and result in a greater range of commercial radio choices for both advertisers and audiences. Based on information in this record, we believe that commercial levels are more effectively regulated by audience selection and other marketplace forces, and therefore will not consider petitions to deny or informal objections based on allegations that an individual station has offered an "excessive" amount of commercial matter. Should events demonstrate that these competitive forces are not effective for all markets and instances, we can revisit this issue in detail in a general inquiry or rulemaking procedure at a later date.

Program Logs

The Proposals

99. The present program logging requirements applicable to radio stations are found in Sections 73.1800, 73.1810, and 73.1850 of the Commission's Rules. These rules, *inter alia*, specify the general design of the logging system, the manner for entering and correcting data, and the details of how the logs are to be made available to the public. Thus compiled, the logs provide a rather comprehensive record of the level and timing of programming for every specified program type. The *Notice* in paragraph 293 listed three of the possible options for change if the commercial and nonentertainment programming rules were changed as envisioned in this proceeding: (1) eliminate the logs; (2) eliminate the present requirements, but require public inspection of those associated records voluntarily kept by licensees in their ordinary course of business; or (3) keep the present system of logs. The second of these was considered the preferred option, largely because it was believed it would substantially decrease the regulatory burden while allowing public inspection of many important records.

Discussion of the Action Being Taken

100. Perhaps the most important area of agreement among commenters in this rule making was dissatisfaction with the current log keeping requirement. Broadcasters were especially concerned that the logs posed a tremendous record keeping burden, and other commenters such as the National Black Media Coalition often agreed with the broadcasters' contentions that the logs contain very little useful information considering their pervasive and complex nature.

101. The most stunning statistic relied upon by those who discussed the great burden of the logs comes from a General Accounting Office (GAO) report on federal paperwork requirements. That

[81] *See, Virginia State Board of Pharmacy* v. *Virginia Consumers Council, Inc.*, 425 U.S. 748 (1976).

[82] Comments of National Black Media Coalition, p. 17.

[83] Comments of National Telecommunications and Information Administration, p. 8. We also note in this regard that the Justice Department has filed an action against the National Association of Broadcasters alleging that a section of the NAB Code, since revised, dealing with amounts of advertising time violated antitrust laws. *United States* v. *National Association of Broadcasters*, Doc. Number, 79–1549.

[84] Joint comments submitted by Dow, Lohnes, & Albertson, p. 39.

[85] Comments of National Black Media Coalition, p. 17.

[86] *Id.*

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GAO report says that compliance with the logging rules for AM and FM stations require a total of 18,233,940 hours per year by the industry.[87] Although the burden seems highly exaggerated, especially in light of the fact that these rules largely operated only to standardize industry record keeping that is necessary in the ordinary course of business, the paperwork burden of the logs nonetheless seems just too great to be taken lightly.

102. Broadcasters also suggest that the current programming logging requirements have the secondary effect of facilitating Commission concentration on technical compliance with its rules rather than on substantial compliance by broadcasters. One such incident, involving a forfeiture against Station WMAL(AM), Washington, D.C., for inaccurate logging of commercial matter, was cited in comments and raised in the panel discussions as an example of the inherent difficulty such detailed rules can create for both the licensees and the Commission. Also, the technical specificity of the rules is said to inhibit stations from developing more efficient means of compiling and retaining the logs, and thus discouraging the use of modern computer based systems of recordkeeping.

103. Program logs as presently required by the Commission will no longer need to be maintained or made publicly available. However, broadcasters still will be required to maintain their public files, which contain much relevant programming information. The information in station public files should be sufficient for routine Commission and public monitoring of the public interest programming performance of licensees. EBS announcements will now all be logged in the radio stations' operating logs.

104. The Commission will not require other records of programming or commercial matter, although some such records may be kept by licensees in the ordinary course of business. As stated in the comments of the National Radio Broadcasters Association (NRBA), stations will continue to maintain commercial records if only for billing purposes. Stations may voluntarily wish to compile and maintain other records, including files on most public service programming. We decline to require such records because to do so would create a burden much greater than warranted by our infrequent need for them. And, as NRBA says:

> There is a difference, however, between records kept voluntarily in format designed for utility, and records kept pursuant to a strict and detailed government regulation. The difference is particularly striking when it is emphasized that a failure to maintain the former may simply result in some lost billings, while failure to maintain the latter can result in a fine, a hearing, or even loss of license.[88]

105. Public inspection files will continue to be maintained by each licensee, and will provide considerable information of value to citizens making public interest programming inquiries of licensees.[89] Items contained therein which have had and will continue to have great value include copies of the license application with all accompanying materials, and the political file. In addition, the most important programming document in the public inspection file will likely be the annual issues-programs list. There, each licensee will list five to ten of the important issues in its service area, examples of its public service programs aired over the past year which responded to those issues, and related information.

106. We wish to stress here that the continued reliance on the public file as an index to the general programming responsibility of licensees does not constitute a significant departure from our present system. As the record in this case reveals, our past program logging requirement has served primarily as an index to the *quantity* of nonentertainment and commercial programming aired by individual licensees, and has been of very little value as an index of performance in the more general programming areas. The Commission has never imposed a general requirement that stations supply extensive textual data on the *content* of their programming, and doing so would raise significant First Amendment questions. Our experience also has shown that such information is not necessary to meet our public interest oversight and other statutory responsibilities. Instead the Commission has developed a history of successful programming oversight through various means, including staff and public investigations. In so doing, the Commission has relied not only on logs or other record keeping devices but on the experience of those with the most extensive knowledge and greatest interest in each station's programming, its listening audience.[90]

107. In sum, while elimination of the logs will decrease the public availability of some quantitative information on program service, that information will now be largely irrelevant based on other rule changes on this *Report and Order*. Other program information, especially that relative to the general public interest responsibilities of licensees, will continue to be available to the public much as in the past.

V. General Issues

The Experimental Option

108. As indicated in the Introduction, in October, 1978, we instructed the staff to study the possibility of deregulating radio on either an experimental or general basis and to prepare recommendations. In the *Notice*, at paragraph 267, it was indicated that, based on the information then available, the experimental option was not the preferred course to take because:

> First, there is a substantial likelihood that the findings we would be seeking from an experiment are already available. We refer to data showing that the marketplace provides more nonentertainment programming and fewer commercials than our current guidelines. Second, and most importantly, because of the nature of such an experiment—one in which the subjects would have a strong interest in achieving a particular outcome—the results would be subject to considerable question. Finally, if we eliminate our noncommercial and nonentertainment program guidelines, we are prepared to take whatever steps are necessary in the public interest should the marketplace fail. We invite comments on any course of action that might be taken with respect to any experiment.

Several commenters took the opportunity to address the issue of an experimental option. In general, those who favored deregulation asserted there was no need for an experimental period; those who opposed deregulation asserted that if deregulation were to occur it should be implemented on an experimental basis. Unfortunately, none of the commenters addressed the substance of the arguments put forth in the *Notice*. It therefore appears that the findings still hold that the experimental option should be rejected.

Monitoring Deregulation

109. The steps we are taking here in no way will reduce our responsibility, ability, and determination to provide a regulatory framework that assures radio broadcast programming in the public interest. We shall continue to be concerned that broadcasters be responsive to the public. It is our expectation that the added flexibility that broadcasters will have to respond to their audiences will indeed produce such results. There remains the possibility that, at least in some isolated cases, this might not happen. Fortunately, there are built-in mechanisms to allow us to detect such an occurrence. Part of the public interest obligation of any licensee is to address issues of importance to the community as a whole or, in larger markets with many stations, to the station's listenership. If a station is not addressing issues, citizens will be able to file complaints or petitions to deny. We continue to encourage citizens to meet with their local broadcasters to discuss their concerns, but if they do not receive satisfaction, they should take the complaint or petition to deny routes. These long standing channels will allow the Commission to continue to monitor the performance of licensees, and indeed will better indicate the responsiveness of licensees than do fixed guidelines.

110. Citizens' complaints will also provide the basis for monitoring commercialization policy. Although there will be some additional burden placed on citizens to undertake such monitoring, in fact highest levels of commercialization tend to occur during predictable peak hours and therefore the burden is not overwhelming. The Commission in general will not be concerned with isolated incidents of stations with high levels of commercialization. If, however, there tends to be a pattern of serious abuse among certain classes of stations, the Commission could revisit the area through an inquiry or rulemaking proceeding. In monitoring such problem areas, the Commission might survey particular markets and use the data as the basis for fashioning appropriate remedies.

Administration of Deregulation

111. The policies enunciated herein, along with the relevant rule changes set forth in Appendix A, will become effective thirty days from the publication of this document in the **Federal Register**, unless a stay of the effectiveness is requested and granted. After the effective date of these policies, application for new stations, as well as applications for the assignment, transfer, renewal and/or modification of existing stations, will be modified as set forth in Appendix J, and all such applicants will be required to file only the information requested therein.

New Applications

112. Because the policies enunciated herein will affect the future operation of radio broadcast stations, we believe that they should also be applied to applications filed before the effective date of this *Report and Order* but still before the Commission for consideration.[91] Therefore, upon the effective date of this *Report and Order*, those portions of applications for new facilities which have been obviated by this action will be considered immaterial to the Commission's determination of that application. We will not physically return those portions of the applications, and it will not be necessary for applicants to file amendments to conform with the revised wording of the applicable form. For example, the ascertainment and programming portions of applications already on file should adequately respond to the revised questions. If additional information is needed, especially with regard to proposed programming, the Commission's staff will contact the applicant. Thus, modifications of applications already on file will not be necessary.

113. We further believe that when these policies become effective they should apply to pending applications for new facilities that have been designated for hearing at all stages of the hearing process. Therefore, if issues which are obviated by this action have been specified and/or tried, Administrative Law Judges and the Review Board are directed to resolve those issues in accordance with the policies enunciated herein. Thus, the issues should be deleted in either an interlocutory order or in the decision, as appropriate. In directing this course, we wish to emphasize no intention to foreclose consideration of related issues not directly affected herein. Thus, issues concerning alleged misrepresentations relating to ascertainment will not be extinguished. However, there would be no need to resolve issues on the sufficiency of ascertainment based upon alleged failures to follow the steps detailed in the *Primer*.[92]

Renewal Applications

114. The administration of these policies to renewal applications is complicated by the fact that such applications encompass both the licensee's past performance and proposals for the future. Certainly, the portions of renewal applications which relate to future proposals should be treated in the same manner as new applications. Accordingly, the procedures and directions set forth above will govern the consideration of the prospective portions of renewal applications.[93]

115. The retrospective portions of renewal applications and the seller's portion of assignment and transfer applications relate to conduct during the time when the licensee was expected to adhere to rules and policies which have been eliminated herein. It is not our intention to relieve licensees of those obligations after the fact. On the other hand, we do not believe it would be reasonable to continue to require licensees to file information on the ever diminishing portion of the past license term which was governed by the old policies. Accordingly, we will continue to require the filing of, and we will consider, the retrospective portions of renewal applications until the effective date of the *Report and Order*. Thereafter, licensees will file renewal applications in accordance with the reformed application described in Appendix J. Thus, although we will not require routine filing of materials related to past ascertainment, commercialization or programming performance, these issues could be raised in a petition to deny or on the Commission's own motion. This is the case because violations of a past regulation at the time when it was in effect may be relevant to a licensee's qualifications to retain its license, even if the subject regulation was modified or eliminated in this proceeding.

VI. Conclusion

116. Some fifty-four years ago, during Congressional debate on what was to become the Radio Act of 1927, precursor to the Communications Act of 1934, Congressman Free of California stated:

> I think there is one monopoly in this thing and I think it is the individual listener. The minute he turns off his set and refuses to listen, just that minute the radio is gone so far as the sellers of sets are concerned.[94] Because

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[87] "Federal Paperwork: Its Impact on Small Business." General Accounting Office, November 17, 1978, p. 43.

[88] Comments of National Radio Broadcasters Association, p. 24.

[89] The public inspection file rules are contained in Section 73.3526.

[90] *See, e.g., Alan C. Phelps*, 21 F.C.C. 2d 12 (1969).

[91] These procedures cover application for new facilities, applications for modifications of existing facilities and the buyer's portions of applications for assignment or transfer of existing stations.

[92] In this regard we note that for "new" applicants, ascertainment is a prospective process by which the applicant determines the community problems it will cover in its programming. Thus, the mere failure to follow previously prescribed procedures would no longer be relevant.

[93] This will also apply to the seller's portion of assignment and transfer applications.

[94] This referred to the so-called "Radio Trust," some of whose members were engaged in the manufacture of receivers and transmitters as well as in broadcasting itself. It was fear of the potential monopolistic aspects of the Radio Trust that was in large measure responsible for the adoption of the Radio Act, and, indeed, the adoption of a requirement that stations operate in the public interest rather than in their own interest. As the Supreme Court has stated, "Congress (in adopting the Act) moved under the spur of widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field."

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of that fact they must put on good programs; they must maintain the public interest because the public is their asset. When they sell time to an advertiser they have got to show that you and other people are listening, and if they cannot show that they cannot get money for broadcasting.[85]

117. We believe that given conditions in the radio industry, it is time to heed that sentiment and to reduce the regulatory role played by Commission policies and rules, and to permit the discipline of the marketplace to play a more prominent role. It is our conclusion that the regulations that we are retaining and the functioning of the marketplace will result in service in the public interest that is more adaptable to changes in consumer preferences and at less financial cost and with less regulatory burden. While savings to the public, the Commission and broadcasters cannot be accurately or exactly quantified, it is only reasonable to assume that if any reduction in costs to broadcasters and/or the Commission (and accordingly, and foremost, to the public) is achieved by the action taken herein, with no degradation in service, the public interest will be well served. It may well be that the removal of these regulations will allow broadcasters to be *more* responsive to listeners, thus improving service while reducing costs.

118. Our role will continue to be one of oversight. But in most instances we believe that generalized requirements that permit licensees to respond to market forces within broad parameters are warranted in radio broadcasting. Simply stated, the large number of stations in operation, structural measures, and listenership demand for certain types of program (and for limitations on other types of programming, to-wit: commercials) provide an excellent environment in which to move away from the content/conduct type of regulation that may have been appropriate for other times, but that is no longer necessary in the context of radio broadcasting to assure operation in the public interest.

119. Accordingly, *It is ordered*, That Sections 0.281, 73.112, 73.282, 73.1212, 73.1225, 73.1800, 73.1810, 73.1840, 73.1850, and 73.3526 of the Commission's Rules are amended as set forth in Appendix A.

120. *It is further ordered*, That the *Ascertainment Primer* and the *Renewal Primer* shall no longer be applicable to commercial radio broadcast applicants or licensees and that in their place the above stated policy regarding ascertainment of issues shall apply to such stations.

121. *It is further ordered*, That FCC Forms 301, 303–R, 314, and 315 are amended as set forth in Appendix J, *infra*.

122. Authority for the adoption of this *Order* is contained in Sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and Section 1.412(b)(5) of the Commission's Rules.

123. *It is further ordered*, That this action shall become effective on April 3, 1981.

124. For further information concerning this *Order*, contact Roger D. Holberg, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

1. 47 CFR Part 0 is amended by removing § 0.281(a)(7)(i)–(iii), redesignating § 0.281(a)(7)(iv) as 0.281(a)(7)(i) and revising that paragraph and §§ 0.281(a)(8) and 0.281(a)(10), as follows:

§ 0.281 Authority delegated.

* * * * *

(a) * * *

(7) *Programming: commercial matter.*

(i) Commercial TV applicants for a new station, or assignment or transfer, or renewal of license, proposing to exceed 16 minutes of commercial matter per hour, or during periods of high demand for political advertising, providing for exceptions permitting in excess of 20 minutes of commercial matter per hour during 10% or more of the station's total weekly hours of operation.

(8) *Programming: program content and ascertainment of community needs.*

(i) Applications for new stations or assignments and transfers.

(A) Commercial AM and FM proposals of applicants for new stations and of assignees and transferees that have not submitted a narrative statement of their proposed programming, commercial TV proposals of applicants for new stations and of assignees and transferees (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals of applicants for new stations and of assignees or transferees which contain substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1971 Ascertainment Primer: 27 FCC 2d 650 (1971), 36 FR 4092).

(ii) Applications for renewal.

(A) Commercial TV proposals (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals containing substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1976 Ascertainment Primer: 57 F.C.C. 2d 418 (1975), *recon. granted in part*, 61 F.C.C. 2d 1 (1976)).

(9) * * *

(10) *Programming: promise versus performance.*

(i) Applications for assignments and transfers.

TV applications for assignment or transfer which vary substantially from the assignor's or transferor's prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this Section), or from the programming categories (as set forth in paragraph (a)(8) of this Section), and for which variation there is lacking, in the judgment of Broadcast Bureau, adequate justification in the public interest.

(ii) Applications for renewal.

Commercial TV applications for renewal which vary substantially from prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this Section), or from the programming categories set forth in paragraph (a)(8) of this Section, and for which variation there is lacking, in the judgment of the Broadcast Bureau, adequate justification in the public interest.

* * * * *

2. 47 CFR Part 73 is amended by removing from "Contents—Part 73" and "Alphabetical Index—Part 73" the following entries:

Sec.
73.112 Program log.
73.282 Program log.

§ 73.112 [Removed]

3. 47 CFR Part 73 is amended by removing § 73.112 in its entirety.

§ 73.282 [Removed]

4. 47 CFR Part 73 is amended by removing § 73.282 in its entirety.

5. 47 CFR Part 73 is amended by revising § 73.1212(g)(2) and 73.1212(g)(3) as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

* * * * *

(g) * * *

(1) * * *

(2) Attach the list to the program log, if the station is required to keep such log, for the day when the broadcast was made; or retain separately if the station is not required to keep program logs, and

(3) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list. Such list must be retained for a period of two years after broadcast.

* * * * *

6. 47 CFR Part 73 is amended by revising § 73.1225(c), and by adding paragraph (d) as follows:

§ 73.1225 Station inspections by FCC.

* * * * *

(c) The following records shall be made available upon request by representatives of the FCC. (1) *For commercial and noncommercial AM stations:*

(i) Equipment performance measurements required by § 73.47.

(ii) Copy of the most recent antenna resistance or common-point impedance measurements submitted to the FCC.

(iii) Copy of the most recent field strength measurements made to establish performance of directional antennas required by § 73.151.

(iv) Copy of the partial and skeleton directional antenna proofs of performance as directed by § 73.154 and made pursuant to the following requirements:

(A) Section 73.67, Remote control operation.

(B) Section 73.68, Sampling systems for antenna monitors.

(C) Section 73.69, Antenna monitors.

(D) Section 73.93, Operator requirements.

(v) Chief operator agreements and contracts with first-class operators employed part-time for maintenance duties.

(2) *For commercial and noncommercial FM stations.*

(i) Equipment performance measurements required by § 73.254 and § 73.554.

(ii) Chief operator agreements and contracts with first-class operators employed part-time for maintenance duties.

(d) The following logs shall be made available upon request by representatives of the FCC:

(1) *For commercial AM and FM stations:*

(i) Operating and maintenance logs.

(2) *For noncommercial educational AM and FM stations:*

(i) Program, operating and maintenance logs.

(3) *For commercial and noncommercial educational TV stations:*

(i) Program, operating and maintenance logs.

7. 47 CFR Part 73 is amended by revising § 73.1800(a) to read as follows:

§ 73.1800 General requirements relating to logs.

(a) The licensee of each station shall maintain logs as set forth in §§ 73.1810, 73.1820 and 73.1830. Each log shall be kept by the station employee or employees (or contract operator) competent to do so, having actual knowledge of the facts required. The person keeping the log must make entries that accurately reflect the operation of the station. In the case of program and operating logs, the employee shall sign the appropriate log when starting duty and again when going off duty and setting forth the time of each. In the case of maintenance logs, the employee shall sign the log upon completion of the required maintenance and inspection entries. When the employee keeping a program or operating log signs it upon going off duty or completing maintenance log entries, that person attests to the fact that the log, with any corrections or additions made before it was signed, is an accurate representation of what transpired.

* * * * *

8. 47 CFR Part 73 is amended by revising § 73.1810(a) to read as follows:

§ 73.1810 Program logs.

Commercial Stations

(a) Commercial TV stations shall keep a program log in accordance with the provisions of § 73.1800 for each broadcasting day which, in this context, means from the station's sign-on to its sign-off.

(1) Commercial AM and FM stations are *not* required to keep program logs.

(b) * * *

* * * * *

9. 47 CFR Part 73 is amended by revising § 73.1840 to read as follows:

§ 73.1840 Retention of logs

Any log required to be kept by station licensees shall be retained by them for a period of 2 years. However, logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them. Logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

10. 47 CFR Part 73 is amended by revising § 73.1850(a) to read as follows:

§ 73.1850 Public inspection of program logs.

(a) The program logs of commercial TV and noncommercial AM, FM and TV licensees shall be made available for public inspection and reproduction at a location convenient and accessible to the residents of the community to which the station is licensed. All such requests for inspection shall be subject to the procedural requirements in paragraph (b) below. Where good cause exists, the licensee may refuse to permit such inspection. (See paragraph 64, the *Public and Broadcasting Procedural Manual.)* The licensee shall remain responsible for the safekeeping of the logs when permitting inspections.

* * * * *

11. Section 73.3526 of 47 CFR Part 73 is amended by revising the introductory clauses of (a), (a)(11), (a)(12) and (e); by revising (a)(10) and Note 2 of (a)(12)(ii); and by adding a new (a)(14) as follows:

§ 73.3526 Local public inspection file of commercial stations.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1) of this paragraph. Every permittee or licensee of an AM, FM or TV station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1), (2), (3), (4), (5), (6), (7) and (9) of this paragraph. In addition, every permittee or licensee of a TV station shall maintain for public inspection a file containing the material described in (8), (11), (12) and (13) of this paragraph; every permittee or licensee of an AM or FM station shall maintain for public inspection a file containing material described in (14) of this

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Federal Communications Commission v. *Pottsville Broadcasting Company*, 309 U.S. 134, 137 (1940).

[85] 67 Cong. Rec. 5491 (1926).

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paragraph. The material to be contained in the file is as follows:

* * * * *

(10) Although not part of the regular file for public inspection, prorgam logs for TV stations will be available for public inspection under the circumstances set forth in § 73.1850 and discussed in the Public and Broadcasting Procedural Manual; Revised Edition.

(11) Each licensee or permittee of a commercially operated TV station (except as provided in Note 2, below) shall place in the station's public inspection file appropriate documentation relating to its efforts to interview a representative cross-section of community leaders within its service area to ascertain community problems and needs. Such documentation shall be placed in the station's public inspection file within a reasonable time after the date of completion of each interview, but in no event later than the due date for filing the station's application for renewal of license and shall include:

(i) * * *

* * * * *

(12) Each licensee or permittee of a commercially operated TV station (except as provided in Note 2, below) shall place in the station's public inspection file documentation relating to its efforts to consult with a roughly random sample of members of the general public within its city of license to ascertain community problems and needs. Such documentation shall consist of:

* * * * *

Note 2.—Subparagraphs (a)(11) and (a)(12) above shall not apply to commercial TV stations within cities of license which (1) have a population, according to the immediately preceding decennial U.S. Census, of 10,000 persons or less; and (2) and are located outside all Standard Metropolitan Statistical Areas (SMSA's as defined by the Federal Bureau of the Census).

* * * * *

(14) To be placed in each commercial radio station's public inspection file every year on the anniversary date of the grant of authorization (for new licensees' first license term) and thereafter on the anniversary date on which the station's renewal application would be due for filing with the FCC, a list of five to ten issues to which the station paid particular attention with programming during the preceding year. A brief narrative should be included describing how the licensee determined the issues to be ones facing its community, and how each issue was treated (*i.e.*, a series of public service announcements, call-in programs, etc.). In addition, illustrative examples of programs responsive to each issue should be provided, including the time, date and duration of each such program.

* * * * * * *

(e) *Period of retention.* The records specified in paragraph (a)(4) of this Section shall be retained for periods specified in § 73.1940 (2 years). The manual specified in paragraph (a)(6) of this Section shall be retained indefinitely. The letters specified in paragraph (a)(7) of this Section shall be retained for the period specified in § 73.1202 (3 years). The records specified in paragraphs (a) (1), (2), (3), (5), (8), (9), (11) and (12) of this Section shall be retained as follows:

* * * * *

12. The "Primer of Ascertainment of Community Problems by Broadcast Renewal Applicants," Appendix B, First Report and Order, Docket No. 19715, 41 FR 1371, January 7, 1976, is amended to revise the "Introduction" and add a new Question 34 and headnote thereto. As amended, the "Introduction" reads as follows:

Introduction

The principal ingredient of a licensee's obligation to operate in the public interest is the diligent, positive and continuing effort by the licensee to discover and fulfill the problems, needs and interests of the public within the station's service area. Statement of Policy Re: Commission En Banc Programming Inquiry, 25 Fed. Reg. 7291, 20 RR 1901 (1960). In the fulfillment of this obligation, the licensee must consult with leaders who represent the interests of the community and members of the general public who receive the station's signal. 1960 Programming Policy Statement, *supra*. This Primer provides guidelines for the licensee of a commercial TV station to follow in conducting these consultations. (The guidelines do not apply to commercial AM and FM licensees. See Question 34 below.) The types of consultations required can best be summarized in a question and answer format.

* * * * *

E. Applicability

QUESTION 34—Have the Primer guidelines been eliminated for commercial AM and FM stations?

ANSWER: Yes. The guidelines were eliminated by a Report and Order in BC Docket No. 79–219, adopted January 14, 1981, and released 1981; 46 FR ———. However, a commercial AM or FM licensee has the obligation to determine issues facing its community and to broadcast programming responsive to such issues. Any means reasonably calculated to apprise the licensee of community issues may be used for this. A licensee may determine which issues to cover based upon the other radio services available in its community. A list of from 5 to 10 community issues and the programming broadcast by a station in response to those issues must be placed in the licensee's local public inspection file annually by the anniversary date of the deadline for filing the renewal application.

13. The "Primer on Ascertainment of Community Problems by Broadcast Applicants," Appendix B, First Report and Order, Docket No. 18774, 36 FR, March 3, 1971, is amended to revise Answer 1 to read as follows:

A. General

* * * * *

ANSWER: With applications for:

a. Construction permit for new television stations;

b. Construction permit for a change in authorized facilities when the television station's proposed field intensity contour (Grade B contour) encompasses a new area that is equal to or greater than 50 percent of the area within the authorized field intensity contours;

c. Construction permit or modification of license to change television station location;

* * * * *

e. The assignee's or transferee's portion of applications for assignment of television license or transfer of control, except in *pro forma* cases where Form 316 is appropriate. Educational organizations filing applications for educational noncommercial stations and applicants for commercial AM and FM radio stations are exempt from the provisions of this Primer.

Appendix B.—Radio Deregulation Panels

Panel I—September 15, 1980

National Association of Broadcasters—Erwin Krasnow
National Citizens Committee for Broadcasting—Samuel A. Simon
American Broadcasting Companies, Inc.—Robert W. Coll
National Public Radio—Walda Roseman
National Telecommunications and Information Administration—John F. Lyons
WNCN Listeners Guild—Kristen Booth Glen
Department of Communications of the United States Catholic Conference—Father Donald Mathews, S. J.
United States Department of Justice—Carolyn Alden
National Black Media Coalition—Pluria Marshall

Panel II—September 16, 1980

Law Firm of Dow, Lohnes and Albertson—Thomas H. Wall
Citizens Communications Center—Nolan A. Bowie
National Association of Black Owned Broadcasters—Nate Boyer
Office of Communication of the United Church of Christ—Dr. Ralph Jennings
National Radio Broadcasters Association—Thomas Schattenfield
Media Access Project—Andrew J. Schwartzman
United States Office of Consumer Assistance—Mark Goldberg
American Civil Liberties Union—Charles M. Firestone

Appendix C

	Ind. inquiries	Broadcast groups, organizations, and individuals	Religious groups, organizations, and individuals	All others	Totals
Formal Comments					
For	257	1,125	10	23	1,415
Against	1,132	5	499	171	1,807
Mixed	6	9	6	4	25
Totals	1,395	1,139	515	198	3,247
Informal Comments					
For	183	407	1	63	654
Against	14,945	8	779	279	16,005
Mixed	91	0	3	29	123
Totals	15,199	409	783	391	16,782
Formal Reply Comments					
For	5	62	0	0	62
Against	4	5	19	18	41
Mixed	0	3	1	3	7
Totals	4	55	20	21	110
Informal Reply Comments					
For	2	119	0	1	122
Against	1,677	0	86	37	1,812
Mixed	0	0	0	0	0
Totals	1,679	119	86	38	1,934

Appendix D.—The Economic Model and Discussion of Comments Filed Relative to It

1. As the text of the *Report and Order* indicates, we have relied partially but not entirely, on the economic model presented in the *Notice* in reaching our final decision. This has led us to permit licensees to be able to take into account the programming of other stations in their markets when determining which issues to address in meeting their public interest obligations. Each licensee nonetheless will have its own individual obligation to provide some programming responsive to community issues. As will be discussed in greater detail below, we have not rejected a pure marketplace solution because of any inherent weakness in the marketplace theory as applied to broadcasting. Rather, we have determined from a reading of the full record that the implementation of a pure market approach would not be in the public interest at this time due to administrative complexities and possible legal difficulties involving individual vs. market-wide responsibilities.[1] Nonetheless, since we do rely on the marketplace theory for part of our decision, it is appropriate to discuss the comments concerning the economic model.

2. We received many comments on the economic analysis that served as a basis for the deregulation proposal. These comments fell into two general categories. First, and most fundamental, are comments directed toward the economic model itself.[2] Second, there are comments on and additional empirical studies related to, our proposals regarding nonentertainment programming, ascertainment, commercial time, and logging requirements. The first set of comments, addressing the basic economic model outlined in the *Notice*, will be discussed in this appendix. The other set of comments will be discussed in the appendices that address the particular proposals for rule changes.[3] Before examining specific comments it is useful briefly to summarize both the rationale for our use of a market model in the *Notice* and the assumptions underlying that model.

The Economic Model

3. There are three basic systems for the allocation of resources—direct government operation, government regulated private operation, and unregulated private operation. None of these systems is perfect. The United States has chosen the middle ground for its broadcast system in an attempt to exploit the advantages of both marketplace forces and government intervention. Because of both First Amendment considerations and a disinclination toward centralized decisionmaking, however, there has been a general preference for the avoidance of government intrusion wherever the marketplace by itself could attain public interest objectives.

4. Although the public interest has many elements, the primary objective is broadcast service responsive to the wants and needs of the public—what economists call consumer satisfaction. In this regard, one of the major responsibilities of the FCC is to determine what kind of regulatory framework would yield a broadcast system most responsive to the public's diverse wants and needs. The Commission, of course, can only act as a catalyst in the provision of such service; it is the licensees that actually offer the programming. The Commission's limited role in this regard is to determine what actions it should—or should not—take to foster responsive programming. Accordingly, the key issues to consider in this proceeding are who is best able to determine the wants and needs of radio audiences and, once these wants and needs are recognized, what forces are most likely to lead licensees to be responsive to them. The economic model suggests that, given the status of radio broadcasting today, the marketplace and competitive forces are more likely to attain these public interest objectives than are regulatory guidelines and procedures. Universally applied rules or guidelines cannot take into account differences among communities; therefore, they often will be unresponsive to the wants or needs of the public in individual markets. Also, the administrative procedures that must be followed to change rules in light of changes in circumstance are often cumbersome.

5. In general, competitive markets are responsive to consumer wants because there are natural forces (*i.e.*, the profit motive) that induce the entrepreneur to discover what consumers want and that penalize him if he fails to respond to these wants. While advertiser-supported systems utilize different adjustment mechanisms than direct-pay systems, the same basic forces are at work in each. Commercial broadcasters, like all businessmen, seek to maximize profits. They receive revenues from advertisers, who want to reach as many *receptive* consumers as possible with their commercial messages. To maximize the number of receptive listeners, the advertiser (and hence the broadcaster) is concerned with both audience size and certain audience characteristics. Two key audience characteristics are income and brand consciousness. That is, other things being equal, advertisers prefer larger audiences, higher income audiences, and more brand conscious audiences. In addition, advertisers prefer audiences that could be expected to have a special affinity for their product, perhaps due to some age or ethnic characteristic. In general, increasing the level of any of these factors will increase the value to the advertiser of his commercial message and will therefore allow the broadcaster to increase his advertising rate. However, to the extent that any two of these factors are inversely related, they may tend to counterbalance on another. In particular, as will be discussed in paragraphs 34–35, *infra*, income and brand consciousness tend to be inversely related—higher income households tend to be less easily swayed than lower income households by brand names and more likely to purchase generic products. As a result, advertisers and broadcasters are not likely to target only high income audiences (unless they are trying to sell luxury items). In order to reach as many receptive consumers as possible with their commercial messages, advertisers demand that broadcasters provide the programming that is most sought by listeners. In pursuing this, licensees will program to maximize either total audience or a specific targeted group.

6. The exact strategy employed by the individual broadcaster to maximize his profits will vary according to his particular market situation. In small markets, where there is a small potential total audience and where there are few competing broadcasters, both advertisers and licensees will have the incentive to reach as broad an audience as possible with programming of general interest. In large markets, where there are diverse audiences and many competing broadcasters, an advertiser will want to target that portion of the total potential audience that is most likely to be interested in his product rather than expending money

[1] This proceeding was undertaken with the assumption that all current statutory requirements must be taken as given. We do believe, however, that the analysis and information developed in this proceeding would be useful for any legislative efforts that Congress might consider. In particular, the general marketplace approach to radio regulation has been placed under close scrutiny. No fundamental weaknesses were exposed, though possible administrative or legal difficulties that would arise if its implementation were indicated. Some of these difficulties stem from the current particulars of the Communications Act. Should Congress consider legislative action, in this direction, the full record of this proceeding would provide a good initial basis for decisionmaking.

[2] Including comments regarding the data.

[3] Because of the volume of comments, we cannot address each comment individually. Rather, representative comments are addressed. Also, in order to avoid redundancy, generally we have not repeated the arguments of those commenters whose viewpoints were adopted and are therefore already found in the text of the Report and Order. In this appendix we focus on criticisms of the economic model.

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for non-receptive listeners. Hence, he will seek out the broadcaster whose programming is most likely to attract the desired audience segment. In markets with many stations, the individual licensee cannot expect to capture a large share of the total audience; thus, he will have an incentive to seek out specialized audiences. As market size and the number of competitors increases, there will be a tendency on the part of both advertisers and broadcasters to seek smaller, more narrowly defined audiences. The broadcaster who fails to attract an audience will lose advertising revenues. In this fashion, licensees responding to natural market forces will have every motivation to be responsive to the demands of the public. Although advertisers provide the direct source of station revenues in order to attract advertisers licensees must attract listening audiences. Ultimately, the listening public is the arbiter of programming choices.

7. Advertiser-supported markets differ from direct-pay markets in that they provide no pricing mechanism to measure the intensity of demand of individual listeners for particular programming. Hence, audience size may be more important than strenghth of demand. For example, a program that is strongly desired by a small audience may be less likely to be aired than a program that is weakly desired by a slightly larger audience, although consumer satisfaction might be greater from the former. However, as indicated in the economic literature that addresses this issue,[4] the negative public interest consequences are largely eliminated as the number of stations in the market increases. As the number of stations increases, each station can expect to reach a smaller audience share. In making its programming decisions, the licensee is more likely to seek specialized audiences. In this manner, small audiences with intense demands are increasingly likely to have their demands met as the number of stations increases. The data in the Tables appended to the *Notice* provide corroborating empirical evidence that just such a phenomenon has occurred in commerical broadcast radio.

8. Small broadcast markets behave much like all small markets. In markets that can support only one or a few stations, the licensee—like its furniture store—or restaurant-owner counterpart—will tend to cater to general tastes rather than to specialized interests. In fact, the specialized radio-listening public in these small markets generally has an advantage over small market consumers of other specialties, such as restaurant meals. The costs to the listener for continued reception of specialized programming from a distant source may be quite low—to one-time cost of the purchase and installation of a good receiver or antenna. In contrast, the seeker of gourmet food would have to pay the travel costs to the distant restaurant *each time* he sought such a meal.

9. In most cases, what the public needs it will demand.[5] It has been alleged, however, that there are situations in which the public either fails to recognize or to reveal its needs or chooses not to demand services that address them. For example, there may be a societal need for a well-informed citizenry, and thus for nonentertainment broadcast programming, that is nonetheless not heavily demanded. Presumably, such needs are not specific to each individual, but rather relate to society as a whole. Therefore individuals may fail to take them into account when making their marketplace decisions. In such situations, the marketplace might fail to respond to these needs and government intervention might be necessary to assure that the public interest is met. This argument has been raised specifically in defense of maintaining nonentertainment programming guidelines.

10. In our *Notice*, we explicitly noted that services responsive to needs might not be demanded by the public. More exactly, we questioned whether relevant programming would be demanded at a level sufficient to meet the needs of the public. There was a lengthy discussion of whether regulation would be appropriate or whether reliance on marketplace forces would be superior to regulatory intervention. We noted that such regulation of necessity would be standardized nationwide, would be relatively inflexible, and would be likely to impose costs without compensating benefits. These problems combined with the fact that other mechanisms exist to deal with the same problem (*e.g.*, National Public Radio, the Fairness Doctrine) led us to the conclusion that the Commission should shy away from intervention unless the market produced a demonstrable shortfall of programming responsive to the needs of the public. The very extensive data collection and analysis presented in the *Notice* suggested that, in fact, marketplace forces would provide such programming. The one area of possible concern involved public affairs programming. With this brief recapitulation of the underlying economic model, we now address the specific criticisms of it made by commenters.

Criticisms of the Model

11. A number of commenters criticized the proposed rulemaking on the ground that the assumptions underlying the economic model are not consistent with the conditions found in the radio broadcasting industry. One set of criticisms was based on the argument that the radio spectrum is a "unique" resource, which, because of this "uniqueness," cannot be allocated in a market.[6] Related to this were concerns regarding the role of scarcity in the rulemaking proceeding. Second, at least one commenter argued that in an advertiser-supported system there is no market for radio programming; there is only a market for advertising time.[7] Third, many commenters argued that consumer satisfaction is not the appropriate criterion for judging performance of radio markets.[8] Rather, they argue, public "need" as distinguished from public "want" should be the criterion for evaluating performance of the industry. Also, some argue that, even assuming the model is in some sense an appropriate way to view the radio broadcast market, the market is not responsive to consumer (listener) wants.[9] At the same time, several other commenters expressed the view that the economic policy model outlined in the *Notice* was appropriate.[10]

The Radio Spectrum as a "Unique" Resource

12. Several commenters argue that because spectrum is either "unique" or scarce, a market is unable to function in the manner assumed by the *Notice*. Dr. Dallas Smythe, writing on behalf of the United Church of Christ, argues that radio regulation developed as a result of the "peculiarly public property" attributes of the electromagnetic spectrum.[11] Smythe asserts that:

> The unique characteristics are: (1) The radio spectrum's original and still its principal use is the act of *sharing* information between transmitter and receiver, *i.e.*, communication. Minor exceptions prove the rule, *e.g.*, radar, geodetic exploration. For no other resource is the principal function the transmission *and* reception of information or anything else. (2) For one nation or class of user to use it, all nations and classes of users must also be able to use it, with equipment built to compatible standards. World-wide cooperation is therefore necessary for the radio spectrum to be used by anyone and everyone. (3) It is non-depletable and self-renewing. To be sure, there is interference between users (which international regulation minimizes), but this "pollution" disappears immediately the interfering transmitters cease interfering. (sic) (4) Measurement of rights to use the radio spectrum are probabilistic rather than discretely specifiable.[12] This alone is a major bar to establishment of a free market in transferable rights to use the spectrum. (5)

[1] For a brief review of that literature, see paragraphs 140–150 in the *Notice* in this proceeding.

[2] For example, even though leafy green vegetables generally lack the popularity of ice cream, they are demanded because they provide essential vitamins. Or, those essential vitamins are demanded in other, more palatable, forms, *e.g.*, from vitamin tablets.

[3] Comments of Dr. Dallas W. Smythe on behalf of the Office of Communications of the United Church of Christ UCC.

[4] *Id.*

[5] See, *e.g.*, Comments of UCC or Comments of ACLU, *et. al.*

[6] These commenters generally argue that only certain groups would be represented in a nonregulated radio market, *i.e.*, demographically attractive groups. See, *e.g.*, Comments of the New York Chapter of the National Organization for Women; ACLU, *et. al.*, Committee for Community Access; and Public Media Center.

[7] See, *e.g.*, the comments of Department of Justice, Council on Wage and Price Stability, National Association of Broadcasters, Steven Wing, and Walton Francis.

[8] Dr. Dallas W. Smythe comments on behalf of The Office of Communications of the United Church of Christ at 2. Although his portion of UCC's comment was filed subsequent to the close of the reply comment period, we will accept it for filing. UCC demonstrated good cause for the late filing and, as no right to reply to reply comments exists, no other party will be prejudiced by our acceptance of Dr. Smythe's study.

[9] By this Smythe means that the strength of an electromagnetic wave at any given location can take on any one of a number of values each of which has some probability (however small) of occurrence. If, on the other hand, it could be determined to take on a particular value with certainty it would be discretely specifiable or deterministic. [Footnote added.]

Because the radio spectrum is used to communicate information and because control of the flow of information is the basis of political power, the control of the use of the radio spectrum lies close to the seat of sovereignty in the nation state. No other resource has this order of political significance. At the same time, the necessary joint decisionmaking by all nations at the world level has for almost a century substantiated the fact that by international and national law, title to the radio spectrum rests not with individuals or nations but in all humanity.[13]

13. The first four properties appear to involve economic issues and can be examined using economic analysis. The last property is concerned with political power; if true, it could represent, in our constitutional system, a rationale for removing allocation from government control altogether rather than requiring the government to allocate the resource. Focusing on the economic analysis, Dr. Smythe draws a distinction between the spectrum and other resources based on the first four characteristics. He argues that, because of these characteristics, property rights for spectrum cannot be developed, and that, absent such property rights, a market to allocate spectrum cannot operate. In fact, as we shall show below, it is possible to construct property rights involving spectrum. However, that is not the purpose of the instant proposed rulemaking. Our concern is not whether the marketplace can allocate spectrum, define property rights, or set technical standards, but whether, given the allocation of spectrum to broadcasting and the assignment of frequencies to licensees, marketplace forces would provide programming in the public interest absent certain guidelines. Dr. Smythe's discussion of uniqueness does not address this issue. Therefore, that part of his analysis is not pertinent here.[14]

Scarcity as a Rationale for Regulation

14. The scarcity theory has been relied upon for over 50 years as a major basis for public interest regulation of broadcast radio. The first pronouncements of the theory can be found in the legislative history of the Federal Communications Act. Because of changed circumstances in the industry that have altered some of the assumptions underlying the scarcity theory, we reviewed the theory—and its implications for policy—in the *Notice*. Several commenters,[15] most particularly the ACLU, took strong issue with our analysis. It is appropriate to review that analysis and then to address the criticism.

15. The scarcity theory as developed in the 1920's largely was based upon the then existing problems of interference and of markets containing only one or a few stations. Both problems were assumed to be nonremediable. At that time, it was decided that in order to control interference, the Commission must assign licenses that guaranteed broad protection to licensees. Further, it was believed at that time that the system would result in only a few stations operating in a given market. This seems to have been based upon the fact that there were thought to be only a small number of frequencies that could be utilized for radio broadcasting. Thus, it was believed that only a limited number of radio stations would come to exist and compete.[16] Because of a lack of competition among the small number of stations and because of the existence of the "Radio Trust," it was feared that broadcasting in the public interest would be forthcoming only if it were required—that otherwise neither diversity nor responsiveness would be assured. As a result, a system of regulation was implemented to assure the provision of certain types of programming that met public interest objectives. The *Notice* in this proceeding provided overwhelming evidence that the assumption that there would be only a few stations in any market was not borne out. Not surprisingly, the decisionmakers of the 1920's and 1930's could not forecast developments in FM radio and directionalized AM antennas that allowed for the vast increase in the number of radio stations as demand for radio service grew, or the technological advances that allowed more noninterfering stations to coexist. Noncompetitive markets did not become the norm. Further, evidence was presented in the *Notice* that market forces exist to assure the provision of programming in the public interest—to provide nonentertainment programming, to provide diverse programming, and to limit commercial levels. Neither a preordained limit on the number of competing stations nor a lack of public interest programming was inevitable, or even likely. Empirical evidence was presented in the Tables in the *Notice* refuting the argument that in modern broadcast radio there exists some unique scarcity situation that inherently renders markets noncompetitive and unresponsive to the public, thereby necessitating government regulation of radio programming. In fact, most commodities are scarce, but that fact does not of itself trigger the need for regulation. There might still be public interest considerations that call for regulation, but these would stem from certain economic, social, or political goals not necessarily dependent on any scarcity phenomenon "unique" to radio.

16. The relevant policy issue with respect to scarcity, then, is not simply whether spectrum is scarce. The relevant issue is whether as a result of spectrum scarcity regulation is necessary in order to achieve economically, socially, or politically determined public interest objectives—in particular, in order to provide programming responsive to public wants and needs. Before addressing this issue, it is useful to define what economists mean by scarcity. To the economist, scarcity of any commodity simply means that there is not enough of that commodity available to give everyone all that they want for free. Thus, some system of allocating the limited supply must be developed. In a radio market, under a given set of technical constraints involving allowable levels of interference, it may be technically possible for a certain number of radio stations to co-exist. For example, there may be 10 radio channels available in a market. If in that market only one—or five, or ten, but fewer than 11—individuals want to operate stations on those channels, then there is no economic scarcity. Many people in that market might want to own a station if they could make money doing so, but in fact there are more channels available then there is demand for the channels—even at a zero price. The airwaves offer *potential* service only; they have actual value only if there is sufficient economic wherewithal to exploit that potential. There is value in the free flow of ideas only if the medium for distributing those ideas is viable. Consider, analogously, land by a river. In New York City, a river view is highly demanded, and in limited supply, and is therefore scarce and highly valued. Similarly, farmland near a river that provides water for irrigation is scarce and highly valued. Riverfront property in the wilderness, on the other hand, though perhaps beautiful and potentially of value to many people, has development costs that

[13] Smythe comments, at p. 2.

[14] It must be noted in passing, however, that these "unique" characteristics have been successfully incorporated into property rights or lease rights in other markets. (1) Transportation systems as well as communication systems provide a means to transmit and receive (*i.e.*, to distribute) commodities—though in the former, goods are transmitted; in the latter, services. The primary distinction is the speed with which the process occurs. (2) Compatibility, including international coordination, need not cover anything more than interference protection. Coordination of spectrum use is not inherently different from coordination of land use, for example. Real estate is bought, sold, and leased subject to constraints on use (imposed by zoning laws, *etc.*) that are either spelled out explicitly in the deed or supercede the legal authority of the deed. Interference constraints could be handled analogously. (3) Similarly, the fact that spectrum is both non-depletable and instantly renewable does not make it unsuitable for market allocation. With careful management such resources as forests and fisheries are renewable. The only difference between these and spectrum are that the former require a longer period for regeneration between harvests. Yet, property rights that allow trading in a market have developed for both forests and fisheries (including fishing rights in international waters). These markets differ from those for spectrum not because of inherent differences but because they are regulated differently. (4) Finally, Dr. Smythe's concern with probabilistic measurement *i.e.*, that we must rely on *predicted* rather than *actual* service contours (Grade A, Grade B, *etc.*) for radio, is not a barrier to market allocation. In many markets, final outcomes are not definite, but the probability of different outcomes occurring can be estimated. Fishing is necessarily probabilistic, yet firms bid for fishing rights. The existence of insurance policies is proof that claims, contingent upon probabilistic outcomes, are commodities that can be defined and traded in markets. Radio spectrum can be treated similarly. It is clear that economic forces do exist for spectrum allocation and it appears that there is no natural impediment to the use of a market to allocate spectrum. This is not to say that such a market would necessarily operate perfectly. The relevant issue is whether such marketplace forces would better achieve public interest objectives than would the regulatory alternatives. In the instant matter, the issue is even narrower—whether marketplace forces or government regulation would yield programming most responsive to the public's wants and needs.

[15] Comments of ACLU, *et al.*; WNCN Listeners Guild; and Committee for Community Access.

[16] Indeed, at one time the then Secretary of Commerce, Herbert Hoover, advocated that there should be "fewer stations rather than more. . . ." 68 Cong. Rec. 4110.

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exceed the value to consumers and therefore may not have economic value at present.[17] The land will command a zero price and will not be economically scarce. In the same sense, spectrum is no different from other commodities. Where its supply exceeds its demand at zero price, it is not scarce. In those markets where demand exceeds supply, it is scarce and a means of allocation must be devised. There is no inherent reason why such spectrum could not be allocated to the highest bidder—subject to restrictions on interference, perhaps analogous to zoning or pollution restrictions. However, due to certain socially or politically determined public interest objectives—for example, diversity of voices or the provision of local service—we have allowed a modified market system where licenses are initially awarded without charge, but then are retained, bought, and sold subject to public interest findings in such areas as multiple ownership, local ownership, etc. More relevant in this proceeding is whether spectrum scarcity requires certain regulations pertaining to programming—guidelines on nonentertainment programming and commercialization levels and ascertainment procedures. The central issue is whether, in a market with scarcity, licensees would provide programming responsive to the wants and needs of the public. That is, given that in a "saturated" market there is only a fixed amount of hours available for programming, and not all demands can be met, is it more in the public interest to leave the programming decisions to a market (while maintaining licensees' individual public interest obligations, the Fairness Doctrine and acknowledging the existence of noncommercial radio) or to rely additionally on the guidelines and procedures? In the *Notice*, the Commission presented data on what the market currently provides, and from these data made forecasts of what the unregulated market would likely provide. Based both on data developed for the *Notice* and on data and analyses found in comments, we feel that the marketplace—even in an environment of economic scarcity—generally will be responsive to the wants and needs of the public. Scarcity in and of itself does not impose the need for specific programming regulations.

17. In defending the scarcity theory, the ACLU presents an approach which relies upon another argument supporting governmental intervention in the programming area. The ACLU alleges:

> The scarcity theory is based upon the need to limit the number of radio stations to reduce interference. In return for the free grant of a license, the licensee "is burdened by enforceable public obligations." [Footnote omitted.] Because the general public's first amendment right to speak via radio is abridged in order to serve the public interest in making radio signals intelligible, those who are granted a monopoly over the use of a particular frequency in a particular location must use the monopoly in the public interest.[18]

18. Based on this approach to the scarcity theory, the ACLU claims: The Notice's criticism is ultimately not of the scarcity theory at all, but of the public interest objectives espoused by the Commission since its creation.[19]

In fact, in the *Notice* we have taken both the Commission's historical public interest objectives and all statutory requirements as given. We simply asked whether market forces could attain these public interest objectives absent certain guidelines and procedures. To conclude that these guidelines and procedures are not necessary to attain public interest objectives is not to reject those objectives, but rather to reject certain ineffective and potentially counterproductive regulations.

The Market for Advertising Time v. the Market for Radio Programs

19. Dallas Smythe asserts that it is inappropriate to talk about a consumer market for radio programs because, he alleges, there is no such market; there is only a market for advertising time.[20] In Smythe's view, the radio program is in a sense analogous to the "production" in the cocktail lounge of the peanuts, popcorn and pretzels which the management provides along with appropriate decor, and perhaps entertainment, in order to sell its principal product, liquor.[21]

This is not a perfect analogy, but it is somewhat instructive. There may be no direct market for cocktail lounge peanuts and piano players, but these "amenities" are apparently effective and in some cases necessary devices to attract paying drinking customers, and will be provided according to how important they are to a particular cocktail lounge's clientele. In the case of radio programming, it is even more important to provide the proper "amenities," *i.e.*, responsive programming. In radio the revenue-producing service, advertising messages—unlike liquor—has no appeal in and of itself to listeners. Therefore, it is precisely the programming that is necessary to attract the listeners and, indirectly, the revenues. The key point is not whether a price mechanism exists, but whether the market has an incentive structure that is responsive to consumer demands.

20. Advertiser-supported broadcast markets operate without prices and therefore are not able to take into account the intensity of demand of individual consumers. They nonetheless provide an arms-length mechanism by which individuals and society make decisions on how to employ scarce resources to produce radio programming and distribute it among various people and groups in society. This is the same function that any market with a direct price mechanism performs. With or without a direct price mechanism, there are economic limitations on how much of each type of programming listeners will consume. These limits are set by the value of the alternative uses to which listeners can put their time—the "opportunity cost" of listening to a particular program rather than performing some other activity (including listening to an alternate program, listening to a phonograph record or enjoying silence). Broadcast licensees also face opportunity costs—profits foregone by providing one type of programming rather than an alternative or by investing in radio rather than in some other entrepreneurial activity. The incentives that these opportunity costs create operate for all programming—entertainment, nonentertainment, and commercial. There can be no denial that the incentives exist and perform the same task as a market with a direct pricing mechanism. The relevant issue remains whether or not this advertiser-supported market provides programming responsive to the public, *i.e.*, in the public interest.

21. There are, in fact, incentives for both licensees and listeners to be responsive in a way that will lead to a relatively efficient mix of program choices.[22] Listeners, in seeking satisfaction, will have an incentive either to turn to alternative activities if they do not care for the programming or to switch to another station. When programming is unresponsive to their wants and needs, consumers will reduce the amount of time spent listening to radio relative to other activities. Broadcasters, without the benefit of a pricing system, must rely on the number of listeners rather than on the intensity of demand. In order to maximize profits, licensees will try to provide programming that attracts the largest receptive audience. In markets with few stations, this will generally result in common denominator programming with broad appeal. Intense demands shared by only a few individuals may go unmet. This situation, however, is not unique to broadcasting. In small markets, there will be too little aggregate demand to support specialty restaurants, furniture stores, *etc.* As the number of stations in a market increases each station will expect to attract a smaller share of the audience, and narrower tastes will be addressed. There will be greater diversity in both entertainment and nonentertainment programming. The data presented in the *Notice* indicated that just such programming diversity already exists.[23]

[17] Both spectrum and river front property that might not have value today might be highly valuable in the future due to technological advances or new demand.

[18] Comments of ACLU, *et al.*, at p. 23.

[19] *Ibid.* p. 24.

[20] Smythe comments at pp. 29–32.

[21] *Ibid.* at p. 31.

[22] The market result will not be perfect because it will not be possible for consumers to reveal fully their intensity of demand. This problem, it must be stressed, continues to exist in a regulatory environment and may not be fully eliminated even with a pricing mechanism. This holds true because once the signal is provided there is no additional cost to the broadcaster for another listener to receive that signal. That additional listener will have the incentive, even in a pay system, to understate the value of that signal to him. Only by incurring the additional cost of scrambling signals and charging a fee to unscramble them can such "free-riders" be eliminated.

[23] One commenter, John R. Kupiec, investigated what he considered to be "specialty" programming in Philadelphia and Washington, D.C. for both 1958 and 1979, and alleges that the level of specialized programming has fallen over time. There are several methodological problems with his study, however, not the least of which is his inability to provide an objective definition of "specialty." Nor was Kupiec able to define criteria by which to judge whether the alleged decrease in speciality programming was in the public interest. It is difficult, then, to accept his limited and ambiguous empirical study as a successful refutation of the marketplace theory.

Since the *Notice* was released, 267 additional radio stations have commenced operation, and current Commission proceedings in both the AM and FM bands could make available still more stations. In sum, there is considerable evidence that radio broadcast markets, albeit imperfect, to a great extent do provide diverse programming responsive to the public and that continued entry could further increase such diversity.

Is "Consumer Satisfaction" The Appropriate Criterion for Analysis?

22. The use of "consumer satisfaction" as the optimizing criterion in our analysis drew more comment than any other single issue related to the use of the market model.[24] Two basic arguments were made: first, that well defined public "needs" exist that are both separate and distinct from public "wants," but are not taken into account when markets respond to "consumer satisfaction";[25] and second, that consumer satisfaction only represents those groups to whom it is profitable to direct advertising messages.[26]

The Existence of "Needs" Separate From "Wants"

23. The commenters critical of the market model argued that there are public "needs" that are independent of consumer satisfaction and that on their own individuals will not demand programming that addresses these needs. The need exists, for example, for a well-informed electorate, and there are public benefits from pursuing such a goal that individuals might not take into account when making their listening decisions. As a result, these commenters continue, there must be government intervention to assure that certain levels of nonentertainment programming are provided.

24. As mentioned earlier, at paragraph 10 *supra*, the *Notice* explicitly took this possibility into account, recognizing that markets might not provide such programming, and then took the next step and asked whether the regulations in place resulted in a net gain to the public over the imperfect market. The findings, which have not been refuted, in the comments, suggested that absent the specific regulations, the market would continue to provide considerable news programming, but there might well be a reduction in public affairs programming.

25. One commenter, Walton Francis,[27] directly addressed the issue of unrevealed needs—that is, needs that consumers either do not recognize or for which they do not choose to demand programming. He warned about the inherent elusiveness and subjectivity that reliance on unrevealed needs fosters. Indeed, he questioned the existence of needs independent of wants. In essence, he pointed out the risks involved whenever the government intervenes not in response to a demonstrated unmet need but rather in response to an unrevealed, and uncertain, need. There is always the question of whether unrevealed needs, if programmed to, would draw listeners. If not, or if only in miniscule number, then there may be substantial opportunity costs, in terms of listeners being denied preferred programming, associated with allocating radio time to this use.

26. Wants on the other hand, are more identifiable than "needs," in that they are clearly revealed by expressions of individual demand. That is, wants are observable since individuals act on the basis of wants. Thus, to require programming aimed at unrevealed needs, which are difficult to determine, at the expense of programming that is clearly demanded by the public, is to replace the judgment of the government for that of the public. This should be avoided unless there is a high degree of confidence that (1) the unrevealed needs exist; (2) they are not being addressed by current programming; (3) they will continue to be unaddressed by the unregulated market; and (4) meeting these needs is more valuable to the public than meeting the revealed demand for the programming that will be replaced by the required programming.

Consumer Satisfaction May Not Reflect Everybody

27. Several commenters posit that a market responsive to consumer satisfaction might nonetheless fail to respond to the preferences of groups that are small in number or in purchasing power.[28] They argue that the public interest requires that programming be responsive to all citizens, not just to those who share tastes with many others or who are sufficiently affluent to be attractive to advertisers. There are two issues here: whether markets will respond to the preferences of these groups and, if not, whether it is in the public interest nonetheless to require programming responsive to the preferences of these groups.

Preferences of Groups That are Small

28. As stated earlier, it is clear that when there are few stations in a market, licensees will tend to provide common denominator programming. In such markets there is likely to be available spectrum but insufficient demand to support additional stations. Programming aimed at specialized audience segments, besides being economically infeasible, most likely would not be in the public interest if larger segments of the community would go unserved. As in the case of other consumption items where the minimum size of the producer or distributor is large relative to the size of the total market, the few providers that can be supported must provide products that will attract a sizeable share of a limited potential audience. As the size of a radio market increases, and additional outlets can be supported, it becomes profitable for some stations to direct their programming to relatively small groups rather than to split the middle-ground audience among many stations. As the market size increases, both market forces and public interest considerations change in the same direction—toward the provision of more specialized programming. There is a natural tendency for markets, as they grow, to become more responsive to the preferences of smaller groups.

29. A problem arises, according to some commenters, when the market nonetheless fails to respond to the preferences of diminutive or demographically "nondesirable" groups. It is recognized that not every want or need can be met by radio. Some minimum level of demand must exist before it is profitable for broadcasters to provide particular programming. Beyond some point, it is clearly not in the public interest to forego programming that many people prefer in order to provide for every minority taste. At the same time, in many non-broadcast markets minority tastes can be met if the small number of individuals with those tastes have a sufficiently strong intensity of demand for a product and are willing to pay accordingly for it. In advertiser-supported radio, there is no mechanism for the direct purchase of programming and therefore intense minority tastes will tend not to be met. Hence, the argument that market forces alone fail to operate in the public interest.

30. We recognize the imperfection of the market in this respect, but feel that there are two alternative regulatory approaches available to address the problem. The conduct approach, favored by several commenters, would require each licensee to program for all segments of his community, including groups whose preferences might not be met in an advertiser-supported market context. The structural approach, favored by other commenters and proposed in the *Notice*, would attack the problem when it exists by devising a regulatory scheme that maximizes the opportunity for additional stations to commence operation and by encouraging ownership by and employment of members of minority groups. Wherever these potential stations are economically viable, the increased competition and consequent market fragmentation would reduce expected market shares and create incentives for licensees to seek more specialized audiences. Because specialized audiences may be too small to support full-time programming, time brokerage and time sharing within a station could be encouraged. The Commission has, in fact, just released a *Policy Statement* encouraging such time brokerage arrangements.[29] Time brokerage has been used in the past primarily for foreign language programming, but potentially can be expanded for use by other minority taste audiences. We have already implemented many structural rules that have had the desired effect of increasing minority taste programming and generally favor the structural approach to this issue. In addition, pay radio, which until recently was not

[24] Examples of these critiques can be found in the comments of the WNCN Listeners Guild, the Office of Communications of the United Church of Christ, the Office of Communications of the United States Catholic Conference, the ACLU *et al.*, and Massachusetts National Organization for Women.

[25] *ID.*

[26] See footnote 9, *supra*.

[27] Comments of Walton Frances at pp. 1–2.

[28] For example, see ACLU, *et al.*, at 21–22, and Massachusetts NOW at 4.

[29] *Policy Statement on Part-Time Programming* (BC Docket No. 78-355).

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economically viable, is now beginning to be provided on cable systems that have very large capacities. In New York City, a pay service offering Mandarin Chinese programming using FM SCA's is already in existence. We believe that the structural approach to regulation is already proving effective in providing programming responsive to minority tastes.

31. We recognize that the marketplace approach cannot assure that every demand for minority taste programming is met. Neither could a regulatory regime with programming guidelines and formal ascertainment procedures provide that assurance. Indeed, it is not in the public interest to allocate scarce resources to meet very minute demands where the public benefits are small, but the costs—in terms of foregone alternate programming—are substantial. The primary advantage of the marketplace over administrative decisionmaking is that the former provides an efficient and flexible mechanism for measuring these tradeoffs, while the latter is necessarily cumbersome and inflexible.

Preferences of Groups with Low Purchasing Power

32. Some commenters argued that advertisers do not value all listeners equally, rather they prefer those individuals or groups who are most likely to purchase their products. As a result, broadcasters tend to program for certain demographic groups instead of others. In particular, it is alleged that racial and ethnic minorities and the elderly will not have their wants and needs met in the marketplace. Unfortunately, commenters did not provide any empirical data to substantiate this claim. To analyze the argument, two factual issues must first be addressed: (1) to what extent do these "nondesirable" demographic groups indeed have unique preferences; and (2) if these unique preferences exist, is it true that broadcasters will not have an incentive to program to them.

33. It is difficult to determine the extent to which these groups have a set of programming interests that is substantially different from the programming oriented toward other groups. With the exception of foreign language programming, there are few formats—entertainment or nonentertainment—without some "crossover" interest, *i.e.*, that do not attract "non-targeted" as well as "targeted" individuals. It is certainly likely that the programming aimed for "demographically preferred" groups also appeals to these less preferred groups. It is difficult to determine whether, for example, the elderly who tune in to an "easy listening" station are doing so as a second programming choice, given the unavailability of their first choice, or if it would be their first choice. If it were the second choice, was it a distant second or a close second? More pertinent for this analysis, does the easy listening station address the nonentertainment issues important to the elderly or are they too small a portion of the station's total audience to be specifically catered to? Unfortunately, none of the comments provided information that addressed these questions. Nor did any commenters address the key issue that would arise if their proposed regulatory requirements or guidelines were imposed: How much is enough?

34. Several commenters assumed that licensees, responding to marketplace forces, would not respond to low income listeners because advertisers would consider them commercially insignificant. In fact, there have been studies that indicate that low income families tend to be more brand-conscious in their buying habits than higher income families and, thus, presumably more receptive to commercial advertising messages. These studies of purchases of grocery items identified differences in purchasing patterns among families with different income levels.[30] P. E. Murphy found that as income increases shoppers are less likely to purchase brand name items.[31] He found that as income increases shoppers exhibit less brand loyalty, *i.e.*, they are more likely to change brands or to purchase non-branded products. Two other studies provide some indirect support for Murphy's findings. R. E. Frank, *et al.*, found that as education level increased, the level of brand loyalty decreased.[32] Since income levels and education levels are highly correlated, this is consistent with the Murphy study. Further, R. Blattberg, *et al.*, found that as income increased shoppers exhibited a greater likelihood of taking advantage of store "deals," such as cents-off-coupons.[33] This appears to be due, in part, to the relatively greater mobility of higher income groups who have access to automobile transportation both to comparison shop according to price and to get to the stores featuring the "deals." All of these studies suggest that lower income households are likely to spend a disproportionately large share of their income on branded products. This makes them attractive to advertisers and to broadcasters despite their lower total incomes.

35. Marketing studies on the purchasing patterns of Blacks, who generally have lower income levels than whites, are consistent with those findings. Consider for example the data that R. Dwight Backman cites in *Dynamics of Black Radio*,[34] from a paper presented by D. Parke Gibson:[35]

Seventy-three percent of black money is spent in retail sales as opposed to 56 percent for white expenditures. [footnote omitted] Some other black financial characteristics include:

—spending up to 12 percent more at supermarkets for food to be consumed at home, than the average white family . . .

—spending more than whites when buying new cars . . .

—spending by black women of nearly $400 million on cosmetics . . .

—consuming 19 percent more carbonated, non-carbonated and powdered soft drinks than whites . . .

—brand consciousness of high quality products.[36]

In addition, Bachman cites the following conclusion taken from a different study:

—The level of purchase attributed to commercials on Black radio is almost twice that of general radio.[37]

Cosmetics and soft drinks are among the most heavily advertised products in the economy. Although advertising represents a smaller share of total costs on automobiles, the total advertising budget for automobiles is huge. If these are products on which Black families spend a disproportionate share of their incomes, then even if those incomes are significantly below national averages Blacks will represent an inviting audience for advertisers to reach, especially if they are brand concious consumers. And if Black listeners are especially responsive to advertising on Black formated stations, that is yet another incentive for broadcasters to provide such programming. It is therefore not obvious that broadcasters will fail to provide programming responsive to Blacks.[38]

36. It appears, then, that while broadcasters might be less responsive to certain demographically "nondesirable" groups, there is no clear indication who those groups are, how much less responsive radio broadcasters might be, or how effective specific regulatory procedures might be to correct the situation.[39] We continue to believe that structural regulation aimed at maximizing the opportunities for new stations to come on the air is the most effective way to attain specialized programming.

37. There were several other comments relating to consumer satisfaction. Robin Carey specifically addresses the issue of unique entertainment formats, which is not the issue under discussion here, but her remarks might be pertinent nonetheless if her arguments concerning classical music could be extended to nonentertainment programming. Referring to the academic

[30] Although grocery items do not represent all consumer purchases, they are pertinent here because many items on grocery store shelves are heavily advertised.

[31] Murphy, P. E., "Effect of Social Class on Brand Loyalty and Price Consciousness for Supermarket Products," 54 *Journal of Retailing* 33 (Summer 1978).

[32] Frank, R. E., S. P. Douglas, and R. E. Polli, "Household Correlates of 'Brand Loyalty' for Grocery Products," 41 *Journal of Business* 237 (1968).

[33] Blattberg, R., T. Buesing, P. Peacock, and S. Sen, "Identifying the Deal Prone Segment," 15 *Journal of Marketing Research*, 369 (1978).

[34] Creative Universal Products, Inc., Washington, D.C. 1977.

[35] *Consumer Attitudes and Marketing Strategies*. Paper delivered at the Fifth Annual Symposium on the State of the Black Economy, American Hotel, New York, June 5, 1975. See also paragraph 99, Appendix E.

[36] *Id.*, at 46.

[37] Bachman, *supra*, at 51. The quote was taken from, *A Study of the Dynamics of Purchase Behavior in the Negro Market: Negro Radio Stations*, Vol. II, The Center for Research in Marketing, Incorporated, New York, May 1962, at p. 47.

[38] For a similar analysis of Hispanic audiences, see Hispanic Broadcast Focus, *Television/Radio Age*, A–3 (Dec. 15, 1980).

[39] For example, it has often been argued that too much radio time is allocated to mindless "teenage" music or to young adults, yet trade press articles suggest that these are not necessarily preferred audience from the industry perspective. See *e.g.*, "18-to-49 bracket shown losing favor," 38 *Television/Radio Age*, 37 (Nov. 17, 1980).

works of Tibor Scitovsky [40] and Fred Hirsch,[41] Carey states:

Scitovsky, basing his ideas on research in psychology, suggests stimulus consumption, that is, "consumption which involves change, variety, surprise, novelty," and which arises from mental pursuits and from interpersonal relationships enriched by mental pursuits adds more to human well being per dollar of expenditure than the consumption for comfort, which, to Scitovsky, signifies consumption, which merely alleviates physical discomfort. In consumption decisions, consumers tend to stress comfort consumption rather than stimulus consumption, because much of the benefit from stimulus consumption takes the form of externalities. Provision of radio broadcasting for the widest range of tastes certainly provides stimulus rather than comfort.

Hirsch, in a more societal approach, warns against the consumption of what he calls positional goods, which are scarce physically or in some socially imposed sense, and thus, with economic growth, command increasing resources in exchange, though they give no greater intrinsic satisfaction. Surely the consumption of radio programming carries no such negative implications.

If Scitovsky's and Hirsch's approaches are accepted, the acceptance provides the basis for arguing that the provision of certain types of radio programming offers an opportunity for society to obtain more consumer welfare for a given amount of resources, than does the provision of comfort and positional commodities.

It is also possible to argue that variety in radio programming is itself beneficial in that it will provide listeners the opportunity to widen their tastes. While it is not being suggested that the government should prescribe tastes, it should not shrink from the responsibility of making options known.[42]

38. The kinds of activities that Scitovsky has in mind when he discusses stimulus consumption range from good conversation to pleasant, well integrated architecture. This satisfaction, he argues, comes largely from "human action and imagination." [43] He argues that these activities are either not amenable to market transactions or, if reduced to a market transaction, lose their ability to fully satisfy.[44] Such a theory does not lend itself to empirical validation. It is not true, moreover, that markets do not implicitly take these factors into account. When individuals choose to listen to radio or participate in any other activity, they make choices based on how they value use of their time in one pursuit rather than another. If good conversation is valued highly by an individual, he will be more likely to partake of conversation than put on a headset attached to his radio. Similarly, if many individuals value certain architecture, that will probably be reflected in the price of buildings of the favored style; neighborhoods will gain status—and market value—accordingly.

39. It could be argued, perhaps, that nonentertainment programming is more likely to improve the conversational ability of listeners than is hard rock programming, and that as a result individuals in search of conversation partners will benefit. It is not clear, however, that it is the Commission's role to foster this. It is certainly not the Commission's role to widen tastes, though we agree with Dr. Carey that where possible options should be made available. The relevant question is *how* to make options available. Does the mechanism of the marketplace, albeit imperfect, better reflect the preferences of the public than do government rules, regulations, and guidelines? Our analysis suggests that the market can generally better reflect public preferences than can government-imposed guidelines and procedures, particularly if there are many independent voices in the market. At the same time, the government has set aside broadcast radio spectrum for non-commercial operation specifically, in part, to address minority tastes. Dr. Carey states at page 6 of her comments that "society has decided to aid certain groups. . . ." This is certainly true, but it may well be that structural regulations such as minority ownership programs and EEO rules that specifically address the needs of these groups is preferable to conduct regulations that are inflexible and often unresponsive to the real wants and needs of the public.

40. There is one additional criticism that has been made by some commenters concerning reliance on consumer satisfaction as the criterion for measuring the public interest. The flavor of the argument is given by the following quote from the reply comment of the Committee for Community Action:

Mr. Kessel [projects director of CCA] commented that people who listen to classical stations probably do generally have other sources for news and agreed that there might be no reason for the Commission to require much news on classical stations. But, he said, the situation is probably very different for rock stations. Based on his experiences from working in the news department of a Boston rock station, WBCN, from 1976–77, he said there was a lot of positive response to WBCN's newscasts. However, he said that WBCN listeners were very loyal and probably did not switch to other stations frequently; also most of them were probably not interested enough in news to seek it out from other sources if it were not on WBCN. Thus a loss of news on WBCN would deprive many people of their only source of news.

Kessel added that he thought listeners to the other rock stations were similar in their unlikeliness to seek out other sources of news. He said that perhaps ideally there should be a rule that distinguishes between rock and classical stations and applies nonentertainment guidelines only to the former. But since it would probably be impossible for the Commission to promulgate different rules for different formated stations, the most prudent thing would be to keep the nonentertainment guideline for all stations.

[When] asked whether WBCN would have eliminated its news without Commission guidelines . . . Mr. Kessel answered that the present owners and management seemed genuinely committed to news; however, during the time he worked there, under different owners and a less enlightened management, news and public affairs was viewed purely as something necessary to satisfy the FCC. Absent Commission rules it probably would have been eliminated completely.[45]

41. The basic argument appears to be that the availability of nonentertainment programming in a market is not sufficient; that each station must provide such programming because some listeners might not switch to other stations to receive it. The presumption is that such programming is something all citizens should receive, whether or not they want it; also, that the failure of a particular station to provide it (because the listeners of that station do not desire such programming) represents a serious imperfection. This argument presupposes many value judgments about what constitutes the public interest. Consumer satisfaction is judged an inappropriate criterion because it allows citizens to avoid their "duty" to be informed. In fact, CCA does not show that, absent nonentertainment programming guidelines, certain audiences would be uninformed. It presents no evidence that the listeners who want relatively little news on their preferred stations do not get news from other sources (newspapers, television, *etc.*). Rather, it assumes that classical listeners do, but rock listeners do not. Further, Kessel admits that listeners of WBCN, a rock station, indeed want news. That is consistent with the empirical findings we presented in the *Notice*—that radio news is demanded by the public and is likely to continue to be provided by stations. Should WBCN eliminate its news programming, it would likely lose some, possibly many, of its "loyal" listeners to other stations that continue to provide news programming.

Criticism of the Data

42. There were two levels of criticism made by commenters concerning the data in the *Notice:* first, that the data provided either could not be replicated or were inaccurate; and, second, that the Commission failed to collect all the data necessary to make a complete analysis of the costs and benefits of the marketplace approach compared with alternate regulatory approaches.

43. Eric S. Luskin, a student at the Annenberg School of Communications of the University of Pennsylvania, asserts that he was unable to replicate in its entirety the analysis performed by the staff because of missing or inconsistent data and that where

[40] *The Joyless Economy: An Inquiry into Human Satisfaction and Consumer Dissatisfaction*, Oxford: Oxford University Press, 1976.

[41] *Social Limits to Growth*, Cambridge, Mass., Harvard University Press, c. 1976.

[42] Comments of Robin Carey, at pp. 7–8.

[43] Scitovsky, at pp. 82–84.

[44] While "externalities" may account for part of Scitovsky's concern (*id.* at pp. 85–86), he is most concerned about the degrading effect placing a market value on a stimulus good has on their enjoyment. For example, tennis played for its enjoyment provides great satisfaction; yet tennis played professionally is regarded less highly by society (*id.* at p. 83).

[45] Reply comment of Committee for Community Access, at pp. 21–22.

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he attempted such replication, he found errors.[46] Mr. Luskin states that "the Notice did not address the matter of methodology. * * *" However, the Public Notice of January 11, 1980, which he cites in his comments, did provide a detailed description of the methodology used, including a discussion of missing data. Mr. Luskin did not criticize that methodology.

44. Mr. Luskin asserts that many of the program logs from which the staff culled the data were missing or not available for public inspection. In fact, six logs were unavailable, out of a sample of over 200.[47] The remainder of the material that Luskin alleges was missing or unavailable either was, indeed, available or had never been collected or used by the staff and therefore need not have been available. For example, Mr. Luskin alleges that logs were missing for Stations WGFS, WTCB, WXOG, WYOK, and WTLS; in fact, the logs for all these stations were (and still are) on file. In addition, Mr. Luskin alleges that:

The following [single station] markets not listed in the *Notice* were included [in the sample]: WLAY, Muscle Shoals; WFOM, Marietta; WLPH, Irondale; WZZK, Homewood; WTJH, East Point; WMFC, Monroe; WZZA, Tuscumbia; WNMT, Garden City.[48]

In fact, all of these stations were included in both the sample and the *Notice*. They are not, however, in single station markets. Marietta and East Point are communities of license within the Atlanta market; Irondale and Homewood, within the Birmingham market; Muscle Shoals and Tuscumbia, within the Florence-Sheffield market; and Garden City, within the Savannah market. A careful reading of the "Description of the Methodology Used" in the January 11, 1980, Public Notice and of Appendix A of the *Notice* should have provided Mr. Luskin with that explanation. The remaining station, WMFC, is in Monroeville, not Monroe, and was correctly included in the *Notice* as part of that two station market. Mr. Luskin's criticism is therefore unfounded.

45. Mr. Luskin complains that logs were made available for each station in the sample for only one day of the composite week, rather than for all seven days. The sample that staff constructed included only one day of programming for each station. Hence these were the only data relied upon. Mr. Luskin provides no argument for why this would yield an inappropriate sample and therefore his complaint has no apparent basis.

46. In addition, Mr. Luskin asserts that logs that were "illegible" or "difficult to interpret without a high degree of confidence" were used by the staff, in contradiction to the statement of methodology in the Public Notice. To prove his point, Mr. Luskin provides copies of several logs. Broadcast analysts in the Renewal Branch of the Broadcast Bureau, who are experienced in analyzing logs, performed the arduous task of culling the data on news, public affairs, and commercial programming. They relied upon their own judgment in deciding which logs were legible and capable of interpretation. Because of their experience in this area, their judgment should be accorded greater weight than that of Mr. Luskin.

47. Finally, in the two instances where Mr. Luskin cites "errors" by the staff, contrasting his judgment to that of the broadcast analysts, his findings were more supportive of radio deregulation than were those of the staff. Each of Luskin's examples indicates that the staff overcounted the number of commercial minutes (*i.e.*, counted more minutes of commercial time than did Luskin). Luskin doesn't generalize from these examples except to suggest that the data should be rendered unreliable. We find that there is no reason to assume any systematic bias from two counting errors; hence there is no statistical basis to discredit the data.

48. Thomas David questions the reliability of the data culled from the program logs.[49] He alleges, based upon his experience as an attorney at the FCC, that many stations file false program logs that understate the amount of commercial programming aired. While occasional cases of falsification have been uncovered, there is no reason to believe that the practice is commonplace. In fact, Mr. David bases his allegations not on his experience with program logs, but rather on his experience investigating two cases involving transmitter logs.

49. Professor Richard A. Musgrave, of the Harvard University Department of Economics, in a two-page comment submitted as part of the United Church of Christ filing,[50] raises a different type of criticism. Professor Musgrave argues that more data on prevailing programming practices, demand patterns, demand elasticities, and programming costs are necessary in order fully model the relevant interactions. He asserts that without this detailed model policy judgments cannot be made. More pointedly, he states, "the [Notice] does not address the question of what number of stations is adequate to secure an effective program selection. * * *" This seems somewhat disingenuous, as the answer to such a question must necessarily vary from market to market, depending on such variables as the homogeneity or diversity of tastes in each market. In effect, Professor Musgrave argues that there is a need for a highly detailed model—and supporting data—to allow the Commission to fine-tune policy decisions. There are major problems with this approach. First, it is impossible to collect the requisite data. Demand information is very difficult to obtain absent a pricing mechanism. Even if there were a pricing mechanism, radio formats are not readily definable or categorized, thus making it difficult to gauge substitutability. And even if these problems were solvable, the cost of such an analysis, in terms of dollars and time, would be prohibitive, running into the millions of dollars and years of time and the results would nonetheless be subject to a high likelihood of error. Nor could one be certain that a model could be developed to take into account simultaneously all the factors that Professor Musgrave cites. In effect, Professor Musgrave's proposal would impose an impossible burden of proof on the Commission that was not imposed when the initial actions—the introduction of programming guidelines and ascertainment procedures—was taken. Because it would impose a burden that could never be met, it would effectively assure the maintenance of the *status quo*.

Summary of Economic Comments and Analysis

50. Most of the comments critical of the economic model cited the existence of imperfections in radio broadcast markets that were acknowledged and addressed in the *Notice*. Although a number of commenters cited various unique features of radio broadcasting that allegedly rendered marketplace analysis impossible or inappropriate, we do not believe that those arguments were convincing. Radio broadcast markets are certainly not typical of most markets, but the usual forces of supply and demand do operate, albeit indirectly and imperfectly. It is possible to compare the ability of these markets to provide programming in the public interest with and without the Commission guidelines and procedures under scrutiny in this proceeding. The criticisms include a number of cogent arguments why regulation *might* be considered, but they fail to indicate conclusively that the market, by itself, could not provide programming in the public interest.

51. There is one additional issue that many commenters mentioned but none seriously addressed—market failure. This is discussed at length in the Appendix-E, at paragraphs 104–111. Most commenters stated, in agreement with the *Notice*, that markets could, in some situations, fail to provide programming in the public interest. Although commenters provide no evidence that this would be anything but a rare occurrence, its possibility exists. There are methods by which it can be determined that a market has failed and there are potential remedies for such failures, but these are necessarily individual cases that must be handled on an *ad hoc* basis by individual markets. As such, they raise administrative and legal issues that are better addressed in the section on nonentertainment programming and petitions to deny than as part of this economic analysis.

Appendix E.—The Non-Entertainment Programming Guideline

A Brief History of Programming Regulation

1. A recapitulation of the historical involvement of the Commission in non-entertainment programming is instructive. Nearly as soon as the Radio Act of 1927 was enacted by Congress, the Federal Radio Commission, the FCC's predecessor agency, showed an interest in the non-entertainment

[46] Comments of Eric S. Luskin, pp. 1–11.

[47] Program logs are customarily discarded by the staff after the renewal process is completed, and apparently a staff member inadvertently discarded 32 logs that had been used in the radio deregulation analysis. As soon as this was discovered, the staff contacted the stations whose logs were lost and requested duplicate copies. Twenty-six stations complied with the request. Thus only six logs were unavailable for review.

[48] Comments of Eric S. Luskin at p. 3.

[49] Comments of Thomas David, at pp. 12–13.

[50] Reply comments of the United Church of Christ at Attachment-A.

programming of radio stations. License renewal forms requested information on the amounts of programming devoted to various types. Additionally, in its 1928 annual report to Congress the FRC stated its belief that it was entitled to consider program service provided by stations at least in comparing competing applicants so that it could make an informed judgment as to which applicant was most liable to render service in the public interest. Similarly, in cases such as *Great Lakes Broadcasting Co.*,[1] The FRC described as one component of the public interest the need for stations to devote ample time for the presentation of programming concerning issues of importance to the public.

2. After the Radio Act was recodified in the Communications Act of 1934, the Federal Communications Commission had the opportunity to amplify its views concerning the provision of non-entertainment programming by broadcast stations. Among the first major Commission policy statements on programming was its 1946 *Report on Public Service Responsibility of Broadcast Licensees*,[2] a document known as the *Blue Book*.[3] The document serves as a useful starting point for our purposes, not simply because of its locus in time, but, more importantly, because it illustrates the divergent doctrinal strains that have emerged from the Commission's involvement with informational programming. For example, while the *Blue Book* stressed that:

The Commission has given explicit and repeated recognition to the need for adequate reflection in programs of local interest, activities and talent.[4]

It also noted that:

Primary responsibility for the American system of broadcasting rest with the licensees of broadcast stations.[5]

Similarly, although the Commission asserted that "the public interest clearly requires that an adequate amount of time be devoted to the discussion of public issues," including some "local live" and "sustaining" (non-sponsored) broadcasts, it refrained from specifying particular amounts of time to be devoted to such programming.[6] Moreover, the *Blue Book* discussed the relevance of the market in the provision of programming, recognizing that a balanced service to listeners could be achieved either by requiring stations to render a well balanced program service or, in metropolitan areas, by means of a number of specialized stations that together offer a balanced service to the public.[7]

3. In 1949, the Commission issued its *Report on Editorializing by Broadcast Licensees*, 13 FCC 2d 1246 (1949), which formalized the Fairness Doctrine and which again stressed, *inter alia*, the duty of all licensees to devote a "reasonable amount of time" to the discussion of public issues. The Commission, however, still did not itself establish precise quantitative standards. Instead, it stated that "it is the licensee . . . who must determine what percentage of its limited broadcast day should appropriately be devoted to news and discussion or consideration of public issues, rather than to the other legitimate services of broadcast."[8] In the next decade, however, the Commission had little opportunity to apply these principles, for very few Fairness Doctrine complaints were brought in which it was alleged that a broadcaster had failed to provide programming responsive to public needs.

4. From the paucity of case law, there arose an understandable confusion and uncertainty among broadcasters and the public as to the precise nature of the broadcaster's public obligations. Accordingly, in 1960 the Commission issued its *Report re En Banc Programming Inquiry*, 44 FCC 2303 (1960) (hereinafter to be referred to as the *"Programming Statement"*). The Commission stated that licensees must "reasonably attempt to meet [the needs and interests of their service areas] on an equitable basis." Thus the licensee's obligation to operate in the public interest primarily involved its "diligent, positive and continuing effort to discover and fulfill the tastes, needs and desires of his community."[9] Further, after listing elements of programming usually necessary to meet the tastes, needs and desires of the community,[10] the Commission went on to say that these elements:

Are neither all-embracing nor constant. We emphasize that they do not serve and have never intended to serve as a rigid mold or fixed formula for station operation. The ascertainment of the needed elements of the broadcast matter to be provided by a particular licensee for the audience he is obligated to serve remains primarily the function of the licensee. His honest and prudent judgments will be accorded great weight by the Commission. Indeed, any other course would tend to substitute the judgment of the Commission for that of the licensee.[11]

5. The Commission also reiterated the inherent limitations of quantitative measurements of licensee performance. Quoting from a 1946 *Public Notice*, the Commission stated:

It should be emphasized that the statistical data before the Commission constitutes an index only of the manner of operation of the station and are not considered by the Commission as conclusive of the overall operation of the stations in question. Licensees will have an opportunity to show the nature of their program service and to introduce other relevant evidence which would demonstrate that in actual operation the program service of the station is, in fact, a well rounded program service.[12]

In short, although the licensee had a clear obligation to serve the public with programming responsive to local needs, the Commission left the licensee with broad discretion in deciding how to achieve that goal. The licensee's discretion was not unlimited, however. The Commission could not sanction a broadcaster's willingness to ignore "a strongly expressed need" that was or should have been known to it.[13] Nor, likewise, could the Commission sanction programming decisions that discriminated against minorities.[14]

6. The Commission's policies on non-entertainment programming were further refined by the adoption of the Broadcast Bureau's current delegation of authority.[15] The guidelines set forth pursuant to that delegated authority,[16] however:

Are procedural rather than substantive. They do not identify a quantity * * * of programming below which no application will be granted and above which all applications will be granted * * * Instead, [they] attempt to make clear the circumstances in which the full Commission, rather than the staff, will evaluate the past or proposed program service of a broadcast applicant. 59 FCC 2d at 491.

Only minor adjustments in the Commission's regulation of non-entertainment programming have occurred since the adoption of these guidelines.[17]

[1] 3 FRC Ann. Rep. 32, 35 (1929), *aff'd.* 37 F.2d 993 (D.C. Cir. 1930), *cert. dismissed* 281 U.S. 706 (1930).

[2] The first major Commission policy statement on programming involving nonprofit programs, was issued in 1935.

[3] Although this document has never been published in the official Commission reporter series, it has always been publicly available.

[4] *Blue Book*, page 37.

[5] *Id.*, page 10.

[6] The Commission struck this balance because at that time it held the view that a well-balanced program structure could not be assured if programming decisions were influenced primarily or predominantly by either local sponsors or national advertisers.

[7] The Commission made a similar point in discussing revisions of the broadcast application form. *See, Blue Book*, page 58.

[8] 13 FCC at 1247.

[9] 44 FCC at 2316.

[10] The listed elements are: (1) opportunity for local self-expression, (2) the development and use of local talent, (3) programs for children, (4) religious programs, (5) educational programs, (6) public affairs programs, (7) editorialization by licensees, (8) political broadcasts, (9) agricultural programs, (10) news programs, (11) weather and market reports, (12) sports programs, (13) service to minority groups, and (14) entertainment programs. The Commission also concluded that there no longer was a public interest basis for distinguishing between sustaining and commercially sponsored programs in evaluating a station's performance. This constituted a major change in Commission policy toward programming. *Id.* at 2314.

[11] *Id.* at 2314.

[12] *Id.* at 2315–2316.

[13] *Stone* v. *FCC*, 466 F. 2d 316, 328 (D.C. Cir. 1972); *Alabama Educational Television Commission*, 50 FCC 2d 461 (1975).

[14] *Office of Communications of United Church of Christ* v. *FCC*, 425 F. 2d 543 (D.C. Cir. 1969); *Office of Communications of United Church of Christ* v. *FCC*, 359 F. 2d 994 (D.C. Cir. 1966); *Alabama Educational Television Commission, supra.*

[15] *See, Amendment of Part O of the Commission's Rules—Commission Organization—With Respect to Delegation of Authority to the Chief, Broadcast Bureau*, 43 FCC 2d 683 (1973); and, *Amendment to § 0.281 of the Commission's Rules: Delegations of the Authority to the Chief Broadcast Bureau*, 59 FCC 2d 491 (1976).

[16] Section 0.281(a)(8)(i) of the Commission's Rules

[17] One recent change has been to permit Public Service Announcements to count toward satisfaction of the current non-entertainment programming guidelines for all broadcast stations *See*, FCC 80–557, released October 27, 1980.

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Summary of Comments Filed With Regard to the Non-Entertainment Programming Guideline

7. A large number of commenters addressed the issues surrounding the proposal to eliminate the Commission's guideline relative to the amounts of non-entertainment programming that radio stations should provide. Argument and analysis were submitted on many aspects of the proposal ranging from the Commission's legal authority to eliminate the guideline to what specific types of programming might be reduced absent the guideline. In general, those objecting to the elimination of the present guideline fear the loss of certain types of programming which, they believe, have a social benefit that cannot be taken into account by the working of marketplace forces. Regulation, such commenters argue, is necessary to assure the continued provision of such programming. Those favoring elimination of the guideline generally argue that marketplace forces currently require them to broadcast more of such programming than does the Commission's guideline and that, therefore, regulation is unnecessary to assure its continuance. However, a number of those favoring deregulation ask that the Commission provide either an optional standard, or a policy statement setting forth what the Commission would consider superior programming in a comparative proceeding so that a licensee's "legitimate renewal expectancy" would be protected in a deregulated environment. The following is a more detailed summary of these comments.

FCC's Legal Authority To Deregulate With Respect to Programming

8. A number of parties argue that the Commission does not possess the legal authority to deregulate with regard to non-entertainment radio programming. Among those commenting in that regard are Congressman Ronald Mottl, Department of Professional Employees, AFL–CIO, American Civil Liberties Union (hereinafter ACLU; joined by Black Citizens for Fair Media, National Citizens Committee for Broadcasting and National Citizens Communications Lobby), Citizens Communications Center, Committee for Community Access, Classical Radio for Connecticut, WNCN Listeners Guild, Office of Communication-United Church of Christ, Archdiocese of Washington, National Radio Broadcasters Association and the National Telecommunications and Information Administration (hereinafter NTIA). The comments are in basic agreement with NTIA's assertion that the public interest standard in the Communications Act of 1934, as amended, requires the Commission to evaluate programming substantively, at least in connection with comparative proceedings and petitions to deny. Also the guideline is said by some to be necessary to assure compliance with the Fairness Doctrine. ACLU further argues that not only the Act, but also governing case law [*e.g., Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945)], requires a full hearing on license renewal challenges and petitions to deny, in which context programming is contended to be possibly the most important element.

9. On the other hand, Jennings Broadcasting Company avers that non-entertainment programming requirements intrude into licensees' programming discretion and therefore are of dubious legal and constitutional validity, even as mere processing guidelines. Joint Comments filed by the law firm of Dow, Lohnes and Albertson on behalf of several licensees argue that radio deregulation is indeed legal. Their point of view is based on the doctrine of "less drastic means." This, they declare, applies when the government has a legitimate interest in regulation, but the regulation at issue impairs First Amendment rights, and alternative means of promoting the government interest are available. In such circumstances, the government is required to choose the least intrusive means of regulation. In the instant case, they argue, other existing regulations (*e.g.*, the Fairness Doctrine) are less intrusive than processing guidelines, and can work as well. The Department of Justice also supports the legality of radio deregulation, arguing that if agencies have the power to regulate where competition does not work, they surely can deregulate when changed circumstances indicate that competition would work to assure the continued presence of non-entertainment programming.

10. In conclusion, there is dispute in the comments over whether, particularly in light of the public interest standard in the Communications Act, the Commission has the authority to deregulate radio in the area of non-entertainment programming.

Arguments Against Deregulation

Public Trust Doctrine

11. Several parties, including Charles Firestone (on behalf of ACLU), Donna Kaprel, and National Association for Better Broadcasting, take the position that, regardless of the legality of deregulatory action, deregulation would jeopardize the fundamental principle that a broadcast license creates a public trust. United States Catholic Conference and Archdiocese of Cleveland argue that service to the community of license, regardless of its profitability, is part of the trade off for the use of a frequency. UNDA, the National Catholic Association of Broadcasters and Allied Communicators, considers the airwaves a gift of God. Many commenters, most notably the National Association of Black Owned Broadcasters, evince the belief that scarcity continues to be a factor of concern in the radio industry, statements in the *Notice* in this proceeding to the contrary notwithstanding. They assert that the public trust doctrine is the solution to the problem that limited spectrum space, and lack of financial wherewithal, prevent everyone who wants one from owning a broadcast station.

12. Many commenters declare that, under deregulation as proposed in the *Notice*, the public interest would be effectively determined by the majority of radio listeners, but that this does not necessarily correspond to the actual public interest. WNCN Listeners Guild, United Auto Workers, Andy Finn, William Sabio, Maureen Lynch, Pacifica Foundation, United States Catholic Conference, Faith and Life Radio and TV-General Conference Mennonite Church, ACLU and allied parties and Citizens Communications Center argue that the public interest standard involves other values than the mere sum of consumer preferences. Consumer Federation of America and National Sisters Communications Service, among others, state that the market result is but one criterion of consumer well being. American Federation of State, County and Municipal Employees asserts that the economic model inevitably ignores the First Amendment component of the public interest standard which has a value transcending those taken into account by economic analysis.

13. Andy Hughes, Stephen P. Wing, Bonneville International Corporation, Jennings Broadcasting Company and others declare that, to the contrary, market forces would indeed produce a result that reflects the public interest, since the market functions as a straightforward measure of the public's desires. Numerous commenting licensees assert that to remain viable they must serve the needs of their listeners and therefore would continue to provide non-entertainment programming absent the guideline.

Market Failure

14. Related to the above are comments regarding market failure. A number of commenters, chiefly members of the industry, argue that the market can work well to reflect consumer preferences. They aver that the operation of marketplace forces would limit the possibility of market failure as, to remain in business, broadcasters would be forced to provide desired programming.

15. Others, however, claim that a variety of factors would, in a deregulated atmosphere, inhibit a result that truly reflects the public interest and that deregulation would therefore inevitably result in market failure. These factors fall into two general categories: situations where the market does not respond to the preferences of groups that are small in number or that are underrepresented in purchasing power; and situations in which nonmaterial benefits to society as a whole are not reflected in the demands of individual consumers.

16. Examples of such comments abound. Committee for Community Access, for instance, says that scarcity keeps the market from satisfying the preferences of minority groups. Action for Children's Television lists the child audience as an example of a segment of the public with little buying power, whose needs will not be served except via Commission rules. Memphis Black Media Coalition argues that Black consumers are another segment of the public that lacks responsive programming due to low buying power. San Diego Committee on Media avers that because consumers do not pay directly for programming under the present system, the pubic does not have an adequate opportunity to intervene in the market, absent programming guidelines. Robin Carey, Associate Professor of Economics at the College of Staten Island of the City University of New York, discusses the quasi-public nature of radio programming as a consumer good at great length and concludes that certain external benefits, such as intellectual stimulation and broadcast service to shut-ins and the elderly, will not be reflected in a market-oriented model. Another societal value that several parties complain will not be reflected in the sum of individual consumer preferences is the importance of an informed electorate in a democratic society. For example, Alfonso Caci, Donna Kaprel, Lawrence Wroblewski, Committee for Community Access, and San Diego Committee on Media express concern that radio's service to this end would be curtailed or eliminated without guidelines which are said to have the effect of encouraging a certain amount of informational programming.

Summary

17. The parties disagree whether it violates the public trust principle to deregulate and to let the market govern non-entertainment programming decisions. They further disagree about whether the market will truly reflect consumer preferences and whether or not the concept of the public interest is grounded on more philosophical values that the marketplace concept would not take into account.

Arguments Relating to Specific Types of Programming

18. Most commenters discussed whether or not various types of non-entertainment programming are likely to continue without the processing guidelines.

Noncommercial Stations—Informational Programming in General

19. Several parties representing noncommercial broadcast interests, most notable among them National Public Radio and the Pacifica Foundation, while supporting deregulation in principle, express concern that relaxation of standards regarding informational programming on commercial stations will result in reduction in such programming and a concomitant shift of the burden of providing informational programming to public stations. This, it is contended, would place a financial burden on such stations and, in fact, might violate the Congressional intent for public radio. National Federation of Community Broadcasters believes that noncommercial stations will not be able to adequately shoulder this additional burden, especially given their incomplete penetration levels in many markets. Ohio Educational Television Network Commission states that the deregulation of commercial radio stations would thereby reduce the chance of deregulation of noncommercial stations, and that this would be violative of the doctrine of equal protection. But National Association of Broadcasters, North Carolina Association of Broadcasters and Washington Legal Foundation assert that Congress intended public stations to carry a disproportionately great amount of informational programming, and, thus, they do not see this possible shifting of the burden as a significant hindrance to deregulation of commercial stations.

Diversity

20. Several parties believe that, as a basic matter, the public benefits from diversity on the radio. The Ad Hoc Committee of Organizations for Unique Radio, for instance, says that more than one radio outlet in a market is necessary for diversity in a competitive system, and since this does not exist everywhere, Commission policy must be supported with rules that further such diversity. Faith and Life Radio and TV-General Conference Mennonite Church thinks that diversity would be reduced under deregulation, since majority preferences would govern. Ten Eighty Corporation, to the contrary, says that audiences demand diversity in non-entertainment programming, so it would be provided in an unregulated climate; in any case, it continues, it is really quite simple for listeners to switch stations to find diverse kinds of programs.

News

21. The comments are in wide disagreement about whether it is important that all stations in a market carry news. United States Office of Consumer Affairs asserts that news on all stations is essential to a public policy goal of having an informed citizenry. Committee for Community access argues that since people do not as a rule switch stations to hear news, maintaining an informed electorate requires news on all stations. Douglas Fraser, President of United Auto Workers, regards news on all stations as important because he believes that on any particular station, the news presented is not objective. San Diego Committee on Media also feels that more than one news source in a market is necessary to keep the public well informed. Fisher Broadcasting also believes that each station in a market should bear some of the market's overall burden with regard to producing news.

22. United States Council on Wage and Price Stability, without coming to any conclusion, states that having news available on all stations in a market is a social value, the possible loss of which must be calculated in any cost/benefit analysis of deregulation. WBRE, however, avers that the cost of unwanted non-entertainment programming, presented in response to the Commission's guidelines, must likewise be taken into account, under the existing regulatory configuration. CBS argues that since different communities have different interests, it is unnecessary to require all stations to provide all kinds of programming. North Carolina Association of Broadcasters believes that speciality stations should not be required to cover issues their particular audience has no interest in. While Stephen P. Wing believes that news might disappear from some all-music stations, this, he argues, should not be regarded as problematic since news would continue to otherwise be available on other stations in the market.

23. A number of commenters insist that there would be no news on at least some stations absent Commission guidelines. ACLU and allied parties reason that the relatively high initial cost of wire service encourages that news be broadcast throughout the day, but that without the necessity of incurring that cost initially, news would disappear on many stations. Several other commenters agree in this regard. Classical Radio for Connecticut believes that the expense of local news will contribute to its abandonment, absent regulation. William Seiberlich regards this as an especially serious problem in smaller markets, where radio is the primary local news source. He conducted a three-market survey that purports to demonstrate that the public does not feel it is receiving sufficient local coverage at present in smaller markets. Committee for Community Access and United Auto Workers think that news might be reduced without federal regulations encouraging it. Mr. Fraser, of UAW, takes issue with the Commission's premise in the *Notice* that there is a correlation between the greater number of commercials and news broadcasts during morning drive time. He believes that this theory is contradicted by the fact that there are fewer commercials at other times when news is broadcast. He also asks what point there is in eliminating the guidelines, if they in fact follow listener preferences anyway.

24. National Black Media Coalition believes that news would continue without regulation, except possibly in small markets. National Association of Broadcasters states that news is indeed expensive to provide, but is cost effective, because it is popular, and cites studies that indicate that news would continue, absent Commission guidelines. Others, including the Justice Department, Don Self, Stephen P. Wing, CBS and Washington Legal Foundation, agree that news would continue, on most stations, in an atmosphere governed by competition absent Commission regulation.

Public Affairs

25. A number of comments express concern that public affairs programming, because it is generally unprofitable, would be abandoned under deregulation. Among those sharing this belief are Allen Kratz, Mrs. Thomas J. O'Neill, William Sabio, National Public Radio, Classical Radio for Connecticut, Committee for Community Access, Archdiocese of Cleveland, Memphis Black Media Coalition, National Congress of Parent/Teacher Organizations, National Sisters Communications Service, Spanish Speaking/Surnamed Political Association, United States Catholic Conference, WNCN Listeners Guild, National Education Association and United Auto Workers. National Black Media Coalition estimates that one- to two-thirds of stations would sustain a reduction in such programming. These commenters, along with Metro-Act of Rochester, Paralyzed Veterans of America and California Association of the Physically Handicapped, and San Diego Committee on Media, see a great value in public affairs programming, and believe that society as a whole would suffer a loss, were it reduced. Entertainment Communications, Inc. says that although this kind of programming may be in the public interest, it is hard to understand how an unregulated competitive market would ensure its continuation, because it is unpopular.

26. National Radio Broadcasters Association thinks it is unlikely that deregulation would result in less public affairs programming, but acknowledges that it is difficult to find evidence to support its intuition. Don Self, on the basis of an informal survey conducted in the Chattanooga market, states that there might be some reduction in public affairs

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programming under deregulation, but that the quality of what remains is likely to be improved, because broadcasters would no longer be producing it just to fulfill Commission requirements. Others including the Justice Department, John Morrill, Haley, Bader and Potts, KGY, King Broadcasting Company, Nationwide Broadcast Company, Ohio Association of Broadcasters and Salt Lake City Radio Market Broadcasters Association, assure us that public affairs programming would continue in a competitive environment, because it is good business and the public demands it.

Minority Interest Programming

27. A great many parties emphasize the importance of radio's service to minority groups in the community, including the elderly, youth, low income groups and racial and ethnic segments of the community. There is a general belief, shared by numerous commenters,[9] that the current guidelines help to ensure service to such groups via public affairs programming, but that without the guidelines such groups would no longer be served as well, even on stations that air entertainment programs for specialized audiences.

28. CBS points out that even with guidelines, all minorities in a community inevitably will not receive specialized radio programming. NAB adds that there are no present requirements that low income, elderly or minority groups receive specialized service, and that the extent to which they do now would probably continue under deregulation. American Women in Radio and Television, while favoring deregulation, encourages the Commission to continue to expand diversity through structural means such as ownership and staffing regulations, to ensure adequate programming for women and minorities. Stephen P. Wing asserts that in large markets specialized programming would continue; he asserts that since there are so many stations, it is profitable for stations to program to smaller segments of the community thus permitting minority tastes and interests to be fulfilled. Others, mostly consisting of members of the industry, are convinced that a certain amount of specialized programming would continue under deregulation.

Local Programming

29. Some commenters are also concerned about locally originated programs. Many, including Fisher Broadcasting, United Church of Christ, United States Catholic Conference and National Association of Black Owned Broadcasters, believe that local programming is an important element of the public interest standard. Some feel that regulation is the only effective means of ensuring adequate local programming. Among them are John Kupiec, Classical Radio for Connecticut, Faith and Life Radio and TV-General Conference Mennonite Church, Puerto Rican Legal Defense and Education Fund and San Diego Committee on Media. Their reason is basically that it is more expensive to produce programs locally than to purchase syndicated or network programming, which is an incentive for broadcasters to forego local programming unless required to air such by regulations. There is particular concern regarding the newly emerging ethnic enclaves within larger metropolitan areas, which are discussed in the *Notice*.

30. A number of licensees argue that broadcasters are committed to local involvement, out of both public spirit and good business sense. Marin Broadcasting Company believes that deregulation would result in increased local programs, to replace nonlocal public affairs programs which are now aired only to meet the processing guideline.

Public Service Announcements

31. Some comments express concern that deregulation could result in the loss of public service announcements. Several parties, including Classical Radio for Connecticut, Archdiocese of Cleveland and National Black Media Coalition, appear to believe that present Commission rules require stations to air PSAs. (This belief is shared by literally thousands of other formal and informal commenters.) Others, such as Mrs. Thomas J. O'Neill, Southern California Committee for Open Media, American Council on Education and Council for the Advancement and Support of Education, imply merely that the present regulatory climate enhances the likelihood that PSAs will be aired, and foresee their loss under deregulation. Catherine Jensen of the United States Department of Agriculture, David Persse, Massachusetts Coalition of Citizens with Disabilities, and Massachusetts and New York chapters of the National Organization for Women emphasize the importance of PSAs and community bulletin boards to citizens groups and nonprofit organizations. William Sabio believes that the Commission should, by rule, require PSAs.

32. National Association of Broadcasters points out that there is no PSA requirement at present, contrary to the inference of some comments. ABC, echoing this, asserts that PSAs are aired anyway, as part of broadcasters' adherence to the public interest standard. Station KGY argues that PSAs are aired because it is good business, not because of rules, and that competition would ensure that this would continue, even under deregulation. Georgia Association of Broadcasters avers that PSAs can indeed fill community needs, even though they do not currently fall within the categories of the processing guidelines.

Access

33. Some parties argue that the public affairs element of the processing guidelines helps to assure access to the airwaves to community groups and nonprofit organizations. Among those commenting in this vein are Maureen Lynch, Public Interest Communication Services and American Council on Education and Council for the Advancement and Support of Education. There is some concern, voiced by National Education Association, National Council of Churches and others, that access would be curtailed under deregulation. Indeed, UNDA, the National Catholic Association of Broadcasters and Allied Communicators, argues that nonprofit organizations should have a right of free access to the airwaves. David Beauvais would like to see access channels available to all citizens free of charge. National Citizens Committee for Broadcasting (NCCB) puts forth the concept of an "Audience Network," whereby all stations would donate five percent of their airtime for the purpose of public access.

34. National Association of Broadcasters points out that currently there is no right of access mandated under Commission rules or policies.

Summary

35. In sum, broadcasters, trade associations and other members of the industry are generally of the opinion that news, public affairs, local programs, programming for specialized audiences and diverse kinds of programming would continue, absent Commission regulations encouraging such, because the public interest standard requires it and consumer demand for it makes it good business policy to air such programming. On the other hand, a number of individuals, consumer groups and nonprofit organizations believe it is the non-entertainment guidelines that control whether such programming is aired, that it would be reduced or abandoned without them and that society as a whole, as well as individuals, would suffer from this loss.

Arguments in Support of Deregulation of Programming

Burden on Licensees

36. A number of comments especially by industry members complain that the burden of compliance with existing regulations is not justified by any concomitant benefits. National Public Radio, Haley, Bader and Potts, Jennings Broadcasting Company, King Broadcasting Company, National Association of Broadcasters and American Federation of Small Business concur that the cost to the public, the government and licensees of non-entertainment guidelines outweighs the benefits. Billboard Broadcasting Corporation, among others, cites the burdensome nature of the paperwork necessitated by reporting requirements connected with the guidelines.

37. Committee for Community Access, in reply comments, takes issue with NAB's assessment of the cost of compliance with federal regulations. ACLU and allied commenters argue that the cost to the government of enforcement of the guidelines is minimal.

Fairness Doctrine

38. Several parties state that they believe that the Fairness Doctrine could adequately take the place of non-entertainment programming requirements. NTIA, for example, points out that the public interest standard would continue to require enforcement of the Fairness Doctrine, even under deregulation. The Justice Department agrees that the Fairness Doctrine would continue to ensure that informational programs are aired, at least with respect to controversial issues. Jennings Broadcasting Company proposes that the Fairness Doctrine be modified to be less intrusive into program content, absent clear proof of its efficacy.

39. Committee for Community Access complains that greater Fairness Doctrine enforcement would be necessary, without non-entertainment programming guidelines, and that this actually would be more intrusive than the present system. WNCN Listeners Guild believes that licensees would not meet the first half of the Fairness Doctrine, absent guidelines requiring public affairs programming.

Summary

40. Licensees generally argue that: (1) the relevant data indicate that competition would work to provide adequate non-entertainment programming in most categories, absent Commission guidelines; (2) the burden of compliance with the guidelines is an additional factor which supports their elimination; and (3) other Commission rules and policies, including the Fairness Doctrine, also serve to ensure that the public's needs and interests with regard to informational programming are met.

Suggested Remedies

Market-wide Standards

41. Most comments are critical of any regulatory change that would have the effect of imposing standards on a market as a whole. Fisher Broadcasting is joined by Marin Broadcasting Company in the opinion that such rules would be unenforceable, since the FCC does not license markets, but individual stations. ACLU and allied commenters concur. Indeed, Marin and NAB feel that market-wide regulation would unfairly penalize responsible licensees for the failings of other licensees in the market. National Public Radio believes market-wide regulation would require the Commission to exercise control over format changes, but would provide no means of ensuring adequate performance from individual licensees. Classical Radio for Connecticut feels that market-wide standards would effectively do away with specialized programming that meets the needs of intramarket groups. National Congress of Parent/Teacher Organizations and National Association of Black Owned Broadcasters think that local programming, which is properly the responsibility of individual licensees, would be neglected. Georgia Association of Broadcasters asserts that market-wide standards applied across the board in all markets would discriminate against small market stations, which would have to shoulder a proportionately greater burden than their large market counterparts. This group does believe, though, that market-wide standards would relieve stations not geared to provide public affairs programming of this burden in markets where all-news stations fill that role.

Legitimate License Renewal Expectancy

42. A number of licensees and industry members argue that, although they favor deregulation, they believe the Commission should articulate some standard, mandatory or otherwise, by which licensees could assure via performance that their license would be renewed. Among those taking this position are the National Radio Broadcasters Association and Station WISM. Committee for Community Access, Fisher Broadcasting and Wismer Broadcasting all allege that it is unfair to licensees not to inform them in advance as to what the Commission expects of them. Several commenters favor nonmandatory non-entertainment programming guidelines, adherence to which would ensure the likelihood of prevailing in a license renewal contest. Among them are Entertainment Communications, Inc., Ten Eighty Corporation and the Tribune Company. Bonneville International Corporation suggests that the Commission adopt a standard of quality programming, as determined by the licensee, as an element of operation in the public interest. Susquehanna Broadcasting Company supports a content-neutral standard, such as the relation between ascertained needs and programming. NAB argues vehemently on behalf of licensee stability, encouraging adoption of a "1980 Programming Policy Statement," based on compliance with the Fairness Doctrine and other Commission rules, under which a license would be renewed absent a pattern of abuse or serious dereliction. NAB believes that some evaluation of past performance is necessary in defining a renewal standard, but that this should not be attempted with mathematical precision. Joint comments filed by Dow, Lohnes and Albertson on behalf of several licensees also suggest adherence to other Commission rules, such as the Fairness Doctrine, access for political candidates, equal opportunity employment and lowest unit charge rules, as ensuring a license renewal expectancy. CBS likewise opposes non-entertainment standards *per se*, but advocates an articulation of a reasonable nonquantitative guideline defining operation in the public interest for license renewal purposes. ABC presses for a definition of adequate past performance, to be phased in over time, which would specify a number of hours of non-entertainment programming (including PSAs), adherence to which would preclude comparative proceedings on renewal.

43. The Department of Justice argues that it is illegal to use programming as such a criterion, since that would amount to affording the incumbent a vested right to the license.

Comparative Challenges

44. Broadcasters and citizens groups alike believe that programming standards are essential in comparative evaluations. NTIA, Committee for Community Access, United States Catholic Conference, WNCN Listeners Guild, Entertainment Communications, Inc. and Plough Broadcasting Company are among those adhering to this viewpoint. National Public Radio believes that licensees should have the option of reporting programming in comparative proceedings. North Carolina Association of Broadcasters argues that non-entertainment programming should only become an issue in the comparative context if the incumbent raises it, because it is unfair for the Commission to let the market determine programming levels initially and then make an after-the-fact determination that the market mandated too little.

45. Marin Broadcasting Company thinks that non-entertainment programming should not be considered in comparative proceedings, absent compelling evidence that the licensee failed to serve the public. Wismer Broadcasting believes that there should be no comparative challenges based on non-entertainment programming levels, and the Justice Department likewise thinks that comparative challenges should be resolved only on the basis of nonprogram criteria.

Petitions To Deny

46. A number of individuals and citizen groups complain that deregulation would remove programming as a ground for a petition to deny, and thus deprive the public of a most important weapon to ensure broadcaster accountability to its needs and interests. These commenters include Stewart Hoover, Mrs. Thomas J. O'Neill, ACLU and allied commenters, Memphis Black Media Coalition, National Black Media Coalition and United States Catholic Conference. Committee for Community Access objects to the suggestion, which it asserts was made in the *Notice*, that past performance may be raised only at the behest of an incumbent, and insists that petitioners must also be afforded the opportunity to address the issue of non-entertainment programming.

47. The bulk of licensees commenting on this issue believe that non-entertainment programming should no longer be a basis for a petition to deny. These include Bonneville International Corporation, joint comments filed by several licensees, Marin Broadcasting Company, Susquehanna Broadcasting Company and Wismer Broadcasting. Susquehanna does feel that an incumbent should be able to raise the relationship of ascertainment results to program performance, in order to show excellence in meeting community needs, when faced with a renewal challenge.

Format Change Amendment

48. Three parties, Ad Hoc Committee of Organizations for Unique Radio, WNCN Listeners Guild and NAB, oppose the amendment of the format change delegation proposed in the *Notice*.[10]

Suggested Solutions

49. Among comments favoring Option 1, elimination of non-entertainment programming guidelines, are those of CBS, Haley, Bader and Potts, Marin Broadcasting Company, NAB, WBRE Radio and Stephen P. Wing. Mr. Wing feels that Option 1 is preferable to Option 6, which is his second choice, because it would lessen regulation where marketplace forces would assure continued non-entertainment programming. ABC also favors elimination of mandatory non-entertainment programming

[9] *E.g.*, Allen Kratz, John Kupiec, Robin Carey, Robert Monaghan, Lawrence Wroblewski, Charles Firestone, Ad Hoc Committee of Organizations for Unique Radio, ACLU and allied parties, Classical Radio for Connecticut, Committee for Community Access, Memphis Black Media Coalition, National Association of Black Broadcasters, Puerto Rican Legal Defense and Education Fund, Spanish Speaking Surnamed/Political Association, United Church of Christ, and WNCN Listeners Guild.

[10] The reference in Appendix B of the *Notice*, to Section 0.281(2)(9) of the Commission's Rules was through inadvertence. The entire question of the Commission's role with regard to format changes is currently before the United States Supreme Court, in *F.C.C. v. WNCN Listeners Guild et al.*, Case Nos. 79-824, 79-825, 79-828, and 79-827.

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requirements, but encourages, nevertheless, adoption of a quantitative standard that will establish a legitimate license renewal expectancy. United Church of Christ likewise supports elimination of the guidelines (with Option 6 as its second choice) providing the Commission substitutes an alternative plan. Asserting that Option 6 may be too simplistic a measure to be the basis of a conclusive license renewal determination, UCC suggests that the Commission give credit for service to local needs to stations contributing at least five percent of gross revenues to nonprofit organizations for production of local public affairs programs. NAB believes this proposal to be illegal. In addition, UCC proposes a Commission policy that all markets have local news on at least two outlets [a station could not drop local news if it would bring the total below two], and asks (1) that the Commission encourage stations serving specialized audiences to air news of interest to the particular audience and (2) that the Commission require a minimum amount of local PSAs, to be aired at all times during the day.

50. National Association of Black Owned Broadcasters and Memphis Black Media Coalition would like to see the present guidelines retained fearing a reduction in non-entertainment programming in their absence. Archdiocese of Cleveland likewise advocates retention of the guidelines at present or higher levels, up to thirty percent "informed electorate programming" per day (two thirds of this to be local), with thirty percent of that to be aired during prime time (again, two thirds to be local).

51. Fisher Broadcasting favors Option 6, with its emphasis on local service, and seeks a reduction in the number of formal categories of programming, to provide greater flexibility for licensees. Public Interest Communications Service also prefers Option 6 to Option 1. Puerto Rican Legal Defense and Education Fund advocates a combination of Options 4 and 6, emphasizing local programming, with quantitative standards for each category. AFSCME would have the Commission choose Option 5 or 6, approving of Option 5's linking of commercial success with reinvestment in informational programming, but still retaining flexibility with respect to specific programming decisions. Faith and Life Radio and TV-General Conference Mennonite Church also finds Option 5 attractive. Religious Media Ministry would like to see a combination that relates public service programming to profit motivation: a specified percent of time allocated to local public service programming aired at reasonable times during the day, with a specified percent of the station's operating budget to be spent thereon. NCCB proposes the creation of an "Audience Network." The network would be a national organization that citizens could join for a fee. The Commission's involvement would be by way of mandating that a certain proportion of the broadcast day of each station would be turned over to the audience network. The Commission would also set standards as to when, during the day, such "Audience Network" time would occur. The board of directors of each local chapter would appoint "professional management" to produce programming in accordance with the mandate of the members, "as expressed through the board."

52. Department of Professional Employees, AFL–CIO, would like the Commission to designate required percentages of non-entertainment programming, based on the size and nature of the particular community, as well as the programming provided on other stations in the market and the listening habits of the public. The Media Reform Committee of the California chapter of the National Organization for Women favors a combination of Options 4, 5 and 6, in the form of guidelines specifying amounts of public service programming as a percent of time and money, with flexible categories, but requiring some programming in each category. National Congress of Parent/Teacher Organizations favors time-oriented (in percents or absolute amounts), as opposed to monetary standards, since a monetary standard could be filled with undesirable nonlocal or wire service programming, which would comply with the letter but not the spirit of the rule.

53. National Black Media Coalition does not believe guidelines to be necessary for news or religious programming, but supports a six percent standard for local public affairs, PSAs and public access programming (editorial replies and free speech messages), on both AM and FM stations, not to be aired between midnight and 7 AM on weekdays and midnight and noon on weekends. Committee for Community Access, noting that broadcasters seem to desire guidelines, suggests a rule requiring eight percent locally-produced news, public affairs, and PSAs, to be aired at reasonable times on both AM and FM stations. United States Catholic Conference opts for a ten percent processing guideline for AM and FM stations alike, outlining broad categories of non-entertainment programming, which would encourage but not require local programming and give special credit for sustaining time donated to nonprofit organizations.

54. Station WISM favors, as the *sine qua non* of license renewal, a minimum percent requirement for local public service programming, which may be met with local news, public affairs, PSAs, community bulletin boards and other locally-produced non-entertainment programming. United States Office of Consumer Affairs also believes that the Commission should adopt minimum separate percentages for news and public affairs, to be aired whether in all day parts or between 6 AM and midnight. ACLU and allied commenters would like to see the same minimum percentage requirements for local public service programming applied to both AM and FM stations. They would define "local" as produced in or around the city of license, and also encourage the Commission to stress that such programming should be aired at high audience times (by requiring, for instance, that programs aired during "graveyard" hours may only be counted toward one quarter of the total). Finally, they state that the Commission should deregulate with regard to non-entertainment programming only on an experimental basis and in markets that are not "saturated," that is, where additional stations are available on a "drop-in" basis.

55. National Radio Broadcasters Association favors the present six and eight percent processing guidelines, applied directly as rules, to be decreased in three minute increments as a station goes from 18 to nine minutes of commercials. Pulfillment of this standard with all kinds of non-entertainment programming aired throughout the day would comprise a *prima facie* case for operation in the public interest, rebuttable by substantial evidence to the contrary. NRBA adds that the Commission might give nonentertainment program credit for PSAs, as a means of encouraging them. NAB believes this rule would be inconsistent, if commercial time standards are eliminated. Committee for Community Access thinks the non-entertainment program levels proposed are inordinately low.

56. NTIA would define non-entertainment programming broadly, and apply a six percent standard as a minimum for license renewal. NTIA also suggests that ten percent, aired between 6 PM and midnight, be considered a substantial amount that entitles an incumbent to preference in a comparative case. NTIA would except "beautiful sound" stations, *i.e.*, those that air fewer than four minutes of commercials per hour on weekdays, and require only four percent informational programming from them. These percentages are merely suggestions based on the available data; NTIA would have the Commission develop more sophisticated statistics from which to derive percentages. NTIA suggests that this kind of standard could also be used for Fairness Doctrine purposes. Committee for Community Access approves this result; however, United Church of Christ objects that it does not distinguish between local and nonlocal informational programming.

Summary

57. In conclusion, it appears that a number of parties, especially industry members, who otherwise favor deregulation, nevertheless support the concept of non-entertainment programming guidelines (often as voluntary guidelines) imposed on an individual basis, either as entailment of the public interest standard in the Communications Act, or because licensees are entitled to know what is expected of them and how to ensure license renewal in a comparative context. In addition, a number of those commenting stress locally produced and oriented programming as an important component of any nonentertainment program standard.

Discussion of the Major Issues Raised

58. Having set forth a summary of the comments filed with regard to the Commission's proposals relative to the nonentertainment programming guideline, we turn now to a discussion of the major issues raised in opposition to its elimination.

59. As noted in the section above regarding the comments in this area, there was a significant controversy relative to this portion of our original proposal. Questions were raised with regard to our legal authority to eliminate the guideline, fears were expressed as to the behavior of the market without the guideline, and problems were highlighted with reference to the effect of the guideline's elimination on the comparative hearing process and the petition to deny process. Many commenters expressed the fear that absent the guideline, programming directed to "economically insignificant" segments of society—those that it was presumed would not be attractive to advertisers—would disappear. Other commenters, chiefly from the broadcast community expressed the fear that elimination of the guidelines would interfere with their "legitimate renewal expectancy." Several minor issues, such as a claim that stations would tend to automate absent the guideline, were also raised in the comments. Such issues, having no decisional significance, are not treated below.

Authority to Conduct the Proceeding

60. Several of those commenting contended that the Commission was without authority to make the subject proposals, especially with regard to the elimination of our non-entertainment programming guideline. No party seriously contests the Commission's ability to undertake rule making proceedings as a general matter. Section 4(i) of the Communications Act of 1934, as amended, settles the matter as to the Commission's ability to conduct rule making proceedings.[20] It is claimed, however, that the elimination of our non-entertainment programming guideline would be contrary to established law and, therefore, we may not take that action within the context of a rule making proceeding. In this regard a number of cases are cited to the effect that programming is a vital area in which the Commission has authority to regulate and that the elimination of programming requirements would destroy the comparative renewal process.

61. We continue to believe that the Communications Act and judicial precedent supply the Commission with sufficient authority to consider the elimination of the non-entertainment programming guidelines and, in fact, to actually eliminate it should the record support such a conclusion. It goes without saying that the Commission has the authority to regulate in the programming area and to adopt such guidelines as those currently in effect. That authority was vindicated in many of those cases cited by commenters. However, having the authority to do something is considerably different from having a requirement to exercise the authority. In the context of the nonentertainment programming guideline some additional historical review is instructive.

62. Neither the Commission nor its predecessor agency, the Federal Radio Commission (FRC), historically relied on percentage guidelines to assure that non-entertainment programming was present. In fact, from the earliest, a bias against such guidelines was demonstrated. In 1929, for example, the FRC stated with regard to various types of programming, including nonentertainment, that:

(t)here are differences between communities as to the need for one type (of program) as against another. The Commission does not propose to erect a rigid schedule specifying the hours or minutes that may be devoted to one kind of program or another. What it wishes to emphasize is the general character which it believes must be conformed to by a station in order best to serve the public.[21]

The FRC went on to state what might well be construed as an accurate description of a marketplace theory noting that it expected that the amounts of programming aired would vary as between stations based on the number and types of other radio services available (especially clear channel stations), the amount of capital available to the station for programs, the coverage area of the station, and disparities in population. In other words, while the Commission was concerned with the types of programs offered by stations, and stated its belief as to what types of programs were necessary to constitute operation in the public interest [22] it did not believe that the imposition of nationally applicable standards as to the amounts of such programming was necessary, or even desirable.

63. This approach remained relatively constant until the adoption of the current delegations of authority to the Chief, Broadcast Bureau, in 1973. For instance, the 1946 *Report on Public Service Responsibility of Broadcast Licensees* (the so-called "Blue Book") refrained from specifying particular amounts of time to be devoted to programs involving the discussion of public issues. Rather, it recommended that "adequate" amounts of time be devoted to such programming without specifying a uniform amount to be presented by each station. Similarly, the *Programming Statement* [23] left it to licensee discretion to decide how much programming of each of the fourteen programming elements, necessary to service in the public interest to present. The Commission clearly stated that the elements were not all embracing nor constant and were specifically not intended to serve as a rigid mold. Rather, the "honest and prudent" judgments of the licensee were held to be entitled to great weight.[24]

64. Indeed, more recently it has been stated with regard to quantitative guidelines in the comparative application context, that such guidelines are "a simplistic, superficial approach to a complex problem," and that there is:

(n)othing in the Communications Act (that) imposes any requirement that the FCC promulgate quantitative programming standards. In granting broadcast licenses the FCC must find that the "public convenience, interest or necessity will be served thereby." (Citation omitted) Within these broad confines, the Commission is left with the task of particularizing standards to be used in implementing the Act.[25]

While this is not to say that we may not impose such standards or that they would be unlawful or unwise in every case, it is further evidence of this historical preference to avoid such standards unless absolutely necessary. Given this background, the argument that the Commission cannot legally eliminate the current guidelines simply does not have any basis. Indeed, the guidelines, currently embodied as delegations to the Chief, Broadcast Bureau, were adopted without the benefit of a broad public inquiry as we have under consideration in this proceeding.

65. While there historically has been a bias against enacting programming guidelines, the Commission did adopt non-entertainment processing guidelines when it amended the Broadcast Bureau's delegations of authority in 1973. [*Amendment of Part O of the Commission's Rules—Commission Organization—With Respect to Delegation of Authority of the Chief, Broadcast Bureau*, 43 FCC 2d 638 (1973)]. Having concluded that such a change was at that time in the public interest, we must now inquire as to whether they remain so and, if not, whether the public interest standard is sufficiently flexible to permit the elimination of that guideline.

66. As we explained in the *Notice*, the courts historically have been generous in their interpretation of the authority of the Commission to change its position. In that regard, we reiterate the Supreme Court's statement,

And so Congress did what experience had taught it in similar attempts at regulation, even in fields where the subject-matter of regulation was far less fluid and dynamic than radio. The essence of that experience was to define broad areas for regulation and to establish standards for judgment adequately related in their application to the problems to be solved.[26]

Therefore, the Court concluded, Congress acted deliberately in failing to provide an itemized list of specific manifestations that the Commission could or should regulate. Rather, it provided a large framework within which the Commission has the authority to respond to changing circumstances.

67. Also cited in the *Notice* was *Pinellas Broadcasting Company* v. *FCC*,[27] wherein Judge Prettyman clearly set forth a broad construction of the Commission's authority in changing previously held attitudes about what is prohibited or required by the public interest standard.

And it is also true that the Commission's view of what is best in the public interest may change from time to time. Commissions themselves change, underlying philosophies differ, and experience often dictates changes. Two diametrically opposite schools of thought in respect to the public welfare may both be rational. . . . All such matters are for the Congress and the executive and their agencies.

68. Similarly, with regard to the Interstate Commerce Commission's ability to alter past decision, the Supreme Court has stated:

[20] That Section states, in pertinent part, that the Commission has the authority to, ". . . perform any and all acts, make such rules and regulations and issue such orders, not inconsistent with this Act, as may be necessary to the execution of its functions."

[21] 3 F.R.C. Ann. Rep. 34, Statement of Facts and Grounds for Decision, *Great Lakes Broadcasting Co. et al.* v. *Federal Radio Commission*, Cases Nos. 4900, 4901 and 4902, in the Court of Appeals for The District of Columbia, p. 35 (1929).

[22] *Id.*, at 28 and 36.

[23] 44 FCC 2d 2303 (1960).

[24] *Id.*, at 2314.

[25] *National Black Media Coalition* v. *FCC*, 589 F.2d 578, 580–581 (D.C. Cir. 1978).

[26] *National Broadcasting Company* v. *United States*, 319 U.S. 190, 219–20 (1943).

[27] 230 F.2d 204, 206 (D.C. Cir. 1956), *cert. denied*, 78 S. Ct. 650 (1956).

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. the (Interstate Commerce) Commission, faced with new developments or in light of reconsideration of the relevant facts and its mandate, may alter its past interpretation and overturn past administrative rulings and practice.

* * * * *

In fact, although we make no judgement as to the policy aspects of the Commission's action, this kind of flexibility and adaptability to changing needs and patterns of transportation is an essential part of the office of a regulatory agency. Regulatory agencies do not establish rules of conduct to last forever; they are supposed, within the limits of the law and of fair and prudent administration, to adapt their rules and practices to the nation's needs in a volatile, changing economy. They are neither required nor supposed to regulate the present and the future within the inflexible limits of yesterday.[28]

69. The foregoing merely is to say that while the Commission historically has been concerned with types of programming presented, and while the Courts have sustained the Commission's authority to apply its concerns in that regard, there is not a longstanding historical basis, nor judicial requirement, for nationally imposed programming guidelines. In truth, there has been an historical bias against the imposition of such guidelines and a judicial support for the Commission's reluctance to impose them Certainly, too, the courts have given the Commission wide discretion to reevaluate its prior holdings so long as departures from prior precedents are discussed and the bases for the departures are carefully spelled out.[29]

70. While the Commission has the authority to adopt nonentertainment programming guidelines, it is a mistake to believe that it lacks authority to discontinue them should it conclude that the record supports such elimination. The theoretical basis for the proposal to eliminate the current guideline (which was supported by the data compiled by the Commission and several commenters) was that marketplace forces would continue to assure that significant amounts of the subject programming would continue to be available to listeners even absent the guideline. We certainly believe that it is desirable to re-evaluate our rules from time to time and to investigate whether the premises behind the rules remain valid and whether or not there are other, less burdensome and costly, methods by which to achieve the ends intended. We therefore conclude that we have the authority to investigate, and if the record warrants to eliminate, our current guidelines.

Economic and Statistical Discussion Relative to the Guideline's Elimination

71. Many commenters expressed the view that nonentertainment programming would either be cut back or eliminated subsequent to elimination of the nonentertainment guideline. A variation of this theme was voiced by those who thought that certain groups or individuals would have a more difficult time gaining access to the radio medium.[30] Absent any guideline requiring some minimum level of nonentertainment programming, we would expect demand for and supply of this programming to determine the amount that is broadcast. Once an adjustment period had passed, we would expect an equilibrium amount of this kind of programming to be established. This equilibrium would reflect both the desires of the listeners and the costs of providing the service as well as the sensitivity of listeners to substitute uses of the broadcast time and substitute sources of information.[31]

72. Under a pure marketplace approach the equilibrium level of programming could then be compared to some standard to determine whether the market was producing at least the amount of programming thought to be minimally required by listeners. As noted above, however, the Commission currently has a nonentertainment programming guideline. In analyzing the effect of that guideline, one can posit that if the stations exceed that minimum by a substantial amount it can be inferred that the guideline is superfluous. If the market is generating programming in excess of the required minimum amount mandated by the Commission, then there is no reason to expect a reduction in that programming subsequent to removal of the guideline.[32]

73. Having set forth this basic statement we turn to an examination of the evidence presented in the record. Few commenting parties presented formal studies of the amount of nonentertainment programming broadcast by radio stations. The NAB, for instance, undertook a study of small market (either a single AM–FM combination or a single station) broadcasters.[33] Their findings were remarkable in that the FM stations devoted an average of 20.9% of their time to nonentertainment programming, while the AM stations surveyed devoted an average of 27.5% of their broadcast time to nonentertainment programming.[34] In their reply comments, NAB provided the results of a second study, similar to the first except that it included radio stations for all markets regardless of size.[35] The results of this study are comparable to the small market study. No market size class showed an average level of nonentertainment broadcasting below 22.7% for AM stations or 15% for FM stations.[36] Clearly the results show that time devoted to informational programming greatly exceeds the current guideline. Further, public affairs programming is produced in substantial quantities in all market classes and for both AM and FM stations. The quantity of public affairs programming ranges from an average of 3.4% of all programming in the largest AM markets to 2.6% in the smallest, while for FM the range is from 2.4% in the largest market class to 1.6% in the smallest market class. These data confirm the data developed by Commission staff in the *Notice*.[37]

74. J. Jerome Lackamp, writing for the Diocese of Cleveland, submitted a substantial study of the Cleveland radio market as it evolved over a 12 year period.[38] This study was developed by Mr. Lackamp for his use and was attached to his comments on behalf of the Diocese of Cleveland so that the data would be available for examination by others. These data allow an analysis of the market for two renewal periods prior to implementation of the processing guidelines (1967–1973) and two renewal periods following introduction of the guidelines (1973–1979). The single most significant finding concerns the amount of nonentertainment programming broadcast on both AM and FM stations. For both classes of radio stations, the average level of nonentertainment programming greatly exceeded the processing guidelines both prior to and following introduction of the guidelines. As can easily be seen by examining Table 1,

Table 1.—*Percent of the Broadcast Day Devoted to Nonentertainment Programming*

Source: Diocese of Cleveland, Exhibits 1–4

	1967–70	1970–73	1973–76	1976–79
AM	20.9	22.5	23.8	24.4
FM	11.0	11.3	10.7	10.4

[28] For an example of the former view see comments of the American Federation of State, City and Municipal Employees. An example of the latter is the comment of the U.S. Catholic Conference.

[29] *American Trucking* v. *Atchison, Topeka and Santa Fe Railway Co., et al.*, 387 U.S. 397, 416 (1967)

[30] See, for instance, *Teamsters Local Union 769* v. *NLRB*, 532 F. 2d 1385, 1392 (D.C. Cir. 1976) and *Food Marketing Inst.* v. *ICC*, 587 F. 2d 1285, 1290 (D.C Cir. 1978).

[31] Of course, as listener tastes change over time the market will continue to adjust the supply of different types of programming to these changes in demand.

[32] The broadcasters could be protecting against the risk of a challenge to their license by programming in excess of the minimum. To make this argument, however, requires a showing first that there is a risk; and second, that the excess programming equals in amount the assessed risk (measured in percent of broadcast day)

[33] Comments of NAB, Appendix A.

[34] The station averages by type of programming were (Id. at 4):

	Percentage		
	News	Public affairs	Other
AM	14.3	3	10.2
FM	11.2	2.3	7.4

[35] Reply Comments of NAB, Appendix A. Their methodology involved developing a stratified random sample drawn from four market size categories.

[36] *Id.*, at 3. For all stations in the sample the results are:

	Percentage			
	Over 500,000	100,000 to 499,999	15,000 to 99,999	Below 14,999
AM	23.9	24.4	22.7	27.6
FM	15	19.9	17	18.5

[37] *Notice* at paras. 181–182 and Tables 14A–16C

[38] Comments of the Diocese of Cleveland, Exhibits 1–4. Each exhibit presents data gathered from composite week logs for each AM and FM station in the Cleveland market for four three year renewal periods: 1967–70, 1970–73, 1973–76, and 1976–79.

the programming in Cleveland closely resembles the averages found in both the FCC and NAB studies.[39]

75. Partial data were provided regarding the proportion of news programming that was devoted to local and regional issues. The average for the AM stations was always at least 54 percent while the average for FM stations was at least 37 percent.[40] The final point to be made is that the data exhibit no perceptible effect stemming from the guidelines. From this it is reasonable to infer that nonentertainment programming will not be substantially adversely affected by removal of the processing guideline.

76. The *Notice* provides additional confirmation to the argument that the market would support substantial informational programming in the absence of the guideline. First, the distribution of news programming is most pronounced during the drive time hours—hours that draw both the greatest number of listeners and, as a result, the greatest amount of advertising. This, as the *Notice* points out, suggests that news programming is both profitable and desired by listeners. Second, with the exception of Sunday evening early Monday morning and both early Saturday and early Sunday mornings, public affairs programs are more or less randomly distributed and there is no significant trend toward placing public affairs broadcasting in time slots with little or no advertising time.[41] The fact that some advertising coexists with this programming suggests that there is at least some listener support even for public affairs programming.[42]

77. The NTIA, while not attacking the *Notice's* conclusions, argues that the nonentertainment data would be more complete if data on the "other" category of nonentertainment broadcasting had been included. It was NTIA's belief that that category of programming must be specifically included in setting a guideline for meritorious service.[43] In addition, it expresses concern regarding the sampling methodology used by the staff in developing its programming data base.[44] It felt that some bias might be introduced because only one day was sampled for each station, though it provided no other basis for claiming such a bias. The methodology chosen by the staff was carefully set out in a Public Notice issued subsequent to the *Notice*.[45] The fact that only one day was selected at random from each composite log was dictated by limited staff resources but, because the sample utilizes accepted statistical techniques using only one day from each log should have no bearing on the statistical integrity of the results.

78. The major criticisms of the recommendation to eliminate nonentertainment guidelines fall into two caterories. First is the view that without these guidelines there will be no "objective" criteria at renewal time by which to determine what constitutes "meritorious" service.[46] A brief comment regarding the economic consequences of this process is in order. First, although setting a specific rule or guideline level provides a superficial aura of objectivity in fact, there is no way to know what the appropriate level should be.[47] More important, guidelines that pertain to all licensees create incentives for all licensees to act the same way, even if they are operating in very different market environments. Licensees become responsive first and foremost to the guideline, only secondarily to the public. Hence guidelines may not provide programming in the public interest.

79. An additional criticism of removal of the nonentertainment guideline is that less local or special programming (*e.g.*, religious programming) will result.[48] This criticism fails to take into account three factors. First, current guidelines do not require licensees to provide any particular kind of programming, either by general category type (*i.e.*, news, public affairs, religious, *etc.*) or source (save, of course, candidates for federal elective office). There is no reason to expect current programming patterns to change since broadcasters appear to already be producing nonentertainment programming in quantities that are well beyond the current minimums. Demand for information by listeners will continue with or without the guideline and for that reason the broadcaster would find it in his own self-interest to provide that programming even absent any requirement to do so. Where programming is currently provided with limited commercial support—*e.g.*, religious programming—it represents the broadcaster's recognition of the value of "good will" in the community and there is no reason to expect that motivation to lessen. Second, even without the guideline broadcasters would have to meet their Fairness Doctrine obligations. The Fairness Doctrine is key in that it goes directly to the public interest concerns of many commenters who are ill at ease with removal of the guidelines. Finally, some concern was expressed that in markets with 10 or more stations there are a substantial number of stations that fail to meet the processing guideline, or barely meet it.[49] This was based on a misunderstanding of the data presented in the *Notice*. The data do not include programming from the "other" category and, as a result, a superficial reading of Tables 10A and B might give the illusion that a number of stations do not meet the processing guideline. If the "other" category were included, very few stations would be below the guideline. Additionally, such large markets had a higher incidence of stations providing over 50% of their programming as news and public affairs ("All-News" stations) than did smaller markets. Therefore the overall availability of nonentertainment programming in these markets is great. In smaller markets, the average nonentertainment presentation by each station was greater but there appeared to be fewer "All-News" stations. To argue, based upon the evidence in the *Notice*, that the guideline is an effective constraint, is not correct.[50] The totality of the data must be examined when making such a judgment. Inspection of the NAB data set indicates that a small number of stations may still just meet (or in some instances fail to meet) the guideline.[51] This should not be interpreted as a need for a guideline as only 7 stations (6 of which are FM's) in the NAB sample of 100 stations for markets of 100,000 and above did not meet the guideline.[52] This represents a very small percentage of the total number of AM and FM stations in the sample.

80. In an effort to point out the weaknesses of a market type analysis with regard to the provision of local news programming, the United Church of Christ presented a study of news sources available to communities within the New York City urban area.[53] Their

[39] As with this FCC and NAB data, there were a few instances of stations (only FM) broadcasting less than 6 percent nonentertainment programming—2 in 1967–70, 2 in 1970–73, 3 in 1973–76 and 0 in 1976–79.

[40] The AM averages were 57% for 1967–70, 54.6% for 1970–73 and 56.3% for 1973–76 while the FM averages were 37.5% for 1970–73 and 49.2% for 1973–76.

[41] *Notice* at Tables 14A and 16A.

[42] Some support for the argument that public service broadcasts are demanded by listeners is also found in the data presented by the NAB *supra* note at Appendix A.

[43] NTIA comment, at 15.

[44] *Id.*

[45] FCC, *Public Notice* re: Release of Additional Materials in Radio Deregulation Proceeding (BC Docket No. 79–219) January 11, 1980.

[46] An "objective" standard was felt desirable primarily to avoid the Commission having to make judgments on particular programs thereby creating First Amendment difficulties. See, NTIA comment at 9–14.

[47] NTIA presents at least two alternative approaches to this problem. First is to treat both AM and FM as equals and assess the same percentage figure, perhaps 6 or 8%. There would be a reduced obligation for stations that use reduced advertising formats (e.g., "Beautiful Music" or Classical formats). The alternative is to choose a standard based upon the mean (average) level of the existing percentage of time devoted to nonentertainment broadcasting. Meritorious service would then be defined as a level of programming that exceeds one standard deviation above the mean level. See NTIA *supra* note at 14–22. The defect of these proposals is that they could present the prospect of a moving target as stations modify their behavior both in response to the method of computing the standard, itself; and in response to changes in the station's market. They would also place an enormous administrative burden upon the Commission.

[48] See for example Comments of the United Church of Christ, U.S. Catholic Conference, the Diocese of Cleveland and the Committee for Community Access.

[49] Comments of ACLU.

[50] See *Notice*, at Table 10A and 10B.

[51] Reply comments of NAB Attachment B.

[52] Also only 2 stations out of a sample of 74 stations for markets between 15,000 and 100,000 and no stations out of a sample of 143 stations in markets of less than 15,000 population did not meet the processing guidelines.

[53] Comments of UCC at 10–14. While the UCC appears to be troubled by the staff's choice of boundaries for the "New York City" market, they do not clearly explain their preferred alternative. For example, UCC indicates that the staff is in error when it suggested that eastern Suffolk County

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approach was to examine an area dominated by a very large city and show that news oriented toward smaller communities in the shadow of that city would be underrepresented. For the New York City urban area they conclude that, in fact, little news of smaller nearby communities is carried by the New York City stations and, on that basis, argue that guidelines even stronger than those now in effect are needed. As our review of their study shows, it is not possible to conclude that more local news (presumably news directed at specific smaller communities) is either desired by residents or, for that matter, is not currently being provided by other stations, especially those on Long Island.

81. UCC begins by describing the diversity of both institutions and populations residing in the communities that fall within the area of dominance of the New York stations. It points out that six radio stations licensed in New Jersey and five stations licensed in Southeastern New York state exist within the New York market. In addition, at this stage of the UCC study, Nassau and Suffolk counties are combined into a market called "Long Island." The Long Island market contains 12 radio stations but no television stations because of the proximity of both New York City and the stations of Connecticut and Rhode Island. UCC's methodology consists of monitoring one New York City all news radio station, WCBS, for 16 hours on one day. It found that only one story originated from Southeastern New York state, and that was not of distinctly local interest.[54] On eht same day, there were five distinct stories (one of which was carried eight times) that related to New Jersey and seven minutes of news pertaining to Long Island (all but two of those stories dealt with crime).[55] In neither case were the news stories considered by the UCC to be of "distinct interest to any . . . community."[56] UCC asserts (based upon their knowledge of New York City) that the results of the WCBS monitoring experiment extend to the other New York all news station, WINS. From this UCC concludes that the local interests of citizens in the Long Island market would not be served if the Commission went to a market test even though the market would not be considered to have failed that test. It further argues that the many local newspapers that exist in the Long Island market are not suitable substitutes for radio news because they are not daily papers and, as a result, cannot provide timely coverage.

82. Perhaps the single most important critique of the UCC study is the inductive reasoning attempted by the authors. First, there is no guarantee that deregulation will cause all local newscasting (for the relevant parts of New Jersey and southeastern New York state—if not for Long Island) to fall on the shoulders of WCBS or WINS. Indeed, such a result appears to be unlikely given the widespread interest in news programs among listeners as demonstrated by the data. Second, and even more important, no monitoring of the 13 stations licensed to communities in Long Island—or for the relevant New Jersey or southeast New York state stations—was undertaken. Without that analysis there is no way to know whether these stations provided news not found on WCBS but oriented toward those communities. This is compounded by the fact that only one New York station was monitored—and that for only one day. Finally, even if the AM and FM spectrum were not both saturated and dominated by New York City, it is not clear whether each community in Nassau and Suffolk counties would have informational programming directed toward their specific needs. It may not be economically possible (leaving aside engineering considerations) to establish enough stations to serve each community. In this regard, we note that UCC did not attempt to empirically establish what, for it, was a crucial assumption, *i.e.*, that enough listeners want "timely" news coverage related specifically to their immediate communities to warrant additional provision. As a general proposition it is unreasonable to expect broadcasters to provide a service that may be less highly valued than their current programming. Perhaps weekly or twice-weekly papers are enough to satisfy the demand for local news. In this regard we note that the Long Island paper, Newsday, provides substantial local Long Island coverage on a daily basis.[57]

83. Another study submitted in this proceeding was conducted by William Seiberlich, a graduate student at the Annenberg School of Communications. The Seiberlich's study, conducted in three small communities, purports to demonstrate that radio is a primary source of news and information contrary to the assertions made in the *Notice*. Even though other news sources were available, 75% of the respondents in the survey stated that they considered radio to be the primary source for news about their community.

84. Without regard to methodological problems with the study (*i.e.*, some of the comments on station performance appear to have come from listeners responding to a newspaper advertisement placed by Mr. Seiberlich soliciting comments, yet there is no information in the study on the number of respondents or discussion as to whether obtaining responses in this fashion may have a built in bias) the study does not affect the course of action which we are taking herein. We continue to agree with the Roper study cited at paragraph 71 of the *Notice* that indicated that the majority of people rely on television as their primary source for news. We also noted, however, that the type of news that was most important to radio listeners was local news. Thus, in small communities with fewer alternative sources for such news, it would not be surprising to find, as apparently Mr. Seiberlich did, that residents of such communities turn to radio as a primary source of local news. That in no way, however, forms a basis for retaining the guideline. As the data compiled by the Commission and several commenters (as discussed elsewhere herein) demonstrate, news is presented at such times and in such amounts as to strongly suggest that it is being offered in response to listener wants and therefore would remain absent the guideline and without regard to whether radio is a primary or secondary news source.

85. Additionally, Mr. Seiberlich presented anecdotal information to the effect that radio service is poor in the surveyed communities even under current regulations. This information ranged from the fact that one of the subject stations had no manager, news director or receptionist, to claims by interviewees that there was a lack of sufficient religious and public affairs programming. As Mr. Seiberlich correctly points out, these claims do not necessarily represent violations of current Commission requirements. It is therefore difficult to consider these as reasons not to take the action being taken herein. Our focus must be upon whether or not market forces and the remaining requirements are an adequate substitute for the regulations under considerations. If the programming was not present in amounts pleasing to all listeners at a time when the guideline was in force, but without occasioning a violation of the rules, it is difficult to see how the situation would be adversely affected by the guideline's elimination. Indeed, one anecdote in the study provides strong support for the economic model in general (and the elimination of the commercial guideline in particular). Mr. Seiberlich reports that one station manager broadcasts less than the allowable number of commercial minutes but would sell more than 18 minutes of commercial time per hour "if only there were buyers." But there are not, and this is what has limited the broadcaster to fewer than 18 minutes per hour of commercials and should continue to so limit the broadcaster absent the guideline. Mr. Seiberlich's study simply does not persuade us that our theoretical basis was seriously flawed or the actions we are taking are contrary to the public interest.

Non-Entertainment Programming in the Absence of the Guideline

86. The analysis and material discussed above supports the elimination of the guideline for non-entertainment programming. The data released with the *Notice*, supplementary material [58] and that supplied with comments (as discussed above) clearly demonstrate that radio stations are offering a large amount of non-entertainment

stations are part of the SRDS New York market (*Notice* at Appendix A). While UCC appears to be correct on this point it is irrelevant since the staff excluded Suffolk and Nassau Counties from the New York market. As an aside, UCC also argues that this Long Island market should have been included in table 3 of the *Notice*. The tone of the UCC study suggests, however, that since part of both Nassau and Suffolk Counties are dominated by New York City stations, these areas should be included in a New York City market. Even this is unclear, however, since at some places they speak of these counties as though they constitute a separate market. (comments of UCC at 19, 20–22) and are examined as such.

[54] The story was concerned with the murder of Dr. Herman Tarnower and was carried nationally.

[55] At this stage of its analysis, UCC seems to be treating "Long Island" as part of the New York City market. Otherwise, it is hard to understand their interest in WCBS' reporting of events there.

[56] UCC at 21–22.

[57] *Id.*, at Attachment 3.

[58] See Public Notice, Report No. 15448, released January 11, 1980.

programming, often well in excess of the guideline, and, with reference to at least news programs, tend to offer it at times of peak radio listenership. This plainly suggests a listenership preference for news that exists independently from the current guideline. No commenters have rebutted or explained the presence of large amounts of news at peak listenership times of the broadcast day as being anything other than a response to listenership interest. It would defy all sense of reason to believe that radio broadcasters schedule news programming in this way merely because of our guidelines. Clearly listeners demand news programming on radio. There also appears to be some interest in public affairs. [59]

87. Some analysis of the data in the comments suggests that non-entertainment programming would disappear without the guideline and buttress this claim by contending that the data demonstrate that a large proportion of stations are currently not meeting the non-entertainment programming guideline. [60] This claim, however, is based upon a faulty premise. As noted above, the Tables did not include any "other" non-entertainment programming. What the subject Tables purported to demonstrate, rather, was that most stations were offering almost, or in excess of, the guideline amounts for non-entertainment programming even when only their news and public affairs programs were counted. Experience dictates that most stations also offer some amount of so-called "other" non-entertainment programming. [61] Therefore, the amount of *all* qualifying non-entertainment programming being offered can reasonably be anticipated to exceed the amounts shown in the Tables which, again, refer only to news and public affairs. [62]

88. We do not believe that the tentative conclusions that we drew from the data in the *Notice* have been successfully rebutted, especially with regard to news programming. In short, that data shows that news is offered in high amounts at high listenership times, [63] and that most stations exceed current non-entertainment programming guidelines even when only two of the three "countable" types of non-entertainment programming are considered. Data submitted by commenters show that the total amount of such programming offered often far exceeds the guideline. From this we believe it safe to conclude that absent the guideline, news would continue to be offered, public affairs programming might (but not necessarily would) decline, and substantial amounts of all types of non-entertainment programming would be likely to remain. One might deplore the lower listenership interest in public affairs programming (as compared to news); one might urge that the Commission should require its presence regardless of the inclinations of the population at large. But the preliminary conclusions that we drew from the data still appear to be sound. Since many commenters nonetheless believe that substantial amounts of, or all, non-entertainment programming would flee from commercial radio under deregulation, we will address some of the reasons why we disagree with that conclusion even without regard to the data available to us that suggest the contrary.

89. Recent trends in news programming indicate the importance of news on radio stations independent of Commission requirements. An article in the August 25, 1980, *Broadcasting Magazine* notes that stations are now often tailoring their news reporting to what they see as being the informational interests of their audience. [64] While it is reported to be a trend that is not universally endorsed by radio journalists, the article asserts that it is a trend that "seems to have caught on with audiences." [65] Benefits to the public seem to be occuring as a result of this trend. As noted in the article,

> Last spring the station [WBCN–FM, Boston, Mass.] reported on a nuclear accident in Le Harvre, France, a full 12 hours before the wire services moved the story. And last fall it won a UPI award for its coverage of demonstrations at the Seabrook, N.H., nuclear power plant site.

Additionally, state wide radio news networks are said to be developing to the extent that the national Association of State Radio Networks has grown by 450% since its founding in 1973. Other, nationally oriented, networks also are said to be making great strides in bringing information to the public. Commission guidelines did not cause WBCN–FM to cover the nuclear disaster, did not create 18 statewide radio news networks, and did not require radio Station KGO–AM, San Francisco, California, to spend $40,000 to bring its listeners interviews from the Middle East and the opportunity to call in questions to newsworthy persons in Tel Aviv, Israel, and Cairo, Egypt. It can only be concluded that these stations and networks are providing these services in response to the preferences of the listening public, not in response to a Commission guideline that gives no more credit for a "rip and read" news broadcast than it does for a live report from Tel Aviv.

90. As to public affairs programming, the evidence was admittedly different. As discussed above, public affairs programming does not appear to be as highly valued as news by the listenership. For twenty years we have permitted such programming to be sponsored. Sponsorship would generally be expected to be attracted to programming with a significant listenership. If there was a large listenership for such programming, and the programming therefore attracted advertising, one would expect to see it presented at higher listenership times. [66] Our data indicate that while public affairs programs are offered during high and medium listenership day parts, the highest proportions are offered at poorer listenership time. This suggests that there may be a smaller interest on the part of the listening public in public affairs programming on radio than there is in news. It is legitimate to question whether it is in the public interest to require the use of the airwaves for the presentation of greater amounts of less desired programming. That is a philosophical question that may not be capable of definitive resolution but it is at least a question worth asking. As a general proposition, it may be offensive to the public interest to require any type of programming be offered in amounts that please the Commission rather than the public whose interest, after all, is intended to be the interest served under the public interest standard. Alternatively, we can construct hypothetical situations in which the actual amount of public affairs programming offered in a market under deregulation could exceed that offered in the market prior to deregulation. For instance, in a given market with a number of stations, there may exist a licensee with a middle-of-the-road (MOR) music format. The station may, however, be only the fourth most popular MOR station in the market and have but a three or four percent share of the listenership. If the licensee found that, for instance, under deregulation five percent of the listenership was not receiving the public affairs programming that it had previously enjoyed, the hypothetical MOR station might find it desirable to change its format to all news and public affairs. In such a circumstance, it might turn out that the amount of public affairs programming offered by one, primarily public affairs, station, exceeds the total that had been offered by all stations in the market, each offering between one and three percent public affairs programming, prior to deregulation.

91. While this is a hypothetical situation, it is a possible example of what could happen through the working of marketplace forces and is no more speculative than the prediction that all public affairs programming on commercial stations would be lost, as feared by many commenters. In fact, the data presented in the *Notice* in Tables 12A and 12B suggest that this scenario is quite plausible. As market size increased (and the expected market share of each station fell), an increasing percentage of stations offered

[59] NAB indicated that between 1.75% and 3.4% of broadcasters' hours of operation were devoted to public affairs with NTIA showing an average of 3% for AM stations and 2.3% for FM stations.

[60] This conclusion is presumably drawn from the data in Tables 10–11, and 12.

[61] Indeed, in its comments (at fn. 24) NTIA reported on a study it conducted wherein it discovered that such "other" programming represented an additional 37% over the mean amount of news and public affairs presented.

[62] We draw attention to the NTIA, NAB and Cleveland Archdiocean studies setting forth these amounts. See paragraphs 71–77, *supra*.

[63] The fact that, as Douglas Fraser pointed out, news also is aired at other times of the day does not account for the unrebutted fact that news is offered in its largest amounts at what is well known to be the highest radio listenership times of the day—morning and evening drivetime—although not required to be so scheduled by Commission rule.

[64] See, "Carving Out a Niche in News," pp. 86–91.

[65] *Id.*, at 86.

[66] The fact that public affairs programming begins to increase after 6:00 a.m. Sunday mornings does not necessarily mean that licensees await people waking-up before presenting public affairs. It is quite possible that such scheduling is a result of our determination that, "the scheduling of all public affairs programming during the "graveyard" hours between midnight/and 6:00 a.m., when audiences are presumably smallest, would warrant further inquiry . . .." *RKO General, Inc.*, 52 F.C.C. 2d. 562 (1975). While public affairs is offered in higher amounts at such times, its random distribution over the remainder of the broadcast week tends to indicate some listener interest in these programs.

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high levels of public affairs programming (*i.e.*, public affairs programming exceeded 6% of their total programming). This suggests that there exists a small audience for such programming that will become increasingly attractive to some broadcasters as their expected market shares fall and if other broadcasters cut back on this type of programming. In any case, given the action taken herein, news programming should continue for the reasons set forth above and other types of non-entertainment programming will necessarily continue to assure compliance with the Fairness Doctrine and the requirement set forth above to address community issues.

Loss of Programming Relevant to Low Income Individuals

92. Several commenters feared that in a deregulated environment, specialty programming to groups with low economic power (which were often equated in comments with minority groups) would be lost. There was little showing in the comments of the current amounts of such specialty programming, that programming tastes of low income individuals in general differed from those of the rest of the population, or of the amounts that would be lost. In the past, we have attempted to assure the presence of specialty programming through a number of means,[67] and we will presume that it exists.

93. While it is unwise and, we believe, inaccurate to assume that low income individuals have no interest in programming other than that directed specifically toward them, the loss of non-entertainment programming relevant to issues concerning such groups would, of course, concern us. We question, however, whether any such loss would be a realistic prospect under deregulation. First, we cannot assume that low income individuals have different programming wants than does the general population. With regard to discrete minorities, we are attempting to assure that the needs of minority groups are met through structural means such as EEO and minority ownership policies. This appears to us to be an excellent way to encourage such programming with the least amount of content intrusive regulation. In addition, there are already an increasing number of minority oriented programming services. As Table 4 appended to the *Notice* indicated, 416 radio stations in 239 radio markets provide some regularly scheduled Black-oriented programming with 139 of these stations presenting full time black-oriented programming. Table 6 indicated that 270 stations in 173 markets provide some regularly scheduled Spanish language programming with 44 such stations presenting full time Spanish language programming. More recent data indicate substantial increases in such programming.[68] Black formated radio stations showed an increase of 12% in the top 25 markets in 1979, alone.[69] The trend towards programming directed to ever narrower groups appears to be taking place at the present time. There is no reason to believe that this trend will not continue.

94. We believe that it has been amply demonstrated that all types of minority needs, be they racial, ethnic, or taste, can be, and indeed are being well met through increasing the number of stations. In an environment where often an audience share of 5% or less is considered a rating success, as it is today in many major markets, narrowly based tastes, needs and interests can be served. The Commission has implemented structural programs to increase the number of stations and to facilitate such programming especially with regard to minorities. Indeed, since the *Notice* in this proceeding was adopted, the number of radio stations on the air has increased from 8,654 to 8,921.[70] That is an increase of 267 stations in one year, without any of the structural measures discussed in the *Notice* having yet come into play.[71]

95. This increase in the number of stations has resulted in the creation of new entertainment formats. Although the deregulation proceeding relates primarily to issues concerning the non-entertainment programming offered by stations, this phenomenon of format fragmentation is nevertheless relevant. What it demonstrates is that the economic theory that holds that an increase in the number of stations promotes service to narrower and narrower segments of the community is correct. As it can be demonstrated to be true as to entertainment programming, there can be little doubt that the same effect would occur with regard to non-entertainment programming, much of which, it appears, is offered in response to the listernership's desires.[72]

96. A recent article in the trade publication *Broadcasting Magazine*, noted that although a station's overall image is increasing in importance, the case with formats is that:

> Fragmentation is the key to what's happening in today's radio formats. Top 40 is divided into standard, adult and album. Country competes with modern and easy country and rock is spreading its audience among soft and progressive practitioners.
>
> Even beautiful music, which for the past few years has divided itself only vaguely into classic, MOR and country modes, is showing signs of lining up in vocal-oriented and standard-instrumental camps. In religious, the difference is between listener-supported block programming and Christian music stations. In news/talk, it's light-talk versus news-oriented.[73]

97. The fine tuning of formats is directly related to the anticipated audiences that broadcasters are seeking to serve. They apparently perceive a different listenership for, by way of example, each of the following formats: urban contemporary, contemporary, adult contemporary, black contemporary, bright contemporary, contemporary gospel, contemporary rock, contemporary rhythm, top-40 contemporary and personality contemporary.[74] Clearly, the needs of smaller and smaller segments of the community are being appealed to by this fragmentation which is the natural result of an increase in the number of stations which permits service to such elements.

98. While several commenters argued that low income individuals and minority groups would be ignored as they are asserted to be non-consumers, (and therefore unattractive to advertisers), this argument appears to be belied by the facts. As an initial matter, even individuals having low purchasing power make purchasing decisions. They are not "non-consumers;" they are low-income individuals. There is considerable empirical evidence that low income individuals tend more than higher income individuals to buy brand name products (see, Appendix D, and paragraph 151 of the *Notice*). This may be due to a lack of discretionary funds necessitating the making of purchasing choices perceived as being "safe." Perhaps low income individuals with litte margin for error in their purchasing decisions therefore stick to name brand products rather than gambling on off-brand products. Whatever the reason, it does appear that there is a preference for name brand products on the part of low income individuals and, therefore, advertisers wishing to reinforce their image as name brands, or to establish themselves as name brands, may wish to sponsor programming appealing to low income individuals.

99. A recent article in *Broadcasting Magazine*, "The Black Market Becomes a Must Buy," by Eugene D. Jackson, Chairman-President of the National Black Network,[75] presents persuasive evidence that minorities in general are an attractive market to advertisers and are becoming increasingly so. If this is the case, the argument that minorities will not receive relevant programming must fail as the argument is based upon the premise that the programming will not be there because advertisers will not support such programming. Mr. Jackson points out that in 1980, the aggregate income of black workers is projected to be $125.8 billion, increasing to $225 billion by 1985. If Black Americans constituted a separate nation, Jackson continues, their $125.8 billion economy would rank it sixth in the free world, ahead of both Canada and Australia. The article points out certain demographic distinctions between minority and majority communities that demonstrate both an increasing demand for service of all types in the Black community and specific features that advertisers may want to focus on, which would lead to support of programming directed toward minority group members. As Mr. Jackson states, "Unless all of society metamorphosis, there will be a discernable need for a special kind of community, a special kind of marketing in the black marketplace." The data and argument set forth in the article are supportive of the conclusion that minorities can be, and indeed are, an attractive audience for advertisers to reach.[76] Accordingly, it reasonably can be anticipated that advertiser support would be available for programming directed toward the black community without regard to the Commission's non-entertainment programming guideline and ascertainment regulations.

100. A review of programming services currently available on radio demonstrates that many groups, including both those with lower than average incomes and those small in number, receive radio service. It should be noted that the services indicated in the Attachment to this Appendix are not the result of any current Commission programming requirement. Our structural regulations aimed at encouraging Black, Hispanic and Asian-American ownership of and employment by broadcasting stations may have played a rule in achieving this result. In addition to programming relating to these groups presented on stations not specifically appealing to these groups, there exist numerous stations formated entirely, or in significant part, to meeting the needs of such groups.[77] The existence of these formats and programming segments is not the result of any Commission requirement. The stations and their formats exist because their licensees have come to the conclusion that, even where the group appealed to traditionally has had a low income or is low in number, marketplace forces make the provision of radio service to these segments of the community a rational economic decision.

The Role of Public Broadcasting

101. As noted above, some commenters have argued that deregulation of commercial broadcast radio stations would place an intolerable burden upon noncommercial stations that, it is claimed, would be expected to take up any loss of non-entertainment programming resulting from deregulation. This is also said to be inconsistent with the legislative intent for public radio, which was to be considered as competitive with commercial radio and not as a repository for all non-entertainment programming. Much of this concern appears to have sprung from our discussion in the *Notice* in paragraphs 156–159. There we noted that the government subsidizes noncommercial radio programming by reserving valuable frequencies and by providing financial aid. We also noted that National Public Radio (NPR) affiliated stations provide, "a heavy diet of regularly scheduled news and public affairs programming." While we intended to indicate that the levels of such programming are a factor that must be considered in any discussion of the availability of non-entertainment programming in the marketplace, we did not intend to indicate that it was our belief that, under deregulation, non-commercial radio would be expected to be responsible for all non-entertainment programming. However, some further discussion of the role of non-commercial radio is important.

102. The role of noncommercial radio has not been viewed as a way to relieve commercial broadcasters of their obligations under the public interest standard as construed by the Commission. Nor has it traditionally been viewed as being in economic competition with commercial broadcasting.[78] However, it has been viewed as being for the purpose of, "filling the gaps that commercial broadcasters do not fill."[79] To this end, National Public Radio, which was established in 1970 to distribute programs to public radio stations, had in 1978, a budget of $8,100,000 and produced approximately 40 hours of programming per week, primarily of the news and public affairs variety.[80] Since the commencement of Federal financial contributions, the growth of public radio has been described as being remarkable while achieving "impressive program quality. . . ."[81] NPR stations are currently present in 66 of the top 100 Standard Metropolitan Statistical Areas (SMSA's) and are estimated by the Corporation for Public Broadcasting (CPB) and NPR to be available to 50% of the population of the United States.

103. That noncommercial public radio was intended to fill gaps in programming offered by commercial stations appears beyond doubt.[82] Where this not the intent, no reason would have existed for the extension of Federal funding for some noncommercial radio operations. The Carnegie II report amplified upon this role for noncommercial radio asserting that purported shortcomings of commercial radio, indeed, constituted the strongest argument for increased support of public radio. While we disagree with some of the Report's conclusions regarding commercial radio, we would agree that there are some cultural tastes and programming preferences so outside of the mainstream that commercial stations cannot reasonably be expected to respond to them. That is why the government has reserved channels for noncommercial use and has provided financial assistance. The presence of such an institution in many radio markets cannot be ignored. To the contrary, its presence and purpose must be considered in any evaluation of the programming that is, and would be, present in the marketplace. While we would not expect that noncommercial radio would be called upon to provide all news and public affairs programming, in a deregulated environment,[83] we continue to believe that the "gap filling" programming that it does provide, and function which it serves, are relevant factors in our deliberation. In any case, our resolution of the non-entertainment guideline issues largely renders the concern expressed in this area moot.

Market Failure

104. In the *Notice*, we set forth as one option intervention by the Commission only with regard to non-entertainment programming if a market failure had occurred in a particular market or community. This was based on our analysis that in almost all situations market forces would assure the provision of radio services in the public interest. Because markets, like all other allocation systems, are imperfect the Commission did not want to exclude the possibility of intervention in the unusual circumstance that the market failed to respond to listener wants. Several commenters addressed this subject. Most of those doing so, approached it from the standpoint of whether the market could ever satisfy consumer preferences in radio.[84] Few commenters addressed the question of whether the Commission could regulate on a market-wide basis by assessing the sufficiency of programming available by the total amount of programming of a particular type that is offered on a market-wide basis. Still fewer suggested how we might determine whether a market has failed to respond to consumers and what we should do about it if we determine that it had.

105. The concept of the use of market failure to trigger Commission intervention is a relatively new one. In its Opinion in *WNCN Listeners Guild* v. *F.C.C.*, 610 F.2d 836 (D.C. Cir. 1979, *cert. granted*, U.S. (1980), the Court of Appeals, while contending that the radio market is an imperfect reflection of listener preferences, also acknowledged that the Commission may permit these admittedly imperfect market forces to operate until it obtained strong evidence of market failure. The court stated:

> Further, as is clear from our earlier cases, the Commission's obligation to consider format issues arises *only when there is strong*

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[67] See the fourteen elements of programming necessary to meet the public interest in the *En Banc Programming Inquiry Statement*, 44 FCC 2303 (1960); additionally, our ascertainment requirements were intended to result in programming relevant to the needs of all significant segments of the community.

[68] See the attachment to this Appendix.

[69] *See, Broadcasting Magazine*, June 9, 1980, "Radio's Format Leader: Adult Contemporary," pp. 44–46.

[70] *See*, Commission News Release, "Broadcast Station Totals For October 1980," Mimeo No. 01558, dated November 13, 1980.

[71] While the Clear Channel proceeding, Docket 20642, has resulted in a *Report and Order* (FCC 80–317, released June 20, 1980) that would eventually result in new stations commencing operation, petitions for reconsideration have been filed. In any case, it is too soon for any news stations to have resulted from the measures taken in that proceeding.

[72] See paragraphs 151 through 217 of the *Notice*.

[73] See, *Broadcasting Magazine*, "Overview: Images Sharpen as Formats Blur," August 25, 1980, p. 52.

[74] These formats represent only formats utilizing the word "contemporary" in their description and present in the top-10 stations in the top-50 radio markets. Of course, numerous other formats also exist. See *Broadcasting Magazine*, "The Fortunate 501," August 25, 1980, pp. 62–74.

[75] *Broadcasting Magazine*, October 6, 1980, p. 22.

[76] Also see, paragraphs 35–36 of Appendix D, *supra*.

[77] See the attachment to this Appendix for a listing of several formats and specialty programming aired at several groups some of which have a high proportion of low income individuals or which are small groups numerically.

[78] H.R. Rep. No. 572, 90th Cong., 1st Sess. 10, 17 (1967).

[79] *Id.*

[80] See, The Carnegie Corporation of New York, *A Public Trust: The Report of the Carnegie Commission on the Future of Public Broadcasting* (hereinafter "Carnegie II"), page 190 (1979).

[81] *Id.*, p. 193.

[82] For instance, the Carnegie Commission notes, in Ramah, New Mexico an NPR station translates the Albuquerque Journal newspaper and weather information into the Navajo language.

[83] The basic premise of deregulation is that marketplace forces would continue to assure the presence of large amounts of nonentertainment programming in each market, although not necessarily, with the same amount on each station in the market.

[84] The argument generally stated was that the market would invariably fail because the market does not respond to the preferences of groups that are small in number or in purchasing power and because the non-material benefits to society of certain types of programming are not reflected in market demand.

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prima facie evidence that the market has in fact broken down. (Emphasis supplied.) [65] There is no reason to believe, whatever the outcome of the case on appeal, that the Supreme Court would view the Commission as having more stringent obligations (i.e., to intervene although the market is functioning well), at least in the format area, than did the Court of Appeals.

106. We believe that this same principle may be applicable to issues other than entertainment formats. While, as asserted by a number of commenters, the marketplace may be a less than perfect reflection of listener preferences, this does not imply that a regulatory alternative would better reflect listener preferences. We cannot think of any area, be it automotive, newspapers and periodicals, motion pictures, food, clothing, etc., where there is an absolutely perfect reflection of consumer preferences in the market. Yet, this reality does not trigger the call for pervasive regulation. Nor is there any indication in the Congressional history of the Radio Act or the Communications Act, in court interpretation of either the Act or of Commission decisions, or in Commission decisions themselves, that radio has ever been viewed as that one area in which there would be a perfect correlation between consumer preferences and services offered. Rather, the history of radio regulation has been that it should be regulated to achieve the "public interest." That phrase has variously been defined as requiring, "the greatest good to the greatest number," [66] the "fullest and most effective use," of the airwaves, [67] or "the best practicable service to the public." [68] None of these equate the public interest with a perfect correlation between service and listener preference. Rather they all recognize that the Commission's obligation is to assure the best practicable service, not perfect service, to the listeners. Our obligation to intervene is triggered only when there is strong *prima facie* evidence that the imperfection is so great as to constitute a breakdown of the market. In that case, the flawed market result should be compared to the regulatory alternative, which is itself inherently imperfect, to determine which alternative better serves the public interest.

107. In the instance presented herein, we believe that there are three problems that render it difficult to rely on "market failure" as the trigger for intervention into non-entertainment programming. While market failure in broadcast services may be difficult to identify, this does not mean that we cannot study alleged cases and fashion remedies or that similar difficulties also exist in non-broadcast type services. The first problem is administrative rather than substantive: because each market is unique, so is the failure of any one market unique. It would therefore require action on an *ad hoc* basis to properly determine when market failure had occurred. A market-wide six percent guideline on non-entertainment programming, for example, would simply represent the reimposition of a guideline—albeit now at a market level rather than at a station level. This would in no way address the issue of how well each particular market is meeting audience wants and needs.

108. More important, markets cannot be viewed at a single point in time and be judged to have failed. Rather, they must be viewed *over time* to see whether or how they have reacted to changes in supply and demand, *i.e.*, to see how producers respond to available information on what consumers want. For example, at a point in time a radio market might not be providing a particular type of programming that is of importance to a significant segment of the community, just as at a point in time there might be no American automobile maker providing high gas mileage automobiles. The test of the market is not instantaneous; the test is whether in a reasonable period of time there is some purveyor of services or goods to provide that programming or that automobile (assuming the demand for these is demonstrated). The problem with relying on such a test to determine when intervention should be triggered is that the appropriate period of time is not readily known and the information on consumer demands is difficult to collect. To require an instantaneous market response is to disregard how markets work and to totally abandon the marketplace approach; to wait too long is to deny the reality that markets can fail occasionally, and that the public interest is harmed on those occasions. As a result, the administrative difficulties associated with strict reliance on a market place analysis may be insuperable. There is an additional unanswered question regarding administration of such a market approach. That is, if the Commission determined market failure had occurred, what remedy could it fashion that would be equitable. For instance, if a station in the market was rendering superior service, how would it fit into any remedy that we might construct to rectify market failure? Such questions are troubling, and, while they may not be insolvable, we have grappled with them, but have not resolved them. Accordingly, we would not be comfortable relating the concept of market failure to the non-entertainment programming area at the present time.

109. Additionally, a number of commenters pointed out that the Act requires the Commission to make public interest findings with regard to individual stations—not markets. We believe that this argument has merit in this context. Section 307 of the Act, for instance, speaks in terms of the Commission granting "to any applicant" a station license if it would serve the public interest. [69] Section 312 of the Act speaks in terms associated with actions of individual licensees in the context of reasons for license revocation. Licensees traditionally have had individual responsibilities to operate their stations in the public interest and while we believe that stations can make programming determinations as to type, content and, to an extent, amount based upon what other services are available, each licensee has a bedrock obligation, historically rooted, to cover public issues. This obligation is not relieved by the presence of the large number of stations now available and, therefore, we will not attempt to apply the concept of market failure as set forth in the *Notice* to this subject area.

110. Finally, to have to review the performance of each market and to evaluate the levels of individual types of programs being provided and to assess the desires of the members of that market would present serious administrative burdens to the Commission. It would require the Commission to engage in extensive generation of data, would require the storage of that data, and would require complex analysis of the data. This would have had to be accomplished on a continuing basis for all markets had we opted to adopt a complete market approach. We believe that it is well within our discretion to decline to adopt a solution that would require this type of extensive scrutiny which could cripple the functioning of the Commission and its ability to carry out its regulatory responsibilities in other areas through the diversion of resources that would be required.

111. These arguments have convinced us that a strict market approach to nonentertainment programming is unworkable at the present time. Such an approach would be both administratively inconvenient and could be construed as contrary to the Act which mandates the licensing of individual stations. While we are not adopting such an approach, we will, as noted above, take into account market forces by permitting each licensee to assess the other stations in the market and the nature of their audiences and their programming in making its own determination as to what issues it will address in its own programming. However, each station will retain the obligation to present some programming relevant to issues facing the community, or, in the appropriate instance as described above, to its listenership.

The "Cross-Fertilization" Factor

112. A number of commenters argued that permitting stations to specialize in their programming would be undesirable and that it is necessary to require each station to present programming relevant to all significant segments of the community so that there can be communication between diverse groups. This was referred to by some as being a "cross fertilization" function. There are two facets to this argument warranting attention. The first is whether such a function is currently performed under existing regulations. The second is that, if so, whether or not this function would continue given the action taken herein.

113. We have significant doubts that our current regulations achieve the claimed cross fertilization. Broadcaster discretion would now permit a licensee to address issues of more general relevance in lieu of narrowly focused issues. Additionally, there is the problem that even if addressed, those segments of the population to which the programming was not relevant would be likley to tune it out. If either of these were the case, the cross-fertilization would not occur. Thus, current regulations do not necessarily serve this asserted function with regard to truly group-specific programming.

114. There is little reason to believe, however, that under deregulation all programming reflecting issues of particular concern to, for instance, minority groups, would disappear from stations directing programming to, for instance, majority audiences. For instance, Black teenage unemployment may be thought of as being of principal interest to those affected—Black teenagers. However, the levels of such unemployment in a community could be so significant as to make it an issue of concern to all in the community. Because we are requiring programming addressing issues of concern to the community, programming addressing the problem of unemployment and Black teenage unemployment would likely be present on at least some stations with other than a Black teenage audience. Cross-fertilization can also occur when individuals that are not members of the "target audience" of a station, nevertheless, listen to the station and become aware of issues primarily relevant to the target audience. We do not assume that individuals only listen to one station. Indeed, the economic model and casual empiricism indicate that individuals will do what is necessary to satisfy their wants and, therefore, switching among channels to obtain desired programming can reasonably be anticipated. By listening to a variety of stations, individuals will naturally be exposed to programs that they are not the target audience for and, thus, cross-fertilization will result. Finally, we do not assume that individuals are uni-dimensional in their use of media. The subject cross-fertilization can also occur when individuals are exposed to varying issues and viewpoints through their use of a variety of media.

Attachment.—Radio Stations Having Certain Formats or Specialty Programming *

I. Formats (stations presenting more than 20 hours per week of the indicated type of programming.
- American Indian—5 stations
- Black **—239 stations
- French—3 stations
- Italian—1 station
- Japanese—5 stations
- Polish—1 station
- Portuguese—3 stations
- Spanish (including Puerto Rico)–124

II. Special Radio Programming (special programming of 1–20 hours per week).
- American Indian—53 stations
- Black **—563 stations
- French—88 stations
- German—116 stations
- Greek—49 stations
- Italian—117 stations
- Japanese—15 stations
- Polish—161 stations
- Portuguese—37 stations
- Spanish (including Puerto Rico)–480 stations
- Ukranian—13 stations

Appendix F.—Ascertainment

A Brief History of Ascertainment

1. To place the Commission's determination regarding ascertainment into perspective, a brief review of ascertainment's history is relevant. Even before the 1960 *Programming Statement*, the Commission had alluded to the broadcaster's obligation to make a special effort to understand the needs of its community.[1] The *Programming Statement*, however, represented the first formal policy statement on the issue expressly requiring a "diligent, positive, and continuing effort by the licensee to discover and fulfill the tastes, needs, and desires of his community or service area. . . ." [2] Subsequent to its issuance, the Commission proposed that broadcast applicants should explain their efforts to identify community needs and to plan responsive programming.[3]

2. In addition to proposing to amend broadcast application forms, the Commission began implementing its ascertainment policies on a case-by-case basis. In 1961, the Commission denied an application for a new FM station in Elizabeth, New Jersey, on the ground that the applicant had not adequately ascertained community problems and needs. The Commission stated:

> It is not sufficient that the applicant will bring a first transmission service to the community—it must in fact provide a first local outlet for community self-expression. Communities may differ, and so may their needs; and the applicant has the responsibility of ascertaining his community's needs and of programming to meet those needs [footnote omitted]. The instant programming proposals were drawn up on the basis of the principal's apparent belief—unsubstantiated by inquiry, insofar as the record shows—that Elizabeth's needs duplicated those of Alameda, California, and Berwyn, Illinois, [footnote omitted] or, in the words of the examiner "could be served by FM broadcasters generally." . . . [T]he evidence admits of no other conclusion than that the applicant's program proposals were not "designed" to serve the needs of Elizabeth . . . [T]he applicant has made no showing as to Elizabeth's programming needs, and a determination of whether Suburban's program proposals "would be expected" to meet such needs is rendered impossible. In essence, we are asked to grant an application prepared by individuals totally without knowledge of the area they seek to serve. We feel that the public deserves something more in the way of preparation for the responsibilities sought by [the] applicant than was demonstrated on this record.[4]

3. The applicant raised statutory and constitutional objections to the decision on appeal. However, the United States Circuit Court of Appeals for the District of Columbia rejected the objections, holding that the Supreme Court's decision in *National Broadcasting Co.* v. *United States*, 319 U.S. 190 (1943), permitted the Commission to impose reasonable restrictions upon the grant of licenses to assure programming designed to meet the needs of the local community.[5]

4. When the new application forms were adopted in 1965 and 1966, the Commission imposed a four-step ascertainment process.[6] These changes were soon reflected in the Commission's actions. Issues were added in hearings [7] and petitions to deny applications raised questions about compliance with the ascertainment requirements.[8] The Commission, perceiving a problem, issued a Public Notice [9] to publicize its requirements and to lessen a "costly workload burden on the Commission."[10] The Commission later made another change, ruling that although the applicant's subjective evaluation of the ascertained problems and needs must be made, it need not be submitted as part of the application.[11]

5. Considerable problems remained, however, over the precise nature of the Commission's requirements. In *City of Camden*,[12] the Commission denied an application for assignment of license on the ground that the proposed assignee's ascertainment of community leaders failed to reflect a cross-section of the community when compared against known demographic information.[13] The Commission subsequently initiated a *Notice of Inquiry* in which it proposed a detailed ascertainment primer as a means of eliminating the apparent confusion surrounding the ascertainment process.[14] A primer containing 36 questions and answers was adopted after consideration of the many comments filed in that proceeding.[15] The Commission set out procedures for determining the composition of the area to be served, consulting with community leaders and members of the

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[65] *WNCN Listeners Guild* v. *F.C.C.*, *supra*.

[66] Donovan, *The Origin and Development of Radio Law*, lecture given at the School of Law, New York University, April 8, 1930, p. 11.

[67] *National Broadcasting Company* v. *United States*, 319 U.S. 190 (1943).

[68] *1965 Policy Statement*, *supra*, p. 394; cited in *F.C.C.* v. *National Citizens Committee for Broadcasting*, *supra*, p. 782.

[69] Also see Section 309 of the Act.

*Data from *Broadcasting/Cable Yearbook 1980*, pp. D–74 to D–107. Each station is counted separately although there may be some AM-FM combinations where the specialty programming is duplicated or simulcast.

**Includes station formats characterized as rhythm and blues, and soul. It does not include jazz or gospel formated stations.

[1] *See, e.g., Wayne M. Nelson*, 44 FCC 1132, (1957); *Mid-Island Radio, Inc.*, 15 FCC 617, 640 (1951); *Pilgrim Broadcasting Co.*, 14 FCC 1308, 1348 (1950); *Alexandria Broadcasting Co.*, 13 FCC 601, 614 (1949); and *P. B. Huff*, 11 FCC 1211, 1218 (1947).

[2] *Programming Statement*, *supra* at 2316.

[3] *See, AM and FM Program Form*, 1 FCC 2d 439 (1965); and *Television Program Form*, 5 FCC 2d 175 (1966).

[4] *Suburban Broadcasters*, 30 FCC 1021, 1022–1023 (1961).

[5] *Henry* v. *FCC*, 302 F. 2d 191, 193–194 (D.C. Cir. 1962), *cert. denied*, 371 U.S. 821 (1962).

[6] Applicants were expected to provide full information on the following matters: (1) the steps taken to become informed of problems and needs of the area to be served; (2) the suggestions received as to how the station would help meet those problems and needs; (3) the applicant's evaluation of the suggestions; and, (4) the programming proposed to meet evaluated problems and needs. *Television Program Form*, *supra*, 5 FCC 2d at 178.

[7] *See, e.g., Minshall Broadcasting Co.*, 11 FCC 2d 796 (1968).

[8] *See, e.g., Andy Valley Broadcasting System*, 12 FCC 2d 3, 6 (1968).

[9] 13 RR 2d 1903 (1968).

[10] *Id.*

[11] *Sioux Empire Broadcasting Co.*, 18 FCC 2d 905 (1969).

[12] 18 FCC 2d 412 (1969).

[13] *Id.* at 422.

[14] 20 FCC 2d 880 (1969).

[15] *Ascertainment of Community Problems*, 27 FCC 2d 650 (1971).

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general public, enumerating and evaluating community problems and needs, and relating proposed programming to the evaluated problems and needs.[16] Failure to conduct the ascertainment in accordance with the requirements of the *Primer* would subject the applicant to a possible denial of application.[17]

6. The *Primer* was, at the outset, the standard for all applicants. On the same day that the *Primer* was issued, however, another proceeding was initiated to determine whether different standards should apply to renewal applicants. Ultimately, a *Renewal Primer* incorporating the four basic requirements of the original *Primer* was adopted.[18] Procedurally, though, the *Renewal Primer* made some changes.[19] In addition, the *Renewal Primer* experimentally created a partial "small-market" exemption for stations licensed to certain cities of 10,000 persons or fewer on the assumption that licensees of small communities know the problems and needs of their communities without undertaking a formal ascertainment.[20] Of course, the exemption does not relieve small-market licensees from the duty to respond to the problems and needs of their communities.

7. In general, although they have often provided very specific guidance for and oversight of broadcasters, the ascertainment *Primers* carried over three basic principles of broadcast regulation. First, the *Primers* made it clear that the broadcaster has broad discretion.[21] Second—and of major importance for our present purposes—the *Primers* acknowledged that a broadcaster could take into account its particular audience and the programming of other stations in making programming decisions. The Commission did state, however, that a problem should not be ignored merely because few in the broadcaster's audience shared that problem.[22] But, by the same token, the Commission also said the make-up of the audience and market were factors that could legitimately influence the broadcaster's programming judgment.[23] Third, the Commission has retained the authority and power to inquire about the basis for a licensee's programming choices; if the licensee's conduct is unreasonable or in bad faith, the Commission has made it clear that further actions—including denial of a license application—could result.[24]

8. Since the issuance of the *Notice of Inquiry and Notice of Proposed Rule Making*, herein, the Commission has rendered three noteworthy decisions with regard to its ascertainment requirements. In a *Report and Order*, FCC 80–134 (April 4, 1980), the Commission declined to add specifically either the gay community or the handicapped to the checklist of specific institutions and elements within a community which renewal and noncommercial educational television applicants are required to ascertain.[25] Moreover, it deferred action on the experimental small-market exemption, noted above, pending the resolution of the larger ascertainment issues being considered in this proceeding.[26] Additionally, we recently gave permission to broadcast stations to utilize Public Service Announcements in responding to problems discovered through ascertainment.[27]

The Comments

Introduction

9. Considerable comment was received with regard to the ascertainment proposals contained in the *Notice*. Comments ranged all the way from support for the outright elimination of ascertainment to requests that it be retained in its present form. There was some concensus in the comments, and greatly in evidence during the panel discussions, that ascertainment may have grown into too complex a procedure where form has been elevated over substance. Accordingly, many commenters and panelists, representing widely disparate points of view, agreed that some modification may be warranted, and even desirable, although the boundaries of such a change were disputed. In the words of one of the panelists, ascertainment has become "a ritual dance,"[28] and should at least be simplified.

Arguments in Favor of Elimination of Ascertainment

10. There was some disagreement among those supporting deregulation of ascertainment not only over what the result of elimination would be, but what it should be. While some commenters believe that community-wide ascertainment would continue as a result of marketplace forces, others believe that the elimination of ascertainment would permit stations to concentrate on the needs of their own audience and as a result to better serve it. In this way a wide variety of audiences in the community would be served through diverse, albeit specialized, radio stations. One view is premised on the idea that radio stations should present "well balanced" non-entertainment programming so that many significant segments of the community would have programming relative to their needs and problems on each station. The other concept is that stations should no longer need be required to present "well-balanced" (something for everyone) programming, given the number and diversity of stations. This situation, it is argued, would in many markets result in all significant segments of the community being served, but not necessarily by each station attempting to serve multiple segments. Rather, service would result from a number of comparatively specialized stations each serving their own audiences, but with all significant segments receiving service somewhere in the market.

Market Forces as a Substitute for Ascertainment Requirement

11. Much of the support for elimination of ascertainment comes from broadcasters. The National Association of Broadcasters and the American Broadcasting Companies both strongly support the total elimination of ascertainment requirements arguing that marketplace forces can be relied upon to substitute for Commission regulation. CBS, while agreeing that ascertainment requirements should be eliminated, asserts that the goal of the ascertainment process—licensee knowledge of its community and responsiveness to it—should remain an element of service in the public interest.

12. Other commenters also contend that marketplace forces would provide an adequate substitute for ascertainment requirements. NTIA, for instance, shares CBS's view that ascertainment could be left to marketplace forces. NTIA believes that to establish informal requirements would be but the first step to a return of litigation and new rulings that would eventually formalize ascertainment along its current lines. Therefore, it suggests that the Commission merely announce that broadcasters must reasonably endeavor to serve the needs and interests of their communities and to indicate that ascertainment is an excellent vehicle to achieve that goal. Under its proposal, NTIA would have the Commission limit its review to the product—service to the community—not the process. If this approach failed, NTIA states, the Commission could still consider other procedures.

The Cost Factor

13. A number of broadcasters based their objection to ascertainment requirements not upon a lack of necessity for them, but, rather, upon their costs as related to their benefits. The estimated costs for ascertainment ranged from $167 per year to $20,000 per year.[29] The

[16] *See* generally, *Ascertainment of Community Problems, supra*, 27 FCC 2d at 671–674.

[17] *See, e.g., Bamford* v. *FCC*, 535 F.2d 78 (D.C. Cir. 1976).

[18] *Ascertainment of Community Problems by Renewal Applicants*, 57 FCC 2d 418 (1975), *recon. granted in part*, 61 FCC 2d 1 (1976).

[19] For example, the *Renewal Primer*: (1) calls for an on-going ascertainment process, rather than conducting it solely in the six months preceding the filing of the renewal application; (2) provides for a community leader checklist; (3) specifies the number of consultations to be made, based on the size of the community of license; (4) requires renewal applicants to maintain information on the composition of their communities in the public inspection file; (5) requires that licensees annually deposit in their public inspection files a list of no more than ten problems and needs existing in their service areas during the preceding year, and a list of programs treating those problems and needs; and, (6) requires documentation of the ascertainment procedures to be placed in the station's public inspection file.

[20] *Ascertainment of Community Problems by Renewal Applicants, supra*, 57 FCC 2d at 437; *but compare, Ascertainment of Community Problems by Noncommercial Applicants*, 58 FCC 2d 526 (1976).

[21] *See, e.g., The Primer, supra*, 27 FCC 2d at 686; and, *Renewal Primer, supra*, 57 FCC 2d at 445.

[22] 27 FCC 2d at 673.

[23] *Id.; see also, Renewal Primer, supra*, 57 FCC 2d at 445.

[24] *See, The Primer, supra*, 27 FCC 2d at 686; and *Renewal Primer, supra*, 57 FCC 2d at 433.

[25] However, it did rule that any group that came forward to a broadcaster and indicated it was a significant group in the community should be considered. The broadcaster had the discretion to make the determination of whether the groups were indeed significant, but groups could challenge that decision.

[26] *Order*, FCC 80–277 (May 9, 1980).

[27] *Order*, FCC 80–557 released October 27, 1980.

[28] *See*, Transcript, September 15, 1980 Panel Discussions In the Matter of Radio Deregulation, p. 19, testimony of Erwin Krasnow.

[29] The low figure was for a 5 kW daytime only AM–FM combination in a town of 4,000. The high figure was a non-identified response to a radio market survey conducted in Chattanooga, Tennessee. The average cost reported of stations that provided dollar estimates for ascertainments costs was $3,411 per year.

Ohio Association of Broadcasters estimates that a licensee devotes a minimum of 200 person hours per year to leader interviews alone. Nationwide Communications estimated that WGAR in Cleveland, Ohio, devotes 2 hours per month from each department head for thirty months for community leader interviews at a salary cost of $5,000. Billboard Broadcasting Corporation and Radio Stations WLAC–AM and WKQB–FM maintain that the minimum annual cost for leader interviews in the Nashville, Tennessee, market is $8,272, and provide a detailed breakdown of the costs involved. Plough Broadcasting Company, Inc., indicates that its annual ascertainment costs in five markets was in excess of $8,000. The median number of person hours per year for ascertainment reported was 100, with an average number of person hours devoted to ascertainment being 160.

14. Other commenters also addressed the issue of the costs of ascertainment. The Council on Wage and Price Stability noted that ascertainment was not an end in and of itself, but that its purpose was to make stations more responsive to community needs without interfering directly in specific programming decisions. It states that:

(i)t is not clear, however that the ascertainment procedures are effective in eliciting programming addressed to these special community needs. Since we know of no convincing evidence indicating that these procedures are effective, and since on the other hand they do impose large costs, we support the Commission's proposal to eliminate them.

Value of Ascertainment Irrespective of Cost

15. Several commenters question the value of ascertainment without regard to whether or not it involves any costs. Walton Francis, for instance, submitted a study prepared for the Department of Health, Education and Welfare, evaluating their "needs assessment" requirements contained in various funding programs. This is said to be analogous to the Commission's community needs ascertainment requirement. The study, *Needs Assessment: A Critical Perspective*, concludes that needs ascertainment is not, and in fact cannot be a valid objective approach to determining consumer preference. One major problem, the report states, is the concept of the word "need" which is said to be "basically an empty term, one without conceptual boundaries." This being the case, it:

. . . becomes loaded with cultural, normative, philosophical and political overtones. Because it is both emotion-laden and value-loaded, "need" is subject to many shades of meaning, intent and interpretation. The emotive and mercurial attributes of the word "need" follow the term into activities called "needs assessment."

Therefore, whatever method is utilized to conduct needs assessments (the type of assessment utilized in the Commission's ascertainment requirement is equivalent to what is referred to in the study as the "key informent" type, and is only one of a number of types of possible needs assessment methods) the process cannot be counted on to provide the questioner with a valid picture of "needs." Commenter Francis therefore concludes that the choice between utilizing marketplace forces and ascertainment to obtain programming responsive to community needs is a choice not between two imperfect mechanisms, but instead between an imperfect and an invalid (or non-existent) mechanism.

16. One community leader who has been subjected to ascertainment interviews also argued in favor of elimination of ascertainment from first hand experience. Congressman Ronald Motti stated:

I endorse the Commission's proposal for elimination of ascertainment obligations for commercial radio broadcasters. Having been called upon a number of times as a public official to participate in the ascertainment process, I have concluded that it is a meaningless formality. Broadcasters I have spoken with regard it as perhaps the greatest "nuisance" regulation of the Commission. Certainly ascertainment helps breed disrespect for Commission regulations generally to the detriment of genuinely worthwhile broadcast regulation activities of the Commission.

17. Others also argue that ascertainment is actually counter-productive. Joint comments filed on behalf of Southern Broadcasting and a number of other licensees contend that the current procedures are resented by community leaders, many of whom are contacted by a number of licensees. Thus, instead of promoting dialogue between broadcasters and community leaders, the requirement is said to impair such dialogue. While noting that its stations employed procedures to ascertain community needs and interests long before the Commission's adoption of specific requirements, Bonneville International, too, asserts that the current system is counter-productive. It claims that it is bound by the *Primers* to conduct ascertainment by fixed methods that do not afford flexibility to respond quickly to significant changes in the community. The Tribune Company echoes this view adding that different service areas require different approaches. Similarly, it is contended, stations that gear their service to minority groups should be able to focus their ascertainment on those groups rather than expend needless energies elsewhere.

18. Many individual licensees argued that ascertainment is not only counter-productive but is non-productive. Were it not enough that being ascertained by a number of licensees inconveniences and angers some community leaders, the procedure is also said to fail to provide significant information to the broadcaster on hitherto unknown community problems. It is argued that both by being in, and involved with, the community, and by virtue of the fact that broadcasters are involved in the business of communication, licensees invariably learn of significant community problems without resort to ascertainment. A number of broadcasters pointed out, and submitted evidence of, their participation on various community boards, commissions, and agencies, which is said to provide them with knowledge of community needs and problems. Ascertainment, it is argued, does little to improve upon the knowledge gained in other ways, while all the while imposing additional burdens.

Summary

19. Commenters expressing approval of the proposal to completely eliminate the ascertainment requirement believe that marketplace forces would assure continuation of it in some form but that current requirements are either too costly or ineffective (or, indeed, are counter-productive). However, many of these same commenters expressed a desire to have the Commission set forth some indication of what it considers to be an optional ascertainment procedure that would provide a "legitimate renewal expectancy." These requests and other alternate proposals are more fully explored below.

Arguments in Opposition to the Elimination of Ascertainment

Lack of Burden

20. A number of commenters oppose any diminution of current ascertainment requirements and procedures. The Organization for Unique Radio, for instance, contends that current procedures are not onerous. Indeed, one commenter, the Department of Communication, United States Catholic Conference, cites a survey reported by the Comptroller General of the United States to Congress that claimed that 61.2% of the licensees polled found ascertainment procedures to be helpful in a range from "a very small extent to a very large extent." Entertainment Communications states that while some methodological improvements are warranted, it has not found current procedures unduly restrictive. It claims that instead, the requirements have produced significant valuable information for its stations.

Marketplace Forces Are Unable To Acquaint Broadcasters With Community Problems

21. The Organization for Unique Radio contends that ascertainment was not only not a burden to broadcasters but that the procedures are necessary to assure "diversity on the air." Maureen C. Lynch, Donna M. Kaprel and Alfonso Caci agree, arguing that without ascertainment broadcasting will become one-sided, with broadcasters being unaware of, and unresponsive to, needs of many significant segments of the community. Catherine Jensen, Information Officer in the New England Region of the U.S. Department of Agriculture, who has been interviewed in the ascertainment process, indicates that at times the process may be meaningless but that often issues are discussed sincerely and with substantive results, especially with regard to ". . . the development of nutrition information public service announcements." It is feared that without the requirement, marketplace forces would fail to result in such ascertainment and the results that it is said to obtain. The Diocese of Cleveland conducted a review of various problems-programs lists of Cleveland licensees and

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contends that this review demonstrates that, "not only are there different needs on different lists, but priorities are dramatically different from one another." Accordingly, it asserts, this disparity demonstrates that broadcasters cannot be considered knowledgeable of their communities.

22. The Department of Communications, United States Catholic Conference echoes this belief. It contends that marketplace forces would result in programming that catered only to consumer wants whereas ascertainment has a different objective. Ascertainment, it states, attempts "to determine community needs and problems and to reflect a response to those needs and problems in non-entertainment programming that offers a service to the public in return for the use of a public resource." WNCN Listeners Guild agrees, maintaining that broadcasters must be bound by specific ascertainment requirements to assure that licensees will "go beneath the surface" to learn of the needs and problems of the communities they serve. In a nutshell, it argues that:

In ascertainment, as in other areas raised by the Commission in this proceeding, there is no sure correlation between the licensee's commercial or self-interest and the public interest; the structural, conduct related requirements which are presently in effect are necessary to remedy that inevitable gap and serve the public interest requirements of the Communications Act.

23. In support of its position, the Guild submits the results of a study conducted to determine the effectiveness of allowing licensees to assume responsibility for ascertainment procedures of their own design. The study was conducted in an area of New York State in which there are two ascertainment exempt communities and one non-exempt community in close proximity. The Guild conducted an ascertainment survey in the area and compared its results with: (1) the ascertainment results of the non-exempt station; and (2) the problems-programs lists of two exempt stations. What was found was that there was a much higher degree of correlation between the Guild's ascertainment survey and the station's ascertainment survey than there was between the Guild's survey and the two stations' problems-programs lists. This commenter contends that, "the exempt stations . . . caught virtually none of the problems uncovered by the students (that conducted the survey for WNCN Listeners Guild) or by the control station's actual formal ascertainment." Therefore, it believes, it has demonstrated that the small market ascertainment exemption was a failure and that deregulation of radio is a folly.

24. Other commenters touched, albeit briefly, on the small market exemption. National Education Association, Office of Communications, contends that it has been its experience that the absence of ascertainment requirements in small markets has hindered its ability to get its views aired. It contends that in small markets, especially on stations in Peoria and Decatur, Illinois, it has had difficulty in getting its Public Service Announcements on the air or in getting time in which to air its views. (Neither Peoria nor Decatur, Illinois, are ascertainment exempt communities.)

Summary

25. Those opposing any relaxation or elimination of the ascertainment requirement generally believe that the regulations are not burdensome or that, at any rate, marketplace forces would fail to assure broadcasters' acquaintance with, and responsiveness to, community problems. This is especially feared to be the case with regard to audiences with low purchasing power as it is believed that broadcasters have no incentive absent regulation to appeal to such groups. Accordingly, left to the marketplace, such groups, it is claimed, could not expect to be ascertained as to their needs and problems and would, therefore, not have relevant programming available. It is also contended that consumer wants are not the same as community needs so that in no case can the marketplace become an adequate substitute for regulation. Finally, an attempt is made to prove this hypothesis through an experiment that purports to show that broadcasters in communities subject to the small market exemption were far less aware of community problems than were broadcasters in nearby, non-exempt communities.

Alternative Proposals to Complete Elimination of Ascertainment

26. There was a broad consensus that ascertainment as it currently exists could, and should, be changed. While there was disagreement as to what shape such changes should take, many commenters felt that current requirements were too mechanistic, overly formalized, and could stand at least some simplification.

Optional Guidelines

27. Some commenters that were in favor of the abolition of the ascertainment requirement nevertheless asked that we retain the goal of ascertainment—knowledge of and responsiveness to the needs and problems of all significant segments of the community. As noted above, NTIA asked the Commission to emphasize this concern while eliminating ascertainment as a requirement. McKenna, Wilkinson and Kittner, filing on behalf of a number of radio station licensees, and the Ten-Eighty Corporation, both suggest that in abolishing the requirement the Commission set forth an optional guideline that would be available to radio stations and which, if followed, would provide a "legitimate renewal expectancy." The Mid-Atlantic Legal Foundation supports abolition of ascertainment but asks that the Commission list specific criteria for what it would consider to be market failure. The concern for certitude is also shared by NBC, which urges the Commission to retain the current checklist in the belief that major market licensees prefer the certainty and guidance that a checklist provides. Marin Broadcasting, and others, expressed concern over the effects that any change in our processes will have on the processing of renewal applications. It suggested that we amend our pre-filing announcements covered by Section 73.1201 of the Commission's rules to include the licensee's list of up to ten community problems and to invite the public to comment upon these perceived problems. It should be noted that not all broadcasters share these beliefs. Some, such as WBRE Radio, are concerned that anything short of complete abolition of ascertainment requirements, such as suggested above, would discourage licensees from developing flexible and innovative ascertainment methods. It is believed that, absent complete abolition, licensees would be concerned over the potential for uncertainty and delay at renewal time and would therefore continue to conduct ascertainment as currently required (or as set forth in any optional system) as a safe harbor.

Retention of a Simplified Ascertainment Requirement

28. Numerous comments supported either option 2 or 3 as set forth in the *Notice*. Although these options were similar, a brief description is warranted. Option 2, as set forth in the *Notice*, was to require that licensees conduct ascertainment but to permit them to decide in good faith how best to conduct that ascertainment. Under this option there would be no formalized Commission requirements on its conduct. Option 3 was to retain the ascertainment requirement and to have some formal requirements as to its conduct but in a simplified form as compared with current requirements. These options received widespread support, although the distinction often was blurred.

29. Licensees supporting options 2 or 3 did so in efforts to "come to grips" with uncertainty over what would be necessary for renewal of license. Thus, some licensees, such as WISM, Inc., desired adequate documentation, fearing challenge. Similarly, Susquehanna Broadcasting supports option 2; however, it would have the Commission require licensees to submit at renewal time a list of community problems and a brief statement describing how these problems were ascertained. The National Association of Black Owned Broadcasters would require an annual report to the Commission; the National Radio Broadcasters Association would also have the Commission require an annual problems-programs report. It would limit the scope of the Commission's review of these lists to, "determine if ten 'issue-oriented' problems have been listed and programming described relating to each of those problems." The list could be challenged on the basis that a listed problem was not "issue oriented," but no further inquiry would be permitted into the adequacy of the licensee's non-entertainment programming. NRBA believes that this would afford the Commission with a basis upon which to make its "public interest" determination.

30. The law firm of Dow, Lohnes and Albertson filed comments on behalf of a number of broadcast licensees. It suggests that we "retain only the general requirement that a radio licensee be able to demonstrate, by methods of its own choosing, familiarity with the needs and interests of its service area, without any precise guidelines being spelled out or enforced." Fisher Broadcasting, however, would have the Commission provide a general guide to broadcasters as to the substantive requirements of ascertainment, but leave the details of how to conduct their ascertainment program to the broadcasters. In a somewhat different vein, Entertainment Communications states that it has not found current ascertainment procedures unduly restrictive and has obtained significant valuable information as a result of ascertainment. However, it contends that the current methodology may not be best for all licensees and, therefore, supports the view that ascertainment be required but with the methodology to be determined by the licensee based upon its individual circumstances. Licensees utilizing the current "costly" ascertainment methods would, under this commenter's proposal, receive a comparative edge for doing so should they be placed in a comparative setting at renewal.

31. Numerous nonbroadcast commenters also supported the idea of at least a lessening of the formalistic requirements of ascertainment. For instance, in its comments (which were filed in the belief that this entire proceeding is ill-conceived but that it did not wish to forego the opportunity to comment should the proceeding go forward), the United Church of Christ states that ascertainment has failed. It attributes this failure to a lack of broadcaster sincerity in carrying out their obligations in good faith. Nevertheless, it states that:

We have reached the conclusion that it would be better to start over. However, we believe it should be made clear that broadcasters have not been relieved of their statutory obligation to serve community needs and that it is impossible to serve them without knowing what they are. Accordingly, we recommend that the Commission abandon the 1976 *Ascertainment Primer*. There may well be value, however, in retaining the 1971 *Primer* for applications for construction permits, major changes in facilities and assignments of license.

The Commission should indicate that, in the event of a petition to deny or competitive application, a licensee will be required to show that it is familiar with the composition of the community of license and that its programming has been and will be responsive to its problems and needs. In particular, a licensee should be prepared to document with particularity how it identified the problems and needs of the elements of the community whose needs are usually most acute, such as persons of low income, ethnic and racial minorities, the elderly, children and youth, etc. This disclosure should be made before the Commission rules on any petition alleging a lack of programming responsive to community needs.

32. These views were expanded upon by UCC in its reply comments wherein it advances the belief that the Commission cannot totally eliminate ascertainment so long as the public interest standard remains. However, it continues, documentation can be simplified and limited to three items: (1) a brief analysis of significant demographic changes and changes in community organizations and their leadership since the previous report; (2) a list of community problems identified by the licensee as of the date of its report; and (3) a list of programs broadcast during the prior year in response to the problems identified. This documentation would be retained in each station's public file.

33. Similarly, Classical Radio for Connecticut agrees that licensees should be permitted to develop their own methods for ascertainment as existing procedures serve to divert licensees from the underlying purpose of ascertainment and instead focuses their attention on mere mechanical compliance with Commission regulations.

34. A number of other commenters likewise support some simplification. Many of them, such as the New York Chapter of NOW, the Media Reform Committee of California NOW, Inc. of the National Organization for Women, the National Black Media Coalition, and the American Federation of State, County and Municipal Employees, believe that the dialogue between broadcasters and community leaders that has been established through ascertainment must not be lost.

Non-Listed Alternatives to Current Ascertainment Requirements

35. Some commenters suggested options that, strictly speaking, are not contained within those set forth by the Commission. Generally, these options favor a retention of ascertainment but with specific changes in the formalistic aspects of it.

36. For instance, the Religious Media Ministry recommends that we retain current ascertainment requirements but permit stations to submit an alternate ascertainment plan at renewal time. If approved by the Commission, the licensee would be free to utilize its own methodology. The United States Office of Consumer Affairs, supported in reply comments by the Committee for Community Access, proposes that the, "Commission give stations a choice of ascertainment methods (community surveys, interviews of community leaders, public hearings, solicitations of written comments, and so on) and encourage, to the extent permissible by law, experimentation with joint ascertainment to cut costs." Douglas Fraser, President of the United Auto Workers, supports the holding of public forums with community leaders to replace current requirements.

37. The National Black Media Coalition is concerned that elimination of ascertainment requirements would sorely hurt minorities, "even in (and often particularly in) northern small towns, (where) segregation is the rule not the exception." Moreover, it contends that a move to more specialized stations provides a better reason for, "more cross-fertilization of ideas among various groups, not less." Therefore, NBMC would support the following simplification of ascertainment procedures:

1. Radio broadcasters should be required to show a substantial number of ongoing consultations with community leaders in categories which, by their nature, are unlikely to be those with which most broadcasters communicate frequently. These are:" (footnote omitted)

(a) Charities
(b) Civic, neighborhood and fraternal groups
(c) Consumer service groups
(d) Labor
(e) Minority and ethnic groups
(f) Organizations of and for the elderly
(g) Organizations of and for women
(h) Organizations of and for youth (including children) and students
(i) Minorities and women

2. Radio broadcasters should be required to show that they have some systematic method of contacting local residents about community needs themselves, not through a survey company. Accessibility, and not raw numbers, should be the watchword. Thus, it should be insufficient to say "our door is always open." It should be sufficient to publicize group ascertainment sessions and open them to the public or to hold on-air "meet your station manager" forums with the public invited to call in, or to have managers and employees do a survey and report the findings directly to top management.

3. Broadcasters should not be restricted from asking about program content in ascertainment interviews. In fact, they should be encouraged to do so.

38. The United States Catholic Conference, while supporting the continuation of ascertainment, also supported some degree of modification and proposes to simplify it. It states that:

There also seems to us no necessary reason why in some situations ascertainment of needs and problems cannot be tied in some way to the target audience the format station seeks to attract, as long as the non-entertainment programming reflects those needs and problems in a significant service to the listeners and is not so exclusive of a sense of other community needs and problems that listeners cannot relate them to those wider problems and needs.

In other words, USCC proposes to permit stations to ascertain and program to the primary group(s) to which its entertainment format is directed. However, it would not permit only ascertainment and service to such group(s). Needs of other elements of the community would also have to be dealt with to some extent.

39. WNCN Listeners Guild, too, proposes some simplification of ascertainment. As with many commenters of various types, the Guild believes that the general public portion of the ascertainment survey could be substantially modified or even eliminated in the case of renewal applicants. Walton Francis contends that much of the same information that is obtained through ascertainment could be garnered at much less cost by requiring that station managers read a local newspaper at least once a week.

Summary

40. There was a wide consensus among commenters that ascertainment need not be retained in all of its current aspects. Rather, many commenters felt that while it should not be eliminated, it should either have simpler requirements for its conduct or that the methodology to be used should be left to the licensee. A number of specific proposals were made ranging from the Commission merely establishing optional guidelines for the conduct of ascertainment to its requiring a more complete ascertainment, but only of groups that usually cannot be expected to be counted among those that the broadcaster has significant contact with on a regular basis.

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Discussion of the Major Issues Raised

41. We turn now to a dicussion of the major arguments made in opposition to the elimination or modification of the ascertainment requirements. These chiefly fall into two categories: (1) that formal ascertainment requirements are essential if the broadcaster is to ferret out information concerning community needs, problems and interests; and (2) that absent formal ascertainment requirements, broadcasters might ascertain the views of some groups but even if they did so they would ignore the needs, problems and interests of groups that were not economically attractive to advertisers. We first address studies submitted relative to these issues.

Ascertainment Studies

42. Several studies were submitted that relate to our proposal to remove the ascertainment requirement. Numerous commenters representing varied interests agree that the current approach to ascertainment is not effective because it emphasizes form over substance. The repetitive nature of the interviews, from the perspective both of the ascertainees and the licensees was said to lead to reluctance to participate.[30] Furthermore, the licensees sometimes find it difficult to obtain access to many leaders and had to settle for discussions with their subordinates. Finally, the responses of the ascertainees are often both general and perfunctory. Alternative methods of ascertainment are contained in the comments. For example, licensees in the Houston market have used a group process whereby all licensees get together and have a "press conference" with each official or community leader. This approach has the advantages of reducing the cost of ascertainment and conserving of the time of the community leaders. Mark Johnson studied the results of a survey of both broadcasters and ascertainees in Houston to determine their views of the group ascertainment process.[31] He found that the vast majority preferred it to the old approach but felt this might be accounted for by the savings of time allowed by the group process. He found that it did, however, create some distance between the community leaders and the licensees in that the "personal" interview no longer existed.[32] It was clear that both groups—ascertainees and broadcasters—felt that the other group was interested in being at the session and that the ascertainees were having an impact on programming.[33]

43. While many commenters argue that the ascertainment process as practiced currently is not effective, some propose changes rather than elimination of the requirement. The basis of their belief, that ascertainment of some kind is necessary, is that the licensee is not, and would not become, familiar with community problems absent some kind of ascertainment. This is especially true, these commenters claim, where the licensee is not a local resident. Other commenters argue that the licensee, or more relevantly the station manager, has a strong incentive to be aware of the community's wants and problems even without an ascertainment requirement, the motivation comes first from competitive pressure in the market and second from other statutory requirements (including the Fairness Doctrine).

44. The WNCN Listeners Guild submitted a major study purporting to demonstrate that broadcasters are not always sufficiently aware of, or responsive to community issues when not required to conduct the Commission's formal, ongoing, ascertainment studies. The Guild researchers studied three communities in central New York state.[34] Two of these communities are exempt under the Commission's small market exemption; one of these communities has two stations, and the other community one station. The third community is not exempt from formal ascertainment, and has one station. It was used for validation of the study, *i.e.*, as a "control group".[35] The four stations have considerable signal overlap, and were assumed by the researchers to have comparable audiences and comparable community needs and problems. The researchers did a community leader ascertainment study for the two exempt communities much like those required under our ascertainment primers. The researchers did not do the general survey required under the *Primers*. From this limited formal ascertainment, the students developed a "problems/issues" list for each of the exempt communities. These lists were compared to those in the stations' public files in both the exempt and non-exempt communities. Based on these comparisons, the Guild argues that stations in exempt communities are not adequately discovering the "needs" of the communities they serve. Therefore, WNCN concludes that the Commission's formal ascertainment rules should apply to all stations and should not be relaxed in this rulemaking.[36]

45. While the study provides a novel approach to measuring the effects of the ascertainment exemption experiment, it appears to have serious flaws that lead us to question the validity of the data and the conclusions. The study focused on the data gathering and record keeping aspect of ascertainment, specifically the correlation of the stations' community needs lists with the lists derived from the Guild study.[37] Putting aside for a moment the question of how closely the lists might be expected to correlate, we have several problems with the methodology used by the student researchers. First, the students rely solely on a community leader survey of the two exempt communities and do not utilize the more easily replicatable general public survey required by our *Primers* for formal ascertainment. Second, the so called "control" community cannot measure the reliability of the study as asserted. As the students noted, the "control" community varies from the exempt communities in significant ways.[38] In addition, no independent ascertainment study was done by the researchers to validate or invalidate the ascertainment efforts of the "control" group. At most, it serves as an interesting point of comparison. More important than these methodological errors however, are the problems created by the assumptions supporting the correlation studies. These assumptions do not give sufficient emphasis to the subjective judgments inherent in the ascertainment, problem identification, and responsive programming processes. Instead, these give crucial significance to the *naming* of community problems and how closely those names correlate with the names given the problems by the researchers. But, the most important flaw of the study is that it does not consider the actual programming listed by licensees. Quite simply, the object of the ascertainment requirement is not the generation of a list of community problems that can be reliably replicated. The object of ascertainment is responsive programming. From that perspective, information from the research report undermines the Guild's assertion that the stations are failing to meet their program responsibilities. These data in fact indicate, at least, that the stations may be doing a reasonable job of responding to the community problems in both their lists and the lists of the student researchers.

46. The first town examined was Monticello, New York, which has two radio stations (WVOS and WSUL) both of which are exempt from the formal ascertainment procedures. Seven problems were isolated by the students and ranked according to the percentage of those surveyed that indicated the particular "problems/needs."[39] Unfortunately, the students did not explain their methodology for rank ordering the problems. For example, it was not explained what weight was given to a problem mentioned in passing verses problem discussed at length by a leader. Once the students had deciphered the stations "records" they found WVOS had listed 8 problems, though none matched the seven identified in the survey. But the reason for a lack of correlation of listed problems apparently stems from the nature of the WVOS problems list.[40] Quite simply, WVOS did not provide a list of problems/needs, *per se*. Instead it provided eight examples of the kinds of issues covered in its programming. Examples of the content of particular programs are: *WVOS Forum of the Air*, (aired twice weekly for 15–20 minutes each) dealing with, for example (but not limited to), Health and Education; Editorials on problems facing local industry (the example given is personal injury suits against ski area operators); *Remote Broadcast* featuring, in one instance, a local science symposium; *Project Second Chance*, (aired each Sunday evening) dealing with issues of interest to women; consumer information programs aired weekly; *On The Spot*, which involved interviews with candidates for public office; *Let The People Know*, (aired Saturday mornings) dealing with Social Security related matters; and *Open Mike*, (4 days a week for about 53 minutes each) a phone-in format that sometimes focused on particular issues of local interest while at other times allowed participants to discuss any issue of concern to them. Examining this list of programming it is impossible to know the extent to which each of the topics on the students' list is or is not covered; yet it is clear that at least education oriented issues were aired.

47. An analysis of the other Monticello station (WSUL) yields a similar result. The students found four problems listed by WSUL also on their list. Examining WSUL's programming, we can identify one program category that could cover at least two additional problems on the Guild list. For example, under the general heading "Government/Civilian Relations," WSUL might have devoted time to the problems of both youth recreation and transportation. Further, "Health," which is not listed by the students but is listed by WSUL, can generally be considered important to any community. A similar presumption can be made for WSUL's listing, "The Arts."[41] In addition, the two local stations in Monticello each offer substantial amounts of nonentertainment programming based on the number of listed minutes per week. Further, to the extent that particular times of day are given, the programs are not relegated to the "graveyard" hours.

48. The second community surveyed was Ellenville, with one radio station (WELVA). The students in their survey of leaders found ten problems of significance, only two of which were explicitly listed among the station's six problems.[42] Like that of the Monticello stations, the Ellenville station's programming appears to have a high correlation to the Guild's problems list. WELV listed three times weekly Job Bank programs and twice daily (total of 55 minutes per day) talk programs that included local officials as guests. The latter programming allowed direct access by telephone to each of those guests. Again, while the station list did not correlate exactly with the Guild list, the station list included such general topics as: "Improvement of School Image in Public Eye," "Non-Cooperation between Public, Town and Village Officials," and "Lack of Public Confidence for State and Federal Government."[43] As with the Monticello stations, WELV did not broadcast public affairs programs in the "graveyard" hours.

49. The "control" station, WALL, Middletown, N.Y., did conduct ascertainment studies in accordance with the *Primer*. WALL listed 47 problems derived from their ascertainment, only seven of which matched the problems derived from the Guild ascertainment.[44] Further, the single problem that received the greatest amount of comment in the student's surveys (transients) was not mentioned by WALL—nor by the three exempt stations.[45] Finally, examination of the WALL programming plan does not reveal a pattern of programming significantly different from those of WELV, WVOS, or WSUL.[46]

50. The students further conclude that WELV is "substantially deficient in revealing community problems." This conclusion is based strictly upon the lack of correlation between the two problems lists but ignors both the substantial time devoted to public affairs programming and the substantial positive response of leaders in the Ellenville Community.[47] In addition, the students comment favorably on WALL's ability to identify the problem of a lack of bi-lingual programming for Spanish speaking people, but ignore the fact that WALL lists no programming designed to explicitly respond to this problem. Meanwhile, the researchers ignore the fact that WELV, provides both a Spanish language religious service and an additional Spanish language program of some unspecified kind, both on Sunday.[48]

51. Examination of the raw interview data leads to additional conclusions. First, many of those surveyed said that the radio stations attempted to be responsive even when issues of interest to that particular interviewee were not being covered. Some negative comments were received, however, regarding the perceived responsiveness of WVOS.[49] Second, several interviewees commented that when they took their problems to the radio station, the station attempted to accommodate them. A few encountered a negative reaction. Finally, the students brought out a point in their concluding remarks that was most revealing. They mentioned the perceived lack of responsiveness of WVOS and report that WVOS became more responsive following the entry of WSUL. WSUL was consistently accorded very favorable comment regarding its efforts in the community. It appears that the students correctly attributed this result to the competition generated by WSUL's entry.[50]

52. This analysis of the WNCN study points out clearly the difficulty of designing and assessing an experiment of the kind envisioned by the small market exemption rule making. The ascertainment process is concerned with inherently subjective data. Although some parts of the process are highly structured, at other points the Commission places great reliance on the subjective judgments of licensees. Although this subjective element is necessary and appropriate in the ascertainment process, it makes correlation studies such as those submitted by WNCN Listeners Guild of questionable validity, and possibly very misleading. It is virtually impossible to reach a concensus regarding the value to place on any given observation. Reasonable people can disagree, not only as to the appropriate weight, but with regard to the appropriate criteria to use in establishing the success of failure of the experiment itself.

53. Finally, there is no demonstration that the listeners were generally dissatisfied with the subjects of the issue oriented programming offered by the exempt stations or that the choice of programming actually offered would have been different had ascertainment been required.[51] In other words, had ascertainment been required, and resulted in the same findings as did the Guild's survey, it appears to us that the exempt stations' programming, as offered without their having had to engage in the ascertainment process, was sufficiently related to the students' "ascertained" issues to have passed muster before the Commission under the current regulations. There is no showing that the exempt stations were less responsive to community issues than they would have been had

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[30] The *Ascertainment Primer* requires that well over 220 local leaders be interviewed in markets the size of Houston over the course of the 3 years license cycle. Many of these leaders may be contacted by a number of licensees.

[31] Comment of Mark Johnson, in "Joint Community Ascertainment in Large Media Markets," mimeo.

[32] This loss of one-to-one contact, according to Mark Johnson, led some public interest groups to oppose the group process. *Id.*, at 2–3.

[33] We can only speculate as to whether this process would continue absent the ascertainment requirement. It is likely, however, that to the extent that both sides find the contacts useful, some form of interchange would continue.

[34] Although the main comment refers to five exempt stations in the study, only three exempt stations are considered in the attached research report. *See*, Comments of WNCN Listeners Guild, p. 28.

[35] While the students also included the non-exempt station's proposed problem oriented program plan, it was not utilized by them in their study.

[36] *Id.*, at 30.

[37] *Id.*, Exhibit C at 4–5. The study was performed by two students of Kristen Booth Glen—Michael A. Mermer and Helene E. Brenner.

[38] Comment of WNCN Listeners Guild, Attached Ascertainment Study, p. 7.

[39] In order these were: Transients, Unemployment, Lack of Business Activity, Recreation for Youth, Crime, Transportation, and Education. *Id.*, at 27–28.

[40] *Id.*, at a–3 to a–7.

[41] In a later submission, the Guild reported that WSUL had utilized the same list for several years. The list is generic and does not refer to specific episodes of programs. This and the difficulty the Guild had in deciphering WVOS's records points out a record-keeping problem that our resolution of the ascertainment question should eliminate.

[42] The students listed: Alienation of the Spanish, Unemployment, Housing, Transportation, Recreation, Revitization of the Town, Education, Senior Citizens, Drug Abuse, and Transients. These are not listed in order by the percentage of those surveyed that named the problem as important. Ranked by that criterion "Transients" would be first and "Alienation of the Spanish" would be tenth. *Id.*, at 28–30.

[43] *Id.*, at a–1 and 2–2.

[44] *Id.*, at a–16 and a–17.

[45] We must point out that the students did not survey Middletown leaders, therefore we do not know whether community leaders consider transients a problem in that community. However, by not undertaking this survey, it was impossible to compare the actual responsiveness of the Middletown station—in terms of leaders subjective opinions—to the responsiveness of the Monticello and Ellenville stations.

[46] *Id.*, at a–18 to a–22.

[47] *Id.*, at 34–35.

[48] Comments of interviewee Manuel Polanco. *Id.* at 17. Mrs. Polanco comments that additional Spanish language programming would be desirable. She is the only interviewee in the law students' survey in either Monticello or Ellenville that commented on the problems of the Spanish speaking community.

[49] *See*, for example, the comments of Buddy Goldsmith, Director of Recreation. *Id.*, at 23.

[50] The students go to suggest that this may only be the result of WSUL's recent entry and infer that things may change. It is not clear why they believe this to be true but it certainly is not ordained. Even where only one station exists—in Ellenville—the radio station was considered very responsive; therefore, WVOS might be the exception rather than the rule. *Id.*, at 34.

[51] We agree with the Guild that the other Monticello station, WVOS, utilized a listing of problems and programs that made it difficult to analyze which issues were addressed. Yet several ascertainees expressed the opinion that WVOS was doing a good to excellent job with only two ascertainees. Harriet Feinman and Buddy Goldsmith, expressing serious displeasure with WVOS's performance.

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ascertainment been required. Therefore, there is no showing of a significant public interest gain associated with the Commission's ongoing formal ascertainment requirement.

54. Another study regarding ascertainment was submitted by the Diocese of Cleveland. That study is described above in the review of the comments filed with regard to ascertainment. The principal conclusion of the study is that different stations, each of which is in the same market, developed nonidentical lists of needs and were responsive to different needs. This is said to demonstrate that stations cannot be considered knowledgeable about their communities. Assuming that there are no methodological problems with the study, we believe it sufficient to say that we would hope to see diversity reflected in programming with or without ascertainment. Indeed, the possibility that all stations in a community would program to meet the identical issues as a result of ascertainment would be a strong reason to jettison the requirement.[52] We believe that diverse programming is desirable and that the changes we are making in this proceeding are well suited to promote such diversity. Additionally, if, assuming *arguendo*, the Diocese's premise is correct and that ascertainments should result in the identification of the same problems by stations in the same community, but does not, one must question the validity of its conclusion that ascertainment should not be eliminated.

Ascertainment and Economically or Numerically Insignificant Segments of Society

55. We turn now to other major arguments raised in opposition to the elimination of ascertainment. One such argument was that absent ascertainment, stations would not seek out information relative to, or provide programs responsive to, issues important to either the community at large or, especially, to numerically or economically "insignificant" elements of the community. As we discussed above, there are reasons why we believe that this will be an unlikely result.[53]

56. As noted, we are requiring licensees to determine what issues confront their community and to offer programming responsive to some of those issues. This obligation exists independently of broadcasters' statutory Fairness Doctrine obligations. Accordingly, some "ascertainment" will undoubtedly continue so that licensees can make intelligent choices with regard to what issues are present and warrant coverage. Thus, an extended discussion of whether marketplace forces are sufficient to dictate that result is unnecessary. What methodology a broadcaster utilizes to become informed of the issues facing his community is up to the individual licensee. However, a significant question has been raised, and warrants our attention, as to whether or not broadcasters in seeking out the advice of their communities will seek out the views of, and respond to the issues faced by, numerically or economically insignificant segments of their communities.

57. The argument has been made in the comments that while stations might survey at least portions of their community absent an ascertainment requirement, they would not survey certain portions of the community. Generally this allegation contended that broadcasters would have no economic incentive to ascertain the needs of, and therefore to program to meet the needs of, groups that were not attractive to advertisers primarily because of their low numbers or low income. For the reasons explained in the section of this *Report and Order* concerning the non-entertainment programming guideline, and in Appendix D at paragraphs 32–36, we do not believe that this is a likely result of the action taken herein.[54]

58. To reiterate, structural measures have been, and are continuing to be developed to assure that groups hitherto absent from representation in the broadcasting community, both as licensees and employees, are represented. The *raison d'etre* of these policies is to result in programming relevant to these groups. Minority groups especially are receiving the benefits of these Commission programs. As minorities are perhaps the principal groups mentioned as being among the groups that would lose relevant programming should ascertainment be eliminated, we think it important to point out that our structural policies have, in part, focused on attempting to assure the presence of relevant programming for minority groups. Additionally, as discussed in greater detail above, minority groups represent a large and ever increasing economic force which makes it likely that there would be advertiser support for programming directed to issues specifically related to minority groups as they move into the economic mainstream of society. This should assure programming responsive to the needs of minorities absent ascertainment.

59. Finally in this regard we would point out that although it is obvious that there is a fragmentation in the formating of radio stations, and in the audience, it is simplistic, if not outright condescending, to assume that any group in our richly pluralistic society is interested only in programming concerning its specialized issues. As we have previously found in confronting renewal challenges based upon claims that the licensee has offered insufficient programming specifically directed to particular groups:

The fundamental misconception reflected in this criticism is that somehow minorities are not interested in the problems and interests of the community, and that their needs are served only by programs devised specifically for those groups. We have rejected this theory on a number of occasions. *The Evening Star Broadcasting Co.*, 27 F.C.C. 2d 316, 322, *aff'd sub nom., Stone* v. *F.C.C., supra.*[55]

Indeed, we have concluded that many types of programming cannot be broken down into minority or majority orientation and have stated that, "Such a policy would constitute a doctrine of segregation."[56] Radio should contribute to the creation and maintenance of an informed populace. Stations must be responsive to community issues to this end. Their primary obligation is not to provide programming for any specific group or individual but to inform the community.

The Small Market Exemption

60. One final note regarding ascertainment is worthy of mention. By Commission *Order* released May 9, 1980, (FCC 80–277), we directed that the small market ascertainment exemption (SME) experiment be considered in the context of this proceeding. Those comments were considered in our reaching a resolution of the larger ascertainment question. Principally, they consisted of a comment filed by the WNCN Listeners Guild and a statement filed by Andrew Jay Schwartzman, Executive Director of Media Access Project.

61. WNCN updated its study discussed above. That update is said to bolster the proported findings of the earlier study that ascertainment exempt stations were significantly less responsive to community issues than were non-exempt stations or than they would have been had they conducted ascertainment. However, we believe that in addition to the flaws in the principal study, discussed above, the Guild has failed to adequately consider two items that surfaced as a result of the update of the study. First, as became apparent in the update, one of the exempt station did, indeed, present a program dealing with transients prior to the Guild's filing of the study. WVOS listed a program on a proposed fingerprint law for transient workers as being among specific programs presented during the year ending January 31, 1980. Second, two complaints had been filed against an ascertainment exempt station, the other against a non-exempt station. Neither complaint argued that the station had not been responsive to community needs. With regard to the subject of complaints, the Guild contends that, "The fact that petitions to deny or informal complaints were or were not lodged, tells us nothing about whether exempt licensees adequately acertained their community," (WNCN SME Comment, p.10). We continue to believe that such complaints certainly tell us whether or not the listenership felt that community needs were being sufficiently addressed and therefore disagree with the Guild's conclusion in this regard. One final note; the Guild points out that one of the exempt stations utilized the same problems/programs list for a number of years. Both the "problems" and the "programs" listed were generic and not specific. At any rate the action being taken herein should result in a more specifc record.

62. In adopting the *Order* in the small market exemption proceeding, we noted that

[52] Even in the 1971 *Ascertainment Primer*, while noting that diverse stations might program to meet the same need but in different ways, we stated that stations still had substantial discretion as to which ascertained issues it should respond to. See, *Ascertainment Primer, supra*, pp. 672–673, and Question and Answer 25.

[53] See paragraphs 32–36, Appendix-D, *supra*.

[54] Needless to say, however, we would view intentional discrimination against low income or minority groups with the utmost gravity.

[55] *Miami Valley Broadcasting Company, supra*., p. 185.

[56] *Columbia Broadcasting System, Inc.*, 40 F.C.C. 2d 903, 910 (1974).

survey of citizens in exempt communities would have been expensive to undertake and would not have provided us with unambiguous evidence on the success or failure of the experiment. We stated that the complaint and petition to deny processes, as well as our evaluation of renewal applications, permitted us to gauge the results of the experiment. Over a three year period, we noted, the rate of petitions to deny renewal of license was lower in exempt communities than it was in non-exempt communities (for radio less than one half of one percent of the exempt radio stations were the subject of such petitions versus 2.3 percent of all radio stations) and that, in fact, only two of the petitions filed against renewal in exempt stations included ascertainment issues. Neither of those petitions had resulted in an adverse finding against the licensee as of the time of the *Order*. In view of the flaws in the WNCN study, discussed above, and our finding concerning complaints against exempt stations, we do not believe that such serious questions have been raised with regard to the experiment that would prevent us from taking the action described above regarding ascertainment.

Appendix G.—The Commercial Guidelines

A Brief History of Commercial Regulation

1. The Commission's concern with commercial practices has been marked by two basic features: a desire to prevent the use of scarce broadcast time primarily to promote private advertiser interests and a reluctance to adopt quantitative standards.[1] Hence, while the Commission has always closely scrutinized a licensee's commercial practices, the Commission has not specified any outer limit beyond which no licensee can ever transcend.

2. Concern about the commercial practices of broadcast stations goes back more than 50 years. In *Great Lakes Broadcasting Company*, the Federal Radio Commission stated: "Advertising must be accepted for the present as the sole means of support for broadcasting, and regulation must be relied upon to prevent abuse or overuse of the privilege."[2] The Commission also took actions that reflected concern about proposed and past commercial practices.[3]

3. In 1960, the Commission summarized its policy as follows:

With respect to advertising material, the licensee has the additional responsibility . . . to avoid abuses with respect to the total amount of time devoted to advertising continuity as well as the frequency with which regular programs are interrupted for advertising messages.[4]

There were, however, no real standards by which to judge compliance with that policy since decisions prior to the 1960 *Policy Statement* were case-by-case rulings. As a consequence, E. William Henry, then Chairman of the Commission, testified before the House Committee on Interstate and Foreign Commerce in 1963, that he "did not know and no one could know" what the Commission's policy on overcommercialization was.[5]

4. Chairman Henry's declaration occurred during Congressional hearings concerning a Commission rule making proceeding proposing commercial standards.[6] The Commission's proposal received strong opposition—an opposition punctuated by House ratification of legislation (H.R. 8316) in 1963 that would have prohibited any Commission rule prescribing "standards with respect to the length or frequency of advertisements which may be broadcast by all or any class of stations in the broadcast services."[7] Although the Commission subsequently decided not to adopt the rule, it did, warn broadcasters that it would still closely monitor commercial practices.[8]

5. New administrative alternatives to the case-by-case approach, however, began to be employed. In *Florida Renewals*,[9] the Commission granted the renewal application of stations with a record of heavy commercial loads, but requested a follow-up report on the number of complaints received, the number of times the licensee exceeded 18 minutes of commercial matter per hour, and a statement as to why its commercial policies were consistent with the public interest. In 1970, the Chief of the Broadcast Bureau, with Commission approval, sent a letter to Peoria Valley Broadcasting, Inc., licensee of WXCL. The letter, although never published, became a processing standard for the staff. It stated that the licensee's commercial policy "would obviate any problem with the commercial aspects of your operation at the next renewal period." That commercial policy specified "a normal commercial content of 18 minutes in each hour with specified exceptions. . . ." The standards announced in the WXCL letter were later incorporated in the rules setting out the authority delegated to the Chief of the Broadcast Bureau.[10] The present delegation of authority with respect to commercial policy is set out below.[11]

6. Pursuant to the delegations of authority to the Chief of the Broadcast Bureau, the Commission has issued prehearing letters in cases where licensees have proposed commercial policies that greatly exceed the guidelines.[12] Licensees that exceed the proposals submitted to the Commission have been granted short-term renewals[13] or have been admonished,[14] according to the circumstances.

7. There have been very few cases on the subject. In an appeal growing out of a comparative proceeding, the Court asked the Commission to respond to several questions, including the following:

1. Is the amount of TV time actually used in stating, singing or otherwise showing commercials a public interest consideration?

2. If so, should the Commission be required to consider the length and number of commercials proposed by the competing applicants in this case?[15]

In its supplemental brief, submitted in response to these questions, the Commission stated:

The amount of time devoted by television broadcast stations to advertising messages is one of the factors which the Commission may properly consider, and may assume significance in the public interest judgment in particular circumstances. The governing statute, decisions of the courts, and Commission precedent make this amply clear.[16]

The Commission urged that the circumstances of the case did not warrant remand for consideration of the commerical practices of the applicants. The case was not remanded, and the Commission's award of a construction permit to one of the applicants

[1] The concern over the possible abuse of the license privilege was one which arose early on in the history of broadcast regulation. For example, Secretary of Commerce and Labor, Herbert Hoover, asserted that:

Radio communication is not to be considered as merely a business carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public trust and to be considered primarily from the standpoint of the public interest to the same extent and upon the basis of the same general principles as our other public utilities. 67 Cong. Rec. 5484.

[2] 3 FRC Ann. Rep. 32, 35 (1929), *aff'd.*, 37 F.2d 993 (D.C. Cir. 1930), *cert. dismissed*, 281 U.S. 706 (1930).

[3] For example, based on proposed or past commercial practices, the Commission has denied applications [*R.R. Jackson*, 5 FCC 496 (1938); *Travelers Broadcasting Service Corporation*, 6 FCC 456 (1938)]; conducted hearings on renewal applications [*The Community Broadcasting Co.*, 12 FCC 85 (1947); *The Walnoc Co.*, 12 FCC 91 (1947); and *Michigan Broadcasting Co.*, 20 RR 667 (1960)]; considered commercial practices in comparing mutually exclusive applications [*Sheffield Broadcasting Co.*, 30 FCC 578 (1961); *Fisher Broadcasting Co.*, 30 FCC 177 (1961)]; and granted short-term renewals [*Gordon County Broadcasting Co.*, 24 RR 315 (1962)].

[4] *Programming Statement, supra*, at 2313.

[5] *H.R. Rept. No. 1054*, 88th Cong., 1st Sess. 24 (1963).

[6] The *Notice of Proposed Rule Making* was published at 28 Fed. Reg. 5158 (1973).

[7] *H.R. Rept. No. 1054, supra*, at 9.

[8] *Commercial Advertising*, 36 FCC 45, 49–50 (1964).

[9] 9 RR 2d 639 (1967); *see also, WDIX, Inc.*, 14 FCC 2d 285 (1968).

[10] *Delegation of Authority*, 43 FCC 2d 638 (1973).

[11] 47 CFR § 0.281(a)(7) provides that the Chief of the Broadcast Bureau may not grant applications exceeding the following criteria:

(i) Commercial AM and FM proposals in non-seasonal markets exceeding 18 minutes of commercial matter per hour, or providing for exceptions permitting in excess of 20 minutes of commercial matter per hour during 10 percent or more of the stations' total weekly hours of operation.

(ii) Commercial AM and FM proposals in seasonal markets (*e.g.*, resort markets) exceeding 20 minutes of commercial matter per hour during 10 percent or more of the station's total weekly hours of operation.

(iii) During periods of high demand for political advertising proposals exceeding either (a) an additional 4 minutes per hour of purely political advertising or (b) exceeding 10 percent of the station's total hours of operation in the applicable lowest-unit-charge period.

[12] *See, e.g., Marion Broadcasting Co.*, 44 RR 2d 1045, 1046–1047, 1056 (1978).

[13] *Enid Radiotelephone Co.*, 67 FCC 2d 19 (1977).

[14] *CBS, Inc.*, 41 RR 2d 1350 (1977); *Chattahoochie Broadcasting Company*, 69 FCC 2d 1460 (1978).

[15] *South Florida Television Corp.* v. *FCC*, 4 RR 2d 2048 (1965).

[16] Supplemental Brief, p. 2, Case Nos. 18,873 and 18,880, in the United States Court of Appeals for the District of Columbia Circuit.

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was affirmed. Other than to note the Commission's response, the matter was not further discussed by the majority of the panel,[17] although the dissenting judge did briefly comment on the matter.[18] Later, however, in *Citizens Communications Center v. FCC*, the Court stated that the "elimination of excessive and loud commercials" was one of several tests of "superior service" in comparative hearings between new and renewal applicants.[19]

8. In sum, although the Commission may and does review the commercial practices of licensees, the Commission has not adopted rigid rules. Nor has the Commission foreclosed the possibility that competitive market conditions may, under some circumstances, render the Commission's scrutiny unnecessary.

Summary of Comments

Introduction

9. The comments and reply comments summarized below involve the proposals in the *Notice* to modify or eliminate the commercial regulations. Although no attempt was made to identify the specific suggestions of each commenter, this summary highlights the most important issues raised concerning the commercial guidelines, and provides a general sense of the position of most commenters. Named commenters ordinarily gave particularly extensive treatment to the specified areas, or were especially representative of the position taken by themselves and others.

Broadcaster Comments

10. The comments summarized here are from commercial broadcasters, broadcast networks, and broadcast trade organizations. This group expresses near unanimous approval of the preferred option to eliminate the commercial time guidelines, but also expresses some reservations on how the elimination would affect license renewal procedures. The major items discussed in these comments include: (1) the legality of the current rules, especially in light of recent "commercial speech" decisions of the United States Supreme Court, (2) the regulatory burden of the guidelines and their effect on radio advertising amounts in the current competitive environment, (3) public interest issues, including the potential advantages of guideline elimination, and (4) use of the guidelines on a voluntary basis whereby broadcasters could conclusively demonstrate satisfactory commercial service for purposes of license renewal.

Legality of Guidelines

11. The legal issue of the guidelines is addressed in two ways. Several broadcasters challenge the Commission's adoption of the current processing guidelines on the basis that they run counter to the legislative intent of the Communications Act, as well as the implication of later Congressional and Commission rejection of laws and regulations designed to limit commercial time. Broadcasters also underline the relatively recent attention given commercial speech by the Supreme Court as a matter of First Amendment law. Citing cases such as *Virginia Pharmacy Board v. Virginia Citizens Consumer Council*, 425 U.S. 765 (1976), and *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977), the commenters note that the Court has become increasingly sensitive to the interests of both consumers and advertisers in the free flow of commercial information, and that under these recent opinions the commercial guidelines are probably unconstitutional.

Burden of Guideline

12. Perhaps the most persistent theme of broadcaster comments is that the guidelines impose daily regulatory burdens on the broadcasters, but have nearly no effect on the amounts of advertising aired. The radio marketplace is said to be highly competitive, leading the great majority of broadcasters to stay well below the amount of commercial minutes permitted by the guidelines. Competition, not federal regulation, is said to make excessive commercialization self-defeating for radio broadcasters. The reply comment of American Broadcasting Company (ABC) may best summarize of the position of broadcasters: "It is simply too easy for the public to turn the dial." Broadcasters generally cite the data in the *Notice* and comments of other groups including the National Telecommunications and Information Administration (NTIA) indicating that the number of stations has increased dramatically in the past several years, especially since the wide-spread popularity of FM radio. They also note that other rule makings now being considered by the Commission would increase the number of available channels, stimulating more competition and further inhibiting excessive commercialization.

13. The National Association of Broadcasters (NAB), for example, emphasizes in reply comments that competition poses a double disincentive for broadcasters tempted to overcommercialize. Not only do listeners "tune out" stations with too many ads, but additionally advertisers are very sensitive to "commercial clutter," which decreases the effectiveness of individual ads. Charges that small markets are not subject to the competitive forces that limit commercialization are countered by citing the studies by the Commission and NAB which indicate that small markets have a lesser tendency toward heavy commercialization than some others. Broadcasters attribute this to two factors: (1) strong intermarket competition, especially acute for small markets with nearby cities, and (2) small commercial communities, insufficient to support high commercial loads. NAB also objects to what it claims is a "misinterpretation" of Commission data. Several opposition commenters compared the number of incidents where stations met or exceeded the current guidelines to the number of stations in a market. This, NAB avers, is unfair because the relevant comparison is the number of incidents of commercials in excess of 18 minutes per hour to the total number of programming hours. Relying on its own data using this comparison, NAB reports that among the 2,234 stations surveyed, over 96 percent of all radio hours contained 16 or fewer minutes of commercial time. Similarly, NAB and other broadcasters rebut those who argued that the current guidelines now create an upper barrier that would be broken by many broadcasters if removed by noting that the largest number of programming hours contain 12–14 minutes of commercial time, with declining numbers of hours above and below that amount.

Public Interest Advantages of Eliminating the Guideline

14. Broadcasters also detail possible public interest advantages of the preferred option. Most prevalent is the idea that the concept of consumer satisfaction used in the *Notice* is a legitimate way for the Commission to apply the public interest standard of the Communications Act. Asserting that competition gives listeners, not advertisers or station owners, ultimate control over radio programming and advertising levels, broadcasters contend that listeners are the best persons with which to vest that control. They agree with the *Notice* that the commerical time limits of the guidelines are little more than "value judgments" by Commission personnel, and claim that listeners are a much more legitimate, direct, and otherwise preferable source of those value judgments. Consumer judgments, according to the broadcasters, would be much more quickly reflected in changes in the marketplace, and would force a more varied array of programming alternatives than now allowed by the rather uni-dimensional processing guidelines. The range of alternative commercial approaches that might be made available through elimination of the guidelines is said to be bounded only by listener preferences, and might range from nearly commercial free stations specializing in such things as beautiful music or classical music to stations that offered prolonged "swap shops" or "classified ads of the air."

15. So, too, some broadcasters agree with other commenters, such as the National Black Media Coalition (NBMC), who suggest the more advertising in some cases may better serve the public interest. More ads could mean cheaper spots for small market and minority advertisers, and thus encourage greater use of the medium by consumers and advertisers now artificially restricted from the market. At the same time this increased commercialization could help fledgling stations, especially in small markets or with experimental or minority formats, by increasing their revenues.

Impact on Renewal Proceedings

16. The other major concern of commercial broadcasters involves the impact of the preferred option on license renewals, especially in the context of comparative hearings. Several of the broadcasters suggest that the guidelines become voluntary with broadcasters, and that by meeting them stations would make out a *prima facie* case of satisfactory commercial service that would be sufficient for license renewal. Broadcasters could still choose not to follow the guidelines, but would be allowed at renewal to demonstrate that their performance was also deserving of renewal.

[17] *South Florida Television Corp. v. FCC*, 349 F.2d 971 (D.C. Cir. 1965).

[18] *Id.*, at 973.

[19] 447 F.2d 1201, 1213, n. 36 (D.C. Cir. 1971).

This system is said to serve the public interest because it would inject more certainty into the renewal processes, but would allow some stations to opt for differing approaches to commercial service. National Radio Broadcasters Association (NRBA) suggests a variation on this idea. NRBA would retain the guidelines to facilitate renewal but would tie them to the non-entertainment guidelines, imposing non-entertainment duties in proportion to each station's commercial load.

17. Another important concern for broadcasters was the proposal in the *Notice* that if the preferred option is adopted the Commission would monitor markets and make a market-wide evaluation of all stations in each market. If excessive commercialization occurred in these markets, the Commission would consider some remedy to stem those excesses. Licensees uniformly object to the concept, saying that it would indirectly re-impose the guidelines, could foster inconsistent and capricious action by the Commission, and would impose an inefficient regulatory burden on the broadcast industry.

Non-Media Organizations

18. The comments summarized here are from organizations which do not have mass media issues as their primary focus. These commenters are most often concerned about the potential effects of the proposed changes on their ability to achieve their own missions, but many also offer their comments on behalf of the more general public interest. Churches provided the bulk of this category but several unions and other social and political action groups were also represented. Most of these commenters oppose adoption of the preferred option on commercial guidelines largely as an adjunct to broader disapproval of the concept of radio deregulation, or as part of a more generalized distrust of advertising as the primary source of radio financing. Other organizations generally favor elimination of the commerical guidelines.

19. Both church and union organizations largely oppose the preferred option, or any relaxation of the current processing guidelines. Several are concerned that lack of commerical restrictions would generally decrease stations' sense of public service responsibility and correspondingly increase the power of advertisers. The United States Catholic Conference, for example, suggests that if the guidelines are lifted stations will test the "tensile strength" of consumer tolerance of advertising excesses, then operate just below that tolerance level. In reply comments they respond to those suggesting that the marketplace is now generally more limiting than the Commission's rules by contending that if that is true then the rules only affect the few potentially egregious violators. If so, they argue, the guidelines are of nearly no consequence or cost to the great majority of stations, but of great public interest value and should be retained.

20. Some organizations contend that lack of commercial restrictions would be undesirable because advertisers would become so powerful as to change the character of programming to more directly conform to commercial interests. The General Conference Mennonite Church, for example, cites scholar Herbert I. Schiller, and the 1979 *Carnegie Report on Public Broadcasting* to support its contention that if radio is commercially deregulated advertisers will further fabricate needs to increase sales, and "the entire cultural and social apparatus of the nation will become transformed by . . . the merchandizing of consciousness."

21. Some who oppose the elimination of the guidelines state that commercial radio avoids programs not conducive to commercial interests, and that this tendency would increase without the guidelines. American Federation of State, City, and Municipal Employees, for example, argues that advertiser influence leads to an anti-union bias, and suggests that to counter this influence the Commission should require a percentage of station profits be "reinvested in public affairs programs." The United Auto Workers Union is among those who suggest that the neo-classical economic analysis in the *Notice* is inappropriate here because advertisers are the consumers and the listening audiences are the product in advertising financed radio. This refers to the fact that advertisers are the most direct purchasers of broadcasting, buying "spots" of broadcast time designed to reach the greatest possible numbers of potential buyers. Although the probable consequence of this system is addressed in some detail in the *Notice*, several of these commenters emphasize the power to control programs that might result if the processing guidelines are eliminated.

22. Also, the variety of listener preferences and resulting measures of consumer satisfaction are said to be manipulated by advertising, and thus are not indicative of the greater diversity that might emerge if advertiser control were weakened rather than strengthened as the preferred option would presumably do. While agreeing with the *Notice* that there is some form of diversity through increased numbers of stations and greater format availability, this diversity is said to be greatly restricted because existing consumer preferences are largely molded by existing fare, which is in turn restricted by the narrow range of radio formats conducive to the sale of advertising.

23. Most political action organizations in this group oppose elimination of the guidelines because of concern that deregulation generally would decrease the broadcasters' sense of public trust and civic responsibility, and, as a result, broadcasters would ignore their causes and causes of other social and political action groups. Arguing that the guidelines have a strong symbolic effect, the Puerto Rican Legal Defense and Education Fund, for example, asserts that their elimination "may tip the power in favor of the advertiser, and the (increased commercial) time might come out of that now spent on minority programming." Several groups also share the concern of many individuals and media action organizations that since Public Service Announcements are the functional equivalent of ads to listeners, stations will tend to decrease or eliminate the announcements to make room for more ads without increasing commercial "clutter."

24. Other of these organizations generally favor commercial deregulation. The American Federation of Small Business, for example, notes that most radio stations are small businesses and according to station financial reports only 67% of such stations declared a profit in 1978, presumably because of the burden of commercial and other regulations. The Washington Legal Foundation and the Mid-Atlantic Legal Foundation, emphasize the positive competitive impact of eliminating the limits, arguing that the increased competition would actually increase the control that audiences have on programming.

Media Action Organizations

25. The comments summarized here are from "public interest" law firms and other social and political action organizations which focus on the operation of the electronic mass media. These organizations largely oppose adoption of the "preferred option" of eliminating the commercial guidelines. Several generally oppose the preferred options in all four of the major categories addressed in the *Notice*, but find the elimination of the commercial guidelines least offensive to their positions. Many commenters object to the very theory of marketplace regulation and its application to commercial limits, while others disagree with either the application of the economic theory or the interpretation of the data. A few commenters claim elimination of the guidelines could strengthen minority broadcasting and increase commercial use of the medium by both consumers and advertisers because of decreased rates.

The Marketplace and the Public Interest

26. The prevalent theme of opposition stems from disagreement with the economic and commercial theory undergirding the *Notice*. The marketplace theory was said to run counter to the public interest and the information needs of citizens in a democracy.

27. Asserting that the *Notice* would wholly substitute the commercial interests of broadcasters and advertisers for the public interest standard of the Communications Act, several of these commenters proceed to disagree with that construed substitution. Essentially, this disagreement rests on the assumptions that the marketplace is distorted in commercial broadcasting, and that even with optimum marketplace efficiency the public interest would not be wholly served. The marketplace is said not to work in broadcasting largely because: (1) advertisers are the most important consumers of the broadcast product, which in turn is said to be the audience; and (2) several segments of the broadcast audience are socially significant but commercially undervalued. Elimination of the commercial guidelines would presumably exacerbate these shortcomings, leading to increased programming power of advertisers and less programming in the public interest.

28. The idea that important audience segments are commercially unattractive and thus undervalued in programming decisions is held by several including Action for Children's Television (ACT) and WNCN Listeners Guild. Relying on evaluation of its own experience with children's TV programming, ACT claims that although children are highly impressionable and heavy broadcast consumers, there is little

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programming designed specifically to meet their needs and interests because they are demographically attractive to few advertisers. Other organizations identify other groups that may not be served well despite their numbers and social importance, including minorities, the elderly, the poor, and the handicapped.

29. Some commenters, including the San Diego Committee on Media, maintain that the theory of marketplace regulation of commercials is inconsistent with the needs of a democratic society. Reasoning that democracy depends on a politically informed citizenry, and that without commercial controls broadcasters would concentrate on only commercially related information, these commenters argue that broadcasting should be set apart from such competitive commercial influences.

Alternative Economic Theory and Analysis

30. Some commenters in this group also identify alternative applications of the economic theory presented in the *Notice*, or offer different applications of the data appearing there, or supplied by other commenters. Two major points are stressed: (1) market control of advertising necessarily leads to advertising in excess of consumer "wants"; (2) the data indicate that existing guidelines cause minimal, if any, burden on the industry.

31. The joint comments authored by the American Civil Liberties Union, for example, press a different construction of the market system in the broadcasting context. The joint commenters state that the market does not regulate the amount of advertising listeners want, but the maximum amounts broadcasters can use to increase profits. Although audiences may want little advertising, they will tolerate much more so long as other wants are satisfied. According to the comment, this demonstrates that the market system does not operate to maximize the satisfaction of consumer wants in commercial radio, but instead creates a degree of persistent market failure.

32. Reply comments by Public Media Center (PMC) may most clearly represent those who gave an alternative interpretation of the commercial time data in the *Notice* and submitted by NAB. Rather than emphasizing the degree of compliance with the guidelines or the lower average of commercial minutes aired by the majority of stations, PMC underlines what it calls the "steady level of noncompliance" with the guidelines. This is said to be evidenced by 11.5% of stations violating them at least once over the period data were collected for the *Notice* and by violations during 3.5% of the broadcast hours surveyed by NAB. Similarly, United Church of Christ (UCC) and Committee for Community Access (CCA) suggest that while the guidelines are not responsible for the comparatively low average of commercial minutes, the clustering of a few stations around the maximums demonstrates that they deter those few stations which might engage in the most egregious excesses.

Lack of Burden

33. The regulatory burden on broadcasters, the Commission, and others allegedly created by the guidelines is also disputed by some of these commenters. PMC, for example, asserts that because the guidelines are voluntary rather than required, and because they create only infrequent and indirect government intervention while providing broadcasters with some certainty and security, the guidelines impose the least possible regulatory burden. Also, assuming that commercial regulations are mandated by the public interest standard of the Communications Act, PMC and others assert that the Commission is without the administrative authority to change the guidelines without a more detailed, specific, and convincing record detailing their ineffectiveness and inefficiency.

Alternate Proposals

34. Media action groups do not unanimously oppose the preferred option, and some who generally dissent from the preferred options in all four areas of deregulation express willingness to experiment with elimination of the guidelines. UCC, for example, states that it would rather retain the guidelines but contends that elimination might give radio broadcasters a "sense of enhanced freedom" and in light of the available data "might well have no significant impact at all." Thus, UCC would not object to experimental elimination if it is combined with a requirement for the airing of public service announcements as proposed by Media Access Project (MAP) and considered in the *Notice of Inquiry in the Airing of Public Service* BC Docket No. 78-251.[30] Some groups representing minority interests, including the national offices of the National Black Media Coalition (NBMC) and American Women in Radio and Television (AWRT), give guarded support to guideline elimination. NBMC, for example, says that elimination of the guideline could strengthen Black radio by lifting the "artifically imposed shortage of radio airtime for advertising." This shortage is said to manifest itself in three ways: (1) absence of programs on which consumers can advertise, such as want ads or consumer sell-a-thons; (2) increased price of commercial spots, which especially hurt small minority businesses; and (3) weakened ability of marginal Black stations to attract needed capital to support public service programming.

Government Agencies

35. The United States Department of Justice, Anti-trust Division, strongly supports elimination of the commercial limits. This is based on the assertion that appropriate levels of advertising in markets "can be better determined by individual licensees subject to the discipline of competitive forces than by government regulation." Assuming the value of the preferred option, the comment addresses three items others found problematic in this proceeding and determined that none should hamper elimination. Specifically, the comment concludes that the preferred option is within the discretionary power of the Commission, and that neither the Fairness Doctrine nor the comparative hearing process preclude the proposed deregulation.

36. The United States Office of Consumer Affairs applauds the efforts by the Commission to re-examine some of the core assumptions and policies of radio regulation. The comment supports significant reform and refinement of the requirements, but does not favor complete elimination of the current processing guidelines for commercial advertising. Specifically, the Office suggests that some guideline should be retained, and cites two problems with the Commission's marketplace analysis as applied to radio. First, they assert that the current rules tend to be self executing, making it difficult to predict behavior of the licensees in an unregulated market. Second, specialized markets may be less susceptible to competition, thus more susceptible to commercial excess absent regulation.

37. The Council on Wage and Price Stability supports the preferred option based on the Commission's reasoning and data. However, it suggests the continued monitoring of stations and markets and selective reimposition of guidelines if excesses occur.

38. The United States Department of Commerce, National Telecommunications and Information Administration (NTIA) submitted extensive initial and reply comments strongly favoring elimination of the commercial guidelines. NTIA says that it considers the Communications Act "an early example of Congress endeavoring to use competition and marketplace forces as a regulatory tool," and would reassert that intention in the current radio market. Relying on its own studies and information as well as data in the *Notice*, NTIA finds that even small markets often have significant competition from both non-radio advertising media and from nearby radio stations. This competition is said to cause small market radio advertising to be self-limiting at the source. Further NTIA discusses commercial "clutter," which is discussed in more detail below.

39. NTIA also suggests that as a matter of both administrative and constitutional law, the processing guidelines should be more closely aimed at articulated harms and should be based on findings supported by evidence. Citing recent Supreme Court decisions in the "commercial speech" area, it finds that radio advertising is constitutionally protected speech under the First Amendment, and suggests that the guidelines decrease both the amount of commercial information available to consumers, and the revenues available to broadcasters to support public service. As a matter of administrative law, it contends that although the processing guidelines are not a rule adopted pursuant to the rule making requirements of the Administrative Procedure Act and court decisions, they have the practical effect of such a rule and thus NTIA questions their continued validity.

40. Extensive reply comments by NTIA include more evidence and argument to the effect that the guidelines are "likely to be both unnecessary and anticompetitive." The anticompetitive idea, also raised by the National Black Media Coalition, and the joint broadcaster comments filed by Dow, Lohnes and Albertson, *inter alia*, suggests that the guidelines artificially interfere with the efficiency of usual market forces. The limits are said to raise the price of each ad, limiting the type of sponsors who can afford radio, and increasing prices for some consumer products because of the inability of producers to take full advantage of the economies of scale.

41. Reacting to the volume of commenters concerned about excessive commercials after deregulation, NTIA in reply comments reasserts its conclusion that the guidelines are largely unnecessary because of existing competitive forces. It counters the charge that specific format stations have extensive "market power" within their format which might lead to commercial exploitation with arguments that such power is largely overestimated. First, although listeners may have limited choices with a specific format, sponsors who buy based on desirable demographics rather than formats have several alternative choices. This "cross format competition" is said to reduce advertising excesses as sponsors avoid stations with commercial "clutter." Second, format competition is not the sole determinant of listener preference, thus weakening the supposed "market power" of specific format stations. NTIA utilizes results of a survey conducted for Associated Press by Frank Magid Associates and cited in the *Notice*. The survey indicates that listener preference is based not only on format but also on other program characteristics such as habit, news coverage, announcers, network programming, etc., thereby significantly lessening presumed "market power" based on format.

42. Further, NTIA takes issue with a statement in the *Notice* and repeated by some other commenters that stations with monopoly power could engage in commercial excesses. NTIA states: "We disagree. Radio stations that enjoy 'market power,' to begin with, are most likely to be found in smaller or rural markets where the aggregate commercial base is typically too sparse to sustain any substantial increases in commercial time. Moreover, economic theory indicates that radio stations with 'monopoly power' are at least as likely if not more likely to *restrict* commercial time than to increase it."

Summary

43. Commenters take widely divergent positions on the proposals to relax or eliminate the commercial time processing guidelines, but a substantial number say that some experimental changes likely would be of value. Broadcast industry commenters give near unanimous support for elimination of the guidelines, although many would retain them on a voluntary basis for use in comparative hearings for license renewal. Broadcasters highlight the regulatory burden of the guidelines as against their effectiveness, their continued legal validity, and the public interest values of elimination. Non-media organizations largely disfavor elimination of the guidelines. They are concerned that non-profit organizations would have fewer opportunities to use the medium to publicize their missions, fearing that an increase in commercials would displace PSAs, and that advertisers would have greater control over programming. Most media action organizations disapprove of the elimination of the commercial guidelines, often as an adjunct to broader objections to radio deregulation. However, several of these organizations think that experimental implementation might be of some value, especially for minority stations. Government commenters largely favor the preferred option of eliminating the guidelines, at least on an experimental basis, because they believe that competition more efficiently regulates the industry in this area.

Discussion of Major Issues Raised in Comments

The Economics of the Commercial Guidelines

44. The comments regarding the economic analysis and empirical research related to our proposal to remove the limits on advertising time fell into two major categories. One group of commenters provided additional empirical support for our proposal.[21] The second group of commenters criticized the empirical research of the FCC and others, or criticised the economic analysis,[22] this section provides both a summary and an analysis of those comments.

Empirical Support for Elimination

45. Briefly, our analysis of commercial time depends upon the interaction of the demand for advertising time by advertisers and the supply of time by broadcasters. The interaction of these forces determines both the price and quantity of time available for advertising. Our empirical analysis determined that the guideline is set above (*i.e.*, allows more minutes per hour of commercial time) that which the market suggests is the optimal quantity of advertising time. In fact, the overwhelming majority of broadcasters are considerably below the guideline during every hour of operation.[23] Three major commenters in this proceeding presented data which corroborates our findings.

46. NTIA performed a substantial econometric analysis of our data to isolate the most significant factors which determine the amount of commercial time.[24] NTIA suggests that one important limit on the amount of commercial time is advertising "clutter," a factor also considered in the "Discussion" section of this *Report and Order*.[25] As NTIA points out, the theoretical basis for the analysis of "clutter" is not well developed but empirical studies suggest that the phenomenon has an important impact on the amount of advertising aired by stations.[26]

47. The NTIA staff developed an economic model with which they examined structural factors that influence commercialization policy.[27] The most striking finding of their work was that audience share is not affected by varying levels of commercials within the range of commercial minutes found in their sample.[28] NTIA concludes from this that advertiser sensitivity to "clutter" is greater than that of audiences.[29] The reply comments filed by NTIA suggest two other possible structural factors. First, a Frank Magid Associates study of listener preferences showed a number of characteristics that influenced station selection.[30] The number of ads was not the most salient decisional factor for most listeners. Only for beautiful music format stations did commercial time rate as high as the second most important factor affecting the choice of station. Second, further econometric analysis by NTIA showed that stations broadcast more commercials during certain parts of the day and certain days of the week.[31] Drive time is the most popular time of day for both advertisers and audiences. The high level of commercialization during drive time suggests that broadcasters are merely extracting revenues when listeners have few alternatives and thus are less sensitive to the additional advertising. It is important to note that drive time is when stations usually air the greatest amounts of informational programming, especially news, leading to the assumption by some that the extra commercials may help pay for the more expensive informational programming.[32]

48. The National Association of Broadcasters (NAB) submitted data on the amounts of advertising reported by stations that subscribe to the NAB code. The data

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[30] This rule making was concluded with *Report and Order, Airing of Public Service Announcements by Broadcast Licensees*, BC Docket No. 78-251 (FCC 80-557), released October 27, 1980.

[21] *See, e.g.*, Comments of the National Television and Information Administration, and the National Association of Broadcasters.

[22] *See, e.g.*, Comments of Citizens for Community Access, Eric Luskin, and Thomas Devid.

[23] Given that a guideline exists, it is likely that most broadcasters would keep their commercial time below what the guideline allows simply to serve as a buffer against the possibility of exceeding the guideline. However, it is extremely unlikely that the average station in each market (regardless of size and number of stations) would maintain a buffer of the magnitude reported in our study. Further, given that the risk of loss of a license because of overcommercialization is remote, there is little risk against which to buffer.

[24] *See*, Comments and Reply Comments of NTIA.

[25] Comments of NTIA, Appendix B, at 12-16. "Clutter" can be understood in two separate dimensions, the total amount of commercial time aired, and the concentration of adjacent commercials.

[26] *Id.*, at 13-16; and NTIA Reply Comments, Appendix B.

[27] NTIA Comments, Appendix B, at 16-31; and Reply Comments, Appendix A.

[28] The model they test specifies advertising minutes as the dependent variable with both audience share and various market structure variables as independent variables. The authors agree that there is also likely to be a "feedback" effect from advertising minutes to audience size since at some point people will probably stop listening if too much advertising relative to other programming is broadcast. Therefore, they develop a two equation model so that they can explicitly consider this effect. Using standard econometric techniques (two- and three-stage least squares estimations) they find the result reported *supra*. Since these equations are not reported we cannot make a complete analysis of their results and must take their findings as tentative. *See*, NTIA Comments, Appendix B, at 19 and 20.

[29] *Id.*, at 26. The point is that advertising messages lose their effectiveness due to the "clutter" effect before the audience becomes dissatisfied with the station.

[30] Reply Comments of NTIA, at 11-12. This, in fact, is the same study reported in the *Notice* at Table 17.

[31] *Id.*, Appendix A, n. 25, at 4.

[32] See the *Notice* at Tables 14 A & B, and 15 A-C.

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show that average advertising time in all markets is well below the processing guideline. The NAB study is significant because it examined a much larger number of stations and markets than the Commission study. Their study confirms the finding of the Commission study that the advertising guidelines are set well above current radio practice. One possible source of bias in the NAB study must be considered. Subscribers to the NAB code may systematically provide less commercial time than noncode stations.[33] While this is possible, the extent to which code stations fall below the guideline amounts suggests that it is competition, not code enforcement, that most effectively regulates current levels of commercialization.

49. The Diocese of Cleveland supplied local data on commercialization practices for three renewal periods (1967–1976). The data were collected in only one market, but the Cleveland study is consistent with the findings of the broader FCC and NAB studies. Although the comment generally disfavored the proposals in the *Notice*, no specific allegation was made regarding abuse of the commercialization guideline. The data for the AM stations show a *declining* trend in the number of minutes per hour devoted to advertising time from 1967–1970 to 1973–76.[34] While the average amount of time devoted to advertising declined, stations occasionally exceeded the 18 minute per hour guideline.[35] The proportion of stations exceeding the guideline declined while the total number of such incidents increased.[36] For both the 1970–73 and 1973–76 periods the station exceeding the guideline most often was the station that also provided the most nonentertainment programming.[37] The data for FM stations show an increasing trend of advertising time over the 1967–1976 period. The level was still lower than for AM stations, however, and no instance was reported of an FM station exceeding the 18 minute guideline.[38]

[33] See, e.g., Reply Comments of the Committee for Community Acess, at 29.

[34] The averages were 16.5% (11.1 minutes) for 1967–70, 16.3% (9.8 minutes) for 1970–73 and 15.3% (9.2 minutes) for 1973–76. This data was computed during the prime advertising time for each day of the composite weeks (8 AM to 6 PM).

[35] Of course, this is allowed 10% of the time as part of the guideline (up to 20 minutes).

[36]

	1967–70	1970–73	1973–76
Number of incidents of 18 minutes or more	17	57	40
Percent of stations experiencing incidents	57	86	154

[37]

	1970–73	1973–76
Nonentertainment programming (pct)	54	67 1
Number of incidents (6 AM–6PM)	18	30

Criticisms of Empirical Studies

50. There were several criticisms by commenters of the empirical work supporting removal of the guideline. Summarizing the data, both the FCC and the NAB found the average level of advertising well below the guideline. Further, advertising levels were lower for both large and small markets than for medium sized markets. The Committee for Community Access (CCA), examining the FCC and NAB data, found a negative relationship between the number of commercial minutes per hour and the number of stations in the market.[39] This, they report, is contradicted by the statistical analyses performed by NTIA.[40] This contradiction is more apparent than real, and on close examination it becomes understandable. NTIA utilized a more sophisticated statistical technique than the FCC or the NAB. Using multiple regression analysis, NTIA was able to isolate and simultaneously develop correlations between advertising time and a number of other relevant variables, and thus found relationships not otherwise discernable.

51. Beyond this apparent anomaly between the NTIA and FCC/NAB data is the question whether small market stations presently "overcommercialize." CCA points out that the median commercial levels for stations in large vs. small markets is that between less than 300 seconds per hour and between 300 and 500 seconds per hour.[41] In neither the small nor large markets do the stations even come close to the 18 minute per hour (1080 second) guideline.[42]

52. CCA also argues that the NAB data for Class C markets (those with 15,000–100,000 populations) show numerous stations approaching the 18 minute guideline.[43] Although some stations in this category have more commercials, their commercial loads still do not seem cause for great alarm. The NAB charts indicate that only 4.5 percent of all drive time and 2.5 percent of all nondrive time hours have ads in excess of the guidelines. Further, only 25.4 percent of drive time and 24.1 percent of noadrive time hours have between 15 and 18 minutes of commercials. Finally, 45.9 percent of drive time and 51.3 percent of noadrive time hours have 10 or fewer minutes per hour of commercials.[44]

53. Thomas David provides an argument, based on the possibility of broadcaster collusion, that the guidelines should not be removed. In essence, he argues that broadcasters without the guidelines will have additional ability to act as monopolists, *i.e.*, small groups acting as joint profit maximizing cartels. This could be accomplished, according to David, either by increasing price or by increasing output. There are several reasons to question this prediction. First, broadcasters can now increase output because they are operating so far below the guideline. Second, and more to the point, a monopolist will generally charge a higher price than a competitive firm; however, this can only be accomplished by restricting output, not by expanding it. Further, monopolies (or joint profit maximizing cartels) will generally operate at a level of output such that expanding output would reduce rather than increase profits.[45]

54. The possibility of small market overcommercialization was also addressed by Thomas David. David used two tables from a Commission agenda item predating establishment of the guidelines in an effort to show what might happen if they are removed. David argues that the data, from stations in small markets, show a pattern of "excessive" commercialization.[46] Without additional information regarding the circumstances surrounding the collection of the data it is difficult to assess their significance. In any event, the fact that some stations may have aired more than 18 minutes of commercials per hour before the institution of the guidelines does not prove that many or most stations would do so if the guidelines are now removed.[47]

Other Concerns

55. The record in this proceeding reveals two other major concerns of the commenters that must be considered in some detail here:

[38] The FM station averages were 9.3% (3.8 minutes) for 1967–70, 8.5% (5.1 minutes) for 1970–73 and 9.3% (5.8 minutes for 1973–76. Again, these numbers were calculated for the AM–6 PM time period and were averages across the composite week.

[39] Reply comments of CCA, at 28–29.

[40] Comments of NTIA, Appendix at B, at 28 and Reply comments of NTIA, Appendix A, at 4. NTIA found that as the number of stations in the market increased so too did the number of commercial minutes, other things equal.

[41] Reply comments of CCA, at 29. These are estimates provided by CCA and reflect the relative size of the difference.

[42] CCA alleges that stations in "medium" sized markets do approach 18 minutes per hour (based upon the Alabama-Georgia data) and, as a result, require continued regulation. A weighted average, using the data found in Table 19 in the *Notice* (for markets having between 4 and 10 stations), was calculated for the market's in the medium size category and shows an average of 446 seconds per hour. This is clearly below the 1080 seconds per hour currently allowed. Further, in these markets few stations exceed the guideline and those that do, do so far less than 10% of the time (as is permitted under current guidelines).

[43] *Id.*, at 29–30.

[44] Comment of NAB, Appendix B, chart 5.

[45] In more technical terms, the cartel will be in the inelastic region of its demand function in equilibrium (equilibrium being where marginal revenue equals marginal cost and marginal cost is greater than zero). Any expansion in output in this region leads to a drop in price that results in a net loss of profits.

[46] *Id.*, at 5, 10 and 13. The tables come from something identified as Renewal Agenda Item No. 5, October 15, 1969.

[47] The data cited by David were drawn from a number of multiple station markets. To examine one station in a market without also examining the remaining stations does not allow us the opportunity to determine whether the cited stations are the norm or the exception.

(1) the possibility of increased advertiser control of programming, and (2) the charge that commercial concerns will take precedent over the public interest concerns of broadcasters to the detriment of many public service organizations. Although we share the concern of those that press these conclusions in this matter, our careful consideration of them leads us to question the nexus between the commercial guidelines and these projected consequences of their elimination. First, the commenters, contrary to our judgment above, assume that broadcasters will increase their advertising loads if we eliminate the guidelines. They conclude that this increased advertising will result in greater advertiser control over programming decisions and public service commitments. Second, we think these conclusions overestimate the power of the current guidelines. Third, if these problems do in fact arise, they would be more appropriately addressed through other regulations more directly and precisely suited to resolution of the particular problems. These general concepts are more specifically applied to the two problems below.

Advertiser Control of Programming

56. Several commenters, including especially churches, unions, and social, political and media action groups, suggested that without the guidelines advertisers would gain significant control over the operations of stations and would therefore become increasingly powerful in programming decisions. This idea was reinforced by the fact, discussed in the *Notice* and by several commenters, that broadcasting is largely an advertiser supported industry. Advertisers are the most direct source of broadcast revenues because they purchase advertising time. They do so largely on the basis of the presumed size and demographic characteristics of audiences. Similarly, several other commenters suggest that "commercially insignificant" audiences would be unserved or underserved if the guidelines were eliminated.

57. Although these are important concerns, we are not persuaded that elimination of our commercial guidelines will significantly affect them. At base, they are not connected as much to the question of *how much* commercial time should be allowed, as to the fundamental nature of commercial radio, *i.e.*, that it is supported almost exclusively by advertising revenues. Although we do not wish to deny the limitations and difficulties that the commercial character of the medium places on its use, that concern is not the subject of this rule making as proposed in the *Notice* and we are not here faced with compelling reasons to reject the basic attitude that we have held at least since the time of the *Great Lakes* decision.[48]

[48] Although noncommercial and public radio stations now provide some radio service, the following statement from the *Great Lakes* case continues to have considerable validity: "If a rule against advertising were enforced, the public would be deprived of millions of dollars worth of programs. . . . Advertising must be accepted for the present as the sole means of support for broadcasting, and regulation must be relied upon to prevent the abuse and overuse of the privilege." 3 FRC Ann. Rep. 32, 35 (1929).

58. Another form of the argument is that commercial radio is endemically infused with the evil of advertising, and the Commission must insure that this evil does not entirely consume the public interest. From that perspective, the public interest is endangered by elimination of the guidelines because without them the evil would be unleashed to the detriment of the listening public. First, we are not convinced that advertising or advertisers are inherently bad. In fact, following the lead of the Supreme Court's recent "commercial speech" cases we would assert that much advertising has considerable value for the public as well as for advertisers. We do, of course, recognize that broadcasters can engage in commercial abuses, but our action here today leaves untouched our power to deal with advertising abuses. Instead our action recognizes that a certain amount of commercialization is not, by itself, sufficient to prove that a broadcaster is or is not fulfilling his public interest responsibility. A more flexible commercial policy should encourage broadcaster experimentation in this area, and the results may well benefit the public.

59. Second, we have no concrete evidence that eliminating the guidelines will substantially create the effects the commenters suggest, *i.e.*, increase the program power of advertisers to the detriment of the public interest. Although we think the tendency will be very limited, we expect that a few stations may increase their commercial loads beyond 18 minutes per hour. But there is no evidence in the record to suggest that even this would increase the programming power of advertisers or necessarily impair the public interest. The prevailing journalistic and programming ethic stresses the independence of the advertising and editorial departments of broadcast stations, and we have no evidence of a possible change in that ethic. Also untouched by this proceeding is the "long-standing bulwark of Commission policy" that "licensees have an affirmative, non-delegable duty to choose independently all programming for broadcast. . . ."[49]

60. Third, although we do not deny that the commercial nature of radio has some effects on programming content, we do not think those effects are necessarily bad. Some such effects may be deleterious to the public interest, as when a station for example decides to air or not a program out of concern not to offend an important advertiser, and we do not endorse programming judgments made on that basis. However, if elimination of the guideline has any effect in this situation, it may be to reduce the program power of any individual advertiser. In any case, we think that the majority of programming decisions are made out of deference to the program choices of audiences, not advertisers. This is not just because broadcasters are altruistic or because they fear sanctions from the Commission if they ignore public needs and desires in their programming. It's largely because the advertisers who indirectly support most programming are more often interested in *audiences* for their advertising than in the content of the programs. This is the apparent genius of our system of commercial broadcasting, and we find no evidence in this record to indicate that eliminating the processing guidelines will upset or even significantly change that system.

[49] *Review of Commission Rules and Regulatory Policies Concerning Network Broadcasting by Standard (AM) and FM Broadcast Stations*, 63 F.C.C. 2d 674, 680 (1977). *See also, Agreements Between Broadcast Licensees and Public*, 57 F.C.C. 2d 42 (1975).

61. Perhaps the most troublesome aspect of this issue is that raised by those who fear that "commercially insignificant" audiences will be unserved or underserved by commercial broadcasting after elimination of the guidelines. But this seems to be an issue not related so much to the guidelines as to the fact that radio is a commercial medium.

62. Perhaps more important, persuasive evidence suggests that many groups presumed to be unattractive to advertisers are, indeed, economically significant. This is discussed in more detail in other sections of this Report, and need not be repeated here. Beyond that we are not convinced that whatever "commercially insignificant" groups that do exist are left totally unserved by existing broadcasts, nor that they will be so significantly underserved as to alter our decision here. These groups are, of course, served in a general and not insignificant way by programming not specifically geared for them but available because others are likely to buy the advertised products.[50] In addition, these audiences are often served by broadcasters mindful of their more general public interest responsibilities as radio licensees. We must, also, recognize that these groups are served in other ways, often outside of commercial radio, for example, by public radio, and by public and private service organizations. And to again return to the most persistent theme of this section, we have no evidence that this is a matter substantially affected by our present guidelines, nor that it would be altered by their elimination.

Public Service and PSAs

63. The final point to be raised here is the projected effect of eliminating the guidelines on those public service organizations that greatly rely on commercial radio to help get their message to the public. This appears to be both a general and a specific concern. The general concern is that broadcasters without the guidelines would become more concerned with their advertising revenues and less concerned with their public interest responsibilities. The specific concern is that the public service announcements (PSAs) greatly relied upon by these organizations would be eliminated or substantially decreased. Our response to the general concern has already been adequately covered in the sections above where we deal with programming content. Most importantly, the evidence does not demonstrate a significant nexus between the guideline and the projected effect for us to grant it decisional significance. The PSA matter, however, requires additional discussion, if for

[50] Also, as noted in Appendix D, some groups thought by commenters to be economically insignificant are of great, and ever increasing, economic significance.

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no other reason than the large quantity of comment it precipitated.

64. As noted in an earlier section of this item, a great deal of the comments mistakenly assumed that PSAs had long been required of every radio broadcaster, and that this proceeding would eliminate that requirement to the detriment of those organizations and audiences that depend upon them. The fact is that PSAs have never been required by the Commission, and until September 26, 1960 individual stations were given little public service recognition for the airing of them.[51] This very recent PSA item was passed by the Commission partly out of concern that its previous policy, the one under which licensees operated during the pendency of this proceeding, may have *discouraged* PSAs rather than encouraged them.

65. The comments, data, and conclusions of that rule making are relevant here. In the *Notice* concerning the PSA inquiry the Commission asked the public to answer several questions about PSAs and although the research submitted was not uniform or complete, it allowed a general summary of some important aspects of the issue. Most relevant in this proceeding are those data related to the number and the timing of PSAs. These data indicated that while the Commission was generally neutral to station airings of PSAs: (1) stations averaged more than two hours per week, or about 1 to 1½ minutes per hour of PSAs; (2) the usual PSA ran approximately 30 seconds; and (3) PSAs seemed to be evenly distributed throughout the broadcast day, *i.e.*, they were not generally clustered in the "graveyard" hours nor during prime audience periods.[52] Inasmuch as the public and the Commission favors PSAs the Commission concluded that such performance was satisfactory and that no specific PSA requirement was necessary or desirable, deferring instead to the broad discretion of licensees in programming matters, and recognizing that such "decisions depend on the community to be served and each licensee's individual situation."[53]

66. Against this background of favorable past performance, we view with some skepticism charges that PSAs will significantly decline or disappear without the commercial processing guidelines. Broadcasters apparently use PSAs for their own reasons. Conversely stated, Broadcasters apparently do not air PSAs because the Commission specifically requires them to do so, nor because of the commercial time guidelines. Therefore, we are not convinced that absent such direct regulations, broadcasters' reasons for airing PSAs will substantially change.

67. One aspect of the PSA issue that must be addressed was highlighted most forcefully in the reply comments of Public Media Center (PMC) and the testimony of Mr. Andrew Schwartzman of Media Access Project (MAP) at the panel discussion on September 16, 1980. Mr. Schwartzman said: "Public service announcements are to the listener essentially indistinguishable from commercials"[54] To the extent this assertion is true, it seems reasonable to assume that PSAs are part of the commercial "clutter" important to audiences and advertisers. MAP and others also assumed both that stations will substantially increase their commercial loads absent the guidelines, and that to do so without increasing their "clutter," stations will also eliminate PSAs.

68. This projected chain of events seems somewhat plausible, given the premises upon which it is based. However, it is dependent on at least three independent and rather speculative assumptions, all of which must be correct to bring about the demise of PSAs. These assumptions are: (1) that PSA's are the functional equivalent of advertising for audiences and advertisers, (2) that broadcasters will substantially increase commercial loads, and (3) that broadcasters will be willing to decrease or eliminate their PSAs. Although the first of these assumptions may be true, we are without hard evidence to substantiate it, and the second and third each seem highly unlikely. We have already seen that most broadcasters operate significantly below our commercial guidelines most of the time, and economic factors suggests that they would not be able to greatly increase their commercial minutes absent the current guideline. If, as we project, commercial loads do not change significantly as a result of this rule making, then there would be no reason under this analysis to expect any change in the amount of PSAs.

69. Further, even if the first two assumptions of these commenters prove correct, we are not sure that broadcasters would be willing to decrease their airing of PSAs. As we said above, broadcasters have aired a significant amount of PSAs in the past for their own reasons, not because we have specifically required it. Whatever has prompted broadcasters to air PSAs in the past is apparently untouched by this rule making. In addition the new PSA rule making extensively referred to above was designed to give "greater credit" to those using PSAs and thus encourage their appropriate use. For now, we decline to engage in the cumulative speculation urged upon us and to negatively prejudge the industry in an area where it has provided a record of substantial past performance. As we said in the recent PSA report: "Where we can achieve a goal without regulation, the public interest is well served. . . . Thus, the public receives a substantial benefit at a lower regulatory cost, while the broadcaster is enabled to serve his particular community as it requires and not himself be required to meet an artificial standard of performance." [55]

Constitutional Policy

70. One persuasive source of our decision to limit our intervention in the advertising marketplace is the constitutional policy of the United States Supreme Court, revealed in several recent decisions, to limit advertising regulation out of respect for the First Amendment value of "commercial speech." In an essentially unbroken line of cases beginning in 1974, the Court has struck down several state regulations that either limited or banned advertising related to specific products, services, or subject matter. Although none of these cases dealt with the broadcast media, we think that the constitutional policy might provide a sufficient independent ground for our decision.

71. It is important to note from the onset that the traditional policy of the Supreme Court from the time of *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942), was that "purely commercial speech," like obscenity, was outside the ambit of the First Amendment. Later cases ostensibly followed that idea, but generally narrowed its application through various modifications until the entire concept was apparently repudiated in *Virginia Pharmacy Board* v. *Virginia Citizens Consumer Council*, 425 U.S. 248 (1976). The basic thrust of this revision is summarized in *Bigelow* v. *Virginia*, 421 U.S. 809 (1975) which suggests that although not all regulation of advertising will be struck, neither will it be summarily unheld against a First Amendment challenge: "Regardless of the particular label a court may not escape the task of assessing the First Amendment interest at stake and weighing it against the public interest allegedly served by the regulation."[56] Further, the Court observed that the "relationship of speech to the marketplace of products or of services does not make it valueless in the marketplace of ideas."[57]

72. It is important to stress that these cases do not decide the instant issue, nor are they sufficiently similiar for us to assume that the present guidelines would be invalidated by the Supreme Court as a matter of constitutional law and policy. Several distinguishing features separate them from the cases already decided, at least three of which deserve mention here. First, several of the cases included the particularly sensitive issue of "content based" regulation of communication in that they concerned specified types of ideas,[58] products,[59] or services.[60] Second, the regulations often had a rather comprehensive effect, making it difficult for the general public to obtain the related information. As such, they could be construed so as to effect total suppression which has been traditionally disfavored,

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[51] *Report and Order Re: Petition to Institute a Notice of Inquiry and Proposed Rule Making on the Airing of Public Service Announcements by Broadcast Licensees*, (hereinafter referred to as "PSA *Report and Order*"), BC Docket No. 78–251, RM–2712, (FCC 80–557), released October 27, 1980.

[52] *Ibid.*, at paragraph 8.

[53] *Ibid.*, at paragraph 42.

[54] Transcript, Deregulation Panel Discussion, Vol. 2, December 16, 1980, p. 107.

[55] PSA *Report and Order*, *supra*, at paragraph 51.

[56] 421 U.S. 809, 814 (1975).

[57] *Id.*, at 825–826.

[58] *Consolidated Edison Company of New York, Inc.* v. *Public Service Commission of New York*, ——U.S.—— (1980), 65 L. Ed 2d 319, decided June 20, 1980 (invalidating a utility commission order barring bill inserts expressing a utility's opinion or viewpoint on controversial issues of public policy).

[59] *Virginia Pharmacy Board* v. *Virginia Citizens Consumer Council*, 425 U.S. 248 (1976) (invalidating a state ban on advertising prices of prescription drugs).

[60] *Cary* v. *Population Services, Int'l.*, 431 U.S. 679 (1977) (invalidating a conviction for advertising the availability of abortion services), and *Botes* v. *States Bar of Arizona*, 433 U.S. 350 (1977) (invalidating a total ban on advertising of attorney services).

rather than reasonable regulation.[61] Third, the cases did not deal specifically with broadcasting, nor with the special problems related to a federally licensed industry with a positive public interest obligation.[62] In fact, the "special problems of the electronic broadcast media" were often specifically deferred.[63]

73. The policy of the cases, however, clearly favors the free flow of commercial information. The Virginia pharmacy decision striking bans on drug price advertising is perhaps the most instructive in that it delineates the First Amendment value of such advertising from the view of buyers, sellers, and the general public welfare. There, for example, the Court said that the consumer's interest in the free flow of commercial information may be "as keen, if not keener by far, than his interest in the day's most urgent political debate,"[64] and found the facts before it especially compelling:

> Those whom the suppression of prescription drug price information hits the hardest are the poor, the sick and particularly the aged. A disproportionate amount of their income tends to be spent on prescription drugs; yet they are the least able to learn, by shopping from pharmacist to pharmacist, where their scarce dollars are best spent. When drug prices vary as strikingly as they do, information as to who is charging what becomes more than a convenience. It could mean the alleviation of physical pain or the enjoyment of basic necessities.[65]

74. Still the Court appeared to think that the most important aspect was the general societal advantage of unrestricted commercial information and refused to recognize a distinction between publically "interesting" and "important" ads. Instead, the Court found that the realities of the marketplace pervaded the question:

> Advertising, however tasteless and excessive it sometimes may seem, is nonetheless dissemination of information as to who is producing and selling what product, for what reason, and at what price. So long as we preserve a predominantly free enterprise economy, the allocation of our resources in large measure will be made through numerous private economic decisions. It is a matter of public interest that those decisions, in the aggregate, be intelligent and well informed. To this end, the free flow of information is indispensible.[66]

The Supreme Court then considered the justifications proffered in support of the Virginia Law, and concluded that not all were without merit. However, the Court said that on close inspection "the State's protectiveness of its citizens rests in a large measure on the advantage of their being kept in ignorance."[67] The Court retorted:

> There is, of course, an alternative to this highly paternalistic approach. That alternative is to assume that this information is not in itself harmful, that people will perceive their own best interests if only they are well enough informed, and that the best means to that end is to open the channels of communication rather than to close them."[68]

75. Against this background then it is useful to consider the Supreme Court "tests" used to determine whether or not a specific rule violates the Constitution. Clearly, not all regulation of advertising is unconstitutional. In a very recent decision the Court measured the propriety of a state ban on certain advertising by public utilities against three questions: "We must determine whether the prohibition is (i) a reasonable time, place or manner restriction, (ii) a permissible subject-matter regulation, or (iii) a narrowly tailored means of serving a compelling state interest."[69] In another case decided the same day, the Court said that a four part analysis had developed in commercial speech cases:

> At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest.[70]

76. Assuming *arguendo* that broadcast advertising would be extended First Amendment protection,[71] and the absence of situations created by false and misleading ads,[72] or those fostering illegal activity,[73] the first part of each formula is easily applied to our guidelines. It seems clear that the guidelines serve a substantial government interest, and that they are reasonable time, place and manner restrictions, and thus would likely be declared constitutional if challenged.[74]

77. As a matter of public policy, however, we think that the second parts of the tests lend great weight to our decision to eliminate the processing guidelines. These parts of the tests suggest that regulations should directly advance the relevant government interest, and that they be narrowly tailored or no more extensive than necessary to achieve the intended government policy. As discussed in considerable detail in the preceding sections of this discussion, the data from the record of this proceeding strongly suggest that the guidelines are no longer necessary. The commercial guidelines are not the primary reasons why broadcasters now limit their commercial loads, and eliminating them may have no substantial effect on broadcaster performance in this area. They appear more extensive than necessary to achieve our interest in curbing advertising excesses. As such, it seems that we have taken the most appropriate course today when we eschew broad advertising guidelines, and place our reliance on marketplace forces unless or until there is convincing evidence of their breakdown either locally or generally. In the future our ability to curb advertising excesses through the development of carefully tailored rules designed to curb specific types of abuses should greatly further the constitutional policy set by the Supreme Court in the "commercial speech" cases, as well as further our own administrative policies.

Appendix H.—Program Logs

History

1. Comprehensive program logs similar to those kept today have been required since the beginning of radio regulation but the official documents contain very little discussion of their regulatory purpose or effect. The first program logging rule was announced on February 16, 1931, and required all broadcasters to maintain both program and operating logs. The program logs were required to contain:

(a) An entry of all station and all call announcements and the time made;

(b) An entry describing each program broadcast, with the time beginning and ending. If phonograph records or electrical transcription are used, that fact should be noted.[1]

In 1934, the FRC republished its procedural rules and first codified its substantive rules. The logging rules became part of Section 172 and contained the essential elements of the present rules. Although the previous provisions were largely unchanged, the new version contained two additions: (1) the program descriptions were to be entered by categories "such as 'music,' 'drama,' 'speech,' etc." and (2) speeches by political candidates were to be specifically entered as such

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[61] *See, Lovell* v. *Griffin*, 303 U.S. 44 (1938).

[62] However, several commercial speech decisions have involved enterprises subject to extensive state regulation. See, *e.g.*, *Friedman* v. *Rogers*, 440 U.S. 1, 4–5 (1979), *Bates* v. *Arizona State Bar.*, 433 U.S. 350 (1977), *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976), and *Central Hudson Gas* v. *Public Service Commission of New York*, ——U.S.—— (1980), 65 L. Ed 2 341.

[63] *See, e.g., Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 773 (1976). *See also, Warner-Lambert* v. *Federal Trade Commission*, 562 F.2d 749 (D.C. 1977), 2 Med. L. Rptr. 2303.

[64] *Id.*, at 763.

[65] *Id.*

[66] *Id.*, at 765.

[67] *Id.*, at 769.

[68] *Id.*

[69] *Consolidated Edison Company of New York, Inc.* v. *Public Service Commission of New York*, —— U.S. —— (1980), 65 L Ed. 2d 319 326 (1980).

[70] *Central Hudson Gas and Electric Corporation* v. *Public Service Commission of New York*, —— U.S. —— (1980), 65 L Ed. 2d 341 351 (1980).

[71] *But See*, notes 58 to 63, *supra*, and accompanying text.

[72] *See e.g., Federal Trade Commission* v. *Colgate-Palmolive Co.*, 380 U.S. 374 (1965).

[73] *See e.g., Pittsburgh Press Co.* v. *Pittsburg Commission on Human Relations*, 413 U.S. 376 (1973).

[74] Although they predate the most important "commercial speech" cases, the Supreme Court decisions indicate that two prominent broadcast advertising cases survive. The cases, are *Banzhaf* v. *Federal Communications Commission*, 405 F 2d 1082, (D.C. 1968), and *Capital Broadcasting Company* v. *Mitchell*, 333 F. Supp. 582 (D.C. 1971), *affirmed sub. nom., Capital Broadcasting Company* v. *Acting Attorney General*, 405 U.S. 100 (1972).

[1] *General Order No. 106*, Fifth Annual Report of the Federal Radio Commission for the Fiscal Year 1931, p. 96. No explanatory statement accompanies the *Order*. The only hint of the reason for the requirement comes from an earlier *Order* wherein the FRC expressed disapproval of station use of recorded music rather than live music. In that earlier *Order* the FRC allowed recorded music but required stations to expressly acknowledge each use on the air.

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together with the name and political affiliation of the candidate.[2]

Summary of Comments

2. The Commission's proposal to eliminate program log keeping requirements for commercial radio stations did not generate a wide range of opinion, argument or analysis. Most commenters addressing this issue appeared to be of either the general opinion that logs are unnecessary (but that records would continue to be kept in some form as a business decision) or that mandatory program logs of some type are essential to public and Commission supervision of station operation. While some comments spoke to what may be thought of as more tangential issues, the above two positions generally represent the tenor of the commenters filed in this regard.

3. Much criticism of our present logging requirements is expressed in the comments, with broadcasters characterizing them as unduly burdensome and some citizens' groups complaining of the tedious and voluminous nature of the information compiled. Where broadcasters generally favor our proposed elimination of the requirements, many others urge that records be mandated as a means of monitoring station performance, assessing compliance with such programming and commercial limitations as might be retained, and evaluating the effects of any deregulation measures adopted. To this end, several comments propose simplified logs covering only non-entertainment and commercial matter or automatically kept logs which would eliminate the paperwork burden. While specific formats for logs were not as a rule suggested, one commenter, Stewart M. Hover, contends that uniform records are essential for station-by-station comparison. Another, Michael Carnes, urges that we require logs but only require their retention for two years, after which they would be given to interested parties such as community groups.

4. Many broadcast commenters cite the results of a General Accounting Office study that claims an annual regulatory burden (due to logging) of 18,000,000 hours and a cost per station of $650–$1,200 depending upon the wage rate used to compute the dollar cost.[3] Four individual stations submitted estimated costs of from $1,562 to $7,500.[4] Finally, one commenter indicated that the logging requirement utilized over 8,700 pieces of paper for one year;[5] while another commenter claimed that 50% of the time both the station director and a secretary was devoted to minding the required logs.

5. In addition to the elimination of logging requirements, we proposed as our preferred option that licensees make available for public inspection such records as they voluntarily maintain. Commenting licensees uniformly oppose this proposal. Good business practice, they contend, requires good records, making logs of some sort necessary for all station operators. Voluntarily kept records are likely to contain billing and other financial data and, they argue, the confidentiality of such data would be compromised by public disclosure.

6. With respect to the disclosure of non-confidential information, some broadcasters report little or no use of present logs while others recount incidents of logs supporting "harassing" petitions to deny renewal applications. Non-licensee commenters, in contrast, tend to view public disloure as essential to effective regulation, permitting local groups to assess station performance. Off-the-air monitoring, suggested by some broadcasters as a substitute for publicly available logs, is dismissed by many non-licensees as impractical, costly, and imprecise, forcing reliance on recollection rather than on a written record.

Discussion

7. The apparent value of program logs is their use to monitor the program performance of stations. They are used by the public to support complaints to broadcasters, and by the Commission to investigate alleged violations of Commission rules and to make other determinations in the licensing process. The Commission has used the logs to insure compliance with several of its rules, most importantly with the quantitative guidelines for nonentertainment and commerical programs. Several commenters suggested that, even if the guidelines were eliminated in these two areas, the programming logging requirement should remain to allow the public and the Commission to measure the effects of these rule changes.

8. Although we agree that some monitoring may be useful, we are not convinced that the present logs are the most effective and efficient mechanism for several reasons. First, the present program logs are far more comprehensive than is necessary for most monitoring of programming and thus impose an expense that is difficult to justify. Second, their format and detail make them very difficult for the public and the Commission to use. Perhaps most important, the principal information obtainable from logs, by their very nature, relates to quantity. Inasmuch as this rule making signifies our policy decision to allow audiences through the marketplace to more directly determine the appropriate quantity of such programming, our continued program logging requirement becomes largely irrelevant.

9. Beyond the nonentertainment and commercial guidelines where quantity is the essence of the Broadcast Bureau's delegated authority, the Commission has used the logs as indicia of compliance with two other types of program requirements: (1) the specific announcement requirement of the Emergency Broadcast System (EBS), and (2) the more general program requirements such as those related to political broadcasting and the Fairness Doctrine. The record in this proceeding leads us to the conclusion that program logs are not necessarily the most efficient way to monitor station compliance with these program obligations.

10. As we indicated in the *Notice*, the EBS announcements may be best suited to a logging requirement, and can be kept in the operating logs without a significant impact on the present system.[6] The program logs are less useful in monitoring compliance with the more general program requirements, such as Fairness Doctrine. Specifying the date, time, and duration of programs, the logs yield little useful data on the public interest value of listed programs. The comments of the National Black Media Coalition (NBMC) may best represent those who have used the logs to monitor the program performance of stations. Asserting at the onset that some means of programming monitoring is necessary, NBMC said: "We agree, however, with those who point out that much of the material which must be logged is worthless to groups seeking to evaluate and improve the media. In fact, NBMC has often been at a loss to explain to groups monitoring program logs how to decipher them."[7]

11. Elimination of the logs will not significantly change our current public interest oversight process. The substance of a Fairness Doctrine complaint, for example, does not require complainants to present a comprehensive list of all programming potentially relevant to each complaint, even though such a requirement might not have been unreasonable given the past public availability of the logs. Instead, complainants must, *inter alia*, state "the basis for the claim that the station presented only one side of the question."[8] This does not require that complainants constantly monitor the station's programs, but rather that they state their reasons for the compliant, and show that their knowledge of the station's programming is sufficiently extensive to provide a substantial basis for the complaint.[9] Although this system does require some diligence, it provides a reasonable avenue for lodging well-founded complaints, and gives the Commission and broadcasters some protection against unwarranted and capricious complaints.

Appendix J*.—Changes to Application Forms

1. Given our resolution of the non-entertainment guideline, ascertainment, and commercial guideline issues renewal applicants need no longer answer the following questions on FCC Form 303–R, the Application for Renewal of License for Commercial AM or FM Radio Broadcast Stations: 11, 12, 14, 15, 16, 17, 18, and 19. Until new forms are available, applicants should consider question 13 to read:

Has the applicant placed in the public inspection file at the appropriate times its annual list of those *issues* which, in the applicant's judgment, warranted treatment by station and typical and illustrative programming in response thereto?

We are not unmindful that we also currently have under consideration a so-called "postcard" renewal procedure (BC Docket No. 80–253). The changes in Commission regulations being made in this proceeding will be taken into account in any form that might be adopted as a result of that proceeding.

2. Other FCC Forms must also be amended to reflect our determination in this proceeding. These are FCC Forms 301 ("Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station"), 314 ("Application for Consent to Assignment of Broadcast Station Construction Permit or License"), and 315 ("Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License").

3. In FCC Form 301, the principal changes will have to be made to Section IV–A. In that Section, Parts I ("Ascertainment of Community Needs"), II ("Past Programming"), III ("Proposed Programming"), IV ("Past Commercial Practices") and V ("Proposed Commercial Practices") will be deleted in their entirety. A new Part I (entitled "Proposed Programming") will be added instructing the applicant as follows:

Attach an Exhibit (No.) briefly describing your planned program service in narrative form.

Applicants will thereby be committed to a programming proposal so that, should there be material differences, a determination can be made as to the designation of a comparative programming issue. In the portion of Section IV–A currently entitled "Instructions, General Information and Definitions for AM–FM Broadcast Application," the following modifications will be necessary:

(a) Instruction 1 will be amended to delete the words "Ascertainment of Community Needs (Part I)", "Proposed Commercial Practices (Part V)" and the words "Proposed Programming (Part III)" will be amended to read, "Proposed Programming (Part I)";

(b) Instruction 2 will be amended to read, in pertinent part, ". . . unless there is proposed *an increase of* facilities...." (new portion underlined)";

(c) Instruction 3(b) will be amended to delete the words, "or commercial practices." The portion of this instruction concerning program formats may be revised depending upon the resolution by the Supreme Court of the case, *Federal Communications Commission* v. *WNCN Listeners Guild*, Case No. 79–824;

(d) Definitions 9 ("commercial matter") and 12 ("Composite Week") will be deleted; and

Finally, "Attachment B" will be eliminated from Section IV–A.

4. In FCC Forms 314 and 315, too, the principal changes will occur in Section IV–A. In the portion entitled "Instructions, General Information and Definitions for AM–FM Broadcast Application," the following changes will have to be made:

(a) The title of the Section will be amended to read, "Instructions and General Information for AM–FM Broadcast Application";

(b) Instructions 2, 3(c), 4, 6 and the Definitions will be eliminated; and

(c) Instruction 1 will be modified to delete the words "Ascertainment of Community Needs (Part I), Proposed Programming (Part III), Proposed Commercial Practices (Part V)."

Additionally, Section IV, Parts I ("Ascertainment of Community Needs"), II ("Past Programming") and III ("Proposed Programming"), Part IV ("Past Commercial Practices") and Part V ("Proposed Commercial Practices") will be deleted in their entirety. However, a new Part I will be added, entitled "Proposed Programming," consisting of the following:

Attach an Exhibit (No.) briefly describing the (assignee's) (transferee's) planned program service in narrative form.

Additionally, a new Part II will be added, entitled "Program Format(s)," and will consist of the following instruction:

Attach an Exhibit (No.) signed by the applicants setting forth a description of the station's past and proposed program format(s). The description of the station's past format should briefly describe the station's format(s) during the past 12 months.

This latter requirement is being retained pending the Supreme Court's determination in the case *Federal Communications Commission* v. *WNCN Listeners Guild, supra*. In the event that the case is determined in the Commission's favor, steps will be taken to amend this part of Section IV–A, as well. Additionally, "Attachment B" will be deleted from Section IV–A. Finally, with regard to Forms 314 and 315, we are eliminating the requirement for the transferor, or assignor as the case may be, to sign the application as currently required in Part VII, "Other Matters and Certification." The signature of transferor or assignor will still be required at other places in the relevant applications.

January 14, 1981.

Statement of Charles D. Ferris, Chairman

Re: Radio Deregulation

Today we have translated the rhetoric of "deregulation" into reality. No longer will radio broadcasters be required to follow empty governmentally required procedures and compile stacks of paperwork. Instead they will be able to follow their own path in determining how to serve their community's needs and interests in ways that reflect the realities of today's radio market.

I expect that active dialogue between radio stations and their communities will continue, without the rigidified "ascertainment" guidelines of the past. In today's dynamic radio market, a station's failure to listen to and address local interests and issues will result in economic penalties at least as severe as those the Commission could impose.

The elimination of commercial time limits will free the Commission from monitoring disc jockeys who add a few minutes of their own creativity to an ad agency's 30-second copy. And the elimination of program logging will let radio stations decide themselves how best to keep a record of their programs and commercials for their advertisers and internal purposes.

Finally, our decision to keep a legal obligation on each radio station to air issue-oriented programming to meet local community concerns guarantees against the unlikely absence of an economic market for news and local issue-oriented programming in some communities.

We cannot always be absolutely certain of each deregulatory step we take. But we can attempt to compile as full a record as possible before taking off past regulatory burdens. In this case we have given the public several opportunities for comment, held panel discussions, and debated the issue fully within our Commission. We have undertaken an exhaustive survey on how the radio marketplace functions in the area of commercialization and news and informational programming. I am pleased that we have finally acted, and acted in a responsible manner.

I look forward, years from now, to the ultimate vindication of this action, which can only come from the test of time as the marketplace functions with less government intrusion and more discretion given to radio stations to determine the way in which they will carry out their Communications Act obligations.

Statement by Commissioner James H. Quello

In re: Deregulation of Radio

I wholeheartedly support today's Commission action deregulating radio broadcasting. The Commission's withdrawal from the areas of ascertainment, commercial limits, non-entertainment programming quotas and program log-keeping represent a significant deregulatory foot in the door.

However, only legislation can provide real meaningful deregulation dealing with license terms, political broadcasting, Section 315, the Fairness Doctrine and government involvement in program formats. I hope the Commission in the future will make well-reasoned, appropriate recommendations to Congress.

Concurring Statement of Commissioner Abbott Washburn

Re: Radio Deregulation

It's been said: "Many a man in love with a dimple makes the mistake of marrying the whole girl." I hope the Commission's infatuation with the

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[2] *Federal Radio Commission: Rules and Regulations*, § 172(A), (1934).

[3] *See*, "Federal Paperwork: Its Impact on Small Business," General Accounting Office, November 17, 1978, p. 43.

[4] *See*, Comment of WTMT, at 3 ($1,562); Comment of WKBR, at 2 ($3,000); Comment WWTR, at 3 ($6,500); and Comment of WPLM, at 2 ($7,500).

[5] Comment of KFIN, at 1.

[6] Radio licensees now have the option of logging EBS announcements in either the program or the operating logs. See Sections 73.1800(b)(5) and 73.1820(a)(1)(iv).

[7] Comments of the National Black Media Coalition, p. 17–18.

[8] *See, In the Matter of The Handling of Public Issues Under the Fairness Doctrine and the Public Interest Standards of the Communications Act*, 48 F.C.C. 2d, 17–21 (1974).

[9] *Ibid.*, at 19.

* No "Appendix-I" was included to avoid confusion with Roman numeral 'I'.

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deregulation dimple won't prevent us from looking for the imperfections and uncertainties in this *Report and Order* when it comes back to us on reconsideration. I had hoped that these improvements could have been made by releasing the document as a *Further Notice of Proposed Rulemaking*, instead of a *Report and Order*.

Non-Entertainment Programming Guidelines

I concur in the decision to eliminate the non-entertainment programming guidelines while retaining a generalized obligation to offer programming responsive to community issues. What do we mean by "a generalized obligation?" This is not at all clear from our document. Without a fuller explanation, I fear that the broadcasters will be unable to discern what it is the Commission expects of them. The result will be a good deal of uncertainty and differences of interpretation.

I also wonder how the general public will react to our conclusion that market forces can be relied upon to assure programming responsive to community needs. There are significant portions of a station's community that have little market power—such as the elderly, the urban poor, and the handicapped. How, then, will the marketplace assure these groups of programming responsive to their needs?

The *Order* states that we will leave it up to the individual broadcaster's judgment as to whether the needs of particular segments of the community will be served adequately by other radio stations, and, if so, the broadcaster then is free to focus on his own special audience and its special interests and needs. But suppose a group of citizens says his judgment is wrong and alleges that its particular needs are *not* being served in the community by any other station. How would the Commission respond?

In order to determine whether the broadcaster's judgment was reasonable, we would need to study that market as a whole and all of the stations licensed to it individually. Determining whether a particular group's needs in a particular marketplace environment are adequately addressed is a very difficult judgmental question—especially so for a regulatory body sitting in Washington.

I have to say that I'm troubled by our jettisoning the requirement for news broadcasts. *News and public affairs* have always been thought of as twins in American radio. Here we are requiring the coverage of issues of concern to the community—that is, public affairs—and yet there is no requirement for news, local or national. Along these lines, I am interested in hearing more in response to Commissioner Brown's suggestion that local issues be addressed by locally produced programming. After all, under the 1934 Act, localism is the heart of our broadcasting system.

Finally, I am concerned that even if a station faithfully serves its own special audience, the licensee may not necessarily have fulfilled its statutory obligation. The Act speaks of the broadcaster's responsibility to serve the "community of license" not its obligation to serve a particular listenership. Frequently, the two are very different things. While the Courts have permitted the Commission great latitude to interpret the Act, our authority does not extend to altering the community of license concept. We may be vulnerable on appeal by appearing to tamper with it.

For all of the above reasons, I am concurring in the non-entertainment programming portion of the document, and hope that it may be improved before becoming final. Inevitably, there will be Petitions for Reconsideration. These and the responsive comments will help make us more fully aware of the problems, so that we will be able to tighten and clarify the document. It is clear that honing is necessary in view of the fact that three Commissioners concurred and one dissented.

Commercial Guidelines

When we issued the *Notice of Proposed Rulemaking*, I dissented to eliminating the 18-minute limit for commercial matter. I said: "The public *expects* us to indicate reasonable limits beyond which a broadcaster is over-commercializing and imposing on the listening audience." The 18-minute standard is in the NAB Radio Code, and the fact that we have adopted it in our guidelines has, perhaps, encouraged adherence to the Code limit. Now that we are dropping it, what recourse do we have against flagrant abusers who grossly overcommercialize? Such broadcasters are very few in number, it is true, and as the document states, the marketplace will probably take care of most of them. But if it doesn't, and if we receive complaints, I'm told by the lawyers that we can deal with them through the authority of the statute, which requires the licensees operate in the public interest. So I am withdrawing my objection to the commercialization deregulation.

Ascertainment

The Commission's ascertainment process, in my view, has contributed to the development of a healthy dialogue between broadcasters and public groups and leaders at the local level. With today's action we are eliminating the formal ascertainment requirement. This does *not* eliminate the obligation of stations to remain open and accessible to their communities. That obligation remains as important as ever, but the mechanics are left to the parties directly involved, the station and the station's community.

Program Logs

I support eliminating our program log keeping requirement, since we have decided to eliminate the guidelines for non-entertainment programming and commercial practices.

Concurring Statement of Commissioner Joseph R. Fogarty

Re: Deregulation of Radio—Report and Order

I. Introduction

I concur in this Report and Order not because it "deregulates" radio—it does not—but because it rationally refines the public interest obligations of radio station licensees in light of the contemporary reality of the radio marketplace. That reality, as embodied in the extensive record in this proceeding, establishes a compelling *prima facie* case for the proposition that less regulation and more reliance on radio market forces will continue to meet the public interest goals and objectives which are this Commission's statutory responsibility to accomplish. As I stated at the outset of this proceeding, "We are under no mandate to prefer particular regulation simply for its own sake. Indeed, we have a continuing responsibility to reassess the costs and benefits of our regulatory means and ends to ensure that the public interest is being served in fact as well as in theory."[1] For the most part, I believe we have met that responsibility in this proceeding.

It is critical to distinguish and emphasize what this Report and Order does and, more importantly, what it does *not* do. First and foremost, it does *not* abandon the statutory public interest standard to the "marketplace," as originally proposed.[2] We have clearly and emphatically rejected this proposed abdication. This Report and Order does *not* excuse radio licensees from their public interest obligation to be sensitive and responsive to the needs and interests of their communities and to direct program service to those needs and interests. It does *not* allow radio licensees to shift their individual public interest obligations to the "marketplace." It does *not* allow "100% commercial" stations. It does *not* abdicate this Commission's ultimate responsibility to pass on licensee performance in either the petition-to-deny or the comparative renewal process.

This Report and Order *does* rely on the multiplicity of radio outlets and marketplace forces in reducing the regulatory procedures imposed on licensees. It *does* eliminate the costly and burdensome formal ascertainment process and requirements while retaining the salutary ascertainment principle. It *does* eliminate the vague and erratically enforced "quantitative" standards of the "staff-processing" nonentertainment programming "guidelines," substituting an annual 5-to-10 issue/program listing as the bedrock public interest obligation. It *does* allow for individual licensee specialization in nonentertainment programming, but it does so under a standard that reasonably ensures that overall community needs and interests will still be met by the radio medium. It *does* rely on market forces to control and limit radio commercialization by eliminating the commercial "guidelines," but it does so based on a strong record indicating that such reliance is both reasonable and in the larger public interest.

I address each of these actions—and non-actions—in some detail in order that these judgments, distinctions, and expectations are made clear.

II. Elimination of the Commercial Time "Guidelines"

The record in this proceeding provides solid support for the thesis that economic forces in both small and large radio markets will naturally limit commercialization to levels acceptable to the public interest. Simply stated, a radio licensee who overindulges in commercials in going to lose his audience to another station. It must also be recognized that the Commission's involvement in commercial limitations has never enjoyed strong Congressional support.[3] Most significantly, the commercial "guidelines," which track the National Association of Broadcaster's Code, are not without antitrust policy problems in terms of their potential to limit artificially the quantity and hence maintain the price of radio advertising to the detriment of consumers and advertisers alike. The record further provides strong evidence that our important policies favoring increased minority ownership and program diversity may be impeded or retarded by these limitations.

On balance, I believe, therefore, that the commercial guidelines should be removed in favor of the more natural limitations of competitive forces working in the radio marketplace. While there may be significant short-run increases in commercialization as radio licensees test their markets, over the long run commercial patterns should stabilize at levels not unlike those presently obtaining. If contrary to these expectations of record excessive commercialization becomes the industry standard, the Commission will have the clear responsibility to re-enter the field with remedial regulation.

III. Elimination of the "Staff Processing Guidelines" on Amount of Non-Entertainment Programming and Preference for "Well-Balanced" Non-Entertainment Programming Service.

This Report and Order eliminates the "Staff-processing guidelines" with respect to raw amounts of nonentertainment programming broadcast by radio licensees. It also withdraws past Commission policy preferring a system of radio service in which each licensee must present "well-balanced" nonentertainment programming designed to serve, at least in part, the entire spectrum of its community's significant groups and their particular problems and interests. In its stead, this Report and Order constructs a new policy allowing individual licensee nonentertainment programming "specialization" in radio markets where the number of stations reasonably ensures that overall community problems and interests will be met. At the same time, we are specifying a "bedrock" licensee public interest obligation to offer programming responsive to community issues in the form of a requirement that each licensee annually list 5 to 10 issues to which responsive programming was directed, together with a description of how the licensee determined those issues were of importance to its community and how each issue was treated, including date, time, and duration of the program material addressed to the issue.

As I emphasized at the outset of this proceeding, the critical goal and policy of Commission regulation has been to ensure that broadcast stations serve as sources of information on the issues which confront our democracy and its citizenry.[4] It bears repeating here that "[W]e have allocated a very large share of the electromagnetic spectrum to broadcasting chiefly because of our belief that this medium can make a great contribution to an informed public opinion."[5]

While the matter is not entirely free from doubt, I believe that the rule and policy amendments effected by this Report and Order are faithful to and, indeed, may even strengthen the pursuit of this fundamental goal of an informed public opinion. Given the specification of an annual 5 to 10 issue/programming listing requirement *for each radio licensee*, I can concur in the elimination of the current nonentertainment programming quantitative guidelines on the theory and expectation that absent such guidelines significant amounts of informational material will continue to be available on radio. Here, it must be remembered that the existing staff-processing guidelines have been just that—"guidelines"—and were never intended, as binding standards or requirements. This reluctance to enforce a rigid adherence to quantitative standards has stemmed from the realization that "quantity" does not necessarily equal "quality," as well as from a genuine lack of confidence in the wisdom and validity of any minimal percentage standard that might be chosen by a government agency.[6]

I believe that as a substitute for quantitative "gudielines," the annual 5 to 10 issue list requirement strikes a better balance, in the context of contemporary radio, between the need for a public interest "bottom-line" and the equally important concept of deference to licensee discretion. The emphasis is ostensibly where it should be: on the licensee's actual program service product and its responsiveness to community problems, not on raw amounts of time, on artificial program categories, or on the formalistic process by which issues are selected. At the same time, however, as in all other areas of Commission broadcast policy, there is no substitute for licensee reasonableness and good faith. Compliance with the annual listing requirement should evidence that reasonable, good faith effort on the part of each radio broadcaster to contribute to an informed public opinion in his community. Ideally, that compliance should indicate a commitment to in-depth and not merely cursory treatment of the public issues selected for

[1] Statement of Commissioner Joseph R. Fogarty, Concurring in Part; Dissenting in Part, 73 FCC 2d 606, 607 (1979).

[2] *Id.* at 610–11.

[2] See, e.g., Report and Order, Appendix G, par. 4.

[3] Separate Statement of Commissioner Joseph R. Fogarty, 73 FCC 2d at 609–10.

[5] *Fairness Report*, 39 Fed. Reg. 26372, 26375, 48 FCC 2d 1, 10 (1974).

[6] See *Formulation of Policies Relating to the Broadcast Renewal Applicant* (Docket 19154) Separate Statement of Commissioners Benjamin L. Hooks and Joseph R. Fogarty, 66 FCC 2d 433, 435–36 (1977).

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coverage. This obligation, together with Fairness Doctrine compliance, is now the *"sine qua non"* for radio license renewal.

I believe that the record evidence in this proceeding indicates that most radio licensees will honor this responsibility and commitment and will not abuse their enhanced discretion,. However, I also believe that a word of gentle but clear warning is appropriate. While this Report and Order emphasizes that the Commission's review will no longer focus on the mere *amount* of nonentertainment programming broadcast by the radio licensee, it should be obvious that a licensee cannot comply with its continuing issue programming obligation by doing little or nothing. In this regard, I agree with the Report and Order that "A station with good programs addressing public issues and aired during high listenership times but amounting to only 3% of its weekly programming may be doing a superior job to a station airing 6% nonentertainment programming little of which deals in a meaningful fashion with public issues or which is aired when the audience is small." [7] But, it should be equally plain that a station purporting to meet its program service obligation by addressing only one or two 30-second PSAs a month to five issues over the course of a year will be doing an *inferior* job. The point I wish to emphasize here is that while we are not going to be concerned with quantity as such, if radio licensees regard their increased discretion as an invitation to see how low they can go, then those licensees will inevitably lead the Commission back into the "numbers game" which we have sought to avoid. This point is underscored by the clear statement in the Report and Order that the nonentertainment programming obligation applies to each individual licensee and cannot be shifted to the "marketplace." I trust that forewarned is forearmed.

I also share some of the concerns about "local" programming expressed by Commissioner Brown in his Dissenting Statement. I agree that both our allocation principles and the public interest standard emphasize that we expect licensees to operate their stations as local outlets for local expression of views. However, it also should be observed that the Commission has never established a rigid requirement that local community problems and interests can only be met by locally originated programming. Clearly, local issues can be adressed—and often in a superior fashion—by programming which is not indigenously produced. Today, it is a truism that national problems are local problems, and often vice versa. PSAs produced by national public service organizations can respond effectively to issues of local concern, and the services of national news organizations can contribute effectively to local informational needs.

More fundamentally, I do not agree with the characterization that this Report and Order permits radio licensees to rely entirely on outside sources for their annual 5 to 10 issue informational programming. The pertinent language of the Report and Order warrants full reiteration here:

> We continue to be concerned that stations serve their local communities. This might often mean that stations use locally produced programs to meet their community issue obligation. This does not preclude, however, the use of other programs which address issues of importance to the community.[8]

While perhaps not a model of precision and clarity, I think this language expresses the principle fairly well: Radio broadcasters have full flexibility to use programming from any and all sources to satisfy their community issue programming obligation, but that discretion must be exercised consistent with their continuing responsibility to serve as local outlets for local expression. FCC regulation, like the law in general, is not insensitive to matters of degree, and radio licensees should be expected to share that sensitivity. Any licensee who relies exclusively on non-local programming to satisfy his community issue obligation should be prepared to demonstrate the reasonableness of that decision.

The critical core of this Report and Order is the decision to modify the Commission's long-standing policy requiring each licensee to provide "well-balanced" nonentertainment programming designed to serve the broad cross-section of its community's constituent groups and their particular problems, needs, and interests. This Report and Order partially modifies that policy to allow nonentertainment programming specialization by licensees in large radio markets where the number of stations and the diversity of their informational programming services gives assurance that overall community problems and interests will be met by overall market performance. Thus, if a radio licensee can demonstrate that some other station(s) can be reasonably relied upon to meet the informational needs and interests of a particular constituent element of his community, that licensee may focus his nonentertainment programming efforts on other audience needs and interests.

Leaving aside for the moment the question of what constitutes "reasonable reliance," the fundamental issue presented is whether allowing such individual licensee nonentertainment programming specialization is in the public interest. For me, this is the most difficult matter decided by the Commission in this proceeding for there are serious and substantial arguments on each side of the issue. On balance, and not without certain hesitation, I concur in the Commission's decision to permit nonentertainment program service specialization.

Against this decision, it may be argued that allowing specialization will lead to licensees ignoring significant community groups and interests with tacit FCC blessing. More fundamentally, there is the argument that the public interest is best served by requiring that every radio station *expose* its particular audience to a broad cross-section of community issue progamming (whether that audience wishes to hear it or not). That such community cross-section programming may be *available* by turning the dial across the AM/FM bands is not enough, according to this argument: maximum *exposure* to that cross-section should be the regulatory goal.

While the foregoing arguments are not without appeal to a traditional interpretation of the public interest standard, I believe we have to recognize that specialization in both entertainment and nonentertainment programming is a "fact of life" in contemporary large market radio. By recognizing this fact in our regulatory policy, we also recognize that such specialization may lead to more particularized, in-depth treatment of community issues with greater appeal and value to radio listeners, both as members of constituent groups and as members of the community at large. Here, we also have to acknowledge that the existing "well-balanced" policy has by no means guaranteed a perfect or even substantial match of radio service and community group needs on a station-by-station basis. If issue programming responsive to minority and other significant group needs and interests is available across the radio dial, I think we are hard pressed under our First Amendment regime to find a valid rational for government imposition of a requirement that each station must nonetheless fit itself into the same "well-balanced" service mold with

[7] Par. 52.

[8] Par. 71.

respect to its nonentertainment programming. The ultimate public interest—"the right of the public to receive suitable access to social, esthetic, moral, and other ideas and experiences"[9]—is, I believe, better served by allowing informational programming specialization as an option of licensee discretion.

While I therefore concur in principle with the Commission's decision to allow radio licensee nonentertainment programming specialization, there remains the matter of the standard of "reasonable reliance" which will allow a licensee to specialize its informational program service. The Report and Order holds that while nonentertainment programming will remain a subject for consideration in both petition to deny and comparative renewal proceedings, the Commission's concern will focus on whether the licensee offered issue-responsive programming, and, if it chose to specialize, whether that decision was reasonable from the standpoint of the avilability of nonentertainment program service being provided by other stations in the market to segments of the community not served by the specializing licensee. While this standard makes sense to me in theory, the practical efficacy of this approach will again depend on the resonableness and good faith of radio licensees. Here, the Report and Order is clear on the point that "In all cases . . . the burden will be upon the licensee to demonstrate, if called upon to do so, that its determination was reasonable." [10] This discussion plainly indicates that a radio licensee cannot merely look at *Broadcasting Yearbook* summaries of the entertainment formats of the other stations in his market for the basis of "reasonable" judgments on what particular informational programming is available in that market. A "Soul" music format does not *ipso facto* imply a minority-oriented informational service, nor does a "Big Band" format connote nonentertainment program offerings for the elderly. Reasonable reliance on the radio marketplace requires particular, affirmative knowledge of that market. The *ad hoc* review standard of "reasonable reliance" prescribed by this Report and Order is not an invitation to fast shuffle community needs and interests all around the town. I do not wish to inhibit radio licensees from specializing their nonentertainment programming, but they must be on clear notice that their discretion to specialize is bounded by the overall performance of their markets in serving overall community needs and is further tied to a fair and accurate reading of that overall market performance.

Before leaving this aspect of the Report and Order, it needs to be observed that although we are no longer requiring "News" and "Public Affairs" as discrete program categories, our action does not sanction the complete demise of these two service offerings. The plainly-stated expectation of this Report and Order is that significant amounts of news programming will still be available to radio audiences, although not necessarily on every station. Failure of this expectation will mandate Commission review of our theory of radio marketplace reliance serving the public interest. As for "Public Affairs," the essence and importance of this type of programming is still embodied in the two-prong statutory obligation of the Fairness Doctrine: To cover controversial issues of public importance, and to afford reasonable opportunity for the presentation of contrasting views on those issues covered. Nothing in this Report and Order changes—or could change—this fundamental licensee obligation.

IV. Elimination of the Formal Ascertainment Requirements and Procedures

It is important to emphasize that while this Report and Order eliminates the formal ascertainment procedures and requirements for radio licensees, it leaves intact the fundamental ascertainment principle that radio broadcasters must be sensitive and responsive to the issues facing their communities. Given the great multiplicity of radio outlets, it is not unreasonable to allow competitive forces and broadcaster self-interest to ensure compliance with this essential principle. We are eliminating only the formalistic ritual of the ascertainment process which, in my judgment, now serves only as an elaborate petition-to-deny insurance policy for radio licensees and does little, if anything, to ensure actual programming responsive to community problems and interests. While these formal procedures and requirements may have served a "sensitizing" purpose in the past, their present and future value as a legitimate regulatory tool is severely undercut by the costly paperwork and resource displacement burdens they impose.

This action does not, however, give licensees the license to turn a deaf ear and an unseeing eye to their communities. While we are leaving the process of ascertainment to the reasonable, good faith discretion of radio licensees, this Report and Order plainly states that "It would be inconsistent with the exercise of good faith judgment for a broadcaster to be 'walled off' from its community." [11] We emphasize here that radio licensees must "maintain contact with their community on a personal basis as when contacted by those seeking to bring community problems to the station's attention." [12] Thus, as a minimum requirement radio licensees must maintain an "open door" policy which allows for the fullest input from their communities with respect to their program decision-making process. This obligation should not be regarded as a last vestige of ascertainment but as a fundamental requirement with which all radio licensees, as public trustees, will be expected to comply. Furthermore, although we will no longer be concerned with the particular process by which licensees determine their public issue programming, we will require licensees to indicate how they identified the issues they chose to cover as being of importance to their communities, thus maintaining the important linkage between the principle of ascertainment and program service. These minimal requirements, together with the obligation to maintain the annual issue/programming listing in the station's public file, should provide a good basis on which to continue the licensee-community dialogue that is at the heart of our public trustee system of broadcasting.

V. Elimination of the Program Log Requirements

Since program logs have been generally of use to the Commission in assessing licensee compliance with the existing nonentertainment programming and commercial guidelines, the elimination of those guidelines in large measure removes the rationale for the existing program log requirements. Radio licensees will still be required to maintain their public files, including their annual issues/program listings and associated material. I believe that this continuing public file requirement will afford interested members of the licensee's community adequate access to information necessary to evaluate licensee performance in terms of both qualitative and quantitative factors. While the public file requirement will not provide the data on station commercialization necessary to evaluate licensee and market performance under

[9] *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969).

[10] Par. 54.

[11] Par. 69.

[12] *Id.*

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the Commission's new permissive commercial policy, I think it reasonable to rely on the monitoring efforts of interested members of the public, such efforts appearing neither too complicated nor unduly burdensome.

VI. Conclusion

Whether or not the Commission labels it as such, this Report and Order is the beginning of an "experiment." It is an experiment testing the theory that less regulation and more reliance on competitive radio market forces will continue to meet, if not also enhance, the public interest in this important medium of communication. I believe the record and analysis in this proceeding provides reasonable assurance that this theory is workable. I think it deserves a fair opportunity to succeed. At the same time, our policy assumptions and performance expectations have been clearly stated as the predicate for our actions in this Report and Order. If experience in the real-world radio marketplace shows these assumptions to be in error and leaves these expectations unfulfilled, then the Commission will have the clear duty to revisit its actions.[13]

Given the sound and fury—and the dubious legality—of the "preferred options" set out in the original Notice of Proposed Rule Making, I can understand how in some quarters the intentions and credibility of this Report and Order may be subject to question. I emphasize that the actions, if not also all the rhetoric, of this Report and Order represent a sharp and clear departure from those original proposals. I concur in these actions, firmly believing that they keep faith with the public interest standard, and that we are committed to take remedial action if that faith proves to have been misplaced.

Dissenting Statement of Commissioner Tyrone Brown

Re: Radio Deregulation

In 1934 there were fewer than 600 radio broadcast stations in the United States. Today there are more than 9,000 providing a greater degree of program specialization than anyone expected in the early years. In light of this vast increase in the number of radio broadcast outlets, we opened this proceeding to determine whether we should eliminate our commercialization guidelines, quantitative nonentertainment programming guidelines, our formal ascertainment requirements and our second-by-second program logging requirements.

We license radio stations to specific communities so they can provide programming services to those communities. For me, therefore, the central issue in this proceeding has been the proposal to eliminate our quantitative nonentertainment programming guidelines. Assuming those guidelines are dropped, how does this agency make the necessary finding, for *each* station presented for renewal, that the licensee has sufficiently served "the public interest, convenience and necessity" to justify retention of the license?

In expressing tentative support for substantial simplification of our regulatory approach to radio, I have emphasized that I believe "local public service programming—in the broadest meaning of the phrase—is the cornerstone of the broadcaster's obligation to serve his local community." * Because today's decision places far too little emphasis on this bedrock principle, I reluctantly dissent.

In the place of the nonentertainment programming guidelines, the majority substitutes a general licensee obligation to program to issues relevant to its community or target audience. Proof of the broadcaster's performance will take the form of a list of local issues or informational program areas it has dealt with, including a description of why it chose those issues or program areas for presentation.

I encouraged the Commission to adopt such a list. It will serve two very important purposes: First, kept in the station's local public inspection file, it will serve as a basis for discussion for local listeners who may wish to discuss the station's programming decisions with management. Without such a document, the dialogue between the community and station management, which we all wish to encourage, would be severely inhibited. Secondly, the list will provide the Commission with a record on which to make the necessary affirmative public interest finding at renewal time—evidence of a licensee's compliance with its basic public interest obligation.

Until the open Commission meeting on this matter, I believe it was agreed that the critical list would focus on the licensee's locally originated programming. For more than 45 years, this Commission's consistent interpretation of the Act, in our approach to geographical allocation as well as in our statements on programming,** has required the licensing of *local* stations which must serve as *local* outlets for *local* expression of views. The majority today drastically revises this approach to permit radio broadcasters to rely entirely on outside sources for their informational programming.

I do not for a moment believe that most radio licensees will stop airing locally originated informational programming or dismantle their local origination capabilities. After today's decision, however, some few may. Because I believe the provision of programming which includes local discussion of issues is the *sine qua non* of radio service in the public interest, I would tell those who would abandon this principle that they should seek another line of business.

February 5, 1981.

Concurring Statement of Commissioner Anne P. Jones

In re: Deregulation of Radio (BC Docket No. 79–219)

By this action the Commission relieves radio of regulatory "guidelines" on commercials and nonentertainment programming and requirements on program logging and ascertainment of community needs. I applaud this action. I must say, however, that I consider it quite a modest deregulatory step, especially in view of the newly imposed requirement of an annual listing of issues and responsive programming, which I believe is neither necessary nor desirable. I especially object to the part of this new requirement which requires "a brief description of how the licensee determined each issue to be one facing his community." (Report and Order paragraph 71) As with the formal ascertainment we are eliminating, this new requirement is irrelevant to the question whether the issues addressed by the licensee are indeed "facing the community" and whether the programming presented in response to them constitutes meaningful service to the community. The requirement is, in effect, residual ascertainment, and I believe that it may in time lead to resurrection of the formal ascertainment which we should today be burying for all time.

In my view it is clear from the record in this proceeding that the vast majority of radio broadcasters today operate in markets where they must serve the needs and interests of their audience or lose that audience to competitors. In these conditions there is no need for regulation to ensure that radio broadcasters serve their communities responsibly. They must do so to stay in business.

It is also clear from the record in this proceeding that many individuals and organizations are apprehensive that deregulation of radio may result in failure by some broadcasters to fulfill their public interest responsibilities. There is also some apprehension that deregulation may result in failure by some broadcasters to serve some needs which do not equate with economic demand. To the first of these apprehensions my response is that we do not, and cannot, in this proceeding abrogate the statutory obligation of broadcasters to serve the public interest, and we can deal with the few who may fail to fulfill that obligation without continuing to saddle the entire industry with unnecessary regulatory burdens. To the second apprehension my response is that where competitive forces are at work paternalistic regulation is unnecessary and ultimately self-defeating.

In my view it is high time for this Commission to remove itself as completely as possible from the radio market place. The audience is at least as competent as we are to decide what service it desires from radio, and nearly everywhere in the country listeners can tune in a station which provides the service they desire and tune out any which does not. I therefore concur with enthusiasm in this action by the Commission and urge it to move promptly to give radio the fullest possible relief from regulatory restrictions and requirements which, whatever their prior purpose and justification, are not justified today.

My own inclination at this point is to eliminate all nontechnical regulation of radio. I realize that that degree of deregulation would require amendment of the Communications Act, but I believe that the record in this proceeding amply justifies our recommendation to Congress that it give serious consideration to just such amendment.

[FR Doc. 81-6154 Filed 2-23-81, 8:45 am]

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[13] *Geller* v. *FCC*, 610 F. 2d 973 (D.C. Cir. 1979).

*Remarks of Commissioner Tyrone Brown before the 17th Annual Southern California Broadcasters Association Public Service Workshop, Los Angeles, California (Dec. 8, 1978) (Mimeo No. 10397).

**See e.g., *Public Service Responsibility of Licensees* (the *"Blue Book"*) (1946); *En Banc Programming Inquiry Statement*, 44 FCC 2303, 2311 (1960) ("[A]ppropriate attention to local live programming is required.")

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federal register

Tuesday
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Part VI

Office of Management and Budget

Standard Assurances for Federal Assistance Programs

OFFICE OF MANAGEMENT AND BUDGET

Standard Assurances for Federal Assistance Programs

AGENCY: Office of Management and Budget.

ACTION: Notice for comment.

SUMMARY: This notice offers interested parties an opportunity to comment on a proposed revision to OMB Circular A–102, "Uniform requirements for grants to State and local governments," and Circular A–110, "Uniform requirements for grants to universities, hospitals, and nonprofit organizations." The revision would establish standard language for "assurances" that organizations must submit when applying for Federal assistance. The revision updates assurances already included in Circular A–102, and sets forth the same assurances for the first time in Circular A–110. These assurances are required by law, and this initiative is intended to streamline department and agency implementation. The standard legal assurances are set forth below in their entirety.

The standard assurances would establish consistency and uniformity among Federal agencies, and eliminate the need for many of the burdensome documentation requirements now imposed on applicants. The assurances also would provide a ready reference for Federal, State, and local auditors to those crosscutting laws applicable to Federal assistance programs. Under the provisions of Circular A–102 and A–110, auditors are responsible for determining whether an organization has complied with laws that may have an impact on the grantee's financial position.

It is proposed that Federal agencies implement the assurances through a standard form. However, we would be interested in hearing suggestions for alternative approaches to implementation.

The Office of Management and Budget has made no decisions with respect to the proposed assurances. All interested parties are encouraged to make their views known. Comments should be submitted to the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503. All comments should be received on or before April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George Northway, Financial Management Branch, telephone 202–395–4773.

Daniel F. Mann,

Budget and Management Officer.

Assurances—Construction Programs

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including OMB Circulars A–95, if applicable, A–102, A–110, and applicable cost principles, as they relate to the application, acceptance and use of Federal funds for this federally assisted project. Also, the Applicant assures and certifies that it will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements. In addition, the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representatives of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with: a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352; 42 U.S.C. 2000d), which prohibits discrimination on the basis of race, color, or national origin, in programs and activities receiving Federal financial assistance.

b. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

c. The Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94–135), which prohibits unreasonable discrimination based on age in the delivery of services and benefits supported with Federal funds.

3. It will comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60). This requires the inclusion of the equal opportunity clause, as prescribed in 41 CFR Part 60, in all nonexempt contracts and subcontracts involving federally assisted construction. It applies to construction contracts which have or are expected to have an aggregate value exceeding $10,000 within a 12-month period.

4. Should grantee's actions result in the relocation of persons pursuant to Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (Pub. L. 91–646; 42 U.S.C. 4601), it will provide for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs as required by the Act.

5. It will comply with the provisions of the Hatch Act, which limit the political activity of State and local government employees.

It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to State and local government employees who are not employed in integral operations in areas of traditional governmental functions.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the Federal grantor agency and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.

9. It will insure, pursuant to Executive Order 11738, that the facilities under its (or its subrecipient's) ownership, lease or supervision which shall be utilized in the accomplishment of the project, are not listed on the Environmental Protection Agency (EPA) list of violating facilities and it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

10. It will comply with the provisions of Executive Order 11990, relating to protection of wetlands.

11. It will comply with standards for environmental quality control that may be prescribed pursuant to responsibilities of the Federal Government under the National Environmental Policy Act of 1969 (Pub. L. 91–190) 63 U.S.C. 4321 et seq. and Executive Order 11514, Protection and Enhancement of Environmental Quality as amended by Executive Order 11991.

12. It will comply with the Flood Insurance Disaster Protection Act of 1973, Pub. L. 93–234 (42 U.S.C. 42106, 4128) 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, cooperative agreement, guaranty, insurance rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

13. It will comply with the provisions of Executive Order 11988, relating to evaluation of flood hazards, and Executive Order 12088, relating to Federal compliance with pollution control standards for Federal facilities and activities.

14. It will assist the Federal grantor agency in its compliance with section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the grantee's activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

15. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

16. When required, it will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that, when required, it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

17. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.

18. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.

19. It will comply with the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 et seq.) and the standards issued pursuant to the Act. The applicant will be responsible for seeing that facilities are designed and constructed in accordance with applicable standards and for conducting inspections to ensure compliance with these specifications by the contractor.

20. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

21. It will comply, when required by the Federal program legislation, with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR Part 5). This applies to all construction contracts and subcontracts awarded by the recipients and subrecipients of more than $2,000. Under this Act contractors and subcontractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in wage determination made by the Secretary of Labor. In addition, contractors and subcontractors shall be required to pay wages not less than once per week. The recipient or subrecipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of contract or subcontract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

22. When Federal program legislation provides that the Davis-Bacon Act applies, it will comply with the "Copeland 'Antikick' Back Act" (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This applies to all construction and repair contracts and contracts of recipients and subrecipients in excess of $2,000. It provides that each contractor or subcontractor shall be prohibited from inducing by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he/she is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

23. It will comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–33) as supplemented by the Department of Labor regulations (29 CFR Part 5). This applies to contracts awarded by recipients or subrecipients for construction in excess of $2,000 and in excess of $2,500 for other contracts that involve the employment of mechanics or laborers.

24. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved, and the project will be prosecuted to completion with reasonable diligence.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this application, and to commit the applicant to the above provisions.

Name and Address of Organization _____
Title of Official _____
Telephone No. _____
Signature of Official _____
Date _____

Assurances—Nonconstruction Programs

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including OMB Circulars A–95, if applicable, A–102, A–110, and applicable cost principles, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the applicant assures and certifies that it will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements. In addition, the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the

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applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with: a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352, 42 U.S.C. 2000–d), which prohibits discrimination on the basis of race, color, or national origin, in programs and activities receiving Federal financial assistance.

b. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits descrimination on the basis of handicap in programs and activities receiving Federal financial assistance;

c. The Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94–135) which prohibits unreasonable discrimination based on age in the delivery of services and benefits supported with Federal funds;

d. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution).

3. Should grantee's actions result in the relocation of persons pursuant to the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (Pub. L. 91–646; 42 U.S.C. 4601 et seq.), it will provide for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs as required by the Act.

4. It will comply with the provisions of the Hatch Act which limit the political activity of State and local government employees.

5. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to employees of State and local governments who are not employed in integral operations in areas of traditional governmental functions.

6. It will establish safeguards to prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

7. It will give the Federal grantor or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.

8. It will insure, pursuant to Executive Order 11738, that the facilities under its ownership, lease, or supervision, which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency (EPA) list of violating facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

9. It will comply, to the extent applicable, with all the requirements of Section 114 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq.) and Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in Section 114 and Section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder.

10. It will comply with the provisions of Executive Order 11990, relating to protection of wetlands.

11. It will comply with provisions of Executive Order 11988, relating to floodplain management.

12. It will comply with standards for environmental quality control that may be prescribed pursuant to responsibilities of the Federal Government under the National Environmental Policy Act of 1969 (Pub. L. 91–190) and Executive Order 11514, Protection and Enhancement of Environmental Quality as amended by Executive Order 11991.

13. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, 42 U.S.C. 4106 and 4128, 87 Stat. 975), which requires on or after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

14. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593 and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the grantee's activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

15. It will comply with Pub. L. 93–348 as implemented by Part 46 of Title 45 (45 CFR 46, 42 U.S.C. 2891) regarding the protection of human subjects involved in research, development, and related activities supported by the grant.

16. It will comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. 89–544, as amended, 7 U.S.C. 2131 et seq.) and regulations promulgated thereunder by the Secretary of Agriculture (9 CFR Subchapter H) pertaining to the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal awards.

17. It will comply with the equal opportunity clause prescribed by Executive Order 11246, as amended, and will require that its subrecipients include the clause in all construction contracts and subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000, in accordance with Department of Labor regulations at 41 CFR Part 60.

18. It will include, and will require that its subrecipients include, the provision set forth in 29 CFR 5.5(c) pertaining to overtime and unpaid wages in any nonexempt nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds $2,500.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this application, and to commit the applicant to the above provisions.

Name and Addresses of Organization ——
Title of Official ——
Signature of Official ——
Date ——

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V 4 6 / 3 6 F E 2 4 8 1 UMI

federal register

Tuesday
February 24, 1981

Part VII

Department of Health and Human Services

Office of Human Development Services

Runaway and Homeless Youth Program; Availability of Financial Assistance

V 4 6 / 3 6 F E 2 4 8 1 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Administration for Children, Youth and Families

[Program Announcement No. 13 623-811]

Runaway and Homeless Youth Program; Availability of Financial Assistance

AGENCY: Office of Human Development Services.

SUBJECT: Announcement of Availability of Financial Assistance—Centers for Runaway and Homeless Youth.

SUMMARY: The Administration for Children, Youth and Families (ACYF), Youth Development Bureau (YDB), announces the availability of Fiscal Year 1981 funds for Runaway and Homeless Youth Center Program Grants. These Grants are authorized by the Runaway and Homeless Youth Act, 42 U.S.C. 5701 et seq. This Act was enacted by Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), as amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95–115), and the Juvenile Justice Amendments of 1980 (Pub. L. 96–509).

DATE: The closing date for receipt of application is April 27, 1981.

Scope of This Announcement

This Program Announcement describes the application process for Runaway and Homeless Youth Center Program grants to be awarded during Fiscal Year 1981. Competition for grant awards in other ACYF program areas will be announced separately in the **Federal Register**.

Program Purpose

The National Runaway and Homeless Youth Program is administered by the Administration for Children, Youth and Families of the Office of Human Development Services, Department of Health and Human Services. The Runaway and Homeless Youth Act provides financial assistance to establish or strengthen community-based centers designed to address the needs (e.g., temporary shelter, counseling and aftercare services) of runaway and homeless youth and their families. Programs receiving funding under the Runaway and Homeless Youth Program are required to be knowledgeable of and to adhere to the requirements of 45 CFR, Part 1351, Runaway Youth Program, and other applicable Federal regulations. (Copies of the regulations pertaining to this program will be included in the application kit). Applicants must develop their application in accordance with those regulations and the Supplementary instructions which are also included in the kit.

Program Goals and Objectives

The goals of this program are to assist Runaway and Homeless Youth Centers: (a) to alleviate the problems of runaway and homeless youth; (b) to reunite youth with their families and to encourage the resolution of intrafamily problems through counseling and other services; (c) to strengthen family relationships and to encourage stable living conditions for youth; and (d) to help youth decide upon a future course of action. The centers funded under this program are required to provide temporary shelter, counseling and aftercare services which address the immediate needs of youth while they are away from home, and provide individual and family counseling and other assistance required to resolve intrafamily problems and to strengthen family relationships. Additionally, both directly and through linkages with other social services agencies, the centers furnish other assistance such as health, education, legal, and employment services geared to the needs of the individual clients served.

Eligible Applicants

States, localities, and nonprofit private agencies, and coordinated networks of such agencies are eligible to apply for a Runaway and Homeless Youth Center grant unless they are part of the law enforcement structure or the juvenile justice system. States are defined to include any State of the United States, athe District of Columbia, Commonwealth of Puerto Rico, and the Trust Territories of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. (See 42 U.S.C. 5603(7), as amended by Sec. 5(c) of Pub. L. 96–509). Indian tribes and Indian organizations which are not federally recognized are eligible to apply for grants as nonprofit private agencies. Federally recognized Indian tribes are eligible to apply for grants as local units of government. A coordinated network of agencies is an association of two or more nonprofit public or private agencies or any combination thereof providing services to runaway or homeless youth and their families. Agencies will compete for funds with other applicant organizations within the same State.

Under Sec. 313 of this Act, as amended (42 U.S.C. 5713) DHHS gives priority in considering grant applications to organizations which have demonstrated experience in providing services to runaway and homeless youth and their families and to organizations seeking grants of less than $150,000. Centers must be located in an area frequented or easily reachable by runaway youth and have a maximum capacity of no more than 20 youth.

Available Funds

The Administration for Children, Youth and Families expects to award $10,200,000 in grants to centers for runaway and homeless youth during fiscal year 1981. The Runaway and Homeless Youth Act now specifies that beginning in fiscal year 1981, funds will be made available to each State based upon its respective youth population under the age of 18. All grants will be awarded on a competitive basis. Programs previously funded under the Runaway Youth Act must compete with all other applicants for funding.

With respect to the period of funding, successful applicants which have not previously received a project grant under this program will be awarded a grant for a *four-year project period*, subject to an annual non-competitive refunding determination. Successful applicants which have previously received a project grant under the program will be awarded financial assistance for a *two-year project period*. These grantees shall be eligible for continuation funding in the second year of the two-year project period and then will be required to reapply for funding. Continued support for all grants after every year will depend upon the availability of funds and the grantee's satisfactory performance.

In the event that agencies within any State jurisdiction either submit applications which fail to meet the minimum critieria for funding, or agencies within the respective State jurisdictions do not submit applications, the Department of Health and Human Services will reassign, at the discretion of the Secretary, any unused funds for one-time efforts pursuant to Sec. 311 of Pub. L. 96–509.

It is anticipated that approximately 165 grants will be awarded pursuant to this announcement. The number of grants awarded within each State will depend upon the State's allocation and the number of acceptable applications. In general, the amount of a grant award will range from $10,000 to $100,000 annually. As mentioned earlier in this announcement, priority will be given to organizations requesting grants of less than $150,000. The amount of each grant will be determined by the ACYF Regional Office based on the number of runaway or homeless youth in the community in which the center will be located; the existing availability of services designed to meet the immediate needs of runaway and homeless youth and their families; and the range and types of services to be provided under the proposed project within the requirements of the Act.

The following table indicates the fiscal year 1981 allocations for each State and jurisdictions.

Runaway and Homeless Youth, Centers Allocations by State

[Total 57 States—fiscal year 1981]

Alabama	179,484
Alaska	23,456
Arizona	120,336
Arkansas	101,980
American Samoa	2,040
California	990,222
Colorado	127,475
Connecticut	130,534
Delaware	26,515
D.C.	26,515
Florida	354,859
Georgia	247,810
Guam	3,179
Hawaii	43,851
Idaho	46,911
Illinois	514,997
Indiana	253,979
Iowa	130,534
Kansas	102,999
Kentucky	166,227
Louisiana	206,999
Maine	50,990
Maryland	182,543
Massachusetts	241,682
Michigan	435,453
Minnesota	185,803
Mississippi	128,494
Missouri	214,157
Montana	37,732
Nebraska	71,386
Nevada	32,633
New Hampshire	40,792
New Jersey	318,176
New Mexico	64,247
New York	756,689
North Carolina	256,326
North Dakota	26,574
Northern Marianas	1,020
Ohio	491,542
Oklahoma	129,514
Oregon	111,158
Pennsylvania	495,621
Puerto Rico	205,999
Rhode Island	38,752
South Carolina	143,791
South Dakota	32,633
Tennessee	198,860
Texas	651,650
Trust Territories	10,198
Utah	80,564
Vermont	22,436
Virginia	229,454
Virgin Islands	6,119
Washington	174,385
West Virginia	85,663
Wisconsin	214,157
Wyoming	22,436

Grantee Share of the Project

The Administration for Children, Youth and Families will pay up to 90 percent of the cost of operating a center for runaway and homeless youth. The non-Federal portion may be in cash or in-kind (including the facility, equipment or services) and must be project-related and allowable under the provisions of 45 Code of Federal Regulations, Part 74, the Department's regulation on the Administration of Grants. (A copy of Part 74, Subpart Q is included in the application kit.)

The Application Process

Information To Be Made Available—Submission of Applications

Information about the availability of fiscal year 1981 funds to suport centers for runaway and homeless youth will be made available to the public through this announcement and to the extent feasible, through notices to appropriate public and private nonprofit organizations in each State. Agencies and organizations interested in applying for funds may request application kits from the cognizant ACYF Regional Offices. (See addresses for rhe Regional Offices at the end of this announcement.)

In order to be considered for a Runaway and Homeless Youth Center Grant, an application must be submitted on the forms and in the manner required by the Administration for Children, Youth and Families.

The application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applications must be prepared in accordance with the guidance provided in the announcement and the instructions in the application kit. One signed original and two copies of the grant application, including all attachments, are required. Completed applications, including all copies, must be sent to the appropriate Directors, Office of Fiscal Operations in the applicant's region. (Addresses for the Regional Offices of Fiscal Operations will be included in the application kits.)

A–95 Notification Process

All applications are subject to the Project Notification and Review Procedures required by OMB Circular A–95, Part I. This circular requires applicants to notify State and Area-wide A–95 Clearinghouses of the intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. *Applicants should immediately contact the appropriate State Clearinghouse for information on the A–95 requirements.* Applicants which are Federally recognized Indian tribes are not subject to the requirements of the Project Notification and Review Procedures. Such applicants may voluntarily participate in this system and are encouraged to do so. Instructions for meeting these requirements and the names and addresses of State and Area-wide Clearinghouses will be provided in the application kit.

Application Consideration

All applicantions which are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation process. This review will be conducted at the HHS/HDS Regional Office level by persons knowledgeable in the areas of youth development and/or human services programs who are outside and independent of the Administration for Children, Youth and Families. The consideration of applications by the competitive review panel may also take into account the comments of appropriate specialists inside and outside the Federal Government. The results of the competitive review will be reported to the ACYF Regional Program Director who will make the final selection of the successful applicants. Organizations whose applications have been disapproved will be notified in writing of that decision. Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, and the total period for which project support is provided.

Special Consideration for Funding

The Runaway and Homeless Youth Act requires that priority for funding be given to organizations with demonstrated experience in dealing with runaways and homeless youth, and organizations requesting grants of less than $150,000.

Crieteria for Review of Applications

Competing applications for financial assistance will be reviewed and evaluated against the following criteria:

1. The reasonableness of the proposed budget with a breakdown of costs; the extent to which the applicant has access to other resources which can strengthen support for the existing or proposed center's activities; and whether a center grant request is less than $150,000. (25 points)

2. The extent to which the applicant documented the need for services for runway and homeless youth and proposed service areas (e.g., particular communities, districts, neighborhoods,

etc.) on the basis of a comprehensive community needs assessment, and the extent to which the selection of these areas is based on the incidence of runaway and homeless youth. (Information to be provided by the applicant should include data on the incidence of runaways in the geographic area to be served, and analysis of other resources and services available in the community to serve this target population, a discussion of the benefits to the community of a runaway and homeless youth center program and a description of the precise location of the center.) (20 points)

3. The potential of the applicant to establish a center which can achieve the goals and requirements of this grant program as set forth in the legislation, regulations, and Program Performance Standards. (30 points)

4. The extent to which the applicant organization has demonstrated prior experience in planning, organizing and providing services to runaway, homeless youth, and their families. (15 points)

5. The capacity of the applicant to provide adequate facilities and a level of staffing appropriate for the implementation of a runaway and homeless youth center. (10 points)

Closing Date for Receipt of Applications

The closing date for the receipt of applications under this program announcement is April 27, 1981. Applications received after the closing date: at 5:00 p.m., will be considered ineligible and will not be reviewed and evaluated. An application will be considered to be received on time by the Administration for Children, Youth and Families if:

- The application is at the designated Regional HDS Office of Fiscal Operations on or before the established closing date. (Addresses for Office of Fiscal Operations will be included in the application kit.) Hand-delivered applications will be accepted daily from 9:00 a.m. to 5:00 p.m., except Saturdays, Sundays, and Federal holidays. Evidence of the date and time of receipt will be maintained by the Department of Health and Human Services.
- The application is postmarked by the established closing date as indicated by the U.S. Postal Service postmark on the wrapper or envelope or, if the application was sent by registered or certified first class mail, the postmark on the original receipt from the U.S. Postal Service.

Applications received after the deadline will not be accepted and will be returned to the applicant without consideration.

Availability of Application Forms

Application packages which contain the prescribed application forms and information for the applicant may be obtained by writing to the appropriate Regional Program Director in the HHS Region in which the program will be located. The addresses of the Regional Offices are listed below:

Region I
Mr. Dick Stirling, Regional Program Director, Office of Human Development, John F. Kennedy Federal Building, Room 2011, Boston, Massachusetts 02203 (VT, CT, ME, NH, RI, MA), Attn: Ms. Susan Selya, Special Assistant for Youth Affairs) (617–223–6450)

Region II
Ms. Elaine P. Danavall, Regional Program Director, Office of Human Development, 26 Federal Plaza, Room 4149, New York, New York 10278 (NY, NJ, PR, VI), Attn: Mr. Thomas Kearney, Special Assistant for Youth Affairs) (212–264–4439)

Region III
Mr. Fred Digby, Regional Program Director, Office of Human Development, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101 (DE, DC, MD, VA, WV, PA), Attn: Ms. Mary Williams, Special Assistant for Youth Affairs) (215–596–0356)

Region IV
Mr. John Jordan, Regional Program Director, Office of Human Development, 101 Marietta Tower, Suite 903, Atlanta, Georgia 30323 (AL, FL, GA, KY, MS, NC, SC, TN), Attn: Ms. T. J. Richie, Special Assistant for Youth Affairs) (404–242–2134)

Region V
Mr. Hilton Baines, Regional Program Director, Office of Human Development, 300 South Wacker Drive, Chicago, Illinois 60606 (IL, IN, MN, OH, WI, MI), Attn: Ms. Katie Williams, Special Assistant for Youth Affairs (312–353–5183)

Region VI
Mr. Tommy Sullivan, Regional Program Director, Office of Human Development, 1200 Main Tower, 20th Floor, Dallas Texas 75202 (LA, NM, OK, TX, AR), Attn: Mr. Jerry Mabe, Special Assistant for Youth Affairs) (214–729–2979)

Region VII
Mr. German White, Regional Program Director, Office of Human Development, Federal Building, Room 384, 601 East 12th Street, Kansas City, Missouri 64106 (IA, KS, MO, NE), Attn: Ms. Linda D. Cloud, Special Assistant for Youth Affairs) (816–758–3981)

Region VIII
Mr. David Chapa, Regional Program Director, Office of Human Development, 19th and Stout Streets, Denver, Colorado 80202 (CO, MT, ND, SD, UT, WY), Attn: Mr. Albert A. Martinez, Special Assistant for Youth Affairs) (303–327–3106)

Region IX
Mr. Roy Fleischer, Regional Program Director, Office of Human Development, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102 (AZ, CA, HI, NV, GU, AS, TT), Attn: Mr. Roger Injayan, Special Assistant for Youth Affairs) (415–556–6178)

Region X
Mr. William Hayden, Regional Program Director, Office of Human Development, Arcade Plaza Building, Room 611, 1321 Second Avenue, Seattle, Washington 98101 (AK, ID, OR, WA), Attn: Mr. Leslie Rucker, Special Assistant for Youth Affairs) (206–399–0838)

(Catalog of Federal Domestic Assistance Program Numberr 13.623 Runaway and Homeless Youth Program)

Dated: February 20, 1981.

John Busa,
Acting Commissioner, Administration for Children, Youth and Families.

Approved: February 20, 1981.

Warren Master,
Acting Assistant Secretary for Human Development Services.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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13967, 13969 **Foreign Service** Executive orders (2 documents)

13965 **Save Your Vision Week** Presidential proclamation

13971 **Hazardous Waste** NRC sets forth licensing procedures for disposal of high-level radioactive wastes in geologic repositories; effective 3–27–81

14021 **Hazardous Waste** NRC solicits comments by 4–27–81, on petition by Sierra Club regarding possession of uranium mill tailings at inactive storage sites

14019 **Radiation Protection** NRC proposes exemption for ionizing radiation measuring instruments; comments by 4–13–81

14014 **Pesticides** EPA establishes tolerances for residues of carbaryl; effective 2–25–81

14072 **Wildlife** Interior/FWS announces availability of draft National Waterfowl Management Plan; comments by 5-1-81

14063 **Medicare and Medicaid** HHS/HCFA amends schedules of salary equivalency guidelines for physical and respiratory therapy services; comments by 4–27–81

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

14069 Grant Programs—Community Development HUD/CPD announces availability of selection criteria for Small Cities Program Grants for FY 81 in Wisconsin; preapplications between 3–17 and 3–31–81

13987 Usury Preemption FHLBB formally endorses "most favored lender" concept as a matter of policy; effective 4–1–80

14106 Government Securities Treasury invites tenders for designated Notes of May 15, 1986, Series D–1986

13988 Securities SEC requires reporting of supplementary information on effects of changing prices and expands safe harbor rule; effective 3–27–81

13992 Securities SEC provides for designation of national market system securities and requires dissemination of transaction and quotation information; effective 4–1–81 and 2–1–82, respectively

14006 Antidumping Commerce/ITA clarifies scope of duty order, effective 5–9–80, and corrects early determination, effective 2–25–81, on portable electric typewriters from Japan

14015 Archives and Records GSA/NARS provides specifications regarding use of accessioned records of Treasury; effective 2–25–81

14031 Privacy Act Document DOD/DARPA

14109 Sunshine Act Meetings

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Federal Register
Vol. 46, No. 37
Wednesday, February 25, 1981

Presidential Documents

Title 3—

The President

Proclamation 4821 of February 23, 1981

Save Your Vision Week

By the President of the United States of America

A Proclamation

Of all God's gifts, the ability to see is one of the most precious. It is the sense of sight that saves mankind from living in darkness. It is the sense of sight that permits individuals to communicate with each other and to future generations through literature and art. It enables man to enjoy the magnificence of a sunset and the promise of a rainbow.

Unfortunately, sight is often taken for granted. Few realize how many of our citizens lose their sight every year. Yet many forms of blindness can be cured if discovered soon enough, and many blinded by accident could have kept their sight had they taken only minor eye safety precautions.

Each of us has the responsibility to care for that which is ours. Our eyesight and the eyesight of our children should be paramount on the list of personal responsibilities. Money cannot buy it, but a check-up and early care can preserve it.

To remind all Americans of the importance of good vision and of the ways we can safeguard our eyesight, the Congress, by joint resolution approved December 20, 1973 (77 Stat. 629, 28 U.S.C. 169a), has requested the President to proclaim the first week in March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 1, 1981, as Save Your Vision Week. I urge all of our citizens to join this observance by showing greater concern for preserving vision and preventing eye injury at home, at work, and at play. Also, I call upon educators and communicators, as well as eye care professionals, to stress to the public the importance of eye care and eye safety for Americans of all ages.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of February, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America and two hundred and fifth.

Ronald Reagan

[FR Doc. 81-20
Filed 2-24-81; 10:52 am]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12292 of February 23, 1981

Foreign Service Act of 1980

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Foreign Service Act of 1980 (94 Stat. 2071; 22 U.S.C. 3901 *et seq.*), and in order to conform existing Executive Orders to changes resulting from that Act, it is hereby ordered as follows:

Section 1. Section 1(k) of Executive Order No. 9154, as amended, is amended by inserting immediately before the period at the end thereof a comma and the words "or under authority of section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943)".

Sec. 2. Section 1 of Executive Order No. 10471 is amended as follows:

(a) strike out "section 202(c) of the Annual and Sick Leave Act of 1951, as added by the act of July 2, 1953, Public Law 102, 83rd Congress" and insert in lieu thereof "section 6305(b) of title 5 of the United States Code";

(b) strike out "said section 202(c)(2)" and insert in lieu thereof "said section 6305(b)";

(c) strike out "section 411 of the Foreign Service Act of 1946" and insert in lieu thereof "section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961)".

Sec. 3. Section 2 of Executive Order No. 10624, as amended, is amended as follows:

(a) In clause (1), strike out "Title II of the Overseas Differentials and Allowances Act" and insert in lieu thereof "subchapter III of chapter 59 of title 5 of the United States Code";

(b) Clause (2) is amended to read as follows: "so much of the authority vested in the Secretary of State by chapter 9 of Title I of the Foreign Service Act of 1980, as relates to allowances and benefits under the said chapter 9 of title I;"

Sec. 4. Executive Order No. 10903 is amended as follows:

(a) In the preamble, strike out "section 303 of the Foreign Service Act of 1946 (22 U.S.C. 843),";

(b) In section 1(a) strike out "section 111(3) of the Overseas Differentials and Allowances Act (74 Stat. 792)" and insert in lieu thereof "section 5921(3) of title 5, United States Code,";

(c) In Section 1(b):

(1) strike out "Title II of the Overseas Differentials and Allowances Act" and insert in lieu thereof "subchapter III of chapter 59 of title 5 of the United States Code,";

(2) strike out "202, 203, and 221(4)(B) of that Act" and insert in lieu thereof "5922(b), 5922(c), and 5924(4)(B) of that title";

(3) strike out "Title II of the Act" and insert in lieu thereof "said subchapter".

(d) In Section 1(c), strike out "section 22 of the Administrative Expenses Act of 1946 (added by section 311(a) of the Overseas Differentials and Allowances Act)" and insert in lieu thereof "section 5913 of title 5 of the United States Code".

(e) In Section 1(e):

(1) strike out "235(a)(2)" and insert in lieu thereof "235(2)"; and

(2) strike out "section 901 of the Foreign Service Act of 1946, as amended" and insert in lieu thereof "section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085)".

(f) strike out paragraphs (d) and (f) of Section 1 and redesignate paragraphs (e) and (g) thereof as paragraphs (d) and (e), respectively.

Sec. 5. Executive Order No. 11034 is amended by striking out in Section 5(c) after "provided by section" all that follows in that sentence and inserting in lieu thereof "310 of the Foreign Service Act of 1980 (22 U.S.C. 3950).".

Sec. 6. Executive Order No. 11219 is amended as follows:

(a) Section 1 is amended by striking out "officer or employee" and inserting in lieu thereof "member";

(b) Section 1(b) is amended by inserting after "as amended," "the Foreign Service Act of 1980," and by striking out "that Act" and inserting in lieu thereof "the latter Act";

(c) Section 5 is amended by striking out "an officer or employee in" and inserting in lieu thereof "a member of" and by inserting after "as amended," "the Foreign Service Act of 1980," and by striking out "that Act" and inserting in lieu thereof "the latter Act".

Sec. 7. Executive Order No. 12137 is amended as follows:

(a) Section 1-111 is amended by striking out "1946, as amended" and inserting in lieu thereof "1980".

(b) Section 1-401 is amended by striking out "528 of the Foreign Service Act of 1946 (22 U.S.C. 928)" and inserting in lieu thereof, "310 of the Foreign Service Act of 1980 (22 U.S.C. 3950)".

Sec. 8. Executive Order No. 12163 is amended as follows:

(a) Section 1-201(a)(14) is revoked.

(b) Section 1-201(b) is amended by inserting "and" following "602(q)," and by striking out "and 625(k)(1)";

(c) Section 1-602(a) is amended by striking out "625(d)(1)" each time it appears and inserting in lieu thereof "625(d)".

(d) Section 1-602(b) is amended by striking out "section 528 of the Foreign Service Act of 1946" and inserting in lieu thereof "section 310 of the Foreign Service Act of 1980 (22 U.S.C. 3950)".

(e) Section 1-603 is amended by striking out after "allowances", all that follows through "Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*)," and inserting in lieu thereof "authorized for a chief of mission as defined in section 102(a)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3902(a)(3)),".

Sec. 9. Executive Order No. 12228 is amended as follows:

(a) Section 1-102(c)(1) is amended by striking out "Section 911(9) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9))" and inserting in lieu thereof "Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6))";

(b) Section 1-103 is amended by striking out "Foreign Service Act of 1946, as amended" and inserting in lieu thereof "Foreign Service Act of 1980".

Sec. 10. The following are hereby revoked:

(a) Executive Order No. 9452 of June 26, 1944;

(b) Executive Order No. 9799 of November 8, 1946;

(c) Executive Order No. 9837 of March 27, 1947;

(d) Executive Order No. 9932 of February 27, 1948;

(e) Executive Order No. 10249 of June 4, 1951;

(f) Section 2 of Executive Order No. 10477 of August 1, 1953;

(g) Executive Order No. 10897 of December 2, 1960;

(h) Part III of Executive Order No. 11264 of December 31, 1965, as amended;

(i) Sections 1, 3, and 5 of Executive Order No. 11434 of November 8, 1968;

(j) Executive Order No. 11636 of December 17, 1971;

(k) Executive Order No. 12066 of June 29, 1978;

(l) Executive Order No. 12145 of July 18, 1979;

(m) Section 1-104(b) of Executive Order No. 12188 of January 2, 1980.

Sec. 11. This Order shall be effective as of February 15, 1981.

Ronald Reagan

THE WHITE HOUSE,
February 23, 1981.

[FR Doc. 81-21
Filed 2-24-81; 10:53 am]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12293 of February 23, 1981

The Foreign Service of the United States

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Foreign Service Act of 1980 (94 Stat. 2071, 22 U.S.C. 3901 *et seq.*), Section 202 of the Revised Statutes (22 U.S.C. 2656), and Section 301 of Title 3 of the United States Code, and in order to provide for the administration of the Foreign Service of the United States, it is hereby ordered as follows:

Section 1. There are hereby delegated to the Secretary of State those functions vested in the President by Sections 205, 401(a), 502(c), 613, and 801 of the Foreign Service Act of 1980, hereinafter referred to as the Act (22 U.S.C. 3925, 3942(a)(1), 3892(c), 4013, and 4041).

Sec. 2. The Secretary of State shall, in accord with Section 205 of the Act (22 U.S.C. 3925), consult with the Secretary of Agriculture, the Secretary of Commerce, the Director of the International Communication Agency, the Director of the United States International Development Cooperation Agency, the Director of the Office of Personnel Management, and the Director of the Office of Management and Budget, in order to ensure compatibility between the Foreign Service personnel system and other government personnel systems.

Sec. 3. The Secretary of State shall make recommendations to the President through the Director of the Office of Management and Budget whenever action is appropriate under Section 827 of the Act (22 U.S.C. 4067) to maintain existing conformity between the Civil Service Retirement and Disability System and the Foreign Service Retirement and Disability System.

Sec. 4. In accord with Section 402 of the Act (22 U.S.C. 3962), there are established the following salary classes with titles for the Senior Foreign Service (SFS), at basic rates of pay equivalent to that established from time to time for the Senior Executive Service (ES) under Section 5382 of Title 5 of the United States Code.

Career Minister

(a) Basic rate of pay equivalent to ES 6.

Minister-Counselor

(a) Basic rate of pay equivalent to ES 6, or

(b) Basic rate of pay equivalent to ES 5, or

(c) Basic rate of pay equivalent to ES 4.

Counselor

(a) Basic rate of pay equivalent to ES 6, or

(b) Basic rate of pay equivalent to ES 5, or

(c) Basic rate of pay equivalent to ES 4, or

(d) Basic rate of pay equivalent to ES 3, or

(e) Basic rate of pay equivalent to ES 2, or

(f) Basic rate of pay equivalent to ES 1.

Sec. 5. There is hereby delegated to the Secretary of State, without further action by the President, the authority vested in the President by Section 2107

of the Act to the extent necessary to implement the provisions of Section 2101 of the Act, relating to pay and benefits pending conversion.

Sec. 6. (a) Pursuant to Section 211 of the Act (22 U.S.C. 3931), there is established in the Department of State the Board of Examiners for the Foreign Service.

(b) The Board shall be appointed by, and in accordance with regulations prescribed by, the Secretary of State, except that not less than five shall be career members of the Foreign Service and not less than seven shall be appointed as follows.

(1) not less than five shall be appointed by the heads of the agencies utilizing the Foreign Service personnel system;

(2) not less than one shall be a representative appointed by the Director of the Office of Personnel Management; and

(3) not less than one shall be a representative appointed by the Secretary of Labor.

(c) The Secretary of State shall designate from among the members of the Board a Chairman who is a member of the Service.

(d) The Secretary of State shall provide all necessary administrative services and facilities for the Board.

Sec. 7. For the purpose of ensuring the accuracy of information used in the administration of the Foreign Service Retirement and Disability System, the Secretary of State may request from the Secretary of Defense and the Administrator of Veterans Affairs such information as the Secretary deems necessary. To the extent permitted by law: (a) The Secretary of Defense shall provide information on retired or retainer pay provided under Title 10, United States Code; and, (b) the Administrator of Veterans Affairs shall provide information on pensions or compensation provided under Title 38 of the United States Code. The Secretary, in consultation with the officials from whom information is requested, shall ensure that information made available under this Order is used only for the purpose authorized.

Sec. 8. This Order shall be effective as of February 15, 1981.

Ronald Reagan

THE WHITE HOUSE,
February 23, 1981.

[FR Doc. 81-22
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 19, 20, 21, 30, 40, 51, 60, and 70

Disposal of High-Level Radioactive Wastes in Geologic Repositories: Licensing Procedures

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (Commission or NRC) is publishing a final rule on the disposal of high-level radioactive wastes at geologic repositories. The rule sets forth requirements applicable to the Department of Energy for submitting an application for a license and specifies the procedures which the Commission will follow in considering such an application. The rule also sets forth provisions for consultation and participation in the license review by State, local, and Indian tribal governments.

EFFECTIVE DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: I. C. Roberts, Assistant Director for Siting Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5985.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1979, the Nuclear Regulatory Commission published for comment a proposed rule setting forth procedures for licensing geologic high-level radioactive waste (HLW) repositories to be constructed and operated by the Department of Energy (DOE) (44 FR 70408). The proposed rule superseded the proposed General Statement of Policy published for comment in November 1978 (43 FR 53869). Public comment on the proposed rule (10 CFR Part 60) was received from thirty-four groups and individuals. A number of changes and clarifications have been made in the rule as a result of comments received. This rule contains only the procedural requirements for licensing. The technical criteria against which the license application will be reviewed are still under development. The current staff thinking on the technical criteria was reflected in an Advance Notice of Proposed Rulemaking and draft technical criteria published for public comment on May 13, 1980 (45 FR 31393).

The Commission has made a formal determination that the final rule 10 CFR Part 60 satisfies the criteria for the approval of significant regulations set out in section 2(d) of Executive Order 12044.

Authority

Sections 202 (3) and (4) of the Energy Reorganization Act of 1974, as amended, provide the NRC with licensing and regulatory authority regarding DOE facilities used primarily for the receipt and storage [1] of the high-level radioactive wastes resulting from activities licensed under the Atomic Energy Act and certain other long-term, high-level waste storage facilities of the DOE. Pursuant to that authority, the Commission is promulgating regulations appropriate for licensing geologic disposal of HLW by the DOE. The requirement in the rule that DOE submit a Site Characterization Report in advance of performing exploration activities also implements Section 14(a) of the NRC Authorization Act of 1979 (Pub. L. 95-601).[2] DOE is responsible for developing the methods and technology for the permanent disposal of high-level radioactive waste in a Federal repository, and for submitting a license application for a potential repository. The licensing procedures in this rule will be supplemented by technical criteria which will be developed by the Commission in the light of such generally applicable environmental standards as may have been established by the Environmental Protection Agency under Reorganization Plan No. 3 of 1970.

Questions have been raised in the past about the authority of NRC to regulate the construction of the waste repository. DOE activities that take place before an application if filed and may affect the long-term safety of the repository obviously may preclude receipt of a construction authorization. The Commission has concluded that NRC may use its powers to regulate construction of the repository. Accordingly, the Commission may, if necessary, issue orders to secure compliance with construction authorization conditions and to protect the integrity of the repository. In addition, failure to comply with the conditions of any construction authorization may also be grounds for denial of a license to receive material.

Comments

A total of thirty-four groups and individuals commented on the proposed rule, addressing a variety of issues. Most of the commenters viewed the proposed rule as a significant improvement over the proposed General Statement of Policy, and, generally, the comments were supportive of the principles and procedures outlined in the proposed rule. The principal comments received related to multiple site characterization, in situ testing at depth, cost estimates for site characterization, whether the rule should require that the site selected by DOE be the "best", whether an environmental impact statement (EIS) should be required for site characterization, whether the Commission should prepare an EIS for this rulemaking action, opportunities for State, local and public participation, formal public hearings, the preliminary nature of some information to be included in an application for construction authorization, and the termination of a license following decommissioning. Summaries of the comments received on these issues are presented below. Copies of the comments and an analysis of them by the NRC staff are available in the Commission's Public Document Room.

[1] The Commission interprets "storage" as used in the Energy Reorganization Act to include disposal.

[2] Section 14(a) reads as follows: Any person, agency, or other entity proposing to develop a storage or disposal facility, including a test disposal facility, for high-level radioactive wastes, non-high-level radioactive wastes including transuranium contaminated wastes, or irradiated nuclear reactor fuel, shall notify the Commission as early as possible after the commencement of planning for a particular proposed facility. The Commission shall in turn notify the Governor and the State legislature of the State of proposed situs whenever the Commission has knowledge of such proposal.

Some of the commenters raised issues that will be covered in the technical criteria; those will be dealt with in connection with the ongoing rulemaking for those criteria.

a. *Site Characterization.* Comments on site characterization straddled the Commission position set forth in the proposed rule. Some commenters agreed with the requirement for multiple site characterization as presented in the proposed rule. Some commenters expressed the opinion that multiple site characterization was not required for the Commission to fulfill its NEPA obligation to consider alternatives. The Commission has carefully reviewed arguments presented by the commenters who stated that multiple site characterization is not necessary. The Commission continues to believe that required multiple site characterization provides the only effective means by which it can make a comparative evaluation as a basis for arriving at a reasoned decision under NEPA. Other commenters believed that the requirements for multiple site characterization were not stringent enough, and suggested that the rule specify the number of geologic media and sites to be characterized by the DOE. The Commission continues to believe that characterization of several sites will prevent a premature commitment by DOE to a particular site, and will assure that DOE's preferred site will be chosen from a slate of candidate sites that are among the best that can reasonably be found. The Commission considers three sites in two geologic media, at least one of which is not salt, to be the minumum number needed to satisfy NEPA. That is, the Commission can foresee no circumstance that would permit it to conclude, on the basis of a more limited investigation, that alternatives have been considered in accordance with the "rule of reason." Further it is the present judgment of the Commission that for purposes of making a reasoned choice there is not sufficient difference between bedded salt and domed salt for them to be considered two distinct alternative media. However, because the "rule of reason" is intrinsically flexible, the Commission does not believe that it would be appropriate for these regulations to specify more than the minimum number or type of geologic media and sites that DOE must characterize during multiple site characterization. What is important is that there be sufficient information for NRC to be able to evaluate real alternatives, in a timely manner, in accordance with NEPA.

Information on plans for considering alternative sites is to be included in the Site Characterization Report. This provision was questioned by some commenters. This information is needed so that any deficiency may be the subject of "specific recommendations" by the Director of the NRC's Office of Nuclear Material Safety and Safeguards, (Director) as provided in § 60.11(e), with respect to additional information that might be needed by the Commission in reviewing a license application in accordance with NEPA.

Another commenter raised the issue that in addition to the need to consider alternatives under the provisions of NEPA, the need for characterizing several sites in a variety of media is also justified by NRC's obligation under the Atomic Energy Act to protect public health and safety. The Commission recognizes that, under the provisions of the Atomic Energy Act, a consideration of alternatives might indeed be appropriate, where necessary or desirable to protect health. (Section 161g.) The Commission cannot say at this point that an examination of alternatives would be essential for this purpose. The Commission anticipates that its fundamental licensing inquiry in the context of evaluating radiological safety issues will be directed to determining whether the activities proposed by the DOE can be carried out in a manner consistent with generally applicable environmental standards established by the Environmental Protection Agency.

The Commission also continues to believe that waste form research is an appropriate topic for treatment in the Site Characterization Report, as the discussion may lead to specific recommendations by the Director, and, as well, contribute to early examination and broader understanding of possible waste form/host rock interactions. Further, wording of § 60.11(a) has been changed from "waste form" to "waste form and packaging" to convey better the concept that the NRC will seek information relating to the interaction of the waste as emplaced (hence including packaging) with the host rock.

In response to one commenter's suggestion that the Site Characterization Report be made to NRC on a site by site basis, § 60.11(a) has been revised to require DOE to submit a separate Site Characterization Report for each site to be characterized.

There were also suggestions that the distinction between site characterization and screening activities be drawn more sharply. However, because the activities needed prior to characterization may depend on a variety of factors peculiar to the site and geologic medium, the Commission has concluded that greater precision might be unduly restrictive.

The DOE requested clarification of the term "site". Definitions of both the terms "site" and "medium" will be set forth when the technical criteria are published.

b. *In Situ Testing at Depth.* Several commenters supported the Commission view on in situ testing at depth. Some commenters, noting the importance of in situ testing at depth, suggested that the rule require the DOE to include in situ testing at depth in its site characterization program. The U.S. Geological Survey (USGS) supported required in situ testing at depth at a number of sites prior to NRC adjudicatory hearings, so that such hearings could proceed on the basis of critical, site-specific data on the candidate host rocks and environs rather than on inferences derived from a limited number of drill holes supplemented by geophysical techniques. The USGS expressed the opinion that direct observation and in situ testing of host media will be the only way to characterize sites with confidence. Several other commenters objected to the Commission suggestion that in situ testing at depth may be necessary. The possibility of in situ testing at depth after a preferred repository site has been selected was also suggested.

The Commission, like the USGS, believes that in situ testing at depth[3] is an essential technique for DOE to obtain sufficient data to determine whether and to what extent the surrounding geologic medium is suitable for hosting a geologic repository. This belief is supported by the ever-present possibility of lateral changes in the properties of the host rock and the possible presence of inhomogeneities of too small a scale to be detected by remote or borehole techniques. Moreover, in order for NRC to be able to conclude that the alternatives to DOE's preferred site are in fact reasonable alternatives for the intended purpose, in situ testing at depth is essential to characterizing alternative sites as well. The NRC will then be able to determine, after considering all relevant environmental factors as contemplated by NEPA, whether a construction authorization at DOE's proposed site should be issued. Thus, the Commission requires in situ testing at depth in the rule. It is conceivable, however, that techniques may be developed to obtain the necessary data at a particular site without in situ testing at depth. In such a case, DOE may request an exemption from the in situ testing at depth requirement. DOE, like any applicant for an NRC license, has the burden of establishing that NRC requirements have been met; and the regulations require DOE to undertake any testing needed to determine the suitability of the site for a geologic repository. Thus, if exploration and in situ testing at depth were not undertaken, DOE would still have the same burden of obtaining and supplying to the Commission information needed to establish the suitability of the site.

[3] The Commission interprets the phrase "in situ testing at depth" to mean the conduct of those geophysical, geochemical, hydrologic, and/or rock mechanics tests performed from a test area at the base of a shaft excavated to the proposed depth of a potential repository in order to determine the suitability of a particular site for a geologic repository.

c. *Cost Estimates for Site Characterization.* Cost estimates for site characterization cited in the Supplementary Information accompanying the proposed rule were regarded by some commenters as being too low. Much of the data for the cost estimate of $20 million per site was derived from the Teknekron Inc. report, "A Cost Optimization Study for Geologic Isolation of Radioactive Wastes," May 1979, prepared under contract with Battelle Pacific Northwest Laboratories. The NRC staff has reexamined its previous estimate and still believes that figure of $20 million was a realistic estimate for the "at depth" portion of the site characterization program considered at that time. Independent support of this figure has been obtained from the cost summary of $16 million for a program during 1978–1979 analogous to site characterization conducted by the Bureau of Mines at its Environmental Research Facility in Colorado.

The DOE has developed a preliminary design for an underground test facility in New Mexico at which many site characterization activities could be conducted. The estimated cost of the facility was $27 million (1980 dollars). This figure has been confirmed by American Mine Services under contract to NRC. The scope of the DOE preliminary design surpasses the extent of activities suggested for the "at depth" portion of site characterization in the proposed rule. For example, the DOE Site Preliminary Verification Project Plan includes extensive underground mining development. The Commission has come to believe, however, that a facility consisting of two shafts and up to 1,000 feet of tunnels is a more practical arrangement for conducting tests and experiments at depth for site characterization. Therefore, the Commission believes a $25–30 million figure represents the upper limit for the "at depth" portion of site characterization in soft rock. Cost estimates for site characterization including in situ testing at depth in hard rock may range up to 30% more than cost figures for soft rock.

d. *The "Best" Site.* Some commenters suggested that the final rule should require that the site selected by the DOE be the "best". Yet other commenters thought that the Commission was setting an unattainable goal of perfection for the selection of the site for a geologic repository. It remains the Commission's view that the process of multiple site characterization provides a workable mechanism by which the DOE will be able to develop a slate of candidate sites that are among the best that can reasonably be found and from which DOE will select its preferred site.

It generally has been NRC practice to consider only whether a license application meets prescribed criteria. The Commission perceives no reason to adopt a different philsophy here.

e. *Environmental Impact Statement.* Some commenters believed that the NRC should require that the DOE submit an Environmental Impact Statement (EIS) at the site characterization stage. Other commenters believed that DOE need only submit an Environmental Report or an Envirionmental Assessment for site characterization. In its comment letter on the proposed rule, the DOE stated that a decision to bank or withdraw a site or to conduct a site characterization by more extensive methods such as sinking a shaft will require the preparation of an EIS. In any event, since NRC is undertaking no "major Federal action" in connection with site characterization, it has no statutory basis for prescribing what steps DOE must take in order to be in compliance with NEPA.

The rule requires submission of an Environmental Report along with the Safety Analysis Report at the time of application for a license. If DOE has prepared an EIS that document can be used so long as it contains the information called for by the regulation. However, NRC cannot be bound to accept judgments arrived at by DOE in its EIS.

One commenter suggested that the NRC should prepare an EIS for the rulemaking action. The Commission determined that this was not necessary as part of its review and approval of publication of the proposed rule. Instead, an Environmental Impact Appraisal was prepared for those requirements which might have environmental impacts. Those impacts were found not to be significant. This Environmental Impact Appraisal has recently been updated and no new impact was found to be significant. A copy of the updated appraisal is available for inspection and copying at the Commission's Public Document Room.

f. *State, Local, and Public Participation.* The proposed rule included detailed provisions to ensure extensive opportunities for participation by State and local governments and the general public in the review of the DOE's programs for site selection and site characterization. The consultation role of the States in reviewing applicable NRC regulations and licensing procedures, as well as participation in the licensing process, was treated explicitly in the proposed rule. However, a more formal role of "consultation and concurrence" for States was requested by some commenters. Suggestions were also made that the Commission require the DOE to solicit input from State, Indian tribal and local governments as well as from the general public prior to and during site characterization.

The Commission's views on this subject were set out at length in a report submitted to the Congress on "Means for Improving State Participation in the Siting, Licensing and Development of Federal Nuclear Facilities," NUREG–0539, March 1979, cited in the Supplementary Information accompanying the proposed rule. The concerns of the commenters on broad policy issues such as "consultation and concurrence" would require actions by parties other than the Commission. Within the context of NRC's existing authority, appropriate opportunities for meaningful State and public participation have been developed. No serious deficiencies in these opportunities have been pointed out to the NRC. In addition, the provisions of the NRC's open meeting policy set forth at 43 FR 28058 (June 28, 1978) will also be applied to the licensing of a geologic repository to the extent practicable. Under this policy, generally, all meetings conducted by the NRC technical staff as part of its review of a particular domestic license or permit application will be open to attendance by all parties or petitioners for leave to intervene in the case. The Commission strongly encourages the Director to conduct open meetings prior to a license application to the extent reasonable for matters such as periodic status reports and similar proceedings.

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It should be noted, however, that proposals for intervenor funding have not been incorporated as suggested by some commenters. This question may be addressed separately in the context of rulemaking applicable to various adjudicatory proceedings, should the Commission be given statutory authority, which it now lacks, to provide such funding.

In response to commenters' suggestions, the rule has been clarified with respect to notice to and participation by Indian tribes.

g. *Public Hearings.* The issue of whether public hearings should be mandatory during the pre-licensing and/or licensing stages of geologic disposal of HLW was addressed by a numbers of commenters. Two commenters suggested that hearings be required prior to site characterization. One commenter suggested that public hearings should be held in the vicinity of a proposed site prior to the approval of a Site Characterization Report, while another commenter suggested that hearings be held prior to in situ testing at depth. It was also proposed by another commenter that public hearings be held on DOE's research and development work on waste forms. Finally, two other commenters believed that formal hearings should be mandatory prior to granting construction authorization to DOE. These issues were discussed at the time the rule was proposed. The Commission then concluded, in light of the limited information available at the site characterization stage, that formal hearings were not warranted at that point. The commenter did not deny the relevance of the policy considerations identified by the Commission, but would have balanced these considerations differently. But this is a matter of judgment, and the NRC adheres to its original position for the reasons then offered. Also, the NRC must decline to review DOE research and development programs formally. NRC's statutory authority includes "licensing and related regulatory authority" as to certain DOE facilities. Although it is important to follow DOE's program closely, the Commission would not be warranted in formalizing a review process with respect to that program.

In reviewing the procedures for formal proceedings in connection with licensing, the Commission has determined that hearings would be in the public interest prior to the granting of construction authorization. An amendment (in § 2.101(f)(8)) has the effect of mandating such hearings. In addition, hearings will be held upon the request of any interested person prior to finally granting a license to receive and possess high-level radioactive waste at a geologic repository operations area and before granting license amendments to decommission or terminate a license.

As in the case of facility licensing matters, ex parte communications would be restricted while on-the-record proceedings are pending. Because a construction authorization (unlike a construction permit) is not a license, its issuance does not constitute a final decision on the pending application. To avoid any unintended implication that the ex parte rule (10 CFR 2.780) would apply between the construction authorization proceedings and the commencement of formal proceedings prior to receipt of wastes, that rule has been amended to provide specifically that a final decision with respect to issuance of construction authorization will be deemed, unless the Commission orders otherwise, to terminate, for purposes of the ex parte rule, formal proceedings then pending before the NRC with respect to the application.

The rule has also been revised to provide that in cases involving public hearings, the initial decision of the presiding officer shall not be immediately effective. (§ 2.764.) It is further provided that even if no hearing has been held, the Director of Nuclear Material Safety and Safeguards will not issue a construction authorization, license, or significant amendment until expressly authorized to do so by the Commission. The Commission has not yet determined the specific procedures for agency review of an initial decision. It will be the Commission's intention, however, to provide expeditious action on an initial decision to avoid any undue delays in the licensing process. These changes, while not issued in direct response to commenters' suggestions, reflect sentiments that the Commission itself should be involved in major decisions on these facilities.

h. *Preliminary Nature of the Information to be Included in an Application for Construction Authorization.* A number of commenters expressed the opinion that the wording of § 60.21 did not explicitly reflect the preliminary nature of some of the information that would be available at the construction authorization stage. Some commenters believed that certain categories of information, such as emergency plans and plans for retrieval, did not seem necessary, at least in full detail, at the construction authorization stage. In view of the fact that § 60.21 must be read in conjunction with § 60.24(a), which specifies that the application "shall be as complete as possible in light of information that is reasonably available at the time of docketing," no change to the proposed rule is required. Further, § 60.24(b) specifically lists several categories of information which, where appropriate, may be left for consideration only at the state of license issuance.

i. *Termination of a License.* Two commenters opposed the provisions (§ 60.52) for the termination of a license for a repository after decommissioning. The Commission believes that there will be considerable debate regarding license termination during the period between adoption of rules and implementation of their provisions. Although the Commission could have omitted the topic altogether, it believes that some recognition of the issue is desirable so that the rule covers the entire process. It should be noted that there is no assurance under the language that the license would be terminated since a decision to do so could only be made if "authorized by law." The Commission wishes to emphasize that criteria to be used in making a decision to decommission a repository are not included in this procedural rule but will be set forth either within the technical criteria of Part 60 or as a future regulation or policy statement.

Changes

The final rule contains the following changes from the proposed rule as published in December 1979.

a. *Definition of the term "Disposal".* Commenters noted that the proposed definition of the term "disposal" embodied the contradictory concepts of "permanent emplacement" and possible retrieval for purposes other than resource value. The definition has been modified to reflect usage of the term "disposal" in the rule as the condition in which isolation is required. (§ 60.2(f))

b. *Incidental Uses of Radioactive Materials.* The DOE noted that the proposed rule could have the effect of prohibiting the use of source, special nuclear, and byproduct materials at the site during site characterization and facility construction. The DOE referred to the desirability of being able to use such materials, for example, as radiography sources and radiation monitoring test sources. There may also be a need to employ a small amount of radiactive material for in situ testing in the course of site characterization activities.

The Commission did not intend to restrict DOE's use of radioactive materials for the stated purposes, and has clarified the point by adding a new section, § 60.7, which expressly recognizes that DOE (which is exempt from NRC licensing except as expressly required to be licensed) need not be licensed for such preliminary activities. This is not an exemption under the exemption provisions of the Atomic Energy Act, but rather an interpretation of the Commission's jurisdiction under Section 202 of the Energy Reorganization Act of 1974. In other words, the "facility" that the NRC is licensing is one at which high-level radioactive wastes are actually stored. To the extent that the procedures call for earlier NRC involvement, that involvement would be undertaken with a view to long-term health and safety considerations; but during site characterization and prior to emplacement of waste, there would be no "facility" for storage of high-level waste and no basis for the exercise of licensing authority over the incidental use of source, special nuclear, and byproduct material by DOE.

Once operations at a facility have been licensed, the Commission believes it should regulate the use of all licensable materials onsite, so as to avoid fragmentation of responsibility and accountability with respect to radiological safety (particularly as it may affect occupational exposures).

The change does not respond to the DOE's additional concern that the proposed rule would prohibit construction and operation of a surface facility for the storage of spent reactor fuel at a repository site prior to issuance of a Part 60 license. Should this situation actually arise in practice, the Commission would consider granting an exemption so as to permit licensing to be carried out under other parts of NRC regulations.

c. *Site Characterization.* Following detailed consideration of public comments, the Commission has decided to require in situ testing at depth and to specify the minimum number of sites to be considered as alternatives during site characterization.

d. *Site Characterization Report.* One commenter on the proposed rule suggested that the description of the DOE's planned site characterization program include a preliminary design of the repository. Knowledge of the proposed design would help indicate how the testing program related to the repository layout. The Commission has made it explicit that the Site Characterization Report include a conceptual design of the geologic repository operations area. This is needed so as to permit analysis of certain aspects of the site characterization program. (§ 60.11(a).)

The provisions of § 60.11(a) have been modified by the addition of a footnote to indicate that information on the criteria and methods used for site selection, identification and location of alternative sites and media, and the decision process used to select the site, including means used to obtain State, Indian tribal and public views, which all can be expected to be in DOE's Environmental Impact Statement for site characterization, need not be duplicated in the Site Characterization Report, but can be incorporated by reference.

§ 60.11(e) has been modified to state explicitly that a copy of NRC's final site characterization analysis and the Director's opinion will be transmitted to DOE.

The provisions of § 60.11(g) have been changed to require DOE to permit NRC staff to visit and inspect the site and observe excavations, borings, and in situ tests as they are done. The NRC believes that such a requirement is essential for NRC to determine that site characterization activities have no adverse impacts upon site safety.

The proposed rule contained provisions which would permit the DOE to include multiple sites in a single Site Characterization Report. In response to public comment, and for the sake of clarity, the final rule requires a separate Site Characterization Report for each site to be characterized.

The Commission reiterates that the Site Characterization Report will be reviewed by the NRC staff with opportunity for public comment on the NRC staff analysis of the DOE Site Characterization Report. DOE has indicated that it will provide opportunity for public comment on its Site Characterization Report prior to submittal to the NRC. Also, the Commission continues to anticipate that it will hold local public meetings in the immediate area of the site to be characterized. These meetings will be held both to disseminate information and to obtain public input which will be factored into the final version of the staff analysis.

The period for comment on the NRC's draft site characterization analysis has been extended from a minimum of 60 days to a minimum of 90 days in response to public comment. (§ 60.11(e))

The provision concerning semiannual progress reports has been expanded so as to provide additional guidance to the DOE on the contents of those reports. (§ 60.11(g)) In addition, § 60.11(g) now contains a provision which requires DOE to provide in report form, any information related to site characterization, when requested by the Director.

The rule has been revised to permit the Director to comment at any time in writing to DOE to express views on any aspect of site characterization (§ 60.11(h)).

e. *Content of License Application.* Provisions which set forth the general information to be included in an application have been expanded to include a description of site characterization work actually conducted by DOE at all sites considered and, as appropriate, explanations of why such work differed from the description of program in the Site Characterization Report for each site (60.21(b)(5)). It is expected that such a provision will facilitate the evaluation of DOE's site characterization by the public.

f. *Construction Authorization Findings.* The necessary findings by the Commission on environmental matters (§ 60.31(c)) have been revised to conform to the language in other portions of the Commission's regulations. Contrary to the views expressed by a commenter, the Commission regards this provision as being fully consistent with the requirements of NEPA. Further specificity may be provided, however, particularly with respect to the criteria for evaluating alternative sites at the time technical criteria are proposed.

The Commission has declined to modify the common defense and security finding, which one commenter characterized to be "so vague as to be of no consequence." The proposed "inimicality" findings, §§ 60.31(b) and 60.41(c), reflect the legal standards set forth in the Atomic Energy Act, in particular Section 57c.(2) thereof. The concerns here related generally to protection of classified information and materials, protection against loss or diversion of nuclear waste materials from the repository, and protection against radiological sabotage at the repository. Detailed regulations appear in other parts of this chapter on protection of classified matters and no further special provisions appear to be required for Part 60. See 10 CFR Part 2, subpart I, Part 25, Part 95. Radiation hazards associated with high-level radioactive wastes make them inherently unattractive as a target for diversion, and therefore no detailed provisions appear to be warranted at this time for protection against loss or diversion. The rule has been changed to require DOE to describe the elements of its plan to protect against sabotage. However, DOE, as a Federal agency operating under the Atomic Energy Act, has its own obligation to promote the common defense and security. Indeed, DOE is responsible under the Atomic

Energy Act for protection of materials and facilities far more sensitive from a safeguards standpoint than nuclear waste materials in a geologic repository. Therefore, the rule provides that a DOE certification that its repository operations area safeguards are equal to those at comparable DOE surface facilities shall constitute a rebuttable presumption on the question of inimicality to the common defense and security.

g. *Conditions of Construction Authorization.* The final rule specifies (§ 60.32(b)) that the construction authorization "will incorporate" conditions requiring the submission of certain periodic or special reports. This wording differs from that of the proposed rule which stated that the Commission "may, at its discretion incorporate" these conditions. The NRC agrees with a commenter that such reports will be needed and that there is no reason to reserve discretion, as the proposed rule would have done. The particulars of the conditions would, of course, depend upon the nature of the project that is to be constructed.

A new paragraph 60.32(c) has been included in the final rule to inform DOE that the construction authorization will include restrictions on subsequent changes to the features of the repository and the procedures authorized. These restrictions will fall into three categories of descending importance to public health and safety as follows: (1) those features and procedures which may not be changed without (i) 60 days prior notice to the Commission, (ii) 30 days notice of opportunity for a prior hearing, and (iii) prior Commission approval; (2) those features and procedures which may not be changed without (i) 60 days prior notice to the Commission, and (ii) prior Commission approval; and (3) those features and procedures which may not be changed without 60 days prior notice to the Commission. Features and procedures falling in category (3) may not be changed without prior Commission approval if the Commission, after having received the required notice, so orders.

Not every feature and procedure in the license application at the time the construction authorization is issued would need to be included in one of the three categories. There will be a number of matters that could be changed as construction progresses without prior notice to the Commission. Such changes would be brought to the Commission's attention when the license application is updated prior to issuance of a license to receive wastes. Also, it is contemplated that changes to features or procedures included in these categories of license conditions considered minor with respect to the public health and safety, could be made with prior notice to the Commission but without prior Commission approval.

h. *License Specifications.* The Commission has accepted a suggestion to delete a requirement for including, as license conditions, restrictions as to the location and characteristics of the storage medium. As noted by a commenter, these features may be inherent in the storage medium itself.

i. *Inspections.* The final rule contains a provision (§ 60.73(c)) requiring DOE to provide onsite office space for the exclusive use of NRC inspectors and personnel.

j. *Participation of Indian Tribes.* Several changes have been made in the rule to provide for full participation by Indian tribes in the licensing procedures. These changes generally provide that tribes shall have the same opportunities as governmental units. A new Section 60.64 provides that Indian Tribes shall have the same opportunities as States to submit proposals for their participation in the NRC review. These proposals shall be approved (and may be funded) if appropriate findings can be made concerning the contribution to be made to the licensing review. A new Section 60.65 makes it clear, however, that the Director shall endeavor to avoid duplication of effort when acting on multiple proposals, to the extent that this can be accomplished without substantial prejudice to the parties involved.

k. *Preparation of an Environmental Impact Statement prior to issuance of license to receive and possess HLW.* The requirement that the NRC prepare and circulate an EIS prior to issuing a license to receive and possess HLW has been deleted (51.5(a)(11)). Since an EIS will be prepared by NRC prior to granting construction authorization for a geologic respository operations area, it may not be necessary to prepare a second EIS. Rather, after the construction authorization stage, the NRC will perform environmental assessments, and, as appropriate, will supplement the EIS or determine that no such supplemental statement is required.

l. *Records and Tests.* The term "significant" has been deleted from Section 60.71(c)(3). The Commission requires notification of all deviations from license conditions.

m. *Definition of the term "Commission."* A definition of the term "Commission" has been added to the final rule to make it clear that in Part 60, the "Commission" means the Nuclear Regulatory Commission or its duly authorized representatives.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, Public Law 95-601 (November 6, 1978), the National Environmental Policy Act of 1969, as amended, and sections 552 and 553 of title 5 of the United States Code, notice is hereby given that the following amendments to Title 10, Chapter I, Code of Federal Regulations are published as a document subject to codification.

PART 2—RULES OF PRACTICE

1. Section 2.101 is amended to add a new paragraph (f) to read as follows:

§ 2.101 Filing of application.

* * * * *

(f)(1) Each application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter and any environmental report required in connection therewith pursuant to Part 51 of this chapter shall be processed in accordance with the provisions of this paragraph.

(2) To allow a determination as to whether the application or environmental report is complete and acceptable for docketing, it will be initially treated as a tendered document, and a copy will be available for public inspection in the Commission's Public Document Room. Twenty copies shall be filed to enable this determination to be made.

(3) If the Director of Nuclear Material Safety and Safeguards determines that the tendered document is complete and acceptable for docketing, a docket number will be assigned and the applicant will be notified of the determination. If it is determined that all or any part of the tendered document is incomplete and therefore not acceptable for processing, the applicant will be informed of this determination and the respects in which the document is deficient.

(4) The Director may determine the environmental report to be not complete and therefore not acceptable for processing if it fails to include the required site characterization data, including the results of appropriate in situ testing at depth for each site characterized, with respect to the number of sites and media specified in § 51.40 of this chapter. If such a determination is made, the Director shall request the DOE to submit, within a specified time, such characterization data as the Director determines to be necessary. If the DOE fails to provide the requested data within the time specified, the application shall be subject to denial under § 2.108.

(5) With respect to any tendered document that is acceptable for docketing, the applicant will be requested to (i) submit to the Director of Nuclear Material Safety and Safeguards such additional copies as the regulations in Parts 60 and 51 require, (ii) serve a copy on the chief executive of the municipality in which the geologic repository operations area is to be located or, if the geologic repository operations area is not to be located within a municipality, on the chief executive of the county (or to the Tribal organization, if it is to be located within an Indian reservation), and (iii) make direct distribution of additional copies to Federal, State, Indian Tribe, and local officials in accordance with the requirements of this chapter and written instructions from the Director of Nuclear Material Safety and Safeguards. All such copies shall be completely assembled documents, identified by docket number. Subsequently distributed amendments, however, may include revised pages to previous submittals and, in such cases, the recipients will be responsible for inserting the revised pages.

(6) The tendered document will be formally docketed upon receipt by the Director of Nuclear Material Safety and Safeguards of the required additional copies. The date of docketing shall be the date when the required copies are received by the Director of Nuclear Material Safety and Safeguards. Within ten (10) days after docketing, the applicant shall submit to the Director of Nuclear Material Safety and Safeguards a written statement that distribution of the additional copies to Federal, State, Indian Tribe, and local officials has been completed in accordance with requirements of this chapter and written instructions furnished to the applicant by the Director of Nuclear Material Safety and Safeguards. Distribution of the additional copies shall be deemed to be complete as of the time the copies are deposited in the mail or with a carrier prepaid for delivery to the designated addressees.

(7) Amendments to the application and environmental report shall be filed and distributed and a written statement shall be furnished to the Director of Nuclear Material Safety and Safeguards in the same manner as for the initial application and environmental report.

(8) The Director of Nuclear Material Safety and Safeguards will cause to be published in the **Federal Register** a notice of docketing which identifies the State and location at which the proposed geologic repository operations area would be located and will give notice of docketing to the governor of that State. The notice of docketing will state that the Commission finds that a hearing is required in the public interest, prior to issuance of a construction authorization, and will recite the matters specified in § 2.104(a) of this part.

2. Section 2.103(a) is revised to read as follows:

§ 2.103 Action on applications for byproduct, source, special nuclear material, and operator licenses.

(a) If the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, finds that an application for a byproduct, source, special nuclear material, or operator license complies with the requirements of the Act, the Energy Reorganization Act, and this chapter, he will issue a license. If the license is for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, or if it is to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, will inform the State, Indian Tribe, and local officials specified in § 2.104(e) of the issuance of the license.

* * * * *

3. Section 2.104(e) is revised to read as follows:

§ 2.104 Notice of hearing.

* * * * *

(e) The Secretary will give timely notice of the hearing to all parties and to other persons, if any, entitled by law to notice. The Secretary will transmit a notice of hearing on an application for a facility license or for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee or for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter to the Governor or other appropriate official of the State and to the chief executive of the municipality in which the facility is to be located or the activity is to be conducted or, if the facility is not to be located or the activity conducted within a municipality, to the chief executive of the county (or to the Tribal organization, if it is to be so located or conducted within an Indian reservation).

4. Section 2.105(a) is amended by adding new paragraphs (4) and (5), redesignating existing paragraph (4) as (6) amending the paragraph redesignated as (6), numbering the existing undesignated paragraph following renumbered paragraph (6) as (7) and adding a new final paragraph (8) to read as follows:

§ 2.105 Notice of proposed action.

(a) If a hearing is not required by the Act or this chapter, and if the Commission has not found that a hearing is in the public interest, it will, prior to acting thereon, cause to be published in the **Federal Register** a notice of proposed action with respect to an application for:

* * * * *

(4) A license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter;

(5) An amendment to a license specified in paragraph (a)(4) of this section, or an amendment to a construction authorization granted in proceedings on an application or such a license, when such amendment would authorize actions which may significantly affect the health and safety of the public; or

(6) Any other license or amendment as to which the Commission determines that an opportunity for a public hearing should be afforded.

(7) In the case of an application for an operating license for a facility of a type described in § 50.21(b) or § 50.22 of this chapter or a testing facility, a notice of opportunity for hearing shall be issued as soon as practicable after the application has been docketed.

(8) In the case of an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area, a notice of opportunity for hearing, as required by this paragraph, shall be published prior to Commission action authorizing receipt of such wastes; this requirement is in addition to the procedures set out in § 2.101(f)(8) and § 2.104 of this part, which provide for a hearing on the application prior to issuance of a construction authorization.

5. 10 CFR 2.105(e) is revised to read as follows:

* * * * *

(e) If no request for a hearing or petition for leave to intervene is filed within the time prescribed in the notice, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, may take the proposed action, inform the appropriate State and

local officials, and cause to be published in the **Federal Register** a notice of issuance of the license or other action. If a request for a hearing and/or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

* * * * *

6. Section 2.106 is amended by adding a new paragraph (c) to read as follows:

§ 2.106 Notice of issuance.

* * * * *

(c) The Director of Nuclear Material Safety and Safeguards will also cause to be published in the **Federal Register** notice of, and will inform the State, local, and Tribal officials specified in § 2.104(e) of any action with respect to, an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter, or for the amendment to such license for which a notice of proposed action has been previously published.

7. Section 2.764 is amended by revising the caption, by adding a new paragraph (d), and by making conforming changes to paragraphs (a) and (b) to read as follows:

§ 2.764 Immediate effectiveness of certain initial decisions.[1]

(a) Except as provided in paragraphs (c) and (d) of this section, an initial decision * * *

(b) Except as provided in paragraphs (c) and (d) of this section, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards * * *

* * * * *

(d) An initial decision directing the issuance of a construction authorization or license under Part 60 of this chapter (relating to disposal of high-level radioactive wastes in geologic repositories) or any amendment to such an authorization or a license authorizing actions which may significantly affect the health and safety of the public, shall become effective only upon order of the Commission. The Director of Nuclear Material Safety and Safeguards shall not issue a construction authorization or a license under Part 60 of this chapter, or any amendment to such an authorization or license which may significantly affect the health and safety of the public until expressly authorized to do so by the Commission.

8. Section 2.780 is amended by adding a new paragraph (g) to read as follows:

§ 2.780 Ex parte communications.

* * * * *

(g) In the case of an application of for a license under Part 60 of this chapter (relating to disposal of high-level radioactive wastes in geologic repositories), this Part requires a proceeding on the record prior to the issuance of a construction authorization. Unless the Commission orders otherwise, the issuance of a construction authorization (or a final decision to deny a construction authorization) shall be deemed, for purposes of this section, to terminate all proceedings on the record then pending before the NRC with respect to such application.

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

9. Section 19.2 is amended by adding "60," following "35, 40," to read as follows:

§ 19.2 Scope.

The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed by the Nuclear Regulatory Commission pursuant to the regulations in Parts 30 through 35, 40, 60, or 70 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter.

10. Section 19.3(d) is amended by adding "60," following "35, 40," to read as follows:

§ 19.3 Definitions.

As used in this part:

* * * * *

(d) "License" means a license issued under the regulations in Parts 30 through 35, 40, 60 or 70 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

11. Section 20.2 is amended by adding "60," following "35, 40," to read as follows:

§ 20.2 Scope.

The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed pursuant to the regulations in Parts 30 through 35, 40, 60 or 70 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter.

12. Section 20.3(a)(9) is amended by adding "60," following "30, 40," to read as follows:

§ 20.3 Definitions.

(a) As used in this part:

* * * * *

(9) "License" means a license issued under the regulations in Part 30, 40, 60 or 70 of this chapter. "Licensee" means the holder of such license.

§ 20.301 General requirement.

13. Section 20.301(a) is amended by adding "60," following "30, 40," to read as follows:

No licensee shall dispose of licensed material except:

(a) By transfer to an authorized recipient as provided in the regulations in Part 30, 40, 60, or 70 of this chapter, whichever may be applicable; or

* * * * *

14. Section 20.408 is amended by deleting the word "or" following the phrase "of this chapter;" in paragraph (a)(3), redesignating paragraph (4), including the table and accompanying note 1, as paragraph (5) and adding a new paragraph (4). Amended paragraph (a)(3) and new paragraph (a)(4) read as follows:

§ 20.408 Reports of personnel monitoring on termination of employment or work.

(a) * * *

(3) Possess or use at any one time, for purposes of fuel processing, fabricating, or reprocessing, special nuclear material in a quantity exceeding 5,000 grams of contained uranium-235, uranium-233, or plutonium or any combination thereof pursuant to Part 70 of this chapter;

(4) Possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter; or

* * * * *

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

15. Section 21.2 is amended by inserting "60," after "35, 40," and also by inserting "60," after "40, 50," to read as follows:

§ 21.2 Scope.

The regulations in this part apply except as specifically provided otherwise in Parts 31, 34, 35, 40, 60 or 70 of this chapter, to each individual, partnership, corporation, or other entity licensed pursuant to the regulations in this chapter to possess, use, and/or transfer within the United States source, byproduct and/or special nuclear materials, or to construct, manufacture, possess, own, operate and/or transfer within the United States, any production or utilization facility, and to each director (see § 21.3(f)) and responsible officer (see § 21.3(j)) of such a licensee. The regulations in this part apply also to each individual, corporation, partnership or other entity doing business within the United States, and each director and responsible officer of such organization, that constructs (see § 21.3(c)) a production or utilization facility licensed for manufacture, construction or operation (see § 21.3(h)) pursuant to Part 50 of this chapter or supplies (see § 21.3(l)) basic component (see § 21.3(a)) for a facility or activity licensed, other than for export, under Parts 30, 40, 50, 60, 70, or 71.

§ 21.3 Definitions. [Amended]

16. Section 21.3 is amended by adding the number "60" after "40, 50," wherever it appears in paragraphs (a), (a–1), and (k).

§ 21.21 Notification of failure to comply or existence of a defect.

17. Section 21.21(b)(1) is amended by adding the number "60" after "40, 50" wherever it appears in § 21.21(b)(1)(i) and (ii).

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

18. Section 30.11 is amended by adding a new paragraph (c).

§ 30.11 Specific exemptions.

* * * * *

(c) The DOE is exempt from the requirements of this part to the extent that its activities are subject to the requirements of Part 60 of this chapter.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

19. Section 40.14 is amended by adding a new paragraph (c).

§ 40.14 Specific exemptions.

* * * * *

(c) The DOE is exempt from the requirements of this part to the extent that its activities are subject to the requirements of Part 60 of this chapter.

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

20. Section 51.5(a) is amended by redesignating paragraph (11) as paragraph (12) and adding a new paragraph (11) to read as follows:

§ 51.5 Actions requiring preparation of environmental impact statements, negative declarations, environmental impact appraisals; actions excluded.

(a) * * *

(11) Issuance of a construction authorization for a geologic repository operations area pursuant to Part 60 of this chapter.

* * * * *

21. Section 51.5(b)(4) is amended by changing the periods at the end of (b)(4)(iii) and (b)(4)(iv) to semicolons and adding the word "and" after the new semicolon at the end of paragraph (b)(iv), adding a new paragraph (v); substituting subparagraph (v) for subparagraph (iv) in paragraph (5); inserting "60" following "40," and "50," in paragraph (6); and adding new paragraphs (10) and (11). New paragraphs (b)(4)(v) and (10) and (11) read as follows:

(b) * * *

(4) * * *

(v) The receipt and possession of high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter.

* * * * *

(10) Termination of a license for the possession of high-level radioactive waste at a geologic repository operations area at the request of the licensee.

(11) Issuance of a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter.

22. Section 51.5(d)(3) is amended by adding "60," following "40, 50," to read as follows:

* * * * *

(d) * * *

(3) Non-substantive and insignificant amendments (from the standpoint of environmental impact) of Parts 20, 30, 40, 50, 60, 70, 71, 73, 100, or 110 of this chapter; and

* * * * *

23. Section 51.40 is amended by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 51.40 Environmental reports.

(a) Except as provided in paragraphs (b), (c) and (d) of this section, applicants for permits, licenses, and orders, and amendments thereto and renewals thereof, covered by § 51.5(a) shall submit to the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, 150 copies of an environmental report which discusses the matters described in § 51.20. Petitioners for rule making covered by § 51.5(a) shall submit to the Director of Standards Development fifty (50) copies of an environmental report which discusses the matters described in § 51.20.

* * * * *

(d) The DOE, as an applicant for a license to receive and possess radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter, shall submit at the time of its application or in advance, and at the time of amendments, in the manner provided in § 60.22 of this chapter, environmental reports which discuss the matters described in § 51.20. The discussion of alternatives shall include site characterization data for a number of sites in appropriate geologic media so as to aid the Commission in making a comparative evaluation as a basis for arriving at a reasoned decision under NEPA. Such characterization data shall include results of appropriate in situ testing at repository depth unless the Commission finds with respect to a particular site that such testing is not required. The Commission considers the characterization of three sites representing two geologic media at least one of which is not salt to be the minimum necessary to satisfy the requirements of NEPA. (However, in light of the significance of the decision selecting a site for a repository, the Commission fully expects the DOE to submit a wider range of alternatives than the minimum required here.)

24. Section 51.41 is amended to read as follows:

§ 51.41 Administrative procedures.

Except as the context may otherwise require, procedures and measures similar to those described in §§ 51.22–51.26 will be followed in proceedings for the issuance of materials licenses and other actions covered by § 51.5(a) but not covered by § 51.20 or 51.21. The procedures followed with respect to materials licenses will reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation. In the case of an application for a license to receive and possess high-level radioactive waste at a geologic repository operations area pursuant to Part 60 of this chapter, however, the environmental impact statement required by § 51.5(a) shall be prepared and circulated prior to the issuance of a construction authorization; the environmental impact statement shall be supplemented prior to issuance

[1] The temporary suspension of § 2.764 (a) and (b) in certain proceedings and related matters is addressed in Appendix B to this part.

of a license to take account of any substantial changes in the activities proposed to be carried out or significant new information regarding the environmental impacts of the proposed activities.

25. A new Part 60 is added to read as follows:

PART 60—DISPOSAL OF HIGH LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

Subpart A—General Provisions

Sec.

60.1 Purpose and scope.
60.2 Definitions.
60.3 License required.
60.4 Communications.
60.5 Interpretations.
60.6 Exemptions.
60.7 License not required for certain preliminary activities.

Subpart B—Licenses

Preapplication Review

60.10 Site characterization.
60.11 Site Characterization Report.

License Applications

60.21 Content of application.
60.22 Filing and distribution of application.
60.23 Elimination of repetition.
60.24 Updating of application and environmental report.

Construction Authorization

60.31 Construction authorization.
60.32 Conditions of construction authorization.
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License Issuance and Amendment

60.41 Standards for issuance of a license.
60.42 Conditions of license.
60.43 License specifications.
60.44 Changes, tests, and experiments.
60.45 Amendment of license.
60.46 Particular activities requiring license amendment.

Decommissioning

60.51 License amendment to decommission.
60.52 Termination of license.

Subpart C—Participation by State Governments and Indian Tribes

60.61 Site review.
60.62 Filing of proposals for State participation.
60.63 Approval of proposals.
60.64 Participation by Indian tribes.
60.65 Coordination.

Subpart D—Records, Reports, Tests, and Inspections

60.71 Records and reports.
60.72 Tests.
60.73 Inspections.

Authority: Secs. 51, 53, 62, 63, 65, 81, 161b., f., i., o., p., 182, 183, Pub. L. 83–703, as amended, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); Secs. 202, 206, Pub. L. 93–438, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); Sec. 14, Pub. L. 95–601 (42 U.S.C. 2021a); Sec 102(2)(c), Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332).

For the purposes of Sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, §§ 60.71 to 60.73 are issued under Sec. 161o., 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Subpart A—General Provisions

§ 60.1 Purpose and scope.

This part prescribes rules governing the licensing of the U.S. Department of Energy to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area. This part does not apply to any activity licensed under another part of this chapter.

§ 60.2 Definitions.

As used in this part:

(a) "Candidate area" means a geologic and hydrologic system within which a geologic repository may be located.

(b) "Commencement of construction" means clearing of land, surface or subsurface excavation, or other substantial action that would adversely affect the environment of a site, but does not include changes desirable for the temporary use of the land for public recreational uses, site characterization activities, other preconstruction monitoring and investigation necessary to establish background information related to the suitability of a site or to the protection of environmental values, or procurement or manufacture of components of the geologic repository operations area.

(c) "Commission" means the Nuclear Regulatory Commission or its duly authorized representatives.

(d) "DOE" means the U.S. Department of Energy or its duly authorized representatives.

(e) "Decommissioning", or "permanent closure", means final backfilling of subsurface facilities, sealing of shafts, and decontamination and dismantlement of surface facilities.

(f) "Disposal" means the isolation of radioactive wastes frm the biosphere.

(g) "Director" means the Director of the Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards.

(h) "Geologic repository" means a system which is intended to be used for, or may be used for, the disposal of radioactive wastes in excavated geologic formations. A geologic repository includes (1) the geologic repository operations area and (2) all surface and subsurface areas where natural events or activities of man may change the extent to which radioactive waste are effectively isolated from the biosphere.

(i) "Geologic repository operations area" means an HLW facility that is part of a geologic repository, including both surface and subsurface areas, where waste handling activities are conducted.

(j) "High-level radioactive waste" or "HLW" means (1) irradiated reactor fuel, (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel, and (3) solids into which such liquid wastes have been converted.

(k) "HLW facility" means a facility subject to the licensing and related regulatory authority of the Commission pursuant to Sections 202(3) and 202(4) of the Energy Reorganization Act of 1974 (88 Stat 1244).[5]

(l) "Indian Tribe" means an Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (Public Law (93–638).

(m) "Important to safety," with reference to structures, systems, and components, means those structures, systems, and components that provide reasonable assurance that radioactive waste can be received, handled, and stored without undue risk to the health and safety of the public.

(n) "Public Document Room" means the place at 1717 H Street NW., Washington, D.C., at which records of the Commission will ordinarily be made available for public inspection and any other place, the location of which has been published in the **Federal Register**, at which public records of the Commission pertaining to a particular geologic repository are made available for public inspection.

(o) "Radioactive waste" means HLW and any other radioactive materials other than HLW that are received for emplacement in a geologic repository.

(p) "Site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing at depth needed to determine the suitability of the site for a geologic repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken.

(q) "Tribal organization" means a Tribal organization as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93–638).

[5] These are DOE "facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such act [the Atomic Energy Act]" and "Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive wastes generated by [DOE], which are not used for, or are part of, research and development activities."

§ 60.3 License required.

(a) DOE shall not receive or possess source, special nuclear, or byproduct material at a geologic repository operations area except as authorized by a license issued by the Commission pursuant to this part.

(b) DOE shall not commence construction of a geologic repository operations area unless it has filed an application with the Commission and has obtained construction authorization as provided in this part. Failure to comply with this requirement shall be grounds for denial of a license.

§ 60.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW, Washington, D.C., or 7915 Eastern Avenue, Silver Spring, Maryland.

§ 60.5 Interpretations.

Except as specifically authorized by the Commission, in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be considered binding upon the Commission.

§ 60.6 Exemptions.

The Commission may, upon application by DOE, any interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

§ 60.7 License not required for certain preliminary activities.

The requirement for a license set forth in § 60.3(a) of this part is not applicable to the extent that DOE receives and possesses source, special nuclear, and byproduct material at a geologic repository:

(a) For purposes of site characterization; or

(b) For use, during site characterization or construction, as components of radiographic, radiation monitoring, or similar equipment or instrumentation.

Subpart B—Licenses

Preapplication Review

§ 60.10 Site characterization.

(a) Prior to submittal of an application for a license to be issued under this part the DOE shall conduct a program of site characterization with respect to the site to be described in such application.

(b) Unless the Commission determines with respect to the site described in the application that it is not necessary, site characterization shall include a program of in situ exploration and testing at the depths that wastes would be emplaced.

(c) As provided in § 51.40 of this chapter, DOE is also required to conduct a program of site characterization, including in situ testing at depth, with respect to alternative sites.

§ 60.11 Site characterization report.

(a) As early as possible after commencement of planning for a particular geologic repository operations area, and prior to site characterization, the DOE shall submit to the Director a Site Characterization Report. The report shall include[6] (1) a description of the site to be characterized; (2) the criteria used to arrive at the candidate area; (3) the method by which the site was selected for site characterization; (4) identification and location of alternative media and sites at which DOE intends to conduct site characterization and for which DOE anticipates submitting subsequent Site Characterization Reports; (5) a description of the decision process by which the site was selected for characterization, including the means used to obtain public, Indian tribal and State views during selection; (6) a description of the site characterization program including (i) the extent of planned excavation and plans for in situ testing, (ii) a conceptual design of a repository appropriate to the named site in sufficient detail to allow assessment of the site characterization program with respect to investigation activities which address the ability of the site to host a repository and isolate radioactive waste, or which may affect such ability, and (iii) provisions to control any adverse, safety-related effects from site characterization, including appropriate quality assurance programs; (7) a description of the quality assurance program to be applied to data collection; and (8) any issues related to the site selection, alternative candidate areas or sites, or design of the geologic repository operations area which the DOE wishes the Commission to review. Also included shall be a description of the research and development activities being conducted by DOE which deal with the waste form and packaging which may be considered appropriate for the site to be characterized, including research planned or underway to evaluate the performance of such waste forms and packaging.

(b) The Director shall cause to be published in the **Federal Register** a notice that the information submitted under paragraph (a) of this section has been received and that a staff review of that information has begun. The notice shall identify the site selected for site characterization and alternate areas being considered by DOE and shall advise that consultation may be requested by State and local governments and Tribal organizations in accordance with Subpart C of this part.

(c) The Director shall make available a copy of the above information at the Public Document Room. The Director also shall transmit copies and the published notice of receipt thereof to the Governor and legislature of the State and to the chief executive of the municipality in which a site to be characterized is located (or if it is not located within a municipality, then to the chief executive of the county, or to the Tribal organization if it is to be located within an Indian reservation) and to the Governors of any contiguous States.

(d) The Director shall prepare a draft site characterization analysis which shall discuss the items cited in paragraph (a) of this section. The Director shall publish a notice of availability of the draft site characterization analysis and a request for comment in the **Federal Register**. Copies shall be made available at the Public Document Room. The Director shall also transmit copies to the Governor and legislature of the State and the chief executive of the municipality in which a site to be characterized is located (or if it is not located within a municipality, then to the chief executive of the county, or to

[6] To the extent that the information indicated in items 2 through 5 appears in an Environmental Impact Statement prepared by DOE for site characterization at the named site, it may be incorporated into DOE's Site Characterization Report by reference.

the Tribal organization if it is to be located within an Indian reservation) and to the Governors of any contiguous States.

(e) A reasonable period, not less than 90 days, shall be allowed for comment on the draft site characterization analysis. The Director shall then prepare a final site characterization analysis which shall take into account comments received and any additional information acquired during the comment period. Included in the final site characterization analysis shall be either an opinion by the Director that he has no objection to the DOE's site characterization program, if such an opinion is appropriate, or specific objections of the Director to DOE's proceeding with characterization of the named site. In addition, the Director may make specific recommendations to DOE on the matters pertinent to this section. A copy of the final site characterization analysis and the Director's opinion will be transmitted to DOE.

(f) Neither issuance of a final site characterization analysis nor the opinion by the Director shall constitute a commitment to issue any authorization or license or in any way affect the authority of the Commission, the Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, other presiding officers, or the Director, in any proceeding under Subpart G of Part 2 of this chapter. If DOE prepares an Environmental Impact Statement with respect to site characterization activities proposed for a particular site, it should consider NRC's site characterization analyses before publishing its final Environmental Impact Statement with respect to site characterization activities proposed for that particular site.

(g) During site characterization, DOE shall inform the Director by semiannual report and by other reports on any topic related to site characterization if requested by the Director, of the progress of the site characterization and waste form and packaging research and development. The semiannual reports should include the results of site characterization studies, the identification of new issues, plans for additional studies to resolve new issues, elimination of planned studies no longer necessary, identification of decision points reached and modification to schedules were appropriate. Also reported should be the DOE's progress in developing the design of a geologic repository operations area appropriate for the site being characterized, noting when key design parameters or features which depend upon the results of site characterization will be established. During this time, NRC staff shall be permitted to visit and inspect the site and observe excavations, borings, and in situ tests as they are done.

(h) The Director may comment at any time in writing to DOE, expressing current views on any aspect of site characterization. Comments received from States in accordance with § 60.61 shall be considered by the Director in formulating his views. All correspondence between DOE and the NCR including the reports cited in paragraph (g) shall be placed in the Public Document Room.

(i) The activities described in paragraphs (a) through (h) above constitute informal conference between a prospective applicant and the staff, as described in § 2.101(a)(1) of this chapter, and are not part of a proceeding under the Atomic Energy Act of 1954, as amended.

License Applications

§ 60.21 Content of application.

(a) An application shall consist of general information and a Safety Analysis Report. An environmental report shall be prepared in accordance with Part 51 of this chapter and shall accompany the application. Any Restricted Data or National Security Information shall be separated from unclassified information.

(b) The general information shall include:

(1) A general description of the proposed geologic repository identifying the location of the geologic repository operations area, the general character of the proposed activities, and the basis for the exercise of licensing authority by the Commission.

(2) Proposed schedules for construction, receipt of waste, and emplacement of wastes at the proposed geologic repository operations area.

(3) A certification that DOE will provide at the geologic repository operations area such safeguards as it requires at comparable surface facilities (of DOE) to promote the common defense and security.

(4) A description of the physical security plan for protection against radiological sabotage. Since the radiation hazards associated with high-level wastes make them inherently unattractive as a target for theft or diversion, no detailed information need be submitted on protection against theft or diversion.

(5) A description of site characterization work actually conducted by DOE at all sites considered in the application and, as appropriate, explanations of why such work differed from the description of the site characterization program described in the Site Characterization Report for each site.

(c) The Safety Analysis Report shall include:

(1) A description and analysis of the site at which the proposed geologic repository operations area is to be located with appropriate attention to those features that might affect facility design and performance. The assessment shall contain an analysis of the geology, geophysics, hydrology, geochemistry, and meteorology of the site and the major design structures, systems, and components, both surface and sub-surface, that bear significantly on the suitablity of the geologic repository for disposal of radioactive waste. It will be assumed that operations at the geologic repository operations area will be carried out at the maximum capacity and rate of receipt of radioactive waste stated in the application.

(2) A description and discussion of the design, both surface and subsurface, of the geologic repository operations area including: (i) the principal design criteria and their relationship to any general performance objectives promulgated by the Commission, (ii) the design bases and the relation of the design bases to the principal design criteria, (iii) information relative to materials of construction (including geologic media, general arrangement, and approximate dimensions), and (iv) codes and standards that DOE proposes to apply to the design and construction of the geologic repository operations area.

(3) A description and analysis of the design and performance requirements for structures, systems, and components of the geologic repository which are important to safety. The analysis and evaluation shall consider (i) the margins of safety under normal conditions and under conditions that may result from anticipated operational occurrences, including those of natural origin; (ii) the adequacy of structures, systems, and components provided for the prevention of accidents and mitigation of the consequences of accidents, including those caused by natural phenomena; and (iii) the effectiveness of engineered and natural barriers, including barriers that may not be themselves a part of the geologic repository operations area, against the release of radioactive material to the environment.

(4) A description of the quality assurance program to be applied to the design, fabrication, inspection, construction, testing, and operation of the structures, systems, and components of the geologic repository operations area important to safety.[1]

(5) A description of the kind, amount, and specifications of the radioactive material proposed to be received and possessed at the geologic repository operations area.

(6) An identification and justification for the selection of those variables, conditions, or other items which are determined to be probable subjects of license specifications. Special attention shall be given to those items that may significantly influence the final design.

(7) A description of the program for control and monitoring of radioactive effluents and occupational radiation exposures to maintain such effluents and exposures in accordance with the requirements of Part 20 of this chapter.

(8) A description of the controls that the applicant will apply to restrict access and to regulate land use at the geologic repository operations area and adjacent areas.

(9) Plans for coping with radiological emergencies at any time prior to completion of decommissioning the geologic repository operations area.

(10) A description of the nuclear material control and accounting program.

(11) A description of design considerations that are intended to facilitate decommissioning of the facility.

(12) A description of plans for retrieval and alternate storage of the radioactive wastes should the geologic repository prove to be unsuitable for disposal of radioactive wastes.

(13) An identification of the natural resources at the site, the exploitation of which could affect the ability of the site to isolate radioactive wastes.

(14) An identification of those structures, systems, and components of the geologic repository, both surface and subsurface, which require research and development to confirm the adequacy of design. For systems, structures, and components important to safety, the DOE shall provide a detailed description of the programs designed to resolve safety questions, including a schedule indicating when these questions will be resolved.

(15) The following information concerning activities at the geologic repository operations area:

(i) The organizational structure of DOE, offsite and onsite, including a description of any delegations of authority and assignments of responsibilities, whether in the form of regulations, administrative directives, contract provisions, or otherwise.

(ii) The quality assurance program to be used to ensure safety.

(iii) Identification of key positions which are assigned responsibility for safety at and operation of the geologic repository operations area.

(iv) Personnel qualifications and training requirements.

(v) Plans for startup activities and startup testing.

(vi) Plans for conduct of normal activities, including maintenance, surveillance, and periodic testing of structures, systems, and components of the geologic repository operations area.

(vii) Plans for decommissioning.

(viii) Plans for any uses of the geologic repository operations area for purposes other than disposal of radioactive wastes, with an analysis of the effects, if any, that such uses may have upon the operation of the structures, systems, and components important to safety.

[1] The criteria in Appendix B of Part 50 of this chapter will be used by the Commission in determining the adequacy of the quality assurance program.

§ 60.22 Filing and distribution of application.

(a) An application for a license to receive and possess source, special nuclear, or byproduct material in a geologic repository at a site which has been characterized, and an accompanying environmental report, and any amendments thereto, shall be filed in triplicate with the Director and shall be signed by the Secretary of Energy or his authorized representative.

(b) Each portion of such application and environmental report and any amendments shall be accompanied by 30 additional copies. Another 120 copies shall be retained by DOE for distribution in accordance with written instructions from the Director or the Director's designee.

(c) DOE shall, upon notification of the appointment of an Atomic Safety and Licensing Board, update the application and environmental report, eliminating all superseded information, and serve them as directed by the Board. In addition, at that time DOE shall serve one such copy on the Atomic Safety and Licensing Appeal Panel. Any subsequent amendments to the application or environmental report shall be served in the same manner.

(d) At the time of filing of an application and environmental report, and any amendments thereto, one copy shall be made available in an appropriate location near the site of the proposed geologic repository (which shall be a public document room, if one has been established) for inspection by the public and updated as amendments to the application or environmental report are made. An updated copy shall be produced at any public hearing on the application for use by any parties to the proceeding.

(e) The DOE shall certify that the updated copies of the application and environmental report, as referred to in paragraphs (c) and (d), contain the current contents of such documents submitted in accordance with the requirements of this part.

§ 60.23 Elimination of repetition.

In its application, environmental report, or Site Characterization Report, the DOE may incorporate by reference information contained in previous applications, statements, or reports filed with the Commission: PROVIDED, that such references are clear and specific and that copies of the information so incorporated are available in the public document room located near the site of the proposed geologic repository.

§ 60.24 Updating of application and environmental report.

(a) The application and environmental report shall be as complete as possible in the light of information that is reasonably available at the time of docketing.

(b) The DOE shall update its application in a timely manner so as to permit the Commission to review, prior to issuance of a license:

(1) Additional geologic, geophysical, geochemical, hydrologic, meteorologic and other data obtained during construction.

(2) Conformance of construction of structures, systems, and components with the design.

(3) Results of research programs carried out to confirm the adequacy of designs.

(4) Other information bearing on the Commission's issuance of a license that was not available at the time a construction authorization was issued.

(c) The DOE shall update its environmental report in a timely manner so as to permit the Commission to review, prior to issuance of a license, the environmental impacts of any substantial changes in the activities proposed to be carried out or any significant new information regarding the environmental impacts of activities previously proposed.

Construction Authorization

§ 60.31 Construction authorization.

Upon review and consideration of an application and environmental report submitted under this part, the Commission may authorize construction if it determines:

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(a) *Safety.* That there is reasonable assurance that the types and amounts of radioactive materials described in the application can be received, possessed, and disposed of in a repository of the design proposed without unreasonable risk to the health and safety of the public. In arriving at this determination, the Commission shall consider whether:

(1) The DOE has described the proposed geologic repository including but not limited to (i) the geologic, geophysical, geochemical and hydrologic characteristics of the site; (ii) the kinds and quantities of radioactive waste to be received, possessed, stored, and disposed of in the geologic repository; (iii) the principal architectural and engineering criteria for the design of the geologic repository operations area; (iv) construction procedures which may affect the capability of the geologic repository to serve its intended function; and (v) features or components incorporated in the design for the protection of the health and safety of the public.

(2) The site and design comply with the criteria contained in Subparts E and F of this part.

(3) The DOE's quality assurance program complies with the requirements of Subpart G of this part.

(4) The DOE's personnel training program complies with the criteria contained in Subpart H of this part.

(5) The DOE's emergency plan complies with the criteria contained in Subpart I of this part.

(6) The DOE's proposed operating procedures to protect health and to minimize danger to life or property are adequate.

(b) *Common defense and security.* That there is reasonable assurance that the activities proposed in the application will not be inimical to the common defense and security. A DOE certification that it will provide at the geologic repository operations area such safeguards as it requires at comparable DOE surface facilities to promote the common defense and security will constitute a rebuttable presumption of noninimicality to the common defense and security.

(c) *Environmental.* That, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, the action called for is issuance of the construction authorization, with any appropriate conditions to protect environmental values.

§ 60.32 Conditions of construction authorization.

(a) A construction authorization shall include such conditions as the Commission finds to be necessary to protect the health and safety of the public, the common defense and security, or environmental values.

(b) The Commission will incorporate in the construction authorization provisions requiring the DOE to furnish periodic or special reports regarding: (1) progress of construction, (2) any site data obtained during construction which are not within the predicted limits upon which the facility design was based, (3) any deficiencies in design and construction which, if uncorrected, could adversely affect safety at any future time, and (4) results of research and development programs being conducted to resolve safety questions.

(c) The construction authorization will include restrictions on subsequent changes to the features of the respository and the procedures authorized. These restrictions will fall into three categories of descending importance to public health and safety as follows: (1) those features and procedures which may not be changed without (i) 60 days prior notice to the Commission, (ii) 30 days notice of opportunity for a prior hearing, and (iii) prior Commission approval; (2) those features and procedures which may not be changed without (i) 60 days prior notice to the Commission, and (ii) prior Commission approval; and (3) those features and procedures which may not be changed without 60 days prior notice to the Commission. Features and procedures falling in paragraph (c)(3) of this section may not be changed without prior Commission approval if the Commission, after having received the required notice, so orders.

(d) A construction authorization shall be subject to the limitation that a license to receive and possess source, special nuclear, or byproduct material at the geologic repository operations area shall not be issued by the Commission until (1) the DOE has updated its application as specified in § 60.24, and (2) the Commission has made the findings stated in § 60.41.

§ 60.33 Amendment of construction authorization.

(a) An application for amendment of a construction authorization shall be filed with the Commission fully describing any changes desired and following as far as applicable the format prescribed in § 60.21.

(b) In determining whether an amendment of a construction authorization will be approved, the Commission will be guided by the considerations which govern the issuance of the initial construction authorization, to the extent applicable.

License Issuance and Amendment

§ 60.41 Standards for issuance of a license.

A license to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area may be issued by the Commission upon finding that:

(a) Construction of the geologic repository operations area has been substantially completed in conformity with the application as amended, the provisions of the Atomic Energy Act, and the rules and regulations of the Commission. Construction may be deemed to be substantially complete for the purposes of this paragraph if the construction of (1) surface and interconnecting structures, systems, and components, and (2) any underground storage space required for initial operation are substantially complete.

(b) The activities to be conducted at the geologic repository operations area will be in conformity with the application as amended, the provisions of the Atomic Energy Act and the Energy Reorganization Act, and the rules and regulations of the Commission.

(c) The issuance of the license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. A DOE certification that it will provide at the geologic repository operations area such safeguards as it requires at comparable DOE facilities to promote the common defense and security, will constitute a rebuttable presumption of non-inimicality to the common defense and security.

(d) All applicable requirements of Part 51 have been satisfied.

§ 60.42 Conditions of license.

(a) A license issued pursuant to this part shall include such conditions, including license specifications, as the Commission finds to be necessary to protect the health and safety of the public, the common defense and security, and environmental values.

(b) Whether stated therein or not, the following shall be deemed conditions in every license issued:

(1) The license shall be subject to revocation, suspension, modification, or amendment for cause as provided by the Atomic Energy Act and the Commission's regulations.

(2) The DOE shall at any time while the license is in effect, upon written request of the Commission, submit written statements to enable the Commission to determine whether or not the license should be modified, suspended or revoked.

(3) The license shall be subject to the provisions of the Atomic Energy Act now or hereafter in effect and to all rules, regulations, and orders of the Commission. The terms and conditions of the license shall be subject to amendment, revision, or modification, by reason of amendments to or by reason of rules, regulations, and orders issued in accordance with the terms of the Atomic Energy Act.

(c) Each license shall be deemed to contain the provisions set forth in Section 183 b-d, inclusive, of the Atomic Energy Act, whether or not these provisions are expressly set forth in the license.

§ 60.43 License specifications.

(a) A license issued under this part shall include license conditions derived from the analyses and evaluations included in the application, including amendments made before a license is issued, together with such additional conditions as the Commission finds appropriate.

(b) License conditions shall include items in the following categories:

(1) Restrictions as to the physical and chemical form and radioisotopic content of radioactive waste.

(2) Restrictions as to size, shape, and materials and methods of construction of radioactive waste packaging.

(3) Restrictions as to the amount of waste permitted per unit volume of storage space considering the physical characteristics of both the waste and the storage medium.

(4) Requirements relating to test, calibration, or inspection to assure that the foregoing restrictions are observed.

(5) Controls to be applied to restrict access and to avoid disturbance to the geologic repository operations area and adjacent areas.

(6) Administrative controls, which are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure that activities at the facility are conducted in a safe manner and in conformity with the other license specifications.

§ 60.44 Changes, tests, and experiments.

(a)(1) Following authorization to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area, the DOE may (i) make changes in the geologic repository operations area as described in the application, (ii) make changes in the procedures as described in the application, and (iii) conduct tests or experiments not described in the application, without prior Commission approval, provided the change, test, or experiment involves neither a change in the license conditions incorporated in the license nor an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question if (i) the likelihood of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the application is increased, (ii) the possibility of an accident or malfunction of a different type than any previously evaluated in the application is created, or (iii) the margin of safety as defined in the basis for any license condition is reduced.

(b) The DOE shall maintain records of changes in the geologic repository operations area and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the geologic repository operations area or procedures as described in the application. Records of tests and experiments carried out pursuant to paragraph (a) of this section shall also be maintained. These records shall include a written safety evaluation which provides the basis for the determination that the change, test, or experiment does not involve an unreviewed safety question. The DOE shall prepare annually, or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests, and experiments, including a summary of the safety evaluation of each. The DOE shall furnish the report to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Any report submitted pursuant to this paragraph shall be made a part of the public record of the licensing proceedings.

§ 60.45 Amendment of license.

(a) An application for amendment of a license may be filed with the Commission fully describing the changes desired and following as far as applicable the format prescribed for license applications.

(b) In determining whether an amendment of a license will be approved, the Commission will be guided by the considerations that govern the issuance of the initial license, to the extent applicable.

§ 60.46 Particular activities requiring license amendment.

(a) Unless expressly authorized in the license, an amendment of the license shall be required with respect to any of the following activities:

(1) Any action which would make emplaced high-level radioactive waste irretrievable or which would substantially increase the difficulty of retrieving such emplaced waste.

(2) Dismantling of structures.

(3) Removal or reduction of controls applied to restrict access to or to avoid disturbance of the geologic repository operations area or adjacent areas.

(4) Destruction or disposal of records required to be maintained under the provisions of this part.

(5) Any substantial change to the design or operating procedures from that specified in the license.

(6) Decommissioning.

(b) An application for such an amendment shall be filed, and shall be reviewed, in accordance with the provisions of § 60.45.

Decommissioning

§ 60.51 License amendment to decommission.

(a) The DOE shall submit an application to amend the license prior to decommissioning. The application shall consist of an update of the license application and environmental report submitted under §§ 60.21 and 60.22, including:

(1) A description of the program for post-decommissioning monitoring of the geologic repository.

(2) A detailed description of the measures to be employed—such as land use controls, construction of monuments, and preservation of records—to regulate or prevent activities that could impair the long-term isolation of emplaced waste within the geologic repository and to assure that relevant information will be preserved for the use of future generations.

(3) Geologic, geophysical, geochemical, hydrologic, and other site data that are obtained during the operational period pertinent to the long-term isolation of emplaced radioactive wastes.

(4) The results of tests, experiments, and any other analyses relating to backfill of excavated areas, shaft sealing, waste interaction with emplacement media, and any other tests, experiments, or analyses pertinent to the long-term isolation of emplaced wastes within the geologic repository.

(5) Any substantial revision of plans for decommissioning.

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(6) Other information bearing upon decommission that was not available at the time a license was issued.

(b) The DOE shall update its environmental report in a timely manner so as to permit the Commission to review, prior to issuance of an amendment, substantial changes in the decommissioning activities proposed to be carried out or significant new information regarding the environment impacts of such decommissioning.

§ 60.52 Termination of license.

(a) Following decommissioning, the DOE may apply for an amendment to terminate the license.

(b) Such application shall be filed, and will be reviewed, in accordance with the provisions of § 60.45 and this section.

(c) A license shall be terminated only when the Commission finds with respect to the geologic repository:

(1) That the final disposition of radioactive wastes has been made in conformance with the DOE's plan, as amended and approved as part of the license.

(2) That the final state of the geologic repository operations area site conforms to the DOE's decommissioning plans, as amended and approved as part of the license.

(3) That the termination of the license is authorized by law, including Sections 57, 62, and 81 of the Atomic Energy Act, as amended.

Subpart C—Participation by State Governments and Indian Tribes

§ 60.61 Site review.

(a) Upon publication in the **Federal Register** of a notice that the DOE has selected a site for site characterization, in accordance with § 60.11(b), and upon the request of a State, the Director shall make available NRC staff to consult with representatives of State, Indian tribal and local governments to keep them informed of the Director's view on the progress of site characterization and to notify them of any subsequent meetings or further consultations with the DOE.

(b) Requests for consultation shall be made in writing to the Director.

(c) The Director also shall respond to written questions or comments from the State, Indian tribal and local governments as appropriate, on the information submitted by the DOE in accordance with § 60.11 of this part. Copies of such questions or comments and their responses shall be made available in the Public Document Room and shall be transmitted to the DOE.

§ 60.62 Filing of proposals for State participation.

(a) Consultation under § 60.61 may include, among other things, a review of applicable NRC regulations, licensing procedures, potential schedules, and the type and scope of State activities in the license review permitted by law. In addition, staff shall be made available to cooperate with the State in developing proposals for participation by the State.

(b) States potentially affected by siting of a geologic repository operations area at a site that has been selected for characterization may submit to the Director a proposal for State participation in the review of the Site Characterization Report and/or license application. A State's proposal to participate may be submitted at any time prior to docketing of an application or up to 120 days thereafter.

(c) Proposals for participation in the review shall be signed by the Governor of the State submitting the proposal and shall at a minimum contain the following information:

(1) A general description of how the State wishes to participate in the review, specifically identifying those issues which it wishes to review.

(2) A description of material and information which the State plans to submit to the NRC staff for consideration in the review. A tentative schedule referencing steps in the review and calendar dates for planned submittals should be included.

(3) A description including funding estimates of any work that the State proposes to perform for the Commission, under contract, in support of the review.

(4) A description of State plans to facilitate local government and citizen participation.

(5) A preliminary estimate of the types and extent of impacts which the State expects should a geologic repository be located at the site in question.

(d) If the State desires educational or information services (seminars, public meetings) or other actions on the part of NRC, such as establishing additional public document rooms or employment or exchange of State personnel under the Intergovernmental Personnel Act, these shall be included with the proposal.

§ 60.63 Approval of proposals.

(a) The Director shall arrange for a meeting between the representatives of the State and the NRC staff to discuss any proposal submitted under § 60.62(b), with a view to identifying any modifications that may contribute to the effective participation by the State.

(b) Subject to the availability of funds, the Director shall approve all or any part of a proposal, as it may be modified through the meeting described above, if it is determined that:

(1) The proposed activities are suitable in light of the type and magnitude of impacts which the State may bear, and

(2) The proposed activities (i) will enhance communications between NRC and the State, (ii) will contribute productively to the license review, and (iii) are authorized by law.

(c) The decision of the Director shall be transmitted in writing to the Governor of the originating State. A copy of the decision shall be made available at the Public Document Room. If all or any part of a proposal is rejected, the decision shall state the reason for the rejection.

(d) A copy of all proposals received shall be made available at the Public Document Room.

§ 60.64 Participation by Indian tribes.

(a) Any Indian tribe which is potentially affected by siting of a geologic repository operations area at a site that has been selected for characterization may:

(1) Request consultation, as provided with respect to States under § 60.61.

(2) Submit proposals for participation, as provided with respect to States under § 60.62, except that such proposals shall be signed by the chief executive (or other specifically authorized representative) of the Tribal organization.

(b) The Director shall respond to such requests or proposals in the manner provided in this subpart, except that decisions under § 60.63 shall be transmitted in writing to the chief executive (or other specifically authorized representative) of the Tribal organization.

(c) Any request or proposal under this section shall be accompanied by such documentation as may be needed to determine the eligibility of the Indian tribe or the specific authority of its representatives.

§ 60.65 Coordination.

The Director may take into account the desirability of avoiding duplication of effort in taking action on multiple proposals submitted pursuant to the provisions of this Subpart to the extent this can be accomplished without substantial prejudice to the parties concerned.

Subpart D—Records, Reports, Tests, and Inspections

§ 60.71 Records and reports.

(a) The DOE shall maintain such records and make such reports in connection with the licensed activity as may be required by the conditions of the license or by rules, regulations, and orders of the Commission as authorized by the Atomic Energy Act and the Energy Reorganization Act.

(b) Records of the receipt, handling, and disposition of radioactive waste at a geologic repository operations area shall contain sufficient information to provide a complete history of the movement of the waste from the shipper through all phases of storage and disposal.

(c) The DOE shall promptly notify the Commission of each deficiency found in the site characteristics, and design and construction of the geologic repository operations area which, were it to remain uncorrected, could (1) be a substantial safety hazard, (2) represent a significant deviation from the design criteria and design bases stated in the application, or (3) represent a deviation from the conditions stated in the terms of a construction authorization or the license, including license specifications. The notification shall be in the form of a written report, copies of which shall be sent to the Director and to the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D of Part 20 of this chapter.

§ 60.72 Tests.

The DOE shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part. These may include tests of (a) radioactive waste, (b) the geologic repository including its structures, systems, and components, (c) radiation detection and monitoring instruments, and (d) other equipment and devices used in connection with the receipt, handling, or storage of radioactive waste.

§ 60.73 Inspections.

(a) The DOE shall allow the Commission to inspect the premises of the geologic repository operations area and adjacent areas to which the DOE has rights of access.

(b) The DOE shall make available to the Commission for inspection, upon reasonable notice, records kept by the DOE pertaining to activities under this part.

(c)(1) The DOE shall upon request by the Director, Office of Inspection and Enforcement, provide rent-free office space for the exclusive use of the Commission inspection personnel. Heat, air conditioning, light, electrical outlets and janitorial services shall be furnished by DOE. The office shall be convenient to and have full access to the facility and shall provide the inspector both visual and acoustic privacy.

(2) The space provided shall be adequate to accommodate a full-time inspector, a part-time secretary and transient NRC personnel and will be generally commensurate with other office facilities at the site. A space of 250 square feet either within the site's office complex or in an office trailer or other onsite space is suggested as a guide. For sites containing multiple facilities, additional space may be requested to accommodate additional full time inspector(s). The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies and communication equipment will be furnished by the Commission.

(3) DOE shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the Regional Director as likely to inspect the facility, immediate unfettered access, eqivalent to access provided regular employees, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

28. Section 70.14 is amended by adding a paragraph (c).

§ 70.14 Specific exemptions.

* * * * *

(c) The DOE is exempt from the requirements of the regulations in this part to the extent that its activities are subject to the requirements of Part 60 of the chapter.

(Amendments to all parts issued pursuant to citations of authority presently codified or, in the case of 10 CFR Part 60, as set out after the list of sections in new Part 60)

Dated at Washington, D.C. this 19th day of February, 1981.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-6334 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 570

[No. 81-83]

Usury Preemption; Most Favored Lender

Dated: February 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final interpretative rule.

SUMMARY: The Federal Home Loan Bank Board adopts an interpretative ruling regarding the ability of insured institutions to assert "most favored lender" status under section 522 of Public Law 96-221. This ruling formally endorses the "most favored lender" concept as a matter of Board policy.

EFFECTIVE DATE: April 1, 1980 (effective date of Pub. L. 96-221).

FOR FURTHER INFORMATION, CONTACT: James C. Stewart, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Telephone: (202) 377-6457.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is issuing an interpretative ruling regarding section 522 of the Depository Institutions Deregulation and Monetary Control Act, 12 U.S.C. 1730g. It is the Board's view that this provision confers "most favored lender" status on insured institutions. Accordingly, an insured association would be authorized by the law to charge interest at the highest rate allowed under state law for the particular class of loans.

Section 522 amends the National Housing Act by adding the following language:

> If the applicable rate prescribed in this section exceeds the rate an insured institution would be permitted to charge in the absence of this section, such institution may, notwithstanding any State constitution or statute which is hereby preempted for the purpose of this section, take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate of not more than 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where such institution is located or at the rate allowed by the laws of the State, territory, or district where such institution is located, whichever may be greater.

Virtually identical language was also added to the Federal Deposit Insurance Act, 12 U.S.C. 1831d, the Federal Credit Union Act, 12 U.S.C. 1785, and the Small Business Investment Act, 15 U.S.C. 687. The language also parallels that used in the National Bank Act, 12 U.S.C. 85, and

was intended by the drafters to give Federally-insured lenders and small business investment companies the advantages already enjoyed by national banks. *See* 126 Cong. Rec. S15684 (daily ed. Nov. 1, 1979) (remarks of Senators Pryor & Bumpers).

Although in the legislative history of Section 522, the Congressional sponsors focused on the clause allowing affected lenders to charge one percent above the Federal Reserve ninety-day discount rate, the law clearly authorizes lenders to charge the greater of that rate or "the rate allowed by the laws of the State." This latter clause is also found in the National Bank Act and has provided the basis for giving most favored lender status to national banks. In *Tiffany* v. *National Bank of Missouri*, the Supreme Court first ruled that the phrase authorized national banks to charge the highest rate generally available under state law even though state-chartered banks were limited to a lower rate, 85 U.S. 409, 411–12 (1873). As construed by the Comptroller of the Currency, the most favored lender doctrine allows national banks to charge the highest rate available on a class of loans when making that type of loan. *See* 12 CFR 7.7310(a). Given this interpretive history of the phrase "the rate allowed by the laws of the State" and the general Congressional intent to foster more competition among depository institutions, the Board finds the use of this phrase in Section 522 significant evidence that Congress intended all Federally-insured lenders to share the same flexibility previously conferred only on national banks.

In the Board's view, section 522 authorizes insured institutions to charge most favored lender rates when making loans that satisfy the substantive requirements of the state laws which establish those rates. For example, an insured institution may not charge the rates allowed under a state Small Loan Company Act unless the loan meets the state law requirements as to loan term and amount, use of proceeds, identity of borrower, etc. Substantive state law requirements would also include provisions governing prepayment refunds, late charges, credit life insurance, permissible security interests, and similar consumer protections.

Since state authority over federally-chartered associations is preempted by the Home Owners' Loan Act, federally-chartered insured institutions would not be required to submit to state procedural restrictions such as licensing, bonding, and reporting to state authorities in order to charge most favored lender rates. The degree to which state-chartered insured institutions must comply with such procedural requirements should be determined by their State supervisors.

Accordingly, the Board amends Part 570 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 570) as set forth below:

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 570—BOARD RULINGS

1. Add a new § 570.11 to read as follows.

§ 570.11 Most Favored Lender Status.

(a) Under Section 522 of the Depository Institutions Deregulation and Monetary Control Act, insured institutions are authorized to charge on any loan an interest rate equal to the greater of one percentage point above the discount rate on ninety day commercial paper in the institution's Federal Reserve district or "the rate allowed by the laws of the State * * * where such institution is located" whenever either of these rates exceeds the rate the institution is currently permitted. 12 U.S.C 1730g. The stated purpose of this provision is to provide insured institutions with competitive equality with national banks. In view of this Congressional purpose and the judicial construction of the phrase "rate allowed by the laws of the State" in the context of the National Bank Act, it is the opinion of the Board that Section 522 allows insured institutions to charge interest at a rate not to exceed the greater of either one percent above the Federal Reserve ninety-day discount rate or the rate allowed to the most favored lender on the particular class of loans under state law whenever the greater of either of these rates exceeds the rate the institution is permitted to charge by state law.

(b) Insured institutions may only charge the preferential rates reserved for most favored lenders when they are making the same type of loans as the most favored lender. Accordingly, insured institutions could not charge the maximum loan rates permitted for small loan companies unless that loan met the substantive state law requirements as to loan term amount, use of proceeds, identity of borrower, etc. Consumer protections specifically required in such loans when made by the most favored lender would also be considered substantive and must be included in loans made by insured institutions which desire to use most-favored-lender rates.

(c) Federally-chartered insured institutions would not be required to submit to state most-favored-lender restrictions that are primarily procedural or regulatory in nature. Such restrictions would include licensing, bonding, and reporting to state authorities. The degree to which state-chartered insured institutions must comply with such restrictions will be determined by their state supervisors.

(Section 5 of the Home Owners' Loan Act, 12 U.S.C. 1464; Sections 402, 403, 407, and 414 of the National Housing Act, 12 U.S.C 1725, 1726, and 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1071 (1943–48 Compilation))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-6339 Filed 2-24-81; 8:45 am]

BILLING CODE 6720-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 230, 240, 250 and 270

[Release Nos. 33-6291; 34-17547; 35-21920; IC-11622; AS-287]

Reporting of Supplementary Information on the Effects of Changing Prices

AGENCY: Securities and Exchange Commission.

ACTION: Amendment of rules and regulations.

SUMMARY: The Commission is adopting amendments to its rules to require certain registrants (except registered investment companies) to include supplementary information on the effects of changing prices, as specified by Statement of Financial Accounting Standards ("SFAS") Nos. 33, 39, 40 and 41, "Financial Reporting and Changing Prices" of the Financial Accounting Standards Board, in certain filings with the Commission. It is also expanding its safe harbor rule, which heretofore was applicable only to projections, to cover that information. These actions are intended to make information on the effects of changing prices available to users of financial statements filed with the Commission.

EFFECTIVE DATE: Effective for filings made by companies March 27, 1981.

FOR FURTHER INFORMATION CONTACT: James D. Hall or Clarence M. Staubs, Office of the Chief Accountant (202–272–2133), Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today is adopting certain amendments

to Regulation S–K (17 CFR Part 229) under the Securities Act of 1933 (15 U.S.C. 17a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and to the general rules and regulations under the Securities Acts. Regulation S–K in the repository of standard instructions for disclosure under the Securities Act of 1933. Item 12 of Regulation S–K (17 CFR 229.20) is amended to require information on the effects of changing prices. The general rules and regulations adopted under the various Securities Acts are revised to provide a safe harbor from the applicable liability provisions of these laws for disclosure of information on the effects of changing prices.

The amendments to Regulation S–K affect only those registrants (except registered investment companies) subject to the reporting requirements of SFAS Nos. 33, 39, 40 and 41; that is, only those public enterprises that prepare their primary financial statements in United States ("U.S.") dollars and in accordance with U.S. generally accepted accounting principles and that have, at the beginning of the fiscal year for which financial statements are being presented, either (1) inventories and gross property, plant and equipment amounting in the aggregate to more than $125 million, or (2) total assets amounting to more than $1 billion (after deducting accumulated depreciation). The effect of the amendment to Regulation S–K is to require affected registrants to disclose such supplementary information in registration statements on Forms S–1, S–7, S–11, S–14, and Form 10, in certain proxy and information statements, in annual reports to shareholders subject to Rules 14a–3 or 14c–3 and in annual reports on Form 10–K. The supplementary information is required on a consolidated basis for registrants who present consolidated financial statements, and it need not be presented separately for a parent company, an investee company, or other enterprise whose results are included in consolidated financial statements or in published interim reports. Furthermore, the information is not required to be presented for segments of a business enterprise, although such presentations are encouraged by the FASB in SFAS No. 33.

The other amendments adopted by this release provide a safe harbor rule for information on the effects of changing prices disclosed voluntarily by registrants pursuant to Item 12 of Regulation S–K or Item 11 of Regulation S–K relating to the management's discussion and analysis. This safe harbor is provided by amendment of the previously existing safe harbor rule for projections [1] (adopted as a part of the rules and regulations under the various Securities Acts) to extend its coverage to information on the effects of changing prices. In addition, notwithstanding the exclusion of registered investment companies from the amendments to Item 12 of Regulation S–K, a new rule under the Investment Company Act is adopted to provide a safe harbor for information about the effects of changing prices disclosed in documents filed or transmitted to the Commission by investment companies.

Background

On March 27, 1980, the Securities and Exchange Commission in Securities Act Release No. 6201 (45 FR 23470) proposed amendments to Regulation S–K which would require that certain companies include in specified registration statements that supplementary information on the effects of changing prices (as specified by SFAS No. 33, "Financial Reporting and Changing Prices," of the FASB). That Release also proposed an expansion of the safe harbor provisions of the general regulations of the several Securities Acts, in order to provide a safe harbor from the applicable liability provisions of these laws for disclosure of information on the effects of changing prices.[2]

The requirements of SFAS No. 33, and the supplements related to the "specialized assets" in the mining, oil and gas producing, forest products, and income-producing real estate industries,[3] are applicable to published annual reports that contain the primary financial statements of the enterprise. In order to implement SFAS No. 33, the Commission is adopting these amendments which require disclosure of the information prescribed by that statement in certain registration statements filed under the Securities Act of 1933 and the Securities Exchange Act of 1934, in annual reports and in certain proxy and information statements.

Some of the language used in the proposed amendments included in Securities Act Release No. 6201 caused several commentators to be concerned that the Commission was seeking to broaden the scope and requirements of SFAS No. 33. That was not the intention. Although these amendments impose a requirement on certain issuers to include the information called for in SFAS Nos. 33, 39, 40 and 41 in certain documents, they do not extend the provisions of SFAS No. 33 to published interim reports or to entities that do not meet the size criteria of that Statement or to foreign private issuers who do not prepare their primary financial statements in U.S. dollars and in accordance with accounting principles generally accepted in the United States.

There were 18 letters of comments received in response to the proposed amendments. Some of these commentators alluded to the experimental nature of the disclosures required by SFAS No. 33 and the encouragement contained in that Statement to experiment with other ways to better communicate the effects of changing prices on the finanical condition and results of operations of enterprises. Therefore, the provisions of the safe harbor rule, according to these commentators, should extend not only to the information specified by SFAS No. 33, but to other information of a similar nature. The Commission concurs with these observations and has revised the safe harbor rule to encompass information about changing prices which is voluntarily disclosed as well as information about changing prices disclosed pursuant to Item 11 or 12 of Regulation S–K.

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[1] Although the format of the safe harbor rule for projections has been modified to accommodate this extension, its previous provisions are not affected by this amendment.

[2] Prior to the amendments adopted in this Release, Rule 175 of the General Rules and Regulations under the Securities Act of 1933 (17 CFR 230.175) and Rule 3b–6 under the Securities Exchange Act (17 CFR 240.3b–6) and Rule 103A (17 CFR 250.103A) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) provided a conditional safe harbor regarding only forward looking statements by issuers.

[3] SFAS No. 39, "Financial Reporting and Changing Prices: Specialized Assets—Mining and Oil and Gas," makes the current cost provisions of paragraphs 30(a)-(c) and 35(c)(1)–(4) of SFAS No. 33 applicable to mineral resource assets. Additionally, enterprises that own mineral reserves other than oil and gas are required to disclose certain information regarding estimates of significant quantities of proved, or proved and probable mineral reserves and the average market prices for each significant mineral product.

SFAS No. 40, "Financial Reporting and Changing Prices: Specialized Assets—Timberlands and Growing Timber," extends the interim provisions in SFAS No. 33 for the measurement of timberlands, growing timber, and related expenses; that is, the "specialized assets" in this industry may be included in current cost basis disclosures at either their historical cost/constant dollar amounts or at current cost or lower recoverable amounts.

SFAS No. 41, "Financial Reporting and Changing Prices: Specialized Assets-Income-Producing Real Estate," also extends the interim provisions in SFAS No. 33 to allow the inclusion of income-producing real estate under a current cost basis at either the historical cost/constant dollar amounts or at current cost or lower recoverable amounts.

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Text of Amended Rules, Regulations and Forms

17 CFR Chapter II is amended as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

1. By adding a new paragraph (c) to Item 12 of § 229.20 to read as follows:

§ 229.20 Information required in document.

* * * * *

Item 12. Supplementary financial information.

* * * * *

(c) *Information on the effects of changing prices.* Information on the effects of changing prices on business enterprises shall be presented by registrants (except registered investment companies) subject to the reporting provisions of Statement of Financial Accounting Standards Nos. 33, 39, 40 and 41, "Financial Reporting and Changing Prices," in accordance with the specific provisions of those Statements.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

2. By revising § 230.175 to read as follows:

§ 230.175 Liability for certain statements by issuers.

(a) A statement within the coverage of paragraph (b) of this section which is made by or on behalf of an issuer or by an outside reviewer retained by the issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (d) of this section), unless it is shown that such statement was made or reaffirmed without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to the following statements:

(1) A forward looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a–3(b) and (c) or 14c–3(a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward looking statement; *Provided,* That

(i) At the time such statements are made or reaffirmed, the issuer is subject to the reporting requirements of the Securities Exchange Act of 1934 and has filed its most recent annual report on Form 10–K, or, if the issuer is not subject to the reporting requirements of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933, and

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940;

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S–K (§ 229.20), "Supplementary financial information," and disclosed in a document filed with the Commission or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule the term "forward looking statement" shall mean and shall be limited to:

(1) A statement containing a projection of revenues, income (loss), earnings (loss) per share, capital expenditures, dividends, capital structure or other financial items;

(2) A statement of management's plans and objectives for future operations;

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 11 of Regulation S–K; or

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in (1), (2), or (3) above.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Securities Act of 1933 or the rules or regulations promulgated thereunder.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. By revising § 240.3b–6 to read as follows:

§ 240.3b–6 Liability for certain statements by issuers.

(a) A statement within the coverage of paragraph (b) of this section which is made by or on behalf of an issuer or by an outside reviewer retained by the issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (d) of this section), unless it is shown that such statement was made or reaffirmed without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to the following statements:

(1) A forward looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) or (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward looking statement; *Provided,* That

(i) At the time such statements are made or reaffirmed, the issuer is subject to the reporting requirements of the Securities Exchange Act of 1934 and has filed its most recent annual report on Form 10–K, or, if the issuer is not subject to the reporting requirements of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933, and

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940;

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S–K (§ 229.20), "Supplementary financial information," and disclosed in a document filed with the Commission or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule the term "forward looking statement" shall mean and shall be limited to:

(1) A statement containing a projection of revenues, income (loss), earnings (loss) per share, capital expenditures, dividends, capital structure or other financial items;

(2) A statement of management's plans and objectives for future operations;

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 11 of Regulation S–K; or

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in (1), (2), or (3) above.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Securities Exchange Act of 1934 or the rules or regulations promulgated thereunder.

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

4. By revising § 250.103A to read as follows:

§ 250.103A Liability for certain statements by issuers.

(a) A statement within the coverage of paragraph (b) of this section which is made by or on behalf of an issuer or by an outside reviewer retained by the issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (d) of this section), unless it is shown that such statement was made or reaffirmed without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to the following statements:

(1) A forward looking statement (as defined in paragraph (c) of this section) made in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q, 17 CFR 249.308a, or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934, a statement reaffirming such forward looking statement subsequent to the date the document was filed or the annual report was made publicly available, or a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward looking statement; *Provided,* That

(i) At the time such statements are made or reaffirmed, the issuer is subject to the reporting requirements of the Securities Exchange Act of 1934 and has filed its most recent annual report on Form 10–K, or, if the issuer is not subject to the reporting requirements of the Securities Exchange Act of 1934, the statements are made in a registration statement filed under the Securities Act of 1933, and

(ii) The statements are not made by or on behalf of an issuer that is an investment company registered under the Investment Company Act of 1940;

(2) Information relating to the effects of changing prices on the business enterprise presented voluntarily or pursuant to Item 11 of Regulation S–K (§ 229.20), "Management's discussion and analysis of financial condition and results of operations," or Item 12 of Regulation S–K (§ 229.20), "Supplementary financial information," and disclosed in a document filed with the Commission or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule the term "forward looking statement" shall mean and shall be limited to:

(1) A statement containing a projection of revenues, income (loss), earnings (loss) per share, capital expenditures, dividends, capital structure or other financial items;

(2) A statement of management's plans and objectives for future operations;

(3) A statement of future economic performance contained in management's discussion and analysis of financial condition and results of operations included pursuant to Item 11 of Regulation S–K; or

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in (1), (2), or (3) above.

(d) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Public Utility Holding Company Act of 1935 and other acts referred to in Section 16(b) thereof.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

5. By adding § 270.0–9 to read as follows:

§ 270.0–9 Liability for certain statements by issuers.

(a) A statement within the coverage of paragraph (b) of this section which is made by an issuer shall be deemed not to be a fraudulent statement (as defined in paragraph (c) of this section), unless it is shown that such statement was made without a reasonable basis or was disclosed other than in good faith.

(b) This rule applies to information relating to the effects of changing prices on the business enterprise disclosed in a document transmitted to or filed with the Commission or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934.

(c) For the purpose of this rule the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or a fact which is materially misleading in light of the reports required to be filed pursuant to subsections (a) and (b) of section 30 of the Investment Company Act of 1940, as those terms are used in the Investment Company Act of 1940 or the rules or regulations promulgated thereunder.

* * * * *

(Secs. 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; section 20 [15 U.S.C. 79t] of the Public Utility Holding Company Act of 1935;

and section 38(a) [15 U.S.C. 80a–37(a)] of the Investment Company Act of 1940)

Pursuant to section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposed amendments on competition and is not aware at this time of any burden that such rule amendments would impose on competition.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 17, 1981.

[FR Doc. 81-6281 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 240

[Release No. 34-17549, File No. S7-787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission adopts a rule which provides procedures by which certain securities would be designated as qualified for trading in a national market system. The Commission also adopts a rule amendment which will require the dissemination of transaction and quotation information with respect to those designated securities. The primary near-term substantive effect of the rule and amendment will be to designate approximately 40 over-the-counter securities as national market system securities and to require, as of February 1, 1982, that transactions in such securities be reported in a real-time system and that quotations for such securities be firm as to the quoted price and size. The Commission has adopted both the rule and amendment as part of its efforts to facilitate the establishment of a national market system in accordance with the Securities Acts Amendments of 1975.

EFFECTIVE DATES: April 1, 1981, for Rule 11Aa2–1. February 1, 1982, for the amendments to Rule 11Aa3–1.

FOR FURTHER INFORMATION CONTACT: Brandon Becker, (202) 272–2886, Room 392, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission" or "SEC") announced today the adoption of Rule 11Aa2–1 ("Rule") [1] under the Securities Exchange Act of 1934 ("Act") [2] which establishes procedures by which certain securities will be designated as qualified for trading in a national market system ("NMS Securities"). In addition, the Commission announced the adoption of a conforming amendment to Rule 11Aa3–1 under the Act [3] which will require the dissemination of transaction and quotation [4] information with respect to securities currently traded solely over-the-counter ("OTC") once those securities are designated as NMS Securities ("OTC/NMS Securities").

I. Background [5]

A. Legislative History

The 1975 Amendments establish the need "to remove impediments to and perfect the mechanisms of a national market system for securities" as a purpose of the Act [6] and direct the Commission "to facilitate the establishment of a national market system which may include subsystems for particular types of securities with unique trading characteristics." [7] Those Amendments, however, do not specify which securities should be included in a national market system ("NMS") or subsystem thereof. Rather, in consonance with Congress' intent to provide the Commission with "maximum flexibility" in the establishment of an NMS, [8] the Act states that "[t]he Commission, by rule, shall designate the securities or classes of securities qualified for trading in the [NMS] from among securities other than exempt securities." [9] In keeping with this preference for flexibility, the legislative history indicates a Congressional belief that the Commission should evaluate various characteristics of a security (*e.g.*, "trading volume, price and number of stockholders" [10]) which may indicate whether a particular security is appropriate for inclusion in an NMS or subsystem thereof.

B. Prior Proceedings

Prior to the proposal of Rule 11Aa2–1, the Commission solicited comment on issues relating to the designation of securities as NMS Securities on three separate occasions. [11] In response to these earlier discussions, the Commission received comments from representatives of both the exchange and OTC markets. In general, the exchange community suggested that all exchange traded securities for which transaction information is reported ("reported securities") [12] in the

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[1] 17 CFR 240.11Aa2–1.

[2] 15 U.S.C. 78a *et seq.*, as amended by the Securities Acts Amendments of 1974 ("1975 Amendments"), Pub. L. 94–29 [June 4, 1975], 89 Stat. 97, [1975] U.S. Code Cong. & Ad. News 97.

[3] 17 CFR 240.11Aa3–1. *See* Securities Exchange Act Release No. 16589 (February 19, 1980) ("Rule 11Aa3–1 Adoption Release"), 45 FR 12377.

[4] *See* Rule 11Ac1–1 under the Act, 17 CFR 240.11Ac1–1 and Securities Exchange Act Release No. 14415 (January 26, 1978) (Adoption of Rule 11Ac1–1), 43 FR 4342.

[5] For a more extensive discussion of the background of Rule 11Aa2–1 *see* Securities Exchange Act Release No. 15926, at 2–13, (June 15, 1979) ("Rule 11Aa2–1 Proposal Release"), 44 FR 36912, 36912–14.

[6] Section 2 of the Act.

[7] Section 11A(a)(2) of the Act.

[8] Senate Comm. on Banking, Housing & Urb. Affs., *Report to Accompany S. 249: Securities Acts Amendments of 1975*, S. Rep. No. 94–75, 94th Cong., 1st Sess. 7 (Comm. Print 1975) ("Senate Report"), *reprinted in*, [1975] U.S. Code Cong. & Ad. News 179, 185.

[9] Section 11A(a)(2) of the Act.

[10] Senate Report, *supra* note 8, at 16, [1975] U.S. Code Cong. & Ad. News at 194.

[11] Securities Exchange Act Release Nos. 12159 (March 2, 1976) (requesting comment on issues related to the development of a Composite Limit Order Book ("CLOB") "CLOB Release"); 14416 (January 28, 1978) (January statement on issues related to the development of an NMS generally, "January Statement"); and 15671 (March 22, 1979) (status report on the development of an NMS; "Status Report"); 9 S.E.C. Doc. 78, 43 FR 4354 and 44 FR 20360. For a more extensive discussion of these prior proceedings, *see* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 5–13, 44 FR at 36912–14.

[12] Paragraph (a)(4) of Rule 11Aa3–1 defines the term "reported security" to include "any listed equity security . . . for which a transaction reporting plan with respect to such security is required to be filed" by that Rule. Paragraph (b) of that Rule requires national securities exchanges ("exchanges") national securities associations ("associations") and brokers or dealers who are not members of an exchange or association to file transaction reporting plans "with respect to transactions in listed equity securities." Rule 11Aa3–1(b)(1) and (b)(2). Pursuant to former Rule 17a–15 under the Act (the predecessor to Rule 11Aa3–1), the Commission has declared effective one joint industry plan for transaction reporting, the Consolidated Tape Association ("CTA") Plan ("CTA Plan"). *See* Securities Exchange Act Release No. 10787 (May 10, 1974), 39 FR 17799. The original CTA Plan and the CTA's Articles of Association were published in [1974] Sec. Reg. & L. Rep. (BNA) No. 250, at I–1 (May 1, 1974).

Following approval of the CTA Plan, the Commission exempted from the reporting requirements of then Rule 17a–15 "all listed securities which are not eligible for reporting pursuant to" the CTA Plan. Securities Exchange Act Release No. 10851 (June 13, 1974), 39 FR 22194. The CTA Plan provides for the reporting of transactions in "eligible securities" which are defined to include: (1) any common stock, long term warrant or preferred stock registered or admitted to unlisted trading privileges on either the American ("Amex") or New York ("NYSE") Stock Exchanges, (2) any common stock, long term warrant, or preferred stock registered on any exchange or admitted to unlisted trading privileges thereon which substantially meets either Amex or NYSE listing requirements and (3) any right to acquire any of the securities described in (1) and (2) which is traded on the same exchange as the eligible security. *See* CTA Plan, Restatement and Amendment to Plan submitted to SEC pursuant to Rule 17a–15 under Securities Exchange Act of 1934, § VI, at 22–28, dated March 1, 1980, contained in Public File No. S7–433. *See also* Securities Exchange Act Release No. 16983 (July 16, 1980) (Order approving revised CTA Plan), 45 FR 49414.

consolidated transaction reporting system ("consolidated system") should be designated as NMS Securities. However, representatives of the OTC market, responding to Commission indications that at least some OTC securities eventually should be included in an NMS, [13] urged the Commission to proceed with caution in designating OTC securities because, in their view, premature inclusion of such securities might create disincentives to market making in those securities. [14] In this connection, the National Security Traders Association ("NSTA") proposed that a "limited number" of OTC securities initially should be included in a pilot program to permit the Commission and industry to determine whether such inclusion "would seriously impair the viability of [the OTC] market." [15]

In response to these differing views, the Commission proposed Rule 11Aa2–1 on June 15, 1979. [16] As proposed, the Rule contemplated that the exchanges and the National Association of Securities Dealers, Inc. ("NASD") would jointly agree upon and file, for approval by the Commission, a designation plan which would provide for the establishment of a designation body to select NMS Securities. The proposed Rule set forth two sets of criteria, applicable equally to exchange traded and OTC securities, for the designation of NMS Securities. Under the more stringent tier 1 criteria, securities meeting certain numerical tests relating to national investor interest (*e.g.*, trading volume, price per share and public float) would be automatically designated as NMS Securities. Under the less stringent and more subjective tier 2 criteria, other securities would be eligible for designation as NMS Securities ("Potential NMS Securities") upon application to the designation body by the issuer or two or more market centers. [17] The designation body, which the self-regulatory organizations ("SROs") would have been required to create, would then have been given discretion to designate particular securities as NMS Securities based on criteria to be set forth in the designation plan. [18]

C. Overview of Comments Received

The Commission received 11 comments on proposed Rule 11Aa2–1: four from exchanges, [19] three from issuers and issuer groups, [20] two from OTC representatives, [21] one from a broker-dealer, [22] and one from the Securities Industry Association ("SIA"). [23] While there was a general recognition of the Commission's mandate to designate those securities which should participate in an NMS, exchanges and commentators from the OTC community were critical of various aspects of the proposed Rule. The exchange community criticized the proposal because some reported securities would not, under either tier 1 or tier 2 criteria, be designated as NMS Securities. Thus, the exchanges and SIA argued that, if the Rule were adopted, all reported securities should be designated as NMS Securities. [24]

In contrast, representatives of the OTC market, such as the NASD, NSTA and Merrill, raised separate concerns regarding the designation of any OTC securities as NMS Securities at this time. In essence, these commentators argued that, while ultimately it might be appropriate to designate a small group of OTC securities, this action was premature and should not be taken until after adoption of, and experience under, the proposed Rule 19c–3 under the Act regarding off-board trading restrictions. [25] It was argued that adoption of that Rule would provide the Commission and the OTC community with an opportunity to gain important first hand experience with real-time transaction reporting which would then provide a basis for determining which OTC securities should be subject to such reporting. In addition, these commentators, and groups representing corporate issuers, argued that issuers should be provided a greater role in the designation process than contemplated by the proposed Rule.

After careful consideration of these comments and, in particular, the issues discussed below, the Commission has determined to adopt the Rule in revised form. As adopted, the Rule applies only to OTC securities. With respect to these securities, the Commission has retained a two-tier approach, modified to

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[13] In the January Statement, the Commission had indicated its belief that certain OTC securities should be designated as NMS Securities and that it was its intention: "[t]o require [transaction] information with respect to completed transactions in all [OTC/NMS Securities] to be included in the consolidated system, to require quotations in those [S]ecurities to be collected and disseminated in accordance with Rule 11Ac1–1 under the Act, and otherwise to ensure that trading in such [S]ecurities can be effected by means of, and subject to the requirements of, the order routing and other systems which must be developed to realize [NMS] objectives." January Statement, *supra* note 11, at 46, 43 FR at 4361 (footnote omitted).

[14] In particular, OTC representatives had argued that transaction reporting for securities traded exclusively in the OTC market might reduce the liquidity of the markets for those securities because OTC market makers might be less willing to acquire a position in a security if their competitors were able to discover, via transaction reporting, the size of the position they had acquired. *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 51–56, 44 FR at 36920–21, and text accompanying notes 46–47, *infra*.

[15] Letter from Lawrence R. Rice, Chairman, and Morton N. Weiss, Presient, NSTA, to George A. Fitzsimmons, Secretary, SEC, at 2, dated June 28, 1978 ("1978 NSTA Letter"), contained in File No. S7–735–A.

[16] *See* Rule 11Aa2–1 Proposal Release, *supra* note 5.

[17] The Commission also proposed, with respect to each specific criterion, alternative levels of numerical standards which would be progressively more inclusive of securities. For a more extensive description of Rule 11Aa2–1 as proposed, *see* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 14–21, 44 FR at 36914–15.

[18] Among other things, the proposed Rule indicated that the designation body could consider the views of the issuer and other interested parties. In addition, the designation body was to be responsible for the development and administration of maintenance criteria for NMS Securities.

[19] Letter from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated October 3, 1979 ("Amex Letter"); Letter from James E. Dowd, President, Boston Stock Exchange, Inc. ("BSE"), to George A. Fitzsimmons, Secretary, SEC, dated September 7, 1979 ("BSE Letter"); Letter from Richard B. Walbert, President, Midwest Stock Exchange, Inc. ("MSE"), to Andrew M. Klein, Director, Division of Market Regulation, SEC, dated September 20, 1979 ("MSE Letter"); and Letter from James E. Buck, Secretary, NYSE, to the SEC, dated September 28, 1979 ("NYSE Letter"). These letters are contained in Public File No. S7–787.

[20] Letter from Gary E. Hughes, Senior Counsel, American Council of Life Insurance ("ACLI"), to George A. Fitzsimmons, Secretary, SEC, dated August 14, 1979 ("ACLI Letter"); Letter from J. David Silver, Chairman, Securities Industry Committee, American Society of Corporate Secretaries, Inc. ("ASCS"), to SEC, dated September 27, 1979 ("ASCS Letter"); and Letter from Donald R. Blum, Secretary & Assistant Treasurer, Cincinnati Gas & Electric Co. ("CG&E"), to SEC, dated September 26, 1979 ("CG&E Letter"). These letters are contained in Public File No. S7–787.

[21] Letter from Gordon S. Macklin, President, NASD, on behalf of the NASD's National Market System Qualifications Committee, to George A. Fitzsimmons, Secretary, SEC, dated August 13, 1979 ("1979 NASD Letter"); and Letter from Morton N. Weiss, President, NSTA, to George A. Fitzsimmons, Secretary, SEC, dated September 28, 1979 ("1979 NSTA Letter") (The 1978 NSTA Letter, *supra* note 15, was attached.) These letters are contained in Public File No. S7–787. *See* Letter from Gordon S. Macklin, President, NASD, to Harold M. Williams, Chairman, SEC, dated June 7, 1978 ("1978 NASD Letter"), contained in Public File No. S7–735–A.

[22] Letter from William A. Schreyer, President, Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill"), to George A. Fitzsimmons, Secretary, SEC, dated August 13, 1979 ("Merrill Letter"), contained in Public File No. S7–787.

[23] Letter from Edward I. O'Brien, President, SIA, to George A. Fitzsimmons, Secretary, SEC, dated September 28, 1979 ("SIA Letter"), contained in Public File No. S7–787.

[24] In addition, the exchanges also supported the designation of OTC securities either based on the criteria currently used to determine which exchange traded securities are reported in the consolidated system or the use of separate criteria. The SIA took the position that further study was necessary to determine which OTC securities should be designated.

[25] Since the proposal of Rule 11Aa2–1, On June 15, 1979, the Commission has adopted Rule 19c–3, 17 CFR § 240.19c–3, which removes exchange off-board trading restrictions regarding certain securities listed on an exchange on or after April 26, 1979. *See* Securities Exchange Act Release No. 16888 (June 11, 1980) ("Rule 19c–3 Adoption Release"), 45 FR 41125. Rule 19c–3 became effective on July 18, 1980.

eliminate certain of the complexities inherent in the proposal, while retaining a significant issuer voice in the selection of tier 2 securities. As adopted, the Rule still would require, under the tier 1 criteria, the automatic designation of a limited number of more actively traded OTC securities. Under the tier 2 criteria, a far larger group of OTC securities will be eligible for designation subject to an application by an issuer of such security and verification by the NASD that the security "substantially meets" the tier 2 designation criteria.[26] The Commission also has determined to adopt proposed amendments to Rule 11Aa3–1 which will provide that NMS securities will be subject to real-time transaction reporting and market makers in such Securities will be required to provide firm quotations pursuant to the Commission's Quota Rule, Rule 11Ac1–1 under the Act.

The substantive portions of the Rule and the amendments to Rule 11Aa3–1 will not become effective until February 1, 1982. On that date, approximately 40 securities currently traded exclusively in the OTC market will become subject to real-time transaction and quotation reporting.[27] In addition, on August 1, 1982, approximately 454 OTC securities will become eligible for such reporting if the issuers of such securities elect to have those securities designated as NMS Securities.[28] As discussed below, the Commission intends to monitor the effects of adoption of the Rule in conjunction with its overall assessment of progress toward a national market system with a view toward determining whether additional OTC securities or exchange traded securities should be added to the list of NMS Securities (through a change in the tier 1 criteria) or the list of Potential NMS securities (through a change in the tier 2 criteria) and whether additional steps should be taken with respect to these or other securities to more fully achieve the Congressional mandate to facilitate a national market system.[29]

II. Discussion

A. Application To Exchange Traded Securities

1. *Comments.* As noted above, while one exchange commentator called for "prompt adoption" of the Rule as proposed,[30] other exchange commentators suggested that "there is no present justification for the application of the Rule to listed securities."[31] These commentators indicated their concern that, if the Commission were to adopt designation criteria which did not include at least all reported securities, then investors "might mistakenly believe the securities at the lower levels, [*i.e.*, those securities which might not be designated or be designated pursuant to the tier 2 criteria,] are somehow of a lesser investment quality than those at higher levels."[32] In light of these concerns, commentators recommended either that the Rule not address exchange traded securities or that the Commission should include all reported securities.

In contrast to these views, representatives of the OTC market argued that, if any securities are designated, uniform standards should be applied to both exchange traded and OTC securities. In addition, they argued that, if the Rule were adopted, the general approach should be initially to designate a limited number of exchange traded and OTC securites with provision for the gradual inclusion of additional securities.[33]

2. *Analysis.* The Commission does not believe that it is necessary to resolve at this time all of the issues associated with qualification for trading in an NMS, including (1) which exchange traded securities should be designated as NMS Securities and (2) whether, given the different trading environments which presently characterize exchange trade and OTC securities, it is essential that both exchange traded and OTC securities meet the same designation criteria.

Because the only immediate effect of designation at this time will be the inclusion of securities in the NMS last sale and quotation disclosure facilities and because virtually all exchange traded securites which would have been designated under the standards contained in the Rule as adopted already are the subject of transaction and quotation reporting,[34] designation would have no practical effect on exchange traded securities. Because of this fact and because of the concerns expressed by commentators that selection of less than all reported securities would create unwarranted distinctions among listed securities, the Commission has determined not to designate, at this time, any exchange traded securities and to proceed with the designation process in a measured and phased manner. The Commission has not, however, withdrawn those portions of the proposed Rule which relate to exchange traded securities. Rather, in light of the Commission's

[26] As noted above (*see* text accompanying notes 16–18, *supra*), the Rule, as proposed, contemplated that the exchanges and the NASD would have filed a joint designation plan including a designation body which would have, in part, reviewed applications under tier 2 of both OTC issuers and market centers and determined whether a security should be designated. (*See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 18–21, 44 FR at 36915.) However, the provisions of the Rule regarding the designation plan have been revised. First, because the Rule, as adopted, only applies to OTC securities, the Rule imposes the responsibility to file a designation plan and act as the designation body solely on the NASD. Second, under the Rule as adopted, the designation body does not retain substantial discretion. Instead, the Rule requires that the designation body determine, upon application by an issuer, whether a security "substantially meets" the tier 2 criteria. *Cf.* Amex Letter, *supra* note 19, at 4; BSE Letter, *supra* note 19, at 2; 1979 NASD Letter, *supra* note 21, at 2; 1978 NASD Letter, *supra* note 21, at 2–3; and NYSE Letter, *supra* note 19, at 2–4.

[27] Certain parts of the Rule will become effective on April 1, 1981. *See* note 99, *infra*.

[28] The estimates of tier 1 and tier 2 securities are based on 1979 price per share and volume data supplied by the NASD. *See* notes 99–100 *infra*. The Commission also would note that the addition of mandatory quotation reporting should not involve any significant change in the behavior of OTC market makers because most such market markers already disseminate current quotations through the NASD's Automated Quotation ("NASDAQ") System and the NASD recently approved adding to the System the capability of displaying size, *see* note 37, *infra*.

[29] *See* text accompanying notes 102–49, *infra*.

[30] *See* MSE Letter, *supra* note 19.

[31] Amex Letter, *supra* note 19, at 2. *See* BSE Letter, *supra* note 19, at 2, and NYSE Letter, *supra* note 19, at 4–5.

[32] Amex Letter, *supra* note 19, at 3. *See* BSE Letter, *supra* note 19.

[33] For example, Merrill proposed the following approach:

> Initially we would set the standard . . . at a level equivalent to the NYSE listing requirements with an average monthly volume of 600,000 shares. The standards can be relaxed in time as other securities are phased in and . . . eventually [NMS designation] would be determined by the interest which investors show in trading the securities. Initially, however, we would go slowly and insure that the system functions properly before expanding it.

Merrill Letter, *supra* note 22, at 3. The NSTA also recommended a 600,000 monthly share volume standard. 1979 NSTA Letter, *supra* note 21, at 3. Thus, the standards proposed by Merrill and the NSTA would not resolve the exchange community's concern that some exchange traded securities would not be designated, as some of their securities presumably would not meet NYSE listing requirements. Moreover, it should be noted that, as of June 30, 1979, the NYSE estimated that the securites of only 169 (10.97%) of the 1,540 companies then listed on the NYSE would have met the designation criteria proposed in conjunction with a 600,000 share per month volume test. Comparison Matrix, *attached to*, NYSE Letter, *supra* note 19.

[34] In this connection, it should be noted that, although the NYSE Letter stated that "[i]t is not clear" whether a non-NMS security would "become ineligible for inclusion in either or both the" consolidated system or the consolidated quotation system (NYSE Letter, *supra* note 19, at 5 n.*), the Rule 11Aa2–1 Proposal Release explicitly stated that "because the dissemination of current transaction and quotation information is essential to maintaining the fairness and orderliness of the markets for exchange traded securities, the Commission believes that it should continue to be required for reported securities even if those securities are not [NMS Securities." Rule 11Aa3–1 Proposal Release, *supra* note 5, at 31, 44 FR at 36917 (footnotes omitted).

actions today, it requests that interested parties provide, by July 10, 1981, their views and arguments regarding whether exchange traded securities should be designated as NMS Securities and which securities should be so designated.[35]

B. Designation of OTC/NMS Securities and Inclusion of Those Securities in the NMS Disclosure Facilities

As indicated above,[36] the major impact of adoption of the Rule is that transactions in OTC/NMS Securities would be required to be reported in a real-time system.[37] Thus, the threshold question in addressing whether it is appropriate to designate OTC securities at this time is whether those securities should be subject to mandatory transactions reporting.

1. *Comments.* Although there was disagreement among the commentators concerning which OTC securities should be designated, most commentators supported the eventual designation of some OTC securities. The BSE and NYSE suggested that the standards applied by the CTA to determine which exchange traded securities are reported also should be used to designate OTC/NMS Securities.[38] Specifically, the NYSE suggested that such standards would result in the designation of approximately 600 OTC securities.[39]

Merrill, the NASD and the NSTA argued, however, that, although some OTC securities ultimately should be designated, inclusion of OTC securities in the NMS disclosure facilities at this time would be premature. They contended that the Commission should adopt then proposed Rule 19c–3 and gain some experience under that Rule before OTC securities are designated as NMS Securities. Specifically, they argued that adoption of Rule 19c–3 would provide the Commission, NASD, OTC issuers and OTC market makers with an opportunity to assess the impact of including OTC securities in the NMS disclosure facilities.[40]

Furthermore, the NASD and NSTA expressed concern regarding the manner by which, if the Rule were to be adopted, transaction information with respect to OTC/NMS Securities would be made available to broker-dealers and investors.[41] Specifically, they noted that, under present CTA reporting procedures for exchange traded securities, reported securities are segregated by market so that last sale reports for NYSE securities and those for Amex and other exchange listed securities are reported in a segregated manner for certain dissemination purposes (including determination of applicable fees and charges).[42] In this connection, they argued that, rather than further segregate last sale reports by creating a third data stream for OTC/NMS Securities,[43] or by including last sale reports for OTC/NMS Securities with those of Amex and regional listings, "there should be no unequal tape distinctions"[44] and "all information relating to [NMS] Securities [should] be available equally through interrogation devices, newspapers, tickers, or other facilities with no market-place distinction."[45]

Finally, although not specifically raised in connection with the Rule 11Aa2–1 proceeding, in the past, various OTC representatives also have expressed concern regarding the potential effect of last sale reporting on the liquidity of the OTC market.[46] In this connection, it has been argued that OTC market makers might be less willing to acquire a position in a security subject to transaction reporting both because of the direct (*e.g.*, clerical) costs associated with transaction reporting and because they might be concerned that they would be unable to effectively liquidate a significant position if their competitors were aware, via transaction reporting, of the size of that position. While these

[35] Commentators may wish to consider whether exchange traded securities which meet one of the following possible alternatives should be designated as NMS Securites: (1) securities which meet the tier 1 or tier 2 criteria adopted today; (2) securities subject to Rule 19c–3 and available for trading through a linkage facility with the OTC market; (3) securities which are traded through an exchange linkage facility such as the Intermarket Trading System ("ITS"); (4) securities which are traded by multiple market centers, irrespective of whether those securities are traded through a linkage facility; and (5) all reported securities.

[36] *See* text accompanying notes 26–29 *supra*.

[37] In addition, although the Commission did not receive any specific comments on the issue, it should be noted that market makers in OTC/NMS Securities also would be subject to the Commission's Quote Rule. In general, that Rule would require, subject to certain exceptions, that market makers communicate their quotations (including size) to the NASD for public dissemination and that those quotations be firm as to the price and size communicated. The Commission has determined that the additional firmness, size the mandatory participation requirements of the Quote Rule are necessary to enhance the quality of quotation information in OTC/NMS Securities. However, while these obligations would be required by Rule 11Ac1–1, they should not prove burdensome for OTC market makers because most such market makers already voluntarily make quotations available through NASDAQ. Nevertheless, application of the Quote Rule will require the NASD to enhance NASDAQ or the Consolidated Quotations System ("CQS") to permit OTC market makers to provide quotations with size. *See* Rule 11Ac1–1(c)(1). In this regard, the Commission would note that the NASD, itself, has determined to modify NASDAQ to allow OTC market makers to display the size of their quotations on a voluntary basis and to require those market makers to be firm for the amount of their displayed size. *See* NASD, Notice to Members, No. 80–61, dated November 20, 1980. *Compare* Rule 11Ac11(c)(2)).

Apart from the limited systems changes necessary to display quotation sizes, the Commission also expects various systems changes may be required to accommodate transaction reporting, even though such changes already have been implemented for third market makers who are required to report transactions in exchange traded reported securities. Accordingly, the Commission expects that the NASD will have to develop, either on its own or in conjunction with other SROs, the capability of providing vendors of securities information a real-time data stream of transaction information for OTC/NMS Securities. Thus, the Commission has adopted the Rule 11Aa3–1 amendments with a deferred effective date to provide the NASD with the necessary lead time within which to comply with the Rule's requirements.

[38] *See* BSE Letter, *supra* note 19, at 2; & NYSE Letter *supra* note 19, at 2–3. The MSE supported adopting the Rule as proposed. The Amex and SIA called for additional study of which OTC securities should be designated. Specifically, the SIA argued that the securities industry and the Commission should continue to discuss "which exclusively OTC securities are suitable for trading in whatever market structure emerges * * *." SIA Letter, *supra* note 23, at 10.

[39] NYSE Letter, *supra* note 19, at 3.

[40] Similarly, in 1978 the NSTA had recommended: "A limited number of diverse OTC stocks should be included in a pilot program at the start-up of [the] NMS. This would enable the Commission to determine whether many of the problems expressed by OTC issuers, market makers and others, because of the proposed injection of auction principles into the dealer market, would seriously impair the viability of this market." 1978 NSTA Letter, *supra* note 15, at 2. In responding to the Rule 11Aa2–1 Proposal Release, the NSTA revised its recommendation. "[T]he implementation of * * * [R]ule [19c–3] would meet our definition of 'limited,' and would also provide the trading community with a small, controlled test environment in which to study the effects of truly competitive trading." 1979 NSTA Letter, *supra* note 21, at 3. *See* Merrill Letter, *supra* note 22, at 1–2; and 1979 NASD Letter, *supra* note 21, at 2.

[41] *See* 1979 NASD Letter, *supra* note 21, at 4; 1978 NASD Letter, *supra* note 21, at 4; 1979 NSTA Letter, *supra* note 21, at 1–2; and 1978 NSTA Letter, *supra* note 15, at 2.

[42] Under the current method of reporting transactions in listed securities, last sale reports are distributed over two data streams. The first stream, the high-speed line, distributes last sale reports for all markets and does not segregate those reports by market. This line is used to service various interrogation devices which allow broker-dealers to determine the last sale for a security from any market. The second stream, the low-speed lines, is further subdivided into Networks A and B. This stream is used to service various ticker displays and is substantially slower than the high speed line because, at present, it is not possible to increase the line speed while at the same time retaining the readability of the ticker display. Accordingly, the NASD, in calling for the elimination of segregating the Networks by market, noted that, if it were necessary to segregate the tapes to ensure readability, such segregation should be done alphabetically. For a more extensive discussion of the reporting procedures for exchange traded securities, *see* Rule 11Aa3–1 Adoption Release, *supra* note 3.

[43] *See, e.g.*, NYSE Letter, *supra* note 19, at 3 ("Eligible [OTC] securities would be reported on [c]onsolidated [t]ape "C" and would, of course, be included in the [c]onsolidated [q]uotation [s]ystem.").

[44] 1979 NSTA Letter, *supra* note 21, at 1–2.

[45] 1979 NASD Letter, *supra* note 21, at 4.

[46] *See* note 14, *supra*.

views were not explicitly restated in the Rule 11Aa2–1 proceeding, the Commission recognizes that these concerns may underlie the OTC representatives' views that, if Rule 11Aa2–1 were adopted, it should be initially limited to a small group of OTC securities.

2. *Analysis.* Enhanced disclosure of trading activity always has been viewed as one of the critical objectives of an NMS.[47] For example, the Senate Committee on Banking, Housing and Urban Affairs, in its report on the 1975 Amendments, concluded:

> In the securities markets, as in most other active markets, it is critical for those who trade to have access to accurate, up-to-the-second information as to the prices at which transactions in particular securities are taking place (*i.e.*, last sale reports) and the prices at which other traders have expressed their willingness to buy or sell (*i.e.*, quotations).[48]

Indeed, the Conference Report on the 1975 Amendments stated that "communications systems, particularly those designed to provide automated dissemination of last sale reports and quotation information with respect to securities, will form the heart of the" NMS.[49] Accordingly, Section 11A(a)(1)(c)(iii) of the Act sets forth as one goal of an NMS ensuring "the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities." Moreover, this goal of the NMS reflects fundamental principles of the federal securities laws concerning the protection of investors and the maintenance of fair and orderly markets through full and fair disclosure of information relating to trading in the nation's securities markets.[50]

With respect to the protection of investors, last sale information increases the ability of investors to monitor their broker-dealer's efforts to achieve best execution [51] of their orders. For example, while it may be possible in most instances for an investor to determine, solely on the basis of current NASDAQ quotation information, whether his broker-dealer achieved best execution, his ability to do so, especially with respect to actively traded securities and orders of more than minimal size, is limited.[52] Similarly, transaction information also will assist the Commission's and NASD's oversight responsibilities with respect to the OTC market generally.

In addition to these benefits, inclusion of OTC/NMS Securities in the NMS disclosure facilities should provide the securities industry, issuers and the Commission with valuable experience regarding transaction reporting for OTC securities. For example, inclusion of a limited number of securities at this time will provide the OTC market participants with an opportunity to adapt to, and evaluate the effects of, disclosure prior to determining whether it would be appropriate to expand the number of OTC securities subject to transaction reporting.[53] Inclusion also will provide the Commission, the NASD and OTC issuers and market makers with an opportunity to monitor, assess and evaluate the effects of increased disclosure on the OTC markets prior to determining whether to include OTC/NMS Securities in other NMS facilities and initiatives which are dependent on disclosure.[54]

In this regard, the Commission does not believe that the limited experience to be gained regarding OTC transaction reporting in 19c–3 Securities is directly comparable to transaction reporting for OTC/NMS Securities. While the adoption of Rule 19c–3 will provide the industry with some experience regarding the willingness of OTC market makers to provide a market in an environment characterized by transaction reporting,[55] the presence of other factors unique to Rule 19c–3 Securities, notably competition from exchange specialists, would tend to preclude drawing any conclusion regarding the effects of last sale reporting in securities traded solely in the OTC market.[56] In addition, Rule

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[47] *See, e.g.*, SEC, Future Structure of the Securities Markets, at 8 (February 2, 1972), 37 FR 5286, 5287.

[48] Senate Report, *supra* note 8, at 9, [1975] U.S. Code Cong. & Ad. News at 187. *Cf.* 121 Cong. Rec. H11,742 (daily ed. April 24, 1975) (remarks of Representative McCollister, one of the five conference managers on the part of the House) (The NMS "shall include as a minimum, a transactional reporting system [and] a composite quotation system. . . ."), and 121 Cong. Rec. S15,371 (daily ed. May 20, 1975) (remarks of Senator Proxmire, one of the five conference managers on the part of the Senate) ("[T]he foundation for the [NMS] . . . is a competitive network of securities markets and securities firms linked electronically by advanced communications systems. . . . Through this communications network, investors, wherever located, will have immediate access through their brokers to essential price and quote information and to the markets.").

[49] Committee on Conference, *Conference Report to Accompany S. 249: Securities Acts Amendments of 1975*, H. Conf. Rep. No. 94–229, 94th Cong., 1st Sess., at 93, (1975) ("Conference Report"), *reprinted in*, [1975] U.S. Code Cong. & Ad. News 321, 324.

[50] In this connection, the Commission would note that its decision to require additional disclosure regarding trading activity in OTC securities is not justified solely by reference to its duty "to facilitate the establishment of" an NMS. Rather, enhanced disclosure of OTC trading activity is in accord with the Commission's broader responsibilities to ensure full and fair disclosure regarding securities generally. Sections 2, 8(a), 6(b)(5), 9, 10, 11A(a)(1)(C), 11A(a)(2), 11A(b), 11A(c)(1)(B), 15(c), 15A(a), 15A(b)(6), 17(a) and 23(a) of the Act, 15 U.S.C. §§ 78b, 78f(a), 78f(b)(5), 78i, 78j, 78k–1(a)(1)(c), 78k–1(a)(2), 78k–1(b), 78k–1(c)(1)(B), 78o(c), 78o–3(a), 78o–3(b)(6), 78q(a) and 78w(a). *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 30–31, 44 FR at 36917, and Rule 11Aa3–1 Adoption Release, *supra* note 3, at 3 n.8, 45 FR at 12378 n.8.

[51] *See, e.g.*, Newman v. Smith [1974–75] Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶95,078 at 97,782, 97,783 (S.D.N.Y., No. 70 Civ. 1987 WCC, April 24, 1975), and January Statement, *supra* note 11, at 24 n.30, 43 FR at 20363 n.30. Similarly, transaction information also will assist investors in determining whether OTC market makers have overreached their customers in executing a particular transaction. The Rule 19c–3 Adoption Release defined the term "overreaching" as: [T]he possibility that broker-dealer firms may take advantage of their retail customers by executing retail transactions as principal at prices less favorable to those customers than could have been obtained had those firms acted as agent. Rule 19c–3 Adoption Release, *supra* note 25, at 19 n.33, 45 FR at 41128 n.33.

[52] First, because NASDAQ quotations do not presently permit the display of size, an investor may not be able to determine if his order for an excess of 100 shares received the best possible price. Second, in a volatile market, an investor may be unable to determine, solely by references to quotations, whether movements in quotations are caused by substantial trading activity or some other factor. Accordingly, while an investor may depend on quotations to identify whether a broker-dealer flagrantly has failed to achieve best execution, without last sale reports it is more difficult for an investor to compare the quality of executions provided by various broker-dealers in determining which broker-dealer provides the best service.

Even in those situations where the inside quotation is an eighth of a point (*e.g.*, 20 to 20⅛) last sale reports can provide useful information. For example, it would be useful for an investor to be aware of whether the preponderance of recent transactions were on the buy side (*i.e.*, 20) or sell side of the market (*i.e.*, 20⅛). In addition, because such narrow quotation spreads generally reflect active trading interest, in those securities a greater number of transactions outside the retail size quotation (*i.e.*, block transactions away from the market at, say, 19¾) might be expected. Here a record of recent block transactions would provide useful information in determining the appropriate discount from or premium over the retail size quotation for the next block trade.

[53] In this connection, the Commission would note that the Rule 11Aa2–1 Proposal Release set forth alternative designation criteria which would have included progressively more OTC securities at each particular numerical level. *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 32–43, 44 FR at 36917–19. In adopting the relatively more stringent designation criteria, the Commission has not withdrawn the outstanding proposals to expand the number of OTC securities designated as NMS Securities. Rather, the Commission is prepared to revisit the question of which OTC securities should be designated as NMS Securities once it has had an opportunity to monitor the effects of last sale reporting for the initial set of OTC/NMS Securities and in light of its ongoing efforts to monitor other NMS facilities and initiatives (*see* text accompanying notes 102–49 *infra*.)

[54] *See* text accompanying notes 102–49 *infra*.

[55] *See Rule* 19c–3 Adoption Release, *supra* note 25, at 17, 45 FR at 41128.

[56] Both the NASD and NSTA also argued that, before Rule 11Aa2–1 is adopted, an interface between the ITS and NASDAQ, as enhanced to include an order routing and execution capability, should be in place. While the creation of an automated ITS/NASDAQ interface may influence the willingness of OTC market makers to provide a market in an integrated trading environment, *i.e.*, where a security is traded both on an exchange and in the OTC market, such an interface does not relate to the question of whether transaction reporting is appropriate in an exclusively OTC market.

19c–3 itself is limited to certain securities listed on an exchange after April 26, 1979, and, therefore, would not ensure that the most actively traded OTC securities would be subject to transaction reporting. The Commission, therefore, continues to believe that it is important to gain some initial experience with transaction reporting in an exclusively OTC market.

The Commission recognizes the concerns which various OTC representatives have expressed in the past (although not in the Rule 11Aa2–1 proceeding) regarding whether transaction reporting will reduce the incentives for market making in OTC securities. The Commission does not believe, however, that these concerns outweigh the benefits of last sale reporting, at least for the most actively traded OTC securities. As discussed more fully below,[57] the Commission has adopted, as part of the tier 1 designation criteria, an average monthly share volume criterion of 600,000 shares per month. Accordingly, the volume criterion, in conjunction with the other criteria employed by the Rule, will ensure that the initial designation of OTC/NMS Securities will include only the most actively traded [58] and liquid OTC securities. In addition, the Commission continues to believe that, as the NMS evolves and OTC securities increasingly are included in additional NMS facilities and initiatives,[59] it will be of critical importance that the industry and the Commission obtain practical experience with particular facilities and initiatives in discrete environments where the risk of disrupting the delicate trading mechanisms of the markets are minimized. In this regard, the Commission believes that by including a limited number of actively traded OTC securities in the NMS disclosure facilities [60] the industry and Commission will be in a better position to refine and texture future developments regarding OTC/NMS Securities.[61]

Finally, the Commission does not believe that the NASD's concerns regarding whether OTC last sale reports are reported through a separate data stream or included in a single system, with securities segregated as necessary in alphabetical order, should preclude the immediate designation of the most actively traded OTC securities. This concern addresses the method of reporting OTC transactions,[62] not whether those transactions should be reported. Moreover, the Commission does not believe it is appropriate, at this time, to require revision of existing tape reporting procedures as suggested by the NASD. The premise of the NASD's concern is that no "distinction as to marketplace" is appropriate in an NMS.[63] While this premise may be an ultimate goal of an NMS, at the present stage of the evolution of an NMS, substantial numbers of securities, including all of the OTC securities which will be designated as NMS Securities, are only actively traded in one market.[64] Therefore, it would seem anomalous to require that, if a broker-dealer were only interested in obtaining OTC last sale reports, such broker-dealer also would be required to receive Amex and NYSE last sale reports.[65] Accordingly, at least as an initial matter, the Commission is not inclined to believe that it will prove necessary to realign the entire method of tape reporting for all exchange traded securities so that transaction reporting can commence for a limited number of OTC securities. Lastly, the Commission would note that the amendment to Rule 11Aa3–1 adopted today does not require the NASD to provide for transaction reporting in NMS Securities through the consolidated system.[66] Thus, if the NASD is unable to reach a satisfactory agreement with the other CTA participants regarding reporting procedures for OTC/NMS Securities, the NASD may determine to develop its own capability to provide transaction information directly to vendors.[67]

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[57] *See* text accompanying note 99, *infra*.

[58] As noted by the NYSE, if the standards associated with this volume criterion were applied to NYSE listed securities, only about 11% of those securities (all of which are, of course, subject to transacting reporting) would meet this criterion. *See* not 33, *supra*. Thus, both the Commission and the industry are assured that those OTC securities which are initially designated are sufficiently traded that they would otherwise be capable of grading in an environment characterized by last sale reporting.

[59] *See* text accompanying notes 102–49, *infra*.

[60] The Commission also believes that it is appropriate to require that OTC securities designated as NMS Securities under the tier 2 criteria also be subject to real-time transaction reporting. In light of the Rule's requirement that no OTC security will be designated as an NMS Security under the tier 2 criteria unless the issuer of such security seeks to have its securities designated, the Commission believes that issuers will be in a position to evaluate, and arrive at a particularized judgment regarding, whether they believe the markets for those securities will be enhanced by transaction reporting. Moreover, the Commission believes that, in light of the 100,000 shares per month volume criterion for NMS Securities designated under tier 2, the markets for those securities are sufficiently liquid to ensure that transaction reporting would not impose significant additional risks for OTC market makers. The Commission has, however, delayed the effective date of the tier 2 provisions of the Rule until August 1, 1982, to ensure that the NASD and the OTC market will have had a sufficient opportunity to adapt to the disclosure of transaction information for securities designated under the tier 1 criteria. *See* text accompanying notes 102–49 *infra*.

[61] Today the Commission also has amended Rule 11Aa3–1 under the Act to require transaction reporting for OTC/NMS Securities.

[62] In this regard, the Commission noted in proposing Rule 11Aa2–1 that a plan for reporting transactions in OTC/NMS Securities would need to address various specific implementation issues. For example, the Commission observed that transactions effected on an exchange were reported on a "gross" basis (*i.e.*, exclusive of any commission which may be charged to the actual customer in connection with the transaction), whereas principal transactions effected OTC were reported on a "net" basis (*i.e.*, exclusive of any commission, commission equivalent or differential, but inclusive of any retail mark-up or mark-down) and requested comment regarding the effects of this disparity on transaction reporting for NMS Securities traded solely in the OTC market. *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 52–53 n.102, 44 FR at 36921 n.102. *See generally, id.*, at 45, 50 n.88, 52 n.101, and 55–56, 44 FR at 36919, 36920 n.98, 36921 n.101 and 36921. Subsequently, the NASD has amended its reporting procedures for OTC transactions in exchange traded reported securities (*i.e.*, third market transactions) to require gross reporting of OTC principal transactions. *See* Securities Exchange Act Release No. 16980 (July 7, 1980), 45 FR 47291. In addition, present NASD reporting procedures for third market transactions permit an OTC broker-dealer who accounts for less than 1,000 shares or $25,000 on at least five of the ten preceding business days to report its third market transactions on a weekly basis. *See* NASD, By-Laws, Art. XVIII, Sch. G, at ¶ 1(b)(6) *NASD Manual* (CCH) ¶ 1661. The Commission expects that the NASD will adopt similar rules for reporting transactions in OTC/NMS Securities.

[63] 1978 NASD Letter, *supra* note 21, at 4.

[64] *But cf.* text accompanying notes 134–49, *infra* discussing the possibility of granting exchanges unlisted trading privileges in OTC/NMS Securities.

[65] The significance of this possibility is highlighted by the fact that, even with respect to exchange traded securities, eight percent of the subscribers to Network A do not subscribe to Network B. *See* Letter from Robert C. Hall, Chairman, CTA, to George A. Fitzsimmons, Secretary, SEC, at 19, dated January 11, 1979, contained in Public File No. 57–75S.

[66] In this connection, it should be noted that the Rule permits the NASD to meet its obligation to submit a designation plan either by including the designation procedures and maintenance criteria in its own transaction reporting plan or, if it wishes to coordinate its designation procedures with other SROs, by including those provisions in amendments to either the Consolidated Quotation ("CQ") or CTA Plans. In the event that such amendments are pursued, the Commission would, of course, expect the NASD to be responsible for administrative control over, and expenses and revenues from, the provision of transaction and quotation information for OTC/NMS Securities. In addition, irrespective of the method of compliance selected by the NASD, the Commission is prepared to consider any single plan or amendment as being deemed to comply with the formal filing requirements of both Rule 11Aa2–1 and 11Aa3–1, assuming such plan or amendment otherwise complies with the substantive requirements of those Rules. Thus, the NASD would be able to file in a single document a plan or amendment setting forth designation procedures, procedures by which such designation would be revoked or suspended (*see* note 97, *infra*), and procedures for transaction and quotation reporting.

[67] In this regard, the Commission wishes to make clear that, if the NASD so determines, it may build, operate and control its own computer-communication facilities for the dissemination of OTC transaction and quotation information. At the same time, however, the Commission would caution that a subsequent Commission determination to grant exchanges unlisted trading privileges for OTC securities would result in transactions in such

In summary, the Commission believes that, on balance, the benefits of enhanced disclosure for the most actively traded OTC securities outweigh any potential adverse consequences associated with such disclosure. Enhanced disclosure for actively traded OTC securities is, in many respects, a necessary predicate for the inclusion of those securities in an NMS. Accordingly, the Commission has determined to require the designation of a limited number of actively traded OTC securities as NMS Securities and to require that those Securities be included in the NMS disclosure facilities.

C. Role of Issuers

As proposed, Rule 11Aa2–1 contemplated that securities meeting the tier 1 designation criteria would be designated as NMS Securities irrespective of any action by the issuer to obtain or oppose such designation. In addition, a further class of Potential NMS Securities would have been eligible for designation upon application by either an issuer or two or more market centers to a designation body. With respect to this latter group of securities, the designation body would have provided a forum in which the views of issuers, markets makers and other interested securities market participants could have been considered regarding any designation determination.

1. *Comments.* In response to the Rule 11Aa2–1 Proposal Release, the ASCS, NASD and NSTA argued that issuers should have an absolute veto over whether a security is designated as an NMS Security.[64] The ASCS, for example, argued that, because "issuers and investors have a commonality of interest," [65] issuers would not "arbitrarily" [70] decide whether designation is appropriate. In addition, the ASCS stated that in the type of NMS it envisions,[71] most issuers would opt for NMS designation. Similarly, the NASD argued "that the companies who have a fiduciary responsibility to their shareholders to insure that the market for their shares has depth and liquidity should have a choice as to whether or not their shares are traded in the" NMS.[72] To the same effect the NSTA stated that "[c]onsent of the issuers should be required, because we believe that the trading market in a security should remain the responsibility of the issuer as well as that of the financial community." [73]

2. *Analysis.* The Commission believes that issuers should not be allowed to veto designation of their securities as NMS Securities.[74] Indeed, the legislative history of the 1975 Amendments suggests that such a veto power would be inconsistent with the intent of Congress with respect to the development of an NMS and contrary to the Act. For example, the *Securities Industry Study* [75] which provided, in part, the analytical basis for the 1975 Amendments concluded:

> The proposition that the issuer of a security has a right to limit the markets in which investors can trade its securities finds no support either in past practice in the securities markets or in Congressional or SEC [76] policy. In fact, the consistent approach has been that trading in a security should be permitted in any market unless such trading would contravene some important policy laid down in the * * * Act. * * * The Subcommittee believes that restriction of trading in securities to a single market is a drastic measure, to be legislated only when the public interest clearly requires it. It is not a prerogative of corporate management, which has no legitimate interest in restricting the trading opportunities of investors who have acquired a company's shares.[77]

Similarly, in commenting on the role of OTC securities in an NMS, the Senate Committee on Banking, Housing and Urban Affairs, stated that the facilities of an NMS "should be afforded to investors in all securities with suitable characteristics and should not be dependent upon the decision of corporate management to 'list.'" [78] Thus, the Commission does not believe that the opportunity for public investors and other securities market participants to be provided the benefits of NMS facilities and initiatives should be solely dependent on a decision by corporate management to seek designation.[79]

Nevertheless, while the Commission believes that it would be inappropriate for issuers to preclude the inclusion of the most actively traded OTC securities in the NMS disclosure facilities, the Commission does believe it is appropriate to provide issuers with a significant role in the designation process at this stage in the evolution of an NMS.[80] Thus, although the Rule, as adopted, requires that those securities which meet the tier 1 designation criteria must be included in the NMS disclosure facilities, securities which substantially meet the tier 2 designation criteria would not be automatically designated. Rather, Potential NMS Securities only would be designated as NMS Securities, and included in the NMS disclosure facilities, if the issuer of a Potential NMS Security applied to have such security so designated.[81] In this manner, the two tier approach allows for the incremental expansion of OTC transaction reporting, if issuers, after an opportunity to evaluate the practical experience with respect to such reporting, determine to seek such additional disclosure.[82]

The Commission wishes to emphasize, however, that, as the NMS evolves, it may be desirable to include a substantially larger number of OTC securities in the NMS disclosure facilities than will be initially designated. After the securities industry, OTC issuers and the Commission have had an opportunity to evaluate the effects of enhanced disclosure in the OTC market, as well as the effects of the other NMS facilities and initiatives which are presently ongoing,[83] the Commission will reexamine the question of whether it is appropriate to expand the number of OTC/NMS Securities designated under the tier 1 criteria.[84]

D. Designation Criteria

As proposed, the Rule set forth various criteria for the designation of a security as an NMS Security. These criteria related both to the issuer of a security (*e.g.*, the net tangible assets and capital and surplus of an issuer [85]) and the trading charactertistics of a particular security [86] (*e.g.*, average share volume and multiple trading [87]). In proposing these criteria and the specific numerical levels used with respect to each such criterion, the Commission attempted to rely, to the maximum extent practicable, on its prior experience with the various exchange listing requirements,[88] the NASD's requirements for the inclusion of a security in NASDAQ [89] and the Federal Reserve Board's ("FRB") requirements regarding which OTC securities are eligible for margin credit.[90] In this manner, the Commission was able to identify criteria and specific numerical levels which, through prior usage, had been shown to be accurate indicators of securities which enjoy sufficient liquidity and trading interest to ensure that they would benefit from inclusion in the NMS disclosure facilities.[91]

1. *Comments.* Commentators generally did not focus with particularity on either the proposed criteria or the numerical levels selected for each criterion. Moreover, to the extent the commentators did focus on the criteria or numerical levels, their comments generally did not address the appropriateness of individual criteria or numerical levels, but were general statements reflecting their views regarding the number of and particular securities which should be designated. For example, the general support of CTA reporting standards and criticism of high volume and multiple market standards expressed by the exchanges [92] was, in effect, support of their position that all exchange traded reported securities should be designated. Similarly, the support Merrill and the NSTA expressed for a high average share volume standard [93] reaffirmed their view that (1) it was premature to adopt the Rule and (2), if the Rule were adopted, it initially should apply to only a limited number of securities.

2. *Analysis.* The Commission understands the concerns expressed by various exchanges that use of high volume and multiple market standards might unnecessarily exclude significant numbers of reported securities.[94] However, given the limited scope of the Rule, as adopted,[95] it would not appear that these comments should outweigh the concerns expressed by the NASD and other OTC representatives that, at

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securities occurring both on exchanges and in the OTC market (*see* text accompanying notes 134–49 *infra*), and it would therefore be necessary to provide to vendors of securities information a consolidated data stream of transaction and quotation information from both types of markets. In that event, the Commission expects that the NASD will file, jointly with other SROs, CTA Plan amendments contemplating the provision of such consolidated date.

[64] ASCS Letter, *supra* note 20, at 4–8; 1979 NASD Letter, *supra* note 21, at 3; and 1979 NSTA Letter, *supra* note 21, at 2.

[65] ASCS Letter, *id.*, at 4.

[70] *Id.* at 7. The NSTA also believed that, as corporate fiduciaries, issuers would exercise any designation authority they might have in a responsible manner. 1979 NSTA Letter, *supra* note 21, at 3.

[71] The ASCS supported an auction-type NMS with a consolidated limit order book, including (1) stock allocation procedures among market makers; (2) affirmative obligations for market makers, *i.e.*, (a) parameters for trading, (b) performance tests and (c) review procedures; and (3) a national market board including representatives of issuers. *See* ASCS Letter, *supra* note 20, at 2–3.

[72] 1979 NASD Letter, *supra* note 21, at 3.

[73] 1978 NSTA Letter, *supra* note 15, at 1. These views reaffirmed the long-held beliefs of various OTC representatives. *See* 1978 NASD Letter, *supra* note 21, at 3–4, National Association of OTC Companies ("NAOTC"), Statement on the National Market System, at 3–4, dated May 26, 1978, contained in Public File No. S7–735–A; and Statement by Oliver J. Troster, President, New York Security Dealers Association, in *Trading in Unlisted Securities Upon Exchanges*, Hearings on S. 4023 bef. the Sen. Comm. on Banking & Currency, 74th Cong., 2d Sess., pt. 3, at 108, 108 (March 12, 1936) ("We must also examine the statement that the management of a corporation should not have final authority as to the determination of the market place for its securities. I submit that management alone should have that authority.").

[74] *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 24–26, 44 FR at 36916.

[75] Subcomm. on Securities of the Senate Comm. on Banking, Housing & Urb. Affs., *Securities Industry Study*, 92d Cong., 1st Sess. (Comm. Print 1973) ("Senate Study").

[76] *CF., e.g., Trading in Unlisted Securities Upon Exchanges*, Hearings on S. 4023 bef. the Sen. Comm. on Banking & Currency, 74th Cong., 2d Sess., pt. 2, at 42–45 (February 28, 1936) (Statements by Chairman Landis); and SEC, Report on *Trading in Unlisted Securities Upon Exchanges* 9–10, 16, 18, and 21 (1936) ("[T]he belief of many issuers that they should have the right to determine the marketplace for their securities * * * has been examined and rejected." *Id.* at 12 n. 9).

[77] Senate Study, *supra* note 75, at 120 & 121. The legislative history of the 1975 Amendments makes clear that the Congressional directive to designate NMS Securities was intended to implement this conclusion of the Senate Study. *See Summary of Principal Provisions of Securities Acts Amendments of 1975, S. 249*, 94th Cong., 1st Sess. (Comm. Print January 1975), entered into the record by Senator Williams, *in Securities Acts Amendments of 1975*, Hearings on S. 249 bef. the Subcomm. on Securities of the Senate Comm. on Banking, Housing & Urb. Affs., 94th Cong., 1st Sess., at 37, 88 (Comm. Print 1975).

[78] Senate Report, *supra* note 8, at 19, [1975] U.S. Code Cong. & Ad. News at 197.

[79] *CF.* Ludlow Corp. v. SEC, 609 F.2d 704, 706 (D.C. Cir. 1979) ("The legislative history of section 12(f)(2) [of the Act] does indicate that Congress did not want an issuer to have exclusive power to control which markets may trade the issuer's stock.").

[80] As proposed, Rule 11Aa2–1 would have permitted two or more market centers which traded a security or proposed to trade a security to submit an application to a designation body to have that security designated as an NMS Security. The Commission has determined that, at this stage in the evolution of an NMS and because Rule 11Aa2–1 will, for the first time, result in the inclusion of OTC securities in the NMS disclosure facilities, such designation applications should, as an initial matter, be limited to the issuer of a security.

[81] In this connection, the Commission would note that several commentators objected to the two tier designation process as being unnecessary. (*See* Amex Letter, *supra* note 19, at 3; ASCS Letter, *supra* note 20, at 9; Merrill Letter, *supra* note 22, at 3; 1979 NASD Letter, *supra* note 21, at 3; 1979 NSTA Letter, *supra* note 21, at 2–3; NYSE Letter, *supra* note 19, at 5.) As noted above, however, the Commission believes that the two tier approach is necessary to provide issuers with the ability to determine, as an initial matter, whether to seek designation. The two tier approach appears to be the most practical manner for the Commission to meet its dual objectives of moving carefully to require inclusion in the NMS disclosure facilities of those OTC securities which definitely would benefit from such inclusion while still providing flexibility to permit issuers of other OTC securities to apply for designation if they believe it will benefit the markets for those securities. In addition, the Commission believes that commentators have misperceived the significance of the two tier approach. The two sets of criteria only relate to the designation procedures applied. Once designated, securities will not be differentiated on the basis of whether they did or did not meet the tier 1 criteria. Accordingly, the inclusion of less stringent tier 2 criteria actually will enhance the ability of an OTC issuer to ensure that its securities are designated as NMS Securities.

[82] *Cf.* text accompanying notes 26–29, *supra*.

[83] *See* text accompanying notes 102–49, *infra*.

[84] *See* note 53, *supra*.

[85] In addition, the proposed Rule also contained criteria relating to the total assets and earnings of an issuer. As adopted, these two criteria have been deleted from the Rule. In the Rule 11Aa2–1 Proposal Release, *supra* note 5, at 35 n.70, 44 FR at 36918 n.70, the Commission noted that usage of both a total assets and net tangible assets criterion might be "in large part redundant and unnecessary."

[86] The Rule, as proposed, also contained additional proposed criteria relating to the number of publicly-held shares, the market value of publicly-held shares, the price per share and the number of holders of 100 shares or more.

[87] With respect to the multiple trading criterion, the only adverse comment received was from the SIA. *See* SIA Letter, *supra* note 23, at 6–9. However, because this comment was related to exchange traded securities it is not necessary to resolve this issue regarding the designation of OTC/NMS Securities. Nevertheless, the Commission would note that, even if it were ultimately to limit exchange traded NMS Securities to those which are multiply traded, the Commission would continue to expect that securities traded on only one exchange still would be included in the NMS disclosure facilities, *i.e.*, the consolidated transaction and quotation systems. *See* note 34, *supra*.

[88] *See* Amex, *Company Guide*, §§ 101 *et seq.*; BSE Rules, Chapter XXVII, § 1, *BSE Guide* (CCH) ¶ 2280; Cincinnati Stock Exchange, Inc. ("CSE"), By-Laws, Art. IV, § 1.3; MSE Rules, Art. XXVIII, Rule 7, *MSE Guide* ¶ 1997; NYSE, *Company Manual* § B–1 *et seq.*; Pacific Stock Exchange, Inc. ("PSE"), Rule 1, § 3(b), *PSE Guide* (CCH) ¶ 3025; and Philadelphia Stock Exchange, Inc. ("Phlx"), Rule 803, *Phlx Guide* (CCH) ¶ 2803.

[89] NASD, By-Laws, Art. XVI, Sch. D, pt. II, *NASD Manual* (CCH) ¶ 1653A.

[90] Board of Governors of the Federal Reserve System, Reg. T & Supp., 12 CFR 220.8(b). Indeed wherever possible the Commission has attempted to conform its designation criteria and standards with the FRB's requirements.

[91] *See* text accompanying notes 99–101, *infra*.

[92] In brief, the BSE and NYSE supported the use of CTA reporting standards (*i.e.*, Amex listing requirements) for the designation of OTC/NMS Securities. (BSE Letter, *supra* note 19, at 2; and NYSE Letter, *supra* note 19, at 2–3.) The Amex and SIA, while supporting the use of CTA reporting standards for the designation of exchange traded securities, argued that additional study was necessary to determine which OTC securities should be designated. Amex Letter, *supra* note 19, at 4; and SIA Letter, *supra* note 23, at 9–10. The MSE supported "prompt adoption" of the Rule as proposed. MSE Letter, *supra* note 19, at 4.

[93] *See* note 33, *supra*.

[94] In addition, a separate matter which should be noted is the Commission's determination to apply the same designation criteria to common stocks, preferred stocks, and warrants. In proposing Rule 11Aa2–1, the Commission sought comment regarding whether preferred stocks and warrants should be subject to the same designation criteria as common stock. Rule 11Aa2–1 Proposal Release, *supra* note 5, at 38 n.78, 44 FR at 36918 n.78. The Commission did not receive any comments which directly addressed this issue. However, at this stage in the evolution of an NMS, the Commission believes that it is appropriate to apply uniform standards to all types of securities. In this manner, the Commission can ensure that those securities which are designated definitely will benefit from inclusion in the NMS disclosure facilities. Once the industry and the Commission have obtained experience with trading activity under the Rule as adopted, it will be appropriate to reexamine whether differential standards are appropriate.

[95] *See* notes 26–29, *supra*. The Commission would note, however, that it has determined not to replace the price per share, average trading volume and number of round lot holders criteria with an average dollar volume criterion as suggested by the NASD. *See* 1979 NASD Letter, *supra* note 21, at 3. Under such a criterion, OTC securities might be designated which enjoyed only limited national investor interest and infrequent trading activity (*e.g.*, securities with a high price per share and primarily institutional investor interest). While the Commission has not determined that such securities ultimately should not be designated, given that the primary near-term effect of designation will be to subject, for the first time, a small group of OTC securities to real-time transaction reporting, the Commission believes it is appropriate to limit that first step to those securities which would appear to clearly benefit from inclusion in the NMS disclosure facilities.

least at this time, a limited number of OTC securities should be designated. Accordingly, the Commission has in large part (subject to elimination of certain redundant or unecessary criteria [96] and certain technical modifications of others [97]) retained most of the proposed criteria.

With respect to the levels of standards, the Commission believes that the two tier approach responds to most of the concerns raised by the OTC community regarding the possible premature inclusion of OTC securities in the NMS disclosure facilities. By varying the numerical levels set for the tier 1 and tier 2 criteria,[98] the Commission and the industry will be able to gain experience with transaction reporting for a limited number of OTC securities (*i.e.*, tier 1 [99]) while issuers of Potential NMS Securities (*i.e.*, tier 2 [100]) will be permitted to determine whether they will seek to have those securities so designated. Moreover, as market participants, issuers and the Commission gain experience with the trading characteristics of NMS Securities, it will be possible to further refine the level of standards in the future.[101]

III. Inclusion of OTC/NMS Securities in Additional NMS Facilities and Initiatives

A. Introduction

The Commission's action today, in designating a small number of OTC securities as NMS Securities and thereby including these Securities for the first time in a real-time transaction reporting system, is only one in a series of steps, each of which must be monitored and assessed in relation to one another, toward the development of an NMS. On June 11, 1980, the Commission adopted Rule 19c–3 which removed off-board trading restrictions for a limited number of exchange traded securities and thereby initiated a significant experiment which may well have a major impact on the future course of the NMS by providing a concrete opportunity to observe whether it is possible to achieve fair competition between exchange and OTC market makers. In response to the proposal of this Rule, on April 26, 1979, the NASD began the process of enhancing its NASDAQ System to include, among other things, an order routing and execution capability, the so-called Computer Assisted Execution System ("CAES"), which will be the first such System linking OTC market makers. Most recently, on February 5, 1981, the Commission has published for public comment an order which would require the creation of an automated interface between this System and the exchange community which is currently linked through the ITS.[102]

Similarly, the industry, pursuant to Commission urging, has made significant progress toward achieving a regulatory environment which is conducive to the operation of these linkages. Specifically, the Commission understands that the ITS participants have agreed "in principle" to a so-called "trade-through rule" to ensure that the best displayed quotation in the System has priority over other quotations.[103] Moreover, in conjunction with their agreement to pursue an automated interface between the ITS and the NASD's CAES, the ITS participants have undertaken to address the difficult issue of internalization.

Each of these facilities and regulatory initiatives has an important bearing on future Commission consideration of designation questions. In addition to enhanced disclosure, an important element of the NMS is the development of maximum opportunities for fair competition among and between market centers, brokers and dealers. This element of the NMS often has been defined as providing the maximum opportunity for order interaction within an environment characterized by equal regulation, where practicable, of all similarly situated market participants. Thus, the Commission's ongoing efforts to monitor and evaluate existing facilities designed to increase order interaction and enhance competition will have a significant impact on Commission consideration of which exchange traded or OTC securities are appropriate for inclusion in those facilities. In particular, as discussed more fully below, the Commission will consider in the future whether OTC order interaction could be enhanced by the inclusion of OTC/NMS Securities in CAES and what steps, if any, are necessary to ensure that OTC broker-dealers obtain best execution of their customers' orders. Similarly, any future consideration of whether exchange markets should be permitted to trade OTC securities must be based on an evaluation of the character of competition between the OTC and exchange markets in exchange-traded securities as well as the ability of existing linkage facilities to provide for order interaction.

Thus, the following discussion,[104] which explores a number of possible further issues concerning OTC/NMS Securities, should not be viewed in isolation from the efforts to facilitate the establishment of an NMS. Rather, these proposed initiatives are only one part of that program. Accordingly, the Commission will evaluate each of these possible proposals in light of progress in all aspects of its NMS program.

B. Short Selling

Prior to 1975, OTC trading was not subject to any restriction on short selling, in part, because last sale reports had not been available for OTC transactions.[105] In 1974, however, in connection with the implementation of the consolidated system, the Commission proposed to apply Rule 10a–1, its Rule governing short sales, to OTC transactions in those listed securities which were included in the consolidated system.[106]

In proposing to expand the scope of Rule 10a–1, the Commission specifically noted that the potential for manipulation which Rule 10a–1 was designed to prevent would be increased by the availability of transaction reporting. The Commission stated:

> It has long been recognized that one of the dangers of short selling is the possibility that a seller will attempt to establish new lows in a particular security with the hope that investors, observing the decline in price, will be induced to liquidate their holdings * * *. Thus, it is the national dissemination of short sales * * * which in large part enables the short seller to accomplish his intentions.[107]

In 1975, following a review of the comments received on its 1974 proposal, the Commission concluded that the publicity provided by the consolidated system for OTC transactions in reported securities justified the application of Rule 10a–1 to such transactions.[108] The Commission stated that

> [t]he advent of the consolidated system, which will result in wide publicity for sales, including short sales, of certain securities effected in all markets (whether on exchanges or in the [OTC] market), requires that short sale regulation be extended to [OTC] short sales of [r]eported [s]ecurities.[109]

In determining at this time to require last sale reporting for certain OTC securities, the Commission believes that it is appropriate to solicit comment on the question of whether limitations on short selling should be extended to these securities.[110] In this regard, the Commission's concern is highlighted by the comments received with respect to its proposed deregulation of short sales restrictions. On December 21, 1976, the Commission proposed to amend Rule 10a–1 to suspend, in part, the "tick" test provisions of the Rule.[111] In response to this proposal, commentators generally indicated that "the 'tick' test provisions * * * work well and should not be modified."[112] Indeed, various commentators noted their belief that short selling restrictions generally are an important antimanipulative tool.[113] Following a review of these comments, the Commission determined to withdraw its proposed revision of the tick test.[114] In addition, the Commission noted[115] that it is still considering rule proposals which would establish explicit borrowing requirements in connection with short sales[116] and govern short sales (whether on an exchange or in the OTC market) prior to and during underwritten offerings for cash.[117]

In light of these concerns and the continuing support for the regulation of short sales, the Commission requests that interested parties provide, by July 10, 1981, their views and arguments concerning whether such regulation is necessary for OTC/NMS Securities. In this connection, the Commission would urge commentators to focus with

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[96] The Commission has determined to retain the net tangible assets criterion while deleting the total assets criterion, because the net tangible assets criterion should provide a more objective assessment of an issuer's assets (*e.g.*, net tangible assets would not include valuation of an issuer's "good will"). Furthermore, the Commission also does not believe an earnings criterion is necessary because such a criterion might preclude designation of various securities which are actively traded and whose issuers have substantial assets but limited earnings. *Cf.* 1979 NASD Letter, *id.*, *But cf.*, 1979 NSTA Letter, *supra* note 21, at 3; and 1978 NSTA Letter, *supra* note 15, at 2.

[97] In a related matter, it should be noted that the Rule, as proposed and as adopted, contemplates that the criteria and standards by which a security's NMS designation would be suspended or revoked (so-called maintenance criteria) would be set forth in the designation plan (*see* note 18, *supra*). Those exchanges which supported the usage of CTA reporting standards (*see* text accompanying notes 11–12, *supra*) apparently also supported this approach to maintenance criteria because the CTA Plan itself incorporates by reference Amex delisting standards to determine whether an exchange traded security should continue to be reported. In addition, the NASD agreed that the designation body should have "authority to establish procedures for suspending from [NMS] status any security not in compliance with the maintenance standards." 1979 NASD Letter, *supra* note 21, at 2. Moreover, the NASD proposed maintenance criteria which were substantially similar to those in the CTA Plan. *Compare* CTA Plan, *supra* note 12, § VI[c], at 24–25, *and* Amex, *Company Manual* § 1003, at 231–34, *with* 1978 NASD Letter, *supra* note 21, at 5. However, the NASD further argued "that the maintenance standards should be specifically set forth in the Rule * * *." 1979 NASD Letter, *id.*, at 2.

The Commission preliminarily agrees that it would be appropriate to base the maintenance criteria for OTC/NMS Securities on the CTA Plan's maintenance criteria, modified to reflect any unique attributes of Rule 11Aa2–1 or the OTC market. However, the Commission does not believe it is necessary to set forth such criteria in Rule 11Aa2–1. Rather, it would appear that it would be easier to administer and modify those criteria if they were contained in the designation plan. The Commission would note, however, that, if the NASD determines to file a designation plan in the form of an amendment to the CTA Plan (*see* note 66, *supra*) and if the NASD further seeks to have that Plan's maintenance criteria amended to reflect the attributes of OTC/NMS Securities, it would expect the CTA to consider such revisions with due deference to the NASD's special responsibilities and expertise regarding the designation of OTC/NMS Securities. Finally, any such maintenance criteria should be included in the designation plan filed for Commission approval.

[98] *Cf.* note 53, *supra*.

[99] Under the tier 1 criteria, an OTC security would be automatically designated as an NMS Security, if it met the following numerical standards: (1) $2,000,000 in net tangible assets; (2) $1,000,000 of capital and surplus; (3) 500,000 shares publicly-held, (4) publicly-held shares with a market value of $5,000,000; (5) price per share of $10; (6) average monthly trading volume of 600,000 shares; (7) 1,200 holders of record and (8) four or more market makers. Based on 1979 data supplied by the NASD, it appears that approximately 40 OTC common stocks would meet both the price per share and volume criteria of tier 1.

[100] Under the tier 2 criteria, an OTC security would be a Potential NMS Security, if it substantially met the following numerical standards: (1) $2,000,000 in net tangible assets; (2) $1,000,000 of capital and surplus; (3) 250,000 shares publicly-held; (4) publicly-held shares with a market value of $3,000,000; (5) price per share of $5; (6) average monthly trading volume of 100,000 shares; (7) 400 holders of record; and (8) four or more market makers. Based on 1979 data supplied by the NASD, it appears that approximately 454 OTC common stocks would meet both the price per share and volume criteria of tier 2.

[101] *See* text accompanying notes 102–49, *supra*.

[102] *See* Securities Exchange Act Release No. 17516 (February 5, 1981), 46 FR ——.

[103] The ITS participants also have made some progress toward developing a Limit Order Information System; however, implementation of that System is now substantially behind schedule. The Commission urges the ITS participants to move forward with implementation of this facility.

[104] *See* text accompanying notes 105–49, *infra*.

[105] Rule 10a–1, 17 CFR § 240.10a–1, the Commission's rule governing short sales, relies upon a "tick" test which "generally provides that short sales in reported securities . . . may be effected only on a plus-tick or a zero-plus tick, established by reference to the last sale from any market reported in the consolidated system." Securities Exchange Act Release No. 16984, at 2 (July 8, 1980), 45 FR 47159, 47159. The Commission previously has observed that a "tick" test is not workable without current last sale reporting. Securities Exchange Act Release No. 11466, at 5 (June 12, 1975) ("1975 Rule 10a–1 Adoption Release"), 40 FR 25442, 25443 ("The 'tick' test is viable as a measure of short sale permissibility, only if those subject to the test (or their agents) have access to current information concerning completed transactions.").

[106] Securities Exchange Act Release No. 10668 (March 6, 1974) ("1974 Rule 10a–1 Proposal Release"), 39 FR 10804.

[107] *Id.* at 39 FR at 10804. *Accord*, Letter from Donald M. Feuerstein, Salomon Brothers ("Salomon"), to Office of the Secretary, SEC, dated May 30, 1974 ("Salomon Letter"), contained in File No. S7–515.

[108] The Commission stated, in the 1975 Rule 10a–1 Adoption Release, *supra* note 105, at 4, 40 FR at 25443, that: [t]he Commission's original short sale rules did not apply to [OTC] transactions since, in the absence of publicity concerning [OTC] short sales (such as that to be afforded by the consolidated system), there appeared to be little reason to fear that such sales would have a manipulative or destablizing impact on the markets as a whole.

[109] *Id.* at 2–3, 40 FR at 25443. *See* SEC, *Policy Statement on the Structure of a Central Market System*, at 66, (March 29, 1973) ("Policy Statement"), *reprinted in*, [1973] Secs. Reg. & L. Rep. (BNA) No. 196 at D–1, D–14 ("A list of the steps to be taken [toward an NMS] includes * * * [r]evision of the Commission's short sale rule to impose uniform regulation of short sales in all markets."); and Advisory Committee on a Central Market System, *Interim Report on Regulation Needed to Implement a Composite Transaction Reporting System*, 1–9 (October 11, 1972).

Cf. Section 2(4) of the Act which notes that one of the factors underlying adoption of the Act was concern regarding "sudden and unreasonable fluctuations of securities prices * * * on * * * exchanges and [in the OTC] markets * * *."

[110] The Commission recently has reaffirmed that: Rule 10a–1 was designed to accomplish three objectives: (1) to allow relatively unrestricted short selling in advancing markets, (2) to prevent short selling at successively lower prices, thus eliminating short selling as a tool for driving the market down and (3) to prevent short selling from accelerating a declining market by exhausting all remaining bids at one price level, causing successively lower prices to be established by long sellers. Securities Exchange Act Release No. 16984, at 2 n.2, (July 8, 1980), 45 FR 47159, 47159 n.2. *Accord*, Securities Exchange Act Release No. 17314, at 2 n.3, (November 20, 1980) ("1980 Rule 10a–1 Adoption Release"), 45 FR 79018, 79018 n.3; and SEC, 2 Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess. at 251 (1963).

[111] *See* Securities Exchange Act Release No. 13091 (December 21, 1976), 41 FR 46530.

[112] Securities Exchange Act Release No. 17347, at 2 (November 28, 1980), 45 FR 80834, 80834.

[113] *See, e.g.*, Letter from Norman S. Poser, Executive Vice President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated May 4, 1977, at 3, ("[T]he broad need to maintain relatively stable and orderly markets and to enhance investor confidence weighs strongly in favor of retaining the tick test restriction on short selling."); Letter from William G. Burns, Vice President & Treasurer, American Telephone & Telegraph Company, to George A. Fitzsimmons, Secretary, SEC, undated, at 2, ("The current tick rule has provided corporate issuers and investors protection over the years."); Letter from William F. Devin, Chairman, Institutional Advisory Committee on Trading, NYSE, to George A. Fitzsimmons, dated April 4, 1977, at 1, ("eliminating the up-tick requirements for short sales would have * * * highly undesirable results * * *."); Letter from James E. Buck, Secretary, NYSE, to George A. Fitzsimmons, Secretary, SEC, dated March 17, 1977, at 1, ("We believe the rule continues to be an important means of protecting investors and the public interest, preventing fraudulent and manipulative acts and practices, and promoting just and equitable principles of trade."); and Letter from Edward I. O'Brien, President, SIA, to SEC, dated April 15, 1977, at 2 ("removal of the 'tick' test is fraught with practical disadvantages which outweigh any theoretical advantages which may accrue from such deregulation"). These letters are contained in the Commission's Public File No. S7–685.

[114] *See* Securities Exchange Act Release No. 17347 (November 28, 1980), 45 FR 80834.

[115] *Id.* at 4 n.6, 45 FR at 80834 n.8.

[116] *See* Securities Exchange Act Release No. 13091 (December 21, 1976) (Proposed Rule 10b–11 under the Act), 41 FR 56530, 56540.

[117] *See* Securities Exchange Act Release No. 13092 (December 21, 1976) (Proposed Rule 10b–21 under the Act and related amendments to the Commission's recordkeeping rules), 41 FR 56542.

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specificity[118] on the degree to which the present regulation of short sales on exchanges can, or should, be applied to the OTC markets. For example, in the past, some concern has been expressed that, in light of the level of dealer activity in the OTC markets,[119] OTC market makers might require separate treatment under a rule regulating OTC short selling.[120] Similarly, it may be that the existence of a large number of OTC market makers competing in an actively traded OTC security may reduce the potential for manipulative short selling. Furthermore, it should be noted that many of the comments regarding the proposed deregulation of short sales noted that Rule 10a–1 was particularly important to control short selling during a primary offering. Accordingly, commentators are specifically requested to address whether, if the Commission were to adopt proposed Rule 10b–21, which would regulate certain short sales during an underwritten offering, any additional regulation of short sales in OTC securities designated as NMS Securities would be necessary. Therefore, commentators should address whether these, or any other concerns, warrant separate treatment of OTC short selling activity, once an OTC security has been included in a real-time reporting system.

C. Inclusion of OTC/NMS Securities in CAES

While proposed Rule 11Aa2–1 did not require that OTC/NMS Securities be included in any specific market linkage facilities, the Commission did note its belief that OTC/NMS Securities eventually should participate in most aspects of an NMS. Moreover, in the Rule 11Aa2–1 Proposal Release, the Commission expressed concern that the present method of OTC trading might not be sufficient to achieve various NMS objectives.[121] For example, the Commission specifically noted that the present telephonic linkages between OTC market makers might not provide an adequate linkage among OTC market makers to allow for the efficient achievement of nationwide price protection.[122] In addition, the Commission noted that telephonic linkages may not provide the optimal environment for a broker-dealer's compliance with his duty of best execution or for fair competiton among brokers, dealers and market centers.[123] Finally, the Commission noted that the present telephonic linkages may make it more difficult for the NASD and the Commission to conduct surveillance for possible overreaching[124] or manipulation in the OTC market.[125]

Most of the commentators on proposed Rule 11Aa2–1 focused on the designation of NMS Securities, rather than the Commission's analysis of the OTC trading environment. The NASD, however, did address methods by which the OTC trading environment might be improved.[126] The NASD stated that—

> It has made a commitment to enhance its NASDAQ System so as to provide a meaningful competitive environment for the trading of 19c–3 [S]ecurities *as well as other NASDAQ securities*. These facilities would include an order routing switch with the [Securities Industry Automation Corporation ("SIAC")] message switch and the [ITS] and an automatic execution and order display capability.[127]

Subsequently, the NASD has indicated that it anticipates that its enhanced NASDAQ System (the so-called CAES) will begin operation, on a pilot basis limited to certain exchange traded securities, during 1981.

The Commission believes that the enhanced NASDAQ facilities, as described, are an important and positive development in the evolution of an NMS for securities traded in the OTC market as well as securities included in an integrated trading environment. Under the present system of OTC trading, which relies upon telephonic communications among market makers, various problems may develop. For example, the Commission understands that, particularly during periods of active trading, some OTC market makers may be unable to respond to all telephonic inquiries. In addition, under a manual reporting procedure, there may be delays between when an order is executed telephonically and when it is reported.

In contrast, under the enhanced NASDAQ System, brokers could obtain automatic executions based on a firm's displayed quotations and the System could provide for an automated transaction reporting procedure. Furthermore, the enhanced execution procedures associated with the CAES also may encourage OTC traders to route orders to the best displayed quotation (in size) because such an execution procedure may provide broker-dealers greater assurance that orders so routed will efficiently receive an execution. In addition, such execution procedures may reduce various errors which are normally encountered in the manual comparison and clearance of transactions.[128] Accordingly, while the Commission recognizes that the existing telephonic networks may remain necessary to execute large sized orders, the inclusion of OTC/NMS Securities in the CAES should provide significant benefits for the handling of smaller sized retail orders.

In light of the benefits which may be expected from the inclusion of OTC/NMS Securities in the enhanced NASDAQ, the Commission expects that the NASD will consider inclusion of some OTC/NMS Securities, at least on a pilot basis, in its enhanced NASDAQ facilities by 1982. Ultimately, the Commission anticipates that it may be possible to trade all OTC/NMS Securities through the enhanced NASDAQ facilities.

D. Price Protection

As early as 1973, the Commission indicated that the facilities of an NMS would provide a broker-dealer with the ability to ensure that "his customer's order [is executed] in the best market available."[129] In the context of exchange traded securities, this goal has been most recently raised with respect to ITS "trade-throughs."[130] In this connection, the Commission has taken the position that trade-throughs constitute "unacceptable behavior" in the evolving NMS.[131] Moreover, the Commission has directed the ITS participants to take prompt action to resolve the trade-through problem[132] and, as noted above, the ITS participants have agreed "in principle" to a trade-through rule.

Similarly, once OTC Securities are designated as NMS Securities, it also may be appropriate to reexamine a broker-dealer's responsibilities with respect to the execution of a customer's order in an OTC/NMS Security. At that time, broker-dealers will have readily available to them current transaction information and firm quotations with size for OTC/NMS Securities. Thus, because the NASD already has interpreted its Rules of Fair Practice as requiring, not only that a broker "ascertain the best inter-dealer market" for a security, but also that a broker execute his customer's order "so that the resultant price to the customer is as favorable as possible under prevailing market conditions,"[133] it may be appropriate to expect that, in an environment characterized by real-time transaction reporting and firm quotations, a broker-dealer either will route his customer's order to the best displayed bid or offer (in size) or will provide his customer with a price equal to the best displayed bid or offer (in size). Moreover, the Commission also would expect that, once OTC/NMS Securities are included in the enhanced NASDAQ System, the NASD would apply its standard with increasing rigor because, with respect to securities included in the System, broker-dealers would have readily available to them an efficient method of routing orders based on displayed quotations, thereby eliminating the risks entailed in routing an order to a displayed quotation rather than executing the order as principal. However, irrespective of when OTC/NMS Securities are included in the enhanced NASDAQ System, the Commission expects the NASD actively to conduct surveillance of trading in OTC/NMS Securities to ensure that its members are providing their customers with the best possible execution for their orders in light of the availability of transaction information and firm quotations.

E. Unlisted Trading Privileges

Although the Commission had authority,[134] from 1936 to 1964, to grant exchanges unlisted trading privileges ("UTP")[135] for securities traded exclusively in the OTC market, this authority was seldom exercised.[136] In 1964, this authority was removed from the Act[137] in conjunction with the imposition of additional disclosure and other obligations on OTC issuers. Congress, however, in adopting the 1975 Amendments, reinstated the Commission's authority to grant exchanges UTP for OTC securities upon making certain specified findings.[138]

In explaining the decision to reinstate the Commission's authority to grant UTP for OTC securities, the Senate Report noted that such trading "would be an appropriate step toward a[n NMS] in which investors obtain the benefits and projections of both the 'auction' and 'dealer' systems to the extent each is appropriate under the circumstances [for] any particular security."[139] Specifically, the Senate Report went further and stated that "[t]he Committee views unlisted trading as appropriate to a[n NMS] in which all market makers and brokers are permitted to deal freely with one another without unnecessary regulatory constraints such as the NYSE's Rule 394(b)."[140] *i.e.*, off-board trading restrictions.

Despite this general endorsement of UTP for OTC securities, the Senate Report expressed concern that—

> [u]ntil substantial progress has been made toward the development of such a[n NMS,] the ability of an exchange to commence unlisted trading in an OTC security might well decrease rather than increase competition. [T]herefore Section 12(f)(2) directs the SEC to consider carefully the progress that has been made toward the development of a[n NMS before granting UTP for OTC securities.][141]

The Commission also has been concerned that the grant of UTP for OTC securities should be accompanied by "the implementation of those technical elements of a[n NMS] necessary to ensure that trading in those [S]ecurities occurs under competitively fair circumstances and in a manner consonant with the principles of a[n NMS]."[142] In addition, the Commission would not be prepared to take such action if it resulted in the imposition of

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[118] The Commission previously has noted the "lack of current [information regarding] the pattern of short selling * * * in the [OTC] market * * *." Securities Exchange Act Release No. 11276, at 2, (March 11, 1975), 40 FR 12522, 12522. Responding to that observation, the NASD stated that it "would be happy to assist the Commission" in obtaining such information. *See* Letter from Donald H. Burns, Secretary, NASD, to George Fitzsimmons, Secretary, SEC, dated May 19, 1975, at 2, contained in the Commission's Public File No. S7–515.

[119] *See, e.g.*, Salomon Letter, *supra* note 107, at 3. Salomon further noted that "[i]t would certainly be feasible to prohibit short sales in [NASDAQ] securities below the lowest current independent offer, and this could well be an effective substitute for the down-tick restriction on listed securities." *Id.* at 5. *Compare* Proposed Rule 10b–21(c)(2) which would, in certain circumstances, preclude OTC short sales "below a price ⅛th point above the highest independent bid displayed in level 2 of NASDAQ at the time of the proposed short sale."

[120] *See, e.g.*, Letter from John L. Watson III, Chairman, and Morton N. Weiss, President, NSTA, to George A. Fitzsimmons, Secretary, SEC, dated May 25, 1977, at 2; and Letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, dated March 18, 1977, at 3, contained in File No. S7–510. *But cf.* Letter from Donald H. Burns, Secretary, NASD, to George Fitzsimmons, Secretary, SEC, dated May 19, 1975, at 2 ("We note * * * that the original adoption of short sales regulation was a result of manipulative activities engaged in by broker/dealers."). *Compare* Rule 10a–1(e)(5) which provides for separate treatment of certain market makers in listed securities.

[121] *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 59–68, 44 FR at 36922–23.

[122] *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 59 & n.110, 44 FR at 36922 & n.110.

[123] *Id.* at 64 n.116, 44 FR at 36923 n.116.

[124] *See* note 51, *supra*.

[125] *Id.* at 59 n.110, 44 FR at 36922 n.110.

[126] In addition, the NSTA repeated its "desire that equal facilities for trading and reporting NMS transactions be provided so that no particular market will have an advantage over any other." 1979 NSTA Letter, *supra* note 21, at 2.

[127] 1979 NASD Letter, *supra* note 21, at 2 (emphasis supplied). *Accord*, Letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, at 1, dated July 25, 1979, contained in Public File No. S7–776. ("At the [NASD] Board's May [1979] meeting, a commitment was * * * made to develop enhanced market facilities using the NASDAQ system to provide a meaningful competitive environment for the trading of listed stocks as well as other NASDAQ securities. These enhanced facilities include an order routing switch in NASDAQ linked with the SIAC message switch and the [ITS] and an automatic execution and order display capability in NASDAQ.") and 5 *NASDAQ News*, at 5–6, dated December 1980 ("While [the CAES] will start with selected listed securities, it is indeed our plan to include all of the securities in NASDAQ.").

[128] Moreover, assuming that the enhanced NASDAQ will provide the NASD with an improved ability to examine the sequence of particular transactions, it also should improve the NASD's general surveillance capabilities.

[129] Policy Statement, *supra* note 109, at 17, [1973] Secs. Reg. & L. Rep. (BNA) No. 196 at D–4. *Accord*, Section 11A(a)(1)(D) of the Act.

[130] The Commission recently has stated that "[t]he term "trade-through" generally refers to the execution of an order in one market center at a price inferior to that being displayed by another market center." 1980 Rule 10a–1 Adoption Release, *supra* note 110, at 5 n. 12, 45 FR at 79019 n. 12.

[131] January Statement, *supra* note 11, at 31 n.35, 43 FR at 20364 n.35. *Accord*, 1980 Rule 10a–1 Adoption Release, *supra* note 110, at 5 n.12 & 45 FR at 79019 n.12.

[132] 1980 Rule 10a–1 Adoption Release, *supra* note 110, at 11 n.22, 45 at 79020 n.22.

[133] NASD, Execution of Retail Transactions in OTC Market, NASD, Rules of Fair Practice, Art. III, § 1, Interpretation 103A, *NASD Manual* (CCH) ¶ 2151.

[134] Act of May 27, 1936, Pub. L. No. 74–621, ch. 462, § 1, 49 Stat. 2375, 2375–76 (1936) [current version at 15 U.S.C. § 78*l*(f) (1976)].

[135] Prior to the enactment of the federal securities laws, exchanges had commenced trading in OTC securities whenever it was in their "economic self-interest . . . to do so" (Senate Report, *supra* note 8, at 16, [1975] U.S. Code Cong. & Ad. News at 198), although the NYSE had discontinued trading of OTC securities in 1910 in response to a recommendation by the so-called Hughes Commission. *See* Report of the Governor's Committee on Speculation in Securities and Commodities, dated June 7, 1909, *reprinted in*, W. van Antwerp, *The Stock Exchange From Within* 413, 425 (1913) ("The unlisted department, except for temporary issues, should be abolished.").

[136] *E.g.*, Securities Exchange Act Release Nos. 4173 (October 4, 1948) and 4155 (August 20, 1948); *In re* N.Y. Curb Exchange, 22 SEC 139 (1946); and *In re* N.Y. Curb Exchange, 18 SEC 315 (1945). There had been no applications for UTP in OTC securities since 1949. SEC, *25th Ann. Rep.* 74 (1959). In 1962, only four stocks were traded pursuant to UTP in OTC securities granted by the Commission, although another 163 OTC securities traded on an UTP basis pursuant to then Section 12(f)(1) of the Act which had allowed exchanges to continue trading securities traded on an UTP basis prior to March 1, 1934. *See* SEC, *28th Ann. Rep.* 51–53, 186 (1962).

[137] Securities Acts Amendments of 1964, Pub. L. No. 88–467, § 3(b), 78 Stat. 565, 565–66 (1964) [current version at 15 U.S.C. § 78*l*(f)(1976)], *reprinted in*, [1964] U.S. Code Cong. & Ad. News 845, 847–48.

[138] 1975 Amendments, Pub. L. No. 94–29, § 8(1), 89 Stat. 97, 117–18, [codified at 15 U.S.C. § 78*l*(f)(1976)], *reprinted in*, [1975] U.S. Code Cong. & Ad. News 97, 117–18.

[139] Senate Report, *supra* note 8, at 20, [1975] U.S. Code Cong. & Ad. News at 198. These views and those quoted immediately below in the text are in accord with congressional studies prior to the enactment of the 1975 Amendments. *See*, Senate Comm. on Banking, Housing & Urb. Affs., *Report to Accompany S. 2519: National Securities Market System Act of 1974*, 93d Cong., 2d Sess., S. Rep. No. 93–865, at 15–16 & 46; and Senate Study, *supra* note 75, at 126–35.

[140] Senate Report, *supra* note 8, at 20, [1975] U.S. Code Cong. & Ad. News at 198.

[141] *Id.*

[142] January Statement, *supra* note 11, at 45–46, 43 FR at 4361 (footnote omitted). *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 58 n.108, 44 FR at 36922 n.108.

regulatory restrictions on the OTC market which might actually result in a reduction of competition.[143] To that end, the Commission stated, in the Rule 11Aa2–1 Proposal Release, it would be appropriate to evaluate whether exchanges should be granted UTP for OTC/NMS Securities once existing exchange off-board trading restrictions were not applicable to those Securities.[144]

While most of the comments on proposed Rule 11Aa2–1 focused on the designation process, the NASD, although not objecting to the grant of UTP for OTC securities,[145] endorsed the Commission's position that exchange off-board trading restrictions should not be applied to OTC/NMS Securities which have been granted UTP.[146] Similarly, although the Commission anticipates considering in the future whether exchanges should be granted UTP for OTC/NMS Securities, the Commission is concerned that the necessary technical elements to ensure fair competition and the protection of investors be in place before UTP for OTC securities is granted. Specifically, the Commission believes it would not be appropriate to grant UTP for OTC/NMS Securities until it has had an opportunity to evaluate (1) the effects of transaction reporting on OTC/NMS Securities; (2) the effects of an automated interface between the enhanced NASDAQ facilities and the ITS; [147] and (3) the effects of trading exchange-traded securities in an environment free of off-board trading restrictions.[148]

[143] Section 12(f)(2) of the Act states that the Commission "shall not grant" UTP for OTC securities "if any rule of the * * * exchange making application * * * would unreasonably impair the ability of any dealer to solicit or effect transactions in such security for his own account, or would unreasonably restrict competition among dealers in such security or between such dealers, acting in the capacity of market makers who are specialists and such dealers who are not specialists."

[144] Rule 11Aa2–1 Proposal Release, *supra* note 5, at 10 n.20 & 58 n.109, 44 FR at 36913 n.20 & 36922 n.109. *Accord*, January Statement, *supra* note 11, at 46 n.63, 43 FR at 4361 n.63.

[145] 1979 NASD Letter, *supra* note 21, at 4 ("As the [NMS] develops, securities which are traded exclusively in the [OTC] market may become the subject of [UTP] on exchanges."). *Accord*, 1979 NSTA Letter, *supra* note 21, at 2.

[146] 1979 NASD Letter, *id.*, *Accord*, 1979 NSTA Letter, *id.*

[147] *See* note 102, *supra*. The Commission recently has published for public comment a proposed order to require the implementation of such an interface. *See* Securities Exchange Act Release No. 17516 (February 5, 1981), 46——.

[148] Of course, OTC/NMS Securities granted UTP would not be subject to off-board trading restrictions, because those Securities would be subject to the provisions of Rule 19c–3 under the Act. As a general matter, Rule 19c–3(a) would apply to, among others, "any reported security * * * as to which [UTP] on [an] exchange" has been extended since April 26, 1979. In this connection, it should be noted that the Commission is still considering applications by an issuer to delist its securities from an exchange and by the exchange to obtain UTP in those securities, if the Commission grants their application to delist. *See* Securities Exchange Act Release No. 16454 (December 27, 1979), 19 S.E.C. Doc. 16. Most recently, the Commission has extended various temporary exemptions which allow the securities to be traded both on the exchange and in the OTC market and indicated its intention to resolve this matter by March 31, 1981. *See* Securities Exchange Act Release No. 17398 (December 22, 1980), 21 S.E.C. Doc. 1121.

IV. Effects on Competition

Section 23(a)(2) of the Act [149] requires that Commision, in adopting rules under the Act, to consider the anticompetitive effects of such rules, if any, and to balance any anticompetitive impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has examined Rule 11Aa2–1 and the related amendments to Rule 11Aa3–1 in light of the standards cited in Section 23(a)(2) and concludes that adoption of the Rule and amendments will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission is aware of the view that inclusion of OTC/NMS Securities in the NMS disclosure facilities might adversely affect the liquidity of the markets for those Securites. Indeed, the Commission specifically requested, in the Rule 11Aa2–1 Proposal Release,[150] commentators to address this issue. Nevertheless, the Commission did not receive any commentary which reaffirmed the significance of this concern. Moreover, as discussed in detail above, the Commission believes that, on balance, any such effect is outweighed by the substantial benefits provided by disclosure of transaction and quotation information.[151]

V. Text of Rule and Rule Amendments

The Securities and Exchange Commission hereby adopts Rule 11Aa2–1 [152] and amends Rule 11Aa3–1 [153] pursuant to its authority under the Securities Exchange Act of 1934,[154] and particularly Sections 2, 3, 6, 9, 10, 11, 11A, 15, 15A, 17 and 23 thereof.[155]

Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

[149] 15 U.S.C. § 78w(a)(2).

[150] *See* Rule 11Aa2–1 Proposal Release, *supra* note 5, at 68–69, 45 FR at 36923.

[151] *See* text accompanying notes 47–68, *supra*.

[152] 17 CFR § 240.11Aa2–1.

[153] 17 CFR § 240.11Aa3.1.

[154] 15 U.S.C. §§ 78a *et seq.*, as amended by Pub. L. No. 94–29, 89 Stat. 97 (June 4, 1975), *reprinted in* [1975] U.S. Code Cong. & Ad. News 97.

[155] 15 U.S.C. §§ 78b, 78c, 78f, 78i, 78j, 78k, 78k–1, 78o, 78o–3, 78q and 78w.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

A. By adding § 240.11Aa2–1 to read as follows:

§ 240.11Aa2–1 Designation of national market system securities.

(a) *Definitions.* For purposes of this section—

(1) The term "national market system security" shall mean any equity security which is designated as qualified for trading in a national market system (or any facility or subsystem thereof) pursuant to this section.

(2) The term "registered equity security" shall mean any equity security which is (i) registered pursuant to section 12(b) or 12(g) of the Act, (ii) issued by an insurance company meeting the conditions of section 12(g)(2)(G) of the Act, or (iii) registered under the Securities Act of 1933 and issued by a closed-end investment management company registered under section 8 of the Investment Company Act of 1940.

(3) The term "NASDAQ security" shall mean any registered equity security which is not listed or admitted to unlisted trading privileges on a national securities exchange ("exchange") and for which quotation information is disseminated in the NASDAQ electronic inter-dealer quotation system ("NASDAQ").

(4) The term "NASDAQ market maker," when used with respect to a particular NASDAQ security, shall mean any dealer (other than a person making markets exclusively in oddlots) which holds itself out as being willing to buy and sell that security for its own account on a regular and continuous basis otherwise than on an exchange in amounts of less than block size and which is authorized to disseminate its quotations for that security in NASDAQ and makes such quotations available through that system on a regular and continuous basis.

(5) The term "price per share" for a particular business day with respect to a NASDAQ security shall meant the highest bid price displayed on Level 2 of NASDAQ at 4:00 p.m. Eastern time.

(6) The term "designation plan" shall mean any plan for establishiing, maintaining and administering (i) procedures for designation NASDAQ securities as national market system securities in accordance with the standards set forth in paragraph (c) of this section, (ii) maintenance criteria for national market system securities, and (iii) procedures for revoking or suspending the designation of a national market system security upon failure to meet established maintenance criteria or upon other specified events.

(7) The term "effective designation plan" shall mean any designation plan approved by the Commission pursuant to this section.

(8) The terms "quotation" and "quotation information" shall have the meaning provided in § 240.11Ac1–2 (Rule 11Ac1–2 under the Act).

(9) The term "qualification date" shall mean—

(i) The effective date of paragraph (b) of this section, and

(ii) The last business day of each calendar quarter thereafter.

(b) *Designation criteria.* (1) Any NASDAQ security which on the most recent qualification date meets each of the criteria set forth in paragraph (b)(4)(i) of this section ("Tier I Criteria") is hereby designated as a national market system security, such designation to be effective without further action on the tenth business day following such qualification date.

(2) Any NASDAQ security not described in paragraph (b)(1) of this section which substantially meets the criteria set forth in paragraph (b)(4)(ii) of this section ("Tier 2 Criteria") shall be designated as national market system securities upon application of the issuer of such security in accordance with the terms of an effective designation plan. Determinations that particular NASDAQ securities substantially meet the Tier 2 Criteria shall be made by the National Association of Securities Dealers, Inc. ("NASD"), and designations made pursuant to this paragraph (b)(2) shall become effective, in accordance with the terms of such effective designation plan.

(3) Any security designated as a national market system security pursuant to this section shall be deemed qualified for trading in a national market system (or any facility or subsystem thereof) so long as its designation remains effective. The effectiveness of any designation pursuant to paragraphs (b)(1) or (b)(2) of this section with respect to a security shall terminate—

(i) If the designation of such security is revoked, or during any period the designation of such security has been suspended, by the NASD in accordance with the terms of an effective designation plan, or

(ii) If such security becomes listed and registered, or admitted to unlisted trading privileges, on an exchange.

(4)(i) *Tier 1 criteria.* (A) The issuer of the security has net tangible assets of at least $2,000,000 and capital and surplus of at least $1,000,000.

(B) There are at least 1,200 holders of record of 100 shares or more and at least 500,000 shares held by persons other than directors, or persons owning of record or beneficially 10 percent or more of the outstanding shares of the security ("publicly held shares").

(C) The market value of publicly held shares is at least $5,000,000.

(D) The price per share on each of the ten business days preceding the most recent qualification date is $10 or more.

(E) The average volume of trading per month during the six month period preceding the most recent qualification date is 600,000 shares or more.

(F) At least four dealers act as NASDAQ market makers with respect to the security on at least 90 percent of the business days during the six month period preceding the most recent qualification date.

(ii) *Tier 2 criteria.*

(A) The issuer of the security has net tangible assets of at least $2,000,000 and capital and surplus of at least $1,000,000.

(B) There are at least 400 holders of record of 100 shares or more and at least 250,000 publicly held shares.

(C) The market value of publicly held shares is at least $3,000,000.

(D) The price per share on each of the ten business days prior to the date of application by the issuer is $5 or more.

(E) The average volume of trading per month for the six month period preceding the date of application by the issuer is 100,000 shares or more.

(F) At least four dealers act as NASDAQ market makers with respect to the security on at least 70 percent of the business days during the six month period preceding the date of application by the issuer.

Instructions. 1. The computations required by (i)(A) and (ii)(A) shall be taken from the issuer's most recent annual report on Form 10–K (§ 249.310 of this chapter) filed with the Commission pursuant to section 13 or 15(d) of the Act. 2. The computations required in (ii)(B) and (ii)(C) shall be as of the date of application of the issuer. 3. Determinations of beneficial ownership for purposes of (i)(B) and (ii)(B) shall be made in accordance with § 240.13d–3 (Rule 13d–3 under the Act).

(c) *Filing of designation plan.* (1) On or before July 15, 1981, the NASD shall file with the Commission a designation plan with respect to NASDAQ securities designated or eligible for designation as national market system securities pursuant to this section. Such plan shall specify, at a minimum:

(i) Procedures for applications for designation filed by issuers with respect to NASDAQ securities (including time limits with respect to action with respect to such applications);

(ii) Procedures for determining whether particular NASDAQ securities substantially meet the Tier 2 Criteria and for designating such securities as national market system securities following such determinations;

(iii) Appropriate maintenance criteria for securities designated as national market system securities pursuant to this section;

(iv) Procedures and criteria for revoking or suspending the designation of a national market system security;

(v) Procedures and mechanisms for providing to brokers, dealers, self-regulatory organizations, investors and the Commission a list of those securities designated as national market system securities pursuant to this section and for updating that list within ten business days of each qualification date or more often as necessary.

(2) The NASD may propose an amendment to its designation plan by filing with the Commission the text of such amendment, together with a statement of the purpose of such amendment.

(d) *Effectiveness of designation plan.* (1) The Commission shall publish notice of the filing of the designation plan, or any proposed amendment thereto, together with the terms of substance of the filing or a description of the subjects and issues involved, and shall provide interested persons an opportunity to submit written comments. No designation plan, or amendment thereto, shall become effective unless approved by the Commission or otherwise permitted in accordance with paragraph (d)(3) of this section.

(2) Within 120 days of the date of publication of notice of the filing of a designation plan or any amendment thereto, or within such longer period as the Commission may designate up to 180 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the NASD consents, the Commission shall, by order, approve such plan or amendment, with such changes or subject to such conditions as the Commission may deem necessary or appropriate, if it finds that such plan or amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act.

(3) A proposed amendment to an effective designation plan may be put into effect upon publication of notice of such amendment if designated by the NASD as involving solely technical or

V 46 / 37 FEB 25 81 UMI

ministerial matters or concerned solely with the administration of the plan. At any time within 60 days of the date of publication of notice of any such amendment, the Commission may summarily abrogate the amendment and require that such amendment be refiled in accordance with paragraph (c)(2) of this section and reviewed in accordance with paragraph (d)(2) of this section, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

(4) Notwithstanding the provisions of paragraph (d)(1) of this section, a proposed amendment to an effective designation plan may be put into effect summarily upon publication of notice of such amendment, on a temporary basis not to exceed 120 days, if the Commission finds that such action is necessary in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

(5) The NASD shall comply with the terms of any effective designation plan filed by it pursuant to paragraph (c) of this section.

(e) *Appeals.* The Commission may, in its discretion, entertain appeals in connection with any effective designation plan as follows:

(1) Any action or failure to act by the NASD in connection with an effective designation plan regarding either the designation of a security or the revocation or suspension of any such designation shall be subject to review by the Commission, on its own motion or upon application by any person aggrieved thereby (including, but not limited to, brokers, dealers, and issuers) filed with the Commission within 30 days after notice of such action or failure to act or within such longer period as the Commission may determine.

(2) Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of any such action unless the Commission determines otherwise, after notice and opportunity for a hearing on the question of a stay (which hearing may consist only of affidavits or oral arguments).

(3) In any proceeding for review, if the Commission, after appropriate notice and opportunity for hearing (which hearing may consist solely of the record of any proceedings conducted in connection with such action or failure to act and an opportunity for the presentation of reasons supporting or opposing such action or failure to act) and upon consideration of such other data, views and arguments as it deems relevant, finds that the action or failure to act is in accordance with the applicable provisions of such plan and that the applicable provisions are, and were, applied in a manner consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets, and the removal of impediments to, and perfection of the mechanisms of, a national market system, the Commission, by order, shall dismiss the proceeding. If the Commission does not make any such finding, or if it finds that such action or failure to act imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, the Commission, by order, shall set aside such action and/or require such action with respect to the matter reviewed as the Commission deems necessary in the public interest, for the protection of investors and the maintenance of fair and orderly markets, or to remove impediments to, and perfect the mechanisms of, a national market system.

(f) *Exemptions.* The Commission may exempt from any provision of this section, either unconditionally or on specified terms and conditions, the NASD or any security if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.

(g) *Effective dates:* The effective date of this section shall be April 1, 1981, except for paragraph (b)(1) which shall become effective on January 15, 1982, and paragraph (b)(2) which shall become effective on August 1, 1982.

* * * * *

(Secs. 2, 3, 6, 9, 10, 11, 15, 17 and 23, Pub. L. No. 78–291, 48 Stat. 881, 882, 885, 891, 895, 897 and 901, as amended by Secs. 2, 3, 4, 11, 14 and 18, Pub. L. No. 94–29, 89 Stat. 97, 104, 121, 137 and 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78k, 78o, 78q and 78w); Sec. 15A, as added by Sec. 1, Pub. L. No. 75–719, 52 Stat. 1070, as amended by Sec. 12, Pub. L. No. 94–29, 89 Stat. 127 (15 U.S.C. 78o–3); Sec. 11A, as added by Sec. 7, Pub. L. No. 94–29, 89 Stat. 111 (15 U.S.C. 78k–1))

B. By amending paragraphs (b)(1) and (b)(4)(i) of § 240.11Aa3–1 to read as follows:

§ 240.11Aa3–1 Dissemination of transaction reports and last sale data with respect to transactions in reported securities.

* * * * *

(b) * * *

(1) Every exchange shall, with respect to transactions in listed equity securities executed through its facilities, and every association shall, with respect to (i) transactions in listed equity securities executed by its members otherwise than on an exchange and (ii) transactions in non-listed national market system securities, file with the Commission a transaction reporting plan.

* * * * *

(4) * * *

(i) Reporting requirements with respect to transactions in listed equity securities or non-listed national market system securities, for any broker or dealer subject to the plan.

* * * * *

(Secs. 2, 3, 6, 9, 10, 11, 15, 17 and 23, Pub. L. No. 78–291, 48 Stat. 881, 882, 885, 889, 891, 895, 897, and 901, as amended by Secs. 2, 3, 4, 11, 14 and 18, Pub. L. No. 94–29, 89 Stat. 97, 104, 121, 137 and 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78o, 78q and 78w); Sec. 15A, as added by sec. 1, Pub. L. No. 75–719, 52 Stat. 1070, as amended by sec. 12, Pub. L. No. 94–29, 89 Stat. 127 (15 U.S.C. § 78o–3); sec. 11A, as added by sec. 7, Pub. L. No. 94–29, 89 Stat. 111 (15 U.S.C. 78k–1))

By the Commission.

George A. Fitzsimmons,

Secretary.

February 17, 1981.

[FR Doc. 81-6282 Filed 2-24-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Portable Electric Typewriters From Japan; Clarification of Scope of Antidumping Duty Order and Correction to Early Determination of Antidumping Duties

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Clarification of Scope of Antidumping Duty Order and of Correction to Early Determination of Antidumping Duties.

SUMMARY: This notice is to advise the public that the Department of Commerce is clarifying the scope of the antidumping duty order and is correcting the early determination of antidumping duties on portable electric typewriters from Japan. After publication of the order, the U.S. Customs Service reclassified a typewriter included in both the Department's fair value investigation and the ITC's material injury investigation, warranting the Department's clarification of the scope of the order to continue the inclusion of that model and those with similar characteristics. In addition, the Department is correcting the weighted-average margin given for Brother Industries Ltd. in the early determination of antidumping duties. As a result a decision of the U.S. Court of International Trade, the Department will continue to suspend liquidation of all entries subject to the early determination of antidumping duties.

EFFECTIVE DATES: Clarification of scope effective May 9, 1980. Correction to the early determination of dumping duties effective February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202–377–2209).

SUPPLEMENTARY INFORMATION: On May 9, 1980, the Department published in the **Federal Register** (45 FR 30618) an antidumping duty order with respect to portable electric typewriters from Japan. Pursuant to section 736(c) of the Tariff Act of 1930 (19 U.S.C. 1673e(c)), the Department published an "Early Determination of Antidumping Duties" on August 13, 1980 (45 FR 53853) with respect to two manufacturers, Brother Industries Ltd. and Silver Seiko Ltd. In both notices the Department stated that "portable electric typewriters" are those provided for in item 676.0510, Tariff Schedules of the United States Annotated (TSUSA).

During the Department's fair value investigation and the International Trade Commission's injury investigation, TSUSA 676.0510 was a sufficient definition of the class or kind of merchandise within the scope of the investigation. However, on August 7, 1980, the U.S. Customs Service reclassified certain typewriters from TSUSA 676.0510 to 676.0540. The Royal Administrator, one model included in this reclassification, was specifically cosidered during the Department's fair value investigation to be within the class or kind of merchandise which was being sold at less than fair value. Additionally, the ITC determined the Royal Administrator to be part of the class of merchandise materially injuring a domestic industry.

In an action filed on November 18, 1980, counsel for Royal argued that the tariff reclassification decision, made by the U.S. Customs Service subsequent to publication of the antidumping duty order, precluded the Department from clarifying the class or kind set forth in that order. The Court of International Trade dismissed Royal's action on December 29, 1980, on jurisdictional grounds. In its opinion the Court stated:

"The court distinguishes between the authority of the Customs Service to classify according to tariff classifications (19 U.S.C. 1500) and the power of the agencies administering the antidumping law to determine a class or kind of merchandise. The determinations under the antidumping law may properly result in the creation of classes which do not correspond to classifications found in the tariff schedules or may define or modify a known classification in a manner not contemplated or desired by the Customs Service. Within the context of an antidumping proceeding the administering agency, at the proper time, can define the class in its terms." *Royal Business Machines Inc.* v. *United States*, No. 80–11–00056, Slip Op. 80–16 at 16 n. 16 (CT INT'L TRADE, December 29, 1980).

This clarification is necessary to insure that articles included within the class or kind of merchandise covered by the Department's and ITC's investigations are within the scope of the order. Accordingly, for purposes of the May 9 antidumping duty order and the August 13 early determination of antidumping duties, the Department defines "portable electric typewriters" as all typewriters currently classifiable under TSUSA 676.0510, and some currently classifiable under 676.0540, depending on their individual characteristics. The Royal Administrator, therefore, is within the scope of the order. For other models classified under TSUSA 676.0540 the Department will provide guidance to prospective importers upon request. The characteristics we will consider include, but are not limited to, the dimensions, weight, presence of a carrying case, the type of market, and the method of distribution.

As a result of its early determination of antidumping duties, the Department calculated the weighted-average margin for Brother Industries Ltd. to be 5.31%. The Department indicated in the notice of "Early Determination of Antidumping Duties" of August 13, 1980, that the foreign market value for Brother was calculated on the basis of the weighted-average sales price of comparable home market models for each of two distinct time periods. In actuality, the Department determined the foreign market value by using only one weighted-average price for the entire period. As there were two price lists effective during the period of investigation, the method stated in the notice is correct. As a result of recalculations using a weighted-average sales price for each of the two distinct time periods, the Department has determined that the weighted-average margin for Brother Industries is 4.33%. Accordingly, effective on the date of publication of this notice, Customs officers are directed to require a cash deposit of estimated antidumping duties equal to 4.33% *ad valorem* on all entries of portable electric typewriters manufactured by Brother Industries Ltd.

On December 30, 1980, the U.S. Court of International Trade issued a preliminary injunction enjoining the liquidation of all entries subject to the early determination of antidumping duties (*SCM Corporation* v. *United States*, No 80–9–013143, Slip Op. 80–17 (CT INT'L TRADE December 30, 1980)). The issuance of this correction of the weighted-average margin for Brother Industries does not affect the suspension of liquidation of entries subject to the Court's order.

This notice is published pursuant to section 736 of the Tariff Act of 1930 (19 U.S.C. 1673e), and § 353.48 of the Commerce Regulations (19 CFR 353.48).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 17, 1981.

[FR Doc. 81-6227 Filed 2-24-81; 8:45 am]

BILLING CODE 3510-25-M

POSTAL SERVICE

39 CFR Part 601

Publishing Amendments to the Postal Contracting Manual More Expeditiously

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to establish a procedure for publishing in an expeditious manner amendments to the Postal Contracting Manual PCM). The existing procedure for amending the Postal Contracting Manual through the issuance of Transmittal Letters published and distributed by the Government Printing Office has been accompanied by extensive printing delays. To avoid these delays, the Postal Service has devised a Postal Contracting Manual Circular, to be prepared in typescript and printed by the Headquarters Printing Division. These Circulars, which will publish a group of Postal Contracting Manual changes, will be issued as often as necessary and will be sent to each subscriber. Notice of their issuance and description of the changes made will also be published in the **Federal Register**, and the text of the changes will be filed with the Director of the Federal Register. Once each year all Postal Contracting Manual Circulars issued that year will be cumulated in a

Transmittal Letter, noticed in the **Federal Register**, and transmitted in the usual way by Government Printing Office, to each subscriber.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Jones, (202) 245–4603.

SUPPLEMENTARY INFORMATION: To carry out the purpose described above, the third sentence of § 601.105 is revised to refer to amendments to the Postal Contracting Manual via Postal Contracting Manual Circulars, and to note that these Circulars will be cumulated in an annual Transmittal Letter published and distributed by the Government Printing Office.

Accordingly, title 39, Code of Federal Regulations, is amended as follows:

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Revise the third sentence of § 601.105 to read as follows:

§ 601.105 Amendments to the Postal Contracting Manual

* * * Subscribers to the basic Manual will receive from time to time the amendments from the Postal Service in the form of Postal Contracting Manual Circulars. PCM Circulars will be cumulated in an annual Transmittal Letter which subscribers will receive from the Government Printing Office.

* * * * *

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-6238 Filed 2-24-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-4-FRL 1760-2]

Alabama's Application for Phase I Interim Authorization of a State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of Final Determination.

SUMMARY: The purpose of this notice is to announce the final determination that has been made in regard to an application for Phase I Interim Authorization submitted by the State of Alabama.

The Environmental Protection Agency has reviewed Alabama's Application for Interim Authorization and has determined that Alabama's Hazardous Waste Program is substantially equivalent to the Federal program as defined by regulations promulgated under the Resource Conservation and Recovery Act of 1976 (RCRA). The State of Alabama is hereby granted Interim Authorization to operate the State program in lieu of the Subtitle C hazardous waste management program (Phase I) in accordance with Section 3006(c) of RCRA and implementing regulations found in 40 CFR Part 123 Subpart F.

EFFECTIVE DATE: Interim Authorization, Phase I, for Alabama shall become effective on February 25, 1981.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Residuals Management Branch, U.S. EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881–3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program will be implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Alabama submitted its Draft Application for Phase I Interim Authorization on September 8, 1980. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration. The State subsequently made revisions to its Application for Phase I Interim Authorization in order to clarify those aspects of its program which had been questioned during the EPA review.

On November 1, 1980, Alabama submitted to EPA a Final Application for Phase I Interim Authorization under RCRA. An EPA review team consisting of both Headquarters and Regional Office personnel made a detailed analysis of Alabama's hazardous waste management program. The following issues were raised by the review team:

(a) The Program Description did not clarify the responsibilities for the inspection of interstate and intrastate transporters.

(b) In the Authorization Plan, the State failed to commit to the following: prepare legislation to establish the unquestioned right to enter and inspect transporters, add regulations to insure that manifest requirements for out-of-state shipments will comply with 40 CFR 123.128, amend the State legislation to require that waste sent out-of-state will be sent only to facilities with Interim Status or RCRA permits. The State had not committed to the development of specific compliance evaluation procedures. The Authorization Plan did not include a schedule for the requested legislative and regulatory changes.

(c) The Memorandum of Agreement (MOA) with EPA did not include the three assurances for citizen participation as required at 40 CFR 123.128(f)(2)(ii). The MOA was lacking several important provisions that were submitted in EPA comments on the final draft application.

(d) The Attorney General's Statement lacked several citations that were needed to support regulatory authority for certain aspects of the State program and failed to explain the Public Service Commission's authority to inspect transporters. The statement did not explain how manifest procedures are utilized by generators or transporters when wastes go out-of-state.

To resolve these issues the State made revisions mainly in the Authorization Plan and also minor changes in the MOA and Attorney General's Statement.

(a) The Program Description was amended to explain inspection authority.

(b) Additions were made to the Authorization Plan to provide the requested commitments.

(c) The Memorandum of Agreement was amended to include assurances for citizen participation and changes as suggested.

(d) The Attorney General's Statement was amended to include additional sites and explain manifest requirements for out-of-state shipments.

Responsiveness Summary

As noticed in the **Federal Register** on November 14, 1980 (45 FR 75240), EPA gave the public until December 22, 1980, to comment on the State's application. EPA also held a public hearing in Montgomery, Alabama, on December 16, 1980. Three individuals spoke at the public hearing and seven written comments were received. Their comments and EPA's responses are presented below:

Comment: All three speakers and six letters supported Alabama's application.

EPA Response: No EPA response is required.

Comment: One commenter spoke at length about Love Canal and various disposal problems in New York.

EPA Response: Only those comments bearing directly on Alabama's application will be addressed. EPA has developed Interim Status Standards to protect human health and the environment from hazards associated with land disposal of hazardous waste. EPA has determined that Alabama's standards are substantially equivalent to the Federal Interim Status Standards.

Comment: EPA has made several changes in their regulations since May 19, 1980, but the State of Alabama has not. In particular, Alabama has not changed the due date for closure plans from November 19, 1980, to the EPA due date of May 19, 1981. Alabama regulations still define "New Facilities" (4–202.58) as those existing before October 21, 1976, instead of EPA's statutory date of November 19, 1980. Alabama has not amended its regulations as did EPA on October 30, 1980. These amendments clarified storage of hazardous waste during transportation (45 FR 72024–8).

Response: Federal law allows States to have requirements more stringent than Federal requirements. These more stringent requirements are no threat to the substantial equivalency of a State program. If a State program becomes less stringent than the Federal program because of changing Federal standards, the State is required to modify its regulations accordingly.

Comment: A commenter was alarmed that Alabama had announced intentions, in the summary of comments attached to the State regulations, to change their program in the future.

Response: Federal law does not prohibit States from changing their program to being more stringent than Federal requirements.

Comment: Two comments were received highlighting areas where the Alabama program differed from the Federal program. Some persons felt that the differences meant that Alabama was not substantially equivalent. The differences include the following:

(a) The State of Alabama requires licensing of transporters.

(b) The State requires approval of the Board of Health for manifests and spill report forms.

(c) Manifests are distributed by disposal facilities for in-state shipments.

Response: The program differences do not threaten the substantial equivalence of the Alabama program since the State requirements are more stringent.

Comment: One commenter questioned whether Alabama is legally entitled to Interim Authorization based on the criteria that a State has to have an effective State hazardous waste program in existence as of August 17, 1980.

Response: EPA interprets the word "program" as used above to mean enabling legislation only. (See **Federal Register** dated May 19, 1980, page 33387). In addition, all aspects of the State program must be "substantially equivalent" to the Federal program by the time Interim Authorization is actually granted. Alabama is in compliance with these requirements in that it had enacted enabling legislation before August 17, 1980, and EPA has determined that its program is substantially equivalent to the Federal program based on regulations effective November 19, 1980.

Comment: With regard to any subsequent changes in the EPA rules affecting interstate rail carriers, a commenter requested that the State be required to amend its regulations to be identical with Federal regulations.

EPA Response: EPA shares the commenter's concerns regarding the interstate movement of hazardous wastes. Alabama's regulations require transporters to comply with standards substantially equivalent to the Federal standards.

Because the State program is expected to operate "in lieu of" the Federal program, EPA cannot require the State to set aside its rules without due process. Because the Federal regulations allow States to have more stringent standards than Federal standards for transporters, compliance with Federal standards cannot necessarily assure compliance with those State standards which are more stringent. However, a State's transportation requirements must not place an undue burden on interstate commerce.

(42 U.S.C. 6926)

Dated: January 16, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-6388 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[SW-3-FRL 1760-5]

Delaware; Interim Authorization; Phase I Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region III.

ACTION: Issuance of Phase I Interim Authorization of State Program.

SUMMARY: The purpose of this notice is to grant Phase I Interim authorization to the State of Delaware for its Hazardous Waste Management Program.

In the May 19, 1980 **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations which became effective 6 months after promulgation, were provisions for a transitional stage in which a State can be granted Interim Authorization to operate its Hazardous Waste Management Program in lieu of the Federal program. The Interim Authorization Program will be implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

In order to qualify for Interim Authorization, a State Hazardous Waste Program (1) must have been in existence prior to August 17, 1980, and (2) be "substantially equivalent" to the Federal program. A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33475).

A notice of public comment period and public hearing was published in the State's three major newspapers and was sent to those persons on the State and EPA mailing list 30 days prior to the hearing. A **Federal Register** Notice announcing the public comment period and the public hearing was published on November 14, 1980 (45 FR 75241) and the public hearing was held on December 15, 1980. The comment period was held open until December 22, 1980.

The only significant comment was received from an industrial concern which believes that Delaware's manifest requirements are burdensome,

inconsistent with the Federal program, and do not constitute a "substantially equivalent" program. Rather than being inconsistent with the Federal Program, EPA views Delaware's manifest system as being more stringent. 40 CFR Section 123.121(g) states that nothing precludes a State from:

(1) Adopting or enforcing requirements which are more stringent or more extensive than those required under 40 CFR Part 123, Subpart F.

(2) Operating a program with a greater scope of coverage than that required under the subpart. Where an approved program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the federally approved program.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Anthony J. Donatoni, Chief, Hazardous Materials Section, U.S. EPA, 6th & Walnut Streets, Philadelphia, PA 19106, (215) 597-7937.

SUPPLEMENTARY INFORMATION: The State of Delaware submitted its final application for Phase I Interim Authorization on November 7, 1980. After reviewing it, EPA identified several areas of concern, namely:

I. Memorandum of Agreement (MOA)

1. The State did not indicate that they would notify the Regional Administrator prior to proposing any substantial amendment to their statute, regulation or program policy.

• The State agreed to the above condition in the revised (MOA).

2. In the case of any interstate shipment for which the manifest has not been returned to the generator, the State needed to assure that it would notify the Regional Administrator, if the facility designated on the manifest is in an unauthorized State or if the shipment may have been delivered to an unauthorized State.

• The State agreed to the above condition in the revised (MOA).

II. Program Description

Compliance and enforcement—The issuance of variances, administrative orders, and the regulation of Federal and State facilities needed more clarification.

• An addendum to the Program Description provided the necessary detail and clarification.

III. Attorney General's Statement (AGS)

1. Delaware adopted EPA's regulations by reference. The State's regulations referred to some portions of the Federal regulations that it did not adopt. The Attorney General was asked to certify whether the State's entire program will still be effective.

• The AG stated that any reference to portions of the Federal regulations not adopted by the State constitute surplusage and, therefore, certified that the State's entire program would still be effective.

2. The AG did not state in a positive, unequivocal manner, that Federal Agencies are included within the State's statutory definition of "person."

• The AG stated that Federal Agencies were covered by Delaware's statute.

3. The AG was asked to provide an assurance that he would not oppose intervention by any citizen where permissive intervention may be authorized by statute, rule or regulation.

• The AG certified that he would not oppose citizen intervention under the above circumstances.

The complete application now meets all of the requirements for Phase I Interim Authorization contained in 40 CFR Part 123. The Authorization Plan submitted with the complete application specifies with sufficient detail the actions the State will make to seek and obtain Phase I Final Authorization. The Attorney General's Statement certifies (1) that the laws of the State of Delaware provide adequate authority to carry out the program described in the application; (2) that the enabling legislation for Phase I was in existence within 90 days of the promulgation of Phase I regulations and; (3) that the Authorization Plan, if carried out, would provide the State with enabling authority and regulations adequate to meet all of the requirements for final authorization. Finally, the Memorandum of Agreement meets the requirements of 40 CFR Section 123.126.

For the foregoing reasons, I have determined that Deleware qualifies for Phase I Interim Authorizations.

The State of Delaware is hereby granted, Phase I Interim Authorization to operate its Hazardous Waste Management Program in lieu of Phase I of the Federal RCRA Subtitle C Hazardous Waste Management Program in accordance with Section 3006(C) RCRA, implementing regulations found in 40 CFR Part 123 Subpart F and EPA Delegation 8-7.

(42 U.S.C. 6926)

Dated: February 18, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-6304 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[SW-1-FRL 1760-4]

Massachusetts Application for Phase I Interim Authorization of a State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region I.

ACTION: Approval of State Hazardous Waste Management Program.

SUMMARY: The purpose of this Notice is to announce the final determination that has been made in regard to an application for Phase I interim authorization submitted by the Commonwealth of Massachusetts.

In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations, which become effective 6 months after promulgation, were provisions for a transitional stage in which states could be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two phases in which the underlying Federal program will take effect. On November 12, 1980 the Commonwealth of Massachusetts applied to EPA for Phase I interim authorization of its hazardous waste management program.

On November 18, 1980 EPA issued in the **Federal Register** (45 FR 76210) a notice of public hearing and public comment period on the State's application. All comments received during this period have been considered and are discussed below.

The Environmental Protection Agency (EPA) has reviewed the Massachusetts Application for interim authorization and has determined that the Massachusetts Hazardous Waste Program is substantially equivalent to the Federal program as defined by regulations promulgated under RCRA. The Commonwealth of Massachusetts is hereby granted interim authorization to operate the RCRA Subtitle C hazardous waste management program (Phase I) in accordance with Section 3006(c) of RCRA and implementing regulations found in 40 CFR 123 Subpart F.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Gary B. Gosbee, Waste Management Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203 [telephone (617) 223-1591].

SUPPLEMENTARY INFORMATION: The Commonwealth of Massachusetts submitted a draft application for Phase I interim authorization on September 5, 1980. In the comments to the State on the draft application, EPA identified issues in the Program Description, MOA, and Attorney General's Statement which required further clarification or amendment. With the exception of one issue discussed below these issues were addressed and resolved in the final application submitted to EPA on November 12, 1980, and the application was determined to be complete on that date.

The one issue which did necessitate additional discussion beyond that provided in the complete application concerned EPA requirements for public participation in enforcement set forth at 40 CFR 123.128(f)(2). Specifically, Massachusetts in its application relied on Rule 24(a) of the Massachusetts Rules of Civil Procedure (which is virtually identical to Rule 24(a) of the Federal Rules of Civil Procedure) as authority for the right of citizens to intervene in Civil Court proceedings. EPA, however, requested additional assurance that the Attorney General will not oppose intervention under Massachusetts Rule 24(a)(2) on the ground that the applicant's interest is adequately represented in the Commonwealth. Massachusetts has now satisfied this request by providing general assurance from the Attorney General that the Attorney General will not oppose intervention under Rule 24(a)(2) on the ground that the applicant's interest is adequately represented by the State and by explaining in detail the unusual instances in which the Attorney General reserves his right to oppose intervention on this ground. In providing this assurance and explanation the Attorney General also has explained that cities and towns and ten citizens or more are effectively given a statutory right to intervene in Massachusetts and that, therefore, intervention by such applicants for intervention would be based on Rule 24(a)(1). This assurance and explanation are set forth in a letter containing additions and clarifications of the Attorney General's Statement in the Massachusetts application for interim authorization dated January 19, 1981 from Massachusetts Attorney General Francis X. Bellotti to Regional Administrator William R. Adams.

Responsiveness Summary

In the **Federal Register** notice of November 18, 1980 (45 FR 76210), EPA gave the public until December 24, 1980 to comment on Massachusetts' application.

EPA also conducted a public hearing on December 19, 1980, in Worcester, Massachusetts. Seven presentations were made at this hearing. In addition, between November 18, 1980 and December 24, 1980, the close of the public comment period, Region I received four written comments on the Massachusetts application. All timely comments, whether presented at the hearing or in writing, were reviewed and considered in reaching a decision on the Massachusetts Application for interim authorization. Major comments are summarized below.

Comment—Five commenters urged EPA to approve the application of the Commonwealth of Massachusetts and grant Massachusetts Phase I interim authorization.

EPA response—No response needed.

Comment—One commenter opposed authorization and stated his preference for EPA to retain control of the hazardous waste management program in the Commonwealth of Massachusetts.

EPA response—EPA believes the Massachusetts program is substantially equivalent to the Phase I Federal program. Without a demonstration that information supplied by the State in its application fails to meet the test of substantial equivalence, EPA has no discretion to deny Phase I authorization to the State solely because there is a preference for Federal, as opposed to State, management of the program.

Comment—One commenter urged that Massachusetts adopt the second provision to satisfy the public participation in enforcement process required under 40 CFR 123.128(f)(2).

EPA response—EPA cannot require Massachusetts to choose one option over another in satisfying the requirements for public participation. Indeed, the two options provided in 40 CFR 123.128(f)(2) represent minimum guidelines to ensure that the public has an adequate opportunity to participate in the enforcement process. Massachusetts has met the public participation requirements through its authority to allow intervention under Rule 24(a) of the Massachusetts Rule of Civil Procedure and through general assurance to EPA from the Attorney General not to oppose intervention under Rule 24(a)(2) on the ground that the Commonwealth adequately represents the interests of the applicant. EPA has determined that this authority and this assurance are at least as stringent as the second option set forth at 40 CFR 123.128(f)(2)(ii).

Comment—One commenter stated that since the Massachusetts application was in excess of five hundred pages and since the substance of the Massachusetts application was not available in a summary, the hearing should have been postponed until further information was readily available to concerned citizens.

EPA response—EPA's regulations governing procedures for approval of a State's application require notice of receipt of the application and the availability of it for inspection and copying [See 40 CFR 123.135(a)]. There is no requirement to summarize the application and there are many good reasons for the absence of such a requirement. For example, any summary of the lengthy and complex Massachusetts application would necessarily be subjective; while many might agree that such a summary would be reasonable, undoubtedly some would not; no attempt to summarize the application would be satisfactory to all. Therefore, EPA has concluded that it is in the best interest of the public comment process not to summarize the application.

Comment—One commenter asked for an extension of the comment period until January 5, 1981, to permit a newly formed community hazardous waste committee to review and comment on the application.

EPA response—EPA believes that the 30 day period prior to the hearing plus a 5 day period following the hearing provided sufficient time for review and comment on the Massachusetts application and it would not be in the best interest of the interim authorization process to extend the comment period.

Comment—Two comments were received that dealt with general hazardous waste issues such as inter-state activities and recommendations concerning facility siting, monitoring and inspection and safety.

EPA response—EPA believes that although these comments deal with the subject of hazardous waste, they do not specifically comment on the substance of the Massachusetts application for interim authorization; therefore, additional discussion in this document is not warranted.

Comment—One commenter stated that EPA should have made more copies of the Massachusetts application for interim authorization available at different locations around the State.

EPA response—EPA believes it has complied with our regulations [See 40 CFR 123.135(a) and 40 CFR 123.39(a)(1)]

by having the Massachusetts application for interim authorization available at the EPA Regional Office and at the Office of the Division of Hazardous Waste, Massachusetts Department of Environmental Quality Engineering.

For the foregoing reasons I have determined that Massachusetts qualifies for Phase I interim authorization to operate its Hazardous Waste Management Program in lieu of Phase I of the Federal RCRA Subtitle C Hazardous Waste Management Program. This issuance of interim authorization is in accordance with Section 3006(c) of RCRA, implementing regulations found in 40 CFR Part 123 Subpart F and EPA Delegation 8–7.

(42 U.S.C. 6926)

Dated: February 9, 1981.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 81-6359 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123 (Subpart F)

[SW-4-FRL 1760-1]

South Carolina's Application for Phase I Interim Authorization of a State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of Final Determination.

SUMMARY: The purpose of this notice is to announce the final determination that has been made in regard to an application for Phase I Interim Authorization submitted by the State of South Carolina.

The Environmental Protection Agency has reviewed South Carolina's Application for Interim Authorization and has determined that South Carolina's Hazardous Waste Program is substantially equivalent to the Federal program as defined by regulations promulgated under the Resource Conservation and Recovery Act of 1976 (RCRA). The State of South Carolina is hereby granted Interim Authorization to operate the State program in lieu of the Subtitle C Hazardous Waste Management Program (Phase I) in accordance with Section 3006(c) of RCRA and implementing regulations found in 40 CFR Part 123 Subpart F.

EFFECTIVE DATE: Interim Authorization, Phase I, for South Carolina shall become effective on February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Don Hunter, Residuals Management Branch, U.S. EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881–2468.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program will be implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of South Carolina submitted its Draft Application for Phase I Interim Authorization on August 1, 1980. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration. The State subsequently made revisions to its Application for Phase I Interim Authorization in order to clarify those aspects of its program which had been questioned during the EPA review.

On November 18, 1980, South Carolina submitted to EPA a Final Application for Phase I Interim Authorization under RCRA. An EPA review team consisting of both Headquarters and Regional Office personnel made a detailed analysis of South Carolina's Hazardous Waste Management Program. The following issues were raised by the review team:

(a) South Carolina's laws and regulations regarding delisting are not substanitally equivalent to EPA's.

(b) South Carolina's emergency regulations regarding small quantity exemptions for generators of acutely hazardous waste may be misleading.

(c) The Authorization Plan does not indicate when certain regulatory and statutory changes are to occur.

(d) The next to the last line of the Certification in the Attorney General's Statement must read "Final Authorization," not "Interim Authorization."

To resolve these issues, the State made minor revisions to its Attorney General's Statement, MOA, and Authorization Plan to clarify the following points:

(a) South Carolina revised its Memorandum of Agreement so as to include prior concurrence by EPA on all delisting activities.

(b) The emergency regulations were amended, prior to promulgation as permanent, to include small generators of acutely hazardous waste.

(c) The Authorization Plan was amended to include the dates regulatory and statutory changes will be proposed.

(d) The change from "Interim" to "Final" in the certification of the Attorney General's Statement was made.

Responsiveness Summary

As noticed in the **Federal Register** on November 28, 1980 (45 FR 79117), EPA gave the public until January 6, 1981, to comment on the State's application. EPA also held a public hearing in Columbia, South Carolina, on December 30, 1980. Eight individuals spoke at the public hearing and eight written comments were received. These comments and EPA's responses are presented below:

Comment—Five of the commenters supported the granting of Interim Authorization to the State.

EPA Response—No response needed.

Comment—One commenter supported the granting of Interim Authorization to the State, but expressed concern with EPA's unlimited access to proprietary information and the possible abrogation of private organizations' rights to protect such proprietary information. The commenter was especially concerned that RCRA does not expressly require States seeking Interim Authorization to submit this information, obtained by the State pursuant to its own statutory requirements to EPA. The commenter suggested that the submitter of confidential information be notified of the intent to transfer to EPA any such material prior to its release, and that the submitter be afforded the right to independently assert claims of confidentiality to EPA or any other authorized representative, as appropriate.

EPA Response—While the State must provide information to EPA upon request, all claims of confidentiality made to the State will be subject to formal decision by EPA under Federal regulations to determine whether it is entitled to confidential treatment.

EPA will notify, at least 10 days prior to release, the holder of the claim of confidentiality of its decision on confidentiality. The holder may initiate court review of that decision.

Comment—Seven commenters expressed concern about discrepancies between the requirements of the State and Federal programs. Five of the commenters did not identify specific discrepancies but indicated that they were discrepancies resulting in the State program requirements being more stringent than the Federal program. Most of these commenters supported relaxing the State program requirements that are more stringent. One stated that Interim Authorization should be denied until the inconsistencies were eliminated.

One of the commenters was specifically concerned about the greater stringency of the State program in the following areas:

(1) EPA exempts wastewater treatment impoundments used solely for the neutralization of corrosive liquids, if they have NPDES permits. South Carolina does not exempt these facilities.

(2) EPA has delayed inclusion of asbestos in its hazardous waste program. South Carolina has not.

(3) EPA has temporarily exempted wastes produced by the combustion of fossil fuels. South Carolina has not.

(4) Differences in coverage and approach between the State and Federal hazardous waste programs. For example, additions to or deletions of wastes from both programs have made it difficult for hazardous waste handlers in the State to determine how to comply with the hazardous waste notification requirements. Also under the Federal program the deadline for permit applications may be extended for certain facilities if it was not clear previously that those facilities were subject to the hazardous waste regulations. This necessary flexibility is missing from the South Carolina program.

Another commenter was particularly concerned that the chromium waste and certain dry metal dust used in fertilizer manufacturing which are excluded by the Federal program are not excluded by the State. The State is requiring compliance schedules for the temporary storage of this material. Also where Federal E.P. toxicity limits are 100 times the Drinking Water Standards (DWS), the State uses the more stringent 10 times DWS.

EPA Response—EPA recognizes these areas where the State program is more stringent than the Federal program, however, Federal law does not prohibit more stringent State standards.

Comment—The remarks of one commenter were directed towards the operation of a secure chemical landfill in the State. The commenter stated that the South Carolina Department of Health and Environmental Control was not informed of alleged problems at the facility.

EPA Response—EPA has investigated the allegations and found them to lack merit. In addition, the existing facility must comply with technical facility standards. EPA has determined that the State's application has shown that substantially equivalent hazardous waste management facility standards will be imposed by the State. EPA, through its overview, will act to insure that the State will closely regulate the operation of this facility.

Comment

One commenter had three main comments regarding transportation by rail. These are:

(1) The State's regulations are not substantially equivalent to the Federal standards for rail tranporters regarding the manifest system. South Carolina regulations require that the manifest accompany *all* waste shipments in the State, while Federal regulations allow for the forwarding of the manifest from the first rail transporter to the facility (if it is at the end of the rail line), to the first non-rail transporter, or to the last rail transporter within the U.S.

(2) According to the commenter, referencing the April 28, 1978, **Federal Register**, States are not allowed to permit or license transporters. South Carolina requires that transporters of shipments that originate or are delivered in the State obtain permits.

(3) The commenter also contends that the State will assign its own identification (I.D.) number. This may present a problem for carriers operating in more than one State.

EPA Response

(1) The requirement by South Carolina that a manifest accompany all hazardous waste shipments, including rail shipments, represents a more stringent aspect of its program, and, as such, is permissible and does not represent reason for denial of Interim Authorization.

The State, in recognizing that it is more stringent in this regard, has indicated that it will grant variances, as allowed for it its program, on a carrier by carrier basis. These variances to the manifest requirements, as they pertain to rail transporters only, will be no less stringent than the Federal regulations.

(2) Contrary to the opinion expressed in this comment, States may permit transporters. It must be pointed out that the regulations referenced were *Proposed* rules only, and even as such were not intended to deny States the option of requiring transporter permits. It simply indicated that EPA will not develop a Federal permitting program for transporters.

(3) EPA will transfer to South Carolina, upon granting Interim Authorization, a list of all current EPA I.D. numbers for existing facilities in South Carolina. As I.D. numbers are needed for new facilities and transporters, the State will request that EPA assign them.

Comment

One commenter was not completely supportive of the granting of Interim Authorization to the State because:

(1) The State regulations are different and often more restrictive than Federal regulations and require more paperwork than is required under the Federal regulations. The additional requirements are not necessary to protect the environment and would cost the company substantially more.

(2) The State regulations, as now written, will not accommodate changes in the Federal regulations without lengthy delays and going back to the State Legislature for each change. The commenter believes that South Carolina should have provisions for adopting Federal amendments without lengthy delays.

(3) The commenter expressed concern over the lack of time for review of the application and the length of time it took to receive a copy of the emergency regulations from the State.

(4) The commenter also expressed concern that the public hearing was held at an inconvenient time and encouraged EPA to hold another hearing.

EPA Responses

(1) EPA recognizes that the State program is more stringent than the Federal program in certain areas and that the additional requirements may impose additional financial and administrative burdens. Federal law does not prohibit more stringent State program requirements.

(2) Where amendments to the Federal regulations might impose requirements that are more stringent than existing State regulations, the State would be given a reasonable amount of time to revise State regulations to ensure its program remains substantially equivalent.

(3) EPA has determined that a 30-day period for public comment provides

adequate opportunity to review and comment. The State application that was available for public review contained the emergency State regulations.

(4) The date of the public hearing was controlled by the administrative process and the scheduling of the hearing during the holidays was unavoidable. Still, the attendance at the South Carolina hearing was one of the largest of any State in the Region, with approximately 45 people in attendance. EPA has determined that an additional public hearing is not warranted.

42 U.S.C. 6926

Dated: February 3, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-6357 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 180

[PP 7F1878/R294; PH-FRL 1761-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbaryl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) including its hydrolysis product 1-naphthol (naphthyl sulfate), calculated as 1-naphthyl *N*-methyl carbamate in or on wheat grain at 3 parts per million (ppm); carbaryl (1-naphthyl *N*-methylcarbamate) including its metabolites 1-naphthol (naphthyl sulfate), 5,6-dihydrodihydroxycarbaryl, and 5,6-dihydrodihydroxy-naphthol, calculated as 1-naphthyl *N*-methylcarbamate in or on the liver and kidney of cattle, goats, horses, sheep, and swine at 1 ppm; and the meat, fat, and meat byproducts of cattle, goats, horses, sheep, and swine at 0.1 ppm; and carbaryl (1-naphthyl *N*-methylcarbamate), including its metabolites 1-naphthol (naphthyl sulfate), 5,6-dihydrodihydroxycarbaryl and 5-methoxy-6-hydroxycarbaryl, calculated as 1-naphthyl *N*-methylcarbamate in or on milk at 0.3 ppm. This regulation was requested by Union Carbide Corp. This regulation will establish the maximum permissible levels for residues of carbaryl on the above commodities.

EFFECTIVE DATE: Effective on February 25, 1981.

ADDRESSES: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 18, 1978 (41 FR 50854) that Union Carbide Corp., 7825 Baymeadows Way, Jacksonville, FL 32216, had submitted a pesticide petition (7F1978) to the EPA. The petition proposed that tolerances be established to cover residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate), including its hydrolysis product 1-naphthol, calculated as 1-naphthyl *N*-methyl-carbamate, in or on the raw agricultural commodities barley grain, oat grain, rye grain, and wheat grain at 3.0 ppm; in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 1.0 ppm; and in milk at 0.2 ppm.

Subsequently, the petitioner amended the petition by deleting the raw agricultural commodities barley grain, oat grain, and rye grain from the proposed tolerance, increasing the proposed tolerance for milk from 0.2 ppm to 0.3 ppm; and adding the metabolites 5,6-dihydrodihydroxy carbaryl and 5,6-dihydrodihydroxy naphthol, calculated as 1-naphthyl *N*-methylcarbamate to the tolerance expression for liver and kidney of cattle, sheep, goats, horses, and swine; and the meat, fat, and meat byproducts of cattle, sheep, goats, horses, and swine; and added the metabolites 5,6-dihydrodihydroxycarbaryl and 5-methoxy-6-hydroxycarbaryl, calculated as 1-naphthyl *N*-methylcarbamate to the tolerance expression for milk.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a 2-year rat feeding study with a no-observable-effect-level (NOEL) of the 200 ppm (highest level fed); a 1-year dog subchronic feeding study with a NOEL of 400 ppm; a Rhesus monkey teratology study, which was negative at 20 milligrams (mg)/kilogram (kg) of body weight (bw)/day (highest level fed); an 18-month mouse oncogenicity study which was negative at up to 400 ppm; a 3-generation rat reproduction study with a NOEL of 3 mg/kg of bw/day. Based on the 2-year rat feeding study with a 200 ppm NOEL and using a safety factor of 100, the acceptable daily intake (ADI) for humans is 0.1 mg/kg/day. The theoretical maximal residue contribution (TMRC) in the human diet from previously established and proposed tolerances does not exceed the ADI.

The metabolism of carbaryl is adequately understood, and an adequate analytical method (spectrophotometric determination) is available for enforcement purposes. "A Notice of Determination Not to Initiate a Rebuttable Presumption Against Registration (RPAR) was published in the **Federal Register** of December 12, 1980. Carbaryl was under consideration for the RPAR process primarily because two laboratory studies conducted in the late 1960's indicated that carbaryl induced teratogencity (birth defects) when administered in low doses to pregnant beagle dogs. EPA reviewed the risks associated with the use of carbaryl and determined that 40 CFR risk criteria warranting an RPAR had not been met or exceeded. Carbaryl was therefore returned to the registration process." Therefore, delete "However." The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by the regulation may, within 30 days after date of publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3706 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044. Effective on: February 25, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 12, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR 180.169 is amended by redesignating the existing text as paragraph (a), alphabetically inserting the raw agricultural commodity "wheat grain" in the table under paragraph (a), and adding new paragraphs (b) and (c) to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

(a) * * *

Commodity	Part per million
. . . . .	
Wheat (grain)	3
. . . . .	

(b) Tolerances are established for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) including its metabolites 1-naphthol (naphthyl-sulfate), 5,6-dihydrodihydroxycarbaryl, and 5,6-dihydrodihydroxy naphthol, calculated as 1-naphthyl *N*-methylcarbamate in or on the following raw agricultural commodities:

Commodities	Part per million
Cattle, fat	0.1
Cattle, kidney	1
Cattle, liver	1
Cattle, meat	0.1
Cattle (mbyp)	0.1
Goats, fat	0.1
Goats, kidney	1
Goats, liver	1
Goats, meat	0.1
Goats (mbyp)	0.1
Horses, fat	0.1
Horses, kidney	1
Horses, liver	1
Horses, meat	0.1
Horses (mbyp)	0.1
Sheep, fat	0.1
Sheep, kidney	1
Sheep, liver	1
Sheep, meat	0.1
Sheep (mbyp)	0.1
Swine, fat	0.1
Swine, kidney	1
Swine, liver	1
Swine, meat	0.1
Swine (mbyp)	0.1

(c) A tolerance is established for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate), including its metabolites 1-naphthol (naphthyl sulfate), 5,6-dihydro-dihydroxycarbaryl and 5-methoxy-6-hydroxycarbaryl, calculated as 1-naphthyl *N*-methylcarbamate in or on the raw agricultural commodity milk at 0.3 ppm.

[FR Doc. 81-6355 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 105-61

[ADM 7900.2 CHGE 16]

Public Use of Records, Donated Historical Materials, and Facilities in the National Archives and Records Service; Restrictions on Use of Records

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This rule provides specifications regarding the use of accessioned records of the Department of the Treasury. Specifically, this revision abolishes two of the three current restrictions on access to these records. The purpose of the revision is to make accessioned records of the Department of the Treasury more accessible to the public.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Clarence F. Lyons, Judicial and Fiscal Branch (202-523-3059).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105-61.53—Restrictions on the Use of Records

1. Section 105-61.5303-56 is revised to read as follows:

§ 105-61.5303-56 General Records of the Department of the Treasury.

(a) *Records.* Samples of series of recorded radio programs sponsored by the Treasury Department during 1941-48.

(b) *Restrictions.* There are copyright or contractural restrictions applicable to most of these recordings. No recordings with contractural restrictions may be reproduced without the consent of the Department of the Treasury.

(c) *Specified by.* Department of the Treasury.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 10, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-6232 Filed 2-24-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Requirements for a Health Maintenance Organization

AGENCY: Public Health Service, HHS.

ACTION: Final regulations; delayed effective date.

SUMMARY: This document postpones until March 30, 1981, the effective date of final regulations to amend the requirements for the operation of federally qualified health maintenance organizations (HMOs) regarding the disclosure of certain information by HMOs to members, potential members, and employers published at 46 FR 6354, January 21, 1981. These postponed amendments are made to coordinate the requirements of the Employee Retirement Income Security Act of 1974 (ERISA) and Title XIII of the Public Health Service Act so as to avoid any duplicative or otherwise unnecessary requirements that might result from the interaction of these laws.

DATE: The effective date of the final regulations (42 CFR Part 110) relating to requirements for a health maintenance organization published at 46 FR 6354, January 21, 1981 is March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: The final regulations were published in the **Federal Register** on Wednesday, January 21, 1981, (46 FR 6354) and were to become effective on February 20, 1981. Postponement of the effective date is necessary to comply with the President's January 29, 1981, memorandum on postponement of pending regulations, which directed Federal agencies to postpone for 60 days from the date of the memorandum the effective date of all regulations promulgated in final form that were scheduled to become effective during this 60 day period. The Department of Labor has also decided to postpone the effective date of a companion set of

final regulations that were published in the **Federal Register** on January 21, 1981, (46 FR 5882–5).

Because § 110.108(c)(1), as amended, provides for reporting and recordkeeping requirements which are subject to the Federal Reports Act of 1942, the Department is required to submit this regulation to the Office of Management and Budget (OMB) for review and approval. The Department will, therefore, submit this section to OMB and will publish a notice on March 30 indicating the status of OMB's review.

Accordingly, the effective date in the preamble of the final regulations to amend 42 CFR Part 110 appearing on page 6354 of the **Federal Register** of January 21, 1981 is revised to read:

EFFECTIVE DATE: These regulations are effective on March 30, 1981.

Dated: February 11, 1981.

Approved: February 20, 1981.

Charles Miller,

Acting Assistant Secretary for Health.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-6427 Filed 2-24-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5857

[CA-6961]

California; Modification of Secretarial Order Dated October 26, 1906

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document modifies an order which withdrew lands for a ranger station by restoring 10 acres to operation of the public land laws generally. The Forest Service intends to consummate an exchange. The lands remain withdrawn under the mining laws.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of October 26, 1906, which withdrew lands within the Trinity National Forest from all forms of appropriation under the public land laws, for use by the Forest Service, Department of Agriculture, for ranger stations, is hereby modified to delete the following words: "from all forms of appropriation under the public land laws," so far as they relate to the following described lands:

Trinity National Forest

Humbolt Meridian

T. 3 N., R. 6 E.,
Sec. 25, NE¼NE¼NW¼.
The area aggregates 10 acres in Trinity County.

2. Effective immediately, the above described lands shall be open to applications for the disposal of the lands under the General Exchange Act of March 20, 1922, 42 Stat. 465, as amended, 16 U.S.C. 485, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands remain withdrawn under the mining laws 30 U.S.C. Ch. 2.

James G. Watt,

Secretary of the Interior.

February 18, 1981.

[FR Doc. 81-6234 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5858

[OR-19206]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two Secretarial orders which withdrew 3,917.39 acres of land for use as a stock driveway. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of September 25, 1919, and October 7, 1919, which withdrew the following described public lands for stock driveway purposes are hereby revoked:

Willamette Meridian

T. 10 S., R. 19 E.,
Sec. 20, W½SW¼;
Sec. 25, N½ and SE¼;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½;
Sec. 29, E½NE¼, NW¼NE¼, and NW¼NW¼;
Sec. 30, lot 1, N½NE¼, and NE¼NW¼.
T. 10 S., R. 20 E.,
Sec. 14, SW¼ and W½SE¼;
Sec. 22, E½ and SW¼;
Sec. 26, E½, E½SW¼, and SW¼SW¼;
Sec. 30, lots 3 and 4, SE¼, and E½SW¼;
Sec. 31, NE¼;
Sec. 32, E½NE¼, SW¼NE¼, and NW¼;
Sec. 33, NW¼.
The areas described aggregate 3,917.39 acres in Jefferson and Wheeler Counties.

2. At 10 a.m. on March 26, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 26, 1981, shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. The lands have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

James G. Watt,

Secretary of the Interior.

February 18, 1981.

[FR Doc. 81-6235 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5859

[OR 20417]

Oregon; Revocation of Recreational Withdrawal No. 23

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew 120 acres for protection of recreational values. This action will restore the lands to operation to the mining laws.

EFFECTIVE DATE: March 26, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503–231–6905.

By virtue of authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of July 5, 1929, which withdrew the following described lands for protection of recreational values is hereby revoked:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 2 S., R. 6 E.,
Sec. 21, SE¼SW¼ and S½SE¼.
The area described contains 120 acres in Clackamas County.

2. At 10 a.m., on March 26, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

3. The lands remain segregated from operation of the public land laws generally by Power Site Reserve No. 660 of December 12, 1917, and Water Power Designation No. 14 of December 12, 1917.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

James G. Watt,

Secretary of the Interior.

February 18, 1981.

[FR Doc. 81-6236 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-214; RM-3443]

Radio Broadcast Services, FM Broadcast Stations in Beaufort and Ridgeland, S.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Ridgeland, South Carolina, as that community's first FM assignment, and substitutes Class C Channel 259 for Channel 285A at Beaufort, South Carolina, at the request of J. Olin Tice, Jr. The present applicants for Channel 285A at Beaufort, are permitted to amend their applications to specify Channel 259.

EFFECTIVE DATE: March 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Beaufort and Ridgeland, South Carolina), BC Docket No. 80–214, RM–3443.

Report and Order

(Proceeding Terminated)

Adopted: February 4, 1981.

Released: February 11, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 34934, published May 23, 1980, proposing the substitution of Class C FM Channel 259 or Channel 261A for Channel 285A at Beaufort, South Carolina, and the reassignment of Channel 285A to Ridgeland, South Carolina, as that community's first FM assignment. Comments were filed by the petitioner, J. Olin Tice, Jr. ("petitioner"); Beaufort County Broadcasting Company ("BCBC"), an applicant for Channel 285A at Beaufort;[1] and Barnacle Broadcasting Ltd. ("Barnacle"), applicant for Channel 285A at Port Royal,[2] under the "10-mile" rule.[3]

2. Petitioner supports the proposed assignments and reiterates his intent to apply for authority to build and operate a station on Channel 285A at Ridgeland, if assigned.[4] Petitioner also notes that substituting Channel 259 for Channel 285A at Beaufort, will further the Commission policy of avoiding intermixture of Class A and Class C stations in the same community. BCBC supports the substitution of Class C Channel 259 for Channel 285A at Beaufort, and states that a suitable transmitter site for the channel is available.[5] BCBC asserts that Beaufort is the most desirable city for a Class C assignment within the limited area in which the channel can be assigned, and that assigning Channel 259 to Beaufort is more efficient than assigning Channel 261A. According to BCBC, the assignment of Channel 261A to Beaufort would preclude the use of Channel 259 in virtually the entire area where the channel may now be assigned. BCBC avers that the preclusive impact of assigning Channel 259 to Beaufort is minimal. Finally, BCBC states that it supports the channel substitution in Beaufort only if its "cut-off" status as an applicant for the channel is retained. Barnacle states in its comments that it will amend its application to specify any channel which the Commission substitutes for Channel 285A in Beaufort. However, Barnacle, like BCBC, states that its "cut-off" status should remain intact.

3. In reply comments, BCBC notes that no comments were filed which opposed the proposed assignments, and no parties indicated an interest in applying for Channel 259 if it were assigned to Beaufort. BCBC therefore concludes that the proposed assignments should be made and that its "cut-off" status should be protected. Barnacle's reply comments made a similar argument. Barnacle agrees to the channel substitution in Beaufort only if the newly assigned channel is not opened up for new applications.

4. Ridgeland (pop. 1,165),[6] seat of Jasper County (pop. 11,685), is located approximately 101 kilometers (63 miles) southwest of Charleston, South Carolina. Ridgeland is served locally by daytime-only AM Station WBUG. Beaufort (pop. 9,433), seat of Beaufort County (pop. 51,136), is located approximately 80 kilometers (50 miles) southwest of Charleston, and 29 kilometers (18 miles) east of Ridgeland. It is served locally by full-time AM Station WSIB, daytime-only AM Station WBEU and Station WBEU–FM (Channel 254).

5. Petitioner has shown a need for the assignment at Ridgeland, especially since the assignment can provide the city with its first full-time radio service. Likewise, the substitution of Class C Channel 259 for Channel 285A at Beaufort, appears to be in the public interest. The substitution removes an intermixture situation in Beaufort. Also, according to BCBC, the preclusive effect of assigning the Class C station to Beaufort is only slightly greater than the preclusive effect of assigning the Class A channel. As indicated above, a transmitter site restriction of 6 kilometers (3.8 miles) east of Ridgeland, is required for Channel 285A, and a site restriction of 16 kilometers (10.2 miles) north northeast of Beaufort is required for Channel 259.

6. With regard to the pending applications for the unused channel at Beaufort, BCBC and Barnacle may amend their applications to specify use of Channel 259 and retain their cut-off status. No other interest in the proposed new assignment has been expressed in comments despite being given an opportunity to do so. Therefore we believe it appropriate to retain the cut-off protection of these applicants in amending to Channel 259. *Cf. Fort Walton Beach, Florida*, 62 FCC 2d 76 (1977); *Flora, Illinois*, 18 FCC 2d 683, 685 (1969).

[1] FCC File No. BPH–790918AC.

[2] FCC File No. BPH–800519AF.

[3] Section 73.203(b) of the Commission's Rules.

[4] The use of Channel 285A at Ridgeland requires a site restriction of 6 kilometers (3.8 miles) east of the community.

[5] The use of Channel 259 at Beaufort requires a site restriction of 16 kilometers (10.2 miles) north northeast of Beaufort.

[6] Population figures are taken from the 1970 U.S. Census.

7. Accordingly, it is ordered, That effective March 24, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the communities listed below as follows:

City	Channel No.
Beaufort, South Carolina	254, 259
Ridgeland, South Carolina	295A

8. Authority for the actions taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

9. It is further ordered, That the Secretary of the Commission shall send a copy of this *Report and Order* by certified mail, return receipt requested, to Beaufort County Broadcasting Company, P.O. Box 7398, Chatsworth, Georgia 30705; and to Barnacle Broadcasting Ltd., 2964 Peachtree Street, Suite 740, Atlanta, Georgia 30355.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6298 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

V 46 / 37 F E 25 81 1 UMI

Proposed Rules

Federal Register
Vol. 46, No. 37
Wednesday, February 25, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Amendment of Exemption for Ionizing Radiation Measuring Instruments

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its rules of general applicability to domestic licensing of byproduct material so that persons exempt from licensing and regulatory requirements may receive, use, and transfer ionizing radiation measuring instruments containing multiple internal calibration or standardization sources of byproduct material. The amendments are being proposed in response to a petition for rulemaking filed by General Atomic Company to permit distribution to exempt persons of multiple function instruments important to monitoring radiation and radioactive materials in and around major nuclear facilities. The proposed action would relieve all persons from the requirement to obtain a specific license to the extent that they receive, use, or transfer radiation ionizing measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the pertinent exempt quantity.

DATES: Comment period expires April 13, 1981. Comments received after April 13, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before April 13, 1981.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of correspondence cited below and comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. J. J. Henry, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301)–443–5946.

SUPPLEMENTARY INFORMATION: By letter dated August 5, 1980, Mr. William R. Mowry, on behalf of General Atomic Company, filed a request for administrative clarification of the Commission's regulation 10 CFR 30.15(a)(9) so that a person exempt from licensing and regulatory requirements may receive, use, and transfer an ionizing radiation measuring instrument containing, for purposes of internal calibration or standardization, more than one source of byproduct material each not exceeding an applicable exempt quantity.

Rulemaking Initiation

The letter from General Atomic was filed following a meeting between the staff and the company on June 26, 1980, to review various alternatives in light of a position expressed in a letter dated June 11, 1980, to General Atomic in which the staff indicated that the Commission could not license the company to distribute certain ionizing radiation measuring instruments to persons exempt from regulation because those instruments contain more than one source of byproduct material.

In the June 11, 1980, letter, the staff stated the following view:

> • • • the exemption specified in section 30.15(a)(9) of 10 CFR 30 only refers to ionizing radiation measuring instruments containing *a source* of byproduct material.

On September 9, 1980, the letter from General Atomic was assigned Docket No. PRM 30–57 as a petition for rulemaking requesting the Commission to amend its regulations in 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material."

Basis for Request

In support of the petition, General Atomic stated, in part:

> • • • it seem(s) evident that the particular language of the regulations, read to limit licenses of instruments containing byproduct material to persons exempt from regulation to a single source per instrument, was in effect the result of a situation not envisioned at the time of drafting • • •

General Atomic also stated that the petitioner's ionizing radiation measuring instruments are devices that perform several radiation monitoring functions, and:

> • • • the instruments would have to be redesignated, each as a single function instrument with a single exempt quantity byproduct source. To do so would increase costs and delay delivery of instrumentation important to monitoring radiation and radioactive materials in and around major nuclear facilities. There is no compromise of public health and safety by permitting use of more than one source in a single multi-functional device.

Request for Comments on Petition

A notice of filing of petition for rulemaking was published in the **Federal Register** on October 14, 1980 (45 FR 67673). The comment period expired December 15, 1980. No letters of comment were received in response to the notice.

Previous Actions

On April 22, 1970, the Atomic Energy Commission (the predecessor of the NRC) published in the **Federal Register** (35 FR 6426) new 10 CFR 30.18, "Exempt quantities," exempting from licensing requirements the receipt, possession, use, transfer, ownership, or acquisition of byproduct material in individual quantities each of which does not exceed the applicable quantity set forth in new 10 CFR 30.71, "Schedule B." A conforming amendment, new 10 CFR 32.18, "Manufacture, distribution and transfer of exempt quantities of byproduct material: requirements for license," indicated clearly the types of material that commerical suppliers may distribute as exempt quantities and also prohibited incorporation of exempt quantities of byproduct material in any manufactured or assembled commodity, product, or device for commercial distribution.

As one consequence of the above prohibition, the Commission added another conforming amendment, new 10 CFR 30.15(a)(9), to provide an exemption from licensing requirements for possession and use of ionizing radiation measuring instruments containing internal calibration or standardization

sources of byproduct material in amounts not exceeding the pertinent schedule of exempt quantities. In the preamble to the final rule, the Commission stated:

> Such sources, when installed inside instruments, constitute a smaller risk than as separate quantities, and specific provision for their use under exemption is warranted.

The final rule, 10 CFR 30.15(a)(9), states:

> *§ 30.15 Certain items containing byproduct material.*
>
> (a) Except for persons who apply byproduct material to, or persons who incorporate byproduct material into, the following products, or persons who initially transfer for sale or distribution the following products containing byproduct material, any person is exempt from the requirements for a license set forth in Section 81 of the Act and from the regulations in Parts 20 and 30–35 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires the following products:
>
> * * * * *
>
> (9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of byproduct material not exceeding the applicable quantity set forth in § 30.71, Schedule B.

Proposed Action

The Commission considers that multiple sources, when installed inside instruments, would be consistent with both the language and the intent of the preamble published April 22, 1970, that set out the basis for the exemption of ionizing radiation measuring instruments.

Accordingly, the Commission is proposing to amend the language of the exemption for ionizing radiation measuring instruments to refer to sources of byproduct material each not exceeding the applicable quantity set forth in 10 CFR 30.71, "Schedule B."

Conforming Amendment

The Commission recognizes that 10 CFR 32.14, "Certain items containing byproduct material: requirements for license to apply or initially transfer," sets out a requirement that each product specified in 10 CFR 30.15 must contain no more than the quantity of byproduct material specified for that product in 10 CFR 30.15.

To assure that each ionizing radiation measuring instrument contains a specified quantity of byproduct material, the Commission is proposing a conforming amendment of 10 CFR 30.71 to add a new note stating in effect that, for purposes of 10 CFR 30.15(a)(9), where an ionizing radiation measuring instrument contains a combination of radionuclides, the instrument will contain no more than one exempt quantity of a single radionuclide or no more than ten exempt quantities of a combination of radionuclides.

Findings

In the preamble to the final rule published in the **Federal Register** on April 22, 1970 (35 FR 6427), the Commission found that the exemption from licensing of ionizing radiation measuring instruments containing certain internal calibration or standardization sources under the conditions set forth in 10 CFR 30.15(a)(9) will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

The Commission is considering a finding that the proposed amendments set forth below are of a minor or nonpolicy nature, do not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Regulatory Flexibility Certification

Based upon the limited information available to it concerning the size and nature of entities likely to be affected by this amendment, the Commission, in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule will affect General Atomic Company (the petitioner for the action being proposed) and its customers who need ionizing radiation measuring instruments that are the subject of the proposed action. General Atomic Company is an affiliate of Gulf Oil Corporation and Royal Dutch/Shell Group. General Atomic Company was worth $56 million, had $100 million in sales, and had 2400 employees in 1979 (information from EIS INDUSTRIAL PLANTS data base). The customers consist of less than ten companies which have construction permits to build nuclear power plants. These companies are dominant in their service areas, and do not fall within the scope of the definition of "small entities" set forth in section 601(3) of the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 30 is contemplated.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. In § 30.15, paragraph (a)(9) is revised to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) * * *

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the applicable quantity set forth in 30.71, Schedule B, Note 1.

* * * * *

2. In § 30.71, a new Note 1 is added immediately following the table to read as follows:

§ 30.71 Schedule B.

* * * * *

Note 1.—For purposes of § 30.15(a)(9) where there is involved a combination of radionuclides, the limit for the combination should be derived as follows: Determine for each radionuclide in an ionizing radiation measuring instrument the ratio between the quantity present in the instrument and the exempt quantity established in Schedule B for the specific radionuclide when not in combination. No ratio is to exceed one (1) and the sum of the ratios must not exceed ten (10).

Examples:

$$\frac{\text{Quantity of Radionuclide A in Instrument}}{\text{Exempt Quantity of Radionuclide A}} < 1$$

$$\frac{\text{Quantity of Radionuclide A in Instrument}}{\text{Exempt Quantity of Radionuclide A}} +$$

$$\frac{\text{Quantity of Radionuclide B in Instrument}}{\text{Exempt Quantity of Radionuclide B}} < 2$$

$$\frac{\text{Quantity of Radionuclide A in Instrument}}{\text{Exempt Quantity of Radionuclide A}} + \ldots +$$

$$\frac{\text{Quantity of ith Radionuclide in Instrument}}{\text{Exempt Quantity of ith Radionuclide}} < 10$$

(Secs. 81, 161i, Pub. L. 83–703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201i); sec. 201, Pub. L. 93–438, 88 Stat. 1242, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Bethesda, MD, this 17th day of February 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-6283 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 40

[Docket No. PRM-40-23]

Sierra Club; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Publication of Petition for Rulemaking from Sierra Club.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment a petition for rulemaking filed before the Commission on December 5, 1980, by the Sierra Club. The petition, which has been assigned Docket No. PRM–40–23, requests that the Commission amend its regulation, 10 CFR Part 40, to license the possession of uranium mill tailings at inactive storage sites.

DATE: Comment period expires April 27, 1981.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, D.C. 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The petitioner states "* * * the Commission violated section 81 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2111, in that it exempted * * * [uranium mill tailings and inactive storage sites] * * * from licensing as byproduct material without making the express findings required by section 81 that such exemption will not constitute an unreasonable risk * * * to the health and safety of the public." Also, the petitioner states that "* * * such classes or sites of byproduct materials do imperil public health and safety and, accordingly, that no exemption therefor can be justified under the Atomic Energy Act."

The petitioner requests that the Commission grant relief as follows:

(1) The Commission should repeal the purported licensing exemption for the 'inactive' uranium mill tailings sites which are subject to the remedial program of the Department of Energy under the Uranium Mill Tailings Radiation Control Act of 1978, Pub. L. 95–604. This exemption is set forth in the amendments to 10 CFR 40 promulgated by the Commission in 45 FR 65521 (October 3, 1980). This repeal could be accomplished by (a) deleting the last sentence of § 40.1(a) of such regulations; (b) deleting subparagraph (a) of § 40.21; and (c) revising subparagraph (b) of § 40.2a to provide that the Commission will require a license for possession of byproduct material that is located at a site where milling operations are no longer active.

(2) The Commission should further amend section 40.2a of such regulations to provide that the Commission will require a license for possession of byproduct material located on any other real property or improvement thereon which is in the vicinity of the 'inactive' mill tailings sites referred to in (1) above, where such byproduct materials on these vicinity property have been derived from such sites.

(3) Alternatively, the Commission should conduct a rulemaking to determine whether a licensing exemption of such sites or classes of byproduct material, referred to above, will "constitute an unreasonable risk to the health and safety of the public."

Dated at Washington, D.C., this 19th day of February 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-6284 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska; Extension of Comment Period

AGENCY: National Park Service, Interior.

ACTION: Extension of comment period.

SUMMARY: On January 19, 1981 the National Park Service proposed rules for the interim management of National Park System Units in Alaska. 46 FR 5641 *et seq.* The comment period established in the proposed rules is hereby extended to March 16, 1981.

DATES: The National Park Service will consider all comments on the proposed rule that are received by 5:00 pm (AST), March 16, 1981.

ADDRESS: Comments should be directed to: Alaska Regional Director, National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: John Cook, Alaska Regional Director, National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501 (907–271–4196).

SUPPLEMENTARY INFORMATION: The January 19, 1981 proposed rules requested that written comments be submitted to the National Park Service by March 5, 1981. This deadline has been extended until March 16, 1981 in order to compensate for some initial delays in disseminating the proposed rules in Alaska.

Dated: February 19, 1981.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 81-6310 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-70-M

Fish and Wildlife Service

50 CFR Part 36

Alaska National Wildlife Refuges; Extension of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period.

SUMMARY: On January 19, 1981 the Fish and Wildlife Service proposed rules for the interim management of Alaska National Wildlife Refuges, 46 FR 5609 *et seq.* The comment period established in the proposed rules is hereby extended to March 16, 1981.

DATES: The Service will consider all comments on the proposed rule that are received by 5:00 p.m. (AST) March 16, 1981.

ADDRESS: Comments should be directed to: Alaska Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99507.

FOR FURTHER INFORMATION CONTACT: Keith Schreiner, Alaska Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99507 (907–276–3800), or William C. Reffalt, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Room 2349, U.S. Department of the Interior, Washington, D.C. 20240 (202–343–4791).

SUPPLEMENTARY INFORMATION: The January 19, 1981 proposed rule requested that written comments be submitted to the Fish and Wildlife Service by March 5, 1981. This deadline has been extended until March 16, 1981 in order to compensate for some initial delays in disseminating the proposed rules in Alaska.

Dated: February 20, 1981.

F. Eugene Hester,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-6311 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-55-M

V 46 / 37 FEB 25 81 UMI

Notices

Federal Register
Vol. 46, No. 37
Wednesday, February 25, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Umpqua National Forest, Tiller Ranger District, Douglas County, Oregon; Decision Notice and Finding of No Significant Impact; 1981 Vegetation Management in Conifer Plantations

An environmental assessment that discusses vegetation management on the Tiller Ranger District involving control of competing vegetation on 3, 415 acres of conifer plantations has been prepared. All proposed treatment areas are located on lands administered by the Umpqua National Forest within Douglas County, Oregon. The report is available for public review at the Tiller Ranger District and the Umpqua National Forest Office in Roseburg, Oregon. No flood plains or wetlands are involved in the project.

Based on the analysis and evaluation described in the Environmental Assessment for this project. It is my decision to adopt Alternative VI, Vegetation Management, using the following methods:

39%—Chemical Methods.—Aerial application on 373 acres with Roundup and on 273 acres with Atrazine/dalapon mixture; ground application on 332 acres with Roundup on 86 acres with Atrazine/dalapon mixture and on 5 acres with the herbicide Asulox. Also included in the preferred alternative is the aerial application of 212 acres with 2,4–D herbicides and the ground application on 54 acres with 2,4–D herbicides.

13%—Mechanical Methods.—The use of a tractor with a brush cutter will occur on 28 acres and the use of a tractor with a soil ripping attachment will occcur on 15 acres depending on soil conditions. Site preparation by tractors (during logging) will occur on about 400 acres.

19%—Manual Methods.—Manual scalping with 24–36 inch scalps will occur on 416 acres, manual brushing will occur on 193 acres, and manual pulling of brush on 38 acres.

12%—Biological Methods.—Cattle grazing in existing allotments is expected to provide some beneficial release on 193 acres, sheep grazing is expected to provide some release on 130 acres, and the use of insects (such as the cinnabar moth) will control tansy ragwort on 100 acres.

17%—Thermal Methods.—Prescribed burning (broadcast) will prepare sites on 560 acres. Girdling stems with torches will occur on 10 acres.

These treatments are necessary in order to control competing vegetation so that additional moisture and nutrients or light will be available for conifer survival and growth.

The report considers the use of various methods of vegetation management as follows:

A. No treatment.
B. Manual Methods.
1. Hand Brushing.
2. Hand Scalping.
C. Mechanical Methods—Tractor or Other Heavy Equipment.
D. Chemical (Herbicides).
E. Biological (pathogens, sheep, cattle).
F. Thermal Methods.

Six alternatives were developed using various conbinations of these methods.

The site specific effects of all feasible alternatives were addressed and Alternative VI provides the best combination of methods to effectively accomplish vegetation management on the 3,415 acres with minimal environmental impacts, and is the environmentally preferable alternative.

I have determined, based on the environmental analysis, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) all chemicals are approved by EPA for the proposed use; (b) application of chemicals will comply with applicable EPA labels, State and Federal law, Forest Service policies and the draft R–6 Environmental Statement dealing with vegetative management; (c) treatment with chemical, mechanical or hand methods will have only slight and temporary effect on the ecosystems in the treatment areas; (d) physical and biological effects are limited to the areas of planned treatment; (e) there are no irreversible or irretrievable resource commitments or losses; and (f) no known threatened or endangered plants or animals have been recorded or observed within the project area.

Some public concern exists over the use of any chemical and the effects it has on water quality. The proposed project includes application measures designed to protect non-target areas and the water quality. State and Federal Water Quality Standards will be met.

Project implementation may take place immediately after the date of this decision.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19

Dated: February 1, 1981.

R. D. Swartzlander,
Forest Supervisor.

[FR Doc. 81-6223 Filed 2-24-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39135; Order 81-2-85]

Application of Jet America for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order 81–2–85 application of Jet America under Subpart Q for a certificate of public convenience and necessity; Docket 39135.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to Jet America, subject to a favorable determination of its fitness, to authorize it to provide service in the Long Beach-Chicago market. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below no later than March 17, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 39135, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Thomas G. Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6067.

SUPPLEMENTARY INFORMATION: Objections should be served upon Jet America; the California Transportation Commission and the Illinois Department of Transportation; the Mayors of Long Beach, California and Chicago Illinois; and the managers of the airports in Long Beach and Chicago. The complete text of Order 81–2–85 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81–2–85 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 19, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-6220 Filed 2-24-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39135; Order 81-2-84]

Application of Jet America for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81–2–84 application of Jet America under Subpart Q for a certificate of public convenience and necessity Docket 39135.

SUMMARY: The board is instituting the *Jet America Fitness Investigation*, Docket 39327, and setting it for a hearing before an Administrative Law Judge of the Board on an expedited basis, at a time and place to be determined later, to consider whether Jet America is fit, willing, and able to provide service in the Long Beach-Chicago market. The complete text of this order is available as noted below.

DATES: Persons wishing to file petitions to intervene shall file their petitions in Docket 39327 prior to the prehearing conference and serve such filings on the persons listed below. Notice of the Prehearing Conference shall be published in the **Federal Register.**

ADDRESSES: Petitions should be filed in Docket 39135, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Thomas G. Chew, Bureau of Domestic Aviation, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–6067.

SUPPLEMENTARY INFORMATION: Filings should be served upon Jet America; the California Transportation Commission and the Illinois Department of Transportation; the Mayors of Long Beach, California and Chicago, Illinois and the managers of the airports in Long Beach and Chicago. The complete text of Order 81–2–84 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81–2–84 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 19, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-6230 Filed 2-24-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 37834; Order 81-2-91]

Application of Montana Austria Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to show cause; Order 81–2–91.

SUMMARY: The Board proposes to approve the following application:

Applicant: Montana Austria Flugbetrieb Gesellschaft, m.b.H. d/b/a Montana Austria Airlines.

Application Date: March 11, 1980, supplemented June 20 and August 22, 1980 Docket 37834.

Authority Sought: Foreign air carrier permit authorizing scheduled service of persons and property between Vienna and New York and charter trips in foreign air transportation.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall NO LATER THAN March 17, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Austria in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the secretary of the Board will enter an order which will, subject to disapproval by the President, make final the board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS: Docket 37834, Docket Section, Civil Aeronautics Board, Washington, D.C.

Application: "Montana", c/o Gary b. Garofalo, Boros & Garofalo, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Regis Milan, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5880.

By the Civil Aeronautics Board: February 19, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-6228 Filed 2-24-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-2-90; Docket 39329]

Request of Orient Express

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81–2–90, Docket 39329.

SUMMARY: The Board proposes to deny a foreign freight forwarder registration to Orient Express Co., because the Government of Korea has not allowed U.S. citizens to obtain like authority in that country.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions as described in the order cited above, shall, NO LATER THAN March 16, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, to the Ambassador of Korea in Washington, D.C., and to the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board may enter an order which would make final the Board's tentative findings and conclusions and deny a foreign freight forwarder registration to Orient Express Co.

ADDRESSES FOR OBJECTIONS: Docket 39329, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

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Orient Express Co., 88-36 St. James Avenue, Elmhurst, New York 11373.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: Contact Dean L. Johnson (202) 673-5878, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-6327 Filed 2-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37392; Order 81-2-86]

Transatlantic, Transpacific and Latin American Service Mail Rates Investigation; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of February, 1981.

By Order 78-12-159, the Board adopted a review procedure and updating formula for establishing final international service mail rates for future periods on a semi-annual basis. This order reflects all revisions adopted subsequently by the Board,[1] proposes tentative final rates and establishes revised temporary rates for the first quarter of 1981.

In addition, it also incorporates a further modification to the formula. As indicated in PS-99,[2] with the elimination of Schedule P-5(a), the carriers are no longer providing regulatory depreciation data to the Board. This makes it necessary to use the reported "book" depreciation. We have restated the 1975 base period cost data to reflect the use of book depreciation for comparative purposes and have used book depreciation in computing the proposed rates.

These rates shall serve as temporary rates for the first quarter of calendar year 1981 until the final rate order is issued. Since these rates are subject to retroactive adjustment, we waive the procedural requirements of Rule 310 with respect to the establishment of the temporary rates.

The tentative final service mail rates set forth in Appendix A reflect the application of the following cost escalation factors:

1. Fuel Cost: The cost per gallon as at February 15, 1981, the midpoint of the quarter for which the rates are to be effective, is estimated by (a) computing the average monthly increase in price over the latest four months; (b) projecting the average monthly increase for a period of three months; and (c) adding the three-month increase to the November 1980 cost per gallon (See Appendix D); and

2. Other costs: Cost escalation from April 1, 1980, to April 1, 1981, is based on a comparison of unit costs for the year ended September 30, 1979, with unit costs for the year ended September 30, 1980. A change in allocation procedures by Northwest has resulted in less costs being allocated to the Pacific entity noncapacity costs. To adjust for this anomaly, we have annualized the rate of change that occurred between the year ended March 31, 1980, and the year ended September 30, 1980.

These rates reflect an increase in the linehaul charges in the Pacific rate area of about 2.8 percent and decreases in the Atlantic and Latin American rate areas of approximately 4.0 and 0.8 percent, respectively. The cause for the decreases is due to a continuing moderation in the rate of fuel price increases. Terminal charges increased by about 9.8, 8.9, and 4.7 percent in the Atlantic, Pacific, and Latin American rate areas, respectively.

The Board tentatively finds and concludes that:

(1) The fair and reasonable final rates of compensation to be paid in their entirely by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation by aircraft of space-available mail, military ordinary mail and all other mail over their respective routes in the Atlantic, Pacific, and Latin American rate areas,[3] the facilities used and useful therefor, and the services connected therewith, for the period from January 1 through March 31, 1981, are those set forth in the attached Appendix A.

(2) The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in international services for the period April 1, 1981, until further Board order shall be the final rates established for the period January 1 through March 31, 1981.

(3) The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79-7-17.

Therefore, in accordance with the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302.

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix, determine and publish the final rates specified above to be effective January 1 through March 31, 1981;

2. We direct all interested persons having objections to the rates or to the tentative findings and conclusions proposed here to file with the Board a notice of objection within ten (10) days after the date of service of this order, and, if notice is filed, to file a written answer and any supporting documents within 30 days after service of this order;

3. If no notice is filed, or, if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth in the attached Appendix A;

4. The fair and reasonable temporary rates of compensation for the transportation of mail by aircarft in international services for the period January 1, 1981, until further Board order are the rates set forth in the attached Appendix A; and

5. We shall serve this order upon all parties in this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board:

Phyllis T. Kaylor,[4]

Secretary.

Appendix A—International Service Mail Rates

[January 1, 1981 thru March 31, 1981]

	CY 1975 rates[1] (cents)	Escalation factors [2] per-cent	Final rate 1/ 1/81 thru 3/ 31/81 cents
Atlantic Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	20.22	73.12	35.00
Space available mail	12.96		22.44

[1] See Orders 79-7-17, 79-7-86, 80-1-25, 80-5-125, and 80-7-10.

[2] Adopted December 11, 1980, 45 FR 82624, December 16, 1980.

[3] The Atlantic, Pacific, and Latin American rate areas are delineated in Attachments 1, 2, and 3, respectively, to Order 79-7-17.

[4] All Members concurred.

Appendix A—International Service Mail Rates—Continued

[January 1, 1981 thru March 31, 1981]

	CY 1975 rates[1] (cents)	Escalation factors [2] per-cent	Final rate 1/ 1/81 thru 3/ 31/81 cents
Terminal charge per pound originated:			
Priority and military ordinary mail	11.38	95.66	22.29
Space available mail	10.27		20.10
Pacific Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.66	80.40	39.47
Space available mail	13.49		24.34
Terminal charge per pound originated:			
Priority and military ordinary mail	13.39	29.10	17.29
Space available mail	11.59		14.96
Latin American Rate Area			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.35	82.76	39.02
Space available mail	16.44		30.05
Terminal charge per pound originated:			
Priority and military ordinary mail	9.83	60.06	15.74
Space available mail	9.10		14.57

[1] Order 80-1-25.

[2] Appendices B-1, B-2 and B-3.

[FR Doc. 81-6331 Filed 2-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39328; Order 81-2-89]

United States-France Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 81-2-89.

SUMMARY: The Board proposes to issue certificates to applicants proposing scheduled service between points in the United States and points in France. It has established the *United States-France Show Cause Proceeding* for this purpose, Docket 39328. The current applicants for this authority are: Air Florida, Braniff Airways, Capitol International Airways, The Flying Tiger Line, Lone Star Airways, Transamerica Airlines, and Trans World Airlines. (Note: Since the Board could not determine the fitness of Lone Star from officially noticeable data, it deferred action on its applications pending a fitness determination in other proceedings.)

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN March 20, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 39328, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to the applicants, the Department of Transportation and the Department of State. Copies of the objections should also be sent to the Ambassador of France.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificates.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff (202) 673-5035, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-6333 Filed 2-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38302; Order 81-2-93]

United States-Ireland Show Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81-2-93.

SUMMARY: The board proposes to amend the certificates of Pan American World Airways and Trans World Airlines to make their authority to serve Ireland permissive and to suspend until January 26, 1983 their authority at Dublin. Docket 38302.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be modified as described in the order cited above, shall file a statement of such objections NO LATER THAN March 17, 1981, with the Civil Aeronautics Board (20 copies) and mail copies to Pan American, Trans World Airlines, the Department of Transportation, the Department of State, and the Ambassador of Ireland in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificates.

ADDRESSES FOR OBJECTIONS:

Docket 38302, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Verner, Liipfert, Bernhard and McPherson, Counsel for Pan American, Suite 1100, 1661 L Street NW., Washington, D.C. 20036

Ulrich V. Hoffmann, Vice President and General Counsel, Trans World Airlines, 605 Third Avenue, New York, NY 10158.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send postcard request.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia L. DePuy, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5878.

By the Civil Aeronautics Board: February 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-6325 Filed 2-24-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Portable Electric Typewriters From Japan; Correction to Early Determination of Antidumping Duties

Cross Reference: For a document correcting an early determination of antidumping duties on portable electric typewriters from Japan, see FR Doc. 81-6227, appearing in the Rules and Regulations Section of this issue.

BILLING CODE 3510-25-M

University of Texas Health Science Center at Houston; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the

regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 78-00357. Applicant: The University of Texas Health Science Center at Houston, Medical School, P.O. Box 20708, Houston, Texas 77025. Article: Isotope Ratio Mass Spectrometer, Model 602C and Accessories. Manufacturer: VG Micromass Ltd., United Kingdom. Intended use of Article: See Notice on page 40263 in the **Federal Register** of September 11, 1978.

Comments: No comments have been received with respect to this application. A letter dated September 18, 1978 was received from Nuclide Corporation ("Nuclide") after expiration of the comment period. This letter is being treated as an offer to provide additional information in accordance with Subsection 301.10(a) of the regulations.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 24, 1978).

Reasons: This application is a resubmission of Docket Numbers 77-00311 and 78-00546, which were denied without prejudice to resubmission on February 27, 1978 and April 14, 1977, respectively, for informational deficiencies. The applicant alleges in response to question 8 that certain features of the foreign article are pertinent (within the meaning of Subsection 301.2(n) of the regulations) to its intended uses that are not available in any standard domestic instrument including those manufactured by Nuclide. The applicant further states that it is unreasonable to expect Nuclide to custom-make an instrument providing these features and to deliver that instrument in a reasonable time. To support this statement the applicant alleged that Nuclide failed to deliver a non-standard instrument to a colleague of the applicant as promised. However, the National Bureau of Standards (NBS) advises in its memoranda dated November 15, 1978, March 15, 1979 and November 10, 1980 that Nuclide could provide standard instruments with standard options that would be scientifically equivalent to the foreign article for the applicant's intended use at the time of order. The Department concurs. The Department also notes that the colleague cited by the applicant ordered two instruments. One might have involved a relatively new feature (triple collector) and late delivery (delay of 15 months), but there was no significant delay in receiving the one that is more comparable to the foreign article in this case (delivery in 7 months as compared with 6). A discussion of the key issues in this application including each of the features alleged by the applicant to be pertinent follows:

Applicant's Contact With Nuclide

Question 8.c. of the application form provides guidelines for justifying duty-free entry. The applicant is asked to identify the particular domestic instrument(s) compared with the foreign article and to list the features of that article that are both pertinent to the intended program and unmatched in the domestic instrument(s). An important facet in selection of the instrument(s) to be compared with the foreign article is the information that the applicant obtains on the instrumentation available from the domestic manufacturer, which can vary greatly according to the manner in which it is solicited. Question 9 of the application form as well as Subsections 301.7 and 301.9(c)(7) of the regulations are intended, in part, to ascertain whether the domestic manufacturer was made sufficiently aware of the applicant's need to furnish the required information. Both Question 9 and Subsection 301.7 require the enclosure of documentation supporting the applicant's statements on the nature of the contact with the domestic manufacturer.

The record contains no evidence that Nuclide, a domestic firm long established as a manufacturer of comparable ratio mass spectrometers (RMS), was aware of the complete specifications or key issues alleged. The applicant contacted various manufacturers including Nuclide and claimed to have obtained current catalogues of stock items and options. It is not clear that any manufacturer was made aware of the applicant's need for special features such as the siamese configuration. Then, according to the reply to Question 8, the applicant compared various products "using both manufacturer's standard catalogues and literature, with neither given special opportunities." Apparently, the foreign manufacturer (and no other) provided literature on a siamese instrument, and the applicant concluded that this foreign firm "was the only source." Nuclide was not sent a formal RFQ. However, as indicated in the discussion of each specification cited as pertinent below, Nuclide could have provided standard instrumentation to match the capabilities conferred by the siamese feature as well as all other specifications at issue in this case.

In this connection the following advice from NBS is noteworthy:

> Had the applicant given domestic manufacturers the opportunity to respond to a quote for such an instrument [i.e., the foreign article] he would have found that the foreign manufacturer is not the only source for such instruments. The method by which the applicant concluded that VG [the foreign manufacturer] was the only source is a little naive, unless requests for specific features were not included and therefore the domestic manufacturers who responded to requests for catalogues were unaware of the specific needs of the applicant. This would drastically narrow the choice of manufacturers to one.

In view of the discussion above the Department concludes that Nuclide was not adequately informed of the applicant's needs.

Siamese Configuration

The applicant states that the foreign article has a siamese configuration providing changeover from H_2 to CO_2 (N_2), or vice versa i.e., within 15 minutes while still meeting specifications.

In the so-called siamese configuration provided by the foreign manufacturer, essentially two mass spectrometers are used but with certain components in common. There are two separate analyzer tubes each with a dual collector. Each analyzer tube requires a separate magnet but there is room on the carriage for only one magnet at any given time. Permanent magnets are usually furnished. The two systems share a single vacuum system and have common electronic components. (Such sharing is a means of reducing cost and two separate instruments is a viable alternative.) Thus the foreign article, according to specifications submitted with the initial submission, provides both analyzer (A) for CO_2 and N_2 and analyzer (B) for H/D work on a common vacuum system with changeover between analyzers taking only a few minutes. (The applicant's purchase order, US8-9822, however, states that changeover between Group A isotopes, C.O.N.S., to hydrogen analysis shall take less than 5 minutes and operation must begin within 30 minutes.) This changeover (of analyzers) also involves changing the chopper head amplifier connection, operating two valves in the sample line and placing the relevant magnet into the prealigned carriage.

Had Nuclide been afforded an opportunity to bid, it could have provided two separate instruments, a two magnet system analogous to the foreign article (PUBS 1526-1-6375). It could also have met the siamese configuration requirement with several scientifically equivalent standard systems differing slightly in detail. For example, the Nuclide 6-60 split or branched tube analyzer (type HD), which was offered by Nuclide at least as early as 1970 (PL RMS (6-70)), permits simultaneous collection of ions at mass 2 in one arm and mass 3 plus the heavier species (N_2, CO_2 etc.) in the other arm. In addition, since 1965 (RMS-2 (3-65)) Nuclide offered a "wide range" analyzer tube (type 6-60-WR) for its 6-60. The WR tube permits simultaneous collection of species differing in mass by a factor of six to one (e.g., CO_2, N_2, HD, HH, etc.). In both split tube and WR systems, electronics, vacuum and magnet are shared. In both, an electromagnet is provided as standard but a permanent magnet is available as a lower cost option. In both, the required RMS analyses can be accomplished without changeover time or breaking of the vacuum. NBS advises that Nuclide's 6-60 split tube matches the foreign article with respect to the capabilities provided by the article's siamese configuration. The Department concurs and finds the 6-60 WR similarly equivalent. The Department also notes that a mere design difference between foreign and domestic instruments of equivalent capability is not a pertinent feature within the meaning of Subsection 301.2(n).

High Precision Guarantee on Small Samples

Specification of the article stipulate a precision of 0.01% on carbon dioxide (CO_2) samples as small at 0.01 atmosphere cubic centimeters (atm. $cm.^3$). However the purchase order (PO) stipulates a precision of better than 0.001% on CO_2 samples as small as 0.01 (atm. $cm.^3$). The PO specification is undoubtedly a typographical error as it calls for a precision better than that specified for larger samples (0.0025%) for which better precision would be expected. Further, the PO specifies a "standard" instrument and the applicant makes a point of wanting a "standard catalog item" (the "standard" guarantee is 0.01%). In any case there is evidence that Nuclide could match the better specification and, as pointed out below, the applicant believes Nuclide instruments are working at the required level.

The applicant states, "A comparison of the guaranteed performance specifications of the [article] with either the Nuclide 6-60 RMS or the 3-60 RMS indicates that the [article] has not only the higher precision guarantee, but also that the precision on the smallest samples is also better. While it is undoubtedly true that Nuclide instruments are performing to equivalent specifications, the manufacturer is apparently unwilling to guarantee such performance in our laboratory." Nuclide's specified precision is not given. Further, no evidence was provided to reinforce the statement that Nuclide would not guarantee its specifications in the laboratory and there is ample evidence that Nuclide would provide such guarantees. Literature on Nuclide's 3-60-RMS (PUBS 1151 dated July, 1971) and its 6-60 RMS (PUBS 1002A dated January, 1972 and RMS-2 dated March, 1965) offers performance testing at the plant site and/or the buyer's site, as specified by the customer at a price (cost is not pertinent within the meaning of Subsection 301.2(n)). More importantly, Nuclide successfully met a 1974 RFQ based on quoted specifications for the foreign article including demonstration of small sample analysis capability (0.025 atm. $cm.^3$ at an internal precision of 0.01%) in the customer's laboratory.

Regardless of sample size, maximum precision in an RMS mass spectrometer requires equalizing sample reference gas pressure plus viscous flow through the capillary tubes entering the mass spectrometer. Manual or automatic adjustable volume devices such as mercury filled pistons or metal bellows which can be expanded or contracted with a small stepping motor are scientifically equivalent means of adjusting pressure to meet these requirements. NBS advises that (1) Nuclide has offered to provide any or all of these systems as well as other handware needed for maximum precision and (2) in any event, any manufacturer could be expected to provide these simple devices with no delay. To obtain maximum precision on small samples, volume must be small enough to insure adequate pressure to prevent molecular flow (and the attendant mass fractionation which will vary with flow rate).

The foreign article's precision (0.0025% for CO_2) is specified as 2 x the standard deviation of a set of 10 measurements on the same sample. This is usually referred to by experts as the internal precision of a single measurement and is usually considered the least useful statistical statement, although it does define the *ultimate precision of the system.*

NBS advises that Nuclide has shown a precision of 0.001% for CO_2 with measurement of six different aliquots of the same sample (PUBS 1415-0174). This is generally considered to be a more stringent test and should be considered precision equal to or better than that of the foreign article for large sample sizes.

An even more stringent test (almost a measure of "accuracy") is the interlaboratory reproducibility of a large number of samples differing significantly in composition. Such a test was conducted prior to 1970 with Nuclide 6-60 ratio mass spectrometers in two different laboratories. The mean deviation between the two (22 sample) sets of data was 0.002% and the absolute deviation was 0.006%. One of the instruments used in this test was able to achieve similar precision on samples as small as 0.01 atm. $cm.^3$ (PUBS 1649-0976). Nuclide's apparatus for analyzing small samples at maximum precision has undergone gradual change for the better. Had the applicant sent this firm a formal RFQ it is likely that an instrument with a mini-reservoir as small as 0.1 ml. (PUBS 1661-1076) would have been offered. This compares favorably with the 0.5 ml. mini-reservoir of the foreign article. NBS advises that Nuclide matches the foreign article with respect to precision for small sample analysis. The Department concurs.

1. *Applicant's allegations:* a. H^+_3 *contribution:* "The measurement of deuterium enrichment requires the measurement of the H_2/HD ration (m/e 2/3). There is an ion molecule reaction in the ion source of the mass spectrometer which produces H^+_3 which is indistinguishable from HD and, in the case of small enrichments, can constitute an unacceptable error. The ion source of the MM-602D Siamese is constructed to minimize the formation of H^+_3 and the extent of the error produced by changes in *pressure* is less than 0.1%. The *best* value guaranteed by Nuclide is over 3 times larger."

b. H^+_3 Correction: "Since the H^+_3 originates from an ion molecule reaction, the concentration of H^+_3 varies as the square of the pressure, not linearly. Thus, during a measurement, the pressure is continuously decreasing and the intensity of m/e 3 due to both HD^+ and H^+_3 is varying in a non-linear fashion. Only the VG MM 602D offers a system for correcting all results for this non-linear variation. This correction provides immediately useable data requiring no other calibration. With the Nuclide instrument, (i) the H^+_3 contribution is large and (ii) there is no automatic correction. Measuring H_2/HD ratios on the Nuclide instrument is difficult, time-consuming and imprecise as compared to the MM 602D."

2. *Specifications of the foreign article:* "H^+_3, * * * special high sensitivity ion source with which the H^+_3 contribution is in the region of 12 ppm for the

standard operating m/e 2 ion current of 3.10^{-9} A. This 12 ppm (equivalent to 4% at natural level) is then electronically compensated by the H^+_3 correction control so that changes in sample pressure produce an error factor of less than 1.001, that is an error of less than 0.1‰ (sic) on enrichments up to 100‰. The H^+_3 contribution is sufficiently constant for the H^+_3 correction control only to require setting once per day."

3. *Discussion:* It is possible to make high precision measurements even in the presence of a high H^+_3 contribution. Under normal conditions analyses are always made as ratios of a sample to a standard and under carefully controlled conditions of constant and equal ions currents, pressures, etc. Thus, any H^+_3 formed would be the same in the sample as in the standard and would automatically counter each other. This is, in fact, true but only when the sample is of the same purity as the standard. This is something which should always be true as a matter of good practice but unfortunately is not always done.

The amount of H^+_3 formed in the mass spectrometer ion source is important in that a correction must be made for this. As with any correction, the applicant is correct in stating that it is desirable that it be as small as possible since the uncertainty of the correction may be as large as the measurement error. For the most precise work the amount of H^+_3 formed must be measured for each sample. NBS advises that (1) the method of measurement is as used by Nuclide, and (2) in practice the amount of H^+_3 usually stays constant enough for any given machine that it is measured once a day or once a week and then through hardware or software adjustments the H^+_3 is subtracted. The Department concurs.

The specifications of the foreign article state that the H^+_3 contribution is "in the region of 12 ppm." This is an undefined range. The specifications also state, "this 12 ppm (equivalent to 4 percent at natural level) * * *." There is no specific "natural level" unless the specific sample is identified since H/D ratio changes greatly in nature. If there is a natural sample it must be a water sample since the earth's waters show relatively little natural variation in H/D ratio (as opposed to gas samples where electrolytic hydrogen may vary from oil well hydrogen by as much as 40 percent). Standard Mean Ocean Water (SMOW), NBS–1 (Potomac River Water Steam Distillate) and NBS–1A (Yellowstone Snow Water) typify water samples and the ranges to be expected. NBS advises that the analysis perform by Nuclide in 1967 (PUBS 1345–0573) demonstrates that the Nuclide contribution may be as low as 3–4 percent under normal running conditions for "natural" samples. The Department concurs and finds that Nuclide instruments match the foreign article with respect to H^+_3.

Higher Guaranteed Vacuum Under Normal Working Conditions

Specifications for the foreign article state that its vacuum system provides a typical residual vacuum for the analyzer of 10^{-9} tor, read on the Bayard-Alpert ion gauge.

Obtaining a high vacuum in a mass spectrometer is a function of the vacuum pumps, materials and type of construction, and the following of "good practice". This includes using high conduction paths, etc. Nuclide and other manufacturers (including the manufacturer of the foreign article) use essentially the same materials of construction and use design criteria consistent with good high vacuum practice. All of these manufacturers purchase pumps from other manufacturers including in some cases from the same manufacturer. Nuclide in particular has offered for many years a wide variety of pumping systems as options, including turbopumps, mercury and oil diffusion pumps and ion pumps. At least as early as 1966, Nuclide catalogs indicated that it could provide ion pumps (capable of reaching 10^{-9} tor) and pressure read on Bayard-Alpert gauges for its Model 6–60 series (Catalog received April, 1966). Nuclide has also offered in the past to guarantee that pressure of 10^{-9} could be obtained. There is no reason to believe that this firm would not and could not have done so in this case. NBS advises that Nuclide has demonstrated at least 10^{-9} tor. The Department concurs.

Delivery of a Comparable Domestic Instrument

The applicant, in its initial submission, Docket Number 76–00546, indicated that excessive delivery time was not a consideration. In its second submission, Docket Number 77–00311, the applicant submitted a purchase order (No. US6–9822) which indicated that the foreign article was ordered May 24, 1976 and was needed by July 1, 1976 for teaching and research purposes. The applicant also stated in response to question 8.d. that "a delivery time was not obtained from domestic manufacturer" because (1) the instrument sought would require major design changes in the analyzer which ruled out construction with added options and accessories, (2) manufacturers other than the manufacturer of the foreign article would have to "special order" construct an instrument comparable to the foreign article and could not possibly deliver on time; (3) work described in response to question 7 was already underway and samples were accumulating, particulary patient samples from the Department of Surgery which were scheduled to begin arriving September 1 at the start of a program in nutrition; and (4) the months of July and August were needed to learn to run the instrument and train technicians on associated wet-chemistry methods.

Both NBS and the Department of Health and Human Services (HHS) reviewed Docket Number 77–00311 and, among other things, provided advice on the question of delivery. NBS noted that the foreign article entered the U.S. in October, indicating that the foreign manufacturer could not deliver on time. NBS also advised that the applicant's judgment relative to domestic delivery was arbitrary and unsubstantiated but, if the applicant had elected to afford domestic manufacturers an opportunity to bid, its claim could have been considerd. HHS noted, "* * * In spite of the urgency of the program, a May order for July delivery of a machine of this magnitude would indicate planning error. Comparative guaranteed delivery dates for foreign and domestic instruments are not established." The advice of NBS and HHS was transmitted to the applicant as part of the Department's denial without prejudice to resubmission (DWOP) of the second submission. In that DWOP the Department also informed the applicant that, in addition to clearly establishing that delays in receiving a domestic instrument would seriously impair the accomplishment of the purposes described in response to question 7, it was necessary to document the difference in quoted delivery times for the foreign article and a comparable domestic instrument by submitting copies of quotas and other relevant correspondence. The Department also noted that the issue of excessive delivery time was raised by the applicant after first stating, in the initial submission, that excessive delivery time was not a consideration.

In this tired submission (Docket Number 78–00357), the applicant asserted that (1) excessive delivery time of a domestic instrument was a consideration in choosing a stock siamese instrument (the foreign article) rather than a special order Nuclide siamese instrument, (2) no manufacturer, however competent, could custom-make an instrument of that complexity and provide 2–3 month delivery dates and (3) this is very well substantiated by precedent from the experience of others with Nuclide and special order items, and similarly by other manufacturers. As to the late delivery of the foreign article, the applicant stated that the foreign manufacturer did not keep its promise that "* * * In retrospect a penalty clause should have been written in [the constract] but was not."

The foreign article was ordered May 24, 1976, and was received on Octoberr 11, 1976 "for storage." Its specified delivery date was July 1, 1976. Thus delivery was 71 days late. Nuclide (which could have met all of the applicant's needs with standard, not special order instrumentation) was not afforded an opportunity to bid on the applicant's requirements. Subsection 301.11(c) of the regulations requires duty-free entry via "excessive delivery time" to be based, in part, on the documented difference in quoted delivery times of the foreign and domestic manufacturers so that failure to obtain a quote from either manufacturer eliminates "excessive delivery time" as a duty-free entry consideration. Further, NBS advises that although the experiences of a colleague apparently has a bearing on the applicant's decision, it is hardly sufficient basis for a conclusion that domestic manufacurers, in particular Nuclide, could not provide an instrument capable of satisfying or exceeding the specifications within a reasonable length of time, since the applicant did not afford the domestic manufacturers the opportunity to formally respond to a quote for an instrument to its specifications. NBS also notes that there are adequate means (such as performance bonds, penalty clauses, etc.) to insure prompt delivery or performance guarantees. The Department concurs and concludes that duty-free entry is not justified on the basis of "excessive delivery time."

Based on NBS advice and our own review of the record, as set forth above, we find that a Nuclide instrument, such as Nuclide's Model 6–60 RMS with a branched tube analyzer, was of equivalent scientific value to the foreign article for such purposes as the article in intended to be used at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–6332 Filed 2–24–81; 8:45 am]

BILLING CODE 3510–25

Maritime Administration

Relocation of Great Lakes Region Office, Maritime Administration

AGENCY: Maritime Administration.

ACTION: Notice of Relocation of Great Lakes Region Office.

SUMMARY: Notice is hereby given that the Great Lakes Region Office of the Maritime Administration will move to 1301 Superior Avenue, Room 260, Cleveland, Ohio 44114. All telephone numbers will remain the same. The move is expected to take approximately three days to complete. Operation will be disrupted during the period of Febreuar 23–26, 1981

EFFECTIVE DATE. The relocation will be effective February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Weaver, Office of Management and Organization, Maritime Administration, Room 3884, Department of Commerce, Washington, D.C. 20230, Tel: (202) 377–3405.

Date: February 19, 1981.

So ordered by the Assistant Secretary for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81–6228 Filed 2–24–81; 8:45 am]

BILLING CODE 3510–15–M

National Bureau of Standards

Proposed Revision to Federal Information Processing Standard 71, Advanced Data Communication Control Procedures

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards.

In a notice published in the **Federal Register** on May 14, 1980 (45 FR 31769), the Secretary announced his approval of the standard for Advanced Data Communications Control Procedures as a Federal Information Processing Standard (FIPS) and that the standard would be published as FIPS Publication (PUB) 71. The provisions of FIPS PUB 71 took effect on June 13, 1980. Background information about that standard and its purpose are set out in the mentioned May 14, 1980, notice.

The purpose of this notice is to announce that revisions are proposed to FIPS PUB 71. The proposed revisions, which are set out at the conclusion of this notice, will make FIPS PUB 71 more clearly consistent with the revised Federal Telecommunication Standard 1003. The latter standard is being processed by the General Services Administration and the National Communications System.

Prior to submission of these proposed revisions to the Secretary for review and approval, it is essential to assure that proper consideration is given to the views of the public, of State and local governments, and of manufacturers. An additional purpose of this notice therefore is to solicit such views.

Interested parties may submit comments in writing to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (ATTN: Proposed Revision of FIPS PUB 71). To be considered, comments on these proposed revisions must be received on or before (please insert date which is 90 days from the date of publication of this notice in the **Federal Register**).

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. 20230.

Persons desiring further information about this standard or the proposed revisions as set out herein may contact Mr. Eric L. Scace, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (301) 921–3723.

Dated February 19, 1981.

Ernest Ambler,

Director.

Proposed Revisions to FIPS PUB 71

It is proposed that the specifications section of FIPS PUB 71, Advanced Data Communication Control Procedures, be revised to add the following two new items:

* * * * *

(4) All systems shall implement the 16-bit frame check sequence (FCS) specified in American National Standard X3.66–1979, referenced above.

A 32-bit FCS may also be provided for use when it has been determined that a higher degree of error protection is necessary on a link. For a discussion of the relative merits of the 16-bit and 32-bit FCS, see FIPS PUB 78, Guideline for Implementing Advanced Data Communication Control Procedures, Section 7.8.

The equations for 32-bit FCS generation are:

$$\frac{X^{32}G(X)^k + X^kL(X)}{P(X)} = Q(X) + \frac{R(X)}{P(X)}$$

FCS=L(X)+R(X)=R(X)

The arithmetic is modulo 2.

L(X)=$X^{31}+X^{30}+X^{29}+X^{28}+X^{27}+X^{26}+X^{25}+X^{24}+X^{23}+X^{22}+X^{21}+X^{20}+X^{19}+X^{18}+X^{17}+X^{16}+X^{15}+X^{14}+X^{13}+X^{12}+X^{11}+X^{10}+X^9+X^8+X^7+X^6+X^5+X^4+X^3+X^2+X^1+1$.

R(X)=The remainder which is of degree less than 32.

k=The number of bits represented by G(X).

P(X)=The generator polynomial $X^{32}+X^{26}+X^{23}+X^{22}+X^{16}+X^{12}+X^{11}+X^{10}+X^8+X^7+X^5+X^4+X^2+X^1+1$

G(X)=The message polynomial, which includes the contents of the address, control, and information fields, excluding the zero bits inserted for transparency (see American National Standard X3.66–1979, Section 3.7).

The generation of the remainder R(X) differs from that used in conventional (non-ADCCP) check sequence generation by the presence of the X^k L(X) term in the generation equation. When the 32-bit FCS generation is by the usual shift register technique, the X^k L(X) term is added in either of two ways:

a. Preset the shift register to all ones rather than to all zeros as in conventional (non-ADCCP) generation procedures. Otherwise, shift the data G(X) through the register as in conventional procedures, or,

b. Invert the first 32 bits of G(X) before shifting into the register and shift the remaining part of G(X) through the register uninverted. This requires that G(X) contain at least 32 bits.

Whether 1 or 2 is used, the shift register contents, after shifting through G(X), are R(X). These contents are invented bit-by-bit and transmitted as the FCS sequence.

The transmitted sequence is always (in algebraic notation): $M(X)=X^{32}G(X)+FCS$.

The received sequence will be denoted $M^*(X)$ and may differ from the transmitted sequence M(X) if transmission errors are introduced. The checking process always involves dividing the received sequence by P(X) and testing the remainder. Direct division, however, does not yield a unique remainder and it is expected that in most cases the received sequence will be modified for checking purposes by the addition of terms which will cause the division to yield such a unique remainder when $M^*(X)=M(X)$, i.e., when the frame is error free.

Two classes of checking equations are given below:

$$\frac{X^\gamma[M^*(X) + X^kL(X)]}{P(X)} = Q(X) + \frac{R(X)}{P(X)} \quad \text{(Equation 1)}$$

In this case, the unique remainder is the remainder of the division

$$X^\gamma \frac{L(X)}{P(X)}$$

When $\gamma=0$ the remainder is L(X) (32 ones).

When $\gamma=32$ the remainder is $X^{31}+X^{30}+X^{26}+X^{25}+X^{24}+X^{18}+X^{15}+X^{14}+X^{12}+X^{11}+X^{10}+X^8+X^6+X^5+X^4+X^3+X^1+1$.

$$\frac{X^\gamma[M^*(X)^k + (X + 1)\ L(X)]}{P(X)} = Q(X) + \frac{R(X)}{P(X)} \quad \text{(Equation 2)}$$

In this case, the unique remainder is always zero regardless of the value of γ.

Shift register implementation of above equations normally use $\gamma=32$ (pre-multiplication). When this is the case, the added term $X^kL(X)$ in Equations 1 and 2 is added by either inverting the first 32 received bits of $M^*(X)$ before shifting them through the checking register or by presetting the register to all ones and shifting all of $M^*(X)$ through normally. Thus, the receiver action on the leading portion of a frame is the same with either Equation 1 or 2.

The +1 of the term (X^k+1) L(X) of Equation 2 is added by inverting the 32-bit FCS. This implies a 32-bit storage delay by the 32-bit FCS function at the receiver since the location of the 32-bit FCS is not known until the closing flag is received.

(5) To maximize interoperability among major Federal data communication networks, while still allowing flexibility to tailor a network for efficient day-to-day use, the following features are required:

a. The W bit in the frame reject (FRMR) information field shall be set to indicate the cause of the frame rejection condition. (See American National Standard X3.66–1979, Section 7.5.3.1.)

b. Upon receiving a FRMR with the W bit set to one, a primary/combined station shall issue an appropriate mode setting command (i.e., SNRM, SARM, SABM, SNRME, SARME, or SABME) and shall not subsequently, during the same connection with the same secondary/combined station, transmit a frame containing the command or response that caused the frame rejection condition. (See American National Standard X3.66–1979, Section 7.4.1.)

It is also proposed that the cross-index section of FIPS PUB 71 be revised to add the following new items:

(c) FIPS PUB 78, Guideline for Implementing Advanced Data Communication Control Procedures.

(d) International Standard 3309: Data Communications—High-level Data Link Control Procedures—Frame Structure.

(e) International Standard 4335: Data Communications—High-level Data Link Control Procedures—Elements of Procedures.

(f) Addendum 1 to International Standard 4335: Data Communications—High-level Data Link Control Procedures—Elements of Procedures.

(g) Addendum 2 to International Standard 4335: Data Communications—High-level Data Link Control Procedures—Elements of Procedures.

(h) International Standard 6159: Data Communications—High-level Data Link Control Procedures—Unbalanced Classes of Procedure.

(i) International Standard 6256: Data Communications—High-level Data Link Control Procedures—Balanced Class of Procedure.

(j) CCITT Recommendation X.25: Interface Between Data Terminal Equipment (Date) and Data Circuit-Terminating Equipment (DCE) for Terminals Operating in the Packet Mode on Public Data Networks.

(k) CCITT Recommendation X.75: Terminal and Transit Call Procedures and Data Transfer Systems on International Circuits Between Packet-Switched Data Networks.

[FR Doc. 81-6231 Filed 2-24-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Receipt of Application for Modification of General Permits

Notice is hereby given that an application has been received from the Embassy of the People's Republic of Poland requesting a modification to the following three general permits issued on January 15, 1981, to allow the taking of marine mammals incidental to commercial fishing operations:

ODRA, Swinoujscie, Poland
GRYF, Swinoujscie, Poland
DALMOR, Gdynia, Poland

The applicant is hereby requesting that these general permits, which are currently valid in the North Pacific Ocean and Bering Sea be modified to cover any incidental take which may occur in the North Atlantic Ocean.

The application is available for review in the Office of the Assistant Administrator for fisherires, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Interested parties may submit written views on this application within 30 days of the date of this notice ot the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 19, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-6340 Filed 2-24-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Defense Advanced Research Projects Agency (DARPA)

The Privacy Act of 1974; Notice of Systems of Records: Amendments

AGENCY: Defense Advanced Research Projects Agency (DARPA).

ACTION: Notification of amendments to systems of records notices.

SUMMARY: The Defense Advanced Research Project Agency (DARPA) proposes to amend two systems of records subject to the Privacy Act of 1974. The specific amendments to the system notices are set forth below under "Amendments". A complete amended system notice for each system is also set forth below.

DATES: These systems shall be amended as proposed without further notice on March 27, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Privacy Act Officer, Advanced Research Projects Agency, 1400 Wilson Boulevard, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Advanced Research Projects Agency systems of records notices as prescribed by the Privacy Act were published in the **Federal Register** at:

FR Doc. 81–897 (46 FR 6532) January 21, 1981. These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of a new or altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 19, 1981.

Amendments

E DARPA 001

System name:

Travel File (46 FR 6532, January 21, 1981).

Changes:

Categories of individuals covered by the system:

Delete the first sentence, and insert: "Current and former DARPA employees, civilian and military."

Categories of records in the system:

Delete the entry, and insert: "Traveler's last name, first name, middle initial, office, division, travel dates, days, ticket cost, other cost, travel order number, and status."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Insert the following entry under the above heading:

"Internal management administrative, and budgetary needs. Provides daily, weekly and monthly status reports to top management concerning status of travel funds."

Internal users, uses, and purposes:

Delete the entry and insert: "Director and Deputy Directors, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA."

Retrievability:

Delete "Categories of records in the system:", and insert: "Record Category".

Retention and disposal:

Delete "Automatic Data Processing (ADP)" in the last line, and insert: "ADP".

Notification procedure:

Delete the entry, and insert: "Information may be obtained from Administrative Officer, DARPA, Room 607, Architect Building, 1400 Wilson Boulevard, Arlington, Va. 22209, Telephone (202) 694–3032."

E DARPA 004

System name:

DARPA Personnel (46 FR 6532, January 21, 1981).

Changes:

System location:

Delete the first word, and insert: "Administrative Services" before the word "Office,".

Categories of individuals covered by the system:

Delete the entry, and insert: "Current and former DARPA employees, civilian and military, and consultants."

Categories of records in the system:

Delete the entry, and insert: "Personnel Database File: title, last name, first name, middle initial; date of birth, social security number, service computation; office, division, office phone number, room number; type of appointment, job title, position description number, job series number, grade type, grade, step, salary; due date for reassignment; date of last within grade increase, due date for next within grade increase, date promoted, type of

award and date granted, previous award and date granted, date of last outstanding performance rating; level of security clearance; branch of military service, rank, date of rank; home address, home telephone number, spouse's first name; date entered on duty, date of departure; remarks, entered on duty remarks, and departure remarks. Training Database File: last name, first name, middle initial, office, grade, title of course, training site location, cost, training period dates, sponsor, and status. Consultant Database File: last name, first name, middle initial, office, number of days allowed to be worked, salary type, salary, appointment date, expiration date of appointment, departure date, and remarks."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Insert the following under the above heading:

"Information in different combinations is used for monthly manpower counts, staffing balance for civilian vs. military, professional vs. clerical; grade and salary count. Individual organizational configuration only is available to appropriate Office Directors for their managerial needs."

Internal users, uses, and purposes:

Delete the entry, and insert:

"Agency Director and Deputies, Office Director and Deputies, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA."

Retrievability:

Delete "Categories of records in the system", and insert: "Record Category."

Retention and disposal:

Delete the words "Automatic Data Processing (ADP)", and insert: "ADP".

Notification procedure:

Delete the entry, and insert:

"Information may be obtained from Manpower Officer, DARPA, Room 605, Architect Building, 1400 Wilson Boulevard, Arlington, Va. 22209, Telephone (202) 694–3077."

E DARPA 001

SYSTEM NAME:

Travel file.

SYSTEM LOCATION:

Administrative Services Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DARPA employees, civilian and military. Selected government employees who visit DARPA on official business at DARPA's expense and certain nongovernment personnel traveling on Invitational Travel Orders for DARPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

traveler's last name, first name, middle initial, office, division travel dates, days, ticket cost, other cost, travel order number, and status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Section 301, Department of Defens Directive 5105.41, "Defense Advanced Research Projects Agency (DARPA)", June 8, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal management administrative, and budgetary needs. Provides daily, weekly and monthly status reports to top management concerning status of travel funds.

Internal users, uses, and purposes: Director and Deputy Directors, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA.

External users, uses, and purposes: None.

POLICIES AND PRACTICES FOR STORING RETREIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts, paper records and correspondence in file folders, also, magnetic disc.

RETRIEVABILITY:

Accessed by last name, by office, or by any of the data files listed in Record Category.

SAFEGUARDS:

Paper copies are maintained in areas accessible only to authorized personnel. Building employs security guards. File access is available to authorized personnel who have been assigned system passwords.

RETENTION AND DISPOSAL:

Paper files will be destroyed by burning or pulping immediately after they have served their purposes or after 2 years, whichever occurs first. There are no plans to retired or destroy ADP files.

SYSTEM MANGER(S) AND ADDRESS:

Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

NOTIFICATION PROCEDURE:

Information may be obtained from Administrative Officer, DARPA, Room 607, Architect Building, 1400 Wilson Boulevard, Arlington, Va. 22209, Telephone (202) 694–3032.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Administrative Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Written requests for information should contain the full name of the individual, the period for which the information is required and specific categories of information required.

For personal visits, the individual should be able to provide DoD Identification Card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

DARPA Special Orders (TDY, Invitational, PCS, etc.); Travel Vouchers as submitted by travelers and as returned by the local finance offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

E DARPA 004

SYSTEM NAME:

DARPA Personnel.

SYSTEM LOCATION:

Administrative Services Office, Defense Advanced Research Projects Agency (DARPA), 1400 Wilson Boulevard, Arlington, Va. 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DARPA employees, civilian and military, and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Database File: title, last name, first name, middle initial; date of birth, social security number, service computation; office, division, office phone number, room number; type of appointment, job title, position description number, job series number, grade type, grade, step, salary; due date for reassignment; date of last within grade increase, due date for next within grade increase; date promoted; type of award and date granted, previous award and date granted, date of last outstanding performance rating; level of security clearance; branch of military service, rank, date of rank; home address, home telephone number, spouse's first name; date entered on duty, date of departure; remarks, entered on duty remarks, and departure remarks. Training Database File: last name, first name, middle initial, office, grade, title of course, training cite location, cost, training period dates, sponsor, and status. Consultant Database File: last name, first name, middle initial, office, number of days allowed to be worked, salary type, salary, appointment date, expiration date of appointment, departure date, and remarks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Section 301; Department of Defense Directive 5105.41, "Defense Advanced Research Projects Agency (DARPA)", June 8, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in different combinations is used for monthly manpower counts, staffing balance for civilian vs. military, professional vs. clerical; grade and salary count. Individual organizational configuration only is available to appropriate Office Directors for their managerial needs.

Internal users, uses, and purposes: Agency Director and Deputies, Office Director and Deputies, Assistant Directors, Staff Assistants, Project Officers, and Personnel and Administrative Officers, DARPA.

External users, uses, and purposes: None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk, computer paper printouts, paper records, and correspondence in file folders.

RETRIEVABILITY:

Data is retrievable by last name as well as by any of the data fields listed in Record Category.

SAFEGUARDS:

Access to total file limited by password, building employs security guards. Files are maintained in combination lock file cabinets and in areas accessible only to authorized personnel that are properly screened and trained.

RETENTION AND DISPOSAL:

Files are permanent. There are no plans to retire or destroy ADP files. Paper files are destroyed immediately after serving the purpose for which prepared.

SYSTEM MANAGER(S) AND ADDRESS:

Manpower Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

NOTIFICATION PROCEDURE:

Information may be obtained from Manpower Officer, DARPA, Room 605, Architect Building, 1400 Wilson Boulevard, Arlington, Va. 22209, Telephone (202) 694–3077.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Manpower Officer, DARPA, 1400 Wilson Boulevard, Arlington, Va. 22209.

Written requests for information should contain the full name of the individual, the DARPA office assigned to currently or previously and the period of employment with DARPA.

For personal visits, the individual should be able to provide some acceptable identification, such as DARPA pass, DoD pass, or verbal information that could be verified in his file.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-6245 Filed 2-24-81; 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary

Defense Science Board; Task Force on Anti-Tactical Missiles; Change in Meeting date

The Defense Science Board Task Force on Anti-Tactical Missiles closed meeting scheduled for 24–25 February 1981 in Arlington, Virginia, as published in the **Federal Register** (Vol. 46, No. 24, dated Thursday, February 5, 1981, FR Doc. 81–4256) has been changed to 12–13 March 1981. In all other respects, the original notice cited above remains the same.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 19, 1981.

[FR Doc. 81-6246 Filed 2-24-81; 8:45 am]

BILLING CODE 3810-10-M

DEPARTMENT OF ENERGY

Finding of No Significant Impact; Turbocompound Diesel Engine Program

The Department of Enery has prepared an environmental assessment to support the continuation of the program to develop, demonstrate, and commercialize a turbocompound diesel engine to utilize engine exhaust gas energy to increase power output and thereby increase fuel economy. Based on the findings of the assessment, which is available to the public on request, the Department has determined that the proposed continuation of the program does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* Therefore, no environmental impact statement is required.

The purpose for the program is to develop and test an advanced technology diesel engine concept and, if warranted, to proceed with demonstration activities and commercialization. The present program involves highway tests and demonstrations of two trucks with prototype turbocompound diesel engines. Planned follow-on activities include turbocompound component improvements and demonstration of up to four trucks. Commercialization is targeted for the mid-to-latter 1980's with the extent of market penetration dependent on the results of the development, testing, and demonstration activities. The potential market penetration for the engines in the year 2000 is estimated at 12,500 trucks. The engine concept promises significant fuel savings beneifts over conventional heavy duty diesel engines by utilizing otherwise wasted exhaust gas energy to increase power output.

Turbocompound diesel engines would displace conventional heavy duty diesel engines if commercialized. Therefore, the environmental assessment addresses the incremental differences in impacts as compared to conventional engines rather than additive impacts.

Environmental concerns that are addressed in the assessment include:

Air Quality: Preliminary test data indicate that turbocompound engines meet all existing emission standards for heavy duty diesel operations. While the question of meeting more stringent 1983 standards has not been studied at this early state of development, it is anticipated that the trubocompound engines are more likely to meet those standards than conventional heavy duty diesel engines. There is currently no particulate emission standard for heavy duty trucks, although future standards are being considered by the Environmental Protection Agency. While no particular testing has been done at this early stage of development, best engineering estimates indicate that particulate emissions should be within the range of plus or minus 15 percent of those of heavy duty diesel engines and the particulates should be nearly identical to heavy duty diesel particulates in terms of physical and chemical characteristics. If emission standards are established for particulates, turbocompound diesel engines would be required to meet those standards before they could be commercially produced.

Health: Regulated pollutant emissions are not expected to change significantly if turbocompound diesel engines displace conventional heavy duty diesels; therefore no additional adverse impacts on health are anticipated. The quality and quantity of currently unregulated particulate emissions and their effects on health need to be studied further. However, there is no evidence at this time indicating there will be any significant changes in the environment in regard to health effects as a result of the program.

Safety: The added power at medium and high speeds provided by the turbocompound feature acts to reduce the effectiveness of a normal braking system. This decreased braking capability would be more pronounced in downsized displacement engines (taking advantage of the increased power at higher speeds) than it would be in existing diesel engine displacement sizes that incorporate the turbocompound feature.

Since the turbocompound feature is only effective at medium and high speeds, smaller displacement engines which could be used may lack power, and subsequently, acceleration at low speeds. If the turbocompound concept is simply incorporated into ex' ling engine displacement engines, there would be an increase of power in the vehicles medium and high range engine speeds with no loss of power at low engine speeds.

Noise: Turbocompound diesel engines are not expected to be significantly noiser than standard turbocharged diesel engines and may be slightly less noisy than the basic non-turbocharged diesel engines. No significant problems are anticipated in meeting 1982 standards.

Fuel Economy: The turbocompound diesel engine is expected to have a positive impact on fuel economy. An 8.5 percent reduction if fuel use is expected to occur at the engine's rated output. The fuel savings potential is greatest at high engine speeds, when the turbines operate most effectively.

Alternatives to the proposed program, which are addressed in the environmental assessment, include: (1) no action (2) continuing the current program (3) delaying the program, and (4) accelerating the program.

The environmental assessment is a preliminary assessment of the effects of the program prepared at an early stage in the development of the new engine concept before the technology has advanced to a stage where future program decisions may be limited. Because the engine is in the early stages of development, conclusive test data is generally unavailable. Further studies are planned, as development and testing progress, to collect additional data on the environmental effects related to the new engine concept. As those studies are complete, the environmental assessment will be updated, if necessary, to reflect any new findings that may require a reevaluation of the need for preparing further environmental documentation.

Copies of the environmental assessment are available from: Dr. Daniel P. Maxfield, Program Manager, Office of Transportation Programs, Room 5E–091, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: 202–252–8021.

For further information contact: Raymond Pelletier, NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environment, Room 4G–064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202–252–4610.

Copies of the assessment are also available for public review in the Department's Freedom of Information Reading Room in Room 1E–090 at the address listed above, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Dated at Washington, D.C., this 19th day of February 1981 for the United States Department of Energy.

Alex G. Fremling,

Acting Assistant Secretary for Environment.

[FR Doc. 81-6335 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(a)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of the Industry Supply Advisory Group (ISAG) of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 12 and 13, 1981, at the offices of Standard Oil Company of California, 575 Market Street, San Francisco, California, beginning at 9:00 a.m. on March 12. The agenda for the meeting is as follows: Review and update ISAG/Secretariat, Operations Manual.

As provided in section 252(c)(1)(A) (ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., February 19, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-6337 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[OFC Case No. 50486-9044-02-12; Docket No. ERA-FC-79-011]

Central Illinois Public Service Co.; Termination of Proceeding

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Termination of proceeding—Central Illinois Public Service Company.

SUMMARY: On November 5, 1979, Central Illinois Public Company (CIPS) filed a subsequently accepted (December 13, 1979, 44 FR 72216) petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBIs.

The MFBI for which the petition was filed is a oil-fired package boiler to be permanently installed at the CIPS Coffeen Power Station in Coffeen, Illinois, to perform the auxiliary functions necessary for electric utility boilers. The boiler has a design heat input rate capability of 200 million Btu's per hour. The unit has been designed to burn No. 2 fuel oil. CIPS requested a permanent emergency purposes exemption.

On November 19, 1980, the Department of Energy's office of the General Counsel issued an Interpretation (Interpretation No. 1980–42) which determined that the fuel used in order to perform auxiliary functions at an electric utility shall be excluded from the definition of "primary energy source" contained in the Act and its implementing regulations (10 CFR 5002). The implementing regulations provide that fuel in amounts up to 15% of the total annual heat input rate of a unit may be used for auxiliary purposes such as ignition, start-up, flame stabilization and control. Thus, as long as CIPS uses fuel for auxiliary purposes, and not in excess of the 15% limitation, it is not required to obtain the explicit permission of the Economic Regulatory Administration of DOE to permit the use.

Accordingly, ERA has terminated the proceedings begun by the filing of the Central Illinois petition.

FOR FURTHER INFORMATION CONTACT:

Mrs. Ellen Russell, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4477

Edward Jiran, Esq., Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

The public file, containing copies of all documents and supporting materials on this proceeding, is available upon request at: ERA, Room B–110, 2000 M Street, NW, Washington, D.C., Monday through Friday, 8 a.m.–4:30 p.m.

Issued in Washington, D.C. on February 18, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-6336 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-275-000]

Alabama Power Co.; Filing

February 20, 1981.

The filing Company submits the following:

Take notice that Alabama Power Company on February 13, 1981, tendered for filing an Agreement with The City of Dothan, intended as an initial rate schedule. The filing is for the proposed East Haven delivery point of the City of Dothan. The delivery point will be served at the Company's applicable revision to Rate Schedule MUN–1 incorporated in FERC Electric Tariff, Original Volume No. 1 of Alabama Power Company.

Copies of the filing were served upon The City of Dothan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6271 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4011-000]

Allegheny Electric Cooperative, Inc.; Application for Preliminary Permit

February 23, 1981.

Take notice that Allegheny Electric Cooperative, Inc. (Applicant) filed on January 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4011 to be known as the Bloomington Dam Project located on the North Branch of the Potomac River in Garrett County, Maryland and Mineral County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Anthony C. Adonizio, Assistant General Counsel, Allegheny Electric Cooperative, Inc.; 212 Locast Street, P.O. Box 1266, Harrisburg, Pennsylvania 17108. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the proposed U.S. Army Corps of Engineers' Bloomington Dam and would consist of: (1) an intake structure; (2) a 4,000-foot long penstock; (3) a powerhouse having an installed generating capacity of 15,000 kW; (4) a tailrace; (5) transmission lines; and (6) appurtenant works. The Applicant estimates that the average annual energy output would be 77,000,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant and its members.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $120,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly form the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4011. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commisssion, 825 N. Capitol St., N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6257 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4091]

Brazos River Authority; Application for Preliminary Permit

February 23, 1981.

Take notice that Brazos River Authority (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4091 to be known as the Belton Project located on the Leon River near the Town of Belton, Bell County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Carson H. Hoge, Brazos River Authority, 4400 Cobbs Drive, P.O. Box 7555, Waco, Texas 76710. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Belton Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 16 MW, and a transmission line. The project would be capable of generating up to 26,920,000 kWh annually.

Purpose of Project—Energy generated at the project would likely be sold to Texas Power and Light Company or Brazos Electric Power Cooperative for distribution to their customers.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be in excess of $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Belton Project No. 3370 filed on August 25, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petitions to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4091. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6256 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4023-000]

Central Maine Power Co. and Union Water Power Co.; Application for Preliminary Permit

February 20, 1981.

Take notice that Central Maine Power Company and Union Water Power Company (Applicant) file on January 16, 1981, and application for preliminary permit [pursuant to the Federal Power act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4023 to be known as the Rangeley Project located on the Rangeley Lake in Franklin County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jon S. Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04376. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) and existing 280-foot long, 15.5-foot high timber crib dam; (2) Rangeley Lake with a surface area of 7,680 acres and a storage capacity of 30,774 acre-feet; (3) a new powerhouse located immediately below the dam with a single turbine-generator with a rated capacity of 300 kW; (4) a transmission line; and (5) appurtenant facilities.

The applicant estimates that the average annual energy output would be 900,000 kWh.

Purpose of Project—Energy produced at Project No. 4023 would be utilized by Central Maine Power Company for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the nucessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a timely notice of intent allows an interested person to file the competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," NOTICE OF INTENT TO FILE COMPETING APPLICATION," COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4023. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6251 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-170-000]

Cities Service Gas Co.; Notice of Application

February 23, 1981.

Take notice that on February 2, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No CP81-170-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary for the sale of natural gas to Empire District Electric Company (Empire), all as more fully set forth in the application which is on file

with the Commission and open to public inspection.

Applicant proposes herein to operate approximately ten miles of 12-inch pipeline being constructed by Empire in order to facilitate the direct sale of natural gas on an interruptible basis to Empire at its Energy Center near La Russell, Missouri. Applicant states that the pipeline would extend from Applicant's 16-inch Springfield pipeline in Newton County, Missouri, and would extend to Empire's Energy Center site in Jasper County, Missouri, where Applicant would construct and operate metering, regulating and appurtenant facilities. Applicant would also tap its 16-inch line in Newton County, it is stated.

It is stated that Empire is currently operating one 90 megawatt combustion turbine for electric generation at its Energy Center using No. 2 distillate fuel oil. It is asserted that a second identical turbine is presently under construction and is expected to be in commercial operation during the spring of 1981. Applicant states that Empire desires to fuel both units with natural gas and has received a temporary five-year Public Interest Exemption from the Economic Regulatory Administration.

Applicant states that the subject gas would be used to provide peak service during the months of April through November of each year with lesser volumes possibly used during the other months. Applicant asserts that its current gas supply is sufficient to meet Empire's demands; therefore, no new gas supply would be needed.

Applicant estimaties the total cost of its proposed facilites to be $225,670 which would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdication conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-6259 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-173-000]

Columbia Gulf Transmission Co.; Application

February 20, 1981.

Take notice that on February 3, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-173-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon two Dresser Industries Clark Model RA-6 compressor units at Applicant's Paradis, Louisiana, compressor station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it purchased the Paradis compressor station pursuant to a gas sales and purchase contract dated May 22, 1953, between Columbia Gas Transmission Corporation and Texaco, Inc. (Texaco) which provided that at the end of a twenty-year amortization period Applicant would transfer ownership of the subject facilities to Texaco. The subject facilities were placed in service in November 1954, it is stated.

It is stated that in August 1975, Applicant transferred ownership of the subject facilities to Texaco. Applicant contends that at that time it believed permission and approval to abandon to be unnecessary since its facilities were considered a gathering facility until 1958 when Applicant converted all of its gathering facilities into transmission facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6252 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-133-001]

Delhi Gas Pipeline Corp.; Petition to Amend

February 23, 1981.

Take notice that on January 30, 1981, Delhi Gas Pipeline Corporation (Petitioner), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. ST80-133-001 a petition to amend the order issued March 7, 1980, in the instant docket pursuant to section 312 of the Natural Gas Policy Act of 1978 (NGPA) and § 284.162 of the Commission Rules (18 CFR 284.162) for prior Commission approval to assign

new and additional contractual rights to purchase natural gas to United Gas Pipe Line Corporation (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order of March 7, 1980, it was authorized to assign its rights under 222 contracts to receive up to a daily maximum of 200,000 Mcf of surplus natural gas to United for the period ending December 12, 1982. It is stated that the natural gas had been dedicated by Petitioner to United Texas Transmission Company (United Texas) but was surplus to United Texas' needs and that Petitioner assigned the gas to United on a self-implementing basis pursuant to § 284.163 of the Regulations. Petitioner states that the order allowed Petitioner to charge United a price above the NGPA Section 102 price so long as it did not exceed an amount permitted by Part 271 of the Commission's Regulations.

Petitioner asserts that certain of the original 222 gas purchase contracts have been eliminated for the convenience of both parties and have been replaced with contracts having higher daily deliver-ability. Petitioner proposes to assign these additional contractual rights to purchase gas to United so long as the prices thereunder do not exceed the prices established in Part 271 of the Commission Regulations. It is stated that the volumes of gas covered by the new contracts which are substituted for certain of the original 222 contracts added to the remaining contracts still would not exceed the 200,000 Mcf per day of surplus gas previously authorized.

In addition, Petitioner proposes to dedicate additional gas purchase rights to United Texas which Petitioner would acquire from time to time during the next five years. It is stated that most, if not all, of the gas covered by additional dedication contracts would be East Texas Cotton Valley tight formation gas covered by Commission Orders No. 99 and 105. Petitioner states further that some of the gas covered by these contracts may from time to time be surplus to United Texas and that United Texas has contractually agreed with Petitioner to release said surplus gas for assignment by Petitioner to United. It is stated that because the price of gas covered by these additional dedications would exceed the NGPA Section 102 price, Petitioner requests prior authorization to assign the gas purchase rights covered by these additional dedications to United between now and December 12, 1982, so long as the total deliverability of gas covered by all of the contracts assigned by Petitioner to United is less than the 200,000 Mcf per day authorized surplus deliverability.

Petitioner asserts that amendments to the assignment agreement would not affect the terms under which surplus gas under the old contracts is assigned to United and that said gas has already been released by United Texas on a continuous but interruptible basis. It is stated that the transportation rate and other provisions concerning the delivery under Section 311(a)(2) of the Regulations of the assigned gas under all contracts are identical and that the amendments would not extend the term of the assignment beyond the present expiration date of December 12, 1982.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6260 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-281-000]

Duke Power Co.; Supplement to Electric Power Contract

February 20, 1981.

The filing Compay submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on February 17, 1981 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated damand: Delivery Point No. 4 from 3,500 KW to 3,800 KW, Delivery Point No. 5 from 6,500 KW to 8,000 KW, Delivery Point No. 6 from 7,800 KW to 10,000 KW, Delivery Point No. 9 from 9,000 KW, to 10,000 KW. Delivery Point No. 11 from 6,800 KW to 8,000 KW, Delivery Point No. 12 from 2,900 KW to 3,600 KW and Delivery Point No. 15 from 3,000 KW to 3,200 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for twelve months immediately succeding the effective date. Duke Power porposes an effective date of April 21, 1981.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or portests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secetary.

[FR Doc. 81-6272 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-184-000]

Eastern Shore Natural Gas Co.; Notice of Application

February 20, 1981.

Take notice that on February 9, 1981, Eastern Shore Natural Gas Company (Applicant) P.O. Box 615, Dover, Delaware 19901, filed in Docket No. CP81-184-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing March 1, 1981, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant, and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total cost of the proposed facilities for the partial calendar year 1981 would not exceed $416,666.66. Applicant asserts that in subsequent years the total cost of the proposed facilities would not exceed $500,000 with no single onshore project to exceed a cost of $500,000. Such costs, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6253 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-172-000]

Florida Gas Transmission Co.; Notice of Application

February 20, 1981.

Take notice that on February 2, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-172-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necesssity authorizing the construction and operation of facilities for a new delivery point for the delivery of natural gas to Gainesville Gas Company (Gainesville), an existing customer of Applicant, all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

Pursuant to a letter agreement dated November 3, 1980, Applicant proposes herein to construct and operate an additional delivery point for Gainesville at a mutually agreeable point on Applicant's 8-inch Inglis lateral pipeline in Alachua County, Florida. It is asserted that the new delivery point, consisting of a tap, a valve, a new meter and regulatory station, would cost $54,700 which would be reimbursed by Gainesville.

Applicant states that it would deliver on a firm basis up to 70,000 therms of natural gas per day to Gainesville for residential and small commercial customers in Gainesville's service area by means of the proposed facility.

Applicant further states that the November 3, 1980, letter agreement further provides that the additional delivery point would not affect Gainesville's volumetric entitlement for firm service and that deliveries at the proposed point of delivery would not exceed 70,000 therms per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commissions Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6254 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-278-000]

Florida Public Utilities Co.; Proposed Tariff Change

February 20, 1981.

The filing Company submits the following:

Take notice that on February 13, 1981, Florida Public Utilities Company (Florida Public Utilities), P.O. Drawer C, West Palm Beach, Florida 33402, tendered for filing proposed changes in its FERC Electric Tariff. The proposed changes would increase revenues for jurisdictional sales and service by $253,739 annually, based on the 12-month period ending September 30, 1980. Florida Public Utilities requests that the proposed tariff changes be made effective on March 1, 1981.

Florida Public Utilities states that the proposed tariff changes are applicable to its wholesale sales and service to the City of Blountstown, Florida, which is the company's only jurisdictional customer. The company states that it purchases power from Gulf Power Company at the latter's Altha Substation, part of which is used in its distribution operations in its Marianna, Florida, division and part of which is resold at wholesale to Blountstown. The company states that the purposes of its tariff changes is to pass through to Blountstown the effect on its purchases at the Altha Substation of Gulf Power Company's increase in rates, pending in Docket No. ER80-536, which will become effective, after suspension, on March 1, 1981.

Florida Public Utilities states that copies of the filing were served upon the City of Blountstown and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are availabe for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6273 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-277-000]

Gulf States Utilities Co.; Filing

February 20, 1981.

The filing Company submits the following:

Take notice that on February 13, 1981 Gulf States Utilities Company (Gulf States) tendered for filing a letter supplementing the existing agreement between Gulf States and the Southwest Louisiana Electric Membership Corporation (SLEMCO) for the provision of wholesale electric service. Gulf States indicates that the supplement gives notice of the discontinuation of one (1) Point of Delivery in the agreement.

According to Gulf States a copy of the filing was served on the Louisiana Public Service Commission.

Any person desiring to be heard or protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission, and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6274 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-13-001]

Hydrocarbon Transfer, Inc. and Advance Transport, Inc.; Intent to Continue Sale of Natural Gas

February 23, 1981.

Take notice that on January 12, 1981, Hydrocarbon Transfer, Inc. (Hydrocarbon), 509 Marshall Street, Suite 1200, Slattery Building, Shreveport, Louisiana 71101, and Advance Transport, Inc. (Advance), 509 Marshall Street, Suite 1200, Slattery Building, Shreveport, Louisiana 71101, filed in Docket No. ST79-13-001 an intent to continue sale of natural gas pursuant to Section 284.146 of the Commission's Regulations under the Natural Gas Policy Act of 1978 to United Gas Pipe Line Company (United) through April 12, 1983, all as more fully set forth in the filing which is on file with the Commission and open to public inspection.

Applicants state that they have entered into a gas purchase and sales contract dated March 29, 1979, with United which provides for the sale of gas in excess of the quantity of gas which is required for them to provide adequate service to their intrastate customers. Applicants assert that during the original two-year sale term which terminates on April 12, 1981, Applicants would have sold an estimated 43,728 million Btu per day or a total of 32,500,000 million Btu and that during the 2-year extension ending April 12, 1983, proposed herein Applicants estimate the sale of 62,500 million Btu or a total of 45,640,000 million Btu to United.

Applicants state that the average rate charged in November 1980 for gas delivered by Hydrocarbon and Advance to United was $3.965561 per million Btu including severance tax reimbursement and gathering, transporting and delivery.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6261 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-268-000]

Idaho Power Co.; Filing

February 20, 1981.

The filing Company submits the following:

Take notice that on February 11, 1981, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1976, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during December, 1980, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6275 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-267-000]

Kentucky Utilities Co.; Filing

February 20, 1981.

Take notice that on February 10, 1981, the Kentucky Utilities Company (KU) tendered for filing 14 contracts for termination of service under those

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contracts effective May 31, 1981. KU Proposes an effective date of June 1, 1981.

KU states that a copy of the contract was sent to each applicable customer and a copy of each of the 14 contracts were sent to the Kentucky Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 29426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6276 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-274-000]

Montana Power Co.; Notice of Filing

February 20, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on February 11, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements with the City of Burbank (Burbank). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $261,492,000, based upon energy delivered from September 15, 1980 through December 31, 1980. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of September 15, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule and all of its supplements, herein filed. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be head or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6285 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-270-000]

Montana Power Co.; Filing

February 20, 1981.

The filing company submits the following:

Take notice that The Montana Power Company ("Montana") on February 11, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements with Colockum Transmission, Inc. ("Colockum"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Colockum.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $424,500, based upon energy delivered from September 23, 1980 through October 31, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 23, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana tendered for filing a Notice of Cancellation of the Rate Schedule and all of its supplements, herein filed. Montana states that this agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 or the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6277 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-271-000]

Montana Power Co.; Filing

February 20, 1981.

The filing company submits the following:

Take notice that The Montana Power Company ("Montana") on February 11, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with Puget Sound Power & Light Company ("Puget"). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Puget.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $1,362,027.24, based upon energy delivered from August 4, 1980 through September 1, 1980. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of August 4, 1980 is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule and all of its supplements, herein filed. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6278 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-272-000]

Montana Power Co. Filing

February 20, 1981.

The filing company submits the following:

Take notice that The Montana Power Company ("Montana") on February 11, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements with the City of Glendale ("Glendale"). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Glendale.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $261,492, based upon energy delivered from September 15, 1980 through December 31, 1980. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of September 15, 1980 is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the rate Schedule and all of its supplements, herein filed. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6279 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-273-000]

Montana Power Co.; Filing

February 20, 1981.

The filing company submits the following:

Take notice that the Montana Power Company ("Montana") on February 11, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements with the City of Pasadena ("Pasadena"). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Pasadena.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $156,216,000, based upon energy delivered from September 15, 1980 through December 31, 1980. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of September 15, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of the Rate Schedule and all of its supplements, herein filed. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commssion and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6280 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-279-000]

Northern States Power Co.; Filing

February 20, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company, on February 13, 1981, tendered for filing Supplement No. 2, dated December 15, 1980, to the Interconnection and Interchange Agreement, dated April 23, 1968, with Northwestern Public Service Company.

Supplement No. 2 removes the Marion Interconnection from the terms of the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6286 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP76-389-005 and CP79-277-005]

Northwest Pipeline Corp.; Notice of Amendments to Applications

February 23, 1981.

Take notice that on January 5, 1981, Northwest Pipeline Corporation (Applicant), 315 East Second Street South, Salt Lake City, Utah 84111, filed in Docket Nos. CP76-389-005 and CP79-277-005 amendments to the pending applications [1] filed in the instant dockets pursuant to Section 7(c) of the Natural Gas Act so as to reflect in Docket No. CP76-389-005 an increase in the amount of natural gas withdrawn from the Clay Basin Storage Field, Daggett County, Utah, and to reflect in Docket No. CP79-277-005 a change in the allocation between customers of the total daily and seasonal quantities of winter gas service under Applicant's Rate Schedule WS-1, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant proposes in Docket No. CP76-389-005 to increase the daily quantity of natural gas which Applicant is authorized to withdraw from the Clay Basin Storage Field commencing with

[1] These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the Commission.

the 1981–82 heating season from 150,000 Mcf per day to 225,000 Mcf per day and to increase the seasonal withdrawal quantity from 20,000,000 Mcf to 31,750,000 Mcf and further to increase the base cushion gas from 25,300,000 Mcf to 45,400,000 Mcf.

Applicant further proposes in Docket No. CP79–277–005 to change the allocation between customers of the total daily and seasonal quantities of winter gas service under its Rate Schedule WS–1 and the quantity of peak-day and seasonal volumes which would be reserved for the purpose of protecting Applicant's contract demand obligation to its customers.

It is stated that on August 6, 1980, Applicant filed to amend its application in Docket No. CP79–277 seeking a reallocation of the sale and delivery of natural gas pursuant to its Rate Schedule WS.1 for the 1980–81 heating season, a reallocation and expansion of winter service for the 1981–82 heating season, and the continued sale and delivery of natural gas pursuant to its Rate Schedule WS–1 for the 1982–83 season through 1988–89 season.

It is stated that Mountain Fuel Supply Company (Mountain Fuel) has notified Applicant that it requires winter service only for the 1980–81 heating season and is in the process of making other arrangements for the 1981–82 heating season. Applicant, therefore, proposes to provide winter service under its Rate Schedule WS–1 as follows:

Customer	Volume (Mcf 14.73 psia)	
	Daily	Seasonal
1980–81 season		
Colorado Interstate Gas Co (CIG)	45,000	4,500,000
Southwest Gas Corporation	15,000	1,500,000
Washington Natural Gas Co (Washington)	15,000	1,500,000
Mountain Fuel	25,000	2,500,000
Total	100,000	10,000,000
Revised		
1981–82 season		
CIG	135,000	20,250,000
Washington	15,000	1,500,000
Mountain Fuel	0	0
Total	150,000	21,750,000
No Change		
1982–83 through the 1988–89 season		
CIG	135,000	20,250,000
Washington	15,000	1,500,000
Mountain Fuel	0	0
Total	150,000	21,750,000

It is asserted that the resultant change in allocations of Clay Basin Storage capabity is as follows:

	Daily (Mcf/day)	Seasonal (Mcf)
No Change		
1980–81 heating season:		
Winter service	100,000	10,000,000
Contract demand protection	50,000	7,500,000
Total	150,000	17,500,000
Revised		
1981–82 heating season: Revised		
Winter service	150,000	21,750,000
Contract demand protection	75,000	10,000,000
Total	225,000	31,750,000
No Change		
1982–83 through the 1988–89 heating season:		
Winter service	150,000	21,750,000
Contract demand protection	75,000	10,000,000
Total	225,000	31,750,000

Applicant, therefore, proposes herein to increase the daily withdrawal capacity from 150,000 Mcf per day to 225,000 Mcf per day and to increase the seasonal withdrawal capability from 20,000,000 Mcf to 31,750,000 Mcf.

It is stated that Mountain Fuel Resources Inc. (Resources) as owner and operator to the Clay Basin Storage Field has informed Applicant that as a result of El Paso Natural Gas Company phasing out its utilization of Clay Basin and the increased utilization of Clay Basin as contemplated additional cushion gas is required by Applicant.

Applicant estimates the cost of the additional cushion gas is $30,470,293 which would be financed from funds on hand or short term borrowings pending a permanent form of financing.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–6262 Filed 2–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–171–000]

Panhandle Eastern Pipe Line Co.; Application

February 20, 1981.

Take notice that on February 2, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81–171–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Zenith Natural Gas Company (Zenith), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation and gas purchase and sales agreement dated August 26, 1980, Applicant proposes to transport up to 1,500 Mcf of natural gas per day to Applicant's facilities west of Haven, Kansas, for delivery to Zenith. Applicant, it is stated, would receive the subject gas through an exchange arrangement wherein Cities Service Gas Company would receive, *inter alia*, the volumes of natural gas from Zenith in Barber County, Kansas, and redeliver thermally equivalent volumes of natural gas to Applicant in Kingfisher County, Oklahoma, or in Grant County, Kansas. Applicant states that Zenith would pay 4.94 cents per Mcf of natural gas transported to the Haven redelivery point. Applicant states that the agreement provides that Applicant may purchase from Zenith up to 5,000 Mcf of surplus volumes of natural gas per day as available on Zenith's pipeline system in Kansas. The purchase price would equal Zenith's system weighted average acquisition cost per million Btu during the month in which purchases would be made plus a transportation charge of 75.0 cents per Mcf, it is stated.

The 10-year agreement would commence the first day of the month following the month in which initial gas deliveries would commence and from year to year thereafter, it is stated.

Applicant further submits that necessary measuring facilities at the Haven delivery point would be constructed pursuant to Applicant's budget authorization as would any facilities necessary to attach any new supplies to Zenith's system for transportation by Zenith.

Applicant asserts that its right to purchase gas from Zenith would be benefical because the area transgressed by Zenith's system may provide new sources of supply for Applicant's pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–6255 Filed 2–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–166–000]

U–T Offshore System; Application

February 23, 1981.

Take notice that on January 30, 1981, U–T Offshore System (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81–166–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities to increase the capacity of its pipeline system and to render increased firm transportation service for Applicant's shippers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently authorized to own and operate approximately 30 miles of 42-inch pipeline and appurtenant facilities extending from a point of interconnection with the High Island Offshore System (HIOS) in West Cameron Block 167, offshore Louisiana, to a point of interconnection with the existing onshore facilities of Transcontinental Gas Pipe Line Corporation (Transco) and Natural Gas Pipeline Company of America (Natural) near Johnson's Bayou, Louisiana. Applicant states that it currently transports up to 730,000 Mcf of natural gas per day for ten shippers but that the shippers expected to have approximately 1,100,000 Mcf of natural gas per day available by October 1979. It is stated that authorization for Applicant to expand its capacity to 1,200,000, Mcf per day was made dependent upon HIOS receiving an appropriate amendment to its certificated capacity in Docket Nos. CP75–104, *et al.*, which has been consolidated with Applicant's fourth petition to amend and which is currently waiting final disposition.

It is stated that the proposed increase in HIOS' firm capacity would be achieved through a two-phase construction program with Phase I increasing HIOS' firm delivery capacity to 2,204,300 Mcf per day and Phase II increasing it further to 2,610,500 per day. Applicant asserts that HIOS plans to increase its shippers' firm transportation quantity after each of the two construction phases is completed and placed in service. Applicant also states that it has received requests from its shippers for increased firm transportation service based for the most part upon such shipper's requests for HIOS transportation service as reflected in HIOS' filings and as adjusted by certain shippers to reflect a split in such shipper's quantities between Applicant and Michigan Wisconsin Pipe Line Company for delivery to shore. Applicant states that the increased level of firm transportation service proposed for each of Applicant's shippers is as follows:

Shippers	1,000 ft³		
	Currently effective contract demand	Contract demand proposed herein	
		Phase I	Phase II
United Gas Pipe Line Company	143,500	[illegible]	382,710
Columbia Gas Transmission Corporation	40,620	[illegible]	[illegible]
Consolidated Gas Supply Corporation	24,950	58,770	[illegible]
Tennessee Gas Pipeline Company, a Division of Tenneco Inc	15,270	[illegible]	50,000
El Paso Natural Gas Company	17,560	[illegible]	49,620
Trunkline Gas Company	133,130	187,850	198,480
Northern Natural Gas Company, Division of InterNorth, Inc	[illegible]	134,400	158,780
National Fuel Gas Supply Corporation	5,490	8,250	8,240
Total	730,000	1,437,510	1,854,490

Applicant proposes to render increased firm transportation services to its shippers within the limits of its increased capacity as proposed herein and would file appropriate tariff sheets (1) to revise the current effective contract demand of each shipper under its T Rate Schedules, (2) to change the demand and commodity charges to reflect the increased level of firm contract demands of shippers and a reasonable level of annual throughput, and to reflect the then-current Applicant cost of service, and (3) to make such other appropriate modifications if any to the rate form and to the T Rate Schedules.

Applicant maintains that its existing facilities in conjunction with the additional facilities pending certification in Applicant's fourth petition to amend do not have sufficient capacity to render the increased levels of firm transportation service proposed herein or to increase Applicant's capacity to 1,654,490 Mcf per day. Applicant therefore proposes to construct and operate 13,800 horsepower of compression and appurtenant facilities at the Johnson's Bayou plant, West Cameron Parish, Louisiana.

Applicant estimates that the cost of the proposed facilities would be $21,500,000 which would be financed initially through short-term loans and available cash with any necessary long-term financing to be arranged at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the

Shippers	1,000 ft³		
	Currently effective contract demand	Contract demand proposed herein	
		Phase I	Phase II
Natural	131,530	235,090	277,870
Transco	131,530	346,770	[illegible]

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requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6253 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-168-000]

Valero Interstate Transmission Co.; Notice of Application

February 20, 1981.

Take notice that on January 30, 1981, Valero Interstate Transmission Company (Applicant), P.O. Box 1569, San Antonio, Texas 78295, filed in Docket No. CP81-168-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales contract dated January 28, 1981, Applicant proposes to sell to El Paso up to 25,000 Mcf of natural gas per day purchased by Applicant from Pennzoil Producing Company, Killam & Hurd, LTD, Aainoco Oil and Gas Company and others. It is asserted that such gas reserves are located in South Texas. Applicant would deliver the gas to Valero Transmission Company (Transmission) which would deliver the gas to El Paso at mutually agreeable points on El Paso's system, it is stated.

Applicant submits that it would install or cause to be installed the nonjurisdictional gathering facilities necessary to gather and measure the gas. It is asserted that Transmission would provide a transportation service for El Paso pursuant to Section 311 of the Natural Gas Policy Act of 1978.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1981, file with the Federal Energy Regulatory Commission Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commision will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jusrisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6256 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-276-000]

Vermont Electric Power Company, Inc.; Filing

February 20, 1981.

The filing Company submits the following:

Take notice that on February 13, 1981, Vermont Electric Power Company, Inc. (VELCO) tendered for filing an Amendment to the following rate schedule:

Ontario Hydro Power and Transmission Contract dated November 15, 1979, between VELCO and the Village of Enosburg Falls Water and Light Department, Village of Hardwick Electric Department, Village of Ludlow Electric Department, Village of Morrisville Water and Light Department, Village of Stowe Water and Light Department, Village of Swanton and Washington Electric Cooperative, Inc. for the period November 15, 1979 through April 25, 1981.

The purpose of the Amendment is to change the termination date of the contract from December 2, 1980 to April 25, 1981. The Amendment became effective as of December 3, 1980. All other terms and conditions of the contract remain unchanged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to interevene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 6267 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2244]

Washington Public Power Supply Commission; Application for Amendment of License

February 23, 1981.

Take notice that on December 9, 1980, Washington Public Power Supply System (WPPSS) filed an application to amend its license for the constructed Packwood Lake Hydroelectric Project No. 2244, located on Lake Creek and Packwood Lake in Lewis County, Washington. Correspondence with WPPSS should be directed to: Mr. A. McDonald, P.O. Box 968, 3000 George Washington Way, Richland, Washington 99352. The application was filed pursuant to Article 40 of the license (Order Amending License, issued February 17, 1976) which required the Licensee to consult with various Federal and State agencies in order to study and prepare a mutually acceptable plan for establishment of a minimum pool level of Packwood Lake for optimum power output. In its application, WPPSS requests that it be permitted to lower the minimum level of the Packwood Lake from 2850.5 feet to 2849.0 feet during the winter drawdown (September 15 to April 30 of each year). WPPSS states that the requester operational modification would result in an additional 985,000 kWhs of energy output annually.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to their responsibilities and applicable statutes. No other formal request for comments will be made. Comments should be confined to substantive issues relevent to the issuance of an order amending project license. A copy of the application may be obtained directly from the applicant. If an agency does not file comment within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1979). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest, petition to intervene, or agency comments must be filed on or before April 3, 1981. The Commission's address is: 825 North Capitol Street, N.E. Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6284 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Environment

Environmental Advisory Committee, Nuclear Energy Subcommittee; Change in Room Number

The meeting of the Nuclear Energy Subcommittee of the Environmental Advisory Committee will be held in Room 6E069, in lieu of room number 1G079 as announced in the February 13, 1981, issue of the **Federal Register** (46 FR 12266).

Issued at Washington, D.C. on February 19, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-6336 Filed 2-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 8G2079/T281; PH-FRC 1746-4]

EM Laboratories, Inc.; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the plant growth regulator methyl 2-chloro-9-hydroxyfluorene-9-carboxylate, methyl 9-hydroxyfluorene-9-carboxylate, and methyl 2,7-dichloro-9-hydroxyfluorene-9-carboxylate in or on cucumbers at 0.1 part per million (ppm).

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-577-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of December 10, 1979 (44 CFR 70920) that a temporary tolerance had been established for residues of the plant growth regulator methyl 2-chloro-9-hydroxyfluorene-9-carboxylate, methyl 9-hydroxyfluorene-9-carboxylate, and methyl 2,7-dichloro-9-hydroxyfluorene-9-carboxylate in or on the raw agricultural commodity cucumbers at 0.1 part per million (ppm). This tolerance will expire March 19, 1981.

EM Laboratories, Inc., has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit (21137-EUP-3) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, 92 Stat. 819, (7 U.S.C. 136).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the experimental use permit and temporary tolerance be used with the following provisions:

1. The total amount of the pesticide to be used must not exceed the amount authorized in the experimental use permit.

2. EM Laboratories, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 19, 1982. Residues not in excess of this temporary tolerance remaining in or on cucumbers after the expiration date will not be considered actionable if the pesticide is legally applied during the term, and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 346a (j))

Dated: January 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-4195 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 5G1623/T263A; PH-FRL 1745-5]

Amitraz; Renewal of Temporary Tolerances; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an amendment to a renewal of a temporary tolerances for residues of the insecticides amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]-methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl)formamide to include meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 part per million (ppm).

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 28, 1980 (45 CFR 57539) that temporary tolerances had been renewed for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]-methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl) formamide in or on the agricultural commodities grapefruits, lemons, oranges, and tangerines at 1.0 part per million (ppm).

Upjohn Co., Agricultural R&D, Kalamazoo, MI 49001 has submitted an amendment to the temporary tolerance to include the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm.

The scientific data reported and all other relevant material were evaluated, and it has been determined that the amendment to the renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are amended on the condition that the experimental use permit and the temporary tolerance be used with the following provisions:

1. The amount of the insecticide used must not exceed the amount authorized in the experimental use permit.

2. Upjohn Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

The temporary tolerances expire on July 17, 1981. Residues not in excess of 0.01 ppm in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if any such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 136(j)))

Dated: January 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-4190 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180573; PH-FRL 1761-4

Delaware; Issuance of Specific Exemption for Permethrin in Mushroom Houses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Delaware Department of Agriculture (hereafter referred to as the "Applicant") for the use of permethrin to control adult sciarid flies in mushroom houses in Delaware. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: The sciarid fly is a serious pest of mushroom in Delaware. The sciarid flies transmit mushroom diseases in addition to causing damage from larval feeding. The Applicant reports that the shift in marketing from processing to fresh by the Delaware mushroom industry makes the requirement for higher mushroom quality more vital.

According to the Applicant, pesticides registered for use on mushrooms are not providing effective control of the adult sciarid flies. Resistance is developing to some of the pesticides, phytotoxicity is a problem in some, and pyrethrins are generally not available and are expensive, the Applicant reports. A new product, Apex 5E, was registered on October 9, 1980, to control sciarid flies in mushroom houses. The Applicant indicates that since the product is so new, testing under Delaware conditions has not been performed. Without such testing, Delaware Agricultural Extension personnel cannot recommend its use and pesticide suppliers will not stock it. Data indicate that permethrin is effective in controlling sciarid fly populations. The Applicant estimates that without the use of permethrin, a 15-to-17 percent yield loss will occur, amounting to a 4,800 pound loss per double house per crop. This would amount to a $3,120 loss per double house per crop, assuming that mushrooms would be sold at $0.65 per pound.

The Applicant proposed to treat a maximum of 2.5 million square feet of mushroom houses with Pounce Mushroom Spraymist, an unregistered product. The product is to be applied as an aerosol with a mechanical fog applicator.

EPA has determined that residues of permethrin, per se, should not exceed 0.05 part per million (ppm) in or on mushrooms from the proposed use. This level has been judged adequate to protect the public health. The risk from applicator exposure is expected to be significantly reduced by the protective clothing and respirator requirements EPA has imposed.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 21, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The Applicant is responsible for ensuring that all provisions of this specific exemption are met. Reports of time, location, and extent of pesticide use are due during the course of the program; in addition, a final report summarizing the results of the program must be submitted by January 31, 1982.

2. The product Pounce Mushroom Spraymist, manufactured by the FMC Corp., may be used.

3. Pounce is to be applied with a mechanical fog applicator at a rate of 2 to 2.5 ounces of formulation in 30 ounces of water per double house (35,000 cubic feet).

4. A maximum of 20 applications may be made prior to pinning of first break.

5. Pounce may not be applied once pins begin to form.

6. Pounce may not be used when mushrooms are present.

7. Prior to application, all doors, windows, and ventilators should be closed. All entrances should be locked or barricaded, pilot lights turned off, warning signs posted, and precautions taken to prevent persons and animals from entering the area.

8. During treatment, a pesticide respirator, which has been jointly approved by the Mining Enforcement and Safety Administration (formerly the U.S. Bureau of Mines) and the National Institute of Occupational Safety and Health, must be worn.

9. Applicators must wear protective clothing and rubber gloves. They must wash thoroughly with soap and water after handling permethrin and before eating or smoking. They must remove contaminated clothing and wash it before reuse.

10. It is recommended that a closed system be used for mixing/loading operations of Pounce Mushroom Spraymist.

11. No applications may be made within 6 days before harvest.

12. Mushroom houses should be ventilated to remove fog after the treatment time has elapsed. Fans should be used in houses that do not have forced air circulation.

13. Permethrin is extremely toxic to fish and aquatic invertebrates. Care must be taken not to contaminate water by the cleaning of equipment or disposal of wastes or excess pesticides.

14. Applications will be made by or under the direct supervision of applicators certified for this category of pest control.

15. A maximum of 2.5 million square feet of production area may be treated.

16. Residues of permethrin, per se, are not expected to exceed 0.5 ppm in or on mushrooms. Mushrooms with residues of permethrin that do not exceed this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

17. Participants are to be notified of their obligation to report any adverse effects arising from the use of Pounce Mushroom Spraymist. The EPA must be immediately informed of any adverse effects resulting from this use.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 17, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6302 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180563] PH-FRL 1761-6]

Oregon; Issuance of Specific Exemption for Paraquat in Peppermint Fields

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") to use either the bis (methyl sulfate) or the dichloride salt, both calculated as the cation of paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) to control Italian ryegrass, common groundsel and other weeds on 15,000 acres of peppermint fields located in the Willamette Valley and other areas in southern central, and eastern Oregon. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767C), Office of Pesticide Programs, Envrionmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington,VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: According to the applicant, the peppermint in western Oregon and in various other parts of the State is now grown under a non-tillage system as a cultural method to prevent the spread of *Verticillium* wilt. This has caused and extreme pressure from various kinds of weeds. The major weeds occurring during the dormant season of the peppermint are Italian ryegrass (*Lolium multiflorum*), common groundsel (*Senecio vulgaris*), and several other annual, bilennial, and perennial weed species. These weeds, the applicant stated, germinate in the fall, grow vigorously during the winter season, and overwhelm the emerging peppermint in the spring. Treatment to combat these weeds should be made while the peppermint is dormant.

Only three herbicides are presently reigistered for use on peppermint: terbacil, trifluralin, and diuron. According to the applicant, none of these is adequate to control pest weeds. Data submitted by the applicant indicated that paraquat seems to be the only effective herbicide which can be used in a pest management system which relies exclusively on cultural methods for mint disease control.

The Applicant proposed to use a paraquat formulation on a maximum of 15,000 acres of dormant peppermint located mainly in the Willamette Valley of western Oregon; some of this acreage is also located in southern, central, and eastern Oregon. A total of 11,250 pounds of the active ingredient will be required.

The Applicant estimated that, without the use of paraquat, Oregon peppermint growers could lose between $2.25 million and $6 million. Hand labor can be used for the removal of certain perennial and biennial weeds when in sparse stands, but the ryegrass and groundsel cannot be economically removed by hand. In addition to the short-term economic impact of these weeds, another concern is the accumulation of millions of weed seeds in the soil to cause future problems.

EPA has determined that no detectable residues (<0.05 part per million) of paraquat are expected to occur in mint oil from this use. There does not appear to be any potential irreversible hazard to the environment as a result of this short-term use of paraquat. The use of paraquat in peppermint fields will not significantly increase the amount of residues in the total diet of man or domestic animals.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until March 31, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The products Ortho Paraquat CL, EPA Reg. No. 239-2186, or Ortho Paraquat, EPA Reg. No. 239-1994, may be used at a dosage rate of from 1½ to 3 pints product per 20 to 50 gallons of water/acre. If the high dosage rate is used, only a single application may be made. Two applications may be made at the low dosage rate.

2. A maximum of 11,250 pounds active ingredient may be applied to the 15,000 acres of dormant peppermint fields located in the areas named above.

3. Applications may be made by either State-certified commercial or private applicators or persons under their direct supervision. Applications are restricted to ground equipment only.

4. Application rates and procedures will be recommended by qualified Oregon State University Research and Extension agents.

5. A residue level of paraquat not exceeding 0.05 part per million in mint oil has been judged adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

6. The fresh peppermint forage must be used only for the distillation of mint oil. The spent hay must not be fed to livestock.

7. All applicable directions precautions, and restrictions on the EPA-registered label must be followed.

8. The EPA shall be immediately informed of any adverse effects resulting from the use of the paraquat products in connection with this exemption.

9. A full report summarizing the results of this program must be submitted to the EPA by the end of September, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6301 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180510A; PH-FRL 1761-5]

Texas; Issuance of Specific Exemption for Fenvalerate on Cabbage

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Texas Department of Agriculture (hereafter referred to as the "Applicant") for the use of fenvalerate (Pydrin) to control *Heliothis* species (budworms) and the cabbage looper on a maximum of 15,000 acres of cabbage in Texas. The Applicant had initiated a crisis exemption for this use on September 3, 1980. Notification of this action appeared in the **Federal Register** of October 29, 1980 (45 FR 71681). The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Gross, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: The Applicant reported that this summer's heat and drought promoted heavy infestations of both the cabbage looper and budworms. Increased numbers, together with apparent development of resistance to registered pesticides, result in increased plant damage. According to the Applicant, these problems cause a need for increased culling and a lowering of grades of marketable produce. The Applicant states that insecticides such as methomyl, methamidophos, *Bacillus thuringiensis*, and acephate are providing control levels of only 65-80 percent at maximum dosage rates and number of treatments. According to the Applicant, at least $15 million will be lost by Texas cabbage growers without the use of fenvalerate.

EPA has determined that residues of fenvalerate in or on cabbage should not exceed 2 parts per million (ppm) from the proposed use. This level has been judged adequate to protect the public health. The proposed use is not expected to present an undue hazard to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted permission to use the pesticide noted above until November 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Pydrin (EPA Reg. No. 201-401) may be used at a maximum dosage rate of 0.1 pound active ingredient (a.i.) per acre for control of cabbage loopers and 0.2 pound a.i. per acre for control of *Heliothis* spp.

2. Available data indicate that the 0.1 pound a.i. rate should provide as good a control of *Heliothis* spp. as the 0.2 pound a.i. rate in most situations. Therefore, in most instances the 0.1 pound a.i. rate should be recommended.

3. A maximum of 15,000 acres of cabbage may be treated. A maximum of 24,000 pounds a.i. may be used.

4. A maximum of eight applications are authorized.

5. A 7-day preharvest interval is imposed.

6. All applications must be made by or under the direct supervision of applicators State-certified for this category of pest control.

7. Treated fields may not be rotated to root crops for 12 months after the last application of fenvalerate. Treated fields may not be rotated to any other crop, except cotton, for 60 days after the last application of fenvalerate.

8. Fenvalerate will be applied by ground or air equipment using a minimum of 3 or 10 gallons of water per acre, respectively.

9. All applicable directions, restrictions, and precautions on the EPA-registered product label must be adhered to.

10. Fenvalerate may be applied only to cabbage fields when fields are to be harvested within 35 days and when infestations reach economic threshold levels.

11. It is recommended that fenvalerate not be applied any closer to fish-bearing freshwaters than 200 feet (at the 0.1 pound a.i. rate), and 300 feet (at the 0.2 pound a.i. rate), by ground and 750 feet (at the 0.1 pound a.i. rate) and 1,250 feet (at the 0.2 pound a.i. rate) by air. Applications closer than these may result in fish and/or other aquatic organism kills.

12. Participants are to be notified of their obligation to report any adverse effects on nontarget organisms arising from the use of Pydrin. The EPA must be immediately informed of any adverse effects resulting from the proposed use.

13. Precautions must be taken to avoid or minimize spray drift to nontarget areas. It is recommended that pesticide application be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour.

14. Fenvalerate is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are actively visiting the treatment area. Protective information may be obtained from the Texas Cooperative Agricultural Extension Service.

15. Fenvalerate is extremely toxic to fish and aquatic invertebrates. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticide.

16. Cabbage with residues of fenvalerate not exceeding 2 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

17. Cabbage trimmings from treated fields must not be fed to livestock.

18. The Application is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by May 1, 1982.

(Sec. 18 as amended 92 Stat. 891 (7 U.S.C. 136)

Dated: February 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6305 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180558; PH-FRL 1761-3]

U.S. Department of Agriculture; Crisis Exemption for Methyl Bromide in Warehouses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (hereafter referred to an "USDA"), has availed itself of a crisis exemption for the use of methyl bromide as a fumigant in three New Jersey warehouses to control the khapra beetle *(Trogoderma granarium, Everts)*.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: USDA notified the Administrator on November 7, 1980, that it had initiated a crisis exemption for the use of methyl bromide as a fumigant in three warehouses in New Jersey to eradicate the khapra beetle. USDA reported that there was insufficient time to request a specific exemption due to the urgency for immediate eradication treatments.

Khapra beetle is one of the world's most devastating pests of stored products. It was not known to be present in the United States, and USDA states that immediate eradication treatments were necessary to prevent spread and possilbe serious economic damage to stored grain and other stored products.

USDA reported that there are no registered pesticides readily available other than methyl bromide that will eradicate the khapra beetle. Methyl bromide is registered for khapra beetle use but at a lower rate than is necessary to eradicate the pest. Since two of the infested establishments were spice processing facilities and the other a processor of used bagging, the higher rate of treatment was required, USDA reported.

The two spice facilities were treated with methyl bromide in a 12-hour schedule at a rate of 6 pounds of methyl bromide per 1,000 cubic feet in one and 7½ pounds per 1,000 cubic feet in the other. A total of 25,700 pounds of methyl bromide was used at these sites. The used bagging facility was treated in a 24-hour schedule at a rate of 12 pounds of methyl bromide per 1,000 cubic feet, for a total of 15,000 pounds of methyl bromide.

Tolerances of 400 parts per million are established for inorganic bromide in spices. USDA reports that this tolerance level was not exceeded under the crisis exemption. The program was under the direction of USDA Plant Protection and Quarantine personnel. Protective masks were worn by participating personnel. The crisis period has ended.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 17, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6303 Filed 2-24-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee; Amateur Radio Services Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Amateur Radio Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Friday, March 27, 1981. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street, N.W., Washington, D.C. at 10 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items:

1. Opening of meeting
   a. Statement by Chairman
   b. Introductions.
   c. Approval of summary minutes of the May 16, 1980 meeting
2. Presentation of Tacoma-based ARS emergency communications plans and Connecticut-based EBS/ARS interface plans—Subcommittee members involved in plans submitted
3. Reports on assigned activities:
   a. *Introduction to NIAC:* Mr. Neumann, FCC staff; Mr. Rentfrow, FCC Staff
   b. *Local Government Planning:* Mr. Bino, Mr. Estevez, Mr. Flinn
   c. *Broadcast Services:* Mr. Payne
   d. *Citizens Band:* Mr. Flinn
   e. *Red Cross and Salvation Army:* Mr. Estevez, Mr. Lindholm
   f. *Independent Traffic Nets:* Mr. Estevez, Mr. Lindholm
   g. *Radio Amateur Civil Emergency Service:* Mr. Obradovich
   h. *Military Affiliate Radio System:* Mr. Dunn, Mr. Hurd
4. Analysis of regulations restricting emission mode experimentation as related to emergency communications—Mr. Green, Mr. Imlay, Mr. Payne
5. Electromagnetic Pulse, Part II—Mr. Meserve
6. Non-RACES emergency drills—Mr. Imlay
7. Three Mile Island and emergency communications—Mr. Obradovich
8. Proposed plain English amateur radio rules (Part 97)—Mr. Imlay
9. ARS use of commercial satellites for emergency communications—Mr. Green
10. New business
11. Federal agency and public comments
12. Adjournment

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Executive Secretary, National Industry Advisory Committee, at FCC on (202) 632-7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-6307 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00137; PH-FRL 1760-F]

FIFRA Scientific Advisory Panel Open Meeting

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule related notice.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to present decision options being considered by the agency to conclude the rebuttable presumption against registration (RPAR) on ethylene dibromide (EDB) and to discuss the prediction and evaluation of ground water contamination by pesticides. The meeting will be open to the public.

DATES: Wednesday, Thursday, and Friday, March 25, 26, and 27, 1981, from 9:00 a.m. to 5:00 p.m. daily.

ADDRESS: The meeting will be held at the Twin Bridges Marriott Hotel, 333 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Acting Executive Secretary, FIFRA Scientific Advisory Panel (TS-768C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 803, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7560).

SUPPLEMENTARY INFORMATION: The agenda for this meeting is:

1. Prediction and evaluation of ground

water contamination by pesticides. (Wednesday morning, March 25.)

2. Presentation of the decision options being considered by the agency to conclude the RPAR on ethylene dibromide (EDB). (Wednesday afternoon, March 25, through Friday, March 27.)

3. Completion of any unfinished business from previous Panel meetings.

4. In addition, the agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Summaries of information relating to item 1 may be obtained from: David Severn, Hazard Evaluation Division (TS-769C), Rm. 815, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7347).

Copies of draft documents concerning item 2 may be obtained by contacting: Jeff Kempter, Special Pesticides Review Division (TS-791), Environmental Protection Agency, Rm. 709, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7451).

Any member of the public wishing to attend or submit a paper should contact Philip H. Gray, Jr., at the address or phone listed above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before or after the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons wishing to make oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than March 18, 1981.

Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to be instructed on the format and the number of copies to submit to ensure appropriate consideration by the Panel.

The tentative date for the next Scientific Advisory Panel meeting is April 29-30, 1981.

(Sec. 25(d), as amended, 92 Stat. 819; (7 U.S.C. 136); Sec. 10(a)(2), 86 Stat. 770 (5 U.S.C. App.))

Dated: February 18, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6354 Filed 2-29-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-56, 81-57, 81-58, 81-59 and 81-60, File Nos. BPCT-790618KH, BPCT-790921KE, BPCT-791113LD, BPCT-791130LC and BPCT-791130LD]

Anax Broadcasting Inc., et al.; Application for a Television Construction Permit

In re Applications of Anax Broadcasting Incorporated, Buffalo, New York (BC Docket No. 81-56, File No. BPCT-790618KH) and The Great Erie County Telecasting Corporation, Buffalo, New York (BC Docket No. 81-57, File No. BPCT-790921KE); Channel 49 Buffalo Television, Inc., Buffalo, New York (BC Docket No. 81-58, File No. BPCT-791113LD); Bison City Television 49 Limited Partnership, Buffalo, New York (BC Docket No. 81-59, File No. BPCT-791130LC) and Unific Broadcasting Company of New York, Buffalo, New York (BC Docket No. 81-60, File No. BPCT-791130LD) For a Television Construction Permit; hearing designation order designating applications for consolidated hearing on state issue.

Adopted: January 29, 1981.

Released: February 17, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Anax Broadcasting Incorporated (Anax), The Great Erie County Telecasting Corporation (Great Erie), Channel 49 Buffalo Television, Inc. (Channel 49 Buffalo), Bison City Television 49 Limited Partnership (Bison Partnership), and Unific Broadcasting Company of New York (Unific) for a new commercial television station to operate on Channel 49, Buffalo, New York.[1]

[1] The application of Great Erie contemplates operating subscription television (STV) over its proposed facilities. Its application for STV authorization (BSTV-790921KF) will not be consolidated for hearing in this proceeding. STV is essentially an entertainment format undistinguishable from other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. The Commission has already demonstrated a reluctance to compare applicants on the basis of entertainment formats. *George E. Cameron Jr. Communications*, 71 F.C.C. 2d 460 (1979). Consequently, STV proposals will not be considered in otherwise routine hearings on applications for television construction permits; rather, only if Great Erie is determined to be the successful applicant for the construction permit, will its STV proposal be analyzed.

Anax Broadcasting Incorporated

2. It appears that Anax would require more than $1,100,000 to construct its proposed facility and to operate it for three months:

Equipment (downpayment)	$368,044
(three months)	93,851
Land	lease
Building	on hand
Legal, engineering, installation and other costs	100,000
Operating costs (three months)	600,000
Total	1,161,895

To meet this requirement, Anax intends to rely on a $1,500,000 (net $1,445,000) line of credit from the Liberty National Bank and Trust Company in Buffalo. At no place in its application does Anax set out the cost of the land lease; however, in view of the fact that it would be improbable that Anax's cost to lease the land would exceed $280,000 (the amount available to the applicant after it meets its other expenses), we will not specify an issue here as to Anax's availablility of funds.

3. Anax fails to indicate who conducted the surveys of both community leaders and the general public, as required by Questions and Answers 11(a) and 11(b) of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971). It also fails to indicate when the surveys were taken, as required by Question and Answer 15 of the *Primer*. Accordingly, appropriate issues will be specified to determine whether the applicant conducted its community leader and general public surveys in compliance with the *Primer*.

4. Paul A. Willax, the Chairman of the Board and 31.5% owner of Anax, also is Director of, and has indirect ownership in, Algonquin Broadcasting corporation (Algonquin), the licensee of WBEN (AM) and WBEN-FM in Buffalo.[2] Section 73.636(a) of the Commission's Rules (47 C.F.R. 73.636(a)) sets out a policy against granting a television construction permit to parties who directly or indirectly own, operate, or control radio stations licensed to the same community as their proposed television station. Willax states that he will terminate all of his interest in Algonquin prior to Anax's filing of an application for license. Willax must demonstrate such termination before Anax commences operation.

5. Alfred E. Anscombe, the President and 31.5% owner of Anax, also is President and 15% owner of Ken-Ton Cablevision, Inc., Amherst, New York, a Buffalo suburb. Section 76.501(a)(2) of

[2] Willax is Director and 40% owner of Kazoo Co., Inc., which is the 100% owner of Oscar Willax & Sons, Inc., which in turn owns 4% of Algonquin.

the Commission's cross-ownership rules prohibits the common ownership of a cable television system and of a television station whose predicted Grade B contour, as here, overlaps part of the cable system service area. Anscombe states that he will terminate all of his interest in Ken-Ton prior to Anax's filing of an application for license. Anscombe must demonstrate such termination before Anax commences operation.

6. In the event of a grant of Anax's application, the construction permit will be conditioned to require Anax to demonstrate that its proposed tower would not alter the radiation patterns of nearby Station WBEN(AM).

The Great Erie County Telecasting Corporation

7. Since we have not received a determination from the Federal Aviation Administration that Great Erie's proposed tower height and location would not constitute a hazard to air navigation, an issue regarding this matter is required.

8. In the event of a grant of Great Erie's application, the construction permit will be conditioned to require Great Erie to demonstrate that its proposed tower would not alter the radiation patterns of nearby Station WBEN(AM).

Channel 49 Buffalo Television [3]

9. Since we have not received a determination from the Federal Aviation Administration that Channel 49 Buffalo's proposed tower height and location would not consititute a hazard to air navigation, an issue regarding this matter is required.

10. Channel 49 Buffalo proposes to operate from a site located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) of 5000 kilowatts. The proposal poses no interference threat to United States television stations; however, it does contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). In the event of a grant of Channel 40 Buffalo's application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune*, 8 R.R. 2d 416 (1966).

Bison City Television 49 Limited Partnership

11. Bison Partnership in 28 percent owned by general partner Bison City Television 49, Inc. (Bison, Inc.); 1 percent owned by limited partner Jack Understein, Chartered, and 71 percent owned by other unnamed limited partners. FCC Form 301, Section II, Tables I and II require that if an applicant is a partnership, it provide information as to each general or limited partner as to name and address, date and place of birth, nature of partnership interest, percent of ownership interest, occupations or businesses engaged in during the past five years, and relationship to or interest in such concerns. The applicant has failed to identify the owner(s) of Jack Understein, Chartered and Bison Partnership's other limited partners and to provide such information on them. Consequently, we cannot determine that Bison Partnership is legally qualified to be a Commission licensee, and an appropriate issue will be specified.

12. Analysis of the financial data submitted by Bison Partnership indicates that $1,793,281 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment (downpayment)	$512,500
(three months)	134,531
Other	391,000
Operating cost, including land and building rental (three months)	755,250
Total	1,793,281

To meet these expenses, Bison Partnership intends to rely on $12,648 in existing capital, $3,430,000 in anticipated partnership contributions,[4] and loans from the West Side National Bank and City Bank, both of St. Louis, Missouri. Other than Jack Understein, Chartered, for $100, no partner has committed itself to the contribution of any funds, and accordingly, Bison Partnership will be credited with the availability of only the $100 in commitments. Further, both bank letters are merely promises to consider a loan of funds. Neither meets the requirements of FCC Form 301, Section III, Question 4e, in that they fail to indicate willingness to provide loans for stated amounts with stated interest rate, collateral, and other terms. Consequently, Bison Partnership cannot depend on the avilability of any capital from the banks. In that the applicant has demonstrated the availability of only $12,748, an appropriate financial issue will be specified.

Unific Broadcasting Company of New York

13. Analysis of the financial data submitted by Unific indicates that $956,438 will be required to construct its proposed station and to operate it for three months, itemized as follow:

Equipment (downpayment)	$545,000
(three months)	143,063
Building	25,000
Other	96,500
Operating costs, including studio and land rental (three months)	146,875
Total	956,438

To meet these expenses, Unific intends to rely on $3,000,000 in loans from several small business investment corporations, a $2,000,000 line of credit from the manufacutrers and Traders Trust Company (Manufacturers) in Lancaster, New York, and $2,000 in cash, the only small business investment corporation to show a willingness to loan unific any capital (150,000) is the King Small Business Investment Corporation (King). Both King's loan and manufacturers' letter of credit would be contingent on the grant of STV authorization to Unific. At this point, the applicant has not filed an STV application, and even if one were filed, Unific cannot depend on its being granted (see Footnote 1). King's loan is further conditioned on unific's Articles of Incorporation indicating 50 percent minority or Vietnam veteran ownership; however the Articles do not contain the required ownership provisions. Consequently, Unific has not provided

[3] Channel 49 Buffalo is 49 percent owned by Julian S. Smith and 39.1 percent owned by Commercial Radio Institute, inc. (CRI). Julian Smith also owns stock in CRI as do his brother Henry and sons Fred, Robert, Duncan, and David. CRI has ownership interest in:

WPTT-TV, Pittsburg, Pennsylvania
WBFF-TV, Baltimore, Maryland
Channel 23, Columbus, Ohio (grant being appealed)
Channel 38, St. Peterburg, Flordia (application)
Channel 59, Indianapolis, Indiana (application)
Channel 61, Wilmington, Delaware (application)
Channel 61, Hartford, Connecticut (application)

In addition, David Smith owns 33 percent of Comark Television, Inc., the applicant for television stations on:

Channel 26, Daytona Beach, Florida
Channel 38, New Orleans, Lousiana
Channel 18, San Juan, Puerto Rico
Channel 51, Portland, Maine
Channel 62, Syracuse, New York

Section 73.636(a) (2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

[4] See the following table:

Bison, Inc. (Apparently, Bison, Inc. has already contributed a further $50,000 for start-up expenses, $12,648 of which remains in the form of existing capital)	$50,000
Class A limited partners	1,800,000
Class B limited partners	1,250,000
Class C limited partners	100,000
Interest income on partners' promissory notes	230,000
Total	3,430,000

assurance of the availability of funds from King or Manufacturers. Finally, although the applicant's most recent balance sheet demonstrates $2000 in cash, it also indicates $35,500 in liabilities (loans payable). Because Unific has not differentiated between current and long-term liabilities, the entire $35,500 will be considered current and payalbe during the next year. Absent a more complete balance sheet, we cannot determine that Unific has net liquid assets to provide any capital for the proposed station. Accordingly, an appropriate financial issue will be specified.

14. In the event of a grant of Unific's application, the construction permit will be conditioned to require Unific to demonstrate that its proposed tower would not alter the radiation patterns of nearby station WBEN(AM).

Conclusion and Order

15. Since the applications are mutually exclusive, the commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

16. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Anax's application:

(a) whether the applicant has complied with the provisions of Questions and Answers 11(a), 11(b), and 15 of the *Primer;*

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Great Erie would constitute a hazard to air navigation.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Channel 49 Buffalo would constitute a hazard to air navigation.

4. To determine the names of, and requisite information as to, each limited partner of Bison Partnership and whether, in light of the evidence adduced, the applicant is legally qualified.

5. To determine, with respect to Bison Partnership's financial showing:

(a) whether the applicant has an additional $1,780,533 available for construction and three month operating costs; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

6. To determine, with respect to Unific's financial showing:

(a) whether the applicant has $956,438 available for construction and three month operating costs; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

7. To determine which of the proposals would, on a comparative basis, best serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. It is further ordered, That the Federal Aviation Administration is made a party respondent in respect to Issues 2 and 3, above.

18. It is further ordered, That in the event of a grant of the application of Anax, Great Erie, or Unific, the construction permit shall contain the following condition:

In order to satisfactorily demonstrate that radiation patterns have not been changed because of the construction of the antenna structure, prior to the commencement of program tests, the permittee shall file with the Commission sufficient field intensity measurements of Station WBEN(AM), 930 kHz, Buffalo, New York, made both before the commencement of construction and after its completion. Minimum required measurements shall include at least ten consecutive points, including the measured field intensitiy at the monitoring point locations for each of the radials included in the last complete proofs of performance on file with the Commission. Measurement shall be made for both directional and non-directional modes of operation. These measurements, together with their ratios (DA/NDA) shall be submitted in tabulated form. Also, measurement data shall be certified by all parties involved before submission to the Commission. The engineer selected by the permittee to make the measurements shall be acceptable to all parties, and the permittee shall bear the cost both of making the measurements and of taking any corrective measures necessary to restore the patterns to the conditions in existence prior to this construction. Further, the permittee shall be responsible for maintenance and repair of any detuning circuits installed on the antenna supporting structure of the proposed television tower which are necessary to restore the radiation patterns to WBEN(AM).

19. It is further ordered, That, in the event of a grant of Anax's application, the construction permit shall contain the additional condition:

Prior to the commencement of operation, Paul A. Willax shall certify to the Commission that he has severed all interest in or connection with Algonquin broad casting Corporation, and Alfred E. Anscombe shall certify to the Commission that he has severed all interest in or connection with Ken-Ton Cablevision, Inc.

20. It is further ordered, That, in the event of a grant of Channel 49 Buffalo's application, the construction permit shall contain the following condition:

1. Type acceptance of the transmitter shall be obtained prior to the commencement of program tests.

2. Operation with maximum visual effective radiated power in excess of 30.0 dBk (1000kW) is subject to consent by Canada.

21. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules in person or by attorney within 20 days of the mailing of this Order, file with Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

22. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communication Acts of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

By Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-6317 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-79 and 81-80; File Nos. BPH-790831AH and BPH-800107AX]

Associated Investors, Inc, et al.; Applications for a Construction Permit

In re Applications of Associated Investors, Inc., Deadwood, South Dakota (BC Docket No. 81-79, File No. BPH-790831AH), Req: 95.1 MHz, Channel 236, 100 kW (H&V), 1,707 feet; Flatau Broadcasting Company, Inc., Deadwood, South Dakota (BC Docket No. 81-80, File No. BPH-800107AX), Req: 95.1 MHz, Channel 236, 100 kW (H&V), 1,486 feet, For a Construction Permit for a New FM Station. Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: February 4, 1981.

Released: February 19, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications of Associated Investors, Inc. (Associated) and Flatau Broadcasting Company, Inc. (Flatau) for a construction permit for a new FM station at Deadwood, South Dakota.

2. *Associated.* Analysis of the financial data submitted by Associated reveals that $157,141 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$103,746
Miscellaneous	8,500
Operating costs (3 months)	44,895
Total	$157,141

To meet this requirement, Associated plans to rely upon a bank loan of $120,000, $30,000 in new capital from principal Houston Haugo, $5,000 in new capital from principal R. Kendall Mills, and $389 in cash. Associated has failed, however, to include a copy of the bank's $120,000 loan agreement. Also, since we do not know of the bank's proposed terms of repayment, Associated may have to show additional funding available to meet the expense of repayment of interest and/or principal during the first five months after it receives a construction permit. The applicant has therefore shown only $35,389 available to meet a requirement of at least $157,141. Accordingly, a financial issue will be specified.

3. Associated and Flatau have not provided us with current FAA clearances. Accordingly, an appropriate issue will be specified.

4. *Other issues.* We sent letters to both applicants upon determining that both sites would not provide clear line-of-sight paths to parts of Deadwood, as required by Section 73.315(b) of our Rules. Associated responded by stating that its proposed site was the best available due to the mountainous area surrounding the proposed city of license. Associated also claimed that only 3.58% of the city's area and 7.26% of its population would receive a degradation of signal due to shadowing. Flatau also responded by claiming that its proposed site provided the best coverage possible to Deadwood, but did not specifically discuss what percentage of the city's area and population would receive loss of signal due to shadowing. In order to determine whether both applicants' proposed transmitter sites are the best available, an appropriate issue will be specified.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Associated Investors, Inc.:

(a) the source and availability of additional funds over and above the $35,389 indicated; and

(b) in light of the evidence adduced pursuant to (a) above, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine whether Associated's proposed transmitter site complies with Section 73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

3. To determine whether there is a reasonable possibility that the tower heights and locations proposed by the respective applicants would constitute hazards to air navigation.

4. To determine whether Flatau Broadcasting Company, Inc.'s proposed transmitter site complies with Section 73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-6315 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-77 and 81-78; File No. BMPED-790719AB]

Catholic University of Puerto Rico Service Association et al.; Application for a Construction Permit

In re Applications of Catholic University of Puerto Rico Service Association, Ponce, Puerto Rico (BC Docket No. 81-77, File No. BPED-790517AF) and Req: 88.9 MHz, channel 205, 10.8 kW (H&V), 2,914 feet for a Construction Permit for a New FM Station; Community Educational Group, Corp. (WJDZ) Levittown, Puerto Rico, (BC Docket No. 81-78; File No. BMPED-790719AB); Has: 88.9 MHz, Channel 205, .01 kW (H&V), 100 feet; Req: 88.9 MHz, Channel 205, 3.0 kW (H&V), 1,765 feet, for a Construction Permit for a Modification of Facilities. Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: February 4, 1981.

Released: February 24, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) the above-captioned mutually exclusive applications of Catholic University of Puerto Rico Service Association (Catholic University) and Community Educational Group Corp. (WJDZ), and (ii) a motion to dismiss Catholic University's application filed by WJDZ.[1]

[1] Pursuant to the Commission's *Report and Order* in re *Revised Procedures for the Processing of Contested Broadcast Applications; Amendments of Part 1 of the Commission's Rules*, 72 FCC 2d 202, 45 RR 2d 1220 (1979), which directed the deletion of all issue pleadings in pending cases, the matters sought to be raised by CEGC in its motion have not been considered in this Order. Accordingly, an opportunity to raise any allegations contained in the motion will be afforded the parties post designation, pursuant to Section 1.229. An informal objection to the grant of Catholic University's application, filed by Ponce Broadcasting Corporation, licensee of WLEO-WZAR, Ponce, Puerto Rico on August 28, 1979 was withdrawn by them on August 15, 1980.

2. *WJDC.* WDJZ has failed to comply with the requirements of *Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants Permittees and Licensees,* 41 F.R. 12424, published March 25, 1976. Since CEGC's proposal will encompass an area greater than fifty percent of the area within its presently authorized 1mV/m contour, it must ascertain problems and needs in the gain area. From the information before us it appears that WDJZ has failed to do so. Accordingly, an ascertainment issue will be specified.

3. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

4. Neither applicant has indicated whether an attempt has been made to negotiate a share-time arrangement. Therefore, an issue will be specified to determine whether a share-time arrangement between the applicants would be the most effective use of the frequency and thus better serve the public interest. *Granfalloon Denver Educational Broadcasting, Inc.,* 43 F.R. 49560, published October 24, 1978. In the event that this issue is resolved in the affirmative, an issue will also be specified to determine the nature of such an arrangement. It should be noted that our action specifying a share-time issue is not intended to preclude the applicants, either before the commencement of the hearing or at any time during the course of the hearing, from participating in negotiations with a view toward establishing a share-time agreement between themselves.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by WJDZ to ascertain the community needs and problems of the gain area to be served.

2. To determine the number of other reserved channel educational FM services available in the proposed WJDZ gain area and in the service area proposed by Catholic University and the areas and populations served thereby.

3. To determine, in the light of Section 307(b) of the Communcations Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to Section 307(b), the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants, or whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

5. To determine whether a sharetime arrangement between the applicants would result in the most effective use of the channel and thus better serve the public interest, and, if so, the terms and conditions thereof.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That, in the event of a grant of the applicantion of Catholic University, the construction permit shall contain the condition consented to in the University's October 10, 1980 letter to the Commission. Accordingly, the petition to deny filed by the Department of Education of Puerto Rico IS DISMISSED as moot.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.
Richard, J. Shiben,
Chief Broadcast Bureau.
By **Larry D. Eads,**
Acting Chief Broadcast Facilities Division.

[FR Doc. 81-6317 Filed 2-24-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. B-11]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 13, 1981.
Cut off Date: March 30, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the applications listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on March 30, 1981. Any application previously accepted for filing and in conflict with the applications listed in the attached appendix may also be amended as a matter of right not later than the close of business on March 30, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

BPH-801031AO (new), Redlands, California, GC &C Enterprises. Req: 96.7 MHz; channel No.244A. ERP: 3 kW; HAAT: 300 ft. (Mutually exclusive with renewal of KCAL-FM.)
BPH-801103AM (new), Los Angeles, California, Coronado B/cting of Southern Ca., Inc. Req: 99.5 MHz; channel No. 258B. ERP: 100 kW; HAAT: 240 ft. (Mutually exclusive with renewal of KHOF.)
BPH-801107AF (new), Martinez, Georgia, CSRA Broadcasters, Inc. Req: 94.3 MHz; channel No. 232A. ERP: 3 kW; HAAT: 305 ft.

[FR doc. 81-6319 Filed 2-24-81; 8:45 am]
BILLING CODE 6712-01-M

[PR Docket No. 81-66]

Gary W. Kerr; Designating Applications for Consolidated Hearing on Stated Issues

Designation Order

Adopted: February 13, 1981.
Released: February 18, 1981.

The Chief, Private Radio Bureau, has under considertion the application of Gray W. Kerr, 1511 N. Carlton, Stockton, California 95203, dated July 31, 1980, to renew the Amateur radio station (WAJIY) and General Class Amateur radio operator licenses issued to him on January 13, 1976, for a five year term.[1]

1. Information before the Commission indicates that at various times during August, 1980, including August 6, 7, 8 and 10, Amateur radio station WA6JIY was operated to cause intentional interference to other Amateur radio stations, in wilful and repeated violation of Section 97.125 of the Commission's Amateur Rules. That section provides that no licensed operator shall wilfully or maliciously interfere with or cause interference to any radio communication or signal.

2. Information before the Commission also indicates that at various times during August, 1980, including August 6, 7, 8 and 10, station WA6JIY made radio transmissions in wilful and repeated violation of Section 97.113 (broadcasting prohibited) of the Rules. Furthermore, by apparently interfering with the communications of other stations through his radio testing schemes, Kerr violated Section 97.78 of the Rules.

3. The apparent violations of August 6, 7, 8 and 10, were the subject of an Official Notice of Violations mailed to Kerr on September 3, 1980.

4. Section 309(e) of the Communications Act of 1934, as amended, requires that the Commission designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience and necessity. The radio operation described above precludes the Commission from making that determination without a hearing.

5. Accordingly, it is ordered, That Kerr's application for renewal of his Amateur radio station license (WA6JIY) and his General Class Amateur radio operator license is designated for hearing upon the following issues:

(a) To determine whether there were radio transmissions by radio Station WA6JIY on August 6, 7, 8 and 10, 1980, or other dates in August 1980, in wilful and repeated violation of Sections 97.78, 97.113 and/or 97.125 of the Commission's Amateur Radio Service Rules.

(b) To determine in light of the above, whether the grant of the application would serve the public interest, convenience and necessity.

6. It is further ordered, That if Kerr wants a hearing on this matter, he must file a written request for a hearing within 30 days.[2] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent Order. If Kerr waives his right to a hearing, his application will be dismissed with prejudice.

7. It is further ordered, That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to Kerr at his address of record (as shown in the caption).

Chief, Private Radio Bureau.
W. Riley Hollingsworth,
Acting Chief, Compliance Division.

[FR Doc. 81-6318 Filed 2-24-81; 8:45 am]
BILLING CODE 6712-01-M

[1] Pursuant to Section 1.926(c) of the Rules, Kerr has continuing operating authority pending a determination of whether his renewel application should be granted or denied.

[2] The attached form should be used to request or waive hearing. It should be completed and mailed to the Federal Communications Commission, Washington, D.C. 20554, in the enclosed envelope.

[CC Docket Nos. 81-74, 81-75 and 81-76; File Nos. 49-CM-P-80, 1276-CM-P-80 and 3292-CM-P-80]

Microband Corporation of America, et al.; Applications for Construction Permits

In re Applications of Microband Corporation of America, For Construction Permit in the Multipoint Distribution Service for a New Station at Cheyenne, Wyoming (CC Docket No. 81-74, File No. 49-CM-P-80) and Tekkom, Inc. For Construction Permit in the Multipoint Distribution Service for a New Station at Laramie, Wyoming (CC Docket No. 81-75, File No. 1276-CM-P-80); Telecommunications Systems, Inc. For Construction Permit in the Multipoint Distribution Service for a New Station at Cheyenne, Wyoming (CC Docket No. 81-76, File No. 3292-CM-P-80). Memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: February 2, 1981.
Released: February 12, 1981.
By the Deputy Chief, Common Carrier Bureau.

1. The Commission has before it the above-referenced application of Microband Corporation of America, filed on October 2, 1979 (accepted on Public Notice of October 29, 1979); the application of Tekkom, Inc., filed on December 26, 1979 (accepted on Public Notice of January 8, 1980) and the application of Telecommunications Systems, Inc., filed on December 27, 1979 (accepted on Public Notice of January 22, 1980). These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 in the Cheyenne/Laramie, Wyoming area. The applications are therefore mutually exclusive under present procedures and require comparative consideration. There are no petitions to deny or objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Microband Corporation of America, Tekkom, Inc., Telecommunications Systems, Inc. and the Deputy Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

Thomas J. Casey,
Deputy Chief, Operations Common Carrier Bureau.

[FR Doc. 81-6313 Filed 2-24-81; 8:45 am]
BILLING CODE 6712-01-M

[1] Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain,* 77 FCC 2d 20 (1980).

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[CC Docket Nos. 81-84, 81-85, 81-86, and 81-87; File Nos. 21249-CD-P(3)-80, 22513-CD-P-(2)-80, 22037-CD-P-(2)-80, 22038-CD-P-(2)-80]

Mobile Phone of Texas, Inc., et al.; Applications for Construction Permits

In re Applications of Mobile Phone of Texas, Inc.; For a construction permit to add frequencies 454.025, 454.075, and 454.325 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) for Station KLF477 near Graham, Texas (CC Docket No. 81-84, File No. 21249-CD-P-(3)-80) and For a construction permit to establish a new two-way station on frequencies 454.175 and 454.300 MHz near Olney, Texas in the DPLMRS (CC Docket No. 81-81-85, File No. 22513-CD-P-(2)-80; Danny Roy Boyer d/b/a Central Mobilfone; For a construction permit to establish a new two-way station on frequencies 454.025 and 454.325 MHz in Jacksboro, Texas in the DPLMRS (CC Docket No. 81-86, File No. 22037-CD-P-(2)-80); and Jim Bob Measures d/b/a Radiofone; For a construction permit to establish a new two-way station on frequencies 454.075 and 454.175 MHz at Graham, Texas in the DPLMRS (CC Docket No. 81-87, File No. 22038-CD-P-(2)-80); Memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: February 3, 1981.

Released: February 23, 1981.

By the Common Carrier Bureau.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the above-captioned applications of Jim Bob Meaures d/b/a Radiofone (Radiofone), Mobile Phone of Texas, Inc. (Mobile Phone), and Danny Roy Boyer d/b/a Central Mobilfone (Central Mobilfone). Mobile Phone's requests for frequency 454.075 MHZ in File No. 21249-CD-P-(3)-80 and frequency 454.175 MHz in File No. 22513-CD-P-(2)-80 are electrically mutually exclusive with Radiofone's requests for these frequencies, and its requests for frequencies 454.025 and 454.325 MHz are electrically mutually exclusive with central Mobilfone's proposals. There were no mutually exclusive applications or protests filed against Mobile Phone's request for frequency 454.300 MHz. Consequently, we will grant Mobile Phone's request for frequency 454.300 MHz and we will designate the remaining applications, including Mobile Phone's request for frequency 454.175 MHz, for comparative hearing to determine which applicants will better serve the public interest.

2. In view of the foregoing, pursuant to Section 309 of the Communications Act of 1934, as amended,[1] we find these applicants to be qualified to construct and operate the proposed facilities. We further find that a grant of the request of Mobile Phone to operate on frequency 454.300 MHz will serve the public interest, convenience, and necessity. Accordingly, it is ordered, That the application of Mobile Phone of Texas, Inc., File No. 22513-CD-P-(2)-80, is granted in part, to the extent that the request for a construction permit to operate on frequency 454.300 MHz is granted, and that the request in the application of Mobile Phone of Texas, Inc. for a construction permit to operate on frequency 454.175 MHz, and the applications of Mobile Phone of Texas, Inc., File No. 21249-CD-P-(3)-80, Jim Bob Measures d/b/a Radiofone, File No. 22038-CD-P-(2)-80, and Danny Roy Boyer d/b/a Central Mobilfone, File No. 22037-CD-P-(2)-80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis,[2] the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 39 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[3] and to determine and compare the need for the proposed services in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this *Memorandum Opinion and Order.*

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Thomas J. Casey,

Deputy Chief/Operations, Common Carrier Bureau.

[FR Doc. 81-6312 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

[1] 47 U.S.C. § 309.

[2] The past performance of the applicants may be considered.

[3] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

[CC Docket Nos. 81-90, 81-91; File Nos. 22126-CD-P-80 and 22597-CD-P-80]

Mobile Phone of Texas, Inc., et al., Applications for Construction Permits

In re Applications of Mobile Phone of Texas, Inc. For construction permit for new one-way station on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service near Mineral Wells, Texas, (CC Docket No. 81-90 File No. 22126-CD-P-80) and Danny Ray Boyer d/b/a Central Mobilfone For construction permit for new one-way station on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service near Mineral Wells, Texas, (CC Docket No. 81-91 File No. 22597-CD-P-80) Memorandum Opinion And Order designating applications for consolidated hearing on stated issues.

Adopted: February 18, 1981.

Released: February 23, 1981.

By the Common Carrier Bureau.

1. Presently before the Chief, Mobile Services Division pursuant to delegated authority, are the captioned applications of Mobile Phone of Texas, Inc., and Danny Ray Boyer d/b/a Central Mobilfone. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Mobile Phone of Texas, Inc., File No. 22126-CD-P-80 and Danny Ray Boyer d/b/a Central Mobilfone, File No. 22597-CD-P-80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis; the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilties pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's

Rules,[1] and to determine and compare the need for the proposed services in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Roberta Cook,

Deputy Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-6308 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-68 and 81-69; File Nos. 21971-CD-P-(2)-80 and 21506-CD-P-(2)-80]

Mobile Phone of Texas, Inc., et al.; Applications for Construction Permits

In re Applications of Mobile Phone of Texas, Inc. For construction permit for additional frequencies on 454.100 and 454.200 MHz for Station KLB802 in the Domestic Public Land Mobile Radio Service at Jacksboro, Texas, (CC Docket No. 81-68 File No. 21971-CD-P-(2)-80) and Jim Bob Measures d/b/a Radiofone. For construction permit for new two-way station on 454.100 and 454.200 MHz in the Domestic Public Land Mobile Radio Service at Agnes, Texas, (CC Docket No. 81-69 File No. 21506-CD-P-(2)-80); Memorandum Opinion and Order designating applications for consolidated hearing on stated issues.

Adopted: February 5, 1981.

Released February 17, 1981.

By the Common Carrier Bureau.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the captioned applications of Mobile Phone of Texas, Inc. (Mobile Phone) and Jim Bob Measures d/b/a Radiofone (Radiofone). These applications are electrically mutually exclusive;[1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Mobile Phone of Texas, Inc. File No. 21971-CD-P-(2)-80, and Jim Bob Measures d/b/a Radiofone, File No. 21506-CD-P-(2)-80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed buy each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 39 dBu contours, based upon the standards set forth in section 22.504(a) of the Commission's Rules,[2] and to determine and compare the need for the proposed services in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsquent Order.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Joseph A. Marino,

Acting Chief, Mobile Services Division.

[FR Doc. 81-6309 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilties involved in this proceeding.

[1] We note that while Radiofone is applying to construct new facilities, Mobile Phone is seeking to add additional facilities for its existing station KLB802. A grant of either application would preclude a grant of the other.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

[Docket No. CC 81-67 and File Nos. 20186-CDP-6-79 and 21791-CD-P-4-79]

Mobile Telephone, Inc.; for an Additional Location for Two-Way Station

In re Application of Mobile Telephone, Inc. For an additional location for two-way Station KOE252 to operate on presently authorized channels 454.125 MHz, 454.225 MHz, 454.275 MHz, 454.300 MHz, 454.325 MHs and 454.350 MHz, in the Domestic Public Land Mobile Radio Service (DPLMRS), at Pine Meadow Peak, (near Coalville), Utah (Docket No. CC 81-67 File No.20186-CD-P-6-79) and for an additional location for two-way Station KOE252 to operate on presently assigned channels 152.09 MHz and 152.12 MHz, in the DPLMRS, at Pine Meadow Peak (near Coalville), Utah (File No.21791-CD-P-4-79); Memorandum opinion and order designating application for hearing on stated issues.

Adopted February 12, 1981.

Released: February 23, 1981.

By the Common Carrier Bureau.

1. Presently before the Chief, Common Carrier Bureau (the Bureau), acting pursuant to delegated authority, are the captioned applications of Mobile Telephone, Inc. (Mobile). A petition to deny each application was filed by David R. Williams d/b/a Industrial Communications (Industrial). Responsive pleadings have been filed

2. The following issues have been raised for our consideration:

(a) whether the applicant has adequately demonstrated need for its proposed facilities;

(b) whether the applicant misrepresented the status of its state certification;

(c) whether the applicant has justified its request for an antenna height-power waiver; and

(d) whether the applicant's proposed facilities will cause harmful co-channel electrial interference to petitioner's Station KOP321.

3. *Need.* Our examination of the 150 MHz application indicates that more than 50% of the proposed reliable service area lies within the existing reliable service area for Station KOE252. Therefore, we consider that application as seeking fill-in transmitters, for which a vigorous and detailed need showing is

not required. *See RadioCall, Inc.*, 45 RR 2d 228 (Com. Car. Bur. 1979); *RAM Broadcasting of Texas, Inc.*, 52 FCC 2d 697 (1975). Accordingly, we find that Mobile has adequately demonstrated a need for its proposed 150 MHz facilities.

4. However, our examination of the 450 MHz application indicates that less than 50% of the proposed reliable service area lies within the existing reliable service area for Station KOE.252 Consequently, we do not consider these proposed facilities to be fill-in transmitters. Local need for the proposed facilities must be demonstrated by the methods described in *New York Telephone Co.*, 47 FCC 2d 488, 494, *recon. denied*, 49 FCC 2d 264 (1974), *aff'd sub nom. Pocket Phone Broadcast Service, Inc. v. FCC*, 538 F.2d 447 (D.C Cir. 1976). The applicant has submitted a need survey which shows a local need for 9 mobile units and a wide-area need by 215 existing customers. The applicant has not adequately shown that this need will not be fully satisfied by the grunt of the 2 proposed VHF channels. Accordingly, we shall designate for hearing a basic need issue with respect to the applicant's proposed 450 MHz channels.

5. *State Certification.* Industrial alleges that, in the 450 MHz application, Mobile misrepresented the status of its state certification.[1] Mobile, in its 450 MHz application, indicated that it possessed the needed state authority. Industrial claimed that additional state authorization was needed. Mobile explained that, when the application was filed, it believed that no further state certification was necessary. Since then, Mobile applied for and obtained additional state authority. Industrial has not shown that Mobile's claim that it needed no additional state certification was other than an honest error; it has not shown that Mobile deliberately sought to mislead the Commission. Accordingly, we find that Industrial has failed to show that Mobile intentionally misrepresented the scope of its state authority.

6. *Antenna height-power waiver.* Under current policies and procedures, antenna height-power waivers are not granted unless substantial need is shown to exist for mobile telephone service through a distant base station. *James Edwin Walley dba Auto Phone Company*, Mimeo 01548 (Com. Car. Bur., released November 14, 1980); *see also Domestic Public Land Mobile Radio Service (Public Notice)*, 47 RR 2d 668, 668 (MSD, 1980). The applicant has not specifically alleged that there is such a substantial need that would justify its requests for waiver. Accordingly, we shall deny the applicant's requests for antenna height-power waivers and shall require the applicant to comply with the provisions of Section 22.505 of the Rules.

7. *Interference.* Industrial alleges that Mobile's 150 MHz proposal will cause harmful co-channel electrical interference to Industrial's Station KOP321 at Marsh Peak (near Vernal), Utah, and to Industrial's proposed additional location for Station KOP321 at Hogsback Ridge (near LaBarge), Wyoming (File No. 20185–CD–P–4–79).[2] The application, as originally filed, contained interference studies, based on the Carey Report,[3] demonstrating interference-free operation. Industrial then claimed that, due to irregular terrain, the Carey Report methodology is unreliable. In response, the applicant submitted a Bullington[4] study demonstrating interference-free operation. Industrial replied that the applicant's Bullington study, after correction for the applicant's technical errors, fails to demonstrate interference-free operation. We have examined the showings and arguments of both parties, concerning interference, and find that their computations are based on the assumption that the applicant's requested antenna height-power waiver will be granted. Without the assumed waiver, the interference studies of both parties would show interference-free operation, according to our engineering staff. As we stated in paragraph 6, above, we are denying Mobile's request for an antenna height-power waiver and shall require Mobile to operate at a power that would conform with the requirements of Section 22.505 of the Rules. In addition, our engineering staff has performed its own interference study and found that petitioner's facilities will be adequately protected from harmful co-channel electrical interference. We therefore find that the applicant has adequately demonstrated interference-free operation.

8. We have also examined the remainder of petitioner's allegations and find them to be without merit.

9. Accordingly, we find that Mobile is legally, technically and otherwise qualified and that a partial grant of its 150 MHz application will serve the public interest, convenience and necessity.

10. Pursuant to Section 22.32(d) of the Rules (47 CFR § 22.32(d)) this grant in part shall be considered final unless the Commission should revise its action in response to a petition for reconsideration which: (1) is filed by the applicant within 30 days from the date of the release of this Memorandum Opinion and Order; (2) rejects the grant as made and explains the reason why the application should be granted as originally requested; and (3) returns the instrument of authorization.

11. In addition, Industrial requested, in its letter of October 23, 1980, that we consider allegations that Industrial raised in a complaint against Mobile's sister company, Mobile Telephone Service of Southern Utah, Inc. (MTSSU). We are currently investigating Industrial's complaint and have decided not to consider the complaint allegations in this proceeding. However, the partial grant of Mobile's 150 MHz application and any action that may be taken with respect to Mobile's 450 MHz application are without prejudice to and conditioned upon whatever action, if any, the Commission may take as a result of allegations raised in Industrial's complaint against MTSSU.

12. In view of the foregoing, it is ordered, That the petitions to deny filed by David R. Williams dba Insustrial Communications ARE GRANTED IN PART and DENIED IN PART, that the requests of Mobile Telephone, Inc., for waiver of Section 22.505 of the Rules Are Denied, and that, pursuant to Section 309(d) of the Communications Act of 1934, as amended,[5] and Section 22.32(d) of the Commissions Rules[6], the application of Mobile Telephone, Inc., File No. 21791–CD–P–4–79, Is Granted In Part to authorize operation on channels 152.09 MHz and 152.12 MHz with a maximum effective radiated power of 30 watts subject to the conditions of this order.

13. It is further ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended,[7] the application of Mobile Telephone, Inc., File No. 20186–CD–P–6–77, for frequencies in the 450 MHz band, IS DESIGNATED FOR HEARING subject to the conditions of this order and upon the following issues:

(a) to determine whether there is a public need for the proposed facilities and the extent thereof; and

(b) to determine, in light of the evidence adduced pursuant to the foregoing issue, what disposition of the application would best serve the public interest, convenience, and necessity.

13. It is further ordered, That the burden of proceeding with the introduction of evidence with respect to each issue and the burden of proof shall be upon the applicant.

14. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

15. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

16. It is further ordered, That the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules[8] within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

17. The Secretary shall cause a copy of this Memorandum Opinion and Order to be published in the **Federal Register**.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-6314 Filed 2-24-81; 8:45 am]

BILLING CODE 6712-01-M

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1 Applicants in the DPLMRS are no longer required to submit evidence of prior state certification. Section 22.13(f)(2) of the Rules, 47 C.F.R. § 22.13(f)(2); *Domestic Public Land Mobile Radio Service*, Docket 20870, 80 FCC 2d 398 (1978) ("First Report and Order").

2 Mobile's 150 MHz application, as originally filed, also proposed operation on frequencies 152.03 MHz and 152.15 MHz. Industrial alleged that Mobile's proposed operation on these frequencies would cause harmful electrical interference to Industrial's proposed co-channel operations at Evanston, Wyoming (File No. 21986–CD–P–6–77). In response, Mobile deleted its request for these two frequencies.

3 Roger B. Carey, Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service, FCC Report No. R–6406 (June 24, 1964).

4 K. Bullington, Radio Propagation for Vehicular Communications, IEEE Transactions on Vehicular Technology, Vol. VT–28, No. 4, November, 1977.

5 47 U.S.C. 309(d).

6 47 C.F.R. 22.32(d).

7 47 U.S.C. 309(e).

8 47 C.F.R. 1.221(c).

3. On page 85321, the third column, the first bold-faced entry and text should read as follows:

"Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on cards or in file folders."

4. On the same page, in the same column, the bold-faced heading reading "RETEBTUIB AND DISPOSAL:" should read "RETENTION AND DISPOSAL:".

5. On page 85323, the first column, in the paragraph designated "i.", the word "reorganized" should read "recognized".

6. On page 85327, the third paragraph, the first bold-faced heading should read: "Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:".

7. On page 85328, the first column, under the bold-faced entry entitled "Record source categories:" the paragraph designated "b." should read: "Federal Labor Relations Authority officials."

8. On page 85329, the middle column, the last paragraph, the word "building" should read "burning".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 57–117]

Agreement Extending Pacific Wesbound Conference's Intermodal Authourity; Availability of Finding of No Significant Impact

Upon completion of an assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the agreement will not constitute a major Federal action significantly affecting the quality of the humam environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.*, and that preparation of an environmental impact statement :is not required.

Agreement No. 57–117 extends the intermodal authority of the Pacific Westbound Conference in the U.S/Far East trade for an unlimited amount of time and allows members to give 30 days' instead of 60 days' notice before taking independent action on intermodal matters.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6229 Filed 2-24-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T–3937]

Port Authority Terminals, Inc./ Prudential Lines, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact (OEEI) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement also will not have a significant impact upon energy consumption. The subject agreement provides for leasing of existing terminal facilities at Newport News, Virginia, by Port Authority Terminals, Inc., to Prudential Lines, Inc.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 C.F.R. 547.6(b).

The FONSI and related assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6230 Filed 2-24-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL LABOR RELATIONS AUTHORITY

Privacy Act of 1974; Proposed New Systems of Records

Correction

In FR Doc. 80–39408 appearing at page 85316 in the issue for Wednesday, December 24, 1980, make the following changes:

1. On page 85316, the third column, the last entry under the Table of Contents, the word "Appendix" should be placed on a new line as a separate entry.

2. On page 85321, the first column, the entry under "System Location" should read as follows:

"Office of Director of Personnel, Federal Labor Relations Authority, 1900 E Street, N.W., Washington, D.C. 20424 and the Federal Labor Relations Authority regional offices (see list of regional offices in Appendix)."

FEDERAL RESERVE SYSTEM

California Pacific Corp.; Formation of Bank Holding Company

California Pacific Corporation, Bakersfield, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to American National Bank, Bakersfield, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1843(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6243 Filed 2-24-81; 8:45 am]

BILLING CODE 6210-01-M

Southern Bancshares, Inc.; Formation of Bank Holding Company

Southern Bancshares, Inc., Douglas, Georgia, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Farmers Bank, Douglas, Georgia, and 56.2 per cent of The Farmers Bank, Locust Grove, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6243 Filed 2-24-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipts of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO on February 12 (FTC, ICC), February 13 (FTC, NRC, CFTC), and February 18 (ICC), 1981. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number (if applicable); and the frequency with which the information is proposed to be collected.

Written comments on the proposed (CFTC, FTC, ICC and NRC) requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before March 16, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, 441 G Street, NW., Room 5106, Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Trade Commission

The FTC requests clearance of new, single-time, voluntary survey which will be used to develop information to assist the Commission in evaluating the impact of its Trade Regulation Rule Concerning Preservation of Consumers' Claims and Defenses, 10 CFR Part 433, which is often called the "holder-in-due-course" rule. The FTC states that the survey questionnaire will be sent to members of a consumer mail panel to measure respondent experience with sellers and financial institutions in dealing with problems with products or services purchased using credit. The survey will identify householders who have made purchases on credit (not purchase of a home or credit card purchases) or by means of a loan during a 12-month period and who have had problems with the product or service and stopped or delayed payment. The FTC estimates respondents will number approximately 5,000 members of a consumer mail panel and that time to complete the survey questionnaire will average 3 minutes per respondent.

The FTC requests clearance of new Form MGA/TRA which will be used to collect information connected with the Quarterly Financial Report. This form results from a plan established by the Commission pursuant to Section 3(b) of the FTC Improvements Act of 1980, Pub. L. 96-252, which required that the Commission submit its plan to the relevant Congressional Committee to substantially reduce burdens imposed upon small businesses by December 31, 1980, and that such plan take effect no later then October 31, 1981. Corporations in the less than $25 million asset size group will receive the shorter financial form MGA/TRA, which will contain 35 data items instead of the 63 items contained on the MG and TR forms. The FTC estimates respondents will number approximately 10,000 and companies with between $10 and $25 million in assets will require 2 to 4 hours to complete a MGA/TRA report and all other companies will require 30 minutes to 1 hour to complete the MGA/TRA report.

The FTC requests an extension without change of Forms MG and TR which collect information connected with the Quarterly Financial Report. These forms are sent to companies or corporations with more than $25 million in assets to collect data. The FTC estimates that respondents will number approximately 4,000 and that reporting burden will average 3.5 hours for each MG or TR report filed. The FTC requests extension of the clearance of Forms MG and TR to December 31, 1981, in order that they may expire at the same time as the new MGA/TRA form. There are no changes to the Forms MG and TR.

The FTC requests clearance of a new, single-time, voluntary questionnaire to be sent to approximately 300 public utilities covered by Title II of the National Energy Conservation Policy Act (NECPA), as amended by the Energy Security Act. The questionnaire will seek information regarding residential energy conservation programs which these utilities operate or plan to operate during 1981. The questionnaire inquires about the method utilities employ to assist their residential customers to learn about or obtain energy conservation or renewable resource measures in order to assess their competitive impact and recommend whether or not utilities should be permitted to continue to carry out such activities. The responses will be used in the preparation of a FTC report to Congress by January 1, 1982, required by Section 225 of the National Energy Conservation Policy Act. The FTC estimates respondents to the questionnaire will number approximately 300 and that time to complete the questionnaire will require 2 hours.

Interstate Commerce Commission

The ICC requests clearance of a revision in a new questionnaire which will be used to gather information about the adequacy of truck service to small communities and how the Motor Carrier Act of 1980 has impacted that service. This voluntary questionnaire will be sent to shippers and receivers (businesses) in small communities throughout the contiguous states. Responses will be tabulated, analyzed and then released to the public in a report. The identical questionnaire will be sent to shippers in communities of all sizes throughout the State of Florida, in order to study the effects of that state's move to deregulate the intrastate trucking industry. The only change to this form is the inclusion of a new question 6 which reads: "In the last 6 months have you had more, less, or about the same number of choices for ways to receive and ship your freight by the hire truck." Several check-off boxes are listed for "more choices", "about the same choices", "less choices", or "received or sent no shipments". The ICC estimates respondents will number approximately 1200-1500 and that time to complete the questionnaire will average 11 minutes. GAO published a notice on January 11, 1981, declaring the clearance of the form granted on January 8, 1981, null and void (see 46 FR 5089).

The ICC requests an extension-without-change of Form ACV-159, Service Life Study, required to be filed by Class I line-haul railroads pursuant to Subchapter III, 49 USC 11143 of the Interstate Commerce Act. Form ACV-159 and the accompanying recordkeeping procedures are the means by which the Commission maintains service life data for use in determining service life of property for computation of depreciation rates by the straight line method. Data collected by Form ACV-159 will also be used for car-hire compensation in compliance with the Interstate Commerce Act, Subchapter II, 49 USC 11122 and determination of levels of adequate revenue levels as required by the Staggers Rail Act of 1980. The ICC estimates there are approximately 41 respondents and that time required to complete the form averages 40 hours.

Nuclear Regulatory Commission

The NRC requests an extension-without-change clearance of Form NRC-483, Registration Certificate-In Vitro Testing With Byproduct Material Under General License. Form NRC-483 must be filed in accordance with 10 CFR 31.11(b) by any physician, clinical laboratory, hospital or veterinarian requesting a general license for the use of iodine-125, iodine-131, carbon-14, hydrogen-3, iron-59, selenium-75 and mock iodine-125. If the general license is approved, the respondent receives a validated copy of the registration certificate (Form NRC-483) filed with an assigned registration number on it. The NRC estimates that respondents will number approximately 425 and that time to complete the form will average 6 minutes.

The NRC requests clearance of a new Form NRC-57, Request for Records; a form developed for public use through the NRC's Public Document room to facilitate requests for documents. Form NRC-57 will be used by approximately 84,000 requesters as estimated by NRC and time to prepare each request will average one minute.

Commodity Futures Trading Commission

The CFTC requests clearance of a new, single-time, voluntary questionnaire on "Use of Letters of Credit and Size of Business Conducted on Foreign Markets" which will be sent to all registered future commission merchants. This questionnaire covers two subjects: The extent to which letters of credit are used to cover initial margin variations and the size of the foreign futures market. The CFTC estimates respondents will number 371 and that time to complete the questionnaire will average 20 minutes.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-6250 Filed 2-24-81; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the National Archives and Records Service Advisory Committee on Preservation, Executive Committee, will meet on March 12, 1981, from 9:30 a.m. to 4:00 p.m., Social Security Administration, Testing Room 1103, Metro West Building, 300 North Greene Street, Baltimore, Maryland. The meeting will be devoted to a review of subcommittee work on the preservation of extent Federal records, including microforms and machine-readable records.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: February 19, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-6380 Filed 2-24-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare and Medicaid Programs; Schedules of Guidelines for Physical Therapy and Respiratory Therapy Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice with a request for comments.

SUMMARY: This notice amends the current schedules of salary equivalency guidelines for Medicare program reimbursement for the reasonable costs of physical therapy and respiratory therapy services furnished under an arrangement with a hospital or other provider. The schedules will be used by the program's fiscal intermediaries to determine the maximum allowable cost of such services.

These schedules update the schedule published on October 6, 1978 (43 FR 46377), for physical therapy services, and those published on June 3, 1980 (45 FR 37527), for respiratory therapy services.

In addition, these guidelines apply to reimbursement under the Medicaid program where they have been incorporated in the State plans or where States follow the Medicare principles of reimbursement.

EFFECTIVE DATES: The first set of physical therapy guideline amounts in this notice is applicable for physical therapy services furnished on or after October 1, 1979, through September 30, 1980. (In the States of Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, the October 6, 1978, guidelines will continue to be in effect through September 1980. In addition, it should be noted that the updated computation of guidelines in the States of Alabama, Illinois, Mississippi, South Carolina, and Wisconsin resulted in amounts that are the same as those in the October 1978 schedule.) The second schedule of guideline amounts for physical therapy services is effective for services furnished on or after October 1, 1980, through September 30, 1981, in all States and the District of Columbia.

The schedule of guideline amounts for respiratory therapy services are effective for services furnished on or after October 1, 1980, through September

30, 1981, in all States and the District of Columbia.

COMMENT DATE: Although we are publishing this as a final notice for reasons indicated in the Supplementary Information, we will consider any comments received by: April 27, 1981.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave, S.W., Washingon D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–87–FNC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave, S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION, CONTACT: William Goeller (301) 597–1802.

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(5) of the Social Security Act requires the Secretary to establish criteria for determining the reasonable cost of services furnished by therapists or other health related personnel, individually or through an organization, under an arrangement with a provider of services, a clinic, a rehabilitation agency, or a public health agency. These services include physical therapy, occupational therapy, speech therapy and other therapy services and services of other health specialists (other than physicians). The requirements of the statute are implemented by regulations at 42 CFR 405.432. Under an arrangement, payment for covered services is made to the hospital or other provider (rather than to the therapist or supplier organization).

Medicare allowable cost for these services may not exceed an amount equal to the prevailing salary that the hospital or other provider would normally incur in furnishing these services if it had furnished them directly, plus allowances for fringe benefits, overhead expenses, travel, equipment, supplies, and supervisory and administrative activities.

The regulations provide that HCFA will issue guidelines setting maximum hourly amounts for therapy services furnished to Medicare beneficiaries under arrangements. These guidelines, with updates as necessary, apply only to the amount of reimbursement the Medicare program will make to a provider for therapy services obtained under an arrangement. The guidelines are not intended to dictate or otherwise interfere in the terms of the contract that a provider may wish to enter into with a therapist or therapist organization. The guidelines do not apply to services furnished by employees of a hospital or other provider; the cost of these services will continue to be evaluated under the Medicare program's reasonable cost provisions. (See 42 CFR 405.451.)

Effective Dates of Physical Therapy Guidelines

One schedule of physical therapy guidelines is effective for physical therapy services furnished under arrangements on or after October 1, 1979, through September 30, 1980. It increases the previous guidelines for all States except Alabama, Connecticut, Delaware, Georgia, Illinois, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

The guidelines are being made retroactive because of the lapse of time since publication of the last schedule of guidelines. The effective date of October 1, 1979, is the same as the retroactive effective date contained in the schedule of guidelines for respiratory therapists that were published in the **Federal Register** on June 3, 1980 (45 FR 37527). We believe that we should be consistent in application of guidelines to both physical therapists and respiratory therapists.

This updated schedule of guidelines does not include changes for 16 of the 21 States mentioned above and the District of Columbia, because revised guideline amounts for those areas would have been lower than the amounts in the October 6, 1978 schedule and we do not want to disadvantage providers in the affected areas. Therefore, the October 6, 1978 guidelines will continue in effect for these 16 States and the District of Columbia through September 1980. (In the States of Alabama, Illinois, Mississippi, South Carolina, and Wisconsin, the updated guideline amounts are the same as the October 6, 1978, amounts.) We discuss the reason for these lower amounts below in the discussion of *"Data"*.

The second schedule of physical therapy guidelines contained in this notice is effective for physical therapy services furnished under arrangements on or after October 1, 1980, through September 30, 1981, in all States and the District of Columbia. We are including this schedule to account for increases in costs that have occurred since development of the existing guidelines.

Effective Date of Respiratory Therapy Guidelines

We have also included updated schedules of guidelines for respiratory therapy services furnished by registered, certified, and nonregistered and noncertified respiratory therapists. These schedules update the ones that were published in the Federal Register on June 3, 1980 (45 FR 37527), and are effective for respiratory therapy services furnished on or after October 1, 1980, through September 30, 1981, in all States and the District of Columbia. As with the physical therapy guidelines, we are including these schedules in this notice in order to account for increases in costs that have occurred since development of the current schedules of guidelines.

Methodology for Determining Hourly Salary Equivalency and Standard Travel Allowance Amounts

I. Schedule of Guidelines for Physical Therapy Services Effective October 1, 1979 through September 30, 1980

The methodology used in determining the guideline amounts in this schedule is the same as that used in establishing the October 6, 1978, guidelines except for the calculation of the fringe benefit and expense factor. We have recalculated the fringe benefit and expense factor, which is now 57.66 pecent of the updated prevailing salary amounts determined by the Bureau of Labor Statistics (BLS), instead of the 50 percent used in the October 1978 guidelines. We have also used updated BLS data in determining the salary amounts in this schedule. A more detailed explanation of the methodology follows.

A. *Data.*

BLS Hospital Wage Survey Data

The guidelines are based on salary data of hospital personnel from the latest BLS triennial hospital wage survey, which was conducted in September, 1978.

HCFA designated 10 geographic regions for grouping the data from the survey and developed a guideline amount for each State, by using either the salary data directly from that State or a regional average.

We established the geographic regions in order to develop guidelines for States in which BLS does not conduct a survey. We develop guidelines for these States by computing a regional average based on figures for States within the region that have been surveyed. For example, one region is composed of Florida, Georgia, South Carolina, Alabama, and Mississippi. BLS has survey data from Miami and Atlanta. The guideline amount for Florida is based on data from the Miami survey, and the amount for Georgia is based on data from the Atlanta survey. For South Carolina, Alabama, and Mississippi, we apply a regional average, which is an average of the prevailing salaries in Miami and Atlanta.

Survey data is obtained from the Standard Metropolitan Statistical Areas (SMSAs) in a State. If data are available from more than one SMSA, we compute a State average. For example, we determined the State average for therapists in New York by using data compiled in Buffalo and New York City, the two SMSAs covered by the survey.

Once the BLS data were arrayed by State, using the process described above, we updated the salary data to account for inflation during the period September 1978 through September 1979 by using a figure for overall hospital wages, as determined by BLS (BLS Employment and Earnings Bulletin line SIC–806 for September 1979). We compared this figure with the comparable figure for September 1978 (the month of the BLS triennial hospital wage survey) to obtain an overall percentage increase, and applied this percentage to the September 1978 physical therapy salary data. Using these updated 1978 data resulted in lower guideline amounts for therapists in 16 States and the District of Columbia, than the amounts published in the **Federal Register** on October 6, 1978. In addition, using the updated data resulted in amounts in 5 States that are the same as those in the October 1978 schedule. The reason for the lack of any increase in amounts for these areas is because the factor used to update the 1975/76 BLS data, which formed the basis of the October 1978 guidelines, overestimated the actual rate of increase between 1975/76 and 1978. In order to avoid disadvantaging providers by applying lower guideline amounts retroactively in the 16 States and the District of Columbia, the October 1978 guideline amounts will continue in effect through September 1980 in these areas.

Physical Therapy Supervisor Salary Data

The 1978 BLS hospital survey also included data on salaries paid to physical therapy supervisors. However, it is not possible from the data to associate actual salaries paid to the supervisors surveyed with the number and kinds of employees they supervise. Without this information, it is not possible to develop specific guidelines that accurately reflect the different salaries paid to supervisors at different levels, or that are related to the extent of physical therapy supervisory responsibility.

Moreover, for several SMSAs surveyed, the data do not contain the 75th percentile of supervisory salaries. Congress expected that the 75th percentile of salaries would be used in setting salary equivalency guidelines (see Senate Finance Committee Report, p. 25., Senate Report 92–1230). Since the nonsupervisory guidelines are set at the 75th percentile, we believe that it would not be appropriate to use a different percentile for guidelines that would apply to supervisory salaries. Therefore, we have not developed any guidelines based on the BLS supervisory data reported in the 1978 survey for those therapists who perform administrative or supervisory duties in addition to furnishing patient care.

Under current Medicare program instructions, it is the fiscal intermediary's responsibility to determine the appropriate allowance for supervisory therapists, who also furnish patient care, based on the intermediary's knowledge of the differential between salaries for physical therapists and their supervisors in similar provider settings in the area. (See § 1412.5, Part I, Provider Reimbursement Manual, HIM–15.)

We believe that the BLS supervisory data represent a valuable source of information that could be used by intermediaries to supplement their knowledge of specific supervisory situations in physical therapy departments. We are now in the process of analyzing the data and working with BLS to determine how this data can best be used. Once this process is completed, we will include in the Provider Reimbursement Manual the appropriate instructions for the intermediaries.

Nursing and Personal Care Facilities Survey Data

We also examined the data contained in the September 1978 BLS survey of physical therapists' salaries in nursing and personal care facilities to determine if those data could be used in deriving separate guidelines for services in these settings. However, the data are minimal, with the physical therapist salaries reported being based on a very small number of observations in only 16 of the 21 areas surveyed.

Also, most of the data are from the East and West coasts, with little data being available to use in computing guidelines for the central part of the United States. In addition, the survey reports do not contain the 75th percentile of physical therapist salaries, as is required under the regulations in order to determine the prevailing salary component of guidelines (see item 2 below), and in some of the areas surveyed there are no separate categories for salaries paid to full-time and part-time personnel. Therefore, we determined that the salary data from this survey are insufficient for purposes of developing separate guidelines for services in nursing and personal care facilities.

The data did show, however, that physical therapists working in these facilities generally earn, on the average, higher wages than physical therapists in hospitals. While there is no indication that this situation is universal, we will advise intermediaries in a Provider Reimbursement Manual revision of these data and instruct them to take this fact into account when evaluating requests filed by skilled nursing facilities (SNFs) for special labor market exceptions under 42 CFR 405.432(f)(2). An exception may be granted under this section when a provider demonstrates that the guidelines for physical therapy services are inappropriate because of special labor market conditions in the area. In the process of evaluating these requests, the intermediary must determine the rates that other providers in an area generally have to pay therapists or other health care specialists. The BLS data on nursing and personal care facilities will now be an additional source which the intermediary can use in making these determinations.

B. *Prevailing salary.*

The prevailing salary component of the guidelines is based on the 75th percentile of salary ranges paid to physical therapists employed full time by hospitals in each SMSA surveyed as determined by BLS.

C. *Fringe benefit and expense factor.*

The fringe benefit and expense factor is an amount that is added to the basic salary amounts obtained from the BLS data, in order to recognize fringe benefits that are generally received by an employee therapist, as well as overhead expenses that an individual not working as an employee might incur

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in furnishing services under arrangements.

In this updated schedule of guidelines we derived the fringe benefit component of the factor from an analysis of BLS studies included in the series, "Employee Compensation in the Private Non farm Economy". We used the BLS fringe benefit data because of the larger sample size on which the BLS studies are based, as well as the explicit direction of Congress to use BLS data where feasible (p. 251, S. Rept. 92–1230). In order to update the fringe benefit component, we appliled the average monthly rate of increase in fringe benefits that occured between 1972 and 1977, as indicated by the BLS data, for each month from July 1977 through September 1979 to estimate the amount by which fringe benefits increased through Septembr 1979.

We developed the expense component of the factor from an analysis of data derived from trade journals and business organizations on the costs of maintaining an office. To derive the rental portion of the expense component, we computed the average monthly rate of increase in rents between July 1975 and July 1979, as indicated by data compiled by the Building Owners and Managers Association International (BOMA) and we applied this rate of increase through September 1979. We updated other expenses, such as for insurance and office supplies, through September 1979 based upon increases that have occurred in the Consumer Price Index. We added the updated rental amount and the updated amount for other expenses to arrive at a total monthly amount for expenses, and then converted this amount to an hourly figure. We divided this hourly figure by an overall average of physical therapist prevailing salaries at the 75th percentile to arrive at a percentage factor for expenses. Provider overhead expenses such as space, heat, light, etc., are not included in this factor since these costs are generally absorbed by the provider, even when therapy services are provided under arrangements. The Medicare program reimburses its share of these expenses on an apportioned basis according to the utilization of physical therapy services by Medicare beneficiaries.

Based on an analysis of the data, we calculated a fringe benefit and expense factor equal to 57.66 percent of the BLS salary amounts. We then multiplied this percentage figure by the updated salary data for each State to arrive at a dollar figure, and we added it to the updated salary amounts.

The fringe benefit and expense factor for the physical therapy guidelines is lower than the factor we determined for the respiratory therapy guidelines. This is due in part to the method we used to derive the final percentage figure for expenses. As mentioned above, we divide the hourly figure for expenses by an overall average of therapists' prevailing salaries at the 75th percentile and arrive at a percentage factor for expenses. Since the average of physical therapist prevailing salaries is higher than the comparable figure for respiratory therapists, the percentage factor for expense is higher for respiratory therapists than for physical therapists.

The difference between the fringe benefit and expense percentages is also due to the fact that we used more recent data on fringe benefits and expenses for the physical therapy guidelines than were available to us for computing the respiratory guidelines published on June 3, 1980.

This calculation of fringe benefits and expenses for the physical therapy guidelines results in a more accurate fringe benefit and expense factor than was used on the October 1978 guidelines. This is because the factor used in the October 1978 guidelines was rounded to 50 percent from 52 percent. The fringe benefit and expense factor we determined for these updated guidelines in not rounded. We believe, therefore, that an adjustment is appropriate for those providers that have had costs disallowed under the October 1978 guidelines because of the calculation of the fringe benefit and expense factor. Affected providers should contact their intermediaries, who will make adjustments on a case-by-case basis. We will issue instructions to the fiscal intermediaries shortly for computing the adjustment to the October 1978 Adjusted Hourly Salary Equivalency Amounts. The computation of the adjustment will result in a 2 percent increase in the fringe benefit and expense factor (i.e., from 50 percent to 52 percent).

D. *Standard travel allowance.*

The guidelines include a standard travel allowance that compensates the therapist for his time in reaching the provider site. We computed this allowance for each State as being one-half of the adjusted hourly salary equivalency amount, based on an estimated average travel time of one-half hour.

In addition to this allowance, we also recognize a standard travel expense, covering the costs of transportation, as an element of allowable costs (see § 1412.6, Part I, Provider Reimbursement Manual, HIM–15). The standard travel expense is based on government mileage rates computed by the General Services Administration (GSA)

II. Schedules of Guidelines for Physical Therapy and Respiratory Thercpy Services Effective October 1, 1980, through September 30, 1981

We have computed the schedules of guidelines for physical therapy and respiratory therapy services that are to be effective October 1, 1980, using the same methodology described above. In addition, we have updated the wage data from the 1978 BLS hospital wage survey through September 1980 by using the figure on overall hospital wages from the BLS Employment and Earnings Bulletin.

It should be noted that there are three schedules of respiratory therapy guidelines, one for registered therapists, one for certified therapists, and one for therapists who are neither registered nor certified. We use these categories because they conform to industry practice, as well as to the categories used in BLS hospital wage surveys. There is only one schedule of physical therapy guidelines, for licensed physical therapists, again corresponding to the BLS survey and general industry practice.

We have also calculated revised fringe benefit and expense factors for both the physical therapy and respiratory therapy guidelines. The revised factors are 58.29 percent for physical therapy and 63.6 percent for respiratory therapy.

The percentage for the respiratory therapy guidelines is lower than the one we calculated for guidelines published on June 3, 1980. This is because more recent data on fringe benefits and expenses, which was not available to us prior to June 3, 1980, does not show as great an increase in these elements as we had previously estimated. Specifically, for the fringe benefit portion of the factor that was included in the October 1979 guidelines, we applied the average monthly rate of increase in fringe benefits that occurred between 1972 and 1976, as indicated by BLS data. We then multiplied this average by the number of months in the period from July 1976 through September 1979 and added this amount to the percentage determined for 1976.

A more recent fringe benefit study by BLS for 1977, however, indicates that there was generally no increase in fringe benefits between 1976 and 1977. Therefore, our revised computation of the average monthly rate of increase in fringe benefits between 1972 and 1977, which is used as the basis of our projection of fringe benefit increases through September 1980, resulted in a lower percenatge than our earlier calculation.

Our computation of the expense portion of the factor also resulted in a lower percentage than the one we calculated for the guidelines published on June 3, 1980. This is because rental data for 1979, which was not available to us prior to June 3, 1980, indicated that we overestimated the rate of increase in rental expenses, based on a comparison of 1975 and 1978 data. Also, the average overall prevailing salary of respiratory therapists, updated by hospital wage data, increased at a greater rate than did expenses. Therefore, the amount for the expense portion of the factor, expressed as a percentage of this overall salary, is lower than that computed for the October 1979 guidelines.

In order to institute a cycle of regular updates, we plan to issue our next schedules of physical therapy and respiratory therapy reimbursement guidelines effective for services furnished on or after October 1, 1981. If publication of these schedules is delayed, however, we believe we should still make provisions for updating the existing guidelines.

Accordingly, if we have not been able to publish a notice of revised physical therapy and respiratory therapy reimbursement guidelines prior to October 1, 1981, we will increase the current amounts, effective for services furnished on or after that date, by a percentage based on data on overall hospital wages of production and nonsupervisory workers from line SIC–806 of BLS' Employment and Earnings Bulletin. (That data shows that, for the twelve month period October 1979 through September 1980, these wages increased 10.11 percent.) We would publish a notice of the update factor, and the current guidelines, as updated, would remain in effect until a complete set of revised guidelines was published. The standard travel allowance would also be adjusted so as to equal one-half of the new adjusted hourly salary equivalency amount.

Waiver of Proposed Notice

We are issuing this notice in final, rather than proposed form, because without updated guidelines, providers may find it increasingly difficult to furnish physical therapy and respiratory therapy services, with the result being that Medicare beneficiaries and Medicaid recipients may not be able to obtain these medically necessary services. In addition, the methodology for computing the guidelines is the same as we have used for previous updates. For these reasons, we believe it would be contrary to the public interest to further delay publication of these updates.

Similarly, we believe that the time which has elapsed since physical therapy guidelines were last published, and respiratory therapy guidelines were last effective, constitutes good cause for not making the updated guidelines effective 30 days after publication, but rather making them effective retroactively as specified in this notice.

We will, however, consider any comments that we receive as a result of publication of this notice and make adjustments in the guidelines as appropriate. In addition, we are working on revisions to the methodology for these schedules, and plan to issue them in proposed form to allow the public an opportunity to comment on these changes. In this regard, we will also consider any relevant data that are submitted in response to this notice that we could use to establish the wage portion or the fringe benefit and expense portion of the guidelines.

Schedule of Guidelines for Physical Therapy Services Furnished Under Arrangements

Adjusted Hourly Salary Equivalency Amounts and Standard Travel Allowances for Physical Therapists (Full-Time, Regular Part-Time, and Home Visits) [1]

Effective for services furnished on or after October 1, 1979 through September 30, 1980. (For services furnished in the States of Alabama, Connecticut, Delaware, Georgia, Illinois, Kentucky, Maine, Maryland, Massachesetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, the schedule is the same as the October 6, 1978 guidelines.)

(This schedule is not to be used for physical therapy assistants or aides.)

[1] A provider is considered to require services on a full-time or regular part-time basis, if the total hours of service average 15 or more per week.

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$11.70	$5.85
Alaska [1]	18.60	9.30
Arizona	15.00	7.50
Arkansas	12.00	6.00
California	15.00	7.50
Colorado	11.70	5.85
Connecticut	11.60	5.80
Delaware	13.70	6.85
District of Columbia	12.50	6.25
Florida	12.80	6.40
Georgia	11.00	5.50
Hawaii [2]	17.20	8.60
Idaho	12.80	6.40
Illinois	12.50	6.25
Indiana	13.10	6.55
Iowa	11.90	5.95
Kansas	11.90	5.95
Kentucky	12.00	6.00
Louisiana	12.00	6.00
Maine	11.60	5.80
Maryland	12.00	6.00
Massachusetts	11.60	5.80
Michigan	14.20	7.10
Minnesota	12.30	6.15
Mississippi	11.70	5.85
Missouri	11.60	5.80
Montana	11.70	5.85
Nebraska	11.90	5.95
Nevada	15.00	7.50
New Hampshire	11.60	5.80
New Jersey	13.70	6.85
New Mexico	12.00	6.00
New York	14.10	7.05
North Carolina	12.00	6.00
North Dakota	11.70	5.85
Ohio	13.30	6.65
Oklahoma	12.00	6.00
Oregon	13.60	6.80
Pennsylvania	12.80	6.40
Rhode Island	11.60	5.80
South Carolina	11.70	5.85
South Dakota	11.70	5.85
Tennessee	11.90	5.95
Texas	12.00	6.00
Utah	11.70	5.85
Vermont	11.60	5.80
Virginia	12.00	6.00
Washington	11.90	5.95
West Virginia	12.00	6.00
Wisconsin	12.30	6.15
Wyoming	11.70	5.85

[1] Adjusted for 25 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

[2] Adjusted for 15 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

Schedule of Guidelines for Physical Therapy Services Furnished Under Arrangements

Adjusted Hourly Salary Equivalency Amounts and Standard Travel Allowances for Physical Therapists (Full-Time, Regular Part-Time, and Home Visist) [1]

Effective for services furnished on or after October 1, 1980 through September 30, 1981.

[1] A provider is considered to require services on a full-time or regular part-time basis, if the total hours of service average 15 or more per week.

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Note.—If a new schedule of guidelines is not published prior to October 1, 1981, we will increase the current amounts, effective for services furnished on or after that date, by a percentage based on data on overall hospital wages of production and nonsupervisory workers. We would publish a notice of the update factor, and the current guidelines, as updated, would remain in effect until a complete set of revised guidelines was published.

(This schedule is not to be used for physical therapy assistants or aides.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$13.20	$6.30
Alaska [1]	20.90	10.45
Arizona	16.70	8.35
Arkansas	13.50	6.75
California	16.70	8.35
Colorado	13.00	6.50
Connecticut	12.70	6.35
Delaware	14.60	7.30
District of Columbia	13.50	6.75
Florida	14.30	7.15
Georgia	12.10	6.05
Hawaii [2]	19.20	11.50
Idaho	14.30	7.15
Illinois	14.00	7.00
Indiana	14.60	7.30
Iowa	13.20	6.60
Kansas	13.20	6.50
Kentucky	13.20	6.60
Louisiana	13.50	6.75
Maine	12.70	6.35
Maryland	12.90	6.45
Massachusetts	12.70	6.35
Michigan	15.90	7.95
Minnesota	13.80	6.90
Mississippi	13.20	6.60
Missouri	12.90	6.45
Montana	13.00	6.50
Nebraska	13.20	6.60
Nevada	16.70	8.35
New Hampshire	12.70	6.35
New Jersey	14.60	7.30
New Mexico	13.50	6.75
New York	15.10	7.55
North Carolina	13.20	6.60
North Dakota	13.00	6.50
Ohio	14.90	7.45
Oklahoma	13.50	6.75
Oregon	15.20	7.60
Pennsylvania	13.80	6.90
Rhode Island	12.70	6.35
South Carolina	13.20	6.60
South Dakota	13.00	6.50
Tennessee	13.20	6.60
Texas	13.50	6.75
Utah	13.00	6.50
Vermont	12.70	6.35
Virginia	13.20	6.60
Washington	13.20	6.60
West Virginia	13.20	6.60
Wisconsin	13.80	6.90
Wyoming	13.00	6.50

[1] Adjusted for 25 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

[2] Adjusted for 15 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

Schedule of Guidelines for Respiratory Therapy Services Furnished Under Arrangements

Adjusted Hourly Salary Equivalency Amounts and Standard Travel Allowances for Registered Respiratory Therapists (Full-Time and Regular Part-Time)[1]

Effective for services furnished on or after October 1, 1980 through September 30, 1981.

Note.—If a new schedule of guidelines is not published prior to October 1, 1981, we will increase the current amounts, effective for services furnished on or after that date, by a percentage based on data on overall hospital wages of production and nonsupervisory workers. We would publish a notice of the update factor, and the current guidelines, as updated, would remain in effect until a complete set of revised guidelines was published.

(This schedule is not to be used for respiratory therapy aides or trainees.)

[1] A provider is considered to require services on a full-time or regular part-time basis, if the total hours of service average 15 or more per week.

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$12.60	$6.30
Alaska [1]	18.40	9.20
Arizona	14.80	7.40
Arkansas	11.30	5.65
California	14.80	7.40
Colorado	13.00	6.50
Connecticut	12.50	6.25
Delaware	14.30	7.15
District of Columbia	13.50	6.75
Florida	13.50	6.75
Georgia	11.70	5.85
Hawaii [2]	16.90	8.45
Idaho	13.50	6.75
Illinois	12.80	6.40
Indiana	13.10	6.55
Iowa	13.00	6.50
Kansas	13.00	6.50
Kentucky	13.50	6.75
Louisiana	11.30	5.65
Maine	12.50	6.25
Maryland	13.50	6.75
Massachusetts	12.50	6.25
Michigan	13.60	6.80
Minnesota	12.80	6.40
Mississippi	12.60	6.30
Missouri	13.10	6.55
Montana	13.00	6.50
Nebraska	13.00	6.50
Nevada	14.80	7.40
New Hampshire	12.50	6.25
New Jersey	14.30	7.15
New Mexico	11.30	5.65
New York	14.90	7.45
North Carolina	13.50	6.75
North Dakota	13.00	6.50
Ohio	13.30	6.65
Oklahoma	11.30	5.65
Oregon	13.60	6.80
Pennsylvania	13.50	6.75
Rhode Island	12.50	6.25
South Carolina	12.60	6.30
South Dakota	13.00	6.50
Tennessee	13.50	6.75
Texas	11.30	5.65
Utah	13.00	6.50
Vermont	12.50	6.25
Virginia	13.50	6.75
Washington	13.50	6.75
West Virginia	13.50	6.75
Wisconsin	13.00	6.50
Wyoming	13.00	6.50

[1] Adjusted for 25 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

[2] Adjusted for 15 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

Schedule of Guidelines for Respiratory Therapy Services Furnished Under Arrangements

Adjusted Hourly Salary Equivalency Amounts and Standard Travel Allowances for Certified Respiratory Therapists (Full-Time and Regular Part-Time)[1]

Effective for services furnished on or after October 1, 1980 through September 30, 1981.

Note.—If a new schedule of guidelines is not published prior to October 1, 1981, we will increase the current amounts, effective for services furnished on or after that date, by a percentage based on data on overall hospital wages of production and nonsupervisory workers. We would publish a notice of the update factor, and the current guidelines, as updated, would remain in effect until a complete set of revised guidelines was published.

(This schedule is not to be used for respiratory therapy aides or trainees.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$11.00	$5.50
Alaska [1]	17.60	8.80
Arizona	14.10	7.05
Arkansas	10.40	5.20
California	14.10	7.05
Colorado	11.20	5.60
Connecticut	11.70	5.85
Delaware	13.50	6.75
District of Columbia	12.50	6.25
Florida	12.20	6.10
Georgia	9.90	4.95
Hawaii [2]	16.20	8.10
Idaho	12.50	6.25
Illinois	12.50	6.25
Indiana	12.50	6.25
Iowa	11.30	5.65
Kansas	11.30	5.65
Kentucky	12.30	6.15
Louisiana	10.40	5.20
Maine	11.70	5.85
Maryland	12.20	6.10
Massachusetts	11.70	5.85
Michigan	12.50	6.25
Minnesota	11.00	5.50
Mississippi	11.00	5.50
Missouri	11.50	5.75
Montana	11.20	5.60
Nebraska	11.30	5.65
Nevada	14.10	7.05
New Hampshire	11.70	5.85
New Jersey	13.50	6.75
New Mexico	10.40	5.20
New York	13.60	6.80
North Carolina	12.30	6.15
North Dakota	11.20	5.60
Ohio	12.30	6.15
Oklahoma	10.40	5.20
Oregon	12.60	6.30
Pennsylvania	12.80	6.40
Rhode Island	11.70	5.85
South Carolina	11.00	5.50
South Dakota	11.20	5.60
Tennessee	12.30	6.15
Texas	10.40	5.20
Utah	11.20	5.60
Vermont	11.70	5.85

[1] A provider is considered to require services on a full-time or regular part-time basis, if the total hours of service average 15 or more per week.

	Adjusted hourly salary equivalency amount	Standard travel allowance
Virginia	12.30	6.15
Washington	12.20	6.10
West Virginia	12.30	6.15
Wisconsin	12.50	6.25
Wyoming	11.20	5.60

[1] Adjusted for 25 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

[2] Adjusted for 15 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

Schedule of Guidelines for Respiratory Therapy Services Furnished Under Arrangements

Adjusted Hourly Salary Equivalency Amounts and Standard Travel Allowances for Nonregistered and Non-certified Respiratory Therapists (Full-Time and Regular Part-Time)[1]

Effective for services furnished on or after October 1, 1980 through September 30, 1981.

Note.—If a new schedule of guidelines is not published prior to October 1, 1981, we will increase the current amounts, effective for services furnished on or after that date, by a percentage based on data on overall hospital wages of production and nonsupervisory workers. We would publish a notice of the update factor, and the current guidelines, as updated, would remain in effect until a complete set of revised guidelines was published.

(This schedule is not to be used for respiratory therapy aides or trainees.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$9.70	$4.85
Alaska [1]	17.60	8.80
Arizona	14.10	7.05
Arkansas	8.90	4.45
California	14.10	7.05
Colorado	11.80	5.90
Connecticut	10.70	5.35
Delaware	11.80	5.90
District of Columbia	11.20	5.60
Florida	9.90	4.95
Georgia	9.50	4.75
Hawaii [2]	16.20	8.10
Idaho	11.30	5.65
Illinois	11.80	5.90
Indiana	11.50	5.75
Iowa	11.00	5.50
Kansas	10.00	5.00
Kentucky	11.20	5.60
Louisiana	8.90	4.45
Maine	10.70	5.35
Maryland	11.00	5.50
Massachusetts	10.70	5.35
Michigan	12.30	6.15
Minnesota	10.00	5.00
Mississippi	9.70	4.85
Missouri	10.00	5.00
Montana	11.80	5.90
Nebraska	10.00	5.00
Nevada	14.10	7.05
New Hampshire	10.70	5.35
New Jersey	11.80	5.90
New Mexico	8.90	4.45
New York	12.00	6.00
North Carolina	11.20	5.60
North Dakota	11.80	5.90
Ohio	11.00	5.50
Oklahoma	8.90	4.45
Oregon	12.00	6.00
Pennsylvania	11.50	5.75
Rhode Island	10.70	5.35
South Carolina	9.70	4.85
South Dakota	11.80	5.90
Tennessee	11.20	5.60
Texas	8.90	4.45
Utah	11.80	5.90
Vermont	10.70	5.35
Virginia	11.20	5.60
Washington	10.70	5.35
West Virginia	11.20	5.60
Wisconsin	11.00	5.50
Wyoming	11.80	5.90

[1] Adjusted for 25 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

[2] Adjusted for 15 percent salary differential in accordance with cost of living surveys conducted by the U.S. Office of Personnel Management.

[1] A provider is considered to require services on a full-time or regular part-time basis, if the total hours of service average 15 or more per week.

(Sections 1102, 1814(b), 1833(a), 1861(v)(5), 1871 of the Social Security Act, 42 U.S.C. 1302, 1395f(b), 1395l(a), 1395x(v)(5), 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance, and 13.774, Medicare—Supplementary Medical Insurance)

Dated: February 18, 1981.

Paul R. Willging,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 81-6239 Filed 2-20-81; 12:56 pm]

BILLING CODE 4110-35-M

Public Health Service
Centers for Disease Control

Availability of Proposed Biosafety Guidelines for Microbiology and Biomedical Laboratories

By notice in the **Federal Register** on October 17, 1980 (45 FR 69045–69046), the Centers for Disease Control and the National Institutes of Health announced the availability of the draft of "Proposed Biosafety Guidelines for Microbiology and Biomedical Laboratories." This draft, which proposes a national code of practice for laboratories working with microorganisms infectious for humans, has been widely circulated for public review and comment in order to develop a consensus prior to final publication.

To assure adequate input from the broad community of scientists working with infectious agents, the review and comment period will remain open until April 15, 1981.

It is emphasized that his draft publication is a proposed voluntary guideline—not a proposed regulation. It is essential that the guidelines accurately reflect the views of those working in the field. Comments and definitive recommendations for all aspects of the Proposed Guidelines are solicited from individuals and organizations.

Comments and requests for single copies of the Proposed Guidelines should be directed to:

Dr. John H. Richardson, Director, Office of Biosafety, Centers for Disease Control, PHS, HHS, Atlanta, Georgia 30333, Telephone: (404) 329–3883, FTS: 236–3883

or

Dr. W. Emmett Barkley, Director, Division of Safety, National Institutes of Health, PHS, HHS, Building 13, Room 2E45, 9000 Rockville Pike, Bethesda, Maryland 21205, Telephone: (202) 496–1357, FTS: 496–1357.

Dated: February 17, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-6287 Filed 2-24-81; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-81-1060]

Community Development Block Grant Program

AGENCY: Department of Housing and Urban Development, Assistant

V 4 6 / 3 7 F E 2 5 8 1 UMI

Secretary for Community Planning and Development.

ACTION: Notice.

SUMMARY: HUD is issuing a Notice of the date for submission of preapplications for applicants in the State of Wisconsin for the Small Cities Program; and of the availability of the criteria to be used by HUD and Wisconsin for selection in the Community Development Block Grant Program for Fiscal Year 1981.

FOR FURTHER INFORMATION CONTACT: James N. Forsberg, Director, Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755–6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that in accordance with 24 CFR 570.422 (45 FR 57120–57122, August 27, 1980) and 24 CFR 570.420(h)(2) (45 FR 55979, August 21, 1980), the Department of Housing and Urban Development (HUD) has established the submission date for preapplications for the Small Cities Program Grants for Fiscal Year 1981 for applicants in the State of Wisconsin.

For Fiscal Year 1981, HUD is implementing a demonstration that provides for a substantial state role in the Small Cities selection process, and Wisconsin is one of two States selected to participate in this demonstration.

The State of Wisconsin has developed selection criteria which are substituted for the selection factors for Comprehensive grants (24 CFR 570.424) and the selection factors for Single Purpose grants (24 CFR 570.428). The selection factors and additional information may be obtained by contacting the Department of Development for Wisconsin at the address listed below. The Catalog of Federal Domestic Assistance program number is 14.219. All applications are subject to OMB Circular A–95 requirements.

Applicants are hereby advised to submit their preapplications for Single Purpose and for Comprehensive Grants pursuant to criteria developed for the State of Wisconsin, no earlier than: March 17, 1981 and no later than March 31, 1981. Preapplications shall be submitted to: Department of Development, 123 West Washington Avenue, P.O. Box 7970, Madison, Wisconsin 53707, Attn.: Gail Anderson, Bureau of Community Development Services.

For all applicants, for both metropolitan and nonmetropolitan areas, the earliest and latest date for submission as indicated above shall apply. Preapplications for funding under the Single Purpose and Comprehensive Grant provisions of the Small Cities Program will be accepted only during the designated time period. Preapplications received after the deadline must be postmarked no later than the applicable deadline submission date. Any preapplications postmarked after that date are unacceptable and will be returned.

Issued at Washington, D.C., February 18, 1981.

Donald G. Dodge,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 81-6306 Filed 2-24-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona Wilderness Inventory Program; Decisions on Protests to Final Intensive Wilderness Decision on the Overthrust Belt Accelerated Wilderness Inventory

SUMMARY: This notice is to advise the public of my decisions on the protests received on the "Final Intensive Wilderness Decision on the Overthrust Belt Accelerated Wilderness Inventory."

SUPPLEMENTARY INFORMATION:

Background

On February 22, 1980, I announced my Final Intensive Wilderness Inventory Decision on the Overthrust Belt Accelerated Wilderness Inventory. The above notice advised the public of their right to file a protest to my decision. A total of three protests on 14 inventory units was received during the protest period provided.

As a result of the evaluation of information contained in these protests, I am announcing amendments to four inventory unit decisions.

Amended Decisions

The inventory decision amendments are summarized as follows:

AZ–010–114: A additional 8,341 acres were added to the WSA for a total of 24,800 acres.

AZ–010–124: The unit was field checked and determined to meet the qualifications as a WSA. It is established as a WSA of 11,825 acres.

AZ–010–127: This unit was determined to meet the requirements of a WSA. It is established as a WSA of 7,970 acres.

AZ–010–129: An additional 3,263 acres were added to the WSA for a total of 36,696 acres.

Right to Appeal

The publication of this **Federal Register** notice starts a 30-day appeal period. This appeal period is for each of the four separate amendments to the February 22, 1980 wilderness inventory decision only—no other part of Arizona's Final Intensive Wilderness Inventory is open to appeal.

An appeal from these decisions must be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subparts A, B, and E. However, if an appeal is taken, the Notice of Appeal must be filed in this office (not the Board), so that the permanent document file(s) can be transmitted to the Board. A copy of the Notice of Appeal and of any statement of reasons, written arguments, or briefs must be served on the Field Solicitor, U.S. Department of the Interior, 2080 Valley Bank Center, Phoenix, Arizona 85073 not later than 15 days after filing the document. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

Clair M. Whitlock,

State Director.

February 12, 1981.

[FR Doc. 81-6224 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

[I-17090]

Idaho; Offer of Lands

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for Sale:

Boise Meridian, Idaho

T. 2 S., R. 35 E.,
Sec. 33, Lots 12, 13,and 14;
Lot 15 (portion described as follows):
All of Lot 15 except that portion which lies within the following described area: State Highway 39 on the north, the mean high water mark on the right bank of the Snake River on the south, the Union Pacific on the east and on the west, a line connecting the following points: The right bank of the river, the centerline of the old concrete approach ramp for the old (now gone) Snake River bridge, and the intersection of the centerline of the black-topped highway access pad with the south side of State Highway 39.
The area aggregates approximately 105.65 acres, including acreages in all road rights-of-way.

2. The plat of survey was placed in the Bureau of Land Management open files on August 8, 1960.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Idaho State Office, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724, before May 1, 1981, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnerships, firms, or other legal entities having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semi-solid bitumen and bituminous rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, together with the right to prospect for, mine, and remove the same.

(c) A reservation to the United States of up to 100 feet along the river front for public access.

Rex D. Colton,

Chief, Division of Technical Services.

[FR Doc. 81-6225 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory; Miles City and Lewistown Districts; Intensive Inventory Decisions Protested and Decisions in Effect

February 17, 1981.

The final intensive wilderness inventory decisions for the Miles City and Lewistown Districts were announced in the **Federal Register** of November 14, 1980 (pages 75589–75590). The decisions were subject to a 45–day protest period ending December 31, 1980. The decisions concerning specific inventory units listed below have been formally protested to the Montana State Director and are not final. All the other decisions which have not been protested, become final on February 27, 1981.

A. The State Director's final decisions to designate the following inventory units as wilderness study areas have been protested:

Unit No.	Name	Acreage
Lewiston District:		
MT-067-207	Big Horn Tackon	4,470
MT-068-231	Two Calf Creek	8,500
MT-068-244	Dog Creek South	5,230
MT-066-250	Stafford	4,700
MT-065-253	Ervin Ridge	12,000
MT-066-256	Cow Creek	36,500
MT-065-266	Antelope Creek	9,400
MT-065-276	Burnt Lodge/Sage Creek	15,000
Total		95,500
Miles City District:		
MT-024-675	Bridge Coulee	5,650
Total		5,650
Grand total		101,150

B. The State Director's final decisions to eliminate the following inventory units, or portions of units, from further wilderness consideration have been protested. The Wilderness Interim Management Policy will continue to apply for these areas until the protests and any subsequent appeals are resolved.

Unit No.	Name	Acreage
Lewistown District:		
MT-067-205	Burnt Timber Canyon	4,800
MT-066-245	Chimney Bend	12,500
MT-066-246	Woodhawk	9,100
MT-066-249	The Wall	6,700
MT-060-250	Stafford	2,700
MT-060-253	Ervin Ridge	8,400
MT-066-255	Bullwhacker	10,000
MT-060-256	Cow Creek	14,500
MT-065-266	Antelope Creek	5,700
MT-064-330	Caravan	5,580
MT-064-336	Marsh Hawk Hills	78,340
Total		156,120
Miles City District:		
MT-027-701	Zook Creek	269
MT-027-715	Deadhorse Badlands	25,890
MT-027-736	Tongue River Breaks Contiguity	285
Total		26,444
Grand total		184,564

The Montana State Director will issue written responses to all protests in early March. A **Federal Register** notice announcing protest decisions will be published at that time.

Michael J. Penfold,

State Director.

[FR Doc. 81-6221 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Colorado and Wyoming; Green River-Hams Fork Coal Region; Request for Public Comments and Recommendations for Coal Planning Schedule and for Future Development Plans of Federal Coal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal coal mangement regualtions (43 CFR 3400), the Green River-Hams Fork Regional Coal Team will hold a meeting to obtain public comments related to the proposed development of Federal coal in Wyoming and Colorado. The Regional coal team is particularly interested in the existing activities and development plans of the coal industry. It would also like to hear from anyone else who is interested in or concerned about coal development in the Green River-Hams Fork Region. Land use planning is currently underway in the region and Federal coal leasing is scheduled to begin in March, 1984. The region includes Routt, Moffat, and Rio Blanco Counties in Colorado; and portions of Carbon, Uinta, Sweetwater, Lincoln, and Sublette Counties in Wyoming.

The regional coal team will consider information obtained from the public at this meeting to identify priorities for land use planning and coal activity planning for the region.

The regional coal team will also discuss other items including USGS coal exploration plans and a Utah International preference right lease application in Colorado.

Anyone who wishes to speak at the meeting is requested to provide written copies of their remarks. Written material will also be accepted in lieu of or in addition to any oral presentation.

DATE: The regional coal team will meet at 9:00 a.m., on March 31, 1981.

ADDRESS: The meeting will be held in the Century Room of the Cosmopolitan Hotel, 1780 Broadway, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Gerald Magnuson, Alternate Regional Coal Team Chairman (801) 524–5311. Additional written information on planning schedules and areas is available from the Alternate Regional Coal Team Chairman, Bureau of Land Management, Utah State Office, 136 E. South Temple, Salt Lake City, Utah 84111.

Dated: February 17, 1981.

Dean Stepanek,

Acting State Director, Utah State Office.

[FR Doc. 81-6236 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

Dickinson District Advisory Council Meeting

AGENCY: Bureau of Land Management (BLM).

ACTION: Notice.

SUMMARY: The BLM Dickinson District Advisory Council will meet April 2 to consider the following topics:

1. Tenneco Corporation's proposed Beach-Wibaux coal gasification plant,

which would be located in eastern Montana near the North Dakota border. Coal for the plant would come from that immediate area, including lands in Wibaux County, Montana, and Golden Valley County, North Dakota. Federal coal is interspersed with private coal in these counties.

2. The increasing need for new water sources in southwestern North Dakota.

3. Criteria to be used in selecting which federal coal tracts should be offered for lease in the Fort Union Coal Region, which includes portions of western North Dakota and eastern Montana.

4. Significant issues related to BLM resource and land management that should be considered in the McKenzie-Williams and Southwest planning areas of North Dakota. The BLM Dickinson District is in the initial stages of preparing management framework plans (MFPs) for these areas. The Southwest MFP will include Billings, Slope, Adams, Bowman, Hettinger, and Grant counties. The McKenzie-Williams MFP will cover McKenzie and Williams counties.

DATE: The meeting will be held April 2, 1981, between 9:00 a.m. and 4:00 p.m. (Mountain Standard Time).

ADDRESS: The meeting will be held in the Community Room of the Gate City Saving and Loan Association Building, 204 Sims Street, Dickinson, North Dakota.

FOR FURTHER INFORMATION CONTACT: Charles E. Steele, Dickinson District Manager, Bureau of Land Management, P.O. Box 1229, Dickinson, North Dakota 58601.

SUPPLEMENTARY INFORMATION: The Council is chartered to provide citizen advice to the Dickinson District Manager in matters concerning BLM-administered lands and resources.

The meeting is open to the public. Any person may attend and/or file a written statement. Time periods for questions and comments from the public will be set aside, if needed, during both the morning and afternoon sessions. Written statements can be mailed to the Dickinson District Manager at the above address.

Kenneth H. Burke,

Acting District Manager.

[FR Doc. 81-6345 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Draft National Waterfowl Management Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Service announces availability for public comment of a draft National Waterfowl Management Plan. The purpose of the plan is to guide the efforts of State and Federal agencies who share a public interest in the welfare of waterfowl. The document sets forth national goals, objectives, policies and strategies for the cooperative management of waterfowl in the United States, and provides a basis for developing detailed management plans for each of the four waterfowl flyways. It contributes to the eventual development of a North American waterfowl management plan.

DATES: Comments on this draft plan will be accepted until May 1, 1981.

ADDRESSES: Send comments to: Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Copies of the draft plan may be obtained from: U.S. Fish and Wildlife Service, Office of Migratory Bird Management, 1717 H Street, N.W. (Room 555), Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: George K. Brakhage, Assistant Chief, Office of Migratory Bird Management at (202) 254–3207.

Dated: February 19, 1981.

F. Eugene Hester,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-6290 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-55-M

Final Environmental Assessment on Subsistency Hunting of Migratory Birds in Alaska and Canada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: the Service has completed a final environmental assessment of a proposal to seek amendments to migratory bird treaties with Canada, Mexico, and Japan that would make them consistent with the 1976 migratory bird treaty with the Soviet Union in regard to subsistency hunting. The amendments would provide a basis for legalizing the managing subsistence hunting of migratory birds in Alaska and Canada, consistent with the intent of Congress.

The consequences of the proposed action, and alternative of no action or elimination of most subsistence hunting of migratory birds, are described and discussed. Proper management of subsistence hunting is considered essential for the well being of migratory birds, especially waterfowl, and the residents of rural areas in Alaska and Canada who depend on migratory birds as a traditional and important source of food.

The purpose of this notice is to inform the public of the availability of the environmental assessment and that the Director of the Fish and Wildlife Service has made a "Finding of No significant Impact" with respect to the proposed action.

ADDRESSES: The environmental assessment is available on request from U.S. Fish and Wildlife Service, Office of Migratory Bird Management, 1717 H Street, NW (Room 555, Department of the Interior), Washington, D.C. 20240 *or* Migratory Bird Coordinator, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Anyone interested in commenting on these matters should write to Regional Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management at (202) 254–3207, *or* Wilbur N. Ladd, Jr., Migratory Bird Program Coordinator at (907) 276–3800.

Dated: February 19, 1981.

F. Eugene Hester,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-6241 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Availability of Study and Notice of Public Hearing; Environmental Assessment for Greenbelt Park Development Concept Plan

The National Park Service has prepared an environmental assessment for the Greenbelt Park Development Concept Plan. This assessment has been prepared to direct management and use of Greenbelt park in a manner that is consistent with its legislative purpose and NPS management objectives.

The assessment includes: a description of the environment, a description of alternatives, an assessment of the environmental effects and consequences of each alternative and comparative cost of implementation.

A public meeting on this study will be held on March, 6, 1981 at 7:30 p.m. in the Auditorium of Maryland National Capital Park and Planning Commission Headquarters, 6600 Kenilworth Avenue, Riverdale, Maryland.

Written comments on the environmental assessment are invited and will be accepted until April 6, 1981. Written comments should be sent to: Superintendent, Catoctin Mountain Park, Thurmont, Maryland 21788.

Copies of the environmental assessment are available by writing to the above address or by calling Grenbelt Park (301) 344–3948.

Dated: Feburary 17, 1981.

Manus J. Fish, Jr.

Regional Director, National Capital Region.

[FR Doc. 81-6323 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-70-M

General Management Plan and Wilderness Recommendation for Cumberland Island National Seashore, Georgia; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Final Environmental Impact Statement (FEIS) for the proposed General Management Plan and Wilderness Recommendation for Cumberland Island National Seashore, Georgia.

The FEIS discusses the development of visitor facilities on the island and mainland, establishment of visitor programs and use levels, generation of resource management policies and the designation of 20,020 acres for wilderness and potential wilderness.

The nine alternatives considered are (A) no action; (B) Pine Tree mainland site; (C) transportation alternative; (D) St. Marys permanent mainland site; (E) Fernandina Beach mainland site; (F) other mainland sites; (G) larger Point Peter site, (H) wilderness north of Plum Orchard; and (I) other subjects considered: vistor transportation, concessions, bicycling, horseback riding, boat shuttle service from Plum Orchard to Cumberland Wharf, primitive campgrounds, and water and sewer services.

A limited number of copies are available upon request to:

Superintendent, Cumberland Island National Seashore, P.O. Box 806, St. Marys, Georgia 31558, Telephone (912) 882–4335/36

Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone (404) 221–5835, FTS: 242–5835.

Public reading copies will be available for review at the following locations as well as the two above locations:

St. Marys Library, 604 Osborne Street, St. Marys, Georgia 31558, Telephone (912) 882–4800

Arthur William Smith Memorial Library, Atlanta Public Library, 972 Alpharetta Street, Roswell, Georgia 30075, Telephone (404) 993–6511

Atlanta Public Library at Central, 1 Margaret Mitchell Square, NW., Atlanta, Georgia 30303, Telephone (404) 688–4636 (Ivan Allen Department)

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Street, NW., Washington, D.C. 20240, Telephone (202) 343–6843.

Dated: February 9, 1981.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-6322 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, purposes to negotiate a concession contract with Rough Canyon Marina, 1144, Inc., authorizing it to provide marina facilities and services for the public at Amistad Recreation Area, Texas, for a period of five (5) years from January 1, 1982, through December 31, 1986.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment and finding of no significant impact may be reviewed in the Southwest Regional Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico, 87501.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1981, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect grants Rough Canyon Marina, 1144, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Rough Canyon Marina, 1144, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Rough Canyon Marina, 1144, Inc., (as determined by the Secretary) is submitted, Rough Canyon Marina, 1144, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Rough Canyon Marina, 1144, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before March 30, 1981 to be considered and evaluated.

Interested parties should contact the Regional Director, Southwest Regional Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico, 87501, for information as to the requirements of the proposed contract.

Dated: February 12, 1981.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-6320 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Chisos Remuda authorizing it to provide saddle horse rental and guide service for the public at Big Bend National Park for a period of five (5) years from January 1, 1982, through December 31, 1986.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment and finding of no significant impact may be reviewed in the Southwest Regional Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1981,

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and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants Chisos Remuda, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract if, thereafter, the proposal of Chisos Remuda is substantially equal to others received. In the event a responsive proposal superior to that of Chisos Remuda (as determined by the Secretary) is submitted, Chosos Remuda will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Chisos Remuda. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before March 30, 1981 to be considered and evaluated.

Interested parties should contact the Regional Director, Southwest Regional Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501, for information as to the requirements of the proposed contract.

Dated: February 12, 1981.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-6321 Filed 2-24-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a connon carrier over irregular except as otherwise noted.

Motor Carriers of Property

Notice No. F-97

The following applications were in region 4. Send protests to: Interstate Commerce Commission; Complaint and Authority Branch; P.O. Box 2980, Chicago, IL 60604.

MC 124408 (Sub-4-2TA), filed February 5, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. (1) *Household cleaning products, water purifying compounds* and *dry acids;* (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of commodities listed in (1) above, between the facilities of Hilex, Division of Purex Corporation, at Eagan and St. Paul, MN, on the one hand, and, on the other, points in ND, SD, WI, IA and IL. An underlying ETA seeks 120 days authority. Supporting shipper: Hilex Div. of Purex Corporation, 990 Apollo Road, Eagen, MN 55121.

MC 152082 (Sub-4-2TA), filed February 6, 1981. Applicant: R. C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract, irregular: Printed matter* from Nashville, TN to points in OH, moving under continuing contract with Newsweek, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Newsweek, Inc., 444 Madison Avenue, New York, NY 10022.

MC 140820 (Sub-4-3TA), filed February 6, 1981. Applicant: A & A TRANSPORT, INC., 2996 N. Illinois 71, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Materials and supplies used in the manufacture of glass products,* from points in IN to LaSalle and Livingston Counties, IL. Supporting shipper: Thatcher Glass Manufacturing Company, P.O. Box 265, Elmira, NY 14902.

MC 150798 (Sub-4-6TA), filed February 5, 1981. Applicant: CKR TRANSPORT LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. *(1) Electrical appliances; (2) Materials, equipments, and supplies used in the manufacture, sale, and distribution of electrical appliances* between the facilities of Oster—Division of Sunbeam Corp. in TN and WI on the one hand and points in the U.S. on the other. An underlying ETA seeks 120 days authority. Supporting shipper: Oster—Division of Sunbeam Corp., 5055 N. Lydell Avenue, Milwaukee, WI 53217.

MC 141403 (Sub-4-1TA), filed February 5, 1981. Applicant: ROBERT RUPPRECHT d.b.a. REPCO, 900 North Watertown Road, P.O. Box 89, Jefferson, WI 53549. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. (1) *Malt beverages* from Milwaukee and LaCrosse, WI, Peoria, IL; Columbus, OH; and Frankenmuth, MI to Calumet, MI; (2) *wine* from Flint and Mount Clemens, MI to Calumet, MI; and (3) *crushed cartons* from Calumet, MI to points in WI. Supporting shipper: Peterline Bros. Co., U.S. Highway 41, Calumet, MI 49913.

MC 58522 (Sub-4-1TA), filed February 6, 1981. Applicant: RIVER TRAILS TRANSIT LINES, INC., Highway 20, West, Galena, IL 61036. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Contract; Irregular: *Passengers and their baggage,* in round-trip charter and special operations beginning and ending at points in IL, IA, and WI and extending to points in the U.S. (except AK and HI) under continuing contract(s) with Tri-State Tours, Inc. Supporting shipper: Tri-State Tours, Inc., P.O. Box 307, Galena, IL 61036.

MC 147264 (Sub-4-9TA), filed February 5, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Ave., Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Food and related products* from LaPorte County, IN to points in AR, IL, IA, KS, KY, LA, MN, MS, MO, TN and TX. Supporting shipper: American Home Products Division, American Home Products Corp., 685 Third Ave., New York, NY 10017.

MC 153664 (Sub-4-1TA), filed February 5, 1981. Applicant: DAVID A. LUNDEEN, d.b.a. FARGO FREIGHT TERMINAL & WAREHOUSE, 1445 5th Avenue North, P.O. Box 1828, Fargo, ND 58107. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: *Such commodities as are dealt in, or used by agricultural and truck equipment dealers and manufacturers (except in bulk, in tank vehicles),* from St. Paul, MN to Fargo, ND under contract(s) with International Harvester. An underlying ETA seeks 120 days authority. Supporting shipper: International Harvester Company, 767 Eustis Street, St. Paul, MN.

MC 128648 (Sub-4-3TA), filed Febraury 4, 1981. Applicant: TRANS-UNITED, INC., 425 West 152nd Street, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Contract* Irregular: Metal products, from the facilities of Allmetal, Inc. at Bensenville, IL to the facilities of Allmetal, Inc. at Columbus, OH, under continuing contract(s) with Allmetal Inc., of Bensenville, IL. Supporting shipper: Allmetal, Inc., 636 Thomas Drive, Bensenville, IL 60106.

MC 153646 (Sub-4-1TA), filed February 4, 1981. Applicant: DONALD L. YODER, d.b.a. YODER TRUCKING, G-5181 Dania St., Flint, MI 48504. Representative: Bruce A. Newman, 1000 Beach Street, Flint, MI 48502. *Contract* Irregular: *Petroleum lubricants and related products* from Detroit, MI to points in the U.S. under continuing contract with Metalworking Lubricants Company. Supporting Shipper: Metalworking Lubricants Co. 6785 Telegraph Road, Birmingham, MI 48010.

MC 153706 (Sub-4-1TA), filed February 4, 1981. Applicant: B&H TRUCKING CO., 3603 Miles Rd., Stanton MI 48888. Representative: Thomas E. Bivins, 10871 Montcalm Ave., Greenville, MI 48838. *Contract:* Irregular, *Beer* between Milwaukee, WI and points in Ionia and Montcalm Counties MI and between Fulton NY and points in Ionia and Montcalm Counties MI. Underlying ETA seeks 120 day authority. Supporting shipper: Paul Drake Dist. Inc. 420 State St. Greenville, MI 48838.

MC 95876 (Sub-4-14TA), filed February 4, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Street, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Electrodes;* from Hickman, KY; Morganton, NC; Niagra, Falls, NY; and Columbia and Memphis, TN to Baytown, Houston, Jewett and Lone Star and Midlothian, TX Supporting Shipper: Nucor Steel, 4425 Randolph Road, Charlotte, NC 28211.

MC 15975 (Sub-4-21TA), filed February 4, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *General commodities,* with the usual exceptions, between the facilities of Vitex/American Div. of Diamond Shamrock at or near St. Louis, MO, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Vitex/American Div. of Diamond Shamrock, 10616 Trenton, St. Louis, Mo 63132.

MC 143699 (Sub-4-2TA), filed February 4, 1981. Applicant: QUALITY CONTRACT CARRIERS, INC., 1009 West Edgewood Avenue, Indianapolis, IN 46217. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract irregular. Such commodities as are dealt in or used by manufacturers and distributors of books, catalogues, directories, and printed matter* from Crawfordsville, IN to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IA, KS, KY, LA, MN, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, and WY (under continuing contract(s) with R. R. Donnelley & Sons Company). Supporting shipper: R. R. Donnelley & Sons Company, 1009 Sloan Street, Crawfordsville, IN 42933.

MC 148380 (Sub-4-10), filed February 4, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Iron and steel articles, and materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), between points in Belmont County, OH, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX, under contract with Picoma Industries, Inc. Supporting shipper: Picoma Industries, Inc., P.O. Box 488, Martins Ferry, OH 43935.

MC 118612 (Sub-4-6TA), filed February 4, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. *Hot asphalt, in bulk, in tank vehicles.* From Detroit, MI to Summit, IL. Supporting shipper: Trumbull Asphalt Division of Owens-Corning Fiberglas Corporation, 59th & Archer Road, Summit, IL 60501.

MC 144214 (Sub-4-1TA), filed February 4, 1981. Applicant: ENERGY EXPRESS, INC., 2101 Monon Avenue, New Albany, IN 47150. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract* irregular: *Building materials,* from Harvey, IL, and Philadelphia, PA, to Hialeah, FL, and from Hialeah, FL, to New Albany, IN. Restricted to service to be performed under continuing contracts with Florida Pipe & Nipple Manufacturing Company, Inc. Supporting shipper: Florida Pipe & Nipple Manufacturing Company, Inc., 575 West Eighteenth Street, Hialeah, FL.

MC 107295 (Sub-4-26TA), filed February 4, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *General commodities* (except Class A and B explosives and household goods as defined by the Commission) between points in AL, AR, DE, DC, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA and WV. Restricted to traffic originating at or destined to the Lowes Company, Inc. Supporting shipper: Lowe's Companies, Inc., Highway 268 East, P.O. Box 1111, North Wilkesboro, NC 28656.

MC 145454 (Sub-4-5TA), filed February 4, 1981. Applicant: SOUTHERN REFREGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Foodstuffs and materials, equipment and supplies used in the manufacture, distribution and processing of foodstuffs,* between Cedartown, GA and Plainfield, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Zartic Frozen Meats & Seafoods, Inc. Supporting shipper: Zartic Frozen Meats & Seafoods, Inc., 808 West Avenue, Cedartown, GA 30125.

MC 145454 (Sub-4-6TA), filed February 3, 1981. Applicant: SOUTHERN REFREGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract irregular: Such commodities as are used or dealt in by wholesale or retail chain grocery and food business houses,* from points in and east of ND, SD, NE, KS, OK, and TX to points in IL under a contract or continuing contracts with Dominick's Finer foods, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Dominick's Finer Foods, Inc., 555 Northwest Avenue, Northlake, IL 60164.

MC 142291 (Sub-4-1TA), filed February 4, 1981. Applicant: MDI, INC., 6202 Concord Blvd. East, Inver Grove

Heights, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Hazardous waste materials,* between points in Hennepin, Ramsey, Dakota, Scott, Washington, Anoka and Carver Counties, MN, on the one hand, and, on the other hand, points in the U.S. Supporting shippers: Menasha Corporation, 8080 220th Street, P.O. Box V, Lakeville, MN 55044; Continental Machines, Inc., 5505 W. 123rd Street, Savage, MN 55378.

MC 150327 (Sub-4–4TA), filed February 3, 1981. AMANON, INCORPORATED, 38294 Rickham Court, Westland, MI 48185. John S Barbour, 2711 East Jefferson, Suite 202, Detroit, MI 48207. Contract irregular: *Prefabricated metal panelling, paint finishing equipment, materials and supplies used in the manufacture, sale distribution and erection thereof.* Between shipper's facilities at or near Detroit, MI on the one hand, and on the other hand, all points in the U.S., except AK HI and MI, under continuing contract(s) with Walcon Corporation, 4375 Second, Ecourse, MI 48229.

MC 153883 (Sub-4–1TA), filed February 4, 1981. Applicant: HARNIC TRUCKING, INC., an Indiana Corporation, 3340 Calumet Ave., Hammond, IN 46320. Representative: Philip A. Lee, 120 W. Madison St. Suite 618, Chicago, IL 60602. Contract irregular: *Bakery goods, Cereals, Flour, Cake Mix, Frosting Spread and Mix, and other commodities used in the manufacture thereof,* between the General Mills facilities within the Chicago Commercial Zone, on the one hand, and, on the other, points and places throughout the United States. Supporting shipper: General Mills, Inc., 10459 Muskegon, Chicago, IL 60607.

MC 13665 (Sub-4–16TA), filed February 4, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith P.O. Box 40248, Indianapolis, IN 46240. (1) *Lead and lead oxide* and (2) *Materials, equipment and supplies used in the manufacture of commodities named in (1) above,* between the facilities of Oxide & Chemical Corp. at or near Brazil, IN on the one hand, and on the other, points in and east of ND, SD, NE, CO, and NM. Restricted to traffic originating at or destined to the facilities of Oxide & Chemical Corporation. Supporting shipper: Oxide & Chemical Corporation, 5728 Professional Circle, Indianapolis, IN.

MC 150644 (Sub-4–2TA), filed February 4, 1981. Applicant: GARY L. SODERBERG and LEROY E. SODERBERG, d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Repreentative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Fertilizer and fertilizer ingredients,* in bulk, in tank vehicles, from Lemont, Amboy, and Fulton, IL and Clinton, and Dubuque, IA, to Rock County, WI. Supporting shippers: Hodge Brothers, Route 3, Read Rd., Janesville, WI 53545; Luety Agri-Systems, Route 1, Philhower Rd., Beloit, WI 53511.

MC 133566 (Sub-4–14TA), filed February 4, 1981. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Blanshan & Summerfield, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Foodstuffs (except commodities in bulk),* from the facilities of Lykes Pasco Packing Company at or near Dade City, FL to points in the United States in and east of ND, SD, CO, OK and TX. Supporting shipper: Lykes Pasco Packing Company, P.O. Box 97, North Highway 301, Dade City, FL 33525.

MC 145481 (Sub-4–7), filed February 4, 1981. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2800 Energy Center, 717 17th Street, Denver, CO 80202. *General commodities* (except Classes A and B explosives), (1) from Chicago, IL to Tulsa and Oklahoma City, OK, and (2) from Dallas, TX to Atlanta, GA; Greensboro, NC; Jacksonville, FL; and Columbus, OH, retricted to traffic originating at or destined to the facilities of Terminal Freight Cooperative Association or its member affiliates. An underlying ETA seeks 120 days operating authority. Supporting shipper: Terminal Freight Cooperative Association, 1430 Branding Lane, Downers Grove, IL 60515.

MC 150248 (Sub-4–3TA), filed February 9, 1981. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. *Contract:* Irregular: *(1) Manufactured farm implements, parts and attachments for manufactured farm implements, and fabricated metal articles, and (2) materials, equipment and supplies used in the manufacture and distribution of those commodities described in (1) above,* between points in the U.S. under continuing contracts with Rugby Manufacturing Co., Inc. of Rugby, ND. Supporting shipper: Rugby Manufacturing Co., Industrial Park, P.O. Box 672, Rugby, ND 58368.

MC 40978 (Sub-4–12TA), filed February 9, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Furniture and fixtures,* between points in IA, IL, IN, MI, MN, MO, OH, and WI. Supporting shipper(s): There are 21 supporting shippers.

MC 124078 (Sub-4–55TA), filed February 9, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement clinker,* from West Des Moines, IA to points in PA (except Nazareth). An underlying ETA seeks 120 days authority. Supporting shipper: Chem Tech Services, 4251 Main Street, Skokie, IL 60076.

MC 151181 (Sub-4–2TA), filed February 9, 1981. Applicant: DAKOTA TRANSPORT, INC., Box 115, Fort Pierre, SD 57532. Representative: Michael F. Morrone, 1150 17th St., N.W., Washington, DC 20036. *Contract:* Irregular. *Beer empty containers and related advertising and promotional materials* between points in SD, on the one hand, and on the other, points in MN, MO, TX and WS. An underlying *ETA seeks 120 days authority. Supporting shipper:* Ellwein Bros., Inc., 401 West Dakota, Pierre, SD 57501.

MC 124078 (Sub-4–56TA), filed February 9, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard. H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *(1) Mineral slag (2) Dry bulk sand* from (1) Carrollton, CA to points in AL, MS, and TN and (2) Junction City, GA to points in AL and MS. Supporting shipper: F & S Abrasive Co. Inc., P.O. Box 2012, Birmingham, AL 35201.

MC 106603 (Sub-4–7TA), filed February 10, 1981. Applicant: DIRECT TRANSIT LINES, INC.; 200 Colrain St., SW., Grand Rapids, MI 49508. Representative: John C. Scherbarth, 22375 Haggerty Rd., Northville, MI 48167. *Lumber and particle board* from the port of entry on the International boundry line at Detroit, MI, to pts in MI, IN, IL, OH, KY, TN, NC, WV, VA, MD, and PA. Supporting shipper: MacMillan Bloedel Building Materials, Div of Mac MacMillan Bloedel Limited, c/o J. F. Donovan, 6540 Powers Ferry, Suite 200, Atlanta, GA 30339.

MC 148485 (Sub-4–2TA), filed February 11, 1981. Applicant: EARL P. SMITH, d.b.a. SMITH CARTAGE CO., 104 South Vine Avenue, Marshfield, WI 54449. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract:* Irregular; (1) *caskets, and materials, equipment and supplies* used in the manufacture and distribution of such commodities from points in IN to points in WI; and (2) *heating units, and materials, equipment and supplies* used in the manufacture and distribution of such commodities between Wisconsin Rapids, WI on the one hand, and, on the other, points in IA, IL, IN, KS, MO, NE and OH. Restricted to transportation performed under a continuing contract(s) with Master-Craft Casket, Inc., and Preway, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Master-Craft Casket, Inc., Box 127, Ladysmith, WI 54848; and Preway, Inc., 1430 2nd Street, North, Wisconsin Rapids, WI 54494.

MC 153995 (Sub-4–1TA), filed February 11, 1981. Applicant: U.C.I. TRUCKING, INC., 3050 No. Rockwell Ave., Chicago, IL 606018. Representative: Frererick W. Smart, 501 Holly Ave., Elmhurst, IL 60126. *Such commodities as are dealt in by Catalog, retail, discount and home improvement stores, and materials, supplies and equipment used in the manufacture of such commodities,* between all points in the contiguous 48 States. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell Ave., Chicago, IL 60618.

MC 149457 (Sub-4–8TA), filed February 10, 1981. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Avenue, Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Such merchandise as is dealt in by retail department stores and mateials, equipment and supplies used or useful in the manufacture, sale or distribution of the involved commodities,* between Portland, OR and points in the Portland, OR commercial zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days. Supporting shipper: Meier & Frank, 621 South West 5th Avenue, Portland, OR 97204.

MC 136161 (Sub-4–1TA), filed February 11, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. (1) *Carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and East of TX, OK, MO, IA, and MN; (2) *materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and (3) *imported nails* from Savannah, GA to Conyers, GA. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 152917 (Sub-4–2TA), filed February 11, 1981. Applicant: J. HOOVER ENTERPRISES, INC., d.b.a. GO-FER EXPRESS, 903 East Lincolnway, LaPorte, 46350. Representative: Patrick H. Smyth, Smyth & Guth, P.C., 19 South LaSalle Street, Suite 401, Chicago, IL 60603. *Machinery parts, plastic products, equipment and supplies,* between points in Porter, LaPorte, St. Joseph, Elkhart and Marshall Counties, IN, on the one hand, and, on the other, points in OH. Supporting shippers: 1. Modine Manfuacturing Co., 239 Factory Street, LaPorte, IN 46350; 2. Kingsbury Castings, Inc., P.O. Box 639, LaPorte, IN 46350; 3. Chrysler Plastic Products Corp., 500 N. Roeske Avenue, Michigan City, IN 46360; 4. Diedrich Machine Company, 2008 Ohio Street, LaPorte, IN 46350.

MC 105159 (Sub-4–12TA), filed February 11, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 W. Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Foodstuffs;* from Northfield, MN to points in CA, MI, and WA. Supporting shipper: Malt-O-Meal Company, 319 S. Water St., Northfield, MN 55057.

MC 153806 (Sub-4–1), filed February 10, 1981. Applicant: BILL McKEEN TRUCKING LIMITED, 1708 County Road 46, Comber, Ontario, CD N0P 1J0. Representative: W. Walter Travis, P.O. Box 774, Chatham, Ontario, CD N7M 5L1. (1) *Cabinets* between the Canadian-American International boundary at Detroit, MI to points in FL, SC and MC; (2) *Building stone, bricks, marble and overlay* between the Canadian-American International boundary at Detroit, MI to Fl, on the one hand and IN and IL on the other. Supporting shipper: Multi Cabinet Concepts, Comber, Ontario, Canada, and Angelstone, Ltd., Cambridge, Ontario, Canada.

MC 48441 (Sub-4–5TA), filed February 10, 1981. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. (1) *Carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting,* and *installation supplies* from the facilities of Roberts Consoidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; (2) *materials, equipment and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and (3) *imported nails* from Savannah, GA to Conyers, GA. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 150327 (Sub-4–5TA), filed February 10, 1981. Applicant: AMANON, INCORPORATED, 38294 Richman Court, Westland, MI 48185. Representative: John S. Barbour, 2711 E. Jefferson, Suite 202, Detroit, MI 48207. *Contract* Irregular: *Tunneling machinery, equipment and supplies used in the manufacture, sale, distribution and leasing thereof* between all points in the U.S., except AK and HI. Restricted to traffic moving under continuing contract with Carl W. Decker, Inc. Supporting shipper: Carl W. Decker, Inc., 6450 E. McNichols, Detroit, MI 48212.

MC 95876 (Sub-4–16TA), filed February 10, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. *Iron and steel articles, equipment, materials and supplies,* between Perth Amboy, NJ, on the one hand, and on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862.

MC 153988 (Sub-4–1TA), filed February 10, 1981. Applicant: RYAN TRANSFER & STORAGE CO., 888 Mackubin Street, St. Paul, MN 55117. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract,* Irregular: *Rail car sub-assemblies and parts; structural and reinforcing steel; and materials, supplies and equipment used in the manufacture thereof,* between the facilities of the Maxson Corporation, on the one hand, and, on the other, points in the U.S. Supporting shipper: The Maxson Corporation, 500 Como Avenue, St. Paul, MN 55164.

MC 147259 (Sub-4–11TA), filed Feburary 10, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 Van Dam, South Holland, IL 60473. *(1) Fabricated Metal Products, except Ordinance, Machinery or Transportation Equipment, and (2) Rubber or Miscellaneous Plastic Products, and Materials, Equipment and Supplies used in the manufacture and distribution of (1) and (2)* (except

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commodities in bulk) between points in OH on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shippers: Alside, Inc., P.O. Box 2010, Akron, OH 44309, and New Fab, Inc., P.O. Box 68, Newton Falls, OH 44444.

MC 127303 (Sub-4–3TA), filed February 10, 1981. Applicant: Zellmer Truck Lines, Inc., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen, Bank Bldg., 666 11th St., NW., Washington, DC 20001. (1) *carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; (2) *materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and (3) *imported nails* from Savannah, GA to Conyers, GA. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 153976 (Sub-4–1), filed February 10, 1981. Applicant: EXPRESS FREIGHT SYSTEMS, INC., 501 16th Street, Newport, MN 55055. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) between Minneapolis, MN, and points in Benton, Stearns and Sherburne Counties, MN, on the one hand, and on the other hand all points in the United States. Supporting shippers: Campion Wholesale, St. Paul, MN; Morris Rifkin and Sons, Inc., South St. Paul, MN; and Sunstar Foods, Inc., South St. Paul, MN, and Landy Packing Company, St. Cloud, MN.

MC 153986 (Sub-4–1), filed February 10, 1981. Applicant: CENTRAL STATES DISTRIBUTION, 501 S. Fourth Street, Van Buren, IN 46991. Representative: Byron Brankle, P.O. Box 47, Van Buren, IN 46991. *Contract:* Irregular, *General commodities* (except those of unusual value, Classes A & B explosives, household goods and commodities in bulk) between points in U.S. (Except AK and HI) Restricted to traffic moving under continuing contract with SCM Corporation. Supporting shipper: SCM Corp., 900 Union Building, Cleveland, OH 44115.

MC 95876 (Sub-4–15TA), filed February 10, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. *Bentonite clay, lignite, and drilling mud additives,* from points in Phillips County, MT, Big Horn, Sweetwater and Weston Counties, WY, Butte County, SD and Bowman County, ND, to points in KS, LA, NM, OK and TX. Underlying ETA seeks 120 days authority. Supporting shipper: American Colloid Co., P.O. Box 228, Skokie , IL 60077.

MC 128409 (Sub-4–3TA), filed February 10, 1981. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: *Sugar,* in bulk, in tank vehicles from the facilities of American Crystal Sugar Company at or near Moorhead, Crookston, and East Grand Forks, MN, and Drayton and Hillsboro, ND, to points in SD, NE, KS, IN, MI, and MO. An underlying ETA seeks 120 days authority. Supporting shipper: American Crystal Sugar, 101 North 3rd St., Moorhead, MN 56560.

MC 150499 (Sub-4–2TA), filed February 10, 1981. Applicant: ENGELS TRUCK SERVICE, INC., R.R. 3 Box 58, Worthington, MN 56187. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101. *Meats, meat products, and meat by-products,* from points in SD, NE, IA, MN and WI to points in King County, WA. Supporting shipper: Cudahy Foods Company, 2203 Airport Way St., Seattle, WA 98124.

MC 150629 (Sub-4–2TA), filed February 10, 1981. Applicant: C.D. GAMMON COMPANY, 531 Winthrop St., Addison, IL 60101. Representative: William D. Brejcha, Ten LaSalle St. No. 1600, Chicago, IL 60603. *Contract* Irregular: Such commodities as are manufactured or distributed by manufacturers and distributors of ferrous and non-ferrous metals, between points in the U.S. restricted to traffic moving under continuing contract(s) with Inryco, Inc. of Melrose Park, IL. Supporting shipper: Inryco, Inc., 4101 W. Burnham St., Milwaukee, WI 53201.

MC 108453 (Sub-4–5TA), filed February 10, 1981. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* Irregular: *General commodities (except in bulk)* between MI and all points in the U.S. (except AK and HI) under a continuing contract with Simplex Industries, Inc. Supporting shipper: Simplex Ind., Inc., Constantine, MI 49042.

MC 103993 (Sub-4–27TA), filed February 10, 1981. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Motor vehicles* between St. Joseph County, MI and Randolph County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: West Leasing Company Inc., Tallmadge, OH.

MC 153973 (Sub-4–1), filed February 10, 1981. Applicant: SPARTON SERVICE TRANSPORTATION, INC., 1501 W. Pershing Rd., Chicago, IL 60609. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602. *Paint, varnish, solvents, cleaning compounds, wax, detergents, chemicals; and materials, equipment and supplies used in the manufacture and distribution of the foregoing commodities.* Also, *such commodities as are dealt in or used by producers and distributors of paper and plastic products; and equipment and supplies used in the manufacture and distribution thereof,* between points in IL, MI, WI, MN, OH, IA and IN, under continuing contracts with Enterprise Companies, Wheeling, IL, and Continental Group, Inc., Bondware Division, Rolling Meadows, IL.

MC 153797 (Sub-4–1TA), filed February 10, 1981. Applicant: C G & S TRUCKING CO., P.O. Box 67, Wood River, IL 62095. Representative: Joseph E. Rebman, 314 North Broadway, 13th Floor, St. Louis, Missouri 63102. *Petroleum, petroleum products and petrochemicals in tank vehicles,* between points in the U.S. (except AK and HI). Supporting shippers: There are four (4) supporting shippers.

MC 133689 (Sub-4–64), filed February 10, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs,* from Portland and Geneva, IN to points in and east of ND, SD, NE, KS, OK, and TX. an underlying ETA seeks 120 days, Supporting shipper: Naas foods, Inc., P.O. Box 1029, Portland, IN 47371.

MC 150049 (Sub-4–6), filed February 10, 1981. Applicant: JAMES RESSLER d.b.a., JIM RESSLER TRUCKING, 300 East Turnpike Avenue, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract:* Irregular *Lumber, Lumber Products, Wood Products and Lumber Mill Products,* (1) From CA, WA, OR, ID, MT, to MN, ND, SD, WI, IA, IL, and NE, under contract with Superior Lumber Company and Gibbs Lumber, and (2) From MI, WI, and MN, to WA, OR, ID, MT, CA, and UT, under contract with Brady International Hardwood Co. An underlying ETA seeks 90 day authority. Supporting shipper(s): Brady International Hardwood Co., Tacoma, WA, Superior Lumber Company, St. Paul, MN; and Gibbs Lumber, Lake Elmo, MN.

MC 146728 (Sub-4–7), filed February 10, 1981. Applicant: GOLDEN BROS., INC., 234 E. McClure St., Kewanee, IL 61443. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Iron and Steel Articles* between points in the U.S. Supporting shipper: Dade Steel Sales Corp., 5280 NW 78 Ave., Miami, FL; William R. Hubbell Steel Corp., 11355 Franklin Ave., Franklin Park, IL 60131.

MC 145095 (Sub-4–3TA), filed February 9, 1981. Applicant: POWER FUELS, INC., P.O. Box 1369, Minot, ND 58701. Representative: F. J. Smith, Suite 307, 420 North 4th Street, Bismarck, ND 58501. (1) *Liquid molten sulfur in bulk tank vehicles* to, from, and between all points in ND, SD, MT, MN and WI. (2) *Crude oil and anhydrous ammonia in bulk tank vehicles* to, from, and between all points in MT and ND. Supporting shippers: Cominco American, Inc., 205 NW 25th St., Minot, ND 58701. Border States Paving, Inc., Box 3162, Fargo, ND 58106. Murphy Oil Corp., 200 Jefferson Ave., El Dorado, AR 71730.

MC 135185 (Sub-4–5TA), filed February 9, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Highway 31 North, South Bend, IN 46624. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract* Irregular: *Such commodities as are dealt in by rubber processors,* between South Bend, IN, on the one hand, and, on the other, points in the U.S., under continuing contract with Baker Rubber, Inc. Support shipper: Baker Rubber, Inc., 700 West Chippewa Avenue, South Bend, IN 46680.

MC 151879 (Sub-4–2TA), filed February 11, 1981. Applicant: ROSS DEMING, P.O. Box 136, Dell Rapids, SD 57022. Representative: Claude Stewart, P.O. Box 480, Sioux Falls, SD 57101. Contract: Irregular *prefabricated buildings, component parts and supplies, and articles used in the manufacture and distribution of prefabricated buildings.* Between: Points in SD, on the one hand, and on the other, points in the U.S. Supporting shipper: Triple E Building Systems, 616 Sioux Boulevard, P.O. Box 578, Brandon, SD 57005.

MC 150105 (Sub-4–4TA), filed February 12, 1981. Applicant: KING ASSOCIATED ENTERPRISES, LTD., P.O. Box 253, Butler, WI 53007. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract Irregular: Pallets, and materials, equipment and supplies used in the manufacture and distribution of pallets,* between Butler, WI, on the one hand, and on the other, points in IL, IN, IA, MI, MN, MO, OH, PA, NY, and WV; under continuing contract(s) with Reclaimed Pallet Service, Inc., of Butler, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Reclaimed Pallet Service, Inc., P.O. Box 253, Butler, WI 53007.

MC 117165 (Sub-4–5TA), filed February 12, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Lumber and wood products,* (1) From the international boundary line between the U.S. and Canada at Detroit, MI, and (2) From Latonia, KY to points in IA, IL, IN, KY, MI, MO, NY, OH, PA, WI and WV. An underlying ETA seeks 120 days authority. Supporting shipper: Weyerhaeuser Company, 100 South Wacker Drive, Chicago, IL 60606.

MC 145454 (Sub-4–7TA), filed February 12, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Foodstuffs and related products* between the facilities of Specialty Brands, Inc. located at or near Thornton, IL, on the one hand, and on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Specialty Brands, Inc., 201 West Armory, Thornton, IL 60476.

MC 152337 (Sub-4–3TA), filed February 12, 1981. Applicant: CENTRAL STATES TRUCKING CO., 1311 South First Avenue, Maywood, IL 60153. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Glass containers, closures, and sundry items in connection therewith, and materials, equipment and supplies* used in the manufacture and distribution of the aforesaid items, between Lake and Cook Counties, IL, and Delaware County, IN, on the one hand, and on the other, points in IL, IN, WI and MI. Supporting shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302.

MC 145974 (Sub-4–3TA), filed February 12, 1981. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract:* Irregular: *Lumber and wood products* from WA, OR, ID, MT, and CA, to points in IA and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Gibbs Lumber Co., 3394 Lake Elmo Avenue, P.O. Box 878, Lake Elmo, MN 55042.

MC 147404 (Sub-4–3TA), filed February 12, 1981. Applicant: DONALD J. GETTELFINGER, d.b.a. GETTELFINGER FARMS R.R. 2, Box 241, Palmyra, IN 47164. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract* Irregular: *Food or kindered products, (except commodities in bulk),* between points in the U.S., under continuing contract(s) with Armour and Company, of Phoenix, AZ. Supporting shipper: Armour and Company, 111 W. Clarendon, Station No. 1130, Greyhound Tower, Phoenix, AZ 85077.

MC 144115 (Sub-4–3TA), filed February 12, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye P.O. Box 971, West Bend, WI 53095. *Non-exempt or Kindred Products* between points in the U.S. Restricted to traffic originating at or destined to the facilities of Banner Beef Company. Supporting shipper: Banner Beef Company, P.O. Box 66, Hospers, IA 51238.

MC 140276 (Sub-4–1), filed February 12, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., R. R. 1, Box 202, Redwood Falls, MN 56283. Representative: John H. Schnobrich, Estebo, Carey, Schnobrich & Frank, Ltd., 315 South Washington, Redwood Falls, MN 56283. *Contract* Irregular: 1) *GS hides and animal byproducts, meat and bone meal, blood and blood meal, feather meal, cracklings and grease; and* 2) *Chemicals and equipment used in processing of animal byproducts* by Central Bi-Products, between points in U.S. for account of Central Bi-Products. Supporting shipper: Central Bi-Products, a division of Farmers Union, Marketing and Processing Association, 590 West Park Road, Redwood Falls, MN 56283.

MC 154008 (Sub-4–1TA), filed February 11, 1981. Applicant: DAVID E. YOUNG d.b.a. YOUNG TRUCK LINES, Box 8, Lyle, MN 55953. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. *Contract* Irregular, *Metal products,* between points in the U.S. under a continuing contract or contracts with Quality Metals, Inc., St. Paul, MN. Supporting shipper: Quality Metals, Inc.,

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2575 Doswell Avenue, St. Paul, MN 55108.

MC 148308 (Sub-4-2TA), filed February 11, 1981. Applicant: ROTRANSCO, INC., 6135 West 65th St., Chicago, IL 60638. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract; Irregular: Automobile parts and accessories therefor,* between the facilities of Toyota Motor Distributors U.S.A., Inc. located at or near Carol Stream, IL, on the one hand, and, on the other, points in IA, and MI. Supporting shipper: Toyota Motor Distributors U.S.C., Inc., 500 Kehoe Blvd, Carol Stream, IL 60187.

MC 51146 (Sub-4-59TA), filed February 11, 1981. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid (Same address as applicant). *Such commodities* as are manufactured or dealt in by manufacturers and distributors of tires, tubes, and roofing between Carlisle, PA and Greenville, IL on the one hand, and, on the other, points in the U.S. Supporting shipper: Carlisle Tire & Rubber Company, P.O. Box 99, Carlisle, PA 17013.

MC 29886 (Sub-4-8TA), filed February 12, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314—39th Avenue, Kenosha, WI 53142. Representative: Albert P. Barber (same address as applicant). *Motor Vehicles,* between Winnebago County, IA, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Select Vehicle Distributors, Inc., 20445 W. Capitol Drive, Brookfield, WI 53005.

MC 124078 (Sub-4-56TA), filed February 13, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Waste sulphur* from Mt. Pleasant, TN to Baytown, TX. An underlying ETA seeks 120 days authority. Supporting shipper: Stauffer Chemical Company, Westport, CT 06880.

MC 124078 (Sub-4-57TA), filed February 12, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Chemicals in bulk,* between the facilities of Stepan Chemical Company at Fieldsboro, NJ on the one hand, and, on the other, points in AL, FL, GA, NC, SC, VA, and WV. Supporting shipper: Stepan Chemical Company, 22 Frontage Road, Northfield, IL 60093.

MC 139667 (Sub-4-3TA), filed February 12, 1981. Applicant: CHARLES SCHMIDT, JR., 101 West Sanger, Salem, IL 62881. Representative: Brenda Schmidt, 906 Meadow Lane, Salem, IL 62881. *Iron and steel articles,* from points in the Chicago CZ to points in MO, TN, AR, TX, and from points in TX and TN to points in MO, IL and KY. An underlying ETA seeks 120 days. Supporting shippers: There are six supporting shippers.

MC 146837 (Sub-4-2TA), filed February 11, 1981. Applicant: SOUTHERN MINNESOTA GROCERY COMPANY, 202 Southwest Second, P.O. Box 201, Waseca, MN 56093. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Flour and bran;* from (1) Winona, MN to Hutchinson, KS and Joplin, MO. (2) Chester, IL to Hutchinson, KS, (3) Hutchinson, KS to Oklahoma City, OK, Little Rock, AR and Dallas, TX. Supporting shipper: Kelly Milling Company, P.O. Box 1037, Hutchinson, KS 67501.

MC 153771 (Sub-4-1TA), filed February 11, 1981. Applicant: GATTI EXCAVATING COMPANY, INC., 3570 N. 25th Street, Terre Haute, IN 47805. Representative: David Konnersman, 5101 Madison Avenue, Indianapolis, IN 46227. *Contract* irregular: Transporting *machinery, electrical machinery, equipment or supplies* between points in the United States under continuing contracts with Amax Coal Company Division, Indianapolis, IN. Supporting shipper: Amax Coal Co., Div., 105 S. Meridian St., Indianapolis, IN 46225.

MC 134551 (Sub-4-5TA), filed February 12, 1981. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Drive, Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Medical supplies,* between St. Louis, MO, on the one hand, and, on the other, points in IL, on and south of Interstate Hwy 80. Supporting shipper: Travenol Laboratories, Inc., 6301 Lincoln Ave., Morton Grove, IL. 60053.

MC 153994 (Sub-4-1TA), filed February 11, 1981. Applicant: NORM SCHILLING TRUCKING, INC., 18042 S. Kedzie Ave., Chicago, IL 60429. Representative: Philip A. Lee, 120 W. Madison St., Suite 618, Chicago, IL 60602. *Contract* Irregular: *Precast Concrete* between IL, WI, MO, OH, IN, MI, and IA, MN. Supporting shipper: Permacrete Products, Corp., 220 E. 168th St., South Holland, IL 60473.

MC 136774 (Sub-4-4TA), filed February 11, 1981. Applicant: MC-MORHAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Liquid orange juice concentrate,* (1) from points in FL to Chicago, IL, and points in its Commercial Zone, and (2) from Chicago, IL, and points in its Commercial Zone to Bonner Springs, KS. An underlying ETA seeks 120 days authority. Supporting shipper: Bodine's, Inc., 5757 West 59th St., Chicago, IL 60638.

MC 136774 (Sub-4-3TA), filed February 11, 1981. Applicant: MC-MORHAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Nonexempt food or kindred products,* from the facilities of Heinz U.S.A. located at or near Holland, MI, to the facilities of Heinz U.S.A. at or near Muscatine, IA. An underlying ETA seeks 120 days authority. Supporting shipper: Heinz U.S.A. P.O. 57, Pittsburgh, PA 15230.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 29910 (Sub-5-78TA), filed February 12, 1981. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as applicant). *Classes A and B explosives,* between Simsbury, CT; Graham, KY and Louviers, CO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Ensign-Bickford Industries, 660 Hopmeadow Street, Simsbury, CT.

MC 35320 (Sub-5-49TA), filed February 13, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Charlotte, NC and its commercial zone as an off-route point in connection with carrier's otherwise authorized regular-route operations. Supporting shipper: Seven.

MC 53965 (Sub-5-8TA), filed February 13, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Drawer 1387, Salina, KS 67401. Representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topekea, KS 66601. Common, regular. *General Commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* Between Lawton, OK and Amarillo, TX, from Lawton over U.S. Hwy 62 to junction U.S. Hwy 83, then over U.S. Hwy 83 to junction Texas Hwy 256, then over Texas Hwy 256 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Amarillo, TX and return over the same route, serving all intermediate pts and serving all pts in Harmon, Jackson, Tillman, Cotton, Kiowa and Comanche Counties, OK as off-route pts. Thirty-one supporting shippers. Applicant intends to tack and interline

MC 108707 (Sub-5-2TA), filed February 13, 1981. Applicant: ADAMS TRUCKING INC., 1711 W. Second St., Webster City, IA 50595. Representative: Ronald D. Adams (same as above). *Iron and Steel articles* between Clinton County, IA and pts in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI, and WY. Supporting shipper: Central Steel Tube Co., Central Steel Rd., P.O. Box 551, Clinton, IA. 52732.

MC 107727 (Sub-5-2TA). Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, 78218. Representative: Robert J. Birnbaum, Suite 151, 3636 Executive Center Drive, Austin, TX 78731. Common; regular; *general commodities, except Classes A and B explosives and household goods, as defined by the Commission,* (1) Between San Antonio, TX and Memphis, TN as follows: From San Antonio over IH 35 and 35 East to its intersection with IH 30, thence over IH 30 to its intersection with IH 40, thence over IH 40 to Memphis, TN and return over the same route, servicing the commercial zones of all intermediate points. (2) Between Victoria, TX and Memphis, TN as follows: From Victoria, over U.S. 77 to its intersection with IH 35, thence over IH 35 and 35 East to its intersection with IH 30, thence over IH 30 to its intersection with IH 40, thence over IH 40 to Memphis, and return over the same route, servicing all the commercial zones of all intermediate points between the intersection of U.S. 77 and IH 35 and Memphis, TN. (3) Between Houston, TX and Memphis, TN as follows: From Houston over U.S. 59 to its intersection with U.S. 259, thence over U.S. 259 to its intersection with IH 20, thence over IH 20 to its intersection with U.S. 59, thence over U.S. 59 to its intersection with IH 30, thence over IH 30 to its intersection with IH 40 to Memphis, and return over the same route, servicing the commercial zones of all intermediate points. (4) As an alternate route, between the intersection of IH 35 and U.S. 79 and Memphis, TN, as follows: From the intersection of IH 35 and U.S. 79, over U.S. 79 to its intersection with IH 40, thence over IH 40 to Memphis, and return over the same route. Supporting shippers: There are 30 supporting shippers.

Note.—Applicant intends to tack and interline.

MC 108397 (Sub-5-30TA), filed February 12, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Hazardous waste,* from points in MD, NY, OH, NJ, PA, WV, VA, DE, and DC to Emelle and Theodore, AL and Deer Park, TX. Supporting shipper: MET Electrical Testing Co., Inc., 916 W. Patapsco Avenue, Baltimore, MD 21230.

MC 111231 (Sub-5-21TA), filed February 12, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). (1) *Engines and accessories* and (2) *Materials, equipment and supplies used in the manufacture, sales and distribution of commodities named in (1) above* between Pope County, AR on the one hand, and, on the other, points in CA, MT, WY, CO, UT, NM, TX, OK, KS, NE, SD, ND, LA, MS, AL, FL, IA, IL, OH, IN, WI and MO. Supporting shipper: Minneapolis-Moline Engine Company, P.O. Box 788, Russellville, AR 72801.

MC 114965 (Sub-5-3TA), filed February 13, 1981. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Representative: Charles H. Apt, Attorney, P.O. Box 328, Iola, KS 66749. *Emulsified asphalts, in bulk, in tank vehicles,* from Pittsburg, KS, to pts. and places in OK. Supporting shipper: Road Emulsions Pittsburg, Inc., 305 South Joplin, Pittsburg, KS 66762.

MC 116004 (Sub-5-2TA), filed February 12, 1981. Applicant: TEXAS OLKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75147. Representative: Doris Hughes (same as applicant). Common; regular; *General Commodities (except household goods as defined by the Commission and A & B explosives) as described in STTC No. 51,* serving the facilities of Holly Sugar Corporation, Hereford, TX as off route point in connection with carrier's regular route authority. Supporting shipper: Holly Sugar Corporation, P.O. Box 1052, Colorado Springs, CO 80901. Applicant intends to tack and interline.

MC 117119 (Sub-5-52TA), filed February 12, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Such commodities as are used by restaurants (except commodities in bulk and foodstuffs other than condiments)* from Topeka, KS to Guilderland Park, NY. Supporting shipper(s): Franchise Services, Inc., P.O. Box 484, Wichita, KS 67201.

MC 117119 (Sub-5-53TA), filed February 13, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Doors and door hardware* between points in OR, TX, FL, MI and SC, restricted to traffic originating at or destined to the facilities of or used by Jim Walter Doors, Inc. Supporting shipper(s): Jim Walter Doors, Inc., 7200 Southeast 92nd, Portland, OR 97266.

MC 117119 (Sub-5-54TA), filed February 13, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Wood products and materials, equipment and supplies used in the manufacture and distribution thereof* between Multnomah County, OR and points in NY & TN. Supporting shipper(s): D & D Bennett Inc., 702 Northeast 2nd, Troutdale, OR 97060.

MC 119789 (Sub-5-42TA), filed February 13, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Insulators and parts* from LeRoy, NY to points in AL, FL, GA, NC, SC, and TN. Supporting shipper: Lapp Insulator Division, Interpace Corporation, P.O. Box 776, Sanderville, GA 31802.

MC 124673 (Sub-5-9TA), filed February 13, 1981. Applicant: FEED TRANSPORT, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail P. Johnson (same as applicant). *Feed ingredients,* between points in the U.S. (except AK and HI) restricted to shipments originating at or destined to facilities used by the Ralston Purina Company. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 126822 (Sub-5-47TA), filed February 13, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *(1) Building materials, and (2) equipment and supplies used in connection with (1) above,* between pts in the U.S. restricted to shipments for Marley Cooling Tower Co. Supporting shipper: Marley Cooling Tower Co., 5800 Foxridge Drive, Mission, KS 66202.

MC 126822 (Sub-5–48TA), filed February 13, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *General commodities (except Classes A and B explosives)*, between pts. in the U.S. restricted to shipments from, to, or between the facilities of Acli International Coffee Co. Supporting shipper: Acli International Coffee Co., 717 Westchester Avenue, White Plains, NY 10604.

MC 134328 (Sub-5–1TA), filed February 13, 1981. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay III, 222 E. Mallory Ave., Memphis, TN 38109. Contract, irregular: *Swimming pools, decks for swimming pools, parts and accessories and items used in their manufacture and distribution*, between Helena, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Doughboy Recreational, Inc., 10959 Jersey Boulevard, Cucamonga, CA 91730.

MC 135797 (Sub-5–98TA), filed February 12, 1981. Applicant: J. B. HUNT TRANSPORT, INC., Post Office Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esquire (same as above). *Such commodities as are dealt in or used by craft and nursery stores and equipment, materials and supplies used in the conduct of such business.* Between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Frank's Nursery & Crafts, Inc., Supporting shipper: Frank's Nursery & Crafts, Inc. 6399 E. Nevada, Detroit, MI 48123.

MC 136786 (Sub-5–49TA), filed February 13, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. Third St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Olsen, Snelling & Christensen, P.A., Suite 307, 5200 Willson Road, Edina, MN 55424. *Such commodities as are dealt in or used by manufacturers and distributors of pillows;* 1) between Los Angeles and Berkley, CA, Denver, CO, Bensonville, IL, Newark, NJ, Dallas, TX, and Seattle, WA; and 2) between Los Angeles and Berkley, CA, Denver, CO, Bensonville, IL, Newark, NJ, Dallas, TX and Seattle, WA, on the one hand, and on the other, pts. in the U.S. Supporting shipper: Northern Feather, Inc., Somerville, NJ.

MC 136786 (Sub-5–50TA), filed February 13, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 NE. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Olsen, Snelling, & Christensen, P.A., 5200 Willson Road, Ste. 307, Minneapolis, MN 55424. (1) *Malt beverages and related advertising materials; (2) empty used beverage containers and materials and supplies used in and dealt with by breweries.* (1) From Jefferson County, CO to TN, LA, MS, IA, AZ, and CA; (2) from TN, LA, MS, IA, AZ and CA to Jefferson County, CO. Supporting shipper: Adolph Coors Co., Golden, CO 80401.

MC 138328 (Sub-5–18TA), filed February 13, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Such commodities as are dealt in or used by wholesale and retail department stores*, between Omaha, NE, and pts in the U.S., restricted to traffic originating at or destined to the facilities of Pamida, Inc. Supporting shipper: Pamida, Inc., 8800 F St., Omaha, NE 68127.

MC 139973 (Sub-5–6TA), filed February 13, 1981. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *General commodities (except Classes A and B explosives, household goods as defined by the Commission and those Commodities injurious or contaminating to other lading)*, Between pts in NY, OH, PA, and WV on the one hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Busy Beaver Building Center, Inc., 641 Alpha Drive, Pittsburgh, PA 15238.

MC 144844 (Sub-5–3TA), filed February 13, 1981. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Metal articles*, from Chicago and Granite City, IL and their commercial zones, to pts AL, AR, CO, IL, IN, IA, LA, KS, KY, MO, MS, NE, OK, TN, TX and WI. Supporting shipper(s): There are five supporting shippers.

MC 145997 (Sub-5–8TA), filed February 12, 1981. Applicant: J.E.M. EQUIPMENT, INC., Post Office Box 396, Alma, AR 72921. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Meat, Meat Products and Meat By-Products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk)- Between points in the U.S. (except AK and HI)-Restricted to the transportation of traffic originating at or destined to the facilities of Swift Independent Packing Company. Supporting shipper: Swift Independent Packing Company, 115 West Jackson Boulevard, Chicago, IL 60604.

MC 148107 (Sub-5–4TA), filed February 12, 1981. Applicant: J. J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 South Zarzamora Street, San Antonio, TX 78207. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Drysalted and greensalted hides* between points in TX, CA and CO. Supporting shipper: Grossman Company, P.O. Box 58132, Los Angeles, CA 90058.

MC 148284 (Sub-5–3TA), filed February 13, 1981. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., Post Office Box 309, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Petroleum Products (except in bulk) and Empty Drums*—Between Orange and Jefferson Counties, TX, on the one hand, and, on the other, points in AR. Supporting shipper: Henson Oil Company, Post Office Box 98, Mansfield, AR 72944.

MC 149462 (Sub-5–1TA), filed February 13, 1981. Applicant: BERNARD PAVELKA TRUCKING, INC., 1215 East J Street, Hastings, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses, as described in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk)*, from the facilities of Dugdale of Nebraska, Inc., at or near Darr, NE to the Fort Worth, TX commercial zone, under continuing contract(s) with Dugdale of Nebraska, Inc. Supporting shipper: Dugdale of Nebraska, Inc., P.O. Box 166, Cozard, NE 69130.

MC 150626 (Sub-5–3TA), filed February 13, 1981. Applicant: HAROLD IVES TRUCKING CO., P.O. Box 885, Highway 79 East, Stuttgart, AR 72160. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72210. *Fruit and vegetable shipping baskets and wire-bound crates;* between Little Rock and Nashville, AR on the one hand, and on the other, points and places in AZ (restricted to the movements of the above commodities originating at and destined to the facilities of Little Rock Crate and Basket Co.). Supporting shipper: Little Rock Crate and Basket Co., 1623 East 14th Street, Little Rock, AR 72202.

MC 151637 (Sub-5–6TA), filed February 12, 1981. Applicant: LARRY

BREEDEN TRUCKING, INC., 1301 Fayetteville Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Malt Beverages and Empty Used Beverage Containers and Materials and Supplies used in and dealt with by breweries*—From Jefferson County, CO—Between Jefferson County, CO, on the one hand, and, on the other, points in AR, LA, MS AND TN. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 152292 (Sub-5–4TA), filed February 13, 1981. Applicant: SUNBELT EXPRESS, INC., 3129 Robin Hill Lane, Garland, TX 75042. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. *Talc Ground, Bagged* from CA to Dallas and Houston, TX. Restricted to shipments originating at or destined to the facilities of Family Affair. Supporting shipper: Family Affair, 3232 Royalty Row, Irving, TX 75062.

MC 153285 (Sub-5–TA), filed February 13, 1981. Applicant: JACK L. JORDAN; d.b.a. CITY OF SHREVEPORT SWIM TEAM, 2815 Mackey Lane, Shreveport, LA 71118. Representative: Curtis B. Williams, 2821 Randolph, Shreveport, LA 71108. *Passengers and baggage* between Shreveport, LA and points in TX, LA, and AR within 150 mile radius of Shreveport, LA on the one hand, and on the other, points in LA, TX, MS, IL, AL, GA, FL, NC, AR, TN, WY, DC, NY, PA, CO, OK, NM, AZ, NV and CA. Supporting shippers: 6.

MC 153323 (Sub-5–2TA), filed February 13, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, and meat by-products articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from the facilities of Hygrade Food Products Corporation at Storm Lake, Cherokee, and Sioux city, IA to pts in AZ, CA, LA, NM, and TX. Supporting shipper(s): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219.

MC 153456 (Sub-5–2TA), filed February 13, 1981. Applicant: FRANK A. KOSAR, d.b.a. RITE WAY TRUCK RENTAL, 2606 Cartwright, Dallas, TX 75212. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Paper and Paper Articles and Materials, Equipment and Supplies used in the manufacture of paper and paper articles* between Dallas, TX on the one hand, and, on the other, points in CA, GA, IL, MN, OH, PA and TN. Supporting shipper: Metroplex Paper and Supply, 11038 Grisom Lane, Dallas, TX 75229.

MC 153650 (Sub-5–1TA), filed February 12, 1981. Applicant: MIKE MEADORS TRUCKING, Post Office Box 496, Alma, AR 72921. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Packaged Petroleum Products*—From New Orleans, LA and Woodriver, MO—To points in AR. Supporting shipper: Two States Petroleum Company, Inc., Post Office Box 627, Ft. Smith, AR 72901.

MC 153760 (Sub-5–1TA), filed February 13, 1981. Applicant: NELSON ENERGY, INC., P.O. Box 879, Plainview, TX 79072. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Liquefied Petroleum Gas, In Bulk, In Tank Vehicles* from Alma and Albany, GA to points in FL. Restricted to shipments originating at the terminals of Dixie Pipeline. Supporting shipper: Warren Petroleum Co., P.O. Box 1589, Tulsa, OK 74102.

MC 153776 (Sub-5–1TA), filed February 12, 1981. Applicant: SOUTHLAND HOT SHOT SERVICE, INC., Post Office Box 2618, Houma, LA 70361. Representative: Janet Boles Chambers, 8211 Goodwood Boulevard, Suite C–2, Baton Rouge, LA 70806. *Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof*, between points in TX, OK, AR, MS, AL, FL, MN, CO, WY, and LA. Supporting shippers: There are 15 supporting shippers.

MC 153876 (Sub-5–1TA), filed February 13, 1981. Applicant: COYOTE EXPRESS, INC., 2724 West Eleventh Street, Irving, TX 75060. Representative: Jack L. Coke, Jr., 4555 First National Bank Bldg., Dallas, TX 75202. Contract; irregular; *General Commodities (except classes A and B explosives, toxic waste, or commodities in bulk)*, between points in the U.S., under continuing contracts with Christopher Air Freight, a/k/a Stagecoach Air Freight, Grapevine, TX. Supporting shipper: Christopher Air Freight a/k/a Stagecoach Air Freight, 3221 W. T. Parr Rd., Grapevine, TX 76051.

The following protests were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 149072 (Sub-G–1TA), filed February 9, 1981. Applicant: ROBERT L. BELL, Skaar Route, Box 264, Sidney, MT 59270. Representative: David L. Jackson, 203 N. Ewing St., Helena, MT 59601. *Common carrier*, Regular routes: *General Commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Glendive, NT to Sidney, NT via MT Hwy 16 and return over the same route, serving all intermediate points; and from Fairview, MT to Circle, MT via MT Hwy 200 and return over the same route, serving all intermediate points, for 270 days. Interline requested. Supporting shipper(s): Garrett Freightlines, Inc., 2055 Garrett Way, Pocatello, ID 83201.

MC 134387 (Sub-6–8TA), filed February 9, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 1800 United California Bank Bldg., Los Angeles, Ca 90017. *Waste products for recycling*, between OR, CA, CO, ID, WA, NV and MT, for 270 days. Supporting shipper: Northwest Paper Fibers, 2625 Northwest Industrial St., Portland, OR 97210; Publishers Forest Products, 6637 Southeast 100th Ave., Portland, OR 97266; Western Kraft Paper Group, Albany Paper Mill Division, Willamette Industries Inc., P.O. Box 339, Albany, OR 97231; Independent Paper Stock Co., 10175 Southwest Barbur Blvd., No. 300B, Portland, OR 97219.

MC 149474 (Sub-6–2TA), filed February 9, 1981. Applicant: CONTRACTORS CARGO CO., 11100 S. Garfield Ave., South Gate, CA 90280. Representative: John H. Briggs (same as applicant). Contract carrier, Irregular Routes: *Steel Pipe* between: Kaiser, CA and Lake Havasu Jobsite approx. 20-miles East of Parker, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kaiser Steel Corp., Box 58, 300 Lakeside Dr., Oakland, CA 94604.

MC 133478 (Sub-6–3TA), filed February 9, 1981. Applicant: DG TRANSPORT, INC., P.O. Box 23727, Portland, OR 97223. Representative: Peter M. Glade, One SW Columbia, Suite 555, Portland, OR 97258. *Contract Carrier*, Irregular routes: *Forest products* between points in the U.S. for the account of Chapman Lumber Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chapman Lumber Co., 813 SW Alder, Portland, OR 97205.

MC 144606 (Sub-6–4TA), filed February 10, 1981. Applicant: DUNCAN & SON LINES, INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Contract Carrier: Irregular routes: Cardboard Cartons* "KD", in bundles, bales, or palletized, from Commerce City, CO (near Denver) to Albuquerque, NM, and from Albuquerque, NM to Phoenix, AZ, for the account of Dura-Box Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dura-Box Corporation, 425 Los Angeles St., N.E., Albuquerque, NM, 87184.

MC 145102 (Sub-6–13TA), filed February 9, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are dealt in or used by manufacturers, printers, converters, and processors of paper and paper products (except in bulk)* between the facilities of Fort Howard Paper Co. at or near Green Bay, WI and Muskogee, OK, on the one hand, and, on the other, points in AZ, CA, CO, ID, LA, NM, OK, OR, TX, WA, and WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Fort Howard Paper Co., 1919 S. Broadway, Green Bay, WI 54305.

MC 116457 (Sub-6–5TA), filed February 10, 1981. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby, 1710 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. *Portable storage sheds and portable mud tanks and supplies, materials and equipment used in the handling and manufacture thereof* (except commodities in tank vehicles), between points in Maricopa County, AZ and points in and west of LA, AR, MO, IA and MN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Petroleum Supply International, 6033 West Sherman, Phoenix, AZ 85043.

MC 1515 (Sub-6–11TA), filed February 10, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). *Common carrier*, regular routes, transporting: *passengers and their baggage and express and newspapers, in the same vehicle with passengers*, (1) from Phoenix, AZ to Holbrook, AZ over city streets and unnumbered highways to AZ SR 87, thence AZ SR 87 to its junction AZ SR 260 near Payson, AZ, thence AZ SR 260 to its junction with AZ SR 377 near Heber, AZ, thence AZ SR 377 to its junction with AZ SR 77, thence AZ SR 77 to Holbrook, AZ and return over the same route, serving no intermediate points; (2) from Mesa, AZ to Holbrook, AZ over city streets and unnumbered highways to AZ SR 87, thence AZ SR 87 to its junction with AZ SR 260 near Payson, AZ, thence AZ SR 260 to its junction with AZ SR 377 near Heber, AZ, thence AZ SR 377 to its junction with AZ SR 77, thence AZ SR 77 to Holbrook, AZ and return over the same route, serving no intermediate points, for 180 days. Applicant intends to tack this authority it presently holds in MC 1515. Supporting shipper: There are 16 shippers. Their statements may be examined at the Regional Office listed.

MC 118318 (Sub-6–3TA), filed February 9, 1981. Applicant: IDA–CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651 Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the facilities of Southwest Beef, Inc. located at or near Tolleson, AZ, to points in CA, ID, NV, OR, UT, and WA, for 270 days. Supporting shipper: Southwest Beef, Inc., P.O.B. 647, Tolleson, AZ 85353.

MC 33641 (Sub-6–6TA), filed February 9, 1981. Applicant: IML FREIGHT, INC., P.O.B. 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same as applicant). *Low-level radioactive waste*, from Concord, MA to Hanford Reservation near Richland, WA, for 270 days. Supporting shipper: Nuclear Metals, Inc., 2229 Main St., Concord MA 01742.

MC 139906 (Sub-6–54TA), filed February 19, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Such commodities as are dealt in or used by manufacturers and distributors of lawn, garden and snow removal equipment* (except in bulk) between the facilities of AMF, Inc., Lawn and Garden Division, at or near Des Moines, IA and points in the U.S. for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: AMF Inc. Lawn and Garden Division, 3811 McDonald, Des Moines, IA 51303.

MC (Sub-6–55TA), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Canned goods* from the facilities of Agripac, Inc. at or near Salem, OR and Eugene, OR; the facilities of Castle and Cooke Foods, at or near Salem, OR; and the facilities of Diamond Fruit Growers, Inc., at or near Hood River, OR to points in the U.S. for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Agripac, Inc., P.O.B. 5346, Salem, OR 97304.

MC 139906 (Sub-6–56TA), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Institutional furniture, and parts, materials and supplies used in the manufacture, sale and distribution of institutional furniture* (except in bulk) between the facilities of Florida Furniture Industries, Inc., at or near Palatka, FL on the one hand, and, on the other, points in the U.S. For 270 days. Supporting shipper: Florida Furniture Industries, Inc., P.O. Box 610, Palatka, FL 32077.

MC 154000 (Sub-6–1TA), filed February 10, 1981. Applicant: JOHAL ENTERPRISES LTD., 8190 Chester Street, Vancouver, B.C., Canada. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Lumber and lumber products*, between points on the U.S.-Canadian International Boundary at or near Blaine, Lynden and Sumas, WA and points in the states of WA, OR and CA for 270 days. Supporting shippers: Sengara Lumber Sales Ltd., 12071 Mitchell Rd., Richmond, B.C., Canada; Sen Western Wholesale Lumber Ltd., 8188 Manitoba Street, Vancouver, B.C., Canada V5X 1X4; Can-Am Builders Supply Ltd., 11016 Bridges St., Surrey, B.C., Canada and Sawarne Lbr. Co. Ltd., 12840 Nitchell Rd., Richmond, B.C., Canada.

MC 147553 (Sub-6–2TA), filed February 9, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a., MOTOR WEST; P.O.B. 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Petroleum and petroleum products (other than liquid commodities in bulk)*, from Kansas City, KS and points in its commercial zone to points in ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Bob Nicholes Oil Co., Inc., 2309 Franklin Rd., Caldwell, ID 83605; Kendrick Oil Company, Inc., 735 Minidoka Ave., Twin Falls, ID 83301.

MC 153998 (Sub-6–1TA), filed February 10, 1981. Applicant: OLIVE EXPRESS, INC., P.O. Bx 3865, Visalia, CA 93278. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Foodstuffs (except commodities in bulk)* from Los Angeles, CA and Visalia, CA to Albuquerque, NM; Dallas, TX; Phoenix, AZ; Portland, OR and Seattle, WA, for 270 days. Supporting shipper: Early California Foods, Inc., P.O. Bx 71, Visalia, CA 93277.

MC 126514 (Sub-6–15TA), filed February 9, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home RD., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *Paper and paper products, stationery supplies such as staplers and fastners, binders and folders, and other commodities used by manufacturers and distributors of stationery supplies* between the facilities of Acco International, Inc. iocated at Ogdensburg, NY; Jackson, MS; Chicago, IL and Los Angeles, CA for 270 days. Supporting shipper: Acco International, Inc., Riverside Dr., Ogdensburg, NY, 13669.

MC 126514 (Sub-6–16TA), filed February 9, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *Business forms, printed matter, office supplies, paper and paper products, and materials, equipment and supplies used in the manufacture, production, and distribution of the above-named commodities (except commodities in bulk)* between Carson, Fullerton, San Diego, Santa Ana, San Jose, Santee and Los Angeles, CA; Benton, LA; Brookfield, WI; Chicago, IL; Dallas, Houston and San Antonio, TX; Eden, NC; Randolph Township, NJ; Salt Lake City, UT; Tulsa, OK; Suwanee, GA and Phoenix, AZ for 270 days. Restriction: Restricted to traffic originating at or destined to the facilities of Vanier Graphics Corporation and its vendors and suppliers. Supporting shipper: Vanier Graphics Corp., 1851 Deere Ave., Santa Ana, CA 92705.

MC 126514 (Sub-6–17TA), filed February 9, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *General commodities (Except commodities in bulk)* from the facilities and warehouses of Pacific Coast Warehouse Corp. in Los Angeles, CA and its commercial zone to points East of U.S. Hwy 85 for 270 days. Supporting shipper: Pacific Coast Warehouse Corp., 4814 Loma Vista Ave., Los Angeles, CA 90058.

MC 126514 (Sub-6–19TA), filed February 9, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. *General commodities (except commodities in bulk)* from the facilities of Bostrum Warren, Inc. in Los Angeles Co. and Orange Co., CA to points East of U.S. Hwy 85 for 270 days. Supporting shipper: Bostrum Warren, Inc., 110 W. Ocean Blvd., Suite 512, Long Beach, CA 90802.

MC 153987 (Sub-6–1TA), filed February 9, 1981. Applicant: MARION SELMAN, d.b.a. SELMAN TRUCKING, P.O.B. 42, Lafayette, CO 80026. Representative: Marion Selman (same address as applicant). *Contract Carrier*, irregular routes: *Travel, recreational or office trailers*, in haulaway or towaway service, between points in the states of AR, CO, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, and WY, under continuing contract with Elder/Quinn & McGill, Kit Manufacturing Company, and Fleetwood Travel Trailers of Nebraska, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Elder/Quinn & McGill, Inc., 4800 Race, Denver, CO. 80216; Kit Manufacturing Company, P.O.B. 586, McPherson, KS; and Fleetwood Travel Trailers of Nebraska, Inc., 13737 Industrial Rd., Omaha, NE.

MC 138215 (Sub-6–1TA), filed February 9, 1981. Applicant: SERVICE AIR CARGO, 6003 Telegraph Rd., Commerce, CA 90040. Representative: Mark A. Berman (same address as applicant). *Contract Carrier*, Irregular routes, *General Commodities* except classes A & B explosives, between Los Angeles, CA commercial zone, on the one hand, and, on the other, Chicago, IL commercial zone; Cleveland, OH; Clinton, MA; Columbia, PA; Denver, CO; Elmira and No. Tonawanda, NY; Oakland, San Diego, San Francisco, and San Jose, CA; Phoenix, AZ; Portland, OR; Reno, NV; Rumford, RI (part of E. Providence, RI); and Seattle, WA, for the account of International Telephone and Telegraph Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: International Telephone and Telegraph Co., 320 Park Ave., New York, NY 10022.

MC 148737 (Sub-6–12TA), filed February 9, 1981. Applicant: SUNSET EXPRESS CORP., P.O. Box 27043, Salt Lake City, UT 84125. Representative: Carl I. Sundeaus (same as applicant). *Foodstuffs* (except in bulk) from CA and OR to CT, NJ, NY and PA, for 270 days. Supporting shipper: Nugget Distributors, Inc., P.O. Box 8309, Stockton, CA 95208.

MC 151225 (Sub-6–18TA), filed February 9, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718 17th St., Suite 1700, Denver, CO 80202. (1) *Bentonite*, from Belle Fourche, SD, and Colony and Upton, WY, to all points in the U.S. (except AK and HI); (2) *Cement*, (A) from Trident and Three Forks, MT, to points in WY, and (B) from Rapid City, SD, to all points in ND; (3) *Fly Ash*, from points in WY to points in UT; and (4) *Limestone* and *Limestone Products*, from Rapid City, SD to points in WY for 270 days. Supporting shippers: There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 297 (Sub-6–2TA), filed February 9, 1981. Applicant: WOODLAND TRUCK LINE, INC., P.O.B. 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. (1) *Building materials* and (2) *lumber and wood products*, between Vancouver, McCleary and Kirkland, WA, on the one hand, and CO, MT, SD, ND and CA, on the other hand. Supporting shipper: Simpson Timber Company, 900 4th Ave., Seattle, WA 98164.

MC 153968 (Sub-6–1TA), filed February 9, 1981. Applicant: ZENO TABLE CO., INC., 2001 E. Dyer Rd., Santa Ana, CA 92705. Representative: Dominick F. Pellegrino, (same as applicant). *Contract Carrier:* Irregular routes: *Canvas and Wooden Folding Furniture, Cartoned, furniture and fixtures* from Fort Smith, AR to Los Angeles, CA for the account of Tucker Duck and Rubber Co, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Tucker Duck and Rubber Company, 2701 Kelley Hwy, Fort Smith, AR 72914.

MC 153968 (Sub-6–2TA), filed February 9, 1981. Applicant: ZENO TABLE CO., INC., 2001 E. Dyer Rd., Santa Ana, CA 92705. Representative: Dominick F. Pellegrino, (same as applicant). *Contract Carrier:* Irregular routes: *Upholstered Furniture*, from Waxahachie, TX to Riverside, CA for the account of Flexsteel Industries, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flexsteel Industries, Inc., 1401 W. Marvin, Waxahachie, TX 75165.

MC 153968 (Sub-6–3TA), filed February 9, 1981. Applicant: ZENO TABLE CO., INC., 2001 E. Dyer Rd., Santa Ana, CA 92705. Representative: Dominick F. Pellegrino (same address as applicant). *Contract carrier:* Irregular routes: *Wooden Frame Parts*, from Harrison, AR to Riverside, CA for the account Flexsteel Industries, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flexsteel Industries, Inc., 1401 W. Marvin Waxahachie, TX 75165.

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MC 153968 (Sub-6–4TA), filed Febraury 9, 1981. Applicant: ZENO TABLE CO., INC. 2001 E. Dyer Rd., Santa Ana, CA 92705. Representative: Dominick F. Pellegrino. *Contract carrier:* Irregular routes: *Metal Chairs, Folding, Cartoned,* from Fort Smith, AR to Los Angeles, CA for the account of Flanders Industries Incorporated for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flanders Industries, Inc., 1901 Wheeler Ave. Fort Smith, AR 72902.

MC 153968 (Sub-6–5TA), filed February 10, 1981. Applicant: ZENO TABLE CO., INC., 2001 E. Dyer Road, Santa Ana, CA 92705. Representative: Dominick F. Pellegrino (same as applicant). *Contract Carrier:* Irregular routes: *Upholstery Fabric, Steel Frame Parts, Upholstered Furniture,* from Dubuque, IA to Riverside, CA for the account of Flexsteel Industries, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flexsteel Industries, Inc., 1401 W. Marvin, Waxahachie, TX 75165.

Agatha L. Mergenovich,
Secretary.

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[Permanent Authority Decisions Volume No. 25]

Restriction Removals; Decision-Notice

Decided: February 19, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 1585 (Sub-12)X, filed February 12, 1981. Applicant: BARNES TRUCK LINE, 1320 Highway 13 North, Columbia, MS 39429. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its lead and Sub-5, 6, 8, 9, 11F, certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A & B explosives)" in lead and Sub-5, 6, 9, 11F, (2) authorize service to all intermediate points along a described regular route between Jackson, MS and Tylertown, MS, Columbia, MS and New Orleans, LA, and Tylertown, MS and Columbia, MS in lead and between McComb and Tylertown, MS, Brookhaven and Prentiss, MS and Jackson, MS and New Orleans, LA in Sub-11F, (3) remove a restriction against the transportation of traffic moving to or from New Orleans in lead, (4) eliminate a restriction limiting service to intermediate points in MS to traffic moving to, from, or through New Orleans or its commercial zone in Sub-11F, (5) authorize radial in lieu of existing one-way service between 2 named points in MS, in Sub-8, (6) remove a restriction limiting service to traffic having an immediately subsequent movement by water in Sub-8.

MC 1846 (Sub-14)X, filed February 12, 1981. Applicant: W. D. KIBLER TRUCKING COMPANY, INC., 630 South State Street, Indianapolis, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions from its Sub-11 permit which authorizes the transportation of specified commodities and equipment, materials and supplies (except in bulk) between specified points under a continuing contract(s) with a named shipper to (1) eliminate the "except in bulk" restriction, and (2) broaden the territorial description to "between points in the U.S.", under a continuing contract(s) with a named shipper.

MC 22254 (Sub-84)X, filed February 9, 1981. Applicant: TRANS-AMERICAN VAN SERVICE, INC., P.O. Box 12608, Fort Worth, Texas 76116. Representative: Marshall Kragen, 1919 Pennsylvania Avenue N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-12 Certificate by (1) broadening the commodity descriptions from uncrated pianos and uncrated musical instruments to "miscellaneous products of manufacture, uncrated antiques to "antigues", damaged or wrecked airplanes and parts thereof, uncrated to "transportation equipment and from uncrated assembled and unassembled prefabricated building and parts thereof to "building materials", and (2) broaden the territorial description from one-way authority to radial authority between 38 named states and DC, and, Chicago and points in that part of 6 named States, within 200 miles of Chicago, IL.

MC 65525 (Sub-26)X, filed February 9, 1981. Applicant: WHITE BROTHERS TRUCKING CO., P.O. Box 96, Wasco, IL 60183. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-25F certificate, which authorizes the transportation of "size and weight" commodities (with certain exceptions such as paper, tractor cabs, snowmobiles, and aerospace craft) radially between points in IL and WI, and, points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, TN, (except Portland), VT, VA, WV, WI, and DC, by (1) removing all exceptions on its commodity description, and (2) removing the restriction limiting service to the transportation of traffic originating at and destined to points in the above named states.

MC 75302 (Sub-19)X, filed February 9, 1981. Applicant: DOUDELL TRUCKING COMPANY, P.O. Box 842, San Jose, CA 95106. Representative: Marvin Handler, 100 Pine St., Suite 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its Sub-8 and 13F certificate to broaden the commodity description to general commodities (except class A and B explosives) from general commodities (with exceptions).

MC 99161 (Sub-8)X, filed February 9, 1981. Applicant: ALABAMA FREIGHT, INC., P.O. Box 10032, Birmingham, AL 35207. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Applicant seeks to remove restrictions in its Sub-5F and 6F certificates (1) by deleting "except in bulk, in tank vehicles" from its commodity authorization to transport plastic pipe and article made of 6 metals, (2) by eliminating facilities designations in both Sub-Nos. at Birmingham and Mobile, AL, Little Rock, AR, Jackson, MS, Chattanooga, TN, Jacksonville and Tampa, FL, Atlanta, GA, and Shreveport and Lafayette, LA, (3) by changing one-way to radial authority in Sub-5F between Mobile, AL and GA, TN, FL, MS, and in Sub-6F between the points named in (2) above and LA and AR, and (4) by deleting originating at or destined to restrictions.

MC 103552 (Sub-12)X, filed February 12, 1981. Applicant: THE FARER TRANSPORTATION CO., P.O. Box 2000, Waterbury, CT 06722. Representative: Edward M. Taber, (same as applicant). Applicant seeks removal of restrictions in its Sub-1, 6, 7, 8, and 9 certificates to broaden the commodity description in each to read "printed matter, and materials, equipment and supplies used in their manufacturing and distribution" from newspapers, newspaper supplements, advertising matter, paperback books, magazines, periodicals, song sheets, sheet music, comics, comic sheets and shopping news.

MC 106400 (Sub-128)X, filed February 5, 1981. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8525, Sugar Creek, MO 64054. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions to (a) broaden the commodity descriptions (1) to "petroleum, natural gas and their products," from liquified petroleum gas in Sub-16 and 27, coal tar pitch and creosote oil in Sub 23, crude oil in Sub-123F, petroleum lube oil, in Sub-124; (2) to "chemicals and related products" from; anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, methanol and anti-freeze preparation in Sub-12, printing ink in Sub-91, acids and chemicals in Sub-17, dry phosphate and phosphoric acid in sub-40, nitrogen fertilizer solutions in Sub-47, anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid and fertilizer solutions in Sub-54, chemicals in Sub-59, 78, 92, 102, 114F, 115, 118F, and 119F, anhydrous ammonia in Sub-61 and 69, liquid chemicals in Sub-71, dry plastic materials in Sub-76, dry fertilizer and dry fertilizer materials in Sub-86, liquid feed in Sub-109, alcohol in Sub-127F; (3) to "chemicals and related products and petroleum, natual gas, and their products" from asphalt, asphalt cement, asphalt cutback and emulsified asphalt in Sub-121F; (4) to "pulp, paper and related products" from lignin liquor in Sub-82 and (5) to "food and related products" from dry corn and soybean products in Sub-111 and (b) eliminate restrictions in bulk, tank vehicles or hopper type vehicles in Sub-6, 12, 16, 17, 22, 23, 27, 29, 36, 40, 47, 54, 59, 61, 70, 71, 76, 78, 86, 91, 102, 111, 114F, 115F, 118F, 119F, 121F, 123F, 124F, 125F, and 127F, (6) expand the territorial description from one-way to radial authority primarily between midwestern States in Sub-12, 17, 22, 23, 27, 29, 36, 40, 47, 54, 59, 61, 70, 71, 73, 76, 78, 82, 86, 91, 92, 102, 111, 114F, 115F, 118F, 119F, 121F, 123F, 124F, 125F, and 127F, (7) eliminate the facilities limitations in Sub-16, 22, 27, 29, 54, 61, 69, 70, 73, 102, 111, 115F, 121F and 125F and (8) authorize county-wide authority: in Sub-12 and 40, Douglas County, KS, for Lawrence, KS, in Sub-27, from Kearney, MO to Clay County, MO, from Moberly, MO to Randolph County, MO, in Sub-36, from Coffeyville, KS to Montgomery County, KS, from Ava, MO to Douglas County, MO, from Neodasha, KS to Wilson County, KS, from Chanute, KS to Neosho County, KS; in Sub-47, from Weaverly, MO to Lafayette County, MO; in Sub-69, from Dodge City KS to Ford County, KS; in Sub-70 from Wathena, KS to Doniphan County, KS; in Sub-73 from Conway, KS to McPherson County, KS; in Sub-86 from Springfield, MO to Green County, MO; and in Sub-121F from Nevada, MO to Vernon County, MO.

MC 113855 (Sub-522)X, filed February 11, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-350 certificate to (1) broaden its commodity description from processed sulfur (except in bulk, in tank vehicles), to "Chemicals and related products", (2) replace its one-way authority with radial authority, between ports of entry on the United State-Canada Boundary line, located at points in Montana, and points in CA, CO, ID, IL, IN, IA, KY, MI, MN, MO, MI, NE, NV, ND, OH, OR, SD, UT, WA, WI, and WY, and (3) eliminate the restriction restricting transportation to traffic originating at points in the Province of Alberta, Canada.

MC 115233 (Sub-8)X, filed February 12, 1981. Applicant: MARSHALL STORAGE COMPANY, P.O. Box 145, Marshall, MN 56258. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions from its lead and Sub-4F, 6F, and 7F certificates to (1) broaden its commodity description from sugar, canned foodstuffs, and sugar (except in bulk), to "food and related products" in each certificate; (2) change its one-way authority to radial authority between several midwestern States; and replace specified plantsites or cities with county-wide authority (a) Marshall, MN, with Lyon County, MN, 13 cities in SD, with Brown, Lincoln, Brookings, Beadle, Lake Grant, Davison, Spink, Bon Homme, Minnehaha, Roberts, Codington, and Yankton Counties, SD, in the lead certificate, (b) a named plantsite at Arlington and Ortonville, MN, with Sibley and Big Stone Counties, MN, and Bloomer, WI, with Chippewa County, WI, in Sub-Nos. 4F and 6F, and (c) a named plantsite at 5 cities in MN, with Carver, Polk, Hennepin, and Clay Counties, MN, Drayton, ND, with Pembina County, ND, in Sub-7F, part (1), and a named plantsite near Renville, MN, with Renville County, MN, in part (2); and (3) eliminate the originating at and destined to restriction in Sub-6F.

MC 119493 (Sub-406)X, filed February 10, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). Applicant seeks to remove restrictions in its Sub-361F, 376F, and 400F certificates to (1) broaden its commodity descriptions from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)", in each certificate, (2) eliminate the facility restriction of a named plantsite at Richmond County, GA, and remove the originating at and destined to restriction in Sub-361F, and (3) eliminate the restriction against transportation of AK and HI traffic, in each certificate.

MC 119934 (Sub-236)X, filed February 13, 1981. Applicant: ECOFF TRUCKING, INC., R.R. 10, Box 100A, Greenfield, IN 46140. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-136 certificate to (1) expand the territory to include county-wide authority from Depue, Colfax, Riverdale, to Bureau, McLean, and Cook Counties, IL, and (2) broaden its one-way authority to radial authority between points in Bureau, McLean and Cook Counties, IL and Des Moines, IA, and points in IL, IA, IN, MI, OH, WI, MO, KS, NE, SD, ND and MN.

MC 124211 (Sub-383)X, filed February 12, 1981. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same as above). Applicant seeks to remove restrictions in its Sub-296, 300, 311, 320F, and 338F certificates to (1) remove "except commodities in bulk" restrictions, (2) eliminate various plantsites and originating at or destined to facilities restrictions for example: General Felt Industries at Los Angeles, CA, Chicago, IL, Fort Wayne, IN, Council Bluff, IA, Columbus and Tupelo, MS, Trenton, Greensboro, NC,

Eddystone, Fallsington, and Philadelphia, PA, Shelbyville, TN and Dallas TX in Sub-296; Block Drug Company, Inc. at Jersey City, NJ, in Sub-311; (3) eliminate restrictions against service in AK and HI in Sub-296, 300, 311, and 320F, (4) broaden territorial descriptions from one-way authority to radial authority to authorize service between specified cities or counties and points in the United States over irregular routes in Sub-296, 311, 320F, and 336F. Applicant also seeks to (1) eliminate "except self-propelled vehicles weighing individually in excess of 1,000 pounds, and commodities which, by reason of size or weight, require special equipment" restrictions in Sub-320F, and (2) remove the restriction against the transportation of traffic moving from (a) plantsites at Trenton, NJ and Philadelphia, PA, to points in IA, MN, SD, and ND, and at Council Bluffs, IA, to points in MN in Sub-296; (b) points in Kent County, MI, to points in Cook County, IL in Sub-300; and against traffic moving to points in Lancaster County, NE in Sub-320F.

MC 124211 (Sub-384)X, filed February 12, 1981. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same as above). Applicant seeks to remove restrictions in its Sub-371F certificate which authorizes the transportation of specified commodities (except in bulk) between points in the U.S. (except AK and HI) restricted to service to a specified shipper's facilities at unnamed locations, by removing the restrictions "except in bulk" and "except AK and HI".

MC 127337 (Sub-25)X, filed February 12, 1981. Applicant: CHET'S TRANSPORT, INC., Charlotte, ME 04666. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Avenue and 13th Streets, N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-22F certificate to, (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) eliminate a restriction limiting transportation of shipments to that having a subsequent movement by water, (3) authorize radial service in lieu of existing one-way authority between points in the U.S. and points in MA and ports of entry on the international boundary line located in ME, and (4) remove the exceptions of AK and HI.

MC 128677 (Sub-6)X, filed February 10, 1981. Applicant: PORTLAND EXPRESS, INC., P.O. Box 179, Portland, TN 37148. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions from its lead and Sub-2 and 3F certificates to (1) broaden its commodity description from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)"; (2) remove the restrictions in its regular-route authority which specify intermediate point service, to authorize service at all intermediate points (a) between Portland and Nashville, TN, in the lead certificate, (b) between Mitchell, TN, and Louisville, KY, and between Mitchell and Nashville, TN in Sub-2, and (c) between Nashville and Memphis, TN, in Sub-3F; (3) eliminate the restrictions (a) prohibiting service at Mitchellville, TN, and junction U.S. Highway 31-W and Tennessee Highway 25, in the lead certificate, (b) prohibiting transportation of shipments originating at and destined to or interlined at named points, in Sub-2, and (c) limiting service for the purposes of "joinder only" at Nashville, TN, on a route between Nashville, Memphis, TN, in Sub-3.

MC 133591 (Sub-138)X, filed February 12, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-111F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions and lumber and lumber products, iron and steel articles, and meat, meat products, meat by-products and articles distributed by meat packinghouses) to "general commodities (except classes A and B explosives and commodities which, because of size or weight, require use of special equipment)," and (2) authorize radial service between points in AR and points in CA and OR and between points in MO and points in CA, OR, TX, and WA.

MC 135633 (Sub-20)X, filed February 11, 1981. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylan Avenue, Englewood Cliffs, NJ 07632. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Applicant seeks to remove restrictions in its (Sub-1 and 10) certificates to (1) broaden the commodity description to "transportation equipment" from (a) automobiles (other than those moving to or from a point of manufacture or assembly) new, used, unfinished and wrecked, in subsequent or secondary movement in driveway service, in (Sub-1), and (b) automobiles in secondary movement in driveway service, in (Sub-10); (2) remove the restriction against radial service between plantsites or other facilities including railheads of Ford Motor Company in the Chicago, IL, commercial zone, as defined by the Commission, and, points in IL, IN, MI, WI, IA, MN, and OH, in (Sub-1).

MC 136155 (Sub-8)X, filed February 11, 1981. Applicant: GAY TRUCKING COMPANY, P.O. Box 7179, Savannah, GA 31408. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and (Sub-2, 6, and 7) certificates to (a) broaden the commodity descriptions from (1) roof slabs and materials used in the installation of roof slabs to "building materials", and wood excelsior to "lumber and wood products" in the lead; (2) general commodities (with the usual exceptions and restriction against motor vehicles) to "general commodities (except Class A and B explosives)" in (Sub-2); (3) from electrolytic copper in cathodes in (Sub-6) and iron and steel articles in (Sub-7) to "metal products"; (b) delete the plantsite limitation at Brunswick, GA in the lead, (c) replace city wide authority with county-wide authority from Brunswick, GA to Glynn County, GA in the lead, Charleston, SC to Charleston County, SC, Jacksonville, FL to Duval County, and Savannah, GA to Chatham County, GA in (Sub-2), (d) broaden the territorial description from one-way authority to radial authority between Glynn County, GA, and, points in 20 named States in the lead and, (e) remove the restriction limiting transportation to that moving in containers or trailers having an immediately prior or subsequent movement by water in (Sub-2) that having a prior or subsequent movement by water in (Sub-6).

MC 138157 (Sub-261)X, filed February 9, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). Applicant seeks to remove restrictions in its (Sub-10 and 93F) certificates to (1) broaden the commodity description from industrial fluorescent lighting fixtures and parts thereof, and hospital equipment to "building materials and such commodities as are dealt in by hospitals" in (Sub-10); and from medical equipment, medical materials, and medical supplies to "such commodities as are dealt in by hospitals" in (Sub-93F), (2) eliminate restrictions against the transportation of blood and derivatives of blood in (Sub-93F), (3) remove a restriction to traffic originating at named facilities in (Sub-93F), and (4) authorize radial authority in place of existing one-way authority between Los Angeles, CA and points in the eastern half of the United States in (Sub-10), and between points in Los Angeles, CA and points in 5 States in 93F.

MC 140615 (Sub-60)X, filed February 13, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same as above). Applicant seeks to remove restrictions in its (Sub-30F) to (1) broaden the commodity description from foodstuffs (except in bulk) to "food and related products", (2) remove specified origin plantsites and replace with city-wide authority: New York, NY, Philadelphia, PA, and Port Newark and Jersey City, NJ, (3) replace authority to serve Monett and Carthage, MO with county-wide authority to serve Barry and Jasper Counties, MO, (4) broaden the one-way authority to radial authority between points in named cities and counties and points in IL, IN, MN, MI, OH, and WI, and (5) eliminate the restriction limiting service to the transportation of traffic originating at the named origins.

MC 141968 (Sub-4)X, filed February 9, 1981. Applicant: WINN EXPRESS COMPANY, INC., 1780 Nolan Court, Morrow, GA 30260. Representative: John P. Tucker, Jr., 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Applicant seeks to expand the territorial description in its (Sub-3F) permit to authorize service "between points in the U.S." under coninuing contract(s) with named shippers.

MC 142508 (Sub-163)X, filed February 5, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its (Sub-6, 11, 33F, 40F, 60F, 90F, and 148F) permits by (a) broadening its commodity descriptions in (Sub-6, 11, 33F, and 40F) from motor vehicle parts and supplies, in its (Sub-60F) from wheels, wheel rims, hubs and clamps and mounting hardware for wheels and wheel rims; and in its (Sub-148F) from automobile parts to "such commodities as are dealt in or used by motor vehicle parts and supplies stores"; (b) removing the "in bulk" restrictions in (Sub-33F and 40F); (c) replacing named facilities with county-wide and radial authority as follows: in (Sub-6); between points in Washoe, NV, (Reno, NV), and points in AZ, CA, ID, OR, UT and WA; in (Sub-11), between points in St. Louis County, MO (Creve Coeur, MO), and points in the U.S.; in (Sub-33F), between points in CT, NJ, NY, PA and RI and points in Washoe County, NV (Reno, NV), and Wyandotte County, KS (Edwardsville, KS) in part (1) and between points in MI and OH, and points in New York, NY and between points in Washoe County, NV and points in Wyandotte County, KS part (2) of (Sub-33F); in (Sub-40F) between points in Washoe County, NV (Sparks, NV), Denver, CO and points in TX; in (Sub-90F) between points in Montgomery County, AL (Montgomery, AL), Wyandotte County, KS (Edwardsville, KS), Washoe County, NV (Reno, NV), New York, NY, and Dallas, TX and points in the U.S.; in (Sub-148F) between points in Clay County, AR (Corning, AR), and points in the U.S.; (d) in (Sub-60F) replacing a named city with county-wide and radial authority between points in Will County, IL (Plainfield, IL) and points in the U.S.; (e) removing the restrictions limiting traffic originating at or destined to named facilities in (Sub-11, 33F, 40F, 60F and 90F), and (f) remove the exceptions of AK and HI from its nationwide grants in (Sub-90F, 148F, and 60F) and the exception of AK, HI, and MO in its (Sub-11).

MC 142515 (Sub-3)X, filed February 12, 1981. Applicant: S. T. TURNER TRUCKING, INC., Rural Route 1, Box 444, Nashville, IN 47448. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks removal of restrictions in its lead and (Sub-1F, and 2F), by (1) changing the commodity description in each to "transportation equipment" from automotive and truck parts, and materials, equipment and supplies used in their manufacture and distribution, and (2) expanding the territorial description to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 144879 (Sub-II)X, filed February 9, 1981. Applicant: D & J TRANSFER CO., Highway 4 North, Sherburn, MN 56171. Representative: Lavern R. Holdeman, 521 S. 14th Street, Lincoln, NE 68501. Applicant seeks to remove restrictions in its (Sub-1F) certificate to (1) eliminate the restriction against transportation of foodstuffs and commodities in bulk, in its authority to transport such commodities as are dealt in by wholesale and retail, farm, home, and hardware supply business houses, (2) replace plantsite facilities restrictions with county-wide authority: Clay, Dickinson, and Hamilton Counties for Spencer, Spirit Lake, and Webster City, IA, (3) authorize radial in lieu of existing one-way service between points in the eastern half of the United States and the above counties.

MC 145297 (Sub-1)X, filed February 11, 1981. Applicant: VERN BREAZEALE FREIGHT SERVICE, INC., d.b.a. DENVER–LANDER–RIVERTON FREIGHT SERVICE, P.O. Box 347, Riverton, WY 82501. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)", and (2) authorize service at all imtermediate points on its regular route authority between Denver, CO, and Riverton, WY.

MC 145359 (Sub-34)X, filed February 12, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions from its (Sub-2F, 5F, 8F, 10F, 11F, 12F, 16F, and 19F) certificates to (1) broaden its commodity descriptions from various metal products such as copper, brass, aluminum articles, bronze articles, non-ferrous metal, iron and steel pipe fittings, and foil containers, to "metal products", in each certificate, (2) expand its one-way authority to radial authority between several specified States, in each certificate; and to replace specified plantsites or cites with county-wide authority (a) a named plantsite at Rome, NY, with Oneida County, NY, in (Sub-2F and 16F), (b) 2 named plantsites at Clinton, IL, with DeWitt County, IL, in (Sub-5F), (c) a named plantsite at Lake Havasu City, AZ, with Mohave County, AZ, in (Sub-12F), and (d) Shelbyville, KY, with Shelby County, KY, (3) remove the restrictions (a) limiting transportation of traffic to a named plantsite facility located at Martins Ferry, OH, in (Sub-8F), and the named plantsite facilities located at Los Angeles, CA, in (Sub-10F and 12F), and (b) eliminate the originating at and destined to restrictions in (Sub-5F, 8F, 10F, and 12F).

MC 145359 (Sub-36)X, filed February 12, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its (Sub-1F, 23F, and 25F) certificates to (1) broaden the commodity description from aluminum, aluminum products, paper and paper products to "metal products and pulp, paper and related products" in (Sub-

25F), (2) replace authority to serve New Port, AR, with county-wide authority to serve Jackson County, AR, in (Sub-25F), (3) replace one-way authority with radial authority between CA, ID, OR, WA, and WY and points in IN south of a line as described therein, in (Sub-1F), and between points in the U.S. and Marion and Morgan Counties, IN, in (Sub-23F), (4) eliminate "except in bulk" and "except lumber and wood products, stone and commodities in bulk" restrictions in (Sub-1F), (5) remove the territorial restrictions against service to and from AK and HI in (Sub-23F and 25F), (6) remove the restriction limiting the service to the transportation of traffic originating at the named origins and destined to the described destination territory in (Sub-1F), and (7) eliminate the "in vehicles equipped with mechanical refrigeration" restriction in (Sub-23F).

MC 146891 (Sub-4)X, filed February 11, 1981. Applicant: A & G EXPRESS, INC., 4807 Millbrooke Rd., Albany, GA 31701. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Applicant seeks to remove restrictions from its (Sub-2) permit to (1) broaden the commodity from paper, paper products, cellulose products and materials, equipment, and supplies used in the manufacture there of (except in bulk), to "pulp, paper and related products and cellulose products" and (2) broaden the territorial description to "between points in the US", under a continuing contract(s) with a named shipper.

MC 147209 (Sub-5)X, filed February 9, 1981. Applicant: QUASAR EXPRESS, INC., 3920 S. Western Avenue, P.O. Box 40, Sioux Falls, SD 57101. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in its MC 111720 (Sub-13, 17, 19F, 21F and 24F) permits to (1) broaden the commodity description from meats, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk) to "food and related products," and (2) broaden the territorial description to "between points in the United States," under continuing contract(s) with named shippers.

[FR Doc. 81-6343 Filed 2-24-81; 8:45 am]

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[Permanent Authority Decisions Volume No. OP3-173]

Decision-Notice

Decided: February 17, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. (Member Hill not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 14215 (Sub-91), filed Feb. 2, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commerical, Mingo Junction, OH 43938. Representive: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *metal articles*, between points in Philadelphia County, on the one hand, and, on the other, points in the U.S. in and east of MN, WI, IL, KY, TN, MS, and LA.

MC 40494 (Sub-16), filed Feb. 4, 1981. Applicant: HILBURN TRUCKING, INC., 1904 East 39th St., Independence, MO 64057. Representive: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., NW. Transporting *such commodities* as are dealt in or used by agricultural equipment, industrial equipment, construction equipment and lawn and leisure product manufacturers, distributors, and dealers, between points in MT, WY, CO, TX, OK, KS, NE, SD, ND, MN, IA, MO, IL, WI, MI, IN, and OH.

MC 45764 (Sub-39), filed Feb. 4, 1981. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, PA 19029. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting *machinery, transportation equipment, building meterials, metal products, and commodities* the transportation of which require the use of special equipment, between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, OH, DE, MD, VA, WV, NC, SC, GA, FL, IL, MN, and DC on the one hand, and, on the other, points in the U.S.

MC 52465 (Sub-50), filed January 27, 1981. Applicant: RICE TRUCK LINES, P.O. Box 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *petroleum and petroleum products*, between points in WA and OR, on the one hand, and, on the other, points in MT and ID.

MC 53965 (Sub-183), filed February 3, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Ave., Detroit, MI 48226. Transporting *general commodities* (except classes A and B explosives), (A) over regular routes, (1) between

Oklahoma City, OK and Memphis, TN, over Interstate Hwy 40; (2) between Dallas, TX and Jackson, MS, over Interstate Hwy 20, serving Tyler and Longview, TX as off-route points; (3) between Dallas, TX and Little Rock, AR, over Interstate Hwy 30; (4) between St. Louis, MO and Junction Interstate Hwy 10 and Interstate Hwy 55, over Interstate Hwy 55; (5) between Houston, TX and New Orleans, LA, over Interstate Hwy 10; (6) between Kansas City, MO and junction U.S. Hwy 71 and U.S. Hwy 190, near Cortableau, LA over U.S. Hwy 71; (7) between Alexandria, LA, and Monroe, LA, over U.S. Hwy 165; (8) between Baton Rouge, LA and Ragley, LA, over U.S. Hwy 190; (9) between Shreveport, LA and Lake Charles, LA, over U.S. Hwy 171; (10) between Springfield, MO and junction U.S. Hwy 65 and U.S. Hwy 84 near Ferriday, LA, over U.S. Hwy; 65; (11) between Alexandria, LA and Litttle Rock, AR, over U.S. Hwy 167; (12) between Little Rock, AR and St. Louis, MO, over U.S. Hwy 67; (13) between Memphis, TN and junction U.S. Hwy 63 and U.S. Hwy 60 near Willow Springs, MO, over U.S. Hwy 63; (14) between Cairo, IL and Springfield, MO, over U.S. Hwy 60; (15) between Houston and Texarkana, TX, over U.S. Hwy 59; (16) between Baton Rouge, LA and Memphis, TX, over U.S. Hwy 61; (17) between Texarkana, AR and Winona, MS, over U.S. Hwy 82; (18) between Tenaha, TX and junction U.S. Hwy 84 and Interstate Hwy 55, over U.S. Hwy 84; (19) between Tulsa, OK and Junction U.S. Hwy 64 and Interstate Hwy 40 at or near Warner, OK, over U.S. Hwy 64; and (20) between Beaumont, TX and Tenaha, TX, over U.S. Hwy 96; and (B) over irregular routes, between points in AR and LA.

Note.—Applicant intends to tacks this authority with its existing authority.

MC 98154 (Sub-21), filed January 27, 1981. Applicant: BRUCE CARTAGE INCORPORATED, 3460 E. Washington Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *such commodities* as are dealt in or used by department stores (1) between the facilities of Montgomery Ward & Co., Inc., in Eaton County, MI, on the one hand, and, on the other, points in Allen, Warren, and Miami Counties, OH, and (2) between the facilities of Montgomery Ward & Co., Inc., in Eaton County, MI, and St. Joseph and Wayne Counties, IN.

MC 105375 (Sub-86), filed January 26, 1981. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Ave., Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., P.O. Box 187, Newport, MN 55055. Transporting *commodities in bulk*, (1) between points in IL, IN, IA, KS, MI, MN, MO, ND, OH, SD, NE, and WI, and (2) between those points in the U.S. in and east of MT, WY, CO, and NM. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in MC 105375 and related subs, at applicant's written request.

MC 107295 (Sub-1014), filed February 2, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *metal products*, between points in Jessamine County, KY, on the one hand, and, on the other, points in the U.S.

MC 112304 (Sub-253), filed February 2, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of General Tire & Rubber Company, its divisions and subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 113325 (Sub-165), filed January 27, 1981. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh St., St. Louis, MO 63104. Representative: T. M. Tahan, 2001 South Seventh St., St. Louis, MO 63104. Transporting *commodities in bulk*, between points in IL, IA, and MO. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in MC 113325 and related subs, at applicant's written request.

MC 116164 (Sub-14), filed January 27, 1981. Applicant: ARROW TRANSPORTATION CO., 1911 N.E. 58th Ave., Des Moines, IA 50313. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *insulation*, between points in the U.S., under continuing contract(s) with L & L Insulation & Supply Co., Inc., of Des Moines, IA.

MC 120184 (Sub-14), filed February 2, 1981. Applicant: PEP LINES TRUCKING CO., 32800 Dequindre Rd., Warren, MI 48902. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, and OH.

MC 121424 (Sub-5F), filed December 8, 1980, previously published in the **Federal Register** issue of January 8, 1981. Applicant: DAL-HAR DISTRIBUTION COMPANY, INC., 400 West Main Street, Dallas, TX 75208. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) *machinery, and primary metal products*, and *fabricated metal products*, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in TX, LA, AR, OK, NM, KS, and MO. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration MC 121424 (Sub-3).

Note.—This republication indicates the correct commodity description in (1).

MC 123415 (Sub-21), filed February 2, 1981. Applicant: JAMES STUFFO, INC., Cinnaminson Industrial Park, 2301 Garry Rd., P.O. Box 45, Cinnaminson, NJ 08077. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. and Cottman St., Jenkintown, PA 19046. Transporting *pulp, paper and related products*, between points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV.

MC 127264 (Sub-6), filed January 27, 1981. Applicant: AMERICAN PARCEL SERVICE, INC., 212 Hermitage Road, Greensboro, NC 27403. Representative: Guy H. Postell, 3384 Peachtree Rd., NE, Suite 713, Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by manufacturers of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of New York, NY.

MC 134105 (Sub-559), filed January 27, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). Transporting *chemicals and related products*, between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S. in and east of CO, ND, SD, NE, OK, and TX.

MC 134235 (Sub-30), filed January 27, 1981. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701. Transporting *construction materials*, between points in Erie County, NY, on the one hand, and, on the other, points in PA, WV, and OH.

MC 135185 (Sub-55), filed January 27, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Highway 31 North, South Bend, IN 46624. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203.

Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eli Lilly and Company, of Indianapolis, IN.

MC 138714 (Sub-9), filed February 4, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rehrig International, Incorporated, of Richmond, VA.

MC 141804 (Sub-537), filed February 2, 1981. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Transporting (1) *clay, glass or stone products*, between points in Middlesex and Monmouth Counties, NJ, Okmulge County, OK, Scott, Carver and Hennepin Counties, MN, and Dougherty, Houston, Talladega and Wilkensen Counties, GA, on the one hand, and, on the other, points in the U.S.; (2) *pulp, paper and related products*, between points in Calumet, Outagamie and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S.; (3) *machinery*, between Dallas, McLennan and Tarrant Counties, TX, Marshall, Plymouth, Polk, Warren and Woodbury Counties, IA, Allen and Franklin Counties, OH, Arkansas County, AR, Rutherford County, TN, Houston County, GA, Johnson and Wyandotte Counties, KS, and Tulare County, CA, on the one hand, and, on the other, points in the U.S.; (4) *food and related products*, between points in IL, on the one hand, and, on the other, points in the U.S.; and (5) *batteries*, between points in Berks and Lancaster Counties, PA, Greenville, and Spartanburg Counties, SC, Dallas County, AL, Clinton County, IN, Saline County, KS, Dallas County, TX, and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 143394 (Sub-20), filed January 27, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Northeastern Pennsylvania Shippers Cooperative Association, Inc., of Dunmore, PA.

MC 143394 (Sub-21), filed January 27, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with West Coast Shippers Association, of Philadelphia, PA.

MC 145085 (Sub-2), filed February 2, 1981. Applicant: SID'S, INC., P.O. Box D, Jonesport, ME 04649. Representative: James E. Mahoney, 148 State St., Boston, MA 02109. Transporting (1) *food and related commodities*, between points in ME, NH, VT, MA, RI, CT, NY, FL, and CA, on the one hand, and, on the other, points in the U.S.; and (2) *tires, batteries and accessories*, between points in ME, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 145494 (Sub-4), filed February 2, 1981. Applicant: EDINA CARTAGE COMPANY, a corporation, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *medical supplies*, between the facilities of Sherwood Medical Industries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145895 (Sub-6), filed February 27, 1981. Applicant: STATE TRANSPORTATION, INC., Route 1 Bypass, P.O. Box 1349, portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut st., Suite 101, Wellesley Hills, MA 02181. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 148035 (Sub-8), filed February 27, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th St., Omaha, NE 68110. Representative: Arlyn L. Westergran, 9202 West Dodge Rd., Suite 201, Omaha, NE 68114. Transporting *chemicals and related products*, between points in NE, on the one hand, and, on the other, points in IA, MN, and SD.

MC 149014 (Sub-2), filed February 3, 1981. Applicant: EAGLE LINES INC., P.O. Box 902, Merrimack, NJ 03054. Representative: Henry Sepessy, 10 Canterberry Way, Merrimack, NH 03054. Transporting *transportation equipment*, between Chicago, IL, and Pennsauken and Newark, NJ, on the one hand, and, on the other, points in NH.

MC 150954 (Sub-12), filed January 27, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8919 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in Amador, Fresno, Madera, Placer, and San Joaquin Counties, CA, Ada, Gem, Idaho, Kootenai, and Washington Counties, ID, Crook, Deschutes, Douglas, Jackson, Josephine, Klamath, and Lane Counties, OR, and Cowlitz, Lewis, and Snohomish Counties, WA, on the one hand, and, on the other, points in the U.S.

MC 153935, filed January 30, 1981. Applicant: EXECUTIVE MOTOR TOURS, INC., 81 Brookfield Ave., Staten Island, NY 10308. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022. As a *broker*, at Staten Island, NY, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

[FR Doc. 81-6348 Filed 2-24-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–175

Decided: February 18, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 30114 (Sub-12), filed February 4, 1981. Applicant: MOLA TRUCKING, INC., d.b.a. MITCHKO TRUCKING, 650 Myrtle Ave., Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07306. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 136844 (Sub-4), filed February 5, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 150365 (Sub-1), filed January 30, 1981. Applicant: UNITED LIMO, INC., 12495 McKinley Hwy., Mishawaka, IN 46544. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 153884, filed February 4, 1981. Applicant: GLENCO BROKERAGE, Box 2145, 737 West 22nd Ave., Casper, WY 82602. Representative: Glen D. Corman, 1137 West 22nd, Casper, WY 82601. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 153954, filed February 5, 1981. Applicant: CONNER TRAFFIC ASSOCIATES, INC., Arbutus Ave, Wenonah, NJ 08090. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP4–031

Decided: February 19, 1981.

By the Commission, review Board No. 3, Members Parker, Fortier, and Hill.

MC 22198 (Sub-1), filed February 3, 1981. Applicant: ACE WORLD-WIDE MOVING & STORAGE, INC., 2725 Whynaucht Ct., S.E., Rochester, MN 55901. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting, for or on behalf or the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 138206 (Sub-20), filed January 28, 1981. Applicant: TRULINE CORPORATION, 4455 South Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NC 89701. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153716 filed January 19, 1981. Applicant: UNIVERSAL TRANSCONTINENTAL CORPORATION, 325 Spring St., New York, NY 10013. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017. As a *borker of general commodities* (except household goods), between points in the U.S.

MC 153906, filed February 3, 1981. Applicant: LIONEL ABRAHAM CLOUD, d.b.a. LIONEL'S MOBILE HOME TRANSPORTING, Rural Route 4, Box 26, Baraboo, WI 53913. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153926, filed February 2, 1981. Applicant: BANK COURIER SYSTEMS, INC., 3040 E. Illini St., Phoenix, AZ 85040. Representative: John Paul Fischer, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-6347 Filed 2-24-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed

service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations [except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under Contract".

Volume No. OP1-041

Decided: February 13, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

MC 60430 (Sub-34), filed January 28, 1981. Applicant: FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes-Barre, PA 18703. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 134221 (Sub-3), filed January 28, 1981. Applicant: C. B. L. TRUCKING & LEASING, INC., P.O. Box 8, Delanco, NJ 08075. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *shipments weighting 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds,* between points in the U.S.

MC 152080 (Sub-1), filed January 29, 1981. Applicant: DEPENDABLE CARTAGE & TRANSPORTATION CO. INC.; 2159 West Hastings St., Chicago, IL 60608. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP5-54

Decided: February 11, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill.

MC 125689 (Sub-14), filed January 21, 1981. Applicant: BEATTYVILLE TRANSPORT, INC.; Ice Dam Lane, P.O. Box 357, Catlettsburg, KY 41129. Representative: Fred H. Daly, 2550 M St., NW, Washington, DC 20037. Transporting, for and on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U. S.

MC 153728, filed January 12, 1981. Applicant: ALBERT J. POPE; 709 79th St., Darrien, IL 60559. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 153939, filed January 27, 1981. Applicant: THE A. W. FENTON CO., INC.; 6565 Eastland Rd., Brookpark, OH 44142. Representative: Maarten van der Biezen (same address as applicant). To operate, in interstate or foreign commerce, as a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6349 Filed 2-24-81; 8:45 am]

BILLING CODE 7035-01-M

[No. AB-26 (Sub-No. 21)]

Southern Railway Co. and Southern Railway-Carolina Division—Discontinuance of Service Between Hagood and Westville, SC and Abandonment—Between Camden and Westville, SC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided January 21, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that the public convenience and necessity permit (a) the discontinuance of service by the Southern Railway Company and the Southern Railway-Carolina Division over a line of railroad extending between milepost SB-26 near Hagood, SC, and milepost SB-52, near Westville, SC, a distance of approximately 26 miles in Sumter and Kershaw Counties, SC, and (b) the abandonment by the Southern Railway-Carolina Division of the following portion of the above mentioned line in (a), extending between milepost SB-38 just south of Camden, SC, and milepost SB-52 near Westville, SC, a distance of approximately 16 miles in Kershaw County, SC, subject in (a) and (b) above, to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979). A certificate of discontinuance of service and of partial abandonment will be issued to the Southern Railway Company and the Southern Railway-Carolina Division based on the above-described finding of discontinuance of service and of partial abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 10423, no later than 10 days from publication of this Notice; and (2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of discontinuance of service and of partial abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of discontinuance of service and of partial abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6350 Filed 2-24-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-96]

Certain Screw Jacks and Components Thereof, Including Cold-Worked Pinion Gears; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: February 17, 1981.

Judge Donald K. Duvall,

Presiding Officer.

[FR Doc. 81-6247 Filed 2-24-81; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-38 (Preliminary)]

Truck Trailer Axle-and-Brake Assemblies, and Parts Thereof, From Hungary; Notice of Institution of Preliminary Antidumping Investigation and Scheduling of Conference

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports from Hungary of truck trailer axle-and-brake assemblies, and parts thereof, provided for in items 692.32 and 692.60 of the Tariff Schedules of the United States, alleged to be sold at less than fair value.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator (202-523-0439).

Background. This investigation is being instituted following receipt of a petition on February 12, 1981, filed by Rockwell International Corp., Pittsburgh, Pa., on behalf of the domestic industry producing truck trailer axle-and-brake assemblies. The petition alleged sales at less than fair value of truck trailer axle-and-brake assemblies produced in Hungary.

Authority. Section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)) requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports alleged to be, or likely to be, sold in the United States at less than fair value. Such a determination must be made within 45 days after the date on which a petition if filed under section 732(b) or on which notice of an investigation commenced under section 732(a) is received from the Department of Commerce. Accordingly, the Commission, on February 19, 1981, instituted preliminary antidumping investigation No. 731-TA-38. This investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457) and, particularly, subpart B thereof.

Written submissions. Any person may submit to the Commission on or before March 9, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules and Practice of Procedures (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.s.t., on March 5, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Persons wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. John MacHatton (202-523-0439). It is anticipated that persons in support of the petition for antidumping duties and persons opposed to such petition will each be collectively allocated 1 hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Issued: February 19, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-6249 Filed 2-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Notice

Notice is hereby given that the Preliminary Conference in this investigation has been postpond at the request of the parties to 10:00 a.m., Friday, February 27, 1981. The Preliminary Conference will be held at the previously noticed address of 1010 Wisconsin Avenue, N.W., Suite 201, Washington, D.C. 20007.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Artists-in-Education Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Artists-in-Education Panel to the National Council on the Arts will be held on March 12-14, 1981 from 9:00 a.m.—5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be policy.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 19, 1981.

[FR Doc. 81-6285 Filed 2-24-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Byproduct Material License No. 37-00611-09; EA 81-25]

Automation Industries, Inc.; Order Suspending License and To Show Cause Why the Suspension of the License Should Not Be Continued, Pending Further Order

I

Automation Industries, Inc., Nuclear Encapsulation Facility, Kimberton Road, Route 113 South, Phoenixville, Pennsylvania 19460 (the "licensee") is the holder of Byproduct Material License No 37–00611–09 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the company to fabricate, test, store and distribute sealed sources of iridium–192 for use in industrial radiography. The license was originally issued October 4, 1966 and has been renewed periodically, most recently on October 3, 1978. The license expires on October 31, 1983.

II

On February 2, 1981 at 4:35 p.m., Michael P. Santoro, General Manager of Automation Industries, Inc. reported to the NRC's Region I office by telephone overexposures to the thumbs of two employees. He stated that a medical consultant, Dr. Roger Linnemann, had confirmed the injuries as radiation induced and that the exposures were discovered on January 29 and 30, 1981. The employees were removed from work involving exposure to radiation.

On February 3, 1981 at 9:50 a.m. a telegram was received in Region I from Michael P. Santoro, Automation Industries, Inc. notifying the Commission of apparent excess radiation exposure to the thumbs and fingernails of two radiation technicians while working in a restricted area.

On February 3, 1981 an Immediate Action Letter was sent to Automation Industries, Inc. By Region I documenting the understanding from a telephone conversation between Mr. Santoro, Automation Industries, Inc. and Mr. James Allan, Deputy Director, Region I on February 3, 1981, that Automation Industries, Inc. would cease using the ten-cavity iridium cleaning bank for decontaminating and wipe testing sources, provide fingertip dosimetry for each employee involved in cleaning and wipe testing sources, change and evaluate this dosimetry on a daily basis, and remove the two exposed employees from all radiation work except for the use of remote manipulator.

On February 11, 1981 an immediate Action Letter was sent to Automation Industries, Inc. by Region I documenting the understanding from a telephone conversation between Mr. Santoro, Automation Industries, Inc. and Mr. James Allan, Deputy Director, Region I on February 11, 1981, that Automation Industries, Inc. would use only an approved Automation Industries, Inc. radiography exposure device for decontamination and leak testing of sources until the NRC has approved alternate procedures, and that Automation Industries, Inc. would submit all such procedures to the USNRC, Materials Licensing Branch, Washington, DC by February 20, 1981 for approval.

III

An investigation of this matter was conducted on February 3, 1981. Preliminary findings indicate that the overexposures occurred during the performance of a daily source-cleaning procedure. Estimates of the magnitude of the exposures to the fingertips are in the range of thousands of rems based on observed physical effects to the extremities.

Other findings indicate that the licensee:

(1) knew of a possible overexposure by at least as early as November 1980;

(2) did not report the overexposures to the Commission immediately as required by 10 CFR 20.403(a);

(3) did not take action until January, 1981 to preclude other exposures as required by 10 CFR 20.101; and

(4) may have sought to conceal the injury to one of its employees from the NRC by directing the employee:

(a) to wear gloves on January 21, 1981, the day on which an NRC inspection was conducted;

(b) to stay away from the NRC inspector; and

(c) not to reveal the radiation injury to the inspector.

IV

From the foregoing, it appears that the licensee, with careless disregard for Commission requirements, willfully: (a) failed to inform the Commission of a radiation incident as required by 10 CFR 20.403(a); and (b) failed to take action to protect its workers' health and safety in accordance with 10 CFR Part 20. It also appears that the licensee attempted to mislead a Commssion inspector during an inspection. Therefore, I have determined that in view of the willful violations and in order to protect the public health and safety, license No. 37–00611–09 should be suspended, effective immediately.

V

In view of the foregoing and pursuant to Section 161(b) of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 20 and 30, It Is Hereby Ordered That:

A. License No. 37–00611–09 is suspended, effective immediately, and accordingly:

The company shall place all licensed material in secure storage and maintain the nuclear encapsulation facility at Kimberton Road, Route 113 South, Phoenixville, Pennsylvania in safe condition in accordance with the applicable provisions in 10 CFR Part 20.

B. The licensee show cause, in the manner hereinafter provided, why the suspension of License No. 37–00611–09 should not be continued, pending further order.

VI

The licensee may, within twenty-five days of the date of this Order, show cause as required by Section V.B, by filing a written answer under oath or affirmation setting forth the matters of fact and law upon which the licensee relies. Any answer to this Order which the licensee intends to satisfy the show cause requirement shall include specific plans, procedures, and facility modifications for conducting future activities with licensed material in compliance with Commission requirements. Appropriate changes in management or management controls should be included to demonstrate that information regarding employee safety will be appropriately responded to and information will be provided to the Commission on a timely basis. Upon failure of the licensee to file an answer within the time specified, the Director, Office of Inspection and Enforcement, may issue an order continuing the suspension of License No. 37–00611–09.

VII

The licensee, or any other person who has an interest affected by this Order may request a hearing no later than twenty-five days of the date of this Order. Any answer to this Order or any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Executive Legal Director at the same address. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which the petitioner's interest is affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). If a hearing is requested by the licensee or any person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. Any request for a hearing shall not stay the immediate effectiveness of Section V.A.

VIII

In the event a hearing is held, the issue to be considered at such hearing shall be whether the actions set forth in Section V should be sustained.

Dated at Bethesda, Maryland this 17th day of February, 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-6289 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–10, 50–237, and 50–249]

Commonwealth Edison Co.; Notice of Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has respectively issued Amendment Nos. 33, 56, and 49, which revised License Nos. DPR–2, DPR–19, and DPR–25 for Dresden Nuclear Power Station Unit Nos. 1, 2 and 3, located in Grundy County, Illinois. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training and Qualification Plan as part of the licenses.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendments.

The licensee's filing dated August 16, 1979, and its revision submitted by letter dated August 11, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) all of the amendments identified in the first paragraph of this Notice and (2) the Commission's related letter to the licensee dated February 11, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60601. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-6290 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–366]

Georgia Power Company, et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. NPF–5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised the license and the Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to establish revised safety and operating limits for Hatch Unit No. 2 operation during Cycle 2 with Reload 1 fuel inserted. The amendment also removes three satisfied license conditions as required for operation beyond the first cycle.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 17, 1980, as supplemented January 30, 1981, (2) Amendment No. 21 to License No. NPF–5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-6291 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-466 CP]

Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1); Order

February 19, 1981.

The Board's Order of November 25, 1980 directed that the environmental phase of the evidentiary hearing would commence on January 12, 1981 to receive evidence regarding the application of Houston Lighting and Power Company for a license to construct the Allens Creek Nuclear Generating Station, Unit 1. This Order reflected that the hearing would continue through March 6, 1981.

It now appears that an additional hearing session will be necessary in an effort to complete the taking of evidence upon environmental matters.

Accordingly, it is, this 19th day of February, 1981

Ordered

That an additional formal evidentiary session upon environmental matters will be held at the Bates College of Law (Krost Hall) in Houston, Texas, 4800 Calhoun, during the period March 16 through 19, 1981.[1] The hearings will begin at 9:00 AM and will recess at 5:00 PM. The public is invited to attend these hearings.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-6292 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the license for operation of the Oyster Creek Nuclear Generating Station (the facility), located in Ocean County, New Jersey. The amendment is effective as of its date of issuance. The Guard Training and Qualification plan is to be fully implemented within 60 days of Commission approval in accordance with 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated July 28, 1980, and its revision dated January 7, 1981, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR Section 9.12.

For further details with respect to this action, see (1) Amendment No. 53 to License No. DPR-16, and (2) the Commission's related letter to the licensee dated February 11, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of Febraury 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-6293 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility regarding the nomenclature describing the analyses of radioactive contamination of the secondary coolant and modifies the procedures on the use of the key-operated shutdown bypass switch associated with each reactor protection channel during reactor power operation to allow its use for required maintenance or testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 28, 1977, (2) Amendment No. 62 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-6294 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

[1] The hearing room will be unavailable on March 20, 1981.

[Docket No. 50-344]

Portland General Electric Co.; Relocation of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has relocated the local public document room (LPDR) for Portland General Electric Company's Trojan Nuclear Plant from the Columbia County Courthouse, St. Helens, to the Multnomah County Library, Portland, Oregon.

Members of the public may now inspect and copy documents and correspondence related to the licensing and operation of the Trojan Nuclear Plant at the Multnomah County Library, 801 SW 10th Avenue, Portland, OR 97205. The Library is open on the following schedule: Monday through Thursday 9 a.m. to 9 p.m. and Friday and Saturday 9 a.m. to 6:30 p.m.

For further information, interested parties in the Portland area may contact the LPDR directly through Mr. James Takita, Reference Librarian, telephone number (503) 226-8511. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 1717 H Street, NW., Washington, DC 20555, telephone number (202) 634-3273. The cost of ordering records from the Public Document Room is 5¢ per page, plus postage and handling.

Questions concerning the availability of documents at the Torjan LPDR and the NRC's local public document room program in general should be addressed to Ms. Jona L. Souder, Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone number 800-638-8081 toll free.

Dated at Bethesda, Maryland, this 18th day of February 1981.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-6285 Filed 2-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-376 CP]

Puerto Rico Electric Power Authority (North Coast Nuclear Plant, Unit 1); Memorandum and Order Granting Applicant's Motion for Termination of Proceeding, and Granting Without Prejudice the Withdrawal of Application

February 18, 1981.

On September 11, 1980, Applicant (the Authority) filed a Motion For Termination Of Proceeding in light of the fact that on the same date it had filed a Withdrawal Of Application. On September 19, 1980, the NRC Staff filed an Answer which stated it did not oppose Applicant's motion. On September 18, 1980, Intervenors filed with the Commission a Motion For Direct Certification To Request Application Be Dismissed With Prejudice And Addendum, which the Applicant and Staff opposed in Responses respectively filed on October 3 and October 8, 1980. In an Order dated October 17, 1980, the Commission declined to grant directed certification and transferred Intervenors' Motion to this Board for decision. We understood that we had been directed by the Commission to determine whether, in granting Applicant's Withdrawal of Application, we should dismiss the application with prejudice. Thus, on November 19, 1980, we ordered that Intervenors, if they so desired, could file a submission by December 4, 1980 responding solely to Applicant's and Staff's argument that the North Coast construction application be dismissed without prejudice. In that Intervenors' Reply of December 3, 1980, advanced a new argument, the Board ordered that Applicant and Staff could respond thereto by December 31, 1980. Applicant filed its Reply and the Staff filed its Memorandum on December 31, 1980.

Memorandum

In light of the fact that Applicant had simultaneously filed a Withdrawal of Application, its Motion for Termination of Proceeding requested that the Board terminate this proceeding. Apparently, the Authority believed that it had an absolute right to have its Withdrawal of Application granted without prejudice, since it did not show good cause for the withdrawal of its application. However, § 2.107 of the Commission's Rules of Practice, which is similar to Federal Rule of Civil Procedure 41(a)(2), provides that the withdrawal of an application after the issuance of a notice of hearing [1] shall be on such terms as the presiding officer may prescribe. Since this Board, after reviewing the circumstances, in its discretion could impose terms in its Order granting the withdrawal of the application, obviously Applicant does not have such an absolute right. Thus, we must determine from the record before us whether we should grant the withdrawal of application without prejudice, or grant it with prejudice, which is the only term or condition the Intervenors seek to have imposed.

In their Motion For Direct Certification and Addendum of September 18, 1980, in substance, the Intervenors urged that, since the Applicant had clearly abandoned any intention of constructing the nuclear plant, the application for a construction permit should be dismissed with prejudice lest at a future date the Applicant might pursue the construction permit which would result in further expensive and time-consuming litigation. In their Reply of December 3, 1980, opposing the Applicant's and the Staff's responses, the Intervenors argued that a dismissal of the application for a construction permit without prejudice would be prejudicial to the public interest in leaving the door open for further wrongful actions and subsequent litigation. Intervenors alleged that in the past the Authority had engaged in wrongful actions in "deceiving the Board, the Staff and Intervenors alike by not coming out straightforwardly when deciding not to build the nuclear plant, by secretly reversing the expropriations of the land already acquired to site the nuclear plant, [and] by hiding such actions and information from all other parties while continuing to pursue the Application for over four years". (p. 4)

Intervenors concentrate upon one such alleged wrongful action, *viz*, that at no time did the Applicant reveal to the Board and to the parties that, on August 5, 1976, it had begun filing Motions of Desistance requesting that the Court of Expropriation of the Superior Court of Puerto Rico authorize the withdrawal of its suits for expropriation of lands for the proposed site which had been initiated on May 23, 1975 and authorize the recovery of the funds set aside for the original owners of these properties (pp. 4-5).

Two factors have been considered by the Board. First, we have considered whether the Intervenors will suffer some prejudice other than the mere prospect of a second lawsuit if we were to permit the withdrawal of the application without prejudice. See *Le Compte* v. *Mr. Chip, Inc.*, 528 F2d 601 (5th Cir. 1976); *Holiday Queen Land Corp.* v. *Baker*, 489 F2d 1031, 1032 (5th Cir. 1974), quoting *Durham* v. *Florida East Coast Ry. Co.*, *385 F2d 366 (5th Cir. 1967); 5 Moore's Federal Practice, § 41.05 at 41-72 (2d ed. 1980). Neither in their Motion for Direct Certification and Addendum of September 18, 1980 nor in their reply of December 3, 1980 do the Intervenors assert that they will suffer any legal harm other than leaving the door open for subsequent litigation. We weigh this*

[1] The Notice of Hearing was published on February 14, 1975 (40 Federal Register 6835).

factor in favor of granting the withdrawal of the application without prejudice.

Second, we have considered whether the public interest would be prejudiced should we allow the withdrawal of the application without prejudice. In its reply of December 31, 1980, the Authority denied that it had engaged in any deceitful, wrongful actions and cited various submissions wherein it had made known to the Board, Staff and Intervenors its intentions with regard to the instant proposed facility[2] and had provided information required for the Staff's review of the environmental and safety aspects of the site. In light of this record, Intervenors could not and do not pursue their barren allegation except to the extent, as indicated above, that they concentrate upon Applicant's alleged failure to notify all concerned that it had initiated reverse expropriation procedures. However, as Applicant points out, its actions were not hidden and no one was misled because a San Juan newspaper article of June 30, 1976 had publicly announced the authority's intention to desist from expropriation (Attch. C to Reply of December 31, 1980), and indeed Intervenors attached a copy of one of the motions to desist to their Petition of April 30, 1980 (Exhibit A). Moreover, the Authority asserts, and we agree, that its determination to cease expropriation proceedings in 1976 without formal notification to the NRC had no significance from the standpoint of NRC regulatory review because (1) it retained its statutory right of eminent domain which it could have exercised if it had decided to go forward with the project, (2) as was held in *New England Power Company* (NEP, Units 1 and 2), LBP–78–9, 7 NRC 271 (1978), an applicant's ownership of the land at a proposed site is not a condition precedent to the commencement of construction permit proceedings, (3) 10 CFR §§ 2.101(a–1) and 2.600 to 2.606 do not require that an Applicant must own a proposed site before an early review of site suitability issues can proceed, and because (4) in a letter to the NRC dated October 26, 1976, commenting upon the Draft Environmental Statement, it had stated that it did not own the site, and, as a result of its suggestion, page 1–1 of the Final Environmental Statement was amended to read that "The proposed facilities will be located on the Applicant's proposed 520-acre Islote site . . .". Finally, we conclude that the public interest would best be served by leaving open to the Applicant the nuclear option should changed conditions warrant.

Order

For all the foregoing reasons and based upon a consideration of the entire record in this matter, it is, this 18th day of February, 1981

Ordered that Applicant's Motion for Termination Of Proceedings is granted and its withdrawal Of Application is granted without prejudice.

The Atomic Safety and Licensing Board.

Richard F. Cole,
Administrative Judge.

Gustave A. Linenberger, Jr.,
Administrative Judge.

Sheldon J. Wolfe,
Administrative Judge.

[FR Doc. 81–6296 Filed 2–24–81; 8:45 am]
BILLING CODE 7590–01–M

[2] See pages 2–4 of Applicant's Reply of December 31, 1980. For example, as early as December 3, 1975, Applicant advised the Board and the parties that it had to decided to postpone indefinitely the nuclear plant project because energy demand had been lessened and because of worldwide inflation. While advising that it was discontinuing all design and fabrication efforts and that it would explore the possibility of selling the plant to another utility, the Authority stated its conviction that nuclear power was the only commercially viable alternative for power generation and indicated that it wished to discuss procedures leading to a determination upon site suitability. Again, for example, after the issuance of the Board's Order of May 1, 1978, which directed that Applicant submit status reports at prescribed intervals, on December 29, 1978, Applicant advised that it had terminated the contract with the nuclear steam supply system contractor but that it had not abandoned the nuclear option; that it would continue the generation expansion study considering nuclear power as a commercially available alternative; and that the Staff should complete and issue its site safety review. Finally, on December 29, 1979, the Authority advised that the next addition to its generating system would be a 300-megawatt coal-burning unit to meet its immediate needs, and thus, that consideration of nuclear capacity would be deferred for at least one year, and, in all likelihood, for a couple of years.

[Docket Nos. STN 50–483–OL, STN 50–486–OL]

Union Electric Co., (Callaway Plant, Unit 1); Prehearing Conference

Pursuant to 10 CFR 2.751(a) the Board hereby orders a special prehearing conference at 9:00 a.m., on March 24–25, 1981, at the Ramada Inn, 1510 Jefferson Highway, Jefferson City, Missouri.

The conference will be for the purpose of identification of the issues, any further actions on petitions that maybe necessary and to establish a future schedule for the proceedings.

Dated at Bethesda, Maryland this 19th day of February 1981.

For the Atomic Safety and Licensing Board.

James P. Gleason,
Administrative Judge.

[FR Doc. 81–6297 Filed 2–24–81; 8:45 am]
BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11628 (812–4388)]

Merrill Lynch Ready Assests Trust, et al.; Application for an Order Pursuant to Sections 6(c) and 17(b) of the Act Exempting Applicants From Section 17(a) of the Act

February 18, 1981.

In the matter of Merrill Lynch Ready Assets Trust, CMA Money Trust, Merrill Lynch Asset Management, Inc., Fund Asset Management, Inc., Merrill Lynch Government Securities, Inc., and Merrill Lynch Money Markets Inc., 165 Broadway, New York, New York 10080; and Merrill Lynch Institutional Fund, Inc., and Merrill Lynch Government Fund Inc., 100 Federal Street, Boston, Massachusetts 02110.

Notice is hereby given that Merrill Lynch Ready Assets Trust ("MILRAT"), CMA Money Trust ("CMA"), Merrill Lynch Institutional Fund, Inc. ("MLIF"), and Merrill Lynch Government Fund, Inc. ("MLGF") (collectively, the "Funds"), and Merrill Lynch Asset Management, Inc. ("MLAM"), and Fund Asset Management, Inc., ("FAM") (collectively, the "Advisers"), and Merrill Lynch Government Securities, Inc. ("GSI") and Merrill Lynch Money Markets, Inc. ("MMI") (all of which are hereinafter collectively referred to as the "Applicants") have filed an application on November 13, 1978 and an amendment thereto on February 9, 1981, for an order of the Commission pursuant to Sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act"), for an exemption to permit the Funds and the Advisers to engag in certain principal transactions with GSI and MMI in the manner and subject to the conditions summarized below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that each Fund is a no-load, diversified, open-end management investment company registered under the Act. Applicants state that each Fund is a "money market fund" and seeks the safety of principal, liguidity and current income available from investing in a portfolio of money market securities, primarily short-term United States Government and

Government agency securities, bank money instruments (certificates of deposit and bankers' acceptances) and commercial paper. Each Fund has an investment advisory agreement with one of the Advisors pursuant to which the Advisor, subject to the general supervision of the Directors (or Trustees) of the Fund, provides investment advisory and management services.

Applicants represent that MLAM, a wholly-owned subsidiary of Merrill Lynch & Co., Inc. ("Merrill Lynch"), and FAM, a wholly-owned subsidiary of MLAM, are both registered investment advisers under the investment Advisers Act of 1940. MLAM and FAM have substantially the same identity with the same directors and executive officers, and, insofar as investment company operations are concerned, the same employees. In their respective contracts with the Funds, the Advisers are responsible for managing the portfolios, subject to the supervision of the Directors (or Trustees) of the Funds, and have the responsibility for making investment decisions and the placement of portfolio transactions.

According to the application, GSI, a wholly-owned subsidiary of Merrill Lynch, was organized in 1973. Applicants state that GSI is one of the largest dealers in money market securities, and is one of the Government securities dealers who report their daily position and trading to the Federal Reserve Bank of New York. GSI acts as both a primary dealer and distributor of Government and Government agency issues, and makes a market almost totally as principal in both Government and Government agency issues. The application indicates that MMI was organized in 1979 as a subsidiary to GSI and has assumed GSI's trading in bank money instruments, including certificates of deposit, bankers' acceptances and commercial paper.

Applicants represent that GSI, MMI, and the Advisers operate as completely separate entities under the umbrella of the Merrill Lynch holding company. While such corporations are under common control, each has its own separate officers and employees, each is separately capitalized, and each maintains its own separate books and records and operates as an independent profit center.

Applicants indicate that practically all trading in money market securities takes place in over-the-counter markets consisting of groups of dealer firms which are primarily major securities firms or large banks. The largest group of such dealers consists of the approximately 34 Government securities dealers (one of which is GSI) who report their daily positions and trading to the Federal Reserve Bank of New York. Money market securities are generally traded in round lots of $1,000,000 on a net basis and do not normally involve either brokerage commissions or tranfer taxes. The cost of portfolio securities transactions of the Funds consists primarily of dealer or underwriter spreads. Spreads generally do not exceed 25 basis points and decline on larger amounts. A typical spread for a portfolio transaction of one of the Funds is 12.5 basis points. The Applicants state that it has been the experience of the Funds that there is not a great deal of variation in the spreads charged by the various dealers.

Applicants assert that because of the variety of types of money market securities the money market tends to be highly segmented. The character of the market for a particular security will vary widely in terms of price, violatility, liquidity and availability. There are significant fluctuations in yield among the various types of securities and even within the various types depending upon the maturity date and the quality of the issuer.

Applicants further state that access to this market depends on access to the dealers and this access can only be obtained by being a participating customer of the dealers and thereby obtaining realistic quotations and information concerning issuers of money market securities. Best price and execution is normally achieved by obtaining competitive quotations from the competitive retail dealers with respect to a particular security.

It is asserted that GSI is among the largest competitive retail dealers in the money market and that MMI is among the largest competitive retail dealers in bank money market instruments. Being competitive means that such dealer has the security in inventory (or is willing to go short on such security) and is in a position to quote prices within the prevailing market range. It is claimed that GSI's share of the trading in U.S. Government securities maturing within one year has amounted to approximately 8% of the market and MMI's share of trading in bank money market securities is 10%.

The application states that, subject to policy established by the Directors (or Trustees) and officers of the Funds, the Advisers are primarily responsible for the Funds' portfolio decisions and placing of the Funds' portfolio transactions. In placing orders, it is the policy of the Funds to obtain the best net results taking into account such factors as price, the size, type, and difficulty of the transaction involved, the firm's general execution and operational facilities, and the firm's risk in positioning the secuirites involved. The Funds' policy of investing in securities with short maturities and their utilization of various yield improvement techniques results in high portfolio turnover. The application indicates that the investment policies of the Funds, the nature of the money market, and the fact that the Funds' shares are redeemable, require rapid acquisition and disposition of portfolio securities.

Because of the above-described affiliation of GSI and MMI with the Funds, the Funds are prohibited from making purchases from or sales to GSI and MMI of securities in transactions in which GSI or MMI acts as principal. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security, of other property. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 6(c) provides that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

On August 10, 1976, the Commission issued an order (Investment Company Act Release No. 9392) (the "1976 Order"), pursuant to Sections 6(c) and 17(b) of the Act granting an exemption from the provisions of Section 17(a) of the Act to permit MLRAT and MLAM to engage in certain principal transactions with GSI which would otherwise be prohibited by Section 17(a) of the Act. This exemption applies only to the short-term United States Government securities and Government agency

securities in which MLRAT may invest, and it specifies a number of conditions that must be met before transactions can be conducted. Among such conditions, all transactions must originate with MLRAT or MLAM, not with GSI, and a determination is required in each instance, based upon information available to MLRAT and MLAM, that the price available from GSI is "better than" that available from other sources. To be considered better than the quotation from other sources, Condition (4) of the 1976 Order provides that the GSI quotation must be at least one basis point better than that available from other sources if the quotation is made in terms of yield basis; if the quotation is made in terms of a dollar price, it must be at lease ⅛₄ of a dollar better than the quotation from other sources.

The application seeks to modify the 1976 Order in the following respects:

1. The proposed order would be applicable to CMA, MLIF, and MLGF, and their investment adviser, FAM, as well as to MLRAT, and its investment adviser, MLAM; and

2. Condition (1) of the 1976 Order would be revised to make it applicable to short-term bank money instruments (i.e., certificates of deposit and bankers' acceptances) issued by certain large commercial banks as well as short-term United States Government and Government agency securities; and

3. The proposed order would be applicable to transactions with MMI in the instruments covered by the order.

In all other respects, the exemptive order sought in the application will be subject to substantially the same conditions set forth in the 1976 Order.

The Applicants assert that the rationale behind each of these modifications is as follows:

1. At the time the 1976 Order was issued, the only advisory relationship that either of the Advisers had with a money market fund was MLAM's investment advisory agreement with MLRAT. Since such time, FAM has entered into investment advisory relationships with CMA, MLIF and MLGF. Each of these Funds is similar to MLRAT in terms of investment objectives and portfolio requirements. Therefore, the Applicants submit that the rationale behind the original issuance of the 1976 Order with respect to MLAM and MLRAT applies to FAM and CMA, MLIF and MLGF.

2. The 1976 Order applies only to United States Government and Government agency securities. Except for MLGF, which invests only in short-term Treasury Bills and notes, investments in Government and Government agency securities comprise only a portion of the Funds' assets. Investments in bank money instruments are equally significant to the Funds, other than MIGF, and at times comprise a greater portion of their assets. At August 31, 1980, for MLIF and September 30, 1980, for MLRAT and CMA, for example, 67.6%, 53% and 85.7% of their assets were invested in bank money instruments, respectively, while, at the same time, 17.5%, 30.9% and 2% of their assets were invested in Government and Government agency securities respectively.

Applicants assert that the 1976 Order was limited to United States Government and Government agency securities because such securities are exempt securities under Section 3(a)(2) of the Securities Act of 1933 and are subject to less risk than the other types of money market securities and because the market for such securities was deemed to have more depth and liquidity than other types of money market securities. It was believed that transactions involving such securities present less potential for abuse of the inherent conflicts of interest involved in transactions with affiliates. Bank money instruments are also exempt securities under Section 3(a)(2). Applicants state that compared to other money market securities, the bank money instruments in which the Funds may invest rank closely behind Government and Government agency securities in terms of quality and ahead of commercial paper. This is in part because of the regulated nature of the banking industry. According to their investment policies, MLRAT and CMA can only conduct transactions in short-term bank money instruments of United States commercial banks with more than $1 billion in assets, and MLIF can only conduct transactions in short-term bank money instruments of the 50 largest United States commercial banks. Applicants state that the risk of default that might otherwise exist is lessened further by the short-term nature of the instruments, the size requirements with respect to eligible issuers and the credit analysis to which the Advisers subject the issuers of bank money instruments. The Advisers believe that the bank money instruments in which the Funds invest have a minimal risk of default.

The Applicants assert that, in terms of depth and liquidity, the market for bank money market instruments ranks closely behind the market for Government securities. The bank money instrument segment of the market is considered to be much more liquid than the commercial paper market, the corporate bond market and the municipal bond market. However, as is the case with all money market securities, including Government securities, the secondary market at times becomes very fluid and its liquidity varies.

3. It is asserted that being able to conduct transactions with MMI would be advantageous to MLRAT, CMA, and MLIF as a competitive factor, even if never used, in negotiating prices with other dealers. If nothing else, the application states that access to MMI would be an important information source as to the prevailing market for bank money instruments. The application further states that access to MMI would be very helpful in the disposition of bank money instruments prior to maturity in the secondary market, especially at times when the secondary market may be in a fluid state. The size requirements of the Funds are another important factor making access to MMI desirable. Because of their large size, MLRAT and CMA need extremely large investments typically in the $10–50 million range, and MLIF seeks investments in the $5–25 million range. MMI would be helpful to the Funds with respect to both very large and very small purchases.

In making the foregoing request, Applicants agree that the following conditions may be imposed on the granting of an exemptive order:

1. The exemption will apply only to short-term United States Government and Government agency securities and bank instruments (i.e., certificates of deposit and banker's acceptances). In the case of MLRAT and CMA, the bank money instruments subject to the proposed order must be issued by United States commercial banks having at least $1 billion in assets. In the case of MLIF, such bank money instruments must be issued by one of the 50 largest commercial banks in the United States. For purposes of the order, short-term securities are defined to be securities having a maturity of no more than one year.

2. All transactions will originate with the Funds or their Advisers and not with GSI or MMI. No solicitation will be made of the Funds or the Advisers by GSI or MMI. In discussions with respect to proposed transactions between the Funds and GSI or MMI, GSI and MMI personnel will confine their activities to the response to inquiries from the Funds and the Advisers. Neither Merrill Lynch, Pierce, Fenner & Smith Incorporated nor Merrill Lynch & Co., Inc., will have any involvement with respect to proposed transactions between the Funds and the Advisers and neither will attempt to influence or control in any way the placing by the Funds or the Advisers of orders with GSI or MMI.

3. Before any transaction will be executed with GSI or MMI, the Funds or the Advisers will obtain such information as they deem necessary to determine the most favorable price (as defined in Condition (4) below) available with respect to the transaction. Before any transaction will be executed with GSI or MMI, the Funds or the Advisers must check at least three other dealers to obtain a competitive quotation. With respect to prospective purchases of securities, these dealers must be those who have money market securities of the categories and the type desired in their inventories and who are in a position to quote favorable prices with respect thereto. With respect to the prospective disposition of securities, these dealers must be those who, in the experience of the Funds and the Advisers, are in a position to quote favorable prices.

4. A determination will be required in each instance, based upon the information available to the Funds and the Advisers, that the price available from GSI or MMI is "better than" that available from other sources. To be considered "better than" that available from other sources, the GSI or MMI quotation must be at least one basis point better than that available from other sources if the quotation is made in terms of yield basis; if the quotation is made in terms of a dollar price, it must be at least ⅛₄ of a dollar better than the quotations from other sources.

5. GSI's and MMI's dealer spread in regard to any transaction with the Funds will be no greater than their customary dealer spreads, which in turn will be consistent with the average or standard spread charged by dealers in money market securities for the type of security and the size of transaction involved.

6. The exemption will be made subject to any regulations promulgated by the Commission under Section 11(a)(2)(B) of the Securities Exchange Act of 1934 which would otherwise prohibit or restrict in any way the ability of the Funds and/or the Advisers to conduct principal transactions with GSI and MMI.

7. The exemption will be valid only so long as the Advisers, GSI and MMI operate as separate entities within the holding company framework of Merrill Lynch & Co., Inc., with their own separate officers and employees, separate capitalization, and separate books and records.

8. The Funds and the Advisers will maintain records with respect to their transactions with GSI and MMI, including documentation of having obtained quotations from at least three other dealers with respect to each transaction. A schedule of all such transactions will be filed with the periodic reports filed by the Funds with the Commission pursuant to Sections 30(a) and 30(b)(1) of the Act.

9. The Legal Advisory Department of Merrill Lynch, Pierce, Fenner & Smith Incorporated will prepare guidelines for GSI and MMI personnel to make certain that the no-solicitation policy is followed, that the Funds receive rates as favorable as other institutional purchasers buying in the same quantities and that the parties maintain arm's-length relationships. The Legal Advisory Department will periodically monitor the activities of GSI and MMI in this regard to make certain that the above policy is adhered to.

10. The Audit Committees of the Board of Directors (or Trustees) of the Funds, consisting of the non-interested Directors (or Trustees), will prepare guidelines for the Funds and the Advisers to make certain that the Funds are obtaining best price and execution with respect to any transactions with GSI and MMI and that the above procedures are followed in all respects. The respective Audit Committees will periodically monitor the activities of the Funds and the Advisers in this regard to insure that these matters are being accomplished.

The Applicants believe that the granting of this application will provide the Funds access to the money market necessary to insure best price and execution in the case of United States Government, Government agency securities and bank money instruments, and will provide the Funds and the Advisers with an important new information sources in the money market and thereby will work to the benefit of the shareholders of the Funds.

The Applicants believe that the procedures to be followed with respect to transactions with GSI and MMI are structured in such a way as to insure that such transactions will be in all instances reasonable and fair and will not involve overreaching on the part of any person concerned, and further that such exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Finally, it is submitted that the experience of MLRAT under the 1976 Order demonstrates that there has been no overreaching on the part of any person involved in these transactions and that, based upon this experience, it would be appropriate to broaden the 1976 Order to include bank money instruments and to apply to transactions with MMI.

Notice is further given that any interested person may, not later than March 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6296 Filed 2-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11629; 811-1900]

399 Fund; Application

February 18, 1981.

Notice is hereby given that 399 Fund ("Applicant"), One Citicorp Center 153 East 53rd Street, New York, New York 10043, and open-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application pursuant to Section 8(f) of the Act on December 1, 1980, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it sold substantially all its assets to Stein Roe

Special Fund, Inc. ("Stein Roe"), pursuant to an agreement and plan of reorganization approved unanimously by Applicant's board of directors at a special meeting held on February 28, 1980, and approved by Applicant's shareholders at a special meeting held on July 1, 1980. The application states that Applicant transferred substantially all its assets to Stein Roe in exchange for shares of Stein Roe capital stock having an aggregate net asset value equal to the assets transferred and sold as of the close of business on July 8, 1980, subject to certain adjustments. In connection with the winding-up of its affairs, Applicant states it distributed a cash dividend of $70,365, of which $68,927 represented a divident for the fiscal year ended June 30, 1980, and $1,438 of which represented a dividend for the eight day period from July 1, 1980, to July 8, 1980.

Applicant states that it spent approximately $25,000, which it had retained, to satisfy all its outstanding debts and liabilities. Applicant represents that Citibank, N.A., a national banking association, paid all expenses incurred by Applicant, Stein Roe and Stein Roe's investment adviser in connection with the agreements and plan of reorganization and the transactions contemplated thereby. The application states that no securityholders of Applicant exist to whom distributions in complete liquidation of their interests have not been made. Applicant states that it will file appropriate documents to effect dissolution under the laws of the state of Delaware as soon as practicable after the requested order for deregistration has been granted.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–6269 Filed 2–24–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11632; 812–4786]

Tucker Anthony Mutual Fund; Application

February 18, 1981.

Notice is hereby given that Tucker Anthony Mutual Fund ("Applicant"), Three Center Plaza, Boston, Massachusetts 02108, an open-end, diversified, management investment company, filed an application on December 24, 1980, and an amendment thereto on February 9, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–45 and 22c–1 thereunder, to the extent necessary to permit Applicant to value the assets of its initial series, Tucker Anthony Cash Management Fund ("Fund"), using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is organized as a Massachusetts business trust and structured as a "series company" with one initial series of shares, those of the Fund. Applicant further represents that the Fund is to be a "money market" fund designed as an investment vehicle for institutional as well as individual investors with temporary cash balances or cash reserves. Applicant also states that the objective of the Fund is to seek to achieve as high a rate of current income as is consistent with preservation of capital and maintenance of liquidity by investing in a portfolio of a variety of money market instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

According to the application, Applicant's board of trustees has determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing the portfolio securities of the Fund is appropriate and in Applicant's best interests and reflects the fair value of such securities. Applicant also avers that its board of trustees is of the view that it will be advantageous to shareholders of the Fund to have the conveniences and advantages of the

stable purchase and redemption price of $1.00 per share which the amortized cost method of valuing portfolio securities would provide. Applicant submits that its use of the amortized cost method of valuing the portfolio securities of the Fund, subject to certain conditions to which it agrees, will benefit those shareholders by enabling the Fund to maintain a $1.00 per share purchase and redemption price.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it believes the granting of the requested exemption by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicant requests that an order be granted to exempt Applicant from Section 2(a)(41) and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit it to maintain a $1.00 per share purchase and redemption price for shares of the Fund by means of the amortized cost method of portfolio valuation. If the requested exemptions are granted by the Commission, Applicant agrees to adhere to the following conditions:

1. In supervising the Fund's operations and delegating special responsibilities involving management of the Fund's portfolio to Applicant's investment adviser, Applicant's trustees undertake—as a particular responsibility within the overall duty of care owed its shareholders—to establish proceduces reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the trustees shall be the following:

(a) Review by Applicant's board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of the Fund as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share of the Fund exceeds ½ of 1 percent, a requirement that the trustees will promptly consider what action, if any, should be initiated.

(c) Where Applicant's trustees believe the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average maturity of portfolio instruments; withholding dividends; or utilizing a net assest value per share as determined by using available market quotations.

3. Applicant will cause the Fund to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for the Fund; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the trustees' conditions and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the trustees's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments of the Fund, including repurchase agreements, to those United States dollar-denominated instruments which the trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 16, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–6270 Filed 2–24–81; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

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SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0195]

Gulfstream Capital Corp.; Issuance of License

On December 19, 1980, a Notice was published in the **Federal Register** (45 FR 83732) stating that an application had been filed by Gulfstream Capital Corporation, First National Bank Building, 801 Broad Street, Suite 616, Augusta, Georgia 30902, with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (SBIC's) under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business January 5, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the applicaitonand all other pertinent information, the SBA issued License No. 04/04-0195 to Gulfstream Capital Corporation, to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: February 18, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6346 Filed 2-24-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0425]

Tiffany Small Business Investment Co.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980), by Tiffany Small Business Investment Company (Applicant), 122 East 42nd Street, New York, New York 10168, for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The formation and licensing of a limited partnership SBIC is subject to the provisions of § 107.4 of the Regulations. The application provides for three individual general partners. There will be three limited partners.

The initial investors and their present ownership of the Applicant are as follows:

James S. Feldesman, 303 E. 52nd St., New York, New York 10022, General Partner 1%

Irving E. Hertz, 985 Fifth Ave., New York, New York 10021, General Partner 20%

Marvin A. Blumenfeld, 6 Belmont Dr., Monticello, New York 12701, General Partner 20%

Robert N. Lane, 180 E. 79th St., New York, New York 10021, Limited Partner 20%

Lucille E. Feldesman, 303 E. 52th St., New York, New York 10022, Limited Partner 19%

Janet B. Berke, 303 E. 57th St., New York, New York 10022, Limited Partner 20%

The Applicant proposes to commerce operations with a maximum partnership capital of $1,100,000. General Partners' capital amounts to $660,000, Limited Partners' capital, $440,000. The Applicant anticipates it will provide equity and loan financing. It will have a broad financing policy.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed general and limited partners, and the probability of successfull operation of the Applicant, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than March 12, 1981, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 6341 Filed 2-24-81; 8:45 a.m.]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-36]

Petroleum Products; Customs Approved Public Gauger; Marintch

Approval of public gauger performing gauging under standards and procedures required by Customs.

Notice is hereby given pursuant to the provisions of § 151.43 of the Customs Regulations (19 CFR 151.43) that the application of Marintch, 9001 Glacier, #178, Texas City, Texas 77590, to gauge imported petroleum and petroleum products in all Customs districts in accordance with the provisions of § 151.43 of the Customs Regulations is approved.

Dated: February 19, 1981.

Anthony Piazza,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 81-6351 Filed 2-24-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

[Department Circular, Public Debt Series No. 6-81]

Treasury Notes of May 15, 1986, Series D-1986

February 20, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of the United States securities, designated Treasury Notes of May 15, 186, Series d-1986 (CUSIP No. 912827 LQ 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and interntional monetary authorities.

2. Description of Securities

2.1. The securities will be dated March 4, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now of hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities regustered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, February 26, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, February 25, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securites specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Wednesday, March 4, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, March 2, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence.

When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "the Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-6450 Filed 2-23-81; 3:44 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Advisory Committee on Former Prisoners of War; Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63, revised, and in consultation with General Services Administration and OMB, the Veterans Administration has determined that establishment of the Advisory Committee on Former Prisoners of War is necessary and in the public interest.

The committee has been established to review adverse effects on health and adjustment of former prisoners of war. The committee will draw conclusions on existing information concerning the residual effects of internment, review new statistical and clinical information on former prisoners of war, and render expert advisory opinions to the Administrator and the Administrator's staff concerning Agency policies and procedures in relation to former prisoners of war. The committee will be composed of authorities in such fields as psychiatry, psychology, internal medicine, nutrition, epidemiology, and others who have studied the effects of stress, starvation and disease in the health of survivors of severe stressful stituations. The committee will also include former prisoners of war.

Comments of interested persons concerning the establishment of this committee may be submitted to Dr. Jack R. Ewalt, Mental Health and Behavioral Sciences Service (116), Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420, phone (202) 389-3416.

Dated: February 12, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 81-6233 Filed 2-24-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 37
Wednesday, February 25, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-307 Amdt. 3; Feb. 19, 1981]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item.

TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 16. Docket 37642, Application of United Air Lines for an exemption or declaratory order under section 403(b) to permit travel agents to assess customers service charges (Memo 299, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 16 is being deleted from the February 19, 1981 agenda because this item was inadvertently released by the Bureau for inclusion on the calendar before the usual coordination with other bureaus, and that coordination has not yet been completed. Accordingly, the following Members have voted that Item 16 be deleted from the February 19, 1981 agenda and that no earlier announcement of this deletion was possible:

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S-300-81 Filed 2-23-81; 9:54 am]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 2, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of Michigan National Bank—Port Huron, Port Huron, Michigan, and Marine Bank & Trust, Marine City, Michigan.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,686-NR—First National Bank of Carrington, Carrington, North Dakota

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-302-81 Filed 2-23-81; 10:42 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 2, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

First Sterling Bank, and proposed new bank, to be located at 3660 Havendale Boulevard (State Road 544), Unincorporated Polk County (P.O. Winter Haven), Flordia.

Bayoulands Bank, a proposed new bank, to be located on Louisiana Highway Spur 70, Plattenville, Louisiana.

Rockland Savings Bank, Rockland, Massachusetts, an operating noninsured mutual savings bank.

Citizens Bank of Marinette, a proposed new bank, to be located on Pine Tree Road, Marinette, Wisconsin.

Valley View Bank, a proposed new bank, to be located at 3500 U.S. Highway 16, La Crosse, Wisconsin.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,678-L—Guaranty Bank & Trust Company, Chicago, Illinois

Case No. 44,679-L—The Mission State Bank & Trust Company, Mission, Kansas

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Audit Report re: Investigation of Travel Irregularities—Boston Regional Office.
Report of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority Sale of Real or Personal Property

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-303-81 Filed 2-23-81; 10:42 am]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of Meeting.

TIME AND DATE: 10 a.m., March 2, 1981.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. EL79–20, Buckeye Power, Inc.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, (202) 357–8400.

[S-301-81 2-23-81; 10:42 am]

BILLING CODE 6450-85-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 13632, February 23, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 25, 1981.

CHANGES IN THE MEETING: The meeting will begin at 1 p.m. instead of 10 a.m. The following item has been added.

Item No., Docket No., and Company

RP–4 AR61–2, AR67–1 and AR69–1, *et al.*, G–13258, G–18512, G–20509 and RP60–15, RP64–31, RP70–5 and RP70–16, RP70–38, *et al.*, and RP72–91, *et al.* Southern Natural Gas Company.

Kenneth F. Plumb,

Secretary.

[S-306-81 Filed 2-23-81; 3:28 pm]

BILLING CODE 6450-85-M

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, March 2, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Possible violation of the Bank Holding Company Act.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: February 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-304-81 Filed 2-23-81; 2:46 pm]

BILLING CODE 6210-01-M

7

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

MEETING: Cultural Minorities Task force.

DATE AND TIME:

Friday, March 6, 1981, 9 a.m.–4:30 p.m.
Saturday, March 7, 1981, 9 a.m.–4:30 p.m.

PLACE: Mayflower Hotel (March 6—Senate Room) (March 7—Potomac Room).

STATUS: Open.

MATTERS TO BE DISCUSSED: Task Force plan of work.

February 17, 1981.

Toni Carbo Bearman,

Executive Director, National Commission of Libraries and Information Science.

[S-307-81 Filed 2-23-81; 3:58 pm]

BILLING CODE 7527-01-M

8

[Meeting No. 1262]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:15 a.m. (EST), Monday, March 2, 1981.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

Old Business Items

1. Final rate review.

New Business Items

C—Power Items
1. Addendum to interchange agreement with Georgia Power Company.
2. Lease-purchase agreement with SKW Trostberg AG and SKW Alloys, Inc., its subsidiary, covering the lease and eventual purchase of the 161–13.2-kV transformation facilities at TVA's Calvert 161-kV substation.
3. Supplement to contract with the Department of Energy for coal cleaning studies.
4. Letter agreement with the Department of Energy covering arrangements for a nuclear spent fuel rod consolidation demonstration program at Browns Ferry Nuclear Plant.

D—Personnel Items
*Change of status for Jack T. Thompson from Power Plant Superintendent, John Sevier Steam Plant to Branch Chief, Technical Services, Division of Fossil & Hydro Power, Office of Power, Chattanooga, Tennessee.
*2. Change of status for Allan T. Mullins from Assistant Director to Director, Division of Fuels, Office of Power, Chattanooga, Tennessee.
3. Change of status for Gary F. Harmon from Operations Manager, Nuclear Raw Materials, Division of Fuels, to Manager, Uranium Operations, Division of Fuels, Office of Power, Chattanooga, Tennessee.

E—Real Property Transactions
1. Filing of condemnation suits.
2. Land exchange affecting approximately 1.25 acres of Cherokee National Forest land located in Carter County, Tennessee, previously transferred by TVA to the United States Department of Agriculture.

F—Unclassified
1. Supplemental agreement between TVA and the Commonwealth of Virginia—providing for technical assistance to the Division of Mined Land Reclamation for the Straight Creek Water Reclamation Project above the town of St. Charles, Virginia.
2. Supplement to contract with the city of Triana, Alabama, covering arrangements for cooperation in a program for further development of the city through industrial and agricultural enterprises.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: February 23, 1981.

[S-305-81 Filed 2-23-81; 3:06 pm]

BILLING CODE 8120-01-M

*Items approved by individual Board members. This would give formal ratification to the Board's action.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments On Proposed Rules for the Week of March 1 through March 7, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

87002 12–31–80 / Packers and stockyards; livestock market agencies and dealers; surety bond requirements, etc.; comments by 3–2–81

Animal and Plant Health Inspection Service—

85767 12–30–80 / Export Swine pseudo-rabies test requirements; comments by 3–2–81

8640 12–31–80 / Livestock and poultry disease control; communicable diseases, foot-and-mouth disease, pleuropneumonia, rinderpest, etc., indemnity claims not allowed; comments by 3–2–81

Food and Nutrition Service—

66448 10–7–80 / Pennsylvania Food Stamp Direct Demonstration Project; comments by 3–1–81

Food Safety and Quality Service—

10500 2–3–81 / Accredited Laboratory program; comments by 3–5–81

79819 12–2–80 / Prohibition of polychlorinated biphenyls (PCB's) and PCB-containing equipment or machinery and liquid PCB in Federally inspected meat establishments, poultry product establishments and egg product plants; comment period extended to 3–4–81

[*See also* 45 FR 44317, 10–28–80]

10498 2–3–81 / Proposed shelled peanuts standards; comments by 3–5–81

COMMODITY FUTURES TRADING COMMISSION

9958 1–30–81 / Contract market designation; economic and public interest reqirements; comments by 3–1–81

[Originally published at 45 FR 73504, 11–5–80]

79831 12–2–80 / Speculative position limits; comments by 3–2–81

EDUCATION DEPARTMENT

5410 1–19–81 / Centers for independent living; comments by 3–5–81

86308 12–30–80 / Continuing Education Outreach—State Administered Program provisions; comments by 3–2–81

86894 12–31–80 / Educational Opportunity Centers Program; comments by 3–2–81

86872 12–31–80 / International Education Programs, selection criteria specified; comments by 3–2–81

86331 12–30–80 / Legal Profession Training Program provisions; comments by 3–2–81

86928 12–31–80 / National Graduate Fellows Programs; comments by 3–2–81

4954 1–19–81 / Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance; intent to develop regulations; comments by 3–5–81

86394 12–30–80 / Pell Grant Program provisions; comments by 3–2–81

[*See also* 46 FR 12495, 2–17–81]

86333 12–30–80 / Pell Grant Program provisions; comments by 3–2–81

86333 12–30–80 / Provisions for matching grants orders the High School Equivalency and College Assistance Migrant program; comments by 3–2–81

86340 12–30–80 / Provisions for financial assistance for construction, reconstruction and renovation of higher education facilities; comments by 3–2–81

86315 12–30–80 / Provisions of Continuing Education Outreach—Special Projects program; comments by 3–2–81

86317 12–30–80 / Proposed provisions for handicapped research programs; comments by 3–2–81

86311 12–30–80 / Provisions of Special Impact Aid Program for Refugees; comments by 3–2–81

86378 12–30–80 / Rehabilitation training provisions (final regulations); comments by 3–2–81

[*See also* 46 FR 12495, 2–17–81]

86922 12–31–80 / Special Programs Staff and Leadership Personal Training Program; comments by 3–2–81

86900 12–31–80 / Special Services for Disadvantaged Students Program; comments by 3–2–81

86854 12–31–80 / Student assistance general provisions; comments by 3–2–81

[*See also* 46 FR 12495, 2–17–81]

86908 12–31–80 / Talent Search Program; comments by 3–2–81

4991 1–19–81 / Teacher Corps Program grants; comments by 3–5–81

4913 1–19–81 / Training programs for teachers of handicapped children in areas with a shortage; comments by 3–5–81

[*See also* 46 FR 12495, 2–17–81]

86914 12–31–80 / Upward Bound Program; comments by 3–2–81

86328 12–30–80 / Veterans' Cost-of-Instruction Payments Program provisions; comments by 3–2–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

11839 2–11–81 / Ceiling prices on high cost gas produced from tight formations; comments by 3–6–81

8568 1–27–81 / Gathering allowances and compression allowances under Section 110 of the Natural Gas Policy Act of 1978; comments extended to 3–2–81

[Originally published at 45 FR 84814, 12–23–80]

11890, 11892 2–11–81 / Proposed designation of tight formations producing high cost gas (2 documents); comments by 3–6–81

ENVIRONMENTAL PROTECTION AGENCY

86946 12–31–80 / Air pollution from aircraft; report "Impact of Aircraft Emissions on Air Quality in the vicinity of Airports"; comments by 3–2–81

9661 1–29–81 / Air quality, Utah, nonattainment area boundaries for sulfur dioxide and total suspended particulates in certain counties; comments by 3–2–81

79726 12–1–80 / Chemical imports and exports; proposed policy statement for chemical substances; comments by 3–2–81

86968 12–31–80 / Hazardous waste management system standards for generators of hazardous waste and owners and operators of treatment, storage, and disposal facilities; comments by 3–2–81

86966 12–31–80 / Hazardous waste management system, storage requirements applicable to transporters, etc.; comments by 3–2–81

86970 12–31–80 / Hazardous wastes, transportation by rail; comments by 3–2–81

9973 1–30–81 / Illinois; revisions to State Implementation Plan; comments by 3–2–81

8589 1–27–81 / Kentucky's application for interim authorization, Phase I, hazardous waste management program; comments by 3–2–81

84828 12–23–80 / Polychlorinated biphenyls (PCB's) manufacturing, processing, distribution in commerce, and use prohibitions; proposed restrictions on use of PCBs at Agricultural Pesticide and Fertilizer Facilities; comments by 3–4–81

10750 2–4–81 / Revised State Implementation Plan regulations for the San Diego Air Basin; comments by 3–6–81

86278 12–30–80 / Standards of performance for new stationary sources; pressure sensitive tape and label surface coating operations; comments by 3–2–81

FEDERAL COMMUNICATIONS COMMISSION

9665 1–29–81 / Aeronautical mobile services on worldwide basis; frequency allotment changes; comments by 3–6–81

11846 2–11–81 / Amendment of FM broadcast station assignment rules; comments by 3–2–81

46121 7–9–80 / American Telephone and Telegraph Co.; long-term cost allocation procedures; reply comments by 3–7–81

3939 1–16–81 / American Telephone and Telegraph Co.; manual and procedures for the allocation of costs; comments by 3–7–81

9133 1–28–81 / Common carrier services; AT&T; wideband circuits to communications companies and public; comments by 3–2–81

10924 2–5–81 / Competitive common carrier services and facilities authorizations; rates; deregulatory approaches; comments by 3–2–81

9141 1–28–81 / FM broadcast station; Norton, Kansas; table of assignments; comments by 3–2–81

84833 12–23–80 / FM broadcast station in Ponca City, Okla.; proposed changes in table of assignments; reply comments by 3–2–81

5009 1–19–81 / Frequency allocations and radio treaty matters; high frequency radio spectrum; reply comments by 3–2–81

69178 10–17–80 / Inquiry into the future role of low-power television broadcasting and television translators in the National Telecommunications System; reply comments by 3–1–81

3939 1–16–81 / Inquiry into future role of low-power television broadcasting and television translators in the National Telecommunications System; comments by 3–2–81

5011 1–19–81 / Land mobile services; one-way paging stations policies and procedures; reply comments extended to 3–6–81

10768 2–4–81 / Multiple-address radio systems, allocation of forty-eight 25 KHz channels in the 900 MHz range and establishment of a new standard for frequency tolerance in the 952–960 MHz band; reply comments by 3–5–81

84835 12–23–80 / TV Broadcast Station in Kerrville, Tex.; proposed changes in table of assignments; reply comments by 3–2–81

9664 1–29–80 / VHF television reception, improvements; comments period extended to 3–6–81

[*See also* 45 FR 70023, 10–22–80]

FEDERAL HOME LOAN BANK BOARD

86500 12–31–80 / Mortgage loans state usury laws; preemption; wraparound mortgages for Federally related residential first mortgages; comments by 3–2–81

FEDERAL MARITIME COMMISSION

10767 2–4–81 / Proposed suspension of regulations establishing, level of military rates; comments by 3–6–81

FEDERAL TRADE COMMISSION

10165 2–2–81 / Care labeling of textile products and leather clothing; comments by 3–6–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

85962, 86168 Classification of dental services; comments by 3–2–81 (186 documents)

9924 1–30–81 / Cultured and acidified milks, cultured and acidified buttermilks, yogurts and eggnog; standards of identity; final rule; objections by 3–2–81

79656 12–2–80 / Current good manufacturing practice relating to poisonous and deleterious substances in food, feed, and food packaging materials plants; comments by 3–4–81

2364 1–9–81 / Food labeling, net weight labeling requirements; comments by 3–6–81

10461 2–3–81 / Indirect food additives, adjuvants, production aids, and sanitizers; antioxidants and/or stabilizers for polymers; objections by 3–5–81

9941 1–30–81 / Indirect food additives; safe use regulations for cyclic neopentanetetrayl bis (octadecyl phosphite); objections by 3–2–81

86362 12–30–80 / Infant formula quality control procedures; comments by 3–2–81

28 1–2–81 / Prescription drug products; patient package insert requirements; comments by 3–3–81

85785 12–30–80 / Shipping temperature requirements for certain biological products; comments by 3–2–81

Social Security Administration—

86507 12–31–80 / Financial assistance programs, subsidized housing, treatment in eligibility determinations; comments by 3–2–81

INTERIOR DEPARTMENT

National Park Service—

5668 1–19–81 / Alaska National Wildlife refuge; comments by 3–5–81

5642 1–19–81 / National Park System units in Alaska; comments by 3–5–81

INTERSTATE COMMERCE COMMISSION

8670 1–29–80 / Rail carriers; reasonably expected costs; surcharges on joint-line traffic; comments 3–2–81

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

85205 12–30–80 / Affirmative action obligations of contractors and subcontractors for disabled veterans and veterans of the Vietnam era and handicapped workers; comments by 3–2–81

Office of the Secretary—

11323 2–6–81 / Procurement; grants and contracts; cost principles and procedures; comments by 3–2–81

[Originally published at 45 FR 83998, 12–19–80]

NUCLEAR REGULATORY COMMISSION

3541 1–15–81 / Operational data gathering; comments by 3–2–81

POSTAL SERVICE

10513 2–3–81 / Floodplain management and protection of wetlands procedures; comments by 3–5–81

11301 2–6–81 / Indemnity claims for insured, COD, registered, and express mail; comments by 3–6–81

[Corrected at 46 FR 12991, 12–19–81]

11296 2–6–81 / International express mail rates; comments by 3–1–81

SECURITIES AND EXCHANGE COMMISSION

78 1–2–81 / Proposed revision of regulation S–K and guides for the preparation and filing of registration statements and reports; comments by 3–6–81

TRANSPORTATION DEPARTMENT

Coast Guard—

74523 11–10–80 / Damage stability standards for Great Lakes bulk dry cargo vessels; comment period extended to 3–1–81

[*See also* 45 FR 54095, 8–14–80]

Federal Aviation Administration—

79302 11–28–80 / Aircraft operating noise limits for aircraft operating under new Part 125; comments by 3–1–81

10164 2–2–81 / Proposed alteration of control zone; San Antonio, Tex. (Kelly, AFB); comments by 3–4–81

76 1–2–81 / Transport category airplanes—Pitot heat indication systems; comments by 3–5–81

National Highway Traffic Safety Administration—

10969 2–5–81 / Fields of direct view safety standards, extension of time for filing petitions for reconsideration; file by 3–3–81

[*See also* 46 FR 40, 1–2–81]

10969 2–5–81 / Hydraulic brake systems safety standards; extension of time for filing petitions for reconsideration; file by 3–3–81

[*See also* 46 FR 55, 1–2–81]

5022 1–19–81 / Passenger automobile average fuel economy standards; proposed decision to grant exemption; comments by 3–5–81

Urban Mass Transportation Administration—

5394 1–19–81 / Charter bus operations; comments by 3–5–81

TREASURY DEPARTMENT

Customs Service—

85780 12–30–80 / Provisions for assessment of liquidated damages under carrier's bonds; comments by 3–2–81

85781 12–30–80 / Provisions relating to quota merchandise, statistical information and merchandise released under the immediate delivery procedure; comments by 3–2–81

79730 12–1–80 / Special classes of merchandise; comments by 3–2–81

Internal Revenue Service—

112 1–2–81 / Basis and nonrecognition of gain or loss in triangular corporate reorganizations; comments by 3–3–81

85786 12–30–80 / Custodial accounts for regulated investment company stock; amendment of prior proposal; comments by 3–2–81

[*See also* 43 FR 5852, 2–10–78]

120 1–2–81 / Definitions and special rules relating to generation-skipping transfers; comments by 3–3–81

85787 12–30–80 / Income tax; charitable contribution of property elected under the Asset Depreciation Range System; comments by 3–2–81

85788 12–30–80 / Inspection of applications for tax exemption and similar material; comments by 3–2–81

116 1–2–81 / Miscellaneous DISC amendments; comments by 3–3–81

114 1–2–81 / Statutory merger using voting stock of the corporation controlling the merged corporation; comments by 3–3–81

129 1–2–81 / Various excise tax amendments relating to Motor Fuels and Buses under the Energy Tax and Revenue Acts of 1978, and the Technical Corrections Act of 1979; comments by 3–3–81

Comments On Proposed Rules for the Week of March 8 through March 14, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

13222 2–20–81 / Milk in the Eastern South Dakota marketing area; recommended decision and opportunity to file written exceptions; comments by 3–9–81

12709 2–18–81 / Milk in the St. Louis-Ozarks and certain other marketing areas; recommended decision to file written exceptions on proposed amendments to tentative marketing agreements and to orders; comments by 3–10–81

Rural Electrification Administration—

3027 1–13–81 / Telephone borrowers: service entrance and station protector installations and station installations (Bulletin 345–52); comments by 3–13–81

CIVIL AERONAUTICS BOARD

85064 12–24–80 / Accounts and reports for certified air carriers, uniform system; reduction in financial and statistical reporting requirements; reply comments by 3–10–81

COMMERCE DEPARTMENT

1761 1–7–81 / Proposed quotas for taking of dolphins incidental to commercial tuna purse seine fishing in the tropical Pacific Ocean; comments by 3–9–81

International Trade Administration—

1258 1–6–81 / Expansion of foreign policy control; interim rule; comments by 3–9–81

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Maritime Administration—

10515 2-3-81 / Cargo preference-U.S. Flag vessels geographical allocation of preference cargoes; comments by 3-9-81
[Originally published at 46 FR 2370, 1-9-81]

CONSUMER PRODUCT SAFETY COMMISSION

3034 1-13-81 / Benzene-containing consumer products; proposed withdrawal of proposed ban; comments by 3-13-81

DEFENSE DEPARTMENT

Army Department—

11672 2-10-81 / Obtaining information from financial institutions; comments by 3-12-81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

9005 1-27-81 / Residential Conservation Service program; Federal RCS plan; comments by 3-10-81

Federal Energy Regulatory Commission—

12760 2-18-81 / High-cost gas produced from tight formations; comments by 3-13-81

ENVIRONMENTAL PROTECTION AGENCY

11309 2-6-81 / Alaska State Implementation Plan; comments by 3-9-81

2544 1-9-81 / Canned and preserved seafood processing point source category; comments by 3-10-81

2344 1-9-81 / Hazardous waste management system; General and EPA administered permit programs; the hazardous waste permit program; comments by 3-10-81

11310 2-6-81 / Illinois State Implementation Plan; proposed disapproval of Administrative Order; comments by 3-9-81

11311 2-6-81 / Indiana State Implementation Plan; ambient air quality monitoring, data reporting and surveillance provisions; comments by 3-9-81

1858 1-7-81 / Iron and steel manufacturing point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 3-9-81

11680 2-10-81 / Isophorone, Exemption from the requirement of a tolerance, amendment; comments by 3-12-81

11312 2-6-81 / Nebraska State Implementation Plan; comments by 3-9-81

11681 2-10-81 / Potassium hydroxide, Exemption from the requirement of a tolerance; comments by 3-12-81

3967 1-16-81 / Preliminary notice of determination concluding the rebuttable presumption against registration of pesticides containing ethylene dibromide; comments by 3-10-81

11678 2-10-81 / Proposed revision of the Maryland State Implementation Plan; comments by 3-12-81

2369 1-9-81 / Pulp, paper, and paperboard industry point source categories; effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 3-9-81
[Originally published at 46 FR 1430, Jan. 6, 1981]

11557 2-9-81 / Standards of performance for new stationary sources; surface coating of metal furniture; comments by 3-10-81
[Originally published at 45 FR 79390, 11-28-80]

11323 2-6-81 / Testing requirements for specification of disposal sites for dredged or fill material; comments by 3-9-81

8590 1-27-81 / Textile mills point source category, effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 3-13-81
[Corrected at 46 FR 11322, 2-6-81]

11320 2-6-81 / Washington State Implementation Plan; comments by 3-9-81

11321 2-6-81 / Wisconsin State Implementation Plan; ambient air quality monitoring, data reporting, and surveillance provisions; comments by 3-9-81

FEDERAL COMMUNICATIONS COMMISSION

82973 12-17-80 / AM broadcast stations, automation of use of measurement data; comments by 3-9-81

3573 1-15-81 / AM stereophonic broadcasting; reply comments extended to 3-9-81
[*See also* 45 FR 59350, 9-9-80 and 45 FR 81797, 12-12-80]

9143 1-28-81 / Emergency radio service; additional systems on secondary basis; reply comments by 3-10-81

11847 2-11-81 / Geographic reallocation of certain channels in the Detroit area to the business radio service; comments by 3-9-81

63305 9-24-80 / Providing for additional technologies which can improve efficiency of radio spectrum use; comments by 3-9-81

FEDERAL TRADE COMMISSION

11830 2-11-81 / Franchising and business opportunity ventures; disclosure requirements and prohibitions; comments by 3-11-81
[Corrected at 46 FR 13525, 2-23-81]

12005 2-12-81 / Franchising and business opportunity ventures, disclosure requirements and prohibitions; petition for exemption; comments by 3-12-81
[Corrected at 46 FR 13525, 2-23-81]

2361 1-9-81 / J. Walter Thompson Co.; consent agreement with analysis to aid public comment; comments by 3-9-81

2355 1-9-81 / Standard Brands, Inc. and Ted Bates & Co., Inc.; consent agreement with analysis to aid public comment; comments by 3-9-81

2359 1-9-81 / Teledyne, Inc. et al.; consent agreement with analysis to aid public comment; comments by 3-9-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

1319 1-6-81 / Child Support Enforcement Program; withholding of advance funds for not reporting; comments by 3-9-81

1321 1-6-81 / Child Support Enforcement Program; requests for collection by Secretary of the Treasury; comments by 3-9-81

Food and Drug Administration

81154 12-9-80 / Classification of hypophosphatemia and hyperphosphatemia drug products for over-the-counter human use; comments by 3-9-81

73955 11-7-80 / Hair grower and hair loss prevention drug products for over-the-counter human use; reply comments by 3-9-81
[Corrected at 46 FR 3030, 1-13-81]

62014 12-12-80 / Vaginal contraceptive (OTC); monograph establishment; comments by 3-12-81
[Corrected at 46 FR 11292, 2-6-81]

Health Care Financing Administration—

1258 1-6-81 / Medicaid Program; plans of correction for intermediate care facilities for the mentally retarded; comments by 3-9-81

Public Health Service—

7176 1-22-81 / Mental health authorities; State, equitable arrangements for employee protection; comments by 3-9-81

Office of the Secretary—

7011 1-22-81 / Public assistance programs, State agency cost allocation plans, preparation, submission and approval (2 documents); comments by 3-9-81

INTERIOR DEPARTMENT

National Park Service—

1312 1-6-81 / Bighorn Canyon National Recreation Area; snowmobile regulations; comments by 3-9-81

INTERSTATE COMMERCE COMMISSION

8501 1-27-81 / Special docket proceedings—waiver of insignificant amounts and simplification of procedures; comments by 3-13-81

LABOR DEPARTMENT

Pension and Welfare Benefits Programs Office—

1304 1-6-81 / Summary annual report furnished participants and beneficiaries of employee benefit plans, amendments; comments by 3-9-81

NUCLEAR REGULATORY COMMISSION

85459 12-29-80 / Protection of unclassified safeguards information; comments by 3-9-81

81060 12-9-80 / Requirement for advance notification to Governors concerning shipments of irradiated reactor fuel; comments by 3-9-81

81058 12-9-80 / Requirement for advance notification to states of transportation of certain types of nuclear waste; comments by 3-9-81

PANAMA CANAL COMMISSION

9942 1-30-81 / Order of passage of vessels through the Panama Canal; interim rule; comments by 3-13-81

PERSONNEL MANAGEMENT OFFICE

1278 1-6-81 / Actions in the interest of the employee; comments by 3-9-81

STATE DEPARTMENT

Foreign Service Grievance Board—

11180 2-5-81 / Grievances and separation for causes cases; comments by 3-9-81

TRANSPORTATION DEPARTMENT

Coast Guard—

81616 12-11-80 / Lifesaving equipment; line throwing appliances required equipment on merchant vessels; comments by 3-11-81
[Corrected at 46 FR 3573, 1-15-81]

12524 2-17-81 / Marine engineering regulations for merchant vessels; acceptance of ASME U or UM Symbol Stamp for Pressure Vessels, Fittings and Accumulators; comments by 3-12-81
[Originally published at 45 FR 85488, 12-29-80]

Federal Aviation Administration—

80972 12-8-80 / Increase in approved takeoff weights and passenger seating capacities; comments by 3-9-81

Research and Special Programs Administration—

80843 12-8-80 / Limited quantities of radioactive materials; comments by 3-13-81
[Corrected at 45 FR 82681, 12-16-80 and 45 FR 84108, 12-22-80]

National Highway Traffic Safety Administration—

10969 2-5-81 / Confidential business information; extension of time for filing petitions for reconsideration; file by 3-9-81
[*See also* 46 FR 2049, 1-8-81]

10179 2-2-81 / Federal Motor Vehicle Safety Standards; seat belt assembly anchorages; extension of comment period; comments by 3-11-81
[Originally published at 45 FR 81625, 12-11-80]

10969 2-5-81 / Occupant crash protection safety standard; extension of time for filing petitions for reconsideration, file by 3-9-81
[*See also* 46 FR 2064, 1-8-81]

TREASURY DEPARTMENT

Internal Revenue Service—

1753 1-7-81 / Addition of items to category of specially defined energy property; comments by 3-9-81

1744 1-7-81 / Limitations on reorganization treatment for investment companies; comments by 3-9-81

1754 1-7-81 / Net income limitation on windfall profit; comments by 3-9-81

Next Week's Meetings:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

12037 2-12-81 / Regulation of Business Committee, confidential business information, Washington, D.C. (open), 3-3-81

AGRICULTURE DEPARTMENT

Forest Service—

10789 2-4-81 / Committee of State Foresters; Albuquerque, N.M. (open), 3-5-81

5625 1-27-81 / Fremont National Forest Grazing Advisory Board, Lakeview, Oreg. (open), 3-6-81

12038 2-12-81 / Modoc National Forest Grazing Advisory Board, Alturas, Calif. (open), 3-6-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

11638 2-9-81 / Humanities Panel, Washington, D.C. (closed), 3-2 and 3-6-81

9269 1-28-81 / Humanities Panel, Washington, D.C. (closed), 3-4 and 3-5-81

11926 2-11-81 / Media Arts Panel (AFI/Archival Section), Washington, D.C. (closed), 3-3-81

11926 2-11-81 / Special Projects Panel (Folk Arts Section), Washington, D.C. (partially open), 3-5 through 3-7-81

12371 2-13-81 / Visual Arts Panel (Drawing/Printmaking/Artists Books), Washington, D.C. (closed), 3-5 and 3-6-81

12371 2-13-81 / Visual Arts Panel (Residencies), Washington, D.C. (closed), 3-7-81

CIVIL RIGHTS COMMISSION

12995 2-19-81 / Connecticut Advisory Committee, Cromwell, Conn. (open), 3-5-81

12040 2-12-81 / Illinois Advisory Committee, Chicago, Ill. (open), 3-2-81

12041 2-2-81 / Vermont Advisory Committee, Montpelier, Vt. (open), 3-4-81

COMMERCE DEPARTMENT

Census Bureau—

11855 2-11-81 / American Statistical Association, Census Advisory Committee, Suitland, Md. (open), 3-5 and 3-6-81

National Oceanic and Atmospheric Administration—

12529 2-17-81 / Coastal Zone Management Advisory Committee, Washington, D.C. (open), 3-5 and 3-6-81

5033 1-19-81 / Gulf of Mexico Fishery Management Council, San Antonio, Tex. (open), 3-3 and 3-4-81

10521 2-3-81 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 3-4 through 3-6-81

DEFENSE DEPARTMENT

Office of the Secretary—

7428 1-23-81 / Wage Committee, Washington, D.C. (closed), 3-3-81

11697 2-10-81 / Electron Devices Advisory Group, Arlington, Va. (closed), 3-5-81
[Rescheduled at 46 FR 12533, 2-17-81]

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EDUCATION DEPARTMENT

13060 2-19-81 / Bilingual Education, National Advisory Council, Washington, D.C. (open), 3-7, 3-8, and 3-9-81

12229 2-13-81 / Black Higher Education and Black Colleges and Universities, National Advisory Committee, Washington, D.C. (open), 3-2 and 3-3-81

12230 2-13-81 / Indian Education National Advisory Council, Tempe, Ariz. (open), 3-6-81

11334 2-6-81 / Indian Education National Advisory Council, Search Committee (closed), Tempe, Ariz., 3-7-81

ENERGY DEPARTMENT

11704 2-10-81 / Oak Ridge Gaseous Diffusion Plant (ORGDP), intent to prepare an environmental impact statement on an Incineration Facility, Columbus, Ohio (open), 3-3-81

Energy Research Office—

12541 2-17-81 / Conservation Panel, Energy Research Advisory Board, Washington, D.C. (open), 3-6-81

Environment Office—

12266 2-13-81 / Environmental Advisory Committee, Demand Subcommittee and Subcommittee on Nuclear Energy, Washington, D.C. (open), 3-5 and 3-6-81

ENVIRONMENTAL PROTECTION AGENCY

10853 2-4-81 / Management Advisory Group to the Municipal Construction Division, Washington, D.C. (open), 3-3, through 3-5-81

11883 2-11-81 / State FIFRA Issues Research and Evaluation Group, Washington, D.C. (open), 3-5-81

FEDERAL COMMUNICATIONS COMMISSION

10853 2-4-81 / Advisory Committee on Radio Broadcasting, Technical and Allocations Subgroups, Washington, D.C. (open), 3-4-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

11708 2-10-81 / Cognition, Emotion, and Personality Research Review Committee, Washington, D.C. (partially open), 3-6 through 3-8-81

11708 2-10-81 / Mental Health National Advisory Council, Rockville, Md. (partially open), 3-2 through 3-4-81

11708 2-10-81 / Psychiatry Education Review Committee, Rockville, Md. (partially open), 3-2 through 3-6-81

Centers for Disease Control—

10014 1-30-81 / National Institute for Occupational Safety and Health, Safety and Occupational Health Study Section, Wheaton, Md. (partially open), 3-2 through 3-5-81

Food and Drug Administration—

10015 1-30-81 / Antihemophilic Factor Workshop, Bethesda, Md. (open), 3-2-81

11712 2-10-81 / Cardiovascular and Renal Drugs Advisory Committee, Bethesda, Md. (open), 3-5 and 3-6-81

11710 2-10-81 / Circulatory System Devices Panel, Washington, D.C. (partially open), 3-2-81

11712 2-10-81 / Metabolic Drugs Advisory Committee, Endocrinologic Subcommittee, Rockville, Md. (open), 3-5-81

National Institutes of Health—

11717 2-10-81 / Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Subcommittee, Houston, Tex. (partially open), 3-2 and 3-3-81

11717 2-10-81 / Microbiology and Infectious Diseases Advisory Committee, Dallas, Tex. (partially open), 3-6 and 3-7-81

6073 1-21-81 / Minority Access to Research Careers Review Committee, Bethesda, Md. (partially open), 3-5 and 3-6-81

10208 2-2-81 / National Institute of Neurological and Communicative Disorders and Stroke; Consensus Development Conference on Reye's Syndrome, Bethesda, Md. (open), 3-2 through 3-4-81

6074 1-21-81 / Various study sections, Bethesda, Md. (partially open), 3-1 through 3-7-81

[*See also* 46 FR 13816, 2-24-81]

Public Health Service—

10209 2-2-81 / National Toxicology Program, San Diego (open), 3-1-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

75005 11-13-80 / International Trade in Endangered Species of Wild Fauna and Flora, Conference of the parties to the Convention, New Delhi, India (open), 2-25 through 3-6-81

Land Management Bureau—

9790 1-29-81 / Idaho Falls District Advisory Council, Idaho Falls, Idaho (open), 3-6 and 3-7-81

11367 2-6-81 / Pacific Power & Light Co.; Proposed 500Kv Electrical Transmission Line from Eugene to Medford, Oreg.; Intent to Prepare an Environmental Impact Statement, Eugene, Rosenburg and Medford, Oreg., 3-2, 3-3 and 3-4-81, respectively

9789 1-29-81 / Spokane District Advisory Council, Spokane, Wash. (open), 3-5-81

9791 1-29-81 / Uinta-Southwestern Utah Regional Coal Team, Salt Lake City, Utah, 3-4-81

11366 2-6-81 / White River Management Framework Plan, Denver, Grand Junction and Meeker, Colo. (open), 3-3, 3-4 and 3-5-81 respectively

National Park Service—

12550 2-17-81 / Appalachian National Scenic Trail Advisory Council, Harpers Ferry, W. Va. (open), 3-6 and 3-7-81

12551 2-17-81 / Golden Gate National Recreation Area Advisory Commission, San Francisco, Calif., 3-7-81 and Point Reyes Station, Calif. (open), 3-21-81

11603 2-9-81 / Rio Grande Wild and Scenic River, Brewster and Terrell Counties, Texas; Environmental assessment/general management plan and draft land acquisition plan; Alpine and Sanderson, Texas., 3-2; San Antonio, Texas, 3-3; Austin, Texas, 3-4; Houston, Texas, 3-5; and Dallas, Texas (all open), 3-6-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

9261 1-28-81 / Research Advisory Committee, Washington, D.C. (open), 3-3 and 3-4-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

12168 2-12-81 / NASA Advisory Council Aeronautics Advisory Committee, Ad Hoc Subcommittee on the Proposed NASA/British Aerospace Cooperative Research Program, Washington, D.C. (open), 3-3-81

12912 2-18-81 / NASA Advisory Council, Informed Ad Hoc Advisory Subcommittee on Computer Technology and Information System, Washington, D.C. (open), 3-5-81

12168 2-12-81 / NASA Advisory Council, Space Science Advisory Committee, Washington, D.C. (open), 3-2 thru 3-5-81

NATIONAL SCIENCE FOUNDATION

12565 2-17-81 / Social and Economic Science Advisory Committee, Political Science Subcommittee, Washington, D.C. (closed), 3-5 and 3-6-81

STATE DEPARTMENT

12585 2-17-81 / International Radio Consultative Committee, Study Group 1 of the U.S. Organization, Washington, D.C. (open), 3-4-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

12179 2-12-81 / Radio Technical Commission of Aeronautics, Special Committee 139—Airborne Equipment Standards for Microwave Landing System, Washington, D.C. (open), 3-4 through 3-6-81

Federal Highway Administration—

5118 1-19-81 / Outdoor Advertising and Motorist Information National Advisory Committee, Washington, D.C. (open), 3-5 and 3-6-81

National Highway Traffic Safety Administration—

7123 1-22-81 / Safety Standards International Harmonization; Program of Work on the WP29 Fifteenth Session, Ad Hoc Meeting; Geneva, Switzerland, 3-5 and 3-6-81

VETERANS ADMINISTRATION

12387 2-13-81 / Scientific Review and Evaluation Board for Rehabilitative Engineering Research and Development, Washington, D.C. (partially open), 3-4 and 3-5-81

Next Week's Public Hearings

ENERGY DEPARTMENT

Bonneville Power Administration—

12659 2-17-81 / Proposed transmission and rate adjustment, Salem, Oregon, 3-5-81

12668 2-17-81 / Proposed Wholesale Power Rate Adjustment, Portland, Oregon, 3-2-81

12668 2-17-81 / Proposed Wholesale Power Rate Adjustment, Richland, Wash., 3-11 and Seattle, Wash., 3-12, and San Francisco, Cal., 3-13-81

12668 2-17-81 / Proposed Wholesale Power Rate Adjustment, Salem, Oregon, 3-5-81

Conservation and Solar Energy Office—

8016 1-26-81 / Residential energy efficiency program, Washington, D.C., 3-6-81

ENVIRONMENTAL PROTECTION AGENCY

9974 1-30-81 / Iron and steel manufacturing point source category; effluent guidelines and standards, Washington, D.C., 3-6-81

9974 1-30-81 / Pulp, paper and paperboard; builders' paper and board mills, Washington, D.C., 3-6-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 19, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

12498 2-17-81 / CSA—Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from financial assistance provided by CSA

[Originally published at 46 FR 5620, 1-19-81]

12499 2-17-81 / CSA—Rules superseded by the Grantee Program Management System; effective 2-17-81

12495 2-17-81 / ED/Sec'y—Assistance to States for Education of Handicapped Children; effective 3-30-81

[Originally published at 46 FR 3865, 1-16-81]

12495 2-17-81 / ED/Sec'y—Assistance to States for Education of Handicapped Children; effective 3-30-81

[Originally published at 46 FR 5460, 1-19-81]

12495 2-17-81 / ED/Sec'y—Arts in Education Program; effective 3-30-81

[Originally published at 46 FR 4606, 1-16-81]

12495 2-17-81 / ED/Sec'y—Centers for Independent Living; effective 3-30-81

[Originally published at 46 FR 5410, 1-19-81]

12495 2-17-81 / ED/Sec'y—Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities; effective 3-30-81

[Originally published at 46 FR 3205, 1-14-81]

12495 2-17-81 / ED/Sec'y—Graduate and Professional Study Fellowships; effective 3-30-81

[Originally published at 46 FR 3400, 1-14-81]

12495 2-17-81 / ED/Sec'y—Instructional Media for the Handicapped; effective 3-30-81

[Originally published at 46 FR 3206, 1-14-81]

12495 2-17-81 / ED/Sec'y—International Education Programs; effective 3-30-81

[Originally published at 45 FR 86872, 12-31-80]

12495 2-17-81 / ED/Sec'y—Law-Related Education Program; effective 3-30-81

[Originally published at 46 FR 3877, 1-16-81]

12495 2-17-81 / ED/Sec'y—Minority Institutions Science Improvement Program (MISIP); effective 3-30-81

[Originally published at 46 FR 3873, 1-16-81]

12495 2-17-81 / ED/Sec'y—National Direct Student Loan Program, College Work-Study Program, and Supplementary Educational Opportunity Grant Program; effective 3-30-81

[Originally published at 46 FR 5238, 1-19-81]

12495 2-17-81 / ED/Sec'y—National Direct Student Loan Program, College Work-Study Program, Supplemental Educational Opportunity Grant Program, Guaranteed Student Loan Program, Parent Loans for Undergraduate Students Program, and Pell Grant Program; effective 3-30-81

[Originally published at 46 FR 6322, 1-21-81]

12495 2-17-81 / ED/Sec'y—Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal Financial Assistance; and Assistance to States for Education of Handicapped Children; effective 3-30-81

[Originally published at 45 FR 86390, 12-30-80]

12495 2-17-81 / ED/Sec'y—Pell Grant Program; effective 3-30-81

[Originally published at 45 FR 86394, 12-30-80]

12495 2-17-81 / ED/Sec'y—Pell Grant Program, Family Contribution Schedules; effective 3-30-81

[Originally published at 46 FR 5320, 1-19-81]

12495 2-17-81 / ED/Sec'y—Rehabilitation training; effective 3-30-81

[Originally published at 45 FR 86378, 12-30-80]

12495 2-17-81 / ED/Sec'y—Selection criteria for FY 1981; effective 3-30-81

[Originally published at 46 FR 5372, 1-19-81]

12495 2-17-81 / ED/Sec'y—State Vocational Rehabilitation and Independent Living Rehabilitation Programs; effective 3-30-81

[Originally published at 46 FR 5522, 1-19-81]

12495 2-17-81 / ED/Sec'y—Student Assistance General Provisions; effective 3-30-81

[Originally published at 45 FR 86854, 12-31-80]

12495 2-17-81 / ED/Sec'y—Vocational Rehabilitation Service Projects; effective 3-30-81

[Originally published at 46 FR 5416, 1-19-81]

DEADLINES FOR COMMENTS ON PROPOSED RULES

12522 2-17-81 / CSA—Grantee public affairs; public access to grantee information; comments by 4-20-81

13237 2-20-81 / Navajo and Hopi Indian Relocation Commission—Discretionary funds; procedures for submission, review, approval, and administration of applications for financial assistance; comments by 3-23-81

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APPLICATIONS DEADLINES

12770 2–18–81 / Commerce/MBDA—Financial assistance application; apply by 3–5–81

12996 2–19–81 / Commerce/MBDA—Financial Assistance Application Announcement: General Business Services Program; apply by 2–27–81

MEETINGS

13434 3–20–81 / NFAH—Dance Panel Grants to Dance Companies Section, Washington, D.C. (closed), 3–9 through 3–13–81

12564 2–17–81 / NFAH—Design Arts Panel (Communication and Exploration/Research Section), Washington, D.C. (closed), 3–17 and 3–18–81

12565 2–17–81 / NFAH—Design Arts Panel (Demonstration Section), Washington, D.C. (closed), 3–26 and 3–27–81

12565 2–17–81 / NFAH—Design Arts Panel (Design Fellowships Section), Washington, D.C. (closed), 3–10 and 3–11–81

13434 3–20–81 / NFAH—Expansion Arts Panel, Interdisciplinary/Community Cultural Centers Section, Washington, D.C. (closed), 3–9 through 3–11–81

13435 2–20–81 / NFAH—Expansion Arts Panel, Performing Arts Section, Washington, D.C. (closed), 3–18 through 3–20–81

13435 2–20–81 / NFAH—Expansion Arts Panel, Visual/Media/Design and Literary Arts Section, Washington, D.C. (closed), 3–12 and 3–13–81

12565 2–17–81 / NFAH—Federal Graphics Improvement Evaluation Panel, Washington, D.C. (open), 4–9–81

13435 2–20–81 / NFAH—Inter-Arts Panel, Artists Colonies Section, Washington, D.C. (closed), 3–11–81

13435 2–20–81 / NFAH—Visual Arts Panel, Services to the Field Section, Washington, D.C. (closed), 3–10 through 3–13–81

12565 2–17–81 / NSF—NSF Advisory Council, Task Group 15, Washington, D.C. (open), 3–9–81

12565 2–17–81 / NSF—Social and Economic Science Advisory Committee Political Science Subcommittee, Washington, D.C. (closed), 3–5 and 3–6–81

OTHER ITEMS OF INTEREST

13250 2–20–81 / Commerce/NBS—Fire Research Center program; availability of long range plan and proposal preparation guide

13061, 13086, 13117 2–19–81 / ED—Data acquisition activities involving educational agencies and institutions (3 documents)

13262, 13269 2–20–81 / ED—Data acquisition activities; comments by 3–23–81 (2 documents)

13284 2–20–81 / ED—Paperwork control procedures; list of education data acquisition activities for 1981–1982 school year

13043 2–19–81 / HHS/PHS—Determination of population of Health Service Areas

12912 2–18–81 / NFAH—Artists-in-Education Advisory Panel (formerly Artists-in-Schools Advisory Panel); Renewal

12913 2–18–81 / NFAH—Expansion Arts Advisory Panel; Renewal

12913 2–18–81 / NFAH—Federal Graphics Evaluation Advisory Panel; Renewal

12913 2–18–81 / NFAH—Inter-Arts Advisory Panel (formerly Special Projects Advisory Panel); Renewal

12913 2–18–81 / NFAH—Literature Advisory Panel; Renewal

12914 2–18–81 / NFAH—Media Arts Advisory Panel; Renewal

12914 2–18–81 / NFAH—Museum Advisory Panel; Renewal

12914 2–18–81 / NFAH—Music Advisory Panel; Renewal

12914 12–18–81 / NFAH—Office for Partnership Advisory Panel; Renewal

12914 2–18–81 / NFAH—Theatre Advisory Panel; Renewal

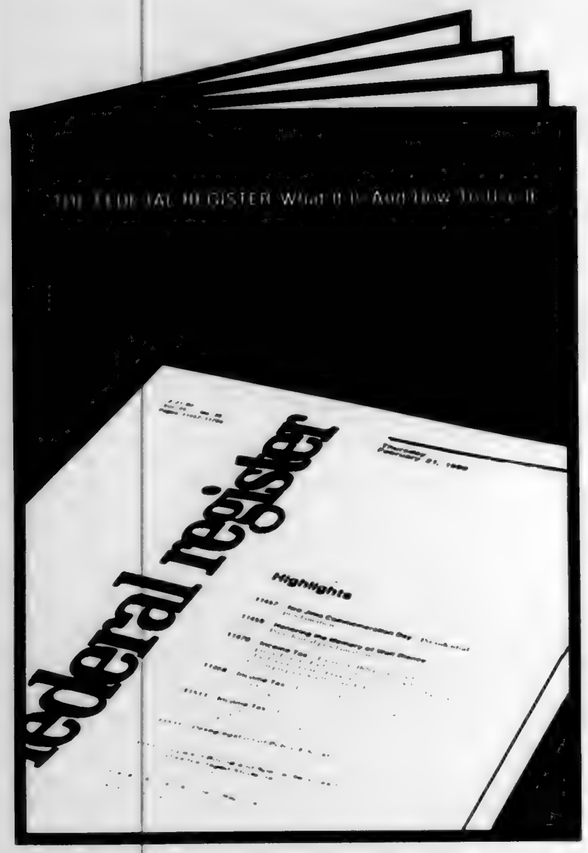
12915 2–18–81 / NFAH—Visual Arts Advisory Panel; Renewal

12928 2–18–81 / OMB—Cumulative report on budget rescissions and deferrals

13168 2–19–81 / OMB—Cumulative report on budget rescissions and deferrals

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14113 **Nuclear Cooperation with EURATOM** Executive order

14330 **Iran** Treasury/Office of Foreign Assets and Control amends Iranian assets control regulations; effective 1-19-81 (Part III of this issue)

14330 **Iran** Treasury/Office of Foreign Assets and Control restricts property of the former Shah of Iran; effective 1-19-81 (Part III of this issue)

14188 **Loan Programs** HHS/HSA establishes maximum interest rates for quarter ending March 31, 1981 for the Health Education Assistance Loan Program

14157 **Oil** DOE/ERA provides entitlements notice for December 1980 Domestic Crude Oil Allocation Program

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Presidential Documents

Title 3—

The President

Executive Order 12294 of February 24, 1981

Suspension of Litigation Against Iran

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which were based the declarations of national emergency in Executive Order No. 12170, issued November 14, 1979, and in Executive Order No. 12211, issued April 17, 1980, in light of the agreement with the Government of Iran, as reflected in the Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of United States diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, in order to implement Article II of the Declaration of Algeria concerning the settlement of claims and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

Section 1. All claims which may be presented to the Iran-United States Claims Tribunal under the terms of Article II of the Declaration of the Government of the Democratic and Popular Republic of Algeria Concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran, and all claims for equitable or other judicial relief in connection with such claims, are hereby suspended, except as they may be presented to the Tribunal. During the period of this suspension, all such claims shall have no legal effect in any action now pending in any court of the United States, including the courts of any state or any locality thereof, the District of Columbia and Puerto Rico, or in any action commenced in any such court after the effective date of this Order. Nothing in this action precludes the commencement of an action after the effective date of this Order for the purpose of tolling the period of limitations for commencement of such action.

Section 2. Nothing in this Order shall require dismissal of any action for want of prosecution.

Section 3. Suspension under this Order of a claim or a portion thereof submitted to the Iran-United States Claims Tribunal for adjudication shall terminate upon a determination by the Tribunal that it does not have jurisdiction over such claim or such portion thereof.

Section 4. A determination by the Iran-United States Claims Tribunal on the merits that a claimant is not entitled to recover on a claim shall operate as a final resolution and discharge of the claim for all purposes. A determination by the Tribunal that a claimant shall have recovery on a claim in a specified amount shall operate as a final resolution and discharge of the claim for all purposes upon payment to the claimant of the full amount of the award, including any interest awarded by the Tribunal.

Section 5. Nothing in this Order shall apply to any claim concerning the validity or payment of a standby letter of credit, performance or payment bond or other similar instrument.

Section 6. Nothing in this Order shall prohibit the assertion of a counterclaim or set-off by a United States national in any judicial proceeding pending or hereafter commenced by the Government of Iran, any political subdivision of Iran, or any agency, instrumentality, or entity controlled by the Government of Iran or any political subdivision thereof.

Section 7. The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act and by 22 U.S.C. § 1732 to carry out the purposes of this Order.

Section 8. Executive Order Nos. 12276 through 12285 of January 19, 1981, are ratified.

This Order shall be effective immediately and copies shall be transmitted to the Congress.

Ronald Reagan

THE WHITE HOUSE,
February 24, 1981.

[FR Doc. 81-3777
Filed 2-24-81; 3:04 pm]
Billing code 3195-01-M

Editorial Note: The President's message to the Congress, dated Feb. 24, 1981, on Executive Order 12294, is printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 9).

Presidential Documents

Executive Order 12295 of February 24, 1981

Nuclear Cooperation With EURATOM

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to Section 126a(2) of such Act and extended by Executive Order 12193, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of United States non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1982.

Ronald Reagan

THE WHITE HOUSE,
February 24, 1981.

[FR Doc. 81-3778
Filed 2-24-81; 3:05 pm]
Billing code 3195-01-M

Editorial Note: The text of the President's letters to the Speaker of the House and the President of the Senate, dated Feb. 24, 1981, on Executive Order 12295, is printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 9).

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 4, Amdt. 10]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter requirement for domestic shipments of Florida Temple oranges from 2$^{9}/_{16}$ inches to 2$^{8}/_{16}$ inches. This amendment also requires that domestic shipments of Florida tangelos meet the external requirements of U.S. No. 1 grade and the internal requirements of U.S. No. 2 grade. Such shipments currently must meet the U.S. No. 1 grade. This action recognizes the size composition and quality of the remaining supply of Temple oranges and tangelos and is consistent with the current and prospective demand for such fruits.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This is not a major rule under the Executive Order issued February 17, 1981. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this change in minimum grade and minimum size factors does not materially affect handler operating procedures or costs. This regulation is issued under the marketing agreement and Order No. 905, (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of the specified varieties of citrus, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. This amendment relieves restrictions on shipments of Florida Temple oranges and tangelos.

Accordingly, it is found that the provisions of § 905.304 (Orange, Grapefruit, Tangerine and Tangelo Regulation 4; (45 FR 67047; 76651; 79002; 80269; 81199; 83192; 46 FR 5859; 1089; 11655; 11656) should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4.

(a) * * *

Table I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Oranges:			
Temple	Feb. 20 to Oct. 18, 1981	U.S. No. 1 (External)	2$^{9}/_{16}$
		U.S. No. 2 (Internal)	2$^{9}/_{16}$
Tangelos	Feb. 20 to Oct. 18, 1981	U.S. No. 1 (External)	2$^{9}/_{16}$
		U.S. No. 2 (Internal)	2$^{8}/_{16}$

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 20, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-6415 Filed 2-25-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 511]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 27–March 5, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This is not a major rule under E.O. 12291. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under

the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on February 24, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is somewhat easier.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and it is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.811 is added as follows:

§ 907.811 Navel Orange Regulation 511.

The quantities of navel oranges grown in Arizona and California which may be handled during the period February 27, 1981, through March 5, 1981, are established as follows:

(1) District 1: 1,335,000 cartons;

(2) District 2: 135,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: 30,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 25, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-6040 Filed 2-25-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-EA-77; Amdt. 39-4051]

Airworthiness Directives; Piper PA-31T, PA-31T1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA-31T and PA-31T1 type airplanes. It requires an inspection of the propeller and intake lip deice power relay to insure P/N 484247 relay is installed. The inspection and replacement if necessary is required prior to flight in icing conditions. An improper relay can burn out causing a loss of the deicing function.

EFFECTIVE DATE: February 27, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Piper Letter 31–28 may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: W. White, Systems and Equipment Section, AEA–213, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–3372.

SUPPLEMENTARY INFORMATION: There had been a report by the manufacturer that 11 airplanes may have been released with a questionable propeller and intake lip deice power relay installed. This system requires that a 24VDC relay be installed. On some airplanes, a 24VAC relay may have been installed. An airmail letter dated December 20, 1980, was transmitted to all known owners of the 11 airplanes directing them to inspect and assure that the proper relay had been installed. The present rule covers the same subject. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendent

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

Applies to Piper PA–31T S/N 8120008, 8120009, 8120010, and 8120013, and Piper PA–31T1 airplanes S/N 8104007, 8104008, 8104009, 8104010, 8104011, 8104012, and 8104013. Compliance required as indicated, unless already accomplished.

To prevent loss of the propeller and intake lip deicing functions, comply as follows:

Prior to further flight in known icing conditions, inspect for proper propeller and intake lip deice power relay in accordance with Piper telegraphic form letter #31–28, dated December 22, 1980, or equivalent, approved by Chief Engineering and Manufacturing Branch. If (P/N 484247) relay is installed, check to insure that correct D.C. relay PRD7DYD (24 VDC) is installed. If the latter relay is not installed, remove and install proper relay prior to further flight in known icing conditions.

Effective Date: This amendment is effective February 27, 1981, and was effective upon receipt by all recipients of the telegram dated December 20, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT:". It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Jamaica, New York, on February 13, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-6038 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-6-AD; Amdt. 39-4048]

Airworthiness Directives: Avions Marcel Dassault-Breguet Aviation Model Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires modification of the freon air conditioning system electrical starting circuit on Avions Marcel Dassault-Breguet Aviation Model Falcon 10 airplanes. The AD is needed to prevent overheating of the freon compressor motor starting resistor which could be an ignition source to flammable fluids or vapors in the area of the resistor. This AD supersedes AD 78–22–03 which required installation of a thermostat to protect the resistor. Service experience has shown that this thermostat fails to protect the resistor under certain operating conditions.

DATES: Effective date March 2, 1981. Compliance schedule as prescribed in the body of this AD.

ADDRESSES: The applicable service bulletin may be obtained from:

Falcon Jet Corporation, 90 Moonachie Avenue, Moonachie, New Jersey 07074
or
Europe Falcon Service, B.P. No. 10, Aeroport du Bourget, 93350 Le Bourget, France

A copy of the service bulletin is also contained in the rules docket for this amendment at the Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Gary D. Lium, Systems and Equipment Branch, ANW–130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2500.

SUPPLEMENTARY INFORMATION:

History

Airworthiness Directive 78–22–03, Amendment 39–3321 (43 FR 48623), was issued to require modification of the Falcon 10 freon air conditioning system electrical starting circuit due to numerous reports of overheating of the compressor motor starting resistor and failure of this resistor in service due to the demanding duty cycle of the compressor under certain conditions. The resistor is located in the airplane aft accessory compartment. This compartment also houses the hydraulic power system which is serviced with MIL–H–5606 hydraulic fluid, and the air vent lines of the fuel system. The temperatures involved in the overheating resistor are such that the steel material in the resistor melts and flows on the compartment floor. The temperature is thus much higher than the flash points of the fluids mentioned above, and could provide an ignition source in the event of a fluid line or fitting leak. The modification required by AD 78–22–03 consisted of the installation of a thermostat to prevent the motor from starting in the event of a resistor overheat. Subsequent to issuance of the AD, it was discovered that in the case of abnormally fast cyclings, the resistor can overheat and reach unsafe temperatures before the thermostat has time to operate. To date, two airplanes modified in accordance with AD 78–22–03 have experienced resistor overheat.

A study was made by the manufacturer and a modification was developed to protect the motor. This modification consists of deletion of the resistor and thermostat and installation of a time-delay device to delay successive starts by 30 seconds so as to allow the motor time to cool.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the freon air conditioning compressor motor starting circuit on Avions Marcel Dassault-Breguet Aviation Model Falcon 10 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days. It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Cost Estimate

Approximately 23 airplanes may be affected by this AD. It is estimated that 20 manhours are required to accomplish the modification in accordance with the service bulletin listed below, and the time-delay device can be procured locally at nominal cost. The total cost per airplane is estimated to be $625, and the cost impact to the U.S. fleet is thus $14,375.

Adpotion of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Avions Marcel Dassault—Breguet Aviation: Applies to all Model Falcon 10 airplanes certificated in all categories. Compliance required as indicated.

To prevent overheating of the air conditioning system—freon compressor motor starting resistor and thus avoid the attendant potential fire hazard accomplish the following, unless already acomplished:

Prior to May 1, 1981, remove the compressor motor starting resistor and thermostat, and install a time-delay device in the starting system in accordance with Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0177, dated December 5, 1978, or later FAA-approved revisions, or in a manner acceptable to the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

This amendment supersedes AD 78–22–03.

This amendment becomes effective March 2, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

A final regulatory evaluation prepared for this action is contained in the regulatory docket and summarized earlier in this rule. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION, CONTACT."

Issued in Seattle, Washington, February 10, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-6037 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

High-Cost Gas Produced from Tight Formations; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule in Docket No. RM79–76 (Colorado-1) relating to high-cost gas produced from tight formations that appeared on page 9921 in the Federal Register of January 30, 1981 (46 FR 9921). This action is necessary to add an appendix which was omitted in the rule as issued.

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FOR FURTHER INFORMATION CONTACT:
Leslie Lawner, Office of General Counsel, (202) 357-8307.

Kenneth F. Plumb,
Secretary.

The following correction is made in the final rule in FR Doc. 81-3503 as it appeared on page 9921 of the issue of January 30, 1981.

1. The following appendix is added but will not appear in the Code of Federal Regulations.

Appendix

Description of Area Excluded From Designation as a Tight Formation in RM79-76 (Colorado-1)

Weld County

Township 1 North, Range 65 West, 6th P.M.,
Secs. 5, 6, 8, 9, 16, 17, 29 and 32, all;
Secs. 4 and 38: N½;
Sec. 30. S½;
Secs. 14, 18 and 20. W½.
Township 1 North, Range 66 West, 6th P.M.,
Secs. 2, 4-8, 14, 18-20, 24 and 28, all;
Secs. 10 and 32, N½;
Secs. 3, 21 and 27. S½;
Secs. 16, 22, 29 and 34: E½;
Sec. 17. W½.
Township 1 North, Range 67 West, 6th P.M.,
Secs. 1-15, 17, 19-30 and 32-35, all;
Secs. 13, 16 and 31. N½;
Sec. 36. W½.
Township 1 North, Range 68 West, 6th P.M.,
Secs. 1, 12 and 13, all;
Secs. 7 and 18. N½;
Sec. 6. S½;
Sec. 24. W½.
Township 2 North, Range 64 West, 6th P.M.,
Secs. 6, 7, 16 and 18, all;
Secs. 5, 8 and 20. S½;
Sec. 30. W½.
Township 2 North, Range 65 West, 6th P.M.,
Secs. 1-4, 6, 8, 10-16, 18, 20-24, 26-28 and 32-36, all;
Sec. 29. N½;
Sec. 17. S½;
Secs. 7, 9, 19 and 31. W½.
Township 2 North, Range 66 West, 6th P.M.,
Secs. 2-12, 15-18, 20-22 and 26-34, all;
Sec. 1. S½;
Sec. 14. E½;
Sec. 36. W½.
Township 2 North, Range 67 West, 6th P.M.,
Secs. 1-5, 7, 9, 11, 12, 14-16, 18-20, 22-28, 30, 31 and 33-36, all;
Secs. 6, 8, 13, 17 and 21. N½;
Sec. 32. E½;
Secs. 10 and 29. W½.
Township 2 North, Range 68 West, 6th P.M.,
Secs. 2, 3, 10-13, 15, 22 and 36, all;
Secs. 1, 4 and 23. N½;
Secs. 16 and 24. S½;
Secs. 21, 25 and 35. E½;
Secs. 14 and 23. W½.
Township 3 North, Range 64 West, 6th P.M.,
Sec. 18, all;
Secs. 8 and 30. S½;
Sec. 28. W½.
Township 3 North, Range 65 West, 6th P.M.,
Secs. 12, 16, 18, 24, 26 and 30, all;
Sec. 32. N½;
Secs. 6, 13, 22, 25, 27, 31, 33 and 34. S½;
Secs. 8, 19, 20 and 36. W½.
Township 3 North, Range 66 West, 6th P.M.,
Secs. 2, 4, 6, 8, 10, 13-17 and 20-35, all;
Secs. 5, 7, 9, 11 and 12. S½;
Secs. 18 and 19. E½.
Township 3 North, Range 67 West, 6th P.M.,
Secs. 12-14, 17-31 and 33-36, all;
Sec. 4. N½;
Secs. 1 and 7. S½;
Secs. 2 and 32. E½;
Secs. 8 and 15. W½.
Township 3 North, Range 68 West, 6th P.M.,
Secs. 22-27 and 34-36, all;
Secs. 28 and 33. E½;
Sec. 14. W½.
Township 4 North, Range 65 West, 6th P.M.,
Sec. 34, all;
Sec. 32. S½;
Secs. 29 and 36. W½.
Township 4 North, Range 66 West, 6th P.M.,
Secs. 28 and 34, all;
Secs. 22, 32 and 36. N½;
Secs. 20, 31 and 33. S½;
Sec. 19. W½.
Township 4 North, Range 67 West, 6th P.M.,
Secs. 27 and 36, all;
Sec. 35. S½;
Sec. 22. E½.

Adams County

Township 1 South, Range 67 West, 6th P.M.,
Secs. 1, 5 and 17, all;
Secs. 2, 3, 6 and 9. N½;
Secs. 10 and 16. E½;
Secs. 4, 13 and 18. W½.

[FR Doc. 81-6449 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Texas-7)]

High-Cost Gas Produced From Tight Formations; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Texas Railroad Commission that the Lower Wilcox Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT:
Leslie Lawner, (202) 357-8307, or John Bassett, (202) 357-8657/Ting Chin (202) 357-8789.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., and George R. Hall.

High-Cost Gas Produced From Tight Formations; Docket No. RM79-76 (Texas-7); Order No. 133; Final Rule.

Issued February 19, 1981.

The Commission hereby amends § 271.703(d) of its regulations to include the Lower Wilcox Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued December 19, 1980 (45 FR 85779, December 30, 1980) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the Lower Wilcox Formation be designated as a tight formation.

Evidence submitted by Texas and the commenters supports Texas' assertion that the Lower Wilcox Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective February 19, 1981.

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 271.703(d) is amended by adding new subparagraph (18) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent

[1] Comments were invited and two were received. No party requested a public hearing in this matter and no hearing was held.

and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation. * * *

(18) *The Lower Wilcox Formation in Texas.* RM79-76 (Texas-7)

(i) *Delineation of formation.* The Lower Wilcox Formation is found in the southern portion of Austin County, the northern portion of Wharton County, and the eastern portion of Colorado County, Texas.

(ii) *Depth.* The top of the Lower Wilcox Formation is located at an approximate depth of 11,700 feet, and the base is located at an approximate depth of 12,700 feet, giving it a thickness of 1,000 feet.

* * * * *

[FR Doc. 81-6386 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 375

[Docket No. RM81-14; Order No. 132]

Delegation of the Commission's Authority to the Director of the Office of Electric Power Regulation

February 13, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is delegating to the Director of its Office of Electric Power Regulation authority to take action on competing applications for preliminary permits for water power projects. The Director may act only if applications are uncontested by persons other than the applicants and if the plans of development are not significantly different. This rule will reduce the number of applications on which the Commission must act directly and thereby help expedite the hydropower licensing procedures.

EFFECTIVE DATE: February 13, 1981.

FOR FURTHER INFORMATION CONTACT:
Ronald Corso, Director, Division of Hydropower Licensing, Office of Electric Power Regulation, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 376-9171.
Peter Lefkin, Office of the General Counsel, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357-8607.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

Delegation of the Commission's Authority to the Director of Office of Electric Power Regulation; Docket No. RM81-14; Order No. 132; Final Rule.

I. Background

On August 14, 1978, the Commission adopted Delegations of Authority [Phase I], 43 FR 36433, which served to transfer to staff over 7,000 decisions annually of a largely ministerial nature, in order to free the Commission's time for issues of greater importance. Subsequently, on July 23, 1979, the Commission added to these delegations by adopting additional ones, in the Phase II Delegation, Docket No. RM79-59, 44 FR 46449 (August 8, 1979).

As a continuation of this process, the Commission has decided to approve a further delegation of authority to the Director of the Office of Electric Power Regulation to take action on competing applications for preliminary permits authorized under sections 4(f), 5, and 7 of the Federal Power Act. This delegation was prompted by the Commission's determination that an inordinate amount of the Commission's time is spent on matters that do not require the attention of the full Commission. At the time of this order, there exist nearly 800 applications for preliminary permits pending before the Commission. Of the pending applications, over 50 percent are competing applications for the same hydropower sites. This delegation will permit the Director of the Office of Electric Power Regulation to deal with uncontested competing preliminary permit applications and thereby enable the Commission to focus on more complicated and controversial tasks.

Under the delegation of authority, the Director will apply § 4.33(g) of the Commission's regulations to determine which of the competing applicants will receive a preliminary permit. The Director will be authorized, among other things, to carry out the state/municipal preference provisions of the Federal Power Act where one of the competing permit applicants is a municipality or state and its competitor is a non-public entity, provided that the applications are not materially different.

In general, the matter being delegated requires limited discretionary decision making on the part of the Office Director, whose authority is qualified by § 1.7 of this chapter which enables "any interested person" to appeal to the Commission the Director's decision.

This rule is based upon the authority granted the Commission in section 401(f) of the Department of Energy Organization Act (42 U.S.C. 7171(f)) "to establish such procedural and administrative rules as are necessary to the exercise of its functions."

II. Summary of the Rule

Section 375.308 is amended by revising paragraph (k) to grant to the Director of the Office of Electric Power Regulation authority to act on both uncontested applications for preliminary permits where no competing application is filed and on competing applications submitted by more than one applicant for water power projects that are mutually exclusive, provided the applications are uncontested (for purposes of this delegation, intervention by a competing applicant will not result in a contested application) and do not propose materially different plans to develop the site for hydroelectric power.

III. Effective Date

The Commission waives the notice and comment provisions of the Administrative Procedures Act, 5 U.S.C. 553(b), because the rule is one of agency procedure and practice. Public procedure is therefore unnecessary. In addition, the Commission finds good cause to make the rule effective immediately, pursuant to 5 U.S.C. 553(d). Preliminary permit applications are currently being submitted in increasing numbers due to the renewed interest in hydropower development. The Commission received 76 such applications in 1979, 501 in 1980, and the rate of submittal is even greater thus far in 1981. Of the 787 applications on file on February 6, 1981, a substantial number are competing applications for mutually exclusive sites. This delegation will permit quicker issuances of preliminary permits in those cases where the applications are uncontested other than by the competing applicants themselves. More efficient discharge of the Commission's responsibilities is in the public interest.

In consideration of the foregoing, Chapter I of Title 18, Code of Federal Regulations, is amended as set forth below, effective on the date of issuance.

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 375.308 is amended by revising paragraph (k) to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

* * * * *

(k) Take appropriate action on any uncontested application for preliminary permit for a water power project submitted under § 4.81 of this chapter, including any competing applications for preliminary permit for mutually exclusive water power projects which:

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(1) Are uncontested, unless the only petition for, or notice of, intervention is filed by a competing applicant; and

(2) Do not propose and substantiate materially different plans to develop, conserve and utilize the water resources of the region.

* * * * *

[FR Doc. 81-6389 Filed 2-25-81; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Parts 19 and 61

[Order No. 933-81]

Procedures for Implementing National Environmental Policy Act; Deferral of Effective Date

AGENCY: Department of Justice.

ACTION: Notice of deferral of effective date of final rule.

SUMMARY: On January 15, 1981, the Attorney General issued a final rule (Attorney General Order No. 927-81, **Federal Register** Document No. 81-2451, appearing at 46 FR 7953 (daily ed. January 26, 1981)) on the procedures to be followed by the Department of Justice and certain of its subunits to facilitate compliance with the National Environmental Policy Act. That rule was to become effective on February 25, 1981. By a memorandum dated January 29, 1981, the President directed the Attorney General and other agency heads to defer, until March 30, 1981, the effective dates of and to review most final regulations scheduled to become effective within sixty days after January 29th. Accordingly, the effective date of Attorney General Order No. 927-81 is deferred to March 30, 1981 to permit the review of the order called for by the President's memorandum.

EFFECTIVE DATE: The new effective date of Attorney General Order No. 927-81 is March 30, 1981.

FOR FURTHER INFORMATION CONTACT:
Lois J. Schiffer, Chief, General Litigation Section, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530. Tel. (202) 633-2704.

Dated: February 18, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-6454 Filed 2-25-81; 8:45 am]
BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1759-8]

Notice of Proposed Settlement Agreement in Litigation Under the Clean Air Act Related to the Colorado State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement agreement.

SUMMARY: On October 5, 1979, and August 1, 1980, EPA published final rulemaking actions on the Colorado State Implementation Plan (SIP) (44 FR 57401 and 45 FR 51199). The National Wildlife Federation filed petitions for review of both these actions in the U.S. Court of Appeals for the Tenth Circuit. After extensive negotiations, the parties involved in this litigation have executed a proposed Agreement settling the claims raised by the National Wildlife Federation on a mutually acceptable basis. The purpose of this Notice is to invite public comment on the provisions of the proposed Settlement Agreement.

DATE: Written comments must be received by March 30, 1981.

ADDRESSES: Comments should be submitted, preferably in triplicate, to: Christine L. Shaver, Assistant Regional Counsel, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295.

All comments received will be available for public inspection at the above location.

FOR FURTHER INFORMATION CONTACT:
Christine L. Shaver, (303) 837-3826.

SUPPLEMENTARY INFORMATION: On October 5, 1979, EPA published a final rulemaking conditionally approving the Colorado SIP (44 FR 57401). On December 4, 1979, the National Wildlife Federation petitioned the U.S. Court of Appeals for the Tenth Circuit for review of EPA's action under Section 307(b) of the Clean Air Act. 42 U.S.C. 7607(b). The petition for review challenged, primarily, EPA's action on the transportation control plan provisions in the Denver element of the SIP. On August 1, 1980, EPA published a related final rule approving detailed schedules for the transportation control measures included in the SIP (45 FR 51199). On September 30, 1980, the National Wildlife Federation petitioned for review of that action. The State of Colorado and Denver Regional Council of Governments sought and were granted intervention by the Court in both lawsuits.

Extensive negotiations among the parties have occurred over the past year in an effort to settle the claims raised on a mutually acceptable basis. The result of this effort is a proposed Settlement Agreement, the full text of which appears below. The proposed Agreement focuses on the transportation control plan portion of the Denver element of the Colorado SIP. The proposed Agreement includes schedules and timetables, as well as procedures for enforcing the Agreement. The proposed Agreement does not constitute a SIP revision. Rather, it has been executed solely to settle the claims raised by the National Wildlife Federation.

Although the proposed Agreement has been executed by the parties, it will not become binding until approved by the Court. The Agreement requires EPA to publish the Agreement and invite public comment. Written comments received on or before March 30, 1981 will be transmitted to the parties involved in this Agreement and to the Court for consideration prior to final Court approval.

Dated: February 10, 1981.

Roger L. Williams,

Regional Administrator.

The proposed Settlement Agreement follows:

In the United States Circuit Court of Appeals For the 10th Circuit

National Wildlife Federation, Colorado Open Space Council, Inc.; South Central Improvement Association, Inc.; Greater Park Hill Community, Inc.; and Rocky Mountain Greenpeace, Petitioners, vs. *Environmental Protection Agency,* Respondent. *State of Colorado, Denver Regional Council of Governments,* Intervenors. Settlement Agreement Nos. 79-2257, and 80-2029.

Settlement Agreement

On December 4, 1979 the National Wildlife Federation (NWF) petitioned for review of the U.S. Environmental Protection Agency's (EPA) conditional approval of the Denver Element of the Colorado Air Quality State Implementation Plan (Denver Plan). The Petition was filed in the U.S. 10th Circuit Court of Appeals (the Court) and was docketed as Case No. 79-2257.

Other parties sought, and gained, admission to this litigation as co-petitioners, including the Colorado Open Space Council, Inc., the Greater Park Hill Community, Inc., the Robert Jacobson Family, the Rocky Mountain Greenpeace, and the South Central Improvement Association, Inc.

On January 14, 1980, the State of Colorado (State) moved to intervene. The Denver Regional Council of Governments (DRCOG) sought intervention on March 6, 1980. These motions were granted on January 30, 1980, and May 19, 1980, respectively.

On August 1, 1980 the EPA approved detailed schedules for the development and implementation of transportation controls in the Denver area. The NWF petitioned the Court for review of this action on September 30, 1980, and the petition was docketed as Case No. 80-2029.

On January 27, 1981, the Court approved the Robert Jacobson Family's voluntarily withdrawal as a co-petitioner in Case No. 79-2257, and as an *amicus curiae* in Case No. 80-2029.

After extensive negotiation, the parties reached the following agreement. By execution of this Agreement no such party admits any liability, wrongdoing, or non-compliance with statutory requirements. This Agreement is executed solely to settle on a mutually acceptable basis the claims raised by the Petitioners in Case Nos. 79-2257 and 80-2029.

A. Necessary Control Measures

1. *Identification of Necessary Control Measures.* a. By December 1, 1980, DRCOG and the Air Pollution Control Division of the Colorado Department of Health (APCD), consistent with their respective responsibilities under the Joint Determination Agreement (as presently adopted, or as may be amended), shall have determined the additional emission reductions, if any, needed in the Denver non-attainment area in order to meet the national ambient standards for ozone and carbon monoxide by December 31, 1987 (the "compliance shortfall").

b. The "compliance shortfall" shall have been determined by "interpolating" the transportation parameters (e.g., number of trips, trip lengths, and vehicle miles traveled) in 1987 from (1) those in 1982 (which have been modeled in accordance with DRCOG's approved schedule for "TSM Action Evaulation"); and (2) those in 2000 (which have been modeled as part of DRCOG's February, 1979 "Assessment of the Year 2000 Restated Transportation Plan"). Air pollutant levels shall then be modeled for 1987 based on the "interpolated" 1987 transportation parameters. This model of pollutant levels shall be used to determine the "compliance shortfall" only until both the transportation parameters and the pollutants level for 1987 are fully modeled in August-November, 1981 (as called for in DRCOG's approved schedule for "TSM Action Evaluation"); thereafter, the "compliance shortfall" shall be determined in the August-November, 1981 model runs.

c. All assumptions and baseline data for the projection of the 1982 and 2000 transportation parameters, for the 1987 pollutant level model run based on "interpolated" 1987 transportation parameters, and for the full model runs in 1981 shall be fully documented and explained by DRCOG and the APCD, consistent with the Joint Determination Agreement, including but not limited to:

(1) All claims to emission reduction credits for the Federal Motor Vehicle Emission Control Program and Colorado's Vehicle Inspection and Maintenance Program.

(2) All claims to emission reduction credits for any other transportation controls.

(3) All population, land use, highway, mass transit, and automobile operating cost assumptions, along with any related emission reduction claims.

d. By July 1, 1981 DRCOG and the APCD shall identify, consistent with the Joint Determination Agreement, control measures which are sufficient, at minimum, to eliminate the "compliance shortfall" as determined by December 1, 1980. In the event that the "compliance shortfall" determined in August-November, 1981 is greater than the shortfall determined as of December 1, 1980, DRCOG and the APCD shall identify, by January 1, 1982, additional control measures sufficient to eliminate that difference.

2. *Commitment to necessary control measures.* a. DRCOG and the Colorado Air Quality Control Commission (AQCC) shall exert best efforts to secure, as early as practicable, and whenever possible by February 28, 1982, all commitments which are necessary to ensure, by July 1, 1982, the enforceability of, and the necessary financial commitments for, such control measures. In the event that legislative action is required subsequent to February 28, 1982 to secure such enforceability and financial commitments, DRCOG and the AQCC shall exert best efforts, consistent with their respective recommendations as to necessary control measures, in support of such legislation.

B. By July 1, 1982, the Denver Plan shall contain enforceable control measures and financial commitments which assure attainment of the a national ambient standards not later than December 31, 1987, as required by § 172(c) of the Clean Air Act, 42 U.S.C. 7502(c) and § 129(c) of the 1977 Clean Air Act Amendments, P.L. 95-95.

B. Basic Transportation Needs

1. *Identification of public transit trip demand.* a. By December 1, 1980, DRCOG shall have estimated the level of public transit trip demand in 1982 based on the travel demand modeling for that year (which has been completed in accordance with DRCOG's approved schedule for "TSM Action Evaluation").

b. By the same date (December 1, 1980) DRCOG shall have estimated the level of public transit trip demand in 1987 based on the "interpolation" of travel demand in that year from (1) the travel demand modeling for 1982 (which has been completed as noted above); and (2) the travel demand modeling for 2000 (which has been completed as part of DRCOG's February, 1979, "Assessment of the Year 2000 Restated Transportation Plan"). This "interpolation" of travel demand in 1987 shall be used to estimate the public transit trip demand level in 1987 only until such demands are fully modeled in August-November, 1981 (as called for in DRCOG's approved schedule for "TSM Action Evaluation"); thereafter, the public transit trip demand level for 1987 shall be estimated in the August-November, 1981 model runs.

c. All assumptions and baseline data for the 1982 and 2000 travel demand modeling, for the 1987 "interpolation", and for the full model runs in 1981, shall be fully documented and explained by DRCOG.

2. *Identification of public transportion measures.* a. By January 1, 1981, EPA shall have determined in writing whether the Regional Transportation District's (RTD) current Transit Development Plan (TDP) will provide sufficient public transportation programs, equipment and facilities to meet the public transit trip demand in 1982.

b. In the event that EPA determines that the TDP is not sufficient to meet the public transit demand in 1982, the EPA shall require the submission of a clarification to the Denver Plan by July 1, 1981, which identifies other public transportation measures, such as car pooling and van pooling, which will assure the satisfaction of such demand. In calling for such a clarification, EPA shall require full documentation and explanation of how such additional public transportation measures will satisfy such public transit demand. EPA shall evaluate any such clarification by August 1, 1981 and determine whether the Denver Plan, as clarified, contains sufficient public transportation measures to meet the 1982 public transit trip demand. If the EPA determines that the Denver Plan does not contain sufficient public transportation measures to meet this demand, EPA, by September 1, 1981, shall call for an appropriate revision to the Denver Plan.

c. By July 1, 1981, DRCOG shall identify, in consultation with the RTD, those public transportation measures which are necessary to meet the public transit demand in 1987. In the event that the public transit trip demand for 1987 as estimated by the full model runs in August-November, 1981 is greater than the public transit trip demand for 1987 as estimated by the December 1, 1980, "interpolation", DRCOG, by January 1, 1982, shall identify, in consultation with the RTD, additional public transportation measures sufficient to meet the greater demand. DRCOG shall fully document and explain how such public transportation measures will satisfy such public transit demand.

3. *Commitment to public transportation measures.* a. By January 1, 1981 DRCOG shall have:

(1) Identified all potential funding sources for public transportation measures and the anticipated amounts of funding for each year through 1987.

(2) Identified the portion of such funds targeted for the RTD.

(3) Described the mechanism that will be used to obtain additional funds for public transportation measures, if necessary, to meet public transit trip demands, consistent with the terms of the legislation providing such funds.

b. By July 1, 1982 the Denver Plan shall be revised to: (1) include any public transportation measures which are necessary to meet the public transit trip demand in 1987, and which are not presently included in the Denver Plan; and (2) evidence all commitments necessary to implement any such public transportation measures, in accordance with §§ 110(a)(3)(D) and 110(c)(5)(B) (i) and (ii) of the Clean Air Act; 42 U.S.C. §§ 7410(a)(3)(D) and 7410(c)(5) (B) (i) and (ii).

Reasonably Available Control Measures

1. *Parking management controls.* a. The effectiveness of parking management controls

in reducing emissions in the Denver non-attainment area, by themselves or in combination with other transportation controls which are or may become part of the Denver Plan, shall be compared with the socio-economic and other costs of such control measures as a part of DRCOG's study of parking management controls.

b. By July 1, 1981, DRCOG shall determine whether parking management controls are "reasonably available", i.e. (1) whether such controls will significantly expedite the attainment of the national ambient standards in the Denver area, by themselves or in combination with other transportation controls; and (2) whether the air quality benefits of such controls, including expediting attainment of the national ambient standards, will outweigh their socio-economic costs.

2. *Other transportation controls.* a. The parties acknowledge that transportation control measures which were considered not to be "reasonably available" at the time the Denver Plan was submitted in January, 1979 may become "reasonably available" before July 1, 1982 (the date by which a revised Denver Plan must be submitted to EPA).

b. In evaluating additional control strategies as required by its approved schedule for "TSM Action Evaluation", DRCOG shall review all transportation control measures which were expressly considered by the Clean Air Task Force (CATF), as evidenced by its minutes or reports, but which were not included in the Denver Plan, as submitted in January, 1979.

c. In reviewing such control measures in accordance with its approved schedule for "TSM Action Evaluation", DRCOG shall make technical evaluations as to: (1) whether any of the above controls, by themselves or in combination with other controls, will significantly expedite attainment of the national ambient standards in the Denver area; and (2) whether the air quality benefits of such controls, including expediting attainment of national ambient standards, will exceed their socio-economic costs. Such evaluations may, among other things, be based on applicable studies which have been published by the EPA, the Department of Transportation, or any other accepted authority in the field since the CATF's last consideration of an excluded transportation control measure, or on such studies which DRCOG elects to undertake. All such evaluations shall be appropriately documented by DRCOG.

d. Consistent with the Joint Determination Agreement, DRCOG, by February 28, 1982, and the AQCC, by June 24, 1982, shall consider all factors and make a policy determination as to whether any of the above referenced transportation controls (not including parking management controls) are "reasonably available".

3. *Commitment to reasonably available control measures.* a. DRCOG and the AQCC shall exert best efforts to secure, as early as practicable, and whenever possible by February 28, 1982, all commitments which are necessary to ensure, by July 1, 1982, the enforceability of, and the necessary financial commitments for, control measures determined to be "reasonably available". In the event that legislative action is required subsequent to February 28, 1982 to secure such enforceability and financial commitments, DRCOG and the AQCC shall exert best efforts, consistent with their respective determinations as to the "reasonable availability" of any control measure, in supporting such legislation.

b. To ensure attainment of the national ambient standards for ozone and carbon monoxide as expeditiously as practicable, but not later than December 31, 1987, all control measures determined to be "reasonably available" shall be enforceable and be supported by the necessary financial commitments by July 1, 1982, as required by § 129(c) of the 1977 Clean Air Act Amendments, P.L. 95–95.

c. Any determination by DRCOG or the AQCC not to seek implementation commitments for the above referenced transportation controls (including parking management) shall be fully documented and explained by DRCOG by February 28, 1982, and by the AQCC by July 1, 1982.

D. Legislative Action

1. The parties acknowledge that securing, by July 1, 1982, the enforceability of "necessary" or "reasonably available" control measures and the necessary financial commitments for such control measures and for other transportation measures necessary to meet basic transportation needs may depend, in part, on timely legislative action by the Colorado General Assembly and/or local governments.

2. To ensure that the appropriate legislative bodies are aware of the possible need for such timely legislative action, the parties agree that:

a. Within ten (10) days after Court approval of this Agreement, the parties shall apprise the Colorado General Assembly, via the President of the Senate and the Speaker of the House, of DRCOG's approved schedule for "TSM Action Evaluation", of the timetables in this Agreement, and of the possible need for timely state legislative action in securing, by July 1, 1982, the enforceability of "necessary" or "reasonably available" control measures and the necessary financial commitments for such control measures and for other transportation measures necessary to meet basic transportation needs.

b. By the same date the parties shall also recommend, via the President of the Senate and the Speaker of the House, that the Colorado General Assembly, through its Legislative Council or other appropriate means: (a) monitor DRCOG's efforts in implementing its approved schedules; (b) review the determinations and documentation required by this Agreement; and (c) evaluate the need for state legislative action.

c. By the same date, DRCOG shall apprise local governments of the possible need for timely local legislative action in securing, by July 1, 1982, the enforceability of "necessary" or "reasonably available" control measures and the necessary financial commitments for such control measures and for other transportation measures necessary to meet basic transportation needs. DRCOG shall make appropriate recommendations for local legislative action no later than March 1, 1982.

d. By January 1, 1981, DRCOG's Chairperson and the Governor of Colorado shall have filled any current vacancy in the legislative seats on the Clean Air Task Force. Any such vacancies which subsequently occur shall be filled by DRCOG's Chairperson and the Governor within thirty (30) days after the vacancy occurs.

E. Review of Documentation

All determinations, documentation, and evaluations required by this Agreement shall be prepared in good faith and submitted to all parties by the appropriate deadline. EPA shall submit a good faith written evaluation of all such determinations and documentation to all parties to this Agreement within thirty (30) days thereafter (except in the case of EPA's evaluation of the TDP pursuant to paragraph B.2.a above, which was due January 1, 1981 and has been submitted). Such determinations, documentation, and evaluations, (including the EPA's determinations and evaluations with respect to the TDP) shall not constitute formal or final action on the Denver Plan.

F. Enforcement

1. The parties to this Agreement shall reconvene within thirty (30) days after any such party alleges non-compliance with this Agreement, discuss the alleged non-compliance, and attempt to negotiate a mutually acceptable resolution of the non-compliance issue.

2. If the parties to this Agreement are able to resolve any issue of alleged non-compliance with this Agreement through negotiation, no formal or final action shall be taken by the EPA on the Denver Plan.

3. If the parties to this Agreement are unable to resolve any issue of alleged non-compliance with this Agreement through negotiation within thirty (30) days or within such other mutually acceptable period after reconvening pursuant to paragraph F.1 above, the EPA shall take the following action within forty-five (45) days after the expiration of the established negotiation period:

a. Determine (1) whether the Denver Plan is in accordance with the requirements of § 110 of the Clean Air Act, 42 U.S.C. § 7410; (2) whether the State is making reasonable efforts to submit a plan which considers each of the elements required by § 172 of the Clean Air Act, 42 U.S.C. § 7502; (3) whether the Denver Plan provides for any increase in emissions (contributing to ozone and carbon monoxide pollutant levels in the Denver non-attainment area) which may reasonably be anticipated to result from any new federally funded sewage treatment facility; and (4) whether the EPA should unconditionally affirm its approval of the Denver Plan, affirm its approval with conditions, or disapprove the Denver Plan.

b. Propose appropriate action and publish such proposed action, along with a supporting explanation, for public comment.

4. After considering public comment on the action proposed above, EPA shall publish final action on the Denver Plan. If EPA takes final action disapproving the Denver Plan because the Plan is not in accordance with § 110 of the Clean Air Act, 42 U.S.C. § 7410, the prohibition on construction of major stationary sources shall take effect automatically, as required by § 110(a)(2)(I) of the Clean Air Act, 42 U.S.C. § 7410(a)(2)(I). If EPA takes final action disapproving the Denver Plan and finds that the State is not making reasonable efforts to submit a plan which considers each of the required elements, appropriate federal funding restrictions shall be imposed under § 176(a), 42 U.S.C. § 7506(a). If EPA takes final action disapproving the Denver Plan and determines that the Denver Plan does not provide for increased emissions related to new sewage treatment capacity, appropriate federal funding restrictions shall be imposed under § 316 of the Clean Air Act, 42 U.S.C. § 7616. In addition, if EPA takes final action disapproving the Denver Plan, EPA shall call for a revision to the Plan, pursuant to § 110(a)(2)(H) of the Clean Air Act, 42 U.S.C. § 7410(a)(2)(H). If a revision to the Denver Plan is not submitted within nine (9) months thereafter, EPA shall proceed to promulgate any necessary revision to the Plan under § 110(c) of the Clean Air Act, 42 U.S.C. § 7410(c).

5. Any party to this Agreement may seek any remedy which may be otherwise available, including such remedies as may be available under §§ 304 and 307 of the Clean Air Act, 42 U.S.C. §§ 7604 and 7607, for any alleged non-compliance with the Agreement if the parties to this Agreement are unable to resolve any issue of alleged non-compliance within thirty (30) days or within such other mutually acceptable period after reconvening pursuant to paragraph F.1 above.

G. Publication of this Agreement and Court Approval

1. This Agreement shall be transmitted to the Court and published by the EPA in the **Federal Register** promptly after its execution by the parties. EPA shall then solicit public comments on this Agreement for a thirty (30) day period and transmit any such comments to the Court and the parties for consideration prior to final Court approval.

2. This Agreement shall not become binding until approved by the Court. The parties to this Agreement shall request that the Court withhold final action on this Agreement until fifteen (15) days after the EPA's transmittal of the public comments to the Court and the parties. Each party to this Agreement reserves the right to withdraw from this Agreement prior to Court approval, if the comments disclose factors or considerations which require a finding that the Agreement is inappropriate, improper or inadequate.

H. Amendment of this Agreement

1. The parties to this Agreement acknowledge that this Agreement is predicated on certain sections of the Clean Air Act, as amended in 1977, and on the applicable EPA rulemakings and policies in effect on the date of this Agreement's execution.

2. In the event that these sections of the Clean Air Act or the applicable EPA rulemakings and policies are substantially amended, any party to this Agreement may request that the parties reconvene to negotiate an appropriate amendment to this Agreement.

3. Any party to this Agreement may seek judicial relief to amend this Agreement to conform to a substantial amendment of the Clean Air Act or the applicable EPA rulemakings or policies if the parties are unable to negotiate a mutually acceptable amendment to this Agreement within thirty (30) days or within such other mutually agreeable period after reconvening pursuant to paragraph H.2 above.

I. Dismissal of Case Nos. 79–2257 and 80–2029

1. All Petitioners agree to seek djsmissal, with prejudice, of their petitions in Case Nos. 79–2257 and 80–2029.

2. These dismissals shall not prejudice the rights of any party to this Agreement to seek judicial relief to enforce or amend this Agreement. No such relief may be sought, however, unless the negotiation requirements of paragraphs F and H have been met.

3. DRCOG and the State shall submit a revision to the Denver Plan which meets the requirements of § 172(c) of the Clean Air Act, 42 U.S.C. § 7502(c), and § 129(c) of the 1977 Clean Air Act Amendments, Pub. L. 95–95 notwithstanding full compliance with this Agreement, and these dismissals shall not in any way prejudice the right of any party to this Agreement to seek judicial relief for violations of the Clean Air Act which occur after the execution of this Agreement.

J. Costs and Attorneys Fees

Pursuant to § 307(f) of the Clean Air Act, 42 U.S.C. 7607(f), an appropriate award for the Petitioners' and Intervenors' costs and attorneys fees in Case Nos. 79–2257 and 80–2029, shall be negotiated between the parties to this Agreement, subject to review and concurrence by the Court. In case fee-award negotiations stalemate, the parties to this Agreement shall seek Court appointment of a temporary Master, or alternatively, an arbitrator from the American Arbitration Association, to make a determination of such award, based on full documentation by the parties, and after opportunity for argument by the parties to this Agreement. Such award shall be subject to judicial review and concurrence by the Court.

For the National Wildlife Federation and all Co-Petitioners—

Robert J. Golten,

Dated: February 9, 1981.

Robert F. Wigington

Attorneys for all Petitioners.

Dated: February 9, 1981.

For the Denver Regional Council of Governments—

Robert F. Clement,

Chairman of the Executive Committee.

Dated: February 4, 1981.

Robert D. Farley,

Executive Director.

Dated: February 4, 1981.

For the Attorney General—

Lawrence A. DeClaire,

Assistant Attorney General, Natural Resource Section, Attorneys for the State of Colorado.

Dated: February 9, 1981.

For the Environmental Protection Agency—

Chris Shaver,

Regional Counsel's Office, U.S. Environmental Protection Agency, Region VIII.

Dated: February 9, 1981.

For the U.S. Department of Justice—

Donald W. Stever, Jr.,

Chief, Pollution Control Section, Land and Natural Resources Division, U.S. Department of Justice.

Dated: February 9, 1981.

[FR Doc. 81-6300 Filed 2-25-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[SW-8-FRL 1760-6]

Montana; Phase I Interim Authorization for State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VIII.

ACTION: Final rule (approval of State program).

SUMMARY: The purpose of this notice is to grant RCRA Phase I interim authorization to the State of Montana for its Hazardous Waste Management Program.

In the May 19, 1980, **Federal Register** (45 FR 33063), EPA promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations, which became effective November 19, 1980, are provisions for a transitional stage in which a State can be granted interim authorization to operate its hazardous waste management program in lieu of a Federal program. The interim authorization program will be implemented in two phases corresponding to the stages in which the underlying Federal program takes effect.

EPA is not, at this time, granting Montana interim authorization to implement a manifest system or to implement generator and transporter requirements. Montana requirements for hazardous waste management facilities now supersede the Federal RCRA requirements for such facilities, but all Federal requirements applicable to generators and transporters, and all Federal manifest requirements continue to apply in Montana and the Environmental Protection Agency (EPA) retains responsibility for this portion of the program.

EFFECTIVE DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: Jim Harris, U.S. EPA Region VIII

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Montana Office, 301 S. Park, Drawer 10096, Helena, Montana 59626, (406) 449–5414.

SUPPLEMENTARY INFORMATION: In order to qualify for interim authorization, a State Hazardous Waste Management Program must have been in existence prior to August 17, 1980, and must be "substantially equivalent" to the Federal program. A full description of the requirements and procedures for State interim authorization is included in 40 CFR 123 Subpart F (45 FR 33479).

The State of Montana submitted a draft application for Phase I interim authorization of their Hazardous Waste Management Program to EPA's Region VIII Office on August 8, 1980. The draft application was reviewed by the Headquarter's Review Team and the Region VIII Workgroup and comments were presented to a representative from the Montana Solid Waste Management Bureau at a meeting in Denver, Colorado, on September 17, 1980.

The final application for interim authorization of Montana's Hazardous Waste Management Program was submitted to EPA's Region VIII Office on November 7, 1980. This application adequately addressed many of the deficiencies identified in the draft submittal. Another meeting was held on December 15, 1980, to discuss areas of the final application which needed further modification to ensure that the State Hazardous Waste Management Program would be substantially equivalent to the Federal program. Represented at this meeting were the EPA Headquarter's Review Team, EPA Region VIII Workgroup, the Montana Solid Waste Management Bureau, and the Legal Division of the Department of Health Environmental Sciences.

A public hearing was held on December 15, 1980, to accept comments on Montana's final application for Phase I interim authorization. Notice of this hearing appeared in the **Federal Register** on November 10, 1980, and in six newspapers in the State at least 30 days prior to December 15, 1980. The hearing was attended by approximately ten people. The public comment period was extended at the hearing until December 16, 1980. Three letters of comment were received and these comments were noted and considered as described below.

Two of the comment letters supported a State authorized program. Two of the comment letters expressed concern that the State program does not provide for exemptions for mining-related activities to reflect recent 1980 Amendments to the Solid Waste Disposal Act. The State has indicated that these changes will be made in 1981 by regulatory amendments. One of the two comments requests that interim authorization be denied until the changes are made in the State statute. Under RCRA, the State program can be more stringent than the Federal program, Section 3009, 42 U.S.C. 6929. Therefore, interim authorization can be granted even though the State program covers mining activities while the Federal program does not.

The final application submitted by the State of Montana for Phase I interim authorization of its Hazardous Waste Management Program has been amended at the State's request to comply with 40 CFR 123 as follows:

1. The State has agreed to accept limited Phase I interim authorization under the provisions of 40 CFR 123.128(d), which allows States that do not have generator, transporter and related manifest requirements substantially equivalent to the Federal requirements to receive limited Phase I interim authorization which does not include authority to operate the generator, transporter and manifest portions of the program and EPA will continue to operate these portions of the program. Montana's hazardous waste statutes do not provide for the civil or criminal penalty amounts required by 40 CFR 123.128(f) for generators. The State statute provides for penalties of up to $500 per day for generator violations and the Federal regulations require a minimum penalty of $1,000 per day. Although this is the only area where statutory authority is lacking, EPA must retain the generator, transporter and manifest system portion of the program for Phase I as required by 40 CFR 123.128(d). When adequate penalties for generators are provided, the State of Montana will receive full Phase I interim authorization. This may be accomplished as early as March 1981, if legislation is passed early in the 1981 session, which begins in January. Montana will not be required to resubmit its complete Phase I application, but must notify EPA when the authority becomes effective. A new Memorandum of Agreement will be executed and EPA will issue a **Federal Register** notice granting complete Phase I authorization when the State authority becomes effective.

2. Montana's Rule 16.44.605(1) allows for temporary licensing of facilities by the State if they have submitted notification information by November 19, 1980. (The Federal program requires notification by August 18, 1980.) EPA was concerned that facilities that have not achieved interim status under the Federal program, because they have not complied with notification requirements in Section 3010 of RCRA, would be issued temporary licenses by the State. There were only two TSD facilities in Montana that notified EPA of hazardous waste activities after August 18, 1980, but before November 19, 1980.

Under Montana Rule 16.44.605(1) these facilities are eligible for temporary licenses. However, the State has given assurances that these facilities will be treated under the State Program in a manner consistent with the Federal policies expressed in the **Federal Register** of November 19, 1980, 45 FR 76032.

3. It was not clear in the final application that the "public health laws" referenced in 50–1–103(2) encompass all of the statutes comprising the State's Hazardous Waste Program. It was also not clear whether a temporary restraining order is available in injunctive proceedings. Independent counsel for the Department of Health and Environmental Sciences has certified that the statutes composing the State's Hazardous Waste Management Program are "Public Health" laws within the meaning of this provision. Also, the State does have authority to seek a temporary restraining order.

4. The person signing the Attorney General's statement must have full authority to independently represent the Department of Health and Environmental Sciences in court on all matters pertaining to the State program. The administrative rules of the DHES indicate that the Legal Division is authorized to administer and enforce delegated Federal programs. ARM 16.1.101(6)(f). Sandra R. Muckelston has the authority to independently represent the Department of Health and Environmental Sciences without prior approval of the Attorney General.

5. EPA asked the State to provide assurances that there are no provisions in State law which restrict the State from fully using the authority of Section 3007 of RCRA to conduct inspections. A statement providing these assurances has been made and was submitted to the Region VIII EPA Office on December 22, 1980.

Because the State of Montana is now applying for an exception under 40 CFR 123.128(d) the requirements for inspection and compliance monitoring activities will differ from those originally anticipated. The program description and the Memorandum of Agreement have been revised to reflect this change.

6. The final application did not contain adequate assurances for public participation in enforcement as required by 40 CFR 123.128(f)(2). An addition has been made to the Attorney General's statement which indicates that DHES will not oppose intervention on the grounds that the State adequately represents the interest of the applicant. This satisfies the requirements of 40 CFR 123.128(f)(2).

Revisions which have been made to the State of Montana's final application for Phase I interim authorization provide for a program which is substantially equivalent to the Federal program. The authorization plan submitted with the application specified with sufficient detail the strategy the State will pursue to obtain Phase II interim authorization and Final Authorization for their Hazardous Waste Management Program. The Attorney General's statement certifies that the Montana Department of Health and Environmental Sciences operates under adequate laws, rules and specific authority to meet the requirements for Phase I interim authorization contained in 40 CFR 123.128.

The final application now meets all of the requirements contained in 40 CFR 123, Subpart F for Phase I interim authorization. The authorization plan submitted with the final application specifies with sufficient detail the actions the State will take to seek and obtain Phase I final authorization. The Attorney General's statement certifies (1) that the laws of the State of Montana provide adequate authority to carry out the program described in the application; (2) that the enabling legislation for Phase I was in existence within 90 days of the promulgation of Phase I regulations; and (3) that the authorization plan, if carried out, would provide the State with enabling authority and regulations adequate to meet all of the requirements for final authorization. Finally, the Memorandum of Agreement meets the requirements of 40 CFR 123.126.

For the foregoing reasons, I have determined that Montana qualifies for Interim Authorization.

The State of Montana is hereby granted Interim Authorization to operate its Hazardous Waste Management Program in lieu of the Federal RCRA Subtitle C Hazardous Waste Management Program, except for the generator, transporter and manifest portions of the Federal program, in accordance with Section 3006(c) of RCRA, implementing regulations found in 40 CFR Part 123 Subpart F and EPA Delegation B–7. The Federal requirements for generators and transporters, contained in 40 CFR Parts 262 and 263, and the Federal manifest requirements contained in 40 CFR Part 265, Subpart E remain in effect in Montana.

Dated: February 20, 1981.

Roger L. Williams,

Regional Administrator.

[FR Doc. 81-6 Filed 2-25-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 261

[SWH–FRL 1762–3]

Hazardous Waste Guidelines and Regulations; Reopening of Comment Period on Delisting Petition of Stablex Corp.

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Re-opening of comment period on delisting petition of the Stablex Corporation.

SUMMARY: This notice re-opens for ninety (90) days the period for commenting on EPA's decision to exclude temporarily from the list of hazardous wastes issued by EPA under Section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA) (40 CFR 261.31, 261.32, and 261.33) treatment residue to be generated at Stablex Corporation's hazardous waste treatment facility in Groveland Township, Oakland County, Michigan.

DATE: Comments on EPA's decision to temporarily exclude the treatment residue from the list of hazardous wastes are now due no later than May 27, 1981.

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001/Stablex Delisting Petition."

The public docket for this temporary exclusion is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 A.M. to 4:00 P.M., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Myles Morse, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., (202) 755–9187.

SUPPLEMENTARY INFORMATION: On November 25, 1980, EPA granted a number of temporary exclusions to manufacturing and treatment facilities excluding the solid waste generated at these particular generating facilities from the hazardous waste lists issued by EPA under Section 3001 of RCRA (40 CFR 261.31, 261.32, and 261.33). Among the facilities which petitioned the Agency and received a temporary exclusion was Stablex Corporation's facility in Groveland Township, Oakland County, Michigan. The original deadline for commenting on this delisting petition and on the Agency's action was January 26, 1981.

On January 23, 1981, the Agency received a request from the State of New Hampshire to extend the comment period. The State believes many questions are left unresolved by the petition, and indicated it has a special interest in commenting because the Stablex Corporation is applying for a permit to operate a hazardous waste treatment facility in Hooksett, New Hampshire. Additionally, State officials had indicated that County authorities in England, where Stablex has a number of treatment facilities, intend to comment on Stablex's delisting petition.

EPA believes that submission of this data/information is important in order to adequately consider the final delisting of this waste. EPA accordingly is re-opening the comment period on its decision to temporarily exclude the treatment residue to be produced at Stablex's Groveland facility in Michigan until May 27, 1981.

Dated: February 19, 1981.

James N. Smith,

Acting Assistant Administrator.

[FR Doc. 81-6453 Filed 2-25-81; 8:45 am]

BILLING CODE 6560-30-M

VETERANS ADMINISTRATION

41 CFR Part 8–1

Small Business Concerns

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This revision to the Veterans Administration Procurement Regulations implements the provisions of Public Laws 95–89, 95–507 and 96–302, and Federal Procurement Regulations Temporary Regulation 50.

Public Law 95–89 (amended by Public Law 96–302) established priorities for set-aside consideration in Government contracting action. The VA Procurement Regulations amendment reflects the priority of set-aside considerations and establishes a monitoring system to ensure compliance with this policy.

The establishment of a VA Office of Small and Disadvantaged Business Utilization required by Public Law 95–507 and the responsibility inherent in that office are identified in this revision.

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In compliance with Office of Federal Procurement Policy Letter 80-1 and FPR Temporary Regulation 50, Supplement 2, VA procuring activities are responsible for designating a small and small disadvantaged business specialist who will be responsible for ensuring compliance with the various aspects of the small business program.

The revision deletes various provisions in order to conform to the provisions of FPR Temporary Regulation 50.

EFFECTIVE DATE: This rule is effective February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Chris Figg, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 389-2334.

SUPPLEMENTARY INFORMATION: It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38 CFR). Since this amendment merely implements laws and regulations already in existence, the public rule making process is deemed unnecessary in this instance.

Approved: February 11, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. Section 8-1.702, "Small business policies." is revised to read as follows:

§ 8-1.702 Small business policies.

Procuring activities will further the Government's small business policies by considering set-aside procurements in accordance with the priorities established in FPR 1-1.706-1.

2. Section 8-1.704-1, "Program direction" is revised to read as follows:

§ 8-1.704-1 Program direction.

(a) The Assistant Deputy Administrator is designated the Director, Office of Small and Disadvantaged Business Utilization, and will be responsible for the overall supervision of the Veterans Administration Small and Disadvantaged Business Utilization Program in conformance with Sections 8 and 15 of the Small Business Investment Act of 1958. In carrying out that responsibility, technical support will be provided by the Office of Supply Services. Such report will include executing the agency-wide Small and Disadvantaged Business Utilization Program.

(b) The Assistant Administrator for Supply Services will assist departments and staff offices in developing their respective small business programs.

(c) The Deputy Assistant Administrator for Construction will develop and coordinate the agency small business program, as it affects construction projects, with the Assistant Administrator for Supply Services.

(d) The Director, Veterans Canteen Service (VCS), will designate an employee of his/her organization to serve as liaison between the VCS, the Small Business Administration, and the Office of Small and Disadvantaged Business Utilization on small business problems affecting the VCS.

(e) The Chief Memorial Affairs Director, Chief Benefits Director, Assistant Administrator for Construction, Assistant Administrator for Administrative Services, Director, VA Marketing Center and Directors of Veterans Administration field stations with Supply activities will designate an employee of their respective organizations to serve as a small and disadvantaged business specialist. This employee will be a full-time employee of the respective procuring activity, will be familiar with the supplies and services purchased at the activity, and will be fully cognizant of the regulations implementing the Small Business Act. The principal duties will include assisting the Small Business Administration Procurement Center Representative (when one is assigned) in activities and functions relating to Section 8 and 15 of the Small Business Act. The name, telephone number, and mailing symbol of each designee and any successor will be forwarded to the Director, Office of Small and Disadvantaged Business Utilization, through the Assistant Administrator for Supply Services.

3. In § 8-1.704-2, paragraphs (a), (b), (c) and (e) are revised to read as follows:

§ 8-1.704-2 Responsibility.

(a) Except as provided in paragraphs (b), (c), (d) and (e) of this section, the Assistant Administrator for Supply Services is responsible for the purchasing and contracting aspects of this program in connection with the procurement of supplies, equipment, and services. He/she is responsible for the compilation and submission of all reports required by the program.

(1) The Director, Procurement Service, Office of Supply Services, Central Office, is responsible for the purchasing, contracting and reporting aspects of this program as they apply to contracts and purchases made by his/her service. He/she is also responsible for advising and counseling field station contracting officers in various facets of the small business program.

(2) The Director, VA Marketing Center; Directors, VA Supply Depots; and the Chiefs, Supply Service, at Veterans Administration field stations are responsible for the purchasing, contracting and reporting aspects of this program at their respective installations.

(b) The Assistant Administrator for Construction is responsible for the purchasing and contracting aspects of this program as they apply to (1) contracts awarded by a contracting officer assigned to his/her office, and (2) construction projects assigned by him/her to the Chief Medical Director for solicitation, award and administration of the resulting contract by a field station. When a small business set-aside award is made for a construction project under the jurisdiction of the Assistant Administrator for Construction, a copy of the memorandum of award will be forwarded to: Small Business Administration, Washington District Office, 1030—15th Street, NW., Room 250, Washington, DC 20417.

(c) The Assistant Administrator for Administrative Services is responsible for the purchasing and contracting aspects of this program as they apply to contracts to be awarded by (1) Building and Supply Service, Central Office; and (2) Publications Service.

* * * * *

(e) The officials named in paragraphs (b), (c), and (d) of this section are responsible for assuring that the semi-annual reports required by FPR 1-16.804-3 are prepared and submitted on the dates specified.

4. Section 8-1.704-3, "Program operations," is revised to read as follows:

§ 8-1.704-3 Program operations.

Each Veterans Administration contracting officer delegated contracting authority by Chapter 8, Title 41, Code of Federal Regulations, a Central Office directive or other Veterans Administration Manual will take positive action to encourage participation in the program by small business entities and LSA (Labor Surplus Area) concerns. He/she will perform the following duties to execute a small business program and LSA program, as appropriate for his/her procurement activity.

(a) Develop a plan of operation to increase the share of contracts and purchase orders awarded to small business and LSA concerns.

(b) Promote the minority business enterprise program through the SBA 8(a) procedures set forth in § 8-1.713.

(c) Review the types and classes of items and services to be purchased to determine the applicability of small business and LSA set-asides or class set-asides.

(d) Plan for locating capable small business sources for current and future procurements.

(e) Develop adequate small business and/or LSA competition on all appropriate procurements.

(f) Make maximum utilization of the SBA small business source list (i.e., Procurement Automated Source System) when considering the disposition of all procurement requirements. Small business source lists are available through the SBA Regional Offices.

(g) Examine bidders lists to assure that small business firms are identified and adequately represented on all procurements.

(h) Assure that small business firms are identified on bid abstracts.

(i) Identify eligible LSA concerns.

(j) Assure that specifications are not unduly restrictive, thereby enabling small business participation to the maximum extent feasible.

(k) Assist and counsel small business firms with individual problems.

(l) Provide for counseling nonresponsive or nonresponsible small business bidders to help qualify them for future awards.

(m) Screen proposed large procurements to determine the possibility of separation or breakout of components suitable for purchase from small business firms or LSA concerns.

(n) Attend conferences and meetings publicizing the small business program.

(o) Insure that proposed procurements are publicized in the Commerce Business Daily.

(p) Assure preference to small business firms on multiple award Federal supply schedules.

(q) Promote the award of research contracts to small business and LSA firms.

(r) Promote goals for small business, small business set-asides, small business subcontracting, 8(a) procurements, labor surplus area set-asides, and purchases from women-owned businesses.

(s) Review all urgent and sole source procurements to determine that they are sparingly made, thoroughly documented and approved by the head of the procuring activity (see § 8-1.704-4(b)).

(t) If the contracting officer is assigned an SBA Resident Procurement Center Representative, assure that the representative is provided an opportunity and reasonable time to review any solicitation which meets the dollar threshold for which small business and small disadvantaged business subcontracting plans are required. Additionally, prior to the execution of any negotiated contractual document requiring a subcontracting plan, the total procurement package including the proposed subcontracting plan will be made available to the Resident Procurement Center Representative with a reasonable time allowed for review. The Procurement Center Representative may submit recommendations, which will be advisory in nature, to the contracting officer. The Procurement Center Representative will also be provided a copy of the subcontracting plan finally negotiated by the contracting officer. A copy of any subcontracting plan submitted pursuant to a formally advertised procurement will also be provided the Resident Procurement Center Representative upon execution of the contractual document.

(u) Assure that the small and disadvantaged business specialist notifies the SBA of the award of contracts, amendments, or modifications that contain subcontracting plans. The notification will contain the contractor's name and address, place of performance, dollar amount, performance period, description of contract item or items, and name and address of the contracting officer. A copy of the award document is sufficient for these purposes. The notification will be sent to the Assistant Regional Administrator for Regional Programs in the SBA region where contract performance is to take place.

5. In § 8-1.704-4, paragraph (b) is revised to read as follows:

§ 8-1.704-4 Definitions.

As used in this subpart the following terms have the following meanings:

* * * * *

(b) "Head of procuring activity" means the Director, Procurement Service, Central Office; Project Directors, Office of the Assistant Administrator for Construction; Director, Building and Supply Service, Central Office; Director, Publications Service, Central Office; Director, Monument Service, Central Office; Chiefs, Marketing Divisions, VA Marketing Center; and the Chief, Supply Service, at a field station.

* * * * *

6. Section 8-1.706-1, "General" is revised to read as follows:

§ 8-1.706-1 General.

Each Veterans Administration contracting officer will consider all purchase requirements to be suitable for award to small business and/or LSA concerns unless there are supportable, compelling reasons why awards must be made to other than small business firms. The contracting officer will determine, in cooperation with an SBA procurement contact representative where possible, whether or not a particular procurement or class of procurements will be set aside, in whole or in part, for the priority set-aside programs specified in FPR 1-1.706-1. (Disputes between an SBA procurement contact representative and a contracting officer concerning set-aside decisions will be handled as set forth in § 8-1.706-2.) In the event an SBA procurement contact representative is not available, a unilateral determination will be made by the contracting officer. Each such determination will be reviewed by the head of the specific procuring activity (§ 8-1.704-4(b)) for approval or disapproval. Required documentation for set-aside determinations and circumstances requiring review of determinations by the Director, Office of Small and Disadvantaged Business Utilization, are prescribed in § 8-1.706-50 and § 8-1.706-51 respectively. (See FPR 1-4.1007 for application to the procurement of architect-engineering services.)

7. In § 8-1.706-5, paragraphs (b) and (c) are revised to read as follows:

§ 8-1.706-5 Total set-asides.

* * * * *

(b) When a total small business-LSA set-aside or a total LSA set-aside is made, one of the following statements, as applicable, will be placed on the face of the solicitation:

(1) Notice of total set-aside for small business concerns agreeing to perform as LSA concerns, page ——, applies to all items in this solicitation.

(2) Notice of total set-aside for small business concerns agreeing to perform as LSA concerns, page ——, applies to items ——— through ——— in this solicitation.

(3) Notice of total set-aside for business concerns agreeing to perform as LSA concerns, page ——, applies to items in this solicitation.

(4) Notice of total set-asides for business concerns agreeing to perform as LSA concerns, page ——, applies to items ——— through ——— in this section.

(c) All proposed procurement for construction anticipated to cost between $2,000 and $1,000,000 and all proposed procurements for architect-engineer services for minor construction projects ($2,000,000 and less) will be considered as though SBA had initiated a set-aside request. Determinations of the need to deviate from this policy made by the

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head of a procuring activity will require review by the Director, Office of Small and Disadvantaged Business Utilization, as prescribed in § 8–1.706–51.

(8) New sections 8.1.706.50 and 8–1.706–51 are added to read as follows:

§ 8–1.706–50 Documentation and record procurement request review.

(a) Each proposed procurement for construction anticipated to exceed $2,000 and each proposed procurement of supplies or services anticipated to exceed $2,500 shall be recorded on VA Form 07–2268 or 90–2268, Record of Procurement Request Review. Exempt from the requirements are procurements or requisitions from the sources listed in § 8–1.302–1, paragraphs (a)(1) through (a)(8).

(b) VA Form 07–2268 or 90–2268 shall be completed as follows:

(1) The information through Part I shall be completed by the individual working up the procurement. The "Procurement Control No." block will contain the purchase authorization number or requisition number. Additionally, the resulting contract number or purchase order number will be referenced in this block when it is established.

(2) Part II shall be completed by the contracting officer (unless the contracting officer is the person completing and signing Part I, in which case Part II may be disregarded).

(3) Part III shall be completed by the local SBA procurement contact representative, if one is assigned.

(4) Part IV shall be completed by the head of the procuring activity (see § 8–1.704–4(b)). In the event the head of the procuring activity overrules the recommendation specified in Part I, the reason(s) will be set forth on the reverse of the form.

(c) Distribution of the original and copies of the completed VA Form 07–2268 or 90–2268 shall be made as follows:

(1) Original: Maintained in purchase order filed with purchase order, or in the contract file, as applicable.

(2) Copy A: Maintained in jacket file in the contracting activity for information purposes. The file should contain VA Form 07–2268 or 90–2268 recorded in the current and previous fiscal year. Disposal should be made of older forms in accordance with DM&S Records Control Schedule 10–1.

(3) Copy B: Submitted to the SBA procurement contact representative, if one is assigned. If an assigned SBA procurement contact representative is not available, this copy need not be made and the jacket file maintained in the contracting office will suffice for SBA review.

§ 8–1.706–51 Required review by the Director, Office of Small and Disadvantaged Business Utilization.

(a) Transmittal of a copy of the pertinent VA Form 07–2268 or 90–2268, justification and documentation will be made by covering memorandum signed by the head of the procuring activity directly to the Director, Office of Small and Disadvantaged Business Utilization (96), when the head of the procuring activity determines that any of the following proposed procurements are not suitable for small business or LSA set-aside:

(1) Construction project under $1,000,000.

(2) Any proposed procurement of architect-engineer services for minor construction projects ($2,000,000, and less).

(3) Any proposed procurements for which there were predecessor contracts with small business or LSA firms, or three or more small business or LSA firms submitted bids or quoted prices on the prior procurement.

(4) Any proposed procurement for which there are three or more small business or LSA firms on the applicable bidder's mailing or small purchase source list, i.e., who have submitted an SF 129, Bidder's Mailing List Application, or have otherwise indicated a desire to compete in supplying the requirements of the purchasing activity.

(i) Small business firms whose names have been supplied by SBA in response to a request by the purchasing activity (see § 8–1.704–3) should be contacted before placing such firms on the bidder's mailing list. The purpose of the contact is to ascertain the firm's intention to submit bids or quotations and its performance capabilities.

(ii) Nonset-aside determinations based upon past unsatisfactory performances by small business of LSA concerns will contain or have attached thereto such documentation as will permit a review of the current ability of three or more small business or LSA concerns to perform satisfactorily.

(b) In the case of proposed procurements subject to the review requirements of paragraph (a) of this section, no solicitation will be made pending notification of the results of the review.

(c) Should circumstances exist which preclude the forwarding of VA Form 07–2268 or 90–2268 by mail, telephone or telegraph communication is authorized.

9. Section 8–1.708–2 is revoked.

§ 8–1.708–2 [Revoked]

10. Section 8–1.710–4 is revoked.

§ 8–1.710–4 [Revoked]

11. In § 8–1.713–2, paragraph (c) is revised and paragraph (d) is added so that the new and revised material reads as follows:

§ 8–1.713–2 Policy.

* * * * * *

(c) The contract will be made between the Veterans Administration and SBA and will be administered by the Veterans Administration.

(d) In addition to meeting the requirements of sections 8–1.403–51(a)(2) and 8–1.403–60, contracting officers will secure cost and pricing data as prescribed in FPR 1–3.807–3 when negotiating contracts under the SBA 8(a) program. Contracts with an anticipated value of $100,000 or more shall be processed for audit in accordance with § 8–1.807–3.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-6473 Filed 2-25-81; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

43 CFR Part 35

Nondiscrimination Against Minority and Women-Owned Business Enterprises in Outer Continental Shelf Leasing Activities

AGENCY: Geological Survey, Interior.

ACTION: Suspension of requirements of final rule.

SUMMARY: On December 3, 1980, the Department of the Interior published in the **Federal Register** a notice of final rulemaking concerning 43 CFR Part 35, relating to nondiscrimination against minority and women-owned business enterprises in outer continental shelf leasing activities. The effective date of the rule was January 2, 1981. The Office of Management and Budget (OMB) subsequently, on January 19, 1981, requested the reporting and recordkeeping requirements of those regulations be submitted for its review and clearance. In order that we may comply with the request of OMB, the reporting and recordkeeping requirements contained in 43 CFR Part 35, 45 FR 80258, December 3, 1980, are suspended pending the completion of OMB's review and clearance. In the event OMB denies clearance, in part or in whole, the reporting and recordkeeping requirements of the regulations will be amended or revoked.

EFFECTIVE DATE: January 2, 1981.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7395 FTS 928–7395.

SUPPLEMENTARY INFORMATION: On December 3, 1980, the Department of the Interior published in the **Federal Register** a final rule entitled, "Nondiscrimination Against Minority and Women-Owned Business Enterprises in Outer Continental Shelf Leasing Activities." Although there is no new reporting form to be approved by the OMB, nevertheless, this regulation contains a substantial recordkeeping and reporting requirement which has not been submitted to OMB for approval. The Federal Reports Act of 1942 and OMB Circular A–40 require the Department to submit these requirements for approval, and receive OMB approval, before it has the authority to collect the information from the public. It is, therefore, necessary to suspend the collection of information until OMB has approved the recordkeeping and reporting requirements.

Because of the lack of OMB approval for the recordkeeping and reporting requirement, good cause exists for suspending the requirement without use of notice-and-comment procedures and for making this suspension effective immediately.

Notice of Suspension

Until further notice:

The obligation to file a written affirmative action plan under 43 CFR 35.5 and an annual compliance report under 43 CFR 35.7 are hereby suspended until appropriate notice is subsequently published upon the clearance by the Office of Management and Budget of the recordkeeping and reporting requirements of 43 CFR Part 35. Should OMB deny the request for clearance, the regulation's recordkeeping and reporting requirements will be amended or revoked.

Dated: February 20, 1981.

Donald Paul Hodel,

Acting Secretary of the Interior.

[FR Doc. 81-18 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6001]

List of Communities Eligible for Sale of Insurance Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood Insurance for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Johnson, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama	Jefferson	Hoover, city of	0101238	Feb. 4, 1981, suspension withdrawn	Nov. 3, 1978.
Do	do	Irondale, city of	0101248	do	June 7, 1974 and Jan. 9, 1976.
Do	Lauderdale	Unincorporated areas	0103238	do	Mar. 31, 1978.
Do	Mobile	Prichard, city of	0101708	do	June 28, 1974 and Aug. 13, 1976.
Arkansas	Jackson	Tuckerman, city of	0501058	do	Nov. 16, 1973 and Feb. 27, 1976.
California	San Mateo	Menlo Park, city of	060321C	do	June 14, 1974, Aug. 8, 1975, and Feb. 13, 1979.
Connecticut	New London	Waterford, town of	0901078	do	July 26, 1974 and Nov. 19, 1976.
Florida	Polk	Mulberry, city of	120268B	do	Feb. 6, 1976.
Do	Okeechobee	Unincorporated areas	120177B	do	Aug. 4, 1978.
Illinois	St. Clair	Dupo, village of	1706298	do	May 3, 1974 and July 2, 1976.
Do	Du Page	Elmhurst, city of	1702058	do	May 3, 1974 and Mar. 28, 1975.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Do	Calhoun	Hardin, village of	170736C	do	June 28, 1974, Jan. 23, 1976, and Mar. 23, 1979.
Do	Will	Joliet, city of	170702B	do	May 31, 1974 and Oct. 10, 1975.
Do	Calhoun	Kampsville, village of	170735B	do	Jan. 9, 1974 and June 4, 1976.
Do	Cook	Orland Part, village of	170140C	do	Mar. 22, 1974, Aug. 30, 1976, and May 12, 1978.
Do	Du Page	Villa Park, village of	170217B	do	Mar. 8, 1974 and Feb. 7, 1975.
Do	Lake	Wadsworth, village of	170395B	do	Mar. 1, 1974 and Nov. 21, 1975.
Iowa	Polk	Des Moines, city of	190227B	do	Sept. 6, 1974 and Aug. 29, 1975.
Louisiana	Acadia	Estherwood, village of	220004A	do	Mar. 5, 1976.
Maine	Androscoggin	Auburn, city of	230001B	do	May 31, 1974 and July 2, 1976.
Michigan	Macomb	Macomb, township of	260445B	do	Mar. 18, 1977.
Do	Genesee	Mount Morris, township of	260400A	do	Sept. 19, 1975.
Minnesota	Hennepin	Golden Valley, city of	270162B	do	Mar. 8, 1974 and Apr. 30, 1976.
Do	Kittson	Unincorporated areas	270224B	do	Nov. 4, 1977.
Do	Olmstead	Rochester, city of	275246B	do	Mar. 27, 1971, July 1, 1974, and Feb. 13, 1976.
Missouri	St. Louis	Florissant, city of	290352B	do	Nov. 9, 1973 and Sept. 5, 1975.
Do	Adair	Kirksville, city of	290002B	do	May 17, 1974 and Oct. 24, 1975.
Do	Lawrence	Mount Vernon, city of	290202B	do	May 24, 1974 and Dec. 26, 1975.
New Jersey	Middlesex	Milltown, borough of	340268B	do	May 3, 1974 and July 2, 1976.
Do	Bergen	Westwood, borough of	340081C	do	May 11, 1973, Mar. 22, 1974, and Apr. 23, 1976.
New Mexico	Eddy	Artesia, city of	350016B	do	Jan. 16, 1974 and May 16, 1976.
Do	Debeca	Fort Sumner, city of	350011B	do	May 31, 1974 and Mar. 19, 1976.
New York	Onondaga	Liverpool, village of	360582B	do	July 26, 1974 and June 11, 1976.
Do	Niagara	Lockport, city of	360503B	do	Oct. 22, 1976.
Ohio	Clermont	Batavia, village of	390086D	do	Nov. 30, 1973, May 7, 1976, Feb. 11, 1977, and Aug. 31, 1979.
Do	Summit	Macedonia, city of	390750A	do	Apr. 18, 1975.
Do	Butler	Millville, village of	390041B	do	June 7, 1974 and May 7, 1976.
Do	Cuyahoga	Solon, city of	390130B	do	Apr. 5, 1974 and July 2, 1976.
Do	Summit	Twinsburg, city of	390534C	do	Mar. 15, 1974, June 18, 1976, and May 16, 1979.
Oklahoma	Okmulgee	Okmulgee, city of	400145B	do	Feb. 1, 1974 and Dec. 26, 1975.
Do	Kay	Tonkawa, city of	400079B	do	Nov. 23, 1973 and Feb. 20, 1976.
Pennsylvania	Blair	Antis, township of	421385B	do	Dec. 27, 1974 and July 16, 1976.
Do	Clinton	Bald Eagle, township of	420319B	do	Oct. 23, 1973 and July 30, 1976.
Do	Erie	North East, borough of	421359B	do	Nov. 8, 1974 and Aug. 6, 1976.
Do	Lancaster	Strasburg, township of	421754B	do	May 31, 1974 and June 25, 1976.
Texas	Walker	Huntsville, city of	480639B	do	May 24, 1974 and Feb. 6, 1976.
Do	Scurry	Snyder, city of	481001B	do	Feb. 1, 1974 and Apr. 9, 1976.
Virginia	Henrico	Unincorporated areas	510077B	do	Nov. 22, 1974 and May 14, 1976.
Washington	Chelan	do	530015A	do	Jan. 12, 1973 and Jan. 10, 1975.
Do	do	Wenatchee, city of	530020A	do	Feb. 1, 1974 and Aug. 9, 1974.
Wisconsin	Jackson	Black River Falls, city of	550186B	do	Dec. 17, 1973 and May 21, 1976.
Do	Vernon	Coon Valley, village of	550452B	do	Apr. 12, 1974 and Oct. 31, 1975.
Do	Douglas	Unincorporated areas	550538B	do	Dec 22, 1978.
Do	Jackson	do	550563A	do	
Do	Winnebago	do	550537B	do	Feb. 18, 1977.
Iowa	Jones	Center Junction, city of	190433	Feb. 3, 1981, emergency	June 25, 1976.
Nebraska	Saline	Unincorporated areas	310472	do	
New York	Allegany	Allen, town of	361361	do	Jan 31, 1975.
Do	Essex	Lewis, town of	361152	do	Nov. 29, 1974.
Oregon	Washington	Sherwood, town of	410273	Feb. 4, 1981, emergency	Aug. 13, 1976.
Oklahoma	Texas	Guymon, city of	400243A	Feb. 5, 1981, emergency	May 20, 1977.
Pennsylvania	Lycoming	Cogan House, township of	421838	do	Apr. 4, 1975.
Do	Dauphin	Jackson, township of	421593A	do	Jan 31, 1975 and Feb. 29, 1980.
Do	Luzerne	Dallas, borough of	421825B	Apr. 15, 1974, emergency, Jan. 2, 1981, regular, Jan. 2, 1981, suspended, Feb. 4, 1981, reinstated.	Feb. 25, 1977.
New York	Rensselaer	Sand Lake, town of	361167A	Feb. 2, 1976, emergency, May 15, 1980, regular, July 2, 1980, suspended, Feb. 5, 1981, reinstated.	Dec. 27, 1974.
Pennsylvania	Susquehanna	Clifford, township of	422077	Feb. 6, 1981, emergency	Dec. 27, 1974.
Do	Dauphin	Conewago, township of	422406	Feb. 10, 1981, emergency	Dec. 27, 1974.
Do	Northumberland	Shamokin, city of	420741B	Apr. 5, 1974, emergency, Dec. 16, 1980, regular, Dec. 16, 1980, suspended, Feb. 6, 1981, reinstated.	May 10, 1974 and May 28, 1976.
Do	Lackawanna	Carbondale, city of	420526B	July 27, 1973, emergency, Dec. 16, 1980, regular, Dec. 16, 1980, suspended, Feb. 10, 1981, reinstated.	Dec. 28, 1973 and Apr. 30, 1976.
Mississippi	Covington	Mount Olive, town of	280048A	Feb. 11, 1981, emergency	Feb. 11, 1981.
New Hampshire	Coos	Stewartstown, town of	330194	Feb. 12, 1981, emergency	Jan. 10, 1975.
Illinois	Cook	Oak Lawn, village of	170137C	Apr. 9, 1973, emergency, Jan. 2, 1981, regular, Jan. 2, 1981, suspended, Feb. 12, 1981, reinstated.	Apr. 12, 1974, Oct. 1, 1976, and July 21, 1978.
Pennsylvania	Westmoreland	Irwin, borough of	420881B	June 18, 1974, emergency, Feb. 4, 1981, regular, Feb. 4, 1981, suspended, Feb. 13, 1981, reinstated.	Apr. 12, 1974 and May 28, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 18, 1981.

Richard Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-6414 Filed 2-25-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 20735; FCC 81-40]

Radio Broadcast Services; Deadline Established for Class D Noncommercial Educational FM Stations To File Power Increase Applications In Reserved Band

AGENCY: Federal Communications Commission.

ACTION: Final order.

SUMMARY: The January 1, 1980 deadline for Class D noncommercial educational FM licensees to file facility increase applications in the reserved band is eliminated by this action by the FCC. The deadline was established in the Second Report and Order in Docket 20735 adopted June 7, 1978. Upon reconsideration, it has been determined that the deadline serves no useful purpose and its continued imposition is unwarranted. This action permits remaining Class D educational FM licensees to retain their option to file applications to increase their facilities in the reserved band.

EFFECTIVE DATE: January 29, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: H. John Morgan, Broadcast Bureau, 202-632-6908.

SUPPLEMENTARY INFORMATION:

In the matter of the deadline established in docket 20735 for Class D noncommercial educational FM stations to file power increase applications in the reserved band; order.

Adopted: January 29, 1981.

Released: February 3, 1981.

By the Commission: Commissioners Ferris, Chairman, and Brown not participating.

1. In the Commission's Second Report and Order in Docket No. 20735, 43 FR 39704, 69 FCC 2d 240 (1978), reconsid., 70 FCC 2d 972 (1979), rules were adopted for the purpose of furthering the more efficient and effective use of the 20 FM channels reserved for noncommercial educational broadcasting. These rules required, in part, all Class D 10-watt noncommercial educational FM radio stations filing license renewal applications on February 1, 1980 and thereafter to either: (1) file with that application a construction permit application specifying a change in operation to a channel in the commercial band, thus permitting continual 10-watt operation or, (2) file a construction permit application by January 1, 1980 increasing their power to at least Class A FM facilities (100 watt minimum) in the reserved band.[1] The January 1, 1980 deadline for filing applications to increase facilities was adopted to provide a means for these licensees to avoid changing channels, and as a precaution against what could possibly have been disruption, through the random filing of such applications, to the orderly effectuation of the new rules. Of the approximately six hundred Class D 10-watt stations, some 250 have filed power increase applications prior to the deadline and, to date, about 30 have filed subsequent to it. Additionally, some licensees have sought a rule waiver for permission to file late.

2. The Commission now believes that this filing deadline should be eliminated. This conclusion is based upon: (1) the unexpected large number of power increase applications already filed; [2] (2) the failure, due to their organizational nature, of many licensees to notify timely affected stations; (3) the organizational nature and related funding situations of many Class D licensees; and (4) the inability of many more licensees to increase power due to technical interference. Further, we note that under our existing rules, a Class D licensee may file a new Class A station application in its community of license and, upon grant of that application, turn in its 10-watt license. Under all of these circumstances, we believe continued imposition of the deadline is unwarranted.

3. Accordingly, and since lifting the deadline would not result in the previously anticipated disruption, it is ordered, That, the previous deadline of January 1, 1980 for Class D FM stations to file power increase applications in the reserved band is hereby eliminated and such applications will be accepted whenever filed. However, in order to afford equity to those licensees who in good faith filed their application before the January 1, 1980 deadline, Class D power increase applications which are filed after January 2, 1980 and are mutually exclusive with Class D power increase applications filed on or before January 2, 1980, will not be accepted for filing.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-6485 Filed 2-25-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Other very limited options were offered but they affect only a small number of Class D licensees and need not be discussed here.

[2] It was believed that the costs of increasing power would motivate most licensees to simply switch channels to the commercial band and continue operating with 10 watts. Only about 30 licensees have chosen this route.

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Proposed Rules

Federal Register
Vol. 46, No. 38
Thursday, February 26, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. I

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Chs. I–VI

[Notice No. 81–3]

Semi-Annual Regulations Agenda; Change of Publication Dates

AGENCY: Department of Transportation.

ACTION: Notice of change in the publication dates of the department's semi-annual regulations agenda.

SUMMARY: Publication of the Department of Transportation's Semi-Annual Regulations Agenda and Review List has been rescheduled. The new publication dates are April 2 and October 1, 1981. The new dates are necessary so that the Department can comply with Executive Order 12291 on Federal Regulation and the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, 400 Seventh Street, SW., Room 10421, Washington, D.C. 20590, Phone: (202) 426–4723.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12044 ("Improving Government Regulations") the Department of Transportation has published a Semi-Annual Regulations Agenda and Review List (hereinafter Agenda) at the end of February and August each year. Executive Order 12044 was revoked by Executive Order 12291 (46 FR 13193; February 19, 1981) which requires publication of the Department's Agenda in April and October of each year.

In addition, the Regulatory Flexibility Act (Pub. L. 96–354), which took effect January 1, 1981, requires the Department to publish, also on a semi-annual basis, and agenda of all regulations that would have a significant economic impact on a substantial number of small entities. This agenda would contain essentially the same information as that contained in the Department's E.O. 12291 Agenda.

In view of the issuance of Executive Order 12291, and the enactment of the Regulatory Flexibility Act, the scheduled publication dates for the Department of Transportation's Agendas in 1981 have been changed to April 2 and October 1.

Issued in Washington, D.C. on February 23, 1981.

Mark G. Aron,
Deputy General Counsel.

[FR Doc. 81–15 Filed 2–25–81; 8:45 am]
BILLING CODE 4910–62–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–17557; File No. S7–873]

Customer Complaint Registries

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Securities and Exchange Commission ("Commission") is proposing a rule which would require all national securities exchanges and registered securities associations ("SROs"), the Municipal Securities Rulemaking Board ("MSRB") and all registered broker-dealers to forward copies of all securities-related customer complaints or data concerning such complaints, and advice of any disposition thereof, to an SRO designated by order of the Commission to maintain a registry for such information. The proposed rule also would provide that all SROs, the MSRB, the Commission and other appropriate regulatory agencies shall have access to the information contained in any designated registry for legitimate regulatory purposes.

DATES: Comments must be received on or before March 20, 1981.

ADDRESSES: All comments should refer to File No. S7–873 and should be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Stuart M. Strauss, Office of Self-regulatory Oversight, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2413.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today announced a proposal to adopt Rule 17a–24 under the Securities and Exchange Act of 1934 (the "Act"). Rule 17a–24 would require all registered broker-dealers, national securities exchanges and registered securities associations ("SROs"), and the MSRB, to submit copies of all securities-related customer complaints, or data concerning such complaints and advice of any disposition thereof, to an SRO designated by Commission order to maintain a registry for such information. The Commission proposes to designate the New York Stock Exchange ("NYSE") as the SRO to maintain such a registry for customer complaint information pertaining to NYSE member firms and their associated persons, and the National Association of Securities Dealers ("NASD") as the SRO to maintain a registry for customer complaint information pertaining to non-NYSE members.

Proposed Rule 17a–24 also would require that the information contained in any designated complaint registry at a minimum be accessible on the basis of several specified identifiers. Finally, proposed Rule 17a–24 would require that if responsibility for the maintenance of complaint information concerning a particular broker-dealer or associated person changes, the SRO responsibile for maintaining the information at the time of the transfer must promptly forward such information to the SRO which becomes responsible for its maintenance.

I. Background

Under the federal securities laws, the SROs are required to enforce compliance by their members and associated persons with the provisions of the Act, the rules thereunder and their own rules.[1] In order to effectively discharge those responsibilities, it is essential that SROs have adequate information to detect violative conduct. One particularly significant source of information regarding the sales and operational practices of a firm and its associated persons are customer complaints.

The Commission's Special Study of the Options Markets ("*Options Study*")[2] found that SROs have not utilized such information in the most effective manner possible.[3] In this regard, the *Options Study* found that SROs do not routinely share customer complaint information and that the failure to share such information on a regular basis significantly undermines their self-regulatory efforts. In particular, the *Options Study* documented several instances in which an SRO had investigated a customer complaint against a salesperson without being aware that other customers had complained to other SROs about the same salesperson. Thus, the investigating SRO lacked essential information necessary to conduct a complete investigation.

In addition, the *Options Study* found that, with the limited exception of the New York Stock Exchange ("NYSE"), the SROs do not routinely require member firms to forward to them copies of customer complaints.[4] As a result, customer complaints generally do not come to an SRO's attention until it conducts a routine inspection of a broker-dealer firm. By that time, it may be too late to protect the complainant or other customers from injury.

Therefore, in order to promote more efficient and effective use by the SROs of the vital compliance information contained in customer complaints, the *Options Study* recommended that:

[1] *See* Sections 6(b)(1), 15A(b)(2) and 19(g)(1) of the Act.

[2] *See* Report of the Special Study of the Options Markets to the Securities and Exchange Commission, 96th Cong., 1st Sess., H.R. Rep. No. 96–IFC3 (Comm. Print 1978).

[3] In 1971, the NYSE adopted a rule requiring member firms to notify the NYSE of "major complaints," which its staff has interpreted to apply only to written complaints that involve damage claims exceeding $10,000, result in settlements exceeding $2,500, or involve allegations of theft, forgery or similar dishonesty. The *Options Study* found that this limitation has resulted in reporting to the NYSE of only a small portion of all customer complaints received by member firms. *See Options Study* at 524–525.

The NASD currently does not require its members to forward customer complaints to it. Since January of 1979, however, it has maintained a computerized system which processes customer complaints it receives directly from customers or voluntarily from member firms as well as those which are forwarded to it by the Commission and the Midwest, Pacific, Boston and Cincinnati Stock Exchanges.

the SROs should amend their rules to require their member forms to submit all complaints received from customers to a central data file, which should also contain complaints received directly by the SROs and the disposition of such complaints.[4]

After the release of the *Options Study*, a joint SRO task force[5] was formed to formulate responses to this, as well as other, *Options Study* recommendations. While the SROs appeared to agree with the concept of centralization of customer complaint information, several factors led to their ultimate failure to adopt SRO rules to create a centralized complaint system. First, the SROs were reluctant to create a central complaint system without a Commission rule authorizing its establishment, primarily because of concerns of possible legal liability flowing from the sharing of customer complaint information in the absence of specific Commission authorization.[6] Second, the SROs were unable to reach agreement as to which SRO would maintain the central complaint registry. In this regard, both the NYSE and the NASD currently maintain computerized systems designed to record essential data extracted from customer complaints[7] and each indicated its desire to maintain the central complaint registry. Both the NYSE and the NASD have represented that their current systems are capable of maintaining customer complaint data.[8]

[4] *Options Study* at 527. The *Options Study* also recommended, at 528, that:

The Commission should transmit for inclusion in the central file a record of relevant information about all broker-dealer complaints it receives unless release of such information would be contrary to law or would have an adverse effect upon a pending or proposed investigation, or otherwise would be inappropriate.

[5] The joint task force consisted of representatives from the NYSE, NASD, and the options exchanges (the Chicago Board Options Exchange, and the American, Midwest, Pacific and Philadelphia Stock Exchanges).

[6] *See* Letter dated August 29, 1979, from Michael L. Meyer to Douglas S. Scarff, Director, Division of Market Regulation, Securities and Exchange Commission, and Letter dated February 12, 1979 from Bruce J. Simpson to Thomas J. Loughran, Assistant Director, Special Study of the Options Markets, Securities and Exchange Commission.

[7] The NYSE system currently processes customer complaints it receives directly from customers or from member firms and has, since July 1979, processed complaint information received from the Commission. As previously noted, the NASD system has, since January 1979, processed customer complaints it receives directly as well as those which are forwarded to it by the Commission and the Midwest, Pacific, Boston and Cincinnati Stock Exchanges.

[8] *See* Letter dated October 3, 1980 from Robert M. Bishop, Senior Vice President, NYSE, to Gene E. Carasick, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, and letter dated October 14, 1980 from Gordon Macklin, President, NASD, to Commissioner John R. Evans.

Basis and Purpose of Proposed Rule 17a–24

Currently there does not exist a comprehensive program among the SROs for the routine sharing of customer complaint information. Information contained in the files of one SRO, therefore, may not be available to another SRO with a legitimate regulatory need for the information. As a result, the Commission does not believe that the SROs are able to use this essential compliance information to the fullest advantage in discharging their self-regulatory responsibilities. Proposed Rule 17a–24 is designed to promote a more efficient and effective use of customer complaint information by requiring that all such information regarding a particular registered representative, branch office or broker-dealer be centralized in one location to which all SROs, the MSRB, the Commission and other appropriate regulatory agencies would have access for legitimate regulatory purposes.

The Commission believes that the centralization of customer complaint information would enhance the compliance programs of the SROs in several important respects. For example, in preparation for routine broker-dealer compliance examinations, complaint information would enable the examining SRO to identify in an expeditious and efficient manner areas which warrant special scrutiny, such as: (i) registered representatives against whom a large number of customer complaints have been filed, (ii) branch offices with a large concentration of complaints, and (iii) offices or registered representatives with a concentration of customer complaints on particular substantive areas, such as unsuitable recommendations, or excessive or unauthorized trading. Such indications also would enable an SRO to identify problems in broker-dealer supervisory procedures at either the branch or headquarters office level.

In addition, a centralized file could be stored in computers and programmed to identify particular registered representatives, branch offices or firms that have been the subject of large numbers of customer complaints or certain recurring types of complaints. Such information would assist SROs in determining the need to conduct special examinations.

Periodic analyses of complaint data contained in a centralized file also could be provided to SROs to enable them to detect general trends and subjects which appear to warrant close attention. This information could prove useful to the SROs in the structuring of their

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broker-dealer compliance examination programs and might identify particular practices or matters that should be the subject of SRO rulemaking procedures. A centralized file also could assist SROs in following the movements of registered representatives and thereby aid in preventing a registered representative from avoiding possible disciplinary action by transferring from firm to firm and through various regulatory jurisdictions.

II. Summary of the Principal Provisions of the Proposed Rule

A. Complaint Registry Designation

Paragraph (a) of the proposed rule provides that the Commission shall, by order, designate one or more SROs to maintain complaint registries. To the extent the NYSE and NASD continue to indicate a willingness to provide facilities for complaint registries, the Commission currently is inclined to designate the customer complaint system maintained by the NYSE as the appropriate complaint registry for all customer complaints pertaining to NYSE members and their associated persons, and the complaint information system maintained by the NASD as the appropriate complaint registry with respect to all other customer complaints.

As noted above, the *Options Study* recommended that the SROs establish a single registry to which all customer complaints would be forwarded. The Commission believes that the deviation of the proposed rule in this regard from the literal recommendation of the *Options Study* is warranted in view of the fact that both the NYSE and NASD currently maintain their own customer complaint registries. The Commission understands that either system, with little or no modification, could adequately perform the regulatory functions contemplated by the proposed rule. Since both the NASD and NYSE have found that operation of a complaint registry has enhanced their ability to discharge their regulatory responsibilities and each SRO has devoted substantial resources to the development of its respective system, the Commission believes it would be appropriate to permit both SROs to play an integral role in the creation of a shared customer complaint registry. At the same time, the dual registry approach would accomplish the goal of maintaining customer complaints against a particular salesperson or firm in a single location and providing access to that information on a regular basis to the Commission and all SROs that have a regulatory interest.

B. Applicability of the Proposed Rule

Proposed Rule 17a–24 would require every broker-dealer, registered national securities exchange and registered securities association and the MSRB to forward copies of all written customer complaints they receive concerning a broker-dealer's securities business, whether sales-related or operational in nature, to the appropriate complaint registry designated by the Commission.[*] In this regard, the Commission solicits comments on whether it would be more efficient or less burdensome to either the SROs, the MSRB or broker-dealers to permit, in lieu of forwarding a copy of the actual complaint to the registry, the submission of a summary of the vital data contained in the complaint to the registry. In addition, proposed Rule 17a–24 would require the SROs, the MSRB and broker-dealers promptly to forward written advice of the ultimate disposition of customer complaints. It appears that extension of this requirement to broker-dealers is warranted since affording an SRO access to information concerning the action taken by a broker-dealer in response to a customer complaint should enhance an SRO's ability to monitor the effectiveness of a broker-dealer's internal compliance procedures, and also may provide additional insight regarding the gravity of a complaint. However, since many broker-dealers, particularly smaller ones, may not have formalized procedures for disposing of customer complaints, the Commission solicits comments on whether this requirement would be unduly burdensome for broker-dealers and, if so, whether a less burdensome means of obtaining the desired information is available to the Commission.

C. Access to Data Contained in any Designated Registry

Proposed Rule 17a–24 would limit access to the information contained in the designated registry or registries to the Commission and any other appropriate regulatory agency, the SROs and the MSRB for any legitimate regulatory purpose.

D. Information To Be Contained in any Designated Registry

Proposed Rule 17a–24 would require that any information contained in the designated registry or registries must at a minmum be retrievable on the basis of certain distinct identifiers. With respect to those customer complaints, however, which do not contain certain of the identifiers set forth in paragraph (d), the proposed rule would not impose a duty upon SROs or broker-dealers to obtain the missing information before forwarding a copy of the complaint to the designated registry. In the course of investigating such complaints, however, it is anticipated that all of the information required by paragraph (d) normally would come to the attention of the investigating broker-dealer or SRO, in which event the broker-dealer or SRO is required to forward the missing information to the designated registry.

E. Transfer of Registry Data Between Designated Registries

The proposed rule sets forth the procedures to be followed upon a transfer of a broker-dealer or an associated person to the jurisdiction (for the purposes of maintaining customer complaint information) of a different SRO in the event that more than one complaint registry is designated by the Commission.

Specifically, since the Commission is proposing to designate the complaint system maintained by the NYSE as the appropriate registry for all customer complaints pertaining to NYSE members and their associated persons and the system maintained by the NASD as the appropriate complaint registry with respect to all other customer complaints, the proposed rule would require the NYSE, upon the transfer of a broker-dealer or its associated person from the regulatory jurisdiction of the NYSE to that of another SRO, to make complete registry data concerning that firm or associated person available to the NASD for inclusion in the NASD's registry. Similarly, upon the transfer of a broker-dealer or its associated person to the regulatory jurisdiction of the NYSE, the NASD would be required to make registry data concerning such broker-dealer or associated person available to the NYSE for inclusion in the NYSE's registry.

III. Statutory Basis

Proposed Rule 17a–24 would be promulgated under the Act and particularly Sections 3, 9, 11A, 15, 17 and 23 thereof (15 U.S.C. 78c, 78i, 78k–1, 78o, 78q, 78w).

On the basis of the above discussion and analysis the Commission is proposing to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.17a–24 to read as follows:

[*] In addition, the Commission will forward copies of customer complaints it receives to the appropriate complaint registry.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.17a–24 Customer complaint registries.

(a) The Commission shall by order designate one or more self-regulatory organizations to maintain registries for the receipt and maintenance of information concerning written securities-related customer complaints concerning registered brokers and dealers and their associated persons.

(b) Every registered broker and dealer, national securities exchange and registered securities association, and the MSRB shall forward promptly to the appropriate complaint registry designated by the Commission pursuant to paragraph (a) of this section:

(1) Each written securities-related customer complaint which they receive and any data set forth in paragraph (d) not contained in the complaint, necessary to resolve the complaint, and

(2) Advice of any final disposition by such broker-dealer, exchange or securities association, or the MSRB, with respect to any customer complaint contained in the registry.

(c) Information contained in a designated complaint registry shall be made available to the Commission and any other appropriate regulatory agency, any registered national securities exchange, any registered securities association and the MSRB, for any legitimate regulatory purposes.

(d) The information contained in a designated complaint registry must at a minimum be accessible on the basis of the following identifiers:

(1) The name of the registered broker or dealer who is the subject of the customer complaint,

(2) The name of any associated person of the registered broker or dealer who is the subject of the customer complaint,

(3) The branch office of the registered broker or dealer which is the subject of the customer complaint, or at which an associated person of the registered broker or dealer is employed,

(4) The name of the customer submitting the complaint,

(5) The date of the customer complaint,

(6) The nature of the customer complaint,

(7) The type of security involved in the customer complaint, and

(8) The disposition of the customer complaint.

(e) If responsibility for the receipt and maintenance of customer complaint information concerning a registered broker or dealer, or associated person thereof, changes, the self-regulatory organization responsible for maintaining the information prior to the time of transfer must forward promptly such information to the self-regulatory organization that assumes responsibility for its maintenance.

Section 23(a)(2) of the Act requires the Commission, in making rules under the Act, to consider the anticompetitive effects of such regulation and to balance any anticompetitive impacts against the regulatory benefits gained in terms of furthering the purposes of the Act. In this regard, the Commission does not perceive any anticompetitive effects as a result of the adoption of the Rule.

Interested persons are invited to submit written presentations of views, data and arguments concerning proposed Rule 17a–24 under the Act and the issues discussed above. Persons wishing to make such submissions should file ten copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than March 20, 1981. All submissions should refer to File No. S7–873, and will be available for public inspection at the Commission's Public Reference Room, Room 6106, 1100 L Street NW., Washington, D.C. 20549.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 19, 1981.

[FR Doc. 81–6437 Filed 2–25–81; 8:45 am]

BILLING CODE 8010–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1762–6]

Approval and Promulgation of Implementation; Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of the public comment period.

SUMMARY: On January 27, 1981 the U.S. Environmental Protection Agency proposed rulemaking on portions of the Ohio State Implementation Plan (SIP) for sulfur dioxide (46 FR 8575). At the time of the proposed rulemaking a 30-day public comment period was provided. However, in response to a request by the Ohio Environmental Protection Agency for additional time to comment, the public comment period is extended to March 30, 1981.

DATE: Comments must be received on or before Monday, March 30, 1981.

ADDRESSES: Comments should be submitted to: Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, USEPA, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886–6088.

Dated: February 20, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81–6443 Filed 2–25–81; 8:45 am]

BILLING CODE 6560–26–M

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40 CFR Part 420

[WH–FRL–1762–4]

Iron and Steel Manufacturing Point Source Category Effluent Limitations Guidelines; Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On January 7, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from steel mills (46 FR 1858–1907). The comment period was scheduled to expire March 9, 1981. EPA is hereby extending the period for comment to April 8, 1981, because some of the industry did not receive the development document until four weeks after the beginning of the comment period.

DATE: Comments on the proposed regulation for the steel industry must be submitted to EPA by April 6, 1981.

ADDRESS: Send comments to Mr. Ernst P. Hall, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Iron and Steel Manufacturing Rules (WH–552).

The supporting information and all comments on the proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall, (202) 426–2726.

SUPPLEMENTARY INFORMATION: On January 7, 1981, EPA proposed a regulation to limit effluent discharges to

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waters of the United States and the introduction of pollutants into publicly owned treatment works from the steel industry (46 FR 1858–1907). These facilities are primarily involved in producing intermediate and finished steel products. Comments on the proposal were to be submitted on or before March 9, 1981. Industry representatives have petitioned for an extension of the comment period because their review and comments on costs and feasibility of the proposed regulation cannot be completed within the present comment period.

EPA has decided to concur with this request. All comments on the proposed regulation must be submitted by April 8, 1981.

Dated: February 19, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-6435 Filed 2-25-81; 8:45 am]

BILLING CODE 6560-29-M

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40 CFR Part 465

[WH-FRL 1762-1]

Coil Coating Point Source Category Effluent Limitations Guidelines; Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On January 12, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from coil coating (46 FR 2934). The comment period was scheduled to expire March 13, 1981. EPA is hereby extending the period for comment to April 13, 1981, because the regulated community is currently responding to standards proposed under the Clean Air Act, and the administrative record was not fully available for review in a timely manner after the beginning of the comment period.

DATE: Comments on the proposed regulation for coil coating must be submitted to EPA by April 13, 1981.

ADDRESS: Send comments to Mr. Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Coil Coating Rules (WH-552).

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall, (202) 426-2726.

SUPPLEMENTARY INFORMATION: On January 12, 1981, EPA proposed a regulation to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from coil coating (46 FR 2934). Comments on the proposal were to be submitted on or before March 13, 1981. Industry representatives have petitioned for an extension of the comment period because their review and comments on costs and feasibility of the proposed regulation cannot be completed within the present comment period. EPA has decided to concur with this request. All comments on the proposed regulation must be submitted by April 13, 1981.

The supporting information and all comments on the proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

Dated: February 19, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-6436 Filed 2-25-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6000]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080) Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4 (a)).

These elevations, together with the flood plain management measures required by section 60.3 (formerly Section 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Colorado	Fruita (Town), Mesa County	Little Salt Wash	Intersection of Washington Place and U.S. Highways 6 and 50	*4,484
			Intersection of Ottley Avenue with the channel	*4,496
			Intersection of Mesa Street with the channel	*4,501
			Intersection of Maple Street with the channel	*4,509
	Maps available for inspection at Town Hall, Fruita, Colorado.			
	Send comments to Honorable Wallace Downer, P.O. Box 638, Fruita, Colorado 81521.			
Illinois	(V), Albany, Whiteside County	Mississippi River	At downstream corporate limits	*587
			At upstream corporate limits	*588
	Maps available for inspection at the Village Hall, Lime Street, Albany, Illinois.			
	Send comments to Honorable Penny Price, Village President, Village of Albany, Village Hall, Lime Street, Albany, Illinois 61230.			
Illinois	(V), Cordova, Rock Island County	Mississippi River	At downstream corporate limits	*583
			At upstream corporate limits	*584
	Maps available for inspection at the Village Hall, P.O. Box 6, Cordova, Illinois.			
	Send comments to Honorable Charles Snook, Mayor, Village of Cordova, Village Hall, P.O. Box 6, Cordova, Illinois 61242.			
Illinois	(V), Swansea, St. Clair County	Richland Creek	About 800 feet downstream of Louisville and Nashville Railroad	*500
			Just downstream of State Route 161	*500
			About 300 feet upstream of State Route 161	*506
			About 2,600 feet upstream of State Route 161	*507
		Wolf Branch	Just downstream of State Route 161	*508
			Just upstream of State Route 161	*507
			Just downstream of Smelting Works Road	*510
			Just upstream of Smelting Works Road	*516
	Maps available for inspection at the Swansea Village Hall, 1209 North Illinois, Belleville, Illinois.			
	Send comments to Honorable Donald R. Melhorn, Village President, Village of Swansea, Swansea Village Hall, 1209 North Illinois, Belleville, Illinois 62221.			
Illinois	(V), Wauconda, Lake County	Bangs Lake Drain	About 800 feet downstream of U.S. Route 12	*763
			Just upstream of Main Street	*776
			At confluence of Garland Road Tributary	*776
		Kimball Avenue Tributary	Within corporate limits	*776
		Willow Road Creek	About 1,400 feet above mouth	*766
			About 3,700 feet above mouth	*774
		Garland Road Tributary	About 900 feet upstream of Neil Avenue	*776
	Maps available for inspection at the Village Hall, 101 North Main Street, Wauconda, Illinois.			
	Send comments to Honorable John Kuester, Jr., Mayor, Village of Wauconda, Village Hall, 101 North Main Street, Wauconda, Illinois 60084.			
Illinois	(Unincorporated), Will County	Des Plaines River	At downstream county boundary	*510
			Just downstream of Brandon Lock and Dam	*515
			Just upstream of Brandon Lock and Dam	*540
			At downstream City of Cresthill corporate limits	*545
			About 1,100 feet downstream of Stateville Road	*552
			About 1,200 feet downstream of Ninth Street	*562
			About 200 feet downstream of Materials Service Road and Dam	*568
			About 100 feet upstream of Materials Service Road and Dam	*572
			About 100 feet upstream of 135th Street	*586
			At upstream county boundary	*592
		Kankakee River	Just upstream of County Line Road	*510
			Just downstream of Atchison, Topek and Santa Fe Railroad	*512
			Just upstream of Illinois Central Gulf Railroad	*513
			About 300 feet downstream of U.S. Route 66	*517
			At confluence of Prairie Creek	*523
			At downstream City of Wilmington corporate limit	*531
			About 1.0 mile upstream of Wilmington Dam	*540
			Just upstream of Norfolk and Western Railway	*548
			About 1,200 feet upstream of confluence of Ryans Creek	*551
		Forked Creek	About 4,100 feet downstream Kahler Road	*548
			About 100 feet upstream of Kahler Road	*548
			About 1,100 feet upstream of Ballou Road	*553
			About 1,400 feet downstream of Norfolk and Western Railway	*556
			About 100 feet upstream of Norfolk and Western Railway	*556
			Just downstream of Ritchie Road	*559
			About 2,300 feet upstream of Ritchie Road	*570
		Lily Cache Creek	Mouth at Du Page River	*592
			Just upstream of U.S. Route 30	*593
			About 200 feet upstream of Renwick Road	*595
			About 100 feet upstream of Lockport Road	*598
			About 2,000 feet upstream of Lockport Road	*599
			About 300 feet downstream of Railroad Spur	*602
			Just downstream of Taylor Road	*604
			About 800 feet upstream of Taylor Road	*606
			About 200 feet downstream of State Route 126	*610
			Just downstream of Quarry Road	*614
			Just upstream of Quarry Road	*618
			Just downstream of Essington Road	*622
			Just upstream of Essington Road	*623
			About 250 feet downstream of 127th Street	*626
			About 450 feet upstream of 127th Street	*628
			About 650 feet downstream of 119th street	*632
			About 300 feet upstream of 119th street	*634
			About 250 feet downstream of Weber Road	*648

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 500 feet upstream of Naperville Road	*656
			About 1.0 mile upstream of Naperville Road	*662
			Just upstream of Schmidt Road	*672
			About 1,000 feet upstream of Schmidt Road	*674
			About 600 feet upstream of Preston Drive	*723
			About 300 feet downstream of Murphy Road	*726
			About 1,700 feet upstream of Murphy Road	*730
			Just downstream of Boughton Road	*739
			At upstream county boundary	*741
		Lily Cache Tributary	Mouth at Lily Cache Creek	*670
			About 250 feet upstream of Woodcreek Road	*680
		Fiddyment Creek	About 150 feet upstream of Village of Bolingbrook corporate limits	*594
			Mouth at Illinois and Michigan Canal	*583
			Just downstream of State Street	*594
			Just upstream of Oak Street	*623
		Spring Creek	Just downstream of Farrell Road	*656
			About 700 feet upstream of Joliet and Eastern Railway	*565
			About 1,000 feet downstream of Farrell Road	*620
			About 100 feet downstream of Farrell Road	*625
			About 350 feet upstream of Farrell Road	*628
			About 450 feet downstream of farm bridge	*632
			Just upstream of farm bridge	*635
			About 2,500 feet upstream of Gougan Road	*638
			Just downstream of Cedar Road	*666
			Just downstream of Bruce Road	*670
			Just upstream of Bruce Road	*675
			Just upstream of Parker Road	*679
			At upstream county boundary	*685
		Spring Creek Tributary	About 2,100 feet downstream of Voiletta Avenue	*594
			Just upstream of Voiletta Avenue	*623
		Plum Creek	About 2,400 feet upstream of Voiletta Street	*645
			Just upstream of Stegar Road	*645
			About 3,800 feet upstream of Stegar Road	*648
			Just downstream of Faithhorn Road	*668
			About 8,000 feet upstream of Faithhorn Road	*675
			About 11,800 feet upstream of Faithhorn Road	*682
			About 500 feet downstream of Unnamed Road	*588
			About 100 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*692
			Just downstream of State Route 1	*707
		Thorn Creek	About 1.15 miles downstream of Monee Road	*698
			About 0.26 mile upstream of Monee Road	*720
		Deer Creek	About 4,700 feet downstream of Kings Road	*696
			Just upstream of Kings Road	*710
			About 3,000 feet downstream of Western Avenue (downstream crossing).	*727
			About 100 feet upstream of Exchange Road	*738
			About 1.6 miles upstream of Exchange Road	*744
		Hickory Creek	Mouth at Des Plaines River	*517
			About 800 feet downstream of McKinley Avenue	*521
			About 250 feet downstream of Gardner Street	*532
			About 800 feet upstream of Elgin, Joliet and Eastern Railway	*563
			About 3,500 feet upstream of Elgin, Joliet and Eastern Railway	*572
			Just downstream of Lincoln Highway	*580
			Just upstream of Interstate 80	*612
			Just upstream of Vine Street	*622
			About 350 feet downstream of Norfolk and Western Railway	*637
			Just upstream of Chicago, Rock Island and Pacific Railroad	*648
			Just downstream of Wolf Road	*663
		Sugar Run	Mouth at Des Plaines River	*519
			Just upstream of Illinois Central Gulf Railroad (downstream crossing)	*540
			Just downstream of Illinois Central Gulf Railroad (upstream crossing)	*552
			About 250 feet downstream of State Route 53	*564
			Just upstream of Mills Road	*570
			Just downstream of Wildwood Lane	*588
			About 100 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*598
			Just downstream of Old Manhattan Road	*622
		Long Run	About 1,700 feet downstream of State Route 171	*644
			About 300 feet upstream of Cedar Road	*660
			Just downstream of Will Cook Road	*686
		Sunnyland Drain	Just downstream of Caton Farm Road	*591
			Just upstream of U.S. Route 30	*606
			Just upstream of Gaylord Road	*619
			About 100 feet upstream of Elgin, Joliet and Eastern Railway	*625
		Sunnyland Drain Tributary	Just upstream of U.S. Route 30	*606
			Just upstream of Elgin, Joliet and Eastern Railway	*610
		Hammel Creek	About 1,500 feet downstream of Raven Road	*597
			Just downstream of River Road	*617
		Naperville Road Tributary	Mouth at Lily Cache Creek	*652
			Just downstream of Naperville Road	*656
			About 100 feet upstream of Naperville Road	*659
			About 1,650 feet upstream of Lily Cache Lane	*664
		Manhattan Road Ditch	Mouth at Sugar Run	*607
			About 70 feet downstream of Manhattan Road	*612
			About 300 feet upstream of Elgin, Joliet and Eastern Railway	*615

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Illinois and Michigan Canal	About 3.2 miles downstream of Interstate 55 Southbound	*528
			About 6,000 feet downstream of Interstate 55 Southbound	*530
			About 700 feet upstream of Belt Line Road	*531
			Just upstream of Channahon Road	*534
			Confluence with Des Plaines River	*544
			About 100 feet upstream of confluence of Fraction Run	*571
			Just downstream of Will Cook Road	*583
		Du Page River	Just upstream of U.S. Route 6	*523
			About 500 feet upstream of Shapley Road	*540
			About 100 feet upstream of Chicago, Rock Island and Pacific Railroad.	*545
			About 200 feet upstream of Interstate 80	*556
			About 1,100 feet upstream of Seil Road	*568
			About 300 feet upstream of Black Road	*584
			Just upstream of State Route 59	*594
			About 1,200 feet upstream of Renwick Road	*599
			About 100 feet downstream of 111th Street	*622
		West Branch Du Page River	Confluence of East Branch Du Page River	*632
			About 1.5 miles upstream of confluence of East Branch Du Page River	*641
		East Branch Du Page River	Confluence of Du Page River	*632
			About 450 feet upstream of Joliet Road	*636
			About 100 feet downstream of Schmith Road	*644
			At upstream county boundary	*649
		Rock Run	At confluence with Illinois and Michigan Canal	*530
			About 100 feet downstream of Chicago, Rock Island and Pacific Railroad.	*543
			About 100 feet upstream of Chicago, Rock Island and Pacific Railroad	*546
			About 1,000 feet downstream of confluence of Rock Run Slough	*550
			About 300 feet upstream of Humbolt Road	*572
			About 1,800 feet upstream of Black Road	*576
			About 2,800 feet upstream of Essington Road	*581
		Rock Run Tributary No. 1	About 125 feet downstream of Essington Road	*581
			About 75 feet upstream of Rosary Lane	*586
			Just upstream of Cassie Drive	*596
			About 300 feet upstream of Barbor Lane	*606
		Rock Run Tributary No. 2	At confluence with Rock Run	*575
			About 40 feet upstream of Timberline Road	*600
			About 180 feet upstream of Essington Road	*613
		Rock Run Tributary No. 3	At confluence with Rock Run	*575
			Just upstream Cemetary entrance (downstream crossing)	*596
			About 1,700 feet upstream of Rebecca Road	*619
		Rock Run Slough	Confluence with Rock Run	*554
			Just downstream of Troy Street	*572
			At divergence from Rock Run	*576
		Rock Run South	At City of Joliet corporate limits (about 700 feet downstream of private road).	*516
			Just upstream of Chicago, Rock Island and Pacific Railroad	*522
			About 2,350 feet upstream of Chicago, Rock Island and Pacific Railroad.	*522

Maps available for inspection at the County Planning Commission, County Building, 14 West Jefferson Street, Joliet, Illinois.

Send comments to Honorable Lyman Tieman, Chairman of the County Board, Will County, County Building, 14 West Jefferson Street, Joliet, Illinois 60431.

Indiana	(C), Terre Haute, Vigo County	Wabash River	About 2.3 miles downstream of Interstate 70	*466
			About 0.5 mile upstream Interstate 70	*470
			Upstream corporate limit	*476
		Thompson Ditch	Just upstream Margaret Avenue	*500
			Just upstream Wallace Road	*506
			Just downstream Reservoir Dam	*515
		Lost Creek	Mouth at Wabash River	*476
			Upstream Lousville and Nashville Railroad	*491
			Just downstream Maple Avenue	*498
			Just upstream Fruitridge Avenue	*505
			Upstream corporate limit	*509
		East Branch Lost Creek	At mouth	*495
			Just upstream Conrail	*497
			Just upstream Chicago, Milwaukee St. Paul and Pacific Railroad	*497
		Lost Creek Tributary	Just upstream Beech Street	*506
			0.34 mile upstream of Beech Street	*508
		Little Lost Creek	At mouth	*509
			0.4 mile upstream from mouth	*513
			0.7 mile upstream from mouth	*515

Maps available for inspection at the Executive Director's Office, Courthouse Annex, 120 S. 7th Street, Terre Haute, Indiana.

Send comments to Honorable Gary Brett, Executive Director of Area Plan Development, Terre Haute, Courthouse Annex, 120 S. 7th Street, Terre Haute, Indiana 47807.

Kansas	(C), Topeka, Shawnee County	Kansas River	At downstream corporate limits	*876
			Just upstream of Sardou Avenue	*882
			Just upstream of Topeka Avenue	*886
			About 1.2 miles upstream of U.S. Highway 75	*894
		Shunganunga Creek	About 600 feet downstream of confluence of Deer Creek	*877
			Just upstream of Atchison, Topeka and Santa Fe Railway	*895
			Just upstream of Van Buren Street	*900
			Just upstream of Washburn Avenue	*906
			About 2,400 feet downstream of Gage Boulevard	*920
			About 300 feet upstream of Gage Boulevard	*924

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Fairlawn Road	*935
			About 0.9 mile upstream of West 29th Street	*951
		Deer Creek	At confluence with Shunganunga Creek	*878
			About 1,750 feet downstream of East 6th Street	*883
			Just upstream of East 6th Street	*891
			Just downstream of Interstate 70	*895
			Just downstream of 21st Street	*900
			At the upstream corporate limits	*914
		Butcher Creek	Mouth at Shunganunga Creek	*898
			Just downstream of East 25th Street	*906
			Just upstream of East 25th Street	*912
			Just downstream of East 29th Street	*923
			About 1,800 feet upstream of East 29th Street	*924
			Just downstream of East 37th Street	*952
			Just downstream of Interstate 470	*970
		South Branch Shunganunga Creek	At confluence with Shunganunga Creek	*913
			About 450 feet upstream of West 37th Street	*927
		Indian Creek	About 725 feet upstream confluence with Soldier Creek	*879
			At upstream corporate limits	*882
		West Fork Butcher Creek	Mouth at Butcher Creek	*944
			Just downstream of Interstate 470	*968

Maps available for inspection at the City-County Planning Commission, 820 Southeast Quincy, Suite 512, Topeka, Kansas.

Send comments to Honorable J. H. Schlegel II, Director of Planning, City of Topeka, 820 Southeast Quincy, Suite 512, Topeka, Kansas 66612.

Maryland	Annapolis, City, Anne Arundel County.	Chesapeake Bay	Entire shoreline within Corporate Limits	*7

Maps available for inspection at the Municipal Building, Duke of Gloucester Street, Annapolis, Maryland.

Send comments to Honorable John Apostol, Mayor of Annapolis, Municipal Building, Box 1686, Duke of Gloucester Street, Annapolis, Maryland 21404.

Maryland	Highland Beach, Town, Anne Arundel County.	Chesapeake Bay	Entire shoreline within Corporate Limits	*7

Maps available for inspection by contacting Mayor Gary Browne, at (202) 727-1651.

Send comments to Honorable Gary Browne, Mayor of Highland Beach, 2525 North Capitol Street, N.E., Washington, D.C. 20002.

Michigan	(C), Kentwood, Kent County	Plaster Creek	At downstream corporate limits	*678
			About 200 feet downstream of 44th Street	*700
			Just upstream of 52nd Street	*717
			Just downstream of 60th Street	*731
		Little Plaster Creek	About 500 feet downstream of State Highway 37	*692
			Just downstream of 28th Street	*721
		Whiskey Creek	At the confluence with Little Plaster Creek	*696
			Approximately 200 feet downstream of State Highway 37 (near upstream corporate limits).	*714
			About 800 feet upstream of State Highway 37 (near upstream corporate limits).	*720

Maps available for inspection at the Clerk's Office, City Hall, 4900 Brenton, S.E., Kentwood, Michigan.

Send comments to Honorable Marvin Hoefinger, Mayor, City of Kentwood, City Hall, 4900 Brenton, S.E., Kentwood, Michigan 49508.

Minnesota	(C), Hermantown, St. Louis County	Keene Creek	Approximately 1,200 feet downstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,220
			About 220 feet downstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,235
			About 270 feet upstream of Okerstrom Road (located 2,460 feet downstream of Morris Thomas Road).	*1,249
			About 80 feet downstream of Morris Thomas Road	*1,267
			About 80 feet upstream of Morris Thomas Road	*1,281
			Just downstream of Okerstrom Road (located 2,410 feet downstream of Hermantown Road).	*1,281
			Just upstream of Okerstrom Road (located 2,410 feet downstream of Hermantown Road).	*1,285
			About 120 feet downstream of Hermantown Road	*1,286
			Just downstream of Hermantown Road	*1,288
		Miller Creek	About 25 feet upstream of Haines Road	*1,335
			About 300 feet downstream of U.S. Highway 53 (northbound) (located 1,100 feet upstream of Haines Road)	*1,337
			Just upstream of U.S. Highway 53 (southbound) (located 1,160 feet upstream of Haines Road)	*1,343
			Just upstream of U.S. Highway 53 (northbound) (located 2,690 feet upstream of Haines Road).	*1,349
			About 230 feet downstream of Arrowhead Road	*1,350
			About 1,200 feet downstream of Swan Lake Road	*1,352
			Just downstream of Swan Lake Road	*1,356

Maps available for inspection at the Hermantown City Hall, 3161 Maple Grove Road, Duluth, Minnesota.

Send comments to Honorable Helmer A. Ruth, Mayor, City of Hermantown, Hermantown City Hall, 3161 Maple Grove Road, Duluth, Minnesota 55811.

Minnesota	(C), Pine City, Pine County	Cross Lake	Shoreline	*939
		Snake River	Mouth at Cross Lake	*939
			About 2,300 feet upstream of northbound Interstate 35	*943

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)

Maps available for inspection at the City Hall, 4th Avenue and 6th Street, Pine City, Minnesota.

Send comments to Honorable Keith Selleck, Mayor, City of Pine City, City Hall, 4th Avenue and 6th Street, Pine City, Minnesota 55063

New York	Union Springs, Village, Cayuga County.	Cayuga Lake	Entire shoreline within Village	*366
		Tributary No. 2	Confluence with Cayuga Lake	*366
			Factory Street, 700' below State Route 90 (Upstream)	*390
			Just below outlet of culvert for State Route 90 (Downstream)	*406
			At inlet of culvert for State Route 90 (Upstream)	*419

Maps available for inspection at the Village Hall, Factory Street, Union Springs, New York.

Send comments to Honorable Earl Fox, Mayor of Union Springs, Village Hall, Factory Street, Union Springs, New York 13160.

North Carolina	City of Albermarle, Stanly County.	Long Creek	275 feet upstream from Charlotte Highway	*426
			100 feet upstream from West Main Street	*435
		Little Long Creek	75 feet upstream of U.S. 73	*430
			At U.S. 52	*450
		Poplin Creek	Just downstream of Winston Salem Southbound Railroad	*427
			125 feet upstream of Norwood Hwy (U.S. 52–N.C. 73)	*433
		Town Creek	80 feet upstream of Snuggs Street	*454
		Melchor Branch	100 feet downstream of North Second Street	*455
			100 feet downstream of Smith Street	*505

Maps available for inspection at City Hall, 144 North 2nd Street, Albermarle, North Carolina 28001.

Send comments to Mayor Carlton B. Holt or Mr. Jack F. Neel, City Manager, City Hall, 144 North 2nd Street, Albermarle, North Carolina 28001.

North Carolina	City of Lincolnton, Lincoln County	Lithia Inn Branch	Just upstream of Laboratory Road	*760
			Approximately 140 feet upstream of U.S. Highway 321A	*770
		Walker Branch	Just upstream of U.S. Highway 321A	*786
			Approximately 50 feet downstream of North Flint Street	*777
		Clark Creek	At North Grove Street	*765
		South Fork Catawba River	Approximately 140 feet upstream of Madison Street	*762
			Approximately 300 feet at upstream of Riverine Road	*764

Maps available for inspection at City Hall, West Sycamore Street, Lincolnton, North Carolina 28092.

Send comments to Mayor W. M. Lentz or Mr. David E. Lowe, City Administrator, City Hall, West Sycamore Street, Lincolnton, North Carolina 28092.

North Carolina	Unincorporated areas of Lincoln County.	South Fork Catawba River	Just downstream of State Route 1242	*720
			Just upstream of State Route 1242	*720
			Just downstream of State Route 1248	*745
			Just upstream of State Route 1248	*746
			Just downstream of State Route 1252	*750
			Just upstream of State Route 1252	*751
			Just downstream of State Route 1470	*764
			Just upstream of State Route 1470	*764
			Just downstream of State Route 1008	*770
			Just upstream of State Route 1008	*771
		Indian Creek	Just downstream of State Route 1250	*751
			Just upstream of State Route 1252	*752
			Just downstream of State Route 1175	*763
			Just upstream of State Route 1175	*764
			Just downstream of State Highway 150	*768
			Just upstream of State Highway 150	*769
			Just downstream of State Route 1177	*770
			Just upstream of State Route 1177	*771
			Just downstream of State Route 1169	*775
			Just upstream of State Route 1169	*777
		Clark Creek	Just downstream of State Route 1008	*765
			Just upstream of State Route 1008	*765
			Just downstream of State Route 1262	*772
			Just upstream of State Route 1262	*774
		Walker Branch	Just downstream of U.S. Highway 321A	*765
			Just upstream of U.S. Highway 321A	*767
			Just downstream of U.S. Highway 321 (State Highway 150)	*790
			Just upstream of U.S. Highway 321 (State Highway 150)	*792
		Lithia Inn Branch	Just downstream of a point which is 1,500 feet upstream of U.S. Highway 321A.	*777
			Just upstream of a point 1,500 feet upstream of U.S. Highway 321A	*779

Maps available for inspection at Lincoln County Courthouse, Lincolnton, North Carolina 28092.

Send comments to Mr. Fred M. Houser, County Manager or Mr. Leon Harmon, Assistant Manager, Lincoln County Courthouse, Lincolnton, North Carolina 28092.

North Carolina	Town of Mount Airy, Surry County	Ararat River	Just upstream Pine Street (State Highway 103)	*1,015
			Just upstream Linville Road (State Road 1727)	*1,028
		Lovills Creek	Just upstream of U.S. Highway 601	*997
			Just upstream of U.S. Highway 52 Business	*1,039

Maps available for inspection at Town Hall, 300 South Main Street, Mount Airy, North Carolina 27030.

Send comments to Mayor W. M. Beamer or Mr. S. L. Spencer, City Manager, City Hall, 300 South Main Street, Mount Airy, North Carolina 27030.

North Carolina	Unincorporated areas of Stanly County.	Long Creek	At State Highway 24-27	*418
			Just downstream of State Highway 1401	*478
		Little Long Creek	100 feet downstream of Morgan Road	*414
			50 feet upstream of State Highway 1524	*524
		Rock Creek	Approximately 2,300 feet upstream of confluence with Poplin Creek	*430

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Town Creek	Just downstream of State Highway 1421	*487
		Melchor Branch	Approximately 100 feet downstream of Ridge Street	*515
	Maps available for inspection at Stanly County Courthouse, 201 South Second Street, Albemarle, North Carolina 28001.			
	Send comments to Mr. William Forbes, County Manager, Stanly County Courthouse, 201 South Second Street, Albemarle, North Carolina 28001.			
North Carolina	Unincorporate areas of Surry County.	Ararat River	Just upstream of U.S. Highway 52 Bypass	*993
			Just upstream of U.S. Highway 52 Business	*1,003
			Just upstream State Highway 103 (Pine Street)	*1,015
			Just upstream Linville Road (SR 1727)	*1,026
			Just upstream State Highway 104	*1,090
		Lovills Creek	Just upstream of State Road 1371	*1,003
			Just upstream State Road 1841 (Independence Boulevard)	*1,018
			Just upstream Greenville Road (SR 1700)	*1,084
		Stewart Creek	Just upstream of State Road 2000	*992
			Just upstream State Road 2258	*1,002
			Just upstream U.S. Highway 601	*1,006
			Just upstream State Road 1350	*1,043
			Just upstream State Highway 89	*1,060
			Just upstream State Road 1621	*1,125
		Pauls Creek	Just upstream of Pipers Gap Road (State Road 1624)	*1,109
	Maps available for inspection at Surry County Courthouse, Commissioner's Office, Dobson, North Carolina 27017.			
	Send comments to Mr. Fletcher Harris, Chairman or Mr. Eddie Bondurant, County Manager, Surry County Courthouse, Dobson, North Carolina 27017.			
North Carolina	Town of Wingate, Union County	Meadow Branch	Just upstream of Jeffry Circle extended	*524
			Just downstream of East Wilson Street	*529
		Meadow Branch West	Just downstream of East Wilson Street	*530
	Maps available for inspection at Town Hall, U.S. Highway 74 West, Wingate, North Carolina 28174.			
	Send Comments to Mayor George Gerding or Mr. Tony E. Maye, Mayor Pro-Tem, Town Hall, U.S. Highway 74 West, Wingate, North Carolina 28174.			
Ohio	(C), Centerville, Montgomery County.	Centerville Tributary	At downstream county boundary	*817
			Just upstream of abandoned bridge	*871
			Just downstream of Bigger Road	*876
			Just upstream of Bigger Road	*882
			Just downstream of Forest Brook Boulevard near Bigger Road	*887
			Just upstream of Forest Brook Boulevard near Bigger Road	*893
			Just downstream of Clyo Road	*898
		Whites Corner Tributary	At downstream county boundary	*882
			Just upstream of Alexandersville-Bellbrook Road	*900
			About 0.67 mile upstream of Alexandersville-Bellbrook Road	*943
		Sugar Creek	At downstream county boundary	*818
			Approximately 500 feet downstream Clyo Road	*918
	Maps available for inspection at the Office of the City Clerk, City Hall, 100 West Spring Valley Road, Centerville, Ohio.			
	Send comments to Honorable J. V. Stone, Mayor, City of Centerville, City Hall, 100 West Spring Valley Road, Centerville, Ohio 45459.			
Oregon	Amity (City), Yamhill County	Salt Creek	Approximately 300 feet west of intersection of 2nd Street and Enos Street.	*135
			Approximately 150 feet west of intersection of Roth Street and Getchell Street.	*135
	Maps available for inspection at City Hall, Trade & Maddox, Amity, Oregon.			
	Send comments to Honorable Adolph Nielson, P.O. Box 126, Amity, Oregon 97101.			
Pennsylvania	Jackson, Township, Snyder County.	Penns Creek	Approximately 1,840' downstream of Township Route 486 (Extended).	*468
			Approximately 5,280' upstream of Township Route 486 (Extended)	*474
			Approximately 5,350' downstream of State Route 204	*489
			Approximately 3,340' upstream of State Route 204	*498
	Maps available for inspection at the residence of Ms. Virginia Frantz, Township Secretary, R.D. 1, Winfield, Pennsylvania.			
	Send comments to Honorable John Marks, Chairman of the Jackson Board of Supervisors, R.D. 1, Winfield, Pennsylvania 17889.			
Pennsylvania	Manchester, Township, York County.	Codorus Creek	Downstream Corporate Limits	*347
			Emig Road (Upstream)	*351
			Conrail (Upstream)	*360
			Upstream corporate Limits	*363
		Little Conewago Creek	Downstream Corporate Limits	*330
			Approximately 6,850' upstream of Corporate Limits	*335
		Tributary 1	Approximately 400' upstream of confluence with Little Conewago Creek.	*367
			Private Drive approximately 870' upstream of confluence with Little Conewago Creek (Upstream).	*371
			Private Drive approximately 3,000' of confluence with Little Conewago Creek (Upstream).	*396
			Greenbriar Road (Downstream)	*442
			Greenbriar Road (Upstream)	*447
		Tributary 2	Confluence with Codorus Creek	*347
			Emig Road approximately 2,180' upstream of confluence with Codorus Creek (Upstream).	*354
			Emig Road approximately 4,380' upstream of confluence with Codorus Creek (Upstream).	*362
			Conrail (Downstream)	*376

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Conrail (Upstream)	*380
			Church Road (Upstream)	*382
			Approximately 9,140' upstream of confluence with Codorus Creek	*408
		Tributary 3	Confluence with Tributary 2	*355
			Conrail Culvert (Upstream)	*364
			Private Drive approximately 2,970' upstream of confluence with Tributary 2 (Upstream).	*374
		Tributary 4	Confluence with Codorus Creek	*361
			Interstate 83 (Upstream)	*369
			South George Street (Upstream)	*375
			Private Drive approximately 7,300' upstream of confluence with Codorus Creek (Upstream).	*382
			Private Drive approximately 9,000' upstream of confluence with Codorus Creek (Upstream).	*391
			Susquehanna Trail (Upstream)	*403
			Approximately 75' upstream of Susquehanna Trail	*404
	Maps available for inspection at the Township Building, R.D. 22, Manchester, Pennsylvania.			
	Send comments to Honorable Tim Horner, Chairman of the Manchester Board of Supervisors, R.D. 22, Box 60, York, Pennsylvania 17402.			
Pennsylvania	Manheim, Borough, Lancaster County.	Chickies Creek	Power Road	*397
			Downstream of State Route 772	*399
			Downstream of East Steigel Street	*401
			Downstream of East High Street	*401
		Rife Run	Confluence with Chickies Creek	*392
			Upstream of West High Street	*393
			Upstream of Colebrook Street	*399
			Upstream Corporate Limits (4th crossing)	*406
	Maps available for inspection at the Borough Hall, Manheim, Pennsylvania.			
	Send comments to Honorable J. Loverne Hiestand, Mayor of Manheim, 21 East High Street, Manheim, Pennsylvania 17545.			
Pennsylvania	South Middleton, Township, Cumberland County.	Yellow Breeches Creek	Confluence of Boiling Springs Run	*472
			Confluence of Old Town Run	*486
			Upstream side of Whiskey Spring Road	*491
			Approximately 250' upstream of Conrail bridge	*502
			Approximately 1,700' downstream of State Route 34	*512
			Approximately 2,900' upstream of State Route 34	*522
			Upstream Corporate Limits	*533
		Boiling Springs Run	Confluence with Yellow Breeches Creek	*472
			Downstream side of Macadam Road	*477
			Upstream side of Macadam Road	*481
		Old Town Run	Confluence with Yellow Breeches Creek	*486
			Upstream side of Private Drive	*491
			Approximately 1,000' upstream of T-529	*501
			Approximately 1,340' downstream of Conrail bridge	*511
			Downstream side of Conrail bridge	*522
		Mountain Creek	Confluence with Yellow Breeches Creek	*504
			Approximately 275' upstream of Ladnor Lane	*514
			Approximately 3,100' upstream of Ladnor Lane	*524
			Upstream Corporate Limits	*536
			Approximately 150' downstream of Conrail bridge	*538
			Upstream side of Conrail bridge	*544
		Letort Spring Run	Downstream Corporate Limits	*455
			Approximately 2,850' upstream of Interstate 81 North	*457
	Maps available for inspection at the South Middleton Township Building, Mount Holly Springs, Pennsylvania.			
	Send comments to Honorable Lauren D. Metcalf, Chairman of the South Middleton Board of Supervisors, Box 58, Mount Holly Springs, Pennsylvania 17065.			
Pennsylvania	Swatara, Township, Lebanon County.	Swatara Creek	Downstream Corporate Limits	*400
			Approximately 2,000' upstream side of State Route 72	*409
			Approximately 1,000' downstream side of U.S. Route 22	*412
			Confluence of Oil Creek	*419
			Upstream side of State Route 343	*426
			Upstream side of Legislative Route 38049	*434
			Upstream side of Township Route 575	*443
			Approximately 1,290' upstream of upstream Interstate 81 crossing	*449
		Little Swatara Creek	Confluence with Swatara Creek	*409
			Approximately 4,600' upstream of South Lancaster Street	*410
		Monroe Creek	Confluence with Swatara Creek	*432
			Approximately 0.83 mile upstream of second driveway crossing	*443
			Upstream Corporate Limits	*452
	Maps available for inspection at the Township Municipal Building, Swatara, Pennsylvania.			
	Send comments to Honorable Donald Strausa, Chairman of the Swatara Board of Supervisors, Route 1, Jonestown, Pennsylvania 17036.			
South Carolina	City of Florence, Florence County	Jeffries Creek	Just upstream of South Irby Street (U.S. Highways 52 and 301)	*89
			Just downstream of Deberry Boulevard	*97
			Just upstream of West Palmetto Street	*100
		Pye Creek	Just upstream of East Pine Street	*111
		Beaverdam Creek	Just downstream of northern most crossing of corporate limits	*102
	Maps available for inspection at City-County Complex, Development Division, Florence, South Carolina 29501.			
	Send comments to Mayor C. Cooper Tedder or Mr. Thomas W. Edwards, Jr., City Manager, City-County Complex, Florence, South Carolina 29501.			

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Dakota	Rapid City (City), Pennington County	Lime Creek	Intersection of Lime Creek and Hall Street	*3,333
			160 feet downstream of intersection of Lime Creek and Academy Road	*3,531
		Robbinsdale Drain	Intersection of Robbinsdale Drain and State Highway 79	*3,180
			Intersection of Robbinsdale Drain and Centennial Street	*3,310
		Arrowhead Drain	70 feet upstream of intersection of Arrowhead Drain and Tomahawk Drive	*3,342
			Intersection of Arrowhead Drain and Horsecreek Road	*3,419
		Rapid Creek	50 feet downstream of intersection of Rapid Creek and East St. Patrick Street.	*3,145
			Intersection of Rapid Creek and Jackson Boulevard	*3,313
		Rapid Creek	30 feet downstream of intersection of Rapid Creek and State Highway 44 (Upstream Crossing).	*3,418
		Red Rock Canyon	50 feet upstream of intersection of Red Rock Canyon and Copper Hill Drive.	*3,390
			20 feet upstream of intersection of Redrock Canyon and Idlewild Court	*3,418
		Cleghorn Canyon	Intersection of Cleghorn Canyon and State Highway 44	*3,393
Maps available for inspection at City Hall, 22 Main Street, Rapid City, South Dakota 57701.				
Send comments to Honorable Art Lacroix, 22 Main Street, Rapid City, South Dakota 57701.				
Washington	Douglas County (unincorporated areas).	Douglas Creek At Palisades	Intersection of Palisades Road with the channel (near Unnamed Canyon 2)	*812
			Confluence with Sutherland Canyon	*873
			Confluence with Whiskey Dick Creek	*956
Maps available for inspection at Planning Department, 110 N.E. 3rd., East Wenatchee, Washington.				
Send comments to Honorable Eugene Weimerskirch, Box 456, Waterville, Washington 98801.				
Washington	Island County (unincorporated areas).	Puget Sound	At Useless Bay—approximately 2,000 feet northeast along Shore Avenue from its intersection with Double Bluff Road.	*7
			At Mutiny Bay—at the intersection of South Mutiny Bay Road and Fish Road.	*8
			At Mutiny Bay West—approximately 2,000 feet west along Adams Road from its intersection with Grigware Road.	*9
			At Lagoon Point—at the intersection of Steelhead Drive and Salmon Street.	*9
			At Maxwelton—intersection of Maxwelton Road and Swede Hill Road.	*9
			At Admiralty Bay—along Keystone Road where it parallels the shoreline of the bay.	*11
		Strait of Juan de Fuca	At Swantown—along the western side of West Beach Road where it parallels the shoreline of the Strait for approximately 4,000 feet south of Whidbey Island Naval Reservation.	*10
		Port Susan	At Sunny Shore Avenue—approximately 1,800 feet north of the intersection of East Camano Drive and Beach Way.	*9
			At Driftwood Shores	*11
		Saratoga Passage	At Rodens Beach—approximately 5,100 feet north of the intersection of State Highway 20 and Morris Road.	*9
			At East Point—approximately 3,800 feet east of the intersection of Baby Island Road and Fox Spit Road.	*11
		Holmes Harbor	At Dines Point—approximately 5,000 feet north of the intersection of Classic Road and Resort Road.	*9
		Dugualla Bay	Approximately 2,000 feet north along State Highway 20 from its intersection with Frostad Road.	*2
Maps available for inspection at Island County Courthouse, N.E. 6th and Main Street, Coupeville, Washington.				
Send comments to Honorable R. W. Christiansen, P.O. Box 750, Coupeville, Washington 98239.				
Washington	Lewis County (unincorporated areas).	Skookumchuck River	50 feet downstream from center of JW Downing Road	*201
		Chehalis River	Intersection of Southgate Drive and Oakland Avenue	*169
			300 feet upstream from center of Elk Creek Road	*207
			300 feet upstream from center of State Highway 6	*366
		South Fork Chehalis River	50 feet upstream from center of Boistfort Road	*227
		Newaukum River	Intersection of Taylor Road (South) and Jackson Highway	*261
		South Fork Newaukum River	100 feet upstream from center of Gish Road	*376
		North Fork Newaukum River	200 feet upstream from center of North Fork Road	*271
		Middle Fork Newaukum River	200 feet downstream from center of Tauscher Road	*300
		Tilton River	Intersection of State Highway 7 and Lester Road	*940
		South Fork Tilton River	Intersection of river and center of State Highway 7	*1,040
		Cispus River	Intersection of Park Lane and Firwood Drive (North)	*1,192
		Cowlitz River	Intersection of Main Street and U.S. Highway 12	#3
			Intersection of Ray Road (West) and Ray Road	*100
			Intersection of Cispus Road and Woods Creek Road	*888
		China Creek	Intersection of Halliday Road and Little Hanaford Road	*191
		Coffee Creek	250 feet upstream from center of Lowery Lane	*206
		Dillenbaugh Creek	Intersection of creek and center of Bishop Road	*200
		Berwick Creek	50 feet downstream from center of Jackson Highway	*268
		Hanaford Creek	200 feet downstream from center of Big Hanaford Road	*202
		Salzer Creek	Intersection of Alvord Road and State Street East	*178
		Salzer Creek Middle Fork	200 feet downstream from center of Salzer Valley Road	*192
		Salzer Creek South Fork	Intersection of Proffitt Road and Salzer Road	*189
		Salzer Creek North Fork	100 feet upstream from center of Salzer Valley Road	*193
		Lake Creek (Tributary to South Fork Chehalis River).	400 feet downstream from center of King Road	*238
		Elk Creek	200 feet upstream from center of Elk Creek Road	*307
		Lake Creek (Tributary to Tilton River).	150 feet downstream from center of Temple Road	*936

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Big Creek	Intersection of Niaqually Way and Osborn Road	*1,756
		Clarque Creek	100 feet upstream from center of Annonen Road	*132
			50 feet upstream from center of North Military Road	*449
		Mineral Creek	Intersection of creek and center of Mineral Creek Road	*1,426
		Roundtop Creek	25 feet upstream from center of Mineral Creek Road	*1,393
		Lacamas Creek	Intersection of Frost Road and Jackson Highway	*352
		Siler Creek	100 feet upstream from center of Crapus Road	*904
		No Name Creek (Tributary to Siler Creek).	300 feet downstream from center of Crapus Road	*914
		Surrey Creek	The area south of Silverbrook Road, 800 feet west of the intersection of the creek and Silverbrook Road.	*908
		Silver Creek	50 feet upstream from center of U.S. Highway 12	*915
		Hall Creek	50 feet downstream from center of Snyder Road	*1,054
		Coal Creek	50 feet upstream from center of Coal Creek Road	*203
Maps available for inspection at Planning Department, 344 West Main, Chehalis, Washington.				
Send comments to the Honorable Harold Cooper, P.O. Box 760, Chehalis, Washington 98532.				
Wisconsin	(V), Mazomanie, Dane County	Black Earth Creek	About 2,800 feet downstream of Bridge Road (at westernmost corporate limit).	*764
			Just downstream of State Street	*771
			About 300 feet downstream of Hudson Street	*775
			About 100 feet upstream of Crescent Street	*778
Maps available for inspection at the Office of the Village Clerk, Village Hall, Mazomanie, Wisconsin.				
Send comments to Honorable Rich Royston, Village President, Village of Mazomanie, Village Hall, Mazomanie, Wisconsin 53560.				
Wisconsin	(Unincorporated), Rock County	Rock River	At Beloit's upstream corporate limits	*749
			Approximately 0.35 mile upstream of Eau Claire Road	*757
			Janesville corporate limits, approximately 0.36 mile upstream of confluence of Fisher Creek.	*781
			Just upstream of U.S. Highway 14	*778
			At upstream county boundary	*784
		Yahara River	At confluence with Rock River	*781
			Just downstream of Fulton Dam	*787
			Just upstream of Fulton Dam	*794
			Just downstream of Caledonia Road	*798
			Just downstream of Stebbinsville Dam	*805
			Just upstream of Stebbinsville Dam	*814
		Sugar River	At downstream county boundary	*743
			Just upstream of Nelson Road	*755
			Just upstream of Beloit-Newark Road	*761
		Raccoon Creek	Just downstream of County Highway T, at upstream county boundary	*784
			At downstream county boundary	*741
			Just upstream of Lawrence Avenue	*752
			Just upstream of Mill Pond Dam	*759
			Just downstream of State Highway 81	*772
		Unnamed Tributary No. 1 to Raccoon Creek.	At confluence with Raccoon Creek	*761
			Just upstream of State Highway 81	*772
			Just upstream of Beloit-Newark Road	*804
		Unnamed Tributary No. 2 to Raccoon Creek.	At confluence with Unnamed Tributary Number 1 to Raccoon Creek	*762
			Just upstream of State Highway 81	*774
			Just upstream of County Highway M	*787
			Just downstream of Beloit-Newark Road	*826
		Otter Creek	Just upstream of County Line Road	*763
			Just downstream of State Highway 26	*821
			Just downstream of Klug Road	*836
			Just upstream of Klug Road	*840
			Just downstream of Bowers Road	*858
		Marsh Creek	Confluence with Rock River	*777
			Just upstream of County Highway E	*785
			Approximately 125 feet downstream of Chicago and North Western railroad	*787
			Just upstream of Chicago and North Western railroad	*793
			Approximately 140 feet downstream of Burdick Road	*839
			Just upstream of Burdick Road	*843
			Just upstream of Gravel Drive	*860
			Just upstream of Polzin Road	*878
			Just downstream of State Highway 164	*881
		Bass Creek	Mouth at Rock River	*756
			Just upstream of a dam located about 0.22 mile downstream of County Highway D.	*780
			Just upstream of Johnson Road	*772
			Just upstream of Schaffner Road	*791
			Just upstream of Old State Highway 11	*804
		Turtle Creek	At City of Beloit corporate limits, located about 0.53 mile downstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*780
			Approximately 100 feet upstream of Milwaukee Road	*774
			Just upstream of Shopiere Road	*796
			Just upstream of Interstate 90	*802
			Just upstream of Sweet Allyn Park Dam	*816
			Just upstream of State Highway 140	*831
			Just upstream of Carvers Rock Road	*840
			About 2.1 miles upstream of Johnson Road	*856

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Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Unnamed Tributary No. 1 to Turtle Creek.	At confluence with Turtle Creek	*821
			Just downstream of Milton-Shopiere Road	*843
			About 150 feet upstream of Elm Drive	*856
		Unnamed Tributary No. 2 to Turtle Creek.	At confluence with Turtle Creek	*819
			Just upstream of Chicago and North Western railroad	*853
			Just upstream of State Highway 15	*876
			Just upstream of Bass Road	*898
			Just downstream of County Highway J	*906
		East Fork Raccoon Creek	At downstream state boundary	*746
			Just upstream of Lawrence Avenue	*753
			Just upstream of State Highway 81	*763
			Just downstream of Spring Creek Road	*770
		Unnamed Tributary to East Fork Raccoon Creek.	At confluence with East Fork Raccoon Creek	*755
			Just upstream of State Highway 81	*761
			Just upstream of Spring Creek Road	*784
			Just downstream of Beloit-Newark Road	*814
		Spring Brook	City of Beloit corporate limits at Chicago, Milwaukee, St. Paul and Pacific Railroad, located approximately 3,170 feet upstream of Townhall Road.	*827
			Just downstream of second Chicago, Milwaukee, St. Paul and Pacific Railroad bridge at the Beloit corporate limits, about 0.9 mile downstream of Walker Road.	*835
			Just upstream of second Chicago, Milwaukee, St. Paul and Pacific Railroad bridge at the Beloit corporate limits, about 0.9 mile downstream of Walker Road.	*847
			Just upstream of Walker Road	*854
			Approximately 100 feet upstream of Gustafson Road	*884
			Just downstream of Clinton Corners Road	*911

Maps available for inspection at the Office of the Director of Planning, Rock County Courthouse, 51 South Main Street, Janesville, Wisconsin.

Send comments to Honorable Glen Bolzien, County Board Chairman, Rock County, Rock County Courthouse, 51 South Main Street, Janesville, Wisconsin 53545.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-6413 Filed 2-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5853]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Pohatcong, Warren County, New Jersey, previously published at 45 FR 49613 on July 25, 1980, and in the *Easton Express* on June 30, 1980, and July 7, 1980.

EFFECTIVE DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Pohatcong, Warren County, New Jersey, previously published at 45 FR 49613 on July 25, 1980, and in the *Easton Express* on June 30, 1980, and July 7, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations in the Township of Pohatcong to be more easily identified with the corresponding Flood Insurance Study (profiles) and Flood Insurance Rate Maps, the locations and elevations listed below have been amended to read as follows. The remainder of the Notice of Proposed base flood elevations was correct as published.

Source of flooding and location	Elevation in feet, national geodetic vertical datum
Delaware River:	
Approximately 7,600' upstream of confluence of Pohatcong Creek	173
Musconetcong River:	
Upstream of Riegel Paper Company Dam	255
Pohatcong Creek:	
Approximately 400' downstream of State Route 519	193
Tributary 1 to Pohatcong Creek:	
Approximately 300' upstream of Still Valley Road	216
Upstream side of Conrail Bridge	239

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-6412 Filed 2-25-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5966]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Stony Point, Rockland County, New York, previously published at 45 FR 85118 on December 24, 1980, and in the *Rockland County Times* on December 11, 1980, and December 18, 1980.

EFFECTIVE DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080) Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Stony Point, Rockland County, New York, previously published at 45 FR 85118 on December 24, 1980, and in the *Rockland County Times* on December 11, 1980, and December 18, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error the address at which maps are available for inspection was published incorrectly. The correct address is Town Hall, 74 East Main Street, Stony Point, New York.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-6411 Filed 2-25-81; 8:45 am]

BILLING CODE 6718-03-M

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Notices

Federal Register
Vol. 46, No. 38
Thursday, February 26, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Payette National Forest Grazing Advisory Board; Meeting

The Payette National Forest Grazing Advisory Board will meet at 1 PM, April 1, 1981, at the District Forest Ranger's Office, Council, Idaho. The purpose of this meeting is for the Board to make recommendations on the utilization of Range Betterment funds for fiscal year 1981, discuss status of allotment management planning and elect officers.

The meeting will be open to the public. Persons who wish to attend should notify Bert Kulesza, Payette National Forest, McCall, Idaho, 634–2255. Written statements may be filed with the Board before or after the meeting.

Dated: February 19, 1981.

Kenneth D. Weyers,
Forest Supervisor.

[FR Doc. 8405 Filed 2-25-81; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Carbon Hill Watershed; Montana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT:
Buell M. Ferguson, Director, Project Development and Maintenance, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Carbon Hill Watershed project, Custer County, Montana, effective on February 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 10, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81-6362 Filed 2-25-81; 8:45 am]
BILLING CODE 3410-16-M

Burt Lake Community Park Water-Based Recreation RC&D Measure, Michigan

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Jerry L. Keller, Acting State Conservationists, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Burt Lake Community Park Water-Based Recreation RC&D Measure, Cheboygan County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jerry L. Keller, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the purchae of land and installation of basic facilities for public water-based recreation. The planned works of improvement include purchase of 720 feet of lake frontage and the installation of a bathhouse with restroom facilities, playground equipment, a boundary fence, a parking area, and a park sign. Total construction cost is estimated to be $82,000; $31,000 RC&D funds and $31,000 local funds. Land acquisition cost is estimated to be $300,000; RC&D funds and local funds will pay 50 percent each.

The notice of a finding of no significant impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jerry L. Keller. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: February 6, 1981.

David G. Unger,
Associate Chief, Soil Conservation Service.

[FR Doc. 81-6362 Filed 2-25-81; 8:45 am]
BILLING CODE 3410-16-M

Cheboygan Dam Critical Area Treatment and Water-Based Recreation RC&D Measure, Michigan

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Jerry L. Keller, Acting State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, give notice that an environmental impact statement is not being prepared for the Cheboygan Dam Critical Area Treatment and Water-Based Recreation RC&D Measure, Cheboygan County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jerry L. Keller, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of practices for critical area treatment and facilities for public water-based recreation. The planned works of improvement include shaping and grading the nearly vertical escarpment, placing riprap along the water's edge, an erosion control structure, a diversion to divert surface water to the erosion control structure, 1 acre of seeding and mulching, three timbered stairs, and rustic fencing. Recreation facilities include an access road, two parking areas, toilet facilities, and a gravel walkway. Total construction cost is estimated to be $209,000; $143,200 RC&D funds and $65,800 Department of Natural Resources funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jerry L. Keller. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 6, 1981.

David G. Unger,
Associate Chief, Soil Conservation Service.

[FR Doc. 81-6393 Filed 2-25-81; 8:45 am]
BILLING CODE 3410-16-M

Cherokee Recreation Area No. 1 Critical Area Treatment RC&D Measure, Oklahoma

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Office Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone 405–624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cherokee Recreation Area #1 Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment for erosion control. The planned works of improvement include gravel filters, gabions, vegetation, and fertilizing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation on the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: February 9, 1981.

David G. Unger,
Associate Chief.

[FR Doc. 81-6394 Filed 2-25-81; 8:45 am]
BILLING CODE 3410-16-M

Indian Lake Land Drainage RC&D Measure, Michigan

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Indian Lake Land Drainage RC&D Measure, Schoolcraft County, Michigan.

The environment assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of measures for land drainage. The planned works of improvement include a 1,400 linear foot concrete tube with 24 inch diameter surface inlets, and approximately 1.1 acres of construction area will be prepared for a seedbed, fertilized, seeded, and mulched. Total construction cost is estimated to be $23,200; $11,200 RC&D funds and $12,000 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 10, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81-6395 Filed 2-25-81; 8:45 am]
BILLING CODE 3410-16-M

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Lewis Creek Critical Area Treatment RC&D Measure, California

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616; telephone 916–758–2200.

NOTICE: Pursuant to Section 201(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lewis Creek Critical Area Treatment RC&D Measure in Monterey and San Benito Counties, California.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include erosion control practices such as channel bank stabilization, minor grading and shaping, and revegetation of exposed and critically eroding areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Francis C. H. Lum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 10, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-6299 Filed 2-25-81; 8:45 am]

BILLING CODE 3410-16-M

Mahaska Lake Water-Based Recreation RC&D Measure, Iowa

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, telephone 515–284–4260.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mahaska Lake Water-Based Recreation RC&D Measure, Mahaska County, Iowa.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreational development. The planned works of improvement include a water impoundment, picnic tables, grills, parking lots, picnic shelters, access roads, a boat dock, vault toilets, a boat ramp, fishing jetties, trails, playground equipment, grass seeding, electricity, and fencing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. William J. Brune. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 10, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-6298 Filed 2-25-81; 8:45 am]

BILLING CODE 3410-16-M

Otsego Lake County Park Water-Based Recreation RC&D Measure, Michigan

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Otsego Lake County Park Water-Based Recreation RC&D Measure, Otsego County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for developing a 30-acre park for day-use recreation. The planned works of improvement include construction of a new gatehouse, enlarging the parking lot to accommodate 30 cars, widening the access roads, developing 2,000 feet of nature trails, and installing 20 new picnic sites along with playground equipment. Total construction cost is estimated to be $60,000; $30,000 RC&D funds and $30,000 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 6, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-6297 Filed 2-25-81; 8:45 am]

BILLING CODE 3410-16-M

Sandy Neck Dunes Critical Area Treatment RC&D Measure, Massachusetts

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Sherman L. Lewis, State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts 01002, telephone 413–256–0441.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sandy Neck Dunes Critical Area Treatment RC&D Measure, Barnstable County, Massachusetts.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Sherman L. Lewis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilization of selected beach areas. The planned works of improvement include vegetative plantings and placement of discarded Christmas trees to control erosion and encourage dune development, and the erection of traffic control devices.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Sherman L. Lewis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 6, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-6300 Filed 2-25-81; 8:45 am]

BILLING CODE 3410-16-M

Seven Mile Creek Watershed, Illinois

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, (217) 398–5265.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Seven Mile Creek Watershed, Jefferson County, Illinois.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-6400 Filed 2-25-81; 8:45 am]

BILLING CODE 3410-16-M

Critical Area Treatment RC&D Measures in Wafer Creek Area of Fannin and Lamar Counties, Texas

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501, telephone 817–774–1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Critical Area Treatment RC&D Measures in Wafer Creek Area of Fannin and Lamar Counties, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, smoothing, and establishing permanent vegetated cover on 552 acres of gullied areas; installing about 22 small grade

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stabilization structures that would occupy about 45 acres of eroded land; fencing the treated areas where it is necessary to the establishment and management of vegetation; and installing about 2700 feet of diversion terraces.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 6, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-6401 Filed 2-25-81; 8:45 am]

BILLING CODE 3410-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Textile Consultations With Government of the People's Republic of China To Include Review of Trade in Categories 334, 335 and 338 (Cotton Coats and Men's and Boys' Knit Shirts)

February 24, 1981.

Pursuant to paragraph 8 of the bilateral textile agreement of September 17, 1980 between the Governments of the United States and the People's Republic of China, the United States has requested consultations with the Government of the People's Republic of China with respect to Categories 334, (Men's and Boys' Other Cotton Coats), 335 (Women's, Girls' and Infants' Cottom Coats) and 338 (Men's and Boys' Cottom Knit Shirts). It is anticipated these consultations will be held in the near future.

Any party wishing to comment or provide data or information regarding the treatment of Categories 334, 335 and 338 under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of textiles and apparel included in these categories, is invited to submit such comments or information in ten copies to Mr. Paul T. O'Day, Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary of Commerce for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 2808, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreements or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) relating to matters which constitute "a foreign affairs function of the United States."

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-6475 Filed 2-25-81; 8:45 am]

BILLING CODE: 3510-25-M

COMMUNITY SERVICES ADMINISTRATION

Privacy Act System of Investigative Records

AGENCY: Community Services Administration (CSA).

ACTION: Amendments of a System of Records.

SUMMARY: Beginning with enactment of the Privacy Act of 1974, CSA has maintained a system of records #CSA 7, entitled Inspection Reports on Grantees, Contractors and CSA Employees. Enactment of the recent Inspector General Act of 1978 (Pub. L. 94-452) resulted in relocation of the CSA investigative operations.

To cover the resultant changes under the Privacy Act we have made the following modifications, both to clarify the text and to better inform the readers on the specifics of the system:

The system name has been changed.

The citations of new statutory authority for the system have been added.

The system management responsibility has been transferred to the new Office of the Inspector General, CSA.

A statement of the purpose of the system has been added, and,

While the previous system notice included routine uses by reference to a Prefatory Statement of General Routine Uses, we have now extracted from that preface the applicable routine uses and state them more succinctly here.

This new listing does not include any material which would require a new or altered system report as described in OMB Circular A-108.

FOR FURTHER INFORMATION CONTACT:
Alan O. Mann, Privacy Act Officer, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

CSA-7

SYSTEM NAME:

Inspector General Investigative Files—CSA.

SYSTEM LOCATION:

See system manager title and address below for location.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who has been the subject of, witness for, or referenced in an Inspector General investigation of complaints alleging misfeasance, malfeasance and/or nonfeasance by employees of CSA, grantees, contractors and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inspector General reports of investigation which normally contain the authority for the investigation, the matters investigated, a narrative report, documentary evidence, transcripts of verbatim testimony, or summaries thereof, and pertinent data on individuals: Name, address, citizenship, physical characteristics, employment history, financial records, arrest records, personal associates, activities, conflict of interest.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Pub. L. 95-452), Title 18 U.S.C. including sections 201, 287, 508, 641, 1001, and 1913 and sections 602, 603, and 626 of the Community Services Act of 1974 (42 U.S.C. 2942, 2043, and 2071f).

PURPOSE(S):

Records of the system are compiled during investigations and audits, preserved for analysis, formulated into conclusions and recommendations, and used for purposes of detection, prevention and reduction of fraud, abuse, waste and mismanagement of CSA programs and funds.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. In the event this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto where such responsibility rests outside CSA.

b. In determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining advice.

c. A record may be disclosed to a federal, state or local agency maintaining civil, criminal, relevant enforcement or other pertinent records, such as current licenses, if necessary to obtain a record proven relevant to that agency's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

d. A record may be disclosed to any federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency.

e. A record in this system will be disclosed in response to a subpoena where another federal agency such as the Internal Revenue Service or the Equal Employment Opportunity Commission has the power to subpoena other federal agencies' records.

f. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

g. Disclosure may be made to the Department of Justice in a litigation where the defendant is the Agency, any component of the Agency or any employee of the Agency in his or her official capacity, or the United States where the Agency determines that the claim, if successful, is likely to directly affect the operations of the Agency or any of its components, or any Agency employee in his or her individual capacity where the Department of Justice has agreed to represent such employee provided such disclosure is deemed necessary to an effective defense and is compatible with the purpose for which the records were collected.

h. Disclosure may be made to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

i. Disclosure may be made to employees of the National Archives and Records Service as necessary for the performance of their records management function.

j. Disclosure may be made to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or binders.

RETRIEVABILITY:

By reference to the case name, normally derived from either the nature of the allegation, the geographic location of the investigation, or in some instances, the name of the subject or the complainant. Case files are assigned file code numbers cross-referenced with the case name and filed chronologically by calendar year.

SAFEGUARDS:

Padlock, bar type filing cabinets and used only by authorized screened personnel.

RETENTION AND DISPOSAL:

Retired to Federal Records Center 5 years after close of case and stored permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Information may be obtained from the Office of the System Manager above.

RECORD ACCESS PROCEDURES:

Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

CONTESTING RECORD PROCEDURES:

CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

RECORD SOURCE CATEGORIES:

The nature of investigations varies greatly and the source of the evidence required is not predictable. Previous sources have included: testimony of witnesses; correspondence/records maintained by organization/individuals party to the matters being investigated; personnel files; pay records; security dossiers; newspaper clippings, and other media material; photographs; reference material/correspondence originating in Federal, State, local, and other agencies; research notes/documents obtained from reference libraries and records custodians; and other materials in the public domain.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a. (k)(2), this system is exempted from 5 U.S.C. 552a. (c)(3), (d), (e)(1), and (f)(4). The exemption of this information is necessary to facilitate the enforcement of the Community Services Act of 1974 and other relevant statutes, and to avoid revealing and endangering sources of information.

William W. Allison,

Acting Director.

[FR Doc. 81-6136 Filed 2-25-81; 8:45 am]

BILLING CODE 6315-01-M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 80-4]

Determination of a Controversy by the Copyright Royalty Tribunal in Respect to the Distribution of Cable Royalty Fees

AGENCY: Copyright Royalty Tribunal (CRT).

ACTION: Notice.

SUMMARY: In a public meeting on November 25, 1980, after giving claimants the opportunity to appear and present arguments, the Copyright

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Royalty Tribunal determined that a controversy exists concerning the distribution of cable royalty fees.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Clarence L. James, Jr., Chairman, Copyright Royalty Tribunal, 202–653–5175.

SUPPLEMENTARY INFORMATION:

Background

17 U.S.C. 111(d)(5)(B) requires the Copyright Royalty Tribunal after the first day of August to determine whether a controversy exists concerning the distribution of cable royalty fees deposited with the Copyright Office. And upon determination that a controversy exists, 17 U.S.C. 804(d) requires the Chairman of the Tribunal to publish in the **Federal Register** a notice announcing the commencement of distribution proceedings.

Therefore, as of (date of publication in FR) the Tribunal hereby announces that a controversy concerning the distribution of cable royalty fees does in fact exist for the period from January 1 through December 31, 1979 and that distribution proceedings have commenced. The Tribunal directs claimants or their duly authorized representatives to submit proposals on the structure and procedures of the distribution proceedings to the Tribunal no later than March 13, 1981. Reply comments, if any, on any submitted proposal shall be submitted no later than March 20, 1981. The Tribunal further directs that claimants or their duly authorized representatives to submit legal brief or memorandum concerning any question of copyright ownership as it affects a claim or right to any of the cable television royalties by March 23, 1981. Reply brief or memorandum, if any, to any brief or memorandum, shall be submitted no later than March 30, 1981.

Clarence L. James, Jr.,

Chairman.

[FR Doc. 81-6462 Filed 2-25-81; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air University Board of Visitors; Meeting

February 18, 1981.

The Air University Board of Visitors will hold an open meeting at 1:00 p.m. on April 8, 1981, in the Air University Conference Room, Austin Hall (Building 800), Maxwell Air Force Base, Alabama.

The purpose of the meeting is to give the board an opportunity to present to the Commander, Air University, a report of the findings and recommendations concerning Air University educational programs.

For further information on this meeting, contact Dorothy D. Reed, Coordinator, Air University Board of Visitors, Headquarters, Air University, telephone (205) 293–6160.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-6394 Filed 2-25-81; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Privacy Act of 1974; Systems of Records: Amendments

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of amendments to systems of records.

SUMMARY: The Office of the Secretary of Defense proposes to change the designations of the system location for two systems of records subject to the Privacy Act of 1974 in order to conform to the current organization of the Office of the Assistant Secretary of Defense (Public Affairs). Access to the information in this system will not be significantly affected by this change. The specific minor changes for each system are set forth below followed by appropriate amendments to the two system notices.

DATES: These systems shall be amended as proposed without further notice on March 30, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Privacy Act Officer, Office of the Secretary of Defense, Public Affairs, Department of Defense, Room 2E813, Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Assistant Secretary of Defense systems or records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81–897 (46 FR 6427) January 21, 1981. The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarter Services, Department of Defense.

February 23, 1981.

Amendments

DPA DXA.A 07

System name:

Personnel Files (46 FR 6427, January 21, 1981).

Changes:

System location:

Delete the entry under the above heading, and insert:

"Office of the Executive Assistant to the Assistant Secretary of Defense (Public Affairs) with partial files in the Office of the American Forces Information Service and the offices of the directors for Defense Information, Community Relations, Freedom of Information and Security Review, and Audiovisual Management Policy."

DPA DXA.B 06

System name:

Contract Files (46 FR 6427, January 21, 1981).

Changes:

System location:

Delete the entry under the above heading, and insert:

"Decentralized files in the Office of the Assistant Secretary of Defense (Public Affairs) and the offices of the American Forces Information Service and the directors for Defense Information, Community Relations, Freedom of Information and Security Review, Management, and Audiovisual Management Policy."

DPA DXA.A07

SYSTEM NAME:

Personnel Files.

SYSTEM LOCATION:

Office of the Executive Assistant to the Assistant Secretary of Defense (Public Affairs) with partial files in the Office of the American Forces Information Service and the offices of the directors for Defense Information, Community Relations, Freedom of Information and Security Review, and Audiovisual Management Policy.

* * * * *

DPA DXA.B 06

SYSTEM NAME:

Contract Files.

SYSTEM LOCATION:

Decentralized files in the Office of the Assistant Secretary of Defense (Public Affairs) and the offices of the American Forces Information Service and the directors for Defense Information, Community Relations, Freedom of Information and Security Review, Management, and Audiovisual Management Policy.

* * * * *

[FR Doc. 81-6491 Filed 2-25-81; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 9 April 1981, at Palisades Institute for Research Services, 1925 North Lynn St., Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

Dated: February 23, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-6492 Filed 2-25-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket Number ERA-TA-80-13]

Houston Natural Gas Corp.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Houston Natural Gas Corporation a proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(a)(2) of the Tertiary Enhanced Recovery Program.

Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, the ERA may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of the application filed by Houston Natual Gas, Corporation is available in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room GA–152, James Forrestal Building, 1000 Independence Avenue, N.W., Washington, D.C., between the hours 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays)

Issued in Washington, D.C., on February 24, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-3850 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-80-13]

Houston Natural Gas Corp.; Proposed Decision and Order Under Tertiary Incentive Program

To: Houston Natural Gas Corporation, Houston, Texas.

Subject: Designation of Additional Allowed Expenses Pursuant to 10 CFR 212.78(e)(3) for a Tertiary Enhanced Heavy Oil Recovery Project in the Warner Sand Field, Vernon County, Missouri.

I. Introduction

On November 26, 1980, Houston Natural Gas Corporation (HNG) of Houston, Texas, submitted an application pursuant to § 212.78(e)(3) of the Tertiary Incentive Program for an order that would designate allowed expenses in addition to those authorized as a result of the self-certification by HNG of a tertiary enhanced heavy oil recovery project located in the Warner Sand Field in Vernon County, Missouri (HNG Warner Sand Project).

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers which are engaged in enhanced oil recovery (EOR) projects to recover a portion of the costs associated with such projects.

Section 212.78(d)(2) provides that producers which are engaged in certain EOR projects may participate in the Tertiary Incentive Program if they certify to ERA that they meet the requirements for treatment as a qualified producer with respect to a particular project. These requirements are (1) that the producer has an interest in the property on which the project is located, (2) that the producer contributes to the project, (3) that the project employs a self-certifiable EOR technique.

A producer that has certified itself as a qualified producer with respect to a particular project may recover any "allowed expenses" associated with that project as soon as any such expense has been paid and reported to ERA pursuant to § 212.78(h)(2)(i). However, before recovery of such expenses, the producer must file an initial report with respect to that project pursuant to § 212.78(h)(3). The regulations provide that no more than twenty million dollars may be recovered with respect to any property.

An allowed expense is seventy-five percent of an environmental expense (as defined in § 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed either in the Appendix to § 212.78 or in an order issued pursuant to either § 212.78(e)(2) or 212.78(e)(3). The Appendix to § 212.78 sets forth a list of allowed expenses for self-certifiable EOR techniques. The list for each particular self-certifiable EOR technique was adopted on the basis of ERA's determination that the recovery of the expenses on that list in conjunction with the recovery of environmental expenses

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and engineerig and laboratory expenses would provide a effective incentive, in most cases, for that particular technique.

Section 212.78(e)(3) permits ERA to issue an order approving allowed expenses for a project that employs a self-certifiable EOR technique in addition to those expenses listed for that particular technique in the Appendix to § 212.78. Since no allowed expenses for enhanced heavy oil recovery are listed in the Appendix, each request for designation of an allowed expense in addition to those based on environmental, engineering and laboratory expenses must be examined individually for such projects. To the extent that the applicant can demonstrate that its heavy oil recovery technique is similar to another self-certificable EOR technique, the ERA takes the position that the applicant should be permitted to recoup the expenses specified for that EOR technique in the Appendix.

III. Findings and Analysis

HNG intends to utilize a "Vapor-Therm" process on the HNG Warner Sand Project. The "Vapor-Therm" process is an enhanced heavy oil recovery technique developed by Carmel Energy, Inc. In prior Orders to Carmel Energy, Inc., we determined that the "Vapor-Therm" heavy oil recovery technique is similar to the in-situ combustion technique for which allowed expenses already are set forth in the Appendix to § 212.78. (See, for example, the Order to Carmel Energy, Inc., 45 FR 28796, April 30, 1980.) However, in these Orders we recognized that the "Vapor-Therm" process invloves an additional element of risk and cost than that normally associated with a typical in-situ combustion technique because the combustion of the injectants occurs on the surface in pressure vessels ("Vapor-Therm" units). A stream of gases is heated in the surface "Vapor-Therm" units and injected into the reservoir. The use of these pressure vessels represents an innovative technique and a major expense peculiar to the "Vapor-Therm" process. Consistent with our past determinations concerning the "Vapor-Therm" enhanced heavy oil recovery technique, we propose to designate as additional allowed expenses of the HNG Wagner Sand project those expenses listed in the Appendix to Section 212.78 for in-situ combustion projects and the costs of the "Vapor-Therm" units used on the project.

IV. Order

1. Except as otherwise indicated in each subparagraph below, the following expenses in addition to environmental expenses and engineering and laboratory expenses are declared to be allowed expenses for the tertiary enhanced recovery project conducted in the Warner Sand by Houston Natural Gas Corporation on the H. W. Fritter Lease, Veron County, Missouri:

a. The expenses for in-situ combustion that are set forth in the Appendix to Section 212.78.

b. The costs of pressure vessels (Vapor-Therm units) used for the generation of flue gas and steam including valves, regulators, control devices, insulation, etc., necessary to generate the injected fluid, provided that with respect to any particular year, the amount of allowed expenses based on such costs may not exceed the amount of depreciation for that year reportable to the IRS with respect to the item assoicated with such costs.

In all other respects, HNG's application for the designation of allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by HNG. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order, any qualified producer with respect to the HNG Warner Sand Project may recover any allowed costs specified herein which were incurred and paid on or after August 22, 1978.

Issued in Washington, D.C., on February 24, 1981.

T. Wendell Bulter,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-3651 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-81-01]

Pennzoil Producing Co.; Issuance of Proposed decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Pennzoil Producing Company (Pennzoil) a proposed Decision and Order in response to its application for designation of additional allowed expenses pursuant to 10 CFR 212.78(e)(3) of the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the Federal Register. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, the ERA may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of the application filed by Pennzoil Producing Company is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 24, 1981.

T. Wendell Butler,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-3649 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-81-01]

Pennzoil Producing Co.; Proposed Decision and Order Under Tertiary Incentive Program

To: Pennzoil Producing Company, Houston, Texas.

Subject: Designation of Additional Allowed Expenses For the Pennzoil Tinsley Field Tertiary Enhanced Recovery Project in Yazoo County, Mississippi

I. Introduction

On August 19, 1980, Pennzoil Producing Company (Pennzoil) of Houston, Texas submitted an application pursuant to 10 CFR 212.78(e)(3) of the Department of Energy's Tertiary Incentive Program ("incentive program") for an order which would permit recovery of expenses in addition to those allowed as a result of Pennzoil's self-certification on November 2, 1979 of an enhanced oil recovery ("EOR") project located on the Tinsely Field in Yazoo County, Mississippi.

II. Background

On August 21, 1979, the Economic Regulatory Administration ("ERA") amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers which are engaged in EOR projects to recover upon self-certification certain "allowed expenses" associated with such projects. An allowed expense is seventy-five of an environmental expense (as defined in § 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78. Section 212.78(e)(3) provides that, with respect to a project that employs a "self-certifiable technique" (as defined in § 212.78), a producer may apply for an ERA order designating allowed expenses in addition to those designated in the Appendix to § 212.78 for self-certified projects.

III. Findings and Analysis

On November 2, 1979, Pennzoil certified to the ERA that it had an interest in the properties on which the Tinsley Field Project is located, and that it contributed to the operation on those properties of an EOR project which employs a miscible fluid displacement technique as defined in § 212.78(c). Thus, Pennzoil is a qualified producer with respect to the Tinsley Field Project.

Because the project employs a miscible fluid flooding technique, Pennzoil, as a qualified producer, is entitled to purchase injection quality carbon dioxide (CO_2) delivered to the project site, and treat it as an allowed cost. Pennzoil has asserted that in the absence of the incentive program, it would be more efficient and economical to purchase the CO_2 at a site other than the project site and to then transport the CO_2 to the project site, rather than purchase carbon dioxide delivered to the project site. The incentive program however, permits Pennzoil to recover only the cost of the CO_2 and not the cost of transporting the CO_2 to the project site. Thus the incentive program has the effect of encouraging Pennzoil to obtain CO in a less economical and efficient manner.

In order to rectify this anomaly of encouraging less efficient and economical practices, Pennzoil has requested an order designating the expenses associated with the transportation of carbon dioxide to the project site as an allowed expense. Specifically, Pennzoil has proposed to build and operate a CO pipeline to transport the CO from the source field to the project site.

Section 212.78(e)(3) permits ERA to grant orders that designate additional allowed expenses that may be recovered by a qualified producer. In the past ERA has granted orders under this provision so that the incentive program will not encourage distorted economic arrangements. (See, for example, 45 FR 64627, September 30, 1980.) Such orders have been granted on the grounds that the expense for which a designation under the tertiary incentive program was sought represented a more efficient and economical way of supplying a producer with an item that is already an allowed expense for the producer because of its self-certification.

Pennzoil could recover, as a result of its self-certification with respect to the Tinsley Field Project, the cost of CO delivered to the project site. One component of the cost of the CO would be the expenses associated with transporting the CO_2 to the project site. Pennzoil has submitted information that indicates that these expenses could range from $1.55 to $2.26 per Mcf depending on the method of transportation used. Pennzoil has indicated that it could transport CO_2 to its project site for $0.53 per Mcf if it built a pipeline.

ERA believes that Pennzoil should acquire CO_2 for the Tinsley Field Project in an efficient and economical manner. Since transportation of CO_2 to the project site is included in the cost of an item of which Pennzoil currently can recover the cost, ERA has determined that Pennzoil should be permitted to recover the costs of transporting CO_2 after it has purchased the CO_2 at a site other than the project site. Accordingly, ERA proposes to designate as an allowed expense the costs of constructing a CO_2 pipeline to the Tinsley Field Project.

IV. Comment Procedures

10 CFR 205.98 requires that this Proposed Decision and Order be published in the Federal Register and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication in the Federal Register of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. Except as otherwise indicated in each paragraph below, the following expenses are declared to be allowed expenses for the Tinsley Field project undertaken by the Pennzoil Producing Company in Yazoo County, Mississippi.

—Costs of constructing approximately 40 miles of pipeline for delivery of CO_2 from the source field to the injectant site on the Tinsley Field, Yazoo County, Mississippi.

In all other respects, Pennzoil's application for the designation of allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Pennzoil. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order any qualified producer with respect to the Tinsley Field Project may recover all recoupable allowed costs specified herein which were incurred and paid on or after August 22, 1979.

Issued in Washington, D.C., on February 24, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-3648 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

Domestic Crude Oil Allocation Program; Entitlements Notice for December 1980

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: December 1980 Entitlements Notice.

SUMMARY: Under the Department of Energy's (DOE) Domestic Crude Oil Allocation (Entitlements) Program, this is the monthly Entitlements Notice which sets forth the entitlements purchase or sale requirements of domestic refiners and eligible firms for December 1980.

DATES: Payments for entitlements required to be purchased under this notice must be made by February 28, 1981. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by March 10, 1981.

FOR FURTHER INFORMATION CONTACT: Robert H. Thompson (Entitlements Program Office), Economic Regulatory

Administration, 2000 M Street, N.W., Room 6212C, Washington, D.C. 20461 (202) 653-3475;
Jeffrey Stoermer (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Room 6A-127, Washington, D.C. 20585 (202) 252-6754.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of 10 CFR § 211.67 relating to the Domestic Crude Oil Allocation Program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for December 1980 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlements adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market and Michigan provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); deliveries of crude oil to the Strategic Petroleum Reserve prior to January 28, 1981; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio (DOSR) for December is calculated to be 0.056370.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed oil oil included in a refiner's adjusted crude oil receipts for the month of December 1980 each barrel of old oil is equal to one barrel of deemed old oil, each barrel of upper tier crude oil (excluding ANS upper tier crude oil) is equal to .703673 of a barrel of deemed old oil and each barrel of ANS upper tier crude oil is equal to .364513 of a barrel of deemed old oil.

The issuance of entitlements for the month of December 1980 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of December 1980 is hereby fixed at $27.08, which is the exact differential as reported for the month of December 1980 between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of December 1980 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of December 980 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of December 1980 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for the month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

Included in the Appendix are entitlements issued pursuant to the provisions of 10 CFR 211.67(a)(5) under which ERA may approve a firm's application for designation as a producer of a petroleum substitute.

In accordance with 10 CFR 211.67(a)(7), adopted effective August 29, 1980 (45 FR 58788, August 25, 1980), the Strategic Petroleum Reserve (SPR) has been issued entitlements for crude oil purchased, delivered and accepted for delivery into the SPR during the first 27 days of January 1981. An entry in the Appendix for the SPR has been included.

The listing contained in the Appendix identifies, in a separate column labeled "Exceptions and Corrections", additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al.*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlements notice. The "Consolidated Sales" entry is equal to the December 1980 entitlements purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to insure that Arizona Fuels is not relieved of its December 1980 entitlements purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlements Notice for October 1977* (42 FR 64401, December 23, 1977).

For the month of December 1980 imports of residual fuel oil eligible for entitlement issuances totaled 25,174,627 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil, as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity degrees
California Lower Tier Crude Oil	755,447	25
California Upper Tier Crude Oil	1,709,312	27

The total number of entitlements required to be purchased and sold under this notice is 19,716,100.

Based on reports submittted to the DOE by refiners as to their adjusted crude oil receipts for December 1980 the pricing composition and weighted average costs thereof are as follows:

	Volumes in thousands of bbl/d	Weighted average cost	Percent of total volumes*
Lower tier	748	$7.48	5.2
Upper tier (excluding ANS)	1,058	15.51	7.4
ANS upper tier	513	24.89	3.6
Exempt domestic:			
Other ANS	1,080	32.64	7.4
Heavy and market tier	2,377	33.79	16.6
Naval Petroleum reserve	73	30.90	.5
Newly discovered	582	36.60	4.0
Stripper	1,949	32.75	13.6
Tertiary	249	35.58	1.7
Total domestic	8,609	28.55	59.9
Imported	5,753	35.63	40.1
Total uncontrolled (exempt domestic and imported)	12,043	34.55	79.1
Total reported crude oil receipts	14,362	31.39	
Total reported crude oil runs to stills	14,371		

*Volumes may not total 100 percent due to rounding.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for December 1980 must be made by February 28, 1981.

On or prior to March 10, 1981, each firm which is required to purchase or sell entitlements for the month of December 1980 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of December 1980.

The monthly transaction report forms (ERA-116) for the month of December 1980 have been mailed to all reporting firms. Firms that have been unable to locate other firms for the required entitlements transactions by February 28, 1981, are requested to contact the ERA at (202) 653-3873 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to February 28, 1981, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before March 30, 1981.

Issued in Washington, D.C. on February 20, 1980.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

BILLING CODE 6450-01-M

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
-CONSOL*D-SALES	-20,982	0	0	0	0	0	20,982 1/
A-JOHNSON	0	52,827	2,236 4/	4,907	0	0	52,827
ADM	0	2,840	0	0	0	0	2,840
AKRON-OHIO	0	970	0	0	0	0	970
ALEXANDRIA-VA	0	28	0	0	0	0	28
ALLIED	336	16,523	0	0	0	0	16,187
AMER-AGRI-FUELS	0	102	46 4/	0	0	0	102
AMER-PETROFINA	118,548	279,325	0	0	0	0	160,777
AMERADA-HESS	838,521	545,216	0	20,225	0	0	106,695
AMES-IOWA	0	204	0	0	0	0	204
AMOCO	55,955	1,434,885	0	0	0	0	1,378,930
ANCHOR	0	7,035	0	0	0	0	7,035
ANSCHUTZ	0	3,363	0	3,363	0	0	3,363
APEX	0	9,875	0	9,875	0	0	9,875
ARCO	-3,740,074	1,044,909	0	0	-3,975	0	4,784,983
ARIZONA	29,655	8,673	0	0	169	20,982 1/	0
ARIZONA-CHEM	0	654	0	0	0	0	654
ARLINGTON-VA	0	238	238 4/	0	0	0	238
ASAMERA	35,092	121,954	72,446 4/	0	0	0	86,862
ASHLAND	668,034	575,172	0	0	0	92,862	0
ATLANTA	0	3,447	3,364 4/	0	0	0	3,447
AUSTIN-MINN	0	189	185 4/	0	0	0	189
AZUSA-LAND	0	66	0	0	0	0	66
BALT-METHANE	0	3,365	3,296 4/	0	0	0	3,365
BALTIMORE-MD	0	109	0	0	0	0	109
BAYOU	0	3,636	0	0	0	0	3,636
BEACON	10,658	40,522	0	0	382	0	29,824
BELCHER	0	26,573	0	26,573	0	0	26,573
BELOIT-WI	0	2	0	0	0	0	2
BERGEN-COUNTY	0	64	0	0	0	0	64
BI-PETRO	0	2,463	0	0	0	0	2,463
BOSTON-QUINCY	0	90	0	0	0	0	90
BRONCO	0	2,332	0	0	0	0	2,332
BROOKINGS-SD	0	64	63 4/	0	0	0	64
BROWN-WOOD	0	330	339 4/	0	0	0	330
BRUIN	15,321	14,236	0	0	0	1,085	0
CADENCE-CHEM	0	692	0	0	0	0	692
CALCASIEU	33,692	57,913	3,149 4/	0	0	0	24,221
CALUMET	0	6,588	0	0	0	0	6,588
CANAL	2,551	19,183	0	0	0	0	16,632
CARBONIT	0	26,261	0	0	0	0	26,261
CARIBOU	105,800	141,936	130,773 4/5/	0	0	0	36,136
CASTLE	0	17,788	0	17,788	0	0	17,788

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
CEA	0	183	183 4/	0	0	0	183
CENTRAL	0	6,922	0	6,822	0	0	6,822
CHAMPLIN	311,438	405,427	96,015 5/	0	11,927	0	93,989
CHARTER	0	109,884	0	0	0	0	109,884
CHEVRON	1,423,216	2,018,944	0	1,541	4,709	0	595,728
CIBRO	33,698	68,359	0	26,180	0	0	34,671
CITGO	-62,381	444,174	0	0	0	0	506,555
CITY-OF-WICHITA	0	71	0	0	0	0	71
CK-SMITH-CO	0	1,922	0	1,922	0	0	1,922
CLAIBORNE	21,957	9,075	0	0	0	12,882	0
CLARK	64,948	208,778	0	0	0	0	143,830
CLINTON-IOWA	0	9	0	0	0	0	9
COASTAL	144,568	176,903	0	21,672	0	0	32,335
COASTAL-PETRO	0	24,193	0	0	0	0	24,193
COLDWATER	0	51	0	0	0	0	51
COLONIAL	0	6,694	0	6,694	0	0	6,694
COLUMBUS-OHIO	0	41	0	0	0	0	41
CONCOC	824,993	494,340	8,656 4/	0	8,370	330,653	0
CONSOL-COAL	0	3,193	3,193 4/	0	0	0	3,193
CONSUMERS-POWER	0	10,558	0	10,558	0	0	10,558
COPANO	-125	19,178	0	0	0	0	19,303
CORAL	0	46,307	0	0	0	0	46,307
CORCO	0	611,054	428,972 5/	70,910	0	0	611,054
CRA-FARMLAND	125,539	156,251	0	0	0	0	30,321
CROSS	9,372	21,039	0	0	0	0	11,667
CROWN	-18,379	128,333	0	0	0	0	146,712
CRYSTAL-OIL	53,578	43,127	451 4/	0	0	10,851	0
CRYSTAL-REF	0	6,785	0	0	0	0	6,785
CUMBERLAND	0	3	0	0	0	0	3
DEEPWATER	0	5,481	0	5,481	0	0	5,481
DEKALB-IL	0	3	0	0	0	0	3
DELTA	103,816	111,715	0	0	0	0	7,899
DEMENNO	0	30,371	2,973 4/	0	0	0	30,371
DETROIT-ED	0	7,219	0	7,219	0	0	7,219
DFSC	0	5,738	0	5,738	0	0	5,738
DIAMOND	205,673	116,657	0	0	0	89,016	0
DILLMAN	0	17	0	0	0	0	17
DORCHESTER	5,517	52,745	0	0	0	0	47,228
DOW	-15,620	106,432	-234 4/	0	0	0	122,052
E-SEABOARD	0	14,808	0	14,808	0	0	14,808
EAGLE-REFINING	0	1,433	0	0	0	0	1,433
EAST-BAY-MUD	0	76	0	0	0	0	76
EAST-PCLINE-IL	0	304	304 4/	0	0	0	304

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
EASTERN-MWD	0	15	0	0	0	0	15
EDDY	11,693	10,221	0	0	0	1,472	0
EL-PASO-TX	0	56	0	0	0	0	56
ELGIN-IL	0	2	0	0	0	0	2
ENERGY-COOP	0	158,469	-4 4/	0	0	0	158,469
ENTERPRISE	0	1,366	0	1,366	0	0	1,366
ERGON	30,757	22,345	0	0	0	8,412	0
ERICKSON	0	-5,746	-5,746 4/	0	0	5,746	0
ESSEX-UNION	0	33	0	0	0	0	33
EVANGELINE	0	3,942	0	0	0	0	3,942
EWING-LAWRENCE	0	7	0	0	0	0	7
EXXON	7,775,343	2,468,052	0	106,860	0	5,307,291	0
EZ-SERVE	-46,148	39,624	0	0	0	0	85,772
FARMERS-UN	146,328	49,793	0	0	0	96,535	0
FLETCHER	7,162	67,510	-191 4/	0	0	0	60,348
FLINT	1,198	1,415	0	0	0	0	217
FORT-WORTH-TX	0	44	0	0	0	0	44
FRESNO-CA	0	977	945 4/	0	0	0	977
FRIENDSWOOD	3,975	26,103	97 4/	0	0	0	22,128
FUNCING	46,884	11,844	0	0	0	35,040	0
GARY	6,051	32,412	0	0	0	0	26,361
GETTY	667,995	437,110	0	0	5,751	230,885	0
GETTY-SYN	0	353	0	0	0	0	353
GIANT	605	18,174	0	0	0	0	17,569
GIBSON	0	9,054	0	0	0	0	9,054
GLACIER-PARK	-10,811	0	0	0	0	0	10,811
GLADIEUX	0	41,584	4,119 4/	0	0	0	41,584
GLENCOE-MN	0	1	0	0	0	0	1
GLENROCK	0	5,706	0	0	0	0	5,706
GOLDEN-EAGLE	0	19,123	0	0	0	0	19,123
GOLDKING	13,246	71,313	13,253 4/	0	0	0	58,067
GOOD-HOPE	30,003	122,651	0	0	0	0	92,648
GREEN-BAY-WI	0	2,630	2,630 4/	0	0	0	2,630
GUAM	0	65,086	0	0	0	0	69,086
GULF	2,328,372	1,307,247	0	15,095	4,265	1,021,125	0
GULF-ENERGY	0	7,806	0	0	0	0	7,806
GULF-STS	28,208	42,504	0	0	0	0	14,696
HAMPTON-VA	0	540	0	0	0	0	540
HARRISBURG-PA	0	1,163	0	0	0	0	1,163
HAYWARD-CA	0	25	0	0	0	0	25
HEALTH-CARE	0	27	0	0	0	0	27
HEMPSTEAD-TOWN	0	588	0	0	0	0	588
HIRI	0	90,119	-6,454 4/	0	0	0	90,119

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
HOWELL	369,334	80,097	0	0	0	289,237	0
HUDSON-OIL	-9,373	40,090	0	0	0	0	49,463
HUNT	167,837	71,542	0	0	0	95,895	0
HUNTWAY	0	15,736	0	0	0	0	15,736
HUSKY	425,340	425,340	301,783 2/	0	0	0	0
IDAHO-FALLS	0	16	0	0	0	0	16
INDEPENDENT-REF	0	120,649	0	0	0	0	120,649
INDIANA-FARM	5,746	35,764	0	0	0	0	26,018
INTER-PETRO	0	11,130	0	11,130	0	0	11,130
INTER-PROCESS	0	-1,667	-14,651 4/	0	0	1,667	0
IONIA	0	91	891 4/	0	0	0	91
IRVING	0	6,352	0	6,352	0	0	6,352
JACKSON-MI	0	103	0	0	0	0	103
KENCO	35,259	10,781	0	0	0	24,478	0
KENOSHA-WI	0	1,348	1,320 4/	0	0	0	1,348
KENTUCKY	10,791	13,166	8,137 5/	0	0	0	2,375
KERR	-4,253	50,661	0	0	311	0	54,914
KERR-MCGEE	468,311	202,857	0	0	0	265,454	0
KOCH	-821,831	295,040	0	12,275	0	0	1,116,871
LA-COUNTY	0	1,205	0	0	0	0	1,205
LA-CROSSE	0	8	0	0	0	0	8
LAGLORIA	148,350	96,076	0	0	0	52,274	0
LAKE-CHARLES	0	17,001	0	0	0	0	17,001
LAKESIDE	230	7,535	0	0	0	0	7,705
LAMETON	107,174	90,262	75,246 5/	0	0	16,912	0
LAKEWOOD-OH	0	5	0	0	0	0	5
LAMPREY-NH	0	103	0	0	0	0	103
LIQUID-ENERGY	-26,842	14,752	0	0	0	0	41,594
LITTLE-AMER	-34,362	152,840	0	0	0	0	187,202
LOTEX	0	830	0	0	0	0	830
LOUISIANA-LAND	67,891	84,851	0	0	0	0	16,960
MACMILLAN	16,669	48,466	0	0	787	0	31,797
MADISON-CHATHAM	0	4	0	0	0	0	4
MADISON-CITY-WI	0	125	0	0	0	0	125
MADISON-WI	0	48	0	0	0	0	48
MALLARD	0	11,203	0	0	0	0	11,203
MANATEE	-1,909	0	0	0	0	0	1,909
MARATHON	2,960,211	717,345	0	0	0	2,242,866	0
MARICA	-98,860	57,594	0	0	0	0	156,454
MARLEX	873	19,200	0	0	62	0	18,327
MARSHALLTOWN	0	1,363	1,342 4/	0	0	0	1,363
MEDFORD	0	123	120 4/	0	0	0	123
MERCED-CA	0	209	201 4/	0	0	0	209

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
METRO-SEATTLE	0	142	0	0	0	0	142
METROPOLITAN	0	46,774	0	46,774	0	0	46,774
MIAMI-DADE	0	74	0	0	0	0	74
MID-AMER	3,140	17,399	9,1695/	0	0	0	14,255
MIDDLETOWN-OH	0	644	6294/	0	0	0	644
MIDWEST-SOLV	0	294	0	0	0	0	294
MILWAUKEE-WI	0	175	0	0	0	0	175
MOBIL	3,099,583	1,311,893	0	5,569	7,589	1,787,660	0
MOBILE-BAY	1,307	25,380	0	0	0	0	24,073
MORRIDGE-SD	0	1	0	0	0	0	1
MONOCO	0	2,087	0	2,087	0	0	2,087
MONSANTO	151,140	68,609	3,8524/	0	0	82,531	0
MOORHEAD-MN	0	11	6	0	0	0	11
MORRISON	3,063	5,519	0	0	0	0	2,456
MOUNTAINEER	691	1,246	0	0	0	0	555
MSDEC	0	585	0	0	0	0	585
MT-AIRY	258	24,434	0	0	0	0	24,176
MURPHY	287,915	177,388	0	0	0	110,527	0
N-AMER-PETRO	-150	29,738	0	0	0	0	29,888
N-LITTLE-ROCK	0	153	0	0	0	0	153
N-SAN-MATEO	0	4	2	0	0	0	4
NASHVILLE-TENN	0	975	0	0	0	0	975
NASSAU-COUNTY	0	94	0	0	0	0	94
NATCHEZ	0	5,098	0	0	0	0	5,098
NATL-COOP	73,190	87,118	0	0	0	0	16,928
NAVAJO	141,341	513,558	454,1847/	0	0	0	372,617
NEPTUNE	0	7	0	0	0	0	7
NEVADA	0	4,658	-114/	0	0	0	4,658
NEW-EDGINGTON	-2,832	70,638	0	0	-164	0	73,478
NEW-ENGL-PETRO	0	43,866	0	43,866	0	0	43,866
NEW-ENGL-POWER	0	10,514	0	10,514	0	0	10,514
NEW-YORK-EF	0	1,067	0	0	0	0	1,067
NEWHALL	595	43,690	0	0	25	0	43,095
NORTHEAST-PETRO	0	15,277	0	15,277	0	0	15,277
NORTHLAND	10,147	10,147	8,9705/	0	0	0	8
NY-SANITATION	0	1,117	0	0	0	0	1,117
OCCOQUAN	0	271	2504/	0	0	0	271
OCEAN-TOWNSHIP	0	3	0	0	0	0	3
OCEAN-UTILITIES	0	187	1624/	0	0	0	187
OCONOMOWOC-WI	0	2	0	0	0	0	2
OKC	7,512	40,028	0	0	0	0	32,516
OKLA-REF	8,276	39,798	0	0	0	0	31,522
OMAHA	0	-5,063	-5,2604/	0	0	5,063	0

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
ORANGE-COUNTY	0	488	0	0	0	0	488
OSCEOLA-AR	0	70	0	0	0	0	70
OXNARD	0	7,580	0	0	0	0	7,580
PEERLESS	0	2,562	0	0	0	0	2,562
PENNZOIL	-21,065	112,110	0	0	0	0	133,175
PESTER	30,937	60,059	0	0	0	0	29,122
PETRACO-VALLEY	0	5,085	0	0	0	0	5,085
PHILADELPHIA-PA	0	174	0	0	0	0	174
PHILLIPS	159,897	453,810	0	0	0	0	293,913
PHILLIPS-PR	0	43,556	0	43,556	0	0	43,956
PIMA-AZ	0	82	0	0	0	0	82
PIONEER	23,391	27,275	0	0	0	0	3,884
PLACID	315,013	111,407	0	0	0	203,606	0
PLATEAU	111,717	172,011	128,1185/	0	0	0	60,294
PORT	0	9,893	0	0	0	0	9,893
PORTLAND-MI	0	29	284/	0	0	0	29
POWERINE	8,597	77,057	0	0	1,108	0	68,460
PRICE	0	67,225	0	0	0	0	67,225
QUAKER-ST	6,819	64,846	0	0	0	0	58,027
QUITMAN	0	10,807	0	0	0	0	10,807
RACINE-WASTE-UT	0	18	0	0	0	0	18
RAMSAY	0	93	634/	0	0	0	93
RAPID-SD	0	16	0	0	0	0	16
RAVENNA-OH	0	126	1234/	0	0	0	126
RESCO	0	2,498	0	0	0	0	2,498
RICHARDS	0	174	0	0	0	0	174
ROAD-OIL	0	582	0	0	0	0	582
ROANOKE-VA	0	1,645	1,6034/	0	0	0	1,645
ROCK-ISLAND	20,523	70,821	0	0	0	0	50,298
SABER-TEX	8,623	21,097	2964/	7,997	0	0	12,474
SABRE-CAL	0	27,731	-3,0304/	0	0	0	27,761
SAGE-CREEK	2,630	1,177	0	0	0	1,453	0
SALEM-VA	0	90	0	0	0	0	98
SAN-JOAQUIN	0	29,876	0	0	0	0	29,876
SAN-JOSE-CA	0	278	0	0	0	0	278
SANTA-CRUZ-CA	0	21	0	0	0	0	21
SCALLOP	0	89,915	0	89,915	0	0	89,915
SCANOIL	0	7,816	0	7,816	0	0	1,816
SCHULZE	0	1,264	0	0	0	0	1,264
SEABIRD	0	44,460	0	0	0	0	44,460
SEMINOLE	6,913	29,972	0	0	0	0	23,059
SENTRY	0	37,306	0	0	0	0	37,306
SHELL	4,212,051	1,495,412	0	0	3,222	2,716,639	0

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SHEPHERD	1,218	6,141	0	0	0	0	4,923
SIGNOR	5,476	33,342	0	0	0	0	27,866
SILVER-EAGLE	1,218	6,141	0	0	0	0	4,923
SIOUX-FALLS	0	43	0	0	0	0	43
SLAFCO	102,948	26,039	0	0	0	76,909	0
SMRSA	0	11	0	0	0	0	11
SO-HAMPTON	3,314	25,589	0	0	0	0	22,275
SOHIO	2,381,360	680,865	0	0	0	1,700,495	0
SOMERSET	9,229	10,904	0	0	0	0	1,675
SOONER	13,972	9,926	0	0	0	4,046	0
SOUAD	0	19,603	0	0	0	0	19,603
SOUTHERN-UNION	-78,052	72,868	0	0	0	0	150,920
SOUTHLAND	252,415	209,822	158,4475/	0	0	42,593	0
SOUTHWEST-PETRO	0	8,405	0	0	0	0	8,405
SOUTHWESTERN	4,346	9,663	8,1475/	0	0	0	5,317
SPR	0	3,884,408	3,884,4086/	0	0	0	3,884,408
SPRAGUE	0	34,473	0	34,473	0	0	34,473
SPRINGFIELD-IL	0	416	4054/	0	0	0	416
ST&SAN-CHICAGO	0	2,341	0	0	0	0	2,341
ST-CLAIR-IL	0	12	0	0	0	0	12
STELART	0	18,289	0	18,289	0	0	18,289
STEVENS-PT-WI	0	6	0	0	0	0	6
STOCKTON-CA	0	73	0	0	0	0	73
STOUGHTON-WI	0	4	4	0	0	0	4
SUNLAND	0	28,017	0	0	0	0	28,017
SUNOCO	1,648,604	606,148	0	4,334	0	1,042,456	0
SWANN	0	29,704	0	29,704	0	0	29,704
T&S	0	9,047	0	0	0	0	9,047
TACOMA-WA	0	12	0	0	0	0	12
TARCO	16,813	4,607	0	0	0	12,2063/	0
TENNECO	-83,044	182,796	0	0	67	0	265,840
TESORO	-1,539	124,079	0	0	0	0	125,618
TEXACO	3,118,321	1,789,042	0	31,287	1,169	1,329,279	0
TEXAS-AMERICAN	6,665	22,607	0	0	0	0	15,942
TEXAS-CITY	196,447	118,888	0	0	0	77,559	0
TEXAS-REFINING	699	15,594	0	0	0	0	14,895
TEXAS-STANDARD	0	1,723	0	0	0	0	1,723
THAGARD	5,423	26,801	0	0	354	0	21,378
THORN-CREEK	0	9	0	0	0	0	9
THRIFTWAY	4,467	28,103	20,6385/	0	0	0	23,636
THUNDERBIRD	12,455	18,875	0	0	0	0	6,420
TIPPERARY	312	10,294	0	0	0	0	9,982
TONKAWA	15,863	29,083	0	0	0	0	13,220

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL
DECEMBER 1980

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND CORRECT.	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	REQUIRED TO SELL
TOSCO	101,778	302,033	0	0	-11,956	0	200,255
TOTAL-PETROLEUM	1,831	262,496	0	0	0	0	260,665
TURLOCK-CA	0	652	5664/	0	0	0	652
UCC-CARIBE	0	53,370	0	53,370	0	0	53,370
UNI-REF	0	28,560	0	0	0	0	28,560
UNION-CARBIDE	0	4,391	0	4,391	0	0	4,391
UNION-OIL	839,189	575,594	-5814/	0	3,802	259,595	0
UNTD-REF	37,747	92,091	0	0	0	0	54,344
URBANA-IL	0	25	0	0	0	0	25
US-OIL	0	28,577	0	0	0	0	28,577
USA-PETROCHEM	-3,634	45,401	0	0	-404	0	49,035
VAL-VERDE	0	2,119	1164/	0	0	0	2,119
VICKSBURG	304	15,312	0	0	0	0	15,008
WARRIOR	34,299	26,658	19,2165/	0	0	7,641	0
WATSON	0	383	2314/	0	0	0	383
WEST-COAST	0	29,428	-2,2894/	0	0	0	29,428
WEST-MONMOUTH	0	5	0	0	0	0	5
WESTCHESTER-NY	0	221	1354/	0	0	0	221
WESTERN	0	23,888	0	0	0	0	23,888
WINSTON-SALEM	0	104	0	0	0	0	104
WIREBACK	0	63	0	0	0	0	63
WITCO	53,859	51,637	8,7794/	0	0	2,222	0
WOOSTER	0	10	0	0	0	0	10
WYATT	0	12,807	0	12,807	0	0	12,807
WYOMING	0	28,262	0	0	0	0	28,262
YOUNG	39,344	66,371	59,7095/	0	0	0	27,027
TOTAL	33,625,036	33,625,036	5,856,168	877,780	37,570	19,716,100	19,716,100

1/ See discussion in Notice.

2/ This is consistent with the Court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the Court's judgment in Husky Oil Co. v. DOE, et. al., Civ. Action No. C77-190-B (D. Wyo., filed March 4, 1978), remanded 582 F.2D 644 (TECA, August 10, 1978).

3/ This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA, Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

4/ Correction of prior month.

5/ Exception from Office of Hearings and Appeals.

6/ Value accrued from SPR deliveries. See discussion in Notice.

7/ This figure for Navajo is the net result of Decision and Orders issued by the Office of Hearings and Appeals plus an adjustment for Entitlements which Navajo did not purchase for November 1980 pursuant to a stay issued by the Temporary Emergency Court of Appeals.

8/ Pursuant to order of the United States District Court for Colorado entered January 22, 1981 in Asamera Oil (U.S.) Inc. v. DOE (No. 80-W-1800), DOE has been directed to issue additional entitlements to Asamera amounting to $1,960,379.39 in this Notice.

[FR Doc. 81-6458 Filed 2-25-81; 8:45 am]
BILLING CODE 6450-01-C

[Docket Number ERA-TA-81-02]

Tenneco Oil Exploration and Production Co.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Tenneco Oil Exploration and Production Company a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(e)(3) of the Tertiary Enhanced Recovery Program.

Under the provisions of 10 CFR 205.96, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, the ERA may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Barber Tenneco's application is available in the Public Affairs Office, Room B–110, 2000 M Street, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 20, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6456 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-81-02]

Tenneco Oil Exploration and Production Co. (Houston, Tex.); Proposed Decision and Order Under the Tertiary Incremental Program

In the matter of an application for price incentives, tertiary enhanced recovery project, Pettit Reservoir (Old Lisbon Field), located in Claiborne and Lincoln Parishes, Louisiana.

I. Introduction

On November 1, 1979, The Tenneco Exploration and Production Company (Tenneco) of Houston, Texas, a subsidiary of the Tenneco Company, submitted an application with respect to the Pettit Reservoir (Old Lisbon Field Unit) for an ERA order which would designate allowed expenses for purposes of the Tertiary Incentive Program, and an ERA order which would permit Tenneco to charge uncontrolled prices for incremental crude oil production from that unit. On June 30, 1980, ERA issued an order to Tenneco for the designation of additional allowed expenses (Docket Number ERA–TA–80–06). The June 30, 1980, order did not address the issue as to whether the market price should be allowed for incremental production from the Old Lisbon Field Unit.

II. Findings and Analysis

the Tertiary Incremental Program (10 CFR 212.78) provides that a producer may receive the market price for the incremental production that results from a tertiary project. Specifically, § 212.78(e)(1) provides that a producer shall obtain final certification from ERA that the project is a qualified tertiary enhanced recovery project and that the project would not be economic at the applicable ceiling price. In addition, the producer shall obtain certification of the amount of incremental and non-incremental oil which will result from the implementation of the project. The amount of incremental and non-incremental crude oil shall be expressed in terms of both the total amount of incremental and non-incremental recovery over the life of the project commencing with the time that the project is estimated to begin producing incremental crude oil.

Tenneco has submitted information indicating that the Old Lisbon Field project utilizes a polymer augmented waterflood, as defined in 10 CFR 212.78(c). Thus, the Old Lisbon Field project is a Qualified Tertiary Enhanced Recovery Project.

Tenneco also has submitted information indicating the Old Lisbon Field project would be uneconomic unless the market price is received for all the incremental crude oil produced from the project. Based on this information, we have determined that the Old Lisbon Field Unit project meets the second requirement for certification, namely that the project would be uneconomic if the incremental production were subject to price controls.

Section 212.78(e)(1) requires ERA to determine, at the time it certifies a project as a Qualified Tertiary Enhanced Recovery Project, the amount of incremental crude oil (as defined in § 212.78(c)) and non-incremental crude that will result from that project. In general, the incremental crude oil resulting from a project initiated after certification by ERA is the amount of additional crude oil production which results from the Qualified Tertiary Enhanced Recovery Project. We have determined the amount of non-incremental production from 1980 through 1996 and have set forth these amounts for 1980 and 1981 in the proposed order.[1] These amounts were calculated from the forecasts of production of non-incremental crude oil proposed by Tenneco.

III. Comment Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for entering objections or comments on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

IV. Order

1. The Old Lisbon Field Unit Project, which is operated by Tenneco Oil Company (Tenneco) with respect to the Old Lisbon Field Unit in Claiborne and Lincoln Parishes, Louisiana, is declared to be a Qualified Tertiary Enhanced Recovery Project within the meaning of 10 CFR 212.78, effective November 1, 1979.

[1] In previous orders, ERA has granted certifications that were effective on the date that ERA received the completed application. Thus, Tenneco's certification will be effective as of November 1979 and we are proposing a schedule of incremental production which begins with May 1980, which is the first month after certification in which incremental production occurred.

2. Crude Oil produced each month from the Old Lisbon Field Unit Project in excess of the following schedule of "Non-Incremental Crude" is not subject to the ceiling price limitations of 10 CFR Part 212, Subpart D; incremental crude oil production will be deemed to occur in any month subsequent to April 1, 1980, in which total production exceeds the schedule on "Non-Incremental Crude" in this Order.

Monthly Nonincremental Crude Oil Volumes

Year and month	Barrels
1980:	
May	10,307
June	9,945
July	10,247
August	10,216
September	9,826
October	10,125
November	9,766
December	10,053
1981:	
January	10,156
February	9,174
March	10,126
April	9,770
May	10,034
June	9,690
July	9,972
August	9,540
September	9,590

3. This Order is based on the presumed validity of statements, and documentary materials submitted by Tenneco and may be revoked or modified at any time upon a finding that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., on February 20, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6457 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-14]

Texaco, Inc., (New Orleans, Louisiana); Proposed Decision and Order Under the Tertiary Incremental Program

In the matter of the designation of the Texaco R–1 Sand, Segment G, Lake Barre Field Project (Terrebonne Parish, Louisiana) as a Tertiary Enhanced Recovery Project.

I. Introduction

On September 15, 1980, Texaco, Inc. (Texaco) submitted an application under the Tertiary Incremental Crude Oil Program (10 CFR 212.78) for an order that would permit it to sell at market prices the tertiary incremental crude oil production from its project in the R–1 Sand, Segment G, Lake Barre Field, Terrebonne Parish, Louisiana.

II. Findings and Analysis

A. Section 212.78 provides that the "incremental crude oil" from a "qualified tertiary enhanced recovery project" may be sold at prices not subject to the ceiling price limitations of Subpart D of Part 212. In order for crude oil production from a particular project to be priced in accordance with the incremental price rule § 212.78, ERA must certify the project as a qualified tertiary enhanced recovery project. Prior to granting this certification, § 212.78(e)(1) requires ERA to determine that (1) the project involves one of the enhanced oil recovery techniques listed in the definition of a qualified tertiary enhanced recovery project set forth in Section 212.78(c), and, (2) the project would not be economic at the otherwise applicable ceiling prices.

With respect to a project that was initiated prior to receipt of the required certification, § 212.78(b)(2) provides the additional requirements that (1) the producer affirms that it intends to discontinue the project (or the particular high-cost phase of the project) because continuation would be uneconomic at the otherwise applicable ceiling prices and (2) there has been a material change of circumstances since the initiation of the project. If ERA grants certification, it must also determine the amount of incremental and non-incremental crude oil (as defined in § 212.78(c)) that will result from the project.

B. Texaco has supplied information describing the nitrogen injection project on the Lake Barre reservoir. On the basis of this information, we have determined that the nitrogen injection project is a miscible fluid flood as defined in § 212.78(c) and, thus, the project meets the first requirement for certification as a qualified tertiary enhanced recovery project under § 212.78(e)(1).

C. Texaco has submitted information that at the time of its application, the project on the Lake Barre reservoir had a history of steadily increasing losses and it had projected that this trend would continue unless the incremental production from the project received the market price. On the basis of this information, we have determined that the project on the Lake Barre reservoir would not be economical if the incremental production was subject to the otherwise applicable ceiling price.

D. Since a tertiary project has already been initiated with respect to the Lake Barre reservoir, the requirements of § 212.78(b)(2) must be met prior to our granting certification. Texaco has affirmed that it would have abandoned the project at the time of its application in the absence of the potential price incentives of the Incremental Program. In addition, Texaco has shown a material change in circumstances since the nitrogen injection is now responsible for all production at the Lake Barre reservoir. Accordingly, we have determined that the requirements of § 212.78(b)(2) have been met.

E. Section 212.78 requires the ERA to determine at the time it certifies a project as a qualfied tertiary enhanced recovery project, the amount of incremental and non-incremental crude oil (as defined in § 212.78(c)) that will result from that project. In general, the incremental crude oil resulting from that project initiated prior to certification by ERA is the amount of crude oil production that would have occurred had the qualified tertiary enhanced recovery project been discontinued.

Texaco has submitted information that indicates that all non-incremental production from the Lake Barre reservoir ceased prior to July 1, 1980. On the basis of this information, we have determined that all production from the Lake Barre reservoir since July 1, 1980, should be considered incremental production.

III. Comment Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication of the Proposed Decision and Order in the **Federal Register**. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA–152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B–110, 2000 M Street, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

IV. Order

1. The Texaco R–1 Sand, Segment G, Lake Barre Field Project (Terrebonne Parish, Louisiana) is declared to be a qualified tertiary enhanced recovery project.

2. All crude oil from the Lake Barre Project produced during the period beginning two months prior to the issue date of this order is hereby certified as non-incremental crude oil and is not subject to ceiling price limitations

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described by 10 CFR Part 212, Subpart D.

3. Texaco is hereby ordered to adjust the base period control level for the Lake Barre Project as described in 10 CFR 212.78(g).

4. In all other respects, Texaco's application for the designation of allowed expenses is hereby denied.

5. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Texaco. This Order may be revoked or modified upon determination that the factual basis underlying the Order is incorrect.

Issued in Washington, D.C., on February 20, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6458 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-08]

Texaco, Inc. (New Orleans, Louisiana); Proposed Decision and Order Under the Tertiary Incentive Program

In the matter of a designation of additional allowed expenses for No. 8 Sand, and the Lower 9000—Foot Sand Reservoir M Projects on the Paradis Field. Enhanced Oil Recovery Project.

I. Introduction

On June 2, 1980, Texaco, Inc. (Texaco) of New Orleans, Louisiana, submitted applications pursuant to § 212.78(e)(3) of the Department of Energy's Tertiary Incentive Revenue Program for an order which would permit Texaco to recover expenses in addition to those otherwise recoverable for miscible fluid displacement projects.

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers that certify to ERA that they employ a self-certifiable technique to recover certain "allowed expenses" associated with such projects. An allowed expense is seventy-five percent of an environmental expense (as defined in § 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78. Section 212.78(e)(3) provides that, with respect to a project that employs a "self-certifiable technique" (as defined in section 212.78), a producer may apply for an ERA order designating allowed expenses in addition to those designated in the Appendix to section 212.78 for self-certified projects.

Texaco has an interest in the PAR 8 RA SU Lease, No. 8 Sand, Reservoir M (No. 8 (Lease), and the PAR Lwr 9000—Foot RM SU Lease, Lower 9000—Foot Sand, Reservoir M (Lower 9000—Foot Lease), both of which are located in the Paradis Field, St. Charles Parish, Louisiana. Texaco intends to employ a miscible carbon-dioxide (CO_2) injection technique to assist production from both of these leases. In order to facilitate its efforts, Texaco has requested ERA to issue an order designating additional items as allowed costs with respect to a project consisting of these two leases.

III. Findings and Analysis

On May 20, 1980, Texaco certified to ERA that it has interests in the No. 8 and Lower 9000—Foot properties and that it contributed to the operation on each of those properties of a miscible fluid displacement technique as defined in § 212.78(c). Thus, Texaco is a qualified producer with respect to both properties.

As a qualified producer, Texaco would be entitled to purchase injection quality CO_2 delivered to the project site, and to treat it as an allowed cost (See section 4a of the Appendix to § 212.78.). However, Texaco proposes an alternative plan for obtaining CO_2 which it states would be more economic, efficient, dependable and environmentally acceptable. An industrial plant along the Mississippi River in St. Charles Parish, Louisiana, is currently venting CO_2 to the atmosphere. Texaco proposes to gather, dehydrate and compress the CO_2 obtained from the industrial plant and then transmit it 7 miles to the Paradis Field for injection into the No. 8 and Lower 9000—Foot reservoirs. The entire output of CO_2 from the system will be injected into the two reservoirs comprising the project.

A 7 mile pipeline will be needed to transport the CO_2 from the facility location to the Paradis Field. An existing pipeline which is currently in service transporting natural gas on the proposed route should be available by 1981 when CO_2 delivery commerces. With the 5 miles of line available, two miles of connecting piping and upgrading would be required to make it feasible to transport the CO_2 from the plant to the field.

The data submitted by Texaco shows the cost of CO_2 provided internally by this alternative plan would be $0.55 per mcf. If acquired on the open market, the cost of CO_2 for these operations would be more than $2.63 per mcf.

As stated in a Decision and Order to Mitchell Energy Corporation, economic distortion and unnecessary interference with market mechanisms resulting from the application of the price regulations should be minimized to the maximum extent practicable in accordance with the objective set forth in Section 4(b)(1)(I) of the Emergency Petroleum Allocation Act (EPAA). The Act also specifies economic efficiency as an objective to be achieved by the regulations to the maximum extent practicable (Section 4(b)(1)(H) of the EPAA). Thus, ERA will consider granting an order designating additional items as allowed expenses if those items represent a more efficient and economical way of supplying a producer with an item already designated as an allowed expense. Since Texaco can provide itself with CO_2 on a more economical and assured basis than if it purchased CO_2 from outside source that trucked the CO_2 to the project sites, ERA is proposing to designate as allowed expenses for the No. 8 Sand and Lower 9000-Foot Sand, Reservoir M projects the following items, provided that the costs of each item are allocated proportionately to each project based on the total project expenses indicated by Texaco's self-certification submissions for the two projects:

a. Costs of purchasing and installing the 8500 BHP compressor in St. Charles Parish, Louisiana.

b. Costs of the dehydration equipment required to establish the proposed system pipeline.

c. Costs of the plant piping required to establish the proposed pipeline system.

d. The costs of converting 5 miles of Texaco's existing 14-inch natural gas pipeline to CO_2 transmission service.

e. The costs of laying 2 miles of 14-inch pipeline to tie the existing pipeline into the compressor station and into the two project's Paradis Field Reservoirs.

IV. Comment Procedures

10 CFR 205.98 requires that this Proposed Decision and Order be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication of the Proposed Decision and Order in the **Federal Register.** All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. Except as otherwise indicated in each subparagraph below, the following expenses are declared to be allowed expenses in developing a CO_2 supply system for the No. 8 Sand and Lower 9000-Foot enhanced oil recovery projects undertaken by Texaco, Inc. on the Paradis Field (Reservoir M), St. Charles Parish, Louisiana. These items are to be designated as allowed expenses provided that the cost of each item is allocated proportionately to each project based on the total project expenses indicated by Texaco's self-certification submissions for the two projects:

a. Costs of establishing the 8500 BHP Compressor Station in St. Charles Parish, Louisiana.

b. Cost of the dehydration equipment required to establish the proposed system pipeline.

c. Costs of the plant piping required to establish the proposed pipeline system.

d. The costs of converting 5 miles of Texaco's existing 14-inch natural gas pipeline to CO_2 transmission service.

e. The costs of laying 2 miles of 14-inch pipeline to tie the existing pipeline into the compressor station and into the two project's Paradis Field Reservoirs.

In all other respects Texaco's request for the designation of allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Texaco, Inc. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order any qualified producer with respect to the No. 8 Sand and the Lower 9000-Foot Sand projects may recover all allowed costs specified herein which were incurred and paid on or after August 22, 1979, so long as such producer is engaged in the project described in this Order.

Issued in Washington, D.C., on February 20, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6459 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TTA-80-14]

Texaco, Inc.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Texaco, Inc. a proposed Decision and Order regarding Texaco's request of September 15, 1980, to sell at market prices tertiary crude oil produced by its project on the Lake Barre Field, Terrebonne Parish, Louisiana. The Decision and Order proposed would allow the request under certain specified conditions.

Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register.** Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, the ERA may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of the application filed by Texaco, Inc. is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 20, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6460 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-08]

Texaco, Inc.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Texaco, Inc. a proposed Decision and Order regarding Texaco's request of May 16, 1980, that would, pursuant to 10 CFR 212.78(e)(3) permit recovery expenses in addition to those otherwise recoverable for their tertiary enhanced recovery projects located on the Paradis Field in St. Charles Parish, Louisiana.

Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register.** Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, the ERA may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of the application filed by Texaxo, Inc. is available in the Public Affairs Office, Room B-110, 2000 M Street NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, 1E-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 20, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6461 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

Barnhart; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on

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potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: January 7, 1981.

COMMENTS BY: March 30, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On January 7, 1981 the Office of Enforcement of the ERA executed a Consent Order with Barnhart of New Orleans, Louisiana. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or more in the aggregate excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

Because the DOE and Barnhart wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Barnhart effective as of the date of its execution by the DOE and Barnhart.

I. The Consent Order

Barnhart is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Barnhart the Office of Enforcement, ERA and Barnhart entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through December 31, 1978, Barnhart allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Barnhart and the DOE have agreed to a settlement of $830,000 plus interest. Barnhart shall refund twelve equal installments due on the 10th day of each month commencing in February 1981 and ending in January 1982. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Barnhart.

3. This Consent Order constitutes neither an admission by Barnhart that ERA regulations have been violated nor a finding by the ERA that Barnhart has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Barnhart agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $830,000 in the manner specified in I.2 above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.188l(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claim is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Barnhart Consent Order." We will consider all comments received by 4:30 p.m. local time, March 30, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 17th day of February, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-6088 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

Chemcentral/New Orleans; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order.

DATES: Effective date February 11, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235 (phone) 214/767–7745.

SUPPLEMENTARY INFORMATION: On February 11, 1981, this Office of Enforcement of the ERA executed a Consent Order with CHEMCENTRAL/New Orleans, of Jefferson, Louisiana. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, may be made effective upon its execution.

Because the DOE and CHEMCENTRAL, wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with CHEMCENTRAL, effective as of the date of its execution by the DOE and CHEMCENTRAL.

I. The Consent Order

CHEMCENTRAL, with its home office in Jefferson, Louisiana, is a firm engaged in the resale of motor gasoline, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of motor gasoline, the Office of Enforcement, ERA, and CHEMCENTRAL entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was March 1, through June 30, 1979, and it included all sales of motor gasoline which were made during that period.

2. CHEMCENTRAL improperly applied the provisions of 10 CFR 212.93(a) when determining the prices to be charged for its motor gasoline, and as a consequence overcharged certain of its customers on some of their purchases.

3. Because the sales were made to ultimate consumers, and they are readily identifiable, CHEMCENTRAL will repay $4,253.84 directly to its overcharged customers. Additionally CHEMCENTRAL has agreed to pay a penalty of $1,250.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, CHEMCENTRAL agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $4,253.84 plus interest in the manner specified in I.3. above.

III. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Wayne I. Tucker, Southwest District Manager, U.S. Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on CHEMCENTRAL Consent Order". We will consider all comments we receive by 4:30 p.m. local time, on March 30, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 11th day of February, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-6089 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3887-000]

American Hydro Power Co.; Application for Preliminary Permit

February 23, 1981.

Take notice that American Hydro Power Company (Applicant) filed on December 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3887 to be known as Salisbury Mills Dam Project located on Moodna Creek in Orange County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing Salisbury Mills Dam, a 27-foot high concrete and masonry structure having a length of 132 feet; (2) the existing Salisbury Mills Reservoir, having a surface area of approximately 18 acres at normal pool elevation of 290.4 feet; (3) a power penstock, replacing the existing damaged penstock on the right bank; (4) a powerhouse having an installed generating capacity of 657 kW; (5) new transmission lines and switchyard equipment; and (6) appurtenant works. The Salisbury Dam and Reservoir are owned by Cornwall Paper Mills, Inc. The Applicant estimates that the average annual energy output would be 2,878,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities or industries.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operations, historic and aesthetic impacts and project power potential. Depending on the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *April 27, 1981,* either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the

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requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3887. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6360 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4090]

Brazos River Authority; Application for Preliminary Permit

February 23, 1981.

Take notice that Brazos River Authority (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4090 to be known as the Waco Project located on the Bosque River near the Town of Waco, McLennan County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Carson H. Hoge, General Manager, Brazos River Authority, 4400 Cobbs Drive, P.O. Box 7555, Waco, Texas 76710. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Waco Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 4 MW, and a transmission line. The project would be capable of generating up to 5,407,000 kWh annually.

Purpose of Project.—Energy generated at the project would likely be sold to Texas Power and Light Company or Brazos Electric Power Cooperative, for distribution to their customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be more than $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Waco Project No. 3390 filed on August 27, 1980 by Continental Hydro Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notice of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4090. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6361 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3757-000]

City of Bountiful, Utah; Application for Preliminary Permit

February 23, 1981.

Take notice that The City of Bountiful, Utah (Applicant) filed on December 30, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3757 to be known as the Lost Creek Hydro Project located on Lost Creek in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Berry Hutchings, Manager, Bountiful City Light and Power Department, 198 South 200 West, Bountiful, Utah 84010. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Lost Creek Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, and would consist of: (1) a new penstock utilizing the existing outlet works at the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,000 kW; (3) a tailrace; (4) a new 46 kV transmission line, approximately one mile long, and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,830,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company and to local consumers.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of one year, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasiblility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Utah Hydro Corporation's Application for Lost Creek Hydro Project No. 3542 filed on October 8, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing April 20, 1981 application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3757. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6362 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3950-000]

Enagenics; Application for Preliminary Permit

February 23, 1981.

Take notice that Enagenics (Applicant) filed on January 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3950 to be known as Yuma Main Canal Siphon Drop Hydroelectric Project located on the Water and Power Resources Service's (WPRS) Yuma Main Canal in Imperial County, California. The application is on file with the Commission and is available for public inspection. correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q Street, NW., Washington , D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure; (2) a penstock serving; (3) a powerhouse to operate under a head of 32 feet, with a rated capacity of 4.04 MW; (4) a tailrace channel; (5) a switchyard; and (6) approximately 500 feet of 33-kV transmission line to connect to an existing Western Area Power Administration transmission line.

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The Applicant estimates that the average annual energy output would be 21.2 million kWhs.

Purpose of Project—It is anticipated the project energy would be sold to either the Western Area Power Administration or the Arizona Public Service Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks a preliminary permit for a period of 36 months during which it would conduct environmental, engineering, and economical studies to determine the feasibility of constructing and operating the proposed project. Applicant estimates that the cost of the feasibility studies would be about $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Western Water Power's Project No. 3524 on the Yuma Main Canal under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3950. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6363 Filed 2-25-81; 8:45]

BILLING CODE 6450-85-M

[Project No. 3953-000]

Enagenics; Application for Preliminary Permit

February 23, 1981.

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3953 to be known as the Bartlett Dam Project located on Verde River in Maricopa County, Arizona. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Bartlett Dam and would consist of: (1) a new penstock about 100-feet long extending from the existing 72-inch diameter outlet pipeline to; (2) a new powerhouse containing generating unit(s) having a total rated capacity of 19.4 MW; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 40.7 GWH.

Purpose of Project—Project energy would be sold to the Western Area Power Administration or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be 50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and cosnsistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3694 filed on November 7, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3953. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6364 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3995-000]

Enagenics; Application for Preliminary Permit

February 23, 1981.

Take notice that ENAGENICS (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Buckhorn Dam project, FERC No. 3995 to be located at the U.S. Army Corps of Engineers' Buckhorn Dam and Reservoir, a flood control project, on the Middle Fork of the Kentucky River near Buckhorn, Perry County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 3995 would consist of: (1) a proposed penstock extending from the outlet conduit; (2) a powerhouse located on the western bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 15.7 MW, and the annual energy output to be 23.1 GWh.

Purpose of Project—Energy produced at the proposed project would be sold to Kentucky Utilities Company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned estimates along with obtaining agreements with other Federal, State and local agencies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, an environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3400 on Buckhorn Dam in Buckhorn, Perry County, Kentucky, under 18 CFR 4.33 (1980), and , therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of

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these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3995. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6365 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3921-000]

Fred G. Castagna and Richard L. Bean; Application for Preliminary Permit

February 23, 1981.

Take notice that Fred G. Castagna and Richard L. Bean (Applicants) filed on December 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3921 to be known as Cedar Flat Project located on Cedar Flat Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Fred G. Castagna and Richard L. Bean, 1388 Court Street, Suite E, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two diversion structures; (2) a penstock; and (3) a powerhouse with a total installed capacity of 2 MW.

The Applicants estimate that the average annual energy output would be 8.5 million kWh.

Purpose of Project—Applicants propose to market the power generated by the project.

Proposed Scope and Cost of Studies under Permit—The studies to be performed under the preliminary permit would include an economic analysis, preliminary engineering, and a study of environmental impacts. Based on the results of the studies, Applicants would decide whether to proceed with more detailed studies and an application for license to construct and operate the project. Applicants estimate the cost of the studies would be $85,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3921. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6366 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-188-000]

Central Maine Power Co.; Order Accepting for Filing and Suspending Proposed Rates, Denying Motions, Granting Interventions, Requiring Amended Filing, and Establishing Procedures

Issued: February 20, 1981.

Central Maine Power Company (CMP) has provided full requirements electric service to the Town of Madison Department of Electric Works (Madison) and to three other wholesale customers under its Tariff Schedule W-1.[1] Although these are full requirements service agreements, each specifies a maximum contract demand limitation. On September 30, 1980, Madison's service agreement with CMP expired. Accordingly, on October 16, 1980, in Docket No. ER81-132-000, CMP unilaterally filed a proposed Tariff Schedule W-3 for non-contract service to Madison (*i.e.*, service to a customer without an effective agreement under CMP's tariff) intended to bridge the gap between service under the expired service agreement and any further service arrangement yet to be negotiated. The October 16 filing included a letter of September 30, 1980, to this Commission indicating that CMP had unsuccessfully attempted to execute a renewal contract with Madison. By letter order of December 8, 1980, the Director of the Office of Electric Power Regulation rejected the October 16 submittal, without prejudice, for lack of necessary cost support.

Subsequently, on December 23, 1980, CMP resubmitted the superseding Tariff Schedule W-3 with data in support of the proposed rates.[2] CMP requests a February 21, 1981 effective date for Tariff Schedule W-3 or, in the alternative, a suspension not in excess of one day. CMP contends that the terms of Tariff Schedule W-1 require the wholesale customer to contract for at least five years of service and that in view of the expiration of the CMP/Madison service agreement and of the inability to negotiate a new agreement, CMP faced the option of terminating service to Madison or filing, as it did, Tariff Schedule W-3 to continue service on an interim basis.

The new Tariff Schedule W-3 provides for two-tiered rates. With respect to purchases of capacity and energy up to the previously existing contract demand limitation (3950 kW), the proposed rate schedule (Section I rates) would continue in effect the prior W-1 rates. The rates for service in excess of 3950 kW (Section II rates) would be based on the cost of capacity and energy at CMP's William F. Wyman Unit No. 4 plus wheeling charges from that unit to the Madison system.[3] According to CMP, continuation of the W-1 rates for service up to the prior contract demand limit essentially perpetuates the terms of the expired CMP/Madison contract.

Notice of the filing was issued on January 2, 1981, with responses due on or before January 23, 1981. On January 22, 1981, the Public Utilities Commission of the State of Maine (MPUC) filed a notice of intervention but did not raise any specific issues concerning CMP's filing. On January 23, 1981, Madison filed a protest, petition to intervene, and a motion to reject CMP's filing for failure to provide sufficient cost support. In addition, Madison alleges that the proposed rates and conditions are unjust and unreasonable and will have serious anticompetitive effects. CMP responded to Madison's pleading on February 9, 1981.

Discussion

Madison contends that CMP's filing is designed to prevent Madison from competing to provide retail electric service for anticipated increased loads of Madison Paper Industries (MPI), an industrial customer located in Madison's franchise service area but presently served by CMP. Madison contends that CMP's proposed new rate would preclude Madison from competing with CMP for these new loads since any such increased sales would increase Madison's load, forcing Madison to purchase power from CMP under the higher Section II rates. The Section II rates, according to Madison, are greater than either CMP's current wholesale rates or any retail rates presently in effect or requested by CMP. Madison states that the higher rates have no cost of service basis but rather have been submitted solely for anticompetitive purposes, thereby resulting in an illegal price squeeze. Madison contends that CMP has acknowledged its willingness to serve MPI at retail, but has refused to agree to sell Madison sufficient quantities of wholesale power to enable Madison to meet MPI's load requirements.

In its February 9, 1981 response, CMP asserts that its filing is adequately supported, that its rate design is appropriate, and that its proposal is not anticompetitive. CMP contends that Tariff Schedule W-3 does not discriminate against Madison *vis-a-vis* CMP's other wholesale customers, since each of the wholesale customers is subject to a contractual limitation on available CMP power. It is CMP's position that these limitations reflect reasonable load growth estimates based on load forecasts supplied by the customers.

CMP further states that Madison is currently entitled only to the amount of power specified in the expired service agreement, but that during negotiations for a new agreement Madison has requested commitments of ten times its present load. Moreover, CMP indicates that Madison sought such commitments only on an interim basis pending development of new hydroelectric generating capacity by Madison. The company contends that, under such circumstances, it might be confronted at a future date with significant excess capacity.

The Commission believes that the anticompetitive claims raised by Madison may present significant questions under the Federal Power Act which should be pursued at hearing.[4] However, given the unusual nature of the "price squeeze" allegations in this proceeding, the specific factual and legal issues in controversy are unclear, particularly in light of the asserted new contract between Madison and CMP.[5] We shall therefore refer this matter to the presiding administrative law judge to determine at the initial prehearing conference ordered below the specific factual and legal questions relating to the price squeeze issue which the parties believe must be addressed at hearing. Following such conference, the judge shall report back to us his or her findings on this question so that the Commission may determine in a further order the appropriate procedures for handling the price squeeze and related issues. In the interim, the proceedings should go forward on the other issues raised in the pleadings.

As indicated above, Madison urges rejection of CMP's filing on the grounds that it fails to comply with the requirements of section 35.13(b) of the Commission's regulations. In this regard, we note that the Section I rates are essentially identical to those presently on file under Tariff Schedule W-1, and that the Section II rates are based on specific unit costs. The Commission finds that CMP has substantially complied with the section 35.3 filing requirements, and we shall therefore deny the motion to reject.[6] Nonetheless, our analysis indicates that CMP's

[1] The three remaining customers are Carrabassett Light and Power Company, Kennebunk Light and Power District, and Fox Islands Electric Cooperative, Inc.

[2] Designated as follows: *Central Maine Power Company*, Rate Schedule FERC No. 62 (Supersedes Service Agreement under FPC Electric Tariff Third Revised Volume No. 1.)

[3] The Tariff Schedule further provides, however, that upon written notice prior to October 31, the contract demand limitation may be increased up to a maximum of 7900 kW for the following calendar year. CMP has indicated in its transmittal letter that should Madison elect to execute a renewal service agreement, which would provide for a 7900 kW maximum contact demand limitation, for a five year term, CMP would continue to bill under the existing Tariff Schedule W-1 and withdraw the instant submittal.

[4] We do, however, question whether Madison's concerns are prehaps premature. Pursuant to a June 30, 1971 consent agreement, Madison permitted CMP to serve MPI's load at retail for a ten year initial period and additional one year terms. While that agreement would have terminated on June 30, 1982, it is our understanding that a new agreement has been executed which would permit CMP to continue serving MPI for an additional ten years, subject to certain cancellation rights, with Madison providing transmission over a new transmission line.

[5] *See Arkansas Power & Light Co.*, Docket No. ER79-339, order issued August 8, 1979.

[6] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

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proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

Accordingly, we shall accept the proposed rate schedule for filing, as modified by this order, and we shall suspend its operation as ordered below.

In a number of suspension orders,[7] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the proposed rate schedule for a period of five months, permitting the rates to take effect subject to refund thereafter on July 22, 1981.

Because CMP intends to charge Madison for "excess" capacity at incremental energy costs equal to the full load costs of Wyman No. 4, CMP's fuel adjustment clause is to apply only to energy sales to Madison under the Section I rates. However, CMP's revision of its fuel adjustment clause to reflect the difference in energy pricing results in inaccurate monthly fuel adjustment calculations.

Section 35.14 of the regulations requires the fuel adjustment clause to reflect the change in fuel costs for the current period (calculated by dividing current period fuel costs by current period kWh sales exclusive of intersystem sales) from specified costs of fuel in a base period. CMP has revised its definition of sales in the current period to include only those kWh's sold under Section I rates exclusion of intersystem sales. This revision would cause the fuel adjustment to be overstated because the fuel adjustment factor would, by CMP's definition, be calculated by dividing total fuel costs by only kWh sales to Madison under Section I rates, rather than by dividing total fuel costs by total system kWh sales less sales to Madison under Section II rates and less intersystem sales. CMP's fuel adjustment clause also overstates the cost of fuel because the company has not attempted to exclude Wyman Unit No. 4 fuel costs recovered under the Section II energy charge from the total system fuel costs which are used to determine the monthly fuel adjustment factor under Section I rates. Accordingly, we shall direct CMP to revise its fuel adjustment clause to properly reflect the determination of current period fuel costs and associated kWh sales or to clarify its calculation procedures to verify that fuel costs are not doubly recovered and that unit fuel costs are correctly determined.

The Commission finds that participation in this proceeding by Madison is in the public interest. The petition to intervene will therefore be granted. MPUC's timely notice of intervention is sufficient to initiate its participation in the proceeding.

The Commission orders:

(A) The motions to reject the filing are hereby denied.

(B) CMP's rate schedule tendered for filing on December 23, 1980, is hereby accepted for filing, as modified by paragraph (C) below, and is suspended for five months, to become effective on July 22, 1981, subject to refund pending hearing and decision thereon.

(C) Within thirty (30) days of the issuance of this order, CMP shall file revisions to its proposed fuel adjustment clause consistent with the discussion in the body of this order.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practices and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of CMP's rate schedule.

(E) Madison's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* That participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) We hereby order initiation of price squeeze procedures. Upon completion of the initial prehearing conference, and the submission of any pleadings on this question required by the presiding judge, he or she shall promptly determine and report to the Commission the specific factual and legal price squeeze and related issues remaining for resolution at hearing so that the Commission may determine in a further order the appropriate procedures for handling these issues in this docket.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6402 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[7] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

[Docket Nos. ER80-458, and ER81-31-000]

Green Mountain Power Corp.; Order Denying Request to Reject, Granting Waiver of Notice, Accepting Transmission Agreements for Filing, and Terminating Proceeding

Issued: February 20, 1981.

As originally tendered on June 16, 1980, and completed on December 22, 1980, Green Mountain Power Corporation (Green Mountain) submitted for filing in Docket No. ER80-458 executed transmission agreements with the Villages of Readsboro and Jacksonville, Vermont (Villages) applicable to power allotted to the Villages by the Power Authority of the State of New York (PASNY).[1] Green Mountain has requested an effective date for its tender of January 1, 1980.

Notice of Green Mountain's submittal was issued on June 24, 1980, with responses due on or before July 15, 1980. On July 17, 1980, as confirmed by letter of December 12, 1980, the Vermont Public Service Board (VPSB) filed an untimely protest and a request for rejection of Green Mountain's filing.[2] By letters dated July 25, 1980, and December 9, 1980, Green Mountain responded in opposition to VPSB's protest and request for rejection.

[1] The designation of the agreements is set forth in Attachment A hereto.

[2] The VPSB has not requested that it be granted intervenor status in this proceeding.

Background

Under the terms of separate contracts with PASNY, VPSB receives 100 MW of St. Lawrence Power (Contract S-2) and 50 MW of Niagara Power (Contract NS-20). The S-2 contract, dated January 25, 1956, extends through June 30, 1985, while the NS-20 contract, dated June 20, 1961, terminated as of December 31, 1979. VPSB, as an agent for the State of Vermont, has marketed the S-2 and NS-20 PASNY power to various allottees in the state through Vermont Electric Power Company (VELCO). VELCO, as wheeling agent for VPSB, transmits or contracts for the transmission of the S-2 and NS-20 power to the allottees. Since VELCO's transmission facilities are not physically connected to all of the state allottee's systems, VELCO previously entered into separate subtransmission agreements with Green Mountain and Central Vermont Public Service Corporation (Central Vermont) to wheel the VPSB's S-2 and NS-20 PASNY allotments to certain allottees.[3] VELCO bills VPSB for its transmission expenses as well as subtransmission charges assessed to VELCO by Green Mountain and Central Vermont for wheeling these PASNY allotments to the allottees not served directly off the VELCO system.

Historically, VPSB has rolled together PASNY and VELCO charges (including Green Mountain and Central Vermont subtransmission charges) and billed all allottees on the same average cost basis, *i.e.*, the same demand and energy charges, whether or not the allottees are served directly from the VELCO system or require further subtransmission.

VPSB and PASNY have, however, entered into a new contract which provides for an additional allotment of 50 MW of PASNY power for PSB from January 1, 1980, through June 30, 1985. In order to provide for the additional wheeling of this new PASNY allotment to those allottees not served directly from the VELCO system, Central Vermont submitted for filing on May 21, 1980, in Docket No. ER80-400, transmission agreements with various VPSB allottees.[4]

The instant submittal by Green Mountain also resulted from the new contract between VPSB and PASNY. Under this filing, transmission of the additional PASNY power will be made at Green Mountain's standard wheeling rate on file. As indicated above, Green Mountain requests an effective date of January 1, 1980.

Discussion

In its letter of protest,[5] VPSB asserts that Green Mountain and Central Vermont are contractually bound to wheel the new PASNY allotment under the terms of the prior agreements covering existing St. Lawrence and Niagara Project allotments.[6] VPSB's objective is to continue the same average cost format for all allottees of PASNY power regardless of whether such service is rendered directly from the VELCO system or requires further subtransmission by Green Mountain or Central Vermont. Since, under the instant submittals, subtransmission charges associated with the new PASNY allotment will be assessed by Green Mountain and Central Vermont directly to the applicable allottees, rather than to VELCO, VPSB will not maintain total control over the billing for transmission and distribution of the additional PASNY power and will not be able to roll together all costs for that power. Allottees served directly from the VELCO system will continue to be billed exclusively by VPSB, but others not served directly by VELCO will be billed by VPSB for their allotment of new PASNY power and by either Green Mountain or Central Vermont for the additional subtransmission service. Thus, the average cost concept desired by VPSB for the PASNY power will no longer be operative.

The prior VELCO/Green Mountain and VELCO/Central Vermont transmission agreements provide that GMP and CVPS will transmit state allotted power from VELCO to the VPSB's allottees. Such transmission contracts specify that "* * * as used in this agreement, the term 'state allotted power' shall mean power and energy purchased by the state from Power Authority of the State of New York under *St. Lawrence Contract S-2 dated January 25, 1956*, or under *Niagara Contract NS-20 dated June 20, 1961*, or both * * *" (italics added). The VELCO/Green Mountain and VELCO/Central Vermont agreements obligate Green Mountain and Central Vermont to wheel power purchased by VPSB under specific PASNY/VPSB contracts S-2 and NS-20. The new contract subsequently entered into between PASNY and VPSB is not part of the S-2 and NS-20 contracts and, therefore, the existing transmission contracts between VELCO/Green Mountain and VELCO/Central Vermont do not extend the obligations of Green Mountain and Central Vermont to transmit power purchased under the new PASNY/VPSB agreement. Thus, the Commission believes that VPSB's request to reject Green Mountain's submittal in this proceeding should be denied.[7]

The rate requested by Green Mountain in its filing is its standard transmission rate that is already on file with this Commission. Neither VPSB nor the affected customers of Green Mountain have challenged this rate level and our review does not indicate that the rate level is unlawful. Further, Green Mountain's request for an effective date of January 1, 1980, appears to be in the public interest. Service commenced on that date under executed contracts between Green Mountain and the Villages, and the proposed rate schedules will enable Green Mountain to be compensated for the service it has rendered pursuant to those contracts. The Villages have executed the contracts thereby agreeing to the contract's terms and conditions including Green Mountain's requested January 1, 1980 effective date. Under these circumstances, we find good cause to grant the waiver of notice. Therefore, we shall accept Green Mountain's tender for filing and terminate the proceeding as hereinafter ordered.

By order issued December 12, 1980, in *Green Mountain Power Corporation*, Docket Nos. ER81-31-000 and ER80-458, we, *inter alia*, conditionally accepted for filing and suspended Green Mountain's proposed increase in its transmission rates to the Villages. The conditional acceptance of the proposed increased rate was based on the fact that, at the time of the issuance of that order, Green Mountain had not completed its filing in the instant docket and, consequently, the proposed increased rate was not applicable to any rate schedules on file with this Commission for the specified service. In that order, Green Mountain

[3] Under present VELCO/Green Mountain and VELCO/Central Vermont transmission agreements, both Green Mountain and Central Vermont wheel power purchased under the specific S-2 and NS-20 contracts. Since the NS-20 contract terminated on December 31, 1979, Green Mountain and Central Vermont will continue to wheel only S-2 power through June 30, 1985—the expiration of the S-2 contract.

[4] Central Vermont proposed to wheel the additional PASNY power at its standard transmission rate on file. The submittal in Docket No. ER80-400 was accepted for filing effective January 1, 1980, by OEPR Director letter dated June 25, 1980, and the Docket No. ER80-400 proceeding was terminated. The allottees are: Allied Power and Light Company; Rochester Electric Light and Power Company; and the Village of Johnson, Vermont.

[5] VPSB's protest addressed the submittals in both Docket Nos. ER80-400 and ER80-458.

[6] Service under the instant submittals results in an increase of about $5,200 annually. VPSB has not objected to the level of the proposed rates.

[7] The same rationale and decision are applicable to VPSB's request to reject Central Vermont filing in Docket No. ER80-400.

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was given 30 days to complete its original submittal in Docket No. ER80–458. Green Mountain has met that condition and the proposed increased rates in Docket No. ER81–31–000 are now accepted for filing under the suspension and procedural terms of the December 12, 1980 order.

The Commission orders:

(A) VPSB's request to reject Green Mountain's filing is hereby denied.

(B) Green Mountain's request for waiver of notice is hereby granted.

(C) Green Mountain's December 22, 1980 tender in Docket No. ER80–458 is hereby accepted for filing effective January 1, 1980, without suspension.

(D) The proceeding in Docket No. ER80–458 is hereby terminated.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Green Mountain Power Corporation

[Docket No. ER80–458]

Filed: December 22, 1980.
Dated: June 12, 1980.
Effective: January 1, 1980.

Designation	Description	Party
(1) Rate schedule FERC No. 72.	Transmission contract.	Readsboro.
(2) Supplement No. 1 to rate schedule FERC No. 72.	Exhibit A	Readsboro.
(3) Rate schedule FERC No. 73.	Transmission contract.	Jacksonville.
(4) Supplement No. 1 to rate schedule FERC No. 73.	Exhibit A	Jacksonville.
(5) Exhibit A to rate schedule FERC No. 73.	PASNY PSB Power Contract dated Jan. 1, 1980.	Jacksonville.
(6) Exhibit A to rate schedule FERC No. 72.	do	Readsboro.

[FR Doc. 81–6400 Filed 2–25–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3868–000]

Appalachian Power Co.; Application for Preliminary Permit

February 23, 1981.

Take notice that Appalachian Power Company (Applicant) submitted on December 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3868 to be known as Lynchburg Project located on the James River in Amherst County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John W. Vaughan, President, Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse located at the eastern end of the dam; (2) an existing gravity dam having two sections, a straight line section 740 feet long and an arched section 150 feet long; both having a height of 15 feet; (3) a 370 acre reservoir extending from the Lynchburg Dam to the Reusens Project No. 2378 immediately upstream, with a storage capacity of 1,800 acre feet at pool elevation of 511 m.s.l.; (4) proposed transmission line; and (5) appurtenant facilities. Applicant estimates the generating capacity of the installed unit(s) to be 5 MW. The Applicant estimates that the average annual energy output would be 19,220,000 kWh.

Purpose of Project—Energy produced at the proposed site would be utilized by Appalachian Power Company for sale to the Applicant's customers.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with Federal, State, and local agencies is estimated to be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely filed a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3868. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–6438 Filed 2–25–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3987–000]

Charles Molsee; Application for Preliminary Permit

February 23, 1981.

Take notice that Charles Molsee (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3987 to be known as Panther Creek Project located on Panther Creek in Skamania County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Charles Molsee, Carson, Washington 98810. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion and intake structure; (2) pipeline; (3) surge tank; (4) dual penstocks; and (5) powerhouse with a total installed capacity of 4 MW.

The Applicant estimates that the average annual energy output would be 25 GWh.

Purpose of Project—Applicant intends to market the power generated by the proposed project to a local utility.

Proposed Scope and Cost of Studies under Permit—The studies that would be performed under the preliminary permit would consist of an economic analysis, preliminary engineering, and a study of environmental impacts. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the costs of the studies would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.3 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petiiton to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3987. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–6439 Filed 2–25–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3857–000]

Idaho Renewable Resources, Inc. and City of Ashton, Idaho; Application for Preliminary Permit

February 23, 1981.

Take notice that Idaho Renewable Resources, Inc. and City of Ashton, Idaho (Applicant) filed on December 10, 1980, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3857 to be known as Barber Dam Project located on the Boise River in Ada County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jay R. Bingham, 415 Wright Brothers Way, Salt Lake City, Utah 84122. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 25-foot high and 800-foot long Barber Dam, impounding a 150-acre reservoir; (2) a 12-foot diameter penstock through the dam; (3) a powerhouse containing four generating units, each rated at 1,500 kW; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 21.4 million kWh.

Purpose of Project—The energy output of the project would be sold to the Idaho Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance

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of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, perform preliminary designs, consult with agencies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $120,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cook Electric Company's Project No. 3598 under 18 CFR 4.33. Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirement of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3857. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-0440 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3920-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

February 23, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicant) filed on December 20, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3920 to be known as Nelson Creek No. 2 Power Project located on Nelson Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean and Fred G. Castagna, 741 Baker Road, Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a penstock; (3) a powerhouse containing a 400 kW generating unit; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 3,500,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would make a geographic study; prepare an environmental impact report; perform economic and financial feasibility studies; and apply for necessary permits. The cost of these studies are estimated by the Applicant to be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3920. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-0441 Filed 2-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-5073-001, et al.]

Shell Oil Co.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 23, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-5073-001, D, 1/26/81	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Colorado Interstate Gas Co., Keyes Field, Cimarron and Texas Counties, Oklahoma and Stanton County, Kansas.	(1)	
G-10126-000, D, 1/23/81	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Florida Gas Transmission Company, East Corpus Christi Bay and Encinal Channel Fields, Nueces County, Texas	(2)	14.65
G-16139-007, C, 1/26/81	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Transwestern Pipeline Company, Panhandle Area of Texas, Various Counties, Texas.	(2)	
G-16139-008, D, 1/23/81	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Transwestern Pipeline Company, Panhandle Area of Texas, Various Counties, Texas	(4)	
G-17866-004, D, 2/6/81	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, Mocane-Laverne Field, Beaver County, Oklahoma.	(2)	
G-18016-000, D, 1/23/81	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Cimarron Transmission, Co., S.W. Enville Field, Love County, Oklahoma.	(2)	
CI62-1041-000, D, 2/2/81	Santa Fe Energy Company, Law Department, Room 1204, 224 South Michigan Avenue, Chicago, Illinois 60604.	Natural Gas Pipeline Company of America ODC #1—737 well Section 737, Block 43, H&TC Survey Ellis Ranch Field, Cleveland Formation, Ochiltree County, Texas.	(2)	
CI69-1164-002, D, 2/2/81	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Texas Gas Transmission Corporation, Six Mile Lake Field, St. Martin and St. Mary Parishes, Louisiana.	(2)	
CI81-160-000, B, 2/2/81	Texas West Oil & Gas Corporation, 1480 Midland National Bank Tower, Midland, Texas 79701.	Southern Natural Gas Company, Knox Field—Walthall County, Mississippi.	(2)	
CI81-161-000 (CI63-1264), B, 2/2/81	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Texas Gas Transmission Corporation, Downsville Field, Union Parish, Louisiana.	(10)	
CI81-162-000, A, 2/2/81	Natresco Incorporated, P.O. Box 1521, Houston, Texas 77001.	United Gas Pipe Line Company, Block A-325, High Island Area, Offshore Texas.	(11)	14.73

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Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI81-183-000, A, 2/3/81	Ocean Production Company, P.O. Box 61780, New Orleans, Louisiana 70161.	Tennessee Gas Pipeline Company, East Cameron Block 351, in the Gulf of Mexico, Offshore Louisiana.	[13]	15.025
CI81-184-000, B, 2/4/81	Partnership Properties Co., Suite 1400, 1600 Broadway, Denver, Colorado 80202.	Lone Star Gas Company, Gentry #1 Well, Stephens County, Oklahoma.	[14]	
CI81-185-000, B, 2/4/81	Esson Oil Company, 2801 N.W. Expressway, Oklahoma City, Oklahoma 73112.	Getty Oil Company, Marlow Field, Stephens County, Oklahoma.	[14]	
CI81-188-000, A, 2/4/81	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77001.	United Gas Pipe Line Company, Block A-325, High Island Area, Offshore Texas.	[15]	14.73
CI81-190-000 (G-7482), B, 2/5/81.	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Lone Star Gas Company, Katie Field, Garvin County, Oklahoma.	[16]	
CI81-191-000, B, 2/5/81	Petroleum Corporation of Texas, P.O. Box 911, Breckenridge, Texas 76024.	United Gas Pipe Line Company, North McFaddin, Victoria County, Texas.	[17]	
CI81-192-000 (CI61-1557), B, 2/6/81.	Ladd Petroleum Corporation, Succ. to LVO Corp. (formerly Livingston Oil Co.), 830 Denver Club Building, Denver, Colorado 80202.	Ringwood Gathering Co. (formerly Oklahoma Natural Gas Gathering) and Pioneer Gas Products, Ringwood Field, Major County, Oklahoma.	[18]	

[1] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[2] Three dry holes were drilled, plugged and abandoned on the State of Texas Lease Tract 35, Corpus Christi Bay, Nueces County, Texas, and the lease expired on August 3, 1980.
[3] Applicant is filing under a letter agreement dated June 3, 1980, which adds the outlet side of the Alpar-Tonkawa Plant operated by Warren Petroleum Company, A Division of Gulf Oil Corporation in Section 78, Block 41, Hemphill County, Texas, as an additional point of delivery under the contract between Gulf and Transwestern dated June 19, 1968, as amended.
[4] Leases have expired by their own terms.
[5] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[6] Shell Oil Company is no longer able to render service from the acreage involved in the application because it has no interest in the acreage.
[7] On April 25, 1979, Diamond Shamrock Corporation released Section 737 back to Santa Fe Energy Company pursuant to the terms of the lease dated July 25, 1960. Santa Fe Energy Company has evaluated Section 737 and now wishes to drill a well in this section. The acreage in Section 737 remains dedicated to Natural Gas Pipeline Company of America. However, Diamond Shamrock Corporation has agreed to purchase the gas from Santa Fe Energy Company for processing at their McKee Plant if an abandonment is obtained from Natural Gas Pipeline Company.
[8] A 454.26 acre tract of State of Louisiana Lease No. 2963 has been released to the State of Louisiana.
[9] Dry Hole, Plugged and Abandoned July 13, 1980.
[10] Production has ceased and the P. W. Skains, et al Unit No. 1 Well was plugged and abandoned on February 13, 1973. All of the leases in which Gulf owned an interest that were covered by this contract have terminated.
[11] Applicant is willing to accept an initial rate consistent with that prescribed by the Natural Gas Policy Act of 1978.
[12] Applicant is filing under Gas Purchase and Sales Agreement dated November 13, 1980.
[13] Reserves underlying well depleted.
[14] Getty abandoned plant operations.
[15] Applicant is willing to accept an initial rate consistent with that prescribed by the Natural Gas Policy Act of 1978.
[16] Contract has been terminated. The well has not produced gas since the mid 1950's and the operator of the one remaining oil well, Rhoades Oil Company states the gas line has been taken up.
[17] Have plugged and abandoned both our wells in field.
[18] Purchaser (Ringwood Gathering Co.) is unable to economically justify the installation of the necessary pipeline to connect the well and has granted a release of the S/2 SE/4 of Section 7, T22N, R12W, Major County, Oklahoma, Wahl No. 1 well.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 81-6442 Filed 2-25-81; 8:45 am]
BILLING CODE 6450-85-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Signatory on Standard Flood Insurance Policy and Federal Crime Insurance Policy

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Insurance Administration, Federal Emergency Management Agency, 1725 "I" Street, Washington, D.C. 20472; telephone [202] 755-7355.

NOTICE: Richard W. Krimm, Acting Administrator, Federal Insurance Administration, is hereby providing notification that, in respect to all Standard Flood Insurance Policies and Federal Crime Insurance Program Policies of insurance newly issued or renewed by the Federal Insurance Administration/Federal Emergency Management Agency on and after January 28, 1981, the name and title "Gloria M. Jimenez, Federal Insurance Administrator" is deleted as signatory on the facsimile signature block and the name and title "Richard W. Krimm, Acting Administrator, Federal Insurance Administration", is substituted therefor. The Standard Flood Insurance Policy is incorporated as Appendix A (1) and (2) to Part 61 of Title 44 of the Code of Federal Regulations and the Federal Crime Insurance Program residential and commercial crime insurance policies are incorporated at §§ 83.5 and 83.26, respectively, of Part 83 of Title 44.

(42 U.S.C. 4001 *et seq.*; 12 U.S.C. 1749 bbb *et seq.*)

Dated: February 11, 1981.

Richard W. Krimm,
Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-6406 Filed 2-25-81; 8:45 am]
BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that on October 20, 1980, the following agreements were filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021.

Agreements Nos.: LM-67, LM-68, LM-69 and LM-70.

Filing Party: James G. Howell, President, New Orleans Steamship Association, 219 Carondelet Street, New Orleans, Louisiana 70130.

Summary: Agreement No. LM-67 is a collectively-bargained deep-sea agreement between the New Orleans Steamship Association and General Longshore Workers I.L.A. Local 3000, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-68 is a collectively-bargained labor-management agreement between the New Orleans Steamship Association and the New Orleans Clerks' and Checkers' Union, Local Union No. 1497 of the International Longshoremen's Association, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-69 is a collectively-bargained deep-sea agreement between the New Orleans Steamship Association and Dock Loaders and Unloaders of Freight Cars and Barges, I.L.A. Local Union No. 854, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-70 is a collectively-bargained deep-sea agreement between the New Orleans Steamship Association and the Sack Sewers, Sweepers, Waterboys and Coopers Union, I.L.A. Local No. 1802, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

The Federal Maritime Commission hereby gives notice that on October 20, 1980, the following agreements were filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021.

Agreements Nos.: LM-77, LM-78 and LM-79.

Filing Party: Wm. F. Arnett, President, West Gulf Maritime Association, Cotton Exchange Building, Houston, Texas 77002.

Summary: Agreement No. LM-77 is a collectively-bargained deep-sea and coastwise longshore and cotton agreement between the West Gulf Maritime Association, Inc. and the South Atlantic and Gulf Coast District, International Longshoremen's Association, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-78 is a collectively-bargained labor agreement between the West Gulf Maritime Association and various Clerks and Checkers Union locals affiliated with the International Longshoremen's Association, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-79 is a collectively-bargained labor agreement between the employers of warehouse labor at the Port of Houston and the South Atlantic and Gulf Coast District, International Longshoremen's Association, covering the period October 1, 1980, through September 30, 1983.

The Federal Maritime Commission hereby gives notice that on November 12, 1980, the following agreement was filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021, and was deemed approved that date, to the extent that it provides for an assessment agreement as described in the fifth paragraph of section 15, Shipping Act, 1916.

Agreement No.: LM-76.

Filing Party: Thomas W. Gleason, Esquire, One State Street Plaza, New York, New York 10004.

Summary: Agreement No. LM-76 is the collectively-bargained Assessment Agreement between the South Atlantic Employers Negotiating Committee and the International Longshoremen's Association, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

By Order of the Federal Maritime Commission.

Dated: February 23, 1981.

Francis C. Hurney,
Secretary.

[FR Doc. 81-6396 Filed 2-25-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each appplication, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than March 21, 1981.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Northern Trust Corporation, Chicago, Illinois (loan production and servicing activities; Florida): to engage, through a loan production office known as Northern Trust Representative Office, in interviewing, counseling and assisting customers and potential customers of Northern Trust Corporation or its wholly-owned subsidiary, The Northern Trust Company, who desire to borrow from such organizations at their principal offices in Chicago, Illinois. The activities will be conducted from offices located in Miami, Florida, serving Florida. Comments on this application must be received by March 16, 1981.

B. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

Tradewater Bancshares, Inc., Providence, Kentucky (insurance agency activities; Kentucky): to act, through a subsidiary, Union National Insurance Agency, Inc., as agent or broker with respect to the sale of any type of insurance in communities having a population not exceeding 5,000, including, but not limited to, the sale of fire, casualty, vehicle, accident, health, disability, rent, burglary, and life insurance, regardless of whether related to extensions of credit or not and including the sale of blanket bond insurance to Applicant or banking subsidiary. These activities will be conducted from the main office of Applicant's subsidiary bank in Providence, Kentucky, serving communities within 25 miles of Providence.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Security Pacific Corporation, Los Angeles, California (financing and credit-related life, accident and health insurance activities; New York): to engage through its subsidiaries, Security Pacific Finance Corp. and SPF Credit Services, Inc. in making or acquiring for its own account and for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, life, accident and health insurance. These activities would be conducted from offices of Security Pacific Finance Corp. and SPF Credit Services, Inc. located in Happauge and Woodbury, New York, serving the State of New York.

2. Security Pacific Corporation, Los Angeles, California (mortgage banking activities; Oregon): to engage through its subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for Security Pacific Mortgage Corporation's own account or for sale to others and the servicing of such loans for others. These activities would be

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conducted from an office in Portland, Oregon, serving the State of Oregon. Comments on this application must be received by March 18, 1981.

3. Wells Fargo & Company, San Francisco, California (insurance activities; California): to engage, through its subsidiary, Central Western Insurance Company, in underwriting accident insurance, health insurance, and combined life and disability insurance, written in connection with extensions of credit by Applicant's lending subsidiaries in California. These activities would be conducted from an office in Scottsdale, Arizona, serving California.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6416 Filed 2-25-81; 8:45 am]

BILLING CODE 6210-01-M

Mercantile International Corp.; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Mercantile International Corporation, St. Louis, Missouri, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(l) of the Board's regulation K (12 CFR 211.4(c)(l)), to establish a branch in New York, New York. Mercantile International Corporation operates as a subsidiary of Mercantile Trust Company, N.A., St. Louis, Missouri.

The factors that are to be considered in acting on this application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than March 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6417 Filed 2-25-81; 8:45 am]

BILLING CODE 6210-01-M

Pawnee Bancshares, Inc.; Formation of Bank Holding Company

Pawnee Bancshares, Inc., Pawnee, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Pawnee National Bank, Pawnee, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) or the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6418 Filed 2-25-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service; Health Services Administration

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending March 31, 1981"

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 128) authorizes the Secretary to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

Prior to January 27, 1981, the maximum allowable annual interest rate for the Health Education Assistance Loan (HEAL) Program was 12 percent. This was changed by Pub. L. 96-538, enacted December 17, 1980. Final regulations implementing this change, among others, and redesignating the location of the HEAL Regulations in the Code of Federal Regulations were published in the **Federal Register** on January 27, 1981.

The Secretary announces that for the period ending March 31, 1981, two interest rates are in effect for loans executed through the HEAL Program.

1. For loans made before January 27, 1981, the variable interest rate is 12⅝ percent. Using the regulatory formula (45 CFR 126.13(a) (2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury Bills for the preceding calendar quarter (14.42 percent), and rounding the result (10.92 percent) upward to the nearest one-eighth percent (11 percent). Thus, the variable rate for this 3-month period would normally be at the annual rate of 18 percent (11 percent plus 7 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. For the three previous quarters the variable interest at the annual rate was as follows: 13¼ percent for the quarter ending June 30, 1980; 11 percent for the quarter ending September 30, 1980; and 11⅛ percent for the quarter ending December 31, 1980. Therefore, in order to maintain an average annual rate of 12 percent for the 12-month period ending March 31, 1981, the variable interest rate for the period ending January 26, 1981, would be at an annual rate of 12⅝ percent.

2. For all loans executed during the period of January 27, through March 31, 1981, the interest rate, fixed and variable, is 18 percent. Using the regulatory formula (42 CFR Part 60(a)(3)), in effect on January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury Bills during the preceding quarter (14.42 percent); adding 3.50 percent (17.92 percent); and rounding that figure to the next higher one-eighth of 1 percent (18.00 percent).

(Catalog of Federal Domestic Assistance No. 13.574, Health Professions Educational Assistance Act Insured Loans)

Dated: February 18, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-6380 Filed 2-25-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texas Gas Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3323, Block 220, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 18, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-6370 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0590, Block 177, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 20, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-6374 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[A-3478, AR-032224]

Arizona; Modification of Classification of Public Lands for Multiple Use Management; Termination of Mineral Segregation

1. Pursuant to authority delegated to me by Bureau of Land Management Order No. 701 of July 23, 1964 (29 FR 10526), the following classifications for multiple use management of public land are hereby modified to terminate the segregation from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws.

Gila and Salt River Meridian, Arizona:

A-3478; published in the **Federal Register** July 11, 1970 (35 FR 11192):

Maricopa County

T. 4 N., R. 5 E.,
Sec. 24.
T. 4 N., R. 6 E.,
Sec. 30, lots 3 and 4.
T. 1 S., R. 3 E.,
Sec. 8, M.S. No 4300 lying within lots 9 and 10.

Yavapai County

T. 10 N., R. 6 W.,
Sec. 23, lots 2, 3, lots 9 to 19, inclusive, lot 21, and S½SE¼.
T. 14 N., R. 9 W.,
Sec. 11, E½NE¼.

Mohave County

T. 16 N., R. 21 W.,
Sec. 10, E½E½, and SW¼SE¼;
Sec. 14, N½, W½SW¼, N½NE¼SW¼, W½SW¼NE¼SW¼, N½NW¼SE¼, E½, SE¼NW¼SE¼, and E½SE¼.

Pima County

T. 14 S., R. 10 E.,
Sec. 12.
T. 13 S., R. 11 E.,
Sec. 6, SE¼SE¼.
T. 14 S., R. 12 E.,
Sec. 25, W½NE¼SW¼;
Sec. 35, E½SE¼NW¼.
T. 15 S., R. 12 E.,
Sec. 1, lots 13 and 14;
Sec. 3, E½SE¼NE¼;
Sec. 4 lots 9 and 10;
Sec. 5, lots 37 to 52, inclusive;
Sec. 8, lots 58 and 59;
Sec. 9, S½SE¼NW¼;
Sec. 10, lots 71, 72, lots 89 to 92, inclusive, and lots 101 to 104, inclusive;
Sec. 13, SW¼SW¼NE¼;
Sec. 14, NW¼NW¼SE¼;
Sec. 19, NE¼SE¼;
Sec. 22, NW¼NE¼SE¼;
Sec. 23, NW¼NW¼SE¼.
T. 15 S., R. 13 E.,
Sec. 4, lots 5 to 16, inclusive and lots 25 to 40, inclusive.

Cochise County

T. 19 S., R. 22 E.,
Sec. 25, S½SW¼;
Sec. 26, NW¼SW¼ and S½S½;
Sec. 27, S½SE¼;
Sec. 34, NE¼ and N½SE¼;
Sec. 35, SW¼NW¼.

Graham County

T. 8 S., R. 26 E.,
Sec. 29, N½NW¼.

The areas described aggregate 3711.85 acres.

AR-032224; published in the **Federal Register** August 6, 1967 (32 FR No. 152):

T. 12 S., R. 13 E.,
Sec. 19, lots 3 and 4, E½W½ and E½.
T. 15 S., R. 10 E.,
Sec. 30, lots 1 to 4, inclusive, E½W½ and E½;

Sec. 31, lots 1 to 4, inclusive, E½W½ and E½.
T. 16 S., R. 10 E.,
Sec. 3, lots 1 to 3, inclusive, and lots 5 to 10, inclusive, and S½;
Sec. 4, lot 1 and S½;
Sec. 9, N½;
Sec. 10, N½.
T. 11 N., R. 28 E.,
Sec. 10, NE¼, E½NW¼, NE¼SE¼, and E½NW¼SW¼;
Sec. 14, E½E½, NW¼NE¼, SW¼SE¼, N½SW¼ and SW¼SW¼;
Sec. 15, NE¼NW¼;
Sec. 23, N½NE¼ and SE¼NE¼;
Sec. 26, NW¼, W½NE¼, E½SE¼, and SW¼SE¼;
Sec. 27, W½NW¼NE¼, and SW¼SE¼.

The areas described aggregate 4943.50 acres in Pima and Apache Counties.

2. The segregative effect (closure to entry under the mining laws and the mineral leasing laws) on the lands described in this order will terminate upon publication of this notice in the **Federal Register** pursuant to Departmental regulations in 43 CFR 2461.5(c)(2). This action shall in no way affect the continued classification of the land for multiple use management and segregation from appropriation under the remaining public land laws described in the classifications.

February 18, 1981.

Clair M. Whitlock,
State Director.

[FR Doc. 81-6373 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

[NM 23614]

New Mexico; Proposed Withdrawal and Reservation of Lands

February 17, 1981.

The Corps of Engineers, Department of the Army, has filed withdrawal application NM 23614, for the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights;

New Mexico Principal Meridian, New Mexico

T. 12 N., R. 30 E.,
Sec. 32, lots 1 and 2.
The area described contains 52.70 acres in Quay County.

The applicant desires the withdrawal for use as a rifle range and for military purposes.

On or before March 20, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned before March 20, 1981. Upon a determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing.

Public hearings are scheduled and conducted in accordance with Bureau of Land Management Manual, Section 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will ensure that the area sought is the minimum essential to meet the desired needs while providing for the maximum concurrent utilization of the lands for other purposes.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn and reserved as requested. The determination of the Secretary on the application will be published in the **Federal Register.** The Secretary's determination shall, in a proper case, be subject to the provisions of section 204 (c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

Subject to valid existing rights, the lands are temporarily segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall continue for a period of two years from the date of publication of the notice in the **Federal Register,** unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the State Director, Bureau of Land Management, Department of the Interior. P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,
Chief, Division of Technical Services.

[FR Doc. 81-6377 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Powder River Resource Area, Montana; Intent To Initiate Management Framework Plan Amendment In Selected Portions

AGENCY: Department of the Interior, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

ACTION: Initiation of coal-related land use planning in parts of Big Horn, Powder River and Rosebud Counties, Montana.

The Bureau of Land Management (BLM) is initiating a Management Framework Plan (MFP) Amendment for portions of Big Horn, Powder River and Rosebud Counties as the result of three recent actions: (1) Passage of the Rattlesnake National Recreation Area and Wilderness Act of 1980 provides for an exchange of bidding rights to certain lands for energy development near Colstrip, Montana in return for title to Private lands in the Rattlesnake Area near Missoula, Montana; (2) Pub. L. 96-401, the "Northern Cheyenne" legislation which provides for the cancellation of certain coal leases and exploration permits within the Northern Cheyenne Indian Reservation in exchange for the issuance of non-competitive leases or bidding rights for competitive leases. One of the objectives of this amendment is to study certain areas to facilitate this exchange; (3) In October, 1980, the BLM Director instructed Montana BLM State Director to re-examine certain previously studied coal areas in the Powder River Resource Area for possible competitive lease sales in 1984.

This plan is a Transitional Period Category 3 MFP Amendment. In addition to the coal values, other resource values, including agriculture and wildlife habitat, will be considered. This amendment will constitute a comprehensive coal related land use plan for the area. It will result in the identification of lands, if any, as acceptable for further consideration for competitive coal leasing in 1984 and non-competitive lease exchange or sales. This amendment officially commences February 27, 1981 and is scheduled to be completed in August, 1982.

there will be three public meetings held to identify isues and concerns to be addressed in this amendment. They will be held on March 16, 1981 from 1-4:00 p.m. and from 7-9:00 p.m. at the Miles City District Office, West of Miles City, Montana and on March 17 1981 from 1-4:00 p.m. at the Public School, Multipurpose Room, Ashland, Montana. The public is invited to attend any of these meetings to raise questions or to provide comments and information on the areas and issues to be covered in this amendment. Any written comments should be submitted to the Miles City District Office by April 17, 1981.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ray Brubaker, District Manager, Miles City District, BLM, P.O. Box 940, Miles City, Montana 59301 (406) 232-4331.

Robert A. Toegarden,
Acting District Manager.

[FR Doc. 81-6372 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Roswell District Grazing Advisory Board; Meeting

AGENCY: U.S. Bureau of Land Management, Roswell District.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 92-463 this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATE: March 26, 1981, beginning at 10:00 a.m. A public comment period will begin at 11:00 a.m.

ADDRESS: U.S. Bureau of Land Management, Roswell District Office, 1717 West Second Street, Roswell, New Mexico.

FOR FURTHER INFORMATION CONTACT: James H. O'Connor, District Manager, or Dick Bastin, Assistant District Manager, U.S. Bureau of Land Management, P.O. Box 1397, Roswell, N.M. 88201 (505-622-7670).

SUPPLEMENTARY INFORMATION: The proposed agenda for the meeting includes: (1) discussion of the rangeland consultation process; (2) a discussion of allotment management plans and grazing systems; (3) a review of rangeland monitoring studies; (4) an update on rangeland improvements, including brush control programs.

The meeting is open to the public. Interested persons may make oral statements to the Board during the public comment period or may file written statements. Anyone wishing to make an oral statement must notify the District Manager or Assistant District Manager by March 25, 1981. Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: February 18, 1981.

James H. O'Connor,
District Manager.

[FR Doc. 81-6385 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Realty Action-Exchange; Public Lands in Garfield and Lewis and Clark Counties, Montana

Correction

In FR Doc. 81-3026, appearing at pages 9216-9217 in the issue for Wednesday, January 28, 1981, make the following changes:

1. On page 9217, column 1, line 11, section 12, change "E½E¼", to "E½NE¼".
2. In line 16, same column, section 25, change "N½NE¼", to "N½NW¼".
3. Same column, line 25, section 8, change "SW¼NW¼" to "SE¼NW¼".
4. In column 2, line 36, section 2, change "SE¼SE¼SW¼SE¼" to "SE¼SE¼SW¼SE¼".
5. In the same column, 9 lines from the bottom, delete "T. 32.".

BILLING CODE 1505-02-M

[OR 20227-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of August 27, 1921, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 79

T. 10 S., R. 26 E.,
Sec. 30, Lot 1.

Containing 39.45 acres in Grant County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 7, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 7, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 20, 1981.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6421 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

[OR 20224-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of March 8, 1920, be continued in part as to the following

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described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 70

T. 20 S., R. 39 E.,
Sec. 17, SW¼NE¼.

Containing 40.00 acres in Malheur County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from location and entry under the public land laws generally including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 7, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 7, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97206.

Dated: February 20, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6422 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 19002]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Executive Order No. 6019 of February 7, 1933, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 148

T. 11 S., R. 26 E.,
Sec. 18, SE¼NE¼, NE¼SE¼.

Containing 80.00 acres in Grant County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 7, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 7, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications is connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 20, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6423 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 18997-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Executive Order No. 5344 of May 8, 1930, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 131

T. 26 S., R. 23 E.,
Sec. 24, NE¼SW¼, W½SE¼;
Sec. 25, NW¼NE¼.

Containing 160.00 acres in Lake County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 7, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 7, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 20, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6424 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 19004]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Executive Order No. 6277 of September 8, 1933, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 152

T. 19 S., R. 31 E.,
Sec. 11, NW¼NW¼.

Containing 40.00 acres in Harney County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location under the mining laws but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 7, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 7, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The exising withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland Oregon. 97208.

Dated: February 20, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6425 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

Public Lands Exchange

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action—Exchange, Public Lands in Elmore and Jerome Counties, Idaho.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange (casefile No. I–16857) under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Section	Acres
A. Canyon Rim Lands (T. 9 S., R. 17 East, Boise Meridian)	
Sec. 19:	
Lot 2	14.58
Lot 8	33.80
Lot 9	16.20
SE¼NW¼	40.00
Total acres	106.58
B. Bell Rapids Lands (T. 6 S., R. 11 East, Boise Meridian)	
Sec. 25:	
SW¼	160.00
N½SE¼	80.00
SW¼SE¼	40.00
(T. 6 S., R. 12 East, Boise Meridian)	
Sec. 30:	
SE¼NW¼	40.00
Total acres	320.00
C. Jerome East Lands (T. 8 S., R. 16 East, Boise Meridian)	
Sec. 30:	
Lot 1	36.61
Lot 2	36.82
NE¼NW¼	40.00
Total acres	113.63
Total selected lands:	
Canyon Rim	106.58
Bell Rapids	320.00
Jerome East	113.63
Total acres	540.22

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In exchange for these lands the Federal Government will acquire one parcel of non-Federal land in Elmore County from Joseph Davidson of Jerome, Idaho, described as follows:

T. 5 S., R. 11 East, Boise Meridan, Elmore County, Idaho

Sec. 1, S½SW¼; NE¼SE¼.
Sec. 2, S½SE¼.

And a parcel of land in Sections 1, 11, and 12, and being more specifically described as follows:

Commencing at the northeast corner of Section 12, said corner being the Real Point of Beginning: Thence northerly along the east boundary of Section 1 to the northeast corner of S½SE¼, Section 1; thence along the north boundary of the S½SE¼, Section 1, to the northwest corner of S½SE¼, Section 1; thence southerly along the west boundary of S½SE¼, Section 1, to the quarter corner common to Sections 1 and 12;

Thence westerly along the boundary common to Sections 1 and 12 and Sections 2 and 11 to the northwest corner of E½NW¼, Section 11; thence southerly 2595.00 feet more or less along the west boundary of E½NW¼, Section 11, to a point on the approximate southerly rim of Clover Creek; said point bears N. 26°14'15"W., 2989.89 feet from the south quarter corner of Section 11; said corner also bears N. 26°12'59" E., 2977.38 feet from the southwest corner of said Section 11;

Thence along the approximately southerly rim of Clover Creek, the following courses and distances:

N.74°05'50"East, 2482.06 feet;
N.15°44'19"West, 230.42 feet;
N.64°32'58"East, 835.11 feet;
N.88°49'30"East, 875.39 feet;
S.1°58'14"East, 294.21 feet;
N.86°57'45"East, 428.24 feet;
S.84°19'55"East, 731.21 feet;
N.80°46'26"East, 536.31 feet;
N.8°14'05"West, 810.59 feet;
N.79°58'23"East, 443.77 feet;
N.86°28'33"East, 1104.13 feet;
N.89°31'01"East, 529.37 feet;
N.37°25'32"East, 525.39 feet;
N.1°16'27"East, 261.93 feet;
N.32°00'23"East, 84.50 feet;
N.57°09'00"East, 667.69 feet;
S.76°22'13"East, 113.32 feet;
S.9°24'19"East, 569.74 feet;
N.82°04'42"East, 228.31 feet;
S.53°26'24"East, 335.97 feet;
to the easterly boundary of Section 12;

Thence N.0°22'24"West, 256.89 feet along the easterly boundary of said Section 12 to the Real Point of Beginning.

The gross area contained in this land as described above is 547 acres more or less.

The purpose of the exchange is to acquire scenic lands that exhibit a high potential for multiple uses. The public interest will be well served by making the exchange. This Notice of Realty Action is subject to the Shoshone District Canyon Planning Unit Management Framework Plan amendment notice, amendments, and their approval.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The Reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All valid existing rights as shown on the Master Title Plat on the date this Notice of Realty Action becomes final.

3. Mineral estates will be transferred with the surface on both the non-Federal and Federal land.

4. There will be no patent reservations for the acquired non-Federal lands.

DATES: Detailed information concerning the exchange, including the Environmental Assessment and any record of public comment, is available for review at the Shoshone District Office, P.O. Box 2B, Shoshone, Idaho 83352. An open house is scheduled for Monday, March 16, 1981, at the Jerome County Courthouse, Jerome, Idaho, between the hours of 7 and 9 p.m., for public comment.

SUPPLEMENTARY INFORMATION:
For a period of 60 days interested parties may submit comments to the Secretary of the Interior, LLM–320, Washington, D.C. 20240, through the Shoshone District Manager, P.O. Box 2B, Shoshone, Idaho 83352. This routing procedure is due to the required MFP amendments. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department.

Charles J. Haszier,
District Manager.
February 19, 1981.

[FR Doc. 81-6387 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Butte District Grazing Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 92–463, that a meeting of the Butte District Grazing Advisory Board will be held on Thursday, April 2, 1981.

The meeting will begin at 8 a.m., April 2 in the conference room of the Butte District Office at 106 North Parkmont (Industrial Park), Butte, Montana.

The agenda for the meeting will include: (1) wild horse gathering in the district, (2) implementation of the Mountain Statement: (3) current status of the district's wilderness review program; (4) the East Pioneer Experimental Stewardship Program: (5) FY81 range improvement projects; (6) status of resource management planning in the Headwaters Resource Area; (7) the Bureau's new grazing regulations; (8) status of YCC–YACC programs; (9) status of resources management planning in the Garnet Resource Area; (10) district ORV plan as it may affect access to grazing allotments.

The meeting is open to the public. Interested persons may make oral statements to the board between 10 and 11 a.m. on April 2, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702 by March 31, 1981.

Summary minutes of the board meeting will be maintained in the District Office and will be available for public inspection and reproduction, during regular business hours, within 30 days following the meetings.

Dated: February 20, 1981.

Gerald L. Quinn,
Acting District Manager.

[FR Doc. 81-6489 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Craig District, Colorado; Decision on Management Framework Plan Amendment for White River Resource Area

The District Manager, Craig District, Bureau of Land Management has approved the final decision for the Management Framework Plan (MFP) Amendment for the White River Resource Area. The State Director of Colorado had concurred in that approval.

Copies of the MFP Amendment are available for public review in the Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colorado; at the Craig District Office, 455 Emerson Street, Craig, Colorado; or at the White River Resource Area Office, North Highway 13, Meeker, Colorado, during regular officer hours. Individual copies of the decision summary are available from the Craig District Manager, Bureau of Land Management, P.O. Box 248, Craig, CO 81625, telephone (303) 824–8162.

Any person who participated in the planning process and who has an interest which may be adversely affected by approval of the MFP Amendment may file a protest by March 31, 1981. The protest shall be in writing and shall be filed with the State Director, Bureau of Land Management, Colorado State Office, 1600 Broadway, Denver, Colorado 80202. The protest shall contain the name, mailing address, telephone number and interest of the person filing the protest; a statement of the issue or issues being protested; a statement of the part or parts of the amendment being protested; a copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party of an indication of the date the issue or issues were discussed for the record; and a short, concise statement explaining why the District Manager's decision is wrong.

Implementation of the decisions will begin no sooner than March 31, 1981, or upon resolution of any protests received by the State Director.

Marvin W. Pearson,
District Manager.

[FR Doc. 81-6448 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Colorado; Preference Right Coal Lease Application C–0123475; Land in Moffat County; Public Hearing, Availability of Environmental Assessment, and Request for Public Comment

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held on March 19, 1981 at 7:00 p.m. in the Moffat County Court House, Third Floor Auditorium, 221 West Victory Way, Craig, Colorado. Utah International, Inc. applied for a non-competitive coal lease covering public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) and the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment. Requests to testify orally at the March 19, 1981 public hearing should be received at the Craig District Office, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81625, prior to the close of business March 16, 1981. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes.

Comment should be sent to both the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, and to the Deputy Conservation Manager, Conservation Division, (RE), C/R, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than March 26, 1981.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The application area is located in the Danforth Hills south and adjacent to the Axial Basin 28 miles south of Craig, Colorado and is described as follows:

T. 4 N., R. 93 W., 6th P.M.
Sec. 29: SW¼
Sec. 30: Lots 1, 2, 3, 4, E½W½, SE¼
T. 4 N., R. 94 W., 6th P.M.
Sec. 24: Lot 9, SW¼SW¼, E½SW¼
Sec. 25: Lots 1, 3, 5, 7, 13, N½
Sec. 35: Lots 2, 3, 6, SE¼SE¼, W½E½W½
Sec. 36: Lots 1, 10, 11, 14, 16, 18, S½S½,
(Containing 2081.57 acres)

The draft Environmental Assessment will be available for review and distribution in the Craig District Office and the Colorado State Office, Bureau of Land Management, at the addresses set out above.

William J. Norton II,
Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-6444 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Fairbanks District Advisory Council; Meeting

The Fairbanks District of the Bureau of Land Management will conduct a meeting of the Fairbanks District Advisory Council on Wednesday, March 25, 1981. The session will commence at 8:30 a.m. and adjourn at 5:00 p.m. with a one hour noontime break. The meeting, which is open to the public, will be held at the BLM offices on Ft. Wainwright, Gaffney and Marks Rd., Fairbanks, Alaska. The Council will continue to further examine Utility Corridor issues. Specifically, the proposed off-road vehicle planning progress will be discussed as well as a discussion on proposed facility development at Yukon Crossing and at Coldfoot. The Council will also hear a briefing on the Central Arctic Planning area. Public comment will be heard beginning at 1:00 p.m. until 3:00 p.m. Public comment may be limited by time constraints and therefore written comment is encouraged. Further information may be obtained from the Fairbanks District Office of Public Affairs, P.O. Box 1150, Fairbanks, Alaska 99707, or by calling (907) 356–2345.

Carl D. Johnson,
District Manager.

[FR Doc. 81-6447 Filed 2-25-81; 8:45 am]
BILLING CODE 4310-84-M

Las Vegas District Multiple Use Advisory Council; Meeting

The Las Vegas (NV) District Multiple Use Advisory Council will meet March 25 and 26, 1981 at the Las Vegas District Office, 4765 W. Vegas Drive.

The agenda will be as follows:

March 25: 9 a.m.—Convene, approve prior meeting minutes, old business; 9:30 a.m.—Reports on Caliente CRMP, Las Vegas Wilderness Inventory/Study, Clark County MFP/Grazing EIS, MX Dels, FY81 work plan; 12 noon—Lunch; 1 p.m.—Reconvene, Briefing on vandalism in Red Rock Canyon Recreation Lands, Clark County ORV Designation CRMP, Public Involvement on Clark County MFP, Henderson transmission corridor situation; 3 p.m.—Public Hearing; 4 p.m.—Committee assignments for March 26 workshops; 4:15 p.m. Adjourn.

March 26: 9 a.m.—Reconvene; Assembly in workshop groups to discuss and develop reports/recommendation on Red Rock Scenic Road Closure, Clark County ORV Designation CRMP, Clark County MFP Public Involvement, Henderson transmission corridor situation; 12 noon—Lunch; 1 p.m. Reconvene. Discuss and act on reports and recommendations; 3 p.m.—Adjourn.

The council meeting is opened to the public. Persons wishing to address the council on March 25 should contact Terri Hale of the Las Vegas District Office (385–6463) prior to 4:15 p.m., March 24, to reserve time during the public comment period. Members of the public are invited to participate in the workshops on March 26. Certain public officials will be invited formally to join in these workshops.

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Summary minutes of the meeting will be kept and will be available for public review at the District Office during business hours (7:30 a.m. to 4:15 p.m.) within 30 days of the meeting's adjournment.

Frank Bingam,

Acting District Manager.

[FR Doc. 81-6490 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

Montrose District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR 1780 that a meeting of the Montrose District Advisory Council will be held on March 30 and 31, 1981.

The meeting will convene at 1:00 p.m. on March 30 and 8:00 a.m. on March 31 in the conference room of the Bureau of Land Management Office, Highway 550 South, Montrose, Colorado.

The agenda for March 30 will include: (1) election of officers, and (2) discussion of the on-going amendment of the Gunnison Basin and American Flats/Silverton Management Framework Plans to determine the wilderness suitability or non-suitability recommendations for the Wilderness Study Areas in the planning areas.

On March 31, the agenda will include: (1) discussion of the range management program for the Gunnison Basin Resource Area, and (2) discussion of the on-going preparation of the San Juan/San Miguel Resource Management Plan.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:00 and 11:30 a.m. on March 31 or file written statements for the Council's consideration. Anyone wishing to make an oral statement should contact the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401, telephone (303)–249–7791, by March 23, 1981.

Summary minutes of the Council meeting will be maintained at the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Marlyn V. Jones,

District Manager.

[FR Doc. 81-6486 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Coal Exploration License Application M 49838(ND)]

North Dakota; Invitation

February 18, 1981.

Members of the public are hereby invited to participate with Consolidated Coal Company in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Oliver County, North Dakota:

T. 143 N., R. 84 W., 5th P.M.,
Sec. 6: NE¼, N½NW¼.

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Consolidation Coal Company, Glenharold Mine, P.O. Box 129, Stanton, North Dakota 58571. Such written notice must refer to serial number M 49838(ND) and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice in this newspaper, whichever is later. This Notice will be published for two consecutive weeks.

The proposed exploration plan is fully described and will be conducted pursuant to an exploration plan to be approved by U.S. Geological Survey and the Bureau of Land Management. Copies of the exploration plan as submitted by Consolidation Coal Company may be examined during normal business hours at the Bureau of Land Management State Office, Granite Tower Building, 2222 North 32nd Street, Billings, Montana.

Edward H. Croteau,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6479 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73911]

Wyoming; Application

February 17, 1981

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado, filed an application for a right-of-way to construct 4½-inch and 6⅝-inch pipelines, pig launcher and related facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 96 W.,
Secs. 6, 7, 18, and 19.
T. 13 N., R. 97 W.,
Secs. 6, 7, 13, 14, 15, 16, 17, 18, and 19.
T. 14 N., R. 97 W.,
Secs. 28, 31, 32, and 33.

The proposed pipelines and related facilities will serve to transport natural gas from the #1 Monument Valley Well and the #1 Federal-Twin Fork Well in Sections 28 and 32, T. 14 N., R. 97 W., to a point of connection with an existing pipeline in Section 6, T. 13 N., R. 96 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6488 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

North Fork Coal Amendment

Action

Preparation of an amendment to the North Fork Management Framework Plan (MFP) to evaluate the suitability of two areas for limited competitive coal leasing in Delta County, Colorado.

Summary

A decision has been made by the State Director, Colorado, to amend the North Fork MFP to evaluate the opportunity for *limited* competitive coal leasing in the North Fork Valley.

The North Fork MFP was originally completed in 1974 and subsequently updated in 1977. The 1977 update incorporated the results of the Energy Mineral Activity Recommendation System (EMARS), public involvement, and the application of multiple-use trade-offs. The decisions in the 1977 Minerals Amendment of the North Fork MFP state that consideration for leasing of individual identified areas should occur within specified time periods to phase-in the impacts of coal development over an acceptable period of time. Three tracts were considered to have preference over other potential lease areas for social, economic, and environmental reasons. The MFP Step III recommendations on these coal lease tracts received broad public support at that time. Since the 1977 Amendment, leasing of one tract (to Western Slope Carbon) and partial leasing of another tract (to Colorado Westmoreland, Inc. [CWI]) has occurred.

In addition, subsequent to the 1977 MFP recommendations, new federal coal management and planning regulations

affecting the identification and leasing of coal areas were approved (see 43 CFR 1600 and 3400). These regulations in combination require (1) the application of unsuitability criteria in an amendment of any existing MFP before long term coal leasing may occur, or (2) waiting until an entire Resource Management Plan meeting the standards set in 43 CFR 3420.1–5 is approved before additional long term leases may be granted. Under the present planning schedule, completion of a Resource Management Plan for the Uncompahgre Basin Resource Area would not occur until 1987.

Any areas found acceptable for further consideration for leasing resulting from the amendment process will be further evaluated in the Uinta-Southwestern Utah Regional EIS update, currently scheduled for completion in 1983.

Geographic Area

Two areas, described below, will be examined during the MFP amendment process. The boundaries of these areas, though based upon the 1977 MFP lease recommendations, are not proposed lease tract boundaries. They instead encompass areas where the coal unsuitability criteria will be applied. Those lands found suitable will be subject to review of the mulitiple-use trade-offs that were previously made in 1977. Any lands remaining after the above steps will be identified as areas acceptable for further consideration for leasing.

These areas will be the end product of this MFP amendment effort. They will later be considered during the activity planning process, where lands will be identified, ranked, selected, and scheduled for lease sales after a regional coal environmental statement is prepared. The remaining coal lands in this planning unit (i.e., those not examined in this MFP amendment) will be evaluated for possible leasing during the Unoompahgre Basin RMP effort, currently scheduled for completion in 1987.

Area 1

Area 1 located approximately 6 miles west of Cedaredge, was Tract 15 as described in the 1977 MFP decision.

No leasing has occurred in Tract 15 as described in the 1977 MFP decision. The area defined in the decision is:

T. 13 S., R. 95 W., 6th P.M.,
Sec. 8: Lots 1–9, 11–17,
Sec. 17: Lots 3–16, 18–21,
Sec. 18: Lots 5–16, 21, 23, 25, 27,
Sec. 20: Lots 1, 4, 14, 15.

During the application of unsuitability criteria to Area 1, a one-mile buffer zone will be examined. This examination will ensure that influences outside of Area 1 that could render portions of Area 1 unsuitable are considered.

The buffer zone will not be part of the area to be included for further consideration for leasing, nor will unsuitability criteria be applied here.

The U.S. Forest Service must be contacted in order to examine lands in the buffer zone that are within National Forest boundaries.

Area 2

Area 2 is located approximately 2.5 miles north of Paonia and includes portions of Tracts 6 and 7 as described in the 1977 MFP decision. Tract 7 has been partially leased to Colorado Westmoreland, Inc., under Federal Coal Leases C–25079 and C–27432. The leases were obtained under emergency coal lease regulations. No other leases have been issued.

Area 2 is described as follows:

T. 13 S., R. 91 W., 6th P.M.,
Sec. 5: All
Sec. 6: All
Sec. 7: Lots 1, 2, E-½, E-½NW-¼,
Sec. 8: All
Sec. 17: E-½, N-½NW-¼,
Sec. 18: N-½NE-¼, SW-¼NE-¼, NW-¼SE-¼, S-½E-¼,
Sec. 19: Lots 1, 2, 3, NE-¼, SW-¼NW-¼,
Sec. 20: Lots 1, 2, 3.
T. 13 S., R. 92 W., 6th P.M.,
Sec. 1: All,
Sec. 2: All,
Sec. 3: All
Sec. 10: All,
Sec. 11: All,
Sec. 12: Lots 1–8, 10–14, SW-¼W-¼,
Sec. 13: Lots 2, 7–10, NW-¼,
Sec. 14: All,
Sec. 15: All,
Sec. 22: N-½, N½S-½, SW-¼SW-¼,
Sec. 23: N-½, N-½S-½, S-½SE-¼.

The boundaries of Area 2 vary from Tract 7 of the 1977 decision for the following reasons:

(1) Portions of Tract 7 have already been leased.

(2) Area 2 boundaries are not proposed lease tract boundaries. Our efforts are aimed at finding an area suitable for further consideration for leasing that is large enough to yield a lease tract offer after activity planning to satisfy the needs of all interested parties (i.e., CWI and other potential lease bidders, interested publics, local governments, and other agencies).

The unsuitability criteria will be applied to Area 2 using a one-mile buffer zone for reasons described in the discussion of Area 1 above.

Anticipated Issues and Planning Criteria

Preliminary analysis by the interdisciplinary team indicated that endangered species, critical range for mule deer and elk, flood plains and riparian area, rights-of-way, cultural resources, socio-economics, reclamation, transportation routes, cumulative impacts, and water use conflicts are issues for both areas.

The planning criteria which will be used are the Coal Unsuitability Criteria found in 43 CFR 3400.

Interdisciplinary Team

The study team is composed of the following specialists: wildlife biologist, hydrologist, realty specialist, archaeologist, geologist, economist and project coordinator. Other resource specialists will be uses as needed.

Public Participation

Public participation will occur throught the process. Scoping meetings to identify additional issues and review planning criteria will be held in Paonia and Cedaredge on March 25, 1981 (Paonia High School) and March 26 (Cedaredge Grade School) at 7:30 p.m. A second set of meetings will be held in May after completion of the draft. The public is invited to submit their concerns at any time during the planning process. Newspaper and radio releases will be used to notify the public of meeting places and times.

For further information, please contact Don Lotvedt, Uncompahgre Basin Resource Area Manager at (303) 249–2244, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401.

Copies of the North Fork MFP and other planning documents are available for review at the District Office, P.O. Box 1269, Montrose, Colorado 81401.

Marlyn V. Jones,

District Manager.

[FR Doc. 81-6391 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20221-B]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of February 25, 1919, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 61

T. 22 S., R. 40 E.,
Sec. 32, SE¼SE¼;
Sec. 33, NW¼SW¼.

V 46 / 38 FE 26 81 1 UMI

T. 23 S., R. 40 E.,
Sec. 5, Lots 1 and 2.
T. 29 S., R. 41 E.,
Sec. 12, NW¼NE¼.
T. 35 S., R. 42 E.,
Sec. 19, Lots 10, 11, 12, 19 and 20.
Containing 400.53 acres in Malheur County, Oregon.

The purpose of the withdrawal is to protect existing permanent water sources. The lands are currently segregated from operation of public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 6, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a schedule public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 6, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 19, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-6447 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 7:00 p.m., Tuesday, March 17, 1981 at the museum at Mission San Juan, 9101 Graf Road, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Public Law 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

—Mission San Jose Legislation
—Private uses of Historic Structures and Grounds
—Preservation Guidelines
—Subcommittee report on Spanish Language Land Acquisition Plan Public Meeting
—Park Protection Zone Status

The meeting will be opened to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first come, first serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206; telephone (512) 229–6009.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: February 17, 1981.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 81-6482 Filed 2-25-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. 206]

Assignment of Hearings

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140024 (Sub-166F), J. B. Montgomery, Inc., is canceled and application is dismissed.
MC 119988 (Sub-246F), Great Western Trucking Co., Inc., now assigned for hearing February 26, 1981 at Washington, D.C., is canceled and application is dismissed.
MC–C–10713, Jenney Freight Line, Inc. v. Mclean Trucking Company, now assigned for hearing on March 16, 1981 (2 days) at Phoenix, AZ in a hearing room to be later designated.
FD–30000, Union Pacific Corporation, Pacific Rail System, Inc., and Union Pacific Railroad Company, FD–30000 (Sub-1, 2, 3, 4, 5, 6, 7, 8, 9, and 10), Union Pacific Corporation, Pacific Corporation, Pacific Rail System, Inc., and Union Pacific Railroad Company—control—Missouri Pacific Corporation and Missouri Pacific Railroad Company, MC–F–14448, Union Pacific Corporation, Pacific Rail System, Inc., and Union Pacific Railroad Company—control—WPX Freight Systems, Inc., MC–F Union Pacific Railroad Company—contorl—Missouri Pacific Truck Lines, Inc., now assigned for hearing on March 3, 1981 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 73866 (Sub-8F), Louis J. Gardella, Inc., now assigned for hearing on February 10, 1981 (2 days) at New York, NY will be held in Rom No. F–2220, Federal Building, 26 Federal Plaza.
MC 152113F, Arrow Courier, Inc., now assigned for hearing on February 12, 1981 (2 days) at new York, NY will be held in Room No. F–2220, Federal Building, 26, Federal Plaza.
MC 117940 (Sub-303F), Nationwide Carriers, Inc., now assigned for hearing on February 23, 1981 at St. Paul, MN is postponed idefinitely.

No. 37554, Cereal Food Processors, Inc. v. Norfolk And Western Railway Company, now assigned for Prehearing Conference on February 18, 1981 at Washington, D.C., is canceled and application is dismissed.
No. 37450, Central Illinois Light Company v. The Atchison Topeka and Santa Fe Railway Company, et al., now assigned for continued hearing on March 9, 1981 at the Offices of the Interstate Commerce Commission, Washington, D.C. Ex Parte No. 371, in the matter of Louis J. Amato, now assigned for Prehearing Conference on April 14, 1981 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 14252 (Sub-65F), Commercial Lovelace Motor Freight, Inc., now assigned for hearing on February 24, 1981 at Pittsgburgh, PA will be held in Room 2214, Federal Building, 1000 Liberty Avenue on February 24, 25, 1981, and on February 26, 1981 in Room 2501, on February 27, 1981 thru March 6, 1981 in Room 2144.
MC 143799 (Sub-4F), Specialty Transport, Inc., now assigned for hearing on February 24, 1981 (4 days) at Philadelphia, PA will be held in Room No. 2609, James Byrne Courthouse, 601 Market Street.
MC 23618 (Sub-63F), McAllister Trucking Company, d.b.a. Matco, now assigned for hearing on February 17, 1981 at Houston, TX will be held at the Ramada Inn–West, 7767 Katy Freeway.
No. 37466, The Aluminum Assocciation, Inc., et al. v. The Akron, Canton & Youngstown Railroad Co., et al, now assigned for hearing on April 7, 1981 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 141532 (Sub-61F), Pacific States Transport, Inc., is canceled and application is dismissed.
MC 146874 (Sub-2F), Palwood Transportation, Inc., is canceled and application is dismissed.
MC 140331F, City Car Releasing Co., Inc., now assigned for hearing on March 5, 1981 at Detroit, MI is canceled and application is dismissed.
MC–C–10715, Delta Lines, Inc., et al. v. Best-Way Freight Lines, of Arizona, now assigned for hearing on Februray 25, 1981 at Las Vegas, NV, is canceled and application is dismissed.
MC 136230, Container Express, Incorporated, now assigned for hearing on March 3, 1981, at Jacksonville, FL, is postponed and reassigned to April 2, 1981 (2 days) at 9:30 a.m. Local Time, at Savannah, GA, before Joint Board No. 64, in a hearing room to be later designated.
MC 96324 (Sub-43F), General Delivery, Inc., now assigned for hearing on February 10, 1981 at Washington, D.C., is transferred to Modified Procedure.
MC 148392 (Sub-3F), Service Transport, Inc., now assigned for hearing on February 24, 1981, at Cookeville, TN, is postponed to March 24, 1981, (9 days), at Cookeville, TN, before an administrative law judge, in a hearing room to be later designated.
MC 20356 (Sub-16F), Bradger Freightways, Inc., now assigned for hearing on February 23, 1981 at Milwaukee, WI is transferred to Modified Procedure.
MC 115523 (Sub-186F), Clark Tank Lines, Inc., now assigned for hearing on February 24, 1981 at Salt Lake City, UT is postponed to April 28, 1981 (9 days) at Salt Lake City, UT in a hearing room to be later designated.
MC 112989 (Sub-127F), West Coast Truck Lines, Inc., application is dismissed.
No. FF–526F, United Van Lines, Inc., now assigned for hearing on February 10, 1981 at Washington, D.C., canceled and application is dismissed.
No. 37597, Martin Marietta Aluminum, Inc. v. Atchison, Topeka and Santa Fe Railway Company, et. al. now assigned for prehearing conference on March 30, 1981, at 9:30 a.m. Local Time at the Offices of the Interstate Commerce Commission, Washington, D.C., before an Administrative Law Judge.
No. 37598, Kaiser Aluminum & Chemical Corporation v. Atchison, Topeka and Santa Fe Railway Company, et. al. now assigned for prehearing conference on March 30, 1981, at 9:30 a.m. Local Time at the Offices of the Interstate Commerce Commission, Washington, D.C., before an Administrative Law Judge.
MC 120364 (Sub-29F), A & B Freight Line, Inc., now assigned for hearing on March 30, 1981, at 9:30 a.m. Local Time at Madison, WI, (5 days), before Joint Board No. 17, in a hearing room to be later designated.
MC–C–7287, Aancon Auto Transport, Inc.—Investigation And Revocation of Certificates, now assigned for continued hearing on February 17, 1981 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 148968F, Universal Deliveries, Inc., now assigned for hearing on March 4, 1981 at Chicago, IL is canceled and application is dismissed.
MC 107403 (Sub-1267F), Matlack, Inc., now assigned for hearing on February 16, 1981 at San Francisco, CA is cancelled and application is dismissed.
MC 114552 (Sub-249F), Senn Trucking Company, now assigned for hearing on April 7, 1981 at Washington, D.C., is transferred to Modified Procedure.
MC 136782 (Sub-12F), R.A.N. Trucking Company, now assigned for hearing on March 11, 1981 at Pittsburgh, PA will be held in Room 2501 on March 11, 1981 in Room 2216, Federal Building, 1000 Liberty Avenue on March 12/13/81.
MC 148078 (Sub-1F), Beau Parrish Express Co., Inc., now assigned for hearing on February 24, 1981 at Baton Rouge, LA will be held in the Hilton Inn, I–10 College Drive.
MC 135524 (Sub-114F), G.F. Trucking Co., now assigned for hearing on March 12, 1981 at Kansas City, MO will be held in Room No. 303, Federal Building, 911 Walnut Street.
MC 109462 (Sub-29F), Lumber Transport, Inc., now assigned for hearing on March 16, 1981 at Kansas City, MO will be held in Room No. 303, Federal Building, 911 Walnut Street.
No. 37499, The Murray Ohio Manufacturing Company v. the Louisville & Nashville Railroad Co., now assigned for hearing on February 11, 1981 at Washington, D.C., is postponed to February 27, 1981 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 95084 (Sub-155F), Hove Truck Line, now assigned for hearing on February 19, 1981 at St. Paul, MN is transferred to Modified Procedure.
MC 59617 (Sub-7F), Wares' Van & Storage, Inc., now assigned for hearing on February 3, 1981 at the Interstate Commerce Commission, Washington, D.C. is cancelled.
MC 117940 (Sub-363F), Nationwide Carriers, Inc., now assigned for hearing on February 23, 1981 at St. Paul, MN will be held in the Conference Room 586, Federal Building, 316 North Robert.
MC 136230, Container Express, Incorporated, now assigned for hearing on March 3, 1981 (2 days) at Jacksonville, FL in a hearing room to be later designated.
MC 148526 (Sub-1F), World Wide Joye Tours, Inc., is transferred to Modified Procedure.
MC 10715, Delta Lines, Inc., et. al. v. Best-Way Freight Lines, of Arizona, now assigned for hearing on February 25, 1981 (3 days) at Las Vegas, NV in the Convention Conference Board Room, Convention Center, 3150 Paradise Road.
MC 94201 (Sub-179F), Bowman Transportation, Inc., MC 94201 (Sub-181F), Bowman Transportation, Inc., now assigned for continued hearing on February 24, 1981 at Dallas, TX is postponed and reassigned to February 25, 1981 (2 days) at Austin, TX will be held in the Holiday Inn North, 6911 North Interregional Highway, I–35.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6470 Filed 2-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Released Rates Application No. FF–453]

Freight Forwarders Tariff Bureau, Inc.

AGENCY: Interstate Commerce Commission

ACTION: Notice, Released Rates Application No. FF–453.

SUMMARY: Freight Forwards Tariff Bureau, Inc., Agent, on behalf of all freight forwards for whom it is agent under authority of Powers of Attorney, seeks to amend Released Rates Order FF–229 for the purpose of expanding this authority by removing the individual tariff restriction, in Tariff ICC FFT 502, which would allow the bureau and individual forwarders to establish reduced exception ratings and column commodity rates based on such exception ratings on electrical appliances or instruments based on a released value not exceeding $1.50 per pound, at all points the applicants are authorized to serve.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. H. G. Roeschke, General Manager, Freight Forwards Tariff Bureau, Inc., 140 Cedar Street, New York, NY 10006.

V 46 / 38 FE 26 81 UMI

FOR FURTHER INFORMATION CONTACT:
Mr. Howard Rooney, Unit Supervisor, Informal Rate Cases Branch, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423 (Tel. 202–275–7390).

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730 and 11707 of the Interstate Commerce Act for and on behalf of all freight forwards for whom Freight Forwards Tariff Bureau, Inc., Agent, is agent under authority of Powers of Attorney.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–6467 Filed 2–25–81; 8:45 am]
BILLING CODE 7035–01–M

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

February 23, 1981.

This application for long-and-short haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43901, Southwestern Freight Bureau, Agent No. B–114, reduced rates on ethylene glycol, in tank cars, from Geismar, LA to Earl, Fiberton, NC, Darlington and Greer, SC, in Supplement 19 to its Tariff ICC SWFB 4615–A, effective March 22, 1981. Grounds for relief—market competition and rate relationship.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–6469 Filed 2–25–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 6]

Permanent Authority Notices; Substitution Applications; Single-Line Service for Existing Joint-Line Service

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2). These proposals are published as "service sought", (as opposed to decision-notices), because in each case it appears questionable as to whether all or part of the authority sought should be issued, weighing applicant's evidence under 49 CFR 1062.2. (For example, questions may be raised relating to applicant's contentions concerning why the involved joint-line service has been cancelled or is in a state of deterioration which warrant a decision on the merits, regardless of whether the application is opposed.)

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e., automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition, however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e., applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

MC 29910 (Sub-264F), filed June 5, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th St., Ft. Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, Ft. Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, (I) Over Regular Routes, transporting (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Indianapolis, IN and Terre Haute, IN, over U.S. Hwy 40, serving Plainfield, Brazil, Seelyville, Stilesville, and Ben Davis, IN, as intermediate points and the off-route points of Mount Pleasant, Bellmore, and West Terre Haute, IN, (2) between Terre Haute, IN and Evansville, IN, over U.S. Hwy 41, serving the intermediate points of Shelburn, Sullivan, Paxton, Carlisle, Oaktown, Emison, Vincennes, and Patoka, IN, as intermediate points, and the off-route points of Farmersburg, Fort Branch, Kings-Station, Habustadt, Decker, Hazelton, Princeton, and Erskine, IN, (3) between Linden, IN and Lafayette, IN, from Linden over county road to junction IN Hwy 25, then over IN Hwy 25 to Wingate, IN, then over county road to Mellott, IN, then over county road to junction IN Hwy 28, then over IN Hwy 28 to junction IN Hwy 25, then over IN Hwy 25 to Lafayette, and return over the same route, serving all intermediate points (4) between Terre Haute, IN and Lafayette, IN, from Terre Haute over U.S. Hwy 41 to junction IN Hwy 47, then over IN Hwy 47 to Crawfordsville, IN, then over IN Hwy 43 to Lafayette, and return over the same route, serving all intermediate points and the off-route points of New Market, Marshall, Russellville, Milligan, and Judson, IN, and the Wabash River Ordnance Works on IN Hwy 63, (5) between Clinton, IN and junction U.S. Hwy 41 and IN Hwy 163 near Lyford, IN, over IN Hwy 163, serving no intermediate points, (6) between South Bend, IN and Wabash, IN, from South Bend over U.S. Hwy 20 to junction IN Hwy 15, then over IN Hwy 15 to junction IN Hwy 114, then over IN Hwy 114 to junction IN Hwy 13 to Wabash, and return over the same route, serving the intermediate points of Mishawaka, Elkhart, Goshen, Nappanee, Milford, Silver Lake, North Manchester, Urbana, and Warsaw, IN, as intermediate points and the off-route points of New Paris, Leesburg, and Claypool, IN, (7) between Indianapolis, IN and South Bend, IN, over U.S. Hwy 31, serving the intermediate points of Peru, Kokomo, Mexico, Rochester, Argos, Plymouth, Lapaz, and Lakesville, IN, as intermediate points and the off-route point of Macy, IN, (8) between Peru, IN and Elkhart, IN, over IN Hwy 19, serving chili, Gilead, Akron, Mentone, Etna, Green, and Nappanee, IN, as intermediate points and the off-route points of Roann and Wakarusa, IN, (9) between Peru, IN and Fort Wayne, IN, over U.S. Hwy 24, serving Largo and Huntington, IN, as

intermediate points and the off-route points of Rich Valley, Wabash, Andrews, Roanoke, and the facilities of B.F. Goodrich Tire Company in Mailan Township, Allen County, IN, (10) between the IN-IL State line and Anderson, IN, from the IN-IL State line over U.S. Hwy 41 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IN Hwy 130, then over IN Hwy 130 to Valparaiso, IN, then over U.S. Hwy 30 to junction U.S. Hwy 35, then over U.S. Hwy 35 to Logansport, IN, then over U.S. Hwy 24 to Peru, IN, then over IN Hwy 21 to junction IN Hwy 18, then over IN Hwy 18 to Marion, IN, then over IN Hwy 9 to Anderson, and return over the same route, serving the intermediate points of Hammond, Whiting, Gary, Hobart, Wheeler, Valparaiso, Knox, Bass Lake, Beardstown, Winamac, Royal Center, Wanatah, Logansport, Peru, Santa Fe, Amboy, Marison, and Alexandria, IN, as intermediate points and the off-route points of East Chicago, Indiana Harbor, Hanna, Star City, Thornhope, Portage, Monticello, and Converse, IN, (11) between Marion, IN and Muncie, IN, from Marion, over IN Hwy 15 to Jonesboro, IN, then over U.S. Hwy 35 to Muncie, and return over the same route, serving Jonesboro, IN, as an intermediate point and the off-route points of Gas City, Upland, and Matthews, IN, (12) between junction U.S. Hwy 6 and IN Hwy 15 and the IN-IL State line, over U.S. Hwy 6, serving no intermediate points, but serving the off-route points of Portage and the U.S. Government

Ordnance Works at or near Kingsbury, IN, (13) between junction U.S. Hwy 35 and U.S. Hwy 6 and junction U.S. Hwy 35 and U.S. Hwy 30, over U.S. Hwy 35, serving no intermediate points, (14) between Terre Haute, IN and the IN–IL State line, over U.S. Hwy 50, serving all intermediate points, (15) between North Manchester, IN and junction IN Hwy 15 and U.S. Hwy 6, from North Manchester over IN Hwy 13 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IN Hwy 15, and return over the same route, serving all intermediate points, (16) between Evansville, IN and the facilities of The Southern Indiana Gas and Electric Co., at or near Newburgh, IN, from Evansville, IN over IN Hwy 66 to junction county roads, then over county roads to the facilities of the Southern Indiana Gas & Electric Co., and return over the same route, serving no intermediate points, (17) serving the facilities of the Eastman Kodak Company, at Oak Brook, IL, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (18) serving Portage, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Chicago, IL, (19) serving the facilities of New York Central Railroad (known as the Big Four Yards), in Hendricks County, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Indianapolis, IN, (20) serving the facilities of Old Stanley Distillery Company, at or near Stanley, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (21) serving Buckner, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Louisville, KY, (22) serving the facilities of Ford Motor Company, at or near Louisville, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Louisville, KY, (23) serving the facilities of B.F. Goodrich Company, in Allen County (Milan Township), IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Fort Wayne, IN, (24) serving the facilities of U.S. Gypsum Company, at or near Shoals, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations in IN, (25) serving the facilities of Indiana & Michigan Electric Company and Ayrshire Collieries Corporation, at or near Fairbanks, IN, and Farmersburg, IN, as off-route points in connection with applicant's otherwise authorized regular-route operations, (26) serving the facilities of General Electric Company, at or near Mount Vernon, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Evansville, IN, (27) serving Celsetine, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations between Louisville, KY, and Evansville, IN, (28) between Louisville, KY and Evansville, IN, from Louisville over U.S. Hwy 150 to Prospect, IN, then over IN Hwy 56 to Haysville, IN, then over IN Hwy 45 to Dale, IN, then over U.S. Hwy 231 to junction U.S. Hwy 460, then over U.S. Hwy 460 to Evansvile, and return over the same route, serving all intermediate points, (29) between Huntingburg, IN and Gentryville, IN, from Huntingburg over IN Hwy 64 to junction IN Hwy 162, then over IN Hwy 162 to Gentryville, and return over the same route, serving all intermediate points and the off-route points of Buffaloville, IN, (30) between Santa Claus, IN and Dale, IN, over IN Hwy 245, serving all intermediate points, (31) between Jasper, IN and junction IN Hwys 64 and 45, from Jasper over IN Hwy 162 to junction IN Hwy 64, then over IN Hwy 64 to junction IN Hwy 145, and return over the same route, serving all intermediate points, (32) between St. Meinrad, IN and New Boston, IN, over IN Hwy 545, serving all intermediate points, (33) between Medora, IN and junction IN Hwy 235 and 135, over IN Hwy 235, serving all intermediate points, (34) between Cortland, IN and Freetown, IN, over IN Hwy 258, serving all intermediate points, (35) between French Lick, IN and Bristow, IN, over IN Hwy 145, serving all intermediate points and the off-route points of Newton, Stewart, Elan, and Wickliffe, IN, (36) between Dale, IN and junction IN Hwys 62 and 145, over IN Hwy 62, serving all intermediate points and the off-route point of Siberia, IN, (37) between Adyeville, IN and Dale, IN, over IN Hwy 62, serving St. Meinrad and Mariah Hill, IN, as intermediate points and the off-route points of Ferdinand, Bristow, and Fulda, IN, (38) between junction IN Hwys 45 and 62, near Bradley, IN, and Owensboro, KY, from junction IN Hwys 45 and 62 over IN Hwy 45 to junction IN Hwy 66, then over IN Hwy 66 to juction U.S. Hwy 231, then over U.S. Hwy 231 to the OH River, then across the OH River to Owensboro, and return over the same route, serving no intermediate points, (39) between Huntington, IN and Logansport, IN, over U.S. Hwy 24, serving all intermediate points, (40) between Peru, IN and Marion, IN, from Peru over IN Hwy 21 to junction IN Hwy 18, then over IN Hwy 18 to Marion, and return over the same route, serving all intermediate points, (41) between Logansport, IN and Rochester, IN, over IN Hwy 25, serving all intermediate points, (42) between Marion, IN and Indianapolis, IN, from Marion over IN Hwy 15 to junction U.S. Hwy 35, then over U.S. Hwy 35 to Muncie, IN, then over IN Hwy 67 to Indianapolis, and return over the same route, serving all intermediate points and the off-route point of Anderson, IN, (43) between Fort Wayne, IN and Plymouth, IN, over U.S. Hwy 30, serving all intermediate points, (44) between Anderson, IN and Marion, IN, over IN Hwy 9, serving all intermediate points, (45) between Fort Wayne, IN and Baer Field, IN, over IN Hwy 3, serving no intermediate points, (46) between Hammond, IN and junction U.S. Hwys 41 and 6 and IN Hwy 152, over IN Hwy 152, serving no intermediate points, (47) between Mitchell, IN and junction U.S. Hwy 50 and IN Hwy 235, from Mitchell over unnumbered county Hwy to Medora, IN,

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then over IN Hwy 235 to junction U.S. Hwy 50, and return over the same route, serving all intermediate points, but restricted against service to or from Mitchell, (48) between Salem, IN and Brownstown, IN, from Salem over IN Hwy 56 to junction IN Hwy 39, then over IN Hwy 39 to Brownstown, and return over the same route, serving all intermediate points, and the off-route point of New Philadelphia, but restricted against service at the termini, (49) between Bedford, IN and Ogilville, IN, over IN Hwy 58, serving all intermediate points and the off-route points of Clear Springs and Houston, IN, but restricted against service at Bedford, (50) between junction U.S. Hwy 50 and IN Hwy 135 and Stone Head, IN, over IN Hwy 135, serving all intermediate points, but restricted against service at the termini, (51) serving Latrobe, PA, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Pittsburgh, PA, (52) serving Portage, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Chicago, IL, (53) between Plymouth, IN and Indianapolis, IN, over U.S. Hwy 31, serving all intermediate points, (54) between Fort Wayne, IN and Indianapolis, IN, over IN Hwy 37, serving all intermediate points, and the off-route points of Jonesboro, IN, (55) between Pittsburgh, PA and Chicago, IL, from Pittsburgh over PA Hwy 65 (portion formerly PA Hwy 88) to Rochester, PA, then over PA Hwy 51 to the PA-OH State line, then over OH Hwy 14 to Salem, OH, then over U.S. Hwy 62 to Canton, OH, then over U.S. Hwy 30 to junction U.S. Hwy 30N, then over U.S. Hwy 30N to Delphus, OH, then over U.S. Hwy 30 to Ft. Wayne, IN, then over U.S. Hwy 33 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Chicago, and return over the same route, serving all intermediate points and the off-route points of Xenia, Cleveland, Toledo, Youngstown, and Columbus, OH, Weirton and Wheeling, WV, and New Castle and Erie, PA, points in the Chicago, IL Commercial Zone, and points within 5 miles of Fort Wayne, IN and Baer Field, IN, (56) serving Akron and Lima, OH, as off-route points in connection with applicant's otherwise authorized regular-route operations between Pittsburgh, PA and Chicago, IL, (57) serving the facilities of PPG Industries, Inc., at or near Kebert Park, in Crawford County, PA (Greenwood Township), as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Pittsburgh, PA, (58) serving those points in IN within 10 miles of the city limits of Terre Haute, the facilities of Snow Hill Mine at or near Terre Haute, points within 5 miles of the city limits of Evansville, points within 10 miles of the city limits of Vincennes, and points within 8 miles of the city of Sullivan (except Dugger and Hymera), points in the Chicago, IL Commercial Zone, Bensenville, IL and points within 3 miles of Bensenville, as intermediate or off-route points in connection with applicant's otherwise authorized regular-route operations between Chicago, IL and Evansville, IN, (59) between Terre Haute, IN and Evansville, IN, over U.S. Hwy 41, serving all intermediate points and the facilities of the Warrick Works of the Aluminum Company of America, in Warrick County, IN, as an off-route point, (60) serving the facilities of Harvey Aluminum Company, at or near Lewisport, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Owensboro, KY, (61) between Chicago, IL and Evansville, IN, (a) over U.S. Hwy 41, and (b) from Chicago over IL Hwy 1 (portion formerly IL Hwy 1A) to Goodenow, IL, then over IL Hwy 1 to Paris, IL, then over U.S. Hwy 150 to Terre Haute, IN, then over U.S. Hwy 41 to Evansville, and return over the same route, serving all intermediate points and the facilities of Southern Indiana Gas and Electric Company near Yankeetown, IN, as an off-route point, (62) between Chicago, IL and Terre Haute, IN, over U.S. Hwy 41, serving all intermediate points and Brazil, IN and those within 10 miles of Terre Haute, IN, as off-route points, (63) between Indianapolis, IN and Louisville, KY, from Indianapolis over IN Hwy 37 to Paoli, IN, then over U.S. Hwy 150 to Palmyra, IN, then over IN Hwy 135 to Corydon, IN, then over IN Hwy 62 to New Albany, IN, then across the OH River to Louisville, and return over the same route, serving all intermediate points, (64) between Columbus, IN and Terre Haute, IN, from Columbus over IN Hwy 46 to junction IN Hwy 59, then over IN Hwy 59 to Brazil, IN, then over U.S. Hwy 40 to Terre Haute, and return over the same route, serving all intermediate points, (65) between Bloomington, IN and Terre Haute, IN, from Bloomington over IN Hwy 45 to junction IN Hwy 54, then over IN Hwy 54 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Terre Haute, and return over the same route, serving all intermediate points, (66) between junction IN Hwy 46 and unnumbered Hwy and junction unnumbered Hwy and IN Hwy 59, over unnumbered Hwy, serving Centerpoint, IN, as an intermediate point, (67) between junction IN Hwys 45 and 54 and junction IN Hwy 45 and 158, from junction IN Hwys 45 and 54 over IN Hwy 45 to junction IN Hwys 45 and 58 and an unnumbered Hwy, then over unnumbered Hwy to junction IN Hwy 158, and return over the same route, serving all intermediate points, and the off-route points of Hobbieville and Owensburg, IN, and the U.S. Naval Ammunition Depot in Martin County, IN, (68) between Emlenton, PA and South Bend, IN, from Emlenton over PA Hwy 208 to Barkeyville, PA, then over PA Hwy 8 to junction PA Hwy 108, then over PA Hwy 108 to New Castle, PA, then over U.S. Hwy 224 to Canfield, OH, then over U.S. Hwy 62 to Canton, OH, then over U.S. Hwy 30 to junction U.S. Hwy 30N, then over U.S. Hwy 30N to Delphos, OH, then over U.S. Hwy 30 to Fort Wayne, IN, then over U.S. Hwy 33 to South Bend, IN, and return over the same route, serving no intermediate points, (69) between Fort Wayne, IN, and Chicago, IL, from Fort Wayne, IN over U.S. Hwy 30 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Chicago, IL, and return over the same route, serving no intermediate points, (70) between junction U.S. Hwys 41 and 30 and Rockford, IL, for junction U.S. Hwys 41 and 30 over U.S. Hwy 30 to Aurora, IL, then over IL Hwy 31 to Elgin, IL, then over U.S. Hwy 20 to Rockford, IL, and return over the same route, serving no intermediate points, (71) serving Sheldon, IL, as an off-route point in connection wih applicant's otherwise authorized regular-route operations, (72) serving Champaign, IL, as an off-route point in connection with applicant's otherwise authorized regular-route operations, restricted to traffic originating at Champaign, IL, (73) serving the facilities of Agar Packing Company, at Momence, IL, as an off-route point in connection with applicant's otherwise authorized regular-route operations to and from Chicago, IL, restricted to traffic originating at or destined to the named facilities, (74) between junction IN Hwys 64 and 145 at Eckerty, IN, and junction IN Hwy 64 and 135, near New Salisbury, IN, over IN Hwy 64, serving no intermediate points, (75) between junction IN Hwys 64 and 135 near New Salisbury, IN and junction IN Hwy 64 and U.S. Hwy 460, at Edwardsville, IN, over IN Hwy 64, serving no intermediate points, (76) between Kentland, IN and junction U.S. Hwy 24 and IL Hwy 1, over U.S. Hwy 24, serving no intermediate points, (77) between junction IL Hwys 1 and 119 and junction IN Hwy 28 and U.S. Hwy 41, from junction IL Hwys 1 and 119 over IL Hwy 119 to the IL/IN State line, then over IN Hwy 28 to junction U.S. Hwy 41, and return over the same route, serving no intermediate points, (78) between Vincennes, IN and Indianapolis, IN, over IN Hwy 67, serving no intermediate points, (79) between junction U.S. Hwy 41 and IN Hwy 57 and Indianapolis, IN, from junction U.S. Hwy 41 and IN Hwy 57 over in Hwy 57 to junction IN Hwy 67, then over In Hwy 67 to Indianapolis, IN, and return over the same route, serving no intermediate points,

(80) between Danville, IL and Indianapolis, IN, over U.S. Hwy 136, serving no intermediate points, restricted against traffic (a) originating at Danville, IL and destined to Indianapolis, IN, or (b) originating at Indianapolis, IN and destined to Danville, IL, (81) between Indianapolis, IN and junction U.S. Hwys 41 and 52, over U.S. Hwy 52, serving no intermediate points, (82) between Corydon, IN and junction IN Hwy 145 and U.S. Hwy 460, over U.S. Hwy 460, serving no intermediate points, (83) serving the facilities of Eli Lilly and Company near Clinton, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (84) between Lawrence, IL and Paris, IL, over IL Hwy 1, serving all intermediate points, (85) between Chicago, IL and Fairfield, IL, from Chicago over U.S. Hwy 54 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Fairfield, and return over the same route, serving all intermediate points except those in Will and Kankakee Counties, IL, (86) between Danville, IL and Lincoln, IL, over IL Hwy 10, serving all intermediate points, (87) between Marshall, IL and Vandalia, IL, over U.S. Hwy 40, serving all intermediate points, (88) between Springfield, IL and junction U.S. Hwy 36 and IL Hwy 1, over U.S. Hwy 36, serving all intermediate points, (89) between Lawrence, IL and Sandoval, IL, over U.S. Hwy 50, serving all intermediate points, (90) between junction IL Hwys 33 and 49 and junction IL Hwy 49 and U.S. Hwy 45, over IL Hwy 49, serving all intermediate points, (91) between Bloomington, IL and Ashley, IL, over U.S. Hwy 51, serving all intermediate points, (92) between Paris, IL and Gillespie, IL, over IL Hwy 16, serving all intermediate points, (93) between Bloomington, IL and Litchfield, IL, over U.S. Hwy 55 serving all intermediate points, (94) between Olney, IL and Charleston, IL, over IL Hwy 130, serving all intermediate points, (95) between Palestine, IL and junction IL Hwys 33 and 128, over IL Hwy 33, serving all intermediate points, (96) between Mount Vernon, IL and junction IL Hwy 37 and U.S. Hwy 45, over IL Hwy 37, serving all intermediate points, (97) between junction IL Hwys 10 and 48 and junction IL Hwy 48 and U.S. Hwy 55, over IL Hwy 48, serving all intermediate points, (98) between Greenup, IL and Lincoln, IL, over IL Hwy 121, serving all intermediate points, (99) between Clinton, IL and Springfield, IL, over U.S. Hwy 54, serving all intermediate points, (100) between junction U.S. Hwy 40 and IL Hwy 128 and junction IL Hwys 128 and 121, over IL Hwy 128, over IL Hwy 128, serving all intermediate points, (101) between Ashley, IL and Fairfield, IL over IL Hwy 15, serving all intermediate points, (102) between Paris, IL and junction IL Hwy 133 and U.S. Hwy 36, over IL Hwy 133, serving all intermediate points, (103) between Effingham, IL and junction IL Hwys 105 and 47, from Effingham over IL Hwy 32 to junction IL Hwy 105, then over IL Hwy 105 to junction IL Hwy 47, and return over the same route, serving all intermediate points, (104) between Raymond, IL and junction IL Hwys 127 and 16, over IL Hwy 127, serving all intermediate points, (105) between Taylorville, IL and junction IL Hwy 104 and U.S. Hwy 55, over IL Hwy 104, serving all intermediate points, (106) between Pana, IL and Springfield, IL, over IL Hwy 28, serving all intermediate points, (107) between Paris, IL and Bloomington, IL, over U.S. Hwy 150, serving all intermediate points, (108) between Springfield, IL and Gillespie, IL, over IL Hwy 4, serving all intermediate points, (109) between Dalton City, IL and junction IL Hwy 128 and U.S. Hwy 40, over IL Hwy 128, serving all intermediate points, (110) between Bloomington, IL and Chicago, IL, over U.S. Hwy 55, serving all intermediate points except those in Will County, IL, (111) between Bloomington, IL and Peoria, IL, over U.S. Hwy 150, serving no intermediate points, (112) serving the facilities of American Cyanamid Co., at South River Mo., as an off-route point in connection with applicant's otherwise authorized regular-route operations, (113) between Jacksonville, IL and Detroit, IL, from Jacksonville over IL Hwy 104 to junction IL Hwy 100, then over IL Hwy 100 to Detroit, and return over the same route, serving all intermediate points and the off-route point of Meredosia, IL, (114) between Pearl, IL and Barry, IL, over unnumbered Hwy, serving all intermediate points and the off-route points of Summer Hill and New Hartford, IL, (115) between Pittsfield, IL and Perry, IL, over IL Hwy 107, serving all intermediate points, (116) between Detroit, IL and Jerseyville, IL, from Detroit over IL Hwy 100 to Hardin, IL, then over IL Hwy 16 to Jerseyville, and return over the same route, serving all intermediate points, (117) between Quincy, IL and St. Louis, MO, (a) from Quincy over IL Hwy 96 to junction U.S. Hwy 36, then over U.S. Hwy 36 to Jacksonville, IL, then over U.S. Hwy 67 to junction unnumbered Hwy (formerly portion U.S. Hwy 67), then over unnumbered Hwy to junction IL Hwy 267, then over IL Hwy 267 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Alton, IL, then over IL Hwy 3 to junction unnumbered Hwy (formerly portion Alternate U.S. Hwy 67), then over unnumbered Hwy to junction IL Hwy 203, then over IL Hwy 203 to junction U.S. Hwy 460, then over U.S. Hwy 460 to St. Louis, and return over the same route, and (b) from Quincy over U.S. Hwy 24 to Taylor, MO, then over U.S. Hwy 61 to Wentzville, MO, then over Bypass U.S. Hwy 40 to junction MO Hwy 115 to junction MO Hwy 180, then over MO Hwy 180 to St. Louis, and return over the same route, serving all intermediate points and the off-route points of St. Louis, MO-East St. Louis, IL Commercial Zone, (118) serving the facilities of Hussmann Refrigerator Company, at Bridgeton, MO, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (119) between Morton, IL and Peoiria, IL, over U.S. Hwy 150, serving no intermediate points, (120) between St. Louis, MO and Lawrenceville, IL, from St. Louis over U.S. Hwy 50 to junction unnumbered Hwy (formerly Alternate U.S. Hwy 50) near Sumner, IL, then over unnumbered Hwy to Lawrenceville, and return over the same route, serving all intermediate points, (121) between Sandoval, IL and Normal, IL, over U.S. Hwy 51, serving all intermediate points, (122) between Sandoval, IL and Champaign, IL, from Sandoval over U.S. Hwy 50 to Salem, IL, then over IL Hwy 37 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Champaign, and return over the same route, serving all intermediate points, (123) between St. Louis, MO and Bloomington, IL, from St. Louis over U.S. Hwy 55 to junction IL Hwy 4, then over IL Hwy 4 to Staunton, IL, then over unnumbered Hwy to junction U.S. Hwy 55 near Mt. Olive, IL, then over U.S. Hwy 55 to Bloomington, and return over the same route, serving all intermediate points, (124) between Springfield, IL and Peoria, IL, over IL Hwy 29, serving all intermediate points, (125) between Mason City, IL and Danville, IL, from Mason City over IL Hwy 10 to

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Champaign, IL, then over U.S. Hwy 150 to Danville, and return over the same route, serving all intermediate points, (126) between Springfield, IL and Tuscola, IL, over U.S. Hwy 36, serving all intermediate points, (127) between Lithchfield, IL and Paris, IL, over IL Hwy 16, serving all intermediate points, (128) between junction U.S. Hwy 55 and IL Hwy 48 and Decatur, IL, over IL Hwy 48, serving all intermediate points, (129) between St. Louis, MO and Marshall, IL, from St. Louis over U.S. Hwy 40 to junction unnumbered Hwy, then over unnumbered Hwy to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction Alternate U.S. Hwy 40, then over Alternate U.S Hwy 40 to Mulberry Grove, IL, then over U.S. Hwy 40 to Marshall, and return over the same route, serving all intermediate points, (130) between Springfield, IL and Pana, IL, over IL Hwy 29, serving all intermediate points, (131) between Dalton City, IL and St. Elmo, IL, from Dalton City over U.S. Hwy 128 to junction U.S. Hwy 40, then over U.S. Hwy 40 to St. Elmo, and return over the same route, serving all intermediate points, (132) between Decatur, IL and Greenup, IL, over IL Hwy 121, serving all intermediate points, (133) between Decatur, IL and Robinson, IL, from Decatur over U.S. Hwy 36 to La Place, then over IL Hwy 32 to juction IL Hwy 33, then over IL Hwy 33 to Robinson, and return over the same route, serving all intermediate points, (134) Between Lovington, IL and Arcola, IL, over IL Hwy 133, serving all intermediate points, (135) between St. Louis, MO and Indianapolis, IN, over U.S. Hwy 40, serving the intermediate point of Terre Huate, IN, (136) between St. Louis, MO and Petersburg, IN, from St. Louis over U.S. Hwy 50 to Washington, IN, then over IN Hwy 57 to Petersburg, and return over the same route, serving Wheatland and Washington, IN, as intermediate points, (137) between Effingham, IL and Bicknell, IN, from Effingham, IL over IL Hwy 33 to junction IL Hwy 1, then over IL Hwy 1 to Lawrenceville, IL, then over U.S. Hwy 50 to Vincennes, IN, then over IN Hwy 67 to Bicknell, and return over the same route, serving the off-route points of Flat Rock and Birds, IL, (138) between Vincennes, IN and Petersburg, IN, over IN Hwy 61, (139) between Peoria, IL and Jacksonville, IL, from Peoria over U.S. Hwy 24 to junction IL Hwy 78, then over IL Hwy 78 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Jacksonville, and return over the same route, serving no intermediate points, (140) between Lincoln, IL and junction IL Hwys 121 and 98, Interstate Hwy 74 and U.S. Hwy 150 at or near Morton, IL, over IL Hwy 121, serving no intermediate points, (141) between Bloomington, IL and junction IL Hwy 98, Interstate Hwy 74, and U.S. Hwy 150, over U.S. Hwy 150, serving no intermediate points, (142) between Bloomington, IL and Champaign, IL, over U.S. Hwy 150, serving no intermediate points, (143) between Decatur, IL and junction IL Hwys 47 and 10, over IL Hwy 47, serving no intermediate points, (144) serving the facilities of Anaconda Aluminum Company at or near Sebree, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (145) serving the facilities of Brothers Furniture Corporation, Inc., at or near Livermore, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (146) serving the facilities of Flo-Con Systems, Inc., at Fisher, IL, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (147) serving the facilities of Southwind Maritime Centre at or near Mt. Vernon, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (148) serving the facilities of Mead Johnson & Company at or near Mt. Vernon, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (149) between junction U.S. Hwys 31 and 431 and Indianapolis, IN, from junction U.S. Hwys 31 and 431 over U.S. Hwy 31 to junction 71st St. (also known as the Delaware Trail), then over 71st St. to junction IN Hwy 29, then over IN Hwy 29 to Indianapolis and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (150) between junction U.S. Hwys 30 and 35 near Hamlet, IN and Fort Wayne IN, over U.S. Hwy 30, as an alternate route for operating covenience only, serving no intermediate points, (151) between Hammond, IN and junction U.S. Hwy 41 and IN Hwy 47 near Annapolis, IN, over U.S. Hwy 41, as an alternate route for operating convenience only, serving no intermediate points, (152) between Indianapolis, IN and junction U.S. Hwys 41 and 52, over U.S. Hwy 52, as an alternate route for operating convenience only, serving no intermediate points, (153) between Sterling, IN and Indianapolis, IN, over U.S. Hwy 136, as an alternate route for operating covenience only, serving no intermediate points, (154) between Vincennes, IN and Muncie, IN, over IN Hwy 67, as an alternate route for operating covenience only serving no intermediate points, (155) between Lafayette, IN and Warsaw, IN, over IN Hwy 25, as an alternate route for operating convenience only, serving no intermediate points, (156) between Rochester, IN and Wabash, IN, from Rochester over IN Hwy 14 to Silver Lake, IN, then over IN Hwy 15 to Wabash, and return over the same route, as an alternate route for operating covenience only, serving no intermediate points, (157) between Kokomo, IN and Huntington, IN, from Kokomo over U.S. Hwy 35 to junction IN Hwy 9 near Jonesboro, IN, then over IN Hwy 9 to Huntington, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (158) between Akron, IN and junction IN Hwys 114 and 15, over IN Hwy 114, and as an alternate route for operating convenience only, serving no intermediate points, (159) between Valparaiso, IN and the IN–IL State line and U.S. Hwy 30, over U.S. Hwy 30, as an alternate route for operating convenience only, serving no intermediate points, (160) between Indianapolis, IN and Logansport, IN, from Indianapolis, IN over U.S. Hwy 421 to junction IN Hwy 29 near Boyleston, IN, then over IN Hwy 29 to Logansport, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (161) between South Bend, IN and the IN–IL State line and U.S. Hwy 20, from South Bend, IN over IN Hwy 2 to junction U.S. Hwy 20 near Byron, IN, then over U.S. Hwy 20 to the IN–IL State line, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (162) between Fort Wayne, IN and Chicago, IL, from Fort Wayne over U.S. Hwy 30 to junction U.S. Hwy 41 at or near Dyer, IN, then over U.S. Hwy 41 to Chicago, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (163) between Muncie, IN and Fort Wayne, IN, over IN Hwy 3, as alternate route for operating convenience only, serving no intermediate, (164) between Columbia City, IN and Huntington, IN, over IN Hwy 9, as an alternate route for operating convenience only, serving no intermediate points, (165) between Wabash, IN and Warsaw, IN, over IN Hwy 15, as an alternate route for operating convenience only, serving no intermediate points, (166) between Wabash, IN and Marion, IN, over IN Hwy 15, as an alternate route for operating convenience only, serving no intermediate points, (167) between Kokomo, IN and junction U.S. Hwy 35 and IN Hwy 15, over U.S. Hwy 35, as an alternate route for operating convenience only, serving no intermediate points, (168) between Westfield, IN at junction U.S. Hwy 31 and IN Hwy 32 and Noblesville, IN, over IN Hwy 32, as an alternate route for operating convenience only, serving no intermediate points, (169) between Noblesville, IN and Anderson, IN, over IN Hwy 32, as an alternate route for operating convenience only, serving no intermediate points, (170) between Anderson, IN and junction unnumbered Hwy (formerly IN Hwy 232) and IN Hwy 67, over unnumbered Hwy, as an alternate route for operating convenience only, serving no intermediate points, (171) between Paoli, IN and Bedford, IN, over IN Hwy 37, as an alternate route for operating convenience only, serving no intermediate points, but serving the termini for the purpose of joinder only, (172) between Bedford, IN and Brownstown, IN, over U.S. Hwy 50, as an alternate route for operating convenience only, serving no intermediate points, but serving the termini for purpose of joinder only, (173) between Paoli, IN and Salem, IN, over IN Hwy 56, as an alternate route for operating convenience only, serving no intermediate points, but serving the termini for purpose of joinder only, (174) between Palmyra, IN and Brownstown, IN, over IN Hwy 135, as an alternate route for operating convenience only, serving no intermediate points, but serving the termini for the purpose of joinder only, (175) between Columbus, IN and Indianapolis, IN, from Columbus over Alternate U.S. Hwy 31 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Indianapolis, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving the termini for the purpose of joinder only, (176) between Vincennes, IN and Prospect, IN, over U.S. Hwy 150, as an alternate route for operating convenience only, serving no intermediate points, but serving Vincennes for the purpose of joinder only, (177) between Mitchell, IN and Louisville, KY, (a) from Mitchell over IN Hwy 60 to junction U.S. Hwy 31–W, then over U.S. Hwy 31–W to Louisville, and return over the same route, (b) from Mitchell over IN Hwy 60 to junction U.S. Hwy 31–E, then over U.S. Hwy 31–E to Louisville, and return over the same route, and (c) from Mitchell over IN Hwy 60 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Louisville, and return over the same route, serving no intermediate points, but serving junction IN Hwy 60 and U.S. Hwy 31–W, junction IN Hwy 60 and U.S. Hwy 31–E, and junction IN Hwy 60 and Interstate Hwy 65 for purposes of joinder only in (a), (b), and (c) above, (178) between Lincoln, IL and Morton, IL, over IL Hwy 121, as an alternate route for operating convenience only, serving no intermediate points, but serving Morton for the purpose of joinder only, (179) between Jacksonville, IL and Springfield, IL, over U.S. Hwy 36, as an alternate route for operating convenience only, serving no intermediate points,

(B) *General commodities* (except classes A, B, and C explosives, malt beverages, and empty containers for malt beverages), (1) between Chicago, IL and Terre Haute, IN, over U.S. Hwy 41, serving no intermediate points, and (2) between Hammond, IN and junction U.S. Hwys 6 and 41 and IN Hwy 152, over IN Hwy 152, serving no intermediate points, (C) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Palmyra, IN and Louisville, KY, over U.S. Hwy 150, serving no intermediate points, (2) serving points in Monroe County, IN, those in Marion County, IN, those within 5 miles of Louisville, KY, those in IN within 5 miles of Evansville, IN, and those within 5 miles of Terre Haute, IN, as intermediate or off-route points in connection with applicant's otherwise authorized regular-route operations, (3) between Bedford, IN and Burns City, IN, from Bedford over IN Hwy 450 to junction unnumbered Hwy then over unnumbered Hwy to junction IN Hwy 158, then over IN Hwy 158 to Burns City, and return over the same route, serving all intermediate points and the off-route points of Hobbieville and Owensburg, IN and the U.S. Naval Ammunition Depot in Martin County, IN, (4) between junction IN Hwys 45 and 445 and junction IN Hwys 445 and 54, over IN Hwy 445, serving no intermediate points, (5) between junction IN Hwys 37 and 58 and junction IN Hwys 58 and 45, over IN Hwy 58, serving no intermediate points, (6) between junction IN Hwy 37 and 54 and Cincinnati, OH, over IN Hwy 54, serving no intermediate points, (7) between junction IN Hwy 46 and 59 and Terre Haute, In, over IN Hwy 46, serving no intermediate points, (8) between junction IN Hwy 45 and 54 and junction IN Hwys 54 and 445, over IN Hwy 54, serving no intermediate points, (9) between junction IN Hwy 45 and 58 and Haysville, IN, over IN Hwy 45, serving no intermediate points, (10) between Bloomfield, IN and junction U.S. Hwy 231 and IN Hwy 58, over U.S. Hwy 231, serving no intermediate points, (11) between Indianapolis, IN and Brazil, IN, over U.S. Hwy 40, serving no intermediate points, (12) between Terre Haute, IN and junction IN Hwys 46 and 59, over IN Hwy 46, serving no intermediate points, (13) between Chicago, IL and junction IN Hwy 152 and U.S. Hwy 41, from Chicago over Alternate U.S. Hwy 30 to junction 130th St. and Calumet Expressway, then over Calumet Expressway to junction Tri-State Tollway near Lansing, IL, then over Tri-State Tollway to junction IN Hwy 152, then over IN Hwy 152 to junction U.S. Hwy 41, and return over the same route, serving no intermediate points, (14) between Indianapolis, IN and Louisville, KY, from Indianapolis over U.S. Hwy 31 to Sellersburg, IN, then over U.S. Hwys 31E and 31W to Louisville, and return over the same route, serving no intermediate points, II OVER IRREGULAR ROUTES, transporting (A) *general commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fort Wayne, IN, on the one hand, and, on the other, Ferguson, Baer Field (at or near Ferguson), and points within 5 miles of Fort Wayne, IN, (2) between points in the Chicago, IL Commerical Zone, (3) between Pittsburgh, PA, on the one hand, and, on the other, those points in PA bounded by a line beginning at the PA-OH State line and extending along U.S. Hwy 422 to Indiania, PA, then along U.S. Hwy 119 to Uniontown, PA, then along U.S. Hwy 40 to the PA–WV State line, then along the PA–WV State line to the PA–OH State line, then along the PA–OH State line to the Point of beginning, including points on the indicated portions of the highways specified, (B) General commodities, between points in IL within the Chicago, IL Commerical Zone, (C)(1) *iron and steel articles,* from the facilities of Jones & Laughlin Steel Corporation, in Putnam County, IL, to points in IN and OH, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from points in IN and OH to the facilities of Jones & Laughlin Steel Corporation, in Putnam County, IL, restricted in (1) and (2) above (a) against transporting oilfield and pipeline commodities and commodities in bulk, and (b) to traffic originating at or destined to the named origins and destinations, (D) *salt,* from Rittman, OH, to Peru, Decatur,

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Fort Wayne, Columbia City, and Plymouth, IN, and Freeport, IL, (E) *fish*, from Cleveland, OH, to Fort Wayne, IN, (F) *butter and cheese*, (a) from Decatur and Huntington, IN, to Freeport, IL, and (b) from Freeport, IL, to Pittsburgh, PA, (G) *Motor oil and grease*, in containers, from Petrolia, Emlenton, Corsopolis, Oil City, McClintock, Rouseville, East Butler, Freedom, and Pittsburgh, PA, to Fort Wayne, IN, (H) *refrigerators*, from Mansfield, OH, to Fort Wayne, IN, (I) *kraut and oleomargarine*, from Norwalk, OH, to Fort Wayne, IN, (J) *dairy products and packing house products*, (a) from Fort Wayne, IN, to Akron and Lima, OH, Sharon, Farrell, Philadelphia, Harrisburg, and Pittsburgh, PA, and Wilmington, DE, and (b) from Fort Wayne, IN, to Buffalo, Syracuse, and New York, NY, Camden, NJ, Baltimore, MD, Washington, DC, Norfolk, VA, Boston, MA, Altoona, Shippensburg, and Lebanon, PA, Bridgeport, CT, Providence, RI, and Fairmount, WV, (K) *cream*, in cans, *canned condensed milk, butter, and cheese*, Peru, IN, to Bucyrus, Canton, Cleveland, Columbus, Kenton, Lima, Mansfield, Marion, Toledo, Upper Sandusky, Wooster, and Youngstown, OH, Braddock, Butler, Erie, East Pittsburgh, IN, Jeannette, New Castle, Oil City, Pittsburgh, Uniontown, and West Pittsburgh, PA, and Wheeling and Wierton, WV, (L) *butter, cheese, cream, and butter tubs*, between Decatur, IN, on the one hand, and, on the other, Chicago, IL, Cleveland and Youngstown, OH, and Pittsburgh, PA, (M) *butter, cheese, cream, frozen poultry, and frozen eggs*, between Fort Wayne, Decatur, and Huntington, IN, on the one hand, and, on the other, Cleveland and Youngstown, OH, and Pittsburgh, PA, (N) *synthetic resin lacquer*, and *thinner* used in connection therewith, in bulk, in tank vehicles, from Pittsburgh and Rochester, PA, to Chicago, IL, Milwaukee, WI, and St. Louis, MO, (O) *empty tank trailer equipment* used in connection with the commodities in (N) above, from Chicago, IL, Milwaukee, WI, and St. Louis, MO, to Pittsburgh and Rochester, PA, and (P) *general commodities* (a) between points within fifty mile radius of Chicago, IL, and (b) between points within a fifty mile radius of Chicago, IL on the one hand, and, on the other, points in the U.S. Condition: To the extent that any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall expire 5 years from its date of issuance.

Note.—Applicant intends to tack this authority with its existing authority. The purpose of this application is to substitute single-line for joint-line operations.

MC 29910 (Sub-271F), filed June 9, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, in interstate or foreign commerce,.(I) OVER REGULAR ROUTES, transporting (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Eau Claire and Mondovi, WI, over WI Hwy 37, (2) between Eau Claire and Eleva, WI, over WI Hwy 93, (3) between Eau Claire and Black River Falls, WI, from Eau Claire over U.S. Hwy 53 to junction U.S. Hwy 10, then over U.S. Hwy 10 to junction WI Hwy 27, then over WI Hwy 27 to Black River Falls, and return over the same route, (4) between Mondovi, WI, and junction U.S. Hwys 53 and 10, over U.S. Hwy 10, (5) between Hixton and Neillsville, WI, over WI Hwy 95, (6) between Hudson and Frederic, WI, over WI Hwy 35, (7) between Roberts, WI, and junction WI Hwys 46 and 35 at or near Milltown, WI, from Roberts over U.S. Hwy 12 to junction WI Hwy 65, then over WI Hwy 65 to junction U.S. Hwy 8, then over U.S. Hwy 8 to junction WI Hwy 46, then over WI Hwy 46 to junction WI Hwy 35 at or near Milltown, and return over the same route, (8) between Somerset, WI, and junction WI Hwy 64 and County Hwy M at or near Sand Creek, WI, over WI Hwy 64, (9) between Star Prairie and Osceola, WI, over County Hwy M, (10) between St. Croix Falls and Hawkins, WI, over U.S. Hwy 8, (11) between Baldwin and Spooner, WI, over U.S. Hwy 63, (12) between junction WI Hwys 64 and 46, and junction WI Hwy 46 and U.S. Hwy 8, over WI Hwy 46, (13) between Luck and Rice Lake, WI, over WI Hwy 48, (14) between Cameron and Spooner, WI, over U.S. Hwy 53, (15) between Menomonee, WI, and junction WI Hwys 48 and 25 at or near Rice Lake, WI, over WI Hwy 25, (16) between Colfax and Glenwood City, WI, over WI Hwy 170, (17) between Connersville and Turtle Lake, WI, over County Hwy K, (18) between Woodville, WI, and junction County Hwy D and WI Hwy 64, over County Hwy D, (19) between junction WI Hwy 46 and County Hwy F at or near Amery, WI, and junction County Hwy F and WI Hwy 65, over County Hwy F, (20) between Deronda, WI, and junction County Hwy C and WI Hwy 65, from Deronda over County Hwy P to junction County Hwy C, then over County Hwy C to junction WI Hwy 65, and return over the same route, (21) between Clayton and Range, WI, over County Hwy D, (22) between Chetek and Prairie Farm, WI, from Chetek over County Hwy I to junction County Hwy A, then over County Hwy A to Prairie Farm, and return over the same route, (23) between Connorsville and Menomonee, WI, from Connorsville over WI Hwy 79 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Menomonee, and return over the same route, (24) between junction U.S. Hwy 12 and WI Hwy 128 at or near Hersey, WI, and junction WI Hwys 128 and 64, over WI Hwy 128, (25) between junction U.S. Hwy 8 and County Hwy F at or near Poskin, WI, and junction County Hwy F and WI Hwy 64, over County Hwy F, (26) between Dallas, and Holcombe, WI, from Dallas over County Hwy U to junction County Hwy M at or near Sand Creek, WI, then over County Hwy M to Holcombe, and return over the same route, (27) between Chippewa Falls, WI, and junction WI Hwy 29 and U.S. Hwy 12, over WI Hwy 29, (28) between junction WI Hwys 64 and 40, and Bruce, WI, over WI Hwy 40, (29) between junction WI Hwys 64 and 27, and Gilman, WI, over WI Hwy 64, (30) between Eau Claire and Cameron, WI, over U.S. Hwy 53, (31) between Chippewa Falls and Owen, WI, over WI Hwy 29, (32) between Fairchild and Withee, WI, from Fairchild over U.S. Hwy 10 to Neillsville, WI, then over WI Hwy 73 to Withee, and return over the same route, (33) between Augusta and Cornell, WI, over WI Hwy 27, (34) between Sand Creek and Cornell, WI, from Sand Creek over Dunn County Trunk Hwy M to junction WI Hwy 64, then over WI Hwy 64 to Cornell, and return over the same route, serving all intermediate points, and the off-route points of Arland, Boardman, Burkhardt, Canton, Cylon, Huntington, Jewett, Ubet, and Wanderoos, WI, in connection with routes (1) through (34) above, (35) between Minneapolis, MN and Chicago, IL, over U.S. Hwy 12, serving all intermediate points between Fairchild and Black River Falls, WI, and serving the intermediate or off-route points of Chemolite Siding, MN, Chicago Heights, IL, those in the Minneapolis-St. Paul, MN, commercial zone, South St. Paul, Inver Grove Heights, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, Roseville, Ft. Snelling, and State Fair Grounds, MN, and those in the Chicago, IL, commercial zone, and Rusk, WI, (36) between Bloomer, WI, and junction U.S. Hwy 12 and WI Hwy 40, over WI Hwy 40, serving all

intermediate points (except those between Fairchild, WI, and Chicago, IL), and the off-route points of Albertville, Conrath, Sheldon, and Tilden, WI, (37) between Ridgeland, WI, and junction WI Hwy 64 and Dunn County Trunk Hwy M, from Ridgeland over WI Hwy 25 to junction WI Hwy 64, then over WI Hwy 64 to junction Dunn County Trunk Hwy M, and return over the same route, serving no intermediate points, (38) between Stillwater, MN, and junction WI Hwy 64 and Dunn County Trunk Hwy M, south of Sand Creek, WI, from Stillwater across the St. Croix River to Houlton, WI, then over WI Hwy 64 to junction Dunn County Trunk Hwy M, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, (39) between Stillwater and St. Paul, MN, over MN Hwy 212, serving no intermediate points, as an alternate route for operating convenience only, (40) between junction U.S. Hwy 12 and unmarked town road west of Eau Claire, WI, at or near Union, WI, and junction U.S. Hwys 12 and 53 east of Eau Claire, over U.S. Hwy 12, serving no intermediate points, as an alternate route for operating convenience only, (41) between Madison, WI, and Chicago, IL, from Madison over U.S. Hwy 14 to junction IL Hwy 53, then over IL Hwy 53 to junction IL Hwy 72, then over IL Hwy 72 to junction IL Hwy 83, then over IL Hwy 83 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Chicago, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, serving Madison, WI for the purpose of joinder only, (42) serving Portage, IN, as an off-route point in connection with applicant's otherwise authorized regular-route operations between Chicago, IL and points in MN, WI, and IL, (43) between Chicago, IL, and Davenport, IA, from Chicago over Interstate Hwy 55 to junction IL Hwy 53, then over IL Hwy 53 to Joliet, IL, then over U.S. Hwy 6 to Briarbluff, IL, then over unnumbered Hwy to Silvis, IL, then over IL Hwy 92 to Moline, IL, then over U.S. Hwy 6 to Davenport, and return over the same route, (44) between Joliet and Peru, IL, from Joliet over U.S. Hwy 52 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Peru, and return over the same route, serving Aurora, Oswego, Plane, Sandwich, Somonauk, Leland, Earlville, Meriden, Mandota, Joliet, Morris, Marseilles, Ottawa, LaSalle, Peru, Spring Valley, Princeton, Geneseo, Eola, Batavia, Geneva, St. Charles, Elgin, and Carpentersville, IL, and those points within 25 miles of Chicago, and those within 10 miles of Davenport as intermediate or off-route points in connnection with routes (43) and (44) above, (45) between Chicago and Mendota, IL, from Chicago over U.S. Hwy 34 to junction IL Hwy 65, then over IL Hwy 65 to Aurora, IL, then over IL Hwy 31 to Oswego, IL, then over U.S. Hwy 34 to Mendota, and return over the same route, serving Aurora, Oswego, Plano, Sandwich, Somonauk, Leland, Earlville, Meriden, Mendota, Joliet, Morris, Marseilles, Ottawa, LaSalle, Peru, Spring Valley, Princeton, Geneseo, Eola, Batavia, Geneva, St. Charles, Elgin, and Carpentersville, IL, and those points within 25 miles of Chicago, and those within 10 miles of Davenport as intermediate or off-route points, (46) between Joliet and Aurora, IL, over U.S. Hwy 30, (47) between Aurora and Oswego, IL, over IL Hwy 25, (48) between Peru and Mendota, IL, over U.S. Hwy 51, (49) between Princeton and LaMoille, IL, over U.S. Hwy 34, (50) between Geneseo, IL and junction IL Hwys 82 and 92, over IL Hwy 82, serving no intermediate points in routes (46) through (50) above, (51) serving the facilities of Jackson County Iron Company near Black River Falls, WI, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (52) between Eau Claire, WI and junction U.S. Hwy 53 and Interstate Hwy 94, over U.S. Hwy 53, serving no intermediate points, and serving the junction of U.S. Hwy 53 and Interstate Hwy 94 for purpose of joinder only, (53) between the junction of U.S. Hwy 53 and Interstate Hwy 94 and Moline, IL, from junction U.S. Hwy 53 and Interstate Hwy 94 over U.S. Hwy 53 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Davenport, IA, then over city streets to Moline, and return over the same route, serving no intermediate points, and serving Hager City, WI, as an off-route point and the junction of U.S. Hwy 53 and Interstate Hwy 94 for the purpose of joinder only, (54) between the junction U.S. Hwy 53 and Interstate Hwy 94 and Mendota, IL, from the junction of U.S. Hwy 53 and Interstate Hwy 94 over Interstate Hwy 94, then over Interstate Hwy 94 and junction WI Hwy 15, then over WI Hwy 15 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Mendota, and return over the same route serving no intermediate points, and serving the junction of U.S. Hwy 53 and Interstate Hwy 94 and the junction of Interstate Hwy 90 and U.S. Hwy 20 By-Pass, at or near Rockford, IL, for the purpose of joinder only, (55) between the junction of Interstate Hwy 90 and U.S. Hwy 20 By-Pass at or near Rockford, IL, and Moline, IL, from the junction of Interstate Hwy 90 and U.S. Hwy 20 By-Pass, over U.S. Hwy 20 By-Pass to junction IL Hwy 2, then over IL Hwy 2 to Moline, and return over the same route, serving no intermediate points, and serving the junction of Interstate Hwy 90 and U.S. Hwy 20 By-Pass for the purpose of joinder only, (56) serving the facilities of Jonathan Industrial Center at or near Chaska, MN, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (57) serving the facilities of Olin Corporation located approximately 5.5 miles northwest of Peru, IN, and approximately 3 miles west of U.S. Hwy 31, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (58) serving the facilities of the Bethlehem Steel Corporation in Burns Harbor, Porter County, IN, as an off-route point in connection with applicant's otherwise-authorized regular-route operations from and to points in IL, IN, OH, and KY, restricted to traffic originating at or destined to the named facilities, (59) serving Sharpsville, IN, as an off-route point in connection with applicant's otherwise-authorized regular-route operations at Kokomo, IN, (60) serving Upland, IN, as an intermediate point in connection with applicant's otherwise-authorized regular-route operations, (61) serving points in the Cincinnati, OH, commercial zone, as intermediate or off-route points in connection with applicant's otherwise-authorized regular-route operations authorized to and from Cincinnati, OH, (62) between Cincinnati and Hamilton, OH, over U.S. Hwy 127, serving no intermediate points, (63) between Hamilton and Millville, OH, over OH Hwy 129, serving all intermediate points, restricted against traffic moving between Cincinnati and Hamilton, OH, (64) between Hamilton and Oxford, OH, from Hamilton over OH Hwy 177 to junction OH Hwy 73, then over OH Hwy 73 to Oxford, and return over the same route, serving all intermediate points, (65) between junction OH Hwy 177 and unnumbered Hwy (formerly OH Hwy 130) and McGonigle, OH, over unnumbered Hwy, serving all intermediate points, (66) between Oxford, OH, and Richmond, IN, over U.S. Hwy 27, serving all intermediate points, and the off-route points of Boston and Kitchell, IN, (67) between Marion, IN, and Chicago, IL, from Marion over IN Hwy 21 to Peru, IN, then over U.S. Hwy 31 to Plymouth, IN, then over U.S. Hwy 30 to Valparaiso, IN, then over IN Hwy 130 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction Alternate U.S. Hwy 30, then over Alternate U.S. Hwy 30 to Chicago, and

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return over the same route, (68) between Marion and Peru, IN, from Marion over IN Hwy 9 to junction U.S. Hwy 35, then over U.S. Hwy 35 to Kokomo, IN, then over U.S. Hwy 31 to Peru, and return over the same route, serving the intermediate points of Converse, Peru, Plymouth, and Kokomo, IN, in connection with routes (67) and (68) above, (69) between junction U.S. Hwy 35 and IN Hwy 9 and Anderson, IN, over IN Hwy 9, serving the intermediate point of Alexandria, IN, and the off-route points of Gas City, Hartford City, and Jonesboro, IN, (70) between Anderson and Muncie, IN, over IN Hwy 32, serving the intermediate points of Alexandria, Chesterfield, Daleville, and Yorktown, IN, (71) between junction IN Hwys 9 and 28 and Muncie, IN, fron junction IN Hwys 9 and 28 over IN Hwy 28 to junction U.S. Hwy 35, then over U.S. Hwy 35 to Muncie and return over the same route, serving no intermediate points, and serving the off-route points of Alexandria, Gas City, Hartford City, and Jonesboro, IN, (72) between Marion and Muncie, IN, from Marion over IN Hwy 21 to junction IN Hwy 22, then over IN Hwy 22 to Hartford City, then over IN Hwy 3 to Muncie, and return over the same route, serving the intermediate points of Gas City and Hartford City, IN, and the off-route points of Alexandria and Jonesboro, IN, (73) between Richmond and Muncie, IN, over U.S. Hwy 35, serving no intermediate points, (74) between Muncie and Connersville, IN, from Muncie over IN Hwy 3 to junction IN Hwy 38, then over IN Hwy 38 to New Castle, IN, then over IN Hwy 103 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction IN Hwy 1, then over IN Hwy 1 to Connersville, and return over the same route, serving all intermediate points, (75) between New Castle and Richmond, IN, from New Castle over IN Hwy 38 to Hagerstown, IN, then over IN Hwy 1 to Cambridge City, IN, then over U.S. Hwy 40 to Richmond, and return over the same route, serving all intermediate points, (76) between Chicago, IL, and junction IN Hwy 49 and U.S. Hwy 30, from Chicago over the Calumet-Tri-State Expressway to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction IN Hwy 49, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, (77) between Marion and Hartford City, IN, from Marion over IN Hwy 18 to junction IN Hwy 3, then over IN Hwy 3 to Hartford City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, (78) between Anderson, IN and junction IN Hwys 9 and 109, over IN Hwy 109, serving no intermediate points, as an alternate route for operating convenience only, (79) between Hagerstown and Richmond, IN, over IN Hwy 38, serving no intermediate points, as an alternate route for operating convenience only, (80) serving the facilities of Tennant Company at or near Maple Grove, MN, as an off-route point in connection with applicant's otherwise authorized regular-route operations, (81) between Milton and Indianapolis, IN, from Milton over IN Hwy 1 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Indianapolis, and return over the same route, serving all intermediate points, and the off-route points of Gulf Pipe Line at or near Straughn, IN, and Soldiers and Sailers Orphans Home at or near Knightstown, IN, (82) betweeen Black River Falls and North Bend, WI, over WI Hwy 54, serving all intermediate points, (83) between LaCrosse and West Salem WI, over U.S. Hwy 16, serving all intermediate points, (84) between West Salem and Melrose, WI, over WI Hwy 108, serving all intermediate points, (85) between North Bend and Burr Oak, WI, over unnamed town road, serving all intermediate points, (86) between Richmond, IN and Dayton, OH, from Richmond over U.S. Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction OH Hwy 49, then over OH Hwy 49 to Dayton and return over the same route, (87) between Chicago, IL and Indianapolis, IN, from Chicago over Interstate Hwy 94 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, and return over the same route, serving no intermediate points, as an alternate route for operating then over U.S. Hwy 77 to Brookings, and return over the same route, (93) between Brookings, SD, and junction of SD Hwys 34 and 37, from Brookings over U.S. Hwy 77 to junction SD Hwy 34, then over SD Hwy 34 to junction SD Hwy 37, and return over the same route, (94) between Arlington, SD, and junction SD Hwy 38 and U.S. Hwy 16, approximately 12 miles east of Mitchell, SD, from Arlington over U.S. Hwy 81 to Salem, SD, then over SD Hwy 38 to junction U.S. Hwy 16, then over U.S. Hwy 16 to Mitchell, and return over the same route, (95) between Sioux Falls, SD, and junction U.S. Hwy 77 and SD Hwy 34, over U.S. Hwy 77, (96) between Stanley Corners and Yanktown, SD, over U.S. Hwy 81, (97) between Vermillion and Pumpkin Center, SD, over U.S. Hwy 19, (98) between Sioux Falls and Vermillion, SD, from Sioux Falls over U.S. Hwy 77 to junction SD Hwy 50, then over SD Hwy 50 to Vermillion, and return over the same route, serving all intermediate points in connection with routes (91) through (98) (except Beresford, SD), (99) between St. Paul, MN, and Fargo, over U.S. Hwy 52, (100) between junction SD Hwys 37 and 34 and Ft. Thompson, SD, from junction SD Hwys 37 and 34 over SD Hwy 34 to junction SD Hwy 45, then over SD Hwy 45 to junction unnumbered Hwy, then over unnumbered Hwy to junction SD Hwy 47, then over SD Hwy 47 to Ft. Thompson, and return over the same route, serving the intermediate points of Letcher, Cuthbert, Forestburg and Alpena, SD, (102) between Newcastel, NE and Sioux City, IA, from Newcastel over NE Hwy 12 to junction convenience only, (88) between Eau Claire and Ladysmith, WI, from Eau Claire over U.S. Hwy 53 to Chippewa Falls, WI, then over County Hwy S to Jim Falls, WI, then over County Hwy 1 to Cornell, WI, then over WI Hwy 64 to junction WI Hwy 27, then over WI Hwy 27 to Ladysmith, and return over the same route, serving the intermediate points of Chippewa Falls, Anson, Jim Falls, Cobban, Cornell and Holcombe, WI, (89) between Chippewa Falls and Cornell, WI, from Chippewa Falls over WI Hwy 29 to Cadott, then over WI Hwy 27 to Cornell, and return over the same route, serving the intermediate point of Crescent, WI, and the off-route point of Drywood, WI, (90) between Sioux City, IA, and Parkston, SD, from Sioux City over U.S. Hwy 77 to junction SD Hwy 50, then over SD Hwy 50 to junction SD Hwy 37, then over SD Hwy 37 to Parkston, and return over the same route, serving no intermediate points and serving the off-route points of Armour, Corsica, Delmont, and Stickney, SD, (91) between St. Paul, MN, and Mitchell, SD, from St. Paul over city streets to Minneapolis, MN, then over U.S. Hwy 212 to Glencoe, MN, then over MN Hwy 22 to Gaylord, MN, then over MN Hwy 19 to Winthrop, MN, then over MN Hwy 15 to New Ulm, MN, then over U.S. Hwy 14 to Huron, SD, then over SD Hwy 37 to Mitchell, and return over the same route, (92) between Winthrop MN, and Brookings, SD, from Winthrop over MN Hwy 19 to the MN–SD State Line, then over unnumbered Hwy to junction U.S. Hwy 77, U.S. Hwy 20, then over U.S. Hwy 20 to Sioux City, and return over the same route, serving those points in NE within 20 miles of Newcastle as intermediate or off-route points, (103) between Newcastle, NW, and Yankton, SD, from Newcastle over NW Hwy 12 to junction NE Hwy 15, then over NW Hwy 15 to junction U.S. Hwy 81, then over U.S. Hwy 81 to Yankton, and return over the same route, serving those points in NW within 20 miles of Newcastle as intermediate or off-route points, (104) between Salem and Sioux Falls, SD, from Salem over U.S. Hwy 81 to junction U.S. Hwy 16, then over U.S. Hwy 16 to Sioux Falls, and return over the same route, serving no intermediate points, (105) between Moline, IL and Des Moines, IA, over U.S. Hwy 6, serving all intermediate points, (106) serving the facilities of Duane Arnold Energy Center at or near Palo, IA, and the facilities of Minnesota Mining and Manufacturing Company at or near Knoxville, IA, as off-route points in connetion with applicant's otherwise-authorized regular-route operations, (107) between Chicago, IL, and South Haven, MI, from Chicago, IL, over U.S. Hwy 12 to junction Interstate Hwy 94, then over Interstate Hwy 94 to St. Joseph, MI, then over U.S. Hwy 31 to South Haven, and return over the same route, (108) between Chicago, IL, and junction U.S. Hwy 12 and Interstate Hwy 94, from Chicago, IL, over U.S. Hwy 20 to junction IN Hwy 212, then over IN Hwy 212 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction Interstate Hwy 94, and return over the same route, serving all intermediate points in connection with routes (107) and (108) above, and the off-route points of Baroda, Derby, and Three Oaks, MI, (109) between South Bend, IN, and Kalamazoo, MI, from South Bend, IN, over U.S. Hwy 31 to Benton Harbor, MI, then over Interstate Hwy 94 to Kalamazoo, MI, and return over the same route, serving all intermediate points and serving the off-route points of Berrien Center, Keeler, Lawton, Matawan and Milburg, MI, (110) betwen Benton Harbor, MI, and junction MI Hwy 51 and Interstate Hwy 94, from Benton Harbor, MI, over unnumbered Hwy to Eau Claire, MI, then over MI Hwy 62 to Dowagiac, MI, then over MI Hwy 51 to junction Interstate Hwy 94, and return over the same route, serving all intermediate points, (111) between South Bend and Gary, IN, over U.S. Hwy 20, serving no intermediate points, as an alternate route for operating convenience only, (112) serving the facilities of Upjohn Company located approximately four and one-half miles southeast of Kalamazoo, MI, as an off-route point in connection with applicant's otherwise-authorized regular-route operations to and from Kalamazoo, (113) serving points within two miles of Kalamazoo, MI, as intermediate or off-route points in connection with applicant's otherwise-authorized regular-route operations, (114) between Niles, MI, and junction U.S. Hwy 12 and Interstate Hwy 94, over U.S. Hwy 12, serving no intermediate points, as an alternate route for operating convenience only, (115) between Niles and Dowagiac, MI, over MI Hwy 51, serving no intermediate points, as an alternate route for operating convenience only, (116) between South Haven and Watervliet, MI, over MI Hwy 140, serving no intermediate points, as an alternate route for operating convenience only, (117) between Watervliet and Niles, MI, from Watervliet over MI Hwy 140 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Niles, and return over the same route, serving no intermediate points, as an alternate route for operating convience only, (118) between Benton Harbor, MI and junction U.S. Hwy 31 and MI Hwy 139, over MI Hwy 139, serving no intermediate points, as an alternate route for operating convenience only, and (119) between Ft. Wayne and Hartford City, IN, from Ft. Wayne over IN Hwy 1 to Fiat, IN, then over IN Hwy 18 to junction IN Hwy 3, then over IN Hwy 3 to Hartford City, and return over the same route, serving all intermediate points, (B) *general commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk) between Connersville, IN, and College Corner, OH, from Connersville over IN Hwy 44 to junction U.S. Hwy 27, then over U.S. Hwy 27 to College Corner, and return over the same route, serving all intermediate points and the off-route point of Brownsville, IN, and (C) *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk, in tank vehicles) between Cincinnati and College Corner, OH, over U.S. Hwy 27, serving all intermediate points, and (II) over irregular routes, transporting (A) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), (1) between Eau Claire, WI, on the one hand, and, on the other, those points in WI within 75 miles of Eau Claire, WI (except those east of a line beginning at the northeastern perimeter of said 75 mile radius from Eau Claire, near Prentice, WI, and extending along WI Hwy 13 to Abbottsford, WI, then along WI Hwy 29) to junction WI Hwy 73 near Owen, WI, then along WI Hwy 73 to junction WI Hwy 98 near Greenwood, WI, then along WI Hwy 98 to Spencer, WI, then along WI Hwy 13 to junction WI Hwy 80 near Pittsville, WI, and then along WI Hwy 80 to the southeastern perimeter of said 75 miles radius from Eau Clair, near Dexterville, WI, (2) between points in the Chicago, IL, commercial zone, (3) between those points in IL within 50 miles of Palatine, IL, (4) between those points in IL within 50 miles of Paletine, IL, on the one hand, and, on the other, points in IL, and (5) between Oxford, OH, on the one hand, and, on the other, those points in OH within a 50 mile radius of Oxford, OH, (B) *building materials and supplies, and iron and steel articles* (except commodities in bulk, in tank vehicles), between Oxford, OH, and those points within 25 miles of Oxford, OH, on the one hand, and, on the other, points in OH, and those in IN south of U.S. Hwy 24 and east of U.S. Hwy 41, including points on the indicated portions of the Hwys specified, (C) *prepared roofing and roofing material* (except commodities in bulk, in tank vehicles), from Joliet, IL, to Marion, IN, (D) *general commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment) between points in OH and those in IN within 40 miles of Oxford, OH, (E) *iron and steel articles*, from the facilities of Jones & Laughlin Steel Corporation at points in Putnam County, IL, to points in IN and OH, and materials, equipment, and supplies used in the manufacture and distribution of iron and steel articles (except commodities in bulk), in the reverse direction, restricted to traffic originating at or destined to the named origins and destinations, and (F) *general commodities*, (1) between those points within a fifty mile radius of Palatine, IL, and (2) between those points within a fifty mile radius of Palatine, IL, on the one hand, and, on the other, points in the U.S. condition: To the extent that the certificate in this proceeding authorizes the transportation of class A and B explosives, it will expire 5 years from the date of issuance.

Note.—Applicant intends to tack this authority with its existing authority. The purpose of this application is to substitute single-line for joint-line operations.

Permanent Authority Decisions; Decision-Notice; Substitution Applications; Single-Line Service for Existing Joint-Line Service

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such

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petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occured within the one-year period immediately proceeding the applciation's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick Fisher, and Dowell.

MC 113170 (Sub-8F), filed June 19, 1980. Applicant: PEET FRATE LINE, INC., R.R. 47, P.O. Box 529, Woodstock, IL 60098. Representative: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL and points in Stephenson, Winnebago, Boone, McHenry, Lake, Ogle, Lee, DeKalb, La Salle, Kendall, Kane, Du Page, Cook, and Will Counties, IL, on the one hand, and, on the other, Milwaukee, Racine, and Kenosha, WI.

Note.—The purpose of this application is to substitute single-line for joint-line operations.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

MC 107587 (deviation No. 16), TRAILWAYS BUS SYSTEM, INC., 315 Continental Ave., Dallas, TX 75207, filed February 9, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From San Antonio, TX over Interstate Hwy 37 (using portions of US Hwy 281 and TX Hwy 9 where Interstate Hwy 37 is incomplete) to Corpus Christi, TX, with the right of access wherever there is an interchange at a junction with its presently certificated route, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From San Antonio, TX over US Hwy 281 to junction TX Hwy 9, then over TX Hwy 9 via Oakville, TX to Corpus Christi, TX and rturn over the same route.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6408 Filed 2-25-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 411

Decided: February 9, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 119741 Sub 262F, filed April 4, 1980, and previously noticed in **Federal Register** issue of July 15, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *plastic and plastic articles* (except in bulk, in tank vehicles), from the facilities of Honeycorr, Div. McCardell Enterprises, at Newton, IA, to points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, and DC.

Note.—This republication shows MN as a destination state.

MC 134300 (Sub-51F), filed June 26, 1980. Applicant: TRIPLE R EXPRESS, INC. 498 First St., N.W., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *building materials* (except commodites in bulk), between Cleveland, OH, on the one hand, and, on the other, points in IA, IL, MN, ND, NE, SD, and WI.

MC 146071 (Sub-32F), filed June 26, 1980. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 350

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Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation at or near Plainview, TX to points in MI.

MC 146820 (Sub-6F), filed September 13, 1979, and previously noticed in **Federal Register** issue of September 16, 1980. Applicant: B & G TRUCKING, INC., 77 East Wilson Bridge Road, Worthington, OH 43085. Representative: David A. Turano, Suite 1800, 100 East Board St., Columbus, OH 43215. Transporting (1)(a) *pulpboard, pulpboard products, fibreboard, and fibreboard products,* and (b) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Chicago, IL, and (2)(a) *paper, paper products, and plastic containers,* and (b) *materials and supplies* used in the manufacture and distribution of the commodities in (2) above, (except commodities in bulk), and (3) *scrap paper,* between points in the U.S., under continuing contract(s) with Packaging Corporation of America, of Evanston, IL.

Note.—This republication includes pulpboard products, fibreboard, and fibreboard products in (1) above and the authority is modified to reflect the Motor Carrier Act of 1980.

MC 148950 (Sub-1F), filed October 22, 1979. Applicant: OCCO TRANSPORT, INC., Industrial Park Blvd., Cokato, MN 55321. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *cotton waste materials, fabric pads or padding, pillows and pillow forms, and furniture,* from Cokato, MN to points in IA, IL, ND, SD, and WI.

Volume No. 412

Decided: February 2, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC-119741 Sub 195F, filed June 7, 1979, and previously noticed in **Federal Register** issue of December 11, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *meats, meat products and meat byproducts, articles distributed by meat-packing houses,* and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers,* as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Lauridsen Foods, Inc., at Britt, IA, and Armour & Company, at Mason City, IA, on the one hand, and, on the other, points in AR, CO, CT, DE, IL, IN, KS, MD, MA, MI, MO, NE, NJ, NY, OH, OK, PA, RI, TX, VA, WV, and DC, restricted to traffic originating at or destined to the named points.

Note.—This republication clarifies the commodity description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6471 Filed 2-25-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-040

Decided: February 13, 1981.

By the Commission, Review Board No. 1; Members Carleton, Joyce, and Jones.

MC 200 (Sub-549), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CA, DE, FL, IL, KY, LA, MI, MN, NE, NJ, NY, OH, OR, PA, SC, TN, TX, WV, and WY, on the one hand, and, on the other, points in the U.S.

MC 29710 (Sub-12), filed January 30, 1981. Applicant: F. W. TRANSPORTS, INC., 130 North 9th St., P.O. Box 503, Burwell, NE 68823. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *petroleum, natural gas and their products,* between points in CO, IA, KS, and NE.

MC 35320 (Sub-631), filed February 2, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives), (1) between points in Fulton County, IN, on the one hand, and, on the other, points in the U.S., and (2) between points in Kosciusko County, IN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 60170 (Sub-7), filed February 3, 1981. Applicant: ANNUNZIATO DEGEORGE, d.b.a. A. D. GEORGE, 1008 Monroe St., Berwick, PA 18603. Representative: Richard M. Goldberg, 700 United Penn Bank Bldg., Wilkes-Barre, PA 18701. Transporting *household goods, furniture and fixtures, and machinery,* (1) between points in Luzerne County, PA, on the one hand, and, on the other, points in CT, DE, FL, GA, IN, KY, MA, MD, MI, NC, NH, NJ, NY, OH, RI, SC, VA, WV, and DC, and (2) between points in Columbia County, PA, on the one hand, and, on the other, points in CT, DE, FL, GA, IN, KY, MA, MD, MI, NC, NH, NJ, NY, OH, RI, SC, VA, WV, and DC.

MC 85970 (Sub-46), filed January 30, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of packaging, between Chicago, IL, and point in Tipton and Shelby Counties, TN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KS, KY, LA, MI, MO, MS, OH, PA, TN, TX, and WV.

MC 87451 (Sub-3), filed January 28, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 288, Somerville, MA 02143 . Representative: William F. Mix, 153 Grove St., Lexington, MA 02173. Transporting *general commodities* (except classes A and B explosives), between the facilities of W. R. Grace & Co., in the U.S., on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request of its Certificate of Registration in MC 87451 (Sub-2).

MC 114011 (Sub-7), filed January 30, 1981. Applicant: PETE'S SERVICE & TRUCK RENTAL, INC., 550 Brunson St., St. Paul, MN 55101. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *food and related products,* between Milwaukee, WI, Detroit, MI, points in La Crosse County, WI and Peoria County, IL, on the one hand, and, on the other, points in Anoka and Dakota Counties, MN.

MC 117730 (Sub-85), filed February 2, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 119741 (Sub-291), filed February 2, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *food and related products,* between points in Berks County, PA, on the one hand, and, on the other, St. Louis, MO, and points in Marion County, IL.

MC 121470 (Sub-74), filed February 3, 1981. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 601 Cowan St., Nashville, TN 37207. Representative: Helen Jones (same address as applicant). Transporting *metal products,* and *those commodities which because of their size or weight require the use of special handling or equipment,* between Savannah, GA, on the one hand, and, on the other, points in the U.S.

MC 126900 (Sub-4), filed February 3, 1981. Applicant: FIAMINGO MOVING & STORAGE CO., a corporation, RD No. 3 Box 678, Mansfield, PA 16933. Representative: Thomas F.X. Foley, P.O. Box F, Colts Neck, NJ 07722. Transporting *such commodities* as are dealt in or used by a manufacturer of doors, between points in Lycoming County, PA, on the one hand, and, on the other, points in the U.S.

MC 128290 (Sub-16), filed February 2, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Transporting (1) *pulp, paper and related products* and (2) *printed matter,* between Convington, VA, and points in Aleghany County, VA, Allegany County, MD, Providence County, RI, and Suffolk County, MA, on the one hand, and, on the other, points in RI, MA, NH, NY, NJ, CT, PA, MD, VA, WV, NC, SC, GA, OH, WI, DE, IN, MI, and IL.

MC 129301 (Sub-19), filed January 27, 1981. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Giant Food, Inc., of Landover, MD.

MC 134221 (Sub-2), filed January 28, 1981. Applicant: C. B. L. TRUCKING & LEASING, INC., P.O. Box 8, Delanco, NJ 08075. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except classes A and B explosives), between points in NJ, NY, PA, DE, MD, CT, and DC.

MC 135410 (Sub-120), filed February 2, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fedders Corporation, of Edison, NJ.

MC 136771 (Sub-7), filed February 2, 1981. Applicant: HY-WAY TRANSIT, INC., Route No. 1, Cedar Grove, WI 53013. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *food or related products,* between points in the U.S., under continuing contract(s) with The Krier Preserving Company, of Belgium, WI, and (2) Korth Brokerage Ltd., of Port Washington, WI.

MC 138420 (Sub-49), filed January 28, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53015. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of beverages, between points in the U.S.

MC 141601 (Sub-1), filed January 28, 1981. Applicant: ARROW DRIVEAWAY, INC., 100 Pavonia Ave., Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *trucks, chassis, and tractors,* in secondary movements, in driveaway service, between points in the U.S.

MC 143500 (Sub-13), filed January 28, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Anaconda Industries Brass Division, of Buffalo, NY.

MC 145230 (Sub-7), filed February 3, 1981. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39191.

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Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Apache Building Products Company, of Linden, NJ.

MC 145841 (Sub-1), filed January 30, 1981. Applicant: LE FEBVRE & SONS, INC., 615 Quinn Ave., Elk River, MN 55330. Representative: Samuel Ruenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Elk River Concrete Products, Division of Cretex Companies, Inc., of Minneapolis, MN, and Prestressed Concrete, Inc., of Anoka, MN.

MC 145990 (Sub-4), filed February 3, 1981. Applicant: LAWRENCEBURG TRUCKING, INC., 21 Catalpa Ave., Lawrenceburg, IN 47025. Representative: John R. Bagileo, 918 16th St., N.W., Washington, DC 20006. Transporting *alcoholic beverages*, between points in KY, OH, and TN, on the one hand, and, on the other, points in IL, MI, MO, OH, TN, and WI.

MC 146890 (Sub-30), filed February 2, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products, and petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 147681 (Sub-16), filed January 30, 1981. Applicant: HOYA EXPRESS, INC., P.O. Box 543, West Middlesex, PA 16159. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electric lamps and lighting fixtures, between points in CT, DE, GA, IL, IN, KY, MA, MD, MI, MO, MS, NC, NJ, NY, OH, PA, RI, TX, TN, VA, WV, and DC.

MC 148080 (Sub-8), filed January 28, 1981. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *metal products*, between points in Wyandotte County, KS, on the one hand, and, on the other, points in the U.S.

MC 149440 (Sub-6), filed February 2, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Auglaize County, OH, on the one hand, and, on the other, points in the U.S.

MC 150080 (Sub-4), filed January 29, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Mobil Chemical Company, Plastics Division, a Division of Mobil Oil Corporation, of Macedon, NY.

MC 150951 (Sub-2), filed January 30, 1981. Applicant: CRANSTON TRUCKING COMPANY, a DIVISION OF CRANSTON PRINT WORKS COMPANY, 1381 Cranston St., Cranston, RI 02920. Representative: A. Joseph Mega, 175 Forbes St., Riverside RI 02915. Transporting *food and related products, and plastic products*, between points in the U.S., under continuing contract(s) with Van Brode Milling Company, Inc., of Clinton, MA.

MC 151220 (Sub-2), filed February 4, 1981. Applicant: DULANEY INVESTMENTS, INC., 305 W. Chesapeake Ave., Suite 111, Towson, MD 21204. Representive: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of heating and cooling equipment, between points in the U.S., under continuing contract(s) with Slant/Fin Corporation, of Greenvale, NY.

MC 152390 (Sub-4), filed February 3, 1981. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138, Calcutta Branch, East Liverpool, OH 43920. Representive: James M. Burtch, 100 East Broad St., Columbus, OH 43215. Transporting *clay, concrete, glass or stone products*, between points in Hancock County, WV, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 153791, filed January 28, 1981. Applicant: SHANNON TRUCKING COMPANY, INC., Route 5, Box 299, Lubbock, TX 79407. Representive: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *metal products* and *industrial starch*, between points in Lubbock and Hale Counties, TX, on the one hand, and, on the other, points in CA, AZ, NM, CO, and LA.

MC 153841, filed January 21, 1981. Applicant: LIVERY SERVICES, INC., 708 Bethlehem Pike, Ambler, PA 19002. Representive: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 8 passengers (not including the driver) in one vehicle at one time, in non-scheduled door-to-door service, between Stamford, CT, New York, NY, Washington, DC, and points in DE, NJ, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA, and those points in MD on the east of Interstate Hwy 81.

MC 153851, filed January 28, 1981. Applicant: OKLAHOMA NURSING HOME SUPPLY, INC., P.O. Box 10, Sallisaw, OK 74955. Representive: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *food and related products*, between Indianapolis, IN, and Kansas City, KS, and points in Cook County, IL, on the one hand, and, on the other, Dallas and Houston, TX, and points in Los Angeles County, CA, Jefferson County, LA, and Hinds County, MS.

MC 153890, filed January 26, 1981. Applicant: STAMATS DISTRIBUTING COMPANY, INC., 230 Commerce Rd, Jacksonville, NC 28540. Representive: Charles S. Lanier, 114 Old Bridge St., Jacksonville, NC 28540. Transporting *general commodities* (except classes A and B explosives), between points in Onslow County, NC, on the one hand, and, on the other, Baltimore, MD and points in Houston County, GA, Wayne County, MI, Lehigh County, PA, and Allen County, IN.

MC 153900, filed January 22, 1981. Applicant: BUCKEYE MOLDING COMPANY, a Corporation, 5568 New Vienna Rd., New Vienna, OH 45159. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores, between points in the U.S., under continuing contract(s) with Procter & Gamble Company, of Cincinnati, OH.

MC 153921, filed January 21, 1981. Applicant: AUTOBUS DE COATICOOK, INC., 356 Major St., Coaticook, P. Quebec, Canada G1R 1R7. Representive: Guy Poliquin, 580 East Grande-Allee St., Suite 140, Quebec, P. Quebec, Canada G1R 2K3. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada at points in ME, MI, NH, NY, and VT, and extending to points in the U.S.

MC 153931, filed February 2, 1981. Applicant: SCHOLL OIL AND TRANSPORTATION COMPANY, a Corporation, P.O. Box 148, Holyoke, CO 80734. Representative: Arlan Scholl (same address as applicant). Transporting *petroleum, natural gas and their products*, between points in Phillips County, CO, on the one hand, and, on the other, points in KS, NE, and WY.

Volume No. OP4-027

Decided: February 19, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 67866 (Sub-39F), filed January 2, 1981, previously published in the **Federal Register** issue of January 23, 1981, and republished this issue. Applicant: FILM TRANSIT, INC., 3931 Homewood Rd., Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives), between points in New Madrid County, MO, points in LA, AR, MS, those in KY on and west of a line beginning at the IL-KY State line and extending along U.S. Hwy 68 to junction U.S. Hwy 641, then along U.S. Hwy 641 to the KY-TN State line, those in TN on and west of a line beginning at the KY-TN State line and extending along U.S. Hwy 31W to Nashville, then along U.S. Hwy 31 to Columbia, then along TN Hwy 50 to Lewisburg, then along U.S. Hwy 431 to the TN-AL State line, those in AL (a) on, west, and north of a line beginning at the TN-AL State line and extending along AL Hwy 17 to Hamilton, then along U.S. Hwy 78 to the AL-MS State line, and (b) on and south of a line extending from the MS-AL State line over U.S. Hwy 45 to Mobile, AL, then over Interstate Hwy 10 to the AL-FL State line, those in Washington, Mobile, and Baldwin Counties, AL, those in Escambia County, FL, those in MO on and south of a line beginning at the AR-MO State line and extending along U.S. Hwy 62 to New Madrid and the Mississippi River, those in OK on and east of a line beginning at the OK-TX State line and extending along U.S. Hwy 277 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to the OK-KS State line, restricted against the transportation of (1) any package of article weighing more than 100 pounds, or exceeding 110 inches in length or 150 inches in length and girth combined, and (2) packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day. Condition: Issuance of a certificate in this proceeding is subject to prior or conditional cancellation, at applicant's written request, of Certificates MC 67866 (Subs-36 and 37).

Note.—The purpose of this republication is to remove the radial restriction imposed in the original publication.

Volume No. OP4-028

Decided: February 19, 1981.

By the Commission, Review Board No. 3, Members Parker Fortier, and Hill. (Member Fortier not participating.)

MC 152917 (Sub-1F), filed December 16, 1980, and noticed in the **Federal Register** issue of January 8, 1980, and republished this issue. Applicant: J. HOOVER ENTERPRISES, INC., d.b.a. GO-FER EXPRESS 903 East Lincolnway, LaPorte, IN 46350. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603. Transporting *plastic products, glass products, metal products* and *machinery*, between points in Porter, LaPorte, St. Joseph, Elkhart, and Marchall Counties, IN, on the one hand, and, on the other, points in IL, IA, MI, MO, OH, and WI.

Note.—The purpose of this republication is to correctly reflect the commodity description.

Volume No. OP4-029

Decided: February 19, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 121677 (Sub-3F), filed January 5, 1981, and noticed in the **Federal Register** issue of January 29, 1981, and republished this issue. Applicant: WARREN COUNTY FREIGHT LINE, INC., 601 Red Rd., McMinnville, TN 37110. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W. 20004. Transporting *general commodities* (except classes A and B explosives), between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the requested authority with its regular route authority in its lead certificate and (Subs-1 and 2). The purpose of this republication is to include the above tacking statement.

Volume No. OP4-030

Decided: February 19, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 152628F, filed November 4, 1980. Applicant: M & D TRUCKING LINES, RD No. 1, Box 346B, Covington, PA 16917. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *malt beverages*, between points in KY, MD, MI, NC, NJ, NY, OH, PA, and VA.

Volume No. OP4-032

Decided: February 19, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill.

MC 28306 (Sub-380), filed February 3, 1981. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between the facilities of Bird & Son, Inc., on the one hand, and, on the other, points in the U.S.

MC 67646 (Sub-95), filed February 4, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher, (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Richmond, VA, and Charleston, WV: from Richmond over Interstate Hwy 64 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Charleston, and return over the same route, serving all intermediate points; (2) between Charleston, WV, and Chicago, IL: from Charleston over Interstate hwy 64 to Louisville, KY, then over Interstate Hwy 65 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Chicago, and return over the same route, serving all intermediate points; and (3) between Cincinnati, OH, and Danville, KY: (a) from Cincinnati over Interstate Hwy 75 to junction Interstate 64, then over Interstate Hwy 64 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Danville, and return over the same route, and (b) from Cincinnati over Interstate Hwy 75 to junction KY Hwy 922, then over KY Hwy 922 to junction KY Hwy 68, then over U.S. Hwy 68 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Danville, and return over the same route, serving in (a) and (b) above all intermediate points, and serving points in Boyle County, KY, as intermediate or off-route points.

Note.—Applicant states it intends to take the above routes with one another, and with its existing authority.

MC 118446 (Sub-6), filed February 4, 1981. Applicant: PARCEL DELIVERY & TRANSFER, INC., 1301 Whitney Rd., Anchorage, AK 99501. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting *general commodities* (except classes A and B explosives), (1) between points in King and Pierce

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Counties, WA, and (2) between points in (1) above, and Anchorage, AK, on the one hand, and, on the other, points in AK.

MC 121496 (Sub-51), filed February 3, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 666 Eleventh St., NW., No. 805, Washington, DC 20001. Transporting *commodities in bulk,* between points in Gray, Nueces, and Matagorda Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 136786 (Sub-240), filed January 29, 1981. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry E. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *horticultural equipment, implements, and tools,* (2) *rubber and plastic articles,* (3) *chemicals,* and (4) *plant foods,* between the facilities Ross Daniels, Inc., on the one hand, and, on the other, points in the U.S.

MC 138076 (Sub-21), filed February 2, 1981. Applicant: HEAVY HAULING, INC., P.O. Box 937, 1100 West Grand, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Brown-Strauss Corp., a Division of Azcon, of Kansas City, KS, and Brown-Strauss Corp., a Division of Azcon, of Denver, CO.

MC 139906 (Sub-141), filed February 2, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hollywood Brand Candy, of Centralia, IL.

MC 139906 (Sub-142), filed February 2, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Philipp Bros., Division of Engelhard Minerals and Chemicals Corp. and its divisions and subsidiaries, of New York, NY.

MC 146026 (Sub-3), filed February 4, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *pulp, paper and related products,* and (2) *rubber and plastic products,* between the facilities of Georgia-Pacific Corporation on the one hand, and, on the other, points in the U.S.

MC 146026 (Sub-4), filed February 4, 1981. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island, NY 10969. Representative: George A. Oslen, P.O. Box 357, Gladstone, NJ 07934. Transporting *pulp, paper and related products,* between the facilities of Clarke Printing Company on the one hand, and, on the other, points in the U.S.

MC 151556 (Sub-2), filed February 6, 1981. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Ave., South, Minneapolis, MN 55420. Representative: George L. Hirschback, 920 West 21st St., P.O. Box 155, South Sioux City, NE 68776. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with K mart Corporation, of Troy, MI.

Volume No. OP 4-033

Decided: February 19, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 37896 (Sub-40), filed January 29, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Cyanamid Company, of Wayne, NJ.

MC 95876 (Sub-380), filed February 4, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives), between the facilities of or utilized by American Hoist & Derrick Company, its subsidiaries and suppliers, on the one hand, and, on the other, points in the U.S.

MC 109346 (Sub-9), filed February 3, 1981. Applicant: J. L. COX & SON, INC., 777 Action St., Odessa, MO 64076. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. Transporting *those commodities which because of their size or weight require the use of special handling or equipment,* between points in the U.S.

MC 111936 (Sub-22), filed February 4, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *furniture and fixtures,* between points in Washington County, TN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, MI, MS, NC, OH, SC, VA, WV, and WI.

MC 121066 (Sub-14), filed February 2, 1981. Applicant: NEBRASKA TRANSFER CO., INC., P.O. Box 621, Scotts Bluff, NE 69361. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *food and related products,* between points in Scotts Bluff and Morrill Counties, NE, on the one hand, and, on the other, points in KS.

MC 121496 (Sub-52), filed February 3, 1981. Applicant: CANGO CORPORATION, 2727 No. Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 666 Eleventh St., N.W. No. 805, Washington, DC 20001. Transporting *commodities in bulk,* between points in Ouachita Parish, LA, on the one hand, on the other, points in TX, AR, LA, MS, and OK.

MC 142126 (Sub-12), filed February 4, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston MA 02108. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Dart Container Corporation of Pennsylvania, of Leola, PA.

MC 145746 (Sub-5), filed February 2, 1981. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main St., Sussex, WI 53089. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Friday Canning Corporation, of New Richmond, WI.

MC 146496 (Sub-4), filed January 26, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *rubber products,* between points in the U.S., under continuing

contract(s) with The Kelly Springfield Tire Company, of Cumberland, MD.

MC 153866, filed January 19, 1981. Applicant: EUSTACHIO F. ESPOSITO, 34 Morse Place, New Haven, CT 06512. Representative: LeRoy Jones, 26 Elm St., P.O. Box 415, New Haven, CT 06502. Transporting *general commodities,* between points in New Haven County, CT, on the one hand, and, on the other, points in CT, NY, NJ, PA, DE, MD, RI, and MA.

MC 153286 (Sub-1), filed February 4, 1981. Applicant: RICHARD G. CONAWAY, R.D. #1, Box 106, Frenchville, PA 16836. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *coal and coal products,* between points in Clearfield and Centre Counties, PA, on the one hand, and, on the other, points in NY.

Volume No. OP5-053

Decided: February 11, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

FF-538, filed December 31, 1980. Applicant: THRIFTY EXPRESS, INC., P.O. Box 43308, Atlanta, GA 30336. Representative: Joseph T. Bambrick, Jr. (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission), between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 25798 (Sub-401), filed February 2, 1981. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note:—Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing certificates.

MC 88368 (Sub-49), Filed January 19, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kinglsey, 10614 Amherst Ave., Silver Spring, MD 20902. Transporting (1) *Navigation instruments, equipment, fixtures, and systems,* (2) *Component parts and accessories* for the commodities in (1), and (3) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) between Kansas City, MO, on the one hand, and, on the other, points in the U.S.

MC 117119 (Sub-836), Filed January 26, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *such commodities* as are dealt in or used by discount or variety stores, between points in CO, ID, IL, IN, IA, KS, KY, MI, MN, MT, MO, NE, NV, ME, VT, TN, OK, AR, ND, OH, OR, SD, UT, WA, WI, and WY, on the one hand, and, on the other, points in AL, AR, IL, KS, KY, LA, MS, MO, OK, TN, and TX.

MC 119399 (Sub-143), Filed January 19, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant). Transporting *pulp, paper and related products,* between points in Muskogee County, OK, on the one hand, and, on the other, points in AL, AR, FL, KS, LA, MO, TX, and UT.

MC 125368 (Sub-124), Filed January 23, 1981. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *foods and related products,* between points in Allegheny County, PA, Sandusky County, OH, and Ottawa County, MI, on the one hand, and, on the other, points in FL, SC, and TX.

MC 133689 (Sub-353), Filed January 23, 1981. Applicant: OVERLAND EXPRESS, INC., 6651 Naples St., NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *general commodities* (Except classes A and B explosives), between Riverside, CA, and points in Wood and Portage Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 134798 (Sub-4), filed January 30, 1981. Applicant: VLAIE CARTAGE, INC., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA.

MC 135678 (Sub-27F), filed November 19, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73106. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Over *regular* routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Amarillo, TX, and Denver, Co, from Amarillo over U.S. Hwy 287 to Limon, CO, then over U.S. Hwy 70 to Denver and return over the same routes.

Note.—Applicant intends to tack this authority with its existing authority in NO. MC-135678.

MC 139379 (Sub-8), filed January 29, 1981. Applicant: LES MATHRE TRUCKING, INC., 417 8th St., Story City, IA 50248. Representative: Larry D. Knox, 600 Hubbell Bldg. Des Moines, IA 50309. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in the United States, under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 142258 (Sub-7), filed January 22, 1981. Applicant: DALE BLAND TRUCKING, INC., RR 1, Switz City, IN 47465. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *commodities in bulk,* between points in IL, IN, and OH.

MC 144918 (Sub-2), filed January 23, 1981. Applicant: J. P. JENKS, INC., P.O. Box 585, Geneva, OH 44041. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Transporting (1) *metal products,* (2) *food and related products,* (3) *petroleum, natural gas and their products,* (4) *rubber and plastic products,* and (5) *machinery,* between points in Ashtabula and Lake Counties, OH, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 150339 (Sub-23), filed January 21, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). Transporting *general commodities,* (except classes A and B explosives between points in the U.S., under continuing contract(s) with Great Plains Bag Corp., of New Philadelphia, OH.

MC 150578 (Sub-11), filed January 21, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant). Transporting *food and related products,* between points in LaPorte County, IN, St. James and St. Martin Parish, LA, Harrison County, MS, Passaic County, NJ, Allegheny County, PA, and Galveston County TX, on the one hand, and, on the other, points in the U.S.

MC 152458 (Sub-2), filed January 28, 1981. Applicant: KNOWLES TRUCKING CO., INC., P.O. Box 308,Tyrone, GA 30290. Representative: Virgil H. Smith,

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1587 Phoenix Blvd., Suite 12, Atlanta, GA 30349. Transporting *textile mill products* between points in the U.S., on the one hand, and, on the other, Salt Lake City, UT.

MC 153258 (Sub-1), filed January 26, 1981. Applicant: DENNIS R. HILKER TRUCKING, INC., 712 W. Millard St., New London, WI 54961. Representative: Norman A Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Consolidated Foods Corporation, Div. of Hillshire Farms Co., of New London, WI.

MC 153809 (Sub-1), filed February 4, 1981. Applicant: A & B DELIVERY, INC., 1817 Pittston Ave., Scranton, PA 18505. Representative: Edward F. V. Pietrowski, 3300 Birnley Ave., Moosic, PA 18507. Transporting *food and related products* between points in WA, CA, TX, NV, OR, AZ, and NM. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 153889, filed January 27, 1981. Applicant: MANCHESTER MOTOR FREIGHT, INC., 23 Knollcrest Rd., Goffstown, NH 03045. Representative: James T. McKenna (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in NH, ME, VT, MA, CT, and RI.

Volume No. OP5–052

Decided: February 11, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 3468 (Sub-180), filed January 23, 1981. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Representative: Harry C. Ames, Jr. 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *transportation equipment* between points in the U.S.

MC 12669 (Sub-2), filed January 26, 1981. Applicant: KNOXVILLE TOURS, INCORPORATED, 5833 Clinton Highway, Knoxville, TN 37912. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. To operate as a *broker*, at Knoxville and Chattanooga, TN, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special or charter operations, between points in the U.S., including AK and HI.

MC 47038 (Sub-23), filed January 28, 1981. Applicant: GRAHAM SHIP BY TRUCK COMPANY, 721 South Packard, Kansas City, KS 66105. Representative: Richard R. Arnold (same address as applicant). Transporting *general commodities* (except classes A and B explosive between points in the U.S., under continuing contract(s) with Hallmark Cards, Inc., of Liberty, MO.

MC 108119 (Sub-279), filed January 28, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010 St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, (2) *self-propelled articles*, (3) *metal products*, (4) *contractors' and construction equipment, materials, and supplies*, and (5) *machinery*, between points in the U.S. in and west of ND, SD, NE, KS, OK, and TX.

MC 116328 (Sub-3), filed January 26, 1981. Applicant: CROSS & MURRAY, INC., 710 Third Ave. North, Minneapolis, MN 55403. Representative: Timothy H. Butler, 4200 IDS Center, 80 South 8th St., Minneapolis, MN 55402. Transporting *food and related products*, between Minneapolis, MN, on the one hand, and, on the other, points in IA, SD, and NE.

MC 117119 (Sub-835), filed January 26, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *rubber and plastic products* between Tyler, TX, on the one hand, and, on the other, points in the U.S.

MC 118159 (Sub-375), filed February 4, 1981. Applicant: DISTRIBUTION SERVICE SYSTEMS, INC., 2961 Interstate Street, Charlotte, NC 28208. Representative: Thomas E. Vandenberg, 3061 Ridge Road, Green Bay, WI 54304. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 126119 (Sub-6), filed January 26, 1981. Applicant: EASTERN MOTOR TRANSPORT, INC., P.O. Box 501, Richmond, VA 23204. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Transporting *petroleum, natural gas and their products*, between points in Bedford and Roanoke Counties, VA, on the one hand, and, on the other, points in WV.

MC 135678 (Sub-30), filed January 28, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *metal products*, between points in Washita County, OK, and points in AZ, NV, and CA.

MC 138469 (Sub-263), filed January 26, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *food and related products*, between points in Fulton and Henry Counties, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX.

MC 142059 (Sub-155), filed January 26, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Fred H. Daly, 2550 M St., NW., Suite 475, Washington, DC 20037. Transporting *such commodities* as are dealt in by manufacturers of pulp, paper, and related products, between points in Lawrence County, AL, on the one hand, and, on the other, points in the U.S.

MC 142059 (Sub-156), filed January 26, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting (1) *clay, concrete, glass or stone products*, (2) *ores and minerals*, (3) *metal products*, (4) *rubber and plastic products*, and (5) *machinery*, between points in the U.S.

MC 145219 (Sub-20), filed January 26, 1981. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 500, Camden, SC 29020. Representative: B. M. Shirley (same address as applicant). Transporting *building materials*, between points in Elkhart County, IN, Alpena County, MI, Wilkes County, NC, and Lucas County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 150939 (Sub-10), filed January 26, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Haskell of Pittsburgh, Inc., of Verona, PA.

MC 151748 (Sub-1), filed January 27, 1981. Applicant: GRAPHIC ARTS PUBLISHING CO., INC., d.b.a. GAP TRUCKING ., 2285 Warm Springs Ave., Boise, ID 83706. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Transporting (1) *printed matter, and* (2) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with (a) the Tribune Publishing Co., Inc. of Lewiston, ID, (b) the News-Review Publishing Co., Inc., of Moscow, ID, and (c) Graphic Arts Publishing Co., Inc., and Lewis-Clark Paper Co., Inc., both of Boise, ID.

MC 152389 (Sub-1), filed January 28, 1981. Applicant: JIM's HOTSHOT SERVICE, INC., Box 212, Mandan, ND 58554. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *mercer commodities*, between points in ND on and west of U.S. Hwy 83, on the one hand, and, on the other, points in MT, WY, UT, CO, SD, NE, KS, NM, LA, OK, and TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6472 Filed 2-25-81; 8:45 am]

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[Permanent Authority Decisions Volume No. 26]

Restriction Removals; Decision-Notice

Decided: February 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 80443 (Sub-45)X, filed February 6, 1981. Applicant: OVERNIGHT EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its authority by (1) changing the commodity description in Sub-No. 11F from prefabricated houses, knocked down to "lumber and wood products"; in Sub-No. 12F various air systems, internal combustion engines and parts therefor (except in bulk in tank vehicles) to "machinery"; in Sub-No. 13F dust collectors parts and materials, to "machinery"; and remove the restriction against transportation of chemicals in bulk, in tank vehicles; in Sub-No. 15F refrigerators, freezers and cooling units and materials (except in bulk) to "machinery" in Sub-No. 16F air systems, internal combustion, and mufflers to "machinery" and fabricated steel articles to "metal products" in Sub-No. 17F iron and steel articles to "metal products"; in Sub-No. 19F anti-freeze and de-icing compounds (except in bulk), pressure tanks and vaporizers to "chemicals and related products" and "metal products"; in Sub-No. 22F pet food and materials (except in bulk, in tank vehicles), to "food and related products"; in Sub-No. 25F air conditioners, evaporators, condensers, and ice-making machines and parts and materials (except in bulk) to "machinery"; in Sub-No. 26F bentonite clay to "clay, concrete, glass or stone products"; in Sub-No. 27F salt and salt products (except in bulk) to "chemicals and related products"; in Sub-No. 30F plastic articles to "rubber and plastic products"; in Sub-No. 33F cocks and valves to "metal products"; in Sub-34F games and toys to miscellaneous products of manufacturing"; in Sub-No. 35F washing and drying machines, part, and materials to "machinery"; in Sub-No. 37, mattresses, furniture, batting, padding, etc. and materials to "furniture and fixtures and textile mill products"; in Sub-No. 40, household appliance and equipment to "machinery"; in Sub-No. 41F plastic articles, chemicals and petroleum products to "chemicals and related products", "rubber and plastic products", and "petroleum, natural gas and their products"; in Sub-No. 42 small arms ammunition, and related components and electrical switch boxes, and related electric apparatus (except electrical appliances) to "ordnance and accessories" and "machinery", and in Sub-No. 43F electrohydraulic testing equipment and materials to "machinery" (2) replacing one-way authority to or from points in the U.S. (except as noted) with radial authority and substituting counties for named facilities or points, Sub-No. 11F between Minneapolis, MN, and 6 States; in Sub-No. 12F Waseca County (for Waseca), MN, in Sub-No. 13F St. Croix County (for Baldwin; in Sub-No. 15F, St. Cloud, MN, in Sub-No. 16F McLeod County (for Hutchinson) and Yellow Medicine County (for Canby), MN; in Sub-No. 17F Washington County (for Newport) MN; in Sub-No. 19F Sauk Rapids, MN; in Sub-No. 22F Otter Tail County (for Perham), MN; in Sub-No. 25F Fairbault and Minneapolis, MN, and Spirit Lake, IA; in Sub-No. 26 Phillips County (for Malta), MT; in Sub-No. 27F between Manistee County (for Manistee), MI and 15 States; in Sub-No. 28F Middlesex County (for Woodbridge), NJ, Wabasha County (for Lake City) and Winona County (for Winona), MN, Los Angles County (for Gardena), CA, and Chicago, IL, Minneapolis, MN, Dallas, TX, and Atlanta, GA; in Sub-No. 30F Grundy County (for Grundy Center), IA, Scott County (for Belle Plaine) and Hennepin County (for Bonifacius), MN, Gaston County (for Gastonia), NC, and Spartanburg County (for Spartanburg), SC; in Sub-No. 33F Stearns County (for Sartell), MN, Warren County (for McMinnville), TN, Lewis County (for Chehalis), WA, and Troupe County (for La Grange), GA; in Sub-No. 34F, Meeker County (for Eden Valley), MN, in Sub-No. 35F Hamilton County (for Webster City), Webster County (for Fort Dodge), and Greene County (for Jefferson), IA; in Sub-No. 37F Hamilton County (for Lockland), OH, Lauren County (for London), KY, Pontotoc County (for Pontotoc), MS, and Los Angles County (for City of Industry), CA; in Sub-No. 40F between Louisville, KY and 6 States; in Sub-No. 42F Anoka County (for Anoka), MN; and in Sub-No. 43F Minneapolis, MN, (3) deleting originating at or destined to restrictions in Sub-Nos. 28F, 30F, and 41F; and (4) deleting the exception of AK and HI and in some instances, the origin State on nationwide grants in Sub-Nos. 12F 13F, 15F, 16F, 17F, 19F, 22F, 25F, 26F, 28F, 30F, 33F, 34F, 34F, 37F, 41F, and 42F.

MC 99439 (Sub-18) X, filed February 12, 1981. Applicant: SUWANNE TRANSFER, INC., 9800 Normanly Boulevard, P.O. Box 40764, Jacksonville, FL 32203. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its Sub-No. 3F, 5, 6, 7, 9, 10F, 11F, 13F,

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and 15F certificates to broaden its commodity descriptions from (a) commodities the transportation of which by reason of size or weight require the use of special equipment, and related machinery and parts and related contractors' machinery and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment (b) iron and steel articles as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (c) plastic, plastic articles, plastic pipe, tubing, fittings, and connections and materials, supplies, and accessories used in the manufacture and installation of all such commodities in part (c), to "commodities which because of size or weight require the use of special handling or equipment, machinery, metal products, and rubber and plastic products" in Sub-No. 3F; from tractors (except truck tractors), and attachments, parts, and accessories for tractors, to "machinery", in Sub-No. 5; from (1) plastic pipe and fittings, and (2) materials used in the manufacture and installation of the commodities in (1) above to "rubber and plastic products" in Sub-No. 6; from plastic, plastic articles, plastic pipe, tube, fittings, and connections, materials, supplies, and accessories used in the manufacture and installation of all such commodities, to "rubber and plastic products" in Sub-No. 7; from plastic pipe, conduct, fittings, and products, and materials, supplies and accessories used in the manufacture installation of all such commodities, to "rubber and plastic products" in Sub-No. 9; from iron and steel articles, to "metal products" in Sub-No. 10F; from (1) commodities the transportation of which by reason of size or weight require the use of special equipment, (2) machinery, contractor's materials and contractor's supplies when moving in mixed loads with the commodities in (1) above, and (3) self-propelled vehicles (except automobiles, truck, truck-tractors, and buses) to commodities which because of size of weight require the use of special handling or equipment, machinery, and transportation equipment, in Sub-No. 11F; from roofing, materials, asbestos building paper, asbestos sheathing paper, shingles, siding, and asbestos wallboard, to "building materials" in Sub-No. 13F; from (1) package water and waste water treatment equipment and materials and (2) accessories, and materials, and supplies used in the installation of the commodities in (i) above, to "machinery" in Sub-No. 15F; and to remove the "except in bulk, in tank vehicles" restrictions in various Sub numbered authorities. Applicant also seeks to broaden Tamper, FL to Hillsborough County, FL and to expand its one-way authority to radial authority between Jacksonville, FL and Hillsborough County, FL in Sub-No. 5; remove the named facilities in Palm Beach County, FL to authorize service radially between the named county, and points in AL, KY, LA, MS, NC, SC, TN, and VA, in Sub-No. 6; remove the named facilities at Anderson, SC; and expand Anderson to Anderson County, SC, to authorize service radially between the named county, and, points in AL, FL, and GA in Sub-No. 7; remove the named plantsite at Savannah, GA, expand Savannah to Chathan County to authorize service radially between the named county, and, points in FL, in Sub-No. 13F; remove the named facilities at Jacksonville, FL and expand its one-way authority to radial authority between Jacksonville, FL, and,pionts in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MD, MS, MO, NE, NY, NC, OK, PA, SC, TN, TX, VA, and WV, in Sub-No. 15F. Also, it seeks to remove a restriction against the transportation of aerospacecraft, aerospacecraft parts, and aerospacecraft ground support equipment in Sub-No. 3F; and remove a restriction limiting the transportation of shipments having a prior or subsequent movement by rail, in Sub-No. 5.

MC 113855 (Sub-523)X, filed February 11, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE, Rochester, MN 55901. Representative: Michael C. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 346, 404F, and 405F certificates (1) by changing the commodity description from (a) in Sub-No. 346 precast stone, (b) in Sub-No. 404F artifical stone and (c) in Sub-No. 405F granite, marble, slate, stone and precast stone to "clay, concrete, glass or stone products," (2) by removing the exception of AK, HI, and CA from its nation wide grant, and (3) changing one-way to radial authority between Napa, Sacramento, and Yolo Counties, CA, ID, MT, and UT, and points in the U.S.

MC 115826 (Sub-598)X, filed February 13, 1981. Applicant: W.J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 288 and 429F certificates. Sub-No. 288 authorizes the transportation of (a) foodstuffs, pharmaceutical materials, supplies and products, chemicals, alcoholic beverages, tobacco products, pet foods, and such commodities as are dealt in by distribution or consolidation warehouses for the above-named commodities, when moving in the same vehicle at the same time as the above-named commodities, except commodities in bulk, in vehicles equipped with mechanical refrigeration, (b) foodstuffs, except in bulk, and (c) foodstuffs and restaurant materials, equipment and supplies, except commodities in bulk. It seeks to (1) remove restrictions which limit service to transportation of "such commodities" when moving in the same vehicle at the same time as other named commodities; of commodities moving in vehicles equipped with mechanical refrigeration, and (2) remove restrictions against the transportation of commodities in bulk. It also seeks to (1) remove restrictions to traffic originating at or destined to facilities at Albuquerque, NM, originating at and destined to, or moving from and to storage-in-transit, at Denver, CO, and, originating at the named origins and destined to the named destinations in Sub-288; (2) remove restrictions against service to AK and HI in Sub-Nos. 288 and 429F; (3) substitute county-wide authority for facilities at Albuquerque, NM, and Laramie, WY in Sub-288; at Cleveland, OH, Anaheim, CA, Pottsdam, NY, Carlstadt and West Caldwell, NJ, and Apex, NC; and Brown, TX in Sub-429F; (4) change the territorial descriptions from one-way authority to radial service: (a) between Denver, CO, Bernalillo County, NM, and points in the U.S. in and west of MN, IA, MO, AR and LA, (b) between Albany County, WY, and the same territory as in (a) above, (c) between points in the U.S. in and west of MN, IA, MO, AR and LA, Denver, CO, and Bernalillo County, NM, in Sub-288; and (a) between Cuyahoga County, OH, Orange County, CA, St. Lawrence County, NY, Bergen and Essex Counties, NJ, Wake County, NC, and points in the United States, and (b) between Brown County, TX, and points in the U.S. (except NE) in Sub-429F.

MC 117344 (Sub-291)X, filed February 9, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-Nos. 58, 89, 97, 101, 106, 113, 115, 119, 123, 124, 133, 136, 137, 145, 147, 153, 166, 167, 173, 175, 180, 185, 188, 191, 197, 198, 202, 205, 206, 219, 227, 228, 234G, 246, and 259 certificates to broaden its various specified commodity descriptions such as core compound, aluminum sulphate, chemicals, liquid adhesives, vegetable oils, and fertilizer solutions, most of which are limited to movement in bulk, to "commodities in bulk", and to remove the equipment restriction "in tank vehicles" or "in hopper vehicles". In addition, it seeks to broaden specific points and plantsite facilities to city or county-wide authority as follows: In Sub-No. 145, Sheet No. 4, Michigan City, IN to La Porte County, IN, Sheet No. 7, 12, and 13, Nitro, WV to Kanawha County, WV and Sheet No. 7, St. Bernard, OH to Hamilton County, OH; in Sub-No. 153, Fulton, IN to Fulton County, IN; in Sub-No. 166, Kenton, OH to Hardin County, OH; in Sub-No. 175, Thorntown, Eaton, and Warsaw, IN to Boone, Delaware, and Kosciusko Counties, IN; in Sub-No. 219, Lawrenceburg, IN to Dearborn County, IN; in Sub-No. 228, Greenville, OH to Darke County, OH; in Sub-No. 234G, Sheet No. 2, Delaware to Delaware County, OH; in Sub-No. 246, remove the named facilities limitation Owensboro, KY; in Sub-No. 259, Middletown, OH to Butler County, OH. It seeks to expand its one-way authority to radial authority as follows: (1) Between Dayton, OH, and, points in IA, MO, and WI in Sub-No. 58; (2) between Butler County, OH, and, points in KY and WV in Sub-No. 89; (3) between Delaware County OH, and, points in IN and KY in Sub-No. 97; (4) between Columbus, OH, and, points in IL, IN, and KY in Sub-No. 101; (5) between Columbus, OH, and, points a in described portion of MO in Sub-No. 106; (6) between Columbus, OH, and, points in KY, MO, NC, SC, VA, and WV in Sub-No. 113; (7) between Columbus, OH, and, points, in WI in Sub-No. 115; (8) between Columbus, OH, and, points in GA in Sub-No. 119; (9) between Wilder, KY, and, points in IN, MI, OH, WV (except points in 10 named counties in WV, in Sub-No. 123; (10) between Columbus, OH, and points in IL in Sub-No. 124; (11) between those points within the Louisville, KY, commercial zone lying in KY, and, points in IL and IN, in Sub-No. 133; (12) (a) between Columbus, OH, and, points, in KY, and (b) between Columbus, OH, and, points in TN, in Sub-No. 136; (13) between Columbus, OH, and, points in a described portion of MN, in Sub-No. 137; (14) (a) between Cincinnati, OH, and Louisville, KY, and, points in IN and OH within 150 miles of Cincinnati, OH, and (b) between Cincinnati, OH, and, Covington, and Newport, KY, in Sheet No. 1, (c) between La Porta County, IN, and, points in IL, MI, KY, and OH, in Sheet No. 4, (d) between Kanawha County, WV, and, points in Hamilton County, OH, in Sheet No. 7, (e) between Mercer County, OH, and, points in MI, IL, IN, MO, GA, KY, and WI, in Sheet No. 10, (f) between Montgomery County, OH, and, points in TN (except Hamilton County, TN), in Sheet No. 10, (g) between Cincinnati, OH, and, points in NH, VT, a described portion in ME, and AR, in Sheet No. 11, (h) between Columbus, OH, and, points in PA, NY, NJ, MA, and MI, in Sheet No. 11, (i), between Kanawha County, WV, and, points in IL and WI in Sheet No. 12, (j) between Cincinnati, OH, and, points in OK, in Sheet No. 12, (k) between St. Bernard and Cincinnati, OH, and points, in DE, KS, MD, MO, NJ, and VA, in Sheet No. 13, (l) between Cincinnati, OH, and, points in Kanawha County, WV, in Sheet No. 13; (15) between points in IN, KY, (except Daviess and Jefferson Counties), and OH, and, points in IN and OH, in Sub-No. 147; (16) between Fulton County, IN, and points in IL, IN, MI, OH, and WI, in Sub-No. 153; (17) between Hardin County, OH, and, points in AL, GA, IL, IN, IA, MI, NE, NC, PA, TN (except Kingsport and Elizabethton) and WI in Sub-No. 166; (18) between Columbus, OH, and, points in CT, MA, and RI, in Sub-No. 167; (19) between points in Hamilton County, OH, and, points in IA, KS, NE, OK, SD, and TX, in Sub-No. 173; (20) between points in Boone, Delaware, and Kasciusko Counties, IN, and, points in OH, in Sub-No. 175; (21) between Covington, KY, and, points in OH, in Sub-No. 180; (22) between points in Fayette County, OH, and, points in IN, KY, and MI, in Sub-No. 185; (23) between St. Louis, MO, and Chicago, IL, and Cincinnati and St. Bernard, OH, in Sub-No. 88; (24) between points in Delaware County, OH, and, points in MI, in Sub-No. 191; (25) between points in Delaware County, OH, and, points in AL, AR, IA, IL, MN, MO, TN, and WI, in Sub-No. 197; (26) (a) between points in Jackson County, IN, and, points in IL (except the St. Louis, MO—East St. Louis, IL CZ), IN, KY, MI (except Kalamazoo and Grand Rapids and points in those CZ), OH, TN (except Kingsport and points in its CZ), and WI, and (b) between points in IN, KY, and TN (except Shelby County and Kingsport and its CZ), and, points in Jackson County, IN, in Sub-No. 198; (27) between Cincinnati, OH, and, points in WV, in Sub-No. 202; (28) between Owensboro, KY, and, points in AL, AR, GA, IL (except points in the St. Louis, MO—East St. Louis, IL CZ), IN, IA, KS, LA, MN, MS, MO (except points in the St. Louis, MO—East St. Louis, IL CZ), NC, OH, OK, SC, TN (except Kingsport and Elizabethton), TX and WI, in Sub-No. 205; (29) between Dayton OH, and points in KY, in Sub-No. 206; (30) between Dearborn County, IN, and, points in KY and OH, in Sub-No. 219; (31) between Columbus, OH, and, points in IN, KY, MI, PA, and WV, in Sub-No. 227; (32) between points in Darke County, OH, and, points in AL, FL, GA, IL, IN, IA, KY, MO, ME, MI, MN, MS, NY, NJ, NC, PA, TN, TX, and WI, in Sub-No. 228; (33) (a) between Cincinnati, OH, and, points in IL (except points in the St. Louis, MO—East St. Louis, IL CZ), IN, IA, GA, MI, MN, MO (except points in the St. Louis, MO—East St. Louis, IL CZ), NC, SC, TN (except Kingsport), and WI, (b) between Delaware County, OH, and, points in GA, IL (except points in the St. Louis, MO—East St. Louis, IL CZ), NC, SC, TN, (except Kingsport), and WI, and (c) between Columbus, OH, and, points in IN, IA, MN, MO (except points in the St. Louis, MO—East St. Louis, IL CZ), NC, SC, and WI, in Sub-No. 234G; (34) between Owensboro, KY, and, points in IL, IN, KY, MO, TN, OH, VA and WV, in Sub-No. 246; (35) between Butler County, OH, and, points in IN and KY in Sub-No. 259. It also seeks to remove the following restrictions: In Sub-No. 89, a restriction against the transportation of liquid aluminum sulphate from points in Butler County, OH, to points in Jefferson County, KY, Brooke, Hamphshire, Hancock, Kanawha, Monongalia, and Ohio Counties, WV, and to Fairmont, WV; in Sub-No. 97, a restriction against the transportation of (1) lards, fats, greases, oils, and tallows to points in IN, and (2) petrochemicals to points in that part of KY on and east of US Hwy 31W; in Sub-No. 124, a restriction against the transportation of dry chemicals from Columbus, OH, to points in IL within the St. Louis, MO—East St. Louis, IL CZ; in Sub-No. 136, a restriction against the transportation of (a) petroleum products listed in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are also listed as acids and chemicals in Appendix XV to that report to points in KY on and east of US Hwy 31W, and (b) liquid hydrogen, liquid oxygen, and liquid nitrogen to missile storage or missile launching sites, missile test facilities, or manufacturing plants producing liquid hydrogen, liquid oxygen, and liquid nitrogen located in TN; in Sub-No. 147, a restriction to transportation of shipments having a prior or subsequent movement by water or rail; in Sub-No. 166, restrictions (a) limiting service to traffic originating at Kenton, OH, and destined to points in named states, (b) against the transportation of dry plastic materials destined to East St. Louis, IL, and (c) against the transportation of liquid

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plastic materials to points in NC; in Sub-No. 173, and originating at and destined to restrictions; in Sub-No. 185, restriction against the transportation of (a) dry fertilizer and dry fertilizer ingredients, in dump vehicles, to points in part of MI, and (b) liquid fertilizer and liquid fertilizer ingredients, to points in a part of KY; in Sub-No. 188, a restriction limiting the transportation of shipments to those destined to named plantsites; in Sub-No. 205, a restriction against the transportation of dry chemicals to points in 7 named counties in TX; and in Sub-No. 228, a restriction limiting the transportation of shipments to those originating at Greenville, OH.

MC 119934 (Sub-238)X, filed February 13, 1981. Applicant: ECOFF TRUCKING, INC., R.R. 10, Box 100A, Greenfield, IN 46140. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian Street, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 208 certificate to (1) broaden the commodity description from hydrochloric acid, in bulk, in tank vehicles, to "commodities in bulk," (2) remove the plantsite limitation and replace it with city-wide authority to serve Louisville, KY, and (3) broaden the one-way authority to radial authority between Louisville, KY, and points in IL, IN, MO, and OH.

MC 123057 (Sub-14)X, filed February 12, 1981. Applicant: HO-RO TRUCKING CO., INC., P.O. Box 487, Woodbridge, NJ 07095. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its lead and Sub-Nos. 3, 7, 12, and 13 certificates by (1) eliminating from its general commodity authority all exceptions except "classes A and B explosives," in the lead, sheet 2, and Sub-Nos. 3 and 7, sheet 1; (2) eliminating all exceptions to the commodity descriptions as follows: "except lumber and lumber products, metal laths" and "except liquids, in bulk, in tank vehicles" in the lead; "except glass products, commodities in bulk, stone, slate, brick, lumber products, and unfabricated metals"; and all "except in bulk" restrictions in Sub-No. 12; (3) broadening the following commodity descriptions: iron and steel to "metal products" in the lead; and steel studding to "metal products" in Sub-No. 13; cut stone, slate, and brick, and glass products, to "clay, concrete, glass or stone products" in the lead, sheets 1 and 2; roofing and building materials to "building materials" and metals to "metal products" in the lead, sheet 2; wearing apparel to "textile mill products", radio and electrical goods to "machinery", lumber products to "lumber and wood products", paper products to "pulp, paper and related products" in Sub-No. 3, sheet 2; gypsum and gypsum products and paint and paint products to "chemicals and related products", and paper bags, and gypsum board paper to "pulp, paper and related products" in Sub-No. 12, sheet 1; (4) changing city-wide to county-wide authority: from Montrose, NY, to Westchester County, NY; from Port Allegany, PA, to McKean County, PA, in the lead, sheets 1 and 2; Woodbridge Township, NJ, to Middlesex County, NJ, and Stony Point, NY, to Rockland County, NY, in Sub-No. 12, sheet 2; and Westbury, NY, to Nassau County, NY, in Sub-No. 13; (5) authorizing radial authority between: Westchester County, NY, and New York, NY, and points in Connecticut and specified points in New York; McKean County, PA, and New York, NY, and points in six NJ Counties; Elizabeth and 3 other NJ cities, and points in specified CT, NY and PA Counties, in the lead, sheets 1 and 2; and Nassau County, NY and points in 13 eastern States and DC, in Sub-No. 13; (6) changing the territorial description in Sub-No. 7, sheet 2, to read "between points in the New York, NY Commercial Zone"; (7) removing the "ex-water" restriction from Sub-No. 7, sheet 2; (8) eliminating the named plant and warehouse sites from Sub-No. 12, sheet 2, paragraph 1; and (9) removing the "originating at or destined to" restrictions in Sub-No. 12, sheet 2; and Sub-No. 13.

MC 134477 (Sub-427)X, filed February 12, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Applicant seeks to remove restrictions in its Sub-No. 21, 30, 75, 107, 276F, and 301F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all the above Sub-Nos., (2) eliminate restrictions limiting sevice to traffic moving on bills of lading of freight forwarders in all the above Sub-Nos., (3) delete plantsite facilities restrictions and replace them with county-wide authority: Hartford County for East Hartford, CT, Bridgeport County for Stratford, CT, Union County for Elizabeth, NJ, in Sub-No. 21; Essex County for Newark, NJ, in Sub-No. 107; New Haven County for New Haven, CT, Hampden County for Springfield, MA, Hudson County for North Bergen, NJ, in Sub-No. 276F; Mecklenburg County for Charlotte, NC, in Sub-No. 301F, (4) authorize radial in lieu of existing one-way authority in all referenced Sub-Nos.

MC 136123 (Sub-19)X, filed February 12, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as above). Applicant seeks to remove restrictions from its No. MC 128555 (Sub-No. 20) permit to (1) broaden its commodity description from plastic parts and cabinet housings, for the manufacture of office copiers, to "such commodities as are used in or dealt in by manufacturers of office copiers"; and (2) broaden its territorial descriptions to between points in the U.S. under a continuing contract(s) with a named shipper.

MC 136208 (Sub-10)X, filed February 12, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (same as applicant). Applicant seeks removal of restrictions in its lead and Sub-No. 4 certificates, to (1) broaden the commodity description in each to "metal and metal products" from iron, steel, and aluminum in one portion of the lead, and from aluminum extrusions, except those used in the manufacture of mobile homes, motor homes and campers, in Sub-No. 4; (2) substitute county-wide authority for Los Angeles and Berkeley, CA, Portland, OR, and Kent, WA in both certificates; and (3) authorize radial service between Los Angeles and San Francisco Counties, CA, Multnomah County, OR and Pierce County, WA in Sub-No. 4.

MC 136828 (Sub-39)X, filed February 10, 1981. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Applicant seeks to remove restrictions in its Sub-No. 26F certificate to (1) remove the "commodities in bulk, in dump, tank and hopper vehicles," exceptions from its authority to transport metals, metal articles, metal fabrications and materials, equipment and supplies therefor, radially between a portion of AL and points in the U.S. (2) remove "except AK and HI," in its territorial authority and "originating at or destined to" restriction and (3) remove a restriction against the transportation of prefabricated buildings and panels.

MC 142835 (Sub-14)X, filed February 10, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and (Sub-1F, 2F, 4F, 5F, 6F, 7F, 10F) certificates (1) by changing the commodity description (a) in its lead from frozen foods, frozen seafood, frozen fruits, frozen vegetables, frozen citrus juice concentrate, citrus products and frozen vegetable juice, in (Sub-1F) from beverages, beverage preparations and citrus products, in (Sub-4F) from bananas, in (Sub-5F) from foodstuffs and pet food, in (Sub-6F) from canned and preserved foodstuffs, in (Sub-7F) from bakery products, and in (Sub-10F) from food or kindred products as described in Item 20 of the STCC, to "food and related products," and (b) in (Sub-2F) from new furniture to "furniture," (2) by substituting counties for named facilities or points and changing one-way to radial authority in its lead (a) between Boston and Essex County (for Gloucester), MA, and FL, GA, LA, NC, SC, TN, VA, AL, and WV, (b) between Middlesex County (for Watertown), MA, and NC, SC, GA, FL, AL, MS, and LA, (c) between Boston, MA, and MS, (d) between Washington, DC, and NC, SC, GA, and AL (e) between Bibb County (for Macon), GA, and 20 cities in mid-Atlantic and northeastern States, (f) between St. Lawrence County (for Heuvelton) and Franklin County (for Chateaugay), NY and AL, (g) between FL and ME, NH, VT and 30 cities in mid-Atlantic and Norteastern States, (h) between Hillsborough County (for Plant City), FL and MD, PA, and VA, (i) between Duval County (for Jacksonville) FL and 25 cities in mid-Atlantic and northeastern States, (j) between Hillsborough County (for Tampa), FL, and 6 cities in NY, VA, MD, DC, and NJ, and (k) between Polk County (for Auburndale), Lake County (for Leesburg), and Orange County (for Plymouth), FL, and ME, NH, VT, and 30 cities in mid-Atlantic and northeastern States; in (Sub-1F) between points in FL and CT (with exceptions), MD, MA (with exceptions), NJ (with exceptions), NY (with exceptions), OH, PA (with exceptions), RI, VA (with exceptions), and DC; in (Sub-2f) between Guilford County (for High Point), NC, and FL; in (Sub-4F) between Hillsborough County (for Tampa) and DE, KY, MD, NJ, NY, OH, TN, and VA; in (Sub-5F) between Camden, NJ, and Robeson County (for Maxton), NC, CT, ME, MA, NH, and RI; in (Sub-6F) between Pittsburgh, PA, Sandusky County (for Fremont) and Lucas County (for Toledo), OH, and FL, GA, SC; in (Sub-7F) betweeen Richmond, VA and CT, FL, and ME, MA, NH, NJ, NY, PA, RI, and VT; in (Sub-10F) (a) between Atlanta, GA, and 18 Eastern and Southern States, (b) between Houston, TX, and 12 Eastern and Southern States, (c) between Bergen County (for Fair Lawn), NJ, and Philadelphia, PA, and FL, ME, TX, and VT, (d) between Pittsburgh, PA, and FL and TX, and (e) between Richmond, VA, and TX, MD, and LA, and (3) by deleting an originating at or destined to restriction in (Sub-6F).

MC 143059 (Sub-159)X, filed February 9, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its (Sub-7, 11F, 19F, 21F, 31F, 33F, and 63F) certificates by (a) broadening the commodity descriptions to "rubber and plastic products," "clay, concrete, glass, or stone products," and "metal products," from respectively, (Sub-7) pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves, and castings, (Sub-11F) pipe and fittings; (Sub-19F) pipe, (Sub-21F) pipe, valves, pipe fittings, and fire hydrants, (Sub-31F) pipe and tanks, (Sub-33F) pipe, pipe fittings, and commodities used in the installation of pipe and pipe fittings, and (Sub-63F) iron and steel articles, plastic articles, and aluminum articles, and materials, equipment, and supplies used in the installation thereof; (b) authorizing round-trip operations in substitution for the one-way authority now authorized in (Subs-11F, 19F, 31F, 33F, and 63F); (c) eliminating reference to the facilities of named shippers in (Sub-7, 21F, 33F and 63F); (d) broadening the territorial description by substituting counties for named points in (Sub-7F) Chemung County for Elmira, NY, Lancaster County for Columbia, PA, Trumbull County for Warren, OH, Bullock County for Statesboro, GA and Bell County for Temple, TX; in (Sub-11F) Guilford County for Colfax, NC; in (Sub-19F) Venango County for Oil City, PA; in (Sub-21F) Jefferson County for Birmingham and Morgan County for Decatur, AL, and Jefferson Parish for Kenner, LA; in (Sub-31F) Carter County for Ardmore, OK; in (Sub-33F) Tulsa County for Broken Arrow, OK; and in (Sub-63F) Mercer County for Greenville, PA, (e) including AK and HI in (Sub-7, 11F, 21F, 31F and 63F), radial United States territorial authority and (f) deleting originating at or destined to restrictions in (Sub-7, 21F, and 63F).

MC 145235 (Sub-10)X, filed February 12, 1981. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, OH 44890. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its (Sub-4F) permit which authorizes the transportation of paints (except commodities in bulk) and materials, equipment and supplies used in the manufacture of paints (except commodities in bulk) by broadening its territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 145359 (Sub-33)X, filed February 12, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its (Sub-6F, 9F, 14F, and 26F) certificates to (1) broaden the commodity descriptions to (a) "rubber and plastic products" from: laminated plastic sheets in (Sub-16F); plastic materials in (Sub-9F and 14F); and vinyl siding in (Sub-26F); (b) "chemicals and related products" from magnesite, varnish, and liquid resin in (Sub-9F), and (c) "metal products" from iron and steel in (Sub-14F), and aluminum steel in (Sub-26F), (2) remove "except commodities in bulk" restrictions in (Sub-6F and 9F), (3) eliminate restrictions against service to or from AK and HI in (Sub-6F, 9F, and 26F), (4) eliminate "in tank vehicles" restriction in (Sub-6F), (5) remove plantsite restrictions and replace with county-wide or city-wide authority; Coshocton County, OH, for Coshocton, OH, in (Sub-6F); Berkshire County, MA, for Pittsfield and Dalton, MA, in (Sub-9F); Los Angeles County, CA, in (Sub-14F); and Franklin Park, IL in (Sub-26F), and (6) broaden territorial descriptions from one-way authority to radial authority in the above Sub Nos. to authorize service between specified cities or counties and points in the United States.

MC 145359 (Sub-35)X, filed February 12, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-Nos. 22F and 24F certificates, (1) to broaden the commodity descriptions in Sub-No. 22F, from (a) lawn and garden equipment and supplies, and (b) materials, equipment and supplies used in the manufacture and distribution of commodities named in (a) above, to "such commodities as are dealt in by lawn, garden, and farm equipment dealers;" (2) to remove restrictions to authorize country-wide authority for specified plantsites and cities: (a) in its lead certificate, Ventura County, CA, for Carpinteria, CA; (b) in Sub-No. 22F, Union, Franklin and Erie Counties, OH, for named facilities at Marysville, Columbus, and Vermillion, OH; and (c) in Sub-No. 24F, Monroe County, NY, for

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named facilities at Rochester, NY; (3) to expand one-way authority to radial authority (a) in Sub-No. 22F, between Union, Franklin, and Erie Counties, OH, and points in the United States, and (b) in Sub-No. 24F, between Monroe County, NY, and points in the United States; and (4) remove AK and HI as exceptions from its nationwide grants in Sub-Nos. 22F and 24F.

MC 145559 (Sub-8)X, filed February 12, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, Alabama 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)", (2) replace authority to serve named cities with county-wide authority: Wilson, Summer, Robertson, Putnam, Rutherford, and Warren Counties, TN, for Lebanon, Millersville, Green Brier, Cookeville, Murfreesboro, and McMinnville, TN, (3) change one-way authority to radial authority between Nashville, TN and named counties and points in AZ, CA, CO, ID, NV, OR, UT, WA, and WY, and (4) remove the restriction limiting service to the transportation of shipments moving on bills of lading of shippers cooperative associations.

MC 146336 (Sub-19)X, filed February 13, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th Street, Grand Prairie, Texas 75050. Representative: Edwin M. Synder, P.O. Box 45538, Dallas, Texas 75235. Applicant seeks to remove restrictions from its Sub-No. 2F and 13F permits to (1) broaden its commodity descriptions from high fidelity reproduction equipment, video equipment, and components for such equipment, to "machinery"; and (2) broaden its territorial descriptions to between points in the U.S. under a continuing contract(s) with a named shipper.

MC 146753 (Sub-18)X, filed February 10, 1981. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) remove all exceptions in its general commodity authority except "classes A and B explosives" and (2) broaden the territorial description by (a) eliminating the facilities restriction at Chicago, IL, and (b) eliminating "except AK and HI," in its authority to provide radial service between Chicago and points in the United States.

MC 147906 (Sub-2)X, filed February 12, 1981. Applicant: KOHN BEVERAGE, INC., d.b.a. KOHN TRANSPORT, 480 Southway, SW., Canton, OH 44706. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Applicant seeks removal of restrictions in its Permit No. MC-141925 (Sub-No. 5F) to broaden the territorial description to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 148301 (Sub-2)X, filed February 13, 1981. Applicant: FRANCIS J. BURKE, d.b.a. BEE TRUCKING, 2812 South Hillock Avenue, Chicago, IL 60608. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Applicant seeks to (1) remove all restrictions in its general commodities authority "except classes A and B explosives," and (2) remove the restriction limiting service to shipments moving on bills of lading of named freight forwarders, in its Sub-No. 1F certificate.

MC 149527 (Sub-2)X, filed February 13, 1981. Applicant: R. J. TAYLOR AND G. G. TAYLOR CO., 180 Jefferson Blvd., Warwick, RI 02888. Representative: Richard A. Bogue, 406 World Center Bldg., 918 16th Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Permit No. MC-19306 Sub-No. 2F to broaden its territorial description in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, to between points in the United States, restricted to service in which the carrier leases trucks, with drivers, to the shippers for the transportation of such shippers' property.

MC 150211 (Sub-12)X, filed February 17, 1981. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", and (2) eliminate the originating at and/or destined to named plantsite facilities restriction to allow radial service between named facilities at points in the U.S. east of ND, SD, NE, and NM, and points in the above described part of the U.S.

[FR Doc. 81-6408 Filed 3-25-81; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

Correction

In FR Doc. 81-3578 appearing at page 10212, in the issue of Monday, February 2, 1981, make the following correction:

On page 10220, in the second column, third paragraph, "MC 62110", application of Billings Trucking Corp., in the 10th line, "from points in Wilkes County, N.C.", should have read "from points in AL and OH to points in Wilkes County, N.C.".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-3741 appearing at page 10560 in the issue for Tuesday, February 3, 1981, make the following correction:

On page 10561, in the second column, under "MC 74165 (Sub-540)", application of Eagle Motor Lines, Inc., in the first line, "MC 74165" should have read "MC 73165".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-38939 appearing at page 82733 in the issue for Tuesday, December 16, 1980, make the following correction:

On page 82757, in the third column, in paragraph "MC 152568 (Sub-1F)," application of Kristler-Ameling Transportation Co., Inc., in the second line, "Kristler" should have read "Kistler".

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[Vol. No. OP3-115]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-392, on page 1361, in the issue of Tuesday, January 6, 1981; in the last column, the first full paragraph, in the first line correct "MC 145904 (Sub-2F)," read "MC 145894 (Sub-2F)," and in the third line, correct "SUPPLIERS" to read "SUPPLIES".

BILLING CODE 1505-01-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Operational Procedures for Implementing the National Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Draft Operation Procedures for Implementing the National Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders.

SUMMARY: This document prescribes policies and procedures utilized or to be utilized by the United States Section in implementing the National Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders.

DATE OF COMMENTS: Comments must be received on or before April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Frank P. Fullerton, Legal Adviser, United States Section, International Boundary and Water Commission, United States and Mexico, 4110 Rio Bravo, El Paso, Texas 79902. Telephone: (915) 543-7393 FTS: 572-7393

Dated: February 18, 1981.

Frank P. Fullerton,

Legal Adviser, United States Section, International Boundary and Water Commission, United States and Mexico, 4110 Rio Bravo IBWC Building, El Paso, Texas 79902 Telephone: 915-543-7393 FTS: 8-572-7393.

Operational Procedures for Implementing the Natural Historic Preservation Act of 1966, Other Laws Pertaining to Historic and Cultural Properties, and Applicable Executive Orders

200. *National Historic Preservation Act*

The National Historic Preservation Act (hereafter NHPA) of 1966, as amended [80 Stat. 915, 16 U.S.C.A. 470, as amended; 84 State. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976); 92 Stat. 3467 (1978)], Executive Order No. 11593, May 13, 1971, Protection and Enhancement of the Cultural Environment (36 FR 21, 16 U.S.C.A. 70), the President's Memorandum on Environmental Quality Water Resources Management, July 12, 1978 and the Regulations of the Advisory Council on Historic Preservation [ACHP or Council] dated January 21, 1970 provide that certain considerations are to be given and actions taken in proposing any Federal undertaking which may affect a historical or cultural property which has National, State or local significance. The requirements of the NHPA are to be integrated with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively. The United States Section will hereafter be referred to as the Section.

200.1 *Purpose*

The Operational Procedures:

a. Prescribe guides to be utilized by the Section to implement NHPA and supplement ACHP Final Regulations for Protection of Historic and Cultural Properties, dated January 30, 1979, (44 FR 6072).

b. Insure initiation of the ACHP process at the earlier possible time, provide for assistance and consultation to individuals and non-federal entities who plan to take action before involvement of the Section, the State Historic Preservation Officer (hereafter SHPO), appropriate state and local agencies, and with interested private persons and organizations.

c. Establish early identification of undertakings that may have an affect on a signficant historical or cultural property.

d. Provide procedures for decision documents pertaining to historical and cultural properties.

e. Provide that information is to be made available to the public before decisions are made about undertakings that may affect historical or cultural properties.

f. Direct that documents are to concentrate on the issues and properties that pertain to the proposed undertaking.

g. Define responsibilities within the Section.

200.2 *Policy*

The Section's Policy is to:

a. Give proper attention to undertakings that could affect significant historic and cultural properties to enable early and appropriate consideration of such actions on all historical and cultural values.

b. Invite early and continued cooperation, where appropriate, from the SHPO and Council, federal, state, regional and local authorities and the public, in the Section's planning and decision-making processes to develop alternatives and measures which will protect, restore or enhance historical and cultural properties, and to minimize and mitigate unavoidable adverse effects on such properties.

c. Implement domestic legislation and directives to the extent practicable without impairing the Section's international mission because the international projects under the jurisdiction of the International Boundary and Water Commission are partly or wholly located within the United States.

200.3 *Applicability*

The Operational Procedures apply to all Section programs and activities insofar as is possible or practicable without impairing its international mission. Domestic requirements must not impair the Section's performance of the United States international obligations which are carried out consistent with the treaties and foreign policy of the United States.

200.4 *References*

a. Treaties

(1) Convention between the United States and Mexico concerning the equitable distribution of the waters of the Rio Grande (T.S. 455, 54 Stat. 2953, signed May 21, 1906, entered into force January 16, 1907).

(2) Treaty between the United States of America and Mexico entitled "Utilization of the Waters of the Colorado and Tijuana Rivers and of the Rio Grande" (T.S. 994, 59 Stat. 1219, signed February 3, 1944, entered into force November 8, 1945).

(3) Convention Between the United States of America and Mexico entitled "Rectification of the Rio Grande" (T.S. 884, 48 Stat. 1621, signed February 1, 1933, entered into force November 13, 1933).

(4) Convention Between the Untied States of America and the United Mexican States for the Solution of the Problem of the Chamizal (T.S. 5515-15 U.S.T. 21, signed August 29, 1963, entered into force January 14, 1964).

(5) Treaty Between the United States of America and the United Mexican States entitled "Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary" (TIAS 7313, signed November 23, 1970, entered into force April 18, 1972).

b. International Agreements

International projects were constructed in accordance with the provisions of the above-referenced treaties. In addition, the United States and Mexico, through the International Boundary and Water Commission, have constructed international projects in

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accordance with each of the following agreements.

(1) Minute No. 144, "Plans for Final Location of Rectified Channel of the Rio Grande in El Paso-Juarez Valley," signed June 14, 1934.

(2) Minute No. 148, "Allocation of Works for each Government to Undertake on the Rio Grande Rectification Project in Accordance with the Convention of February 1, 1933," signed October 28, 1935.

(3) Minute No. 165, "Adoption of Rules and Regulations for the Maintenance and Preservation of the Rio Grande Rectification Project, in the El Paso-Juarez Valley," signed August 13, 1938.

(4) Minute No. 174, "Supplemental Construction Work Which Each Government Should Undertake Under the Convention of February 1, 1933 to Preserve the Benefits that Have Been Obtained by Previous Construction on Rio Grande Rectification Project in the El Paso-Juarez Valley," signed March 3, 1942.

(5) Minute No. 182, "Approval of Joint Report on Engineering Conference on Studies, Investigations and Procedures for the Planning of Works To Be Built in Accordance with the Treaty of February 3, 1944," signed September 23, 1946.

(6) Minute No. 187, "Determinations as to Site and Required Capacities of the Lowest Major International Storage Dam to be Built on the Rio Grande, in Accordance with the Provisions of Article 5 of the Treaty Concluded February 3, 1944," signed December 20, 1947.

(7) Minute No. 190, "Allocation to the Two Sections of the Commission of Remaining Items of Work Preparatory to Construction of Falcon Dam," signed August 13, 1948.

(8) Minute No. 192, "Plans and Procedures for Construction of Falcon Dam and Recommendations for Construction of Falcon Hydroelectric Plants," signed September 7, 1949.

(9) The Lower Rio Grande Flood Control Project was approved in an exchange of Notes in 1932 between the two Governments in which each country agreed to a coordinated plan for flood protection and to perform the work within its own territory. Subsequently, additions and modifications to the plan were adopted in the following agreements: Minute No. 196, "Improvement of the Channel of the Lower Rio Grande," signed December 22, 1961; and Minute No. 238, "Improvement of the International Flood Control Works of the Lower Rio Grande," signed September 10, 1970.

(10) The Joint Report of the United States and Mexican Commissioners for a coordinated plan of international flood protection facilities for Nogales, Arizona and Nogales, Sonora, signed on November 22, 1932, was subsequently approved by the two Governments by an exchange of notes.

(11) Minute No. 202, "Bases for Joint Operation and Maintenance of the Falcon Dam and Hydroelectric Plant and for Division of Cost Thereof," signed January 11, 1955.

(12) Minute No. 207, "Consideration of Joint Report of the Principal Engineers on Site, Capacities and Type of Dam for the Second Major International Storage Dam on the Rio Grande," signed June 19, 1958.

(13) Minute No. 210, "Recommendations Regarding Construction of Amistad Dam," signed January 12, 1961.

(14) Minute No. 215, "Design and Procedures for Construction of Amistad Dam," signed September 28, 1963.

(15) Minute No. 217, "Clearing of the Colorado River Channel Downstream from Morelos Dam," signed November 30, 1964.

(16) Minute No. 220, "Improvement and Expansion of the International Plant for the Treatment of Douglas, Arizona and Agua Prieta, Sonora Sewage," signed July 16, 1965.

(17) Minute No. 222, "Emergency Connection of the Sewage System of the City of Tijuana, Baja, California to the Metropolitan Sewage System of the City of San Diego, California," signed September 29, 1965.

(18) Minute No. 224, "Recommendations Concerning the Lower Rio Grande Salinity Problem," signed January 16, 1967.

(19) Minute No. 225, "Channelization of the Tijuana River," signed June 19, 1967.

(20) Minute No. 227, "Enlargement of the International Facilities for the Treatment of Nogales, Arizona and Nogales, Sonora Sewage," signed September 5, 1967.

(21) Minute No. 235, "Division of Operation and Maintenance Cost of Amistad Dam," signed December 3, 1969.

(22) Minute No. 236, "Construction of Works for Channelization of the Tijuana River," signed July 2, 1970.

(23) Minute No. 242, "Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River," signed August 30, 1973.

(24) Minute No. 247, "International Plan for the Protection of the Presidio-Ojinaga Valley Against Floods of the Rio Grande," signed February 7, 1975.

(25) Minute No. 258, "Modification of the United States Portion of the Plan for the Channelization of the Tijuana River," signed May 27, 1977.

(26) Minute No. 262, "Work to Preserve for the Rio Grande its character as the International Boundary in the reach from Cajoncitos, Chihuahua to Haciendita, Texas.

At the time the Final Procedures are published in the **Federal Register**, it is contemplated, as a matter of simplification to eliminate the title and date of signing of the Minutes and include in a single paragraph all of the Minute numbers.

c. Laws

(1) National Environmental Policy Act, 42 U.S.C.A. § 4331.

(2) National Historic Preservation Act, 16 U.S.C.A. § 470, 470f.

(3) Archeological and Historic Preservation Act of 1974, 18 U.S.C.A. § 469a–1.

(4) Rio Grande Bank Protection Act, Pub. L. 59 Stat. 89; Act of April 25, 1945.

d. Executive Orders

(1) Executive Order No. 11514, "Protection and Enhancement of Environmental Quality," March 7, 1970; 35 FR 4247.

(2) Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971; 36 FR 8921.

(3) Executive Order No. 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973; 38 FR 34793.

(4) Executive Order No. 11988, "Floodplain Management," May 24, 1977; 42 FR 26951.

(5) Executive Order No. 11990, "Protection of Wetlands," May 24, 1977; 42 FR 26961.

(6) Executive Order No. 11991, "Relating to Protection and Enhancement of Environmental Quality," May 24, 1977; 42 FR 26927.

(7) Executive Order No. 12114, "Environmental Effects Abroad of Major Federal Actions," January 4, 1979; 44 FR 957.

e. Regulation

Advisory Council on Historic Preservation Rules and Regulations, "Protection of Historic and Cultural Properties dated January 30, 1979; 44 FR 6067.

200.5 *Responsibilities Within the U.S. Section.*

a. Chief, Planning and Reports Branch

The Chief, Planning and Reports Branch, under the supervision of the Principal Engineer, Investigations and Planning Division, is the designee authorized to act for the Agency Official within the meaning of the Council's regulations and is responsible for the preparation of reviews of individual undertakings, the identification of National Register and eligible properties, coordination with appropriate State Historical Preservation officers, making determinations of the effect of proposed undertakings, and preparation of documented determinations of no adverse effect and of adverse efects. For each proposed undertaking, he will submit to the Principal Engineer an outine of the actions to be taken pertaining to historic and cultural properties, including analyses surveys, and the coordination and consultation with SHPO, other agencies, groups and individuals. When it is appropriate to obtain supplemental information in evaluating effects of a proposed undertaking, he will solicit information from other government agencies (Federal, State and local) with jurisdiction by law or special expertise with respect to any historical or cultural effect involved, and interested Universities, individuals, associations, or groups.

Chief, Planning and Reports Branch will draft and obtain Section approval of all notices to be published in the **Federal Register** except when another agency or agencies act as agent for the Section.

Persons interested in obtaining information or status reports on studies or evaluations within these Historical and Cultural Properties Procedures should address their requests to: Chief, Planning and Reports Branch, United States Section, International Boundary and Water Commission, 410 Rio Bravo, El Paso, Texas 79902.

In the case of an agency or agencies acting as agent for the Section in the preparation of project feasibility studies and/or similar type studies, that agent will prepare evaluations and coordinate with the State Historic Preservation Office according to its established procedures, except that transmittals to the Department of State and to the Advisory Council on Historic Preservation will be by the Commissioner, Head of the Agency. The agent has the responsibility to confer with the Section through the agency's designee and to keep it fully informed.

b. Principal Engineer, Investigations and Planning Division

In addition to responsibilities under a., the Principal Engineeer, Investigations and Planning Division, will assure review is made of studies and analyses to insure the professional and scientific integrity of discussion, analyses and conclusions in the historical and cultural documents, and that a technically sound approach has been used in the evaluations.

The Principal Engineer will also be responsible for consultation with the State Historic Preservation Officer and to the Advisory Council on mitigation measures, and the transmittal to agencies, associations and individuals of information pertaining to mitigation.

c. Secretary

The Secretary will be responsible for providing policy guidance on the international aspects of proposed undertakings, inputs to the historical and cultural documents pertaining to international considerations, including treaties and agreements, and review of draft historical and cultural documents for international considerations.

d. Legal Adviser

The Legal Adviser shall provide staff advice concerning interpretation of the National Historic Preservation Act and other acts, executive orders, regulations, and all legal requirements pertaining to proposed undertakings.

When uncertainty exists within the Section as to the requirement in a specific case for action under the Historic Preservation Act or other acts, executive orders or regulations, the Legal Adviser will initiate consultations with the Office of Environment and health (OES/ENH—Department of State), and follow through to a final determination. In every case where the Section determines from its evaluation that a Determination of No Adverse Effect will be made, the Legal Adviser shall so inform OES/ENH.

The Legal Adviser will approve and be responsible for the publication of the necessary notices in the **Federal Register**.

200.6 *Review of Individual Undertakings.*

As early as possible before the Section makes a final decision concerning an undertaking, and in any event prior to taking any action that would foreclose alternatives, the following steps will be taken to comply with requirements of Section 106, NHPA and Section 2(b) of E.O. 11593, to the extent that such actions do not impair the United States' international obligations:

Identifying historical and cultural resources, including any necessary surveys;

Initiating eligibility determinations;

Determining effects, if any, of the proposed undertaking on National Register or eligible properties;

Applying the criteria of adverse effect when the proposed undertaking has an effect on a property;

Identifying and evaluation alternatives to the proposed undertaking, including the no-action alternative;

Identifying mitigation measures;

Coordination as appropriate throughout the evaluation with the SHPO and the Council; and

Informing the public at appropriate times.

a. Identifying Resources

The objective of this step is to examine the area of the undertaking's potential environmental impact for the presence of historic, cultural, architectural, and archeological resources in order to determine whether such resources are included in or eligible for the National Register. The National Register shall be checked and contact made with the SHPO to ascertain if there are any proposed eligible properties in the area of the undertaking. Contacts may be made with professional archeological organizations and academic archeologists, historical societies, and landmark commissions, as applicable, to obtain information to identify potential resources. Consultations will be had with the State Archeologist (if applicable to the particular State) through the SHPO. A log will be maintained of all actions taken in this identification step for use in demonstrating that the Section has made a reasonable effort to identify National Register and eligible properties.

The examination of the area will vary with the type, location and size of the proposed undertaking, with the scope of the surveys to be made considering the likelihood of finding eligible resources and of the kinds of resources potentially present.

Studies and surveys to provide basic information and to forecast changes under proposed conditions will be performed by professionally competent personnel using generally recognized and accepted scientific methods. The disciplines of the preparers shall be appropriate to the scope and issues identified in preliminary reviews of the undertaking. Studies may be performed by the staff, by consultants, including university personnel, and by federal, state or local agencies. Staff studies will be scheduled with the approval of the Principal Engineer, Investigation and Planning Division. The scope of studies to be performed by consultants and agencies and the agencies or consultants to perform the studies, will be recommended to the Commissioner, by the Principal Engineer, Investigations and Planning Division. The Chief,

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Planning and Reports Branch will be the Section's representative in monitoring studies being performed for it, and be responsible for review of the draft reports of the studies.

As such studies, surveys and tests will provide information important to compliance with both the requirements of NHPA and NEPA, the scope of work to be done should be designed to provide the information required for compliance with both acts.

b. Initiating National Register Eligibility Determinations

The National Register Criteria (36 CFR Part 60.6) will be applied to those resources located by the surveys which have either not been listed in nor previously have been determined to be eligible for listing in the National Register. The SHPO will be consulted on these determinations. If any property appears to be eligible for listing under one or more of the four critieria, a request will be made to the Secretary of the Interior for a formal determination.

c. Determining Effects

An effect is any alteration to the National Register quality of a property which may result from an undertaking or any of its related activities. Effects may be either beneficial or adverse, may be direct or indirect, may be concentrated or dispersed, caused or induced, and short-or long-term. In order for there to be an effect, the potential to change must relate to the characteristics of the property that qualify its inclusion in the National Register. The basis for the determination of the change in the characteristics should be described. A copy will be requested from the SHPO of the National Register from or the documentation submitted to support a determination of eligibility to provide information on the qualities of the property that make it eligible for inclusion in the National Register and, hence, to determine the effect of the undertaking.

(1) No effect. Basically a determination of no effect means that the proposed undertaking, or a preferred alternative, and related activities have no potential to alter the National Register qualities of the resources present within the area of undertakings potential environmental impact. There would also be no effect if a determination has been made that there are no National Register or eligible properties within the impact area of the undertaking.

(2) Documentation. A summary memorandum should be prepared fully describing the actions taken and the evaluations made which led to determination of no effect. The memorandum shall summarize the coordination with the SHPO and the information and comments from SHPO.

d. Applying Criteria of Adverse Effects

When any effect on a National Register or eligible property is determined to be a potential of the proposed undertaking the Criteria of Adverse Effect shall be applied to determine if the effect is adverse or beneficial. An effect will be considered to be adverse if it will cause:

(1) Restriction or alteration of all or part of a property;

(2) Isolation from or alteration of the property's surrounding environment;

(3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(4) Neglect of a property resulting in its deterioration or destruction.

(5) Transfer or sale of a property without adequate conditions or restrictions regarding preservation, maintenance or use.

When a determination has been made of no adverse effect, documentation shall be prepared of the determination, including written views of the SHPO and the topics listed in the ACPH Regulation 800.13(a). If the SHPO fails to respond to our request for consultation on the determination, the documentation shall include evidence of having contacted the SHPO.

The Determination of No Adverse Effect shall be submitted to the Executive Director of the Council for review in accordance with ACHP Regulation 800.6.

When a determination has been made that the effect on a property is adverse, or if the Executive Director does not accept the Section's Determination of No Adverse Effect, the following actions will be taken:

(1) Prepare and submit a Preliminary Case Report requesting the comments of the Council in accordance with ACHP Regulation 800.13(b).

(2) Notify the SHPO of the request, providing him a copy of the Preliminary Case Report.

(3) Proceed with the consultation process in ACHP Regulation 800.6(b).

In the consultation process the Principal Engineer, Investigations and Planning Division, and the Chief, Planning and Reports Branch, meeting with the SHPO and Executive Director, will consider feasible and prudent alternatives to the undertaking that could avoid, mitigate or minimize effects on a National Register or eligible property. The alternatives to be evaluated shall include the alternatives being considered in environmental evaluations being made for NEPA. If the consulting parties cannot agree on an alternative to avoid the adverse effects on a National Register or eligible property, they shall consult further to determine if there are alternatives that could satisfactorily mitigate the adverse effects. The purpose of mitigation is to avoid, reduce, or counter damages to archeological or historical sites in a systematic manner that results is the least losses, or minimizes the impact on the characteristics of historical structures. Total avoidance of adverse effects is to be considered.

If the consulting parties agree upon a feasible and prudent alternative to avoid or satisfactorily mitigate the adverse effects of the undertaking on the National Register or eligible property, A Memorandum of Agreement shall be executed in accordance with ACHP Regulation 800.6(c) specifying how the undertaking will proceed to avoid or mitigate the adverse effect.

If the consulting parties determine that there are no feasible and prudent alternatives that could avoid or satisfactorily mitigate the adverse effects and it is in the public interest to proceed with the proposed undertaking, they shall execute a Memorandum of Agreement in accordance with ACHP Regulation 800.6(c) acknowledging this determination and specifying any recording, salvage, or other measures to minimize the adverse effects that shall be taken before the undertaking proceeds.

The Preparation, Review, and Amendment of a Memorandum of Agreement shall be in accordance with ACHP Regulations 800.6(c)(1), (2), and (4).

Upon the failure of the consulting parties to agree upon the terms of a Memorandum of Agreement, or upon notice of such failure by any of the consulting parties to the Executive Director, the Executive Director shall notify the Chairman of the Council within fifteen (15) days and shall recommend whether or not the matter should be scheduled for consideration at a Council meeting. The "Agency Official" and the SHPO shall be notified in writing of the Executive Director's recommendation. The "Agency Official" shall provide such reports and information as may be required to assist the Chairman in this determination.

In the event the Chairman or the Council determine to consider an undertaking at a meeting, the Section, through the Commissioner, will provide reports requested at least 21 days before a council or panel meeting.

Upon receipt of the comments of a Panel or of the Council, the Commissioner shall take these comments into account in reaching a decision in regard to the proposed undertaking. If the Commissioner determines not to follow the Panel or the Council's comments, a written notice shall be immediately provided to the Council.

When a final decision regarding the proposed undertaking is reached by the Commissioner, a written report shall be submitted to the Council describing the actions taken by the Section in response to the Council's comments; the actions taken by other parties pursuant to the actions of the Section; and the effect that such actions will have on the affected National Register or eligible property. Receipt of this report by the Chairman shall be evidence that the Section has satisfied its responsibilities for the proposed undertaking under the NHPA, the Executive Order and the ACHP Regulations.

200.7 *Concurrent Action Under Other Laws, Regulations and Executive Orders.*

During inventory and evaluation studies of historic and cultural properties, the designated official will take all appropriate actions to assure that there will be concurrent consideration of the requirements established in other laws, regulations, and in Executive Orders, including but no limited to studies and actions under the Natural Environmental Policy Act. This concurrent consideration will be documented and summarized in any documentation described hereinbefore.

200.8 *Consultation with Agencies and Individuals.*

After preparing a draft description of the proposed undertaking, the SHPO, historical and archeological societies and individuals in the general area will be consulted to obtain their views, comments, and suggestions on the effects, if any, of the proposed undertaking. The extent of these consultations will vary with the type and subject matter of the undertaking being considered, with the SHPO being consulted on most matters. Individuals and historical and archeological societies who have expressed an interest in specific areas or subjects will be contacted for their comments. Subsequent required documentation will list the agencies, societies and individuals consulted and summarize their views.

200.9 *Preparing Documentation.*

Documentation necessary to comply with these procedures shall be written in plain language and make use of appropriate illustrations so that users, including the public, can readily understand its contents, meaning and applications, and the effects on National Register or eligible properties. The draft documentation shall be prepared minimizing the use of technical terms and shall be rewritten or edited to assure clarity. The edited draft shall be given a thorough review by qualified personnel to assure its accuracy. The documentation shall include only sufficient detail to understand the proposed undertaking, alternatives, and the consequences. Where possible, photographs which assist in understanding important topics will be used. Extraneous data and information should be omitted from the documentation and be included in the investigation's supporting information file or record.

200.10 *Exceptions.*

The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the ACHP Regulations. Exceptions applicable to the Section are set forth below.

A. The documents which are written to comply with NHPA should not normally include any classified or administratively controlled material nor should they normally include statements with respect to positions other than the preferred position of the United States in any ensuring negotiation or discussion. Although such documents should, whenever possible, be unclassified and hence available to the public, there may be situations where such documents cannot adequately discuss effects without disclosure of classified information. In these instances the documents will be appropriately classified. Whenever possible, the classification should terminate on a specified date or upon the happening of a described event. Such documentation, so long as it is classified, will not be made available to the public. Consultation will be carried on with appropriate agencies on classified matters.

b. Every attempt will be made to comply with coordination and time requirements provided in ACHP regulations. Where schedules of international conferences make this impossible, the Section will notify ACHP as soon as possible of the circumstances with the purpose of fulfilling the intent of NHPA insofar as possible.

c. From time to time there will arise good and valid reasons for a deviation from these procedures. The procedures are not intended to be a substitute for sound professional judgement. Accordingly, if and as problems arise which justify a deviation, the proposed deviation and supporting rationale shall be forwarded to the United States Commissioner, the head of the agency.

d. ACHP Regulation 800.15 encourages maximum public participation in the review process, and envisions use of public information meetings. Public meetings will be utilized by the Section only upon a determination by the United States Commissioner that the requirements of carrying on international relations, including the constraints of time and the posture of the United States in negotiations allow such meetings to be carried out without prejudice to the national interests.

200.11 *Definition of Key Terms.*

The definitions contained within ACHP Regulations, Part 800, apply to these procedures.

200.12 *Effective Date.*

These procedures will become effective upon the date of their publication in final form in the **Federal Register.**

[FR Doc. 81-6428 Filed 2-25-81; 8:45 am]
BILLING CODE 4715-03-M

DEPARTMENT OF JUSTICE

Proposed Stipulation and Judgment Approving Settlement Agreement in Action Under the Safe Drinking Water Act and the Solid Waste Act as Amended by the Resource Conservation and Recovery Act of 1976

In accordance with Departmental policy, 28 CFR 50.7, 38 FR, 19029, notice is hereby given that on February 6, 1981, a stipulation and judgment approving settlement in *United States of America and People of the State of California ex rel. George Deukmejian, Attorney General, California Regional Water Quality Control Board, Central Valley Region and State of California Department of Health Services* v. *Occidental Petroleum Corporation, Occidental Petroleum Investment Corporation, Hooker Chemical Corporation, Wholly Owned Subsidiaries of Occidental Petroleum Corporation, and Occidental Chemical Company, a Wholly Owned Subsidiary of Hooker Chemical Corporation,* Civil No. S-79-989 MLS, was lodged with the United States District Court for the Eastern District of California. The decree requires defendant to clean up contaminated groundwater and soil in the vicinity of the Occidental Chemical

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Company's facility located in Lathrop, California.

Notice is also hereby given that on February 6, 1981, a stipulation relating to Paragraph IV E.3. of the above-referenced stipulation was filed with the United States District Court for the Eastern District of California. The stipulation places the burden of proof by a preponderance of the evidence on the defendants regarding "Remedial Technology."

The proposed stipulation and judgment approving settlement agreement and the concurrent stipulation may be examined at the Office of the United States Attorney, 2058 Federal Building, 650 Capitol Mall, Sacramento, California 95814; at the Region IX Office of the U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94123; at the U.S. Environmental Protection Agency, Enforcement Division, Room W1119, 401 M Street, S.W., Washington, D.C. 20460; and at the Hazardous Waste Section, Land and Natural Resources Division, U.S. Department of Justice, Room 1521, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed stipulation and judgment approving settlement agreement and concurrent stipulation may be obtained in person or by mail form the Hazardous Waste Section, Land and Natural Resources Division, U.S. Department of Justice. When requesting copies, please enclose a check in the amount of $3.90 (10 cents per page reproduction charge) per copy, payable to the Treasurer of the United States.

The U.S. Department of Justice will receive written comments relating to the proposed stipulation and judgment approving settlement agreement and the concurrent stipulation on or before March 30, 1981. Comments should be directed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States of America* v. *Occidental Petroleum Corp., et al.*, D.J. Ref. 90-7-1-4.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-6451 Filed 2-25-81; 8:45 am]

BILLING CODE 4410-01-M

Foreign Claims Settlement Commission

Second China Claims Program

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Notice.

SUMMARY: Notice of the completion date of the Second China Claims Program—July 31, 1981.

EFFECTIVE DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: Karl D. Klauck, Deputy General Counsel Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579; Telephone No. (202) 653-6166.

Notice of Completion Date

Notice is hereby given that at the meeting of the Foreign Claims Settlement Commission on February 18, 1981, the Commission set July 31, 1981 to be the completion date of the Second China Claims Program, at which time the results will be certified to the Department of the Treasury. This program was commenced by the Commission on June 1, 1979 pursuant to the authority of Section 4, Title I of the International Claims Settlement Act of 1949, as amended, and in implementation of the claims agreement between the Government of the United States and the People's Republic of China concluded on May 11, 1979.

After the stated completion date of July 31, 1981, the Foreign Claims Settlement Commission will no longer have any authority to review or take any action with regard to claims filed in the Second China Claims Program.

Dated at Washington, D.C. on February 19, 1981.

Richard W. Yarborough,

Chairman.

[FR Doc. 81-6463 Filed 2-25-81; 8:45 am]

BILLING CODE 6770-01-M

Vietnam Veterans Claims Program

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Notice.

SUMMARY: Notice of commencement of a program to consider claims for losses by U.S. nationals in Vietnam, deadline for filing claims—July 31, 1982, and time for consideration of claims pursuant to Public Law 96-606.

EFFECTIVE DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: Karl D. Klauck, Deputy General Counsel, Foreign Claims Settlement Commission, Room 414, 1111 20th Street, N.W., Washington, D.C. 20579 (202) 653-6166.

Notice of Commencement of Vietnam Claims Program

Notice is hereby given that pursuant to Title VII of the International Claims Settlement Act of 1949, as amended, the Foreign Claims Settlement Commission of the United States will commence a program, to be known as the Vietnam Claims Program, beginning on February 26, 1981 to consider claims for losses against Vietnam as authorized by Title VII of the International Claims Settlement Act of 1949, as amended by Public Law 96-606, approved December 28, 1980 (94 Stat. 3534; 22 U.S.C. 1645) and in accordance with the Regulations of the Commission.

Title VII of the International Claims Settlement Act, as amended, provides for the determination of the validity and amounts of outstanding claims against Vietnam for losses incurred as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property interests of nationals of the United States.

Notice of Time for Filing Claims

Notice is hereby given that the deadline for filing such claims is July 31, 1982. Claims filed after that date will not be considered as timely filed.

Beginning on April 28, 1981 copies of the statute, Commission Regulations, official claim forms and instructions for filing claims of nationals of the United States against Vietnam will be available for distribution from the Office of the General Counsel, Foreign Claims Settlement Commission, Room 414, 1111 20th Street, N.W., Washington, D.C. 20579 (202) 653-6166. Written requests for such materials should be directed to that office.

Such claims to be considered by the Commission must be filed on the official claim form, which will be numbered FCSC Form 606, with the Office of the General Counsel, Room 414, 1111 20th Street, N.W., Washington, D.C. 20579 prior to the deadline for filing such claim.

Notice of Time for Consideration of Claims

Notice is hereby given that claims filed against Vietnam will be considered and determined by the Commission pursuant to provisions of Title VII of the International Claims Settlement Act of 1949 (Public Law 96-606, approved December 28, 1980; 94 Stat. 3534; 22 U.S.C. 1645) and in accordance with the Regulations of the Commission (45 CFR 500).

The completion date for the Vietnam Claims Program shall be not later than three (3) years after the final date for filing claims during this program pursuant to the provisions of Public Law 96-606.

Dated at Washington, D.C. on February 23, 1981.

Richard W. Yarborough,

Chairman.

[FR Doc. 81-6464 Filed 2-25-81; 8:45 am]

BILLING CODE 6770-01-M

Proposed Consent Decree To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on January 29, 1981, a proposed Consent Decree in *United States of America* v. *Eastgate Miramar Associates*, Civil No. 80-0756-E(M), was lodged with the United States District Court for the Southern District of California.

The proposed consent decree will require Eastgate Miramar Associates to comply with the Clean Water Act by setting aside almost the entire area in which vernal pools were located, prior to the discharges which are the subject of this action, as a recovery area for scientific study and paying $20,000 to support the study.

The Department of Justice will receive on or before March 30, 1981, written comments related to the proposed judgment. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States of America* v. *Eastgate Miramar Associates*, D.J. Ref. No. 90-5-1-4-94.

The proposed consent decree may be examined at the Office of the United States Attorney, United States Courthouse, 940 Frong Street, San Diego, California, 92189, at the Region IX Office of the Environmental Protection Agency, Enforcement Division, 215 Fremont Street, San Francisco, California 94105, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1250, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $1.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-6361 Filed 2-25-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-9]

Reports, Recommendations and Responses; Availability

Marine Accident Reports—Summary Format, Issue No. 1, January through June 1978 (NTSB-MAB-80-1).—This publication, released by the National Transportation Safety Board on February 19, provides summary reports showing the basic facts, conditions, and probable cause(s) of the following major marine accidents which occurred during the first 6 months of 1978:

Towboat ROBERT W. STEELE, fire, February 19.
Clam Dredge PARI PASSU, capsized and sank, February 27.
Fishing Vessel MARGARET L, burned and sank, March 7.
Tankship SANTA CLARA, rammed a pier, March 8.
Bulk Carrier ESSI CAMILLA, collisions in anchorage, April 8.
Bulk Carrier ARCHIMEDES, rammed barge fleet, April 25.
Cargo Vessel NANCY LYKES, heavy weather cargo loss, May 5.
Tankship USNS NECHES, fire in engineroom, May 10.
Dredge LOUISIANA, fire in engineroom, June 2.
Barge ALASKA, capsized while under tow, June 10.
Fishing Vessel LIBERTY BELL, sank, June 18.
Fishing Vessel NORSEMAN, grounded and sank, June 18.

Copies of this publication may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

Safety Board Recommendation Letters

Aviation: A-80-112 through A-80-114, to the Federal Aviation Administration, November 14, 1980.—Cited as the basis for issuing these recommendations are two fatal crashes on takeoff: an Allegheny Airlines Nord 262 at Clarksburg, W.Va., on February 12, 1979; and a Redcoat Air Cargo, Ltd., Bristol Brittania 253, at Logan International Airport, Boston, Mass., February 18, 1980. Both aircraft had been deiced less than an hour prior to takeoff with an ethylene glycol-water mix. Only the undiluted fluid is recommended by the manufacturer as an antiicing agent. The Board noted that in both accidents, the very fact that the exposed airfoil surfaces were wetted may have actually enhanced the accumulation of wet snow and created a condition in which the wet snow was not blown off by air moving over the surfaces. The Board recommended that FAA:

Advise operators of the potential hazard of an accumulation of wet snow on airfoil surfaces after deicing with a diluted ethylene glycol solution. (Class I, Urgent Action) (A-80-112)

Initiate a study of the effectiveness of ethylene glycol-based deicing fluid concentrations as an anti-icing agent under differing icing and snow conditions. (Class II, Priority Action) (A-80-113)

Publish and distribute to operators detailed information regarding the characteristics of deicing/anti-icing fluids and guidelines regarding their use. (Class II, Priority Action) (A-80-114)

Highway: H-81-1, to the National Highway Traffic Safety Administration, February 11, 1981.—The Board's letter notes that on April 28, 1980, an eastbound tractor-semitrailer loaded with 50,000 pounds of potatoes lost braking capability while descending a 1⅛-mile downgrade on I-279 in downtown Pittsburgh, Pa. The runaway vehicle combination exited I-279 at the Liberty Avenue ramp, traveled 900 feet, mounted the sidewalk, struck pedestrians, and crashed into an office building. Five persons were killed and six persons were injured.

Postcrash inspection revealed that all of the tractor and trailer service brakes were out of adjustment.

Investigations of earlier accidents involving runaway combination vehicles prompted the Safety Board, on June 23, 1978, to recommend that NHTSA develop a Federal Motor Vehicle Safety Standard stating a performance requirement for all newly manufactured commercial vehicles to have equipment that would insure brakes being in proper adjustment at all times. (Class II, Priority Action, recommendation H-78-48) The Board is concerned that, according to an advance notice of proposed rulemaking issued February 22, 1980, NHTSA considers the subject of automatic brake adjustment as one of its long-range rulemaking objectives for improving medium and heavy duty vehicle braking performance. The Board now urges that a higher priority be assigned to recommendation H-78-48, and recommends that NHTSA:

Require manufacturers of air brake actuation devices to incorporate indicators which will warn users when brakes must be adjusted. (Class II, Priority Action) (H-81-1)

Responses to Safety Recommendations

Aviation

A-80-112 through A-80-114, from the Federal Aviation Administration, February 11, 1981.—Response to these recommendations, reported above, indicates that FAA concurs with A-80-112 and is preparing an operations bulletin to emphasize the dangers of

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snow accumulation on aircraft following deicing. Operators will be requested to review their deicing and anti-icing procedures in view of these accidents.

With respect to A–80–113, FAA reports that during the April 1969 FAA Aircraft Ice Protection Symposium it was emphasized that prior to flight, the final inspection must assure a clean-surfaced wing. This requirement remains valid regardless of the effectiveness of either fluid used—deicing or anti-icing. FAA believes these criteria are adequate for release to taxi. However, a study of ethylene glycol-water deicing mix as anti-icing agent under differing icing and snow conditions will provide significant information on wing surface snow accumulation from taxi to takeoff. FAA will initiate the study through its R&D organization and will inform the Board of results.

FAA does not concur in A–80–114. FAA believes the manufacturer, rather than FAA, should be charged with the recommended action since detailed information regarding the characteristics of deicing/anti-icing fluids and guidelines as to their use are obtainable from the manufacturer and only this source has the test data to back up claims of product effectiveness. FAA appreciates the intent of A–80–114 and plans to issue an operations bulletin which will request air carrier certificate holders to ensure that deicing/anti-icing procedures are included in their manuals.

A–80–141, from the Federal Aviation Administration, February 11, 1981.—Response is to a recommendation issued last December 31 jointly to FAA and the National Oceanic and Atmospheric Administration, following investigation of the crash of a Texas International Airlines DC–9–10 on March 17, 1980, at Ryan Airport, Baton Rouge, La. The aircraft ran off the side of the runway during landing rollout, causing injuries to two crewmembers and considerable damage to the aircraft. (See 46 FR 3676, January 15, 1981.)

In response, FAA says for some time it has been exploring the area of accurate recording of wind information and it would be prudent to continue research for the next 60 to 90 days to retain continuity and momentum in this program. FAA will examine current accuracy requirements for providing wind information to the pilot, current wind recording procedures, recording capability planned for future terminal systems, and coordinating procedures and capabilities with the National Weather Service. Further response will be made about April 30, 1981.

Marine

M–79–56, from the United States Coast Guard, August 6, 1980.—Response is to Safety Board comments of February 25, 1980, regarding Coast Guard's initial response dated November 6, 1979 (44 FR 68540, November 29, 1979). The recommendation was developed following investigation of the collision of the M/V WORLD NOBILITY and the SS PENNSYLVANIA GETTY at the mouth of the Chesapeake Bay near Norfolk, Va., December 29, 1978. The recommendation asked that the Coast Guard amend the navigation safety regulations (33 CFR Part 164) to quantify minimum manning levels for large oceangoing vessels. The Board's February 25 letter urged Coast Guard to actively pursue quantifiable manning standards for watches on the international level and to reconsider amending § 164.11 to provide for a specific definition of the persons to be on duty in the wheelhouse while underway.

Coast Guard's response of August 6 notes that § 164.11 requires that the wheelhouse be manned by competent personnel who fix the vessel's position, plot the fix, and keep the person in charge of directing the movement of the vessel aware of that position. Also, each visual or radar contact closure is to be evaluated. In applying § 164.11 a master must consider traffic density, weather, and local characteristics to determine personnel requirements.

Coast Guard says it deliberately pursued a position favorable to quantifiable manning standards of an international level through three sessions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. The U.S. position was supported by only two other countries in the subcommittee sessions, and it appears that this issue is buried on an international level. Coast Guard, under the Port and Harbor Safety Act of 1978, will publish proposed minimum manning scales for foreign tank vessels operating in U.S. Waters. Beyond this, Coast Guard feels it would be impractical to attempt to more definitely specify all of the master's responsibilities due to such criteria as characteristics of the many U.S. ports, variance of traffic density from day to day, and changing weather conditions. Coast Guard notes that the Navigation Safety Regulations, the International Regulations for Preventing Collisions at Sea, 1972, provide minimum precautions and actions to be considered by the master when assigning duties of watch personnel.

Railroad

R–76–32 and R–76–33; R–79–60; and R–80–5, from Consolidated Rail Corporation (Conrail), January 29, 1981.—Letter is in response to Safety Board inquiry of November 18, 1980, concerning status of implementation of these recommendations. R–76–32 and R–76–33 were issued July 30, 1976, following investigation of the collision of three Penn Central passenger trains near Wilmington, Del., October 17, 1975 (41 FR 32794, August 5, 1976); R–79–60, issued August 9, 1979, followed investigation of the collision of two Conrail freight trains at Muncy, Pa., January 31, 1979 (44 FR 48003, August 16, 1979); and R–80–5, issued March 5, 1980, resulted from investigation of the October 1, 1979, collision of two Conrail freight trains at Royersford, Pa. (45 FR 16366, March 13, 1980).

With respect to R–76–32, which asked Conrail to require that trains be equipped with reasonably accurate speed indicators, Conrail says its road locomotives are generally so equipped. Multiple unit cars operated by Conrail in commuter service are owned by the various commuter authorities, rather than Conrail; hence, Conrail has forwarded R–76–32 to these authorities for consideration. Conrail notes that most of the multiple unit cars operated by Conrail in commuter service are now equipped with reasonably accurate speed indicators. According to Conrail, a speed indicator is not necessary for an engineer to stop short of a train ahead. "The engineer's obligation is always to regulate his speed in accord with the signals and timetable instruction, and he is trained accordingly."

Recommendation R–76–32 asked Conrail to study recommendations R–76–24 through R–76–31, issued July 30, 1976, to the Federal Railroad Administration, and take immediate appropriate action. Those recommendations were also issued in connection with the Penn Central accident at Wilmington. (See 41 FR 32794, August 5, 1976.)

With respect to R–76–24, calling for regulations on mainlines used by passenger trains to require trains to stop if the block in front of them is occupied. Conrail notes that under most circumstances its ABS rules require trains to stop at the signal governing entrance to an occupied block, then to proceed at restricted speed. Conrail believes a requirement that trains stop-and-stay-stopped at all stop-and-proceed signals would create an intolerable operating situation. For this reason, Conrail concentrates upon educating its engineers on the strict application of the restricted speed rule.

Conrail notes that FRA has established standards for rear end visibility of trains, as recommended in R–76–25, and that the equipment owned by commuter authorities and operated by Conrail is in compliance with those standards.

R–76–26 and R–76–27 recommended that all trains be equipped with emergency flagging equipment and that regulations be established for protection by flagging of the rear end of all stopped trains in passenger territory. Conrail notes that neither FRA nor Conrail require flagging protection against following trains. Rather, it is the duty of the engineer of a train moving under a "restricted" or "stop-and-proceed" indication, to proceed at reduced speed capable of stopping short of train ahead, or other obstruction. Conrail says it would be unsafe to create a situation in which the engineer of the following train might proceed expecting to find the first train protected by a flagman, when, in fact, it was not. To insure against such divided responsibility, Conrail, along with most other American railroads has placed the responsibility (for stopping short of a train ahead) solely with the engineer of the second train. Conrail engineers are trained accordingly.

With respect to R–76–28, Conrail notes that most new passenger equipment is equipped with emergency lighting and communication systems which meet or exceed Federal standards and are inspected during periodic inspections and servicing programs.

R–76–29 and R–76–30 recommended that railroads train employees in emergency procedures to be used after an accident, and that operating employees be trained in emergency cab evaluation. Conrail believes its present employee programs adequately prepare employees to respond to emergencies in commuter territories.

R–76–31 recommended that FRA observe a statistically adequate sample of trains equipped with cab signals to establish the reliability of this system. Conrail says it has no information regarding the outcome of such observations.

Conrail concurs in R–79–60, which recommended that the Corporation insure that its train operations are conducted in accordance with its operating rules. Conrail has accelerated its programs for operating rules surveillance, and has used the January 31, 1979, Conrail collision at Muncy, Pa., as an example in a booklet entitled "The Rules: What Happens When They Are Not Followed." A copy of the booklet has been mailed to the homes of every employee involved in train and engine service. In addition, the field tests of operating rules compliance have concentrated increasingly on rules involving signal indications.

With respect to R–80–5, which recommended provision of adequate supervision of night train operations and inclusion in supervisory efficiency checks, periodic checks of train crewmembers' fitness for duty at reporting points and on trains en route, Conrail concurs and has taken appropriate action. All Division Superintendents have been made aware of the accident at Royersford, Pa., and have been required to set up schedules for supervisory officers on each Division to adequately supervise night operations and check the fitness of employees for duty, both at reporting points and en route. This procedure will continue.

R–76–32 and R–76–34, from the Southeastern Pennsylvania Transportation Authority (SEPTA), January 12, 1981.—Letter is in response to the Safety Board's January 12, 1981, request for updated information on implementation of these recommendations, issued July 30, 1976, jointly to SEPTA and Amtrak following investigation of the Penn Central collision near Wilmington, Del., October 17, 1975 (41 FR 32795, August 5, 1976).

In compliance with recommendation R–76–32, SEPTA has equipped all Silverliner cars with speedometers. With respect to R–76–34, Conrail notes that the SEPTA/Conrail Operating Agreement, originally signed September 28, 1976, provides that Conrail shall have exclusive control of the management and operation of the contract service. SEPTA reviewed Conrail's "Rules for Conducting Transportation" and approved same for Conrail's operation of the SEPTA commuter service. SEPTA believes that Conrail's Rules provide for safety of employees and the public, for efficiency of operation, and the protection of property.

Note.—Copies of the Safety Board's recommendation letters, as well as responses and related correspondence, are provided free of charge. All requests for copies must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

February 20, 1981.

[FR Doc. 81-6408 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-58-M

[Docket No. SA–474]

Aviation Accident Investigation Hearing; Spokane, Washington

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m. (local time), April 7, 1981, in the Ballroom of the Ramada Inn, Spokane International Airport, Spokane, Washington 99212. The public hearing will be held in connection with the Safety Board's investigation of an accident involving Cascade Airways, Inc., Beech 99A which occurred at Spokane, Washington, on January 20, 1981.

David F. Thomas,

Hearing Officer.

February 18, 1981.

[FR Doc. 81-6410 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 23, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

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The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
The number of forms in the request for approval;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting of recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of you intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

Revisions

• Economics and Statistics Service
Sheep and Lamb Inquiries
Other—see SF83
Farms
Sheep producers
SIC: 021
Agricultural research and services, 41,250 responses, 6,446 hours; $299,000 Federal cost, 7 forms
Off. of Federal Statistical Policy & Standard, 202–673–7974
Provides data to estimate January 1 sheep and lambs inventory and value. Estimates also prepared of lamb crop, wool production and sheep and lambs on feed. Information used by sheep industry in decisions affecting production, marketing and policy.

• Economics and Statistics Service
Dry Bean, Pea, and Lentil Survey
Other—see SF83
Farms 3
Small Businesses or Organizations
Agricultural Research and Services, 7,500 responses, 1,451 hours, $120,000 Federal cost, 2 forms
Off. of Federal Statistical Policy & Standard, 202–673–7974
Provides data to estimate acreage, yield and production of dry beans, dry peas and lentil in major producing States. Estimates used by dry bean, dry pea and lentil industries in production and marketing decision.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• National Oceanic and Admospheric Administration
Fishermen's Gyaranty Fund
On occasion
Businesses or Other Institutions
Commercial Fishermen
SIC: 091
Small Businesses or Organizations
Other Advancement and Regulation of Commerce, 54 responses, 3,240 hours, $18,100 Federal cost, 1 form
William T. Adams, 202–395–4814
This program provides compensation to U.S. commercial fishermen seized by foreign governments under certain circumstances if a guaranty agreement is in effect.

Revisions

• Maritime Administration
Statement of shipbuilder or ship Operator in compliance with Section 807 of the Merchant Marine Act, 1936
MA–807–1 MA–807–2
On occasion
Individuals or Households/Businesses or Other Institutions Law Firm, shipowner, shipbuilders
SIC: Multiple
Water Transportation, 980 responses, 327 hours, $5,080 Federal cost, 2 forms
William T. Adams, 202–395–4814
The statement is mandatd by section 807 of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1225.

• Economic Development Administration
Data Collection Guides for an Assessment of EDA's
Metropolitan Capacity Building Demonstration Program
ED–453–Q–1, 453–1, 453–Q–2 453–Q–3, 453–Q–4
Nonrecurring
State or local governments businesses or other institutions
Staff of metrop. Planning organiza., S, etc.
SIC: 913 911 881 884
Area and regional development, 216 responses, 351 hours; $170,000 Federal cost, 4 forms
William T. Adams, 202–395–4814
The economic Development Administration funded 18 metropolitan planning organizations to demonstrate the potential roles regional planning and development institutions have in the formulation and implementation of regional economic development strategies. The study results will be used to evaluate the effectiveness of the demonstration program, and to aid further program development.

• Economic and Statistical Analysis
Transactions of U.S. Affiliate, expect an Unincorporated Bank, With Foreign Parent
BE 606
Quarterly
Businesses or other institutions
Fgn. owned us. corp & unincorp bus entprs except bank, etc.
SIC: All
Small businesses or ogranizations
Other advancement and regulation of commerce, 8,800 responses, 8,800 hours; $80,000 Federal cost, 1 FORM
Off. of Federal Statistical Policy and Standard, 202–673–7974
Secures data on current and capital account transactions between foreign persons and unincorporated non-bank U.S. business, enterprises in which they have an equity interest of 10 percent or more. Consists of data on earnings; interest and fees and royalties paid; and outstanding equity position. Authorized by the International Investment Survey Act of 1976 (P.L. 94–472). Required for the preparaton of the balance of payment accounts of reinstatements.

• Bureau of the Census
Census Long Form—1980 Census of Population and Housing D–2
Nonrecurring
Individuals or households
Hsehlds in enumeration dist. that failed sample tolerance other advancement and regulation of commerce, 5,000 responses, 3,750 hours; $100,000 Federal cost, 1 form
Off. of Federal statistical Policy and Standard, 202–673–7974
It has been discovered that certain enumeration districts (ED) do not contain a sufficient number of sample, long form questionnaires. The data collected will be utilized to bring these ed's within sample tolerance and thereby improving the reliability of the sample information.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Office of Assistant Secretary for Health
Evaluation of High Risk Pregnancy Education Program
Nonrecurring
Individuals or households
Preg. women who rec. med.-funded prenatal care at Fed., etc.
Small businesses or organizations
Health, 336 reponses, 84 hours; $21,643 Federal cost, 3 forms
Gwendolyn Pia, 202–395–6800
In this study, health outcomes, knowledge, attitudes, and behavior of high-risk pregnant women, some of whom receive special counseling and some who do not, will be compared. Most data will be extracted from the medical and hospital records of the participating clinic, but some primary data, collected by interview, is needed.

• Health Care Financing Administration
Municipal Health Service Program Cost Report
• HCFA–255
Quarterly
Businesses or other institutions
Mun. Hlt. Clin. loc. in San Jose, Balt., St. Louis, Cinn. etc
SIC: 808
Health, 80 responses, 2,880 hours; $100 federal cost, 1 form
Richard Eisinger, 202–395–6880
This cost report is needed to monitor the payments to the MHSP clinics and to insure that only covered services are being paid for by medicare. This cost information will be used to report those services provided by the MHSP clinics.

Extensions (Burden Change)

• Health Care Financing Administration
Outpatient Physical Therapy Outpaient Speech Pathology Provider Cost Reports
HCFA–2808
Annually
Businesses or other institutions
All rehab agen, clin, and pub. hlt agen prov. outpat., etc
SIC: 808
Small business or organizations
Health, 419 responses, 13,827 hours; $221,100 Federal cost, 1 form
Richard Eisinger, 202–395–6880
The cost report will ensure proper payments by the fiscal intermediary to the provider for medicare covered services. The fiscal intermediary also uses the cost report in deciding whether to audit the records of the provider. In addition, the fiscal intermediary extracts data from the cost report for transmission to HCFA used for making projections.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—202–633–3526

Extensions (No Change)

• Federal Bureau of Investigation
Number of Full-time law enforcement employees as of October 31
4–73, 4–73A, 4–73B
Annually
State or local governments
All city, cty. and State law enforcement agencies in the United States
SIC: 992
Federal law enforcement activities, 15,000 responses, 7,500 hours; $50,000 Federal cost, 3 forms
Andy Uscher, 202–395–4814
Needed to determine the number of civilian and sworn law enforcement employees in the United States. Summary statistics are published annually in "Crime in the United States."

• Federal Bureau of Investigation
Law Enforcement Officers Killed or Assaulted
4–738
Monthly
State or local governments
City, cty, and State law enforcement agencies w/off. assaul, etc.
SIC: 922
Federal law enforcement activities, 114,000 responses, 22,800 hours; $13,000 Federal cost, 1 form
Andy Uscher, 202–395–4814
Needed to collect information re any local law enforcement officer assaulted or killed in the U.S. Summary Statistics published annually in "Crime in the United States."

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202–426–1887

New

• National Highway Traffic Safety Administration
49 CFR Part 551.45 Designation of Agent
Nonrecurring
Businesses or other institutions
Motor Veh. Mfgrs and Mtr Veh Equip Mfgr in Foreign Cos., etc.
SIC: 371
Ground transportation
50 responses, 25 hours, $500 Federal cost, 1 form
Corrinne Hayward, 202–395–7340
15 U.S.C. 1399(e) requires manufacturers offering motor vehicle or motor vehicle equipment for importation into the U.S. to designate in writing an agent upon whom service of process may be made.

• National Highway Traffic Safety Administration
49 CFR Part 576 Record Retention (Manufacturers of Motor Vehicles)
On occasion
Businesses or other institutions
Motor vehicles manufacturers
SIC: 371
Small businesses or organizations
Ground transportation, 1,000 responses, 200,000 hours, 1 form
Corrinne Hayward, 202–395–7340
Manufacturers retain complaints, reports, and other records of motor vehicle malfunctions that may be related in motor vehicle safety. Information used to investigate posmy safety defects and noncompliances.

• National Highway Traffic Safety Administration
49 CFR Part 566, Manufacturer ID
On occasion
Businesses or other institutions
Motor vehicle and equipment manufacturers
SIC: 371
Small businesses or organizations
Ground transportation, 1,000 responses, 250 hours, $1,000 Federal cost, 1 form
Corrinne Hayward, 202–395–7340
This regulation requires all vehicle manufacturers to submit basic identifying information to the agency to allow it to contact the manufacturer in the event of defect or noncompliance found in its vehicles.

• National Highway Traffic Safety Administration

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Names and Addresses of Motor Vehicle Purchases (15 U.S.C. 1418(B))
Other—see SF83
Businesses or other institutions
Motor vehicle manufacturers
SIC: 371
Small businesses or organizations
Ground transportation, 15,000,000 responses, 1,000,000 hours, 1 form
Corrinne Hayward, 202–395–7340

15 U.S.C. 1418(B) requires vehicle manufacturers to record the name and address of each vehicle purchaser. The agency has no regulation in this area.

- National Highway Traffic Safety Administration

49 CFR Part 556, Petitions for Inconsequentiality
On occasion
Businesses or other institutions
Manufacturers of Motor vehicles and equipment
SIC: 371
Small businesses or organizations
Ground transportations, 15 responses, 30 hours, $10,000 Federal cost, 1 form
Corrinne Hayward, 202–395–7340

This regulation establishes procedures for petitioning the agency for an exemption from the notice and remedy requirements of the act due to an inconsequential defect or noncompliance.

- National Highway Traffic Safety Administration

49 CFR Part 552, Petitions for Rulemaking
On occasion
Indivduals or households/State or local governments
All indiv. or bus. and State or local governments
SIC: Multiple
Small businesses or organizations
Ground transportation, 100 responses, 100 hours, $50,000 Federal cost, 1 form
Corrinne Hayward, 202–395–7340

This regulation establishes procedures for filing petitions with the agency to commence rulemaking or to make a defect or noncompliance determination.

Revisions

- Federal Highway Administration

Driver's Log
MCS–59, 139, and 139A
Other—see SF83
Businesses or other institutions
Motor carrier and drivers operating in interstate commerce
SIC: 962
Ground transportation, 114,760,000 responses, 22,952,000 hours, 3 forms
Terry Grindstaff, 202–395–7340

Driver's log required by 49 U.S.C. 304 and 320 used by the Federal Highway Administration and carriers to determine compliance with maximum time limitations required by 49 CFR 395.3 and determine carriers' overall safety compliance status.

Reinstatements

- Federal Aviation Administration Aviation Maintenance Technician Schools—FAR 147 FAA 8310–6

On occasion
Businesses or Other Institutions
Aviation Maintenance Technican Schools
SIC: 824
Small Businesses or Organizations
Air Transportation, 11,044 responses; 66,539 hours; $80,000 Federal cost, 1 FORM
Corrinne Hayward, 202–395–7340

Federal Aviation Act of 1958, section 607 (49 USC 1427) authorizes certification of civilian aviation mechanic schools. 14 CFR 147 prescribes requirements for certification and operation of aviation mechanic schools. Information collected is used to determine applicant eligibility and compliance.

- Coast Guard

License and Renewal Application
CG–866
On occasion
Individuals or Households
Persnl Appl. for Orig., renew. or upgrad. of Mercht Mari Lic
Water Transportation, 26,000 responses; 26,000 hours; $327,730 Federal cost, 1 form
Terry Grindstaff, 202–395–7340

Application is used to determine an applicant's overall qualifications for an original license or certificate of registry as staff officer and to determine an applicant's overall qualifications for renewal of a license.

VETERANS ADMINISTRATION

Agency clearance Officer—R.C. Whitt—202–389–2146

Revisions

Application for Reinstatement (Non-Medical Health Statement)
29–353
On occasion
Individuals or Households
Insured
Income Security for Veterans, 2,000 responses; 500 hours; $7,043 Federal cost, 1 form
Robert Neal, 202–395–6880

The completed application is required by law, 38 C.F.R. 6.79 and 8.23. The information collected is used to process the insured's request to reinstate a lapsed insurance policy.

Transfer of (Scholastic) Credit (Schools)
FL-22–3L5
On occasion
State or Local Governments/Individuals or Households
Schools
SIC: 822
Veterans Education, Training, and Rehabilitation, 1,600 responses; 267 hours; $4,063 Federal Cost, 1 form
Robert Neal, 202–395–6880

As provided by 38 U.S.C. 1683 and 1714, no benefits based on concurrent enrollment can be paid unless information requested by this letter is received. Information obtained by this letter certifies that the student will recieve full credit for courses taken at another educational institution.

Notice of Past Due Payment (National Service Life Insurance)
29–389E
On occasion
Individuals or Households
Veterans Who Have NSLI (RH) Insurance Policies
Income Security for Veterans, 18,000 responses; 4,500 hours; $9,515 Federal cost, 1 form
Robert Neal, 202–395–6880

The completed form is required by law, 38 C.F.R. 6.79 and 8.23. the information collected is used to process the insured's request to reinstate his/her insurance contract.

Application for Exchange of Total Disability Income provision
29–467A
On Occasion
Individuals or Households
Insured Veterans
Income Security for Veterans, 500 responses; 125 hours; $2,248 Federal cost, 1 form
Robert Neal, 202–395–6880

The completed form is required by law, 38 U.S.C. 715 and 748. The information collected is used to process the insured's request to exhange or add the TDIP total disability income provision.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-6494 Filed 2-25-81; 8:45 am]
BILLING CODE 3110-01-M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1981, shall be at the rate of 14½ cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1981, 20.6 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 79.4 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: February 13, 1981.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 81-6407 Filed 2-25-81; 8:45 am]
BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17536; File No. SR–OCC–81–1]

Self-Regulatory Organizations

In the matter of proposed rule change by the Options Clearing Corporation relating to the valuation of government securities deposited to meet clearing fund and margin obligations.

Comments requested on or before March 19, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 6, 1981, The Options Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Item I. Statement of the Terms of Substance of the Proposed Rule Change

OCC's By-Laws and Rules are proposed to be amended to change the timing and method of the valuation of government securities deposited by OCC Clearing Members to meet clearing fund and margin obligations. Under the rule change, government securities would be valued at the bid (rather than the asked) price at such intervals as the Corporation may determine, but not less often than monthly.

Item II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under OCC's current By-Laws and Rules, government securities which may be deposited to meet OCC clearing fund and margin requirements are to be valued by the Corporation on the basis of the quoted asked price supplied by the Federal Reserve Bank of New York on the last day of the preceding month or such later date as the Margin Committee shall designate. This practice is inconsistent with OCC's general policy of valuing margin and clearing fund deposits on a conservative basis and could result in giving more credit for those deposits than OCC is likely to receive if it is required to liquidate those deposits pursuant to Chapter XI of its Rules. In such circumstances, OCC is more likely to liquidate the securities at the bid price rather than the asked. For this reason, OCC's By-Laws and Rules are proposed to be amended to value the government securities at the bid price. The proposed rule change would also make it clear that OCC may value those deposits more frequently than once a month.

The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934. The rule change would strengthen OCC's requirements with respect to the clearing fund and margin deposits which secure OCC's performance on all option contracts, and in that respect relates to the protection of investors and the public interest.

(B) Statement on Burden on Competition

OCC does not believe that the proposed rule change would have any material impact on competition.

(C) Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were not and are not intended to be solicited with respect to the proposed rule change. No written comments have been received.

Item III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Item IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before March 19, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6428 Filed 2-25-81; 8:45 am]
BILLING CODE 8010-01-M

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[File No. 500-1]

Black Hawk Resources Co.; Order of Suspension of Trading

February 20, 1981.

Securities Exchange Act of 1934, section 12(k).

It appearing to the Securities and Exchange Commission that Black Hawk Resources Company cannot presently provide for the transfer of its securities and does not have custody or control of its transfer records, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Black Hawk Resources Company.

On February 5, 1981 the Commission ordered a suspension of trading in the securities of Black Hawk which terminated at midnight February 14, 1981. At that time the Commission announced its concerns about recent unusual and unexplained market activity in the Securities of Black Hawk in view of the lack of adequate current information concerning the affairs of the company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading of such securities will be effective at 9:30 a.m. on February 20, 1981, and terminate at midnight on March 1, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6430 Filed 2-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11634 (812-4785)]

Fiduciary Money Market Trust; Application

February 19, 1981.

Notice of filing of application for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 granting exemptions from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder.

Notice is hereby given that Fiduciary Money Market Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 19, 1980, and amendments thereto on January 12, 1981, and January 30, 1981, requesting an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust and that Cash Management Research Corporation, a wholly-owned subsidiary of Federated Investors, Inc., serves as Investment Adviser to Applicant. Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking stability of principal and current income consistent with stability of principal and that its portfolio may be invested in a variety of money market instruments. The Applicant's portfolio may include U.S. Government obligations, certificates of deposit, prime commercial paper, repurchase agreements and instruments secured by such obligations. The obligations that Applicant may purchase include both fixed rate and variable rate securities. Variable rate obligations have a yield which is adjusted periodically based upon changes in the level of prevailing interest rates. As a result, the value of variable rate notes is less affected by changes in interest rates. All variable rate notes will be restricted to short-term, high quality obligations. With respect to variable rate certificates of deposit maturing in 180 days or less from the time of purchase with interest rates adjusted on a monthly cycle, the Applicant may use the period remaining until the next rate adjustment date for purposes of determining the Applicant's average weighted portfolio maturity. Until such time as the Commission has determined otherwise, the Applicant will use the remaining period to maturity of all other variable rate notes for purposes of determining the Applicant's average weighted portfolio maturity.

According to the application, the Applicant does not invest in instruments issued by banks or savings and loan associations unless: (a) at the time of investment they have capital, surplus and undivided profits in excess of $100,000,000 at the date of their most recently published financial statements; or (b) the principal amount of the instrument is insured in full by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The application states that the investments in commercial paper are limited to commercial paper rated A-1 by Standard & Poor's Corporation, Prime-1 by Moody's Investors Service of F-1 by Fitch Investors Service.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder. Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect to other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company, or and no principal underwriter or dealer therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *inter alia:* (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the

Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its request for exemptive relief Applicant states that investors are not concerned with the theoretical difference which might occur between yield achieved through pricing to some sort of "market" and yield computed by using the amortized cost valuation method. Applicant states that by valuing its portfolio of high quality instruments of short-term maturities at amortized cost, it would be able to achieve the two qualities which investors in a money market fund seek: (1) continuity of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant states that by declaring income daily as earned and valuing its portfolio assets by the amortized cost method, investors would achieve a steady income flow and avoid the volatility which might result from valuing its assets based on market prices.

Applicant represents that it has found through experience that investment in a portfolio of high quality money market instruments of short-term maturities will enable it to provide the required stability to investors. Applicant states that maintaining an average portfolio maturity of 120 days accomplishes both aforementioned investor aims because such a portfolio obviates the possibility of significant volatility in the value of portfolio instruments as effectively as does an average maturity of shorter duration, and such a portfolio provides a yield on portfolio instruments commensurate with yields available in the general money market which would not be otherwise available with a portfolio having an average maturity of shorter duration.

Applicant further states that its request for exemptions is based on its existing and proposed investment policies, which have been adopted by the board of trustees and authorized executive committees and are described in its application and prospectus. Applicant represents that its board of trustees has determined in good faith that use of the amortized cost valuation method to value Applicant's portfolio instruments is appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following duties and responsibilities:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above as taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted,

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

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or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–6431 Filed 2–25–81; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

February 19, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities and Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Seagull Pipeline Corp.

Common Stock, $.10 Par Value (File No. 7–5864)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 12, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–6432 Filed 2–25–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11637 (812–4808)]

Nuveen Tax-Exempt Money Market Fund, Inc.; Application

February 19, 1981.

Notice of filing of application for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 granting exemptions from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder.

Notice is hereby given that Nuveen Tax-Exempt Money Market Fund, Inc., a Maryland corporation ("Applicant"), 115 South LaSalle Street, Chicago, Illinois 60603, filed an application on January 6, 1981, and an amendment thereto on Feburary 2, 1981, for an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated on November 19, 1980, and has registered with the Commission under Section 8(a) of the Act as an open-end, diversified management investment company. On January 9, 1981, Applicant filed its Form N–1 Registration Statement under the Act and under the Securities Act of 1933 registering its shares of common stock, par value $.01 per share, for public distribution. This Registration Statement has not yet been declared effective and the Applicant has not commenced distribution of its shares. Applicant states that it is a tax-exempt "money market" fund offering to banks and other institutional investors, as well as substantial individual investors, a convenient and economic means of investment in a professionally managed portfolio of municipal obligations with the objective of obtaining as high a level of current interest income that is exempt from federal income tax as is consistent with stability of principal and maintenance of liquidity. Nuveen Advisory Corp. ("Adviser"), a wholly-owned subsidiary of John Nuveen & Co. Incorporated, will act as investment adviser to Applicant pursuant to an Investment Management Agreement. Nuveen Advisory Corp. is investment adviser to the Nuveen Municipal Bond Fund, Inc. and is registered with the Commission under the Investment Advisers Act of 1940. Applicant's shares will be sold without a sales charge.

The Applicant states that all of its assets will consists of (1) municipal obligations which are rated at the time of purchase within the two highest grades by Moody's Investors Service, Inc. ("Moody's")—Aaa or Aa—, or by Standard & Poor's Corporation, Inc. ("S&P")—AAA or AA—, or in the case of municipal notes rated MIG 1 by Moody's or A–1 by S&P, or F–1 by Fitch's Investors Service ("Fitch's"); (2) unrated municipal obligations which, as determined by the Adviser in accordance with standards established by the board of directors to ensure that such securities are deemed "high quality", have credit characteristics equivalent to obligations rated Aa or MIG 1 by Moody's or AA or A–1 by S&P, or F–1 by Fitch's; (3) obligations exempt from federal income tax which at the time of purchase are backed by the full faith and credit of the U.S. Government as to payment of principal and interest; (4) certain temporary investments; and (5) cash. Except to the extent that Applicant is invested in temporary investments for defensive purposes Applicant states that it will, at all times, invest at least 80% of its assets in obligations exempt from federal income tax. Applicant further states that all of its investment will mature in less than one year, and the dollar-weighted averaged maturity of its portfolio will not exceed 120 days. Applicant represents that it has authority to purchase securities at a price which would result in a yield to maturity lower than that generally offered by the seller at the time of purchase when it can acquire at the same time the right to sell the securities back to the seller at an agreed upon price at any time during a stated period or on a specified date. Such a right is generally denoted as a "put." Applicant states that it does not currently intend to enter into such transactions but reserves the right to do so in the future. Applicant represents that such transactions will not be entered into unless the board of directors has approved the proposed terms of such transactions and such terms are specified in a subsequent prospectus that has been declared effective by the Securities and Exchange Commission. Applicant states that it will also purchase short-term high quality municipal obligations on a "when issued" or delayed delivery basis. Applicant represents that such securities will be carried and treated on Applicant's books and will be valued in accordance with all the conditions set forth in Investment Company Act Release No. 10666, dated April 18, 1979.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method. Under the amortized cost valuation method, portfolio instruments are valued at their cost as of the date of acquisition and thereafter assuming a constant rate of amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of such instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary of appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it wishes to attract sophisticated bank and other institutional investors, as well as substantial and sophisticated individual investors; many of these investors require an investment company with a portfolio of short-term municipal obligations and which maintains a constant net asset value per share and pays dividends that do not fluctuate due to daily changes in the values of its portfolio securities. Applicant believes that in order to attract such investors and retain them as shareholders, it must have a stable net asset value, preferably $1.00 per share, and a steady flow of investment income.

Applicant believes that the valuation of the investment securities in its portfolio on the amortized cost basis will benefit its shareholders by enabling it to maintain a $1.00 price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities. Applicant's board of directors has determined that the amortized cost method of calculating its net asset value per share under such circumstances is appropriate and in the best interest of shareholders.

As a condition to the granting of the exemption requested herein, Applicant agrees that the following may be made conditions of the order:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objectives, to stabilize the Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize captial gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

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Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Applicant will limit its portfolio investments, including repurchase agreements, if any, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant respectfully requests an order of the Commission exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities using the amortized cost method of valuation. Applicant submits that such order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6433 Filed 2-25-81; 8:45 am]

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[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 11636 (812-4812)]

The Texas Money Fund, Inc.; application

February 19, 1981.

Notice of filing of application for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 granting exemptions from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder.

Notice is hereby given that The Texas Money Fund, Inc. ("Applicant"), 6350 L.B.J. Freeway, Suite 133, Dallas, Texas, 74240, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 30, 1981, requesting an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized under the laws of the State of Texas on April 2, 1980. A Notification of Registration under the Act and a Registration Statement under the Act and the Securities Act of 1933 were filed with the Commission on November 4, 1980. the Applicant's Registration Statement has not yet become effective. The Applicant's investment objective is to achieve the highest level of current income consistent with safety and stability of capital through investments in money market instruments maturing in twelve months or less. Such instruments include securities issued or guaranteed by the United States, its agencies and instrumentalities, bank certificates of deposit, letters of credit, bankers' acceptances, commercial paper obligations rated A-1 by Standard & Poor's Corporation or Prime-1 by Moody's Investors Service and repurchase agreements and reverse repurchase agreements with respect to such securities. According to the application, all of the Applicant's assets are invested in high quality money market instruments maturing in less than one year, and the dollar weighted average portfolio maturity of its portfolio may not exceed 120 day. CMC Funding, Ltd., registered under the Investment Advisers Act of 1940, will serve as investment adviser to Applicant. As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant hereby requests an exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value its portfolio by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

In support of the relief requested, Applicant states that many sophisticated individual and institutional investors require an investment vehicle that has a stable capital value and a constant and steady flow of investment income. The Applicant believes that, in order to attract such investors and retain them as shareholders, it must have a stable net asset value per share and must be able to pay dividends that do not fluctuate as a consequence of changes in the values of its portfolio securities.

By investing in high quality, short term municipal obligations and valuing such securities on the basis of their amortized cost, Applicant maintains that it will benefit such investors by providing an investment vehicle less subject to fluctuation than under alternative procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities. Management of Applicant believes that, with respect to a portfolio of municipal obligations with a dollar-weighted average maturity of 120 days or less, the discrepancy between market value and amortized cost is negligible. Furthermore, applicant states that a number of money market funds with which it will be in competition now value their securities portfolio using amortized cost.

Applicant's board of directors has determined in good faith that in light of the characteristics of its securities portfolio as described above, absent unusual or extraordinary circumstances, the amortized cost method of calculating the new asset value per share of Applicant is appropriate and in the best interests of its shareholders and reflects fair value of such securities.

As a condition to the granting of the exemption requested herein, Applicant agrees that the following may be made conditions of the order:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stablize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant will use actual quotations or estimates or market value which reflect current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of municipal securities furnished by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from Applicant $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity, withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share, provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

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5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant respectfully requests an order of the Commission exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. Applicant submits that such order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6434 Filed 2-25-81; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations

The Securities and Exchange Commission announced today that it has responded to the issues remanded by the United States Court of Appeals for the District of Columbia Circuit in *Bradford National Clearing Corporation v. Securities and Exchange Commission*, 590 F.2d 1085 (D.C. Cir. 1978). The Commission has affirmed the use by the National Securities Clearing Corporation (NSCC) of the pricing policy known as geographic price mutualization and has affirmed NSCC's selection of the Securities Industry Automation Corporation as its facilities manager without the use of competitive bidding. The order, Release No. 34-17562, will appear in the *SEC Docket*, Volume 22, Number 1.

George A. Fitzsimmons,

Secretary.

February 20, 1981.

[FR Doc. 81-6429 Filed 2-25-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5323]

Situation Ventures Corp.; Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1980)), to transfer control of Situation Ventures Corporation, 67 Taaffee Place, Brooklyn, New York 11205, a Federal Licensee under the Small Business Act of 1958, as amended (Act).

Situation Ventures Corporation was licensed on February 16, 1977, and has private capital of $500,000. The proposed transfer of control will result from Alle Processing Corp. purchasing 820 shares of the Licensee's common stock at $610 per share increasing the Licensee's capitalization to $1,018,500.

The proposed officers, directors and stockholders will be:

Sam Hollander, 1615-51st Street, Brooklyn, New York 11204, President and Director—19

Herman Lebovitz, 1614-51st Street, Brooklyn, New York 11204, Secretary, Treasurer and Director—9

Moses Hollander, 1663-49th Street, Brooklyn, New York 11204, Vice-President and Director—21

Max Berg, 1569-50th Street, Brooklyn, New York 11219, Director—6

*Mendal Weinstock, 5401-15th Avenue, Brooklyn, New York 11219, Director and 33% Stockholder of Alle Processing Corp.

*Alle Processing Corp., 502 Flushing Avenue, Brooklyn, New York 11205—45

*Albert Weinstock, 5401-15th Avenue, Brooklyn, New York 11219, President and 33% Stockholder of Alle Processing Corp.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operation of Beacon under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Any person may, on or before March 13, 1981, submit to SBA written comments on the proposed transfer of control. Any such communications should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in Brooklyn, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 19, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6475 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1974]

Maine; Declaration of Disaster Loan Area

Oxford County and adjacent counties within the State of Maine constitute a disaster area as a result of damage caused by wind storm which occurred on December 3-4, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 13, 1981, and for economic injury until the close of business on November 12, 1981, at: Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59006)

*Owners of Alle Processing Corp.

Dated: February 12, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-6476 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of Newark, New Jersey, will hold a public meeting at 9:30 a.m., on Tuesday, March 24, 1981, at the Ramada Inn, 36 Valley Road, Clark, New Jersey 07066, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Andrew P. Lynch, District Director, U.S. Small Business Administration, 970 Broad Street, Newark, New Jersey 07102 (201) 645-3560.

Dated: February 20, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6477 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, Indiana, will hold a public meeting at 10:00 a.m. (EST) on Thursday, March 26, 1981, at the Essex Hotel, 421 North Pennsylvania Street, Indianapolis, Indiana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert D. General, District Director, U.S. Small Business Administration, 575 North Pennsylvania Street, Room 578, Indianapolis, Indiana 46209 (317) 269-7275.

Dated: February 20, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6478 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Little Rock, Arkansas, will hold a public meeting at 1 p.m., on Friday, March 20, 1981, in the Conference Room of the U.S. Small Business Administration, Capitol and Spring Streets, Little Rock, Arkansas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Maurice Britt, District Director, U.S. Small Business Administration, P.O. Box 1401, Little Rock, Arkansas 72203 (501) 378-5277.

Dated: February 23, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6479 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of St. Louis, Missouri, will hold a public meeting at 9:30 a.m. on Thursday, March 19, 1981, at the Cheshire Inn, Windsor Room, 6306 Clayton Road, St. Louis, Missouri, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call John L. Carey, District Director, U.S. Small Business Administration, One Mercantile Center, Suite 2500, St. Louis, Missouri 63101—(314) 425-4191.

Dated: February 20, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6480 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of San Diego, California, will hold a public meeting at 2:30 p.m., on Thursday, March 19, 1981, at the U.S. Small Business Administration, 880 Front Street, Room 4-S-29, San Diego, California, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call George P. Chandler, Jr., District Director, U.S. Small Business Administration, 880 Front Street, Room 4-S-29, San Diego, California 92188 (714) 895-5430.

Dated: February 20, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6481 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 10:00 a.m., on Tuesday, March 31, 1981, at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Room 7323 (7th Floor), Honolulu, Hawaii, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call David K. Nakagawa, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2213, Honolulu, Hawaii 96850 (808) 546-8950.

Dated: February 20, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6482 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Anchorage, Alaska, will hold a public meeting at 10 a.m., on Friday, March 20, 1981, at 1016 West Sixth Avenue, Suite 200, Anchorage, Alaska, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Frank D. Cox, District Director, U.S. Small Business Administration, 1016 West Sixth Avenue, Suite 200, Anchorage, Alaska 99501, (907) 271-4022.

Dated: February 20, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6483 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory

V 46 / 38 FE 26 81 1 UMI

Council, located in the geographical area of Seattle, Washington, will hold a public meeting at 9:00 a.m., on Thursday, March 19, 1981, at the Washington Athletic Club, 6th and Union, Room 2105, Seattle, Washington, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Maxine Wood, District Director, U.S. Small Business Administration, Room 1744 Federal Building, 915 2nd Avenue, Seattle, Washington 98174, (206), 442-7791.

Dated: February 20, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6464 Filed 2-25-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 743]

Fishery Conservation and Management; Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended ("the Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the **Federal Register**.

Individual vessel applications for fishing in 1981 have been received from Taiwan and the Governments of Japan, Korea, Italy, Cuba, the Polish People's Republic, and the Union of Soviet Socialist Republics and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7432).

Dated: February 17, 1981.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery Codes and Designation of Regional Councils Which Review Applications for Individual Fisheries

Code	Fishery	Regional Council
ABS	Atlantic billfishes and sharks	New England. Mid-Atlantic. South Atlantic. Gulf of Mexico. Caribbean.
BSA	Bering Sea and Aleutian Islands trawl, longline and herring gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England. Mid-Atlantic.
SMT	Seamount groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California trawl.	Pacific.
PBS	Pacific billfish and sharks	Western Pacific.

Activity Codes Specify Categories of Fishing Operations Applied for

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only
3	Other support only.

Nation, vessel name, and vessel type	Application No.	Fishery	Activity
Japan:			
Kaiun Maru No. 62, Danish seiner	JA-81-1482	BSA	1
Tenyu Maru No. 28, Danish seiner	JA-81-1483	BSA	1
Tomi-Maru No. 81, medium stern trawler	JA-81-0416	BSA	1
Heikyu Maru No. 35, Danish seiner	JA-81-0567	BSA	1
Shinmei Maru No. 18, longliner	JA-81-1481	ABA	1
Takashiro Maru No. 53, cargo/transport vessel	JA-81-0916	ABS, BSA, CRB, GOA, NWA, WOC	3
Taiko Maru No. 88, longline fishing vessel	JA-81-1353	ABS	1
Kosei Maru No. 37, longliner	JA-81-3876	PBS	1
Kosei Maru No. 77, longliner	JA-81-2877	PBS	1
Daikichi Maru No. 73, longliner	JA-81-3876	PBS	1
Kandnick, cargo/transport vessel	JA-81-0912	NWA, BSA, GOA, SMT	3
Fukuyo Maru No. 18, pot fishing vessel	JA-81-0703	CRB	1
Hokko Maru No. 12, pot fishing vessel	JA-81-0704	CRB	1
Keiyo Maru No. 38, pot fishing vessel	JA-81-0711	CRB	1
Kaiun Maru No. 21, pot fishing vessel	JA-81-0717	CRB	1
Koyo Maru No. 3, pot fishing vessel	JA-81-0812	CRB	1
Eikyu Maru, pot fishing vessel	JA-81-0817	CRB	1
Matsuei Maru No. 72, pot fishing vessel	JA-81-0821	CRB	1
Eikyu Maru No. 28, pot fishing vessel	JA-81-0822	CRB	1
Hakuyo Maru, pot fishing vessel	JA-81-0837	CRB	1
Kasei Maru No. 8, pot fishing vessel	JA-81-0900	CRB	1
Koyo Maru No. 18, pot fishing vessel	JA-81-0902	CRB	1
Poland:			
Manta, large stern trawler	PL-81-0052	WOC, GOA, BSA	1
Orlen, large stern trawler	PL-81-0078	WOC, GOA, BSA	1
Tunek, large stern trawler	PL-81-0045	WOC, GOA, BSA	1
Tasar, large stern trawler	PL-81-0054	WOC, GOA, BSA	1
Kaszuby 2, cargo/transport vessel	PL-81-0027	NWA, WOC, GOA, BSA	3
Halniak, cargo/transport vessel	PL-81-0029	NWA, WOC, GOA, BSA	3
Lewanter, cargo/transport vessel	PL-81-0030	NWA, WOC, GOA, BSA	3
Pomorze, cargo/transport vessel	PL-81-0031	NWA, WOC, GOA, BSA	3
Buran, cargo/transport vessel	PL-81-0033	NWA, WOC, GOA, BSA	3
Zulawy, cargo/transport vessel	PL-81-0041	NWA, WOC, GOA, BSA	3
Gryf Pomorski, cargo/transport vessel	PL-81-0049	NWA, WOC, GOA, BSA	3
Winetta, cargo/transport vessel	PL-81-0081	NWA, WOC, GOA, BSA	3
Terral, refrigerated transport vessel	PL-81-0086	NWA, WOC, GOA, BSA	3
Kapitan Ledochowski, training cargo vessel	PL-81-0087	BSA, GOA, WOC, NWA	3
Taiwan:			
Jui Man No. 3, longline fishing vessel	TW-81-3093	PBS	1
Feng Bang No. 61, longline fishing vessel	TW-81-0012	GOA	1
Korea:			
Pung Yang Ho, large stern trawler	KS-81-0004	BSA, GOA	1
Heung Yang Ho, large stern trawler	KS-81-0006	BSA, GOA	1
No. 31 Dongwon, longline fishing vessel	KS-81-0053	BSA, GOA	1

Nation, vessel name, and vessel type	Application No.	Fishery	Activity
Italy: *Tonini Peace Terzo*, medium stern trawler	IT-81-0002	NWA	1
Cuba:			
Las Guasimas, tanker fuel/water	CU-81-0111	NWA	3
Playa Giron, large stern trawler	CU-81-0114	NWA	1
Playa Varadero, large stern trawler	CU-81-0115	NWA	1
Play Duaba, large stern trawler	CU-81-0123	NWA	1
Mar Caribe, large stern trawler	CU-81-0148	NWA	1
Golfo de Tomkin, large stern trawler	CU-81-0149	NWA	1
Mar Oceano, large stern trawler	CU-81-0150	NWA	1
Japan: *Heikyu Maru No. 35*, danish seiner	JA-81-0567	BSA	1
U.S.S.R.:			
Mys Grotovyi, stern trawler	UR-81-0092	GOA, BSA	2
Mys Prokofyeva, stern trawler	UR-81-0186	GOA, BSA	2
Mys Skalisty, stern trawler	UR-81-0168	GOA, BSA	2
Mys Yudina, stern trawler	UR-81-0545	GOA, BSA	2
Novaya Era, stern trawler	UR-81-0065	GOA, BSA	2
Passionariya, stern trawler	UR-81-0060	GOA, BSA	2
Turkut, stern trawler	UR-81-0172	GOA, BSA	2
Sulak, factory/mother ship	UR-81-0238	WOC, GOA, BSA	2
Karagach, stern trawler	UR-81-0028	WOC	2
Klimovo, stern trawler	UR-81-0706	WOC	2
Mys Belkina, stern trawler	UR-81-0214	WOC	2
Mys Chasovoy, stern trawler	UR-81-0176	WOC	2
Mys Lopatka, stern trawler	UR-81-0174	WOC	2
Mys Onekhova, stern trawler	UR-81-0017	WOC	2
Oktant, stern trawler	UR-81-0564	WOC	2
Pauzdna, stern trawler	UR-81-0704	WOC	2
Serdolik, stern trawler	UR-81-0707	WOC	2
18 Syezd Vlksm, stern trawler	UR-81-0617	WOC	2
Sulak, factory/mothership	UR-81-0238	WOC, GOA, BSA	2
Khudozhnik S. Gerasimov, cargo/transport	UR-81-0277	GOA, BSA, WOC	3
Khudozhnik Vrubel, cargo/transport	UR-81-0276	GOA, BSA, WOC	3
Marshal Malinovskiy, cargo/transport	UR-81-0273	GOA, BSA, WOC	3
Marshal Rokossovskiy, cargo/transport	UR-81-0274	GOA, BSA, WOC	3
Omsk, tanker fuel/water	UR-81-0296	GOA, BSA, WOC	3
Mys Kodosh, tanker fuel/water	UR-81-0731	GOA, BSA, WOC	3
Okhaneft, tanker fuel/water	UR-81-0730	GOA, BSA, WOC	3
Okhotskoe More, cargo/transport	UR-81-0252	GOA, BSA, WOC	3
Ostrov Shmidta, cargo/transport	UR-81-0256	GOA, BSA, WOC	3
Ostrov Shokalskogo, cargo/transport	UR-81-0257	GOA, BSA, WOC	3
Ostrov Ushakova, cargo/transport	UR-81-0258	GOA, BSA, WOC	3
Ostrov Keragnskiy, cargo/transport	UR-81-0255	GOA, BSA, WOC	3
Ostrov Lavanskogo, cargo/transport	UR-81-0254	GOA, BSA, WOC	3
Proliv Laperuza, cargo/transport	UR-81-0253	GOA, BSA, WOC	3
Reshetnyk, salvage/repair	UR-81-0644	GOA, BSA, WOC	3
Sakhalinskoe Gory, cargo/transport	UR-81-0261	GOA, BSA, WOC	3
Sajanskie Gory, cargo/transport	UR-81-0262	GOA, BSA, WOC	3
Sibirneft, tanker fuel/water	UR-81-0296	GOA, BSA, WOC	3
Sovorovets, salvage/repair	UR-81-0729	GOA, BSA, WOC	3
Surgutneft, tanker fuel/water	UR-81-0297	GOA, BSA, WOC	3
Ust-Karsk, tanker fuel/water	UR-81-0729	GOA, BSA, WOC	3
Ust-Kut, tanker fuel/water	UR-81-0727	GOA, BSA, WOC	3
Vasiliy Perov, cargo/transport	UR-81-0266	GOA, BSA, WOC	3
Vasiliy Vereshchagin, cargo/transport	UR-81-0265	GOA, BSA, WOC	3
Viktor Vasnetsov, cargo/transport	UR-81-0267	GOA, BSA, WOC	3
Yuganskt, tanker fuel/water	UR-81-0637	GOA, BSA, WOC	3
Zvezdnyy Berga, cargo/transport	UR-81-0726	GOA, BSA, WOC	3
Biryusa, tanker fuel/water	UR-81-0734	GOA, BSA, WOC	3
Almazny, cargo/transport	UR-81-0264	GOA, BSA, WOC	3
Altayskie Gory, cargo/transport	UR-81-0259	GOA, BSA, WOC	3
Arkhip Kuindjt, cargo/transport	UR-81-0263	GOA, BSA, WOC	3
Dokk, salvage/repair	UR-81-0612	GOA, BSA, WOC	3
Galve, tanker fuel/water	UR-81-0733	GOA, BSA, WOC	3
Gonesta, cargo/transport	UR-81-0269	GOA, BSA, WOC	3
Ivan Kramskoy, cargo/transport	UR-81-0271	GOA, BSA, WOC	3
Kamchatskie Gory, cargo/transport	UR-81-0260	GOA, BSA, WOC	3
Kanakoe More, cargo/transport	UR-81-0246	GOA, BSA, WOC	3
Khrustalnyy Berega, cargo/transport	UR-81-0732	GOA, BSA, WOC	3

Joint Ventures

Korea:[1]			
Gae Cheog Ho, factory ship	KS-81-0112	BSA, GOA	2
Kyung Yang Ho, large stern trawler	KS-81-0085	BSA, GOA	2
Heung Yang Ho, large stern trawler	KS-81-0006	BSA, GOA	2
Soo Gong 51, large stern trawler	KS-81-0042	BSA, GOA	2
No. 20 Hanvansan Ho, stern trawler	KS-81-0113	BSA, GOA	2
Keum Yong 102 Ho, stern trawler	KS-81-0114	BSA, GOA	2
USSR:[2]			
Mys Grotovyi, stern trawler	KS-81-0092	BSA, GOA	2
Mys Prokofyeva, stern trawler	KS-81-0186	BSA, GOA	2
Mys Skalisty, stern trawler	KS-81-0168	BSA, GOA	2
Mys Yudina, stern trawler	KS-81-0545	BSA, GOA	2
Novaya Era, stern trawler	KS-81-0065	BSA, GOA	2
Passionariya, stern trawler	KS-81-0060	BSA, GOA	2
Turkut, stern trawler	KS-81-0172	BSA, GOA	2
Sulak, factory/mothership	UR-81-0238	WOC, GOA, BSA	2
Karagach, stern trawler	UR-81-0028	WOC	2
Klimovo, stern trawler	UR-81-0233	WOC	2
Mys Belkina, stern trawler	UR-81-0214	WOC	2
Mys Chasovoy, stern trawler	UR-81-0176	WOC	2
Mys Lopatka stern trawler	UR-81-0174	WOC	2

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Nation, vessel name, and vessel type	Application No.	Fishery	Activity
Joint Ventures—Continued			
Mys Onekhova, stern trawler	UR-81-0017	WOC	2
Oktant, stern trawler	UR-81-0564	WOC	2
Paudzha, stern trawler	UR-81-0704	WOC	2
Serdolik, stern trawler	UR-81-0218	WOC	2
18 Syezd Vlksm, stern trawler	UR-81-0617	WOC	2
Sulak, factory/mothership	UR-81-0238	WOC, GOA, BSA	2

[1] All vessels listed are participating in the Fish Processors Associated (215 W 12th St., Vancouver, WA)/KMIDC joint venture, which will be conducted between Jan. 15 and Oct. 20, 1981, in the BSA and GOA fisheries.

[2] All vessels listed are licensed to participate in the USSR/Marine Resources Co. (4215 21st Ave. West, #206, Seattle, WA) joint venture, which will be conducted in the BSA, GOA, and WOC fisheries between Apr. 15 and Dec. 31, 1981.

[FR Doc. 81-6404 Filed 2-25-81; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice 744]

International Pipeline Permit Application for Steam Pipeline Between Edmunston, N.B., and Madawaska, Me.

Notice is hereby given that the Department of State has received an application for a permit authorizing Fraser, Inc. to construct a steam pipeline project across the St. John River between Edmunston, New Brunswick and Madawaska, Maine. The Company operates pulp and paper plants on opposite sides of the river. In an effort to reduce costs and dependence on fuel oil, the company proposes to generate steam by means of a new bark and wood waste fuel power plant in Edmunston. The steam would be transported through the pipeline across the St. John River (the U.S.-Canadian boundary). A parallel pipeline would return the condensate from the Madawaska plant to Canada. The pipeline would cross the river on a new suspension bridge to be constructed about 900 feet east of the existing international bridge.

The Department's jurisdiction with respect to this application is based upon Executive Order 11423, dated April 16, 1968 (the Order), and the International Bridge Act of 1972 (33 U.S.C. sec. 535), approved September 26, 1972. As required by the Order, the Department is circulating this application to concerned agencies for comment. In addition, the Department's Office of Environment and Health is reviewing an assessment of the environmental effects of the proposal, which has been submitted as part of the application, in order to determine if an environmental impact statement will be required. Interested persons may submit their views regarding this application in writing by March 20, 1981 to Mr. Haley D. Collums, Attorney Adviser, Office of the Assistant Legal Adviser for European Affairs, Room 5417A, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

The application and related documents which are made part of the record to be considered by the Department of State in connection with this application are available for inspection and copying in the Office of the Assistant Legal Adviser for European Affairs during normal business hours.

Any questions relating to this notice may be addressed to Mr. Collums at the above address (phone: 202-632-1217).

Dated: February 18, 1981.

John R. Crook,

Assistant Legal Adviser for Economic and Business Affairs.

[FR Doc. 81-6408 Filed 2-25-81; 8:45 am]

BILLING CODE 4710-08-M

[CM-8/376]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Working Group on Subdivision, Stability and Load Lines will conduct an open meeting on March 11, 1981, at 10:00 a.m., Room 1303 of Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593.

The purpose of the meeting will be a review of the agenda items and delegation papers received by that time in preparation for the 26th Session of the Subcommittee.

In particular the Working Group will discuss:

—Final U.S. positions for all agenda items, in particular:
—Improvement of Load Line Convention
—Intact Stability
—Subdivision of Dry Cargo Ships—Info to Master

For further information contact Mr. William A. Cleary, Jr., U.S. Coast Guard (G-MMT-5/TP12), 2100 2nd Street, S.W., Washington, D.C. 20593. Telephone (202) 426-2188.

Dated: February 20, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-6466 Filed 2-25-81; 8:45 am]

BILLING CODE 4701-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 81-ASW-3AC]

Gulfstream American Corporation (Formerly Rockwell International); Models 690D and 695A; Aircraft Certification and Availability of Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of certification program and type certification basis.

SUMMARY: This document announces the type certification program and type certification basis for the Gulfstream American Models 690D and 695A. Gulfstream American Corporation has applied for an amended type certificate for the Models 690D and 695A. Application was originally requested by Rockwell International, however, Rockwell International was purchased by Gulfstream American Corporation with ownership effective February 3, 1981. As both models have identical geometry and are both outgrowths of previously approved models, they are included in one announcement.

DATES: The closing date for comments will be specified in a later announcement.

ADDRESSES: Send comments on the program in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-3AC, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James L. Patras, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Persons may participate in the certification proceedings by submitting their views or data. Communications must identify the regulatory docket number and be submitted in duplicate to the above address. Comments received on or before the closing date will be considered and may cause the program to be changed. Comments can be examined in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. Request for copies of this announcement must include the docket number and be submitted to the Federal Aviation Administration, Public Affairs Officer, Southwest Region, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817) 624-4911, extension 207.

Background

On June 14, 1977, Gulfstream American applied to the FAA, Southwest Region, for type certificatation of the Models 690C and 695. These models would be an outgrowth of the already certificated Model 690B (Type Certificate Data Sheet 2A4). Changes to the wing, fuselage, engines, systems, and equipment were proposed. A Preliminary Type Certification Board Meeting was held under Delegation Option Authorization procedures with FAA personnel in attendance on November 15, 1977. At an Interim Type Certification Board Meeting requested by Gulfstream American with FAA participation, Gulfstream American advised that it was their intent to accomplish their original proposed changes (Models 690C and 695) on four models rather than two. Therefore, they intended to certify models designated as 690C, 695, 690D, and 695A. The changes that would be accomplished on each model were defined at this meeting held on August 29, 1978. Application for type certificate for the Models 690D and 695A was received on July 16, 1979. Models 690C and 695 were subsequently certificated under Delegation Option Authorization and are now included in the Type Certificate Data Sheet 2A4.

The Model 690D will be the same as the Model 690C except for the following changes:

1. Increased gross weight.
2. Increase in cabin pressure.
3. Revised interior items.

The Model 695A will be the same as a Model 690D except for the following changes:

1. Install Garrett TPE 331-10-501K engines.
2. Increased fuel capacity.
3. Increased gross weight.
4. Increased speed.

Based on the date of application, July 16, 1979, and pursuant to § 21.17(a)(1), the type certification basis of the Models 690D and 695A airplanes will be:

CAR 3 dated May 15, 1956, including paragraphs 3.197, 3.270, 3.395, and 3.396 of Amendment 3-2 dated August 12, 1957; Amendment 3-3 dated May 17, 1958, 3-4 dated October 6, 1958, 3-6 dated September 13, 1961, paragraphs 23.473, 23.479, 23.481, and 23.483 of FAR 23, Amendment 23-7 dated September 14, 1969, plus Special Conditions letter dated April 1, 1965, and August 12, 1970; Docket No. 10506.

FAR 36 dated December 1, 1969, through Amendments 36-6 dated January 24, 1977.

Note.—This is a nonrulemaking proceeding within the meaning of the administrative procedure provision of 5 U.S.C. 551 *et. seq.* Notices of Proposed Rule Making (NPRM) will be used for the issuance of special conditions and retroactive application of previously adopted airworthiness regulations.

Issued in Forth Worth, Texas, on February 13, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-6386 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 81-ASW-2AC]

Mancro Aircraft Co.; Model C-123B; Aircraft Certification and Availability of Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of certification program and type certification basis.

SUMMARY: Mancro Aircraft Company, Waco, Texas, has made application for type certification of a surplus military Model C123B airplane. This document announces the type certification program and type certification basis for the airplane. Subsequent announcements will provide updates on the C-123B program.

DATES: The closing date for comments will be specified in a later announcement.

ADDRESSES: Send comments on the progam in duplicate to Regional Counsel, Attention: Docket No. 81-ASW-2AC, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: William A. Simmons, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Persons may participate in the certification proceedings by submitting their views or data. Documents must identify the regulatory docket number and be submitted in duplicate to the above address. Comments received on or before the closing date will be considered and may cause the program to be changed. Comments can be examined in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. Request for copies of this announcement must include the docket number and be submitted to the Federal Aviation Administration, Public Affairs Officer, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 207.

Background

Mancro Aircraft Company, Waco, Texas, submitted an Application for Type Certificate dated September 22, 1980, for a new configuration of the military surplus C-123B airplane. The company proposed to modify the airplane during the initial type certification program by replacing the R-2800 radial engines with Allison 501 series turboprop engines. The Federal Aviation Administration determined that the applicant should first obtain a type certificate for the C-123B airplane under the provisions of § 21.27 of the Federal Aviation Regulations. Subsequently, the type certificate could be amended to include the installation of the Allison 501 series turbo-prop engines. Details of a Familiarization Board Meeting between Mancro Aircraft Company and the Federal Aviation Administration held October 30, 1980, are listed below:

(a) Mancro presented highlights of the program for the C-123 airplane.

(b) Section 21.27 provides for type certification of the production configuration C-123B airplane that entered service with the Air Force 309th Troop Carrier Group in July 1955, and the applicable regulations are CAR 4b through amendment 4b-2, effective August 25, 1955.

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(c) The Air Force accomplished a fatigue analysis and flight loads survey to identify critical fatigue areas and improve the airplane inspection program. The results will be evaluated to determine acceptability for establishing the remaining service life of the surplus airplanes.

Additional Type Certification Board Meetings for the C–123B will be scheduled as required. At the appropriate time a new original announcement will provide notification of an amended type certification program for installation of the Allison 501 series turboprop engines.

Note.—This is a nonrulemaking proceeding within the meaning of the administrative procedure provision of 5 U.S.C. 551 *et seq.* Notices of Proposed Rule Making (NPRM) will be used for the issuance of special conditions and retroactive application of previously adopted airworthiness regulations.

Issued in Fort Worth, Texas, on February 18, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-6371 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Randolph and Montgomery Counties, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Randolph and Montgomery Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755–4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed US 220 improvement from Ulah to Steed in Randolph and Montgomery Counties. This project is a segment of the planned development and completion of a four-lane freeway or expressway from Greensboro to Rockingham. Planning, environmental and location studies are being initiated.

Alternatives under consideration include (1) the "no-build", (2) improving the existing US 220 roadway, and (3) major relocation alternatives for construction of a new facility.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting and a meeting with local officials will be held in the study area. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular NO. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on February 17, 1981.

Roger Lewis,

Assistant Division Administrator, Raleigh, North Carolina.

[FR Doc. 81-6136 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-59-M

Environmental Impact Statement; Port Huron, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), is issuing this notice to advise the public that an Environmental Impact Statement will be prepared on a proposal to improve M–25 in downtown Port Huron.

FOR FURTHER INFORMATION CONTACT: Mr. John Kliethermes, District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone (517) 377–1879 (FTS 374–1879) or Mr. Jack Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone 1–800–292–9576 (toll-free), or (517) 373–2166.

SUPPLEMENTARY INFORMATION: M–25 connects Port Huron with all of the coastal cities and villages around the "thumb" of Michigan to its terminus in Bay City. The need for improvements to M–25 rests on three bases: capacity, safety and local redevelopment plans.

Alternatives under study include: (1) doing nothing, (2) low capital investment, (3) major reconstruction of the existing facility, (4) either of two one-way pairs, (5) alternate modes of travel.

Potential impacts include dislocation of homes and businesses, primary and secondary land use changes because of improved access, potential 4(f) and 6(f) involvement and potential flood plain and coastal zone impacts.

Early coordination with a number of Federal, State, and local agencies as well as input received from a public information meeting have identified the more significant issues to be addressed in the EIS. Accordingly, a preliminary scoping document has been prepared by FHWA and MDOT identifying those issues and is available on request to all interested agencies, organization, and individuals.

A formal scoping meeting for all interested agencies will be held at 1:00 P.M. on April 1, 1981, at Room 211 of the Federal Building, 315 W. Allegan, Lansing, Michigan.

Comments and suggestions on the scoping document, the proposed project, and the identified issues are invited from all interested parties and should be directed to the FHWA at the address provided above. Separate copies of the scoping document will be furnished to the following federal agencies who have been involved in the early coordination activities of who may be designated as cooperating agency; U.S. Department of the Interior, Fish and Wildlife Service and Heritage Conservation and Recreation Service; Department of Housing and Urban Development; Environmental Protection Agency; Department of the Army, Corps of Engineers; and the United States Department of Transportation, Coast Guard.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular Number A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on February 20, 1981.

David A. Merchant,

Division Administrator, Lansing, Michigan.

[FR Doc. 81-6375 Filed 2-24-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Flathead County, Montana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise that an environmental impact statement will be prepared for a proposed highway project in Flathead County, Montana.

FOR FURTHER INFORMATION CONTACT: Mr. William S. Dunbar, Program Development Engineer, Federal Highway Administration, Federal Office Building, 301 S. Park, Drawer 10056, Helena, Montana 59626, Telephone (406) 449–5310; or Mr. Steve Kologi, Chief, Preconstruction Section, Montana Department of Highways, 2701 Prospect Street, Helena, Montana 59620, Telephone (406) 449–2495.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Montana Department of Highways will prepare an environmental impact statement (EIS) on a proposal to improve 10.8 miles of U.S. Highway 2 between Hungry Horse to West Glacier. A previous EIS/4f Statement was developed for this project and approved 22 June 1973 but subsequent litigation found that document inadequate. Accordingly, to comply with the court ruling, we will commence studies to fully consider the environmental impact of this project.

The present highway is a substandard old two lane highway. Approximately one half the right-of-way acquired prior to the court order to halt construction, has been cleared of trees. Many utilities have been moved and homes and businesses have been relocated. Only a few homes remain to be relocated if the previously planned alignment is utilized.

The Department of Highways plans to retain a Consultant Engineering firm to expedite the studies. As soon as a consultant firm has been selected a scoping meeting will be held at or near the project location. This meeting will be advertised locally but anyone wishing to be invited is requested to notify the Department of Highways at the following address: Mr. Steve Kologi, Chief, Preconstruction Section, Montana Department of Highways, 2701 Prospect Street, Helena, Montana 59620.

Preliminary views on impacts and scope are as follows: Both two lane and four lane alternatives will be considered. Alternatives to taking park land will be studied.

To ensure that the full range of issues related to this proposed action and the EIS/4f should be directed to the FHWA at the address provided above.

Issued on February 19, 1981.

Volmer K. Jensen,

Division Administrator, Helena, Montana.

[FR Doc. 81-6406 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Marion County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the widening of an existing freeway, modifying existing interchanges and the addition of a new interchange. The project is located in the City of Salem, Marion County, Oregon.

FOR FURTHER INFORMATION CONTACT: Paul V. Riedl, Environmental Coordinator, Frederal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301. Telephone: (503) 378–3845.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to widen an 8.4 mile section of Interstate 5 through Salem, Oregon. The project includes the section of freeway from Hayesville Interchange to Battle Creek Road. The proposed action would widen the freeway from four lanes to six lanes, modify interchanges and overpasses, and add a new interchange at Battle Creek Road, which now passes under the freeway.

Alternatives under consideration include (1) taking no action, (2) providing a six lane facility with required modifications to existing interchanges and overpasses, (3) providing a six lane facility with necessary modifications to interchanges and structures and the construction of a new interchange, and (4) other feasible alternatives that may develop during the project study.

Information describing the proposed action will be sent to the appropriate federal, state, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Scoping will involve a process that includes coordination with other involved agencies, citizen advisory committee involvement, public meetings, agency and public review of the draft environmental impact statement, and a formal public hearing. A formal scoping meeting is not planned at this time.

Comments or question concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, "Reconstruction of Hayesville Interchange—Battle Creek Road of Pacific Highway."

The provisions of OMB Circular No. A–05 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program issued January 5, 1981.

E. J. Valach,

Acting Division Administrator, Oregon Division, Salem, Oregon.

[FR Doc. 81-6445 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Innovators' Seminar No. 6; Public Meeting

The National Highway Traffic Safety Administration announces Innovators' Seminar #6, on the Design, Safety, and Fuel Economy of Enclosed Passenger Vehicles of 1500 Pounds and Less, to be held on March 17, 1981, 10 am to 1 pm, in Room 4234, DOT Headquarters Building, 400 Seventh Street, Southwest, Washington, D.C. This meeting will be a technical review of the promise and problems in the development and use of these vehicles. NHTSA staff will give an introduction on the regulatory, safety, and fuel economy issues and research results on sub-subcompact vehicles, including three wheeled vehicles.

Mr. James R. Bede, aerodynamicist and engineer from Cleveland, will describe his BD–100 ducted fan four passenger vehicle, of 1104 pounds curb weight, built using foam filled box beam construction, and reported to have an aerodynamic drag coefficient of 0.12 and a level track mileage of 117 miles per gallon at 48 mph.

Dr. Robert Fondiller, inventor, management consultant, and psychologist from New York, and a Director of the National Institute of Rehabilitation Engineering, will describe his WOW! three wheeled 600 pound electric car and planned gasoline version with expected mileage of 150 miles per gallon. Dr. Fondiller will comment on needed tax changes to encourage innovation.

Films of tests of David Bright's three wheeled enclosed motorcycle, with "pendulum stabilization" so that the cab and two front wheels lean on curves,

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transferring load to the inboard wheel, will be shown.

Comments are planned by the Department of Energy, the Office of Technology Assessment, the Federal Highway Administration, and the Environmental Protection Agency.

For further information, call Dr. Carl C. Clark, Inventor Contact, NHTSA, 202–426–4875.

Issued: February 18, 1981.

R. Rhoads Stephenson,

Associate Administrator, Research and Development.

[FR Doc. 81-6181 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-59-M

Interagency Coordinating Committee on Automotive Inspection, Maintenance and Repair; Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correction.

SUMMARY: A few lines were inadvertently omitted from the notice published in the **Federal Register** on January 22, 1981, entitled: "Interagency Coordinating Committee on Automotive Inspection, Maintenance and Repair" (46 FR 7122–23). The second paragraph under the heading "Supplementary Information" should read as follows:

The Committee is sponsored by the NHTSA and has had active participation by other Federal agencies including: The Department of Transportation's Office of Consumer Liaison, the Federal Trade Commission, the Environmental Protection Agency, the Department of Energy, the U.S. Office of Consumer Affairs, the General Services Administration, and the Department of Labor. We anticipate future participation by these and other interested Federal agencies. The Committee is co-chaired by NHTSA staff members in order to reflect representation from both the consumer and technical perspectives, each critical to the success of this effort.

Charles F. Livingston,

Associated Administrator, Traffic Safety Programs.

[FR Doc. 81-6178 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in December 1980. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No	Exemption No	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewal and Party to Exemptions		
1479-X	DOT-E 1479	U.S. Department of Defense/MTMC, Washington, DC.	49 CFR 173.315(a)(1)	To authorize shipment of liquefied flourine and mixture of liquefied fluorine and oxygen classed as a nonflammable gas in specially designed non-DOT specification cargo tanks. (Mode 1.)
1479-X	DOT-E 1479	Allied Chemical Corp., Morristown, NJ	49 CFR 173.315(a)(1)	To authorize shipment of liquefied flourine and mixture of liquefied fluorine and oxygen classed as a nonflammable gas in specially designed non-DOT specification cargo tanks. (Mode 1.)
3187-X	DOT-E 3187	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.119(m), 173.21(b), 173.218, 173.221(a)(3).	To authorize shipment of flammable liquids or organic peroxides in various packagings. (Mode 1.)
4390-X	DOT-E 4390	MCB Manufacturing Chemists, Inc., Cincinnati, OH.	49 CFR 173.119(a), 173.119(b), 173.125, 173.245, 173.263, 173.266, 173.268(e), 173.269, 173.272, 173.289, 173.346, 173.349.	To authorize the use of non-DOT specification glass inner packaging overpacked in a form fitting polystyrene case for the transportation of certain flammable, corrosive, poison, and oxidizing material. (Modes 1, 2, 3.)
4390-X	DOT-E 4390	Eastman Kodak Co., Rochester, NY	49 CFR 173.119(a), 173.119(b), 173.125, 173.245, 173.263, 173.266, 173.268(e), 173.269, 173.272, 173.289, 173.346, 173.349.	To authorize the use of non-DOT specification glass inner packaging overpacked in a form fitting polystyrene case for the transportation of certain flammable, corrosive, poison, and oxidizing material. (Modes 1, 2, 3.)
4607-X	DOT-E 4607	Armstrong Laboratories Division, West Roxbury, MA.	49 CFR 173.306(a)(3)	To authorize shipment of plastic coated bottles containing aerosol formulations. (Modes 1, 2, 3, 4.)
4717-X	DOT-E 4717	Union Carbide Corp., New York, NY	49 CFR 172.101, 173.314(c)	To authorize shipment of ethylene or ethane in non-DOT specification insulated tank car tanks. (Mode 2.)
4717-X	DOT-E 4717	Northern Petrochemical Co., Des Plaines, IL	49 CFR 172.101, 173.314(c)	To authorize shipment of ethylene or ethane in non-DOT specification insulated tank car tanks. (Mode 2.)
4717-X	DOT-E 4717	El Paso Products Co., Odessa, TX	49 CFR 172.101, 173.314(c)	To authorize shipment of ethylene or ethane in non-DOT specification insulated tank car tanks. (Mode 2.)
4760-X	DOT-E 4760	Air Products & Chemicals, Inc., Allentown, PA	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank for shipment of a nonflammable gas. (Mode 1.)
4844-X	DOT-E 4844	BAJ Vickers, Ltd., London, England	49 CFR 173.301(i), 173.302, 173.304	To authorize the use of non-DOT specification foreign made steel cylinders for shipment of certain nonflammable gases. (Mode 1.)
4990-X	DOT-E 4990	Schenley Distillers, Inc., Cincinnati, OH	49 CFR 173.125	To authorize use of AAR specification 206W tank car for transportation of certain flammable liquids. (Mode 2.)
5038-X	DOT-E 5038	Synthetron Corp., Parsippeny, NJ	49 CFR 173.135(a)(5), 173.136(a)(5), 173.247(a)(1).	To authorize the shipment of dimethyldichlorostane, trichlorosiliane, and silicon tetrachloride in non-DOT specification stainless steel cylinders. (Modes 1, 2.)
5117-X	DOT-E 5117	U.S. Environmental Protection Agency, Research Triangle Park, NC.	49 CFR 173.346, 173.358, 173.365, 175.3, 175.30	To authorize inside composite glass vials/fiber tubes packaging not presently prescribed for certain Class B poisons overpacked in fiberboard boxes. (Modes 1, 2, 4, 5.)
5188-X	DOT-E 5188	U.S. Department of Energy, Washington, DC	49 CFR 173.395(c)(2), 173.398(c), 175.3.	To Authorize shipments of radioactive materials and nonliquefied compressed gases in packaging not presently prescribed in the Hazardous Materials Regulations. (Modes 1, 2, 4.)
5206-P	DOT-E 5206	Boren Explosives Co., Sumiton, AL	49 CFR 173.182(c)	To become a party to Exemption 5206. (Mode 1.)
5263-X	DOT-E 5263	Dow Corning Corp., Midland, MI	49 CFR 173.245(a)	To Authorize the transport of a corrosive liquid in a non-DOT stainless steel pressure vessel. (Mode 1.)

		Renewal and Party to Exemptions—Continued		
5704-X	DOT-E 5704	U.S. Department of Defense/MTMC, Washington, DC.	49 CFR 173.62,173.93(e)	To Authorize the transportation of certain Class A and Class B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3.)
5704-X	DOT-E 5704	International Minerals & Chemical Corp., Allentown, PA.	49 CFR 173.62, 173.93(e)	To Authorize the transportation of certain Class A and Class B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3.)
5704-X	DOT-E 5704	Hercules, Inc., Wilmington, DE	49 CFR 173.62, 173.93(e)	To Authorize the transportation of certain Class A and Class B explosives in prescribed non-DOT specification steel Drums. (Modes 1, 2, 3.)
5767-X	DOT-E 5767	DuBois Chemical Co., Cincinnati, OH	49 CFR 173.245, 173.256, 173.263, 173.264, 173.272.	To Authorize the use of a non-DOT specification steel portable tank for certain corroseve materials. (Modes 1, 2.)
5820-X	DOT-E 5820	ICI Americas, Inc., Wilmington, DE	49 CFR 173.315(a)	To Authorize shipment of nonflammable gases in non-DOT specification portable tanks. (Modes 1, 2, 3.)
5825-X	DOT-E 5825	Phillips Petroleum Co., Bartlesville, OK	49 CFR 172.101, 173.315(a)	To Authorize the use of non-DOT specification cargo tank for shipment of a flammable, liquefied, compressed gas. (Mode 1.)
5959-X	DOT-E 5959	El Paso Products Co., Odessa, TX	49 CFR 172.101,173.315(a)	To Authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6016-X	DOT-E 6016	Huber Supply Co., Mason City, IA	49 CFR 173.315(a)	To Authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	O. E. Meyer & Sons, Inc., Sandusky, OH	49 CFR 173.315.(a)	To Authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	Airco Welding Products, Murray Hill, NJ	49 CFR 173.315.(a)	To Authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	Acty-Arc, Inc., Paducah, KY	49 CFR 173.315.(a)	To Authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	Guttman Supply Co., Belle Vernon, Pa	49 CFR 173.315.(a)	To Authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	Harvey Co., Greensburg, PA	49 CFR 173.315.(a)	To Authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	S. J. Smith Co., Inc., Davenport, IA	49 CFR 173.315.(a)	To Authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6016-X	DOT-E 6016	Langdon Oxygen Co., Texarkana, TX	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6253-P	DOT-E 6253	IBEX Industrienwerke Braunschweg, Braunschweg, Germany.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To become a party to Exemption 6253. (Modes 1, 2, 3.)
6267-P	DOT-E 6267	Hill Bros. Chemical Co., Orange, CA	49 CFR 173.217(a)	To become a party to Exemption 6267. (Modes 1,2,3.)
6369-X	DOT-E 6369	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 172.101, 173.346(a)(10), 173.347(a)(2), 173.352(a)(4), 173.374(a).	To authorize the use of DOT specifcation 105A400W, 112A400W, 114A400W, 120A400W, and proposed 120A400W tank car tanks for certain class B poisonous liquids. (Mode 2.)
6434-X	DOT-E 6434	Mobil Chemical Co., Richmond, VA	49 CFR 173.377(ii)(1)	To authorize the use of non-DOT specification paper bags for a poisonous B solid material. (Modes 1, 2.)
6484-X	DOT-E 6484	International Minerals & Chemical Corp., Mundelein, IL	49 CFR 172.101	To authorize the transport of mixtures of nitromethane and various solvents in MC-307 or MC-312 tank motor vehicles. (Mode 1.)
6607-X	DOT-E 6607	Bio-Lab, Inc., Conyers, GA	49 CFR 173.217(a)	To authorize a preformed expanded polystyrene inner pack, overpacked in a figerboard box not provided for in the regulations for a certain oxidizing material. (Modes 1, 2, 3.)
6610-X	DOT-E 6610	Oxirane Chemical Co., Pasadena, TX	49 CFR 173.221	To authorize shipment of an organic peroxide liquid or solution in DOT Specification 111A100W6 tank cars and MC-307 cargo tanks. (Modes 1, 2.)
6611-X	DOT-E 6611	Cities Service Co., Tulsa, OK	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification portable tank for a nonflammable gas. (Modes 1, 3.)
6611-X	DOT-E 6611	Philips Petroleum Co., Bartlesville, OK	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification portable tank for a nonflammable gas. (Modes 1, 3.)
6743-X	DOT-E 6743	Atlas Powder Co., Dallas, TX	49 CFR 173.114a(h)(3), 173.182	To authorize shipment of nitro carbo nitrate, slurry, in a DOT Specification 56 portable tank. (Mode 1.)
6772-X	DOT-E 6772	Monsanto Co., St. Louis, MO	49 CFR 173.119(a)(22),173.245, 173.264(a), 173.243, 173.349, 173.369	To authorize the transport of limited quantities of waste flammable liquids, poisonous liquids, and corrosive liquids in inside containers overpacked and cushioned in a 55-gallon DOT Specification 17H steel drum. (Mode 1.)
6949-X	DOT-E 6949	FMC Corp., Philadelphia, PA	49 CFR 17193 190(b)(4)	To authorize use of marine portable tanks for certain flammable solids. (Modes 1, 2, 3.)
6949-X	DOT-E 6949	Monsanto Co., St. Louis, MO	49 CFR 173.190(b)(4)	To authorize use of marine portable tanks, for certain flammable solids. (Modes 1, 2, 3.)
7063-X	DOT-E 7063	Hooker Chemical Co., Houston, TX	49 CFR 173.191(a)	To authorize use of a removable-head DOT Specification 35 container and a non-DOT specification polyethylene pail for shipment of a corrosive solid. (Modes 1, 2, 3.)
7086-P	DOT-E 7086	Tankcargo Container Leasing, S.A., Geneve, Switzerland.	49 CFR 173.119(m), 173.346	To become a party to Exemption 7086. (Modes 1, 3.)
7056-X	DOT-E 7086	Compagnie des Containers Reservoirs, Paris, France	49 CFR 173.119(m), 173.346	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable liquids and class B poisonous liquids. (Modes 1, 3.)
7206-X	DOT-E 7206	Ruan Transport Corp., Des Moines, IA	49 CFR 173.245(a)	To authorize shipment of certain corrosive liquids in non-DOT specification stainless steel cargo tanks. (Mode 1.)

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Renewal and Party to Exemptions—Continued

7220-X	DOT-E 7220	Greif Bros. Corp., Springfield, NJ	49 CFR 173.119(a)(b), 173.125, 173.245(a)(26), 173.249(a)(1), 173.250(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.346, 173.348, 178.19.	To authorize manufacture, marking and sale of polyethylene containers to be used in the transportation of certain corrosive liquids, flammable liquids, oxidizers, and class B poisonous liquids. (Modes 1, 2, 3.)
7423-P	DOT-E 7423	Rossborough Manufacturing Co., Avon Lake, OH	49 CFR 173.154, 173.220(b)(2), 176.76(g)(5).	To become a party to Exemption 7423. (Modes 1, 2, 3.)
7423-X	DOT-E 7423	Dow Chemical Co., Freeport, TX	49 CFR 173.154, 173.220(b)(2), 176.76(g)(5).	To authorize the use of DOT Specification 56 portable tanks for the transportation of certain flammable solids. (Modes 1, 2, 3.)
7423-X	DOT-E 7423	Reade Manufacturing Co., Inc., Lakehurst, NJ	49 CFR 173.154, 173.220(b)(2), 176.76(g)(5).	To authorize the use of DOT Specification 56 portable tanks for the transportation of certain flammable solids. (Modes 1, 2, 3.)
7444-X	DOT-E 7444	James Russell Engineering Works, Inc., Boston, MA.	49 CFR 172.101, 173.315(a)	To authorize the shipment of liquefied flammable gases in non-DOT specification cargo tanks. (Mode 1.)
7516-P	DOT-E 7516	ABC Containerline, Antwerp, Belgium	49 CFR 173.119, 173.125, 173.245, 173.346, 46 CFR 90.05-35	To become a party to Exemption 7516. (Mode 3.)
7543-X	DOT-E 7543	Monsanto Co., St. Louis, MO	49 CFR 173.154	To authorize shipment of a flammable solid in a DOT Specification 56 portable tank. (Mode 1.)
7600-X	DOT-E 7600	Lubbock Manufacturing Co., Lubbock, TX	49 CFR 172.101, 173.315(a)(1)	To authorize the manufacture, marking and sale of non-DOT specifiction cargo tanks to be used in the transportation of certain flammable gases. (Mode 1.)
7654-X	DOT-E 7654	Eastman Kodak Co., Rochester, NY	49 CFR 173.119(f)	To authorize the use of a glass bottle not exceeding 500 milliliter capacity inside a metal container overpacked in a DOT Specification 12B fiberboard box for transportation of a flammable liquid. (Modes 1, 2.)
7765-X	DOT-E 7765	Carleton Controls Corp., East Aurora, NY	49 CFR 173.302(a)(4), 175.3	To authorize the use of non-DOT specification cylinders for transportation of a nonflammable gas. (Modes 1, 2, 4.)
7778-X	DOT-E 7778	Schenley Distillers, Inc., New York, NY	49 CFR 172.400(a) Appendix B, Part 107, Subpart B.	To authorize barrels of distilled spirits to be transported without being labeled or having the exemption number marked on the barrel or shipping paper. (Modes 1, 2.)
7846-X	DOT-E 7846	Union Carbide Corp., Tarrytown, NY	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks transporting certain nonflammable gases. (Modes 1, 3.)
7873-X	DOT-E 7773	Bromine Compounds, Ltd., Beer Sheva, Israel	49 CFR 173.353a	To authorize the use of non-DOT specification intermodal portable tanks for the transportation of a Class B poison liquid. (Modes 1, 3.)
7876-X	DOT-E 7876	Ashland Oil, Inc., Columbus, OH	49 CFR 173.299(a), 175.3	To authorize the shipping description etching acid, liquid, n.o.s. to be used for products which do not comply with the definition in CFR 173.299(a). (Modes 1, 2, 3, 4.)
7876-X	DOT-E 7876	Allied Chemical Corp., Morristown, NJ	49 CFR 173.299(a), 175.3	To authorize the shipping description etching acid, liquid, n.o.s. to be used for products which do not comply with the definition in CFR 173.299(a). (Modes 1, 2, 3, 4.)
7949-X	DOT-E 7949	Riegel Textile Corp., Ware Shoals, SC	49 CFR 173.249(a)(7)	To authorize the transportation of an alkaline corrosive liquid in collapsible rubber containers, designated as "SEALDTANKS". (Mode 1.)
7998-X	DOT-E 7998	FMC Corp., Philadelphia, PA	49 CFR 173.154	To authorize the transport of sodium persulfate in non-DOT specificaton composite polyethylene paper bags. (Modes 1, 2.)
8003-X	DOT-E 8003	Pennwalt Corp., Buffalo, NY	49 CFR 173.154(a)(14)	To authorize the use of one gallon, open-headed polyethylene containers inside a DOT Specification 12B box foir shipment of organic peroxide solids and pastes. (Modes 1, 3.)
8067-X	DOT-E 8067	Container Corp. of America, Wilmington, DE	49 CFR 173.272(g)	To authorize the use of a 15-gallon capacity DOT Specification 34 container for the shipment of 95 pct to 98 pct sulfuric acid. (Modes 1, 2, 3.)
8079-X	DOT-E 8079	Container Corp. of America, Wilmington, DE	49 CFR 178.35a-1	To manufacture, mark and sell a DOT Specification 2SL inside polyethylene container of higher denerty, higher melt index resin for shipment of those materials authorzed in a DOT Specification 2SL. (Modes 1, 2, 3.)
8084-X	DOT-E 8084	Ireco Chemicals, Salt Lake City, UT	49 CFR 173.65(a)(5)	To authorize the transportation of Class A explosives containing more than 5 pct moisture in plastic tubes overpacked in prescribed outside packagings. (Mode 1.)
8091-X	DOT-E 8091	Western Electric Co., Inc., Greensboro, NC	49 CFR Parts 100-177	To authorize the transport of certain mercury relays containing metallic mercury, classed as ORM-B, exempted from 49 CFR 100-177. (Modes 4, 5.)
8119-X	DOT-E 8119	BJ-Hughes, Inc., Houston, TX	49 CFR 173.119(d), 173.245(a)(31), 173.263(a)(10), 178.343-5(b)(2)(i).	To authorize the carriage of certain corrosive and flammable liquids in non-DOT specification cargo tanks. (Mode 1.)
8129-X	DOT-E 8129	RAD Service, Inc., Laurel, MD	49 CFR 173, Subpart F	To authorize the shipment of certain corrosive liquids packed in bottles surrounded by absorbent material overpacked in DOT Specification 37A, 17H, or 6J drums. (Mode 1.)
8347-X	DOT-E 8347	Fabricated Metals, Inc., San Leandro, CA	49 CFR 173.119(b)	To authorize the use of a DOT Specification 57 steel or stainless steel portable tank not previously authorzed for the transportation of certain flammable and combustible liquids. (Mode 3.)
8394-X	DOT-E 8394	Tempest, Inc., St. Louis, MO	49 CFR Parts 100-177	To authorize shipment of small quantities of sodium-potassium alloy contained in thermostats overpacked in fiberboard boxes, as nonregulated material. (Modes 1, 2, 3, 4, 5.)
8394-P	DOT-E 8394	Whirlpool Corp., La Porte, IN	49 CFR Parts 100-177	To become a party to Exemption 8394. (Modes 1, 2, 3, 4, 5.)
8441-P	DOT-E 8441	Power Conversion, Inc., Mount Vernon, NY	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8441-P	DOT-E 8441	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8441-P	DOT-E 8441	Battery Disposal Technology, Inc., Clarence, NY	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8445-P	DOT-E 8445	Ciba-Geigy Corp., Ardsley, NY	49 CFR Part 173, Subpart D, Subpart E, Subpart F.	To become a party to Exemption 8445. (Mode 1.)

New Exemptions

8364-N	DOT-E 8364	Oakite Products, Inc., Berkeley Heights, CA	49 CFR 173.256, 178.253	To authorize the use of a DOT Specification 57 portable tank with a polyethylene liner for shipment of a corrosive material. (Mode 1.)
8407-N	DOT-E 8407	Hooker Chemical Co., Houston, TX	49 CFR Part 172, 173.245, Subpart C.	To transport within plant over public highway via fork-lift trucks waste residues, classed as corrosive liquids, n.o.s., without shipping papers, contained in non-DOT specification portable tanks. (Mode 1.)
8455-N	DOT-E 8455	Dow Chemical Co., Freeport, TX	49 CFR 173.154, 173.178	To authorize shipment of salt coated magnesium granules in non-DOT specification water-tight, sift-proof, intermodal steel portable tanks as prescribed for calcium carbide. (Modes 1, 3.)
8460-N	DOT-E 8460	Contrans, Hamburg, West Germany	49 CFR 173.136, 173.245, 173.247, 173.249, 173.163, 173.264, 173.277, 173.294, 173.510, 173.605.	To authorize shipment of certain corrosive liquids and various other hazardous materials in non-DOT specification IMCO type I portable tanks. (Modes 1, 2, 3.)
8472-N	DOT-E 8472	Ohmart Corp., Cincinnati, OH	49 CFR 173.302, 175.3	To authorize shipment of argon shipped as a compressed gas in devices described as ionization chambers (Modes 1, 2, 3, 4, 5.)
8481-N	DOT-E 8481	Embassy of Switzerland, Washington, DC	49 CFR 172.101, 173.56, 175.3	To authorize shipment of explosive projectiles, Class A, in specially designed metal packagings, transported by cargo-only aircraft. (Mode 4.)
8497-N	DOT-E 8497	Roper Plastics, Inc., New York, NY	49 CFR 178.19, Part 173, Subpart F	To manufacture, mark and sell polyethylene drums complying with DOT Specification 34 except for polyethylene melt index and manfunga for shipment of flammable or corrosive liquids and an oxidizer. (Modes 1, 2, 3.)
8499-N	DOT-E 8499	Hedwin Corp., Baltimore, MD	49 CFR 173.119, 173.125, 173.272, 173.288, 173.246.	To manufacture, mark and sell DOT Specification 34 30-gallon polyethylene drums for shipment of certain flammable, corroeive, and poison B liquids. (Modes 1, 2, 3.)
8500-N	DOT-E 8500	Talley Industries of Arizona, Ind., Mesa, AZ	49 CFR 173.153, 173.154, 175.3	To qualify a passive restraint system containing a propellant explosive Class B as a flammable solid classification. (Modes 1, 2, 3, 4.)
8516-N	DOT-E 8516	Atlas Powder International, Ltd., Miami, FL	49 CFR 176.83(b)	To authorize shipment of ammonium nitrate-fertilizer, classed as an oxidizer and ammonium nitrate-fuel oil, classed as a blasting agent to be stowed in the same hold or compartment aboard ship. (Mode 3.)
8521-N	DOT-E 8521	Austin Powder Co., Cleveland, OH	49 CFR 172.101, 172.300, 172.304, 172.400, 172.411(c)(d), 172.114(a).	To authorize a limited number of nitro carbon nitrate packages bearing the oxidizer label to be shipped after Dec. 31, 1980. (Mode 1.)
8524-N	DOT-E 8524	Kaiser Aluminum & Chemical Corp., Oakland, CA.	49 CFR 173.265(b)(3)	To authorize shipment of hydrofluosilicic acid, classed as a corrosive material in DOT Specification 111A100W5 tank cars, lined with vinyl ester resin. (Mode 2.)

Emergency Exemptions

EE 8531-N	DOT-E 8531	Monsanto Co., St. Louis, MO	49 CFR 172.101, 172.406, 172.504, 173.114(j).	To authorize shipment of nitro carbo nitrate in prescribed DOT Specification bags labeled oxidizer, after Dec. 31, 1980, in order to utilize the existing inventory. (Mode 1.)
EE 8540-N	DOT-E 8540	U.S. Navy (Naval Sea Systems Command), Washington, DC.	49 CFR 176.83(b), Table II	To authorize the shipment of oxygen candles packaged in specially designed metal containers. (Mode 3.)
EE 8541-N	DOT-E 8541	International Minerals & Chemical Corp., Allentown, PA.	49 CFR 172.101, 172.406, 172.504, 173.114(j).	To authorize shipment of nitro carbo nitrate in prescribed DOT Specification bags labeled oxidizer, after Dec. 31, 1980, in order to utilize the existing inventory. (Mode 1.)

Denials

7503-X—Request by Lowaco, S.A., Geneva, Switzerland, for renewal denied Dec. 30, 1980, due to incomplete shipping reports.
8234-X—Request by GM Magyar, S.A. (SMG), Gray, France, for portable tank modifications denied Dec. 15, 1980, due to incomplete technical data.
8438-N—Request by Westinghouse Electric Corp., Orrville, Ohio, to authorize shipment of metallic mercury in 7.5 pound plastic bottles each packed in strong outside packages denied Dec. 11, 1980.
8456-N—Request by Orval Tank Containers, Paris, France, to authorize shipment of various nonflammable and flammable compressed gases in a non-DOT specification IMCO type V portable tank denied Dec. 8,1980.
8459-N—Request by Degussa, Central Transport Department, Frankfurt, West Germany, to authorize shipment of methylmercaptopropionaldehyde (MMP), classed as a poison B, in non-DOT specification IMCO type I portable tanks denied Dec. 8,1980
8501-N—Request by Dynatrans, Gothenburg, Sweden, to authorize shipment of certain liquefied compressed gases in non-DOT specifiction IMCO type V portable tanks denied Dec. 19, 1980.

Issued in Washington, D.C. on February 17, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-6286 Filed 2-25-81; 8:45 am]

BILLING CODE 4910-60-M

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DEPARTMENT OF THE TREASURY

Office of the Secretary

Treasury Announces Public Meeting To Discuss USA-Austria Tax Treaty Issues, on March 23, 1981

The Treasury Department announced that it will hold a public meeting on March 23, 1981, to solicit the views of interested persons regarding issues being considered during negotiations of a new income tax treaty between the United States and Austria.

The public meeting will be held at the Treasury Department, at 3:30 p.m., in room 4125. Persons interested in attending are requested to give notice in writing by March 18, 1981, of their intention to attend. Notices should be addressed to Joel Rabinovitz, Deputy International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

The announcement of the March public meeting follows the recent conclusion of the first full round of negotiations between representatives of the United States and Austria to develop a new income tax treaty for the avoidance of double taxation and the prevention of tax evasion. The new treaty would replace the income tax treaty presently in effect between the United States and Austria which was signed in 1956.

The Treasury seeks the views of interested persons in regard to the full range of income tax treaty issues, as well as other matters that may have relevance to an income tax treaty between the United States and Austria. The March 23 public meeting will provide an opportunity for an exchange of views, and will permit discussion of the United States position in regard to the issues presented.

Dated: February 20, 1981.

Emil M. Sunley,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 81-6419 Filed 2-25-81; 8:45 am]

BILLING CODE 4810-25-M

Treasury Announces Public Meeting to Discuss U.S.-Belgium Tax Treaty Issues on March 23, 1981

The Treasury Department announced that it will hold a public meeting on March 23, 1981 to solicit the views of interested persons on issues being considered in the negotiation of a new income tax treaty to replace the treaty currently in force between the United States and Belgium.

The public meeting will be held at the Treasury Department, at 1:30 p.m., in room 4125. Persons interested in attending are requested to give notice of their intention to attend in writing by March 18, 1981. Notices should be addressed to Joel Rabinovitz, Deputy International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

The meeting follows negotiations held in Washington in June, 1980 and in Brussels in September, 1980. Treasury is hopeful that remaining issues can be resolved at the next meetings, scheduled in Washington during the week of April 6, 1981. The purpose of the public meeting is to provide information on the major issues under discussion and to invite public comment on any relevant matter before reaching final decisions.

Dated: February 20, 1981.

Emil M. Sunley,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 81-6420 Filed 2-25-81; 8:45 am]

BILLING CODE 4810-25-M

V 46 / 38 FE 26 81 UMI

Sunshine Act Meetings

Federal Register
Vol. 46, No. 38
Thursday, February 26, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 1 a.m., Friday, March 6, 1981.

PLACE: 2033 K Street NW., Washington, D.C. Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-5314.

[S-308-81 Filed 2-24-81; 11:27 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 23, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Tri Counties Bank, Chico, California, an insured State nonmember bank, for consent to merge, under its charter and title, with Shasta County Bank, Redding, California (subsequent to the merger of Shasta County Bank, under its charter and title, with Tri-Counties Subsidiary Company, a noninsured California corporation in organization and a wholly-owned subsidiary of Tri Counties Bank); for consent to establish the six offices of Shasta County Bank as branches of Tri Counties Bank; for consent to issue convertible subordinated capital notes, in an aggregate principal amount not to exceed $3,000,000 at a rate not to exceed 9.50 percent per annum, as an addition to the capital structure of Tri Counties Bank; and for advance consent to retire these capital notes at maturity (seven years and one day from the date of issuance) or to convert these capital notes into common stock of Tri Counties Bank after one year from the date of their issuance.

Recommendation regarding First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Bank of Lake Helen, Lake Helen, Florida

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: February 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-309-81 Filed 2-24-81; 12:16 pm]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, March 3, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to be the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Auddits.

* * * * *

DATE AND TIME: Thursday, March 5, 1981 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certification
Advisory opinions:
Draft AO 1981-6: Judith Bowman, Associate Counsel, Sunkist Growers, Inc.
Draft AO 1981-7: David A. Sweeney, Director, Democratic Republican Independent Voter Education
Advisory opinion requests—barring of withdrawals final rule and transmittal of regulation to Congress (continued from February 19 meeting)
Appropriations and Budget
Pending Legislation
Classification Actions
Routine administrative matters

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; 202-523-4065.

[S-316-81 Filed 2-24-81; 3:14 pm]

BILLING CODE 6715-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., March 4, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C.

STATUS: Parts of the meeting will be open to the pubic. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9355-6: Modification of the Atlantic and Gulf American-Flag Berth Operators Agreement to Provide Tariff Rule Authority.
2. Agreement No. 9973-7: Modification of the Johnson Scan-Star Combined Service to Enlarge Emergency Overland Authority to Include Closure of West Coast Ports.
3. Agreement No. T-3856: among the Mid-Gulf Seaports Marine Terminal Conference; the Terminal Operators Conference of Hampton Roads; and the South Atlantic Marine Terminal Conference; Discussion Agreement.
4. Petition of Sea-land Service, Inc. for Rulemaking to Promulgate Filing Requirements for Publication of Per-Container Rates in the U.S. Foreign Commerce.

5. Regulatory Evaluation of the FMC Tariff System.

Portion closed to the public:

1. Royal Hawaiian Cruises, Inc.—Application for Certificates of Financial Responsibility (Performance) to operate passenger vessel.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Assistant Secretary (202) 523–5725.

[S-316-81 Filed 2-24-81; 3:38 pm]

BILLING CODE 6730-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

Amendment of previously published meeting

February 23, 1981.

TIME AND DATE: 10 a.m., Wednesday, February 25, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. United Castle Coal Company, VA 79–141–D, previously scheduled for February 25, 1981 will be heard on February 26, 1981 at 10:00 a.m. This is the only change.

It was determined by a unanimous vote of Commissioners that Commission business required that this item be changed and that no earlier announcement of the change was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-317-81 Filed 2-24-81; 3:38 pm]

BILLING CODE 6820-12-M

6

LEGAL SERVICES CORPORATION.

Meeting of the Board of Directors

TIME AND DATE: 9:30 a.m.–5 p.m., Friday and Saturday, March 6–7, 1981.

PLACE: Legal Services Corporation, eighth floor conference rooms 2 and 3, 733 15th Street NW., Washington, D.C.

STATUS: Open Meeting (portion of the meeting will be closed so the Board can discuss a litigation matter under 45 CFR Section 1622.5(h)).

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of December 5, 1980 Meeting.
3. Report from Committee on Operations:
   - Reauthorization of Legal Services Corporation.
   - Adoption of Amendment of 45 CFR Section 1612.4 (Legislative and Administrative Representation).
   - Proposed Comprehensive Civil Rights Regulation.
   - Equal Opportunity Plan for the Legal Services Corporation.
4. Report from Committee on Provision of Legal Services:
   - *A Plan for the Future.*
   - Reginald Heber Smith Community Lawyer Fellowship Program.
   - Report on *Pro Bono* Grants.
5. Report from Committee on Appropriations and Audit:
   - Selection of Auditors for fiscal year 1981.
   - Proposed Budget Modifications to fiscal year 1981 Consolidated Operating Budget.
6. Future Meeting Dates.
7. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272–4040.

Issued: February 24, 1981.

Dan J. Bradley,

President.

[S-310-81 Filed 2-24-81; 12:44 pm]

BILLING CODE 6820-35-M

7

LEGAL SERVICES CORPORATION.

TIME AND DATE: 3 p.m.–5 p.m., Thursday, March 5, 1981.

PLACE: Legal Services Corporation, Eighth floor conference room 2, 733 15th Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of December 4, 1980 Meeting.
3. Selection of Auditors for fiscal year 1981.
4. Proposed Budget Modifications to fiscal year 1981 Consolidated Operating Budget.
5. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272–4040.

Dated: February 24, 1981.

Dan J. Bradley,

President.

[S-311-81 Filed 2-24-81; 12:44 pm]

BILLING CODE 6820-35-M

8

METRIC BOARD.

Executive Committee Meeting

TIME AND DATE: 4:30–6 p.m., March 4, 1981.

PLACE: The Regent Hotal/Convention Center Complex, Santo Domingo Room, 201 Marquette, N.W., Albuqerque, New Mexico 87103.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

- Format for May Board Meeting
- Out of Town Board Meetings

CONTACT PERSON FOR FURTHER INFORMATION: Malcolm E. O'Hagan, Executive Director (703) 235–1933.

Louis F. Polk,

Chairman, United States Metric Board.

[S-312-81 Filed 2-24-81; 2:06 pm]

BILLING CODE 6820-94-M

9

METRIC BOARD.

Planning and Coordination Committee Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 13443, February 20, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 3 p.m., Wednesday, March 4, 1981.

PLACE: Acoma Room, Convention Center Complex/Regent Hotel, 201 Marquette, NW., Albuquerque, New Mexico.

STATUS: Open to the public.

CONTACT PERSON FOR FURTHER INFORMATION: Charles Danner (703) 235–2583.

CHANGES IN THE MEETING: Change meeting time to 2 p.m., Wednesday, March 4, 1981.

Louis F. Polk,

Chairman, United States Metric Board.

[S-313-81 Filed 2-24-81; 2:06 pm]

BILLING CODE 6820-94-M

10

NUCLEAR REGULATORY COMMISSION.

DATE: February 20, 1981.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Friday, February 20:

3 p.m.—Affirmation/Discussion Session (approximately 10 minutes, public meeting).

Affirmation and/or Discussion and Vote:

a. Review of an Appeal Board Decision.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

Walter Magee,

Office of the Secretary.

[S-319-81 Filed 2-24-81; 3:38 pm]

BILLING CODE 7590-01-M

11

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 10: a.m., March 5, 1981.

PLACE: 955 L'Enfant Plaza North SW., Board room 2–500, fifth floor, Washington, D.C.

STATUS: The session will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (10 a.m.):

1. Consideration of internal personnel matters.
2. Litigation report.
3. Review of Conrail financial and proprietary information for Conrail planning.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S-315-81 Filed 2-24-81; 2:42 pm]

BILLING CODE 6240-01-M

12

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 2 p.m., March 4, 1981.

PLACE: Board Room 2–500, fifth floor, 955 L'Enfant Plaza North SW., Washington, D.C.

STATUS: The session will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (2 p.m.):

1. Review of Conrail financial and proprietary information for Conrail planning.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow (202) 426–4250.

[S-314-81 Filed 2-24-81; 2:42 pm]

BILLING CODE 6240-01-M

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federal register

Thursday
February 26, 1981

Part II

Department of Commerce

International Trade Administration

Imported Steel Mill Products Trigger Price Mechanism; Second-Quarter 1981 Trigger Prices

V 4 6 / 3 8 FEB 26 81 UMI

DEPARTMENT OF COMMERCE

International Trade Administration

Imported Steel Mill Products Trigger Price Mechanism; Second-Quarter 1981 Trigger Prices

AGENCY: Department of Commerce.

ACTION: Announcement of Second-Quarter 1981 Trigger Price Levels.

SUMMARY: On average, second-quarter 1981 trigger price bases and extras for most basic steel mill products covered by the steel trigger price mechanism (TPM) will be 4.4 percent higher than the first-quarter 1981 levels. The product cost coefficients that determine the relationship of the base trigger prices of individual products to the average production costs for the major steel products are revised for the second-quarter trigger prices to reflect the current production cost relationships of these products to the average. The Department uses trigger prices to monitor the prices of steel mill product imports for possible initiation of antidumping investigations.

SUPPLEMENTARY INFORMATION: On October 8, 1980 (45 FR 66833), the Department of Commerce published its intention to reinstate the TPM. The Department began its monitoring of imported basic steel mill products entering the United States on October 21, 1980. Steel trigger prices are based on the production costs of the world's most efficient steel producers, currently the Japanese.

Second-quarter 1981 trigger price bases for those steel mill products manufactured principally by integrated steel producers will be, on average, 4.4 percent higher than their first-quarter 1981 levels. The trigger price extras of these products will also increase by 4.4 percent. The cost coefficients, which reflect the relationship of the production costs of specific base products and the average production cost of the six major Japanese steel producers, have been updated for second-quarter 1981 trigger prices. The Department multiplies these cost coefficients by the average integrated producers' production costs to determine the individual product base trigger prices. (See Table 3 for a list of second-quarter 1981 base trigger prices.)

Second-quarter trigger price bases and extras of those steel mill products manufactured principally be electric furnace producers will be 4.7 percent higher than their first-quarter levels. The direction and magnitude of the changes in the trigger price bases for stainless steel wire products, corrected this quarter in accordance with refined information, varied depending on the product. Stainless steel wire extras will increase 1.4 percent (See Table 3.)

For its calculation of trigger price levels, the dollar/yen exchange rate the Department uses to convert Japanese steel producer's yen denominated production costs to dollars is the average of the 36 months preceding the publication of the quarter's trigger price levels. On this basis, the exchange rate used in the Department's second-quarter 1981 production cost estimate is 218 yen to the dollar (the yen/dollar exchange rate average for February 1978 through January 1981). The Department used a 221 yen/dollar exchange rate average (the average for November 1977 through October 1980) for the first-quarter 1981 trigger price calculation.

Production Costs

Integrated Producers

The 4.4 percent increase in the average trigger price of basic steel mill products produced primarily by the six major Japanese integrated steel producers reflects various changes in these producers' steel production costs. The second-quarter's production costs represent a comprehensive update of the components of steel production costs, based primarily on information from the Japanese Ministry of International Trade and Industry (MITI). The Department is continuing its efforts to assure that these estimates reflect current Japanese production costs. Certain cost components previously calculated from historical data have been projected in order to more nearly reflect production costs which will be incurred in the second quarter.

A slight reduction in the five-year average capacity utilization and a decrease in the yen/dollar ratio were responsible for at least part of the increase in most of the production cost elements; while, a substantial improvement in the raw steel to finished product yield, from 83.7 percent to the current rate of 86.0 percent, served to decrease production costs. The basic raw materials component increase of 3.8 percent also reflects increases in iron ore and coking coal prices. These price increases are estimates of the increases in the price of materials that will result from the negotiation, currently in progress, of supply contracts for iron ore and coking coal and will be effective during the period beginning April 1, 1981.

The overall increase for the other raw materials component is 7.5 percent, and the labor cost component increased 11.1 percent. Changes in labor costs include an anticipated increase due to the renegotiation of labor contracts which will affect second-quarter expenses. Interest expense increased 6.2 percent, while "other expenses" and depreciation decreased 7.9 percent and 7.4 percent, respectively. (See Table 1.)

Table 1.—*Japanese Production Cost Estimate: Integrated Steel Producers, 1st and 2d Quarter, 1981*

(U.S. dollars per metric ton of finished product)

	1st quarter	2d quarter
Basic Raw Material	$161.94	$168.05
Other Raw Material	77.93	83.77
Labor	93.88	104.13
Other Expenses	33.07	30.47
Depreciation	36.71	33.99
Interest	25.98	25.86
Profit [1]	29.33	30.92
Yield Credit	(13.02)	(13.80)
Total Cost (M.T.)	446.83	466.27
Total Cost N.T.)	405.18	422.95

[1] Profit = 0.08 (all raw materials plus labor plus "other expenses").

Electric Furnace Producers

The 4.7 percent increase in electric furnace trigger prices and production costs between the second and first quarters of 1981 resulted mainly from increases in the costs of raw material inputs. Increases due to the appreciation of the yen were mostly offset by improvements in the productivity of input factors. (See Table 2 below for a comparison of second-quarter 1981 and first-quarter 1981 production cost by component for each of the three electric furnace producers.)

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Table 2

Japanese Steel Production Cost Estimates:
Electric Furnace Products Second Quarter 1981 and First Quarter 1981

	Group A[1]/		Group B[2]/		Group C[3]/	
	First Quarter	Second Quarter	First Quarter	Second Quarter	First Quarter	Second Quarter
Basic Raw Materials	$190.28	$191.81	$197.59	$203.94	$192.12	$196.34
Other Raw Materials	37.00	41.75	39.62	44.49	36.55	40.41
Labor	30.51	30.83	33.67	33.74	27.85	27.90
Other Expenses	11.23	12.63	15.78	17.38	14.01	15.64
Depreciation	6.30	7.56	8.73	9.03	6.58	8.19
Interest	6.67	10.91	9.98	10.88	8.61	10.71
Profit[4]/	21.52	22.16	22.93	23.96	21.64	22.42
Scrap Credit	(3.14)	(3.20)	(2.98)	(2.93)	(2.85)	(2.76)
Total $/M.T.	$300.37	$314.45	$325.32	$340.49	$304.51	$318.85
Total $/N.T.	$272.49	$285.27	$295.13	$308.89	$276.25	$289.26

1/Group A products are equal angles, unequal angles, channels, and I-beams.

2/Group B products are hot rolled strip from bar mills; merchant quality flat bars, hot rolled round bars, squares, and round cornered squares; and bar size channels.

3/Group C products are concrete reinforcing bars, plain and deformed.

4/ Profit = .08 (Raw materials + labor + other expenses).

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Stainless Steel Wire, Wire Nails, and Galvanized Sheet

For its calculation of fourth-quarter 1980 and first-quarter 1981 stainless steel wire production costs, the Department did not have grade specific information on production costs. As a result of recent meetings in Japan of Department officials with MITI officials, the Department has obtained these grade specific data. The second-quarter stainless wire base trigger prices reflect adjustments based on this more detailed information. Some of the adjustments result in net first- to second-quarter decreases in trigger prices despite the effect of the slight decrease in the yen/dollar exchange ratio. (See Table 4 for a guide to lists of specific trigger prices.)

The base trigger price for wire nails for second-quarter 1981 will be $477, $46 dollars lower than their first-quarter levels. Wire nail trigger prices for previous quarters were estimated from the trend in the costs of the integrated producers. This method significantly overstated the increase in the cost of producing wire nails. Prices for the second quarter are based on production costs supplied by the five major Japanese wire nail producers. (See Table 4.)

Galvanized sheet trigger prices have also been revised in accordance with more detailed information obtained from MITI. (See Table 4.)

Other Charges

TPM trigger prices are an estimate of the production costs of Japanese steel manufacturers plus the cost of transporting and landing the steel in the United States; hence, to the production costs described above and reflected in trigger price bases and extras must be added charges for freight, interest, handling and insurance. The only element of these charges that has changed from its first-quarter 1980 level is the addition of a freight charge for pipe and tube products greater than 40 feet in length. (See Table 4.)

Theoretical Minimum Weight (TMW)

Hot rolled sheet (category 25), cold rolled sheet (category 26) and galvanized sheet (category 27) are frequently sold on the basis of theoretical minimum weight (TMW). Under TMW, the seller calculates the price based on the standard (theoretical) weight for the product rather than on the actual weight.

The original TPM included a TMW extra for each of the three product categories noted above. In 1979 the TMW extras were deleted from the TPM Price Manual and replaced by a revised system of adjusting transaction prices for comparison with trigger prices, which are based on actual weight. The TMW unit price on the invoice was adjusted to an actual weight unit price by multiplying by the theoretical weight and dividing by the actual weight. This price would then form the basis for comparison with the trigger price. The Department has continued to apply this method of adjustment in those transactions where TMW is used.

Several import groups have submitted a proposal for a modification of the current methd for trigger pricing TMW shipments. this proposal urges the reestablishment of the TMW extras, supplemented by a comparison of TMW/actual weight variances and accepted industry standards. The Department has decided to adopt this proposal effective beginning with products exported on or after April 1, 1980. Under this system, imports of steel sold on the basis of TMW would be compared with trigger prices that include the TMW extras.

TMW extras for the second quarter 1981 are as follows:

TPM manual page	Description of product	Extra (MT)
25-1	Hot Rolled Sheet	$16
26-5	Cold Rolled Sheet	19
27-1	Electro-Galvanized Sheet	16
27-4	Galvanized Sheet	25

Under the new system, where the TMW transaction price is at or above the applicable trigger price, an additional check will be made to ensure that the TMW/actual weight variance for the size involved does not exceed the applicable percentage set forth in the following chart:

Chart for TMW Standard Allowance

Thickness (inches)	Percentage over TMW allowable
0.050 and thicker	3.60
0.045 up to 0.050	4.00
0.040 up to 0.045	4.50
0.035 up to 0.040	5.25
0.030 up to 0.035	6.00
0.025 up to 0.030	7.25
0.020 up to 0.025	9.00
0.014 up to 0.020	12.00

For example, 0.050 sheet sold on TMW having a TMW/actual weight variance of over 3.60 percent may be the subject of an inquiry regarding the variance, even though the adjusted transaction price may be at or above the applicable trigger price.

Pipe and Tubing Trigger Prices

For most of the pipe and tubing products within AISI categories 14 and 15 there is no base price listed in the first-quarter TPM price manual, rather the subsequent page(s) in the manual is referenced. The referenced page(s) contains a table showing base price including extras. To calculate the appropriate trigger price for each base including extra combination the following product constants must be multiplied by each base including extra combination for that product.

Page*	Product	Multiplier
14-1	ERW Carbon Steel Pressure Tubing for use in Boilers, Heat Exchangers, Condensers, Etc.	1.044.
14-6	Continuous Butt Welded Standard Pipe.	1.044.
14-8	ERW Pipe, Excluding Oil Well Casing, without Coupling.	1.044.
14-13	Submerged arc Welded Pipe.	1.042.
14-16	ERW Structural Tubing to ASTM A-500.	1.044.
14-22	ERW Standard Pipe	1.044.
14-24	Piling Pipe ASTM A-252	1.042.
14-28	ERW Mechanical Tubing ASTM A-513.	1.043.
15-1	Seamless Carbon Steel Oil Well Casing, Not Threaded, up to 7" in Outside Diameter.	1.136.
15-4	Seamless Carbon Steel Oil Well Casing, Not Threaded 7 inches and over in Outside Diameter.	1.144.
15-7	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, 7 inches and over in Outside Diameter.	1.155.
15-10	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, up to 7 inches in Outside Diameter.	1.154.
15-13	Electric Resistance Welded Carbon Steel Oil Well Casing, Not Threaded.	1.044.
15-16	Seamless Carbon Steel Pressure Tubing Suitable for use in Boilers, Superheaters, Heat Exchangers, Condensers, Refining Furnaces, Feed Water Heaters, Cold Finish.	1.06178
15-42	Seamless Carbon Steel Oil Well Tubing EUE with Threading and Coupling.	1.086
15-44	Seamless Carbon Steel Line Pipe.	1.1149.
15-48	Hot Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Beanngs AISI 52100.	Base in table 3.
15-49	Cold Rolled High Carbon CR Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100.	Base in table 3.
15-50	Seamless Stainless Steel Round Ornamental Tube AISI TP 304, 1¼ x 0.049".	Base in table 3.
15-52	Seamless Stainless Steel Square Ornamental Tube AISI TP 304, 1½ x 1½ x 0.065".	Base in table 3.

*Page references are to the first-quarter 1981 Trigger Price Manual published by the DOC. The first figure of each page reference corresponds to the AISI product category of that product.

For example; on page 14–1 in the first-quarter 1981 trigger price manual (hereafter referred to as the manual) it states to refer to page 14–3 for the base price. Page 14–3 contains a table with many base price including size extra combinations in dollars per metric ton. To calculate the second-quarter trigger price for ERW Carbon Steel Pressure Tubing with a ¾ O.D. and .049 W.T. multiply 1011 from the manual by the constant 1.044. The second-quarter trigger price is $1055/M.T.

Please note.—Where extras are expressed as a percentage of base the percentage will not change; i.e. for an extra which is 25% of base price for specific O.D./W.T., it will remain 25%. When there is a page of extras only (i.e., page 15–47) and these are quoted in dollars per M.T., the extra should be increased by 4.4 percent.

Dated: February 23, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

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Table 3

PRODUCT BASE PRICES FOR SHIPMENT EXPORTED DURING SECOND QUARTER 1981 (All Figures in $/Metric Ton)

Page */	Product	Second Quarter 1981 Base Prices
2-1	Wire Rods Commercial Quality AISI 1008	380
2-2	Wire Rods Welding Quality AISI 1008	393
2-3	Wire Rods High Carbon AISI 1065	429
2-5	Wire Rods Cold Heading Quality AISI 1038	448
2-7	Wire Rods Cold Finished Bar Quality	455
2-9	Spheroidized Annealed Mo Alloy Steel Wire Rod AISI 4037	662
2-12	Spheroidized Annealed Si-Mn-Cr High Carbon Steel Wire Rod AISI 9254	634
2-14	Spheroidized Annealed High Carbon Cr Steel Wire Rod AISI 52100	730
3-1	Wide Flange Beams and Bearing Piling ASTM A-36 12" x 12"	386
3-5	Standard Carbon Steel Channels ASTM A-36**	320
3-7	Unequal Leg Carbon Steel Angles ASTM A-36**	337
3-9	Equal Leg Carbon Steel Angles ASTM A-36**	303
3-11	Standard Carbon Steel "I" Beams ASTM A-36**	370
4-1	Sheet Piling ASTM A-328 Arch Web PDA-27	405
5-1	Steel Plates ASTM A-36 1/2" x 80" x 240"	373
6-1	Heavy Carbon Steel Rails AREA 115, 132 or 136 (40')	421
6-3	Light Rails 60 lbs./yd.	414
6-5	Tie Plates	422
8-1	Plain and Deformed Carbon Steel Concrete Reinforcing Bars ASTM A-615****	304
9-1	Hot Rolled Carbon Steel Bar Size Channel ASTM A-36***	431

*/ Page references are to the First Quarter TPM Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

**/Electric Furnace, Group A.

***/Electric Furnace, Group B.

****/Electric Furnace, Group C.

Table 3

Page */	Product	Second Quarter 1981 Base Prices
10-1	Hot Rolled Carbon Bars Special Quality AISI 1045	476
10-3	Merchant Quality Hot Rolled Carbon Steel Squares and Round Cornered Squares ASTM-36 or AISI 1020***	360
10-5	Merchant Quality Hot Rolled Carbon Steel Round Bar ASTM A-36 or AISI 1020***	360
10-7	Merchant Quality Carbon Steel Flat Bars ASTM A-36 or AISI 1020***	327
11-1	Hot Rolled Ni-Cr-Mo Allyoy Steel Round Bar AISI 8620	556
11-6	Spheroidize Annealed High Carbon Cr Steel Round Bar AISI 52100	621
12-1	Cold Finished Carbon Steel Round Bar AISI 1008 through 1029	557
12-2	Cold Finished Round Steel Bar AISI 1212 through 1215	629
12-3	Cold Finished Round Steel Bar AISI 12L14 and 12L15	660
12-5	Cold Finished, Ni-Cr-Mo Alloy Steel Round Bar AISI 8620	556
12-7	Cold Finished Spheroidized Annealed, High Carbon Cr Steel Round Bar, AISI 52100, 50100, 51100	621
14-1	ERW Carbon Steel Pressure Tubing for use in Boilers, Heat Exchangers, Condensers, Etc.	621
14-6	Continuous Butt Welded Standard Pipe	472
14-8	ERW Pipe, Excluding Oil Well Casing, Without Coupling	495
14-13	Submerged Arc Welded Pipe	536
14-16	ERW Structural Tubing to ASTM A-500 Grades, A, B & C	462
14-22	ERW Standard Pipe	479
14-24	Piling Pipe ASTM A-252	417

*/ Page references are to the Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

***/Electric Furnace, Group B.

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Table 3

Page */	Product	Second Quarter 1981 Base Prices
14-28	ERW Merchanical Tubing ASTM A-513	557
15-1	Seamless Carbon Steel Oil Well Casing, Not Threaded, up to 7" in Outside Diameter	567
15-4	Seamless Carbon Steel Oil Well Casing, Not Threaded 7 inches and over in Outside Diameter	566
15-7	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, 7 inches and over in Outside Diameter	648
15-10	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, up to 7 inches in Outside Diameter	656
15-13	Electric Resistance Welded Carbon Steel Oil Well Casing, Not Threaded	518
15-16	Seamless Carbon Steel Pressure Tubing Suitable for use in Boilers, Superheaters, Heat Exchangers, Condensers, Refining Furnaces, Feed Water Heaters, Cold Finish	1014
15-42	Seamless Carbon Steel Oil Well Tubing EUE with Threading and Coupling	814
15-44	Seamless Carbon Steel Line Pipe	570
15-48	Hot Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	757
15-49	Cold Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	1126
15-50	Seamless Stainless Steel Round Ornamental Tube AISI TP 304, 1 1/4 x 0.049"	2553
15-52	Seamless Stainless Steel Square Ornamental Tube AISI TP 304, 1 1/2 x 1 1/2 x 0.065"	2783
16-1	Cold Heading Round Wire AISI 1018 Killed 0.192" Hard Drawn	568
16-1	Cold Heading Drawn from Annealed Rods	644

*/ Page references are to the Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

Table 3

Page */	Product	Second Quarter 1981 Base Prices
16-1	Cold Heading Drawn from Spheroidized Annealed Rods	660
16-1	Cold Heading Anneal in Process	664
16-1	Cold Heading Spheroidize Anneal in Process	676
16-1	Cold Heading Anneal in Process and Drawn from Annealed Rods	717
16-1	Cold Heading Spheroidize Anneal in Process and Drawn from Annealed Rods	730
16-1	Cold Heading Anneal at Finish Size	644
16-1	Cold Heading Spheroidize Anneal at Finish Size	660
16-1	Cold Heading Anneal at Finished Size and Drawn from Annealed Rods	697
16-1	Cold Heading Spheroidize Anneal at Finished Size and Drawn from Annealed Rods	712
16-4	Bright Basic Round Wire AISI 1008 #8 Gauge Rimmed	467
16-5	Galvanized Iron Round Wire AISI Type I Coating #8 Gauge	588
16-8	Round Baling Wire 14.50	653
16-9	Cold Finished Spheroidized Annealed, Si-Mn-Cr High Carbon Steel Wire AISI 9254	634
16-11	Cold Finished Spheroidized Annealed Mo Alloy Steel Wire AISI 4037	662
16-13	High Carbon Cr Steel Wire in Coil AISI 52100, 50100, 51100, Suitable for use in manufacture of ball or roller bearings	990
16-15	Upholstery Spring Wire Automatic Coiling and Knotting Type	584
16-16	Mechanical Spring Wire ASTM A-227 and A-648	616
16-17	Oil Tempered Steel Spring Wire ASTM A-229	620
16-18	Carbon Steel Valve Spring Quality ASTM A-230	1030
16-19	Automobile Tire Bead Wire	722
16-20	Galvanized Core Wire for A.C.S.R. ASTM B 498 Class "A"	771
16-21	Stainless Steel Wire	See attached pages 16-22 through 16-36

*/ Page references are to the Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

Table 3

Page */	Product	Second Quarter 1981 Base Prices
19-1	Field Fence	704
20-1	Wire Nails Bright Common 20d #6 13/32 x 4"	477
21-1	Barbed Wire 2 Ply, 12.50	741
22-1	Black Plate ASTM A625-76 0.0083" x 34" x Coil	482
23-1	Electrolytic Tin Plate SR-25/25 75L x 34" x C	656
25-1	Hot Rolled Steel Sheets ASTM A-569 0.121" x 48" x Coil	331
25-2	Hot Rolled Steel'Band ASTM 569 0.121" x 48" x Coil	316
26-1	Electrical Steel Sheets Grain Oriented M-4 0.012" x 33" x C	1320
26-3	Electrical Steel Sheets Non Oriented M-45 0.018" x 36" x C	718
26-5	Cold Rolled Sheets ASTM A-366 1.0 m/2m x 48" x C	416
27-1	Electro Galvanized Sheets EGC 10g/M 1.0 m/m x 48" x C	480
27-4	Galvanized Sheet ASTM A525G90	484
29-1	Hot Rolled Carbon Steel Strip Produced on Bar Mills	365
29-3	Hot Rolled Carbon Steel Strip Produced on Sheet Mills, Coils Only	323
32-1	Tin Free Steel Sheets SR 75L x 34" x C	560

*/ Page references are to the Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.

***/Electric Furnace, Group B.

Table 4 -- PAGES FROM THE TRIGGER PRICE MANUAL
SECOND QUARTER 1981

AISI Category and TPM Manual Page Reference	Produce Description	Revision
14-2	Pipe & Tube products	Second Quarter freight rates
16-22 through 16-36	Stainless steel wire	Second Quarter base prices & extras
27-5	Galvanized sheets	Revised thickness/width/coating extras
20-2 through 20-20	Wire Nails	Revised base prices & extras

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14-2
Rev. Feb 1981

FREIGHT CHARGES ON PIPE AND TUBE PRODUCTS
($/M.T.)- Applies to all products in categories 14 and 15)

FREIGHT	PACIFIC	GULF	ATLANTIC	GREAT LAKES
Pipe (up to 40' in length)* with an outside diameter up to:				
4"	40	50	54	69
5"	41	51	56	69
6"	42	51	56	71
8"	43	52	57	73
10"	43	53	58	75
12"	44	55	60	77
14"	45	56	62	79
16"	46	57	64	80
18"	47	59	66	82
20"	49	60	68	84
22"	51	63	70	87
24"	52	64	71	89
26"	53	65	72	91
28"	54	67	74	94
30"	56	69	76	96
32"	58	72	80	98
34"	61	74	82	100
36"	63	77	86	104
38"	66	81	90	106
40"	69	85	94	110
42"	72	88	98	114
44"	75	91	101	118
46"	78	95	106	123
48"	81	99	110	127

* For pipe with these outside diameters and lengths of 40' or more, the total freight component is the appropriate amount from the chart above plus the appropriate amount from the chart below:

40' up to 50'2"	4	6	6	6
50'2" up to 60'	8	10	10	10

16-22
Rev. Feb. 1981

GROUP I - ANNEALED WIRE

Annealed: The condition of soft wire in which there is no further cold drawing after the last annealing treatment. Wire of this temper is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

Grades	2nd Quarter, 1981 $/M.T. Wire Base Price
301	2300
302	2250
303	2349
304	2300
305	2472
310	4075
314	4765
316	3286
316-L	3458
317	3779
317-L	3952
304-L	2472
17-4PH*	2620
308	2448
308-L	2620
309	2990
309-L	3163
321	2620
312	Not Available
302 HQ (18-19LW)**	2423
347	2941
384	2891
15-5PH***	Not Available

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GROUP I - ANNEALED WIRE (Continued)

Grades	2nd Quarter, 1981 $/M.T. Wire Base Price
409	1619
410	1323
416	1294
420	1373
430	1373
430-F	1570
434	1668
434-A	1471
446	1915

* May also be designated as type 630 or as UNS 17400
** May also be designated as type 302 CU and as 306
*** May also be designated as typed XM-12 and UNS 15500

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GROUP I - ANNEALED WIRE (Continued)

Size*	Dollar Per M.T. Size Extras 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.574" - .703"	207	529	207
.501" - .573"	207	529	207
.500"	223	529	223
.375" - .499"	242	529	242
.3125" - .374"	259	529	259
.250" - .312"	347	529	347
.234" - .249"	393	529	393
.216" - .233"	447	569	447
.200" - .215"	616	616	616
.185" - .199"	636	647	636
.170" - .184"	651	675	651
.155" - .169"	663	705	663
.142" - .154"	681	834	681
.128" - .141"	710	963	710
.113" - .127"	792	1063	704
.099" - .112"	914	1155	737
.086" - .098"	1004	1222	769
.076" - .085"	1062	1287	805
.067" - .075"	1119	1348	971
.058" - .066"	1222	1391	1132
.051" - .057"	1271	1432	1184
.044" - .050"	1320	1475	1234
.038" - .043"	1433	1518	1346
.033" - .037"	1553	1689	1466
.030" - .032"	1611	1803	1611
.027" - .029"	1767	Not Available	1943
.024" - .026"	1912	"	1912
.021" - .023"	2057	"	2062
.019" - .020"	2202	"	2202
.018"	2346	"	2346
.017"	2379	"	2379
.016"	2420	"	2420
.015"	2534	"	2534

*All intermediate sizes to take next higher price.

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GROUP I - ANNEALED WIRE (Continued)

Size*	Dollar Per M.T. Size Extras 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.014"	2665	Not Available	2665
.013"	2780	"	2780
.012"	2901	"	2901
.011"	3016	"	3016
.010"	3291	"	3291
.009"	3416	"	3416
.008"	3571	"	3571
.0075"	3733	"	3733
.007"	3903	"	3903
.0065"	4305	"	4305
.006"	4764	"	4764
.00575"	5222	"	5222
.0055"	5681	"	5681
.00525"	6599	"	6599
.005"	6770	"	6770
.00475"	6884	"	6884
.0045"	7114	"	7114
.00425"	7745	"	7745
.004"	8318	"	8318
.00375"	17489	"	17489
.0035"	20872	"	20872
.00325"	23852	"	23852
.003"	26832	"	26832
.0027"	27808	"	27808
.0025"	28955	"	28955
.002"	37552	"	37552

*All intermediate sizes to take next higher price.

Deduction to allow for absence of annealing and pickling (cold drawn "bar" in wire gauges):

Size Range	Deduction ($/M.T.)
.703" through .375"	76
.374" through .216"	80
.215" through .187"	103

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GROUP II - HARD/SPRING WIRE

Hard/Spring Wire: The condition of wire drawn several drafts as required to produce the high tensile strengths required for such products as spring wire.

Grades	2nd Quarter, 1981 $/M.T. Wire Base Price
301	2300
302	2250
303	2349
304	2300
305	2472
310	4075
314	4765
316	3286
316-L	3458
317	3779
317-L	3952
321	2620
17-4PH*	2620
17-7PH****	3311
330	Not Available
308	2448
308-L	2620
309	2990
309-L	3163
312	Not Available
302 HQ (18-19LW)**	2423
347	2941
384	2891

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GROUP II - HARD/SPRING WIRE (Continued)

Grades	$/M.T. Wire Base Price
15-5PH***	Not Available
409	1619
410	1323
416	1294
420	1373
430	1373
430-F	1570
434	1668
434-A	1471
446	1915

* May also be designated as type 630 or as UNS 17400
** May also be designated as type 302 CU and as 306
*** May also be designated as typed XM-12 and UNS 15500
**** May also be designated as typed 631 and UNS 17700

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GROUP II - HARD/SPRING WIRE (Continued)

Size*	Dollar Per M.T. Size Extras 300 Series & 17-7PH	400 Series
Over .375"	684	Not Available
.3125" - .374"	684	"
.250" - .312"	684	"
.234" - .249"	684	"
.216" - .233"	684	"
.200" - .215"	684	"
.185" - .199"	684	"
.170" - .184"	684	"
.155" - .169"	684	"
.142" - .154"	661	"
.128" - .141"	661	"
.113" - .127"	661	"
.099" - .112"	696	"
.086" - .098"	769	"
.076" - .085"	825	"
.067" - .075"	893	"
.058" - .066"	989	"
.051" - .057"	1188	"
.044" - .050"	1362	"
.038" - .043"	1433	"
.033" - .037"	1571	"
.030" - .032"	1643	"
.027" - .029"	1979	"
.024" - .026"	2160	"
.021" - .023"	2375	"
.019" - .020"	2657	"
.018"	3214	"
.017"	3496	"
.016"	3583	"
.015"	3668	"
.014"	3840	"
.013"	3982	"
.012"	4267	"

*All intermediate sizes to take next higher price.

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GROUP II - HARD/SPRING WIRE (Continued)

Size*	Dollar Per MT Size Extras 300 Series & 17-7PH	400 Series
.011"	5460	Not Available
.010"	5603	"
.009"	5830	"
.008"	6024	"
.007"	Under Review	"
.0065"	"	"
.006"	"	"
.00575"	"	"
.0055"	"	"
.00525"	"	"
.005"	"	"
.00475"	"	"
.0045"	"	"
.00425"	"	"
.004"	"	"
.00375"	"	"
.0035"	"	"
.00325"	"	"
.003"	"	"
.0027"	Not Available	"
.0025"	"	"
.002"	"	"

*All intermediate sizes to take next higher price.

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GROUP III - SOFT/INTERMEDIATE WIRE

Soft/Intermediate: The condition of wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties of such wire can be varied between those of soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire, by example, belongs in this group.

Grades	Dollar per M.T. Wire Base Price
301	2300
302	2250
302 (302HQ, 18-9LW)	2423
303	2349
304	2300
305	2472
310	4075
314	4765
316	3286
316-L	3458
317	3779
317-L	3952
321	2620
17-4PH*	2620
330	Not Available
308	2448
308-L	2620
309	2990
309-L	3163
312	Not Available
347	2941
384	2891
15-5PH**	Not Available
409	1619
410	1323

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GROUP III - SOFT/INTERMEDIATE WIRE (Continued)

Grades	$/M.T. Wire Base Price
416	1294
420	1373
430	1373
430-F	1570
434	1668
434-A	1471
446	1915

* May also be designated as type 630 or as UNS 17400
** May also be designated as type XM-12 and UNS 15500

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GROUP III - SOFT/INTERMEDIATE WIRE (Continued)

Size*	Dollar Per MT Size Extras 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
Over .375"	458	321	458
.3125" - .374"	458	321	458
.250" - .312"	458	334	458
.234" - .249"	458	357	458
.216" - .233"	458	379	458
.200" - .215"	458	411	458
.185" - .199"	568	439	568
.170" - .184"	596	462	596
.155" - .169"	627	502	627
.142" - .154"	648	567	648
.128" - .141"	699	676	699
.113" - .127"	838	753	838
.099" - .112"	920	857	920
.086" - .098"	974	884	974
.076" - .085"	1086	936	1086
.067" - .075"	1195	1022	1195
.058" - .066"	1304	1239	1304
.051" - .057"	1351	1464	1351
.044" - .050"	1403	1505	1403
.038" - .043"	1524	1561	1524
.033" - .037"	1618	1746	1618
.030" - .032"	1727	1859	1727
.027" - .029"	1885	Not Available	1885
.024" - .026"	2036	"	2036
.021" - .023"	2191	"	2191
.019" - .020"	2338	"	2338

*All intermediate sizes to take next higher price.

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COATING EXTRAS ($/M.T.) - 2nd Quarter, 1981

Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved.

Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

	Type of Coating			
		Metallic		
Size Range	Oxide	Copper	Nickel	Non-metallic
Over .155"	None	116	35	24
.154" - .099"	"	174	35	24
.098" - .063"	"	231	48	32
.062" - .041"	"	Not Available	75	50
.040" - .030"	"	"	102	65
.029" - .025"	"	"	102	65
.024" - .020"	"	"	138	93
.019" - .015"	"	"	175	124
.014" - .010"	"	"	216	150

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FINISH EXTRAS

Size Range*	Centerless Ground 300 Series 17-7PH, 400 Series, 17-4PH, & 15-5PH	Centerless Ground and polished 300 Series 17-7PH, 400 Series, 17-4PH & 15-5PH
.703" - .595"	498	628
.594" - .501"	498	628
.500"	550	696
.499" - .375"	563	719
.374" - .3125"	563	719
.3124" - .250"	563	719
.249" - .234"	866	1050
.233" - .216"	866	1050
.215" - .200"	956	1167
.199" - .185"	1118	1352
.184" - .170"	1318	1566
.169" - .155"	1578	1845
.154" - .142"	1838	2107
.141" - .128"	2164	2430
.127" - .113"	2710	3000
.112" - .093"	5518	6073

*All intermediate sizes to take next higher price.

17-4PH to be included in 400 series.

Straightening and cut to length extras are already included in the above finish extras.

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TOLERANCE EXTRAS

Standard: AISI or JIS Specification

Diameter Tolerance

	$/M.T.
Standard	$ 0
Not less than 1/2 standard	$107
Closer than 1/2 to 1/4 standard	25% of size extra
Closer than 1/4 standard	50% of size extra

Straightening and Cut to Length Extras

Size Range	$/M.T.
.703" - .595"	104
.594" - .501"	104
.500"	104
.499" - .375"	131
.374" - .3125"	131
.3124" - .170"	236
.169" - .099"	589
.098" - .051"	1705
.050" - .032"	1967

Length	$/M.T.
Under 12"	92
12" to under 18"	60
18" to under 24"	60
24" to under 30"	39
30" to under 36"	39
36" to under 48"	39
48" to under 60"	39
60" to under 72"	39
72" to under 120"	32
120" to under 168"	32
168" to under 192"	32
192" to under 216"	32
216" to under 240"	32
240" to under 264"	25
264" to under 288"	25
288" to 316"	25

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TOLERANCE EXTRAS (Continued)

Packaging Extras

Type	$/M.T.
Bundle	28
Wooden Boxes	96
Fibre Drums	88
Coil Carriers	28
Spools	
Sizes under .020"	171
Both Spools and Wooden Boxes	
Sizes .020" and greater	96
Sizes under .020"	267

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Second Quarter

GALVANIZED STEEL SHEET

THROUGH .029") x OVER 42" THROUGH 48" x COIL

ICE PRODUCTS ($/M.T.)

	WIDTH (INCHES)					COATING	
D	30≤W<36	36≤W≤42	42<W≤48	48<W≤60	0.6 oz/ft	G60
	-95	-95	-95	-	-	-2
	-76	-76	-76	-74	-	-2
	-73	-73	-73	-70	-	-2
	-71	-72	-72	-67	-	-2
	-51	-53	-53	-51	-	-3
	-47	-51	-51	-47	-	-3
	-45	-48	-48	-45	-	-6
	-31	-34	-34	-31	-	-6
	-28	-30	-30	-28	-22	-7
	-24	-26	-26	-24	-24	-7
	-15	-17	-17	-15	-28	-8
	-8	-10	-10	-8	-28	-8
	-4	-6	-6	-3	-29	-9
	-2	-3	0	3	-29	-9
	6	5	5	6	-32	-13
	9	10	13	22	-32	-13
	27	27	31	43	-34	-17
	41	41	51	-	-34	-17
	57	57	66	-	-35	-20
	72	78	85	-	-35	-20
	78	88	96	-	-38	-22
	86	101	107	-	-38	-22
	114	114	126	-	-38	-22

1. BASE PRICE

QUALITY : COMMERCIAL
SIZE : GSG23 (UNDER .032" THROU
COATING : G90
WEIGHING: ACTUAL

2. EXTRAS FOR OTHER THAN BASE PRICE PR

(1) THICKNESS/WIDTH/COATING

THICKNESS (INCHES)	24≤W<30	30
.130 & thicker	-95	
.129 - .116	-76	
.115 - .101	-73	
.100 - .086	-71	
.085 - .075	-51	
.074 - .067	-47	
.066 - .061	-45	
.060 - .055	-31	
.054 - .049	-28	
.048 - .043	-24	
.042 - .038	-15	
.037 - .035	-8	
.034 - .032	-4	
.031 - .029	-2	
.028 - .026	6	
.025 - .023	9	
.022 - .021	27	
.020 - .019	41	
.018 - .017	57	
.016	72	
.015	78	
.014	86	
.013	99	

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Table I.

General Extras

			EXTRA $M./T.
I.	MACHINE USE QUALITY		41
II.	PACKING STANDARD	50 lb. Carton (loose)	Base
		100 lb. Carton	-0-
		1 lb. x 50	230
		5 lb. x 10	138
III.	PALLETIZING		18
IV.	QUANTITY EXTRA		
	Less than 2,400 lb. per	Size Order Marking Destination Shipment	14

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Regular and Semi-Regular Nail Extras ($/M.T.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(1) Bright Common Nails			
2 d ASWG # 15 x 11/64" x 1"	$110	($110)	
3 d # 14 x 13/64" x 1-1/4"	90	(90)	
4 d # 12-1/2 x 1/4" x 1-1/2	73	(73)	
5 d # 12-1/2 x 1/4" x 1-3/4	60	(60)	
6 d # 11-1/2 x 17/64" x 2"	41	(41)	
7 d # 11-1/2 x 17/64" x 2-1/4"	37	(37)	
8 d # 10-1/4 x 9/32" x 2-1/2"	30	(30)	
9 d # 10-1/4 x 9/32" x 2-3/4"	30	(30)	
10 d # 9 x 5/16" x 3"	25	(25)	
12 d # 9 x 5/16" x 3-1/4"	25	(25)	
16 d # 8 x 11/32" x 3-1/2	21	(21)	
20 d # 6 x 13/32" x 4"	Base	(Base)	
30 d # 5 x 7/16" x 4-1/2	37	(37)	
40 d # 4 x 15/32" x 5"	37	(37)	
50 d # 3 x 1/2" x 5-1/2	37	(37)	
60 d # 2 x 17/32" x 6"	46	(46)	
(2) Bright Smooth Box Nails			
2 d ASWG # 15-1/2 x 3/16" x 1"	$135	($135)	
3 d # 14-1/2 x 7/32 x 1-1/4"	108	(108)	
4 d # 14 x 7/32" x 1-1/2"	87	(87)	
5 d # 14 x 7/32" x 1-3/4"	69	(69)	
6 d # 12-1/2 x 17/64" x 2"	55	(55)	
7 d # 12-1/2 x 17/64" x 2-1/4"	53	(53)	
8 d # 11-1/2 x 19/64" x 2-1/2"	46	(46)	
9 d # 11-1/2 x 19/64" x 2-3/4"	46	(46)	
10 d # 10-1/2 x 5/16" x 3"	37	(37)	
12 d # 10-1/2 x 5/16" x 3-1/4"	37	(37)	
16 d # 10 x 11/32" 3-1/2"	34	(34)	
20 d # 9 x 3/8" x 4"	30	(30)	
30 d # 9 x 3/8" x 4-1/2"	55	(55)	
40 d # 8 x 13/32" x 5"	55	(55)	

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TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(3) Bright Finishing Nails Cupped Head			
2 d ASWG # 16-1/2 x 13-1/2 x 1"	$165	($165)	
3 d # 15-1/2 x 12-1/2 x 1-1/4"	133	(133)	
4 d # 15 x 12 x 1-1/2"	106	(106)	
5 d # 15 x 12 x 1-3/4"	96	(96)	
6 d # 13 x 10 x 2"	64	(64)	
8 d # 12-1/2 x 9-1/2 x 2-1/2"	60	(60)	
9 d # 12-1/2 x 9-1/2 x 2-3/4"	60	(60)	
10 d # 11-1/2 x 8-1/2 x 3"	55	(55)	
12 d # 11-1/2 x 8-1/2 x 3-1/4"	55	(55)	
16 d # 11 x 8 x 3-1/2"	53	(53)	
(4) Bright Casing Nails			
2 d ASWG # 15-1/2 x 12-1/2 x 1"	$152	($152)	
3 d # 14-1/2 x 11-1/2 x 1-1/4"	122	(122)	
4 d # 14 x 11 x 1-1/2"	92	(92)	
5 d # 14 x 11 x 1-3/4"	83	(83)	
6 d # 12-1/2 x 9-1/2 x 2"	62	(62)	
7 d # 12-1/2 x 9-1/2 x 2-1/4"	60	(60)	
8 d # 11-1/2 x 8-1/2 x 2-1/2"	55	(55)	
9 d # 11-1/2 x 8-1/2 x 2-3/4"	55	(55)	
10 d # 10-1/2 x 7-1/2 x 3"	53	(53)	
12 d # 10-1/2 x 7-1/2 x 3-1/4"	53	(53)	
16 d # 10 x 7 x 3-1/3"	46	(46)	
(5) E/G (Electric Galvinized) Common Nails			
2 d ASWG # 15 x 11/64" x 1"	$234	($110)	($124)
3 d # 14 x 13/64" x 1-1/4"	214	(90)	(124)
4 d # 12-1/2 x 1/4" x 1-1/2"	197	(73)	(124)
5 d # 12-1/2 x 1/4" x 1-3/4"	184	(60)	(124)
6 d # 11-1/2 x 17/64" x 2"	147	(41)	(106)
7 d # 11-1/2 x 17/64" x 2-1/4"	143	(37)	(106)
8 d # 10-1/4 x 9/32" x 2-1/2"	136	(30)	(106)
9 d # 10-1/4 x 9/32" x 2-3/4"	136	(30)	(106)
10 d # 9 x 5/16" x 3"	131	(25)	(106)
12 d # 9 x 5/16" x 3-1/4"	131	(25)	(106)
16 d # 8 x 11/32" x 3-1/2"	127	(21)	(106)
20 d # 6 x 13/32" x 4"	106	(--)	(106)
30 d # 5 x 7/16" x 4-1/2"	143	(37)	(106)
40 d # 4 x 15/32" x 5"	143	(37)	(106)
50 d # 3 x 1/2" x 5-1/2"	143	(37)	(106)
60 d # 2 x 17/32" x 6"	152	(46)	(106)

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TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(6) E/G Smooth Box Nails			
2 d ASWG # 14-1/2 x 3/16" x 1"	$259	($135)	($124)
3 d # 14-1/2 x 7/32" x 1-1/4"	232	(108)	(124)
4 d # 14 x 7/32" x 1-1/2"	211	(87)	(124)
5 d # 14 x 7/32" x 1-3/4"	193	(69)	(124)
6 d # 12-1/2 x 17/64" x 2"	161	(55)	(106)
7 d # 12-1/2 x 17/64" x 2-1/4"	159	(53)	(106)
8 d # 11-1/2 x 19/64" x 2-1/2"	152	(46)	(106)
9 d # 11-1/2 x 19/64" x 2-3/4"	152	(46)	(106)
10 d # 10-1/2 x 5/16" x 3"	143	(37)	(106)
12 d # 10-1/2 x 5/16" x 3-1/4"	143	(37)	(106)
16 d # 10 x 11/32" x 3-1/2"	140	(34)	(106)
20 d # 9 x 3/8" x 4"	136	(30)	(106)
30 d # 9 x 3/8" x 4-1/2"	161	(55)	(106)
40 d # 8 x 13/32" x 5"	161	(55)	(106)
(7) E/G Finishing Nails Cupped Head			
3 d ASWG # 15-1/2 x 12-1/2 x 1-1/4"	$257	($133)	($124)
4 d # 15 x 12 x 1-1/2"	230	(106)	(124)
5 d # 15 x 12 x 1-3/4"	220	(96)	(124)
6 d # 13 x 10 x 2"	170	(64)	(106)
8 d # 12-1/2 x 8-1/2 x 2-1/2"	166	(60)	(106)
9 d # 12-1/2 x 9-1/2 x 2-3/4"	166	(60)	(106)
10 d # 11-1/2 x 8-1/2 x 3"	161	(55)	(106)
12 d # 11-1/2 x 8-1/2 x 3-1/4"	161	(55)	(106)
16 d # 11 x 8 x 3-1/2"	159	(53)	(106)
20 d # 10 x 7 x 4"	152	(46)	(106)
(8) E/G Casing Nails			
2 d ASWG # 14-1/2 x 12-1/2 x 1"	$276	(152)	(124)
3 d # 14-1/2 x 11-1/2 x 1-1/4"	246	(122)	(124)
4 d # 14 x 11 x 1-1/2"	216	(92)	(124)
5 d # 14 x 11 x 1-3/4"	207	(83)	(124)
6 d # 12-1/2 x 9-1/2 x 2"	168	(62)	(106)
7 d # 12-1/2 x 9-1/2 x 2-1/4"	166	(60)	(106)
8 d # 11-1/2 x 8-1/2 x 2-1/2"	161	(55)	(106)
9 d # 11-1/2 x 8-1/2 x 2-3/4"	161	(55)	(106)
10 d # 10-1/2 x 7-1/2 x 3"	159	(53)	(106)
12 d # 10-1/2 x 7-1/2 x 3-1/4"	159	(53)	(106)
16 d # 10 x 7 x 3-1/3"	152	(46)	(106)

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TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	H/D EXTRA
(9) H/D (Hot Dip Galvanized) Common Nails			
2 d ASWG # 15 x 11/64" x 1"	$408	($110)	($298)
3 d # 14 x 13/64" x 1-1/4"	388	(90)	(298)
4 d # 12-1/2 x 1/4" x 1-1/2"	371	(73)	(298)
5 d # 12-1/2 x 1/4" x 1-3/4"	358	(60)	(298)
6 d # 11-1/2 x 17/64" x 2"	321	(41)	(280)
7 d # 11-1/2 x 17/64" x 2-1/4"	317	(37)	(280)
8 d # 10-1/4 x 9/32" x 2-1/2"	309	(29)	(280)
9 d # 10-1/4 x 9/32" x 2-3/4"	309	(29)	(280)
10 d # 9 x 5/16" x 3"	305	(25)	(280)
12 d # 9 x 5/16" x 3-1/4"	305	(25)	(280)
16 d # 8 x 11/32" x 3-1/2"	301	(21)	(280)
20 d # 6 x 13/32" x 4"	280	(Base)	(280)
30 d # 5 x 7/16" x 4-1/2"	317	(37)	(280)
40 d # 4 x 15/32" x 5"	317	(37)	(280)
50 d # 3 x 1/2" x 5-1/2"	317	(37)	(280)
60 d # 2 x 17/32" x 6"	326	(46)	(280)
(10) H/D Smooth Box Nails			
2 d ASWG # 15-1/2 x 3/16" x 1"	$433	($135)	($298)
3 d # 14-1/2 x 7/32" x 1-1/4"	406	(108)	(298)
4 d # 14 x 7/32" x 1-1/2"	385	(87)	(298)
5 d # 14 x 7/32" x 1-3/4"	367	(69)	(298)
6 d # 12-1/2 x 17/64" x 2"	335	(55)	(280)
7 d # 12-1/2 x 17/64" x 2-1/4"	333	(53)	(280)
8 d # 11-1/2 x 19/64" x 2-1/2"	326	(46)	(280)
9 d # 11-1/2 x 19/64" x 2-3/4"	326	(46)	(280)
10 d # 10-1/2 x 5/16" x 3"	317	(37)	(280)
12 d # 10-1/2 x 5/16" x 3-1/4"	317	(37)	(280)
16 d # 10 x 11/32" x 3-1/2"	314	(34)	(280)
20 d # 9 x 3/8" x 4"	310	(30)	(280)
30 d # 9 x 3/8" x 4-1/2"	335	(55)	(280)
40 d # 8 x 13/32" x 5"	335	(55)	(280)
(11) H/D Finishing Nails Cupped Head			
3 d ASWG # 15-1/2 x 12-1/2 x 1-1/4"	$431	($133)	($298)
4 d # 15 x 12 x 1-1/2"	404	(106)	(298)
5 d # 15 x 12 x 1-3/4"	394	(96)	(298)
6 d # 13 x 10 x 2"	344	(64)	(280)
8 d # 12-1/2 x 9-1/2 x 2-1/2"	340	(60)	(280)
9 d # 12-1/2 x 9-1/2 x 2-3/4"	340	(60)	(280)
10 d # 11-1/2 x 8-1/2 x 3"	335	(55)	(280)
12 d # 11-1/2 x 8-1/2 x 3-1/4"	335	(55)	(280)
16 d # 11 x 8 x 3-1/2"	333	(53)	(280)
20 d # 10 x 7 x 4"	326	(46)	(280)

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TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	H/D EXTRA
(12) H/D Casing Nails			
2 d ASWG # 15-1/2 x 12-1/2 x 1"	$450	($152)	($298)
3 d # 14-1/2 x 11-1/2 x 1-1/4"	420	(122)	(298)
4 d # 14 x 11 x 1-1/2"	390	(92)	(298)
5 d # 14 x 11 x 1-3/4"	381	(83)	(298)
6 d # 12-1/2 x 9-1/2 x 2"	342	(62)	(280)
7 d # 12-1/2 x 9-1/2 x 2-1/4"	340	(60)	(280)
8 d # 11-1/2 x 8-1/2 x 2-1/2"	335	(55)	(280)
9 d # 11-1/2 x 8-1/2 x 2-3/4"	335	(55)	(280)
10 d # 10-1/2 x 7-1/2 x 3"	333	(53)	(280)
12 d # 10-1/2 x 7-1/2 x 3-1/4'	333	(53)	(280)
16 d # 10 x 7 x 3-1/3"	326	(46)	(280)
(13) Cement Coated Box Nails			
4 d ASWG # 15 x 13/64" x 1-3/8"	$142	($142)	
4-1/2 d # 15 x 7/32" x 1-1/2"	142	(142)	
5 d # 15 x 7/32" x 1-5/8"	117	(117)	
6 d # 13-1/2 x 1/4" x 1-7/8"	101	(101)	
7 d # 13-1/2 x 1/4" x 2-1/8"	99	(99)	
8 d # 12-1/2 x 17/64" x 2-3/8"	87	(87)	
9 d # 12-1/2 x 17/64" x 2-5/8"	87	(87)	
10 d # 11-1/2 x 19/64" x 2-7/8"	80	(80)	
(14) Cement Coated Corkers Nails			
3 d ASWG # 15 x 3/16" x 1-1/4"	$147	($147)	
4 d # 13-1/2 x 7/32" x 1-1/2"	113	(113)	
5 d # 13-1/2 x 7/32" x 1-5/8"	101	(101)	
6 d # 12-1/2 x 1/4" x 1-7/8"	87	(87)	
7 d # 12-1/2 x 1/4" x 2-1/8"	83	(83)	
8 d # 11 x 9/32" x 2-3/8"	76	(76)	
9 d # 11 x 9/32" x 2-5/8"	76	(76)	
10 d # 10 x 5/16" x 2-7/8"	71	(71)	
12 d # 10 x 5/16" 3-1/8"	69	(69)	
16 d # 9 x 11/32" x 3-3/8"	67	(67)	
20 d # 7 x 3/8" x 3-7/8"	60	(60)	
30 d # 6 x 13/32" x 4-3/8"	76	(76)	
40 d # 5 x 7/16" x 4-7/8"	76	(76)	
50 d # 4 x 15/32" x 5-3/8"	76	(76)	
60 d # 3 x 1/2" x 5-7/8"	87	(87)	

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TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(15) Cement Coated Coolers Nails			
3 d ASWG # 15-1/2 x 3/16" x 1-1/8"	$147	($147)	
4 d # 14 x 7/32" x 1-3/8"	113	(113)	
5 d # 13-1/2 x 15/64" x 1-5/8"	101	(101)	
6 d # 13 x 1/4" x 1-7/8"	87	(87)	
7 d # 12-1/2 x 17/64" x 2-1/8"	83	(83)	
8 d # 11-1/2 x 9/32" x 2-3/8"	76	(76)	
9 d # 11-1/2 x 9/32" x 2-5/8"	76	(76)	
10 d # 11 x 19/64" x 2-7/8"	71	(71)	
(16) Cement Coated or Vinyl Coated Sinkers Nails			
3 d ASWG # 15-1/2 x 11/64" x 1-1/8"	$147	($147)	
4 d # 14 x 13/64" x 1-3/8"	113	(113)	
5 d # 13-1/2 x 7/32" x 1-5/8"	101	(101)	
6 d # 13 x 15/64" x 1-7/8"	87	(87)	
7 d # 12-1/2 x 1/4" 2-1/8"	83	(83)	
8 d # 11-1/2 x 17/64" x 2-3/8"	76	(76)	
10 d # 11 x 9/32" x 2-7/8"	71	(71)	
12 d # 10 x 5/16" x 3-1/8"	69	(69)	
16 d # 9 x 11/32" x 3-1/4"	67	(67)	
20 d # 7 x 3/8" x 3-3/4"	60	(60)	
30 d # 6 x 13/32" x 4-1/4"	76	(76)	
40 d # 5 x 7/16" x 4-3/4"	76	(76)	
60 d # 3 x 1/2" x 5-3/4"	87	(87)	
(17) Cement Coated Apple Box Nails			
5 d ASWG # 14 x 15/64" x 1-5/8"	$117	($117)	
5-1/2 d # 14 x 15/64" x 1-3/8"	117	(117)	
(18) Cement Coated Fruit Box Nails			
4 d ASWG # 15 x 7/32" x 1-3/8"	$142	($142)	
(19) Cement Coated Orange Box Nails			
4 d ASWG # 15 x 7/32" x 1-1/4"	$142	($142)	
(20) Cement Coated Egg Case Nails			
3 d ASWG # 15 x 7/32" x 1-1/8"	$158	($158)	

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TYPE/SIZE		TOTAL EXTRA	SIZE & E/G EXTRA
(21) Bright Barbed Roofing Nails			
ASWG	# 11 x 7/16" x 1"	$142	($142)
	x 1-1/4"	129	(129)
	x 1-1/2"	113	(113)
	x 1-3/4"	106	(106)
	x 2"	83	(83)
	# 12 x 3/8" x 1"	171	(171)
	x 1-1/4"	154	(154)
	x 1-1/2"	143	(143)
	x 1-3/4"	132	(132)
	x 2"	113	(113)
(22) E/G (Electro Galvanized) Barbed Roofing Nails			
ASWG	# 11 x 7/16" x 1"	$ 188	($188)
	x 1-1/4"	172	(172)
	x 1-1/2"	158	(158)
	x 1-3/4"	152	(152)
	x 2"	129	(129)
	# 12 x 3/8" x 1"	216	(216)
	x 1-1/4"	202	(202)
	x 1-1/2"	188	(188)
	x 1-3/4"	181	(181)
	x 2"	158	(158)

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TYPE/SIZE		TOTAL EXTRA	SIZE EXTRA	HEAD EXTRA
(23) Bright Duplex Head Nails				
6 d ASWG	# 11-1/2 x 17/64" x 1-3/4"	$115	($115)	
8 d	# 10-1/4 x 9/32" x 2-1/4"	101	(101)	
10d	# 9 x 5/16" x 2-3/4"	101	(101)	
16 d	# 8 x 11/32" x 3"	87	(87)	
(24) Bright Smooth Joist Hanger Nails				
ASWG	# 11 x 9/32" x 1-1/4"	$119	($119)	
	# 10-1/4 x 9/32" x 1-1/2"	115	(115)	
	# 9 x 5/16" x 1-1/2"	115	(115)	
(25) Tempered Hardened Steel Concrete Nails				
ASWG	# 9 x 3/16" x 1"	$307	($133)	($174)
	x 1-1/2"	303	(129)	(174)
	x 2"	284	(110)	(174)
(26) Bright Smooth Shank Drywall Nails				
ASWG	# 12-1/2 x 19/64" x 1-1/8"	$129	($129)	
	x 1-3/8"	126	(126)	
	x 1-1/2"	119	(119)	
(27) Bright Barbed Shank Plywood Nails				
ASWG	# 9 x 5/16" x 2"	$110	($ 96)	($14)
	x 2-1/8"	110	(96)	($14)
	x 2-1/2"	106	(92)	(14)
	# 10-1/4 x 9/32" x 1-1/4"	117	(103)	(14)
(28) Bright Barbed Shank Joist Hanger Nails				
ASWG	# 11 x 9/32" x 1-1/4"	$120	($106)	($14)
	# 10-1/4 x 9/32" x 1-1/2"	113	(99)	(14)
	# 9 x 5/16" x 1-1/2"	113	(99)	(14)
(29) Bright Barbed Shank Truss Nails				
ASWG	# 11 x 9/32" x 1-1/2"	$120	($106)	($14)

Smooth Shank Specialty Nails Extras ($/M.T.)

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TYPE/SIZE	TOTAL EXTRA ($/M.T.)			
(30) C.C. (Cement Coated) Plaster Board Nails		SIZE EXTRA	C.C. EXTRA	HEAD EXTRA
ASWG # 13 x 19/64" x 1"	$161	($131)	($30)	
x 1-3/8"	161	(131)	(30)	
x 1-1/2"	156	(126)	(30)	
# 13 x 11/32" x 1-1/2"	195	(126)	(30)	($39)
x 1-3/4"	195	(126)	(30)	(39)
# 13 x 3/8" x 1-1/2"	195	(126)	(30)	(39)
x 1-3/4"	195	(126)	(30)	(39)
(31) C.C. Smooth Shank Drywall Nails		SIZE EXTRA	C.C. EXTRA	HEAD EXTRA
ASWG # 12-1/2 x 19/64" x 1-3/8"	$156	($126)	($30)	
x 1-1/2"	149	(119)	(30)	
# 12-1/2 x 1/4" x 1-3/8"	156	(126)	(30)	
x 1-1/2"	149	(119)	(30)	
# 12-1/2 x 11/32" x 1-1/2"	188	(119)	(30)	($39)
(32) C.C. Barbed Shank Truss Nails		SIZE EXTRA	C.C. EXTRA	BARBED EXTRA
ASWG # 11 x 9/32" x 1-1/2"	$157	($113)	($30)	($14)
(33) C.C. (or Vinyl Coated) Barbed Drywall Nails		SIZE EXTRA	C.C. EXTRA	BARBED EXTRA
ASWG # 14 x 1/4" x 1-1/4"	$175	($131)	($30)	($14)
# 13 x 19/64" x 1-1/8"	170	(126)	(30)	(14)
# 12-1/2 x 19/64" x 1-1/2"	163	(119)	(30)	(14)
(34) Phosphate Coated Drywall Nails (Flat Head)		SIZE EXTRA	PHOSPHATE EXTRA	
ASWG # 14 x 1/4" x 1-1/4"	$200	($131)	($ 69)	
# 13 x 19/64" x 1-5/8"	195	(126)	(69)	

	TOTAL EXTRA ($/M.T.)			
(35) Phospate Coated Drywall Nails (Full Cup Head)		SIZE EXTRA	PHOSPHATE EXTRA	FULL CUP EXTRA
ASWG # 14 x 1/4" x 1-1/4"	$228	($131)	($ 69)	($28)
# 13 x 9/32" x 1-3/8"	223	(126)	(69)	(28)
# 13-1/2 x 19/64" x 1-5/8"	219	(122)	(69)	(28)
(36) H/D Galv. Smooth Siding Nails		SIZE EXTRA	H/D EXTRA	
7 d ASWG # 11-1/2 x 7/32 x 2-1/4"	$381	($101)	($280)	
8 d x 2-1/2"	372	(92)	(280)	
(37) Sterilized Blued Plaster Board Nails		SIZE EXTRA	BLUED EXTRA	HEAD SIZE EXTRA
ASWG # 13 x 19/64" x 1"	$218	($131)	($ 87)	
x 1-1/8"	218	(131)	(87)	
x 1-1/2"	213	(126)	(87)	
# 13 x 3/8" x 1"	257	(131)	(87)	($39)
(38) Sterilized Blued Lath Nails		SIZE EXTRA	BLUED EXTRA	
3 d ASWG # 15 x 11/64" x 1-1/8"	$248	($161)	($ 87)	
(39) Sterilized Blued Shingle Nails		SIZE EXTRA	BLUED EXTRA	
ASWG # 15 x 7/32" x 1-1/4"	$248	($161)	($ 87)	

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TYPE/SIZE	TOTAL EXTRA ($/M.T.)		
(40) E/G Smooth Siding Nails		SIZE EXTRA	BLUED EXTRA
5 d ASWG # 14 x 1-3/4"	$253	($129)	($124)
6 d # 12-1/2 x 2"	216	(110)	(106)
7 d # 12-1/2 x 2-1/4"	216	(110)	(106)
8 d # 11-1/2 x 2-1/2"	207	(101)	(106)
(41) E/G Shingle Nails		SIZE EXTRA	E/G EXTRA
3 d ASWG # 14 x 1/4" x 1-1/4"	$253	($129)	($124)
4 d # 13 x 1/4" x 1-1/2"	243	(119)	(124)
(42) E/G Plaster Board Nails		SIZE EXTRA	E/G EXTRA
ASWG # 13 x 19/64" x 1"	$255	($131)	($124)
x 1-1/4"	255	(131)	(124)
x 1-1/2"	243	(119)	(124)
(43) E/G Smooth Joist Hanger Nails		SIZE EXTRA	E/G EXTRA
ASWG # 9 x 5/16" x 1-1/4"	$239	($115)	($124)
x 1-1/2"	218	(113)	(106)
# 10-1/4 x 9/32" x 1-1/4"	241	(117)	(124)
(44) E/G Barbed Shank Joist Hanger Nails		SIZE EXTRA	E/G EXTRA	BARBED EXTRA
ASWG # 8 x 11/32" x 2"	$212	($ 92)	($106)	($14)
# 9 x 5/16" x 1-1/2"	230	(110)	(106)	(14)
# 10-1/4 x 9/32" x 1-1/2"	235	(115)	(106)	(14)
# 11 x 19/64" x 1-1/4"	239	(119)	(106)	(14)

TYPE/SIZE	TOTAL EXTRA ($/M.T.)			
(45) E/G Barbed shank Plywood Nails		SIZE EXTRA	E/G EXTRA	BARBED EXTRA
ASWG # 10-1/4 x 7/16" x 1-7/8"	$235	($115)	($106)	($14)
(46) E/G Barbed Shank Truss Nails		SIZE EXTRA	E/G EXTRA	BARBED EXTRA
ASWG # 11 x 9/32" x 1-1/2"	$239	($119)	($106)	($14)
(47) E/G Barbed Shank Siding Nails		SIZE EXTRA	E/G EXTRA	BARBED EXTRA
ASWG # 14 x 3/16" x 1-3/4"	$267	($129)	($124)	($14)
# 13-1/2 x 1/32" x 1-1/2"	257	(119)	(124)	(14)
(48) E/G Tempered Hardened Steel Concrete Stub Nails		SIZE EXTRA	E/G EXTRA	T.H. EXTRA
ASWG # 9 x 5/16" x 1"	$431	($133)	($124)	($174)
x 1-1/2	427	(129)	(124)	(174)
x 2"	390	(110)	(106)	(174)
(49) E/G Barbed Shank Painted Siding Nails		SIZE EXTRA	E/G EXTRA	PAINT EXTRA	BARBED EXTRA
ASWG # 12-1/2 x 3/16" x 2"	$427	($110)	($106)	($197)	($14)
x 2-1/2	427	(110)	(106)	(197)	(14)
# 13 x 3/16" x 1-1/4"	465	(130)	(124)	(197)	(14)
x 1-1/2"	464	(129)	(124)	(197)	(14)
x 2"	432	(115)	(106)	(197)	(14)

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SPECIAL ORDER SIZE EXTRAS FOR SMOOTH SHANK SPECIALTY NAILS
($/M.T.)

Shank-gauge/ Length	4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2	17-18
1/2"	-	-	154	-	-	-	-	-	-
5/8	-	-	135	-	-	-	174	188	211
3/4	-	-	124	-	142	147	165	181	202
7/8	-	-	119	-	133	138	156	174	193
1-1-3/8	-	-	115	119	124	129	147	165	-
1-1/2-1-7/8	-	-	110	113	117	122	138	156	-
2-2-3/8	-	110	106	106	110	115	133	-	-
2-1/2-3	-	106	101	96	101	106	-	-	-
3-1/8-4	101	101	92	-	-	-	-	-	-
4-1/8-5	96	96	83	-	-	-	-	-	-
5-1/8-up	92	92	-	-	-	-	-	-	-

Note: Size extras determined from this table apply only to items 20-49.

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TYPE/SIZE		TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(50) Bright Annular Threaded Drywall Nails				
ASWG	# 12-1/2 x 19/64" x 1-3/8"	$225	($225)	
	x 1-1/2"	216	(216)	
	x 1-5/8"	216	(216)	
	# 12-1/2 x 1/4" x 1"	225	(225)	
	x 1-1/4"	225	(225)	
(51) Bright Ring Shank Underlay Nails				
ASWG	# 13 x 3/16" x 1"	$298	($298)	
	x 1-1/4"	294	(294)	
	x 1-3/4"	266	(266)	
	# 12-1/2 x 3/16" x 1-1/4"	225	(225)	
	x 1-3/8"	225	(225)	
	# 12-1/2 x 7/32" x 1"	225	(225)	
	x 1-1/4	225	(225)	
	x 1-1/2"	225	(225)	
	# 12-1/2 x 1/4" x 1-1/4"	225	(225)	
	x 1-3/8"	225	(225)	
	x 2"	211	(211)	
	# 14 x 3/16" x 1"	432	(432)	
(52) E/G Annular Threaded Drywall Nails				
ASWG	# 12-1/2 x 19/64" x 1-1/4"	$349	($225)	($124)
	x 1-3/8"	349	(225)	(124)
	x 1-1/2"	340	(216)	(124)
	x 1-5/8"	340	(216)	(124)
	# 13 x 19/64" x 1"	422	(298)	(124)
	x 1-5/8"	390	(266)	(124)
(53) E/G Annular Threaded Shake Nails				
ASWG	# 13 x 3/16" x 1-1/2"	$390	($266)	($124)
	x 1-3/4"	390	(266)	(124)
	x 2"	367	(243)	(124)

Ring, Screwed and Fluted Shank Nail Extras ($/M.T.)

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TYPE/SIZE	TOTAL EXTRA ($/M.T.)		
(54) Blued Annular Threaded Drywall Nail		Size Extra	Blued Extra
ASWG # 12-1/2 x 19/64" x 1-1/4"	312	(225)	(87)
x 1-3/8"	312	(225)	(87)
x 1-1/2"	303	(216)	(87)
x 1-5/8"	303	(216)	(87)
(55) Blued Annular Threaded Underlay Nails		Size Extra	Blued Extra
ASWG # 14-1/2 x 3/16" x 1"	$528	($441)	($ 87)
# 14 x 3/16" x 1"	519	(432)	(87)
# 14 x 3/16" x 1-1/4"	509	(422)	(87)
# 13 x 3/16" x 1"	385	(298)	(87)
# 13 x 3/16" x 1-3/4"	353	(266)	(87)
# 12-1/2 x 7/32" x 1-1/4"	312	(225)	(87)
# 12-1/2 x 7/32" x 1-1/2"	312	(225)	(87)
(56) C.C. Annular Threaded Drywall Nails		Size Extra	C.C. Extra
ASWG #12-1/2 x 19/64" x 1-1/4"	$255	($225)	($30)
#12-1/2 x 19/64" x 1-3/8"	255	(225)	(30)
#12-1/2 x 19/64" x 1-1/2"	246	(216)	(30)
#12-1/2 x 19/64" x 1-5/8"	246	(216)	(30)
#13 x 19/64" x 1"	328	(298)	(30)
#13 x 19/64" x 1-1/4"	328	(298)	(30)
(57) Hot Dip-galv. Annular Threaded Shake Nails		Size Extra	H/D Galv. Extra
ASWG # 14 x 5/32" x 1-3/8"	$693	($413)	($280)
# 14 x 5/32" x 1-3/4"	675	(395)	(280)
# 13 x 5/32" x 2"	519	(239)	(280)
# 12-1/2 x 13/64" x 2-1/2"	487	(207)	(280)

TYPE/SIZE	TOTAL EXTRA ($/M.T.)		
(58) Tempered Hardened Steel Ring Shank Pole Barn Nails		Size Extra	T.H. Extra
ASWG # 7 x 3/8" x 4"	$390	($216)	($174)
x 5"	427	(253)	(174)
(59) Bright Drive Screw Nails (Regular Steel C-1023)		Size Extra	
ASWG # 12 x 1/4" x 1-1/2"	$211	($211)	
x 2"	207	(207)	
# 11-1/2 x 9/32" x 2-1/4"	202	(202)	
# 11 x 9/32" x 2-1/4"	202	(202)	
# 11 x 9/32" x 2-1/2"	193	(193)	
# 10 x 5/16" x 3"	193	(193)	
(60) Bright Drive Screw Nails (Stiff Stock C-1030)		Size Extra	Grade Extra
ASWG # 11-1/2 x 9/32" x 2"	$234	($202)	($32)
x 2-1/4"	234	(202)	(32)
#11 x 9/32" x 2-1/2"	225	(193)	(32)
(61) Bright Drive Screw Nails (Stiff Stock C-1040)		Size Extra	Grade Extra
ASWG # 11-1/2 x 9/32" x 2"	$239	($202)	($37)
x 2-1/4"	239	(202)	(37)
# 11 x 9/32" x 2-1/2"	230	(193)	(37)
(62) C.C. Drive Screw Nails (Regular Steel C-1023)		Size Extra	C.C. Extra
ASWG # 12 x 1/4" x 1-1/2"	$241	($211)	($30)
# 11-1/2 x 9/32" x 2"	232	(202)	(30)
x 2-1/4"	232	(202)	(30)
# 11 x 9/32" x 2-1/2"	223	(193)	(30)
# 10 x 5/16" x 3"	223	(193)	(30)
# 9 x 5/16" x 3-1/2"	223	(193)	(30)

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	TYPE/SIZE	TOTAL EXTRA ($/M.T.)			
(63)	Tempered Hardened Steel Drive Screw Nails		Size Extra	T.H. Extra	
	ASWG # 11-1/2 x 9/32" x 2-1/4	$376	($202)	($174)	
	# 11 x 9/32" x 2-1/2"	367	(193)	(174)	
(64)	Tempered Hard Steel Drive Screw Flooring Nails		Size Extra	T.H. Extra	
	6 d # 11-1/2 x 13/64" x 2"	$376	($202)	($174)	
	7 d # 11-1/2 x 13/64" x 2-1/4"	376	(202)	(174)	
	8 d # 11-1/2 x 13/64" x 2-1/2"	367	(193)	(174)	
(65)	Bright Annular Threaded Truss Nails		Size Extra		
	ASWG # 11 x 9/32" x 1-1/2"	$207	($207)		
(66)	Tempered Hardened Steel E/G Screw Siding Nails		Size Extra	T.H. Extra	E/G Extra
	7 d ASWG # 11-1/2 x 7/32" x 2-1/4"	$482	($202)	($174)	($106)
	8 d ASWG # 11-1/2 x 7/32" x 2-1/2"	484	(204)	(174)	(106)
(67)	Tempered Hardened Steel Fluted Masonry Nails		Size Extra	T.H. Extra	
	ASWG # 9 x 5/16" x 1"	$409	($235)	($174)	
	x 1-1/4"	409	(235)	(174)	
	x 1-1/2"	399	(225)	(174)	
	x 2"	391	(217)	(174)	
	x 2-1/2"	369	(195)	(174)	
(68)	Tempered Hardened Steel H/D Galv. Screw Siding Nails		Size Extra	T.H. Extra	H/D Extra
	7 d ASWG # 11-1/2 x 7/32" x 2-1/4"	$482	($202)	($174)	($106)
	8 d ASWG # 11-1/2 x 7/32" x 2-1/2"	475	(195)	(174)	(106)

SPECIAL ORDER SIZE EXTRAS FOR RING, SCREWED AND FLUTED SHANK SPECIALTY NAILS
($/M.T.)

Shank-gauge/ Length	4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2
3/4	-	-	285	-	-	-	496	-
7/8	-	-	266	-	-	340	468	505
1-1-3/8	-	-	243	216	225	294	427	459
1-1/2-1-7/8	-	-	234	207	220	266	409	436
2-2-3/8	-	-	225	202	211	239	367	-
2-1/2-3	-	202	202	195	202	220	-	-
3-1/8-4	257	202	202	-	-	-	-	-
4-1/2-up	276	243	-	-	-	-	-	-

Note: Size extras determined from this table apply only to items 50-70.

[FR Doc. 81-6486 Filed 2-25-81; 8:45 am]
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Thursday
February 26, 1981

Part III

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Restrictions on Property of the Former Shah of Iran

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purpose of the amendment is to prohibit transfers of all property and assets located in the United States within the control of the estate of the former Shah of Iran or any close relative of the former Shah served as a defendant in litigation in courts within the United States brought by Iran seeking the return of property alleged to belong to Iran. The need for the amendment is to implement the provisions of Executive Order No. 12284, signed by the President on January 19, 1981, requiring the blocking of such property and assets to protect the rights of litigants in courts within the United States, and directing the Secretary of the Treasury to require reports on such property and assets. The effect of the amendment is that all transfers of such property and assets will be prohibited when Iran proves to the Office of Foreign Assets Control (OFAC) that there has been service in such cases on such persons and OFAC publishes a notice to this effect in the **Federal Register.**

EFFECTIVE DATE: January 19, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202–376–0236).

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Pursuant to Executive Order 12284 of January 19, 1981 the Office of Foreign Assets Control will conduct a census of property and assets within the control of the estate of the former Shah or close relatives of the former Shah served in litigation by Iran. Litigation has been filed naming numerous individuals. To avoid duplication, the census will be temporarily deferred to allow a period of time in which the Government of Iran may provide proof of service of defendants to the Office of Foreign Assets Control.

31 CFR Part 535 is amended as follows:

1. Section 535.217 is added to read as follows:

§ 535.217 Blocking of property of the former Shah of Iran and of certain other Iranian nationals.

(a) For the purpose of protecting the rights of litigants in courts within the United States, all property and assets located in the United States in the control of the estate of Mohammad Reza Pahlavi, the former Shah of Iran, or any close relative of the former Shah served as a defendant in litigation in such courts brought by Iran seeking the return of property alleged to belong to Iran, is blocked as to each such estate or person, until all such litigation against such estate or person is finally terminated. This provision shall apply only to such persons as to which Iran has furnished proof of service to the Office of Foreign Assets Control and which the Office has identified in paragraph (b) of this section.

(b) [Reserved]

(c) The effective date of this section is January 19, 1981.

Section 535.580 is added to read as follows:

§ 535.580 Necessary living expenses of relatives of the former Shah of Iran.

The transfer, payment or withdrawal of property described in § 353.217 is authorized to the extent necessary to pay living expenses of any individual listed in that section. Living expenses for this purpose shall include food, housing, transportation, security and other personal expenses.

(Sec. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12211, 45 FR 26685; E.O. No. 12284, 46 FR 7929)

Dated: February 24, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operation).

Filed: February 25, 1981.

Publication date: February 26, 1981.

[FR Doc. 81-3811 Filed 2-25-81; 9:10 am]

BILLING CODE 4810-25-M

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31 CFR Part 535

Iranian Assets Control Regulations

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are to add new directive provisions and related definitions and interpretations; and to revoke certain trade and financial sanctions against Iran, in order to implement the agreements reached between the United States and Iran on January 19, 1981, and related agreements (the "agreements"), which commit the United States and Iran to take certain steps to free the American hostages and to resolve certain claims between the United States and its nationals and Iran and its nationals.

EFFECTIVE DATE: January 19, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, 202/376–0236.

SUPPLEMENTARY INFORMATION: The need for the amendments is (a) to implement Executive Order 12276, signed by the President on January 19, 1981, providing for the establishment of an Escrow Agreement and to implement Executive Orders 12277, 12278, 12279, 12280 and 12281 of the same date licensing, authorizing, directing and compelling: (1) the transfer by the Federal Reserve Bank of New York of all assets held by it for the Government of Iran and its entities ("Iran") to accounts held for the Federal Reserve Bank of New York at the Bank of England, (2) the transfer by overseas branches and offices of United States banks of all deposits and securities held by them for Iran to the account of the Federal Reserve Bank of New York at the Bank of England, (3) the transfer by domestic banks of all funds, securities and deposits held by them for Iran to the Federal Reserve Bank of New York, (4) the transfer by persons which are not banking institutions of funds or securities of Iran to the Federal Reserve Bank of New York and (5) the transfer by all persons subject to the jurisdiction of the United States of certain properties, not including funds and securities, owned by Iran, as directed by the Government of Iran acting through its authorized agent; (b) to implement Executive Order 12282 of January 19, 1981, revoking various sanctions and prohibitions against transactions involving Iran; and Executive Order 12283 of January 19, 1981, barring the prosecution of certain claims against Iran arising from specified occurrences and terminating any previously instituted judicial proceedings based upon such claims;

and (c) to revoke miscellaneous provisions rendered unnecessary by the above described amendments. Certain of the amendments are also needed for purposes of prohibiting and nullifying the acquisition, by litigation or otherwise, of any rights or interests in the assets subject to the transfer directives which would interfere with the transfer of those assets and with implementation of the agreements between the United States and Iran.

The effect of the amendments is that prohibitions in the Regulations on the transfer of the assets covered by the directives, as well as rights and interests in the assets other than those of the Government of Iran or its entities will be removed so that the agreements can be effectuated. The amendments also have the effect of revoking miscellaneous sanctions against Iran; and of providing for the non-prosecution of certain claims against Iran.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

The President has signed a series of executive orders implementing the agreements between the U.S. and Iran.

Executive Order 12276 of January 19, 1981, authorizes the Secretary of the Treasury to enter into and to license, authorize, direct and compel any appropriate official and/or the Federal Reserve Bank of New York, as fiscal agent of the United States, to enter into escrow or related agreements under which certain money and other assets shall be transferred in implementation of the agreements between the United States and Iran. This Executive Order also authorizes the Secretary of the Treasury to license, authorize, direct and compel the Federal Reserve Bank of New York to receive certain money and other assets of the Government of Iran.

Executive Order 12277 of January 19, 1981, licenses, authorizes, directs and compels transfers into accounts at the Bank of England, and then into the escrow account, of assets of the Government of Iran held by the Federal Reserve Bank of New York.

Executive Order 12278 of January 19, 1981, licenses, authorizes, directs and compels the transfer of funds, securities and deposits of Iran, including interest at commercially reasonable rates, held by overseas branches and offices of United States banks to the account of the Federal Reserve Bank of New York at the Bank of England, to be held or transferred as directed by the Secretary of the Treasury. The assets transferred pursuant to this Executive Order are to be further transferred as provided for in the agreements.

Executive Order 12279 of January 19, 1981, licenses, authorizes, directs and compels the transfer of funds, securities and deposits of Iran, including interest at commercially reasonable rates, held by domestic branches or offices of banks which branches or offices are located within the United States to the Federal Reserve Bank of New York to be held or transferred as directed by the Secretary of the Treasury.

Executive Order 12280 of January 19, 1981, licenses, authorizes, directs and compels the transfer of funds and securities of Iran held by persons which are not banking institutions to the Federal Reserve Bank of New York to be held or transferred by the Secretary of the Treasury. This Executive Order applies to both overseas and domestically held assets.

Executive Order 12281 of January 19, 1981, licenses, authorizes, directs and compels the transfer by all persons subject to the jurisdiction of the United States of properties, not including funds and securities, owned by Iran, as directed by the Government of Iran acting through its authorized agent.

Executive Order 12282 of January 19, 1981 revokes various sanctions, and prohibitions against transactions involving Iran.

Executive Order 12283 of January 19, 1981, bars the prosecution of certain claims against Iran arising from specified occurrences and terminating any previously instituted judicial proceedings based upon such claims.

These amendments to the Iranian Assets Control Regulations implement the above-described executive orders and are summarized below.

1. *Direction to establish an escrow agreement.*

New § 535.210(a) licenses, authorizes, directs and compels the Federal Reserve Bank of New York as fiscal agent of the United States to enter into escrow or related agreements under which certain money and other assets will be transferred to the escrow account. In connection with the implementation of the escrow agreement, § 535.210(b) licenses, authorizes, directs and compels the Federal Reserve Bank of New York, as fiscal agent of the United States, to receive money and other assets in which Iran has an interest, and to hold or to transfer those assets in such a manner as the Secretary of the Treasury deems necessary to fulfill the rights and obligations of the United States under the agreements between the United States and Iran.

2. *Direction involving transfers of assets held by the Federal Reserve Bank of New York.*

New § 535.211 licenses, authorizes, directs and compels the Federal Reserve Bank of New York to transfer to its account at the Bank of England, and subsequently to transfer to the escrow account, all gold bullion and other assets held by it for Iran when and in the manner directed by the Secretary of the Treasury.

3. *Direction to transfer assets held by overseas branches and offices of United States banks.*

New § 535.212 licenses, authorizes, directs and compels any overseas branch or office of a United States bank which, on or after 8:10 a.m., e.s.t., on November 14, 1979, has been or is in possession of funds or securities owned by Iran, or has carried or is carrying on its books deposits standing to the credit of Iran, to transfer such assets, including interest at commercially reasonable rates, to the account of the Federal Reserve Bank of New York at the Bank of England, to be held or transferred as directed by the Secretary of the Treasury. The funds, securities and deposits described in this section shall be further transferred as provided for in the agreements between the United States and Iran.

Section 535.212(b) provides that any bank subject to the jurisdiction of the United States that executed set-offs against deposits or securities held by them for Iran are authorized and directed to cancel such set-offs and to include in the directed transfer all assets subject to the set-offs, including interest at commercially reasonable rates.

4. *Direction to transfer assets held by domestic banks.*

New § 535.213 licenses, authorizes, directs and compels the transfer by domestic banks of all funds, securities and deposits held by them for Iran, including interest from November 14, 1979, at commercially reasonable rates, to the Federal Reserve Bank of New York, to be held or transferred as directed by the Secretary of the Treasury.

5. *Direction to transfer other financial assets.*

New § 535.214 licenses, authorizes, directs and compels persons subject to the jurisdiction of the United States which are not banking institutions to transfer all funds or securities of Iran in their possession or control to the Federal Reserve Bank of New York, to be held or transferred as directed by the Secretary of the Treasury. However, such transfers are not required until certain disputes as to Iran's entitlement are resolved.

6. *Direction to transfer other properties.*

New § 535.215 licenses, authorizes, directs and compels all persons subject to the jurisdiction of the United States to transfer properties, not including funds and securities, which are owned by Iran and are in the possession or control of such persons as directed by the Government of Iran, acting through its authorized agent. (New § 535.333 defines the term "properties" as used in § 535.215.)

7. *Certain claims against Iran barred.*

New § 535.216 bars persons subject to the jurisdiction of the United States from prosecuting, in any court within the United States or elsewhere, any claim against the Government of Iran arising out of certain specified events. These events relate to the seizure and detention of the hostages, injury to United States property or property of United States nationals within the United States Embassy compound in Tehran and injury to United States nationals or their property as a result of popular movements in the course of the Islamic Revolution in Iran which were not an act of the Government of Iran.

Section 535.216 also bars the prosecution of such claims in any court within the United States by persons who are not United States nationals.

Section 535.216 bars further action in any previously instituted judicial proceedings which are based upon any of the above-described claims and provides that all such proceedings shall be terminated. In addition, § 535.216 prohibits the enforcement of any judicial order issued in the course of such proceedings.

8. *Prohibitions with respect to assets subject to transfer directives; Nullification of attachments and similar remedies; Prohibitions on judicial action.*

New § 535.218(a) revokes and withdraws all licenses and authorizations for acquiring or exercising any right, power or privilege by court order, attachment or otherwise, with respect to any of the properties covered by the directives in §§ 535.211 to 535.215. New § 535.218(b) provides that all rights, powers and privileges relating to the assets described in §§ 535.211 to 535.215 which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m., e.s.t., including those derived from § 535.504 of the Regulations, whether acquired by court order or otherwise, are nullified. The nullification does not apply to rights, powers or privileges of Iran. New § 535.218(c) prohibits the acquisition or exercise of any right, power or privilege with respect to any property (and any income earned thereon) referred to in the directives in §§ 535.211 to 535.215. New § 535.218(d) provides that the prohibition on the acquisition of rights contained in § 535.218(c) does not apply to the Government of Iran, its agencies, instrumentalities or controlled entities. New § 535.218(e) provides that § 535.218 does not revoke or withdraw certain specific licenses, issued prior to January 19, 1981, until April 15, 1981.

9. *Compliance with this part a legal acquittance and discharge of the obligation of any person.*

New § 535.219, pursuant to Section 203(a)(3) of the International Emergency Economic Powers Act, states that compliance in good faith with the directive provisions in §§ 535.210 to 535.215 or any other orders, regulations, instructions or directions which license, authorize, direcf or compel the transfer of assets referred to in those sections shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligations of the person making the same. No person shall be held liable in any United States court for such good faith compliance.

10. *Timing of transactions.*

New § 535.220 provides that transfers of overseas bank assets required by § 535.212 shall be executed no later than 6:00 a.m., e.s.t., January 20, 1981.

11. *Compliance with other directive provisions.*

New § 535.221(a) provides that compliance with the directive provisions of §§ 535.213 and 535.214 pertaining to domestic bank assets and other financial assets requires that persons affected by these directives implement them as soon as reasonably practicable. New § 535.221(b) states the U.S. policy, until further notice, not to seek sanctions against any party who does not make any transfer required by §§ 535.213 to 535.215 while challenges to the authority of the United States to order the transfers are pending in U.S. courts.

12. *Suspension of claims eligible for Claims Tribunal.*

New § 535.222 provides (a) that all claims which may be presented to the Iran-United States Claims Tribunal provided for in the agreements between the United States and Iran and all claims for equitable or other relief in connection with such claims, are suspended, (b) that the section does not prohibit assertions of defense, set-off or counterclaim in any pending or future judicial proceeding commenced by Iran, (c) that the section does not preclude actions to toll periods of limitations for commencement of action, (d) that dismissal for want of prosecution is not required, (e) that the suspension shall terminate if the Claims Tribunal determines it lacks jurisdiction, (f) that a determination on the merits by the Tribunal shall operate as a final resolution and discharge of the claim, provided that full payment of the award is paid, and (g) that the section does not apply to certain claims concerning standby letters of credit, performance or payment bonds or other similar instruments.

13. *Definition of "properties."*

New § 535.333 defines "properties" as used in § 535.215 to include only uncontested and non-contingent liabilities and property interests of Iran. Specifically excluded are (1) funds, (2) securities, (3) bank deposits, and (4) obligations under standby letters of credit or similar instruments. Properties are not Iranian properties owned by Iran unless necessary obligations, charges and fees are discharged.

14. *Definition of an act of the Government of Iran.*

New § 535.334 defines an act of the Government of Iran as including any acts ordered, authorized, allowed or ratified by Iran or its entities.

15. *Definition of "claim arising out of events in Iran."*

New § 535.335 states that a claim is one arising out of events in Iran of the type specified in § 535.216 only if such event is the specific act that is the basis of the claim.

16. *Definition of "funds."*

New § 535.337 defines "funds" as used in this part to mean currency and coin, trust, escrow and special funds held by non-banking institutions.

17. *Status of Central Bank of Iran.*

New § 535.433 provides that, for purposes of this part, the Central Bank of Iran (Bank Markazi Iran) is an agency, instrumentality and controlled entity of the Government of Iran.

18. *Effect on other authorities.*

New § 535.437 states that nothing in this part relieves any persons from the necessity of securing licenses or other authorizations as required by the Secretary of State, the Secretary of Commerce or other relevant agency prior to executing the transactions authorized or directed by this part.

19. *Stanby letters of credit.*

New § 535.438 states that nothing contained in §§ 535.212, 535.213 and 535.214 or in any other provision, revocation or amendment affects the prohibition in § 535.568 on the payment under certain standby letters of credit, performance or payment bonds and similar obligations. Section 535.568(a) prohibits the payment under a standby letter of credit into a blocked account provided that the account party avails itself of the specific licensing procedure to establish a blocked account on its books. The prohibition and the procedure remain in effect. The section also provides that the term "funds and securities" as used in this part excludes the substitute blocked accounts established under § 535.568 relating to standby letters of credit, performance or payment bonds and similar obligations.

20. *Commercially reasonable interest rates.*

New § 535.440 provides that the meaning of the term "commercially reasonable rates" depends on the particular circumstances of the deposit.

21. *Exclusion of pre-judgment attachments and similar proceedings from general license for judicial proceedings.*

The general license in § 535.504 for judicial proceedings is amended to exclude pre-judgment attachments and other proceedings of similar or analogous effect with respect to property subject to §§ 535.211 through 535.215 and reference is made to the claims suspension provisions of § 535.222.

22. *Authorization for new transactions.*

New § 535.579 authorizes new transactions involving property of Iran. Transactions involving standby letters of credit, performance or payment bonds and similar obligations remain subject to the provisions of § 535.568. The section also highlights that attachment, injunction and similar orders are prohibited with respect to property not blocked on January 19, 1981, which is or becomes subject to U.S. jurisdiction for the express purpose of settling claims against Iran.

23. *Reports on transfers of other assets.*

Section 535.618 provides than any person failing to transfer property as directed by Iran is required to submit a brief report to the Office of Foreign Assets Control explaining why the property was not transferred.

24. *Revocation of general license for overseas set-offs.*

Section 535.902 is amended to revoke the general license in paragraph (a) authorizing overseas set-offs and by adding paragraph (c) to provide that for purposes of this section, set-offs include combinations of accounts or any similar actions.

25. *Revocation of sanctions, prohibitions and obsolete provisions.*

These amendments revoke various sanctions and prohibitions against transactions involving Iran, including certain prohibitions against imports from Iran, financial transactions with Iran, exports to Iran, and travel-related transactions. They also revoke miscellaneous definitions, interpretations and statements of licensing policy that are obsolete as the result of the above amendments.

Additional sections of the existing regulations may be revoked and additional provisions may be added, as appropriate.

31 CFR Part 535 is amended as follows:

1. Section 535.210 is added as follows:

§ 535.210 Direction for establishing an escrow agreement.

(a) The Federal Reserve Bank of New York, as fiscal agent of the United States, is licensed, authorized, directed and compelled to enter into escrow and related agreements under which certain money and other assets shall be credited by the Bank of England to escrow accounts.

(b) The Federal Reserve Bank of New York is licensed, authorized, directed and compelled, as fiscal agent of the United States, to receive certain money and other assets in which Iran or its agencies, instrumentalities or controlled entities have an interest and to hold or transfer such money and other assets, and any earnings or interest payable thereon, in such manner and at such times as the Secretary of the Treasury deems necessary to fulfill the rights and obligations of the United States under the Declaration of the government of the Democratic and Popular Republic of Algeria dated January 19, 1981, and the Undertakings of the Government of the United States of America and the Government of Islamic Republic of Iran with respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria, and the escrow and related agreements described in paragraph (a) of this section. Such money and other assets may be invested, or not, at the discretion of the Federal Reserve Bank of New York, as fiscal agent of the United States.

2. Section 535.211 is added as follows:

§ 535.211 Direction involving transfers by the Federal Reserve Bank concerning certain Iranian property.

The Federal Reserve Bank of New York is licensed, authorized, directed and compelled to transfer to its account at the Bank of England, and subsequently to transfer to accounts in the name of the Central Bank of Algeria as Escrow Agent at the Bank of England that are established pursuant to an escrow and related agreements approved by the Secretary of the Treasury, all gold bullion, together with all other assets in its custody (or the cash equivalent thereof), of Iran or its agencies, instrumentalities or controlled entities. Such transfers, and whatever further related transactions are deemed appropriate by the Secretary of the Treasury, shall be executed when and in the manner directed by the Secretary of the Treasury.

3. Section 535.212 is added as follows:

§ 535.212 Direction to transfer property in which Iran or an Iranian entity has an interest by branches and offices of United States banks located outside the United States.

(a) Any branch or office of a United States bank or subsidiary thereof, which branch, office or subsidiary is located outside the territory of the United States, and which, on or after 8:10 a.m., e.s.t., on November 14, 1979, (1) has been or is in possession of funds or securities legally or beneficially owned by the Government of Iran or its agencies, instrumentalities, or controlled entities, or (2) has carried or is carrying on its books deposits standing to the credit of or beneficially owned by such government, its agencies, instrumentalities or controlled entities, is licensed, authorized, directed and compelled to transfer such funds, securities and deposits, held on January 19, 1981, including interest from November 14, 1979, at commercially reasonable rates, to the account of the Federal Reserve Bank of New York, as fiscal agent of the U.S., at the Bank of England, to be held or transferred as directed by the Secretary of the Treasury. The funds, securities and deposits described in this section shall be further transferred as provided for in the Declarations of the Government of the Democratic and Popular Republic of Algeria and the Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with respect to the Declaration.

(b) Any banking institution subject to the jurisdiction of the United States that has executed a set-off on or after 8:10 a.m., e.s.t., November 14, 1979, against Iranian funds, securities or deposits referred to in paragraph (a) of this section is hereby licensed, authorized, directed and compelled to cancel such set-off and to transfer all funds, securities and deposits which have been subject to such set-off, including interest from November 14, 1979, at commercially reasonable rates, pursuant to the provisions of paragraph (a) of this section.

4. Section 535.213 is added as follows:

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§ 535.213 Direction involving property held by offices of banks in the U.S. in which Iran or an Iranian entity has an interest.

(a) Any branch or office of a bank, which branch or office is located within the United States and is, on the effective date of this section, either (1) in possession of funds or securities legally or beneficially owned by the Government of Iran or its agencies, instrumentalities or controlled entities, or (2) carrying on its books deposits standing to the credit of or beneficially owned by such government or its agencies, instrumentalities or controlled entities, is licensed, authorized, directed and compelled to transfer such funds, securities and deposits, held on January 19, 1981, including interest from November 14, 1979, at commercially reasonable rates, to the Federal Reserve Bank of New York, as fiscal agent of the U.S., to be held or transferred as directed by the Secretary of the Treasury.

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part.

5. Section 535.214 is added as follows:

§ 535.214 Direction involving other financial assets in which Iran or an Iranian entity has an interest held by any person subject to the jurisdiction of the United States.

(a) Any person subject to the jurisdiction of the United States which is not a banking institution and is on January 19, 1981, in possession or control of funds or securities of Iran or its agencies, instrumentalities or controlled entities is licensed, authorized, directed and compelled to transfer such funds or securities to the Federal Reserve Bank of New York, as fiscal agent of the U.S., to be held or transferred as directed by the Secretary of the Treasury. However, such funds and securities need not be transferred until any disputes (not relating to any attachment, injunction or similar order) as to the entitlement of Iran and its entities to them are resolved.

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part.

(c) Any funds, securities or deposits subject to a valid attachment, injunction or other like proceeding or process not affected by § 353.218 need not be transferred as otherwise required by this section.

6. Section 535.215 is added as follows:

§ 535.215 Direction involving other properties in which Iran or an Iranian entity has an interest held by any person subject to the jurisdiction of the United States.

All persons subject to the jurisdiction of the United States in possession or control of properties, as defined in § 535.333 of this part, not including funds and securities owned by Iran or its agencies, instrumentalities or controlled entities are licensed, authorized, directed and compelled to transfer such properties held on January 19, 1981 as directed after that date by the Government of Iran, acting through its authorized agent. Except where specifically stated, this license, authorization and direction does not relieve persons subject to the jurisdiction of the United States from existing legal requirements other than those based upon the International Emergency Economic Powers Act.

7. Section 535.216 is added as follows:

§ 535.216 Prohibition against prosecution of certain claims.

(a) Persons subject to the jurisdiction of the United States are prohibited from prosecuting in any court within the United States or elsewhere, whether or not litigation was commenced before or after January 19, 1981, any claim against the Government of Iran arising out of events occurring before January 19, 1981 relating to:

(1) The seizure of the hostages on November 4, 1979;

(2) The subsequent detention of such hostages;

(3) Injury to United States property or property of United States nationals within the United States Embassy compound in Tehran after November 3, 1979; or

(4) Injury to United States nationals or their property as a result of popular movements in the course of the Islamic Revolution in Iran which were not an act of the Government of Iran.

(b) Any persons who are not United States nationals are prohibited from prosecuting any claim described in paragraph (a) of this section in any court within the United States.

(c) No further action, measure or process shall be taken after the effective date of this section in any judicial proceeding instituted before the effective date of this section which is based upon any claim described in paragraph (a) of this section, and all such proceedings shall be terminated.

(d) No judicial order issued in the course of the proceedings described in paragraph (c) of this section shall be enforced in any way.

8. Section 535.218 is added as follows:

§ 535.218 Prohibitions and nullifications with respect to property described in §§ 535.211, 535.212, 535.213, 535.214 and 535.215.

(a) All licenses and authorizations for acquiring or exercising any right, power or privilege, by court order, attachment, or otherwise, including the license contained in § 535.504, with respect to the property described in §§ 535.211, 535.212, 535.213, 535.214 and 535.215 are revoked and withdrawn.

(b) All rights, powers and privileges relating to the property described in §§ 535.211, 535.212, 535.213, 535.214 and 535.215 and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m., e.s.t., including those derived from § 535.504, other than rights, powers and privileges of the Government of Iran and its agencies, instrumentalities and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power or privilege, whether by court order or otherwise, with respect to property (and any income earned thereon) referred to in §§ 535.211, 535.212, 535.213, 535.214 and 535.215.

(d) The prohibitions contained in paragraph (c) of this section shall not apply to Iran, its agencies, instrumentalities or controlled entities.

(e) This section does not revoke or withdraw specific licenses authorizing the operation of blocked accounts which were issued prior to January 19, 1981 and which do not relate to litigation. Such licenses are revoked as of April 15, 1981, unless extended by further general or specific license.

9. Section 535.219 is added as follows:

§ 535.219 Discharge of obligation by compliance with this part.

Compliance with §§ 535.210, 535.211, 535.212, 535.213, 535.214 and 535.215, or any other orders, regulations, instructions or directions issued pursuant to this part licensing, authorizing, directing or compelling the transfer of the assets described in those sections, shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions or directions.

10. Section 535.220 is added as follows:

§ 535.220 Timing of transfers required by § 535.212.

Transfers required by § 535.212 to the account of the Federal Reserve Bank of New York, as fiscal agent of the U.S., at the Bank of England shall be executed no later than 6 a.m., e.s.t., January 20, 1981, when the banking institution had knowledge of the terms of Executive Order 12278 of January 19, 1981.

11. Section 535.221 is added as follows:

§ 535.221 Compliance with directive provisions.

(a) Compliance with the directive provisions of §§ 535.213 and 535.214 requires that persons affected by these sections shall implement the directives as soon as reasonably practicable.

(b) Until the Secretary of the Treasury determines that the authority of the United States to order these transfers has been the subject of a definitive legal ruling, the United States Government will not seek to impose civil or criminal sanctions on any party who does not make the transfers required by §§ 535.213, 535.214 and 535.215 and Executive Orders 12279–81 of January 19, 1981.

(c) Transfers of deposits or funds required by §§ 535.213 and 535.214 of this part shall be effected by means of wire transfer to the Federal Reserve Bank of New York for credit to the following account: Federal Reserve Bank of New York as fiscal agent of the United States, Special Deposit Account.

(d) Securities to be transferred as required by §§ 535.213 and 535.214 of this part must be delivered to the Federal Reserve Bank of New York in fully transferable form, accompanied by all necessary transfer documentation, *e.g.*, stock or bond powers, powers of attorney, and also accompanied by instructions to deposit such securities to the following account: Federal Reserve Bank of New York, as fiscal agent of the United States, Special Custody Account.

(1) Securities which are in book-entry form shall be transferred by wire transfer to the Federal Reserve Bank of New York for credit to the account named in paragraph (d) of this section.

(2) Definitive securities which are in bearer or registered form shall be hand delivered or forwarded by registered mail, insured, to the Federal Reserve Bank of New York, Safekeeping Department.

(e) If a security in which Iran or an Iranian entity has an interest is evidenced by a depositary receipt or other evidence of a security, the legal owner of such security shall arrange to have it placed in registered form in the name of Iran or the Iranian entity having an interest in such security, as appropriate, and transferred pursuant to paragraph (d)(2) of this section.

(f) Securities in which Iran or an Iranian entity has an interest that are held in the name of a nominee must be re-registered in the name of Iran or the Iranian entity having an interest in such security, as appropriate, and transferred pursuant to paragraph (d)(2) of this section.

(g) Any person delivering a security or securities to the Federal Reserve Bank of New York under paragraph (d) shall provide the Bank at least two business days prior written notice of such delivery, specifically identifying the sending person, the face or par amount and type of security, and whether the security is in bearer, registered or book entry form.

12. Section 535.222 is added as follows:

§ 535.222 Suspension of claims eligible for Claims Tribunal.

(a) All claims which may be presented to the Iran-United States Claims Tribunal under the terms of Article II of the Declaration of the Government of the Democratic and Popular Republic of Algeria Concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran, dated January 19, 1981, and all claims for equitable or other judicial relief in connection with such claims, are hereby suspended, except as they may be presented to the Tribunal. During the period of this suspension, all such claims shall have no legal effect in any action now pending in any court in the United States, including the courts of any state and any locality thereof, the District of Columbia and Puerto Rico, or in any action commenced in any such court after the effective date of this section.

(b) Nothing in paragraph (a) of this section shall prohibit the assertion of a defense, set-off or counterclaim in any pending or subsequent judicial proceeding commenced by the Government of Iran, any political subdivision of Iran, or any agency, instrumentality or entity controlled by the Government of Iran or any political subdivision thereof.

(c) Nothing in this section precludes the commencement of an action after the effective date of this section for the purpose of tolling the period of limitations for commencement of such action.

(d) Nothing in this section shall require dismissal of any action for want of prosecution.

(e) Suspension under this section of a claim or a portion thereof submitted to the Iran-United States Claims Tribunal for adjudication shall terminate upon a determination by the Tribunal that it does not have jurisdiction over such claim or portion thereof.

(f) A determination by the Iran-United States Claims Tribunal on the merits that a claimant is not entitled to recover on a claim or part thereof shall operate as a final resolution and discharge of such claim or part thereof for all purposes. A determination by the Tribunal that a claimant shall have recovery on a claim or part thereof in a specified amount shall operate as a final resolution and discharge of such claim or part thereof for all purposes upon payment to the claimant of the full amount of the award including any interest awarded by the Tribunal.

(g) Nothing in this section shall apply to any claim concerning the validity or payment of a standby letter of credit, performance or payment bond or other similar instrument.

(h) The effective date of this section is February 24, 1981.

13. Section 535.333 is added as follows:

§ 535.333 Properties.

(a) The term "properties" as used in § 535.215 includes all uncontested and non-contingent liabilities and property interests of the Government of Iran, its agencies, instrumentalities or controlled entities, including debts. It does not include bank deposits or funds and securities. It also does not include obligations under standby letters of credit or similar instruments in the nature of performance bonds, including accounts established pursuant to § 535.568.

(b) Properties are not Iranian properties or owned by Iran unless all necessary obligations, charges and fees relating to such properties are paid and liens against such properties (not including attachments, injunctions and similar orders) are discharged.

(c) Liabilities and property interests may be considered contested if the holder thereof reasonably believes that a court would not require the holder, under applicable law to transfer the asset by virtue of the existence of a defense, counterclaim, set-off or similar reason. For purposes of this paragraph, the term "holder" shall include any person who possesses the property, or who, although not in physical

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possession of the property, has, by contract or otherwise, control over a third party who does in fact have physical possession of the property. A person is not a "holder" by virtue of being the beneficiary of an attachment, injunction or similar order.

(d) Liabilities and property interests shall not be deemed to be contested solely because they are subject to an attachment, injunction or other similar order.

14. Section 535.334 is added as follows:

§ 535.334 Act of the Government of Iran.

For purposes of § 535.216, an act of the Government of Iran, includes any acts ordered, authorized, allowed, approved, or ratified by the Government of Iran, its agencies, instrumentalities or controlled entities.

15. Section 535.335 is added as follows:

§ 535.335 Claim arising out of events in Iran.

For purposes of § 535.216, a claim is one "arising out of events" of the type specified only if such event is the specific act that is the basis of the claim.

16. Section 535.337 is added as follows:

§ 535.337 Funds.

For purposes of this part, the term "funds" shall mean monies in trust, escrow and similar special funds held by non-banking institutions, currency and coins. It does not include accounts created under § 535.568.

17. Section 535.433 is added as follows:

§ 535.433 Central Bank of Iran.

The Central Bank of Iran (Bank Markazi Iran) is an agency, instrumentality and controlled entity of the Government of Iran for all purposes under this part.

18. Section 535.437 is added as follows:

§ 535.437 Effect on other authorities.

Nothing in this part in any way relieves any persons subject to the jurisdiction of the United States from securing licenses or other authorizations as required from the Secretary of State, the Secretary of Commerce or other relevant agency prior to executing the transactions authorized or directed by this part. This includes licenses for transactions involving military equipment.

19. Section 535.438 is added as follows:

§ 535.438 Standby letters of credit, performance or payment bonds and similar obligations.

Nothing contained in §§ 535.212, 535.213 and 535.214 or in any other provision or revocation or amendment of any provision in this part affects the prohibition in § 535.201 and the licensing procedure in § 535.568 relating to certain standby letters of credit, performance bonds and similar obligations. The term "funds and securities" as used in this part does not include substitute blocked accounts established under section 535.568 relating to standby letters of credit, performance or payment bonds and similar obligations.

20. Section 535.440 is added to read as follows:

§ 535.440 Commercially reasonable interest rates.

For purposes of §§ 535.212 and 535.213, what is meant by "commercially reasonable rates" depends on the particular circumstances of the deposit. Where, for example, a deposit has in fact operated as a demand account under Treasury license, it would be appropriate to treat the deposit for purposes of §§ 535.212 and 535.213 as a non-interest-bearing account.

21. Section 535.504 is revised to read as follows:

§ 535.504 Certain judicial proceedings with respect to property of Iran or Iranian entities.

(a) Subject to the limitations of paragraphs (b) and (c) of this section and § 535.222, judicial proceedings are authorized with respect to property in which on or after 8:10 a.m., e.s.t., November 14, 1979, there has existed an interest of Iran or an Iranian entity.

(b) This section does not authorize or license:

(1) Any pre-judgment attachment or any other proceeding of similar or analogous effect pertaining to any property (and any income earned thereon) subject to the provisions of § 535.211, 535.212, 535.213, 535.214 or 535.215 on January 19, 1981, including, but not limited to, a temporary restraining order or preliminary injunction, which operates as a restraint on property, for purposes of holding it within the jurisdiction of a court, or otherwise;

(2) Any payment or delivery out of a blocked account based upon a judicial proceeding, pertaining to any property subject to the provisions of § 535.211, 535.212, 535.213, 535.214 or 535.215 on January 19, 1981;

(c) A judicial proceeding is not authorized by this section if it is based on transactions which violated the prohibitions of this part.

22. Section 535.579 is added as follows:

§ 535.579 Authorization of new transactions concerning certain Iranian property.

(a) Transactions involving property in which Iran or an Iranian entity has an interest are authorized where:

(1) The property comes within the jurisdiction of the United States or into the control or possession of any person subject to the jurisdiction of the United States after January 19, 1981, or

(2) The interest in the property of Iran or an Iranian entity (e.g. exports consigned to Iran or an Iranian entity) arises after January 19, 1981.

(b) Transactions involving standby letters of credit, performance or payment bonds and similar obligations, entered into prior to January 20, 1981, described in § 535.568 remain subject to the prohibitions and procedures contained in §§ 535.201 and 535.568.

(c) Property not blocked under § 535.201 as of January 19, 1981, in which the Government of Iran or an Iranian entity has an interest, which after that date is or becomes subject to the jurisdiction of the United States or comes within the control or possession of a person subject to the jurisdiction of the United States for the express purpose of settling claims against Iran or Iranian entities, is excluded from any authorization in this part for any attachment, injunction or other order of similar or analogous effect and any such attachment, injunction or order is prohibited by §§ 535.201 and 535.203.

23. Section 535.618 is added to read as follows:

§ 535.618 Report of contested property.

(a) *Requirement for reports.* Reports are required to be filed within 15 days of receipt of a direction from Iran to transfer any interests in property claimed or believed to be an interest of Iran which was blocked by the Iranian Assets Control Regulations if the party receiving the direction to transfer has not transferred such claimed interest in property.

(b) *Who must report.* Reports must be filed by every person subject to the jurisdiction of the United States who does not transfer any interest or claimed interest in property described in paragraph (a) of this section within 15 days of a direction from Iran to transfer it.

(c) *Contents of report.* Each report shall contain the following information.

(1) Name and address of entity making the report.

(2) Name of person and entity directing the transfer.

(3) Date of the direction and date of its receipt.

(4) Description of the interest or claimed interest in property directed to be transferred.

(5) Statement or estimate of value of the interest or claimed interest in property.

(6) Explanation why property was not transferred as directed.

(7) Statement of any planned actions with respect to the interest or claimed interest in the property described.

(d) *Filing.* Reports shall be prepared in triplicate. Two copies shall be sent in a set to Unit 617, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy must be retained with the reporter's records.

(e) *Confidentiality of reports.* Reports under this section are regarded as privileged and confidential.

24. Section 535.902 is revised to read as follows:

§ 535.902 Set-offs by U.S. owned or controlled firms abroad.

(a) Branches and subsidiaries in foreign countries of persons subject to the jurisdiction of the United States are licensed to set-off their claims against Iran or Iranian entities by debit to blocked accounts held by them for Iran or Iranian entities.

(b) The general license in paragraph (a) of this section is revoked as of January 19, 1981.

(c) For purposes of this section, set-offs include combinations of accounts and any similar actions.

25. Part 535 is amended by the revocation and removal of sections 535.204, 535.206, 535.207, 535.209, 535.331, 535.332, 535.418, 535.419, 535.422, 535.423, 535.424, 535.425, 535.426, 535.427, 535.428, 535.429, 535.430, 535.431, 535.432, 535.550, 535.562, 535.563, 535.572, 535.574, 535.575, 535.577, 535.578, and 535.603.

§ 535.204 [Removed]

§ 535.206–207 [Removed]

§ 535.209 [Removed]

§ 535.331 [Removed]

§ 535.332 [Removed]

§ 535.418 [Removed]

§ 535.419 [Removed]

§ 535.422–432 [Removed]

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§ 535.578 [Removed]

§ 535.603 [Removed]

Dated: February 24, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

(Sec. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 28605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; E.O. No. 12283, 46 FR 7927, and E.O. No. 12294, 46 FR ——.)

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
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REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

14374 Grant Programs—Education ED invites applications by 4-3-81, for noncompeting continuation awards under the Follow Through Program for local projects and demonstration (Sponsors)

14374 Guaranteed Student Loan Program ED announces special allowance at an annual rate of 11 percent for a three month period ending December 31, 1980, for holders of eligible loans

14343 Handicapped EPA republishes policy statement regarding nondiscrimination on the basis of handicap

14532 Medical Research HHS/PHS announces availability of the National Toxicology Program for Fiscal Year 1981 (Part II of this Issue)

14660 Continental Shelf Interior//GS approves issuance of final Outer Continental Shelf orders governing oil and gas lease operations in the Arctic; effective 2-27-81 (Part V of this issue)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

14353 **Motion Pictures** SBA proposes to provide changes that would make theaters generally eligible for financial assistance; comments by 4–28–81

14652 **Endangered and Theatened Wildlife** Interior/FWS reviews wildlife which were classified as endangered or threatened in 1975 and 1976 and have remained on the list since that time; comments by 6–29–81 (Part IV of this issue)

14342 **Postal Service** PS states that rural mailboxes with locks must have slots large enough to accomodate customer's normal daily mail volume; effective 5–28–81

14341 **Excise Taxes** Treasury/IRS alters temporary regulations that apply to the tax on the use of civil aircraft

14353 **Securities** SEC withdraws proposal regarding performance based compensation of registered investment advisers to business development companies; effective 2–20–81

14628 **Minimum Wages** Labor/ESA publishes basic hourly wage rates and fringe benefit payments for certain classes of laborers and mechanics employed on construction projects (Part III of this issue)

14460 **Government Contracts** Interior/NPS publishes revision to standard concession contract language

14517 **Sunshine Act Meetings**

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14532 **Part II, HHS/PHS**
14628 **Part III, Labor/ESA**
14652 **Part IV, Interior/FWS**
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Rules and Regulations

Federal Register
Vol. 46, No. 39
Friday, February 27, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 293, Amendment 1; Lemon Regulation 294]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 1–7, 1981, and increases the quantity of such lemons that may be so shipped during the period February 22–28. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective March 1, 1981, and the amendment is effective for the period February 22–28, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: This is not a major rule under E.O. 12291.

Findings

This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on February 24, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 910.594 is added as follows:

§ 910.594 Lemon Regulation 294.

The quantity of lemons grown in California and Arizona which may be handled during the period March 1, 1981, through March 7, 1981, is established at 230,000 cartons.

2. Section 910.593 Lemon Regulation 293 (46 FR 13201) is revised to read as follows:

§ 910.593 Lemon Regulation 293.

The quantity of lemons grown in California and Arizona which may be handled during the period February 22, 1981, through February 28, 1981, is established at 240,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 26, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-6881 Filed 2-26-81; 12:04 pm]
BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Parts 205, 210, 212, and 456

Review of Certain Regulations

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Department of Energy hereby gives notice that, in accordance with the spirit of the President's memorandum of January 29, 1981, regarding regulatory postponement, it intends to review those final rules published after January 1, 1981, with effective dates prior to January 29, 1981.

FOR FURTHER INFORMATION CONTACT: William Funk (Office of General Counsel), Department of Energy, Room 6A–099, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–6736.

SUPPLEMENTARY INFORMATION: On January 29, 1981, President Reagan issued a memorandum directing cabinet officers to postpone for sixty days from that date the effective date of final rules already promulgated, but not yet effective. The purpose of this postponement was "to subject to full and appropriate review many of the prior Administration's last minute decisions . . ."

Four rules issued by the Department of Energy (DOE) fell within the terms of the President's memorandum. These rules were:

1. Residential Conservation Service Program; Interim Final Rule (45 FR 63786, September 25, 1980);

2. Grand Junction Remedial Action Criteria; Redesignation of Part and Nomenclature Change (46 FR 2971, January 13, 1981);

3. Procedures for Obtaining Crude Oil for the Strategic Petroleum Reserve by Exchange of Naval Petroleum Reserves Crude Oil and Other Means (46 FR 3368, January 14, 1981);

4. Puerto Rican Naphtha Entitlements (46 FR 5722, January 19, 1981).

In accordance with the President's memorandum, DOE has deferred the effective date of the first three of these rules, *see 46* FR 11943 (February 12, 1981), and has received a waiver from the Office of Management and the Budget with respect to the fourth.

In addition, six rules published by DOE in January were declared to be effective immediately or retroactively. These rules are:

1. 10 CFR Part 212; Amendments to Tertiary Incentive Program (46 FR 1246, January 5, 1981);
2. 10 CFR Part 456; Residential Conservation Service Program Amendments (46 FR 1616, January 6, 1981);
3. 10 CFR Part 205; Reports on Major Electric Utility System Emergencies (46 FR 2956, January 12, 1981);
4. 10 CFR Part 212; Maximum Lawful Selling Price for Unleaded Gasoline (46 FR 3827, January 16, 1981);
5. 10 CFR Part 210; Amendments to Normal Business Practices Rule (46 FR 4860, January 19, 1981);
6. 10 CFR Part 212; Retroctive Amendments to "V" Factor of Refiner Cost Allocation Formulae (46 FR 7776, January 23, 1981).

While these rules do not fall within the literal terms of the President's memorandum, because they were effective prior to the issuance of the memorandum, DOE nevertheless believes it is consistent with the spirit of the memorandum to review these additional final rules as well, to determine if any action is appropriate. Proposed enforcement actions under these rules will be included in this review. The decision to conduct this review should not be construed as indicating any view by DOE as to the desirability of changing or eliminating any of these rules.

Issued at Washington, D.C. on February 23, 1981.

Eric J. Fygi,

Acting General Counsel, Department of Energy.

[FR Doc. 81-64 Filed 2-24-81; 4:06 pm]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. 1

Redesignation of Hearing Clerk's Office as Dockets Management Branch

Correction

In FR Doc. 81-2811, published on page 8454, in the issue of Tuesday, January 27, 1981, in the second column, fifth line from the top of the page, the reference reading "sec. 710(a)" should read "sec. 701(a)".

BILLING CODE 1505-01-M

21 CFR Parts 16 and 56

[Docket No. 77N-0350]

Protection of Human Subjects; Standards for Institutional Review Boards for Clinical Investigations

Corrections

In FR Doc. 81-2888 appearing at page 8956, in the issue of Tuesday, January 27, 1981, make the following corrections:

1. On page 8975, first column, § 16.1(b)(2) first line, "Section 56.121(a), Relating to" should have read "Section 56.121(a), relating to".
2. In the second column, authority sections, twelfth line, "360f", should have read "360F".
3. On page 8976, third column, § 56.103(a), eleventh and twelfth line, "The determination that a clinical investigation of this part" should be deleted; and in paragraph (b), tenth line, insert the following after "requirements": "of this part. The determination that a clinical investigation".

BILLING CODE 1505-01-M

21 CFR Part 20

[Docket No. 80-N-0452]

Reorganization/Location Changes

Correction

In FR Doc. 81-2812, published at page 8454, in the issue of Tuesday, January 27, 1981, on page 8457, in the middle column, under "§ 20.107 Food and Drug Administration manuals.", paragraph (a), in the fifth line, correct "sis" to read "is".

BILLING CODE 1505-01-M

21 CFR Parts 50, 71, 171, 180, 310, 312, 314, 320, 330, 361, 430, 431, 601, 630, 812, 813, 1003, 1010

[Docket No. 78N-0400]

Protection of Human Subjects; Informed Consent

Corrections

In FR Doc. 81-2687 appearing at page 8942, in the issue of Tuesday, January 27, 1981, make the following corrections:

1. On page 8950, first column, last paragraph, fourth line, "8901" should have read "801".
2. On page 8951, first column, in the table of contents, "50.27 Documention * * *" should have read "50.27 Documentation * * *".
3. On page 8952, § 180.1(c)(6), third column, first paragraph, fifth line, insert "a" before "statement".
4. In § 312.1(a)(2) item c of Form FD-1571, on page 8953, first column, first full paragraph, eighth line, the word "evaulation" should have read "evaluation".
5. On page 8953, § 312.20(b)(1)(iv), Recommendations, in the third column, paragraph No. 9, sixth line, "her" should have read "he".
6. On page 8955, first column, § 330.10, paragraph (e), line three, "(July 27, 1961)" should read "July 27, 1961", the parentheses being deleted.
7. On page 8956, third column, § 630.81, second line, "meet" should have read "meets".
8. In that same column, § 812.21 Applicability, should read "§ 812.2 Applicability."
9. On page 8957, first column § 812.35, paragraph (b), first line, *"IRB approval"*, should have read *"IRB approvals"*.
10. In the second column, § 812.150, paragraph (a)(4), ninth line, "withing" should have read "within".
11. In the third column § 1003.31, paragraph (b) fourth line from the bottom, "investigations" should have read "investigation".

BILLING CODE 1505-01-M

21 CFR Part 146

[Docket No. 78N-0236]

Grapefruit Juice; Standards of Identity and Fill of Container

Correction

In FR Doc. 81-2919, published at page 8462, in the issue of Tuesday, January 27, 1981, make the following corrections:

1. On page 8462, second column, in the ninth line from the bottom of the page there should be closing quotation marks after the word "fresh".
2. On the same page, third column, under Filtering, in the third line, the word "they" should be capitalized.
3. On page 8463, first column, in the eleventh line from the bottom of the page, the reference reading "7CFR" should read "7 CFR".
4. On the same page, second column, in the fifth line from the top of the page the word "not" should be inserted between the words "be" and "more".
5. On page 8464, in the second column, under "Blending of Juices", in paragraph "13.", in the fifth line, "concentrate are" should have read "concentrate) are".

BILLING CODE 1505-01-M

21 CFR Part 172

[Docket No. 80F-0150]

Polysorbate 60 and Polysorbate 80; Food Additives Permitted for Direct Addition to Food for Human Consumption

Correction

In FR Doc. 81-2916, published at page 8465, in the issue of Tuesday, January 27, 1981, in the third column under **DATES**, the date reading "Effective January 26, 1981;" should read "Effective January 27, 1981;".

BILLING CODE 1505-01-M

21 CFR Part 500

[Docket No. 77N-0245]

Recycled Animal Waste

Correction

In FR Doc. 80-40282 appearing on page 86272 in the issue of Tuesday, December 30, 1980, first column, the **EFFECTIVE DATE** should read "December 30, 1980."; and on page 86276, first column, the **EFFECTIVE DATE** should read "December 30, 1980.".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 154

[T.D. 7771]

Temporary Regulations in Connection With the Airport and Airway Revenue Act of 1970; Civil Aircraft Use Tax—Special Rules for the period July 1, 1980 Through September 30, 1980

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of temporary regulations.

SUMMARY: This document amends temporary excise tax regulations that apply to the tax on the use of civil aircraft. Congress extended this tax for the period July 1 through September 30, 1980. These regulations prescribe the date for filing the return for this period.

DATES: The amendment applies to civil aircraft use at any time during the taxable period July 1, 1980, through September 30, 1980. The deadline for filing returns for this period is set at March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. McKee of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Section 4491 of the Internal Revenue Code provides generally for an excise tax on the use of civil aircraft. This tax was due to expire on July 1, 1980. On that date, Congress extended the tax for three additional months in Pub. L. 96-298, 94 Stat. 829. That Act modifies the rates of the tax for that period and provides that the due date for any return for this tax for this period will be no earlier than October 31, 1980. It also provides that the three month period July 1 through September 30, 1980, is to be treated as one year for purposes of this tax.

Temporary regulations (26 CFR 154.3-2), published in the **Federal Register** for Thursday, January 8, 1981 (46 FR 2042), provided that returns for this period would be due on February 2, 1981. This Treasury decision amends the regulations to provide that taxpayers are given until March 2, 1981, to file the return.

Drafting Information

The principal author of this regulation is Raymond W. McKee of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Waiver of Certain Procedural Requirements of Final Treasury Directive

A determination has been made by William E. Williams, Acting Commissioner of Internal Revenue, that there is need for immediate guidance in order to make clear that under the amendment to section 4491 of the Code made by Pub. L. 96-298, returns for the period July 1, 1980, through September 30, 1980, which could have been due as early as October 31, 1980, are not due until March 2, 1981. Because of the immediate need for this regulation, compliance with the procedural requirements of paragraphs 8 through 14 of the final Treasury directive (43 FR 52121), relating to improving regulations, would be impractical, and, therefore, these requirements have not been followed.

Adoption of amendments to the regulations

Accordingly, Part 154 of 26 CFR is amended as follows:

§ 154.3-2 [Amended]

Paragraphs (d) and (e) of § 154.3-2 are amended by striking out "February 2, 1981" and inserting in its place "March 2, 1981".

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 6071 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 949, 26 U.S.C. 6071; 68A Stat. 917; 26 U.S.C. 7805))

February 5, 1981.

William E. Williams,

Acting Commissioner of Internal Revenue.

Approved: February 23, 1981.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-6648 Filed 2-26-81; 10:00 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS SIDES (FFG 14), USS CLIFTON SPRAGUE (FFG 16) and USS ANTRIM (FFG 20) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates, and (2) has found that USS SIDES (FFG 14), USS CLIFTON

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SPRAGUE (FFG 16), and USS ANTRIM (FFG 20) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: February 10, 1981.

FOR FURTHER INFORMATION CONTACT:
Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General Navy, Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS SIDES (FFG 14), USS CLIFTON SPRAGUE (FFG 16) and USS ANTRIM (FFG 20) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs of visibility of their forward masthead lights; Annex I, Section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special function as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS SIDES (FFG 14), USS CLIFTON SPRAGUE (FFG 16), and USS ANTRIM (FFG 20) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these three ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner different from that prescribed herein will adversely affect the ships' ability to perform their military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, § 2(a)(i) Annex I
. . . . .		
USS CLARK	FFG 11	.
USS GEORGE PHILIP	FFG 12	1.6
USS SAMUEL ELIOT MORISON.	FFG 13	1.6
USS SIDES	FFG 14	1.6
USS ESTOCIN	FFG 15	1.6
USS SPRAGUE	FFG 16	1.6
USS ANTRIM	FFG 20	1.6
. . . . .		

2. Table Four of § 706.2 is amended by revising the existing paragraph 8 to read:

On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.6° arc of visibility at the points 021° and 339° relative to the ship's head.

USS OLIVER HAZARD PERRY (FFG 7)
USS MCINERNEY (FFG 8)
USS WADSWORTH (FFG 9)
USS DUNCAN (FFG 10)
USS CLARK (FFG 11)
USS GEORGE PHILIP (FFG 12)
USS SAMUEL ELIOT MORISON (FFG 13)
USS SIDES (FFG 14)
USS ESTOCIN (FFG 15)
USS CLIFTON SPRAGUE (FFG 16)
USS ANTRIM (FFG 20)

3. Table Four of § 706.2 is amended by revising the existing paragraph 9 to read:

Sidelights on the following ships do not comply with Annex 1, Section 3(b):

Vessel	Number	Distance of sidelights forward of masthead light in meters
USS OLIVER HAZARD PERRY.	FFG 7	2.75
USS MCINERNEY	FFG 8	2.75
USS WADSWORTH	FFG 9	2.75
USS DUNCAN	FFG 10	2.75
USS CLARK	FFG 11	2.75
USS GEORGE PHILIP	FFG 12	2.75
USS SAMUEL ELIOT MORISON.	FFG 13	2.75
USS SIDES	FFG 14	2.75
USS ESTOCIN	FFG 15	2.75
USS CLIFTON SPRAGUE.	FFG 16	2.75
USS ANTRIM	FFG 20	2.75

Effective Date: February 10, 1981.

Dated: 10 February 1981.

John Lehman,
Secretary of the Navy.

[FR Doc. 81-6516 Filed 2-26-81; 8:45 am]
BILLING CODE 3810-71-M

POSTAL SERVICE

39 CFR Part 111

Locks on Rural Mailboxes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule provides that any rural mailbox equipped with a lock must have a slot large enough to accommodate the customer's normal daily mail volume. It is anticipated that this rule change will result in more expeditious mail service.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT:
Carl Johnson, (202) 245–5619.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Postal Service published for comment in the **Federal Register** (45 FR 70287) proposed changes to 156.57 of the Domestic Mail Manual to fashion the rule described in the Summary. Interested persons were invited to submit written comments concerning the proposed changes.

One comment was received on the proposal. The commenter said he favored retention of the policy of permitting lockable rural boxes. The final rule we adopt retains that policy. It relieves the rural carrier, however, of the time-consuming requirement of unlocking locked boxes. Rural carriers will henceforth be able to insert mail through the slot of a locked box and proceed on their way without delay.

In view of the above considerations, the Postal Service hereby adopts, without change, the following amendment to the Domestic Mail Manual, which is incorporated by reference in the **Federal Register** (39 CFR 111.1).

PART 156—RURAL SERVICE

In 156.5 of the Domestic Mail Manual, revise .57 to read as follows:

156.5 Rural Boxes.

* * * * *

.57 The use of locks on boxes is not required. If, however, a box is equipped with a lock, the box must have a slot large enough to accommodate the customer's normal daily mail volume. The Postal Service will not open boxes which are locked and will not accept keys for this purpose. Keys which are now held by the Postal Service will be returned.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 403(b)(1), 404(a)(1))

W. Allen Sanders,
Associate General Counsel, General Law and Administration.

[FR Doc. 81-62 Filed 2-26-81; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL 1764-7]

40 CFR Part 7

Notice to All Recipients of Federal Financial Assistance; Nondiscrimination on the Basis of Handicap; Correction

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Policy statement; correction.

SUMMARY: This document corrects and republishes in its entirety a policy statement on nondiscrimination on the basis of handicap that appeared at page 11662 in the **Federal Register** of Tuesday, February 10, 1981, (46 FR 1162). The original statement notified only future recipients of EPA financial assistance that they will not discriminate against persons because of their handicap. The order of the United States District Court, Central District of California, directs EPA to notify all such recipients. The word "future" is deleted from the summary and the notice, and the corrected statement is set forth below in its entirety.

The United States District Court, Central District of California, Case No. 79–1979 WPG, has ordered the Environmental Protection Agency to give notice to all recipients of EPA financial assistance that they are required to comply with Section 504 of the Rehabilitation Act of 1973 even though it has not yet published its final regulations implementing Section 504. Section 504 provides that recipients of Federal financial assistance will not discriminate against persons because of their handicap. Appendix A of the Court Order is set forth below.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert C. Downes, External Programs Compliance Staff, Office of Civil Rights (A–105), USEPA, 401 M Street, SW., Washington, D.C. 20460, Telephone (202) 755–0540.

SUPPLEMENTARY INFORMATION:

Notice to All Recipients of Federal Financial Assistance From the Environmental Protection Agency

In the case of *Paralyzed Veterans of America, et al., Plaintiffs,* v. *Benjamin R. Civiletti, et al., Defendants,* United States District Court, Central District of California No. 79–1979 WPG the Honorable William P. Gray ordered the Environmental Protection Agency to nofity all recipients of federal financial assistance from the Envionmental Protection Agency that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) even though the Environmental Protection Agency has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency (45 CFR Part 84). Recipients of federal financial assistance from the Environmental Protection Agency may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Dated: February 24, 1981.

Eduardo Terrones,
Director, Office of Civil Rights

[FR Doc. 81-6550 Filed 2-26-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 180

[PP 9E2241/R298; PH-FRL 1764-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Calcium Hypochlorite

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the chemical calcium hypochlorite. This regulation was requested by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on February 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Clinton Fletcher, Registration Division (TS–767C), Office of Pesticide Programs Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 21, 1980 (45 FR 77077) that the Interregional Research Project No. 4 (IR–4) had submitted pesticide petition number 9E2241 to the EPA. The petition proposed that the Administrator establish an exemption from the requirement of a tolerance for calcium hypochlorite when used after harvest on the raw agricultural commodity potatoes. No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought.

Calcium hypochlorite is currently exempted from a tolerance requirement under 40 CFR 180.1001(c) as a sanitizing and bleaching agent when used in accordance with good agricultural practices as an inert (or occasionally active) ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

Any person adversely affected by this regulation may, on or before March 30, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 MSt. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these

other regulations "specialized." This rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: February 27, 1981.

(Sec. 408(e) 68 Stat. 514 (21 U.S.C. 346(e)))

Dated: February 18, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1054, to read as follows:

§ 180.1054 Calcium hypochlorite; exemption from requirement of a tolerance.

Calcium hypochlorite is exempted from the requirement of a tolerance when used after harvest on the raw agricultural commodity potatoes.

[FR Doc. 81-3770 Filed 2-26-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP OE2337/R207; PH-FRL 1764-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Isophorone on Spinach

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for isophorone when used as an inert solvent or cosolvent in postemergence herbicides applied to spinach. This regulation was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on February 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of November 21, 1980 (45 FR 77079) that the Interregional Research Project No. 4 (IR-4) had submitted pesticide petition number OE2337 to the EPA. The petition proposed that the Administrator establish an exemption from the requirement of a tolerance for isophorone when used as an inert solvent or cosolvent in postemergence herbicides applied to spinach. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded that the amendment to 40 CFR 180.1001(d) will protect the public health, therefore, the tolerence is established as set forth below.

Any person adversely affected by this regulation may, on or before March 30, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on: February 27, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 19, 1981.

Edwin L. Johnson,

Deputy Associate Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by revising the item "isophorone" under § 180.1001(d) to read as follows:

§ 180.1001 Exemption from requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* *	* *
Isophorone		Solvent and cosolvent for formulations used before crop emerges from soil, for postemergence herbicide use on rice and wheat before crop begins to head, and for postemergence herbicide use on beets (sugar beets and table beets) and spinach
* * *	* *	* *

[FR Doc. 81-3707 Filed 2-26-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-212; RM-3452]

Radio Broadcast Services: FM Broadcast Station in Geneva, Ohio; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a Class A FM channel to Geneva, Ohio, in response to a petition filed by American Ethnic Voice of Northeast Ohio. The proposed station would provide a first local aural broadcast service to Geneva.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1981.

Released: February 17, 1981.

By the Chief, Policy and Rules Division:

In the Matter of an amendment of § 73.202(b), table of assignments, FM Broadcast Stations, (Geneva, Ohio), BC Docket No. 80-212, RM-3452, Report and Order, (Proceeding Terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 34933, published May 23, 1980, in response to a petition filed by American Ethnic Voice of Northeast Ohio ("petitioner"), proposing the assignment of FM Channel 285A to Geneva, Ohio. Supporting comments were filed by the petitioner and North Shore Communications, Inc., both of which stated its intent to apply for the channel, if assigned.

2. Geneva (pop. 6,499),[1] in Ashtabula County (pop. 98,237) is located approximately 80 kilometers (50 miles) southwest of Erie, Pennsylvania, and 88 kilometers (55 miles) northwest of Cleveland, Ohio. It has no local aural broadcast service.

3. Petitioner has submitted sufficient information with respect to the need for a first FM assignment to Geneva.

4. The proposed station will be short-spaced by approximately 31 kilometers (18.5 miles) to a co-channel Class B assignment at Port Colburne, Ontario. However, the Canadian Government has given its concurrence to this proposal as a specially negotiated short-spaced assignment.

5. In view of an apparent need for a first FM assignment, the Commission believes that the public interest would be served by assigning Channel 285A to Geneva, Ohio. The transmitter site will be restricted to 4.7 kilometers (2.93 miles) west northwest of Geneva.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. In view of the foregoing, it is ordered, That effective April 13, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Geneva, Ohio	285A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-23 Filed 2-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-196; RM-3445, RM-3699; BC 28853]

FM Broadcast Stations in Pecos and Santa Fe, N. Mex.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns Class C FM Channel 290 to Santa Fe, New Mexico, as that city's fifth assignment, at the request of Philip H. Green. A separate proposal to assign the same channel to Pecos, New Mexico, was denied.

EFFECTIVE DATE: March 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 2, 1981.

Released: February 12, 1981.

By the Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations, (Pecos and Santa Fe,[1] New Mexico); BC Docket No. 80-196; RM-3445, RM-3699; report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 30657, published May 9, 1980, proposing the assignment of Class C FM Channel 290 to Pecos, New Mexico, at the request of Siesta Communications Corporation ("petitioner"). The proposed assignment would be Pecos' first FM assignment. An opposition and counterproposal [2] was filed by Philip H. Green ("Green"), who seeks the assignment of FM Channel 290 or 294 to Santa Fe, New Mexico.[3] Because Pecos is located approximately 26 kilometers (16 miles) from Santa Fe, the Commission's minimum spacing requirements prevent use of Channel 290 at both locations. Comments were filed by Frederick Daniel Marcy ("Marcy"). Reply comments were submitted by petitioner and Green.

2. In the *Notice*, the Commission acknowledged the fact that Pecos is a community of only 598 persons and is located only 26 kilometers (16 miles) from Santa Fe. Because of these factors, the Commission requested petitioner to present more information relative to Pecos' need for a wide coverage area channel. A Class A assignment was not proposed due to petitioner's expressed disinterest in anything other than a Class C assignment.

3. In his opposition and counterproposal, Green states that petitioner has failed to establish that Pecos is entitled to the allocation of a Class C channel. Green alleges that petitioner has made no attempt to demonstrate that a Pecos station would provide service to any unserved or underserved areas and states that it is doubtful that such a showing could be made, given the proximity of Pecos to other communities with wide coverage area channels. Green further asserts that it is questionable whether petitioner intends to serve Pecos rather than Santa Fe itself, and argues that a Pecos assignment would amount to a *"de facto"* assignment to Sante Fe.

4. Green contends that its proposal to assign the channel to Sante Fe is a more efficient use of the channel. According to Green, assigning Channel 290 to Sante Fe would cause preclusion to twelve communities without FM assignments. Of the twelve, eight have additional frequencies available for use.[4] Green argues that this minimal preclusive impact should not prevent the assignment of Channel 290 to Sante Fe. In support of his request to assign Channel 290 or 294 to Sante Fe, Green presents numerous and diverse facts concerning the economy of Sante Fe and its need for additional FM assignments. Green acknowledges that the Commission is considering the assignment of two FM channels to Sante Fe in Docket 80-195, but contends that the market will support yet another channel which would give Sante Fe a total of five FM assignments[5] although the Commission's current population guidelines would support the assignment of up to four FM channels to a city the size of Sante Fe, Green argues that the guidelines should not be applied rigidly and should not apply where demand for additional service has been shown. Green concludes that Sante Fe's rapid

[1] This community has been added to the caption in this proceeding.

[2] *Public Notice* of the counterproposal was given on July 7, 1980. *Report No. 1238.*

[3] Green's petition also conflicted with the proposed assignment of FM Channel 292A to Alameda, New Mexico (Docket No. 80-160). In a *Report and Order* adopted January 22, 1981, the Alameda proposal was denied. Therefore, Green's counterproposal will be considered in the instant proceeding.

[4] The four communities for which no other FM assignments are available are: White Rock, New Mexico (population 3,881); Santo Domingo Pueblo (population 1,862); Jemez Pueblo (population 1,197); and San Felip Pueblo (population 1,167).

[5] The Commission, in Docket No. 80-195, has assigned two Class C channels to Sante Fe. Santa Fe, New Mexico, 46 FR ——, mimeo number 28778, adopted January 22, 1981. Thus, assigning another channel in this proceeding would give Santa Fe a total of five FM assignments.

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growth plus its position as a center of tourism and economic and cultural activity clearly support the assignment of up to three additional FM assignments. Green states that if Channel 290 or 294 is assigned to Sante Fe, he will apply for authority to build and operate a station.

5. Frederick Daniel Marcy ("Marcy"), one of the proponents for an FM assignment to Sante Fe in Docket 80–195, filed a comment in this proceeding stating that he takes no position as to whether the channel should be assigned to Pecos or Sante Fe. Marcy observes that Pecos is too small to support a Class C operation and therefore the assignment would in effect be an additional assignment to Sante Fe.

6. In its reply comments, petitioner states that Fiesta Communications Corporation ("Fiesta"), licensee of KVSF(AM) in Sante Fe, will be the actual applicant for the channel in Pecos, if assigned. The petitioner company and Fiesta have two common owners, although all of the owners of the petitioner company are not involved in the ownership of Fiesta. In response to Green's assertions that Pecos could not support a Class C operation, petitioner states that the Commission is using 1970 population figures and that the population of Pecos is now estimated to be over 1,000. However, petitioner admits that Pecos is a bedroom community with few retail establishments and avers that coverage of Sante Fe is necessary for a station in Pecos to be a successful enterprise. Petitioner disclaims any interest in a Class A channel for Pecos because such a station would not cover enough of Sante Fe to attract the necessary advertising. According to petitioner, if Fiesta becomes the licensee of a station licensed to Pecos, it will broadcast no less than 5% of its programming in the Spanish language. Petitioner argues that this is particularly important because approximately 80% of Pecos' population is Hispanic. Finally, petitioner suggests that Sante Fe has sufficient assignments for a community its size, and that an additional assignment to Sante Fe would surely deprive Pecos of any FM service.

7. Green, in his reply comments, reiterates his arguments that no special circumstances have been advanced to support an assignment to Pecos and that such an assignment would be a *de facto* Sante Fe assignment. Green contends that petitioner's plans for Fiesta to apply for the channel dispel any doubts that the channel will serve as an allocation to Sante Fe. Green concludes that if the Commission decides to assign Channel 290 to Pecos, it should also assign Channel 294 to Sante Fe.

8. Pecos (population 598),[6] is located in San Miguel County (population 21,951) approximately 26 kilometers (16 miles) southeast of Sante Fe. It currently has no local aural service. Sante Fe (population 46,200), seat of Sante Fe County (population 54,774) and the capital of New Mexico, is located 96 kilometers (60 miles) northeast of Albuquerque, New Mexico. Sante Fe is currently served by three AM stations—two full-time and one daytime-only—and two FM stations. Two additional FM assignments have recently been made to Sante Fe. (See footnote 5, *supra.*)

9. Petitioners have not convinced us that a Class C channel should be assigned to Pecos. The community's small size—even assuming petitioner's population figures are correct—and petitioner's own admission that the station cannot survive without revenues from Santa Fe conclusively demonstrate that the channel would be used primarily to serve Santa Fe. We have, on occasion, assigned a Class C channel to small communities when certain criteria are met. For example, wide coverage area channels have been assigned to small communities when the proponent of the assignment has shown that a significant unserved and underserved audience will receive a first or second FM service. *See, e.g., Atlanta, Michigan,* 46 R.R. 2d 1519 (Broadcast Bureau, 1980). Petitioner has made no such showing in this proceeding, however. Likewise, we have been disposed to assign Class C channels when no Class A channels have been available to the community seeking an assignment. *See, e.g., Freeport, Texas,* 47 R.R. 2d 135 (Broadcast Bureau 1980). Although Class A channels are available for assignment to Pecos, petitioner has explicitly disavowed any interest in applying for a Class A channel. Under these circumstances, we can find no justification for assigning Channel 290 to Pecos.

10. We now turn to the more difficult question of whether an additional channel should be assigned to Santa Fe. According to the Commission's population guidelines for FM channel assignments, a city the size of Santa Fe [7] would be entitled to up to four FM channels. As indicated above, the Commission's recent action in Docket 80–195 has brought the total number of channels assigned to Santa Fe up to four. We have made it clear, however, that our population criteria are flexible guides and not immutable standards, and we have been inclined to make additional assignments where special considerations have been found. *See, St. Simons Island and Waycross, Georgia,* 45 FR 25806, April 16, 1980. In this case, petitioner has demonstrated that Santa Fe is a growing community which shows every indication of continued growth. The city is an important center of trade, tourism, and government. With regard to the preclusive aspect of the assignment, we stated in the *Notice* that four communities with populations slightly over 1000, currently without assignments and without possible alternative assignments, would be precluded by the proposal. (See footnote 4, *supra).* However, a staff study has determined that alternate channels are available for those communities as follows: Channel 296A can be assigned to White Rock or to Santo Domingo Pueblo. Channel 269A, assigned and unoccupied at Bernalillo, could also be reassigned to Jemez Pueblo or to San Felipe Pueblo. We note that no oppositions to the assignment from parties seeking to serve the precluded communities have been submitted. Therefore we find that the preclusion impact is insubstantial and that assigning a fifth FM channel to Santa Fe is justified.

11. Accordingly, it is ordered, That effective March 24, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to Santa Fe, New Mexico, as follows:

City	Channel No.
Santa Fe, New Mexico	238, 247, 281, 286, 290

12. Authority for the actions taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

13. It is further ordered, That this proceeding is terminated.

14. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653–7586.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[6] These population figures are taken from the 1970 U.S. Census.

[7] The most recent population figures submitted by Green indicate that Santa Fe now has a population over 50,000.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-54 Filed 2-26-81; 8:45 am]

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47 CFR Part 73

[BC Docket No. 80–171; RM–3353]

Radio Broadcast Services: FM Broadcast Station in Quincy, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends the Commission's Rules, the FM Table of Assignments, by substituting Class B Channel 270 for Channel 240A at Quincy, California, in response to a petition filed by Ralph E. Wittick d/b/a KPCO Radio. The subsitution will improve coverage of Quincy, California and provide first FM service to outlying towns.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 4, 1981.

Released: February 10, 9181.

By the Chief, Broadcast Bureau:

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Quincy, California), BC Docket No. 80–171, RM–3353, Report and Order (Proceeding Terminated).

1. On April 16, 1980, at the request of Ralph E. Wittick d/b/a KPCO Radio ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making,* 45 FR 29870, published May 6, 1980, proposing the substitution of Class B Channel 270 for Channel 240A (unoccupied and unapplied for) at Quincy, California. Supporting documents were filed by the petitioner in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Quincy, California (pop. 2,500),[1] seat of Plumas County (pop. 11,707), is located approximately 272 kilometers (170 miles) northeast of San Francisco, California. Local aural broadcast service is provided by daytime-only AM Station KPCO, licensed to the petitioner.

3. A preclusion study indicated that twenty communities with populations greater than 1,000 would be precluded as a result of the proposed assignment. Alternate channels are available for assignment to all but two of these communities, Palermo and Gridley. However, no comments were filed expressing an interest in applying for the precluded channels in either community.

4. Petitioner asserts that Quincy has a variety of businesses and is the center of trade for the area. Quincy's population is presently estimated at 5,000, according to petitioner.

5. Petitioner states that KPCO(AM) has extremely poor coverage capability except for the confines of the immediate Quincy area, due to the very poor ground conductivity and the surrounding mountainous terrain. It claims that the a Class A FM channel assignment at Quincy would serve the same area now served by KPCO(AM), but the proposed Class B channel would provide excellent coverage of most of the outlying towns in that county.

6. In the *Notice* we requested the petitioner to correct errors in its *Roanoke Rapids/Anamosa* showing. This was not done. However, a study conducted by our staff indicates that the assignment of Class B channel would provide a first FM and nighttime aural service to an approximate area of 3,215 square miles, whereas a Class A channel would provide service to an area of approximately 706 square miles.[2]

7. No comments have been filed expressing an interest in applying for Channel 240A, now unoccupied at Quincy.

8. In view of the first service that can be provided to outlying areas, we find it would be in the public interest to substitute Class B Channel 270 for Channel 240A at Quincy, California.

9. Accordingly, it is ordered, That effective April 6, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Quincy, Calif.	270

10. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

[1] Population figures are taken from the 1970 U.S. Census.

[2] Assuming maximum facilities.

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47 CFR Part 73

[BC Docket No. 80–541; RM–3586, RM–3657, RM–3791; BC 29876]

FM Broadcast Stations in Virden, Illinois; Rushville, Illinois; Louisiana, Missouri; Changes Made in Table in Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends § 73.202(b) of the Commission's Rules, the FM Table of Assignments, by assigning Channel 244A to both Virden, Illinois, and Rushville, Illinois, and Channel 269A to Louisiana, Missouri, in response to requests from Randal J. Miller and Joseph Cerar, Steve Waters and Thom T. Sanders, respectively.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 10, 1981.

Released: February 17, 1981.

By the Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Virden, Illinois; Rushville, Illinois; Louisiana, Missouri[1]); BC Docket No. 80–541; RM–3586, RM–3657, RM–3791; report and order (proceeding terminated).

1. The Commission here considers the *Notice of Proposed Rule Making,* 45 FR 59360, published September 9, 1980, in the above-captioned proceeding, instituted in response to petitions filed by Joseph Cerar and Randal J. Miller, and by Steve Waters, proposing the assignment of Channel 244A to Virden

[1] This community has been added to the caption.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-13 Filed 2-26-81; 8:45 am]

BILLING CODE 6712-01-M

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and Rushville, Illinois, respectively.[2] Each community would receive its first local service. Supporting comments were filed by both petitioners in which they each stated an intent to apply for the channel, if assigned. An opposition to the Rushville proposal was received from Beardstown Broadcasting Co. ("Beardstown"), licensee of Stations WRMS(AM) and WRMS–FM, Beardstown, Illinois. Comments and a counterproposal (RM–3791)[3] were filed by Thom T. Sanders ("Sanders"), requesting the Channel 244A be assigned to Louisiana, Missouri. Steve Waters replied to Beardstown's opposing comments and the counterproposal of Sanders. No oppositions to the Virden, Illinois proposal, nor the Louisiana, Missouri proposal were filed.

2. The distances between Virden, Rushville, and Louisiana do not permit the assignment of Channel 244A to all three communities. Virden and Rushville are approximately 96 kilometers (60 miles) apart, while Virden and Louisiana are separated by approximately 110 kilometers (68 miles). The distance between Rushville and Louisiana is approximately 86 kilometers (53 miles). The required distance for co-channel Class A assignments is 104 kilometers (65 miles). Channel 244A can be assigned to either Virden and Rushville, with site restrictions of 5 miles, or to Virden and Louisiana. Channel 244A cannot be assigned to both Rushville and Louisiana.

3. *Virden, Illinois (RM–3586).* Virden, Illinois (pop. 3,744),[4] in Macoupin County (pop. 44,557), is located approximately 96 kilometers (60 miles) southeast of Rushville. It has no local aural broadcast service.

4. The Commission believes it would be in the public interest to assign Channel 244A to Virden, Illinois. From information submitted by Cerar and Miller, it appears that Virden is a growing agricultural and mining community in need of a first local FM assignment.

5. *Rushville, Illinois (RM–3657).* Rushville, Illinois (pop. 3,300), in Schuyler County (pop. 8,135), is located in west central Illinois, approximately 400 kilometers (250 miles) southwest of Chicago, Illinois, and 200 kilometers (125 miles) north of St. Louis, Missouri. Primarily an agricultural community, Rushville is also the retail, social, medical, and educational center of the area. It presently has no local aural broadcast service.

6. Beardstown opposes the assignment of Channel 244A to Rushville, on the ground that it would foreclose three possible assignments, the largest community being Louisiana, Missouri, for which a counterproposal to assign Channel 244A has been filed. Waters, in supporting the Rushville proposal, responded to Beardstown's comment by pointing out that Pike County, in which Louisiana, Missouri is located, has AM and FM assignments in Bowling Green, while the county in which Rushville is located has none.

7. In his counterproposal, Sanders requested that Channel 244A be assigned to Louisiana, Missouri, as that community's first FM assignment. Sanders cited Louisiana's larger population (see para. 9, *infra.*) as the primary reason for this assignment.

8. A study conducted by our staff indicates that no other channels are available to Rushville.[5] However, Channel 269A is also available for assignment to Louisiana, Missouri, since it has been deleted from Monroe City, Missouri.[6] Petitioners for both the Virden and Rushville proposals have, in comments, acknowledged the necessity of site restrictions if Channel 244A is assigned to both Virden and Rushville. Since another channel is available for assignment to Louisiana, we find no bar to the assignment of Channel 244A to Rushville, which would provide that community with a first FM assignment.

9. *Louisiana, Missouri.* Louisiana, Missouri (pop. 4,533), in Pike County (pop. 16,928), is located in the northeast section of Missouri, approximately 60 miles north of St. Louis, and 69 miles east of Virden, Illinois. Louisiana is primarily agricultural, but has a large number of retail establishments and is the hub of Pike County. Sanders explained that large growth is projected in the next five years as a result of the expansion of the facilities of a large employer in the area, and the completion of the Canon Dam recreational project. Louisiana has no local aural broadcast service. Since assignment of Channel 269A would satisfy the needs of Louisiana for a first local service and meet the minimum spacing requirements it appears that the public interest would be best served by assigning Channel 269A to Louisiana, Missouri.

10. After careful consideration of all the proposals, the Commission believes it would be in the public interest to assign Channel 244A to both Virden and Rushville, Illinois, and Channel 269A to Louisiana, Missouri.

11. Accordingly, It is ordered, That effective April 13, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with regard to the following communities:

City	Channel No.
Virden, Illinois	244A
Rushville, Illinois	244A
Louisiana, Missouri	269A

12. Authority for the actions taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

13. It is further ordered, That this proceeding is terminated.

14. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–25 Filed 2–26–81; 8:45 am]

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[2] Public Notice of the petitions was given on February 27, 1980, Report No. 1218, and May 20, 1980, Report No. 1229, respectively.

[3] Public Notice of this proposal was given on November 10, 1980, Report No. 1256.

[4] Population figures are taken from the 1970 U.S. Census.

[5] Channels 265A and 292A would involve site restrictions of 7.6 miles northwest and 7.2 miles south, respectively. Sites so far removed from the community may have problems meeting the 70 dBu requirement of § 73.315(a) of the Commission's Rules. Channel 288A would require a site restriction of only 2.6 miles, but is the subject of a proposal to assign the channel to Jacksonville, Illinois (BC Docket No. 80–337).

[6] See Columbia and Monroe City, Missouri, BC Docket No. 80–527, adopted February 9, 1981.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039, 1090 and 1300

[Ex Parte No. 230 (Sub-5)]

Improvement of TOFC/COFC Regulation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rule [exemption].

SUMMARY: The Commission is exempting rail and truck service provided by rail carriers in connection with trailer on flatcar (TOFC) and container on flatcar (COFC) service from Title 49, Subchapter IV of the U.S. Code. The exemption is based on findings that regulation is not necessary to carry out the transportation policy of 49 U.S.C. § 10101a or to protect shippers from the abuse of market power by railroads. This notice clarifies certain aspects of the exemption highlighted in the public comments.

DATES: The exemption is effective March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Commission proposed to exempt rail and truck service provided by railroads in connection with TOFC/COFC service in a decision served November 21, 1980, 45 FR 79123 (November 28, 1980). The exemption was scheduled to go into effect on February 10, 1981. The public was given 45 days to comment on the exemption. The reasons for proposing the exemption were given in the prior decision and will not be repeated in detail here. In general, however, we concluded that this traffic was highly competitive with motor carrier service, that intramodal rail competition was active, that service problems were an impediment to successful marketing of TOFC/COFC service, that regulatory restraints had impeded the development of intermodal service, and that exemption from regulation would likely stimulate improvements in service without threatening any harm to individual shippers.

Our review of the comments has reinforced our earlier judgment that exemption of TOFC/COFC operations will promote the public interest. We believe that our proposed exemption is consistent with the Congressional intent that we vigorously pursue exemptions from economic regulation in the railroad area where regulatory control appears unnecessary to protect against abuses of market power. See generally H.R. Rep. No. 96–1430, 96th Cong. 2d Sess., pp. 104–105.

The comments contain numerous questions about the economic effects likely to flow from the exemption. Numerous comments support the exemption. Others, including comments by some shippers, reflect uncertainty and concern over the mechanics of the exemptions and the effect of the exemption on them. We can appreciate their concern. This is truly an area where predictive judgment is difficult and definitive answers to troublesome questions concerning the implementation of the exemption cannot be given based on a paper record. We are confident, however, that rail managements will respond enthusiastically when relieved from existing regulatory constraints. Indeed, as we suggested in our notice of rulemaking, existing regulatory barriers have impeded the development of intermodal service so that exemption should stimulate service improvements. We are also confident, that continued regulation is not needed to protect shippers from abuses of market power.

We can also appreciate the concern expressed by the motor carrier sector that exemption of rail service could offer rail carriers a regulatory advantage in competing for TOFC/COFC traffic. We believe that the proper regulatory response is to seek means of freeing motor carriers from regulatory restraints so that they may compete on equal terms rather than continue to constrain the railroads.

We recognize the limitations on our predictive powers. Our favorable experience with exemption of fresh fruits and vegetables—although not identical to the issues presented here—encourages our continued employment of the exemption power. We believe that exemption of TOFC/COFC service will benefit the shipping public. We nonetheless stand ready to monitor the effects of the exemption to assure that continued regulation is not needed. We believe that such after-the-fact evaluation is what Congress intended. See H.R. Rep. No. 96–1430, *supra.*

1. Jurisdiction and Scope

The exemption covers TOFC/COFC service provided by railroads. It includes the railroad transportation of trailers and containers on flatcars and truck service provided by railroads of containers and trailers.[1] In other words, railroad operations involving TOFC and COFC are exempt, whether they are conducted on railroad flatcars or in trucks that are owned and operated by the railroad itself (rather than by a separately incorporated railroad affiliate).

A number of parties have suggested that the full scope of our proposed exemption, *i.e.,* whether or not it is intended to cover rail-affiliated motor carriers and independent motor carriers providing service on behalf of railroads is unclear. Upon further reflection, we agree. As a consequence, we shall today issue a supplemental notice directed to these questions and call for comments within 30 days.

2. Ex-Water Traffic

A number of comments have been filed questioning the inclusion of ex-water traffic in the exemption. A number of ocean carriers and the Federal Maritime Commission (FMC) believe that the proposed exemption is the type of action which must be reviewed by the FMC or the President before it can be placed in effect. We do not agree that this is the sort of rule or regulation affecting shipping in the foreign trade contemplated by Section 19 of the Merchant Marine Act of 1920, 46 U.S.C. 876. The FMC and the ocean carriers cite no case law to support their expansive reading of Section 19. The proposed exemption may change the form of some business arrangements between railroads and ocean carriers. Nevertheless, it is clear that ocean carriers may still file and adhere to the port-to-port tariffs they file with the FMC. Joint intermodal arrangements involving railroads and ocean carriers may still continue.

The ocean carriers and others have questioned the form that intermodal pricing will assume after the exemption takes effect. We do not know the answers to these questions. We leave to the exempt railroads and their business partners the decision of how to price and advertise their services. We are confident that a clear and simple way to price and publicize this service will be developed.

In addition to tariff format, there is considerable speculation in the comments about which carriers would participate in joint intermodal rail/water traffic in the future. Bound up in these comments is the concern that the exemption would defeat ocean conference participation in joint rates with railroads. In our view, there is no reason why railroads and ocean carriers would not continue to do business after the effective date of the exemption in any way they see fit. Ocean carriers set their rates either independently or through rate conferences. Each ocean carrier can present its rate to the railroad to be used as a component of a joint through rate or combination rate. Rail carrier rates will be set independently and will not be published in tariffs. These circumstances should not inhibit the setting of a joint rate. The railroad and the ocean carrier will be involved in a joint venture in a highly competitive market. These carriers will have every incentive to join their services and market them effectively. We see no legal impediment or antitrust problem in an ocean carrier establishing joint through rates with one or more railroads. Again, ocean carrier rates can be set independently or collectively.

We realize that the exemption may potentially lessen the control of ocean conference ratemaking over joint intermodal rates. Railroads which must set their prices independently may seek out ocean carriers which are willing to price independently. Such an outcome

[1] In response to numerous comments, we intend the exemption to extend to "Roadrailer" equipment and any other equipment developed to be used in intermodal service.

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was possible under the law before the exemption. Therefore, we are not inclined to change the exemption to prevent such activity.

We recognize that the exemption will bring with it a new unregulated operating environment for railroads and water carriers. Our failure to treat the comments of the FMC and water carrier interests in greater detail should not be mistaken for an insensitivity to the issues and problems they have raised. Rather, our brief responses are intended to dispel the legal and practical fears of these interests and leave to the marketplace the resolution of any problems. Again, we stand ready to respond to any continuing problems after the exemption becomes effective.

3. Competitive Considerations

Considerable comment was directed to our findings that the service we are exempting is highly competitive and that the exemption was unlikely to result in abuses of market power. We see no reason to retreat from these findings.

No one has seriously questioned the existence of vigorous competition between TOFC/COFC and motor carrier service. Motor carriers have expressed the fear that they may not be able to participate in this service as easily as they could in the past. This is true. The railroads are only likely to open their tracks to do business with trucking companies which promise to offer the most competitive and efficient services. Such an outcome is consistent with the national transportation policy of 49 U.S.C. § 10101 and 10101(a).

We cannot accept the suggestion of ocean carriers and some shippers that railroads have unchecked market power for ex-water intermodal traffic. Their position is premised on the apparent lack of competition between railroads and motor carriers for these large volume movements. In our judgment, without immunity to collectively establish their rates, there will be vigorous competition among railroads for this traffic.

First, it should be noted that recent studies, such as those performed by Reebie Associates for the Federal Railroad Administration, question whether there are any significant line haul economies of scale between single car and multiple car movements. As a consequence, we are not prepared to conclude that ex-water shipments will not be subject to transport by motor carrier. Second, and perhaps more important, we believe that there is a substantial intramodal competition for such movements and that this competition will be enhanced rather than diminished by the exemption of TOFC/COFC.

The various port ranges discussed in *Rail Rate Equalization To and From Ports* (Rail Services Planning Office, Interstate Commerce Commission, January, 1979) are in vigorous competition with each other, as are the individual ports within those port ranges. The Ports of Boston, New York, Philadelphia, Baltimore, and Hampton Roads, to use one example, are all in competition with one another. All of these ports are served by more than one rail carrier that has some presence in the TOFC/COFC market. In the case of Hampton Roads and Baltimore, the competition between the carriers is vigorous and in the case of New York and Philadelphia, could become more so if the strongest competitor, ConRail, seeks to abuse its competitive position.

We appreciate that exemption may mean that some ports will not be in as strong a competitive position as they previously were and some steamship companies also will see their individual positions weakened. This does not mean, however, that transportation capability will not be available or that shippers will not have sufficient alternatives available to prevent abuse. What will occur is competition among ports and the rail carriers and steamships serving those ports. The competitive relationships we have described for the North Atlantic port range exist in the other port ranges as well and, in the absence of collective rate making, are sufficient to prevent abuse and unlawful discrimination, and to permit competition and the demand for services to establish reasonable rates for transportation by rail.[2]

Finally, the Port of Oakland complains of current abuses of market power. We believe they are likely to disappear after the effective date of the exemption. As discussed above, the two railroads which serve Oakland will have to compete and set their rates independently. We are convinced that geographic and intramodal competition will tend to minimize railroad market power under the exemption.

4. Antitrust Immunity

For the reasons cited in the November 21, 1980 decision, we are unwilling to consider exempting this service and continuing antitrust immunity for the setting of rates. Our decision today simply highlights the role of independent pricing in achieving the intended benefits of the exemption. Most importantly, independent pricing is needed to protect shippers and connecting carriers from potential abuses of market power. The exemption will disperse this power and deliver the benefits of intermodal and intramodal competition to the public.

5. Other Matters

A number of other matters deserve mention here. On page 8 of the November 21, 1980 decision we mentioned the issue of "appropriate treatment of railroad affiliated motor carriers." This statement has confused some of the commenters. It was intended to describe the possibility of reconsidering our policy on applications by railroads to acquire motor carriers under 49 U.S.C. 11344. This issue will be addressed in a separate proceeding.

One comment focused on whether it was wise to exempt service provided by the Alaska Railroad. There is some fear that this government owned entity will abuse its market power. This is the type of situation which may require some attention in the future but offers no real cause for concern at this time. In this area, as in others, we will follow the advice of the legislative history of Section 213 and "adopt a policy of reviewing carrier actions after the fact to correct abuses of market power," H.R. Rep. No. 96-1430, 96th Cong. 2d Sess. 105 (1980).

The last subject which merits attention is the timing of the decision. Some parties including the American Trucking Association, are arguing that our November 21, 1980 decision was issued in violation of the notice provisions of the Administrative Procedure Act, U.S.C. § 553. As we noted in our decision at footnote 1, the Staggers Rail Act of 1980 removed the requirement that a proceeding be held to consider an exemption. The notice and comment requirements of the APA do not apply here at all. We nonetheless appreciate our obligation to devise alternative procedures sufficient to comply with basic principles of due process by allowing interested persons an opportunity to put forward their views with respect to the proposed exemption. This we have done, of course, and we see no prejudice to any party as a result of the procedural vehicle that we have chosen.

There is general concern that the 80 days which have elapsed since the effective date of the exemption was announced is not sufficient time to prepare for the exemption. We seriously question if this is the case. Carriers have the option of continuing their present rates and practices until they are replaced by new arrangements negotiated under the exemption. The transition should not be that difficult.

Proctor and Gamble Company filed a supplement to its comments urging us to proceed with the exemption as scheduled. In its words "if competition and the marketplace cannot replace regulation as an economic control of COFC/TOFC service and prices, then competiton and the marketplace cannot replace regulation in any area of transportation activity." The comments have not demonstrated that further delay would change the prospects for implementing the exemption. Rule changes, business adjustments, and any further agency actions can be done after the exemption as easily as before.

Nevertheless, to remove any doubt about APA procedural claims and to give some commenters including the FMC additional time to adjust to the exemption we are postponing the effective date of the rules until March 23, 1981. The new effective date is more than 30 days from the date of this decision, which adopts in large measure the rules proposed in our decision of November 19, 1980.

The rules implementing the exemption are in the appendix.[3]

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

Decided: February 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioners Clapp and Gilliam concurring with separate expressions.

Agatha L. Mergenovich,
Secretary.

Commissioner Clapp, Concurring

The mechanics of this exemption promise to be more complicated than those of Ex Parte No. 346 (Sub-No. 1)—due, in no small part, to the heavy emphasis on intermodalism. The many issues and questions raised by the numerous commentators reflect this concern. The railroads, shippers, motor carriers, and ports have asked us for assistance, and I believe we owe them and others a full analysis and response. This decision all but ignores those requests. I agree that problems may arise which will require further consideration by us but do not understand why, when presented with definite questions from the involved parties, we fail to respond. Not only do I believe that these issues *should* have been addressed, they *could* have been addressed without delaying implementation. The exemption is intended to encourage the development of TOFC/COFC traffic yet the uncertainty which will exist as a result of our failure to address the issues may delay realization of that goal.

Commissioner Gilliam, Concurring

I fully support the rail exemption of TOFC/COFC service. I reached this decision only after much deliberation and careful analysis of the record in this proceeding. It was a difficult decision which was the primary reason that I advocated an extension of the scheduled effective date of the exemption beyond February 10, 1981. In addition to the complex issues raised by the numerous parties who filed comments, there was the question of adequate notice to those who were only included in the proceeding by our **Federal Register** Notice of November 28, 1980.

The concerns raised by the parties are all questions that I have raised myself with the Commission during the deliberative process. I have attempted within my power to make certain this decision clarifies the scope of the exemption and is otherwise responsive to as many of the concerns of the parties as is possible. While I am not satisfied that this decision accomplishes that goal, I give it my unqualified support because of the fact that Congress intended that we pursue partial and complete exemptions from remaining regulations consistent with the policies of the Staggers Act. The revocation procedures contained in the first exemption provision are retained in the Staggers Act and in my view are strengthened by Congressional intent that we adopt a policy of reviewing carrier actions after the fact.

I believe the decision to exempt TOFC/COFC services offers the potential for tremendous growth in intermodalism which is in my opinion an answer to our transportation needs of the future. I urge all concerned to use this exemption and make this second major experiment in deregulation a successful prototype for the future.

Appendix

Chapter X Title 49 of the Code of Federal Regulations is amended as follows:

PART 1039—CONTRACTS AND EXEMPTIONS

1. The heading of Part 1039 is revised to read *Contracts and Exemptions*, and a new § 1039.11 is added as follows:

§ 1039.11 Rail intermodal transportation exemption.

Railroad and truck transportation provided by a rail carrier as part of a continuous intermodal movement is exempt from the provisions of Subtitle IV of Title 49 with certain exceptions. Carriers must continue to comply with Commission accounting and reporting requirements. All railroad tariffs pertaining to the transportation of intermodal freight will no longer apply except to the extent adopted by carrier quotations. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

(49 U.S.C. 10321(a) and 10505)

Part 1090 is revised to read as follows:

PART 1090—PRACTICES OF CARRIERS INVOLVED IN THE INTERMODAL MOVEMENT OF CONTAINERIZED FREIGHT

Sec.
1090.1 Definiton of TOFC/COFC service.
1090.2 Use of TOFC/COFC service by motor and water carriers.

Authority: 49 U.S.C. 10321(a) and 10762.

§ 1090.1 Definition of TOFC/COFC service.

Trailer-on-flatcar (TOFC/COFC) service means the transportation on a rail car, in interstate or foreign commerce, of (a) any freight-laden highway truck, trailer, or semitrailer (or container portion of any highway truck, trailer, semitrailer having a demountable chasis) or (b) any empty highway truck, trailer, or semitrailer (or the container portion of any highway truck, trailer, or semitrailer having a demountable chasis) when such empty equipment is being transported incidental to its prior or subsequent use in TOFC/COFC service.

§ 1090.2 Use of TOFC/COFC service by motor and water carriers.

(a) Except as otherwise may be prohibited by these rules, motor common and contract carriers, water common and contract carriers, and freight forwarders may utilize TOFC/COFC service in the performance of all or any portion of their authorized service.

(b) Motor and water common carriers may utilize TOFC/COFC service only if

[2] The finding of market dominance for this type of service in No. 37417 *Shipments of Marine Containers on Railroad Flatcars*, April 1980 (served April 17, 1980) was premised on the existence of antitrust immunity to set rates collectively and should not continue in a wholly exempt environment where carriers have no antitrust immunity.

[3] 49 CFR 1039.11 has been amended by deleting the requirement that railroads send a letter of notification before using the exemption.

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their tariff publications give notice that such service may be utilized at their option, but that the right is reserved to the user of their services to direct that in any particular instances TOFC/COFC service not be utilized.

(c) Motor and water contract carriers may utilize TOFC/COFC service only if their transportation contracts and schedules make appropriate provisions therefor.

(d) Tariffs of motor and water common carriers and contracts and schedules of motor and water contract carriers providing for the use of TOFC/COFC service shall set forth the points between which TOFC/COFC service may be utilized.

PART 1300—FREIGHT TARIFFS: RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

Section 1300.0(a)(1) is amended by revising the second sentence to read as follows:

§ 1300.0 [Amended]

(a) * * *

(1) * * * The regulations in this part shall also govern the construction and filing of tariffs naming through routes and joint rates over the lines of common carriers by water or pipeline, subject to the Interstate Commerce Act, on the one hand, and vessel-operating common carriers by water engaged in the foreign commerce of the United States, as defined in the Shipping Act, 1916, on the other hand, for the transportation of property between any place in the United States and any place in a foreign country. See § 1300.67.

* * * * *

§ 1300.67 [Amended]

§ 1300.67(b)(1) is amended by deleting from the first sentence (1) the word "railroad", including the comma, (2) the comma following the word "pipeline," and (3) the phrase "or a common carrier by railroad, jointly with a common carrier by motor vehicle," including the comma.

§ 1300.67(b)(2) is amended by deleting the sentence reading as follows: "If a tariff provides less-than-carload, less-than-container-load, or less-than-trailerload service, such service must be defined."

§ 1300.67(b)(5) is amended by deleting from the next to last sentence the parenthetical phrase reading as follows: "(such as tariffs containing joint rail-ocean rates, joint rail-motor-ocean rates, et cetera)".

(49 U.S.C. 10762)

[FR Doc. 81-6536 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1252

[No. 37531]

Elimination of the Piggyback Traffic Statistics Report

AGENCY: Interstate Commerce Commission.

ACTION: Elimination of Report.

SUMMARY: The Commission is eliminating the requirement that certain carriers file a piggyback traffic statistics report. The majority of the information contained in this report is no longer used on a regular basis. Therefore, the Commission can no longer justify the reporting burden.

DATES: This action is to be effective for the reporting year beginning January 1, 1980.

ADDRESS: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: On January 1, 1978, the Commission began to reduce gradually the frequency with which certain carriers were required to file a piggyback traffic statistics report (PTSR). The reduction in filing frequency continued to the point where now carriers are only required to file the PTSR on an annual basis. The reduction in filing frequency was begun because the Commission found that it did not use the information as often as originally intended.

On December 7, 1979, at 44 FR 70479, we published a final rule which eliminated certain sections of the Code of Federal Regulations (49 CFR 1252.1, .2, .3, .4) which required Class I and II railroads, Class I and II intercity motor carriers of property, Class A water carriers, and all maritime carriers to file the PTSR. Section 1252.1 dealt with the confidentiality of the PTSRs and the final rule incorporated the reports into the carriers' annual report.

As a result, only § 1252.5, which required Class A freight forwarders to file the PTSR, remained. The Commission now finds that the majority of the information contained in this report is not used on a regular basis. Since the Commission's policy is not to require information that will not be used on a regular basis, the Commission can no longer justify imposing this burden. Therefore, the Commission is eliminating the requirement that Class A freight forwarders file an annual piggyback traffic statistics report.

This action does not significantly affect either the quality of the human environment or conservation of energy resources.

This action is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 12, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Chairman Gaskins not participating.

Agatha L. Mergenovich,

Secretary.

PART 1252 [REMOVED]

Therefore, Part 1252, and § 1252.5 (the only section in Part 1252) are removed from the Code of Federal Regulations.

[FR Doc. 81-3790 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Department of Commerce.

ACTION: Notice of reserve retention.

SUMMARY: This notice announces the retention of reserve amounts of fish that were eligible on February 2, 1981, for apportionment to the total allowable level of foreign fishing (TALFF) or domestic annual harvest (DAH) under 50 CFR 611.93(b).

Evidence presented to the North Pacific Fishery Management Council indicates that present DAH amounts for all species are less than the anticipated harvest. Therefore, the Regional Director of the Alaska Region is retaining all reserves for possible later apportionment.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: (907) 586-7221.

Signed at Washington, D.C., on behalf of the Regional Director this — day of February, 1981.

(16 U.S.C. 1801 *et seq.*)

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-6524 Filed 2-26-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 39
Friday, February 27, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Business Loan Policy; Eligibility of Motion Picture Theaters

AGENCY: Small Business Administration.

ACTION: Proposed Rule.

SUMMARY: This proposed amendment to Part 120 would provide that Motion Picture theaters are generally eligible for financial assistance. Under this rule, only those motion picture theaters that cater to general audiences would be eligible. Ineligible would be theaters showing sexually oriented films on a regular basis and films which advocate ideological, political or philosophical viewpoints.

DATE: Comments must be received on or before April 28, 1981.

ADDRESSES: Written comments, in duplicate, are to be addressed to Director, Office of Business Loans, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: questions regarding this proposed rule may be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L. Street NW., Washington, D.C. 20416, (202) 653-6470.

SUPPLEMENTARY INFORMATION: Motion pictur theaters were eligible for financial assistance from SBA until 1978. A legal opinion at that time indicated that such loans were not allowed by the legislation and the Agency's so-called "opinion molder" policy. This position was revised in 1980 to authorize SBA financial assistance to motion picture theaters generally. The SBA does believe, however, that tax money should not be used by those theaters that show sexually oriented films on a regular basis or films that promote or advocate ideological, political or philosophical viewpoints.

Regulatory Flexibility Analysis

For purposes of compliance with 5 U.S.C. 603 the following information is provided:

1. This rule is being proposed in order to make SBA financial assistance available to a wider variety of small businesses than had heretofore been eligible for such assistance.

2. The objective of the proposed rule is to broaden eligibility for SBA financial assistance. The legal basis for the proposed rule is the Small Business Act, 15 U.S.C. 631 *et seq.* and especially 15 U.S.C. 634(b)(6) and 636(a).

3. It is not feasible to estimate the number of small businesses which would avail themselves of the proposed rule were it to become final. There are hundreds if not thousands of movie theaters which would be made eligible for SBA financial assistance if the rule becomes final.

4. There are no reporting or recordkeeping requirements inherent in this proposed rule.

5. There are no Federal rules which duplicate or overlap this proposed rule. SBA will shortly be publishing a proposed rule which addresses the possibility of more comprehensively revising the "opinion molder" policy.

6. This proposed rule will have a positive economic impact on small business. Therefore, the analytical criteria stated in 5 U.S.C. 603(c) are not relevant to this proposed rule.

Accordingly, pursuant to the authority contained in section 3(c)(3) and 5(b)(6) of the Small Business Act (15 U.S.C. 631 *et seq.*), Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, would be amended by adding a new subsection (viii) to § 120.2(d)(4) as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) Financial assistance will not be granted by SBA: * * *

* * * * *

(4) * * *

(viii) Motion Picture Theaters. Motion Picture theaters that show films for general audiences are eligible. Ineligible are "Specialty" theaters that cater to limited audiences, such as theaters showing primarily sexually oriented films (commonly called "adult" theaters), or that promote or advocate ideological, political or philosophical viewpoints.

Date: February 20, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-6523 Filed 2-26-81; 8:45 a.m.]

BILLING CODE 8025-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 275

[Release No. IA-750; File No. S7-788]

Performance Based Compensation of Registered Investment Advisers to Business Development Companies

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission is withdrawing a proposed rule under the Investment Advisers Act of 1940 which would have provided an exemption from the statute's performance fee prohibition to permit certain registered investment advisers to business development companies to be compensated on the basis of a share of net capital gains upon, or net capital appreciation of, the funds of a business development company. The Congress has addressed the concerns which led to the rule proposal by its enactment of the Small Business Investment Incentive Act of 1980 which, among other things, amends the Advisers Act to permit certain registered investment advisers to business development companies to receive limited performance-based compensation.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur E. Dinerman, Esq., Investment Advisers Act Study Group, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272-2079.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is today withdrawing proposed Rule 205-3 [17 CFR 275.205-3] under the Investment Advisers Act of 140 ("Advisers Act") [15 U.S.C. 80b-1 et seq.]. Proposed Rule 205-3[1] would have exempted certain registered investment advisers to business development companies from the performance fee prohibition of

[1]The rule proposal was published for comment in Investment Advisers Act Release No. 680 (June 19, 1979); 44 FR 37470 (June 26, 1979).

Section 205(1) of the Advisers Act [15 U.S.C. 80b–5(1)]. Section 205(a) generally prohibits a registered investment adviser from being compensated on the basis of a share of capital gains upon, or capital appreciation of, the funds, or any portion of the funds, of an advisory client.

The purpose of the proposed rule was to remove, in a manner consistent with investor protection, an impediment to the flow of capital to relatively small companies in the developmental stage by providing relief from the prohibitions of Section 205(1). Because business development companies typically must assume long term, illiquid positions in unseasoned companies, investment advisers to business development companies often are compensated by a performance fee arrangement. The Commission believed that the Advisers Act's performance fee prohibition might have been unnecessarily impeding the flow of capital to new and developing companies insofar as (i) registered investment advisers might be unwilling to serve business development companies unless a performance fee arrangement were permitted and (ii) unregistered advisers to business development companies might be reluctant to provide their services under circumstances which would require registration and thereby subject such advisers to the performance fee prohibition. The Commission further believed that the exemptive relief proposed was consistent with investor protection, since it appeared that the practices and abuses that Section 205(1) was designed to prevent were unlikely to develop under the circumstances in which performance fees would have been paid pursuant to the proposed rule.[2]

In response to the rule proposal, the Commission received a number of comments, a majority of which, although supportive of the Commission's basic effort to provide appropriate relief under the Advisers Act for registered investment advisors to business development companies, criticized the specific rule proposal. Commentators stated, among other things, that various provisions of the rule proposal were unnecessarily restrictive and failed to reflect the customary activities of business development companies, and that compliance with certain of the conditions of the proposed rule would be so burdensome and difficult that the proposed rule might discourage the formation of business development companies.

A number of commentators also expressed the view that the status of business development company advisers under tha Advisers Act and, in particular, the availability of the exception from registration contained in Section 203(b)(3) of the Advisers Act (15 U.S.C. 80b–3(b)(3)), should be clarified.[3]

After proposed Rule 205–3 was published for comment, Congress began formal consideration of several bills which addressed the application of the federal securities laws to small business enterprises, including business development companies. This Congressional consideration, which involved lengthy hearings and deliberations on the appropriate action, culminated in the enactment of the Small Business Investment Incentive Act of 1980 ("Small Business Investment Incentive Act").[4] That Act amends the federal securities laws in several respects to remove impediments to the flow of capital to small business consistent with investor safeguards. In particular, Title II of the Small Business Investment Incentive Act makes several changes in the Advisers Act ("1980 Advisers Act Amendments") to deal with the special problems of business development companies.

The 1980 Advisers Act Amendments amended Section 205(1) of the Advisers Act to permit a registered investment adviser to a business development company, as defined in new Section 202(a)(22) of the Advisers Act (15 U.S.C. 80b–2(a)(22)), to receive a limited performance fee. The amount of performance fee is limited to not more than 20 percent of the realized capital gains (net of realized capital losses and unrealized depreciation) upon the funds of the business development company over a period of time or as of dates specified in the contract.[5]

In addition, the 1980 Advisers Act Amendments amended Section 203(b)(3) of the Advisers Act to clarify the availability of that exception from registration to the investment adviser to certain business development companies.[6] As amended, Section 203(b)(3) provides that, for purposes of determining the number of clients of an investment adviser under Section 203(b)(3), no shareholder, partner or beneficial owner of a business development company will be deemed to be a client of such investment adviser unless such person is a client of the investment adviser separate and apart from his status as a shareholder, partner, or beneficial owner. In effect, this clarification of Section 203(b)(3) delineates a "safe harbor" whereby an investment adviser to a private business development company who otherwise complies with the provisions of amended Section 203(b)(3) would not be required to register under the Advisers Act.[7]

[2] Proposed Rule 205–3 was modeled, in part, upon two individual exemption orders which the Commission had granted, under Section 206A of the Advisers Act, to permit the payment of limited performance-based compensation to investment advisers to certain companies engaged in business development-type activities. *See In re* Weiss, Peck & Greer, Investment Advisers Act Release No. 625 (April 25, 1978); *In re* Foster Management Company, Investment Advisers Act Release No. 651 (November 28, 1978).

[3] The performance fee prohibition of Section 205(1) does not apply to an investment adviser excepted from registration pursuant to Section 203(b) of the Advisers Act (15 U.S.C. 80b-3(b)). Section 203(b)(3) of the Advisers Act generally excepts from registration any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who neither holds himself out generally to the public as an investment adviser nor acts as an adviser to an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.). As discussed below, the 1980 Advisers Act amendments amended this section with respect to advisers to business development companies.

[4] Pub. L. No. 96–477 (Oct. 21, 1980).

[5] Amended Section 205(1) makes the limited performance fee arrangement unavailable if the business development company has either an executive compensation plan as described in new Section 61(a)(3)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–60(a)(3)(B)) or a profit sharing plan as described in new Section 57(n) of that Act (15 U.S.C. 80a–56(n)). This restriction on the availability of performance fee arrangements is designed to prevent the investment adviser of a business development company from receiving performance-based compensation where the board of directors or general partners of a business development company have already determined to provide incentive compensation through stock option or other incentive compensation plans. *See* House Committee on Interstate and Foreign Commerce, *Small Business Investment Incentive Act of 1980*, H.R. Rep. 96–1341, 96th Cong., 2d Sess. 63 (1980) ("House Report"); Senate Committee on Banking, Housing, and Urban Affairs, *Small Business Securities Acts Amendments of 1980* S. Rep. No. 96–958, 96th Cong., 2d Sess. 42 (1980) ("Senate Report").

[6] The Section 203(b)(3) exception to registration, as amended, is not available to an investment adviser to an investment company registered under the Investment Company Act or to a company which has elected to be a business development company pursuant to Section 54 of Title I of the Small Business Investment Incentive Act and has not withdrawn its election.

[7] It is important to note that an investment adviser excepted from registration pursuant to Section 203(b)(3) of the Advisers Act, including a business development company adviser, nevertheless is subject to the antifraud provisions contained in Section 206 of the Advisers Act (15 U.S.C. 80b–6). It should also be noted that the change in Section 203(b)(3) and the addition of the definition of business development company in section 202(a)(22) are not intended to affect adversely the status of investment advisers which are not registered under the Advisers Act. First, with respect to persons or firms which do not advise business development companies, these changes are not intended to suggest that each shareholder, partner or beneficial owner of a company advised by such a person or firm should or should not be regarded as a client of that person or firm. Second, with respect to persons or firms which do advise business development companies, but which do not rely on the safe harbor provisions of Section 203(b)(3), the changes are not intended to suggest that such shareholder, partner or beneficial owner of a company advised by such person or firm should or should not be regarded as a client of that person or firm. *See* Senate Report 41, House report at 62.

[8] The limitations and conditions imposed in amended Section 205(1) on a registered investment adviser's receipt of performance-based compensation from a business development company are in general substantially less restrictive than those contained in proposed Rule 205–3, particularly with regard to the conditions and limitations defining a business development company, its permissible investments, and its own sales of securities. The overall effect of the changes in the Advisers Act made by the amendments will be to make performance-based compensation more widely available to advisers to business development companies than it would have been under the rule proposal. However, in a few respects, the amendments contain additional conditions not contained in proposed Rule 205–3, among them, provisions of amended Section 205(1) placing a limitation of 20% on an adviser's performance fee and prohibiting simultaneous receipt of a performance fee and other incentive compensation and the provisions contained in Section 101 of Title I of the Small Business Investment Incentive Act requiring business development companies and their eligible portfolio companies to be domestic corporations.

While the effect of the amendments described above is not precisely co-extensive with the relief which would have been provided by proposed rule 205–3,[8] the Commission believes that Congressional adoption of these amendments has substantially eliminated the need for further general exemptive relief under the Advisers Act for business development company advisers. Therefore, the Commission has decided to withdraw proposed Rule 205–3.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 20, 1981.

[FR Doc. 81-63 Filed 2-26-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 106

[Docket No. 80N–0025]

Infant Formula Quality Control Procedures

Corrections

In FR Doc. 80–40507 appearing on page 86362 in the issue of Tuesday, December 30, 1980, make the following changes:

1. On page 86363, third column, eighteenth line of the second paragraph, "label" should read "labiel".

2. On page 86367, second column, the heading for § 106.20 should read "**Ingredient receipt.**".

3. On page 86369, third column, § 106.130, paragraph (d), third line from the bottom, "(HFA * * *)" should read "(HFF * * *)".

BILLING CODE 1505-01-M

21 CFR Part 452

[Docket No. 79N–0459]

Erythromycin Estolate; Proposed Revocation of Provisions for Certification of Adult Dosage Forms; Hearing Before Advisory Committee and Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice of hearing and reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming open meeting of the Ad Hoc Advisory Committee on Erythromycin Estolate and the reopening of the comment period on its proposal to revoke regulations for the certification of adult dosage forms of erythromycin estolate. This notice also sets forth a summary of the procedures governing the committee meeting and the methods by which interested persons may participate.

DATES: The meeting will be held on April 16 and 17, 1981; notices of participation and any information submitted by the Committee's consideration and any information submitted for the Committee's consideration should be filed by March 30, 1981; requests for reimbursement for participation should be submitted by March 24, 1981; written comments may be submitted between February 27, 1981 and May 18, 1981.

ADDRESSES: The meeting of the Ad Hoc Advisory Committee will be held at 9 a.m., in Conference Rooms D & E, 5600 Fishers Lane, Rockville, MD 20857. Notices of participation and information should be submitted for the committee's consideration to Mary Bruch, Executive Secretary, Ad Hoc Committee on Erythromycin Estolate (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4310; requests for reimbursement for participation and written comments should be submitted to the Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. A list of the Ad Hoc Advisory Committee members may be obtained from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mary Bruch, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4310.

SUPPLEMENTARY INFORMATION: Erythromycin estolate was first certified for marketing in 1958 (21 CFR 452.115a, 452.115b, 452.115c, 452.115d, 452.115e, 452.115f). In a notice published in the **Federal Register** of December 4, 1979 (44 FR 69670), FDA proposed to revoke regulations authorizing the certification of adult dosage forms (tablets and capsules) of erythromycin estolate (21 CFR 452.115a, 452.115b). The effect of the proposed revocation, if adopted in final form, would be to remove the drug products from the market. The notice allowed 30 days for the submission of written comments. Erythromycin estolate tablets and capsules are currently manufactured by two firms:

1. Dista Products Co., Division of Eli Lilly & Co., P.O. Box 1407, Indianapolis, IN 46206.

2. Danbury Pharmacal, Inc., 131 West St., P.O. Box 296, Danbury, CT 06810.

On January 18, 1980, a public informal conference on the proposed revocation was held at the request of Dista Products Co. (Lilly). Lilly and three other persons presented their views to FDA regarding the proposed revocation. After the informal conference, FDA extended the comment period for an additional 15 days.

FDA proposed the revocation because of new information that may change the risk/benefit ratio of erythromycin estolate compared to other available erythromycins. FDA has been aware since 1961 that a greater hepatotoxicity is associated with erythromycin estolate than with other forms of erythromycin. However, it was assumed that erythromycin estolate was more bioavailable than the other erythromycins, an advantage that outweighed the disadvantages of greater hepatotoxicity. Recent studies suggest that erythromycin estolate is no more bioavailable than other forms of erythromycin. Thus, it may be that the greater hepatotoxicity of erythromycin estolate is not counterbalanced by greater bioavailability, and on a benefit/risk basis, erythromycin estolate products would appear to be less safe in adults than other forms of erythromycin.

The prevalence of hepatic reactions from erythromycin estolate appears from the data available at this time to be much less in young children than in adults. Furthermore, in young children it is not clear that the number of hepatic

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reactions in relation to usage is different for the different salts and esters of erythromycin. For these reasons, pediatric dosage forms (chewable tablets, pediatric drops, and oral suspensions) were not included in the December 4, 1979 proposal to discontinue certification.

A decision is still pending within the agency on whether to propose withdrawal of these pediatric dosage forms, to require their relabeling, or to take no further action. This decision, as well as the Commissioner's decision regarding adult dosage forms, will be made after the public hearing before an Advisory Committee announced in this notice.

General Function of the Committee

The proposal to remove adults forms of erythromycin estolate from the market is controversial—the Bureau of Drugs received more than 750 comments in response to the proposal. The Commissioner believes that the factors determining the risk/benefit ratio of erythromycin estolate tablets and capsules compared to that of other forms of erythromycin should be as fully developed as practicable before a final decision is made on the proposal. The rulemaking process will benefit from an independent scientific review of the issues by an Advisory Committee. Therefore, the Commissioner requests that manufacturers, the Bureau of Drugs, and other interested persons prepare to present their views orally at an open public hearing before an Advisory Committee. The written summaries required to be submitted to the Committee's executive secretary (see time frame set forth below) by each person making a presentation (hearing participant) will be distributed approximately three weeks before the hearing to each other hearing participant. This will enable the hearing participants to review all information to be presented at the hearing, and to offer any rebuttals in their presentations.

FDA has identified the issues that are integral to the risk/benefit determination for adult dosage forms and submitted them to an Advisory Committee, which will hear the presentations and offer advice on the issues. The Commissioner will consider the Committee's conclusions when making a final decision whether to revoke provisions for certification of adult dosage forms of erythromycin estolate. In addition, the Committee will consider the issues as they pertain to pediatric dosage forms of erythromycin estolate. The Director of the Bureau of Drugs will weigh the Committee's advice when deciding whether to propose revocation of certification provisions for pediatric dosage forms of erythromycin estolate or any new labeling requirements.

FDA's standing Anti-Infective and Topical Drugs Advisory Committee would normally have been the appropriate advisory committee to consider the matter. Its charter was permitted to expire on April 10, 1980, however, as FDA deterined that the Committee should be reconstituted into separate and discrete committees to consider specific types of anti-infective drugs. Those committees' charters are pending. Because a standing committee has not been available since April 10, 1980, to review the issues surrounding erythromycin estolate, the Commissioner, by notice in the **Federal Register** of June 10, 1980 (45 FR 39340), chartered the Ad Hoc Advisory Committee on Erythromycin Estolate (Committee) solely to review information pertaining to adult and pediatric dosage forms of erythromycin estolate and to advise FDA on the determination of the risk/benefit ratio for all dosage forms. The members of the Committee represent an appropriate diversity of viewpoints and scientific disciplines, including physicians and other scientists specializing in infectious diseases, pathology, epidemiology, pediatrics, microbiology, and pharmacokinetics. All persons selected meet legal conflict of interest requirements. A list of the members may be obtained from the Dockets Management Branch (address above).

It is essential that the Committee meet as soon as possible to expedite a final decision on the proposed amendments. Therefore, the meeting will not be delayed until after the results of ongoing studies are obtained. At the hearing, the Committee will be able to consider the adequacy of protocols of ongoing studies and any available data that are submitted by March 30, 1981.

Agenda—Issues

The following issues are to be considered by the Ad Hoc Advisory Committee on Erythromycin Estolate. They reflect, in part, a list of issues submitted to FDA by Lilly as part of communications Lilly initiated with the agency regarding the agency's procedures in this matter. Copies of all correspondence and minutes of meetings with Eli Lilly and other interested person have been placed on file with the Dockets Management Branch at the address given above.

1. Whether the prevalence of adverse liver effects from erythromycin estolate is greater for adults or children, or both, than that for other erythromycins; if so, whether the difference is clinically significant.

a. Whether voluntary adverse drug reaction reports can reliably be used to determine the relative prevalence of adverse liver effects for erythromycins; if so, what differences they show in the relative prevalance of those effects and whether the differences are clinically significant.

b. Whether data that are presented from the Kaiser-Permanente Study, or from any other retrospective study, can reliably be used to determine the• relative prevalence of adverse liver effects for erythromycins; if so, what differences the data show in the relative prevalence of those effects and whether the differences are clinically significant.

c. Whether data that are presented from any prospective clinical study can reliably be used to determine the incidence of adverse liver effects for erythromycins; if so, what differences the data show in the relative incidence of those effects and whether the differences are clinically significant.

2. Whether there are any differences among erythromycins in the prevalence of adverse effects in adults or in children, or both, other than those involving the liver (for example, gastrointestinal intolerance); if so, whether those differences are clinically significant. Please state the basis for your conclusions.

3. For every bioavailability/bioequivalence study that is presented, the Committee is asked to comment on the adequacy of the design for determining bioavailability/bioequivalence, and whether the Committee believes the results of the study can be relied on the draw conclusions about comparative bioavailability of erythromycins under actual conditions of medical practice. The Committee will also address the following questions:

a. Whether tissue concentration studies of erythromycin estolate and erythromycin ethylsuccinate provide any evidence of clinically significant advantage for adults of children. Please identify the specific studies on which your conclusions are based.

b. Whether studies showing observable higher blood levels of erythromycin as the estolate indicate that erythromycin estolate is more reliably absorbed than other erythromycins and whether the studies provide any evidence of clinically significant advantage for adults or children. Please identify the specific studies on which your conclusions are based.

c. Whether erythromycin estolate, measured as the base, provides higher, the same, or lower blood levels than other erythromycins measured as the base; whether, as so measured, erthryomycin estolate is more, equally, or less reliably absorbed than other erythromycins; and whether the differences, if any, are clinically significant. Please identify the specific studies on which your conclusions are based.

4. Whether the propionyl ester of erythromycin estolate, apart from its being hydrolyzed, contributes to the therapeutic effect of erythromycin estolate; if so, why. Does it, for example, have an antibacterial effect? Whether, if the propionyl ester contributes to the therapeutic effect of erythromycin estolate, it has been demonstrated to convey a clinical advantage over other erythromycins. Please state the basis for your conclusion.

5. Whether a prospective study to determine the therapeutic effect (for example, antimicrobial) of the propionyl ester portion of the estolate molecule is feasible and needed; if so, what the design of such a study should be.

6. Whether erythromycin estolate has been shown in clinical practice to offer any therapeutic advantage in adults or children over other erythromycins.

a. Whether erythromycin estolate has been shown to be effective at lower doses than other erythromycins in the treatment of streptococcal infections and primary syphilis; if so, whether this use of lower doses offers any clinical advantage. Please state the basis for your conclusion.

b. Whether erythromycin estolate has been shown to be more effective than erythromycin ethylsuccinate in the treatment of *Haemophilus influenzae* otitis media. Please state the basis for your conclusion.

c. Whether erythromycin estolate has been shown to have any advantage over other erythromycins in the treatment of diptheria, pertussis, Legionnaires disease, chlamydial infections, and *Campylobacter* enteritis. Please state the basis for your conclusion.

7. On the basis of the evidence presented, whether erythromycin estolate has a better, the same, or a poorer benefit/risk ratio in adults than other available erythromycins. Please state the basis for your conclusion.

8. If erythromycin estolate has a favarable risk/benefit ratio in adults, what labeling changes, if any, are recommended for adult dosage forms of erythromycin estolate.

9. On the basis of the evidence presented, whether erythromycin estolate has a better, the same, or a poorer benefit/risk ratio in children then erythromycin ethylsuccinate. Please state the basis for your conclusion.

10. If erythromycin estolate has a favorable risk/benefit ratio in children when compared to erythromycin ethylsuccinate, what labeling changes, if any, are recommended for pediatric dosage forms of erythromycin estolate.

Open Public Hearing

Manufacturers of erythromycin estolate tablets and capsules and the Bureau of Drugs are requested under 21 CFR 143.35(c) to make an oral presentation before the Committee on the issues set forth above, and to submit in writing pertinent information for review by the Committee prior to the meeting. In the interest of fairness, the Bureau of Drugs will observe the same requirements as manufacturers. Accordingly, pertinent written information, a proposed agenda outlining the topics to be presented orally with an indication of the amount of time needed for the presentaton, and a list of participating staff members must be submitted in 25 copies by March 30, 1981, to the executive secretary (address above), who will forward the submissions to Committee members. The submissions will be forwarded to all other hearing participants as well, so that they will have an opportunity to review the information and comments on it in their own presentations. Consistent with 21 CFR 14.29 (b) and (d), manufacturers and the Bureau may use the time allotted them as desired, but will be required to adhere to the topics in their proposed agendas. Material not submitted to the agency by March 30, 1981, will not be permitted to be discussed orally at the hearing, but will be permitted to be submitted in writing to the committee at the close of the hearing, or at any time up to May 18, 1981.

Interested persons other than manufacturers are encouraged, under 21 CFR 14.35(d), to submit information and to make oral presentations pertinent to the issues set forth above for consideration by the Committee. Written information must be submitted to the executive secretary in 25 copies by March 30, 1981. Voluminous data is to be accompanied by a summary. Under 21 CFR 14.29(b) interested persons who wish to be assured of the right to make an oral presentation shall submit a notice of participation to the executive secretary (address above) by March 30, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the approximate time desired, the names and addresses of proposed participants, references to any data relied on, and 25 copies of all written information to be discussed. According to 21 CFR 14.29 (b) and (d), the allotted time may be used as desired, consistent with an orderly hearing, but proposed agendas must be adhered to. The executive secretary will distribute copies of all submissions to members of the Committee and to other hearing participants. Any person attending the hearing who does not request an opportunity to speak before the hearing will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The Committee members may question any hearing participant about his or her presentation, but no one else may do so. However, the chairperson will accept written questions concerning a presentation from other persons attending the hearing at the appointed time during the hearing. The chairperson will determine whether the questions are useful and pertinent to the Committee's inquiry, and if so, submit them to the appropriate hearing participant. During the hearing, persons may question a member of the Advisory Committee only if the member consents to questioning. All questions may be answered orally at the hearing, or in writing within 5 days of the hearing except that members of the Committee may respond to questions in their report to the Commissioner. All written answers will be placed on file under Docket No. 79N-0459 and will be available for public review in the Dockets Management Branch.

The open public hearing portion of the meeting will be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1-hour time limit for an open public hearing is minimum rather than the maximum time for public participation. An open public hearing may last for whatever period of time the Committee chairperson determines will facilitate the Committee's work.

Open Committee Discussions

During the open Committee discussion portion of the meeting, the Advisory Committee will discuss information presented at the hearing as it applies to the issues set forth above. No public participation is permissible during this portion except with the consent of the Committee chairperson.

The Committee meeting will be conducted, to the extend practical, in accordance with the procedures discussed in this notice. Any changes in the procedures will be announced at the beginning of the meeting. Persons

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interested in hearing specific presentations may ascertain from the contact person the approximate time of discussion.

The Committee shall submit its conclusions in writing to the Commissioner by April 27, 1981. The Committee's report will be placed on file under Docket No. 79N–0459 and will be available for public review in the Dockets Management Branch.

The Commissioner has determined that it will be in the public interest to continue to accept written comments on the proposed amendments. Comments will be accepted immediately after publication of this notice until three weeks after the Committee's report to the Commissioner is due. Accordingly, interested persons may submit written comments regarding the proposed revocation, the Committee meeting, or the Committee's report to the Dockets Management Branch at the address given above between February 27, 1981, and May 18, 1981. The executive secretary will forward a copy of the Committee's report to the hearing participants.

The Commissioner will consider the advice of the Committee and all comments in deciding whether to revoke provisions for certification of erythromycin estolate tablets and capsules. If the provisions are revoked, the final order will include the Commissioner's response to the comments, and will set forth the agency's position in full detail. The final order will provide for the filing of objections and requests for a hearing.

FDA has established a pilot program for financial assistance to participants in certain agency proceedings, including hearings before public advisory committees under 21 CFR Part 14. This program is described in 21 CFR 10.210. Applications for reimbursement must be filed by March 24, 1981, in accordance with the regulations, except that applications should be sent to the Office of Consumer Affairs at the address given above, rather than to the Dockets Management Branch as prescribed in 21 CFR 10.210(a)(2). For more information regarding the reimbursement program, contact Curtis Noah, Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3170.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees.

Dated: February 23, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81–12 Filed 2–26–81; 8:45 am]

BILLING CODE 4110–03–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Cancellation of Publication of Agenda of Significant Regulatory Activity

AGENCY: Equal Employment Opportunity Commission.

ACTION: Cancellation of Publication of Agenda of Significant Regulatory Activity.

SUMMARY: The EEOC announced that it would publish its Agenda of Significant Regulatory Activity, required by Executive Order 12044, as amended, on February 27, 1981. This notice is to inform the public that it will not be published on February 27, 1981, because President Reagan on February 17, 1981, in Executive Order 12291, revoked Executive Order 12044, as amended and instituted new regulatory agenda requirements and new uniform government-wide agenda publication dates.

FOR FURTHER INFORMATION CONTACT: Karen Danart, Acting Director, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, 2401 E Street NW., Washington, D.C. 20506, 202/634–7060.

Signed at Washington, D.C., this 24th day of February 1981.

Equal Employment Opportunity Commission.

Daniel E. Leach,

Acting Chair.

[FR Doc. 81–6521 Filed 2–26–81; 8:45 am]

BILLING CODE 6570–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD–FRL–1762–5]

Standards of Performance for New Stationary Sources; Beverage Can Surface Coating Industry; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening comment period.

SUMMARY: This action provides for a reopening of the comment period for the proposed standards of performance for the beverage can surface coating industry for a 30-day period beginning February 27, 1981. These standards were proposed in the **Federal Register** on November 28, 1980 (45 FR 78980). This action responds to requests from the Can Manufacturers Institute and the Adolph Coors Company for an extension of the comment period. This extension will allow additional time for the industry to further evaluate the proposed standards and submit additional information and data.

DATES: Comments must be postmarked no later than March 30, 1981. Also, written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing on January 6, 1981, must be postmarked no later than March 30, 1981.

ADDRESS: Comments should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–80–4, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5421.

Dated: February 20, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–3771 Filed 2–26–81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22 and 94

[SS Docket No. 79–18]

Frequencies for Multiple Address Radio Systems in the Domestic Public Land Mobile Radio Service and the Private Operational-Fixed Microwave Service, and Establishment of a New Frequency Tolerance in the 952–960 MHz Band; Order for Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: This action extends the time for filing comments and reply comments in a proceeding proposing the allocation of frequencies for multiple address radio systems in the Domestic Public Land Mobile Radio Service and the Private Operational-Fixed Microwave Service, and proposing the establishment of a new frequency tolerance for the 952–960 MHz band. This action is in response to a motion filed by the American Petroleum Institute.

DATE: Comments and reply comments must be filed on or before March 20, 1981, and April 6, 1981, respectively.

ADDRESS: Comments may be mailed to the Secretary, Federal Communications Commission, Washington, D.C. 20554 or delivered to Room 222, Federal Communications Commission, 1919 "M" St., NW; Washington, D.C. 20554, between 8:00 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: George Sarver, Spectrum Utilization Branch, Office of Science and Technology, Federal Communications Commission Washington, D. C. 20554 (202) 653–7434.

Adopted: February 13, 1981.
Released: February 19, 1981.

In the Matter of Amendment of Part 2 of the Commission's Rules governing frequency allocations, Part 22 of the Commission's Rules governing the Domestic Public Land Mobile Radio Service, and Part 94 of the Commission's Rules governing the Private Operational-Fixed Microwave Service to allocate forty-eight 25 kHz channels in the 900 MHz range for multiple-address radio systems; SS Docket 79–18; and Amendment of Parts 22 and 94 to establish a new standard for frequency tolerance in the 952–960 MHz band; (46 FR 10768); Order To Extend Time To File Comments.

By the Chief Scientist:

1. A Third Notice of Proposed Rule Making (Third Notice) (46 FR 10768) in the above-captioned matter was released January 14, 1981. The deadline for filing comments is February 18, 1981, and the deadline for reply comments is March 5, 1981. On February 10, 1981, the Central Committee on Telecommunications of the American Petroleum Institute (Central Committee) pursuant to the provisions of Section 1.46 of the Rules and Regulations of the Federal Communications Commission requested that the date for filing comments and reply comments be extended to March 20 and April 6, 1981, respectively.

2. The Central Committee contends that the complex technical issues addressed in the Third Notice are of vital interest to its members and they therefore require its full attention. The Central Committee further contends that deadline of February 18, 1981, for filing comments, does not provide sufficient time for the Central Committee members to adequately study the Commission's proposals and to formulate a consensus on the issues presented in this proceeding.

3. Because of the importance of this proceeding to both the users and the general public, and because of the Commission's desire to have the most definitive and complete responses possible, an additional thirty days for filing comments, to allow all parties time to study the Commission's proposal in depth, is considered to be in the public interest. Accordingly, IT IS ORDERED, pursuant to § 0.241(d) of the Commission's Rules and Regulations, that the date for filing comments on the Third Notice in this proceeding is extended from February 18, 1981, to March 20, 1981, and the date for filing reply comments is extended from March 5, 1981 to April 6, 1981.

Robert S. Foosaner,

Acting Chief Scientist.

[FR Doc. 81–6569 Filed 2–26–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–61, RM–3559, RM–3662]

FM Broadcast Station Avilla, Auburn, Albion, Garrett, and Lagrange, Indiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and order to show cause.

SUMMARY: Action here sets forth four options for changes in the table of assignments for FM broadcast stations in northeastern Indiana: Albion, Avilla, Auburn, Garrett, and Lagrange. This action is in response to petitions filed by the Harts Corporation and Mr. Paul D. Mowery.

DATES: Comments must be filed on or before March 24, 1981, and reply comments must be filed on or before April 13, 1981.

FOR FURTHER INFORMATION CONTACT: John Kamp, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

Adopted: February 2, 1981.

Released: February 13, 1981.

By the Chief, Policy and Rules Division.

In the Matter of an amendment of § 73.202(b) table of assignments FM Broadcasting Stations (Avilla, Auburn, Albion, Garrett, and Lagrange, Indiana), BC Docket No. 81–61, RM–3559, RM–3662, Proposed Rule Making and Order to Show Cause.

Petitions

1. The Commission has before it two petitions and one counter-proposal involving changes in the FM Table of Assignments for the communities of Albion, Auburn, Avilla, Garrett, and Lagrange, Indiana. Because these requests are largely mutually exclusive they are being considered together.

2. The Harts Corporation ("Harts") petitioned the Commission to assign FM Channel 272A to Avilla as that community's first aural service.[1] Fairfield Broadcasting Company ("Fairfield"), permittee of Station WEZV–FM, Fort Wayne, Indiana, and James E. Price ("Price") submitted comments in opposition to the Harts petition. In addition, Price proposed that 272A instead be assigned to Garrett or to Albion.

3. Paul D. Mowery ("Mowery") petitioned for the reassignment of Channel 288A from Auburn, Indiana, to Lagrange, Indiana, and the substitution of Channel 272A in Auburn for 288A now occupied there by Station WIFF–FM.[2] Furthermore, Mowery agrees to reimburse the licensee of WIFF–FM for reasonable expenses incurred in conjunction with the proposed reassignment.

Community Data

4. *Avilla:* Avilla (population 881),[3] located in Noble County (population 31,382), is approximately 192 kilometers (120 miles) north of Indianapolis.

5. *Albion:* Albion (population 1,498) is located in Nobel County (population 31,382), approximately 190 kilometers (118 miles) north of Indianapolis, Indiana.

6. *Garrett:* Garrett (population 4,715) is located in DeKalb County (population 30,837) approximately 194 kilometers (121 miles) north of Indianapolis.

7. *Lagrange:* Lagrange (population 2,053) is the seat of Lagrange County (population 20,890), approximately 216 kilometers (135 miles) north of Indianapolis.

8. *Local Broadcast Service:* None of these four communities presently has local aural service.

9. Petitioner Harts Corporation asserts that the business and population growth of Avilla have been vigorous since the 1970 census. Petitioners Price, and Fairfield dispute these assessments, and

[1] Public Notice of the petition was given on February 1, 1980, Report No. 1211.

[2] Public Notice of the petition was given on May 20, 1980, Report No. 1229.

[3] All population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

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contend that the community could not support a local station. The community is also said to be served by a city grade signal from Stations WAWK(AM) and WAWK-FM, licensed to nearby Kendallville. Fairfield opposed the petition on additional grounds, including allegations that the preclusion impact of the Avilla proposal should be considered.

10. Petitioner Mowery contends that Lagrange as a city and county have a demonstrated growth potential and stresses that the assignment would be the first commercial aural assignment in Lagrange County. Mowery recites that he will reimburse the Auburn licensee for the necessary costs of the frequency change if this proposal is granted and he becomes the licensee of the Lagrange channel.

Discussion

11. To avoid the apparent conflict between these proposals, the Commission staff performed an independent search for additional available channels and found none for the communities involved. Because the proposals are mutually exclusive, the staff also performed a preclusion study. The assignment of channel 272A to Avilla would cause only co-channel preclusion in parts of Noble and DeKalb counties in Indiana. The reassignment of Channel 288A to Lagrange would cause new preclusion on the co-channel only in parts of Cass and Van Burn counties in Michigan. In addition, there would be preclusion caused by the substitution of Channel 272A in Auburn.

12. Because the Commission is faced with multiple proposals we shall propose alternate plans as set out below. The Commission also seeks further data and argument on which of the four communities should receive their first FM channel assignment. Petitioner Mowery may wish, as an alternative, to search for a different channel for Lagrange which also may involve a substitution elsewhere to avoid the existing conflict here. Accordingly, the commission presents the following alternatives for amending § 73.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments.

City	Channel	
	Present	Proposed
Option I: Avilla		272A
Option II:		
Lagrange	[redacted]	[redacted]
Auburn	288A	272A
Option III: Garrett		272A
Option IV: Albion		272A

13. Under Option I, the assignment could be used in Avilla, Albion, or Garrett under the 10 mile rule, § 73.203(b) of the Commission's Rules. Under Option III, the assignment could be used in either Garrett or Avilla. Under Option IV the assignment could be used in either Albion or Avilla. An Albion assignment would require a site restriction of 1.6 kilometers (1 mile) northeast of Albion.

14. It is ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, the licensee of Station WIFF-FM, Auburn, Indiana, C.P. Broadcasters, Inc., SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 272A in lieu of Channel 288A, if the Commission determines that the public interest would best be served by adopting Option II above.

15. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WIFF-FM, Auburn, Indiana, may, not later than March 24, 1981, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Station WIFF-FM may, not later than March 24, 1981, file a written statement showing with particularity why its license should not be modified as proposed in the "Order to Show Cause." In this case, the Commission may call on Station WIFF-FM to furnish additional information, designate the matter for hearing, or issue, without further proceeding, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date stated above. Station WIFF-FM will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

16. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

17. Interested parties may file comments on or before March 24, 1981, and reply comments on or before April 13, 1981.

18. It is further ordered, That the Secretary of the Commission shall send a copy of this Order by certified mail, return receipt requested, to C.P. Broadcasters, Inc., P.O. Box 551, Auburn, Indiana, 46706, the party to whom the *Order to Show Cause* is directed.

19. For further information concerning this proceeding, contact John Kamp, Broadcast Bureau (202) 632–9660. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

20. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that §§ 603 and 604 of the *Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73,504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited to the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-3781 Filed 2-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-62; RM-3773; BC 28850]

FM Broadcast Station; Marshfield, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Marshfield, Wisconsin, in response to a petition from B–K Broadcasting, Inc. The proposal could provide for a second FM station to Marshfield.

DATES: Comments must be filed on or before March 23, 1981, and reply comments are due on or before April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 4, 1981.

Released: February 12, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Marshfield, Wisconsin); BC Docket No. 81–62, RM–3773; Proposed Rule Making.

1. The Commission has before it a petition for rule making [1] filed by B–K Broadcasting, Inc. ("petitioner"), requesting the assignment of FM Channel 224A to Marshfield, Wisconsin, as that community's second FM assignment. Comments were filed by Goetz Broadcasting Corporation (Goetz), licensee of WDLB and WLJY(FM), Marshfield, Wisconsin, opposing the assignment. Petitioner filed reply comments.

2. A Channel 224A assignment to Marshfield is affected by the pending proposal in Docket 78–92 to assign Channel 224A to Tomahawk, Wisconsin, as well as the existence of Station WDUX on Channel 224A in Waupaca, Wisconsin. Taking both of these into consideration, a Channel 224A assignment to Marshield would require a site restriction of 7.7 miles west-southwest. At that distance the station may not be able to provide a 70 dBu signal over the entire community.[2] To avoid the problem, we have substituted Channel 221A for consideration herein. A staff study of the Marshfield area shows that a Channel 221A assignment would place a 70 dBu signal over the entire community and require a site restriction of only 7 kilometers (4.4 miles) north of town.

3. Marshfield (population 15,619),[3] is located in Wood County (population 65,362), approximately 256 kilometers (160 miles) northwest of Milwaukee, Wisconsin. Marshfield is presently served by full-time AM Station WDLB, 1450 kHz, and FM Station WLJY, Channel 293.

4. Petitioner states that Marshfield has shown strong growth over the past ten years, enabling it to support an additional FM broadcast facility. The financial sector has seen the addition of several banks, representing an increase in total resources from $80,366,498.97 in 1969 to $202,568,000.00 in 1979.[4]

5. The assignment of Channel 221A to Marshfield would result in intermixing a Class A channel with a Class C channel (293). The Commission has a policy of permitting such intermixture where, as here, the petitioner is willing to apply for the Class A channel despite the unfavorable competitive situation. *See Yakima, Washington*, 42 FCC 2d 548, 550 (1973); *Key West, Florida*, 45 FCC 2d 142, 145 (1974).

6. B–K Broadcasting, Inc., by its President, Thomas F. Korn, in supplemental comments, has directed our attention to the pending proposal in Docket 80–90, *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Channels*, 45 FR 17602, published March 19, 1980, in which additional classes of channels are proposed. B–K Broadcasting, Inc. request that one channel in particular, Channel 225, be assigned to Marshfield as a Class B–1 facility (20 kW at 300 feet HAAT). We believe this request to be premature. If, and when, that proposal is adopted, B–K Broadcasting, Inc., may renew its request. In the meantime, B–K Broadcasting, Inc. should decide whether it wishes to pursue our proposal for Channel 221A herein or to await the outcome of Docket 80–90 and then refile

[1] *Public Notice* of the petition was given on November 3, 1980, Report No. 1254.

[2] Goetz argued that petitioner's proposed site will not provide city-grade coverage over the entire community as required by § 73.315 of the Commission's Rules and that no other site is available to meet spacing requirements. The petitioner filed a reply, stating that the site specified provides a 70 dBu signal over all but .5% of the Community. Petitioner argued that since the area not covered is officially designated an industrial park (as opposed to residential) and will in any event be covered by the proposed station's 60 dBu contour, its proposal meets the requirements of § 73.315 of the Commission's Rules.

[3] Population figures are taken from the 1970 Census.

[4] Statistics are provided by the Marshfield Area Chamber of Commerce.

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for a Class B–1 channel, assuming that proposal is adopted.

7. Petitioner did not submit a study to demonstrate what assignments in surrounding communities would be precluded by its proposed assignment. It should do so in comments with regard to Channel 221A and also indicate whether alternate channels are available for assignment within the precluded areas. *See Policy Statement to Cover Requests for Additional FM Assignments,* 8 FCC 2d 79 (1967).

8. Since Marshfield is located within 402 kilometers (250 miles) of the U.S.—Canadian border, the proposed assignment of Channel 221A to Marshfield, Wisconsin, requires coordination with the Canadian Government before it can be assigned.

9. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Marshfield, Wisconsin	293	293, 221A.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before March 24, 1981, and reply comments on or before April 13, 1981.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–19 Filed 12–29–81; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002 and 1116

[Ex Parte 382 (Sub-1)]

Revision of Rules for the Recordation of Documents

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to adopt revisions to Part 1116—Recordation of Documents. These revisions outline requirements for submission of documents to be recorded, requirements for the transmittal letter, as well as the administrative procedure in handling the documents. Part 1002 is proposed to be amended by adding the fees for recordation of documents to the fee schedule.

The rules for the recordation of documents under section 11303 of Title 49 need to be simplified and revised to reflect current Commission practice. By outlining the requirements in a list form, we expect to reduce the number of mistakes, which necessitate refiling. Standardization of certain requirements, such as the contents of the letter of transmittal will make it easier for Commission personnel to process and index the documents. Improved indexing will reduce search time for the public using the recordation files.

The Commission is aware that there is likely to be increased use of the Recordation files. Thus, we feel that it is important that the rules concerning the filing and recordation of documents are current and easy to use, particularly for persons who may be filing for the first time. Revision of these rules is part of a Commission program to improve and upgrade the quality of its public records.

DATE: Public Comment on this Proposed Rulemaking should be filed by March 30, 1981.

ADDRESSES: Please send comments, original and one copy, to: Office of Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph Ross, 202–275–0993; Kathleen King, 202–275–0956.

SUPPLEMENTARY INFORMATION: We propose adoption of the rules and modifications set forth in the appendix.

This action does not affect significantly the quality of the human environment or conservation of energy resources. This action does not significantly affect small businesses.

Issued under authority of 5 U.S.C. 553 and 49 U.S.C. 10301.

Decided: February 20, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

1. Part 1116 is proposed to be revised as follows:

PART 1116—RECORDATION OF DOCUMENTS

Sec.

1116.1 Definitions and classifications of documents.
1116.2 To whom to submit documents for recordation.
1116.3 Requirements for submission.
1116.4 Sample forms.
1116.5 Administrative procedure.

Authority: 49 U.S.C. 10301 and 5 U.S.C. 553.

§ 1116.1 Definitions and classifications of documents.

(a) A "primary document" is a mortgage (excluding those under the Ship Mortgage Act of 1920, as amended—46 U.S.C. 911 et seq. or 41 Stat. 988), lease, equipment trust agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels operated subject to Interstate Commerce Commission authorization, railroad cars, locomotives, or other mobile rolling stock or equipment used in connection with interstate commerce.

(b) A "secondary document" is any assignment of rights or interest, or amendment to any primary or other secondary document. These include releases, discharges, or satisfactions—either total or partial.

§ 1116.2 To whom to submit documents for recordation.

Documents to be recorded shall be submitted in person or by mail addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. All documents submitted by mail should clearly state "Documents for Recordation" on the envelope.

§ 1116.3 Requirements for submission.

In order to be accepted for recordation, an original of any primary or secondary document must:

(a) *Be in writing and executed by the parties* to the document, and acknowledged or verified either in a form

(1) Authorized by the law of the State, territory, district, or possession where executed for the acknowledgement or verification of deeds of land *or*

(2) Substantially as follows:

Individual Form of Acknowledgement

State of ————,
County of ————, ss:

On this —— day of ———— 19——, before me, personally appeared (name of signer), to me known to be the person described in and who executed the foregoing instrument and he acknowledged that he executed the same as his free act and deed.

Seal

————————————
Title of Officer
My commission expires ————.

Corporate Form of Acknowledgement

State of ————,
County of ———— ss:

On this —— day of ———— 19——, before me personally appeared (name of signer), to me personally known, who being by me duly sworn, says that he is the (title to office) of (name of corporation), that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

Seal

————————————
Title of officer
My commission expires ————.

(b) *Be accompanied by a counterpart,* or if no counterpart has been executed and acknowledged by the parties, one certified true copy. A certified copy of an original document is a complete copy in all respects, attached with a certificate of a notary public, stating that he or she has found the copy to be a correct one in all respects after a comparison of the copy to the original.

(c) *Be accompanied by a fee* in the appropriate amount. For each of the primary documents described under § 1116.1(a), a fee of $50 will be assessed. For each separate secondary document described in § 1116.1(b), a fee of $10 will be assessed. However, assignments which are executed *prior* to the filing of the primary document and which are submitted at the same time as the primary document, will be counted with the primary document as one document. A lease and agreement (Philadelphia Plan) shall be counted as one document.

(d) *Be accompanied by a letter of transmittal* requesting the recording of the document. For a sample of a letter, see § 1116.4. Each separate document to be recorded must have its own letter of transmittal. The letter of transmittal should be on 8½"×11" paper with 1½" margins on the left side, addressed to the Secretary, and should contain the following information:

(1) *Type of agreement*—(equipment trust, mortgage, assignment, etc.)

(2) *Whether document is a primary document or a secondary document* (see § 1116.1). If the document is a secondary document, it *must* contain the recordation number of the primary document to which it is connected.

(3) A *request for cross-indexing,* if the secondary document is an assignment.

(4) A *description of the equipment covered in the document:*

(i) *For railway equipment*—type of equipment (car, rolling stock, locomotive), with any A.A.R. mechanical designation; the number of each type; any identifying marks such as the name or initials of the lessee, mortgagee, or vendee; and the road or serial number, or inclusive numbers.

(ii) *For water carrier equipment*—type of such equipment (towboats, barges, or vessel); description as contained in the United States Coast Guard certificate of enrollment; number of each type of equipment; and any identifying marks such as the name or initials of the lessee, mortgagee, or vendee.

(5) *Parties to the agreement,* as follows:

(i) Conditional sale—vendor, purchaser, guarantor

(ii) Mortgage—mortgagor, mortgagee, guarantor

(iii) Equipment Trust—vendor, trustee, lessor, lessee, guarantor of lease.

(iv) Lease—lessee, lessor, guarantor

(v) Bailment—bailor, bailee, guarantor

(vi) Other transactions—principal debtor, trustee guarantor, and other parties.

(6) *Person to whom original document should be returned.*

(7) *The amount of the enclosed fee.*

(8) A *short summary* (1 or 2 sentences) of the type of document, and a very brief description of the equipment and

identifying numbers. This summary will be entered into the index in order to aid in researching the title (for a sample of a summary, see § 1116.4).

(9) *The letter must be signed by an executive officer* of one of the parties having knowledge of the matters described in the letter.

Note.—If the document is a mortgage or deed of trust which contains a "hereinafter acquired" or similar clause, the following statement may be included in the letter of transmittal in lieu of the equipment description above:

"Included in the property covered by the aforesaid mortgage or deed of trust are (here identify generally the equipment such as "barges, towboats, or other vessels, railroad cars, locomotives and other rolling stock") used or intended for use in connection with interstate commerce, or interests therein, owned by (name of mortgagor) at the date of said mortgage or thereafter acquired by it or its successors as owners of the water carriers or the lines of railway covered by said mortgage."

When such a mortgage or deed of trust is filed, it is not necessary to refile the document whenever additional rolling stock or equipment is acquired in order to perfect the lien of the document upon the additional equipment.

§ 1116.4 Sample forms.

(a) *Sample Short Summary* for the *Index*

(1) *Primary Document:*

[Type of document] between [name and address of lessor, mortgagor, bailor, etc.] and [name and address of lessee, mortgagee, bailee, etc.] dated [date], and covering [briefly list amount and types of equipment].

(2) *Secondary Document:*

(i) If an assignment—

Assignment between [name and address of assignor] and [name and address of assignee] dated [date of assignment] and covering [list amount and types of equipment], and connected to [type of document primary document is] with Recordation No. [Recordation No. of the primary document].

(ii) If document is not an assignment—

[Type of document] to [type of primary document] with Recordation No. [recordation no. of the primary document], date [date of amendment, supplement, release, etc.] and covering [list amount and types of equipment].

(b) *Sample Letter of Transmittal*

[Secretary's Name]
Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Dear Secretary: I have enclosed an original and one copy/counterpart of the document(s) described below, to be recorded pursuant to section 11303 of Title 49 U.S. Code.

This document is a [mortgage, lease, equipment trust, supplement, etc.], a [primary or secondary] document, dated [date].

(If a secondary document)—The primary document to which this is connected is recorded under Recordation No. [state no.].

(If an assignment)—We request that this assignment be cross-indexed.

The names and addresses of the parties to the documents are as follows:

Vendor, Lessor, Mortgagor, etc.: [name and address].

Vendee, Lessee, Mortgagee, etc.: [name and address].

A description of the equipment covered by the document follows:

[Type of Equipment, Amount of each type, AAR designation, identifying marks, road or serial numbers, etc. as outlined in § 1116.3(d)(4).]

A fee of [fee amount] is enclosed. Please return the original and any extra copies not needed by the Commission for recordation to [party to whom documents should be returned].

A short summary of the document to appear in the index follows: [short summary as described in § 1116.4(a)].

Very truly yours,

[Signature by an executive officer of one of the parties]

§ 1116.5 Administrative procedure.

(a) At the time of filing of a document with the Commission for recordation, a consecutive number will be stamped upon the original document and upon the copies or the counterparts, with the date and hour of the filing. A notation to the effect that the document has been filed pursuant to 49 U.S.C. 11303 will be made. The original, along with the notation, will be returned to the party named in the transmittal letter and a copy or counterpart will be retained by the Commission.

(b) The Commission will maintain an index for public use as required by 49 U.S.C. 11303(b). There will be an index of parties to an agreement, which will contain cross indexes of assignments *if requested* in the transmittal letter. There will also be an index of documents by number, which will also list secondary documents referenced to the primary ones. The indexes will contain the pertinent information furnished by the parties in the transmittal letter.

(c) The Commission cannot judge the validity of documents, nor judge the status of title to property recorded at the Commission. The public is welcome to research the records or use an agent or attorney to do so, provided they respect Commission rules and regulations concerning handling of the documents.

(d) The public should note that since filing with the Commission is discretionary, at times there may be gaps in the record for which the Commission is not responsible.

PART 1002—FEES

§ 1002.2 [Amended]

2. Part 1002, § 1002.2(d) Schedule of Filing Fees Part VI: Other Proceedings, is proposed to be amended by adding subparagraphs (47) and (48) as follows:

* * * * *

(d) * * *

(47) Filing of any primary document as defined in 49 CFR 1116.1(a) for recordation under 49 U.S.C. 11303 and 49 CFR 1116.3(c) . . . $50 per document.

(48) Filing of any secondary document as defined in 49 CFR 1116.1(b) for recordation under 49 U.S.C. 11303 and 49 CFR 1116.3(c) . . . $10 per document.

[FR Doc. 81-3828 Filed 2-26-81; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Parts 1039, 1300 and 1301

[Ex Parte No. 346 (Sub-No. 3)]

Rail General Exemption Authority—Long and Short Haul Transportation

AGENCY: Interstate Commerce Commission.

ACTION: Proposed Rules: Notice of postponement of filing date.

SUMMARY: On December 18, 1980 [45 FR 83300], the Commission published a Notice of Proposed Rulemaking seeking comments on a proposed rule to exempt all rates and charges for rail transportation from the long and short haul and aggregate of intermediates provisions of 49 U.S.C. 10726. The original due date for comments was February 2, 1981. In response to a petition filed by the Water Transport Association, this due date was extended to February 23, 1981, in a decision served January 29, 1981. Through inadvertence, this extension was not published in the **Federal Register**. By letter petition filed February 2, 1981, the Association has requested a 10-day extension of the filing due date. Because of the importance of the issues here under consideration and in order to develop a complete record in this proceeding, we are authorizing this 10-day extension.

DATE: Comments are now due March 5, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202) 275-7693.

Decided: February 17, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3789 Filed 2-26-81; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1039

[Ex Parte No. 230 (Sub-6)]

Improvement of TOFC/COFC Regulation, Railroad Affiliated Motor Carriers and Other Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rule.

SUMMARY: The Commission has approved an exemption from 49, Subchapter IV of the U.S. Code for rail and truck service provided by rail carriers as part of a continuous intermodel movement. In this notice the Commission is proposing to include truck service provided by railroad affiliated motor carriers and other motor carriers in the exemption. The proposal is intended to round out the approved exemption by authorizing railroads to use transportation resources available to them in exempt intermodal service.

DATES: Comments are due March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. MacKall (202) 275-7656.

SUPPLEMENTARY INFORMATION: In Ex Parte No. 230 Sub-No. 5, published simultaneously with this document, rail and truck service provided by rail carriers as part of a continuous intermodal movement was exempted from Title 49, Subchapter IV of the U.S. Code effective March 23, 1981. In that proceeding we deferred a decision on whether to include railroad affiliated motor carriers in the exemption. The public comments indicated that the original notice of exemption did not provide the public with sufficient notice that we intended to include railroad affiliated motor carriers in the exemption. In addition, some comments including the comment of the American Trucking Associations, Inc. seriously questioned our jurisdiction to exempt truck service regardless of who provides it under 49 U.S.C. § 10505. The comments of others strongly suggest that we have the authority to exempt the motor portion of intermodal movements performed by regulated motor carriers, owner-operators and private trucks. For these reasons, we are requesting further comment on whether we can or should add railroad affiliated truck service and other truck service to the exemption.

We believe that we have the authority to exempt railroad affiliated motor carriers. Section 10505(a) authorizes the exemption of transactions and services in matters related to rail carriers by persons or classes of persons. Section 10505(f) goes further to authorize transportation provided by a rail carrier as a part of a continuous intermodal movement. This language is broad enough to include motor carrier service. "Transportation" is defined in 49 U.S.C. 10102(24) to include motor vehicles. Transportation provided by a rail carrier as a part of a continuous intermodal movement should include all the trucking service provided by a railroad and its affiliates. All resources available to a railroad should be used for performing exempt intermodal service regardless of the corporate arrangement of railroad trucking services.

We understand that the ability of a railroad to provide a complete intermodal service under the exemption may somewhat disadvantage close substitutes for this service such as independent motor carriers and boxcar service. As we indicated in the November 21, 1980 decision, trucking companies have considerable flexibility to adjust their prices and services under the Motor Carrier Act of 1980. Motor carriers seeking new authority to serve exempt railroads should not encounter any difficulty securing a license. Nonetheless, we are prepared to consider what other procedural or substantive tools are available to us as a means of expediting or simplifying the means by which independent motor carriers might receive competitive parity with rail carriers and their affiliated motor carriers in the provision of TOFC/COFC service. Therefore, we are considering whether we can or should include other than railroad owned or affiliated motor carriers under the exemption.

Railroads may adjust prices for boxcar service under the pricing flexibility offered by the Staggers Rail Act of 1980. In addition, it is possible that all or part of boxcar service would be considered for exemption under 49 U.S.C. 10505 by petition or upon our own initiative.

We propose to insert the following language after the first sentence of 49 CFR 1039.11:

§ 1039.11 [Amended].

* * * The truck transportation may be performed by the railroad or any motor carrier regardless of its ownership or affiliation. * * *

Note.—This action does not significantly affect either the quality of the human environment or conservation of energy resources. Moreover, we do not believe that our proposed action will have an adverse effect on small business within the meaning of the Regulatory Flexibility Act, 94 Stat. 1164, September 19, 1980. We shall nonetheless transmit a copy of our proposal to the Chief Counsel for Advocacy of the Small Business Administration.

This proposed rule is issued under the authority of sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) and sections 10321(a) and 10505 of Title 49 (49 U.S.C. 10321(a) and 10505).

Decided: February 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp concurring with a separate expression. Commissioner Gilliam concurring with a separate expression.

Agatha L. Mergenovich,
Secretary.

[Sub-6]

Commissioner Clapp, concurring: A full discussion of the issues is critical if this proceeding is to be decided properly. The proposed modification of 49 CFR § 1039.11, if adopted by us, would exempt all motor carrier TOFC/COFC transportation. This may go beyond the bounds contemplated by 49 U.S.C. § 10505, and I encourage parties particularly to address this jurisdictional issue.

Commissioner Gilliam, concurring: I fully support the rail exemption of TOFC/COFC service. I reached this decision only after much deliberation and careful analysis of the record in this proceeding. It was a difficult decision which was the primary reason that I advocated an extension of the scheduled effective date of the exemption beyond February 10, 1981. In addition to the complex issues raised by the numerous parties who filed comments, there was the question of adequate notice to those who were only included in the proceeding by our Federal Register Notice of November 28, 1980.

The concerns raised by the parties are all questions that I have raised myself with the Commission during the deliberative process. I have attempted

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within my power to make certain this decision clarifies the scope of the exemption and is otherwise responsive to as many of the concerns of the parties as is possible. While I am not satisfied that this decision accomplishes that goal, I give it my unqualified support because of the fact that Congress intended that we pursue partial and complete exemptions from remaining regulations consistent with the policies of the Staggers Act. The revocation procedures contained in the first exemption provision are retained in the Staggers Act and in my view are strengthened by Congressional intent that we adopt a policy of reviewing carrier actions after the fact.

I believe the decision to exempt TOFC/COFC services offers the potential for tremendous growth in intermodalism which is in my opinion an answer to our transportation needs of the future. I urge all concerned to use this exemption and make this second major experiment in deregulation a successful prototype for the future.

[FR Doc. 81-6537 Filed 2-26-81; 8:45 am]
BILLING CODE 7535-01-M

V 4 6 / 3 9 F E 2 7 8 1 UMI

Notices

Federal Register
Vol. 46, No. 39
Friday, February 27, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Assignment of Geographic Area to the Bloomington Grain Inspection Department, Bloomington, Ill., and to the Gibson City Grain Inspection Department, Gibson City, Ill.; Correction

AGENCY: Federal Grain Inspection Service.

ACTION: Notice, correction.

SUMMARY: This document corrects the assignment of geographic areas to the Bloomington Grain Inspection Department, Bloomington, Illinois, and to the Gibson City Grain Inspection Department, Gibson City, Illinois. A January 12, 1979, Notice, which proposed assignment of geographic area to the Bloomington Grain Inspection Department, Bloomington, Illinois, incorrectly cited a location reference. As a result, subsequent final Notices announcing the assigned geographic areas of the Bloomington Agency and the adjacent Gibson City Agency misstated the agencies' respective geographic areas.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250; (202) 447-8262.

SUPPLEMENTARY INFORMATION: The January 12, 1979 (44 FR 2635), issue of the **Federal Register** cited the eastern boundary of the Bloomington Agency as being "Bounded: on the East by the ICG Railroad line southwest to Pontiac, Illinois, including the Bunge Elevator 5 miles north-northwest of Pontiac and the city of Pontiac, Illinois; . . . ." This description would have located the Bunge Elevator within the contigious geographic area of the Bloomington Agency, and therefore no further reference was made to the Bunge Elevator in the subsequent assignments of geographic area to the Bloomington and Gibson City agencies. The subsequent assignments respectively appeared in the September 5, 1980 (45 FR 59122-3), and July 22, 1980 (45 Fr 49069), issues of the **Federal Register**.

However, the correct description locates the Bunge Elevator outside the contiguous geographic area of the Bloomington Agency and makes it an exception to the geographic area of the Gibson City Agency.

The Bloomington Agency has provided service to the Bunge Elevator for many years and is currently doing so. The Gibson City Agency has not provided service at this location. Both agencies have been notified of the following correction and concur in the same.

The Bloomington Agency's assigned geographic area which was published in the September 5 issue of the **Federal Register** on page 59123 is corrected to add the following geographic location:

In addition the following location which is outside the Agency's contiguous geographic area and is to be serviced by the Agency shall be considered as part of the Agency's geopgraphic area: Bunge Elevator, Pontiac, Illinois, in Livingston County.

The Gibson City Agency's assigned geographic area which was published in the July 22 of the **Federal Register** on page 49069 is corrected to add the following exception to its geographic area:

An exception to this geographic area is the following location situated inside the Agency's geographic area which has been and will continue to be serviced by the Bloomington Grain Inspection Department, Bloomington, Illinois: Bunge Elevator, Pontiac, Illinois, in Livingston County.

Further, the eastern boundary of the Bloomington Agency and the western boundary of the Gibson City Agency are respectively clarified to reflect that the common boundary line between the two agencies is established in part by a straight line running north and south through Arrowsmith to a point where the line intersects the ICG Railroad line in Ponitac.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: February 20, 1981.

[FR Doc. 81-56 Filed 2-26-81; 8:45 am]
BILLING CODE 3410-22-M

Forest Service

Legal Description and Maps for the Alpine Lakes Wilderness, Intended Wilderness, and Management Unit; Availability

The Alpine Lakes Area Management Act of 1976, 16 U.S.C. 1132 note (1976), designated the Apline Lakes Wilderness, the "Intended Wilderness," and the peripheral area referred to as the "management unit." Section 3(a) of the Act provides that a detailed description and maps showing the boundaries of these units be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and published in the **Federal Register**.

The legal description for the involved units consists of 121 pages and 48 map sheets. Costs to publish this material in the **Federal Register** are estimated to be $69,000. In the interests of economy, this notice of availability is published to provide public awareness that this legal description and maps are on file for public inspection and may be reviewed by interested parties in the following offices:

Chief, Forest Service, USDA, South Agriculture Building, Room 4238, 12th & Independence Ave. SW., Washington, D.C.;
Regional Forester, Forest Service, USDA, 319 SW. Pine Street, Portland, OR 97208;
Forest Supervisor, Forest Service, USDA, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, WA 98101;
Forest Supervisor, Forest Service, USDA, Wenatchee National Forest, 301 Yakima Street, Wenatchee, WA 98801.

In compliance with the Wilderness Act of 1964 (Pub. L. 88-577), the legal description and maps will be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives. This action will be taken following publication of this notice of availability.

Further information is available from Charles R. Joy, USDA, Forest Service,

Recreation Management Staff, P.O. Box 2417, Washington, D.C. 20013; telephone (202) 447–2422.

Dated: February 11, 1981.

Douglas R. Leisz,

Associate Deputy Chief, NFS.

[FR Doc. 81-3797 Filed 2-26-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Continental Telephone Co. of the West, Holbrook, Ariz.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $41,700,000 to Continental Telephone Company of the West, Holbrook, Arizona. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable to making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. W. S. Hegmann, President, Continental Telephone Company of the West, 10030 North 25th Drive, Suite 200, Phoenix, Arizona 85021.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. W. S. Hegmann. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Continental Telephone Company of the West and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C., this 24th day of February, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-3798 Filed 2-26-81; 8:45 am]

BILLING CODE 3410-15-M

Texland Electric Cooperative, Inc.; Intent To Prepare an Environmental Impact Statement and Announcement of Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA), if lead agency, intends to prepare an Environmental Impact Statement (EIS) and conduct public scoping meetings in order to fulfill its requirements under the National Environmental Policy Act of 1969 in connection with a possible loan guarantee commitment to Texland Electric Cooperative, Inc., for the construction of certain generation and related transmission facilities. Texland tentatively proposes that the generating facilities be located in the state of Texas and is investigating possible sites in the counties of Milam, Burleson, and Robertson.

The sites are being investigated for a possible 2000 MW (ultimate capacity) coal-fired generating station. Associated with the proposed generation station, will be a possible lignite mine, coal transportation and handling facilities, bulk transmission, pollution control equipment, cooling towers, waste disposal areas, retention ponds, water supply facilities, and other ancillary facilities.

Alternatives to be considered by REA are described in REA Bulletin 20–21:320–21 and may include among other options: (1) no project, (2) conservation and load management, (3) purchase power from other utilities, (4) shared generating units with other utilities, (5) alternative sites for the proposed generating plant and transmission lines, (6) alternative fuels, and (7) alternative methods of generation.

Public scoping meeting will be held on April 1, 1981, at 7:30 p.m., CST in the High School Auditorium at the junction of U.S. Highways 36 and 79 in Milano, Texas, and on Arpil 2, 1981, at 7:30 p.m., CST in the District Courtroom of the Robertson County Courthouse in Franklin, Texas. These public scoping meetings will be chaired by representatives of REA.

These public scoping meetings will be held in order to solicit public input and comments including but not limited to the nature of the proposed project, its possible location, alternatives, and any significant issues and environmental concerns that should be addressed in the REA EIS. A record will be made of the meeting and comments will be addressed in the EIS.

All agencies, groups, and individuals are invited to attend and participate in this series of public scoping meetings. All interested parties are invited to submit written comments to REA prior to, at, or within 30 days after the scoping meetings, if they desire to have their comments as part of the formal record for these scoping meetings. Comments may be sent to Frank W. Bennett, Director, Power Supply Division, Room 5168, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington D.C. 20250, phone: (202) 447–6183. Requests for additional information concerning the scoping meetings may also be directed to the following representatives of Texland:

Mr. Bennie R. Fuelberg, Manager, Pedernales Electric Cooperative, Inc., P.O. Box 467, Johnson City, Texas 78636 (512) 868–7155;

Mr. Henry Umscheid, Manager, Bluebonnet Electric Cooperative, Inc., 426 East Austin Street, Giddings, Texas 78942 (713) 542–3151.

REA financing assistance to Texland will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects. Final action will be taken only after compliance with environmental impact statement procedures required by the National Environmental Policy Act of 1969.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 23rd day of February 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-3796 Filed 2-26-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Docket No. 39285]

Acquisition of Control of Continental Air Lines, Inc. by Texas International Airlines, Inc.; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C. February 23, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-3813 Filed 2-26-81; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits.

Notice of applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits filed under Subpart Q of the board's procedural regulations (see, 14 CFR 302.1701 et seq.), week ended February 20, 1981.

Date filed	Docket No.	Description
Feb. 17, 1981	39313	Aspen Airways, Inc., Hangar 5, Stapleton International Airport Denver, Colorado 80207 Application of Aspen Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate of public convenience and necessity for Route 155 so as to authorize air transportation of persons, property, and mail between the point Lake Tahoe, and Santa Ana, and San Diego, California. Conforming Applications, motions to modify scope, and Answers may be filed by March 17, 1981
Feb. 17, 1981	39315	Heavylift Cargo Airlines Limited, c/o Lester M. Bridgeman, 1750 New York Avenue, N.W., 210 United Unions Building, Washington, D.C. 20006 Application of Heavylift Cargo Airlines Limited, pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations for a foreign air carrier permit authorizing Heavylift to engage in foreign air transportation as follows: A. Between any point or points in the United Kingdom of Great Britain and Northern Ireland and any point or points in the United States, either directly or via intermediate or beyond points in other countries, with or without stopovers. B. Between any point or points in the United States and any point or points not in the United States or the United States. Limited to charter foreign air transportation of property, and accompanying cargo personnel, and subject to the condition that flights authorized under paragraph B above must be individually approved by the Civil Aeronautics Board unless such requirement is waived by Board Order. Answers may be filed by March 17, 1981
Feb. 18, 1981	39325	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of persons, property and mail, over the following route: Between the coterminal points San Francisco/Oakland and Los Angeles, California and Honolulu, Hawaii, on the one hand and the terminal point Manila, the Republic of the Philippines, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by March 18, 1981.
Feb. 19, 1981	39331	Empresa Ecuatoriana de Aviacion, c/o Robert D. Paxton, Squire, Sanders & Dempsey, 21 Dupont Circle, N.W., Washington, D.C. 20036. Application of (Ecuatoriana) requests renewal of its existing Foreign Air Carrier Permit issued in Order 78–3–161 and approved by the President of the United States on March 24, 1978, pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, to operate scheduled services and to carry persons, property, and mail over each of the following routes: 1. Between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Havana, Cuba, and the co-terminal points Miami, Florida and New York, New York. 2. Between a point or points in Ecuador; the intermediate points Cali and Bogota, Colombia, Panama City, Panama, and Mexico City, Mexico; and the terminal point Los Angeles, California. Answers may be filed by March 19, 1981.

Phyllis T. Kaylor,

Secretary

[FR Doc. 81-3814 Filed 2-26-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Rochester Mushroom Farms, Inc., 1385 E. Hamlin, Rochester, Michigan 48063, a producer of mushrooms (accepted February 10, 1981); (2) Mr. Joseph, Inc., 1 Industrial Lane, Johnston, Rhode Island 02919, a producer of jewelry (accepted February 10, 1981); (3) Creaciones Ronie, Inc., P.O. Box 11374, Caparra Heights Station, San Juan, Puerto Rico 00922, a producer of women's dresses, tops and shirts (accepted February 10, 1981); (4) Houk Machine Company, Inc., 2795 Barber Road, Norton, Ohio 44203, a producer of metal molds, plastic parts and forging dies (accepted February 11, 1981); (5) Sterlingwale Corporation, 168 Stevens Street, Fall River, Massachusetts 02159, a producer of corduroy fabric (accepted February 11, 1981); (6) Addmaster Corporation, 416 Junipero Serra Drive, San Gabriel, California 91776, a producer of calculators, cash registers and other business machines (accepted February 11, 1981); (7) Ocean Leather Corporation, 42 Garden Street, Newark, New Jersey 07105, a producer of leather (accepted February 12, 1981); (8) Arnold Haviland Company, 1008 South Jackson Street, Defiance, Ohio 43512, a producer of automotive exhaust systems

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(accepted February 13, 1981); (9) Mohawk Industries, Inc., 173 Howland Avenue, Adams, Massachusetts 01220, a producer of stoves (accepted February 18, 1981); (10) Jayco Industries, 140 Palm Street, Live Oak, Florida 32060, a producer of men's and boys shirts (accepted February 18, 1981); and (11) The Cawley Stove Company, Inc., 27 North Washington Street, Boyertown, Pennsylvania 19512, a producer of stoves (accepted February 20, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81–83 Filed 2–26–81; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket Number 80–00408. Applicant: U.S. Department of Energy, P.O. Box 550, Richland, Washington 99352. Article: Scanning Transmission Electron Microscope, Model JEM 200–CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 75728 in the **Federal Register** of November 17, 1980. Article Ordered: December 31, 1979.

Docket Number 80–00409. Applicant: U.S. Department of Agriculture-Science & Education Administration Rm 101 Bldg. 004, Agricultural Research Center, Beltsville, MD 20705. Article: Model JEM 100CX Electron Microscope and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 66830 in the **Federal Register** of October 8, 1980. Article ordered: April 30, 1980.

Docket Number 80–00410. Applicant: University of Maryland, Baltimore County, 5401 Wilkins Avenue, Catonsville, MD 21228. Article: Electron Microscope, Model JEM 100CX. Manufacturer: Japan Electron Optics Lab., Japan. Intended use of article: See Notice on page 75729 in the **Federal Register** of November 17, 1980. Article ordered: March 31, 1980.

Docket Number 80–00411. Applicant: University of Washington, Department of Ophthalmology RJ–10, Seattle, WA 98195. Article: Electron Microscope, Model JEM–100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 75729 in the **Federal Register** of November 17, 1980. Application received by Commissioner of Customs: August 8, 1980.

Docket Number 80–00416. Applicant: Calvin College, 3201 Burton Street SE., Grand Rapids, MI 49506. Article: Electron Microscope, EM 109. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: See Notice on page 74957 in the **Federal Register** of November 13, 1980. Article ordered: April 29, 1980.

Docket Number 80–00417. Applicant: University of California, Davis, Department of Anatomy, School of Veterinary Medicine, Davis, California 95616. Article: Electron Microscope, Model H–699–3. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: See Notice on page 74957 in the **Federal Register** of November 13, 1980. Article ordered: May 15, 1980.

Docket Number 80–00423. Applicant: Mount Zion Hospital and Medical Center, 1600 Divisadero, San Francisco, CA 94115. Article: Electron Microscope, EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 74958 in the **Federal Register** of November 13, 1980. Article ordered: July 11, 1980.

Docket Number 80–00424. Applicant: Buffalo General Hospital, Department of Pathology, 100 High Street, Buffalo, New York 14203. Article: Electron Microscope, JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 74958 in the **Federal Register** of November 13, 1980. Article ordered: June 24, 1980.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–6324 Filed 2–26–81; 8:45 am]

BILLING CODE 3510–25–M

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A. M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80–00365. Applicant: Food and Drug Administration, Bureau of Biologics, Building 29A, Room 1B03, 8800 Rockville Pike, Bethesda, MD 20205. Article: Mass Spectrometer, Model MS–50. Manufacturer: Kratos, Ltd., United Kingdom. Intended use of article: See Notice on page 56855 in the **Federal Register** of August 26, 1980.

Comments: Comments have been received with respect to this application from Finnigan Corporation, which stated that it does not offer products to compete with the foreign article.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article guarantees a resolution of 150,000 (10% valley). The Department of Health and Human Services advises in its memorandum dated November 12, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–6446 Filed 2–26–81; 8:45 am]

BILLING CODE 3510–25–M

Tapered Roller Bearings and Certain Components Thereof From Japan; Preliminary Results of Administrative Review of Antidumping Finding; NTN Toyo Bearing Co., Ltd. and NTN Bearing Corporation of America; and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary results of administrative review of antidumping finding with respect to NTN Toyo Bearing Co., Ltd., and NTN Bearing Corporation of America and of tentative determination to revoke in part.

SUMMARY: This notice is to advise the public that, as a result of an administrative review of the antidumping finding on tapered roller bearings and certain components thereof from Japan, produced and sold by NTN Toyo Bearing Co., Ltd. (NTN Toyo) and its subsidiary NTN Bearing Corporation of America (NBCA), the Department of Commerce has tentatively determined to revoke such finding with respect to these two companies. There have been no imports of tapered roller bearings, produced and sold by NTN Toyo and NBCA, from Japan at less than fair value from April 1, 1974 through November 14, 1979, and there is no evidence of any sales at less than fair value since that time. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: February 27, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 18, 1976, a dumping finding with respect to tapered roller bearings and certain components thereof from Japan was published in the **Federal Register** as Treasury Decision 76–227 (41 FR 34974–5). A notice of "Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise was published by the Department of the Treasury in the **Federal Register** on November 14, 1979 (44 FR 65690–1). Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. Treasury received no written submissions or requests for oral presentation of views. However, Treasury took no final action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 26, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on tapered roller bearings and certain components thereof, produced and sold by NTN Toyo and NBCA.

The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to 1980. We shall publish the results of the administrative review for other companies at a later date.

Scope of the Review

Imports covered by this review are tapered roller bearings and certain components thereof current classifiable under items 680.3532, 680.3534 and 680.3538 of the Tariff Schedules of the United States Annotated (TSUSA). The review is limited to NTN Toyo and NBCA. The review covers the period April 1, 1978 through November 14, 1979, the date that the tentative revocation was published by Treasury. Treasury had reviewed all earlier periods covered by the finding. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980, and covered by prior appraisement instructions ("master list"), is under review. Liquidation has been suspended pending disposition of the issue.

Exporter's Sales Price

The Department used exporter's sales price as defined in section 204 of the 1921 Act, since all sales by NTN Toyo were made to a United States firm, NBCA, related to the manufacturer within the meaning of section 207 of the 1921 Act. In this case, exporter's sales price was calculated on the basis of the related U.S. firm's selling price to unrelated U.S. purchasers, with deductions for Japanese inland freight, ocean freight and marine insurance, inspection fees, shipping charges and brokerage, U.S. inland freight, U.S. duty and brokerage, sales commissions to unrelated parties, sales promotion and

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advertising, and general administrative expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating the foreign market value, the Department used home market price, as defined in section 205 of the 1921 Act, since NTN Toyo sold such or similar merchandise in Japan in sufficient quantities to provide a basis for comparison. NTN Toyo sold in the home market more than 40 percent of its total sales during the covered period and over 80 percent of sales for export to countries other than the U.S. In this case the home market prices are based on weighted-average prices with adjustments for costs of transportation, warranties, technical assistance, sales promotion and advertising, and for physical differences in the merchandise. Offsets were allowed for indirect selling expenses not exceeding those claimed in the U.S. market. No other adjustments or offsets were claimed or allowed.

Preliminary Results of Review

As a result of our comparison of exporter's sales price to foreign market value, we have concluded that, for the period April 1, 1978 through November 14, 1979, there were no sales of tapered roller bearings and certain components thereof, by NTN Toyo and NBCA, made at less than fair value, and there is no indication of any sales at less than fair value since that time. In addition, prior Treasury Department reviews indicated that there were no sales of tapered roller bearings and certain components thereof, by NTN Toyo and NBCA at less than fair value during the period April 1, 1974 through March 31, 1978, a period of four years.

As provided for in § 353.54(e) of the Commerce Regulations, NTN Toyo has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that tapered roller bearings and certain components thereof, thereafter imported into the United States by NTN Toyo and NBCA are being sold at less than fair value.

Tentative Determination

As a result of our review we tentatively determine to revoke the finding on tapered roller bearings and certain components thereof, produced and sold by NTN Toyo and NBCA from Japan. If this action is made final it will apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after November 15, 1979. Interested parties may submit written comments on or before March 30, 1981, and may request disclosure and/or a hearing by March 16, 1981. The Department will publish the final results of the administrative review includng the results of its analysis of any such coments or hearing.

This administrative reveiw, tentative determination to revoke and notice publication are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.54(e) of Commerce Regulations (19 CFR 353.54(e)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 19, 1981.

[FR Doc. 81-14 Filed 2-26-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Approval of Applicant as Trustee; Mercantile Trust Company National Association

Notice is hereby given that Mercantile Trust Company National Association, with offices at 721 Locust Street, St. Louis, Missouri, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21—221.30.

Dated: February 23, 1981.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-58 Filed 2-26-81; 8:45 am]

BILLING CODE 3510-15-M

Approval of Request for Removal, Without Disapproval From Roster of Approved Trustees; Bank of California

On December 17, 1980, there was published in the **Federal Register** (Vol. 45, No. 249) pursuant to 46 CFR 221.28, a Notice of Request for Removal, Without Disapproval, from Roster of Approved Trustees pursuant to the request of The Bank of California, with offices at 400 California Street, San Francisco, California.

Therefore, purusant to Pub. L. 89-346 and 46 CFR 221.30, the Bank of California is removed from the Roster of Approved Trustees.

This notice shall become effective on date of publication.

Dated: February 23, 1981.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-57 Filed 2-26-81; 8:45 am]

BILLING CODE 3510-15-M

[Docket No. S-660]

Seabulk Transmarine I, Inc., Seabulk Transmarine II, Inc., and Seabulk Transmarine III, Inc.; Application for Written Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended (Act)

Notice is hereby given that Seabulk Transmarine I, Inc. (STM I); Seabulk Transmarine II, Inc. (STM II) and Seabulk Transmarine III, Inc. (STM III), following approval of their application of September 23, 1980, has, by letter of February 6, 1981, requested further written permission under section 805(a) of the Act. The following subsidiaries of Occidental Petroleum Corporation (OXY) hold Operating-Differential Subsidy (ODS) contracts to aid in the operation of three CATUG integrated tug and barge units (vessels), and the subject applicants anticipate assignment of the ODS contracts to them as follows:

ODS Contract holders	Anticipated assignees
Suwannee River Finance, Inc.	STM I.
Suwannee River SPA Finance, Inc.	STM II.
Suwannee River Phosphate Finance, Inc.	STM III.

STM I, STM II, and STM III are Florida corporations organized to operate the vessels and are wholly-owned subsidiaries of Hvide Marine International, Inc., which is principally owned by Hans J. Hvide, as Trustee.

The applicants advise that, under the presently contemplated structure, the following OXY subsidiaries will bareboat charter the vessels and the applicants will sub-bareboat charter the vessels from those OXY subsidiaries as follows:

Contemplated bareboat charterers	Contemplated sub-bareboat charterers
Suwannee River Lines, Inc.	STM I.
Suwannee River SPA Lines, Inc.	STM II.
Suwannee River Phosphate Lines, Inc.	STM III.

The applicants further advised that, pursuant to a management agreement to be arranged, Hvide Shipping, Incorporated (HSI) will manage the operations of the vessels on behalf of STM I, STM II, and STM III. HSI is, also, a Florida corporation wholly-owned by Hans J. Hvide.

On January 6, 1981 the Maritime Subsidy Board (Board) took the following action with respect to the September 23, 1980 applications:

I. Found and determined that the grant of written permission, pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (Act), to the applicants will not result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service nor be prejudicial to the objects and policy of the Act, as follows: (1) for their affiliated company Hvide Shipping, Incorporated (HSI) to have time chartered the *Seabulk Magnachem* and SCC 3902 to Diamond Shamrock Corporation for a period of 20-years with a five year renewal option, which vessel is engaged in the carriage of liquid chemicals between U.S. Gulf and U.S. East Coast ports; and (2) for Seabulk Tankers, Ltd., a subsidiary of HSI, to have time chartered the Seabulk Challenger and STL 3901 to Shell Oil Company for 10 years with three five year renewal options, which vessel is engaged in the carriage of petroleum products between U.S. Gulf and U.S. East Coast ports.

II. Granted written permission, pursuant to section 805(a) of the Act for the above described domestic operation, subject to actual assignment of operating-differential subsidy contracts to the subject applicants.

By letter of February 6, 1981, the applicants advised that, although the *Seabulk Magnachem/SCC 3902* and *Seabulk Challenger/STL 3901* are principally engaged in the carriage of liquid chemicals, petroleum and petroleum products between U.S. Gulf and U.S. East Coast ports, their time charters permit their use in world-wide trade. Since the subject time charters of the *Seabulk Magnachem/SCC 3902* and *Seabulk Challenger/STL 3901* authorize their potential use in any domestic intercoastal or coastwise trade of the United States, the applicants request written permission under section 805(a) of the Act for these vessels to participate in any domestic intercoastal or coastwise trade of the United States.

HSI currently owns the harbor tugs *Fort Lauderdale, Capt. Nelson* and *Everglades* which are operated at Port Everglades, Florida, under a franchise agreement with Port Everglades Authority. Additionally, HSI currently owns the harbor tugs *Capt. Brinn* and *Hollywood* which are operated at Port Incorporated (HSI) will manage the Canaveral, Florida, under a franchise agreement with Port Canaveral Authority. The aforesaid harbor tugs are operated exclusively in the two respective ports. HSI makes no representation and does not concede that the employment of said harbor tugs constitutes engagement in the domestic intercoastal or coastwise service as those terms are used in section 805(a) of the Act. Nevertheless, the subject applicants request written permission for these tugs to continue operations in Port Everglades and Port Canaveral, Florida.

The approval of the subject requests for written permission under section 805(a) would be subject to actual assignment of the ODS contracts to the applicants in accordance with section 608 of the Act.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on March 6, 1981 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs/Maritime Subsidy Board.

Dated: February 24, 1981.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-59 Filed 2-26-81; 8:45 am]

BILLING CODE 3510-15-M

National Bureau of Standards

Solicitation of Comments on the Impact and Applicability of a Planned Message Format Standard

Correction

In FR Doc. 81-5096 appearing at page 12223 in the issue for Friday, February 13, 1981, make the following correction:

On page 12223, the third column, in the last full paragraph, in the second, third, and fourth line, "(please insert date which is 60 days after publication of this notice in the **Federal Register**)" should have read "April 14, 1981".

BILLING CODE 1505-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 a commodity and military resale commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 1, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and military resale commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and military resale commodity to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6545

Surgical Dressing Set

6545-00-105-5826

Military Resale Item No. and Name

No. 908 Tilt Angle Broom, Plastic 48" handle

C. W. Fletcher,

Executive Director.

[FR Doc. 81-60 Filed 2-26-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 27, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On November 21, 1980 and December 19, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 77104 and 45 FR 83650) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity and services are hereby added to Procurement List 1981:

Class 4240
Bag, Waterproofing
4240-00-377-9401
Sic 7349
Janitorial Service, Federal Building, U.S. Department of Justice, INS, 815 Airport Way, Seattle, Washington
Sic 9199
Administrative Services to include
Managing Supply Room
Operating Copying Machines
Environmental Protection Agency, General Services Branch, 230 South Dearborn Street, Chicago, IL

C. W. Fletcher,

Executive Director.

[FR Doc. 81-61 Filed 2-26-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 18, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Traveling Wave Tube Amplifier will meet on March 19 and 20, 1981 at the Pentagon, Washington, D.C. from 9 a.m. to 5 p.m. each day. The purpose of this meeting is to review the Traveling Wave Tube Amplifier's reliability.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (4) thereof, and will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-6510 Filed 2-25-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

United States Army Medical Research and Development Advisory Panel; Subcommittee on Bacterial Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Bacterial Diseases.
Date of Meeting: 26, 27 March 1981.
Time and Place: 0830 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.
Proposed Agenda: This meeting will be open to the public on 26 March 1981 from 0830 to 0945 hours to discuss the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.
In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0945-1200 hrs and from 1300 hrs to close of business on 26 March and from 0900-1200 hrs and 1300-1600 hrs on 27 March for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3081) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander.

Thomas L. Trudeau,

Colonel, MSC, Executive Officer.

[FR Doc. 81-17 Filed 2-26-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program

AGENCY: Department of Education.

ACTION: Special Allowance for Quarter Ending December 31, 1980. The Assistant Secretary for Postsecondary Education announces that for the three-month period ending December 31, 1980, and under the statutory formula of section 438(b) of the Higher Education Act of 1965, a special allowance at an *annual rate* of 11.00 percent will be paid to holders of eligible loans in the Guaranteed Student Loan Program.

Using the statutory formula, the special allowance for this *three-month* period was computed by determining the average of the bond equivalent rates of the 91-day Treasury bills for this period (14.42 percent), by subtracting 3.5 percent from this average, by rounding the resultant percent (10.92) upward to the nearest one-eighth of 1 percent (11.00), and by dividing the resultant percent by four (2.75000 percent). Thus, the special allowance to be paid for this period will be 2.75000 percent of the average unpaid balance of principal (not including unearned interest added to principal) of all eligible loans held by lenders.

(20 U.S.C. 1087-1(b))

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program)

Dated: February 24, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-3773 Filed 2-26-81; 8:45 am]

BILLING CODE 4000-01-M

Follow Through Program; Application Closing Date

AGENCY: Department of Education, Office of Elementary and Secondary Education.

ACTION: Notice of Closing Date for Transmittal of Applications for Noncompeting Continuation Projects.

Applications in the following two categories are invited for noncompeting continuation awards under the Follow Through Program:

(1) Grants for carrying out local Follow Through projects;

(2) Grants or contracts for demonstration (Sponsors).

Authority for these categories is contained in Section 551-557 of the Economic Opportunity Act of 1964, as amended by Pub. L. 95-568. (42 U.S.C. 2929 *et seq.*)

The local project grants are generally awarded to local educational agencies, and the sponsor awards are generally made to institutions of higher education or regional educational laboratories.

The purpose of the awards is to provide comprehensive services to low-income children in grades K-3.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by April 3, 1981.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.014A for Follow Through local projects, and 84.014B for grants or contracts for demonstration (Sponsor) awards, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th & D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily except Saturdays, Sundays, and Federal holidays.

Program Information: In formulating applications for a local project grant an applicant should give special attention to 34 CFR 215.15 of the Follow Through regulations which explains the criteria used in awarding these grants.

In formulating applications for a sponsor award, an applicant should give special attention to 34 CFR 215.52 of the Follow Through regulations which provides an explanation of the criteria used in awarding these grants or contracts.

Available Funds: It is estimated that FY 1981 funds will support the existing 150 local projects and the existing 19 sponsors. In FY 1980 the local project grants ranged from approximately $53,400 to $1,361,700, and the sponsor awards ranged from approximately $79,300 to $459,000. At this time, it is estimated that $31,250,000-$35,750,000 will be available for local project grants and approximately $4,000,000 will be available for grants to sponsors in FY 1981.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute and regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by February 26, 1981.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. The Secretary strongly urges that applicants not submit information that is not requested.

Special Procedures: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on the application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Follow Through Program (34 CFR Part 215) published in the **Federal Register** on June 29, 1977; and

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 75 and 77.

FURTHER INFORMATION: For further information contact Mrs. Rosemary C. Wilson, Director, Division of Follow Through, U.S. Department of Education, (Room 3624, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-9846.

(42 U.S.C. 2929 *et seq.*)

(Catalog of Federal Domestic Assistance No. 84.014, Follow Through Program.)

Dated: February 23, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-3772 Filed 2-26-81; 8:45 am]

BILLING CODE 4000-01-M

Community Education Advisory Council Meeting

AGENCY: Department of Education, Community Education Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for the forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Meeting, March 17 and 18, 1981.

ADDRESS: Department of Education, Federal Office Building No. 6, Room 4003, 400 Maryland Avenue, SW, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:
Margaret Beavan, Department of Education, Community Education Program, 7th and D Streets, SW, Regional Office Building No. 3, Room 5622, Washington, D.C. 20202. Telephone: (202) 245-0091.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Public Law 95-561. The Council is established to advise on

policy matters relating to the interest of community schools.

All sessions of this meeting are open to the public. The meeting will begin at 9:00 a.m. on Tuesday, March 17, and end at 4:30 p.m. On Wednesday, March 18, the meeting will begin at 9:00 a.m. and end at 3:00 p.m.

At the last meeting held in Louisville, Kentucky on November 12 and 13, 1980, the Council reviewed and discussed assessment process; examined future roles, functions, and projects; and, considered tasks relative to the interagency and state advisory council initiatives and the national evaluation.

Proposed agenda items for this meeting include:

(1) Update on the Council's interagency and state advisory council initiatives;
(2) Report on the national evaluation;
(3) Discussion of Council mission, role, priorities, and strategies;
(4) Review of Council's Annual report to Congress; and
(5) Consideration of other administrative matters and related business.

Records shall be kept of all Council proceedings and shall be available for public inspection in Regional Office Building No. 3, Room 5622, 7th and D Streets, SW, Washington, D.C. 20202.

Signed at Washington, D.C. on February 18, 1981.

Ron Castaldi,

Director, Community Education Program.

[FR Doc. 81-6 Filed 2-26-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Aquifer Thermal Energy Storage Program

AGENCY: Department of Energy.

ACTION: Notice of Availability of Environmental Assessment and Finding of No Significant Impact.

SUMMARY: The Department of Energy (DOE) announces the availability of its environmental assessment (EA) of the Aquifer Thermal Energy Storage Program (DOE/EA-0131). DOE has determined, based on the EA, that this Program does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* Therefore, a finding of no significant impact, pursuant to 40 CFR 1501.4(e), is hereby issued to notify the public that an environmental impact statement is not required for this programmatic action.

FOR COPIES OF THE EA AND FURTHER INFORMATION CONTACT: Mr. Saul Strauch, Department of Energy, Office of Advanced Conservation Technologies, Forrestal Building, Room 1G-080, 1000 Independence Ave., S.W., Washington, D.C. 20585, Phone: 202-252-1510.

I. Background

In the United States, a major need exists to develop practical techniques to store large quantities of thermal energy (heat and chill) on a long-term (seasonal) basis so that available energy supply can more effectively match demand. The possibilities for developing aquifer thermal energy storage systems are being investigated under the Seasonal Thermal Energy Storage Program established at the Pacific Northwest Laboratory (PNL) as one component of the Thermal Energy Storage Program of the Office of Advanced Conservation Technologies. Because the seasonal storage of thermal energy in aquifers represents one of the most promising options, an Aquifer Thermal Energy Storage (ATES) Program has been established to research, develop, and demonstrate practical system concepts. Chapter Two of the environmental assessment discusses seasonal thermal storage concepts, and their potential environmental impacts.

II. Brief Description of the Aquifer Thermal Energy Storage (ATES) Technology and Program

ATES technology is an advanced energy conservation technology that uses the natural geohydrologic environment (i.e., ground-water systems) for storage and containment of thermal energy (heat or chill). This technology has the potential for reducing capital investments for seasonal thermal energy storage systems in that the method capitalizes on the excellent storage and insulating characteristics of natural aquifer materials. Moreover, ATES concepts under consideration provide the opportunity for the development of seasonal thermal energy storage systems that would allow off-season natural, industrial, and utility waste heat to be harnessed for mankind's benefit.

A typical aquifer thermal energy storage system consists of a system of water supply wells drilled into an aquifer. During operation, the ground water is withdrawn from one well, heated (or chilled) in a heat exchanger, and then returned to the same aquifer through a second well. The thermal energy is stored in the aquifer until needed. At recovery, the second well is pumped, and the hot (or chilled) water circulated through the heat exchanger to recapture the stored energy, and the water is returned to the aquifer through the first well. The thermal energy can then be used for space or process heat (or cooling), thus reducing the need for generating primary energy. The cycle is repeated on a seasonal or other temporal basis. The concept is simple, efficient and relatively inexpensive.

The ATES program involves a comprehensive multidisciplinary research and development effort designed to provide valuable technical and environmental information required to ascertain the commercial feasibility of ATES technology. The scope of technological options under consideration in the development of practical ATES systems is shown below:

Technical Scope of ATES Program

Energy Source

Solar heat
Natural chill
Industrial waste heat
Cogeneration heat
Waste heat.

Aquifer Storage

Confined/unconfined aquifers
Fresh/brakish water
Medium temperature (100–165°C)
Low temperature (<100°C)
Chill (>0°C).

Energy Use

District heating and cooling
Industrial process heat (low grade)
Agricultural heating.

The location, system type and energy source, and energy use of the candidate ATES demonstration projects currently undergoing aquifer testing and system design are identified below:

- *Bethel, Alaska;* (heat at ~95°C from diesel exhaust and cooling water, used for district heating);
- *Stony Brook, New York;* (chill at ~5°C, from cooling tower, used for building air conditioning);
- *Minneapolis, Minnesota;* (heat at ~150°C from cogeneration steam, used for campus heating).

III. ATES Environment Assessment: Major Findings

The EA examines the potential environmental, health, and safety impacts of the proposed program. The assessment provides information required to make decisions about the appropriate level of environmental documentation and support needed for initial ATES research, development, and demonstration activities. Moreover, the published results will provide a tier

document for any subsequent site-specific environmental assessments which may be required. Should DOE later become involved in the commercialization of the ATES technology, revisions or additions to this assessment may be necessary.

The programmatic EA contains discussions of the proposed action, alternatives to the proposed action, the environment affected by the proposed action, and the potential environmental consequences of the proposed action. It contains references to literature, agencies, and persons consulted and a generic monitoring plan for use during the development of field facilities.

The Major Findings of This Assessment Are: 1. ATES operations could reduce local aquifer permeability and alter ground-water quality and ground-water microbiology. These impacts can be prevented if systems are properly located and designed, and if careful monitoring and aquifer testing are included in the project's operation.

2. A properly designed, constructed, and operated ATES facility is not expected to affect surface-water hydrology and aquatic ecology. Limited interaction is anticipated between surface waters and ATES operations.

3. No significant geological impacts are anticipated because existing storage media (aquifers) will be used, resulting in little modification to the geological environment.

4. The construction and operation of an ATES facility are unlikely to have major adverse socioeconomic impacts on the facility's host community because of the modest size of ATES facilities.

5. Few land-use conflicts are anticipated, but restrictions on the development of land surrounding the ATES facility and along attendant distribution lines are likely.

6. Site-specific institutional issues related to water use are expected to be important for ATES developments because of potentially competing demand for ground-water resources. ATES represents a nonconsumptive use of water.

7. Negative impacts on terrestrial ecosystems are expected to be insignificant because of the modest size of ATES facilities.

8. Impacts on air quality are expected to be insignificant because limited interaction with air resources is anticipated.

9. Potential environmental benefits are anticipated from reducing the amount of waste heat currently discharged to the surface environment.

10. Potential environmental benefits are anticipated from reducing the dependence on conventional energy sources and their attendant pollution emissions and effluents.

IV. Brief Summary of Alternatives

The following alternatives, including the proposed action, are examined in the environmental assessment:

1. *No Action.* The no action alternatives would inhibit commercial application of ATES and would reject ATES as a potential energy conserving technology.

2. *Delay or Limit Proposed Action.* Delaying the ATES program or staggering the start of the ATES demonstration projects would provide for additional planning but would only spread out the environmental consequences of ATES.

3. *Accelerate or Expand Proposed Action.* An accelerated program would concentrate the potential for environmental consequences but would speed ATES commercialization.

4. *Alternatives to the ATES Technology.* Of the alternative technologies to ATES (insulated ponds, wet earth, natural lakes and ponds, tanks, rock beds, and solar ponds), insulated ponds are regarded as the most promising for seasonal use. Insulated pond storage has greater land surface requirements and impacts than ATES. Comparison between the environmental consequences of ATES and insulated pond storage would depend on site-specific considerations. The probable environmental consequences of natural lake and pond storage are significant and not easily mitigated. The environmental consequences of the remaining alternatives are low-level and similar to each other.

V. Finding

Based on a review of the findings presented in this programmatic environmental assessment, DOE has concluded that the program as a whole, incorporating the mitigating measures identified, does not constitute a major Federal action significantly affecting the quality of the human environment, within the meaning of NEPA. A number of potential concerns are identified, which must be addressed on the basis of the site-specific data. Adverse environmental impacts can be minimized by careful site selection procedures, and by a comprehensive environmental monitoring program and mitigation plan at each ATES system demonstration site. Site-specific environmental assessments and monitoring programs are planned for all initial ATES system demonstration projects until analytical results are field verified.

Date issued: February 18, 1981.

Alex G. Fremling,

Acting Assistant Secretary for Environment.

[FR Doc. 81-3838 Filed 2-26-81; 8:45 am]

BILLING CODE 6456-01-M

Compliance With the National Environmental Policy Act: Amendment to Guidelines

AGENCY: Department of Energy.

ACTION: Notice of proposed amendments to guidelines to provide for categorical exclusion for the exemption of borehole drilling and related exploratory activities associated with the nuclear waste management program.

SUMMARY: Section D of the Department of Energy guidelines for compliance with the National Environmental Policy Act (NEPA) identifies classes of actions which normally do not require either an environmental impact statement or an environmental assessment. These are termed "categorical exclusions." Classification of an action as a categorical exclusion raises a rebuttable presumption that any such action will not significantly affect the quality of the human environment. In the NEPA guidelines, it was specified that the Department might add or remove, after an opportunity for public review, actions identified as categorical exclusions based on experience gained during implementation of the guidelines.

On the basis of recent experience, the Department of Energy has determined that borehole drilling and related geologic and geophysical exploratory activities associated with the nuclear waste management program normally are not major Federal actions significantly affecting the quality of the human environment, with respect to the provisions of NEPA, and therefore are eligible for categorical exclusion status.

The Department proposes to add these exemptions to its list of categorical exclusions in Section D of its NEPA guidelines. Public comment is invited on this proposal.

COMMENTS BY: April 15, 1981.

ADDRESS COMMENTS TO: Dr. Robert J. Stern, Director, NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environment, Forrestal Building, Room 4G-064, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-4600.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert J. Stern, at the address listed above.

Stephen H. Greenleigh, Esq., Assistant General Counsel for Environment, Forrestal Building, Room 6D-033, 1000

V 46 / 39 FE 27 81 UMI

Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6947.

SUPPLEMENTARY INFORMATION: On March 28, 1980 (40 FR 20695), the Department of Energy published in the **Federal Register** final guidelines for implementing the procedural provisions of NEPA, as required by the Council on Environmental Quality regulations (40 CFR 1500–1508). The guidelines are applicable to all organizational units of the Department of Energy, except the Federal Energy Regulatory Commission, which is not subject to the supervision or direction of the other parts of the Department.

Section D of the Department's NEPA guidelines identifies typical classes of actions which normally do not require either an environmental impact statement or an environmental assessment. These classes of actions were identified pursuant to § 1507.3(b)(2)(ii) of the Council on Environmental Quality regulations referenced above and are termed "categorical exclusions." Section 1508.4 of the Council on Environmental Quality regulations defines a categorical exclusion as a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures, or otherwise, to prepare environmental assessments even though it is not required to do so. Further, allowance must be provided by an agency for extraordinary circumstances in which normally excluded actions may have a significant environmental effect.

The Department's NEPA guidelines state that actions may be added to or removed from the categories in Section D based on experience gained during the implementation of the Council on Environmental Quality regulations and the Department's guidelines. Pursuant to the guidelines, substantive revisions are to be published in the **Federal Register** and adopted only after an opportunity is provided for public review.

This notice proposes to revise the guidelines by adding "borehole and related geologic and geophysical exploratory activities associated with preliminary site characterization activities for the nuclear waste management program" to the list of categorical exclusions in Section D of the guidelines.

The purpose of the exploratory activities is to collect geologic and hydrologic data in the search for suitable sites for nuclear waste repositories. The activities are a necessary part of the preliminary investigations required for the site characterization and selection process. Although the information is essential to the ultimate selection of a site for nuclear waste disposal, the nature and extent of these exploratory activities do not foreclose the consideration of alternative locations for geologic disposal. Rather, the exploratory program assures proper consideration of all reasonable alternatives through the widespread identification and evaluation of potential geohydrologic systems for waste disposal.

The listing of actions which are categorically excluded from NEPA only raises a presumption that any such action will not significantly affect the quality of the human environment. For those circumstances where the Department has reason to believe that a significant impact could arise from the exploratory activities, the Department's NEPA guidelines provide that proposed actions will be reviewed to ascertain whether an environmental assessment or environmental impact statement would be required for any individual action which is listed in Section D of the guidelines as categorically excluded from NEPA. To assist the Department in making this determination, an environmental checklist will be used to evaluate the degree of impact resulting from specific exploratory activities. This will allow the Department to verify that no significant impact will result, or that the categorical exclusion does not apply.

Borehole drilling typically involves clearing of land for the drill pad, equipment storage, access roads and temporary storage pits. The boreholes average 4 to 10 inches in diameter and are drilled to depths of 6,000 feet. Related geologic and geophysical exploratory activities include geohydrologic testing, well logging, seismic testing, electrical resistivity, gravity and magnetic surveys, geologic mapping and microearthquake network studies. Upon completion of the exploratory activities, the area is returned as close as possible to its original condition. Storage pit wastes are disposed of at approved sites and boreholes are plugged and sealed in accordance with state and local requirements.

Previous evaluations of 55 boreholes have consistently shown that the environmental impacts resulting from the drilling are insignificant. The findings of no significant impact were based on an analysis of the noise, archeological, water supply and quality, land use, waste control, ecological, air quality and aesthetic impacts of the borehole drilling.

Issued in Washington, D.C., February 23, 1981.

Alex G. Fremling,

Acting Assistant Secretary for Environment.

[FR Doc. 81-5625 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA–FC–80–028; OFC Case No. 61008–9049–01–12]

BASF Wyandotte Corp.; Availability of Tentative Staff Determination

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Availability of Tentative Staff Determination.

SUMMARY: On July 14, 1980, BASF Wyandotte Corporation (BWC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting one new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act), which prohibits the use of petroleum or gas as a primary energy source in certain new MFBIs. Rules setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA are contained at 10 CFR Parts 501 and 503. The MFBI for which the petition was filed is a field-erected boiler to be constructed at BWC's Geismar, Louisiana, facility. BWC requested a permanent fules mixture exemption for the MFBI in order to burn natural gas or petroleum in a mixture with industrial waste gases.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made recommending that ERA issue an order granting the requested permanent exemption to use a mixture of natural gas or petroleum and industrial waste gas. The natural gas or petroleum to be used in the unit may not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

DATES: Written comments on the Tentative Staff Analysis are due on or before March 13, 1981. A request to convene a public hearing must be made within the same period.

ADDRESSES: Fifteen copies of written comments on the Tentative Staff Analysis shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461.

Docket No. ERA–FC–80–028 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, DC 20461 (202) 653–4226.

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, DC 20461 (202) 653–4265.

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW, Washington, DC 20585 (202) 252–2967.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published rules (10 CFR Part 500 *et sec.*) implementing provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) in the **Federal Register** on June 6, 1980 (45 FR 38276 and 45 FR 38302). Title II of the FUA prohibits the use of natural gas or petroleum in certain new MFBI's unless an exemption for such use has been granted.

BASF Wyandotte (BWC) is constructing at its Geismar, Louisiana, facility, a field-erected boiler which will have a design heat input rate capability of 307 million Btu's per hour, a steam generating capacity of 220,000 pounds per hour, and will be capable of burning industrial waste gas in a mixture with natural gas or petroleum.

On July 14, 1980, in accordance with 10 CFR 503.38, BWC filed a petition with ERA requesting a permanent fuels mixture exemption for the boiler permitting it to burn a fuels mixture of industrial waste gases and natural gas or petroleum (No. 6 fuel oil). ERA accepted the petition and published notice of its acceptance in the **Federal Register** on September 12, 1980 (45 FR 60468). A 45-day public comment period closed October 27, 1980, no comments have been received.

ERA's staff has reviewed the information contained in the record of this proceeding to date. Based upon that review, a Tentative Staff Analysis recommends that an order be issued granting a permanent fuels mixture exemption allowing BWC to use a mixture of industrial waste gases (determined to be alternate fuels by ERA) and natural gas or petroleum in the unit, provided the amount of natural gas or petroleum used does not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the MFBI. This Tentative Staff Analysis also takes into account the purposes for which the minimum percentage of probibited fuels provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude from the definition of primary energy source any fuel used for the purposes of unit ignition, start-up, testing, flame stabilization, and control uses.

This recommendation is based upon the petitioner's demonstration, pursuant to section 212(d)(1) (A) and (B) of the Act, that it proposes to use a mixture of industrial waste gases and natural gas or petroleum as a primary energy source in the installation, and that the amount of natural gas or petroleum to be used will not exceed 25 percent of the annual Btu heat input of the primary energy sources of the unit.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1979 (NEPA). The grant or denial of a permanent fuels mixture exemption under the provisions of 10 CFR 503.38(c) has been identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment (categorical exclusion). This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. BWC provided, as a part of its petition, a duly executed certification stating that prior to operating the boiler under the requested exemption it will secure all applicable environmental permits and approvals. The completed Environmental Checklist submitted by BWC pursuant to 10 CFR § 503.5(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel. BWC responses to the questions contained therein indicates that the operations of the boiler will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion in this case. Therefore, no additional environmental review is deemed to be required.

Recommended Terms and Conditions

ERA's staff also has tentatively determined and recommends that any order which would grant the fuels mixture exemption to BWC should, pursuant to section 214 of the Act, be subject to the following terms and conditions:

1. The quality of any petroleum to be burned in the unit will be of the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

2. The amount of natural gas or petroleum used in BWC's new boiler shall not exceed 25 percent of the total annual Btu heat input of the primary energy source of the unit.

3. In accordance with the reporting requirement in 10 CFR 403.38(g), BWC will submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the boiler being placed in service, containing the following:

A certified statement of the percentage of natural gas and petroleum used in the boiler, including an identification of the actual quantities of natural gas, petroleum and industrial waste gases used, as well as the highest heating value of those fuels. The following shall be used:

Fuel type	Amount used (1,000 ft³ per barrel)	BTU equivalent	Percent of annual fuel consumption
Industrial waste gases			
Natural gas			
Petroleum			

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision shall, in accordance with 10 CFR 501.68, be based on the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

ERA will issue a final order granting or denying the permanent exemption

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from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension together with a statement of reasons for such an extension will be published in the Federal Register.

Issued in Washington, DC on February 23, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-3840 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed concerning selling prices alleged to be in excess of the maximum lawful selling price for motor gasoline. The Consent Orders do not address or limit any liability with respect to the consenting firm's prior compliance with the Mandatory Petroleum Price and Allocation Regulations. Among other matters, the consenting firms agree to make proper restitution for overcharges on each grade of gasoline and otherwise comply with applicable law. For further information regarding these Consent Orders, please contact Thomas M. Holleran, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, NW., Washington, DC 20461, telephone number 202-653-3569.

Issued in Washington, DC on the 23rd day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Western District: Consent Orders—January 1981

Firm name and address	Audit date	Cents[1]	Total[2]
Richard Weeks Chevron, 136 College Ave., Santa Rosa, CA 95401	1/08/81	9.2	$14,020.00
Perkins Chev. Service, 5910 Mac Arthur Blvd., Oakland, CA 94613	1/07/81	14.9	18,603.48

Western District: Consent Orders—January 1981—Continued

Firm name and address	Audit date	Cents[1]	Total[2]
Ed Acevedo (A&B Arco), 1401 2nd Street, San Rafael, CA 94901	1/07/81	3.8	1,550.32
Dick Armstrong's Arco, 7900 Dublin Blvd, Dublin, CA 94566	1/12/81	2.4	1,233.88
Jim's Texaco, 9499 Alcosta, San Ramon, CA 94583	1/14/81	9.4	1,770.00
Howe & Hurley Exxon, 1300 Howe Ave., Sacramento, CA 95815	1/07/81	6.4	5,855.46
Robert McCombs Chevron, 301 W Kettleman Ln., Lodi, CA 95240	1/22/81	7.1	9,488.86
Shell By The Shell, 5th & San Carlos St., Carmel By the Sea, CA 95335	1/26/81	2.9	826.10
Railroad Canyon Arco, 265 Railroad Canyon, Lake Elsinore, CA 92330	12/09/80	2.4	2,019.39
Dave Clark Chevron, 1600 E. Santa Fe, Flagstaff, AZ 86001	12/23/80	12.3	2,856.45
Ventura Car Wash, 13320 Ventura Blvd., Sherman Oaks, CA 91423	1/08/81	2.0	172.00
Awad's Shell Service, 13405 Artesia, Cerritos, CA 90701	1/12/81	6.1	3,174.55
Gary Kingsbury Chevron, 1200 Monterey Road, Pasadena, CA 91030	1/16/81	11.9	22,234.59
Rogue Valley Station #3, P.O. Box 2532, White City, OR 97503	1/20/81	6.7	900.00
Rogue Valley Station #4, P.O. Box 2532, White City, OR 97503	1/20/81	3.7	1,193.00
Rogue Valley Station #5, P.O. Box 2532, White City, OR 97503	1/20/81	3.8	1,151.00

[1] Highest cents per gallon violation.
[2] Violation and penalty amounts.

[FR Doc. 81-66 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, D.C. 20461, phone 202/653-3569. On or before March 16, 1981 any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C. on the 23 day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Proposed Remedial Orders—Western District

Station and address	Date	Violation amount	Cents[1]
Dimitris Arco Service, 2095 Coast Highway 1, Pacifica, CA 94044	1/29/81	$6,367.19	7.7
Hughes Burlingame Shell, 1490 Burlingame Ave. Burlingame, CA 94010	1/29/81	7,284.08	16.7
Miles Union Service, 500 Brancroft, SanLeandro, CA 94577	1/29/81	1,959.00	6.1
Almeda Chevron, 1802 Webster, Almeda, CA 94501	1/29/81	1,697.78	4.9
Redhill Mobile & Towing, 631 Sir Francis Drake, San Anselmo, CA 94960	1/29/81	4,569.19	6.6
Shelter Creek, Chevron, 2101 San Bruno Ave., San Bruno, CA 94066	1/29/81	10,558.61	6.9
Alemany Chevron Service, 2998 San Jose Ave., San Francisco, CA 94112	1/29/81	3,222.74	9.8
Jerry's Shell Service, 12 N. Park Victoria, Milpitas, CA 95035	1/29/81	6,663.41	6.3
C J King Chevron, 403 Saratoga, San Jose, CA 95129	1/29/81	4,736.86	3.4
Ben Sosbee's Chevron, 3151 Senter Rd., San Jose, CA 95111	1/29/81	21,612.67	13.3
Terry McGovern's Shell, 2484 Olivera Road, Concord, CA 94520	1/29/81	10,758.90	9.9
Mowry Ave. Chevron, 5300 Mowry Ave., Fremont, CA 94538	1/29/81	26,322.19	16.1
Peninsula Ave. Shell, 400 Peninsula Ave., San Mateo, CA 94401	1/29/81	1,896.96	5.0
Skycrest Shell, 1000 King Drive, Daly City, CA 94015	1/29/81	1,946.82	5.0
Buds Exxon Service, 26115 Hespenan Blvd., Hayward, CA 94545	1/29/81	8,804.43	12.3
Pacifica Shell Service, 4475 Coast Highway, Pacifica, CA 94044	1/29/81	3,774.58	6.4
Charlie Exxon Service, 39 So. Park Victoria, Milpitas, CA 95035	1/29/81	6,519.18	5.2
East 14th Auto Clinic, 3750 East 14th Street, Oakland, CA 94601	1/29/81	4,268.29	8.5
William Larsway Chevron, 1402 Camden Ave., Campbell, CA 95008	1/29/81	11,156.48	8.3
Lee Garrett Chevron, 13571 E. Telegraph Road, Whittier, CA 90605	1/23/81	6,550.35	10.1
Holiday Gulf Service & Garage, 9745 Katy Freeway, Houston, TX	12/15/80	$366.63	2.7

[1] Highest cents per gallon violation.

[FR Doc 81-67 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3294]

American Hydro Power Corp.; Application for Preliminary Permit

February 24, 1981.

Take notice that American Hydro Power Corporation (Applicant) filed on September 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3294 to be known as New-Hope Project located on the Delaware River in Bucks County, Pennsylvania and Hunterdon County, New Jersey. The facilities at the site are currently owned by Peter Cross, 826 Second Avenue, Center Square, Pennsylvania 19422. Correspondence with the Applicant should be directed to: Peter A. McGrath, American Hydro Power Corp., Two Aldwyn Center, Villanova, Pennsylvania 19085.

Project Description—The proposed project would be run-of-the-river utilizing the old powerhouse of Union Mills Mfg. Co. and would consist of: (1) concrete wing dams which are six feet high and extend 1,000 feet from the Pennsylvania right bank and 600 feet from the New Jersey left bank with a 300 foot breach in between which may be repaired to divert more flow through the powerhouse; (2) a reservoir of negligible pondage; (3) an intake structure, at the right bank, which will be repaired; (4) penstocks; (5) a powerhouse which will be rehabilitated and would contain units having an installed capacity between 1,800 KW and 8,200 KW depending on wing wall breach repair; (6) a tailrace; (7) a new transmission line; and (8) appurtenant facilities. Applicant estimates the annual generation would average between 7,900,000 KWH and 35,900,000 KWH.

Purpose of Project—Project energy would be sold to Philadelphia Electric Company and/or other private users.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be between $110,000 and $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 27, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-36 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-107-001]

Boundary Gas, Inc.; Amendment to Application

February 25, 1981.

Take notice that on February 3, 1981, Boundary Gas, Inc. (Applicant), Eight Arlington Street, Boston, Massachusetts 02116, filed in Docket No. CP81-107-001 an amendment to its application pending in the instant docket pursuant to Section 3 of the Natural Gas Act so as to reflect amendments made to the gas purchase contract and the gas sales agreement between Applicant and TransCanada PipeLines Limited (TransCanada), all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

By its application filed December 19, 1980, in the instant docket, Applicant requested authorization to import natural gas from Canada pursuant to a gas purchase contract and gas sales agreement with TransCanada. Applicant states that the gas purchase contract has been amended in several ways. It is stated that in regard to make-up rights, a provision was added which required that TransCanada repay Applicant all amounts previously paid to TransCanada for take-or-pay gas in the event that any governmental action prevents TransCanada from delivering or prevents Applicant from receiving any quantity of take or pay gas prior to the expriation of the contract term as such term may be extended in accordance with the contract. It is stated that this provision would protect Applicant should any governmental action bar TransCanada from delivering or Applicant from receiving any quantity of such gas.

It is asserted that in the original agreement, Applicant would pay to TransCanada the international border

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price of gas for each 1,000,000 Btu delivered and that now the reference to the international border price has been eliminated in order to conform the form of the gas purchase contract with TransCanada's other export contracts. Moreover, Applicant states that interest on its late payments would not be at an annual rate which is equal to the applicable prime rate of interest charged by Citibank plus one and one-half percentage points but would now be tied to the prime rate of interest charged by the Canadian Imperial Bank of Commerce plus one percent point. It is stated that the purpose of this amendment would be to lower the interest rate on late payments by Applicant since the prime rate charged by the Canadian Imperial Bank of Commerce is generally lower than the prime rate charged by Citibank.

It is further stated that the price of take-or-pay gas is to be recalculated by adding for each Mcf Applicant receives of take-or-pay gas the transportation daily demand rate, the transportation commodity rate, and the imported Alberta border price. It is stated that in no event may the charge per Mcf of take or pay gas exceed an amount equal to 105 percent of TransCanada's Canadian tariff in TransCanada's Eastern rate zone calculated at a total load factor of 100 percent. Applicant maintains that this amendment is designed to lower Applicant's payments for take-or-pay gas to a level approximately equal to the price charged by TransCanada to its Canadian domestic customers in its Eastern rate zone.

It is stated that the present article dealing with the measurement of gas contains a minor technical error and should be amended to provide that the average absolute atmospheric pressure for determining the volume and total heating value of the natural gas should be 14.4 pounds per square inch.

Applicant asserts that the gas sales agreement need be amended only to provide that unless otherwise agreed to a shareholder's payment is to be made to the escrow agent designated by Applicant pursuant to the escrow agreement between Applicant and TransCanada at or before 11:00 a.m. Eastern Standard Time rather than at a designated bank in the United States at or at 10:00 a.m. on the day in which payment is due TransCanada from Applicant.

Applicant also states that a letter agreement between Applicant and TransCanada reflects the parties' understanding that the form of gas purchase contract permits measurement of the total heating value of the gas at TransCanada's receipt point as opposed to the point of delivery; however, the measurement of the gas would be changed from the receipt point to the point of delivery should any material variation occur between the total heating value of the gas at these two points which cannot be corrected within thirty days of Applicant's notice of the variation.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3816 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3988-000]

Charles Deyle; Application for Preliminary Permit

February 24, 1981.

Take notice that Charles Deyle (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3988 to be known as Montgomery Creek Falls Project located on Montgomery Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Deyle, 1704 Soledad Way, San Diego, California 92109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a diversion conduit; (3) a penstock; and (4) a powerhouse with a total installed capacity of 500 kW. The Applicant estimates that the average annual energy output would be 2.2 million kWh.

Purpose of Project—Applicant intends to market the power generated by the project to a local public utility.

Proposed Scope and Cost of Studies under Permit—The studies would include economic analysis, preliminary engineering, and environmental impacts. Based on the results, Applicant would decide whether to proceed with more detailed studies and an application for license to construct and operate the project. Applicant estimates cost of studies would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3988. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A Copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-32 (PGA81-1, IPR81-1)]

Colorado Interstate Gas Co.; Late-Filed Petition of the State of Texas for Leave to Intervene and Request for Field Hearings

February 24, 1981.

Take notice that the Attorney General for the State of Texas has filed a petition to intervene out of time in the above-captioned Colorado Interstate Gas Company (CIG) proceeding. The subject petition also requests that field hearings be held at an unspecified location other than Washington, D.C., to provide a more accessible forum for farmers located in the Texas Panhandle portion of the CIG service area who use natural gas for agricultural purposes. The procedural history of the instant rate proceeding is as follows.

On August 15, 1980, CIG filed revised tariff sheets [1] to reflect a PGA increase of $270.5 million due to an increase of approximately $271.4 million in the cost of purchased gas and a reduction in CIG's base tariff rate of approximately $890 thousand pursuant to a settlement agreement approved by the Commission in its order issued March 5, 1980, in Docket No. RP79–59. Public notice of the filing was issued on August 26, 1980, providing for protests or petitions to intervene to be filed on or before September 19, 1980. Petitions to intervene which were subsequently granted were filed by those petitioners listed below.[2]

On review of CIG's filing, the Commission found that the proposed tariff sheets had not been shown to be just and reasonable, and might be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, by order issued September 29, 1980, the Commission accepted CIG's filing and suspended its effectiveness until September 1, 1980, subject to refund and subject to the conditions described in that order.[3]

On February 5, 1981, the State of Texas, through its Attorney General, filed its petition for leave to intervene out of time and for field hearings to be held in the above-captioned proceeding at locations deemed appropriate by the Commission. The facts contained in the petition from which the petitioner's alleged right or interest can be determined pursuant to 18 CFR 1.8(c) are as follows: (1) CIG serves distribution companies which deliver gas to Texas Panhandle consumers; (2) the area's agricultural production is dependent on the availability of reasonably priced natural gas suppliers since ground water used for irrigation purposes is pumped by natural gas-powered engines. The need for field hearings is asserted by the State of Texas because local farmers who may be severely affected by the outcome of this proceeding allegedly are not afforded an opportunity to express their concerns by virtue of the Washington, D.C., location normally prescribed for proceedings of this nature.

Any person wishing to do so may submit comments in writing concerning the subject petition of the State of Texas in this proceeding. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 11, 1981. Such comments will be considered by the Commission in determining the appropriate action to be taken concerning the subject petition but will not serve to join those who submit comments as parties to the proceeding. Any person desiring to become a party must file a petition to intervene or protest in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Copies of this petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-23-002]

Columbia Gas Transmission Corp.; Petition To Amend

February 25, 1981.

Take notice that on February 11, 1981, Columbia Gas Transmission Corporation (Petitioner), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP79–23–002 a petition to amend the order issued January 24, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize certain changes in the construction and operation of natural gas facilities, all as more fully set forth in the petition to amend.

Petitioner states that by order issued January 24, 1979, it was authorized to construct and operate 23 separate projects on its pipeline facilities which were required to be completed and placed in actual operation within 12 months of the Commission order. Petitioner states that Project No. 1 was authorized to permit Petitioner to remove from high-pressure service in its B System a segment of 2 parallel 26-inch pipelines located immediately east of

[1] Seventh Revised Sheet Nos. 7 and 8 and First Revised Sheet No. 8a to FERC Gas Tariff, Original Volume No. 1.

[2] Petitions to intervene were received and were granted from the following: Citizens Utilities Company; City of Colorado Springs, Colorado; City and County of Denver, State of Colorado; Natural Gas Pipeline Company of America; and Public Utilities Commission of the State of Colorado.

[3] CIG was required to file additional information supporting the inclusion of costs related to the retroactive payments to producers in the proposed tariffs. CIG was also required to file revised tariffs to become effective October 1, 1980, subject to refund, reflecting the elimination of costs related to anticipated well determinations which had not yet become final as of October 1, 1980. These filings have been made by CIG.

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Seneca compressor station and to construct a 36-inch pipeline loop replacing the capacity inherent in the two 26-inch pipelines. However, Petitioner states that it originally decided to postpone the replacement of the affected segments of pipeline because it determined that it could safely operate the facilities for an additional period of time.

It is stated that portions of the B System which extends from Clendenin compressor station in Kanawha County, West Virginia, in an easterly direction to the Loudon compressor station in Loudon County, Virginia, are bare pipe originally installed without protection against corrosion and that operational failures, hydrostatic retesting, bell hole inspections and electrronic pigging devices have all confirmed the presence of stress corrosion cracking and severe galvanic corrosion on these pipelines. Petitioner states that while it has been able to extend the service life of these pipelines in its high-pressure B System by means of an extensive program of inspection and testing, it has now determined that segments of the two parallel 26-inch pipelines located immediately east of Seneca compressor station, one approximately 5.1 miles in length and the second approximately 4.9 miles in length, should be removed from high pressure service due to age and condition. Petitioner states that since B System traverses an area having a potential for gas development, as segments of the 26-inch pipelines are removed from service a single 26-inch pipeline would be retained in low-pressure transmission service for utilization in the transportation of locally produced and/or purchased volumes.

Petitioner proposes to reinstitute Project No. 1, now to be designated Project No. 1R, keeping it essentially the same as the previously authorized project except for the construction of 5.2 miles of 36-inch transmission pipeline instead of 5.1 miles because of a change in location of the tie-in point at the eastern terminus of the proposed 36-inch pipeline loop and once again allowing for the retirement of the approximately 5.1 miles of 26-inch pipeline all to be located in Pendleton County, West Virginia. Petitioner states that it would complete and place into service the proposed facilities within one year of the Commission's approval.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Nautural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3617 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-191-000]

Columbia Gas Transmission Corp.; Application

February 25, 1981.

Take notice that on February 11, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-191-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant States that portions of its B System 26-inch pipelines which extend from Clendenin compressor station in Kanawha County, West Virginia, in an easterly direction to Loudoun compressor station in Loudoun County, Virginia, are bare pipe originally installed without protection against corrosion and that operational failures, hydrostatic retesting, bell hold inspections and electronic pigging devices have all confirmed the presence of stress corrosion cracking and severe galvanic corrosion on these pipelines. Applicant asserts that while it has been able to extend the service life of these pipelines in its high-pressure B System by means of an extensive program of inspection and testing it has now determined that approximately 70.5 miles of 26-inch pipeline in the B System should be removed from high-pressure service due to age and condition. Because the B System traverses an area having a potential for gas development, as segments of the 26-inch pipelines are removed from high-pressure service a single 26-inch pipeline would be retained in low-pressure transmission service for utilization in the transportation of locally produced and/or purchased volumes, it is asserted.

Applicant proposes to construct and operate approximately 12.2 miles of 36-inch transmission pipeline loop located in Braxton County, West Virginia, and to abandon approximately 7.1 miles of 26-inch transmission pipeline located in Upshur County, West Virginia. It is stated that the proposed 12.2 miles of 36-inch pipeline proposed herein would provide an increase in the throughput capability of the B System of approximately 10,400 Mcf per day which is adequate to replace the capacity of the 70.5 miles of 26-inch pipeline being removed from high-pressure service. Applicant states that of the total 70.5 miles of 26-inch pipeline being removed from high-pressure service, 7.1 miles would be abandoned with the remaining 63.4 miles to be retained in low-pressure transmission service to transport locally produced and/or purchased volumes.

It is stated that the estimated cost of the proposed project would be $8,662,000 which would be financed through the sale of notes and common stock to Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3618 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-179-000]

Consolidated Gas Supply Corp.; Application

February 25, 1981.

Take notice that on February 4, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-179-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain pipeline and appurtenant facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to institute a program to modernize and simplify the operation of its West Virginia low pressure dry gas transmission system which is located downstream of Applicant's Hastings Complex.

Applicant, therefore, proposes herein to:

(1) Abandon 54.12 miles of existing parallel 18- and 20-inch Line Nos. H-3, H-4, and H-106 and related and appurtenant facilities in Wetzel and Marshall Counties, West Virginia;

(2) Abandon 0.65 mile of existing 30-inch Line No. TL-404 in Wetzel County, West Virginia, retaining the remaining 1.2 miles of Line No. TL-404 for integration into the facilities described in (5) below;

(3) Abandon 7 existing parallel 10-inch pipelines and appurtenant facilities comprising Applicant's Ohio River pipeline crossing at the northern terminus of Line Nos. H-3, H-4, and H-106 at Clarington, Marshall County, West Virginia;

(4) Abandon approximately 28.9 miles of existing 18- and 20-inch Line No. H-2 and appurtenant facilities from the Hastings Complex to its terminus at the Ohio River;

(5) Construct and operate approximately 20.27 miles of new 24-inch gas transmission pipeline and appurtenant facilities between the Hastings Complex and existing Line No. TL-377 near the Ohio River in Marshall County, West Virginia. This proposed pipeline together with 2.1 miles of existing 30-inch pipeline described in (2) above would be designated as Line No. TL-404;

(6) Construct and operate approximately 0.2 mile of new 24-inch Line No. TL-404 and appurtenant facilities between Line No. TL-377 at the Ohio-West Virginia boundary and existing facilities of Applicant's jurisdictional customer, The East Ohio Gas Company (East Ohio), in Monroe County, Ohio;

(7) Abandon, remove and relocate the existing measurement, regulating and related facilities comprising Applicant's existing Clarington connection, an existing point of delivery to East Ohio, to a point near Applicant's existing Mullett connection, also an existing point of delivery to East Ohio, in Monroe County, Ohio;

(8) Install two additional 1,600 horsepower compressor units at Applicant's existing Hastings compressor station in Wetzel County, West Virginia;

(9) Construct and operate approximately 5,011 feet of new 20-inch pipeline and appurtenant facilities, proposed Line No. TL-445, between Hastings compressor station and Hilltop Junction in Wetzel County, West Virginia;

(10) Construct and operate approximately 5,011 feet of new 24-inch pipeline and appurtenant facilities, proposed Line No. TL-446, between Hastings compressor station and Hilltop Junction in Wetzel County, West Virginia;

(11) Construct and operate approximately 1,502 feet of new 20-inch pipeline and appurtenant facilities, proposed Line No. TL-444, between proposed Line No. TL-446 and existing 24-inch Line No. TL-430 near Hastings compressor station in Wetzel County, West Virginia;

(12) Construct and operate a new measuring and regulating station for deliveries into the intrastate distribution system of Applicant's Hope Natural Gas Company Division (Hope Division) in Marshall County, West Virginia;

(13) Construct and operate two new measuring and regulating stations for deliveries to isolated field consumers served by Hope Division near Limestone Ridge in Wetzel County, West Virginia;

(14) Construct and operate approximately 1,560 feet of new 16-inch pipeline and appurtenant facilities, proposed Line No. TL-442, between Hastings compressor station and existing Line No. TL-360 in Wetzel County, West Virginia;

(15) Abandon the following pipeline facilities within the Hastings Complex:

(a) 0.5 mile of 8-inch Line No. H-195,

(b) 0.99 mile of 20-inch Line No. TL-397,

(c) 0.67 mile of 12-inch Line No. TL-271,

(d) 1.1 miles of 12-inch Line No. TL-262,

(e) 0.2 mile of 20-inch Line No. TL-398,

(f) 0.2 mile of 20-inch Line No. TL-399

(g) 0.64 mile of 20-inch Line No. H-81,

(h) 0.53 mile of 16-inch Line No. TL-283,

(i) 0.19 mile of 14-inch Line No. TL-264,

(j) 0.57 mile of 12-inch Line No. H-117,

(k) 0.1 mile of 20- and 24-inch Line No. TL-342,

(l) 0.1 mile of 12-inch Line No. H-197,

(m) 0.49 mile of 10-inch Line No. H-198, and

(n) 0.03 mile of 16-, 20-, and 26-inch Line No. TL-395.

Applicant states that its Hastings complex consists of parallel 18-inch and 20-inch pipeline Nos. H-2, H-3, H-4 and H-106 which are old and deteriorated and are proposed to be abandoned. Applicant states that replacement of these pitted and corroded facilities with new 24-inch and 30-inch Line TL-404 would eliminate gas losses from this portion of the system.

Applicant estimates the cost of the proposed modifications to be $13,703,920 which would be financed by either funds on hand or by funds from Applicant's parent, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

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Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission of its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3819 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3938-000]

Continental Hydro Corp.; Application for Preliminary permit

February 24, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on January 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3938 to be known as Dewey Lake Dam located on Johns Creek in Floyd County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U. S. Army Corps of Engineers' Dewey Lake Dam and Reservoir and would consist of: (1) A powerhouse having an installed generating capacity between 2,000 kW and 2,500 kW; (2) a new penstock approximately 850-feet long; (3) new transmission lines; and (4) appurtenant works. The Applicant estimates that the average annual energy output would be between 4,500,000 kWh and 5,500,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities and/or industries.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for project No. 3938. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to : Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to : Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3448-001]

Cook Electric Co.; Application for Preliminary Permit

February 24, 1981.

Take notice that the Cook Electric Company (Applicant) filed on December 30, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] from proposed Project No. 3448 to be known as Ririe Dam Project located on Willow Creek in Bonneville County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The project would utilize the existing U.S. Army Corps of Engineers' Ririe Dam and would consist of (1) a powerhouse containing three generating units having a rated capacity of 600 kW; (2) a transmission line; and (3) appurtenant facilities. Applicant estimates the annual generation would average about 2,052,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $25,860.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) 1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3448. Any comments, notices of intent, competing applications, protests, or petitions to intervene must bil filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-39 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-190-000]

Delhi Gas Pipeline Corp.; Extension of Transportation Service

February 25, 1981.

Take notice that on February 6, 1981, Delhi Gas Pipeline Corporation, (Applicant), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket No. CP81-190-000 an application pursuant to Section 284.126(c) of the Regulations under the Natural Gas Policy Act of 1978 for authorization to continue the transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an April 27, 1979, transportation agreement with Transco which provides for Applicant to receive natural gas at the points of delivery provided in a gas purchase agreement between Transco and Texas Oil & Gas Corporation and transport and redeliver such natural gas to Transco at (1) the point of interconnection of Applicant's facilities with the pipeline facilities of South Texas Natural Gas Company located in Kenedy County, Texas; or (2) the point of interconnection of Applicant's facilities with the facilities of Channel Industries Gas Company located in Kenedy County, Texas, or at other mutually agreeable points.

Applicant states that it commenced the transportation of gas for Transco on March 11, 1979, and now proposes to extend and continue such transportation for ten years. Applicant estimates that the daily and total volumes of natural gas to be transported during the ten-year period would be 3,000 Mcf and 10,900,000 Mcf, respectively.

Applicant states that the rate to be charged Transco for such transportation service is 15.0 cents per Mcf subject to annual adjustment based on changes in the Consumer Price Index.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

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1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3820 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-189-000]

Delhi Gas Pipeline Corp.; Extension of Transportation Service

February 25, 1981.

Take notice that on February 6, 1981, Delhi Gas Pipeline Corporation (Applicant), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket No. CP81-189-000 an application pursuant to Section 284.126(c) of the Regulations under the Natural Gas Policy Act of 1978 for authorization to continue the trasportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a February 15, 1979, transportation agreement with Transco which provides for Applicant to receive natural gas at specified points of delivery and to redeliver such volumes at (1) the point of interconnection of Applicant's facilities with the pipeline facilities of South Texas Natural Gas Company in Zapata County, Texas; (2) the point of interconnection of Applicant's facilities with the facilities of Huston Pipe Line Company located in Webb County, Texas, or at other mutually agreeable points; and (3) the point of interconnection of Applicant's lateral from its Laredo-Lopeno System with the pipeline facilities of Transco located in LaSalle County, Texas.

Applicant states that it commenced the transportation of gas for Transco on May 15, 1979, and now proposes to extend and continue such transportation service for twenty years. Applicant estimates that the daily and total volumes of natural gas to be transported during the twenty-year period would be 20,000 Mcf and 146,000,000 Mcf, respectively.

Applicant states that it currently charges Transco 37.60 cents per Mcf which is subject to adjustment each September 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3821 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3564-000]

The City of Duchesne, Utah; Application for Preliminary Permit

February 24, 1981.

Take notice that The City of Duchesne, Utah (Applicant) filed on October 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3564 to be known as the Starvation Hydro Project located on the Strawberry River in Duchesne County, Utah. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ed Browning, Mayor of Duchesne City, P.O. Drawer B, Duchesne, Utah 84021. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the exiting Water and Power Resources Service's Starvation Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works; (2) a new powerhouse containing generating units having a total rated capacity of 1,606 kW; (3) a tailrace; (4) a new transmission line, approximately one mile long, connecting to existing 69 kV lines; and (5) appurtenant facilities. The applicant estimates that the average annual energy output would be 7,680,000 kWh.

Purpose of Project—Project energy would be sold to residents of The City of Duchesne or to the Moonlake Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3564. Any comments, notices of intent, competing applications, protests, or petition to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-38 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4050-000]

East Kentucky Power Cooperative; Application for Preliminary Permit

February 24, 1981.

Take notice that East Kentucky Power Cooperative (Applicant) filed on January 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4050 to be known as the Grayson Project located on the Little Sandy River near Grayson, Carter County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Richard H. Breckenkamp, East Kentucky Power Cooperative, P.O. Box 707, Winchester, Kentucky 40391. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Grayson flood control dam and would consist of (1) a 1700-foot long concrete lined power tunnel with intake located near the west dam abutment; (2) a powerhouse containing two turbine-generator units with a total rated capacity of 2.0 MW; (3) a 100-foot long transmission line; and (4) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 5,100,000 Kwh.

Purpose of Project—Energy developed at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. The work to be performed under this preliminary permit would consist of gathering necessary data, completing surveys and environmental studies, obtaining necessary Federal, State and local permits, and preparing necessary documentation for the Commission's licensing requirements. Applicant estimates that the cost of works to be performed under the permit would not exceed $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee during the term, of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request of comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Grayson Project No. 3333 filed on August 19, 1980 by Continental Hydro Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules or Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4050. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3790-000]

Enagenics; Application for Preliminary Permit

February 24, 1981.

Take notice that Enagenics (Applicant) submitted on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3790 to be known as Spring Valley Canal Station 677 Hydroelectric Project located on the Spring Valley Canal in Fairfield, Teton County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Department of the Interior's (Water and Power Resources Service) Spring Valley Canal. Project No. 3790 would consist of: (1) A proposed one-unit powerplant located alongside the chute drop at Sta. 699 + 85; (2) a proposed gated intake structure with trashracks and a radial gate check structure constructed between Sta. 676 + 20 and 676 + 50; (3) a proposed 96-inch diameter penstock extending 2,400 feet to connect intake structure of powerplant; (4) a proposed tailrace connected to the stilling basin; (5) transmission lines having operating voltage of 69 kV; (6) a switchyard located adjacent to the powerplant; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 27.4×10^6 kWh.

Purpose of Project—Energy produced at the site would be sold to Montana Power Company or other public users.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Greenfields Irrigation District and Sun River Electric Cooperative, Inc., Project No. 3554 on Upper Turnbull Drop Project, Station 677 + 00 on the Spring Valley Canal under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3790. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3956-000]

Enagenics; Application for Preliminary Permit

February 24, 1981.

Take notice that Enagenics (Applicant) file on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for proposed Project No. 3956 to be known as the Clark Canyon Dam Project located on the Beaverhead River in Beaverhead County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C., 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Department of the Interior's (Water and Power Resources Service) Clark Canyon Dam. Project No. 3956 would consist of: (1) a proposed powerhouse, to be located along the east side of the existing outlet works stilling basin, with a proposed installed capacity of 5.4MW; (2) a short tailrace channel; and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 17 GWh.

Purpose of Project—The Applicant proposes to sell the power output of the project to the Montana Power Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of project will be defined, investigated and assessed to support an investment decision. The Applicants estimated total cost of performing a fesibility study is $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to both Western Montana Electric Generating and Transmission Cooperative, Project No. 3530, filed on October 7, 1980 and Continental Hydro Corporation, Project No. 3549, filed on October 9, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments","Notice of Intent to File Competing Application","Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3956. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be file by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-462-001, et al.]

Great Lakes Gas Transmission Co.; Amendment to Application

February 25, 1981.

Take notice that on February 3, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket Nos. CP79-462-001, CP66-110, *et al.*, CP70-19, *et al.*, CP70-100, *et al.*, CP71-222, *et al.*, CP71-299, *et al.*, and CP71-223, *et al.*, an amendment to its application pending in the instant dockets pursuant to Section 7(c) of the Natural Gas Act so as to reflect changes in the gas transportation service being rendered and a petition to amend orders issued in these proceedings, all as more fully set forth in the amendment and petition which is on file with the Commission and open for public inspection.

By its application filed August 30, 1979, Applicant requested authorization to render a transportation service for Michigan Wisconsin Pipe Line Company (Mich Wis), Natural Gas Pipeline Company of America (Natural), and Texas Eastern Transmission Corporation (Texas Eastern) which along with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), contracted with ProGas Limited (ProGas) and TransCanada PipeLines Limited (TransCanada) to import a total of up to 300,000 Mcf of natural gas per day from Canada.

Applicant states that Natural has subsequently requested that its rights and obligations under a July 10, 1979, precedent agreement be terminated as it prefers to have the volumes it would purchase from ProGas be transported through the pipeline systems to be constructed by Northern Border Pipeline Company.

Pursuant to an amendatory agreement dated January 15, 1981, between Applicant, Natural, Tennessee, Mich Wis, and Texas Eastern, Applicant states that it and Tennessee have agreed to enter into a direct transportation arrangement rather than have the volumes that Tennessee would purchase from ProGas be transported under a transportation agreement between Applicant and Mich Wis as contemplated earlier. Moreover, it is stated, the amended agreement provides that the transportation service agreement between Applicant and Mich Wis be for a term of only five years commencing November 1, 1982, with reductions in quantity commencing on November 1, 1984.

In addition, Applicant proposes to transport 150,000 Mcf per day during the two contract years ending November 1, 1982 (75,000 Mcf each for Texas Eastern and Tennessee); 225,000 Mcf per day during the two contract years ending November 1, 1984 (75,000 Mcf per day each for Texas Eastern, Tennessee, and Mich Wis); and a quantity equivalent to 75 percent, 50 percent and 25 percent, respectively, of 75,000 Mcf per day (225,000 Mcf per day cumulative) during the three succeeding contract years for each of Texas Eastern, Tennessee, and Mich Wis. It is stated that transportation

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services would terminate on November 1, 1987.

Applicant states that TransCanada has agreed to reduce the volumes transported for it by Applicant under a September 12, 1967, transportation contract by quantities equivalent to those to be transported by Applicant for Mich Wis, Texas Eastern and Tennessee to enable Applicant to transport such volumes. It is asserted that TransCanada has also agreed to supply Applicant with the fuel and other company-use gas required by Applicant to effecutate transportation for its customers and would permit Applicant to receive gas at Emerson, Manitoba, from TransCanada for their accounts at a pressure of not less than 750 psig.

Applicant states that it has now determined that the metering facilities for which authorization was sought under its original application would not be necessary to provide the transportation service as herein proposed and accordingly Applicant withdraws its request for authorization to construct any new facilities in connection with this application.

Applicant states that it has agreed with Mich Wis, Texas Eastern and Tennessee that until April 1, 1981, volumes would be transported by Applicant on a best-efforts basis.

Any person desiring to be heard or to make any protest with reference to said amendment and petition should on or before March 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have hereto filed with respect to the pending application need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3822 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3947-000]

Kaweah Delta Water Conservation District; Application for Preliminary Permit

February 24, 1981.

Take notice that Kaweah Delta Water Conservation District (Applicant) filed on January 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3947 to be known as Terminus Project located on the Kaweah River in Tulare County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Max Garver, Engineer-Manager, Kaweah Delta Water Conservation District, P.O. Box 1247, Visalia, California 93279. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the insertion of a 12-foot diameter steel liner in the outlet works of the existing 250-foot high earthfilled U.S. Corps of Engineers' Terminus Dam; (2) a 13-foot diameter butterfly valve; (3) a powerhouse containing five generating units, three rated at 3000 kW each and two rated at 250 kW each; and (4) a transmission line.

The Applicant estimates that the average annual energy output would be 30.2 million kWh.

Purpose of Project—The energy output from the project would be sold to a local utility company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct geotechnical and engineering studies, perform feasibility and optimization studies, make an economic analysis, conduct environmental studies, consult with agencies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be done under the preliminary permit is estimated to be $145,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to American Hydroelectric Development Corporation's Project No. 3528 filed on October 7, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3947. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-31 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4008-000]

Long Lake Energy Corp.; Application for Preliminary Permit

February 24, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4008 to be known as the Dolgeville Hydroelectric Power Project located on the East Canada Creek in Herkimer County, New York. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the river project would consist of: (1) an existing 18-foot high, 195 feet long limestone gravity dam; (2) an existing reservoir having a normal pool elevation of 720 feet; (3) an existing floodgate and intake structure; (4) a new 650-foot penstock; (5) an existing powerhouse with new turbines having a generating capacity of 3.2 MW; (6) an existing tailrace structure; (7) existing transmission lines and switchyard equipment; and (8) appurtenant works. The dam and reservoir are owned by the Niagara Mohawk Company. The Applicant estimates that the average annual energy output would be 15,400,000 kWh.

Purpose of Project—Project energy would be sold to Niagara Mohawk Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permitee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4008. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-40 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3635-000 and 3703-000]

Mitchell Energy Co., Inc.; and Continental Hydro Corp.; Application for Preliminary Permit

February 24, 1981.

Take notice that Mitchell Energy Company, Inc. (Mitchell) and Continental Hydro Corporation (Continental) (Applicants) filed on October 31, 1980, and November 10, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed

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Project Nos. 3635 and 3703 to be known as the Canyon Lake Hydro-electric Project located on the Guadalupe River in Comal County, Texas. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Correspondence with Continental should be directed to Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Corps of Engineers' Canyon Lake Dam and would consist of a powerhouse containing generating units having a rated capacity of 20.8 MW (Mitchell) or a capacity of 5.0 MW (Continental), an 800-foot long penstock and appurtenant facilities. Mitchell estimates that the average annual energy output would be 36,000,000 kWh; Continental estimates the output would be 18–20 GWh.

Purpose of Project—Mitchell would sell the energy generated at the project to a local utility. Continental would sell it to the San Antonio Utility Company.

Proposed Scope and Cost of Studies under Permit—Mitchell seeks issuance of a preliminary permit for a period of 24 months and Continental seeks issuance of preliminary permit for a period of 36 months. Each Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evalution; would consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. Mitchell and Continental estimate that the cost of studies under the permit would be $50,000 and $19,000, respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service or Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permits for Project Nos. 3635 and 3703. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-41 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-180-000]

Northern Natural Gas Company; Application

February 24, 1981.

Take notice that on February 5, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-180-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 63 small volume sales measuring stations for the sale and delivery of additional volumes of natural gas in the states of Montana, South Dakota, Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide service to right-of -way grantors whose easements provide for the contractural right to gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume [1] industrial, commercial and residential customers.

Applicant proposes to install and operate 43 delivery stations in Minnesota, South Dakota, Iowa, Nebraska, Kansas, and Texas for deliveries of gas to be resold by People's Natural Gas Company, Division of InterNorth, Inc. (People's) from People's presently authorized contract demand.

Applicant also states that it sells and delivers natural gas in Oklahoma to the Southern Union Gas Company (So. Union) pursuant to Applicant's Rate Schedule X-46 for resale by So. Union to Applicant's right-of-way grantors and others for use as irrigation engine fuel, residential and other high priority uses. Applicant proposes to provide natural gas service to 18 of its right-of-way grantors located in So. Union's service areas in Oklahoma which would result in an increase of 108,480 Mcf in annual sales to So. Union.

Further, Applicant proposes to install and operate two delivery stations for deliveries of gas for direct sale to two Montana customers pursuant to terms of farm tap service contracts between Applicant and the new customers.

Applicant more fully describes the 63 proposed small volume sale measuring stations including locations, estimated peak day and annual sales, and use as follows:

[1] As defined in Applicant's Gas Tariff, customers with maximum daily gas requirements under 200 Mcf are considered small volume customers.

Right-of-way grantor	Legal description—section, township, range, county, and State	Peak day	Annual	Primary end-use
Southern Union Gas Co.:				
Berry Farms, Inc	7—13—24—Roger Mills—OK	86.4	19,665	Irrigation.
Berry, J. B	8—13—25—Roger Mills—OK	86.4	19,665	Irrigation.
Bruton, James N	20—13—23—Roger Mills—OK	1.4	300	Res. Heat.
Buckles, E. L	7—19—24—Ellis—OK	54.0	13,110	Irrigation.
Cook, Stanley	20—28—25—Harper—OK	1.4	300	Res. Heat.
Dodson, Buster M	2—12—22—Roger Mills—OK	1.4	300	Res. Heat.
Harrison, William S	7—13—24—Roger Mills—OK	86.4	19,665	Irrigation.
Mayberry, William P	30—27—21—Harper—OK	1.4	300	Res. Heat.
Miller, Robert C	1—18—23—Ellis—OK	1.4	300	Res. Heat.
Mote, Lila B	17—20—20—Woodward—OK	1.4	300	Res. Heat.
Ridgway, E. H	8—22—22—Woodward—OK	54.0	13,110	Irrigation.
Roper, Dix A	21—20—24—Ellis—OK	1.4	300	Res. Heat.
Schoe, Niles F	36—13—23—Roger Mills—OK	1.4	300	Res. Heat.
Snell, Jimmy E	13—14—26—Roger Mills—OK	1.4	300	Res. Heat.
Swinford, G. Mark	18—22—24—Ellis—OK	1.4	300	Res. Heat.
Taylor, Lila Mary	34—14—25—Roger Mills—OK	86.4	19,665	Irrigation.
Winters, John T., Jr	10—22—17—Woodward—OK	1.4	300	Res. Heat.
Wright, David	32—14—25—Roger Mills—OK	1.4	300	Res. Heat.
Total Southern Union Gas		470.4	108,480	
Northern Natural Gas Co. (Direct):				
Davidson, Noel R	26—33—14—Hill—MT	3.2	295	Res. Heat.
Williams, Lyle N	27—34—12—Hill—MT	3.2	295	Res. Heat.
Totals, Northern (Direct)		6.4	590	
Peoples Natural Gas Co., Division of InterNorth, Inc.:				
Arens, James E	8—91—14—Bremer—IA	10.0	554	Crop Dryer.
Ask, Carl H	3—103—6—Houston—MN	1.7	151	Res. Heat.
Bartlett, Meade C	23—89—21—Hardin—IA	24.0	2,080	Crop Dryer.
Bishop, Bennie W	4—104—18—Mower—MN	15.0	650	Crop Dryer.
Boegeman, Stephen J	2—114—23—Scott—MN	2.0	188	Res. Heat.
Brown, Edward S	18—88—6—Delaware—IA	24.0	1,100	Crop Dryer.
Cook, A. E	33—22—34—Finney—KS	72.0	12,960	Irrigation.
Dahl, Lee E	36—33—21—Chisago—MN	3.0	250	Res. Heat.
Davis, Webb	32—103—17—Mower—MN	2.0	345	Res. Heat.
Eakes, Evelyn	18—31—30—Meade—KS	80.0	8,845	Irrigation.
Flaherty, Maureen	5—29—20—Washington—MN	2.0	200	Res. Heat.
Gardner, B. A. & A. B	10—24—31—Finney—KS	48.0	8,640	Irrigation.
Hansen, Sydney D	11—93—55—Yankton—SD	2.0	190	Res. Heat.
Holles, David	20—109—35—Brown—MN	30.0	457	Crop Dryer.
Hutch. Natl. Bk. (Garo)	31—23—15—Pawnee—KS	21.6	1,439	Irrigation.
Knuth, Donald D	10—14—8—Saunders—NE	1.0	151	Res. Heat.
Koetter, Alois	33—126—32—Stearns—MN	3.0	200	Res. Heat.
Kurt, Joseph N	23—88—2—Dubuque—IA	1.0	170	Res. Heat.
Linville, Thomas W	9—23—34—Finney—KS	48.0	8,640	Irrigation.
Lowthian, Russ	3—44—20—Pine—MN	11.0	640	Crop Dryer.
Lynch, Mark R	13—85—17—Marshall—IA	25.0	2,730	Crop Dryer.
McCarley, James A	WTN—4—Hemphill—TX	1.2	158	Res. Heat.
Meester, Johannes A	26—89—17—Grundy—IA	4.0	292	Crop Dryer.
Meyer, George F	32—96—8—Winneshiek—IA	1.8	166	Res. Heat.
Morris, James D	4—30—32—Haskell—KS	3.0	246	Res. Heat.
Niemeyer, Ell	28—98—47—Lyon—IA	16.0	1,132	Crop Dryer.
Pfambeck, Myron	3—23—8—Burt—NE	24.0	1,840	Irrigation.
Plett, Joe	20—22—31—Finney—KS	48.0	8,640	Irrigation.
Reeves, Kerm	23—95—33—Palo Alto—IA	10.0	411	Irrigation.
Robertson, Ethel M	4—103—28—Faribault—MN	1.3	155	Res. Heat.
Roetman, Robert R	16—95—43—Sioux—IA	16.0	1,132	Crop Dryer.
Scheiding, Evelyn	7—4—4—Jefferson—NE	25.0	1,700	Grain Dryer.
Sizeman, Tom	36—93—10—Fayette—IA	1.5	150	Res. Heat.
Soderberg, Dale	24—53—11—Lake—MN	3.0	200	Res. Heat.
Solberg, Raymond O	14—94—50—Union—SD	30.0	1,592	Crop Dryer.
Stunkel, Harold	10—5—2—Washington—KS	1.5	150	Res. Heat.
Sullivan, Lewis J	5—104—21—Freeborn—MN	10.0	700	Crop Dryer.
Taschner, Larry L	30—114—55—Hamlin—SD	38.0	2,122	Crop Dryer.
Tlustos, Don	33—12—11—Cass—NE	1.5	154	Res. Heat.
Webb, Charles H	6—3—PSL—Hansford—TX	1.2	158	Res. Heat.
Wickenhauser, James	14—115—25—Carver—MN	3.0	188	Res. Heat.
Wiebe, Elma B	1—2—WCRR—Ochiltree—TX	31.2	3,220	Irrigation.
Yost, Marvin L	1—4—3—Jefferson—NE	36.0	1,000	Irrigation.
Total Peoples Natural Gas		713.5	73,637	

Applicant estimates the cost of the proposed facilities to be $103,110 which would be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before

March 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition of intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3823 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

Docket No. TA 81-2-37-000 (PGA 81-2, IPR 81-2)

Northwest Pipeline Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

February 24, 1981.

Take notice that Northwest Pipeline Corporation, on February 13, 1981, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of (1) reflecting changes in Northwest's average cost of purchased gas, including leasehold production, which will become effective during the period April 1, 1981, through September 30, 1981, as applied to volumes purchased or produced for the twelve-(12) month period ending December 31, 1980, (2) tracking increased gas purchased costs resulting from an increase in the Canadian export border price from $4.47 per MMBtu to $4.94 per MMBtu effective April 1, 1981, (3) reflecting the change in unrecovered purchased gas cost since Northwest's prior filing dated August 15, 1980 which includes the applicable refunds under Docket No. RP79-57, (4) projecting incremental surcharges to be assessed Northwest's affected direct and sales for resale customers pursuant to Order No. 49, (5) providing to storage gas customers purchasing service under Rate Schedules SGS-1 and WS-1 a special surcharge credit adjustment equal to the annualized increase in purchased gas costs, and (6) reflecting refunds pursuant to Article IX of Northwest's Stipulation and Agreement at Docket No. RP79-57 through a special Demand Charge Credit to Northwest's customers served under Rate Schedules ODL-1, PL-1, DS-1, and WS-1.

The current PGAC adjustment, for which notice is given herein, aggregates to a decrease of .379 cents per therm in all rate schedules affected by and subject to the PGAC. The annualized change in Northwest's purchased gas cost aggregates an increase of $75,279,513. Northwest proposes to offset the annualized increase with a negative surcharge because the adjusted balance in its FERC Account No. 191, as of December 31, 1980, amounts to a negative balance of $31,321,619. The proposed change in rates from the PGAC and the other changes proposed by Northwest would result in a net decrease in its annual revenues from jurisdictional sales and service of $12,599,856 exclusive of special surcharge credit adjustments and the special demand charge credit adjustment.

Northwest is concurrently filing a notice of change in rates applicable to Section 13.7, Changes in Rates to Reflect Curtailment Credits, contained in its First Revised Volume No. 1 Tariff and a notice of change in rates pursuant to the advance payments tracking provision in its Stipulation and Agreement in Settlement at Docket No RP79-57. In accordance with Article 13.7 contained in the aforementioned tariff, and Article VIII of the Stipulation and Agreement the current rate adjustments under the Demand Charge Credit Adjustment provision and Advance Payment Tracker Provision are to become effective on Northwest's PGAC adjustment date. Accordingly, all three rate adjustments are reflected on the tendered Third Revised Sheet No. 10 which is proposed to become effective on April 1, 1981. Northwest also tendered for filing and acceptance Second Revised Sheet Nos. 10-A and 10-B. Second Revised Sheet No. 10-A sets forth a special Demand Charge Credit for customers served under Rate Schedules ODL-1, PL-1, DS-1 and WS-1, and Second Revised Sheet No. 10-B. Sets forth revised projected incremental pricing surcharges to become effective April 1, 1981 as part of the instant filing.

A copy of this filing has been served on all parties on record in Docket No. RP72-154, upon all jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitons or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc.81-32 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 81-2-37-001 (DCA81-2)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Demand Charge Credit Adjustment

February 24, 1981.

Take notice that Northwest Pipeline Corporation ("Northwest"), on February, 13, 1981 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, filed pursuant to the Commission's order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DS-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its first Revised Volume No. 1 Tariff and change in rates pursuant to the advance payments tracking provision contained in Article VIII (Advanced Payments) of the Stipulation and Agreement in Settlement of Rate Proceeding at Docket No. RP79-57. All three rate adjustments are reflected on the tendered Third Revised Sheet No. 10 which is proposed to become effective April 1, 1980.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitons or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-33 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-37-002 (AP81-2)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Advance Payment Tracking Provision

February 24, 1981.

Take notice that Northwest Pipeline Corporation ("Northwest"), on February 13, 1981 tendered proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, to track a decrease in advance payments made by Northwest from the level previously reflected in its rates. The instant filing reflects a decrease in the outstanding advance payments balance of $3,468,135 which equates to a negative adjustment of .017¢ per therm for all the FERC Gas Tariff, First Revised Volume No. 1 effective jurisdictional sales rate schedules.

The change is filed in accordance with Article VIII, Advance Payments, of the Stipulation and Agreement in Settlement of Rate Proceedings in Docket No. RP79-57.

Northwest is concurrently filing notices of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision and Article 13.7, Demand Charge Credits, contained in its First Revised Volume No. 1 Tariff. All three rate adjustments are reflected on the tendered Third Revised Sheet No. 10, which is proposed to become effective April 1, 1981.

A copy of this filing is being served on all jurisdictional customers of Northwest and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-42 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-149-000]

ONG Western, Inc.; Application

February 24, 1981.

Take notice that on January 22, 1981, ONG Western, Inc. (Applicant), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST81-149-000 an application pursuant to Section 284.144 of the Commission's Regulations under the Natural Gas Policy Act of 1978 for approval of rates for the sale of natural gas to Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a November 5, 1980, agreement with Elizabethtown for the sale of natural gas over a two-year period commencing on the date of delivery. It is stated that Applicant would sell up to 30,000 Mcf of gas per day subject to interruption to the extent that gas would be required to enable Applicant to provide adequate service to its regular customers. The rate Applicant proposes to charge Elizabethtown is the weighted average acquisition cost per million Btu for the month in which gas is delivered as determined in accordance with the provisions of 18 CFR Section 284.144. Moreover, it is stated, the gas sales contract also provides for a charge of 10.0 cents per million Btu as compensation for expenses incurred by Applicant associated with the gathering, treatment, processing, transportation and delivery of natural gas pursuant to the contract and also includes a profit figure for such services.

Applicant states that it would file a report with the Commission concerning the sale to Elizabethtown within 60 days of initial deliveries which are anticipated to begin on April 1, 1981. Applicant asserts that the transportation rates which would be utilized are the same as those stated in previously approved Commission orders issued in Docket Nos. ST80-61, ST80-5, ST79-21 and ST79-20.

It is asserted that the term of the gas sales agreement is for two years commencing on the first day of deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20420, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

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to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3624 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3322-000]

Public Utility District No. 1 of Mason County; Application for Preliminary Permit

February 24, 1981.

Take notice that Public Utility District No. 1 of Mason County (Applicant) filed on December 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3322 to be known as Duckabush Project located on Duckabush River in Mason County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John P. Robertson, Manager, Public Utility District No. 1 of Mason County, Route 5, Box 555, Shelton, Washington 98584. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new concrete arch dam, 300 feet high and 1200 feet long; (2) a penstock; and (3) a powerhouse with a total installed capacity of 35 MW.

The Applicant estimates that the average annual energy output would be 275,000,000 kWh.

Purpose of Project—Applicant intends to market the power generated by the project to meet the Applicant's load growth or to offset power purchases from the Bonneville Power Administration.

Proposed Scope and Cost of Studies Under Permit—The proposed studies would include economic analysis, preliminary engineering, and environmental impact analysis. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and preparation of application for license to construct and operate the proposed project. Applicant estimates that cost of studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notive of intent allows an interested person to file the competing application no later than June 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3322. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-43. Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3907-000]

Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

February 24, 1981.

Take notice that Richard L. Bean and Fred G. Castagna (Applicants) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3907 to be known as East Fork Nelson Creek located on Nelson Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: R. L. Bean and F. G. Castagna, 741 Baker Road, Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) a diversion structure; (2) a penstock; (3) a powerhouse containing a 1,500-kW generating unit; and (4) a transmission line.

The Applicant estimates that the average annual energy output would be 14,000,000 kWh.

Purpose of Project.—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit.—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would make geographic studies; prepare an environmental report; study the economic and financial feasibility; and apply for the necessary permits. The Applicant estimates the cost of these studies to be $77,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3907. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3545-000]

Utah Hydro Corp.; Application for Preliminary Permit

February 24, 1981.

Take notice that Utah Hydro Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3545 to be known as the Echo Hydro Project located on the Weber River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. D. Catten, 8184 Breeze Drive, Magma, Utah 84044. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Echo Dam and Reservoir, operated and maintained by the Weber River Water Users Association, and would consist of: (1) A penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity between 2,500 kW and 7,070 kW; (3) a tailrace; (4) a new 46 kV transmission line, two miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 10,740,000 kWh and 25,060,000 kWh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company. Other alternative markets will be studied.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $65,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the

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competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3545. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3897-000]

Wisconsin Public Power Inc. System; Application for Preliminary Permit

February 24, 1981.

Take notice that Wisconsin Public Power Incorporated System (Applicant) filed on December 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 2897 to be known as the Neshonoc Dam Project located on the LaCrosse River in LaCrosse County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to J. Leroy Thilly, Boardman, Suhr Cursy Field, 1 South Pinckney Street, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 21-foot high and 209-foot long concrete and masonry dam; (2) an existing powerhouse with a proposed installed capacity of 500 kW; (3) an existing 750-acre reservoir with 3,385 acre-feet of gross storage capacity at the normal surface elevation of 697.8 feet msl; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,190 MWh.

Purpose of Project—The Wisconsin Public Power Incorporated System is a municipal electric company. It consists of 27 members, all of whom are Wisconsin municipalities which own and operate municipal electric utilities. The power output of the project would be utilized by the member utilities.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Neshonoc Dam Project No. 3231 filed on July 1, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3897. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-44 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4018-000]

Wyoming Hydro, Inc.; Application for Preliminary Permit

February 24, 1981.

Take notice that the Wyoming Hydro, Inc. (Applicant) filed on January 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4018 to be known as the Woodruff Narrows Project located on the Bear River in Uinta County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Myles A. Duffy, President; Wyoming Hydro, Inc.; P.O. Box 765; Alamo, California 94507. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing Woodruff Narrows Dam, a 65-foot high earthen structure having a length of 620 feet; (2) the existing Woodruff Narrows Reservoir with a storage capacity of 53,200 acre-feet; (3) a new concrete lined channel, approximately 2,400 feet long; connecting to (4) a new 2,100-foot long penstock; lending to (5) a new powerhouse having an installed generating capacity of 4,500 kW; (6) a new tailrace; (7) new transmission line; and (8) appurtenant works. The Woodruff Narrows Dam and Reservoir are owned by the State of Utah. The Applicant estimates that the average annual energy output would be 9,300,000 kWh.

Purpose of Project—Project energy would be sold to Utah Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4018. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-45 Filed 2-26-81; 8:45 am]

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[Volume 369]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 24, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION								
-J BURNS BROWN					RECEIVED: 02/02/81 JA: MT			
8114962	6-80-140	2500522088	108		BRESSLER 20-32-19	BLACK COULEE	18.0	NORTHERN NATURAL GAS
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
-ENVIROGAS INC					RECEIVED: 01/28/81 JA: NY			
8114956	#955	3101314159	102	D	#1 J NERATKO	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8114957	#959	3101314161	102	D	#1 A DAVIDSON	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8114959	#970	3101314859	102	D	#1 ALDEWEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8114955	#953	3101314836	102	D	#1 MONROE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8114958	#967	3101314860	102	D	#2 ALDEWEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8114961	982	3101314365	102	D	#2 BOSTWICK VINEYARDS	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8114960	980	3101314861	102	D	#3 ALDEWEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
-SCG GAS QUEST INC					RECEIVED: 01/27/81 JA: NY			
8114952	918	3102914269	102	D	LARDO B #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8114953	919	3102914271	102	D	VEREERSTRAETEN #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
8114954	#922	3102914273	102	D	WILLIAMS #1	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIPELI
OKLAHOMA CORPORATION COMMISSION								
-ANADARKO PRODUCTION COMPANY					RECEIVED: 01/30/81 JA: OK			
8114911	07083	3513900000	108		MUNYON A NO 3	CARTHAGE GAS AREA	2.0	PANHANDLE EASTERN PI
-ANDOVER OIL COMPANY					RECEIVED: 01/30/81 JA: OK			
8114912	07084	3501721474	103		WITTROCK #1-1		185.0	DELHI GAS PIPELINE C
-BELAMA OIL CO					RECEIVED: 01/30/81 JA: OK			
8114914	07085	3509300000	103		LEMENBAUER NO 1	NORTHEAST AMES	0.0	CITIES SERVICE GAS C
-BERRY PETROLEUM CORP					RECEIVED: 01/30/81 JA: OK			
8114945	06704	3503322246	103		POSPISIL #3-1	SOONER TREND	150.0	CONOCO INC
-BOVAN INVESTMENTS					RECEIVED: 01/30/81 JA: OK			
8114951	07029	3507121631	103		GODBEHERE #1-24	KESNER	5.0	CITIES SERVICE GAS C
8114948	07030	3507121634	103		GODBEHERE #2-24	KESNER	5.0	CITIES SERVICE GAS C
-BRUNER OIL & GAS INC					RECEIVED: 01/30/81 JA: OK			
8114910	07082	3504722259	103		OLMSTEAD 1-A	NE/4 31 T20N R3W	100.0	ARCO OIL & GAS CO
-CALVERT DRILLING CO					RECEIVED: 01/30/81 JA: OK			
8114935	06761	3508320660	103		BRIDAL #1	NW EDMOND	30.0	CONTINENTAL OIL CO
8114938	06764	3507322401	103		MUEGGENBORG #1	SOONER TREND	6.4	
8114936	06762	3501720840	103		REHERMAN #1	NW PIEDMONT	14.0	PHILLIPS PETROLEUM C
-CLARK RESOURCES INC					RECEIVED: 01/30/81 JA: OK			
8114913	07091	3507300000	103		STATE #16-1	SOONER TREND	54.8	PANHANDLE EASTERN PI
-CLIFFORD RESOURCES INC					RECEIVED: 01/30/81 JA: OK			
8114939	07023	3509359905	103		CASPER 2-1	SO FAIRVIEW	109.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114940	07024	3509300000	103		FIEL 1-28	KEENAN	127.0	PANHANDLE EASTERN PL
8114950	07026	3507322370	103		WILLMS #1-28	SOONER TREND	365.0	PHILLIPS PETROLEUM C
-DAMSON OIL CORPORATION					RECEIVED: 01/30/81 JA: OK			
8114934	06567	3501100000	108		GLASGOW #1	N E WATONGA	0.0	DELHI GAS PIPELINE G
-F C D OIL CORP					RECEIVED: 01/30/81 JA: OK			
8114944	06810	3508321312	103		DRABEK 1-26	S E LOVELL	255.5	EASON OIL CO
-FLYNN ENERGY CORPORATION					RECEIVED: 01/30/81 JA: OK			
8114928	7031	3507300000	103		BLUNK 17-1	SOONER TREND	59.0	PANHANDLE EASTERN PI
8114927	7C32	3508300000	103		SCHAEFER 7-1	SOONER TREND	50.0	EASON OIL CO
-GRAHAM-MICHAELIS CORP					RECEIVED: 01/30/81 JA: OK			
8114947	06667	3515337900	108		DODGE #1-9	N W CEDARDALE	11.0	WESTERN FARMERS ELEC
8114946	06670	3513921416	108		JOLLIFFE #1-11	CAMRICK	16.0	KANSAS-NEBRASKA NATU
-HADSON PETROLEUM CORP					RECEIVED: 01/30/81 JA: OK			
8114915	07090	3507920344	103		WASSON #1-3	KINTA	175.0	ARKANSAS LOUISIANA G
-HARPER OIL COMPANY					RECEIVED: 01/30/81 JA: OK			
8114917	07091	3508321362	103		SCHRAMMEL #1	WILDCAT	36.0	EASON OIL CO
-LADD PETROLEUM CORPORATION					RECEIVED: 01/30/81 JA: OK			
8114921	07017	3509321587	103		RANKIN NO 2	RINGWOOD	177.9	OKLAHOMA NATURAL GAS
-MACKELLAR INC					RECEIVED: 01/30/81 JA: OK			
8114926	07035	3510321042	103		MOUNT #2	EAST GREEN VALLEY	0.0	ATLANTIC RICHFIELD C
-NEVA ASSOCIATES					RECEIVED: 01/30/81 JA: OK			
8114925	07045	3507121942	103		BILYEU #1-32		10.0	CITIES SERVICE GAS C
-PETROMARK EXPLORATION INC					RECEIVED: 01/30/81 JA: OK			
8114937	07016	3507300000	103		HOLIDAY #24-1	SOONER TREND	100.0	CITIES SERVICE GAS C
-POST PETROLEUM COMPANY INC					RECEIVED: 01/30/81 JA: OK			
8114943	06965	3507322461	103		SIMMONS #1	REEDING SOUTH	55.0	
-RICKS EXPLORATION CO					RECEIVED: 01/30/81 JA: OK			
8114920	1C011	3501520899	107		CATES #1	N CEMENT	1188.0	SOUTHERN NATURAL GAS
-SAMSON RESOURCES COMPANY					RECEIVED: 01/30/81 JA: OK			
8114924	6994	3506120331	103		PERRYMAN UNIT #1	KINTA	100.0	DELHI GAS PIPELINE C
-SHELL OIL CO					RECEIVED: 01/30/81 JA: OK			
8114918	7145	3505900000	108		BLANCHARD 1-25	MOCANE LAVERNE	18.0	NORTHERN NATURAL GAS
8114916	7144	3500700000	108		LONKER D #1	MOCANE LAVERNE	10.0	NORTHERN NATURAL GAS
-SULLIVAN AND CO					RECEIVED: 01/30/81 JA: OK			
8114923		3508120953	103		CLETA NO 1	SOUTHWEST PRAIRIE GEM	133.0	SUN OIL CO
8114922	07012	3508120961	103		J INGRAM NO 2	SOUTHWEST PRAIRIE GEM	71.0	SUN OIL CO
8114941	06991	3508120899	103		JIM INGRAM NO 1	SOUTHWEST PRAIRIE GEM	767.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/30/81 JA: OK			
8114919	07013	3505920886	103		W J DONNELLAN #2	MOCANE-LAVERNE	548.0	COLORADO INTERSTATE
-TENNECO OIL COMPANY					RECEIVED: 01/30/81 JA: OK			
8114909	6979	3500721691	103		CARLISLE 15-14	MOCANE-LAVERNE	160.0	COLORADO INTERSTATE
-TEXAS OIL & GAS CORP					RECEIVED: 01/30/81 JA: OK			
8114949	04534	3515120940	102		DEVINE #1	FREEDOM	880.0	PANHANDLE EASTERN PI
-TRIGG DRILLING COMPANY INC					RECEIVED: 01/30/81 JA: OK			
8114942	06981	3501721039	103		WITCHER A NO 1	WATONGA TREND	500.0	OKLAHOMA NATURAL GAS
-ZIA PIPELINE INC					RECEIVED: 01/30/81 JA: OK			
8114932	05980	3507555009	109		GEIS #1	NW GOTEBO	2.3	ARKANSAS LOUISIANA G
8114931	05979	3507557221	108		H GEIS #1	NW GOTEBO AREA	3.4	ARKANSAS LOUISIANA G
8114929	05975	3507500000	108		MORRIS #1	NW GOTEBO AREA	4.8	ARKANSAS - LOUISIANA
8114930	05976	3507500000	108		MORRIS 2A 075-20426	NW GOTEBO AREA	1.4	ARKANSAS LOUISIANA G
8114933	05981	3507556247	108		OSMOND B 1	NW GOTEBO AREA	1.6	ARKANSAS LOUISIANA G
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-ADOBE OIL & GAS CORPORATION					RECEIVED: 02/04/81 JA: PA			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114988	6256	3712921176	103		CARL EARHART ET UX #3	LATROBE	21.0	PEOPLES NATURAL GAS
8114987	6257	3712921174	103		CARL R EARHART #1	LATROBE	30.0	PEOPLES NATURAL GAS
8114990	6255	3712921009	103		CLYDE E & VERNA BARNHART #2	BLAIRSVILLE	21.0	PEOPLES NATURAL GAS
8115000	6298	3712921266	103		FRANK S PAVLIK	BLAIRSVILLE	29.0	PEOPLES NATURAL GAS
8115015	6249	3700522285	103		HELEN J COLEMAN	WHITESBURG	25.0	PEOPLES NATURAL GAS
8115013	6251	3705120207	103		HERMAN GREIBER #1	UNIONTOWN	25.0	PEOPLES NATURAL GAS
8115012	6252	3705120210	103		JAMES M GRIFFIN #1	DAWSON	22.0	PEOPLES NATURAL GAS
8114991	6254	3705120186	103		M L SHANEL ET AL #1	DAWSON	30.0	PEOPLES NATURAL GAS
8115011	6253	3712921183	103		NELLIE FOSTER #2	BLAIRSVILLE	29.0	PEOPLES NATURAL GAS
8115031	3875	3700522273	103		NORMAN REARICK #5	MOSGROVE	29.0	PEOPLES NATURAL GAS
8115004	6302	3712921426	103		RICHARD G BOONE #1	BLAIRSVILLE	36.5	PEOPLE NATURAL GAS C
8115014	6250	3712921474	103		RICHARD G BOONE #2	BLAIRSVILLE	200.0	PEOPLE NATURAL GAS C
8115016	6248	3700522215	103		ROY K STEFFY #1	RURAL VALLEY	30.0	PEOPLES NATURAL GAS
8115002	6300	3712921359	103		W D FOSTER #2	BLAIRSVILLE	21.0	PEOPLES NATURAL GAS
8115001	6299	3712921360	103		W DANIEL FOSTER #3	BLAIRSVILLE	25.0	PEOPLES NATURAL GAS
8115003	6301	3712921324	103		W ELMER LEASURE #1	BLAIRSVILLE	30.0	PEOPLES NATURAL GAS
8115017	6246	3706325412	103		WOODROW DUNLAP #1-B	BURNSIDE	26.0	
-DELTA 80 S T JOINT VENTURE					RECEIVED: 02/04/81 JA: PA			
8115018	6194	3703321003	103		JAMES BONSALL #2	BRADY	25.0	NATIONAL FUEL GAS SU
-E J BRUNAGE					RECEIVED: 02/04/81 JA: PA			
8114993	6279	3712500000	108		AMOS	W BETHLEHEM	3.7	EQUITABLE GAS CO
8114974	6273	3705900000	108		ARNOLD	MORGAN	5.4	EQUITABLE GAS CO
8114999	6285	3712500000	108		BARR 100A #1	W BETHLEHEM	3.6	EQUITABLE GAS CO
8114998	6286	3712500000	108		BARR 100A #2	W BETHLEHEM	3.6	EQUITABLE GAS CO
8115009	6288	3712500000	108		BATYKEFER	W BETHLEHEM	3.9	EQUITABLE GAS CO
8114997	6282	3705900000	108		BONNELL	JEFFERSON	10.3	EQUITABLE GAS CO
8114981	6269	3712500000	108		CHARLEROI SHANNON	FALLOWFIELD	4.9	PEOPLES NATURAL GAS
8115034	6291	3712500000	108		DAGUE #1	W BETHLEHEM	3.7	EQUITABLE GAS CO
8114973	6272	3712500000	108		DAGUE #2	W BETHLEHEM	3.7	EQUITABLE GAS CO
8115006	6289	3712500000	108		GIRDISH	W BETHLEHEM	4.5	EQUITABLE GAS CO
8115007	6296	3712500000	108		HAWKINS	MORGAN	5.3	PEOPLES NATURAL GAS
8115033	6292	3705900000	108		HORN #2	MORGAN	3.6	EQUITABLE GAS CO
8115010	6297	3712500000	108		JENNINGS	W BETHLEHEM	3.9	EQUITABLE GAS CO
8114994	6278	3712500000	108		LONG	W BETHLEHEM	3.7	EQUITABLE GAS CO
8114978	6277	3712500000	108		MCCARTHY	W BETHLEHEM	4.5	EQUITABLE GAS CO
8115005	6295	3712500000	108		MERCANTE	MORGAN	5.2	PEOPLES NATURAL GAS
8114980	6267	3705900000	108		MILES W M	MORGAN	2.2	EQUITABLE GAS CO
8114976	6275	3700500000	108		MILLER WINDOW	COWANSHANNOCK	1.4	EQUITABLE GAS CO
8114975	6274	3705900000	108		NYSWANGER	MORGAN	5.4	EQUITABLE GAS CO
8115008	6287	3712500000	108		PALONIS	W BETHLEHEM	3.9	EQUITABLE GAS CO
8114979	6270	3700300000	108		POTTS J 118A	HARRISON	3.3	EQUITABLE GAS CO
8114992	6280	3705900000	108		PRICE 229A	JEFFERSON	10.0	EQUITABLE GAS CO
8115036	6294	3712500000	108		RICHARD	W BETHLEHEM	1.6	EQUITABLE GAS CO
8115032	6290	3712500000	108		RICHARDS	W BETHLEHEM	4.6	EQUITABLE GAS CO
8114982	6271	3700500000	108		RIGGLE	PARKS	3.5	EQUITABLE GAS CO
8114996	6283	3705900000	108		RIGGLE	JEFFERSON	10.3	EQUITABLE GAS CO
8114977	6276	3712500000	108		SHOGAN	W BETHLEHEM	4.5	EQUITABLE GAS CO
8115035	6293	3705900000	108		WAGNER	MORGAN	3.6	EQUITABLE GAS CO
8114995	6281	3712500000	108		WATSON	N BETHLEHEM	0.7	EQUITABLE GAS CO
8114983	6266	3700500000	108		WATTERSON #1	PLUM CREEK	5.7	EQUITABLE GAS CO
8114986	6264	3700500000	108		WATTERSON #2	PLUM CREEK	5.7	EQUITABLE GAS CO
8114984	6265	3700500000	103		WATTERSON #3	PLUM CREEK	5.7	EQUITABLE GAS CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-GAMMA 79 ST JOINT VENTURE					RECEIVED: 02/04/81 JA: PA			
8115020	6190	3703320983	103		PETER G KENNIS # 1 R	BRADY	29.0	NATIONAL FUEL GAS SU
8115019	6191	3703321008	103		PETER G KENNIS #2	BRADY	25.0	NATIONAL FUEL GAS SU
-MERIDIAN EXPLORATION CORP					RECEIVED: 02/04/81 JA: PA			
8115024	6179	3703920748	102		C R PORTER #1 - 515	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115021	6182	3703920751	102		D BLAKESLEE #1 - 524	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115030	6173	3703920747	102		D MARZKE #1 - 514	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115028	6175	3703920749	102		G MARZKA #1 - 516-1	ROCKDALE	0.0	COLUMBIA GAS TRANSMI
8115029	6174	3703920750	102		G MARZKA #2 - 523-2	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115027	6178	3703920746	102		H W WATSON #1-513-1	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115026	6176	3703920754	102		H W WATSON #3 - 527-3	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115025	6179	3703920753	102		H WILSON WATSON #2-526-2	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115022	6181	3703920745	102		S ORR #1 - 512-1	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
8115023	6180	3703920752	102		S ORR #2-525-2	ROCKDALE	30.0	COLUMBIA GAS TRANSMI
-PHILLIPS PRODUCTION CO					RECEIVED: 02/04/81 JA: PA			
8114989		3706325744	103		JAMES C STONEBRAKER ET UX #1	GREEN	25.0	
8114985	6258	3706325737	103		W L BRICKELL ET UX ET AL #1	GREEN	30.0	

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WEST VIRGINIA DEPARTMENT OF MINES

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-CABOT CORPORATION					RECEIVED: 02/05/81 JA: WV			
8114963		4703900182	107		A PUTNEY 1-852	UNION	6.0	
8114966		4707900614	107		BLACK BETSEY 10-1461	POCATALICO	21.4	
8114967		4707900377	107		J L MCLEAN 36-1255	POCATALICO	2.6	
8114970		4707900507	107		J L MCLEAN 47-1381	UNION	6.5	UNION OIL & GAS INC
8114971		4707900508	107		J L MCLEAN 48-1382	UNION	7.8	UNION OIL & GAS INC
8114964		4707900538	107		PUTNAM CO 46-1401	POCATALICO	7.8	
8114965		4707900300	107		SUM QUARRIER 1-1162	SCOTT	1.0	UNION OIL & GAS INC
8114972		4707900304	107		SUM QUARRIER 1-1174	SCOTT	3.4	UNION OIL & GAS INC
8114968		4707900408	107		WHITEHOUSE 2-1303	POCATALICO	1.0	DEVON CORP
8114969		4707900465	107		WHITEHOUSE 3-1348	POCATALICO	5.8	DEVON CORP

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 16, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5825 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 370]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 24, 1981.

JD NO	JA DKT	API NO	SEC	WELL NAME	RECEIVED:	PURCH	PIPCHASER
TEXAS RAILROAD COMMISSION							
-ABRAXAS PETROLEUM CORP					RECEIVED: 01/30/81	JA: TX	
0115378	25418	4224931116	102	GOLDAPP NO 1		1000.0	
0115378	25418	4224931116	103	GOLDAPP NO 1		1000.0	
-ADOBE OIL & GAS CORPORATION					RECEIVED: 01/30/81	JA: TX	
0115226	22413	4213332220	102	QUICK NO 1		20.0	ODESSA NATURAL CORP
0115368	25258	4213332329	102	SNEED A #1		50.0	ODESSA NATURAL CORP
-AGOIL INC					RECEIVED: 01/30/81	JA: TX	
0115054	12592	4246931370	102	MCCAN NO 19		91.0	TENNESSEE GAS PIPELI
0115054	12592	4246931370	103	MCCAN NO 19		91.0	TENNESSEE GAS PIPELI
0115055	12593	4246931411	102	MCCAN NO 23		91.0	TENNESSEE GAS PIPELI
0115055	12593	4246931411	103	MCCAN NO 23		91.0	TENNESSEE GAS PIPELI
0115056	12594	4246931399	102	MCCAN NO 24		91.0	TENNESSEE GAS PIPELI
0115056	12594	4246931398	103	MCCAN NO 24		91.0	TENNESSEE GAS PIPELI
0115057	12595	4246931385	102	MCCAN NO 25		91.0	TENNESSEE GAS PIPELI
0115057	12595	4246931385	103	MCCAN NO 25		91.0	TENNESSEE GAS PIPELI
0115058	12596	4246931402	102	MCCAN NO 27		91.0	TENNESSEE GAS PIPELI
0115058	12596	4246931402	103	MCCAN NO 27		91.0	TENNESSEE GAS PIPELI
-AMAX PETROLEUM CORPORATION					RECEIVED: 01/30/81	JA: TX	
0115240	23038	4239330738	102	MCMORDIE NO 1-7		700.0	PIONEER NATURAL GAS
-AMERADA HESS CORPORATION					RECEIVED: 01/30/81	JA: TX	
0115140	15566	4232700000	108	ALLENE OBRIEN #64		0.3	PHILLIPS PETROLEUM C
0115141	15567	4232901321	108	TEX-HARVEY SPRABERRY		0.7	
0115139	15565	4232901318	108	TEX-HARVEY SPRABERRY		0.5	
-AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 01/30/81	JA: TX	
0115402	25810	4224900000	102	PAULA V DEGARCIA NO 1		144.0	TENNESSEE GAS PIPELI
-AMERICAN QUASAR PETROLEUM CO					RECEIVED: 01/30/81	JA: TX	
0115147	15983	4210931351	107	BATEMAN STATE #1		3650.0	INTRATEX GAS CO
-AMOCO PRODUCTION CO					RECEIVED: 01/30/81	JA: TX	
0115156	20648	4207130927	103	CHAMBERS COUNTY AGRI		14.6	HOUSTON PIPE LINE CO
0115133	15278	4222731794	103	CORA LEE ECHOLS /A/ #		1.5	GETTY OIL CO
0115328	24737	4234931124	102	DOROTHY CLARK TRUSTEE		365.0	LONE STAR GAS CO
0115236	22960	4213532133	103	E F COWDEN A #134		8.1	PIONEER NATURAL GAS
0115235	22967	4213532154	103	E F COWDEN A #135		73.0	PIONEER NATURAL GAS
0115239	22972	4213532114	103	E F COWDEN B #79		5.8	PIONEER NATURAL GAS
0115324	24665	4202531192	102	H E YOWARD NO A		164.0	TEXAS EASTERN TRANSM
0115074	17120	4239330689	103	J B WATERFIELD NO 2L		219.0	MICHIGAN WISCONSIN P
0115237	22969	4213532839	103	J E WITCHER #70		1.8	PIONEER NATURAL GAS
0115238	22970	4213532971	103	J E WITCHER #71		1.9	PIONEER NATURAL GAS
0115234	22911	4213532965	103	J E WITCHER #72		2.2	PIONEER NATURAL GAS
0115260	23936	4220330725	102	KATHERINE J BROWN GU		436.0	UNITED GAS PIPELINE

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115230	22744	4224531241	103		KAUFMAN INVESTMENT CO #6	BEAUMONT WEST	25.5	AMOCO GAS CO
8115231	22745	4224531226	103		KEITH & DOWLEN #27	BEAUMONT WEST	3.6	AMOCO GAS CO
8115069	15867	4239330688	103		LIPS RANCH B #22	LIPS RANCH (CLEVELAND)	292.0	NORTHERN NATURAL GAS
8115255	23364	4234730450	102		LOIS FOSTER BLOUNT GU A #1	APPLEBY NORTH (TRAVIS PE	436.0	
8115395	25658	4220330742	102		MAUDE B BROWN GU #1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELINE
8115229	22653	4200331802	103		MIDLAND FARMS N GRAYBURG UT #66	MIDLAND FARMS N (GRAYBUR	70.0	PIONEER NATURAL GAS
8115137	19396	4200331657	103		MIDLAND FARMS UNIT #395	MIDLAND FARMS	0.0	PIONEER NATURAL GAS
8115307	24337	4232130942	103		P J REEVES OIL UNIT # 4	OLD OCEAN(ARMSTRONG)	20.4	AMOCO GAS CO
*8115325	24666	4203931520	103		S A PENNOCK #10	HASTINGS WEST	17.8	AMOCO GAS CO
*8115061	15192	4203931444	103		STEVE PAUL UNIT NO 37	HASTINGS WEST	110.0	TEXAS EASTERN TRANSM
-ARCO OIL AND GAS COMPANY					RECEIVED: 01/30/81 JA: TX			
8115153	20223	4235730923	103		J H JINES #2	ELLIS RANCH	146.0	EL PASO NATURAL GAS
8115228	22585	4229530699	102		PAINE BROS CO INC #1	KIOWA CREEK S (MORROW U)	365.0	TRANSWESTERN PIPELIN
-ARLEN G HOWLE JR					RECEIVED: 01/30/81 JA: TX			
8115284	24202	4209330622	103		JACK PERRY #1 ID-15238	DUSTER N E (MARBLE FALLS	79.0	LONE STAR GAS CO
-BAR-MAC & HOLLUB DRILLING CO					RECEIVED: 01/30/81 JA: TX			
8115375	25368	4205130414	102		MORTON #1 WELL LEASE #13152	INEZ JAMESON (NAVARRO -A	22.0	FERGUSON CROSSING PI
8115379	25419	4205130629	102		MORTON #2 (#13152)	INEZ JAMESON (NAVARRO -A	99.0	FERGUSON CROSSING PI
8115373	25326	4205130413	102		PRECISION HOMES #1 (#13153)	INEZ JAMESON (NAVARRO -A	50.0	FERGUSON CROSSING PI
-BELCO PETROLEUM CORPORATION					RECEIVED: 01/30/81 JA: TX			
8115051	11640	4217330933	102		EDWARDS NO 3 25380	DEADWOOD (WOLFCAMP)	20.0	EL PASO NATURAL GAS
8115062	15490	4217330991	102		EDWARDS 24609 NC 4	DEADWOOD (STRAWN)	0.0	EL PASO NATURAL GAS
-BETTIS BOYLE & STOVALL					RECEIVED: 01/30/81 JA: TX			
*8115404	25946	4223732535	103		F B MEEKS NO 1	DILLARD S E ELLENBURGER	18.3	CITIES SERVICE CO
-BUTTES RESOURCES CO					RECEIVED: 01/30/81 JA: TX			
8115339	25045	4248131503	102		LINNIE MATZKE #1	MATZKE (MIOCENE 3437) FI	182.0	
-C F LAWRENCE & ASSOC INC					RECEIVED: 01/30/81 JA: TX			
8115078	18078	4210500000	103		TODD H #1 #78120	TODLAW (QUEEN)	219.0	APACHE GAS CORP
-CARTER ENERGY CORP					RECEIVED: 01/30/81 JA: TX			
8115347	25146	4223732796	102		CLYDE N JONAS #1	CLAYTON (STRAWN - 3900)	54.8	LONE STAR GAS CO
8115346	25145	4223732782	102		W L KINDER NO 1	CLAYTON (STRAWN - 3900)	127.8	LONE STAR GAS CO
8115345	25144	4223733031	102		WAYNE FERGUSON ET AL NC 1	CLAYTON (STRAWN-3900)	146.0	LONE STAR GAS CO
-CASHCO ENERGY CORPORATION					RECEIVED: 01/30/81 JA: TX			
8115219	21633	4218500000	102		G W MALLET NO 1	IOLA (GLEN ROSE) SUBCLAR	109.0	LONE STAR GAS CO
8115219	21633	4218500000	103		G W MALLET NO 1	IOLA (GLEN ROSE) SUBCLAR	109.0	LONE STAR GAS CO
-CHAPMAN & SCHNEIDER					RECEIVED: 01/30/81 JA: TX			
8115312	24447	4249500000	108		HENDRICK B NO 2	HENDRICK	0.0	PHILLIPS PETROLEUM C
-CHEVRON U S A INC					RECEIVED: 01/30/81 JA: TX			
8115372	25311	4200530097	102		E M RYAN NO 1	RAINTREE	730.0	
-CHRISTIE ENERGY CO INC					RECEIVED: 01/30/81 JA: TX			
8115076	17819	4214330543	102		L D FRANK NO 2		70.0	CHRISTIE GAS TRANSMI
8115067	15838	4214330496	102		WILLIAM H GORDON #1		0.0	CHRISTIE GAS TRANSMI
-CLAYTON W WILLIAMS JR					RECEIVED: 01/30/81 JA: TX			
8115283	24188	4228730640	102		DOBOS-HUMPHREY UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSION
8115282	24187	4228730652	102		HUMPHREY-BENSON UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSION
8115282	24187	4228730652	103		HUMPHREY-BENSON UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSION
8115274	24102	4214930516	102		M MORGAN UNIT #1	GIDDINGS	584.0	VALERO TRANSMISSION
8115052	11696	4231500000	102		S E WOOD - #1 RRC #72256	PINES SPILLWAY (RODESSA)	400.0	TEXAS EASTERN TRANSM
-COLUMBIA GAS DEVELOPMENT CORP					RECEIVED: 01/30/81 JA: TX			
8115321	24595	4205130424	102		ANTHONY H TIETJEN JR ET UX FEE #1	GIDDINGS (AUSTIN CHALK)	32.0	FERGUSON CROSSING PI
8115322	24597	4205130347	102		MARION J FILIPPONE NO 1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
8115320	24594	4205130386	102		MARION J FILIPPONE NO 2	GIDDINGS (AUSTIN CHALK)	28.0	FERGUSON CROSSING PI

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-CONINCO AMERICAN INC					RECEIVED: 01/30/81 JA: TX			
8115250	23256	4234100000	103		CLUCK #1	TEXAS HUGOTON	75.0	
8115251	23257	4242100000	103		HIRSH #1	TEXAS HUGOTON	100.0	
-CONOCO INC					RECEIVED: 01/30/81 JA: TX			
8115252	23281	4207900000	108		CONOCO DEAN UNIT #11 (60106)	SLAUGHTER	0.4	AMOCO PRODUCTION CO
8115253	23282	4207900000	108		CONOCO DEAN UNIT #15 (60106)	SLAUGHTER	0.9	AMOCO PRODUCTION CO
8115138	19411	4238900000	108		FORD GERALDINE UNIT #159 (21021)	GERALDINE FORD	0.4	EL PASO NATURAL GAS
8115384	25496	4238900000	108		FORD GERALDINE UNIT #315 (#21021)	GERALDINE FORD	1.0	EL PASO NATURAL GAS
8115319	24570	4213500000	108		GIST UNIT #44 (19373)	FOSTER	0.1	ODESSA NATURAL GAS C
8115387	25505	4222700000	108		H R CLAY A #19 (02694)	HOWARD-GLASSCOCK	1.0	PHILLIPS PETROLEUM C
8115385	25502	4222700000	108		H R CLAY A #50 (#18772)	HOWARD GLASSCOCK	1.0	PHILLIPS PETROLEUM C
8115222	22044	4215130985	103		ROUND TOP PALO PINTO UNIT #162	ROUND TOP	39.1	LONE STAR GAS CO
8115386	25503	4243300000	108		WEST FLOWER UNIT #7 (11787)	WEST FLOWERS	1.0	CITIES SERVICE CO
8115145	19789	4213500000	108		WIGHT UNIT #76 (20661)	COWDEN NORTH	7.2	AMOCO PRODUCTION CO
-CONVEST ENERGY CORP					RECEIVED: 01/30/81 JA: TX			
8115311	24430	4226330671	102		WAYNE WILLIAMS ET AL #8	POLLAN	0.0	EL PASO NATURAL GAS
-COOK PRODUCTION CO					RECEIVED: 01/30/81 JA: TX			
*8115047	07587	4223700000	108		SHAVER UNIT #2 RRC 61803	JACK COUNTY REGULAR	0.0	CITIES SERVICE CO
-COURSON OIL & GAS INC					RECEIVED: 01/30/81 JA: TX			
*8115155	20414	4235730939	103		FIRST NATIONAL TRUST #2-571	ELLIS RANCH (CLEVELAND U	125.0	TRANSWESTERN PIPELIN
-CPC EXPLORATION INC					RECEIVED: 01/30/81 JA: TX			
8115134	19295	4205130454	102		TATUM #1	CALDWELL (AUSTIN CHALK)	75.0	MAYNARD OIL CO
-DISCOVERY OPERATING INC					RECEIVED: 01/30/81 JA: TX			
8115080	18722	4241330806	102		STEWARD #1	GWYN (CANYON)	360.0	NORTHERN NATURAL GAS
8115080	18722	4241330806	103		STEWARD #1	GWYN (CANYON)	360.0	NORTHERN NATURAL GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 01/30/81 JA: TX			
8115390	25589	4208100000	108		J E CHAPPELL #33	JAMESON	7.0	UNION TEXAS PETROLEU
8115393		4248500000	108		OLSEN A #1	DILLARD SE	4.5	CITIES SERVICE OIL C
8115392	25590	4207700000	108		OLSEN A #2	DILLARD S E	4.7	CITIES SERVICE OIL C
-ENRICH OIL CORPORATION					RECEIVED: 01/30/81 JA: TX			
8115151	20151	4242931974	102		ED FORD A #2 ID-14332	LUCKY LANE (STRAWN) FIEL	15.0	LEW-TEX OIL & GAS CO
8115148	20148	4242931857	102		ED FORD C #1 ID-14449	LUCKY LANE (STRAWN) FIEL	20.0	LEW-TEX OIL & GAS CO
8115149	20149	4242931856	102		ED FORD D #1 ID-14441	LUCKY LANE (STRAWN) FIEL	21.0	LEW-TEX OIL & GAS CO
8115150	20150	4242931977	102		ED FORD D #2 ID-14441	LUCKY LANE (STRAWN) FIEL	11.0	LEW-TEX OIL & GAS CO
8115152	20154	4242932109	102		ED FORD GU NO 1AB #5-ID83531	LUCKY LANE (MARBLE FALLS	10.4	LEW-TEX OIL & GAS CO
8115285	24217	4242932209	102		TRAMMELL-SWANSON #2	JIM KERN SE (CONGL)	44.0	GREAT WESTERN GAS CO
8115286	24221	4244131514	102		Z CSWALT #2	GUION SE (GRAY SD)	8.0	UNION TEXAS PETROLEU
-ENSERCH EXPLORATION INC					RECEIVED: 01/30/81 JA: TX			
8115220	21763	4249731688	103		CRAFT-WATER BD UNIT 1 #2	BOONSVILLE	540.0	LONE STAR GAS CO
8115046	07446	4249731025	103		E E NORTON NO 3	BOONSVILLE (BCG)	295.0	LONE STAR GAS CO
*8115045	07434	4221330096	103		TEXIE YOUNG B NO 6	TRI-CITIES (TRAVIS PEAK)	68.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP					RECEIVED: 01/30/81 JA: TX			
8115271	24007	4205103054	103		WALTER MAHLMANN NO 1	CALDWELL (AUSTIN CHALK)	75.0	FERGUSON CROSSING PI
-EXXON CORPORATION					RECEIVED: 01/30/81 JA: TX			
*8115215	21362	4236530580	103		B S BRODERICK GAS UNIT 2 #1	CARTHAGE (COTTON VALLEY)	190.0	ARMCO STEEL CO
*8115216	21364	4236530280	103		B S BRODERICK 1 #1	CARTHAGE (COTTON VALLEY)	475.0	ARMCO STEEL CO
8115093	19029	4215730961	103		BRAZOS RIVER STATE TRACT 4 #3	THOMPSONS SOUTHEAST (FRI	18.0	
8115344	25128	4236531039	103		CARTHAGE GU 2 ROSS #2	CARTHAGE (COTTON VALLEY)	0.0	
8115340	25049	4229732219	102		CHARLES L MCCASLIN #16	RAMIRENA SW (SEC A YEGUA	149.0	NATURAL GAS PIPELINE
*8115273	24100	4233930468	103		CONROE FIELD UNIT #1628	CONROE FIELD	135.0	MORAN UTILITIES
8115142	19723	4216730589	103		DICKINSON OIL UNIT 1 #3	DICKINSON DEEP (FRIO 16)	236.6	HOUSTON PIPELINE
8115143	19725	4219931256	103		EAST TEXAS OIL CO FEE B #5	VILLAGE MILLS (WILCOX 2)	25.5	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8115094	19030	4207130977	103	G J J CLARK #29	ANAHUAC	732.0	HOUSTON PIPELINE
8115095	19031	4207130446	103	GALVESTON BAY STATE A #1749	RED FISH REEF S FRIO 15	1003.7	HOUSTON PIPELINE
8115096	19032	4267130965	103	H A GRIPON A/C 1 #29	ANAHUAC	657.0	HOUSTON PIPE LINE
8115097	19033	4206131261	103	H C COCKBURN #109	RAGLEY WITHERS	19.9	ARMCO STEEL CO
8115098	19034	4215730439	101	H P LOCKWOOD #40	THOMPSON	124.0	ARMCO STEEL CO
8115099	19035	4215730877	103	H P LOCKWOOD #41	THOMPSON	36.5	ARMCO STEEL CORP
8115100	21196	4215730879	103	H P LOCKWOOD #42	THOMPSON	65.0	ARMCO STEEL CO
8115189	21197	4249930689	103	HAWKINS FIELD UNIT # 0111	HAWKINS	100.0	ARMCO STEEL CO
8115195	21203	4249930677	103	HAWKINS FIELD UNIT # 0112	HAWKINS	25.0	ARMCO STEEL CO
8115197	21205	4249930585	103	HAWKINS FIELD UNIT # 0717	HAWKINS	53.4	ARMCO STEEL CO
8115205	21341	4249930378	103	HAWKINS FIELD UNIT # 0820	HAWKINS	81.5	ARMCO STEEL CO
8115196	21204	4249930591	103	HAWKINS FIELD UNIT # 1257	HAWKINS	156.5	ARMCO STEEL CO
8115204	21340	4249930358	103	HAWKINS FIELD UNIT # 3424	HAWKINS	97.5	ARMCO STEEL CO
8115180	21187	4249930661	103	HAWKINS FIELD UNIT # 4215	HAWKINS	40.0	ARMCO STEEL
8115193	21201	4249930592	103	HAWKINS FIELD UNIT # 4296	HAWKINS	99.2	ARMCO STEEL CO
8115198	21206	4249930680	103	HAWKINS FIELD UNIT # 9916	HAWKINS	60.0	ARMCO STEEL CO
8115190	21198	4249930603	103	HAWKINS FIELD UNIT #0051	HAWKINS	170.7	ARMCO STEEL CO
8115191	21199	4249930374	103	HAWKINS FIELD UNIT #0110	HAWKINS	119.7	ARMCO STEEL CO
8115184	21191	4249930371	103	HAWKINS FIELD UNIT #1216	HAWKINS	42.5	ARMCO STEEL
8115185	21193	4249930620	103	HAWKINS FIELD UNIT #1217	HAWKINS	100.0	ARMCO STEEL CO
8115186	21194	4249930617	103	HAWKINS FIELD UNIT #2462	HAWKINS	80.0	ARMCO STEEL CO
8115194	21202	4249930576	103	HAWKINS FIELD UNIT #4050	HAWKINS	69.0	ARMCO STEEL CO
8115183	21190	4249930621	103	HAWKINS FIELD UNIT #4265	HAWKINS	55.0	ARMCO STEEL CO
8115182	21189	4249930645	103	HAWKINS FIELD UNIT #4266	HAWKINS	55.0	ARMCO STEEL CO
8115188	21188	4249930668	103	HAWKINS FIELD UNIT #4285	HAWKINS	100.0	ARMCO STEEL CO
8115199	21221	4249930373	103	HAWKINS FIELD UNIT #4345	HAWKINS	67.1	ARMCO STEEL CO
8115192	21200	4249930630	103	HAWKINS FIELD UNIT #4348	HAWKINS	70.0	ARMCO STEEL CO
8115209	21349	4249530375	103	HAWKINS FIELD UNIT #9317	HAWKINS	244.2	ARMCO STEEL CO
8115208	21348	4249930589	103	HAWKINS FIELD UNIT #9914	HAWKINS	84.0	ARMCO STEEL CO
8115333	24875	4247532013	103	HOWE GAS UNIT NO 1 #2	HOWE (DEVONIAN)	62.0	INTRATEX GAS CO
8115083	18858	4247330307	103	KATY GAS FLD CONSOL UNIT # 4207H	KATY (IV)	350.0	UNITED TEXAS TRANSMI
8115082	18857	4247330305	103	KATY GAS FLD CONSOL UNIT #4404F	KATY (III-A)	4321.0	UNITED TEXAS TRANSMI
8115092	18999	4227331282	102	KATY GAS FLD CONSOL UNIT #4404H	KATY (I-B)	4380.0	UNITED TEXAS TRANSMI
8115266	23874	4227331304	102	KING RANCH ALAZAN 310-D (78606)	ALAZAN	1000.0	ARMCO STEEL CO
8115265	23872	4227331315	102	KING RANCH ALAZAN 319-D (81972)	ALAZAN	200.0	
8115268	23881	4227331349	102	KING RANCH ALAZAN 325-D (85978)	ALAZAN	725.0	ARMCO STEEL CO
8115267	23880	4215730434	103	KING RANCH ALAZAN 334 (85998)	ALAZAN	800.0	ARMCO STEEL CO
8115100	19037	4215730864	103	LOCKWOOD & SHARP #A-81	THOMPSON	15.0	ARMCO STEEL CO
8115101	19038	4215730909	103	LOCKWOOD & SHARP A-84	THOMPSON	55.0	ARMCO STEEL CO
8115102	19039	4215730935	103	LOCKWOOD & SHARP A-85	THOMPSON	25.0	ARMCO STEEL CO
8115103	19040	4215730971	103	LOCKWOOD & SHARP A-86	THOMPSON	19.7	ARMCO STEEL CO
8115104	19041	4215730425	103	LOCKWOOD & SHARP A-87	THOMPSON	16.0	ARMCO STEEL CO
8115119	19081	4215730871	103	LOCKWOOD & SHARP B-56	THOMPSON	17.0	ARMCO STEEL CORP
8115105	19042	4215730443	103	LOCKWOOD & SHARP B-57	THOMPSON	36.0	ARMCO STEEL CO
8115106	19043	4215730434	103	LOCKWOOD & SHARP B-58	THOMPSON	500.0	ARMCO STEEL CO
8115107	19045	4215730880	103	LOCKWOOD & SHARP B-60	THOMPSON	13.1	ARMCO STEEL CO
8115108	19046	4215730888	103	LOCKWOOD & SHARP B-61	THOMPSON S W (MIO 12-B)	73.0	ARMCO STEEL CO
8115109	19047	4215730900	103	LOCKWOOD & SHARP B-63	THOMPSON	24.0	ARMCO STEEL CO
8115110	19048	4207130963	103	MARIE ZAPPE #25	ANAHUAC	365.0	HOUSTON PIPELINE
8115111	19049	4215730435	103	MARY GUBBELS #17	THOMPSON	37.0	ARMCO STEEL CO
8115112	19050	4215730969	103	MARY GUBBELS #19	THOMPSON	18.2	ARMCO STEEL CO
8115233	22894	4207330147	103	NECHES OIL UNIT 4 WELL #3	NECHES (WOODBINE)	8.0	UNITED GAS PIPELINE
8115217	21365	4236530898	103	NELLE OWENS #2 (CFEC 499)	CARTHAGE (COTTON VALLEY)	500.0	ARMCO STEEL CO

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8115210	21355	4242330197	103	OVERTON GAS UNIT 11 #1	OVERTON (HAYNESVILLE)	118.0	ARMCO STEEL CO
8115211	21357	4242330204	103	OVERTON GAS UNIT 12 #1	OVERTON (HAYNESVILLE)	407.0	ARMCO STEEL CO
8115214	21360	4242330300	103	OVERTON GAS UNIT 13 #1	OVERTON (HAYNESVILLE)	1972.0	ARMCO STEEL CO
8115212	21359	4242330306	103	OVERTON GAS UNIT 14 #1	OVERTON (HAYNESVILLE)	762.1	ARMCO STEEL CO
8115157	20790	4242330319	103	OVERTON GAS UNIT 15 #1	OVERTON (HAYNESVILLE)	1000.0	ARMCO STEEL CO
8115113	19051	4203931202	103	OVERTON GAS UNIT 16 #1	OVERTON (HAYNESVILLE)	7375.0	
8115114	19052	4215730430	103	PLEDGER GAS UNIT 3-2L	PLEDGER (BETTS 8000)	1549.0	ARMCO STEEL CO
8115115	19053	4234730419	103	PLEDGER GAS UNIT 3-2U	PLEDGER (ARAMAN 7800)	1611.0	ARMCO STEEL CORP
8115207	21343	4234730422	103	R A WOLTERS A #7	THOMPSON SOUTH	110.0	ARMCO STEEL CORP
8115187	21196	4234730434	103	TRAWICK GAS UNIT 1 #4	TRAWICK (JAMES)	600.0	ARMCO STEEL CO
8115206	21342	4234730435	103	TRAWICK GAS UNIT 10 #4	TRAWICK (JAMES)	500.0	ARMCO STEEL CO
8115116	19054	4207130573	103	TRAWICK GAS UNIT 20 #2AU	TRAWICK (JAMES)	250.0	ARMCO STEEL CO
8115159	20941	4220130833	103	TRINITY BAY STATE-UNIT 1 #119	TRINITY BAY	300.0	ARMCO STEEL CO
8115172	20955	4220130817	103	WEBSTER FIELD UNIT #0605	WEBSTER	24.9	HOUSTON PIPELINE CO
8115160	20943	4220130786	103	WEBSTER FIELD UNIT #1318	WEBSTER	218.4	HOUSTON PIPELINE CO
8115161	20944	4220130965	103	WEBSTER FIELD UNIT #1824	WEBSTER	195.9	HOUSTON PIPELINE CO
8115162	20945	4220130623	103	WEBSTER FIELD UNIT #1826	WEBSTER	390.0	HOUSTON PIPELINE CO
8115170	20953	4220130622	103	WEBSTER FIELD UNIT #2130	WEBSTER	94.3	HOUSTON PIPELINE CO
8115171	20954	4220130629	103	WEBSTER FIELD UNIT #2131	WEBSTER	499.6	HOUSTON PIPELINE CO
8115163	20946	4220132951	103	WEBSTER FIELD UNIT #2132	WEBSTER	627.9	HOUSTON PIPELINE CO
8115164	20947	4220130842	103	WEBSTER FIELD UNIT #2134A	WEBSTER	934.6	HOUSTON PIPELINE CO
8115179	20965	4220130943	103	WEBSTER FIELD UNIT #2135	WEBSTER	408.7	HOUSTON PIPELINE CO
8115176	20959	4220130616	103	WEBSTER FIELD UNIT #2136	WEBSTER	30.7	HOUSTON PIPELINE CO
8115167	20950	4220130599	103	WEBSTER FIELD UNIT #2407	WEBSTER	91.0	HOUSTON PIPELINE CO
8115165	20948	4220130605	103	WEBSTER FIELD UNIT #2757	WEBSTER	177.7	HOUSTON PIPELINE CO
8115166	20949	4220130606	103	WEBSTER FIELD UNIT #2758	WEBSTER	714.6	HOUSTON PIPELINE CO
8115169	20952	4220130660	103	WEBSTER FIELD UNIT #2759	WEBSTER	560.7	HOUSTON PIPELINE CO
8115168	20951	4220130654	103	WEBSTER FIELD UNIT #2760	WEBSTER	131.4	HOUSTON PIPELINE CO
8115174	20957	4220130655	103	WEBSTER FIELD UNIT #2761	WEBSTER	35.7	HOUSTON PIPELINE CO
8115173	20956	4220130650	103	WEBSTER FIELD UNIT #2762	WEBSTER	36.3	HOUSTON PIPELINE CO
8115175	20958	4220130800	103	WEBSTER FIELD UNIT #2763	WEBSTER	157.5	HOUSTON PIPELINE CO
8115177	20960	4220130957	103	WEBSTER FIELD UNIT #2766	WEBSTER	33.6	HOUSTON PIPELINE CO
8115178	20961	4220130744	103	WEBSTER FIELD UNIT #2767	WEBSTER	259.5	HOUSTON PIPELINE CO
-GETTY OIL COMPANY				WEBSTER FIELD UNIT #3907	WEBSTER	7.3	HOUSTON PIPELINE CO
8115349	25175	4218331499	103	RECEIVED: 01/30/81 JA: TX	CALVIN (DEAN)	160.2	HOUSTON PIPELINE CO
8115040	05567	4206500000	108	J F NUNN E #1	PANHANDLE	37.0	EL PASO NATURAL GAS
8115043	06167	4206500000	108	SCHAFER RANCH NO 15	PANHANDLE	3.0	GETTY OIL COMPANY NA
8115042	06141	4206500000	108	SCHAFER RANCH NO 224	PANHANDLE	3.0	GETTY OIL CO
8115044	06173	4206500000	108	SCHAFER RANCH NO 226	PANHANDLE	3.0	GETTY OIL CO
8115288	24268	4207900000	108	SCHAFER RANCH NO 230	PANHANDLE	3.0	GETTY OIL CO
8115295	24284	4207900000	108	SOUTHWEST LEVELLAND #103	LEVELLAND	0.4	CITIES SERVICE CO
8115297	24287	4207900000	108	SOUTHWEST LEVELLAND #15	LEVELLAND	1.7	CITIES SERVICE CO
8115298	24288	4207900000	108	SOUTHWEST LEVELLAND #2	LEVELLAND	0.4	CITIES SERVICE CO
8115299	24289	4207900000	108	SOUTHWEST LEVELLAND #35	LEVELLAND	0.8	CITIES SERVICE CO
8115294	24282	4207900000	108	SOUTHWEST LEVELLAND #37	LEVELLAND	0.8	CITIES SERVICE CO
8115293	24281	4207900000	108	SOUTHWEST LEVELLAND #39	LEVELLAND	0.7	CITIES SERVICE CO
8115292	24279	4207900000	108	SOUTHWEST LEVELLAND #46	LEVELLAND	1.4	CITIES SERVICE CO
8115291	24278	4207900000	108	SOUTHWEST LEVELLAND #50	LEVELLAND	0.4	CITIES SERVICE CO
8115290	24277	4207900000	108	SOUTHWEST LEVELLAND #73	LEVELLAND	1.9	CITIES SERVICE CO
				SOUTHWEST LEVELLAND #93	LEVELLAND	0.4	CITIES SERVICE CO
				SOUTHWEST LEVELLAND #95	LEVELLAND	1.6	CITIES SERVICE CO

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115289	24276	4207900000	108	SOUTHWEST LEVELLAND #97	LEVELLAND	2.0	CITIES SERVICE CO
-GRACE PETROLEUM CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115242	23152	4236530993	103	CAPPS #1	CARTHAGE (COTTON VALLEY)	0.0	UNITED GAS PIPELINE
-GULF OIL CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115309	24279	4221131115	103	A A ROSS NO 8-71	HEMPHILL/GRANITE WASH	529.0	CITIES SERVICE GAS C
8115323	24638	4247932645	102	BRUNI MINERAL TRUST A #14	JUANITA (LOBO)	0.0	TENNESSEE GAS PIPELI
8115225	22377	4237132719	107	IVY B WEATHERBY NO 2	ROJO CABALLOS SOUTH (DEV	700.0	EL PASO NATURAL GAS
8115075	17526	4223300000	108	MOORE J W # B	PANHANDLE HUTCHINSON	1.2	GETTY OIL CO
-H E BRYAN INC				RECEIVED: 01/30/81 JA: TX			
8115330	24803	4206530768	103	SHERIDAN NO 1	PANHANDLE WEST	90.0	NORTHERN NATURAL GAS
-HARKINS & COMPANY				RECEIVED: 01/30/81 JA: TX			
8115218	21484	4240930511	102	ERNA RANDOLF #1	467 FSL & 467 FNL OF 160	182.5	TRANSCONTINENTAL GAS
-HILL PRODUCTION CO				RECEIVED: 01/30/81 JA: TX			
*8115059	14000	4225931166	102	CULLERS & BAILEY #1	CULLERS & BAILEY (CANYON	36.5	PALO DURO PIPELINE C
8115270	23925	4225931329	102	SWANN A #101	CULLERS & BAILEY (CANYON	18.0	PALO DURO PIPELINE C
-HOME PETROLEUM CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115377	25410	4229530641	103	BORN UNIT NO 1	STUART RANCH (MORROW LOW	314.0	NORTHERN NATURAL GAS
8115388	25534	4228730632	102	LEE IRICK #1	GIDDINGS (AUSTIN CHALK G	765.0	CLAJON GAS CO
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 01/30/81 JA: TX	GIDDINGS (AUSTIN CHALK)	0.0	
8115383	25472	4205130709	102	C P B UNIT I NO 1			
-HUFO OILS				RECEIVED: 01/30/81 JA: TX			
8115382	25459	4206530760	103	BURNETT 25 NO 7 #04227	PANHANDLE CARSON COUNTY	118.6	PANHANDLE EASTERN PI
8115381	25458	4206530696	103	ELLER NO 1 #047605	PANHANDLE CARSON COUNTY	20.0	NORTHERN NATURAL GAS
8115380	25457	4206530743	103	ELLER NO 2 #060915	PANHANDLE CARSON COUNTY	13.0	NORTHERN NATURAL GAS
-HUGHES & HUGHES				RECEIVED: 01/30/81 JA: TX			
8115400	25730	4220531268	102	JUDITH M HEALEY NO 3	HEALEY (HOCKLEY)	146.0	FERGUSON CROSSING PI
-HULEN H LEMON				RECEIVED: 01/30/81 JA: TX			
8115060	14020	4208100000	103	ARLEDGE #1	ARLEDGE	26.4	SUN GAS CO
-HUMBLE EXPLORATION CO INC				RECEIVED: 01/30/81 JA: TX			
8115084	18884	4228730464	102	APHRODITE #1 (12387)	GIDDINGS	373.0	PHILLIPS PETROLEUM
8115084	18884	4228730464	103	APHRODITE #1 (12387)	GIDDINGS	373.0	PHILLIPS PETROLEUM
8115085	18885	4228730490	102	ATHENA #1 - 12343	GIDDINGS	545.0	PHILLIPS PETROLEUM
8115085	18885	4228730490	103	ATHENA #1 - 12343	GIDDINGS	545.0	PHILLIPS PETROLEUM
8115090	18969	4228700000	102	AVERILL #1 (11953)	GIDDINGS	516.0	PHILLIPS PETROLEUM
8115090	18969	4228700000	103	AVERILL #1 (11953)	GIDDINGS	516.0	PHILLIPS PETROLEUM
8115087	18888	4228700000	102	BURTSCHELL #1 - 11725	GIDDINGS (AUSTIN CHALK)	198.0	PILLIPS PETROLEUM
8115087	18888	4228700000	103	BURTSCHELL #1 - 11725	GIDDINGS (AUSTIN CHALK)	184.0	PILLIPS PETROLEUM
8115086	18887	4228700000	102	CATHERINE #1 - 11930	GIDDINGS	160.0	PHILLIPS PETROLEUM
8115086	18887	4228700000	103	CATHERINE #1 - 11930	GIDDINGS	160.0	PHILLIPS PETROLEUM
8115122	19243	4228700000	102	CORNELIA #1 - 12597	GIDDINGS	874.0	PHILLIPS PETROLEUM
8115122	19243	4228700000	103	CORNELIA #1 - 12597	GIDDINGS	874.0	PHILLIPS PETROLEUM
8115123	19245	4247730312	102	ELEANOR EBERSOLE #1 - 85370	GIDDINGS AUSTIN CHALK GA	2482.0	PHILLIPS PETROLEUM C
8115123	19245	4247730312	103	ELEANOR EBERSOLE #1 - 85370	GIDDINGS AUSTIN CHALK GA	2482.0	PHILLIPS PETROLEUM C
8115124	19247	4246630308	102	GRETCHEN #1 - 12515	GIDDINGS	110.0	PHILLIPS PETROLEUM
8115124	19247	4246630308	103	GRETCHEN #1 - 12515	GIDDINGS	110.0	PHILLIPS PETROLEUM
8115126	19251	4228730415	102	HORTY #1 - 12093	GIDDINGS	933.0	PHILLIPS PETROLEUM
8115126	19251	4228730415	103	HORTY #1 - 12093	GIDDINGS	933.0	PHILLIPS PETROLEUM
8115128	19253	4228730466	102	JOAN KAY #1 - 12358	GIDDINGS	121.0	PHILLIPS PETROLEUM
8115128	19253	4228730466	103	JOAN KAY #1 - 12358	GIDDINGS	121.0	PHILLIPS PETROLEUM
8115127	19252	4228730432	102	KARYN #1 - 12247	GIDDINGS	548.0	PHILLIPS PETROLEUM
8115127	19252	4228730432	103	KARYN #1 - 12247	GIDDINGS	548.0	PHILLIPS PETROLEUM
8115130	19255	4228730416	102	LAURIE #1 - 12217	GIDDINGS	199.0	PHILLIPS PETROLEUM
8115130	19255	4228730416	103	LAURIE #1 - 12217	GIDDINGS	199.0	PHILLIPS PETROLEUM

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115125	19248	4214930324	102	LYDIA HANZEN #1 - 12240	GIDDINGS	55.0	PHILLIPS PETROLEUM
8115125	19248	4214930324	103	LYDIA HANZEN #1 - 12240	GIDDINGS	55.0	PHILLIPS PETROLEUM
8115120	19240	4214930370	102	MARCY ATKINS #1 - 12573	GIDDINGS	0.0	PHILLIPS PETROLEUM
8115120	19240	4214930370	103	MARCY ATKINS #1 - 12573	GIDDINGS	0.0	PHILLIPS PETROLEUM
8115129	19254	4247730307	102	ROBERT KOPLAR #1 - 12355	GIDDINGS	534.0	PHILLIPS PETROLEUM
8115129	19254	4247730307	103	ROBERT KOPLAR #1 - 12355	GIDDINGS	534.0	PHILLIPS PETROLEUM
8115131	19256	4247730309	102	ROSALYN #1 - 12516	GIDDINGS	80.0	PHILLIPS PETROLEUM
8115131	19256	4247730309	103	ROSALYN #1 - 12516	GIDDINGS	80.0	PHILLIPS PETROLEUM
8115088	18889	4228730426	102	RUSTY BECK #1-12142	GIDDINGS	37.0	PHILLIPS PETROLEUM
8115088	18889	4228730426	103	RUSTY BECK #1-12142	GIDDINGS	37.0	PHILLIPS PETROLEUM
8115121	19242	4228730539	102	SUSAN COCKERILL #1-12575	GIDDINGS	874.0	PHILLIPS PETROLEUM
8115121	19242	4228730539	103	SUSAN COCKERILL #1-12575	GIDDINGS	874.0	PHILLIPS PETROLEUM
-J R HAMILTON				RECEIVED: 01/30/81 JA: TX			
8115338	24977	4213100000	102	V CUELLAR NO 2A	J R FIELD	100.0	VALERO TRANSMISSION
-JAMES C FREEMAN				RECEIVED: 01/30/81 JA: TX			
8115308	24360	4239100000	102	M E OCONNOR NO 2-B	REFUGIO OLD (6000)	165.0	UNITED GAS PIPE LINE
-JATAM INC				RECEIVED: 01/30/81 JA: TX			
8115050	11465	4208100000	103	M C HENDRY #1	JAMESON (STRAWN)	48.0	SUN OIL CO
8115276	24166	4208130767	103	M C HENDRY #2	JAMESON (STRAWN)	48.0	SUN OIL CO
8115279	24169	4208130803	103	M C HENDRY #3	JAMESON (STRAWN)	48.0	SUN OIL CO
8115277	24167	4243130832	103	W T KNIGHT #1	JAMESON (STRAWN)	48.0	SUN OIL CO
8115280	24170	4243130831	103	W T KNIGHT #2	JAMESON (STRAWN)	48.0	SUN OIL CO
8115278	24168	4243130839	103	WIGGINS-TOWNSEND KNIGHT A #2	JAMESON (STRAWN)	48.0	SUN OIL CO
-JENNINGS EXPLORATION CO				RECEIVED: 01/30/81 JA: TX			
8115332	24834	4250731282	102	NO 1 H&F PROPERTIES A 87598	AIRSTRIP (3690)	47.0	VALERO TRANSMISSION
8115331	24817	4250731285	102	NO 2-C H&F PROPERTIES E 88035	ALLIGATOR SLOUGH (OLMOS)	146.0	VALERO TRANSMISSION
-KILLAM & HURD LTD				RECEIVED: 01/30/81 JA: TX			
8115262	23805	4250531172	102	BRUNI MINERAL TRUST #1-37	DAVIS S (5300)	73.0	INTRASTATE GATHERING
-KILROY CO OF TEXAS				RECEIVED: 01/30/81 JA: TX			
8115350	25180	4220130987	102	WISE UNIT #1	SATSUMA (6850)	40.0	UNITED TEXAS TRANSMI
-LA ACEITE ENERGY INC				RECEIVED: 01/30/81 JA: TX			
8115264	23967	4205932415	102	DR DONALD W WARREN #1 (87232)	HAPPY JACK (LAKE)	0.0	LONE STAR GAS CO
-LADD PETROLEUM CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115071	16519	4236731402	103	BLAIR-WOODY #2	TOTO (M-1 LIME)	9.8	LONE STAR GAS CO
-LYNCO OIL CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115341	25086	4242731413	103	BRAZOS CATTLE CO LTD #2	WILDCAT-4700 VICKSBURG	250.0	VALERO TRANSMISSION
-MESA PETROLEUM				RECEIVED: 01/30/81 JA: TX			
8115334	24925	4247932415	102	R T SALDIVAR ESTATE NO 2	LA ROSITA (LOBO)	500.0	UNITED TEXAS TRANSMI
-MITCHELL ENERGY CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115374	25346	4214930551	103	B W ALLEN #1 13136	GIDDINGS (AUSTIN CHALK)	121.6	PHILLIPS PETROLEUM C
8115394	25617	4222500000	108	COKE L GAGE #1 (28651)	BOONESVILLE (BEND CONGL	4.9	NATURAL GAS PIPELINE
8115089	18895	4249731536	103	G A LEHMBERG #2 84150	BOONSVILLE (BEND CONGL G	15.0	NATURAL GAS PIPELINE
8115306	24328	4249731821	103	MARIE WAGGONER #4	BOONESVILLE (BEND CONGL	400.0	NATURAL GAS PIPELINE
8115117	19060	4249731628	103	T W WOMACK #4	BOONSVILLE (BEND CONGL G	200.0	NATURAL GAS PIPELINE
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 01/30/81 JA: TX			
*8115079	18102	4224931052	103	LA GLORIA GAS UNIT NO S6	LA GLORIA (6950)	900.0	TRANSCONTINENTAL GAS
8115227	22525	4240931301	103	MAYO-OWENS GAS UNIT NO 3	WHITE POINT EAST (MAYO)	227.0	TENNGASCO GAS GATHER
8115221	22033	4219931328	102	P I C A INVESTMENT NO 1-A	SOUR LAKE E (YEGUA LOWER	614.8	TRANSCONTINENTAL GAS
8115318	24549	4246131565	103	T X L T NO 2	DAVIS (WOLFCAMP)	0.0	EL PASO NATURAL GAS
-MORAN EXPLORATION INC				RECEIVED: 01/30/81 JA: TX			
8115063	15655	4223530327	108	ROCKER B N NO 3	SPRABERRY (TREND AREA)	2.6	NORTHERN NATURAL GAS
-MOSBACHER PRODUCTION CO				RECEIVED: 01/30/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115287	24250	4205130666	102		ROBERT SPEARMAN -A- NO 1	N E CALDWELL (GEORGETOWN	56.0	CLAJON GAS CO
-MOTE RESOURCES INC			RECEIVED: 01/30/81 JA: TX					
8115398	25710	4236700000	103		T A PRITCHARD NO 1	BARON LIME 1200	15.0	BUCKNER GAS CO
-NATOMAS NORTH AMERICA INC			RECEIVED: 01/30/81 JA: TX					
8115302	24295	4208130885	102		HIGGINS RANCH #10	WILDCAT	0.0	LONE STAR GAS CO
-NORTH AMERICAN ROYALTIES INC			RECEIVED: 01/30/81 JA: TX					
8115144	19751	4221131051	103		TEXAS PARKS & WILDLIFE NO 2	CANADIAN E (DOUGLAS)	500.0	CITIES SERVICE GAS C
-OILWELL OPERATORS INC			RECEIVED: 01/30/81 JA: TX					
8115365	25250	4217900000	108		HARRAH #11 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115364	25249	4217900000	108		HARRAH #12 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115363	25248	4217900000	108		HARRAH #13 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115362	25247	4217900000	108		HARRAH #14 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115361	25246	4217900000	108		HARRAH #15 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115360	25224	4217900000	108		HARRAH #2 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115359	25223	4217900000	108		HARRAH #3 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115358	25222	4217900000	108		HARRAH #4 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115357	25221	4217900000	108		HARRAH #5 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115356	25220	4217900000	108		HARRAH #6 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115355	25219	4217900000	108		HARRAH #7 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115367	25252	4217900000	108		HARRAH #8 00294	PANHANDLE	4.0	KERR-MCGEE CORP
8115366	25251	4217900000	108		HARRAH #9 00294	PANHANDLE	4.0	KERR-MCGEE CORP
-OMEGA PETROLEUM CORP			RECEIVED: 01/30/81 JA: TX					
8115077	17948	4223732572	102		WIMBERLY A NO 1-A	OMEGA (4950 CONGL)	365.0	NATURAL GAS PIPELINE
-OUTLINE OIL CORP			RECEIVED: 01/30/81 JA: TX					
8115068	18856	4246900000	102		LEWIS-SAGER UNIT 2-1	MISSION VALLEY (2400) (P	73.0	TRANSCONTINENTAL GAS
-PARKER & PARSLEY INC			RECEIVED: 01/30/81 JA: TX					
8115342	25126	4238331594	103		STATE NO 1	AMIGO (SAN ANDRES)	10.0	NORTHERN NATURAL GAS
8115343	25127	4238331595	103		STATE NO 2	AMIGO (SAN ANDRES)	10.0	NORTHERN NATURAL GAS
-PAUL D FRIEMEL & ASSOCIATES INC			RECEIVED: 01/30/81 JA: TX					
8115224	22361	4238300000	108		S E STOUT NO 1 (01563)	SPRAWERRY (TREND AREA)	8.3	EL PASO NATURAL GAS
-PEERLESS OIL CO INC			RECEIVED: 01/30/81 JA: TX					
8115315	24476	4236731718	102		COTTON	MOBY DICK (STRAWN)	90.0	NATURAL GAS PIPELINE
8115317	24538	4236731741	102		R S BONNEAU	BARON LIME (1200)	300.0	NATURAL GAS PIPELINE
-PENNZOIL COMPANY			RECEIVED: 01/30/81 JA: TX				54.0	
8115337	24975	4248330654	102		QUILLIAN NO 1			
-PETRO-SEARCH INC			RECEIVED: 01/30/81 JA: TX					
8115053	12000	4223300000	108		COLEMAN #20 (1-117-00969-4)	PANHANDLE	10.6	GETTY OIL CO
-PETROMARK MINERALS INC			RECEIVED: 01/30/81 JA: TX					
8115313	24413	4214930425	102		MARANATHA NO 1	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEUM C
8115310	24413	4214930425	103		MARANATHA NO 1	GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEUM C
-PETROTEX MANAGEMENT CO			RECEIVED: 01/30/81 JA: TX					
8115316	24479	4204730198	102		SYLVESTRE RODRIGUEZ (87653)	SCOTT & HOPPER (6100)	180.0	ESPERANZA TRANSMISSI
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 01/30/81 JA: TX					
8115038	01994	4213532781	103		BAGLEY NO 14	FOSTER	4.5	ODESSA NATURAL CORP
-QUINTIN LITTLE CO			RECEIVED: 01/30/81 JA: TX					
8115352	25197	4214930438	102		BALD EAGLE #2	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEUM C
8115351	25194	4205130639	102		HEIN #1	CALDWELL (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
8115135	19299	4214930349	102		VICTORY HILLS UNET #1	GIDDINGS (AUSTIN CHALK)	0.0	RESERVE GAS SYSTEMS
8115135	19299	4214930349	103		VICTORY HILLS UNIT #1	GIDDINGS (AUSTIN CHALK)	0.0	RESERVE GAS SYSTEMS
-R H SIEGFRIED INC			RECEIVED: 01/30/81 JA: TX					
8115303	24304	4249700000	103		R L MORRIS -A- (06978) #19-A	CHICO WEST (CADDO CONGL	191.0	NATURAL GAS PIPELINE
8115258	23503	4249700000	108		R L MORRIS A (06978) #2	CHICO WEST (CADDO CONGL	0.0	NATURAL GAS PIPELINE

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115259	23504	4249700000	108		R L MORRIS A (06978) #3	CHICO WEST (CADDO CONGL	0.0	NATURAL GAS PIPELINE
-R LACY INC			RECEIVED: 01/30/81 JA: TX					
8115064	15759	4236500000	102		BROWN UNIT #1 WELL #4	CARTHAGE (TRAVIS PEAK LO	0.0	ARKANSAS LOUISIANA G
8115066	15761	4236500000	102		BURNETT UNIT #9 WELL #4	CARTHAGE (TRAVIS PEAK LO	0.0	ARKANSAS LOUISIANA G
8115065	15760	4236500000	102		BURNETT UNIT #10 WELL #5	CARTHAGE (TRAVIS PEAK LO	0.0	ARKANSAS LOUISIANA G
-RANGER OPERATING CO			RECEIVED: 01/30/81 JA: TX					
8115254	23354	4223732681	103		LANCER NO 1 #87014	JACK COUNTY REGULAR (GAS	75.0	TEXAS UTILITIES FUEL
-REMUDA OIL & GAS CO			RECEIVED: 01/30/81 JA: TX					
8115158	20844	4240130844	102		PRIOR GAS UNIT WELL #1	CHURCHILL (TRAVIS PEAK)	80.0	ARKANSAS-LOUISIANA G
-RESERVE OIL INC			RECEIVED: 01/30/81 JA: TX					
8115039	03965	4208300000	103		BROWN #2 RRC# 73004	SANTA ANNA MARBLE FALLS	46.6	LONE STAR GAS CO
-RIO BRAVO OIL CO INC			RECEIVED: 01/30/81 JA: TX					
8115335	24930	4225530665	102		J P SELLERS ET AL #1	PORTER (LULING 7350)	1100.0	INTRASTATE GATHERING
8115403	25825	4225530778	102		J P SELLERS ET AL #3	PORTER (LULING 7350)	800.0	INTRASTATE GATHERING
-ROY G NIVENS			RECEIVED: 01/30/81 JA: TX					
8115376	25407	4223300000	108		HERRING #4	WEST PANHANDLE FIELD	14.0	PANHANDLE PRODUCING
-SABINE PRODUCTION COMPANY			RECEIVED: 01/30/81 JA: TX					
8115275	24132	4216500000	108		BRUMLEY #1	BRUMLEY (CLEARFORK LOWER	6.0	EL PASO NATURAL GAS
-SANCHEZ-OBRIEN MINERALS CORP			RECEIVED: 01/30/81 JA: TX					
8115223	22164	4229732067	102		BODDEN-FROST GU #1 WELL #1	WILDCAT FIELD	500.0	UNITED TEXAS TRANSMI
8115073	17041	4229732051	102		PAWLIK GAS UNIT NO 1	WEST GEORGE WEST	500.0	TEXAS EASTERN TRANSM
-SED INC			RECEIVED: 01/30/81 JA: TX					
8115391	25597	4202531254	102		CARL STEINMEYER NO 1-C	LITTLE JOHN (1170)	1.0	UNITED GAS PIPELINE
8115399	25720	4202531254	102		CARL STEINMEYER NO 1-T	LITTLE JOHN (1430)	117.0	UNITED GAS PIPELINE
-SHELL OIL CO			RECEIVED: 01/30/81 JA: TX					
8115354	25205	4204730822	102		HECTOR LOPEZ NO 1	LOPEZ RANCH (VICKSBURG 1	400.0	
-SOUTHWEST PETROCHEM INC			RECEIVED: 01/30/81 JA: TX					
8115371	25272	4228930369	102		M ALBRECHT NO 1 - 88043	CENTERVILLE SE	409.0	SOUTHWEST GATHERING
-SOUTHWESTERN GAS EXPLORATION CORP			RECEIVED: 01/30/81 JA: TX					
8115336	24970	4249731798	103		H D SCROGGINS #1	BOONESVILLE (BEND CONGL	168.0	
8115249	23237	4214330477	103		A DEAVER UNIT #1	MORGAN MILL (MARBLE FALL	40.6	ENERGY PIPELINE CORP
8115246	23219	4214330425	103		C F KEITH #3	MORGAN MILL (MARBLE FALL	50.6	ENERGY PIPELINE CORP
8115247	23227	4214330478	103		C F KEITH #5	MORGAN MILL (MARBLE FALL	29.3	ENERGY PIPELINE CORP
8115244	23215	4214330475	103		C L YARBROUGH #1	MORGAN MILL (MARBLE FALL	89.9	ENERGY PIPELINE CORP
8115132	19264	4236332210	103		F H MARQUESS #1	WILDCAT	70.0	SOUTHWESTERN GAS PIP
8115245	23216	4236731531	103		LITTLE BEAR RANCH #2	ALEDO S (ATOKA)	180.6	
8115243	23214	4236731565	103		LITTLE BEAR RANCH #5	ALEDO S (ATOKA)	136.6	
8115232	22861	4222100000	103		M PEVELER #4	BRATTEN (MARBLE FALLS)	251.3	SOUTHWESTERN GAS PIP
8115248	23228	4222130565	103		M PEVELER #5	MCINTOSH (BIG SALINE)	0.0	SOUTHWESTERN GAS PIP
8115241	23146	4205931758	103		ROY TATUM #1	DELIGHT (DUFFER)	35.0	SOUTHWESTERN GAS PIP
-STAHL PETROLEUM CO			RECEIVED: 01/30/81 JA: TX					
8115154	20377	4217900000	103		PATTERSON #2	EAST PANHANDLE	0.0	EL PASO NATURAL GAS
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 01/30/81 JA: TX					
8115146	19831	4217900000	108		BROWN DOLOMITE NO 1-2	PANHANDLE GRAY	0.1	PHILLIPS PETROLEUM C
*8115048	07641	4233330314	103		D B KIRK NO 2	HANSFORD (LOWER MORROW)	47.0	TRANSWESTERN PIPELIN
8115261	23691	4250730988	103		JOHN B BAGGETT A NO 2	PEARSALL (AUSTIN CHALK)	29.0	HOUSTON PIPE LINE CO
8115041	06116	4239330273	103		PARSELL ESTATE NO 7-U	PARSELL	324.0	TRANSWESTERN PIPELIN
8115397	25704	4238300000	108		RUPERT P RICKER NO1	SPRABERRY (TREND AREA)	9.0	EL PASO NATURAL GAS
8115037	01833	4233531346	103		V T MCCABE D #16	JAMESON NORTH (STRAWN)	50.0	LONE STAR GAS CO
-SUPRON ENERGY CORPORATION			RECEIVED: 01/30/81 JA: TX					
8115348	25172	4200130960	102		LARGE #2	BOIS DARC/RODESSA	145.0	LONE STAR GAS CO
-TENNECO OIL COMPANY			RECEIVED: 01/30/81 JA: TX					
8115136	19362	4242731231	103		T GARCIA NO 3-L	GARCIA (GUZMAN 3500)	28.0	LOVACA GATHERING CO

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JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115081	18780	4242731231	103		T GARCIA WELL #3-U	GARCIA (STRAY - 3470)	6.0	LOVACA GATHERING CO
-TEXACO INC			RECEIVED: 01/30/81 JA: TX					
8115091	18989	4219532198	102		J D LEE GAS UNIT WELL #1	K B DOYLE (LEGER)	700.0	
8115370	25270	4247532026	103		STATE OF TEXAS OL #2	WAR-WINK S (WOLFCAMP)	292.0	
8115369	25269	4247530000	103		STATE OF TEXAS ET #2	WAR-WINK S (WOLFCAMP)	18.0	
8115263	23809	4224531310	102		WESTBURY FARMS GU #1	CONSTITUTION (WESTBURY)	500.0	TRANSCONTINENTAL GAS
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 01/30/81 JA: TX					
8115353	25202	4205130731	102		B J SHUPAK #1	GIDDINGS	144.0	CLAJON GAS CO
8115327	24728	4205130663	102		MACHOVSKY #1	GIDDINGS FIELD	144.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP			RECEIVED: 01/30/81 JA: TX					
8115049	09151	4226130463	102		FRCK #13-L	MCGILL	548.0	
8115070	16479	4239131317	103		MARBERRY B #4 - 05765-4	MCFADDIN (5600)	20.0	UNITED GAS PIPELINE
8115072	16919	4240931351	102		PERSON WELL #1	WILLMANN (4320)	100.0	UNITED GAS PIPELINE
-THE ANSCHUTZ CORPORATION			RECEIVED: 01/30/81 JA: TX					
8115269	23914	4203531327	102		ADA SHARPE UNIT NO 1 (887096)	DANBURY SW (13660 - FI	0.0	DOW CHEMICAL CO
-TIPPERARY OIL AND GAS CORP			RECEIVED: 01/30/81 JA: TX					
8115281	24186	4237133089	107		HOLBERT #1	ROJO CABALLOS SOUTH (DEV	0.0	
-TRA-C OIL & GAS CO INC			RECEIVED: 01/30/81 JA: TX					
8115314	24475	4236731518	102		GORDON DOSS JR #1	MOBY DICK (STRAWN)	125.0	NATURAL GAS PIPELINE
-TREND RESOURCES LTD			RECEIVED: 01/30/81 JA: TX					
8115389	25586	4248131949	102		KAINER-ELLIOT #1	KAINER (FRIO 4490) FIELD	365.0	HOUSTON PIPELINE CO
-TUMBLEWEED PRODUCTION CO			RECEIVED: 01/30/81 JA: TX					
8115301	24291	4206500000	103		MESS #1	PANHANDLE	127.0	PANHANDLE EASTERN PI
8115300	24290	4206500000	103		MESS #2	PANHANDLE	127.0	PANHANDLE EASTERN PI
-U S OPERATING INC			RECEIVED: 01/30/81 JA: TX					
8115396	25696	4228730655	102		SUSIE EMRICH #1	GIDDINGS (AUSTIN CHALK G	300.0	PGP GAS PRODUCTS INC
-W WALDO LYNCH			RECEIVED: 01/30/81 JA: TX					
8115401	25808	4250731297	102		EZRA MEISTER NO 1	LAMANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
8115329	24738	4250731305	102		LA MANTIA NO 5 90127	LA MANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
-WALLACE CO INC			RECEIVED: 01/30/81 JA: TX					
8115326	24670	4208931090	102		ARMIT THOMAS NO 1	COX (3800) FIELD	144.0	TENNESSEE GAS PIPELI
-WAYMAN W BUCHANAN			RECEIVED: 01/30/81 JA: TX					
8115201	21249	4246131469	103		COWDEN ET AL A #1	SPRABERRY (TREND AREA)	18.3	PHILLIPS PETROLEUM C
8115200	21248	4246131498	103		COWDEN ET AL A NO 2	SPRABERRY (TREND AREA)	18.3	PHILLIPS PETROLEUM C
8115203	21256	4246131465	103		COWDEN ET AL NO 3	SPRABERRY (TREND AREA)	18.3	PHILLIPS PETROLEUM C
8115202	21254	4246131489	103		LATTNER NO 1	SPRABERRY (TREND AREA)	18.3	PHILLIPS PETROLEUM C
8115272	24081	4236731770	103		TRAVIS JOHNSON NO 1	MALES (4850)	47.0	LONE STAR GAS CO
-YATES EXPLORATION CO			RECEIVED: 01/30/81 JA: TX					
8115256	23441	4228730614	103		GUS BAMSCH UNIT NO 1	GIDDINGS (AUSTIN CHALK)	24.0	PGP GAS PRODUCTS INC
8115257	23454	4228730615	103		H C HANNES NO 1	GIDDINGS (AUSTIN CHALK)	12.0	PGP GAS PRODUCTS INC
-ZONERGY INC			RECEIVED: 01/30/81 JA: TX					
8115304	24309	4205130721	102		BATES #1	GIDDINGS	360.0	CLAJON GAS CO
8115313	24461	4228730578	102		KNOX-SHEPARD #1	GIDDINGS	0.0	PGP GAS PRODUCTS INC
8115305	24312	4228730414	102		RAY JENSEN ESTATE #1	GIDDINGS	387.2	PGP GAS PRODUCTS INC

OTHER PURCHASERS VOLUME NO 1370

8115045	DELHI GAS P L CORP
8115047	TEXAS UTILITIES FUEL COMPANY
8115048	NORTHERN NATURAL GAS CO
8115059	SID RICHARDSON CARBON & GASOLINE CO
8115061	AMOCO GAS CO
8115079	NATURAL GAS P L CO OF AMER
8115097	E I DUPONT DE NEMOURS & CO INC
8115098	E I DUPONT DE NEMOURS & CO INC
8115099	E I DUPONT DE NEMOURS & CO INC
8115100	E I DUPONT DE NEMOURS & CO INC
8115101	E I DUPONT DE NEMOURS & CO INC
8115102	E I DUPONT DENEMOURS & CO INC
8115103	E I DUPONT DENEMOURS & CO INC
8115104	E I DUPONT DENEMOURS & CO INC
8115105	E I DUPONT DENEMOURS & CO INC
8115106	E I DUPONT DENEMOURS & CO INC
8115107	E I DUPONT DE NEMOURS & CO INC
8115108	E I DUPONT DENEMOURS & CO INC
8115109	E I DUPONT DENEMOURS & CO INC
8115110	E I DUPONT DENEMOURS & CO INC
8115111	E I DUPONT DENEMOURS & CO INC
8115112	E I DUPONT DENEMOURS & CO INC
8115113	E I DUPONT DENEMOURS & CO INC
8115114	E I DUPONT DENEMOURS & CO INC
8115115	E I DUPONT DENEMOURS & CO INC
8115118	E I DUPONT DE NEMOURS & CO INC
8115119	E I DUPONT DE NEMOURS & CO INC
8115155	EL PASO NATURAL GAS CO
8115157	TEJAS GAS CORPORATION
8115159	ENTEX INC
8115160	ENTEX INC
8115161	ENTEX INC
8115162	ENTEX INC
8115163	ENTEX INC
8115164	ENTEX INC
8115165	ENTEX INC
8115166	ENTEX INC
8115167	ENTEX INC
8115168	ENTEX INC
8115169	ENTEX INC
8115170	ENTEX INC
8115171	ENTEX INC
8115172	ENTEX INC
8115173	ENTEX INC
8115174	ENTEX INC
8115175	ENTEX INC
8115176	ENTEX INC
8115177	ENTEX INC
8115178	ENTEX INC
8115179	ARMCO STEEL CO
8115180	E I DUPONT DEMOURS & CO INC
8115181	E I DUPONT DEMOURS & CO INC
8115182	E I DUPONT DEMOURS & CO INC
8115183	E I DUPONT DEMOURS & CO INC
8115184	E I DUPONT DEMOURS & CO INC
8115185	E I DUPONT DEMOURS & CO INC
8115186	E I DUPONT DEMOURS & CO INC
8115187	E I DUPONT DEMOURS & CO INC
8115188	E I DUPONT DEMOURS & CO INC
8115189	E I DUPONT DEMOURS & CO INC
8115190	E I DUPONT DEMOURS & CO INC
8115191	E I DUPONT DEMOURS & CO INC
8115192	E I DUPONT DEMOURS & CO INC
8115193	E I DUPONT DEMOURS & CO INC
8115194	E I DUPONT DEMOURS & CO INC
8115195	E I DUPONT DEMOURS & CO INC
8115196	E I DUPONT DEMOURS & CO INC
8115197	E I DUPONT DEMOURS & CO INC
8115198	E I DUPONT DEMOURS & CO INC
8115199	E I DUPONT DEMOURS & CO INC
8115204	E I DUPONT DE NEMOURS & CO INC
8115205	E I DUPONT DE NEMOURS & CO INC
8115206	E I DUPONT DE NEMOURS & CO INC
8115207	E I DUPONT DE NEMOURS & CO INC
8115209	E I DUPONT DE NEMOURS & CO INC
8115210	E I DUPONT DE NEMOURS & CO INC
8115211	E I DUPONT DENEMOURS & CO INC
8115212	E I DUPONT DENEMOURS & CO INC
8115213	E I DUPONT DENEMOURS & CO INC
8115214	E I DUPONT DENEMOURS & CO INC
8115215	E I DUPONT DENEMOURS & CO INC
8115216	E I DUPONT DENEMOURS & CO INC
8115217	E I DUPONT DENEMOURS & CO INC
8115273	CHAMPLIN PETROLEUM CO
8115325	TEXAS EASTERN TRANSMISSION CO
8115404	TEXAS UTILITIES FUEL CO

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 16, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-3826 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-01-M

[Volume 371]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 24, 1981.

JD NO	JA SKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ADOBE OIL & GAS CORPORATION							
0115608	27092	4247531895	103	RECEIVED: 01/30/81 JA: TX	SCOTT (CHERRY CANYON)	37.0	TRANSWESTERN PIPELIN
0115500	26363	4213330000	102	BARSTOW 13 #1	MANGUM NORTH	14.0	ODESSA NATURAL CORP
0115499	26362	4213300000	102	CLABORN #1	MANGUM NORTH (3200)	15.0	ODESSA NATURAL CORP
				SNEED B #1			
-AKERS AND FULTZ INC				RECEIVED: 01/30/81 JA: TX	WIZZARD WELLS/ATOKA CONG	12.0	CITIES SERVICE
0115568	26452	4223700000	108	T H CHERRYHOMES A #03976			
-AMOCO PRODUCTION CO				RECEIVED: 01/30/81 JA: TX	CARTHAGE/TRAVIS PEAK/	182.0	TENNESSEE GAS PIPELI
0115808	28079	4236531135	103	BURNETT BROTHERS NO 14	CHENEYBORO/COTTON VALLEY	52.9	LONE STAR GAS CO
0115505	26386	4234931276	102	DRU MILLIGAN OIL UNIT /A/ #1	COAHOMA N (FUSSEL)	9.1	GETTY OIL CO
0115617	27127	4222732045	103	EMMA F DAVIS ESTATE A #2			
				RECEIVED: 01/30/81 JA: TX	BLOCKER/COTTON VALLEY/	328.0	UNITED GAS PIPE LINE
0115616	27119	4220330656	102	H G BECKER GAS UNIT #1	CHENEYBORO/COTTON VALLEY	109.0	LONE STAR GAS CO
0115620	27161	4234931115	102	INA K CARROLL OIL UNIT /D/ #1	CHENEYBORO /COTTON VALLE	127.0	LONE STAR GAS CO
0115506	26387	4234931092	102	JOHN D CUNNINGHAM #1	BLOCKER/COTTON VALLEY/	365.0	UNITED GAS PIPE LINE
0115619	27157	4220330743	102	MACK V RUNNELS GU NO 1	HASTINGS EAST	119.0	AMOCO GAS CO
*0115504	26385	4203931545	103	MARGARET KIDD NO 8	MIDLAND FARMS DEEP UNIT #3	21.9	PIONEER NATURAL GAS
0115784	28003	4200331742	103	MIDLAND FARMS DEEP UNIT #403A	MIDLAND FARMS UNIT #403A	20.8	PIONEER NATURAL GAS
0115783	28002	4200332095	103	MIDLAND FARMS UNIT #403A	DARMER NE (PENN)	175.0	PIONEER NATURAL GAS
0115782	28001	4249531148	103	SEALY SMITH FND B #5			
-ARCO OIL AND GAS COMPANY				RECEIVED: 01/30/81 JA: TX	HAGIST RANCH (WILCOX 980	102.0	NATURAL GAS PIPELINE
0115686	27594	4213134897	103	HAGIST GAS UNIT 1 WELL #2	SPRABERRY TREND AREA	13.4	J L DAVIS
0115464	26071	4223531435	103	J R SCOTT EST 30 #1	HEMPHILL (GRANITE WASH)	365.0	CITIES SERVICE GAS C
0115460	26012	4221131126	103	MAMIE PEARL RISLEY #6			
-ARKANSAS LOUISIANA GAS CO				RECEIVED: 01/30/81 JA: TX	CARTHAGE (COTTON VALLEY)	255.0	ARKANSAS LOUISIANA G
0115566	26426	4236330956	103	BECKWORTH #1			
-ATAPCO				RECEIVED: 01/30/81 JA: TX	SCOTT (DELAWARE)	2.9	TRANSWESTERN PIPELIN
0115493	26306	4247532047	103	F H SCOTT #6 RRC #25366	WHEAT	6.2	
0115473	26191	4230130241	103	THAXTON #1 RRC# 26008			
-BETTIS BOYLE & STOVALL				RECEIVED: 01/30/81 JA: TX	DILLARD S E ELLENBURGER	18.3	CITIES SERVICE CO
*0115456	25982	4223732812	103	RIDDLE NO 1			
-BLADE OIL CO				RECEIVED: 01/30/81 JA: TX	PANHANDLE	0.0	
0115825	28113	4223300000	103	J M SANFORD E #M (04570)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
0115590	26997	4223300000	103	J M SANFORD E#16			
-BLAIR EXPLORATION INC				RECEIVED: 01/30/81 JA: TX	RAMIREZ (QUEEN CITY)	250.0	VALERO TRANSMISSION
0115654	25972	4224731182	102	RAMIREZ 1-508			
-BORDER EXPLORATION CO				RECEIVED: 01/30/81 JA: TX	X-RAY (MARBLE FALLS)	0.4	VALERO ENERGY CORP
A115561	26788	4214330616	103	W A PIPES #2			
-BRONCO OIL CO				RECEIVED: 01/30/81 JA: TX	PANHANDLE WHEELER COUNTY	0.0	WARREN PETROLEUM CO
0115585	26945	4248300000	108	SITTER-WARREN #1 01430			
-C F LAWRENCE & ASSOC INC				RECEIVED: 01/30/81 JA: TX	LEHN - APCO S (WICHITA-A	539.0	DELHI GAS PIPELINE C
0115450	25946	4237100000	103	MERCHANT ST #6			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-CANUS PETROLEUM INC					RECEIVED: 01/30/81 JA: TX			
8115409	25867	4235531508	103		#2 STATE TRACT 691	SAXET 2700 AND SAXET 420	230.0	UNITED GAS PIPELINE
8115741	27852	4240900000	103		W O HART #1	RIVERSIDE EAST (6400 FRI	0.0	TEXAS EASTERN TRANSM
-CHALMERS OPERATING CO INC					RECEIVED: 01/30/81 JA: TX			
8115490	26298	4239900000	108		DONNIE MAE BOMAR #1 RRC #45965	HOLLOW CREEK (FRY LOWER)	14.0	
8115489	26297	4239900000	108		SEALY-SMITH #1 RRC #48702	HOLLOW CREEK (GARDNER)	7.0	LONE STAR GAS CO
-CHAMPLIN EXPLORATION INC					RECEIVED: 01/30/81 JA: TX			
8115664	27397	4214930588	103		ALVIN D BOEHNKE #1	GIDDINGS (AUSTIN CHALK)	0.0	
8115666	27399	4228700000	103		GARWOOD GERDES G #1	GIDDINGS (AUSTIN CHALK)	365.0	CLAJON GAS CO
8115663	27396	4228730600	103		GERDES E	GIDDINGS (AUSTIN CHALK)	85.0	CLAJON GAS CO
8115665	27398	4228730693	103		GERDES F #1	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
8115667	27401	4214930514	103		HULDA EPHRAIM A #1	GIDDINGS (AUSTIN CHALK)	9.1	
8115668	27402	4214930509	103		RIGHTMER #1	GIDDINGS (AUSTIN CHALK)	0.0	
-CHAPARROSA CIL CO					RECEIVED: 01/30/81 JA: TX			
8115748	27884	4250730902	102		B K JOHNSON #4	LAGUNA (OLMOS)	0.0	VALERO TRANSMISSION
8115748	27884	4250730902	103		B K JOHNSON #4	LAGUNA (OLMOS)	0.0	VALERO TRANSMISSION
-CHRISTI CO INC					RECEIVED: 01/30/81 JA: TX			
8115492	26303	4204932301	103		BURCHAM #2	BROWN COUNTY REGULAR (MA	125.0	ODESSA NATURAL CORP
-CIMARON OIL CO INC					RECEIVED: 01/30/81 JA: TX			
8115481	26222	4222130575	102		DAY GAS UNIT #1	GRANBURY NE (MARBLE FALL	167.9	EMPIRE PIPE LINE COR
8115480	26221	4222130605	102		DENNIS GAS UNIT #1	GRANBURY NE (MARBLE FALL	237.2	EMPIRE PIPE LINE COR
8115482	26223	4222130582	102		TANTON #2	GRANBURY NE (MARBLE FALL	219.0	EMPIRE PIPE LINE COR
-CITIES SERVICE COMPANY					RECEIVED: 01/30/81 JA: TX			
8115447	25939	4217900000	108		BAGGERMAN A #1	PANHANDLE GRAY	0.3	PHILLIPS PETROLEUM C
8115443	25935	4217900000	108		BAGGERMAN A #10	PANHANDLE GRAY	0.9	PHILLIPS PETROLEUM C
8115442	25934	4217900000	108		BAGGERMAN A #11	PANHANDLE GRAY	1.7	PHILLIPS PETROLEUM C
8115441	25933	4217930000	108		BAGGERMAN A #13	PANHANDLE GRAY	0.4	PHILLIPS PETROLEUM C
8115440	25932	4217900000	108		BAGGERMAN A #15	PANHANDLE GRAY	1.2	PHILLIPS PETROLEUM C
8115439	25931	4217900000	108		BAGGERMAN A #17	PANHANDLE GRAY	1.7	PHILLIPS PETROLEUM C
8115438	25930	4217900000	108		BAGGERMAN A #19	PANHANDLE GRAY	2.4	PHILLIPS PETROLEUM C
8115446	25938	4217900000	108		BAGGERMAN A #3	PANHANDLE GRAY	1.0	PHILLIPS PETROLEUM C
8115445	25937	4217900000	108		BAGGERMAN A #4	PANHANDLE GRAY	0.4	PHILLIPS PETROLEUM C
8115444	25936	4217900000	108		BAGGERMAN A #5	PANHANDLE GRAY	0.8	PHILLIPS PETROLEUM C
8115449	25941	4206500000	108		BURNETT RANCH C #1-92	PANHANDLE CARSON	1.4	PHILLIPS PETROLEUM C
8115448	25940	4206500000	108		BURNETT RANCH C #2-92	PANHANDLE CARSON	1.5	PHILLIPS PETROLEUM C
8115437	25929	4223300000	108		CANADIAN KINGSLAND #6	PANHANDLE HUTCHINSON	3.7	PHILLIPS PETROLEUM C
8115436	25928	4223300000	108		COCKRELL A #10	PANHANDLE HUTCHINSON	0.4	PHILLIPS PETROLEUM C
8115430	25921	4223300000	108		COCKRELL D #10	PANHANDLE HUTCHINSON	0.6	PHILLIPS PETROLEUM C
8115435	25927	4223300000	108		COCKRELL D #2	PANHANDLE HUTCHINSON	1.4	PHILLIPS PETROLEUM C
8115434	25926	4223300000	108		COCKRELL D #3	PANHANDLE HUTCHINSON	1.1	PHILLIPS PETROLEUM C
8115433	25925	4223300000	108		COCKRELL D #6	PANHANDLE HUTCHINSON	1.3	PHILLIPS PETROLEUM C
8115432	25924	4223300000	108		COCKRELL D #7	PANHANDLE HUTCHINSON	1.1	PHILLIPS PETROLEUM C
8115431	25923	4223300000	108		COCKRELL D #8	PANHANDLE HUTCHINSON	1.2	PHILLIPS PETROLEUM C
8115429	25920	4223300000	108		COCKRELL E #4	PANHANDLE HUTCHINSON	2.0	PHILLIPS PETROLEUM C
8115425	25915	4223300000	108		COCKRELL GULF #10	PANHANDLE HUTCHINSON	1.5	PHILLIPS PETROLEUM C
8115424	25913	4223300000	108		COCKRELL GULF #12	PANHANDLE HUTCHINSON	1.0	PHILLIPS PETROLEUM C
8115423	25912	4223300000	108		COCKRELL GULF #14	PANHANDLE HUTCHINSON	3.5	PHILLIPS PETROLEUM C
8115422	25911	4223300000	108		COCKRELL GULF #15	PANHANDLE HUTCHINSON	1.7	PHILLIPS PETROLEUM C
8115428	25919	4223300000	108		COCKRELL GULF #3	PANHANDLE HUTCHINSON	0.5	PHILLIPS PETROLEUM C
8115427	25918	4223300000	108		COCKRELL GULF #6	PANHANDLE HUTCHINSON	2.3	PHILLIPS PETROLEUM C
8115426	25917	4223300000	108		COCKRELL GULF #7	PANHANDLE HUTCHINSON	0.6	PHILLIPS PETROLEUM C
8115421	25910	4223300000	108		KINGSLAND B #1	PANHANDLE HUTCHINSON	1.1	PHILLIPS PETROLEUM C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115420	25909	4223300000	108		KINGSLAND B #2	PANHANDLE HUTCHINSON	1.6	PHILLIPS PETROLEUM C
8115419	25908	4223300000	108		KINGSLAND C #1	PANHANDLE HUTCHINSON	2.0	PHILLIPS PETROLEUM C
8115418	25907	4223300000	108		KINGSLAND C #2	PANHANDLE HUTCHINSON	1.6	PHILLIPS PETROLEUM C
8115417	25906	4223300000	108		KINGSLAND C #3	PANHANDLE HUTCHINSON	1.1	PHILLIPS PETROLEUM C
8115416	25905	4223300000	108		KINGSLAND C #4	PANHANDLE HUTCHINSON	3.0	PHILLIPS PETROLEUM C
8115415	25904	4223300000	108		KINGSLAND C #5	PANHANDLE HUTCHINSON	2.1	PHILLIPS PETROLEUM C
8115414	25903	4223300000	108		KINGSLAND C #6	PANHANDLE HUTCHINSON	2.3	PHILLIPS PETROLEUM C
8115413	25902	4223300003	108		MAGIC A #2	PANHANDLE HUTCHINSON	3.4	PHILLIPS PETROLEUM C
8115412	25901	4223300000	108		SMITH F #1	PANHANDLE HUTCHINSON	13.3	PHILLIPS PETROLEUM C
-CLAYTON W WILLIAMS JR					RECEIVED: 01/30/81 JA: TX			
8115598	27063	4228730702	102		ARTHUR STORK #1			
8115606	27071	4205130497	102		BENN #1	GIDDINGS	678.0	VALERO TRANSMISSION
8115600	27065	4205130641	102		C SOBOTIK #1	GIDDINGS	342.5	VALERO TRANSMISSION
8115607	27072	4205130606	102		CHARANZA #1	GIDDINGS	237.9	VALERO TRANSMISSION
8115597	27062	4214930546	102		G L HILLBOLT UNIT #1	GIDDINGS	602.9	VALERO TRANSMISSION
8115603	27068	4205130660	102		JOE URBANOVSKY UNIT #1	GIDDINGS	16.0	VALERO TRANSMISSION
8115601	27066	4205130693	102		LEO HAVEMANN #1	GIDDINGS	183.9	VALERO TRANSMISSION
8115732	27839	4236500000	103		OSBORNE ESTATE NO 1	GIDDINGS	117.6	VALERO TRANSMISSION
8115604	27069	4205130642	102		REYNOLDS #1	PINE HILL S E (RODESSA G	0.0	VALERO TRANSMISSION
8115599	27064	4205130719	102		ROY H HERRMANN #1	GIDDINGS	321.2	VALERO TRANSMISSION
8115602	27067	4205130607	102		RUST #1	GIDDINGS	47.5	VALERO TRANSMISSION
8115605	27070	4228730695	102		WILLIE ZOCH #1	GIDDINGS	404.7	VALERO TRANSMISSION
-CLYDE HOUSTON					RECEIVED: 01/30/81 JA: TX	GIDDINGS	46.1	VALERO TRANSMISSION
8115625	27220	4213332298	103		L W TUCKER # 2 (16289)			
-COLORADO INTERSTATE GAS CO					RECEIVED: 01/30/81 JA: TX	FOSTER (MARBLE FALLS)	51.0	ODESSA NATURAL CORP
8115773	27980	4237530094	108		MASTERSON 79-1R			
-COLUMBIA GAS DEVELOPMENT CORP					RECEIVED: 01/30/81 JA: TX	PITCHER CREEK (RED CAVE)	13.0	COLORADO INTERSTATE
8115484	26255	4205130548	102		CALVIN KOCUREK ET AL UNIT #1			
-CONOCO INC					RECEIVED: 01/30/81 JA: TX	GIDDINGS (AUSTIN CHALK)	9.0	FERGUSON CROSSING PI
8115736	27845	4243331076	103		ARTHUR BRINKLEY JR -A- #41			
8115452	25952	4213533366	103		E COWDEN GRAYBURG UT #59 (22927)	FLOWERS (CANYON SAND)	15.0	CITIES SERVICE OIL C
8115794	28023	4247532046	103		F H SCOTT-31-#2	COWDEN NORTH	73.0	AMOCO PRODUCTION CO
8115521	26554	4238930327	108		G E RAMSEY JR B #14 ID #21020	SCOTT (CHERRY CANYON)	292.0	INTRATEX GAS CO
8115569	26874	4222732185	103		G O CHALK C #25 (#18989)	GERALDINE FORD	4.3	EL PASO NATURAL GAS
8115465	26074	4242713188	103		T B SLICK EST B NO 162 89107	HOWARD-GLASSCOCK	0.3	PHILLIPS PETROLEUM C
8115511	26423	4247932599	102		VAQUILLAS RANCH A NC 2	RINCON (B-2 FRIO)	1.5	TENNESSEE GAS PIPELI
-CORPUS CHRISTI OIL AND GAS CO					RECEIVED: 01/30/81 JA: TX	PENDING	300.0	E I DUPONT DE NEMOUR
8115517	26482	4224731183	102		ALFRED RAY HOLBEIN NO 1			
-COTTON PETROLEUM CORPORATION					RECEIVED: 01/30/81 JA: TX	ESCONDIDO EAST	100.0	VALERO INTERSTATE TR
8115677	27513	4229530722	103		HARRIS B NO 1			
-CPC EXPLORATION INC					RECEIVED: 01/30/81 JA: TX	FOLLETT (MORROW)	1100.0	TRANSWESTERN PIPELIN
8115818	28101	4205130796	102		S GOLD #1			
8115715	27797	4240931398	102		STARR #1 RRC #87978	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING PI
8115716	27798	4240931398	102		STARR #1 RRC# 87977	WEBB (9500)	250.0	VALERO TRANSMISSION
8115819	28102	4240931397	102		WEBB #1	WEBB (9000)	150.0	VALERO TRANSMISSION
-CREST RESOURCES & EXPL CORP					RECEIVED: 01/30/81 JA: TX	WEBB (6250)	200.0	VALERO TRANSMISSION
8115518	26490	4207131044	103		FRANKLAND GU#1 - WELL #2			
-CRYSTAL OIL COMPANY					RECEIVED: 01/30/81 JA: TX	WAYES SOUTH (FRIO 5)	250.0	WINNIE PIPELINE CO
8115466	26076	4249930757	103		GUY COOPER #1			
-D D HOUTCHENS					RECEIVED: 01/30/81 JA: TX	WINNSBORO FIELD	48.5	LONE STAR GAS CO
8115688	27599	4208700000	103		HARDIN WELL #1			
-DAVIS OIL COMPANY					RECEIVED: 01/30/81 JA: TX	PANHANDLE EAST	0.0	EL PASO NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8115578	26899	4220130960	102		VAN VORST #1 (UPPER)
8115579	26900	4220130960	102		VAN VORST #1 LOWER
-DELHI OIL CORP & NRM					RECEIVED: 01/30/81 JA: TX
8115522	26588	4217730571	102		FLOYD-REAVES UNIT NO 1
-DELRAY OIL INC					RECEIVED: 01/30/81 JA: TX
8115595	27043	4204932366	103		JERRY C TONGATE NO 3
-DELTA DRILLING CO					RECEIVED: 01/30/81 JA: TX
8115612	27114	4210500000	103		HENDERSON 32 #3
8115611	27113	4241300000	103		JONES #2
-DILLEY PRODUCTION CO					RECEIVED: 01/30/81 JA: TX
8115582	26909	4216331796	103		HUGO-ASTRO #1
-E BRUCE STREET JR					RECEIVED: 01/30/81 JA: TX
8115793	28019	4223700000	108		H C GILMORE #3 56819
-ECHO PRODUCTION INC					RECEIVED: 01/30/81 JA: TX
8115807	28075	4249731597	103		SHANNON HARRIS #1-C
-EL PASO NATURAL GAS COMPANY					RECEIVED: 01/30/81 JA: TX
8115775	27984	4208726128	108		LAYCOCK #10
8115774	27983	4243519228	108		THOMSON A #1
8115809	28080	4208726276	108		TINDALL A #1
-ELF AQUITAINE INC					RECEIVED: 01/30/81 JA: TX
8115577	26896	4247932607	102		CARR #4
-ESTATE OF WM D MCBEE					RECEIVED: 01/30/81 JA: TX
8115746	27867	4220330634	102		HADDAD GAS UNIT #1 WELL #1
-EUROPEAN SOUTHWEST CO					RECEIVED: 01/30/81 JA: TX
8115712	27739	4213332211	103		CLARK NO 2
8115713	27741	4213332083	103		SLAMPA NO 1
8115714	27742	4213332290	103		T L BARTON NO 2
-EXXON CORPORATION					RECEIVED: 01/30/81 JA: TX
8115752	27913	4204730796	103		AMADO TRAD B-3 (89108)
8115837	28138	4221131146	103		CAMPBELL SANTA FE UNIT #2
8115701	27687	4204730808	102		D J SULLIVAN B-46-T (89525)
8115838	28139	4249531169	103		EUGENIA E BROWN E #3
8115834	28135	4237100000	103		FORT STOCKTON UNIT #1419
8115835	28136	4237100000	103		FORT STOCKTON UNIT #1623
8115831	28127	4237133101	103		FORT STOCKTON UNIT #615
8115836	28137	4237100000	103		FORT STOCKTON UNIT #718
8115833	28131	4247532062	103		FRANCES J HAYMORE #3
8115583	26933	4210332308	103		J B TUBB A/C 1 #223L
8115661	27381	4210332309	103		J B TUBB A/C 1 #224U
8115832	28130	4210300000	103		J B TUBB A/C 1 #226U
8115516	26472	4245130490	103		JOE FUNK #16
8115753	27914	4224730912	102		MRS A M K BASS 41-C (89433)
8115785	28005	4224731224	102		NICEFORO PENA LI (88874)
-FAGADAU ENERGY CORP					RECEIVED: 01/30/81 JA: TX
8115626	27227	4223700000	102		WORTHINGTON-EDWARDS G NO 1
8115626	27227	4223700000	103		WORTHINGTON-EDWARDS G NO 1
-FOREST OIL CORPORATION					RECEIVED: 01/30/81 JA: TX
8115459	26005	4247932635	102		OLMITOS RANCH INC NO 2
-FRANK J KING					RECEIVED: 01/30/81 JA: TX
8115788	28011	4239931562	103		LEWIS B WILLIAMS NO 1
-FRANKS PETROLEUM INC					RECEIVED: 01/30/81 JA: TX
8115405	25847	4236530772	102		DAVID DUNHAM NO 1

FIELD NAME	PROD	PURCHASER
CLINTON (YEQUA A-2)	216.0	HOUSTON PIPELINE CO
CLINTON (YEQUA B)	540.0	HOUSTON PIPELINE CO
PEACH CREEK (AUSTIN CHAL	10.0	TIPPERARY CORP
BROWN COUNTY REGULAR	64.0	
OZONA (CANYON SAND)	190.0	NORTHERN NATURAL GAS
ELDORADO (CANYON)	91.0	NORTHERN NATURAL GAS
PEARSALL (AUSTIN CHALK)	16.2	TGP INC
FINIS SW (CONGL 4100)	10.0	SOUTHWESTERN GAS PIP
BOONSVILLE (CADDC LIME)	7.7	LONE STAR GAS CO
PANHANDLE EAST	22.0	EL PASO NATURAL GAS
SONORA CANYON UPPER	9.0	EL PASO NATURAL GAS
BROWN DOLOMITE GRANITE W	20.0	EL PASO NATURAL GAS
GATO CREEK (9800)	68.0	UNITED TEXAS TRANSMI
LONGWOOD (COTTON VALLEY)	350.0	ARKANSAS LOUISIANA G
DESDEMONA (BRESSLER SAND	20.0	NORTH GORMAN GATHERI
DESDEMONA E (MARBLE)	20.0	NORTH GORMAN GATHERI
DESDEMONA (BRESSLER SAND	2.0	NORTH GORMAN GATHERI
SCOTT AND HOPPER (6900)	400.0	TENNESSEE GAS PIPELI
MENDOTA NW (GRANITE WASH	363.0	TRANSWESTERN PIPELIN
PITA (E-7 SE)	730.0	TENNESSEE GAS PIPELI
EMPEROR E (CLEARFORK LO)	28.0	PIONEER NATURAL GAS
FT STOCKTON (L YATES)	57.0	NUECES CO
FT STOCKTON (L YATES)	154.0	NUECES CO
FORT STOCKTON (L YATES)	30.0	NUECES CO
FORT STOCKTON (LOWER YAT	13.0	NUECES CO
RHODA WALKER (CANYON 590	8.0	INTRATEX GAS CO
SAND HILLS (TUBB)	14.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	24.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	94.0	EL PASO NATURAL GAS
H-J (STRAWN)	29.0	PRODUCERS GAS CO
KELSEY DEEP (ZONE 20-J S	325.0	TRUNKLINE GAS CO
KELSEY DEEP (20-J SW)	400.0	TRUNKLINE GAS CO
EDWARDS RANCH (CONGL 540	0.0	SOUTHWESTERN GAS PIP
EDWARDS RANCH (CCNGL 540	0.0	SOUTHWESTERN GAS PIP
PROPOSED NICHOLSON LORO	276.0	TRANSCONTINENTAL GAS
TOMCHUCK (MORRIS)	0.0	UNION TEXAS PETROLEU
CARTHAGE (COTTON VALLEY)	30.0	UNITED GAS PIPELINE

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
-G M LEHNERTZ					RECEIVED: 01/30/81 JA: TX
8115498	26328	4220300000	102		#1 B A HARRISON GU
-GENERAL PRODUCTION CORP					RECEIVED: 01/30/81 JA: TX
8115453	25963	4205133503	103		JONES LEWIS NO 2
-GENESIS PETROLEUM CORP					RECEIVED: 01/30/81 JA: TX
8115593	27040	4232130930	103		STATE TRACT 157 NO 1 ID 87932
8115622	27197	4232130987	103		STATE TRACT 309 WELL NO 2-U
-GEODYNAMICS OIL &GAS INC					RECEIVED: 01/30/81 JA: TX
8115564	26820	4205130598	102		JUNEK A #1
8115537	26637	4205130686	102		PATTERSON B #1
8115563	26819	4205130763	102		PORTER B #1
-GETTY OIL COMPANY					RECEIVED: 01/30/81 JA: TX
8115475	26194	4207900000	108		C S DEAN A UNIT NO 155
8115476	26195	4207900000	108		C S DEAN A UNIT NO 170
8115765	27936	4207900000	103		C S DEAN A UNIT NO 201
8115474	26193	4207900000	108		C S DEAN A UNIT NO 35
8115770	27972	4211500000	108		MARY MATHIS NO 2
8115763	27933	4207900000	108		SOUTHWEST LEVELLAND #75
8115486	26282	4249531084	107		UNIVERSITY 32-21 #1U
8115761	27931	4207900000	108		XIT UNIT NO 100
8115762	21932	4207900000	108		XIT UNIT NO 115
8115764	27934	4207900000	108		XIT UNIT NO 138
8115760	27930	4207900000	108		XIT UNIT NO 156
8115759	27929	4207900000	108		XIT UNIT NO 52
8115755	27925	4207900000	108		XIT UNIT NO 69
8115756	27926	4207900000	108		XIT UNIT NO 76
8115758	27928	4207900000	108		XIT UNIT NO 92
8115757	27926	4207900000	108		XIT UNIT NO 98
-GRACE PETROLEUM CORPORATION					RECEIVED: 01/30/81 JA: TX
8115587	26971	4228930346	102		SAVAGE NO 1
-GULF ENERGY PRODUCING COMPANY					RECEIVED: 01/30/81 JA: TX
8115463	26052	4236332272	102		JENNIE EWTON #1 (88086)
8115462	26049	4236332371	102		JENNIE EWTON #3
-H & L OPERATING COMPANY					RECEIVED: 01/30/81 JA: TX
8115826	28115	4219530729	103		GUTHRIE #1 RRC #87998
-H L BROWN JR					RECEIVED: 01/30/81 JA: TX
8115592	27037	4248330598	103		G EDWARDS #1
-HANCO EXPLORATION & DEVELOPMENT CO					RECEIVED: 01/30/81 JA: TX
8115781	28000	4244131560	103		B J TITTLE #2
8115780	27999	4244131546	103		C R TITTLE #2
-HARKEN OIL & GAS INCORP					RECEIVED: 01/30/81 JA: TX
8115509	26612	4214330417	103		BOGGUS UNIT #2
8115721	27814	4236332250	103		MOORE #1
8115749	27885	4236332269	103		VAUGHAN #1
-HARKINS & COMPANY					RECEIVED: 01/30/81 JA: TX
8115747	27870	4242731390	102		COATES ESTATE NO 5
8115747	27870	4242731390	103		COATES ESTATE NO 5
-HINTON PRODUCTION COMPANY					RECEIVED: 01/30/81 JA: TX
8115407	25863	4237330387	102		DORRANCE A NO 1 78560
8115408	25866	4237330404	102		DORRANCE A NO 2
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 01/30/81 JA: TX
8115539	26658	4238331619	103		BOOK #1
8115559	26784	4205130779	102		O M SKOPIK NO 1

FIELD NAME	PROD	PURCHASER
L C G (PAGE)	24.0	ARKANSAS LOUISIANA G
INEZ JAMESON (NAVARRO) F	44.0	FERGUSON CROSSING PI
MATAGONDA BAY S (MIOCENE	91.2	DOW CHEMICAL CO
OLIVER POINT S (3800)	365.0	DOW CHEMICAL COMPANY
GIDDINGS (AUSTIN CHALK)	156.0	CLAJCN GAS CO
GIDDINGS (AUSTIN CHALK)	71.0	CLAJCN GAS CO
TUNIS EAST (AUSTIN CHALK	12.0	CLAJCN GAS CO
SLAUGHTER	5.0	AMOCO PRODUCTION CO
SLAUGHTER	4.0	AMOCO PRODUCTION CO
SLAUGHTER	15.0	AMOCO PRODUCTION CO
SLAUGHTER	3.0	AMOCO PRODUCTION CO
TEX-HARON	1.0	GETTY OIL CO
LEVELLAND	2.0	CITIES SERVICE CO
WILDCAT	1460.0	INTRATEX GAS CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND-SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
LEVELLAND - SAN ANDRES	1.0	CITIES SERVICE CO
BEAR GRASS (COTTON VALLE	1250.0	DELHI GAS PIPELINE C
METCALF BEND (STRAWN)	0.0	SOUTHWESTERN GAS P/L
METCALF BEND (STRAWN)	0.0	SOUTHWESTERN GAS P/L
HANSFORD (MORROW MIDDLE)	200.0	NORTHERN NATURAL GAS
LOTT RANCH (UPPER MORROW	36.5	MICHIGAN-WISCONSIN P
SAM W (STRAWN SAND)	66.9	PALO DURO PIPELINE C
SAM W (STRAWN SAND)	93.6	PALO DURO PIPELINE C
SAP OAK (DUFFER)	123.0	NORTHERN GAS PRODUCT
BRAZOS E (MARBLE FALLS)	182.5	INTRA-STATE GATHERIN
MINERAL WELLS S (GEORGIA	200.0	INTRA-STATE GATHERIN
RINCON (VICKSBURG D)	73.0	
RINCON (VICKSBURG D)	73.0	
GOAT HILL	151.0	ST REGIS PAPER CO
GOAT HILL	209.0	ST REGIS PAPER CO
CALVIN (DEAN)	180.0	UNION TEXAS PETROLEU
GIDDINGS (AUSTIN CHALK)	108.0	CLAJCN GAS CO

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JO NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-HUGHES & HUGHES				RECEIVED: 01/30/81 JA: TX			
8115687	27598	4250731353	102	B K JOHNSON B #2-C	NORTE (OLMOS)	18.0	VALERO TRANSMISSION
8115689	27600	4250700000	102	B K JOHNSON B #2-T	NORTE (SAN MIGUEL) FIELD	73.0	VALERO TRANSMISSION
8115674	27484	4247932618	102	LINCOLN ESTATE #1	LINCOLN (WILLIAMSON 7680	730.0	HOUSTON PIPE LINE CO
-HUGHES & HUGHES OIL AND GAS				RECEIVED: 01/30/81 JA: TX			
8115580	26903	4242731269	102	LEE M GREEN #1	SUN NORTH (4430)	37.0	
-HUNT OIL COMPANY				RECEIVED: 01/30/81 JA: TX			
*8115488	26296	4236530614	102	LUKE MOTLEY UNIT 2 #1	CARTHAGE (COTTON VALLEY)	500.0	DELHI GAS PIPELINE C
-INDIAN WELLS OIL CO				RECEIVED: 01/30/81 JA: TX			
8115520	26553	4223531510	102	MCMANUS 44-1	PROBANDT (CANYON SAND)	300.0	NORTHERN NATURAL GAS
8115919	26552	4223531512	102	RICHEY 43 A-2	PROBANDT (CANYON SAND)	55.0	NORTHERN NATURAL GAS
-INEXCO OIL COMPANY				RECEIVED: 01/30/81 JA: TX			
8115860	27325	4221531018	102	TREVINO-LONGORIA HEIRS NO 1	GUADALUPE (CAVAZOS)	37.0	VALERO INTERSTATE TR
-INTERNATIONAL OIL & GAS CORP				RECEIVED: 01/30/81 JA: TX			
8115467	26091	4210532753	103	FORT LANCASTER #2	INGHAM DEVONIAN	360.0	EL PASO NATURAL GAS
-J & M WELL SERVICE INC				RECEIVED: 01/30/81 JA: TX			
8115594	27042	4242700000	108	EST OF F W SEABURY #2 RRC# 74075	ZIM-RICABY 1100	11.0	TENNESSEE GAS PIPELI
-J M HUBER CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115491	26300	4210532186	103	UNIVERSITY 12-39 NO 1	BLOCK 39-B (ELLENBERGER)	164.0	EL PASO NATURAL GAS
-JACK L PHILLIPS				RECEIVED: 01/30/81 JA: TX			
8115558	26715	4236530829	102	CLAUD HOLDER NO 2	CARTHAGE (COTTON VALLEY)	109.0	NATURAL GAS PIPE LIN
-JACK WORSHAM				RECEIVED: 01/30/81 JA: TX			
8115588	26977	4223330764	103	BURNETT #1	PANHANDLE	3600.0	PANHANDLE EASTERN PI
8115830	28122	4223330905	103	BURNETT #3	PANHANDLE	0.0	PANHANDLE EASTERN PI
-JOHN L COX				RECEIVED: 01/30/81 JA: TX			
8115725	21026	4230930867	103	FRANKLIN #3 RRC #23224	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
-K&H LTD				RECEIVED: 01/30/81 JA: TX			
8115470	26135	4250531212	102	L E VELA NO 4	EL GRULLO (7780)	800.0	INTRASTATE GATHERING
-K-B EXPLORATION CO				RECEIVED: 01/30/81 JA: TX			
8115468	26130	4248131944	102	ALLEN PEIKERT NO 3	N SPANISH CAMP (FRIO 425	400.0	HOUSTON PIPE LINE CO
-KASLE ENERGY INC				RECEIVED: 01/30/81 JA: TX			
8115787	28010	4236731871	103	BENNETT #1 - C (88976)	MOBY DICK (STRAWN)	0.0	SOUTHWESTERN GAS PIP
8115786	28009	4236731871	103	BENNETT #1 - T (88908)	MOBY DICK (CONGL)	4000.0	SOUTHWESTERN GAS PIP
-KEITH D GRAHAM				RECEIVED: 01/30/81 JA: TX			
8115618	27139	4205130847	102	MAREK-BUNDICK UNIT #1	GIDDINGS (AUSTIN CHALK)	153.6	CLAJON GAS CO
-KERR-MCGEE CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115815	28090	4223330847	103	COCKRELL NO 30	PANHANDLE (HUTCHINSON)	26.0	GETTY OIL CO
8115694	27642	4234130585	103	EMMA MCDOWELL NO 8	PANHANDLE	33.0	PHILLIPS PETROLEUM C
8115670	27407	4235731016	102	I R SIMMONS 1176 NO 2	RICKS (MORROW UPPER)	62.0	HIGH PLAINS NATURAL
8115816	28091	4223330778	103	PITTS NO 103	PANHANDLE (HUTCHINSON)	23.0	GETTY OIL CO
8115814	28089	4223330775	103	PITTS NO 105	PANHANDLE (HUTCHINSON)	33.0	GETTY OIL CO
-KILLAM & HURD LTD				RECEIVED: 01/30/81 JA: TX			
8115479	28212	4217531344	102	HATTENBACH NO 2	COLLETOVILLE CREEK FIELD	73.0	
8115469	26133	4248931969	102	N L DIETZEL NO 1	COLLETOVILLE CREEK (4100	300.0	
-KILROY CO OF TEXAS				RECEIVED: 01/30/81 JA: TX			
8115531	26624	4217500000	102	JOHN HOFF NO 1	PECK (FRIO 3400)	146.0	TRANSCONTINENTAL GAS
-KNOX INDUSTRIES INC				RECEIVED: 01/30/81 JA: TX			
8115771	27973	4238331675	103	TALLEY A NO 1	SPRABERRY TRENC AREA	0.0	
-L M LESIKAR				RECEIVED: 01/30/81 JA: TX			
8115673	27433	4236731832	103	PURYEAR-LESIKAR UNIT NC 1	TOFO (CADDO CONGLOMERATE	128.0	NATURAL GAS PIPELINE
-L W YAGER DBA JYM OIL & GAS				RECEIVED: 01/30/81 JA: TX			
8115514	26450	4223700000	108	W D MOTT # 1	DEES ATOKA CONGLOMERATE	17.4	LONE STAR GAS CO

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JO NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-LAMBERT HOLLUB DRILLING CO				RECEIVED: 01/30/81 JA: TX			
8115722	27820	4205130710	102	FARMER NO 1	HOOKER CREEK (NAVARRO A)	72.0	
8115723	27821	4228730504	102	PEEBLES NO 1	HOOKER CREEK (NAVARRO A)	10.8	
-LEEDE OIL & GAS INC				RECEIVED: 01/30/81 JA: TX			
8115681	27544	4238331657	103	JP #1	FARMER (SAN ANDRES)	1.0	J L DAVIS
8115678	27541	4238331658	103	JP #2	FARMER (SAN ANDRES)	1.0	J L DAVIS
8115680	27543	4238331659	103	JP #3	FARMER (SAN ANDRES)	1.0	J L DAVIS
8115679	27542	4238331660	103	JP #4	FARMER (SAN ANDRES)	1.0	J L DAVIS
-LENOIR M JOSEY INC				RECEIVED: 01/30/81 JA: TX			
8115829	28120	4208900000	102	BEN WALIGURA ET AL UNIT NO 1	GARWOOD NORTH (3590)	365.0	
-LIFESTYLE ENERGY CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115828	28117	4239931517	103	F N ROBINSON NO 1	DEIKE FRY	54.7	UNION TEXAS PETROLEU
-MAY PETROLEUM INC				RECEIVED: 01/30/81 JA: TX			
8115662	27391	4229530825	103	HEIL #2	FOLLETT (MORROW UPPER)	110.0	NORTHERN NATURAL GAS
-MEMBOURNE OIL COMPANY				RECEIVED: 01/30/81 JA: TX			
8115503	26381	4229530851	103	FRASS 68 #3-A ID #04470	FRASS (TONKAWA)	50.0	TRANSWESTERN PIPELIN
8115740	27849	4235731033	103	JUDICE #5 ID #04414	BULER NORTH	10.0	TRANSWESTERN PIPELIN
-MGF OIL CORP				RECEIVED: 01/30/81 JA: TX			
8115754	27917	4211531374	103	KOSLAN #1	ACKERLY (DEAN SAND)	29.8	
-MITCHELL ENERGY CORPORATION				RECEIVED: 01/30/81 JA: TX			
8115567	26827	4249731589	103	CHANDLER DAVIS #2	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPELINE
8115803	28049	4236300000	108	J R HALSELL #13 (39978)	GRAFORD WEST (CADDO CONG	8.0	SOUTHWESTERN GAS PIP
8115805	28059	4236700000	108	L W RAGLE #1 (34842)	DICEY (5200)	5.0	SOUTHWESTERN GAS PIP
8115477	26202	4223733047	103	OLIVER LOVING #1	JERMYN WEST (CADDO)	75.0	
8115804	28050	4236330000	108	P H GAULDIN #2 (41786)	GRAFORD WEST (CADDO CONG	10.0	SOUTHWESTERN GAS PIP
8115806	28061	4236300000	108	W T GREEN #1 (37089)	GRAFORD WEST (CADDO CONG	8.6	SOUTHWESTERN GAS PIP
8115515	26455	4249700000	108	WALTER R BENNETT #1 41506	BOONESVILLE (BEND CONGL	12.0	NATURAL GAS PIPELINE
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 01/30/81 JA: TX			
8115810	28084	4237133091	103	CHARLES B ATHEY NO 3	COYANOSA NORTH (DELAWARE	164.6	EL PASO NATURAL GAS
8115789	28013	4217900000	108	FEE LAND 227 #14	PANHANDLE WEST	7.0	PHILLIPS PETROLEUM C
8115676	27511	4237133090	103	FRED SCHLOSSER ESTATE B #2	ROJO CABALLOS (DELAWARE)	186.2	EL PASO NATURAL GAS
*8115472	26157	4247931890	102	GUILLERMO GARZA B NC 1	DOS PAYASOS E (WILCOX 72	84.3	UNITED TEXAS TRANSMI
*8115813	28087	4237133146	103	JAMES O NEAL NO 11	COYANOSA NORTH (DELAWARE	14.2	EL PASO NATURAL GAS
*8115812	28086	4237133137	103	JAMES O NEAL NO 9	COYANOSA NORTH (DELAWARE	17.5	EL PASO NATURAL GAS
8115811	28085	4233531700	103	MARY FOSTER NO 135	IATAN EAST HOWARD	0.4	GETTY OIL CO
-MONSANTO COMPANY				RECEIVED: 01/30/81 JA: TX			
8115533	26628	4207931172	103	BANK #53-10	LEVELLAND	3.4	CITIES SERVICE CO
8115532	26627	4207931235	103	BANK #53-13	LEVELLAND	2.4	CITIES SERVICE CO
8115536	26634	4207931173	103	BANK #53-14	LEVELLAND	2.3	CITIES SERVICE CO
8115535	26630	4207931138	103	BANK #53-8	LEVELLAND	2.7	CITIES SERVICE CO
8115534	26629	4207931236	103	BANK #53-9	LEVELLAND	1.8	CITIES SERVICE CO
8115573	26889	4207931191	103	DYKE #59-10	LEVELLAND	1.7	CITIES SERVICE CO
8115572	26888	4207931164	103	DYKE #59-13	LEVELLAND	6.2	CITIES SERVICE CO
8115571	26887	4207931192	103	DYKE #59-14	LEVELLAND	1.8	CITIES SERVICE CO
8115574	26890	4207931140	103	DYKE #59-9	LEVELLAND	3.4	CITIES SERVICE CO
8115575	26891	4207931214	103	RITA #52-1	LEVELLAND	2.9	CITIES SERVICE CO
8115552	26701	4207931144	103	RITA #52-11	LEVELLAND	0.1	CITIES SERVICE CO
8115553	26702	4207941189	103	RITA #52-13	LEVELLAND	4.9	CITIES SERVICE CO
8115554	26703	4207931202	103	RITA #52-14	LEVELLAND	0.7	CITIES SERVICE CO
8115556	26705	4207931180	103	RITA #52-3	LEVELLAND	2.3	CITIES SERVICE CO
8115549	26698	4207931178	103	RITA #52-4	LEVELLAND	1.1	CITIES SERVICE CO
8115550	26699	4207931212	103	RITA #52-5	LEVELLAND	4.5	CITIES SERVICE CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8115555	26704	4207931215	103		RITA #52-6
8115551	26700	4207931205	103		RITA #52-9
8115528	26612	4207931200	103		WOOD NO 46-11
8115527	26611	4207931201	103		WOOD NO 46-12
8115526	26610	4207931141	103		WOOD NO 46-15
8115525	26609	4207931177	103		WOOD NO 46-16
8115530	26614	4207931232	103		WOOD NO 46-7
8115529	26613	4207903121	103		WOOD NO 46-8
-MORAN EXPLORATION INC			RECEIVED: 01/30/81 JA: TX		
8115692	27633	4223531316	108		CHILDRESS #2
8115693	27635	4238330267	108		ROCKER B -D- #1 (06156)
-MORMAC OIL & GAS CO			RECEIVED: 01/30/81 JA: TX		
8115562	26809	4250531188	102		VELA GAS UNIT NO 1
-MUSTANG EXPLORATION CO INC			RECEIVED: 01/30/81 JA: TX		
8115507	26395	4246931300	102		GERDES #4
-NAPECO INC			RECEIVED: 01/30/81 JA: TX		
8115675	27498	4244330196	102		ALLISON #A-1
8115778	27991	4221100000	102		CIRCLE DOT RANCH UNIT NO 1
8115777	27990	4221100000	102		MILLER-NEECE UNIT #1-240
8115671	27422	4244330077	102		RASHAP #1
-NORTH CENTRAL OIL CORPORATION			RECEIVED: 01/30/81 JA: TX		
8115769	27965	4221500000	108		H L MARTIN NO 1 (84378)
-NORTH STAR PETROLEUM CORPORATION			RECEIVED: 01/30/81 JA: TX		
8115496	26312	4223300000	108		E P HACKLEY #1 (42528)
-O H BERRY			RECEIVED: 01/30/81 JA: TX		
8115478	26205	4223500000	103		FAWN A-1
-OIL AND GAS CO			RECEIVED: 01/30/81 JA: TX		
8115817	28099	4205100000	102		W E ALLEY UNIT #1
-PALO PETROLEUM INC			RECEIVED: 01/30/81 JA: TX		
8115696	27650	4213332411	103		FLEMING NO 1
-PALO-PLACER			RECEIVED: 01/30/81 JA: TX		
8115727	27830	4246131491	103		AMACKER 46-1
8115726	27829	4246131492	103		AMACKER 46-2
8115728	27831	4246131521	103		AMACKER 46-3
8115730	27833	4246131529	103		MCDANIEL 36-1
8115729	27832	4246131530	103		MCDANIELS 36-2
8115731	27834	4246131544	103		WILSON 45-1
-PARKER & PARSLEY INC			RECEIVED: 01/30/81 JA: TX		
8115792	28018	4232930919	103		ANDREW BRADFORD NO 1
8115791	28015	4232930918	103		JACKSON A NO 1
8115485	26276	4217331045	103		WALTON A NO 1
8115790	28014	4232930912	103		WINDHAM NO 1
-PEERLESS OIL CO INC			RECEIVED: 01/30/81 JA: TX		
8115711	27733	4235731887	102		WYLER #1
-PENNZOIL PRODUCING COMPANY			RECEIVED: 01/30/81 JA: TX		
8115458	25989	4221530433	103		ADERHOLD UNIT NO 5-U
8115658	27298	4235531248	103		E A KINSEY NO A-3
8115457	25988	4235500000	103		E A KINSEY NO B-3-F
-PETROLERO EXPLORATIONS INC			RECEIVED: 01/30/81 JA: TX		
8115767	27959	4239931046	102		C R YATES #1 - 08151
8115766	27958	4239931525	102		PRICE #1 - 08278
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 01/30/81 JA: TX		

FIELD NAME	PROD	PURCHASER
LEVELLAND	1.8	CITIES SERVICE CO
LEVELLAND	5.3	CITIES SERVICE CO
LEVELLAND	5.6	CITIES SERVICE CO
LEVELLAND	4.4	CITIES SERVICE CO
LEVELLAND	2.1	CITIES SERVICE CO
LEVELLAND	10.3	CITIES SERVICE CO
LEVELLAND	2.3	CITIES SERVICE CO
LEVELLAND	3.6	CITIES SERVICE CO
ELA SUGG (WOLFCAMP)	8.8	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	4.7	NORTHERN NATURAL GAS
ROLETA (8200) - (PROPOSE	550.0	DELHI GAS PIPELINE C
NURSERY (3440)	120.0	RAY ENERGY CORP
WILBOURNE (DETRITAL)	110.0	NATURAL GAS PIPELINE
CIRCLE DOT (ATOKA)	202.0	NATURAL GAS PIPELINE
CIRCLE DOT (UPPER MORROW	289.0	NATURAL GAS PIPELINE
RASHAP (PENN)	110.0	NATURAL GAS PIPELINE
PENITAS (7400)	13.0	CENTRAL POWER & LIGH
PANHANDLE E (ALBANY DOL	20.2	DIAMOND SHAMROCK COR
SIXTY-SEVEN CANYON	6.0	NORTHERN NATURAL GAS
GIDDINGS (AUSTIN CHALK)	27.4	FERGUSON CROSSING PI
BLIND HOG (RANGER)	36.5	ODESSA NATURAL CORP
SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
PEGASUS (SPRABERRY)	15.0	PHILLIPS PETROLEUM C
WEATHERFORD ATOKA (UPPER	28.0	NATURAL GAS PIPELINE
SAN CARLOS (FF-2)	219.0	TRUNKLINE GAS CO
AGUA DULCE (YAHUDE RESER	450.0	UNITED GAS PIPE LINE
AGUA DULCE (WINFIELD STR	43.0	UNITED GAS PIPE LINE
OUTLAWS (GOEN REEF)	0.0	UNION OF TEXAS PETRO
OUTLAWS (GOEN REEF)	51.5	UNION TEXAS PETROLEU

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8115623	27198	4213533350	103		(18713) GOLDSMITH ADOBE UT #18-7
8115796	28035	4238300744	108		JEFFS #2 (01612)
8115797	28037	4237103785	108		ODOM-D #2 (20644)
8115768	27963	4240130000	108		PENNY #2
-PIONEER PRODUCTION CORPORATION			RECEIVED: 01/30/81 JA: TX		
8115750	27889	4239330800	103		FIELDS-MAHLER #5-98
8115624	27205	4229500000	103		JOE INKE #2-982
-POGO PRODUCING COMPANY			RECEIVED: 01/30/81 JA: TX		
8115501	26371	4224531384	102		MCFADDIN TRUST #1
-POLK & PATTON INC			RECEIVED: 01/30/81 JA: TX		
8115538	26655	4236332330	102		RIDGEWOOD ESTATES #1
-PYRAMID EXPLORATION			RECEIVED: 01/30/81 JA: TX		
8115724	27822	4240730419	102		ELMORE NO 1 88298
-R L BURNS CORP			RECEIVED: 01/30/81 JA: TX		
8115702	27695	4247931331	103		RETTIG NO 13
8115703	27696	4247931402	103		RETTIG NO 21
8115704	27697	4247931547	103		RETTIG NO 23
8115705	27698	4247931741	103		RETTIG NO 24-A
8115706	27699	4247931803	103		RETTIG NO 25
8115707	27700	4247931802	103		RETTIG NO 26
8115708	27701	4247931812	103		RETTIG NO 27
-R LACY INC			RECEIVED: 01/30/81 JA: TX		
8115739	27849	4236531024	103		CAMERON UNIT 3 #5
8115738	27847	4220330594	103		VERHALEN #7
8115737	27846	4220330700	103		VERHALEN UNIT #11
-REALITOS ENERGY CORP			RECEIVED: 01/30/81 JA: TX		
8115502	26380	4248131987	102		MRNUSTIK GAS UNIT NO 1
8115776	27988	4246931561	103		WELDON L SCHMIDT NC 1
8115508	26407	4249131902	102		WENDEL-HARRIS NO 2
-REALITOS IV EXPLORATION PROGRAM			RECEIVED: 01/30/81 JA: TX		
8115557	26706	4246931560	102		AGNES MURPHY NO 1
-REPUBLIC OIL & GAS CORP			RECEIVED: 01/30/81 JA: TX		
8115406	25852	4242731408	102		ELOY #1
-ROCKWOOD RESOURCES INC			RECEIVED: 01/30/81 JA: TX		
8115718	27801	4223931474	103		BENNIE NO 1
8115717	27799	4248131796	102		EDWARD L FRELS NO 1
8115586	26967	4248131890	102		KELLY NO 1
-RYDER SCOTT OIL CO			RECEIVED: 01/30/81 JA: TX		
8115802	28047	4207731558	102		WINKLER #1
-SAMEDAN OIL CORPORATION			RECEIVED: 01/30/81 JA: TX		
8115536	26892	4270230122	102		STATE TRACT 818-L #C-1
-SANCHEZ-OBRIEN MINERALS CORP			RECEIVED: 01/30/81 JA: TX		
8115497	26321	4250531185	102		3-D RANCHES LTD GU NO 1
-SANTA FE ENERGY COMPANY			RECEIVED: 01/30/81 JA: TX		
8115483	26253	4216531507	103		FOLK A #5
-SAXON OIL COMPANY			RECEIVED: 01/30/81 JA: TX		
8115827	28116	4238331665	103		STATE EIGHT NO 1
-SAYERS OPERATING CO			RECEIVED: 01/30/81 JA: TX		
8115610	27104	4203330521	103		CLAYTON-JOHNSON RRC # 62529
8115609	27103	4222732119	103		HELEN RRC # 25898
8115584	26938	4203330566	103		JONES NO 1 62940
-SEARCH DRILLING CO			RECEIVED: 01/30/81 JA: TX		

FIELD NAME	PROD	PURCHASER
GOLDSMITH (5600)	24.0	EL PASO NATURAL GAS
SPRABERRY (TREND AREA)	14.0	NORTHERN NATURAL GAS
PUCKETT (ELLENBURGER)	16.0	NORTHERN NATURAL GAS
EAST TEXAS	0.8	PARADE CO
MENDOTA NW	275.0	PIONEER NATURAL GAS
N MAMMOTH CREEK	110.0	NORTHERN NATURAL GAS
FRENCH ISLAND (MARGL)	180.0	WINNIE PIPELINE CO
MINERAL WELLS S (CONGL)	127.7	SOUTHWESTERN GAS PIP
FLORES (10970)	150.0	TEXAS EASTERN TRANSM
SEGUNDO (OLMOS)	17.8	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	34.6	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	27.7	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	137.9	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	70.3	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	124.1	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	339.0	HOUSTON PIPE LINE CO
CARTHAGE (TRAVIS PEAK LO	206.0	ARKANSAS LOUISIANA G
WASKOM (COTTON VALLEY)	35.0	ARKANSAS LOUISIANA G
SCOTTSVILLE SW (PAGE)	146.0	ARKANSAS LOUISIANA G
WILDCAT-PROPOSED JONES C	0.0	TRANSCONTINENTAL GAS
COLOGNE (4700)	0.0	TENNESSEE GAS PIPELI
WILDCAT-PROPOSED WHARTON	365.0	HOUSTON PIPE LINE CO
WILDCAT - PROPOSED GAFFN	365.0	DELHI GAS PIPELINE C
KELSEY SOUTH (5730) FIEL	20.0	SUN GAS CO
GANADO E (WHISLER)	0.0	LONE STAR GAS CO
JONES CREEK N (5050)	0.0	FLORIDA GAS TRANSMIS
MILLJE (7140 FRIO) FIELD	0.0	LONE STAR GAS CO
WINKLER (CONGL)	30.0	TEXAS UTILITIES FUEL
MSTG IS BLK 818L & A20L	900.0	EL PASO NATURAL GAS
BLANCAS CREEK (8600) PRO	500.0	TRANSCONTINENTAL GAS
HANFORD (SAN ANDRES)	9.0	
SPRABERRY (TREND AREA)	26.7	PHILLIPS PETROLEUM C
GOOD	28.0	GETTY OIL CO
COAHOMA N (FUSSELMAN)	0.0	GETTY OIL CO
SEVEN-J (STRAWN)	30.0	SUN GAS CO

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8115513	26446	4248330648	107	FARRIS C NO 2-18	FARRIS-HUNTON	2500.0	EL PASO NATURAL GAS
-SERVICE DRILLING CO				RECEIVED: 01/30/81 JA: TX			
8115682	27552	4223300000	108	W A CARVER A #7	PANHANDLE	0.3	DIAMOND SHAMROCK COR
-SHELL OIL CO				RECEIVED: 01/30/81 JA: TX			
8115614	27117	4221530927	103	BOSTON-TEXAS LAND TRUST #13	JAVELINA (VICKSBURG LO 1	150.0	NATURAL GAS PIPELINE
8115669	27405	4249531225	103	SEALY SMITH FOUNDATION #182A	MONAHANS (CLEAR FORK)	73.0	EL PASO NATURAL GAS
8115643	27254	4213300000	109	SLATOR B #7	TXL (SAN ANDRES)	9.1	SHELL OIL CO
8115644	27255	4213300000	109	SLATOR B #8	TXL (SAN ANDRES)	9.1	SHELL OIL CO
8115635	27243	4213300000	108	SLATOR E-#12L	TXL (DEVONIAN)	7.4	SHELL OIL CO
8115637	27247	4213300000	108	THOMAS B TR #11 #13	TXL (SAN ANDRES)	1.0	SHELL OIL CO
8115636	27246	4213300000	108	THOMAS B TR #11 #15	TXL (SAN ANDRES)	1.6	SHELL OIL CO
8115638	27248	4213300000	108	THOMAS B TR #11 #7U	TXL (SAN ANDRES)	1.0	SHELL OIL CO
8115640	27250	4213300000	108	THOMAS B TR L #14	TXL (SAN ANDRES)	1.0	SHELL OIL CO
8115639	27249	4213300000	108	THOMAS B TR L #16	TXL (SAN ANDRES)	1.4	SHELL OIL CO
8115648	27260	4213300000	108	THOMAS C #6U	TXL (SAN ANDRES)	0.0	SHELL OIL CO
8115647	27259	4213300000	108	THOMAS C #8	TXL (SAN ANDRES)	0.0	SHELL OIL CO
8115645	27256	4213300000	108	THOMAS DEE #6	TXL (SAN ANDRES)	0.0	SHELL OIL CO
8115629	27236	4213300000	108	TXL NORTH UNIT NO 621L	TXL (TUBB)	7.0	SHELL OIL CO
8115628	21233	4213300000	108	TXL NORTH UNIT NO 642L	TXL (TUBB)	2.0	SHELL OIL CO
8115627	27234	4213300000	108	TXL NORTH UNIT NO 738	TXL (TUBB)	0.8	SHELL OIL CO
8115656	27268	4213300000	108	TXL NORTH UNIT NO 740	TXL (TUBB)	0.5	SHELL OIL CO
8115655	27267	4213300000	108	TXL NORTH UNIT NO 745L	TXL (TUBB)	1.3	SHELL OIL CO
8115654	27266	4213300000	108	TXL NORTH UNIT NO 753	TXL (TUBB)	0.0	SHELL OIL CO
8115653	27265	4213300000	108	TXL NORTH UNIT NO 757	TXL (TUBB)	2.7	SHELL OIL CO
8115652	27264	4213300000	108	TXL NORTH UNIT NO 776	TXL (TUBB)	5.4	SHELL OIL CO
8115651	27263	4213300000	108	TXL NORTH UNIT NO 778	TXL (TUBB)	0.0	SHELL OIL CO
8115642	27252	4213300000	108	TXL-D-#7	TXL (SAN ANDRES)	3.3	SHELL OIL CO
8115641	27251	4213300000	108	TXL-D-#8	TXL (SAN ANDRES)	2.8	SHELL OIL CO
8115632	27240	4213300000	108	TXL-DEVONIAN MAIN PAY UT #303	TXL (DEVONIAN-MAIN PAY)	3.2	SHELL OIL CO
8115631	27239	4213300000	108	TXL-DEVONIAN MAIN PAY UT #503	TXL (DEVONIAN-MAIN PAY)	0.0	SHELL OIL CO
8115630	21231	4213300000	108	TXL-DEVONIAN MAIN PAY UT #603	TXL (DEVONIAN-MAIN PAY)	13.4	SHELL OIL CO
8115646	27258	4213300000	108	TXL-K-TR 1 #17	TXL (SAN ANDRES)	0.0	SHELL OIL CO
8115649	27261	4213300000	108	TXL-L-A/C 1 WELL #35	GOLDSMITH W (SAN ANDRES)	12.3	SHELL OIL CO
8115650	27262	4213300000	108	TXL-L-A/C 1 WELL #7	GOLDSMITH W (SAN ANDRES)	4.0	SHELL OIL CO
8115634	27242	4213300000	108	TXL-M-#4	TXL (SAN ANDRES)	12.1	SHELL OIL CO
8115633	27241	4213300000	108	TXL-M-#5	TXL (SAN ANDRES)	10.5	SHELL OIL CO
8115613	27116	4221530974	103	WOODS CHRISTIAN NO 24	MCALLEN RANCH (VICKSBURG	200.0	VALERO INTERSTATE TR
-SMACKOVER SHELL LIMITED				RECEIVED: 01/30/81 JA: TX			
8115596	27049	4221330049	102	A G JONES GU #1 WELL #1	EUSTACE (SMACKOVER)	1600.0	LONE STAR GAS CO
8115751	27907	4221330215	102	JOHNNIE MOSELEY UNIT 1 NO 2	EUSTACE (SMACKOVER)	1800.0	LONE STAR GAS CO
-SOHIO PETROLEUM CO				RECEIVED: 01/30/81 JA: TX			
8115657	27281	4224731219	103	S K EAST NO 429	PRADO (COMBINED ZONES)	314.0	VALERO INTERSTATE TR
*8115570	26878	4217331048	103	SPRABERRY DRIVER UT NO 872	SPRABERRY (TREND AREA)	13.0	EL PASO NATURAL GAS
-SUBURBAN PROPANE GAS CORP				RECEIVED: 01/30/81 JA: TX			
8115565	26823	4210532885	103	MEYBIN 4 NO 4	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 01/30/81 JA: TX			
8115512	26445	4213500000	108	FOSTER JOHNSON UNIT NO 15-7	FOSTER (GRAYBURG)	1.0	ODESSA NATURAL CORP
8115621	27191	4222700000	108	L C DENMAN -C- NO 8	IATAN E HOWARD	0.0	GETTY OIL CO
8115541	26671	4222700000	109	WARDER NO 18	HOWARD-GLASSCOCK	0.7	PHILLIPS PETROLEUM C
8115540	26670	4222700000	108	WARDER NO 36	HOWARD-GLASSCOCK	0.4	PHILLIPS PETROLEUM C
-SUPERIOR OIL CO				RECEIVED: 01/30/81 JA: TX			
8115779	27995	4228730736	103	EDGMON-CAMERON NO 3	GIDDINGS (AUSTIN CHALK)	360.0	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-T A O ENERGY				RECEIVED: 01/30/81 JA: TX			
8115697	27683	4236332377	103	J T COOK NO 1	PERRIN SW (CONGL 4850)	0.0	LONE STAR GAS CO
-TAMPA COVE INVESTMENTS INC				RECEIVED: 01/30/81 JA: TX			
8115451	25968	4220130985	102	ALTA G LONGENBAUGH UNIT #1	CYPRESS W WILCOX (C-6) P	250.0	TRUNKLINE GAS CO
-TAYLOR OPERATING COMPANY				RECEIVED: 01/30/81 JA: TX			
8115683	27570	4223700000	103	MIDDLEBROOKS-CAMPSEY NC 2 (89405)	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPE CO
-TENNECO OIL COMPANY				RECEIVED: 01/30/81 JA: TX			
8115487	26283	4242731429	102	T B SLICK ESTATE NC 73	HINDE	400.0	TENNESSEE GAS PIPELI
-TERRA RESOURCES INC				RECEIVED: 01/30/81 JA: TX			
8115720	27810	4248131849	102	ELIZABETH HARRISON #1	WHARTON WEST	169.0	NATURAL GAS PIPELINE
-TERRELL OIL CO				RECEIVED: 01/30/81 JA: TX			
8115589	26980	4215131061	102	JAKE T WEIR NO 1 (16127)	HAMLIN NORTH (CANYON)	85.0	PALO DURO PIPELINE C
-TEXACO INC				RECEIVED: 01/30/81 JA: TX			
8115672	27427	4224731225	102	A K EAST FEE #19	BLACK DIAMOND (PETTUS 1)	30.7	VALERO TRANSMISSION
8115471	26140	4232930889	102	FIRST UNITED METH CHURCH #1	BRADFORD RANCH (ATOKA)	291.0	
8115581	26904	4226130488	102	YTURRIA L & C NCT-1 #42-U	RAYMONDVILLE (A-6)	37.0	TENNESSEE GAS PIPELI
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 01/30/81 JA: TX			
8115545	26688	4205130757	102	CRUMP-GIESSEL #1	GIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
8115546	26689	4205130773	102	LOCKHART-FASKE #1	GIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
8115410	25868	4220300000	103	THOMPSON #1	BETHANY	7.1	UNITED GAS PIPELINE
-TEXAS OIL & GAS CORP				RECEIVED: 01/30/81 JA: TX			
8115524	26602	4223500000	103	WINTERBOTHAM F #2	DOVE CREEK (CANYON D)	183.0	COLUMBIA GAS TRANSMI
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED: 01/30/81 JA: TX			
8115615	27118	4246131562	102	DAMRON C #1	HELUMA S E	1.2	PHILLIPS PETROLEUM C
-THREE-B OIL CO				RECEIVED: 01/30/81 JA: TX			
8115455	25981	4210532741	103	SHANNON LINDA #1	NOELKE N E (QUEEN)	0.0	EL PASO NATURAL GAS
-TOMLINSON OIL CO INC				RECEIVED: 01/30/81 JA: TX			
*8115695	27649	4250131945	103	OBERHOLTZER #2	REEVES (SAN ANDRES)	8.6	PHILLIPS PETROLEUM C
-TOWNSEND CO				RECEIVED: 01/30/81 JA: TX			
8115542	26677	4239900000	103	CHARLES MATSCHEK NC 2-L	ROWENA NORTH (GARDNER LI	25.0	LONE STAR GAS CO
8115543	26678	4239900000	103	CHARLES MATSCHEK NO 2-U	ROWENA NORTH (CAPPS UPPE	25.0	LONE STAR GAS CO
8115544	26679	4239900000	103	CHARLES MATSCHEK NC 5	ROWENA NORTH (CAPPS LOWE	25.0	LONE STAR GAS CO
-TUCKER DRILLING COMPANY INC				RECEIVED: 01/30/81 JA: TX			
8115510	26417	4223531522	103	FRANK LINDLEY #3	CHRISTI (CANYON 6800)	36.0	CRA INC
-UNION OIL COMPANY OF CALIF				RECEIVED: 01/30/81 JA: TX			
8115698	27670	4213533338	103	MOSS UNIT #1-10	COWDEN SOUTH	10.0	ODESSA NATURAL CORP
-UNITED PETRCSEARCH INC				RECEIVED: 01/30/81 JA: TX			
8115800	28044	4217930717	103	BAILEY-JOHNSON #1	EAST PANHADLE GAS	76.7	PHILLIPS PETROLEUM C
8115801	28046	4217930721	103	F BAILEY #1	EAST PANHADLE GAS	21.2	PHILLIPS PETROLEUM C
8115799	28043	4217930716	103	J BAILEY #1	EAST PANHANDLE GAS	0.0	PHILLIPS PETROLEUM C
8115798	28042	4217930718	103	L HARLAN #1	EAST PANHADLE GAS	23.7	PHILLIPS PETROLEUM C
-W C S PETROLEUM INC				RECEIVED: 01/30/81 JA: TX			
8115411	25883	4205130738	102	JOHN LAWRENCE UNIT #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-W M NULL				RECEIVED: 01/30/81 JA: TX			
8115591	27018	4212731892	102	STUMBERG RANCH #1 (#06089)	STUMBERG (OLMOS 4150)	14.0	VALERO TRANSMISSION
8115591	27018	4212731892	103	STUMBERG RANCH #1 (#06C85)	STUMBERG (OLMOS 4150)	14.0	VALERO TRANSMISSION
-WALSH AND WATTS INC				RECEIVED: 01/30/81 JA: TX			
8115700	27672	4215100000	103	BOYD D #6 (10970)	JUDY GAIL (CANYON SAND)	0.0	LONE STAR GAS CO
8115699	27671	4215100000	103	BOYD D #7 (10970)	JUDY GAIL (CANYON SAND)	0.0	LONE STAR GAS CO
8115795	28034	4249500000	108	COLBY NO 3 (032021	KERMIT	18.0	CABOT CORP
8115744	27856	4215100000	103	YORK NO 1 (15270)	JUDY GAIL (CANYON SAND)	0.0	LONE STAR GAS CO
8115745	27857	4215100000	103	YORK NO 2 (15270)	JUDY GAIL (CANYON SAND)	0.0	LONE STAR GAS CO

JD NO	FIELD NAME	SEC'D WELL NAME	VOLUME (MCF)	PAGE 012 DISPOSITION
-WALTER EXPLORATION INC			RECEIVED: 01/30/81	JA: TX
8115772	27979	4236332301 103	RICHARDSON GAS UNIT NC 1	0.0 EL PASO NATURAL GAS
-WARREN PETR CO A DIV OF GULF OIL CO	SAND HILLS (TUBB)	4210332270 103	RECEIVED: 01/30/81	JA: TX
8115734	27843	HATTIE CONNELL ET AL NO 4-22		0.0 LONE STAR GAS CO
8115823	28104	C-BAR (TUBB)		11.0 EL PASO NATURAL GAS
8115824	28100	4210332246 103	J V TERRILL A NO 12	21.0 EL PASO NATURAL GAS
8115822	28107	4210332247 103	J V TERRILL A NO 13	0.0 EL PASO NATURAL GAS
8115821	28106	4210332251 103	STATE EB NO 9	2.0 EL PASO NATURAL GAS
8115820	28105	4210332258 103	STATE EC NO 5	1.0 EL PASO NATURAL GAS
8115735	27844	4210300000 103	STATE EE NO 7	1.0 EL PASO NATURAL GAS
8115733	27842	4210332287 103	TUBB NO 5	24.0 EL PASO NATURAL GAS
-WAYMAN W BUCHANAN		4247532041 103	UNIVERSITY 18-29 WELL NO 2	241.0 VALERO TRANSMISSION
8115684	27572	4210332261 103	W A ESTES NO 108	11.0 EL PASO NATURAL GAS
8115685	27574	RECEIVED: 01/30/81	JA: TX	
8115659	27324	4246131575 103	CONNELL EST A NO 1	14.5 PHILLIPS PETROLEUM C
-WESTLAND OIL DEVELOPMENT CORP		4246131462 103	CONNELL EST NO 2	14.5 PHILLIPS PETROLEUM C
8115560	26786	4214930527 103	W M MCCOLLUM NO 1	56.0 PHILLIPS PETROLEUM C
-WILDROOK EXPLORATION INC		RECEIVED: 01/30/81	JA: TX	
8115691	27608	4200331176 103	UNIVERSITY 6-25SE NO 1	12.0 PHILLIPS PETROLEUM C
8115548	26694	RECEIVED: 01/30/81	JA: TX	
8115547	26693	4213332255 103	HALEY-HUNTER NO 1 (161311)	20.0 LONE STAR GAS CO
8115690	27603	4213331899 103	HANCOCK #2-C (185408)	22.0 LONE STAR GAS CO
-WINDSOR PRODUCING CO		4213331900 103	HANCOCK #3 (847951)	51.0 LONE STAR GAS CO
8115709	27703	4213332112 103	JUANITA MASSENGALE A NC 2	25.0 LONE STAR GAS CO
8115710	27716	RECEIVED: 01/30/81	JA: TX	
-WORLD PRODUCERS INC		4205130531 103	KNOX #1	150.0 PGP GAS PRODUCTS INC
8115719	27809	4228730355 103	STORK #1	225.0 PGP GAS PRODUCTS INC
8115742	27854	RECEIVED: 01/30/81	JA: TX	
8115743	27855	4236731762 102	L S BYRD #4	72.0 NATURAL GAS PIPELINE
-WYNN D MILLER		4223732892 102	MARLEY PARRISH E #6	0.0 SOUTHWESTERN GAS PIP
8115495	26308	4223733099 102	MARLEY PARRISH F #7	30.0 SOUTHWESTERN GAS PIP
8115494	26307	RECEIVED: 01/30/81	JA: TX	
-ZINN PETROLEUM CO		4202531300 103	SID I MALONE NO 3	60.0 FERGUSON CROSSING PI
8115523	26597	4202531284 103	SID MALONE NO 2	66.0 FERGUSON CROSSING PI
		RECEIVED: 01/30/81	JA: TX	
		4219931376 102	KIRBY FOREST IND #1 (869643)	128.0 HOUSTON PIPELINE CO

OTHER PURCHASERS

8115456	TEXAS UTILITIES FUEL CO
8115472	TRANSCONTINENTAL GAS P L CO
8115488	UNITED GAS P L CO
8115504	TEXAS EASTERN TRANS CO
8115570	PHILLIPS PETROLEUM CO
8115605	EL PASO NATURAL GAS CO
8115612	PIONEER NATURAL GAS CO
8115613	PIONEER NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 16, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

BILLING CODE 6450-85-M

[FR Doc. 81-3827 Filed 2-26-81; 8:45 am]

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CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	APPLICANT	WELL NAME	ORIG. FERC VOL. NO.	DATE PUB. IN FEDERAL REGISTER	R: Revision of Retional Agency C: Correction to Prior Fed. Reg. Notice
81-10027	WV	Fox Drilling Co Inc	H POLINC #3	349	01/29/81	R: Control No. deleted (Refer to 81- 10024)
81-09975 81-09976 thru 81-09986	WV	Fuel Resources Inc	Jr. Phillips #1	349	01/29/81	C: 108 Denied
	WV	Pennzoil/Consolidated Cas/ W. E. Smith		349	01/29/81	C: Control No. deleted (filings were corrections to previous filings)
81-10026	WV	Fox Drilling Co Inc	H POLINC #2	349	01/29/81	R: Control No. deleted (Refer to 81-10025)
81-10576	TX	Placid Oil Co	PAUL P ROGERS #2	352	02/04/81	C: 102 only approved, not 107
81-10427	TX	Phillips Petroleum Co	BUELOW #2	352	02/04/81	C: 103 & 108 approved
79-06286	LA	Texaco Inc	SL 340 Cote Blanche IS #172			C: 103 & 107 approved
79-08595	LA	Texaco Inc	10300 RH SUA St. Martin PSB #22	41	07/06/79	C: 102 & 103 approved
79-11323	LA	Texaco	VUL DGL U-12 #55	50	07/23/79	C: 102 & 103 approved
80-07578	LA	Texaco Inc	7200 RA SUA DDC #3	127	01/22/80	C: 102 & 103 approved
81-11908	TX	Grand Banks Energy Co	E B CHALKLEY #2	356	02/05/81	C: Well Name
81-09975	WV	Fuel Resources Inc	Jr. Phillips #1	349	01/29/81	C: Denied

BILLING CODE 6450-85-C

Office of Hearing and Appeals

Issuance of Proposed Decisions and Orders; Week of January 26 Through January 30, 1981

During the week of January 26 through January 30, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Departmeent of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decisions and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 20, 1981.

Cooper Oil Company, Farmington, Missouri, BEE-0734, motor gasoline

Cooper Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Cooper Oil Company to increase its base period allocation of motor gasoline for the purpose of blending and marketing gasohol. On January 27, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Twin-Tech Oil Company, Washington, D.C., DEX-0212, DXE-0069, natural gasoline

Twin-Tech Oil Company filed an application for Exception from the provision of 10 CFR Part 212, Subpart K. In response to this Application, the Department of Energy determined in *Twin-Tech Oil Co.*, 6 FEA ¶ 83,126 (1977), and *Twin-Tech Oil Co.*, 5 FEA ¶ 80,565 (1977), that the firm should be granted partial exception relief permitting it to prospectively increase its maximum lawful selling prices for natural gas liquids and natural gas liquid products and that the firm's request for retroactive exception relief should be denied. Subsequently, *Twin-Tech Oil Co., v. Schlesinger*, 462 F. Supp. 639 (S.D. Tex. 1978), and *Twin-Tech Oil Co. v. Schlesinger*, 603 F. 2d 197 (Temp. Emer. Ct. App. 1979) directed the DOE to reconsider its earlier determination with respect to the firm's Application for Exception. On January 27, 1981, the DOE issued a Proposed Decision and Order which determined that Twin-Tech be granted additonal prospective exception relief. After a reconsideration on the merits, the firm's request for retroactive exception relief was tentatively denied. In addition, the DOE determined that Twin-Tech's October 18, 1977 application for extension of the exception relief previously approved should be partially granted.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Company Name, Case No., and Location

Ligon's Service Station, BEE-1181, Petersburg, KY

[FR Doc. 81-66 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders; Week of January 26 through January 30, 1981

During the week of January 26 through January 30, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendixa to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 20, 1981.

Ed's Auto Service, San Lorenzo, California, BRO-1379, motor gasoline

On January 28, 1981, Ed's Auto Service, 1210 Blockman, San Lorenzo, CA. 94580 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the PRO the Western District found that during the period October 1, 1979 through October 3, 1980, Ed's Auto Service committed pricing violations in the sale of motor gasoline in the State of California.

According to the PRO the Ed's Auto Service violation resulted in $10,686.49 of overcharges.

This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

InterNorth, Inc., Omaha, Nebraska, BRO-1380, natural gas liquids

On January 30, 1981, InterNorth, Inc., 2223 Dodge Street, Omaha, Nebraska 68102, filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on December 31, 1980. In the PRO the Central Enforcement District found that during the period September 1, 1973 through October 31, 1978, InterNorth charged prices for natural gas liquid products which exceeded the prices permitted by 10 CFR 212.82, 212.143 and 212.163.

According to the PRO the InterNorth, Inc. violation resulted in $203 million of overcharges.

Rucci Oil Co., New York, New York, BRO-1378, heating oil

On January 28, 1981, Rucci Oil Company, 1693 Richmond Terrace, Staten Island, New York 10310, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on January 11, 1980. In the PRO the Northeast District found that during the period November 1, 1973 through December 31, 1974, Rucci Oil Company sold No. 2 heating oil to certain of its customers at prices in excess of those allowed under 10 CFR 212.93(a).

According to the PRO the Rucci Oil Company violation resulted in $283,435 of overcharges.

South Fork Marina, Mystic, Iowa, BRO-1381, motor gasoline

On January 30, 1981, South Fork Marina, Route 1, Mystic, Iowa 52574 filed a Notice of Objection to a Proposed Remedial Order which the DOE Central district Office of

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Enforcement issued to the firm on October 22, 1980. In the PRO the Central District found that during the period April 24, 1980 through August 23, 1980, South Fork Marina committed pricing violations in the sale of motor gasoline in the State of Iowa.

According to the PRO the South Fork Marina violation resulted in $1,684.58 of overcharges.

This Notice of Objection has been transferred to the Central Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 81-86 Filed 2-26-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Central Valley Project Proposed Centralia and Northwest Power Rate Adjustment

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of Proposed Power Rate Adjustment (Central Valley Project, California) for Sales of Centralia Capacity and Energy and Northwest Energy to the Pacific Gas and Electric Company.

SUMMARY: The Western Area Power Administration (Western) is proposing an adjustment in the rate for sales of Centralia capacity and energy and Northwest energy made under the contract with the Pacific Gas and Electric Company (PG&E) entitled "Sale, Interchange and Transmission Contract No. 14-06-200-2948A" (Contract No. 2948A). The proposed rate schedule is printed in its entirety under the Supplementary Information section below. The proposed rate would be established in accordance with the provisions of Contract No. 2948A, the Delegation Order No. 0204-33, 43 FR 60636 (December 28, 1978), and the "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Procedures), 45 FR 86976 (December 31, 1980); 10 CFR Part 903. Written public comment on this proposed rate adjustment is invited. Central Valley Project (CVP) contractors and other interested parties will be contacted regarding this proposed power rate adjustment. A public information forum and a public comment forum will be held in accordance with the current Western procedures for public participation in rate adjustments.

DATES: The proposed rate for Centralia capacity and energy would be for the period of April 1, 1981, through December 31, 1981, and for Northwest energy would be for the period of April 1, 1981, through March 31, 1986. A public information forum will be held March 17, 1981, and a public comment forum on March 31, 1981. Each forum will begin at 9:30 a.m. in the Sutter Mill Room, Holiday Inn—Holidome, 5321 Date Avenue, Sacramento, California.

At the public information forum Western will outline the reasons for, and set forth the methodology of, the proposed rate adjustment. The public comment forum will afford the public an opportunity for oral presentation regarding the proposed rate.

Written comments concerning this proposed rate adjustment should be received by the addressees below by no later than April 16, 1981, to be assured of consideration.

ADDRESSES: Interested persons wishing to submit written comments pertaining to the proposed rate adjustment to PG&E for Centralia capacity and energy and Northwest energy should mail a copy of such comments to each of the following:

Mr. David Coleman, Area Manager, Western Area Power Administration, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1535

Mr. James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, RA-50, Federal Building, Washington, DC 20461, (202) 633-8338

FOR FURTHER INFORMATION CONTACT: David Coleman, Area Manager, Western Area Power Administration, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251.

SUPPLEMENTARY INFORMATION: Power rates for the Central Valley Project are established pursuant to the Department of Energy Organization Act of August 4, 1977 (42 U.S.C. 7101, *et seq.*); the Reclamation Act of 1902 (42 U.S.C. 372, *et seq.*) as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

The Secretary of Energy delegated to the Assistant Secretary for Resource Applications, by Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636 (December 28, 1978)), the authority to develop, acting by and through the Administrator (of Western), and to confirm, approve, and place in effect on an interim basis, power and transmission rates; and to the Federal Energy Regulatory Commission (FERC), the authority to confirm and approve, on a final basis, or to disapprove such rates.

The regulations of the Department of Energy entitled "Subpart A—Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions for the Alaska, Southeastern, Southwestern, and Western Area Power Administrations" (10 CFR Part 903) establish procedures for confirmation and approval on an interim basis by the Assistant Secretary for Resource Applications for new, revised, or extended power and transmission rates and provide for opportunities for interested members of the public to participate in the development of such rates. These procedures supplement Delegation Order No. 0204-33 with respect to the activities of the Assistant Secretary for Resource Applications and the power marketing administrations.

Pursuant to Contract No. 2948A between Western and PG&E, Western sells to PG&E, for banking, all dependable capacity and energy which is not required to meet the CVP customer and project loads. Western has purchased, under contracts expiring December 31, 1981, capacity and energy from the Centralia coal-fired powerplant located at Centralia, Washington. From time to time Western purchases dump and exchange energy which can be used beneficially in PG&E's service area. The proposed rate adjustment is for Western's sales to PG&E of Centralia capacity and energy for the period of April 1, 1981, through December 31, 1981, and Northwest energy for the period of April 1, 1981, through March 31, 1986.

Under the Procedures the proposed rate adjustment will increase the Central Valley Project's annual revenue by more than 1 percent and is therefore categorized as major rate action. However, the normal consultation and comment period of 90 days will be shortened to approximately 45 days pursuant to § 903.14 of the Procedures for the following reasons:

The rate for Centralia capacity and energy will be in effect for only 9 months, from April 1, 1981, through December 31, 1981.

Pursuant to a January 27, 1981, letter agreement between Western and PG&E, the rate adjustment and/or submittal to the FERC is to be accomplished by July 1, 1981. This does not allow sufficient time for extended comment and review.

The proper level of the Centralia rate was thoroughly discussed and comments were received during the public forum held prior to establishing the project rate which is identified as Rate Order WAPA-2.

Numerous negotiations and discussions regarding the Centralia sale have been held with PG&E, the CVP customers, and other interested parties during the last 9 months. Western believes that no new issues will be raised or identified during the comment and consultation period.

The proposed rate which the Western Area Power Administration plans to establish pursuant to Contract No. 2948A is as follows:

Proposed Rate Schedule

1. Capacity rate: The annual cost of Centralia capacity will be calculated as the sum of;

a. 100 percent of annual fixed cost to CVP of the Centralia facilities.

b. 65 percent of the annual O&M cost to CVP of the Centralia facilities.

c. 10 percent of the annual fuel cost to CVP for the Centralia facilities.

d. That part of wheeling and capacity reserve annual cost paid to Bonneville Power Administration (BPA) by CVP proportional to the capacity component of the total capacity and energy cost of Centralia.

e. $1,340,000 which is the annual cost to CVP for the use of the Pacific Northwest-Pacific Southwest Intertie facilities.

The monthly capacity charge per kilowatt will be the total annual cost for Centralia capacity divided by 12 and then by 382,000 kilowatts, which is the Centralia capacity delivered to the CVP load center at Tracy.

2. Energy rate: The annual cost of Centralia energy up to 7,050 kWh/kW/yr will be calculated as the sum of:

a. 35 percent of the annual O&M cost to CVP of the Centralia facilities.

b. 90 percent of the annual fuel cost to CVP of the Centralia facilities.

c. That part of the wheeling and capacity reserve annual cost paid BPA by CVP proportional to the energy component of the total capacity and energy cost of Centralia.

d. Estimated annual energy support for Centralia purchased by CVP.

The energy per kilowatthour will be the total energy cost to CVP of Centralia energy divided by the Centralia energy delivered to the CVP load center at Tracy during the year.

3. For both capacity and energy rates: Prior to April 1, 1981, Western will prepare and furnish to PG&E estimated energy and capacity charges for firm Centralia power determined on this basis. These charges will apply to sales to PG&E during the period from April 1, 1981, to December 31, 1981. The billing to PG&E for the previous 9-month period will be adjusted during January 1982, as necessary, based on the best data available to the CVP, and as soon as possible thereafter will be readjusted, as necessary, based on the actual billing power costs to CVP.

4. The rate for Northwest energy in excess of the 7,050 kWh/kW/yr from Centralia before December 31, 1981, and all Northwest energy after December 31, 1981, will be determined by the cost as purchased from the Northwest and adjusted upward for losses to the CVP load center at Tracy.

The proposed rate is a "passthrough" rate that will recover all cost of centralia power incurred by CVP in the purchase of this power, including reserves and the intertie wheeling charge from Malin, Oregon, to Tracy, California. In computing cost to PG&E, the rate will apply to the portion of Centralia capacity and energy that is not used to supply preference customer loads. The previous rate was not a "passthrough" rate because:

a. The capacity rate was a split rate; i.e., all capacity associated with energy at 60-percent capacity factor was sold to PG&E at the cost of Centralia capacity and any capacity sold over and above that associated with energy at 60-percent capacity factor was sold at the lower project rate.

b. The costs of transmission service (wheeling charge) over the Pacific Northwest-Pacific Southwest Intertie from Malin to Tracy were not included as an element to be recovered by the rate.

The proposed rate is one which more nearly reflects cost to the Government and is considered by Western to be fair and equitable. The proposed rate is consistent with the position taken in the Assistant Secretary for Resource Application's rate order (WAPA-2) of October 2, 1979, to the effect that it was intended that the split rate to PG&E would not be perpetuated beyond April 1, 1981, which is the first opportunity to amend the rate under the PG&E contract. Rate Order WAPA-2 was published in 44 FR 57962 (October 9, 1979), and the Assistant Secretary's position presented above appears on page 57969.

Western has not been able to reach agreement with PG&E on the new proposed rate. PG&E, therefore, opposes the proposed rate. It is PG&E's position that the previous rate should continue in effect. Article 32 provides in relevant part:

> If the parties are unable to agree on a change of any rate or charge, the matter shall be submitted to the Federal Power Commission for final decision.

The Federal Power Commission no longer exists. Many of the former Federal Power Commission's functions were transferred to the Federal Energy Regulatory Commission. Also, pursuant to the Delegation Order No. 0204-33 effective January 1, 1979 (43 FR 60636 (December 28, 1978)), the Assistant Secretary for Resource Applications has the authority to develop, acting by and through the Administrator (of Western), and to confirm, approve, and place in effect on an interim basis, power and transmission rates; and the Federal Energy Regulatory Commission has the authority to confirm and approve, on a final basis, or to disapprove such rates. For the above reasons, the Department of Energy interprets contract No. 2948A to provide for decision by the Federal Energy Regulatory Commission in the event Western and PG&E cannot agree on the appropriate rates.

The process for determining the rate is affected both by the provisions of article 32 of Contract No. 2948A and by Delegation Order No. 0204-33 and the new Procedures. After reviewing all of the comments received during the comment period, the Assistant Secretary for Research Applications will determine a position on the rate to PG&E for Centralia capacity and energy and Northwest energy. If PG&E agrees with this position, the Assistant Secretary for Resource Applications will, under the Delegation Order, place the new rate in effect on an interim basis and submit it to the FERC for confirmation and approval on a final basis. If PG&E disagrees with this position, the matter will be submitted to the FERC for final determination as provided in article 32 and the Assistant Secretary for Resource Applications will not place a rate in effect on an interim basis. In either event, the final decision will be retroactive to april 1, 1981, as provided in the letter agreement of January 27, 1981, between the parties.

The proposed rate adjustment will be studied as to the potential for environmental impact in accordance with the National Environmental Policy Act of 1969. The environmental impact, if any, of this rate adjustment will be determined prior to implementation of the proposed rate.

Issued in Golden, Colorado, February 20, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-3795 Filed 2-24-81; 4:08 pm]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1763-6]

Availability of Environmental Impact Statements

AGENCY: Office of Federal activities (A-104), US Environmental Protection Agency.

V 46 / 39 FE 27 81 UMI

PURPOSE: This notice lists the environmental impact statements (EIS's) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of February 16, 1981 to February 20, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from February 27, 1981 and will end on April 13, 1981. The 30-day review period for final EIS's as calculated from february 27, 1981 will end on March 30, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the IES. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

SUMMARY OF NOTICE: This notice sets forth a list of EIS's filed with EPA during the week of February 16, 1981 to February 20, 1981. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's. All additional information relating to EIS's such as time extensions or reductions of prescribed review periods, withdrawals, retractions, corrections or supplemental reports is also noticed under the appropriate agency.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245–3006.

Dated: February 24, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Soil Conservation Service

Draft

UPPER BIG BLUE RIVER WATERSHED PROTECTION, Henry and Rush Counties, Ind., February 19: Proposed is the awarding of financial assistance for protection and flood prevention measures within the upper Big Blue River watershed in Rush and Henry Counties, Indiana. Measure to be completed are 2 flood prevention structures, 18.2 miles of channel work and approximately 25,000 acres of accelerated land treatment. Eight alternatives are considered. (EIS Order No. 810133.)

LOS OLMOS CREEK WATERSHED FLOOD PREVENTION, Jim Hogg and Starr Counties, Tex., February 20: Proposed is the awarding of Federal assistance for a watershed protection and flood prevention plan for the Los Olmos Creek watershed in Jim Hogg and Starr Counties, Texas. The recommended works of improvement consist of one floodwater retarding structure and two dikes to be constructed during a four year installation period. The alternatives consider: (1) construction of one floodwater retarding structure and dikes, (2) use of dikes only, (3) construction of two floodwater retarding structures and dikes, (4) permanent evacuation, and (5) no action. (EIS Order No. 810137.)

EXTENSION: The review period for the above EIS has been extended until May 15, 1981. (No. 810137.)

Forest Service

Final

MAINE SPRUCE BUDWORM MANAGEMENT (1981–1985), several counties in Maine, February 17: This programmatic EIS addresses the awarding of funding on an annual basis for a 5 year spruce budworm integrated pest management program in the counties of Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin and Hancock, Maine. The preferred alternative would involve an increase in the use of silviculture and utilization-marketing, while the use of chemicals is reduced and the use of biologicals is increased. All of the alternatives consider, except no action, an increase in the use of silviculture and utilization-marketing. The alternatives vary in the use of chemicals and biologicals. The cooperating agency is the State of Maine. (USDA–FS–NA–81–01.) Comments made by: HUD, HHS, DOT, EPA, DOI, State and local agencies, groups, individuals and businesses. (EIS Order No. 810126.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

FISHERMAN'S WHARF AREA NAVIGATION IMPROVEMENTS: San Francisco County, Calif., February 20: Proposed are light-draft navigation improvements for the fisherman's wharf area of San Francisco Harbor in San Francisco County, Calif. Improvements would involve the construction of fishing craft harbor consisting of: (1) a 700 foot concrete pile and baffle breakwater extending from the solid portion of the Hyde Street pier; (2) a 1,200 foot concrete sheet pile breakwater extending from the baffled breakwater, with a 10 foot wide concrete walkway and a 370 foot concrete pile and baffle breakwater extending along the bayward end of pier 45. The original draft EIS, No. 751280, filed 8–25–75 was replaced by revised draft, No. 770688, filed 6–2–77. (San Francisco Harbor) (EIS Order No. 810141)

Final

OAKLAND OUTER HARBOR NAVIGATION IMPROVEMENTS: Alameda County, Calif., February 22: Proposed are navigation improvements for the Oakland outer deep-draft harbor in Alameda County, Calif. Improvements will include: (1) deepening the channel to a depth of −42 feet mean low lower water; (2) widening the channel to 1,100 feet at the entrance, and 800 feet adjacent to berth E at the outer harbor dogleg; and (3) relocating the existing turning basin 3,300 feet westward and expanding its width to 1,800 feet. The original draft EIS, No. 760886, filed 6–14–76 was replaced by revised draft EIS, No. 790014, filed 1–3–79. (San Francisco District) Comments made by: DOC, DOI, EPA, USN, DOT, State and local agencies (EIS Order No. 810139)

Final

ROCKPORT GENERATING STATION, PERMIT: Spencer County, Ind., February 17: Proposed is the issuance of a permit for the construction and operation of the Rockport generating station in Spencer County, Ind. The facility would consist of two 1,300 megawatt coal-fired electrical generating units and will require one 1,040-foot stack, two natural draft cooling towers, coal storage area, wastewater treatment system, ash disposal area, barge unloading facilities, and river intake and discharge structures. The project would encompass 3,820 acres and will require two 765 kilovolt transmission lines. (Louisville District) Comments made by: EPA, DOI, DOC, USDA, FERC, HUD, DOT, ORBC, State and local agencies, groups and businesses (EIS Order No. 810125)

TYLER BEACH MAINTENANCE DREDGING, JAMES RIVER: Isle of Wight County, Va., February 19: Proposed is maintenance dredging of Tyler Beach which is located on the west shore of the James River in Isle of Wight County, Va. The preferred alternative involves hydraulically pumping dredged material into a natural trough which is 31 feet deep. Other alternatives consider: (1) No action, and (2) placing dredged material in a previously used upland marsh. (Norfolk District) Comments made by: DOI, EPA, DOC, USDA, State and local agencies (EIS Order No. 810129)

DEPARTMENT OF DEFENSE, ARMY

Contact: Col. Kenneth Halleran, Chief of the Environmental Office, Headquarters DAEN–ZCE, Office of the Assistant Chief of Engineers, Department of the Army, room 1E676, Pentagon, Washington, D.C. 20310, (202) 694–4269.

Draft Supplement

OPERATION RMT, CHEMICAL MATERIAL TRANSPORT (DS–2): Several counties, Utah, February 17: This statement supplements a final EIS, No. 771352, filed 11–4–77 concerning the transporation of chemcial materials from Rocky Mountain Arsenal in Colorado to Toole Army Depot in Utah. This supplement provides additional information concerning the preparation and shipment of the US Naval MK116 MOD 0 weteye bombs filled with nerve agent GB and the results of the 1979 weteye reassessment inspection. (EIS Order No. 810140)

DEPARTMENT OF COMMERCE

Contact: Dr. Robert T. Miki, Acting Deputy Assistant Secretary for Regulatory Policy, room 7814, Department of Commerce, Washington, D.C. 20230, (202) 377–2482.

National Oceanic and Atmospheric Administration.

Draft

FLORIDA COASTAL MANAGEMENT PROGRAM, CZM: Florida, February 20: Proposed is a coastal zone management program for the State of Florida. Approval would allow program administrative grants to be awarded to the State, and would require that Federal actions be consistent with the program. Implementation of the program will enhance governance of the State's coastal land and water areas and uses according to coastal policies and standards contained in existing statutes, authorities and rules. The effect of these is to condition, restrict or prohibit various uses in parts of the coastal zone, while encouraging development and other uses in other parts. (EIS Order No. 810146

ENVIRONMENTAL PROTECTION AGENCY

Draft

Contact: Dr. Stanley Lichtman, Criteria and Standards Division (ANR–460), US Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (703) 557–8927.

INACTIVE URANIUM PROCESSING SITES, STANDARDS: Regulatory, February 19: Proposed are standards for the disposal of uranium mill tailings from inactive processing sites, and for cleanup of land and buildings contaminated by tailings. There presently exists 25 designated sites in 9 states. The standards would involve: (1) limiting random releases within the range of variation found in normal soils, (2) application of ground water standards within one kilometer of existing sites and within 0.1 kilometer at new disposal sites, and (3) consideration of the length of control. (EPA 520/4–80–011) (EIS Order No. 810128)

EXTENSION: The review period for the above EIS has been extended until May 11, 1981. (No. 810128)

Final

Contact: Mr. Daniel Sullivan, Region II, US Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007, (212) 264–1858.

HIGHLANDS AND HIGHLAND FALLS WWT FACILITIES: Orange County, N.Y., February 19: Proposed is the awarding of a grant for the construction of wastewater treatment plants for the town of Highlands and the village of Highland Falls, Orange County, New York. The preferred alternative would involve the construction of a sewage treatment plant at Mine Dock Road which would serve the town. Three alternatives are examined for the village of Highland Falls. Also recommended is the establishment of a septic tank management district to serve homes outside the sewered core area. Comments made by: individuals. (EIS Order No. 810132)

Final

Contact: Mr. John Hagan, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30308 (404) 881–7458.

CRYSTAL RIVER UNITS 4 & 5, NPDES PERMIT: Citrus County, Fla., February 19: Proposed is the issuance of a NPDES permit for the construction and operation of two coal-fired steam electric generating plants at the existing Crystal River complex located in Citrus County, Florida. Components of the facility would include: (1) Two 440 feet tall natural draft salt water cooling towers, (2) two 660 feet tall chimneys, (3) a wastewater treatment system, (4) a coal storage area, and (5) a residuals disposal area. Alternatives are considered concerning: (1) Management, (2) energy source, (3) siting, (4) plant location, (5) cooling systems, (6) water source and intake, (7) wastewater treatment, (8) emissions, (9) waste disposal, (10) transmission, and (11) no action. Comments made by: USAF, USDA, HUD, DOI, HHS, NRC, HEW, DOC, COE, State, and local agencies, individuals and businesses. (EIS Order No. 810131).

Draft Supplement

Contact: Ms. Lisa Corbin, Region X, U.S. Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101 (206) 442–1285.

CHAMBERS CREEK INTERCEPTOR, GRANT (DS–1): Pierce County, Wash., February 18: Proposed is the awarding of a grant for the construction of the Chambers Creek Interceptor, a part of a basinwide final EIS, No. 760015, filed 1–5–76 and examines a new alternative. The proposed alternative would transport sewage from an inlet structure near Bridgeport way through a 12,800 foot tunnel to the sewage treatment plant near the mouth of Chambers Creek. The alternatives consider: (1) No action, and (2) construction of a pump station. (EPA–910/9–81–082) (EIS Order No. 810127.)

Final

Contact: Mr. Eugene Wojcik, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353–2157.

SLUDGE DISPOSAL AND LAND RECLAMATION, FULTON CO.: Fulton County, Ill., February 19: Proposed is the continued application of sludge on stripmined land in Fulton County, Illinois. This statement examines various methods of application. The current method being utilized is tandem disk incorporation. Alternatives are considered for the following areas: (1) Sludge disposal, (2) sludge utilization, and (3) transportation of sludge. Comments made by: USDA, DOI, State, and local agencies, groups, individuals and businesses. (EIS Order No. 810130).

CITY OF PORTAGE WWT FACILITIES: Columbia County, Wisc., February 17: Proposed is the replacement of the existing wastewater treatment plant on the Fox River with a new one adjacent to the Wisconsin River in the City of Portage, Columbia County, Wisconsin. A new interceptor would be built to the plant eliminating five existing lift stations. The new plant would have a design capacity of 2.6 million gallons per day and would provide secondary treatment by rotating biological contractors prior to chlorination and discharge to the Wisconsin River. Comments made by: DOT, USDA, DOI, DJUS, AHP, State, and local agencies, groups, individuals and businesses. (EIS Order No. 810124.)

Federal Energy Regulatory Commission

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000 S–22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, (202) 357–8228.

Anyone desiring to protest or file a petition to intervene with the FERC on the basis of a draft EIS listed below should do so in accordance with the requirements of FERC's rules of practice and procedure, 18 CFR 1.8, 1.10 (1979), within the time period set forth in this notice, unless otherwise stated.

Draft

BALSAM MEADOW DEVELOPMENT/BIG CREEK PROJECT NO. 67, Fresno County, Calif., February 20: Proposed is the amendment of a license for the construction of the Balsam Meadow development as a part of the Big Creek Project No. 67 in the Sierra National Forest, Fresno County, Calif. The development would consist of: (1) A diversion channel, (2) Construction of the Balsam Meadow Dam, (3) A power tunnel, (4) An underground powerhouse, (5) A tailrace tunnel from the powerhouse to Shaver Lake, (6) A 4.5 mile 230 KV transmission line, and (7) recreational facilities. Alternatives are considered for the following areas: (1) Nonstructural measures, (2) Energy, and (3) Design. (FERC/EIS–0022/D). (EIS Order No. 810138).

Draft Supplement

STATEN ISLAND LNG PROJECT (DS–1), Staten Island County, N.Y., February 20: This statement supplements final EIS, No. 741107, filed 3–7–74. Proposed is the issuance of certificates of public convenience and necessity to construct and/or operate an LNG peak-shaving facility on Staten Island, New York. The facility would use existing facilities

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in Rossville consisting of two 900,000-barrel LNG storage tanks, appurtenant facilities, and vaporization and compression equipment. New construction would involve a 30 billion BTU/day liquefaction unit and vaporization units. Alternatives are considered for: (1) Energy sources, (2) Conservation, (3) LNG sources, (4) Peak shaving methods, (5) Peak shaving sites, and (6) facility use. (FERC/EIS–0025D) (EIS Order No. 810145).

EXTENSION: The review period for the above EIS has been extended until May 15, 1981. (810145)

General Services Administration

Contact: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 566–1416.

Final

VARICK STREET FEDERAL BUILDING, MANHATTAN, New York, February 19: Proposed is the repair and alteration of the Federal Office Building at 201 Varick Street in the Borough of Manhattan, City of New York, New York. The Building would provide 230,000 square feet of space to House the Immigration and Naturalization Service and related facilities. The alternatives consider: (1) Repair and Alteration, (2) No action, and (3) postponement. Comments made by: DOI, AHP, HHS, EPA, DOT, DJUS, SBA, State and local agencies. (EIS order No. 810134).

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–6300.

Draft

ROBINSON RANCH COMMUNITY, MORTGAGE INSURANCE: Orange County, Calif. February 20: Proposed is the issuance of HUD home mortgage insurance for the Robinson Ranch planned Community in Orange County, Calif. The site encompasses 822 acres which would be developed with 782 units of mixed densities and types. Also included in the development would be recreation facilities, functional open space and commercial support facilities. (HUD–R09–EIS–81–2D) (EIS Order No. 810147).

Final

GRANTLAND HOUSING DEVELOPMENT, MORTGAGE INSURANCE: Missoula County, Mont., February 20: Proposed is the issuance of HUD home mortgage insurance for the Grantland Housing Development in Missoula County, Montana. The subdivision would encompass 3,600 acres and when completed will consist of 2,200 single and multi-family dwelling units. The development would also contain commerical, school, park and open space sites. (HUD–R08–EIS–81–11F); Comments made by: HHS, DOI, State and Local Agencies, Businesses (EIS Order No. 810143).

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

National Park Service

Final

CUMBERLAND ISLAND NATIONAL SEASHORE, WILDERNESS:, Georgia, February 20: Proposed is a general management plan for the Cumberland National Seashore in Georgia. The plan provides for: (1) development of visitor facilities on the island and mainland, (2) Establishment of visitor programs and use levels, and (3) The generation of resource management policies. Also examined is the designation of 20,000 acres as wilderness or as potential wilderness. In addition to no action, alternatives are considered for transportation, individual practices and various sites within the seashore area. (FES–81–9) Comments made by: USDA, DOC, COE, HUD, DOI, DOT, EPA, DOD, USN, State and local agencies, groups, individuals and businesses (EIS Order No. 810142).

OHIO RIVER BASIN COMMISSION

Contact: Ohio River Basin Commission, 36 East Fourth Street, Suite 208, Cincinnati, Ohio 45202, (513) 684–3831.

Draft

GREEN RIVER BASIN WATER AND LAND RESOURCES PLAN: Several Counties in Kentucky and Tennessee, February 19: Proposed is a water and land resources plan for the Green River Basin, which encompasses 5,952,000 acres, in several counties of Kentucky and Tennessee. The plan consists of: (1) 54 projects including 41 municipal wastewater treatment facility improvements; (2) 12 PL 566 watershed and RC&D projects; (3) a wildlife management area; (4) programmatic recommendations for agriculture/forest land treatment, floodplain management and energy treatment; and (5) State programmatic recommendations for acid mine drainage control and cost sharing. Alternatives are considered for each major type of recommended action. (EIS Order No. 810136.)

EXTENSION: The review period for the above EIS has been extended until May 14, 1981 (No. 810136).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Final

AUGUSTA RR DEMONSTRATION PROJECT/SOUTHERN RR (F–2): Georgia and South Carolina, February 17: Proposed is a Railroad Demonstration Project for the Augusta metro area encompassing all or a portion of Richmond and Columbia Counties, Georgia and the city of North Augusta and Aiken County, South Carolina. This EIS concerns only the Southern Railroad, one of three rail systems serving the area. The project would involve relocating the main line and yard out of the Augusta Central City area and bridge construction over Savannah River. The cooperating agency is the State of Georgia. A final EIS, No. 810092 was filed 1–28–81 concerning the Georgia RR portion of the project as addressed in draft EIS, No. 781312, filed 12–7–78. (FHWA–GA–EIS–78–03–F.) Comments made by: USDA, HUD, DOI, HEW, EPA, COE, State and local agencies, businesses. (EIS Order No. 810123.)

BARNES ROAD, US 26/OR–217 TO MULTNOMAH CO. LINE: Washington County, Oregon, February 20: Proposed is the widening of Barnes Road from the US 26/OR–217 Interchange and the Multnomah County line in Washington County, Oregon. The length of the project is 1.7 miles and would involve reconstructing Barnes Road with additional lanes and adding curbs and sidewalks or paved shoulders. The alternatives consider: (1) No Action, (2) widen to five lanes in some sections, and (3) widen to four lanes in some sections. (FHWA–OR–EIS–80–03–F.) Comments made by: EPA, DOI, State and local agencies, groups. (EIS Order No. 810144.)

Final

MARY CLARK EXPRESSWAY, CONSTRUCTION: Berkeley and Charleston Counties, South Carolina: Proposed is the construction of the Mary Clark Expressway in Berkeley and Charleston Counties, South Carolina, from Virginia Avenue easterly across the Cooper and Wando Rivers to a terminus with US 17 and US 701 at Mount Pleasant. The four-lane freeway segment would be built entirely on new location and would provide direct service between the North Charleston and Mt. Pleasant areas in Charleston County and including the Thomas and Daniel Island areas of Berkeley County. The proposed freeway will be approximately nine miles in length. (FHWA–SC–EIS–79–01–F.) Comments made by: COE, DOT, HEW, DOI, EPA, DOC, USN, State and local agencies. (EIS Order No. 810135.)

[FR Doc. 81–3043 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–37–M

[ER–FRL 1763–5]

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A–104), U.S. Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of Section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during January 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A–104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

This report is also published in the monthly publication entitled, 102 Monitor, which is available through subscription with the Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: February 23, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81–75 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–37–M

[A–2–FRL 1762–6]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on November 14, 1980, the EPA Region II Office issued a determination of PSD applicability to the Auburn Steel Company (ASC) for its proposed electric arc furnace expansion program at the ASC Auburn, New York plant. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations codified at 40 CFR 52.21 (45 FR 52676) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on February 27, 1981. (See Supplemental Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by April 28, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD applicability is contained in a letter dated November 14, 1980, from Mr. Charles S. Warren, Region II Administrator to Mr. Tim Hiyamuta of ASC. The text of the letter reads, in pertinent part:

November 14, 1980.

Mr. Tim Hiyamuta,

President, Auburn Steel Company, Inc., P.O. Box 98, Auburn, New York 13021.

Dear Mr. Hiyamuta: This is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has reviewed the Galson Technical Services, Inc. emissions test report (received by this office on September 22, 1980) that you submitted to facilitate on applicability determination of the Federal Prevention of Significant Air Quality Deterioration (PSD) regulations to the Auburn Steel Company (ASC) electric arc furnace (EAF) expansion program at its Auburn, New York plant. Based upon this review, it is the EPA determination that this project *is* subject to the PSD requirements for the pollutant carbon monoxide (CO).

Pursuant to the final decision in the case of *Alabama Power v. Costle* (No. 78–1006, D.C. Cir.) (a consolidation of numerous challenges to the June 19, 1978, PSD regulations), the EPA promulgated amendments to the PSD regulations on August 7, 1980. The regulations apply to (among other sources) any modification at a major stationary source (one that emits or has the potential to emit 100 tons per year (TPY) or more of any pollutant subject to regulation under the Clean Air Act (the Act) that would result in a significant net emissions increase (an increase above the de minimis level listed in the PSD regulations) of any pollutant subject to regulation under the Act. ASC is an existing major stationary source of CO, a regulated pollutant, and the emissions increase of CO associated with the EAF expansion (approximately 170 TPY) is greater than the de minimis level listed in the PSD regulations (100 TPY for CO); therefore, the ASC modification is subject to PSD for this pollutant.

The determination that ASC is subject to the PSD regulations for CO is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date on which this determination is published in the *Federal Register*. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: February 13, 1981.

Charles S. Warren,

Regional Administrator.

[FR Doc. 81–76 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1763–4]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on October 24, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Edward Fields Inc. (EFI) for its proposed cogeneration facility at the EFI carpet manufacturing plant in Flushing, New York. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations codified at 40 CFR 52.21 (45 FR 52676) and is final action under the Clean Air Act (the Act).

DATE: This determination is effective on February 27, 1981. (See Supplemental Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by April 28, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated October 24, 1980, from Mr. Charles S. Warren, Region II Administrator to Mr. Louis J. Pucca, representing EFI. The text of the letter is as follows:

October 24, 1980.

Mr. Louis J. Pucca,

Michael Dalton Associates, 202 Mamaroneck Avenue, White Plains, New York 10601.

Dear Mr. Pucca: This is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has reviewed the information submitted dated August 25, 1980, relative to the applicability of the Federal Prevention of Significant Air Quality Deterioration (PSD) regulations to a new congeneration project (to consist of three 250 kilowatt diesel generators with one unit for standby purposes) at the Edward Fields, Inc. carpet manufacturing plant in Flushing, Queens, New York. Based upon this review, it is the EPA determination that this

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cogeneration project is *not* subject to the PSD regulations.

Pursuant to the final decision in the case of *Alabama Power v. Costle* (No. 78-1006, D.C. Cir.) (a consolidation of numerous challenges to the June 19, 1978, PSD regulations), the EPA promulgated amendments to the PSD regulations on August 7, 1980. These regulations apply to (among other sources) new sources, such as the new carpet manufacturing plant, which will emit or will have the potential to emit 250 tons per year (TPY) or more of any pollutant regulated under the Clean Air Act (the Act). Based upon a review of the congeneration project, the 250 TPY threshold level will not be exceeded by emissions of any regulated pollutant; therefore, PSD does not apply to this project.

This determination is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date on which this determination is published in the **Federal Register**. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection upon request at the following location: Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278; Attention: Mr. Kenneth Eng (212) 264-4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: February 13 1981.

Charls S. Warren,

Regional Administrator.

[FR Doc. 81-78 Filed 2-26-81; 8:45 am]

BILLING CODE 6560-38-M

[A-2-FRL 1762-7]

Prevention of Significant Air Quality Deterioration (PSD); Issuance of PSD Permit to Construct

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on October 27, 1980, the EPA Region II Office issued a PSD permit to construct to Exxon Company, U.S.A. (Exxon) to modify its existing Bayway Refinery located in Linden, New Jersey. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations codified at 40 CFR 52.21 (43 FR 26830) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on February 27, 1981. (See Supplemental Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264-4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by April 28, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This PSD permit is contained in a letter dated October 27, 1980, from Mr. Charles S. Warren, Region II Administrator to Mr. F. A. Westphal of Exxon. The text of the letter is as follows:

October 27, 1980.

Mr. F. A. Westphal, Manager, Refining Department, Bayway Refinery, Exxon Company, U.S.A., P.O. Box 222, Linden New Jersey 07036.

Dear Mr. Westphal: This is to inform you that a final determination has been made by the United States Environmental Protection Agency (EPA), Region II Office, on the Prevention of Significant Air Quality Deterioration (PSD) application submitted by the Exxon Company, U.S.A. (Exxon) for a permit to modify its existing Bay Way Refinery located in Linden, New Jersey. The EPA has determined that the proposed project (ICN Reforming Project) will meet all of the requirements of the Clean Air Act and the PSD regulations (40 CFR 52.21) and, therefore, this PSD permit approval is hereby granted. *Attachment I* contains a description of the proposed ICN Reforming Project and the conditions to the EPA approval.

In the course of evaluating this project and arriving at a final decision to approve it, the EPA requested public comments concerning the Exxon project and solicited comments on the need to hold a public hearing relative to the project. A notice requesting such was published in the *Newark Star Ledger* on July 3, 1980. The public comment period ended on August 2, 1980; no public hearing was requested during the fifteen day period in which requests were to have been considered. The EPA did *not* receive any public comments on the proposed project.

In a July 22, 1980, letter to the EPA (along with supporting information contained in an August 7, 1980, letter to Mr. William Hart of the New Jersey Department of Environment Protection) Exxon proposed design changes to its ICN Reforming Project. As a result of these changes, some of EPA's findings and determinations are no longer applicable. Specifically, the emissions of the pollutants carbonmonoxide and particulate matter (PM) are expected to be reduced significantly and thus no PSD review would apply to these pollutants. In addition, PM is no longer subject to the Emissions Offset Policy. The emissions of nitrogen oxides (NO_x) are expected to increase; however, the ambient air quality impact, inclusive of the incremental emissions increase, is expected to be acceptable (no National Ambient Air Quality Standards for NO_x will be violated). In view of our findings that the proposed design changes do not represent major alterations to the original project, will not adversely affect the ambient air quality in the area, and do not require the EPA to change its emissions limitations, the EPA has determined that the proposed design modifications and the attendant EPA revised determinations need not have to undergo additional public review. Revisions addressing the design changes and consequently, the new emissions estimates have been incorporated into this permit (see *Attachment I*, Appendices A and B).

Authority to commence construction on this project shall be effective on the date of this approval. If construction is not commenced within eighteen months of this notice, discontinued for a period of eighteen months or more, or not completed within a reasonable time, such authority shall become invalid. In accordance with the regulations set forth in 40 CFR 52.21(r)(2)(viii), this notification shall be made available for pubic inspection at the Metropolitan Field Office, Bureau of Air Pollution Control, New Jersey Department of Environmental Protection, 1259 Route 46, Building No. 3, Parsippany, New Jersey 07054.

Please be advised that the EPA has revised on August 7, 1980, the 1978 PSD regulations under which your appication was reviewed and under which this final detemination of approvability was reached. As a result, this final determination may contain requirements which are not applicable to your project under the revised 1980 PSD regulations. Please see attached copy of 1980 PSD regulations. If such is the case, the 1980 PSD regulations allow for the recision of a PSD permit (or portions therefore) upon satisfactory showing by the source that the 1980 PSD regulations (or portions thereof) would not apply to the source.

If you have any questions concerning the final determination herein communicated to you, please call Mr. Kenneth Eng at (212) 264-4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Attachment I

The Exxon Company, USA (Exxon) (Bayway Refinery) Bayway ICN Reforming Project consists of the following facilities: an ICN splitter tower, a feed hydrofiner, a powerformer unit, 6 fossil fuel-fired heaters (one associated with the hydrofiner and five associated with the power former), 2 naphtha feed tanks, 2 acid tanks and 2 slop feeders. Construction and operation of these Exxon facilities are subject to the following conditions:

1. Exxon shall meet all the specifications (including, but not limited to design parameters and emissions estimates) described in the completed PSD application package and the BACT described in *Appendix A;*

2. Exxon shall maintain the sulfur feed rates to the sulfur recovery unit from the hydrofiner so that there is no net difference (except within the daily allowable fluctuation levels) in the net sulfur dioxide (SO_x) emissions from the sulfur recovery unit;

3. Exxon shall obtain all New Jersy Department of Environmental Protection (NJDEP) permits and all required emissions offsets before a final PSD permit can be issued. Specifically, Exxon shall obtain and NJDEP permit which demonstrates compliance with the Emission Offset Policy;

4. Exxon shall meet all other applicable federal (including, but not limited to the New Source Performance Standards), state and local requirements.

Appendix A.—*Emissions and BACT Summary for Exxon Co., U.S.A., Bayway ICN Reforming Project*

Emission facilities	Pollutant	Potential emissions (TPY)	Allowable emissions (TPY)	BACT
A. Process heater	HC	5.1	5.1	Exempt [1]—requires LAER.
	NO_x	1,663.0	1,663.0	Conventional burners.
	SO_x	195.4	195.4	Noncommercial fuel gas of less than 0.1 grain of hydrogen disulfide (H_2S) per day standard cubic foot; when this fuel is not available, a noncommercial liquid fossil fuel containing no more than 0.5 percent sulfure by weight will be used as an alternate.
B. Hydrofiner and powerformer	HC	123.2	2.5	Exempt [1]—requires LAER.
	SO_x	[2]<4,416.6	[2]4,416.6	Three Claus units and a Parson Beavon tail-gas clean-up unit.
C. Tankage	HC	<255.6	4.1	Exempt [1]—requires LAER.
D. Fugitive emissions	HC	<203.0	203.0	Exempt [1]—requires LAER.

[1] The Exxon project is exempt from BACT analysis because it is subject to EOP for HC; must employ LAER (equal to or more stringent than BACT).

[2] Equal to amount of sulfur converted to SO_x as sent to sulfur recovery plant as H_2S. However, this is equal to the amount being sent now by the facilities to be idled; thus, there is no net increase in SO_x from the sulfure recovery facility and the emissions need not be considered in the total scheme.

Appendix B.—*Increment Consumption for Exxon Co., U.S.A., Bayway ICN Reforming Project*

Pollutant	Averaging time	Operating load (percent)	Exxon plant maximum calculated level concentration ($\mu g/m^3$)	PSD class II allowable increments	Adjusted PSD class II maximum allowable increments ($\mu g/m^3$) [1]	Percent of adjusted increment consumed by Exxon
SO_x	3 hours	100	[2]5.1	512	521.9	0.98
SO_x	24 hours	100	[2]1.5	91	90.9	1.55
SO_x	Annual	100	[2].11	20	20.5	.54

[1] PSD increment adjusted for consumption or expansion of air increments due to major source growth or shutdowns.

[2] Located 2 kilometers northeast (approximately 70°) from facility.

Dated: February 13, 1981.

Charles S. Warren,

Regional Administrator.

[FR Doc. 81-77 Filed 2-26-81; 8:45 am]

BILLING CODE 6560-38-M

[A-2-FRL 1763-3]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on October 30, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Essex Chemical Corporation (ECC) for a proposed magnesium oxide regeneration facility at its Newark, New Jersey plant. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations codified at 40 CFR 52.21 (45 FR 52676) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on February 27, 1981 (See Supplemental Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264-4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by April 28, 1981 Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated October 30, 1980, from Mr. Charles S. Warren, Region II Administrator to Mr. Irwin S. Zonis of ECC. The text of the letter is as follows:

October 30, 1980.

Mr. Irwin S. Zonis,

Vice President, Essex Chemical Corporation, 1401 Broad Street, Clifton, New Jersey 07015.

Dear Mr. Zonis: This is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has completed its review of the information you submitted (a letter dated May 28, 1980, and a package dated July 31, 1980) relative to the proposed modification (construction of a new magnesium oxide regeneration facility) at the Essex Chemical Corporation (Essex) Newark, New Jersey plant. This information was submitted to facilitate a determination of applicability or non-applicability to the Prevention of Significant Air Quality Deterioration (PSD) regulations (45 FR 52676 codified at 40 CFR 52.21 (1980)). On the basis of this review it is the determination of the EPA that this project is *not* subject to the PSD regulations.

The EPA determination that the proposed magnesium oxide regeneration facility is *not* subject to PSD review is based upon its finding that the emissions of each pollutant regulated under the Clean Air Act associated with the facility are below the levels at which the PSD regulations are applicable. Specifically, the emissions of the principal pollutants, carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NO_x), particulate matter (PM) and sulfur dioxides (SO_x) are below their respective *de minimis* levels (100 tons per year (TPY) for CO, 40 TPY for HC, 40 TPY for NO_x, 25 TPY for PM and 40 TPY for SO_x) based upon federally enforceable limitations on the hours of operation of the facility as stated in the New Jersey Department of Environmental Protection permits to construct.

This determination is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of

the date on which this determination is published in the **Federal Register**. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection at the following location: Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: February 13, 1981.

Charles S. Warren,

Regional Administrator.

[FR Doc. 81-79 Filed 2-26-81; 8:45 am]

BILLING CODE 6560-38-M

[A-2-FRL 1763-1]

Prevention of Significant Air Quality Deterioration (PSD); Issuance of PSD Permit to Construct

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on November 17, 1980, the EPA Region II Office issued a PSD permit to construct to Martin Marietta Aluminum, Inc. (MMA) for a modification at its existing alumina refinery located in St. Croix in the U.S. Virgin Islands. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations codified at 40 CFR 52.21 (43 FR 26830) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on February 27, 1981 (See Supplemental Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by April 28, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This PSD permit is contained in a letter dated November 17, 1980, from Mr. Charles S. Warren, Region II Administrator to Dr. Bernard W. Gamson of MMA. The text of the letter is as follows:

November 17, 1980.

Dr. Bernard W. Gamson,

Executive Vice President, Martin Marietta Aluminum, Inc., 6801 Rockledge Drive, Bethesda, Maryland 20034.

Dear Dr. Gamson: This is to inform you that a final determination has been made by the United States Environmental Protection Agency (EPA), Region II Office, on the Prevention of Significant Air Quality Deterioration (PSD) application submitted by Martin Marietta Aluminum, Inc. (MMA) for a permit to modify its existing alumina refinery located in St. Croix, in the Virgin Islands. The EPA has determined that the proposed project (Expansion "D" coal-conversion) will meet all of the requirements of the Clean Air Act and the PSD regulations (43 FR 26830 (1978) codified at CFR 52.21) and, therefore, this PSD permit approval is hereby granted. *Attachment I* contains a description of the proposed project and the conditions to the EPA approval.

In the course of evaluating this project and arriving at a final decision to approve it, the EPA requested public comments concerning the MMA project and solicited comments on the need to hold a public hearing relative to the project. A notice requesting such was published in the *St. Thomas Daily News* and the St. Croix *Avis* on September 17, 1980. The public comment period ended on October 17, 1980; no public hearing was requested during the fifteen day period in which requests were to have been considered. The EPA did *not* receive any public comments on the proposed project.

In a September 19, 1980, telephone call from Mr. Werner Furth and Mr. Maclyn McCarty of MMA to Ms. Carol Casazza and Mr. Paul Kahn of the EPA (followed by a letter from MMA to the EPA dated September 30, 1980) MMA requested several changes to the permit conditions in order to clarify the wording and to resolve certain discrepancies. The requested changes have been reviewed by EPA and, where appropriate, the permit conditions have been revised.

Authority to commence construction on this project shall be effective on the date of this approval. If construction is not commenced within eighteen months of this notice, discontinued for a period of eighteen months or more, or not completed within a reasonable time, such authority shall become invalid. In accordance with the regulations set forth in 40 CFR 52.21(r)(2)(viii), this notification shall be made available for public inspection by the Virgin Islands Department of Conservation and Cultural Affairs at the Christiansted Library, King Street, St. Croix, Virgin Islands 00820.

Please be advised that the EPA has revised on August 7, 1980, the 1978 PSD regulations under which your application was reviewed and under which this final determination of approvability was reached. As a result, this final determination may contain requirements which are not applicable to your project under the revised 1980 PSD regulations. Please see the attached copy of the 1980 PSD regulations. If such is the case, the 1980 PSD regulations allow for the recision of a PSD permit (or portions thereof) upon satisfactory showing by the source that the 1980 PSD regulations (or portions thereof) would not apply to the source.

This determination to issue MMA a PSD permit is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date on which this determination is published in the *Federal Register*. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

If you have any questions concerning the final determination herein communicated to you, please call Mr. Kenneth Eng at (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Attachment I

The MMA project consists of the construction of a new 775 million British thermal unit (MMBtu) (total heat input) coal-fired boiler (with standby oil capacity) to replace three existing No. 6 oil-fired boilers at its plant (Expansion "D" site) in St. Croix in the Virgin Islands. The existing oil-fired boilers will be retained as back-up for the new coal-fired boiler. Other facilities associated with the MMA project include equipment used for coal-handling, coal crushing and storage, bottom ash disposal, and fly ash disposal. Construction and operation of these MMA facilities are subject to the following conditions:

I. *Conditions on Fuel Usage:*

1. MMA shall restrict the sulfur content of the coal to be used such that the SO_2 emissions will not exceed 1.2 pounds (lbs) per MMBtu (the New Source Performance Standard (NSPS) limitation for fossil fuel-fired boilers);

2. MMA shall use fuel oil in the standby oil burner (for start-up and emergency use only) with a sulfur content consistent with that allowed under the Virgin Islands State Implementation Plan (SIP). In the event that the SIP permits the use of fuel oil with a sulfur content in excess of 1.5% sulfur by weight, MMA must demonstrate to the EPA that the use of such fuel will satisfy all applicable federal, state and local regulations.

II. *Conditions on Fugitive Emissions:*

1. MMA shall use coal silos for routine coal storage. Outside coal storage is permitted only in emergency situations. MMA shall, if outside coal storage is to be used, apply a suitable crusting agent as frequently as necessary to prevent excessive fugitive emissions so as to comply with § 204.25 of the Virgin Islands SIP.

III. *Conditions on Control Equipment:*

A. Particulate Matter (PM) Controls:

1. MMA shall meet the NSPS limitation of 0.1 lbs of PM/MMBtu;

2. MMA shall submit to the EPA specific baghouse design and operating parameters listed in *Attachment Io* for each proposed baghouse prior to awarding the final contract;

3. MMA shall conduct tests in accordance with the procedures delineated in 40 CFR § 60.46 of the NSPS (Subpart D, standards for boilers) and submit an appropriate test report to EPA;

4. MMA shall install, operate and maintain emissions and fuel monitoring devices as required in 40 CFR § 60.45 of the NSPS;

5. MMA shall equip the boiler flue gas baghouse with the following devices:

a. an opacity monitor which meets EPA performance specifications found at 40 CFR § 60, *Appendix B*, Specification 1 of the NSPS;

b. a pressure differential sensor with audible control room alarm to indicate the presence of one or more broken bags;

c. a collecting hopper level gauge which will indicate the level of accumulated fly ash or coal dust;

6. MMA shall maintain inventories of spare bags and baghouse parts as recommended by the baghouse manufacturer.

B. Nitrogen Oxides (NO_x) Controls:

1. MMA shall, prior to awarding final boiler contracts provide detailed information as to how the prospective boiler will meet the 0.7 lbs/MMBtu NO_x emission limitation of NSPS Subpart D.

IV. *Other Conditions:*

1. MMA shall use the baghouse by-pass only when the boiler is firing fuel oil;

2. MMA shall, in addition to the above conditions, meet all the specifications (including, but not limited to) design parameters and emission estimates described in the completed PSD application package and the Best Available Control Technology (BACT) limitations delineated in *Appendix A;*

3. MMA shall meet all other applicable federal (including, but not limited to the NSPS), state and local requirements;

4. MMA shall limit the combustion rate of coal in the facility to not exceed 775 MMBtu total heat input.

MMA shall submit the following baghouse design and operating parameters:

1. Design emission rate (lbs/MMBtu) for particulate matter (before and after proposed controls);

2. Estimated total gas flow in actual cubic feet per minute (ACFM) from steam generator at full load and at baghouse operation temperature;

3. Baghouse operation temperature (±°F) range;

4. Number of separate baghouses;

5. Number of isolated compartments per baghouse;

6. Design criteria for air to cloth ratio or range of acceptable ratios (cloth area divided by total ACFM);

7. Cloth description;

8. Type of bag cleaning under consideration and subsequent cleaning controls;

9. Strategy for detecting and replacing faulty bags;

10. Description of ash handling and disposal system;

11. Nature and terms of performance guarantee.

Appendix A.—*Emissions and BACT Summary for Martin Marietta Aluminum, Inc., Coal-Conversion at Expansion "D"*

Emission facilities	Pollutant	Potential emissions (TPY)	Allowable emissions (TPY)	BACT
A. One 755 MMBtu coal-fired boiler	SO_2	3,858	4,039	Low sulfur content coal, not to exceed 1.2 Ibs/MMBtu.
	NO_x	4,007 [1]	2,378	Boiler design, staged combustion or stoichiometric firing (low excess air).
	CO	133	133	Proper boiler operation.
	PM	16,496 [1]	339	Baghouse.
B. Coal-handling	PM	Approximately 60	Approximately 121 [2]	Baghouse.
C. Ash disposal	PM	Not quantifiable	Not quantifiable	Baghouse.

[1] Although the potential emissions are greater than the allowable emissions, MMA must comply with the allowable emissions (based on Federal, State and local requirements).

[2] In pounds per hour; the total annual emissions dependent upon the amount of coal burned.

NOTE.—Allowable emissions based upon operation limitation of 6,780 hours per year.

Appendix B.—*Increment Consumption for Martin Marietta Aluminum, Inc., Coal-Conversion at Expansion "D"*

Pollutant	Averaging time	Operating load (percent)	MMA plant maximum calculated level concentration ($\mu g/m^3$)	PSD class II maximum allowable increments ($\mu g/m^3$)	Adjusted PSD class II maximum allowable increments ($\mu g/m^3$) [1]	Percent of adjusted increment consumed by MMA
SO_2	3 hours	100	[2] 113.0	512	252	22
SO_2	24 hours	100	[3] 47.5	91	80.2	52
SO_2	Annual	100	[4] 4.9	20	19.94	24
PM	24 hours	100	[3] 3.4	37	25.1	9
PM	Annual	100	[4] 1.63	19	16.9	9

[1] PSD increment adjusted for consumption of air increments due to major source growth (MMA Expansion "E").

[2] Maximum impact occurs approximately 2 kilometers (Km) northwest (300°) from the plant.

[3] Maximum impact occurs approximately 1.5 km northwest (300°) from the plant.

[4] Maximum impact occurs approximately 1.5 km northwest (320°) from the plant.

Dated: February 13, 1981.

Charles S. Warren,

Regional Administrator.

[FR Doc. 81-80 Filed 2-26-81; 8:45 am]

BILLING CODE 6560-38-M

[A-2-FRL 1763-2]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on November 13, 1980, the EPA Region II Office issued a determination of PSD non-applicability to the Norlite Corporation (NC) for a new kiln NC is proposing to construct at its Cohoes, New York plant. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations codified at 40 CFR 52.21 (45 FR 52676) and is final action under the Clean Air Act (the Act).

DATE: This determination is effective on February 27, 1981. (See Supplemental Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by April 28, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This deterimnation of PSD non-applicability is contained in a letter dated October 24, 1980, from Mr. Charles S. Warren, Region II Administrator to Mr. Paul R. Kneuer of NC. The text of the letter is as follows:

November 13, 1980.

Mr. Paul R. Kneuer,

Vice President, Administration, Norlite Corporation, 628 South Saratoga Street, Cohoes, New York 12047.

Dear Mr. Kneuer: This is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has reviewed the information submitted by Whiteman, Osterman & Hanna on behalf of the Norlite Corporation (NC) dated October 8, 1980, relative to the applicability of the federal Prevention of Significant Air Quality deterioration (PSD) regulations to a new kiln that NC is proposing to construct at its Cohoes, New York plant. Based upon this review, it is the EPA determination that this project is *not* subject to the PSD regulations. The PSD regulations apply to

(among other sources), modifications at existing major sources (sources which emit or which have the potential to emit 250 tons per year (TPY) or more of any pollutant subject to regulation under the Clean Air Act (the Act)) that would result in a significant net emissions increase (an increase greater than the threshold limitation (de minimis level) listed in the PSD regulations) of any pollutant subject to regulation under the Act or modifications that, by themselves, would result in a net emissions increase of 250 TPY or greater of a subject pollutant. In a letter from this office dated September 25, 1980, you were informed that the proposed kiln was subject to PSD for the pollutants particulate matter (PM) and sulfur dioxide (SO_2). This determination was based upon the EPA findings that the existing NC Cohoes plant is a major source (emits greater than 250 TPY of SO_2) and that the proposed kiln will result in net emissions increases of PM and SO_2 (approximately 60 TPY and 105 TPY, respectively) above the *de minimis* levels (25 TPY for PM and 40 TPY for SO_2). The October 6, 1980, submission showed that a wet scrubber to control SO_2 emissions is being employed at the existing kiln. Based upon this recent submission, th EPA has determined that the NC Cohoes plant is not a major source (it emits, after application of legally enforceable air pollution control equipment, less than 250 TPY of SO_2). Since the NC plant is not a major source and since the proposed modification by itself does not result in a net emission increase of 250 TPY or greater of a subject pollutant the PSD regulations do *not* apply to this project.

This determination is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the apprpriate circuit within 60 days of the date on which this determination is published in the **Federal Register**. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection upon request at the following location: Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278; Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: February 13, 1981.

Charles S. Warren,

Regional Administrator.

[FR Doc. 81–81 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–30–M

[OPP–180574; PH–FRC 1764–5]

U.S. Department of Agriculture; Crisis Exemption for Methyl Bromide in Warehouse

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (hereafter referred to as "USDA"), has availed itself of a crisis exemption for the use of methyl bromide as a fumigant in a New York warehouse to control the khapra beetle *(Trogoderma granarium, Everts)*.

DATE: The crisis period has ended.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509B, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: USDA notified the Administrator on November 28, 1980, that it had initiated a crisis exemption for the use of methyl bromide as a fumigant in a warehouse in Gloversville, New York, to eradicate the khapra beetle. USDA reported that there was insufficient time to request a specific exemption due to the urgency for immediate eradication treatments.

Khapra beetle is one of the world's most devastating pests of stored products. It was not known to be present in the United States, and USDA states that immediate eradication treatments were necessary to prevent its spread and possible serious economic damage.

USDA reported that there are no registered pesticides readily available other than methyl bromide that will eradicate the khapra beetle. Methyl bromide is registered for khapara beetle use but at a lower rate than is necessary to eradicate the pest. USDA reported that the higher rate of treatment was required.

The warehouse, which contains hides, was fumigated with methyl bromide at the rate of 12 pounds of methyl bromide per 1,000 cubic feet for 24–32 hours. The crisis period has ended.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 18, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–74 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–180575; PH–FRC 1763–8]

U.S. Department of Agriculture; Crisis Exemption for Methyl Bromide in Warehouses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (hereafter referred to as "USDA"), has availed itself of a crisis exemption for the use of methyl bromide as a fumigant at four sites in Maryland to control the khapra beetle (*Trogoderma granarium, Everts*).

DATE: The crisis period has ended.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509B, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: USDA notified the Administrator on December 17, 1980, that it had initiated a crisis exemption for the use of methyl bromide as a fumigant at four sites in Baltimore, Maryland, to eradicate the khapra beetle. USDA reported that there was insufficient time to request a specific exemption due to the urgency for immediate eradication treatments.

Khapra beetle is one of the world's most devastating pests of stored products. It was not known to be present in the United States, and USDA states that immediate eradication treatments were necessary to prevent its spread and possible serious economic damage.

USDA reported that there are no registered pesticides readily available other than methyl bromide that will eradicate the khapra beetle. Methyl bromide is registered for khapra beetle use but at a lower rate than is necessary to eradicate the pest. Two of the infested establishments were spice warehouses, another a used bag and burlap company, and the fourth, an export firm dealing in machinery and equipment for export to foreign countries.

The four facilities were treated with methyl bromide for 12 hours at a rate of 7½ pounds per 1,000 cubic feet.

Tolerances of 400 parts per million are established for inorganic bromide in spices. The crisis period has ended.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 18, 1981.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–69 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–180572, PH–FRL 1764–3]

California; Specific Exemption for Mesurol on Artichokes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Mesurol (methiocarb) to control snails and slugs on approximately 3,420 acres of artichokes in California. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509B, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, unusually wet conditions followed by warming conditions have caused populations of brown garden snails and gray garden slugs in coastal artichoke acreage to be extremely high and increasing rapidly. These pests scar the flower bracts, making the artichokes unmarketable, the Applicant reports. Many of the snails remain on the plant and do not descend to the ground. Therefore, according to the Applicant, to achieve control of the pest, the artichoke plant itself must be treated rather than the surrounding area.

The Applicant projects losses of $1.8 million if Mesurol cannot be used; with Mesurol, losses could be reduced to $300,000.

Metaldehyde in granular form is registered for control of snails and slugs in crop plantings; however, the Applicant states that it may be applied only to the ground surrounding the plant, and not to the plant itself where the pests remain. Furthermore, according to the Applicant, metaldehyde is not effective enough to control the current high populations. The proposed pesticide (Mesurol 75 WP) allows for treatment of the plants.

The Applicant proposes to use Mesurol 75 WP at a rate of 1 pound product (0.75 pound active ingredient) per acre. A maximum of five applications will be made using ground equipment by, or under the supervision of, State-certified applicators. EPA has determined that residues of methiocarb and its cholinesterase-inhibiting metabolites from the proposed use should not exceed 3 parts per million (ppm). This methiocarb residue level has been judged adequate to protect the public health. This pesticide is toxic to fish and aquatic invertebrates; however, since applications are to be made directly to the artichoke plants, and if care is taken to prevent significant drift to water sources, no hazard to aquatic life is expected. There are no endangered or threatened species that would be adversely affected as a result of this use.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1981. The specific exemption is also subject to the following conditions:

1. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are met. Reports of time, location, and extent of pesticide use are due during the course of the program. In addition, a final report summarizing the results of this program must be submitted by March 1, 1982.

2. The product Mesurol 75 WP (EPA Reg. No. 3125–288) will be used at a dosage rate of 1 pound product (0.75 pound active ingredient) per acre.

3. A maximum of 5 applications may be made.

4. A maximum of 3,420 acres may be treated.

5. Application may be made by ground equipment only in 50–150 gallons of water per acre;

6. All applications will be made by or under the direct supervision of applicators State-certified in this category of pest control.

7. This product is toxic to fish. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticides.

8. All applicable directions, restrictions, and precautions on the EPA-accepted label must be followed.

9. The EPA shall be immediately informed of any adverse effect resulting from the use of Mesurol in connection with this exemption.

10. Artichokes with residues of methiocarb and its cholinesterase-inhibiting metabolites that do not exceed 3 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been notified of this action.

11. A 7-day preharvest interval will be observed.

(Sec. 18, as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 18, 1981.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–73 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–180571; PH–FRC 1763–7]

Florida; Issuance of Specific Exemption for Fenvalerate on Cabbage

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted permission to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use fenvalerate to control the cabbage looper and diamondback moth caterpillar on 20,000 acres of cabbage in Florida. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on November 1, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, 1921 Jefferson Davis Highway, Arlington, Va 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, cabbage loopers and diamondback moth caterpillars have been pests in cole crops for many years. Direct feeding damage to the marketable, edible plants and contamination through fecal material make the crops unmarketable and unsuitable for processing. Effective control is needed throughout the season since poor control during any portion results in more adults to attack before the crop has matured, the Applicant reports.

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The Applicant states that these pests have developed resistance to registered insecticides such as methomyl and *Bacillus thruingiensis*. Data indicate that methamidophos is very effective but cannot be used within 35 days of harvest. The Applicant reported that during the 1978–1979 season even the most effective insecticides used at maximum rates at minimum time intervals did not provide economic control. The Applicant estimates that without the use of fenvalerate, economic loss due to the cabbage looper and diamondback moth could be as high as $3 million and could drive some growers out of business.

The Applicant proposed to apply fenvalerate at a rate of 0.05 to 0.1 pound per acre using the product Pydrin 2.4 EC, manufactured by Shell Chemical Company.

EPA has determined that residues of fenvalerate from the proposed use should not exceed 2.0 parts per million (ppm) in cabbage. This level has been judged by the EPA to be adequate to protect the public health. EPA has also determined that the proposed use should not have an unreasonable adverse effect on the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Pydrin 2.4 EC (EPA Reg. No. 201–401) manufactured by Shell Chemcial Company may be used.

2. Total acreage of cabbage may not exceed 20,000 acres.

3. A maximum of 16,000 pounds of active ingredient (a.i.) may be applied at a maximum rate of 0.05 to 0.1 pound a.i. per acre.

4. A maximum of 8 applications are authorized.

5. A 7-day preharvest interval is imposed.

6. All applications must be made by State-certified appicators or persons under their direct supervision.

7. Root crops may not be planted in treated fields for 12 months after application. A 60-day crop rotation restriction is imposed for any other crop, other than cotton.

8. Fenvalerate will be applied by ground equipment in a minimum spray volume of 20 gallons of water or by air in a minimum spray volume of 5 gallons of water per acre.

9. Fenvalerate may be applied to cabbage fields only when fields are to be harvested within 35 days and a State entomologist has determined that:

a. A major infestation of cabbageworm complex exists.

b. Registered pesticides are not controlling the cabbageworm complex.

c. Significant economic losses to cabbage growers will occur.

10. It is recommended that fenvalerate not be applied any closer to fish-bearing fresh waters than 100 feet by ground equipment or 450 feet by aerial equipment (at the 0.05 lb. a.i. rate) and 200 feet by ground equipment or 750 feet by air equipment (at the 0.1 lb. a.i. rate). Application closer than these may result in fish and/or other aquatic organism kills. The buffer zones do not apply to saltwater as marine organism toxicity is low.

11. Participants are to be notified of their obligation to report any and all adverse effects on nontarget organisms arising from the use of this product. The EPA shall be immediately informed of any adverse effects resulting from the proposed use.

12. Precautions must be taken to avoid or minimize spray drift to nontarget areas. It is recommended that pesticide application be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speed exceeds 10 miles per hour.

13. This product is highly toxic to bees exposed to direct treatment or to residues on crops or weeds. It may not be applied or allowed to drift to weeds or crops in bloom if bees are actively visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service.

14. Fenvalerate is extremely toxic to fish and aquatic invertebrates. It must be kept out of any body of water and drift reduction precautions must be observed. Care must be taken to prevent contamination of water by cleaning of equipment or disposal of waste or excess pesticides.

15. Cabbage with residues of fenvalerate not exceeding 2 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

16. Cabbage trimmings from treated fields must not be fed to livestock.

17. All applicable directions, restrictions, and precautions on the EPA-registered product label must be followed.

18. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by May 1, 1982.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 18, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–70 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–180560; PH–FRL 1764–1]

Florida; Issuance of Specific Exemption for Oxamyl on Green Beans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") for the use of oxamyl on a maximum of 20,000 acres of bush and pole green beans in Broward, Dade, and Palm Beach Counties, Florida, for control of various nematodes. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, soil nematodes are becoming an increasing severe production problem for South Florida's vegetable areas. The root-knot and reniform types are the most damaging in the rock land of Dade County while these two plus the sting nematode are common in the sandier soils of Broward and Palm Beach Counties. Previously, nematodes were not considered to be too detrimental to bean production except in the sandy soils of Broward and Palm Beach Counties where preplant applications of Nemagon (DBCP) were common until that production's registration was removed. Rapid disappearance of land available to agriculture has essentially eliminated the practice of crop rotation. This had led not only to constant cultivation, but also to double and even triple cropping, practices that intensify a variety of production problems, including nematode populations. Without an adequate nematode control, the Applicant reports that green bean farmers could incur a $4 million loss.

D-D, Telone, and ethylene dibromide are registered for this use. According to the Applicant, these chemicals should be "sealed" in the soil for a period of time in order to be effective. This process, which involves plastic mulch to be effective, is prohibitively expensive and requires costly specialized equipment, the Applicant reports. Mocap 10G is registered for snap and lima beans; however, it is not recommended for control of root-knot nematodes in these crops and is suggested only as an alternative for sting nematode control. Mocap works best in acid soils whereas Dade County soils are all basic in reaction, the Applicant states.

The Applicant proposes to use Vydate L which contains the active ingredient (a.i.) oxamyl. Applications will be either a foliar treatment or a single soil treatment incorporated into the soil following application but before planting. A preharvest interval of 7 days is proposed.

EPA has determined that residues of oxamyl resulting from the combined preplant or at-plant and foliar treatments are not expected to exceed 3 parts per million (ppm) on beans, 11 ppm in bean vines, and 25 ppm in bean hay. These levels have been judged adequate to protect the public health.

The Southern Bald Eagle is the only endangered species likely to have any contact with the product, but the hazard to the bird is estimated to be slight. The proposed use is not expected to pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted permission to use the pesticide noted above until June 30, 1981. The specific exemption is subject to the following conditions:

1. The product Vydate L (EPA Reg. No. 352–372), manufactured by E. I. duPont de Nemours and Co., may be applied. If an unregistered label is used in connection with this product, it must contain the identical, applicable precautions and restrictions which appear on the registered label.

2. Only fields in which an economically significant number of root-knot, sting, and reniform nematodes are present may be treated.

3. Oxamyl may be applied as a foliar treatment at 0.5 to 1 pound a.i. per acre (2–4 pints product) beginning 2 weeks following germination and repeated 14 to 21 days later. A maximum of 1 gallon (2 pounds a.i.) may be applied with a maximum of two applications. Oxamyl may also be applied as a single soil treatment of 1 to 2 gallons per acre (2–4 pounds a.i.). Following application and before planting oxamyl will be incorporated 2 to 4 inches into the soil.

4. A preharvest interval of 7 days will be observed. Livestock may not be grazed or fed treated forage within 7 days of the last treatment.

5. A maximum of 20,000 acres in the counties named above may be treated.

6. A maximum of 30,000 gallons product (60,000 pounds a.i.) may be applied based on the fact that not all the acreage authorized will be treated at maximum rates.

7. Applications will be made with ground equipment in sufficient water to obtain uniform coverage of foliage.

8. Oxamyl is toxic to fish, birds, and other wildlife. It may not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticides.

9. Oxamyl is toxic to bees. It may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from the Florida Cooperative Agricultural Extension Service.

10. All applicable directions, precautions, and restrictions on the EPA-registered product label must be followed.

11. Green beans (succulent or dry), bean vines, and bean hay will not have residues of oxamyl in excess of 3 ppm, 11ppm, and 25 ppm, respectively, when green beans are treated according to the above provisions. These commodities with residues of oxamyl not exceeding these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

12. EPA must be immediately informed of any adverse effects resulting from the use of oxamyl in connection with this exemption.

13. The Applicant is responsible for assuring that the provisions of this specific exemption are met and must submit a report summarizing the results of this program by December 30, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–72 Filed 2–26–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–180533; PH–FRL 1763–6]

Georgia; Crisis Exemption for Permethrin on Soybeans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Georgia Department of Agriculture (hereafter referred to as "Georgia") has availed itself of a crisis exemption for the use of permethrin to control the soybean looper on a maximum of 200,000 acres of soybeans in Georgia. Because the need for treatment was expected to go beyond 15 days, Georgia submitted a request for a specific exemption for continuation of this program.

DATE: The crisis period started on September 17, 1980. The emergency was expected to end by October 15, 1980.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: Georgia reported that general pest control on soybeans has become increasingly more difficult over the last several years as registered pesticides including methyl parathion, methyl parathion combined with toxaphene, methomyl, and acephate have become totally ineffective in certain areas of high-volume use. Georgia stated that even the highest rates of registered pesticides were not giving control in many areas and that these rates had become prohibitive from a cost standpoint. These chemicals were still showing acceptable control in some areas where low insect pressures were present and biologicals, such as *Bacillus thuringiensis*, will give adequate control under normal conditions of temperature and moisture. However, according to Georgia, extremely dry conditions, such as were experienced this past summer, reduce their effectiveness and make them prohibitively uneconomical to use at the maximum rates, and results are slow.

Because of the early drought, Georgia stated, approximately 50 percent of the soybean crop was late-planted. Much of

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this acreage was under drought stress and was threatened by infestations of the soybean looper. Georgia estimated losses without the use of permethrin could come to $32 million to growers.

Georgia used Pounce 3.2 E.C., EPA Reg. No. 279–3014, at a rate of 2–4 ounces per acre, and Ambush, EPA Reg. No. 10182–18, at a rate of 3.2–6.4 ounces per acre. A maximum of two applications were to be made at these rates which would result in a total of 10,000 gallons of Ambush and 6,250 gallons of Pounce, when used at the highest rate of 0.1 pound active ingredient per acre. State-certified private and commercial applicators were to make the applications in accordance with the Georgia-approved supplemental label directions. Georgia determined that limitation to two applications, feeding restrictions, a 21-day preharvest interval, and environmental precautions, including protection for bees, were sufficient to prevent any unreasonable adverse effects from this use.

Georgia requested tolerances for residues of permethrin in or on soybeans at 0.05 part per million (ppm), in soybean oil at 0.2 ppm, and in soybean meal at 0.05 ppm. Since the emergency period has ended, the request for a specific exemption has been withdrawn.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 2, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–71 Filed 2–25–81; 8:45 am]

BILLING CODE 6560–32–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80–197; FCC 81–59]

Monitoring Compliance With Conditions Underlying General Telephone and Electronics Corporation's Acquisition of Telenet

AGENCY: Federal Communications Commission.

ACTION: Order modifying conditions placed on merger.

SUMMARY: This order modifies and streamlines conditions which apply to GTE and Telenet. Modifications were made to give Telenet greater freedom within GTE's Communication Network Systems group. The conditions were streamlined to make them easier to obey and enforce. In a separate action published in this issue, the Commission is accepting comments on these conditions.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James Lande, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632–4887.

Adopted: February 11, 1981.

Released: February 18, 1981.

By the Commission: Commissioner Ferris, Chairman; not participating; Commissioner Fogarty concurring and issuing a statement.

In the matter of monitoring compliance with conditions underlying General Telephone and Electronics Corporation's Acquisition of Telenet; CC Docket No. 80–197; Order.

1. On June 11, 1980, the Commission released an order calling for comments on a staff audit of the GTE-Telenet merger conditions. 78 FCC 2d 403. The report recommended that the existing 10 GTE-Telenet conditions be replaced with 3 streamlined conditions which would eliminate structural separation requirements within GTE's Communications Network Service group, of which Telenet is one of three entities. In addition to the staff report, we have for consideration GTE's assessment of the conditions, comments by the Computer Corporation of America and Tymnet, Inc., and responsive comments by GTE. This order examines comments on the proposed conditions, including the relationship of Telenet within the network group. Based on the staff report, GTE compliance with recommendations contained in the report, and the subsequent comments, we modify the GTE-Telenet conditions along the lines of the staff proposal.

Background

2. The Commission authorized the merger of GTE and Telenet by order of May 11, 1979, 72 FCC 2d 111, *modified* 72 FCC 2d 516. In evaluating the merger, we found that GTE would have incentives to cross subsidize Telenet, and provide it with other unfair and anti-competitive advantages. In addition, we found some indications that Telenet might not compete with AT&T in the future. These findings led to the development of ten protective conditions. See also 72 FCC 2d 516, *recon. denied*, FCC 79–759 (Released: December 4, 1979). In early 1980, the bureau staff performed an audit of GTE's compliance with the conditions. In its audit report, the staff commented on GTE's accounting practices, changed circumstances, and how the conditions could be simplified. The report proposed three conditions which (1) set forth accounting requirements, (2) structured the relationship of GTE and Telenet, and (3) prohibited interactions of Telenet and some affiliates in some functional areas. The Commission required GTE to file some additional material, as well as comments. The historical background is summarized in more detail in Attachment I.

Comments

3. In its comments, GTE requested three clarifications of the conditions. First, retain the term "augmented", which has specific meaning in this proceeding, while the phrase "enhanced data service" may not. Second, GTE noted that the original conditions only applied to GTE domestic operations while the proposed conditions appear to apply internationally as well. Finally, the existing conditions allow some GTE affiliates outside of Communications Network group to provide installation and maintenance services for Telenet. GTE seeks to have the proposed conditions clarified to retain this exception. Appendix A to GTE's comments lists administrative services that the GTE Service Corporation may provide for Telenet. In Exhibit 2 attached to its comments, GTE shows quarterly forms that may be used to monitor transactions between Telenet and affiliates. In Exhibit 4 GTE describes circumstances in which Telenet will use vouchers to initiate requests for services from affiliates.

4. The Computer Corporation of America claims that GTE is financing predatory pricing by Telenet. Accordingly, it proposes that limits be placed on the amount of equity that Telenet can obtain from GTE. Furthermore, Computer Corporation believes that Telenet should provide sufficient financial data to show that Telenet is fully charged for the cost of all debt and equity.

5. Tymnet notes that the merger was found to be in the public interest because it would facilitate further expansion of Telenet. Tymnet opposes any lessening of the conditions until Telenet has documented continued expansion, and until there has been a full evidentiary hearing into the original conditions. It also contends that relaxing separation within the Network Group will result in GTE carriers subsidizing Telenet. Tymnet argues that GTE's third clarification would allow GTE manufacturers and R&D entities to provide services to both Telenet and GTE Telephone operating companies. Finally, Tymnet believes that Telenet should use vouchers for all transactions with affiliates.

6. In reply, GTE stated that the accounting procedures it has instituted, along with continuing staff and surveillance, would prevent CNS affiliates from being used as vehicles for cross-subsidization. GTE also contends that there is a low risk of subsidy because of the limited interaction between CNS affiliates and GTE telcos. The comments are summarized in greater detail in Attachment II.

Discussion

7. GTE represented that its accounting procedures will prevent cross-subsidization. Based on the record before us, we conclude that interactions between Telenet and the Network Group affiliates will not create any undue risk of cross-subsidization or other abuses. *See* 78 FCC 2d at 425. In all other respects, the parties appear to accept the framework of conditions proposed by the staff.

8. There was no substantive opposition to GTE's suggestion that the conditions apply to "augmented data"rather than "enhanced data" services. Similarly, no reasons were advanced to apply the conditions to international operations. Tymnet questioned whether Telenet should receive installation and maintenance services from R&D or manufacturing affiliates. The existing conditions do not bar such transactions, and after nearly two years of experience with the conditions, we have no indication of any abuses. The modified conditions will therefore incorporate the existing installation and maintenance provisions.

9. Computer Corporation contends that limits on financing are needed to prevent predatory pricing by Telenet. We have previously found that GTE financing is permitting Telenet to provide the public with innovative service more quickly than it could do otherwise. There is no evidence in the audit report to contradict this finding. Computer Corporation has not convinced us that Telenet is engaging in predatory pricing. At this time, the benefits of continued GTE financing outweigh the risk of predatory pricing by Telenet. If stronger evidence is brought to our attention, we will take whatever action is appropriate, consistent with our jurisdiction.

10. Tymnet argues that Telenet should use vouchers for all transactions with affiliates. This would provide a check to ensure that all work for Telenet is recorded. This would, however, limit GTE's flexibility in areas where services are routinely provided for Telenet. On balance, we accept the staff's recommendation that no additional accounting procedures should be required. Furthermore, we do not see the need to voucher all intercorporate transactions.

11. Computer Corporation contended that Telenet should record all information exchanges with affiliates, and should file additional financial data with the Commission. The question of future reporting and recording requirements, if any, will be considered in a companion order we are adopting today, FCC 81. GTE should continue to provide information as necessary to facilitate continuing staff monitoring and surveillance. However, no additional recording or reporting requirements will be imposed here.

Revised Conditions

12. Based on the record before us, and the above discussion, the conditions can be streamlined without significantly weakening them. The staff will continue to monitor and audit to ensure that no abuses occur and that Telenet continues to expand. The following conditions will be substituted for the existing GTE-Telenet conditions and waivers:

Condition 1: Accounting and Reporting Requirements—Telenet shall retain its separate corporate structure. Telenet shall maintain an independent accounting system in accordance with FCC requirements, fully disclosing all actual costs and revenues. Telenet shall maintain quarterly records of all financial transactions with affiliates.

Condition 2: Separation for Permitted Interactions—(a) No GTE affiliate besides Telenet (except Hawaiian Telephone Company) shall provide or market augmented data services in this country. GTE carriers may only participate in other companies's augmented data services by providing tariffed services.

(b) All financing of Telenet shall be provided directly by the GTE holding company or by unaffilliated sources.

(c) Telenet must bear the costs of administrative services provided by affiliates. Telenet shall only receive proprietary R&D results from affiliates outside of CNS if Telenet pre-funded the work by contract. Telenet shall obtain all other non-proprietary or network design information, services, and equipment from non-CNS affiliates on a non-discriminatory and arms length basis.

Condition 3: Prohibited Interactions—Telenet shall not directly or indirectly exchange customer proprietary information, jointly use physical space, share employees or officers, or obtain non-administrative services from GTE companies outside of CNS in the following functional areas:

(a) Marketing and customer sales engineering—except for institutional advertising which is neither product nor service specific.

(b) Software or firmware development for Telenet's network or customer premise equipment—except for providing equipment containing generic software that is routinely sold to unaffiliated customers.

(c) Operations, installation and maintenance—except that affiliates other than telephone operating companies, GTE Service Corporation, and GTE Satellite Corporation may install, maintain, and operate Telenet customer-premise equipment.

13. It is ordered, pursuant to sections 4(i), 214(c), 212, 218, 220, 403 and 602(d) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i), 212, 214(c), 218, 219, 220, 403 and 602(d), That the conditions imposed on the acquisition of Telenet by GTE are modified as provided herein.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment I—History of the GTE-Telenet Proceeding

On December 28, 1978, in response to a staff inquiry, General Telephone and Electronics Corporation (GTE) and Telenet Corporation (Telenet) informed the Commission by letter that GTE intended to acquire Telenet. We responded that GTE and Telenet must secure authorization pursuant to Section 214 of the Communications Act, as amended, 47 U.S.C. 214, before the acquisition could be completed. (Letter, January 25, 1979). In addition, the letter posed questions concerning:

1. How GTE would assure that it would compete with AT&T,

2. The potential for cross subsidization of Telenet by GTE ratepayers,

3. The impact of the merger on the data communications marketplace, and

4. Whether GTE could successfully enter the market if the merger were not permitted.

GTE, Telenet, and Telenet Communications (Telenet's wholly-owned subsidiary) filed a Section 214 application requesting authority for GTE to acquire control of Telenet (Application, Feb. 16, 1979). The application contained information addressing the above questions, as well as others posed by the Commission's letter.

Graphnet, Inc. and Tymnet, Inc. filed pleadings urging that the application be denied or set for trial type hearing. Other parties commented that special

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conditions should be imposed on a grant of the application. An investigation was conducted by the staff and additional information and comments were filed by the parties, including GTE Hart-Scott-Rodino material previously provided to the Department of Justice.

This record formed the basis for a decision, released May 11, 1979, which found that GTE would have incentives to cross subsidize Telenet, and provide it with other unfair and anti-competitive advantages. 72 FCC 2d 111. In addition, we found some indications that GTE might not compete with AT&T in data communications markets. However, protective conditions were placed on the merger, so that the public could be protected adequately. Furthermore, the merger would provide needed capital, and allow Telenet to extend its service. (para. 41–44). Therefore, while granting the application, we imposed 10 conditions, and stated that the staff would closely monitor Telenet's first two years as part of GTE.

GTE responded to these conditions by letter filed May 14, 1979. GTE contended that many of the conditions were either ambiguous or unnecessarily stringent, and instead proposed revised conditions. To further investigate the construction of conditions, the Commission held an oral presentation on May 31, and allowed interested parties to file pleadings addressing GTE's concerns. The Commission then reevaluated, clarified, and modified the conditions that would apply to GTE and Telenet. 72 FCC 2d 516 (1979). Thereupon GTE and Telenet consummated the merger, and accepted the resulting conditions.

While GTE did not challenge the Commission's authorization, Graphnet and Tymnet did. These parties argued on reconsideration that the merger proceedings had violated their due process rights, primarily because some documents had been treated confidentially. In addition, Tymnet contended that the Commission had unjustifiably modified the original conditions, and that the resulting conditions were too weak.

The Commission rejected these arguments on reconsideration, and affirmed the conditions as modified. FCC 79–759, Released: December 4, 1979. The decision provided clarification on such subjects as the definition of institutional advertising; the administrative areas in which accounting separation is allowed; types of employees included under marketing; and the disclosure of non-customer proprietary information. In addition, the order announced that the staff would conduct an audit to insure compliance with the conditions. (para. 54).

By letter from the Chief, Common Carrier Bureau dated September 28, 1979 GTE was informed that an audit would be performed. On November 4, 1979, the staff provided GTE with a list of items which GTE was expected to make available at Telenet's headquarters in Vienna, Virginia. The actual audit began on February 4, 1980, and was substantially completed shortly thereafter. An order releasing the staff's audit report was adopted on April 24, 1980. In that order, the Commission directed GTE to file additional material, and comment on the report.

The audit report focused on three subjects: Telenet's Independent Accounting System; Telenet's Interactions with GTE and AT&T; and an evaluation of the conditions. The report primarily recommended that GTE be directed to file additional material, and that the conditions be modified. GTE filed the requested material on July 11, 1980. The Computer Corporation of America ("CCA") filed comments on August 25, 1980 and Tymnet, Inc. ("Tymnet") filed comments on September 2, 1980. GTE replied on September 17, 1980. While the report covered a broad range of topics, the comments reveal that the parties primarily disagree on the modification of the conditions.

Attachment II—Summary of Pleadings

As directed in the Commission's order of June 11, 1980, GTE filed a *Response* including additional material and comments on the staff Report. Tymnet and CCA filed comments on the staff report and the *Response*. GTE filed reply comments and a subsequent letter.

1. GTE's *Response* of July 11, 1980 notes that the staff described Telenet's accounting system and GTE's treatment of costs to be charged to Telenet. (page 3). The Telenet accounting system is provided as Exhibit 3. Exhibit 1 describes the procedures for accounting costs attributable to Telenet. Appendix A describes the GTE Service Corp. departments that will provide services for Telenet. GTE states that Service Corp. employee will record time spent on behalf of Telenet on a monthly basis. (pages 4). GTE agree that the quarterly intercompany financial transaction report would be a good substitute for the kind of financial information required by Condition 10. GTE would prefer that no extensive modifications be made to this report. (page 4).

GTE opposes the use of vouchers for all Telenet requests for services. Instead GTE proposes that intracorporate request for goods and services would be vouchered if expected to exceed $10,000. (Exhibit 4).

GTE states that "enhanced data services" as referred to in the proposed conditions, is not defined. "Augmented" would be more consistent with the existing conditions. (page 6). GTE believes that Condition 2 should retain the qualification "domestic", or the Commission should clarify why the term was dropped. (page 6). GTE notes that the existing conditions allow GTE manufacturers to provide installation and maintenance services for Telenet, but the proposed conditions would not. GTE proposes language that would broaden the proposed conditions to preserve the original limits. (page 7).

GTE notes that the activities of CNS, apart from Telenet's network services, have not been subject to the Commission's regulation. (page 8). There are presently few transactions between CNS affiliates and GTE telephone companies, and therefore there is little risk that transactions within CNS will burden monopoly ratepayers. (page 9). Transactions between CNS companies and GTE telcos are subject to the scrutiny of state regulatory commissions, and planned periodic staff audits. (page 9). Use of the intercorporate transaction reports will strengthen accounting oversight. (page 10).

CCA states that accounting systems will prevent cross subsidization only if there is full financial disclosure. (page 13). CCA recommends that the Commission require Telenet to have the same capital structure as GTE, that Telenet should be charged a fair market value of the cost of GTE financing, and that all financial dealings be made public. (page 14).

3. Tymnet's *comments* of September 2, 1980 object to any modification of the original conditions without a full evidentiary hearing into accounting procedures. The staff report achieves some of the goals of such a hearing (page 2); however, Tymnet believes that the modifications proposed by GTE would substantially dilute the competitive safeguards provided by the conditions. (page 3). Furthermore, there is no objective evidence that Telenet is growing, and this implies that the public has not benefited from the merger. (page 4).

Tymnet is extremely concerned that CNS will be used as a vehicle to subsidize Telenet. (page 4). The Commission should establish explicit guidelines for dealings within CNS or for dealings between all CNS companies and other GTE affiliates. (pages 4 & 5). Tymnet strenuously opposes allowing Telenet to obtain installation and maintenance services from R&D or manufacturing affiliates. GTE can channel ratepayer money through these sources, especially if the same employees are servicing Telco and Telenet equipment. (page 6). Telenet is already receiving adequate service from one CNS affiliate. (page 7).

Tymnet contends that all transactions between Telenet and affiliates should be vouchered. Oral requests invite potential abuse—particularly if amounts approach $10,000. The vouchers are needed to provide written documentation of transactions. (page 7). Vouchering would only add minimal expense. (page 8).

Tymnet argues that accounting procedures are not a substitute for structural separation. (page 8). Tymnet urges the Commission to continue to monitor GTE's compliance with the structural conditions, and to impose stricter conditions if violations occur. (page 9).

4. GTE's *Reply* of September 17, 1980 dismisses CCA's "more emotional challenges" as being recycled from earlier proceedings, and sees capital structure as the only concrete proposal. (page 2). GTE claims that any proposal to limit GTE's financing of Telenet is unwarranted. (page 3). It states that CCA's characterization of Telenet losses are not accurate (no exact figures are provided by GTE). (page 4). The brochure cited by CCA was used at a trade show where Telenet and CNS affiliates shared an exhibition booth, pursuant to Commission approval. Telenet was charged the full cost ($4) for each copy of this brochure. (page 5).

GTE states that it is not seeking modifications that weaken the conditions, but rather clarifications which preserve the original conditions. (page 5). GTE believes that staff audits will be adequate to prevent CNS affiliates from being used as conduits of ratepayer money. (page 6). There is no need to make the conditions fully apply to CNS affiliates, and doing so would extend regulation to formerly unregulated areas. (page 6).

Statement of Commissioner Joseph R. Fogarty

In Re: Monitoring Compliance with Conditions Underlying General Telephone and Electronics Corporation's Acquisition of Telenet, CC Docket No. 80–197—*Order* and *Further Order*.

I think it proper that the Commission has modified the GTE-Telenet merger conditions. While I prefer that the conditions be abolished, I believe that the action we take today represents, nevertheless, a good interim step. The modifications which we have adopted eliminate clearly unnecessary restrictions within GTE's Communications Network Group (CNS) of which GTE Telenet is a part. Furthermore, the Commission's prompt action in this matter will permit Telenet and other CNS affiliates to obtain those benefits of complementary capabilities which are, at present, denied them by virtue of the original conditions. I became concerned that any delay in, at least, the interim modification of the conditions would negatively affect the competitive viability of Telenet and CNS. This order allays my immediate fears.

My support for modification of the GTE-Telenet merger conditions does not signify that I have changed my belief in the necessity for the abolition to these conditions. As I stated in my concurrence in *Computer II Reconsideration* order, I believe that the merger conditions are "inconsistent with the plain effect and rationale of the Commission's decision [in the *Second Computer Inquiry*] lifting the separate subsidiary requirement from GTE." [1] Moreover, the continued application of the merger conditions will only result in additional costs to consumers and restrictions on technological innovation.

It is for this reason that I support the *Further Notice* which specifically considers whether the merger conditions should be abolished in light of *Computer II*. The approach taken in the *Further Notice* is well-balanced and I am hopeful that the Commission can move to a quick resolution of the issue.

[FR Doc. 81–3798 Filed 2–26–81; 8:45 am]

BILLING CODE 6712–01–M

[1] *See* Concurring Statement of Commissioner Joseph R. Fogarty, Second Computer Inquiry (on reconsideration) FCC 80–628 (released December 30, 1980).

[CC Docket No. 80–197; FCC 81–60]

Monitoring Compliance With Conditions Underlying General Telephone and Electronics Corporation's Acquisition of Telenet

AGENCY: Federal Communications Commission.

ACTION: Order requesting comments on GTE-Telenet merger conditions.

SUMMARY: This order requests comments on the continuing need for GTE-Telenet merger conditions. As a result of Commission action prior to their merger, GTE and Telenet must adhere to certain accounting and structural separation requirements. In the Second Computer Inquiry, the Commission did not find reason to impose separate subsidiary requirements on GTE. Based on comments and other information, the Commission may further modify or eliminate the conditions.

DATES: Comments must be received on or before April 3, 1981, and Reply Comments must be received on or before April 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James Lande, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–4887.

Adopted: February 11, 1981.

Released: February 18, 1981.

By the Commission: Commissioner Ferris, Chairman; not participating; Commissioner Fogarty concurring and issuing a statement.

In the matter of monitoring compliance with Conditions Underlying General Telephone and Electronics Corporation's Acquisition of Telenet; CC Docket No. 80–197; Further Order.

1. The Commission has previously found that the merger of GTE and Telenet would only benefit the public if certain protective conditions were imposed. (72 FCC 2d 111, *modified* 72 FCC 2d 516, *recon. denied*, FCC 79–759, Released: December 4, 1979.) In a companion order we streamline the conditions and reduce some burdens on GTE, but under those conditions, GTE is still required to maintain Telenet as a separate subsidiary. Our *Second Computer Inquiry* decision does not direct GTE to establish separate subsidiaries for the provision of enhanced services; 77 FCC 2d 384, *reconsidered* FCC 80–628, Released: December 30, 1980. This Further Order seeks comments on how the *Second Computer Inquiry* decision impacts on the GTE-Telenet conditions adopted in our companion order.

2. In analyzing the merger, we found that Telenet offers augmented data services. Telenet's network uses computer processing to provide message storage, protocol conversion, multiple addressing, and other services. Prior to the merger, GTE did not offer such "augmented" services, while Telenet was considered to be an innovative provider. We found that a merger of the two might diminish competition in the augmented service market in three ways. (1) Merger with GTE might ultimately reduce competition between Telenet and AT&T. (2) Subsidies at GTE monopoly ratepayer expense could finance predatory pricing by Telenet. (3) GTE might use its control over local access facilities and access to proprietary customer information to give

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Telenet unfair advantages. *See* 72 FCC 2d 111, 131.

3. The Commission required Telenet to maintain separate facilities and operations. If Telenet's physical operations were combined with those of GTE carrier affiliates, augmented service cost would have to be allocated from the Uniform System of Accounts. In addition, GTE's local operating telephone companies operate in partnership with AT&T. The Commission feared that a complete merger would bring Telenet into this partnership. Finally, we concluded that merger of facilities would make it difficult to ensure that competitors would have equal access to underlying facilities.

4. The Commission required structural separation in two additional areas, marketing and software development. Joint marketing would allow Telenet's services to be marketed with complete knowledge of monopoly customer information. This would include information about competitors, and could place competitors at a substantial disadvantage. The Commission also separated software and firmware development, reasoning that Telenet might otherwise obtain proprietary network information before its competitors.

5. In our *Second Computer Inquiry* proceeding, 77 FCC 2d 384, on reconsideration, FCC 80–628, released December 30, 1980, we analyzed the markets for customer premise equipment and enhanced services. We found that AT&T had the ability and incentive either the cross-subsidize the provision of CPE and enhanced services or to engage in anticompetitive conduct through its control over bottleneck facilities. FCC 80–628, para. 71. Consequently, AT&T is required to create a separate subsidiary to offer customer premise equipment and enhanced services. GTE is dependent upon AT&T for most of its interstate transmission needs, cannot control access to the whole interstate network, and has far less resources than AT&T. The costs of separation for GTE would outweigh the potential benefits to the public. Consequently, we did not require GTE to create a separate subsidiary to offer customer premise equipment and enhanced services. *Id.*, para. 66. These findings suggest that it might be appropriate to substantially modify the GTE-Telenet merger conditions, or drop them entirely. Accordingly we invite comments on how the conditions in our Second Computer Inquiry decision should be applied to structuring the merger of GTE and Telenet. More specifically, we pose the following:

1. In light of our decision in Second Computer Inquiry, comment is sought on the degree of structural separation, if any, that should be maintained for Telenet in the provision of augmented data services.

2. What regulatory interest, if any, warrants maintaining any or all of the merger conditions, if the need to maintain structural separation no longer exists. Should any accounting or reporting requirements be required, or should disclosure of network information be required insofar as it may affect intercarrier interconnection, or the attachment and effective utilization of customer-premises equipment.

6. Interested parties may file comments by April 3, 1981. Reply comments must be filed by April 23, 1981.

7. Accordingly, it is ordered, pursuant to sections 4(i), 212, 214(c), 218, 220, 403 and 602(d) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i), 212, 214(c), 218, 219, 220, 403 and 602(d) that the foregoing Order is hereby adopted.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Statement of Commissioner Joseph R. Fogarty

In Re: Monitoring Compliance with Conditions Underlying General Telephone and Electronics Corporation's Acquisition of Telenet, CC Docket No. 80–197—*Order* and *Further Order.*

I think it proper that the Commission has modified the GTE-Telenet merger conditions. While I prefer that the conditions be abolished, I believe that the action we take today represents, nevertheless, a good interim step. The modifications which we have adopted eliminate clearly unnecessary restrictions within GTE's Communications Network Group (CNS) of which GTE Telenet is a part. Furthermore, the Commission's prompt action in this matter will permit Telenet and other CNS affiliates to obtain those benefits of complementary capabilities which are, at present, denied them by virtue of the original conditions. I became concerned that any delay in, at least, the interim modification of the conditions would negatively affect the competitive viability of Telenet and CNS. This order allays my immediate fears.

My support for modification of the GTE-Telenet merger conditions does not signify that I have changed my belief in the necessity for the abolition of these conditions. As I stated in my concurrence in *Computer II Reconsideration* order, I believe that the merger conditions are "inconsistent with the plain effect and rationale of the Commission's decision [in the *Second Computer Inquiry*] lifting the separate subsidiary requirement from GTE." [1] Moreover, the continued application of the merger conditions will only result in additional costs to consumers and restrictions on technological innovation.

It is for this reason that I support the *Further Notice* which specifically considers whether the merger conditions should be abolished in light of *Computer II*. The approach taken in the *Further Notice* is well-balanced and I am hopeful that the Commission can move to a quick resolution of the issue.

[FR Doc. 81–3769 Filed 2–26–81; 8:45 am]

BILLING CODE 6712–01–M

TV Broadcast Applications Accepted for Filing and Notification of Cut–Off Date; Correction

Released: February 20, 1981.

On the public Notice released January 27, 1981, captioned *TV Broadcast Applications Accepted for Filing and Notification of Cut–Off Date* (Mimeo No. 06290), published in the **Federal Register** on February 18, 1981 (46 FR 12852), the date for filing competing applications and petitions to deny any application on the list was stated as March 12, 1981. The "cut-off" date is hereby extended to *March 31, 1981.* This action is necessary in order to assure that a full thirty (30) days expires from the date the list first appears in the **Federal Register.**

Additionally, the following applications listed on the notice released January 27, 1981, are hereby deleted:

BPTT–800919IQ (new), Des Moines, Iowa, Neighborhood TV Company, Inc., Req: Channel 53, 704–710 MHz, 100 watts, Primary: KUSK-TV, Prescott, Arizona.

BPTT–800922IO (new), Dallas, Texas, Richard V. Menchaca, Req: Channel 55, 716–722 MHz, 100 watts, Primary: KWEX-TV, San Antonio, Texas.

BPTT–801003IG (new), Chattanooga, Tennessee, Neighborhood TV Company, Inc., Req: Channel 67, 788–794 MHz, 100 watts, Primary: KUSK-TV, Prescott, Arizona.

BPTT–801117JL (new), Jackson, Mississippi, Leslie Alan Williams, Req: Channel 62, 800–806 MHz, 100 watts, Primary: WRBV-TV, Vineland, New Jersey.

BPTT–800910IJ (new), Buffalo, New York, Neighborhood TV Company, Inc., Req: Channel 58, 734—740 MHz, 100 watts, Primary: KUSK-TV, Prescott, Arizona.

BPTT–800915IM (new), Montgomery, Alabama, Ronald D. Artelia G. Fleming, Req: Channel 61, 752–758 MHz 100 watts, Primary: WRBV-TV, Vineland New Jersey.

BPTT–800915IN (new), Portland, Oregon, Ronald D. & Artelia G. Fleming, Req: Channel 58, 734–740 MHz, 100 watts, Primary: KSTS-TV, San Jose, California.

BPTT–8008271G (new), Sebring, Florida, WTSP-TV, Inc., Req: Channel 48, 674–680 MHz, Primary: WTSP-TV, Largo, Florida.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–16 Filed 2–26–81; 8:45 am]

BILLING CODE 6712–01–M

[1] *See* Concurring Statement of Commissioner Joseph R. Fogarty, Second Computer Inquiry [on reconsideration) FCC 80–628 (released December 30, 1980).

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 22, 1981.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

MILLIKIN BANCSHARES, INC., Decatur, Illinois (mortgage banking activities: Illinois and Iowa): to engage through its subsidiary Millikin Realty Financing Corp., in mortgage loan originating activities. These activities would be conducted from offices located in Bloomington, Champaign, Mount Vernon and Molene, Illinois, serving the following Illinois counties: McLean, Livingston, LaSalle, Logan, Champaign, Vermillion, Douglas, Pratt, Effingham, Marion, Saline, Jackson, Randolph, Massac, Franklin, Lawrence, Wayne, Rock Island, Mercer and Henry; and Scott County, Iowa.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 20, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81–3853 Filed 2–26–81; 8:45 am]

BILLING CODE 6210–01–M

First Nocona Bancshares, Inc.; Formation of Bank Holding Company

First Nocona Bancshares, Inc., Nocoma, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Nocona, Nocona, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifiying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81–3854 filed 2–26–81; 8:45 am]

BILLING CODE 6210–01–M

GENERAL ACCOUNTING OFFICE

Designation of Acting Comptroller General

AGENCY: U.S. General Accounting Office.

ACTION: Notice of designation of Acting Comptroller General for the U.S. General Accounting Office.

SUMMARY: The Independent Offices Appropriation Act, 1945, Section 101, 58 Stat. 371, as amended, 31 U.S.C. 43a, authorizes the Comptroller General to designate an employee of the General Accounting Office to act as Comptroller General during the absence or incapacity of the Comptroller General and Deputy Comptroller General, or during a vacancy in both of these Offices. Since the position of Deputy Comptroller General is currently vacant and the term of the incumbent Comptroller General is currently vacant and the term of the incumbent Comptroller General expires at the close of business on March 3, 1981, Milton J. Socolar, General Counsel of the General Accounting Office was designated to serve as Acting Comptroller General during any absence of the Comptroller General during the remainder of his term, and thereafter.

FOR FURTHER INFORMATION CONTACT: Harry R. Van Cleve (202) 275–5207.

Harry R. Van Cleve,

Acting General Counsel.

[FR Doc. 81–40 Filed 2–26–81; 8:45 am]

BILLING CODE 1610–01–M

GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service

[Wildlife Order 143]

Former Nash Island Light Station South Addison, Maine; Transfer of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948, (16 U.S.C. 667c), notice is hereby given that:

1. By transfer letter from the General Services Administration dated December 17, 1980, the property, consisting of 4.72 acres of unimproved land, known as the former Nash Island Light Station, South Addison, Maine (1–GR–(2)–ME–597), has been transferred to the U.S. Department of the Interior, Fish and Wildlife Service.

2. The above described property was conveyed for the purpose of carrying out the national migratory bird management program in accordance with the

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provision of section 1 of said Pub. L. 80-537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: February 19, 1981.

Roy Markon,

Commissioner, Federal Property Resources Service.

[FR Doc. 81-2 Filed 2-26-81; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, January—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organizations

Name, address, service area, and date of qualification—(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c)).

1. Health First, (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 6445 Poplar Avenue, Memphis, Tennessee 38119. Service area: Shelby County, Tennessee. Date of qualification: January 26, 1981.

(Transitional Qualified Health Maintenance Organization: 42 CFR 110.603(b))

1. Pomona Valley Health Plan, (Individual Practice Association Model, see Section 1310(B)(2)(A) of the Public Health Service Act), 146 Nemaha Street, Pomona, California 91767. Service area: Zip codes in the following counties: *Los Angeles:* 91711, 91740, 91750, 91765-8, 91773. *San Bernardino:* 91701, 91710, 91730, 91739, 91743, 91759, 91761-4, 91786.

Date of qualification: January 23, 1981.

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Prudential Health Care Plan, Inc., 1600 West 38th Street, Suite 404, Austin, Texas 78731, (a regional component of Prudential Health Care Plan, Houston, Texas—see 45 FR 13899-900). Service area: City of Austin and zip codes in the following counties: *Bastrop:* 78613. *Hays:* 78610, 78619-20, 78652. *Williamson:* 78626, 78634, 78641, 78660, 78664. *Travis:* 78617, 78653, 78625, 78732, 78734-7, 78742-4, 78746-50, 78754, 78758.

Effective date: January 27, 1981.

2. Prudential Health Care Plan, Inc., Suite 100, Box 12, Insurance Exchange Building, Two Vantage Way, Nashville, Tennessee 37228, (a regional component of Prudential Health Care Plan, Houston, Texas—see 45 FR 13899-900). Service area: Davidson, Cheatham, Robertson, Sumner, Wilson, Rutherford, and Williamson Counties, Tennessee. Efective date: January 27, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: February 20, 1981.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-6598 Filed 2-26-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology; Anti-Thymic Globulin

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of anti-thymic globulin as an immunosuppressive technique in renal transplantation.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 28, 1981. To enable the Center's staff to give appropriate consideration To any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: February 20, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-10 Filed 2-26-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology; Transcutaneous Electrical Nerve Stimulation

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of transcutaneous electrical nerve stimulation for treatment of post-surgical acute incision pain.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 28, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: February 20, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-9 Filed 2-26-81; 8:45 am]

BILLING CODE 4110-85-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming Consumer Exchange Meeting to be chaired by George R. White, District Director, Atlanta District Office, Atlanta, GA.

DATE: The meeting will be held from 7:30 p.m. to 9:30 p.m., Wednesday, March 11, 1981.

ADDRESS: The meeting will be held at the Nozingo Bldg., Darlington, SC 29532.

FOR FURTHER INFORMATION CONTACT: Wilhelmina M. Lombardi, Consumer Affairs Officer, Food and Drug Administration, 1182 W. Peachtree St. NW., Atlanta, GA 30309, 404-881-7355.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Atlanta District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: February 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-11 Filed 2-26-81; 8:45 am]

BILLING CODE 4110-03-M

Office of the Secretary

Withdrawal of Notice of Intent To Make "March-In" Determination

On February 18, 1981 a notice (46 FR 12856) was inadverently published to determine whether the government is entitled to exercise its rights to require the licensing of U.S. Patent No. 3,397,267. The notice of intent (46 FR 12856) is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: Leroy B. Randall, Chief, Patent Branch, Westwood Building, Room 5A03, c/o National Institutes of Health, Bethsda, MD 20205, or (301) 496-7056.

(45 CFR, Parts 6 and 8)

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit: Receipt of Application

Applicant: Dr. William M. Howell, Samford University, Birmingham, AL.

The applicant requests a permit to take (capture) watercress darter fish (*Etheostoma nuchale*) from Glen Spring, Alabama to be relocated at Thomas Spring, Alabama, where the species has been extirpated, for enhancement of survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7698. Interested persons may comment on this application by March 30, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 24, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-3841 Filed 2-26-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct specific activities with various Endangered Species:

Applicant: United Peregrine Society, Inc., Colorado, Springs, CO, PRT 2-7690.

The applicant requests a permit to take young peregrine falcons (*Falco peregrinus anatum*) from western states and to import young peregrine falcons from Mexico and Canada for enhancement of propagation and survival. No birds would be taken without approval from appropriate state conservation agencies and/or Federal land management agencies. The applicant plans to establish a breeding colony of peregrine falcons representing a geographic diversity as reflected by the North American Continent.

Applicant: Patuxent Wildlife Research Center, U.S. Fish & Wildlife Service, Laurel, MD, PRT 2-7680.

The applicant requests a permit to export California condor (*Gymnogyps californianus*) eggshell materials to the Wildlife Toxicology Division, Canadian Wildlife Service, Ontario, Canada for organochlorine analysis and scientific research.

Applicant: Dr. Richard Arnold, Division of Entomology and Parsitology, University of California at Berkley, Berkley, CA, PRT 2-682.

The applicant requests a permit to take (capture) all endangered and threatened insects native to California, butterflies primarily, to establish a breeding colony of each species for enhancement of propagation and survival.

Applicant: Memphis Zoo and Aquarium, Memphis, TN, PRT 2-7691.

The applicant requests a permit to purchase in foreign commerce four bontebok antelope (*Damaliscus dorcas dorcas*) held at the Memphis Zoo from G. Van de Brink, Netherlands for enhancement of propagation.

Applicant: Central Florida Zoological Park, Sanford, FL, PRT 2-7693.

The applicant requests a permit to import in foreign commerce one 10 year old mandrill (*Papio sphinx*) from the Bucharest Zoo, Bucharest, Rumania for enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications by March 30, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: February 24, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-3842 Filed 2-26-81; 8:45 am]

BILLING CODE 4310-55-M

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Bureau of Land Management

[AA-6701-C]

Alaska Native Claims Selection

On May 10, 1974, Seldovia Native Association, Inc., filed selection application AA-6701-C, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (ANCSA), for the surface estate of certain lands in the vicinity of Seldovia.

On October 25, 1974, a decision was issued by the Bureau of Land Management (BLM) rejecting AA-6701-C as to U.S. Survey 4747, lots 2 and 4, U.S. Survey 4746, lots 1 and 2, U.S. Survey 4742, lot 8, and U.S. Survey 4750, lots 1 and 3. The basis for the rejection was that the State had validly selected the lands pursuant to the Alaska Mental Health Enabling Act of July 28, 1956 (70 Stat. 709), and therefore, these lands were not available for selection by Seldovia Native Association, Inc., under ANCSA. An appeal was filed but on July 1, 1976, BLM's decision was affirmed by the Alaska Native Claims Appeal Board (ANCAB). On February 14, 1977, Seldovia Native Association, Inc., filed a complaint for judicial review in the U.S. District Court. On February 27, 1980, a stipulation was filed with ANCAB by all parties, in which it was agreed that the lands listed above were erroneously rejected by BLM as they were not validly State-selected. On March 5, 1980, a partial reconsideration was issued by ANCAB ordering BLM to correct the decision of October 25, 1974, consistent with the stipulation.

Accordingly, State selection application A-057389, filed December 29, 1959, as amended, pursuant to the Alaska Mental Health Enabling Act of July 28, 1956 (70 Stat. 709) is hereby rejected as to the lands herein approved for conveyance. These lands were segregated by applications pursuant to the public land laws at the time the State selected, therefore, were not available for selection and will not be charged against the village corporation as State-selected lands.

Further action on the subject State selection application as to those lands not rejected herein will be taken at a later date.

As to the lands described below, selection application AA-6701-C, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating 138.64 acres, is considered proper for acquisition by Seldovia Native Association, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey No. 4742, Alaska, lot 8, situated in Tutka Bay Kachemak Bay area.
Containing 5.00 acres.
U.S. Survey No. 4746, Alaska, lots 1 and 2, situated on Cronin Island on the south side of Kachemak Bay in the Herring Islands group.
Containing 14.28 acres.
U.S. Survey No. 4747, Alaska, lots 2 and 4, situated on Kasitsna Bay and the eastern shore of Jakolof Bay southerly of the Herring Islands.
Containing 91.18 acres.
U.S. Survey No. 4748, Alaska, lots 3, 4, 5, and 6, situated on the easterly shore of Jakolof Bay.
Containing 18.91 acres.
U.S. Survey No. 4750, Alaska, lots 1 and 3, situated on the southerly shore of Kasitsna Bay at the entrance to Jakolof Bay.
Containing 9.27 acres.
Aggregating 138.64 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file AA-6701-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

(EIN 1 D9) An easement sixty (60) feet in width for an existing road from a point on the south boundary of U.S. Survey 4750, through Lot 5, in Sec. 19 T. 8 S., R. 13 W., Seward Meridian, and continuing to and through U.S. Survey 4750, Lot 3, in Sec. 20, T. 8 S., R. 13 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17 (b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

2. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Seldovia Native Association, Inc., is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 67,701.28 acres. The remaining entitlement of approximately 47,498.72 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Cook Inlet Region, Inc., when the surface estate is conveyed to Seldovia Native Assoication, Inc., and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above-described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 30, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501;
Seldovia Native Association, Inc., P.O. Drawer L, Seldovia, Alaska 99663;
Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-5700 Filed 2-26-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado, Utah; Availability of Final Uinta-Southwestern Utah Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, Department of the Interior, has prepared a final environmental impact statement (FEIS) analyzing: (1) the proposed 1981 leasing of Federal coal in the Uinta-Southwestern Utah Coal Production Region; (2) the R. J. Hollberg preference right lease application (PRLA); and (3) the proposed exchange of PRLA's held by Utah Power and Light Company (UP&L) on the Kaiparowitz Plateau for Federal coal leases on the Wasatch Plateau.

ADDRESSES: Single copies of the final EIS may be obtained from the Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. In addition, review copies may be examined at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240.
Price River Resource Area Office, Bureau of Land Mangement, 900 North 7th East, P.O. Box AB, Price, Utah 84501.
Moab District Office, Bureau of Land Management, 125 West 2nd South, P.O. Box 970, Moab, Utah 84532.
Escalante Resource Area, Bureau of Land Management, Escalante, Utah 84726.
Cedar City District Office, Bureau of Land Management, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720.
Richfield District Office, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701.

FOR FURTHER INFORMATION:
Ronald Bolander, Uinta-Southwestern Utah Coal Region EIS Team Leader, Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

SUPPLEMENTAL INFORMATION: The final Uinta-Southwestern Utah Regional Coal EIS analyzes five coal leasing alternatives: (1) lease 11 tracts containing 561.8 million tons of in-place coal, (2) lease seven tracts containing 465.2 million tons of in-place coal, (3) lease three tracts containing 335.3 million tons of in-place coal, (4) lease three tracts containing 153.7 million tons of in-place coal, and (5) no action. The Hollberg PRLA is considered in each alternative. Alternative Two is the preferred alternative and would provide for leasing of Federal coal through both competitive bid and small business set-aside.

Two alternatives are considered for the proposed UP&L exchange. They are (1) proceed with the exchange, and (2) no action.

About 1,100 copies of the draft EIS were sent to Federal, State, and local government agencies, non-governmental organizations, and private citizens for their reivew and comment. Public hearings were held in Escalante, Castle Dale, Price, and Salt Lake City, Utah. All substantive comments on the adequacy of the draft EIS have been responded to in the final EIS.

The following are the legal descriptions for 10 of the 11 tracts:

Tucker Canyon Tract—U-47973
T. 12 S., R. 7 E., SLM, Utah,
Sec. 30, lots 1, 2, S½NE¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, NE¼NW¼.
Containing 161.40 acres Carbon County.

Miller Creek Tract—U-47974
T. 13 S., R. 7 E., SLM, Utah,
Sec. 3, lots 9, 10, N½SW¼;
Sec. 9, NE¼, S½NW¼, E½SW¼, E½SE¼;
Secs. 10, and 15, all;
Sec. 16, E½E½.
Containing 1,999.06 acres Carbon County.

Gordon Creek Tract—U-47975
T. 13 S., R. 7 E., SLM, Utah,
Sec. 1, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 2, all;
Sec. 3, lots 1, 2, 5-8, SW¼NE¼, NW¼SE¼;
Sec. 11, all;
Sec. 12, W½W½;
Sec. 13, S½S½NW¼NE¼, S½NE¼, W½, SE¼;
Secs. 14, and 23, all;
Sec. 24, N½N½, SW¼NW¼, NW¼SW¼.
T. 13 S., R. 8 E., SLM, Utah,
Sec. 19, lots 1, 2, SE¼NW¼.
Containing 4,283.89 acres Carbon County.

Rilda Canyon Tract—U-47977
T. 16 S., R. 7 E., SLM, Utah,
Sec. 32, all.
Containing 640.00 acres.

Cottonwood Tract—U-7978
T. 17 S., R. 7 E., SLM, Utah,
Sec. 27, S½NW¼, N½SW¼;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec. 30, SE¼NE¼, E½SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, all;
Sec. N½, SW¼.
Containing 2,400.00 acres Emery County.

Meetinghouse Canyon Tract—U-47979
T. 16 S., R. 7 E., SLM, Utah,
Sec. 34, S½NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 17 S., R. 7 E., SLM, Utah,
Sec. 3, lots 1-6, 10-12, SW¼, SW¼SE¼;
Sec. 4, lots 1, 8, 9, E½SE¼.
Containing 1,063.38 acres Emery County.

Emery North Tract
T. 22 S., R. 6 E., SLM, Utah,
Sec. 1, lots 1, 2, S½NE¼, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, E½SE¼;
Sec. 12, NE¼, S½;
Sec. 13, E½, N½NW¼, SW¼NW¼, N½SE¼NW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼;
Sec. 14, SW¼NW¼, NW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 15, NE¼NE¼;

Sec. 22, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 23, NE¼NW¼.
Containing 2,161.00 acres Emery County.

Emery South Tract

T. 24 S., R. 6 E., SLM, Utah,
Sec. 4, lots 4–7, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 5, lots 1, 2, 7, 8, S½NE¼, N½SE¼.
Containing 748.49 acres Emery County.

Slaughterhouse Canyon Tract

T. 13 S., R. 7 E., SLM, Utah,
Sec.19, SE¼SE¼;
Sec. 20, SE¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, E½.
Containing 440.00 acres Carbon County.

Emery Central Tract

T. 22 S., R. 6 E., SLM, Utah,
Sec. 34, S½;
Sec. 35, all.
T. 23 S., R. 6 E., SLM, Utah,
Sec. 3, all;
Sec. 4, lot 1, SE¼NE¼, E½SE¼;
Sec. 10, all;
Sec. 11, W½E½, W½;
Sec. 15, NW¼NE¼, NE¼NW¼.
Containing 2,967.65 acres Emery County.

North Horn Mountain—U–47981

Exact boundaries for the eleventh tract, North horn Mountain, have not yet been determined.

Dated: February 20, 1981.

Ed Hastey,

Acting Director, Bureau of Land Management.

Approved:

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81–8182 Filed 2–26–81; 8:45 am]

BILLING CODE 4310–84–M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR 1760 that a meeting of the Medford District Advisory Council will be held on March 27, 1981.

The meeting will begin at 9:00 A.M. and end at 12:00 noon in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The agenda for this meeting will include:

1. Presentation by BLM Oregon State Director on "Sagebrush Rebellion" and how it is affecting Oregon.
2. Update on status of wilderness regulations.
3. General announcements of BLM Medford District activities including budget constraints and effects of freezes.
4. Follow-up on concerns of ranchers in regard to herbicide program.
5. Follow-up on 1981 vegetative management environmental assessment.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 11:30 A.M. and 12:00 noon or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the Public Information Officer, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501, telephone 503–776–4198, by close of business March 25, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council Meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Dated: February 20, 1981.

Wayne Boden,

Acting District Manager.

[FR Doc. 81–4 Filed 2–26–81; 8:45 am]

BILLING CODE 4310–84–M

Susanville District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 (FLPMA) that a meeting of the Susanville District Advisory Council will be held on March 17 and 18, due to the cancellation of the meeting scheduled for February 24 and 25, 1981.

The meeting will begin at 10:00 a.m. in the Ravendale Fire Station of the Bureau of Land Management, Ravendale, California.

The agenda for the meeting will include:

1. Ad Hoc Committee Report on Role Statement.
2. Ad Hoc Committee Report on Process for Reporting ES Implementation Progress to Public.
3. Cowhead/Massacre MFP III.
4. Cal Neva and Willow Creek EIS Status Report.
5. Alturas RMP Status Report.

The meeting is open to the public and time will be provided for public comment.

Summary minutes of the council meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

C. Rex Cleary,

District Manager.

[FR Doc. 81–8570 Filed 2–26–81; 8:45 am]

BILLING CODE 4310–84–M

Oregon; Closure of Lands and Roads During Herbicide Application Operations

Notice is hereby given that public access to certain public lands and roads in the Medford District will be temporarily prohibited during herbicide application operations in accordance with the provisions of 43 CFR 6010.4. These closures do not apply to emergency, law enforcement, and federal or other government personnel while performing emergency or official acts, or to persons authorized to be present by permit or contract.

The following described lands and the roads thereon shall be closed.

Spring-Early Summer Herbicide Program

Willamette Meridian, Oregon

T. 31 S., R. 8 W.,
Sec. 7, W½SW¼;
Sec. 19, E½;
Sec. 31, E½;
Sec. 33, W½; and
T. 31 S., R. 9 W.,
Sec. 11, SW¼SW¼;
Sec. 13, E½NE¼;
Sec. 14, NE¼;
Sec. 15, All;
Sec. 27, NE¼NE¼; and
T. 32 S., R. 5 W.,
Sec. 5, SW¼NE¼, W½SW¼;
Sec. 23, NW¼NE¼; and
T. 32 S., R. 8 W.,
Sec. 17, SE¼;
Sec. 15, NW¼NW¼;
Sec. 21, W½; and
T. 32 S., R. 9 W.,
Sec. 4, NW¼NW¼;
Sec. 5, NW¼NW¼;
Sec. 16, SW¼;
Sec. 17, S½SW¼;
Sec. 19, All;
Sec. 20, N½NW¼, SW¼SE¼;
Sec. 21, W½SE¼;
Sec. 22, SW¼SW¼;
Sec. 28, S½SW¼;
Sec. 27, SE¼SE¼;
Sec. 29, NW¼NE¼;
Sec. 32, SE¼;
Sec. 33, W½;
Sec. 35, All; and
T. 32 S., R. 10 W.,
Sec. 24, NW¼SW¼;
Sec. 35, NE¼NE¼;
Sec. 36, W½NE¼, E½NW¼, NW¼SW¼; and
T. 33 S., R. 2 W.,
Sec. 5, All; and
T. 33 S., R. 3 W.,
Sec. 19, SW¼;
Sec. 33, W½; and
T. 33 S., R. 4 W.,
Sec. 33, SE¼, E½SW¼, SW¼SW¼; and
T. 33 S., R. 6 W.,
Sec. 31, NE¼, E½NW¼, SW¼NW¼, N½SE¼, N½SW¼, SE¼SW¼; and
T. 33 S., R. 9 W.,
Sec. 30, SW¼SW¼;
Sec. 31, NW¼NW¼; and
T. 33 S., R. 10 W.,
Sec. 2, NW¼SW¼;
Sec. 3, NE¼SE¼;
Sec. 36, N½NE¼; and
T. 34 S., R. 3 W.,
Sec. 15, NE¼NE¼;
Sec. 21, S½; and
T. 34 S., R. 4 W.,
Sec. 3, N½, N½S½, SW¼SW¼;
Sec. 5, E½;
Sec. 9, NW¼;
Sec. 17, SE¼SE¼; and
T. 34 S., R. 6 W.,
Sec. 15, NE¼SW¼, NE¼NE¼; and
T. 34 S., R. 9 W.,
Sec. 6, SE¼;
Sec. 7, S½NW¼, N½SE¼;
Sec. 17, E½SE¼, NW¼SE¼;
Sec. 23, E½SW¼, SW¼SE¼; and
T. 35 S., R. 3 W.,
Sec. 9, E½;
Sec. 17, SW¼; and
T. 35 S., R. 5 W.,
Sec. 1, SW¼;
Sec. 7, NE¼NE¼; and
T. 37 S., R. 3 W.,
Sec. 21, N½; and
T. 37 S., R. 4 W.,
Sec. 7, S½SE¼;
Sec. 18, N½NE¼;
Sec. 27, S½SE¼, NW¼SE¼, SW¼NE¼; and
T. 37 S., R. 5 W.,
Sec. 11, SE¼, E½SW¼;
Sec. 13, N½NW¼;
Sec. 14, N½NE¼, NE¼NW¼; and
T. 38 S., R. 2 W.,
Sec. 21, NE¼SW¼, S½SW¼;
Sec. 29, NE¼; and
T. 38 S., R. 3 W.,
Sec. 21, E½SE¼, SW¼SE¼;
Sec. 22, W½SW¼; and
T. 38 S., R. 4 W.,
Sec. 13, NW¼;
Sec. 14, NE¼NE¼;
Sec. 23, N½NE¼;
Sec. 31, W½NW¼, NE¼NW¼, NW¼NE¼; and
T. 39 S., R. 1 W.,
Sec. 21, All;
Sec. 7, SE¼; and
T. 39 S., R. 2 W.,
Sec. 3, All;
Sec. 4, SE¼NE¼;
Sec. 27, S½;
Sec. 34, All;
Sec. 35, S½; and
T. 39 S., R. 3 W.,
Sec. 5, All;
Sec. 7, All;
Sec. 8, All;
Sec. 25, All;
Sec. 28, W½NW¼;
Sec. 29, All;
Sec. 35, E½;
Sec. 36, All; and
T. 39 S., R. 4 W.,
Sec. 11, E½NE¼;
Sec. 12, NW¼;
Sec. 17, SW¼SW¼;
Sec. 19, NE¼;
Sec. 20, NW¼; and
T. 39 S., R. 6 W.,
Sec. 8, N½NW¼;
Sec. 9, W½; and
T. 33 S., R. 2 E.,
Sec. 13, All;
Sec. 19, N½; and
T. 33 S., R. 3 E.,
Sec. 18, W½SW¼;
Sec. 19, All;
Sec. 33, S½, S½N½, NW¼NW¼; and
T. 34 S., R. 3 E.,
Sec. 3, SW¼, W½SE¼, NE¼SE¼;
Sec. 9, N½;
Sec. 27, All;
Sec. 33, S½, SW¼NE¼, NE¼NE¼, NW¼; and
T. 36 S., R. 3 E.,
Sec. 7, All; and
T. 38 S., R. 3 E.,
Sec. 17, SE¼;
Sec. 26, NW¼SE¼, NE¼SW¼; and
T. 38 S., R. 4 E.,
Sec. 17, E½SW¼; and
T. 39 S., R. 4 E.,
Sec. 3, NE¼NW¼, NW¼NE¼.

Late Summer-Fall Herbicide Program

Willamette Meridian, Oregon

T. 31 S., R. 3 W.,
Sec. 19, E½SE¼; and
T. 31 S., R. 4 W.,
Sec. 25, SE¼SE¼;
Sec. 29, E½SW¼;
Sec. 32, NE¼SW¼;
Sec. 35, SE¼; and
T. 31 S., R. 9 W.,
Sec. 19, N½;
Sec. 33, SW¼SW¼;
Sec. 35, W½SW¼; and
T. 32 S., R. 1 W.,
Sec. 29, All; and
T. 32 S., R. 4 W.,
Sec. 8, NE¼SE¼;
Sec. 9, SW¼NE¼, NE¼SW¼, SW¼SW¼, NE¼SE¼;
Sec. 22, N½NE¼;
Sec. 23, W½NE¼, E½NW¼; and
T. 32 S., R. 5 W.,
Sec. 27, SW¼;
Sec. 33, NE¼; and
T. 32 S., R. 7 W.,
Sec. 17, All; and
T. 32 S., R. 9 W.,
Sec. 3, NE¼;
Sec. 4, S½SW¼;
Sec. 7, All;
Sec. 9, N½NW¼;
Sec. 10, N½NW¼;
Sec. 14, SE¼SE¼;
Sec. 26, NE¼; and
T. 33 S., R. 2 W.,
Sec. 3, All;
Sec. 19, All; and
T. 33 S., R. 3 W.,
Sec. 19, SW¼;
Sec. 33, W½; and
T. 33 S., R. 5 W.,
Sec. 26, NE¼SW¼, SW¼SE¼;
Sec. 35, E½NE¼; and
T. 33 S., R. 6 W.,
Sec. 33, NW¼, W½SE¼; and
T. 33 S., R. 7 W.,
Sec. 1, S½SW¼;
Sec. 11, W½NE¼, NW¼; and
T. 34 S., R. 2 W.,
Sec. 7, All; and
T. 34 S., R. 3 W.,
Sec. 15, NE¼NE¼ and
T. 34 S., R. 4 W.,
Sec. 3, SW¼SW¼;
Sec. 5, E½, E½SW¼, SW¼SW¼; and
T. 34 S., R. 5 W.,
Sec. 18, S½SE¼, E½SW¼, W½SE¼;
Sec. 27, W½SW¼, NE¼SW¼; and
T. 34 S., R. 7 W.,
Sec. 1, S½NW¼, SW¼SW¼;
Sec. 2, SW¼SW¼;
Sec. 11, W½NE¼, S½SW¼;
Sec. 13, E½SW¼, S½SE¼;
Sec. 15, All; and
T. 34 S., R. 8 W.,
Sec. 22, NW¼NE¼;
Sec. 23, W½NW¼;
Sec. 26, NW¼NW¼;
Sec. 29, SE¼;
Sec. 32, SE¼NE¼;
Sec. 33, SW¼NW¼, SW¼SW¼; and
T. 34 S., R 9 W.,
Sec. 7, SE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 25, SW¼NE¼, SE¼NW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼NE¼, N½NW¼; and
T. 35 S., R. 3 W.,
Sec. 9, S½;
Sec. 17, W½;
Sec. 19, E½; and
T. 35 S., R. 4 W.,
Sec. 1, W½ and
T. 37 S., R. 3 W.,
Sec. 9, SW¼;
Sec. 17, E½NE¼;
Sec. 21, N½; and
T. 37 S., R. 4 W.,
Sec. 7, All;
Sec. 18, N½N½; and
T. 38 S., R. 5 W.,
Sec. 5, All; and
T. 39 S., R. 2 W.,
Sec. 3, All;
Sec. 4, SE¼NE¼; and
T. 39 S., R. 3 W.,
Sec. 25, All;
Sec. 30, All;
Sec. 35, E½;
Sec. 36, All; and
T. 39 S., R. 4 W.,
Sec. 14, S½;
Sec. 22, E½;
Sec. 23, N½; and
T. 39 S., R. 6 W.,
Sec. 5, NE¼NW¼, S½NW¼, NE¼; and
T. 32 S., R. 1 E.,
Sec. 9, All; and
T. 33 S., R. 1 E.,
Sec. 5, W½, SW¼SE¼; and
T. 33 S., R. 2 E.,
Sec. 23, All;
Sec. 24, W½SE¼;
Sec. 25, All; and
T. 33 S., R. 3 E.,
Sec. 19, All; and
T. 34 S., R. 2 E.,
Sec. 26, All;
Sec. 35, All; and
T. 34 S., R. 3 E.,
Sec. 5, All; and
T. 37 S., R. 1 E.,
Sec. 13, NW¼; and
T. 37 S., R. 2 E.,
Sec. 17, S½NW¼, N½SW¼;
Sec. 33, SW¼SW¼, S½SE¼; and
T. 38 S., R. 2 E.,
Sec. 9, NE¼NW¼, E½SW¼, SE¼SE¼; and
T. 38 S., R. 3 E.,
Sec. 11, E½NE¼;
Sec. 12, W½NW¼;

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Sec. 13, S½NE¼, N½SE¼;
Sec. 15, NW¼NW¼;
Sec. 17, NW¼NW¼, NE¼SW¼;
Sec. 21, N½NW¼;
Sec. 23, SW¼;
Sec. 25, NW¼NW¼;
Sec. 27, NE¼NE¼;
Sec. 29, NE¼;
Sec. 32, S½NW¼, N½SW¼; and
T. 38 S., R. 4 E.,
Sec. 17, S½NW¼, N½SW¼, NE¼SE¼, SE¼NE¼;
Sec. 20, SE¼SE¼; and
T. 39 S., R. 3 E.,
Sec. 9, NW¼SW¼, SE¼; and
T. 39, S., R. 4 E.,
Sec. 3, NE¼NW¼, NW¼NE¼;
Sec. 6, NE¼SW¼.

A total of approximately 50,000 acres of public lands will be involved in this closure. This closure will be effective during the performance of herbicide application operations. During such times a closure notice shall be posted at normal access points and at appropriate road junctions. The lands affected shall be listed on the closure notice and designated on an attached map. Copies of these detailed closure notices will also be available at the following locations:

Oregon State Office, 729 NW. Oregon Street, Portland, OR 97208
Medford District Office, 3040 Biddle Road, Medford, OR 97501

The purpose of these closures is to insure the effectiveness of the herbicide application program design features as developed in the Environmental Statement entitled *Vegetation Management with Herbicides: Western Oregon 1978–1987*, to protect the health and safety of the public and to prevent interference with the silvicultural treatment of these lands. Persons violating this closure order are subject to arrest and criminal prosecution under Oregon Revised Statute 164.245 (criminal trespass in the second degree; 30 days and/or $250) or 43 CFR 6010.6 and 43 U.S.C. 1733 (1 year and/or $1000).

This closure notice expires on December 31, 1981.

Wayne A. Boden,
Acting District Manager.
February 20, 1981.
[FR Doc. 81-5 Filed 2-26-81; 8:45 am]
BILLING CODE 4310-84-M

Upper Missouri National Wild and Scenic River; Open Season for Recreation Use Permit Applications

AGENCY: Bureau of Land Management; Lewistown District Office.

ACTION: Open season for commercial permit applications on the Upper Missouri National Wild and Scenic River.

SUMMARY: This notice establishes an "open season" for applying for Special Recreation Use Permits on the Upper Missouri National Wild and Scenic River in Montana required of all commercial float boating operations. Other requirements of commercial outfitting and guiding operations remain as outlined in the **Federal Register**, Vol. 44, No. 62, Thursday, March 29, 1979, entitled "Establishment of Recreation Use Permit System for the Upper Missouri National Wild and Scenic River".

DATES: Applications must be sent to the Lewistown District, Bureau of Land Management, Drawer 1160, Lewistown, Montana 59457 between February 25 and March 30, 1981.

FOR FURTHER INFORMATION CONTACT:
Carl Lind, River Manager, Drawer 1160, Lewiston, Montana 59457.

Glenn W. Freeman,
District Manager.
[FR Doc. 81-3 Filed 2-26-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Revision to Standard Concession Contract Language

On July 13, 1976 (41 FR 28809), the National Park Service published in the **Federal Register** proposed revisions to the then Standard Concession Contract. The comments received were evaluated and, subsequently, changes based thereon were again published in the **Federal Register.** The current Standard Concession Contract was adopted on November 11, 1978.

During the initial stages of using the new standard language, some technical and editorial changes were made. Another change was necessary due to a new legislative requirement in the FY 80 Appropriations Act. This notice is given to advise all interested parties of the current standard concession contract.

The revisions made since November 11, 1978, are as follows:

1. *Alternative Paragraphs on Corporations, Partnerships and Sole Proprietorships in "Whereas" clause.* The word "behalf" has been changed to "matter."

Reason: To be technically correct so as to say that the Secretary acts in behalf of the United States in this matter.

2. *Second "Whereas" Clause.* First sentence, the words "The said" were changed to "These".

Reason: To refer to the purposes stated in a particular contract.

3. *Fifth "Whereas" Clause.* Revised to read "**profit on 'the' operations 'conducted' hereunder**."

Reason: For clarity.

4. *Section 1(b).* First paragraph, we added the word "appropriate."

Reason: So it is understood that there is no single index. The construction review contains many indexes.

5. *Section 1(d).* We have omitted using the alternate of "Its" or "His." We are saying "its" throughout the contract.

Reason: The word "Its" refers to a concessioner, i.e., the Business Organization.

6. *Section 2.* Subsection (c), first sentence, we added the word "Concession."

Reason: To make sure the language could not be construed as applying to anything other than concession operations.

7. *Section 3(a)(2).* At the end of the first sentence we added a new sentence as follows: "The Secretary shall exercise his decision-making authority with respect to the Concessioner's rates and prices in a manner consistent with a reasonable opportunity for the concessioner to realize a profit on its operations hereunder as a whole commensurate with the capital invested and the obligations assumed."

Reason: To make clear to both parties to a contract that rates will be approved in a manner consistent with the concessioner's reasonable opportunity to a profit, which is the standard prescribed by Pub. L. 89–249.

8. *Section 3.* Subsection (a)(3), last sentence, made the word "Concessioners" singular and added the word "the."

Reason: A contract is with a specific concessioner and not concessioners generally.

9. *Section 3(b)(2).* Changed the word "employee(s)" to "employees."

Reason: Plural is the proper use of the word in this instance.

10. *Section 4(a).* This subsection has been substantially revised following the word "judgment" to define more clearly the criteria by which the Secretary may withdraw assigned lands or facilities.

There follows Revised Subsection 4(a) in its entirety.

Sec. 4. *Government Land and Improvements.* (a) The Secretary hereby assigns for use by the Concessioner during the term of this contract, certain parcels of land and Government Improvements, if any, (as described in Exhibit "A" hereto) necessary to conduct the operations authorized hereunder. The Secretary reserves the right to withdraw such assignments or parts thereof at any time during the term of this contract if, in his judgment, (1) such withdrawal is necessary for the purpose of protecting visitors or area resources, or, (2) the operations utilizing such assigned lands are terminated pursuant to Section 11 hereof. Any permanent withdrawal of assigned lands or improvements which are essential for conducting the operation authorized hereunder will be considered by the Secretary as a termination pursuant to Section 11 hereof. The Secretary shall compensate the Concessioner for any possessory interest in such withdrawn properties at book value as described in Section 12 hereof, or, in the event that Concessioner Improvements in which the Concessioner has a possessory interest are to be replaced by the Concessioner within the area, in accordance with fair value compensation for possessory interest described in subsection 12(b) hereof.

11. *Section 4(b).* First sentence, added the words "if any."

Reason: Because it implied that there are Government facilities assigned and there may not be.

12. *Section 4(b).* In addition, where a concessioner is or may be utilizing a Government building, and improvements to that facility are to be made, it is desirable to avoid mixed ownership. Accordingly, the following language has been added to this paragraph. "The Concessioner shall have a possessory interest in improvements it makes to Government Improvements. In the event that such possessory interest is acquired by the Government or a successor concessioner, at any time, the Concessioner will be compensated for such possessory interest pursuant to section 12 hereof."

Reason: See above.

Please note that the changes in this subsection as previously amended involve the last 2 sentences thereof. The last sentence, beginning with "in the event * * *, has been moved to Section 12(b) for better position.

13. *Section 4(c).* We have taken out the word "assigned" and have added the words "utilized by the Concessioner."

Reason: The word "assigned" has a legal meaning that may be construed as covering the life of the contract. This revision is consistent with subsection 4(a) on withdrawal of buildings.

14. *Section 4(c).* After the word "therein" we have omitted the rest of that sentence.

Reason: This is a duplication of 4(a) on withdrawal of buildings.

15. *Section 5.* Second sentence, we have omitted the word "annual" which appeared between the words"appropriate" and "inspections".

Reason: We did not want it to imply that we only inspect on an annual basis. Inspections should be carried out as many times as may be needed.

16. *Section 6(a).* We have added after the word "contract," the words "(excluding improvements made to Government Improvements by the Concessioner,)". With this addition, we have deleted the bracketed item (3) which was an optional item to be used as appropriate.

Reason: Because there are two levels of compensation for improvements, i.e., Concessioner Improvements and concessioner improvements to Government Improvements. It is desirable to make this distinction. Section 12 on compensation addresses both circumstances.

17. *Section 7.* We have taken out the word "approximate" and added the words "at least equal."

Reason: To comply with 16 U.S.C. 1b-4 and OMB Circular A–25 (which is based on 31 U.S.C. 483a).

18. *Section 8(a).* Beginning of second sentence, we changed the word "it" to "The Concessioner."

Reason: Grammatical.

19. *Section 8(a).* The $100,000 figure regarding audited financial statements has been increased to $250,000.

Reason: To update the $100,000 requirement which was established in 1966. This amount is no longer realistic. In additon, the audit costs are not justified when compared to the benefits accruing to the National Park Service and the general public.

20. *Section 9.* Subsection (a) has been deleted in its entirety and replaced with the following:

(a) For the term of this contract, the Concessioner shall pay to the Secretary for the privileges granted herein, as follows:

(1) An annual fee for the use of any Government Improvements utilized by the concessioner hereunder, if any. Such fee and assigned Government buildings to be as set forth in Exhibit "A" hereto but in no event shall the fee exceed the fair annual value of such Government Improvements as determined by the Secretary.

(2) In addition to the foregoing, a further sum equal to PERCENT (%) of the Concessioner's gross receipts, as herein defined for the preceding year."

Sections 9 (b) and (c), as shown below, have been added and existing subsections (b) and (c) are redesignated as (d) and (e) respectively.

(b) The franchise fee shall be due on a monthly basis in such a manner that payment shall be received by the Secretary within 15 days after the last day of each month that the concessioner operates. Such monthly payment shall include the annual use fee for assigned government Improvements, as set forth in Exhibit "A" hereto, divided by the expected number of operating months, as well as the specified percentages of gross receipts for the preceding month. The payment of any additional amounts due at the end of the operating year as a result of adjustments shall be paid at the time of submission of the annual financial report. Overpayments shall be offset against the following year's franchise fees due.

(c) An interest charge will be assessed on overdue amounts for each 30 day period, or portion thereof, that payment is delayed. The percent of interest charged will be based on the current value of funds to the U. S. Treasury which is published quarterly in the Treasury Fiscal Requirements Manual.

Reason: To assure effective cash management practices in the Government. Periodic billing and collection and charges for late payments are universally accepted business practices. Subsection 9(c) has been changed further because the cost of money borrowed by the U.S. Treasury is subject to change. Therefore, this change allows necesary flexibility. In addition in subsection 9(a)(1), the words "Assigned to" have been changed to "utilized by", See item 13 above.

21. *Section 11(a).* We took out the words "or visitors safety" and reinserted the words "visitors or".

Reason: Technically inaccurate to say that we may terminate for the protection of visitor safety. (Same change in 11(b).)

22. *Section 11(a).* Fourth sentence, after the word "including" we have struck out the remaining portion of that sentence and replaced it with "failure to maintain and operate the required accommodations, facilities and services to the satisfaction of the Secretary in accordance with the Secretary's requirements hereunder."

Reason: This is necessary because of the language inserted in the National Park Service 1980 Appropriations Act by the Congress. This change in Section 11 makes it consistent with a new Section 12(a) which is required by that Congressional action.

23. *Section 11(c).* The word "temporarily", which was located between the words "to" and "suspend", and the words "or the health, safety, or welfare of visitors and employees due to causes beyond the control of the Secretary", which were located between the words "area" and "the Secretary", have been omitted because they are extraneous.

24. *Section 12(b).* Section 12 has been revised to meet the requirements of Public Law 96–126, approved November 27, 1979 (93 Stat. 954, 959). That law provides that "***The Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation:***."

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In addition, the last sentence of subsection 12(b) has been amended to include that advisory arbitration will be provided on the value of the concession where the government is the successor concessioner.

Reason: A Federal Government entity cannot be bound by arbitration. In the event of dispute, advisory arbitration is being included to provide a mechanism for reviewing the amount of compensation to be paid in the event the Government is the successor.

There follows Section 12 in its entirety. Those additions to the Standard Contract Language are underscored.

SECTION *12. Compensation.* (a) *Just compensation:* The compensation described herein shall constitute full and just compensation to the Concessioner from the Secretary for all losses and claims occasioned by the circumstances described below.

(b) *Contract termination or expiration where operations are to be continued:* If for any reason, including contract expiration or termination as described herein, *and subject to the limitation on compensation for possessory interest contained in subsection (d) hereof,* the Concessioner shall cease to be required by the Secretary to conduct the operations authorized hereunder, or substantial part thereof, and, at the time of such event the Secretary intends for substantially the same or similar operations to be continued by a successor, whether a private person, corporation or an agency of the Government, (i) the Concessioner will sell and transfer to the successor designated by the Secretary its possessory interest in Concessioner *and Government* Improvements, if any, as defined under this contract, and all other property of the Concessioner used or held for use in connection with such operations; and (ii) the Secretary will require such successor, as a condition to the granting of a contract to operate, to purchase from the Concessioner such possessory interests, if any, and such other property, and to pay the Concessioner the fair value thereof. *The fair value of any possessory interest in Government Improvements shall be book value as described in Section 12(c) hereof.* In the event that such possessory interest in Government Improvements is acquired by a successor, the successor will not be permitted to revalue such possessory interest. The fair value of possessory interest in Concessioner's Improvements shall be deemed to be the sound value of the improvement to which it relates at the time of transfer of such possessory interest, without regard to the term or other benefits of the contract. The sound value of any structure, fixture, or improvement shall be determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value. *The fair value of* merchandise and supplies shall be replacement cost including transportation. The fair value of equipment shall be replacement cost less depreciation and obsolescence. If the Concessioner and the successor, excepting Government agencies, cannot agree upon the fair value of any item or items, either party may serve a request for arbitration upon the other party, and the fair value of the item or items in question shall be determined by the majority vote of a board of three arbitrators, selected as follows: Each party shall name one member of such board and the two members so named shall select the third member. If either party fails to appoint an arbitrator within 15 days after the other shall have appointed an arbitrator and served written notice, including the name and address of the arbitrator appointed, upon the other party, then the American Arbitration Association shall be requested by the Secretary to appoint an arbitrator to represent the party failing to make the appointment. The costs and expenses of the arbitrator appointed by the American Arbitration Association to represent the party failing to make the appointment shall be paid for by that party. The two arbitrators so named shall select the third member. If the third member is not selected within 15 days after the appointment of the latter of the other two arbitrators, the American Arbitration Association shall be requested by the Secretary to appoint the third arbitrator. In requesting that the American Arbitration Association appoint an arbitrator in the situations discussed above, the Secretary shall request that the person or persons appointed shall be impartial and specially qualified in commercial and real estate appraisal. The fair value determined by the Board of Arbitrators shall be binding on the parties. The compensation and expenses of the third member shall be paid by the Concessioner and one-half of the amount so paid shall be added to the purchase price. Before reaching its decision, the board shall give each of the parties a fair and full opportunity to be heard on the matters in dispute. If the successor is a Government agency and there is a dispute as to the fair value of any possessory interest, or other items, an advisory arbitration panel will be established at the request of the Concessioner (one member to be selected by the Secretary, one by the Concessioner, and the third by agreement of the original two) for the purpose of recommending to the Secretary an appropriate fair value. The Secretary and the Concessioner shall share equally the expenses of such advisory arbitration. The written decision of the Secretary as to such fair value will be final and binding upon all parties.

(c) *Contract expiration or termination where Operations are to be discontinued:* If for any reason, including contract expiration or termination as described herein, the Concessioner shall cease to be required by the Secretary to conduct the operations authorized hereunder, or substantial part thereof, and the Secretary at the time chooses to discontinue such operations, or substantial part thereof within the area, and/or to abandon, remove, or demolish any of the Concessioner's Improvements, if any, then the Secretary will take such action as may be necessary to assure the Concessioner of compensation for (i) its possessory interest in Concessioner Improvements *and Government Improvements,* if any, in the amount of their book value (unrecovered cost as shown in Federal Income Tax returns); (ii) the cost to the Concessioner of restoring any assigned land to a natural condition, including removal and demolition, (less salvage) if required by the Secretary; and (iii) the cost of transporting to a reasonable market for sale such movable property of the Concessioner as may be made useless by such determination. Any such property that has not been removed by the Concessioner within a reasonable time following such determination shall become the property of the United States without compensation therefor.

(d) *Contract Termination for Default for Unsatisfactory Performance Where Operations are to be Continued. Notwithstanding any provision of this contract to the contrary, in the event of termination of this Contract for default for failure to maintain and operate the required accommodations, facilities and services to the satisfaction of the Secretary in accordance with the Secretary's requirements hereunder, compensation for the Concessioner's possessory interest in Concessioner's Improvements, if any, shall be at book value as described in Subsection 12(c) herein.*

(e) *Other Compensation.* In the event of termination of this contract or portions thereof, for the purpose of protecting visitors or area resources the Concessioner may be compensated (in addition to the applicable compensation described in Subsections (b) or (c) above) for such other costs as the Secretary, in his discretion, considers necessary to compensate the Concessioner for actual losses occasioned by such termination, including, but not limited to, and as the needs appear, cost of relocating from one building to another building, reasonable severance pay to employees that may be affected, penalties for early loan repayments, and reasonable overhead expenses required by such termination, but, not for lost profit or other anticipated gain from the operations authorized hereunder or anticipated sale or assignment of the Concessioner's assets, including this contract or any of its benefits.

25. *Section 12.* Subsection (d) added for the same reason as the change in section 11(a).

26. *Section 13(a)(1).* The word "and" in the second sentence was deleted and the words "for which this Contract may be terminated immediately by the Secretary without regard to the procedures for termination for default described in Section 11 hereof, and the Secretary shall not be obliged to recognize any right of any person entity to an interest in this contract or to own or operate the operations authorized hereunder acquired in violation hereof." inserted.

Reason: This insertion is the result of taking out subsection 13(b)(3). This addition permits an immediate contract termination if the sale or transfer takes place without NPS approval.

27. *Section 13(b)(3).* This was omitted because it is not enforceable in some instances, may inhibit the raising of needed capital and is very cumbersome.

28. *Section 15.* Section 15 has been totally replaced. This change represents a substantial expansion of the role of the National Park Service in managing concessioner insurance. It is necessitated because the present contract language is too vague and the guidance provided the field too limited for the program to provide proper protection for the visitor and the Government.

There follows Section 15 in its entirety.

"SEC. *15. INSURANCE AND INDEMNITY.*

(a) *General.*

The Concessioner shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgments and expenses on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the Concessioner, his employees, sub-contractors or agents under the contract. The types and amounts of insurance coverage purchased by the Concessioner shall be approved by the Secretary. The Concessioner shall, annually, or at the time insurance is purchased provide the Secretary with Certificates of Insurance, Broker's Analysis or similar documents sufficient to evidence compliance with this section and shall provide the Secretary thirty (30) days advance written notice of any material change in the concessioner's insurance program hereunder.

(b) *Property Insurance*

The Concessioner at its cost shall secure and maintain, for both Concessioner improvements and assigned government improvements, fire, extended coverage and such other perils insurance in such types and limits as are determined by the Secretary to be necessary to repair or replace those buildings, structures, equipment, furnishings, betterments and improvements, and merchandise necessary to satisfactorily discharge the Concessioner's obligations under this Contract. For insurance purposes, values of such property shall be determined at the inception of this contract and updated annually thereafter. Those values currently in effect are set forth in Exhibit "E" to this contract. Such insurance shall provide for the Concessioner and the United States of America to be named insureds as their interest may appear. Insurance provisions respecting replacement at the "same site" shall be waived. In the event of loss the Concessioner shall use all proceeds of such insurance to repair, rebuild, restore or replace Concessioner and Government Improvements, equipment, furnishings and other personal property hereunder, as directed by the Secretary. The lien provision of Section 10 shall apply to such insurance proceeds.

The Concessioner shall purchase the following additional property coverages:

*Flood	Boiler and machinery	Earthquake

(c). *Additional Property Damage Requirements—Government Improvements, Property and Equipment*

The following additional requirements shall apply to structures, all or any part of which are "government improvements" as defined in Section 4(b).

(1) The insurance policy shall contain a loss payable clause approved by the Secretary which provides that insurance proceeds shall be paid directly to the Concessioner without requiring endorsement by the United States.

(2) The use of insurance proceeds for repair or replacement of government structures will not alter their character as government structures and the concessioner shall gain no possessory interest therein.

(d). *Public Liability*

The Concessioner shall purchase and maintain during the term of this contract Comprehensive General Liability insurance against claims occasioned by actions or omissions of the Concessioner in carrying out the activities and operations authorized hereunder. Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event not less than ($_____)[2] for bodily injury per person and ($_____)[2] per accident and property damage of at least ($_____)[2] per occurence. All liability policies are to specify that the insurance company shall have no right of subrogation against the United States of America except that caused by the sole negligence of the United States or its employees and have no recourse against the government for payment of any premiums or assessments.

Specific types of coverages the Concessioner shall purchase and maintain during the term of this contract include Comprehensive General Liability, with extensions which provide Product Liability and Contractual Liability and Liquor Liability if liquor is served.

The Concessioner shall also obtain the following additional coverages:

a. *Automobile Liability*

The Concessioner shall provide the following coverages respecting vehicles owned and/or operated by the Concessioner: Comprehensive Automobile Liability, Uninsured Motorist coverages, and Statutory "No-Fault" coverages, as required by the state of operation.

b. *Workers' Compensation*

Statutory Workers' Compensation as required in the state of operation, Employers' Liability coverage (Broad Form "All State" coverage, if the Concessioner operates in more than one state)[1], Voluntary Compensation endorsement, and (Employers' Liability in states with monopolistic Workers' Compensation funds).[1]

c. *Other*

The Concessioner shall also obtain the following coverages, in at least the limits set forth for Comprehensive General Liability.

[1]Protection and Indemnity (Watercraft Liability)

[1]Aircraft Liability

[1]Umbrella Liability Policy.

(Limits—————)

EXHIBIT "E"

BUILDING REPLACEMENT COST FOR INSURANCE PURPOSES

CONCESSIONER: ————————

CONCESSION CONTRACT NO:————————

FOR THE OPERATING YEAR: STARTING ——

AND ENDING ————————

The replacement costs set forth herein are established for the sole purpose of insuring adequate property insurance coverage and shall not be construed as having application for any other purpose.

I GOVERNMENT BUILDINGS

Building No	Description	Insurance Replacement Value

II CONCESSIONER BUILDINGS

Building No	Description	Insurance Replacement Value

(Concessioner)————————

UNITED STATES OF AMERICA

By ————————

Title ————————

Date ————————

29. *Section 18(c).* We have added the words "" "with nonprofit organizations" after the word "agreements".

Reason: To clarify National Park Service authority to enter into non-concession agreements with nonprofit organizations.

Dated: February 20, 1981.

Russell E. Dickenson,

Director, National Park Service.

STANDARD LANGUAGE TO BE USED, WHERE APPLICABLE, IN CONCESSION CONTRACTS

UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE

(Name of Concessioner)————————

(Name of Area) ————————

CONTRACT NO.————————

EXECUTED ————————

COVERING THE PERIOD

————————

Through ————————

CONCESSION CONTRACT

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Contract No. ———————

CORPORATION

THIS CONTRACT made and entered into by and between the United States of America, acting in this matter by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary," and ———————a corporation organized and existing under the laws of the State of ———————, doing business as ———————hereinafter referred to as the "Concessioner":

PARTNERSHIP

THIS CONTRACT made and entered into by and between the United States of America, acting in this matter by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary," and ——————— of ———————, ——————— and ——————— of ———————, ——————— partners, doing business as ——————— pursuant to a partnership agreement dated ———————, with the principal place of business at ———————, ———————, hereinafter referred to as the "Concessioner":

SOLE PROPRIETORSHIP

THIS CONTRACT made and entered into by and between the United States of America, acting in this matter by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary," and ——————— an individual of ———————, doing business as ——————— ———————, hereinafter referred to as the "Concessioner":

WITNESSETH:

THAT WHEREAS, (Name of Park, Recreation Area, etc.) (hereinafter Referred to as the "Area") is administered by the Secretary to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the public enjoyment of the same in such manner as will leave such area unimpaired for the enjoyment of future generations; and

WHEREAS, the accomplishment of these purposes requires that facilities and services be provided for the public visiting the area and that all private interest shall be excluded except so far as may be necessary for the accomplishment of said purposes, including accommodation of the public; and

WHEREAS, the United States has not itself provided such necessary facilities and services and desires the Concessioner to establish and operate the same at reasonable rates under the supervision and regulation of the Secretary; and

WHEREAS, the establishment and maintenance of such facilities and services involves a substantial investment of capital and the assumption of the risk of operating loss, it is therefore proper, in consideration of the obligations assumed hereunder and as an inducement to capital, that the Concessioner be given assurance of security of such investment and of a reasonable opportunity to make a profit; and

WHEREAS, pursuant to law the Secretary is required to exercise his authority hereunder in a manner consistent with a reasonable opportunity by the Concessioner to realize a profit on the operations conducted hereunder as a whole commensurate with the capital invested and the obligations assumed:

NOW, THEREFORE, pursuant to the authority contained in the Acts of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), and other laws supplemental thereto and amendatory thereof, the said parties agree as follows:

SEC. *1. TERM OF CONTRACT.* (a) This contract shall [1] [supersede and cancel Contract No. ——— effective upon the close of business ——— 19—, and shall] be for the term of ——— (———) years from ———, 19———.

[2](b) The Concessioner shall undertake and complete an improvement and building program costing not less than $——— as adjusted per project to reflect par value in the year of actual construction in accordance with the appropriate indexes of the Department of Commerce's "Construction Review".

It is agreed that such investment is consistent with Section 3(a) hereof. Such improvement and building program shall include:

[2](c) The Concessioner shall start the improvement and building program on or before ——— in such a manner as to demonstrate to the satisfaction of the Secretary that it is in good faith carrying said program forward reasonably under the circumstances. After approval of plans and specifications, the Concessioner shall provide the Secretary with such evidence or documentation, as may be satisfactory to the Secretary, to demonstrate that such program is being carried forward, and shall complete and have it available for public use on or before ———.

[2](d) The Concessioner may, in the discretion of the Secretary, be relieved in whole or in part of any or all of the obligations of the improvement program for such stated periods as the Secretary may deem proper upon written application by the Concessioner showing circumstances beyond its control warranting such relief.

SEC. *2. ACCOMMODATIONS, FACILITIES AND SERVICES.* (a) The Secretary requires and hereby authorizes the Concessioner during the term of this contract to provide accommodations, facilities, and services for the public within ———, as follows:

(Broad generalizations such as "any and all facilities and Services customary in such operations" or "such additional facilities and services as may be required" are not to be used. A provision stating "The Concessioner may provide services incidental to the operations authorized hereunder at the request of the Secretary," is acceptable.)

(b) The Secretary reserves the right to determine and control the nature, type and quality of the merchandise and services described herein as authorized and required to be sold or furnished by the Concessioner within the area. Operations under this contract and the administration thereof by the Secretary shall be subject to the laws of Congress governing the area and the rules, regulations, and policies promulgated thereunder, whether now in force or hereafter enacted or promulgated, including but not limited to the United States Public Health Service requirements. Concessioners must also comply with current applicable criteria promulgated by the United States Department of Labor's Occupational Safety and Health Act of 1970 (OSHA) and those provisions outlined in the National Park Service's Safety and Occupational Health Policy associated with visitor safety and health.

[3](c) During the term hereof and subject to satisfactory performance hereunder, the Concessioner is granted a right of first refusal to provide such additional concession accommodations, facilities and services of the same character as required and authorized hereunder as the Secretary may designate as necessary or desirable for accommodation and convenience of the public in the [description of the area(s) or that portion of the park in which a right of first refusal is to be granted] [delineated on Exhibit "C"]. If the Concessioner doubts the necessity, desirability, timeliness, reasonableness, or practicability of such new or additional facilities, accommodations or services and/or declines or fails within a reasonable time to comply with the designation of the Secretary, then the Secretary in his discretion may authorize

[1] To be used when existing contract is to be replaced, before expiration of time.

[2] To be used where improvement programs are included in the contract. *NOTE: Do Not USE* Sec. 1. (b) (c) or (d), if there is *NO* building program.

[3] OPTIONAL—To be included only where a preferential right to additional services is to be granted. This is discretionary and should be included only upon a specific determination that granting such is in the public interest.

others under substantially the same terms and conditions to provide such designated accommodation, facilities, or services. This right of first refusal does not apply to concession operations in connection with lands hereafter acquired which expand the existing boundary of the area. Nothing contained in this section or elsewhere in this contract shall be construed as prohibiting or curtailing operations conducted in the area by other concessioners now authorized by the Secretary to provide accommodations therein for the public, including the successors or assigns of such concessioners, when approved by the Secretary.

SEC. *3. PLANT, PERSONNEL, AND RATES.* (a)(1) The Concessioner shall maintain and operate the said accommodations, facilities, and services to such extent and in such manner as the Secretary may deem satisfactory, and shall provide the plant, personnel, equipment, goods, and commodities necessary therefor provided that the Concessioner shall not be required to make investments inconsistent with a reasonable opportunity to realize a profit on its operations hereunder commensurate with the capital invested and the obligations assumed.

(2) All rates and prices charged to the public by the Concessioner for accommodations, services, or goods furnished or sold hereunder shall be subject to regulation and approval by the Secretary. The Secretary shall exercise his decision making authority with respect to the Concessioner's rates and prices in a manner consistent with a reasonable opportunity for the Concessioner to realize a profit on its operations hereunder as a whole commensurate with the capital invested and the obligations assumed. Reasonableness of rates and prices will be judged primarily by comparison with those currently charged for comparable accommodations, services, or goods furnished or sold outside of the areas administerd by the National Park Service under similar conditions, with due allowance for length of season, provision for peak loads, [average percentage of occupancy],[4] accessibility, availability and cost of labor and materials, type of patronage, and other conditions customarily considered in determining charges, but due regard may also be given to such other factors as the Secretary may deem significant.

(3) The Concessioner shall require its employees to observe a strict impartiality as to rates and services in all circumstances. The Concessioner may, subject to the prior approval of the Secretary, grant complimentary or reduced rates under such circumstances as are customary in businesses of the character conducted hereunder. The Concessioner shall not offer and employees of the Federal Government shall not receive discounts unless such discounts are available to the general public.

(b)(1) The Concessioner may be required to have its employees who come in direct contact with the public, so far as practicable, to wear a uniform or badge by which they may be known and distinguished as the employees of the Concessioner. The Concessioner shall require its employees to exercise courtesy and consideration in their relations with the public.

(2) The Concessioner shall review the conduct of any of its employees whose action or activities are considered by the Concessioner or the Secretary to be inconsistent with the proper administration of the area and enjoyment and protection of visitors and shall take such actions as are necessary to fully correct the situation.

(3) The Concessioner shall comply with the requirements of (a) Title VII of the Civil Rights Act of 1964, as well as Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, (b) Title V, Section 503 of the Rehabilitation Act of September 26, 1073, P.L. 93–112, which requires Government Contractors and Subcontractors to take affirmative action to employ and to advance in employment qualified handicapped individuals, and with regulations heretofore or hereafter promulgated, relating to nondiscrimination in employment and in providing facilities and services to the public and shall do nothing in advertising for employees which will prevent those covered by these laws from qualifying for such employment. Regulations heretofore promulgated are set forth in Exhibit "B" attached hereto and made a part hereof.

SEC. *4. GOVERNMENT LAND AND IMPROVEMENTS.* (a) The Secretary hereby assigns for use by the Concessioner during the term of this contract, certain parcels of land and Government Improvements, if any, (as described in Exhibit "A" hereto) necessary to conduct the operations authorized hereunder. The Secretary reserves the right to withdraw such assignments or parts thereof at any time during the term of this contract if, in his judgement, (1) such withdrawal is necessary for the purpose of protecting visitors or area resources, or (2) the operations utilizing such assigned lands are terminated pursuant to Section 11 hereof. Any permanent withdrawal of assigned lands or improvements which are essential for conducting the operation authorized hereunder will be considered by the Secretary as a termination pursuant to Section 11 hereof. The Secretary shall compensate the Concessioner for any possessory interest in such withdrawn properties at book value as described in Section 12 hereof, or, in the event that Concessioner Improvements in which the Concessioner has a possessory interest are to be replaced by the Concessioner within the area, in accordance with fair value compensation for possessory interest described in subsection 12(b) hereof.

(b) "Government Improvements" as used herein, means the buildings, structures, utility systems, fixtures, equipment, and other improvements upon the lands assigned hereunder, if any, constructed or acquired by the Government and provided by the Government for the purpose of this contract. The Concessioner shall have a possessory interest in improvements it makes to Government Improvements. In the event that such possessory interest is acquired by the Government or a successor Concessioner at any time the Concessioner will be compensated for such possessory interest pursuant to Section 12 hereof.

(c) The Secretary shall have the right at any time to enter upon the lands and improvements utilized by the Concessioner hereunder for any purpose he may deem reasonably necessary for the administration of the area and the Government services therein.

(d) The Concessioner may construct or install upon the assigned lands such buildings, structures, and other improvements as are necessary for the operations required hereunder, subject to the prior written approval by the Secretary of the location, plans, and specifications thereof. The Secretary may prescribe the form and contents of the application for such approval. The desirability of any project as well as the location, plans and specifications thereof will be reviewed in accordance with the provisions of the National Environmental Policy Act of 1969 and the National Historic Preservation Act of 1966.

(e) If during the term hereof a Government Improvement requires repairs or improvements that serve to prolong the life of the Government Improvement to an extent requiring capital investment for major repair, such capital investment shall be borne by the Government subject to the availability of appropriated funds. If appropriated funds are not available, and the Secretary determines that such repairs or improvements are necessary to satisfactory performance of the Concessioner's obligations hereunder, the Concessioner may be required to repair the Government Improvement subject to the limitations on investment set forth in Section 3(a) hereof.

SEC. *5. MAINTENANCE.* Subject to Section 4(e) hereof, the Concessioner will physically maintain and repair all facilities (both Government and Concessioner's Improvements) used in the operation hereunder, including maintenance of assigned lands and all necessary housekeeping activities associated with the operation to the satisfaction of the Secretary. In order that a high standard of physical appearance, operations, repair and maintenance be maintained, appropriate inspections will be carried out jointly by the Secretary and the Concessioner.

SEC. *6. CONCESSIONER'S IMPROVEMENTS.* (a) "Concessioner's Improvements," as used herein, means buildings, structures, fixtures, equipment, and other improvements, affixed to or resting upon the lands assigned hereunder in such manner as to be a part of the realty, provided by the Concessioner for the purposes of this contract, (excluding improvements made to Government Improvements by the Concessioner), as follows: (1) such improvements upon the lands assigned at the date hereof as described in Exhibit "D" hereto; and (2) all such improvements hereafter constructed upon or affixed to the lands assigned to the Concessioner with the written consent of the Secretary. Concessioner's Improvements do not include any interest in the land upon which the described structures are located.

(b) The Concessioner shall have a possessory interest in all Concessioner's

[4] This should be used only in contracts involving lodging.

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Improvements recognized by this contract. Possessory Interest shall consist of all incidents of ownership, except legal title which shall be vested in the United States. However, such possessory interest shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity and the use or enjoyment of any structure, fixture, or improvement in which the Concessioner has a possessory interest shall be wholly subject to the applicable provisions of this contract and to the laws and regulations relating to the area. The said possessory interest shall not be extinguished by the expiration or other termination of this contract, and may not be terminated or taken for public use without just compensation as determined in accordance with Section 12. Wherever used in this contract, "possessory interest" shall mean the interest described in this paragraph. Performance of the obligations assumed by the Secretary under Section 12 hereof shall constitute just compensation with respect to the taking of a possessory interest in the circumstances therein described.

(c) Any salvage resulting from the authorized removal, severance, or demolition of a Concessioner's Improvement or any part thereof shall be the property of the Concessioner.

(d) In the event that a Concessioner's Improvement is removed, abandoned, demolished, or substantially destroyed and no other improvement is constructed on the site, the Concessioner shall promptly upon the request of the Secretary, restore the site as nearly as practicable to a natural condition.

SEC. *7. UTILITIES.* (a) The Secretary shall furnish utilities to the Concessioner, for use in connection with the operations authorized hereunder, when available, at reasonable rates to be fixed by the Secretary, which shall at least equal the actual cost of providing the utility or service.

(b) Should any such service not be available or sufficient, the Concessioner may, with the written approval of the Secretary and under such requirements as shall be prescribed by him, secure the same at its own expense from sources outside the area or may install the same within the area subject to the following conditions:

(1) Any water rights deemed necessary by the Concessioner for use of water on Federal lands shall be acquired at its expense in accordance with any applicable state procedures and state law. Such water rights, upon expiration or termination of this contract for any reason shall be assigned to and become the property of the United States without compensation.

(2) Any service provided by the Concessioner under this section shall, if requested by the Secretary, be furnished to the Government to such an extent as will not unreasonably restrict anticipated use by the Concessioner. The rate per unit charged the Government for such service shall be approximately the average cost per unit of providing such service.

(3) All appliances, and machinery to be used in connection with the privileges granted in this section, as well as the plans for location and installation of such appliances and machinery shall first be approved by the Secretary.

SEC. *8. ACCOUNTING RECORDS AND REPORTS.* (a) The Concessioner shall maintain an accounting system whereby the accounts can be readily identified with the System of Account Classification prescribed by the Secretary. The Concessioner shall submit annually as soon as possible but not later than ——— (———) days after the ——— day of ——— a financial statement for the preceding year [5] as prescribed by the Secretary, and such other reports and data as may be required by the Secretary. If annual gross receipts are in excess of $250,000, the financial statements shall be audited by an independent certified public accountant or by an independent licensed public accountant certified or licensed by a regulatory authority of a state or other political subdivision of the United States on or before December 31, 1970. The examination shall be made in accordance with the "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" issued by the Comptroller General of the United States, as they apply to financial and compliance examinations, and the "Audit Guide for National Park Service Concessioners" issued by the Secretary.

Financial statements accompanied by remarks such as "prepared from client records without audit" are unacceptable.

The independent licensed or certified public accountant shall include a statement to the effect that the amounts included in the financial report are consistent to those included in the Federal and state tax returns. If they are not, then a statement showing differences shall be included. The Secretary shall have the right to verify and copy for his own use all such reports from the books, correspondence, memoranda, and other records of the Concessioner and subconcessioners, if any, and of the records pertaining thereto of a proprietary or affiliated company, if any, during the period of contract, and for such time thereafter as may be necessary to accomplish such verification.

[6](b) Within ninety (90) days of the execution of this contract or its effective date, whichever is later, the Concessioner shall submit to the Secretary [7] [a balance sheet as of the beginning date of the term of this contract. The balance sheet shall be audited by an independent certified public accountant or by an independent licensed public accountant, certified or licensed by a regulatory authority of a state or other political subdivision of the United States on or before December 31, 1970. The balance sheet shall be accompanied by] a schedule that indentifies and provides details for assets in which the Concessioner claims a possessory interest. The schedule must describe these assets in detail showing for each such asset the date acquired, useful life, cost and book value.

(c) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of five (5) calendar years after the close of business year of the Concessioner and any subconcessioner have access to and the right to examine any of the pertinent books, documents, papers, and records related to this contract including Federal, and state income tax returns.

SEC. *9. FRANCHISE FEE.* (a) For the term of this contract, the Concessioner shall pay to the Secretary for the privileges granted herein as follows:

(1) An annual fee for the use of any Government Improvements utilized by the Concessioner hereunder, if any. Such fee and assigned Government buildings to be as set forth in Exhibit "A" hereto but in no event shall the fee exceed the fair annual value of such Government Improvements as determined by the Secretary.

(2) In addition to the foregoing, a further sum equal to ——— PERCENT [———%) of the Concessioner's gross receipts, as herein defined, for the preceding year.

(b) The franchise fee shall be due on a monthly basis in such a manner that payment shall be received by the Secretary within 15 days after the last day of each month that the concessioner operates. Such monthly payment shall include the annual use fee for assigned Government Improvements, as set forth in Exhibit "A" hereto, divided by the expected number of operating months, as well as the specified percentage of gross receipts for the preceding month. The payment of any additional amounts due at the end of the operating year as a result of adjustments shall be paid at the time of submission of the annual financial report. Overpayments shall be offset against the following year's franchise fees due.

(c) An interest charge will be assessed on overdue amounts for each 30 day period, or portion thereof, that payment is delayed. The percent of interest charged will be based on the current value of funds to the United States Treasury which is published quarterly in the Treasury Fiscal Requirements Manual.

(d) (1) The term "gross receipts," as used herein, shall be construed to mean the total amount received or realized by, or accruing to, the Concessioner from all sales, including those through vending machines and other coin-operated devices, for cash or credit, of services, accommodations, materials and other merchandise made pursuant to the rights granted in this contract, including gross receipts of subconcessioners as hereinafter defined and commissions earned on contracts or agreements with other persons or companies operating in the area, and excluding gross receipts from the sale of genuine United States Indian and native handicraft, intracompany earnings on account of charges to other departments of the operation (such as laundry), [charges for employees' meals, lodgings, and transportation] cash discounts on purchases.

[5] *ADD:* "or portion of a year" if execution date doesn't make up full fiscal year or calender year for concessioner.

[6] OPTIONAL—Subsection 8(b), in its entirety, may be excluded where the Concessioner has not acquired possessory interest assets are involved and no balance sheet is required.

[7] [ ] DELETE this section for FACT SHEETS when Balance Sheet is not required.

NOTE TO PREPARER: Use section *NOT* bracketed if Concessioner has possessory interest.

cash discounts on sales, returned sales and allowances, interest on money loaned or in bank accounts, income from investments, income from subsidiary companies outside of the area, sale of property other than that purchased in the regular course of business for the purpose of resale, and sales and excise taxes that are added as separate charges to approved sales prices, gasoline taxes, fishing license fees, and postage stamps, provided that the amount excluded shall not exceed the amount actually due or paid Governmental agencies.[8]

(2) The term "gross receipts of subconcessioners" as used in subsection (b)(1) of this section shall be construed to mean the total amount received or realized by, or accruing to, subconcessioners from all sources, including that through vending machines, or other coin-operated devices, as a result of the excercise of the rights conferred by subconcession contracts hereunder without allowances, exclusions, or deductions of any kind or nature whatsoever and the subconcessioner shall report the full amount of all such receipts to the Concessioner within 45 days after the ——— day of ——— of each year.[9] The subconcessioners shall maintain an acurate and complete record of all items listed in subsection (b)(1) of this section as exclusions from the Concessioner's gross receipts and shall report the same to the Concessioner with the gross receipts. The concessioner shall be entitled to exclude items listed in subsection (b)(1) in computing the franchise fee payable to the Secretary as provided for in subsection (a) hereof.

[10](e) Within sixty (60) days after the end of each five year period of this contract or as otherwise specified, at the instance of either party hereto, the amount and character of the franchise fees provided for in this section may be reconsidered. Such request shall be made in writing within 60 days after the end of the applicable contract year but cannot be made before the end of such year. In the event that the Secretary and the Concessioner cannot agree upon an adjustment of the franchise fees within 120 days from the date of the request for renegotiation as made by either party, the position of the Concessioner must be reduced to writing within 30 days therefrom and submitted to the Secretary for a determination of appropriate fees consistent with the fair value of any assigned Government Improvements and the probable value to the Concessioner of the privileges granted by this contract based upon a reasonable opportunity for a profit in relation to both gross receipts and capital invested. If desired by the Concessioner an advisory arbitration panel will be established (one member to be selected by the Secretary, one by the Concessioner, and the third by agreement of the original two) for the purpose of recommending to the Secretary appropriate franchise fees. The Secretary and the Concessioner shall share equally the expenses of such advisory arbitration. The written determination of the Secretary as to franchise fees shall be final and conclusive upon the parties hereto. Any new fees established will be retroactive to the commencement of the applicable period for which notice of reconsideration is given and be effective for the remaining term of the contract unless subsequent negotiations establish yet a different franchise rate. If new rates are greater than existing rates, the Concessioner will pay all back fees due with the next regular payment. If new rates are less than the existing rate the Concessioner may withhold the difference between the two rates from future payments until he has recouped the overpayment. Any new franchise fees will be evidenced by an amendment to the contract unless based upon the written determination of the Secretary in which event a copy of the determination will be attached hereto and become a part hereof, as fully as if originally incorporated herein.

SEC. *10. BOND AND LIEN.* The Secretary may, in his discretion, require the Concessioner to furnish a surety bond acceptable to the Secretary conditioned upon the faithful performance of this contract, in such form and in such amount as the Secretary may deem adequate, not in excess of ——— DOLLARS [11] ($———). As additional security for the faithful performance by the Concessioner of all of its obligations under this contract, and the payment to the Government of all damages or claims that may result from the Concessioner's failure to observe such obligations, the Government shall have at all times the first lien on all assets of the Concessioner within the area.

SEC. *11. TERMINATION.* (a) The Secretary may terminate this contract in whole or part for default at any time and may terminate this contract in whole or part when necessary for the protection of visitors or area resources. The operations authorized hereunder may be suspended in whole or in part at the discretion of the Secretary when necessary to protect the health and safety of visitors and employees or to protect area resources. Termination or suspension shall be by written notice to the Concessioner and, in the event of proposed termination for default, the Secretary shall give the Concessioner a reasonable period of time to correct stated deficiencies. Termination for default shall be utilized in circumstances where the Concessioner has breached any requirements of this contract, including failure to maintain and operate the required accommodation, facilities and services to the satisfaction of the Secretary in accordance with the Secretary's requirements hereunder.

(b) In the event of termination of this contract when necessary for the protection of visitors or area resources or for default, the compensation to the Concessioner for such termination shall be as described in Section 12, "Compensation.".

(c) In the event it is deemed necessary to suspend operations hereunder in whole or in part to protect the visitors or resources of the area the Secretary shall not be liable for any compensation to the Concessioner for losses occasioned thereby, including but not limited to, lost income, profit, wages, or other monies which may be claimed.

(d) To avoid interruption of service to the public upon the expiration or termination of this contract for any reason, the Concessioner, upon the request of the Secretary, will (1) continue to conduct the operations authorized hereunder for a reasonable time to allow the Secretary to select a successor, or (2) consent to the use by a temporary operator, designated by the Secretary, of the Concessioner's Improvements and personal property, if any, not including current or intangible assets, used in the operations authorized hereunder upon fair terms and condition, provided that the Concessioner shall be entitled to an annual fee for the use of such improvements and personal property, prorated for the period of use, in the amount of the annual depreciation on such improvement, plus ——— PERCENT [———%) return on the book value of such improvement. In this instance the method of depreciation used shall be either straight line depreciation or depreciation shown on Federal Tax Returns.

SEC. *12. COMPENSATION.* (a) *Just Compensation:* The compensation described herein shall constitute full and just compensation to the Concessioner from the Secretary for all losses and claims occasioned by the circumstances described below.

(b) *Contract expiration or termination where operations are to be continued:* If for any reason, including contract expiration or termination as described herein, and subject to the limitation on compensation for possessory interest contained in subsection (d) hereof, the Concessioner shall cease to be required by the Secretary to conduct the operations authorized hereunder, or substantial part thereof, and, at the time of such event the Secretary intends for substantially the same or similar operations to be continued by a successor, whether a private person, corporation or an agency of the Government, (i) the Concessioner will sell and transfer to the successor designated by the Secretary its possessory interest in Concessioner and Government Improvements, if any, as defined under this contract, and all other property of the Concessioner used or held for use in connection with such operation and (ii) the Secretary will require such successor, as a condition to the granting of a contract to operate, to purchase from the Concessioner such possessory interest, if any, and such other property, and to pay the Concessioner the fair value thereof. The fair value of any possessory interest in Government Improvements shall be book value as described in Section 12(c) hereof. In the event that such possessory interest in Government Improvements is acquired by a successor, the successor will not be permitted to revalue

[8] *NOTE TO PREPARER:* This means, for example, if fishing licenses are sold $2.00 goes to State or Federal agency, $.25 goes to concessioner. Only $2.00 can be excluded grom gross receipts, i.e., fishing license cost to user $2.00 but concessioner sells them and charges $.25 for services.

[9] *ADD:* "or portion of a year" if execution date doesn't make up full year for concessioner.

[10] DELETE WHOLE PARAGRAPH (subsection 9(e) *if* contract is only for 5 years.

[11] If a bond is required it should not, under normal conditions, exceed the amount of franchise fees which may be due. (Leave blank where there has been no past operator because no dollar amount can be determined.)

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such possessory interest. The fair value of possessory interest in Concessioner's Improvements shall be deemed to be the sound value of the improvement to which it relates at the time of transfer of such possessory interest, without regard to the term or other benefits of the contract. The sound value of any structure, fixture, or improvement shall be determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value. The fair value of merchandise and supplies shall be replacement cost including transportation. The fair value of equipment shall be replacement cost less depreciation and obsolescence. If the Concessioner and the successor, excepting Government agencies, cannot agree upon the fair value of any item or items, either party may serve a request for arbitration upon the other party, and the fair value of the item or items in question shall be determined by the majority vote of a board of three arbitrators, selected as follows: Each party shall name one member of such board and the two members so named shall select the third member. If either party fails to appoint an arbitrator within 15 days after the other shall have appointed an arbitrator and served written notice, including the name and address of the arbitrator appointed, upon the other party, then the American Arbitration Association shall be requested by the Secretary to appoint an arbitrator to represent the party failing to make the appointment. The costs and expenses of the arbitrator appointed by the American Arbitration Association to represent the party failing to make the appointment shall be paid for by that party. The two arbitrators so named shall select the third member. If the third member is not selected within 15 days after the appointment of the latter of the other two arbitrators, the American Arbitration Association shall be requested by the Secretary to appoint the third arbitrator. In requesting that the American Arbitration Association appoint an arbitrator in the situations discussed above, the Secretary shall request that the person or persons appointed shall be impartial and specially qualified in commercial and real estate appraisal. The fair value determined by the Board of Arbitrators shall be binding on the parties. The compensation and expenses of the third member shall be paid by the Concessioner and one-half of the amount so paid shall be added to the purchase price. Before reaching its decision, the board shall give each of the parties a fair and full opportunity to be heard on the matters in dispute. If the successor is a Government agency and there is a dispute as to the fair value of any possessory interest, or other items, an advisory arbitration panel will be established at the request of the Concessioner (one member to be selected by the Secretary, one by the Concessioner, and the third by agreement of the original two) for the purpose of recommending to the Secretary an appropriate fair value. The Secretary and the Concessioner shall share equally the the expenses of such advisory arbitration The written decision of the Secretary as to such fair value will be final and binding upon all parties.

(c) *Contract expiration or termination where operations are to be discontinued:* If for any reason, including contract expiration or termination as described herein, the Concessioner shall cease to be required by the Secretary to conduct the operations authorized hereunder, or substantial part thereof, and the Secretary at the time chooses to discontinue such operations, or substantial part thereof within the area, and/or to abandon, remove, or demolish any of the Concessioner's Improvements, if any, then the Secretary will take such action as may be necessary to assure the Concessioner of compensation for (i) its possessory interest in Concessioner Improvements, and Government Improvements, if any, in the amount of their book value (unrecovered cost as shown in Federal Income Tax Returns); (ii) the cost to the Concessioner of restoring any assigned land to a natural condition, including removal and demolition, (less salvage) if required by the Secretary; and (iii) the cost of transporting to a reasonable market for sale such movable property of the Concessioner as may be made useless by such determination. Any such property that has not been removed by the Concessioner within a reasonable time following such determination shall become the property of the United States without compensation therefor.

(d) *Contract Termination for Default for Unsatisfactory Performance Where Operations are to be Continued.* Notwithstanding any provision of this contract to the contrary, in the event of termination of this Contract for default for failure to maintain and operate the required accommodations, facilities and sevices to the satisfaction of the Secretary in accordance with the Secretary's requirements hereunder, compensation for the Concessioner's possessory interest in Concessioner's Improvements, if any, shall be at book value as described in Subsection 12(c) herein.

(e) *Other Compensation.* In the event of termination of this contract or portions thereof, for the purpose of protecting visitors or area resources the Concessioner may be compensated (in addition to the applicable compensation described in subsections (b) or (c) above) for such other costs as the Secretary, in his discretion, considers necessary to compensate the Concessioner for actual losses occasioned by such termination, including, but not limited to, and as the needs appear, cost of relocating from one building to another building, reasonable severance pay to employees that may be affected, penalties for early loan repayments, and reasonable overhead expenses required by such termination, but, not for lost profit or other anticipated gain from the operations authorized hereunder or anticipated sale or assignment of the Concessioner's assets, including this contract or any of its benefits.

SEC. *13. ASSIGNMENT OR SALE OF INTERESTS.* (a)(1) The Concessioner and/or any person or entity which owns a controlling interest (as herein defined) in a Concessioner's ownership, (collectively defined as the "Concessioner" for the purposes of this section) shall not assign or otherwise sell or transfer responsibilities under this Contract or the concession operations authorized hereunder, nor sell or otherwise assign or transfer (including, without limitation mergers, consolidations, reorganizations or other business combinations) a controlling interest in such operations, this contract, or a controlling interest in the Concessioner's ownership, as defined herein, without the prior written approval of the Secretary. Failure to comply with this provision or the procedures described herein shall constitute a material breach of this Contract for which this Contract may be terminated immediately by the Secretary without regard to the procedures for termination for default described in Section 11 hereof, and, the Secretary shall not be obliged to recognize any right of any person or entity to an interest in this Contract or to own or operate the operations authorized hereunder acquired in violation hereof.

(2) The Concessioner shall advise the person(s) or entity proposing to enter into a transaction described in Subsection (a)(1) above that the Secretary shall be notified and that the proposed transaction is subject to review and approval by the Secretary. The Concessioner shall request in writing the Secretary's approval of the proposed transaction and shall promptly provide the Secretary all relevant documents related to the transaction, and the names and qualifications of the person(s) or entity involved in the proposed transaction.

(b)(1) The Secretary, in exercising the discretionary authority set forth herein, shall among other matters, take into consideration the management qualifications of individuals or entities which would thereby obtain an interest in the facilities or services authorized hereunder, the experience of such individuals or entities with similar operations, and the ability of such individuals or entities to operate the concession operations authorized hereunder in the public interest under the regulation of the Secretary.

(2) For purposes of this section, the term "controlling interest" in a Concessioner's ownership shall mean, in the instance of a corporate concessioner, an interest beneficial or otherwise, of sufficient outstanding voting securities or capital of the Concessioner so as to permit exercise of substantial managerial influence over the operations of the concessioner, and, in the instance of a partnership, limited partnership, joint venture or individual entrepreneurship, any beneficial ownership of the capital assets of the Concessioner sufficient to permit substantial managerial influence over the operations of the Concessioner. The Secretary will determine at the request of interested parties whether or not an interest in a Concessioner constitutes a controlling interest within the meaning hereof.

(c) The Concessioner may not enter into any agreement with any entity or person except employees of the Concessioner to exercise substantial management responsibilities for the operation authorized hereunder or any part thereof without written approval of the Secretary at least 30 days in advance of such transaction.

(d) No mortgage shall be executed, and no bonds, shares of stock, or other evidence of interest in, or indebtedness upon, the assets

of the concessioner, including this contract, in the area, shall be issued, except for the purposes of installing, enlarging or improving, plant equipment and facilities, provided that, such assets, including possessory interests, or evidences of interests therein, in addition, may be encumbered for the purposes of purchasing existing concession plant, equipment and facilities. In the event of default on such a mortgage, encumbrance, or such other indebtedness, or of other assignment transfer, or encumbrance, the creditor or any assignee thereof, shall succeed to the interest of the Concessioner in such assets but shall not thereby acquire operating rights or privileges which shall be subject to the disposition of the Secretary.

SEC. *14. APPROVAL OF SUBCONCESSION CONTRACTS.* All contracts and agreements (other than those subject to approval pursuant to Section 13 hereof) proposed to be entered into by the Concessioner with respect to the exercise by others of the privileges granted by this contract in whole or part shall be considered as subconcession contracts and shall be submitted to the Secretary for his approval and shall be effective only if approved. In the event any such subconcession contract or agreement is approved the Concessioner shall pay to the Secretary within———days after the———day of———each year [12] a sum equal to fifty percent (50%) of any and all fees, commissions, or compensation payable to the Concessioner thereunder, which shall be in addition to the franchise fee payable to the Secretary on the gross receipts of subconcessioners as provided for in Section 9 of this contract.

SEC. *15. INSURANCE AND INDEMNITY.*

(a). *General*

The Concessioner shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgements and expenses on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the Concessioner, his employees, sub-contractors or agents under the contract. The types and amounts of insurance coverage purchased by the Concessioner shall be approved by the Secretary. The Concessioner shall, annually, or at the time insurance is purchased provide the Secretary with Certificates of Insurance, Broker's Analysis or similar documents sufficient to evidence compliance with this section and shall provide the Secretary thirty (30) days advance written notice of any material change in the concessioners insurance program hereunder.

(b). *Property Insurance*

The Concessioner at its cost shall secure and maintain, for both Concessioner improvements and assigned government improvements, fire, extended coverage and such other perils insurance in such types and limits as are determined by the Secretary to be necessary to repair or replace those buildings, structures, equipment, furnishings, betterments and improvements, and merchandise necessary to satisfactorily discharge the Concessioner's obligations under this Contract. For insurance purposes, values of such property shall be determined at the inception of this contract and updated annually thereafter. Those values currently in effect are set forth in Exhibit "E" to this contract. Such insurance shall provide for the Concessioner and the United States of America to be named insureds as their interest may appear. Insurance provisions respecting replacement at the "same site" shall be waived. In the event of loss the Concessioner shall use all proceeds of such insurance to repair, rebuild, restore or replace Concessioner and Government Improvements, equipment, furnishings and other personal property hereunder, as directed by the Secretary. The lien provision of Section 10 shall apply to such insurance proceeds.

The Concessioner shall purchase the following additional property coverages:

Flood [13]	Boiler & Machinery	Earthquake

[13] If contract is to accompany an SOR, leave blank so that amounts may be proposed by applicant in final contract, list only applicable coverages with amounts.

(c) *Additional Property Damage Requirements—Government Improvements, Property and Equipment*

The following additional requirements shall apply to structures, all or any part of which are "government improvements" as defined in Section 4(b).

(1) The insurance policy shall contain a loss payable clause approved by the Secretary which provides that insurance proceeds shall be paid directly to the Concessioner without requiring endorsement by the United States.

(2) The use of insurance proceeds for repair or replacement of government structures will not alter their character as government structures and the concessioner shall gain no possessory interest therein.

(d) *Public Liability*

The Concessioner shall purchase and maintain during the term of this contract Comprehensive General Liability insurance against claims occasioned by actions or omissions of the Concessioner in carrying out the activities and operations authorized hereunder. Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event not less than ($———) [14] for bodily injury per person and ($———) [14] per accident and property damage of at least ($———) [14] per occurence. All liability policies are to specify that the insurance company shall have no right of subrogation against the United States of America except that caused by the sole negligence of the United States or its employees and have no recourse against the government for payment of any premiums or assessments.

Specific types of coverages the Concessioner shall purchase and maintain during the term of this contract include Comprehensive General Liability, with extensions which provide Product Liability and Contractual Liability and Liquor Liability if liquor is served.

The Concessioner shall also obtain the following additional coverages:

a. *Automobile Liability*

The Concessioner shall provide the following coverages respecting vehicles owned and/or operated by the Concessioner: Comprehensive Automobile Liability, Uninsured Motorist coverages, and Statutory "No-Fault" coverages, as required by the state of operation.

b. *Worker's Compensation*

Statutory Worker's Compensation as required in the state of operation, Employers' Liability coverage (Broad Form "All State" coverage, if the Concessioner operates in more than one state).[15] Voluntary Compensation endorsement, and (Employers' Liability in states with monopolistic Workers' Compensation funds).[15]

c. *Other*

The Concessioner shall also obtain the following coverages, in at least the limits set forth for Comprehensive General Liability.

*Protection and Indemnity (Watercraft Liability)

*Aircraft Liability

*Umbrella Liability Policy, (Limits ———)

SEC. *16. PROCUREMENT OF GOODS, EQUIPMENT, AND SERVICES.* In computing net profits for any purposes of this contract, the Concessioner agrees that its accounts will be kept in such a manner that there will be no diversion or concealment of profits in the operations authorized hereunder by means of arrangements for the procurement of equipment, merchandise, supplies, or services from sources controlled by or under common ownership with the Concessioner or by any other device.

SEC. *17. DISPUTES.* (a) Except as otherwise provided in this contract, any dispute, or claim, concerning this contract which is not disposed of by agreement shall be decided by the Director, National Park Service, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Concessioner. The decision of the Director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Concessioner mails or otherwise furnished to the Director a written notification of appeal addressed to the Secretary. In accordance with the rules of the Board of Contract Appeals, the decision of the Secretary or his duly authorized representative for the determination of such appeals, shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or

[12] *ADD:* "or portion of a year" if execution date doesn't make up full year for concessioner.

[14] The absolute lowest acceptable minimums which can be accepted are $100,000 bodily injury per person, $100,000 per accident, and $25,000 property damage. In most cases these amounts should be substantially higher. SEE CONCESSION MANUAL FOR FURTHER DISCUSSION.

[15] List only coverages applicable to this concessioner.

capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Concessioner shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute or claim hereunder, the Concessioner shall proceed diligently with the performance of the contract or as otherwise required in accordance with the Director's decision.

Claims shall be considered hereunder only if a notice is filed in writing with the Director within 30 days after the Concessioner knew or should have known of the facts or circumstances giving rise to the claim.

(b) This section does not preclude consideration of legal questions in connection with decisions provided for in paragraph (a) above; provided, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(c) The provisions of this clause shall not apply to any claim of a precontractual nature nor of a non-contractual nature such as tort claims, nor with repect to discretionary acts or refusals to act by the United States, including but not limited to the establishment of utility rates and rates to the public hereunder and terminations or suspensions of the contract for protection of visitors or area resources nor to any other discretionary relief or action, nor in relation to action or inaction by the United States in its sovereign capacity. Decisions of the Director, National Park Service, concerning the matters mentioned in this subsection shall be final administrative determinations.

SEC. *18. GENERAL PROVISIONS.* (a) Reference in this contract to the "Secretary" shall mean the Secretary of the Interior, and the term shall include his duly authorized representatives.

(b) The Concessioner is not entitled to be awarded or to have sole negotiating rights to any Federal procurement or service contract by virtue of any provision of this contract.

(c) Notwithstanding any other provision hereof, the Secretary reserves the right to provide directly or through cooperative or other non-concession agreements with non-profit organizations any accommodations, facilities or services to area visitors which are part of and appropriate to the park interpretive program.

(d) That any and all taxes which may be lawfully imposed by any State or its political subdivisions upon the property or business of the Concessioner shall be paid promptly by the Concessioner.

(e) No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

(f) This contract may not be extended, renewed or amended in any respect accept when agreed to in writing by the Secretary and the Concessioner.

IN WITNESS WHEREOF, the parties hereto have hereunder subscribed their names and affixed their seals.

Dated at ——————, this —— day of ——————, 19——.

UNITED STATES OF AMERICA
BY ——————
Regional Director ——————

CORPORATIONS

ATTEST:

BY ——————
TITLE ——————
(Concessioner) ——————
BY ——————
TITLE ——————
DATE ——————

SOLE PROPRIETORSHIP

WITNESSES:
(Concessioner) ——————
NAME ——————
ADDRESS ——————
NAME ——————
ADDRESS ——————
DATE ——————

PARTNERSHIP

WITNESSES AS TO EACH:

NAME ——————
ADDRESS ——————
NAME ——————
ADDRESS ——————
(Concessioner) ——————
NAME ——————
(NAME) ——————
DATE ——————

EXHIBIT "A"

GOVERNMENT-OWNED STRUCTURES ASSIGNED TO

(Concessioner) ——————
pursuant to
CONCESSION CONTRACT NO. ——————

rs●	Building Number	Description	Annual Fee

Total amount due pursuant to subsection ——————.

Approved, effective ——————. BY:
(Concessioner) ——————
BY ——————
TITLE ——————

UNITED STATES OF AMERICA
Regional Director ——————

EXHIBIT "B"

Concession Contract No.: ——————

NONDISCRIMINATION

SECTION I

Requirements Relating to Employment and Service to the Public

A. EMPLOYMENT: During the performance of this contract, the Concessioner agrees as follows:

(1) The Concessioner will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Concessioner will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Concessioner agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Secretary setting forth the provisions of this nondiscrimination clause.

(2) The Concessioner will, in all solicitations or advertisements for employees placed by or on behalf of the Concessioner, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Concessioner will send to each labor union or representative of workers with which the Concessioner has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Secretary, advising the labor union or workers' representative of the Concessioner's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended by Executve Order 11375 of October 13, 1967, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Concessioner will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Concessioner will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to the Concessioner's books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Concessioner's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Concessioner may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Concessioner will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Concessioner will take such action with respect to any subcontract or purchase order as the Secretary may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Concessioner becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Secretary, the Concessioner may request the United States to enter into such litigation to protect the interests of the United States.

B. CONSTRUCTION, REPAIR, AND SIMILAR CONTRACTS: The preceding provisions A(1) through (7) governing performance of work under this contract, as set out in Section 202 of Executive Order No. 11246, dated September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, shall be applicable to this contract, and shall be included in all contracts executed by the Concessioner for the performance of construction, repair, and similar work contemplated by this contract, and for that purpose the term "contract" shall be deemed to refer to this instrument and to contracts awarded by the Concessioner and the term "Concessioner" shall be deemed to refer to the Concessioner and to contractors awarded contracts by the Concessioner.

C. FACILITIES: (1) Definitions: As used herein: (i) Concessioner shall mean the Concessioner and its employees, agents, lessees, sublessees, and contractors, and the successors in interest of the Concessioner; (ii) facility shall mean any and all services, facilities, privileges, and accomodations, or activities available to the general public and permitted by this agreement.

(2) The Concessioner is prohibited from: (i) publicizing facilities operated hereunder in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, color, religion, sex, or national origin; (ii) discriminating by segregation or other means against any person because of race, color, religion, sex, or national origin in furnishing or refusing to furnish such person the use of any such facility.

(3) The Concessioner shall post a notice in accordance with Federal regulations to inform the public of the provisions of this subsection, at such locations as will ensure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges. Such notice will be furnished the Concessioner by the Secretary.

(4) The Concessioner shall require provisions identical to those stated in subsection C herein to be incorporated in all of the Concessioner's contracts or other forms of agreement for use of land made in pursuance of this agreement.

SECTION II: EMPLOYMENT OF THE HANDICAPPED

Within 120 days of the commencement of a contract every Government contractor or subcontractor holding a contract that generates gross receipts which exceed $50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with the affirmative action program requirement.

Part A

The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Part B

The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

Part C

In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

Part D

The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

Part E

The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

Part F

The contractor will include the provisions of this clause in every subcontract that generates gross receipts which exceed $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

EXHIBIT "C"

NOTE TO PREPARER:

If the Concessioner has preferential rights to additional services, you would insert a *map* in place of this Exhibit page.

EXHIBIT "D"

Pursuant to Subsection 6 (a)(1)

NOTE TO PREPARER:

If the Concessioner has no possessory interest assets, put "NONE" on this page.

You will *ALWAYS* use this Exhibit, either with a schedule of possessory interest assets, or with the words "NONE", but *NEVER LEAVE THIS EXHIBIT OFF THE CONTRACT.*

EXHIBIT "E"

BUILDING REPLACEMENT COST FOR INSURANCE PURPOSES

CONCESSIONER: ——————
CONCESSION CONTRACT NO.: ——————
FOR THE OPERATING YEAR: ——————
STARTING ——————
AND ENDING ——————

The replacement costs set forth herein are established for the sole purpose of insuring adequate property insurance coverage and shall not be construed as having application for any other purpose.

I GOVERNMENT BUILDINGS

Building No.	Description	Insurance Replacement Value

II CONCESSIONER BUILDINGS

Building No.	Description	Insurance Replacement Value

(Concessioner) ——————
BY ——————
TITLE ——————
DATE ——————

UNITED STATES OF AMERICA

[FR Doc. 81-50 Filed 2-26-81; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperatives; Interstate Transportation for Certain Nonmembers

Dated: February 24, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning

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officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

1. The Arkansas Rice Growers Cooperative d.b.a. Riceland Foods: Complete Legal Name of Cooperative Association Or Federation Of Cooperative Associations: P.O. Box 927, Stuttgart, Arkansas 72160.

Principal Mailing Address (Street No., City, State, and Zip Code): 2120 South Park Ave., Stuttgart Arkansas 72160.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Charles A. Gunnell, P.O. Box 927, Stuttgart, Arkansas 72160.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address):

2. Intercontinental Motor Lines, Inc.; Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: 11077 N. Vancouver Way, Portland, Oregon 97217.

Principal Mailing Address (Street No., City, State, and Zip Code): 11077 N. Vancouver Way, Portland, Oregon 97217.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Thomas Affleck, 11077 N. Vancouver Way, Portland, Oregon 97217.

Person to Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address):

3. International Farmers United, Inc.; Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Apartado Postal #167, Gonzalez Ortega, Baja Calif. Mexico.

Principal Mailing Address (Street No., City, State, and Zip Code): Padre Kino No. 655 Col. Pro Hogar, Mexicali Baja, Calif. Mexico.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Luis G. Villanueva, Padre Kino No. 655 Col. Pro Hogar, Mexicali Baja Cal. Mexico.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address):

4. Mid-America Farm Lines, Inc.; Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations, 420 N. Nettleton, Springfield, MO 65801.

Principal Mailing Address (Street No., City, State, and Zip Code): 420 N. Nettleton, Springfield, Missouri 65801.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Gary Hanman, 800 W. Tampa, Springfield, MO 65805.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address):

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3787 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-91F)]

Burlington Northern Inc.; Abandonment Near Newburg and Dunning, Bottineau County, ND; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided February 23, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of a line of railroad known as the Newburg to Dunning, ND, line extending from railroad milepost 35.26 near Newburg, ND, to railroad milepost 40.87 near Dunning, ND, a distance of 5.61 miles, in Bottineau County, ND, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91(1979). A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on BN, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If so such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3788 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-8)]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; Exemption for Contract Tariff ICC-MILW-C-0007

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract tariff will become effective one day after service of this decision. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 275-7656 or Richard Schiefelbein, (202) 275-0826.

SUPPLEMENTARY INFORMATION: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Richard B. Olgilvie, Trustee, (Milwaukee Road) requests authority to publish a new contract tariff ICC MILW C-0007, executed for account of Chrysler Corporation on the earliest possible effective date on one day's notice. This contract is for three-month duration commencing on the effective date of contract. During the term of the agreement, Chrysler agrees to ship a minimum of 500 carloads of assembled automobiles and trucks by railroad under applicable rates in effect on date of shipment. At the end of each 30-day period, the Milwaukee Road will refund shipper a sum equal to five percent of the total revenues derived by the railroad from the transportation of commodities under this agreement. If at the end of the contract period Chrysler has not met the minimum volume, Chrysler will return the refunds received from the carrier. Chrysler has requested as early an effective date as possible because of the financial difficulties it is experiencing. The Milwaukee Road states that the five percent reduction will enable Chrysler to arrange continued financing.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 or more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here. This is identical to actions taken to reduce the notice period in Ex Parte 387 (Sub-1), *Southern Railway Exemption for Contract Tariff ICC-SOU-C-0001*, served December 30, 1980, [46 FR 1358, January 6, 1981], Ex Parte No. 387 (Sub-2), *Seaboard Coast Line Railroad Company and Atchison Topeka and Santa Fe Railway Company Exemptions for Contract Tariffs*, served January 9, 1981 [46 FR 3664, January 15, 1981], and Ex Parte 387 (Sub-5) *Consolidated Rail Corporation Exemption For Contract Tariff ICC-CR-C-0008*, served February 11, 1981 (46 FR 13046, February 19, 1981).

The carrier does not indicate whether protests are expected. However, we note that the Ex Parte 387 (Sub-1, 2 and 5) exemption orders also cover special arrangements with automobile manufacturers. This proposal should enhance carrier service by encouraging efficient movement and should not impair the carrier obligation to provide service to other shippers. An early effective date is necessary to assist Chrysler in its financing arrangements.

In this unusual situation, we believe an exemption should be granted subject to the Milwaukee Road filing, prior to or simultaneous with the filing of the contract, its written acceptance of an agreement to be bound by the following condition:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: February 17, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3786 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 28640 (Sub-6)]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; Reorganization (Tender Offers)

AGENCY: Interstate Commerce Commission.

ACTION: Institution of Proceeding.

SUMMARY: The Commission is instituting a proceeding to consider the proposal of Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, to proceed with tender offers to holders of certain secured debt. The following schedule is being set for the submission of evidence:

DATES: (1) Verified statements supporting or opposing the application are due March 13, 1981.

(2) Verified replies are due March 27, 1981.

ADDRESS: An original and 10 copies of all statements should refer to Finance Docket 28640 (Sub-6) and be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: On February 13, 1981, Richard B. Ogilvie, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) filed an application for authority to proceed with tender offers to holders of certain debt secured by liens on its property. The tender offers seek to retire approximately $48.7 million principal amount of Series A First Mortgage Bonds, $25.2 million principal amount of Series A General Mortgage Bonds, $31.1 million principal amount of Series B General Mortgage Bonds and $17.2 million principal amount of so-called Terre Haute Bonds for an aggregate principal amount for all bonds of approximately $122.2 million. The total proposed tender price, assuming 100 percent participation before expenses, is approximately $80.8 million.

The Trustee proposes to finance the tender offers by borrowings from proceeds received by the Milwaukee Land Company from sales of timber properties. The borrowings would be evidenced by Trustee's Certificates issued to consummate the tender offers.

The MILW's Reorganization Court in Order 446 scheduled a hearing on the proposed tender offers on March 9, 1981 at 3:00 p.m. Evidence and proposed testimony submitted to the Court may be included in verified statements filed in this proceeding.

Requests for copies of the MILW's application should be addressed to its representative: Robert H. Wheeler, Isham, Lincoln and Beale, One First National Plaza, Suite 4300, Chicago, IL 60603.

A copy of any statement filed should be served on MILW's representative. Copies should also be served on parties to the Reoganization Court proceeding.

It is ordered:

1. The application is accepted for consideration.

2. The parties should comply with all provisions stated above.

3. This decision shall be effective on February 25, 1981.

By the Commission, Acting Chairman Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3793 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29542]

Consolidated Rail Corp., Abandonment of a 900-Foot Segment of the Newark Branch Located in Newark, NJ; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 900-foot segment of the Newark Branch of Consolidated Rail Corporation (Conrail) from the requirement of prior approval under 49 U.S.C. 10903.

DATES: This exemption will be effective 30 days after the date of this publication in the **Federal Register.** Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423;

and (2) Petitioner's representative: Charles E. Mecham, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

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Pleadings should refer to Finance Docket No. 29542.

FOR FURTHER INFORMATION CONTACT:
Ellen D. Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION:

The proposed transaction

Conrail has filed a petition to exempt the abandonment of a 900-foot segment of its Newark Branch located in Newark, NJ, from the requirements of 49 U.S.C. 10903.

Conrail currently conducts no rail operations over the track. There are no stations, public delivery track, or private rail sidings located on the segment. Present Conrail operations serving industries located on the branch to the east and west of the involved track will continue. No other freight rail carrier operates lines within several miles of the involved track.

Following abandonment, Conrail plans to sell the right-of-way and additional property on either side of the right-of-way to private industry.

Conrail claims that abandonment will not affect any shippers or receivers of freight and will have no measurable effect on its revenues and expenses. Moreover, Conrail predicts that there will be no impact upon rail employees or the environment and energy consumption. Other carriers and the public generally should not be affected.

The Statute

Rail abandonments require the prior approval of this Commission under 49 U.S.C. 10903. To obtain Commission approval an application must be filed in compliance with the *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1978) (abandonment regulations). Conrail requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96-448, 94 Stat. 1895, October 14, 1980), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a. In enacting section 10505, and the recent amendments of the Staggers Act, Congress intended for us to eliminate unnecessary regulation. See, for example, H. R. Rep. No. 96-1430, 96th Cong., 2nd Sess., 104-105 (1980) and 49 U.S.C. 10101a(2). The power to exempt from regulation enables the Commission and railroads to commit their limited resources in areas where they are most needed by enabling the Commission to effectively deregulate those areas which have no significant bearing on the overall regulatory scheme. The proposed abandonment is the type of transaction which Congress intended us to exempt from our regulatory power.

The proposed transaction is very limited in scope. It will affect only a relatively short track segment which is currently not used in any rail operations. Service to shippers will continue to be conducted in the same manner as in the past. Since no changes in operations are involved, shippers, employees and competitors should be unaffected by our authorization.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Public Use Condition and Offers of Financial Assistance. In abandonment procedures filed pursuant to 49 U.S.C. 10903, the Commission is specifically required to consider two matters that have not been considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions to allow interested persons an opportunity to obtain the property. Similarly, 49 U.S.C. 10905, as modified by section 402 of the Staggers Rail Act of 1980 (Pub. L. 96-448, 94 Stat. 1895, October 14, 1980), allows interested persons to make financial assistance offers to assure the continuation of operations over the line. Under the procedure provided by this section, financial offers may lead to continued subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of 49 U.S.C. 10905 and 10906 apply only to proceedings conducted under section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is given because no application need be filed. We note, however, that these matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. § 10505(g)(2)). Therefore, as a condition to this exemption, we will afford the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Energy and Environmental Considerations. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. However, in line with our recent decision in Finance Docket No. 29352, *Central of Georgia Railroad Company—Petition for Exemption from the Filing of an Abandonment Petition, 49 U.S.C. 10903-109096*, (not printed), decided December 9, 1980, we shall require Conrail to notify the following New Jersey agencies of this proceeding and of their opportunity to file a petition to reopen this proceeding on environmental grounds: Mr. Paul McLain, Deputy Director, Division of Fish and Game and Shellfisheries, Post Office Box 1809, Trenton, NJ 08625; Mr. George H. Pierson, New Jersey Bureau of Forest Management, Department of Environmental Protection, CN-028, Trenton, NJ 08625; New Jersey Office of State Economic Planning, Office of Policy and Planning, 142 W. State Street, Trenton, NJ 08625; Parks and Recreation, Department of Environmental Protection, Division of Parks and Forestry, Box 1420, Trenton, NJ 08625; Division of Transportation, Systems Planning, New Jersey Department of Transportation, 1035 Parway Avenue, Trenton, NJ 08625; Division of Fish, Game and Wildlife, Box 1809, Trenton, NJ 08625; Betty Wilson, Deputy Commissioner, Department of Environmental Protection, P.O. Box 1390, Trenton, NJ 08625; and John Weingart, Bureau of Coastal Planning and Protection, P.O. Box 1889, Trenton, NJ. Conrail must notify these agencies within 5 days of the publication of this decision in the **Federal Register.** Copies of correspondence and/or memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

The exemption granted here will become effective 30 days from the date this decision is published in the **Federal Register.** Any party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.98(d). This petition must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action; we may, on our own motion or on petition, stay the effective date. A petition to stay must be filed no later than 10 days following the date of publication.

We find

(1) The application of the requirements of 49 U.S.C. 10903 to the abandonment by Consolidated Rail Corporation of the described 900-foot segment of its Newark Branch is not necessary to carry out the transportation policy of 49 U.S.C. § 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707, or (b) to protect the interests of its employees as required by 49 U.S.C. Subtitle IV.

(4) In light of the condition imposed in the first ordering paragraph below, this decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered

(1) Pursuant to 49 U.S.C. 10505, we exempt from the requirements of 49 U.S.C. 10903 the abandonment by Consolidated Rail Corporation of the 900-foot segment of the Newark Branch described in its petition, subject to the conditions for the protection of employees as embodied in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979), and subject to the further condition that, within 5 days of this publication in the **Federal Register,** it notifies the state agencies named in the body of this decision. Copies of correspondence and/or memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

(2) If Consolidated Rail Corporation abandons this line, it must submit, within 60 days after the abandonment, three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, **Federal Register,** for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line segment must occur during that time in order to use this exemption.

(5) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(7) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: February 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3785 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: February 18, 1981.

In our decision of February 10, 1981, an 18-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 18.6-percent. Accordingly, we are authorizing that the surcharge for this traffic be increased to 18.5-percent. All owner-operators are to receive compensation at this level.

The authorized surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators is increased to 3.2-percent, and that the bus carriers to 6.9-percent. However no increase is authorized in the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D. C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. February 20, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 83.5¢

Date of current price measurement and price per gallon (including tax)

February 17, 1981 ..... 133.5¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent: fuel expenses (including taxes) of total revenue	16.8	2.9	6.3	3.3
Percent surcharge developed	18.	3.2	6.9	2.9 [3]
Percent surcharge allowed	18.5	3.2	6.9	2.1% [4]

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-3791 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation: Commercial Metals Company, 3000 Diamond Park Drive (75247), P.O. Box 1046 (75221), Dallas, Texas. State of incorporation: Delaware.

2. The following 100% wholly-owned subsidiaries will participate in the operation:

Cometals, Inc., One Penn Plaza, Room 3401, New York, New York 10001. State of incorporation: New York.

Commonwealth Metal Corporation, 560 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. State of incorporation: New Jersey.

Structural Metals, Inc., Mill Road, Seguin, Texas 78155. State of incorporation: Texas.

Capitol City Steel Company, 6717 Circle S Road, Austin, Texas 78745. State of incorporation: Texas.

Texpost, Inc., 1318 Buschong Road, Houston, Texas 77039. State of incorporation: Texas.

Safety Railway Service, Division of Safety Steel Warehouse, Inc., Aloe

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Field, Victoria, Texas 77901. State of incorporation: Texas.
Southern States Steel Company, Division Houston Steel Service Company of Texas, Inc., 9675 Walden Road, Beaumont, Texas 77706. State of incorporation: Texas.
Sterling Steel Company, Division Houston Steel Service Company of Texas, Inc., 9501 Harwin, Houston, Texas 77036. State of incorporation: Texas.
Texas Cold Finished Steel, Inc., 1300 Baker, Houston, Texas 77002. State of incorporation: Texas.
Howell Metal Company, State Route 726, New Market, Virginia 22844. State of incorporation: Virginia.
Enterprise Metal Corporation, 175 Great Neck Road, Great Neck, New York 11021. State of incorporation: New York.
CMC Dismantling and Process Equipment Company, 213 W. Southmore, Suite 318, Pasadena, Texas 77501. State of incorporation: Texas.

1. Parent corporation and principal office address: Custom Alloy Corporation, Route 513, Califon, NJ 07830.

2. Wholly-owned subsidiaries which will participate in the operations:

(a) Penn Manufacturing Corporation (Delaware corporation), 380 West Chestnut Street, Washington, PA 15301.

(b) Custom Oilfield Products Corporation (Delaware corporation), 12822A Hempstead Highway, Houston, TX 77092.

1. Parent Corporation and address of principal office: Dart & Kraft Inc., Kraft Court, Glenview, IL 60025.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(A) Dart Industries Inc. (Delaware) and the following divisions:
(1) Absorbent Cotton Company
(2) Action Technology Company
(3) American Gasket & Rubber Co.
(4) Aztec Chemicals
(5) Capitol Controls Company
(6) Catalyst Division
(7) Colorite Plastics Company
(8) Coppercraft Guild
(9) Dart Resorts
(10) Electrochemicals
(11) Environmental & Research/Lancy
(12) Equipment Systems Division
(13) Fiberfil Company
(14) Gering Products
(15) Interpur International
(16) Liggett Drug Company
(17) Nappe/Babcock
(18) Plastech Alloys Division
(19) PureChem
(20) Ralph Wilson Plastics Co.
(21) Rexcel
(22) San Fernando Laboratories
(23) Seamco Sporting Goods
(24) Seamless Hospital Products
(25) Styro Products
(26) Synthetic Products Company
(27) Thatcher Glass Manufacturing Co.
(28) Thatcher Plastic Packaging
(29) Thermo-Serv Company
(30) The West Bend Company
(31) Thompson Industries Co.
(32) Tupco
(33) Tupcraft Company
(34) Tupperware Home Parties
(35) Tupperware Manufacturing International
(36) U.S. Operations Tupperware Company
(37) Vanda Beauty Counselor-U.S.
(38) Ware Chemical Company
(39) Wilson Products Co.

(B) Duracell International Inc. (Delaware) and the following divisions:
(1) Duracell Company, U.S.A.
(2) Laboratory for Physical Science
(3) Lithium Systems Division
(4) Battery Technology Company

(C) Kraft, Inc. (Delaware) and the following groups (divisions):
(1) Dairy Group
(2) Foodservice Group
(3) Industrial Group
(4) Operations Group
(5) Retail Group
(6) Humko-Sheffield Division

(D) Universal Packaging Corporation (Delaware)

(E) Universal Bow Transport, Inc. (New Hampshire)

1. Parent corporation and address of principal office: Halliburton Company, 2600 Southland Center, Dallas, Texas 75201.

2. Wholly-owned subsidiaries (or divisions) which will participate in the operations, and state(s) of incorporation:
(i) Alaska Constructors, Inc.—Alaska
(ii) Avon Services, Inc.—Delaware
(iii) Brown & Root, Inc.—Texas
(a) Allied Industries, Inc.—Texas
(b) Brown & Root Alaska, Inc.—Alaska
(c) Brown & Root Development, Inc.—Texas
(d) Brown & Root Engineering and Construction Corporation—Texas
(e) Brown & Root Marine Operators, Inc.—Texas
(f) Fargo Engineering Company—Michigan
(g) Flo-Tronics, Inc.—Texas
(h) Houston Execution Air Service, Inc.—Texas
(i) Mid-Valley, Inc.—Delaware
(iv) DHS Corporation—Texas
(v) FreightMaster Division of Halliburton Company
(vi) Halliburton Resource Management Division of Halliburton Company
(vii) Halliburton Services Division of Halliburton Company
(viii) Halliburton Telecommunications, Inc.—Delaware
(ix) Horn Construction Co., Inc.—New York
(a) GIM Mechianical Associates, Inc.—New York
(b) Hornco General Contractors, Inc.—Nevada
(x) Howard Smith Screen Company—Texas
(xi) Joe D. Hughes, Inc.—Texas
(a) Greens Bayou Terminal, Inc.—Texas
(xii) IMCO Services Division of Halliburton Company
(xiii) Jackson Marine Corporation—Texas
(xiv) Jet Research Center, Inc.—Texas
(xv) Nova Pressure Services, Inc.—Delaware
(xvi) Otis Engineering Corporation—Delaware
(a) Sun Contractors, Inc.—Louisiana
(b) Otis Overseas, Inc.—Delaware
(c) Otis Latin-America, Inc.—Delaware
(xvii) Wm. A. Smith Construction Co., Inc.—Texas
(a) Wm. A. Smith Contracting Co., Inc.—Missouri
(b) Wm. A. Smith International Contractors, Inc.—Delaware
(c) Service and Commodity Corporation—Nebraska
(d) Longwill-Scott, Inc.—Missouri
(e) Sharp & Fellows Construction Co., Inc.—California
(xviii) Southwestern Pipe, Inc.—Texas
(a) Alamo Explosives Company, Inc.—Texas
(xix) Taylor Diving & Salvage Co., Inc.—Louisiana
(xx) Vernon Graphics, Inc.—Delaware
(a) CYBEK—New Jersey
(xxi) Welex Division of Halliburton Company

1. Parent corporation and address of principal office: Hunter Douglas Inc., P.O. Box 61, Roxboro, NC.

2. Wholly-owned subsidiaries which will participate in the operations: Hunter Douglas Inc., Roxboro, NC; Hunter Douglas Inc., Totowa, NJ (Delaware).

1. Parent corporation and address of principal office: Pressure Vessel Service, Inc., 6473 Anstell Avenue, Detroit, MI 48213.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporations:
(i) Bay Chemcial Company—Michigan;
(ii) Waste Acid Services, Inc.—Michigan;
(iii) Chemical Transport Services, Inc.—Michigan.

1. Parent corporation and address of principal office: Trimac Limited, 736 Eighth Avenue Southwest, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) (Provinces) of incorporation:
(i) H. M. Trimble & Sons Ltd., incorporated in the Province of Alberta, Dominion of Canada.
(ii) Kenting Limited, incorporated in the Province of Alberta, Dominion of Canada.
(iii) Kenting Drilling Co. Ltd., incorporated in the Province of Alberta, Dominion of Canada.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5792 Filed 2-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers, Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

By decision of February 5, 1981, in MC-FC-78282, MC-FC-78297, and MC-FC-78299, Division 2 (Commissioners Gresham, Trantum, and Alexis) granted transferees Action Freight Line, Inc., Astro Motor Freight Systems and Delta Motor Freight, Inc. authority to purchase operating rights held by transferor Dodds Truck Line, Inc. as set forth below. Interested parties are given 30 days to comment on the decision, which granted authority somewhat broader than that held by Dodds Truck Line, Inc. on the basis of statement from supporting shippers and evidence of TA lease operations. Protestants may attempt to demonstrate harm to their operations from grant. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, 600, Kansas City, MO 64105. The authority transferred follows.

In MC-FC-78282, 78297, and 78299, transfer of the authority in Certificate No. MC-99798 and subnumbers thereunder is authorized as set forth below:

MC-FC-78282: Certificate MC-99798 (Sub-18) (portion): *Regular Routes: General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Kansas City, KS, and Windsor, MO, serving all intermediate points and the off-route points of La Due, Blairstown, and Leeton, MO: From Kansas City over city streets to Kansas City, MO, then over U.S. Hwy 50 to junction By-Pass U.S. Hwy 71, then over By-Pass U.S. Hwy 71 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction MO Hwy 7, then over MO Hwy 7 to junction MO Hwy 52, and then over MO Hwy 52 to Windsor, and return over the same route.

MC-FC-78297: (From Dodds MC 99798 (Sub-1)—Paragraph [2][A]) *Regular Routes: General Commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment).

(A)

Between St. Louis, MO, Salem, Ava, and Hartville, MO, serving the intermediate and off-route points of Cabool, Cuba, Diggins, Fordland, Houston, Licking, Mansfield, Mountain Grove, Norwood, Raymondville, Rogersville, Rolla, Seymour, Steelville, and Willow Springs, MO.: From St. Louis over U.S. Hwy 66 to Rolla, MO, then over U.S. Hwy 63 via Raymondville, Cabool to Willow Springs, MO, and return over the same route. From St. Louis over U.S. Hwy 66 to Rolla, MO, then over U.S. Highway 63 to Cabool, MO, then over U.S. Hwy 60 to Springfield, and return over the same route. From St. Louis over U.S. Hwy 66 to Cuba, MO, then over Missouri Hwy 19 to Salem (also from St. Louis over U.S. Highway 66 to Rolla, MO, then over Missouri Hwy 72 to Salem; and also from St. Louis over U.S. Hwy 66 to Rolla, MO, then over U.S. Hwy 63 to Licking, MO, then over Missouri Hwy 32 to Salem), and return over the same routes. From St. Louis over U.S. Highway 66 to Rolla, MO, then over U.S. Hwy 63 to Cabool, MO, then over U.S. Hwy 60 to Mansfield, MO, then north over Missouri Hwy 5 to Hartville, then south over Missouri Hwy 5 to Ava, and return over the same route.

(From Dodds MC 99798 (Sub-1) Paragraph [2][B] Between St. Louis, MO, and Mountain View, MO, serving the intermediate point of Summerville, MO, unrestricted; and the intermediate point of Raymondville, MO, restricted to perishable meat products requiring refrigeration: From St. Louis over U.S. Hwy 66 to Rolla, MO, then over U.S. Hwy 63 to Raymondville, MO, then over Missouri Hwy 137 to junction Missouri Hwy 17 to Mountain View, and return over the same route.

(From Dodds MC 99798 (Sub-1)—Paragraph [2][C])

(C)

Between Birch Tree, MO, and St. Louis, MO, serving the intermediate and off-route points of Eminence and Winona, MO.: From Birch Tree over U.S. Hwy 60 to junction Missouri Hwy 21, then over Missouri Hwy 21 to junction Missouri Hwy 34, then over Missouri Hwy 34 to junction U.S. Hwy 67, then over U.S. Hwy 67 to St. Louis, and return over the same route. From Birch Tree over U.S. Hwy 60 to junction Missouri Hwy 19, then over Missouri Hwy 19 to junction U.S. Hwy 66, near Cuba, MO, then over U.S. Hwy 66 to junction Missouri Hwy 100, then over Missouri Hwy 100 to St. Louis, and return over the same route. *Restriction:* The service authorized above is subject to the following conditions: Carrier shall not join authorities listed above for the purposes of providing a through service. *Irregular Routes: General Commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission.

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commodities requiring special equipment). Between points in Phelps, Dent, Crawford, Shannon, Texas, and Reynolds Counties, MO.

(From Dodds MC 99798 (Sub-5))
Irregular Routes: General Commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those, requiring special equipment). Between the plant or mine site of Ozark Lead Co., approximately 10 miles west of Ellington, MO, on the one hand, and, on the other, Piedmont, Van Buren, West Plains, Springfield, and St. Louis, MO.

(From Dodds MC 99798 (Sub-6))
Regular Routes: General Commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment). Serving the plant and mine site of American Metal Climax Company located at or near Buick, MO, as an off-route point in connection with carrier's authorized regular-route operations.

(From Dodds MC 99798 (Sub-7))
Regular Routes: General Commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment). Serving the plant or mine site of Cominco American Incorporated, located approximately two miles south of Bixby, MO, as an off-route point in connection with carrier's authorized regular-route operations.

(From Dodds MC 99798 (Sub-10))
Irregular Routes: General Commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those, requiring special equipment), Between St. Louis, and Springfield, MO, on the one hand, and, on the other, points in Meramec, Courtois, Osage, and Union Townships, Crawford County, MO, points in Dent, Kaolin Townships, Iron County, MO, points in Concord, Bellevue, Belgrade, Harmony, Breton, and Walton Townships, Washington County, MO, points in Dent County, MO, on and east of Missouri Hwy 19 and points in Reynolds County, MO, on and north of Reynolds County Hwy "K".

(From Dodds MC 99798 (Sub-11))
Regular Routes: General Commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), Between Rolla, MO, and East St. Louis, IL, serving the intermediate and off-route points of St. James, MO, and points in the St. Louis, MO-East St. Louis, IL, Commercial Zone as defined by the Commission: From Rolla over U.S. Hwy 66 to East St. Louis, and return over the same route. Between National Stock Yards, IL and Dixon and Stoutland, MO, serving the intermediate points of East St. Louis, IL, and St. Louis and Hazelgreen, MO, and the intermediate and off-route points within 20 miles of Dixon: From National Stock Yards over City streets to East St. Louis, IL, then across the Mississippi River to St. Louis, MO, then over U.S. Hwy 66 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction Missouri Hwy 28, then over Missouri Hwy 28 to Dixon, and return over the same route. From National Stock Yards to St. Louis, MO, as specified above, then over U.S. Hwy 66 to Hazelgreen, MO, then over unnumbered highway to Stoutland, and return over the same route. *General Commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment), Between Cuba, MO, and National Stock Yards, IL, serving the intermediate points of St. Louis, MO, and East St. Louis, IL, and intermediate and off-route points in Crawford County, MO, north and west of the Meramec River: From Cuba over U.S. Hwy 66 to junction U.S. Hwy 50, then over U.S. Hwy 50 to East St. Louis, IL, then over city streets to National Stock Yards, and return over the same route. *Such commodities* as are dealt in by meatpacking and food processing houses, From National Stock Yards, IL, to Newburg, MO, serving the intermediate points of East St. Louis, IL, and St. Louis, MO, restricted to pickup only; and all other intermediate points restricted to delivery only: From National Stock Yards over city streets to East St. Louis, IL, then across the Mississippi River to St. Louis, MO, then over U.S. Hwy 66 via Rolla, MO, to junction unnumbered highway, then over unnumbered highway to Newburg, and return over the same route.
Irregular Routes: General Commodities, (except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), Between Junction U.S. Hwy 66 and Missouri Hwy 17 and Fort Leonard A. Wood, MO, and points within 4 miles of Fort Leonard A. Wood.
Prepared roofing and roofing material, From Madison, IL, to Richland, MO.
Petroleum products, in containers, and *empty oil barrels, and drums,* Between Roxana, IL on the one hand, and, on the other, Richland and Cabool, MO.

(From Dodds MC 99798 (Sub-12))
Regular Routes: General Commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment).
Serving the plant and mine site of the Missouri Lead Operating Company, operator of AMAX Lead Company of Missouri and Homestake Lead Company of Missouri, at or near Buick, MO south of Bixby, MO, in connection with carrier's regular-route operations authorized herein. Serving the smelter site of Missouri Lead Smelter Company, south of Bixby, MO, as an off-route point in connection with carrier's regular-route operations authorized herein. Between Salem, MO, and junction of Missouri Hwys 72 and 21, serving all intermediate points and the off-route points of Centerville, and Reynolds, MO.: From Salem over Missouri Hwy 72 to junction Missouri Hwy 21, and return over the same route. Between St. Louis, MO, and junction Missouri Hwys 21 and 72 south of Centerville, MO, serving no intermnediate points, as an alternate route in connection with carrier's regular-route operations authorized herein. From St. Louis over U.S. Hwy 67 to junction Missouri Hwy 32, then over Missouri Hwy 32 to junction County Hwy W, then over County Hwy W to junction Missouri Hwy 21, then over Missouri Hwy 21 to junction Missouri Hwy 72, and return over the same route. Between Salem, MO, and National Stockyards, IL serving the intermediate and off-route points of St. Louis, MO, and East St. Louis, IL, those in the St. Louis, MO—East St. Louis, IL, Commercial Zone, as defined by the Commission, and those in Dent County, MO.: From Salem over Missouri Hwy 19 to Cuba, MO, then over U.S. Hwy 66 to St. Louis, MO, then across the Mississippi River to East St. Louis, IL, then over city streets to National Stock Yards, and return over the same route.
Irregular routes: Livestock, Between points in Dent, Texas, Shannon, and Reynolds counties, MO, on the one hand, and, on the other, National Stock Yards, IL. *Household goods* and *emigrant movables,* Between points in Dent, Texas, Shannon, and Reynolds counties, MO, on the one hand, and, on the other, points in Illinois.

MC-FC-78298 (From Dodds MC 99798 (Sub-1)—Paragraph [1]) *Regular routes: General Commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment) From St. Louis, MO, to Mammouth Spring, AK, serving the intermediate points of Briar, Alton, and Thayer, MO, and the off-route points of Bradley, Greer, Thomasville, Koshkonong, Couch, and Myrtle, MO, without restriction, and East St. Louis, IL, restricted to the pickup of stoves, feed, tankage fertilizer, and meat scraps: From St. Louis over U.S. Hwy 67 to junction U.S. Hwy 160 (formerly Missouri Hwy 14), then over U.S. Hwy 160 to Alton, MO, then over Missouri Hwy 19 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Mammouth Spring.

(From Dodds MC 99798 (Sub-1)—paragraph [2][A]) *Regular routes: General Commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment).

(A)

Between St. Louis, MO, and Doniphan, MO, serving the intermediate and off-route points of Briar, Thimble Store, Wallace Store, West Plains, Bakersfield, and the junction of U.S. Hwys 60 and 63 at or near Cabool, MO, for purposes of joinder only: From St. Louis over U.S. Hwy 66 to Rolla, MO, then over U.S. Hwy 63 to West Plains, MO, then over U.S. Hwy 160 to Doniphan, and return over the same route. Between Springfield, MO, and the junction of U.S. Hwys 63 and 60 at or near Cabool, MO, serving the junction for purposes of joinder only: From Springfield over U.S. Hwy 60 to junction with U.S. Hwy 63 and return over the same route.

(From Dodds MC 99798 (Sub-1)—Paragraph [2][C]) Between Fremont, and St. Louis, MO, serving the intermedite and off-route points of Bartlett, Chicopee, Garwood, Ham's Store, Leeper, Mill Spring, and Van Buren, MO. From Feemont over U.S. Hwy 60 to junction Missouri Hwy 21, then over Missouri Hwy 21 to junction Missouri Hwy 34, then over Missouri Hwy 34 to junction U.S. Hwy 67, then over U.S. Hwy 67 to St. Louis and return over the same route. *Restriction:* The service authorized above is subject to the following conditions: Carrier shall not join authorities listed above for the purpose of providing a through service.

(From Dodds MC 99798 (Sub-10))
Irregular Routes: General Commodities, (except those of unusual value, classes A and B explosives, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), Between St. Louis and Springfield, on the one hand, and, on the other, points in Iron and Arcadia Townships, Iron County, MO.

(From Dodds MC 99798 (Sub-12))
Regular routes: General Commodities, (except those of unusaul value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). Between junction of Missouri Hwys 72 and 21 and Grandin, MO, serving all intermediate points and the off-court points of Ellsinore, Hunter and Redford. From junction Missouri Hwys 72 and 21, then over Missouri Hwy 21 to Grandin, and return over the same route. Between St. Louis, Mo, and junction Missouri Hwys 21 and 72, south of Centerville, MO, serving no intermediate points, as an alternate route in connection with carrier's regular-route operations authorized herein: From St. Louis over U.S. Hwy 67 to junction Missouri Hwy 32, then over Missouri Hwy 32 to junction County Hwy N, then over County Hwy N to junction County Hwy W, then over County Hwy W to junction Missouri Hwy 21, then over Missouri Hwy 21 to junction Missouri Hwy 72, and return over the same route.

(From Dodds MC 99798 (Sub-15))
Regular Routes: *General Commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment). Between patterson, MO, and East St. Louis, IL, serving the intermediate points of St. Louis and Ironton, MO, and those between Ironton and Patterson. From Patterson over Missouri Hwy 34 to Piedmont, MO, then over Missouri Hwy 49 to Glover, MO, then over Missouri Hwy 21 to junction unnumbered highway near Lesterville, MO, then over unnumbered highway via Iron Mountain to Bismarck, MO, then over Missouri Hwy 32 to junction U.S. Hwy 67, then over U.S. Hwy 67 to St. Louis, MO, and then across the mississippi River to East St. Louis, and return over the same route. From Patterson to Glove, MO, as specified above, then over Missouri Hwy 21 via Arcadia and Ironton, MO, to Caledonia, MO, then over Missouri Hwy 32 to Bismarck, MO, and then to East St. Louis as specified above, and return over the same route. *Livestock,* From Patterson, MO, to National Stock Yards, IL, serving the intermediate points of Ironton, MO, and those between Patterson and Ironton: From Patterson over the above-specified routes to St. Louis, MO, then across the Mississippi River to National Stock Yards. *Irregular Routes: Livestock, Fertilizer, and Feed* Between Piedmont, MO, and points within 20 miles of Piedmont, on the one hand, and, on the other, East St. Louis, IL.

(From Dodds MC 99798 (Sub-16))
Regular Routes: General Commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), Service is authorized to and from Lodi, Coldwater, Silva, Greenville, and Taskee, MO, and points in the St. Louis, MO—East St. Louis, IL, Commercial Zone as defined by the Commission, except St. Louis and East St. Louis, as intermediate or off-route points in connection with carrier's regular-route operations authorized herein. Between Missouri-Arkansas State line and National Stock Yards, IL, serving the intermediate points of State Line Filling Station, Neelyville, Poplar Bluff, and St. Louis, MO, East St. Louis, IL. From Missouri-Arkansas State line over U.S. Hwy 67 to St. Louis, MO, then one Alternate U.S. Hwy 67 to National Stock Yards, and return over the same route. Between Hoxie, AR, and National Stock Yards, IL, serving the intermediate points of State Line Filling Station, Neelyville, Poplar Bluff, and St. Louis, MO, East St. Louis, IL, and those in Arkansas: From Hoxie over U.S. Highway 67 to St. Louis, MO, then over Alternate U.S. Highway 67 to National Stock Yards, and return over the same route. Between Doniphan, MO, and Poplar Bluff, MO, serving the intermediate and off-route points in Ripley County, MO, and those in Randolph County, AR, within 10 miles of the Missouri-Arkansas State line: From Doniphan over Missouri Hwy 142 (formerly Missouri Hwy 14) to junction U.S. Hwy 67, then over U.S. Hwy 67 to Poplar Bluff, and return over the same route. Between Corning, AR, and Walnut Ridge, AR, serving all intermediate points and the off-route points of Brookins and Beech Corner, AK.: From Corning over U.S. Hwy 62 to junction AR Hwy 135 (formery AK Hwy 1W), then over AR Hwy 135 to junction AR Hwy 90, then over AR Hwy 90 to O'Kean, AR, then over AR Hwy 34 to Walnut Ridge, and return over the same route. *Petroleum lubricating oils and greases,* From Roxana, IL, to Doniphan, MO, serving no intermediate points: From Roxana over unnumbered highway to junction IL Hwy 159, then over Illinois Hwy 159 to junction Alternate U.S. Hwy 67, then over Alternate U.S. Hwy 67 to junction Missouri Hwy 142 (formerly Missouri Hwy 14), and then over Missouri Hwy 142 to Doniphan; and *Empty containers,* From Doniphan, MO, to Roxana, IL, serving no intermediate

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points: From Doniphan over the next above-specified route to Roxana.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3782 Filed 2-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 12, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC-F-14492F, filed October 20, 1980. (supplemental) (Previously published in the **Federal Register** on November 24, 1980, at page 77523). WILSON TRUCKING CORPORATION (Wilson) (P.O. Box Drawer 2, Fishersville, VA 22939)—purchase (portion)—TARHEEL EXPRESS, INC. (Tarheel) (18th Street Place, Hickory, NC 28601).

Note.—The purpose of this republication is to show that Wilson is purchasing the entire certificate of Tarheels' in MC 99334 (Sub-2) and no authority from that certificate is to be retained by Tarheel. Therefore, the exclusion of new furniture and furniture parts from the general commodity description is unnecesary.

This application is directly related to a conversion application filed in MC 64600 (Sub-60F), a supplement published in this same **Federal Register** issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicatee an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: February 12, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC 64600 (Sub-60F), filed October 20, 1980. (Correction) (Previously published in the **Federal Register** on November 24, 1980, at page 77524).

WILSON TRUCKING CORPORATION—CONVERSION, P.O. Box Drawer 2, Fishersville, VA 22939.

Note.—The purpose of this republication is to include new furniture and furniture parts in the grant of general commodities.

This application is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC-F-14492.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-3783 Filed 2-26-81; 8:45 am]

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Motor Carriers; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, William and Taylor.

MC-FC-78878. By decision of February 5, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to CLINTON RAY TURNER AND STEPHEN RAY TURNER, d.b.a. TURNER TRUCKING of Certificate MC 135200 (Sub-6F), issued November 7, 1980, to W. H. SAPP AND HILTON SAPP, d.b.a. SAPP BROS. TRUCKING CO., authorizing the transportation of *dry soybean meal*, in bulk, from Marks, MS, to points in AL, AR, LA, MS, and TN. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202.

Notes.—(1) An application for temporary authority has been filed. (2) Turner Trucking presently holds no authority from the Interstate Commerce Commission.

MC-FC-78885. By decision of January 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to ST. ALBANS TRANSPORTATION CO. of a portion of Certificate MC 74169 issued October 10, 1967, to CHIEFTAN VAN LINES, INC., authorizing the transportation of general commodities, except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Omaha, NE, and Council Bluffs, IA.

MC-FC-78896. By decision of January 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to JOSEPH CURRIE and JOHN CURRIE, JR., partners d.b.a. ACUR EXPRESS of Permit MC 116958 issued November 5, 1958 to JOSEPH SALVATORE and ANGELINA SALVATORE, A PARTNERSHIP, authorizing the transportation of Irregular Routes: *Such commodities* as are dealt in by wholesale grocery houses, From New York, NY to points in Fairfield, Hartford, Litchfield, Middlesex, New Haven, and Tolland Counties, CT, Bergen, Camden, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset, Sussex, and Warren Counties, NJ, Albany, Columbia, Dutchess, Greene, Orange, Putname, Rensselaer, Rockland, Sullivan, Ulster, and Westchester Counties, NY, and Carbon, Lehigh, Montgomery, Northampton, and Philadelphia Counties, PA, with no transportation for compensation on return except as otherwise authorized. *Canned goods*, From Bridgeton and Swedesboro, NJ, to New York, NY, with no transportation for compensation on return except as otherwise authorized. *Cleaning powder*, From Manchester, CT, to New York, NY, with no transportation for compensation on return except as otherwise authorized. *Grape juice*, From Highland, NY, to New York, NY, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in Section 203 (a) of the Interstate Commerce Act) who operate wholesale grocery houses, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified. *Such commodities* are dealt in by wholesale grocery houses (except commodities in bulk), From the site of the warehouse of Hunts Food Industries, Inc., at Bayonne, NJ, to points in Fairfield, Hartford, Litchfield, Middlesex, New Haven, and Tolland Counties, CT, Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rensselaer, Rockland, Sullivan, Ulster, and Westchester Counties, NY, and Carbon, Lehigh, Montgomery, Northampton, and Philadelphia Counties, PA, with no transportation for compensation on return except as otherwise authorized. *Canned goods*, From Bridgeton and Swedesboro, NJ, to New York, NY, with no transportation for compensation on return except as otherwise authorized. *Cleaning powder*, From Manchester, CT, to New York, NY, with no transportation for compensation on return except as otherwise authorized. *Grape juice*, From Highland, NY, to New York, NY, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Hunts Foods Industries, Inc., of Bayonne, NJ.

MC-FC-78899. By decision of January 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to KOOTENAI MOTOR FREIGHT, INC., of Kalispel, MT, of Certificate of Registration MC 120694 (Sub-1) issued January 2, 1975 to THOMAS O. MATTINGLY d.b.a. KOOTENAI MOTOR FREIGHT OF KALISPEL, MT, authorizing intrastate transportation, by motor common carrier over regular routes pursuant to class B Certificate of Public Convenience and Necessity issued by the State of Montana, of general commodities, except commodities in bulk and heavy machinery, between Kalispel and Libby, MT, serving, from Libby, the off-route points of Trego, MT; the north and south Great Northern Tunnel Portals near

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Trego; The Uredenburg Development near Fortune, MT; and the Roosville, MT Port of Entry. Condition: Prior to consummation, applicants shall furnish the Commission with a copy of the order authorizing the transfer of the intrastate certificate supporting the Certificate of Registration. Representative is: James W. Johnson, P.O. Box 859, Kalispel, MT 59901 (406) 755–5535

MC–FC–78900. By decision of January 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to A. T. BYRUM & SON, INC., of Ahoskie, NC, a portion of Certificate MC 35442 issued February 2, 1962, to W. CLARENCE OWENS AND HALLETT W. OWENS, A PARTNERSHIP, d.b.a. W. W. OWENS AND SONS TRANSFER AND STORAGE, of Elizabeth City, NC, authorizing the transportation of *lime, fertilizer, and fertilizer materials*, from Norfolk and Suffolk, VA, to points in NC on and east of US Hwy 1. Applicants' representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601.

Notes.—Application for TA has not been filed. Transferee is a motor common carrier pursuant to certificate issued in MC 145984F.

MC–FC–78912. By decision of January 14, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to C.P.A. TRANSPORT, INC., of Certificate of Registration MC 120183 (Sub-1) issued January 21, 1964, to BROCKTON MOTOR EXPRESS, INC., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 5348 dated January 9, 1959, issued by Massachusetts Department of Public Utilities subject to the following conditions: Transferee shall file with the Commission, (a) a certified copy of the State certificate as reissued to transferee, or, if the State Commission does not reissue the certificate, a certified copy of the State order approving the transfer of the underlying intrastate rights, and (b) a written notice confirming the date of consummation of that intrastate transaction. Representative is: Wesley S. Chused, 15 Court Square, Boston, MA 02108.

MC–FC–78913. By decision of January 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to PFI, INC., of Woodstock, IL of Certificate MC 113170, MC 113170 (Sub-5), and MC 113170 (Sub-7), issued July 26, 1962, November 9, 1970, and June 15, 1979, respectively to PEET FRATE LINES, INC., of Woodstock, IL authorizing the transporation of (a) general commodities (with the usual exceptions), over regular routes (1) between Woodstock and Chicago, IL, serving all intermediate points: from Woodstock over Illinois Hwy 47 to Huntley, IL, then over unnumbered Hwy to Dundee, IL, then over Illinois Hwy 31 to Alogonquin, IL, then over Illinois Hwy 62 to Chicago and return over the same route, (2) between Woodstock and Chicago, IL, serving no intermediate points: from Woodstock over U.S. Hwy 14 to junction Illinois Hwy 22, then over Illinois Hwy 22 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Chicago and return over the same route, and (3) between Woodstock and Chicago, IL, serving all intermediate points: from Chicago over U.S. Hwy 12 to junction U.S. Hwy 4 to Woodstock and return over the same route, (b) general commodities (with the usual exceptions), over irregular routes, (1) between points in Illinois within 50 miles of Marengo, IL, including Marengo, (2) between points in Illinois within 50 miles of Marengo, IL, including Marengo, on the one hand, and, on the other, Chicago, IL (3) between Chicago, IL and points in Illinois within 50 miles of Marengo, IL, including Marengo, on the one hand, and, on the other, Palmyra WI, and points in those parts of Racine and Kenosha Counties, WI, on and west of U.S. Hwy 45, and (4) between points in Lake and McHenry Counties, IL, on the one hand, and, on the other, Milwaukee, Racine, and Kenosha, WI, and their commercial zones, and (c)(1) food cookers and food cooker parts and foodstuffs and (2) materials, supplies, and accessories used or useful in the manufacture and distribution of the commodities in (c)(1) above, between the facilities of Broaster Co., at Belist, WI, on the one hand, and, on the other, Chicago, IL, and points in Illinois within 50 miles of Marengo, IL, including Marengo.

Note.—Transferor also holds temporary authority in MC 113170 (Sub-4–1TA). Transferee should seek to be substituted for transfer to operate under this authority and to prosecute any underlying application for authority pending as of the date of this notice. Respresentative: Abraham A. Diamond, Suite 454 Barristers Bldg., 29 South La Salle St., Chicago, IL 60603.

MC–FC–78916. By decision of January 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R 1132, Review Board Number 5 approved the transfer to Paul Zukas and Suzanna Zukas, a partnership, doing business as Zukas Trucking of Certificate MC 120427 (Sub-30) issued September 4, 1980, to Williams Transfer, Inc., authorizing the transportation, over irregular routes, of coiled steel, from Lackawanna, NY, to Denver, CO. Subject to the following conditions: Restricted to traffic originating at the facilities of Bethehem Steel Corporation, at Lackawanna, NY, and destined to the facilities of Teilhabor Manufacturing Corporation located at or near Denver, CO. Representative is: Bruce R. Bancroft, First Bank Building, South Bend, IN 46601.

MC–FC–78920. By decision of January 20, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to MASS AIR FREIGHT, INC. of Boston, MA of Certificate MC 120944 (Sub-1) issued November 1, 1967 to ORLEANS EXPRESS CO., INC. of Boston, MA authorizing the transportation of general commodities over irregular routes within Massachusetts subject to the following conditions: Transferee shall file with the Commission a certified copy of the State Certificate as reissued to the transferee. Representative is: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transferee holds no authority from the Commission. TA has not been filed.

MC–FC–78923. By decision of January 19, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to BREADNER TRANSPORTS LIMITED, Meaford, Ontario, Canada, authorizing the transportation of cut and broken stone, between ports of entry on the international boundary line between the United States and Canada, in Michigan and New York, on the one hand, and, on the other, points in Georgia, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee and Vermont. Representative is: William J. Hirsch, Esq., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202.

MC–FC–78929. By decision of January 19, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to PARKWAY CARTAGE, INC., of Franklin Park, IL, of the following authority held by LOMA CARTAGE, INC., of Franklin Park, IL: a) Certificate MC 135235, issued December 7, 1971 authorizing the transportation of *floor coverings and materials and supplies* used in the installation of floor coverings, except commodities in bulk, from points in Cook County, IL to Racine, Kenosha, and Milwaukee, WI, and points in Lake County, IN; b) Certificate MC 135235 (Sub-1), issued April 30, 1974 authorizing the transportation of *floor coverings, and materials and supplies* used in the

installation of floor coverings, except commodities in bulk, from points in DuPage and Lake Counties, IL to Mequon, WI, and points in Racine, Kenosha, Milwaukee, and Waukesha Counties, WI, from Mequon, WI and points in Milwaukee County, WI to points in Cook, DuPage, and Lake Counties, IL; c) Certificate MC 135235 (Sub-5), issued October 7, 1977, authorizing the transportation of *floor covering (except tile) and materials and supplies* used in the installation of floor covering (except commodities in bulk), from points in Cook, Lake, and DuPage Counties, IL and Lake County, IN, to points in Brown, Dane, Dodge, Fond du Lac, Jefferson, Kewaunee, Manitowac, Outagamie, Ozaukee, Rock, Sheboygan, Walworth, Washington, and Winnebago Counties, WI; d) Certificate MC 135235 (Sub-6), issued December 17, 1979, authorizing the transportation of *floor covering and materials and supplies* used in the installation of floor covering (except commodities in bulk), from points in Cook, Lake, DuPage Counties, IL, to points in Green, Calumet, and Waukesha Counties, WI, and Porter, LaPorte, St. Joseph, Elkhart, Starke, Marshall and Kosciusko Counties, IN; and e) Certificate MC 135235 (Sub-7) issued December 26, 1980 authorizing the transportation of *floor coverings and materials and supplies* used in the installation of floor coverings, from points in Cook, Lake, and DuPage Counties, IL to points in Adams, Columbia, Green Lake, Juneau, Marathon, Marquette, Portage, Sauk, Waupaca, Waushara, and Wood Counties, WI. Representative is: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Transferee presently holds no authority from the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–3784 Filed 2–26–81; 8:45 am]

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Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided February 13, 1981.

By the Commission, Review Board Number 5, Member Krock, Taylor, and Williams.

MC–F–14417F, filed June 12, 1980. WINTZ TRANSPORTATION CO. (Wintz) (1706 American National Bank Bldg., St. Paul, MN 55101)—PURCHASE—PHILIPP TRANSIT LINES, INC., GEORGE BERARDI, TRUSTEE IN BANKRUPTCY (Philipp) (P.O. Box 358, 1808 East 5th Street, Washington, MO 63090) (Wintz Motor Freight, Inc., Assignor). Representative: Brian K. Ridenour and Michael J. Ogborn, P.O. Box 82028, 1200 N Street, 500 The Atrium, Lincoln, NE 68501. Wintz seeks authority to purchase the interstate operating rights and property of Philipp Transit Lines, Inc., and various leasehold interests and certain other miscellaneous assets of Philipp Transfer Lines, Inc., and Philipp Transportation, Inc. George L. Wintz, Jr., seeks authority to acquire control of said rights through the transaction. Wintz is purchasing the interstate operating rights of Philipp which are contained in certificates issued in MC–2002 and sub-numbers thereunder which authorize the transportation of the following: (A) over regular routes, (1) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring

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special equipment), (a) between Washington and Kansas City, MO, serving the intermediate points of Marthasville and Warrenton, MO, and the off-route points of Dutzow, MO: from Washington over MO Hwy 47 to Warrenton, MO, then over U.S. Hwy 40 to Kansas City, and return over the same route; (b) between Washington and Kansas City, MO, serving the intermediate points of Hermann and New Haven, MO: from Washington over MO Hwy 100 to Hermann, MO, then over MO Hwy 19 to Drake, MO, and then over US Hwy 50 to Kansas City, and return over the same route; (c) between Warrenton and Hannibal, MO, serving no intermediate points and serving Hannibal for the purpose of interchange only: from Warrenton over MO Hwy 47 to Troy, MO, then over U.S. Hwy 61 to Hannibal, and return over the same route; (d) between Washington and St. Clair, MO, serving the intermediate point of Union, MO: from Washington over MO Hwy 47 to St. Clair, and return over the same route; (e) between New Haven, MO, and junction MO Hwy 19 and MO Supplemental Hwy E, as an alternate route for operating convenience only, serving no intermediate points and serving the termini for the purpose of joinder only: from New Haven over MO Supplemental Hwy E to junction MO Hwy 19, and return over the same route; (f) between Hermann, MO, and junction U.S. Hwy 40 and MO Hwy 19 (near New Florence, MO), as an alternate route for operating convenience only, serving no intermediate points and serving the termini for the purpose of joinder only: from Hermann over MO Hwy 19 to junction US Hwy 40, and return over the same route, restricted in routes (a) through (f) above, against tacking or joinder with any other authority held by carrier for the purpose of providing a through service between Hannibal, MO, on the one hand, and, on the other, St Louis, MO, and points in the commercial zone thereof; (g) between Washington, MO, and National Stock Yards, IL, serving the intermediate and off-route points of East St. Louis and New Haven, MO, and those in Franklin County, MO, on and north of U.S. Hwy 50 and on and east of County Hwy P, except the site of the Washington Distilleries, Inc., located on County Hwy M, approximately two miles northeast of Labadie, MO: from Washington over MO Hwy 100 to junction US Hwy 50, then over US Hwy 50 to the National Stock Yards, and return over the same route; (h) between St. Louis, and the junction of U.S. Hwy 66 and 50, west of Gray Summit, MO, serving no intermediate points, over an alternate route for operating convenience only: from St. Louis over US Hwy 66 to junction US Hwy 50, and return over the same route; (i) between Union, MO, and St Louis, MO, serving the intermediate and off-route points of The Diamonds, Gray Summit, Hollow, Pond, Grover, Ellisville, Ballwin, Manchester, and Villa Ridge, MO: from Union over US Hwy 50 to St. Louis, and return over the same route; and (j) between Sullivan, MO, and St. Louis, MO, and serving the intermediate points of Stanton and St. Clair, MO: from Sullivan over U.S. Hwy 66 to junction US Hwy 50, then over US Hwy 50 to St. Louis, and return over the same route; (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and industrial tract of Zero Manufacturing Company located north of MO Hwy 100, near Berger, MO, as an off-route point in connection with carrier's presently authorized regular-route operations. (B) over irregular routes: (1) *steel joists*, from the plant site of Midwestern Joist, Inc., at Washington, MO, to points in IL, (2) *iron and steel articles* used in the manufacture and processing of steel joists, from Alton, IL, to the plant site of Midwestern Joist, Inc., at Washington, MO; and (3) *frozen foodstuffs*, from Kansas City, KS, to points in that part of MO east of US Hwy 63 and south of Interstate Hwy 70. (C) over a deviation route as follows: between Warrenton, MO, and St. Louis, MO, over Interstate Hwy 70, for operating convenience only, and subject to a restriction against tacking for the purpose of providing through service between Kansas City, MO-KS, and points in the commercial zone thereof, and Hannibal, MO, on the one hand, and, on the other, St. Louis, MO, and points in the commercial zone thereof. Wintz is also purchasing the interstate operating rights acquired by Philipp in MC-F-13592 that are contained in certificates in MC-45657 and sub-numbers thereunder as follows: (A) over regular routes: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Hannibal and Bowling Green, MO, serving no intermediate points: from Hannibal over US Hwy 61 to Bowling Green, and return over the same route; (b) between Vandalia and St. Louis, MO, serving all intermediate points and the off-route points in IL in the St. Louis, MO-East St. Louis, IL Commercial Zone as defined by the Commission: from Vandalia over US Hwy 54 to Bowling Green, MO (also from Vandalia over US Hwy 54 to Louisiana, MO, and return over U.S. Hwy 54 to Bowling Green), then over US Hwy 61 to Wentzville, MO, then over By-Pass US Hwy 40 via St. Charles, MO, to junction Alternate U.S. Hwy 40, then over Alternate US Hwy 40 to St. Louis, MO, and return over the same route; and (c) between Louisiana, MO, and East St. Louis, IL, serving all intermediate points; and the off-route points of St. Paul, Ethlyn, and Chain of Rocks, MO; from Louisiana over MO Hwy 79 to junction By-Pass US Hwy 40, then over By-Pass US Hwy 40 to junction Alternate U.S. Hwy 40, then over Alternate US Hwy 40 to St. Louis, MO, and then over U.S. Hwy 40 to East St. Louis, and return over the same route; and (B) over irregular routes: (1) *brick*, from Vandalia, MO, to points in IL, (2) *feed, hay, and molasses*, from East St. Louis, IL, to Old Monroe, MO, and points within 12 miles of Old Monroe, MO; and (3) *hides and live poultry*, from Old Monroe, MO, and points within 12 miles of Old Monroe, to East St. Louis, IL. Wintz presently holds no authority from this Commission. However, Wintz is affiliated with Wintz Motor Freight, Inc., which is authorized to operate as a motor contract carrier, over irregular routes, in the States of IA, MN, NE, ND, SD, and WI, pursuant to permits in MC-144681 and sub-numbers thereunder, and authority granted in MC-F-13999F, and as a motor common carrier, over regular and irregular routes, in the States of AZ, CA, CO, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI, pursuant to authority granted in MC-144822, MC-F-13360, MC-F-13362, MC-F-13998F, and MC-F-13999F. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of a copy of the Court order approving the transaction.

Note.—By decision served June 23, 1980, Wintz Motor Freight, Inc., was granted temporary authority to lease the operating rights and property of Philipp Transit Lines, Inc. By petition filed January 22, 1981, applicants requested leave to substitute Wintz Transportation Co., as applicant, in lieu of Wintz Motor Freight, Inc.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3796 Filed 2-26-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C.11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protect includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 8, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC-F-14564, filed February 2, 1981. KUJAK TRANSPORT, INC. (Kujak) (6366 West Sixth Street, Winona, MN 55987)—PURCHASE (PORTION)—AJAX TRANSFER COMPANY (Ajax) (550 East 5th Street South, South St. Paul, MN 55075). Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Kujak seeks authority to purchase a portion of the interstate operating rights of Ajax. Herbert Kujak, the majority stockholder of Kujak, also seeks authority to acquire control of said rights through the transaction. Kujak seeks authority to purchase the interstate operating rights awarded to Ajax in MC-F-14045, which rights are evidenced by Certificate MC 135003 (Sub-1), which authorizes the transportation, as a motor common carrier, over irregular routes, of frozen foods and poultry commodities, from Faribault and St. Charles, MN, to points in CT, IL, IN, KY, ME, MD, MA, MI, MT, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

Notes.—(1) Application for TA has been filed. (2) Kujak also seeks authority to purchase the authority granted to Ajax in MC 138896 (Sub-13). Because this authority has not yet been certificated, it is not subject to transfer. Applicants are advised to file a Petition for Substitution of Applicant in this pending application.

Impediment: Duplications exist between Ajax's rights contained in MC 135003 (Sub-1) and the pending authority in MC 138896 (Sub-13), which rights are to be transferred to Kujak, and the operating rights being retained by Ajax in its Certificates in MC 138896 (Sub-4 and 6), and also the rights being retained by Ajax's affiliated company, LTL Perishables, Inc., in MC 135874 (Sub-42, 87, 100, 106, and 117). Applicants have agreed to restrict Ajax's retained authority in MC 138896 (Sub-4 and 6) against the transportation of frozen foods to points in the Upper Peninsula of Michigan in order to avoid a split of authority. However, in order to eliminate a split of authority, applicants must also submit a plan for the cancellation of the retained duplicating authority held by LTL Perishables, Inc.

MC-F-14563F, filed February 2, 1981. INTERNATIONAL COURIERS CORPORATION (International) (P.O. Box 1975, St. Paul, MN 55111)—CONTINUE IN CONTROL—B.D.C., LTD (BDC) (2677 Drew Road, Mississauga, Ontario, Canada L4T 3W1). Representative: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603 and Sally G. Galway, P.O. Box 1975, St. Paul, MN 55111. International, a non-carrier, seeks authority to continue in control of BDC, upon the institution by BDC of operations in interstate or foreign commerce. Gelco Corporation, a non-carrier and sole stockholder of International, seeks authority to acquire control of said rights through the transaction. International presently controls Gelco Courier Services, Inc., a motor common and contract carrier authorized in certificate MC 114533 and sub-numbers thereunder and permit MC 128616 and sub-numbers thereunder, to transport specified commodities including cash letters, commercial papers, documents, written instruments, business records, and data processing media, between points in the United States. By Notice of Effectiveness served November 13, 1980, in MC 150371, BDC was granted authority in foreign commerce only, transporting (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), and such commercial papers, documents and written instruments as are used in the business of banks and banking institutions), between the ports of entry on the international boundary line between the U.S. and Canada at or near Detroit, MI, on the one hand, and, on the other, Detroit, MI, restricted against shipments from a consignor to a consignee exceeding 100 pounds in weight and any part of portion of a shipment exceeding 50 pounds in weight, (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the ports of entry on the international boundary line between the U.S. and Canada at Niagara Falls and Buffalo, NY, one the

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on hand, and, on the other, Buffalo, NY, restricted (a) against shipments from a consignor to a consignee exceeding 100 pounds in weight and any part or portion of a shipment exceeding 50 pounds in weight and (b) to traffic having a prior or subsequent movement by air (3) *such commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the conduct and operations of banks and and banking institutions), between the ports of entry on the international boundary line between the U.S. and Canada at Niagara Falls and Buffalo, NY, on the one hand, and, on the other, Buffalo, NY, and (4) *such commercial papers, documents, and written* instruments (except coins, currency, and negotiable securities) as are used in the conduct and operations of banks and banking institutions, audit media and other business records, processed and unprocessed film, prints, slides, audio and video tapes, including motion picture film and materials and supplies used in connection with commercial and television motion pictures, between the ports of entry on the International boundary line between the U.S. and Canada at or near Blaine, WA, on the one hand, and, on the other, Blaine and Seattle, WA, restricted (a) to traffic having a prior or subsequent movement by air and (b) against shipments from a consignor to a consignee exceeding 100 pounds in weight and any part or portion of a shipment exceeding 50 punds in weight. By Notice of Effectiveness served September 12, 1980, in MC–150871 (Sub-No. 1F), B.D.C. was granted authority to transport *shipments weighing 100 pounds or less.* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the United States. Gelco Corporation has an application pending before the Commission in MC–F–14452 to acquire control of Brooks Transportation, Inc. and Federal Freight System, Inc. Condition: Gelco Corporation, a non-carrier holding company, and International Couriers Corporation, a non-carrier holding company, shall be considered a carrier within the meaning of Subtitle IV of 49 U.S.C. 11348, and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Gelco Corporation and International Couriers Corporation need only file such special reports as the Commission may from time to time require. Gelco Corporation and International Couriers Corporation is not made subject to the accounting requirements of 49 U.S.C. 11142. Impediment: Applicant acknowledges duplications existing between Gelco Courier Services, Inc. and B.D.C., Ltd., upon the institution of operations by B.D.C., Ltd. They have requested that the authority in MC 150871 (Sub-1F) be tendered for cancellation. We will therefore condition our grant upon cancellation of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–3794 Filed 2–26–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 23rd day of February 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending February 20, 1981

Name of applicant and location of enterprise	Principal Product or activity
American Insulator Corp., New Freedom, Pa.	Manufacture of plastic molded products

[FR Doc. 81–6493 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–81–9–M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Inc., Box 868, Troy, Montana 59935, has filed a petition to modify the application of 30 CFR 57.4–53 (use of liquid petroleum gas) to its Troy Mine located in Lincoln County, Montana. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows: 1. The petition concerns the requirement that the use of liquified petroleum gases be limited to maintenance work.

2. As an alternate method of compliance, petitioner proposes to use propane powered vehicles underground.

3. In support of this alternate method, petitioner states that propane: a. is safer than other fuels used for the same purpose;

b. has been found to have less emissions than other fuels used underground;

c. is 100% evaporable, and there is no possibility of a hazardous buildup of oil or grease in the mine.

4. Petitioner further states that the use of propane vehicles underground will add to the employees' safety by providing them with a means of transportation other than by foot.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 30, 1981. Copies of the petition are available for inspection at that address.

Dated: February 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–3832 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–80–152–C]

Bryan Coal Co., Inc.; Petition for Modification of Application, Mandatory Safety Standard

Bryan Coal Company, Inc., Box 428, McDowell, Kentucky 41647, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mine No. 1 located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that illumination equipment be installed on the mine's roof bolter, coal drill and battery scoops.

2. The coal seam varies from 30 to 34 inches in height with uneven top and bottom conditions.

3. Petitioner states that because of the low height in the coal seam, lights placed on the equipment could be ripped from their mountings, thereby destroying roof support and resulting in flying debris that may strike the equipment operator or nearby miners. Also, electrical wires could be dislodged and exposed, posing a potential hazard of explosion if methane is present in the mine.

4. Petitioner further states that the glare resulting from these lights can cause temporary blindness to the equipment operator, which could also result in an accident affecting other nearby miners.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 30, 1981. Copies of the petition are available for inspection at that address.

Dated: February 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–3831 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–81–20–C]

Double L Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Double L Coal Company, Star Route, Box 46, Big Rock, Virginia 24603 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 1 located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that weekly examinations be made of air courses in their entirety for hazardous conditions.

2. Numerous roof falls have made travel of the entire return airway hazardous.

3. As an alternate method, petitioner proposes to establish three air measuring stations, recording the results of air and methane readings on a date board at each location.

4. Petitioner states that clean-up of the airways to make them travellable would expose miners to unnecessary hazards.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 30, 1981. Copies of the petition are available for inspection at that address.

Dated: February 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–3832 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–81–7–C]

Olga Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Olga Coal Company, 3 Gateway Center 9 North, Pittsburgh, Pennsylvania 15222 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Olga Mine located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that return entries be examined weekly for hazardous conditions.

2. The return entries were developed approximately 44 years ago; roof support has since deteriorated due to numerous roof falls, leaving portions of these returns impassable.

3. As an alternate method, petitioner proposes to: a. Establish and maintain specified air monitoring stations;

b. Have methane and air readings made by a certified person on a daily basis;

c. Record the results of examinations on a date board at each location;

d. Investigate any accumulation of methane and take necessary corrective action.

4. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the

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miners affected as that afforded by the standard.

Request for Comments

Persons interested int his petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 30, 1981. Copies of the petition are available for inspection at that address.

Dated: February 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-3833 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-15-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, Camp No. 1, P.O. Box 350, Morganfield, Kentucky 42437, has filed a petition to modify the application of 30 CFR 75.1403-8 (criteria-track haulage roads) located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the 24 inches of clearance requirement in the track entry at designated locations.

2. Petitioner states that additional timbering was required due to weakening of the roof after entries were advanced; removing the roof support in order to have 24 inch clearance would present a hazard.

3. Petitioner further states that the removal of the additional roof support that had been previously installed would expose a hazard to the miners removing it; in addition, all miners required to travel through these areas in the future would be exposed to this hazard.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 30, 1981. Copies of the petition are available for inspection at that address.

Dated: February 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-3834 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-13-C]

Peacock Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peacock Coal Company, Grove Drive, Hegins, Pennsylvania 17938, has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Peacock Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed, it would be activated on knuckles and curves, when no emergency existed, causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoising rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 30, 1981. Copies of the petition are available for inspection at that address.

Dated: February 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-3835 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-159-C]

Southern Appalachian Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Southern Appalachian Coal Company, Post Office Box 255, Julian, West Virginia 25529, has filed a petition to modify the application of 30 CFR 75.1701 (abandoned areas, adjacent mines; drilling of boreholes) to its Five Block No. 2 Mine, located in Boone County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows: 1. The petition concerns the requirement that boreholes be drilled to a distance of at least 20 feet whenever any working place approaches an abandoned area of the mine.

2. As an alternate method, petitioner proposes to complete an accurate, closed traverse survey after contour surface mining operations pass an area designated to be an underground mine. From the turning points on that traverse, petitioner locates the highwall and plots its location on a map. In addition, the depth of the auger holes drilled from the bottom of the coal seam are certified by an official of the company performing the mining. The mine map is then certified as correct by a registered professional engineer.

3. Petitioner states that the proposed alternate method will allow mining within fifty feet of the auger holes without drilling and will provide no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 30, 1981. Copies of the petition are available for inspection at that address.

Dated: February 20, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-3836 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. By letter dated August 3, 1979 from Darrel Douglas, Administrator of the Accident Prevention Division, Workers' Compensation Department, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted revocations comparable to 29 CFR Part 1910, Revocation of Selected General and Special Industry and Health Standards, as published on October 24, 1978 (43 FR 49726) and corrections as published on November 7, 1978 (43 FR 51759, 51760). These revocations, which are contained in OAR Chapter 437 were promulgated by the State following a period of response during which two letters and several verbal comments were received, all of which supported the proposed action. No requests for a public hearing were received.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards revoked or amended are Oregon's equivalent to the comparable Federal revoked standards and accordingly should be approved. Exceptions to the revocations were made where (1) the State did not originally adopt the rules; (2) the rules were covered by a separate agency such as the elevator section of the Department of Commerce; and (3) the State elected to be more stringent by retaining a number of selected rules. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310, and the Technical Data Center, Room N2349R, New Department of Labor Building, 3rd and Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not published the supplement to the Oregon State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were repealed in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective February 27, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 17th day of September 1980.

Ronald T. Tsunehara,

Acting Regional Administrator.

[FR Doc. 81-3837 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Proposed Class Exemption for Life Insurance Company Discretionary Asset Management: Extension of Comment Period

AGENCY: Department of Labor.

ACTION: Notice of Extension of Comment Period.

SUMMARY: The Department of Labor (the Department) is extending the comment period on a proposed class exemption which would, if granted, permit life insurance companies to perform certain asset allocation services for employee pension plans. The notice of the proposed class exemption was published in the **Federal Register** at 45 FR 85849 (December 30, 1980). This action is being taken in view of a request by certain members of the public that additional time to prepare comments be provided to them, and in view of the importance of the proposed class exemption.

DATE: The comment period is extended through May 1, 1981.

ADDRESSES: Written comments on the proposed class exemption (perferably three copies) should be addressed to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: "Discretionary Asset Management Exemption."

FOR FURTHER INFORMATION CONTACT: William A. Schmidt Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor 200 Constitution Avenue, N.W., Room C-4508, Washington, D.C. 20210, (202) 523-8610. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On December 30, 1980 the Department issued a notice of pendency of a proposed class exemption from the prohibitions of section 406 of the Employee Retirement Income Security Act of 1974 and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954, and, in that notice, invited all interested persons to submit, on or before March 2, 1981, written data, views or arguments concerning the proposed class exemption and to request a public hearing with respect to the proposed exemption. The proposed class exemption, if granted, will permit life insurance companies to perform certain asset allocation services for employee pension plans, if the conditions of the proposed exemption are met. If granted, the proposed exemption will affect participants and beneficiaries of certain pension plans, fiduciaries of such plans, and life insurance compaines.

The Department has received a request from certain members of the public that the comment period in this matter be extended to May 1, 1981. The requesting parties state that they need additional time to prepare comments.

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and the Department believes that it is appropriate to grant such additional time. Accordingly the Department is extending the comment period through May 1, 1981.*

Notice of Extension of Comment Period

Notice is hereby given that the period of time for the submission of public comments on the proposed class exemption relating to life insurance company discretionary asset management (45 FR 85849, December 30, 1980) is hereby extended through May 1, 1981.

All interested persons are invited to submit written date, views or arguments concerning the class exemption proposed in the notice at 45 FR 85849 (December 30, 1980) on or before May 1, 1981.

These comments should be submitted, preferably three copies, to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: "Discretionary Asset Management Exemption."

Signed at Washington, D.C. this 24th day of February, 1981.

Ian D. Lanoff,

Adminstrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–3844 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–29–M

Office of the Secretary

[TA-W-11,131]

Bird and Son, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 27, 1980 in response to a petition received on September 20, 1980 which was filed on behalf of workers at the East Walpole, Massachusetts, FX–2 Plant of Bird and Son, Division of Shoe Cartons.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA–W–11,117). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

* The request for an extension of the comment period also included a request for a public hearing on the proposed exemption. The Department intends to hold such a hearing and contemplates publishing a notice scheduling the hearing after the expiration of the extended comment period.

Signed in Washington, D.C. this 18th day of February 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–3859 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-7968]

Barry Steel Corp.; Negative Determination on Reconsideration

On December 5, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers producing cold rolled strip steel at Barry Steel Corporation's Lyndon Avenue Plant, Detroit, Michigan.

In the application for reconsideration, the petitioner claimed that the original denial of eligibility for worker adjustment assistance by the Department of Labor was based on the erroneous judgment that the firm did not produce an article but provided a service. The petitioner stated that the manufacturing process at Barry Steel begins with purchased raw material of not rolled steel strip which Barry Steel then processes by initial slitting, continuous pickling, cold reduction in a four high reversing mill, annealing, temper rolling in a two or four high reversing mill, final slitting, packaging, and shipment and sale of the finished product to the customer. This process is a recognized manufacturing process within the steel industry, according to the petitioner.

Following a review of the file and this additional information the Department recognized that Barry Steel Corporation does produce an article within the meaning of Section 222(3) of the Trade Act of 1974, and granted administrative reconsideration.

In its investigation, the Department conducted a survey of Barry Steel Corporation's major customers and found that customers which purchased cold rolled strip steel during the period under investigation either did not purchase imports of these products or decreased import purchases of the products in 1979 compared to 1978 and during the first nine months of 1980 compared to the same period in 1979.

The petitions, in the original petition, allege that increased imports of automobiles have contributed importantly to declines in sales, production, and employment at the Lyndon Avenue Plant of Barry Steel Corporation. Although imported automobiles may incorporate cold rolled strip steel, imports of the finished products are not "like or directly competitive with" their component parts as that term is used in the Trade Act of 1974. Imports of cold rolled strip steel by themselves and not incorporated in such final articles must be considered in determining import injury to workers who manufacture this product at Barry Steel. The courts have held that imported finished articles are not like or directly competitive with domestic component parts thereof, *United Shoe Workers of America, AFL–CIO* v. *Bedell, 507 F 2d, 174 (1974).* In that case, the court held that imported finished women's shoes were not like or directly competitive with shoe counters, a component of footwear.

Conclusion

After reconsideration, I reaffirm the original Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance to workers and former workers of Barry Steel Corporation's Lyndon Avenue Plant, Detroit, Michigan.

Signed at Washington, D.C. this 18th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81–3876 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-8193]

Borg-Warner Corp.; Negative Determination on Reconsideration

On December 17, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at the Muncie, Indiana plant of the Warner Gear Division, Borg-Warner Corporation. This determination was published in the **Federal Register** on December 30, 1980 (45 FR 85858).

Counsel claims that the Department's conclusion in its denial notice is not consistent with the industry data reported in the Department's memorandum of recommendation and that the customer survey conducted by the Department was methodologically flawed since one of the transmission customers for passenger cars and light trucks was not surveyed. Counsel also asserts that the Department never addressed the fact of whether the other two criteria of the Act had been met.

The Department's review of the initial investigation revealed that the petition did not meet the increased import criterion for workers producing transmissions for industrial use or for off-the-highway vehicles nor did it meet the "contributed importantly" test of the Act for workers producing marine transmissions or transmissions for passenger cars and light trucks. Borg-Warner's major customer of marine transmissions does not import transmissions and most of the other surveyed customers only buy from Borg-Warner. With respect to transmissions for passenger cars and light trucks, the majority of customers surveyed which decreased purchases from Borg-Warner's Muncie plant in 1979 and in the first six months of 1980 compared to the corresponding periods in the previous year, did not increase purchases of imported transmissions. Customers which increased purchases of imported transmissions reported that these were insignificant compared to their total purchases of transmissions.

The Department's review also showed that the major share of Muncie's production consisted of transmissions for passenger cars and light trucks. Sales of all types of transmissions from the Muncie plant increased in 1979 compared to 1978. It was in the first five months of 1980, when compared to the corresponding period in 1979, that sales for each type of transmission decreased at Muncie. At Muncie sales were equal to production.

The Department does not agree with counsel's claim that the Department's survey was flawed. Virtually all of Muncie's 1980 production of transmissions for cars and light trucks was accounted for by four original equipment customers. The Department surveyed three of these customers. There was no need to survey the remaining o.e.m. customer since it increased its purchases of transmissions from the Muncie plant in 1979 compared to 1978 and in 1980 compared to 1979.

Further, the Department found no inconsistency between the industry data in its memorandum of recommendation and the conclusion in its denial notice. The memorandum shows that domestic production as well as U.S. imports of truck and bus transmissions were declining absolutely in 1979 compared to 1978 at the time when the Muncie plant was reporting increasing sales and production of all types of transmissions. Although there was a relative increase of imported transmissions in 1979, this was due to the decline in domestic production. Imports of transmissions as a percent of domestic production has never been higher than 4.5 percent in the last three-year period from 1977 through 1979.

Finally, the Department does not need to address whether the other two statutory criteria had been met since in order for a worker group to obtain certification for trade adjustment assistance, it must meet all three statutory criteria of the Act in the same time period. Therefore, in supporting a denial the Department needs only to demonstrate the petition's inability to meet one of the criteria.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at the Muncie, Indiana plant of the Warner Gear Division of the Borg-Warner Corporation.

Signed at Washington, D.C. this 20th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81–3879 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-10,441 & 10,442]

Commercial Steel Treating Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 25, 1980 in response to a petition received on August 15, 1980 which was filed on behalf of workers at the Detroit, Michigan and Madison Heights, Michigan plants of Commercial Steel Treating Company.

A negative determination applicable to the petitioning group of workers was issued on August 8, 1980 (TA–W–8825). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C this 20th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–3880 Filed 2–26–81; 8:45 am]

BILLING CODE 4510–28–M

DeLuxe Sportswear Co. et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 9, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 9, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

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Appendix

Petitioner: Union/workers or former workers of	Location	Date received	Date of petition	Petition No.	Articles produced
DeLuxe Sportwear Co. (ILGWU)	New York, N.Y	2/5/81	2/2/81	TA-W-12,256	Ladies' outerwear (jackets).
Fleetline Industries (company)	Garland, N.C	2/6/81	2/3/81	TA-W-12,257	Men's woven western shirts.
Lakeland Manufacturing Co. (ACTWU)	Sheboygan, Wis	2/6/81	1/20/81	TA-W-12,258	Men's outerwear.
Man-Bar Industries (workers)	Deer Park, N.Y	2/6/81	1/23/81	TA-W-12,259	Women's sportswear.
Milwaukee Glove Co. (ACTWU)	Marinette, Wis	2/6/81	1/20/81	TA-W-12,260	Gloves.
Nemor Contractors (ACTWU)	Newark, N.J	2/6/81	2/2/81	TA-W-12,261	Contractors of men's and children's outerwear and sport coats.
Northwest Engineering Co. (USWA)	Green Bay, Wis	2/5/81	1/31/81	TA-W-12,262	Cranes, shovels, and draglines.
Powermatic Division of Houdaille Industries (USWA).	McMinnville, Tenn	2/6/81	2/4/81	TA-W-12,263	Wood and metal machine tools.
Red Cedar Products (workers)	Amanda Park, Wash	2/5/81	2/3/81	TA-W-12,264	Cedar shakes.
West Virginia Malleable Iron Co. (USWA)	Point Pleasant, W. Va	2/6/81	2/2/81	TA-W-12,265	Malleable iron castings.
France Division of Scott & Fetzer Co. (workers).	Westlake, Ohio	2/5/81	1/27/81	TA-W-12,266	Beer signs (transformer).
H & H Atlas, Inc. (ILGWU)	New York, N.Y	2/9/81	2/5/81	TA-W-12,267	Women's and junior's swimwear.
Marine Iron & Shipbuilding Co. (workers)	South Duluth, Minn	2/9/81	2/3/81	TA-W-12,268	Fabrication of steel structures.
Mitchell Industries, Inc. (company)	Philadelphia, Pa	2/9/81	1/30/81	TA-W-12,269	Vent windows and side view mirrors for Ford trucks and Jeeps.
Monsanto Textile Co., Sand Mountain Plant (workers)	Guntersville, Ala	2/9/81	1/28/81	TA-W-12,270	Polyester filament.
Morgan Shirt Co. (ACTWU)	Morgantown, W. Va	2/9/81	2/5/81	TA-W-12,271	Men's shirts and ladies' blouses.
Paula Lawrence, Ltd. (company)	New York, N.Y	2/9/81	2/5/81	TA-W-12,272	Down filled and polly filled coats.
Shirley of Atlanta, Inc., d b a. Barnwell Garment Manufacturing Co. (workers).	Barnwell, S.C	2/9/81	2/4/81	TA-W-12,273	ladies' sportswear.
Beaver Specialties, Inc. (workers)	Beaver Dam, Wis	2/9/81	2/2/81	TA-W-12,274	Cabinets for televisions and auto systems.
Bristol Locknut Co. (UAW)	Madison Heights, Mich	2/9/81	1/29/81	TA-W-12,275	Locknuts.
Empress Sport Togs, Inc	New York, N.Y	2/10/81	2/5/81	TA-W-12,276	Ladies' blouses.
Glendale Knitting Mills (workers)	Maspeth, N.Y	2/10/81	2/4/81	TA-W-12,277	Knitted sweaters and shirts.
Mark Lewinson Audio Systems, Ltd. (company).	Hamden, Conn	2/9/81	2/5/81	TA-W-12,278	Power amplifiers, preamplifiers, crossover and reel to reel tape recorders.
Sensors Division of Dekalb Ad Research (workers)	Ann Arbor, Mich	2/9/81	2/4/81	TA-W-12,279	Diagnostic equipment for auto industry.
Teo-Aviv Fashions, Inc. (company)	Hoboken, N.J	2/10/81	2/6/81	TA-W-12,280	Ladies' coats.
Vera Industries, Inc. (ILGWU)	Secaucus, N.J	2/9/81	2/5/81	TA-W-12,281	Women's sportswear.
Washington Shake Mill (workers)	Kelso, Wash	2/9/81	2/4/81	TA-W-12,282	Cedar shakes.
D. L. Auld Co. (International Brotherhood of Boilermakers).	Columbus, Ohio	2/9/81	2/4/81	TA-W-12,283	Nameplates for autos.
Electro-voice, Inc. (IUE)	Sevierville, Tenn	2/9/81	2/4/81	TA-W-12,284	Microphone amplifiers and accessories.
Gates Blouse Co., Inc. (ILGWU)	Brooklyn, N.Y	2/9/81	2/3/81	TA-W-12,285	Women's jackets.
Imerman Industries, Inc. (workers)	Detroit, Mich	2/9/81	2/5/81	TA-W-12,286	Pistons for disc brakes, torsion bars.
L & M Coal Co. (workers)	Herdon, W. Va	2/9/81	2/4/81	TA-W-12,287	Mine coal
P. F. Industries, Inc. (UHWCLPWA)	Bristol, R.I	2/9/81	2/3/81	TA-W-12,288	Canvas sporting and waterproof footwear
Shamokin Dress Co. (ILGWU)	Shamokin, Pa	2/9/81	2/4/81	TA-W-12,290	Dresses, blouses, skirts, and slacks
Shroyer Dress Co. (ILGWU)	Selinsgrove, Pa	2/9/81	2/4/81	TA-W-12,290	Dresses, blouses, skirts, and slacks
Tanva, Inc. (workers)	Nogales, Ariz	2/9/81	2/3/81	TA-W-12,291	Record player turntables.
Choice Corp. (company)	Warren, Mich	2/11/81	2/9/81	TA-W-12,292	Machine parts.
Damon Creations, Inc. (ACTWU)	North Bergen, N.J	2/11/81	2/3/81	TA-W-12,293	Warehouse and administrative staff.
Grafton Apparel Manufacturing Co. (ILGWU)	Grafton, W. Va	2/12/81	2/9/81	TA-W-12,294	Ladies' sportswear
Ingalls Steel Corp. (workers)	Washington, D.C	2/12/81	2/8/81	TA-W-12,295	Steel fabrication of structural elements.

[FR Doc. 81-3857 Filed 2-26-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-6996]

Ford Motor Co.; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 25, 1980, applicable to all workers of the General Services Division of the Ford Motor Company, Dearborn, Michigan. The Notice of Certification was published in the **Federal Register** on May 2, 1980, (45 FR 29433). The Department also issued an Amended Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance on July 16, 1980 which was published in the **Federal Register** on July 25, 1980 (45 FR 49703).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification and amended determinations. The additional information revealed substantial layoffs occurred several weeks prior to the impact date set in the amended determinations.

The intent of the certification and amended determinations is to cover all workers of the Ford Motor Company who were affected by the decline in the sales or production of passenger cars, pick-up trucks, light trucks, utility vehicles and component parts for passenger cars, trucks, vans and general utility vehicles at certain plants of the Ford Motor Company, Dearborn, Michigan related to increased import competition.

The Notice of Amended Determinations, therefore, is amended to include a new impact date of May 1, 1979 for workers in General Services of the Ford Motor Company, Dearborn, Michigan.

The certification applicable to TA-W-6996 is hereby amended a second time and issued as follows: "All workers of Ford Motor Company's General Services, Dearborn, Michigan who became totally or partially separated from employment on or after May 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 13th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-3858 Filed 2-26-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-6991]

Ford Motor Co.; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 25, 1980, applicable to all workers of the Ford Motor Company at the Green Island plant, Troy, New York. The Notice of Certification was published in the **Federal Register** on May 2, 1980, (45 FR 29433). The Department also issued Amended Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance on July 16, 1980 and September 18, 1980 which were published in the **Federal Register** on July 25, 1980, (45 FR 49703) and on September 26, 1980 (45 FR 63983).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification and amended determinations. The additional information revealed that substantial layoffs occurred several weeks prior to the impact date set in the latest amended determination.

The intent of the certification and amended determinations is to cover all workers of the Ford Motor Company who were affected by the decline in the sales or production of passenger cars, pick-up trucks, light trucks, utility vehicles and component parts for passenger cars, trucks, vans and general utility vehicles at certain plant of the Ford Motor Company, Dearborn, Michigan related to increased import competition. The notice of Amended Determinations, therefore, is amended to include a new impact date of January 30, 1979 for workers at the Green Island plant, Troy, New York of the Ford Motor Company.

The certification applicable to TA-W-6991 is hereby amended a third time and issued as follows:

"All workers of the Ford Motor Company's Green Island plant, Troy, New York who became totally or partially separated from employment on or after January 30, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 13th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-3859 Filed 2-26-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-8,640]

Gaetano Handbag Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on June 9, 1980 in response to a petition which was filed on behalf of workers at Gaetano Handbag Corporation, New York, New York. The workers produce ladies' leather handbags.

U.S. imports of handbags increased both absolutely and relative to domestic production in each year from 1976 through 1978 before decreasing in 1979. U.S. imports of handbags increased absolutely in the first half of 1980 compared with the first half of 1979.

A Department of Labor survey revealed that several customers of Gaetano Handbag Corporation reported increasing imports of ladies' handbags from 1978 to 1979 and in the first half of 1980 while decreasing purchases from Gaetano during the same periods.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' leather handbags produced at Gaetano Handbag Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Gaetano Handbag Corporation, New York, New York who became totally or partially separated from employment on or after May 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C., this 18th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-3871 Filed 2-26-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-11,706]

General Electric Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 17, 1980 in response to a petition received on November 13, 1980 which was filed by the International Union of Electrical, Radio, and Machine Workers on behalf of workers at the Miniature Lamp Dept. of General Electric Co., Nela Park, Cleveland, Ohio.

A negative determination applicable to the petitioning group of workers was issued on December 19, 1980 (TA-W-7351). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 20th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3861 Filed 2-26-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-11,013]

Goodyear Tire and Rubber Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 22, 1980 in response to a petition received on September 15, 1980 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at the Goodyear Tire and Rubber Company, Plant #2, Akron, Ohio.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9205B). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 18th day of February 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3862 Filed 2-26-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-11,552]

Gregory Novelty, Ltd.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980 in response to a petition received on October 27, 1980 which was filed by the International Ladies' Garment Workers' Union on behalf of workers at the Gregory Novelty, Ltd., New York, New York.

Gregory Novelty, Ltd. had been in operation seven months at the time of the investigation. Due to the short term of operation of Gregory Novelty, Ltd., it is not possible to determine trends of

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sales and production and to statistically measure the impact of imports. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 20th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3863 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9097, 9098]

Hendrickson Manufacturing Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 30, 1980 in response to a petition which was filed by the National Federation of Independent Workers Union on behalf of workers at the Kendallville, Indiana plant (TA-W-9097) and Butler, Indiana plant (TA-W-9098) of Hendrickson Manufacturing Company. Workers at the Kendallville and Butler, Indiana plants produce primarily tandem suspension units for class 8 tractors.

The investigation revealed that criterion (3) has not been met.

Both the Kendallville, Indiana plant (TA-W-9097) and the Butler, Indiana plant (TA-W-9098) of Hendrickson Manufacturing Company produce primarily tandem suspension units for class 8 tractors.

Industry sources indicate that imports of tandem suspension units for class 8 tractors were negligible in 1978, 1979 and the first quarter of 1980.

Workers at the Kendallville, Indiana plant of Hendrickson Manufacturing Company are not separately identifiable by product line. Cores for hayrollers and power cylinders account for a relatively small percentage of total plant production at the Kendallville, Indiana plant. Any import influence in these product lines could not have contributed importantly to overall employment declines at the plant.

Hendrickson Manufacturing Company imports some components for tandem suspension units for class 8 tractors. Company imports of adapter and adapter tubes like those produced at the Kendallville plant accounted for a relatively small proportion of the Kendallville's total plant sales. Company imports of saddles whose production was transferred from the Butler plant to a foreign plant accounted for an insignificant proportion of Butler's total sales decline.

Conclusion

After careful review, I determine that all workers of the Kendallville, Indiana plant (TA-W-9097) and Butler, Indiana plant (TA-W-9098) of Hendrickson Manufacturing Company are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-3874 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,034]

Herbert Kenzer, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 31, 1980 in response to a petition received on December 31, 1980 which was filed by the Amalgamated Ladies' Garment Cutters' Union on behalf of workers at the Herbert Kenzer, Inc., New York, New York.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,900). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 18th day of February 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3864 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,902]

Huntington Alloy, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 15, 1980 in response to a petition received on December 5, 1980 which was filed by the United Steelworkers of America on behalf of workers at the Huntington Alloy, Inc., Catalattsburgh, Kentucky.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,267). Consequenlty further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 18th day of February 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3865 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,035]

Hurst Performance; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 31, 1980 in response to a petition received on December 31, 1980 which was filed on behalf of workers at the Hurst Performance, Bright, Michigan.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last total or partial separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 20th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3866 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

John P. Palen Corp., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period February 17–20, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-10,915; John P. Palen Corp., Sterling Heights, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of air conditioning and heating ducts are negligible.

TA-W-9087; Dana Corporation, Richmond Sleeve Casting Plant, Richmond, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8761; Cars and Concepts, Inc., Brighton, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9105; P. M. Tool and Manufacturing Co., Dearborn, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,112; Opdyke Tool, Inc., Pontiac, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotive use are negligible.

TA-W-11,184; G III Leather Fashions, Inc., New York, NY

Investigation revealed that criterion (2) has not been met. Sales and production increased in 1980 compared with 1979.

TA-W-8600 & 9193; Gould, Inc., Elastomer Products Div., Napolean, OH, and Milan, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9150; Trylon Corporation, Traverse City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9054; Reichert Stamping Co., Toledo, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8943; Division Printing, Inc., Pontiac, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8830; Borg-Warner Corp., Warner Gear Division, Auburn, IN

Investigation revealed that criterion (3) has not been met with respect to transfer cases; gear boxes and spin differentials. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to power wheels the investigation revealed that criterion (2) has not been met.

TA-W-8810; Modern Tools Division, Libbey-Owens-Ford, Toledo, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8769; Shawnee Plastics, Inc., Kuttawa, KY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8757; Counterpoint Fasteners, Inc., Brown City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8382; Turner Manufacturing Co., Traverse City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8926; Burmac Corporation, Ottawa, IL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of special design strapping machines are negligible.

TA-W-11,088; Rock River Woolen Mills, Inc., Brownwood, TX

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-8605; Abex Corporation, Winchester, VA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8912; The B.F. Goodrich Co., Tuscaloosa, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8939; Fulton Industries, Inc., Wauseon, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

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TA-W-8261; B. F. Goodrich Co., Miami, OK

Investigation revealed that criterion (3) has not been met. With respect to auto tires, truck tires, and earthmover tires, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to tractor tires U.S. imports never exceeded 1.0 percent of domestic production during the years 1977 through 1979. Imports of tractor tires decreased absolutely and relative to domestic production in the January through September 1980 period compared to the same period in 1979.

TA-W-8213; Loehr Die and Mold Co., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,089; Penninsula Timber Co., Inc., Port Angeles, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood logs are negligible.

TA-W-11,528; B & B Plastics Division, Metal Cladding, Inc., Lockport, NY

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,215; Crown Divisions, Allen Group, Inc., Loraine, OH

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-8595; Detail Production Co., Ferndale, MI

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-9625; Atlas Steel Corp., Warren, MI

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-8185; Uniroyal, Inc., Uniroyal Engineered Products Co., Industrial Products Div., Red Oak, IA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separation at the firm.

TA-W-8183-84; Uniroyal, Inc., Uniroyal Engineered Products Co., Industrial Products Div., Maryville, MO and Kennett, MO

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the subject firm.

Affirmative Determinations

TA-W-8640; Gaetano Handbag Corp., New York, NY

A certification was issued applicable to all workers at the subject firm separated on or after May 15, 1979.

I hereby certify that the aforementioned determinations were issued during the period February 17-20, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: February 23, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3856 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,491]

Joseph M. Herman Shoe Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 27, 1980 in response to a petition received on October 20, 1980 which was filed on behalf of workers at the Joseph M. Herman Shoe Company, Scarborough, Maine.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,951). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 20th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3867 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9719]

RMP Parts Rebuilders; Negative Determination Regarding Application for Reconsideration

By letter of January 3, 1981, (copy attached), counsel for the workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers of that company. The determination was published in the **Federal Register** on December 19, 1980, (45 FR 83695).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

Counsel in his application for reconsideration claims that imported automobiles have led to worker separations and a decline in production of reconditioned auto parts at RMP Parts Rebuilders in Fitchburg, Massachusetts. Counsel further claims that RMP Parts Rebuilders is not a firm providing a service but a manufacturer of auto parts.

The Department's review showed that RMP Parts dos not produce an article within the meaning of Section 222(3) of the Trade Act of 1974. The Department has consistently determined that the performance of services does not constitute production of an article and that this position has been upheld in the U.S. Court of Appeals. Since workers at RMP Parts do not produce an article, they may be certified only if the Ford Motor Company, which under a franchise agreement buys all the subject firm's reconditioned parts, is the "workers' firm" within the meaning of Section 222 of the Act. Ford Motor may be determined to be the "workers' firm" only if Ford and RMP Parts are substantially owned or proprietarily controlled, or if the workers are *de facto* employees of Ford. Ford Motor is not the "workers' firm" under either test. There is no substantial element of ownership or control between the firms. The workers also are not *de facto* employees of Ford. All payroll transactions, personnel actions and employee benefits are under the control of RMP Parts Rebuilders.

The Department notes that there is a difference between manufacturing and remanufacturing, i.e., the initial creation of a new article and the breaking down of a previously manufactured article, cleaning and the replacement of worn parts. The courts have sustained this position in at least one instance, *Pemberton* v. *Marshall* (Court of Appeals for D.C. Cir., 1981).

Finally, the Department notes that automobiles, whatever their origin, domestic or foreign, incorporate components such as carburetors and distributors. However, imports of the final product (automobiles) are not likely or directly competitive with their component parts within the meaning of the Act. The courts have sustained this position in *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 506 F. 2d 174 (D.C. Cir., 1974).

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 18th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-3877 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9093]

Rainfair, Inc.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on June 30, 1980 in response to a worker petition received on June 13, 1980 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's woven water repellent topcoats and rubberized clothing at Rainfair, Incorporated, Racine, Wisconsin. The rubberized clothing produced at this plant is separated into two product lines—heavy industrial rubberized clothing designed to protect workers handling dangerous substances and rubberized clothing designed to be used as part of a uniform.

Workers Engaged in Employment Related to the Production of Rubberized Clothing Designed to Be Used as Part of a Uniform. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to workers engaged in employment related to the production of rubberized clothing designed to be used as part of a uniform.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey was conducted with customers which had purchased rubberized clothing designed to be used as part of a uniform. The survey revealed that most of the customers surveyed did not import any rubberized clothing designed to be used as part of a uniform in the 1978 through June 1980 period. Among those customers which did import rubberized clothing designed to be used as part of a uniform, customers which decreased purchases from Rainfair, Incorporated and increased purchases of imported rubberized clothing designed to be used as part of a uniform, in 1979 compared to 1978 and in the January through June period of 1980 compared to the same period of 1979, represented an insignificant proportion of the firm's sales.

Workers Engaged in Employment Related to the Production of Men's Woven Water Repellent Topcoats. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to workers engaged in employment related to the production of men's woven water repellent topcoats.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of men's and boys' woven and knit water repellent rainwear decreased absolutely and relative to domestic production in 1979 compared to 1978. U.S. imports of men's and boys' woven and knit water repellent rainwear decreased absolutely in the January through September period of 1980 compared to the same period of 1979.

The Department conducted a survey of customers which purchased men's woven water repellent topcoats from Rainfair, Incorporated. The survey revealed that customers which decreased purchases from Rainfair, Incorporated and increased purchases of imported men's woven water repellent topcoats, in 1979 compared to 1978, represented an insignificant proportion of the firm's decline in sales.

Workers Engaged in Employment Related to the Production of Industrial Rubberized Protective Clothing. With respect to workers engaged in employment related to the production of industrial rubberized protective clothing, including those who perform coating and compounding operations on rubber, all of the criteria have been met.

U.S. imports of rubber/plastic wearing apparel (including rubberized industrial protective clothing) increased relative to domestic production in each year from 1976 through 1978 compared to the previous year. U.S. imports increased absolutely in 1979 compared to 1978.

Rainfair, Incorporated imported industrial rubberized protective clothing. Sales of the industrial rubberized protective clothing imported by Rainfair, Incorporated increased in quantity and value absolutely and relative to total company sales of industrial rubberized protective clothing in the last two quarters of 1979 compared to the same quarters of 1978 and in the first half of 1980 compared to the same period of 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with industrial rubberized protective clothing at Rainfair, Incorporated, Racine, Wisconsin contributed importantly to the decline in sales or production and to the total or partial separation of workers engaged in employment related to the production of industrial rubberized protective clothing. In accordance with the provisions of the Act, I make the following certifications:

All workers of Rainfair, Incorporated, Racine, Wisconsin engaged in employment related to the production of industrial rubberized protective clothing including those who coat and compound the rubber, who became totally or partially separated from employment on or after March 22, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I further determine that all workers engaged in employment related to the production of men's woven water

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repellent topcoats and all workers engaged in employment related to the production of rubberized clothing designed to be used as part of a uniform, at Rainfair, Incorporated, Racine, Wisconsin are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-3872 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,344]

Ralph Edwards Sportswear, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 20, 1980 in response to a petition received on October 14, 1980 which was filed on behalf of workers at the Ralph Edwards Sportswear, Inc., Puxico, Missouri.

An active certification applicable to the petitioning group of workers remains in effect (TA-W-4931A). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 20th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3866 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9049]

Robertshaw Controls Co.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 30, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at Robertshaw Controls Company, Fulton Sylphon Division, Knoxville, Tennessee. The workers produce automotive thermostats, PVS valves, gas and radiators caps, EGR systems, hose clamps, control equipment, engine controls, instruments, environmental controls and bellows.

Workers engaged in employment related to the production of automotive product lines. The investigation revealed that criterion (3) has not been met with respect to workers engaged in employment related to the production of automotive thermostats, gas and radiator caps, and PVS valves.

U.S. imports of controls for monitoring residential and commercial environments and appliance regulating controls (which include automotive thermostats and PVS valves) declined relative to domestic shipments in 1979 compared to 1978. The ratio of U.S. imports to U.S. shipments did not exceed 5.5 percent in the 1975 through 1979 period.

Preliminary estimates indicate that imports of gas and radiator caps were negligible in 1978, 1979 and in the January through September period of 1980.

The Department of Labor surveyed customers of Robertshaw Controls Company, Fulton Sylphon Division. The survey results revealed that none of the responding customers purchased imported PVS valves, or gas and radiator caps in 1978, 1979 or in the January through September period of 1980. The survey also revealed that most customers did not purchase imported automotive thermostats in the 1978 through September 1980 period; those customers that increased purchases imported automotive thermostats and decreased purchases from the subject firm did not constitute a significant proportion of the firm's sales decline.

Workers at Robertshaw Controls Company, Fulton Sylphon Division who are engaged in employment related to the production of automomotive products, are not separately identifiable by product lines. The following products each account for a relatively small percentage of sales: hose clamps, automotive bellows, and EGR systems. Any import influence in any of these product lines could not have contributed importantly to overall employment declines at the firm.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at Robertshaw Controls Company, Fulton Sylphon Division, Knoxville, Tennessee. Although imported automobiles incorporate thermostats, gas and radiator caps, and PVS valves imports of the whole product are not like or directly competitive with their component parts. Imports of thermostats, gas and radiator caps, and PVS valves must be considered in determining import injury to workers producing thermostats, gas and radiator caps, and PVS valves at Robertshaw Controls Company, Fulton Sylphon Division, Knoxville, Tennessee.

Workers engaged in employment related to the production of non-automotive product lines. The investigation revealed that criterion (3) has not been met with respect to workers engaged in employment related to the production of bellows, control equipment and environmental controls.

Sales of bellows and control equipment by Robertshaw Controls Company, Fulton Sylphon Division were each adjusted for the price changes. When deflated the sales of bellows increased in 1979 compared to 1978 and then remained virtually stable in the January through August 1980 period compared to the same period in 1979. Sales of control equipment remained relatively stable during both periods of comparison.

Sales of environmental controls by Robertshaw Controls Company, Fulton Sylphon Division were adjusted for price changes. When deflated, sales of environmental controls declined in 1979 compared to 1978 then increased in the January through August 1980 period compared to the same period in 1979. However, the declines in 1979 compared to 1978 were offset by increases in other non-automotive product lines. The increases in other product lines were greater than the declines in environmental controls; this resulted in increased total non-automotive sales when adjusted for price changes in 1979 compared to 1978. Since workers producing environmental controls are not separately identifiable from workers producing most other product lines and since employment at the Fulton Sylphon Division remained stable in 1979 compared to 1978, it can be concluded that any import influence in environmental controls in 1979 did not contribute to overall employment declines at the firm.

Workers producing non-automotive products other then bellows at Robertshaw Controls Company, Fulton Sylphon Division, are not separately identifiable by product lines. Both engine controls and instruments account for a relatively small percentage of total sales. Any import influence in these product lines could not have contributed importantly to overall employment declines at the firm.

Conclusion

After careful review, I determine that all workers of Robertshaw Controls Company, Fulton Sylphon Division, Knoxville, Tennessee are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-3873 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,537]

Stalwart Rubber Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a petition received on August 11, 1980 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers at the Stalwart Rubber Co., Bedford, Ohio.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9778). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 20th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3869 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

Union Carbide Corp. et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period February 9–13, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-10,856; Union Carbide Corp., Metals Division, Coal Group, Sanderson, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of bituminous steam coal are negligible.

TA-W-10,695; Rax, Inc., Waterford, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of material handling containers are negligible.

TA-W-10,647; Allied Chemical Corp., Fibers and Plastics Co., Tonawanda, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of low density polyethylene resins are negligible.

TA-W-9628; Barlow Electric, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9128; Unique Leather, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA-W-9085; Plasta-Fiber Industries, Division of Smith Jones, Inc., Ithaca, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8932; Rockwell International Corp., Ornamentation Div., Grenada, MS

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8885; Albert Webster Engineering Co., Inc., Roseville, MI

Investigation revealed that criterion (3) has not been met. With respect to prototype parts, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to stamping dies, U.S. imports of tools and dies for automotive use are negligible.

TA-W-8618; Dana Corporation, Richmond Camshaft Plant, Richmond, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8411; Chemetron Corporation, Tube Turns Division, Philadelphia, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8378; Walway Company, Southfield, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8353; Plastomer Corporation, Livonia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8262; B.F. Goodrich Company, Oaks, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

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TA-W-8129; Penn Dixie Industries, Inc., Cement Division, South Pittsburg, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8101 & 8102; St. Clair Rubber Company, Marysville, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8914; Clyde Iron, Duluth, MN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of cranes decreased both absolutely and relative to domestic shipments from 1978 to 1979 and in the first three months of 1980 compared with the same period in 1979.

TA-W-8654; St. Marys Carbon Co., Inc., St. Marys, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8142 & 9206; Gulf and Western Industries, Inc., Gulf and Western Stamping Div., Mancelona and East Jordan, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8259 & 8599; A.P. Parts Co., Toledo, OH and Green Haven, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker serparations at the firm. Furthermore, company imports of mufflers, exhaust pipes and tail pipes declined in the first five months of 1980 compared to the first five months of 1979.

TA-W-8593; Collard, Inc., Brighton, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8720; Textron, Inc., St. Louis, MO

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9058; Winner Circle Fashions, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of women's leather coats and jackets did not increase as required for certification.

TA-W-9181; Clark Equipment Co., Battle Creek, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of forklifts did not increase as required for certification.

TA-W-10,494 & 10,495; Aluminum Co. of America, Rockdale, TX

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of primary aluminum and aluminum sheet and plate did not increase as required for certification.

TA-W-9133; Bethlehem Steel Corp., Burns Harbor Plant, Chesterton, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8215; General Die Casting Company, Oak Park, MI

Investigation revealed that creiterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9635; Curtis Screw Co., Inc., Buffalo, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9372 & 12,146; Dura Corp., Goshen, IN and Leiters Ford, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9629; General Cable Co., Lindsay, CA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9871; Broderick and Bascom Rope Co., Bartonville, IL

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-8867 & 9492; Eaton Corp., Massilion, Ohio Div., Fasterner Plant and Wire Plant

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9439; GTE Products Corp., Bangor, ME

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of precision welded lead wire did not increase as required for certification.

TA-W-10,617; Moore Iron Works, Owosso, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of material handling containers are negligible.

TA-W-9330; Val-U-Tool and Gage Co., Westland, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9266; Dana Corporation, Auburn, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9083; Muskegon Piston Ring Co. Inc., Muskegon, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8416 & 8417; Ken Moore Die Cast Co. and Automotive Appliance Co., Livonia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the plants.

TA-W-10,854; Ohio Brass Co., Rectifier Division, Oak Hill, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of mine rectifying systems are negligible.

TA-W-9735; Creative Products Incorporated, Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9412; Jay Bee Dress Co., Brooklyn, NY

Investigation revealed that criterion (3) has not been met. A survey of the manufacturers for whom the subject firm performed contract work revealed that those manufacturers increased contracts with other domestic sources from 1978 to 1979.

TA-W-9059; Broderick and Bascom Rope Co., Bartonville, IL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8950; Republic Steel Corporation, Steel and Tubes Div., Detroit Plant, Ferndale, MI

Investigation revealed that criterion (3) has not been met. A survey of customers for steel tubing indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of steel conduct decreased absolutely and relative to domestic poroduction from 1978 to 1979 and decreased absolutely during the first three quarters of 1980 compared with the same period in 1979. The ratio of imports to domestic production did not exceed 0.26 percent from 1977 to 1979.

TA-W-8332; Development Engineering, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of motor vehicle body stampings are negligible. U.S. imports of automobile frames and frame parts decreased absolutely and relative to domestic production from model year 1979 to model year 1980, and U.S. imports of light truck frames and frame parts decreased absolutely from model year 1979 to model year 1980.

TA-W-8332A, 8332B, & 8332C; Creative Universal, Inc., Southfield, MI, Detroit, Industrial Engineering, Inc., Troy, MI, and Sirius Manufacturing, Inc., Ferndale, MI

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-8866, 8968, 8968A; Anderson-Bolling Mfg. Co., Spring Lake, MI, and Goshen, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8431, 10,524, & 10,588; Ramsey Corporation, St. Louis, MO, Sullivan, MO, and Manchester, MO

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8404; Pandora Industries, Riverside Division, Wilton, NH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-8968B; Anderson-Bolling Mfg. Co., Goshen, IN

A certification was issued applicable to all workers at the subject firm separated on or after July 5, 1980.

TA-W-10,517; J'Mar Glove Co., Inc., Gloversville, NY

A certification was issued applicable to all workers at the subject firm separated on or after July 30, 1979.

TA-W-7933; Armstrong Rubber Co., Textile Div., Laurel Hill, NC

A certification was issued applicable to all workers at the subject firm separated on or after April 28, 1980.

TA-W-10,429; Miller Printing Equipment, Pittsburgh, PA

A certification was issued applicable to all workers at the subject firm separated on or after August 1, 1980.

TA-W-9093; Rainwear, Inc., Racine, WI

A certification was issued applicable to all workers engaged in employment related to the production of industrial rubberized protective clothing including those who coat and compound the rubber at the subject firm separated on or after March 22, 1980.

With respect to workers engaged in employment related to the production of men's woven water repellent top coats and rubberized clothing designed to be used as a uniform, criterion (3) has not been met. A survey of the firm's customers revealed that imports did not contribute importantly to employment declines at the firm.

TA-W-9984 & 9984A-B; Robertson Shake, Inc., Chehalis, WA, Robertson Distributing Co., Chehalis, WA, and Mr. Handiman Home Center, Inc., Centralia, WA

A certification was issued applicable to all workers at the subject firm separated on or after August 1, 1979.

I hereby certify that the aforementioned determinations were issued during the period February 9–13, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-6655 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8351]

United Technologies Corp.; Negative Determination Regarding Application for Reconsideration

By an application dated January 6, 1981, the United Steelworkers Union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of United Technologies Corporation, Automotive Products Division, Atlanta, Michigan. The determination was published in the **Federal Register** on December 19, 1980 (45 FR 83696).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

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The United Steelworkers of America claim that the windshield washer motors produced at the Atlanta, Michigan plant of United Technologies Corporation were not covered in the original investigation. Petitioners claim that the loss of windshield washer motor production was due to the direct competition with Japanese windshield washer motors prior to the plant closing.

A review of the investigative file revealed that the petitioners claimed that lack of sales of American-made cars caused a decrease in production of door lock motors, neutral switches, vacuum switches, wire harnesses, and turn signals at the Atlanta plant. These component products were shipped to U.S. automotive production plants and assembled into cars. The Department's findings in its investigation were that component parts are not "like or directly competitive with" imported cars, as the term is used in the Trade Act of 1974. A Department survey of major customers revealed that customers did not purchase imported door lock motors, neutral and vacuum switches. These items represented a major portion of the Atlanta plant's production.

With respect to the applicant's claim that windshield washer motors were not considered in the original determination, further review indicated that windshield washer motors were grouped together with door lock motors. Since these motors (fractional horsepower motors) are basically the same type of automobile accessory motors, they were not distinguished by nomenclature in the original findings.

In the original investigation, it was also found that two divisions of a major customer purchased fractional horsepower motors. Although one of these divisions indicated increased import purchases of fractional horsepower motors, that division was not a customer of the Atlanta plant. The division that was a customer of the Atlanta plant indicated that it did not import fractional horsepower motors which included the types used for door lock and windshield washer motor/pump systems.

U.S. imports of automobile accessory motors were stable from 1978 to 1979, declining slightly relative to domestic shipments, while imports declined absolutely in the first three months of 1980 compared to the same period in 1979.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 20th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-3880 Filed 2-26-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Physiology, Cellular, and Molecular Biology; Subcommittee on Metabolic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Metabolic Biology of the Advisory Committee for Physiology, Cellular & Molecular Biology.

Date and Time: March 19, 20, 21, 1981; 9:00-5:00 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program, Room 325, National Science Foundation, Wash., D.C. 20550; Telephone (202) 357-7987.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in genetic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

February 24, 1981.

[FR Doc. 81-47 Filed 2-26-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Council Meeting; Task Group 14

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #14 of the NSF Advisory Council.

Place: Bldg. 7, Rm. 206, Massachusetts Institute of Technology, Cambridge, Massachusetts 02139.

Date: Wednesday, March 18, 1981.

Time: 9:00 a.m. till 5:00 p.m.

Type of Meeting: Open.

Contact Person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357-9433.

Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Coucil with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary Minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to study the question of continuing education of engineers and computer professionals in universities and/or industry. The Task Group will focus on university and/or industrial programs to foster continuing engineering education for industrial employees, the possible impact of such programs within the university structure, and will address the question of whether there will be a developing shortage of engineering faculty with degrees from U.S. universities.

M. Rebecca Winkler,

Committee Management Coordinator.

February 24, 1981.

[FR Doc. 81-48 Filed 2-26-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 3, No. 3). The release date is February 23, 1981.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the third calendar quarter of 1980. The report identifies the occurrences or events that the Commission determined were significant and the remedial action that was undertaken. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

(a) There was one abnormal occurrence at the nuclear power plants licensed to operate. The event involved failure of the salt water cooling system. The event was determined reportable during report preparation and therefore has not previously been noticed in the Federal Register. Using the abnormal occurrence criteria published in the Federal Register on February 24, 1977 (42 FR 10950), the incident satisfies one of the general criteria of Appendix A: Major degradation of essential safety-related equipment.

(b) There were no abnormal occurrences at the fuel cycle facilities (other than nuclear power plants).

(c) There was one abnormal occurrence at other licensee facilities. The event involved the improper use and inadequate control of licensed material (radiopharmaceuticals).

(d) There were three abnormal occurrences reported by the Agreement States. One involved inadequate security and the other two involved overexposure of radiographers.

The report to Congress also contains updating information on some abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. or at any of the 130 local Public Document Rooms throughout the country. Single copies of the report, designated NUREG-0090, Vol. 3, No. 3, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, on or about March 9, 1981.

A year's subscription to the NUREG-0090 series publication, which consists of four issues for $8.00, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 23rd day of February 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-3801 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. NPR-2 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment provides the following:

1. A new rod bow penalty curve and bases, and

2. New heatup and cooldown curves and bases. These are based on the Capsule Y analyses after 1.13 effective full power years of operation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any signficant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 28, 1980 (supplemented January 5, 1981) and January 9, 1981 (supplemented January 23, 1981), (2) Amendment No. 18 to License No. NPF-2 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library 212 W. Berdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13 day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-3802 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 2, located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment authorizes Cycle 4 operation at the licensed power level of 2700 Mwt with:

- A slight increase in fuel enrichment to allow for a longer operating cycle;
- Modified (sleeved) guide tubes for the control element assemblies (CEAs), and
- Use of a new reactor protection system trip to protect the core from the steam generator transients.

The amendment revises the Appendix A Technical Specifications to incorporate changes resulting from the detailed analysis of the Cycle 4 reload core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

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For further details with respect to this action, see (1) the applications for amendment dated December 4 and 12, 1980, and January 29, 1981, as supplemented January 21 and 30, 1981 and February 3 and 4, 1981, (2) Amendment No. 31 to License No. DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-3803 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-471 CP]

Boston Edison Co. (Pilgrim Nuclear Generating Station, Unit 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members: Richard S. Salzman, Chairman, Dr. John H. Buck, Christine N. Kohl.

Dated: February 23, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-3804 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment deletes the restrictions and monitoring requirements for non-radiological effluents from Appendix A of the Technical Specifications and adds a new Environmental Protection Plan to the license as Appendix B.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 3, 1980, (2) Amendment No. 63 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555, and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of January, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-3805 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised the Technical Specification for operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect changes in the management structure and facility staff.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 6, 1980, and supplements thereto dated September 16 and November 18, 1980, (2) Amendment No. 23 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Wahington, D.C. 20555 and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisonsin 54601. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. Division of Licensing.

[FR Doc. 81-3806 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Extension of Completion Dates

By letter dated February 9, 1981, Northern States Power Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant extensions until (a) November 17, 1981, for installation of remaining fire wall penetration seals (b) prior to startup following the forthcoming Spring 1981 refueling outage for remaining turbine building structural steel protective coatings and (c) June 1, 1981 for completion of the motor driven fire pump protective enclosure and related diesel oil day tank curbing at the Prairie Island Nuclear Generating Plant located on Goodhue County, Minnesota.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 9, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-3807 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Extension of Completion Dates

By letter dated February 12, 1981, the Power Authority of the State of New York (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until August 17, 1981, for completion of an automatic CO_2 suppression system for the fire protection system at the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 12, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-3808 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Extension of Completion Dates

By letter dated January 20, 1981, Wisconsin Electric Power Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant extensions until November 17, 1981, for installation of emergency diesel generator remote panels for the fire protection system at the Point Beach Nuclear Plant Units Nos. 1 and 2 located in the Town of Two Creeks, Manitowac County, Wisconsin.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such extension will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated January 20, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-3809 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Issuance of Amendment to Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which amended the license for operation of the Yankee Nuclear Power Station (Yankee-Rowe) located in Franklin County, Massachusetts. The amendment is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's submittals dated April 10, 1980 and June 16, 1980 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 63 to License No. DPR-3, and (2) the Commission's related letter to the licensee dated January 23, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Community College Library. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of January, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-3810 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 12-14, 1981, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on February 20, 1981.

The agenda for the subject meeting will be as follows:

Thursday, March 12, 1981

8:30 A.M.–8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 A.M.–12:00 Noon: State of Technology on Fission Product Source Term (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may

be present regarding the proposed NRC Staff report on the state of technology on fission product iodine.

1:00 P.M.–5:00 P.M.: San Onofre Nuclear Generating Station Units 2 and 3 (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed operation of the San Onofre Station Units 2 and 3. The Committee will also hear and discuss presentations by members of the NRC Staff and representatives of the applicant regarding this request for an Operating License.

Portions of this session will be closed as required to discuss Propietary Information related to this matter.

5:00 P.M.–7:30 P.M.: NRC Long-Range Safety Research Program Plan (Open)—The Committee will hear and discuss a report from the ACRS Safety Research Subcommittee. ACRS consultants who may be present, and representatives of the NRC Staff regarding the proposed NRC Long-Range Safety Research Program Plan. The Committee will also discuss its proposed report to NRC regarding this plan.

Friday, March 13, 1981

8:30 A.M.–12:00 Noon: Virgil C. Summer Nuclear Station Unit 1 (Open)—The Committee will hear and discuss a report from its Subcommittee and consultants who may be present regarding proposed operation of the Virgil C. Summer Nuclear Station. The Committee will also hear and discuss reports of the NRC Staff and the applicant regarding the request for an Operating License for this facility.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

1:00 P.M.–2:00 P.M.: ACRS Discussion (Open)—The Committee will briefly discuss items scheduled for discussion with the NRC Chairman and other Commissioners who may have an interest.

Topics to be considered include the status of NRC action with respect to ACRS recommendations regarding NTCP's and the NRC safety research program, the balancing of the need for power with the interests of intervenors, the status of NRC action regarding Class-9 accidents, and tentative ACRS comments regarding the proposed NRC Long-Range Safety Research Program and the state of technology of fission product iodine.

2:00 P.M.–3:00 P.M.: Meeting with NRC Chairman and Commissioners (Open)—The Committee will meet with the NRC Chairman and other Commissioners who may have an interest to discuss items noted above.

3:00 P.M.–6:30 P.M.: Meeting with NRC Staff (Open)—The Committee will hear and discuss reports from members and contractors of the NRC Staff regarding:

3:00 P.M.–4:00 P.M.: Independent design reviews for nuclear power stations

4:00 P.M.–6:30 P.M.: A probabilistic safety analysis of D.C. power supply requirements at nuclear power plants

6:30 P.M.–7:00 P.M.: NRC Regulatory guides (Open)—The Committee will discuss a proposed letter to the NRC Executive Director for Operations regarding NRC Staff implementation of ACRS recommendations regarding Regulatory Guide 1.97, *Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident.*

Saturday, March 14, 1981

8:30 A.M.–12:00 Noon: Preparation of ACRS Reports (Open)—The Committee will discuss its proposed reports to the Nuclear Regulatory Commission regarding matters discussed during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being reviewed.

1:00 P.M.–3:00 P.M.: ACRS Discussion (Open)—The Committee members will discuss items related to anticipated ACRS activities including the future schedule for full Committee and Subcommittee meetings. The Committee will also hear and discuss comments from the Chairmen of ACRS Subcommittees on definition of plant features important to safety, ACRS generic items applicable to LWR's, the development of criteria for geologic disposal of radioactive wastes, and decay heat removal systems in the North Anna Nuclear Station Unit 2.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EST.

Dated: February 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-3845 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on San Onofre Units 2 and 3; Change of Time

The ACRS Subcommittee on San Onofre Units 2 and 3 will hold a meeting on March 11, 1981 at 1717 H Street, N.W., Washington, DC in Room 1046. The starting time for Wednesday, March 11, 1981 has been changed to 1:30 p.m. until the conclusion of business instead of 2:00 a.m.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Monday, February 23, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Gary G. Quittschreiber (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-3846 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Project No. M–4]

Finality of Commission Action With Regard to Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG–0575)

The Nuclear Regulatory Commission hereby gives notice that the issuance of the Final Generic Environmental Statement on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG–0575), prepared by the Nuclear Regulatory Commission's Office on Nuclear Material Safety and Safeguards, represents final Commission action with respect to that document.

A notice of the availability of NUREG–0575 was published in the **Federal Register** on August 22, 1979. 44 FR 49317.

The Commission published notice of its intent to prepare the Generic

Environmental Statement of September 16, 1975. 44 FR 42801. In that notice, the Commission stated that it had "also given careful consideration to the question whether licensing actions intended to ameliorate a possible shortage of spent fuel storage capacity * * * should be deferred pending completion of the generic environmental impact statement." The Commission stated that it had "concluded that there should be no such general deferral, and that these related licensing actions may continue during the period required for preparation of the generic statement, subject to certain conditions." The Commission's notice went on to set forth a five-factor test against which proposed interim actions were to be evaluated.

Relying in part on the GEIS, the Commission finds that providing greater capacity for spent fuel storage is in the public interest. The safety of individual proposals must, of course, be determined case by case. The completion and publication of the Final Generic Environmental Statement means that the five-factor test set out in the 1975 **Federal Register** notice is no longer applicable to proposed licensing actions relating to spent fuel handling and storage. This action does not affect any other requirements which may exist to address specific environmental and safety issues for individual licensing action.

Copies of the Final Statement may be purchased from the National Technical Information Service, Springfield, Virginia 22161, as follows: Volume 1—$7.25 — Executive Summary and Text; Volume 2 — $11.75 — Appendices; Volume 3 — $12.00 — Comments on the Draft Statement and Staff Responses; microfiche — $3.00 per volume.

Dated at Washington, D.C., this 23rd day of February, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-3847 Filed 2-26-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Withdrawal

The Nuclear Regulatory Commission has withdrawn Regulatory Guide 3.24, "Guidance on the License Application, Siting, Design, and Plant Protection for an Independent Spent Fuel Storage Installation," which was issued in December 1974. The guidance it provided was based on 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material." On November 12, 1980, the Commission published 10 CFR Part 72 (45 FR 74693), "Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation," which specifically covers independent spent fuel storage installations. The guidance contained in Regulatory Guide 3.24 is no longer appropriate, and the guide is hereby withdrawn.

Revised and updated guidance covering the various subjects addressed in Regulatory Guide 3.24 is being developed. Regulatory Guide 3.44, "Standard Format and Content for the Safety Analysis Report for an Independent Spent Fuel Storage Installation (Water Basin Type)," was issued in November 1980. Draft regulatory guides containing guidance in other areas are being issued for public comment as they are completed.

Regulatory guides are developed to describe and make available to the public methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems. Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made them obsolete.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of February 1981.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-3800 Filed 2-26-81; 8:45am]

BILLING CODE 7590-01-M

ENVIRONMENTAL PROTECTION AGENCY

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Memorandum of Understanding Between the Nuclear Safety Oversight Committee and the Environmental Protection Agency With Respect to the Acquisition of Information and the Monitoring Activities

1. The Nuclear Safety Oversight Committee (NSOC) was established pursuant to Executive Order 12202 (March 18, 1980) to advise "on the progress of Federal and State authorities and the nuclear power industry in improving the safety of nuclear power and in implementing the approved recommendations of the President's Commission on the accident at Three Mile Island (Kemeny Commission)" set forth in the President's announcement and White House Fact Sheet of December 7, 1979 (copy attached to this memorandum). The NSOC is responsible for the preparation and periodic submission of the reports to the President, the Secretary of Energy, and the Secretary of Health and Human Services on the progress being made in each area. In addition, NSOC is specifically responsible to advise the President, the Secretary of Energy and the Secretary of Health and Human Services on the progress and activities of the various Federal agencies, including the Environmental Protection Agency, in a number of substantive and procedural areas identified in the Executive Order, Sec. 1–2. These include, but are not limited to, the following:

Evaluating the Federal program in power reactor and human factor safety research (Sec. 1–204);

Advising the President, the Secretary of Energy and the Secretary of Health and Human Services on progress in developing a coordinated program to improve worker and public health safety (Sec. 1–207); and

Evaluating progress being made in improving public information on nuclear safety (Sec. 1–207); and

Evaluating progress of Federal Emergency Management Agency in coordinating the Federal response to nuclear emergencies (Sec. 1–207).

The NSOC also has advisory and evaluative responsibilities in substantive and procedural areas related to specific statutory or regulatory duties of the Federal Emergency Management Agency (see Sec. 1–205, 1–206 and 1–207), the Nuclear Regulatory Commission (see Sec. 1–202, 1–203 and 1–211), the Department of Energy and the Department of Health and Human Services. These responsibilities are to be implemented by, among other things, monitoring the activities of these and other agencies. Moreover, the President has directed NSOC to "include in its reports the Committee's advice as to the adequacy of the information it has received from Federal agencies * * *; and, its assessment of the cooperation it has received from them": (Sec. 1–210).

NSOC's obligation to meet these responsibilities may result in a need for information concerning research on health effects of radiation, information distribution, emissions and effluent standards relating to the nuclear fuel cycle and the health emergency response capability and authority of the

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Environmental Protection Agency (EPA). The provision by EPA to NSOC of technical, scientific and programmatic information, as well as legal and policy related information as appropriate, is essential to the preparation and submission of NSOC's reports in a timely fashion. To this end, it is understood that NSOC communication with EPA personnel and access to EPA facilities is necessary to facilitate provision of this information. Such communication and access is to be encouraged.

2. The Environmental Protection Agency, pursuant to Reorganization Plan No. 3 of 1970, Executive Order 10831 (August 14, 1959) and 42 U.S.C. 2021(h), is responsible for a broad range of radiation protection programs related to the health and safety of the public. Moreover, its statutory responsibility and expertise in air, water and noise pollution may provide legal, administrative, scientific or technical information and experience of value to NSOC's responsibilities under Executive Order 12202.

In the President's announcement and White House Fact Sheet of December 7, 1979, referred to in paragraph 1, above, and attached to this memorandum, special concern was expressed for the potential hazards to workers and the general public from accidents at nuclear power plants. In order to deal with that concern, directives were issued by the President to Federal agencies to provide expert and open processes for meeting research needs and enhancing guidance for worker and public protection from potential radioactive exposures. These substantive areas are within EPA's recognized experience and expertise.

3. The Environmental Protection Agency in recognition of NSOC's responsibility and essential need for information as described in paragraph 1, above, agrees to cooperate fully to assure that NSOC has complete and full access to all information, facilities and personnel NSOC required to fulfill its responsibility in a effectively and timely manner. In order to effectuate this agreement in an orderly fashion, the NSOC and EPA also agree to the following principles and arrangements:

a. *Informal and Formal Arrangements*

The NSOC, its staff and its properly designated consultants may regularly contact EPA personnel at all levels to develop and implement informal or formal arrangements for complete and full access and/or acquisition to all information, facilities and personnel in the general and specific areas identified in paragraph 1, above. To the extent possible, the use of informal arrangements to implement this provision is preferred;

b. *Designated Information Coordinator*

EPA shall designate a person to serve as information coordinator who will be directly responsible for providing, or for causing others to provide, the information requested by NSOC personnel. This arrangement shall be supplementary to the informal and formal agreements referred to in paragraph 1;

c. *"Legal and Policy Related" Information*

EPA, through its Designated Information Coordinator, will inform NSOC in a timely manner of the submission of legal briefs or memoranda filed on EPA's behalf, and resulting decisions, which involve questions of nuclear safety, health and emergency planning or other subjects within the scope of NSOC responsibilities. EPA will make copies available on reasonable request. EPA will also apprise NSOC on a regular basis of the nature of other legal or policy related efforts where, in its best judgment, such efforts are within the scope of NSOC responsibilities and they have matured to the point that apprisal and consultation are appropriate;

d. *Operation Not Materially Affected*

The implementation of this memorandum shall not materially impede or disrupt the operation, routine or regular conduct of EPA procedures and programs;

e. *Authority Not Affected*

Nothing in this memorandum, or in its implementation, or in any subsequent formal or informal arrangement is intended to restrict, modify or limit the statutory authority of EPA or the responsibility of the NSOC under Executive Order 12202 and other applicable laws;

f. *Classified Documents, Devices or Facilities*

Nothing in this memorandum, or in its implementation, is intended to alter, modify or change applicable requirements concerning the personal security clearance of individuals or the informational or physical security of classified documents, devices or facilities;

g. *Responsible Agency Official and the Process of Amendment*

The General Counsel of the EPA and the General Counsel of the NSOC will periodically review the effectiveness of this memorandum of understanding, particularly as it relates to NSOC's fulfillment of its responsibilities under Executive Order 12202, and develop formal and informal arrangements to correct any impediments, deal with problem areas or resolve disputes. The responsibilities agreed to in this memorandum may be amended by the exchange of letters between the General Counsel of NSOC and the General Counsel of EPA.

4. This memorandum of understanding shall take effect upon its signing by authorized representatives of the respective agencies.

For the Nuclear Safety Oversight Committee.

Dated: February 24, 1981.

Bruce Babbitt,

Chairman, Nuclear Safety Oversight Committee.

For the Environmental Protection Agency.

Dated: January 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-3615 Filed 2-26-81; 8:45 am]

BILLING CODE 6820-01-M

ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION

Identification of Integral Vistas Associated With the Class I Area, Guideline Availability and Preliminary List, Roosevelt Campobello International Park

AGENCY: Roosevelt Campobello International Park Commission.

ACTION: Proposed guidelines; notice of guideline availability and preliminary list of integral vistas for the Roosevelt Campobello International Park.

SUMMARY: On December 2, 1980 (45 FR 80084) the Environmental Protection Agency (EPA) promulgated final regulations (40 CFR Part 51—Subpart P) for visibility protection for Federal Class I areas. These regulations provided for the identification of integral vistas by the Federal Land Manager based on guidelines to be established by the Federal Land Manager. Guidelines were proposed and published in the **Federal Register** (46 FR 3646–3652) by the National Park Service. The Roosevelt Campobello International Park Commission proposes to adopt these guidelines in their entirety and to identify integral vistas associated with Roosevelt Campobello International Park. This proposal and a preliminary identification of integral vistas for the Park are provided herein for public review and comments.

SUPPLEMENTARY INFORMATION: In EPA's proposed rule making on May 22, 1980 (45 FR 34762) certain draft guidelines were provided by EPA for public review, including a draft guideline on identification of integral vistas. On January 15, 1981 the National Park Service proposed guidelines (46 FR 3646) which are substantially the same as that published by EPA except for minor changes. That notice responded in detail to public comments on the draft guideline published in the **Federal Register** Notice of May 22, 1980 (45 FR 34762). The Roosevelt Campobello International Park Commission has concluded that the response of the National Park Service to the public comments is comprehensive and adequate (see 45 FR 3649–3650). We therefore propose to adopt the analysis of public comments and the proposed guideline of the National Park Service in their entirety.

The National Park Service has also provided a detailed explanation of the provisions of the Clean Air Act regarding visibility in mandatory Class I areas, EPA's implementing regulations and the manner in which the proposed guideline help accomplish the purposes of that Act (46 FR 3647–3649). Persons who seek more detailed information about the relevant provisions of the Clean Air Act and EPA's implementing regulations regarding the proposed guideline and integral vistas and the manner in which the identification of such vistas could effect the visibility protection component of the State Implementation Plan should review the entire National Park Service notice.

Under EPA's regulations, once the Federal Land Manager identifies integral vistas the state has the opportunity to review the vista identifications and documentation. The State is then required to incorporate into the State Implementation Plan each integral vista identified by the Federal Land Manger, unless the state demonstrates that one or more of the integral vistas identified by the Federal Land Manager should not be included. As part of the State Implementation Plan (SIP) process, the state can reject the Federal Land Manager's identification of integral vistas only if the Federal Land Manager either did not follow correct procedures or applied the criteria in an unreasonable or unsupportable manner. In making any such findings, EPA's regulations require that the state must carefully consider the expertise of the Federal Land Manager in making integral vista identification. An opportunity will be provided to the Governor to consult with the Federal Land Manager to resolve potential conflicts at the State Implementation Plan development stage.

The purposes of this notice are to announce the availability of the guideline and to provide for public review and comments on the guideline before it is finalized. We particularly seek comments as to whether, and if so why, the Commission should not adopt the guideline proposed by the National Park Service. In addition, this notice provides a preliminary list of integral vistas in the Park where visibility is an important value. We also seek comments regarding this preliminary list.

A 30-day comment period is provided. The comment period will not be extended since the guideline and preliminary list of integral vistas must be finalized as soon as possible to provide timely information needed for the preparation of State Implementation Plans on visibility. The Clean Air Act requires the states to submit a State Implementation Plan on visibility within 9 months from promulgation of EPA's visibility regulations. EPA's visbility regulations require that where the Federal Land Manager determines that the state should consider protection of integral vistas in its State Implementation Plans, the Federal Land Manager must provide the states with a list of the integral vistas at least 6 months prior to a state's plan submission. This gives the Federal Land Manager only 3 months from the promulgation on December 2, 1980 to finalize its guideline and identify integral vistas to the states. If such a list is not provided within this time frame, the state is not required to consider integral vistas until the State Implementation Plan is reviewed; this three year period could be detrimental to the protection of park vistas.

The identification criteria guideline identified in this notice will become effective upon final notice unless public comments are received which provide new and significant information which indicates that changes are needed.

The preliminary list of integral vistas published today will be finalized after further review and consideration of the public comments received.

DATES: Written comments or suggestions must be received by March 30, 1981.

ADDRESSES: All written comments are to be submitted to: Mr. Henry Stevens, Acting Executive Secretary/Superintendent Roosevelt Campobello International Park, P.O. Box 97, Lubec, Maine 04652, Telephone: (506) 752–2922.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Stevens, Acting Executive Secretary/Superintendent Roosevelt Campobello International Park, P.O. Box 97, Lubec, Maine 04652, Telephone: (506) 752–2922.

Dated: February 10, 1981.

Approved:

Honorable Franklin D. Roosevelt, Jr.,

Chairman, Roosevelt Campobello International Park Commission.

Appendix 1.—*Integral Vistas Associated With Mandatory Class I Areas*

Park and observation point	View angle	Key Features	Also viewed from
Roosevelt Campobello International Park:			
Roosevelt Cottage and Beach Area	244°–56°	Estes Head, Eastport, North Lubec, Cobscook Bay, Shackford Head, St. Andrews, Friar's Head, Treat's Island, Passamaquoddy Bay, Deer Island, Indian Island, Rouen Island, Cherry Island, Thrumcap Island, Owen House, and Welshpool.	Portions from Friar's Head.
Friar's Head	154°–94°	Roosevelt Cottage, Campobello Island, Weir, Friar's Bay, Welshpool, Wilson's Beach, North Road, Head Harbour Passage, Casco Island, Green Island, Pope Island, Thrumcap Island, Cherry Island, Rouen Island, Indian Island, Deer Island, Passamaquoddy Bay, Old Sow Whirlpool, St. Andrews, Eastport, Friar Roads, Estes Head, Perry, Shackford Head, Pembroke, Cobscook Bay, Treat's Island, Mayor's Island, North Lubec, Passamaquoddy Dam, portion of Roger's Island, Dudley Island, Johnson's Bay, Pope's Folly, Cutler Naval Radio Station, Lubec, Mulholland Point Lighthouse, FDR Memorial Bridge, South Lubec, and Grand Manan Island.	Portions Viewed from Roosevelt Cottage and beach area.
Con Robinson's Point	308°–150°	Herring Cove Beach, Provincial Park, Eastern Head, Herring Cove, Mainland New Brunswick, Point La Preau, Wolf Islands, Atlantic Ocean, and Grand Manan Island.	Portions Viewed from Liberty Point.
Liberty Point	34°–236°	Ragged Point, Mainland New Brunswick, Atlantic Ocean, Wolf Islands, Grand Manan Island, Sail Rock, West Quoddy Head Lighthouse, and South Lubec.	Portions Viewed from Con Robinson's Point.

[FR Doc. 81-3779 Filed 2-26-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 11641; 812-4802]

Intercapital Tax-Free Daily Income Fund Inc.; Intercapital Dividend Growth Securities, Inc., and Intercapital Natural Resource Development Securities, Inc.; Application for Exemption

February 20, 1981.

Notice is hereby given that InterCapital Tax-Free Daily Income Fund Inc., InterCapital Dividend Growth Securities Inc., and InterCapital National Resource Development Securities Inc., Five World Trade Center, New York, N.Y. 10048, ("Applicants"), registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management companies, filed an application on January 12, 1981, for an order of the Commission pursuant to section 6(c) of the Act declaring that Dr. Irwin Friend, a director of InterCapital Tax-Free Daily Income Fund and prospective director of the two other Applicants, shall not be deemed an interested person of any of the Applicants within the meaning of Section 2(a)(19) of the Act solely by reason of his position as director of PMI Securities Co. ("PMI"), which is registered as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

PMI was originally organized in 1972 to be a holding company of two mortgage insurance companies ("insurance companies"). In 1973 PMI and the insurance companies were acquired by Allstate Insurance Company ("Allstate") and PMI commenced doing business as a "matchmaker," that is, bringing together buyers and sellers of whole mortgages and participations on residential properties without compensation. In 1978 PMI was sold by Allstate to the newly-formed PMI Mortgage Corporation, a company which is a wholly-owned subsidiary of Allstate Enterprises, Inc., which is in turn, a wholly-owned subsidiary of Sears, Roebuck & Co. Subsequently, PMI was transferred to Seroco Enterprises Inc. ("Seroco"), another wholly-owned subsidiary of Sears Roebuck & Co.

Applicants state that PMI is not now and since its registration as a broker-dealer under the Exchange Act has not been engaged in the business of buying or selling any securities either as broker or dealer. However, PMI contemplates acting as a broker-dealer in the distribution of mortgage pass-through securities issued by its parent, PMI Mortgage Corporation. These securities may be registered pursuant to the Securities Act of 1933. Applicants state that non-registered private placements of securities are also contemplated. Dr. Friend is Edward J. Hopkinson Professor of Finance and Economics at the Wharton School of the University of Pennsylvania, and is also Director of the Rodney L. White Center for Financial Research at the University of Pennsylvania. Applicants state that Dr. Friend has no past employment, consulting, contractural, financial, or other relationship with PMI or any affiliated person of PMI, other than as a director of PMI, the insurance companies and PMI Mortgage Corporation.

InterCapital Tax-Free Daily Income Fund Inc. represents that its investment policy requires it to invest all its assets primarily in tax-exempt securities or other short-term, fixed-income securities. InterCapital Dividend Growth Securities Inc. and InterCapital Natural Resource Development Securities Inc. represent that their respective investment policies require them to invest primarily in common stocks, with a portion of their assets invested, at times, in corporate debt securities or money market instruments. Each represents that it is precluded from purchasing interests in real estate, except that it may, among other things, purchase securities that are secured by real estate or interests therein. Applicants state that they believe the mortgage pass-through securities proposed to be the subject of PMI's broker-dealer business are not securities which would generally be appropriate for investment by any Applicant. In any event, Applicants undertake that they will not, under any circumstances, do any business, directly or indirectly, with PMI in any capacity, whether as broker-dealer or otherwise, so long as Dr. Friend is a director of Applicant and a director of PMI.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. The term "affiliated person" of another person is defined by Section 2(a)(3)(D) of the Act to include a director of such other person. Dr. Friend is a director of PMI and is, therefore, an affiliated person of PMI. Applicants do not concede Dr. Friend to be an interested person of any of the Applicants (as to InterCapital Dividend Growth Securities, Inc. and InterCapital Natural Resource Development Securities Inc., after election to the respective boards) but seek to have Dr. Friend determined by order to be a disinterested director, notwithstanding his status as a director of PMI.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that it would be misleading to stockholders and unfair to Dr. Friend to identify him as an interested director of Applicants since such a label, they contend, implies the existence of an actual or a potential conflict of interest which, Applicants claim, does not in fact exist. Applicants assert that because of Dr. Friend's personal stature and the removal of any possibility that Applicants will do business with PMI, Dr. Friend will be in a position to act independently on behalf of Applicants and their respective shareholders without any possible impairment arising out of his affiliation with PMI.

Accordingly, Applicants believe that it would be in their best interests to have Dr. Friend's status as a disinterested director clearly acknowledged and that the requested exemption is therefore appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 17, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-51 Filed 2-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11639; 812-2987]

Lutheran Brotherhood Money Market Trust; Filing of Application

February 20, 1981.

Notice is hereby given that Lutheran Brotherhood Money Market Trust, 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, ("Applicant"), which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 15, 1980, requesting an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it registered under the Act on January 8, 1980, as Brokers Cash Reserve Trust and that it simultaneously registered, pursuant to Section 8(b) of the Act, an indefinite number of its shares of common stock under the Securities Act of 1933. Applicant states that it amended its Registration Statement on March 21, 1980, changing its name to Lutheran Brotherhood Money Market Trust. According to the application, the registration of Applicant's shares became effective on March 31, 1980, at which time an initial public offering of those shares commenced. Applicant further states that it was dissolved pursuant to its Declaration of Trust and applicable state law on December 4, 1980. Applicant's Investment Adviser was Lutheran Brotherhood Research Corp. ("Adviser").

According to the application, on November 21, 1980, Applicant's Trustees recommended to its shareholders that Applicant's affairs be wound up and terminated and that unanimous consent of the shareholders approving such termination was obtained on November 21, 1980. As of December 3, 1980, Applicant states it had 129,215 shares outstanding. All shares of Applicant had a net asset value of $1.00 per share. Further, the Applicant states that all of its shares held by public shareholders were voluntarily redeemed at their $1.00 net asset value on August 18, 1980. Applicant further states that all of its portfolio securities either matured or were sold to the Parent Fund, Lutheran Brotherhood Money Market Fund, Inc., pursuant to Rule 6c-5(T) under the Act except for approximately $129,000 representing shares in Applicant then held by Adviser, which was distributed to the Adviser in redemption of its shares on December 4, 1980. According to the application, dissolution of Applicant resulted in transfer agent and administrative fees of $22,636, which were assumed by the Adviser.

Applicant states that as of the date of the filing of the application it had no assets or liabilities outstanding and was not a party to any litigation or administrative proceeding. Applicant further states that it is not engaged and does not propose to engage in any business activities other than those necessary for the winding up of its affairs and that there are no shareholders of Applicant to whom distribution in complete liquidation of their interests has not been made. According to the application, Applicant intends to file Articles of Dissolution with the Commonwealth of Massachusetts Secretary of State.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company as defined in the Act, it shall so declare by order and, upon taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may not later than March 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing on request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-52 Filed 2-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17565; File No. SR-PHLX 81-1]

Philadelphia Stock Exchange, Inc., Proposed Rule Change; Appointment and Oversight of Specialists

Comments requested on or before March 20, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 13, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which have been prepared by the self-regulatory organization. The Commission is publishing this notice to

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solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of Terms of the Substance of the Proposed Rule Change

The proposed amendments to Rules 100, 201, 203 and 214 combined with proposed new Rules 500 and 501, enable the transfer from the Floor Procedure Committee and Options Committee, respectively, to the Allocation, Evaluation and Securities Committee the authority to appoint specialists and alternate specialists in equity securities and specialists and registered options traders in listed options.

In addition, proposed new Rules 502, 503, 504 and 505 deal with such matters as requirements of special floor registration, how initial discussions on unsatisfactory performance by specialists are handled, how continued unsatisfactory performance by specialists is handled and how a review of a decision by the Allocation, Evaluation and Securities Committee is conducted.

Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change: The purpose of the proposed amendment of Rules 100, 201, 203 and 214 and proposed new Rules 500, 501 502, 503, 504 and 505 is to authorize the Allocation, Evaluation and Securities Committee of this Exchange, pursuant to the authority of the Board of Governors, to appoint specialists and alternate specialists in equity securities and specialists and registered options traders in listed options and to establish procedures for the periodic review and evaluation of performance of specialists.

The statutory basis for the proposed rule changes is Section 11A(a)(1)(C)(ii) of the Securities Exchange Act of 1934, as amended, which provides that it is in the public interest to have fair competition among brokers and dealers, among exchange markets and between markets other than exchange markets. The evaluation of specialist performance will strengthen competition among such specialists, among exchange markets and between exchange markets and markets other than exchange markets.

(B) *Self-Regulatory Organization's Statement on Burden on Competition:* The Philadelphia Stock Exchange has determined that the proposed rule changes will impose no burden on competition. The proposed rule changes will strengthen competition among Philadelphia Stock Exchange specialists, among exchange markets and between exchange markets and markets other than exchange markets.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others:* Comments on the proposed rules changes were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before March 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 20, 1981.

[FR Doc. 81-53 Filed 2-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17566; File No. SR-Phlx-81-2]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change; Limit Order Information System Pilot Program To Enhance Protection of Public Limit Orders Represented in the Intermarket Trading System

Comments requested on or before March 20, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Change

The proposed amendment to Phlx Rule 2001 would enable the exchange to start-up an experimental pilot system which would operate as a component of the Intermarket Trading System ("ITS"), and which is intended to enhance the protection of public limit orders represented in any ITS participating market center against inferior-priced executions in any other ITS participating market center. The experimental facility would be known as the Limit Order Information System ("LOIS").

II. Self-Regulatory Organization's Statement of Purpose and Statutory Basis of Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change:* In its March, 1979 status report on the development of a national market system, the Securities and Exchange Commission (SEC) identified as a "priority" item the achievement of inter-market protection for public limit orders against inferior-priced executions.

The SEC agreed to allow the ITS participants to experiment with and enhance ITS as a means of providing such protection and called for the establishment of a pilot program for providing protection in a limited number of multiple-traded securities.

Since the SEC's report, the ITS participants have been working to develop a plan and a mechanism to achieve inter-market limit order protection through ITS.

The LOIS concept, and guidelines and procedures for use of this facility, have been agreed to in principle by all ITS participants. The statutory basis of the proposed rule change is Section 11A(a)(1) of the Act, in general, in that it would facilitate the implementation, on the Exchange, of a facility on an experimental basis which may become an integral part of a national market system and Section 11A(a)(1)(D), in particular, in that it would increase the information available to brokers, dealers and investors, facilitate the offsetting of investors' orders, and contribute to best executions of such orders.

(B) *Self-Regulatory Organization's Statement on Burden on Competition:* The Phlx does not believe that the proposed rule change will impose any burden on competition which is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will strengthen competition among exchange markets and markets other than exchange markets.

(C) *Self-Regulatory Organization's Statement on Comments Received from Members, Participants or Others on Proposed Rule Change:* Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before March 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

February 20, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-54 Filed 2-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17567]

Filing of Applications for Registration of Clearing Agencies

February 23, 1981.

In Securities Exchange Act Release No. 16900 (June 17, 1980), the Commission announced the publication of standards for the registration of clearing agencies in accordance with Section 17A(b) of the Securities Exchange Act of 1934 (the "Act"). That release also requested that each temporarily registered clearing agency submit a new registration application. In response to that request, the following temporarily registered clearing agencies have recently filed new registration applications consisting of Forms CA-1 (17 CFR 249b.200), along with proposals to comply with the standards, or in certain cases, alternatives thereto or exemptive requests from the statutory criteria of Section 17A(b)(3) of the Act:

The Depository Trust Company—File No. 600-1
Bradford Securities Processing Services, Inc.—File No. 600-2
Stock Clearing Corporation of Philadelphia—File No. 600-4
Boston Stock Exchange Clearing Corporation—File No. 600-5
Midwest Securities Trust Company—File No. 600-7
The Options Clearing Corporation—File No. 600-8
Midwest Clearing Corporation—File No. 600-9
Pacific Securities Depository Trust Company—File No. 600-10
Pacific Clearing Corporation—File No. 600-11
National Securities Cleaning Corporation—File No. 600-15
New England Securities Depository Trust Company—File No. 600-16
Philadelphia Depository Trust Company—File No. 600-19[1]

Interested persons are invited to submit written data, views and arguments concerning the foregoing applications on or before April 28, 1981. Such written data, views and arguments will be considered by the Commission in determining whether to grant or deny full registration in accordance with Sections 17A(b) and 19(a)(1) of the Act. Persons desiring to make written submissions shoud file six copies thereof with the Secretary of the Commission, 500 Securities and Exchange Commission, North Capitol Street, Washington, D.C. 20549. Reference should be made to the appropriate file number.

Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20006.

[1] These twelve clearing agencies were previously granted temporary registration in accordance with paragraph (c)(1) of Rule 17Ab2-1 under Section 17A of the Act (17 CFR 240.17Ab2-1). Thereafter, as required by Rules 17Ab2-1, the Commission instituted proceedings to determine whether to grant or deny registration at the expiration of the temporary registrations. General background information concerning the temporary registrations, the extensions of the registrations and the institution of proceedings is contained in Securities Exchange Act Release Nos. 13584 (June 1, 1977), 42 FR 30065 (June 10, 1977); 13664 (June 23, 1977), 42 FR 33394 (June 30, 1977); 13911 (August 31, 1977); 14531 (March 6, 1978), 43 FR 10288 (March 10, 1978); 16294 (October 24, 1979); 16900 (June 17, 1980), 45 FR 41020 (June 23, 1980) and 16998 (July 23, 1980), 45 FR 51030 (July 31, 1980).

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For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-56 Filed 2-26-81; 4:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Section 503 Development Company Program

AGENCY: Small Business Administration.

ACTION: To solicit bids for the services of a Central Fiscal Agent for the 503 Development Company Program.

SUMMARY: The U.S. Small Business Administration (SBA) is readvertising its Notice of December 10, 1980, requesting bids to perform certain implementation of SBA's Development Company Program ("Section 503 Program") pursuant to Section 503 of Title V of the Small Business Investment Act of 1958, as amended July 2, 1980 (Sec. 113 of Pub. L. 96-302 94 Stat. 837), and the regulations thereunder. The Central Fiscal Agent (herein referred to as CFA) will provide the systems for both the disbursement of 503 debentures and the collection of payment due SBA so it may satisfy its obligations for debentures purchased by the Federal Financing Bank.

The SBA receive two bids from its December 10, 1980 Notice soliciting bids for the Central Fiscal Agent function in the 503 program. Due to the limited response from publication of the Notice during the holiday season, the SBA has decided to readvertise the Notice in order to allow other potential bidders to submit their proposals. It is the position of the SBA that readvertising the Notice will allow other potential bidders to submit their proposals and thus increase the scope of competitive offers in the best interests of the government program and the small business beneficiaries of the program.

DATE: Bids must be received on or before March 20, 1981.

ADDRESS: Written bids, in duplicate, are to be addressed to Director, Office of Lender Relations and Certification, Small Business Administraion, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Alan B. Abraham, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6470.

SUPPLEMENTARY INFORMATION: The Central Fiscal Agent would act for the benefit of the registered holder of a debenture, initially the Federal Financing Bank, issued by the Certified Development Company for the benefit of an identifiable small business borrower pursuant to the Section 503 Program. Since no federal money will be used to fund the services provided by the Central Fiscal Agent, federal procurement procedures are not required. Time is of the essence under this program because no direct funds are available for 503 projects and the debenture funding mechanism cannot be efficiently implemented until the Central Fiscal Agent is identified. The selection criteria for the Central Fiscal Agent will be based on the following four items:

(1) Existing capability to perform services identified herein on a national basis (all 50 states).
(2) Cost of services provided.
(3) Implementation time from notification of selection.
(4) Willingness to provide the collections and reporting functions for debentures previously sold to the Federal Financing Bank under the 503 program.

The following functions must be provided through processing:

1. The CFA must be capable of receiving funds via the electronic transfer of funds for each debenture (or debentures).
2. The CFA must disburse these funds to the parties at interest (i.e. development company, interim lender, borrower) development companies and borrowers via the fed. wire service.
3. The CFA must escrow certain payments on behalf of the borrowers, and make certain that these funds are available to make up payment deficiencies on behalf of the borrowers. In addition, the CFA will be required to reimburse any initial excess escrow.
4. The CFA must provide the recordkeeping services and collect payments from the borrowers on a monthly basis (by check) and pay the SBA semi-annually (by wire).
5. The CFA must invest all balances on behalf of the development companies and the borrowers based on daily and/or standing instructions by the SBA. The investment income must be distributed to the borrower's account in much the same way that a "money market" fund accounts for interest income (time on deposit x size of deposit x blended rate applicable). No float should be available to the CFA.
6. The CFA must maintain each loan on its records on a daily accrual basis (date-to-date) and payments must be applied on that basis, always to cover interest payments first.
7. The CFA must provide clear and simple instructions to all borrowers and development companies so they may correspond and deal with the CFA directly.
8. The CFA must report monthly to the specific district offices of SBA and the relevant development companies as to borrower performance including all payments, loan balances and dishonored checks.
9. The CFA must report semi-annually to the SBA office on each debenture simultaneously with remittance. Please note that debentures will be issued each month; therefore, each month debenture payments will be due.

The Small Business Administration requires the following from the CFA:

—A narrative of how the CFA would operate the program in sufficient detail to warrant consideration as a bidder (list experiences).
—A statement that the CFA will provide the services on or before April 1, 1981, including the necessary supporting evidence of such ability.
—A list of charges and how the CFA would collect these charges from the borrowers and/or development companies to include (as may be required):
—Start-up charges
—Development charges
—Loan accounting and collection charges
—Disbursement to SBA
—Reporting as required
—Investment Services
—Settlement charges
—Escrow accounting charges
—Any other charges which are appropriate.

For ease of accounting, bidder may use a percentage of the outstanding balance of all loans (e.g., ⅛ of 1%, ½ of 1%, 1%, etc.). Although SBA cannot guarantee that this program will reach any specific level, we anticipate that $100 million may be utilized in FY '81 for over 450 projects.

The fiscal Agency Agreement will be for a term of not more than five (5) years unless sooner terminated under stated conditions, with a requirement that the CFA must provide services for the life of each loan, regardless of the outstanding loan amount(s).

Dated: February 24, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-6522 Filed 2-26-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/372]

Fine Arts Committee; Meeting

The Fine Arts Committee of the Department of State will meet on Saturday, March 14, 1981 at 10:00 a.m. in the John Quincy Adams State Drawing Room. The meeting will last approximately until 11:30 a.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in June 1980, the announcement of all gifts and loans in calendar year 1980, as well as a report on the newly re-designed Ladies' Lounge. There will also be a discussion on the next stages of architectural improvements in the diplomatic Reception Rooms.

Public access to the Department of State is controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by Monday, March 9, 1981, telephone (202) 632-0298 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the Chairman.

Dated: February 10, 1981.

Clement E. Conger,

Chairman,Fine Arts Committee.

[FR Doc. 81-6511 Filed 2-26-81; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-8/375]

Study Group CMTT of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group CMTT of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 11, 1981, at the Office of the American Telephone and Telegraph Company, 1120 20th Street NW., Suite 1018, Washington, D.C. The meeting will begin at 10 a.m.

Study Group CMTT deals with the specifications to be satisfied by telecommunication systems for transmission of radio and television programs over long distances. The main purpose of the meeting will be to develop a program for work on documents for consideration by the international meeting of Study Group CMTT in September/October 1981.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Gordon L. Huffcutt,

Office of International Communications Policy.

[FR Doc. 81-6512 Filed 2-26-81; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-8/374]

Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 12, 1981, at the NASA/Goddard Space Flight Center, Greenbelt Road, Building 12, Room N13, Greenbelt, Maryland. The meeting will begin at 8:30 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting will be a review of the work on documents for the international meeting of Study Group 7 in September 1981.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520 (telephone (202) 632-2592).

Dated: November 17, 1981.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 81-6513 Filed 2-26-81; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-8/373]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Working Group on Fire Proctection will conduct on open meeting on March 12, 1981, at 9:30 A.M., Room 1303 of the Coast Guard Headquarters Building, 2100 2nd Street, S.W., Washington, D.C. 20593.

The purpose of this meeting will be to:

—Review documents submitted for FP XXVI (22-26 June 1981)
—Review results of FP XXV

For further information contact Mr, Donald J. Kerlin, United States Coast Guard, (G-MMT/12), Washington, D.C. 20593. Telephone (202) 426-2167.

Dated: February 17, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-6514 Filed 2-26-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 165 (Rev. 3)]

Delegation of Authority to Director, Disclosure Litigation Division

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This revision grants the authority to the Director, Disclosure Litigation Division to acknowlege receipt of administrative appeals filed pursuant to the Freedom of Information Act (FOIA), and to assert mandatory extensions of FOIA appeal time limits, with authority to redelegate not lower than attorneys in the Division directly involved in such matters. The text of the delegation order appears below.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph J. Urban, CC:D, 1111 Constitution Ave., N.W., Room 3560, Washington, D.C. 20224, Telephone Number, 202-566-3074 (Not a Toll-Free telephone number).

SUPPLEMENTARY INFORMATION:

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Peter V. Filpi,

Director, Disclosure Litigation Division.

Date of issue: February 23, 1981.
Effective Date: February 23, 1981.
Subject—Responses to Appeals Filed Pursuant to the Freedom of Information Act, 5 U.S.C. 552 (FOIA).

The authority vested in the Commissioner of Internal Revenue by 31 CFR 1.5(h) and Appendix B(4) to respond to administrative appeals filed pursuant to the Freedom of Information Act, 5 U.S.C. 552 (FOIA), is hereby delegated to the Assistant Commissioner (Technical). This authority may not be redelegated.

In addition, the authority vested in the Commissioner by 31 CFR 1.5(h)-(i) to acknowledge receipt of FOIA appeals and assert mandatory extensions of FOIA appeal time limits is hereby delegated to the Director, Disclosure Litigation Division. This authority may be redelegated not lower than attorneys

in the Disclosure Litigation Division directly involved in such matters.

Delegation Order 165 (Rev. 2), issued November 5, 1980 is superseded.

William E. Williams,

Acting Commissioner.

[FR Doc. 80-3780 Filed 2-26-81; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Voluntary Service National Advisory Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Veterans Administration Voluntary Service National Advisory Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning February 5, 1981 through February 5, 1983.

Dated: February 18, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 81-3765 Filed 2-26-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 39
Friday, February 27, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-308]

CIVIL AERONAUTICS BOARD.

February 23, 1981.

TIME AND DATE: 10 a.m., March 2, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 38733. *Continental-Western Merger Case.* Instruction to the staff. (OGC)
3. Docket 39285, *Acquisition of Control of Continental Air Lines, Inc. by Texas International Airlines.* Instructions to the staff. (OGC)
4. Docket 34136, *Chicago/Texas/Southwest-Western Mexico Route Proceeding.* Instructions to the staff. (OGC)
5. H.R. 129—A bill to prohibit certain government acquisition officers from accepting compensation from contractors after leaving government employment. (Memo No. 306, OGC)
6. H.R. 119—A bill to ban free alcohol and tobacco on aircraft operated by air carriers. (Memo No. 306, OGC)
7. H.R. 355—A bill to permit carriers to offer reduced-rate transporation to young orphans traveling from abroad to the U.S. to be adopted. (Memo No. 313, OGC)
8. Docket 36767, *Miami/New Orleans-San Jose, Costa Rica Case;* Petition for Reconsideration of Order 80-12-16. (Memo No. 116-B, OGC)
9. Docket 231, Appeal of essential air service determination for Middleton Island, Alaska. (Memo No. 315, BDA, OGC, OCCR)
10. Docket EAS-367, Appeal of essential air service determination for Gunnison, Colorado. (BDA, OGC, OCCR)
11. Docket EAS-616, Civic request for EAS amendment designating Greensboro, North Carolina in lieu of Roanoke, Virginia as providing access for the eligible point Princeton/Bluefield, West Virginia. (BDA, OCCR, OGC)
12. Commuter carrier fitness determinations of Command Airways, Inc., Provincetown-Boston Airline, Inc. (EAS Carriers) and Tennessee Airways, Inc. (non-EAS carrier). (BDA)
13. Dockets 35908 and 36204, Notices of USAir and Pennsylvania Airlines to terminate service at Clearfield/Philipsburg, PA. (BDA, OCCR)
14. Docket 38046, Revision to PCA's interim rate of compensation for providing essential air service at Clearfield/Philipsburg. (Memo No. 314, BDA)
15. Docket 38939, motion of American Airlines requesting the Board to reopen the record and to reconsider its decision awarding Dallas/Ft. Worth-Yucatan authority to Texas International in the Dallas/Ft. Worth-Yucatan Service Proceeding. (BIA, OGC)
16. Docket 36419, Texas-Alberta-Alaska Case; Docket 38757, Application of Western Air Lines for an exemption to postpone inauguration of service. (BIA, OGC, BALJ)
17. Docket 39046, Application of World Airways, Inc. for an emergency exemption for foreign carriers to provide transportation between Los Angeles and Honolulu. (BIA, OGC, BCCP)
18. Docket 39074, Application of Global International Airways Corp. for a certificate to engage in transatlantic charter air transportation of cargo. (Memo No. 312, BIA, OGC, BALJ)
19. Petition for review of foreign freight forwarder registration issued to New Japan Air Service (America), Inc. (Memo No. 307, BIA, OGC)
20. Docket 39127, Application of American Eagle Airlines, Inc. for a certificate of public convenience and necessity pursuant to section 401 of the Act to engage in foreign air transportation of persons, property and mail between points in the U.S. and a point or points in The Netherlands, Belgium, Luxembourg and The Federal Republic of Germany. (BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-320-81 Filed 2-24-81; 4:55 am]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, March 3, 1981.

PLACE: Commission conference room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 80-12-FOIA-008-IN, concerning a request for copies of charges of systemic discrimination and conciliation agreements.
2. A report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice issued February 24, 1981.

[S-324-81 Filed 2-25-81; 11:53 am]

BILLING CODE 6570-06-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items

The following Common Carrier items have been deleted at the request of the Office of the Acting Chairman and the General Counsel, and the following Cable item has been deleted at the request of the Cable Television Bureau from the list of agenda items scheduled for consideration at the February 25, 1981 Open Meeting, and previously listed in the Commission's Public Notice of February 18, 1981 (#07149).

Agenda, Item No., and Subject

Common Carrier—2—*Title:* CC Docket No. 79-105 Accounting for Station Connection Costs, Sales of Terminal Equipment and Other Related Items. *Summary:* The Commission will consider the Staff's proposal to phase-in the change in accounting for station connections. This matter was last before the Commission on January 29, 1981. The accounting for sales of terminal equipment and other related items were discussed and adopted by the Commission on November 6, 1980.

Common Carrier—3—*Title:* In the Matter of Deregulation of Customer Premises Inside Wiring, CC Docket No. 79-105. *Summary:* The Commission will consider whether to issue a Further Notice of Proposed Rulemaking in this docket designed to further its objective of assuring that the cost of inside wiring is charged to the cost causative customer through the detariffing of inside wiring. The Further Notice would also seek comments on methods to ensure

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that the provision of inside wiring is not cross-subsidized by regulated carriers.

Common Carrier—7—*Title:* MCI Services Corp. v. American Telephone and Telegraph Co. *et al.* (File No. TS 16–76). *Summary:* The Commission will consider a formal complaint filed by MCI Services and a Petition for Declaratory Ruling filed by AT&T. Both deal with the interconnection between a "stand-alone" switching system and the public switched telephone network.

Common Carrier—8—*Title:* Complaint by Western Union Telegraph Company against Wiltek, Inc. (File No. TS–4–75). *Summary:* The Commission will consider whether the provision of switching without transmission facilities (i.e., "stand-alone" switching) is subject to common carrier regulation under Title II.

Cable Television—1—"Petition for Reconsideration" (CSR–1338) filed December 1, 1980, by Thomas Television, Inc. Thomas Television, Inc., licensee of Station WATR–TV (NBC, Channel 20) Waterbury, Connecticut, requests reconsideration of the Commission's decision in *Waterbury Community Antenna, Inc.* (Waterbury, Connecticut), FCC 80–626, —— FCC 2d —— (1980). The petition is opposed by Teleprompter Connecticut CATV Corp. and by New Milford Cablevision Company, operators of cable television systems serving Danbury and New Milford, Connecticut, respectively.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, Telephone number (202) 252–7674.

Issued: February 23, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–328–81 Filed 2–25–81; 11:59 am]

BILLING CODE 6712–01–M

4

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item.

The following item has been deleted at the request of the Common Carrier Bureau from the list of agenda items scheduled for consideration at the February 25, 1981 Open Meeting, and previously listed in the Commission's Public Notice of February 18, 1981 (#07149).

Agenda, Item No., and Subject

Common Carrier—4—Title: A, F & L Telephone. *Summary:* FCC considers petitions for reconsideration regarding application to renew license for DPLMRS Station KCC480 in Leominster, Massachusetts, operating on frequencies 152.21 and 454.025 MHz. It also considers petition for reconsideration regarding acceptance for filing of a DPLMRS application from Rivers Associates, Inc. requesting frequency 454.025 MHz in Fitchburg, Massachusetts.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Office, telephone number (202) 254–7674.

Issued: February 23, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–325–81 Filed 2–25–81; 11:58 am]

BILLING CODE 6712–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Time of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the closed meeting of the Corporation's Board of Directors scheduled for 2:30 p.m. on Monday, March 2, 1981, will be held instead at 11:30 a.m. on Monday, March 2, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C. No earlier notice of the change in the time of the meeting was practicable.

Dated: February 25, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–328–81 Filed 2–25–81; 3:37 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Time of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the open meeting of the Corporation's Board of Directors scheduled for 2:00 p.m. on Monday, March 2, 1981, will be held instead at 11:00 a.m. on Monday, March 2, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C. No earlier notice of the change in the time of the meeting was practicable.

Dated: February 25, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–327–81 Filed 2–25–81; 3:37pm]

BILLING CODE 6714–01–M

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 13442, February 20, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., February 26, 1981.

CHANGES IN THE MEETING: Addition of the following items to the closed session:

1. Docket No. 79–74: Japan/Korea Atlantic and Gulf Conference Intermodal Amendment—Further consideration of the record.
2. Agreement No. 7680–39: Modification to American West African Freight Conference to provide for intermodal authority.

[S–322–81 Filed 2–25–81; 11:40 am]

BILLING CODE 6730–01–M

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, March 4, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: February 24, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–321–81 Filed 2–25–81; 10:00 am]

BILLING CODE 6210–01–M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, February 19, 1981.

CHANGES IN THE MEETING: Additional item/rescheduling/deletion. The following item was considered at a closed meeting scheduled for Friday, February 20, 1981, at 11:30 a.m.:

Opinion.

The following additional item will be considered at an open meeting scheduled for Tuesday, February 24, 1981, at 10:00 a.m.:

Consideration of whether to release a staff monitoring report on the operation of the Intermarket Trading System. For further information, please contact Terry M. Chuppe at (202) 523–5624.

A closed meeting scheduled for Tuesday, February 24, 1981, immediately following the 10:00 a.m. open meeting has been rescheduled for 2:30 p.m. to include the following additional items:

Reports of investigation.
Institution of injunctive action.

The following item will not be considered at a closed meeting scheduled for Tuesday, February 24, 1981, at 2:30 p.m.:

Regulatory matter bearing enforcement implications.

Chairman Williams and Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowsenstein at (202) 272–2092.

February 23, 1981.

[S–323–81 Filed 2–25–81; 11:40 am]

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federal register

Friday
February 27, 1981

Part II

Department of Health and Human Services

Public Health Service

National Toxicology Program; Fiscal Year 1981 Annual Plan

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicoloxy Program; Fiscal Year 1981 Annual Plan

The Director of the National Toxicology Program (NTP) announces the availability of the NTP Annual Plan for Fiscal Year 1981 and the bimonthly NTP Technical Bulletins; solicits comments on the Annual Plan and urges all interested persons to propose chemical(s) for testing by NTP.

Background

The National Toxicology Program developed scientific information about potentially toxic and hazardous chemicals which can be used for protecting the health of the American people and for the primary prevention of chemically-induced disease. The NTP centralizes and strengthens the DHHS' activities in toxicology research, testing, and test development/validation efforts and provides the necessary toxicological information needed by research and regulatory agencies. Four specific goals have been identified:

- To expand the toxicological profiles of the chemicals nominated, selected, and being tested;
- To increase the number and rate of chemicals under test;
- To develop, coordinate, and validate a series of tests/ protocols more appropriate for regulatory needs;
- To establish and use a coordinated communications network to collect, evaluate, and disseminate toxicologic information.

To accomplish these four major aims the NTP was formed by bringing together the relevant toxicological programs, people, and resources from the Public Health Service.

Presently, the four DHHS agencies whose relevant toxicology programs comprise the NTP are the National Cancer Institute, National Institutes of Health (NIH); National Institute of Environmental Health Sciences, NIH; National Center for Toxicological Research, Food and Drug Administration; and National Institute for Occupational Safety and Health, Centers for Disease Control.

The NTP Executive Committee provides linkage between DHHS research and regulatory agencies to ensure that the toxicology research, testing and test development carried out under the aegis of the NTP are responsive to the needs of those agencies and to the wants of the public. This unique and important aspect of the NTP brings together the research agencies doing fundamental biomedical research and the regulatory agencies. The governmental agencies that comprise the NTP Executive Committee are listed in the 1981 Annual Plan.

The NTP Board of Scientific Counselors provides scientific oversight of the NTP. The NTP Board advises the NTP Director and the NTP Executive Committee on scientific content, philosophy, and policy and evaluates the merit and overall quality of the science conducted in the NTP components. Eight scientists (enumerated in the 1981 Annual Plan) were appointed by the Secretary of the Department of Health and Human Services.

The program segments of the NTP are grouped into two categories—toxicological research and testing, and coordinative management activities. Individual NTP scientists have been appointed as leaders of the major program segments. Each scientist is responsible for developing (in collaboration with other NTP colleagues) the subprogram activities, the implementation plan, as well as the coordination and supervision of the program work. Program and Project Leaders are listed in the 1981 Annual Plan.

The development and approval of the NTP Annual Plan remain central to the effective planning, coordination, and operation of the National Toxicology Program. As NTP Director, Dr. David P. Rall (also the Director of the National Institute of Environmental Health Sciences) reports to the Assistant Secretary for Health.

The National Toxicology Program's third annual plan consists of two parts published separately: Part I, "NTP Annual Plan for Fiscal Year 1981" (NTP–80–62), describes current year research, testing and validation efforts, resources and past year program accomplishments. (Part I is printed in full following this announcement.) Part II, "Review of Current DHHS, DOE, and EPA Research Related to Toxicology" (NTP–81–19), lists chemicals being tested by DHHS agencies, the Department of Energy, and the Environmental Protection Agency, and describes toxicology methods currently being developed by the DHHS agencies.

Written comments on the FY 1981 Annual Plan are requested and welcome. These should be addressed to Dr. Larry Hart, Assistant to the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, NC 27709 (telephone: (919) 541–3989 or FTS 629–3989).

Regarding chemical nomination, NTP urges all those interested in proposing chemical(s) for testing to do so, and at a minimum to give the rationale for the nomination and to recommend the type test(s) to be considered. In addition, it would be desirable (but not essential) to supplement each nomination with the following information, if known.

I. Chemical identification.
II. Production, use, occurrence, and analysis.
III. Toxicology.
IV. Disposition and structure-activity-relations.
V. Ongoing toxicological and environmental studies in the government, industry, and academia.

To bridge the yearly gap between Annual Plans, NTP started a bimonthly NTP Technical Bulletin in FY 1980 to keep those persons or groups interested in the NTP informed about the NTP's most current and proposed activities. The NTP Technical Bulletins augment the Annual Plans by more timely and frequent announcements of the NTP research activities and specific actions.

To receive the NTP Annual Plan for Fiscal Year 1981; the Review of Current DHHS, DOE, and EPA Research Related to Toxicology; or the NTP Technical Bulletin, please indicate which publications you wish to receive and submit this information to: Technical Information Section, Room A–306, Landow Building, Bethesda, MD 20205 (telephone: (301) 496–1152 or FTS 496–1152).

Dated: February 11, 1981.

David P. Rall, M.D.,

Director, National Toxicology Program.

National Toxicology Program—Annual Plan for Fiscal Year 1981

National Cancer Institute/National Institutes of Health, National Institute of Environmental Health Sciences/ National Institutes of Health, National Center for Toxicological Research/Food and Drug Administration, and National Institute for Occupational Safety and Health/Centers for Disease Control.

NTP–80–62

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NATIONAL TOXICOLOGY PROGRAM—ANNUAL PLAN FOR FISCAL YEAR 1981

Executive Summary

The National Toxicology Program (NTP) was established in November, 1978, as a Department of Health and Human Services (DHHS) cooperative effort to coordinate and manage the Department's program to develop the scientific information necessary to protect the health of the American public from exposure to hazardous chemicals.

Many human diseases can be linked with exposure to chemicals—lung cancer to asbestos, arsenic, and bis(chloromethyl)ether; liver cancer to vinyl chloride and aflatoxins; mesothelioma to asbestos; bladder cancer to benzidine; male sterility to chlordecone (Kepone), dibromochloropropane and diethylstilbestrol (DES); neurologic disease to lead, Kepone, methyl mercury and methyl butyl ketone. There are many other chemicals known or suspected to be involved in the causation of human disease. Preventing or limiting exposure to such chemicals will prevent human disease, and disease prevention is a major goal of DHHS.

NTP not only tests chemicals to determine if they are likely to cause human disease but also develops new test methods that will be more efficient and less expensive. Test method development is critical because much current test methodology is time consuming and costly, and the American public is exposed to many more chemicals than can be tested in the forseeable future by conventional methods.

Accomplishments of NTP programs during Fiscal Year (FY) 1980, and program plans for FY 1981 are described in the ensuing sections of this FY 1981 Annual Plan. Following are brief highlights of important features and accomplishments of the NTP in FY 1980:

- Increased numbers of chemicals being tested in genetic toxicology screen. There were 261 tests completed in FY 1980.
- Continued development and implementation of sequential test phases, e.g., mutagenesis testing.
- Broadened protocols in prechronic phases of the carcinogenesis bioassay to measure other toxic effects; about 70% of 40 chemical starts in FY 1980 included special studies.
- Expanded activities in the area of reproductive toxicity assessment.
- Continued validation of a comprehensive neurobehavioral test battery.
- Began interlaboratory testing of an immunotoxicology test battery.
- Began an interagency coordinated effort on benzidine-based dye mutagenesis, chemical disposition and carcinogenesis studies.
- Completed an international collaborative study of short-term testing methods for carcinogenesis.
- Changed carcinogenesis bioassay management from prime contractor to chemical manager concept.
- Initiated research to investigate modifying experimental design of the carcinogenesis bioassay to allow resultant data to be more useful for low-dose toxicology evaluation and risk assessment.
- Formed the NTP Board of Scientific Counselors and several working subcommittees of the Board.
- Formed a peer review group for reviewing and evaluating the carcinogenesis bioassay reports.
- Initiated a testing needs study.
- Published the First Annual Report on Carcinogens. The next edition planned for FY 1981 will contain information on up to 100 additional chemicals.
- Initiated a technical bulletin series as well as a literature and management tracking system.
- Completed a systems analysis examination of the research data capture needs of the NTP.
- Computerized and cross-indexed all chemicals listed as under test in the Review of DHHS Research Related to Toxicology.
- Formed an NTP Steering Committee to enhance cooperation and information exchange among participating agencies at management and laboratory levels.
- Continued activities in response to current health problems, *specifically:*

—Played an active advisory role in the Love Canal problem. Continued testing of 70 of the over 200 chemicals found in this dump site.

—Took an active role in an interagency group evaluating health effects of Agent Orange. Reproductive assessment studies in male mice have been completed.

—Continued studies on the chronic toxicology of orally administered asbestos.

The Program's accomplishments in FY 1980 and the Program's objectives in FY 1981 all relate to the NTP's aim of providing the necessary scientific information for prevention of human disease related to chemical exposure. Under this broad objective the NTP has four principal goals:

(1) to broaden the toxicological characterization of chemicals that are tested; (2) to increase the rate of

chemical testing; (3) to develop protocols appropriate for regulatory needs; and (4) to communicate Program plans and results to governmental agencies, the medical and scientific communities and the public.

Toxicological testing is divided into three major programs: cellular and genetic toxicology, carcinogenesis, and general toxicology (which includes organ-specific toxicities). The NTP's testing strategy is to identify the toxic potential of chemicals in primary screens (Phase I); confirm and further characterize toxicity (Phase II); and provide more in-depth information on chemical toxicity which can be used in scientific and public health assessments needed to determine human risk (Phase III).

The strategy for test development or validation is to evaluate existing and emerging newer methodologies to determine which may be adequately sensitive and reproducible. Those most likely to offer improvements over older methods are selected and validated. Examples of existing methodology being examined for modification are techniques used to detect heritable genetic effects, impaired kidney and pulmonary function, and neurobehavioral toxicity; new areas of methods development and validation include behavioral teratology, immunotoxicology, and short-term tests for presumptive carcinogenic potential.

The NTP's ongoing and planned efforts in toxicological testing, test development and validation as well as other key program activities such as chemical nomination and selection, information generation and dissemination, and development of an Annual Report on Carcinogens, are described in capsule form in the following pages and in more detail in the main body of the Annual plan.

Cellular and Genetic Toxicology

A continuing area of major testing emphasis is genetic toxicology. During FY 1980, 222 tests were completed in the primary screen for chemical mutagens, the *in vitro* microbial assay in *Salmonella typhimurium*. All chemicals selected for long-term bioassays are first tested using this short-term method. In FY 1981, there will be 300 chemical test starts in *Salmonella*. In addition, the *Salmonella* assay is being evaluated in an interlaboratory study aimed at determining correlation between the mutagenic response and carcinogenicity as measured by the two-year bioassay.

Two new test systems were initiated in FY 1980, a Phase I *in vitro* system using cultured mammalian cells, and a Phase II *in vivo* system using the fruit fly, *Drosophila melanogaster*. In FY 1981, there will be 50 chemical test starts in cultured mammalian cells and 60 test starts in *Drosophila*. Evaluation of potential Phase III whole animal systems, the mouse heritable translocation assay, and the mouse specific locus test, will begin.

Genetic test systems have predictive value for identification of carcinogens; however, such inferences are made on the basis of correlations. In cellular toxicology, four *in vitro* test systems which may better measure carcinogenesis (tumor formation) are being evaluated: the BALB/c 3T3 cell line, Syrian hamster embryo cell cultures, rat hepatocyte cell strains, and retrovirus-infected rat embryo cells.

Carcinogenesis Testing

The two-year carcinogenesis bioassay continues as the standard and most definitive means for detecting chemical carcinogens in animals. At the end of FY 1980, the NTP had 234 compounds in various phases of the bioassay process. Of these, 40 were new starts in prechronic testing. Twenty-four bioassays were completed and the reports were approved by an *ad hoc* review panel. The expansion of experimental protocols for about two-thirds of the bioassays started in FY 1980 was accomplished to allow better understanding of the overall toxicology of individual chemicals. In FY 1981, the NTP plans to start 45 new bioassays, all with expanded protocols, and expects to complete 34 bioassays.

General Toxicology

Acute, subchronic and chronic studies designed to characterize the toxicologic potential of several chemicals of interest to the NTP were continued or began in FY 1980. Included were studies with polybrominated biphenyls (PBBs) and chlordecone (Kepone). In test method development, the sensitivity of a number of renal function tests was evaluated; most promising were those that measured total functional capacity of the kidneys. During FY 1981, emphasis will be given to supplementing the systemic pathologic examination in 90–120-day studies.

Chemical Disposition

Information about the disposition pattern (absorption, distribution, metabolism and excretion) of chemicals is important not only for establishing correct doses of compounds for long-term bioassays, but also for understanding mechanisms of toxicity and predicting the disposition of related chemicals and chemical classes.

Current NTP capacity is 10–15 chemical disposition starts yearly. Preference is given to chemical classes, with studies on four major classes being initiated or continuing in FY 1980: aromatic and aliphatic amines, benzidine-based dyes, haloalkyl phosphates and halogenated polyaromatics. Plans for FY 1981 call for the continuation of these ongoing studies in chemical disposition, and initiation of additional studies on 12 compounds or classes of compounds.

Immunological Toxicology

During FY 1980, several chemicals were examined for immunotoxic effects using a comprehensive battery of immunology and host resistance assays. The chemicals, diethylstilbestrol, cyclophosphamide, benzo(a)pyrene, indomethacin, and 2,3,7,8-tetrachlorodibenzo-p-dioxin, were immunosuppressive, affecting cell-mediated immunity and T-cell function, antibody PFC formation and host resistance parameters. Major areas of continuing test development include bone marrow progenitor and host resistance assays.

Neurobehavioral Toxicology

The standardization and validation of a comprehensive test battery for assessment of potential neurotoxins were continued. The tests measure sensory and motor function and indicators of learning ability. An in-depth study was conducted on neurobehavioral toxicity of chlordecone (Kepone) in adult and neonatal animals.

In FY 1981, efforts will continue to develop and standardize automated procedures to assess toxicity using basic behaviors such as eating, drinking and motor activity. Another continuing program focuses on human and animal laboratory testing and work site studies of selected chemical agents.

Pulmonary Toxicology

Major emphais was given to initiating a series of studies focused on a comprehensive evaluation of the benefits of utilizing respiratory function techniques as opposed to standard pathologic evaluation in toxicity assessment of compounds. Respiratory function was evaluated in rats after inhalation exposure to two chemicals, ozone and acrolein.

Reproductive and Developmental Toxicology

During FY 1980, tests for teratogenic potential were completed and reports received on 21 chemicals including six by the inhalation route. In FY 1981, NTP will initiate new test starts on 10–15 chemicals using conventional techniques. Some tests will use expanded protocols including single or multi-generational studies and functional testing. Male fertility was studied after treatment of mice with components of herbicide "Agent Orange." No significant decrement in fertility or reproductive capacity was noted, and there was no evidence of germ cell toxicity. Survival of offspring and neonatal development were apparently unaffected by paternal exposure to these chemicals. The pilot segment of an interlaboratory study on behavioral teratology will begin in FY 1981.

Program Resources and Planning Assumptions

The President's budget for FY 1981 ($70.1 million) permits continuation of the NTP at a slightly higher level of of funds than was obligated in FY 1980. There will be 45 new chemical starts in two-year carcinogenesis bioassays, a 17 percent increase in mutagenesis test starts, and a level effort in teratology testing. Continuing and, in some cases, expanded priorities will be given to fertility and reproductive studies, neurobehavioral toxicology, chemical disposition studies, development of short-term tests for carcinogenicity, and improvement of automated data base systems.

Program Oversight

During FY 1980, a Board of Scientific Counselors was established to provide scientific oversight of the NTP. Three Board subcommittees were formed to advise and work with Program staff in the areas of chemical nomination and selection, peer review of carcinogenesis bioassay reports, and automated data processing requirements for the bioassay programs.

Chemical Nomination and Chemical Selection

The chemical nomination and chemical selection processes set priorities for testing by NTP with regard to which chemicals to test and for which toxicologic effects to test. During FY 1980, considerable effort was made to broaden the base of people and organizations from which chemical nominations are received. Executive summaries for 127 nominated chemicals were prepared and submitted to the Executive Committee for action. In FY 1981, there will be increased efforts in preparing more detailed nominations for mutagenicity testing.

Information Generation and Dissemination

The Annual Plan and the NTP Technical Bulletin are the main communications media to keep interested persons and groups informed about the NTP's most current and proposed activities. Nearly 5,000 copies of the FY 1980 Annual Plan were distributed. The Technical Bulletin was established in FY 1980 to disseminate information about NTP test results and program activities on a more frequent basis. Two issues of the NTP Technical Bulletin were published and mailed to 3,000 individuals and organizations.

Annual Report on Carcinogens

The First Annual Report on Carcinogens, published FY 1980, focuses on 26 chemicals and industrial processes which the International Agency for Research on Cancer (IARC) has examined with respect to their potential for cancer induction in humans. The Report summarizes available human exposure data, evidence for carcinogenicity from human and animal studies, production and use data, and applicable Federal regulations. The Second Annual Report, scheduled for publication in FY 1981, will include similar information on up to 100 carcinogens.

Introduction

In November 1978, the Secretary of the Department of Health, Education, and Welfare (now the Department of Health and Human Services) (DHHS) announced the establishment of the National Toxicology Program (NTP) as a Department-wide effort to provide needed information about potentially toxic and hazardous chemicals to regulatory and research agencies, and to strengthen the science base in toxicology.

Because many human diseases are known or suspected to be caused by exposure to chemicals, preventing or decreasing human exposure to such chemicals will prevent human disease. NTP aims to develop the scientific information needed to protect the health of the American public from damage by exposure to environmental chemicals.

The Public Health Service of DHHS is responsible for safeguarding the public's health, and the prevention of human exposure to toxic chemicals remains a keystone in the Department's efforts to prevent disease and promote health.

The National Toxicology Program begins its third year in Fiscal Year (FY) 1981. The Annual Plan for FY 1981 consists of two parts (separately published):

- Research, resources, and program plans for FY 1981, and a report of program progress and accomplishments for FY 1980; and
- Review of current DHHS research related to toxicology.

For the first time the Annual Plan separates annual report information (FY 1980) from planned activities (FY 1981). Summary information for work completed during FY 1980 is given for each toxicologic research and testing activity, and coordinative management function. Also for the first time, the second part of the Annual Plan includes a review of research related to toxicology by the Environmental Protection Agency (EPA) and the Department of Energy (DOE).

Nature of the Problem

Chemical contamination of the human environment has been steadily increasing for the last 150 years or more; and since World War II, man-made pollution has multiplied. These phases coincide with the Industrial Revolution, and with the creation of a complex chemical industry which continues to introduce an estimated 700 to 1000 *new* chemicals into commerce each year.

Tragic incidents such as the exposure of workers at Hopewell, Virginia, to Kepone (chlordecone) and the exposure of humans and livestock in Michigan to polybrominated biphenyls (PBBs) dramatically emphasize the potential for harm posed by chemical pollutants. International episodes include the reaction vessel explosion (dioxins) in Seveso, Italy, and the Yusho contamination (PCBs) in Japan. In a broader perspective, the first report of the Federal Task Force on Environmental Cancer and Heart and Lung Disease, presented to Congress on the first anniversary of the Clean Air Act, stated that cancer, heart and lung disease account for about 60% of all deaths each year. Growing evidence links much of the occurrence of these diseases to sources in the environment.

More recently, the issue of large numbers of chemical waste dumps existing around the country has added urgency to the need for scientific information which identifies and characterizes chemicals in the environment which are potentially toxic to humans. Chemicals so far identified in such dumps are known to cause both acute and chronic illnesses. Although the scope of the health problems that may derive from chemical waste dumps cannot be precisely defined at present, the EPA estimates that as many as 30,000 waste dump sites may pose significant health problems. To the backlog of existing potential chemical

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hazards must be added new ones, such as those that may result from new ways of producing energy. Some of the byproducts from coal liquefaction-coal gasification, for instance, have been shown to cause toxicity in general and carcinogenesis in particular.

Nearly 60,000 chemicals are used in commerce in the United States, and humans are exposed in varying degrees to most of them. Fortunately, not all of these chemicals are hazardous to humans. Thus, to protect the public health and to prevent disease, the fraction posing health threats to humans must be accurately identified and controlled.

This then is the major task of the National Toxicology Program—to identify those chemicals considered toxic to humans and that must be controlled to prevent disease.

Testing Needs Study

The limited trained manpower, laboratory facilities and financial resources available allow only a small number of chemicals to be characterized as to their toxicology potential relative to the national need to test chemicals of potential public health concern. To provide the NTP with decision-making guidelines by which to orient its testing activities, the National Academy of Sciences (NAS) starting in early FY 1981 has undertaken an extensive Testing Needs Study. This study will define the universe of chemicals in existence and make judgments as to what proportion of the universe has potential public health implications. Some of the criteria to be used include the potential for human exposure, known toxicity of a given chemical and adequacy or inadequacy of the data base. Those chemicals specifically identified will be sent to the NTP and its Executive Committee for their consideration, along with agency inputs, public inputs, etc. The NAS will develop a system, for NTP consideration, to assist NTP in their undertaking a setting of priorities among all chemicals submitted for NTP consideration for testing.

Objectives of the National Toxicology Program

Within the framework of its charge to identify those chemicals potentially toxic to humans, the broad goal of the NTP is to coordinate and strengthen the activities of the Department of Health and Human Services in testing chemicals of public health concern, as well as to develop and validate new and better integrated test methods. Four specific goals have been identified:

—To expand the toxicologic profiles of the chemicals nominated, selected, and being tested. In the carcinogenesis bioassay process, a variety of special studies were integrated into prechronic and chronic experiments during FY 1980.

—To increase the rate of chemical testing. The rate of chemical testing for carcinogenesis increased markedly during the first year of the Program and the rate of testing for mutagenic effects has increased each year.

—To develop, coordinate, and continue to validate a series of tests and protocols more appropriate for regulatory needs. The protocol for the two-year carcinogenesis bioassay has been broadened to include special studies aimed at detecting other types of toxicity during the acute and 90-day testing phases. Test batteries for the assessment of genetic, neurobehavioral, and immunological toxicology have been or are being developed and validated.

—To establish a coordinated communications network to collect, evaluate, and disseminate toxicologic information concerning data compilation, test results, method development and validation, and other Program activities. As a complement to the Annual Plan, a NTP Technical Bulletin began publication in FY 1980.

Significant progress toward these objectives has been achieved during the first two years of the NTP.

Future Aims and Needs

During the first two years of its existence, the NTP has made significant progress towards its objectives. Yet, much remains to be accomplished. Some of the Program's aims and needs can be highlighted:

- To involve agencies, other than the participating agencies, more actively in NTP planning and activities concerned with toxicology research, chemical testing, and method development and validation.
- To extend the annual Review of Federal Agency Support for Toxicology Related Research to other Federal agencies involved in toxicology activities. Information from the Environmental Protection Agency (EPA) and the Department of Energy is included in the FY 1981 Review.
- To obtain more input from the scientific community into NTP research and testing activities. The FY 1981 NTP Open Meeting will be held concurrently with a major toxicology society annual meeting.
- To better define gap areas in environmental toxicology and develop research and testing activities in such areas.
- To increase and speed up public dissemination of research, testing, and method development and validation results, e.g., it is planned to publish separate technical reports on results of studies from the prechronic phases of the carcinogenesis bioassay process.
- To continue joint briefings on chemicals and chemical classes of public health concern, bringing scientists doing the research together with scientists and program officials from regulatory agencies which are in need of specific data to support regulations, e.g., on benzidine-based dyes, phthalates (proposed).
- To improve NTP management tracking systems.
- To develop and evaluate methodology for testing mixtures and combinations of chemicals. This will require extensive input and cooperation from scientists and scientific groups in various agencies and non-governmental organizations.

Participating Agencies

Resources for the National Toxicology Program in FY 1980 came from the budgets of these participating DHHS agencies:

National Cancer Institute/National Institutes fo Health (NCI/NIH),
National Institute of Environmental Health Sciences/National Institutes of Health (NIEHS/NIH),
National Center for Toxicological Research/Food and Drug Administration (NCTR/FDA), and the
National Institute for Occupational Safety and Health/Centers for Disease Control (NIOSH/CDC).

The Director of the NTP is Dr. David P. Rall, also the Director of the National Institute of Environmental Health Sciences. For the purpose of this program, he reports to the Assistant Secretary for Health, DHHS.

Each year, when resources of the participating agencies are identified, memoranda of understanding are prepared and signed by the head of each agency and the NTP Director. These memoranda:

1. Specify those resources to be devoted to the Program.
2. Identify Program components by organizational title.
3. Identify supporting elements of the agencies, and their responsibilities.

The capabilities of the NTP are also augmented through an interagency agreement with the National Library of Medicine that provides the NTP with toxicology-related portions of its technical information services.

Three other agencies (the Occupational Safety and Health Administration, the Consumer Product Safety Commission, and the Environmental Protection Agency) are represented on the NTP Executive Committee, thus assuring their input into the Program. Other Governmental agencies with a health-oriented mission are invited to become participating members of the NTP and contribute toxicology-related resources to the Program.

Resources and Planning Assumptions

The NTP's FY 1980 obligations were $66.7 million. This funding, as well as staffing, represents an allocation of resources from the four contributing agencies. The President's budget for FY 1981 permits the continuation of NTP at a slightly higher level, $70.1 million, than the FY 1980 level. Because Congressional action on the FY 1981 budget was not yet complete at the time of this report, the NTP Annual Plan for FY 1981 is based on a level of $70.1 million. The President's budget for FY 1981, compared with the actual obligations for FY 1979 and FY 1980, is shown in Figure 1.

Assuming the final appropriated budget is similar to the President's budget, the following planning assumptions can be made:

(1) There will be 45 new chemical starts for two-year carcinogenesis bioassays.

(2) Mutagenesis testing starts will increase by about 17% due primarily to increased efficiency in new Phase I and Phase II assays.

(3) The teratology testing effort will remain level.

In addition, priority will be given to modest increases of effort in the areas of fertility and reproduction, neurobehavioral toxicology, chemical disposition, and development of short-term tests for carcinogenicity.

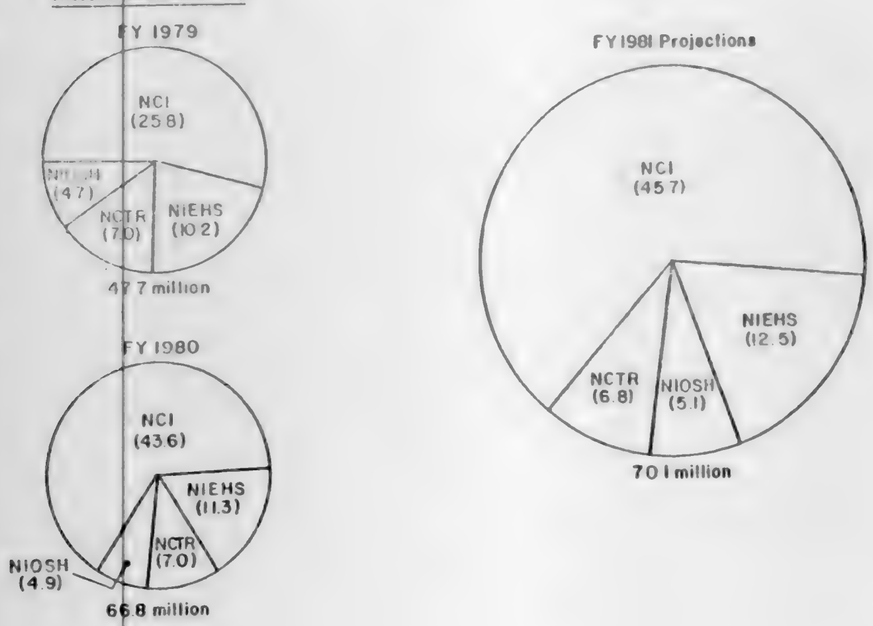
In sum, the NTP activities for FY 1981 represent a reasonably balanced approach to fulfilling the specific goals established for the NTP and endorsed by the Executive Committee.

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FIGURE 1

AGENCY ORIGIN AND AMOUNTS OF FUNDING
(millions)



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Oversight and Review

NTP Executive Committee

Primary oversight for the National Toxicology Program is provided by the NTP Executive Committee. Members of the committee are:

Dr. Eula Bringham, Assistant Secretary of Labor for Occupational Safety and Health Administration, Department of Labor (Chairperson)
Mr. Douglas Costle, Administrator, Environmental Protection Agency
Dr. Vincent T. DeVita, Director, National Cancer Institute
Dr. Donald S. Fredrickson, Director, National Institutes of Health
Dr. Jere Goyan, Commissioner, Food and Drug Administration
Ms. Susan B. King, Chairman, Consumer Product Safety Commission
Dr. David P. Rall, Director, National Institute of Environmental Health Sciences
Dr. Anthony Robbins, Director, National Institute for Occupational Safety and Health

The Chairperson is elected by the Committee and serves a one-year term. Active participation of Committee members at regular meetings assures continuing involvement of the research and regualtory agencies in the critical phases of operation: development and approval of chemical selection principles; a chemical nomination and selection process; protocol design and approval policy; selection and priority setting for chemicals to be placed on test; and input into program planning and balance. Committee members will continue their oversight in FY 1981 by actively monitoring and evaluating the progress of the Program and advising on future research and testing needs. This unique and important aspect of NTP continues to bring together agencies performing fundamental biomedical research and the regulatory agencies who need these results.

NTP Board of Scientific Counselors

The National Toxicology Program Board of Scientific Counselors provides scientific oversight of the NTP. The Board advises the Director and the Executive Committee on scientific content, philosophy, and policy matters and evaluates the merit and overall quality of the science conducted in the Program's components.

The Charter of the Board of Scientific Counselors was adopted by the Executive Committee and the following eight scientists were appointed in FY 1980 by the Secretary, DHHS:

• Norton Nelson, Ph.D. (Chairperson), Professor of Environmental Medicine, New York University School of Medicine
• Joseph C. Dunbar, Ph. D., Associate Professor of Physiology, Wayne State University School of Medicine
• Curtis Harper, Ph. D., Associate Professor of Pharmacology, University of North Carolina School of Medicine
• Margaret Hitchcock, Ph. D., Assistant Professor of Pharmacology, Yale University Medical School
• Marjorie G. Horning, Ph. D., Professor of Chemistry, Baylor College of Medicine
• Mortimer L. Mendelsohn, M.D., Ph. D., Director, Biomedical Sciencies Division, Lawrence Livermore Laboratory, University of California
• Thomas H. Shepard, M.D., Professor of Pediatrics and Head of Central Laboratory for Human Embryology, University of Washington School of Medicine
• Alice S. Whittemore, Ph. D., Adjunct Professor of Family, Community, and Preventive Medicine, Stanford University.

The Board of Scientific Counselors held three open meetings during FY 1980. These meetings are summarized as follows:

January 14–15, 1980 Meeting

At the first meeting of the NTP Board of Scientific Counselors, the Program Director and participating agency representatives presented a synopsis of the NTP programs, goals and plans; described the relevant programs of the four NTP components (NCI, NIEHS, NCTR, NIOSH); and defined the role of the Board. Three areas were defined on which the Board should concentrate: (1) quality of the science and scientists in the NTP; (2) quality of the program design; and (3) chemical nomination and selection process. Topics covered in this meeting were: (1) science review; (2) chemical nomination and selection process; (3) protocol and experimental design; (4) preparation, review and dissemination of information and reports; and (5) automated data processing. Three working subcommittees were appointed from the Board membership: (1) Chemical Nomination and Selection; (2) Reports Review; and (3) Automated Data Processing. There was also a review of the first three phases of the chronic carcinogenesis bioassay process; specifically, the pretesting phase, prechronic testing, and the two-year bioassay.

April 7–8, 1980, Meeting

During this meeting, a report of the first meeting of the Chemical Nomination and Selection Subcommittee was presented during which improvements in the nomination and selection process were considered, including the need to reach a wider audience for solicitation of nominations. The final four phases of the chronic carcinogenesis bioassay process were discussed and reviewed. These are: (1) histopathologic analysis and report; (2) internal program review and analysis of data; (3) external peer review; and (4) report issuance phase. Members of the carcinogenesis testing program staff discussed the bioassay analysis and reporting activities. A Technical Reports Review Subcommittee was formed specifically to conduct peer review on technical reports from the carcinogenesis bioassay process now that the NCI Clearinghouse on Environmental Carcinogens has disbanded.

June 27–28, 1980, Meeting

The Technical Reports Review Subcommittee augmented by an *ad hoc* Panel of Experts completed peer review on nine carcinogenesis bioassay reports. The Subcommittee recommended that NTP staff focus on: (1) evaluation of methodology for statistical analysis of bioassays; (2) review of pathology quality assurance in bioassays; (3) development of guidelines concerning types of human risk statements to be used. Establishment of a mechanism for external peer review of NTP technical reports was discussed. A decision was made to continue technical report peer review using the Technical Reports Review Subcommittee and Panel of Experts. The Automated Data Processing and Chemical Nomination and Selection Subcommittees presented status reports.

Operations Management System

The Secretary, DHHS, established a management tracking system in FY 1980 for the purpose of holding DHHS agency and program heads, and senior managers, accountable for specific, major operational achievements. Called the Operations Management System (OMS), it monitors progress and effectiveness of selected program initiatives by measuring actual monthly and quarterly achievements against projected goals. The National Toxicology Program was chosen for inclusion in the OMS. The carcinogenesis bioassay and mutagenesis testing programs of the NTP, as well as the development of the

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Annual Report on Carcinogens, are being monitored in FY 1980 and FY 1981.

Coordination and Communication

Central to the effective planning, coordination, and operation of the NTP is the development and approval of the Annual Plan to which all participants (NIEHS, NCI, NCTR and NIOSH) contribute. The Annual Plan consists of two parts. Part I describes the research, resources, and program activities for the past fiscal year and program plans by NTP for the current fiscal year. To measure progress toward the objectives presented in prior Annual Plans, separate annual report sections are being published concurrently for the first time in FY 1981. Part II presents a review of current research related to toxicology being conducted by various Federal agencies both inside and outside of NTP. In FY 1980 this review covered only DHHS agencies, while EPA and the Department of Energy have contributed data for the FY 1981 review.

To ensure that the efforts of the NTP remain relevant to society, NTP actively solicits and encourages comments from everyone—scientists, public and private organizations, and individuals. Partly, this is accomplished by wide distribution of the Annual Plan (published in the **Federal Register**). Open meetings are held expressly to receive comments on current and future Annual Plans and to encourage nominations of chemicals for testing. A NTP Technical Bulletin was initiated in FY 1980 to serve as the Program's major vehicle for communication to those interested in NTP's current and future activities. It is published several times a year. Recently, a NTP Public Information Office was established and will be responsible for improving communication with the national media and the public.

Federal agencies that do not participate in the NTP also have responsibilities for toxicologic research, testing, and communication of their findings. To increase interactions and exchange of information with such agencies, a briefing was held June 3, 1980, for representatives from these other Federal agencies.

The NTP is also developing liaison with foreign agency counterparts. Contacts have been established with the World Health Organization's International Program on Chemical Safety, with the International Agency for Research on Cancer, with the International Registry of Potentially Toxic Chemicals, and others.

NTP staff participate in a number of interagency liaison groups, including the DHHS Committee to Coordinate Environmental and Related Programs, the Task Force on Environmental Cancer and Heart and Lung Disease, and the Interagency Collaborative Group on Carcinogenesis.

To increase coordination and information exchange and promote interagency working relationships within the Program, the NTP has established a Steering Committee composed of the operating heads and other key staff from the participating agencies. This group meets monthly or bimonthly.

Organization

The scientific capabilities and resources of the participating agencies cover a spectrum of toxicologic techniques, methods, and disciplines. All four agencies, for instance, conduct long-term toxicity-carcinogenicity studies and some mutagenicity testing or test development. Three agencies are involved in neurobehavioral testing; two agencies study pulmonary toxicity. Individual NTP scientists have been identified as leaders of major program segments. Each individual serves as the focus or contact person for a particular program activity and is responsible for developing, in collaboration with appropriate NTP colleagues, the sub-program objectives, the plan for implementing the sub-program, as well as the coordination and supervision of the sub-program's work.

The program segments of the National Toxicology Program are grouped into two categories—toxicologic research and testing, and coordinative management activities. The toxicologic research and testing activities include all aspects of research, test method development, and testing of chemicals, ranging from the design of experiments to evaluation of the data and writing the reports or manuscripts. The coordinative management activities are overarching and serve primarily to facilitate and/or support research and testing activities, as well as to provide information on program plans and progress. The development and supervision of contracts would be management activities. The program segments and program leaders are listed in Table 1. To allow estimates of the levels of activity within particular NTP disciplinary components, the funding levels in FY 1980 allocated to each of the program areas within both toxicologic research and testing, and coordinative management activities are diagrammed in Figure 2.

During FY 1980, administrative responsibilities for the activities of the NCI carcinogenesis bioassay program were transferred to NIEHS. This action enhances the overall coordination and the management aspects of the NIH component of the NTP.

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TABLE 1

Toxicology Program Areas and Leaders

Major National Toxicology Program Areas and Leaders

Area	Leader	Contributing Agency*	Telephone Number
Director	Dr. D.P. Rall	NTP	(919) 541-3201
Deputy Director	Dr. J.A. Moore	NTP	(919) 541-3267
Toxicologic Research and Testing			
Cellular and Genetic Toxicology	Dr. R. Tennant	NIEHS	(919) 541-4130
Carcinogenesis	Dr. W. Caspary	NCI	(301) 496-1071
Cellular Transformation	Dr. R. Tennant	NIEHS	(919) 541-4141
Mutagenesis	Dr. E. Zeiger	NIEHS	(919) 541-4482
Pathology	Dr. E. McConnell	NIEHS	(919) 541-3231
Experimental Pathology	Vacant		
Toxicological Pathology	Dr. E. McConnell	NIEHS	(919) 541-3231
Tumor Pathology	Dr. J. Ward	NCI	(301) 496-6868
Pulmonary Toxicology	Dr. T. Lewis	NIOSH	(513) 684-8392
Reproductive Assessment and Developmental Toxicology	Dr. C. Kimmel**	NCTR	(501) 542-4516
Systemic Toxicology	Dr. J. Moore	NTP	(919) 541-3267
Chemical Disposition	Dr. H. Matthews	NIEHS	(919) 541-3369
Immunological Toxicology	Dr. J. Dean	NIEHS	(919) 541-4659
Neurobehavioral Toxicology	Dr. C. Mitchell	NIEHS	(919) 541-3220
Toxicological and Carcinogenesis Evaluation	Dr. J. Moore**	NIEHS	(919) 541-3267
Senior Chemical Managers	Dr. M. Dieter	NCI	(919) 541-3368
	Dr. R. Chhabra	NIEHS	(919) 541-3386

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TABLE 1 (Cont'd)

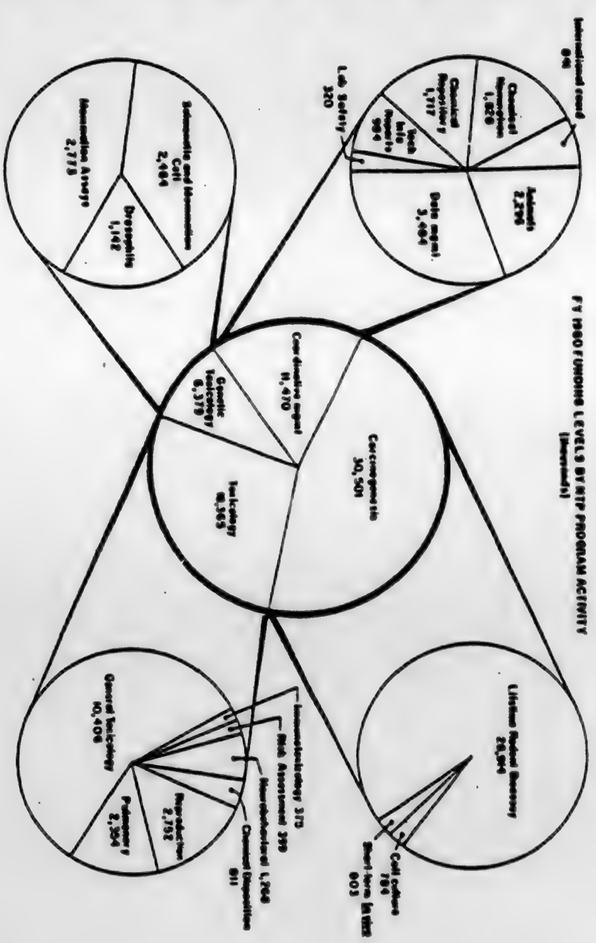
Area	Leader	Contributing Agency*	Telephone Number
Coordinative Management Activities			
Chemical Nomination	Dr. L. Fishbein	NCTR	(501) 542-4390
Data Management and Analysis	Dr. D. Hoel	NIEHS	(919) 541-3441
Biostatistics	Dr. J. Haseman	NIEHS	(919) 541-3437
Data Systems	Mr. J. Washington	NIEHS	(919) 541-4497
Development	Mr. A. Konvicka	NCTR	(501) 542-4534
Information Systems	Dr. H. Kissman	NLM	(301) 496-3147
Program Operations (Bioassay)	Dr. J. Douglas	NCI	(301) 496-5591
Test Management	Dr. W. Hartwell	NCI	(301) 496-4874
Collaborative Services	Dr. C. Whitmire	NCI	(301) 496-4874
Program Resources	Dr. C. Grieshaber	NCI	(301) 496-5591
Animal Resources	Dr. G. Boorman**	NIEHS	(919) 541-3231
Chemistry (Repository)	Dr. C. Jameson	NCI	(919) 541-3355
	Dr. D. Walters	NIEHS	(919) 541-3355
Health and Safety	Dr. D. Walters**	NIEHS	(919) 541-3355
Technical Information	Ms. J. Chase	NCI	(301) 496-1152
Public Information	Mr. S. d'Arazien	NTP	(919) 541-3991

*Addresses: National Cancer Institute, Bethesda, M.D. 20205; National Institute of Environmental Health Sciences Research Triangle Park, N.C. 27709; National Library of Medicine, Bethesda, Maryland 20014; National Toxicology Program, Research Triangle Park, N.C. 27709; National Institute for Occupational Safety and Health, Cincinnati, Ohio 45226; National Center for Toxicological Research, Jefferson, Arkansas 72079.

**Acting Program Leader

FIGURE 2

FY 1980 FUNDING LEVELS BY NTP PROGRAM ACTIVITY
(Thousands)



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Toxicology Research and Testing Overview

Toxicology testing within NTP can be placed into three major programs: cellular and genetic toxicology, carcinogenesis, and general toxicology. For descriptive purposes some areas of toxicology are arbitrarily assigned to one of the three programs, even though these areas interact extensively with other programs. An illustration of cross program interaction is the utility of *Salmonella* mutation assays (listed within the genetic toxicology section) to the carcinogenesis program. Table 2 depicts the major segments of the three testing programs and these interrelationships.

The major test initiatives for FY 1981 are summarized below (descriptions of specific program activities are detailed in the next section).

A continuing area of major testing emphasis is genetic toxicology. NTP strategy for FY 1981 is to maintain the rate of *in vitro* microbial (*Salmonella*) mutagenesis testing at 300 chemical starts, to increase parallel testing in cultured mammalian cells to 50 chemicals, and to increase Phase II testing utilizing *Drosophila* systems to a rate of 60 chemicals per year. All chemicals selected for the two-year carcinogenesis bioassay and testing in the general toxicologic screen will be first tested in one or both of the *in vitro* genetic toxicity tests.

In carcinogenesis testing the NTP proposes to start 45 new chemicals on the two-year carcinogenicity bioassays in FY 1981. This is about the same as the level achieved in FY 1980. The Program's strategy is to assure that the most important chemicals from a public health point of view are tested and that end results are relevant to the research and regulatory agencies interested in each chemical. Emphasis is being placed on determining whether the experimental design for bioassays can be modified to provide better low dose extrapolation potential for purposes of risk assessment.

A major innovation in the bioassay program was the expansion of the experimental protocol during the prechronic and chronic testing phases to enhance the detection of toxicologic effects other than cancer, e.g., damage to organs such as liver, kidney and lung, neurobehavioral effects and immunoxicity. About two-thirds of chemical bioassays designed in FY 1980 incorporate a broader protocol design. Concurrently, management and supervision of each new bioassay laboratory is assigned to a NTP scientist.

Most chemicals selected for testing by NTP are selected because too little is known about their toxicologic effects and the potential exists for considerable human exposure. The NTP toxicology testing strategy, initiated in FY 1980, is to identify with assurance the major toxic effects for each chemical studied on chronic tests (Table 2). This includes damage to critical targets such as the lungs, liver, immune and nervous systems, as well as the identification of carcinogens and mutagens. Thus, the Phase I tests should result in a core of toxicology data essential to the proper design of more extensive studies. Using the information from the Phase I rodent toxicologic screen and from special studies included in carcinogenesis bioassays, more extensive toxicology testing can be started with increased capabilities to confirm and define in depth those toxicities identified in the screen. Information from chemical disposition studies will provide further insights into possible toxic mechanisms, and aid in setting dose schedules for subchronic and chronic studies. In the area of reproductive and developmental toxicology, emphasis in FY 1981 will be to test for chemical effects on fertility, and postnatal development as well as for teratogenic effects.

The strategy for test developent or validation is to review existing and emerging newer methodologies to determine which may be adequately sensitive and reproducible. Those most likely to offer improvements over older methods are selected and validated. When basic research findings suggest new areas of toxicology testing, NTP undertakes the appropriate methods develpment and validation. Examples of existing methodology that are being examined for modification are techniques used to detect heritable genetic effects, impaired kidney and pulmonary function, and neurobehavioral toxicity; new areas of methods development and validation include behavioral teratology, immunotoxicology, and short-term tests for presumptive carcinogenic potential.

Validation of test methods is a two-stage process. First, does the procedure yield test results that are reproducible within and between laboratories? Second, does the test predict for toxic potential in humans? The latter requires that NTP pay close attention to the results of human epidemiological studies that may correlate with test results.

The NTP approach to testing will be directed to developing new or better test methods. This is not an indication of flaws in traditional toxicology or regulatory test requirements but reflects an area of science with rapidly expanding boundaries of knowledge. Thus, it necessary that NTP have a planned strategy to validate possible alternative that may be more reliably performed, yield new toxicologic data, yield results relevant to human disease, or develop a testing approach that produces equivalent results in a faster or more economical manner. NTP test results often impact on regulatory or public health issues and thus, NTP will constantly attempt to meld its innovative approaches with "standard" methods in a manner that ensures results that can be used to meet regulatory and public health needs.

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TABLE 2

NTP's Interactive Testing Phases

Program Area	Phase I Identify Toxic Potential	Phase II Corroborate Toxic Effect	Phase III Confirm and Define Toxicity	Phase IV Scientific and Public Health Assessment
Genetic Toxicology	*Salmonella* assay; mammalian cell culture	*Drosophila* SPP	Mammalian assays (mouse heritable translocation)[b]	Total Evaluation of all Data
		Confirmation of organ system toxicities[a]	In-depth characterization; specific toxic effects[a]	(Publication and Dissemination of Information)
General Toxicology	Rodent toxicology	Short-term in vivo (mouse lung adenoma)[b]	Two-year rodent bioassays	
Carcinogenesis	Cell culture transformation[b]			

[a] Validation Phase

[b] Some In Test Validation

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CELLULAR AND GENETIC TOXICOLOGY

The objectives of NTP programs in cellular and genetic toxicology are to develop, evaluate, and implement short-term *in vivo* and *in vitro* systems to detect carcinogenic, mutagenic and toxic effects of chemicals and to perform studies designed to understand the causes of these responses. Most animal test systems are time consuming and expensive, therefore, the development and scientific understanding of short-term assays play a key role in fulfilling the mission of the NTP. These programs will utilize a number of complementary tests of toxic, mutagenic, and carcinogenic potential to provide useful predictive information for assessing potential hazard to humans.

Although there is some overlap in methodology and toxic endpoints, the genetic toxicology and cellular toxicology programs are differentiated in this report by the rational that testing, method development and validation activities in genetic toxicology have the primary aim of detecting and characterizing the mutagenic effects of chemicals. The findings, particularly in *Salmonella* tests, may be correlative for the prediction of potential carcinogenicity in higher organisms. Conversely, test systems being developed and utilized in cellular toxicology may include microbial mutagenesis assays but the primary objectives are to predict and detect the carcinogenicity of chemicals.

Genetic Toxicology

Mutagenicity assays identify structural or functional chromosomal or gene DNA perturbations in germinal or somatic cells. Effects in germ cells are important for predicting potential undesirable effects on fertility, the developing fetus, or in generations subsequent to those which received chemical exposure. Somatic mutation may be predictive for physiologic alternations in the exposed person and for the potential induction of cancer.

The strategy for testing is to develop a screening program consisting of three phases or a composite of tests that vary in complexity from simple systems composed of microbial or mammalian cells in culture to *Drosophila* systems, and finally, to specific whole animal mammalian systems. In this strategy, multiple test systems will be used to complement specific deficiencies in individual tests, and to provide a range of biological responses so that the best prediction can be made of detrimental biological effects in humans. The genetic toxicology test program and its interactions with other NTP programs are charted in Table 2.

FY 1980 Accomplishments

The Phase I *Salmonella* mutagenicity assay was established in FY 1979. During FY 1979, three contracts were awarded for testing, and testing of coded chemicals begun. Chemicals on which *Salmonella* testing has been completed through FY 1980 are listed in Table 3. Since a number of these chemicals were tested in more than one laboratory, there were 222 tests completed for the chemicals in Table 3. Of these, 156 (70%) were considered negative, 60 (27%) positive, and 6 (3%) equivocal as to mutagenicity. This assay uses *Salmonella typhimurium* tester strains TA 98, TA 100, TA 1535, and TA 1537, with and without metabolic activation by liver S–9 fractions from polychlorinated biphenyl (Arochlor 1254)–induced rats and hamsters.

The *Salmonella* mutagenicity assay also is being used by four laboratories to independently validate microbial mutagenicity as a screen for chemical carcinogens, using chemicals not identified to the experimenter (coded assays). An additional objective was to determine the correspondence between mutagenicity and *in vivo* bioassay results, and to determine the reproducibility of the assay procedure. (The contract laboratories are conducting assays under a common protocol.) Of 120 coded compunds for which tests have been completed, 70 have been decoded and the results have demonstrated a good correlation between the four participating laboratories as to which compunds are mutagenic. The combined programs are undertaking the testing of all compounds which have been subject to animal carcinogenesis bioassy, using the same batch of chemicals in most cases.

Tests with cultured mammalian cells are another component of Phase I. Unlike bacterial tests which detect only specific gene DNA effects, the mammalian cell assay can also be used to detect chromosome damage. Testing capability was established in FY 1980 in two laboratories for Chinese Hamster Ovary (CHO) cells in culture with and without Arochlor 1254–induced rat liver S–9 fraction. The final protocol to be used by these laboratories is being validated. The endpoints to be measured include chemical induction or mitotic chromosome aberrations and sister chromatid exchanges.

Chemicals that are mutagenic in Phase I assays, together with a selected number of negative chemicals, will be committed to further testing, taking into account such factors as known biological activity or structural relationships of related compounds, the level of human exposure, and gaps in our knowledge of the genetic effects of specific chemical classes.

The Phase II initiative involves the use of the fruit fly, *Drospophila melanogaster*. There is an extraordinary wealth of genetic and biochemical background information on this easily manipulated organism. In addition, it possesses inherent chemical metabolic activation capability, provides more precise information on the types of mutations induced and the time course of induction, and demonstrates heritability of the induced mutations after sexual matings. Both sex-linked recessive lethal mutations and heritable translocations will be measured. Testing capability was established in FY 1980 in three laboratories and testing began in FY 1980 at the rate of 30 chemicals per year. Chemicals initially selected for testing in *Drosophila* are listed in Table 4.

The chemicals that are positive in the Phase II systems will be subjected to testing in whole animal systems. The objectives of these Phase III tests are to obtain information on the types of mutations produced *in vivo*, the heritability and germ cell sensitivity of the effect, the organs involved and dose-response information. Chemicals producing germ cell damage or mutations will be further tested in animal systems to gather information for use in risk assessment. The mouse heritable translocation assay was chosen for study as a Phase III system. Initial efforts begun during FY 1980 have been to select an appropriate mouse strain for use in heritable translocation studies, and to determine the false positive and false negative errors associated with the classification of individual F_1 animals as suspect or non-suspect translocation carriers based upon analysis of fertility test data. The first positive control study with triethylinemelamine began in late FY 1980.

FY 1981 Program Plans

Mutagenesis testing in Phase I and Phase II assays will continue in FY 1981. There will be 300 chemical test starts in the *Salmonella* assay (Table 5). There will be 50 chemical test starts in cultured mammalian cells, and 60 chemical test starts in *Drosophila* in FY 1981. Many of those tested in the latter two assays will be chemicals found to be mutagenic in the microbial assay.

The potential Phase III tests require validation, and the FY 1981 plan is to initiate such efforts in several laboratories with the mouse heritable translocation assay. Previously, stock selection of an appropriate mouse strain for use in the studies will have been completed, and additional positive control studies with selected chemicals will be initiated. The mouse specific locus assay will be evaluated as an indicator of the effects of chemicals on mammalian germ cells. An in-depth study of the potent mammalian mutagen, ethylnitrosourea, will be initiated along with the testing of another selected chemical(s) for activity in the specific locus assay.

Contracts are being initiated for development of rapid screening tests for the induction of aneuploidy (the development of abnormal numbers of chromosomes) using *Drosophila melanogaster* and the yeast *Saccharomyces cerevisiae*. Aneuploidy contributed significantly to the genetically-based disease burden in human populations, yet the routine mutagenesis tests (*Salmonella*, *Drosophila* sex-linked recessive lethal, *in vitro* cytogenetics) are not capable of detecting chemicals that will *only* produce aneuploidy. *Drosophila* and yeast were chosen because they are easily manipulated genetically, can provide evidence of aneuploidy, are relatively quick and easy to use, and can be used to measure other genetic endpoints as well. It is anticipated that the development and validation of one *Drosophila* and one yeast aneuploidy system will be put under contract to be awarded in early FY 1981.

Cellular Toxicology

While the previously described genetic systems have demonstrated predictive value in identification of carcinogens, such inferences are made on the basis of correlations. Therefore, other systems based upon biological responses consistent with the neoplastic (tumor) phenotype must be developed and validated. Four systems are in various developmental stages, including the BALB/c 3T3 cell line, Syrian hamster embryo cell cultures, rat hepatocyte cell strains, and retrovirus-infected rat embryo cells. All systems require continued protocol development and assessment of factors affecting quantitative as well as qualitative results. In addition, criteria for qualitative responses to be observed and acceptability of overall test results need to be defined.

FY 1980 Accomplishments

Work related to program objectives, including studies involving BALB/c 3T3 (clone 1–13 of Kakunaga), have required extensive analysis of factors influencing the induction and quantitation of transformed cells. Effort was directed at estimates of toxicity, target cell density and calculation of transformation frequency as foci/viable cell. Attempts were made to correlate *in vitro* anchorage-independent growth (cells that lose the need to adhere to a substrate) and *in vivo* tumorigenicity with the progression of Type III foci in cell passage, but a quantitative relationship was not seen. The results of metabolic activation studies for conversion of a putative procarcinogen to a carcinogen suggest that different systems will be needed for different chemical classes of procarcinogens. While the results of testing 60 coded samples revealed a good correlation of morphologic transformation with known tumorigenicity, the problems of metabolic activation require further study.

Syrian hamster cell studies required the identification of suitable primary cell cultures, and assays of metabolic activation, including the use of hepatocytes in cocultivation experiments. Assays of a series of coded chemicals have been initiated. Rat hepatocytes have been evaluated as an assay system for induction of DNA repair, and phenotypic transformation. Growth of chemically-treated cells in agar has shown a high correlation with tumorigenicity and this therefore appears to be a suitable endpoint. Fischer rat embryo cells infected with Rauscher leukemia virus have shown transformation with a variety of procarcinogens without addition of an exogenous metabilic activation system. Transformation could be observed within 4–6 weeks after treatment; other protocols which significantly decrease this time are being developed. Assays of 59 coded compounds have been completed and the results are in the final phase of analysis.

Additionally, a genetic assay system is being evaluated and validated for its usefulness as a prescreen for potential chemical carcinogens. The L5178Y mouse lymphoma cell ($Tk^+/-$locus) system is being evaluated as to its usefulness and reliability as a prescreen for potential chemical carcinogens, and to determine the reproducibility of the assay procedure between two laboratories. Decoding and evaluation of approximately 30 compounds, tested by both laboratories, are in progress.

The first phase of an international collaborative study for the evaluation of short-term assay systems for predicting chemical carcinogenicity was completed in late FY 1979. The toxicological profiles of 42 coded carcinogens and non-carcinogens were determined in up to 35 short-term bioassays (FY 1980 Annual Plan). Decoding was carried out and a workshop held in early FY 1980 to compare and evaluate results and draw conclusions on the performance of the various assays. Preliminary results and conclusions were presented subsequently at open meetings. Preliminary conclusions are:

1. This study confirms that there are short-term tests that can be used to predict carcinogenic activity but no single assay or battery of assays were readily apparent as the best-suited for this purpose.
2. Reliable data from any assay system is dependent upon the investigator's thorough understanding of the system used, awareness of its pitfalls, and careful conduct of experiments.
3. Nearly all assays produced both false negatives and false positives. Therefore, to include any assay in a battery of tests will require a trade off between these two classes of errors.
4. Strong evidence for the use of a test battery was obtained (e.g., with hexamethylphosphoramide, a rodent carcinogen, bacterial results were largely negative in both repair and mutation assays, and yet results in eukaryotic systems from yeast to whole animals were positive).
5. Recommendations on test batteries will have to await a clear definition of their application and the relative importance of false positive and negative results.

FY 1981 Program Plans

Based upon the results described for the four developmental cell culture systems—the BALB/c 3T3 cell line, Syrian hamster embryo cell cultures, rat hepatocyte cells, and retrovirus-infected rat embryo cells, as well as the genetic system (L5178Y mouse lymphoma cell)—the FY 1981 program plans in the area of cellular toxicology will combine three primary elements. First, there will be an initiation of protocol development and a systematic dual laboratory comparison of the primary *candidate* mammalian cell transformation assay system. Second, studies of *in vivo* carcinogenesis systems will be directed toward development of Phase III short-term, whole animal tests.

Third, NTP will support the development of assay systems which promise additional advantages in accuracy, precision or fidelity but which are not sufficiently defined to be validated as toxicologic or carcinogenic tests. It is important that test methods which reflect the evolution in understanding the mechanisms of toxic

and carcinogenic effects continue to be sought, particularly those which utilize human cells. The problems associated with the extrapolation of the results of *in vitro* and short-term assays to human populations will also be addressed.

Finally, in the international collaborative study for the evaluation of short-term assay systems for predicting chemical carcinogenesis, an in-depth analysis of the data base will be completed, and the discussions of the results and conclusions of the study will be published in book form and in the scientific literature. Resources permitting, additional test data will be obtained in support of further evaluating certain assays. A complete evaluation of these systems is important for at least two reasons. First, several systems involve mammalian cells which are closely related to the cells in which we are ultimately interested (human cells). Second, several systems detect endpoints other than gene mutations and may yield meaningful results on carcinogens which act via other genetic or epigenetic mechanisms.

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TABLE 3

CHEMICALS TESTED IN SALMONELLA MUTAGENICITY ASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	RESULT*	CAS NO.	NTP NO.
1	Acetamide	(-)	60-35-5	10375-A
2	Aniline	(-)	62-53-3	10379-R
3	Azobenzene	(+,+)	103-33-3	10499-L
4	Azodicarbonamide	(+)	123-77-3	10086-W
5	AF-2	(+,+)	3688-53-7	10631-E
6	Benzaldehyde	(-)	100-52-7	10087-A
7	Benzo(a)pyrene	(+,+)	50-32-8	10353-C
8	Benzofuran	(-)	271-89-6	10058-F
9	Benzyl salicylate	(-,-)	118-58-1	10545-L
10	Beta-Methylumbelliferone	(-)	90-33-5	10437-G
11	Beta-Picoline	(-)	108-99-6	10530-J
12	Biphenyl	(-,-)	92-52-4	10444-D
13	Bisphenol A	(-,-,-)	80-05-7	10034-Y
14	Boric acid	(-)	10043-35-3	10035-D
15	Bromobenzene	(-)	108-86-1	10060-G
16	Bromoform	(?)	75-25-2	10396-V
17	Cacodylic acid	(-)	75-60-5	10401-J
18	Calcium chromate	(+,+)	13765-19-0	10827-V
19	Carbon disulfide	(-,-)	75-15-0	10014-H
20	Catechol	(-,-)	120-80-9	10094-W
21	Chloral hydrate	(+)	302-17-0	10609-C
22	Chlorobenzene	(-,-)	108-90-7	10528-H
23	Choline chloride	(-)	67-48-1	10846-G
24	Cis-Stilbene	(-)	645-49-8	10657-H
25	Crotonaldehyde	(+)	4170-30-3	10252-S
26	Cyanuric acid	(-)	108-80-5	10526-A
27	Cyclohexanol	(-)	108-93-0	10529-L
28	Cyclohexanone	(-,-)	108-94-1	10064-X
29	Cyclophosphamide	(+,+)	50-18-0	10351-T
30	D-Limonene dimercaptan	(-,-,-)	4802-20-4	10841-L

* (-) = negative, (+) = positive, (?) = equivocal, (+W) = weakly positive. There may be from one to three tests reported for each compound.

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TABLE 3

CHEMICALS TESTED IN SALMONELLA MUTAGENICITY ASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	RESULT*	CAS NO.	NTP NO.
31	Di(2-ethylhexyl) phthalate	(-,-)	117-81-7	10188-J
32	Di(2-ethylhexyl)adipate	(-,-)	103-23-1	10497-E
33	Di-n-butylamine	(-)	111-92-2	10535-E
34	Diacetone acrylamide	(-)	2873-97-4	10719-P
35	Diethanolamine	(-)	111-42-2	10534-A
36	Diethyl carbonate	(-)	105-58-8	10253-W
37	Diethylene glycol dimethyl ether	(-)	111-96-6	10536-H
38	Dimethylamine	(-,-)	124-40-3	10569-T
39	Dimethylcarbamoyl chloride	(+,+)	79-44-7	10416-L
40	Dimethylcyanamide	(-,-)	1467-79-4	10684-V
41	Dimethylformamide	(-)	68-12-2	10256-H
42	Diphenyl oxide	(-)	101-84-8	10491-F
43	Diphenylhydantoin	(-,-)	57-41-0	10156-D
44	Ethylene glycol	(-)	107-21-1	10118-E
45	Ethylene thiourea	(-)	96-45-7	10466-C
46	Ethylenediamine	(+W)	107-15-3	10190-K
47	Eugenol	(-)	97-53-0	10468-J
48	Ferrocene	(?)	102-54-5	10495-W
49	Formaldehyde	(+,+)	50-00-0	10002-S
50	Furfural	(-,?)	98-01-1	10120-F
51	Gallic acid	(-,-)	149-91-7	10599-S
52	Glycerol	(-,-,-)	56-81-5	10878-H
53	Glycine	(-,-)	55-48-6	10877-J
54	Hematoxylin	(-)	517-28-2	10044-G
55	Hexabromobiphenyl	(-)	36355-01-8	10021-E
56	Hexachlorobenzene	(-)	118-74-1	10546-R
57	Hexachlorobutadiene	(-)	87-68-3	10124-W
58	Hexachlorocyclopentadiene	(-)	77-47-4	10125-A
59	Hexachloroethane	(-,-)	67-72-1	10126-E
60	Hexachlorophene	(-)	70-30-4	10387-R
61	Hydrazobenzene	(+)	122-66-7	10872-P

* (-) = negative, (+) = positive, (?) = equivocal, (+W) = weakly positive. There may be from one to three tests reported for each compound.

TABLE 3

CHEMICALS TESTED IN SALMONELLA MUTAGENICITY ASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	RESULT*	CAS NO.	NTP NO.
62	Hydroquinone	(-)	123-31-9	10022-H
63	Hydroquinone dimethyl ether	(-)	150-78-7	10603-D
64	Hydroquinone monomethyl ether	(-)	150-76-5	10602-Y
65	Lithium chloride	(-)	7447-41-8	10743-P
66	M-Chlorophenol	(-)	108-43-0	10522-J
67	M-Cresol	(-)	108-39-4	10521-F
68	M-Xylene	(-)	108-38-3	10520-C
69	Mannitol	(-)	69-65-8	10386-L
70	Methacrylic acid	(-)	79-41-4	10415-H
71	Methylhydrazine	(-)	60-34-4	10374-W
72	Morpholine	(-)	110-91-8	10533-W
73	N-Butyl-p-aminobenzoate	(-)	94-25-7	10448-T
74	N-Nitrosodimethylamine	(+,+)	62-75-9	10857-T
75	N-Nitrosopiperidine	(+)	100-75-4	10854-P
76	N,N-Dimethylurea	(-)	96-31-1	10643-J
77	Nickelocene	(-)	1271-28-9	10675-R
78	Nitrofurantoin	(+)	67-20-9	10382-W
79	O-Aminophenol	(+,+W,+)	95-55-6	10458-C
80	O-Chlorophenol	(-)	95-57-8	10459-F
81	O-Cresol	(-)	95-48-7	10455-P
82	O-Methoxyphenol	(-,-)	90-05-1	10436-D
83	O-Xylene	(-)	95-47-6	10454-K
84	Oxalic acid	(-)	144-62-7	10049-C
85	P-Anisidine	(-)	104-94-9	10501-P
86	P-Chlorophenol	(-)	106-48-9	10510-T
87	P-Cresol	(-)	106-44-5	10509-W
88	P-Nitrophenol	(-)	100-02-7	10142-E
89	P-Quinone	(-)	106-51-4	10162-V
90	P-Xylene	(-)	106-42-3	10508-S
91	Pentachlorobenzene	(-)	608-93-5	10646-M
92	Pentachloronitrobenzene	(-)	82-68-8	10033-V

* (-) = negative, (+) = positive, (?) = equivocal, (+W) = weakly positive. There may be from one to three tests reported for each compound.

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TABLE 3

CHEMICALS TESTED IN SALMONELLA MUTAGENICITY ASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	RESULT*	CAS NO.	NTP NO.
93	Pentachlorophenol	(-)	87-86-5	10429-G
94	Phenyl salicylate	(-,-)	118-55-8	10544-N
95	Picric acid	(+)	88-89-1	10432-L
96	Piperazine	(-)	110-85-0	10531-N
97	Piperonal	(-)	120-57-0	10552-N
98	Propiolactone	(+,+)	57-57-8	10370-F
99	Pyridine	(-)	110-86-1	10532-S
100	Quinoline	(+)	91-22-5	10441-R
101	Resorcinol	(-)	108-46-3	10163-Y
102	Rhodamine	(-)	141-84-4	10595-C
103	Semicarbazide hydrochloride	(-)	563-41-7	10631-T
104	Sodium azide	(+)	26628-22-8	10164-D
105	Sodium fluoride	(-)	7681-49-4	10746-C
106	Sodium ligninsulfonate	(-)	8061-51-6	10750-K
107	Sodium phosphate, dibasic	(-,-)	7558-79-4	10933-S
108	Sodium ricinoleate	(-,-)	5323-95-5	10731-Y
109	Sodium thioglycolate	(-)	367-51-1	10613-K
110	Streptomycin sulfate	(+,-)	3810-74-0	10932-N
111	Terephthalic acid	(-)	100-21-0	10479-W
112	Tetrachloroethylene	(-)	127-18-4	10176-T
113	Tetrachlorophthalic anhydride	(-)	117-08-8	10540-S
114	Tetraethyllead	(-)	78-00-2	10031-L
115	Thiocarbanilide	(-,-)	102-08-9	10493-N
116	Toluene	(-)	108-88-3	10009-V
117	Trans-Stilbene	(-)	103-30-0	10498-H
118	Tributoxyethyl phosphate	(-)	78-51-3	10414-E
119	Tributyl borate	(-,-)	688-74-4	10659-R
120	Tricresyl phosphate	(-,-)	1330-78-5	10277-D
121	Triethanolamine	(-)	102-71-6	10496-A
122	Triphenylphosphine	(-)	603-35-0	10645-S
123	1-Aziridineethanol	(+)	1072-52-2	10671-A

* (-) = negative, (+) = positive, (?) = equivocal, (+W) = weakly positive. There may be from one to three tests reported for each compound.

TABLE 3

CHEMICALS TESTED IN SALMONELLA MUTAGENICITY ASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	RESULT*	CAS NO.	NTP NO.
124	1-Fluoro-2,4-dinitrobenzene	(+)	70-34-8	10388-V
125	1,1-Dichloroethylene	(-)	75-35-4	10109-A
126	1,2-Dichlorobenzene	(-)	95-50-1	10456-T
127	1,2-Dichloropropane	(?)	78-87-5	10111-C
128	1,2-Propylene glycol	(-,-)	57-55-6	10369-H
129	1,2,3-Trichlorobenzene	(-)	87-61-6	10083-J
130	1,2,3,4-Tetrachlorobenzene	(-)	634-66-2	10652-N
131	1,2,3,5-Tetrachlorobenzene	(-)	634-90-2	10653-S
132	1,2,4-Trichlorobenzene	(-)	120-82-1	10187-F
133	1,3-Dichlorobenzene	(-)	541-73-1	10626-F
134	1,3-Dioxane	(+W)	505-22-6	10622-P
135	1,3,5-Trichlorobenzene	(-)	108-70-3	10524-S
136	1,4-Dichlorobenzene	(-)	106-46-7	10038-P
137	1,4-Dioxane	(-)	123-91-1	10568-P
138	2-Aminoanthracene	(+,+,+)	613-13-8	10912-X
139	2-Biphenylamine	(+)	90-41-5	10438-K
140	2-Chloronitrobenzene	(+W)	88-73-3	10431-H
141	2-Fluorobenzoyl chloride	(+)	393-52-2	10615-T
142	2-Nitro-a,a,a-trifluorotoluene	(-)	384-22-5	10614-P
143	2-Nitropropane	(+,+)	79-46-9	10417-R
144	2,3-Dibromo-1-propanol	(+)	96-13-9	10016-R
145	2,3-Dichloronitrobenzene	(?)	3209-22-1	10721-R
146	2,3-Dichlorophenol	(-)	576-24-9	10636-N
147	2,3,5,6-Tetrachloronitrobenzene	(?)	117-18-0	10541-W
148	2,4-D isooctyl ester	(-)	25168-26-7	10908-N
149	2,4-Diaminophenol dihydrochloride	(+)	137-09-7	10106-N
150	2,4-Dichloronitrobenzene	(+)	611-06-3	10648-E
151	2,4-Dichlorophenol	(-)	120-83-2	10557-D
152	2,4-Dinitrotoluene	(+)	121-14-2	10558-G
153	2,4,5-T isooctyl ester	(-)	25168-15-4	10906-F
154	2,4,6-Trichlorophenol	(-)	88-06-2	10430-E

* (-) = negative, (+) = positive, (?) = equivocal, (+W) = weakly positive. There may be from one to three tests reported for each compound.

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TABLE 3

CHEMICALS TESTED IN SALMONELLA MUTAGENICITY ASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	RESULT*	CAS NO.	NTP NO.
155	2,5-Dichlorophenol	(-)	583-78-8	10637-S
156	2,6-Dichlorophenol	(-)	87-65-0	10427-Y
157	2,6-Dimethyl morpholine	(+)	141-91-3	10903-T
158	2'-Methyl-4-dimethylaminoazobenzene	(+W,-)	3731-39-3	10902-P
159	3-Amino-a,a,a-trifluorotoluene	(-)	98-16-8	10470-K
160	3-Methylcholanthrene	(+,+)	56-49-5	10899-H
161	3-Nitro-a,a,a-trifluorotoluene	(-)	98-46-4	10471-P
162	3,3'-Dimethoxybenzidine	(+,+,+)	119-90-4	10895-S
163	3,4-Dichloronitrobenzene	(+)	99-54-7	10474-C
164	3,4-Dichlorophenol	(-)	95-77-2	10461-G
165	3,5-Dichlorophenol	(-)	591-35-5	10639-A
166	4-Biphenylamine	(+,+)	92-67-1	10445-G
167	4-Chloro-a,a,a-trifluorotoluene	(-)	98-56-6	10472-T
168	4-Chloro-3-nitro-a,a,a-trifluorotoluene	(-)	121-17-5	10559-K
169	4-Chloro-3,5-dinitro-a,a,a-trifluorotoluene	(-)	393-75-9	10616-X
170	4-Chloronitrobenzene	(+,+)	100-00-5	10478-S
171	4-Hydroxyacetanilide	(-)	103-90-2	10127-H
172	4,4'-Methylenebis(2-chloroaniline)	(+)	101-14-4	10484-J

* (-) = negative, (+) = positive, (?) = equivocal, (+W) = weakly positive. There may be from one to three tests reported for each compound.

TABLE 4

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN DROSOPHILA MUTAGENICITY ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
1	Calcium chromate	13765-19-0	10827-V
2	Di(2-ethylhexyl) phthalate	117-81-7	10188-J
3	Dimethylcarbamoyl chloride	79-44-7	10416-L
4	Ethylenediamine	107-15-3	10190-K
5	Ferrocene	102-54-5	10495-W
6	Hexachlorocyclopentadiene	77-47-4	10125-A
7	Hydrazobenzene	122-66-7	10872-P
8	N-Nitrosodimethylamine	62-75-9	10857-T
9	Nitrofurantoin	67-20-9	10382-W
10	P-Nitrophenol	100-02-7	10142-E
11	Picric acid	88-89-1	10432-L
12	Propiolactone	57-57-8	10370-F
13	Quinoline	91-22-5	10441-R
14	Streptomycin sulfate	3810-74-0	10932-N
15	Thiocarbanilide	102-08-9	10493-N
16	1,3-Dioxane	505-22-6	10622-P
17	1,3,5-Trichlorobenzene	108-70-3	10524-S
18	2-Chloronitrobenzene	88-73-3	10431-H
19	2-Nitropropane	79-46-9	10417-R
20	2,3-Dichloronitrobenzene	3209-22-1	10721-R
21	2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	10157-G
22	2,4-Diaminophenol dihydrochloride	137-09-7	10106-N
23	2,4-Dichloronitrobenzene	611-06-3	10648-E
24	2,4-Dichlorophenoxyacetic acid	94-75-7	10451-Y
25	2,4-Dinitrotoluene	121-14-2	10558-G
26	2,4,5-Trichlorophenoxyacetic acid	93-76-5	10447-P
27	2,6-Dimethyl morpholine	141-91-3	10903-T
28	3,4-Dichloronitrobenzene	99-54-7	10474-C
29	4-Biphenylamine	92-67-1	10445-G
30	4-Chloronitrobenzene	100-00-5	10478-S

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TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
1	Adipamide	628-94-4	10825-L
2	Agaritine	2757-90-6	10713-R
3	Allyl glycidyl ether	106-92-3	10824-H
4	Allyl isothiocyanate	57-06-7	10367-A
5	Allyl isovalerate	2835-39-4	10717-G
6	Aniban	133-90-4	10823-E
7	Ampicillin trihydrate	7177-48-2	10832-H
8	Azinphosmethyl	86-50-0	10424-L
9	Benzidine	92-87-5	10446-H
10	Benzoin	119-53-9	10550-A
11	Benzyl acetate	140-11-4	10591-K
12	Benzyl alcohol	100-51-6	10059-J
13	Beta-Cadinene	523-47-7	10091-J
14	Bis(2 chloro-1-methylethyl) ether	108-60-1	10523-H
15	Bromodichloromethane	75-27-4	10397-Y
16	Butyl benzyl phthalate	85-68-7	10422-E
17	Butyl(2,4-dichlorophenoxy) acetate	94-80-4	10830-A
18	Butyl(2,4,5-trichlorophenoxy) acetate	93-79-8	10829-D
19	Butylated hydroxytoluene	128-37-0	10575-K
20	C I Acid Red 114	6459-94-5	10286-G
21	C I Pigment Red 23	6471-49-4	10210-D
22	C I Pigment Red 3	2425-85-6	10209-F
23	C I Vat Yellow 4	128-66-5	10576-P
24	Cadmium chloride	10108-64-2	10828-Y
25	Cadmium oxide	1306-19-0	10212-K
26	Caffeine	58-08-2	10034-G
27	Calcium cyanamide	156-62-7	10606-P
28	Carbendazim	10605-21-7	10826-R
29	Carbromal	77-65-6	10408-L
30	Carvone	99-49-0	10093-S

TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
31	Chloral	75-87-6	10404-W
32	Chlorambucil	305-03-3	10850-R
33	Chlordane	12789-03-6	10849-T
34	Chlordecone	143-50-0	10097-H
35	Chlorobenzilate	510-15-6	10088-E
36	Chlorodibromomethane	124-48-1	10570-R
37	Chloropicrin	76-06-2	10848-P
38	Chlorothalonil	1897-45-6	10692-V
39	Chlorothen	148-65-2	10192-T
40	Chlorowax 40	63449-39-8	10062-P
41	Chlorowax 500C	63449-39-8	10063-T
42	Chlorpheniramine maleate	113-92-8	10537-L
43	Chlorpromazine hydrochloride	69-09-0	10101-T
44	Chlorpropamide	94-20-2	10847-K
45	Cineol	470-82-6	10015-L
46	Cis-Methyl oleic acid ester	112-62-9	10146-V
47	Clonitralid	1420-04-8	10682-L
48	Copper acetoarsenite	12002-03-8	10229-W
49	Coumarin	91-64-5	10104-F
50	Croton oil	8001-28-3	10845-D
51	Curcumin	458-37-7	10105-J
52	Cytarabine	147-94-4	10843-V
53	Cytembena	21739-91-3	10778-N
54	Cytoxal alcohol	4465-94-5	10842-R
55	D-Limonene	5989-27-5	10071-T
56	D-Phenylalanine	673-06-3	10153-R
57	Dacarbazine	4342-03-4	10840-H
58	Decabromodiphenyl oxide	1163-19-5	10672-E
59	Di(p-ethylphenyl)dichloroethane	72-56-0	10394-L
60	Di(2-ethylhexyl)adipate	103-23-1	10497-E
61	Diallyl phthalate	131-17-9	10578-X

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TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
62	Diarylanilide yellow	6358-85-6	10839-K
63	Dibenzo-p-dioxin	262-12-4	10607-T
64	Dibromodulcitol	10318-26-0	10838-G
65	Dibromomannitol	488-41-5	10837-D
66	Dibutyltin diacetate	1067-33-0	10670-M
67	Dichlorodiphenylethylene	72-55-9	10393-M
68	Dichloromethotrexate	528-74-5	10836-Y
69	Dicofol	115-32-2	10835-V
70	Dieldrin	60-57-1	10834-R
71	Diesel fuel marine	DIESEL FUEL	10805-M
72	Diethyl phthalate	84-66-2	10112-F
73	Diglycidyl resorcinol ether	101-90-6	10492-J
74	Dimenhydrinate	523-87-5	10194-C
75	Dimethoate	60-51-5	10888-M
76	Dimethoxane	828-00-2	10114-N
77	Dimethyl hydrogenphosphite	868-85-9	10663-A
78	Dimethyl methylphosphonate	756-79-6	10660-N
79	Dimethyl morpholinophosphonate	597-25-1	10641-C
80	Dimethyl sulfoxide	67-68-5	10116-M
81	Dimethyl terephthalate	120-61-6	10553-L
82	Dimethyloldihydroxyethyleneurea	1854-26-8	10205-P
83	Dimethylvinyl chloride	513-37-1	10623-T
84	Dioxathion	78-34-2	10411-S
85	Diphenhydramine hydrochloride	147-24-0	10040-R
86	Direct Black 114	61703-05-7	10887-S
87	Direct Blue 1	2610-05-1	10287-K
88	Direct Blue 15	2429-74-5	10701-A
89	Direct Blue 218	28407-37-6	10249-L
90	Direct Blue 25	2150-54-1	10885-J
91	Direct Blue 53	314-13-6	10884-F
92	Direct Blue 6	2602-46-2	10883-C

TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
93	Direct Brown 95	16071-86-6	10882-X
94	Direct Red 2	992-59-6	10668-V
95	Doxylamine	469-21-6	10195-F
96	Dulcin	150-69-6	10881-T
97	DMA-6 herbicide	2008-39-1	10880-P
98	Endosulfan	115-29-7	10879-3
99	Endrin	72-20-8	10391-A
100	Erythromycin stearate	643-22-1	10656-E
101	Ethyl acrylate	140-88-5	10594-X
102	Ethyl tellurac	20941-65-5	10777-E
103	Ethyl-3-methyl-3-phenylglycidate	77-83-8	10409-R
104	Ethylene chlorohydrin	107-07-3	10517-M
105	Fenthion	55-38-9	10362-F
106	Fluorescein, sodium	518-47-8	10624-X
107	Formulated fenaminosulf	140-56-7	10593-T
108	Furan	110-00-9	10119-H
109	Furfuryl alcohol	98-00-0	10121-J
110	Furosemide	54-31-9	10068-N
111	Geranyl acetate	105-87-3	10507-N
112	Gibberellic acid	77-06-5	10407-H
113	Glycol (Polysorbate 80)	9005-65-6	10122-N
114	Guanazole	1455-77-2	10876-F
115	Heptachlor	76-44-8	10875-C
116	Hexachlorobutadiene	87-68-3	10124-M
117	Hexamethyl-p-rosaniline	548-62-9	10006-R
118	Hexamethylmelamine	645-05-6	10874-X
119	Hexanamide	628-02-4	10873-T
120	Hexylresorcinol	136-77-6	10588-F
121	Hydrochlorothiazide	58-93-5	10029-K
122	Hydroxyurea	127-07-1	10871-K
123	HC Yellow 4	52551-67-4	10123-S

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CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
124	Indomethacin	53-86-1	10129-R
125	Iodoform	75-47-8	10398-D
126	Isoamyl nitrite	110-46-3	10870-G
127	Isobutyl nitrite	542-56-3	10869-J
128	Isophorone	78-59-1	10070-P
129	Isoproterenol hydrochloride	51-30-9	10130-N
130	Lasiocarpine	303-34-4	10868-F
131	Lead dimethyldithiocarbamate	19010-66-3	10772-J
132	Lead dioxide	1309-60-0	10131-S
133	Lindane	58-89-9	10865-T
134	M-Nitrotoluene	99-08-1	10864-P
135	Malaoxon	1634-78-2	10686-D
136	Malathion	121-75-5	10563-V
137	Maleic hydrazide diethanolamine	5716-15-4	10734-K
138	Malonaldehyde	542-78-9	10627-J
139	Mercaptobenzothiazole	149-30-4	10073-C
140	Mercuric chloride	7487-94-7	10133-A
141	Methapyrilene	91-80-5	10135-H
142	Methdilazine	1982-37-2	10203-G
143	Methoxychlor	72-43-5	10863-K
144	Methyl coumarin	92-48-8	10136-L
145	Methyl methacrylate	80-62-6	10418-V
146	Methyl parathion	298-00-0	10608-X
147	Mexacarbate	315-18-4	10610-Y
148	Mirex	2385-85-5	10699-X
149	Monochloroacetic acid	79-11-8	10138-V
150	Monosodium methane arsenate	1639-59-4	10139-Y
151	Monuron	150-68-5	10600-R
152	Myleran	55-98-1	10861-D
153	N-(1-Naphthyl)ethylenediamine dihydrochloride	1465-25-4	10683-R
154	N-Butyl chloride	109-69-3	10089-H

TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
155	N-Hexane	110-54-3	10189-H
156	N-Methyl-p-aminophenol sulfate	55-55-0	10858-X
157	N-Nitrosodiethanolamine	1116-54-7	10143-H
158	N-Nitrosodimethylamine	62-75-9	10857-T
159	N-Phenyl-p-phenylenediamine	101-54-2	10855-K
160	N-Phenylhydroxylamine	100-65-2	10154-V
161	N,N-Dimethyl-p-nitrosoaniline	138-89-6	10854-G
162	N,N'-Diethylthiourea	105-55-5	10503-X
163	Naphthalene	91-20-3	10046-P
164	Navy fuels JP-5	NAVY FUELS	10140-M
165	Neohesperidin dihydrochalcone	20702-77-6	10215-X
166	Nithiazide	139-94-6	10853-D
167	Nitrobenzene	98-95-3	10141-A
168	Nitroethane	79-24-3	10852-Y
169	Nitrofurazone	59-87-0	10047-T
170	Nitromethane	75-52-5	10851-V
171	O-Methylhydroxylamine	67-62-9	10137-R
172	O-Nitroanisole	91-23-6	10211-G
173	O-Nitrotoluene	88-72-2	10946-L
174	O-Phenylphenol	90-43-7	10439-P
175	O-Toluidine hydrochloride	636-21-5	10654-W
176	O,P'-DDD	53-19-0	10945-H
177	Octachlorodibenzodioxin	3268-87-9	10145-R
178	Oxytetracycline hydrochloride	2058-46-0	10080-X
179	P-Chloroaniline	106-47-8	10100-P
180	P-Nitroaniline	100-01-6	10217-F
181	P-Nitrosodiphenylamine	156-10-5	10605-K
182	P-Nitrotoluene	99-99-0	10944-E
183	P-Tolylurea	622-51-5	10943-A
184	Palladium chloride (2+)	7647-10-1	10148-D
185	Parathion	56-38-2	10942-W

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TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
186	Penicillin VK	132-98-9	10581-D
187	Pentachloroanisole	1825-21-4	10024-R
188	Pentachloroethane	76-01-7	10149-G
189	Pentaerythritol tetranitrate	78-11-5	10150-E
190	Phenacetin	62-44-2	10378-L
191	Phenazopyridine hydrochloride	136-40-3	10587-C
192	Phenbenzamine	961-71-7	10201-Y
193	Phenesterin	3546-10-9	10940-N
194	Phenformin	114-86-3	10939-R
195	Pheniramine	86-21-5	10197-N
196	Phenol	108-95-2	10076-N
197	Phenolphthalein	77-09-8	10050-Y
198	Phenoxybenzamine hydrochloride	63-92-3	10938-L
199	Phenylbutazone	50-33-9	10354-F
200	Phenylmercuric acetate	62-38-4	10134-E
201	Phosphamidon	13171-21-6	10763-F
202	Photodieldrin	13366-73-9	10937-H
203	Phthalamide	88-96-0	10433-R
204	Phthalic anhydride	85-44-9	10421-A
205	Pichloram	1918-02-1	10155-Y
206	Piperonyl butoxide	51-03-6	10358-W
207	Piperonyl sulfoxide	120-62-7	10554-R
208	Polyvinylchloride latex	9002-86-2	10218-J
209	Prednisone	53-03-2	10936-E
210	Probenecid	57-66-9	10160-L
211	Promethazine	60-87-7	10202-D
212	Propyl gallate	121-79-9	10564-Y
213	Pyrazinamide	98-96-4	10916-N
214	Pyrilamine	91-84-9	10198-S
215	Pyrimethamine	58-14-0	10904-X
216	Resorcine Blue	1787-53-7	10935-A

TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
217	Rotenone	83-79-4	10420-W
218	Sodium (2-ethylhexyl)alcohol sulfate	126-92-1	10572-Y
219	Sodium cyanurate	2624-17-1	10710-E
220	Sodium dichloroisocyanurate	2893-78-9	10165-G
221	Sodium diethyldithiocarbamate	148-18-5	10597-J
222	Sodium dodecyl sulfate	151-21-3	10604-G
223	Sodium iodomethanesulfonate	126-31-8	10934-W
224	Sodium xylenesulfonate	1300-72-7	10184-T
225	Stearatochromic chloride complex	15242-96-3	10219-N
226	Succinic acid 2,2-dimethylhydrazide	1596-84-5	10685-Y
227	Sulfacetamide	144-80-9	10931-J
228	Sulfallate	95-06-7	10452-D
229	Sulfamethazine	57-68-1	10056-X
230	Sulfanilamide	63-74-1	10930-F
231	Tert-Butyl alcohol	75-65-0	10402-N
232	Tetrachlordiphenylethane	72-54-8	10392-E
233	Tetrachlorvinphos	961-11-5	10929-H
234	Tetracycline hydrochloride	64-75-5	10381-S
235	Tetraethylthiuram disulfide	97-77-8	10291-V
236	Tetrahydrofuran	109-99-9	10170-V
237	Tetramethyllead	75-74-1	10403-S
238	Thenyldiamine	91-79-2	10196-J
239	Thonzylamine	91-85-0	10199-W
240	Titanium ferrocene	1271-19-8	10174-K
241	Tolazamide	1156-19-0	10928-E
242	Tolbutamide	64-77-7	10927-A
243	Toluene diisocyanate	584-84-9	10638-W
244	Toxaphene	8001-35-2	10926-W
245	Trichlorfon	52-68-6	10360-X
246	Trichlorofluoromethane	75-69-4	10925-S
247	Trifluralin	1582-09-8	10924-N

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TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
248	Trimellitic anhydride	552-30-7	10026-Y
249	Trimethylthiourea	2489-77-2	10708-D
250	Tripelennamine	91-81-6	10200-V
251	Tris(2-chloroethyl) phosphate	115-96-8	10178-C
252	Tris(2-ethylhexyl) phosphate	78-42-2	10413-A
253	Urea	57-13-6	10922-F
254	Vinyl cyclohexene dioxide	106-87-6	10179-F
255	Vinylidene fluoride	75-38-7	10180-D
256	Vitamin D	1406-16-2	10181-G
257	Vitamin D3	67-97-0	10182-K
258	Witch hazel	68916-39-2	10183-P
259	Wollastonite calcium silicates	13983-17-0	10027-D
260	Zearalenone	17924-92-4	10770-C
261	Ziram	137-30-4	10590-G
262	Zirconium oxychloride	7699-43-6	10220-K
263	1(2H)-Phthalazinone	119-39-1	10549-D
264	1-(4-Nitrophenylazo)-2-naphthalenamine	3025-77-2	10216-C
265	1-Acetyl-2-picolinoyl hydrazine	17433-31-7	10921-C
266	1-Amino-2,4-dibromoanthraquinone	81-49-2	10084-N
267	1-Nitrobutane	627-05-4	10920-X
268	1-Nitrohexane	646-14-0	10919-A
269	1-Nitropropane	108-03-2	10918-H
270	1-Phenyl-2-thiourea	103-85-5	10500-K
271	1-Phenyl-3-methyl-5-pyrazolone	89-25-8	10434-V
272	1,1,1,2-Tetrachloroethane	630-20-6	10651-J
273	1,1,2,2-Tetrachloroethane	79-34-5	10915-J
274	1,2-Epoxybutane	106-88-7	10066-F
275	1,2-Epoxyhexadecane	7320-37-8	10740-D
276	1,2,3-Trichloropropane	96-18-4	10914-F
277	1,2,3,6,7,8(7,8,9)-Hexachlorodibenzo-p-dioxin (Mix)	HCDD MIX	10790-S
278	1,3-Dichloro-5,5-dimethylhydantoin	118-52-5	10543-E

TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
279	1,3-Dichloropropene	542-75-6	10560-N
280	1,4-Diamino-2,6-dichlorobenzene	609-20-1	10647-A
281	1,4-Naphthalenediamine	2243-61-0	10913-C
282	1,8-Dihydroxy-4,5-dinitroanthraquinone	81-55-0	10213-P
283	11-Aminoundecanoic acid	2432-99-7	10783-M
284	2-Amino-4-nitrophenol	99-57-0	10005-E
285	2-Amino-5-nitrophenol	121-88-0	10565-D
286	2-Bromobiphenyl	2052-07-5	10911-T
287	2-Butanone peroxide	1338-23-4	10001-N
288	2-Chloro-p-phenylenediamine sulfate	61702-44-1	10801-F
289	2-Chloro-1,3-butadiene	126-99-8	10573-D
290	2-Chloroethyltrimethylammonium chloride	999-81-5	10669-Y
291	2-Chloromethylpyridine hydrochloride	6959-47-3	10738-C
292	2-Ethoxyethanol	110-80-5	10117-A
293	2-Methyl-1-nitroanthraquinone	129-15-7	10910-P
294	2-Nitropropane	79-46-9	10417-R
295	2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	10722-V
296	2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	10157-G
297	2,4-D isooctyl ester	25168-26-7	10908-N
298	2,4-Diaminotoluene	95-80-7	10463-F
299	2,4-Dichlorophenoxyacetic acid	94-75-7	10451-Y
300	2,4-Dinitroaniline	97-02-9	10214-T
301	2,4,5-T isobutyl ester	4938-72-1	10907-J
302	2,4,5-T isooctyl ester	25168-15-4	10906-F
303	2,4,5-Trichlorophenoxyacetic acid	93-76-5	10447-P
304	2,4,5-Trimethylaniline	137-17-7	10589-J
305	2,4,6-Trinitrotoluene	118-96-7	10177-X
306	2,5-Dithiobiurea	142-46-1	10905-C
307	2,6-Xylidine	87-62-7	10185-X
308	2,7-Dichlorodibenzo-p-dioxin	33857-26-0	10789-V
309	3-Amino-4-ethoxyacetanilide	17026-81-2	10901-K

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TABLE 5

CHEMICALS SCHEDULED FOR TESTING IN FY 1981 IN SALMONELLA MUTAGENESIS ASSAYS

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.
310	3-Amino-9-ethylcarbazole hydrochloride	132-32-1	10579-C
311	3-Bromobiphenyl	2113-57-7	10900-G
312	3-Chloro-p-toluidine	95-74-9	10460-D
313	3-Chloro-2-methylpropene	563-47-3	10632-X
314	3-Chloromethylpyridine hydrochloride	6959-48-4	10739-F
315	3-Nitro-p-acetophenetide	1777-84-0	10689-P
316	3-Sulfolene	77-79-2	10898-E
317	3,3'-Dichlorobenzidine	91-94-1	10897-A
318	3,3'-Dihydroxybenzidine	2373-98-0	10896-W
319	3,3'-Dimethoxybenzidine-4,4'-diisocyanate	91-93-0	10115-S
320	3,3'-Dimethylbenzidine dihydrochloride	612-82-8	10894-H
321	3,4-Dihydrocoumarin	119-84-6	10113-J
322	4-Bromobiphenyl	92-66-0	10893-J
323	4-Chloro-o-phenylenediamine	95-83-0	10892-F
324	4-Chloro-o-toluidine hydrochloride	3165-93-3	10720-L
325	4-Chloro-2-nitroaniline	89-63-4	10208-C
326	4-Nitroanthranilic acid	619-17-0	10649-H
327	4-Vinylcyclohexene	100-40-3	10480-T
328	4,4'-Diphenylmethane diisocyanate	101-68-8	10488-A
329	4,4'-Sulfonyldianiline	80-08-0	10890-X
330	5(6)-Nitrobenzimidazole	94-52-0	10449-X
331	5-Azacytidine	320-67-2	10889-A
332	5-Chloro-o-toluidine	95-79-4	10462-K
333	5-Hydroxytryptophan	56-69-9	10128-L
334	5-Nitro-o-anisidine	99-59-2	10477-N
335	5-Nitroacenaphthene	602-87-9	10644-N

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Carcinogenesis Testing

The two-year carcinogenesis bioassay is still the standard and most definitive method for detecting chemical carcinogens in animals. The test employs two sexes and two species, usually rats and mice, uses multiple dose levels of a chemical, begins at weaning and ends after two years. The results of the bioassay also serve as the reference base for the validation of short-term carcinogenesis assays. Table 6 lists the various phases of the bioassay process in chronological order.

The bioassay has scientific limitations—the data are difficult to use in quantitative estimation of hazard to humans and the findings provide little insight as to carcinogenic mechanism(s). And, until recently, it gave relatively little information about critical toxic effects other than carcinogenesis. However, it should be noted that the standard bioassay was neither designed nor intended to provide such information. Like other biological assays, the answer obtained (carcinogenicity or non-carcinogenicity) is sometimes not clearcut. Finally, the test is time consuming and expensive. Nonetheless, because the bioassay remains the most definitive test for potential carcinogenicity, testing of chemicals which have been inadequately tested, and for which there is significant human exposure, will continue at a rate of 45 new starts.

There are two continuing objectives aimed at increasing the numbers of chemicals assessed for carcinogenicity and at increasing the breadth of information in the bioassay about the toxicology of a chemical. First, the NTP aims to develop and validate less expensive and more rapid methods that may set priorities for, or in some instances supplement the need for, long-term bioassays. An *in vivo* short-term test is described in this section, while studies on several *in vitro* test systems are described in the section on Cellular Toxicology. Second, the NTP seeks to broaden the experimental protocol for the bioassay, particularly during the prechronic phase, to include a number of special studies which will give more information on the general physiologic state of the animal as well as data on other toxicologic end points. It is hoped that such information will increase the utility of bioassay results in risk estimation.

FY 1980 Accomplishments

At the end of FY 1980, the National Toxicology Program had 234 compounds in various phases of the carcinogenesis bioassay process. Of these, 40 were new starts and are currently in prechronic studies (Table 7). This represents a reduction from 79 bioassay starts in FY 1979. During the year, 24 bioassays were completed and the reports of the findings peer reviewed (Table 8). Of these, final reports were issued for 15 with the remainder to be issued early in FY 1981. Under the conditions of the tests, 11 (45%) were considered negative, 12 (50%) positive, and 1 (5%) equivocal as to carcinogenicity. Thirty-four bioassays are currently in the histopathology-report sequence (Table 9). One hundred and eighty-one bioassays were in various phases of animal experimentation (Table 10).

A major accomplishment in the carcinogenesis testing program during FY 1980 was the expansion of the carcinogenic bioassays to broaden the understanding of the test chemical's toxic effects. Previously, the bioassay included prechronic studies only for establishment of appropriate doses in the chronic phase. The current toxicologic characterization includes a wide variety of additional special studies integrated into the prechronic experiments. To date, additional studies include clinical chemistry, hematology, urinalysis, pharmacokinetics, metabolism, immunotoxicology, neurobehavioral toxicology, and endocrinology. About two-thirds of the chemicals designated to begin bioassay in FY 1980 had one or more special studies included in their experimental design.

To perform the expanded toxicological characterization of chemicals, the NTP is using a contracting mechanism under which laboratories and their personnel are qualified for standard bioassays and in each of the various special study areas. During FY 1980, twenty-one facilities were found qualified in some or all other test procedures currently used by NTP. These institutions and the areas of expertise are listed in Table 11.

To better monitor the carcinogenesis testing program, especially with the inclusion of various special studies, the NTP determined that the program could be best performed through direct management and supervision of each chemical test. The process is described in the Chemical Management section on p. 97. Bioassays started in FY 1980 are under direct NTP management while testing activities initiated prior to FY 1980 will continue to proceed through the prime contract mechanism.

In conjunction with NTP initiation of direct arrangements with testing laboratories, a number of other scientific support contracts were advertised and competitively awarded in FY 1980. These include pathology support, health and safety activities, chemical repository, chemical analytical services, animal production, and literature searching.

Carcinogenicity testing traditionally begins with young animals (typically six-week-old rodents). However, human chemical exposures may include the periods of *in utero* development and infancy. The adequacy of standard chronic bioassay tests as contrasted with methods that include prenatal and neonatal exposures continues to be evaluated. Three chemicals are being evaluated in prechronic phases of the bioassay: a polybrominated biphenyl (PBB), phenytoin (diphenylhydantoin), and ethylene thiourea, using *in utero* and neonatal exposure.

Inhalation bioassays for carcinogenicity, like those by other routes, usually involve a two-year duration of exposure. Because the specialized facilities required for inhalation studies are expensive and commit scarce technical manpower for extended time periods, studies with mice, rats and hamsters were undertaken that used a design which varies the ages of animals exposed and the duration of inhalation exposure. Vinyl chloride, a known human carcinogen, was used. Preliminary analysis of the data after up to 12 months exposure in rats and hamsters confirmed that the duration of exposure and age at initiation of exposure are critical factors. In rats the most common tumor was hepatic angiosarcoma and in hamsters mammary gland carcinoma and hepatic angiosarcoma were the most frequent. Long-term studies by the inhalation route on the carcinogenic and general toxicologic effects of asbestos were in progress. The inhalation studies were designed to assess carcinogenic potential, fibrogenic properties, and lung clearance of three asbestos fiber types and one form of fiber glass. In concurrent studies with orally administered asbestos, preliminary results of lifetime oral studies in hamsters, and after 18 months in rats, suggest that none of the fiber types produced life shortening in exposed animals.

During FY 1980 there was continuation of a program to determine the applicability of the lung adenoma test in Strain A mice relative to findings in the two-year bioassay. One facility, the University of California at San Diego, is evaluating under code 66 chemicals that have completed bioassays. To validate the interlaboratory reproducibility of the

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lung adenoma test, 34 of these chemicals, coded differently, are also under study at the Oak Ridge National Laboratory.

FY 1981 Program Plans

During FY 1981, the National Toxicology Program plans to start 45 carcinogenesis bioassays. Forty of these are listed in Table 12. This level is comparable to FY 1980. It is expected that 34 long-term bioassays will be completed and the draft reports of the results peer reviewed in FY 1981 (Table 9). All of the new animal bioassay starts during the year will include broadened protocols with various special studies integrated into the experimental design.

Also, during FY 1981, several long-term carcinogenesis studies, not formally included in the bioassay program, will be conducted. These investigations, both ongoing and new, will examine the carcinogenic properties of the following substances (routes): methyl ethyl ketone peroxide (inhalation); 1,2-dichloroethane (inhalation); 2-nitropropane (inhalation); foundry particulates (inhalation); dimethylformamide (inhalation); roofing asphalts (skin); machine oils (skin); and two azo dyes, acid black 52 and disperse yellow 3, (feeding). All studies use the standard bioassay protocol. However, some of the studies will not be two-year tests.

The NTP will continue to develop the Toxicology Data Management System (TDMS) as an automated data input system for carcinogenesis bioassays. The prototype hardware for the TDMS was delivered in late 1980. On-line testing of the modular system will begin in the first half of FY 1981.

Developmental and prechronic studies concerned with *in utero* and neonatal exposure of animals to carcinogens will be completed early in FY 1981. Standard bioassays with six-week-old animals will be initiated concurrently with bioassays where exposure begins *in utero* and continues during the neonatal period using a polybrominated biphenyl (PBB), phenytoin and ethlyene thiourea as the test chemicals. The objective is to determine whether extending long-term chemical exposure of animals to the gestational and neonatal periods will result in heightened or altered sensitivity to induction of carcinogenesis and/or other types of toxic effects.

Studies aimed at validating the applicability of the mouse lung adenoma test as a short-term *in vivo* carcinogenesis assay will continue during FY 1981. The results will also provide information on the interlaboratory reproducibility of the test.

Inhalation exposure studies with vinyl chloride in rodents which seek to deremine whether there is an optimal animal age and exposure window for such studies will be completed during the year. Several of the long-term studies on the toxicology of asbestos by inhalation and oral ingestion will be completed during FY 1981.

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TABLE 6

Phases of the Two-Year Carcinogenesis Bioassay

Phase I. Pretesting (15 months)

1. Development of Toxicology Information Package
2. Development of Bioassay Design
3. Development of Health and Safety Package
4. Purchases and Analysis of Chemical
5. Preparation of BID Packages in Groups of Chemicals
6. Selection of Bioassay Laboratory and Scheduling of Study Start

*Phase II. Initial Toxicology Characterization (11 months)

1. Acute Toxicology Tests
2. Subchronic Toxicology Tests
3. Receipt of Toxicology Characterization Report
4. Evaluation of Data and Setting of Final Experimental Design

Phase III. Chronic Bioassay (25 months)

1. Start of Chronic Test
2. Completion of Chronic Test

Phase IV. Summary Report Preparation by Laboratory (3 months)

1. Receipt of Materials and Methods Report
2. Receipt of Histopathologic Diagnoses to Data System
3. Receipt of Histopathology Report

Phase V. Internal Program Review (6 months)

1. Pathology Confirmation (Validation, Quality Assurance)
2. Data Evaluation, Initial (Determination of Adequacy of Bioassay)
3. Report Preparation and Statistical Analysis
4. Data Evaluation, Final (Program Review of Final Report)

Phase VI. External Program Review (2 months)

1. NTP Peer Review

Phase VII. Report Issuance (2 months)

1. Implementation of Program Review Modifications
2. Report Issuance

*A bioassay is ongoing and a chemical is "on test" from Phases II through VI (47 months, avg.) Phase I begins after a chemical is selected. Times given for each Phase are average times.

TABLE 7

CHEMICALS STARTING IN CARCINOGENESIS BIOASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	SPECIES *	ROUTE *	CAS NO.	NTP NO.
1	Allyl glycidyl ether	r,m	inhal	106-92-3	10824-H
2	Benzaldehyde	r,m	gav	100-52-7	10087-A
3	Butyrolactone	r,m	gav	96-48-0	10090-F
4	Catechol	r,m	gav	120-80-9	10094-W
5	Chloramine	r,m	water	10599-90-3	10313-V
6	Chloroacetophenone	r,m	inhal	532-27-4	10625-C
7	Dichlorvos	r,m	gav	62-73-7	10017-V
8	DMBA/TPA	r,m	sp	57-97-6	10371-J
9	Epinephrine hydrochloride	r,m	inhal	55-31-2	10041-V
10	Ethyl bromide	r,m	inhal	74-96-4	10067-J
11	Ethyl chloride	r,m	inhal	75-00-3	10019-D
12	Ethylene oxide	r,m	inhal	75-21-8	10020-A
13	Formaldehyde	m	inhal	50-00-0	10002-S
14	Furan	r,m	gav	110-00-9	10119-H
15	Furfural	r,m	gav	98-01-1	10120-F
16	Furfuryl alcohol	r,m	gav	98-00-0	10121-J
17	Hexachlorocyclopentadiene	r,m	gav	77-47-4	10125-A
18	Mercaptobenzothiazole	r,m	gav	149-30-4	10073-C
19	Methyl carbamate	r,m	gav	598-55-0	10642-F
20	Methylene chloride	r,m	inhal	75-09-2	10030-H
21	Nalidixic acid	r,m	feed	389-08-2	10045-K
22	Nitrofurantoin	r,m	feed	67-20-9	10382-W
23	P-Nitrophenol	m	sp	100-02-7	10142-E
24	P-Quinone	r,m	gav	106-51-4	10162-V
25	Pentachloroanisole	r,m	gav	1825-21-4	10024-R
26	Pentachloronitrobenzene	r,m	feed	82-68-8	10033-V
27	Pentachlorophenol	m	feed	87-86-5	10429-G
28	Pentaerythritol tetranitrate	r,m	feed	78-11-5	10150-E
29	Phenylbutazone	r,m	gav	50-33-9	10354-F
30	Propylene	r,m	inhal	115-07-1	10538-R

* r = rat, m = mouse, gav = gavage, inhal = inhalation, sp = skin painting

TABLE 7

CHEMICALS STARTING IN CARCINOGENESIS BIOASSAYS DURING FY 1980

SEQ. NO.	CHEMICAL	SPECIES *	ROUTE *	CAS NO.	NTP NO.
31	Roxarsone	r,m	feed	121-19-7	10233-F
32	Tetrachloroethylene	r,m	inhal	127-18-4	10176-T
33	Tetranitromethane	r,m	inhal	509-14-8	10025-V
34	Vinyl toluene	r,m	inhal	25013-15-4	10032-R
35	Wollastonite calcium silicates	r,h	it	13983-17-0	10027-D
36	1,2-Epoxybutane	r,m	inhal	106-88-7	10066-F
37	1,3-Butadiene	m	inhal	106-99-0	10514-J
38	2-Chlorobenzalmalononitrile	r,m	inhal	2698-41-1	10711-H
39	2,6-Xylidine	r,m	feed	87-62-7	10165-X
40	5-Hydroxytryptophan	r,m	gav	56-69-9	10128-L

* r = rat, m = mouse, h = hamster; inhal = inhalation, it = intratracheal, gav = gavage

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TABLE 8

CHEMICALS FOR WHICH CARCINOGENESIS BIOASSAYS WERE COMPLETED IN FY 1980

SEQ. NO.	CHEMICAL	CARC ACTIVITY *	CAS NO.	NTP NO.	TR NO. **
1	Benzoin	N	119-53-9	10550-A	204
2	Bis(2-chloro-1-methylethyl) ether	N	108-60-1	10523-H	191
3	Butyl benzyl phthalate	P	85-68-7	10422-E	213
4	Caprolactam	N	105-60-2	10505-F	214
5	Cinnamyl anthranilate	P	87-29-6	10426-V	196
6	Cytembena	P	21739-91-3	10776-H	207
7	Di(2-ethylhexyl)adipate	N	103-23-1	10497-E	212
8	Dibromochloropropane	P	96-12-8	10465-X	206
9	Ethylene dibromide	P	106-93-4	10513-F	210
10	Flucmaturon	S	2164-17-2	10697-P	195
11	Malathion	N	121-75-5	10563-V	192
12	Phenol	N	108-95-2	10076-N	203
13	Reserpine	P	50-55-5	10355-J	193
14	Selenium sulfide	P	7488-56-4	10745-X	194
15	Selenium sulfide	N	7488-56-4	10745-X	197
16	Selsun	N	SELSUN	10808-H	199
17	Sunset Yellow FCF 6	N	2783-94-0	10714-V	208
18	Toluene-2,6-diamine dihydrochloride	N	15481-70-6	10768-A	200
19	1,2,3,6,7,8(7,8,9)-Hexachlorodibenzo-p-dioxin (gavage)	P	HCDD MIX	10790-S	198
20	1,2,3,6,7,8(7,8,9)-Hexachlorodibenzo-p-dioxin (skin paint)	N	HCDD MIX	10790-S	202
21	2,3,7,8-Tetrachlorodibenzo-p-dioxin	P	1746-01-6	10157-G	209
22	2,3,7,8-Tetrachlorodibenzo-p-dioxin	P	1746-01-6	10157-G	201
23	4,4'-Methylenebis(N,N'-dimethylaniline)	P	101-61-1	10487-H	186
24	4,4'-Oxydianiline	P	101-80-4	10490-C	205

* CARCINOGENIC ACTIVITY: N = negative, P = positive, S = suspect

** NTP/NCI Technical Report Number

TABLE 9

CHEMICALS FOR WHICH CARCINOGENESIS BIOASSAYS WILL BE COMPLETED IN FY 1981

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
1	Agar agar	9002-18-0	10754-C	R,M	F
2	Allyl isothiocyanate	57-06-7	10367-A	R,M	G
3	Asbestos, amosite	12172-73-5	10761-X	H	F
4	Asbestos, chrysotile	12001-29-5	10758-S	H	F
5	Bis(2-chloro-1-methylethyl) ether	108-60-1	10523-H	M	G
6	Bisphenol A	80-05-7	10034-Y	R,M	F
7	D & C Red 9	5160-02-1	10729-X	R,M	F
8	Di(2-ethylhexyl) phthalate	117-81-7	10188-J	R,M	F
9	Disperse Yellow 3	2832-40-8	10716-D	R,M	F
10	Eugenol	97-53-0	10468-J	R,M	F
11	Gum arabic	9000-01-5	10751-P	R,M	F
12	Gum guar	9000-30-0	10752-T	R,M	F
13	Gum tara	39300-88-4	10793-E	R,M	F
14	Locust bean gum	9000-40-2	10753-X	R,M	F
15	Mannitol	69-65-8	10386-L	R,M	F
16	Melamine	108-78-1	10525-M	R,M	F
17	Methylenedianiline dihydrochloride	13552-44-8	10862-G	R,M	W
18	Mirex	2385-85-5	10699-X	R	F
19	N-Nitrosodiethanolamine	1116-54-7	10143-H	R,M	W
20	Orange 10	1936-15-8	10693-Y	R,M	F
21	Pentachloroethane	76-01-7	10149-G	R,M	G
22	Polybrominated biphenyls (Firemaster FF 1)	67774-32-7	10800-C	R,M	F
23	Propyl gallate	121-79-9	10564-Y	R,M	F
24	Red 14	3567-69-9	10723-Y	R,M	F
25	Stannous chloride	7772-99-8	10747-F	R,M	F
26	Yellow 14	842-07-9	10662-W	R,M	F
27	Zearalenone	17924-92-4	10770-C	R,M	F
28	Ziram	137-30-4	10590-G	R,M	F
29	1,1-Dichloroethylene	75-35-4	10109-A	R,M	G
30	1,1,1,2-Tetrachloroethane	630-20-6	10651-J	R,M	G

* SP = species, RT = route, R = rat, M = mouse, H = hamster, F = feed, G = gavage, W = water.

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TABLE 9

CHEMICALS FOR WHICH CARCINOGENESIS BIOASSAYS WILL BE COMPLETED IN FY 1981

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
31	1,3-Dichloropropene	542-75-6	10560-M	R,M	G
32	1,4-Diamino-2,6-dichlorobenzene	609-20-1	10647-A	R,M	F
33	11-Aminoundecanoic acid	2432-99-7	10783-W	R,M	F
34	2-Biphenylamine	90-41-5	10438-K	R,M	F

* SP = species, RT = route, R = rat, M = mouse, G = gavage, F = feed.

TABLE 10

CHEMICALS IN TESTING PHASES OF THE CARCINOGENESIS BIOASSAY DURING FY 1980

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
1	Acid Orange 3	6373-74-6	10737-X	RM	G
2	Agaritine	2757-90-6	10713-R	RM	W
3	Allyl glycidyl ether	106-92-3	10824-H	RM	I
4	Allyl isovalerate	2835-39-4	10717-G	RM	G
5	Alpha-Methylbenzyl alcohol	98-85-1	10473-X	RM	G
6	Ampicillin	69-53-4	10010-S	RM	G
7	Antimony oxide	1309-64-4	10676-V	RM	F
8	Asbestos, amosite	12172-73-5	10761-X	R	F
9	Asbestos, chrysotile	12001-29-5	10758-S	R	F
10	Asbestos, crocidolite	12001-28-4	10757-N	R	F
11	Ascorbic acid	50-81-7	10357-S	RM	F
12	Benzaldehyde	100-52-7	10087-A	RM	G
13	Benzene	71-43-2	10389-Y	RM	G
14	Benzofuran	271-89-6	10058-F	RM	G
15	Benzyl acetate	140-11-4	10591-K	RM	G
16	Benzyl alcohol	100-51-6	10059-J	RM	G
17	Benzyl chloride	100-44-7	10481-X	RM	G
18	Blue 15B	574-93-6	10635-J	RM	F
19	Boric acid	10043-35-3	10035-D	M	F
20	Bromobenzene	108-86-1	10060-G	RM	G
21	Bromodichloromethane	75-27-4	10397-Y	RM	G
22	Bromoform	75-25-2	10396-V	RM	G
23	Butyrolactone	96-48-0	10090-F	RM	G
24	Castor oil	8001-79-4	10748-J	RM	F
25	Catechol	120-80-9	10094-M	RM	G
26	Chloramine	10599-90-3	10313-V	RM	W
27	Chlorendic acid	115-28-6	10028-G	RM	F
28	Chlorinated trisodium phosphate	56802-99-4	10061-K	RM	G
29	Chloroacetophenone	532-27-4	10625-C	RM	I
30	Chlorobenzene	108-90-7	10528-M	RM	G

* SP = species, RT = route, R = rat, M = mouse, G= gavage, W = water, I = inhalation, F = feed.

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TABLE 10

CHEMICALS IN TESTING PHASES OF THE CARCINOGENESIS BIOASSAY DURING FY 1980

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
31	Chlorodibromomethane	124-48-1	10570-R	RM	G
32	Chlorowax 40	63449-39-8	10062-P	RM	G
33	Chlorowax 500C	63449-39-8	10063-T	RM	G
34	Chlorpheniramine maleate	113-92-8	10537-L	RM	G
35	Coconut diethanolamide	68603-42-9	10802-J	RM	SP
36	Cyclohexanone	108-94-1	10064-X	RM	W
37	D-Limonene	5989-27-5	10071-T	RM	G
38	Decabromodiphenyl oxide	1163-19-5	10672-E	RM	F
39	Diallyl phthalate	131-17-9	10578-X	RM	G
40	Dichlorvos	62-73-7	10017-V	RM	G
41	Diesel fuel marine	DIESEL FUEL	10805-W	RM	G
42	Diesel fuel marine	DIESEL FUEL	10805-W	M	SP
43	Diethanolamine	111-42-2	10534-A	RM	W
44	Diglycidyl resorcinol ether	101-90-6	10492-J	RM	G
45	Dimethyl hydrogenphosphite	868-85-9	10663-A	RM	G
46	Dimethyl methylphosphonate	756-79-6	10660-N	RM	G
47	Dimethyl morpholinophosphonate	597-25-1	10641-C	RM	G
48	Dimethylvinyl chloride	513-37-1	10623-T	RM	G
49	Diphenhydramine hydrochloride	147-24-0	10040-R	RM	F
50	Disperse Blue 1	2475-45-8	10707-Y	RM	F
51	Dodecyl alcohol, ethoxylated	9002-92-0	10755-F	RM	F
52	DMBA/TPA	57-97-6	10371-J	RM	SP
53	DMBA/TPA	57-97-6	10371-J	M	SP
54	Ephedrine sulfate	134-72-5	10584-P	RM	F
55	Epinephrine hydrochloride	55-31-2	10041-V	RM	I
56	Erythromycin stearate	643-22-1	10656-E	RM	F
57	Ethyl acrylate	140-88-5	10594-X	RM	G
58	Ethyl bromide	74-96-4	10067-J	RM	I
59	Ethyl chloride	75-00-3	10019-D	RM	I
60	Ethylene chlorohydrin	107-07-3	10517-W	RM	SP
61	Ethylene oxide	75-21-8	10020-A	M	I

* SP = species, RT = route, R = rat, M = mouse, G = gavage, SP = skin painting, W = water, F = feed, I = inhalation.

TABLE 10

CHEMICALS IN TESTING PHASES OF THE CARCINOGENESIS BIOASSAY DURING FY 1980

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
62	Fluorescein, sodium	518-47-8	10624-X	RM	W
63	Formaldehyde	50-00-0	10002-S	M	I
64	Furan	110-00-9	10119-H	RM	G
65	Furfural	98-01-1	10120-F	RM	G
66	Furfuryl alcohol	98-00-0	10121-J	RM	G
67	Furosemide	54-31-9	10068-N	RM	F
68	Geranyl acetate	105-87-3	10507-H	RM	G
69	Gibberellic acid	77-06-5	10407-H	RM	F
70	Gilsonite	12002-43-6	10760-T	RM	F
71	Glutaraldehyde	111-30-8	10803-W	RM	SP
72	Glycidol	556-52-5	10638-P	RM	G
73	Hematoxylin	517-28-2	10044-G	RM	F
74	Hexachlorocyclopentadiene	77-47-4	10125-A	RM	G
75	Hexylresorcinol	136-77-6	10588-F	RM	G
76	Hydrochlorothiazide	58-93-5	10029-K	RM	F
77	Hydroquinone	123-31-9	10022-H	RM	G
78	HC Blue 1	2784-94-3	10715-Y	RM	F
79	HC Blue 2	33229-34-4	10788-R	RM	F
80	HC Red 3	2871-01-4	10718-K	RM	G
81	Iodinated glycerol	5634-39-9	10733-G	RM	G
82	Isophorone	78-59-1	10070-P	RM	G
83	Lauric acid diethanolamine	7487-79-8	10744-T	RM	SP
84	Maleic hydrazide diethanolamine	5716-15-4	10734-K	RM	W
85	Malonaldehyde	542-78-9	10627-J	RM	G
86	Mercaptobenzothiazole	149-30-4	10073-C	RM	G
87	Methyl carbamate	598-55-0	10642-F	RM	G
88	Methyl methacrylate	80-62-6	10418-V	RM	I
89	Methyldopa	555-30-6	10629-S	RM	F
90	Methylene chloride	75-09-2	10030-H	RM	G
91	Methylene chloride	75-09-2	10030-H	RM	I
92	Monuron	150-68-5	10600-R	RM	F

* SP = species, RT = route, R = rat, M = mouse, W = water, I = inhalation, G = gavage, F = feed, SP = skin painting

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TABLE 10

CHEMICALS IN TESTING PHASES OF THE CARCINOGENESIS BIOASSAY DURING FY 1980

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
93	N-Butyl chloride	109-69-3	10089-H	RM	G
94	N-Phenyl-2-naphthylamine	135-88-6	10586-X	RM	F
95	N,N-Dimethylaniline	121-69-7	10039-T	RM	G
96	Nalidixic acid	389-08-2	10045-K	RM	F
97	Naphthalene	91-20-3	10046-P	RM	G
98	Navy fuels JP-5	NAVY FUELS	10140-W	M	SP
99	Navy fuels JP-5	NAVY FUELS	10140-W	R	G
100	Nitrofurantoin	67-20-9	10382-W	RM	F
101	Nitrofurazone	59-87-0	10047-T	RM	F
102	O-Phenylphenol	90-43-7	10439-P	M	SP
103	Oleic acid diethanolamine	13961-86-9	10764-J	RM	SP
104	Oxalic acid	144-62-7	10049-C	RM	F
105	Oxytetracycline hydrochloride	2058-46-0	10080-X	RM	F
106	P-Nitrophenol	100-02-7	10142-E	M	SP
107	P-Quinone	106-51-4	10162-V	RM	G
108	P-Rosaniline hydrochloride	569-61-9	10633-C	RM	F
109	Penicillin VK	132-98-9	10581-D	RM	G
110	Pentachloroanisole	1825-21-4	10024-R	RM	G
111	Pentachloronitrobenzene	82-68-8	10033-V	M	F
112	Pentachlorophenol, purified	87-86-5	10429-G	M	F
113	Pentachlorophenol, Technical grade	87-86-5	10429-G	M	F
114	Pentachlorophenol, Dowicide EC-7	87-86-5	10429-G	M	F
115	Pentachlorophenol, DP-2	87-86-5	10429-G	M	F
116	Penterythritol tetranitrate	78-11-5	10150-E	M	F
117	Phenolphthalein	77-09-8	10058-Y	RM	F
118	Phenylbutazone	50-33-9	10354-F	RM	F
119	Phenylephrine hydrochloride	61-76-7	10376-E	RM	F
120	Phthalocyanine green	1328-53-6	10680-E	RM	F
121	Propylene	115-07-1	10538-R	RM	I
122	Pyridine	110-86-1	10532-S	RM	G
123	Rhodamine 6G	989-38-8	10052-G	RM	F

* SP = species, RT = route, R = rat, M = mouse, G = gavage, F = feed, SP = skin painting, I = inhalation

TABLE 10

CHEMICALS IN TESTING PHASES OF THE CARCINOGENESIS BIOASSAY DURING FY 1980

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
124	Rotenone	83-79-4	10420-W	RM	F
125	Roxarsone	121-19-7	10233-F	RM	F
126	Sodium (2-ethylhexyl)alcohol sulfate	126-92-1	10572-Y	RM	F
127	Sodium aluminosilicate	1344-00-9	10054-P	RM	F
128	Sodium cyanurate	2624-17-1	10710-E	RM	G
129	Sodium dodecyl sulfate	151-21-3	10604-G	RM	F
130	Sodium fluoride	7681-49-4	10746-C	RM	W
131	Sodium xylenesulfonate	1300-72-7	10164-T	RM	F
132	Styrene oxide	96-09-3	10464-T	RM	G
133	Succinic anhydride	108-30-5	10518-A	RM	G
134	Tert-Butyl alcohol	75-65-0	10402-N	RM	W
135	Tetrachloroethylene, B	127-18-4	10176-T	RM	G
136	Tetrachloroethylene, C	127-18-4	10176-T	R	G
137	Tetrachloroethylene, D	127-18-4	10176-T	R	G
138	Tetrachloroethylene, E	127-18-4	10176-T	R	G
139	Tetrachloroethylene, F	127-18-4	10176-T	RM	I
140	Tetracycline hydrochloride	64-75-5	10381-S	RM	F
141	Tetrakis(hydroxymethyl)phosphonium chloride	124-64-1	10171-Y	RM	G
142	Tetranitromethane	509-14-8	10025-V	RM	I
143	Toluene diisocyanate	584-84-9	10638-W	RM	G
144	Tremolite	14567-73-8	10766-S	R	F
145	Trichlorfon	52-68-6	10360-X	RM	G
146	Trichloroethylene, B	79-01-6	10175-P	RM	G
147	Trichloroethylene, C	79-01-6	10175-P	R	G
148	Trichloroethylene, D	79-01-6	10175-P	R	G
149	Trichloroethylene, E	79-01-6	10175-P	RM	G
150	Trichloroethylene, F	79-01-6	10175-P	R	G
151	Tris(2-ethylhexyl) phosphate	78-42-2	10413-A	RM	G
152	THPS	55566-30-8	10809-L	RM	G
153	Vinyl toluene	25013-15-4	10032-R	RM	I
154	Witch hazel	68916-39-2	10183-P	RM	SP

* SP = species, RT = route, R = rat, M = mouse, F = feed, G = gavage, W = water, I = inhalation, SP = skin painting

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TABLE 10

CHEMICALS IN TESTING PHASES OF THE CARCINOGENESIS BIOASSAY DURING FY 1980

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
155	Wollastonite calcium silicates	13983-17-0	10027-D	RH	IT
156	Xylenes, commercial mixture	1330-20-7	10004-A	RM	G
157	1,1,1-Trichloroethane	71-55-6	10390-W	RM	G
158	1,2-Dichlorobenzene	95-50-1	10456-T	RM	G
159	1,2-Dichloropropane	78-87-5	10111-C	RM	G
160	1,2-Epoxybutane	106-88-7	10066-F	RM	I
161	1,2-Epoxyhexadecane	7320-37-8	10740-D	RM	SP
162	1,2-Epoxypropane	75-56-9	10400-F	RM	I
163	1,3-Butadiene	106-99-0	10514-J	M	I
164	1,4-Dichlorobenzene	106-46-7	10038-P	RM	G
165	2-Amino-4-nitrophenol	99-57-0	10005-E	RM	G
166	2-Amino-5-nitrophenol	121-88-0	10565-D	RM	G
167	2-Butanone peroxide	1338-23-4	10001-H	RM	SP
168	2-Chlorobenzalmalononitrile	2698-41-1	10711-H	RM	I
169	2-Ethoxyethanol	110-80-5	10117-A	RM	G
170	2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	10722-V	RM	G
171	2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	10722-V	M	SP
172	2,3-Dibromo-1-propanol	96-13-9	10016-R	RM	G
173	2,3-Dibromo-1-propanol	96-13-9	10016-R	M	SP
174	2,4-Dichlorophenol	120-83-2	10557-D	RM	F
175	2,6-Xylidine	87-62-7	10185-X	RM	F
176	3-Chloro-2-methylpropene	563-47-3	10632-X	RM	G
177	4-Vinylcyclohexene	100-40-3	10480-T	RM	G
178	4,4'-Diphenylmethane diisocyanate	101-68-8	10488-A	RM	G
179	5-Hydroxytryptophan	56-69-9	10128-L	RM	G
180	8-Hydroxyquinoline	148-24-3	10598-N	RM	F
181	8-Methoxypsoralen	298-81-7	10023-L	R	G

* SP = species, RT = route, R = rat, H = hamster, M = mouse, IT = intratracheal, G = gavage, I = inhalation, SP = skin painting, F = feed.

TABLE 11

LABORATORIES QUALIFIED FOR CARCINOGENESIS BIOASSAYS AND VARIOUS SPECIAL STUDIES

NCI/BOA	[a]Routes of Administration					Special Capabilities				
	DF	DW	GV	SP	IH	Clinical Chemistry	Pharmacokinetics Metabolism	Immuno-Toxicology	Neurobehavioral Toxicology	Endocrinology
Battelle-Columbus	X	X	X	X		Yes	Yes	Yes		
Battelle-NW	X	X	X	X	X	Yes	Yes	Yes	Yes	
Bioassay Systems		X	X	X		Yes				
[e]Eppley	X	X	X	X			Yes			
[e]FDRL	X	X	X	X		Yes				
[e]GSRI	X	X	X	X						
Hazleton	X	X	X	X	X	Yes		Yes		Yes
[e]IITRI TASK I only[d]	X	X	X	X	X			Yes		
[e]IRDC	X	X	X	X	X	Yes				
Inveresk	X	X	X	X	X	Yes	Yes[c]		Yes	
Litton Bionetics	X	X	X	X	X	Yes		Yes		Yes
Mason	X	X	X	X		Yes		Yes		
Microbiological Assoc.	X	X	X	X				Yes		
Midwest Res. Inst.	X	X	X	X	X	Yes	Yes			
Oregon State TASK I only		X	X	X				Yes		
Papanicolaou	X	X	X	X						
Raltech	X	X	X	X	X[b]	Yes				
Southern Res. Inst.	X	X	X	X		Yes	Yes			
Springborn	X	X	X	X						
Stanford Res. Inst.	X	X	X	X		Yes	Yes	Yes	Yes	
Texas A&M TASK I only	X	X	X	X		Yes				
Totals	19	21	21	21	8	14	8	9	3	2

[a]Dosed-feed, drinking water, gavage, skin paint, inhalation.

[b]Acute and 14 day repeated-dose only

[c]Restricted to Shady Grove animal facility

[d]Task I is prechronic studies

[e]FDRL (Food and Drug Research Laboratories, Inc.)
GSRI (Gulf South Research Institute)
IITRI (Illinois Institute of Technology Research Institute)
IRDC (International Research and Development Corporation)

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TABLE 12

CHEMICALS SCHEDULED TO START CARCINOGENESIS BIOASSAYS IN FY 1981

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
1	Amphetamine sulfate	60-13-9	10085-S	RM	F
2	Azodicarbonamide	123-77-3	10086-M	RM	F
3	Beta-Cadinene	523-47-7	10091-J	RM	F
4	C I Pigment Red 23	6471-49-4	10210-D	RM	F
5	C I Pigment Red 3	2425-85-6	10209-F	RM	F
6	Carvone	99-49-0	10093-S	RM	F
7	Chloramphenicol	56-75-7	10096-E	RM	F
8	Chlorpromazine hydrochloride	69-09-0	10101-T	RM	F
9	Curcumin	458-37-7	10105-J	RM	F
10	Diethyl phthalate	84-66-2	10112-F	RM	F
11	Dimethoxane	828-00-2	10114-N	RM	G,SP
12	Dimethyloldihydroxyethyleneurea	1854-26-8	10205-P	RM	G,I
13	Ethylene glycol	107-21-1	10118-E	RM	F
14	Ethylenediamine	107-15-3	10190-K	RM	G
15	Glycol (Polysorbate 80)	9005-65-6	10122-N	RM	F
16	Hexachloroethane	67-72-1	10126-E	R	G
17	HC Yellow 4	52551-67-4	10123-S	RM	F
18	Isobutyl nitrite	542-56-3	10869-J	RM	I
19	Isoproterenol hydrochloride	51-30-9	10130-N	RM	I
20	Mercuric chloride	7487-94-7	10133-A	RM	F
21	Methyl coumarin	92-48-8	10136-L	RM	G
22	Monochloroacetic acid	79-11-8	10138-V	RM	G
23	N-Methylolacrylamide	924-42-5	10206-T	RM	F
24	Nitrobenzene	98-95-3	10141-A	RM	G,SP
25	Ochratoxin A	37203-43-3	10268-Y	RM	G
26	P-Chloroaniline	106-47-8	10100-P	RM	F
27	Palladium chloride (2+)	7647-10-1	10148-D	RM	F
28	Probenecid	57-66-9	10160-L	RM	F
29	Quercetin	117-39-5	10161-R	RM	F
30	Resorcinol	108-46-3	10163-Y	RM	G

* SP = species, RT = route, R = rat, M = mouse, F = feed, G = gavage, SP = skin paint, I = inhalation

TABLE 12

CHEMICALS SCHEDULED TO START CARCINOGENESIS BIOASSAYS IN FY 1981

SEQ. NO.	CHEMICAL	CAS NO.	NTP NO.	SP*	RT*
31	Sodium azide	26628-22-8	10164-D	RM	G
32	Titanium ferrocene	1271-19-8	10174-K	RM	G
33	Toluene	108-88-3	10009-V	RM	G,I
34	Tris(2-chloroethyl) phosphate	115-96-8	10178-C	RM	F
35	Vinyl cyclohexene dioxide	106-87-6	10179-F	RM	G,SP
36	1-Amino-2,4-dibromoanthraquinone	81-49-2	10084-N	RM	F
37	2,4-Diaminophenol dihydrochloride	137-09-7	10186-N	RM	F
38	3,4-Dihydrocoumarin	119-84-6	10113-J	RM	G
39	4-Hydroxyacetanilide	103-90-2	10127-H	RM	F
40	4,4'-Diamino-2,2'-stilbenedisulfonic acid	81-11-8	10107-S	RM	F

* SP = species, RT = route, R = rat, M = mouse, G = gavage, I = inhalation, F = feed, SP = skin painting.

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General Toxicology

Most chemicals selected for testing by NTP are chosen because the potential exists for considerable human exposure, and too little is known about their toxicologic effects. The scope of toxic action of an environmental agent is exercised on the entire organism. Within that organism, one seeks to identify a target organ or organs in which toxic injury produces dysfunction or overt disease. The general toxicology program uses a toxicologic screen to gather information on generalized toxicity of chemicals to test animals. Second, the program seeks to include tests which will give presumptive evidence of specific chemically induced damage to vital organs, such as lungs, liver and kidneys; fertility and reproduction; the nervous system and behavior; and the immune system. The screen also establishes the range of doses over which various toxicities occur, toxicological variability between males and females in two species of animals, and in some instances establishes the basic disposition pattern of a chemical within the body as a function of dose and time.

The general toxicology rodent screen is a major component of Phase I testing (Table 2). These Phase I tests should result in a core of toxicology data essential to the proper design of more extensive studies. Using the information from the Phase I rodent toxicologic screen, more extensive toxicologic testing can be started with increased capabilities to confirm and define those toxicities identified in the screen.

FY 1980 Accomplishments

Acute, subchronic and chronic studies aimed at characterizing the toxicologic potential of several chemicals of interest to the NTP were continued or begun in FY 1980. Chronic toxicology studies with a polybrominated biphenyl (PBB) mixture and its major component, a hexabromobiphenyl, were in progress during FY 1980. Subchronic toxicology studies were carried out with chlordecone (Kepone) and were aimed at examining general toxic effects and chemical disposition, as well as effects on fertility and reproduction and neurobehavioral function. Among effects seen were dose-related decreased fertility in male rats, and behavioral effects in males and females.

In test method development, particular emphasis was given to evaluating the sensitivity of a number of tests of renal function using subchronic exposure of Fischer rats to three different types of renal toxicants. It was found that the most promising types of renal function tests were those that measured total functional capacity of the kidneys. Many standard renal function tests were found to be of little value in detecting kidney injury. Further, direct linear measurement of urinary protein using an automated centrifugal analyzer proved to be sensitive, accurate and precise in rodent studies.

Development of expanded protocals for 90-day subchronic tests was a significant activity. Tests were selected to be added to prechronic studies in the areas of clinical chemistry, liver function, kidney function, thyroid function, urinalysis, sperm function, as well as specific screens or organ functions and damage. Some of these tests have been included in the prechronic phase of the two-year carcinogenesis bioassay.

FY 1981 Program Plans

The developmental effects of chlordecone (Kepone) will be assessed in rats. Effects on neurobehavioral development and on reproduction and fertility also will continue to be examined. Indepth studies will continue on the renal toxicology of 1,2-dibromo-3-chloropropane (DBCP), haloalkanes and several commercial solvents. Other selected chemicals will be studied for various toxic effects using expanded protocols.

The evaluation of tests for detecting kidney injury in subacute, subchronic and chronic toxicity studies will be expanded to include additional test procedures (e.g., electrophoretic separation of urinary proteins) and other classes of toxicants. Procedures using urine will be emphasized since these are noninvasive. The development and adaptation of test procedures for automated analyses will be continued.

The area of cutaneous toxicology will receive emphasis, primarily in development and evaluation of methods to measure toxicity of chemicals to skin, especially solvents.

During FY 1981, development of exanded protocals will continue, primarily for use in the general toxicologic rodent screen, and in the prechronic phase of the carcinogenesis two-year bioassay. Attention will be given both to increasing the types of toxic effects that can be measured and to improving or replacing currently employed assays. Expansion of the systemic pathologic examination at the high dose level in 90-day studies will continue. Development of exanded and improved protocols reflect the NTP's ongoing commitment to broadening toxicologic characterization of chemicals tested, and development and validation of improved protocols to better meet regulatory needs.

Chemical Disposition

Knowledge of the disposition, i.e. absorption, distribution, metabolism and excretion, of chemicals to which animals are exposed is fundamental to an understanding of the mechanisms by which exposure to chemicals induces toxicity. The objective of the Chemical Disposition program is to assist in interpreting and using available information on the disposition of chemicals and in developing new basic knowledge where needed. This data will help to more accurately predict the correct doses for compounds to be studied in animal bioassays. Developing fundamental information on chemical structure-activity relationships will permit a more accurate prediction of the disposition of large classes of chemicals and of chemicals of unrelated classes but which have similar structural or physical properties. The ultimate goal of the Chemical Disposition program is to provide basic data which will permit a more accurate extrapolation of laboratory data to humans.

Chemical disposition studies are designed to determine the absorption, degree of metabolism and rate of clearance of the compound of choice in one or more animal species at a low and a high dose administered via the anticipated route of human exposure, usually oral. The low dose is determined by the limits of accurate detection or the anticipated human exposure, whichever is higher. The high dose is determined by the lower limits of acute toxicity or the highest dose which can be accurately administered, whichever is lower. If absorption, metabolism and clearance are apparently unaffected by dose, the disposition of the chemical is studied at a relatively non-toxic dose which usually does not exceed anticipated human exposure by greater than 10-fold. If either absorption, metabolism or clearance is affected by dose, the initial studies are repeated with intermediate doses in order to determine the saturating dose for the biological mechanism involved.

FY 1980 Accomplishments

The chemical disposition effort in FY 1980 was conducted principally through two university-based contracts and a small in-house program staffed by three scientists plus technical support. Current program capacity is 10–15 chemical disposition starts yearly.

For the most efficient use of this limited capacity, preference is given to development of a core of knowledge based on chemical class characteristics that can be used to predict the disposition of other chemicals within that class of in related classes. Studies on four major chemical classes were initiated or continued under NTP in FY 1980: aromatic and aliphatic amines, benzidine-based dyes, haloalkyl phosphates and halogenated polyaromatics.

Benzidine and seven benzidine-based dyes were studied in the dog and the rat. Dogs excreted free benzidine in the urine following oral administration of the dyes in amounts comparable to the benzidine excreted in urine following a similar dose of pure benzidine. Rats did not excrete benzidine in the urine following *acute* administration of the benzidine-based dyes, but did excrete benzidine and N-acetyl benzidine following chronic administration of several benzidine-based dyes.

Two 3,3'-dimethoxybenzidine-based dyes and four 3,3,'-dimethylbenzidine-based dyes were studied in dogs and rats. Both dogs and rats excreted free dimethoxybenzidine in the urine following oral administration of the dimethoxybenzidine-based dyes. Both species excreted unchanged 3,3,'-dimethylbenzidine in urine following the oral administration of two of the dimethylbenzidine-based dyes, direct Blue 25 and Acid Red 114.

The metabolisms of two polychlorinated biphenyls (PCBs) that are readily metabolized and one that is resistant to metabolism were studied *in vitro* and *in vivo* in three species—rat, dog and monkey. The results of the studies indicated that at least in some cases it may be possible to predict *in vivo* metabolism and disposition of chemicals based on rates of *in vitro* metabolism.

Studies with 2,3,7,8,-tetrachlorodibenzofuran (TCDF) showed that it is readily absorbed from the gastrointestinal tracts of rats and guinea pigs, and absorption is unaffected by the size of the dose within the dose range studied. Following either oral or intravenous administration, TCDF is initially concentrated in the livers of rats, guinea pigs and monkeys. The rat metabolizes TCDF at an appreciable rate and excretes the metabolites in the bile and ultimately in the feces. The guinea pig, apparently unable to metabolize TCDF, stores it for an extended period of time and is very sensitive to intoxication by TCDF. In multiple dose experiments with guinea pigs, symptoms of acute intoxication are observed only after a critical body burden is accumulated. The monkey metabolizes and excretes TCDF at a rate which is intermediate between that of the rat and guinea pig. Current effort is directed toward isolation and identification of a metabolite from monkey feces.

Studies of a uniquely toxic PCB, 3,4,3',4'-tetrachlorobiphenyl (TCB), in male and female rats and female monkeys have shown this PCB to be metabolized and excreted at a rate which is intermediate between that of rapidly metabolized and persistent PCBs which have been the subjects of past studies. No appreciable sex-related difference was observed in the disposition of TCB in rats. A species-related difference was observed for the disposition of TCB in a comparison of rats and monkeys. The biological half-life of TCB in the monkey was approximately five times that observed for the rat. The major difference in metabolism observed for TCB as opposed to other less toxic PCBs is that a metabolite of TCB persists in the blood longer than any other PCB or PCB metabolite so far studied.

The findings described here and in previous years provide a basis for the following conclusions about simple halogenated aromatics: (a) their lipid solubility facilitates absorption; (b) their half-lives are determined by the rate at which they are metabolized; (c) their ability to be metaolized is determined by the position, as well as the degree of halogenation; and (d) the major sites of accumulation are the liver, skin and adipose tissue and the relative importance of the liver and adipose tissues as storage sites is determined by the polarity of the compound in question.

The metabolism and disposition of two halogenated alkyl phosphates, tris (1,3-dichloro-2-propyl) phosphate (Fyrol FR–2) and tris (2,3-dibromopropyl) phosphate (Tris), were studied in the rat. The major mechanisms of metabolism involve dealkylations of the phosphate. The dealkylated products undergo various degrees of further metabolism and may be metabolized all the way to CO_2. *In vitro* studies have demonstrated that the dealkylations are mediated by both mixed-function oxidase enzymes and a soluble glutathione-S-transferase enzyme. Trace amounts of each of these compounds are metabolized to reactive intermediates which alkylate subcellular macromolecules. The major differences relating to chemical structure are observed in the alkylation of DNA in the kidney where treatment with Tris results in approximately 10-fold greater DNA alkylation than does a similar Fyrol FR–2 treatment.

Other studies were initiated during FY 1980 on the metabolism and disposition of chlorpheniramine maleate, acrylamide, p-chloroaniline and p-nitrotoluene.

FY 1981 Program Plans

A continuing objective of the chemical disposition program is to incorporate chemical disposition information into the beginning of the long-term bioassay process to assist chemical managers in dose selection and other decisions relating to the long-term testing of a chemical. A second objective is to design and conduct experiments which will enable relating chemical disposition and kinetic data to what one might expect to see in humans.

The NTP plans to award two new contracts which will increase the capacity of the program to 20–25 chemical starts a year by the end of FY 1981. Plans for FY 1981 call for the continuation of ongoing studies in chemical disposition, and initiation of 12 additional studies of compounds or classes of compounds.

Studies on the chemical disposition of benzidine-based dyes will continue. Current plans call for the use of radiolabeled compounds to accurately quantitate gastrointestinal absorption, distribution, metabolism and excretion of benzidine, 3,3'-dimethylbenzidine and 3,3'-dimethoxybenzidine. Radiolabeled benzidine will also be used to synthesize a radiolabeled benzidine-based dye to be used in similar studies of absorption, distribution, metabolism and excretion. The data from these studies will be used to calculate the kinetic parameters for the disposition of these compounds, and an effort will be made to extrapolate this data to the human condition in order to assess the hazard posed from human exposure to dyes synthesized from these carcinogenic precursors.

The work on comparing *in vitro* vs. *in vivo* metabolism of PCBs will be continued to refine the technique and hopefully provide data which will permit the extrapolation of these results to man.

Halogenated foreign chemicals are the most toxic and persistent of the chemicals contaminating our environment. Studies done to date have firmly established those factors which determine the disposition of simple halogenated aromatics. Future studies will be designed to expand this base of knowledge by determining how other types of substitution, in addition to halogens, affect the metabolism and disposition of organic compounds. In addition, the effort to elucidate the biochemical mechanism(s) by which halogenated hydrocarbons exert their action will be continued.

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Data from the studies of chlorpheniramine maleate, acrylamide, p-chloroaniline and p-nitrotoluene, a series of aliphatic and aromatic amines plus p-nitrotoluene, which may be metabolically reduced to an amine, will be further analyzed in an effort to determine the effect of the amine group on the disposition of these compounds.

Immunological Toxicology

The functions of the immune system are host defense, maintenance of homeostasis and surveillance. Stimuli can be either endogenous of exogenous and the immune response either specific or nonspecific. The interactions of environmental chemicals of drugs with the immune system may result in undersirable effect of three types: (1) those determined by immunodeficiency or immune suppression, (2) those determined by alterations of host defense mechanisms, and (3) those determined by allergy or hypersensitivity. Although the system is remarkably resilient, drugs, chemicals, ionizing radiation and malnutrition can impair its function. There is increasing evidence that chronic, subclinical exposure to certain chemicals may depress immune responsiveness and increase susceptiblility to infectious agents.

The primary objective of the program in immunological toxicology is to develop and validate a series of ummunologic procedures to define a relatively simply screening battery of tests for implementation in the NTP chemical testing programs. Chemical suspected of causing immunologic alterations will be examined to aid in validation of the screening battery.

Early in FY 1980, a consensus meeting on immunotoxicology was held at NIEHS brining together over 35 immunologists, pathologists and toxicologists to develop a list of relevant immunological parameters for evaluation of chemical toxicity. There was general agreement that the discipline of immunology provide sensitive assay procedures to examine selective and general cellular toxicology since the immune system is composed of a variety of easily characterized functional subsets of rapidly proliferating cells.

The consensus group endorsed the development and validation of a comprehensive panel of assays including: (1) host resistance to bacterial and tumor cell challenge; (2) cell-mediated immune function as measures by lymphoproliferative responses to mitogens; (3) development of delayed hypersensitivity to T-cell dependent antigen; (4) assessment of antibody plaque forming cell responses; (5) quantitation of immunoglobulin levles; and (6) bone marrow progenitor cell assays.

FY 1980 Accomplishements

During FY 1980 several chemicals were examined for immunotoxic effects using a comprenhensive panel of immunology and host resisteance assays. Routine clinical chemistry, hematology and pathology/histology studies were also performed. All the chemicals were examined at three dose levels which were not believed to be overtly toxic in terms of causing negative weight gain or gross changes in liver pathology or chemistry. Table 13 summarizes the results seen with these chemicals. In general, the compounds DES, CY, BP, INDO, and TCDD were highly immunosuppressive affecting cell-mediated immunity and T/cell function, antibody PFC formation and host resistance parameters; OPP and TCPP demonstrated minimal or no immunotoxicity. Lymphoproliferative responses to T-cell dependent mitogens and resistance to tumor, bacterial or parasite challenge represented the most sensitive parameters of immunotoxicity assayed. The proposed mechanisms responsible for the immunotoxicity observed a given in Table 14.

Development continues on bone marrow progenitor and host resistance assays. During the past decade a variety of *in vivo* and *in vitro* assays have been developed to examine the functional state of hemopoietic progenitor cells from the bone marrow. These assays have not only aided in understanding the control and regulation of hematopoiesis but, more importantly, are uses as sensitive clinical indicators for myelotoxicity induced by chemotherapeutic drugs. However, little if any attention has been directed toward their potential as toxic indicators in the examination of chemicals of environmental concern. This appears rather surprising in view of the numerous chemicals that induce hematological alterations including anemia or myelosuppression. To date the NTP immunological toxicology program has examined the effects of several chemical pollutants on hemopoietic progenitor cell assays (Table 13). Preliminary data indicate that these assays may be used as an earlier indicator of cellular and immunotoxicity with most, but not all, chemicals.

FY 1981 Program Plans

Research on methods selection will continue in NTP laboratories during FY 1981 with emphasis on developing correlations between host resistance and immunological parameters. Alterations in host resistance appear from preliminary studies to be sensitive indicatorsa of immunotoxicity. For some time, a correlation has been found between the use of chemical immunosuppressants in clinical medicine and increased incidence of bacterial, viral, fungal, parasitic and neoplastic dieases. Through cooperation with FDA laboratories in Cincinnati, Ohio, and Jefferson, Arkansas, NTP will examine *in vivo* and *in vitro* approaches to immunological evaluation, including the evaluation of interferon production and the application of laser cytometry as an indicator of immunotoxicity and host resistance parameters. Contracts will be awarded during the first quarter of FY 1981 to assist with the development of host resistance models using viruses, bacteria, parasites, and tumor cells. In addition, the immunological panel will be validated using selected chemicals, and will be correlated with the host resistance panel developed in the first phase of the contract. An interlaboratory comparison of selected methods also will be initiated between contract and NTP laboratories during the second quarter FY 1981.

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TABLE 13

SUMMARY OF FY 1980 STUDIES OF VARIOUS CHEMICALS ON IMMUNE AND HOST SUSCEPTIBILITY PARAMETERS[a]

Chemical	RBC Counts	WBC Counts	Thymus Weight	Bone Marrow Progenitor Cell Proliferation	Antibody PFC Response	Serum Antibody Titer	Immunoglobulin Levels	Lymphoproliferative Responses
Diethylstilbestrol (DES)	NE	↑↑	↓↓	↓↓	↓	NE	↓	↓↓
Cyclophosphamide (CY)	↓↓	↓↓	↓↓	↓↓	↓↓	↓↓	↓↓	↓↓
Orthophenylphenol (OPP)	NE	NE	NE	NE	NE	NE	NE	NE
Tris (1,3,-dichloro-2-propyl) phosphate (TCPP)	NE	NE	NE	NE	NE	NE	NE	NE
Indomethacin (INDO)	ND	ND	NE	↓	↓	ND	ND	ND
Benzo(a)pyrene (BP)	NE	↑	↓	↓↓	↓↓	↓	↓	↓
2,3,7,8-Tetrachloro-dibenzo-p-dioxin (perinatal exposure) (TCDD)	↓	NE	↓↓	↓	ND	ND	ND	↓↓

CONTINUED

TABLE 13 (Cont'd)

Chemical	Delayed Hypersensitivity Responses	Macrophage Functions	Resistance to Syngeneic Tumor Cell Challenge	Resistance to Bacterial Challenge	Expulsion of Parasite	CAS No.
Diethylstilbestrol (DES)	+	++	++	++	++	56-53-1
Cyclophosphamide (CY)	++	+	++	++	++	50-18-0
Orthophenylphenol (OPP)	NE	NE	NE	NE	NE	90-43-7
Tris (1,3-dichloro-2-propyl) phosphate (TCPP)	NE	NE	+	NE	+	13674-87-8
Indomethacin (INDO)	NE	+	NE	NE	NE	53-86-1
Benzo(a)pyrene (BP)	NE	NE	NE	NE	+	50-32-8
2,3,7,8-Tetrachloro-dibenzo-p-dioxin (perinatal exposure) (TCDD)	+	NE	+	+	ND	1746-01-6

[a] Represents general effects following evaluation at 3 chemical dosage levels. Dosage levels examined were below that which induced signs of overt toxicity such as decreased body weight gain. Several chemicals induced slightly altered liver function (e.g., DES and OPP) but their effect was not related to immune dysfunction.

NE = no effect; ND = not done; + = slight to moderate decrease; ++ = marked decrease; +- = slight to moderate increase; ++ = marked increase.

TABLE 14

MECHANISMS OF IMMUNOLOGICAL EFFECTS OF CHEMICALS STUDIED IN FY 1980

Chemical	Mechanism of Cellular Toxicity
TCDD	Toxic effects on thymus-dependent lymphocyte through a receptor for TCDD on maturing thymocytes.
DES	Toxic for thymus-dependent lymphocyte function and induces alteration in macrophage function resulting in altered host resistance.
INDO	Affects immunoregulatory circuits.
TCPP	Mild biological alkylating agent with resultant lympholysis.
CY	Potent biological alkylating agent with resultant lympholysis.
BP	Not fully characterized as yet. Primarily affects humoral (B-cell) immunity.

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Neurobehavioral Toxicology

The central nervous system has evolved as a highly specialized organ designed to accept signals from the internal and external environment and to initiate metabolic and behavioral responses of the total organism appropriate to its survival. The complex structure and function of the brain, and the need to simultaneously be protected from the environment and yet be responsive to it, make it uniquely susceptible to environmental insults. It is believed that behavioral and neurologic alterations in response to exposure to environmental pollutants often may represent the earliest manifestations of toxicity in animals. Thus, it is most relevant to the mission of the National Toxicology Program that test systems be developed and chemicals be tested for neurobehavioral effects.

The NTP neurobehavioral program involves the formation of a strategy for the development, standardization and validation of neurobehavioral screening tests. Such a test battery would provide a general indication of the presence of neurotoxicity, and would possibly indicate the type or nature of neurotoxicity in terms of neurobehavioral function that may be affected. Known representative neurotoxicants are studied in the battery to determine the level of sensitivity and selectivity of each component test. This battery with continuing refinements is used as part of the general toxicology screen and in the prechronic phase of the two-year carcinogenesis bioassay.

An additional objective is the development of a test capability for more extensive in-depth toxicological characterization of selected chemicals either identified in preliminary neurobehavioral screening or which are of public health concern.

FY 1980 Accomplishments

The neurobehavioral toxicology program involves laboratories at two NTP agencies. During FY 1980, a document was written which reviewed recommendations for appropriate research strategies in neurobehavioral toxicology which had been made at several recent workshops. The document identified those recommendations relevant to NTP and the extent of their implementation.

The standardization and validation of a test battery for the neurobehavioral assessment of potential neurotoxins continued under contract. This was being accomplished by evaluating the effects of tetraethyl tin, methyl mercury, sodium salicylate, D-amphetamine, acrylamide, arsenic, lead acetate, chlordecone (Kepone), and triethyl lead chloride on male rats of the Fischer 344 strain. Tests being evaluated included measures of sensory and motor functioning and indicators of learning ability.

Studies with Kepone demonstrated that adult rats exposed to 10 or 30 parts per million in the diet for a period of 90 days exhibited neurotoxicity as indicated by behavioral hyper-reactivity. In another study, female rats were fed Kepone in the diet for 60 days prior to mating. Dietary exposure continued throughout gestation and during lactation until the pups were 12 days of age. Male and female pups were being tested for neurobehavioral alternations at 30 and 90 days of age using a battery of tests consisting of startle responsiveness, negative geotaxis, tail flick, fore- and hindlimb grip strenght, and spontaneous motor activity. At approximately 21 and 100 days of age, rats of both sexes will be sacrificed, their brains dissected and assayed to determine Kepone-induced alterations in neurobehavioral or neurochemical functioning following developmental exposure to low amounts of Kepone encountered in the diet of the mother. This information will be useful in subsequent studies designed to study the neurotoxic mechanisms of Kepone. These studies were initiated in response to concerns expressed by the state of Virginia about human neurotoxicity of Kepone. Studies were also initiated on the neurobehavioral effects of 2,4-dichlorophenoxyacetic acid (2,4-D).

The NTP neurobehavioral toxicology program also conducted human and animal laboratory testing and work site studies of selected chemical agents during FY 1980. Included as part of the animal laboratory work were routine electrophysiological and behavioral screening studies after chronic inhalation exposure of animals to methyl bromide, ethylene oxide, and propylene oxide. Behavioral and neurochemical changes were found in offspring of rats exposed during pregnancy to 2-ethoyxyethanol in the reproductive hazards screening program. New methods were developed for the identification of loss of fine motor control in primates and changes in simple home cage behavior in several animal species. Subtle behavioral effects of toluene and methyl ethyl ketone, and their interaction, were surveyed in human laboratory studies. Similar behavioral changes caused by chronic carbon disulfide exposure were studied in humans in a textile factory. Manuscripts published in the scientific literature during FY 1980 reporting on work recently completed dealt with: chronic and acute exposures to methyl n-butyl ketone and methyl n-amyl ketone (rats and monkeys); acute exposure to carbaryl (rats and monkeys); gestational exposure (and testing in offspring) to 2-ethoxyethanol (rats); and acute exposures to methylene chloride and ethanol (human volunteers).

FY 1981 Program Plans

The standardization and validation of a test battery for neurobehavioral assessment of potential neurotoxins will be completed late in FY 1981. Automated procedures to assess toxicity in animals, using simple home cage behaviors such as eating, drinking, and motor activity, will be assessed using large numbers of animals in home cage-like environment. In addition, studies on the neurobehavioral toxicity of chlordecone and 2,4-D will continue.

Another effort will be to screen inhaled ethanol, 2-ethoxyethanol, propylene oxide, ethylene oxide, methyl bromide, tri ortho cresyl phosphate, and lithium compounds for neurotoxicity using neurobehavioral and neurophysiological tests. Interaction effects will be tested using exposure to selected combinations of toluene, methyl ethyl ketone, xylene, acetone, and ethanol in humans; and a job task stressor, forced pace, plus acetone in animals. Methods development work will utilize primates, implementing tests of fine motor control, and rodents, developing screening tests of sensory loss. Paint sprayers will be tested at the work site in order to characterize neurotoxicity in select worker populations having chronic exposures to assorted solvents.

An interlaboratory collaborative study is planned to identify and develop screening methods for measuring effects of prenatal exposure to chemicals on behavior during animal development. This study is described in the section on Reproductive and Developmental Toxicology.

Pulmonary Toxicology

Although many substances are assessed toxicologically by the inhalation route of exposure, pulmonary function testing is often neglected. The lung is often a prime target organ in addition to being a route of entry for systemtic intoxication. In recent years techniques have been developed that measure indices of pulmonary function in rodents—static and dynamic lung volumes, mechanical properties, gaseous diffusion, distribution of inspired air and more recently, ventilatory performance. Use of these indices may help discover whether examining pulmonary function provides more toxicologic information than does pathologic evaluation of lung injury. Pulmonary function tests in animals must be accurate, precise and specific as well as very sensitive if they are to be used effectively in diagnosis of early and/or subtle pulmonary pathologic changes seen in animal models for chemically-induced pulmonary disease in humans.

FY 1980 Accomplishments

Through an Interagency Agreement, the NTP has initiated studies to evaluate the benefits of using respiratory function techniques in toxicity evaluations of compounds. A study exposing male rats to filtered conditioned air containing 0.2, 0.8, and 2.0 ppm ozone was completed during FY 1980. All animals were exposed for 6 hrs/day, 5 days/week for a duration of 63 exposure days. Experimental data are undergoing statistical analyses. Exposure of male rats to acrolein began later in the year. The experimental regimen was identical to the one employed for ozone; airborne concentrations were 0.4, 1.4 and 4.0 ppm. This study will be completed during FY 1981.

FY 1981 Program Plans

Statistical analyses and evaluation of the findings from the inhalation exposure studies with ozone and acrolein will be completed in FY 1981. Three additional compounds will be evaluated in FY 1981, one of which will have an expanded duration of exposure and a subsequent non-exposure holding period to assess recovery or exacerbation of the response.

Reproductive and Developmental Toxicology

The assessment of chemical agents for effects on reproductive function and developmental toxicity is of critical importance for estimating risk from human exposure. Techniques for evaluating reproductive and developmental toxicology have generally involved standardized whole animal test systems and as such provide only crude indictors of reproductive effects or developmental abnormalities. The underlying biological mechanisms which account for these major health problems are still unclear in part because of the complexity of the developmental and reproductive processes. An increasing number of environmental agents have been demonstrated to have adverse effects on reproduction and development. With the large number of compounds to be tested and the limited resources available, the NTP effort is directed primarily toward the use of conventional testing procedures and improvement of these procedures. Development and validation of new methods which will be more sensitive, specific and reproducible is being pursued at a modest level.

FY 1980 Accomplishments

The testing of chemicals for teratogenic potential in FY 1980 included the evaluation of 21 chemicals. Final reports were received in FY 1980 for these chemicals, and the results are shown in Table 15. In studies of teratogenicity, both maternal and fetal toxicity are assessed. Maternal toxicity is determined by lethality or a reduction in weight gain during pregnancy. Fetal toxicity is indicated by increased prenatal death, reduced fetal weight and/or an increased incidence of malformed fetuses. When fetal toxicity occurs only at dose levels producing maternal toxicity, the fetal effects may be secondary to maternal effects and thus are not considered as serious a finding as when fetal toxicity occurs below maternal toxic doses. In Table 15, positive effects are indicated only in those cases where feto-toxicity occurred at doses below those producing maternal effects.

Chemicals selected for testing by the NTP Executive Committee (see Table 16) are being reviewed and a literature file of toxicity information and any available teratology data is being established. From this information, protocols which are most appropriate for testing each particular chemical will be developed jointly by the contractor and the NTP.

The histopathologic examination of fetuses to detect lesions not obvious with conventional methods was completed in FY 1980. Fetuses from pregnant mice exposed intravenously to ethylene oxide did not reveal any alterations that could not be detected in the routine examination. Studies are currently underway with additional agents.

In the area of reprodution and fertility, studies were undertaken during FY 1980 evaluating the effects of 2,4-dichlorophenoxyacetic acid (2,4-D), 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) and 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) on male fertility (Table 17). Male mice were treated with mixtures of these chemicals (components of the herbicide "Agent Orange") and the males were bred to untreated females. Fertility (% fertile matings) and sperm quality (% abnormal sperm, and sperm concentration and motility) were evaluated. Also, the offspring underwent teratologic evaluations. No significant decrements infertility or reproduction were found, and there was no evidence of germ cell toxicity. Survival of offspring and neonatal development were apparently unaffected by paternal exposure to the simulated mixtures of "Agent Orange".

Other chemicals already under specific test include dibromochloropropane and chlordecone (Kepone) (Table 17). These chemicals, which are known to alter reproduction in humans, are being used to help validate assay reliability and to increase understanding of their specific mechanisms of toxicity.

Priority chemicals, selected on the basis of usage and the extent of exposure, are being screened to determine potential reproductive hazard through germ cell mutations. Test systems used as *Drosophila* sex-linked recessive lethal (SRL), rat dominant lethan (DL), and mouse sperm head morphology (SHM). Chemicals under test in FY 1980 are listed in Table 17.

In the area of postnatal development, a project on the effect of maternal lead exposure on offspring was initiated in FY 1979 and will be completed in FY 1981. Lead acetate was administered in the diet to maternal rats and the functional status of various organ systems in their offspring was investigated and correlated with maternal blood lead levels. Oxygen metabolism and selected hematopoietic effects have been investigated. The cardiovascular system is presently being examined and the renal system was also under study in FY 1980.

Functional and psychomotor development in rats were studied by NTP in FY 1980 following exposure of pregnant females to 2-ethoxyethanol at 100 ppm. Developmental impairment and neurochemical alternations were observed in the offspring, and embryotoxicity was observed at high concentrations. Potential interactions between ethanol and 2-ethoxyethanol are presently being studied and should be completed in FY 1981.

Behavioral and cognitive disorders are among the more common congenital problems observed in children. A number of chemicals have been shown to produce behavioral dysfunction postnatally in animal studies. Although the need for the behavioral evaluation of neonatal animals in the safety assessment of new drugs and chemicals is evident, standardized, reliable and sensitive procedures have not been available for testing purposes. An interlaboratory collaborative study is planned to identify screening methods which yield valid and reproducible

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results within and among laboratories. The methods will be evaluated based on their sensitivity to toxic alterations produced by three known behavioral teratogens which represent a range of chemical classes (Vitamin A, methylmercury and d-amphetamine). The dose-finding study for the intramural pilot segment of the collaborative study is underway and will be completed in FY 1981.

FY 1981 Program Plans

A new contract to continue conventional teratology testing of 10–12 chemicals per year was awarded. The contract also permits single or multigeneration studies and functional testing if needed.

Teratogenesis studies using inhalation exposure of ethyl benzene and 2-ethoxyethanol are scheduled for completion early in FY 1981. Studies by other routes of exposure on diphenhydramine, ethylene chlorohydrin, ethylene oxide (rabbit), phenol, and bisphenol A are due to be completed and reported on in FY 1981. A contract for teratogenesis testing of ethylene oxide, propylene oxide, and n-butyl acetate by inhalation was awarded in the fourth quarter of FY 1980.

In the area of fertility and reproduction, thirteen compounds are being screened under contract in five Tier II mutagenesis tests scheduled for completion in June 1981 (Table 17). The test systems being employed are *Drosophila* sex-linked recessive lethal (SRL), rat bone marrow cytology (BMC), mouse sperm head morphology (SHM), rat dominant lethal (DL), and *in vitro* unscheduled DNA synthesis in human fibroblasts (UDS). The compounds being tested are allyl chloride, bis(2-methoxyethyl)ether, butylene oxide, cyclohexanone, N,N-dimethylacetamide, dimethylformamide, hexachlorobutadiene, 2-methyoxyethanol, methyl bromide, N-methyl dicyclohexylamine, 2-nitropropane, styrene oxide, and 1,1,2,2-tetrachloroethane.

The pilot segment of the interlaboratory study on behavioral teratology will begin following delivery and approval of a microprocessor system early in FY 1981. Contracts or interagency agreements with six cooperating laboratories in the collaborative study will be awarded in FY 1981. Although the protocol for the study has been planned for some time, procedures are continually being refined using information from the pilot study and new information appearing in the literature. Consultation with experts in statistical analysis of behavioral data is also underway to assure that the most appropriate statistical methods are used. The final results of the interlaboratory study will determine whether or not behavioral tests of this type should be required for routine screening of chemical agents.

The reliability of animal studies for predicting hazard to man is being evaluated in a collaborative project with the Canadian government. In this project, the literature is being examined for concordance of data in terms of types of effects and dose levels in human and animal teratogenicity reports. Information from this project which is scheduled for completion in FY 1981 will be presented at the Toxicology Forum in February 1981. This effort, together with another NTP project involving the examination of the does-response characteristics of teratogenic manifestations, in particular, linearity of the relationship, should provide a better basis for low-dose extrapolation of the teratogenic potential of chemicals.

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TABLE 15

Chemicals for Which Teratology Assays Were Completed in FY 1980

Chemical	CAS No.	Species	Route	Fetotoxicity[b] Prenatal Death	Fetotoxicity[b] Reduced Fetal Weight	Increased Malformations[c]	Maternal Toxicity
n-Butyl acrylate	141-32-2	Mouse	Oral	---	---	+(1 gm/kg)	+(1.5 gm/kg)[d]
Butylene oxide	106-88-7	Rat, Rabbit	Inhal	---	---	---	+(250 ppm)[d]
Carbon disulfide	75-15-0	Rat, Rabbit	Inhal	---	---	---	---
Diethylene glycol diacrylate	4074-88-8	Mouse	Oral	---	---	---	+(60 mg/kg)
1,1-Diphenyl-hydrazine HCl	530-47-2	Mouse	Oral	---	+(200 mg/kg)	+(400 mg/kg)	+(600 mg/kg)
Direct black 38	1937-37-7	Mouse	S.C.	+(100 mg/kg)	+(100 mg/kg)	+(100 mg/kg)	+(150 mg/kg)
Direct blue 6	2602-46-2	Mouse	S.C.	---	+(50 mg/kg)	+(75 mg/kg)	+(100 mg/kg)
Direct brown 95	16071-86-6	Mouse	I.V.	---	---	---	+(40 mg/kg)
Ethylene oxide	75-21-8	Mouse	D6-8	---	+(150 mg/kg)	+(150 mg/kg)	+(150 mg/kg)
			D8-10	---	---	---	---
			D10-12	---	---	---	+(150 mg/kg)
			Oral	---	---	---	+(150 mg/kg)
			Oral	+(120 mg/kg)	---	---	+(200 mg/kg)
Formaldehyde	50-00-0	Mouse	Inhal	---	---	---	+(70 ppm)[d]
2,2',3,3',5,5'-Hexachlorobiphenyl	35694-04-3	Mouse	Oral	---	+(32 mg/kg)	---	+(100 mg/kg)
Methyl bromide	74-83-9	Rat, Rabbit	Inhal	---	---	---	+(100 ppm)[e] (15 ppm)[d]
Pentachloroanisole	1825-21-4	Mouse	Oral	---	---	---	+(40 mg/kg)
Perchloroethylene	127-18-4	Rat, Rabbit	Inhal	---	+(2.4 ml/kg)	+(2.4 ml/kg)	+(3.6 ml/kg)
Styrene oxide	96-09-3	Rat, Rabbit	Inhal	---	---	---	+(3 ml/kg)
Toluene-2,5-diamine sulfate	6369-59-1	Mouse	Oral	---	+(0.9 ml/kg)	---	+(22.5 ml/kg)
Trichloroethylene	79-01-6	Rat, Rabbit	Inhal	---	---	---	+(22.5 ml/kg)
Xylene (mixed isomers)	1330-20-7	Mouse	Oral	---	---	---	---
m-Xylene	108-38-3	Mouse	Oral	---	---	---	---
o-Xylene	95-47-6	Mouse	Oral	---	---	---	---
p-Xylene	106-42-3	Mouse	Oral	---	---	---	---

[a] All oral and subcutaneous (S.C.) dosing were done on days 6–15 of gestation. Ethylene oxide (I.V.) dosing was at 4 time periods for 3 consecutive days during gestation as indicated. Inhalation (Inhal) exposure to rats with trichloroethylene, perchloroethylene and carbon disulfide included groups with and without pregestational exposure 7 hours/day, 5 days/week for 3 weeks, and gestational exposure to rabbits was 7 hours/day, days 1–22 or 8–22 of gestation. Inhalation exposure to rats with butylene oxide, styrene oxide and methyl bromide was for 7 hours/day, 5 days/week for 3 weeks prior to gestation, and days 1–19 of gestation; exposure to rabbits was 7 hours/day on days 1–24 of gestation (for methyl bromide, days 1–15).

[b] Numbers in parentheses are the lowest effective dose/day for the endpoint indicated.

[c] Only 3 chemicals produced malformations which were not seen spontaneously in control animals: 1,1 diphenylhydrazine HCl produced ectrodactyly, micromelia and amelia; Direct Blue 6 produced microgmathia; and trichloroethylene produced external hydrocephaly, a rare defect, in a few rabbit fetuses.

[d] Value given for rabbit.

[e] Value given for rat.

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TABLE 16

Chemicals Selected for Teratology and Reproductive Toxicology Assays
FY 1981-1983

Chemical	CAS No.
Benzyl alcohol	100-51-6
Butanone peroxide	1338-23-4
Caffeine	58-08-2
Carbon disulfide	75-15-0
Chlorinated dibenzofurans	CHL DIBENZF
Chlorowax 40	63449-39-8
Chlorowax 500C	63449-39-8
Chlorpromazine Hydrochloride	69-09-0
Cinnamaldehyde	104-55-2
Di(2-ethylhexyl)phthalate	117-81-7
1,2-Epoxybutane	106-88-7
Ethylenediamine	107-15-3
Ethylene glycol	107-21-1
Glycidyl ethers	GLYC ETHERS
Hexamethyl-p-rosaniline	548-62-9
Hydrochlorothiazide	58-93-5
Methylene chloride	75-09-2
Naphthalene	91-20-3
Nitrofurazone	59-87-0
p-Nitrophenol	100-02-7
Oxytetracycline Hydrochloride	2058-46-0
Probenecid	57-66-9
Selenium	7782-49-2
Sulfamethazine	57-68-1
Trimellitic anhydride	552-30-7

TABLE 17

Reproduction and Fertility Assays Reported or in Progress
FY 1980-1981

Chemical	CAS No.	Species or Test System	Route
Reported in FY 1980			
2,4-Dichlorophenoxyacetic acid (2,4-D)	94-75-7	Mouse	Diet
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	1746-01-6	Mouse	Diet
2,4,5-Trichlorophenoxyacetic acid	93-76-5	Mouse	Diet
Testing in Progress in FY 1980			
Dibromochloropropane (DBCP)	96-12-8	Rat	Gavage
Kepone (Chlordecone)	143-50-0	Rat	Diet
Acrolein	107-02-8	SRL*	
n-Butyl acetate	123-86-4	SRL	
2-Ethoxyethanol	110-80-5	SRL, DL and SHM	
Ethyl benzene	100-41-4	DL	
Ethylene oxide	75-21-8	SHM	
Propylene oxide	75-56-9	DL, SHM	
Vinyl toluene	25013-15-4	SRL	
Tests to be Completed in FY 1981			
Allyl chloride	107-05-1	SRL,BMC,SHM,DL,UDS	
Bis(2-methoxyethyl)ether	111-96-6	"	
Butylene oxide	106-88-7	"	
Cyclohexanone	108-94-1	"	
N,N-dimethylacetamide	127-19-5	"	
Dimethylformamide	68-12-2	"	
Hexachlorobutadiene	87-68-3	"	
2-Methoxyethanol	109-86-4	"	
Methyl bromide	74-83-9	"	
N-Methyl dicyclohexylamine	7560-83-0	"	
2-Nitropropane	79-46-9	"	
Styrene Oxide	96-09-3	"	
1,1,2,2-Tetrachloroethane	79-34-5	"	

*SRL-Drosophila sex-linked recessive lethal; DL-rat dominant lethal; SHM-mouse sperm head morphology; BMC-rat bone marrow cytology; UDS-in vitro unscheduled DNA synthesis in human fibroblasts.

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Coordinative Management Activities

Chemical Nomination and Chemical Selection

More chemicals are nominated for NTP consideration than can be selected for study. Early recognition of this problem led the NTP Executive Committee to formulate a set of selection principles (Table 18). These eight chemical selection criteria motivate a matrix which operates throughout the NTP (Figure 3).

Most chemicals are nominated and selected for testing because toxicologic information is lacking and because the potential exists for human exposure. Other important criteria include production levels, physical and chemical properties, interest by government agencies, and possible significance for public health. The toxicology testing strategy is to identify the major toxic effects for each chemical studied. In addition to identifying chemical mutagens and carcinogens, this includes causation of damage to critical target organs such as the lungs, liver, and nervous system. Thus, Phase I tests (see Table 2) result in a core of toxicology data essential to the proper design of more extensive studies. As an example, using the information from the Phase I rodent toxicologic screen, Phases II and III testing can be started with increased capabilities to confirm and better define toxicities identified in the screen.

The NTP urges those interested in proposing a chemical or chemicals for testing consideration to explain the rationale for the nomination, to recommend the type of tests to be considered, and to supplement each nomination with as much of the necessary information as possible (see Table 19). All nominations are considered regardless of the depth of the information submitted. Nominations should be addressed to Chemical Nominations, National Toxicology Program, Room 3A-10, Landow Building, National Institutes of Health, Bethesda, Maryland 20205.

To encourage nominations, an announcement seeking chemical nominations was made in the February 8, 1980 **Federal Register**, and 973 request letters were sent to (1) consumer groups, (2) labor unions and labor safety officials, (3) occupational newsletters and publications, and (4) trade and professional associations. Furthermore, a call for nominations appeared in the April 1980 issue of the *NTP Technical Bulletin* mailed to 2,915 scientists and administrators actively engaged in toxicology and associated research. The chemical nomination procedure was explained and requests made for nominations at interagency and public meetings held in June 1980.

All nominations received are first screened to see if the chemical has already been tested, is under test, or is scheduled for test. If the chemical fits into any of these classes, this is made known to the nominator. Nominations outside these categories are forwarded to the NTP Chemical Review Group. The group examines the accompanying information, uses the current and appropriate literature sources, prepares executive summaries of relevant information, and submits these chemical overviews to the NTP Chemical Evaluation Group. This group includes representation of the agencies on the NTP Executive Committee: CPSC, EPA, FDA, NCI, NIEHS, NIH, NIOSH, and OSHA. The Evaluation Group proposes priority and testing needs to the NTP Executive Committee. The Executive Committee considers these recommendations together with the executive summaries and decides to approve a chemical for testing, defer it for more information, or disapprove the nominated chemical. Executive Committee decisions are published in the *NTP Technical Bulletin*. The Executive Committee also recommends priorities for testing and test development/validation to the NTP.

The selection of a chemical by the Executive Committee does not automatically commit the NTP to testing the chemical. The NTP is committed to ascertain the specific toxicologic and regulatory concerns; evaluate the adequacy of existing data or current efforts in government, academic, or private laboratories; and then propose and conduct specific tests that are needed. Occasionally new information is obtained that answers the questions posed in the nomination and selection process. Sometimes testing is not done because chemicals are withdrawn by the nominator, because others are or will be testing the chemical, or because the chemical is not available, or no longer produced.

The NTP Board of Scientific Counselors Chemical Nomination and Selection Subcommittee reviewed the procedures by which chemicals are nominated and selected for testing, surveyed the methods used for proposing specific testing requirements, and identified those areas needing further development. A major objective of the Subcommittee is to ensure public input into the chemical nomination and chemical selection process. Recommendations should be forthcoming from this Subcommittee during the first quarter of FY 1981.

For FY 1980, 126 Executive Summaries were prepared. Also, ten mini-monographs have been prepared in draft form and should be ready for distribution in the first quarter of FY 1981: butyl nitrite, capsaicin, cinnamaldehyde, 1,4-cineole, 1,8-cineole, ethyl benzene, glutaraldehyde, rotenone, sulfamethazine, and trimellitic anhydride. Approximately four hundred compounds have been listed and submitted for potential mutagenicity testing. More nominations for mutagenicity consideration will be submitted in the first quarter of FY 1981.

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TABLE 18

NTP CHEMICAL SELECTION PRINCIPLES

The NTP Executive Committee operates under the principle that industry will test chemicals for health and environmental effects as intended and mandated by the Congress under legislative authorities. Therefore, the NTP, acting under its chemical selection principles, will test:

1. Chemicals found in the environment that are not closely associated with commercial activities;

2. Desirable substitutes for existing chemicals, particularly therapeutic agents, that might not be developed or tested without Federal involvement;

3. Chemicals that should be tested to improve scientific understanding of structure-activity relationships and thereby assist in defining groups of commercial chemicals that should be tested by industry;

4. Certain chemicals tested by industry, or by others, the additional testing of which by the Federal government is justified to verify the results;

5. Previously tested chemicals for which other testing is desirable to cross-compare testing methods;

6. "Old chemicals" with the potential for significant human exposure which are of social importance but which generate too little revenue to support an adequate testing program (some of these may be "grandfathered" under FDA laws);

7. Two or more chemicals together, when combined human exposure occurs (such testing probably cannot be required of industry if the products of different companies are involved); and

8. In special situations, as determined by the Executive Committee, marketed chemicals which have potential for large-scale and/or intense human exposure, even if it may be possible to require industry to perform the testing.

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FIGURE 3

NTP CHEMICAL NOMINATION AND CHEMICAL SELECTION PROCESS

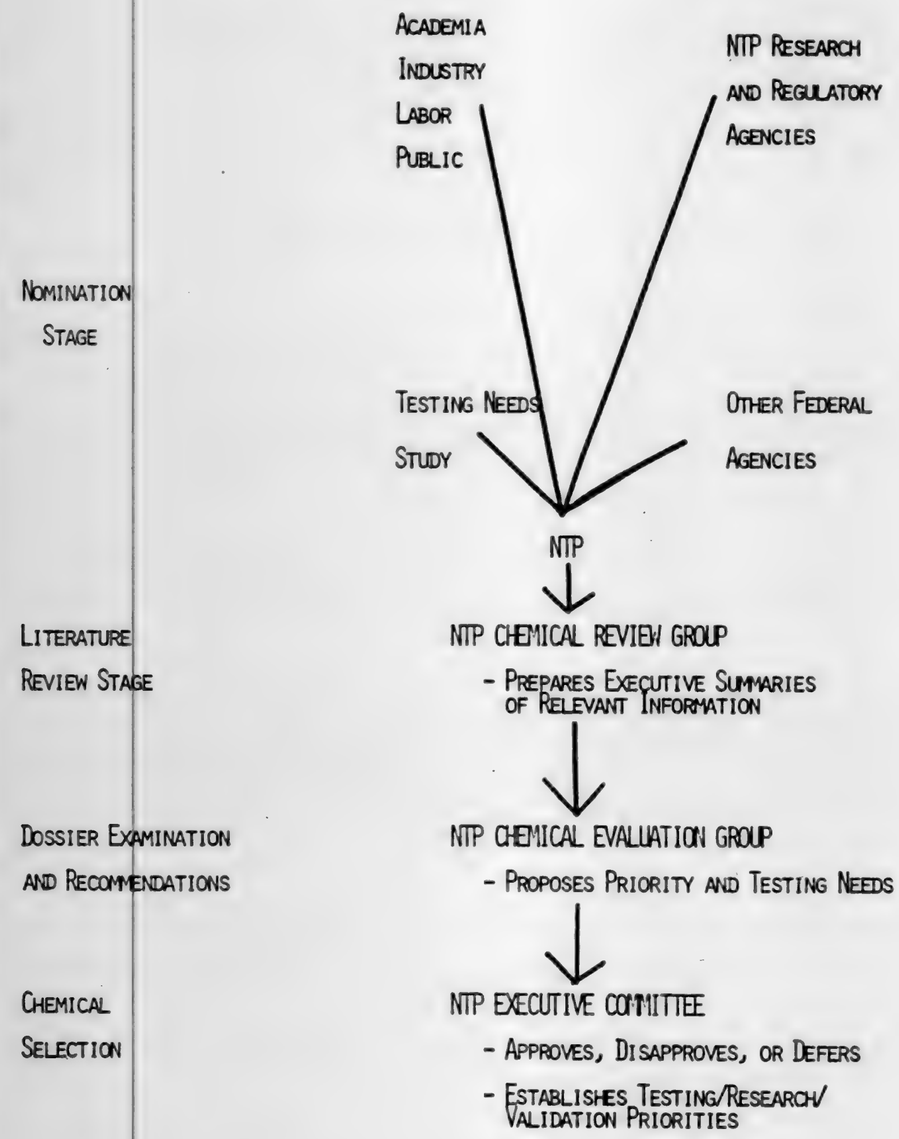


TABLE 19

NTP Chemical Nomination Elements

I. Chemical Identification

- a. Chemical Abstracts Service (CAS) preferred name
- b. Common or generic name and synonyms
- c. CAS Registry Number
- d. Chemical class and related compounds
- e. Physical and chemical properties
  - i. Physical description
  - ii. Structural and molecular formula and molecular weight
  - iii. Melting and boiling points
  - iv. Solubility
  - v. Stability and reactivity
  - vi. Other relevant information
- f. Commercial product(s) composition
- g. References

II. Production, Use, Occurrence, and Analysis

- a. Production
  - i. Source and synthesis, year and pathway of first production
  - ii. Current production and pathway
- b. Uses
- c. Occurrence in the Environment
  - i. Naturally occurring
  - ii. Air, water, and soil
  - iii. Occupational
- d. Analysis
- e. References

III. Toxicology

- a. Human data, case reports, and epidemiological studies
- b. Experimental animal information
- c. In vitro and other short-term tests
- d. Other relevant information
- e. References

IV. Disposition and structure-activity-relations.

- a. Absorption, distribution, metabolism, and excretion
- b. Structure-activity correlations and considerations
- c. References

V. Ongoing toxicological and environmental studies in the government, industry, and academia

VI. Rationale for Recommendation and Suggested Studies

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Chemical Management

To ensure that each chemical selected for extensive testing is thoroughly evaluated, NTP assigns a Chemical Manager to each compound. It is the Chemical Manager's responsibility to (1) know and understand the relevant scientific literature, (2) present draft protocol designs to the Experimental Design Groups, (3) keep current with the experiment's progress through the Laboratory Monitor, (4) maintain current awareness with the literature, (5) provide liaison with groups doing special tests, (6) assist in data evaluation, (7) draft the reports, and (8) fulfill requests for information on that chemical from interested parties.

The Bioassay Program contracts with commercial laboratories to perform the prechronic and two-year studies. Prior to FY 1980 the monitoring activities were performed by a prime contractor. Starting in FY 1980, the NTP has assigned a Laboratory Monitor to each testing laboratory to be responsible for monitoring the overall operations of the laboratory. The Laboratory Monitor ensures that good laboratory practices are being followed by (1) annual program reviews by peer groups of scientists, (2) quarterly site visits, (3) ad hoc visits by specific disciplines as needed, and (4) constant communication with the laboratory and principal investigator through periodic reports and telephone calls.

Chemical and Pathology Repositories

The chemistry program provides a centralized management system for test and control chemicals. Maintained to assure chemical quality and to minimize testing results variability due to external sources, the chemistry needs are facilitated via integrated contract mechanisms and cooperation and interaction with other NTP operations. The chemistry capabilites provide for procurement, repository functions, chemical analysis, analytical methods development, purification, synthesis, and preparation of chemical safety data handling sheets for approximately 3,000 chemicals.

Capabilities are provided for analyses of bulk chemicals, chemicals in test vehicles, methods development for quality assurance, including purity, stability and concentration determinations, chemical residue analysis for tissues and fluids, and special handling for residual and reprocured chemicals. In addition, capabilities exist for purification, derivatization, and synthesis of test chemicals. Trace level analysis of test chemicals and potential contaminants are available, when required, as well as provisions for percent level purity, stability and recovery analyses. Trace level chemical analyses may be necessary when toxicity tests of chemical mixtures or impure chemicals are positive and it is necessary to identify specific components that may be associated with the observed toxic effect.

FY 1980 Accomplishments

The chemistry program provides primary repository assistance to the mutagenesis and carcinogenesis testing programs. Two repositories have been established which operate under similar standard operating procedures; numerous joint projects have been undertaken that demonstrate integration of the two programs. The remaining chemistry requirements for the NTP toxicity testing programs are supported by another contract for analytical services support.

Throughout FY 1980 several hundred test and control chemicals were provided to investigators. Appropriate quantities for testing newly selected chemicals, in required purity, were procured. In addition, those chemicals selected for testing in the bioassay program were chemically analyzed to ensure they were the correct substances required. The genetic toxicology chemical repository holdings and activities are summarized in Table 20. The carcinogenesis bioassay chemical repository holdings and activities are summarized in Table 21.

FY 1981 Program Plans

Future plans include an extensive update of the repositories' computerized functions, necessitated by the repositories' expanded role in providing the chemistry needs of the various testing programs and for responding to appropriate national and international requests for test chemical samples. In addition, the analytical services support contract will be used to support teratology studies currently being conducted by the Program both in-house and on contract. During FY 1980, 49 chemicals for carcinogenesis bioassay, and 10 chemicals for teratology studies were analyzed. Special analyses were conducted of eight chemical/vehicle mixtures.

Several chemistry contracts and contract modifications in varying stages of completion should meet the increased chemistry needs, particularly in the areas of chemical location, procurement, analysis, synthesis, computer requirements and information retrieval, and preparation of data sheets for safe handling of hazardous chemicals.

Pathology Repository and Archives

The NTP maintains a centralized repository of histopathology materials collected during the bioassay studies. This is done in accordance with Good Laboratory Practice procedures and to provide a complete history of the pathology findings. Storage facilities are provided for wet tissues, paraffin blocks, microscopic slides and printouts of the data that appears in the Technical Reports. User facilities complete with microscopes are provided for investigators to view the materials. For more information or scheduling of user facilities, contact should be made with the Chief, Chemical Pathology Program, NTP, Room 1704, P.O. Box 12233, Research Triangle Park, N.C. 27709; or 919-541-3440 (commercial), 629-3440 (FTS).

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TABLE 20

GENETIC TOXICOLOGY CHEMICAL REPOSITORY HOLDINGS AND ACTIVITIES IN FY 1980

Control chemicals in inventory	24
Test chemicals in inventory	307
Test chemicals sent for Salmonella screen in FY 1980	303
Chemical aliquots sent to date	523*
Chemicals on order/back order	193
Chemicals in preparation/synthesis	3
Chemicals being analyzed	13
Chemical analyses completed	21
Chemicals selected for FY 1980 genetic toxicology testing	320
Chemicals selected for FY 1980 from NCI lists	228

*Includes chemicals other than for Salmonella testing

TABLE 21

CARCINOGENESIS BIOASSAY CHEMICAL REPOSITORY HOLDINGS AND ACTIVITIES IN FY 1980

Chemicals in archive allotment	238
Chemicals in in vitro allotment	295
Chemicals in public distribution allotment	91
Aliquots transferred to genetic toxicology repository	90
Aliquots sent for NCI/NTP genetic toxicology studies	102
Aliquots sent to other investigators	51

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Data Management and Analysis

NTP generates a considerable volume of data from the testing and test development initiatives that must be accurately acquired, stored, and made available promptly for retrieval at multiple locations. For example, in the pathology area approximately two million tissues are examined annually. Thus, a continuing high priority commitment is to develop appropriate automatic data processing (ADP) systems to capture various types of management and experimental data, and to make this information readily available for periodic examination, updating, summarization, and statistical analysis.

In the area of biostatistics new statistical methodologies are being developed for mutagenicity, carcinogenicity, and toxicologic data analysis. Another area of continuing statistical research is experimental design. Modifications in the design of the basic carcinogenesis bioassay are being studied. These may provide a better balance between the high power of detection associated with high dose studies and the low dose information needed for extrapolation methods.

FY 1980 Accomplishments

A review of the ADP requirements of animal bioassay activities was initiated in FY 1980. Following interviews with investigators, the requirements were summarized and the technical criteria that must be met by an ADP system were outlined. This review formed the basis of an ongoing evaluation of the present and future capabilities of the Toxicology Data Management System (TDMS) to meet the ADP needs of the NTP's animal bioassay programs. This system is being developed under an interagency agreement between the carcinogenesis testing program and one of the component agencies of the NTP. The system was designed to provide the following support:

a. Documentation of each nominated compound and tracking of events related to the compound during the review cycle.

b. Analysis of each new experiment and projection of resources requirements for conducting the bioassay.

c. Allocation of animals to the experiment.

d. Collection of weights, clinical observations, and other animal-related data during the conduct of the experiment.

e. Collection of pathology results.

f. Maintenance of complete experiment status summary for all bioassays.

g. Generation of a draft report for each bioassay which will aid in the development of the published final report.

TDMS is now undergoing evaluation, using both manual and automated techniques, at a contract laboratory doing carcinogenesis bioassays and by NTP personnel. Final testing of the software for source data collection as well as for stand-alone administrative functions at the bioassay contractor laboratories is dependent on procurement of the microprocessor-based intelligent data collection terminals scheduled for delivery early in FY 1981.

As part of the review process three ADP consultants assisted in the evaluation of TDMS and are identifying modifications that might enhance its capability to support the bioassay program more effectively. This review has been completed and the report will be submitted during the first quarter of FY 1981.

In other ADP studies, efforts have been made to provide a computerized system to allow storage and retrieval of management information about research activities. Several data base and file management systems have been evaluated for potential usefulness. An interim chemical tracking system has been implemented on an in-house minicomputer, and a replacement system is under development using a System 204.

The mutagenesis testing program is being supported by a computerized data base management system which allows timely and accurate collection and retrieval of laboratory test data. The system summarizes results, produces reports, and provides analyses to support mutagenicity determinations. The system is being developed further using the PROPHET system.

In FY 1980 ADP data systems support for the carcinogenesis bioassay program was provided by the Carcinogenesis Bioassay Data System (CBDS), some limited administrative management support systems, and other reporting systems. The CBDS facilitates the collection and reporting of information on chemical and animal data, clinical observations, and individual animal pathology. CBDS also contains chemical and Standard Nomenclature on Pathology (SNOP) code dictionary files. Reports from CBDS are used extensively by the bioassay program, particularly in the pathology, statistical analysis, and technical information areas.

Additional systems development includes (1) a Strain A Mouse system, which collects and reports information to assist in the administration of the Strain A studies, the evaluation of the results, and the comparison of the data with other *in vivo* and *in vitro* studies; and (2) a management and resource tracking system, which provides various monthly and quarterly management reports for the animal bioassay program.

Biostatistics research conducted to date on the microbial mutagenicity experiments indicates that a negative binomial sampling distribution for *Salmonella* test plate counts represents a significant improvement over the widely adopted Poisson model. A family of models has been constructed to relate the average plate count to the chemical dose administered per plate. Those models include genetic and cellular toxicity as competing risks, *vis a vis* mutation for all microbes. The "single-hit" model for radiation mutagenesis experiments is a special case of the group models.

For other toxicological data the use of randomization procedures for the analysis of binary response data is being investigated. The power of these procedures is being compared with that of alternative nonparametric techniques. During FY 1980 a Monte Carlo study was done on the power of some k-sample tests for ordered binomial alternatives. For small group sizes "exact tests" were found to be based on isotonic regression and Armitage's test for linear trend and similar power. However, "exact tests" appear to be less sensitive to reverse alternatives and more powerful for larger group sizes than the Armitage procedure.

In FY 1980 research continued on the statistical aspects of chronic carcinogenesis testing: competing risk techniques, cause of death assumptions, time-to-tumor model and simultaneous inference on multiple sites and types of tumors. During the past year an investigation began on the possible modifications of the basic bioassay design with regard to (1) choice of doses, (2) number of dose groups, and (3) number of animals per group. The major objective was to determine if the low dose extrapolation potential of the bioassay could be improved without seriously sacrificing the ability to identify carcinogenic chemicals.

The degree to which low dose extrapolation is altered by replacing the administered dose with the amount of DNA-carcinogen adduct formed was evaluated and found to be highly model dependent. Efforts are now being made to identify those pharmacokinetic parameters which exert the most influence on the low dose risk estimate.

FY 1981 Program Plans

Based on the review of data systems by the ADP consultants, NTP will develop an action plan to enhance the TDMS capability to support most effectively the program needs. TDMS will begin to be installed in the second quarter of FY 1981 at a contract laboratory. This phase, to correspond with the initiation of a new two-year bioassay study, will provide an in-depth evaluation of all major modules of TDMS under actual conditions. Based on performance, necessary modifications and refinements will be made and integrated into the evaluation process.

In management information systems, FY 1981 activities will include continued development of the System 204. Currently the interim system is operational and awaiting modification and expansion by staff.

During FY 1981, work on the computerized data base system for the mutagenesis testing program will include further refinement of system capabilities as well as increased collection of data. The current level of ADP systems support for the carcinogenesis bioassay program will be maintained in FY 1981.

Development of appropriate technologies to process the large volume of data that will be generated from the various animal studies will continue. In FY 1981 various alternatives will be explored (e.g., a contract with a data processing organization) and a decision will be made as to how data summarization, statistical analysis, and report generation might be best effectuated. The long-term solution to this problem will involve the implementation of a comprehensive ADP system, such as TDMS, to handle many of these activites.

For biostatistics in FY 81, there will be a continuation of ongoing efforts in development of new statistical methodology, particularly for the prechronic toxicology studies and certain other special studies (e.g., metabolism, clinical chemistry, behavioral toxicology) that will begin to generate data during FY 1981.

The new family of models constructed to relate the average plate count from *Salmonella* test protocols to the test compound dose administered per plate will be fit to a file of over 600 *Salmonella* tests performed on contract. The need for further model refinements will be studied, as well as such issues as assay reproducibility within a laboratory or between laboratories.

A study to determine if the low dose extrapolation potential of the carcinogenesis bioassay could be improved will continue in FY 1981.

Laboratory Animal and Quality Control

The laboratory animal program provides quality animals for the bioassay program, monitors these animals for disease before they enter the bioassay laboratories and assures that the animals are maintained behind barriers and kept free of disease for the duration of the assay.

FY 1980 Accomplishments

Four laboratories are under contract to provide B6C3F1 mice and F344 rats for the NTP bioassay program. Keeping several labs in production will assure a continuous supply of laboratory animals for the bioassay program even when one or more labs may have to stop production due to a disease outbreak. This occurred at one provider laboratory in FY 1980.

The second aspect of disease monitoring is being met by two diagnostic laboratories, one under contract to NTP and one under contract to NCI. Maintaining two diagnostic labs allows cross checks for quality control as well as divides the work load during periods of peak demand.

FY 1981 Program Plans

During the coming year the bioassay animal care program will be more fully described for the participating laboratories. In addition, a policy for the use of detergents and disinfectants in the animal rooms will be formulated. Currently much of the bioassay program monitoring is under the prime contractor. During the next four years this function will be assumed entirely by NTP personnel. This will require a close liaison with personnel from the prime contractor.

Laboratory Health and Safety

Because a majority of the NTP's research and testing involves potentially hazardous materials, laboratory studies must be conducted so as to reduce to a minimum the possibility of human exposure to, or environmental release of, the test materials.

FY 1980 Accomplishments

In addition to health and safety programs at each laboratory participating in the toxicologic testing program (including routine site visits and reviews), efforts are being made to quantitatively define the potential for contamination within a facility resulting from specific testing activities. A work area monitoring program has been initiated to address potential laboratory contamination problems as a function of route of exposure (e.g., dose feed vs. gavage), engineering controls (e.g., animal barrier configurations, different exhaust ventilation designs), work practices, and personnel protection requirements. Results from surveys at several laboratories have indicated potential problem areas that are being addressed on a Program-wide basis.

The NTP recognizes the need for all laboratories participating in the Program to operate in compliance with all appropriate environmental protection statutes relating to the discharge of potentially hazardous wastes. Expanding upon earlier laboratory waste discharge studies, a program was initiated to define the levels of contamination in various waste streams (e.g., cage litter, cage washing wastewater), and to assess the feasibility of incinerating each on site. Further work in waste handling (solid, liquid, and gaseous streams) is necessary to assure compliance with recent hazardous waste statutes.

Several improvements to the administration of the carcinogenesis bioassay program, from a health and safety perspective, have been instituted, including the repacking into smaller containers of those bioassay chemicals received in bulk. Such a procedure serves several purposes: (a) Protective packaging of the material for shipment to the appropriate laboratory is facilitated; (b) Bulk storage at the laboratory is much easier; (c) The repackaging operation can be conducted under much more stringent personnel protection measures than can be achieved by each of the testing laboratories; and (d) The purity of the compound is easier to maintain.

In order to provide additional health and safety support to the testing program, several mechanisms have been developed to provide industrial hygiene/biomedical health and safety services for the program. These efforts include analytical support (e.g., compound-specific permeation studies for protective clothing) as well as support to provide expanded quantitative work area monitoring studies and industrial hygiene assessments of various laboratory activities.

Recently the carcinogenesis bioassay program/NTP sponsored a conference on the alternatives in the design and operation of toxicologic testing facilities which provided a forum for the discussion of several contrasting viewpoints regarding laboratory animal care and personnel health and safety.

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FY 1981 Program Plans

Several areas will receive emphasis in FY 1981, including the disposal of potentially contaminated wastes associated with toxicologic testing activities, expansion of existing medical surveillance procedures to include indices of exposure of biological response in individuals working with biotest materials, cooperative efforts to evaluate methods of *in situ* decontamination of personnel and lab equipment that may have been inadvertently contaminated with test materials, and an expanded effort to quantitatively define the risk of personnel exposure to biotest materials during toxicologic testing activities.

Information Generation and Dissemination

The end product of the NTP is information—scientific information about toxic chemicals necessary in deciding societal issues relative to our health and environment. Therefore, communication remains a critical aspect of program success. First, information must be disseminated to other scientists so that peer review assures scientific quality. Second, information must be disseminated not only to the regulators responsible for protecting the public against unnecessary risks, but also to those exposed to the risks. Thus, the NTP has established a coordinated communications network to collect and disseminate toxicologic information.

The value of information produced by NTP depends in part upon the quality and timeliness of information the program receives. The NTP therefore actively seeks information from many sources: Federal, state and local governments; trade associations; industry; labor; academia; professional societies and public interest groups; the press; individuals; other countries; and other interested parties. This includes nominations of chemicals to be tested; critiques and questions about scientific procedures, policies, priorities, and resource allocations; and suggestions for program improvement.

—Scientific Coordination and Information Dissemination

To encourage public participation in the Program, the NTP holds an annual public meeting to introduce the current year's program plans and to solicit comments and advice. The third NTP Open Meeting will take place March 1, 1981, immediately preceding the Society of Toxicology Annual Meeting to be held in San Diego, California. Additionally, the NTP Board of Scientific Counselors convenes three to four times a year in open forum, as does the Board's Technical Reports Review Subcommittee and its *ad hoc* Panel of Experts to conduct peer review on technical reports of carcinogenesis bioassays.

NTP must be aware of scientific procedures and results produced by other laboratories. Part II of the Annual Plan, the *Review of Current DHHS Research Related to Toxicology*, is a major contribution for this effort. Active efforts to learn about work in progress and to establish better communication links among investigators worldwide are being pursued with various national and international organizations.

Fundamental to current awareness is the provision to scientists and administrators of comprehensive searches and/or reviews of the world's scientific and technical literature on a given compound, in advance of decisions about priorities and experimental test designs. This is of special importance for the carcinogenesis bioassay program, where each test represents a major commitment of time, labor, materials and funds for up to a five-year period.

Toxicologic research and testing require a high degree of scientific coordination for information generation and dissemination. To better utilize the tools of information science, the NTP has a cooperative agreement with the National Library of Medicine (NLM). The on-line services available from the NLM are particularly valuable: CHEMLINE, TOXLINE, RESEARCH PROJECTS, MEDLINE, CANCERLINE, TOXICOLOGY DATA BANK, RTECS (Registry of Toxic Effects of Chemical Substances), and others. These and other sources are used to prepare dossiers on chemicals nominated for test and to design test protocols. Also, new information services will need to be located or developed as needed for toxicology specialties not yet covered adequately in existing systems—for example, neurotoxicology, chemical immunotoxicology, and chemical-chemical interactions.

The Environmental Mutagen Information Center (EMIC), supported by the NTP, collects, organizes, and disseminates primarily published information on chemicals tested for mutagenicity. Located since inception in 1969 at the Oak Ridge National Laboratory (ORNL), the EMIC computerized data file contains 33,398 records on 9143 unique chemicals, 26,039 of which are available online from TOXLINE (at the National Library of Medicine) and from RECON (at the ORNL). Each record contains bibliographic information, assay systems, and keywords defining agents tested and organisms studied.

The Environmental Teratology Information Center (ETIC), at ORNL, also supported by the NTP maintains a computerized collection of published information on chemicals tested for or known to induce teratogenic effects. The file contains reference to 20,413 literature citations; 18,299 records are available from TOXLINE and RECON.

The NTP, and in particular the Technical Information Section, supplies information to Congress, scientists, the public, regulatory agencies consumer advocates, labor, legal organizations, industry, and others. During FY 1980, for instance, the NTP responded to 2,500 requests for technical information.

—Technical Report Preparation and Dissemination

The major responsibility of the Technical Information Section, however, is to provide the carcinogenesis bioassay program's chemical managers with the most relevant information necessary to oversee the progress of a compound from selection through carcinogenesis testing to final report preparation and distribution. Preparation of the technical report begins with selection of a chemical for testing and appointment of a chemical manager. Each manager is responsible for records management throughout the test and preparation of the draft carcinogenesis bioassay report. While experiments are in progress, the chemical manager interacts with other Government agencies and serves as resource person for scientific inquiries concerning the chemical and its possible adverse effects. Lists of chemicals scheduled for testing, those on test, and those already completed will be published routinely in the **Federal Register**, the Annual Plan and the NTP Technical Bulletin as well as being distributed to a variety of newsletters and scientific magazines.

Further, NTP uses various toxicologic information resources for extensive literature searching and acquisition of scientific papers. Included are a number of information organizations in the private sector which extend the capability of the NTP, and these organizations are available on short notice through interagency or basic ordering agreements. In FY 1980, 81 comprehensive literature searches were performed for the chemical manager by the Toxicology Information Response Center (TIRC). From these, the most important references were selected for inclusion in an experimental design package sent to reviewers for generating

the protocols for carcinogenesis bioassay testing.

—Tracking of Chemicals and Test Statuses

The Technical Information Section also updates the computerized management status file for chemicals in various stages of carcinogenicity testing, producing a computerized listing on all chemicals. These lists are distributed quarterly on an individual basis to those who have a need to know about the movement of chemicals through the program.

For administrative purposes a unique numbering system for select chemicals was devised and NTP numbers, corresponding CAS Registry Numbers, and references to tables in the Annual Plans in which each chemical appeared were computerized.

Further, a prototype NTP Chemical Registry Handbook was prepared which contains for each compound the generic name and NTP number, the CAS name and Registry Number, molecular formula, and references to online services containing more information about the compound. Indexes by CAS Registry Numbers, molecular formulas and names are included. In early 1981, the Handbook will be distributed to NTP scientists and administrators as well as being offered to anyone upon request.

A Literature Search Tracking System was designed to monitor the status of literature search requests. This system, based on individual compounds records, is being expanded considerably to function as an interm online chemical tracking system.

—International Coordination

In partnership with the international community, the NTP is striving to formulate a universally-based communication network of toxicologic information. Concomitantly, the NTP is seeking active participation from toxicologists throughout the world. The NTP will continue to explore and develop liaison with foreign agency counterparts. For instance, contacts have been established with the World Health Organization's International Program on Chemical Safety, with the International Agency for Research on Cancer, with the International Registry of Potentially Toxic Chemicals, and others.

—Public Awareness and Inquiry Responses

The newly established NTP Public Information Office is responsible for assuring that general information about the Program is disseminated widely among the scientific and public media: results of NTP problem-oriented research such as studies on the herbicide Agent Orange, synthetic fuels development, and hazardous waste dump sites; as well as results of the carcinogenesis bioassay program, the Annual Report on Carcinogens (see p. 113), and other NTP activities. The Public Information Office also answers inquiries from the press and the public about aspects of the Program.

The Public Information Office will publish periodically leaflets and booklets explaining to the public the NTP and its activities, answering questions about environmental health, addressing the benefit-risk question, and explaining basic principles of toxicologic research.

The Annual Plans will continue as the primary reference source for the NTP's research and testing efforts, resources and future plans. The NTP Technical Bulletin serves as the communication medium to those interested in NTP's current and future activities. The Bulletin informs the scientific community, regulators, and the general public on current chemical nomination and selection, test protocols, and research results. Also included are the activities of NTP personnel, the role of the various member agencies, and chemical profiles. Three issues of the NTP Technical Bulletin have been prepared and disseminated: November 1979, April 1980, and November 1980.

In FY 1981, the NTP will attempt to increase awareness of Program activities and capabilities at the level of state government by disseminating the Annual Plan and the Technical Bulletin to the state health departments. Some awareness already exists in that requests for information and nominations of chemicals for testing have been received from such agencies.

To disseminate information, the NTP maintains a computerized inventory of those with an ongoing interest in the Program's activities. The file is divided into broad categories: labor, industry, government, lawyers, researchers, consultants, academicians, public interest groups, scientific and national media, and other individuals who have expressed an interest in keeping aware of current activities. This growing file includes 2,915 names and addresses. Names are added to the registry on request.

Annual Report on Carcinogens

In July 1980, the First NTP Annual Report on Carcinogens was published and distributed. The report was prepared pursuant to a 1978 amendment, Section 301(b)(4), of the Public Health Services Act which requires the Secretary, DHHS, to publish annually a list of "all substances which are either known to be carcinogens or which may reasonably be anticipated to be carcinogens and to which a significant number of persons residing in the United States are exposed * * *." Each Annual Report must also contain information on the nature and degree of exposures to such carcinogens and on the extent to which Federal regulations are effective in reducing the risk to public health.

The First Annual Report focuses on 26 chemicals and industrial processes which the International Agency for Research on Cancer (IARC) evaluated with respect to induction of cancer in humans. For each of the 26, the Report summarizes available estimates of how many people are exposed both at home and in the workplace, and summarizes the available evidence of carcinogenicity as demonstrated by human and animal studies. For each of the chemicals and industrial processes, tables provide information on: domestic production and imports; how the product or process is used; the numbers of people exposed; as well as the route, frequency, and level of exposure; and the applicable Federal regulations. Data selected from the IARC Monographs and the original submissions from the Federal agencies are also included.

Although Federal agencies have been collecting information on—and regulating—carcinogens for years, this is the first time that this information has been assembled in a single report. The Annual Report thus represents an important medium for informing the public and policymakers on the status of substances considered likely to be carcinogenic for humans. Even though science and society have not arrived at a final consensus on the definition of a carcinogen, either in the human population or in experimental animals, prudent public policy dictates that regulation of possibly hazardous substances should not wait until there is human evidence of cancer. It is therefore important that evidence from studies on experimental animals be used as a basis for regulation to prevent exposures.

The report notes that over the past two years significant progress has been made in developing a consensus that, for the purposes of regulation, positive, well-conducted studies on laboratory animals provide presumptive evidence of the potential for human carcinogenicity.

Because the First NTP Annual Report on Carcinogens represents NTP's initial effort to identify carcinogens and document the available evidence, to estimate human exposures, and give the current status of public health

regulations, by necessity it focuses on those 26 chemicals and industrial processes which IARC—an agency of the World Health Organization—found in evaluating the scientific literature from 1971 to 1977, to be associated or suspected to be associated with human cancer.

The Report cautions that there are more than 26 known human carcinogens; just because a substance is not listed in the First Annual Report does not mean that it is not a carcinogen.

Future Annual Reports will be expanded to include data on the latest IARC evaluations of chemicals, as well as on chemicals already being regulated as carcinogens but not included in the first Report. The next Report, scheduled for publication in FY 1981, will include information on up to 100 additional carcinogens.

The First Report includes information on three IARC categories of chemicals or industrial processes. Category 1 includes those considered to be "carcinogenic for humans": 4-aminobiphenyl; arsenic and arsenic compounds; asbestos; benzene; benzidine; N,N-bis (2-chloroethyl)-2-naphthylamine; bis (chloromethyl) ether; chloromethyl methyl ether; chromium; diethylstilbestrol; melphalan; mustard gas; 2-naphthylamine; nickel and nickel compounds; soots, tars and oils; and vinyl chloride.

Category 2 includes chemicals or processes that are "probably carcinogenic for humans": aflatoxins; auramine; cadmium and cadmium compounds; cyclophosphamide; and oxymetholone.

Category 3 includes those chemicals or processes which "cannot be classified as to carcinogenicity for humans": chloramphenicol; hematite and iron oxide; isopropyl oils; phenacetin; phenytoin and phenytoin sodium.

The information in the first Report was prepared with the assistance of four regulatory agencies—the Consumer Product Safety Commission; the Environmental Protection Agency; the Food and Drug Administration; and the Occupational Safety and Health Administration—and three research agencies—the Centers for Disease Control/National Institute for Occupational Safety and Health; the National Cancer Institute; and the National Institute of Environmental Health Sciences.

Indexes

The following indexes are provided for this Annual Plan:

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117	Alphabetic Index to Chemicals in Text.
118–125	Alphabetic Index to Chemicals in Tables.
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The Alphabetic Index to chemicals in Tables is organized by a standard IBM sort, which places names beginning with numbers after the alphabet. Thus "nitrobenzene" and "2-nitropropane" are widely separated in this index. The prefixes "D", "L", "O", "M", and "P" are considered as part of the chemical name; thus, "O-nitrotoluene" is sorted under "O", not "N".

Any errors found by the user of these indexes or in the body of the Annual Plan should be called to the attention of: Dr. Larry Hart, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 22709.

Note.—The page numbers in the indexes correspond with the original printed version of the plan.

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10827-V	38/ 1	10890-X	49/329		
10828-Y	39/ 24	10892-F	49/323		
10829-D	39/ 18	10893-J	49/322		
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10833-L	88	10897-A	49/317		
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10835-V	41/ 69	10899-H	37/160		
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10837-D	41/ 65	10901-K	48/309		
10838-G	41/ 64	10902-P	37/158		
10839-K	41/ 62	10903-T	37/157		
10840-M	40/ 57	10903-T	38/ 27		
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10843-V	40/ 52	10906-F	36/153		
		10906-F	48/302		
10845-D	40/ 50	10907-J	48/301		
10846-G	32/ 23	10908-N	36/148		
10847-K	40/ 44	10908-M	48/297		
10848-P	40/ 37	10909-S	88		
10849-T	40/ 33	10910-P	48/293		
10850-R	40/ 32	10911-T	48/286		
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10852-Y	44/168	10913-C	48/281		
10853-D	44/166	10914-F	47/276		
10854-G	44/161	10915-J	47/273		
10855-K	44/159	10915-J	90		
10856-P	34/ 75	10916-N	45/213		
10857-T	34/ 74	10917-S	88		
10857-T	38/ 8	10918-W	47/269		
10857-T	44/158	10919-A	47/268		
10858-X	44/156	10920-X	47/267		
10859-C	88	10921-C	47/265		
		10922-F	47/253		
10860-Y	90	10923-J	77		
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10862-G	58/ 17	10925-S	46/246		
10863-K	43/143	10926-W	46/244		
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10872-P	38/ 7	10934-W	46/223		
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10883-C	88				
10884-F	41/ 91				
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federal register

Friday
February 27, 1981

Part III

Department of Labor

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska: AK80–5130	Sept. 26, 1980.
Arkansas: AR80–4081	Nov. 7, 1980.
Colorado:	
CO80–5137	Oct. 24, 1980.
CO80–5138	Oct. 24, 1980
CO80–5139	Oct. 24, 1980.
CO80–5140	Oct. 24, 1980
Illinois, Indiana, Kentucky, Missouri, Ohio & West Virginia: IL80–2018	Mar. 28, 1980.
Oregon: OR80–5145	Nov. 21, 1980
Virginia: VA78–3037	Oct. 13, 1978
Washington: WA80–5136	Oct. 17, 1980.
Kentucky: KY80–1108	Oct. 17, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Connecticut: CT75–2067 (CT81–3014)	Apr. 25, 1975.
Illinois: IL79–2051 (IL81–2003)	June 15, 1979.
Missouri: MO80–4023 (MO81–4013)	Apr. 11, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 20th day of February 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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Modification Page 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and Tr. Appr. Tr.
DECISION NO. CO80-5137 - Mod. #2 (45 FR 70577 - Oct. 24, 1980) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado					
CHANGE:					
Electricians:					
Remaining Counties:					
Electricians	$14.85	.59	3%+1.25		3/10%
Cable Splicers	15.10	.59	3%+1.25		3/10%
Glaziers	14.25	.65	.80	a	
ADD:					
FOOTNOTE:					
a. 15 days paid vacation after 1600 hours.					
DECISION NO. CO80-5138-Mod. #2 (45 FR 70682 - Oct. 24, 1980) El Paso County, Colorado					
CHANGE:					
Glaziers	14.25	.63	80	b	.01
Lathers	12.64				
ADD:					
Footnote:					
b. 15 days paid vacation after 1600 hours.					

Modification Page 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and Tr. Appr. Tr.
DECISION NO. AK80-5130 Mod. #3 (45 FR 64040 September 26, 1980) Statewide, Alaska					
Change:					
Elevator Constructors					
Probationary Helper (No Fringe)	$11.22				
Painter					
Area 2 and 3					
Residential Painter	12.21	.90	2.00		.20
Soft Floor Layers					
Area 1					
Zone 1 and 3	20.33	1.35	2.00		.21
Zone 2	21.16	1.35	2.00		.21
DECISION NO. AR80-4081 - MOD. #4 (45FR7432 - November 7, 1980) Sebastian, Crawford and Washington Counties, Ark.					
CHANGE:					
Modification #2 issued in Federal Register dated Feb. 13, 1981 to read "Modificaiton #3."					

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Modification Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CO80-5139 - Mod. #3 (45 FR 70686 - October 24, 1980) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
CHANGE:					
Glaziers	14.25	.65	.80	b	
Marble and Tile Setters; Terrazzo Workers	14.14	1.20	1.30		.04
Tile, Marble and Terrazzo Finishers:					
Finishers	9.55	1.10	1.15	.50	
Floor Grinders	9.70	1.10	1.15	.50	
Base Grinders	10.25	1.10	1.15	.50	
ADD:					
FOOTNOTE:					
b. 15 days paid vacation after 1600 hours.					
DECISION NO. CO80-5140 - Mod.#3; (45 FR 70691 - October 24, 1980) Las Animas, Otero and Pueblo Counties, Colorado					
CHANGE:					
Glaziers	14.25	.65	.80	b	
LIMIT:					
Soft Floor Layers as originally issued.					
ADD:					
Soft floor layers	12.39	.80	1.05	.75	.10
FOOTNOTE:					
b. 15 days paid vacation after 1600 hours.					

Modification Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL80-2018 - MOD. #1 (45 FR 20650 - March 28, 1980) Illinois, Indiana, Kentucky, Missouri, Ohio & West Virginia					
Change:					
Area I					
Within the geographical jurisdiction of the St. Paul District, Corps of Engineers					
Levermen, Engineer, Mechanic and Boatman	$ 12.86	1.20	1.20		
Oiler	10.64	1.20	1.20		
Area II					
Within the geographical jurisdiction of the Rock Island District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	12.86	1.20	1.20		
Oiler	10.64	1.20	1.20		
AREA III					
Within the geographical jurisdiction of the Chicago District, Corps of Engineers					
Levermen, Engineer, Mechanic, and Boatman	12.86	1.20	1.20		
Oiler	10.64	1.20	1.20		

Modification Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OR80-5145 - Mod #3 (45 FR 77321 - Nov. 21, 1980) Statewide Oregon					
CHANGE:					
BRICKLAYERS: STONEMASONS:					
Area 1	$16.31	.95	1.00		.12
LATHERS:					
Area 1	14.42	1.05	1.75		.06
DECISION NO. VA78-3073 - MOD. #9 (43 FR 47445 - October 13, 1978) Radford Army Ammunition Plant, Virginia					
CHANGE:					
SHEET METAL WORKERS	$11.25	.40	.72		.07
DECISION NO. WA80-5136 - Mod #6 (45 FR 69151 - Oct. 17, 1980) Statewide Washington					
CHANGE:					
BRICKLAYERS: MARBLE SETTERS:					
Area 5	$16.31	1.05	1.40		.22
CEMENT MASONS:					
Area 2:					
Cement Masons	15.08	.95	1.50		.10
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tool, Gunnite Nozzlemen	15.33	.95	1.50		.10
LATHERS:					
Area 3	14.42	1.05	1.75		.06
SOFT FLOOR LAYERS:					
Area 5	14.08	.63	1.25		1%

Modification Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1108 - Mod. #1 45FR69148 dated October 17, 1980 Boone, Campbell, Kenton, & Pendleton Counties, Kentucky					
CHANGE					
Master Mechanic	$14.19	1.11	1.25		.11
Class A	13.94	1.11	1.25		.11
Class B	13.82	1.11	1.25		.11
Class C	12.78	1.11	1.25		.11
Class D	12.35	1.11	1.25		.11
Class E	9.49	1.11	1.25		.11

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SUPERSEDEAS DECISION

STATE: CONNECTICUT COUNTY: HARTFORD
DECISION NO. CT81-3014 DATE: DATE OF PUBLICATION
Supersedes Decision No. CT75-2067 dated April 25, 1975 in 40 FR 18304
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS AND CEMENT MASONS	11.05	.75	.75		
CARPENTERS	7.84				
ELECTRICIANS	8.04				
GLAZIERS	8.00				
LABORERS	6.07				
PAINTERS	9.60				
PLUMBERS	8.67				
ROOFERS	6.15				
SHEET METAL WORKERS	8.44				
TAPERS	9.00				
TILE SETTERS	7.54				
TRUCK DRIVER: 3 axle	7.00				
POWER EQUIPMENT OPERATOR: Crane	8.86	.30	.65	a	

FOOTNOTE:
a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Good Friday

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Cook
DECISION NUMBER: IL81-2003 DATE: Date of Publication
Supersedes Decision No.: IL79-2051, dated June 15, 1979, in 44 FR 34737
DESCRIPTION OF WORK: Building (including Residential), Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.00	$1.095	$1.395		.05
BOILERMAKERS	15.30	1.675	1.50	5%	.08
BRICKLAYERS: Bricklayers; Stonemasons Caulkers; Cleaners; and Pointers	14.40	1.10	1.10		.08
CARPENTERS: Building, Heavy & Highway: Carpenters; Millwrights; Piledrivermen; and Soft Floor Layers	14.10	1.65	1.05		.10
CEMENT MASONS: Building	14.00	1.23	1.08		.05
Heavy and Highway	12.35	1.35	1.25		.05
ELECTRICIANS	12.35	1.35	1.25		.05
ELEVATOR CONSTRUCTORS: Constructors	13.15	7.20%	13.28%	.80	.76%
Helpers	15.67	1.195	.82	a+b	.035
Helpers (Prob.)	70%JR	1.195	.82	a+b	.035
GLAZIERS	50%JR				
IRONWORKERS: Structural and Reinforcing	11.89	.48	.89		.01
Ornamental	15.30	1.24	1.22		.10
Riggers and Machinery Movers	13.00	.75	1.105		.10
Metal Fence Erector	9.80	.75	1.725	1.30	.15
LATHERS	10.52	.85	1.105		.10
LINE CONSTRUCTION: Linemen; Equipment Operators	13.82	.605	.645		.04
MARBLE SETTERS	15.25	4.4%	6.50%	6.2%	.25%
PAINTERS: Brush, Decorators, Paperhangers and Tapers	15.86	.90			
PIPEFITTERS	11.50	.575	.75		.013
PLASTERERS	15.75	.97	1.50		.05
PLUMBERS	12.87	.875	1.07		.07
	15.20	.80	1.00		.07

DECISION NO. IL81-2003 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$14.50	$1.45	$1.06		.04
SHEET METAL WORKERS	12.95	.90	.73	.50	.07
SPRINKLER FITTERS	13.75	1.15	1.05		.15
SURVEY CREW: Layout Technician	14.40	.90	.40		
Instrument Man	11.88	.90	.40		
Rodman	9.85	.90	.40		
TILE SETTERS	13.65	.81	1.07		
TILE SETTERS' FINISHERS	11.15	.71	.62		
TRUCK DRIVERS: Building and Residential:					
2-3 Axle Trucks	11.75	29.00c	33.00c		
4 Axle Trucks	12.00	29.00c	33.00c		
5 Axle Trucks	12.20	29.00c	33.00c		
6 Axle Trucks	12.40	29.00c	33.00c		
Heavy and Highway:					
2-3 Axle Trucks	11.75	.95	1.00		
4 Axle Trucks	12.00	.95	1.00		
5 Axle Trucks	12.20	.95	1.00		
6 Axle Trucks	12.40	.95	1.00		

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; G-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays - A through G
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years
c. Per week per employee

DECISION NO. IL81-2003 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Common; Plasterer Tenders; Pumps for DeWatering and other Unclassified Laborers	$11.10	.57	$1.30		
Cement Gun Labdrers	11.175	.57	1.30		
Scaffold Laborers and Chimney Laborers over 40'	11.20	.57	1.30		
Windlass and Cement Gun Nozzle Laborers - Gunnite	11.25	.57	1.30		
Stone Handlers and Derrickmen	11.30	.57	1.30		
Jackhammermen	11.325	.57	1.30		
Concrete Vibrator; Plumbers' Tenders; and Chain Saw Operator	11.35	.57	1.30		
Firebrick and Boiler Setters' Tenders	11.425	.57	1.30		
Chimney Tenders on Firebrick; Caisson Diggers and Well Point System Men	11.45	.57	1.30		
Boiler Setter Plastic Tenders	11.55	.57	1.30		
Jackhammer on Firebrick ONLY	11.675	.57	1.30		

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DECISION NO. IL81-2003 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
WRECKING LABORERS:					
General Laborers	$ 9.37	.57	$1.20		
Wallmen, Wreckers, Burners, and Hammermen	10.02	.57	1.20		
Smokestack or High Man	10.37	.57	1.20		
LANDSCAPE WORK: Building, Residential, and Heavy Construction:					
Arborist	6.50	.25		.26	
Landscape Laborer	5.87				
Landscape Plantsman I & II	6.18				
Highway Construction:					
Landscape Plantsmen	7.48			e+f	
Truck Driver - Tractor Trailer (3 axle or more) and Equipment Operator	7.96			e+f	
Truck Driver - 2 axle	7.54			e+f	

FOOTNOTES:
e. Six Paid Holidays; New Year's Day; Memorial Day July Fourth; Labor Day; Thanksgiving Day; Christmas Day
f. 1 year's service - 1 week's Paid Vacation; 3 or more years' service - 2 weeks' Paid Vacation

DECISION NO. IL81-2003 Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Building and Residential Construction:					
Class 1	$13.95	$1.20	$1.20	.70	.05
Class 2	12.65	1.20	1.20	.70	.05
Class 3	11.50	1.20	1.20	.70	.05
Class 4	10.25	1.20	1.20	.70	.05

Class 1: Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires 2 Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-mix Plant; Combination Back Hoe Front EndLoader Machine; Compressor and Throttle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver 27E cu. ft.; Concrete Placer; Concrete Tower; Cranes (all); Cranes, Hammerhead; Derricks (all); Derricks, traveling; Grader; Elevating Grouting Machines; Highlift Shovels or Front Endloader 2¼ yd. and over; Hoists, 1, 2 and 3 drum; Hoists, 2 tuggers one floor; Hydraulic Boom Trucks; Locomotives (all); Motor Patrol; Piledrivers and Skid Rig; Post Hole Digger; Pre-stress Machine; Pump Cretes: Squeeze Cretes, Screw type Pumps; Gypsum Bulker and Pump; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops, tractor drawn; Slip Form Paver; Straddle Buggies; Tournapull; Tractor w/boom and side boom; Trenching Machines

Class 2: Boilers, Bulldozers, Broom, all power propelled; Concrete Mixer (2 bag and over); Conveyor, portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 2¼ yd.; Hoists, automatic; Hoists, all elevators; Hoists, Tugger, single drum; Rollers (all); Steam Generators; Stone Crushers; Tractors (all); Winch Trucks with "A" Frame

Class 3: Air Compressor, small 125 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor, large over 125 combination, small equipment Operator; Generators, small 50KW and under; Generators, large over 50 KW; Heaters, mechanical; Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, well points; Welding Machines (2 through 5); Winches, 4 small electric drill; Winches

Class 4: Oilers

DECISION NO. IL81-2003 Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Sewer, Heavy and Highway Construction:					
Class 1	$13.60	$1.20	$1.20	.70	.05
Class 2	13.05	1.20	1.20	.70	.05
Class 3	12.30	1.20	1.20	.70	.05
Class 4	11.20	1.20	1.20	.70	.05
Class 5	10.20	1.20	1.20	.70	.05

Class 1: Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Spreader; Autograde; Belt Loader; Caisson Rigs; Central Redimix Plant; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Linden, Peco and Machines of a like nature; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature; Derricks; All Derrick Boats; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature, 1 cu. yd. and over; Mucking Machine, under 1 cu. yd.; Piledrivers and Skid Rig; Pre-stress Machine; Pump Cretes, Dual Ram (requiring frequent lubrication and water); Rock Drill, Crane type; Slip Form Paver; Straddle Buggies; Tractor w/boom; Tractaire w/attachments; Trenching Machine; Underground Boring and/or Mining Machine, under 5 ft.; Wheel Excavator Widener (Apsco)

Class 2: Mechanic-welder; Batch Plant; Bituminous Mixer; Bulldozer; Combination Backhoe Front End Loader Machine; Concrete Breaker of Hydro-hammer; Concrete Grinding Machine; Concrete Mixer or Paver, 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine and Sealing Machine; Finishing Machine; Concrete Grader; Motor Patrol; Auto Patrol; Form Grader; Pull Grader; Subgrader; Highlift Shovels or Front End Loader; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pump Cretes: Squeeze Cretes, Screw type Pumps; Cypsum Bulker and Pump; Rock Drill (self-propelled); Roto-tiller; Seaman, etc.; Self-propelled Scoops; Tractor drawn, self-propelled Compactor, Spreader, Chipstone, etc.; Scraper; Tank Car Heater; Tractor, push, pulling Sheops Foot, disc.; Compactor, etc.; Tug Boats

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POWER EQUIPMENT OPERATORS (Cont'd)
Sewer, Heavy and Highway construction (Cont'd)

Class 3: Boilers; Boiler and Throttle Valve; Brooms, all power propelled; Cement Supply Tender; Compressor Throttle Valve; Concrete Mixer (2 bags and over); Conveyor, portable; Fireman on Boiler; Forklift Trucks; Greaser Engineer; Grouting Machine Hoists; Automatic Hoists; All Elevator Hoists; Tugger, single drum; Jeep Diggers; Pipe Power Saw, Concrete; Power-driven Pug Mills; Rollers, all; Steam Generators; Stone Crushers; Stump Machine; Winch Truck with "A" Frame; Work Boats; Tamper; Form Motor driven

Class 4: Air Compressors, all; Generators; Heaters; Mechanical Light Plants, all (1 through 5); Pumps, all; Pumps, well points; Tractaire; Welding Machines (2 through 6)

Class 5: Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: MISSOURI COUNTY: STATEWIDE
DECISION NO.: MO81-4013 DATE: DATE OF PUBLICATION
Supersedes Decision No. MO80-4023 dated April 11, 1980 in 45 FR 24997
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Zone 1	12.56	.90	.95	.50	.03
Zone 1A	12.16	.90	.95	.50	.03
Zone 2	12.01	.90	.95	.50	.03
Zone 3	13.00	.60	.50		.03
Zone 4	12.40	.60	.50		.03
Zone 5	11.15	.90	.95	.50	.03
Zone 6	12.82	.43	.25		.03
Zone 7	12.97	.53			.03
Zone 7A	12.67	.53	.30		.03
Zone 8	12.20	.65		.25	.10
Zone 9	12.80	.60	.50		.07
Zone 10	13.16	.90	.95		.18

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles, Counties
Zone 1A - Lincoln, Warren Counties
Zone 2 - Pike, ST. Francois & Washington Counties
Zone 3 - Cass and Lafayette Counties
Zone 4 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper & Howard Counties
Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 7A - Callaway, Cole, Miller, Moniteau and Osage Counties
Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10 - St. Louis County & City

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
Zone 1	12.675	.80	.70		
Zone 2	10.93				
Zone 3	13.17	.80	.70		
Zone 4	7.50	.85	.50	.55	
Zone 5	10.75				
Zone 6	11.68				
Zone 7	12.30				
Zone 8	7.40				
Zone 9	12.15	.80	.70		
Zone 10	12.30				

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass and Lafayette Counties
Zone 2 - Dent, Phelps, Pike, Pulaski and Texas Counties
Zone 3 - Clay, Jackson, Platte and Ray Counties
Zone 4 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
Zone 5 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster & Wright Counties
Zone 6 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
Zone 7 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan, and Putnam Counties
Zone 8 - Barry, Barton, Jasper, Lawrence, McDonald, Newton and Vernon Counties
Zone 9 - Andrew, Atchinson, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
Zone 10 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery and Osage Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Zone 1					
Electrical contract over $15,000.00	12.30	.54	3%	11.5%	4%
Electrical contracts $15,000.00 & under	10.49	.54	3%	11.5%	4%
Zone 2	14.68	.69	3%+.90	7%	.12
Zone 3					
Electrical contracts not to exceed 2000 man hours	13.68	.69	3%+.90	7%	.12
Electrical contract 2000 man hours and over	14.68	.69	3%+.90	7%	.12
Zone 4					
Electrical contracts not to exceed 2000 man hours	13.68	.69	3%+.90	7%	.12
Electrical contracts 2000 man hours and over	14.68	.69	3%+.90	7%	.12
Zone 5					
Electrical contract not to exceed 2000 man hours	13.08	.69	3%+.90	7%	.12
Electrical contracts 2000 man hours and over	14.68	.69	3%+.90	7%	.12
Zone 6	13.40	.83	3%+5½%	15½%	.12
Zone 7					
Electrical contracts over $15,000.00	13.40	.83	3%+5½%	15½%	.10
Zone 8					
Electrical contract $15,000.00 and under	12.54	.83	3%+5½%	15½%	.10
Zone 9					
Electrical contract $15,000.00 and under	9.69	.83	3%+5½%	15½%	.10
Zone 10					
Electrical contract $15,000.00 and under	6.85	.83	3%+5½%	15½%	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS CONT'D:					
Zone 11	13.40	.47	3%+1.00	6%	.02
Zone 12	13.89	.47	3%+1.00	6%	.02
Zone 13	13.11	.60	3%+.50	7%	.01
Zone 14					
Electricians	11.56	.65	3%+.75	5%	.01
Cable Splicers	11.91	.65	3%+.75	5%	.01
Zone 15					
Electricians	13.00	.47	3%+.50	7%+.30	.01
Cable Splicers	13.25	.47	3%+.50	7%+.30	.01

AREAS COVERED BY ELECTRICIANS ZONES

Zone 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Cos.
Electrical contracts over $15,000.00
Electrical contracts $15,000.00 and under
Zone 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due West to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded
Zone 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2
Zone 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Cos.
Zone 5 - Carroll, Cooper, Morgan, Ray and Saline Counties
Zone 6 - St. Charles County, St. Louis County and City
Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington, and Wayne Cos.:
Electrical contract over $15,000.00

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ELECTRICIANS (CONT'D)

Zone 8 - Franklin, Jefferson, Lincoln, and Warren Counties.
Electrical contracts $15,000.00 and under
Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois, and Ste. Genevieve Counties:
Electrical contracts $15,000.00 and under
Zone 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington, and Wayne Counties:
Electrical contracts $15,000.00 and under
Zone 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties
Zone 12 - Pulaski County
Zone 13 - Andrew, Buchanan, Clinton, and DeKalb Counties
Zone 14 - Barry, Barton, Caldwell, Cedar, Dade, Daviess, Gentry, Holt, Jasper, McDonald, Newton, Nodaway, St. Clair, Vernon, and Lawrence Counties
Zone 15 - Atchinson, Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Grundy, Harrison, Howard, Livingston, Maries, Mercer, Miller, Moniteau, Osage, Phelps, Randolph and Worth Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Zone 1	13.475	.65	1.05		
Zone 2	12.35	.80	1.50	1.00	.05
Zone 3	12.235	.80	1.50	1.00	.05
Zone 4	12.10	.75	.85		.12
Zone 5	12.40	.55	.90		
Zone 6	11.55	.60	1.05		.06
Zone 7	12.45	.55	.95		.05

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Cos.
Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Cos.
Zone 3 - Christian, Dade, Douglas, Greene and Webster Cos.
Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Cos.
Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Cos.
Zone 6 - Howell, Oregon, Ozark and Taney Cos.
Zone 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP 1					
Zone 1	10.09	.60	.60	.75	.10
Zone 2	8.69	.60	.60	.75	.10
Zone 3:					
(a)	11.40	.60	.50		.10
(b)	11.20	.60	.70		.10
Zone 4:					
(a)	10.50	.60	.50		.10
(b)	10.30	.60	.70		.10
GROUP 2					
Zone 1	10.24	.60	.60	.75	.10
Zone 2	8.84	.60	.60	.75	.10
Zone 3					
(a)	11.90	.60	.50		.10
(b)	11.70	.60	.70		.10
Zone 4					
(a)	11.00	.60	.50		.10
(b)	10.80	.60	.70		.10
GROUP 3					
Zone 1	10.39	.60	.60	.75	.10
Zone 2	8.99	.60	.60	.75	.10
Zone 3					
(a)	12.15	.60	.50		.10
(b)	11.95	.60	.70		.10
Zone 4					
(a)	11.25	.60	.50		.10
(b)	11.05	.60	.70		.10
GROUP 4					
Zone 1	10.59	.60	.60	.75	.10
Zone 2	9.19	.60	.60	.75	.10
GROUP 5					
Zone 1	10.84	.60	.60	.75	.10
Zone 2	9.44	.60	.60	.75	.10

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LABORERS CLASSIFICATION DEFINITIONS ZONES 1 AND 2

GROUP 1 - General Laborers - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers
GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations; puddlers (paving only); straw blower nozzleman
GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air in not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river
GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettleman, hot tar applicator, hand blade operators, and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen
GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block dynamite and powder men; welder

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LABORERS CLASSIFICATION DEFINITIONS ZONES 3 and 4

GROUP 1 - General Labor-Carpenter tenders; salamander tenders; dump man; ticket takers; loading trucks under bins, hoppers, and conveyors; track men; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers-rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footings in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch liners; hot mastic kettleman; hot tar applicator; hand blade operator; mortar men on brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.

GROUP 2 - First Semi-Skill-Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sand blast man

GROUP 3 - Second Semi-Skill-Laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; stringline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man

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AREA COVERED BY LABORERS

Zone 1 - Buchanan, Cass and Lafayette Counties

Zone 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties.

Zone 3 :

a - Franklin and Jefferson Counties

b - St. Charles County

Zone 4

a - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, New Madrid, Oregon, Osage, Pemiscot, Perry Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Washington and Wayne Counties

b - Lincoln, Montgomery and Warren Counties

DECISION NO. MO81-4013

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
ZONE 5					
Group 1	10.50	.60	.60	1.00	.10
Group 2	10.65	.60	.60	1.00	.10
Group 3	10.80	.60	.60	1.00	.10
Group 4	11.00	.60	.60	1.00	.10
Group 5	11.30	.60	.60	1.00	.10

CLASSIFICATION DEFINITIONS

Group 1 - General laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

Group 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only)

Group 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

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CLASSIFICATION DEFINITIONS CONT'D

Group 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

Group 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men

AREA COVERED BY LABORERS

ZONE 5 - Clay, Jackson, Platte and Ray Counties

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DECISION NO. MO81-4013	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE 6 - St. Louis City and County:					
General laborer	11.825	.65	1.05		.04
Dynamiter or powderman	12.325	.65	1.05		.04
Pier hole	10.825	.45	1.00		
LINE CONSTRUCTION:					
ZONE 1					
Lineman	15.75	.45	3%+.25		4%
Lineman operator	14.66	.45	3%+.25		4%
Groundman powderman	10.93	.45	3%+.25		4%
Groundman	10.38	.45	3%+.25		4%
ZONE 2					
Lineman	15.05	.45	3%+.25		4%
Lineman operator	14.34	.45	3%+.25		4%
Groundman powderman	10.43	.45	3%+.25		4%
Groundman	9.63	.45	3%+.25		4%
ZONE 3					
Lineman & cable splicers	13.78	.50	7%	12½%	4%
Groundman - winch driver	10.11	.50	7%	12½%	4%
Groundman - driver	9.75	.50	7%	12½%	4%
Equipment operator	12.32	.50	7%	12½%	4%
Groundman	9.75	.50	7%	12½%	4%
ZONE 4					
Lineman	14.10	.45	3%+8%		4%
Groundman equipment op.	12.51	.45	3%+8%		4%
Groundman - Class A	8.87	.45	3%+8%		4%
ZONE 5 - Railroad and Cross County Transmission Lines:					
Lineman	13.34	.45	3%+.25		4%
Lineman operator	12.34	.45	3%+.25		4%
Groundman powderman	9.17	.45	3%+.25		4%
Groundman	8.56	.45	3%+.25		4%
Pole treating specialist	14.00	.45	3%+.25		4%
Pole treating truck driver	9.17	.45	3%+.25		4%
Pole treating groundman	8.56	.45	3%+.25		4%

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DECISION NO. MO81-4013	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
ZONE 6 - Telephone and Telegraph Railroad Communications and C.A.T.V. Work:					
Cable splicer, air pressure technician, central office equipment man, & key system installer	10.16	.50	3%	5%	4%
Telephone lineman, installer, CATV terminator, & equipment operator (D-4 or larger crawler, wheel trencher quarter yard backhoe or larger)	9.73	.50	3%	5%	4%
Equipment operator (all other small equipment)	8.50	.50	3%	5%	4%
Groundman-winch driver	7.61	.50	3%	5%	4%
Groundman	6.67	.50	3%	5%	4%

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

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AREA COVERED BY LINE CONSTRUCTION CONT'D

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties
ZONE 4 - Boillinger, Butler, Cape Girardeau, Dunklin, Madigon, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties
ZONE 5 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, DeKalb, Davies, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackshon, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Vernon, Benton, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark and Gentry Counties
ZONE 6 - Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, Warren and Washington Counties

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DECISION NO. MO81-4013	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Brush and roller	12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Bridge	12.94	.55	.70		.08
ZONE 2					
Brush	10.00	.50	.25		.01
Spray	10.75	.50	.25		.01
Sandblasting, bridges, towers, stacks, walkways, cables & tanks 15,000 gal. or more capacity)	12.20		.25		
ZONE 3					
Brush	8.20				
Spray	8.70				
ZONE 4					
Brush and roller	10.25	.70	.35		
Spray, structural steel and sandblasting	11.50	.70	.35		
ZONE 5					
Brush	11.35				
Bridge	12.00				
Spray, sandblasting opr.; work performed on bridges 75 ft. in height	12.25				
All structural steel over 50 ft. in height	12.00				
ZONE 6					
Brush	11.85	.85	.35		
Spray	12.85	.85	.35		
Steel, storage bin & tank	12.25	.85	.35		
Bridge, stage; belt; bazooka	12.35	.85	.35		
ZONE 7					
Brush, roller	10.82		.50		
Spray	11.32		.50		
ZONE 8					
Brush	11.20		.20		
Spray & Steel	11.70		.20		
ZONE 9					
Brush	11.85	.68	.37		.15
Spray	13.35	.68	.37		.15

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DECISION NO. MO81-4013	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS CONT'D:					
ZONE 10					
Brush	9.90	.50			
Spray, Bridgemen, steelmen	10.40	.50			
ZONE 11					
Brush	9.10		.25		
Structural steel	9.60		.25		
Bridges	9.85		.25		
ZONE 12					
Brush	8.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, Reynolds, Iron, Butler, Carter, Shannon, Wayne, Oregon and Ripley Counties
ZONE 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis, and Saline Counties
ZONE 6 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 8 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties
ZONE 9 - Jefferson, St. Charles, St. Louis & City, Warren and Franklin Counties
ZONE 10 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 11 - St. Francois, Ste. Genevieve, Madison, Perry and Washington Counties
ZONE 12 - Marion County

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DECISION NO. MO81-4013	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1					
Group I	12.45	.85	1.00	1.05	.15
Group II	12.20	.85	1.00	1.05	.15
Group III	11.90	.85	1.00	1.05	.15
Group IV					
(a)	9.03	.85	1.00	1.05	.15
(b)	10.50	.85	1.00	1.05	.15
Group V	12.70	.85	1.00	1.05	.15
Group VI	12.45	.85	1.00	1.05	.15
ZONE 2					
Group I	13.32	.90	1.00		.20
Group II	12.02	.90	1.00		.20
Group III	11.57	.90	1.00		.20
Group IV:					
(a)	14.02	.90	1.00		.20
(b)	14.87	.90	1.00		.20
(c)	15.32	.90	1.00		.20
(d)	16.07	.90	1.00		.20
(e)	13.82	.90	1.00		.20
ZONE 3					
Group I	13.45	.90	1.00		.07
Group II	13.25	.90	1.00		.07
Group III	13.05	.90	1.00		.07
Group IV	12.45	.90	1.00		.07
Group V	13.70	.90	1.00		.07
Group VI	13.95	.90	1.00		.07
ZONE 4					
Group I	12.45	.90	1.00		.07
Group II	12.10	.90	1.00		.07
Group III	11.90	.90	1.00		.07
Group IV	11.05	.90	1.00		.07
Group V	12.70	.90	1.00		.07
Group VI	12.95	.90	1.00		.07
ZONE 5					
Group I	12.45	.85	1.00	1.05	.15
Group II	12.20	.85	1.00	1.05	.15
Group III	11.50	.85	1.00	1.05	.15
Group IV:					
(a)	9.03	.85	1.00	1.05	.15
(b)	10.50	.85	1.00	1.05	.15
Group V	12.70	.85	1.00	1.05	.15
Group VI	12.45	.85	1.00	1.05	.15

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DECISION NO. MO81-4013	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS CONT'D:					
ZONE 6					
Group I	11.65	.85	1.00	1.05	.15
Group II	11.30	.85	1.00	1.05	.15
Group III	11.10	.85	1.00	1.05	.15
Group IV	9.30	.85	1.00	1.05	.15
Group V	11.90	.85	1.00	1.05	.15
Group VI	12.15	.85	1.00	1.05	.15
Group VII	12.40	.85	1.00	1.05	.15
ZONE 7					
Group I	12.07	.60	1.00	.46	
Group II	11.72	.60	1.00	.46	
Group III	11.52	.60	1.00	.46	
Group IV	9.47	.60	1.00	.46	
Group V	12.32	.60	1.00	.46	
Group VI	12.57	.60	1.00	.46	
Group VII	12.82	.60	1.00	.46	
ZONE 8					
Group I	12.07	.60	1.00	.46	
Group II	11.72	.60	1.00	.46	
Group III	11.52	.60	1.00	.46	
Group IV	9.47	.60	1.00	.46	
Group V	12.32	.60	1.00	.46	
Group VI	12.57	.60	1.00	.46	
Group VII	12.82	.60	1.00	.46	
ZONE 9					
Group I	12.90	.90	1.00		.07
Group II	12.70	.90	1.00		.07
Group III	12.50	.90	1.00		.07
Group IV	11.90	.90	1.00		.07
Group V	13.15	.90	1.00		.07
Group VI	13.40	.90	1.00		.07

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS ZONE 1 & 5

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift, and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, or Equal); throttle man; truck crane; welding machine maintenance operator-2

Group II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Letourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra- hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; subgrading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1 & 5 CONT'D

Group IV:
(a) Oiler
(b) Oiler drivers, all types
Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (incl. jib); shovels and backhoes, 3 yds. capacity or over
Group VI - Hoists (each additional drum over 1 drum)

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers); switch boat; whirley; air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (jobsite); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer (such as mixermobile); compressors, two, not more than 50 ft. apart; compressor (when operator runs throttle); compressor-generator combination; compressor-pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator-pump combination ; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other

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POWER EQUIPMENT OPERATORS ZONE 2 CONT'D

GROUP I CONT'D
sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two self-powered over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine
GROUP II - Conveyer, large (not self-propelled); conveyer, large (not self-propelled) moving brick and concrete (distributing) on floor level; mixer two or more mixers of one bag capacity or less, air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment

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POWER EQUIPMENT OPERATORS ZONE 2 CONT'D

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor
GROUP IV - (a) Air pressure, oiler engineer, operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds (d) Air pressure engineer operating over ten pounds (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas or electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of $2.00) above basic rate for crane

Work in tunnel or tunnel shaft, .50¢ above base rate

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch-hammer wheel; locomotive operator - standard guage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator
GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader;

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POWER EQUIPMENT OPERATORS ZONES 3, 4 and 9 CONT'D

GROUP II CONT'D
boat operator (bridge & dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck; asphalt roller operator; crusher operator
GROUP III - Spreader box operator, self-propelled (not asphalt); tractor operator (50 h.p. or less); boilers - 1; chip spreader (front man); Churn drill operator; compresor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant opeator; siphons & jets; subgrading machine operator; tank car heater (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; hydrobroom
GROUP IV - Oiler; grout machine; oiler-driver; compressor over 105 CFM-1; conveyor operator-1; maintenance operator; pump-4" & over-1
GROUP V - Crane with 3 yds. & over buckets; dragline operator - 3 yds & over; shovel - 3 yds. & over; piledrivers - all types; clamshell - 3 yds. & over; hoists - each additional active drum over 2 drums
GROUP VI - Tandem scoop operator

Crane, rigs over 100 feet (incl. jib)-1¢ per foot

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POWER EQUIPMENT OPERATORS ZONES 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch hammer wheel; locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane; scoop operators - all types

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams), chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow guage; multiple compactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)

GROUP IV - Oiler; oiler driver, fireman - rig; maintenance operators

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums

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POWER EQUIPMENT OPERATORS ZONE 6, 7 and 8 CONT'D

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City and County
ZONE 3 - Franklin, Jefferson, St. Charles Counties
ZONE 4 - Adair, Audrain, Boillinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties
ZONE 9 - Lincoln and Warren Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS					
ZONE 1					
Group 1	10.91	1.00	1.25	.75	
Group 2	11.11	1.00	1.25	.75	
Group 3	11.42	1.00	1.25	.75	
Group 4	11.57	1.00	1.25	.75	
Group 5	10.69	1.00	1.25	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

Group 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
Group 2 - Two teams, material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
Group 3 - A-frame, low boy, boom
Group 4 - Mechanics & welders
Group 5 - Oilers and greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS					
ZONE 2					
Group 1	14.11				
Group 2	14.26				
Group 3	14.33				
Group 4	14.22				
Group 5	14.01				
ZONE 3					
Group 1	13.06				
Group 2	13.21				
Group 3	13.28				
Group 4	13.17				
Group 5	12.96				
ZONE 4					
Group 1	12.15	1.00	1.25		
Group 2	12.30	1.00	1.25		
Group 3	12.37	1.00	1.25		
Group 4	12.26	1.00	1.25		
Group 5	12.05	1.00	1.25		
ZONE 5					
Group 1	10.94	1.00	1.25		
Group 2	11.09	1.00	1.25		
Group 3	11.21	1.00	1.25		
Group 4	11.10	1.00	1.25		
Group 5	10.84	1.00	1.25		
ZONE 6					
Group 1	10.21	1.00	1.25		
Group 2	10.36	1.00	1.25		
Group 3	10.48	1.00	1.25		
Group 4	10.37	1.00	1.25		
Group 5	10.11	1.00	1.25		

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CLASSIFICATION DEFINITIONS
~~TRUCK DRIVERS~~

Group 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
Group 2 - Flat bed trucks - tandem axle; material trucks, tandem, axle; tank wagon - tandem axle
Group 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
Group 4 - Agitor and transit mix trucks
Group 5 - Warehouseman

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Franklin, Jefferson and St. Charles Counties
ZONE 3 - Lincoln and Warren Counties
ZONE 4 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 5 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties
ZONE 6 - Adair, Atchison, Berry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney and Worth Counties

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))".

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federal register

Friday
February 27, 1981

Part IV

Department of the Interior

Fish and Wildlife Service

Review for Wildlife Classified as Endangered or Threatened in 1975 and 1976

V 46/39 FE 2 7 81 1 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Review for Wildlife Classified as Endangered or Threatened in 1975 and 1976

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Review.

SUMMARY: The Endangered Species Act of 1973, as amended, requires the Service to conduct a review of all listed species at least once every five years. The purpose of this section is to insure that the listing accurately reflects the most current status of the listed species. In order to aid the Service in discharging this responsibility, the Director is requesting from any party comments and appropriate data which might document the need to delist or reclassify any of the selected species of Endangered or Threatened wildlife listed below. If as a result of this review, the present classification of Endangered or Threatened is not consistent with current evidence, the Director will propose changes in such classification accordingly.

DATES: Comments must be received no later than June 29, 1981.

ADDRESSES: Submit comments to Director (OES), Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection by appointment during normal business hours (7:45 a.m. to 4:15 p.m.) at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:
Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of Interior, Washington, D.C. 20240 (Phone 703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The Lists of Endangered and Threatened Wildlife and Plants are found in 50 CFR 17.11 (wildlife) and 50 CFR 17.12 (plants). The most recent such lists were published in the **Federal Register** of May 20, 1980 (45 FR 33768-81). The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended, and 50 CFR 424.20 require the Service to conduct a review of each listed species at least once every five years. Species which are to be considered under the present review are listed below. Species listed during 1975 and 1976 which subsequently have been affected by rules reclassifying all or significant parts of their populations are not included in this notice.

Definitions

The following definitions are provided to assist those persons who contemplate submitting information regarding the status of the species listed below:

(1) "Critical Habitat" means (a) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (1) essential to the conservation of the species and (2) which may require special management considerations or protection, and (b) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination by the Director that such areas are essential for the conservation of the species.

(2) "Endangered" means any species which is in danger of extinction throughout all or a significant portion of its range.

(3) "Species" includes any species or subspecies of fish or wildlife or plant, and any distinct population segment of any species or subspecies of a vertebrate which is capable of interbreeding when mature. A species is determined to be Endangered or Threatened because of any of the following factors:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Overutilization for commercial, sporting, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms, or

(e) Other natural or man-made factors affecting its continued existence.

(4) "Threatened" means any species which is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range.

Effects of Review

If substantial evidence is available to the Service or is presented by any party for one or more below listed species, the Director intends to propose new rules that would do any of the following: (a) reclassify a species from Endangered to Threatened, (b) reclassify a species from Threatened to Endangered, or (c) remove a species from the List of Endangered or Threatened Wildlife. Distinct geographic populations of vertebrate species as well as subspecies of all wildlife species may be proposed for either separate reclassification to a different status than the presently listed species or removal from the list. If no substantial data is available or presented to suggest a status change for a particular species, then the next formal status review will be announced no later than five years hence.

Once a species has been determined to be Threatened or Endangered, the Act imposes certain restrictions on activities involving the species. Generally, it is unlawful for a person subject to the jurisdiction of the United States to take an Endangered species or to engage in foreign and domestic commerce involving an Endangered species or its parts or products, 16 U.S.C. 1538(a)(1); 50 CFR 17.21. The Director has discretion in determining whether the taking and commercial restrictions will be made applicable to Threatened species, 16 U.S.C. 1533(d). As a general rule, the taking and commerce restrictions applicable to Endangered species are made applicable to Threatened species by 50 CFR 17.31. However, the Director does promulgate special rules for some species, varying the taking and commerce prohibitions. See, for example, 50 CFR 17.40(b), Special Rule for Grizzly Bears.

Public Comments Solicited

The Director requests any comments concerning the status of the below listed species be sent to him. Comments from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party are hereby solicited. Such comments must be in writing and should contain the name, signature, address, telephone number, and the association, institution, or business, if any, of the party.

Receipt of all comments will be acknowledged in writing by the Service. If significant data are available, warranting a change in a species' classification under the Act, the Director will propose a rule to modify the present status of the listed species. In order to determine if the comments contain significant data, the Director will consider whether the document:

(1) Clearly indicates the scientific and any common name of the species involved;

(2) Contains a detailed narrative describing, as appropriate, the past and present numbers and distribution of the involved species, subspecies, or distinct vertebrate geographic population; the particular threatening factors affecting the species; and, if appropriate, the features and importance of any Critical Habitat;

(3) Is accompanied, as appropriate, by supporting documentation, such as maps, a list of bibliographic references, reprints of pertinent publications, or copies of written reports or letters from authorities; and

(4) Does not essentially repeat scientific, commercial, or other relevant information already cited by the Director in an earlier rulemaking process or notice of review.

The procedural rules for relcassifying or removing a species from the list were published in the February 27, 1980, **Federal Register** (45 FR 13010-13026) to be codified at 50 CFR Part 424.

The primary authors of this notice are Paul A. Opler and Jay M. Sheppard, Office of Endangered Species, U.S. Fish and Wildlife Service (Phone: 707/235-1975).

Dated: January 26, 1981.

F. Eugene Hester,
Acting Director, Fish and Wildlife Service.

BILLING CODE 4310-55-M

Species		Historic range	Vertebrate population where Endangered or Threatened	Status	When listed
Common name	Scientific name				
MAMMALS:					
Anoa	Bubalus anoa quarlesi	Indonesia	Entire	E	15
Anteater, scaly	Manis temminckı	Africa	Entire	E	15
Antelope, bontebok	Damaliscus dorcas dorcas	South Africa	Entire	E	15
Antelope, giant sable	Hippotragus niger variani	Angola	Entire	E	15
Antelope, Mongolian saiga	Saiga tatarica mongolica	Mongolia	Entire	E	15
Argali	Ovis ammon hodgsoni	China (Tibet)	Entire	E	15
Armadillo, giant	Priodontes giganteus	Venezuela & Guyana to Argentina	Entire	E	15
Babiroussa	Babyrousa babyrussa	Indonesia	Entire	E	15
Bat, gray	Myotis grisescens	Central & SE USA	Entire	E	13
Bear, brown	Ursus arctos pruinosus	China (Tibet)	Entire	E	15
Bear, brown	Ursus arctos arctos	Palearctic	Italy	E	15
Beaver	Castor fiber birulai	Mongolia	Entire	E	15
Bobcat	Felis rufus escuinapae	Central Mexico	Entire	E	15
Camel, Bactrian	Camelus bactrianus	Mongolia, China	Entire	E	15
Cat, Andean	Felis jacobita	Chile, Peru, Bolivia, Argentina	Entire	E	15
Cat, black-footed	Felis nigripes	Southern Africa	Entire	E	15
Cat, flat-headed	Felis planiceps	Malaysia	Entire	E	15
Cat, leopard	Felis bengalensis bengalensis	Eastern Asia	Entire	E	15
Cat, marbled	Felis marmorata	Nepal, Malaysia, Burma, Indonesia	Entire	E	15
Cat, Temminck's	Felis temminckı	China (Tibet), Malaysia, Indonesia (Sumatra)	Entire	E	15
Chamois, Apennine	Rupicapra rupicapra ornata	Italy	Entire	E	15
Chimpanzee	Pan troglodytes	W & central Africa	Entire	T	16
Chimpanzee, pigmy	Pan paniscus	Zaire	Entire	T	16
Chinchilla	Chinchilla brevicaudata boliviana	Bolivia	Entire	E	15
Colobus, black	Colobus satanas	Equatorial Guinea, People's Republic of Congo, Cameroon, Gabon	Entire	E	16
Colobus, Tana River red	Colobus badius rufomitratus	Kenya	Entire	E	16
Deer, Cedros Island mule	Odocoileus hemionus cedrosensis	Mexico (Cedros Island)	Entire	E	10
Deer, hog	Axis (=Cervus) porcinus annamiticus	Thailand, Indochina	Entire	E	15
Deer, musk	Moschus mochiferus moschiferus	South-central Asia	Entire	E	15
Deer, pampas	Ozotoceras bezoarcticus	Brazil, Argentina, Uruguay, Paraguay	Entire	E	15

Species		Historic range	Vertebrate population where Endangered or Threatened	Status	When listed
Common name	Scientific name				
Deer, Philippine	Axis calamianensis	Philippines (Calamian Islands)	Entire	E	15
Drill	Papio leucophaeus	Equatorial West Africa	Entire	E	16
Elephant, Asian	Elephas maximus	South-central & SE Asia	Entire	E	15
Gelada (baboon)	Theropithecus gelada	Northern Ethiopia	Entire	T	16
Gibbons	Hylobates spp. (incl. Nomascus)	China, India, southeastern Asia	Entire	E	15
Goral	Nemorhaedus goral	East Asia	Entire	E	15
Hare, hispid	Caprolagus hispidus	India, Nepal	Entire	E	15
Horse, Przewalski's	Equus przewalskii	Mongolia	Entire	E	15
Huemul, North Andean	Hippocamelus antisiensis	Equador, Peru, Chile, Bolivia, Argentina	Entire	E	15
Huemul, South Andean	Hippocamelus bisulcus	Chile, Argentina	Entire	E	15
Jaguarundi	Felis yagouaroundi cacomitli	USA (TX), Mexico	Entire	E	15
Jaguarundi	Felis yagouaroundi fossata	Mexico, Nicaragua	Entire	E	15
Jaguarundi	Felis yagouaroundi panamensis	Nicaragua, Costa Rica, Panama	Entire	E	15
Jaguarundi	Felis yagouaroundi tolteca	USA (AZ), Mexico	Entire	E	15
Langur, capped	Presbytis pileatus	India, Burma	Entire	E	15
Langur, entellus	Presbytis entellus	China (Tibet), India, Pakistan, Kashmir, Sri Lanka, Sikkim, Bangladesh	Entire	E	15
Langur, golden	Presbytis geei	India (Assam), Bhutan	Entire	E	15
Langur, long-tailed	Presbytis potenziani	Indonesia	Entire	T	16
Langur, purple-faced	Presbytis senex	Sri Lanka (=Ceylon)	Entire	T	16
Lemurs	Lemuridae(incl. Cheirogaleidae, Lepilemuridae); all members of genera Lemur, Phaner, Hapalemur, Lepilemur, Microcebus, Allocebus, Cheirogaleus, Varecia	Malagasy Republic (=Madagascar)	Entire	E	15
Leopard, clouded	Neofelis nebulosa	SE & south-central Asia, Taiwan	Entire	E	15
Linsang, spotted	Prionodon pardicolor	Nepal, Assam, Vietnam, Cambodia, Laos, Burma	Entire	E	15
Loris, lesser slow	Nycticebus pygmaeus	Indochina	Entire	T	16
Macaque, Formosan rock	Macaca cyclopis	Taiwan	Entire	T	16
Macaque, Japanese	Macaca fuscata	Japan (Shikoku, Kyushu and Honshu Is.)	Entire	T	16
Macaque, stump-tailed	Macaca arctoides	India (Assam) to southern China	Entire	T	16
Macaque, Toque	Macaca sinica	Sri Lanka (=Ceylon)	Entire	T	16
Mandrill	Papio sphinx	Equatorial West Africa	Entire	E	16
Mangabey, white-collared	Cercocebus torquatus	Senegal to Ghana; Nigeria to Gabon	Entire	E	16
Markhor, Chiltan	Capra falconeri chiltanensis	Pakistan	Entire	E	15
Markhor, Kabal	Capra falconeri megaceros	Afghanistan, Pakistan	Entire	E	15
Markhor, straight-horned	Capra falconeri jerdoni	Pakistan, Afghanistan	Entire	E	15
Marmoset, cotton-top	Saguinus oedipus	Panama, Costa Rica, Colombia	Entire	E	16
Monkey, black howler	Alouatta pigra	Mexico, Guatamala, Belize	Entire	T	16
Monkey, Diana	Cercopithecus diana	Coastal West Africa	Entire	E	16
Monkey, Francois' leaf	Presbytis francoisi	China (Kwangsi), Indochina	Entire	E	16
Monkey, howler	Alouatta villosa	Mexico to S. America	Entire	E	15
Monkey, L'hoest's	Cercopithecus lhoesti	Upper Eastern Congo Basin, Cameroon	Entire	E	16
Monkey, proboscis	Nasalis larvatus	Borneo	Entire	E	15
Monkey, red-bellied	Cercopithecus erythrogaster	Western Nigeria	Entire	E	16
Monkey, red-eared nose-spotted	Cercopithecus erythrotis	Nigeria, Cameroon, Fernando Po	Entire	E	1

Species		Historic range	Vertebrate population where Endangered or Threatened	Status	When listed
Common name	Scientific name				
Monkey, Tonkin snub-nosed	Rhinopithecus avunculus	Vietnam	Entire	T	16
Monkey, yellow-tailed woolly	Lagothrix flavicauda	Andes of northern Peru	Entire	E	16
Mouse, Australian native	Notomys pedunculatus	Australia	Entire	E	15
Mouse, Australian native	Notomys aquilo	Australia	Entire	E	15
Otter, long-tailed	Lutra longicaudis	South America	Entire	E	15
Otter, marine	Lutra felina	Peru, south to Straits of Magellan	Entire	E	15
Otter, southern river	Lutra provocax	Chile, Argentina	Entire	E	15
Pronghorn, peninsular	Antilocapra americana peninsularis	Mexico (Baja Cal.)	Entire	E	10
Pudu	Pudu pudu	Southern S. America	Entire	E	15
Puma, Costa Rican	Felis concolor costaricensis	Nicaragua, Panama, Costa Rica	Entire	E	15
Seal, Hawaiian monk	Monachus schauinslandi	Hawaiian Archipelago	Entire	E	18
Serow, Sumatran	Capricornis sumatraensis	Sumatra	Entire	E	15
Shapo	Ovis vignei	Kashmir	Entire	E	15
Siamang	Symphalangus syndactylus	Malaysia, Indonesia	Entire	E	15
Tamarin, pied	Saguinus bicolor	Northern Brazil	Entire	E	16
Tamarin, white-footed	Saguinus leucopus	Northern Colombia	Entire	T	16
Tapir, Asian	Tapirus indicus	Burma, Laos, Cambodia, Vietnam, Malaysia, Indonesia, Thailand	Entire	E	15
Tarsier, Philippine	Tarsius syrichta	Philippines	Entire	T	16
Urial	Ovis orientalis ophion	Cyprus	Entire	E	15
BIRDS:					
Blackbird, yellow-shouldered	Agelaius xanthomus	USA (Puerto Rico)	Entire	E	17
Booby, Abbott's	Sula abbotti	Indian Ocean: Christmas Island	Entire	E	15
Bristlebird, western	Dasyornis broadbenti	Australia	Entire	E	15
rufous	littoralis				
Cotinga, banded	Cotinga maculata	Brazil	Entire	E	15
Cotinga, white-winged	Xipholena atropurpurea	Brazil	Entire	E	15
Crane, black-necked	Grus nigricollis	China (Tibet)	Entire	E	15
Crane, Cuba sandhill	Grus canadensis nesiotes	West Indies: Cuba	Entire	E	15
Crane, white-naped	Grus vipio	Mongolia	Entire	E	15
Creeper, Hawaiian	Loxops maculata mana	USA (Hawaii)	Entire	E	10
Curassow, razor-billed	Mitu (=Crax) mitu mitu	Brazil (Eastern)	Entire	E	15
Duck, pink-headed	Rhodonessa caryophyllacea	India	Entire	E	15
Eagle, Greenland white-tailed	Haliaeetus albicilla groenlandicus	Greenland & adjacent Atlantic Islands	Entire	E	15
Eagle, harpy	Harpia harpyja	Mexico south to Argentina	Entire	E	15
Falcon, Eurasian peregrine	Falco peregrinus peregrinus	Europe, Eurasia south to Africa & Mid East	Entire	E	15
Frigatebird, Andrew's	Fregata andrewsi	East Indian Ocean	Entire	E	15
Greenshank, Nordmann's	Tringa guttifer	USSR, Japan, south to Malaya, Borneo	Entire	E	15
Gull, relict	Larus relictus	India, China	Entire	E	15
Hermit, hook-billed (hummingbird)	Glaucis (=Ramphodon) dohrnii	Brazil	Entire	E	15
Hornbill, helmeted	Rhinoplax vigil	Thailand, Malaysia	Entire	E	15
Macaw, glaucous	Anodorhynchus glaucus	Paraguay, Uruguay, Brazil	Entire	E	15
Macaw, indigo	Anodorhynchus leari	Brazil	Entire	E	15
Macaw, little blue	Cyanopsitta spixii	Brazil	Entire	E	15
Owl, giant scops	Otus gurneyi	Phillipines: Marinduque & Mindanao Is.	Entire	E	15

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Species		Historic range	Vertebrate population where Endangered or Threatened	Status	When listed
Common name	Scientific name				
Parakeet, Forbes'	Cyanoramphus auriceps forbesi	New Zealand	Entire	E	15
Parrot, Bahaman or Cuban	Amazona leucocephala	West Indies: Cuba, Bahamas, Caymans	Entire	E	15
Parrot, red-capped	Pionopsitta pileata	Brazil	Entire	E	15
Parrot, red-spectacled	Amazona pretrei pretrei	Brazil, Argentina	Entire	E	15
Parrot, vinaceous-breasted	Amazona vinacea	Brazil	Entire	E	15
Pheasant, Elliot's	Syrmaticus ellioti	China	Entire	E	15
Pigeon, Mindoro zone-tailed	Ducula mindorensis	Philippines	Entire	E	15
Piping-guan, black-fronted	Pipile jacutinga	Argentina	Entire	E	15
Pitta, Koch's	Pitta kochi	Philippines	Entire	E	15
Poo-uli	Melamprosops phaeosoma	USA (Hawaii)	Entire	E	10
Quetzel, resplendent	Pharomachrus mocinno	Mexico to Panama	Entire	E	15
Rail, Lord Howe wood	Tricholimnas sylvestris	Australia (Lord Howe Island)	Entire	E	15
Shearwater, Newell's Manx	Puffinus puffinus newelli	USA (Hawaii)	Entire	T	10
Siskin, red	Carduelis (=Spinus) cucullatus	South America	Entire	E	15
Teal, Campbell Island flightless	Anas aucklandica nesiotis	New Zealand (Campbell Island)	Entire	E	15
Tinamou, solitary	Tinamus solitarius	Brazil, Paraguay, Argentina	Entire	E	15
White-eye, Norfolk Is.	Zosterops albogularis	Indian Ocean: Norfolk Islands	Entire	E	15
REPTILES:					
Alligator, Chinese	Alligator sinensis	China	Entire	E	15
Caiman, Apaporis River	Caiman crocodilus apaporiensis	Colombia	Entire	E	15
Caiman, black	Melanosuchus niger	Amazon basin	Entire	E	15
Caiman, broad-snouted	Caiman latirostris	Brazil, Argentina, Paraguay, Uruguay	Entire	E	15
Crocodile, African dwarf	Osteolaemus tetraspis tetraspis	West Africa	Entire	E	15
Crocodile, Ceylon mugger	Crocodylus palustris kimbula	Sri Lanka,	Entire	E	15
Crocodile, Congo dwarf	Osteolaemus tetraspis osborni	Congo River drainage	Entire	E	15
Crocodile, mugger	Crocodylus palustris palustris	India, Pakistan, Iran, Bangladesh	Entire	E	15
Crocodile, Philippine	Crocodylus novaeguinea mindorensis	Philippine Islands	Entire	E	15
Crocodile, Siamese	Crocodylus siamensis	SE Asia, Malay Peninsula	Entire	E	15
Gavial (=gharial)	Gavialus gangeticus	Pakistan, Burma, Bangladesh, India	Entire	E	15
Monitor, bengal	Varanus bengalensis	Iran, Iraq, India, Sri Lanka, Malaysia, Afganistan, Burma, Vietnam, Thailand	Entire	E	15
Monitor, desert	Varanus griseus	N. Africa to Neareast, Caspian Sea through USSR to Pakistan, NW India	Entire	E	15
Monitor, Komodo Island	Varanus komodensis	Indonesia (Komodo, Rintja, Padar, & western Flores Is.)	Entire	E	15
Monitor, yellow	Varanus flavescens	W Pakistan through India to Bangladesh	Entire	E	15

Species		Historic range	Vertebrate population where Endangered or Threatened	Status	When listed
Common name	Scientific name				
Python, Indian	Python molurus molurus	Sri Lanka & India	Entire	E	15
Tomistoma	Tomistoma schlegelii	Malaysia, Indonesia	Entire	E	15
Tortoise, angulated	Geochelone yniphora	Malagasy Republic (=Madagascar)	Entire	E	15
Tortoise, Indian flap-shell	Lissemys punctata punctata	India, Pakistan, Bangladesh	Entire	E	15
Turtle, black softshell	Trionyx nigricans	Bangladesh	Entire	E	15
Turtle, Burmese peacock	Morenia ocellata	Burma	Entire	E	15
Turtle, Cuatro Cienegas softshell	Trionyx ater	Mexico	Entire	E	15
Turtle, geometric	Geochelone geometrica	Union of S. Africa	Entire	E	15
Turtle, Indian sawback	Kachuga tecta tecta	India	Entire	E	15
Turtle, Indian softshell	Trionyx gangeticus	Pakistan, India	Entire	E	15
Turtle, peacock softshell	Trionyx hurum	India, Bangladesh	Entire	E	15
Turtle, spotted pond	Geoclemmys (=Damonia) hamiltonii	N India, Pakistan	Entire	E	15
Turtle, three-keeled Asian	Geoemyda (=Nicoria) tricarinata	Central India to Bangladesh & Burma	Entire	E	15
AMPHIBIANS:					
Frog, Panamanian golden	Atelopus varius zeteki	Panama	Entire	E	15
Salamander, Chinese giant	Andrias davidianus davidianus	Western China	Entire	E	15
Salamander, Japanese giant	Andrias davidianus japonicus	Japan	Entire	E	15
Salamander, Red Hills	Phaeognathus hubrichti	USA (Alabama)	Entire	T	19
Toad, African viviparous	Nectophrynoides spp.	Tanzania, Guinea	Entire	E	15
Toad, Cameroon	Bufo superciliaris	Equatorial Africa	Entire	E	15
Toad, Monte Verde	Bufo periglenes	Costa Rica	Entire	E	15
FISHES:					
Bonytoungue, Asian	Scleropages formosus	Thailand, Indonesia,	Entire	E	15
Darter, bayou	Etheostoma rubrum	USA (Mississippi)	Entire	T	10
Darter, snail	Percina tanasi	USA (Tennessee)	Entire	E	12
Madtom, Scioto	Noturus trautmani	USA (Ohio)	Entire	E	10
Temolek, Ikan (minnow)	Probarbus jullieni	Thailand, Cambodia, Vietnam, Malaysia, Laos	Entire	E	15
CLAMS:					
Pearly mussel, Alabama lamp	Lampsilis virescens	USA (AL, TN)	N/A	E	15
Pearly mussel, Appalachian monkeyface	Quadrula sparsa	USA (TN, VA)	N/A	E	15
Pearly mussel, birdwing	Conradilla caelata	USA (TN, VA)	N/A	E	15
Pearly mussel, Cumberland bean	Villosa (=Micromya) trabalis	USA (Kentucky)	N/A	E	15
Pearly mussel, Cumberland monkeyface	Quadrula intermedia	USA (AL, TN, VA)	N/A	E	15
Pearly mussel, Curtis'	Epioblasma (=Dysnomia) florentina curtisi	USA (Missouri)	N/A	E	15
Pearly mussel, dromedary	Dromus dromas	USA (TN, VA)	N/A	E	15
Pearly mussel, green-blossom	Epioblasma (=Dysnomia) torulosa gubernaculum	USA (TN, VA)	N/A	E	15

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Species		Historic range	Vertebrate population where Endangered or Threatened	Status	When listed
Common name	Scientific name				
Pearly mussel, Higgin's eye	Lampsilis higginsi	USA (IL, IA, MN, MO, NE, WI)	N/A	E	15
Pearly mussel, Nicklin's	Megalonaias nicklineana	Mexico	N/A	E	15
Pearly mussel, orange-footed	Plethobasis cooperianus	USA (AL, IN, IA, KY, OH, PA, TN)	N/A	E	15
Pearly mussel, pale lilliput	Toxolasma (=Carunculina) cylindrella	USA (AL, MO, TN, WV)	N/A	E	15
Pearly mussel, pink mucket	Lampsilis orbiculata	USA (AL, IL, IN, KY, MO, OH, PA, TN, WV)	N/A	E	15
Pearly mussel, Sampson's	Epioblasma (=Dysnomia) sampsoni	USA (IL, IN)	N/A	E	15
Pearly mussel, Tampico	Cyrtonaias tampicoensis tecomatensis	Mexico	N/A	E	15
Pearly mussel, tubercled-blossom	Epioblasma (=Dysnomia) torulosa torulosa	USA (IL, KY, TN, WV)	N/A	E	15
Pearly mussel, turgid-blossom	Epioblasma (=Dysnomia) turgidula	USA (AL, AR, MO, TN)	N/A	E	15
Pearly mussel, white cat's eye	Epioblasma (=Dysnomia) sulcata delicata	USA (IN, MI, OH)	N/A	E	15
Pearly mussel, white wartyback	Plethobasis circatricosus	USA (AL, TN)	N/A	E	15
Pearly mussel, yellow-blossom	Epioblasma (=Dysnomia) florentina florentina	USA (AL, TN)	N/A	E	15
Pigtoe, fine-rayed	Fusconaia cuneolus	USA (AL, TN, VA)	N/A	E	15
Pigtoe, rough	Pleurobema plenum	USA (KY, TN, VA)	N/A	E	15
Pigtoe, shiny	Fusconaia edgariana	USA (AL, TN, VA)	N/A	E	15
Pocketbook, fat	Potamilus (=Proptera) capax	USA (AR, IN, MO, OH)	N/A	E	15
INSECTS:					
Butterfly, Bahama swallowtail	Papilio andraemon bonhotei	USA (FL), Bahamas	N/A	T	13
Butterfly, blue	El Segundo Euphilotes (=Shijimiaeoides) battoides allyni	USA (California)	N/A	E	14
Butterfly, metalmark	Lange's Apodemia mormo langei	USA (California)	N/A	E	14
Butterfly, blue	Lotis Lycaeides argyrognomon lotis	USA (California)	N/A	E	14
Butterfly, blue	mission Icaricia icarioides missionensis	USA (California)	N/A	E	14
Butterfly, elfin	San Bruno Callophrys mossii bayensis	USA (California)	N/A	E	14
Butterfly, swallowtail	Schaus Papilio aristodemus ponceanus	USA (Florida)	N/A	T	13
Butterfly, blue	Smith's Euphilotes (=Shijimiaeoides) enoptes smithi	USA (California)	N/A	E	14

WHEN LISTED FOOTNOTES:

8--40 FR 29864; July 16, 1975
9--40 FR 31736; July 28, 1975
10--40 FR 44151; September 25, 1975
11--40 FR 44418; September 26, 1975
12--40 FR 47506; October 9, 1975
13--41 FR 17740; April 28, 1976
14--41 FR 22044; June 1, 1976
15--41 FR 24064; June 14, 1976
16--41 FR 45993; October 19, 1976
17--41 FR 51021; November 19, 1976
18--41 FR 51612; November 23, 1976
19--41 FR 53034; December 3, 1976

[FR Doc. 81-3778 Filed 2-26-81; 8:45 am]
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Friday
February 27, 1981

Part V

Department of the Interior

Geological Survey

Final Outer Continental Shelf Orders Governing Oil and Gas Lease Operations in the Arctic

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DEPARTMENT OF THE INTERIOR

Geological Survey

Final Outer Continental Shelf Orders Governing Oil and Gas Lease Operations in the Arctic

Notice is hereby given that under Title 30 of the Code of Federal Regulations, § 250.11, the Deputy Chief, Conservation Division—Offshore Minerals Regulation, U.S. Geological Survey (USGS), has approved the issuance of final Outer Continental Shelf (OCS) Orders Nos. 1, 2, 3, 4, 5, 7, 8, and 12 for the Arctic Area of the Gulf of Alaska Region. These Orders will be effective February 27, 1981.

The analysis contained in the Environmental Assessment (EA) of the proposed Arctic OCS Orders and the comments received regarding that analysis were considered prior to making a decision to issue these final Arctic OCS Orders. In accordance with the Council on Environmental Quality regulation (45 CFR 1508.13), a document entitled "A Finding of No Significant Impact" has been prepared for the issuance of these Orders. This document is available, upon request, from the Deputy Conservation Manager and the Deputy Chief, Conservation Division—Offshore Minerals Regulation, at the addresses listed below.

Lessees cannot explore for oil and gas in the Arctic OCS Area until they have an exploration plan approved by the USGS. Many of the standards for approving these plans are set by the Arctic OCS Orders. A lessee already has filed an exploration plan with the Deputy Conservation Manager, Offshore Field Operations, Alaska OCS Region. Under this plan, the lessee proposes to build gravel islands in the Beaufort Sea lease sale area. Due to the loss of favorable ice conditions in the Arctic, these islands cannot be built this year unless construction begins by March 1, 1981. A need exists to have the Orders take effect by this date, so that the USGS may approve or disapprove the exploration plan.

Industry will not need the additional time to comply with these Orders before the effective date. These Orders have been available to industry in virtually the current form since June 13, 1979 (44 FR 34060), and are similar to existing Orders in other OCS regions. Lessees have had an adequate opportunity to adjust their plans to these requirements. We, therefore, find good cause not to wait 30 days before having these Orders take effect. See 5 U.S.C. § 553(d)(3).

These Orders incorporate appropriate suggestions received in response to the following **Federal Register** Notices published on:

1. June 13, 1979 (44 FR 34060), requesting comments on the proposed version of Arctic OCS Orders Nos. 1, 2, 3, 4, 5, 7, and 12.

2. June 29, 1979 (44 FR 38004), June 29, 1979, requesting comments on the final versions of OCS Orders Nos. 1, 2, 3, 4, 5, 7, and 12 for the Gulf of Mexico, Pacific, Gulf of Alaska, and Atlantic OCS Regions, and referred to the Arctic OCS Orders, as published on May 18, 1979 (44 FR 29258).

3. July 2, 1979 (44 FR 38676), requesting comments on proposed OCS Order No. 8 and proposed "Operating Procedures for the OCS Platform Verification Program" for the Gulf of Mexico, Pacific, Gulf of Alaska, Atlantic, and Arctic OCS.

4. September 27, 1979 (44 FR 55670), postponing the effective date of the Orders to December 1, 1979, and announced that the final Orders would include the final versions of Arctic OCS Orders Nos. 1, 2, 3, 4, 5, 7, and 12. The December 1, 1979, effective date was subsequently extended to January 1, 1980, by Notice on November 30, 1979 (44 FR 69040).

5. December 21, 1979 (44 FR 76212), promulgating OCS Orders Nos. 1, 2, 3, 4, 5, 7, 8, and 12, effective January 1, 1980, for the Gulf of Mexico, Pacific, Gulf of Alaska, and Atlantic OCS Regions. This Notice generated unsolicited comments applicable to the Arctic OCS Orders.

6. April 10, 1980 (45 FR 24713), requesting comments on proposed revisions of portions of final OCS Orders Nos. 1, 2, 5, and 7 for the Gulf of Mexico, Pacific, Gulf of Alaska, and Atlantic OCS Regions. Comments relative to the Arctic Area were also invited, since these proposed revisions are also applicable to the Arctic OCS Orders.

7. August 18, 1980 (45 FR 55126), publishing final revisions of certain requirements of OCS Orders Nos. 1, 2, 5, and 7, effective September 15, 1980, for the Gulf of Mexico, Pacific, Gulf of Alaska, and Atlantic OCS Regions. This Notice and the final Orders also include responses to appropriate suggestions received at a public meeting held at the USGS National Center in Reston, Virginia on May 20, 1980. These responses and suggestions are applicable to the Arctic OCS Orders.

8. December 19, 1980 (45 FR 83868), requesting comments on an EA of the potential environmental effects of issuing the proposed Arctic OCS Orders.

These Orders have also been revised to reflect the revision of the operating regulations contained in 30 CFR 250, which implements the Outer Continental Shelf Lands Act (OCSLA) Amendments of 1978. These regulation revisions were published on October 26, 1979 (44 FR 61886), with an effective date of December 13, 1979. Accordingly, it should be noted that the preamble and the text of each Order cite the regulations as revised.

Arctic OCS Order No. 8 incorporates, by reference, the document entitled "Operating Procedures for the OCS Platform Verification Program," October 1979. The original proposed version of this document was published with a proposed OCS Order No. 8 for the Gulf of Mexico, Pacific, Gulf of Alaska, Atlantic and Arctic OCS on July 2, 1979 (45 FR 38676). A summary of comments, discussions, and the final version of the document were published for the Gulf of Mexico, Pacific, Gulf of Alaska and Atlantic OCS Regions on December 21, 1979 (44 FR 75254). This version of the document is hereby adopted by reference into the Arctic OCS Order No. 8. The USGS is currently revising this document and will publish a revised version in the future.

In accordance with the USGS Director's Delegation of Authority, published on March 14, 1980 (45 FR 16570), the title, "Oil and gas Supervisor," has been changed to "Deputy Conservation Manager." Authority of the Chief, Conservation Division, to approve Orders has been delegated to the Deputy Chief, Conservation Division—Offshore Minerals Regulation.

It should be noted that some of the requirements of these Orders will be revised in the near future to reflect the implementation of the "Memorandum of Understanding Between the United States Geological Survey of the Department of the Interior and the United States Coast Guard of the Department of Transportation concerning Regulation of Activities and Facilities on the Outer Continental Shelf of the United States," which was signed on December 18, 1980 and published on January 8, 1981 (45 FR 2199).

Comments were received from the following organizations:

Alaska Legal Services Corporation.
Alaska Oil and gas Association.
American Bureau of Shipping.
AMOCO Production Co.
ARCO Alaska, Inc.
Atlantic Richfield Co.
Axelson, Inc.
Brown & Root, Inc.
Chevron USA, Inc.
Chicago Bridge and Iron Co.
Continental Oil Co.
Det Norske Veritas.
Engineering Specialties, Inc.
Exxon Company, USA.
Friends of the Earth, Alaska Office.

Getty Oil Co.
Gulf Oil Exploration and Production Co.
Hunt Oil Co.
J. Ray McDermott & Co.
Lone Star Steel Co.
Marathon Oil Co.
Massachusetts Executive Office of Environmental Affairs.
National Ocean Industries Association.
National Wildlife Federation. Natural Resources Defense Council, Inc.
Offshore Operators Committee.
Otis Engineering Corporation.
Pace Marine Engineering Systems, Inc.
Pennzoil Co.
Phillips Petroleum Co.
Shell Oil Co.
Sohio Alaska Petroleum Co.
State of Alaska, Office of the Governor.
Sun Production Co.
Tennessee Gas Pipeline.
Terris and Sunderland, Counsel for the North Slope Borough of Alaska.
Texaco, Inc.
Tiedemann, H. M., and Co., Inc.
Trans-Continental Gas Pipeline Corporation.
Trustees for Alaska.
Union Oil Company of California, Gulf and Western Regions.
U.S. Department of Commerce, National Oceanic and Atomospheric Administration.
U.S. Department of the Interior, Fish and Wildlife Service.
U.S. Environmental Protection Agency.
U.S. Navy, Naval Facilities Engineering Command.
Ziontz, Pirtle, Morisset, Ernstoff and Chestnut, on behalf of the Inupiat Community of the Arctic slope.

In order to facilitate our discussions of the comments received and the presentation of the final version of the Orders, this Notice is organized under the following general headings:

I. Summaries and Discussions of Comments Received in Response to Federal Register Notices Published Through August 18, 1980

This section discusses the comments received on the **Federal Register** Notices listed above in items 1 through 7 and explains the revisions to the June 13, 1979, proposed Arctic Orders as presented in the Appendix of the EA which was published on December 19, 1980 (45 FR 83888). Refer to item 8 above.

Some of the comments and discussions published on December 21, 1979 (44 FR 76212), are repeated in this publication for the convenience of the readers. In certain instances, the revised portions of paragraphs and subparagraphs are indicated in italics.

II. Summaries and Discussions of Comments Received in Response to Federal Register Notice (45 FR 83868) on the Environmental Assessment

This section discusses the comments pertaining to the analysis of the environmental effects of the proposed Arctic Orders and alternatives.

III. Final Arctic OCS Orders

This section contains the final Arctic OCS Orders Nos. 1, 2, 3, 4, 5, 7, 8, and 12.

The term "OCS area," as used herein, is defined as an established organizational unit of a USGS region under the jurisdiction of a deputy Conservation Manager. An area is comprised of one or more districts, each of which is under the administration of a District Supervisor.

Arctic OCS Orders are applicable to leases on the OCS of the Beaufort Sea, Chukchi Sea, and the Hope Basin. The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (Public Law 31, 83rd Congress, 1st Session), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

For further information, contact Mr. David Schuenke Chief, Branch of Rules and Procedures, Conservation Division, USGS, Mail Stop 640, 12201 Sunrise Valley Drive, Reston, Virginia 22092 (703–860–7395). The primary authors of this document are Mr. Rodney A. Smith, Deputy Conservation Manager, Mr. Rishi Tyagi, Chief, regulations and Orders Section, and Mr. stan Radack, Chief, engineering and Operations Section, Offshore Field Operations, USGS, Alaska OCS Region, P.O. Box 259, Anchorage, Alaska 99510 (907–271–4303); Mr. Lloyd M. Tracey, chief, OCS Orders and Standards Section, and Mr. Ray Beittel, Office of the Deputy Chief, Conservation Division—Offshore Minerals Regulation, USGS, Mail Stop 640, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092 (703–860–7395); and Mr. Poe Leggette, Office of the Solicitor, Department of the Interior, Mail Stop 600, National Center, 12201 Sunrise Valley drive, Reston, Virginia 22092 (703–860–6736).

Copies of this Notice are available from the following:

Deputy Conservation Manager, Offshore Field Operations, U.S. Geological Survey, Alaska OCS Region, P.O. Box 259, Anchorage, Alaska 99510.

Deputy Chief, Conservation Division—Offsore Minerals Regulation, U.S. Geological Survey, Mail Stop 640, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Booklet copies of the final Arctic OCS Orders will be availalbe from the Deputy Conservation Manager and the Deputy Chief, Conservation Division—Offshore Minerals Regulation, at the addresses listed above in approximately 60 days after the effective date of these Orders.

Copies of the USGS Standards referenced in Arctic OCS Order No. 2 are available from the Deputy Chief, Conservation Division—Offshore Minerals Regulation, at the address above.

Dated: February 17, 1981.

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

I. Summaries and Discussions of Comments Received in Response to Federal Register Notices Published Through August 18, 1980

General Comments

Comments. One commenter noted that the term "operator" had been replaced with the term "lessee" throughout the revised OCS Orders. The commenter also contended that "There appears to be some confusion between drilling 'contractor' and 'operator.' We agree that the drilling 'contractor' is the lessee's agent and that the 'lessees' are generaly responsible for drilling and development of the lease. Therefore, with regard to provisions addressing legal liabilities, 'lessee' would be correct. However, many of the provisions apply to operational questions, such as submission of forms, reporting, etc. We suggest that the 'operator' is the proper party in those instances, not the lessee (non-operator). In those instances, the lessee (non-operator) would have to first obtain the information from the operator before it could respond. This requirement would be unnecessary, burdensome, and inefficient. We urge you to direct such requirements to the 'operator' not 'lessee' (non-operator) with regard to operational activity."

Discussion. As indicated on May 18, 1979 (44 FR 29261), under the discussion for the revisions of subparagraph 2.1.1 of OCS Order No. 2, the USGS maintains that the lessee is legally responsible for all requirements for compliance, including drilling and developing the lease. The USGS recognizes that much of the information which is required must be submitted in behalf of the lessee(s) by the operator.

The Preambles of OCS Orders Nos. 2 and 5 were revised to clarify that certain required information may be submitted by the "designated lease operator."

OCS Order No. 1

Paragraph 1

Comments. One commenter suggested that the Order should provide different requirements for large and small

structures. Another commenter suggested that the Arctic Order should provide requirements for artificial islands.

Discussion. These suggestions were adopted.

Paragraph 1 was reorganized into three subparagraphs: 1.1, *Large Platforms and Structures;* 1.2, *Small Structures;* and 1.3, *Artificial Islands.*

The requirements for large platforms are the same as the original Order. The requirements for small structures are the same as the existing OCS Order for the Gulf of Mexico Region and are consistent with the U.S. Coast Guard requirements. The requirements for artificial islands are applicable only to the Artic Areas.

Paragraph 2

Comments. One commenter suggested that the entire paragraph be deleted, since the sign required by the Order would create an unnecessary hazard during its installation and during subsequent drilling operations.

Discussion. The USGS disagrees. This requirement is in accordance with 30 CFR 250.37, which requires each drilling structure to be clearly identified. The sign need not create a hazard, since it may be affixed outside the derrick and need not interfere with the drilling operations. The Order was revised to allow the option of installing the sign on the heliport. We consider these signs necessary to facilitate the identification of particular floating drilling vessels from the air, especially during emergency conditions.

Comments. One commenter suggested that the words "floating platforms" should be added to the first sentence.

Discussion. The USGS agrees with the intent of this suggestion; therefore, the Order was revised by deleting the word "semisubmersible." The words "floating platforms" are considered to be all inclusive.

Paragraph 4

Comments. One commenter believes only potentially hazardous or sizable submerged objects should be reported to the U.S. Coast Guard. The U.S. Coast Guard also expressed concern that excessive reports are being filed because the currently effective Orders for the active areas do not place any limitations on the reportable objects.

Discussion. The USGS has accepted this suggestion and revised paragraph 4 of OCS Order No. 1, as indicated in section III of this Notice. The U.S. Coast Guard will forward all reports disclosing potential obstructions to the National Marine Fisheries Service for appropriate inclusion on the list of obstructions to fishing devices. This list is published in the Weekly notice to Mariners by the Defense Mapping Agency Hydrographic/Topographic Center, and is distributed to all USGS District Supervisors. This publication is available from: DMAOO6, Code IMA, 650 Brookes Lane, Washington, DC 20315.

The U.S. Coast Guard also intends to publish a Notice outlining the method of position fixing.

Comments. It was suggested that the last sentence concerning permanent markers should be deleted from the Arctic Order because ice and ice flows would be hazardous to these devices.

Discussion. The U.S. Coast Guard District Commander will consider all environmental conditions in determining marking requirements. The District Commander has the prerogative of granting departures from this requirement where permanent markers are impractical.

Comments. There was a wide divergence of opinion on the proposed revision of this paragraph, as published on April 10, 1980 (45 FR 24713). One commenter agreed with the proposed revision; another contended that the 40-pound limitation on the reporting of objects was too low; and another contended that this limitation was too high. The first commenter stated, "* * * a 6" ANSI 600 series weld neck flange weights 73 lbs., and an 8" ANSI 600 series flange weighs 112 lbs., and these should not be considered an obstruction." This commenter suggested that the limitation should be 120 pounds or less; another suggested the limitation should be 150 pounds. The opposing view maintains that 55-gallon drums are a major cause of net damage. It was contended that "* * * platform workers knock holes in the drums and throw them into the Gulf rather than return them to the shore. The drums weigh less than 40 pounds empty, but on the sea floor filled with mud, they weigh half a ton or more. Often they rip through the net wings or through the bottom of the net causing the loss of a catch."

This commenter also contended that batteries and diesel fuel filters also weigh less than 40 pounds, and these items have caused damage to fishing nets.

Discussion. The 40-pound weight limitation was selected because the USGS determined that a 55-gallon steel drum without a top weighs approximately 42 pounds. Therefore, any 55-gallon steel drum lost, with or without a top, would be required to be reported. The disposal of material such as containers, batteries, and diesel fuel filters is prohibited by OCS Order No. 7, subparagraphs, 1.2, *Solid Material Disposal,* 1.2.2, *Containers,* and 1.2.3, *Equipment.* Engine starting batteries weigh 45 to 55 pounds and, therefore, would be reportable items. It appears that the 40 pound weight limitation is reasonable.

Comments. It was suggested that subparagraph 4b of the April 10, 1980 (45 FR 24713) version of the proposed revision of paragraph 4, should be revised to separate the weight limitation from the configuration limitation. It was contended that the configuration limitation should be treated alone, since it alone provides sufficient reason for exclusion

Discussion. The USGS disagrees with the contention. The intent was to require the reporting of light bulky items which would damage fishing nets, regardless of weight.

Comments. It was suggested that a new subparagraph should be added to the Order as follows: "Are located within 150 feet of fixed structures on which approved aids to navigation are maintained." It was contended that prudent fishermen would maintain this distance for safety.

Discussion. The USGS agrees with the intent of this suggestion and has revised the subparagraph to include a new subparagraph 4c, as follows: "c. Are *determined to be located on the sea floor* within 46 meters (150 feet) of fixed structures on which approved aids to navigation are maintained."

The phrase "determined to be located on the sea floor" was added because an accidentially dropped object may roll or be carried by currents more than 150 feet from the structure and, therefore, could present a hazard to fishing gear.

Paragraph 5. Marking of Equipment

Comments. Several commenters commented on the content of this paragraph, which was added to the final Orders for the Gulf of Mexico, Pacific, Gulf of Alaska, and Atlantic Regional Orders on December 21, 1979 (44 FR 76216). This paragraph was added in accordance with the new regulation, 30 CFR 250.54, which was published on October 26, 1979 (44 FR 61886). This new regulation implements section 403(b) of the OCSLA Amendments of 1978.

Discussion. As stated on April 10, 1980 (45 FR 24713), appropriate comments received in response to the solicitation for comments on 30 CFR 250.54 would be considered in the development of the final revision of paragraph 5 of OCS Order No. 1. These comments were incorporated into a proposed revision of paragraph 5 which was published on June 16, 1980 (45 FR 40669). Comments were requested to be submitted by August 15, 1980. These comments are being analyzed and appropriate suggestions will be incorporated into a reproposal of paragraph 5 to be published in the **Federal Register** in the future. The subsequent paragraph, entitled "Departures," was renumbered.

OCS Order No. 2

Preamble

Comments. No comments received.

Discussion. A sentence was added referring to the requirements for "Electrical Equipment," "Welding Practices and Procedures," and "Employee Orientation and Motivation," specified in OCS Order No. 5 for production safety systems and applicable to drilling rigs.

Subparagraph 1.1a

Comments. It was proposed that the requirements of subparagraph 1.1a regarding drilling of a relief well, be elaborated and more specific relative to time within which the drilling of the relief well had to be commenced.

Discussion. Operators will be required to identify in their plan for exploration or plan of operation a means of drilling a relief well. The plan will be based on the season for which the operation is proposed, the distance from shore and the offshore islands, water depth, the depth of the proposed wells and prospective hydrocarbon zones, the type of operation and type of other drilling operations in the area such as gravel island, ice island, drillship, and barge, and the status of new technical developments.

Requirements specifying the type of drilling unit that must be used and the maximum permissible time for site preparation are intentionally omitted because of the large number of variables affecting relief well decisions. The relief well options proposed by the operator will have to be acceptable to the District Supervisor from a timing and a technical standpoint.

Paragraph 1.1

Comments. It was suggested that, in addition to subsections 1.1a, 1.1b, and 1.1c, a subsection be added requiring provisions for dealing with normal and emergency operations during three separate seasonal conditions and for dealing with possible fire involvement.

Discussion. The first suggestion was adopted and the following subsection 1.1d was added: "1.1d. Hazards unique to the site of the drilling operations, including conditions such as solid ice cover freezeup and breakup." Requirements for firefighting systems are covered under subparagraph 5.1.8 of OCS Order No. 5.

Subparagraph 1.2

Comments. Several commenters stated that the last sentence should be revised to require "if drilling activity does not commence within 6 months," be changed to "12 months." It was contended that the 6-months requirement will "create new problems as a result of rig scheduling, partnership agreements and availability of equipment."

Another commenter stated that the last sentence in this subparagraph should be changed to provide "if drilling activity does not commence within one year after approval date, the permit will expire unless an application for extension due to unusual circumstances is made to the District Supervisor."

Discussion. The USGS considered the reasons submitted for the proposed change. The last sentence of subparagraph 1.2 was deleted, because diligence requires that drilling should proceed as soon as possible after an Application for Permit to Drill has been approved. If drilling is delayed for valid reasons the District Supervisor may reevaluate his approval at the time drilling is to commence.

Subparagraph 2.1.1.

Discussion. The following editorial revisions were made to improve the organization of the requirements. A sentence was added to make it clear that the information need not be resubmitted when a unit moves about in a given area or returns to an area where the drilling unit had been previously approved, unless there were changes in equipment which affect the rated capacity of the unit. This sentence was formerly contained in subparagraph 2.2c, *Mobile Drilling Units,* and was moved to subparagraph 2.1.1, because the requirement is applicable to drilling rigs on mobile drilling units and fixed structures. The requirements of subparagraph 2.1.1f were formerly contained in subparagraph 2.2a. It is considered that this requirement should more appropriately be placed under "General Requirements," because it applies to fixed and mobile drilling units.

Comments. It was suggested that this Order should specify the extreme oceanographic and meteorological conditions "which must be withstood" by the drilling units.

Discussion. This suggestion was not adopted because the oceanographic and meteorological conditions vary from area to area, and from season to season; therefore, it is necessary to evaluate each drilling unit on a site-specific case-by-case basis. This subparagraph was revised by adding the phrase "and ice conditions" to the first sentence. It is considered necessary that this parameter be included, since ice conditions can affect the fitness of the drilling unit.

Comments. One commenter suggested that the drilling units be equipped with a mud circulation pump which can be used in case a generator blackout.

Discussion. We have determined that the addition of this requirement is unnecessary. Drilling units proposed for use by the lessees are routinely checked to ensure they incorporate redundancy in emergency backup equipment, consistent with the current state-of-the-art and also meeting the requirements of BAST. It is common practice to equip Arctic drilling rigs with multiple mud pumps with independent power sources.

Subparagraph 2.1.3

Discussion. This subparagraph was revised to provide for those areas where sufficient geophysical data has been collected to prepare a comprehensive report on the geological hazards which the District Supervisor will evaulate to determine if additional shallow geologic hazard surveys are required. The phrase, "* * * or other surveys required by the Deputy Conservation Manager (DCM, Offshore Field Operations)" was added because the DCM may require other surveys, such as archaeological surveys or biological surveys, to be conducted in certain areas, as stipulated by lease terms.

Comments. Several comments received in response to the final version of subparagraph 2.2, *Mobile Drilling Units,* item "c," for the Pacific, Alaska and Atlantic Regions published on December 21, 1979 (44 FR 76223), and a proposed revision published on April 10, 1980, (45 FR 24713), prompted the USGS to reevaluate the requirements for the submittal of seabed data for all regions of the OCS.

Discussion. The USGS has reviewed the criteria for requiring these data and has determined that seabed data is important not only for the determination of the stability of mooring points for mobile units, but also for fixed drilling platforms, and for the stability of the location for subsea blowout-preventer stacks. Therefore, the USGS revised the requirement to allow the District Supervisors to selectively require the submittal of the data as indicated below. It should be noted that since this requirement is applicable to mobile and fixed drilling units, it is appropriate to include this requirement under the heading of *General Requirements* and

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the subheading of *Well-Site Surveys*, rather than under the heading 2.2, *Mobile Drilling Units*, item "c," as indicated in the December 21, 1979 (44 FR 76223) version of the subparagraph. Therefore, this requirement was deleted from subparagraph 2.2 and incorporated into subparagraph 2.1.3 *Well-Site Surveys*, by adding the following sentence:

When requested, this data shall include sediment and seabed data, e.g., seabed profiles, sediment consistency, allowable bearing and sliding loads, and nearby potential seabed hazards, i.e., sand waves, slumps, mud slides, permafrost, and deposits of frozen gas hydrates.

Subparagraph 2.1.4

Comments. It was suggested that this subparagraph should include a requirement to monitor and report ice conditions.

Discussion. The USGS agrees; the phrase "and monitor ice conditions" was added to the first sentence.

Comments. Several commenters suggested that the section be revised to require this data collection only as needed for early area planning and to provide for its possible discontinuation once sufficient data were available for a given area.

Discussion. The proposed suggestion has merit and the requirement was modified to read, "Where such information is not readily available, lessees shall collect and report oceanographic, meteorological and performance data, and monitor ice conditions during the period of operation. The type of information collected, method of collection, and report requirements will be as specified by the DCM, Offshore Field Operations."

Subparagraph 2.2a

Comments. No specific comments were received. This subparagraph was revised in response to general comments received on the Final Orders for the Gulf of Mexico, Pacific, Gulf of Alaska, and Atlantic Regions published on December 21, 1979 (44 FR 76223).

Discussion. This subparagraph was revised to require a listing of the maximum environmental and operational conditions used for the design. This revision is a clarification of the previous wording. The reference to the Critical Operations and Curtailment Plan was deleted from subparagraph 2.2a and was incorporated as item "f" of subparagraph 2.1.1. Refer to the discussion for the revision of subparagraph 2.1.1.

Subparagraph 2.2b

Comments. No comments received.

Discussion. The requirement was revised to include a listing of ice loading and unusual site-specific environmental conditions.

Subparagraph 2.3

Comments. No comments received.

Discussion. The following sentence was added to subparagraph 2.3, *Fixed Drilling Platforms:* "*Mobile drilling units which have their jacking equipment removed, or have been otherwise immobilized, will be considered fixed drilling platforms and applications shall also be submitted in accordance with OCS Order No. 8.*" This sentence was added to clarify the requirement when a "mobile drilling unit" is converted to a "fixed drilling unit."

Subparagraph 3.1

Comment. One commenter questioned the usefulness of the requirement for the cements used to cement through permafrost zones to have low heat of hydration; another commenter questioned the use of the word "excessive" in the fourth sentence.

Discussion. The fourth sentence of this subparagraph was modified to read, "The cement used to cement through permafrost zones shall be designed to set before freezing and shall have a low heat of hydration so as not to thaw frozen formations." The USGS considers the use of gypsum based cements having a low heat of hydration is a proven successful method of cementing in permafrost zones.

Comment. One commenter recommended that cementing of casing shall always be checked by running a cement bond log.

Discussion. USGS reviewed this comment and believes the present requirements of subparagraphs 3.1 and 3.6 adequately address testing of cement jobs and remedial cement jobs.

Comments. It was suggested that the sixth sentence of subparagraph 3.1 should be revised as follows: (1) Delete the requirement "12 meters (39 feet) below the ocean floor" and (2) Insert "the depth of the structural casing shoe." It was contended that "placement of the mudline suspension starting ring should determine the depth at which cement should be removed below the mudline. Sufficient data is not always available to place the starting ring within 39 feet of the mudline."

Discussion. The USGS agrees with the commenter's reasons for the suggestion. This suggestion was adopted.

Comments. It was suggested that the penultimate sentence of the first paragraph be revised by inserting the phrase "after consulting with," in lieu of "in accordance with the instructions of."

Discussion. This suggestion was not adopted. The proposed phrase implies that anything the lessee proposes to do would be acceptable to the District Supervisor. The phrase, "* * * as approved by the District Supervisor" was adopted.

The first sentence of the second paragraph of 3.1 listing design criteria was reworded for editorial clarity.

Comments. One commenter objected to the December 21, 1979 (44 FR 76214) version of subparagraph 3.1c, which was changed from "maximum anticipated surface pressure" to "anticipated surface pressure." The commenter contended, "However, it now appears that some USGS [District] supervisors have interpreted 'anticipated surface pressure' to be determined considering only gas in the hole, which can result in certain wells not being drilled." This revision also impacts subparagraph 5.1.1, *Blowout Preventer (BOP) Equipment Requirements*, which requires that the working pressure of any BOP shall exceed the anticipated surface pressure to which it may be subjected.

Discussion. The USGS determined from comments received that industry uses a variety of methods to determine the design wellhead pressure for surface and production casing strings and in the selection of BOP stack and wellhead working pressure levels. For example, one company assumes the design pressure used in designing the casing string and selecting the wellhead BOP working pressures is equal to a column of dry gas times a factor equal to the square root of the ratio of 4,000 divided by the casing setting depth. Another company uses a factor of 62½ percent of the anticipated maximum bottom hole pressure. Another company sizes BOP equipment to withstand ⅓ of the estimated bottom hole pressure at the next casing depth. In recognition of the divergence of opinion on this subject, the USGS revised the second paragraph of subparagraph 3.1, as shown below. This revision will allow the USGS to identify any design wellhead pressures that appear inconsistent with normal industry practice. This procedure will also allow industry to evolve and apply new criteria as they are developed. The revisions of the subparagraph are indicated in italics. The italicized revision renders the first sentence of the second paragraph of subparagraph 5.1.1 redundant; therefore, this sentence was deleted. It should be noted that a proposed revision of this subparagraph was published on April 10, 1980, (45 FR 24714) and that the final version, as published below, is responsive to comments received on that version, and comments received at a public meeting at the USGS National Center in Reston, Virginia on May 20, 1980. Additional comments on the April 10, 1980 version are discussed below.

Comments. It was suggested that the last sentence of the April 10, 1980 (45 FR 24714) version of the footnote should be revised to state, "The lessee shall include as part of the statement of anticipated surface pressure a statement containing the calculations used to determine this pressure during the drilling phase, the completion phase, and the anticipated surface pressure used for production string design."

It was contended that "The anticipated surface pressure for production purposes through the production casing is usually based on the estimated bottom hole pressure less the pressure exerted by a column of gas with the hole void of fluid. This type of calculation is not appropriate for calculation of anticipated pressure for the drilling and completion phases and our recommended change recognizes this difference."

Discussion. The USGS agrees that the suggested revision would go well with the penultimate sentence of the footnote. The sentence was adopted with minor editorial changes. Refer to the final revision of the footnote.

Comments. It was suggested that the following sentence should be added to the footnote: "Any reasonable criteria for calculating anticipated surface pressure known to provide safe operations for a particular company, in combination with appropriate historical design factors, equipment, and operational practices for the type well proposed, shall be deemed acceptable."

It was contended that, "Technology which has proven safe, as well as cost effective for a particular company, should not be arbitrarily set aside."

Discussion. The USGS believes that the type of information suggested by the commenter should be considered by the District Supervisor. The District Supervisor, however, is required to make an engineering judgment on the validity of the calculations used to determine anticipated surface pressure. The second paragraph of subparagraph 3.1 is revised as shown below in italics.

3.1 *General Requirements.*

* * * * *

The design criteria considered for all wells shall be submitted with the Application for Permit to Drill. The criteria to be considered shall include all pertinent factors for well control, such as:

a. Formation fracture gradients.
b. Formation pressure.
c. *Anticipated surface pressure.**
d. Casing setting depths.
e. Permafrost zones.

**Anticipated surface pressure is defined as the surface well pressure which can reasonably be expected to be exerted upon a casing string and its related wellhead equipment. In the calculation of anticipated surface pressure, the lessee shall take into account the drilling, completion, and producing conditions. He shall consider mud densities to be used below various casing strings, fracture gradients of the exposed formations, casing setting depths, total well depth, formation fluid type, and other pertinent conditions. Considerations for calculating anticipated surface pressure may vary for each segment of the well. The lessee shall include as a part of the statement of anticipated surface pressure the calculations used to determine this pressure during the drilling phase and the completion phase, including the anticipated surface pressure used for production string design.*

* * * * *

Comments. One commenter suggested that the first sentence in the penultimate paragraph should be changed to state, "The lessee, its assignee or the lease operator * * *."

Discussion. This suggestion was not adopted because it is not necessary to use the term "assignee," since one who has been assigned an interest in a lease becomes the lessee.

Comments. Another commenter stated that pipe/casing manufacturers produce "numerous proprietary grades of casing" for which there are no American Petroleum Institute (API) Standards. It was further stated that excessive paperwork would be eliminated if each manufacturer of proprietary grade casing file their specifications with each District Supervisor.

Discussion. The USGS agrees with this proposal. Accordingly, the sentence in the fourth paragraph was changed as follows: "If casing to be used is not fabricated to API Standards, the yield strengths of the casing shall be included on the Application for Permit to Drill (Form 9–331C), provided these specifications are not on file with the USGS."

Comments. A commenter recommended that item "d" be amended to add: "A±25—foot tolerance shall be allowed for casing and drill depth requirements." It was contended that: "casing joint lengths and hole fill require some tolerance to meet a specified depth limit.

Discussion. This change was not adopted. Exceptions to the casing setting depth may be authorized by the District Supervisor if evidence supporting the need for such exceptions is presented.

Comments. The title of paragraph 3.1e should be "Abnormally Pressured Zones" and not "Permafrost Zones."

Discussion. This was a typographical error in the June 13, 1979 (44 FR 34062) version of the Order. There is no subparagraph 3.1e. Item "e. Permafrost Zones," is the last item in the list of pertinent factors for well control. The information printed after "e. Permafrost Zones," was intended to be a separate paragraph of subparagraph 3.1.

Comments. One commenter stated that the last paragraph of the June 13, 1979 (44 FR 34062) version was not clear and needed clarification. Another commenter recommended this paragraph be deleted. It was stated, "This requirement has been excerpted from the Prudhoe Bay field rules and is applicable to a permafrost region 2,000 feet thick and 20-year, 50-foot radius thaw under 190°F producing conditions. At this time only 13⅜-inch, 72-pound/foot, N–80 Buttress casing has been tested and demonstrated capable of performing within the specification. In exploratory drilling, and floating drilling in particular, surface casing will normally consist of 16- or 20-inch casing and drilling activities will last about 6 months. It is unknown whether 16- and 20-inch casing can meet the requirement and, indeed, should not be required, since the thaw which would occur over the short period of time and lower temperature drilling activity would be minimal. Specific casing requirements such as those proposed should be included in field rules when development drilling begins as provided for in Section 10 of Order No. 2."

Discussion. The USGS is in general agreement with the rationale presented in this comment. All proposed casing design strings will be reviewed on an individual basis when submitted on the Application for Permit to Drill (Form 9–331C). Therefore, this paragraph was deleted.

Subparagraph 3.2

Comments. It was suggested that the last sentence be changed to add the phrase "with a larger diameter bit than outside diameter of the casing," be inserted following the word "drilled," and before the word "the."

Discussion. It is not believed necessary to include this phrase, since, when any hole is drilled to be cased, the

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casing outside diameter must be smaller than the bit.

Subparagraph 3.3.1

Comments. It was suggested the fourth sentence in the first paragraph be revised by changing the word "exact" to "approximate." Another suggestion stated the following sentence should be added to the first paragraph: "Exceptions to the above casing setting depth restraints may be authorized by the District Supervisor if evidence supporting the need for such exceptions is presented by the operator." It was contended that, "As deeper waters are reached, the fracture gradient is reduced with water depth and these current depths may not permit circulation to the surface, i.e. fracture gradient insufficient to support a column of liquid. Casing setting depth exceptions may be required to ensure the safety of operations."

Discussion. Proposed casing programs are to be submitted with the Application for Permit to Drill. Actual well conditions, depth of prospective zones, and other considerations may justify changes in casing setting depth(s), subject to approval by the DCM, Offshore Field Operations. The word "exact" was deleted.

Subparagraph 3.3.2

Comments. It was suggested that the last part of the first sentence be changed from "up to the top of the casing" to "back to the ocean floor."

Discussion. It was recognized that the cement fill requirement should provide for conductor casing set on artificial islands and conductor casing set from floating drilling rigs. Therefore, the subparagraph was revised as indicated below:

3.3.2 *Conductor Casing Cementing Requirements.*

3.3.2.1 *Drilling from Artificial Islands.* When drilling from artificial islands, conductor casing shall be cemented with a quantity of Cement sufficient to fill the calculated annular space back to the surface. cement fill to surface shall be verified by the observation of cement returns. Upon approval by the District Supervisor, the cement may be washed out or displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment.

3.3.2.2. *Drilling from Floating Drilling Rigs.* When drilling from floating drilling rigs, conductor casing shall be cemented with a quantity of cement sufficient to fill the calculated annular space up to the top of the casing. Cement fill to the top of the casing shall be verified by the observation of cement returns. In the event that observation of cement returns is not feasible or possible, the method of verifying the cement fill shall be approved by the District Supervisor. Upon approval by the District Supervisor, the cement may be washed out or displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment.

Comments. It was observed that, "the suggested change in paragraph 3.1 for removal of cement to the mudline hanger applies to paragraph 3.3.2 as well. It is necessary to remove the cement to the mudline hanger assemblies in order to facilitate the operation of mudline suspension equipment and to permit temporary abandonment and re-entry of wells."

Discussion. The USGS agrees with this comment. The following sentence was added to subparagraph 3.3.2.1 and 3.3.2.2: "Upon approval by the District Supervisor, the cement may be washed out or displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment."

Subparagraph 3.3.3

Comments. It was suggested that the following sentence be added after the first sentence: "For floating drilling operations that use a one-stack BOP system, a lesser volume of cement is permissible to prevent sealing the annular space between the conductor casing and surface casing." It was contended that: "Measurements to test the seal between the surface and conductor casing are difficult to register when all variables on a floating rig are considered.

"If the surface-conductor casing annulus is sealed at the bottom when using a one-stack subsea BOP system, the subsea casing hanger packoff sealing this annulus cannot be effectively pressures tested without bursting of the conductor casing each time the BOP's are tested to pressure exceeding the collapse pressure of the casing. With some formation exposed below the conductor pipe, the formation should break down before collapse of the surface pipe or burst of the conductor pipe, if a leak occurs in the sealing arrangement."

Discussion. The following statement was adopted: "For floating drilling operations that use a one-stack BOP system, a lesser volume of cement is permissible to prevent sealing the annular space between the conductor casing and surface casing, when approved by the District supervisor. Any annular space open to the drilled hole must be sealed in accordance with the requirements in Order No. 3 upon abandonment."

Subparagraph 3.4

Comments. It was suggested that the fourth sentence be deleted, which states: "Pressure data shall be obtained either by testing to formation leak-off or by testing to a predetermined equivalent mud weight."

It was contended that: "Formation fracture strength (in shale) often increases over a period of time with exposure to mud filtrate. Therefore, it is not possible in many cases to test a casing shoe soon after drilling out as high as needed to reach a given mud weight objective. Subsequent (and progressively higher) formation tests are not desirable either, since some amount of 'new hole' is always exposed and a fracture if initiated in a long open-hole section is difficult or impossible to repair without running more casing. Also, testing to 'leak-off' or otherwise inadvertently initiating a borehole fracture can limit the initial (undisturbed) strength of the borehole."

Discussion. This suggestion was not adopted; however, this sentence was changed to the following: "Pressure data shall be obtained either by testing to formation leak-off or by testing to a predetermined equivalent mud weight as approved by the District Supervisor." The USGS considers the data of formation leak-off or testing to an equivalent mud weight a necessary procedure in wildcat or exploratory wells. Once these data are adequately developed in a given field, it would not be required on each well.

Subparagraph 3.5

Comments. No comment received.

Discussion. A sentence was added to provide for slotted liner and open hole completions.

Subparagraph 3.6

Comments. It was suggested that the word "prolonged" be inserted before the word "unscheduled" in the first sentence in the paragraph following the table. Another commenter suggested that the phrase "that result in redrilling of the entire open hole interval" be inserted after the second use of "operation" in the third line.

Discussion. The USGS is in general agreement with these comments. This paragraph has been rewritten as follows: "In the event of prolonged drill pipe operations which could cause damage to the casing, the casing shall be pressure tested, calipered, or otherwise evaluated, as approved by the District Supervisor."

Comments. It was suggested that the fourth paragraph be revised in the first sentence to delete "addition to" and insert "lieu of." Also, in the first sentence, delete "sufficient time must elapse" and insert "the waiting time need not exceed the time required." It was contended that: "Industry experience over the past several years shows that there is no reasonable necessity to wait on cement any longer than the time necessary to reach a compressive strength of 500 psi. Cement can be designed and pretested to reach this strength in a minimum time, taking into account bottom hole temperature."

Discussion. These suggestions were not adopted. There are a large number of cement types (slurries) the lessee may elect to use, depending on well depth, temperature, and other well conditions. Cement setting time varies considerably, depending on the percent of bentonite, calcium chloride, or other additives (or retarders) used. It is believed that the 8- and 12-hour waiting time requirements are reasonable.

Comments. Another commenter suggested that: "The second to last paragraph should be deleted or reworded to state that the compressive strength of the bottom 500 feet of cement should be at least that of the formation in which it is set." It was contended that: "On conductor and surface casing cement jobs, the slurry composition is often modified to prevent loss of circulation. This modification precludes development of 500 psi compressive strengths; however, this is insignificant as the surrounding formations generally have less than 100 psi compressive strength."

Discussion. The suggestion was not adopted. Surface casing is commonly set at depths where formation compressive strengths substantially exceed 100 psi.

Comments. It was suggested that in paragraph 4, the 502 feet of annular cement fill be changed to 100 feet. It was stated that there will be excessive waiting on cement time on conductor casing where lightweight, low fluid loss cement must be used in the upper portion of the annulus to prevent lost circulation.

Discussion. The suggestion was not adopted. It is believed that only 100 feet of cement with a compressive strength of 500 psi does not provide integrity to the total cement column, sufficient to resume drilling operations.

Paragraph 4

Comments. One commenter stated, "It is felt that the maximum individual inclination survey limit of 6 degrees is too restrictive and that the limit of 3 degrees for average inclination is sufficiently limiting. It is suggested that the maximum individual inclination survey limit of 6 degrees be dropped." Another commenter suggested that this paragraph be revised to require that: "* * * well will be considered directional if any one survey exceeds 6° and overall average angle exceeds 3°."

Another commenter suggested that the first sentence in the last paragraph be revised by inserting the phrase "If directional at that depth" after "surface casing." It was further suggested: "Insert a second sentence, Dipmeter directional data is an acceptable substitution for directional surveys." In the present third sentence, insert the phrase "if directional at this depth or below surface casing if vertical" after "structural casing."

It was contended that: "For most drilling cases, unless the well is intended to be directional, shallower than the surface casing setting depth, the well will be virtually vertical (1° inclination), and surveys above surface casing depth on vertical wells would serve no useful purpose."

Discussion. It is agreed that a maximum individual inclination survey limit of 6 degrees can be too restrictive. Therefore, this requirement was deleted.

The USGS is concerned with maintenance of leaseline and other spacing requirements; however, the USGS is also concerned as to the location of the bottom of the hole throughout the drilling of the well to total depth.

Dipmeter directional data are acceptable; therefore, the last sentence in paragraph 4 was added, as follows: "A composite dipmeter directional survey, including a listing of the directionally computed inclinations and azimuths on a well classified as vertical, will be acceptable as fulfilling the applicable requirements of this paragraph."

It is not agreed that directional surveys should start below surface casing, since this casing is permitted to be set as deep as 4,500 feet. Hole deviation may become substantial at this depth under certain drilling conditions.

Subparagraph 5.1.1

Comments. Several commenters suggested that the term "maximum anticipated surface pressure" be changed to "anticipated surface pressure." Another commenter suggested that the phrase "maximum burst load" be used. Some of the rationales submitted in support of "anticipated surface pressure" are quoted as follows: "Use of 'maximum anticipated surface pressure' as defined by the USGS on page 29263, FR May 16, 1979, in this context would require use of equipment that is not available. (The definition allows for consideration of a gas filled wellbore.)"

"Casing design requirements and bit size restriction through high pressure BOP's would be all but impossible to live with. In addition, the capability of shutting in a well and reachieving primary well control by circulating under the 'maximum anticipated' pressure is also only a remote possibility."

"The anticipated surface pressure shall consider all pertinent factors for well control, such as (a) Formation Pressure, (b) Formation Fracture Gradients, (c) Mud Densities, (d) Casing Setting Depths."

One commenter defined anticipated surface pressure as follows: "Anticipated surface pressure is defined as the surface well pressure to be exposed to a casing string and its related wellhead equipment. Anticipated surface pressure will take into account the anticipated drilling, completion and producing conditions. It will consider mud densities to be used below various casing strings, fracture gradients of the exposed formations, casing setting depths, total well depth, formation fluid type and other pertinent conditions. Considerations for anticipated surface pressure will vary for each segment of the well."

Discussion. The USGS has analyzed the rationales submitted in support of the phrase "anticipated surface pressure." The commenter's suggestion that "anticipated surface pressure" be used instead of "maximum anticipated surface pressure" was adopted. The content of the commenter's definition of anticipated surface pressure was also adopted, with modification, as stated in the discussion of Subparagraph 3.1, *General Requirements.*

On the Application for Permit to Drill, the lessee shall include anticipated surface pressures at all casing setting depths, and at total depth. the calculations and rationales to substantiate the stated pressures shall also be included. Refer to the discussion of subparagraph 3.1.

Comments. The May 18, 1979 (44 FR 29271) version of the Orders for the four active regions and the June 13, 1979 (44 FR 34064) proposed Arctic OCS Orders contained the following caveat in subparagraph 5.1.1., "except that the working pressure of the annular preventer need not exceed 34,475 kPa (5000 psi)." The caveat was deleted from the final version of Order No. 2 for the

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active regions and published on December 21, 1979 (44 FR 76226). Several commenters objected to the deletion of this exception for the following reasons:

1. The deletion was made without a solicitation for comments.

2. A 10,000-psi, 13⅝-inch annular preventer costs $83,000, and larger six 10,000-psi working pressure annular preventers are not available.

3. "The operational need, use, and justification for this equipment is very questionable."

Due to the larger volume of comments received on the deletion, a proposed revision of the requirement was published on April 10, 1980 (45 FR 24715) and interested parties were invited to attend a public meeting at the USGS National Center in Reston, Virginia on May 20, 1980. It was the concensus of opinion that the caveat should be reinstated in the subparagraph. One commenter suggested that a qualifying phrase such as, "If, upon review of an applicant's request for permit to drill, the District Supervisor determines that the blowout preventer equipment proposed for use in not adequate, he may require equipment rated to higher pressures," should be added.

Several commenters stated that they limit the use of annular preventers to controlling pressures in the range of 2,000 to 3,500 psi. This limitation is accomplished through the use of prudent well-control procedures.

Discussion. After considering all comments, the USGS has revised subparagraph 5.1.1, as indicated below in italics. It should be noted that the first sentence of the second paragraph of the former subparagraph 5.1.1 was deleted. The deleted sentence was rendered redundant by the revisions of subparagraph 3.1.

5.1.1 *BOP Equipment.* Blowout preventer equipment shall consist of an annular preventer and specified number of ram-type preventers. The pipe rams shall be of proper size to fit the drill pipe in use. The working pressure of any blowout preventer shall exceed the anticipated surface pressure to which it may be subjected, *except that the working pressure of the annular preventer need not exceed 34,475 kPa (5000 psi), unless a higher working pressure is required by the District Supervisor. When the anticipated surface pressure exceeds the rated working pressure of the annular preventer, the lessee shall submit with the Application for Permit to Drill a well-control procedure which indicates how the annular preventer will be utilized and the pressure limitations which will be applied during each mode of pressure control.*

All blowout-preventer systems shall be equipped with:

* * * * *

Subparagraph 5.1.1g

Comments. It was suggested that the subparagraph 5.1.1g be revised to provide for the use of flexible steel hose and hammer unions.

Discussion. The USGS agrees that the use of flexible steel hoses and hammer unions is common industry practice, and has adopted the suggestion. This equipment is acceptable provided the working pressure ratings are equal to or exceed the other pressure fittings in the choke manifold. It should be noted that the adjective "maximum" was deleted from the phrase "maximum anticipated pressure," in accordance with the rationales presented in the discussions of subparagraphs 3.1 and 5.1.1.

Comments. It was proposed that the following sentence be added to subparagraph 5.1.1g: "Equipment downstream of the choke need not meet this pressure requirement."

Discussion. This proposal was not adopted, since API RP 53 provides for this.

Subparagraph 5.2, Note 5 and 5.3, Note 2

Comments. In the May 18, 1979 (44 FR 29271) and June 13, 1979 (44 FR 34064) versions of Order No. 2, Note No. 5 of subparagraph 5.2, *Subsea BOP Requirements,* was stated as follows:

"—5. When a tapered drill string is in use, the BOP stack shall be equipped with pipe rams to fit both sizes of drill pipe."

In December 21, 1979 (44 FR 76227) version of the Order, the Note stated:

"—5. When a tapered drill string is in use, the BOP stack shall be equipped with two (2) sets of pipe rams for the larger size string and one (1) set for the smaller size string of drill pipe."

The same revision was incorporated into Note No. 2 of subparagraph 5.3, *Surface BOP Requirements.* Several commenters objected to these revisions for the following reasons:

1. The revision was incorporated without a solicitation for comments.

2. "To add one additional set of pipe rams and all appurtenances to a surface stack of 13⅝" or larger size will cost over $100,000. For a subsea stack, the changes are much more significant and the overall cost to add a third set of pipe rams would be over $250,000."

3. "Tapered drill strings have previously been successfully employed with one set of rams for each size of drill pipe. Therefore, this requirement is not necessary or reasonable."

Discussion. The USGS's rationale for these revisions was presented in the Notice on April 10, 1980 (45 FR 24714) as follows:

"The intent of the requirement for two sets of pipe rams for use with a constant diameter drill string is to allow the option of using ram-to-ram stripping or ram-to-annular stripping to enter the hole under pressure. This procedure is a commonly accepted industry practice; therefore, the second set of pipe rams is considered a minimum requirement for a constant diameter drill string.

"Regardless of the drilling string configuration, it is generally considered not to be a safe or acceptable practice to operate with only one set of rams for the major pipe string, because during a stripping operation, with only one set of pipe rams, the annular preventer would have to be relied on to accomlish the operation. Morever, should the pack-off elements fail in the annular preventer, the stripping operation could not be acomplished without a set of backup pipe ram. When a tapered drill string is used, most of the pipe would consist of the larger diameter, and a blowout while making a trip would be far less likely to occur with the smaller size pipe within the stack. In the event that a kick should occur with the smaller size pipe within the stack, it would be necessary to use the annular preventers for the stripping operation; however, the use of the annular preventer could be limited to the number of smaller diameter joints to be stripped to place the larger diameter within the stack."

Comments were also solicited on the above rationale at a public meeting at the USGS National Center in Reston, Virginia, May 20, 1980. The comments received as a result of the Federal Register solicitation and the public meeting are addressed below.

Comments. The Majority of the commenters objected to the requirements for the third set of pipe rams when a tapered drill string is in use.

Three commenters contended that if the blowout-preventer stack were arranged with the smaller pipe rams between the larger pipe rams and the blind rams, either the smaller or larger drill pipe rams located below the drilling spool could be closed, and the blind rams could then be replaced with a smaller or larger pipe ram if a redundant ram is considered necessary for a long term well-control operation. Another option would be to replace the small pipe rams with large pipe rams for large ram-ro-large ram stripping.

Discussion. The USGS does not consider these suggestions as viable alternatives. In the case of the surface blowout-preventer stack, it appears that changing rams with the lower portion of the stack under pressure would be an extremely hazardous operation. Neither commenter indicated that they would attempt such an operation with a subsea blowout-preventer stack. It would appear that with a subsea blowout-preventer stack this operation would be impossible or prohibitive from the standpoint of personnel safety. Furthermore, the last line of defense, i.e., closing the blind shear rams, shearing the pipe, and moving off location, is forever lost whem the blind shear rams are removed. Another alternative to the third set of pipe rams is suggested in the following comment.

Comments. One commenter suggested the following alterative for the third set of pipe rams:

"The objection that the addition of one set of pipe rams to a surface stack will cost over $100,000 and to a subsea stack, over $250,000, assumes that one blowout-preventer must be added to existing stacks to comply with Order No. 2. However, by simply replacing one set of 5" pipe rams with one set of 2⅞" through 5" variable bore rams at a cost of about $25,000, the number of preventers in existing subsea and surface stacks is sufficient to comply with Order No. 2.

"Variable bore rams seal on a range of pipe sizes, i.e., 2⅞" through 5" or 3½" through 7". In a three ram surface BOP stack, blind/shear or lind rams may be installed in the upper ram cavity, 2⅞" through 5" variable bore rams in the middle cavity, and 5" in the lower cavity. Middle and lower pipe rams can then be used to seal on the major or 5" pipe string and the middle rams used to seal on the smaller size pipe. Indeed, by using variable bore rams in both pipe ram cavities, two ram preventers would provide double protection for both pipe sizes of a tapered drill string. Drill pipe can be suspended on variable bore ram 2⅞" through 5" in the same manner as on 5" pipe rams."

Discussion. The USGS reaffirms the rationale contained in the Notice of April 10, 1980 (44 FR 24714). However, as a result of comments received at the public meeting on May 20, 1980, and subsequent comments, it was recognized that certain optional alternative requirements should be incorporated for subsea and surface BOP stacks. therefore, the requirements for subsea and surface BOP stacks are revised as indicated below. Lessees should plan to use a three pipe ram stack arrangement when a tapered drill string is anticipated for use. In the event of an unplanned requirement for a tapered drill string, or when there are mechanical or physical restraints, the revised requirements provide optional alternatives.

It should be noted that item "d" of subparagraph 5.2, and item "e" of subparagraph 5.3 provide the same redundancy as item "a" of subparagraphs 5.2 and 5.3, and that item "e" of subparagraph 5.2 and item "f" of subparagraph 5.3 provide the same redundancy as item "c" of subparagraphs 5.2 and 5.3. It should also be noted that item "d" of subparagraph 5.3 is not allowed as an option for subsea BOP stacks under subpargaraph 5.2, because picking up a crossover sub and switching to the large size pipe when a well control problem occurs with the smaller pipe within the stack, is not a viable option with a subsea stack in deep water. With a subsea stack having only two sets of rams for the larger size pipe, the only course of pipe action with the smaller size pipe within the stack during a blowout might be to shear the smaller pipe. We believe that operating in this mode should be an exception to approved practice and, therefore, should only be allowed under exceptional circumstances through the departure procedure; furthermore, the majority of subsea stacks have sufficient cavities to provide redundant pipe rams, and the "last ditch" option of shearing the pipe is always available with subsea stacks.

5.2 *Subsea BOP Requirements*

* * * * *

—5. When a tapered drill string is in use, the BOP stack shall be equipped with one of the following pipe ram configurations:

a. Two (2) sets of pipe rams for the larger size string and one (1) set for the smaller size string of drill pipe.

b. Two (2) sets of pipe rams for the larger size string and one (1) set of variable bore pipe rams to fit both sizes of pipe.

c. Two (2) sets of variable bore pipe rams to fit both sizes of pipe.

d. One (1) set of pipe rams for the larger size string, and one (1) set of variable bore pipe rams to fit both sizes of pipe.

e. One (1) set of pipe rams for the larger size string and one (1) set of pipe rams for the smaller pipe, and one (1) set of variable bore pipe rams to fit both sizes of pipe.

* * * * *

5.3 *Surface BOP Requirements.*

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—2. When a tapered drill string is in use, the BOP stack shall be equipped with one of the following pipe ram configuration:

a. Two (2) sets of pipe rams for the larger size string or drill pipe and one (1) set for the smaller sizes string of drill pipe.

b. Two (2) sets of pipe rams for the larger size string and one (1) set of variable bore pipe rams to fit both sizes of pipe.

c. Two (2) sets of variable bore pipe rams to fit both sizes of pipe.

d. Two (2) sets of pipe rams for the larger size string. The blind ram cavity shall be equipped with blind shear rams and blind ram actuator shall be converted to operate the blind shear rams. A crossover sub to the larger size pipe shall be readily available on the rig floor.

e. One (1) set of pipe rams for the larger size string and one (1) set of variable bore pipe rams to fit both sizes of pipe.

f. One (1) set of pipe rams for the larger string, one (1) set of pipe rams for the smaller pipe, and one (1) set of variable bore pipe rams to fit both sizes of pipe.

* * * * *

Comments. It was proposed that the phrase "or storm packer" be added to last sentence of subparagraph 5.2, after "bridge plug." it was stated, "The inclusion of the term more clearly defines equipment that the operator may select to use depending upon well conditions."

Discussion. This suggestion was adopted.

Subparagraph 5.3

Comments. No comments received.

Discussion. The first item in the table, "Drive or Structural" was amended to add "1–Annular." This requires that when drilling conductor hole (or surface hole), an annular type preventer and a diverter system is required to enhance the safety of this drilling operation.

Comments. It was suggested that Note 1 be revised to add the following at the end of the paragraph: "The flowpath from the BOP to the branch point of diverter lines in new systems shall have a minimum internal diameter of 15 centimeters (6 inches)." It was contended, "For clarification that only one flowpath is required from the BOP to the branch point."

Discussion. This suggestion was adopted for clarity.

Subparagraph 5.4.2

Comments. It was stated that the second sentence reads: "This program shall include all known pertinent information, including * * *, a schematic diagram indicating the equipment to be installed from the rotary table to the proposed conductor-casing seat, and * * *" It was recommended the schematic diagram

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requirement be deleted, since, "* * * the riser is not used, there will be no equipment to show in a diagram."

Discussion. This is true if the marine riser cannot be used to drill conductor holes. However, some conductor holes are drilled with a riser equipped with a dump value, which permits sea floor diversion of returns. In these cases, a schematic is required.

Subparagraph 5.7

Comments. No comments received.

Discussion. It is considered necessary that all BOP tests should be recorded. Therefore, the following sentence was added: "All BOP tests shall be recorded in the driller's report."

Subparagraph 5.7.1c

Comments. Several commenters agreed with the proposed revision of subparagraph 5.7.1, Item "c", proposed in the Notice on April 10, 1980 (45 FR 24715) for the Gulf of Mexico and Pacific Regions only. This revision would require blind and blind shear rams to be tested prior to drilling out after each casing string has been set, instead of requiring these rams to be tested weekly. All of the commenters suggested that the revision should be applicable to all regions of the OCS.

Discussion. As a result of comments received at the public meeting on May 20, 1980, it was concluded that due to the variations in drilling rates for all areas of the OCS, adopting the proposed revision for all regions would result in the blind rams and blind shear rams being tested after a time lapse of one week to two months. Several BOP manufacturers suggested that this frequency would be entirely satisfactory for testing blind and blind shear rams. This contention is based on the fact that the sealing surfaces of blind and blind shear rams are not subjected to as much friction wear as occurs with pipe rams; therefore, the seal life is longer and requires less testing.

The USGS agrees with this contention and has revised the requirements for all regions of the OCS. Since this revision pertains to the frequency of testing, it was recognized that it would be editorially simpler and clearer to revise subparagraph 5.7.1, *BOP Testing Frequency*. Therefore, we revised subparagraphs 5.7.1, 5.7.2, and 5.7.3, as shown below in italics. It should be noted that an additional sentence was inserted after the first sentence of item "c" of subparagraph 5.7.1. This sentence was formerly contained in item "d" of subparagraph 5.7.4. Refer to the discussion of the revsion of subparagraph 5.7.4.

A statement was also added to identify two operations under which tests may be delayed. The added sentence is as follows: "Well operations which prevent testing are stuck drill pipe and pressure control operations."

5.7.1 *BOP Testing Frequency.* Surface and subsea BOP stacks shall be tested as follows:

* * * * *

c. At least once each week, but not exceeding 7 days between tests, alternating between control stations. *If either control system is not functional, further drilling operations shall be suspended until that system becomes operable.* A period of more than 7 days between blowout-preventer tests *is allowed when well operations prevent testing and remedial efforts are being performed, provided the tests will be conducted as soon as possible before normal operations resume, and the reason for postponing testing is entered into the report. Well operations which prevent testing are stuck drilling pipe and pressure-control operations.* Testing shall be at staggered intervals to allow each drilling crew to operate the equipment.

The weekly test is not required for blind and blind shear rams. These rams need only be tested prior to drilling out after each casing string has been set.

* * * * *

5.7.2. *Pressure Testing Surface BOP Systems.* The penultimate sentence of subparagraph 5.7.2. is deleted. This sentence is rendered redundant by the revision of subparagraph 5.7.1., item "c."

5.7.3. *Pressure Testing Subsea BOP Systems.* The last sentence of subparagraph 5.7.3. is deleted. This sentence is rendered redundant by the revision of subparagraph 5.7.1, item "c."

Subparagraph 5.7.2

Comments. No comments received.

Discussion. The phrase "including the choke manifold" was added to the first sentence. This is to clarify that the choke manifold is to be included in the "related control equipment."

Comments. Several commenters recommended that the last sentence be deleted. It was contended that: "The testing of the smaller pipe rams with this frequency and while off bottom with open hole is a hazardous exposure and should be avoided. The small pipe rams should be tested with the same frequency and in the same manner with the other ram-type BOP's."

Discussion. The USGS agrees with the above rationale, and has deleted the last sentence.

Comments. Another commenter is quoted as follows: *"Section 5.* (Blowout-Preventer (BOP) Equipment Requirements.) This section appears flawed with a serious inconsistency. Although Section 5.1.1 requires 'the working pressure of any blowout preventer shall exceed the maximum-anticipated surface pressure to which it may be subjected,' Section 5.7.2, *Pressure Testing Surface BOP Systems* reads: 'Ram-type BOP's and related control equipment shall be tested at the maximum-anticipated surface pressure or at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser. The annular type BOP shall be tested at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser.'

"Therefore, if 70 percent of the minimum internal yield pressure of the casing is less that the maximum anticipated surface pressure at a ram-type BOP, if a blowout occurred at maximum pressure, the BOP would not have been tested for that great a pressure and failure might ensue. Similarly, at best, the annular BOP will be tested at 70 percent of the maximum anticipated surface pressure. This minimum testing cannot assure proper functioning of the equipment at full load."

Discussion. The commenter incorrectly quoted the second sentence of subparagraph 5.7.2. The phrase, "of its rated working pressure or 70 percent" was deleted in the comment. This deletion changed the meaning of the second sentence concerning annular type BOP testing. Testing annular type BOP's at 70 percent of the anticipated surface pressure is not the intent, as stated in the penultimate sentence of the commenter. The annular type preventers are to be tested at 70 percent of their rated working pressure, or 70 percent of the internal yield pressure of the casing, whichever is lesser. Casing strings are designed with the minimum internal yield pressure greater than the anticipated surface pressure at their setting depths.

In BOP testing, the limiting factor is the minimum internal yield pressure of the casing. The safety factor of 70 percent is used to protect the casing string from pressures exceeding the internal yield, in the event of a test plug failure. In all cases, BOP's are factory tested to pressures greater than their working pressure.

It is not practical to field test BOP's above their working pressure, which could be greater than the internal yield pressure of the casing.

Subparagraph 5.7.4

Comments. Several commenters objected to the "partial actuation"

requirement of this subparagraph when tapered drill strings are in use, because there is no reliable way to assure that the smaller size rams would not close completely on the pipe and thereby damage the rams and the pipe.

Other commenters objected to the frequency of the daily and every other day requirement for the actuation of surface and subsea BOP pipe rams. At the public meeting on May 20, 1980, several BOP manufacturers expressed their opinion that the actuation of rams required during the weekly pressure test is adequate to assure the reliablility of the BOP stack. It was contended that daily and every other day action of the rams could result in unnecessary "wear and tear."

Discussion. In consideration of all of the comments, the USGS has reevaluated the rationale for the actuation tests and has replaced the original subparagraphs 5.7.4 and 5.7.5 with a new subparagraph 5.7.4, *Actuation of Auxiliary Well-Control Equipment*, as indicated below.

It should be noted that the content of item "d" of the deleted original subparagraph was incorporated into item "c" of the revised subparagraph 5.7.1. This sentence was modified to state, "If either control system is not functional, further drilling operations shall be suspended until that system becomes operable." It is mandatory to be able to control the BOPs from either station at all times.

5.7.4 *Actuation of Auxiliary Well-Controll Equipment.* In conjunction with the weekly pressure test of surface and subsea BOP systems, auxiliary well-control equipment, such as choke manifold valves, kelly cocks, and drill pipe safety valves, shall be actuated. Casing safety valves shall be actuated prior to running casing.

Subparagraph 5.8

Comments. Several commenters objected to the requirement that all BOP systems, marine risers, and associated equipment shall be inspected and maintained in accordance with the manufacturers' recommended procedures.

Discussion. The USGS believes this comment has merit and has revised subparagraph 5.8, as indicated below in italics.

Comments. A commenter proposed that the following two sentences be added: "When using the underwater television equipment for other purposes, it is expected that the BOP stack and marine riser systems be inspected. Deployment of the television equipment for the express purpose of inspection of the stack and riser systems needs to be done only weekly at the time of performance of the subsea BOP tests."

Discussion. This proposal was not adopted. The USGS believes that daily inpsection is necessary in order to verify the integrity of the BOP stack and marine riser.

5.8 *Inspection and Maintenance.* All BOP systems, marine risers, and associated equipment shall be inspected and maintained *to assure that the equipment will function properly. The manufacturers' recommended inspection and maintenance procedures are acceptable as guidelines in complying with this requirement.* The BOP systems and marine risers shall be visually inspected at least one each day, if the weather and sea conditions permit the inspection. Inspection of subsea installations may be accomplished by the use of television equipment.

Subparagraph 5.9

Comments. A commenter suggested that a phrase in the last sentence be changed from "at any time" to "any reasonable time." Another commenter recommended that the following phrase be added to the last sentence: "after consulting with the operator's senior representative present." It was contended that: "During certain times in drilling operations, a BOP drill would be hazardous. Consultation with operator's representative would avoid such hazards."

Discussion. The USGS agrees in part with these suggestions and has revised the requirement to state, "after notifying *and consulting with* the lessee's senior representative present." We believe that the phrase *"and consulting with"* provides a safeguard against a request for drill at an ill-advised time, because the lessee's senior representative would advise the USGS representative of any hazardous well conditions which would prohibit the test. We believe the USGS representative should have the prerogative of requesting an unscheduled BOP drill in order to retain the element of surprise as a test of the state of readiness of the drilling crew and equipment.

It is considered necessary that all BOP drills should be recorded. Therefore, the following sentence was added: "All BOP drills shall be recorded in the driller's report."

Paragraph 6

Comments. It was suggested that the first sentence of the second paragraph be changed to read: "Mud temperatures shall be controlled to minimize heat loss to and thawing of the permafrost, which can result in serious well problems while drilling through the permafrost."

Also it was suggested that the second and third sentences in the same paragraph be modified to permit continuance of drilling without having to cool the muds once the hydrate zones have been duly protected.

Discussion. These suggestions were adopted, and the second paragraph was modified to read: "Mud temperatures shall be controlled to minimize heat loss to the permafrost and to mimimize thawing of the permafrost, which can result in serious well problems while drilling through the permafrost. To insure maximum safety, hydrate zones shall be anticipated and diagnosed quickly, and drilled using the latest state-of-the-art methods. Provided that the hydrate zones are adequately protected, drilling can continue on a site specific basis without the need to control the temperature of the mud thereafter."

Subparagraph 6.1

Comments. It was contended that the requirement for circulating bottoms up prior to starting out of the hole "* * * should be tempered to fit well conditions."

Discussion. In our opinion, the subparagraph is "* * * tempered to fit well conditions" since the subparagraph requires "* * * either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced, *or proper documentation in the driller's report prior to pulling the pipe as follows."* Items "a," "b," and "c" then list conditions which are required to be documented in the driller's log in lieu of circulating bottoms up.

Comments. It was contended that item "b" should be tempered to allow some reasonable difference in the weight of returning mud and the weight of mud entering the hole. One commenter suggested an allowable mud weight difference of 0.2 pound per gallon, and another commenter suggested an allowable difference of 1 percent.

Discussion. The USGS agrees with this contention and has revised subparagraph 6.1, item "b," as follows:

6.1 *Mud Control*

* * * * *

b. The weight of the returning mud is essentially the same as the weight of the mud entering the hole. In the event that the returning mud is lighter than the entering mud by weight differential equal to or greater than 0.2 pound per gallon, the mud shall be circulated until the annular volume is displaced, and the mud properties shall be checked for the influx of gas or liquid.

* * * * *

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Comment. One commenter suggested that the requirement to post a maximum pressure to be contained under a blowout preventer before controlling excess pressure by bleeding through the choke is inconsistent with good well control philosophy.

Discussion. This suggestion has merit and the requirement was modified to read: "The maximum pressure which can be tolerated on each casing string shall be posted near the driller's control console."

Comments. A commenter suggested that the term "vacuum-type" should be deleted from the penultimate paragraph. It was further stated that: "To define vacuum type only precludes any advancements on new equipment for this purpose. It would also require removal of existing equipment."

Discussion. The USGS agrees, and the term, "an operable gas separator," was adopted.

Subparagraph 6.2a

Comments. A commenter proposed the following: "Section 6.2a provides for monitoring of mud levels and requires visual and audio warning devices. The Gulf of Alaska Operations Orders specified numerical maximum changes beyond which warning devices would be triggered. We suggest that such a provision be added to this section."

Discussion. The sensitivity of the pit volume measuring devices should be custom designed to provide the maximum possible sensitivity, considering the type of vessel or structure. Therefore, limitations should not be placed on these indicators.

Subparagraph 6.3

Comments. It was the view of some commenters that subparagraphs 6.3a and 6.3b require excessive mud quantities which may exceed certain rig mud storage capacity. Another commenter stated that: "The requirement should include only that which is common practice in the offshore, i.e., to keep weighting material and to have replacement for usage within several hours of reach. Material storage volume requirements should be specified as: 'the quantity required to weight up the system 1 ppg.' " Another opinion stated that: "a very simple and practical approach to this subject is to require a minimum material inventory of the amount necessary to increase the weight of the active mud system by 1 pound/gallon."

Discussion. The USGS agrees that some rig mud storage capacity would be exceeded under the requirements of subparagraphs 6.3a and 6.3b; therefore, the requirements of subparagraphs 6.3a and 6.3b were deleted. Since the Order requires a table of mud quantities versus well depth to be submitted with the Application for Permit to Drill, the District Supervisor will evaluate the criteria used to determine these quantities.

The second paragraph clearly provides for adjustment where the required quantities exceed rig storage capacity. This paragraph states: "When the mud quantity required exceeds the storage capacity of the drilling facility, the lessee shall maintain maximum mud inventories and must receive approval from the District Supervisor of the lessee's plans to resupply mud inventories in the event of an emergency. The plan shall include an estimate of the time required for delivery of the mud supplies."

Suparagraph 6.4a

Comments. One commenter stated that: "Requiring what appears to be continuous high-capacity ventilation will create an enormous heating requirement to keep the mud from freezing in the winter. The requirement should be for ventilation capability which can be activated when necessary and only to the extent required to prevent unsafe concentrations of combustible gas." It was also suggested that: "* * * the sentence be altered to read that 'the enclosed area be ventilated with high capacity mechanical ventilation systems capable of changing the air every two minutes on signal from a gas detector or gas detectors, indicating the presence of gas.' "

Discussion. Addtional comments received in response to the EA resulted in a revision of the subparagraph. Refer to section II of this Notice.

Subparagraph 6.4b

Comment. It was proposed that the following sentence be added: "The negative pressure areas are to be protected with a pressure sensitive alarm."

Discussion. The USGS believes this suggestion has merit, and adopted this statement.

Subparagraph 7.2

Comments. One commenter suggested adding "storm packer" following "bridge plug" in the last sentence.

Discussion. The USGS agrees; "storm packer" was added.

Subparagraph 7.3

Comments. No comments received.

Discussion. The second and third paragraphs were combined for the purpose of clarity. The first sentence of the former third paragraph was changed to read as follows: "In order to maintain qualification, any driller, toolpusher, or operator's representative must successfully complete a USGS-approved refresher course annually and repeat the basic well-control course every 4 years, as described in the provisions of GSS–OCS–T 1."

The phrase: "After December 1, 1979" was deleted, since this date is not applicable to the Arctic Order. This sentence becomes the second sentence in the second paragraph.

Paragraph 8

Comments. No comments received.

Discussion. In the second sentence, the phrase: "Second Edition, June 1979" was changed to "First Edition, February 1976." The Second Edition to the USGS Standard on hydrogen sulfide is currently being developed.

Paragraph 9

Comments. No comments received.

Discussion. It was recognized that there was not a time period stated as to when the lessee should submit a Critical Operations and Curtailment Plan. Therefore, in the second sentence of paragraph 9, the phrase "file with the District Supervisor" was deleted; the phrase "submit for approval with the Exploration Plan or Development and Production Plan" was added.

Subparagraph 9b(4)

Comments. One commenter suggested that ice conditions and hazards be considered under this requirement.

Discussion. Although ice conditions are considered to be a part of oceanographic conditions, for clarity, this suggestion was adopted, and the sentence was revised to read: "known or anticipated meteorological, oceanographic, and ice conditions."

Subparagraph 9c

Comments. It was stated that: "Present wording requires the name of the person with responsibility for safety of drilling operations. We feel very strongly that this should be the title of the person and not a name—thus allowing more flexibility of personnel and is much more practical." Another commenter suggested that the words "* * * at the site * * *" be eliminated and replace with "* * * the person in charge of overall drilling operations * * *." It was also stated that: "The representative 'at the site' does not have overall responsibility for the operation and is subject to change due to work schedule."

Discussion. The USGS does not agree that only a title of the person in charge should be submitted. Generally, titles within an organization may remain the same, i.e., "Drilling Superintendent" and "Drilling Foreman." In normal operations, and particularly in times of emergencies, it is considered essential that the names corresponding to these positions be known, so that the individual may be contacted. It is agreed that the lessee's representative may not have the "overall responsibility for the operation" at the site. Accordingly, item "c" was revised to read: "The name of the person who has responsibility as the person in charge of overall drilling operations."

Paragraph 10

Comment. No comment received.

Discussion. A new paragraph 11, *Use of Best Available and Safest Technologies (BAST),* was added to incorporate the requirement for the use of BAST in accordance with the OCS Lands Act Amendments of 1978. the subsequent paragraph, *"Departures"* was renumbered.

OCS Order No. 3

General Comments.

Comments. One commenter stated, "The requirements of Proposed Order No. 3, regarding plugging and abandonment, are certainly sufficient. We request, however, that the Proposed Order and the regulations on which the Order is based be amended to require action possibly three days from receipt. the standby costs for a rig alone are considerable and are escalating every day. If action is not rapidly taken on a request to plug and abandon, a very substantial cost will be incurred by the operator for the direct costs associated with the additional rig standby and more costs for services standby. Furthermore, for every day a rig is idle, it takes that much longer to drill the next well."

Discussion. This comment does have merit; however, the USGS does not agree that a time limit, as recommended, should be placed in the Order. We know of no instance in the Gulf of Alaska Region when an unreasonable length of time was taken in approving a plugging and abandonment program. Usually, if a company submits a program with adequate diagrams and information, the Gulf of Alaska Region OCS District Office has the capability and will approve or disapprove the program within a matter of hours.

Paragraph 1

Comments. No comments received.

Discussion. A new paragraph 1, *Application for Approval to Abandon a Well,* was added in accordance with the regulation, 30 CFR 250.92, *Sundry Notices and Reports on Wells.* The subsequent paragraphs were renumbered. In the comments and discussion which follow, the original paragraph numbers are indicated in parentheses.

Subparagraph 2.4.1b (1.4.1b)

Comments. One commenter suggested that subparagraph 2.4.1b (1.4.1b) be reworded to clarify where the cement should be set.

Discussion. The USGS revised this subparagraph for clarification.

Subparagraph 2.8 (1.8)

Comments. Two commenters were concerned that the subparagraph did not allow oil base fluid to be left in the hole. The current use of the oil based arctic gels are believed to be a superior method for insulation and maintenance of casing integrity.

Discussion. The effects of these arctic gels upon the marine environment have not yet been determined. Therefore, each well should be considered on a case-by-case basis, and the environmental effects can be ascertained throughout the exploratory and development process. The subparagraph was changed to reflect this thought.

The USGS provided an additional requirement to use corrosion inhibitors in fluid left adjacent to the permafrost, thereby insuring the integrity of the pipe.

Subparagraph 2.10 (1.10)

Comments. It was suggested that the phrase "and to have a low heat of hydration" be deleted, since it is questionable whether a "high" heat of hydration affects the permafrost when the hole is drilled with warm mud.

Discussion. This suggestin was not adopted. The USGS believes that cement used throughout permafrost zones must have a low heat of hydration so as not to thaw frozen formations. The use of gypsum based cement is a proven successful method of cementing in permafrost zones. The effects of mud in the permafrost zone have been addressed, and according to Order No. 2, paragraph 6, mud temperature must be controlled to minimize heat loss and thawing effects.

Paragraph 3 (2)

Comments. One commenter suggested that subparagraph 2.3 (1.3), *Plugging or Isolating Perforated Intervals,* should be included in the exceptions to temporary abandonment. It was believed that a producible zone would be damaged if subjected to the cement job.

Discussion. This suggestion was not adopted. Since temporary abandonment does not have any time constraints, this type of plugging should be required to prevent migration of fluids. The subparagraph allows for isolation of the zone by setting a bridge plug above the interval as long as the perforations are isolated from the hole below. this method will prevent formation damage.

Comments. It was suggested that subparagraph 2.5 (1.5), *Plugging of Annular Space,* be included in the exceptions to temporary abandonment. If test casing were installed, it would be undesirable to perforate and squeeze before testing other formations.

Discussion. The suggestion was not adopted. We agree that it would be undesirable to perforate and squeeze a test casing string. However, we believe that a request for departure is required to justify a waiver of the requirement for cementing the annular space. A departure of this nature may be approved on a case-by-case basis after consideration of all the risk factors.

It was recognized that the last sentence was only applicable to item "b" of the proposed Order. Therefore, the content of the original item "a" was incorporated as the penultimate sentence. The content of the original item "b" was incorporated into the last sentence.

OCS Order No. 4

Paragraph 1

Comments. Several commenters suggested that an Application for Determination of Well Producibility should be filed at the operator's discretion. The thought was that the application would be a "waste of time" for dry holes, and that the operator would lose competitive advantage by submitting such proprietary data.

Discussion. The USGS believes that the application provides necessary scientific and technical information concerning the geology of OCS leases. The timely submittal of this information is required for the District Supervisor's evaluation of the diligence of the lessee in the development of the lease.

The proprietary nature of all information submitted with the Application for Determination of Well Producibility will be evaluated, in accordance with the OCSLA and the Freedom of Information Act. Data which are determined to be proprietary will not be released.

OCS Order No. 5

Preamble

Comments. A comment pertaining to the submittal of certain information by

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the lessees who are designated operators, was received.

Discussion. Refer to the discussion under the heading of "General Comments" at the beginning of section I of this Notice.

Paragraph 1

Comments. One commenter suggested that the requirement for the use of the best available and safest technology (BAST) be specifically stated in this Order.

Discussion. This paragraph was revised to include language requiring the use of BAST.

Paragraph 2

Comments. No comments received.

Discussion. The phrase "or subsequent revisions which the Chief, Conservation Division, has approved for use," was deleted from the first sentence. This phrase is not necessary because under the reorganization of the Conservation Division, representatives of the Deputy Chief, Conservation Division, Offshore Minerals Regulation, participate in the development of the referenced quality assurance standards. The references to specific editions in item "a" and "b" were changed to "latest edition, with all addenda."

The last sentence was revised to eliminate the reference to the dates for compliance. This reference is not necessary, since the effective date of these Orders provides sufficient time for Arctic lessees to be in compliance with the quality assurance requirements when the first surface and subsurface safety valves are installed.

Subparagraph 3.1

Comments. Several commenters stated that: "(1) the requirement that the attendant being at the wellhead is unnecessary if the well is shut-in, (2) at the wellhead can be a dangerous location if operations are being conducted overhead, and (3) the attendant could be more effective if free to move about and monitor overall operations."

Discussion. "At the wellhead" is considered overly restrictive, and attendance is not necessary if the well is shut-in (not open to flow from a hydrocarbon-bearing zone). The subparagraph was revised.

Comments. A commenter who uses a tubular/annular type subsurface-safety device which vents annular gas pressure on wells lifted by electric submersible pumps, requested that this type of safety device be included in the list of acceptable devices. Another commenter suggested that criteria be established for the determination of the capability of a well to flow.

Discussion. The revised list includes the tubular/annular type subsurface-safety device. The availability of criteria from the District Supervisor toward determination of the capability of a well to flow was noted in the revised subparagraph.

Comments. Another commenter recommended that due to the variable characteristics of permafrost in offshore areas, the setting depth of the subsurface safety device should be approved by the District Supervisor on a case-by-case basis.

Discussion. The recommendation was adopted.

Subparagraphs 3.2.1a. and 3.1.1b

Comments. One commenter claimed that advances in technology have solved earlier problems related to the control lines and connections of surface-controlled subsurface-safety valves (SCSSV's).

Discussion. The primary reasons for requiring subsurface-controlled subsurface-safety valves (SSCSV's) at pressures above 4,000 psi were problems of communication in the control lines and tubing hangers at these higher pressures. A determination was made that these problems have been solved adequately by improvements in technology. The requirement for SSCSV's above 4,000 psi was removed accordingly.

Subparagraph 3.2

Comments. Several commenters suggested that this paragraph be revised to conform to the February 1, 1980, compliance date, as announced on June 13, 1979 (44 FR 34060).

Discussion. The phrase "which are installed on new installations after July 1, 1979," was deleted. This requirement does not apply to the Arctic Order, since all installations will be made in the future.

Comments. Another commenter stated that standards for installation and operation of equipment as outlined in subparagraphs 2a, 2b, 3.2, 3.3, 3.9, 4.2, 4.3c, 4.3e, 5.1.1, 5.1.8, and 5.1.10c should include required differences in installation and operation standards to conform to the three seasonal conditions in the Arctic.

Discussion. In response to this comment and another comment received on the Orders contained in the Appendix of the EA, a new subparagraph 1.1, *Subfreezing Operations,* was added. Refer to the discussion of subparagraph 1.1 in section II of this Notice. Since this new subparagraph requires lessees to submit evidence that *all* production safety systems must be suitable for operations under subfreezing conditions, the references to subfreezing condtions in other subparagraphs in the Order were deleted.

Comments. It was suggested that this subparagraph be revised to allow the use of valves that had been qualified by performance testing to a previous edition of "API Specification for Subsurface Safety Valves," API Spec 14A, during the performance test effectivity.

Discussion. The USGS has revised subparagraph 3.2, indicated below in italics, to allow the use of previous qualified valves for the duration of the 3-year qualification period. These valves must then be requalified to the Fourth Edition of API Spec 14A, as required by section 4.2 of API Spec 14A, if manufacturing is to be continued.

It should be noted that the subparagraph addresses future replacement of subsurface-safety valves and defines the term "replacement."

It should also be noted that the subparagraph was revised to exclude section 6, Appendix A and Appendix J of Specification which addresses the use of the API monogram. A sentence was added to make it clear that the use of the API monogram is optional; whereas, the use of the OCS symbol is mandatory.

Comments. Another commenter expressed agreement with the revision proposed on April 10, 1980 (45 FR 24716), pertaining to subsurface-safety valves and recommended that a similar revision be included for surface-safety valves.

Discussion. The USGS does not intend to revise subparagraph 4.2, *Specification for Wellhead Surface-Safety Valves (SSV),* because these valves are required to conform to API Spec 14D, Third Edition, November 1980. Subsection 4.2 of this document states that "performance testing is not required for SSV equipment other than valves for Class 2 service." Periodic retesting is a requirement of API Spec 14A. There is no retest requirement in API Spec 14D.

3.2 *Specification for Subsurface-Safety Valves.* Surface-controlled and subsurface-controlled-safety valves required by subparagraphs 3.4 and 3.5, *which are installed or replaced,* shall conform to "American Petroleum Institute (API) Specification for Subsurface-Safety Valves," API Spec 14A, Fourth Edition, November 1977, *with the exception of section 6, Appendix A and Appendix J of this specification, except for provisions thereof that are required in sections 1 through 5 of this specification,* or

subsequent revisions which the *Deputy Chief, Conservation Division—Offshore Minerals Regulation,* has approved for use at the time of installation. *The API monogram is optional, whereas the requirement for the OCS symbol is mandatory. A valve qualified to a previous edition of API Spec 14A is acceptable, provided that the valve enters inventory within 3 years of its qualifying performance test date. For purpose of this requirement, the term "replacement" is defined as occurring when that portion of the valve assembly containing the serial number is removed from inventory and a new certified valve is placed in inventory.*

Subparagraph 3.3

Comments. Several commenters suggested that this paragraph be revised to conform to the February 1, 1980, compliance date as announced on June 15, 1979 (44 FR 34650).

Discussion. Subsequent to this **Federal Register** Notice, the latest edition of the American Petroleum Institute Recommended Practice 14B (API RP 14B) was disapproved for use by the Chief, Conservation Division. All references to API RP 14B were removed from this Order.

Subparagraph 3.4

Comments. No comments received.

Discussion. The phrase "After the effective date of this Order" was deleted. Since all installations will be in the future, this phrase is not necessary.

Subparagraph 3.4.1

Comments. One commenter argued that the requirement to test wireline retrievable valves monthly for 3 months after being removed for frequently conducted routine operations results in excessive testing and causes unnecessary wear and possible failure of the valves.

Discussion. The comment about excessive testing leading to possible failure has validity. The paragraph was revised to remove all monthly testing requirements for both wireline and tubing retrievable valves. Also, the reference to API RP 14B was deleted for the reasons stated in the discussion under subparagraph 3.3.

Comments. Another commenter argued that the rate of testing is too infrequent and that frequency should be increased over the life of the devices, since equipment becomes less reliable with age.

Discussion. The performance of subsurface-safety valves is very closely monitored under a formal failure and inventory reporting system as outlined in paragraph 6 of this Order.

Statistical analyses of these data does not suggest that an increase in the testing frequency, over that to be required, would contribute to safety or reliability.

Subparagraph 3.5

Comments. No comments received.

Discussion. The words "or jacket" were deleted, since they are unnecessary and a source of confusion.

Subparagraph 3.5.1

Comments. One commenter suggested that SSCSV's should be tested in place by surface means.

Discussion. There is no known hazard-free and convenient method to flow test a SSCSV for closure in a well.

Subparagraph 3.6

Comments. No comments received.

Discussion. The words "after the date of this Order" were deleted for the same reason stated in subparagraph 3.4. The second sentence was revised to make it clear that the 30 meter setting depth for tubing plugs is applicable to nonpermafrost areas.

Subparagraph 3.7

Comments. No comments received.

Discussion. It was determined that the proper functioning of subsurface safety devices in injection wells is of such importance to warrant the formal, periodic testing program. Therefore, testing requirements were added to the subparagraph.

Subparagraph 3.8

Comments. Several commenters stated that, "(1) at the wellhead can be a dangerous location if operations are being conducted overhead, (2) the attendant could be more effective if free to move about and monitor overall operations, and (3) clarification was needed as to under what conditions attendance at the wellhead is required."

Discussion. "At the wellhead" is considered overly restrictive, and attendance is not necessary if the well is shut-in (not open to flow from a hydrocarbon-bearing zone). The subparagraph was revised.

Comment. One commenter stated, "It is unclear from the description of the subsurface safety device removal process that a second unit was required to be on the platform for immediate replacement of the damaged unit. If this is not standard practice, it should be."

Discussion. The comment has been reviewed and we agree. Subparagraph 3.10 of Order No. 5 already addresses this requirement and we believe it is adequate.

Subparagraph 3.9

Comments. No comments received.

Discussion. The phrase "after the effective date of this Order" was deleted for the same reason stated in subparagraph 3.4.

Subparagraph 3.10

Comments. No comments received.

Discussion. The phrase "and capable of flowing" was added to the first sentence of this subparagraph. This addition was made to clarify that if the well is not capable of flowing, the requirements of subparagraph 3.10 do not apply.

Subparagraph 3.11

Comments. One commenter claimed that the paperwork required to be prepared and maintained offshore is excessive.

Discussion. The USGS is aware of the paperwork burden and constantly searches for methods and places to reduce the load without sacrificing essential information.

Comments. No comments received.

Discussion. It was recognized that a lessee may not have an offshore field office; therefore, a sentence was added to this subparagraph as follows: "If the lessee has no such offshore field office, then the records shall be kept in the nearest onshore field office."

Subparagraph 3.11a

Comments. It was suggested that, for clarity, the term "design" be qualified as the "manufacturer's design."

Discussion. The suggestion was adopted.

Subparagraph 3.11f

Comments. Commenters remarked that this requirement is unclear and that it is difficult to make accurate verifications of personnel.

Discussion. The subparagraph was revised to require the identity of the person qualified in accordance with subparagraph 5.7.

Subparagraph 3.12

Comments. No comments received.

Discussion. The word "manufacturer" was added to this subparagraph, which is consistent with paragraph 6, *Failure and Inventory Reporting System (FIRS).*

Paragraph 4

Comments. No comments received.

Discussion. The title of this paragraph was revised to include the word "surface." This word was added to clarify that paragraph 4 covers the requirements of surface production safety systems, whereas, paragraph 3

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includes the requirements of subsurface safety devices.

Comments. One commenter alleged that the language used in this paragraph is vague and does not assure use of BAST.

Discussion. Paragraph 1 of this Order was revised to require the use of BAST.

Subparagraph 4.2

Comments. No comments received.

Discussion. The phrase "on new installations after July 1, 1979" was deleted for the same reason as discussed in subparagraph 3.4.

It should also be noted that the subparagraph was revised to exclude Appendix A and Appendix J of the Specification which addresses the use of the API monogram. A sentence was added to make it clear that the use of the API monogram is optional; whereas, the use of the OCS symbol is mandatory.

Subparagraph 4.3

Comments. A commenter requested that valves used to vent casing pressure on certain low-pressure wells produced by electric submersible pumps be exempt from certification requirements.

Discussion. These valves used as casing vent valves on wells produced by electric submersible pumps are not considered to be primarily surface safety valves (SSV's) and are, therefore, exempt from the requirements of API RP 14D and certification requirements.

Comments. One commenter suggested, "Safety Analysis Function Evaluation Chart should be supplemented by actual computer simulation of failure. Although more expensive than a chart, a simulation program can test the system logic more thoroughly than a chart and also be used as a training tool and an aid in system design and refinement."

Discussion. Subparagraph 4.3b requires the lessees to submit a schematic flow diagram and related Safety Aanlysis Function Evaluation (SAFE) chart. This chart shall be developed in accordance with the provisions of API RP 14C and the additional requirements of OCS Order No. 5. Since the lessees will be conforming to the requirements of an approved API RP 14C Code, the Chart will be used to meet the requirements of BAST. Also, see discussions of BAST under comments and discussion on subparagraph 2.1.1, *Fitness of Drilling Unit,* of OCS Order No. 2.

Subparagraph 4.3c

Comments. No comments received.

Discussion. The phrase "design pressure" was deleted from the first sentence; the words "maximum-allowable working pressure" were added. This revision was made in order to be consistent with API RP 14E.

Subparagraph 5.1.1

Comments. One commenter remarked that subparagraph 5.1.1 was apparently contradictory to subparagraph 5.1.1d.

Discussion. Subparagraph 5.1.1 was revised to remove the apparent contradiction, by adding the phrase "Unless otherwise qualified for use according to subparagraph 5.1.1d below" to the first sentence.

Subparagraph 5.1.1c

Comments. Two commenters recommended removal of the requirement that the high pressure shut-in sensor be set no higher than 10 percent above the highest operating pressure of the vessel on the grounds that there is no justification for protecting a vessel from pressures below its working pressure and that such a pressure sensor setting would cause nuisance shut-ins.

Discussion. The comments were not accepted, since the margin of safety surrendered is not offset by possible nuisance shut-ins or other adverse effects.

The phrase "by the use of pressure recorders" was added in order to clarify the intent of the requirement for the recording of operating pressure ranges.

Comments. Another commenter noted that some production processes operate at less than 35 kPa (5 psi) and suggested that the activation pressure of low-pressure sensors on these pressure vessels be approved by the District Supervisor on a case-by-case basis.

Discussion. The suggestion was adopted. The language in the former version of the subparagraph did not adequately cover vessels operating at these low pressures.

Subparagraph 5.1.1d

Comments. No comments received.

Discussion. The phrase "after the effective date of this Order" was deleted in the first sentence for the same reason as the discussion in subparagraph 3.4.

The phrase "prior to placing in service" was added to the second sentence. This clarifies that the lessee has the option of pressure testing the vessel at any location prior to placing the vessel in service.

Subparagraph 5.1.2a

Comments. No comments received.

Discussion. There have been several questions from field personnel as to the interpretation of the first sentence of the subparagraph and the recommendation of Section A1 of API RP 14C. The first sentence was revised to make it clear that the high and low pressure sensors are to be located on the flowline in accordance with *Section A1 and Figure A1* of API RP 14C.

The second sentence was deleted. The requirement for equipment to permit testing of pressure sensors with an external pressure source is stated in subparagraph 5.1.3 of this Order.

Comments. One commenter recommended that the high-pressure flowline sensor may be set at 250 psi above the normal operating pressure of the system to allow for swings in pressure, such as heading.

Discussion. This recommendation was not adopted. The reduction in the level of safety by such a broad license is not offset by the efforts involved in resetting pilots or using two sets of pilots and in using pressure recorders.

Subparagraph 5.1.2b

Comments. No comments received.

Discussion. The phrase "be able to withstand" was deleted and the phrase "have a working pressure equal to or greater than" was added. This revision was made for clarity.

Subparagraph 5.1.4

Discussion. The following revisions were made as a result of USGS review. The phrase "only at the boat landing" was added to the second sentence. The breakable synthetic tubing is intended for use only in emergencies. Valves or switches located elsewhere on the platform may be used for testing the Emergency Shutdown (ESD) system.

The following paragraph was added: "Electro-pneumatic systems shall meet the corresponding design and functional requirements as those which apply to pneumatic systems." No provisions were made in the original Order for electropneumatic shutdown systems.

Comments. Several commenters objected to the requirement for posting a schematic of the ESD system and to the requirement for platform shutdown not to exceed 45 seconds.

Other commenters suggested a time delay between closure of the surface safety valve (SSV) and the SSSV.

Discussion. The USGS accepted these suggestions. The posting of a schematic of the ESD system was considered unnecessary and the requirement was changed to require schematics to be maintained on the platform or nearest offshore field office. The paragraph was also revised to provide for a 2 minute planned time delay between closure of the surface and subsurface valves.

Subparagraph 5.1.5

Comments. Several commenters objected to the requirement for spark arrestors on other than diesel engines on the bases that natural gas engines do not emit particulate matter, arrestors would be harmful to the engines, and that arrestors are not available for many natural gas engines, including turbines.

Discussion. These arguments are cogent and the requirement for arrestors was limited to diesel engines.

Subparagraphs 5.1.7a(1)(2) and (3); 5.1.7b(1) and (2)

Comments. No comments received.

Discussion. It was determined that both interstage and suction scrubbers should be protected. The Order was revised.

Subparagraph 5.1.8

Comments. Several commenters objected to the requirements for fixed water-spray systems in the well bays and to the language that chemicals may be used in lieu of a water-spray system only.

Discussion. The subparagraph was revised to limit the requirement for fixed water-spray systems to the enclosed well-bay areas and to permit the use of chemicals in lieu of water-spray systems.

The last sentence of the second paragraph was revised by adding the following phrase: "unless an alternate firefighting system has been approved by the District Supervisor." This statement was added to be consistent with the third paragraph, which allows the use of a chemical system.

Comment. It was suggested that the proposed requirement for "at least 30 minutes of run time for fire pumps during platform shut-in" was inadequate and that the same should be increased to 12 hours.

Discussion. USGS disagrees. The present time requirement should provide enough time to control the fire or to take other actions.

Subparagraph 5.1.9a

Comments. Several commenters requested that the term "adequate ventilation" be defined.

Discussion. The definition of adequate ventilation, as defined in API RP 14C, was adopted.

Subparagraphs 5.1.9a (1), (2), and (3)

Comments. Several commenters found the definition of a high-hazard area vague and incomplete. One commenter also remarked that it is impractical to show the multiplicity of fusible plugs on a posted diagram.

Discussion. It is agreed that the definition of a high-hazard area, as presented, is inadequate and the posting of a schematic of detection points does not serve a useful purpose. The subparagraph was deleted.

Subparagraph 5.1.9b

Comments. Several commenters recommended to allow the low-level concentration gas detection devices to be automatic; whereas, the high-level concentration or hazardous gas detection devices would still be the manual-reset type.3Discussion. The main danger of explosion is in the high-level gas concentrations. It is in this area where a manual-reset alarm is important. On the other hand, in areas of low gas concentrations, it becomes burdensome to continuously have to manually reset alarms where an automatic device would suffice. The Order was revised.

Subparagraph 5.1.9c

Comments. Several commenters objected to the requirement for the use of both fuel gas odorant and an automatic gas-detection and alarm system.

Discussion. It was determined that in continuously manned areas of the platform, either an odorant or an automatic detection and alarm system would suffice.

Subparagraph 5.1.9d

Comments. One commenter recommended that this requirement should be deleted on the basis that it is ambiguous and subject to arbitrary interpretation and that the other subparagraphs provide adequate descriptions of gas detector and alarm requirements.

Discussion. This recommendation was not adopted. This subparagraph gives the District Supervisor the authority to make a decision in areas that are not readily discernible—grey areas. It is not an attempt to be arbitrary, but instead, to ensure safety.

Subparagraph 5.1.9e

Comments. One commenter suggested that fire and gas detection systems are not directly addressed by the 1978 National Electrical Code (NEC). Another commenter stated, "It may be preferable to refer to API RP 14F, First Edition, July 1978, * * *."

Discussion. The USGS agrees with these comments. Subparagraph 5.1.9e was rewritten to delete the reference to NEC, and to add the documents suggested by the commenters.

Subparagraphs 5.1.10

Comments. One commenter suggested that language be added granting authority to the Supervisor (DCM, Offshore Field Operations] to grant departures for the use of nonshielded secondary leads on certain 2-cycle engines.

Discussion. The DCM, Offshore Field Operations, has the authority without so stating in this subparagraph. The subparagraph was not revised.

Subparagraph 5.1.10d

Comments. Two commenters remarked that posting of an elementary schmatic would serve no useful purpose and the requirement should be deleted.

Discussion. The posting of a schematic does not serve a worthwhile purpose. However, the schematic should be available for those in charge of maintaining the system in operational order. The subparagraph was revised.

Subparagraph 5.1.10e

Comments. One commenter requested that the term "qualified" be defined.

Discussion. Language was added to specify that qualified persons are those "personnel who are familiar with the construction and operation of the equipment and the hazards involved."

Subparagraph 5.2

Comments. No comments received.

Discussion. For clarity, language was added to subparagraph 5.2c that explicitly exempts atmospheric and pressure vessels, when taken out of service, from compliance with safety device requirements, provided the vessels are securely isolated from production facilities and with the intention that they remain isolated for an extended period.

Subparagraph 5.3

Comments. Several commenters requested that the requirement be qualified to cover only those operations which are significantly different from those in the General Plan. This is intended to avoid duplicate paperwork and submittals.

Discussion. This suggestion was adopted. If not reworded, it would impose an unnecessary paper burden on the operator if a supplemental plan should be required each time wireline, workover, or other activities were performed simultaneously with production operations.

Subparagraphs 5.4 and 5.4d

Comments. One commenter noted that subparagraph 5.4d "* * * rules out hot tapping as an accepted practice." The commenter also noted that "Eliminating

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hot taps will result in significant production losses."

Discussion. It is agreed that hot tapping should not be "ruled out." It is recognized that welding, burning, and hot tapping operations should be provided for in subparagraph 5.4. Therefore, the phrase "and Burning" was added to the title of this subparagraph. Additionally, in order to clarify and emphasize the safety aspects and intent of subparagraph 5.4, it was reorganized to include the following subparagraphs:

5.4.1 *General Welding, Burning, and Hot Tapping Plan.*

5.4.2 *Designated Safe-Welding and Burning Areas.*

5.4.3 *Undesignated Welding and Burning Areas.*

New subparagraph 5.4 contains requirements "a" through "d," and includes a paragraph to define "welding" and "burning." The final paragraph in subparagraph 5.4 reads as follows: "All offshore welding and burning shall be minimized by onshore fabrication, when feasible." This is not a new requirement; it appeared as the last sentence of the third paragraph of former subparagraph 5.4. All of the remainder of the requirements under former subparagraph 5.4 are now contained in new subparagraphs 5.4.1, 5.4.2, and 5.4.3.

The following revisions were made:

In subparagraph 5.4.1 (formerly contained in the third paragraph under 5.4), the sentence, "The plan shall be filed within 90 days after the effective date of this Order * * *" was deleted, since the clause is not necessary for the Arctic Order because there are no existing platforms or operating drilling rigs. Therefore, compliance is required prior to conducting welding and burning operations.

Subparagraph 5.4.3 (formerly contained in the second item "b" in 5.4), the third sentence read, "The fire watch shall not be a member of the welding crew," was deleted. This sentence is considered redundant, since the preceding sentence requires that the fire watch "* * * shall have no other duties while actual welding or burning operations are in progress."

Comments. One commenter stated that when proper precautions are taken, welding can be safely performed on a platform without installing a "Safe-Welding Area."

Discussion. When a safe-welding area cannot be established under the National Fire Protection Association Bulletin No. 51B, the Order provides under subparagraph 5.4.3 for procedures which will ensure safe welding.

Subparagraph 5.4.3e (formerly 5.4e)

Comments. One commenter maintained that drilling, workover, or wireline operations could be carried on simultaneously with welding if proper safety practices are enforced.

Discussion. This compromise in levels of safety was not adopted.

Subparagraph 5.4.3f (formerly 5.4f)

Comments. One commenter maintained that well production and welding in the well-bay area can safely occur simultaneously if proper procedures are followed.

Discussion. This compromise in levels of safety was not adopted.

Subparagraph 5.5h

Comments. No comments received.

Discussion. The wording in this subparagraph was revised in order to clarify the intent.

Subparagraph 5.5i

Comments. One commenter suggested that this subparagraph should be deleted, since it could cause extensive shut-ins and create some safety hazards.

Discussion. It is agreed that subparagraph 5.5i is too general; the subparagraph was rewritten as follows: "1. All TSH devices on fired components shall be tested at least once every 12 months."

It is considered essential that the ESD system be periodically tested; therefore, a new subparagraph 5.5m was added as follows: "m. The ESD system shall be tested for operation at least once each calendar month, but at no time shall more than 6 weeks elapse between tests. The test may be conducted by closing at least one SSV from each of the ESD stations."

Subparagraph 5.6

Comments. One commenter stated that the quality assurance program provides the only 5-year record retention requirement, and under the FIRS program, the USGS will receive inventory and failure reports on all safety devices; therefore, the lessee should not be required to maintain duplicate records for the many devices not subject to the quality assurance program for more than 1 year at the offshore field office.

Discussion. It is required that some safety devices be tested at least once a year and the results recorded. In order to verify compliance, it is necessary that records be kept for longer than 1 year.

The following sentence was added to this subparagraph: "If the lessee has no such offshore field office, then the records shall be kept in the nearest onshore field office." This revision was made for the same reason as discussed in subparagraph 3.11.

The last sentence in this subparagraph was deleted; it is considered redundant, since this subject is covered in subparagraph 6.2.

Subparagraph 5.7

Comments. One commenter noted that the third paragraph in subparagraph 5.7 is deficient in that (1) it does not require that the manufacturer's representatives be at least qualified by the manufacturer to service, install, or repair the safety system or device, and (2) it does not require that the supervisory person qualified in accordance with API RP T-2, who is supervising the manufacturer's representative, be familiar with or knowledgeable of the manufacturer's specific safety system or device.

The commenter further noted that the above deficiencies may create a situation where neither the manufacturer's representative nor the supervisor [DCM, Offshore Field Operations] is familiar with the specific system or device to be installed, serviced, or repaired.

Discussion. This comment is valid. The revised paragraph requires the person servicing the equipment and the DCM, Offshore Field Operations be qualified. Furthermore, as a result of this comment, items "b" through "g" were added.

Paragraph 6

Comments. It was suggested that the FIRS program be voluntary and not be required by those who see no practical benefit from the program.

Discussion. The purpose of the safety device FIRS program is for the USGS to identify potential problem areas, rather than having to experience an expensive and dangerous series of replacements. Implementation of a program on a voluntary basis would not provide sufficient meaningful information with regard to the various operating conditions, uses, and corrective actions taken.

Comments. It was commented that the FIRS system is a valuable tool for use by offshore operations, but that the decision to use specific equipment should be left to the lessee, taking into account the lessee's specific operating conditions and economics.

Discussion. It is not the intent of the FIRS program to tell lessees which equipment to buy, but to report what failure trends are occurring on individual pieces of equipment covered by the program. It could serve as a tool for lessees to identify which pieces of equipment should perform best in different operating conditions.

Subparagraph 6.1.1

Comments. It was suggested that provisions for a name or signature of the person completing or approving the failure data report submitted to the USGS, be included in the FIRS program. The commenters believed this would provide the safety equipment manufacturers with a point of contact for determining actual failure cause, contributing circumstances, and assist them in identifying the most appropriate corrective action.

Discussion. The USGS concurs with this recommendation and expanded the paragraph to include a signature of the person initiating and/or approving the data submitted. This signature will provide the equipment manufacturer with a point of contact for obtaining additional information required in the performance of their failure analysis.

It was recognized that subparagraph 6c which was included in the Appendix of the EA (45 FR 83905) should be included in subparagraph 6.1.1a for editorial clarity. Therefore, the following sentence was added to subparagraph 6.1.1a, "The lessee shall submit the originals of the forms to the USGS and retain the two copies." Subparagraph 6c was deleted. This revision is consistent with the FIRS Instruction booklet.

Subparagraph 6.1.2

Comments. It was suggested that the pneumatic or hydraulic fast-bleed relay used as a 3-way or 4-way fast block-and-bleed device with SSV or SDV actuators, be included in the listing of the required inventory and failure reporting.

Discussion. These relays are under consideration. The USGS plans to implement the FIRS program as it now stands and, based on the data gathered, decide on whether these relays should be added in the next revision of the FIRS program.

Subparagraph 6.1.3.1

Comments. One commenter suggested that it be made clear that only active devices and not those which have not yet been placed in service, are to be included in the reports.

Discussion. The devices to be included in the required reports were qualified as the active devices in the revised subparagraphs.

Subparagraph 6.1.4.1

Comments. One commenter suggested that the time frame be extended to at least 60 days to allow proper handling of the failure reports and to combine the malfunction and failure reports required by SPPE-1 and 2, and API RP 14B.

Discussion. The time frame allowed by subparagraph 6.1.4.1 is between 30 and 60 days (depending on the time of failure). In most cases, this time will be sufficient. In the event it is not, the USGS has provided a procedure in which a failure report with incomplete data may be submitted to the USGS and updated at some later date (see page F-13, column 73 and page F-15 in the FIRS Instruction Booklet).

Subparagraph 6.1.4.2

Comments. One commenter remarked that 30 days is insufficient time to reply and requested a change to 60 days.

Discussion. The 30-day time period was increased to 6 weeks. This is considered a reasonable response time.

Subparagraph 6.1.4.3

Comments. Several commenters suggested that the USGS differentiate by definition between failure and malfunction. They felt this was needed because failure and malfunction are defined in applicable API documents. Their concern was that the only time a failure occurs is when a piece of equipment fails to perform its designed function.

Discussion. With regard to defining failure and malfunction, the USGS believes there is no need to differentiate between the two. However, the report the USGS develops will contain a "critical" failure mode (failure) and an "other" mode (malfunction). This will, in essence, differentiate between equipment that did not perform with regard to its designed function (critical mode). The following sentence was added to provide additional information: "Examples of device failures are included in the FIRS Instruction Booklet."

Subparagraph 6.2

Comments. No comments received.

Discussion. Subparagraph 6.2, *Records*, was added to this Order. The proposed Order did not specify how long or where FIRS data records should be maintained by the lessee.

Paragraph 7

Comment. No comment received.

Discussion. In accordance with the "Memorandum of Understanding Between the United States Geological Survey of the Department of the Interior and the United States Coast Guard of the Department of Transportation concerning Regulation of Activities and Facilities on the Outer Continental Shelf of the United States" which was signed on December 18, 1980, and published in the on January 8, 1981 (45 FR 2199), paragraph 7 of the proposed order published on June 13, 1979 (44 FR 34073) was deleted. The proposed Order which was presented in the appendix of the EA on December 19, 1980 (45 FR 83906) contained the following version of this paragraph: 7. *Crane Operations.* Cranes shall be operated and maintained in accordance with U.S. Coast Guard regulations.

Since the U.S. Coast Guard has not published their new regulations governing crane operations, paragraph 7 has been revised as indicated below. This requirement will be revised to reference the final U.S. Coast Guard regulations when they are published.

7. *Crane Operations.* Cranes shall be operated and maintained to ensure the safety of facility operations in accordance with the provisions of "API Recommended Practice for Operation and Maintenance of Offshore Cranes," API RP 2D, October 1972, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation has approved for use. Records of inspection, testing, maintenance, and crane operators qualified in accordance with the provisions of API RP 2D shall be kept in the field area for a period of 2 years.

"API Specification of Offshore Cranes," API Specification 2C, February 1972, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation has approved for use shall be used as a guidelines for the selection of cranes.

OCS Order No. 7

Subparagraphs 1.1.1, 1.1.4, and 1.2.1

Comments. Two commenters believed that the disposal of muds, cuttings, or produced water into the ocean should be prohibited, especially in the Arctic areas. The concern was how this disposal affected the quality of the water and the organisms depending upon it.

Discussion. This suggestion was not adopted. USGS believes that these products can be disposed of properly through stringent Environmental Protection Agency disposal standards. Proposed lease stipulations prohibit disposal in water depths less than 10 meters due to inadequate circulation. In deeper waters, each lease is considered separately, and disposal practices are closely monitored to insure that sensitive areas will not be damaged. It should be noted that the words "Artificial Islands" were added to the title of subparagraph 1.1.4 in response to comments received on the EA. Refer to Section II of this Notice.

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Subparagraph 1.1.3

Comments. Several commenters objected to the requirement for a closed sump on platforms and structures, since modern technology has produced many types of open-ended sumps that will adequately prevent the discharge of oil.

Discussion. The USGS agrees that properly designed open sumps will prevent oil discharge and has changed the subparagraph to allow for the use of all properly designed and maintained sumps. This subparagraph was revised further in response to comments received on the EA. Refer to Section II of this Notice.

Comments. One commenter recommended that the offshore disposal of contaminants from sumps should be prohibited.

Discussion. The Order prohibits disposal of any substance that will cause pollution. Contaminants from sumps will be treated as provided in lease stipulations and the authority of the District Supervisor.

Subparagraph 1.1.4

Comment. One commenter questioned why offshore islands (natural and artificial) were omitted from the heading, "Discharge from Fixed Platforms, Structures, and Mobile Drilling Units." This resulted in inconsistency with the heading in Section 1.1.3.

Discussion. The title of this subparagraph was revised to read, "Discharges from Fixed Platforms, Structures, Artificial Islands, and Mobile Drilling Units."

Subparagraph 1.2.3

Comments. Several commenters thought that reporting requirements of equipment disposed into the ocean should be limited to those that may pose a hazard to navigation and fishing.

Discussion. The limitations for the reporting of submerged objects are contained in the revision of paragraph 4 of OCS Order No. 1. The word "any" and the phrase "District Supervisor and to the" were deleted from subparagraph 1.2.3 of Order No. 7 for consistency with the revision of paragraph 4 of OCS Order No. 1.

Subparagraph 2.2.1

Comments. One commenter thought that a daily inspection of lease areas was not adequate for pollution detection. The suggestion was to provide for a systematic continuous monitoring system to detect spills and discharges.

Discussion. This suggestion was not adopted. The USGS believes that daily inspection procedures are adequate, especially when employing air surveillance. Special sensors that shutdown production operations in the event of malfunction are required in accordance with Order No. 5. No effective equipmen tthat is economically feasible has been developed for monitoring pollution around platforms.

Subparagraph 2.2.2

Comments. Several commenters objected to the daily inspection requirement for unattended platforms. It was suggested that these facilities should be inspected weekly and that the subparagraph should provide an exception in the event of prohibitive weather.

Discussion. The USGS does not agree with the suggestion of weekly inspections. Early detection of a leak or equipment malfunction is the key to pollution prevention. The phrase "or at intervals prescribed by the District Supervisor" provides latitude to waive the daily inspection requirement for those unmanned facilities which have a consistent record of pollution-free operation. In order to provide relief in the event of adverse weather conditions, the following sentence was added: "Daily inspections may be postponed in the event of adverse weather conditions."

Subparagraph 3.1

Comments. Several commenters were concerned with the adequacy of pollution-control equipment for arctic conditions.

Discussion. The USGS realizes the need for special pollution-control equipment in ice and snow areas and has revised this section to include appropriate equipment for the existing climatic conditions.

Comments. One commenter was uncertain whether this section allowed for the use of organized pollution-control companies.

Discussion. The intent of this subparagraph does allow for these companies, since the equipment "shall be available to each lessee * * * at a location approved by the Deputy Conservation Manager (DCM), Offshore Field Operations."

Subparagraph 3.2

Comments. No comments received.

Discussion. The first sentence was rewritten to permit the lessee to submit an Oil Spill Contingency Plan at an optional time.

Subparagraph 4.1

Comments. One commenter suggested that the language should provide for drills to be conducted by pollution-control equipment contractors. This procedure would avoid unnecessary repetitive training for each rig and would combine efforts in a more economical manner.

Discussion. The USGS agrees with this rational and adopted language that allows the contractor to conduct drills. The lessee retains responsibility for the drills.

The subparagraph did not specify any requirement for the frequency of the drills; therefore, language was added to require drills to be conducted at least once every 12 months.

Comments. One commenter suggested that the time schedule of drills should be contingent upon weather and drilling activities.

Discussion. Application may be made for time flexibility due to unforeseen events in the schedule submitted to the DCM, Offshore Field Operations.

Paragraph 5

Comments. It was questioned whether the USGS has the authority to approve the use of chemical agents or other activities, instead of the U.S. Coast Guard.

Discussion. The USGS has authority under the Memorandum of Understanding between the USGS and the U.S. Coast Guard, dated August 16, 1971.

OCS Order No. 8

Title and Preamble

Comments. No comments received.

Discussion. The title of Outer Continental Shelf (OCS) Order No. 8 was revised by deleting the words "and Associated Equipment" to be consistent with the content of the Order. Provisions for associated production equipment and operations are now contained in OCS Order No. 5.

General Comments

Comments. Two commenters contended that the Department of the Interior or USGS had not complied with the provisions of Executive Order (E.O.) 12044 concerning the analysis of the potential economic impact of the Platform Verification Program.

Discussion. E.O. 12044 was effective on March 23, 1978, and was not retroactively applicable to rules under revision at that time. OCS Order No. 8 was published for revision on August 25, 1977 (42 FR 42912), and on June 17, 1977 (42 FR 30917), the USGS published notice of intent to develop Platform Structural Verification Standards. When this proposed Standard was published for comment on December 5, 1978 (43 FR 56945), the Department of the Interior determined that a regulatory analysis under E.O. 12044 was not required.

Comments. Four commenters objected to being asked to comment on OCS Order No. 8 without copies of three companion documents referenced in the Order, and one stated that without the complete package "the impact of the program is impractical to quantify."

Discussion. The USGS considers that the public was afforded appropriate opportunity to review and comment on all aspects of the Platform Verification Program and on OCS Order No. 8. The three companion documents were published for comment on December 5, 1978 (43 FR 56945), and the period for submittal of comments was extended to March 1, 1979. The various comments received were evaluated, and the first edition of these documents was printed at that time. There was little change in the basic content of these documents, except that the materials-requirements section was changed as a result of detailed input from industry technical representatives.

Comments. Three commenters expressed strong opposition to the Platform Verification Program and revised OCS Order No. 8 because it "will certainly result in increasing the cost * * * due to over-restrictive requirements," "* * * stifling industry growth," "* * * collectively, these items start to become quite burdensome," "* * * an unnecessary duplication of effort and expense and an unnecessary cost burden * * *."

Discussion. Numerous industry representatives stated that third-parties are commonly hired for design review, fabrication inspection, and installation monitoring. In addition, a National Research Council Marine Board panel, staffed by a broad cross section of experienced industry, government, and academic representatives, concluded that "the proposed third-party verification program for new offshore platforms will enhance the orderly extension of OCS oil and gas activities in an expeditious and efficient way by assuring the public and the Congress of the integrity of the fixed offshore platforms. A secondary benefit will be a more uniform application of current technology." The USGS believes that the revised Order and the Verification Program are vital, as our Nation's energy needs require extending the search for oil and gas into frontier OCS areas.

Comments. One commenter suggested a time limit of "10 days to two weeks" be placed on the Supervisor [DCM, Offshore Field Operations] to approve or disapprove plans.

Discussion. This may not be practical in all cases, but when possible, the expeditious handling of all applications, reports, and verification plans will continue to be the USGS policy. Legislative constraints and regulatory directives influence such matters and must be followed.

Comments. Two commenters emphasized the importance of minimizing delay and strongly urged that fabrication be allowed to commence prior to final design approval.

Discussion. The USGA agrees, and appropriate changes were made in the revised Order.

Comments. One commenter stated that "* * * operators should be permitted to make repairs on a structure without approval being required * * *."

Discussion. The Order requires approval be obtained for *major* modifications and repairs. Furthermore, if certain damage requires immediate repair to assure structural integrity, the Order will in no way jeopardize such a situation while the DCM, Offshore Field Operations, approval is pending. Prudent action should be taken under emergency conditions.

Comments. One commenter suggested that on the effective date of the Order the USGS should specify what structures are to be included or excluded from the new requirements.

Discussion. The provisions of this Order are not retroactive. It applies to all new platform applications and major modifications or repairs received in the office of the DCM, Offshore Field Operations, on or after the effective date of the Order. If the Plan of Development and Production was received, subject to submittal of platform design details, the revised Order does not apply.

Subparagraph 1.1

Comments. One commenter considered subparagraph 1.1 to be a major change in scope of the Verification Program; that the Requirements should be restricted to verification only and not to design, fabrication, and installation; and that the Gulf of Mexico is a mature region with no need for these requirements.

Discussion. The USGS does not agree with these comments. The primary thrust of the Platform Verification Program was for platforms to be installed in frontier areas and in deepwater locations, and for platforms of unique design. This remains a basic program concept to be accomplished by the two major elements: substantive (Requirements document) and procedural (OCS Order No. 8). These procedural requirements have been and are now contained in OCS Order No. 8. There is no major change in scope, nor can these requirements be limited to the verification function. The performance standards must be applied to the design, fabrication, and installation activities if the verification process is to be expedited. The proposed Order recognizes the maturity and successful past history of platform operations in the Gulf of Mexico Region. Subparagraph 1.3 requires the application of the Verification Program to only certain platforms that meet specified conditions intended to consistently apply the primary thrust of the program to the Gulf of Mexico.

Comments. It was pointed out that the words "the design fabrication and installation" should be deleted from the second and third lines of subparagraph 1.1.

Discussion. The correction was made to clarify the intent of the subparagraph.

Comments. One commenter recommended that single-pile caissons be removed from the "other structure" category.

Discussion. This recommendation was not adopted because a primary USGS responsibility for platform or other structure approval is consideration of and protection of the environment. Therefore, no exceptions can be permitted, particularly to exploratory well structures.

Subparagraph 1.2

Comments. A number of commenters objected to the inclusion of "repairs of damage" under the approval provisions of the Order in subparagraph 1.2. There is concern that delays in obtaining approval may pose risks and unsafe conditions to equipment, personnel, and the environment.

Discussion. It appears that the significant concern expressed by various commenters was possibly a misunderstanding of the intent of the subparagraph. It was intended to cover *major* repairs of damage to structural members affecting the structural integrity of the platform or other structure. In addition, the last sentence of subparagraph 1.2 was intended to provide for those situations where there was some question as to how to proceed, where a verbal approval may be appropriate for emergency repairs in a timely manner, or whether the condition is or is not determined to be a *major* modification or repair. Minor repairs, such as replacing damaged decking, handrails, stairways, or boat landings, are not intended to be subject to approval by the DCM, Offshore Field Operations.

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Subparagraph 1.2 was modified to clarify the intent, adopting some of the suggested changes, but retaining the requirement for approval by the DCM, Offshore Field Operations, of major modifications and repairs. In addition, the subparagraph provides for the possibility of emergency repairs proceeding expeditiously with subsequent notification to and approval by the DCM, Offshore Field Operations.

Subparagraph 1.3

Comments. Two commenters suggested the deletion of the words "or repairs of damage" from subparagraph 1.3 to remove such operations from the requirements of the Verification Program.

Discussion. We agree with the suggestion and believe that appropriate review can be accomplished under subparagraph 1.2 prior to approval by the DCM, Offshore Field Operations, of major repairs of damage. The subparagraph was modified.

Comments. Three commenters expressed concern, confusion, or disagreement with the term "frontier area," especially in the Gulf of Mexico, as used in subparagraph 1.3.

Discussion. A "frontier area" on the OCS is one in which there have been little, if any, oil and gas exploratory and development operations, e.g., the entire Atlantic OCS Region, the Beaufort Sea, and all deepwater areas. For the Gulf of Mexico, the Mississippi, Alabama, Florida areas, and South Texas areas, all areas involving 400 feet or greater water depths, are considered frontier areas, as well.

Subparagraphs 1.4.1, 1.4.2, 1.4.3, and 1.4.4

Comments. One commenter stated that: "The documents listed in subparagraphs 1.4.1, 1.4.2, 1.4.3, and 1.4.4 are show as First Edition. These first editions should include any changes that are accepted from the comments made by interested parties on the draft documents," and another asked if the documents have been modified to include industry comments.

Discussion. We agree. All comments on these referenced documents were analyzed, and the documents were changed as required.

Subparagraph 2.1

Comments. Four commenters expressed disagreement with the words "prior to commencing any such work," due to the possible delays involved and apparently are willing to assume the risk that proposed changes will be approved. They suggested deletion of these words from subparagraph 2.1.

Discussion. The USGS is willing to accept this suggestion in order to minimize delays in the fabrication or installation process; however, the following sentence was added: "The lessee assumes the risk of making changes or modifications without prior approval of the DCM, Offshore Field Operations."

Subparagraph 2.2

Comments. One commenter questioned the certification requirement by a registered professional structural engineer or civil engineer specializing in structural design and suggested that "a certified or recognized naval architect-marine engineering firm would be able to qualify."

Discussion. The USGS insists upon certification by qualified professional personnel experienced in the structural design of offshore platforms and other structures covered by this Order. Any naval architect-marine engineering firm having such qualified personnel and experience will be acceptable, but all architect-marine engineering firms, certified or recognized, do not meet this requirement. Therefore, no change has been made to paragraph 2.

Subparagraphs 2.3, 2.4 (2.5), and 3.1

Comment. Two commenters suggested removing the words "or repairs" from subparagraphs 2.3, 2.5, and 3.1.

Discussion. We agree with the suggestion, and the subparagraphs were modified. In addition, the title of subparagraph 2.5 was changed from "Commencement" to "Approval" to better identify the intent of the subparagraph. Also, for editorial clarity, the order of subparagraphs 2.4 and 2.5 was reversed and subparagraph 2.4 became 2.5 and subparagraph 2.5 became 2.4.

Subparagraph 2.4 (2.5)

Comments. Numerous commenters expressed concern about the possible delays that may result from the provision in subparagraph 2.5, which requires design approval "prior to commencing the fabrication."

Discussion. We agree, and the words "prior to commencing the fabrication and obtain approval for the" were deleted. The wording was revised to read ". . . obtain approval for the design and fabrication from the DCM, Offshore Field Operations, prior to. . . ."

Subparagraph 3.2

Comments. One commenter questioned the required design documentation for approval of "major platforms" as compared to "single-pile caissons and other small well protectors."

Discussion. We agree that less design documentation will be necessary for a single-pile caisson than for a major platform; however, the exact details will be determined on a case-by-case basis with the concurrence of the DCM, Offshore Field Operations.

Subparagraph 3.2.1

Comment. One commenter recommended replacing the word "approval" with the word "submittal" in subparagraph 3.2.1 in order to expedite the overall verification process.

Discussion. We agree with the recommendation and subparagraph 3.2.1 was modified.

Comments. Four commenters pointed out that "finalized construction drawings" may not be available to be included with the submittal of design documentation.

Discussion. Subparagraph 3.2.1 was revised to require submittal of design drawings and material specifications for primary load-bearing structural members. The submittal of construction drawings and specifications will be required as a part of the Fabrication Verification Plan (Subparagraph 3.3), and finalized as-built drawings are to be retained and made available by the lessee for the functional life of the platform or other structure (paragraph 4, *Records*).

Comments. One commenter suggested that material specifications need not be submitted if the platform is designed in accordance with the requirements.

Discussion. We disagree with this suggestion. The characteristics of the materials of construction are a very pertinent design consideration, and their documentation is necessary for a meaningful design review.

Comments. One commenter inquired as to what information is contained in the Plan of Development and Production and if platform design data is included in the Plan.

Discussion. The complete details on submittal of Plans of Development/Production are contained in 30 CFR 250.34 of the OCS Operating Regulations. Platform design documentation is a necessary part of the Plan. This documentation must at least present a preliminary design sufficient to assess the approach proposed and its applicability.

Subparagraph 3.2.1.1

Comments. One commenter strongly questioned "the need for and the advisability of adding" the Universal Transverse Mercator grid system coordinates for platform location data in subpargraph 3.2.1.1 as "an unjustified increase in paperwork and * * * source of confusion."

Discussion. Concern seems to be unfounded as conversion tables and techniques are readily available, and these are generally accepted methods of accurately describing a location. The USGS receives public requests for coordinates of a platform location on each of the systems.

Subparagraphs 3.2.1.1c and 3.2.1.1d

Comments. Two commenters pointed out that complete details may not be available to comply with the requirements of subparagraphs 3.2.1.1c and 3.2.1.1d at the time design documentation is submitted.

Discussion. The *General Platform Information* requirements need not all be submitted with the design documentation, and it will be permissible to supplement the application when these details are available.

Former Subparagraphs 3.2.1.1g and 3.2.1.1h

Comments. Two commenters suggested omitting items "g" and "h" in subparagraph 3.2.1.1 because "g" is redundant and "h" is unclear.

Discussion. We agree that item "g" is redundant, as Material Specifications are required by subparagraph 3.2.1.4c; therefore, it was deleted from subparagraph 3.2.1.1.

We do not think item "h" (Design Standard) is unclear; however, we feel that the objective is obtained by receipt of the documentation required by subparagraph 3.2.1 and the verification process. Therefore, item "h" was also deleted.

Subparagraph 3.2.1.2 and 3.2.1.3

Comments. One commenter suggested that the level of detail and the methodologies to be used regarding information required in the environmental reports which accompany the Plan of Development and Production be clarified and, further, that an explanation be provided as to the relationship of this information to the environmental information required under OCS Order No. 8.

Furthermore, the commenter recommended that the following requirements be included in the environmental information to be submitted in accordance with OCS Order No. 8:

1. Tests should be conducted to determine the concentration of light hydrocarbons in the seabed and subsurface soils and sediments.

2. Side-scan sonar profiles should be conducted over the sites proposed for structures to determine if geologic (e.g., sand waves) or manmade hazards are present.

Discussion. discussion of the details and methodologies to be used for information required by 30 CFR 250.34 is beyond the scope of OCS Order No. 8. However, 30 CFR 250.34 requires "a narrative description of the existing environment, with an emphasis on those environmental values that maybe affected by the proposed action"; whereas, the requirement for submittal of environmental information under OCS Order No. 8 is for determination of the effects of the environment on the structural integrity of platforms to be installed in OCS waters.

Concerning item 1, subparagraph 3.2.1.3a requires the type of data submittal which will indicate any existence of light hydrocarbons. Concerning item 2, whereas the use of side-scan sonar is not specifically called for, the identification of sea floor hazards is required by subparagraphs 3.2.1.3a, c, and e.

Comments. One commenter suggested that the phrase "* * * wind and gust velocities with relative heights * * *" be replaced with "* * * vertical distribution of wind and gust velocities * * *" in subparagraph 3.2.1.2a.

Discussion. We agree with this suggestion, and the wording was modified.

Comments. One commenter suggested that the word "data" used in subparagraphs 3.2.1.2a and 3.2.1.2c be replaced by the word "criteria."

Discussion. The USGS disagrees with this suggestion. The use of the word "data" in 3.2.1.2a is considered to be appropriate and corresponds to its use (with accompanying description) in subparagraph 2.1.2 of the Requirements. However, we do agree that the term "loading data"; used in subparagraph 3.2.1.2c should be replaced by the term "derived loads," and that wording was modified.

Comments. Two commenters suggested that subparagraph 3.2.1.2b be deleted in view of the fact that the subject matter is also contained in subparagraph 3.2.1.3.

Discussion. We agree with this suggestion, and the appropriate modification was made.

Comments. One commenter suggested that the USGS obtain geophysical and soil-boring information directly from the seismic and drilling contractors.

Discussion. We disagree with this suggestion. The USGS requires the submittal of such information from the lessees.

Subparagraph 3.2.1.3b

Comments. One commenter suggested that subparagraph 3.2.1.3b should be stated in more general terms by ending the sentence after the word "foundation."

Discussion. We agree with this suggestion, and the appropriate modification was made.

Subparagraph 3.2.1.3c

Comments. One commenter suggested that a soil stability analysis will not be necessary in areas where repeated analysis and soil-boring data indicate stable bottom conditions.

Discussion. We agree that the present wording should be clarified to reflect this fact, and subparagraph 3.2.1.3c was modified.

Subparagraph 3.2.1.4d

Comments. Two commenters suggested that subparagraph 3.2.1.4d is unclear and should be clarified or deleted.

Discussion. We agree, and the subparagraph was modified.

Subparagraphs 3.2.1.4e and 3.2.2b

Comments. One commenter suggested that the discussion regarding structural fatigue be relocated from subparagraph 3.2.2b to 3.2.1.4e.

Discussion. We agree with this suggestion, and the discussion on fatigue was moved to subparagraph 3.2.1.4e.

Comments. Two commenters questioned the necessity of performing a fatigue analysis of platforms for which the use of high-strength steel is limited to only a small percentage of the total structural members.

Discussion. In general, if primary load-bearing structural members are fabricated of high-strength steel for the purpose of using higher allowable cyclic stress level (higher than those allowed for mild steel), a fatigue analysis will be required for those members.

Subparagraph 3.2.2

Comments. One commenter recommended replacing the word "approval" with the word "submittal" in subparagraph 3.2.2 in order to expedite the overal verification process.

Discussion. We agree with this suggestion, and the subparagraph was modified.

Comments. One commenter suggested removal of the words "or repairs" from subparagraph 3.2.2 in order to remove such operations from the requirements of the Verification Program.

Discussion. We agree with the suggestion, and the subparagraph was modified.

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Comments. One commenter suggested deletion of the words "as a part of the plan" in subparagraph 3.2.2.

Discussion. We disagree with this suggestion as this information should be available at the time of submission of the Design Verification Plan. It is believed that partial submissions of this type could lead to confusion, unnecessary disputes, and unnecessary delays.

Comments. One commenter suggested that whenever the word "plan" is used in subparagraph 3.2.2., an identification be made as to which "plan" is being referred.

Discussion. We agree with this suggestion, and the appropriate identification was added.

Comments. One commenter questioned the uniformity of the level of involvement of the CVA's [certified verification agent] in various projects.

Discussion. The USGS will ensure that a minimum required level of involvement be maintained by the certified verification agent (CVA).

Comments. One commenter suggested that it will be a duplication of effort for the lessee to furnish the qualifications of the CVA, as this information will be obtained and maintained by the Platform Verification Section.

Discussion. A CVA's qualifications may be initially submitted to the USGS, either by CVA directly or through the lessee. The requirement for submission of qualifications addressed by this comment is to ensure that the appropriate personnel on the staff of the CVA will be used and that the qualifications of the CVA have not changed.

Comments. One commenter suggested that the USGS should not require resubmittal of the Verification Plan(s) in the event the CVA changes.

Discussion. The USGS does not agree with this suggestion. We believe that if such drastic situation should occur, i.e. a CVA change, a change in the way that verification will be carried out will also occur.

Subparagraph 3.3

Comments. One commenter suggested the deletion of the words "or repairs" from subparagraph 3.3 to remove such operations from the requirements of the Verification Program.

Discussion. We agree with the suggestion, and the subparagraph was modified.

Comments. Numerous commenters expressed concern about the possible delays that may result from the provision in subparagraph 3.3 requiring the lessee to submit a Fabrication Verfication Plan subsequent to approval of the design.

Discussion. We agree, and the word "approval" was deleted and the word "submittal" inserted in subparagraph 3.3.

Comments. One commenter suggested that we should specify what information is required when submitting the Fabrication Plan.

Discussion. We agree with this suggestion, and subparagraph 3.3 was modified to incorporate the following: "* * * fabrication drawings and materials specifications of all the primary load-bearing members included in the space-frame analysis * * *."

Subparagraph 3.4

Comments. One commenter suggested the deletion of the words "or repairs" from subparagraph 3.4, to remove such operations from the requirements of the Verification Program.

Discussion. We agree with the suggestion, and the subparagraph was modified.

Comments. One commenter suggested the deletion of the words "subsequent to the approval of the fabrication" from subparagraph 3.4.

Discussion. We agree with this suggestion, and the subparagraph was modified to require submittal of the Installation Verification Plan subsequent to the submittal of the Fabrication Verification Plan.

Paragraph 4

Comments. One commenter suggested "* * * it may be desirable to maintain design records for the life of the platform, maintenance of all other records should be limited to 5 years."

Discussion. We do not agree with this suggestion because this type of information is useful and necessary for consideration during future modifications and repairs during the useful life of the structure, which is normally 20 years or more. However, the subparagraph was modified to incorporate the following: "the as-built structural drawings, the design assumptions and analysis, and a summary of the NDE [Nondestructive Examinations] records."

OCS Order No. 12

Paragraph 1

Comments. One commenter believed that the new requirement to identify all public information is confusing and not consistent with the current practice of only identifying confidential information. It was suggested that the current system be retained.

Discussion. This suggestion was not adopted. In order to maintain confidentiality of certain information, this new system will insure that only those items marked "Public Information" will be made available. All other information will be held confidential.

Paragraph 2

Comments. One commenter questioned the words, "It has been determined" and asked on what basis the USGS made such a determination. There was concern as to the operator's competitiveness after release of certain information.

Discussion. The basis for such a determination that certain data shall be made available is in accordance with the Freedom of Information Act, the OCSLA, and the Department of the Interior regulations contained in 30 CFR Part 250. Definitions of confidential and public information are found in 30 CFR 250.2, "Definitions," and 250.3, "Data and information to be made available to the public."

The USGS believes that the term, "It has been determined" is vague and subject to interpretation, and in order to avoid confusion, the words were deleted from the introductory sentence of paragraph 2 and subparagraph 2.10.

Subparagraph 2.1

Comments. No comments received.

Discussion. Nonproprietary well status information must be reported in accordance with 30 CFR 250.93, *Monthly report of operations.* The remarks column is often used to make proprietary explanatory statements. The subparagraph was revised to require the lessee to delete such proprietary information from the public information copy.

Subparagraphs 2.2.2 and 2.2.3

Comments. It was suggested that "Item 26, Type Electric and Other Logs Run" should be exempt from public inspection after commencement of production, since certain geological and geophysical data are exempt from disclosure under the Freedom of Information Act.

Discussion. This suggestion was not adopted. It is the policy of the Department of the Interior to make records available to the greatest extent possible according to 43 CFR 2.13(d), which implements the Freedom of Information Act, and in accordance with 30 CFR 250.2 and .3 which implement the OCSLA.

In addition, lease stipulations require that certain geological and geophysical information are subject to public inspection according to 30 CFR 250.3, "Data and information to be made available to the public."

Comments. One commenter was concerned that the release of shallow seismic data for public inspection would destroy the operator's competitiveness since this information can have significance for geology at greater depths.

Discussion. The USGS beleives that shallow seismic data will not harm the operator's competitiveness, since the information is extremely theoretical and, without deeper seismic work, is virtually useless for deep stratigraphic interpretation. In the event of reasonable claim of certain confidential information, the DCM, Offshore Field Operations, may grant exemptions from public scrutiny, as stated in this subparagraph.

Subparagraph 2.11

Comments. One commenter suggested that confidential and proprietary information should not be made available upon the expiration of the lease if "there is unleased federal or state owned acreage in the immediate vicinity of the expired lease." This could result in competitors' access to information acquired at lessee's expense.

Discussion. The request is contrary to the language of 30 CFR 250.3, "Data and information to be made available to the public." This regulation requires release of all information in a certain length of time or as long as the lease remains in effect, *whichever is less.* This means all information is available at least by the expiration of the lease. Subparagraph 2.11 reflects this thought.

Paragraph 3

Comments. No comments received.

Discussion. The introduction to paragraph 3 was revised to include the caveat "Except as provided in 30 CFR 250.3, 250.4, and 252.7, the release of this data is subject to the following restrictions." This caveat is necessary to reflect revisions in the 30 CFR 250 and 252 regulations which were published in the **Federal Register**, on August 7, 1979 (44 FR 46404) and on October 26, 1979 (44 FR 61886).

Subparagraph 3.2

Comments. No comments received.

Discussion. In order to be consistent with 30 CFR 250.3, "Data and information to be made available to the public," the USGS adopted the language of the regulation regarding geological and geophysical data in sections 3.2(a) and 3.2(b).

II. Summaries and Discussions of Comments Received in Response to Federal Register Notice (45 FR 83886) on the Environmental Assessment

General Comments

Comment. Some commenters believe the adoption of these Orders is a major Federal action requiring the preparation of an Environmental Impact Statement (EIS). They cite a passage from *Alaska v. Andrus* 580 F. 2d 465,478 (D.C. Cir. 1978), which suggests that the USGS must prepare an EIS.

Discussion. We have summarized the Orders, considered their effect, and considered the effect of alternative Orders. We followed the Court of Appeals' suggestion. See 580 F.2d 480. We find that the adoption of these Orders is not a major Federal action. We think the Court was correct to observe that:

> While the Orders may have considerable impact on environment, the impact can arise only after a lease sale has been held and drilling operations have commenced under the terms of the Orders. The promulgation of the Orders cannot, by itself, affect the environment in any way.

Before a lessee can drill a well, the lessee must first have a lease and an approved exploration plan. An EIS is always prepared before leasing, and an EA is always prepared before an exploration plan is approved. These documents will analyze the effects of oil and gas drilling. We can see little benefit in preparing an EIS that repeats the analysis of the EIS for the Beaufort Sea Sale BF.

Operating Orders are restrictions on lessees. Like lease stipulations, they are mitigating measures, helping to reduce the risk that oil and gas operations will harm the environment. They do not permit the lessee to drill; the lease and plan do that. The District of Columbia Court of Appeals recognizes that this is an important distinction.

> "[Lease stipulations] constitute *restrictive* instructions to the lessee which can only inhibit the scope of the lessees' operations. As the stipulations are in no way *permissive* it is underly speculative how else the Secretary might have thought to discipline the lessee." *North Slope Borough v. Andrus,* slip. op. at 27.

The Court of Appeals concluded that the lease sale EIS did not have to present a "full-blown explication of alternative lease stipulations." Id. at 26. By analogous reasoning, we think that the issuance of the Arctic OCS Orders does not require an EIS.

Comment. A few commenters remarked that our 31-day period for comments on the assessment was too short.

Discussion. Everyone had earlier opportunities to comment upon the proposed Orders. As for commenting on the assessment, we are not required by the Council on Environmental Quality to circulate an EA for comment. We also note that when an agency initially decides not to prepare an EIS in a situation when it normally would, the Council requires only a 30-day period between the announcement of the decision and the final decision. See 40 CFR 1501.4(e)(2). If 30 days is reasonable there, we think it is reasonable here. We believe we allowed a fair amount of time for comments.

Comment. One commenter stated that the Orders should be expanded to all Arctic waters off the Alaska coast, including the Bering Sea.

Discussion. We have reviewed this comment carefully, and from an operational standpoint, we disagree. Climatic conditions in the Beaufort Sea and the Chukchi Sea may have many similarities with the Bering Sea, but environmentally, there are considerable differences that require different operational approaches. Different ice and permafrost conditions occur in each area. We believe a set of Orders that tried to encompass both areas would be difficult to write and organize, as well as cumbersome to use. We favor splitting the two areas—north of the Bering Straits to be known as the Arctic Area and south of the Bering Straits to be known as the Bering Sea Area.

Part I of EA

Comment. One respondent was not in agreement with the statement contained in Part I.A. that oil and gas exploration activities will not cause significant harm to the arctic environment if they are conducted properly. The commenter cited the potential for oilspills associated with ice override as a threat that compliance with the Arctic OCS Orders will not effectively mitigate.

Discussion. In response, the USGS reaffirms the belief that arctic OCS oil and gas activities can be conducted in a manner that will prevent significant impacts on the environment. With respect to the specific concerns expressed about ice override, these Orders provide that ice movements be continuously monitored. Ice override can be avoided by using special island design and construction techniques and by digging trenches around the island. Trenching is a routine measure taken around existing operations conducted from islands in the arctic.

Comment. Many commenters objected to our interpretation of the restriction on

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drilling from manmade islands seaward of the barrier islands. See 45 FR 83870.

Discussion. The commenter's objections were well taken. The EA stated that *each* artificial island built in water depths deeper than 13 meters had to be left in place for two winters before drilling could begin. The position announced in the Notice of Sale was this: "Drilling from platforms or structures located beyond the barrier islands in water depths in excess of 13 meters will be prohibited *until such time as a test platform or structure of the same type to be drilled from has been in existence in the sale area at a depth in excess of 13 meters for a period of two winter seasons.* Certification of the test structure by an independent engineering firm will be required prior to approving drilling operations from the structure.

The Director will determine the adequacy of the test structure after consultation with designated representatives of the North Slope Borough and the Regional Technical Working Group of the National Outer Continental Shelf Advisory Board, prior to approving drilling operations from the test structure or from platforms or structures of the same type in water depths in excess of 13 meters."

The EA has been corrected to reflect these provisions.

Comment. Two respondents commented on the possibility that gravel islands might have to be removed at abandonment, as provided by Federal Lease Stipulation Nos. 1 and 3. One recommended that these structures be removed in every case to reduce the potential for chronic siltation, structure proliferation, and interference with circulation and to promote the reuse of gravel. The other commented that the net effect of removing an island would be to more than double the environmental impact.

Discussion. The provisions of the Federal lease stipulations were developed by representatives from various agencies in the Department, including the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service, Heritage Conservation and Recreation Service, and USGS and representatives of the National Marine Fisheries Service of National Oceanographic and Atmospheric Administration (NOAA), Environmental Protection Agency and the State of Alaska. In developing these stipulations, due consideration was given to comments that were received on the proposed stipulations included in the Draft Environmental Impact Statement for the Beaufort Sea Lease Sale. The Federal lease stipulations currently in effect on active OCS leases will control.

Comment. A commenter recommended that the Department prepare its EIS on a development and production plan before the plan is filed. "[T]he EIS process [should be] carried out concurrently with delineation of the productive limits of the new field."

Discussion. Section 25(e)(1) of the OCSLA Amendments of 1978 requires the USGS to prepare the EIS on the plan itself. We will work to reduce delay when assessing these plans.

Comment. Several respondents made comments similar to the following comments on the EA:

"The statement that artificial methods of oil and gas recovery will be employed after perhaps 10 to 20 years when the natural reservoir pressure has dropped significantly is not in keeping with state-of-the-art petroleum engineering practice. Under normal operating conditions, reservoir pressure would not be allowed to decline significantly over a period of 10 to 20 years before initiating some form of pressure maintenance program. Artificial lift methods may be required in some wells early in the producing life of the field. These will vary according to the depth, pressure, and type of fluids being produced. Pressure maintenance programs are also initiated relatively early to prevent the reservoir pressure from dropping significantly. Depending upon the type, enhanced recovery methods could be applied at any time during the life of the reservoir. In addition, the EA implies that water flooding or artificial lift operations are 'enhanced recovery' methods, which is inconsistent with the accepted usage of these terms."

Discussion. We agree. In response, the first sentence of the subject paragraph in the EA has been modified as follows: "When a field is developed, pressure maintenance programs are initiated relatively early to prevent reservoir pressure from dropping significantly. Enhanced recovery methods can be applied at any time during the life of the reservoir, subject to reservoir conditions encountered."

Comment. Several commenters addressed Part I.D. of the EA (Summary of Potential Environmental Effects of Exploration Activities in the Beaufort Sea). Comments on this part were both general and specific in nature and ranged from concerns that potential effects of exploration activities were understated and incomplete to concerns that the manner in which potential impacts were presented did not make it clear that a potential effect does not necessarily mean a probable effect.

Discussion. We respond to those comments collectively, as follows: It is noted in the first paragraph of Part I.D. of the EA that the discussion of potential effects of exploration activities represents a brief and general summary of the exploration related impacts detailed in the EIS prepared by the BLM for the Beaufort Sea Lease Sale. We believe that Part I.D. accurately summarizes the related information contained in the Beaufort Sea EIS, but we do acknowledge that it was subject to varied interpretation. It is noted in Part I.B. of the EA that a separate EA will be prepared by the USGS for each exploration plan prior to approving or disapproving the conduct of specific exploration activities. The exploration plan EA will describe the potential site-specific impacts of activities proposed. This will include any new or additional information gathered by the USGS not found in the Beaufort Sea EIS. We believe that a review of the plan-specific EA and Beaufort Sea EIS must be undertaken before an objective judgment can be made regarding the potential effects of a particular exploration proposal.

With respect to exploration well blowout potentials, several respondents commented that our use of USGS blowout statistics for the Gulf of Mexico is misleading. Some commenters felt that these statistics underestimate blowout potentials for the Arctic Area because the operating environment is unusually hostile, and others felt that blowout potentials would probably be reduced in the Arctic Area because gravel islands and land-type drilling rigs will be used instead of classical offshore drilling equipment. We cautioned in the EA that forecasting arctic blowout probabilities based on statistics from other areas could be misleading. These statistics were included for the purpose of providing a general frame of reference for those persons unfamiliar with the blowout experience in other OCS areas.

In response to comments received stating that the summary did not consider the environmental impact potentials of development activities, we reiterate a statement made in Part I.C. of the EA. At some point in the development phase of Beaufort Sea leases an EIS will be prepared for at least one development and production plan to examine the effects of development activities on the environment.

Finally, one respondent was concerned that the discussion in the EA does not consider the potential environmental effects of seismic exploration conducted in the lease sale area. The activities referred to in this comment may include both prelease and postlease geological and geophysical activities. The postlease activities provide information necessary for developing an exploration plan. They were not considered in the EA, because they do not constitute activities that are conducted under an approved exploration plan. However, an analysis of environmental effects of these activities will be conducted by the USGS. Proposals to conduct prelease and certain other types of geological and geophysical survey activities are evaluated in accordance with the provisions of the Department's regulations found in 30 CFR 251. In addition, for Beaufort Sea OCS leases, lessees will be required to notify the USGS of their intentions to conduct postlease "preliminary activities" (30 CFR 250.34–1) as provided by the notice to Beaufort Sea bidders published at 44 FR 70238 on December 6, 1979. An analysis of the effects of these activities will be conducted prior to commencement of preliminary activities in order to identify potentially significant adverse impacts on the natural resources of the arctic OCS.

Environmental Effects of the Proposed Arctic OCS Orders and Alternatives

Comment. One respondent commented that the discussion of the proposed operating orders was inadequate. "The scope of the analysis of alternatives in the environmental analysis is too narrow. As a general matter, we believe that the analysis of alternatives must include operating restrictions imposed in areas as comparable as possible to the Arctic Sea, particularly in other areas with severe weather conditions. However, the Environmental Analysis bases its consideration of alternatives only on the operating orders adopted for the Gulf of Mexico. The Gulf is obviously not even remotely comparable to the Arctic Sea. We urge that the Department consider the restrictions adopted for the following areas in analysis of alternatives. First, it should consider the types of operating restrictions which foreign nations have imposed upon OCS operations in other extremely hazardous areas, such as the Canadian Beaufort Sea and the North Sea. Those areas also face extreme climatic problems. While they may not include ice and permafrost, the harsh conditions demand that exceptional precautions be taken to prevent accidents. Moreover, several accidents, including a major blowout, have occurred in recent years at offshore operations in the North Sea. Studies of the causes of those accidents and of the action necessary to stop blowouts and remedy their adverse consequences may have resulted both in significant changes in operating procedures and in requirements which are applicable to Arctic operation as well.

In addition, the Environmental Analysis does not adequately analyze the possibly harmful environmental impacts of the requirements in these orders. For example, while there is a definite need for good lighting of work areas during drilling, as the Arctic Operating Orders require, strong lights in an otherwise dark environment could attract birds and other species and wildlife. These wildlife could be killed or seriously harmed through collision with the drilling rigs or other structures. Therefore, it is important to assess the effects of having strongly lighted spots in the winter darkness.

The proposed Orders introduce some specific requirements as to the quality and quantity of equipment and materials which must be used and kept in storage during various operations. The Orders also require the lessee to perform various activities such as monitoring, surveillance, inspection, testing and reporting. While a prudent lessee might have implemented many of these requirements, some others, particularly those regarding equipment, materials and testing activities, would presumably not have been implemented voluntarily by the lessee. Consequently, these requirements will result in additional needs for manpower, logistics and space and such additional needs will aslo have environmental effects. Since these effects have not been addressed in the analysis, we recommend that a detailed consideration of these matters be made."

Discussion. USGS does not agree with this statement. In developing the Arctic Orders we searched for areas where comparable operations were being carried on. We examined North Sea operations. The North Sea has harsh weather conditions but they are not similar to the Arctic. More importantly, the character of operations are different. In the Alaskan Beaufort Sea most operations will be conducted from gravel or ice islands. In the North Sea all exploratory drilling operations are conducted from mobile drilling units. Canadian operations were also examined but were found to be dissimilar in some respects. In the Mouth of the MacKenzie River Delta, gravel islands are being built and used, while in the Canadian Beaufort and in the vicinity of the High Arctic Islands, some operations are accomplished using mobile drilling units. The Prudhoe Bay Field in Alaska, adjoining the Beaufort Sea lease area, was the only area that had comparable weather and operating conditions and a sufficient operating history for the USGS to use as a base for comparison. This field operates under the State of Alaska regulations. These regulations have evolved from the rules and procedures that governed Federal leases for years. Many of the State's requirements and procedures were adopted from the USGS operating manual. We believe that we could best accomplish our purpose by using a set of sound operating orders and changing them to meet specific arctic weather and environmental conditions. Many of the requirements of our Orders are refinements of the Canadian requirements written for operations under arctic conditions. We believe the statements about lighted areas being hazardous to birds is unsound. The seasonal drilling restriction allows only winter oprations for at least the first two years. Birds do not inhabit the area of operations during the winter season. If, at the end of the two-year period, the USGS determines that year-round activities will have unacceptable adverse effects on birds, the seasonal drilling restriction can be extended or other mitigating measures can be adopted. Additional personnel will not be required to implement Order requirements such as monitoring, surveillance, testing, and reporting, since these activities are common everyday practices of competent operators in the petroleum industry. Our inspection system will ensure that these activities are safely carried out. Furthermore, the impacts of personnel required for specific exploration activities will be addressed in the EA for each exploration plan.

Comment. One respondent objected to the manner in which the USGS treated the environmental impacts of the proposed Orders. The commenter believes that the USGS must determine the effectiveness of the Order provisions in reducing the potential for harm to the arctic environment.

Discussion. The USGS believes that it is not possible to make a quantitative assessment of effectiveness of the Order provisions in reducing the potential for environmental impact. Oil and gas activities on the U.S. OCS have long been subject to the provisions of operating restrictions. We have no data that accurately demonstrate the adverse effects of operating without OCS Orders. A comparative study could be conducted in an OCS area, such as the arctic, by allowing activities in part of the area to be conducted without regard to OCS Orders. Over a period of time,

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the differences in observed environmental effects might then provide an objective measure of the effectiveness of the Orders. This approach to determining incremental benefits of OCS Orders is not acceptable for obvious reasons.

We should have included a statement in the EA pointing out that a quantitative assessment of impacts is not possible for the Arctic OCS Orders. In response to the comment, such a statement was added to the introductory paragraphs of Part II of the EA which contain the analysis of the environmental effects of the proposed Orders.

Comment. Several commenters responded to the requirements for marking of equipment in paragraph 5 of Order No. 1, as presented in the EA.

Discussion. Refer to the discussion of paragraph 5 of OCS Order No. 1 in section I of this Notice.

Comment. One commenter on the EA recommended we modify the Orders as follows: "Require the lessee to send USGS a copy of its notification to the Coast Guard of the location of each marine structure before the structure is emplaced."

Discussion. We believe it is unnecessary to adopt this recommendation. The USGS sends a copy of each exploration plan to the U.S. Coast Guard for review. The plan identifies the proposed location of each structure to be placed on the OCS. In reviewing the plan the U.S. Coast Guard will be made aware of the lessee's proposal to emplace a structure on the lease. Lessees should be aware of their obligations to notify each of the various involved Federal agencies concerning their operations.

Comment. One commenter believes that it is improper for the EA not to analyze Orders 6, 9, 11, 13, and 14. "The fact that Arctic Operating Orders for these activities have not yet been prepared makes it impossible to do a complete assessment of the environmental effects of the future oil and gas activities associated with the Arctic OCS Orders."

Discussion. These five Orders are currently being developed. We realize that the assessment does not have the scope that this commenter wishes, but we have assessed the currently proposed Orders thoroughly. The reasons for not proposing Orders Nos. 6, 9, 11, 13, and 14 were briefly identified in the introductory paragraphs of Part III.B of the EA. The Lease Sale EIS and the future EIS on a development and production plan will present a full review of these activities.

Comment. It was commented that the EA occasionally refers to the requirement that lessees show in their emergency plans that they will be prepared to drill one or more relief wells, whereas, the requirement in OCS Order No. 2 calls for the plan to show that the lessee will be prepared to drill a relief well.

Discussion. The intent here was to ensure that the lessees will do what is necessary to control a blowout, should one occur. In most cases when other efforts fail, this would entail the drilling of one relief well, which is the requirement of OCS Order No. 2, subparagraph 1.1a. If the first relief well is unsuccessful, a subsequent well(s) may need to be drilled, and the planning for drilling would be made at that time.

Comment. Some commenters felt that the EA did not cover the subject of blowouts in sufficient detail. In their view, the EA did not analyze sufficiently the importance of relief wells in controlling the amount of oil spilled from a probable blowout.

Discussion. The EA stresses the backup systems that prevent the occurrence of a blowout, the remote likelihood of an oil blowout in exploratory drilling, the success of other methods in controlling blowouts should one occur, and the use of relief wells only as a last resort. Further, the discussion highlighted that the time required to prepare a drilling pad for a relief well amounted to only a fraction of the total time required for the achievement of blowout control.

We believe that the subject has been amply discussed.

Comment. One commenter suggested that the OCS Orders should require the applicant to identify an alternate drilling platform which could be used to drill a relief well in the event of a loss of well control. It was stated, "This is desirable because it could significantly reduce the time to drill a relief well and the amount of oil spilled during a pollution incident. The applicant would not be expected to build redundant islands, etc., but would be expected to design his facilities such that a drilling pad could be rapidly constructed on the slope of the artificial island, or on bottom fast ice."

Discussion. Lessees' proposed plans with respect to relief wells will be examined to ensure that they are adequate from a timing and technical standpoint.

Comment. Another commenter stated that in order to assure that BAST is achieved, each general rig design should be subjected to a systematic risk analysis by identifying chains of failure that could lead to critical events, and that components which warrant redesign or redundancy can be identified and technology brought up to standard.

Discussion. Lessees are required to use the best available and safest technologies (BAST). As stated in the USGS document entitled, "The Use of Best available and Safest Technologies (BAST) During Oil And Gas Drilling And Producing Operations On The Outer Continental Shelf". "BAST is a broad concept, and like all broad concepts, requires careful consideration before specific applications. The modifiers 'best,' 'available,' and 'safest' are imprecise, especially when they are combined in the phrase 'best available and safest.' In addition, the other considerations specified in section 21(b) of OCS Lands Act amendments—'economically feasible,' 'significant effect,' and 'incremental costs v. incremental benefits'—further complicate interpretation of the requirement. The Marine Board Panel, in attempting to bring specificity to the meaning of these general terms, reviewed the legislative history and the experience the Environmental Protection Agency has had in interpreting technology mandates under the Federal Water Pollution Control Act, developed broad parameters for how these terms might be applied to OCS oil and gas operations." That discussion is abstracted in the following sections:

"Best"

There may be more than one "best" way to achieve a particular objective or do a particular job. It may be expected that "best" means that which would most completely fulfill the composite purpose of the legislation, not necessarily the most expensive or sophisticated.

"Available"

The House Committee was impressed with the technological advances made by the industry on its own and indicated its desire to have those advances (as actually used on at least some operation) applied universally. The Committee also wanted to encourage the development of new and improved technology to minimize risks to the environment. Discussion concerning the term "available control technology" found in the Federal Water Pollution Control Act Amendments of 1977 indicates that the technology does not have to be in actual use somewhere, but the technology must be available at a cost and at a time which the EPA Administrator determines to be reasonable.

The foregoing comments about the terms "best" also apply to the term

"safest". The legislative history of Federal Water Pollution Control Act Amendment of 1977 indicates that it means something more than "safe". The exact meaning would be left to administrative discretion.

"Technology" (and "Technologies")

In contrast, the meaning of "technology" (and "technologies") was extensively debated by the Congress. It was emphasized that more than one technology may be applicable as the best way to achieve a particular objective or to do a particular job. Hence, the word "technologies" was inserted. There was substantial concern about the anticompetitive and innovation-stifling impacts of designating single technology, technique, or product as "best" and banning the use of any other.

"Existing"

BAST is required for all new operations, but is required for existing operations only where practicable. It is clear that "existing" is at the time of the introduction of better or safer technologies and not at the time of the passage of the Act.

"Economically Feasible"

BAST is not required if not economically feasible. If the incremental benefits are clearly insufficient to justify the incremental cost it is not economically bearible. The choice of language was patterned after the terminology in existing environmental laws.

"Significant Effect on Safety, Health, or the Environment"

Congress provided little guidance as to when the incremental benefits are clearly insufficient to justify the incremental cost of utilizing BAST. The Secretary of the Interior urged that language be incorporated into the OCSLA Amendments of 1978 law that would prevent standards being imposed that were so costly as to prohibit the extraction of oil and gas. While not specifically adopting the approach recommended by the Secretary, the Conference Report states that "language provides for economic feasibility to be a balance of cost against benefits."

"Application of BAST"

Testimony and questioning at hearings which addressed the OCSLA Amendments of 1978 indicated that small, individual elements of an OCS operation were not the object of a BAST specification. BAST was not to be applied installation-by-installation, company-by-company, or lessee-by-lessee. Instead, the Department was to implement the requirement in a reasonable manner on an industrywide basis or with respect to classes or categories of operations. By requiring the use of BAST, Congress sought to assure the "highest degree" of safety in OCS operations, using an economic balancing process to prevent the possibility of unreasonable application. The OCS Lands Act Amendments clearly require that existing technologies be reviewed and the best available of those technologies be applied when practicable. The Amendments could also be interpreted to mean that new technologies should be developed if the existing technologies are proven to be inadequate. The BAST requirement is limited to technologies and is not designed to mitigate human errors.

The Marine Board findings lead to certain general principles:

- Technologies used during OCS drilling and producing activities should provide the safest and most reliable cost-effective operations.
- The BAST requirements should be applied in an efficient manner that recognizes the availability of the specific technology and the consequences of requiring or not requiring its use. The BAST program must encourage continuing improvement of the technological capability of the petroleum industry.
- Technologies in question are limited to equipment.
- When a gap in technology is discovered, the Government should take the lead in seeing that new technologies are developed.
- The BAST Program should provide for public participation in the development of requirements."

Comment. Some industry commenters are unhappy with 30 CFR 250.35. They want the 90-day rule increased to a 180-day rule in the arctic.

Discussion. A regulation, not the proposed Orders, governs this point.

Comment. One commenter recommended the following concerning the EA: "Monitoring of performance data should explicitly include monitoring of the rig for structural integrity by diver inspection, etc."

Discussion. We agree. Steps have been taken to develop a monitoring program for structural integrity. By notice on October 16, 1980 Federal Register (45 FR 68665), the USGS served notice of the intent to develop requirements for periodic inspection of fixed offshore oil and gas platforms for stuctural integrity.

Comment. On commenter stated, referring to the EA: "Evaluation of the operation of safety equipment in subfreezing conditions should explicitly include the effects of ice encrustations."

Discussion. We agree and believe the Arctic OCS Orders adequately cover this area. The Orders state repeatedly that all equipment used must function properly under subfreezing arctic conditions. The term subfreezing arctic conditions is an all-inclusive statement and covers ice encrustation.

Comment. Several commenters suggested that the requirement for the cement placed across permafrost zones to have a low heat of hydration so as not to thaw frozen formations be deleted. This recommendation is based on current experience which indicates that the heating effect of cements having high heats of hydration may not be be significant.

Another commenter recommended, "Instead of adopting an arbitrary standard such as 25 Btu/lb, it is recommended that some degree of certainty should be introduced by stating as acceptable cement (gypsum-base with heat of hydration of 15–18 Btu/lb) and allowing alternatives if they, too, have appropriate qualities. These might be (1) minimizing permafrost melt, (2) good set-up and strength characteristics in subfreezing conditions, and (3) long life under arctic drilling conditions. Cementing in hydrate zones (which can occur in regions even significantly below the permafrost) may require special techniques, with even lower heat of hydration than now in use in permafrost [zones] free of hydrates. Special cements may be required to seal to the hydrate-rich zones. It is difficult to conceive of a perfect cement bond in a hydrate-rich zone if the cement produces heat in setting. This is *not* a trivial problem, but a serious technological challenge which should be met so that unexpected pressure changes at lower levels can be contained."

Discussion. Desirable characteristics for cements used against permafrost zones include short waiting-on-cement time, ability to set at existing borehole temperature, ample placement (thickening) time, sufficient strength development for well operations, and ability to set with low heat of hydration to prevent additional permafrost melting. Specific cement blends proposed for use in each Application for Permit to Drill shall be reviewed for their overall effectiveness. USGS believes that use of cements with low heat of hydration could only contribute toward the enhancement of the quality of a cement job. Also, a specific requirement for the cements used, to have heat of hydration of 15/18 Btu/lb, is no considered necessary. The present

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requirement allows the lessees to improve the evolving technology of cementing in permafrost zones within broad acceptable guidelines.

Comments. Several respondents suggested that the requirement of the penultimate paragraph of subparagraph 3.3.1 of OCS Order No. 2, limiting the setting depth of conductor or surface casing in permafrost area, to less than 150 meters (492 feet) below the base of the permafrost, be deleted until such time as sufficient OCS wells have been drilled to determine the requirements needed to provide reasonable protection.

It was stated that experience from drilling in State waters of the Beaufort Sea indicated a discontinuous and much thinner permafrost thickness than onshore, and that as a result the freezeback and possible subsidence problems should be minimal in the OCS areas. It was suggested that in order to prevent imposition of irrevelant orders, those provisions of the OCS Orders dealing with permafrost "protection" be deleted until sufficient data are available from future arctic OCS wells to establish the necessity of such Orders.

Another commenter suggested that the first sentence of this subparagraph be changed to read, "In areas containing permafrost, the conductor or surface casing shall be set and cemented after drilling a maximum of 150 meters (492 feet) below the base of the permafrost, but at a depth that ensures good anchoring of the casing."

Discussion. In the Beaufort Sea OCS the depths to the base of the permafrost zone can only be ascertained by actual drilling. At the present time analyses of the data obtained from all available information points to a high probability of the existence of permafrost zones in the Beaufort Sea OCS and that these permafrost zones will be at shallower depths than in the adjacent onshore areas. Therefore, the USGS disagees with the suggestion that the OCS Orders provisions for dealing with permafrost "protection" should be deleted at this time.

However, the concerns expressed about the setting depth requirements for conductor and surface casing in permafrost whose depth may vary from site-to-site, have some merit, and the requirement was modified as follows: "In areas containing permafrost, lessees shall submit with their Application for Permit to Drill, casing programs that incorporate setting depths for conductor and surface casing based on anticipated depth of the permafrost at the proposed well location, and which utilize the current state-of-the-art methods to safely drill and set casing through the permafrost zones. The casing programs must provide for protection from thaw subsidence and freezeback effect, proper anchorage, and well control until the next string of casing is set. Minor deviations for the setting depths of conductor and surface casings in permafrost areas from those prescribed for permafrost-free areas in the preceding paragraph, may be permitted by the District Supervisor."

Comment. One commenter observed that some sections of the EA referred to "directional" surveys; however, the proposed Order No. 2 required only inclination survey on vertical wells. Order No. 2 defines vertical wells as those wells where inclination does not exceed 3 degrees from the vertical.

Discussion. This omission has been corrected in the EA.

Comment. One respondent commented on subparagraph 2.1.1 of Order No. 2 which requires the lessees to submit six types of specification/information. It was suggested that the following requirement be added to ensure that the proposed drilling unit will be capable of performing the planned drilling operations under arctic conditions.

"f. Plans, design drawings, and diagrams showing how systems under b, c, and d will be protected from subfreezing conditions, or the manufacturer's certification that equipment and safety systems will operate under subfreezing conditions."

Discussion. As required in subparagraph 2.1.5, *Subfreezing Operations,* lessees shall furnish evidence that the drilling equipment, drilling safety systems, and other associated equipment, and materials are suitable for operations under subfreezing conditions.

Also, paragraph 11 of OCS Order No. 2 requires the lessees to use the best available and safest technologies (BAST). For all equipment, procedures, or systems to be used, the lessee shall submit such information necessary to indicate the use of BAST, the alternatives considered to the specific equipment or procedures, and the rationale why one alternative technology was selected in place of another. In view of the foregoing, the USGS had determined that the suggested addition will serve no useful purpose.

Comments. One commenter proposed that Arctic Operating Order No. 2 adopt the same requirement for surveys every 30 meters that is imposed by the State of Alaska. It was also proposed that the second paragraph of this section be amended to read as follows:

"Continuous directional surveys giving both inclination and azimuth, shall be obtained on all directional wells at intervals not exceeding 30 meters (90 feet)."

Another commenter questioned the justification for increasing the number of surveys to improve the operator's ability to drill a successful relief well. It was stated, "This is false reasoning. Frequent surveys will result in a more detailed projection of a well's course. It does not necessarily follow that there will be significant improvement in the accuracy of the calculated versus actual well course. The well survey instruments are not 100% accurate and the calculation procedure to determine the well's course does not give results that are without some degree of error. The idea that more is better does not always apply and this implication of an increased chance of a successful relief well due to more frequent surveys does not consider the complexity and uncertainty inherent in relief well scenario."

Discussion. For vertical wells, the State of Alaska requires surveys every 500 feet. The requirement for surveys every 100 feet is applicable only when the surface location of a well is less than 660 feet from a lease line where ownership changes, or from any other vertical deviated well.

For all intentionally deviated wells, the State requires surveys at intervals not more than 100 feet apart.

However, all these requirements apply to production wells. The current requirements of OCS Order No. 2 permit collection of sufficient data to track the well course. Should a commercial discovery be made, the frequency of these surveys will be reviewed for the highly deviated production wells.

Comment. Another commenter suggested that the requirement for filing of a composite dipmeter directional survey on every well drilled could be very costly, and will increase the risk of blowouts/hole problems due to the additional time that the well will have open hole exposed to the wellbore.

Discussion. The requirements of Arctic OCS Order No. 2 apply only to exploratory and development wells. Should a commercial discovery be made, several provisions of this Order could be superseded or modified by the issuance of field drilling rules.

Comment. Several commenters suggested that the use of a directional tool which allows the operator to run a continuous survey while drilling be made a requirement.

Discussion. The present requirements permit the gathering of the needed data for an accurate tracking of the wellbore. USGS believes that the suggested

change would impose unwarranted economic burden on the lessee, considering the minimal benefits that would be obtained from the additional information. This suggestion was not adopted.

Comments. One respondent stated, "The analysis states that in order to protect against ice scouring of subsea blowout preventers, it is necessary to excavate deep depressions in the sea floor for the emplacement of such blowout preventers. We agree, but do not believe that this requirement is specified in Operating Order No. 2. Therefore, we recommend that it be specified in that Order."

Discussion. The USGS agrees with this recommendation and has added the following requirement to subparagraph 5.3:

"When a subsea blowout-preventer stack is to be used in an area which is subject to ice scour, the blowout-preventer stack shall be placed in an excavation (glory hole) with the top of the blowout-preventer stack below the deepest possible ice scour depth."

Comments. One commenter suggested that the requirement, "Mud temperatures shall be controlled to minimize heat loss to the permafrost and to minimize thawing of the permafrost which can result in serious well problems while drilling through the permafrost," be deleted. It was argued, "Taken literally the proposed rule would require that mud systems be equipped with a means of maintaining mud temperatures at or below permafrost temperature. This would perhaps not require anything but a heat exchanger during the winter drilling activities, while in summer, elaborate refrigeration systems may be required. In either case, mixing and maintaining quality drilling mud is difficult at or near 0°C. Theories have been advanced on the effectiveness of various elaborate precautions to prevent thawing of the permafrost from drilling activities; however, experience in Prudhoe Bay Field and elsewhere has shown these precautions are largely unnecessary."

Another commenter stated, "the temperature of offshore permafrost is much closer to +32°F than is the temperature of onshore permafrost." It should be specified that, "the drilling fluid temperature be controlled to be below 32°F, to ensure that the melting is minimal. Heat generated by drilling may cause some melting, but mud temperature below +32°F will minimize this. The colder mud will also reduce the rate of conversion of gas hydrates into gaseous form, thus assisting in well control in hydrates zones."

Discussion. USGS rules do not require cooling of muds down to 32°F, only controlling of mud temperatures and use of mud systems that keep permafrost thaw to a minimum and conform to the current state-of-the-art in drilling through permafrost zones.

We agree that mixing and maintaining the quality of drilling mud is difficult at 32°F.

Neither of the suggested changes were considered necessary.

Comment. In comments on the EA, one respondent recommended that mud discharges should not be allowed into the marine environment.

Discussion. We disagree in part with the comment. The question of mud discharge was thoroughly studied in the preparation of the Beaufort Sea Joint Federal and State Lease Sale EIS and resulted in a lease stipulation which prohibits mud and cuttings discharge in areas with less than 10 meters water depth. Order No. 7 states the District Supervisor must give approval of mud discharge on a case-by-case basis. This gives the District Supervisor an opportunity to review the site-specific data before giving approval or disapproval on the application for mud discharge.

Comment. One respondent made the following comment: "The subsection on the mud program notes that approval of the District Supervisor is required prior to drilling activities. Since this is an environmental assessment, we believe it would have been worthwhile to consider a requirement for the use of less toxic mud components. We recommend that the USGS consider whether such a requirement may be feasible in the final Arctic OCS Orders."

Discussion. We do not accept this suggestion. Mud programs are designed with specific objectives in mind and unfortunately in order for the muds to have certain desired qualities toxic materials may have to be introduced into the mud program. This is the reason why Order No. 7 requires the District Supervisor's approval for mud disposal on a case-by-case basis. Where toxic materials are contained in the mud, the District Supervisor can require onshore disposal in an acceptable disposal area.

Comment. One respondent commented that the discussion of gas hydrates as a blowout cause is misleading, because there is no mention of routine monitoring and remedial measures that would serve to reduce this threat.

Discussion. In response to this comment we must first point out that there is a rather significant typographical error in this part of the Notice (45 FR 83875). The statement published which related to this comment read, "A rapid decomposition of gas hydrates caused by a drilling fluid that is too warm *would* cause a blowout by * * *." This statement should read, "* * * *could* cause a blowout by * * *."

With respect to the concern over the lack of discussion about monitoring and remedial measures, we refer the commenter to the EA section on the same page of the notice entitled "Blowout Preventer Equipment Requirements," and the paragraph that precedes the discussion which generated the comment. It is acknowledged that the purpose of the BOP is to provide a means for controlling a well when primary control has been lost due to insufficient mud hydrostatic pressure. The discussion of the use of drilling muds also acknowledges their critical well control function. We feel, therefore, that there is no need to repeat that discussion when discussing gas hydrates.

Comment. One commenter observed: "EA describes that enclosed mud-handling areas must be maintained at a negative (relative) pressure to prevent discharges from an adjacent area. It seems that the purpose is to prevent a discharge to, rather that from, an adjacent area."

Discussion. This is due to a typographical error. The requirement under subparagraph 6.4b Arctic OCS Order No. 2 on page 83896 of the **Federal Register** Notice does correctly require prevention of discharge from enclosed mud-handling areas to enclosed adjacent areas.

Comment. It was commented that the requirements of Order No. 2 conflict with those U.S. Coast Guard regulations. "The proposal requires enclosed mud-handling areas to have ventilation systems (1) capable of changing the air once each 2 minutes automatically on signal indicating the presence of gas, (2) that they will maintain a negative pressure relative to surrounding spaces, and (3) have pressure sensors, gas detectors, and explosion proof or ventilated electric equipment. Existing U.S. Coast Guard regulations for Mobile Offshore Drilling Units, 46 CFR Part 108.185(d), require that "Each ventilation system for enclosed classified locations must provide complete change of air every five minutes." Both requirements are designed to prevent the concentration of flammable gas reaching the lower explosive limit (LEL) of about five (5) percent. It is believed that the U.S. Coast Guard requirement applying to all mobile drilling units is practical and provides an adequate safety factor. The proposed requirement is a dual standard requiring unnecessary

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expenditure, and it is not justified by the USGS."

Discussion. After review, the USGS agrees that subparagraph 6.4 of Order No. 2 should be modified. The requirement for changing the air every 2 minutes has been increased to 5 minutes to conform with U.S. Coast Guard requirements. This also conforms with the American Petroleum Institute Recommended Practices 14 C, First Edition, June 1974, Appendix C, Section C 1.3b.

Comments. Another comment received regarding the "enclosed mud-handling area" subparagraph of Order No. 2 stated:

"Requiring that the air in enclosed mud-handling areas be changed every two minutes instead of every five minutes as the U.S. Coast Guard requires would result in an unnecessarily high air heating load. Further, such high rates of ventilation may result in freezing of mud and instruments."

Discussion. The USGS does not agree with this statement, but has changed the ventilation rate to conform to U.S. Coast Guard requirements.

Comments. One commenter suggested that rather than relying on a potentially unreliable mechanical device to turn on the ventilation system, a manual system should be allowed.

Discussion. The suggestion for allowing the use of manual system to turn on the ventilation system was not adopted. We believe that properly maintained automatic systems are reliable. Manual systems rely on the presence of personnel. If the personnel are not present when the alarms are triggered, the ventilation system will not be activated. This would defeat the purpose of the requirement that combustible gases not be allowed to accumulate in enclosed mud-handling areas.

Comments. One respondent commented that our requirement in subparagraph 6.4 of Order No. 2 that ventilation systems be activated by detectors indicating "the presence of gas" is arbitrary. It was suggested that the requirement be revised so that ventilation system be activated by detectors indicating the presence of gas in concentrations of about 20 percent of the lower explosive limit.

Discussion. In response to this comment, we have revised subsection 6.4a. to require that gas detectors activate the ventilation system, when gas concentrations reach one percent of the total volume of air. This represents approximately 20 percent of the lower explosive limits for methane.

Comment. One commenter stated that the Arctic Orders should provide some standard level of protection to marine mammals for all potential arctic lease sale areas, suggesting that sighting of whales in the vicinity of drilling operations should be considered a criterion for curtailment of critical operations.

Discussion. The USGS disagrees. The USGS must wait until NOAA assembles some definitive information concerning the impacts of drilling operations on the whales. We do not anticipate significant problems during the two-year period. We believe that at the end of the two-year period, should a decision be made to allow year-around drilling, any mitigating measures can be addressed through a notice to lessees. In this way, NOAA can make recommendations site-specific, and the USGS can tackle the problems more effectively than by placing requirements in the OCS Orders.

Comment. One commenter stated, "The Arctic Order No. 2, Section 9 does not explicitly specify the monitoring of ice conditions during critical operations. But the commentary of Arctic Order No. 2, Sec. 9 (45 FR page 83876) says that continuous monitoring is required by the Order No. 2. We suggest that the Order No. 2, Section 9, be made to specify explicity that monitoring of ice conditions be done during critical operations."

Discussion. We agree. Subparagraph 2.1.4 of Order No. 2 states that lessees shall monitor ice conditions during operations. This is an overall requirement and applies to critical operations as well as normal operations.

Comment. One commenter states, "Critical drilling operation No. 7 [listed in OCS Order No. 2] describes moving the drilling vessel off location in an emergency. Remotely controlled anchor releases have been used with success in the Canadian Arctic. We should require systems of similar flexibility and responsiveness off Alaska. Used in conjunction with riser buoys, these could also aid in repositioning a rig."

Discussion. We believe the use of remote-controlled anchor releases has merit, but we do not believe we can require the use of such equipment in all cases. Our Orders require the operator to use BAST in all oil and gas operations. We can review and recommend, but we cannot force an operator to use a particular system or equipment as long as the operator is using equipment which conforms to the requirements of BAST.

Comment. One respondent commented on the discussion in the EA, stating that the lessees will burn off the produced oil or gas in a hot flame. It was suggested that an additional statement should be added to the EA discussion of Order No. 4 to the effect that the lessee may elect to burn off only the gas and use other means to dispose of the liquids. This option would provide more flexibility and would mitigate the environmental effect of "some air pollution."

Discussion. In response to that suggestion, we have added a statement to the EA acknowledging that the lessee may elect to burn off only the gas and dispose of the liquids at an approved onshore site.

Comment. It was commented that, "the requirement for the installation of subsurface safety devices seems to be more restrictive in some cases by requiring "approval of a setting depth . . . *so that it can be set below permafrost,*" (emphasis added). The need to set the SSV [subsurface safety valve] below the permafrost is based on outdated concepts. The proposed field rules for the Kuparuk will recommend that the SSV be set close to the surface within the permafrost zone. The setting depth for the SSV should not be arbitrarily restrictive, but should be based on the best available and safest technologies."

Discussion. The requirement in its present form specifies that "In permafrost areas, the setting depth of the subsurface-safety device shall be approved by the District Supervisor on a case-by-case basis." This provision allows the lessee to demonstrate the effective use of devices that function properly and efficiently in permafrost zones, even when the wells are shut in over prolonged periods. Such devices conform to BAST criteria. In the absence of such evidence, the placement of such devices below the permafrost will only be prudent. The suggested deletion was not adopted.

Comment. One commenter suggested that a requirement concerning a firewater system should be protected from subfreezing conditions and should be added to subparagraph 5.1.8 of Order No. 5.

Discussion. This suggestion was adopted in a modified form. The requirement quoted below is applicable to all production equipment, production systems, and other associated equipment and was added as 1.1, *Subfreezing Operations*, in Order No. 5. Also, requirements pertaining to operations under subfreezing conditions in subparagraph 3.4 and paragraph 4 of Order No. 5 were removed as the following applies to all production systems, equipment, materials and operations.

1.1 *Subfreezing Operations.* Lessees shall furnish evidence that the production equipment, production safety systems, and other associated equipment and materials are suitable for operations under subfreezing conditions and that all equipment and operating procedures take into account floating ice, icing, and other extreme environmental conditions that may occur in the area.

Comment. It was suggested that the proposed requirement for "at least 30 minutes of run time for fire pumps during platform shut-in" was inadequate and that the same should be increased to 12 hours.

Discussion. We believe the present time requirement should provide enough time to control the fire or time to take other actions.

Comment. One commenter suggested that owing to the especially difficult operating conditions present in the Arctic, the USGS should impose strict controls over simutaneous operations, given the higher risks of accidents in these situations.

Discussion. The plans submitted by the lessees for simultaneous platform operations will be throughly reviewed for adequacy at the time they are submitted. Full consideration will be given to the environmental concerns. We feel that the present requirements of subparagraph 5.3 of OCS Order No. 5 adequately address the subject.

Comment. One commenter suggested that, based on frequent testing and calibration required in the North Sea, the USGS requirement of testing and recalibrating the gas detection systems every 6 months be changed to 3-month intervals.

Discussion. Since this suggestion should contribute toward enhancement of safety of arctic OCS operations in enclosed areas, the suggestion was adopted.

Comment. In response to the EA discussion of Order No. 7, one respondent stated that commercial fishing may not have reached its potential in the Chukchi Sea and Beaufort Sea but subsistence fishing was important and that we should change the phrase "commercial fishing" to "fishing" or "commercial and subsistence fishing."

Discussion. We agree. We have changed references from "commercial fishing" to "fishing" in Arctic OCS Orders Nos. 1 and 7 and in the EA.

Comment. One commenter suggests that we amend Order No. 7 to add a method for assessing and remedying damage from oil spills. The elements of the proposed method would include an evaluation program whereby the injured party may affix a value to those resources which are at risk as a result of the proposed development, and an administrative procedure and a fund formed or bond issued which may be held liable for the damage which may occur to the resource.

Discussion. The OCSLA has created an Offshore Oil Pollution Compensation Fund. U.S. Coast Guard regulations create the procedure for filing claims. See 33 CFR Parts 135 and 136. The Alaska Beaufort Sea Oilspill Response Body (ABSORB) organization is currently preparing a Coastline Sensitivity Atlas which will show locations and rankings of sensitive areas, along with specific methods to protect each area from an oil spill. This atlas should be ready by the end of 1981. We see no need to amend Order No. 7.

Comment. One commenter stated, "The disposal of solid chemical wastes on artificial gravel islands should be prohibited. The Orders only prohibit marine disposal, but do not address this issue. Because of the erosion of artificial islands, any wastes incorporated in the island will eventually end up in the water. This has been a serious problem in Canada and is prohibited by State Lease Stipulation No. 8."

Discussion. We feel that Federal Stipulation No. 4, which is identical to State Stipulation No. 8 and paragraph 1 and subparagraphs 1.1.1, 1.1.3a and b, 1.1.4, 1.2., 1.2.1, and 1.2.2 of Order No. 7, adequately address this subject.

Comment. One commenter stated, "It is unclear if the berm on an artifical island is likely to be constructed of gravel and, therefore, subject to redispersal in the environment either through natural erosion or intentional dismantling by man, it cannot be allowed to absorb oil. Therefore, it should be explicitly stated that the berm is to be lined with an impervious material which can be removed at abandonment without losing any remaining oil."

Another respondent recommended impervious barriers in drainage ditches as well.

Discussion. In response to these suggestions, subparagraph 1.1.3.2 of OCS Order No. 7 was revised to read: "On artifical islands, all vessels containing hydrocarbons shall be placed inside a berm lined with an impervious material. The volume enclosed by the berm shall be in excess of the volume of the vessels containing hydrocarbons. In addition, all drainage ditches shall be directed away from the drilling rig to a sump. The rig mat, the drainage ditches, and the sump will be lined with impervious material."

Comment. One commenter maintained "the requirement for a sump system which 'automatically' maintains the level in subparagraph 1.1.3 of Order No. 7, is unnecessary. There is no need for an automatic sump system for land drilling rigs, and this requirement will probably lead to inoperable systems being installed. Automatic systems around drilling rigs in the Arctic have a tendency to freeze and malfunction. We believe a system that is manually maintained reliable when used in conjunction with a land drilling rig on an artifical island."

Discussion. It was recognized that the first paragraph of the original subparagraph 1.1.3a is applicable to fixed platforms and structures and that the second paragraph was applicable to artificial islands. Therefore, subparagraph 1.1.3 was retitled and reorganized as set forth below. Revisions to the requirement for artificial islands are indicated in italics.

1.1.3 *Curbs, Gutters, and Drains*

1.1.3.1 *Fixed Platforms and Structures.* Curbs, gutters, drip pans, and drains shall be installed in all deck areas in a manner necessary to collect all contaminants and piped to a properly designed, operated, and maintained sump system which will automatically maintain the oil at a level sufficient to prevent discharge of oil into OCS waters. Sump piles shall not Be used as processing devices to treat or skim liquids, but shall be used to collect treated produced water, treated sand, liquids from drip pans and deck drains, and as a final trap for hydrocarbon liquids in event of equipment upsets.

1.1.3.2 *Artificial Islands. On artificial islands, all vessels containing hydrocarbons shall be placed inside a berm lined with an impervious material. The volume enclosed by the berm shall be in excess of the volume of vessels containing hydrocarbons. In addition, all drainage ditches shall be directed away from the drilling rig to a sump. The rig mat, the drainage ditches and the sumps shall be lined with impervious material.*

1.1.3.3 *Mobile Drilling Units.* Curbs, gutters and drains which collect contaminants associated with the drilling operation on a mobile drilling unit shall be installed as required by subparagraph 1.1.3.1. Curbs, gutters, and drains which collect contaminants not associated with the drilling operation are subject to regulation by the U.S. Coast Guard.

Comment. One commenter recommended that a requirement be added to the proposed Orders that would provide for an unbiased review

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by a qualified party of oil spill contingency plans submitted with exploration and development plans.

Discussion. The USGS recognizes the need to identify objective criteria by which to judge the adequacy of an oil spill contingency plan. In response to this need the USGS and the U.S. Coast Guard have developed a memorandum of understanding (MOU) which provides for an ongoing review by both agencies of oil spill contingency plans. This MOU is discussed in Part III.C.2.b. of the EA. Further, the oil spill contingency plan for any exploration or development proposal will be made available for review by interested parties. Timely comments or recommendations received on the contingency plans will be considered prior to approval or disapproval of the accompanying exploration or development plan.

Comment. One commenter stated,

"the ABSORB plan is widely available, and is a joint industry response for the Beaufort Joint Sale Area. Yet, the Arctic area OCS Orders apply to the entire Chukchi Sea and Beaufort Sea areas. (It is not yet clear that they will or will not be applied in the Bering Sea; this would depend upon the lease sale terms and conditions.) In any case, there is no method known to be effective for oil spill cleanup in the moving ice during breakup or during freezeup; this fact seems to not be mentioned in the environmental assessment. It is a serious deficiency insofar as it relates to the decision on whether to allow year-around drilling, a decision which must eventually be faced. On page 83873, one finds "* * * must anticipate ice conditions * * * during the execution of contingency plan * * *." Presumably this will require the offshore operator to continue an oil spill cleanup method in any ice conditions if he proposed to operate year-around.

Another commenters stated that the existing technology is inadequate to successfully contain and clean-up oil.

Discussion. After each sale area has been leased, it is anticipated that industry will either have ABSORB take in the additional area and modify the plan as needed or form another cooperative group to cover the new lease sale area.

We do not believe that effective oil spill cleanup methods in moving ice are unknown. Oil spill cleanup technology is constantly improving, and new techniques are being developed to cleanup spills under adverse arctic conditions. For the immediate future, Beaufort Sea Sale area operations are limited to a seasonal drilling period which is from November 1 to March 31. This seasonal drilling period will be in place for the first two years the lease is in effect. If, at the end of the two-year period, the resource agencies recommend that seasonal operations should be retained, the problem of cleanup during breakup or freezeup would really not be applicable. If year-round operations seem to be feasible at the end of the two-year period, cleanup capability would be reviewed again relative to the state-of-the-art of such technologies, before year-round operations would be permitted.

Comment. One commenter suggested that a new requirement be added for all drilling structures, i.e., ice islands and barges, which allow the escape of oil to the water column in the event of a loss of well control. "These drilling structures should to be surrounded by an impermeable barrier or be capable of being surrounded in a timely manner, if the need arises." It was argued that existing oil spill containment and cleanup technology are inadequate to contain or cleanup oil under arctic conditions, and in particular, oil under ice, oil in broken ice, and during breakup and freezeup. "An impermeable barrier would prevent severe environmental damage in the event of large oil spills, such as the Ixtoc I blowout in Mexico, and would facilitate cleanup."

Discussion. Oil spill contingency plans will be examined to ensure that they are adequate to control spills at the time proposed operations will be carried out. A blanket requirement that all drilling structures be surrounded by an impermeable barrier would be unnecessary and could be dangerous, because in the unlikely event of an oil blowout, collected oil (which could also be burning) could make the wellhead inaccessible for well control efforts. The primary objective should be to effectively contain and retrieve oil from marine environment, and this will be thoroughly examined at the time plans are submitted for review.

Comment. It was also suggested that exploratory drilling operations with a high probability of oil spills, i.e., well completions and testing, should not be scheduled during breakup or freezeup when access to the platform are severely restricted. This would significantly reduce the probability of severe environmental damage from large oil spills.

Discussion. For the first 2 years of the Beaufort Sea lease term, the drilling activities are already restricted to the period November 1 to March 31. The status of the developing oil spill containment and cleanup technology will be continuously monitored. Only when the oil spill contingency plans or their updates show that technology exists for containment and cleanup during breakup or freezeup, will such operations be permitted during those periods.

Comment. One commenter made the recommendation that "NOAA routinely reviews the listed areas of biological sensitivity to ensure that habitat NOAA is mandated to protect is included in the oil spill contingency plan."

Discussion. We agree. We believe NOAA should advise the USGS and the operator of in areas of biological sensitivity so that appropriate measures can be addressed in the annual review of the oil spill contingency plan.

Comment. One commenter suggested, "Order No. 8 should be expanded beyond engineering considerations to include biological habitat benefits that might help offset losses caused by construction. In particular, artificial islands can be sloped and surfaced to encourage use by local marine life, probably at relatively low cost."

Discussion. Artificial islands must be built according to engineering criteria subject to Platform Verification. If it is possible to construct these gravel islands so that the slopes and surfaces encourage the growth of marine biota, that secondary purpose will be encouraged. It is of primary importance that the islands be constructed according to sound engineering principles advocating structural integrity.

Comment. One commenter suggested, "the regulations should require that gravel islands be 'capable of withstanding the oceanographic, meteorological and ice conditions for the proposed area' and that this requirement should be further quantified. We further suggest that for any platform or structure, or any integral part of an installation where a collapse would have a major adverse effect on the environment and/or human safety, the environmental design load condition regarding wind, waves, currents, and ice should be taken as the environmental condition which has a defined probability of exceedance during the intended service life of the structure or installation."

Discussion. USGS feels that the existing requirements of OCS Order No. 8 adequately cover expressed concerns about the design, fabrication and verification of platforms and structures including artificial islands.

Subparagraph 1.1 of Arctic OCS Order No. 8 requires gravel islands to be designed, fabricated, and installed in accordance with the applicable provisions of the document entitled, "Requirements for Verifying the Structural Integrity of OCS Platforms," which identifies mandatory state-of-the-art performance standards. These performance standards must be met in designing, fabricating, and installing gravel islands and any modification thereto. Environmental and loading information that have a bearing on design, installation and operation, such as wave heights and periods, current, vertical distribution of wind and gust velocities, water depth, storm and astronomical tide data, marine growth, snow and ice effects, and air and sea temperature, are already required to be submitted by the lessee in support of the design documentation of the gravel islands, by subparagraph 3.1.1.2 of Order No. 8. Also to be submitted is information on derived loads which consist of a listing of total design functional loads and loads due to wind, wave, ice and current force for longitudinal, transversal and diagonal approaches.

Comment. One respondent commented on subparagraph 1.4.2 of OCS Order No. 8, which requires all artificial islands, platforms, etc., to be under the provisions of the USGS document entitled, "Requirements for Verifying the Structural Integrity of OCS Platforms," which describes the third-party verification procedure for offshore structures. "There is no statement in the referenced document or in Proposed OCS Order 8 regarding the exemption of structures (such as gravel islands in shallow water inside the natural barrier islands) where design and construction are proven through experience. To remedy this, it is suggested that provisions be added to Proposed Arctic OCS Order 8 to make it clear that third party verification would only be required for advanced "state-of-the-art" structures and/or where a new extreme in environmental conditions is involved. This approach would make Proposed Arctic OCS Order 8 analogous to Gulf of Mexico OCS Order 8, which exempts all platforms, except those involving new design concepts and/or those to be installed in unusually hostile conditions."

Discussion. USGS disagrees with the suggested change. Design and construction of gravel islands are new to the Federal OCS in the arctic. Additionally, due to the extreme variation in environmental conditions in the area, no blanket exemption can be considered at this time. We fail to see any parallel between the maturity of the exploration/development/production activities in the arctic and the Gulf of Mexico.

Comment. One respondent commented that the provisions of OCS Order No. 8 do not adequately provide for an assessment of the environmental effects of new platforms which includes gravel islands.

Discussion. Arctic OCS Order No. 8 was not developed to address the environmental effects that gravel island construction would have on the environment. Rather, the proposed Order was developed to assure that structures placed on the OCS, including gravel islands, are designed in a manner that will withstand the forces of the natural environment.

The effects of gravel island construction on the environment and the effects of other activities described in an exploration plan will be analyzed in an EA required to be prepared for each exploration plan submitted for Beaufort Sea OCS leases. This fact is discussed in Part I.B. of the EA for the proposed Arctic OCS Orders.

III. Final Arctic OCS Orders

Alaska Region, Arctic OCS Orders, Contents

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4. Departures

Order No. 13 Production Measurement and Commingling (Under Development)

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic, OCS Order No. 1—effective February 27, 1981

Identification of Wells, Platforms, Structures, Mobile Drilling Units, and Subsea Objects

This Order is issued pursuant to the authority prescribed in 30 CFR 250.10, 250.11, and in accordance with 30 CFR 250.37 and 250.54.

1. *Identification of Fixed Platforms or Structures.*

1.1 *Large Platforms and Structures.* Platforms and structures which have helicopter landing facilities shall be identified at two diagonal corners by a sign with letters and figures not less than 30 centimeters (12 inches) in height with the following information:

a. The name of the lease operator.

b. The area designation based on OCS Official Protraction Diagrams.

c. The block number in which the platform or structure is located.

d. The platform or structure designation.

The information shall be abbreviated as in the following example:

The Blank Oil Company operates "C" platform on Block 999 of the Salisbury Area. The identifying sign on the platform would indicate: BOC–SAL–099–C.

1.2 *Small Structures.* Small structures, including single well structures which do not have helicopter landing facilities, shall be identified with one sign only, with letters and figures not less than 7.6 centimeters (3 inches) in height.

The information shall be abbreviated as in the following example:

The Blank Oil Company operates well No. 1 which is equipped with a protective structure in Block 68 in the East Cameron Area. The identifying sign on the protective structure would show: BOC–E.C.–68–No. 1.

1.3 *Artifical Islands.* Artificial islands, such as gravel islands and ice islands, shall be identified as required by subparagraph 1.1 of this Order, except that only one sign is required to be installed in a prominent location on the island.

2. *Identification of Mobile Drilling Units.* Floating platforms, bottom-setting mobile rigs, and drilling ships shall be identified by one sign with letters and figures not less than 30 centimeters (12 inches) in height affixed to the derrick or the heliport so as to be visible to approaching traffic and shall contain the following information:

a. The name of the lease operator.

b. The area designation based on OCS Official Protraction Diagrams.

c. The block number in which the drilling unit is located.

d. The OCS lease number.

e. The well number.

3. *Identification of Wells.* The OCS lease and well numbers shall be painted on the wellhead or on a sign affixed to the wellhead of each singly completed well. In multiply completed wells, each completion shall be individually identified at the wellhead. All identifying signs shall be maintained in a legible condition.

4. *Identification of Subsea Objects.* Prior to the installation of subsea equipment required for lease operations, or in the event of the accidental sinking of an object, the owner shall report the submerged equipment or object to the appropriate U.S. Coast Guard District Commander subject to the following limitations. Reports are not required for equipment or objects that:

a. Are submerged in water depths greater than 305 meters (1,000 feet); or

b. Weigh 18 kilograms (40 pounds) or less and are of such shape or configuration that they are unlikely to snag or damage fishing devices; or

c. Are determined to be located on the seafloor within 46 meters (150 feet) of fixed structures on which approved aids to navigation are maintained.

The report shall contain the object's description, weight, dimensions, location, and the depth of water in which it is located. The U.S. Coast Guard will determine if it is a hazard to navigation and will detrmine whether it requires marking in accordance with 33 CFR 64.

5. *Marking of Equipment.* Whenever practicable, all materials, equipment, tools, containers, and items used on the OCS are to be properly color-coded, stamped, or labled with the owner's identification prior to actual use. For oil and gas operations, this means the owner's identification, as approved or prescribed by the Director, is to be placed upon all materials, cable, equipment, tools, containers, and other objects which could be freed and lost overboard from rigs, platforms, or supply vessels, and are of sufficient size or are of such a nature that they could be expected to interfere with fishing gear if dropped overboard.

6. *Departures.* All departures from the requirements specified in this Order shall be subject to approval, pursuant to 30 CFR 250.11(b).

Approved:

Rodney A. Smith,
Deputy Conservation Manager, Offshore Field Operations.

Robert L. Rioux,
Deputy Chief, Conservation Division—Offshore Minerals Regulation.

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic OCS Order No. 2—Effective February 27, 1981

Drilling Operations

This order is issued pursuant to the authority prescribed in 30 CFR 250.10 and 250.11. All exploratory and development wells drilled for oil and gas shall be drilled in accordance with 30 CFR 250.30, 250.34, 250.36, 240.38, 250.40, 240.41, and the provisions of this Order except for those provisions superseded by the issuance of field drilling rules.

This order requires the lessee to submit plans, applications, data, and other information. In all cases where the lessee(s) has(have) identified another party as designated lease operator in accordance with 30 CFR 250.31 and where the term "operator" is defined in accordance with 30 CFR 250.2(gg), the required information may be submitted by the designated lease operator.

In addition to the requirements of this Order, the lessee shall comply with the requirements of paragraph 9, *Requirements for Drilling Rigs*, of OCS Order No. 5.

1. *Plans and Applications.*

1.1 *Exploration Plan and Development and Production Plan.*

In accordance with 30 CFR 250.34, the lessee shall submit Exploration Plans and Development and Production Plans to the Deputy Conservation Manager (DCM), Offshore Field Operations, for approval. All wells drilled under the provision of this Order shall be included in the appropriate plan. In addition, the Exploration Plans and Devleopment and Production Plans shall include provisions to deal with emergency situations involving:

a. A means of drilling a relief well should a blowout occur.

b. Loss or disablement of a drilling unit or a drilling rig.

c. Loss of or damage to support craft.

d. Hazards unique to the site of the drilling operations, including conditions such as solid ice cover, freezeup and breakup.

1.2 *Application for Permit To Drill.* Prior to commencing drilling under an approved Exploration Plan or a Development and Production Plan, the lessee shall file, in triplicate, an Application for Permit to Drill (Form 9–331 C) with the District Supervisor for approval. Additionally, DCM, Offshore Field Operations, will prescribe the number of public information copies to be submitted.

2. *Drilling from Fixed Platforms and Mobile Drilling Units.*

2.1 *General Requirements.*

2.1.1 *Fitness of Drilling Unit.* All fixed and mobile drilling units shall be capable of withstanding the oceanographic, meteorological, and ice conditions for the proposed area of operations. The lessee shall submit with the Exploration Plan or Development and Production Plan evidence to the DCM, Offshore Field Operations, of the fitness of the drilling unit to perform the planned drilling operation.

This evidence shall include the following specifications or other information as requested by the District Supervisor:

a. The rated capacity of all major drilling equipment.

b. Drilling safety systems.

c. Firefighting equipment.

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d. Pollution-prevention equipment associated with the drilling operation.

3. A schematic diagram of the drilling unit.

f. A "Critical Operations and Curtailment Plan" as described in paragraph 9 of this Order.

After a drilling unit has been approved for use in an area, the information listed above need not be resubmitted unless required by the DCM, Offshore Field Operations, or there are changes in equipment which affect the rated capability of the unit.

2.1.2 *Pre-Drilling Inspection.* Prior to commencing operations in an OCS area, all fixed drilling platforms and mobile drilling units shall be made available for a complete inspection by the District Supervisor.

2.1.3 *Well-Site Surveys.* Lessees shall submit a shallow geologic hazards report, and conduct such shallow geologic hazard surveys or other surveys as required by the DCM, Offshore Field Operations. The results of these surveys and an analysis of the geologic hazards shall be furnished to the District Supervisor. All data obtained from the surveys and all geophysical data relating to shallow hazards shall be furnished upon request to the District Supervisor. When requested, this data shall include sediment and seabed data, e.g., seabed profiles, sediment consistency, allowable bearing and sliding loads, and nearby potential seabed hazards, i.e., sand waves, slumps, mud slides, permafrost, and deposits of frozen gas hydrates.

2.1.4 *Oceanographic, Meteorological, and Performance Data.* Where such information is not readily available, lessees shall collect and report oceanographic, meteorological, performance data, and monitor ice conditions during the period of operations. The type of information collected, method of collection, and report requirements will be as specified by the DCM, Offshore Field Operations.

2.1.5 *Subfreezing Operations.* Lessees shall furnish evidence that the drilling equipment, drilling safety systems, and other associated equipment and materials are suitable for operations under subfreezing conditions.

2.2 *Mobile Drilling Units.* Applications for drilling from mobile drilling units shall include the following:

a. A listing of the maximum environmental and operational conditions used for the design.

b. A listing of the regional maximum environmental conditions, including wave, wind, current, ice loading, icing, storm surges, and seismic motion, and of the unusual site-specific environmental conditions anticipated to be encountered at the drill site during the drilling operations.

c. Current American Bureau of Shipping Classification, U.S. Coast Guard Certificate of Inspection, or other appropriate classifications, with operational limitations.

2.3 *Fixed Drilling Platforms.* Applications for installations of fixed drilling platforms or structures, including artificial islands, shall be submitted in accordance with OCS Order No. 8. Mobile drilling units which have their jacking equipment removed, or have been otherwise immobilized, will be considered fixed drilling platforms, and applications shall also be submitted in accordance with OCS Order No. 8.

3. *Well Casing and Cementing.*

3.1 *General Requirements.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1). The Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. In addition, the Application for Permit to Drill must include a proposal to fill all annuli within permafrost zones with cement or a liquid with a freezing point below the minimum permafrost temperature to prevent internal freezeback. The cement used to cement through permafrost zones shall be designed to set before freezing and shall have a low heat of hydration so as not to thaw frozen formations. Wells drilled in areas which are underlain by freshwater aquifers shall have casing programs which are designed to protect the freshwater zones. In cases where cement has filled the annular space back to the ocean floor, upon approval by the District Supervisor, the cement may be washed out or displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment. For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing. If there are indication of inadequate cementing (such as lost returns, cement channeling, or mechanical failure of equipment on the surface, intermediate, and production casing strings), the lessee shall evaluate the adequacy of the cementing operations by pressure testing the casing shoe, running a cement bond log, running a temperature survey, or a combination thereof before continuing operations. If the evaluation indicated inadequate cementing, the lessee shall recement or take other actions as approved by the District Supervisor. The lessee shall verify the adequacy of the remedial cementing operations as required by the District Supervisor.

The design criteria considered for all wells shall be submitted with the Application for Permit to Drill. The criteria to be considered shall include all pertinent factors for well control, such as:

a. Formation fracture gradients.

b. Formation pressure.

c. Anticipated surface pressure.*

d. Casing setting depths.

e. Permafrost zones.

The lessee shall utilize appropriate drilling technolgy and state-of-the-art methods, such as drilling-rate evaluation, shale-density analysis, or other appropriate methods in order to enhance the evaluations of conditions of abnormal pressure and to minimize the potential for the well to flow or kick.

All casing, except drive pipe or structural casing, shall be new pipe which meets or exceeds American Petroleum Institute (API) standards, or reconditioned used pipe that has been tested to assure that it will meet or exceed API standards for new pipe. If casing to be used is not fabricated to API standards, the yield strengths of the casing shall be included on the Application for Permit to Drill (Form 9-331 C), provided these specifications are not on file with the USGS.

3.2 *Drive or Structural Casing.* This casing shall be set by driving, jetting, or drilling to a minimum depth of 30 meters (98 feet) below the ocean floor or to other depths, as may be required or approved by the District Supervisor, in order to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled, the drilling fluid shall be of a type tthat is in compliance with the liquid disposal requirement of OCS order No. 7, and a quantity of cement sufficient fo fill the annular space of the drilled hole shall be used.

3.3 *Conductor and Surface Casing Setting and Cementing Requirements.*

3.3.1 *Conductor and Surface Casing Setting Depths.* Casing design and setting depths shall be based upon all engineering and geologic factors, including the presence or absence of hydrocargons, other potential hazards, and water depths. These strings of casing shall be set at the depths specified, subject to approved variation to permit the casing to be set in a competent bed, or through formations determined desirable to be isolated from the well by pipe for safer drilling operations; however, the conductor casing shall be set immediately prior to drilling into formations known to contain oil or gas, or, if unknown, upon encountering such formations. These casing strings shall be run and cemented prior to drilling below the specified setting depths. The District Supervisor may prescribe the setting depths for those wells which may encounter abnormal pressure conditions.

In permafrost-free areas, conductor casing setting depths shall be between 91 meters (298 feet) and 305 meters (1,000 feet) True Vertical Depth (TVD) below the ocean floor, and surface casing setting depths shall be between 305 meters (1,000 feet) and 1,400 meters (4,593 feet) TVD below the ocean floor.

In areas containing permafrost, lessees shall submit with their Applications for Permit to Drill, casing programs that incorporate setting depths for conductor and surface casing based on the anticipated depth of the permafrost at the proposed well location, and which utilize the current state-of-the-art methods to safely drill and set casing through the permafrost zones. The casing programs must provide protection from thaw subsidence and freezeback effect, proper anchorage, and well control until the next string of casing is set. Minor deviations for the setting depths of conductor and surface casings in permafrost areas from those prescribed for permafrost-free areas in the preceding paragraph, may be permitted by the District Supervisor.

Engineering, geophysical, and geologic data used to substantiate the proposed setting depths of the conductor and surface casings (such as estimated fracture gradients, pore pressures, shallow hazards, etc.) shall be furnished with the Application for Permit to Drill.

3.3.2 *Conductor Casing Cementing Requirements.*

3.3.2.1 *Drilling from Artificial Islands.* When drilling from artificial islands, conductor casing shall be cemented with a quantity of cement sufficient to fill the calculated annular space back to the surface. Cement fill to surface shall be verified by the observation of cement returns. Upon approval by the District Supervisor, the cement may be washed out of displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment.

3.3.2.2. *Drilling from Floating Drilling Rigs.* When drilling from floating drilling rigs, conductor casing shall be cemented with a quantity of cement sufficient to fill the calculated annular space up to the top of the casing. Cement fill to the top of the casing shall be verified by the observation of cement returns. In the event that observation of cement returns is not feasible or possible, the method of verifying the cement fill shall be approved by the District Supervisor. Upon approval by the District Supervisor, the cement may be washed out or displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment.

3.3.3 *Surface Casing Cementing Requirements.* Surface casing shall be cemented with a quantity of cement sufficient to protect all freshwater zones, to provide well control until the next string of casing is set, and with sufficient cement to fill the calculated annular space to the top of the permafrost zone, and with the cement fill at least 60 meters (197 feet) inside the conductor casing, or as approved by the District Supervisor. Any portion of the annulus opposite a permafrost zone which is not protected by cement shall be filled with a liquid with a freezing point below the minimum permafrost temperature to prevent internal freezeback.

For floating drilling operations that use a one-stack blowout-preventer (BOP) system, a lesser volume of cement is permissible to prevent sealing the annular space between the conductor casing and surface casing, when approved by the District Supervisor. Any annular space open to the drilled hole shall be sealed in accordance with the requirements in Order No. 3 upon abandonment.

After drilling a maximum of 15 meters (49 feet) of new hole, a pressure test shall be conducted to obtain data to be used in estimating the formation fracture gradient. Pressure data shall be obtained either by testing to formation leak-off or by testing to a predetermined equivalent mud weight as approved by the District Supervisor. The results of this test and any subsequent tests of the formation shall be recorded on the driller's report and used to determine the depth and maximum mud weight to be used in the intermediate hole.

3.4 *Intermediate Casing Setting and Cementing Requirements.* One or more strings of intermediate casing shall be set when required by anticipated abnormal pressure, mud weight, sediment, and other well conditions. The setting depth for intermediate casing shall be based on the pressure tests of the exposed formation below the surface casing shoe or on subsequent pressure tests. After drilling a maximum of 15 meters (49 feet) of new hole, a pressure test shall be conducted to obtain data to be used in estimating the formation fracture gradient. Pressure data shall be obtained either by testing to formation leak-off or by testing to a predetermined equivalent mud weight as approved by the District Supervisor. The results of this test and any subsequent tests of the formation shall be recorded on the driller's report and used to determine the depth and maximum mud weight to be used in the hole below the intermediate-casing string.

A quantity of cement sufficient to cover and isolate all hydrocarbon zones and to isolate abnormal pressure intervals from normal pressure intervals shall be used. This requirement for isolation may be satisfied by squeeze cementing prior to completion, suspension of operations, or abandonment, whichever occurs first. Sufficient cement shall be used to provide annular fill-up to a minimum of 150 meters (492 feet) above the zones to be isolated or 150 meters (492 feet) above the casing shoe in cases where zonal coverage is not required. Any portion of the annulus opposite a permafrost zone not protected by cement must be filled with a liquid which has a freezing point below the minimum permafrost temperature to prevent internal freezeback.

If a liner is used as an intermediate string, it shall be lapped a minimum of 30 meters (98 feet) into the previous casing string and cemented as required for intermediate casing. The liner shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger string has been achieved. The test shall be recorded on the driller's report. If the test indicates an improper seal, the top of the liner shall be squeeze cemented. When such liner is used as production casing, it shall be extended to the surface and cemented to avoid surface casing being used as production casing.

3.5 *Production Casing.* Production casing shall be set before completing the well for production. It shall be cemented in a manner necessary to cover or isolate all zones above the shoe which contain hydrocarbons; but in any case, a calculated volume sufficient to fill the annular space at least 150 meters (492 feet) above the uppermost hydrocarbon

* Anticipated surface pressure is defined as the surface well pressure which can reasonably be expected to be exerted upon a casing string and its related wellhead equipment. In the calculation of anticipated surface pressure, the lessee shall take into account the drilling, completion, and producing conditions. He shall consider mud densities to be used below various casing strings, fracture gradients of the exposed formations, casing setting depths, total well depth, formation fluid type, and other pertinent conditions. Considerations for calculating anticipated surface pressure may vary for each segment of the well. The lessee shall include as a part of the statement of anticipated surface pressure the calculations used to determine this pressure during the drilling phase and the completion phase, including the anticipated surface pressure used for production string design.

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zone must be used. Open-hold and slotted-liner completions are permitted when approved by the District Supervisor. Any portion of the annulus opposite a permafrost zone not protected by cement must be filled with a liquid which has a freezing point below the permafrost temperature to prevent internal freezeback.

When a liner is used as production casing below intermediate casing, it shall be lapped a minimum of 30 meters (98 feet) into the previous casing string and cemented as required for the production casing. Testing of the seal between the liner top and the next larger string shall be conducted as in the case of intermediate liners and recorded on the driller's report. If the test indicates an improper seal, the top of the liner shall be squeeze cemented.

3.6 *Pressure-Testing of Casing.* Prior to drilling the plug after cementing, all casing strings, except the drive or structural casing, shall be pressure-tested as shown in the table below. The test pressure shall not exceed 70 percent of the internal yield pressure of the casing. If the pressure declines more than 10 percent in 30 minutes or if there is another indication of a leak, the casing shall be recemented, repaired, or an additional casing string run, and the casing tested again. The above procedures shall be repeated until a satisfactory test is obtained.

Casing	Minimum surface pressure
Conductor	1,400 kilopascals (kPa) (203 psi).
Surface	6,900 kPa (1,000 psi)*.
Intermediate, Liner, and Production.	10,400 kPa (1,508 psi)* or 5 kPa/m (0.22 psi/ft.) whichever is greater.

*Must not exceed 70 percent of the minimum internal yield pressure. In the event of prolonged drill pipe operations which could cause damage to the casing, the casing shall be pressure-tested, calipered, or otherwise evaluated, as approved by the District Supervisor.

After cementing any of the above strings, drilling shall not be resumed until there has been a time lapse of 8 hours under pressure for the conductor casing string or 12 hours under pressure for all other strings. Cement is considered under pressure if one or more float valves are employed and are shown to be holding the cement in place or when other means of holding pressure is used. All casing pressure tests shall be recorded on the driller's report.

In addition to the time lapse stated above, sufficient time must elapse to allow the bottom 153 meters (502 feet) of annular cement fill, or total length of annular cement fill, if less, to attain a compressive strength of at least 3,448 kPa (500 psi), or as approved by the District Supervisor, before drilling resumes.

The typical performance data for the particular cement mix used in the well shall be used to determine the time lapse required.

4. *Directional Surveys.* Wells are considered vertical if inclination does not exceed an average of 3 degrees from the vertical. Inclinational surveys shall be obtained on all vertical wells at intervals not exceeding 150 meters (492 feet) during the normal course of drilling.

Wells are considered directional if inclination exceeds an average of 3 degrees from the vertical. Directional surveys giving both inclination and azimuth shall be obtained on all directional wells at intervals not exceeding 150 meters (492 feet) during the normal course of drilling and at intervals not exceeding 30 meters (98 feet) in all planned angle-change portions of the hole.

On both vertical and directional wells, directional surveys giving both inclination and azimuth shall be obtained at intervals not exceeding 150 meters (492 feet) prior to, or upon, setting surface or intermediate casing, liners, and at total depth. Composite directional surveys shall be filed with the District Supervisor. The interval shown will be from the bottom of conductor casing or, in the absence of conductor casing, from the bottom of drive or structural casing to total depth. In calculating all surveys, a correction from true north to Universal Transverse Mercator Grid north or Lambert Grid north shall be made after making the magnetic-to-true-north correction. A composite dipmeter directional survey including a listing of the directionally computed inclinations and azimuths on a well classified as vertical will be acceptable as fulfilling the applicable requirements of this paragraph.

5. *Blowout-Preventer (BOP) Equipment Requirements.*

5.1 *General Requirements.* Blowout preventers and related well-control equipment shall be installed, used, maintained, and tested in a manner necessary to assure well control.

5.1.1 *BOP Equipment.* Blowout-preventer equipment shall consist of an annular preventer and the specified number of ram-type preventers. The pipe rams shall be of proper size to fit the drill pipe in use. The working pressure of any blowout preventer shall exceed the anticipated surface pressure to which it may be subjected, except that the working pressure of the annular preventer need not exceed 34,475 kPa (5,000 psi), unless a higher working pressure is required by the District Supervisor. When the anticipated surface pressure exceeds the rated working pressure of the annular preventer, the lessee shall submit with the Application for Permit to Drill a well-control procedure which indicates how the annular preventer will be utilized and the pressure limitations which will be applied during each mode of pressure control.

All blow-out preventer systems shall be equipped with:

a. A hydraulic actuating system that provides sufficient accumulator capacity to supply 1.5 times the volume necessary to close all BOP equipment units with a minumum pressure of 1,400 kPa (203 psi) above the precharge pressure. An accumulator backup system, supplied by a secondary power source independent from the primary power source, shall be provided with sufficient capacity to close all blowout preventers and hold them closed. Locking devices shall be provided on the ram-type preventers. The method of BOP actuation control, such as hydraulic, acoustic, or other methods, shall be described and included in the Application for Permit to Drill.

b. At least one operable remote blowout-preventer-control station, in addition to the one on the drilling floor. This control station shall be in a readily accessible location away from the drilling floor.

c. A drilling spool with side outlets, if side outlets are not provided in the BOP body, to provide for separate kill and choke lines.

d. A kill line equipped with 2 kill-line valves is required. The master valve shall be located adjacent to the BOP. This valve shall not normally be used for opening or closing on flowing fluid. The second valve shall be located adjacent to the master valve. This valve shall be used as the control valve.

e. A fill-up line above the uppermost preventer.

f. A choke manifold equipped in accordance with "API Recommended Practice for Blowout-Prevention Equipment Systems," API RP 53, First Edition, February 1976, reissued February 1978, Sections 3A and 3B, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use.

g. Valves, pipes, flexible steel hoses, and other fittings upstream of, and including, the choke manifold shall have a pressure rating at least equal to the anticipated surface pressure.

h. A wellhead assembly with a working pressure at least equal to the anticipated surface pressure.

5.1.2 *Auxiliary Equipment.* The following auxiliary equipment shall be provided and maintained in operable condition at all times:

a. A kelly cock shall be installed below the swivel, and an essentially full-opening valve of such design that it can be run through blowout preventers, shall be installed at the bottom of the kelly. A wrench to fit each valve shall be stored in a conspicuous location readily accessible to the drilling crew.

b. An inside blowout preventer and an essentially full-opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. These valves shall be maintained on the rig floor to fit all connections that are in the drill string.

c. A safety valve shall be available on the rig floor assembled with the proper connection to fit the casing string that is being run in the hole at the time.

5.1.3 *Subfreezing Operations.* The blowout preventers and related control equipment shall be suitable for operations in those areas which are subject to subfreezing conditions.

5.2 *Subsea BOP Requirements.* The minimum requirements for drilling below the casing strings for subsea blowout-preventer stacks are tabulated below:

Drive or structural	See Notes 1 and 2.
Conductor	1—Annular. 1—Diverter System 3 and 4.
Surface	1—Annular. 2—Pipe Rams. 1—Blind Shear Ram.
Intermediate	1—Annular. 2—Pipe Rams 5. 1—Blind Shear Ram.

Notes

1. When drilling fluids are circulated to the drilling vessel, a diverter system as described in subparagraphs 5.4.1 shall be installed on top of the marine riser.

2. If returns to the surface cannot be established, refer to subparagraphs 5.4.2.

3. The choke and kill lines or equivalent vent lines, equipped with necessary connections and fittings, can be used for diversion, if approved by the District Supervisor, or an annular preventer or pressure-rotating, packoff-type head, equipped with suitable diversion lines, shall be installed on top of the marine riser.

4. To be installed on top of the marine riser. The diverter system shall provide, as a minimum, two 15-centimeter (6-inch) internal diameter lines and full-opening valves.

5. When a tapered drill string is in use, the BOP stack shall be equipped with one of the following pipe ram configurations:

a. Two (2) sets of pipe rams for the larger size string and one (1) set for the smaller size string of drill pipe.

b. Two (2) sets of pipe rams for the larger size string and one (1) set of variable bore pipe rams to fit both sizes of pipe.

c. Two (2) sets of variable bore pipe rams to fit both sizes of pipe.

d. One (1) set of pipe rams for the larger size string and one (1) set of variable bore pipe rams to fit both sizes of pipe.

e. One (1) set of pipe rams for the larger size string, one (1) set of pipe rams for the smaller pipe, and one (1) set of variable bore pipe rams to fit both sizes of pipe.

Subsea blowout-preventer stacks shall be equipped with blind shear rams. A subsea accumulator or a suitable alternate approved by the District Supervisor is required to provide fast closure of the preventers and to operate all critical functions in case of loss of power fluid connection to the surface. The blowout-preventer system shall include dual pod control systems in accordance with API RP 53, First Edition, February 1976, reissued February 1978, Subsection 5.B.13, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. Prior to the removal of the marine riser for installing casing, the riser shall be displaced with seawater. Sufficient hydrostatic head shall be maintained within the well bore to compensate for the reduction in head and to maintain a safe well condition. If repair or replacement of the blowout-preventer stack is necessary after installation, this work shall be accomplished after casing has been cemented prior to drilling out the casing shoe or by setting a cement or bridge plug or storm packer to assure safe well conditions.

When a subsea blowout-preventer stack is to be used in an area which is subject to ice scour, the blowout-preventer stack shall be placed in an excavation (glory hole) with the top of the blowout-preventer stack below the deepest possible ice scour depth.

5.3 *Surface BOP Requirements.* The minimum requirements for drilling below the casing strings for conventional surface blowout-preventer stacks are tabulated below:

Drive or Structural:	
	1—Annular
	1—Diverter System [1]
Conductor:	
	1—Annular
	1—Diverter System [1]
Surface:	
	1—Annular
	2—Pipe Rams
	1—Blind Ram
Intermediate:	
	1—Annular
	2—Pipe Rams [2]
	1—Blind Ram

[1] The diverter system shall include a minimum of two 15-centimeter (6-inch) internal diameter lines and full-opening valves. The flowpath from the BOP to the branch point of diverter lines in new systems shall have a minimum internal diameter of 15 centimeters (6 inches).

[2] When a tapered drill string is in use, the BOP stack shall be equipped with one of the following pipe ram configurations:

a. Two (2) sets of pipe rams for the larger size string and one (1) set for the smaller size string of drill pipe.

b. Two (2) sets of pipe rams for the larger size string and one (1) set of variable bore pipe rams to fit both sizes of pipe.

c. Two (2) sets of variable bore pipe rams to fit both sizes of pipe.

d. Two (2) sets of pipe rams for the larger size string. The blind ram cavity shall be equipped with blind shear rams and the blind ram actuator shall be converted to operate the blind shear rams. A crossover sub to the larger size pipe shall be readily available on the rig floor.

e. One (1) set of pipe rams for the larger size string and one (1) set of variable bore pipe rams to fit both sizes of pipe.

f. One (1) set of pipe rams for the larger size string, one (1) set of pipe rams for the smaller pipe, and one (1) set of variable bore pipe rams to fit both sizes of pipe.

5.4 *Drive Pipe or Structural Casing BOP Requirements.*

5.4.1 *Drilling Operations from Bottom-Supported Rigs.* Before drilling below this string with a bottom-setting rig, a diverter system utilizing an annular-type preventer and related equipment shall be installed for circulating the drilling fluid to the drilling structure. The diverter system shall be equipped with remote-control valves in the main and diverter flow lines that can be operated from the control panel prior to shutting in the well. The diverter lines shall vent in different directions to permit downwind diversion. A schematic diagram and operational procedure for the diverter system shall be submitted with the Application for Permit to Drill (Form 9-331 C) to the District Supervisor for approval.

5.4.2 *Floating Drilling Operations.* In drilling operations where a floating or semisubmersible type of drilling vessel is used and formation competency at the structural casing setting depth is not adequate to permit circulation of drilling fluids to the vessel while drilling the conductor hole, a program which provides for safety in these operations shall be described and submitted to the District Supervisor for approval. This program shall include all known pertinent information, including seismic and geologic data, water depth, drilling-fluid hydrostatic pressure, a schematic diagram indicating the equipment to be installed from the rotary table to the proposed conductor-casing seat, and a contingency plan for moving off location.

5.5 *Conductor Casing.* Before drilling below this string, at least one remote-controlled, annular-type blowout preventer shall be installed. A diverter system and other equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed as described in subparagraph 5.4.1.

5.6 *Surface and Intermediate Casing.* Before drilling below these strings, the blowout-preventer system shall consist of at least four remote-controlled, hydraulically operated blowout preventers including at lease two equipped with pipe rams, one with blind rams, and one annular type. Subsea blowout-preventer stacks used with floating drilling vessels shall include one set of blind shear rams.

5.7 *Testing of BOP Systems.* Prior to conducting high-pressure tests, all BOPs shall be tested to a low pressure of 1,400 to 2,000 kPa (203 to 290 psi). All BOP tests shall be recorded in the driller's report.

5.7.1 *BOP Testing Frequency.* Surface and subsea BOP stacks shall be tested as follows:

a. When installed.

b. Before drilling out after each string of casing has been set.

c. At least once each week, but not exceeding 7 days between tests, alternating between control stations. If either control system is not functional, further drilling operations shall be suspended until that system becomes operable. A period of more than 7 days between blowout-preventer tests is allowed when well operations prevent testing and remedial efforts are being performed, provided the tests will be conducted as soon as possible before normal operations resume, and the reason for postponing testing is entered into the report. Well operations which prevent testing are stuck drill pipe and pressure-control operations. Testing shall be at staggered intervals to allow each drilling crew to operate the equipment.

The weekly test is not required for blind and blind shear rams. These rams need only be tested prior to drilling out after each casing string has been set.

d. Following repairs that require disconnecting a pressure seal in the assembly.

5.7.2 *Pressure Testing Surface BOP Systems.* Ram-type BOPs and related control equipment including the choke manifold shall be tested at the anticipated surface pressure or at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser. The annular-type BOP shall be tested at 70 percent of its rated working pressure or 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser.

5.7.3 *Pressure Testing Subsea BOP Systems.* Subsea BOPs and all related well-control equipment shall be stump tested at the surface with water to the anticipated surface pressure, except that the annular-type BOP shall not be tested above 70 percent of its rated working pressure. After the installation of the BOP stack on the sea floor, the control equipment and ram-type BOPs shall be tested as required under subparagraph 5.7.2.

5.7.4 *Actuation of Auxiliary Well-Control Equipment.* In conjunction with the weekly pressure test of surface and subsea BOP systems, auxiliary well-control equipment such as choke manifold valves, kelly cocks, and drill pipe safety valves shall be actuated. Casing safety valves shall be actuated prior to running casing.

5.8 *Inspection and Maintenance.* All BOP systems, marine risers, and associated equipment shall be inspected and maintained to assure that the equipment will function properly. The manufacturers' recommended inspection and maintenance procedures are acceptable as guidelines in complying with this requirement. The BOP systems and marine risers shall be visually inspected at least once each day if the weather and sea conditions permit the inspection. Inspection of subsea installations may be accomplished by the use of television equipment.

5.9 *Blowout-Preventer Drills.* All drilling personnel shall be indoctrinated in blowout-preventer drills and be familiar with the blowout-preventer equipment before starting work on the well. A blowout-preventer drill shall be conducted for each drilling crew in accordance with the well-control drill requirements of the U.S. Geological Survey (USGS) Outer Continental Shelf Standard "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," No. T 1 (GSS–OCS–T 1), First Edition, December 1977, or subsequent revisions thereto. A BOP drill may be required by a USGS designated representative at any time during the drilling operation, after notifying and consulting with the lessee's senior representative present.

All BOP drills shall be recorded in the driller's report.

6. *Mud Program.* The characteristics, use, and testing of drilling mud and the implementation of related drilling procedures shall be designed to prevent the loss of well control. Sufficient quantities of mud materials shall be maintained readily accessible for use at all times to assure well control.

Mud temperatures shall be controlled to minimize heat loss to the permafrost and to minimize thawing of the permafrost which can result in serious well problems while drilling through the permafrost. To insure maximum safety, hydrate zones shall be aniticipated and diagnosed quickly, and drilled using the latest state-of-the-art methods. Provided that the hydrate zones are adequately protected, drilling can continue of a site specific basis without the need to control the mud temperatures thereafter.

6.1 *Mud Control.* Before starting out of the hole with drill pipe, the mud shall be properly conditioned. Proper conditioning requires either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced, or proper documentation in the driller's report prior to pulling the drill pipe as follows:

a. There is no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole.

b. The weight of the returning mud is essentially the same as the weight of the mud entering the hole. In the event that the returning mud is lighter than the entering mud by a weight differential equal to or greater than 0.2 pound per gallon, the mud shall be circulated until the annular volume is displaced, and the mud properties shall be checked for the influx of gas or liquid.

c. Other mud properties recorded on the daily drilling report are within the specified ranges required by the mud program.

When the mud in the hole is circulated, the driller's report shall be so noted.

When coming out of the hole with drill pipe, the annulus shall be filled with mud before the change in mud level decreases the hydrostatic pressure 517 kPa (75 psi) or every 5 stands of drill pipe, whichever gives a lower decrease in hydrostatic pressure. The number of stands of drill pipe and drill collars that may be pulled prior to filling the hole and the equivalent mud volume shall be calculated and posted. A mechanical, volumetric, or electronic device for measuring the amount of mud required to fill the hole shall be utilized.

When there is an indication of swabbing or influx of formation fluids, the necessary safety devices and action shall be employed to control the well. The mud shall be circulated and conditioned, on or near bottom, unless well or mud conditions prevent running the drill pipe back to the bottom.

The maximum pressure which can be tolerated on each casing string shall be posted near the driller's console.

An operable gas separator shall be installed in the mud system prior to commencement of drilling operations. The separator shall be maintained for use throughout the drilling and completion of the well.

The mud in the hole shall be circulated or reverse-circulated prior to pulling the drill-stem test tools from the hole.

6.2 *Mud Testing and Monitoring Equipment.* Mud-testing equipment shall be maintained on the drilling rig at all times, and mud tests shall be performed once each tour, or more frequently, as conditions warrant. Such tests shall be conducted in accordance with procedures outlined in "API Recommended Practice for Standard Procedure for Testing Drilling Fluids," API RP 13B, Seventh Edition, April 1978, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. The results of the tests shall be recorded and maintained at the drill site.

The following mud-system monitoring equipment shall be installed with derrick floor indicators and used when mud returns are established and throughout subsequent drilling operations:

a. Recording mud pit level indicator to determine mud pit volume gains and losses. This indicator shall include both a visual and an audio warning device.

b. Mud-volume measuring device for accurately determining mud volumes required to fill the hole on trips.

c. Mud-return indicator to determine that returns essentially equal the pump discharge rate.

d. Gas-detecting equipment to monitor the drilling mud returns, with indictors located in the mud-logging compartment or on the derrick floor. If the indicators are in the mud-logging compartment, there shall be a means of immediate communications with the rig floor, and the equipment shall be continually manned.

6.3 *Mud-Quantities.* The lessee shall include, with his Application for Permit to Drill, a tabulation of well depth versus minimum quantities of mud material, including weighting material, to be maintained at the drill site to assure well control.

When the mud quantity required exceeds the storage capacity of the drilling facility, the lessee shall maintain maximum mud inventories and must receive approval from the District Supervisor of the lessee's plans to resupply mud inventories in the event of an emergency. The plan shall include an estimate of the time required for delivery of the mud supplies.

Daily inventories of mud materials, including weighting material, shall be recorded and maintained at the well site. Drilling operations shall be suspended in the absence of minimum quantities of mud material specified in the table or as modified in the approved plan.

6.4 *Safety Precautions in Enclosed Mud-Handling Areas.* All enclosed mud-handling areas where dangerous concentrations of combustible gases may accumulate shall be equipped with a ventilation system and with gas monitors. These enclosed areas shall be:

a. Ventilated with high-capacity, mechanical ventilation systems capable of changing the air once every 5 minutes on signal from a gas detector or gas detectors, that are operative at all times, indicating the presence of one percent of gas, by volume.

b. Maintained at a negative pressure relative to the surrounding areas where discharge to an adjacent enclosed area may be hazardous. The negative pressure areas are to be protected with a pressure sensitive alarm.

c. Fitted with gas detectors and alarms.

d. Equipped with electrical equipment of the "explosion proof" type. Alternatively, the equipment may be pressurized to prevent in ingress of explosive gases, and where air is used for pressurizing, the air intake shall be located outside of, and as far as practicable from, hazardous areas.

7. *Supervision, Surveillance, and Training.*

7.1 *Supervision.* A representative of the lessee shall provide onsite supervison of drilling operations on a 24-hour basis.

7.2 *Surveillance.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling cew or the toolpusher shall maintain rig-floor surveillance continuously, unless the well is secured with blowout preventers, bridge plugs, storm packer, or cement plugs.

7.3 *Training.* Prior to conducting any drilling operations, lessee and drilling contractor personnel shall be trained and qualified in accordance with the provisions of the USGS Outer Continental Shelf Standard "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," No. T 1 (GSS–OCS–T 1), First Edition, December 1977, or subsequent revisions thereto.

In order to maintain qualification, any driller, toolpusher, or operator's representative, shall successfully complete a USGS-approved refresher course annually and repeat the basic well-control course every 4 years, as described in the provisions of GSS–OCS–T 1. Credit for these courses shalld be obtained from USGS-approved schools. The refresher course shall be completed within 45 days of the student's anniversary date. The anniversary date is established upon the student's successful completion of a basic course in well control.

Records shall be maintained at the drill site for the affected personnel, indicating the specific training and refresher courses successfully completed, the dates of completion, and the names and dates of the courses.

The lessee shall ensure that personnel responsible for maintenance of the blowout preventer stack, the associated-control equipment, and the hydraulic-control fluids shall be instructed in the proper procedures to prevent freezing of the hydraulic-control fluids in the control system and the fluids in the choke and kill lines.

8. *Hydrogen Sulfide.* When drilling operations are planned which will penetrate reservoirs known or expected to contain hydrogen sulfide (H_2S), or in those areas where the presence of H_2S is unknown, or upon encountering H_2S, the preventive measures and the operating practices set forth in USGS Outer Continential Shelf Standard "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," No. 1 (GSS–OCS–1), First Edition, February 1976, or subsequent revisions thereto, shall be followed.

9. *Critical Operations and Curtailment Plans.* Certain operations performed in drilling are more critical than others with respect to well control, and for the prevention of fire, explosion, oil spills, and other discharges or emissions. The lessee shall submit with the Exploration Plan or Development and Production Plan a Critical Operations and Curtailment Plan to be followed while conducting drilling operations on each lease. This plan shall include:

a. A list or description of the critical drilling operations that are, or are likely to be, conducted on the lease. This list or description shall specify the operations to be ceased, limited, or not to be commenced under given circumstances or conditions. This list shall include operations such as:

(1) Drilling in close proximity to another well.

(2) Drill-stem testing.

(3) Running and cementing casing.

(4) Cutting and recovering casing.

(5) Logging or wireline operations.

(6) Well-completion operations.

(7) Moving the drilling vessel off location in an emergency, repositioning the vessel on location, and reestablishing entry into the well.

b. A list or description of circumstances or conditions under which such critical operations shall be curtailed. This list or description shall be developed from all the factors and conditions relating to the conduct of operations on the lease, and shall

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consider but not necessarily be limited to the following:

(1) Whether the drilling operations are to be conducted from mobile or fixed platforms.

(2) The availability and capability of containment and cleanup equipment and spill-control system response time.

(3) Abnormal or unusual conditions expected to be encountered during drilling operations.

(4) Known or anticipated meteorological, oceanographic, and ice conditions.

(5) Availability of personnel and equipment for particular operations to be conducted.

(6) Other factors peculiar to the particular lease under consideration.

c. The name of the person who has responsibility as the person-in-charge of overall drilling operations.

When any circumstance or condition listed or described in the plan occurs or other operational limits are encountered, the lessee shall notify the District Supervisor and shall curtail the critical operations as set forth under 9a.

Deviations from the plan shall require prior approval of the District Supervisor. If emergency action requires deviation from the plan, the District Supervisor shall be notified as soon as possible. The lessee shall review the plan at least annually. The lessee shall notify the District Supervisor of the results of this review. Any amendments or modifications of the plan are subject to the approval of the District Supervisor.

10. *Field Drilling Rules.* When sufficient geological and engineering information is obtained as a result of drilling operations, the lessee may make an application or the DCM, Offshore Field Operations, may require an application for the establishment of field drilling rules. After field drilling rules have been established by the DCM, Offshore Field Operations, development wells shall be drilled in accordance with these rules and the requirements of this Order which are not affected by such rules.

11. *Use of Best Available and Safest Technologies (BAST).* The lessee is encouraged to continue the development of safety-system technology. As research and product improvement results in increased effectiveness of existing safety equipment or the development of new equipment systems, such equipment may be used and, if such technologies provide a significant cost effective incremental benefit to safety, health, or the environment, shall be required to be used if determined to be BAST.

Conformance to the standards, codes, and practices referenced in this Order will be considered to be the application of BAST. Specific equipment and procedures or systems not covered by standards, codes, or practices will be analyzed to determine if the failure of such would have a significant effect on safety, health, or the environment. If such are identified and until specific performance standards or developed or endorsed by the U.S. Geological Survey (USGS), the lessee shall submit such information necessary to indicate the use of BAST, the alternatives considered to the specific equipment or procedures, and the rationale why one alternative technology was considered in place of another. This analysis shall include a discussion of the costs involved in the use of such technology and the incremental benefits gained.

12. *Departures.* All departures from the requirements specified in this Order shall be subject to approval, pursuant to 30 CFR 250.11(b).

Rodney A. Smith,

Deputy Conservation Manager, Offshore Field Operations.

Approved:

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic OCS Order No. 3—Effective February 27, 1981

Plugging and Abandonment of Wells

This Order is issued pursuant to the authority prescribed in 30 CFR 250.10, 250.11, and in accordance with 30 CFR 250.15 and 250.92. The lessee shall comply with the following minimum plugging and abandonment procedures which have general application to all wells drilled for oil and gas. Plugging and abandonment operations shall not be commenced prior to obtaining approval from the appropriate District Supervisor. Oral or telegraphic approvals shall be in accordance with 30 CFR 250.13.

1. *Application for Approval to Abandon a Well.* In accordance with 30 CFR 250.92, the lessee shall submit for approval a Form 9–331, Sundry Notices and Reports on Wells, containing the following information:

1.1 *Notice of Intention to Abandon a Well.* A detailed statement of the proposed work for abandonment of any well. For all wells, the statement shall describe the proposed work (including, by depths, the kind, location, and length of plugs) and plans for mudding, cementing, shooting, testing, and removing casing, and other pertinent information. The statement as to a productible well shall set forth the reasons for abandonment, the amount and date of last production, and complete data from the last well test.

1.2 *Subsequent Report of Abandonment.* A detailed report of the manner in which the abandonment or plugging work was accomplished including the nature and quantities of materials used in the plugging and the location and extent, by depths, of casing left in the well, and the volume of mud fluid used. If an attempt was made to cut and pull any casing string, a description of the methods used and results obtained must be included.

2. *Permanent Abandonment.*

2.1 *Isolation of Zones in Open Hole.* In uncased portions of wells, cement plugs shall be spaced to extend 30 meters (98 feet) below the bottom to 30 meters (98 feet) above the top of any oil, gas, and freshwater zones so as to isolate them in the strata in which they are found and to prevent them from escaping into other strata or the surface. The placement of additional cement plugs to prevent the migration of formation fluids in the well bore may be required by the District Supervisor.

2.2 *Isolation of Open Hole.* Where there is open hole below the casing, a cement plug shall be placed in the deepest casing string in accordance with "a" or "b" below. In the event lost circulation conditions have been experienced or are anticipated, a permanent-type bridge plug may be placed in accordance with "c" below:

a. A cement plug set by the displacement method so as to extend a minimum of 30 meters (98 feet) above and 30 meters (98 feet) below the casing shoe.

b. A cement retainer with effective back-pressure control set not less than 15 meters (49 feet) nor more than 30 meters (98 feet) above the casing shoe, with a cement plug calculated to extend at least 30 meters (98 feet) below the casing shoe and 15 meters (49 feet) above the retainer.

c. A permanent-type bridge plug set within 45 meters (148 feet) above the casing shoe with 15 meters (49 feet) of cement on top of the bridge plug. This bridge plug shall be tested in accordance with subparagraph 2.7 prior to placing subsequent plugs.

2.3 *Plugging or Isolating Perforated Intervals.* A cement plug shall be set by the displacement method opposite all open perforations (perforations not squeezed with cement) extending a minimum of 30 meters (98 feet) above and 30 meters (98 feet) below the perforated interval or down to a casing plug, whichever is less. In lieu of setting a cement plug by the displacement method, the following two methods are acceptable, provided the perforations are isolated from the hole below:

a. A cement retainer with effective back-pressure control set not less than 15 meters (49 feet) nor more than 30 meters (98 feet) above the top of the perforated interval with a cement plug calculated to extend at least 30 meters (98 feet) below the bottom of the perforated interval and 15 meters (49 feet) above the retainer.

b. A permanent-type bridge plug set within 45 meters (148 feet) above the top of the perforated interval with 15 meters (49 feet) of cement on top of the bridge plug.

2.4 *Plugging of Casing Stubs.* If casing is cut and recovered leaving a stub, one of the following methods shall be used to plug the casing stub:

2.4.1 *Stub Termination Inside Casing String.* A stub terminating inside a casing string shall be plugged by one of the following methods:

a. A cement plug set so as to extend 30 meters (98 feet) above and 30 meters (98 feet) below the stub.

b. A cement retainer set 15 meters (49 feet) above the stub with a volume of cement equivalent to 45 meters (148 feet) squeezed below the retainer and with an additional 15 meters (49 feet) placed above the retainer.

c. A permanent bridge plug set 15 meters (49 feet) above the stub and capped with 15 meters (49 feet) of cement.

2.4.2 *Stub Termination Below Casing String.* If the stub is below the next larger string, plugging shall be accomplished in accordance with either subparagraph 2.1 or 2.2.

2.5 *Plugging of Annular Space.* Any annular space communicating with any open hole and extending to the ocean floor shall be plugged with cement.

2.6 *Surface Plug.* A cement plug at least 45 meters (148 feet) in length, with the top of the plug 45 meters (148 feet) or less below the ocean floor, shall be placed in the smallest string of casing which extends to the ocean floor.

2.7 *Testing of Plugs.* The setting and location of the first plug below the surface plug shall be verified by one of the following methods:

a. by placing a minimum pipe weight of 6,800 kilograms (15,000 pounds) on the cement plug, cement retainer, or bridge plug. The cement placed above the bridge plug or retainer need not be tested.

b. By testing the plug with a minmum pump pressure of 6,900 kPa (1,000 psi) with no more than a 10-percent pressure drop during a 15-minute period.

2.8 *Mud.* Each of the respective intervals of the hole between the various plugs shall be filled with mud fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered while drilling the intervals between the plugs. Fluid left in the hole adjacent to the permafrost zone shall have a freezing point below the temperature of the permafrost zone and shall be treated to minimize corrosion of the casing. Any oil base fluid left in the hole will require prior approval of the District Supervisor.

2.9 *Clearance of Location.* All casing, wellhead equipment, and piling shall be removed to a depth of at least 5 meters (16 feet) below the ocean floor, or to a depth approved by the District Supervisor after a review of data on the ocean bottom conditions. The lessee shall verify that the location has been cleared of all obstructions.

2.10 *Cement.* The cement used for cement plugs placed across the permafrost zones shall be designed to set before freezing and to have a low heat of hydration.

3. *Temporary Abandonment.* Any drilling well which is to be temporarily abandoned shall be mudded and cemented as required for permanent abandonment except for the requirements in subparagraphs 2.6 and 2.9. When a drilling well is temporarily abandoned, a bridge plug or a cement plug shall be set at the base of the deepest casing string. If a cement plug is set, it is not necessary for the cement plug to extend below the casing shoe into the open hole.

The lessee shall set a retrievable or permanent bridge plug, or a cement plug at least 30 meters (98 feet) in length in the casing between 5 and 60 meters (16 and 197 feet) below the ocean floor.

When a casing stub extends above the ocean floor, the lessee shall comply with the requirements of OCS Order No. 1, paragraph 4, "Identification of Subsea Objects."

4. *Departures.* All departures from the requirements specified in this Order shall be subject to approval, pursuant to 30 CFR 250.11(b).

Rodney A. Smith,

Deputy Conservation Manager, Offshore Field Operations.

Approved:

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic OCS Order No. 4—Effective February 27, 1981

Determination of Well Producibility

This Order is issued pursuant to the authority prescribed in 30 CFR 250.10, 250.11, and in accordance with 30 CFR 250.12. An OCS lease provides for extension beyond its primary term for as long as oil or gas may be produced from the lease in paying quantities. The term "paying quantities" as used herein means production of oil and gas in quantities sufficient to yield a return in excess of operating costs. An OCS lease may be maintained beyond the primary term, in the absence of actual production, when a suspension of production has been approved in accordance with 30 CFR 250.12.

1. *Application for Determination of Well Producibility.* An application shall be submitted to the District Supervisor for the determination of every new well's capability of producing until a well, drilled on the lease, has been determined to be capable of producing oil or gas in paying quantities. The application shall be submitted within 60 days after the drilling rig has been moved from the well.

2. *Criteria for the determination of Well Producibility.* The Deputy Conservation Manager (DCM), Offshore Field Operations, shall prescribe which of the following criteria is to be used to determine the capability of a well to produce in paying quantities.

2.1 *Production Tests.* All tests must be witnessed by an authorized representative of the U.S. Geological Survey. Test data accompanied by the lessee's affidavit, or third-party test data, may be accepted in lieu of a witnessed test, provided approval is obtained from the District Supervisor prior to the performance of the test. All tests must conform to the following minimum requirements:

a. A production test for oil wells of a least 2 hours' duration following stabilization of flow.

b. A deliverability test for gas wells of at least 2 hours' duration following stabilization of flow or a 4-point back-pressure test.

2.2 *Production Capability Determination.* When the District Supervisor determines that open hole evaluation data, such as wireline formation test, drill stem tests, core data, and logs, have been demonstrated as reliable in a geologic area, such data may be considered as acceptable evidence that a well is capable of producing in paying quantities.

3. *Departures.* All departures from the requirements specified in this Order

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shall be subject to approval, pursuant to 30 CFR 250.11(b).

Rodney A. Smith,

Deputy Conservation Manager, Offshore Field Operations.

Approved:

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic OCS Order No. 5—Effective February 27, 1981

Production Safety Systems

This Order is issued pursuant to the authority prescribed in 30 CFR 250.10 and 250.11 and in accordance with 30 CFR 250.30, 250.38, 250.45, and 250.46. The lessee shall be responsible for compliance with the requirements of this Order in the installation and operation of the production safety systems on all platforms and structures located on the leasehold including those facilities not operated or owned by the lessee. All applications for approval under the provisions of this Order shall be submitted to the District Supervisor.

This Order requires the lessee to submit plans, applications, reports, data, and other information. In all cases where the lessee(s) has(have) identified another party as designated lease operator in accordance with 30 CFR 250.31, and where the term "operator" is defined in accordance with 30 CFR 250.2(gg), the required information may be submitted by the designated lease operator.

1. *Use of Best Available and Safest Technologies (BAST).* The lessee is encouraged to continue the development of safety-system technology. As research and product improvement results in increased effectiveness of existing safety equipment or the development of new equipment systems, such equipment may be used and, if such technologies provide a significant cost effective incremental benefit to safety, health, or the environment, shall be required to be used if determined to be BAST.

Conformance to the standards, codes, and practices referenced in this Order will be considered to be the application of BAST. Specific equipment and procedures or systems not covered by standards, codes, or practices will be analyzed to determine if the failure of such would have a significant effect on safety, health, or the environment If such are identified and until specific performance standards are developed or endorsed by the U.S. Geological Survey (USGS), the lessee shall submit such information necessary to indicate the use of BAST, the alternatives considered to the specific equipment or procedures, and the rationale why one alternative technology was considered in place of another. This analysis shall include a discussion of the costs involved in the use of such technology and the incremental benefits gained.

1.1 *Subfreezing Operations.* Lessees shall furnish evidence that the production equipment, production safety systems, and other associated equipment and materials are suitable for operations under subfreezing conditions and that all equipment and operating procedures take into account floating ice, icing and other extreme environmental conditions that may occur in the area.

2. *Quality Assurance and Performance of Safety and Pollution-Prevention Equipment.* Safety and Pollution-Prevention Equipment (SPPE) shall conform to the following quality assurance standards:

a. American National Standards Institute/American Society of Mechanical Engineers Standard "Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME SPPE–1, latest edition with all addenda.

b. American National Standards Institute/American Society of Mechanical Engineers Standard "Accreditation of Testing Laboratories for Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME–SPPE–2, latest edition with all addenda.

The applicable SPPE components, and the applicable SPPE specifications are identified in subparagraph 3.2 and subparagraph 4.2.

3. *Subsurface-Safety Devices.*

3.1 *Installation.* All tubing installations open to hydrocarbon-bearing zones shall be equipped with a subsurface-safety device such as a Surface-Controlled Subsurface-Safety Valve (SCSSV), a Subsurface-Controlled Subsurface-Safety Valve (SCSSV), an injection valve, a tubing plug, or a tubular/annular subsurface-safety device, unless, after application and justification, the well is determined to be incapable of flowing. Criteria and procedural guidelines for the determination of the capability of a well to flow are established by and are available from the District Supervisor. The device shall be installed within 2 days after production is stabilized. The well shall be attended in the immediate vicinity of the well so that emergency actions may be taken, if necessary, while the well is open to flow from a hydrocarbon-bearing zone, until a subsurface-safety device is installed.

In non-permafrost areas, the device shall be installed at a depth of 30 meters (98 feet) or more below the ocean floor. In permafrost areas, the setting depth of the subsurface-safety device shall be approved by the District Supervisor on a case-by-case basis.

3.1.1 *Subsurface-Safety Valves.* All tubing installations shall be equipped with a surface-controlled, or other remotely controlled, subsurface-safety device. Alternatives to this requirement may be approved by the Deputy Conservation Manager (DCM), Offshore Field Operations, when greater reliability or safety can be demonstrated.

3.2 *Specification for Subsurface-Safety Valves.* Surface-controlled and subsurface-controlled subsurface-safety valves required by subparagraphs 3.4 and 3.5, which are installed or replaced, shall conform to "American Petroleum Institute (API) Specification for Subsurface-Safety Valves," API Spec 14A, Fourth Edition, November 1979, with the exception of section 6, Appendix A and Appendix J of this specification, except for specific provisions thereof that are required in sections 1 through 5 of this specification, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use at the time of installation. The API monogram is optional, whereas the requirement for the OCS symbol is mandatory. A valve qualified to a previous edition of API Spec 14A is acceptable provided that the valve enters inventory within 3 years of its qualifying performance test date.

For purposes of this requirement, the term "replacement" is defined as occurring when that portion of the valve assembly containing the serial number is removed from inventory and a new certified valve is placed in inventory.

3.3 *Design, Installation, and Operation.* Subsurface-safety devices shall be designed , adjusted, installed, and maintained to insure reliable operation. During testing and inspection procedures, the well shall not be left unattended while open to production unless a properly operating subsurface-safety device has been installed in the well.

3.4 *Surface-Controlled Subsurface-Safety Valves.* All tubing installations open to a hydrocarbon-bearing zone shall be equipped with a surface-controlled subsurface-safety valve, except as specified in subparagraphs 3.1, 3.5, and 3.6. The surface controls may be located on the site or at a remote location.

3.4.1 *Testing of Surface-Controlled Subsurface-Safety Valves.* Each surface-controlled, or other remotely controlled, subsurface-safety device installed in a well shall be tested in place for proper operation when installed or reinstalled and thereafter at intervals not exceeding 6 months. If the device does not operate properly, it shall be removed, repaired, reinstalled or replaced, and tested to insure proper operation.

3.5 *Subsurface-Controlled Subsurface-Safety Valves.* Tubing installations in wells completed from single-well or multiwell satellite caissons or ocean floor completions may be equipped with a subsurface-controlled subsurface-safety valve in lieu of a surface-controlled, or other remotely controlled, or other remotely controlled, subsurface-safety valve.

3.5.1 *Inspection and Maintenance of Subsurface-Controlled Subsurface-Safety Valves.* Each subsurface-controlled subsurface-safety valve installed in a well shall be removed, inspected, and repaired or adjusted as necessary and reinstalled at intervals not exceeding:

(1) 6 months for those valves not installed in a landing nipple.

(2) 12 months for those valves installed in a landing nipple.

3.6 *Tubing Plugs in Shut-in Wells.* A tubing plug shall be installed in lieu of, or in addition to, other subsurface-safety devices if a well has been shut-in for a period of 6 months. In nonpermafrost areas, tubing plugs shall be set at a depth of 30 meters (98 feet) or more below the ocean floor. In permafrost areas, each tubing-plug installation shall be approved by the District Supervisor on a case-by-case basis. All tubing plugs installed shall be of the pump-through type. All wells perforated anc completed but not placed on production shall be equipped with a subsurface-safety valve or tubing plug within 2 days after completion. A surface-controlled subsurface-safety valve of the pump-through type may be used as a pump-through tubing plug for the purpose of this subparagraph, provided the surface control has been rendered inoperative. A shut-in well which is equipped with a tubing plug shall be inspected for leakage by opening the well to possible flow at intervals not exceeding 6 months. If a liquid leakage rate in excess of 400 cc/min or a gas leakage rate in excess of 7 dm^3 / sec (15 cubic ft/min) is observed, the plug shall be removed, repaired, and reinstalled, or an additional tubing plug may be installed in lieu of removal and repair.

3.7 *Injection Wells.* A surface-controlled subsurface-safety valve or an injection valve capable of preventing backflow shall be installed in all wells placed in injection service.

Surface-controlled subsurface-safety valves shall be tested in accordance with subparagraph 3.4.1. Injection valves shall be tested in the manner as outlined for testing tubing plugs in subparagraph 3.6.

These requirements are not applicable if the District Supervisor concurs that the well is incapable of flowing. The lessee shall verify the no-flow condition of the well annually and submit an annual report certifying the no-flow status of the well.

3.8 *Temporary Removal for Routine Operations.* Each wireline- or pumpdown-retrievable subsurface-safety device may be removed, without further authorization or notice, for a routine operation which does not require the approval of a Sundry Notice and Report on Wells (Form 9–331) for a period not to exceed 15 days. The well shall be identified by a sign on the wellhead stating that the subsurface-safety device has been removed. The removal of the subsurface-safety device shall be noted in the records as required by subparagraph 3.11g. The well shall be attended in the immediate vicinity of the well so that emergency actions may be taken, if necessary, while the well is open to flow from a hydrocarbon-bearing zone until the subsurface-safety device is reinstalled, unless attendance has been waived by the District Supervisor. The well shall not be open to flow while the subsurface-safety device is removed except when flowing the well is necessary for that particular operation.

The provisions of this paragraph are not applicable to the testing and inspection procedures in subparagraphs 3.4.1, 3.5.1, 3.6, and 3.7.

3.9 *Additional Safety Equipment.* All tubing installations in which a wireline- or pumpdown-retrievable subsurface-safety device is installed shall be equipped with a landing nipple, with flow couplings or other protective equipment above and below, to provide for the setting of the subsurface-safety valve. The control system for all surface-controlled subsurface-safety valves shall be an integral part of the platform Emergency Shutdown System (ESD) as defined in Appendix C, Section C1 of "API Recommended Practice for Analysis, Design, Installation, and Testing of Basic Surface-Safety Systems on Offshore Production Platforms," API RP 14C, Second Edition, January 1978, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. In addition to the activation of the ESD system by manual action on the platform, the system may be activated by a signal from a remote location. Surface-controlled subsurface-safety valves shall close in response to shut-in signals from the ESD system or the fire loop, or both.

3.10 *Emergency Action.* All tubing installations open to hydrocarbon-bearing zones and capable of flowing in which the subsurface-safety device has been removed, in accordance with the provisions of this Order, shall be identified by a sign on the wellhead stating that the subsurface-safety device has been removed. A subsurface-safety device shall be available for each well on the platform. In the event of an emergency such as an impending storm, this device shall be properly installed as soon as possible with due consideration being given to personnel safety.

3.11 *Records.* The lessee shall maintain records for a minimum period of 5 years for each subsurface-safety device installed. These records shall be maintained in the nearest offshore field office for a minimum period of 2 years. If the lessee has no such offshore field office, then the records shall be kept in the nearest onshore field office. The records may than be transferred to the onshore field office for the remaining 3 years of the 5-year retention period. These records shall be available for review by any authorized representative of the USGS. The records to be maintained shall contain verification of:

a. The manufacturer's design, including make, model, and type. For subsurface-controlled valves, number of the spacers, size of beams, springs, and the pressure settings.

b. The devices having been manufactured in accordance with the quality-assurance requirements of ANSI/ASME–SPPE–1 (formerly ANSI/ASME–OCS–1) as required by paragraph 2.

c. The completion and return of the receiving report to the manufacturer as required by ANSI/ASME–SPPE–1.

d. The record of all configuration modifications to the certified design.

e. Installation at the required setting depth and in accordance with the manufacturer's instructions.

f. The identity of the personnel qualified in accordance with subparagraph 5.7 who directed all installations and removals.

g. The results of tests required by this Order, the dates of removals and reinstallations, and the reasons for removals and reinstallations.

h. The completion and submission of all failure reports required by paragraph

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6 and all investigation reports required by paragraphs OE–2529 and OE–2670 of ANSI/ASME–SPPE–1.

3.12 *Reports.* Well completion reports (Form 9–330) and any subsequent reports of workover (Form 9–331) shall include the manufacturer, the type, and the installed depth of the subsurface-safety devices.

4. *Design, Installation, and Operation of Surface Production Safety Systems.* All production facilities, including separators, treaters, compressors, headers, and flowlines, shall be designed, installed, and maintained in a manner which will facilitate an efficient, safe, and pollution-free operation.

4.1 *New Platforms.* New platform production facilities shall be protected with a basic and ancillary surface-safety system designed, analyzed, tested, and maintained in operating condition in accordance with the provisions of API RP 14C, except Section A9, "Pipelines," which will be covered under OCS Order No. 9, and the additional requirements of Order No. 5. For this application, the work "should" contained in API RP 14C shall be read "shall," except for those contained in explanatory statements, sections 3.4c and 4.3a(4)(a)-(f). If processing component are to be utilized, other than those for which Safety Analysis Checklists (SAC's) are included in API RP 14C, the analysis technique and documentation specified therein shall be utilized to determine the effects and requirements of these components upon the safety system.

4.2 *Specification for Wellhead Surface-Safety Valves.* All Wellhead Surface-Safety Valves (SSV's) required by subparagraph 4.1 shall conform to "API Specification for Wellhead Surface Safety Valves for Offshore Service," API Spec 14D, Third Edition, November 1980, with the exception of Appendix A and Appendix J of this specification, except for specific provisions thereof that are required in sections 1 through 5 of this specification, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use at the time of installation. The API monogram is optional, whereas the requirement for the OCS symbol is mandatory.

4.3 *Submittal of Safety-System Design and Installation Features.* Prior to installation, the lessee shall submit for approval to the District Supervisor, in duplicate, information relative to design and installation features, as indicated in subparagraphs "a" through "g." This information shall also be maintained at the lessee's onshore field engineering office. All approvals are subject to field verifications. This information shall include:

a. A schematic flow diagram showing size, capacity, and design working pressure of separators, treaters, storage tanks, compressors, pipeline pumps, and metering devices.

b. A schematic flow diagram (reference API RP 14C, example: figure E1) and the related Safety Analysis Function Evaluation (SAFE) chart (reference API RP 14C, Subsection 4.3c). These diagrams and charts shall be developed in accordance with the provisions of API RP 14C and the additional requirements of this Order.

c. A schematic piping diagram showing the size and maximum-allowable working pressure with reference to welding specification(s) or code(s) used. The maximum-allowable working pressures shall be determined in accordance with "API Recommended Practice for Design and Installation of Offshore Production Platform Piping Systems," API RP 14E, First Edition, August 1975, and Supplement 2, October 1977, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. The recommendations contained in API RP 14E are acceptable for the design and installation of the platform piping system.

d. A diagram of the firefighting system.

e. Electrical system information including the following:

(1) A plan of each platform deck outlining any nonrestricted area, i.e., areas which are unclassified with respect to electrical equipment installations and outlining areas in which potential ignition sources, other than electrical, are to be installed. The area outline shall include the following information:

(a) Any surrounding production or other hydrocarbon source and a description of the deck, overhead, and firewall.

(b) Location of generators, control rooms, panel boards, major cabling/conduit routes, and identification of the wiring method, including the identification of each wire and cable type that is utilized.

(2) Elementary electrical schematic of any platform safety-shutdown system with a functional legend.

(3) Classification of areas for electrical installations in accordance with the National Electrical Code, 1978 Edition, and with the "API Recommended Practice for Classification of Areas for Electrical Installations at Drilling Rigs and Production Facilities on Lands and on Marine Fixed and Mobile Platforms," API RP 500B, Second Edition, July 1973, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use.

f. The design and schematics of the installation and maintenance of all fire and gas detection systems shall include the following:

(1) Type, location, and number of detection heads.

(2) Type and kind of alarm, including emergency equipment to be activated.

(3) Method used for detection.

(4) Method and frequency of calibration.

(5) Name of organization to perform system inspection and calibration.

(6) A functional block diagram of the detection system, including the electric power supply.

g. Certification that the design for the mechanical and electrical systems to be installed was approved by registered professional engineers. After these systems are installed, the lessee shall submit a statement to the District Supervisor certifying that the new installations conform to the approved designs or the lessee shall request approval of the "As-Built" changes.

5. *Additional Safety and Pollution-Control Requirements.* The following requirements modify or are in addition to those contained in API RP 14C.

5.1 *Design, Installation, and Operation.*

5.1.1 *Pressure Vessels.* Unless otherwise qualified for use according to subparagraph 5.1.1d below, pressure vessels shall be designed, fabricated, stamped, and maintained in accordance with specific sections of the ASME Boiler and Pressure Vessel Code as listed below. The pressure vessels shall conform to the July 1, 1977, edition of the Code or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use.

a. Pressure-relief valves shall be designed, installed, and maintained in accordance with applicable provisions of sections I, IV, and VIII. The relief valves shall conform to the valve-sizing and pressure-relieving requirements specified in these documents; however, the relief valves shall be set no higher than the maximum-allowable working pressure of the vessel. All relief valves and vents shall be piped in such a way as to prevent fluid from striking personnel or ignition sources.

b. Steam generators shall be equipped with Level Safety Low Controls (LSL) in accordance with applicable provisions of sections I and IV.

c. The lessee shall determine, by the use of pressure recorders, the operating pressure ranges of all pressure-operated vessels in order to establish the pressure-sensor settings. Current pressure-recorder charts shall be maintained at the nearest offshore field office. The high-pressure shut-in sensor shall be set no higher than 10 percent above the highest operating pressure of the vessel. This setting shall also be sufficiently below the relief valve's set pressure to assure that the pressure source is shut in before the relief valve starts relieving. The low-pressure shut-in pressure-sensor setting shall be no lower than 15 percent or 35 kilopascals (kPa) (5 psi), whichever is greater, below the lowest pressure in the operating range. The pressure-sensor setting of low-pressure sensors on pressure vessels which operate at less than 35 kilopascals (kPa) (5 psi) shall be approved by the District Supervisor on a case-by-case basis.

d. All pressure or fired vessels used in the production of oil or gas shall conform to the requirements stipulated in the edition of the ASME Boiler and Pressure Vessel Code, sections I, IV, and VIII, as appropriate, in effect at the time the vessel is ordered. Uncoded vessels shall the hydrostatically tested to a pressure 1.5 times their working pressures prior to placing in service. The test date, test pressure, and working pressure shall be marked in the vessel in a prominent place. A record of the test shall be maintained by the lessee in the field area.

5.1.2 *Flowlines.*

a. All flowlines from wells shall be equipped with high- and low-pressure shut-in sensors located in accordance with Section A1 and Figure A1 of API RP 14 C. The lessee shall determine, by the use of pressure recorders, the operating pressure ranges of flowlines in order to establish pressure-sensor settings. Current pressure-recorder charts shall be maintained at the nearest offshore field office.

The high-pressure shut-in sensor(s) shall be set no higher than 10 percent above the highest operating pressure of the line; but, in all cases, it shall be set sufficiently below the maximum shut-in wellhead pressure or the gas-lift supply pressure to assure actuation of the surface-safety valve. The low-pressure shut-in sensor(s) shall be set no lower than 10 percent or 35 kPa (5 psi), whichever is greater, below the lowest operating pressure of the line in which it is installed.

b. If a well flows directly to the pipeline before separation, the flowline and valves from the well located upstream of, and including the header inlet valve(s), shall have a working pressure equal to or greater than the maximum shut-in pressure of the well, unless the flowline is protected by one of the following:

(1) A relief valve which vents into the platform flare scrubber or some other location approved by the District Supervisor.

(2) An additional automatic shutdown valve controlled by an independent high/pressure sensor. The platform flare scrubber shall be designed to handle, without liquid-hydrocarbon carryover to the flare, the maximum-anticipated flow of liquid-hydrocarbons which may be relieved to the vessel.

5.1.3 *Pressure Sensors.* Pressure sensors may be of the automatic- or nonautomatic-reset type. When the automatic-reset types are used, a nonautomatic-reset relay shall be installed. All pressure sensors shall be equipped to permit testing with an external pressure source.

5.1.4 *Emergency Shutdown System.* The manually operated ESD valve shall be quick-opening and nonrestricted to enable the rapid actuation of the shutdown system. ESD stations may utilize a loop of breakable synthetic tubing in lieu of a valve only at the boat landing.

On an emergency shutdown, the Surface-Controlled Subsurface-Safety Valve (SCSSV) shall close in not more than 2 minutes after the shut-in signal has closed the surface safety valve (SSV). Design delayed closure time greater than 2 minutes shall be justified by the lessee based on the individual well's mechanical/production characteristics and approved by the District Supervisor.

Electro-pneumatic systems shall meet the corresponding design and functional requirements as those which apply to pneumatic systems.

A schematic of the ESD system which indicates the control functions of all safety devices shall be maintained on the platform or nearest offshore field office.

5.1.5 *Engine Exhausts.* Engine exhausts shall be equipped to comply with the insulation and personnel-protection requirements of API RP 14C, Section 4.2c(4). Exhaust piping from diesel engines shall be equipped with spark arrestors.

5.1.6 *Glycol-Dehydration Units.* A pressure-relief system or an adequate vent shall be installed on the glycol regenerator, or at a location approved by the District Supervisor, which will prevent overpressurization of all glycol-dehydration units. The set pressure of the pressure-relief system shall be determined by the lessee and approved by the District Supervisor. The discharge of the relief valve shall be vented in a nonhazardous manner. The glycol-dehydration unit shall be properly maintained to prevent overpressurization of the unit.

5.1.7 *Gas Compressors.* Each compressor shall be equipped with the following protective equipment:

(1) A PSH, a PSL, a PSV, and an LSH to protect each interstage and suction scrubber.

(2) An LSL to protect each interstage and suction scrubber, unless the fluid is dumped through a choke restriction to another pressure vessel. An LSL shut-in control(s) installed in interstage and suction scrubber(s) may be designed to actuate the automatic shutdown valve(s) (SDV's) installed in the scrubber dump line(s).

(3) A TSH on each compressor cylinder or other components as applicable.

(4) In addition to the provisions of API RP 14C, Subsection A8.3, PSH and PSL shut-in sensors and LSH shut-in controls protecting compressor suction and interstage scrubbers shall be designed to actuate automatic SDV's located in each compressor suction and fuel gas line so that the compressor unit and the associated vessels can be isolated from all input sources.

All automatic SDV's installed in compressor suction and fuel gas piping shall also be actuated by the shutdown of the prime mover.

Compressor installations of 745 kilowatts (1,000 horsepower) or less are excluded from those requirements of API RP 14C, A8.3d, which provide for installation of a blowdown valve (BDV) on the discharge line.

5.1.8 *Firefighting Systems.* Firefighting systems shall conform to Subsection 5.2, "Fire Water Systems," of "API Recommended Practice for Fire Prevention and Control on Open Type Offshore Production Platforms," API RP 14G, First Edition, September 1978, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use, and the additional requirements of this subparagraph.

A firewater system consisting of rigid pipe with firehose stations shall be installed. The firewater system shall be installed to provide needed protection in all areas where production-handling equipment is located. A fixed water-spray system shall be installed in enclosed well-bay areas where hydrocarbon vapors may accumulate.

Acceptable pump drivers include diesel engines, natural gas engines, and electric motors. Fuel or power shall be available for at least 30 minutes of run-time during platform shut-in time. If necessary, an alternate fuel supply shall be installed to provide for this pump-

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operating time unless an alternate firefighting system has been approved by the District Supervisor.

A firefighting system using chemicals may be used or may be required in lieu of a water system if the District Supervisor determines that the use of a chemical system provides equivalent fire protection control. A diagram of the firefighting system showing the location of all firefighting equipment shall be posted in a prominent place on the platform or structure.

5.1.9 *Fire and Gas Detection System.*

a. Fire (flame, heat, or smoke) sensors shall be used in all enclosed high-hazard areas. Gas sensors shall be used in all inadequately ventilated, enclosed, high-hazard areas. Adequate ventilation is as defined in API RP 14C, Appendix C, paragraph C1.3b.

b. All detection systems shall be capable of continuous monitoring. Fire detection systems and portions of combustible gas detection systems related to the higher gas concentration levels shall be of the manual-reset type. Combustible gas detection systems related to the lower gas concentration level may be of the automatic-reset type.

c. A fuel gas odorant or an automatic gas-detection and alarm system are required in enclosed, continuously manned areas of the facility.

d. The District Supervisor may require a gas detector or alarm in any potentially hazardous area.

e. Fire detection systems shall be of an approved type, designed and installed in accordance with the National Fire Protection Association Standard for Automatic Fire Detectors, No. 72E, 1974, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. Gas detection systems shall be of an approved type, designed and installed in accordance with sections 9.1 and 9.2 of "API Recommended Practice For Design and Installation of Electrical Systems for Offshore Production Platforms," API RP 14F, First Edition, July 1978, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use

5.1.10 *Electrical Equipment.* The following requirements shall be applicable to all electrical equipment and systems:

a. All engines with ignition systems shall be equipped with a low-tension ignition system of a low-fire hazard type and shall be designed and maintained to minimize the release of sufficient electrical energy to cause ignition of an external, combustible mixture.

b. All electrical generators, motors, and lighting systems shall be installed, protected, and maintained in accordance with the edition of the National Electrical Code and API RP 500B in effect at the time of approval.

c. At the time of approval, wiring methods shall conform to the National Electrical Code, 1978 Edition, or to the Institute of Electrical and Electronic Engineers (IEEE) "Recommended Practice for Electric Installation on Shipboard," IEEE Std. 45–1977, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. Each conductor of a wire, a cable, or a bus bar shall be made of copper on all installations.

d. The elementary electrical schematic of the platform safety-shutdown system required by subparagraph 4.3e(2) shall be maintained on the platform or structure. This schematic shall indicate the control functions of all electrically actuated safety devices.

e. Maintenance of these systems shall be by personnel who are familiar with the construction and operation of the equipment and the hazards involved.

f. An auxiliary power supply shall be installed to provide emergency power, capable of operating all electrical equipment required to maintain safety of operations, in the event of a failure in the primary electrical power supply. This requirement is not applicable to those systems, or portions of systems, which are designed to fail-safe.

5.1.11 *Erosion.* A program of erosion control shall be in effect for wells or fields having a history of sand production. The erosion-control program may include sand probes, X-ray, ultrasonic, or other satisfactory monitoring methods. An annual report, by lease, indicating the wells which have erosion-control programs in effect and the results of the programs shall be submitted by the first of December to the USGS Conservation Manager in the appropriate Regional Office.

5.2 *General Platform Operations.*

a. Surface- or subsurface-safety devices shall not be bypassed or blocked out of service unless they are temporarily out of service for startup, maintenance, or testing procedures. Only the minimum number of safety devices necessary for the operation shall be taken out of service. Personnel shall monitor the bypassed or blocked-out functions. Any surface- or subsurface-safety device which is temporarily out of service shall be flagged.

b. When wells are disconnected from producing facilities and blind-flanged or equipped with a tubing plug, compliance is not required with the provisions of API RP 14C or this Order concerning:

(1) Installation of automatic fail-close SSV on wellhead assemblies.

(2) Installation of the PSH and the PSL shut-in sensors downstream of the choke in flowlines from wells.

(3) Installation of flow safety valves (FSV's) in header individual flowlines.

c. When pressure or atmospheric vessels are positively isolated from production facilities (for example, inlet valve locked closed or inlet line blind-flanged) and are to remain isolated for an extended period of time, safety device compliance is not required with API RP 14C or this Order.

d. All open-ended lines connected to producing facilities shall be plugged or blind-flanged, except those lines designed to be open-ended, such as flare or vent lines.

5.3 *Simultaneous Platform Operations.* Prior to conducting activities simultaneously with production operations which could increase the possibility of occurrence of undesirable events, such as harm to personnel or to the environment or damage to equipment, a "General Plan for Conducting Simultaneous Operations" in a producing field shall be filed for approval with the District Supervisor. This plan shall be modified and updated by supplemental plans when actual simultaneous operations are scheduled which are significantly different from those covered in the General Plan. Activities requiring these plans are drilling, completion, workover, wireline, pumpdown, and major construction operations.

5.3.1 *General Plan.* The "General Plan for Conducting Simultaneous Operations" shall include:

a. A narrative description of operations.

b. Procedures for the mitigation of potentially undesirable events including:

(1) The guidelines the lessee will follow to assure coordination and control of simultaneous activities.

(2) The identity of the person having overall responsibility at the site for the safety of platform operations.

5.3.2 *Supplemental Plan.* The "Supplemental Plan for Conducting Simultaneous Operations" shall include:

a. A floor plan of each platform deck indicating critical areas of simultaneous activities.

b. An outline of any additional safety measures that are required for simultaneous operations.

c. Specification of any added or special equipment or procedural conditions imposed when simultaneous activities are in progress.

5.4 *Welding and Burning Practices and Procedures.* The following requirements are applicable to any welding or burning practice or procedure performed on:

a. An offshore mobile-drilling unit during the drilling mode.

b. A mobile workover unit during any drilling, completion, recompletion, remedial, repair, stimulation, or other workover activity.

c. A platform, structure, artificial island, or other installation during any drilling, completion, workover, or production operation.

d. A platform, structure, artificial island, or other installation which contains a well open to a hydrocarbon-bearing zone.

For the purpose of this Order, the terms "welding" and "burning" are defined to include arc or acetylene cutting and arc or acetylene welding.

All offshore welding and burning shall be minimized by onshore fabrication when feasible.

5.4.1 *General Welding, Burning, and Hot Tapping Plan.* Each lessee shall file for approval by the District Supervisor a "Welding, Burning, and Hot Tapping Safe Practices and Procedures Plan." The plan shall include the qualification standards or requirements for personnel and the methods by which the lessee will assure that only personnel meeting such standards or requirements are utilized. A copy of this plan shall be available in the field area. Any person designated as a welding supervisor shall be thoroughly familiar with this plan. An approved plan is required prior to the conduct of any welding, burning or hot tapping operation. All welding and burning equipment shall be inspected prior to beginning any welding or burning. Welding machines located on production or process platforms shall be equipped with spark arrestors and drip pans. Welding leads shall be completely insulated and in good condition; oxygen and acetylene bottles secured in a safe place; and hoses leak-free and equipped with proper fittings, gauges, and regulators.

5.4.2 *Designated Safe-Welding and Burning Areas.* The lessee shall establish, if feasible, and so designate areas on the platform determined to be safe-welding areas pursuant to the National Fire Protection Association Bulletin "Cutting and Welding Processes," No. 51 B, 1976, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. Approval for the use of such areas shall be obtained from the District Supervisor. These designated areas shall be identified in the General Plan and a drawing showing the location of these areas shall be maintained on the facility. Welding or burning performed in any other areas shall be performed in compliance with the procedures set forth in subparagraph 5.4.3.

5.4.3 *Undesignated Welding and Burning Areas.* All welding or burning which cannot be done in an approved safe-welding area shall be performed in compliance with the procedures outlined below:

a. Prior to the commencement of any welding or burning operation on a structure, the lessee's designated person-in-charge at the installation shall personally inspect the qualifications of the welder or welders to assure that they are properly qualified in accordance with the lessee-approved qualification standards or requirements for welders. The designated person-in-charge and the welders shall personally inspect the work area for potential fire and explosion hazards. After it has been determined that it is safe to proceed with the welding or burning operation, the designated person-in-charge shall issue a written authorization for the work.

b. During all welding and burning operations, one or more persons shall be designated as a Fire Watch. Persons assigned as a Fire Watch shall have no other duties while actual welding or burning operations are in progress. If welding is to be done in an area which is not equipped with a gas detector, the Fire Watch shall also maintain a continuous surveillance with a portable gas detector during welding.

c. Prior to any welding or burning operation, the Fire Watch shall have in his possession firefighting equipment in a usable condition. At the end of the welding operation, the equipment shall be returned to a usable condition.

d. No welding, other than approved hot tapping, shall be done on piping, containers, tanks, or other vessels which have contained a flammable substance unless the contents have been rendered inert and determined to be safe for welding or burning by the designated person-in-charge.

e. If drilling, workover, or wireline operations are in progress on the platform, welding operations in other than approved safe-welding areas shall not be conducted unless the well(s) where these operations are in progress contain noncombustible fluids and the entry of formation hydrocarbons into the wellbore is precluded. All other provisions of this section shall also be applicable.

f. If welding or burning operations are conducted in the well-bay or production area, all producing wells shall be shut in at the surface-safety valve.

5.5 *Safety Device Testing.* The safety-system devices which are required by this Order shall be tested by the lessee at the interval specified below or more frequently if operating conditions warrant. Testing shall be in accordance with API RP 14C, appendix D, and the following:

a. All PSV's shall be tested for operation at least once every 12 months. These valves shall be either bench-tested or equipped to permit testing with an external pressure source.

b. All Pressure Sensors-High/Low (PSHL) shall be tested at least once each calendar month, but at no time shall more than 6 weeks elapse between tests.

c. All SSV's shall be tested for operation and for leakage at least once each calendar month, but at not time shall more than 6 weeks elapse between tests. The SSV's shall be tested for operation in accordance with the test procedure specified in API RP 14C, appendix D, section D4, table D2, subsection L, and tested for leakage in accordance with subsection M. If the valve does not operate properly or any fluid flow is observed in step 3 of the leakage test, the valve shall be repaired or replaced.

d. All flowline FSV's shall be checked for leakage at least once each calendar month, but at no time shall more than 6 weeks elapse between tests. The FSV's shall be tested for leakage in accordance with the test procedure specified in API RP 14C, appendix D, section D4, table D2, subsection D. If the leakage measured in step 6 exceeds a liquid flow of 400 cc/min or a gas flow of 7 dm³/sec (15 cubic ft/min), the FSV's shall be repaired or replaced.

e. All LSH and LSL controls shall be tested at least once each calendar month, but at no time shall more than 6 weeks elapse between tests. These tests shall be conducted by raising and lowering the liquid level across the level-control detector.

f. All automatic inlet SDV's which are actuated by a sensor on a vessel or a compressor shall be tested for operation at least once each calendar month, but at no time shall more than 6 weeks elapse between tests.

g. All SDV's located in liquid-discharge lines and actuated by vessel low-level sensors shall be tested for operation once each calendar month, but at no time shall more than 6 weeks elaspse between tests.

h. The TSH shutdown controls installed on compressors in lieu of a PSH and PSL on interstage scrubbers shall be tested every 6 months and repaired or replaced as necessary.

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i. All pumps for firewater systems shall be inspected and test-operated weekly.

j. All fire (flame, heat, or smoke) and gas detection systems shall be tested for operation and recalibrated every 3 months.

k. The lessee shall notify the District Supervisor when the lessee is ready to conduct a preproduction test and inspection of the integrated safety system. The lessee shall also notify the District Supervisor upon commencement of production in order that a post-production test and inspection of the integrated system may be conducted.

l. All TSH devices on fired components shall be tested at least once every 12 months.

m. The ESD system shall be tested for operation at least once each calendar month but at not time shall more than 6 weeks elapse between tests. The test may be conducted by closing at least one SSV from each of the ESD stations.

5.6 *Records.* The lessee shall maintain records for a minimum period of 5 years for each surface-safety device installed. These records shall be maintained in the nearest offshore field office for a minimum period of 2 years. If the lessee has no such offshore field office, then the records shall be kept in the nearest onshore field office. The records may then be transferred to the onshore field office for the remaining 3 years of the 5-year retention period. These records shall be available for review by any authorized representative of the USGS. The records shall show the present status and history of each device, including dates and details of installation, inspection, testing, repairing, adjustments, and reinstallation.

5.6.1 *Surface-Safety Valve and Assoicted Actuator Records.* Records for surface-safety valves and associated actuators which require compliance with paragraph 2 shall contain additional information showing vertification of:

a. The devices having been manufactured in accordance with the quality assurance requirements of ANSI/ASME–SPPE–1 (formerly ANSI/ASME–OCS–1) as required by paragraph 2.

b. The completion and return of the receiving report to the manufacturer as required by ANSI/ASME–SPPE–1.

c. The completion and submission of all failure reports required by paragraph 6 and all investigation reports required by paragraphs OE–2529 and OE–2670 of ANSI/ASME–SPPE–1.

5.7 *Safety Device Training.* Before January 1, 1982, the lessee shall ensure that all personnel engaged in installing, inspecting, testing, and maintaining these safety devices will have been qualified under a program as recommended by "API Recommended Practice for Qualification Programs for Offshore Production Personnel Who Work With Anti-Pollution Safety Devices," API RP T–2, revised October 1975, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use.

Documented evidence of the qualifications of individuals performing these functions shall be maintained in the field area.

Manufacturers' representatives need not be qualified in accordance with API RP T–2 if they are working on equipment supplied by their company, provided they have received training and are qualified by the manufacturer to install, service, or repair the specific safety device or safety system, and if they are directly supervised by an API RP T–2 qualified person who is cable of evaluating the impact of the work on the total system.

On-the-job trainees working with safety devices shall be directly supervised by a qualified person.

Before January 1, 1981, the lessee shall submit an application for approval to the Deputy Chief, Conservation Division—Offshore Minerals Regulation, describing the training to be conducted and the methods the lessee will utilize.

The application shall include:

a. A designation of the lessee's representative who is responsible for training and coordinating training matters with the USGS.

b. The categories of personnel to be qualified.

c. The training organizations and courses to be utilized.

d. The method for ensuring the qualification of third-party personnel.

e. The method for determining when additional training or requalification is required and the method for obtaining this training and requalification.

f. The method of monitoring operations to ensure that only qualified personnel perform certain functions.

g. The method of maintaining documented evidence of qualification at the work site.

6. *Failure and Inventory Reporting System (FIRS).* The USGS has established a safety and pollution-prevention device Failure and Inventory Reporting System (FIRS), to enhance the reliability and safety of operations in the OCS. This system applies to offshore structures, including satellites and jackets, which produce or process hydrocarbons and includes the attendant portions of hydrocarbon pipelines, when physically located on the structure.

When the devices specified herein are used as a part of the production safety and pollution-prevention system, the lessee shall:

a. Submit an initial inventory and periodic updates in accordance with the procedures described in subparagraph 6.1.3.

b. Report all device failures which occur. The report content and format shall be in accordance with the procedures described in subparagraph 6.1.4.

6.1 *Data and Reporting Requirements.*

6.1.1 *Format.* Inventory and failure data shall be submitted in a format containing the same information that is in the Safety Device Inventory Report (Form 9–1994) and the Safety Device Failure Report (Form 9–1995), and as outlined in the respective User's Instruction Booklets. Copies of the forms and booklets may be obtained from the USGS Conservation Manager in the appropriate Regional Office.

The specific method of submitting the required data may be selected from the following:

a. USGS Forms 9–1994 and 9–1995, using a standard coding convention (e.g., all letters capitalized, Z, I, letter O, number 0). The lessee shall submit the originals of the form to the USGS and retain the two copies.

b. ADP card decks of standard 80-column cards.

c. Magnetic tapes which are 9-track, 800 BPI, unlabeled, blocking cannot exceed, 1,040 characters, odd parity, single gap (i.e., compatible with IBM equipment EBCDIC).

Regardless of which method is used for submitting the inventory and failure data, a cover letter forwarding the data to the USGS shall contain the signature of the person initiating/approving the information contained therein.

When Form 9–1995 is used, the form shall contain in the lower right corner a signature of the person initiating/approving the report.

6.1.2 *Device Coverage.* Inventory and failure reports are to be submitted on the safety and pollution-prevention devices on offshore structures, including satellites and jackets, which produce or process hydrocarbons, and the hydrocarbon pipelines thereon. These reports shall be submitted on the following devices:

a. Blowdown Valves (BDV)
b. Burner Flame Detectors (BSL)
c. Check Valves (FSV)
d. Combustible Gas Detectors (ASH)
e. Emergency Shutdown Valves (ESD)
f. Level Sensors:
  High (LSH)
  Low (LSL)
  Hi/Lo (LSHL)
g. Pressure Sensors:
  High (PSH)
  Low (PSL)
  Hi/Lo (PSHL)
h. Relief Valves (PSV)
i. Shutdown Valves (SDV)
j. Subsurface-Safety Valves (SSSV)
k. Surface-Safety Valves (SSV)
l. Temperature Sensors:
  High (TSH)
  Low (TSL)
  Hi/Lo (TSHL)
m. Valve Actuators on shutdown valves, blowdown valves, and surface-safety valves (VA)

6.1.3 *Device Inventory Reporting.*

6.1.3.1 *Initial Inventory.* A complete initial inventory of the active safety and pollution-prevention devices shall be submitted no later than 1 month after the initial platform production date.

6.1.3.2 *Inventory Updates.* An updating of or addition/deletion to the latest inventory shall be submitted on a monthly basis so as to maintain a current and accurate data base. The inventory will be updated by using the contents of the Safety Device Inventory Report (Form 9–1994) and the Safety Device Failure Report (Form 9–1995), as described in the FIRS Instruction Booklet.

Inventory updating due to the addition, deletion, or changeout of a device is accomplished *by the lessee* reporting all of the data required in the Safety Device Inventory Report (Form 9–1994). Whenever a device fails and is either replaced with a new device or "fixed" and put back into service, the inventory shall be updated to reflect this change. Inventory updating, due to the failure of a device, will be performed *by the USGS,* using the contents of the Safety Device Failure Report (Form 9–1995). Inventory updating information shall be received no later than 30 days following the month in which the device change was made.

6.1.3.3 *Inventory-Reporting Methods.* Inventory data shall be reported either on the Safety Device Inventory Reporting forms (Forms 9–1994), punched cards, or magnetic tapes. The reports shall contain all of the required information in the standard format as described in subparagraph 6.1.1.

6.1.3.4 *Inventory Verification.* The device inventory shall be verified by the lessee to ensure that the inventory data base is maintained on a current basis and that changes are being incorporated as they occur. The verification shall be accomplished no more frequently than once each 6-month period. When verification is required, the USGS will provide the lessee with a copy of the information on record, in the lessee's selected reporting format. The lessee shall review the information and either submit a letter stating that the information is correct, or make the appropriate corrections to the information provided by the USGS. The letter or appropriate corrections shall be received no later than 30 days following the month in which the inventory information which is to be verified was forwarded to the lessee.

6.1.3.5 *Inventory-Reporting Deviation.* A lessee may submit an inventory, update, or verification report differing from that described in subparagraph 6.1.3 when authorized by the USGS.

6.1.4 *Device Failure Reporting.*

6.1.4.1 *Failure-Data Submittal.* The failure data, as defined in subparagraph 6.1.4.3, shall be received no later than 30 days following the month in which the failure was detected. These data must contain all of the required information and be submitted in the standard format either on Safety Device Failure Report forms (Form 9–1995), punched cards, or magnetic tape, as previously described in subparagraph 6.1.1. Information on the failed device must match that previously submitted in inventory reporting. A formal failure analysis is not required by this Order, but each failed device shall undergo sufficient test/disassembly to establish the basic cause(s) of the failure.

6.1.4.2 *Failure-Data Verification.* After receipt of the complete failure data from the lessees, the USGS will make a printout of all failures by manufacturer, model, and reported cause. Each manufacturer listed will be furnished a copy of the printout containing the reported failures of his devices only. If he disagrees with the reported failure causes, he is invited to investigate the questioned causes in coordination with the reporting lessee and provide a coordinated reply within 6 weeks after receipt of the printout. If no reply is received within that time period, the originally reported causes will be considered to be correct, and the data will be evaluated accordingly.

6.1.4.3 *Failure Definition.* The safety and pollution-prevention device Failure and Inventory Reporting System does not differentiate between a malfunction and a failure. For the purpose of this program, a failure is defined as the inability of a device to perform its designed function within specified limits. A device is considered to have failed if it does not operate properly (perform its function) as required within the specified test tolerances. Examples of device failures are included in the FIRS Instruction Booklet.

A failure repot is not required for:

a. Adjustments made within specified tolerances.

b. Adjustments required due to changes in operating conditions.

6.2 *Records.* The lessee shall maintain FIRS data records for a minimum period of 5 years. Equipment failure records shall be maintained in the nearest offshore field office for a minimum period of 2 years. If the lessee has no such offshore field office, then the records shall be kept in the nearest onshore field office. The records may then be transferred to the onshore field office for the remaining 3 years of the 5-year retention period. The records shall be available for review by any authorized representative of the USGS.

7. *Crane Operations.* Cranes shall be operated and maintained to ensure the safety of facility operations in accordance with the provisions of "API Recommended Practice for Operation and Maintenance of Offshore Cranes," API RP 2D, October 1972, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. Records of inspection, testing, maintenance, and crane operators qualified in accordance with the provisions of API RP 2D shall be kept in the field area for a period of 2 years. "API Specification for Offshore Cranes," API Specification 2C, February 1972, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use shall be used as a guideline for the selection of cranes.

8. *Employee Orientation and Motivation Programs for Personnel Working Offshore.* The lessee shall make a planned, continuing effort to eliminate accidents due to human error. This effort shall include the training of personnel in their functions. A program to achieve safe and pollution-free operations shall be established. This program shall include instructions in the provision of "API Recommended Practice Orientation Program for Personnel Going Offshore for the First Time," API RP T–1, January 1974, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use. "API Employee Motivation Programs for Safety and Prevention of Pollution in Offshore Operations," API Bulletin T–5, September 1974, or subsequent revisions which the Deputy Chief, Conservation Division—Offshore Minerals Regulation, has approved for use shall be used as a guide in

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developing employee safety and pollution-prevention motivation programs.

9. *Requirements for Drilling Rigs.*

9.1 *Fixed Structures.* The following requirements contained in this Order are applicable to drilling rigs on fixed structures:

a. Subparagraph 5.1.10, "Electrical Equipment."

b. Subparagraph 5.4, "Welding Practices and Procedures."

c. Paragraph 8, "Employee Orientation and Motivation Programs for Personnel Working Offshore."

9.2 *Mobile Drilling Units.* The following requirements contained in this Order are applicable to drilling rigs on mobile drilling units:

a. Subparagraph 5.4, "Welding Practices and Procedures."

b. Paragraph 8, "Employee Orientation and Motivation Programs for Personnel Working Offshore."

10. *Departures.* All departures from the requirements specified in this Order shall be subject to approval, pursuant to 30 CFR 250.11(b).

Rodney A. Smith,

Deputy Conservation Manager, Offshore Field Operations.

Approved:

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic OCS Order No. 7—Effective February 27, 1981

Pollution Prevention and Control

This Order is issued pursuant to the authority prescribed in 30 CFR 250.10, 250.11, and in accordance with 30 CFR 250.43. The lessee shall comply with the following requirements:

1. *Pollution Prevention.* During the exploration, development, production, and transportation of oil and gas, the lessee shall prevent pollution of the ocean. Furthermore, by the disposal of waste materials into the ocean, the lessee shall not create conditions which will adversely affect the public health, life, property, aquatic life, wildlife, recreation, navigation, fishing, or other uses of the ocean.

1.1 *Liquid Disposal.*

1.1.1 *Drilling-Mud Components.* The lessee shall submit, as a part of the Application for Permit to Drill (Form 9-331 C), a detailed list of drilling-mud components including the common chemical or chemical trade name of each component, a list of the drilling-mud additives anticipated for use in meeting special drilling requirements, and the proposed method of drilling-mud disposal. The disposal of drilling mud is subject to the Environmental Protection Agency's permitting procedures, pursuant to the Federal Water Pollution Control Act, as amended. Approval of the method of drilling-mud disposal into the ocean shall be obtained from the District Supervisor; each request will be decided on a case-by-case basis.

1.1.2 *Hydrocarbon-Handling Equipment.* All hydrocarbon-handling equipment for testing and production such as separators, tanks, and treaters shall be designed and operated to prevent pollution. Maintenance or repairs which are necessary to prevent pollution of the ocean shall be undertaken immediately.

1.1.3 *Curbs, Gutters, and Drains.*

1.1.3.1 *Fixed Platforms, and Structure.* Curbs, gutters, drip pans, and drains shall be installed in all deck areas in a manner necessary to collect all contaminants and piped to a properly designed, operated, and maintained sump system which will automatically maintain the oil at a level sufficient to prevent discharge of oil into OCS waters. Sump piles shall not be used as processing devices to treat or skim liquids, but shall be used to collect treated produced water, treated sand, liquids from drip pans and deck drains, and as a final trap for hydrocarbon liquids in event of equipment upsets.

1.1.3.2 *Artifical Islands.* On artificial islands, all vessels containing hydrocarbons shall be placed inside a berm lined with an imprevious material. The volume enclosed by the berm shall be in excess of the volume of vessels containing hydrocarbons. In addition, all drainage ditches shall be directed away from the drilling rig to a sump. The rig mat, the drainage ditches, and sumps shall be lined with impervious material.

1.1.3.3 *Mobile Drilling Units.* Curbs, gutters, and drains which collect contaminants associated with the drilling operation on a mobile drilling unit shall be installed as required by subparagraph 1.1.3.1. Curbs, gutters, and drains which collect contaminants not associated with the drilling operation are subject to regulation by the U.S. Coast Guard.

1.1.4 *Discharges from Fixed Platforms, Structures, Artificial Islands, and Mobile Drilling Units.* Discharges from fixed platforms or structures and mobile drilling units, including sanitary waste, produced water, drilling mud, and deck drainage, are subject to the Environmental Protection Agency's permitting procedures, pursuant to the Federal Water Pollution Control Act, as amended.

1.2 *Solid Material Disposal.*

1.2.1 *Well Solids.* The disposal of drill cuttings, sand, and other well solids containing oil is subject to the Environmental Protection Agency's permitting procedures, pursuant to the Federal Water Pollution Control Act, as amended. Approval of the method of disposal of drill cuttings, sand, and other well solids shall be obtained from the District Supervisor.

1.2.2 *Containers.* Containers and other similar solid waste materials shall not be disposed of into the ocean.

1.2.3 *Equipment.* Disposal of equipment into the ocean is prohibited except under emergency conditions. The location and description of equipment disposed of into OCS waters shall be reported to the U.S. Coast Guard in accordance with paragraph 4 of OCS Order No. 1.

2. *Personnel, Inspections, and Reports.*

2.1 *Personnel.* The lessee's personnel shall be instructed in the techniques of equipment maintenance and operation for the prevention of pollution. Contractor personnel providing services offshore shall be informed in writing, prior to executing contracts, of the lessee's obligations to prevent pollution and of the provisions of this Order.

2.2 *Pollution Inspections.*

2.2.1 *Manned Facilities.* Manned drilling and production facilities shall be inspected daily to determine if pollution is occurring. Maintenance or repairs which are necessary to prevent pollution of the OCS waters shall be undertaken and performed immediately.

2.2.2 *Unattended Facilities.* Unattended facilities, including those equipped with remote control and monitoring systems, shall be inspected daily or at intervals prescribed by the District Supervisor to determine if pollution is occurring. Daily inspections may be postponed in the event of adverse weather conditions. Necessary maintenance or repairs shall be made immediately.

2.3 *Pollution Reports.* All spills of oil and liquid pollutants shall be reported orally to the District Supervisor and shall be confirmed in writing. All reports shall include the cause, location, volume of spill, and action taken. Reports of spills of more than 5.0 cubic meters (31.5 barrels) shall include information on the sea state, meteorological conditions, size, and appearance of slick. All spills of oil and liquid pollutants shall also be reported to the U.S. Coast Guard in accordance with the procedures contained in 33 CFR 135.305 and 135.307.

2.3.1 *Spills.* Spills shall be reported orally within the following time limits:

a. Within 12 hours, if spills are 1.0 cubic meters (6.3 barrels) or less.

b. Without delay, if spills are more than 1.0 cubic meters (6.3 barrels).

2.3.2 *Observed Malfunctions.* Lessees shall notify each other of observed pollution resulting from another's operation.

3. *Pollution-Control Equipment and Materials and Oil Spill Contingency Plans.* The lessee shall submit a description of procedures, personnel, and equipment that will be used in reporting, cleanup, and prevention of the spread of any pollution resulting from an oil spill which might occur during exploration or development activities. The following subparagraphs describe the minimum requirements for pollution-control equipment and procedures.

3.1 *Equipment and Materials.* Pollution-control equipment and materials shall be maintained by, or shall be available to, each lessee at an offshore location or at a location approved by the Deputy Conservation Manager (DCM), Offshore Field Operations. The equipment shall include containment booms, skimming apparatus, cleanup materials, chemical agents and other items needed for the existing climatic conditions, and shall be available prior to the commencement of drilling and production operations. The equipment and materials shall be inspected monthly and maintained in a state of readiness for use. The results of the inspections shall be recorded and maintained at the site.

3.2 *Oil Spill Contingency Plans.* The lessee shall submit an Oil Spill Contingency Plan for approval by the DCM, Offshore Field Operations, with or prior to submitting an Exploration Plan or a Development and Production Plan. Oil Spill Contingency Plans shall be reviewed annually. All modifications of the Oil Spill Contingency Plan and the results from the review of the plan shall be submitted to the DCM, Offshore Field Operations, for approval. The Oil Spill Contingency Plan shall contain the following:

a. Provisions to assure that full resource capability is known and can be committed during an oil spill, including the identification and inventory of applicable equipment, materials, and supplies which are available locally and regionally, both committed and uncommitted, and the time required for deployment of the equipment.

b. Provisions for varying degrees of response effort depending on the severity of the oil spill.

c. Provisions for identifying and protecting areas of special biological sensitivity.

d. Establishment of procedures for the purpose of early detection and timely notification of an oil spill including a current list of names, telephone numbers, and addresses of the responsible persons and alternates on call to receive notification of an oil spill, and the names, telephone numbers, and addresses of regulatory organizations and agencies to be notified when an oil spill is discovered.

e. Provisions for well-defined and specific actions to be taken after discovery and notification of an oil spill, including:

(1) Specification of an oil spill response operating team consisting of trained, prepared, and available operating personnel.

(2) Predesignation of an oil spill response coordinator who is charged with the responsibility and is delegated commensurate authority for directing and coordinating response operations.

(3) A preplanned location for an oil spill response operations center and a reliable communications system for directing the coordinated overall response operations.

(4) Provisions for disposal of recovered spill materials.

4. *Drills and Training.*

4.1 *Drills.* Drills for familiarization with pollution-control equipment and operational procedures shall be the lessee's responsibility and shall be held at least once every 12 months by the lessee or a contractor serving the lessee. The personnel identified as the oil spill response operating team in the Contingency Plan shall participate in these drills. The drills shall be realistic and shall include deployment of equipment. A time schedule with a list of equipment to be deployed shall be submitted to the DCM, Offshore Field Operations, for approval. The drill schedule shall provide sufficient advance notice to allow U.S. Geological Survey personnel to witness any of the drills. Drills shall be recorded, and the records shall be made available to U.S. Geological Survey personnel. Where drill performance and results are deemed inadequate, the DCM, Offshore Field Operations, may require an increase in the frequency or a change in the location of the drills until satisfactory results are achieved.

4.2 *Training.* The lessee shall ensure that training classes for familiarization with pollution-control equipment and operational procedures are provided for the oil spill response operating team. The supervisory personnel responsible for directing the oil spill response operations shall receive oil spill control instruction suitable for all seasons. The lessee shall retain course completion certificates or attendance records issued by the organization where the instruction was provided. These records shall be available to any authorized representative of the U.S. Geological Survey upon request.

5. *Spill Control and Removal.* Immediate corrective action shall be taken in all cases where pollution has occurred. Corrective action taken under the lessee's Oil Spill Contingency Plan shall be subject to modification when directed by the DCM, Offshore Field Operations. The primary jurisdiction to require corrective action to abate the source of pollution shall remain with the DCM, Offshore Field Operations, pursuant to the provisions of this Order and the Memorandum of Understanding (MOU) between the Department of Transportation (U.S. Coast Guard) and the Department of the Interior (U.S. Geological Survey), dated August 16, 1971. The use of chemical agents or other additives shall be permitted only after approval by the DCM, Offshore Field Operations, in accordance with Annex X, National Oil and Hazardous Substances Pollution Contingency Plan, and in accordance with the previously mentioned MOU.

6. *Departures.* All departures from the requirements specified in this Order shall be subject to approval, pursuant to 30 CFR 250.11(b).

Rodney A. Smith,

Deputy Conservation Manager, Offshore Field Operations.

Approved:

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic OSC Order No. 8—Effective February 27, 1981

Platforms and Structures

This Order is issued pursuant to the authority prescribed in 30 CFR 250.10 and 30 CFR 250.11 and in accordance with 30 CFR 250.18.

1. *Applicability.*

1. *New Platforms.* Subsequent to the effective date of this Order, all new fixed or bottom-founded platforms or other structures (e.g., single-pile caissons, ice islands, and gravel islands) shall be designed, fabricated, and installed in accordance with the applicable provisions of the document, entitled "Requirements for Verifying the Structural Integrity of OCS Platforms," and shall require approval under the provisions of this Order.

Where doubt exists as to the applicability of this Order, questions shall be referred to the Deputy Conservation Manager (DCM), Offshore Field Operations.

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1.2 *Major Modifications and Repairs.* Subsequent to the effective date of this Order, major modifications and repairs of damage to all fixed or bottom-founded platforms or other structures shall require approval by the DCM, Offshore Field Operations. Major modifications are defined as any structural change which materially alters the original plan or any major deviation from operations. Major repairs or damage are defined as operations involving members affecting the structural integrity of a portion of or all of the platform or other structure.

Repairs to primary structural elements may be made to restore an existing permitted condition without prior approval under emergency conditions. The DCM, Offshore Field Operations, shall be notified within 24 hours of the damage and subsequent repairs, and approval shall be obtained.

Where doubt exists as to the applicability of this Order, questions shall be referred to the DCM, Offshore Field Operations.

1.3 *Platform Verification.* All new platforms or other structures, and major modifications to platforms or other structures, shall be subject to review under the requirements of the Platform Verification Program and to the approval of the DCM, Offshore Field Operations.

1.4 *References.* Other aspects of the Platform Verification Program are described in more detail in the following documents, and these documents shall be considered as references for this Order.

1.4.1 *Operating Procedures for the OCS Platform Verification Program.* The document, entitled "Operating Procedures for the OCS Platform Verification Program," October 1979, describes the elements of the Platform Verification Program, the verification steps, the function of the Platform Verification Section, and the procedures for resolution of disputes, defines standards which shall be met by individuals or organizations in order to be approved as Certified Verification Agents (CVA); and provides instructions to the CVA.

1.4.2 *Requirements for Verifying the Structural Integrity of OCS Platforms.* The document, entitled "Requirements for Verifying the Structural Integrity of OCS Platforms," October 1979, is identified in this Order as "Requirements." It identifies mandatory state-of-the-art performance standards which shall be met in designing, fabricating, and installing platforms or other structures and major modifications to platforms or other structures.

1.4.3 *Appendices to Requirements for Verifying the Structural Integrity of OCS Platforms.* The document, entitled "Appendices to Requirements for Verifying the Structural Integrity of OCS Platforms," October 1979, is identified in this Order as "Appendices." It identifies alternative engineering design procedures which may be utilized, where applicable to conform to the "Requirements."

1.4.4 *Commentary on Requirements for Verifying the Structural Integrity of OCS Platforms.* The document, entitled "Commentary on Requirements for Verifying the Structural Integrity of OCS Platforms," October 1979, is identified in this Order as "Commentary." It provides an explanation of the basic intent of the "Requirements" and also discusses the "Requirements," the "Appendices," and the current relative development of the state of practice for pertinent parts of both.

2. *Responsibility.*

2.1 *Submission.* All applications for approval under the provisions of this Order shall be submitted to the DCM, Offshore Field Operations. All significant changes or modifications (i.e., any structural change which materially alters the original plan or any major deviation from operations) to approved applications shall be submitted for approval to the DCM, Offshore Field Operations. The lessee assumes risk of making changes or modifications without prior approval of the DCM, Offshore Field Operations. Where doubt exists as to whether a change is significant, questions shall be referred to the DCM, Offshore Field Operations.

2.2 *Certification.* The lessee shall have detailed structural plans and specifications for new platforms or other structures and major modifications certified by a registered professional structural engineer or civil engineer specializing in structural design. The lessee shall also sign and date the following certification:

(Lessee) _____ certifies that the design of the *(structure/modification)* has been certified by a registered professional structural engineer or a civil engineer specializing in structural design, and the *(structure/modification)* will be fabricated, installed, and maintained as described in the application and any approved modification thereto. Certified design and as-built plans and specifications will be on file at _____.

2.3 *Verification.* The lessee shall nominate a CVA(s) in the verification plan and have the design, fabrication, and installation of all platforms or other structures and modifications to platforms or other structures which are subject to review under the requirements of the Platform Verification Program, verified by a CVA(s).

2.4 *Approval.* For new platforms or other structures and major modifications thereto subject to review under the requirments of the Platform Verification Program, the lessee shall obtain approval for the design and fabrication from the DCM, Offshore Field Operations, prior to transporting the platform or other structure to the installation site.

2.5 *Notification.* The lessee shall be responsible for notifying the DCM, Offshore Field Operations, at least 1 week prior to transporting the platform or other structure to the installation site.

3. *Submissions.*

3.1 *General.* The lessee shall submit to the DCM, Offshore Field Operations, in triplicate, all documentation necessary for approval of new platforms or other structures and major modifications in accordance with the provisions of this Order. Listed hereafter is the documentation which shall be submitted, however, more detailed information and data may be required on a case-by-case basis and upon specific request by the DCM, Offshore Field Operations.

3.2 *Design.*

3.2.1 *Design Documentation.* The lessee shall submit design documentation with or subsequent to the submittal of the Exploration Plan or the Development and Production Plan. The design documentation shall include design drawings and material specifications for primary load-bearing members included in the space frame analysis, the certification by the lessee, and the name of the registered professional engineer. In addition, the design documentation shall incorporate the following:

a. General platform information.

b. Environmental and loading information.

c. Foundation information.

d. Structural information.

3.2.1.1 *General Platform Information.* The general platform information shall include the following:

a. Identification data including the platform or structure designation, the lease number, the area name, the block number, and the lessee's name.

b. Location data consisting of longitude and latitude coordinates, Universal Transverse Mercator grid system coordinates, state plane coordinates in the Lambert or Transverse Mercator Projection system, and a plat drawn to a scale of 1 centimeter = 240 meters (1 inch = 2,000 feet) showing surface location and distance from the nearest lease lines.

c. Intended primary use and other intended functions such as planned drilling, production, processing, well protection, compression, pumping or storage facility, or other operations.

d. Personnel facilities, personnel access to living quarters, number and location of boat landings, heliports, cranes, and evacuation routes.

e. Platform or structure details which consist of drawings, plats, front and side elevations of the entire structure, and plan views that clearly illustrate the following: essential parts (i.e., equipment arrangement, number and location of well slots); design loading of each deck; water depth; nominal size and thickness of all primary load-bearing jacket and deck structural members; nominal size, makeup, thickness, and design penetration of piling.

f. Corrosion protection or durability details which consist of the corrosion-protection method; expected life; and durability criteria for the submerged, splash, and atmospheric zones.

3.2.1.2 *Environmental and Loading Information.* The environmental and loading information shall include the following:

a. Environmental data, which consist of a summary listing of data, as addressed in the "Requirements," that have a bearing on the design, installation, and operation (e.g., wave heights and periods, current, vertical distribution of wind and gust velocities, water depth, storm and astronomical tide data, marine growth, snow and ice effects, and air and sea temperatures).

b. Derived loads which consist of a listing of total design functional loads and loads due to wind, wave, ice, and current forces for longitudinal, transversal, and diagonal approaches.

3.2.1.3 *Foundation Information.* The foundation information shall include the following:

a. Seabed testing results which consist of a brief summary of the major strata encountered at the location of the boring(s) presented in tabular form, a detailed subsurface profile illustrating results of field and laboratory testing, a listing of field and laboratory investigations and tests with a basis summary of resultant determinations, the identification of properties and conditions of the seabed and the subsoil, and the identification of any manmade hazards or obstructions.

b. Load effects which consist of a description of the effect of the environmental and functional loads on the foundation.

c. A soil stability report including a determination, with supporting information, of the susceptibility or non-susceptibility of the area to soil movement and, if susceptible to soil movement, an analysis of slope and soil stability.

d. Foundation design criteria which consist of a summary of the design criteria as specified in the "Requirements."

e. Seafloor survey results which consist of a summary of the survey specified in the "Requirements."

3.2.1.4 *Structural Information.* The structural information shall include the following:

a. Design life criteria which consist of the identification of the basis of the design life of the structure.

b. Design loading and criteria which consist of a summary description of the design load conditions and design load combinations taking into consideration the worst environmental and operational conditions anticipated over the service life of the platform or structure.

c. Material specifications which consist of a listing and description of the appropriate specifications.

d. Design strength criteria which consist of a description of the method(s) used in design (i.e., elastic, plastic ductility, ultimate).

e. Fatigue assessment details which consist of a summary of the fatigue analysis as specified in the "Requirements." The requirement for fatigue analysis shall be determined on a case-by-case basis. Where doubt exists concerning the requirement for this analysis, questions shall be referred to the DCM, Offshore Field Operations.

3.2.2 *Design Verification Plan.* For new platforms or other structures, and for modifications which are subject to review under the requirements of the Platform Verification Program, the lessee shall submit a design verification plan with or subsequent to the submittal of the Development and Production Plan. The verification plan shall include a short summary which nominates the CVA, states the qualifications of the CVA, describes how the lessee intends to use the CVA, identifies the level of work to be performed by the CVA, and identifies the documents which will be furnished with the platform application. Furthermore, the documentation listed under 3.2.1, as well as computer program descriptions which consist of abstracts of the computer programs used or to be used in various phases of the design process, shall be submitted as a part of the design verification plan.

The design verification plan shall be resubmitted for approval if the CVA changes, if the CVA's qualifications change, or if the level of work to be performed by the CVA changes. However, the summary of technical details need not be resubmitted unless changes are made in the technical details.

3.3 *Fabrication.* For new platforms or other structures and for modifications which are subject to review under the requirements of the Platform Verification Program, the lessee shall submit a fabrication verification plan subsequent to the submittal of the design. The plan shall include a short summary which nominates the CVA, states the qualifications of the CVA, describes how the lessee intends to use the CVA, identifies the level of work to be performed by the CVA, and identifies the documents which will be furnished to the CVA. The plan shall include fabrication drawings and material specifications of all the primary load-bearing members included in the space-frame analysis and a summary description of the following:

a. Structural tolerances.

b. Welding procedures.

c. Fabrication standards.

d. Material quality-control procedures.

e. Methods and extent of Nondestructive Examinations (NDE) for welds and materials.

f. Quality assurance procedures.

The fabrication verification plan shall be resubmitted for approval if the CVA changes, if the CVA's qualifications change, or if the level of work to be performed by the CVA changes. However, the summary of technical details need not be resubmitted unless changes are made in the technical details.

3.4 *Installation.* For new platforms or other structures and for modifications subject to review under the requirements of the Platform Verification Program, the lessee shall submit an installation verification plan subsequent to the submittal of the fabrication verification plan. The plan shall include a short summary which nominates the CVA, states the qualifications of the CVA, describes how the lessee intends to use the CVA, identifies the level of work to be performed by the CVA, and identifies the documents which will be furnished to the CVA. The plan shall also include a summary description of the planned marine operations, contingencies considered, alternate courses of action, and a summary description of the inspections to be performed during marine operations, including a graphical identification of areas to be inspected and acceptance/rejection criterion. The installation verification plan shall be resubmitted for approval if the CVA changes, if the CVA's qualifications change, or if the level of work to be

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performed by the CVA changes. However, the summary of technical details need not be resubmitted unless changes are made in the technical details.

For structures fabricated and installed in place (e.g., ice islands and gravel islands), the fabrication and installation verification plans may be combined.

4. *Records.* The lessee shall compile, retain, and make available for review for the functional life of the platform or other structure that is subject to the provisions of this Order, the as-built structural drawings, the design assumptions and analysis, and a summary of the NDE records.

5. *Departures.* All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.11(b).

Rodney A. Smith,

Deputy Conservation Manager, Offshore Field Operations.

Approved:

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

United States Department of the Interior, Geological Survey, Conservation Division, Alaska Region, Arctic OCS Order No. 12—Effective February 27, 1981

Public Inspection of Records

This Order is issued pursuant to the authority prescribed in 30 CFR 250.10, 250.11, and in accordance with 30 CFR 250.3, 250.34, 252.6, and 43 CFR Part 2. Requests for information made under the Freedom of Information Act, 5 U.S.C. 552, will be governed by the provisions of 43 CFR Part 2 (40 FR 7304, February 19, 1975).

1. *Filing of Reports.* All reports on Forms 9–152, 9–330, 9–331, 9–331 C, 9–1869, 9–1870, and the forms used to report the results of multipoint back-pressure tests shall be filed by the lessee in accordance with the following:

a. All reports submitted on these forms shall include a copy with the words "Public Information" shown on the lower right-hand corner. This copy of the form shall be made available for public inspection.

b. All items on the form not marked "Public Information" shall be completed in full, and such forms and all attachments thereto shall not be available for public inspection.

c. The copy marked "Public Information" shall be completed in full except that the items described in subparagraphs 2.1 through 2.4 below, and the attachments relating to such items, may be excluded.

2. *Availability of Records.* The following records pertaining to leases and wells in the Outer Continental Shelf (OCS) and submitted under 30 CFR 250 shall be made available for public inspection, as specified below, in the Regional Office:

2.1 *Form 9–152—Monthly Report of Operations.* All information contained on this form shall be available except proprietary information which may be included in the remarks column. The lessee shall delete such proprietary data from the public information copy.

2.2 *Form 9–330—Well-Completion or Recompletion Report and Log.*

2.2.1 *Prior to Commencement.* Prior to commencement of production, all information contained on this form shall be available except:

a. Item 1a, Type of Well.

b. Item 4, Location of Well, at top production interval and at total depth.

c. Item 22, If Multiple Completion, how many.

d. Item 24, Producing Interval.

e. Item 26, Type Electric and Other Logs Run.

f. Item 28, Casing Record.

g. Item 29, Liner Record.

h. Item 30, Tubing Record.

i. Item 31, Perforation Record.

j. Item 32, Acid, Shot, Fracture, Cement Squeeze, Etc.

k. Item 33, Production.

l. Item 37, Summary of Porous Zones.

m. Item 38, Geological Markers.

2.2.2 *After Commencement of Production.* After commencement of production, all information shall be available except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers.

2.2.3 *5 Years' Elapsed Time.* If production has not commences after an elapsed time of 5 years from the date of filing form 9–330 as required in 30 CFR 250.38(b), excluding the total time that operations and production are suspended by direction of the Secretary of the Interior, or his duly authorized representative, and further excluding the total time that operations and production are stopped or prohibited by Court Order, all information contained on this form shall be available except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, exclusive of exceptions noted above, the lessee shall file a Form 9–330 containing all information requested on the form except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9–330.

2.3 *Form 9–331—Sundry Notices and Reports on Wells.*

2.3.1 *"Request for Approval to."* When used as a "Request for Approval to" conduct operations, all information contained on this form shall be available except Item 4, Location of Well, at top production interval and at total depth, and Item 17, Described Proposed or Completed Operations.

2.3.2 *"Subsequent Report of."* When used as a "Subsequent Report of" operations, and after commencement of production, all information contained in this form shall be available, except information contained in Item 17 pertaining to subsurface locations and measured and true vertical depths for all markers and zones not placed on production.

2.4 *Form 9–331 C—Application for Permit to Drill, Deepen, or Plug Back.* All information contained on this form and the location plat attached thereto shall be available except Item 4, Location of Well at Proposed Production Zone, and Item 23, Proposed Casing and Cementing Program.

2.5 *Form 9–1869—Quarterly Oil Well Test Report.* All information contained on this form shall be available.

2.6 *Form 9–1870—Semiannual Gas Well Test Report.* All information contained on this form shall be available.

2.7 *Multipoint Back Pressure Test Report.* All information contained on this form shall be available.

2.8 *Sales of Lease Production.* All information contained on the monthly U.S. Geological Survey computer printout showing sales volumes, value, and royalty on production of oil, condensate, gas, and liquid products by lease shall be available.

2.9 *Availability of Inspection Records.* All accident-investigation reports, pollution-incident reports, facilities-inspection data, and records of enforcement actions are also available for public inspection.

2.10 *Availability of Data and Information Submitted by Lessees.* Certain information submitted by lessees, as a result of OCS Orders and OCS Notices to Lessees and Operators, is nonproprietary in nature, or release of such information is necessary for the proper development of the lease. This information will be made available for public inspection, except for those portions which the lessee shall designate, with the approval of the Deputy Conservation Manager (DCM), Offshore Field Operations, as trade secrets and commercial for financial information which is privileged or confidential. The available information will include:

a. Notices of support activity.

b. Oceanographic and meteorological data collected from drilling units and production facilities during the period of operations.

c. Results of site surveys required prior to drilling or placement of platforms or structures, such as shallow geologic hazards surveys, archaeological/cultural resource surveys, or other surveys related to the placement of platforms or structures.

d. Drawings, maximum environmental design criteria, and rated capability data of mobile drilling units and structures.

e. Oil Spill Contingency Plans.

f. Critical Operations and Curtailment Plans.

g. Other data required under 30 CFR 250.34.

2.11 *Expired Leases.* All information is available upon the expiration of a lease.

3. *Information Exempt from Public Inspection.* The information in subparagraphs 2.1 through 2.4 which has been restricted from public inspection is classified as geological and geophysical data. Except as provided in 30 CFR 250.3, 250.4, and 252.7, the release of this data is subject to the following restrictions:

3.1 *Leases Issued Prior to June 11, 1976.* For leases issued prior to June 11, 1976, the classified data is exempt from disclossure under exemption No. (9) of the Freedom of Information Act [5 U.S.C. § 552(b)(9) and 43 CFR 2.13 subsection (c), *Statutory Exemptions,* (9)].

3.2 *Leases Issued After June 11, 1976.* For leases issued after June 11, 1976, the classified data is available in accordance with 30 CFR 250.3, *Data and information to be made available to the public,* as follows:

a. Geophysical data, processed geophysical information, and interpreted geological and geophysical information shall not be available for public inspection, except as provided in 2.10c, without consent of the lessee as long as the lease remains in effect or for a period of 10 years after the date of submission, whichever is less, unless the DCM, Offshore Field Operations, with the approval of the Director, determines that earlier release of this infromation is necessary for proper development of the field or area.

b. Geological data and analyzed geological information shall not be made available for public inspection without the consent of the lessee as long as the lease remains in effect or for a period of 2 years after the date of submssion, whichever is less, unless the DCM, Offshore Field Operations, with the approval of the Director, determines that earlier release of such information is necessary for the proper development of the field or area. In accordance with 30 CFR 250.38, *Well Records,* data and well records shall be transmitted to the DCM, Offshore Field Operations, upon request or, if not requested, within 30 days following completion of suspension of any well. For the purpose of orderly release of data, in all cases the date of submission will be considered to be 30 days following such completion or suspension.

4. *Departures.* All departures from the requirements specified in this Order shall be subject to approval, pursuant to 30 CFR 250.11(b).

Rodney A. Smith,

Deputy Conservation Manager, Offshore Field Operations.

Approved:

Robert L. Rioux,

Deputy Chief, Conservation Division—Offshore Minerals Regulation.

[FR Doc. 81–6539 Filed 2–26–81; 8:45 am]

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Friday
February 27, 1981

Part VI

Department of Energy

Economic Regulatory Administration

Enhanced Oil Recovery Projects; Proposed Decisions and Orders

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DEPARTMENT OF ENERGY

Economic Regulatory Administration

Aminoil USA, Inc.; Proposed Decision and Order Under the Tertiary Incentive Program

To: Aminoil USA, Inc. Houston, Texas.

Subject: Designation of Additional Allowed Expenses for the Huntington Beach (Zone AA) Field Enhanced Oil Recovery Project (Docket Number ERA-TA-81-04)

I. Introduction

On February 9, 1981, Aminoil USA, Inc. (Aminoil) of Houston, Texas, a subsidiary of R. J. Reynolds Industries, Inc., submitted an application pursuant to § 212.78(e)(3) of the Department of Energy's Tertiary Incentive Program for an Order which would permit Aminoil to recover expenses in addition to those otherwise recoupable under the Appendix section of 212.78 for conventional steam drive projects. The application concerns a conventional steam drive injection technique that Aminoil plans to undertake in the Huntington Beach Field (Zone AA) in Orange County, California. Aminoil is the major working interest owner and operator of the lease.

II. Background

On August 21, 1979, the ERA amended 10 CFR, 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers which are engaged in enhanced oil recovery ("EOR") projects to recover upon self-certification certain "allowed expenses" associated with such projects. An allowed expense is seventy-five percent of an environmental and/or engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78. Section 212.78(e)(3) provides that, with respect to a project that employs a "self-certifiable technique" (as defined in § 212.78), a producer may apply for an ERA Order designating allowed expenses in addition to those designated in the Appendix to § 212.78 for self-certified projects.

III. Findings and Analysis

A. The Tertiary Incentive Application

Section 212.78(e)(3) permits a qualified producer with respect to a project to request ERA to issue an Order designating allowed expenses for the project in addition to those expenses listed in the Appendix to § 212.78 for the particular self-certifiable EOR technique used in that project. The conventional steam drive injection technique proposed by Aminoil for its Huntington Beach project is a self-certifiable technique as defined in § 212.78(c). Since Aminoil owns a working interest in the property on which the Huntington Beach project is located and will contribute to the cost of the project, it is a qualified producer with respect to the Huntington Beach project and may request the designation of allowed expenses in addition to those listed in the Appendix to § 212.78 for a conventional steam drive project.

Aminoil has requested ERA to designate several items as allowed expenses in addition to those items listed in the Appendix to 212.78 as allowed expenses for conventional steam drive projects. The items in question relate to Aminoil's plans to conduct the Huntington Beach project from an offshore platform. Some of these items, such as well costs, are included in the Appendix to 212.78 as allowed expenses for unconventional steam drive projects. Other items, such as the cost of a satellite platform for a steam generator, are not included in the Appendix to 212.78 as allowed expenses for any type of self-certifiable EOR technique.

In support of its application for additional allowed expenses, Aminoil has not demonstrated that the level of risk is higher in the Huntington Beach project than in a typical conventional steam drive project conducted onshore.

In the absence of such a showing, we are proposing to deny Aminoil's application for the designation of additional allowed expenses for the Huntington Beach project. However, prior to the issuance of a final Order concerning Aminoil's application, we will consider any additional comments by Aminoil concerning the level of risk associated with the Huntington Beach project and may determine to designate additional items as allowed expenses if Aminoil makes an adequate showing that the level of risk associated with the Huntington Beach project exceeds the level ordinarily associated with a conventional steam drive project.

IV. Comment Procedures

Title 10 CFR 205.98 requires that this Proposed Decision and Order be published in the **Federal Register** and sets forth the procedures for objection or comment. Objections or comments must be received by the designated office in ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Office of Public Information, Room B-110, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

Aminoil's application for the designation of allowed expenses is hereby denied.

Issued in Washington, D.C., on February 26, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6690 Filed 2-26-81; 11:55 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-81-04]

Aminoil USA, Inc.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Aminoil USA, Inc. (Aminoil) a Proposed Decision and Order in response to Aminoil's request of February 9, 1981, to deny recovery of additional allowed expenses pursuant to 10 CFR 212.78(e)(3). The Decision and Order proposed would deny the request for Aminoil's enhanced oil recovery project located in the Huntington Beach Field (Zone AA) in Orange County, California.

Under the Provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Aminoil's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 26, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6690 Filed 2-26-81; 11:55 am]

BILLING CODE 6450-01-M

Shell Oil Co.; Proposed Decision and Order Under the Tertiary Incentive Program

To: Shell Oil Company Houston, Texas.

Subject: Designation of Additional Allowed Expenses for Tatums Hefner and Dunbar Units Enhanced Oil Recovery Project (Docket Number ERA-TA-8103)

I. Interduction

On Januaray 10, 1980, Shell Oil Company (Shell) of Houston, Texas, submitted an application pursuant to § 212.78(e)(3) of the Department of Energy's Tertiary Incentive Revenue Program for an order which would permit Shell to recover expenses in addition to those otherwise recoupabale under the Appendix section of 212.78 for conventional steam drive projects. The application concerns a conventional steam drive injection technique that Shell plans to undertake on the Hefner and Dunbar Leases of the Tatums Field in Carter County, Oklahoma. Shell is the sole owner and operator of the leases. Additional data requested by the Economic Regulatory Administration (ERA) was provided by Shell on June 23, 1980, and again on August 29, 1980. Supplemental environmental data to comply with the National Environmental Policy Act (NEPA) was submitted by Shell on November 17, 1980.

II. Background

On August 21, 1979, the ERA amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers which are engaged in EOR projects to recover upon self-certification certain "allowed expenses" associated with such projects. An allowed expense is seventy-five percemt of an envoronmental and/or engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78. Section 212.78(e)(3) provides that, with respect to a project that employs a "self-certifiable technique" (as defined in § 212.78), a producer may apply for a ERA order designating allowed expenses in addition to those designated in the Appendix to § 212.78 for self-certified projects.

III. Findings and Analysis

A. The Tertiary Incentive Application

Section 212.78(e)(3) permits a qualified producer with respect to a project to request ERA to issue an order designating allowed expenses for that project in addition to those expenses listed in the Appendix to § 212.78 for the particular self-certifiable EOR technique used in that project. The conventional steam drive injection technique proposed by Shell for its Tatums project is a self-certifiable technique as defined in § 212.78(c).

Since Shell owns the working interest in the Hefner and Dunbar property on which the Tatums project is located and will contribute to the cost of the project, it is a qualified producer with respect to the Tatums project and may request the designatioin of allowed expenses in addition to those listed in the Appendix to § 212.78 for a conventinal steam drive project.

In support of its application for additional allowed expenses, Shell has stated that the risk of failure is particularly high in the Tatums project. Three previous thermal projects in the Tatums NW field have ended in failure. Other unsuccessful efforts were made in this field to establish heat communications between wells, including steam soaks, fracturing, hot water injection and gas-steam soak. The basic problem has been the attainment of sufficient steam injection rates to maintain reservoir steam quality to overcome heat transfer losses. Therefore, there are great risks attendant to this project and the likelihood of success is maraginal.

Shell has requested ERA to designate several items as allowed expenses. Some of these items, such as well costs, are included in the Appendix to 212.78 as allowed expenses for unconventional steam drive projects. Other items, such as the full cost of oil-fueled boilers, are not included in the Appendix to 212.78 as allowed expenses for any type of self-certifiable EOR techniques.

In light of high level of risk involved in the use of a steam drive technique on the Tatums Field, we have determined additional items should be designated as allowed expenses for the Tatums Field project. Since the level of risk approximates the level of risk associated with projects in which we have defined the use of steam drive to be unconventional, we are proposing to treat the Tatums Field project as an unconventional steam drive project. We are proposing therefore to designate those items listed in the Appendix to § 212.78 as allowed expenses for the Tatums Field unconventional steam drive project. We are not proposing to designate as allowed expenses any items other than those listed in the Appendix to § 212.78 as allowed expenses for unconventional steam drive projects since Shell has not made a showing that the level of risk associated with the Tatums Field project exceeds the level of risk associated with an unconventional steam drive project.

IV. Comment Procedures

10 CFR 205.98 requires that this Proposed Decision and Order be published in the **Federal Register** and sets forth the procedures for objection or comment. Objections or comments must be received by the designated office in ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. The Hefner and Dunbar units of the Tatums Field Conventional Steam Drive injection project undertaken by Shell Oil Company in the Tatums Field, Carter County, Oklahoma, is declared to be a qualified tertiary enhanced recovery project.

2. Except as otherwise indicated, the following expenses are declared to be allowed expenses for the Tatums conventional steam drive injection project undertaken by Shell Oil Company on the Hefner and Dunbar Leases in the Tatums Field, Carter County, Oklahoma:

Those items listed in the Appendix to § 212.78 as allowed expenses for unconventional steam drive projects.

In all other respects, Shell's application for the designation of allowed expenses is hereby denied.

3. This Order is based on the presumed validity of statements,

assertions, and documentary materials submitted by Shell. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

4. Pursuant to this Order, any qualified producer with respect to the Tatums project may recover all allowed costs specified herein which were incurred and paid on or after August 22, 1979.

Issued in Washington, D.C. on February 26, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6689 Filed 2-26-81; 11:55 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-81-03]

Shell Oil Co.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Shell Oil Company (Shell) a Proposed Decision and Order in response to Texaco's request of January 10, 1980, to permit recovery of additional allowed expenses pursuant to 10 CFR 212.78(e)(3). The Decision and Order proposed would allow the request for Shell's enhanced oil recovery projects located in the Tatums Hefner and Dunbar Units in Carter County, Oklahoma.

Under the Provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register.** Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Shell's application is available in the Public Affairs Office, Room B-110, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 26, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6688 Filed 2-26-81; 11:55 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-81-05]

Texaco, Inc.; Proposed Decision and Order Under the Tertiary Incentive Program

To: Texaco, Incorporated, Los Angeles, California.

Subject: Designation of Additional allowed Expenses for the Wayside Canyon Unit Teritary Enhanced Recovery Project in Los Angeles County, California, (Docket Number ERA-TA-81-05).

I. Introduction

On February 12, 1981, Texaco, Incorporated (Texaco), of Los Angeles, California, submitted an application pursuant to 10 CFR 212.78(e)(3) of the Department of Energy's Tertiary Incentive Program ("incentive program") for an order which would permit recovery of expenses in addition to those allowed as a result of its self-certification of an enhanced oil recovery ("EOR") project located on the Wayside Canyon Field in Los Angeles County, California.

II. Background

On August 21, 1979, the Economic Regulatory Administration ("ERA") amended 10 CFR 212.78 to establish the Teriary Incentive Program. In general, this program permits producers which are engaged in EOR projects to recover upon self-certification certain "allowed expenses" associated with such projects. An allowed expense is seventh-five percent of an environmental expense (as defined in § 212.78(c), seventh-five percent of an engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78. Section 212.78(e)(3) provides that, with respect to a project that employs a "self-certifiable technique", a producer may apply for an ERA order designating allowed expenses in addition to those designated in the Appendix to § 212.78 for self-certified projects.

III. Findings and Analysis

On February 12, 1981, Texaco certified to the ERA that it had an interest in the properties on which the Wayside Cayon Project is located, and that it contributed to the operation on those properties of an EOR project which employs a conventional steam drive injection technique as defined in § 212.78(c). Thus, Texaco is a qualified producer with respect to the Wayside Cayon Project. As a result of its self-certification, Texaco is entitled to treat certain expenses, including the cost of downhole steam generators, as allowed expenses. Texaco has indicated, however, that the use of downhole steam generators involves costs (other than that of the generator itself) not ordinarily associated with a conventional steam drive injection project. Specifically, Texaco has indicated that in order to employ downhole steam generators effectively, it must enlarge the size of the injection well, install an air compressor of approximately 2650 mcfd capacity and rework some of the producing wells.

The use of downhole steam generators represents the type of technological innovation that we sought to encourage by adopting the provisions of the incentive program. On the basis of Texaco's application, it appears that its use of this innovation in the context of a convention steam drive project increases the costs associated with that project significantly beyond those ordinarily associated with a steam drive project. We believe that the use of innovative techniques should be encouraged. Since Texaco will incur greater costs than ordinarily associated with conventional steam drive projects because of its use of downhole generators, we believe that the items responsible for the additional costs should be treated as allowed expenses in order to encourage the use of innovative techniques. Accordingly, we are proposing to designate these items as allowed expenses.

IV. Comment Procedures

Pursuant to 10 CFR 205.98, this Proposed Decision and Order must be published in the **Federal Register.** Objections or comments must be received by the designated office in ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. Except as otherwise indicated in each subparagraph below, the following expenses are declared to be allowed expenses for the Wayside Canyon Project undertaken by Texaco, Incorporated in Los Angeles County, California:

a. Costs of purchase and installation of a compressor of approximately 2650 mcfd;

b. Well costs for the single injection well to be used on the project; and

c. Well costs associated with the workover of four producing wells of the project.

In all other respects, Texaco's application for the designation of allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Texaco. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order, any qualified producer with respect to the Texaco project may recover all allowed costs specified herein which were incurred and paid on or after August 22, 1979.

Issued in Washington, D.C. on February 26, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6687 Filed 2-26-81; 11:55 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-81-05]

Texaco, Inc.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Texaco Inc. (Texaco) a Proposed Decision and Order in response to Texaco's request of February 12, 1981, to permit recovery of additional allowed expenses pursuant to 10 CFR 212.78(e)(3). The Decision and Order proposed would allow the request for Texaco's enhanced oil recovery project located in the Wayside Canyon Unit in Los Angeles County, California.

Under the Provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register.** Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Texaco's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on February 26, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6685 Filed 2-26-81; 11:55 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 19, 1981

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
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1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
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TITLES 28–41
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through March 31, 1981

TITLES 42–50
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INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Martha B. Girard assisted by Ruth C. Pontius, with Loren Myers as Chief Editor. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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377.6 (d)(10) revised; (e)(10) removed; interim 5866
379.4 (c) introductory text, (1), and (2) revised 869
(b)(1)(iv) and footnote comment time extended 11809
379.5 (e)(2)(i) and (x) revised; (xi) redesignated as (xvi); new (xi) through (xv) added 869
(e)(3) comment time extended 11809
385.4 (a)(9) revised; interim 1259
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388.7 (a) corrected 17189
388.16 (a) corrected 17189
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503.8 (e) amended 15496
503.18 (b)(4) amended 15496
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13 Amended 2034, 2035, 8445, 12479, 13499, 13500, 14741, 15261, 15262, 16892, 17189, 18691
305.9 Table revised 2975
305 Appendixes A1 and A2 correctly revised 3829
460.5 (a)(2) partial exemption petition and request for comments; (a)(2) conditionally deferred in part 18307

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1000 Authority citation 17542
1000.21 Correctly revised 17542
1212.9 (i)(1) through (10) correctly designated 10458
1500.83 (a)(38) revised 11513
1512 Table 3 heading corrected 3204
1512.18 (r)(3)(v) corrected 3204
1700.14 (a)(16) redesignated as (a)(16) introductory text and amended; (a)(16)(i) and (ii) added 13504

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1.7 Removed; eff. 7-1-81 80491
1.9 Removed; eff. 7-1-81 80491
1.10—1.18 Undesignated center heading added; eff. 7-1-81 80491
1.10 Heading revised; (a)(1) removed; eff. 7-1-81 80491
1.10a—1.10e Removed; eff. 7-1-81 80491
1.11 Removed; eff. 7-1-81 80491
1.12 (b) revised 79422
1.13—1.15 Removed; eff. 7-1-81 80491
1.17 (a)(1), (b)(1), (c)(2)(i) and (v), (3), (4)(v), (5)(viii) and (ix), (e), (f)(1), (2)(i), (3) introductory text, (4), (h)(2)(vi)(C), (vii) and (viii), (3)(ii), (v), and (vi) revised; (c)(6) and (g) removed 79422
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1.35 (d), (e), and (g) revised 79757
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1 Appendix A redesignated as Part 3 Appendix A 80497
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140.72 Added 58515
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145.2 Introductory text revised 26953
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145.9b (b) revised; (d) amended 26954
146 Nomenclature change 26954
146.2 (c) revised 26954
146.5 (f) amended 26954
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146 Appendix A amended 26955
147.2 (f) amended; (g) added 26955
147.3 (b)(3) amended 26955
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230 ..... 23470, 24499, 24500, 26366, 29849, 42642, 63693, 63724, 69476, 69909, 71811, 72665, 83259
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240 ..... 23470, 24499, 24504, 27781, 29853, 30464, 31418, 31733, 40134, 40145, 41156, 47159, 47160, 56822, 62092, 63724, 69248, 69911, 69915, 70890, 73954, 74505, 80834
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249 ..... 24499, 33650, 40134, 40145, 47853, 58879, 62092, 63724, 64599, 69248, 73954, 74505, 78158
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250 ..... 23470, 49954, 49957, 57436, 63724, 73509
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260 63724
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270 ..... 23470, 29067, 38047, 69479, 83517
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274 ..... 24500, 26366, 78158, 83517
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TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Energy Regulatory Commission, Department of Energy

0 Removed 21224
1.1 (a) through (e) removed; (f) introductory text revised; (f)(23) amended 21224
(f) corrected 80817
1.3a Removed 21224
1.18 (g) added 45903
1.28 Revised 31060
1.31 (b)(1) revised 28085
1.36 (a) and (c)(14) amended 21224
1.38 (a)(2)(i), (ii), and (iii) removed 21224

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1.40 (a)(2)(i), (ii), and (iii) removed 21224
1.41 (a)(3)(i)(A), (B) and (C) removed 21224
Technical correction 27924
Hearing cancelled 38354
(a)(1) and (b)(1) revised; interim 65171
(d)(2)(i) revised; eff. 4–22–81 ..... †19466
1.42 (j) technical correction 27924
Hearing cancelled 38354
1.101—1.102 (Subpart A) Added 21224
2.1 (a)(1)(xi) (F) and (G) amended 21224
2.66 Heading amended; (e) added 53098
2.102 Added 53114
Comment time extended 64560
3.1—3.3 Removed 21224
3.4 Introductory text, (a), (b), (c), and (d) introductory text and (1) through (13) removed; (d)(14) redesignated as (a) 21224
3.5 Removed; (a) through (i) redesignated as 375.302—375.310 21224
(i)(1) technical correction 27924
Hearing cancelled 38354
3.6 Removed 21224
3.7 Removed 21224
3.8 (b) and (j) amended 21224
3.100—3.101 Removed 21224
3.103 Amended 21224
3.104—3.108 Removed 21224
3.111—3.120 Undesignated center heading and sections removed 21224
3.131—3.143 Undesignated center heading and sections removed 21224
3.142 Removal confirmed 33600
3.161—3.171 Undesignated center heading and sections removed 21224
3.181—3.186 Undesignated center heading and sections removed 21224
4 Heading and authority citation revised 28090
4.31 (b) amended; (d) revised ..... †9028
4.33 (b)(1) and (d)(2) revised ..... †9028
4.51 (a)(6) added; (f)(6)(ii) amended; (g) revised ..... †9029
4.81 (a)(3), (b)(4), (d)(3), and (e)(3)(i) revised; (a)(6) added ..... †9029
(e)(3)(i) corrected ..... †11811
4.90—4.94 (Subpart J) Added 28090
4.92 (c)(5)(iv) amended ..... †9029
4.101—4.108 (Subpart K) Added 76123
Rehearing application denied ..... †10458, 15873
4.103 (a) corrected 77420
4.104 (a)(1) heading and (2)(ii)(A), (b) heading, and (e)(1) heading and (2) heading corrected 77420
4.106 (c) and (e) amended 77420
12 Revised ..... †9036
35.12 (b)(5) introductory text amended 46363
35.13 Revised 46363
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35.23 Added 31300
Rehearing application denied 47841
Filing time deferred 55714
36.2 (g) introductory text revised 46377
46 Heading and authority citation revised 23418
46.2 Revised 23418
46.4 Added 23418
46.5 Added 23418
46.6 Added 23419
131.3 Removed ..... †9029
131.4 Removed ..... †9029
141.1 Filing requirements suspended 74715
141.2 Revised 60899
141.21 Removed 30068
141.25 Revised 21625
141.27 Removed 30068
141.28 Removed 30068
141.52 Removed 56341
141.53 Removed 37420
141.54 Removed 37420
141.55 Removed 56341
141.56 Removed 37420
Removal effective date corrected 68389
141.57 Correctly removed 68389
141.58 Removed 38355
Removal effective date deferred 57708
154.38 (d)(4)(ii) amended 28097
(h) revised 29015
Footnote 1 amended 53099
154.42 Added 53098
(b)(1)(i) amended 67091
154.94 (j)(2)(i) amended ..... †12203
(h)(2)(iii) waiver and interpretation ..... †13688
157.40 Rehearing application denied ..... †15874

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157.101 (b)(1) amended 21225
201 Forms No. 2 and 2–A schedules corrected 59305
204 Forms No. 2 and 2–A schedules corrected 59305
Balance sheet accounts:
191 Amended 71563
250 Filing requirements suspended 33601
250.10 Amended ..... †15876
260 Filing requirements suspended 33601
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260.1 Revised ..... †6887
Rehearing application denied ..... †15878
260.2 Revised 60900
260.3 Revised 21625
260.7 Note amended; interim 75194
260.12 Revised 37816
260.13 Removed 30068
270.101 (a) revised 28097
(a) tables I and II revised 29571
270.102 (b)(14) added 28098
(c) table III revised 29573
(b)(15), (16), and (17) added 53114
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270.201 Removed 49081
270.202 Revised 49081
(b)(2) introductory text and (ii) revised ..... †12203
270.203 (f) added 53099
270.204 Revised 49081
270.207 Added 28098
271 Clarification 24123
271.101 (a) tables I and II revised 50557, 73028
(a) tables I and II amended 73027
(a) tables I and II revised ..... †10142
(a) table I amended ..... †10148
271.102 (c) table III revised 50559, 73027
(c) table III revised ..... †10148
271.204 Added 74429
271.504 (a) and (b) revised 76670
(a) and (b) effective date deferred ..... †2975
271.505 Revised 76681
271.602 (c) added 77429
271.604 Revised 76681
271.701—271.705 (Subpart G) Comment time extended 28100
Hearing 37185
271.701—271.703 (Subpart G) Revised 56044
271.701 Revised 28098
Amended 71564
(b) added 77429
271.702 (a) removed 28098
(a)(1) revised 71565
271.703 (a) removed 28098
(b)(1) amended 71565
(d) revised 71780
(d)(3) added 76672
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(d)(7) through (9) added 84035
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(d)(10) added 84037
(d)(12) added ..... †9921
(d)(11) added ..... †9922
(d)(13) added ..... †9923
(d)(14) added ..... †9924
(d)(15) added ..... †10460
(d)(16) added ..... †10461
(d)(17) added ..... †11812
(d)(4)(ii) corrected ..... †11812
Technical correction ..... †14118
(d)(18) added ..... †14119
271.704 Removed 28098
271.804 (e) added; interim ..... †6902
271.805 (b) revised; interim ..... †6902
271.806 (a) revised; interim ..... †6902
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271.901—271.904 (Subpart I) Rehearing applications denied 36076
271.1100—271.1106 (Subpart K) Heading revised 53115
Comment time extended 64560
271.1100 Revised 53115
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271.1101 Revised 53115
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271.1102 (a) amended; (c) added 76670
(a) and (c) effective date deferred ..... †2975
271.1104 Revised 53115
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(b) heading and (1) revised 76681
271.1105 Revised 53116
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(a) (5) and (6) amended; (7) added 76681
271.1106 Revised 53116
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272 Clarification 24123
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273.102 (a)(1) amended 28098
273.103 Revised ..... †12203

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273.104 Existing text designated as (a); (b) and (c) added ..... †12203
273.202 (a) and (d)(1)(i) revised 28098
(b)(2) revised 30068
(d) and (e) revised ..... †12203
273.203 (a) revised 28099
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273.204 (a) revised 28099
(a)(2) comment time extended 28100
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(a)(1)(i) and (ii) amended 50646
(a)(1)(iii) 77430
(c) introductory text, (3), and (5) revised ..... †12204
273.302 (f) and (g) amended 28099
(b) through (g) revised; (h) added ..... †12204
274.201—274.207 (Subpart B) Technical correction 45905
274.205 (a) through (d) revised 28099
(e) comment time extended 28100
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(e) revised 56046
(f) added 77430
274.206 (a)(9) technical correction 45905
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Correctly designated from 271.806 ..... *8454
274.208 (b) added 24125
(c) added 35323
277.101 (Subpart A) Heading added 53121
277.201—277.210 (Subpart B) Added 53121
280.101 (b)(2) added 49252
281.203 (a)(17) removed 54739
281.204 (b)(3) amended; (b)(4) added 54739
281.211 (b)(1)(ii)(D) revised; (b)(4)(ii) amended 54740
281.216 Added; interim 39498
Existing text designated as (a); (b) added 54740
281.303 (a) and (h) amended 54740
281.304 (a)(2) amended 54740
281.305 Revised 54740
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Rehearing petition denied 71780
282.102 (a) revised (effective pending congressional review) 31643
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282.103 (e) revised; (l) added (effective pending congressional review) 31643
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(g) amended; (h) added 48113
(g) revised 52363
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282.203 Introductory text, (a) introductory text, (1), and (2) and (b) through (e) redesignated as (a) introductory text, (a)(1) introductory text, (i), and (ii) and (2) through (5); new (a) introductory text revised; (b) added (effective pending congressional review) 31643
(a) revised 31983
Introductory text and (b) revised (effective pending congressional review) 33603
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282.209 Added (effective pending congressional review) ... 71790
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282.215 Added (effective pending congressional review) ... 31643
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282.401—282.405 (Supart D) Appendix I amended ... †2038
282.401 Amended (effective pending congressional review) ... 31644
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282.402 (c) revised (effective pending congressional review) ... 31303
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(c) petition for reconsideration denied ... 48110
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(c) effective date confirmed ... 82171
282.403 Nomenclature change (effective pending congressional review) ... 31644
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282.404 (a) amended; interim ... 22892
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(a)(3) hearing ... †3830
(a)(4) added; interim ... †15550
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282.405 Nomenclature change (effective pending congressional review) ... 31644
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282.501 (c) introductory text and (2) amended; (c)(3) and (d) revised (effective pending congressional review) ... 31644
(c) introductory text and (2) amendment and (c)(3) and (d) revision disapproved by Congress ... 54741
282.503 (a)(2)(ii) and (c) amended; (b) revised (effective pending congressional review) ... 31645
(a)(2)(ii) and (c) amendment and (b) revision disapproved by Congress ... 54741
282.504 (a), (c)(1), (3), and (4), (d)(2), (3)(ii) amended; (c)(1)(iii) added; (c)(2) revised (effective pending congressional review) ... 31646
(c)(2)(ii)(A) and (B) amended ... 31988
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282.506 Revised (effective pending congressional review) ... 31646
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282.601 (c) revised (effective pending congressional review) ... 31647
(c) revision disapproved by Congress ... 54741
282.602 (a) revised (effective pending congressional review) ... 31647
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282.603 (a) revised (effective pending congressional review) ... 31647
(a) revision disapproved by Congress ... 54741
284.201 (e) revised; interim ... 34265
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284.202 (a) revised; (b) amended ... 56050
(a)(1)(iii)(B) amended ... 66786
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284.206 Revised ... 56051
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284.208 (c) (2) and (4)(ii) amended ... 21225
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290.601 (a) applications for exemption extended ... †2596
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292.202 (j) revised ... 33964
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292.206 (b) amended ... 52780
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292.207 (b)(6) added ... 33603
(b)(2)(v) amended ... 52780
292.302 (a) and (b) corrected ... 24126
292.601 (b)(1) revised ... 33964
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292.602 (b) revised; eff. 5-1-81 ... †19232
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351 Added ... †9044
352 Redesignated from 49 CFR Part 1204 and heading revised and text amended ... †9044
356—357 (Subchapter R) Added ... †9044
356 Added ... †9044
357 Added; regulation transferred in part from 49 CFR 1241.61 ... †9051
360—362 (Subchapter S) Added ... †9051
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360.100 (f)(11) amended	†9051
360.101 (b)(7) amended	†9051
360.103 (a)(1) amended	†9051
360.104 (a)(1) and (b)(14) amended	†9051
360.105 (a)(10) and (b) amended	†9051
360.108 (a)(3) amended	†9051
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361.101 (b), (f), and (g) amended	†9052
361.102 (b)(6) amended	†9052
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375—376 (Subchapter W) added	21217
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375.303 Redesignated from 3.5 (b)	21224
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375.305 Redesignated from 3.5 (d)	21224
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375.306 Redesignated from 3.5 (e)	21224
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375.307 Redesignated from 3.5 (f)	21224
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375.308 Redesignated from 3.5 (g)	21224
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375.309 Redesignated from 3.5 (h)	21224
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375.310 Redesignated from 3.5 (i)	21224
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711.62 (a)(1) and (b)(3)(i) corrected	73033
711.64 (a)(1) corrected	73033
713.3 (b) redesignated as (b)(1); (b)(2) added	64451
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714 Added	64414
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714.441 Figure 714.441–3 revised	73034
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131.144 Added; eff. 7-1-83 ... †9937
131.145 (e)(1)(iii) revised; eff. 7-1-83 ... 81737
Redesignated as 131.143; eff. 7-1-83 ... †9934
131.146 Added; eff. 7-1-83 ... †9937
131.170 Added; eff. 7-1-83 ... †9938
131.200 Added; eff. 7-1-83 ... †9939
131.203 Added; eff. 7-1-83 ... †9939
131.206 Added; eff. 7-1-83 ... †9940
133 Incorporation by reference approvals ... †19660
135 Incorporation by reference approvals ... †19660
135.110 (f) revised ... 63838
136 Incorporation by reference approvals ... †19660
137 Incorporation by reference approvals ... †19660
139 Incorporation by reference approvals ... †19660
145 Incorporation by reference approvals ... †19660
145.120 Revised; eff. 7-1-83 ... †2339
145.180 (a)(1) revised; eff. 7-1-81 ... 43391
(b) revised; eff. 7-1-81 ... 43392
(b) effective date and compliance date confirmed ... 84761
146 Incorporation by reference approvals ... †19660
146.110 Removed ... 39251
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146.111 Removed ... 39251
Removal effective date deferred ... 80500
146.114 Effective date 7-1-81 confirmed ... 43394
146.115 Removed ... 39251
Revocation effective date deferred ... 80500
146.125 Removed ... 39251
Revocation effective date deferred ... 80500
146.130 Removed ... 39251
Removal effective date confirmed ... 80500
146.132 Added ... †8464
Technical corrections ... †14340
146.133 Removed ... 39251
Removal effective date confirmed ... 80500
146.148 Effective and compliance dates confirmed ... 45905
150 Incorporation by reference approvals ... †19660
155 Incorporation by reference approvals ... †19660
155.3 (Subpart A) Added; eff. 7-1-81 ... 43398
155.120 (b)(3) revised; eff. 7-1-81 ... 43398

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155.130 (b)(4) and (c)(2) revised; eff. 7-1-81 ... Page 43398
155.170 Revised; eff. 7-1-81 ... 43398
155.172 Revised; eff. 7-1-81 ... 43399
155.190 (b)(3) revised; (c)(2) redesignated as (c)(3); new (c)(2) added; eff. 7-1-81 ... 43400
156 Incorporation by reference approvals ... †19660
161 Incorporation by reference approvals ... †19660
163 Incorporation by reference approvals ... †19660
164 Incorporation by reference approvals ... †19660
166 Incorporation by reference approvals ... †19660
168 Incorporation by reference approvals ... †19660
169 Incorporation by reference approvals ... †19660
170 Incorporation by reference approvals ... †19660
171.1 (m) added; eff. 7-27-81 ... †8952
171.6 Amended; eff. 7-27-81 ... †8952
172 Incorporation by reference approvals ... †19660
172.230 Revised ... 48123
172.515 (b) amended ... 22915
172.615 (a) amended ... 56051
172.836 (c)(15) added ... 58836
(c)(8) introductory text revised ... †8466
(c)(8) introductory text effective date corrected ... †14341
172.840 (c)(14) added ... 58835
(c)(8) introductory text revised ... †8466
(c)(8) introductory text effective date corrected ... †14341
172.846 Revised ... 51767
172.886 (d) amended ... 48123
172.898 (d) revised ... 58836
173 Incorporation by reference approvals ... †19660
173.310 (c) table amended ... 73922, 85726
175 Incorporation by reference approvals ... †19660
175.105 (c)(5) table amended ... 48124, 51185, 56796, 76998
(c)(5) table amended ... †16675
175.300 (b)(3)(xxxi) amended ... 39252
(b)(3)(xxix) amended ... 67320
175.360 (b) revised ... 76998
176 Incorporation by reference approvals ... †19660
176.170 (a)(5) amended ... 28317
(b)(2) amended ... 48125
(a)(5) amended ... 51768
(b)(2) corrected ... 80500
(a)(5) amended ... †8466
176.180 (b)(2) table amended ... 48124, 48125, 56052
177 Incorporation by reference approvals ... †19660
177.1010 (a)(7) removed; (a)(8) redesignated as (a)(7) ... 67321
177.1315 Added ... 39252
177.1330 Revised ... 22916
177.1520 (b) table amended ... †16676
177.2480 (b)(1) introductory text revised; (b)(1)(iii) redesignated as (b)(1)(iv) and revised; new (b)(1)(iii) added ... 58837
177.2600 (c)(4)(viii) amended ... 67321
178 Incorporation by reference approvals ... †19660
178.1005 Added ... †2342
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178.1010 (b)(7) and (c)(5) revised ... 25389
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178.2010 (b) table amended ... 57711, 58837, 60423, 70444, 76999 ... †27, 3831, 7271, 9941, 10462
178.3130 (b) table amended ... 56797, 85727
(b) table corrected ... †13688
178.3400 (c) table amended ... 67321
178.3740 (b) table amended ... 56052
179 Incorporation by reference approvals ... †19660
180 Incorporation by reference approvals ... †19660
180.1 (c)(6) added; eff. 7-27-81 ... †8952
(c)(6) corrected ... †14340
182.90 Amended ... 22915
182.1295 Removed ... 22915
182.5013—182.5997 (Subpart F) Heading revised ... 58838
182.8013—182.8997 (Subpart I) Added ... 58838
184 Incorporation by reference approvals ... †19660
184.1230 (a) corrected ... 26319
184.1295 Added ... 22915
186 Incorporation by reference approvals ... †19660
186.1316 Added ... 22915
186.1756 Added ... 22915
189 Incorporation by reference approvals ... †19660

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193.186 Added	†16257
193.15 Added	65559
193.85 (d) added	75643
193.86 Added	54036
193.90 Revised	53459
193.99 Added	53458
193.100 (c) revised	47143
193.142 Added	†12700
193.152 (c) added	49543
193.219 Added	57392
Revised	†17015
193.235 (f) added	51769
(b), (c), (d), and (e) revised	64904
201.1 Revised; eff. in part 4–10–81	25775
(h)(5) corrected	72118
(f) and (g) effective date deferred	†2979
201.20 Revised	60422
201.59 Added	32552
(a) table amended	†7272
201.100 (e) effective date stayed to 4–10–81	25777
203 Added	60780
203.24 (a)(2) revised	†30
203.31 Added; eff. 5–25–81	78515
Table revised; eff. 7–1–81	†28
Technical correction	†1259
207 Revised	38043
207.20 (a) revised; eff. in part 4–10–81	25776
(a) corrected	32293
207.26 Revised; eff. in part 4–10–81	25777
211 Incorporation by reference approvals	†19660
250.107 Removed	31303
291.505 Section heading, (a)(3), (b)(1)(iii) and (2)(iii) and (iv), (c)(4)(i) through (iii), (d)(1), (3)(i) through (v), and (4) through (11), introductory text (f)(1), (2)(i), (vi), (vii), and (viii), (g), (j)(2), and (k) revised; (d)(3)(vi) removed; (d)(14) through (16) added	62709
310.3 (i) removed; eff. 7–27–81	†8952
310.102 Removed; eff. 7–27–81	†8952
310.519 (a) corrected	47422
310.525 Added	43401
312.1 (a)(2) amended; (d)(11) and (12) redesignated as (d)(12) and (13); new (d)(11) added; eff. 7–27–81	†8952
(a)(2) corrected	†14340
312.20 (b)(1)(iv) added; eff. 7–27–81	†8953
(b)(1)(iv) corrected	†14340
314.1 (c)(2) amended; (f)(7) and (8) redesignated as (f)(8) and (9); new (f)(7) added; eff. 7–27–81	†8954
314.8 (a)(6)(ii) revised; eff. in part 4–10–81	25777
(n) added; eff. 7–27–81	†8954
314.9 (e) added; eff. 7–27–81	†8954
314.12 (e) added; eff. 7–27–81	†8954
314.110 (a)(11) added; eff. 7–27–81	†8954
314.111 (a)(11) added; eff. 7–27–81	†8954
314.115 (c)(7) added; eff. 7–27–81	†8954
320.31 (f) added; eff. 7–27–81	†8954
320.57 (e) added; eff. 7–27–81	†8954
330.1 (g) revised	†8459
330.10 (a)(13)(iii) and (iv) revised	†8460
(e) added; eff. 7–27–81	†8955
(e) corrected	†14340
331 Incorporation by reference approvals	†19660
361.1 (d)(5) revised; eff. 7–27–81	†8955
429.40 (a) revised	40111
430.4 (a)(46) added	75194
(a)(47) added	†2987
430.5 (a)(68) and (b)(68) added	75194
(a)(67) and (b)(67) added	†2979
(a)(69) and (b)(69) added	†2987
(a)(66) and (b)(66) added	†3831
(a)(70) and (b)(70) added	†3835
(a)(67) and (b)(67) corrected	†15880
(b)(69) corrected	†16676
430.6 (b)(70) added	75194
(b)(69) added	†2979
(b)(71) added	†2987
(b)(68) added	†3831
(b)(72) added	†3835
430.20 (g) added; eff. 7–27–81	†8955
431.1 (a) revised	40111
431.16 (b) redesignated as (c); new (b) added	†30
431.17 (l) added; eff. 7–27–81	†8955
431.53 (b)(1) table amended	75194
(b) introductory text and (1) revised; (b)(3) removed; eff. 4–13–81	†16677
433.1 Revised	71355
436 Incorporation by reference approvals	†19660
436.32 (h) added	22921

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436.33 (b) table amended	†2979, 2987
(b) table corrected	†15880
436.35 (c) table amended	64568, 75194
436.101 (a)(18) added	75194
436.105 (a) and (b) tables amended; CFR correction	60423
(a) and (b) tables amended	†2980, 2988, 3832, 3838
(a) and (b) tables corrected	†15880
(a) table amended	†16682
436.106 (a) and (b) tables amended	†3835, 3839
(b) table amended	†16682
436.204 (b)(1) and (2) tables amended	†2980
436.205 (b) and (c) tables amended	†2981
436.213 (c) table amended	†2981
436.306 Heading revised	†3839
436.327 Added	†2981
436.328 Added	†2990
436.329 Added	†3836
436.541 Heading revised; (b) table amended; (c)(3) added	†7273
436.542 Added	†16678
440.3 (b)(5)(i) and (ii) amended	†16682
440.5 (b)(5)(i) and (ii) amended	†16682
440.7 (b)(5)(i) and (ii) amended	†16683
440.7a (b)(7)(i) and (ii) amended	†16683
440.9a (b)(1)(i) and (ii)(b) revised; (b)(7) amended	†16683
440.13a (b)(3) revised	22921
440.17 Added	†2981
(a)(1) introductory text corrected	†15880
440.41 (a)(1)(vi) revised	†16683
440.41a (b)(3) revised	22921
440.74a (b)(3) revised	22921
440.80a (b)(3) revised	22922
440.81a (b)(3) revised	22922
440.103c Added	64569
440.117 Added	†2985
440.117a Added	†2985
(b)(4) corrected	†15880
440.117b Added	†2985
(b)(1) introductory text corrected	†15880
440.241 (b)(3) revised	22922
440.274b (b)(3) revised	22922
440.274c (b)(3) revised	22922
440.280b (b)(3) revised	22922
440.281b (b)(3) revised	22922
440.1080a (b)(3) revised	22922
440.1081a (b)(3) revised	22922
442.4 Added	†3832
442.40 CFR correction	60424
442.104—442.104b Added	†3833
442.106 Redesignated as 442.106a and (a)(1) amended; new 442.106 added	†2992
Technical correction	†15880
442.106a Redesignated from 442.106 and (a)(1) amended	†2992
442.106b Added	†2992
Correctly designated	†15880
442.106c Added	†16679
442.140c Added	22919
444.40 Removed; effective date confirmed	42256
444.62 Added	†2988
(a)(1) introductory text and (v) corrected	†16676
444.220 (a)(1), (3)(i)(a) and (ii)(b)(1), and (b)(4) revised	†2994
(a)(1) amended; (b)(4) revised	†16683
444.262 Added	†2989
444.380 Added	†16681
Effective date corrected	†17758
444.442a Revised	73035
(a)(1), (3)(ii)(b)(1), and (b)(1) corrected	†7273
444.540a Removed; effective date confirmed	42256
446.15 (b)(5) amended	†16683
446.42 Added	†3836
446.120c Added	†7273
446.542 Added	†3837
448.30a (a)(2) removed; (a)(1)(i), (iv), and (v) and (b) revised; (a)(3) and (4) redesignated as (a)(2) and (3); new (a)(3)(i) revised	†16683
448.930a (a)(1)(ii) and (iii), (a)(3) and (4) introductory texts, (a)(4)(i), and (b) revised; (a)(3)(v) removed; (a)(3)(vi) and (vii) redesignated as (a)(3)(v) and (vi)	†16684
448.930b (a)(1) amended; (a)(3) introductory text and (i)(a), and (b) revised; (a)(3)(ii)(c) removed	†16684
449.4 (b)(2)(i) amended; (b)(2)(v) revised	†16684
449.40 (b)(4) revised	†16684
449.120d (a)(1) and (3)(i)(a) revised	†7275

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450 Incorporation by reference approvals — †19660
450.22 Added — 75195
450.220 (a)(1) amended — †16685
450.222 Added — 75198
452.30a (a)(2) removed — †16685
452.110c Added — †16678
452.125e Added — †2990
452.230 Added — †16685
452.510b Added — †2995
453.22 Added — †2996
453.30 (a)(1)(viii) and (b)(1) introductory text, (i) and (ii) heading revised — †3839
453.30a Heading, (a)(1)(xi), (b)(1) introductory text, (i) and (ii) heading revised — †3839
453.130a (b)(1) introductory text, (i) and (ii) heading revised — 3839
453.130b Heading and (b)(1) revised; (a)(1) amended — †3840
453.230 (b)(1) introductory text, (i), and (ii) heading revised — †3841
453.522 (Subpart F) Added — †2997
455.10a (a)(1)(v) and (b)(5) removed; (a)(3)(i) revised — 64568
455.12a (a)(1)(v) and (b)(5) removed; (a)(3)(i) revised — 64568
455.210 (a)(1) and (3)(i)(b) revised; (b)(5) removed — 64568
500.40 Removed — 86276
Removal effective date corrected — †14341
509.30 (b) revised — †8460
510.112 (a) revised — †8460
510.310 Revised — 42261
510.600 (c)(1) and (2) tables amended — 22923, 24866, 27925, 37425, 38048, 41631, 42262, 45906, 48126, 54328, 56798, 61287, 62424, 79027, 79028, 79757, 81037, 81737, 83484, 85727
(c)(1) and (2) tables amended — †1260, 3834, 10462, 10463, 18960–18962
(c)(2) table corrected — †2998, 7273
(c)(1) and (2) tables effective date corrected — †10464
(c)(1) and (2) tables effective date corrected; technical correction — †13688
514.50 (a) revised — 40111
520.23 (c) amended — †8467
520.82a (b) amended — †10463
520.82b (b) amended — †10464
520.120 Removed — 68933
520.580 (b)(1) revised — 48126
(b)(1) amended — 62424
(b)(2) amended — †1261
(b)(2) revised — †18961
520.620 Redesignated as 520.620a and republished; new 520.620 added — †1260
520.620a Redesignated from 520.620 and republished — †1260
520.620b Added — †1260
520.622c (a) and (b) revised — 61288
520.704 (c)(1) through (4) amended; footnote 1 added — 22920
Footnote 1 effective date corrected — 27925
520.784 (b) amended — †10464
520.823 (b) amended — 56798
520.863 (b) amended — †10464
520.1182 Added — 75199
520.1448 Added — 81738
Heading and (a) revised; (d)(3) amended — †18963
Revised — †19466
520.1640 Added — 78119
520.1720a (b)(1) amended — †10464
520.1720b (b) amended — †10464
Revised — †18960
520.1720c Added — 84762
520.1760 (c)(3) added — 31304
520.1801 Redesignated as 520.1801a; new 520.1801 added — 44265
520.1801a Redesignated from 520.1801 — 44265
520.1801b Added — 44265
520.1801c Added — 48127
520.1802 Redesignated as 520.1802c and revised; new 520.1802 added — 52781
520.1802a Added — 52781
520.1802b Added — 52782
520.1802c Redesignated from 520.1802 and revised — 52782
520.1900 (b) amended — †8467
520.2122 (b)(1) amended — 56798
520.2123b (b) amended — 56798
520.2380f Added — †18963
520.2480 (d) correctly designated — 33604
520.2520e Added — 48127
520.2520f Added — 48128
520.2645 Removed — 32294
522.23 (c) amended — †8467
522.82 (b) removed — †10464
522.144 (c) amended — 56798
522.234 (b) amended — 29789
522.246 Added — 29276
522.540 (d)(1) and (2) revised — 62425
522.690 (d) revised — †13214

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522.740 (d)(5) added — 43402
522.784 (b) amended — †10464
522.863 (b) amended — †10464
522.940 (b) amended — 47422
522.1055 Added — 61288
522.1078 (b) amended — 56798
522.1081 (a)(1), (2)(i), and (ii) revised — 81038
522.1380 Revised — 79758
(a) amended — †18964
522.1662a (b) revised — 57712
(g)(3)(ii) revised — †31
(e) revised — †9942
522.1704 (b)(2) amended — 83483
522.1720 (b)(1) amended — †10464
522.1870 Added — †10464
522.1881 (c)(1) through (5) amended; footnote 1 added — 37425
522.1884 (b) revised — †13215
522.1885 (c)(1) through (4) amended; footnote 1 added — 29790
522.1962 Revised — †18962
522.2120 (b) revised — 56798
(a)(2) removed; (a)(3) revised — †18964
522.2480 (d)(1), (2)(i), (ii), and (iii), and (3) amended; footnote 1 added — 26956
524.402 (c)(1), (2), and (3) amended; footnote 1 added — 47422
524.450 Added — 48128
524.463 (b)(1) amended — †3467
524.520 (c)(1) revised — 56799
524.920 (c)(5)(ii) amended — 62425
524.1005 Added — 49543
524.1580 Redesignated as 524.1580a; new 524.1580 added — 43402
524.1580a Redesignated from 524.1580 — 43402
(b) amended — †1261
524.1580b Added — 43402
(b) revised — †18965
524.1580c Added — 43402
524.2101 (b)(1) amended — 56798
526.820 (b) added — 56798
529.810 Added — †18965
540.107a (c)(3)(ii) revised — 48129
540.173a (c)(3)(i) through (iv) amended; footnote 1 added — 43403
540.173b (c)(3)(i), (ii), (iii), and (iv) amended; footnote 1 added — 29276
540.207a (c)(1)(iii)(a)(1) and (2) revised — 81739
540.255a (c)(3)(i), (ii), (iii), and (iv) amended; footnote 1 added — 54329
540.255c (c)(2) revised — 22923
540.274b (c)(1)(iii)(a), (b), and (c) amended — 32294
(c)(4) added — †8468
Correctly designated — †14889
546.110d (c)(5) revised — 72118
548.112a (c)(2) revised; (c)(5)(iv) and (v) added — 81039
548.314a (c)(2)(ii) revised — †13215
548.314b (a) and (c)(2) revised — 27925
555.110c (c)(2) revised — 54328
555.210 (a)(1) and (4)(i)(b) revised; (b)(5) removed — 64588
556 Incorporation by reference approvals — †19660
556.460 Amended — 42263
556.750 Revised — †18966
558.15 (g)(2) table amended — †32
(g)(1) and (2) tables amended — †3842
558.78 (a) and (e) revised — 61289
558.195 (f) revised — 62426
558.248 (a)(1) and (e)(1)(i) through (vi) amended — 56799
558.295 Added — 41631
558.311 (b) revised — 58107
558.325 (e)(3) added — 53457
(b)(3) added — 63838
558.342 (a) revised — †18967
558.355 (f)(1)(xii) revised — 56800
(b)(4) removed; eff. 4–6–81 — †18967
558.415 (d) revised; (f)(4) added — 42263
558.485 (a)(6) added — 45906
(a)(5) and (7) added — 45907
(a)(3) added — 45908
(a) introductory text, (1), and (2) revised; (a)(4) added — 45909
Technical correction — 58107
(b) amended — 61290
(d)(2)(iii), (e)(5) and (6) added — 58841
558.625 (b)(66) added — 22923
(b)(7) revised — 23686
(b)(67) added — 24866
(b)(69) added — 37425
(b)(23) revised; (b)(68) added — 38049
(b)(70) added — 42262
(b)(25) revised — 42263
(b)(71) added — 45906
(b)(44) removed — 47423
(b)(16) revised — 54328
(b)(72) added — 56800
(f)(2)(v) added — 58841
(b)(4) revised — 77000
(b)(74) added — 79027
(b)(73) added — 79028

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Technical correction ... 84762
(b)(76) added ... †3835
(b)(73) text and effective date corrected ... †10464
(b)(4) revised ... †18968
558.630 (b)(3) revised ... †3842, 10465, 18968
558.635 (f) revised ... †18966
561.53 (a) amended ... 55716
561.55 Amended ... 28318
Revised ... †14890
561.98 Existing text designated as (a); (b) through (d) added ... 26696
561.195 Revised ... †17016
561.197 (a) amended ... 21227
Revised ... 27926
561.253 Revised ... 64905
561.255 Revised ... 62979
561.380 Table amended ... 46068
561.385 Revised ... 32295
561.387 Added ... †12957
Introductory text corrected ... †18023
561.395 Revised ... 41933
561.415 Added ... †12701
573.120 (b)(1) revised ... 38049
573.530 Added ... 22920
589 Added ... 28319
601.2 (a) revised; eff. 7-27-81 ... †8955
601.21 Revised ... 73923
Corrected ... †2998
601.25 (h)(1) revised; (l) added; eff. 7-27-81 ... †8955
601.30 Revised; eff. 7-27-81 ... †8956
607.65 (f) and (g) added ... 85729
610.53 (a) table amended ... 32299
630 Incorporation by reference approvals ... †19660
630.11 Amended; eff. 7-27-81 ... †8956
630.31 Amended; eff. 7-27-81 ... †8956
630.51 Revised; eff. 7-27-81 ... †8956
630.61 Revised; eff. 7-27-81 ... †8956
630.81 Amended; eff. 7-27-81 ... †8956
Corrected ... †14340
640.22 (a) revised ... 27927
640.32 (a) revised ... 27927
640.76 Revised ... 80501
660.100—660.105 (Subpart K) added ... 32299
701 Incorporation by reference approvals ... †19660
720 Incorporation by reference approvals ... †19660
740.17 Added; eff. 8-19-81 ... 55175
801 Incorporation by reference approvals ... †19660
808.1 (f) added ... 67336
808.20 (b) revised ... †8460
808.53 Added ... 67336
808.55 Added ... 67336
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808.57 Added ... 67336
808.59 Added ... 67336
808.67 Added ... 67336
808.69 Added ... 67336
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1.275 Removed †11264
1.275–1 Amended †11264
1.316 Removed †11264
1.316–1 (d) redesignated as (e) and amended; new (d) added †11264
1.333–5 (d)(1) and (2) amended 72650
1.337–6 (c) added 64907
1.341–4 (a) amended 72650
1.341–6 (b)(2)(iii) and (5) amended 72650
1.357–2 (b) example (1) amended 72650
1.368 Removed 86437
1.368–1 (b) amended; (d) added 86437
1.381(c)(3)–1 (c)(1), (4), (d)(1) heading, introductory text, and (ii), (2), (4), (e)(1), (5) heading and text, (6), (7), and (8) amended 72650
1.381(c)(17)–(1) (f) amended †11264
1.381(c)(25)–1 Added †11264
1.385–1 Added; eff. 4–30–81 86445
1.385–2 Added; eff. 4–30–81 86445
1.385–3 Added; eff. 4–30–81 86446
1.385–4 Added; eff. 4–30–81 86447
1.385–5 Added; eff. 4–30–81 86448

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1.385–6 Added; eff. 4–30–81 86450
1.385–7 Added; eff. 4–30–81 86457
1.385–8—1.385–10 Added; eff. 4–30–81 86458
1.401–2 (a)(1) amended †1695
1.401–8 Redesignated as 1.401(f)–1; new 1.401–8 redesignated from 1.401–8A and (a) amended †1695
1.401–8A Redesignated as 1.401–8 and (a) amended †1695
1.401(a)–1 Added †1695
1.401(a)–2 Added †1696
1.401(a)–16 Added †1696
1.401(a)–18 Added †7277
1.401(f)–1 Redesignated from 1.401–8 †1695
(a) amended; (e) redesignated as (f); new (e) added †1696
1.401(j)–1 Added †7277
(g) corrected †17191
1.401(j)–2 Added †7280
(h) corrected †17191
1.401(j)–3 Added †7281
1.401(j)–4 Added †7283
1.401(j)–4 (a)(1)(ii) table A corrected †17191
1.401(j)–5 Added †7284
1.401(j)–6 Added †7287
1.403(b)–1 (b)(3)(i) and (d)(3)(iv)(c); (b)(3)(ii) redesignated as (3)(iii) and introductory text revised; new (b)(3)(ii), (d)(3)(v) and (5) added †1696
1.404(a)–14 Revised †6914
(c) introductory text corrected †15685
1.405–1 (b)(1) amended †1697
1.408–1 Added 52790
1.408–3 Added 52792
1.408–4 Added 52793
1.408–5 Added 52795
1.408–6 Added 52795
(d)(4)(iii)(B)(*11*) corrected 56802
1.408–7 Added 52798
1.409–1 Added 52799
1.410(a)–1 (b)(7) and (8) redesignated as (b)(8) and (9); new (b)(7) added 40980
(c)(2) and (d) amended 74722
1.410(a)–4 (b)(1) amended 40980
1.410(a)–5 (a) amended 40980
1.410(a)–7 Added 40980
1.410(b)–1 (d)(2) and (7) added 74722
1.411(a)–5 (b)(1)(iii) and (2) amended 40985
1.411(a)–6 (c)(1)(iii) amended 40985
1.412(b)–2 Added; eff. after 5–22–81 †6923
1.412(b)–5 Added 40113
1.412(c)(1)–1 Added 75202
1.412(c)(1)–2 Added 75202
1.412(c)(2)–1 Added 74718
1.412(c)(3)–1 Added 86430
1.412(c)(3)–2 Added 86432
1.412(i)–1 Added 47676
(b)(2)(ii) corrected 50563
1.415–1—1.415–10 Added †1697
1.421–5 (a)(1) and (2), (b)(1)(i), (c)(2), (d)(1), and (e) amended 72650
1.423–1 (a)(1) amended 72650
1.423–2 (k)(1)(i) amended 72650
1.424–1 (a)(1)(i) amended 72650
1.424–2 (b)(1)(i) amended 72650
1.441–1 (b)(3) amended †11264
1.442–1 (a)(1) and (c)(1) amended †11265
1.443–1 (e)(5) amended †11265
1.472–2 (e) revised †6920
(e)(3)(v) introductory text and (B)(2) and (7) corrected †15685
1.482–2 (a)(3) amended; (a)(4), (5), and (6); eff. 4–30–81 86459
1.501(c)(2)–1 (a) revised 33972
1.501(c)(9)–1—1.501(c)(9)–8 Added †1721
1.501(c)(9)–8 (e) heading correctly added †11971
1.501(c)(13) Removed 33972
1.501(c)(13)–1 Revised 33972
1.512(b)–1 (c)(2)(iii)(*b*) amended †11265
1.513–5 Added 33970
1.514(b)–1 (b)(1)(iii) example (3) and (b)(3) example (2) amended 72651
1.514(c)–1 (f) amended 33973
1.527–1 Added 85731
1.527–2 Added 85731
1.527–3 Added 85732
1.527–4 Added 85733
1.527–5 Added 85733
1.527–6 Added 85733
1.527–7 Added 85735
1.527–8 Added 85735
1.528–1—1.528–10 Undesignated center heading added 26321

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1.528–1 Added	26321
1.528–2 Added	26321
1.528–3 Added	26321
1.528–4 Added	26322
(c) corrected	34879
1.528–5 Added	26322
1.528–6 Added	26322
1.528–7 Added	26323
1.528–8 Added	26323
1.528–9 Added	26323
1.528–10 Added	26324
1.562–1 (b)(2)(iii) amended	†11265
1.614–6 (b) introductory text amended	72650
1.631–1 (a)(4), (b)(1), and (d)(4) amended	72650
(a)(4) and (b)(1) amended	72651
1.631–2 (a)(1) and (2), (b)(1), (c)(1), (d)(1), (3)(i) and (iii) amended	72650
1.631–3 (a)(1) and (2), (b)(1) and (c)(3) amended	72650
1.642(c)–3 (c) examples (3) and (5) amended	72650
1.642(f)–1 Revised	38055
1.643(a)–6 (b) example (2) amended	72650
1.665(d)–1A (c)(2) amended	72650
1.671–1 (f) added	81745
1.691(a)–3 (b)(1) amended	72650
1.702–1 (a)(1) and (2) amended	72650
1.741–1 (d) added	81745
1.817–2 (b)(1)(i), (3)(i), and (ii) amended	72650
1.852–4 (b)(1), (2)(i), (3), and (d)(1) amended	72650
1.852–10 (b)(1) amended	72650
1.856 Removed	†11265
1.856–0 Added	†11265
1.856–1 (a), (b) introductory text, (1), and (4), (c), (d) introductory text, (2), (4), and (5), and (e) amended; (b)(5) and (6) redesignated as (b)(6) and (7); new (b)(5) and (f) added	†11265
1.856–2 (c)(1)(iii)(a) amended; (b) amended; (c) revised	72650 †11265
1.856–3 (c) amended; (h) added	†11266
1.856–4 (a) amended; (b)(1) through (4) redesignated as (b)(3) through (5) and (7); new (b)(1) through (3) revised; new (b)(4) amended; new (b)(5)(ii) and (iii) redesignated as (b)(5)(iii) and (iv); new (b)(5)(i) and (ii) revised; new (b)(6) added	†11266
1.856–5 Added	†11268
1.856–6 Added	†11269
(c)(4) corrected	†15263
1.856–7 Added	†11274
1.856–8 Added	†11275
(c)(2) corrected	†15263
1.856–9 Added	†11276
1.857 Removed	†11277
1.857–1 (a) introductory text and (2) and (b) amended; (a)(1) revised	†11277
1.857–2 Removed; new 1.857–2 redesignated from 1.857–3 and revised	†11277
1.857–3 Redesignated as 1.857–2 and revised; new 1.857–3 added	†11277
1.857–4 (b) and (c)(1) amended	72650
Redesignated as 1.857–6	†11277
Added	†11278
1.857–5 Redesignated as 1.857–7	†11277
Added	†11278
1.857–6 Redesignated as 1.857–8; new 1.857–6 redesignated from 1.857–4	†11277
(e)(1) redesignated as (e)(1)(i) and amended; (b), (c)(1), (2) and (3), and (e)(1)(i) amended; (e)(1)(ii) and (f) added	†11279
(c)(3) amended	†11283
1.857–7 Redesignated as 1.857–9; new 1.857–7 redesignated from 1.857–5	†11277
(b) amended	†11279
1.857–8 Redesignated as 1.857–10; new 1.857–8 redesignated from 1.857–6	†11277
(e) amended	†11279
1.857–9 Redesignated from 1.857–7	†11277
(a) amended	†11279
1.857–10 Redesignated from 1.857–8	†11277
Amended	†11279
1.858 Removed	†11279
1.858–1 (a) and (b) revised; (d) and (e) amended	†11279
1.859–1 Added	†11280
1.859–2 Added	†11280
1.859–3 Added	†11281
1.859–4 Added	†11282
1.860–1 Added	†11282
1.861–8 (e)(2)(i) and (f)(1)(iv) revised	†1683
1.882–4 (c) added	†1683
1.882–5 Added	†1683
(d) corrected	†16100
1.892–1 Revised; redesignated in part to 1.892–2	48883
1.892–2 Redesignated from 1.892–1(b)(1) and (2)	48883
1.901–2 Removed	75648
1.903–1 Removed	75648
1.911–1 Added	76133
1.911–2 Added	76134
1.911–3 Added	76135
1.911–4 Added	76135
1.911–5 Added	76136
1.911–6 Added	76136
1.911–7 Added	76137
1.913–1 Added	76137
1.913–2 Added	76137
1.913–3 Added	76138
1.913–4 Added	76139
1.913–5 Added	76139
1.913–6 Added	76140
1.913–7 Added	76141
1.913–8 Added	76142
1.913–9 Added	76142
1.913–10 Added	76142
1.913–11 Added	76143
1.913–12 Added	76143
1.913–13 Added	76143
1.953–2 (d) amended	76143
1.954–2 (d)(3)(i) revised; (d)(3)(iii), (iv), and (v) and (4) added	42607
1.956–1 (b)(2) and (3) redesignated as (b)(3) and (4); new (b)(2) added	52374
1.956–2 (b)(1)(iii), (d)(1)(i) introductory text and (d)(1)(i)(b) revised; (b)(1)(viii) and (c)(2) redesignated as (b)(1)(x) and (c)(4); new (b)(1)(viii) and (ix) and (c)(2) and (3) added; (c)(1) and (d)(2) introductory text amended	52374
1.958–2 (a), (b)(3) and (d)(2) amended	52375
1.981–1 (a)(3) revised	76143
1.992–1 (d)(2)(i)(a) and (b) amended; eff. 4–30–81	86459
1.1001 Removed	81745
1.1001–2 Added	81744
1.1011–2 (e) added	81745
1.1012–1 (c)(3)(iii), (e)(3), (4)(i) and (ii) amended	72650
1.1016 Removed	57722
1.1016–5 (t) added	57722
1.1033(a)–1 (b) amended	†6925
1.1033(a)–2 (c)(3) amended	†6925
1.1033(f)–1 Redesignated as 1.1033(g)–1 and (b) and (c) redesignated as (c) and (d) and new (b) added	†6925
1.1033(g)–1 Redesignated as 1.1033(h)–1 and amended; new 1.1033(g)–1 redesignated from 1.1033(f)–1 and (b) and (c) redesignated as (c) and (d) and new (b) added	†6925
1.1033(h)–1 Redesignated from 1.1033(g)–1 and amended	†6925
1.1201–1 (a)(1)(i), (2)(i), (4), (b)(1), (2)(i), (ii)(a) and (b), (e)(1) and (2) amended	72650
(a)(3)(i), (ii)(a) and (b), (iii), and (iv), (b)(2)(iii), and (g) examples (2), (3), and (4) amended	72651
1.1202–1 (a) amended	72650
1.1211–1 (b)(8) examples (6), (7), and (8) amended	72650
1.1212–1 (a)(2)(i), (3)(ii), (iii)(a) and (f) amended	72650
(a)(1)(i), (ii) examples (a), (b) and (c), (2)(iii) example (2), (3)(iv) examples (1) through (5), and (b)(5) example (7) amended	72650
1.1222–1 (a), (c), (d)(1), and (h) amended	72650
1.1223–1 (j) amended	72650
1.1231–1 (a), (b), (c)(1), (2), (5), (e)(1) and (3) amended	72650
1.1232–1 (a) amended	72650
1.1232–3 (a)(1) and (b)(1)(ii) amended	72650
1.1233–1 (a)(4), (c)(2), (4), (5), and (e) amended	72650
1.1234–2 (a) amended	72650
1.1235–1 (a) amended	72650
1.1235–2 (d)(2) amended	72650
1.1245–4 (a)(4) amended	72650

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1.1247–3 (b)(4) and (d) heading and (1) amended	72650
1.1248–1 (e)(3) amended	72650
1.1248–4 (d)(5)(ii), (iii) example (2), and (g)(2) amended	72650
1.1251–3 (a)(1)(i)(a) amended	72650
1.1303–1 (c)(4)(ii) amended	76143
1.1348–2 (d)(1) amended	72650
1.1371–1 (g) amended; (h) heading added; eff. 4–30–81	86459
1.1375–1 (f) examples (4) and (5) amended	72650
1.1385–1 (c)(2)(ii)(a) amended	72650
1.1402 (a) removed	50738
1.1402(a)–4 (b)(5) and (6) examples 5 and 6 revised	50739
1.1402(c)–3 (a) amended	24129
(a) amended; (g) added	57123
1.1502–4 (d)(1)(ii) and (j) example (2) amended	72650
1.1502–11 (a)(3) and (b)(6) examples (1), (2), and (3) amended	72650
1.1502–12 Introductory text and (o) revised; (n) amended; (p) added	65561
1.1502–15 (a)(1) amended	72650
1.1502–21 (f)(2) amended	72650
1.1502–22 Heading, (a)(1) heading and text, (c)(2)(i) and (d)(2)(i) amended	72650
1.1502–25 (c)(2)(ii) amended	72650
1.1502–27 (b)(2) amended	72650
1.1502–44 Added	65561
1.1502–79 (a)(3)(ii) and (b)(2)(ii) amended	72650
1.1552–1 (a)(1)(ii)(b) amended	72650
1.6050–1 Removed	58520
1.6050A–1 Added	57123
1.6050B–1 Added	46070
1.6073–1 (b)(1) revised; (c) and (d) redesignated as (d) and (e); new (c) added	60902
1.6073–2 (b) and (c) revised	60903
1.6073–3 (b) and (c) revised	60903
1.6073–4 (c) redesignated as (d); new (c) added	76143
1.6081–2 Heading revised; (a)(6) added	76144
3.4 (c) and (d)(2) amended	72651
4.901–2 Added	75648
4.903–1 Added	75656
5.856–1 Added	†11284
5b Removed	76144
5b.911–1—5b.911–7 Removed	76133
5b.913–1—5b.913–13 Removed	76137
7.0 Amended	26324
(c)(2) removed; (e)(1) and (2) amended	84052
(c)(6) removed	†6926
7.191–1 Removed	38056
7.856(g)–(1) Removed	†11284
10.1 Removed	†11284
10.3 Removed	†11284
11.412(c)(1)–1 Removed	75201
11.412(c)(1)–2 Removed	75201
15A Added	†10709
15A.453–1 (d)(5) corrected	†13688
20.2032A–3 Added	50739
20.2032A–4 Added	50742
20.2032A–8 Added	50743
20.2039–2 (a) and (b) examples (2) and (3), and (c)(1) revised; (b)(3) and (4) amended; (b)(5) added	†7303
20.2039–3 Added	†7304
20.2039–4 Added	†7304
20.2039–5 Added	†7305
(c)(2) corrected	†17191
20.6081–1 (c) amended	50745
20.6166 Removed	50745
20.6166–1 Redesignated as 20.6166A–1; new 20.6166–1 added	50745
20.6166–2 Redesignated as 20.6166A–2	50745
20.6166–3 Redesignated as 20.6166A–3	50745
20.6166–4 Redesignated as 20.6166A–4	50745
20.6166A–1 Redesignated from 20.6166–1	50745
20.6166A–2 Redesignated from 20.6166–2	50745
20.6166A–3 Redesignated from 20.6166–3	50745
20.6166A–4 Redesignated from 20.6166–4	50745
20.6324–1 Added	50747
23.1 (f) redesignated as (g); new (f) added	73467
25.2514–1 (c)(1) and (d) amended	†6929
25.2517–1 (b)(1)(iii) and (iv) revised; (b)(1)(v), (vi) and (d) added; (b)(2) and (c)(1) amended	†7307
25.2517–1 (c)(1)(iv) corrected	†17191
25.6075 Removed	†6929
25.6075–1 Revised	†6929
26 Added	53125
26a Added	51772
26a.2621–1 (k) revised	†10908
31.3121(d)–1 (a)(1) amended	24129
31.3121(b)(20)–1 Added	57123
31.3401(a)(12) Removed	72652
31.3401(a)(12)–1 Heading revised; (d) added	72652
31.3401(a)(17)–1 Added	57124
31.3401(a)(20)–1 Added	†3509
31.3401(e)–1 (b) amended	†17548
31.3402(f)(2)–1 (g) removed	†17548
31.3402(n)–1 Sentence preceding Example 1 amended	†17548
31.3506–1 Added	24129
31.3507–1 Added	†10151
31.3507–2 Added	†10152
31.6302(c)–1 (a)(1)(i), (ii), and (iv) revised	39501
(a)(1)(i)(c) added	†10153
37 Added	†17548
48.4042–1 Added	70861
48.4042–2 Added	70862
48.4042–3 Added	70862
48.4121–1 Added	66453
(b) correctly added	69214
48.4221–2 (a)(1) amended	†2999
48.4221–3 (a) text redesignated as (a)(1); (a)(2) added	72653
48.4222(c)–1 Existing text designated as (a) and heading added; (b) added	†2999
48.6302(c)–1 (f) added	70863
48.6420(a)–1 Heading, (a)(1), and (b) revised; (c)(1) amended; (c)(2) example (3) added	49545
48.6420(b)–1 Revised	49545
48.6420(c)–1 (c)(2)(i) and (5) amended	49545
48.6420(c)–2 Added	49545
48.6427–1 Added	49546
(d) and (f) corrected	52800
53.4940–1 (c)(1)(i), (f)(1), and (4) example (2) amended	72651
53.4942 Removed	56803
53.4942(a)–2 (c)(4)(i)(b) amended; (c)(4)(i)(c) and (d) redesignated as (c)(4)(i)(d) and (e); new (c)(4)(i)(c) added	56803
(c)(4)(iv)(a) amended	56804
53.4942(b)–1 (a) revised	58520
(a) correctly designated	†11254
54.4972–1 Revised	†6932
54.4974–1 Added	52799
55 Correctly added	†11282, 15263
139 Removed	66454
140 Removed	49546
150 Added	23387
150.4988–1 (b)(1) revised	†4876
150.4989–1 (c) revised; temporary regulation	63263, 64575
(c)(1), (2), (3), and (7) added	75207
150.4995–1 (a) revised	27931
(b)(2) revised	64577
(a), (b)(3), and (c) revised; (b)(4) removed	†4876
(a)(1)(iii) amended	†13509
150.4995–2 (a) and (c) revised	27931
Revised	†4877
(c)(3)(ii) correctly designated	†16257
150.4995–3 (a)(1) introductory text revised	27931
(a)(1) introductory text and (f)(1) introductory text revised; (g) and (h) redesignated as (h) and (i); new (g) added	73468
(g)(2)(ii) examples (1) and (2) tables corrected	78119
(a)(1) introductory text and (2), (b), (c), (d), (f)(2), (g), and (i)(2) and (3) revised	†4879
(a)(1) and (2) correctly corrected	†11284
(a)(1) and (2) and (g)(2)(ii) corrected	†16257
150.4995–4 (a) revised	†4881
(a) corrected	†16257
150.4995–5 Added	†4881
Revised	†13509
(b)(1) corrected	†16257
150.4996–1 (b) revised	81562
(a), (c), (d), (g), and (h) introductory text revised; (j) redesignated as (k); new (j) and (l) added	†4882
(g)(1) introductory text corrected	†16258
150.4997–1 (a) amended	73469
Revised	†4883
(a) undesignated text appearing after (2) correctly revised	†11284
150.4997–2 Revised	†4884
(c)(2) heading corrected	†16258
150.6050C–1 (b) introductory text and (f) revised	27932
(a), (e), and (f) revised	†4885
(e) corrected	†16258
150.6076–1 Revised	†4886
150.6402–1 (b) and (c) revised; (e) and (f) added	73469

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(d) and (e) amended..... †14341
301.6050–1 Removed 58520
301.6050A–1 Added 57124
301.6103(a)–1 Added 65566
301.6103(a)–2 Added 65567
301.6103(c)–1 Added 65567
301.6103(h)(2)–1 Revised 65567
301.6103(i)–1 Added 65568
301.6103(j)(1)–1 Added 65562
301.6103(j)(2)–1 Added 65569
301.6103(k)(6)–1 Added 65569
301.6103(l)(2)–1 Added 65570
301.6103(l)(2)–2 Added 65571
301.6103(l)(2)–3 Added 65571
(a)(23) and undesignated text following (27) revised.... †6930
301.6013(n)–1 Added 65573
301.6103(p)(2)(B)–1 Added 65574
301.6103(p)(7)–1 Added 26325
301.6324A–1 Added 50747
301.6652–1 (a)(2) revised..... 57124
301.6693–1 Added 72652
301.7216–2 (c) and (n) revised... 49547
301.7517–1 Added ..... †6930
301.9001 Added 33974
301.9001–1 Added 33975
301.9001–2 Added 33976
301.9001–3 Added 33976
403.50 Revised 27932
404.6103(a)–1 Removed 65575
404.6103(a)–2 Removed 65575
404.6103(c)–1 Removed 65575
404.6103(l)–1 Removed 65575
404.6103(j)(1)–1 Removed 65564
404.6103(j)(2)–1 Removed 65575
404.6103(k)(6)–1 Removed 65575
404.6103(n)–1 Removed 65575
420.6103(l)(2)–1 Removed 65575
420.6103(l)(2)–2 Removed 65575
420.6103(l)(2)–3 Removed 65575

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4.10 Amended 40544
4.32 (a) introductory text and (4) revised; (c) redesignated as (d) and revised; new (c) added 40544

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4.64 (a)(8) revised..... 40547
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4.72 (c) revised..... †1727
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4.73 (a) revised; (d) and (e) removed ..... †1727
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7.27a Added 40551
7.28 (a), (b), (c), and (e) revised 40552
7.29 Footnote 1 removed; (a)(5) revised 40552

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7.41 Revised 40553
7.50 Revised 40553
8 Revised 63256
9.22 Added 41633
9.23 Added ..... †9063
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10 Added 63257
11 Added 63258
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19.193 Amended; temporary regulation 70251
19.205 Added; temporary regulation 70251
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240.591 Heading revised; (a) amended; eff. 6-1-81 ..... †3003
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2.23 (c) and (d) revised 84052
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2.43 Revised; interim 60428
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552.50—552.83 Undesignated center heading and sections added	73037
553.22 Revised	80524
581.2 Appendixes B and C amended	82925
621.3 Removed	62038
623 Added	62038
644.184 (a) revised	71266
644.311—644.561 (Subpart F) Added	71266
650.21—650.39 (Subpart B) Removed	69215
651 Added	69215
657 Revised	73473

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700.201 Amended	80277
700.202 (a) amended	80277
700.203 (e) removed; (f) and (g) redesignated as (e) and (f); (a), (b), (d), new (e), new (f), and (h) amended; new (g) added	80277
700.204 Amended	80278
700.205 Amended	80278
700.206 (b) amended	80278
700.301 (c) amended	80278
700.305 (d) redesignated as (e); new (d) added	80278
700.315 Amended	80278
700.316 Revised	80278
700.320 (a) amended; (b) removed	80278
700.401 (b) revised	80278
700.752 (a), (b), and (c) amended; (e) redesignated as (f); new (e) added	80279
700.753 Heading amended; (d) added	80279
700.1116 (c) amended	80279
700.1146 Removed	80279
706.2 Table four amended	46381
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762 Nomenclature changes	†18313
763 Revised	51776
800 Removed	64909
814 Removed	60430
817 Removed	†19234
826 Removed	†10721
828 Revised	73653
853 Removed	52800
859 Revised	62427
865.200—865.208 (Subpart C) Removed	55422
875.4 (e)(5)(ii) amended	†15506
875.6 (a)(3)(i) amended	†15506
875.9 (a)(3)(i) amended	†15506
875.12 Amended	†15506
887 Revised	62427
888.2 (c) table and (f)(5)(i) introductory text and (A) revised; (f)(2)(v) and (vi) and (5)(ii) removed	58118
888.3 (d)(5) amended; (d)(9) added	58118
888.4 (e)(5)(i) and (iii), (g)(2), and (h)(1) revised; (h)(5) introductory text, (i), and (ii) amended; (l) and (m) added	58118
888.5 (a) and (i)(2) amended; (b)(1)(i) and (ii), (j), and (k)(4)(ii) revised; (k)(1) removed	58119
888.6 (b)(4)(i) and (6)(v), (c)(3)(iv) and (v), (d)(2), (e)(2)(v)(B) and (C), (g)(1)(i), and (h)(1)(iii) revised; (b)(8), (e)(2)(i) and (f)(1)(b)(8) amended; (b)(5) note and (d)(6) added; (c)(3)(iii) and (e)(2)(v)(D) removed	58119
888.7 (a)(1)(vii) and (da) added; (d)(8)(i) amended; (d)(9)(iii) revised	58120
888.11 Revised	58120
888d Revised	52146
955 Added	49922

Chapter VII—Department of the Air Force

Chapter XII—Defense Logistics Agency

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1292 Added	13216

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1611 Removed; eff. 7–18–80	48130
1612 Removed; eff. 7–18–80	48130
1613 Removed; eff. 7–18–80	48130

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1617	Removed; eff. 7-18-80	48131
1619	Removed; eff. 7-18-80	48131
1621.2	Removed; eff. 7-18-80	48131
1621.3	Removed; eff. 7-18-80	48131
1690	Removed	72119

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1900.25	Revised	74920
1900.51	(a) revised	50329
1900.61	(a) revised	48131
1902	Added	64174
1902.13	Added	64175

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299a	71373
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501—657 (Ch. V)	79508
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505	71373, 73103, 78727
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1602—1690 (Ch. XVI)	80125
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	Chapter removed	44575
101	Redesignated as 44 Part 320 and revised	44575
102	Redesignated as 44 Part 321 and revised	44575
102a	Removed	44575
103	Redesignated as 44 Part 322 and revised	44575
104	Redesignated as 44 Part 323 and revised	44575
105	Redesignated as 44 Part 324 and revised	44575
106	Redesignated as 44 Part 325; nomenclature changes	44575
107	Redesignated as 44 Part 326 and revised	44575
108	Removed	44575
109	Removed	44575
110	Redesignated as 44 Part 327 and revised	44575
111	Redesignated as 44 Part 328 and revised	44575
112	Redesignated as 44 Part 329 and revised	44575
113	Redesignated as 44 Part 330 and revised	44575
134	Redesignated as 44 Part 331; nomenclature changes	44575
165	Redesignated as 44 Part 7; nomenclature changes	44575

Chapter VI—International Trade Administration, Department of Commerce

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601—603	Removed	44574
621	Redesignated as 15 Part 330	44574
621a	Redesignated as 15 Part 331	44574
621b	Redesignated as 15 Part 332	44574
631	Redesignated as 15 Part 340	44574
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651	Redesignated as 15 Part 350	44574
652	Redesignated as 15 Part 351	44574
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662	Redesignated as 15 Part 354	44574

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701	Redesignated as 44 Part 401	44574
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702	Redesignated as 44 Part 403	44574

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801	Removed	44574

Chapter XV—Federal Reserve System

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1505	Redesignated as 12 Part 245	44574

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

	Chapter removed	44587
1801—1886	(Subchapter A) Removed	44587
1801	Redesignated as 46 Part 315	44587
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1901—1903	(Subchapter B) Removed	44587
1901	Redesignated as 46 Part 345	44587
1902	Redesignated as 46 Part 346	44587
1903	Redesignated as 46 Part 347	44587

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1.01-50	Added	†15685
3.60-50	Revised	47842
3.60-55	Revised	47842
3.60-60	Revised	47842
40	Added	†4912
110.8	(c-2) added	54755
110.60	(u-3) added	54755
110.74b	Added	79031
110.168	(d)(5) revised	64177
	(d)(5) corrected	68651
117.2	Removed	46381
117.3	Revised	48618
117.15	Revised	48619
117.120	Revised	51550
117.180	(j) revised	77432
117.200	Revised	73655
	(a)(5)(iv) and (v) corrected	†2043
117.215	(j)(4) revised	77432
117.220	(p) revised	77432
117.225	(f)(1), (1-b), (1-c), (1-d), (1-e)(2), (2-a), (2-b), and (2-c) removed	73656
	(f)(6) revised	77431
	(f)(1-e) correctly removed	†2043
117.227	(h)(3) revised	46381
117.432a	Removed	64177
117.440	Revised	77433
117.440a	Revised	77433

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117.440b Added 77433
117.442b Added 75659
117.488 Added 75660
117.560 (f)(17) revised; (f)(18) removed 48619
(g)(16) revised ..... †9579
(g)(16) effective date deferred ..... †10707, 10907
117.660 Correctly designated from 117.600; (a), (a)(1), and (e) corrected 64177
117.755 (a) revised 50748
117.759b (f)(1) and (6) revised; 124 Removed 57393
126.05 (b) revised 57393
126.10 Added 57393
126.27 (b)(8) revised 57394
144.01-10 (b) revised 65208
144.01-25 (b) revised 65208
148.3 Amended 85647
148.109 (j)(1)(iv) and (l)(4) revised 85647
150.301—150.345 (Subpart C) Revised 85647
150.711 (a)(1) revised; (a)(6) added 77434
157.08 (g) revised; (h) added 82249
157.10b Added 82249
157.11 (d) introductory text revised 82250
157.15 (b)(1) revised 82250
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157.35 Introductory text revised 82250
157.200 (a) introductory text revised 82250
157.202 Introductory text revised 82250
157.206 Revised 82250
157.208 Revised 82250
157.214 Introductory text revised 82250
157.216 Introductory text revised 82250
157.220 (a) revised 82250
157.225 Introductory text revised 82250
157.226 Revised 82250
157.228 Revised 82250
157.300—157.310 (Subpart F) Added ..... †3513
Effective date deferred ..... †10707, 10907
161 Authority citation 84057
161.1—161.15 (Subpart A) Added 57394
(f)(2) removed 50748
161.101 (a), (b), and introductory text of (c) revised; (c)(5) added 48823
(a), (b), (c) introductory text and (5) effective date deferred 53135
161.103 Revised 48823
Effective date deferred 53135
161.104 Revised 48823
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161.105 Introductory text and (f) revised; (g) added 48823
Introductory text, (f) and (g) effective date deferred 53135
161.107 (a) revised 48823
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161.109 Revised 48823
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161.111 Revised 48824
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161.122 Revised 48824
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161.124 Revised 48824
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161.126 Introductory text revised 48824
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161.128 (f) revised 48824
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161.134 Revised 48824
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161.135 (a) revised 48824
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161.136 (a) revised 48824
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161.157 Added 48824
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161.174 (a)(2), (4), and (b) revised 48824
(a)(2), (4), and (b) effective date deferred 53135
161.180 Revised 84057
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161.183 (c) introductory text, (1)(ii), (3)(ii), (5)(iii), (6)(i) through (iii), and (7) through (11) revised; (c)(11) and note added 48824
(c) introductory text, (1)(ii), (3)(ii), (5)(iii), (6)(i) through (iii), (7) through (11) and note effective date deferred; (c)(8)(ii), and introductory texts (c)(9) and (19) revised 53135
(c)(8) and (9) introductory texts corrected 74472

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161.187 (f) through (k) revised; (l) added 48824
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161.188 Revised 48825
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161.501 Effective date deferred ..... †10707, 10907, 19234
161.503—161.507 Effective date deferred ..... †10707, 10907, 19234
161.509 Effective date deferred ..... †10707, 10907, 19234
161.511 Effective date deferred ..... †10707, 10907, 19234
161.520 Effective date deferred ..... †10707, 10907, 19234
161.522 Effective date deferred ..... †10707, 10907, 19234
161.524 Effective date deferred ..... †10707, 10907, 19234
161.526 Effective date deferred ..... †10707, 10907, 19234
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161.532 Effective date deferred ..... †10707, 10907, 19234
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162.120 Revised ..... †7960
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162.145 Revised ..... †7960
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162.150 Revised ..... †7960
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162.175 Revised ..... †7960
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162.180 Removed ..... †7960
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162.190 Removed ..... †7960
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164.01 Revised; eff. 7-1-82 54039
164.02 (a) revised; eff. 7-1-82 54039
164.38 Added; eff. 7-1-82 54039
(b)(3)(ii) corrected 71800
164.53 (b) revised 57395
164 Appendix A corrected 71800
165.312 Added (temporary) 45269
165.902 Added ..... †7961
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165.1107 Added 49253
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165.1108 Added; interim 65208
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165.1303 (b)(6) added 46382
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(b)(1) and (3) revised 66009
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175.130 Table revised 45270
Table footnote corrected 54042
181.11 (c) added; eff. 8-1-82 ..... †3515
(c) corrected ..... †9579
183 Incorporation by reference approval corrected 47112
183.435 Incorporation by reference 85450
183.701—813.715 (Subpart L) Added; eff. 8-1-82 ..... †3515

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204.223 (c) revised 57126
204.224a (a) and (b)(2) revised 57126
204.224b (b)(2) revised 57126
207.20 Revised 51552
(f) introductory text corrected 60430
207.171b Added 76144
207.590 (m)(9) and (10) added 51555
207.805 Removed 57126
207.806 (b)(4) revised 57126
209.135 (b) revised ..... †11660

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230.3 (x) and (z) corrected; (aa) through (tt) redesignated as (cc) through (vv); new (aa) and (bb) correctly added	†14745
230.7 (c) corrected	†14745
230.9 (c) corrected	†14745
230.10 Corrected	†14745
230.12 Corrected	†14745
230.15 Corrected	†14745
230.17 (b) and (c) corrected	†14745
230.19 (d) and (e) corrected	†14745
230.25 (a)(3) and (15) and (c) corrected	†14745
230 Appendixes A, B, and C corrected	†14746
238 Revised	71801
396 Added	63489

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401.6 Heading revised; (c) added	52378
401.16 Introductory text and (b) revised	52378
401.19 Heading revised; (c) added	52378
401.20 Heading revised	52378
401.21 Revised	52378
401.23 (a) revised	52378
401.26 (a) introductory text, (b), and (c) revised	52378
401.29 (c) removed	52378
401.31 (c)(2) revised; (c)(4) revoked	52378
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401.43 Introductory text revised; table amended	52378
401.51 Revised	52379
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401.78 Revised	52380
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401.84 Revised	52380
401.85 Revised	52380
401.95 Redesignated as 401.96 and introductory text revised; new 401.95 added	52380
401.96—401.97 Undesignated center heading added	52380
401.96 Redesignated as 401.97; new 401.96 redesignated from 401.95 and introductory text amended	52380
401.97 Redesignated from 401.96	52380
401.1—401.97 (Subpart A) Schedule III removed; Schedules I and II redesignated as Schedules II and III and amended; Schedule I and Appendix I added	52380
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3 Added	86491
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64.70—64.81 (Subpart G) Added	53413
75 Redesignated from 45 CFR Part 100a	77368
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Heading corrected	†10153
75.1 Introductory text redesignated as (a) and revised; (b) added (effective pending congressional review)	84059
(a) and (b) effective date deferred	†10721
75.100 Authority citation removed	86297
75.101 (a)(9) amended; (a)(10) redesignated as (a)(11); new (a)(10) added (effective pending congressional review)	†3205
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75.105 Added (effective pending congressiional review)	†3205
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75.210 Added (effective pending congressional review)	84059
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75.220 (b)(3) revised	86297
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75.620 (b) revised	86297
75.626 (a) revised	86297
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75.741 Note added	86296
75.901 Revised	86297
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75.903 (c) revised	86298
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76.1 Introductory text redesignated as (a) and revised; new (b) added (effective pending congressional review)	84059
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76.101 Note added	86296
76.102 Introductory text revised; (x) and cross reference added (effective pending congressional review)	84060
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76.103 Note added	86296
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76.401 Note added	86296
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77 Redesignated from 45 CFR Part 100c	77368
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77.1 (a) removed; (b) and (c) amended	86298
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78 Redesignated from 45 CFR Part 100d	77368
78.2 (a)(1) revised; (a)(4) redesignated as (a)(5); new (a)(4) added (effective pending congressional review)	†883
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78.22—78.28 (Subpart C) Heading revised (effective pending congressional review) †883
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78.22—78.24 Undesignated center heading revised (effective pending congressional review) †884
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52.820 (c)(31) and (36) added †17779
52.827 Table amended †17779
52.833 (a) and (b) revised 52741
52.880 Added 79809
52.884 (a) and (b) revised 52741
52.920 (c)(13) added 72157
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52.926 Revised 72157, 85002
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52.935 Added 85003
52.936 Added 72158
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52.1020 (c)(12) added 59314
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52.1025 (e)(4) removed †899
52.1027 (a)(2) removed 59314
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52.1070 (c)(23) and (24) added 45277
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52.1071 Table amended 53475
52.1072 (c), (d), and (e) added 53475
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52.1078 Table revised 53475
52.1116 (a) and (b) revised 52741
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52.1170 (c)(29) added 53138
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52.1220 (c)(16) added †15139
52.1234 (a) and (b) revised 52741
52.1270 (c)(12) added 46384
52.1280 (a) and (b) revised 52741
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(c)(16)(iv) revised; (c)(23) added 85006
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52.1627 Added †18694
52.1628 (b) added †18694
52.1630 Table amended 67347
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52.2487 (a)(2) added	85009
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261.32	Table amended; interim	47833
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262.34	(a)(1) revised; interim	76626
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263.12	Added; interim	86968
263.20	(e) introductory text, (1), (4), and (5) revised; (f) redesignated as (g) and new (f) added; interim	86973
263.22	(b) introductory text revised; (c) and (d) redesignated as (d) and (e) and new (c) added; interim	86973
264	Notification of impending amendments	55386
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264.1	(g)(6) added	76075
	(g)(7) added; interim	86968
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264.13	(b)(3) amended; (b)(6) added; interim; eff. 7–13–81	†2848
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264.250—264.258 (Subpart L) Added; interim; eff. 7-13-81 †2870
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264.340—264.351 (Subpart O) Added; interim; eff. 7-22-81 †7678
264 Appendixes V and VI added; interim; eff. 7-13-81 †2872
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[1] Public Law 96-88 transferred the regulations of the Office of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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1400 Redesignated as 34 CFR Part 700 77369

[1] Public Law 96–88 transferred the regulations of the National Institute of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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[2] Public Law 96–88 transferred the regulations of the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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[1] NOTE: Between 45 FR 55433 and 55465, August 20, 1980, there were several pagination errors. Please refer to the cover of the issue for Thursday, August 21, 1980, for explanation.

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14742 **Natural Gas** DOE/FERC issues order prescribing incremental pricing thresholds; effective 3-1-81

14743 **Home and Project Mortgages and Loans** HUD/FHC publishes rule change to increase debenture interest rate for appropriate mortgages; effective 3-3-81

14727 **Savings and Loan Associations** FHLBB publishes amendments increasing the scope of the Board's delegation of authority to its supervisory agents to approve applications for mergers; effective by 2-27-81

14746 **Domestic Mail** PS clarifies responsibilities of postmasters and subordinate employees concerning mailability of matters; effective 4-1-81

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There are no restrictions on the republication of material appearing in the **Federal Register**.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 546 and 563

[No. 81-90]

Delegation of Authority Regarding Merger Approvals

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: These amendments increase the scope of the Board's delegation of authority to its Principal Supervisory Agents to approve applications for mergers involving institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

EFFECTIVE DATE: Feburary 27, 1981.

FOR FURTHER INFORMATION CONTACT: Diane Boyle ((202) 377-6720), Chief, Program, Analysis and Development, Office of Industry Development, or James C. Stewart ((202) 377-6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: Section 546.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 546.2) currently provides rules and procedures for mergers involving Federal savings and loan associations, and § 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22) similarly provides rules for mergers involving institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Under those rules as amended by Resolutions Nos. 80-446 (July 24, 1980), and 81-18 (Jan. 16, 1981), Board approval for a merger may be given in specified circumstances by the Board's Principal Supervisory Agent (PSA), i.e. the president of the Federal Home Loan Bank of which the resulting institution in the proposed merger is a member. Approval under that delegation of authority may be given if:

(1) The merging association has assets of less than $10,000,000 or the resulting association would have assets of less than $150,000,000.

(2) The resulting association would hold less than 8% of the total savings accounts in each county in which both the merging and resulting association have an office and less than 10% of the total saving accounts in counties where only the merging association has an office.

(3) The resulting association would account for less than 8% of the total residential mortgage loans made in each county where both the merging and resulting association have a office and less than 10% of the total residential mortage loans in counties where only the merging association has an office.

(4) The maximum percentage figures in items (2) and (3) may be 12% provided that the PSA receives appropriate clearance from Board staff.

(5) The resulting association's net worth would at least equal the amount required for that association under 12 CFR 563.13.

(6) Any proposed increase in compensation to any officer, director, or controlling person of the merging association by the resulting association or any service corporation would not exceed 15 percent or $10,000, whichever is greater.

(7) Any proposed advisory director fee would not exceed the greater of the following amounts: (i) 15 percent of the fee per monthly meeting attended received as a director of the merging institution, (ii) $150 per monthly meeting attended, or (iii) the fee per monthly meeting attended that advisory directors of the resulting association receive.

(8) No association involved in the merger received on its most recent examination a rating of less than satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder.

(9) The merger was not instituted for supervisory reasons.

(10) The merger is not protested.

(11) No employment contract offered to an officer of the disappearing association exceeds five years in length.

The Principal Supervisory Agent may also recommend modifications of the plan of merger. If the recommendations are not accepted by the directors of both institutions, and if an institution requests it, the Principal Supervisory Agent must submit the merger application to the Board.

In approving a merger, the Principal Supervisory Agent may approve maintenance of an office of the merging institution as a facility of the resulting Federal association and may approve an application for insurance of accounts and Federal Home Loan Bank membership filed by an uninsured institution merging into a Federal association.

The current delegation rules are primarily the result of Resolution No. 80-446 (July 24, 1980), which significantly liberalized the delegation criteria. The liberalized delegated approval authority has greatly facilitated merger approvals. Under the present criteria, during the period between July 24, 1980-December 31, 1980, 39 of 69 mergers approvals were accomplished in the field as opposed to 2 of 39 under the previous criteria for the period January 1, 1980-July 23, 1980. Under the present maximum asset criteria, approximately 50% of all merger approvals for 1980 would have qualified for delegated approval.

The level of merger activity has fluctuated greatly in the past decade with peak levels of activity in 1971 and 1974 and a general decline following 1974. There were four years when merger approvals exceeded 120 and three years when there were fewer than 50 merger approvals. The present trend indicates increased activity; there were 37 voluntary merger approvals in 1980. It is anticipated that merger activity for 1981 will continue at a high level. As of December 31, 1980, there were 62 merger applications in process.

Given the likelihood of a continued high volume of merger activity, the Board has determined to further liberalize the delegation of authority to the Principal Supervisory Agent. The amendments provide for delegated approval authority where either merging association has assets of less than $30 million (rather than the present requirement that the disappearing association have assets of less than $10 million) or where the resulting association has assets of less than $250 million (rather than $150 million).

It is anticipated that this change will allow approximately 65% of merger approvals to be made by the Principal Supervisory Agents, thus allowing more efficient use of Board staff time. Although mergers that will be subject to the delegation generally will not involve significant issues of law or policy, the Board is mindful that there may be exceptions. It is expected that the Principal Supervisory Agents will refer to the Board merger applications that raise issues for which the Board has not adopted a formal position. The merger delegation has been amended to emphasize this point.

The Board is also taking this opportunity to amend the delegated authority provision in order to restrict field approvals of mergers in which goodwill is an essential component of net worth. Henceforth, the Principal Supervisory Agents may not approve a merger under delegated authority when the resulting association must include goodwill to meet the net-worth requirements of 12 CFR 563.13.

Because the amendments affect internal Board procedures and will facilitiate the processing of applications for mergers and because it is in the public interest to provide prompt action on applications to the Board, the Board believes it is in the public interest to implement the amendments without delay, and has therefore determined that observance of the notice and public procedure provisions of 12 CFR 508.11 and 5 U.S.C 553(b) would be contrary to the public interest and unnecessary and because publication of the amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments would, in the Board's opinion, likewise be unnecessary for the same reasons, the Board hereby provides that the amendments shall become effective as provided herein.

Accordingly, the Board hereby amends Part 546 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

1. Amend paragraph (h) of § 546.2 by revising subparagraphs (1) and (6) thereof and adding at the end thereto an unnumbered paragraph, to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(h)* * *

(1) Either association has assets of less than $30,000,000 or the resulting association would have assets of less than $250,000,000;

* * * * *

(6) The resulting association's net worth, excluding goodwill, would at least equal the amount required for that association under § 563.13 of this Chapter;

* * * * *

The authority to approve mergers under this paragraph (h) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to this delegation raises significant issues of law or policy for which the Board has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Board for its consideration.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Amend paragraph (e) of § 563.22 by revising subparagraphs (1) and (6) thereof and adding at the end thereto an unnumbered paragraph, to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

* * * * *

(e) * * *

(1) Either institution has assets of less than $30,000,000 or the resulting institution would have assets of less than $250,000,000;

* * * * *

(6) The resulting association's net worth, excluding goodwill, would at least equal the amount required for that association under § 563.13 of this Chapter;

* * * * *

The authority to approve mergers under this paragraph (h) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to this delegation raises significant issues of law or policy for which the Corporation has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Corporation for its consideration.

(Section 5 of the Home Owners' Loan Act, 12 U.S.C. 1464; Sections 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1726, and 1730; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

February 19, 1981.

[FR Doc. 81-6533 Filed 2-27-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-1; Amdt. 39-4052]

Airworthiness Directive; Aerospatiale (SNIAS) Models SA360C, SA365C, SA365C1, and SA365C2 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes effective for all persons an Airworthiness Directive (AD) that was previously made effective for all known U.S. owners and operators of certain Aerospatiale Models SA360C, SA365C, SA365C1, and SA365C2 helicopters by individual telegraphic AD T81-01-51 issued December 31, 1980. The AD requires inspections, and repair as necessary, of the tail boom and tail fin junction until a specific modification is made. The AD is necessary to detect tail fin cracks that could possibly result in loss of the tail fin and loss of helicopter control.

DATES: Effective February 28, 1981, to all persons except those persons to whom it was made effective by telegraphic AD No. T81-01-51 issued December 31, 1980, which contained this amendment.

Compliance schedule as required in the AD.

ADDRESSES: A copy of the service information may be examined at Office of Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium. Telephone: 513.38.30 or J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, FAA, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: On December 31, 1980, telegraphic AD T81-01-51 was issued and made effective immediately to all known U.S. owners and operators of certain Aerospatiale (SNIAS) Models SA360C, SA365C, SA365C1, and SA365C2 helicopters. The AD required an initial inspection and repetitive inspections for cracks at the tail boom and tail fin junction in the area at Frame 9420. Repair of the tail fin was required if cracks exceeded 2 inches in length.

A modification may be accomplished to eliminate the necessity for these inspections. The inspections are required to detect and repair cracks prior to possible loss of the tail fin with resulting loss of helicopter control.

Immediate corrective action was required. Notice and public procedure were contrary to the public interest, impracticable, and good cause existed for making the AD effective immediately to all known U.S. owners and operators of certain Aerospatiale (SNIAS) Models SA360C, SA365C, SA365C1, and SA365C2 helicopters by telegraphic AD T81-01-51 issued December 31, 1980. These conditions still exist, and the AD, revised as noted, is hereby published in the **Federal Register** as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons. The applicability statement now includes affected helicopters certificated in all categories as stated in the preamble or preface of the telegraphic AD. Approval for an equivalent means of modification has been added to the AD. The mandatory reporting requirement contained in the telegraphic AD has been eliminated since voluntary reporting will be sufficient. Editorial changes have been made for clarification. These changes between the telegraphic AD and this AD impose no additional burden on persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale. Applies to Models SA360C, SA365C, SA365C1, and SA365C2 helicopters, certificated in all categories, which do not have Aerospatiale modification AMS 365A.07.2457 incorporated.

Compliance required as indicated.

To prevent failures of the tail boom or fin due to fatigue cracking at Frame 9420 accomplish the following unless already accomplished:

(a) For helicopters which have 20 hours' or more total time in service on the effective date of this AD, inspect in accordance with paragraph (c) within 5 hours' time in service.

(b) For those helicopters which have less than 20 hours' total time in service on the effective date of this AD, inspect in accordance with paragraph (c) before reaching 25 hours' time in service.

(c) Inspect for cracks in the outer fairing connecting the fin base leading edge to the tail boom within the transmission shaft passage area at Frame 9420 using the visual method in accordance with Aerospatiale SA360/365 Service Bulletin Number 05.04 dated November 20, 1980, or an FAA-approved equivalent and comply with paragraph (d), (e), or (f) of this AD as appropriate.

(d) If no cracks are found as a result of the inspection required in paragraph (c) of this AD, return the helicopter to service and repeat the inspection required in paragraph (c) at intervals not to exceed 25 hours' time in service since the last inspection.

(e) If a crack is found as a result of the inspections required in paragraph (c) of this AD that is less than 2 inches (50 mm) long, the helicopter may be returned to service and the inspection required in paragraph (c) of this AD must be done after the last flight of each day.

(f) If a crack is found as a result of the inspections required in paragraph (c) of this AD that is 2 inches (50 mm) or more in length, incorporate Aerospatiale modification AMS 365A.07.2457 or an equivalent noted in paragraph (g) before further flight.

(g) The inspections required in paragraph (c) may be discontinued when Aerospatiale modification AMS 365A.07.2457 is incorporated. Equivalent modifications may be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

Note.—Aerospatiale SA360/SA365 Service Bulletin Number 53.09 dated November 2, 1980, refers to this modification.

This amendment becomes effective February 28, 1981, to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-01-51, issued December 31, 1980, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation. It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981. The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to insure safety.

Issued in Forth Worth, Texas, on February 17, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-6801 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-SO-1; Amdt. No. 39-4053]

Airworthiness Directives; the Balloon Works Hot Air Balloons

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires modification of the auxiliary Fire 2 heater fuel tank shut-off valve by incorporating stabilizing pins for the valve core on The Balloon Works Firefly Servies Hot Air Balloons equipped with Fire 2 heaters. The AD is needed to prevent inadvertent operation of the Fire 2 heater system, during a hard landing, which could result in undersirable lift or possible fire hazard.

DATE: Effective March 11, 1981.

Compliance required within the next 10 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from The Balloon Works, Rhyne Aerodrome, RFD 2, Statesville, North Carolina 28677.

A copy of the service bulletin is contained in the Rules Docket, Room, 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: W. J. Lawrence, Aerospace Engineer, ASO-214, Engineering and Manufacturing Branch, FAA Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of inadvertent operation of the Fire 2 heater system during a hard landing, that could result in undesirable lift of the balloon and possible fire hazard. The inadvertent valve opening may be caused by shock induced vibration in the tank, resulting from the hard landing. Since this condition is likely to exist or develop on other hot air balloons of the same type design, an Airworthiness Directive is being issued which requires modification of the fuel tank shut-off valve on The Balloon Works Firefly

Series Hot Air Balloons which incorporate the Fire 2 heater system.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

The Balloon Works: Applies to Firefly Models 5, 6, 6B, 7, 7B and 8–24 series hot air balloons equipped with Fire 2 auxiliary heaters incorporating The Balloon Works fuel tanks part numbers BW 3229–A through BW 3229–N and BW 3307–A through BW 3307–H, certificated in all categories.

Compliance required within the next 10 hours time in service after the effective date of this AD, unless already accomplished.

To prevent inadvertent operation of the Fire 2 heater system during a hard landing, even though the tank valve has been closed, accomplish the following:

Modifying the Fire 2 fuel tank shut-off valve in accordance with The Balloon Works Service Bulletin B12 dated December 15, 1980, or later FAA approved revision, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Make an appropriate maintenance record showing compliance with this AD.

This amendment becomes effective March 11, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to insure safety.

Issued in East Point, Georgia, on February 18, 1981.

W. J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-6600 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 80-CE-14]

Designation of Transition Area—Greenfield, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Greenfield, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Greenfield, Iowa, Airport, utilizing the Greenfield Nondirectional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Greenfield, Iowa, Airport, is being established utilizing the Greenfield NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the designation of the transition area at Greenfield, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 85467 of the **Federal Register** dated December 29, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Greenfield, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981, (46 FR 540), is amended effective 0901 GMT, April 16, 1981, by adding the following new transition area:

Greenfield, Iowa

That airspace extending upward from 700 feet above the surface within a five mile radius of the Greenfield Airport (Latitude 41°20'00" N, Longitude 94°28'39" W) and three miles either side of the 141° bearing of the Greenfield NDB (Latitude 41°19'32" N, Longitude 94°28'39" W) extending from five miles to 8.5 miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on February 13, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81-7 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-70]

Alteration of Control Zone: Fort Meade, Md.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Fort Meade, Md., Control Zone. The Defense Department has requested the changes due to operational needs.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in that it decontrols airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Fort Meade, Maryland, Control Zone as follows:

Delete "0700 to 2200 hours, local time Monday through Friday and 0800 to 1600 hours, local time Saturdays, Sundays, and Federal holidays" and substitute "0700 to 1600 hours, local time Mondays, Tuesdays, Thursdays and Fridays, 0700 to 2200 hours, local time Wednesdays, 0800 to 1700, local time Saturdays. Closed Sundays and on Federal legal holidays, or during the specific dates and times established in advance by a Notice to Airmen".

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-6602 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-73]

Alteration of Control Zone: Caldwell, N.J.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Caldwell, N.J., Control Zone by changing the effective time of the zone from 0800–2200 to 0700–2300. This alteration is the result of a change to the hours of operation of the Caldwell Airport Traffic Control Tower.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: This rule is minor in nature in that it increases the hours of operation by two hours but does not impose any significant additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981 as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Caldwell, New Jersey, Control Zone as follows:

Delete "0800–2200" and substitute therefor "0700 to 2300."

Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-6604 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-65]

Alteration of Transition Area: Coatesville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Coatesville, Pa., Transition Area by changing the name of the COATY LOM to Coatesville NDB. The change of the navaid from a low frequency outer marker to a non-directional beacon results from a decommissioning of the instrument landing system at Chester County G.O. Carlson Airport.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is editorial and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and

the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981 as follows:

1. Alter § 71.181 of Part 71, Federal Aviation Regulations, by changing the description of the Coatesville, Pennsylvania, 700-foot floor transition area as follows:

In the text, delete, "COATY LOM (39°59'32" N., 75°57'06" W.)" and substitute, "Coatesville, Pennsylvania, NDB (39°59'32" N., 75°57'06" W.)" therefor.

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-3882 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-69]

Alteration of Control Zone: Lancaster, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Lancaster, Pa., Transition Area by changing the hours of effectivity from 0630–2330 to 0630–2300. This alteration is the result of changes in air carrier schedules and a resultant decrease in need for airspace.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in that it decontrols airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Lancaster, Pennsylvania, Control Zone as follows:

Delete "0630 to 2330" and substitute "0630 to 2300."

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-3881 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-58]

Alteration of Control Zone Latrobe, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Latrobe, Pa., Control Zone by increasing the effective hours of operation from 0630–2200 to 0630–2230. This alteration is the result of a change in staffing requirements in the control tower.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: This rule is minimal as it only increases the effective times by 30 minutes but does not impose any significant additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981 as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by altering the Latrobe, Pa., Control Zone by deleting "2200 hours" and substituting "2230 hours."

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the Procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-3883 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-56]

Alteration of Transition Area: Mount Pocono, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Mount Pocono, Pa., Transition Area by deleting the northwest extension from the Tobyhanna RBN. The NDB–A instrument approach procedure is being cancelled and the RBN being decommissioned. The controlled airspace is no longer necessary.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamacia, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is decontrolling airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Mount Pocono, Pa., 700 Foot Floor Transition Area by deleting "within 2 miles each side of the 333° bearing from the Tobyhanna RBN (41°12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN."

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-3885 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-61]

Alteration of Control Zone: Chincoteague, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This rule alters the Chincoteague, Va., Control Zone by changing the effective hours of operation from 0730–1730 to 0800–1600. This alteration is the result of a request from the U.S. Navy based on their operational requirements.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York, 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in that it decontrols airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Chincoteague, Va., Control Zone as follows:

Delete "0730 to 1730" and substitute "0800 to 1600."

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not

warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-6497 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-72]

Alteration of Transition Area; Portsmouth, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Portsmouth, Va., Transition Area by changing the name of the Chesapeake Portsmouth Airport to Hampton Roads Airport.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editorial and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Portsmouth, Virginia, 700 Foot Floor Transition Area as follows:

Delete "Chesapeake Portsmouth Airport" and substitute therefor "Hampton Roads Airport".

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-6503 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-55]

Alteration of Control Zone; Lynchburg, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Lynchburg, Va., Control Zone by deleting the Falwell, Va., Airport from the Control Zone. This results from a determination that the airport which is on the perimeter of the five mile zone will not detract from safety by its deletion.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in nature as it decontrols airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 2, 1981 as follows:

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations by altering the Lynchburg, Virginia, Control Zone as follows:

In the text delete "and within a 1.5 mile radius of the center Lat. 37°22'40"N., Long. 79°07'21"W., of Falwell Airport, Lynchburg, Va." and substitute the following:

"; excluding the portion within a 0.5 mile radius of the center (37°22'40"N., 79°07'21" W.), of Falwell Airport, Lynchburg, Va."

Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. The FAA has also determined that this regulation is an emergency regulation and not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Jamaica, New York, on February 6, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-6499 Filed 3-27-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 21401; Amdt. No. 95-296]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum enroute authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace system. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specifed route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t. February 23, 1981 [Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3).]

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the amendments have already been charted and their failure to become effective would result in an unsafe operating environment for aircraft. Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on February 23, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Beaumont, Tex. VOR	Galveston, Tex. VOR	*1500
*1400—MOCA		
Brownwood, Tex. VOR	Mineral Wells, Tex. VOR	*3500
*3000—MOCA		
College Station, Tex. VOR	Tracy INT, Tex.	*2700
*2100—MOCA		
Grand Isle, La. RBN	New Orleans, La. RBN (LOM)	1500
Lake Charles, La. VOR	Sugar INT, La.	*2000
*1500—MOCA		
Mina, Nev. VORTAC	Wilson Creek, Nev. VORTAC	18000
		MAA—45000
New Orleans, La. VOR	Frank INT, La.	1500
*2500—MOCA		
New Orleans, La. VORTAC	Monroeville, Ala. VOR	18000
		MAA—30000
Red River, N.D. VOR	Bismarck, N.D. VOR	18000
		MAA—32000
Tinker, Okla. VOR	Tulsa, Okla. VOR	*3000
		MAA—40000
Tulsa, Okla. VOR	Pogo, Okla. VOR	*4600
*3900—MOCA		MAA—40000

§95.1001 DIRECT ROUTES - U.S.
is amended by adding:

FROM	TO	MEA
Acins INT, Calif.	Dewey INT, Calif.	9500
		MAA—17500
Beaumont, Tex. VOR	Scholes, Tex. VOR	1900
Brownwood, Tex. VOR	Millsap, Tex. VOR	3500
College Station, Tex. VOR	Trace INT, Tex.	*2700
*2100—MOCA		
Dewey INT, Calif.	Palm Springs, Calif. VORTAC	9500
		MAA—17500
*Dunoir, Wyo. VOR	Worland, Wyo. VOR	**16000
	COP 40 DNW	
*12200—MCA Dunoir E-bound		
**15200—MOCA		
Kalispell, Mont. VOR	Helena, Mont. VOR	*15500
	COP 50 FCA	
*11400—MOCA		
Kennebunk, ME VORTAC	U.S. Canadian Border	*15000
	Via YJN 147R/ENE 331R	
*6300—MOCA		
Lake Charles, La. VOR	Sugga INT, La.	2000
Morgantown, W. V. VOR	INT 237 AGC VOR	
	& 190 EWC VOR	3800
Paradise, Calif. VORTAC	Acins INT, Calif.	7000E
		5000W
		MAA—17500
Rich Mountain, OK VORTAC	Hot Springs, AR VOR	3500
Riverton, Wyo. VOR	Great Falls, Mont. VOR	*35000
	35000 MRA at COP	
*14800—MOCA		
Tulsa, Okla. VOR	Rich Mountain, Okla. VOR	*4600
*3900—MOCA		
Vero Beach, Fla. VORTAC	Lucys INT, Fla.	1500
		MAA—17500

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
Tonopah, Nev. VORTAC	Bryce Canyon, Utah VORTAC	23000
Via TPH 077/BCE 262		
		MAA—41000

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Canoe INT, Fla.	Fish Hook, Fla. NDB	2000
		MAA—45000
Fish Hook, Fla. NDB	Marathon, Fla. NDB	2000
		MAA—45000
Marathon, Fla. NDB	Nassau, Bh. NDB	*6000
		MAA—45000
*1400—MOCA		
Nassau, Bh. NDB	Mamel INT, Bh.	*2000
		MAA—45000
*1400—MOCA		
Mamel INT, Bh.	Exter INT, Bh.	*6000
		MAA—45000
*1200—MOCA		
Exter INT, Bh.	Stock INT, Bh.	*Unknown
		MAA—45000
*1200—MOCA		
Navigation equipment other than low Frequency required beyond stock.		

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
	Atlantic Routes	
AR 3		
Nassau, BH NDB	Abaco LF INT, BH	*2000
		MAA—45000
*1400—MOCA		

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
Cunningham, Ky VORTAC	Engen INT, Ill.	*4500
	COP 74 CNG	
*3000—MOCA		
Leona, Tex. VOR	Tyler, Tex. RBN	2400
Via LOA 035 TY 165		

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J907R is amended to read in part:						
Humble, Tex. W/P	124	62	Humble	274/094 to COP	18000	45000
Austin, Tex. W/P				268/088 to Austin		
Austin, Tex. W/P	111.1	55.6	Austin	269/089 to COP	18000	45000
Junction, Tex. W/P		30-27-10N	98-45-26W	268/088 to Junction		
J934R is amended to read in part:						
Bigbee, Miss.	81.7	25	Bigbee	078/258 to COP	18000	45000
Vulcan, Ala.				080/260 to Vuz		

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Dickinson, N.D. VOR	Bismark, N.D. VOR	*4600
*4100—MOCA		

§95.6003 VOR FEDERAL AIRWAY 3
is amended by adding:

FROM	TO	MEA
Presque Isle, ME VOR	U.S. Canadian Border	*10,000
	(Lebre INT, ME)	
*3500—MOCA		

§95.6003 VOR FEDERAL AIRWAY 3
is amended to read in part:

FROM	TO	MEA
Duggy INT, SC	Towey INT, SC	2000
Towey INT, SC	Sandhills, NC VOR	2400

§95.6005 VOR FEDERAL AIRWAY 5
is amended to read in part:

FROM	TO	MEA
Tands INT, Tenn.	Bowling Green, Ky. VOR	2700

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Dades INT, Fla.	*Homoe INT, Fla.	2300
*3000—MRA		

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Goshen, Ind. VOR	Garen INT, Ind.	3000
Hayes Center, Neb. VOR	Grand Island, Neb. VOR	*5500
*4300—MOCA		
Hayes Center, Neb. VOR	INT 048 M rad Hayes Center VOR & 080 M rad North Platte VOR	
Via N alter.	Via N alter.	*5000
*4300—MOCA		

§95.6009 VOR FEDERAL AIRWAY 9
is amended to read in part:

FROM	TO	MEA
Joyar INT, Ill.	Swett INT, Ill.	3000
St. Louis, Mo. VOR	Capital, Ill. VOR	2700

§95.6011 VOR FEDERAL AIRWAY 11
is amended to read in part:

FROM	TO	MEA
Cunningham, Ky. VOR	Pocket City, Ind. VOR	
Via E alter.	Via E alter.	*2600
*2000—MOCA		

§95.6020 VOR FEDERAL AIRWAY 20
is amended to read in part:

FROM	TO	MEA
New Orleans, La. VOR	Slidd INT, La.	5000

§95.6049 VOR FEDERAL AIRWAY 49
is amended to read in part:

FROM	TO	MEA
Tands INT, Tenn.	Bowling Green, Ky. VOR	2700

§95.6066 VOR FEDERAL AIRWAY 66
is amended to read in part:

FROM	TO	MEA
Ft. Mill, S.C. VOR	Locas INT, N.C.	2200

§95.6067 VOR FEDERAL AIRWAY 67
is amended to read in part:

FROM	TO	MEA
Capital, Ill. VOR	Burlington, Ill. VOR	2500

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Pierre, S.D. VOR	Bismark, N.D. VOR	*5500
*3600—MOCA		
Bismarck, N.D. VOR	Williston, N.D. VOR	*5600
*3800—MOCA		

§95.6181 VOR FEDERAL AIRWAY 181
is amended to read in part:

FROM	TO	MEA
Sioux Falls, S.D. VOR	Watertown, S. D. VOR	
Via E alter.	Via E alter.	*3700
*3200—MOCA		

§95.6186 VOR FEDERAL AIRWAY 186
is amended by adding:

FROM	TO	MEA
Van Nuys, CA VOR	Pirro INT, CA	5000
Pirro INT, CA	Paradise, CA VORTAC	4000

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§95.6209 VOR FEDERAL AIRWAY 209
is amended to read in part:

FROM	TO	MEA
Kewanee, Miss. VOR	Mavil INT, Ala.	2000
Mavil INT, Ala.	Brookwood, Ala. VOR	2400

§95.6219 VOR FEDERAL AIRWAY 219
is amended to read in part:

FROM	TO	MEA
Hayes Center, Neb. VOR	INT 048 M rad Hayes Center VOR & 080 M rad North Platte VOR	*5000
*4300–MOCA		

§95.6240 VOR FEDERAL AIRWAY 240
is amended to read in part:

FROM	TO	MEA
New Orleans, La. VOR	Pearl INT, La.	2000

§95.6254 VOR FEDERAL AIRWAY 254
is amended to read in part:

FROM	TO	MEA
Douglas, Wyo. VOR	Tooke INT, Wyo.	*10000
*7500–MOCA		
Tooke INT, Wyo.	Gillette, Wyo. VOR	7000

§95.6267 VOR FEDERAL AIRWAY 267
is amended to delete:

FROM	TO	MEA
Ormond Beach, Fla. VOR	Hayes INT, Fla.	
Via E alter.	Via E alter.	*1600
*1400–MOCA		

§95.6291 VOR FEDERAL AIRWAY 291
is amended to read in part:

FROM	TO	MEA
Gallup, NM VORTAC	Foran INT, AZ	9400
Foran INT, AZ	Winslow, AZ VORTAC	9000

§95.6298 VOR FEDERAL AIRWAY 298
is amended to read in part:

FROM	TO	MEA
Casper, Wyo. VOR	Chang INT, Wyo.	11500
Chang INT, Wyo.	Gillette, Wyo. VOR	7000

§95.6362 VOR FEDERAL AIRWAY 362
is amended to read in part:

FROM	TO	MEA
Shelbyville, Tenn. VOR	Nashville, Tenn. VOR	3000

§95.6383 VOR FEDERAL AIRWAY 383
is added to read:

FROM	TO	MEA
Denver, Co. VORTAC	Byers INT, Co.	8000
Byers INT, Co.	Akron, Co. VORTAC	7300

§95.6385 VOR FEDERAL AIRWAY 385
is added to read:

FROM	TO	MEA
Abilene, Tx. VORTAC	Lubbock, Tx. VORTAC	6500

§95.6400 VOR FEDERAL AIRWAY 400

FROM	TO	MEA
U.S. Canadian Border (Eskman INT, ME)	Presque Isle, ME VOR	*11000
*4000–MOCA		

§95.6421 VOR FEDERAL AIRWAY 421
is amended to read in part:

FROM	TO	MEA
Gallup, N.M. VOR	Dorma INT, N.M.	
Via W alter.	Via W alter.	*13000
*11300–MOCA		

§95.6429 VOR FEDERAL AIRWAY 429
is amended to read in part:

FROM	TO	MEA
Joliet, Ill. VOR	Vains INT, Ill.	2500

§95.6431 VOR FEDERAL AIRWAY 431
is amended by adding:

FROM	TO	MEA
Sisters Island, Alas. VOR	Biorka Island, Alas. VOR	*8000
*5800–MOCA		

§95.6455 VOR FEDERAL AIRWAY 455
is amended to read in part:

FROM	TO	MEA
New Orleans, La. VOR	Slidd INT, La.	
Via E alter.	Via E alter.	5000

§95.7005 is amended to delete:

Los Angeles, Calif. VORTAC	Bakersfield, Calif. VORTAC	18000	45000
Bakersfield, Calif. VORTAC	Reno, Nev. VORTAC	#18000	45000

#MEA is established with a gap in navigation signal coverage

§95.7005 JET ROUTE NO. 5 is amended by adding:

FROM	TO	MEA	MAA
Seal Beach, Calif. VORTAC	Porterville, Calif. VORTAC	18000	45000
Porterville, Calif. VORTAC	Reno, Nev. VORTAC	18000	45000

§95.7006 JET ROUTE NO. 6 is amended to delete:

FROM	TO	MEA	MAA
Int. 310 M rad Santa Barbara VORTAC & 276 M rad Palmdale VORTAC	Palmdale, Calif. VORTAC	20000	45000

§95.7006 is amended by adding:

FROM	TO	MEA	MAA
Int 121 M rad Big Sur VORTAC & 291 M rad Palmdale VORTAC	Palmdale, Calif. VORTAC	20000	45000

§95.7065 is amended to read in part:

FROM	TO	MEA	MAA
Red Bluff, Calif.	Kalmath Falls, Or. VORTAC	18000	45000
Kalmath Falls, Or. VORTAC	Seattle, Wa. VORTAC	31000	45000

§95.7126 JET ROUTE NO. 126 is amended to delete:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Avenal, Calif. VORTAC	18000	45000
Avenal, Calif. VORTAC	Stockton, Calif. VORTAC	18000	45000
Stockton, Calif. VORTAC	Sacramento, Calif. VORTAC	18000	45000

§95.7126 JET ROUTE NO. 126 is amended by adding:

FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Santa Barbara, Calif. VORTAC	18000	45000
Santa Barbara, Calif. VORTAC	Salinas, Calif. VORTAC	18000	45000
Salinas, Calif. VORTAC	Sacramento, Calif. VORTAC	18000	45000

§95.7175 is added to read:

FROM	TO	MEA	MAA
Cheyenne, Wyo. VORTAC	Laramie, Wyo. VORTAC	18000	45000
Laramie, Wyo. VORTAC	DuBois, Ida. VORTAC	#29000	45000

#MEA is established with a gap in navigation signal coverage

§95.7177 is amended to delete:

FROM	TO	MEA	MAA
Humble, Tex. VORTAC	Hobby, Tex. VORTAC	18000	45000
Hobby, Tex. VORTAC	U.S. Mexican Border	#37000	45000

#MEA is established with a gap in navigation signal coverage

§95.7177 is added to read:

FROM	TO	MEA	MAA
Tampico, Mx. VOR	Palacios, Tex. VORTAC	31000	45000
Palacios, Tex. VORTAC	Hobby, Tex. VORTAC	18000	45000

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§ 95.7189 is amended to delete:

FROM	TO	MEA	MAA
Avenal, Calif. VORTAC	Linden, Calif. VORTAC	18000	45000

§95.7189 is amended by adding:

FROM	TO	MEA	MAA
Int 129 M rad Avenal, Calif. VORTAC & 158 M rad Fresno, Calif. VORTAC	Fresno, Calif. VORTAC	18000	45000
	Linden, Calif. VORTAC	18000	45000

§95.7501 JET ROUTE NO. 501 is amended by adding:

FROM	TO	MEA	MAA
Santa Barbara, Calif. VORTAC	Big Sur, Calif. VORTAC	18000	45000
Big Sur, Calif. VORTAC	Point Reyes, Calif. VORTAC	18000	45000

§95.7501 JET ROUTE NO. 501 is amended to read in part:

FROM	TO	MEA	MAA
Tatoosh, Wa. VORTAC	Port Hardy, BC Canada VORTAC	#18000	#45000

#For that airspace over U.S. territory

§95.7523 is amended to read in part:

FROM	TO	MEA	MAA
Tatoosh, Wa. VORTAC	Port Hardy, BC, Canada VORTAC	#18000	#45000

#For that airspace over U.S. territory.

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
V-3 is amended to delete:			
Florence, S.C. VOR	Sandhills, N.C. VOR	20	Florence
V-222 is amended to delete:			
Hickory, N.C. VOR	Lynchburg, Va. VOR	62	Hickory
V-222 is amended by adding:			
Barretts Mountain, N.C. VOR	Lynchburg, Va. VOR	62	Barretts Mountain

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J-52 is added to read:			
Big Bee, Miss. VORTAC	Vulcan, Ala. VORTAC	25	Big Bee

[FR Doc. 81-6 Filed 2-27-81; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 935, 936, 937, 938

The Channel Islands, Point Reyes-Farallon Islands, Gray's Reef, and Looe Key National Marine Sanctuaries; Postponement of Effective Date

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Amendment to final regulations.

SUMMARY: The effective date of the regulations issued pursuant to the designations of four national marine sanctuaries are postponed until March 30, 1981, or until the expiration of a period of 60 calendar days of continuous session of Congress from the date the regulations were transmitted to Congress, whichever date shall be later.

EFFECTIVE DATE: The postponement is effective immediately.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235, telephone (202) 634-4236.

SUPPLEMENTARY INFORMATION: On October 2, 1980, regulations pursuant to President Carter's designation of the Channel Islands National Marine Sanctuary off the Coast of California were published (45 FR 65198). On January 28, 1981, regulations for the President's designation of 3 additional sanctuaries, the Point Reyes-Farallon Islands, Gray's Reef, and Looe Key National Marine Sanctuaries were published (46 FR 7936, 7942, and 7946 respectively).

In accordance with Section 302(h)(2) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1432(h)(2), (the Act) all of the regulations provided that they would not become effective until the expiration of a period of 60 calendar days of continuous session of Congress from the date of their transmittal to Congress, concurrent with publication. Under Section 302(h) of the Act, this period is broken by an adjournment *sine die* and tolled by an adjournment of either House of more than three days to a day certain. Since, for the Channel Islands, the 60-day period was not completed by the end of the previous Congress, another period began on January 5, 1981. Assuming no further adjournments, these regulations, by their terms, could become effective on March 6, 1981. The three more recent sets of regulations could become effective on March 27, 1981.

In response to President Reagan's Memorandum of January 29, 1981, entitled, "Postponement of Pending Regulations," the first sentence under the heading, "Date" in the preamble to each set of regulations is being amended today to read as follows: These implementing regulations shall become effective on March 30, 1981, or upon the expiration of a period of 60 calendar days of continuous session of Congress after their transmittal to Congress concurrent with publication whichever date shall be later.

Dated: February 20, 1981.

Donald W. Fowler,

Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-6579 Filed 2-27-81; 8:45 am]
BILLING CODE 3510-08-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-2842]

Owens-Corning Fiberglas Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission order issued on September 30, 1976 (41 FR 50811, 88 F.T.C. 465), by substituting for the order in its entirety, a modified order which retains the major requirements of the original order and provides that upon the effective date of the Commission's Trade Regulation Rule on Labeling and Advertising of Home Insulation (the Rule), any provision of the order which is inconsistent with a provision in the Rule be deemed automatically deleted. The order also provides for the reinstatement of the deleted provision, should the relevant provision of the Rule be rescinded, invalidated or amended.

DATES: Order issued September 30, 1976. Modifying order issued January 28, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Eyre, Regional Director, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg. 118 St. Clair Ave., Cleveland, Ohio. 44114 (216) 522-4207.

SUPPLEMENTARY INFORMATION: In the Matter of Owens-Corning Fiberglas Corp., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing at 41 FR 50811, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Granting Request To Reopen the Proceeding and Modifying Order To Cease and Desist, including further order requiring report of compliance therewith, is as follows:

Respondent, Owens-Corning Fiberglas Corporation, having requested, on July 15, 1980, that the Commission reopen the proceeding in Docket No. C-2842 for the purpose of modifying the Order to Cease and Desist entered in that matter; and

The Commission having placed such request, together with supporting documents attached thereto, upon the public record for a period of thirty (30) days, pursuant to Section 2.51 of its Rules; and

The Commission being of the opinion that the public interest would be served by such reopening of the proceedings:

Now, therefore, it is ordered that the proceeding in Docket No. C-2842 be, and it is hereby, reopened; and

It is further ordered that the Order entered in Docket No. C-2842 be modified by substituting for the Order in its entirety the following Modified Order:

I

It is ordered that respondent Owens-Corning Fiberglas Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with consumer advertising, offering for sale, sale, or distribution of fibrous glass insulation for residential buildings, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Directly or by implication misrepresenting in any advertising or sales promotion material, that respondent has a reasonable basis for statements or representations which are made concerning the amount of energy or money the consumer can save as a result of installing said insulation, or concerning any recommended level of insulation, including an R-value recommendation.

B. Directly or by implication making any statements or representations in any advertising or sales promotion material, concerning insulating characteristics of said insulation, concerning savings in money or energy

which consumers can realize as a result of installing said insulation, or concerning any recommended level of insulation, including an R-value recommendation, unless at the time of such statements or representations respondent has a reasonable basis for such statements or representations. Such reasonable basis shall consist of competent scientific, engineering, or other objective material, or industry-wide standards based on such material, or reliance upon governmental laws, regulations, orders, standards or recommendations; provided, however, that in the case of reliance on governmental laws, regulations, orders, standards or recommendations: (1) such laws, regulations, orders, standards, or recommendations must have been finally adopted by the agency involved; (2) such laws, regulations, orders, standards, or recommendations must be applicable to the context of the advertisement or sales promotion material and must not render any portion of the advertisement or sales promotion material misleading; and (3) the agency promulgating such laws, regulations, orders, standards, or recommendations must be identified.

C. Directly or by implication misrepresenting, in any advertising or sales promotion material, the amount of energy or money which a consumer can save by installing said insulation, or by installing any recommended level of insulation, including any recommended R-value.

D. Directly or by implication misrepresenting, in any advertising or sales promotion material, the facts, conditions, and/or assumptions which form the basis for energy savings claims, money savings claims, or R-value recommendations.

E. Failing to disclose in advertising or sales promotion material containing money or energy savings claims, facts, conditions and/or assumptions which, within the confines of the medium being used, are significant to the consumer and which affect the amount of money and energy a consumer can save by installing said insulation or by installing any recommended level of insulation, including any recommended R-value (*e.g.*, whether the savings claimed have taken into account the cost of the insulation and installation thereof).

II

It is further ordered that any provision of this order that is inconsistent with any provision of the Commission's Trade Regulation Rule on Labeling and Advertising of Home Insulation (the Rule), as such provision is finally made effective, shall be deemed deleted to the extent of such inconsistency. This deletion shall be considered to have occurred on the date such provision of the Rule becomes effective. If such provision of the Rule shall be rescinded, invalidated or amended, the deleted provisions shall be automatically reinstated. Such reinstatement shall be considered to have occurred sixty (60) days after the date of the rescission, invalidation, or amendment.

III

It is further ordered, that respondent Owens-Corning Fiberglas Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with consumer advertising, offering for sale, sale, or distribution of fibrous glass insulation for residential buildings, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

A. Which consist of documentation in support of any claims included in advertising or sales promotion material, insofar as the text of such material is prepared or is authorized and approved by any person who is an officer or employee of respondent Owens-Corning Fiberglas Corporation, or of any division or subdivision of respondent, or by any advertising agency engaged by respondent or by any such division or subsidiary, which concern the insulating characteristics of said insulation or the savings which consumers can realize from the installation of said insulation or of any recommended level of insulation, including any recommended R-value; and

B. Which provided the basis upon which respondent relied as of the time those claims were made; and

C. Which shall be maintained by respondent for a period of three (3) years from the date such advertising or sales promotion material was last disseminated.

IV

It is further ordered that the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions selling or distributing said insulation.

V

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries engaged in the domestic sale or distribution of fibrous glass insulation for residential buildings, or any other change in the corporation which may affect compliance obligations arising out of the order.

VI

It is further ordered that respondent herein shall file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, on the following dates:

A. Within sixty (60) days after service upon it of this order;

B. On July 1, 1981; and

C. On January 31, 1982.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-6576 Filed 3-27-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978; Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Prescribing Incremental Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

Order of The Director, OPPR

Issued: February 25, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of March 1981, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—*Incremental Pricing Acquisition Cost Threshold Prices, Calendar Year 1980*

	January	February	March	April	May	June	July	August	September	October	November	December
Incremental Pricing Threshold	$1.702	$1.726	$1.750	$1.752	$1.776	$1.790	$1.804	$1.818	$1.834	$1.849	$1.863	$1.377
NGPA Section 102 Threshold	2.356	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.586	2.614	2.640
NGPA Section 109 Threshold	1.766	1.799	1.813	1.835	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580

Calendar Year 1981

	January	February	March
Incremental Pricing Threshold	$1.891	$1.906	$1.925
NGPA Section 102 Threshold	2.667	2.686	2.729
NGPA Section 109 Threshold	1.957	1.975	1.993
130% of No. 2 Fuel Oil in New York City Threshold	7.810	7.760	8.280

[FR Doc. 81-6632 Filed 3-27-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 207, and 220

[Docket No. R-81-906]

Debenture Interest Rates

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule change provides for an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for debentures issued under the Act's section 221(g)(4) provisions, committed or endorsed on or after January 1, 1981. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to increase debenture interest rates for appropriate mortgages.

EFFECTIVE DATE: March 2, 1981, retroactive to January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Shirley A. Evans, Acting Deputy Director, Office of Finance and Accounting, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 2202, Washington, D.C. 20410, (202) 755-6310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has determined in accordance with the provisions of section 224 of the National Housing Act, as amended, that the interest rate for the month of November 1980 is 11¾% and has approved the establishment of debenture interest rates at 11¾% to be effective as of January 1, 1981.

The Secretary of Housing and Urban Development has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that good cause exists for making this change effective as soon as possible. In addition, the Chairmen and Ranking Minority Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives have waived the delay of effective date required by Section 7(o)(3) of the Department of Housing and Urban Development Act.

A finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044, as extended by Executive Order 12221.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is revised to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent):	On or after	Prior to
6½	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7½	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6¾	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7½	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9¾	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is revised to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6¾	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6¾	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7⅜	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅜	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

3. In 207.259 paragraph (e)(6) is revised to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) Issuance of debentures. * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6¾	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6¾	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7⅜	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅜	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

4. Section 220.830 is revised to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6¾	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan 1, 1977.
6¾	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7⅜	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅜	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., February 13, 1981.

George O. Hipps, Jr.,

Acting General, Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-6743 Filed 3-27-81; 8:45 am]

BILLING CODE 4210-01-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Extension of Simplified Proceedings Interim Rules for Six Months

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Extension of interim rules.

SUMMARY: On December 5, 1979, the Occupational Safety and Health Review Commission (Review Commission) added a new subpart to its rules of procedure, Subpart M, entitled "Simplified Proceedings." 44 FR 70106–70113 (Dec. 5, 1979) (codified at 29 CFR 2200.200–2200.211). This subpart became effective March 1, 1980, on an experimental basis for a period of a year. The Review Commission now is extending the period during which this subpart is in effect for an additional six months to September 1, 1981.

Only in recent months have parties in significant numbers begun to use the simplified proceedings made available to them under Subpart M. Initially, simplified proceedings were not frequently used, apparently because of unfamiliarity with how such proceedings would work. Additionally, simplified proceedings cannot be used if any party in a case objects to their use. Since simplified proceedings have been employed by parties more often in recent months, the Review Commission has determined that it would be beneficial to extend its experiment with simplified proceedings for an additional six month period. This extension will allow the Review Commission to accumulate sufficient experience with the practical application of the simplified proceedings rules to enable it to perform a sound evaluation of the experiment.

DATE: As extended by this rulemaking, the rules providing for simplified proceedings now are to terminate on September 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gombar, General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, NW., Suite 1101, Washington, D.C. 20006; telephone (202) 634–4015.

For the reasons stated in the summary, the Occupational Safety and Health Review Commission, under authority granted it by 29 U.S.C. § 661(f), hereby adopts and retains in effect 29 CFR Part 2200, subpart M, Simplified Proceedings, until September 1, 1981.

Signed this 26th day of February, 1981.

Timothy F. Cleary,

Chariman.

Frank R. Barnako,

Commissioner.

Bertram Robert Cottine,

Commissioner.

[FR Doc. 81-6611 Filed 3-27-81; 8:53 am]

BILLING CODE 7600-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 230

[ER 200-2-2]

Environmental Quality: Policy and Procedures for Implementing the National Environmental Policy Act (NEPA); Correction

AGENCY: U.S. Army Corps of Engineers.

ACTION: Final rule: Correction.

SUMMARY: The U.S. Army Corps of Engineers (Civil Works) Regulation (33 CFR Part 230) appearing as a final rule in the **Federal Register** at 45 FR 56760 on Monday, August 25, 1980, requires technical and procedural corrections to reflect recent rules and regulations, latest Council on Environmental Quality (CEQ) Memoranda and revised agency processing guidance to ensure consistency with NEPA and CEQ NEPA regulations. Corrections have been reviewed and approved by CEQ. This notice is published to update and correct agency NEPA regulation (ER 200–2–2).

FOR FURTHER INFORMATION CONTACT:

Richard L. Makinen, Office of Policy Development, Directorate of Civil Works, HQDA (DAEN–CWR–P) Wash., D.C. 20314, (202) 272–0120.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 45–166 appearing on pages 56760 to 56786 in the issue of August 25, 1980:

On page 56762, first column, delete reference (x) of § 230.3 and insert "Water Resources Council, Principles and Standards for Water and Related Land Resources Planning and Related Procedures for Level C Water Resources Planning (18 CFR Part 711) and (18 CFR Parts 713, 714 and 716)."

On page 56762, first column, delete reference (z) of § 230.3 and insert "CEQ Memorandum of 11 August 1980, Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing NEPA."

On page 56762, first column, delete reference (aa) of § 230.3 and insert "CEQ Memorandum of 10 August 1980, Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory."

On page 56762, first column, delete reference (bb) of § 230.3 and insert "CEQ Memorandum of 17 November 1980, Guidance on Applying Section 404(r) of the Clean Water Act to Federal Projects which Involve the Discharge of Dredged or Fill Materials into Waters of the U.S., Including Wetlands."

On page 56762, first column, change reference § 230.31(aa) to (cc), (bb) to (dd) and succeeding references through (tt) to (vv).

On page 56763, second column, in the thirteenth line of paragraph (c) of § 230.7, after the word "projects," add the following: "general plans,."

On page 56764, first column, the third sentence of paragraph (c) of § 230.9, delete (5–15 pages) and insert "(should not normally exceed 15 pages)."

On page 56764, second column, add the following sentence at the end of § 230.10, "For regulatory permits refer to Appendix B for guidance."

On page 56765, second column, in the seventh line of § 230.12, insert the word "considerations" after the word "technical."

On page 56766, third column, at the end of the second sentence of § 230.15, delete the period and add the following: "(or EIS supplement, if appropriate)."

On page 56767, first column, paragraph (b) of § 230.17, in the second sentence after the acronym "EPA" insert "(or with the Council for a supplement to an EIS)"

On page 56767, second column, add the following at the end of the first sentence of paragraph (c) of § 230.17, "unless alternative procedures are approved by the Council (see 40 CFR 1502.9(c)(4))."

On page 56768, second column, paragraph (d) of § 230.19, delete the remaining portion of the third sentence after the word "review", and the entire fourth sentence and insert the following:

All incoming letters will be answered, if appropriate, by DAEN–CWP. A letter signed by Executive Director, Engineer Staff, directing all comments to be sent to OCE ATTN: (DAEN–CWP), will be sent to the district for use in transmitting the final EIS and the BERH and proposed Chief's report to other interested parties on the mailing list and in response to requests from the public.

In the fifth sentence of paragraph (d) of § 230.19, delete the words "state and agency" after the word "incoming."

On page 56768, third column, paragraph (e) of § 230.19, after the first sentence in the paragraph add the following: "Refer to reference (bb) of § 230.3 and interim Corps guidance on commenting on another agency EIS which involves the discharge of dredged or fill materials into waters of the U.S., including wetlands, and the agency intends to request authorization or funding from Congress for the proposed action under provisions of Section 404(r) of the Clean Water Act."

On page 56770, second column, paragraph (3) of § 230.25, after the fifth sentence in the paragraph add the following: "Refer to reference (bb) of § 230.3 and interim Corps guidance for further guidance on applying Section 404(r) to proposed Corps actions.

On page 56771, third column, paragraph (15) of § 230.25, delete the entire discussion following *"Wildlife and Scenic Rivers Act (16 U.S.C. 1271 et seq.)"* and insert the following:

District engineers shall, as part of the normal planning and environmental analysis process, consult with the regional office of the Heritage Conservation and Recreation Service (HCRS) prior to taking actions which could effectively foreclose the possible designation of rivers identified in the nationwide inventory as wild, scenic or recreational. District engineers should follow the consultation procedures outlined in CEQ Memorandum, reference (aa) of 230.3 and regularly request updates of the list of rivers in the inventory from the appropriate regional office of HCRS. If a proposed Corps action is located on or may affect a designated river, the district engineer shall examine reasonable alternative uses of the river and consult with HCRS on the study or program activities that are underway. The results of this consultation shall be discussed in the report and included in the accompanying EA, EIS or EIS supplement prepared for the proposed action. Compliance will be noted in the EA or EIS and FONSI or Record of Decision, as appropriate. In the case of regulatory permit actions, compliance shall be in accordance with 33 CFR 320 et seq.

On page 56772, second column, paragraph (c) of § 230.25, delete the entire discussion following the words "Executive Memorandum" and insert the following:

(1) *"CEQ Memorandum, August 11, 1980, Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing NEPA.* District engineers shall be responsible for including an analysis of the effects of a proposed action on prime or unique agricultural lands in the course of preparing environmental documents. Technical data and assistance regarding these lands may be obtained by contacting the appropriate Chairperson of the USDA Land Use Committee. District engineers should follow the coordination procedures outlined in this updated memorandum including the distribution of Corps NEPA documents to USDA for review and comment. In the case of feasibility studies, the analysis will be incorporated into the Main Report and discussed in the appropriate sections of the EA or EIS. In all other Corps actions, the analysis of impacts will be

discussed in the appropriate sections of the EA or EIS."

(2) *"CEQ Memorandum, August 10, 1980, Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory.* Refer to § 230.25(a)(15) for consultation requirements."

On page 56777, Appendix A, Table 2 at the top of the page, delete the NOTES at the bottom of the table and insert "NOTES—For each item listed, enter one of the following:

a. *Full Compliance.* Having met all requirements of the statute, E.O. or other environmental requirement for the current stage of planning (either pre or postauthorization).

b. *Partial Compliance.* Not having met some of the requirements that normally are met in the current stage of planning. Partial compliance entries should be explained in appropriate places in the report and/or EIS and referenced in the table.

c. *Non-Compliance.* Violation of a requirement of the Statute, E.O. or other environmental requirement. Non-compliance entries should be explained in appropriate places in the report and/or EIS and referenced in the table.

d. *Not Applicable.* No requirements for the statute, E.O., or other environmental requirement for the current stage of planning.

On page 56779, Appendix B, paragraph 8.a., in the second column delete the second sentence of the paragraph and substitute the following "The EA shall include a discussion of reasonable alternatives." In the third column, starting in the sixth line down from the top, delete "as discussed in paragraph 11b(5) of this appendix,". In the third column, in the thirteenth line down from the top, delete "(5–15 pages)" and substitute "(should not normally exceed 15 pages)."

On page 56783, Appendix C, paragraph 1.e., in the 14th line down from the top of the third column, add the following sentence after the word "Required": "However, if the major revisions are not variants of the plan or alternatives described in the EIS, a supplement to the draft EIS will be required."

On page 56783, Appendix C, paragraph 1.f., third column, add the following sentence after the second sentence of the paragraph: "OCE will provide a standard letter for the district to use to transmit these documents which explains the current status of the report and EIS and directs all comments to be sent to OCE ATTN: (DAEN-CWP)." In the last sentence of the paragraph delete the phrase "(including the responses of the district engineer as discussed in paragraph 19d)."

On page 56784, Appendix C, paragraph 3.a., third column, at the end of the last sentence in the paragraph add the following: "In the case of a combined GDM where it has been determined that an EIS or EIS Supplement is required, the final EIS or final supplement must be filed and the 30-day review completed prior to OCE approval of the proposed action and signing of the Record of Decision."

On page 56785, Appendix C, paragraph 4.d., third column, at the end of the third sentence of the paragraph delete the period after the word "Decision" and add the following: "and approve the project."

On page 56786, Appendix C, paragraph 5.d., first column, at the end of the third sentence of the paragraph delete the period after the word "Decision" and add the following: "and approve the action."

Date: February 25, 1981.

For the Chief of Engineers.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 81-6581 Filed 3-27-81; 8:45 am]

BILLING CODE 3710-92-M

POSTAL SERVICE

39 CFR Part 111

Advice to Postal Customers and Rendering Decisions on the Mailability of Matter

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule clarifies the responsibilities of postmasters and subordinate employees such as acceptance clerks to provide advice or make determinations concerning the mailability of matter, and to seek enforcement of laws and regulations prohibiting the mailing of certain matter. It also emphasizes that these functions must be performed consonant with the requirements of the mail security regulations in Part 115, *Domestic Mail Manual.*

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: George C. Davis, (202) 245–4385.

SUPPLEMENTARY INFORMATION: On December 31, 1980, the Postal Service published for comment in the **Federal Register**, 45 FR 86504, proposed changes to 123.3 and 124.1 of the Domestic Mail Manual as described in the Summary. Interested persons were invited to submit written comments concerning the proposed changes by January 20, 1981. No comments were received. Accordingly, the Postal Service hereby adopts, with minor editorial changes, the following revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register.** See 39 CFR 111.1.

Part 123 Nonmailable Matter—Written, Printed, and Graphic

1. Revise 123.3 to read as follows:

123.3 Advice to Mailers—Mailability Decisions

.31 General Advice. When a postal customer seeks advice as to whether, or under what conditions, particular matter described in 123 may be mailed, the customer's attention should be called to any relevant provisions of this part; and the customer may be assisted in using and understanding these provisions.

.32 Mailer's Responsibility. The mailer is responsible for compliance with applicable postal laws and regulations governing mailability and preparation for mailing, as well as non-postal laws and regulations pertaining to the possession, treatment, transmission, or transfer of particular matter. The general requirements applicable to preparation, packaging, and packing of mailable matter are contained in 121. Special requirements applicable to preparation, packaging, and packing of potentially dangerous matter are contained in 124.

.33 Certain Mailability Decisions Not Authorized. Postmasters are not authorized to decide whether written, printed, or graphic matter is, because of its content, nonmailable. Postmasters are not permitted to deny entry to such matter, or exclude it from the mails. As stated in 123.31, postmasters should call the attention of prospective mailers of such matter to any apparently relevant provisions of this part. If, after being so informed, the mailer requires that matter described in this part be accepted for mailing, such matter must be accepted and must be treated as provided in 123.34. Written, printed, or graphic matter which is not properly prepared for mailing may be refused.

.34 Referral to the Inspection Service. A report concerning written, printed, or graphic matter found in the mails which appears to be nonmailable must be forwarded to the Inspection Service. Such matter may not be withheld from dispatch or delivery except where the Inspection Service, acting in accordance with 115.31a, specifically instructs such withholding.

.35 Opening or Inspection of Mail. Mail may not be opened, detained, delayed, or inspected, except in accordance with 115.

.36 Applicability to Military Postal System. Part 123 applies to the military postal system, its employees, and undelivered mail which is or has been in the official custody of that system and its employees. References in 123 to the Inspection Service refer to the Postal Inspection Service and its authorized personnel, not to military investigative services.

Part 124 Nonmailable Matter—Articles and Substances; Special Mailing Rules

2. In 124.1, redesignate .15 and .151 through .155 as .14 and .141 through .145 respectively, and revise the remainder of the sections to read as follows:

124.1 General Provisions

.11 Scope. The basic premise of the postal mailability statutes is that anything "which may kill or injure another, or injure the mails or other property * * *," is nonmailable. However, there are a number of *specific statutory exceptions* to this rule which allow particular mailings of otherwise nonmailable matter under specified conditions. Specific statutory exceptions apply to live scorpions, poisonous drugs and medicines, poisons for scientific use, switchblade knives, firearms, motor vehicle master keys, abortive and contraceptive devices. In addition, the statutes provide that the Postal Service may by regulation permit the mailing, under prescribed conditions of preparation and packing, of potentially harmful matter which is not "outwardly or of [its] own force dangerous or injurious to life, health, or property." This part summarizes the statutory prohibitions and exceptions. Publication 52, Acceptance of Hazardous, Restricted or Perishable Matter, repeats the statutory prohibitions and exceptions and sets forth the conditions of preparation and packing under which the Postal Service will accept for mailing many types of potentially harmful matter which otherwise would be nonmailable. See 123 for rules relating to nonmailable written, printed, or graphic matter.

.12 Rules and Procedures.

.121 Mailer's Responsibility. The mailer is responsible for compliance with applicable postal laws and regulations governing mailability and preparation for mailing, as well as non-postal laws and regulations pertaining to the shipment of particular matter. The general requirements applicable to preparation, packaging, and packing of mailable matter are contained in 121.

.122 Dangerous Materials Notices. Postmasters and other managers of postal facilities must prominently display in Post Office lobbies, acceptance areas, and at self-service postal centers a notice containing the following language:

"MAILING EXTREMELY DANGEROUS MATERIALS, AND POTENTIALLY DANGEROUS MATERIALS WHICH ARE IMPROPERLY PREPARED, IS PROHIBITED BY LAW. YOU MUST INSURE THAT YOUR MAILINGS COMPLY WITH THE LAW. ASK ABOUT POSTAL REQUIREMENTS BEFORE YOU DEPOSIT ANY QUESTIONABLE MATERIALS INTO THE MAILS."

.123 Procedure for Acceptance Clerks.

a. If the content of an article presented for mailing is described by the mailer or otherwise revealed to be nonmailable, the acceptance clerk shall refuse to accept the article and shall explain the reasons to the mailer. (Reference Publication 52, Acceptance of Hazardous, Restricted or Perishable Matter and Publication 42, International Mail).

b. Acceptance clerks must be on the alert for substances which are nonmailable as packaged and where such substances are identified, shall advise the customer of the particular preparation and packaging requirements which must be satisfied before such substances are acceptable for mailing. (Reference Publication 52 and Publication 42). If the customer fails to demonstrate that the matter is mailable as packaged, the employee shall refuse to accept the article and shall explain the reasons to the mailer.

.124 General Advice to Mailers. When a postal customer seeks advice as to whether, or under what conditions, particular matter may be mailed, or where it appears likely that a customer will mail dangerous matter (as described in part 124), the customer's attention should be called to the relevant provisions of part 124 and any official guides to mailing such articles issued by the Postal Service, such as Publication 52. Technical questions concerning the proper preparation or packaging of matter may be referred to the appropriate mail classification center where necessary. The scope of a postmaster's authority to decide whether particular matter is nonmailable under 124 and to exclude such matter from the mails in accordance with that decision is determined by 124.126. Mail may not be opened, detained, delayed, or inspected except in accordance with 115.

.125 Other Laws and Regulations. Particular matter may be mailable under postal statutes and regulations but customers may have responsibilities under non-postal statutes and regulations concerned with possession, treatment, transmission, or transfer of such matter. See, for example, 40 CFR Parts 100 through 177 (Department of Transportation Regulations); the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513), 21 U.S.C. 801 *et seq.;* and the Gun Control Act of 1968 (Pub. L. 90–618), 18 U.S.C. 921 *et seq.* Postmasters must not give advisory opinions with respect to whether the mailing of particular articles and substances (see 124) would violate or comply with non-postal laws and regulations which are administered by agencies other than the Postal Service, but where the existence of such laws or regulations is known to postmasters, they should refer the customer to the appropriate government agency for any available information. For example, postal customers with questions about the interstate shipment of rifles or shotguns should be referred to the Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. 20226, or to the nearest regional administrator of that Bureau.

.126 Authorized Mailability Decisions. Postmasters may decide whether articles and substances other than written, printed of graphic matter are nonmailable and must, where appropriate, refuse to accept for mailing such matter determined to be nonmailable. Where necessary, the mail classification centers should be consulted in determining mailability. If the mailer desires review of the postmaster's decision, the postmaster shall, with the mailer's consent, refer a sample and, in any event, send a complete statement of the facts to the Director, Office of Mail Classification, Rates and Classification Department, USPS Headquarters Washington, D.C. 20260. After the Director's decision is rendered, further appeal may be made by the mailer in accordance with 39 CFR Part 953, Rules of Practice in Proceedings Relative to Mailability. Postmasters are authorized and directed to take any steps reasonable and necessary to protect Postal Service personnel and equipment from the effects of potentially dangerous of injurious materials or substances found in the mails (see 221.3, Administrative Support Manual).

.127 Referral to the Inspection Service. Matter within the following categories, when found in the mails, should temporarily, be withheld from dispatch or delivery, and the Inspection Service should immediately be advised. Such matter should thereafter be disposed of in accordance with instructions promptly furnished by the Inspection Service. These categories of matter are: nonmailable firearms and switchblade knives (124.4); controlled substances (124.5); motor vehicle master keys (124.6); alcohol (124.8); and explosive, incendiary or hazardous materials or devices which may present an immediate threat to persons or property (124.2). This provision does not authorize the opening or inspection of any mail.

.128 Referral to Office of Mail Classification. All matter found in the mails and believed to be nonmailable under 124, except matter described in 124.127, must not be withheld from dispatch or delivery, but a report fully describing such mailing should be referred to the Director, Office of Mail Classification, Rates and Classification Department.

.129 Administrative Appeals. A mailer aggrieved by any mailability decision by the Director of the Office of Mail Classification may file a written Notice of Appeal with the Recorder, U.S. Postal Service, Washington, D.C. 20260, together with a copy or description of the determination or ruling in question. The rules of procedure for the determination of such appeals are contained in 39 CFR Part 953, Rules of Practice in Proceedings Relative to Mailability.

.13 Applicability to Military Postal System. This Part 124 applies to the military postal system, its employees, and undelivered mail which is or has been in the official custody of that system and its

employees. References in this Part 124 to the Inspection Service refer to the Postal Inspection Service and its authorized personnel, not to military investigative services.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401, 403, 404(a), 3001; 18 U.S.C. 1701, 1702, 1703(a), 1715–1716)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-6543 Filed 2-27-81; 8:45 am]

BILLING CODE 7710-12-M

Proposed Rules

Federal Register
Vol. 46, No. 40
Monday, March 2, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PR-81-4]

14 CFR Ch. I

Petition For Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before:

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on February 24, 1981.

John H. Cassady,

Acting Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
21298	Town-Village Aircraft Safety and Noise Abatement Committee.	To amend §§ 45.25(a) and 45.29 of the Federal Aviation Regulations to acquire fixed-wing turbojet aircraft weighing over 12,500 pounds to display easily readable marks to people on the ground. These marks would be at least 24 inches high and 12 inches wide and would be displayed on the underside of each wing. Petitioner states these marks would aid people in the vicinity of large commercial airports to positively identify low-flying aircraft and to register complaints attributed to aircraft noise, damage from flying debris and other causes of apprehension to the community

Petitions for Rulemaking; Denied

None during this period.

[FR Doc. 81-6609 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17564; File No. S7-874]

Net Capital Requirements for Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comments.

SUMMARY: The Commission is proposing amendments to its net capital requirements for brokers or dealers which will affect particularly those brokers and dealers who are also registered with the Commodity Future Trading Commission (the "CFTC") as futures commission merchants ("BD-FCMs"). The proposed amendments are intended to conform the Commission's rule to certain recent amendments adopted by the CFTC to its net capital rule.

DATE: Comments to be received by April 1, 1981.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments should refer to file No. S7-874 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Gregory N. Smith, Division of Market Regulation, (202) 272-2368, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In 1978, the CFTC made substantial revisions to its net capital rule. That rule affects brokers and dealers in securities who are also registered with the CFTC as futures commission merchants ("FCMs"). The CFTC at that time incorporated by reference the Commission's net capital rule applicable to securities transactions. In an effort to avoid duplicative computations by brokers and dealers, the Commission in turn amended its rule to conform in the main to those provisions of the CFTC's rule which deal with the commodity futures business.[1]

After a four-month comment period, the CFTC recently adopted further amendments to its rule regarding the treatment of undermargined accounts and debit/deficit accounts, and the treatment of collateral used to secure receivables. The CFTC received a number of comments to the proposed amendments which are discussed in its adopting release.[2] The amendments appear to be reasonable modifications of the present rule designed to moderate

[1] Securities Exchange Act Release No. 15566 (June 5, 1979), 17 SEC Docket 810.

[2] 45 FR 79410.

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excessive extensions of credit by FCMs in connection with transactions in commodities and commodity futures.

The amendments which are being proposed herein relate to the net capital treatment of undermargined commodity futures accounts and commodity futures accounts which liquidate to a deficit or contain a debit ledger balance. Amendments are also being proposed herein which relate to the use of any non-cash asset to secure commodity related receivables of the broker-dealer.[3] These proposals mirror the amendments adopted by the CFTC. The amendments would all affect Appendix B of the Commission's net capital rule relating to commodities transactions.

Undermargined Accounts

The first proposed change to Appendix B would shorten the period within which a BD–FCM may offset charges to net capital for undermargined customer commodity futures accounts with current calls for margin. At present, when such an account becomes undermargined, the BD–FCM must take a charge to net capital for the amount the account is undermargined only after five business days (assuming a margin call has been issued). The proposed amendment would lower this period to three business days.[4] The present rule contemplates that the five day period should be lowered in stages, first, to four business days beginning in 1981, and then to three business days beginning in 1983. The proposal accelerates the adoption of the three day standard by two years.

Debit/Deficit Accounts

The second amendment proposed relates to unsecured commodity futures or option accounts consisting of a ledger balance and open trades which, when combined, would liquidate to a deficit, or which contain a debit ledger balance only. The present rule requires a charge to net capital for the amount of the deficit or debit balance, to be offset by margin calls outstanding one business day or less. The BD–FCM must collect the deficit or debit balance by the close of the second business day following the adverse market movement giving rise to the situation before the charge must be made. The proposed amendment would accelerate this, requiring the charge to be taken as of the close of business the day following the market movement which caused the debit/deficit account.

Valuation of Collateral

The third proposed amendment to Appendix B relates to the value of collateral securing any loan, advance or other form of receivable arising from commodity-related transactions. The present rule allows the collateral to be valued at 100% of its market value for purposes of determining whether the receivable is secured. The proposal would require the broker-dealer to consider the receivable secured only after making the percentage deductions ("haircuts") required if the collateral were owned by the broker-dealer. Under a related proposal, the value attributed to any non-cash item deposited with the BD–FCM to margin, guarantee or secure a commodity futures account will be the lesser of (A) the value attributable to the asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of the asset reduced by the appropriate haircut.[5]

Regulatory Flexibility Act Considerations

The Chairman of the Commission has certified, pursuant to the Regulatory Flexibility Act, that the proposed amendments to Rule 15c3–1, if adopted, will not have a significant economic impact on a substantial number of small entities.[6]

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3) and 78w(a), the Commission proposes to amend § 240.15c3–1 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission believes that any burden imposed upon competition by the proposed amendments is necessary in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) hereof to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

Text of Proposed Amendments

It is proposed to amend 17 CFR Part 240 by amending paragraphs (a)(3)(ii), (a)(3)(xii), (a)(3)(xiii) and (a)(3)(xviii) of § 240.15c3–1b as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.15c3–1b Adjustments to net worth and aggregate indebtedness for certain commodities transactions (Appendix B to 17 CFR 240.15c3–1).

(a) * * *

(3) * * *

(ii) Deduct any unsecured commodity futures or option account containing a ledger balance and open trades the combination of which liquidates to a deficit or containing a debit ledger balance only: *Provided, however,* Deficits or debit ledger balances in unsecured customers', non-customers' and proprietary accounts which are the subject of calls for margin or other required deposits need not be deducted until the close of business on the business day following the date on which such deficit or debit ledger balance originated;

* * * * *

(xii) Deduct for undermargined customer commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or, if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding three business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements on such accounts, then deduct the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding three days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided,* To the extent a deficit is deducted from net worth in accordance with paragraph (a)(3)(ii) of this Appendix B, such amount shall not also be deducted under this paragraph (a)(3)(xii). In the event that an owner of a customer account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this paragraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in paragraph (a)(3)(ix) of this Appendix B or, where appropriate, specified in (c)(2)(vi) or (c)(2)(vii) of § 240.15c3–1 of this chapter;

(xiii) Deduct for undermargined non-customer and omnibus commodity futures accounts the amount of funds required in each account to meet maintenance margin requirements of the applicable board of trade or, if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding two business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements, then deduct the amount of funds required to provide margin equal to the amount necessary, after application of calls for margin, or other required deposits outstanding two days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided,* To the extent a deficit is deducted from net worth in accordance with paragraph (a)(3)(ii) of this Appendix B such amount shall not also be deducted under this paragraph (a)(3)(xiii). In the event that an owner of a non-customer or omnibus account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this paragraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in paragraph (a)(3)(ix) of this Appendix B or, where appropriate, specified in (c)(2)(vi) or (c)(2)(vii) of § 240.15c3–1 of this chapter;

* * * * *

(xviii) A loan or advance or any other form of receivable shall not be considered "secured" for the purposes of paragraph (a)(3) of this Appendix B unless the following conditions exist:

(A) The receivable is secured by readily marketable collateral which is otherwise unencumbered and which can be readily converted into cash: *Provided, however,* That the receivable will be considered secured only to the extent of the market value of such collateral after application of the percentage deductions specified in paragraph (a)(3)(ix) of this Appendix B or, where appropriate, specified in (c)(2)(vi) or (c)(2)(vii) of § 240.15c3–1 of this chapter; and

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

February 20, 1981.

Regulatory Flexibility Act Certification

I, Harold M. Williams, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 15c3–1 set forth in Securities Exchange Act Release No. 17564, if promulgated, will not have a significant economic impact on a substantial number of small entities. For purposes of the proposed amendments, I have employed the definition of small business contained in Section 3 of the Small Business Act and the rules thereunder, i.e., as a service industry its receipts do not exceed $2 million annually (13 CFR 121.3–10(d)(1)). The reasons for this certification are that virtually all entities conducting the type of commodities business which the proposed amendments would affect must register with the Commodity Futures Trading Commission ("CFTC") as futures commission merchants ("FCMs"). As such, they are subject to the CFTC's net capital rule as amended. The proposed amendments merely conform the Commission's net capital rule with certain recent amendments to the CFTC's net capital rule. It would be under very rare circumstances that the proposed amendments would have a significant impact on broker-dealers who are not registered as FCMs. If in fact there were impact on broker-dealers, particularly small broker-dealers, the number affected would not be substantial.

Dated: February 20, 1981.

Harold M. Williams,

Chairman.

[FR Doc. 81-6575 Filed 2-27-81; 8:45 am]

BILLING CODE 8010-01-M

[3] The CFTC also adopted an amendment to its net capital rule which eliminates the "aggregate indebtedness" method of computing a firm's net capital requirement. The Commission has solicited comment on the feasibility of eliminating this method in Securities Exchange Act Release No. 17208 (October 9, 1980) although no rule amendment was proposed at that time.

[4] The proposed amendment will not alter the present method of counting days. Under the present five day rule, assuming market movement on Monday caused an account to become undermargined, a margin call would be issued on Tuesday and Wednesday would be counted as day one. If the margin call were not met, the BD–FCM must take a charge to net capital as of the close of business Tuesday the following week. The proposal would require the charge to be taken as of the close of business Friday of the same week. If no margin call is made, a charge for the undermargined account is made immediately.

[5] Thus, if the broker-dealer had a $100,000 receivable collateralized by $100,000 worth of gold, the gold would be subject to a 20% haircut and the value would be reduced by $20,000. If related to a commodity futures account and gold were valued by the applicable board of trade at 50% of its market value, its value would be reduced by $50,000.

[6] Section 601(3) of the Regulatory Flexibility Act defines the term "small business" as having "the same meaning as the term 'small business concern' under Section 3 of the Small Business Act" unless an agency, pursuant to specified procedures, establishes one or more alternative definitions of such term. For purposes of the proposed amendments to Rule 15c3–1, the Chairman has employed the definition of small business contained in Section 3 of the Small Business Act and the rules thereunder, i.e., as a service industry its receipts do not exceed $2 million annually (13 CFR 121.3–10(d)(1)).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1 and 4

[Docket No. RM81-15]

Revisions to Certain Regulations Governing Applications for Preliminary Permit and License for Water Power Projects

Issued February 21, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend certain provisions in its regulations governing preliminary permit and license applications for water power projects. The proposed revisions are designed to aid the expeditious development of water power projects by eliminating unnecessary procedures, requiring certain necessary information in applications, and correcting the standard for evaluating certain competing applications. The rule would affect existing §§ 1.8, 4.31, 4.33, 4.51, and 4.81 and create a new § 4.35.

DATES: Written comments by April 6, 1981.

ADDRESS: File comments with: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Ronald Corso, Director, Division of Hydropower Licensing, Office of Electric Power Regulation, Federal Energy Regulatory Commission, Washington, D.C. 20426 (202) 376–9171;

James Hoecker, Office of the General Counsel, Federal Energy Regulatory Commission, Washington, D.C. 20426 (202) 357–9342.

SUPPLEMENTARY INFORMATION:

The Federal Energy Regulatory Commission (Commission) proposes to amend certain provisions in its regulations governing preliminary permit and license applications for water power projects. The proposed revisions are designed to aid the expeditious development of water power projects by eliminating unnecessary procedures, requiring certain necessary information in applications, and correcting the standard for evaluating certain competing applications. The rule would

affect existing §§ 4.33, 4.51, and 4.81 and create a new § 4.35.

I. Background

Over the past two years, the Commission has carried forward a program of licensing reform for water power projects, including revision of the regulations governing preliminary permit applications and various kinds of license applications.[1] The revised regulations have helped to reduce the time an applicant must devote to preparing an application and have enabled the Commission to process applications more quickly than before. For example, it now takes 3 to 4 months to process an application for preliminary permit, instead of the customary 18 months previously.

Despite this progress, the renewed interest in hydropower development—inspired in part by the Commission's small power production and cogeneration rulemakings[2] and its current program to exempt from all or part of Part I of the Federal Power Act[3]—has increased the Commission's workload dramatically. For example, the Commission received 18 preliminary permit applications in 1977, 36 in 1978, 76 in 1979. However, in 1980 the Commission received 501 such applications and the rate of submittal in 1981 is thus far even greater.

[1] Order No. 54 "Regulations Prescribing General Provisions for Preliminary Permit and License Applications; and Regulations Governing applications for Amendments to and Cancellation of Preliminary Permits" (Docket No. RM79–23), issued October 22, 1979, 44 Fed. Reg. 61328, October 25, 1979.

Order No. 59, "Regulations Governing Applications for License for, Major Projects—Existing Dam "(Docket No. RM79–36) issued December 18, 1979, 45 Fed Reg. 75383, December 26, 1979.

Notice of Proposed Rulemaking, "Regulations Governing Applications for Minor Water Power Projects and Major Water Power Projects 5 Megawatts or Less" (Docket No. RM81–10), issued January 21, 1981, 46 Fed. Reg. 9837, January 29, 1981.

Notice of Proposed Rulemaking, "Regulations Governing Application for License for Major Unconstructed and Major Modified Projects; Applications for License for Transmission Line Only; Applications for Amendment to License (Docket No. RM80–39), issued January 23, 1981, 46 Fed Reg. 10165, February 2, 1981.

[2] Order No. 69, "Small Power Production and Cogeneration Facilities; Regulations Implementing Section 210 of the Public Utility Regulatory Policies Act of 1978" (Docket No. RM79–55), issued February 19, 1980, 45 FR 12214, February 25, 1980; Order No. 70, "Small Power Production and Cogeneration Facilities—Qualifying Status" (Docket No. RM79–54), issued March 13, 1980, 45 FR 17959, March 20, 1980.

[3] Order No. 106, "Exemption from all or part of Part I of the Federal Power Act of Small Hydroelectric Power Projects with an Installed Capacity of 5 Megawatts or Less" (Docket No. RM80–65), issued November 7, 1980, 45 FR 76115, November 18, 1980.

This rulemaking is designed to expedite further the licensing of water power projects by clarifying and streamlining some Commission procedures that have previously caused regulatory problems.

1. Intervention in proceedings initiated by the filing of a preliminary permit application are proposed to be granted automatically, with some exceptions, both because the multiple interventions in such proceedings are largely to obtain service of papers and to protect the potential interests of certain parties, including state commissions, and because the permits themselves normally do not entail substantial environmental consequences that would be a basis for genuine opposition to the project. This would obviate issuance of routine orders to grant intervention.

2. The filing of a notice of intent to file a competing preliminary permit application has frequently and unnecessarily extended (2 to 3 months) the notice period required for applications and thereby delayed the opportunity for Commission action. The owner of a potential site for which a non-owner has filed a permit application is sufficiently shielded from surprise because notice of the application will always be mailed by the Commission directly to that person.

3. Under section 3(7) of the Federal Power Act, a "municipality" must be "competent under the laws [of the state] thereof to carry on the business of developing transmitting, utilizing, or distributing power." This qualification is particularly important for administration of the state/municipal preference under section 7(a) of the Act. Without evidence of this competency in the permit or license application, the Commission must research state laws if it does not want to risk affording a preference to the inappropriate person.

4. Applications for a preliminary permit or a license are occasionally altered in a manner that changes the status of the filing party (*e.g.*, from "citizen" to "municipality") or the fundamental plan of development. For purposes of establishing a priority of filing, fairness dictates that such changes be regarded as the filing of a new application.

5. Finally, section 7(a) of the Act requires that, where at least one competing preliminary permit or license applicant is a state or municipality and another is not, public entities are preferred to non-public applicants if the plans of each are "equally well adapted to conserve and utilize in the public interest the water resouces of the region." The ability of the parties to carry out the plans is not a proper test to apply to such applications unless none of the competing applicants is a public entity.

II. Summary of the proposed rule.

1. *Interventions. Sections 1.8(f)(2) and 4.31(h).* The proposed rule would automatically grant a person who files under § 1.8 a timely petition to intervene in a preliminary permit proceeding the status of party to that proceeding, unless and until the Commission or other decisional authority denies or stays such a petition or unless that petition is opposed by the preliminary permit applicant or other party under § 1.8(e).[4]

2. *Notices of intent. Section 4.33(a).* The Commission will not accept notices of intent to submit competing preliminary permit applications for specified kinds of projects. Any prospective competitor may only file with the Commission a competing permit application within the time specified in the public notice and must, therefore, decide sooner to compete for the hydropower site.

3. *Evaluating competing applications. Sections 4.33(g)(3) and (4).* To conform with section 7(a) of the Federal Power Act, the test to be applied to competing applications for permit or license, where one applicant is a public entity and another is not, is revised by deleting reference to the ability of the respective applicants to carry out the proposed plans of development. The appropriate tests relate to the relative merits of the plans, which may include factors of economic feasibility, and to the nature of the applicants.

4. *Evidence of competence under section (3)(7) of the Act. Sections 4.33(i), 4.51(a)(4), 4.81(a)(4).* A municipal applicant for preliminary permit for any project or for license for a major project—existing dam must supply evidence that it is competent under state law to be in the power business. If it fails to do so, it will be treated as a non-public applicant under § 4.33. The Commission also proposes to include similar provisions in the revised regulations for minor, major unconstructed, and major modified water power projects, at the time those regulations are issued in final orders.[5]

[4] Section 1.17(c) currently affords service to any petitioner for intervention. The Commission will be considering proposed revised Rules of Practice and Procedure (Docket No. RM78–22) in which persons requesting intervention would be granted automatic intervention, included on the relevent service lists, and permitted the right to make motions, unless the petition is denied by order of the Commission.

[5] *See* Notices of Proposed Rulemaking in Footnote 1, *supra.*

5. *Change of filing dates as a result of material amendment. Section 4.35.* The rule creates a new section to indicate that any material change in an application after it is filed with the Commission, such as by changing the nature of the applicant (*e.g.* from citizen to municipality) or by making significant fundamental changes in the plan of development, will result in a revision of the date of acceptance for filing. This could change an applicant's priority status relative to competing applicants under § 4.33.

III. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA) requires certain analyses of proposed agency rules that will have a "significant economic impact on a substantial number of small entities."

Pursuant to section 605(a) of the RFA, the Commission hereby finds that the analysis requirements set forth in the rulemaking do not apply to this rulemaking, for the following reasons:

The primary purpose of this proposal is to clarify, simplify, and streamline application procedures for the preliminary permit and license for hydroelectric power projects. To this end, for example, this proposal would grant automatic intervention in certain instances—thereby obviating the need for unnecessary, individualized orders to grant intervention and would also avoid delays occasioned by the filing of notices of intent to submit competing preliminary permit applications for certain projects. Concededly, this latter proposal will require would-be project sponsors (including small private developers and small municipalities) to reach a decision quickly about filing a competing application; this may create some minimal additional burdens for small private and public developers, but these slight burdens should be more than offset by the advantages small developers will realize by virtue of a shorter, less costly application process, and a more rapid Commission decision. Accordingly, on balance, there seems to be no significant impact.

Similarly, some slight additional filing burden may be imposed by the proposed view requirement that evidence of competency under state law be submitted by municipal applicants; but again, that minimal burden should be offset by the elimination of any delays that might otherwise result if the Commission had to independently verify the applicant's authority and status under state law. Accordingly, the net economic impact of this change should not be significant.

The proposal to delete any reference to the ability of competing public and non-public applicants to carry out their proposals, is simply intended to conform the Commission's rules to the plain mandate of section 7(a) of the Federal Power Act. In any event, the elimination of this standard should not impose significant economic impacts on any ascertainable class of small entities.

Finally, the proposed change of filing dates in the event of material amendments to a permit or license application, may in a particular case alter priorities previously established by the filing of the original applications; and that alteration may work a significantly beneficial or adverse impact upon some particular applicants. By itself, however, this proposal will not create any direct, ascertainable, general impact upon a substantial number of small entities.

Hence, in view of the minimal effects of these changes, and their procedural nature, the Commission believes its certification of no significant economic impact is entirely proper.

IV. Comment Procedure

The Commission invites interested person to submit written comments on the matters proposed in this notice. An original and 14 copies of such comments must be filed with the Commission not later than April 6, 1981. Comments submitted by mail should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should refer to Docket No. RM81–15.

Written comments will be placed in the Commission's public files and wil be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Commission will consider all timely comments before acting on the matters proposed in this notice.

(Federal Power Act, as amended, 16 U.S.C. §§ 782–828c; the Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352; E.O. 12009, 3 CFR, 1977 Comp., p. 142)

By direction of the Commision.

Kenneth F. Plumb,

Secretary.

1. Section 1.8 is amended in paragraph (f) by adding a new subparagraph (3) to read:

§ 1.8 Interventions.

* * * * *

(f) *Notice and action on petitions—*

* * * * *

(3) *Preliminary permit proceedings.* For any petition to intervene filed pursuant to an application for preliminary permit for a water power project, the Commission will grant limited automatic intervention under § 4.31(h) of this chapter.

2. Section 4.31 is amended by adding paragraph (h) to read:

§ 4.31 Acceptance for filing or rejection.

* * * * *

(h) Any timely petition for intervention submitted under § 1.8 of this chapter relating to an application for preliminary permit for a water power project is deemed granted as of the date of filing unless the petition is opposed by any applicant under § 1.8(e) of this chapter or the Commission specifically denies or stays action on the petition within 15 days after the last date for filing petitions to intervene prescribed in the public notice issued under § 4.31(c)(2) of this chapter for the preliminary permit application. Intervention in any preliminary permit proceeding will not constitute intervention in the subsequent licensing proceeding.

3. Section 4.33 is amended by revising paragraph (a) to read as follows:

§ 4.33 Filing and disposition of conflicting applications.

(a) Any citizen, association of citizens, domestic corporation, municipality or state may submit for filing an application for a preliminary permit or license for a proposed water power project that would develop, conserve, and utilize, in whole or in part, the same water resources that would be developed, conserved, and utilized by a proposed water power project for which a preliminary permit or license application has already been accepted ("initial application").

(1) Except as provided in paragraph (a)(2) of this section, such an application ("competing application"), or a notice of intent to submit an application, must be submitted for filing on or before the last filing date for the filing of protests or petitions to intervene prescribed in the public notice issued under § 4.31(c)(2) of this chapter for the initial application.

(2) A notice of intent to file a competing application for preliminary permit may not be submitted for any proposed major project—existing dam, as defined in § 4.50(b)(2), or any proposed minor water power project, as defined in § 4.60(b)(4) of this chapter, which utilizes an existing dam.

Any competing application for preliminary permit for a proposed major project—existing dam or minor water power project which utilizes an existing dam must be submitted on or before the

last date of the period for filing protests and petitions to intervene prescribed in the public notice issued under § 4.31(c)(2) of this chapter for the initial application.

* * * * *

4. Section 4.33 is amended in subparagraphs (g)(3) and (g)(4) by removing from both subparagraphs the words "taking into consideration the ability of each applicant to carry out its plans,".

5. Section 4.33 is amended by adding a new paragraph (i) to read:

§ 4.33 Filing and disposition of conflicting applications.

* * * * *

(i) Any municipal applicant or co-applicant that fails to provide evidence that the municipality is competent under applicable state and local laws, or opinions of the state attorney general, to carry on the business of developing, transmitting, utilizing, or distributing power will be considered a non-municipal applicant for the purpose of determining the disposition of competing applications.

6. Subpart D is amended by adding a new § 4.35 to read:

§ 4.35 Amendment of application.

If an applicant amends any filed preliminary permit or license application in order to revise the nature of the applicant or materially amend the proposed plan of development, the Commission will change the date of acceptance of the application [*See* § 4.31(e)] to the date on which the amendment is filed with the Commission and consider the amended application as a new filing for the purposes of disposing of competing applications under § 4.33 of this chapter and reissuing public notice of the application under § 4.31(c)(2) of this chapter. This section does not apply to corrections of deficiencies under § 4.31(d)(1) of this chapter.

7. Section 4.51 is amended in paragraph (a) by revising subparagraph (4) to read:

§ 4.51 Contents of application.

* * * * *

(a) *Initial statement.*

* * * * *

(4) [Name of applicant] is a [citizen, association of citizens, domestic corporation, municipality, or state, as appropriate]. If the applicant or any co-applicant is a municipality, the applicant must submit copies of applicable state and local laws, or opinions of the state attorney general evidencing that the municipality is competent under such laws or opinions to carry on the business of developing, transmitting, utilizing, or distributing power.

* * * * *

8. Section 4.61 is amended in paragraph (a) by revising subparagraph (4) to read as follows:

§ 4.61 Contents of application.

* * * * *

(a) *Initial statement.*

* * * * *

(4) [Name of applicant] is a [citizen, association of citizens, domestic corporation, municipality, or state, as appropriate]. If the applicant or any co-applicant is a municipality, the applicant must submit copies of applicable state and local laws, or opinions of the state attorney general, evidencing that the municipality is competent under such laws or opinions to carry on the business of developing, transmitting, utilizing, or distributing power.

* * * * *

[FR Doc 81-6004 Filed 2-27-81; 8:45 a.m.]

BILLING CODE 6450-85-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 78-72-Phase II]

MTS and WATS Market Structure; Order extending time for filing reply comments.

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule and Notice of Inquiry; Extension of reply comment period.

SUMMARY: This Order grants a thirty day extension of time in which to file reply comments to the *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* in the MTS/WATS Market Structure Inquiry (CC Docket No. 78-72) at the request of General Communication, Inc.

DATE: Reply comments are now due March 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Douglas Slotten, Policy and Program Planning Division, Common Carrier Bureau (202) 632-9342.

SUPPLEMENTARY INFORMATION:

In the Matter of MTS and WATS Market Structure. Order extending time for filing reply comments (45 FR 55777).

Adopted: February 11, 1981

Released: February 24, 1981.

By the Chief, Common Carrier Bureau:

1. On February 6, 1981, General Communication, Inc. ("GCI"), filed a request for a thirty day extension of time in which to file reply comments in the above-captioned proceeding. In support of its request, GCI states that it is a nascent company; that it desires to file substantive comments in this proceeding; and that it does not have adequate staff to analyze the filing of Alascom, Inc. in the time allowed. Finally, it notes that the Commission granted Alascom several extensions of time in which to file comments.

2. Alascom's filing in this proceeding is voluminous, comprising two volumes, and incorporates studies in support of Alascom's argument for sole source supply in Alaska. Alascom had 4½ months in which to prepare its comments. It is understandable that GCI, a small, new company, has inadequate staff to analyze Alascom's comments and prepare substantive comments in response thereto within the 30 days allowed. Alascom has informed us that it does not object to a 30 day extension. We will therefore grant GCI's request.

3. Accordingly, it is ordered pursuant to Sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, that the date for filing reply comments in response to the *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* is extended to and including March 18, 1981.

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-6043 Filed 2-27-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 40
Monday, March 2, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Unperfected Mining Claims in Misty Fjords and Admiralty Island National Monuments

AGENCY: Forest Service, USDA.

ACTION: Provide required public notice to holders of unperfected mining claims in the Misty Fjords and Admiralty Island National Monuments, Alaska.

SUMMARY: Subsection (h) of Section 504 of the Alaska National Interest Lands Conservaton Act of December 2, 1980 (Pub. L. 96-487; 94 Stat. 2371) requires that the Secretary of Agriculture provide public notice regarding the rights of and conditions for developing minerals by holders of unperfected mining claims in the Misty Fjords and Admiralty Island National Momuments. This notice is made pursuant to and in compliance with that Act.

FOR FURTHER INFORMATION CONTACT:
Howard E. Banta, Director, Minerals and Geology Management, Forest Service, P.O. Box 2417, Washington, D.C. 20013 (703) 235-8105.

Pursuant to Sec. 504 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (Pub L. 96-487; 94 Stat. 2371), holders of unperfected mining claims, as defined in subsection (a)(1), must submit an application for an exploration permit on or before August 29, 1981, in order to meet the requirements for entitlement specified in subsection (b). The application may include only those unperfected claims within three quarters (¾) of a mile of the exterior boundary of one or more core claims, as defined in subsection (a)(2) of Sec. 504, provided that both the unperfected claim(s) and core claims(s) were held by the applicant as of May 1, 1979, or were acquired by the applicant after such date by inheritance or devise, and further provided that the core claim(s) and unperfected claim(s) are properly located, recorded, and maintained to the extent required by law.

Applications shall be submitted to the appropriate Area Office of the Forest Service at Sitka (Admiralty Island) or Ketchikan (Misty Fjords) and shall contain: (1) the applicant's name, address, and telephone number; (2) the name of the claim(s), the date(s) of location of the claim(s), the date of recordation of the claim(s) and serial number(s) assigned to such claim(s) under the Federal Land Policy and Management Act of 1976. Evidence must be submitted with the application that the requirements of ownership and spatial relationship of the claim(s), as set forth in the preceding paragraph, have been met.

Applicant must also submit, together with their application for an exploration permit, a plan of operations, including means of access, in accordance with the requirements of 36 CFR Part 252.

R. Max Peterson,

Chief.

February 25, 1981.

[FR Doc 81-6559 Filed 2-27-81; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee, Minutes of February 12, 1981; Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: This is to serve notice that a meeting of the Exporters' Textile Advisory Committee was held at 10:00 a.m. on February 12, 1981 in Room 3836, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230. Prior notice of this meeting was not published in the **Federal Register** due to an administrative oversight. Thus, a transcript of the meeting will be made available for review without charge to interested persons.

FOR FURTHER INFORMATION CONTACT:
Copies of the minutes of the meeting may be obtained by calling or writing Mr. Michael Hutchinson, Assistant Director, Market Expansion Division, Office of Textiles and Apparel, Room 2808, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., (Telephone: (202) 377-5153.) Arrangements may also be made to review the verbatim transcript by contacting Mr. Hutchinson.

Dated: February 23, 1980.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-6560 Filed 2-27-81; 8:45 am]

BILLING CODE 3510-25-M

Canned Bartlett Pears From Australia; Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination To Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke.

SUMMARY: This notice is to advise the public that, as a result of an administrative review of the antidumping finding on canned Bartlett pears from Australia, the Department of Commerce has tentatively determined to revoke the finding. There have been no shipments of canned Bartlett pears from Australia during the period of review, September 1, 1973 through October 2, 1978, and there is no evidence of any shipments since that time. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 23, 1973, a dumping finding with respect to canned Bartlett pears from Australia was published in the **Federal Register** as Treasury Decision 73-84 (38 FR 7566). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise was published by the Department of the Treasury in the **Federal Register** on October 2, 1978 (43 FR 45497-8). Reasons for the tentative

determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. Treasury reviewed comments discussed below but took no further action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on canned Bartlett pears from Australia. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are canned Bartlett pears currently classifiable under item 148.8600 of the Tariff Schedules of the United States Annotated (TSUSA).

At the time of the finding Treasury knew of five Australian exporters of canned Bartlett pears to the United States: Ardmona Fruit Products Cooperative, Ltd.; Kyabram Preserving Co., Ltd.; Tom Piper, Ltd.; Shepparton Preserving Co., Ltd. and Australasian Jams Company.

Subsequently, Australasian Jams Company and Tom Piper, Ltd. merged and began trading as Henry Jones. Limited Australia. Therefore, at this time the Department knows of only four exporters of canned Bartlett pears from Australia.

The review covers the period September 1, 1973 through October 2, 1978, the date that Treasury published the notice of proposed revocation.

Review of Prior Comments

The Department of the Treasury received comments from the petitioner in opposition to the proposed revocation. The petitioner alleged that such merchandise was then being sold in the Canadian market at prices below those being charge in the Australian home market. The petitioner further alleged that, because of the proximity of the Canadian market to the United States, if the dumping finding were revoked, there would be a strong likelihood that Australian exporters would again ship canned Bartlett pears to the United States at prices below fair value.

Subsequently, the Australian Embassy provided information from the Australian Canned Fruit Board attemption to refute the petitioner's contention of less than fair value sales in the Canadian market. The Board stated that the freight rates utilized by the petitioner in its comments were for shipments to East coast North American ports and, since shipments to Canada were to West coast ports, the calculations were distorted.

Petitioner responded to the Board comments in October 1980 by providing updated Canadian marketing information obtained from the Foreign agricultural Service, U.S. Department of Agriculture.

Petitioner alleges that as of March 1, 1980 selling prices of Australian canned pears in the Eastern Canadian market were less than selling prices in the Australian home market.

The petitioner also commented on the International Trade Commission's affirmative determination of injury, recent Australian government participation in the marketing of canned pears, and the general current condition of the U.S. canned pear industry. We do not consider these comments persuasive because they fail to address the issue of whether there have been sales in the United States at less than fair value.

We believe the comments concerning the possibility of resumption of sales at less than fair value in the United States based upon sales in another market (assuming those allegations are correct) are speculative and unsupported by available facts. The possibility of such sales at less than fair value is covered by the agreement discussed below.

Preliminary Results of Review

There is no evidence of any importations of this product into the United States since the date of the finding, a period of seven years. There are no known unliquidated entries.

As provided for in § 353.54(e) of the Commerce Regulations, the four known exporters have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that canned Bartlett pears from Australia thereafter imported into the United States are being sold at less than fair value.

Tentative Determination

As a result of our review, we tentatively determine to revoke the finding on canned Bartlett pears from Australia. If this finding is revoked, it shall apply to unliquidated entries, if any, of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 2, 1978. Interested parties may submit written comments within 30 days from the date of this notice and may request disclosure and/or a hearing within 15 days of the date of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke and notice publication are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and § 353.54(e) of the Commerce Regulations (19 CFR 353.54(e)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 24, 1981.

[FR Doc. 81-6534 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 613]

Spawr Optical Research, Inc.; Order Temporarily Denying Export Privileges

Spawr Optical Research, Inc., Walter J. Spawr and Frances A. Spawr, 1527 Pomona Road, Corona, California 91720, Respondents.

The Department of Commerce, pursuant to the provisions of Section 388.19 of the Export Administration Regulations, has applied to the Hearing Commissioner for an order temporarily denying all export privileges to the above-named respondents.

The Department has presented evidence that the above-named respondents were indicted by a Federal Grand Jury on September 3, 1980. The indictment charged the respondents with conspiracy to violate Federal laws governing the export of high technology items to the Soviet Union. The respondents were also charged with making eight shipments of state-of-the-art laser mirrors to the Soviet Union through West Germany an Switzerland in 1976 and 1977, with the aid of their West German intermediary without having obtained validated export licenses from the office of Export Administration, International Trade Administration, U.S. Department of Commerce which they knew were required for such shipments. The indictment also charged the respondents with falsyfying the value of six

shipments on the Shipper's Export Declarations for those shipments.

On December 12, 1980, a Federal jury in the District Court for the Central District of California returned a verdict of guilty on fourteen of the fifteen counts included in the indictment against Spawr Optical Research, Inc. (One count had been dismissed against all three defendants by Judge Byrne before the case was submitted to the jury.) The jury also found Walter J. Spawr guilty on the conspiracy count and guilty on four counts of illegally exporting laser mirrors to the Soviet Union through Switzerland in February, 1977. Frances A. Spawr was convicted on the same counts as her husband, Walter J. Spawr, as well as on additional six counts of making false statements on the Shipper's Export Declarations. The Department has indicated to me its intention to initiate administrative proceedings against the above-named respondents on the same allegations as those contained in the indictment.

On the evidence presented, I find that an order temporarily denying all export privileges to the respondents is reasonably necessary for the protection of the national security and public interest to permit and facilitate enforcement of the Export Administration Act and implementing regulations pending final disposition of any administrative proceeding which may be instituted against the respondents.

Accordingly, it is hereby ordered that:

I. All outstanding validated export license in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Export Administration Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3810, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative proceeding or proceedings initiated against the named respondents have been completed. A copy of this order shall be served upon the respondents.

Dated: February 24, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-6535 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On October 24, 1980, Notice was published in the **Federal Register** (45 FR 70537), that an application had been filed with the National Marine Fisheries Service by Baltimore Aquarium, Inc., 10 South Street, Baltimore, Maryland 21202, for a permit to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on February 23, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Balitmore Aquarium, Inc. subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930

Dated: February 23, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-6534 Filed 3-27-81; 8:45 am]

BILLING CODE 3510-22-M

V 46 / 40 MR 2 81 UMI

National Marine Fisheries Service; Issuance of Permit

On November 24, 1980, notice was published in the **Federal Register** (45 FR 77504) that an application had been filed with the National Marine Fisheries Service by Clacton Pier Limited, Clacton-on-Sea, Essex , C015 IQX, England to obtain four (4) California sea lions (*Zalophus californianus* for the purpose of public display.

Notice is hereby given that on February 23, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) the National Marine Fisheries Service issued a public display permit for the above activity to Clacton Pier Ltd. subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 23, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-6635 Filed 2-27-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Draft Environmental Impact Statement for the Ocean Disposal of Dredged Material in the New York Bight

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Supplemental Revised Environmental Impact Statement.

SUMMARY:

1. Description of Proposed Action

The N.Y. District disposes approximately 10 million cubic yards of dredged material annually at the EPA (interim) Designated Mud Dump Site in the N.Y. Bight. The material is the result of dredging from new work and maintenance work from areas under the jurisdiction of the N.Y. District.

2. Reasonable Alternatives

(1) Ocean Disposal with capping.
(2) Subaqueous Borrow Pit Disposal.
(3) Upland Disposal.

In addition the DEIS will review all alternatives presented in a report prepared for the N.Y. District entitled "Disposal of Dredged material within the N.Y. District," May 1979, and update as required.

Note.—Copies are available upon request.

3. Scoping Process

a. Public Involvement—Public input was received in preparation of the May 79 report. Additional input will be requested via scoping meeting(s) and written notices to those known to be interested in the study. Anyone wishing to comment should write the N.Y. District.

During preparation of the draft, additional consultations will take place.

b. Significant Issues Requiring In-depth Analysis.

(1) Impact of Dredged Material Disposal.

(2) Environmental pros and cons of the alternatives.

c. Assignments: To be determined as soon as practicable.

d. Environmental review and consultation—coordination with appropriate Federal, State, and local agencies as well as interested groups and individual will take place.

4. Scoping Meeting

A Scoping Meeting will be held and public notice will be issued designating date, time and location.

5. Statement of Availability

Estimate date of statement availability, June 1982.

Project Manager and EIS Coordinator, Len Houston, Attn.: NANEN-E, Tel. No. (212) 264-4662, US Army Engineer District, New York, 26 Federal Plaza, New York, N.Y. 10007.

Dated: February 13, 1981.

P. A. Descenza,

Chief, Engineering Division.

[FR Doc. 81-3775 Filed 2-27-81; 8:45 am]

BILLING CODE 3710-06

EDUCATION DEPARTMENT

National Advisory Council on the Education of Disadvantaged Children; Hearing

AGENCY: National Advisory Council on the Education of Disadvantaged Children (NACEDC).

ACTION: Notice of Scheduled Hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of a public hearing to be hosted by the National Advisory Council on the Education of Disadvantaged Children. This notice also describes the functions of the Council. Notice of this hearing is required under the Federal Advisory Committee Act (Public Law 92-463, Section 10(a)(2).

DATES: March 27, 1981—2:00–5:00 p.m., March 28, 1981—9:00 a.m.–12:00 noon.

LOCATION: The public hearing will be held in Atlanta, Georgia (The specific location will be announced at a later date.)

FOR FURTHER INFORMATION CONTACT: Richard Jung (202) 724-0114, NACEDC, Suite 1012, 425-13th Street, N.W., Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: The National Advisory Council on the Education of Disadvantaged Children is established under Section 196 of the Elementary and Secondary Education Act (20 U.S.C. 2852) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children. The two-day hearing will be open to the public.

AGENDA: There is no set agenda at this time, however, the Council is holding the hearing to focus on the possible impacts of President Reagan's econimic proposals on Title I programs in schools. Also, the Council welcomes testimony, written and/or oral, by as many individuals—administrators, teachers, parents, citizens—as possible.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, 425-13th St., N.W., Suite 1012 Washington, D.C. 20004.

Signed at Washington, D.C. on February 25, 1981.

Richard K. Jung,

Director of Research.

[FR Doc. 81-6590 Filed 2-27-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Coordinating Subcommittee of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Environmental Conservation will meet in March 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its fourth meeting on Wednesday, March 4, 1981, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, Northwest, Washington, D.C.

The tentative agenda for the meeting follows:

1. Review progress of Task Groups.
2. Discuss schedule of Subcommittee and Task Group assignments.
3. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 20, 1981.

Charles W. Ebbecke,

Acting Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

February 20, 1981.

[FR Doc. 81-6564 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Water Quality Task Group of the Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its fourth meeting on Wednesday, March 4, 1981, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, Northwest, Washington, D.C.

The tentative agenda for the meeting follows:

1. Review progress of Task Groups.
2. Discuss schedule of Subcommittee and Task Group assignments.
3. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 20, 1981.

Charles W. Ebbecke,

Acting Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.

February 20, 1981.

[FR Doc. 81-6567 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Hazardous Wastes Task Group of the Cimmittee on Environmental Conservation will meet in March 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Hazardous Wastes Task Group meeting follows:

The Hazardous Wastes Task Group will hold its third meeting on Thursday, March 26, 1981, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, Northwest, Washington, D.C.

The tentative agenda for the meeting follows:

1. Review Task Group assignment from the NPC Committee on Environmental Conservation.
2. Discuss Task Group study approach and individual assignments.
3. Discuss Task Group schedule.
4. Discuss any other matters pertinent to the overall assignment of the Hazardous Wastes Task Group.

The meeting is open to the public. The Chairman of the Hazardous Wastes Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Hazardous Wastes Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the

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meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 20, 1981.

Charles W. Ebbecke,

Acting Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.

February 20, 1981.

[FR Doc. 81-6566 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources will meet in March 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Resource Assessment Task Group meeting follows:

The fourth meeting of the Resource Assessment Task Group will be held on Monday, March 9, 1981, starting at 9:00 a.m., in Room 210–B, Anaconda Tower, 555 Seventeenth Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Discuss aggregated results of the Task Group's survey of Arctic area potentials.
3. Review the timetable of the Task Group.
4. Discuss any other matters pertinent to the overall assignment of the Task Group.

The meeting is open to the public. The Chairman of the Resource Assessment Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Resource Assessment Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 18, 1981.

Charles W. Ebbecke,

Acting Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.

February 19, 1981.

[FR Doc. 81-6565 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Synthetic Fuels Task Group of the Committee on Environmental Conservation will meet in March 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Synthetic Fuels Task Group meeting follows:

The Synthetic Fuels Task Group will hold its fourth meeting on Tuesday, March 10, 1981, starting at 9:30 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, NW., Washington, D.C.

The tentative agenda for the meeting follows:

1. Review individual assignments.
2. Discuss Task Group schedule.
3. Discuss any other matters pertinent to the overall assignment of the Synthetic Fuels Task Group.

The meeting is open to the public. The Chairman of the Synthetic Fuels Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Synthetic Fuels Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 20, 1981.

Charles W. Ebbecke,

Acting Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.

February 20, 1981.

[FR Doc. 81-6565 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-80-006; OFC Case No. 56430-4818-01-12]

Stone Container Corp.; Powerplant and Industrial Fuel Use; Order Granting Exemption From Prohibitions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On February 4, 1980, Stone Container Corporation (Stone) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting a new major fuel burning installation (MFBI) from provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). The Act prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's. An interim rule establishing criteria for petitioning for exemptions from the prohibitions of FUA was published by ERA on May 15 and 17, 1979 (10 CFR, Part 500 *et seq.*) (44 FR 28530 and 44 FR 28950) (interim rule). The interim rule was superseded by a final rule published on June 6, 1980 (45 FR 38276 and 38302), which became effective August 5, 1980.

Stone requested a permanent fuels mixture exemption to use a mixture of wood waste and not more than 25 percent natural gas as its primary energy source under 10 CFR 505.28. The provisions of 10 CFR 505.28 were superseded by 10 CFR 503.38 on August 5, 1980. Pursuant to section 212(d) of the Act, and subject to specified terms and conditions stated herein, ERA hereby grants a permanent fuels mixture exemption to permit Stone to use a mixture of wood waste and natural gas or petroleum as a primary energy source in Boiler No. 6. As specified in the terms and conditions, the amount of petroleum or natural gas to be used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources to be used in the unit.

In accordance with section 702(a) of the Act, this order shall not take effect earlier than May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653–4226.

Terri L. Hamrick, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653–4285.

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of all documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 am–4:30 pm.

SUPPLEMENTARY INFORMATION: Stone requests a permanent fules mixture exemption for a new field-erected boiler to be constructed at its Coshocton, Ohio, Pulp and Paper Mill in order to use a mixture of wood waste (an alternate fuel) and an amount of natural gas or petroleum not to exceed 25 percent of the primary energy sources used in the unit. This unit has a design heat input rate of 517 million Btu's per hour with a steam generating capacity of 360,000 pounds per hour. Stone certified in its petition that the fuel mixture proposed for use in the new unit would contain no more than 25% natural gas calculated on an annual average Btu heat input basis and would contain no petroleum whatsoever. Subsequent to the publication of the Notice of Availability of Tentative Staff Analysis, Stone submitted a revised certification stating that this boiler will use no petroleum unless natural gas supplies are curtailed or interrupted. Stone also certified that if the use of oil becomes necessary through curtailment or interruption, the combined use of petroleum and natural gas will not exceed 25 percent of the fuel mixture calculated on an average annual heat input basis.

In accordance with the procedural requirements of FUA and the implementing regulations, ERA accepted Stone's petition on March 4, 1980, and published a Notice of Acceptance in the **Federal Register** on March 11, 1980 (45 FR 15613). The Notice of Acceptance provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and could request a public hearing. This period expired on April 25, 1980. No comments were received nor was a hearing requested.

ERA's staff reviewed the information contained in the record of this proceeding and prepared a Tentative Staff Analysis which recommended that ERA issue an order granting a permanent fuels mixture exemption permitting Stone to use wood waste and natural gas in a mixture in Boiler No. 6, provided that the total amount of natural gas used in the unit does not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit. A Notice of Availability of the Tentative Staff Analysis was published in the **Federal Register** on August 25, 1980 (45 FR 56382). A 14-day period providing for public comment and opportunity to request a public hearing expired on September 8, 1980. No comments were received and no hearing was requested.

As required by section 701(f) and (g) of the Act, ERA provided a copy of Stone's petition to the Environmental Protection Agency and the Federal Trade Commission for their comments. No comments have been received from either of these agencies.

Decision and Order

Based upon its analysis of the entire record of this proceeding, including Stone's demonstration that it will use a mixture of wood waste and natural gas as the primary energy sources in Boiler No. 6, as well as its certification that the amount of natural gas or petroleum to be used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit, ERA has determined that Stone has satisfied the requirements of section 212(d)(1)(A) and (B) of the Act.

Accordingly, pursuant to Section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby grants Stone a permanent fuels mixture exemption permitting the use of natural gas or petroleum in a mixture with wood waste in Boiler No. 6 provided that the amount of natural gas or petroleum used in the mixture does not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by Stone, and upon the results of the staff analysis, this order is granted subject to the following terms and conditions:

1. The amount of natural gas or petroleum used in Boiler No. 6 shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

2. The quality of any petroleum to be burned in the subject boiler will be the lowest grade available, which is technically feasible and capable of being burned consistent with applicable environmental requirements.

Reporting Requirement

In accordance with the reporting requirement in 10 CFR 503.38(g) Stone will submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the effective date the boiler is placed in service containing the following:

A certified statement of the percentage of natural gas and petroleum used in Boiler No. 6 by identifying the actual quantities of wood waste (in tons), natural gas (in Mcf) and petroleum (in Bbls) used in the boiler, as well as the higher heating value (in Btus per lb., per Mcf, per Bbl) of those fuels. The following report format shall be used for the unit:

Fuel type	Amount used (tons) (Mcf) (Bbls)	Btu equivalent	Percent of annual fuel consumption

The certification must be executed by a duly authorized representative of Stone.

Based upon information provided by Stone, ERA has conducted an analysis which has been reviewed by the DOE's Office of Environment, with consultation from the Office of the General Counsel, and DOE has concluded that the granting of this exemption will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Effectiveness of Order

The exemption granted by this order shall not become effective earlier than May 1, 1981.

Judicial Review

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before May 1, 1981, petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C., on February 24, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-6577 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3948-000]

Bailey Creek Ranch; Application for Preliminary Permit

February 25, 1981.

Take notice that Bailey Creek Ranch (Applicant) filed on January 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3948 to be known as Bailey Creek Ranch Project located on Bailey, Rock, and Battle Creeks in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Humphrey, 2313 Meadowlark Way, Palo Cedro, California 96073. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) three diversion structures; (2) three diversion conduits; (3) two penstocks; and (4) two powerhouses with a total installed capacity of 1,050 kW. The Applicant estimates that the average annual energy output would be 7,148,000 kWh.

Purpose of Project—Applicant intends to market the power generated by the project to a local public utility.

Proposed Scope and Cost of Studies under Permit—The proposed studies would include economic analysis, preliminary engineering, and environmental impacts. Based on the results, the Applicant would decide whether to proceed with more detailed studies and preparation of application for license to construct and operate the project. Applicant estimates the cost of the studies would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3948. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6595 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3943-000]

Village of Channahon, Illinois; Application for Preliminary Permit

February 25, 1981.

Take notice that the Village of Channahon, Illinois (Applicant) filed on January 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r) for proposed Project No. 3569 to be known as Dresden Island Lock and Dam located on the Illinois River in Grundy County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Steve Rittof, Village of Channahon, P.O. Box 226, U.S. Route 6, Channahon, Illinois, 60410. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Dresden Island Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse, to be located next to the dam, containing eight generating units with a total installed capacity of 17.6 MW; and (2) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 93 GWh.

Purpose of Project—Applicant proposes to sell energy produced to Commonwealth Edison of Chicago.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be about $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Dresden Island Lock and Dam Hydroelectric Project No. 3569-000 on the Illinois River in Grundy County, Illinois under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3943. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St. NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St. NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6618 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3881-000]

Continental Hydro Corp.; Application for Preliminary Permit

February 25, 1981.

Take notice that Continental Hydro Corporation (Applicant) submitted on December 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3881 to be known as Pishkun Dike No. 4 located at the Water and Power Resources Service Pishkun Dike No. 4 on Pishkun Supply Canal in Lewis and Clark Counties, 13 miles South of Gilman, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a Water and Power Resources Service irrigation dike. Project No. 3881 would consist of: (1) a proposed powerhouse to be located on the downstream end on the eastern bank of the canal, having an estimated installed generating capacity of .77 MW; (2) a proposed penstock approximately 340 feet in length lining the existing concrete outlet conduit; (3) a proposed modification of head works to regulate the multipurpose water flow; (4) proposed transmission lines; and (5) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 2,600,000 kWh.

Purpose of Project—The Applicant intends to sell the generated output of energy to Montana Power Company, a

nearby public institution or industrial user.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title " COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3881. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6587 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3640-000, 36790-000, and 3959-000]

Continental Hydro Corp. et al.; Applications for preliminary permit

February 25, 1981.

Take notice that Continental Hydro Corporatin (CHC), Dam Ten Development Ltd. (DTD), and Enagenics filed, respectively, on November 3, 1980, November 5, 1980, and January 12, 1981, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Projects Nos. 3640, 3679, and 3959 to be known as Kentucky River Lock and Dam No. 10 located on the Kentucky River in Madison and Clark Counties, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109, Mr. Kenneth Lever, Partner, Dam, Ten Development Ltd, 6566 France Avenue South, Minneapolis, Minnesota 55435, and Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Descriptions—Applicants would utilize an existing dam owned by the U.S. Corps of Engineers. Applicants' facilities would be located mostly on U.S. lands.

The proposed (CHC) Project No. 3640 would consist of: (1) a proposed powerhouse located at the east end of the existing dam, with generating units having a total maximum installed capacity of 6.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 28,600,000 kWh.

The proposed (DTD) Project No. 3679 would consist of: (1) a proposed powerhouse located at the west end of the existing dam, with generating units having a total installed capacity of 4.9MW; (2) proposed transmission lines; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 20,900,000 kWh.

The proposed Enagenics' Project No. 3959 would consist of: (1) a proposed power house located at the east end of the existing dam, with generating units having a total installed capacity of 18.8MW; (2) Proposed Transmission lines; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 38,400,000 kWh.

Purpose of Project—Power generated by Continental Hydro Corporation, Project No. 3640 would be sold to Kentucky Utilities Company. Power generated by Dam Ten Development Ltd., Project No. 3679 and Enagenics, Project No. 3959 would be sold to Kentucky Electric Cooperative.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time they would determine the economic feasibility of the project, apply for DOE funding, consult Federal, State, and local government agencies concerning the potential environmental effects of the project and prepare an application for FERC license, including an environmental report. CHC estimates the cost of studies under the permit would be approximately $65,000, DTD estimates the cost would be approximately $100,000, and Enagenics estimates the cost would be approximately $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no late than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notice of intent, competing applications, protests, or petitions to intervene must bear in all captial letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3640, 3679 and 3959. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6586 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3702 and 3980]

Continental Hydro Corp. and Enagenics; Application for Preliminary Permit

February 25, 1981.

Take notice that Continental Hydro Corporation (Applicant/CHC), and Enagenics (Applicant) filed on November 10, 1980 and January 12, 1981, respectively, competing applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed hydroelectric projects, each to be known as Kentucky River Lock and Dam #14, FERC Project Nos. 3702 and 3980, respectively, located on the Kentucky River in Lee County Heidelberg, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with Applicant (CHC) should be directed to: Mr. A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with Enagenics should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' Dam. Project No. 3702 would consist of: (1) a proposed powerhouse, with one to two generating units, located on the eastern bank of the Kentucky River, near the right abutment of the dam, and having a maximum estimated generating capacity of 4.0 MW; (2) a proposed power conduit to channel part of the river flow to the generating facility; and (3) appurtenant facilities.

Project No. 3980 would consist of: (1) a proposed powerhouse with an estimated installed generating capacity of 4.0 MW and (2) appurtenant facilities.

The proposed projects are located on Federal lands. The Applicant/CHC estimates that the average annual energy output would be 12.8 GWh. Enagenics estimates that the average annual energy generation will be 26.1 GWh.

Purpose of Project—Both applicants propose to sell the power output of the site to the Kentucky Power Company or the Kentucky Utility Company.

Proposed Scope and Cost of Studies Under Permit—Both Applicants seek issuance of preliminary permits for a 36 month time period. Within the 36 month time period, the Applicants intend to conduct data acquisition and analysis, technical studies, potential energy production and capacity evaluations, project layout and design, construction options, environmental, recreational, and financial and economic examinations. Continental Hydro Corporation and Enagenics both estimate that the cost of studies under the permit would not exceed $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of applications for preliminary permits for Project Nos. 3072 and 3980. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6607 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4004-000

Enagenics; Application for Preliminary Permit

February 25, 1981

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4004 to be known as the Prineville Project located on the Crooked River in Crook County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 500-foot long, 60-inch diameter penstock in the existing outlet tunnel of the Water and Power Resources Service's Arthur R. Bowman Dam; (2) a powerhouse containing two generating units with a total rated capacity of 4.2 MW; and associated electrical equipment.

The Applicant estimates that the average annual energy output would be 28.1 GWh.

Purpose of Project—The power generated by the project would be sold to a power purchaser.

Proposed Scope and Cost of Studies Under Permit—The Applicant would conduct a detailed feasibility study. This study would include economic, environmental, and engineering investigations.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3381 under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comment not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest or petition

to intervene must be received on or before March 20, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4004. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to:

Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6599 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3791-000]

Enagenics; Application for Preliminary Permit

February 25, 1981.

Take notice that Enagenics (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3791 to be known as Black Canyon Dam located on Payette River in Gem County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) penstock attached to the intake structures of the Water and Power Resources Service's Black Canyon Dam; (2) a powerhouse containing generating units with a combined capacity of 70.4 MW; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 96.5 GWh.

Purpose of Project—The power generated by the proposed project would be sold to the Idaho Power Company or to nearby public or private users.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would perform engineering and geologic studies; assess the environmental impacts; and determine the economic feasibility. The cost of these studies is estimated by the Applicant to be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3791. Any comments notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6608 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3814-000]

Enagenics; Application for Preliminary Permit

February 25, 1981.

Take notice that Enagenics (Applicant) submitted on December 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3814 to be known as Guernsey Dam Water Project located at the Water Power Resources Service

Guernsey Dam on the Platte River in Platte County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing Water and Power Resources Service dam. Project No. 3814 would consist of: (1) a proposed powerhouse located downstream from the existing powerhouse; (2) a proposed tunnel 900 feet long and 18 feet in diameter, driven from the existing intake structures to the new powerhouse; (3) enlargement of existing tailrace channel to accommodate flows from the new powerhouse; (4) a proposed 0.5 mile transmission line to interconnect with a 115 kV transmission line owned by the Western Area Power Administration; and (5) appurtenant facilities. Applicant estimates the installed generating capacity to be 14.6 MW. The proposed project would be located on Federal lands. The Applicant estimates that the average annual energy output would be 3,430,000 kWh.

Purpose of Project—Energy produced at proposed site would be sold to the Western Area Power Administration or other industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining the agreements with other Federal, State, and local agencies are estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protest, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3814. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6809 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-7110-000, et al.]

Mobil Oil Exploration & Producing Southeast Inc. (Successor to TransOcean Oil, Inc.), et al.; Application To Amend Certificates of Public Convenience and Necessity, To Amend Applications, To Redesignate Rate Schedules, and To Redesignate Pending Proceedings

February 25, 1981.

Take notice that on February 11, 1981, Mobil Oil Exploration & Producing Southeast Inc. (MOEPSI), of Nine Greenway Plaza—Suite 2700, Houston, Texas 77046, as successor to TransOcean Oil, Inc. (TransOcean), filed an application in Docket Nos. G-7110-000, *et al.*, to amend certain certificates currently held by TransOcean, to show MOEPSI as certificate holder, to redesignate certain rate schedules, and to substitute MOEPSI for TransOcean in any pending proceedings before the Commission.

By Conveyance, executed December 22, 1980, but made effective January 1, 1981, Mobil-TransOcean transferred and assigned to MOEPSI all if its rights, titles, interest and obligations in and to those certain gas sales and purchase contracts.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6810 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-7378-000, et al.]

Mobil Producing Texas & New Mexico, Inc. (Successor to TransOcean Oil, Inc.), et al.; Application To Amend Certificates of Public Convenience and Necessity, To Amend Applications, To Redesignate Rate Schedules, and To Redesignate Pending Proceedings

February 25, 1981.

Take notice that on February 11, 1981, Mobil Producing Texas & New Mexico Inc. (MPTM), of Nine Greenway Plaza—Suite 2700, Houston, Texas 77046, filed an application in Docket Nos. G-7378-000, *et al.*, to amend certain certificates held by TransOcean Oil, Inc. (TransOcean), to show MPTM as certificate holder, to redesignate certain rate schedules, and to substitute MPTM for TransOcean in any pending proceedings before the Commission.

By Conveyance, executed December 22, 1980, but made effective January 1, 1981, Mobil-TransOcean transferred and assigned to MPTM all of its rights, titles, interests and obligations in and to those certain gas sales and purchase contracts.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6811 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3655-000]

Noah Corp. and the City of Summersville, W. Va.; Application for Preliminary Permit

February 23, 1981.

Take notice that Noah Corporation and the City of Summersville, West Virginia (Applicants) filed on November 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3655 to be known as R. D. Bailey Project located on the Guyandotte River in Wyoming and Mingo Counties, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: James B. Price, Ph.D., President, Noah Corporation, P.O. Drawer 640, Aiken, South Carolina 29801. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' R. D. Bailey Dam and would consist of: (1) a penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 18,000 kW; (3) a tailrace; (4) a new 138 kV transmission line, five miles long, extending from a proposed switchyard to an existing transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 53,000,000 kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to West Virginia Renewable Resources, Inc.'s application for Project No. 3415 submitted September 2, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3655. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenmneth F. Plumb,

Secretary.

[FR Doc. 81-6502 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3946-000]

Orland Unit Water Users Association; Application for Preliminary Permit

February 25, 1981.

Take notice that Orland Unit Water Users Association (Applicant) filed on January 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3946 to be known as East Park Hydroelectric Project located at the U.S. Water and Power Resources Service's (WPRS) East Park Dam on Stony Creek in Colusa County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Reggie Olney, President, Orland Unit Water Users Association, 828 8th Street, Orland, California 95963. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description–The proposed would consist of: (1) a powerhouse containing a single generating unit with a rated capacity of 1,600 kW; (2) a two-mile long transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company's (PG&E) 21-kV transmission line west of the powerhouse; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4 million kWh.

Purpose of Project—Project energy would be sold to PG&E.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to East Park Dam Hydroelectric Project No. 3507 at WPRS' East Park Dam on Stony Creek in Colusa County, California under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3946. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6511 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4056-000]

City of Orofino; Application for Preliminary Permit

February 25, 1981.

Take notice that City of Orofino (Applicant) filed on January 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4056 to be known as Orofino Falls Project located on Orofino Creek in Clearwater County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. H. L. Clay, Mayor, City of Orofino, P.O. Box 312, Orofino, Idaho 83544. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 6-foot-high and 75-foot-long concrete diversion dam; (2) a 1,700-foot-long and 72-inch-diameter steel penstock; (3) a powerhouse containing one generating unit rated at 3,000 kW; and (4) a 500-foot-long transmission line. The Applicant estimates that the average annual energy output would be 13 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Washington Water Power Company or to another local utility at an anticipated price of 55 miles per kWh.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct geotechnical and engineering studies, make a topographical survey, conduct comparative studies, make a feasibility analysis, consult with agencies, conduct an environmental assessment, and prepare an FERC license application. Applicant has filed a work plan for the studies for the new dam. The studies would be limited to a few bore holes. No new roads would be required to conduct the studies. The cost of the studies is estimated to be $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4056. Any comments notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St. NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St. NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6508 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2729]

Power Authority of the State of New York; Determination by the Designated Commissioner

February 24, 1981.

Take notice that Acting Chairman Sheldon, the designated Commissioner pursuant to Section 1.28 of the Commission's Rules of Practice and Procedure, determined that extraordinary circumstances had been demonstrated by the Catskill Center for Conservation and Development, Inc., *et al.*, including Schenectady Chapter of the Adirondack Mountain Club, warranting referral to the full Commission of the Catskill Center's February 17, 1981, appeal from rulings of the presiding administrative law judge

in the above-captioned proceeding. The matter will, therefore, be scheduled on the agenda of March 11, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6591 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3856-000]

Reed Hydro-Electric Corp.; Application for Preliminary Permit

February 25, 1981.

Take notice that Reed Hydro-Electric Corporation (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3856 to be known as the Savage River Project located on the Savage River in Garrett County, Maryland. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John L. Reed, Reed Hydro-Electric Corporation, 5437 Morris Avenue, No. 1, Camp Springs, Maryland 20023. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Savage River Dam, 184 feet high and 1,050 feet long with a 320-foot-long spillway section, and would consist of: (1) a penstock 10 feet in diameter and and approximately 150 feet long; (2) a powerhouse measuring 100 by 40 feet; (3) generating units operating under a head of 100 feet and with a total capacity of 25 MW; (4) a 4.0-mile-long transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 85 GWh.

Purpose of Project—The Applicant expects to sell all power to the Potomac Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it woud perform surveys and geological investigation, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examination to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3856. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6612 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3841-000]

Seneca Light & Water Plant, City of Seneca, S.C.; Application for Preliminary Permit

February 25, 1981.

Take notice that Seneca Light and Water Plant, City of Seneca, South Carolina (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3841 to be known as Coneross Dam Water Power Project located on Coneross Creek in Oconee County, Seneca, South Carolina. The application in on file with the commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. H. Jerry Balding, Director of Utilities, Seneca Light and Water Plant, City of Seneca, South Carolina, P.O. Box 773, Seneca, South Carolina 29678. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a J. P. Stevens and Company Dam. Project No. 3841 would consist of: (1) an existing stone gravity dam approximately 325 feet long and 55 feet high; (2) an existing 8-foot-diameter penstock approximately 780 feet in length; (3) an existing reservoir with an upstream drainage area of 80.0 square miles, an approximate surface area of 15 acres and an approximate storage capacity of 122 acre-feet at a normal pool elevation of 709.0 m.s.l.; (4) a proposed powerhouse with an estimated installed capacity of 1,000 kW; (5) a proposed 2,000-foot transmission line from the dam site to an existing 12,470-volt, 3-phase transmission line owned by Seneca Light and Water Plant; and (6) appurtenant facilities.

No Federal lands will be affected by the proposed project.

The Applicant estimates that the average annual energy output would be 5,900,000 kWh.

Purpose of Project—The Applicant intends to utilize the output of generated power to sell to the citizens of the City of Seneca, South Carolina, thereby reducing the amount of electric power purchased from Duke Power Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protest, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comment not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest of comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3841. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6601 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 516]

South Carolina Electric Gas Co.; Application for Approval of Land use Plan

February 23, 1981.

Take notice that on December 1, 1980, South Carolina Electric and Gas Company (Licensee) filed its land use plan for the Saluda Project, FERC No. 516, in compliance with the requirements of Commission Opinion No. 39 issued May 21, 1979, modifying and affirming the administrative law judge's decision dated September 30, 1977, in FERC Docket No. E-7791. The Saluda Project is located in Lexington, Newberry, Richland and Saluda Counties, South Carolina. The basis of Licensee's land use management is a classification scheme relying upon existing and projected uses of its land adjoining the project. Five separate classifications have been developed: (1) easement lands; (2) recreation lands; (3) project operation lands; (4) forest and game management lands; and (5) future private development lands. It is intended that secondary uses of the property which do not detract from the designated primary use be allowed at Licensee's discretion. The land use management effort is supplemental to and does not in any way alter Licensee's existing Lake Murray Management Plan. A land use classification map has been developed to show the properties of the project and to identify the five separate classifications.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

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filed, but a person who merely files a protest or comments does not become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before April 6, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6602 Filed 2-27-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. GP80-2]

Spradling Drilling Co.; Declaratory Order Determining Maximum Lawful Price Eligibility Under the NGPA

Issued: February 19, 1981.

On October 4, 1979, Spradling Drilling Company (Spradling) filed a Petition for Declaratory Order pursuant to § 1.7 of the Commission's Rules of Practice and Procedure. In its petition, Spradling requested an order determining that natural gas produced by Spradling from the Brown No. 2 and No. 3 wells is entitled to the maximum lawful price established under section 109 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3310). Notice of the Petition for Declaratory Order was issued on November 29, 1979.

On December 14, 1979, a petition for leave to intervene was filed by Natural Gas Pipeline Company of America (Natural). Natural is the purchaser of the natural gas subject to Spradling's petition, and Natural asserts that it has an interest which is directly affected by the outcome of this proceeding.

For the reasons set out below, the Commission finds that the gas subject to this proceeding is not eligible for the section 109 maximum lawful price and denies Spradling's petition. The Commission further finds that the subject gas is eligible for a price up to the ceiling price set for gas sold pursuant to interstate small producer rollover contracts under section 106(a) of the NGPA.

A. Background

The subject wells are located on land which was subject to a lease entered into on January 16, 1926. The lease expired on January 16, 1976, after a term of fifty years. Under the lease, Natural was the lessee and produced gas that it delivered into its system until the lease expired. Between January 16, 1976 and April 30, 1979, Natural still produced the gas, taking it into its system for resale in the interstate market. Pursuant to a final judgment, Natural paid to Albert William Zimmer, *et al.* (Zimmer), the reversionary interest owner[1] under the lease, 29.5 cents per Mcf for the gas for the period from the expiration of the lease to December 1, 1977. The final judgment was the result of a court case in which Natural claimed that the lease should remain in effect after the original term of fifty years had expired, so long as oil and gas were produced from the tract under lease. In *Natural Gas Pipeline Co. of America* v. *Zimmer*, 447 F. Supp. 86 (U.S. D. Ct., N.D. Texas, 1977), the court held that the lease's habendum clause which set the term for fifty years was controlling, thus denying Natural's claim that the lease should remain in effect after the expiration of the original term. In settlement of the issue of damages, Zimmer and Natural agreed to a price of 29.5 cents per Mcf for the gas taken by Natural after the expiration of the lease, which price became the subject of the court's order in that proceeding. Natural continued to take the gas until a new lease was effected. On May 1, 1979, Zimmer and Natural executed an agreement covering payment for the gas taken by Natural from the time of the court-ordered settlement through April 30, 1979. In this agreement, Natural agreed to pay 29.5 cent per Mcf of gas, for the period involved plus any additional amount that may be authorized by this Commission. On May 1, 1979, Zimmer leased the land to Spradling.[2] Spradling on that date began to produce the gas and deliver it to Natural and continues to do so. Spradling and Natural have drawn up a proposed gas sales contract to cover this arrangement which provides for a term of five years from the date of initial delivery under the contract which is to be effective as of May 1, 1979.

[1] Small producer certificates have been issued by order of April 11, 1979, to the reversioners shown below:

Producer	Docket No.
Albert William Zimmer	CS79-238.
James C. Brown	CS79-228.
Cecil L. Brown	CS79-229.
Robert S. Brown	CS79-230.
Burdette O. Brown	CS79-231.
Albert L. Brown	CS79-232.
Lillian F. Brown Simpson	CS79-233.
Alice E. Brown Jordan	CS79-234.
Alfred W. Brown	CS79-235.
C. Willisnell Zimmer Haynes	CS79-236.
John P. Zimmer	CS79-237.
George A. Brown	CS79-246.

[2] A small producer certificate was issued on October 1, 1971 to L. R. Spradling and/or Spradling Drilling Co. in Docket No. CS71-191.

B. Spradling's Position

Spradling contends that the gas produced from the Brown Nos. 2 and 3 wells should be eligible to receive a price up to the section 109 ceiling price. Spradling alleges that eligibility rests upon section 109(a)(2), which extends the section 109 ceiling price to natural gas committed or dedicated to interstate commerce on November 8, 1978 and for which no just and reasonable rate under the Natural Gas Act was in effect on that date. Relying on the *Southland* case,[3] Spradling maintains that since the subject gas was dedicated to interstate commerce by virtue of its previous production into Natural's interstate system and subsequent resale, it remains dedicated to interstate commerce until the Commission determines otherwise. Since the Commission never issued an order which removed the subject gas from interstate commerce, such gas was committed or dedicated to interstate commerce on November 8, 1978, under section 2(18)(A)(ii) of the NGPA.

The second part of section 109(a)(2) requires that there be no just and reasonable rate in effect for the first sale of the gas under the Natural Gas Act on November 8, 1978. Spradling claims that there was no first sale of the subject gas because natural produced and took the gas into its own system after the lease expired. Furthermore, Spradling maintains that there was no certificate or rate schedule in effect for the sale of the gas. Accordingly, there was no first sale and no just and reasonable rate in effect, and the second requirement under section 109(a)(2) is satisfied.

Spradling maintains that the language in section 109(a)(2) that states that a just and reasonable rate was not "in effect" means more than simply that a rate was not "applicable" to such gas. Spradling admits that if there were a first sale of the subject gas on the test date of November 8, 1978, there would have been an applicable rate, but that since there was no first sale on that date, there was no rate "in effect."

C. Discussion

The Commission specifically addressed the issue raised by Spradling in Order No. 72, the final rule in Docket No. RM80-44, issued on March 18, 1980. Order No. 72 contains the final regulations which implement section 109 of the NGPA. Natural had submitted comments in this docket prior to the issuance of the final rule and therein requested clarification of the applicability of section 109(a)(2). The Commission reponded to Natural's request in this way:

> Section 109(a)(2) requires the application of [a] two-fold test: first, that the natural gas was committed or dedicated to interstate commerce on November 8, 1978, and second, that that natural gas was not subject to a just and reasonable rate under the Natural Gas Act on November 8, 1978. On November 8, 1978, the Commission had in effect just and reasonable rates for all natural gas subject to the NGA except for gas from Alaska and Hawaii. Accordingly, since all natural gas from the lower 48 states was subject to a just and reasonable rate on November 8, 1978, such gas would not qualify under section 109(a)(2) for the section 109(b) price.[4]

By this discussion, it is clear that the natural gas sold by Spradling would not qualify for treatment under section 109(a)(2) of the NGPA, because even though it was dedicated to interstate commerce, it was subject to a just and reasonable rate on November 8, 1978.

What remains to be determined is what NGPA ceiling price section does cover the gas which is the subject of Spradling's petition. It is clear that section 104 of the NGPA applies, as the subject gas was committed or dedicated to interstate commerce on the day before the date of enactment of the NGPA.[5] However, both sections 104 and 106(a) of the NGPA apply to gas which was committed or dedicated to interstate commerce on November 8, 1978. Section 104 sets the ceiling price for natural gas committed or dedicated to interstate commerce on November 8, 1978 and for which a just and reasonable rate was in effect. Section 106(a) of the NGPA establishes the maximum lawful price for the first sale of natural gas under a rollover contract, where the gas was committed to interstate commerce on November 8, 1978. A rollover contract is defined in section 2(12) of the NGPA as follows:

> The term "rollover contract" means any contract, entered into on or after the date of the enactment of this Act, for the first sale of natural gas that was previously subject to an existing contract which expired at the end of a fixed term (not including any extension thereof taking effect on or after such date of enactment) specified by the provisions of such existing contract, as such contract was in effect on the date of the enactment of this Act, whether or not there is an identity of parties or terms with those of such existing contract.

Section 2(13) defines an "existing contract" to be:

> * * * any contract for the first sale of natural gas in effect on the day before the date of enactment of this act.

However, section 106(a) provides an exception to the rollover definition's requirement of a previously "existing contract." That section provides:

> For purposes of this subsection, the term "rollover contract" includes any contract which would have been a rollover contract but for the fact that the expiration of the previous contract occurred prior to the day before the date of the enactment of this Act.

If there was no such section 106(a) rollover contract entered into, then only section 104 would be applicable to the subject gas and the ceiling price would be the higher of the just and reasonable rate established by the Commission which was (or would have been) applicable to the sale of gas on April 20, 1977, adjusted for inflation, or any just and reasonable rate applicable to the gas set by the Commission after April 20, 1977 and before November 9, 1978. If there was such a qualifying rollover contract, then section 106(a) could also apply. We shall resolve this issue here.

The first question that must be resolved is whether there was an "existing contract" or a "previous contract" which expired prior to the day before the date of enactment of the NGPA, covering the sale of this gas.

We find that there was no "existing contract" covering this sale. On the critical date for such a contract, what effectively was taking place was a sale in which Natural produced the gas and took it into its system. A contract for future gas sales could have been entered into, but instead this sale continued on a day-to-day basis without a contract.[6] On May 1, 1979, at the same time that Zimmer and Spradling entered into the new lease, Zimmer and Natural agreed in writing that Natural would contemporaneously pay Zimmer a lump sum based on 29.5 cents per Mcf and agreed to pay any higher rate as may be determined by the Commission for gas taken by Natural between December 1, 1977, and April 30, 1979. No sales contract was in existence on November 8, 1978. Thus, the Spradling contract can be a "rollover contract" only if there was a "previous contract" covering the sale which meets the exception to the rollover definition contained in section 106(a).

When Natural's lease expired on January 16, 1976, what effectively began was a sale in which Natural produced gas and took it into its system. Given this change in arrangement from a lease to a sale, the question arises whether the court-ordered final judgment covering the sale constitutes a qualifying "previous contract" which expired prior to the day before the date of enactment of the NGPA, as required under section 106(a) of the NGPA, in order for the later Spradling contract to qualify as a rollover contract. We find that it does so qualify.

The court-ordered final judgment contains a negotiated specification of a price (29.5 cents per Mcf) and a termination date (December 1, 1977) relative to the sale between January 16, 1976 and December 1, 1977. That agreement as to the price and term constituted a contract. The fact that it was not "in existence on November 8, 1978," is not a bar to rollover treatment for the subsequent contract. Since the Spradling-Natural contract would have qualified as a rollover as defined in section 2(12) but for the fact that the previous contract (the court-ordered contract) expired prior to November 9, 1978, it meets the foregoing exception in section 106(a) and will qualify as a rollover contract under section 106(a) of the NGPA.

The existence of the Spradling-Natural contract enables Spradling to collect the small producer rollover rate provided in section 106(a). The section 106(a) rate is applicable on the "effective date" of the contract (see section 106(a)(1)(A)), and Spradling is thus entitled to collect this rate as of the effective date authorized by the contract.

The Commission finds:

1. The natural gas produced from the Brown No. 2 and No. 3 wells as sold by Spradling under its contract with Natural, is eligible for the maximum lawful price established under section 106(a) of the NGPA for small producer rollover contracts and, accordingly, is ineligible for the maximum lawful price under section 109 of the NGPA.

2. The intervention of Natural may be in the public interest.

The Commission orders:

[3] *California v. Southland Royalty Company*, 436 U.S. 519 (1978).

[4] Order No. 72, Docket No. RM80-44, issued March 18, 1980, *mineo.*, p. 19.

[5] As will be evident from the following discussion, the subject gas qualifies for both the section 104(b) small producer flowing gas rate and the section 106(a) small producer rollover rate. Section 101(b)(5) of the NGPA provides that, as in this situation, if natural gas qualifies under more than one pricing provision of the NGPA, the provision resulting in the highest price shall apply. The section 106(a) rate, being higher than the section 104(a) rate in this case, will apply.

[6] We note that the maximum lawful price for the period covered in the Zimmer-Natural agreement would be the small producer flowing gas rate then in effect. The gas would not qualify for the small producer replacement contract rate commencing December 1, 1977 when the period covered by the court judgment ended because sales were not made pursuant to a replacement contract for the sale of the gas within the meaning of § 2.56(a)(5) and 271.402(b)(4)(ii) of the Commission's rules. The May 1, 1979 agreement between Zimmer and Natural does not constitute a replacement contract because it did not purport to cover future sales. It merely resolved the question of back payment for the period from the court's final judgment through April 30, 1979.

(A) Spadling's Petition for Declaratory Order filed in this docket is denied insofar as it requests a determination that natural gas produced from the subject wells is eligible for the maximum lawful price set under section 109 of the NGPA. The maximum lawful price applicable to the subject gas is the price set under section 106(a) of the NGPA.

(B) Natural is granted leave to intervene in this docket subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* that the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this docket.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6613 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-20]

Tennessee Gas Pipeline Co.; Third Party Protest [1]

Issued: February 25, 1981.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23–B,[2] and "Order on Rehearing of Order No. 23–B,"[3] Associated Gas Distributors (AGD) protested on February 11, 1981, the assertion by the Tennessee Gas Pipeline Company (Tennessee) and certain producers that the contracts identified in its protests constitute contractural authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

AGD stated that the language of the following contracts does not constitute authority for the producer to increase prices to the extent claimed by Tennessee in its evidentiary submission:

Seller	Rate schedule No.	Date
Texaco, Inc.	566	1-4-79
Gulf Oil Co	175	7-11-80
Texaco, Inc.	150	7-27-80
Sabine Production	12	8-13-80
Tenneco Oil	354	3-27-79
Southland Royalty	103	3-3-80
Tenneco Oil Co	421	7-16-80

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before March 11, 1981, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6614 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3750-000]

Western Farmers Electric Cooperative; Application for Preliminary Permit

February 25, 1981.

Take notice that Western Farmers Electric Cooperative (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3750 to be known as Hugo Lake Hydroelectric Project located on Kiamichi River in Choctaw County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Maynard Human, General Manager, Western Farmers Electric Cooperative, P.O. Box 429, Anadarko, Oklahoma 73005. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that persons wish to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Hugo Lake Dam and would consist of: (1) a new powerhouse containing generating units having a total rated capacity of 4,000 kW; (2) a new transmission line to transport the power to the Applicant's distribution system; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 14,000,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant to supply a portion of the energy requirements of its members.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Ramel Corporation's application for Project No. 3555 filed on October 10, 1980, under 18 C.F.R. § 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before February 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows as interested person to file the competing application no later than April 20, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", AS APPLICABLE. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3750. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6603 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI81-785-000, et al.]

Kerr-McGee Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

Febraury 25, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure a hearing will be held without further notice before the commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review on the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary

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[1] The term "third party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure." Docket No. RM79–22, issued June 21, 1979.

[3] Docket No. RM79–22, issued August 8, 1979.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI61-785-000 D Feb. 17, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Michigan Wisconsin Pipe Line Company, Cedardale Field, Woodward County, Oklahoma.	(1)	
CI65-6-000 D Feb. 13, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	InterNorth, Inc., M. F. Cunningham Unit, Lipscomb County, Texas.	(2)	
CI73-2-000 F Jan. 23, 1981	Belco Petroleum Corporation (Succ. in interest to Belco 1971 Oil & Gas Fund, Ltd.), One Dag Hammarskjold Plaza, New York, New York 10017.	Natural Gas Pipeline Company of America, James Ranch Area, Eddy County, New Mexico.	(4)	14.65
CI75-137-000 F Jan. 23, 1981 [5]	Belco Petroleum Corporation (Succ. in interest to Belco Petroleum Corporation, As Agent for Belco 1973 Oil and Gas Fund, Ltd.) One Dag Hammarskjold Plaza, New York, New York 10017.	Texas Eastern Transmission Corporation, Tetlon Ranch Area, Refugio County, Texas.	(6)	14.73
CI77-47-002 C Feb. 13, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Northern Natural Gas Company, Eugene Island Block 332 Field, Offshore Louisiana.	(7)	15.025
CI77-122-002 C Feb. 13, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Eugene Island Block 332 Field, Offshore Louisiana.	(8)	15.025
CI79-873-001 F Jan. 15, 1981	Mobil Oil Exploration & Producing Southeast, Inc. (Succ. in interest to Apache Oil Corporation), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, OCS 057–A, Block 63, and OCS O–58–A, Block 64, Ship Shoal Block 72 Field, Federal Offshore Louisiana.	(9)	15.025
CI 80-163-001 C Jan 26, 1981	Geo. Oil & Gas Company of Houston, P.O. Box 2511, Houston, Texas 77001.	Northwest Pipeline Corporation, Piceance Creek South Field, Garfield County, Colorado.	(10)	
CI81-111-000 E Jan. 5, 1981 [11]	American Petrofina Company of Texas (Succ. in interest to Beacon Oil and Refining Company and American Liberty Oil Company), P.O. Box 2159, Dallas, Texas 75221.	United Gas Pipe Line Company, Henderson Field, Rusk County, Texas.	(12)	14.65
CI81-186-000 A Feb. 4, 1981	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, South Pass 58/78 Field, Federal Offshore Louisiana.	(13)	14.73
CI81-187-000 A Feb. 4, 1981	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Tennesse Gas Pipeline Co. and Columbia Gas Tranemission Corp., South Pass 58/78 Field, Federal Offshore Louisiana.	(14)	14.73
CI81-189-000 E Feb. 4, 1981	Southwest Gas Storage Company (Succ. in interest to Okmar Oil Company et al.), P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Company, Borchers North Field, Meade County, Kansas.	(15)	14.65
CI81-193-000 A Dec. 19, 1980	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Ship Shoal Block 170, Offshore Louisiana.	(16)	15.025
CI81-194-000 A Feb. 9, 1981	C & K Petroleum, Inc., 3800 Capital Bank Plaza, Houston, Texas 77002.	El Paso Natural Gas Company, Block 237, East Cameron Area, South Addition, Offshore Louisiana.	(17)	15.025
CI81-195-000 A Feb. 11, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company (Operator), P.O. Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, West Cameron Block 236 "B" Area, Offshore Louisiana.	(18)	15.025
CI81-196-000 A Feb. 11, 1981	Sonat Exploration Company, 5599 San Felipe, Houston, Texas 77056.	Southern natural Gas Company, West Cameron Blocks 115 and 116, Offshore Louisiana.	(19)	15.025
CI81-197-000 A Feb. 12, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Galveston Block 223, Offshore Texas.	(20)	14.65
CI81-197-000 A Feb. 12, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Brazos Blocks A–19, A–20 and A–23, Offshore Texas.	(21)	14.65
CI81-199-000 A Feb. 12, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Transcontinental Gas Pipe Line Corporation, Brazos Blocks A–19, A–20 and A–23, Offshore Texas.	(22)	14.65
CI81-200-000 A Feb. 12, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Valero Interest Transmission Company, Monte Cristo Field, Hidalgo County, Texas.	(23)	14.65
CI81-201-000 A Feb. 13, 1981	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Trunkline Gas Company, Block 377 and a portion of Block 380, Eugene Island Area, South Addition, Offshore Louisiana.	(24)	15.025
CI77-110-008 D Aug. 17, 1978	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Panhandle Eastern Pipe Line Company, SW/4 Section 27–45N–75W, Campbell County, Wyoming.	(25)	
G-19467-007 D Feb. 13, 1981	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Southeast pass Field, Plaquemines Parish, Louisiana.	(26)	
CI61-182-000 D Feb. 10, 1981	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Transcontinental Gas Pipe Line Corporation, Johnson Bayou Field, Cameron Parish, Louisiana.	(27)	
G-18201-001 D Feb. 17, 1981	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, OK 74004.	Transwestern Pipeline Company, Flowers Area, Roberts County, Texas.	(28)	
CI81-202-000 A Feb. 17, 1981	Cities Service, Company, P.O. Box 300, Tulsa, OK 74102.	Tennessee Gas Pipeline Company, East Cameron Block 47, Offshore Louisiana.	(29)	15.025
CI81-204-000 A Feb. 17, 1981	Case-Pomeroy Oil Corporation, P.O. Box 1511, Midland, Texas 79702.	Columbia Gas Transmission Corporation, Blocks 115 and 116 West Cameron Area, Offshore Louisiana, in the Federal Domain.	(30)	15.025
CI81-203-000 A Feb. 17, 1981	Feimont Oil Corporation, P.O. Box 2266, Midland, Texas 79702.	Columbia Gas Transmission Corporation, Blocks 115 and 116 West Cameron Area, Offshore Louisiana, in the Federal Domain.	(31)	15.025

[1] Lands involved were not developed and Applicant's leases have been released.
[2] To sell the lessor/royalty owner the royalty owner's share of the gas production for use in powering irrigation pumps for agricultural purposes.
[3] NOT USED.
[4] Belco acquired its interest in the subject small producer reserves (and large producer reserves with respect to those limited partners who did not acquire small producer certificates) by cancellation of the limited partnership effective September 30, 1980 in accordance with its terms.
[5] The Belco 1973 Oil & Gas Fund, Ltd. was cancelled effective September 30, 1980 and Belco thereby acquired the interest of the limited partners in the subject gas reserves.
[6] Applicant is willing to accept certificate conditioned to an initial rate equal to the applicable maximum lawful price, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the Natural Gas Policy Act of 1978.
[7] Applicant is willing to accept a permanent certificate of public convenience and necessity covering the subject sale conditioned in accordance with the NGPA of 1978 and the Commission's Regulations under said Act.
[8] Applicant is willing to accept a permanent certificate of public convenience and necessity covering the subject sale conditioned in accordance with the NGPA of 1978 and the Commission's Regulations under said Act.
[9] By Assignments of oil and gas leases MOEPSI acquired from Apache Oil Corporation and Natomas Offshore Exploration, Inc. effective November 1, 1979, and from Sea Drilling Corporation effective June 1, 1979, one-half of their interest in and to those certain leases fully described in said Assignments.
[10] Applicant is filing under Gas Purchase Contract dated January 25, 1977 and Gas Purchase Contract dated May 20, 1977.
[11] Applicant has acquired Beacon Oil and Refining Company's interest and American Liberty Oil Company's interest in the properties subject to Contract dated 7–31–52 and Applicant now owns one hundred percent (100%) of the properties subject to said Contract.
[12] Applicant, as Seller and United, as Buyer entered into a new Gas Purchase Contract dated 10–15–80.
[13] Applicant agrees to accept and initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102.
[14] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102.

[15] Pursuant to the terms of two (2) instruments collectively referred to herein as "ASSIGNMENT OF OIL AND GAS LEASES", Okmar and Gulf assigned to Southwest all of their right, title and interest in and to certain oil and gas leases covering lands situated in Section 33, Township 32 South, Range 28 West, in Meade County, Kansas. The Okmar assignment was effective 4–1–80. The assignment by Gulf was effective 8–1–79.
[16] Applicant is filing under Gas Purchase and Sales Agreement dated 12–1–80.
[17] Applicant is willing to accept the applicable maximum lawful price as provided by the NGPA of 1978.
[18] Applicant is filing under Gas Purchase Contract dated 12–1–80.
[19] Applicant is willing to accept a certificate establishing the initial rate as the applicable rate for the gas pursuant to the NGPA of 1978.
[20] Applicant is willing to accept a certificate establishing the initial rate as the maximum lawful rate authorized by the NGPA of 1978.
[21] Same as footnote [20].
[22] Same as footnote [20].
[23] Same as footnote [20].
[24] Applicant is filing under Gas Purchase Contract dated 7–29–80.
[25] By Addendum dated June 27, 1978, Cities and Panhandle Eastern Pipe Line Company have agreed to delete from the commitment to sell gas from the above-mentioned agreement, Cities' gas/rer could not justify connecting Cities' fractional interest in its Federal AR No. 1 Well. Accordingly, Panhandle Eastern released the affected acreage and Cities' will sell to Phillips Petroleum Company under a percentage-type casinghead gas contract.
[26] Acreage has been released to the state of Louisiana.
[27] The H–5 RA SU I Harms No. 3 Well has ceased production. As a result, General American's interest in certain acreage contributing to the unit has expired and been released. This release of acreage does not qualify for the Southland exclusion because gas attributable to General American's interest was being sold on May 31, 1978, and abandonment procedures are required.
[28] To delete non-productive acreage that was deleted from the November 10, 1980, rollover agreement.
[29] Applicant is filing under Gas Purchase and Sales Agreement dated December 23, 1980.
[30] Applicant agrees to accept the Certificate being applied for herein if such Certificate authorizes the initial sale of gas thereunder at the applicable maximum rate prescribed by the Commission at the time of initial deliveries thereunder provided, however, Applicant reserves the right to reject such Certificate if it contains other conditions that are unacceptable, in Applicant's judgment.
[31] Same as footnote [30].
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-6800 Filed 3-27-81 8:45 am]
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[Volume 372]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 25, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ALEXANDER G KASPAR				RECEIVED: 02/06/81 JA: TX			
8116175	29089	4210331987	103	CONOCO-BARNSLEY #2	SAND HILLS (JUDKINS)	161.0	EL PASO NATURAL GAS
8115852	28178	4210332322	103	JONES #1	Y SOUTH (TUBB)	22.0	WARREN PETROLEUM CO
-AMERICAN PUBLIC ENERGY CO				RECEIVED: 02/06/81 JA: TX			
8116328	29606	4235730795	103	AKERS B #1	HORIZON (CLEVELAND)	7.0	PHILLIPS PETROLEUM C
-AMOCO PRODUCTION CO				RECEIVED: 02/06/81 JA: TX			
8115946	28411	4220330736	103	ALICE SNIDER GU NO 1	WOODLAWN/COTTON VALLEY	360.0	EAST TEXAS INDUSTRIA
8116302	29497	4218930152	103	ANTON IRISH CLEARFORK #372	ANTON IRISH	27.0	PIONEER NATURAL GAS
8116155	28992	4230330587	103	ANTON IRISH CLEARFORK #442	ANTON IRISH	3.6	PIONEER NATURAL GAS
8116204	29193	4227930232	103	ANTON IRISH CLEARFORK #450	ANTON IRISH	2.9	PIONEER NATURAL GAS
8116208	29198	4218930321	103	ANTON-IRISH CLEARFORK #446	ANTON-IRISH	0.5	PIONEER NATURAL GAS
8116063	28736	4236531163	103	CARTHAGE GU 11 NO 4	CARTHAGE (TRAVIS PEAK)	500.0	TENNESSEE GAS PIPELI
8116153	28989	4207931055	103	DEAN UNIT #29	SLAUGHTER	2.2	EL PASO NATURAL GAS
8116139	28947	4216931259	102	DILLARD MORRIS #1	POST WEST (STRAWN)	35.0	
8116207	29196	4249531231	103	E T HUTCHING T-90 #10	KERMIT	4.7	CABOT CORP
8116263	29378	4213533379	103	ELLIOTT F COWDEN B #85	COWDEN SOUTH (CANYON 879	12.8	PIONEER NATURAL GAS
8116262	29377	4222732046	103	EMMA F DAVIS EST A #1	COAHOMA (MISS)	5.4	GETTY OIL CO
*8115913	28320	4203931563	103	FANNIE DRAKE NO 32	WEST HASTINGS	7.3	AMOCO GAS CO
*8115912	28319	4203931457	103	GILBERT SNEED NO 28	HASTINGS WEST	7.3	TEXAS EASTERN TRANSM
*8115910	28317	4203931528	103	HIRAM MOORE C NO 24	HASTINGS WEST	5.5	TEXAS EASTERN TRANSM
8116223	29267	4239330778	103	J B WATERFIELD C NO 3	N W MENDOTA (GRANITE WAS	400.0	MICHIGAN WISCONSIN P
*8115911	28318	4203931535	103	LAURA D SHAW NO 24	HASTINGS WEST	5.5	AMOCO GAS CO
8115916	28327	4229530739	103	LILLIE M PETERSON #2	BRADFORD CLEVELAND	292.0	TRANSWESTERN PIPELIN
8115855	28186	4200331893	103	MIDLAND FARMS UNIT #398	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8115850	28173	4200331907	103	MIDLAND FARMS UNIT #400	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8115847	28170	4200331896	103	MIDLAND FARMS UNIT #474	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8115848	28171	4200331884	103	MIDLAND FARMS UNIT #487	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8116205	29194	4243532263	103	MORRISS BROS D #3	WHITEHEAD (STRAWN)	36.5	LONE STAR GAS CO
8116201	29186	4241531613	103	R H JORDAN A #18	FLUVANNA (ELLENBURGER)	14.2	EL PASO NATURAL GAS
8116138	28946	4210631297	102	SYLVIA WINDER #2	POST WEST (STRAWN)	37.0	
8116154	28991	4222731956	103	TEX LAND & MTGE A R/A A #100	IATAN EAST/HOWARD/	0.4	GETTY OIL CO
8116206	29195	4222732118	103	TEX LAND & MTGE A R/A A #115	COAHOMA N (FUSSEL)	17.9	GETTY OIL CO
-ARCADIA REFINING CO				RECEIVED: 02/06/81 JA: TX			
*8116345	29717	4240130712	103	C E LLOYD NO 3 #10059	CYRIL (TRAVIS PEAK 7650)	28.3	HENDERSON CLAY PRODU
*8116346	29718	4240130728	103	C E LLOYD NO 4 #10063	CYRIL (TRAVIS PEAK 7650)	28.3	HENDERSON CLAY PRODU
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/06/81 JA: TX			
8116304	29504	4200332313	103	EMMA COWDEN #86 (GRAYBURG)	EMMA	40.0	EL PASO NATURAL GAS
8115979	28583	4231732124	103	MABEE #3	BREEDLOVE SOUTH (SPRABER	12.0	PHILLIPS PETROLEUM
8116353	29750	4217930772	103	MCLAUGHLIN NO 7	PANHANDLE GRAY	11.0	PHILLIPS PETROLEUM C
8115980	28586	4229530686	102	SORENSON-DIXON NO 1-U	KIOWA-CREEK N (MORROW UP	73.0	TRANSWESTERN PIPELIN
-B & W OIL & GAS				RECEIVED: 02/06/81 JA: TX			

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116275	29424	4206530819	103	BURNETT - 100 #5	PANHANDLE - CARSON	50.0	PANHANDLE EASTERN PI
8116276	29425	4206530809	103	STACY #3	PANHANDLE - CARSON	50.0	PANHANDLE EASTERN PI
-B D K PRODUCTION CO INC				RECEIVED: 02/06/81 JA: TX			
8116066	28742	4246900000	103	J J SALINAS NO 1	LOWERY	73.0	FERGUSON CROSSING PI
8116065	28739	4246900000	103	J W LOWERY NO 1	LOWERY	73.0	FERGUSON CROSSING PI
-B F AKERS				RECEIVED: 02/06/81 JA: TX			
8115925	28354	4250300000	103	F E SENTERS #2 (814738)	YOUNG	93.6	SUN GAS GATHERING CO
8115932	28362	4250300000	103	F E SENTERS #4 (814738)	YOUNG COUNTY REGULAR	90.0	SUN GAS GATHERING CO
-BASS ENTERPRISES PRODUCTION CO				RECEIVED: 02/06/81 JA: TX			
*8116166	29055	4249531186	103	BEN JENKINS ET AL A #20	KEYSTONE (COLBY)	24.0	SID RICHARDSON CARBO
*8116167	29056	4249531185	103	BEN JENKINS ET AL A NO 21	KEYSTONE (COLBY)	18.0	SID RICHARDSON CARBO
8116314		4247532052	103	J F HATHAWAY NO 31	ESTES BLOCK 34 (PENN)	9.8	CABOT CORP
8116356	29183	4210332298	103	L D MOSS ET AL NO 25	TROPORO N (DEVONIAN)	25.0	PGP GAS PRODUCTS INC
*8116315		4249531138	103	M J HILL A/C 8 NO 29	HALLEY (GLORIETA)	38.0	SID RICHARDSON CARBO
8116168	29057	4249531249	103	MRS M J HILL NO 36	HALLEY (PENN)	1500.0	TRANSWESTERN PIPELIN
-BLAIR OIL COMPANY				RECEIVED: 02/06/81 JA: TX			
8116274	29423	4206530823	103	BURNETT #3	PANHANDLE - CARSON	50.0	PANHANDLE EASTERN PI
-CABOT CORPORATION				RECEIVED: 02/06/81 JA: TX			
8116234	29303	4223330849	103	YAKE CABOT-FAULCONER #4-4	PANHANDLE HUTCHINSON COU	10.0	PANHANDLE EASTERN PI
8116233	29302	4223330848	103	YAKE CABOT-FAULCONER #5-4	PANHANDLE HUTCHINSON COU	10.0	PANHANDLE EASTERN PI
8116235	29304	4223330854	103	YAKE WILLIAM C #7	PANHANDLE HUTCHINSON COU	9.0	PANHANDLE EASTERN PI
8116232	29301	4223330851	103	YAKE WILLIAM C #8	PANHANDLE HUTCHINSON COU	10.0	PANHANDLE EASTERN PI
-CAMBRIDGE & MAIL				RECEIVED: 02/06/81 JA: TX			
8116177	29103	4221131203	103	SHELL FEE NO 1-L (88325)	CANADIAN WEST (MORROW UP	0.0	DIAMOND SHAMROCK COR
-CANUS PETROLEUM INC				RECEIVED: 02/06/81 JA: TX			
8116299	29475	4235500000	103	#1 STATE TRACT 691 (900062)	SAXET (2600) LAGARTO	5.5	UNITED GAS PIPELINE
-CARTER FOUNDATION PRODN CO				RECEIVED: 02/06/81 JA: TX			
8116313	29572	4213500000	108	J E PARKER #17	HARPER	3.0	PHILLIPS PETROLEUM C
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 02/06/81 JA: TX			
8116005	28652	4243130891	103	I W TERRY 6 (25371)	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8115965	28495	4238331592	103	ONA WELLS NO 1	BARBEE (WICHITA-ALBANY)	0.4	
-CHAPARRAL MINERALS INC				RECEIVED: 02/06/81 JA: TX			
8116002	28648	4205130652	103	FRED FICK #1 (13243)	CALDWELL AUSTIN CHALK	62.0	FERGUSON CROSSING PI
8116001	28646	4205130659	103	W H GIESENSCHLAG #2 (12530)	CALDWELL (AUSTIN CHALK)	146.0	FERGUSON CROSSING PI
-CHARLES L WALKER				RECEIVED: 02/06/81 JA: TX			
8115973	28545	4200332367	102	FISHER A #1	BLOCK A-34 (SAN ANDRES)	58.3	PHILLIPS PETROLEUM C
8115973	28545	4200332367	103	FISHER A #1	BLOCK A-34 (SAN ANDRES)	58.3	PHILLIPS PETROLEUM C
*8115972	28544	4200332365	102	FISHER B #3	BLOCK A-34 (SAN ANDRES)	7.2	PHILLIPS PETROLEUM C
*8115972	28544	4200332365	103	FISHER B #3	BLOCK A-34 (SAN ANDRES)	7.2	PHILLIPS PETROLEUM C
*8115908	28314	4200332366	102	UNDERWOOD B #2	BLOCK A-34 (SAN ANDRES)	36.0	PHILLIPS PETROLEUM C
*8115908	28314	4200332366	103	UNDERWOOD B #2	BLOCK A-34 (SAN ANDRES)	36.0	PHILLIPS PETROLEUM C
-CHEVRON U S A INC				RECEIVED: 02/06/81 JA: TX			
8116104	28816	4247932765	103	BRUNI MINERAL TRUST #19	LAREDO (LOBO)	2.0	VALERO TRANSMISSION
-CITIES SERVICE COMPANY				RECEIVED: 02/06/81 JA: TX			
8116118	28842	4206530786	103	DEAHL-B #15	PANHANDLE CARSON	24.5	CITIES SERVICE GAS C
8116117	28841	4206530787	103	DEAHL-B #16	PANHANDLE CARSON	50.4	CITIES SERVICE GAS C
8115896	28291	4217930767	103	EAKIN A #1	PANHANDLE GRAY	5.8	PHILLIPS PETROLEUM C
8115999	28636	4227300000	108	M F CHILDS E 5 7-U (47696)	MAY FIELD (FRIO)	4.0	TEXAS EASTERN TRANSM
8116162	29035	4210532761	103	UNIVERSITY CA #1	HOWARDS CREEK (PENN)	126.0	INTRATEX GAS CO
8116250	29357	4200332186	103	UNIVERSITY-M #7	FULLERTON & FULLERTON SE	18.3	PHILLIPS PETROLEUM C
-CLAYTON W WILLIAMS JR				RECEIVED: 02/06/81 JA: TX			
8115878	28241	4228730672	102	MAMIE SCHMIDT #3	GIDDINGS	0.0	VALERO TRANSMISSION

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
9116140	28952	4228730574	102		PARRISH #1
-CLYDE HOUSTON					RECEIVED: 02/06/81 JA: TX
9116113	28831	4213332351	103		GHORMLEY HEIRS #1 (16346)
9116114	28832	4213332402	103		GHORMLEY HEIRS #2 (16346)
-COASTAL OIL & GAS CORP					RECEIVED: 02/06/81 JA: TX
9116093	28799	4237530727	103		BIVINS 3303 S
9116098	28806	4237530728	103		BIVINS 3304 S
9116347	29726	4237530729	103		BIVINS 3402 S
9116179	29115	4237530732	103		BIVINS 5503 S
-COLUMBIA GAS DEVELOPMENT CORP					RECEIVED: 02/06/81 JA: TX
9116362	30033	4205131074	102		R W JEFFERY JR ET UX #2
9116161	29033	4205130862	102		WILLIE GAAS UNIT NO 1
-CONOCO INC					RECEIVED: 02/06/81 JA: TX
9116106	28818	4243331097	103		ARTHUR BRINKLEY JR-A-#42 (04263)
9116339	29627	4249700000	108		BROWN-ALTMAN #3 (07716)
9116185	29133	4212700000	108		FED LAND BK OF HOUSTON #5 (47088)
9116338	29626	4238900000	108		FORD GERALDINE #240 (21021)
9115961	28483	4238900000	108		FORD GERALDINE UNIT #326 (#21021)
9116081	28766	4215100000	108		J B TERRELL-A-#6 ID #13657
9116080	28765	4215100000	108		J B TERRELL-A-#8 (#13652)
9115962	28484	4213500000	108		J L JOHNSON #19 (#01554)
9116340	29629	4210500000	108		J M SHANNON -A- #18 (69945)
9116084	28769	4210500000	108		J M SHANNON-1-#3 ID #05963
9116197	29175	4213533509	103		L E WIGHT B-21 #5 ID#25419
9116170	29065	4250131849	103		M T FITZGERALD #2 ID #61923
9116180	29116	4213533434	103		MRS L E WIGHT-A-9-#16 (#09321)
9115963	28485	4213500000	108		MRS L E WIGHT-4-#20 (#23778)
9116083	28768	4200300000	108		MUNGER NIX #13 ID #10698
9116335	29623	4215100000	108		ROUND TOP PALO PINTO #87 (11416)
9116182	29130	4242700000	108		T B SLICK EST B #40 (55087)
9116184	29132	4242700000	108		T B SLICK EST H #45 (51079)
9116183	29131	4242700000	108		T B SLICK EST HB #88 (50966)
9116334	29620	4248500000	108		T J & J L WAGGONER #33 (18376)
9116333	29619	4248500000	108		T J & J L WAGGONER #48 (18376)
9116332	29618	4248500000	108		T J & J L WAGGONER #58 (18376)
9116331	29617	4248500000	108		T J & J L WAGGONER #60 (18376)
9116330	29616	4248500000	108		T J & J L WAGGONER #69 (18376)
9116082	28767	4213500000	108		TXL 44-43 #5 ID #16192
9116165	29054	4200332404	103		W T FORD #66 ID #01665
9115906	28308	4243330998	103		W Z RUTHERFORD-C-#3
9116336	29624	4213500000	108		WIGHT UNIT #61 (20661)
9116337	29625	4213500000	108		WIGHT UNIT #98 (20661)
9115907	28310	4213533339	103		WIGHT-A-19-#3
-COQUINA OIL CORPORATION					RECEIVED: 02/06/81 JA: TX
9116137	28942	4238331600	103		CALVIN #2
-CRAWFORD ENERGY					RECEIVED: 02/06/81 JA: TX
9116261	29376	4249731717	103		M T COLE #1 88099
-CRYSTAL OIL COMPANY					RECEIVED: 02/06/81 JA: TX
9116141	28963	4210530287	108		HOOVER # 1
-DEMINEX US OIL CO					RECEIVED: 02/06/81 JA: TX
9115928	28357	4217900000	108		VANIMAN NO 2 (#25703)
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 02/06/81 JA: TX

FIELD NAME	PROD	PURCHASER
GIDDINGS	4.4	VALERO TRANSMISSION
FOSTER (MARBLE FALLS)	29.0	ODESSA NATURAL CORP
FOSTER (MARBLE FALLS)	29.0	ODESSA NATURAL CORP
PANHANDLE (RED CAVE)	10.0	COLORADO INTERSTATE
PANHANDLE (RED CAVE)	30.0	COLORADO INTERSTATE
PANHANDLE (RED CAVE)	5.0	COLORADO INTERSTATE
PANHANDLE (RED CAVE)	31.0	COLORADO INTERSTATE
GIDDINGS (AUSTIN CHALK)	108.0	FERGUSON CROSSING PI
GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
FLOWERS (CANYON SAND)	4.7	CITIES SERVICE OIL C
EMPEROR	0.1	PHILLIPS PETROLEUM C
SLICK (REKLAW)	9.0	UNITED GAS PIPELINE
GERALDINE FORD	0.5	EL PASO NATURAL GAS
GERALDINE FORD	3.0	EL PASO NATURAL GAS
ROUND TOP (CANYON SAND)	7.5	LONE STAR GAS CO
ROUND TOP (CANYON SAND)	4.6	LONE STAR GAS CO
FOSTER	0.1	ODESSA NATURAL CORP
ELKHORN	5.3	APACHE GAS CORP
ESCONDIDO	0.1	DELHI GAS PIPELINE C
COWDEN NORTH	13.9	AMOCO PRODUCTION CO
OWNBY	3.7	AMOCO PRODUCTION CO
COWDEN NORTH (DEEP)	3.7	AMOCO PRODUCTION CO
COWDEN NORTH	4.8	AMOCO PRODUCTION CO
FUHRMAN-NIX	1.3	PHILLIPS PETROLEUM C
ROUND TOP	0.2	LONE STAR GAS CO
RINCON (H)	13.0	TENNESSEE GAS PIPELI
RINCON (FRIO B-1)	11.0	TENNESSEE GAS PIPELI
RINCON (FRIO B-1)	10.0	TENNESSEE GAS PIPELI
WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM CO
WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM CO
WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM CO
WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM CO
WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM CO
LAWSON	2.7	PHILLIPS PETROLEUM C
FUHRMAN-MASCHO	11.0	PHILLIPS PETROLEUM C
E FRANKIRK	0.7	CITIES SERVICE OIL C
COWDEN NORTH	12.6	AMOCO PRODUCTION CO
COWDEN NORTH	3.1	AMOCO PRODUCTION CO
COWDEN NORTH	11.0	AMOCO PRODUCTION CO
CALVIN (DEAN)	7.5	UNION TEXAS PETROLEU
BOONSVILLE (BEND CONG GA	172.0	TEXAS UTILITIES FUEL
OZONA	13.7	NORTHERN NATURAL GAS
PANHANDLE WEST	21.0	GETTY OIL CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
9116010	28675	4235730929	103		WILLIAM MILLER NO 2-670
-DINERO OIL CO					RECEIVED: 02/06/81 JA: TX
9116064	28737	4224931224	103		LENERT PFEILER #1
-DISCOVERY OPERATING INC					RECEIVED: 02/06/81 JA: TX
9115935	28367	4241330904	103		HENDERSON A #1
*9116203	29192	4231732048	103		OBANNON #1
*9116200	29185	4231732165	103		QUEEN #1
-DOME OIL & GAS CO					RECEIVED: 02/06/81 JA: TX
9115968	28519	4214300000	102		BOSTIC #1 (#84760)
9115968	28519	4214300000	103		BOSTIC #1 (#84760)
-ENSERCH EXPLORATION INC					RECEIVED: 02/06/81 JA: TX
9116216	29249	4238331656	103		FRIEND NO 2
9115875	28236	4249731792	103		G R TAYLOR NO 3-C
9116181	29127	4236300000	103		ROBERT RICHARDS NO 1
-EXXON CORPORATION					RECEIVED: 02/06/81 JA: TX
9116199	29183	4204730793	103		AMADO TRAD B-2-F (89144)
9115971	28539	4204730864	103		D J SULLIVAN B-49 (90058)
9116055	28724	4216531711	103		EUBANKS CLEARFORK UNIT #12
9116056	28725	4216531776	103		EUBANKS CLEARFORK UNIT #16
9116041	28710	4216531709	103		EUBANKS CLEARFORK UNIT #18
9116188	29162	4237133103	103		FORT STOCKTON UNIT #817
9116187	29161	4237133104	103		FORT STOCKTON UNIT #818
9116189	29163	4237133099	103		FT STOCKTON UNIT #613
9116279	29440	4200332193	103		FULLERTON CLEARFORK #4213
9115868	28224	4200332318	103		FULLERTON CLEARFORK UNIT #1519
*9116193	29167	4200332335	103		FULLERTON CLEARFORK UNIT #2027
*9115866	28222	4200332316	103		FULLERTON CLEARFORK UNIT #2469
*9116027	28695	4200332200	103		FULLERTON CLEARFORK UNIT #4215
*9116194	29168	4200332218	103		FULLERTON CLEARFORK UNIT #4313
*9116192	29166	4200332311	103		FULLERTON CLEARFORK UNIT #625
*9115869	28225	4200332312	103		FULLERTON CLEARFORK UNIT #725
*9115867	28223	4200332292	103		FULLERTON CLEARFORK UNIT #825
9116040	28709	4216531813	103		HELEN CUNNINGHAM B #3
9115862	28206	4208130833	103		I A B UNIT #734
9116289	29450	4210331806	103		J B TUBB A/C 1 #147L
9116061	28730	4210331806	103		J B TUBB A/C 1 #147U
9116072	28750	4210331819	103		J B TUBB A/C 1 #151L
9116060	28729	4210331819	103		J B TUBB A/C 1 #151U
9116059	28728	4210331815	103		J B TUBB A/C 1 #152L
9116058	28727	4210331830	103		J B TUBB A/C 1 #153L
9116057	28726	4210331830	103		J B TUBB A/C 1 #153U
9116073	28751	4210331835	103		J B TUBB A/C 1 #154L
9116044	28713	4210331835	103		J B TUBB A/C 1 #154J
9116043	28712	4210331843	103		J B TUBB A/C 1 #155L
9116042	28711	4210331843	103		J B TUBB A/C 1 #155U
9116023	28691	4210331844	103		J B TUBB A/C 1 #156L
9116021	28689	4210331844	103		J B TUBB A/C 1 #156U
9116019	28686	4210331845	103		J B TUBB A/C 1 #157L
9116017	28684	4210331845	103		J B TUBB A/C 1 #157U
9116016	28683	4210331850	103		J B TUBB A/C 1 #161L
9116014	28681	4210331850	103		J B TUBB A/C 1 #161U
9116013	28679	4210331849	103		J B TUBB A/C 1 #162L

FIELD NAME	PROD	PURCHASER
NORTHRUP	500.0	
WADE CITY (1700 OAKVILLE	91.0	VALERO TRANSMISSION
CODY BELL (CANYON)	134.0	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	1.2	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	40.7	PHILLIPS PETROLEUM C
LIBERTY OAK (BIG SALINE)	37.0	NORTHERN GAS PRODUCT
LIBERTY OAK (BIG SALINE)	37.0	NORTHERN GAS PRODUCT
FARMER	27.0	NORTHERN NATURAL GAS
BOONSVILLE	64.0	LONE STAR GAS CO
PALO PINTO REGULAR	650.0	LONE STAR GAS CO
SCOTT AND HOPPER (6700)	140.0	TENNESSEE GAS PIPELI
PITA (E-4 E)	770.0	TENNESSEE GAS PIPELI
ROBERTSON N (CLEARFORK 7	7.0	PHILLIPS PETROLEUM C
ROBERTSON N (CLEARFORK 7	9.0	PHILLIPS PETROLEUM C
ROBERTSON N (CLEARFORK 7	4.0	PHILLIPS PETROLEUM C
FT STOCKTON (LO YATES)	164.0	NUECES CO
FORT STOCKTON (LOWER YAT	4.0	NUECES CO
FT STOCKTON (YATES LO)	6.0	NUECES CO
FULLERTON	21.0	PHILLIPS PETROLEUM C
FULLERTON	19.0	PHILLIPS PETROLEUM C
FULLERTON	6.0	PHILLIPS PETROLEUM C
FULLERTON	13.0	PHILLIPS PETROLEUM C
FULLERTON	61.0	PHILLIPS PETROLEUM C
FULLERTON	20.0	PHILLIPS PETROLEUM C
FULLERTON	31.0	PHILLIPS PETROLEUM C
FULLERTON	4.0	PHILLIPS PETROLEUM C
FULLERTON	23.0	PHILLIPS PETROLEUM C
ROBERTSON N (CLEARFORK 7	10.0	PHILLIPS PETROLEUM C
I A B (MENIELLE PENN)	27.0	SUN GAS CO
SAND HILLS (TUBB)	77.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	6.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	21.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	144.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	378.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	16.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	110.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	108.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	374.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	5.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	2.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	145.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	23.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	270.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	20.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	2.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	66.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	25.0	ODESSA NATURAL CORP

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JD NO	JA DKT	API NO	SEC D	WELL NAME
3116312	28677	4210331949	103	J B TUBB A/C 1 #162J
3116054	28723	4210331853	103	J B TUBB A/C 1 #163L
3116011	28676	4210331853	103	J B TUBB A/C 1 #163U
3116052	28721	4210331885	103	J B TUBB A/C 1 #166L
3116051	28720	4210331911	103	J B TUBB A/C 1 #168L
3116049	28718	4210331905	103	J B TUBB A/C 1 #169L
3116031	28700	4210331908	103	J B TUBB A/C 1 #170L
3116029	28698	4210331921	103	J B TUBB A/C 1 #173U
3116028	28697	4210331991	103	J B TUBB A/C 1 #176L
3116026	28694	4210332016	103	J B TUBB A/C 1 #180
3116036	28705	4210332018	103	J B TUBB A/C 1 #181L
3116035	28704	4210332018	103	J B TUBB A/C 1 #181U
3116047	28716	4210332027	103	J B TUBB A/C 1 #184U
3116046	28715	4210332038	103	J B TUBB A/C 1 #187U
3116045	28714	4210332102	103	J B TUBB A/C 1 #188
3116034	28703	4210332103	103	J B TUBB A/C 1 #197L
3116038	28707	4210332325	103	J B TUBB A/C 1 #225L
3116037	28706	4210332326	103	J B TUBB A/C 1 #226L
3116280	29441	4210332541	103	J B TUBB A/C 1 #227U
3116281	29442	4210332331	103	J B TUBB A/C 1 #228U
3116033	28702	4210332103	103	J B TUBB A/C 1- #197U
3116348	28717	4210332027	103	J B TUBB A/C 1-#184L
3116053	28722	4210331885	103	J B TUBB A/C 1#166U
3116050	28719	4210331911	103	J B TUBB A/C 1#168U
3116032	28701	4210331905	103	J B TUBB A/C 1#169U
3116030	28699	4210331908	103	J B TUBB A/C 1#170U
3116074	28752	4210331959	103	J B TUBB A/C 1#172U
3116075	28753	4210331963	103	J B TUBB A/C 1#175U
3116076	28754	4210332019	103	J B TUBB A/C 1#179
3116039	28708	4210332308	103	J B TUBB A/C 1#223U
3116191	29165	4210332236	103	J B TUBB B #24U
3116293	29456	4247531917	103	JOHN H WILSON TR B #10
3116292	29455	4247531753	103	JOHN H WILSON TR B #2
3116286	29447	4247531804	103	JOHN H WILSON TR B #3
3116285	29446	4247531805	103	JOHN H WILSON TR B #4
3116288	29449	4247531881	103	JOHN H WILSON TR B #7
3116284	29445	4247531880	103	JOHN H WILSON TR B #8
3116283	29444	4247531879	103	JOHN H WILSON TR B #9
3116282	29443	4247531829	103	JOHN H WILSON TR E #1
3116287	29448	4247531868	103	JOHN H WILSON TR E #2
3115873	28230	4245930429	103	L V RAY GU NO 1 WELL 1
3115874	28231	4201530454	103	LUTHER R SHERROD NO 31
3116020	28688	4223531556	103	PEARL WILLIAMS #6
3116022	28690	4241330922	103	PEARL WILLIAMS #7
3116024	28692	4223531578	103	PEARL WILLIAMS #8
3116341	29632	4237100000	108	PECOS VALLEY DE #1
3115919	28332	4246131568	103	PEMBROOK UNIT #1063
3116067	28745	4247530985	103	R Q SEALE #2
3116068	28746	4247531556	103	R Q SEALE #3
3116069	28747	4247531569	103	R Q SEALE #4
3116070	28748	4247531677	103	R Q SEALE #5
3116071	28749	4247531825	103	R Q SEALE #6

FIELD NAME	PROD	PURCHASER
SAND HILLS (JUDKINS)	47.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	180.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	52.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	99.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	33.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	93.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	54.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	79.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	6.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	38.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	9.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	369.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	87.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	102.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	73.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	3.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	16.0	EL PASO NATURAL GAS
SAND HILLS (TUBB)	48.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	179.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	94.0	EL PASO NATURAL GAS
SAND HILLS (JUDKINS)	71.0	ODESSA NATURAL CORP
SAND HILLS (TUBB)	141.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	113.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	193.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	101.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	137.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	4.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	285.0	ODESSA NATURAL CORP
SAND HILLS (JUDKINS)	64.0	ODESSA NATURAL CORP
SAND HILLS (MCKNIGHT)	52.0	EL PASO NATURAL GAS
SAND HILLS (MCKNIGHT)	58.0	EL PASO NATURAL GAS
RHODA WALKER (CANYON 590	169.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	93.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	285.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	278.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	119.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	168.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	12.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	271.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	25.0	CLAJON GAS CO
ROSEWOOD (HOSSTON - COTT	218.0	WESTERN GAS CORP
RACCOON BEND	4.0	TEXAS SOUTHEASTERN G
DOVE CREEK (CANYON C)	91.0	NORTHERN NATURAL GAS
DOVE CREEK (CANYON C)	148.0	NORTHERN NATURAL GAS
DOVE CREEK (CANYON C)	45.0	NORTHERN NATURAL GAS
PECOS VALLEY (WOLFCAMP)	15.0	EL PASO NATURAL GAS
SPRABERRY (TREND AREA)	8.0	EL PASO NATURAL GAS
RHODA WALKER (CANYON 590	61.0	UNITED TEXAS TRANSMI
RHODA WALKER (CANYON 590	402.0	UNITED TEXAS TRANSMI
RHODA WALKER (CANYON 590	32.0	UNITED TEXAS TRANSMI
RHODA WALKER (CANYON 590	188.0	UNITED TEXAS TRANSMI
RHODA WALKER (CANYON 590	27.0	UNITED TEXAS TRANSMI

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JD NO	JA DKT	API NO	SEC D	WELL NAME
3116015	28682	4247531826	103	R Q SEALE #7
3116018	28685	4247531869	103	R Q SEALE #8
3116342	29633	4237100000	108	REDMOND B #1
3116291	29453	4247531471	103	RHODA WALKER OIL UNIT 2 #2
3116290	29451	4247532081	103	RHODA WALKER OIL UNIT 3 #2
3116148	28982	4201530457	103	ROBERT G PAINE NO 36
3116324	29602	4216531797	103	SAM C JENKINS #6
3116325	29603	4216531798	103	SAM C JENKINS #7
3116326	29604	4216531702	103	SAM JENKINS B #1
3116327	29605	4216531796	103	SAM JENKINS B #2
8115947	28412	4226130562	103	SARITA GAS UT #7 WELL 2-F (90059)
3116145	28970	4204730734	103	SCOTT & HOPPER 29-F
3116146	28972	4204730856	103	SCOTT & HOPPER 34-D
3115966	28509	4213134787	102	V KOHLER A-132 (#09627)
3116190	29164	4239330732	103	W H MOORE #2
3116025	28693	4238331429	103	ZULETTE HUGHES E #4
-FEAGAN ENERGY INC				RECEIVED: 02/06/81 JA: TX
8115997	28626	4244131618	103	C R TITTLE #1
-FLOURNOY PRODUCTION COMPANY				RECEIVED: 02/06/81 JA: TX
3116009	28673	4242731424	102	SAN ANTONIO BK & TR CO #1
-FORTUNE PRODUCTION CO				RECEIVED: 02/06/81 JA: TX
*3116249	29356	4223531586	103	#2 CRAWFORD 1230
*3116248	29355	4241330927	103	UNIVERSITY #1
-FRED W SHIELD				RECEIVED: 02/06/81 JA: TX
3116121	28872	4202500000	108	MRS GEORGIA HEARD #10
3116359	29788	4202500000	108	MRS GEORGIA HEARD #3
-G DEPRANG OIL CO				RECEIVED: 02/06/81 JA: TX
8115939	28384	4208331709	103	DEPRANG B #10 (15143)
8115941	28386	4208331904	103	DEPRANG B NO 14
8115940	28385	4208331572	103	DEPRANG B NO 8 (15143)
-GARY D TURNER DBA TURNER PROPERTIES				RECEIVED: 02/06/81 JA: TX
8115964	28494	4222731420	103	TURNER PROP MCGETTES NO 1
-GENERAL PRODUCTION CORP				RECEIVED: 02/06/81 JA: TX
8115937	28380	4205130901	103	OSCAR F JOHNSON NO 2
8115931	28361	4205130475	103	OSCAR JOHNSON NO 1
3116231	29299	4205131042	103	R E SEAY NO 3
-GEODYNAMICS OIL & GAS INC				RECEIVED: 02/06/81 JA: TX
3116363	30100	4205130332	102	FOREST SMALL #1
-GETTY OIL COMPANY				RECEIVED: 02/06/81 JA: TX
3116004	28650	4223330894	103	HERRING A TR 2 NO 100
3116196	29170	4223330892	103	HERRING A TRACT 2 #101
3116319	29585	4223330903	103	HERRING A TRACT 2 #102
3116318	29584	4223330913	103	HERRING A TRACT 2 #103
3116195	29169	4223330893	103	HERRING A TRACT 2 #104
8115985	28596	4235300000	108	NORTH NENA LUCIA UT #96
8115884	28274	4207900000	108	XIT UNIT NO 50
-GOLDKING PRODUCTION COMPANY				RECEIVED: 02/06/81 JA: TX
3116158	29000	4224531425	103	L N EVANS NO 1
-GRACE PETROLEUM CORPORATION				RECEIVED: 02/06/81 JA: TX
8116222	29265	4210931401	102	TXL FEE NO 1
-GULF OIL CORPORATION				RECEIVED: 02/06/81 JA: TX
8116008	28666	4221131084	103	A A ROSS NO 6-71
*8116097	28805	4221131227	103	CAMPBELL #1-2

FIELD NAME	PROD	PURCHASER
RHODA WALKER (CANYON 590	15.0	UNITED TEXAS TRANSMI
RHODA WALKER (CANYON 590	19.0	UNITED TEXAS TRANSMI
PECOS VALLEY (WOLFCAMP)	6.5	EL PASO NATURAL GAS
RHODA WALKER (CANYON 590	22.0	CLAJON GAS CO
RHODA WALKER (CANYON 590	24.0	UNITED TEXAS TRANSMI
RACOON BEND (COCKFIELD L	105.0	TEXAS SOUTHEASTERN G
JENKINS NORTH (CANYON)	12.0	PHILLIPS PETROLEUM C
JENKINS NORTH (CANYON)	6.0	PHILLIPS PETROLEUM C
JENKINS (SAN ANDRES)	11.0	PHILLIPS PETROLEUM C
JENKINS (SAN ANDRES)	6.0	PHILLIPS PETROLEUM C
SARITA (2-J SW)	358.0	NATURAL GAS PIPELINE
SCOTT AND HOPPER (5925)	700.0	TENNESSEE GAS PIPELI
SCOTT AND HOPPER (6800-A	200.0	TENNESSEE GAS PIPELI
VIGGO (C-50)	9.0	NATURAL GAS PIPELINE
MENDOTA N W (GRANITE WAS	945.0	PIONEER NATURAL GAS
SPRABERRY (TREND AREA)	12.0	EL PASO NATURAL GAS
SAM W (STRAWN SAND)	14.4	PALO DURO PIPELINE C
RINCON WEST	150.0	VALERO TRANSMISSION
BAKER RANCH (CANYON)	600.0	CRA INC
UNIVERSITY 54 (ELLENBURG	91.8	CRA INC
HEARD RANCH	5.7	TRUNKLINE GAS CO
HEARD RANCH	19.7	TRUNKLINE GAS CO
FRANCIS (JENNINGS SAND)	14.0	UNION TEXAS PETROLEU
FRANCIS JENNINGS (SAND)	8.0	UNION TEXAS PETROLEU
FRANCIS (JENNINGS SAND)	10.0	UNION TEXAS PETROLEU
COAHOMA (MISS)	36.8	GETTY OIL CO
WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING PI
WILLARD (NAVARRO) FIELD	1.0	FERGUSON CROSSING PI
INEZ JAMESON (NAVARRO)	0.0	FERGUSON CROSSING PI
GIDDINGS (AUSTIN CHALK)	10.0	CLAJON GAS CO
PANHANDLE HUTCHINSON	8.4	PANHANDLE EASTERN PI
PANHANDLE HUTCHINSON	8.4	PANHANDLE EASTERN PI
PANHANDLE HUTCHINSON	3.3	PANHANDLE EASTERN PI
PANHANDLE HUTCHINSON	5.1	PANHANDLE EASTERN PI
PANHANDLE HUTCHINSON	9.1	PANHANDLE EASTERN PI
NENA LUCIA	0.0	WEST LAKE NATURAL GA
LEVELLAND-SAN ANDRES	0.0	CITIES SERVICE CO
STOWELL	73.0	WINNIE PIPELINE CO
FUEGO NAVIDAD	500.0	
HEMPHILL/GRANITE WASH	285.0	CITIES SERVICE GAS C
SW CANADIAN	572.0	TRANSWESTERN PIPE LI

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
3116220	29254	4223700000	108		FAYETTE YATES NO 7	DEES (ATOKA CONGL)	10.0	NATURAL GAS PIPELINE
3116007	28665	4235730808	103		FRANTZ C J NO 2	FARNSWORTH N/MORROW UPPE	286.0	PANHANDLE EASTERN PI
3116006	28663	4218130694	103		H STOUT #1	N E SOUTHMAYD/DAVIS	286.0	
3116306	29513	4247531947	103		HUTCHINGS STOCK ASSN NO 1043	WAGON WHEEL (PENN)	146.0	CABOT CORP
3115993	28616	4247532045	103		HUTCHINGS STOCK ASSN NO 1073	WAGON WHEEL (PENN)	45.0	CABOT CORP
3115992	28615	4247532049	103		HUTCHINGS STOCK ASSN NO 1076	WAGON WHEEL (PENN)	11.0	CABOT CORP
3116088	28775	4247532051	103		HUTCHINGS STOCK ASSN NO 1078	WAGON WHEEL (PENN)	112.0	CABOT CORP
3116221	29255	4247532108	103		HUTCHINGS STOCK ASSN NO 1101	WAGON WHEEL (PENN)	68.0	CABOT CORP
3115840	28146	4247532142	103		HUTCHINGS STOCK ASSN NO 1102	WARD-ESTES NORTH	12.0	CABOT CORP
3116130	28915	4247532127	103		HUTCHINGS STOCK ASSN NO 1103	WARD-ESTES NORTH	27.0	CABOT CORP
3115991	28612	4210332286	103		W N WADDELL ET AL TR A #1155	SAND HILLS (JUDKINS)	322.0	H & T GATHERING
3116128	28913	4210332292	103		W N WADDELL ET AL TR A #1157	SAND HILLS (JUDKINS)	253.0	H & T GATHERING
3116129	28914	4210332291	103		W N WADDELL ET AL TR A #1158	SAND HILLS (JUDKINS)	592.0	H & T GATHERING
3115989	28610	4210332297	103		W N WADDELL ET AL TR A #1159	SAND HILLS (JUDKINS)	594.0	H & T GATHERING
3116127	28912	4210332296	103		W N WADDELL ET AL TR A #1160	SAND HILLS (JUDKINS)	120.0	H & T GATHERING
-GULFSTREAM PETROLEUM CORP					RECEIVED: 02/06/81 JA: TX			
3115943	28392	4234700000	103		LACY H HUNT II NO 1	TRAVICK (TRAVIS PEAK)	0.0	TEJAS GAS CORP
3115936	28371	4233900000	103		TEXAS A & M NO 1	SPRINGER (YEGUA Y-2)	169.0	TEXAS INTRASTATE GAS
-H & L OPERATING COMPANY					RECEIVED: 02/06/81 JA: TX			
3115853	28181	4229530745	103		BUSSARD #1	HIGGINS WEST (CLEVELAND)	36.0	PHILLIPS PETROLEUM C
-HALL AND YOUNGBLOOD INC					RECEIVED: 02/06/81 JA: TX			
3116295	29471	4206500000	108		BRYAN #6 (03952)	PANHANDLE CARSON COUNTY	3.6	GETTY OIL CO
3116294	29470	4206500000	108		BRYAN #4 (25688)	WEST PANHANDLE	3.0	GETTY OIL CO
-HAROLD D COURSON					RECEIVED: 02/06/81 JA: TX			
3116344	29639	4219500000	108		J A SCHUBERT #02365	HORIZON/CLEVELAND	6.0	HORIZON OIL & GAS IN
-HINTON PRODUCTION COMPANY					RECEIVED: 02/06/81 JA: TX			
3115977	28580	4237330474	102		ANICO NO 3	DAMASCUS (WOODBINE 9330)	500.0	ST REGIS PAPER CO
-HNG OIL COMPANY					RECEIVED: 02/06/81 JA: TX			
3116209	29199	4224531361	103		DAVIDSON A #7	BIG HILL (MARGINULINA)	435.0	TEXAS GAS PIPE LINE
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 02/06/81 JA: TX			
3116136	28941	4228730773	103		DELBERT GERSH ET UX NO 1	GIDDINGS (BUDA)	22.0	PGP GAS PRODUCTS INC
3116105	28817	4231732179	103		NAIL A6 #1	SPRABERRY (TREND AREA)	24.0	ADOBE OIL & GAS CORP
-HUGHES & HUGHES					RECEIVED: 02/06/81 JA: TX			
3115905	28304	4247932658	102		J T KIRCHER ET AL	COTTON (KIRCHER)	182.5	FERGUSON CROSSING PI
-INDIAN WELLS OIL CO					RECEIVED: 02/06/81 JA: TX			
3115856	28187	4223531511	102		RICHEY 42A-2	PROBANDT (CANYON SAND)	80.0	NORTHERN NATURAL GAS
3115854	28185	4223531513	102		RICHEY 54A-2	PROBANDT (CANYON SAND)	60.0	NORTHERN NATURAL GAS
3115849	28172	4223531514	102		RICHEY 55A-2	PROBANDT (CANYON SAND)	100.0	NORTHERN NATURAL GAS
-J B TERRELL JR					RECEIVED: 02/06/81 JA: TX			
3115938	28382	4215110945	103		JANE FERGUSON GUITAR #1 (15795)	ROUND TOP (CANYON)	6.0	PALO DURO PIPELINE C
3115942	28387	4215130988	103		JANE FERGUSON GUITAR #2 (15795)	ROUND TOP (CANYON)	17.0	PALO DURO PIPELINE
-J CLEO THOMPSON					RECEIVED: 02/06/81 JA: TX			
3115900	28297	4210532977	103		UNIVERSITY 29-1	OZONA (CANYON SAND)	91.0	PHILLIPS PETROLEUM C
3115901	28298	4210532886	103		UNIVERSITY 3-1	OZONA CANYON	146.0	PHILLIPS PETROLEUM C
3115899	28296	4210532955	103		UNIVERSITY 32-1	OZONA (CANYON SAND)	173.0	PHILLIPS PETROLEUM C
-J M HUBER CORPORATION					RECEIVED: 02/06/81 JA: TX			
3116224	29269	4223300000	108		BURNETT R NO 47	WEST PANHANDLE	21.2	COLORADO INTERSTATE
3116172	29086	4223330867	103		INGERTON NO 5	PANHANDLE	18.0	COLORADO INTERSTATE
3116173	29087	4223330868	103		PERRY NO 14	PANHANDLE	42.5	COLORADO INTERSTATE
3116174	29088	4223330866	103		READ NO 18	PANHANDLE	47.5	COLORADO INTERSTATE
3116163	29036	4223330869	103		SOUTH HERRING NO 134	PANHANDLE	40.0	COLORADO INTERSTATE
3116171	29085	4223330876	103		SOUTH HERRING NO 155	PANHANDLE	47.5	COLORADO INTERSTATE

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-JACK WORSHAM					RECEIVED: 02/06/81 JA: TX			
3115944	28395	4223300000	103		BURNETT #4	PANHANDLE	0.0	PANHANDLE EASTERN PI
-JACKSON EXPLORATION INC					RECEIVED: 02/06/81 JA: TX			
3116369	29738	4246131463	103		CONNELL ESTATE #1	SPRABERRY (TREND AREA)	36.0	PHILLIPS PETROLEUM C
-JOHN H HENDRIX CORP					RECEIVED: 02/06/81 JA: TX			
3116243	29350	4237132913	103		ABELL CITY A #1	ABELL EAST (WADDELL W SE	7.2	NORTHERN NATURAL GAS
3116245	29352	4237132788	103		ARCO - IOWA REALTY TRUST #1	PECOS VALLEY (ELLENBURGE	25.2	NORTHERN NATURAL GAS
3116244	29351	4210332314	103		GULF-EDWARDS A #1	CRAWAR (DEVONIAN NORTH)	88.7	INTRATEX GAS CO
-JOHN L COX					RECEIVED: 02/06/81 JA: TX			
3116131	28924	4232930866	103		BERMAN #4 RRC #22912	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
3116134	28927	4232930921	103		MARTIN #1 (#26125)	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL GAS
3116133	28926	4231732231	103		MARTIN #2 (#26125)	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL GAS
3116132	28925	4238331688	103		ROCKER B P #7-X (#05173)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
3116135	28929	4246131590	103		WANDA HANKS #2 (#08347)	MCGILL (SPRABERRY)	10.0	PHILLIPS PETROLEUM C
-JOHN Q MCCABE					RECEIVED: 02/06/81 JA: TX			
3115863	28208	4244500000	108		MASON #1	WELLMAN WEST (YATES)	20.2	NORTHERN NATURAL GAS
-JOSEPH T DAWSON					RECEIVED: 02/06/81 JA: TX			
3116350	29746	4240931432	103		BLASCHKE - MAYO NO 1 (#09509)	MIDWAY (3600 SAND)	146.0	UNITED GAS PIPELINE
-KEITH D GRAHAM					RECEIVED: 02/06/81 JA: TX			
3116112	28830	4205130933	102		GRONEMAN #1	GIDDINGS (AUSTIN CHALK)	87.6	CLAJON GAS CO
3116160	29029	4205130993	102		MCW NO 6 ID-12918	GIDDINGS (AUSTIN CHALK)	135.1	CLAJON GAS CO
3116354	29753	4205131044	102		JOHN J JONES UNIT #2	GIDDINGS (AUSTIN CHALK)	67.7	FERGUSON CROSSING PI
*3116111	28825	4205131011	102		KRUEGER NO 1	GIDDINGS (AUSTIN CHALK)	244.4	CHAMPLIN PETROLEUM C
-KEN PETROLEUM CORP					RECEIVED: 02/06/81 JA: TX			
3115846	28167	4223931488	103		ROSEMARIE NO 1	GANADO E (WHISLER)	160.0	LONE STAR GAS CO
-KERR-MCGEE CORPORATION					RECEIVED: 02/06/81 JA: TX			
3115851	28174	4223330798	103		COCKRELL NO 26	PANHANDLE (HUTCHINSON)	11.0	GETTY OIL CO
-L & M OIL CO					RECEIVED: 02/06/81 JA: TX			
3116303	29502	4207700000	103		GARNER BROS A-1 20516	DILLARD SW (ATOKA 5900)	100.0	TEXAS UTILITIES FUEL
-L JACK GROSS PRODUCTION					RECEIVED: 02/06/81 JA: TX			
3116122	28876	4217900000	108		BOWERS #1	WEST PANHANDLE	20.0	PHILLIPS PETROLEUM C
-LA ACEITE ENERGY INC					RECEIVED: 02/06/81 JA: TX			
3116272	29415	4205932211	103		L L WILLIAMS # 2 (14024)	PUTNAM NORTH (DUFFER)	7.0	LONE STAR GAS CO
3116226	29282	4205932211	103		L L WILLIAMS #1 (14024)	PUTNAM NORTH (DUFFER)	7.0	LONE STAR GAS CO
3116239	29330	4205900000	103		L L WILLIAMS B #8-1	PUTNAM NORTH (DUFFER)	35.0	LONE STAR GAS CO
-LEEDE OIL & GAS INC					RECEIVED: 02/06/81 JA: TX			
3116360	29791	4210532792	103		UNIVERSITY 508 #6	FARMER (SAN ANDRES)	10.0	J L DAVIS
-LEWIS PRODUCTION CO INC					RECEIVED: 02/06/81 JA: TX			
3115864	28211	4205932731	103		LULA HART RRC#89541	HAPPY JACK (LAKE)	219.0	LONE STAR GAS CO
-LIBERTY OIL & GAS CORP					RECEIVED: 02/06/81 JA: TX			
3116237	29309	4249731357	103		COY NIVENS #1 19198	ALVORD (CADDO CONGLOMERA	104.0	TEXAS UTILITIES FUEL
3116236	29307	4249731969	103		N E GREENWOOD #1 20463	ALVORD (ATOKA CONGLOMERA	0.0	TEXAS UTILITIES FUEL
-LOGUE AND PATTERSON INC					RECEIVED: 02/06/81 JA: TX			
3115861	28204	4235500000	108		GROENVELD #1	AQUA DULCE	20.0	UNITED GAS PIPELINE
-LONDON & WAGGONER					RECEIVED: 02/06/81 JA: TX			
3115870	28226	4249700000	103		YANCEY NO 1	BOONSVILLE (BCG) FIELD	263.0	SOUTHWEST GAS PIPELI
-MAY PETROLEUM INC					RECEIVED: 02/06/81 JA: TX			
3115998	28628	4219530732	103		THORESON 1-27 (89483)	CLEMENTINE (MORROW UPPER	183.0	PHILLIPS PETROLEUM C
3116099	28807	4229530855	102		WEINETTE #1	MAY (BASAL MORROW)	1825.0	DIAMOND SHAMROCK COR
-NEWBOURNE OIL COMPANY					RECEIVED: 02/06/81 JA: TX			
3115960	28478	4229530811	103		BURCHFIEL B NO 1 (#88757)	MAMMOTH CREEK N	100.0	NORTHERN NATURAL GAS
3115976	28576	4235731028	103		HARDY #1 #1	BULER NORTH	9.0	

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JD NO	JA DKT	API NO	SEC	WELL NAME
-MID-WEST OIL CO				RECEIVED: 02/06/81 JA: TX
3116116	28835	4204932388	103	MCCLURE #1 (16401)
-MITCHELL ENERGY CORPORATION				RECEIVED: 02/06/81 JA: TX
3115879	28244	4249700000	108	EDNA SOUTHERLAND #1 49306
3115975	28567	4249700000	108	W O LUCAS #1 (35078)
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 02/06/81 JA: TX
3116355	29779	4237133081	103	CHARLES B ATHEY NO 4
3116312	29570	4213100000	108	DUVAL RANCH SEC 257 GU #1-M
3116278	29439	4221500000	108	EDINBURG UNIT NO 8
3115914	28325	4238931135	103	GOLENTERNEK RUDMAN B NO 1
3116329	29610	4221932865	103	MAPLE WILSON NO 95 (#05996)
3116217	29251	4233531727	103	MARY FOSTER NO 139
3115918	28329	4233531771	103	MARY FOSTER NO 144
3116198	29177	4233531770	103	MARY FOSTER NO 145
3115915	28326	4233531769	103	MARY FOSTER NO 146
*3115959	28477	4247532160	103	STATE AM NO 2
*3116107	28819	4247532106	103	STATE AM NO 1
3116218	29252	4233500000	108	STATE BALDWIN B NC 1
3115917	28328	4210332342	103	TEXAS UNIV SEC 15 & 16 #1547
-MOLE OPERATING COMPANY INC				RECEIVED: 02/06/81 JA: TX
3116357	29786	4248100000	103	KOENIG #1
3116120	28857	4222100000	108	LEONARD #2
3116089	28789	4222100000	108	LEONARD 1-X
-MORAN EXPLORATION INC				RECEIVED: 02/06/81 JA: TX
3115994	28620	4238300000	108	C L WILLIAMS #1
3115995	28621	4238300000	108	C L WILLIAMS #2
3115909	28316	4248330710	103	HENDERSON UNIT #1
3116351	29747	4223531550	103	MAYER A #1
3116352	29749	4223531548	103	MAYER A #3
3115996	28622	4238331493	103	ROCKER B #83
-MOSBACHER PRODUCTION CO				RECEIVED: 02/06/81 JA: TX
3115945	28408	4228730699	103	DELMUS FRANKS UNIT NO 1
-MUSTANG EXPLORATION CO INC				RECEIVED: 02/06/81 JA: TX
3115970	28534	4214930536	102	LINNEY #1
3115969	28533	4214930398	102	PAVLICEK # 1
3116119	28856	4214930490	102	PAVLICEK #2
-NORTHERN PUMP COMPANY				RECEIVED: 02/06/81 JA: TX
3116090	28791	4239131383	102	SHELTON NO 1 90043
3116090	28791	4239131383	103	SHELTON NO 1 90043
-OILWELL OPERATORS INC				RECEIVED: 02/06/81 JA: TX
3116321	29594	4217900000	108	BENEDICT #1 23041
3116322	29595	4217900000	108	STALLWITZ #1 24608
3116320	29592	4217900000	108	WILLIS C #1 26477
-P & R OIL INC				RECEIVED: 02/06/81 JA: TX
3115904	28303	4242932354	103	RAMSEY NO 2-L (15760)
-PALO PETROLEUM INC				RECEIVED: 02/06/81 JA: TX
3116212	29237	4213331901	103	CLARK NO 2
3116213	29239	4213300000	103	JOHN NUNNALLY NO 1
3116215	29242	4213331675	103	LEWALLEN NO 2
3116242	29336	4204931932	103	LOW ESTATE NO 1
3116241	29335	4204931935	103	STEEL E NO 1
3116214	29241	4213331702	103	STEEL G NO 2

FIELD NAME	PROD	PURCHASER
BROWN COUNTY REGULAR	20.0	ODESSA NATURAL CORP
BOONESVILLE (BEND CONGL	9.6	NATURAL GAS PIPELINE
CHICO WEST (CONGL 5700)	10.0	NATURAL GAS PIPELINE
COYANOSA N (DELAWARE)	0.4	EL PASO NATURAL GAS
LUNDELL/QUEEN CITY #2	5.3	NATURAL GAS PIPELINE
EDINBURG/9950 FT FB-A	17.6	TENNESSEE GAS PIPELI
WORSHAM EAST (CHERRY CAN	456.3	EL PASO NATURAL GAS
SLAUGHTER	116.8	AMOCO PRODUCTION CO
IATAN EAST HOWARD	0.4	GETTY OIL CO
IATAN EAST HOWARD	1.0	GETTY OIL CO
IATAN EAST HOWARD	0.4	GETTY OIL CO
IATAN EAST HOWARD	1.0	GETTY OIL CO
CAPRITO (DELAWARE MIDDLE	10.2	LONE STAR GAS CO
CAPRITO (DELAWARE MIDDLE	3.3	LONE STAR GAS CO
ABELL/CLEARFORK	7.8	PGP GAS PRODUCTS INC
DUNE	12.8	PHILLIPS PETROLEUM C
JONES CREEK/5000/FIELD	146.0	FLORIDA GAS TRANSMIS
BARBARA (STRAWN)	10.0	LONE STAR GAS CO
BARBARA (STRAWN)	10.0	LONE STAR GAS CO
SPRABERRY (TREND AREA)	0.0	EL PASO NATURAL GAS
SPRABERRY (TREND AREA)	0.0	EL PASO NATURAL GAS
GAGEBY CREEK WEST (MORRO	0.0	HIGH PLAINS GAS CO
SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL GAS
GIDDINGS (AUSTIN CHALK)	127.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	120.0	PHILLIPS PETROLEUM C
GIDDINGS (AUSTIN CHALK)	200.0	PHILLIPS PETROLEUM C
GIDDINGS (AUSTIN CHALK)	150.0	PHILLIPS PETROLEUM C
MISSION RIVER (6400)	146.0	VALLEY PIPE LINES IN
MISSION RIVER (6400)	148.0	VALLEY PIPE LINES IN
WEST PANHANDLE	15.0	CABOT CORP
WEST PANHANDLE	9.0	PHILLIPS PETROLEUM C
EAST PANHANDLE	22.0	PHILLIPS PETROLEUM C
LEE RAY (DUFFER LIME)	77.0	ATLAS-REISS PIPELINE
BLIND HOG (RANGER)	78.5	ODESSA NATURAL CORP
WILDCAT	52.9	ODESSA NATURAL CORP
BLIND HOG (RANGER)	82.5	ODESSA NATURAL CORP
BLIND HOG (RANGER)	113.2	ODESSA NATURAL CORP
BLIND HOG (RANGER)	42.0	ODESSA NATURAL CORP
BLIND HOG (RANGER)	136.9	ODESSA NATURAL CORP

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JD NO	JA DKT	API NO	SEC	WELL NAME
-PAR PRODUCING CO				RECEIVED: 02/06/81 JA: TX
*3115872	28229	4208130783	103	M C HENDRY A 3
*3115871	28228	4208130882	103	M C HENDRY A 4
-PARKER & PARSLEY INC				RECEIVED: 02/06/81 JA: TX
3116311	29568	4231732223	103	ECHOLS NO 1
3116316	29578	4231732221	103	MARTIN UNIT NO 1
-PARMA PETROLEUM CORP				RECEIVED: 02/06/81 JA: TX
3116109	28822	4246139592	103	ELKINS #2
-PAYNE OIL FIELD CONSULTING & OPER				RECEIVED: 02/06/81 JA: TX
3116317	29579	4236300000	108	ROSE NO 1 #47915
-PENNZOIL PRODUCING COMPANY				RECEIVED: 02/06/81 JA: TX
3116267	29396	4236531105	103	TILLER A 11
3116266	29395	4236531106	103	TILLER A 12
3116271	29400	4236531061	103	TILLER A 6
3116270	29399	4236531060	103	TILLER A 7
3116269	29398	4236531058	103	TILLER A 8
3116268	29397	4236531059	103	TILLER A 9
-PETROLEUM TECHNICAL SERVICES CO				RECEIVED: 02/06/81 JA: TX
3116157	28995	4213533410	103	COWDEN 33 NO 2
3116227	29283	4210332381	103	P J LEA NO 3
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 02/06/81 JA: TX
3115860	28203	4246101117	108	(03913) N PEMBROOK S UNIT #55-01
3115920	28335	4213533348	103	(21183) HOLT-88 NO 2
3116343	29637	4213502670	108	(21193) GOLDSMITH ANDECTOR #R-12
3115859	28202	4213506419	108	(21556) N PENWELL UNIT #127
3116169	29059	4222730472	108	BELLAH #10 (02896)
3116228	29295	4213500151	108	GOLDSMITH ANDECTOR #A-11 (21193)
3116229	29296	4246101387	108	N PEMBROOK S #5-06 (03913)
3116186	29146	4213520200	108	N PENWELL #151 (21556)
3116176	29095	4213520067	108	N PENWELL #36 (21556)
3116230	29297	4213508201	108	N PENWELL #75 (21556)
3115974	28550	4217900000	108	SIN HARRAH #3
3115858	28201	4200304685	108	UNIVERSITY ANDREWS #68 (01270)
-PHOENIX RESOURCES COMPANY				RECEIVED: 02/06/81 JA: TX
3115933	28364	4223500000	103	ELA C SUGGS 57 #1
3115934	28365	4223500000	103	ELA C SUGGS 57 #2
-PICKETT OIL CO				RECEIVED: 02/06/81 JA: TX
3116115	28833	4248730633	103	ELEANOR WATT UNIT #1 (89945)
-PLACID OIL COMPANY				RECEIVED: 02/06/81 JA: TX
3115885	28276	4237330470	102	DORRANCE E-2
-R L BURNS CORP				RECEIVED: 02/06/81 JA: TX
3115891	28284	4245730459	108	HICKLAND NO 1
3115886	28278	4247931032	108	RETTIG #3
3115893	28286	4247930851	108	RETTIG NO 1
3115890	23283	4247931401	108	RETTIG NO 19
3115889	28281	4247931478	108	RETTIG NO 22
3115894	28288	4247931863	108	RETTIG NO 28
3115887	28279	4247931801	108	RETTIG NO 29
3115888	28280	4242731868	108	RETTIG NO 34
3115892	28285	4247931112	108	RETTIG NO 5
-R LACY INC				RECEIVED: 02/06/81 JA: TX
3116142	28964	4236530916	103	COTTLE-REEVES UNIT #1 (#89514)

FIELD NAME	PROD	PURCHASER
JAMESON (STRAWN	12.0	SUN GAS CO
JAMESON (STRAWN)	22.0	SUN GAS CO
SPRABERRY (TREND AREA)	15.0	ADOBE OIL & GAS CORP
SPRABERRY (TREND AREA)	15.0	ADOBE OIL & GAS CORP
CALVIN (DEAN)	25.0	EL PASO NATURAL GAS
GRAFORD (CONGL 4150)	15.0	NATURAL GAS PIPELINE
PANOLA	41.0	UNITED GAS PIPE LINE
PANOLA	41.0	UNITED GAS PIPE LINE
PANOLA	41.0	UNITED GAS PIPE LINE
PANOLA	41.0	UNITED GAS PIPE LINE
PANOLA	41.0	UNITED GAS PIPE LINE
PANOLA	41.0	UNITED GAS PIPE LINE
COWDEN SOUTH	67.9	ODESSA NATURAL GASOL
LEA (SAN ANDRES)	18.3	WARREN PETROLEUM CO
SPRABERRY (TREND AREA)	3.0	NORTHERN NATURAL GAS
COWDEN NORTH	218.0	AMOCO PRODUCTION CO
GOLDSMITH (CLEARFORK)	21.0	EL PASO NATURAL GAS
PENWELL	3.0	EL PASO NATURAL GAS
IATAN EAST HOWARD	1.0	GETTY OIL CO
GOLDSMITH (CLEARFORK)	3.0	EL PASO NATURAL GAS
SPRABERRY (TREND AREA)	2.0	NORTHERN NATURAL GAS
PENWELL	5.0	EL PASO NATURAL GAS
PENWELL	3.0	EL PASO NATURAL GAS
PENWELL	4.0	EL PASO NATURAL GAS
PANHANDLE GRAY	3.1	GETTY OIL CO
EMBAR (PERMIAN)	18.0	EL PASO NATURAL GAS
HOWDA (CLEAR FORK)	12.8	NORTHERN NATURAL GAS
HOWDA (CLEAR FORK)	14.6	NORTHERN NATURAL GAS
GIDDINGS (AUSTIN CHALK)	1825.0	PHILLIPS PETROLEUM C
DAMASCUS (SEAMANS)	600.0	
SEGUNDO (OLMOS)	12.8	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	16.3	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	17.8	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	20.9	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	21.2	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	19.9	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	19.1	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	15.0	HOUSTON PIPE LINE CO
SEGUNDO (OLMOS)	15.4	HOUSTON PIPE LINE CO
CARTHAGE (COTTON VALLEY)	310.0	DELHI GAS PIPELINE C

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JD NO	JA OKT	API NO	SEC	D	WELL NAME
8116144	28966	4236530845	103		FROST GILLASPY #1 (#84137)
8116143	28965	4236504235	103		H R FROST UNIT #1 (#89513)
-ROBERTS & HAMMACK INC					RECEIVED: 02/06/81 JA: TX
8115987	28601	4228900000	108		DORIS STONE NO 1
8115986	28600	4228900000	108		O D VERCHER NO 3
-SAGE ENERGY CO					RECEIVED: 02/06/81 JA: TX
8115903	28300	4249531213	103		SEALY & SMITH 69-B NO 1
-SANTEX OIL CO					RECEIVED: 02/06/81 JA: TX
8115841	28147	4213300000	103		RODGERS #4 (14499)
8115844	28151	4213331974	103		RODGERS #8 (14499)
8115842	28148	4213331758	103		SELF #1 (15954)
8115843	28149	4213331411	103		TREADWAY #1 (14500)
8115981	28590	4213331679	103		TREADWAY #2 (14500)
-SAXON OIL COMPANY					RECEIVED: 02/06/81 JA: TX
8116309	29518	4238331696	103		TURNER D NO 1
8116308	29517	4238331697	103		TURNER D NO 2
8116307	29516	4238331487	103		UNIVERSITY 22-10 NO 1
-SED INC					RECEIVED: 02/06/81 JA: TX
8115876	28237	4202531377	102		W O WINSAUER NO 1
8115877	28238	4202531378	102		W O WINSAUER NO 2
-SHELL OIL CO					RECEIVED: 02/06/81 JA: TX
8115956	28458	4221531049	103		A A MCALLEN NO 65
8115950	28440	4248700000	108		A BURCH #1
8115951	28441	4216500000	108		BAUMGART GEORGE-E-#28
8115953	28447	4248700000	108		E S HANNA #1
8115952	28446	4248703000	108		E S HANNA #2
8115948	28438	4210500000	108		FORRESTALL -B- #10
8115949	28439	4248700000	108		J N JOHNSTON #1
8116147	28974	4210332248	103		NORTH CROSS (DEV) UNIT #60
8116149	28984	4247532145	103		SEALLY SMITH FOUNDATION #191
8116152	28987	4249531242	103		SEALY SMITH FOUNDATION #183
8116151	28986	4249531215	103		SEALY SMITH FOUNDATION #187
8116150	28985	4247232146	103		SEALY SMITH FOUNDATION #190
8115955	28450	4246100000	108		SHIRK ESTATE #1
8115954	28448	4200300000	108		UNIVERSITY-T-#1
-SNOW OIL CO					RECEIVED: 02/06/81 JA: TX
8116003	28649	4213332317	103		DANIELS #2 (89613)
-SOHIO PETROLEUM CO					RECEIVED: 02/06/81 JA: TX
8116110	28823	4210500371	108		INGHAM A NO 1
-SOUTHLAND ROYALTY CO					RECEIVED: 02/06/81 JA: TX
8115845	28153	4249500000	103		KEYSTONE CATTLE CO 24 #1
-SPENCER & HUTSON					RECEIVED: 02/06/81 JA: TX
8115929	28359	4214930411	103		J WETH #1
-STAYBAR PRODUCTION CO					RECEIVED: 02/06/81 JA: TX
8116238	29329	4209330629	103		HAROLD PIERSON -B- #3 (82929)
8116240	29332	4209330604	103		HAROLD PIERSON #1 (15133)
-STRATA ENERGY INC					RECEIVED: 02/06/81 JA: TX
8116159	29012	4205130828	102		W B HICKS #1
-SUBURBAN PROPANE EXPLORATION CO INC					RECEIVED: 02/06/81 JA: TX
8116300	29478	4210500000	108		J W HENDERSON 6-1
8116246	29353	4210500000	108		MEYBIN 34 NO 1
8116247	29354	4210531579	108		SUBURBAN PROPANE GAS ET AL 20

FIELD NAME	PROD	PURCHASER
CARTHAGE (COTTON VALLEY)	365.0	DELHI GAS PIPELINE C
CARTHAGE (COTTON VALLEY)	365.0	DELHI GAS PIPELINE C
RED OAK (FB-B SUB-CLARKS	13.1	LONE STAR GAS CO
RED OAK (SUB-CLARKSVILLE	16.4	LONE STAR GAS CO
DARNER N E (PENN)	300.0	EL PASO NATURAL GAS
CARBON (CADDO)	29.0	LONE STAR GAS CO
CARBON (CADDO)	8.0	LONE STAR GAS CO
CARBON (CADDO)	15.0	LONE STAR GAS CO
CARBON (CADDO)	9.0	LONE STAR GAS CO
CARBON (CADDO)	9.0	LONE STAR GAS CO
SPRABERRY (TREND)	15.1	NORTHERN NATURAL GAS
SPRABERRY (TREND)	16.8	NORTHERN NATURAL GAS
SPRABERRY (TREND)	16.8	PHILLIPS PETROLEUM C
LITTLE JOHN (1170)	105.0	UNITED GAS PIPELINE
SILVA S W (2650)	256.0	VALERO TRANSMISSION
MCALLEN RANCH (VICKSBURG	400.0	VALERO INTERSTATE TR
ODELL WEST (CHAPPEL)	3.6	LONE STAR GAS CO
WASSON 72	2.8	SHELL
ODELL WEST (CHAPPEL)	5.2	LONE STAR GAS CO
ODELL WEST (CHAPPEL)	3.2	LONE STAR GAS CO
TIPPETT (WOLFCAMP UPPER)	0.8	NELEM GAS & OIL CORP
ODELL WEST (CHAPPEL)	4.6	LONE STAR GAS CO
CROSSETT (DEVONIAN)	84.2	SHELL
MONAHANS (CLEAR FORK)	3.7	EL PASO NATURAL GAS
MONAHANS (CLEAR FORK)	65.9	EL PASO NATURAL GAS
MONAHANS (CLEAR FORK)	65.9	EL PASO NATURAL GAS
MONAHANS (CLEAR FORK)	47.6	EL PASO NATURAL GAS
FRADEAN (DEVONIAN)	8.1	PHILLIPS PETROLEUM
FASKEN (WOLF CAMP)	1.3	EL PASO NATURAL GAS
PAT KAHAN (MISS)	500.0	ATLAS-REISS PIPELINE
INGHAM (DEVONION)	14.0	EL PASO NATURAL GAS
FLYING W	75.0	NORTHERN NATURAL GAS
GIDDINGS (AUSTIN CHALK)	91.3	PHILLIPS PETROLEUM C
ZOURETTE (MARBLE FALLS)	2.8	ENERGY PIPELINE CORP
SPARKMAN (MARBLE FALLS)	46.0	ENERGY PIPELINE CORP
GIDDINGS (AUSTIN CHALK)	50.0	CLAJON GAS CO
OZONA CANYON SAND	15.6	NORTHERN NATURAL GAS
DAVIDSON RANCH PENN 7890	17.5	NORTHERN NATURAL GAS
OZONA CANYON SAND FIELD	9.6	NORTHERN NATURAL GAS

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JD NO	JA OKT	API NO	SEC	D	WELL NAME
8116301	29479	4210500000	108		W C MONTGOMERY #12
-SUGARBERRY OIL & GAS CORP					RECEIVED: 02/06/81 JA: TX
8115923	28347	4241330737	103		HARPER #1
8116136	28993	4235330879	103		JORDAN #1-X
8116202	29191	4235330924	103		JORDAN #3
8115958	28473	4241330739	103		LUX #1
8116126	28907	4235330797	103		WHITE #1
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/06/81 JA: TX
8116078	28758	4227331450	103		A T CANALES NO 55
8116077	28757	4227331452	103		A T CANALES NO 56
8116257	29368	4233531455	103		B ANDERSON -A- NO 5
8116100	28808	4250131816	103		BENNETT RANCH UNIT #317
8115897	28293	4250131820	103		BENNETT RANCH UNIT #318
8115898	28294	4250131822	103		BENNETT RANCH UNIT #322
8115883	28268	4200332134	103		CABOT UNIVERSITY NO 3
8116277	29436	4242731402	103		CAFFARELLI NO 10
8116264	29381	4208130906	103		CENTRAL NATL BK NO 15
8116252	29361	4208130740	103		CENTRAL NATL BK NO 9
8116260	29373	4213532967	103		E GOLDSMITH HOLT #7-3
8116259	29371	4213533357	103		E GOLDSMITH SAN ANDRES #11-2
8116258	29370	4213533308	103		E GOLDSMITH SAN ANDRES #9-3
8115902	28299	4217331053	103		FRANK SCHWERTNER #8
8115957	28462	4217331054	103		FRANK SCHWERTNER #9
8116256	29367	4212731709	103		G G BOYD NO 19
8116079	28759	4235330800	102		GERTRUDE WITHERS #1
8116251	29360	4233531375	103		J F MCCABE A NO 8
8116255	29365	4235330789	103		JAMES W JAMESON NO 1
8115882	28265	4250731215	103		JOHN B BAGGETT-A-NO 3
8116102	28813	4235330855	102		PATSY R GESIN #1
8116101	28809	4215130855	103		R L GOODGAME #8
8116253	29362	4233531474	103		V T MCCABE #21
8116254	29363	4233531511	103		V T MCCABE #23
8116103	28814	4235330877	102		W M GEORGE #3
-SUPERIOR OIL CO					RECEIVED: 02/06/81 JA: TX
8116164	29046	4228730782	103		E-C-F OIL UNIT NO 1
-TAUBERT & STEED					RECEIVED: 02/06/81 JA: TX
8115881	28264	4207704746	103		JOHNSON HEIRS NO 1 86752
-TAYLOR OPERATING COMPANY					RECEIVED: 02/06/81 JA: TX
8116123	28875	4223700000	103		CRUM NO 1 (20436)
-TENNECO OIL COMPANY					RECEIVED: 02/06/81 JA: TX
8116364	30113	4239330786	102		LEDRICK 2-55
-TEX-STAR PETROLEUM					RECEIVED: 02/06/81 JA: TX
8116348	29734	4242932394	103		GUNSIGHT #1 (87603)
-TEXACO INC					RECEIVED: 02/06/81 JA: TX
8116219	29253	4221932958	103		IRA P DELOACHE #11
8116323	29601	4221932960	103		IRA P DELOACHE #12
8115857	28188	4221932961	103		IRA P DELOACHE #14
8115895	28289	4221932963	103		IRA P DELOACHE #9
8115930	28360	4221932934	103		MONTGOMERY EST DAVIES NCT-2 #72
8116210	29216	4221900000	103		MONTGOMERY ESTATE DAVIES NCT-2 #64
8115978	28582	4221932933	103		MONTGOMERY ESTATE DAVIES NCT-2 #71
8116000	28642	4238930938	103		REEVES AX FEE #3

FIELD NAME	PROD	PURCHASER
OZONA CANYON SAND	7.5	NORTHERN NATURAL GAS
VELREX (HENDERSON UPPER)	36.0	CRA INC
WHITE (GARDNER SAND) FIE	25.6	ESPERANZA PIPELINE C
WHITE (GARDNER SAND) FIE	0.0	ESPERANZA PIPELINE C
VELREX (HENDERSON UPPER)	36.0	CRA INC
WHITE (GARDNER SAND) FIE	18.3	ESPERANZA PIPELINE C
TIJERNA-CANALES-BLUCHER	1825.0	
TIJERINA-CANALES-BLUCHER	1465.0	
JAMESON NORTH (STRAWN)	22.0	LONE STAR GAS CO
WASSON	2.9	SHELL OIL CO
WASSON	2.9	SHELL OIL CO
WASSON	8.7	SHELL OIL CO
COWDEN NORTH	5.0	PHILLIPS PETROLEUM C
YEGUA	37.0	TENNESSEE GAS PIPELI
LYGAY	98.0	LONE STAR GAS CO
LYGAY	98.0	LONE STAR GAS CO
EAST GOLDSMITH (HOLT)	4.0	PHILLIPS PETROLEUM C
EAST GOLDSMITH (SAN ANDR	6.0	PHILLIPS PETROLEUM C
EAST GOLDSMITH (SAN ANDR	11.0	PHILLIPS PETROLEUM C
CALVIN (DEAN)	27.0	EL PASO NATURAL GAS
CALVIN (DEAN)	27.0	EL PASO NATURAL GAS
PEARSALL	2.0	HOUSTON PIPE LINE CO
WITHERS (ELLENBURGER)	1.1	
JAMESON NORTH (ELLEN)	25.5	LONE STAR GAS CO
JNN (CANYON)	310.0	LONE STAR GAS CO
PEARSALL	107.0	HOUSTON PIPELINE CO
WITHERS (ELLENBURGER)	1.1	
ROYSTON (CANYON)	1.1	LONE STAR GAS CO
JAMESON NORTH (STRAWN)	84.6	LONE STAR GAS CO
JAMESON NORTH (STRAWN)	86.0	LONE STAR GAS CO
WITHERS (ELLENBURGER)	1.1	
GIDDINGS (AUSTIN CHALK)	183.0	PHILLIPS PETROLEUM C
DILLARD SOUTHWEST (MARBL	43.0	TEXAS UTILITIES FUEL
CRUM (MARBLE FALLS)	7.0	SOUTHWESTERN GAS PIP
LEDRICK RANCH SOUTH	360.0	TRANSWESTERN PIPELIN
LEE RAY (RANGER)	1.0	ATLAS-REISS PIPELINE
LEVELLAND	24.1	AMOCO PRODUCTION CO
LEVELLAND	16.0	AMOCO PRODUCTION CO
LEVELLAND	8.4	AMOCO PRODUCTION CO
LEVELLAND	10.6	AMOCO PRODUCTION CO
LEVELLAND	46.4	AMOCO PRODUCTION CO
LEVELLAND	34.0	AMOCO PRODUCTION CO
LEVELLAND	19.7	AMOCO PRODUCTION CO
SCREWBEAN N E (DELAWARE)	36.0	CONTINENTAL OIL CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116062	28731	4216531868	103		SAM C JENKINS #7	JENKINS (SAN ANDRES)	13.1	PHILLIPS PETROLEUM C
8116305	29511	4247532168	103		STATE OF TEXAS DC #5	CAPRITO (DELAWARE MIDDLE	17.0	PIONEER NATURAL GAS
8115988	28607	4232930906	102		ZULA B WYLIE #2	BRADFORD RANCH (ATOKA)	384.0	
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 02/06/81 JA: TX			
8116361	30012	4205131099	102		WETCHERT #2	GIDDINGS (AUSTIN CHALK)	73.0	CLAJON GAS CO
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 02/06/81 JA: TX			
8116092	28797	4221932758	103		D B BRYAN A NO 1	SLAUGHTER	2.0	AMOCO PRODUCTION CO
8116091	28796	4221932753	103		D B BRYAN NO 4	SLAUGHTER	11.7	AMOCO PRODUCTION CO
8116096	28803	4221932707	103		DAVIS NO 4-X	SLAUGHTER	2.0	AMOCO PRODUCTION CO
8116095	28802	4221932757	103		L G WILSON NO 4	SLAUGHTER	9.1	AMOCO PRODUCTION CO
-THE LOUISIANA LAND & EXPLORATION CO					RECEIVED: 02/06/81 JA: TX			
8116094	28800	4214330460	102		E R HAMMOND NO 1	LIBERTY OAK - BIG SALINE	1.2	NORTHERN GAS PRODUCT
8116108	28820	4214330570	102		E R HAMMOND NO 3	LIBERTY OAK - BIG SALINE	8.0	NORTHERN GAS PRODUCT
-THREE-B OIL CO					RECEIVED: 02/06/81 JA: TX			
8115927	28356	4237133113	103		PAYTON POOL YATES SU #15-2	PAYTON (YATES) FIELD	18.2	EL PASO NATURAL GAS
8115926	28355	4237133162	103		PAYTON POOL YATES SU #17-4	PAYTON (YATES) FIELD	18.2	DELMI GAS PIPE LINE
8115924	28348	4237133179	103		PAYTON POOL YATES SU #17-5	PAYTON (YATES) FIELD	18.2	DELMI GAS PIPE LINE
8116125	28878	4237132921	103		PHILLIPS IRT NO 2 (#96729)	PECOS VALLEY (HIGH GRAVI	32.9	DELMI GAS PIPELINE C
8116124	28877	4237133092	103		UNSICKER LINDA NO 1 (#26001)	PECOS VALLEY (HIGH GRAVI	27.4	DELMI GAS PIPELINE C
-TOM BRIGHTMAN INC					RECEIVED: 02/06/81 JA: TX			
8116178	29114	4250300000	103		LYNN C #20476	DYNAMO (STRAWN)	91.0	SUN GAS GATHERING CO
-TOMLINSON OIL CO INC					RECEIVED: 02/06/81 JA: TX			
*8115922	28341	4250131742	102		BARNES ET AL #1	REEVES (LEONARD LOWER)	5.4	PHILLIPS PETROLEUM C
*8115922	28341	4250131742	103		BARNES ET AL #1	REEVES (LEONARD LOWER)	5.4	PHILLIPS PETROLEUM C
-TRANS-AMERICAN DEVELOPMENT CORP					RECEIVED: 02/06/81 JA: TX			
8115984	28594	4204932223	103		GEORGE BOYD #1 (76274)	BROWN COUNTY REGULAR	42.0	ODESSA NATURAL CORP
8115983	28592	4204932268	103		GEORGE CRUME #1 (16156)	BROWN COUNTY REGULAR	73.0	ODESSA NATURAL CORP
-U S OPERATING INC					RECEIVED: 02/06/81 JA: TX			
8116296	29472	4228730572	103		BEATRICE NO 1 (#12803)	GIDDINGS (AUSTIN CHALK)	382.0	PGP GAS PRODUCTS INC
8116298	29474	4228730367	103		CAROLYN WILLIAMS NO 1 (#12242)	GIDDINGS (AUSTIN CHALK)	65.0	PGP GAS PRODUCTS INC
8116297	29473	4228730569	103		HALEY NO 1 ID #12633	GIDDINGS (AUSTIN CHALK)	772.0	PGP GAS PRODUCTS INC
-UNION OIL COMPANY OF CALIF					RECEIVED: 02/06/81 JA: TX			
8116310	29544	4247532156	103		UNIVERSITY 18-19 A #1	WAR-WINK SOUTH (WOLFCAMP	25.0	TEXACO INC
-UNIT DRILLING & EXPLORATION CO					RECEIVED: 02/06/81 JA: TX			
8116265	29394	4229530863	103		RANDALL #4	BRADFORD (TONKAWA)	1.0	PHILLIPS PETROLEUM C
-W R EDWARDS JR					RECEIVED: 02/06/81 JA: TX			
8116358	29787	4223300000	103		MERCHANTS ET AL #1	PANHANDLE HUTCHINSON CO	130.0	PANHANDLE PRODUCING
-WALSH AND WATTS INC					RECEIVED: 02/06/81 JA: TX			
8115880	28262	4249500000	108		COLBY NO 14 (LEASE NO 03202)	KERMIT	18.0	CABOT CORP
8116225	29270	4223300000	108		KINGSLAND B NO 8 (LEASE NO 01295)	PANHANDLE	1.0	PHILLIPS PETROLEUM C
-WALTER EXPLORATION INC					RECEIVED: 02/06/81 JA: TX			
8116273	29417	4249700000	108		ALLEN NO 1 ID #45394	BOONSVILLE (BEND CONGL)	11.0	NATURAL GAS PIPELINE
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 02/06/81 JA: TX			
8116085	28771	4210332316	103		UNIVERSITY P NO 8	DUNE	2.0	EL PASO NATURAL GAS
8115990	28611	4210332305	103		W N WADDELL ET AL TR A #1154	SAND HILLS (JUDKINS)	1.0	EL PASO NATURAL GAS
8116086	28772	4210332305	103		W N WADDELL ET AL TR A #1154	RUNNING W (TUBB)	54.0	EL PASO NATURAL GAS
8116087	28773	4210332286	103		W N WADDELL ET AL TR A #1155	RUNNING W (TUBB)	20.0	EL PASO NATURAL GAS
8115865	28218	4210332271	103		W N WADDELL TR 1 NO 1135	DUNE	6.0	EL PASO NATURAL GAS
-WAYMAN W BUCHANAN					RECEIVED: 02/06/81 JA: TX			
8116211	29229	4246131589	103		CONNELL EST A NO 4	SPRABERRY (TREND AREA)	14.5	PHILLIPS PETROLEUM C
-WILLIAM T LEWIS					RECEIVED: 02/06/81 JA: TX			
8115921	28339	4250300000	103		BURGESS # 20440	YOUNG	100.0	SUN GAS GATHERING CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WILSON ENERGY INC					RECEIVED: 02/06/81 JA: TX			
8115839	28145	4210500000	103		UNIVERSITY 2 #1	FARMER (SAN ANDRES)	36.0	BIG LAKE GASOLINE PL
-WM GRUENERWALD & ASSOC INC					RECEIVED: 02/06/81 JA: TX			
8115967	28513	4237530697	103		MASTERSON G#16R (03839)	PANHANDLE (RED CAVE)	15.7	COLORADO INTERSTATE
-WOOD ENTERPRISES INC					RECEIVED: 02/06/81 JA: TX			
8115982	28591	4208332124	103		DAVID PARKER #1 (89791)	COLEMAN COUNTY REGULAR	0.0	UNION TEXAS PETROLEU

OTHER PURCHASERS VOLUME NO 372

8115866	AMOCO
8115867	AMOCO
8115869	AMOCO
8115871	LONE STAR GAS CO
8115872	LONE STAR GAS CO
8115908	EL PASO NATURAL GAS CO
8115910	AMOCO GAS CO
8115911	TEXAS EASTERN TRANS CO
8115912	AMOCO GAS CO
8115913	TEXAS EASTERN TRANS CO
8115922	EL PASO NATURAL GAS CO
8115959	INTRATEX GAS CO
8115972	EL PASO NATURAL GAS CO
8116087	AMOCO
8116097	PIONEER NATURAL GAS CO
8116107	INTRATEX GAS CO
8116111	FERGUSON CROSSING P L CO
8116166	EL PASO NATURAL GAS COMPANY
8116167	EL PASO NATURAL GAS COMPANY
8116192	AMOCO
8116193	AMOCO
8116198	AMOCO
8116200	NORTHERN NATURAL GAS CO
8116203	NORTHERN NATURAL GAS CO
8116248	LONE STAR GAS CO
8116249	LONE STAR GAS CO
8116315	EL PASO NATURAL GAS COMPANY
8116345	UNITED GAS PIPELINE CO
8116346	UNITED GAS PIPELINE CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.206 and 18 CFR 275.204, file a protest with the Commission on or before March 17, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6883 Filed 2-27-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 373]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 25, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
**********								
OHIO DEPARTMENT OF NATURAL RESOURCES								
-ALTHEIRS OIL INC					RECEIVED: 02/04/81	RUSH CREEK TWP	6.0	NATIONAL GAS & OIL
3116453	JA: OH	3404520641	103		BIBLER #1	SCOTCH HEIGHTS	10.0	NATIONAL GAS & OIL
8116496		3412724880	103		PONTIOUS #1			
-ATLAS ENERGY GROUP INC	JA: OH				RECEIVED: 02/04/81	HOWLAND	0.0	COLUMBIA GAS TRANSMI
3116508		3415521552	103		MEDERER NO 1			
-BELDEN & BLAKE & CO L P NO 76	JA: OH				RECEIVED: 02/04/81	MARLBORO	36.5	
3116505		3415123409	103		P GEORGE #1-1043	SUGARCREEK	36.5	
3116504		3415123386	103		R C M LANE #1-1018	MARLBORO	36.5	
3116503		3415123383	103		ROHRER VAUGHAN COMM #5-1021			
-BEREA OIL AND GAS CORPORATION	JA: OH				RECEIVED: 02/04/81	RICH HILL	1.0	COLUMBIA GAS TRANSMI
3116489		3411925440	103		MRILL #4	VIENNA	1.0	EAST OHIO GAS CO
3116509		3415521623	103		SCHUBERT UNIT #1			
-BETHEL RESOURCES INC	JA: OH				RECEIVED: 02/04/81	CHESTER	12.0	COLUMBIA GAS TRANSMI
3116527		3416922441	103		B HARTMAN #1	CLINTON	12.0	COLUMBIA GAS TRANSMI
3116522		3416922248	103		MOOREHEAD #1			
-BOBBY ANDERSON	JA: OH				RECEIVED: 02/04/81	WARREN	7.0	COLUMBIA GAS TRANS C
3116520		3416725899	103		CARVER #2			
-BUCKEYE OIL PRODUCING CO	JA: OH				RECEIVED: 02/04/81	MILTON	16.0	COLUMBIA GAS TRANSMI
3116528		3416922446	103		M BERRY #1	LAKE	16.0	EAST OHIO GAS CO
3116502		3415123280	103		ROBERT EAVER #1	MILTON	16.0	COLUMBIA GAS TRANSMI
3116529		3416922447	103		S C K BERRY #1			
-CHAMFORD OIL AND GAS CORP	JA: OH				RECEIVED: 02/04/81	LIBERTY	30.0	
3116514		3416725729	103		CHARLES H CONGLETON #1	LIBERTY	20.0	
3116515		3416725732	103		CHARLES H CONGLETON #3			
-CLINTON OIL CO	JA: OH				RECEIVED: 02/04/81	CASS	100.0	
3116493		3411925483	103		D & J MERKER #4			
-CLOVER OIL CO	JA: OH				RECEIVED: 02/04/81	SMITH	100.0	
8116481		3410322338	103		SUPER UNIT #1			
-DART OIL & GAS CORPORATION	JA: OH				RECEIVED: 02/04/81	PERRY	18.0	
8116478		3408924001	103		WHYDE #1 (40011)			
-DART OIL COMPANY	JA: OH				RECEIVED: 02/04/81	PERRY	40.0	EAST OHIO GAS CO
8116479		3409921304	103		CATTELL UNIT NO 1	SMITH	40.0	EAST OHIO GAS CO
8116480		3409921305	103		CATTELL UNIT 1 A			
-EARTH RESOURCES EXPL DEV CORP	JA: OH				RECEIVED: 02/04/81	CANAAN	20.0	COLUMBIA GAS TRANSMI
8116526		3416922395	103		ABBOTT #1	CANAAN	20.0	COLUMBIA GAS TRANSMI
8116524		3416922392	103		EROOS #1	CANAAN	20.0	COLUMBIA GAS TRANSMI
8116525		3416922393	103		JORDAN #1	FREEDOM	25.0	EAST OHIO GAS CO
8116497		3413322240	103		SCHWEEBERGER #1	FREEDOM	25.0	EAST OHIO GAS CO
8116498		3413322241	103		SCHWEEBERGER #2			
-EDCO DRILLING & PRODUCING INC	JA: OH				RECEIVED: 02/04/81	SALT CREEK	18.0	
8116468		3407522852	103		KB-18 WEAVER			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-ENTERPRISE GAS & OIL INC					RECEIVED: 02/04/81 JA: OH			
8116447		3401921334	103		ANDERSON #1	ORANGE	36.5	MR OPERATING CO INC
8116455		3405922844	103		LARRICK #3	CENTER	36.5	COLUMBIA GAS TRANSMI
-FORAKER PRODUCING COMPANY INC					RECEIVED: 02/04/81 JA: OH			
8116495		3412724863	103		COOPERRIDER #3	HOPEWELL	8.0	
-GEORGE W SHARP					RECEIVED: 02/04/81 JA: OH			
8116494		3412724558	103		HAZEL BAKER ETAL #5	READING	10.0	NATIONAL GAS & OIL C
-HARRY DUGAN OIL CO					RECEIVED: 02/04/81 JA: OH			
8116476		3408923988	103		T & I BILLMAN NO 2	HICKMAN QUAD	73.4	COLUMBIA GAS TRANSMI
-INLAND DRILLING CO INC					RECEIVED: 02/04/81 JA: OH			
8116500		3413322434	103		M & E POCHEDLY #1	FREEDOM	0.1	
8116501		3413322435	103		M & E POCHEDLY #2	FREEDOM	0.1	
8116416		3400721059	103		PIPER #1	CHERRY VALLEY	0.1	
8116499		3413322357	103		WINDMILL ENTERPRISES #2	RAVENNE	0.0	
-IRVIN PRODUCING COMPANY					RECEIVED: 02/04/81 JA: OH			
8116490		3411925452	103		FRED GUTRIDGE #1	HOPEWELL	10.0	NATIONAL GAS & OIL C
8116486		3411925423	103		MCHUGH #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8116487		3411925424	103		MCHUGH #2	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8116488		3411925425	103		MCHUGH #3	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8116491		3411925454	103		WELCOME HAYES #1	WAYNE	10.0	COLUMBIA GAS TRANSMI
-JADOIL INC					RECEIVED: 02/04/81 JA: OH			
8116452		3403124006	103		ALVIN & JOANN MEEK #1	CLARK	0.0	COLUMBIA GAS TRANSMI
8116449		3403123708	103		ARCHIE & LOUISE WILLIAMSON #4	CLARK	0.0	COLUMBIA GAS TRANSMI
8116451		3403123906	103		ARCHIE & LOUISE WILLIAMSON #5	CLARK	15.0	COLUMBIA GAS TRANSMI
8116450		3403123747	103		DALE H SCHNABEL #1	BETHLEHEM	30.0	COLUMBIA GAS TRANSMI
8116472		3408923742	103		DONALD & DORIS SNIVELY #1	UNION	0.0	NEWZANE GAS CO
8116484		3411923665	103		DOUGLAS MURRAY #1	WINDSOR	5.0	NATIONAL GAS AND OIL
8116474		3408923893	103		JAMES F SHEETS #1	HANOVER	0.0	NEWZANE GAS CO
8116448		3403123350	103		KENNETH P & JANET SCHEETZ #1	CLARK	4.0	COLUMBIA GAS TRANSMI
8116473		3408923748	103		R & C PIERCE #2	HANOVER	0.5	NEWZANE GAS CO
-JEFFREY G MORAN					RECEIVED: 02/04/81 JA: OH			
8116477		3408923997	103		KEN F & ZONA A BOYER #1	EDEN	18.1	
-JOHN TANSKY					RECEIVED: 02/04/81 JA: OH			
8116492		3400922077	103		RICHARD GRIM #1	LODI	12.0	COLUMBIA GAS TRANSMI
-KENOIL					RECEIVED: 02/04/81 JA: OH			
8116521		3416921982	103		LESLIE SMELLER #1	CANAAN	6.0	COLUMBIA GAS TRANSMI
-LEW BATES JR					RECEIVED: 02/04/81 JA: OH			
8116458		3407322305	103		DYKES REAL EST & RENTALS #1	WASHINGTON	2.4	COLUMBIA GAS TRANSMI
8116457		3407322164	103		RUTH WOLF #1	WASHINGTON	2.4	COLUMBIA GAS TRANSMI
-LUDCO INC					RECEIVED: 02/04/81 JA: OH			
8116469		3408322753	103		CRUSE #1	MILLWOOD	0.0	
8116470		3408322804	103		HOPKINS #1	MILLWOOD	0.0	
-NATIONAL PRODUCTION CORPORATION					RECEIVED: 02/04/81 JA: OH			
8116475		3408923961	103		COULTER #1	HANOVER	8.0	NEW ZANE GAS CO
-ORION ENERGY CORP					RECEIVED: 02/04/81 JA: OH			
8116483		3411522100	103		A DAVIS #2	DEERFIELD	70.0	
-OXFORD OIL CO					RECEIVED: 02/04/81 JA: OH			
8116485		3411925385	103		FRANKLIN ASHFORD #1	BRUSH CREEK	10.0	
8116482		3411522151	103		J V RICHARDSON #1	SPENCER	10.0	
8116471		3408322813	103		JULIE CUPPY #1	BUTLER	10.0	
-POI ENERGY INC					RECEIVED: 02/04/81 JA: OH			
8116418		3400721104	103		BENTON #1	COLEBROOK	15.0	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116428		3400721299	103		BOGDON #1	ROME	5.0	
8116434		3400721318	103		BOYD #2	ROME	20.0	
8116433		3400721314	103		CARR-DROWN #1	ROME	20.0	
8116442		3400721369	103		CLARK #3	WAYNE	15.0	
8116461		3407522730	103		CRIDER #3	RICHLAND	16.0	COLUMBIA GAS TRANSMI
8116462		3407522731	103		CRIDER #4	RICHLAND	20.0	COLUMBIA GAS TRANSMI
8116429		3400721301	103		DROWN #3	ROME	10.0	
8116425		3400721296	103		GAAG #1	COLEBROOK	10.0	
8116443		3400721433	103		GOGAN #1	COLEBROOK	30.0	EAST OHIO GAS CO
8116463		3407522733	103		JOHNSON #1	RICHLAND	25.0	COLUMBIA GAS TRANSMI
8116506		3415320816	103		KOBERNA #1	HUDSON	40.0	
8116507		3415320817	103		KOBERNA ET AL #2	HUDSON	45.0	
8116431		3400721312	103		KRIEG #1	COLEBROOK	20.0	
8116444		3400721522	103		L BEAN #1	HARTSGROOVE	30.0	EAST OHIO GAS CO
8116467		3407522772	103		L HAWKINS #1	RICHLAND	30.0	COLUMBIA GAS TRANSMI
8116437		3400721331	103		LAKE CARDINAL #2	ROME	25.0	
8116421		3400721284	103		LAUTENAN #1	NEW LYME	50.0	
8116426		3400721297	103		MARKELL #1	COLEBROOK	20.0	
8116439		3400721344	103		MARRISON #3	NEW LYME	60.0	
8116459		3407517860	103		MELLAR #2	RICHLAND	0.0	COLUMBIA GAS TRANSMI
8116464		3407522735	103		MELLAR #4	RICHLAND	10.0	COLUMBIA GAS TRANSMI
8116465		3407522736	103		MELLAR #5	RICHLAND	10.0	COLUMBIA GAS TRANSMI
8116430		3400721311	103		MIKOS #1	ROME	75.0	
8116441		3400721351	103		MORRISON #1	NEW LYME	60.0	
8116440		3400721345	103		MORRISON #2	NEW LYME	60.0	
8116417		3400721101	103		NITA #2	COLEBROOK	15.0	
8116427		3400721298	103		PAROBEK #1	NEW LYME	5.0	
8116424		3400721295	103		SAMBORN #1	COLEBROOK	15.0	
8116419		3400721251	103		SAWICKI #1	COLEBROOK	15.0	
8116446		3400721986	103		SEDEVIC #1	ROME	20.0	
8116420		3400721255	103		SIGAL #1	ROME	15.0	
8116432		3400721313	103		SMITH #1	COLEBROOK	15.0	
8116435		3400721325	103		STRINGFELLOW #1	NEW LYME	25.0	
8116436		3400721326	103		STRINGFELLOW #2	NEW LYME	40.0	
8116438		3400721332	103		STRINGFELLOW #6	NEW LYME	40.0	
8116466		3407522771	103		WATTS #1	RICHLAND	40.0	COLUMBIA GAS TRANSMI
8116445		3400721985	103		WOOLEY #1	ROME	25.0	
8116423		3400721288	103		WYNN #3	NEW LYME	15.0	
8116422		3400721287	103		WYNN #4	NEW LYME	30.0	
-PREMIER ENERGY CORP					RECEIVED: 02/04/81 JA: OH			
8116460		3407527000	103		GLENN KAUFFMAN #2	HARDY	0.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY INV CORP 80-II					RECEIVED: 02/04/81 JA: OH			
8116454		3405320593	103		HALLIDAY-SHEETS #2	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
-RIMCO OPERATING INC					RECEIVED: 02/04/81 JA: OH			
8116530		3416922489	103		D BECKER #1	CHESTER	12.0	COLUMBIA GAS TRANSMI
8116523		3416922299	103		REICHERT #1	CHESTER	12.0	COLUMBIA GAS
-SANDHILL ENERGY INC (OH)					RECEIVED: 02/04/81 JA: OH			
8116513		3416725568	103		EARL HAUGHT #2	LAWRENCE	6.0	
8116511		3416725631	103		HAUGHT #1	LAWRENCE	5.4	
8116510		3416725630	103		HAUGHT-DEPUY #1	LAWRENCE	9.0	
8116512		3416725632	103		LAWRENCE HAMILTON #1	LAWRENCE	6.0	
8116516		3416725734	103		LAWRENCE HAMILTON #2	LAWRENCE	7.0	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
3116517		3416725735	103		LAWRENCE HAMILTON #3	LAWRENCE	8.0	
3116518		3416725753	103		LAWRENCE HAMILTON #4	LAWRENCE	6.0	
3116519		3416725754	103		LAWRENCE HAMILTON #5	LAWRENCE	6.5	
-TIGER OIL INC					RECEIVED: 02/06/81 JA: OK			
3116496		3405922852	103		KAPOLKA #3-A	VALLEY	0.0	COLUMBIA GAS TRANSMI

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OKLAHOMA CORPORATION COMMISSION

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-AN-SON CORPORATION					RECEIVED: 02/06/81 JA: OK			
3116675	07161	3501720684	103		DAVID REIMERS	S W CALUMET	35.6	MUSTANG FUEL CORP
3116672	07159	3501700000	103		EDWIN ZUM MALLEN #1-19	N CONCHO	7.0	PHILLIPS PETROLEUM C
3116679	07176	3501120800	103		FANSLER #1	W WATONGA	120.0	MUSTANG FUEL CORP
3116622	06953	3509300000	108		FARNSWORTH #1	KINGFIELD AREA	13.5	UNION TEXAS PETROLEU
3116610	07163	3503920325	103		HOOPER #1-19	PEARL	146.0	TRANSOK PIPE LINE CO
3116647	07164	3501720761	103		NITZEL #1	WATONGA	4.0	MUSTANG FUEL CORP
3116608	07060	3501700000	103		SCHWARZ #1	N CONCHO	0.6	PHILLIPS PETROLEUM C
3116677	07173	3501720820	103		STATE #1-33	W NILES	39.0	MUSTANG FUEL CORP
3116660	07177	3501100000	103		WRAY #1	W HITCHCOCK	2.6	DELHI GAS PIPE LINE
-ANADARKO PRODUCTION COMPANY					RECEIVED: 02/06/81 JA: OK			
3116648	07166	3513900000	108		HENSLEY #1	RICHLAND CENTER NO	14.0	PANHANDLE EASTERN PI
3116649	07167	3513920891	108		INTERSTATE M #1	GOFF CREEK	15.0	PANHANDLE EASTERN PI
-ANDOVER OIL COMPANY					RECEIVED: 02/06/81 JA: OK			
3116588	07310	3501700000	102		ALFADALE FARMS #2-4		185.0	DELHI GAS PIPELINE C
3116657	06879	3501721490	103		ROTHER #11-1		180.0	DELHI GAS PIPELINE C
-BEARD OIL COMPANY					RECEIVED: 02/06/81 JA: OK			
3116656	06724	3511921138	103		BENTLEY #2	SOUTHEAST PARADISE	60.0	CITIES SERVICE GAS C
-BROWN & BORELLI INC					RECEIVED: 02/06/81 JA: OK			
3116633	07058	3507322431	103		#1 ROY	WEST KINGFISHER	18.2	PHILLIPS PETROLEUM C
-CANADIAN EXPLORATION CORP					RECEIVED: 02/06/81 JA: OK			
3116674	07152	3509321791	103		JORDAN NO 6-1	CHEYENNE VALLEY	75.0	PHILLIPS PETROLEUM C
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 02/06/81 JA: OK			
3116664	07185	3507300000	108		IDA BAKER NO 1-5	SOONER TREND	4.3	PHILLIPS PETROLEUM C
3116650	07188	3509100000	108		LOLA J JEFFRIES #1	E CHANEY DELL	3.0	CHAMPLIN PETROLEUM C
-CHEYENNE PETROLEUM COMPANY					RECEIVED: 02/06/81 JA: OK			
3116638	07442	3506120345	102		SCOTT #1-23	RED OAK-NORRIS	73.0	ARKANSAS LOUISIANA G
-CLARK RESOURCES INC					RECEIVED: 02/06/81 JA: OK			
3116500	07068	3504722141	103		MOORE #16-1	SOONER TREND	36.5	PANHANDLE EASTERN PI
-DALCO PETROLEUM INC					RECEIVED: 02/06/81 JA: OK			
3116670	07150	3507322468	103		ANNIE #1	SOONER TREND	91.3	CITIES SERVICE GAS C
-EL PASO NATURAL GAS COMPANY					RECEIVED: 02/06/81 JA: OK			
3116669	10089	3500920375	107		G WEST #1	BINGER EAST ATOKA	730.0	EL PASO NATURAL GAS
-ENERGY QUEST DRILLING FUND LTD					RECEIVED: 02/06/81 JA: OK			
3116595	07106	3507121589	103		CRAFT #1		18.2	CITIES SERVICE GAS C
3116596	07105	3507121586	103		HINTON #1		29.2	CITIES SERVICE GAS C
3116615	07117	3507121587	103		HINTON #2		10.9	CITIES SERVICE GAS C
3116614	07119	3507121588	103		HINTON #3		19.5	CITIES SERVICE GAS C
3116594	07107	3507121564	103		MITCHELL #1		34.6	CITIES SERVICE GAS C
3116613	07120	3507121934	103		PARKER #1		18.2	CITIES SERVICE GAS C
3116591	07109	3507121935	103		PARKER-HAYES #1		18.2	CITIES SERVICE GAS C
3116593	07108	3507121933	103		THOMPSON #1		18.2	CITIES SERVICE GAS C
-ENNEX PRODUCTION COMPANY					RECEIVED: 02/06/81 JA: OK			
3116636	10004	3503920358	107		MYERS NO 1	N E ANTHON	1150.0	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-F C D OIL CORP					RECEIVED: 02/06/81 JA: OK			
3116652	06910	3507322535	103		LUBER 2-20	N E OKARCHE	0.0	PHILLIPS PETROLEUM
3116651	06912	3507322514	103		LUBER 3-20	N E OKARCHE	36.5	PHILLIPS PETROLEUM
3116667	06913	3507322534	103		RODENBERG 4-19	N E OKARCHE	72.0	PHILLIPS PETROLEUM
-F HOWARD WALSH JR					RECEIVED: 02/06/81 JA: OK			
3116628	07484	3501520893	102		KIMBLE #1	LIBBIE	0.0	ARKANSAS LOUISIANA G
-GEORGE RODMAN INC					RECEIVED: 02/06/81 JA: OK			
3116585	07044	3513722212	103		WRIGHT NO 1	SHO-VEL-TUM	175.2	MOBIL OIL CORP
-GETTY OIL CO					RECEIVED: 02/06/81 JA: OK			
*3116653	06909	3513700000	108		J M ROBBERSON #8	SHO-VEL-TUM	17.0	OKLAHOMA NATURAL GAS
-GETTY RESERVE OIL INC					RECEIVED: 02/06/81 JA: OK			
3116641	07191	3507920352	103		ABERNATHY NO 34-1	KINTA	400.0	ARKANSAS LOUISIANA G
3116640	07197	3501721270	103		LA BAHN NO 13-1	EL RENO	146.0	DELHI GAS PIPELINE C
3116658	07198	3508120933	103		YOUNGKER NO 12-2	PRAIRIE GEM	15.0	SUN GAS CO
-GULF OIL CORPORATION					RECEIVED: 02/06/81 JA: OK			
3116617	07115	3513722061	103		CLYDE QUINN #12-26	VELMA-HUNTON	171.0	LONE STAR GAS CO
3116590	07114	3505920887	103		MCCLUNG R F NO 2-23	LAVERNE	0.0	COLORADO INTERSTATE
3116629	07425	3501121014	102		MUSSELMAN #1	WEST OMEGA	84.0	OKLAHOMA NATURAL GAS
3116631	07435	3501121012	102		OTTO STRACK ET AL #1-10	OMEGA WEST	84.0	OKLAHOMA NATURAL GAS
3116630	07426	3501120991	102		WIESE #1-15	WEST OMEGA	5.0	OKLAHOMA NATURAL GAS
-HAMILTON BROTHERS OIL CO					RECEIVED: 02/06/81 JA: OK			
3116627	07434	3514920059	102		SEGAR INDIAN SCH UNIT #1-22	WILDCAT	2.9	MICHIGAN WISCONSIN P
-HARPER OIL COMPANY					RECEIVED: 02/06/81 JA: OK			
3116597	07102	3507322117	103		ALTA A-1	SOONER TREND	55.0	PHILLIPS PETROLEUM C
3116599	07100	3509321381	103		LEO STRECKER #1	WILDCAT	55.0	PHILLIPS PETROLEUM C
3116618	07002	3507322511	103		MARION #2	SOONER TREND	250.0	PHILLIPS PETROLEUM C
3116598	07099	3509321422	103		WARD #1	SOONER TREND	51.0	PHILLIPS PETROLEUM C
-HELMERICH & PAYNE INC					RECEIVED: 02/06/81 JA: OK			
3116654	06905	3501121011	103		E M WRIGHT NO 1-9	SQUAW CREEK	200.0	MICHIGAN WISCONSIN P
3116642	07190	3500721845	103		OTTO BARBY #3	MOCANE	110.0	COLORADO INTERSTATE
3116646	06347	3509321756	102		STAMBAUGH NO 1-33	EAST SEILING	75.0	MICHIGAN WISCONSIN P
-HESTON OIL CO					RECEIVED: 02/06/81 JA: OK			
3116592	07112	3513321148	103		LOONEY 22-1	N SEMINOLE	14.8	SOUTHWEST GATHERING
3116634	07113	3500320651	103		SCHMIDT 22-1	N GOLTRY	57.7	UNION TEXAS PET
-HOLD OIL CORP					RECEIVED: 02/06/81 JA: OK			
3116643	07189	3506321043	103		PEARL HARJO #1	SOUTHEAST HORNTOWN	70.0	WELLHEAD ENTERPRISES
-INCA OIL CO					RECEIVED: 02/06/81 JA: OK			
3116661	07179	3511720758	103		GREEAR #1	HALLETT WEST	36.5	COLORADO GAS COMPRES
3116659	07178	3511720759	103		ROBINSON #1	HALLETT WEST	73.0	COLORADO GAS COMPRES
-JAMES E VINCENT					RECEIVED: 02/06/81 JA: OK			
3116621	06933	3514721233	103		THOMPSON NO 1 (WALTER TOPPING NO 4)	HOGSHOOTER	14.0	DIAMOND S GAS SYSTEM
3116621	06933	3514721233	108		THOMPSON NO 1 (WALTER TOPPING NO 4)	HOGSHOOTER	14.0	DIAMOND S GAS SYSTEM
-JOHN C OXLEY					RECEIVED: 02/06/81 JA: OK			
3116671	07133	3512120718	103		EUGENE BROWN #1		0.0	
-L O WARD					RECEIVED: 02/06/81 JA: OK			
3116586	07049	3509300000	103		NEWMAN-FREED #1-34	N E OKEENE	365.0	TRANSOK PIPELINE
-LEWIS EXPLORATION INC					RECEIVED: 02/06/81 JA: OK			
3116612	07122	3507122077	103		CHRISTENSEN #2		27.3	CITIES SERVICE GAS C
-LINCOLN ROCK CORP					RECEIVED: 02/06/81 JA: OK			
3116655	06904	3508520350	103		CLINTON #2	NORTHEAST MARIETTA	12.0	CIMARRON TRANSMISSIO
3116601	07094	3508520341	103		DAUBE #4	NORTHEAST MARIETTA	5.0	CIMARRON TRANSMISSIO
-MAGAW & ZIMMER					RECEIVED: 02/06/81 JA: OK			

ID NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116625	06924	3511120616	108		CHILDERS NO 1	SOUTH NUYAKA	18.0	PHILLIPS PETROLEUM C
-MAGUIRE OIL COMPANY					RECEIVED: 02/06/81 JA: OK			
8116605	07034	3500300000	103		EBERSOLE #2	CHANEY DELL	0.0	PANHANDLE EASTERN PI
8116639	07203	3509300000	103		MAY #2	CHANEY DELL	0.0	PANHANDLE EASTERN PI
-MOBIL OIL CORP					RECEIVED: 02/06/81 JA: OK			
8116626	05947	3501900000	108		C F ADAMS #21	SHO-VEL-TUM	2.6	OKLAHOMA NATURAL GAS
-MRT EXPLORATION COMPANY					RECEIVED: 02/06/81 JA: OK			
8116666	05559	3500920297	102		CARL B GILLILAND NO 1	SOUTHWEST NEW LIBERTY	198.0	MISSISSIPPI RIVER TR
-MUSTANG PRODUCTION CO.					RECEIVED: 02/06/81 JA: OK			
8116673	07165	3504321063	103		WALKER #1-14	E OAKWOOD	450.0	DELHI GAS PIPELINE C
-NATOMAS NORTH AMERICA INC					RECEIVED: 02/06/81 JA: OK			
8116609	07047	3503920320	102		OHARA #1-26	SOUTHWEST THOMAS	0.0	MICHIGAN WISCONSIN P
-NEVA ASSOCIATES					RECEIVED: 02/06/81 JA: OK			
8116635	07046	3507121857	103		KAHLE #2-15		10.0	CITIES SERVICE GAS C
8116620	07001	3507121903	103		WILDGRUBE #1-15	EAST BLACKWELL	8.0	CITIES SERVICE GAS C
8116619	07000	3507121904	103		WILDGRUBE #2-15	EAST BLACKWELL	8.0	CITIES SERVICE GAS C
-P-T II LTD					RECEIVED: 02/06/81 JA: OK			
8116584	07043	3507300000	103		PERDUE #35-1	SOONER TREND	11.3	EASON
-PAYNE INC					RECEIVED: 02/06/81 JA: OK			
8116668	07132	3508321296	103		RICHARD P MILLER NO 2	WEST LAWRIE	9.0	EASON OIL CO
-PERRY OIL CO					RECEIVED: 02/06/81 JA: OK			
8116644	07201	3504722025	103		SNODGRASS #1	SOONER TREND	73.0	CITIES SERVICE GAS C
-PHILLIPS OIL OPERATING CO					RECEIVED: 02/06/81 JA: OK			
8116676	07171	3508121041	103		GREEN NO 2	SOUTHWEST PRAIRIE GEN	5.0	SUN OIL CO
8116678	07174	3508121012	103		HAGAR NO 2	SOUTHWEST PRAIRIE GEN	26.0	SUN OIL CO
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/06/81 JA: OK			
8116663	07182	3501721506	103		KUNNEMAN A	N CONCHO	0.0	PANHANDLE EASTERN PI
8116662	07181	3501721570	103		WEHMULLER FARMS A #1	N CONCHO	0.0	PANHANDLE EASTERN PI
8116665	07180	3501721559	103		WEHMULLER FARMS A #2	N CONCHO	0.0	PANHANDLE EASTERN PI
-S K TUTHILL & B J BARBEE					RECEIVED: 02/06/81 JA: OK			
8116632	07052	3515321061	103		#1-I JOHNSON UNIT	SOUTH FREEDOM	115.0	PANHANDLE EASTERN PI
-SHELL OIL CO					RECEIVED: 02/06/81 JA: OK			
8116589	07127	3507300000	108		SHIMANEK A #2	HENNESEY E	7.0	EXXON CO USA
8116587	07126	3505900003	108		STINSON-DEXTER UNIT 2A	MOCANE LAVERNE	19.0	MICHIGAN WISCONSIN P
8116611	07123	3504500000	108		WOOD 1-21	BISHOP SOUTH	19.0	PANHANDLE EASTERN PI
-SULLIVAN AND CO					RECEIVED: 02/06/81 JA: OK			
8116616	06990	3508120931	103		BETTY LAUB NO 1	SOUTHWEST PRAIRIE GEN	19.0	SUN OIL CO
8116623	06989	3508120930	103		R E ACREE	SOUTHWEST PRAIRIE GEN	92.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/06/81 JA: OK			
8116637	05965	3504700000	108		S E FLYNN UNIT NO 50-2	DOVER-HENNESSEY	6.0	EXXON CORP
8116645	05966	3504700000	108		S E FLYNN UNIT NO 56-1	DOVER-HENNESSEY	0.0	EXXON CORP
-TENNECO OIL COMPANY					RECEIVED: 02/06/81 JA: OK			
8116602	06978	3500721691	103		CARLISLE 15-14	MOCANE-LAVERNE	270.0	COLORADO INTERSTATE
-TEXAS OIL & GAS CORP					RECEIVED: 02/06/81 JA: OK			
8116607	07055	3506120354	103		KERR MCGEE A #1	KINTA	47.0	
-TRIGG DRILLING COMPANY INC					RECEIVED: 02/06/81 JA: OK			
8116606	07053	3501520715	103		STATE-EXXON A NO 1	COGAR	191.0	OKLAHOMA NATURAL GAS
-UNIVERSAL RESOURCES CORPORATION					RECEIVED: 02/06/81 JA: OK			
8116604	07007	3509320614	108		BROOMFIELD 1-13	SOONER TREND	5.0	PHILLIPS PETROLEUM C
-VIERSEN & COCHRAN					RECEIVED: 02/06/81 JA: OK			
8116624	06939	3505320495	103		LEFORCE #1	WAKITA TREND	180.0	SUN GAS CO
-WHITMAR EXPLORATION CO					RECEIVED: 02/06/81 JA: OK			

ID NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116603	07006	3507920373	103		FOX NO 1	KINTA	275.0	ARKANSAS LOUISIANA G
**********								
WEST VIRGINIA DEPARTMENT OF MINES								
**********								
-ALCO OIL CO					RECEIVED: 02/06/81 JA: WV			
8116578		4706100609	108		A W WHISLER #3	BATELLE	0.8	CARNEGIE NATURAL GAS
8116576		4704900680	108		CHARLES SNODGRASS #1	GLOVER GAP	0.2	CONSOLIDATED NATURAL
-APPALACHIAN EXPLORATION & DEVEL INC					RECEIVED: 02/06/81 JA: WV			
8116536		4707900830	108		HARDY HEIRS B-2	UNION	21.0	CABOT CORP
8116535		4707900833	108		MCLEAN HEIRS A-1	UNION	13.0	CABOT CORP
-ASHLAND EXPLORATION INC					RECEIVED: 02/06/81 JA: WV			
8116575		4703900203	108		C C DICKENSON #1 - 6300	NEWFIELD	4.0	CITIES SERVICE CO
8116574		4704500947	108		PARDEE LAND CO #64 - 65171	LOGAN-WYOMING	15.0	CONSOLIDATED GAS SUP
-BYRON L HALL AGENT					RECEIVED: 02/06/81 JA: WV			
8116534		4704900178	108		EUGENUS WILSON NO 3	EUGENUS WILSON #3	15.3	PENNZOIL PRODUCING C
8116533		4704900192	108		HENRY TETRICK NO 1	DELMER LEASE-HENRY TETRI	8.9	PENNZOIL PRODUCING C
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 02/06/81 JA: WV			
8116553		4703902220	108		H R GODBEY 809728	ROCKY FORK	8.0	
8116532		4701900200	108		KANAWHA GAULEY COAL & COKE 809782	FIELD AREA A	4.3	
8116531		4703902199	108		PUGH NO 1 809751	ROCKY FORK	3.5	
8116552		4705900863	108		TCO MINERAL TR NO 3 820350	FIELD AREA B	16.0	
-CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 02/06/81 JA: WV			
8116550		4700501047	108		MARY DICKINSON 11704	WEST VIRGINIA OTHER A857	5.0	GENERAL SYSTEM PURCH
-DAVID A FRESHWATER					RECEIVED: 02/06/81 JA: WV			
8116554		4701302559	108		GOLDIE MILLER #2	MINNORA	7.0	CONSOLIDATED GAS SUP
8116572		4701302597	108		PRICY SAMPSON LEASE	RUSH RUN	11.0	CONSOLIDATED GAS SUP
-E A BALLENGEE CO					RECEIVED: 02/06/81 JA: WV			
8116577		4701301894	108		BURROWS #1	OMA BURROWS	0.9	CONSOLIDATED GAS SUP
-ENERGY DEVELOPMENT CORPORATION					RECEIVED: 02/06/81 JA: WV			
8116537		4704700691	108		EDC NO 2 -MCD-691	BIG SANDY	12.0	CONSOLIDATED GAS SUP
8116573		4704700748	108		EDC NO 7 - MCD-748	BIG SANDY	15.0	CONSOLIDATED GAS SUP
-ISRAEL FORK GAS CO					RECEIVED: 02/06/81 JA: WV			
8116582		4701700200	108		JOHNSON WILLIAMS #1	NUTTER FORK	3.2	EQUITABLE GAS CO
8116583		4701700452	108		JOHNSON WILLIAMS #2	NUTTER FORK	3.2	EQUITABLE GAS CO
-IVY VON YOAK					RECEIVED: 02/06/81 JA: WV			
8116562		4701300190	108		O C BENNETT #5	SHERMAN DISTRICT	1.5	CABOT CORP
8116549		4701300176	108		O C BENNETT NO 1	SHERMAN DISTRICT	1.5	CABOT CORP
-L G PIGOTT					RECEIVED: 02/06/81 JA: WV			
8116581		4701700176	108		BLAIR SWENTZEL #1	MORGANS RUN	5.2	CONSOLIDATED GAS CO
8116580		4701700116	108		MARTHA R SCOTT #1	HOWELLS RUN OF BIG FLINT	0.9	CARNEGIE NATURAL GAS
-LITTON GAS CO					RECEIVED: 02/06/81 JA: WV			
8116579		4708500094	108		CONNALLY HEIRS #1	MURPHY	2.2	CABOT CORP
-PENNZOIL COMPANY					RECEIVED: 02/06/81 JA: WV			
8116548		4704301506	108		C O WAGGONER #3	DUVAL	3.6	CONSOLIDATED GAS SUP
8116545		4704301521	108		C O WAGGONER #4	DUVAL	0.5	CONSOLIDATED GAS SUP
8116546		4704301520	108		C O WAGGONER #5	DUVAL	1.0	CONSOLIDATED GAS SUP
8116565		4704301771	108		CARL NEAL #1	DUVAL	1.6	CONSOLIDATED GAS SUP
8116540		4704301789	108		CARL NEAL #2	DUVAL	1.7	CONSOLIDATED GAS SUP
8116538		4704301790	108		CARL NEAL #3	DUVAL	1.7	CONSOLIDATED GAS SUP
8116568		4708702436	108		CHAMBERS HEIRS #5	SMITHFIELD	1.6	CONSOLIDATED GAS SUP
8116563		4702100288	108		FRENCH HARDMAN #4	DEKALB	15.1	CONSOLIDATED GAS SUP
8116566		4704301779	108		HAMLIN-BIAS #2	DUVAL	2.1	CONSOLIDATED GAS SUP
8116544		4704301523	108		HAMLIN-HILBERT #1	DUVAL	1.1	CONSOLIDATED GAS SUP

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ID NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8116542		4704301526	108		HAMLIN-HILBERT #4	DUVAL	4.2	CONSOLIDATED GAS SUP
8116543		4704301530	108		HAMLIN-HILBERT #5	DUVAL	4.2	CONSOLIDATED GAS SUP
8116571		4704301843	108		IVAL MCCALLISTER #1	DUVAL	7.0	CONSOLIDATED GAS SUP
8116567		4704900525	108		KATE HAFER #2	MANNINGTON	3.9	
8116541		4704301704	108		MITCHELL HEIRS #3	DUVAL	0.2	CONSOLIDATED GAS SUP
8116570		4710500001	108		PHOEBE WOODARD #1	REEDY	0.2	
8116547		4704301518	108		REESE MCCLURE HEIRS #2	DUVAL	1.0	CONSOLIDATED GAS SUP
8116564		4704301709	108		SWEETLAND LAND & MINERAL A #1	DUVAL	1.7	CONSOLIDATED GAS SUP
8116569		4708504080	108		W S GRUBB #1	UNION	0.1	CONSOLIDATED GAS SUP
8116539		4704301551	108		ZONA HUGHES #4	DUVAL	1.0	CONSOLIDATED GAS SUP
-ROGERS & SON					RECEIVED: 02/06/81 JA: WV			
8116551		4701300703	108		EDITH Z MCDONALD NO 4	SHERMAN DISTRICT	4.0	PENNZOIL CO
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 02/06/81 JA: WV			
8116557		4704700746	108		POCAHONTAS LAND CORP #A-41	NORTH FORK	26.0	CONSOLIDATED GAS SUP
8116556		4704700747	108		POCAHONTAS LAND CORP #A-42	NORTH FORK	21.9	CONSOLIDATED GAS SUP
8116558		4705500040	108		POCAHONTAS LAND CORP #B-1	ROCK	11.0	CONSOLIDATED GAS SUP
8116559		4705500039	108		POCAHONTAS LAND CORP #B-5	ROCK	11.0	CONSOLIDATED GAS SUP
8116561		4710900767	108		POCAHONTAS LAND CORP #C-13	BARKERS RIDGE	17.4	CONSOLIDATED GAS SUP
8116555		4704700751	108		POCAHONTAS LAND CORP #C-18	NORTH FORK	21.9	CONSOLIDATED GAS SUP
8116560		4705500065	108		POCAHONTAS LAND CORP D-9	ROCK	14.4	CONSOLIDATED GAS SUP
**********								
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
**********								
-AMOCO PRODUCTION CO					RECEIVED: 02/04/81 JA: NM 4			
8116365	NM-0765-80	3002526469	102		FEDERAL AC #1	UND STRAWN	513.0	GAS CO OF NEW MEXICO
-C & K PETROLEUM INC					RECEIVED: 02/04/81 JA: NM 4			
*8116368	NM-0784-80	3001523219	102		CK FEDERAL NO 2-Z	(DELAWARE)	164.0	TRANSCONTINENTAL GAS
-CONOCO INC					RECEIVED: 02/04/81 JA: NM 4			
8116397	NM 1600-80	3003922291	103		AXI APACHE M NO 7	AXI APACHE AREA	664.0	GAS CO OF NEW MEXICO
8116398	NM 1601-80	3003922280	103		AXI APACHE M NO 8	AXI APACHE AREA	984.0	GAS CO OF NEW MEXICO
8116399	NM 1604-80	3002526983	103		SEMU EUMONT NO 118Y	NMFU - EUMONT QUEEN	30.0	EL PASO NATURAL GAS
-EL PASO EXPLORATION CO					RECEIVED: 02/04/81 JA: NM 4			
8116413	NM-1677-80A	3003922275	103		JICARILLA 152W #5A (MV)	BLANCO MESAVERDE	36.0	NORTHWEST PIPELINE C
8116414	NM-1677-80B	3003922275	103		JICARILLA 152W #5A (PC)	BLANCO SOUTH PICTURED CL	27.0	NORTHWEST PIPELINE C
-EL PASO NATURAL GAS COMPANY					RECEIVED: 02/04/81 JA: NM 4			
8116376	NM-1182-80	3004505276	108		BUD-DOS-PAH #1	BALLARD - PICTURED CLIFF	22.0	EL PASO NATURAL GAS
8116380	NM-1200-80	3003920783	108		CANYON LARGO UNIT #230	SOUTH BLANCO-PICTURED CL	22.0	EL PASO NATURAL GAS
*8116388	NM-1421-80	3004520395	108		HUERFANO UNIT #193	BASIN-DAKOTA	18.0	EL PASO NATURAL GAS
8116391	NM-1528-80	3003905797	108		JICARILLA 67 #5	BASIN-DAKOTA	20.0	EL PASO NATURAL GAS
8116371	NM-1044-80	3003921061	108		KLEIN #25	BLANCO SOUTH PICTURED CL	22.0	EL PASO NATURAL GAS
8116378	NM-1190-80	3003920638	108		LINDRITH UNIT #76	SOUTH BLANCO-PICTURED CL	22.0	EL PASO NATURAL GAS
8116381	NM-1205-80	3003920964	108		LINDRITH UNIT #83	BLANCO SOUTH - PICTURED	21.0	EL PASO NATURAL GAS
8116374	NM-1178-80	3004509232	108		LUDWICK #10 PC	AZTEC- PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
8116377	NM-1183-80	3004508932	108		LUDWICK #21	BASIN-DAKOTA	21.0	EL PASO NATURAL GAS
8116375	NM-1181-80	3003906332	108		QUANTIUS #3	BLANCO SOUTH-PICTURED CL	22.0	EL PASO NATURAL GAS
8116384	NM-1352-80	3004520480	108		QUIGLEY #2	BLANCO-PICTURED CLIFFS	22.0	EL PASO NATURAL GAS
8116409	NM-1675-80A	3003922373	103		SAN JUAN 27-4 UNIT #138 (MV)	BLANCO MESAVERDE	182.0	EL PASO NATURAL GAS
8116410	NM-1675-80B	3003922373	103		SAN JUAN 27-4 UNIT #138 (PC)	TAPACITO PICTURED CLIFFS	25.0	EL PASO NATURAL GAS
8116415	NM-1678-80	3003922374	103		SAN JUAN 27-4 UNIT #35A	BLANCO MESAVERDE	73.0	EL PASO NATURAL GAS
8116379	NM-1194-80	3003920145	108		SAN JUAN 27-4 UNIT #39	BASIN-DAKOTA GAS	20.0	EL PASO NATURAL GAS
8116385	NM-1415-80	3003920724	108		SAN JUAN 27-4 UNIT NO 71	BASIN-DAKOTA GAS	10.0	EL PASO NATURAL GAS
*8116387	NM-1420-80	3003906914	108		SAN JUAN 27-5 UNIT #11	BLANCO-MESAVERDE	15.0	EL PASO NATURAL GAS

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ID NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8116389	NM-1517-80	3003906959	108		SAN JUAN 27-5 UNIT #42 PC&MV	TAPACITO PC & BLANCO-MV	18.0	EL PASO NATURAL GAS
8116390	NM-1519-80	3003907218	108		SAN JUAN 28-4 UNIT #8	BLANCO-MESAVERDE	11.0	EL PASO NATURAL GAS
8116394	NM-1554-80	3003907156	108		SAN JUAN 28-6 UNIT #39	BLANCO-MESAVERDE GAS	16.0	EL PASO NATURAL GAS
8116382	NM-1218-80	3003920797	108		SAN JUAN 28-7 UNIT #179	BLANCO - PICTURED CLIFFS	25.0	EL PASO NATURAL GAS
8116386	NM-1418-80	3003907192	108		SAN JUAN 28-7 UNIT #34	BLANCO-MESAVERDE	19.0	EL PASO NATURAL GAS
8116411	NM-1676-80A	3003921919	103		SAN JUAN 29-7 UNIT #77A (DAKOTA)	BASIN DAKOTA	131.0	EL PASO NATURAL GAS
*8116412	NM-1676-80B	3003921919	103		SAN JUAN 29-7 UNIT #77A (MV)	BLANCO MESAVERDE	182.0	EL PASO NATURAL GAS
8116392	NM-1531-80	3003907844	108		SAN JUAN 30-6 UNIT #66	BLANCO MESAVERDE	20.0	EL PASO NATURAL GAS
8116383	NM-1219-80	3004506948	108		STOREY #2	BLANCO-MESAVERDE GAS	22.0	EL PASO NATURAL GAS
8116393	NM 1533-80	3004500000	108		STUART #3	BLANCO MESAVERDE	0.0	EL PASO NATURAL GAS
-FLAG-REDFERN OIL CO					RECEIVED: 02/04/81 JA: NM 4			
8116396	NM-1593-80	3001523058	103		LLANO FEDERAL NO 1 NM-23002	SHUGART (Y 7R QUEEN GRAY	5.1	CONTINENTAL OIL CO
-MILLIN PRODUCTION CO					RECEIVED: 02/04/81 JA: NM 4			
8116373	NM-111980102	3001570324	102		DNU #4	WINCHESTER - WOLFCAMP	360.0	EL PASO NATURAL GAS
-KOCH INDUSTRIES INC					RECEIVED: 02/04/81 JA: NM 4			
8116403	NM 1632-80	3004522768	103		GARDNER #4-A	BLANCO MESA VERDE	185.0	NORTHWEST PIPELINE C
8116402	NM 1631-80	3004524591	103		GARDNER #5	BLANCO MESA VERDE	175.0	NORTHWEST PIPELINE C
8116406	NM 1635-80	3004524487	103		GONSALES #1	BASIN DAKOTA	110.0	EL PASO NATURAL GAS
8116405	NM 1634-80	3004524450	103		HOWELL #1-E	BASIN DAKOTA	75.0	NORTHWEST PIPELINE C
8116401	NM-1630-80	3004524577	103		WALKER #6-R	BLANCO PICTURED CLIFF	160.0	EL PASO NATURAL GAS
8116404	NM 1633-80	3004524384	103		WILLIAM MANSFIELD #1-E	BASIN DAKOTA	115.0	EL PASO NATURAL GAS
-MARATHON OIL COMPANY					RECEIVED: 02/04/81 JA: NM 4			
8116372	NM1049-80	3001523195	102		MARTINEZ FEDERAL 31 #1	(BONE SPRINGS FORMATION)	73.0	EL PASO NATURAL GAS
-MESA PETROLEUM					RECEIVED: 02/04/81 JA: NM 4			
8116370	NM-0916-80	3001523229	102		DEPCO FEDERAL #1	DIAMOND MOUND MORROW	314.0	NORTHERN NATURAL GAS
8116368	NM-0914-80	3001523161	102		DERRICK FEDERAL #2	DIAMOND MOUND MORROW	182.0	NORTHERN NATURAL GAS
8116369	NM-0915-80	3001523057	102		DERRICK FEDERAL COM #1	UNDESIGNATED ATOKA-MORRO	100.0	NORTHERN NATURAL GAS
8116367	NM-0911-80	3001523056	102		SINK FEDERAL #1	UNDESIGNATED GRAYBURG	126.0	NORTHERN NATURAL GAS
-TENNECO OIL COMPANY					RECEIVED: 02/04/81 JA: NM 4			
8116408	NM 1642-80	3004524098	103		C M MORRIS COM #1-E	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8116400	NM 1605-80	3001523295	103		CATCLAW DRAW #15	CATCLAW DRAW MORROW	365.0	TUCO INC
-TEXACO INC					RECEIVED: 02/04/81 JA: NM 4			
8116395	NM 1586-80	3004507499	108		GOVERNMENT E (NCT-1) NO 1	BASIN DAKOTA	7.0	NORTHWEST PIPELINE C
8116407	NM-1636-80	3004507955	103		H J LOE B FEDERAL #3E	BASIN DAKOTA	170.0	SOUTHERN UNION GATHE

OTHER PURCHASERS

8116366	BIXCO INC
8116387	NORTHWEST PIPELINE CORP
8116388	NORTHWEST PIPELINE CORP
8116389	NORTHWEST PRODUCTION CORP
8116412	NORTHWEST PIPELINE CORP
8116433	LONE STAR GAS CO

BILLING CODE 6460-65-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 17, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6394 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of January 23, Through January 30, 1981

During the week of January 23 through January 30, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearing and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals Department of Energy, Washington, D.C. 20461.

February 24, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of Jan. 23 through Jan. 30, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 23, 1981	Texaco, Inc., White Plains, New York	BES-0133	Request for Stay. If granted: Texaco, Inc. would receive a stay of the November 20, 1980, Interim Decision and Order issued by the Office of Hearings and Appeals to J. A. Hare Company, Inc. regarding the firm's Application for Exception (Case No. BEN-0048).
Jan. 26, 1981	Belco Petroleum Corporation, Houston, Texas	BXE-1610	Price Exception. If granted: Belco Petroleum Corporation would be permitted to continue to sell the crude oil produced from the White River Unit, located in Uintah County, Utah at upper tier ceiling prices.
Jan. 26, 1981	Collier, Shannon, Rill & Scott (Austrian) Washington, D.C.	BFA-0597	Appeal of Freedom of Information Request Denial. If granted: The December 22, 1980, Freedom of Information Request Denial issued by the Office of Enforcement, ERA, would be rescinded and the firm would receive access to certain DOE information.
Jan. 26, 1981	Giant Industries, Inc., Washington, D.C.	BEE, BES, BET-1613	Exception from the Buy/Sell Program Request for Stay and Temporary Stay. If granted: Giant Industries, Inc. would receive an exception from the provisions of 10 CFR 211.85, regarding the firm's participation in the Crude Oil Buy/Sell Program. The firm would receive a stay and temporary stay pending a final determination on its Application for Exception.
Jan. 26, 1981	Hudson Refining Co./Pester, Amoco, Mobile, and Cities, Washington, D.C.	BEJ-0180 to 0183	Motions for Protective Orders. If granted: Hudson Refining Co., Inc. would enter into Protective Orders with Pester Refining Company, Amoco Oil Company, Mobil Oil Corporation, and Cities Service Company regarding the exchange of proprietary information with respect to Hudson Refining's Application for Exception (Case No. BEE-1582).
Jan. 26, 1981	Johnny's Petroleum Products, Inc., New Berlin, Wisconsin	BEE-1609	Exception from Reporting Requirements. If granted: Johnny's Petroleum Products, Inc. would not be required to file Form EIA-8 ("No. 2 Distillate Price Monitoring Report").
Jan. 26, 1981	Johnson Oil Company, Salt Lake City, Utah	BER-0100 & BES-0135	Request for Modification and Request for Stay. If granted: The June 18, 1980, Decision and Order issued to Southwestern Refining Co., Inc. (Case No. DEE-0483) would be modified regarding adjustments to the crude oil transportation costs. The June 18, 1980, Decision and order would be stayed pending a final determination on Johnson Oil Co.'s Request for Modification.
Jan. 26, 1981	Mobil Oil Corporation, Washington, D.C.	BES-0136 & BET-0136	Request for Stay and Temporary Stay. If granted: The January 19, 1981, Interim Decision and Order issued to Energy Cooperatives, Inc. (Case No. BEN-0070) would be stayed pending a final determination on its Application for Exception (Case No. BEE-0508).
Jan. 26, 1981	Office of Special Counsel, Washington, D.C.	BRZ-0082	Request for Interlocutory Order. If granted: Gulf Oil Corporation, Gulf Oil Exploration and Production Co., the State of Louisiana and Southland Royalty Co. would be required to file Statements of Factual Objections to the Proposed Remedial Order issued by the Office of Special Counsel to Gulf Oil Corporation on May 1, 1979.
Jan. 26, 1981	Plateau, Inc., Washington, D.C.	BEX-0154	Supplemental Order. If granted: The stay relief previously granted to Plateau, Inc. decreasing the firm's entitlements purchase obligations would be supplemented by a further decrease in Plateau's entitlements purchase obligations in the Entitlements Notice to be published in February 1981.
Jan. 26, 1981	Reedley Car Wash, Reedley, Calif.	BEE-1612	Exception from Allocation regulations. If granted: Reedley Car Wash would receive an exception from the provisions of 10 CRF Part 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 26, 1981	Sound Refining, Inc., Los Angles, Calif.	BEL-0077	Temporary Exception from the Entitlements Program. If granted: Sound Refining, Inc. would receive a temporary exception from the provisions of 10 CFR 211.67, regarding its entitlements purchase obligations.
Jan. 27, 1981	Barkett Oil Company, McLean, Virginia	BRS-0137 & BRS-0138	Request for Stay. If granted: Barkett Oil Company would receive a stay of the time period for filing Statements of Objections in connection with the November 7, 1980 and the November 12, 1980, Proposed Remedial Orders (Case Nos. BRO-1342 and BRO-1357) issued by the Southeast Enforcement District.
Jan. 27, 1981	Texaco, Inc., Washington, D.C.	BRX-0155	Supplemental Order. If granted: The Office of Special Counsel would be required to supplement its response to Texaco, Inc.'s interrogatory 91(c) in Case No. DRO-0190.
Jan. 29, 1981	Atlantic Richfield Company, Washington, D.C.	BES-0140	Request for Stay. If granted: Atlantic Richfield Company's obligations under the December 18, 1980, Decision and Order issued to Union Oil Company of California by the Office of Hearings and Appeals would be stayed.
Jan. 29, 1981	Enpex Coprorsation, Washington, D.C.	BEL-0076	Request for Temporary Exception. If granted: Enpex Corporation would receive a temporary exception from the provisions of 10 CFR 211.78 which would permit the firm to continue to participate in an oil recovery project located in Maverick County, Texas.
Jan. 29, 1981	Gulf States Oil & Refining Company, Washington, D.C.	BEE-1616	Exception from the Entitlements Program. If granted: Gulf States Oil & Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Jan. 29, 1981	Office of Enforcement (Fagadau), Washington, D.C.	BEF-0030	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the June 28, 1979, Consent Order issued to Fagadau Energy Corporation.
Jan. 29, 1981	Office of Enforcement (Liquid Products), Washington, D.C.	BEF-0029	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the August 28, 1979, Consent Order issued to Liquid Products Recovery, Inc.
Jan. 29, 1981	Office of Enforcement (McCulloch)	BEF-0028	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the July 13, 1979, Consent Order issued to McCulloch Oil and Gas Corporation.
Jan. 29, 1981	Port Orchard Oil, Port Orchard, Washington	BEE-1617	Exception from the Reporting Requirements. If granted: Port Orchard Oil would not be required to file Form EIA-8A ("No. 2 Distillate Price Monitoring Report").
Jan. 29, 1981	Union Texas Petroleum Corporation, Houston, Texas	BEE-1615	Exception from Price Regulations. If granted: Union Texas Petroleum Corporation would be permitted to sell at upper tier ceiling prices the crude oil produced from the Double Bayou Field, located in Chambers County, Texas.
Jan. 30, 1981	Ergon Refining, Inc., Washington, D.C.	BEE-1620	Exception from the Entitlements Program. If granted: Ergon Refining, Incs. would receive an exception from the provisions 10 CFR 211.67, regarding the firm's entitlements purchase obligations.
Jan. 30, 1981	Lawrence G. Spielvogel, Inc., Wyncote, Pennsylvania	BFA-0593	Appeal of a Freedom of Invormation Request Denial. If granted: Lawrence G. Spielvogel, Inc. would receive access to certain Doe materials.

Submission of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 23 through Jan. 30, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 30, 1981	Powerine Oil Company, Los Angeles, California	BEE-1619	Exception from the Entitlements Program. If granted: Powerine Oil Company would receive an exception from the provisions of 10 CFR 211.67, regarding the firm's entitlements purchase obligations.

Notices of Objection Received

[Week of Jan. 23, to Jan. 30, 1981]

Date	Name and location of applicant	Case No.
Jan. 26, 1981	Asamera Oil (U.S.) Inc., Washington, D.C	BEE-1491.
Jan. 26, 1981	Energy Cooperative Inc., Washington, D.C	BEE-1298.
Jan. 26, 1981	White Petroleum Inc., Washington, D.C	DEE-7395.
Jan. 26, 1981	Kentucky Oil & Refining, Tulsa, Oklahoma	BEE-0585.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of Jan. 23, to Jan. 30 1981]

Name	Case No.	Date	State
If granted: the following firm would be granted relief which would increase its base period allocation of motor gasoline.			
Mike's Mobil	BEE-1608	1/26/81	California.

[FR Doc. 81-6562 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed Week of January 30 Through February 6, 1981

During the week of January 30 through February 6, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 24, 1981.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of January 30 through February 6, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 30, 1981	Monsanto Company, Houston, Texas	BEE-1618	Exception from the Entitlements Program. If granted: Monsanto Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements obligations.
Jan. 30, 1981	Office of Special Counsel, Washington, D.C	BRX-0156	Request for Supplemental Order. If granted: The Office of Hearings and Appeals would determine whether certain documents provided by the Office of Special Counsel should be released under a Motion for Discovery (Case No. DRO-0199).
Feb. 2, 1981	Atlantic Richfield Company, Washington, D.C	BRD-0193	Motion for Discovery. If granted: Discovery would be granted to Atlantic Richfield Company in connection with a Statement of Objections it submitted in response to a Proposed Remedial Order (Case No. DRO-0193) issued to the firm.
Feb. 2, 1981	John E. Grasberger, San Diego, California	BFA-0596	Appeal of Information Request Denial. If granted: The December 29, 1980 Information Request Denial issued by the Office of Enforcement would be rescinded and John E. Grasberger would receive access to certain DOE data.
Feb. 2, 1981	Tosco Corporation, Duncan, Oklahoma	BEE, BEL-1621	Exception and Temporary Exception from the Entitlements Program. If granted: Tosco Corporation would receive an exception and temporary exception from the provisions of 10 CFR 211.67 which would modify its entitlements sales obligations.
Feb. 3, 1981	Energy Cooperative, Inc., Washington, D.C	BEE, BEL-1624	Exception and Temporary Exception from the Entitlements Program. If granted: Energy Cooperative, Inc. would receive an exception and temporary exception from the provisions of 10 CFR 211.67 which would modify the firm's entitlements sales obligations.
Feb. 3, 1981	Grace Petroleum Corporation, Oklahoma City, Oklahoma	BXE-1626	Extension of Relief Granted in *Grace Petroleum Corporation* 7 DOE ¶——— (December 31, 1980). If granted: Grace Petroleum Corporation would be permitted to continue to sell the crude oil produced from the Star Misener Hunton Unit located in Blaine and Kingfisher Counties, Oklahoma, at upper tier ceiling prices.
Feb. 3, 1981	James L. Sweeney, Menlo Park, California	BFA-0588	Appeal of a Determination under the 1974 Privacy Act. If granted: The December 31, 1980 determination issued by the Office of the Inspector General regarding a request under the 1974 Privacy Act, would be rescinded and James Sweeney would be granted a correction of his records.
Feb. 3, 1981	Kentucky Oil & Refining Company, Betsey Layne, Kentucky.	BEE-1625	Exception from the Entitlements Program. If granted: Kentucky Oil & Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Feb. 3, 1981	Milaca Cooperative Oil, Milaca, Minnesota	BEE-1622	Exception from Reporting Requirements. If granted: Milaca Coopersitve Oil would not be required to file Form EIA-9A (No. 2 Distillates Price Monitoring Report).
Feb. 3, 1981	Monsanto Company, Washington, D.C	BEN-0081	Request for Interim Order. If granted: Monsanto Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1502 thru BEE-1505).

Submission of Cases Received by the Office of Hearings and Appeals—Continued

[Week of January 30 through February 6, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 3, 1981	Office of Enforcement (Coral Petro) Washington, D.C	BEF-0031	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205 in connection with the January 11, 1980 Consent Order issued to Coral Petroleum, Inc.
Feb. 3, 1981	Office of Enforcement (Inexco), Washington, D.C	BRR-0101	Modification/Rescission. If granted: The January 16, 1981 Remedial Order issued to Inexco Oil Company (Case No. DRO-0264) by the Office of Hearings and Appeals would be modified.
Feb. 3, 1981	Plateau, Inc., Washington, D.C	BEX-0157	Request for Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Plateau, Inc. during its fiscal year ended September 30, 1980 to determine whether the level of relief accorded the firm was appropriate.
Feb. 4, 1981	Hydrotherm, Inc., Stamford, Connecticut	BXE-1627 BEL-1627	Exception from the Energy Conservation Program for Consumer Products. If granted: Hydrotherm, Inc. would continue to receive an exception from the provisions of 10 CFR Part 430 which would permit the firm to modify the energy efficiency test procedures applicable to a pulse combustion boiler.
Feb. 4, 1981	Navajo Refining Company, Artesia, New Mexico	BEN-0082 thru BEN-0084	Request for Interim Relief. If granted: Navajo Refining Company would receive exception relief on an interim basis pending a final determination on its Application for Supplemental Order (Case No. DEX-0122, BEX-0014, and BEX-0131).
Feb. 5, 1981	Allied Materials Corporation, Washington, D.C	BEG-0044	Petition for Special Redress. If granted: Allied Materials Corporation would receive exception relief from the provisions of 10 CFR 211.66 regarding the firm's participation in the Buy/Sell Program.
Feb. 5, 1981	Indiana Farm Bureau, Cooperatives Association, Inc	BEE-1628	Exception from the Entitlements Program. If granted: Indiana Farm Bureau Cooperatives Association, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Feb. 5, 1981	Julie L. Williams, Washington, D.C	BFA-0600	Appeal of an Information Request Denial. If granted: The January 23, 1981 Information Request Denial issued by the Economic Regulatory Administration, Southwest District would be rescinded and Julie L. Williams would receive access to certain DOE materials.
Feb. 5, 1981	Malco Industries, Inc., Cleveland, Ohio	BEA-0599	Appeal of an Information Request Denial. If granted: The January 2, 1981, Information Request Denial issued by the Central Enforcement District would be rescinded and Malco Industries, Inc. would receive access to certain DOE documents.
Feb. 5, 1981	Office of Enforcement (OKC Corp.)	BEF-0032	Implementation of Special Refund Procedures. If granted: The Office of hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the July 17, 1980 Consent Order issued to OKC Corporation.

Notices of Objection Received

[Week of Jan. 30, 1981 to Feb. 6, 1981]

Date	Name and location of applicant	Case No.
Feb. 2, 1981.	Woolley Fuel Company, Maplewood, New Jersey.	BEE-1508.
Feb. 3, 1981.	Mohawk Petroleum Corporation, Houston, Texas.	DXE-3714.
Feb. 4, 1981.	Gulf Oil Corporation, Houston, Texas.	BEE-0008.

[FR Doc. 81-6563 Filed 2-27-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of December 29, 1980 Through January 2, 1981

During the week of December 29, 1980, through January 2, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 24, 1981.

Appeals

Electronic Data Systems Corporation, Bethesda, Maryland, BFA-0537, freedom of information

Electronic Data Systems Corporation (EDS) filed an Appeal from a denial by the Director of Contract Execution Division "A" of the Department of Energy Office of Procurement Operations of a request for information which EDS had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that Source Evaluation Board Review sheets are properly withholdable under Exemption 5 of the FOIA and that their release is contrary to the public interest. Accordingly, the DOE determined that the EDS Appeal should be denied.

Exxon Company, U.S.A., Houston, Texas, BFA-0461, freedom of information

Exxon Company, U.S.A. filed an Appeal from a partial denial by the Disclosure Officer of the Office of Special Counsel for Compliance of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that portions of the document requested constituted authoritative guidance relied upon by regional auditors in performing their duties. Accordingly, the DOE concluded that those portions of the document which had been withheld by the Office of Special Counsel under Exemption 5 are not exempt from mandatory disclosure and should be released.

Stephen M. Shaw, La Jolla, California, BFA-0539, freedom of information

Stephen M. Shaw filed an Appeal from a response by the DOE Oak Ridge Operations Office to a request for information which Mr. Shaw had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that Mr. Shaw failed to substantiate his claim that the Oak Ridge Operations Office did not properly identify the documents which are responsive to his request for information. The Appeal was accordingly denied.

Western Organization of Resource Councils, Washington, D.C., BFA-0543, freedom of information

Western Organization of Resource Councils (WORC) filed an Appeal from a denial by the Director of Contract Execution Division "B" of the Office of Procurement Operations of a request for information which the organization had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that prior to the award of all contracts with respect to a particular solicitation, all portions of the proposals that have either not been selected for contract awards or are presently being negotiated for final award are exempt from disclosure pursuant to Exemption 4.

V 46 / 40 MR 2 81 UMI

Remedial Order

J–W Operating Company; Riddle Oil Company, et al., Zavala County, Texas, DRO–0132, DRO–0133, crude oil

J–W Operating Company (J–W) and Riddle Oil Company, et al. (Riddle) filed Statements of Objections to two Proposed Remedial Orders (PROs) which the Region VI Office of Enforcement issued to them on October 4, 1978. In the PROs the Office of Enforcement found that during the period November 16, 1973 through December 31, 1976 the operator (J–W) and the working interest owners (Riddle) had improperly made sales of crude oil from three leases in Zavala County, Texas at stripper well lease exempt prices. In considering J–W's Objections, the DOE found that since the firm no longer operated the subject properties, it was not appropriate to require it to carry out administrative responsibilities regarding the refunds of overcharges. With respect to the Statements of Objections filed by Riddle, the DOE found that the Office of Enforcement acted properly in assigning to the present working interest owners of the leases rather than to J–W the responsibility for refunding the overcharges. The DOE also found that (i) the PROs contained sufficient factual bases to support the findings of price violations; (ii) the subject leases constitute separate properties for purposes of the DOE price regulations; (iii) the PROs properly excluded injection wells in computing average daily production; (iv) Riddle failed to show that the Office of Enforcement's use of a barrel counter to estimate production from one of the leases produced a seriously inaccurate result; and (v) the Office of Enforcement's failure to use the "P–Max" Formula when it computed maximum permissible crude oil selling prices for the leases did not effect the level of violation. The DOE did find that production from the Bracero property qualifies as stripper well lease production with respect to production sold prior to January 1, 1975. The DOE therefore modified the subject PRO to eliminate the overcharges alleged for the Bracero property in 1973 and 1974. Accordingly, the DOE concluded that the PROs should be issued as final Orders.

Requests For Exception

Big Pine Trucking Co., Los Angles, California, BEO–0488, Motor Gasoline

The Big Pine Trucking Co. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to prevent the firm's customers, who live in rural communities and depend upon Big Pine for regular deliveries of food and medical goods, from experiencing a serious hardship and an unfair distribution of the burdens of the DOE regulatory program. Accordingly, exception relief was granted.

C. F. Lawrence & Associates, Inc., Midland, Texas, BXE–1385, crude oil

C. F. Lawrence & Assoc., Inc. (Lawrence) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Lawrence to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Childress M. I. Masterson Lease for the benefit of the working interest owners that qualify for the independent producer rate.

Chevron U.S.A. Inc., San Francisco, California, BXE–1317, crude oil

Chevron U.S.A. Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Chevron to sell at upper tier ceiling prices 78.72 percent of the crude oil produced from the Greeley Unit lease.

Garth and Melvin Glazier, Kanab, Utah, BEO–0683, motor gasoline

Garth and Melvin Glazier filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious hardship or gross inequity as a result of DOE regulations or that the community of Kanab, Utah is suffering an unfair distribution of burdens resulting from a shortage of motor gasoline in the area. Accordingly, exception relief was denied.

Grace Petroleum Corporation, Oklahoma City, Oklahoma, BXE–1287, crude oil

Grace Petroleum Corporation (Grace) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Grace to sell at upper tier ceiling prices 45.29 and 44.40 percent of the crude oil produced and sold for the benefit of the working interest owners that are classified as integrated and independent producers, respectively, from the Star Misener Hunton Unit.

Guam Oil and Refining Company, Guam, BEE–1247, crude oil

Guam Oil and Refining Company (Gorco) filed an Application for Exception from the provisions of 10 CFR § 211.65 in which the firm sought to be permitted to participate in the Crude Oil buy-sell program. The firm stated that it had been unable to locate an assured source of crude oil. In considering the request, the DOE found that there appeared to be sufficient supplies of crude oil available on the spot market to allow the firm to operate at its historical level of production. However, the DOE pointed out that if Gorco were faced with an imminent curtailment of crude oil supplies, it would be able to receive an emergency allocation under the provisions of § 211.65(c)(2). Accordingly, Gorco's request for exception was denied.

Gulf Oil Corporation, Tulsa, Oklahoma, BXE–1402, crude oil

Gulf Oil Corporation (Gulf) filed an Application for Exception from the porvisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Gulf to sell at upper tier ceiling prices 77.56 and 75.58 percent of the crude oil produced and sold for the benefit of the working interest owners that are classified as integrated and independent producers, respectively, from the Kiefer Unit.

H & H Oil Company, Dickson, Tennessee, DEE–5975, gasohol

H & H Oil Company filed an Application for Exception from the provisions of 10 CFR § 211.102 in which the firm sought an increased allocation of motor gasoline for the purpose of producing gasohol. In considering the request, the DOE found that exception relief was necessary to provide the applicant with an incentive to continue gasohol production. Accordingly, exception relief was granted.

The Harvey Company, Hartford, Connecticut, DEE–7413, motor gasoline

The Harvey Company filed an Application for Exception from the provisions of 10 CFR § 211.102 in which the firm requested an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was experiencing a serious hardship or gross inequity as a result of the DOE allocation regulations. Accordingly, exception relief was denied.

Pennzoil Company, Washington, D.C., BEE–1188, crude oil

Pennzoil Company filed an Application for Exception from the provisions of 10 CFR § 211.67 (the Entitlements Program). The exception request, if granted, would increase the firm's entitlements benefits in order to reduce its average crude oil acquisition costs to the level of crude oil costs of other domestic refiners. The Department of Energy issued a Decision and Order which determined that the exception request be denied.

Petroleum, Inc., Wichita, Kansas, BLE–0992, crude oil

Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Petroleum, Inc. to sell at market prices 100 percent of the crude oil produced from the Crowder Lease.

Spain Oil Company, Mahopac, New York, BEE–0512, gasohol

Spain Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased allocation of unleaded motor gasoline for use in gasohol production. In considering the request, the DOE found that the firm is not in an advantageous position to further the production and marketing of gasohol and that it has not made an adequate commitment to gasohol production. Accordingly, exception relief was denied.

William V. Evans, Texaco, Spokane, Washington, BEO–0362, motor gasoline

William V. Evans, Texaco filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm failed to demonstrate that it would be adversely affected to a significant degree in the absence of exception relief. Accordingly, exception relief was denied.

Yellow Cab of Fort Lauderdale, Fort Lauderdale, Florida, BXE–1413, motor gasoline

Yellow Cab of Fort Lauderdale filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. The DOE had previously granted the firm exception relief which increased its motor gasoline allocation for a six month period by the amount required to operate the firm's group ride program and transportation service for the elderly and handicapped. In considering the firm's request for an extension of the relief, the DOE found that these two services continue to result in a net reduction in gasoline use and that the transportation service for the elderly and handicapped was a type of service which should be encouraged. The DOE therefore determined that the exception relief previously approved for these services should be made permanent. The DOE also found that a new bus service provided by Yellow Cab would result in a substantial savings in gasoline consumption as compared to the usage by individual automobiles. Accordingly, exception relief was also granted with respect to this bus service.

Request for Stay

Louisiana Land and Exploration Company, New Orleans, Louisiana, BES–0122, crude oil

On December 22, 1980 Louisiana Land and Exploration Co., filed an Application for Stay from the requirement that it purchase the number of entitlements stated in the entitlements notice issued in December 1980 (10 CFR Part 211). In considering the Application, the DOE determined that Louisiana Land and Exploration Co.'s entitlement purchase obligation was the result of a DOE failure to correctly calculate the firm's October entitlement obligation. The stay request was therefore granted.

Request for Temporary Stay

Warrior Asphalt Company of Alabama, Tuscaloosa, Alabama, BET–1477, crude oil

Warrior Asphalt Co. of Alabama (Warrior) filed an Application for Stay from the requirement that it purchase entitlements in accordance with the provisions of 10 CFR § 211.67 (the Entitlements Program). In considering the Application, the DOE determined that Warrior did not meet the severe financial hardship requirements and that the stay request should therefore be denied.

Interlocutory Order

The Crude Company, et al., Washington, D.C., BEZ–0072; Ernest E. Allerkamp, Washington, D.C., BEZ–0074; Summit Transportation Co., Washington, D.C., BRZ–0073; J. D. Streett & Co., Inc., Washington, D.C., BRZ–0075; Site, Oil Co., Washington, D.C., BRZ–0076; Flash Oil Corp., Washington, D.C., BRZ–0077

On December 29, 1980, the DOE issued a Decision and Order to The Crude Co., Ernest E. Allerkamp, Summit Transportation Co., J. D. Streett & Co., Inc., Site Oil Co., and Flash Oil Corp., staying each of those parties' obligations to answer a Notice of Probable Violation, object to a Proposed Remedial Order, or to submit Domestic Crude Oil Purchaser Reports until the time when the Office of Hearings and Appeals issues a final Decision and Order concerning that party's Application for Exception or Application for Stay.

Interim Order

The 341 Tract Unit of the Citronelle Field, Washington, D.C., BEN–0078, crude oil

On December 31, 1980, the DOE issued a Decision and Order that grants exception relief to the Citronelle Unit on an interim basis. The specific form of interim relief provides the working interest owners with a loan of the funds necessary to undertake an enhanced crude oil recovery project on the Citronelle Field.

Supplemental Order

Hartley Company, Cambridge, Ohio, BEX–0146, motor gasoline

The Hartley Company (Hartley) filed an Application for Exception with the Office of Hearings and Appeals in which it requested an increase in its base period allocation of unleaded motor gasoline so that it could expand its production and marketing of gasohol.

On September 16, 1980, the Office of Hearings and Appeals issued a final Decision and Order which determined that Hartley's exception request should be granted in part. *Hartley Co.*, 6 DOE ¶——No. BEE–0417 (1980).

In a letter received by the Office of Hearings and Appeals on October 2, 1980, Hartley stated that it did not wish to comply with the reporting requirements set forth in the September 16 Decision, and had therefore decided to forego the exception relief granted to the firm. Accordingly, the Decision and Order issued to the Hartley Company on September 16, 1980 was rescinded.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Heather Hills Texaco, BEE–0800, Indianapolis, IN

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

Alamo Express Service, DXE–7135
Bob's Texaco, DEE–7072
Commonwealth Oil Refining Co., Inc, BEE–1389
Coulson Oil Co., Inc., BEO–0627
Dick's Arco Mini-Market, DEE–5740
Economy Oil Co., DEE–7373
F. L. Roberts & Co., BEE–1404
Fleenor's Supermarket, DEE–6258
Gary Energy Corp., BRS–0121
General Motors Corp., DEA–0490
Petroleum Energy Group, DEA–0520
H. D. Lark, DEE–3780
J. Lawson Gilbert Distributor, Inc., DST–5452, DEE–5452
Jayhawk Oil Co., Inc., DEE–2455
John Polk, BEE–0850
K & W Oil Co., DEE–8090
M.F.A. Oil Co., DEE–8252, DEE–8101
Mendon Leasing Corp., BEE–0464
People's Oil Co., Inc., DEE–7764
Pierremont Petroleum Corp., DXE–2207
Ray Robinson, DEE–2830, DES–2830
Spangler Oil Co., DEE–7223, DES–7223
Sullivan Mechanical Contractors, DEE–4825
Sun Co., Inc., DEE–3704, DES–3704
Thomas P. Reidy, Inc., BEX–0087, BST–0057
Traders Oil and Royalty, BFA–0534
Traders Oil and Royalty, BRD–1312
True Oil Company, BFA–0580
Zarda Brothers Dairy, Inc., DEE–2287, DES–2287

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Issuance of Decisions and Orders; Week of January 12 Through January 16, 1981

During the week of January 12 through January 16, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Craft Petroleum Company, Inc.; Wyatt E. Craft, Indianola, Mississippi, BFA–0552, freedom of information

Craft Petroleum Company, Inc. filed an Appeal from a partial denial by the Director of the Special Investigations Division of the DOE Office of General Counsel of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that none of the documents which were initially withheld under Exemptions 4, 5, and 7(A) should be released to the public.

Exxon Company, U.S.A., Washington, D.C., BEA–1078, BEA–0208, motor gasoline

Exxon Company, U.S.A. filed Appeals of two Orders for the Redirection of Product issued by the ERA Region IV Office of Petroleum Operations. The Redirection Orders required Exxon to supply a total of 22,633 gallons of motor gasoline to Cosmo Oil Company, a wholesale purchaser-reseller located in Miami, Florida. In considering Exxon's Appeals, the DOE determined that the two Redirection Orders contained adequate factual and legal bases. The DOE also concluded that Region IV had not erred in choosing Exxon to supply Cosmo. Accordingly, Exxon's Appeals were denied.

International Association of Machinists and Aerospace Workers, Washington, D.C., BFA-0554, freedom of information

The International Association of Machinists and Aerospace Workers filed an Appeal from a partial denial by the DOE's Albuquerque Operations Office of a request for information which the Association had submitted under the Freedom of Information Act. In that determination, an appendix to a contract between Ross Aviation, Inc., and the United States was withheld pursuant to Exemption 4. In considering the Association's Appeal, the DOE found that the determination of the Albuquerque Office was inadequate and remanded the matter for further action.

Martin Oil Service, Inc., Washington, D.C., BFA-0551, freedom of information

Martin Oil Service, Inc. filed an Appeal from a partial denial by the District Manager of the ERA Central Enforcement District of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 7(D) should be released to the public but that the document claimed to be exempt under Exemption 5 was properly withheld. Important issues that were considered in the Decision and Order were (i) the inappropriateness of using the FOIA as a discovery device, (ii) the meaning of "confidential source" as that term is used in Exemption 7(D), and (iii) whether the public interest favors release of an auditor's conclusions and recommendations to the audited firm.

The Tulsa Tribune, Tulsa, Oklahoma, BFA-0553, freedom of information

The Tulsa Tribune filed an Appeal from a denial by the DOE Inspector General of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE concluded that the Inspector General had correctly determined that the withheld document was exempt from mandatory disclosure under Exemption 5. Release of the document was determined to be contrary to the public interest because of the probable chilling effect which the document's disclosure would have on the formulation of government decisions. The DOE also remanded to the Inspector General a previously unidentified responsive document for a determination as to whether the document should be released to the Tribune.

Remedial Order

Inexco Oil Company, True Oil Purchasing Company, Houston, Texas; Casper, Wyoming, DRO-0284, crude oil

Inexco Oil Company and True Oil Purchasing Company (Topco) objected to a Proposed Remedial Order which was issued to Inexco by the ERA Southwest Enforcement District on June 13, 1979. In the Proposed Remedial Order, the ERA determined that during the period September 1, 1973 through December 31, 1975 Inexco had charged a price for first sales of crude oil produced in the Powder River Basin, Wyoming, which exceeded the maximum permissible price for such sales by $.13 per barrel. In considering the objections of Inexco and Topco, the DOE determined that Inexco's May 15, 1973 price of $3.96 per barrel was not a "posted price." The DOE further determined that the definition of "posted price" contained in 10 CFR § 212.31 was properly promulgated. Although the DOE acknowledged that the Proposed Remedial Order should have discussed the "posted price" issue in greater detail, it concluded that Inexco had not been harmed by the PRO's deficiencies. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Requests for Exception

A. O. Smith Corporation, Kankakee, Illinois, BEE-1128, test procedures

A. O. Smith Corporation (Smith) filed an Application for Exception from the provisions of 10 CFR Part 430 in which it requested that it be relieved of its obligation to test the energy efficiency of its finned copper tubed boilers with modulated input (FCT boilers). In considering the request, the DOE found that the procedures specified in 10 CFR Part 430 do not properly measure the energy efficiency and fuel utilization of the FCT boilers manufactured by Smith. The DOE determined that Smith should be relieved of its obligation to test its FCT boilers until the provisions of 10 CFR Part 430 are amended to provide energy efficiency and fuel utilization measures for this type of boiler or until the DOE determines that the issue of modulation is not relevant to the determination of the energy efficiency and fuel utilization for FCT boilers. Accordingly, exception relief was granted.

Cities Service Company, Tulsa, Oklahoma, DEE-7037, motor gasoline

Cities Service Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline for one of its motor gasoline retail outlets. In considering the request, the DOE found that since Cities could redistribute base period volumes among its company-operated retail outlets, exception relief was not necessary. Accordingly, exception relief was denied.

Commonwealth Oil Refining Co., Inc., San Antonio, Texas, DEE-8020, DSG-0063, crude oil

Commonwealth Oil Refining Co., Inc. (Corco) filed an Application for Exception from the provisions of 10 CFR §§ 211.65 and 211.67 in which the firm sought, for the period September through December 1979, either to purchase crude oil under the Buy/Sell Program or pursuant to an order of the Office of Hearings and Appeals or to receive additional benefits under the Entitlements Program. In considering the request, the DOE found that: (1) Corco lacked access to reasonably-priced crude oil supplies; (2) Corco would experience a serious financial hardship and a gross inequity in the absence of exception relief; and (3) the DOE had authority to grant exception relief under these circumstances. Accordingly, exception relief was granted, and six refiner-sellers were designated to supply crude oil to Corco. A related Petition for Special Redress filed by Corco was dismissed.

Craft Petroleum Company, Inc., Jackson, Mississippi, BEE-1099, crude oil

Craft Petroleum Company, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought to sell the crude oil produced from the J. W. Richardson No. 3 Well at market price levels. In considering the request, the DOE determined that the firm would be able to operate the well on a profitable basis even if the crude oil produced from the well were sold at the applicable regulatory price levels. Accordingly, exception relief was denied.

Devon Corporation; D'Arbonne Energy Corporation, Oklahoma City, Oklahoma, DEE-2315, crude oil

Devon Corporation filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart E in which the firm sought to calculate on a plant-by-plant basis its increased costs of natural gas shrinkage at several natural gas processing plants in which it owns an interest. In considering the request, the DOE found that exception relief was necessary to avoid imposing a gross inequity on the firm. Accordingly, exception relief was granted.

Energy Development of Mercer County, Fargo, North Dakota, BEE-0724, BEE-1121, motor gasoline

The Energy Development Board of Mercer County filed Applications for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in the base period allocations of a number of retail gasoline outlets and wholesale purchaser-resellers located in Mercer County, North Dakota. In considering the requests, the DOE found that exception relief was necessary to meet the increased demand for gasoline in Mercer County resulting from population growth in the County. Accordingly, exception relief was granted.

Flint Ink, Inc., Detroit, Michigan, BEE-0288, reporting requirements

Flint Ink, Inc. filed an Application for Exception in which the firm sought to be relieved of its obligation to prepare and submit to the DOE Forms EIA-25 and EIA-169. In considering the request, the DOE found that the firm had not demonstrated that completing the forms would cause it to suffer an inordinate burden. Accordingly, exception relief was denied. The Decision and Order discusses the standards governing exception relief in reporting requirements cases.

Mini-Serve, Inc., Beaumont, Texas, DEE-5314, motor gasoline

Mini-Serve, Inc., filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm requested an increase in its base period allocation of motor gasoline. In considering the request, the DOE determined that the firm had failed to demonstrate that its financial position would be adversely affected in the absence of exception relief. However, the DOE did determine that three of Mini-Serve's outlets, managed by independent operators, qualified for exception relief on an individual basis. Accordingly, exception relief was granted to these outlets.

Rockside & 21 Shell, Independence, Ohio, DEE-0559, motor gasoline

Rockside & 21 Shell filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was earning a substantial return on its investment in the outlet. Accordingly, exception relief was denied.

Smith Oil Company, Inc., New Cumberland, West Virginia, BEE-0736, motor gasoline

Smith Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought a new supplier to furnish it with the portion of its base period gasoline entitlement presently supplied by the Robinson Company. In considering the request, the DOE found that Smith did not qualify for relief on the basis of either a price disparity or a deterioration of its supplier-purchaser relationship with Robinson. Accordingly, exception relief was denied.

Stewart Oil Company, Urbana, Illinois, BEO-0528, BEO-1307, motor gasoline

Stewart Oil Company filed Applications for Exception from the provisions of 10 CFR Part 211 in which the firm sought increased base period allocations for two of its motor gasoline retail outlets. In considering the requests, the DOE found that exception relief was necessary to enable Stewart to realize the intended benefits of a capital investment which it had made in one of the retail outlets. However, the DOE also found that since Stewart could transfer substantial volumes of motor gasoline to this outlet from its other outlets, exception relief should be provided only under certain specified circumstances. With respect to the second outlet, the DOE determined that Stewart had failed to demonstrate that any operating difficulties which the outlet was experiencing were attributable to the DOE regulatory program. Accordingly, exception relief was granted in part and denied in part. The important issue discussed in the Decision and Order is the effect of regulatory amendments to 10 CFR § 211.106 on wholesale purchaser-resellers.

Trueblood Oil Company, Sheiburn, Indiana, BEE-0529 gasohol

Trueblood Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that exception relief was necessary to provide the applicant with an assured supply of unleaded gasoline sufficient to maintain a stable gasohol program. Accordingly, exception relief was granted.

Union Oil Company of California, Schaumburg, Illinois, BEE-1507, motor gasoline

Union Oil Company of California filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought to increase its prices for motor gasoline sold in Connecticut to reflect the amount of a gross receipts tax imposed by the State on sales of petroleum products. In considering the request, the DOE found that exception relief was necessary to avoid imposing a gross inequity on Union's non-Connecticut purchasers. Accordingly, exception relief was granted.

Requests for Temporary Exception

Asamera Oil (U.S.) Inc., Washington, D.C., BEL-0074, BEL-0075, crude oil

Asamera Oil (U.S.) Inc. filed Applications for Temporary Exception from the provisions of 10 CFR § 211.67 in which it sought an increase in its entitlements sales obligation by an amount sufficient to bring its crude oil acquisition costs into substantial parity with those of other domestic crude oil refiners. In considering the Applications, the DOE determined that Asamera had failed to show any likelihood of success on the merits of its underlying Application for Exception. Asamera's temporary exception requests were therefore denied.

Edgington Oil Company, Long Beach, California, BEL-1525, crude oil

Edgington Oil Company filed an Application for Temporary Exception from the provisions of 10 CFR Part 212 in which the firm requested that it be permitted (1) to pass through as increased non-product costs certain processing fees; (2) to modify its historic classes of purchaser with respect to motor gasoline; and (3) to use increased costs incurred during the month of January 1981 to cost justify prices in January. In considering the request, the DOE determined that temporary exception relief was necessary to avoid irreparable injury to the firm. The DOE also concluded that temporary exception relief would further the important objective of expanding the domestic refining capacity of a small and independent refiner. Accordingly, temporary exception relief was granted.

Requests for Modification and/or, Rescission

Crown Central Petroleum Corporation, Baltimore, Maryland, DMR-0059, motor gasoline

Crown Central Petroleum Corporation filed an Application for Modification of an Order which the ERA Office of Fuels Regulation issued to Certified Transport, Inc. on April 19, 1979. In considering the request, the DOE determined that Crown's Application was not based upon significantly changed circumstances. Accordingly, the Application for Modification was denied.

Exxon Company U.S.A., Houston, Texas, DMR-0028, crude oil

Exxon Company U.S.A. filed a request for reconsideration of a final Decision and Order issued to TOSCO Corporation on June 14, 1978, in which the DOE granted TOSCO an exception from the provisions of 10 CFR § 211.67. In considering Exxon's submission, the DOE concluded that the issuance of the June 14 Decision was a valid exercise of the agency's authority. The DOE further concluded that Exxon's constitutional due process rights had not been abrogated by the issuance of the June 14 Decision. However, in order to eliminate any possibility of prejudice to Exxon, the DOE decided to construe the firm's submission as a Statement of Objections and to analyze the substantive arguments which the firm made in opposition to TOSCO's exception request. In this regard, the DOE found that Exxon had failed to present any new information or considerations that would cause the DOE to modify the June 14, Decision. Accordingly, Exxon's Statement of Objections was denied.

Requests for Stay

Exxon Company U.S.A., Washington, D.C.; Standard Oil Co. (Indiana), Chicago, Illinois, BES-0127, BES-0128, crude oil

Exxon Company U.S.A. and the Standard Oil Company of Indiana (Amoco) filed Applications for Stay of a Decision and Order which granted exception relief on an interim basis to the 341 Tract Unit of the Citronelle Field. *The 341 Tract Unit of the Citronelle Field*, 7 DOE ¶ ——, No. BEN-0078 (December 31, 1980). In considering the stay applications, the DOE determined that the provisions of the DOE Procedural Regulations relating to notice and an opportunity for comment had been satisfied prior to the issuance of the December 31 Interim Order. In addition, the DOE found that strong public policy considerations favored the granting of interim relief to the Citronelle Unit. Finally, the DOE determined that the appellants had not satisfied the criteria for the approval of stay relief. The Applications for Stay filed by Exxon and Amoco were therefore denied.

Marlex Petroleum, Inc., Los Angeles, California, BES-0123, BET-0123, motor gasoline

Marlex Petroleum, Inc. filed Applications for Stay and Temporary Stay from the provisions of 10 CFR § 212.83, which require Marlex and ECO Petroleum, Inc. to treat their refining and marketing operations as a single firm for purposes of applying the refiner price formula. In considering the Applications, the DOE determined that Marlex would incur an irreparable injury if it were compelled immediately to consolidate its operations with those of ECO. Marlex's stay request was therefore granted, and its temporary stay request was dismissed.

Powerine Oil Company, Los Angeles, California, BES-0109, BEX-0136, motor gasoline

Powerine Oil Company filed an Application for Stay of its obligation under prior DOE orders to furnish Thomas P. Reidy's September 1979 motor gasoline allocation at September 1979 prices. Powerine requested the stay pending administrative and judicial review of the DOE's prior orders and pending a ruling on a Request for Interpretation which the firm had filed with the DOE Office of General Counsel. In considering Powerine's request, the DOE found that the firm would not experience an irreparable injury if its stay request were denied and that the firm had not demonstrated a strong likelihood that the prior orders would be overturned on appeal. Accordingly, the Application for Stay was denied. The DOE also issued a Supplemental

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Order clarifying the price for unleaded gasoline which Powerine would be permitted to charge Reidy under the prior orders.

Richards Oil Company, Savage, Minnesota, BRS–0103, petroleum products

Richards Oil Company filed an Application for Stay from its obligation to make settlement payments pursuant to a Consent Order which it had entered into with ERA Region V. In considering the Application, the DOE determined that since Richards' affiliates had ample financial resources, Richards would not be irreparably injured if it continued to make settlement payments. Richards' stay request was therefore denied.

Motions For Discovery

Cities Service Company, Tulsa, Oklahoma, BEJ–0128, BED–1049, crude oil

Cities Service Company filed a Motion for Discovery and Protective Order in which it sought access to confidential data submitted by Plateau, Inc. in connection with Plateau's Application for Exception from the provisions of the Entitlements Program, 10 CFR 211.67. In considering Cities' Motion, the DOE determined that Cities had failed to show that the information it sought was relevant and material to the issues which Cities had raised in the exception proceeding. Cities' Motion was therefore denied.

Texaco Inc., Washington, D.C., DRD–0096; DRD–0199; Louisiana Land & Exploration Company, Washington, D.C.; Office of Special Counsel, Washington, D.C., BRS–0102, crude oil

Texaco Inc. and the Louisiana Land and Exploration Company (LL&E) filed motions to compel discovery in connection with an enforcement proceeding pending before the Office of Hearings and Appeals. Texaco sought to compel the Office of Special Counsel for Compliance (OSC) to respond to certain interrogatories which the firm had submitted to OSC in connection with the case. In addition, both Texaco and LL&E sought to compel OSC to disclose documents which OSC had withheld from discovery on grounds of privilege.

The Office of Hearings and Appeals held that OSC's obligation to respond to Texaco's interrogatories was governed by a stipulation which OSC and Texaco had previously entered into and directed OSC to supplement inadequate responses to interrogatories it had agreed to answer. The OHA also addressed OSC's invocation of the "deliberative processes" privilege, the attorney-client privilege, and the work product doctrine. The OHA held that OSC's refusal to obtain an affidavit of the Secretary of Energy in support of its invocation of the "deliberative processes" privilege was proper. In addition, OHA upheld OSC's privilege assertions with respect to the majority of the documents withheld, ordered a number of documents disclosed to Texaco and LL&E, and directed OSC to submit other documents to OHA for an *in camera* inspection.

The OHA also denied an OSC request that the discovery proceedings be stayed insofar as they involved the "deliberative processes" privilege. Finally, the OHA addressed OSC's motion to compel Texaco and LL&E to file statements of factual objections. The OHA granted that motion, noting that Texaco and LL&E had obtained sufficient factual discovery to enable them to formulate their positions in the enforcement proceeding.

Supplemental Order

Plateau, Inc., Washington, D.C., BEX–0149, crude oil

On December 16, 1980, the DOE issued a Proposed Decision and Order to Plateau, Inc. which granted the firm's request for an exception from the provisions of 10 CFR § 211.67 (the Entitlements Program). In a Supplemental Decision and Order also issued to Plateau on December 16, 1980, the DOE implemented the exception relief tentatively granted to Plateau on an interim basis. Subsequent to the issuance of the December 16 determinations, the DOE discovered an error in the calculation of the exception relief granted in the December 16 Proposed Decision. The DOE therefore issued a Supplemental Order to correct the error in the December 16 Proposed Decision and to amend the December 16 Supplemental Order to reflect the correct amount of exception relief.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Company Name, Location, and Case Numbers

Cities Service Co./Somerset Refinery, Inc., Tulsa, Oklahoma, BEJ–0161.
Energy Cooperative, Inc./Mobil Oil Corp., Washington, D.C., BEJ–0174.
Energy Cooperative, Inc./Cities Service Co., Washington, D.C., BEJ–0175.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception, Temporary Exception, stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted.

Company Name, Location, Case Number

Mustapha Ally Chevy Chase, MD, BEE–1188.

The following firms filed Applications for Exception, Temporary Exception, stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocations of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Location, Case Number

Colonial Shell, Sarasota, FL, BEO–0136.
Han's Skelly Service, Bettendorf, IA, BEO–1008.
Mike's Texaco Service, Santa Clara, CA, BEO–0182.
Munford Inc., Atlanta, GA, DEE–4516.
Scot Oil Co., Nashville, TN, DEE–5604.
Trinity Arco, Providence, RI, DEE–4660.

Name of Petitioner and Case Number

Nick's Gulf, DEE–7303.
Edon Service Center, BEO–0201.
Monroe County Library System, BEO–0430.
Kristensen Standard, BEO–0295.
Interstate Skelly Station, BEO–0352.
Michael Feldman, DEE–7607.
Meyers Brothers, Inc., BEO–0353.
Claude's Standard Service, BEO–0517, BEO–0518.
June Lake Chevron, BEO–0703.
Gateway Buick, BEO–0722.
Bob's Marathon, BEO–0766.
Ken's Truck Town, BEO–0976.
Mont's Texaco, BEO–1012.
Garrett's Exxon Servicenter, BEO–1034.
Christian Oil Company, BEO–1096.
Seaview Exxon, BEO–6834.
Abzakh Mohammed, DEE–5762.
Terrytown Texaco, BEO–1162.
Action Marathon, BEO–0239.
Ajax Rent-A-Car/Airport Texaco, BEO–0764.
Dee's Market, BEO–1066.
Mabank Texaco, BEO–1098.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case Number

Calcasieu Refining Co., BEE–1241.
Cannon's Crystal Car Wash, BEO–0565.
Cities Service Co., DEA–0857.
Continental Oil Co., BRO–1153.
Dean Oil Co., Inc., BEE–1170.
J&W Refining, Inc., DEE–1029.
Lemon City Service, Inc., BEL–0051.
Pester Refining Co., DEA–0282.
Petrochemical Energy Group, DEA–0392, DEA–0398.
Pope Oil Company, DEE–5870.
Purser Oil Co., Inc., DEE–7530.
S & W Engine Supply Co., BXE–0918.
Shepard Oil Company, BEE–1065.
South Bay Shell, DEE–7489, DEL–7489, DST–7489.
Southern Natural Resources, Inc., BEE–1045.
Stephen M. Shaw, BFA–0574, BFA–0575, BFA–0576.
Tenneco Oil Co., BER–0547.
West Coast Allied Gasoline Retailers of Florida, BEE–0547.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday thtough Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: February 24, 1981.
George B. Breznay,
Director, Office of Hearings and Appeals.
[FR Doc. 81–6981 Filed 2–27–81; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51224; TSH–FRL 1752–1]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 81–4900, published at page 12104, on Thursday, February 12, 1981, on page 12105, make the following corrections:

(1) In the first column, the heading *"PMN 80–12" should be corrected to read "PMN 81–12".*

(2) In the second column, the heading *"PMN 80–18" should be corrected to read "PMN 81–18".*

BILLING CODE 1505–01–M

[EN–FRL 1765–8]

California State Motor Vehicle Pollution Control Standards; Cancellation of Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Cancellation of tentatively scheduled public hearing.

SUMMARY: This notice cancels a public hearing that EPA tentatively scheduled for March 5, and if necessary March 6, 1981, at EPA's San Francisco Regional Office to consider California's requests for waivers of Federal preemption to enforce several amendments to its motor vehicle pollution control program including: motorcycle evaporative emission standards and test procedures, amended regulations pertaining primarily to emissions from diesel passenger vehicles, and amended regulations setting special oxides of nitrogen (NO_x) standards for certain qualifying small-volume manufacturers. The record for these waiver requests will remain open for written submissions of interested parties until March 20, 1981.

DATES: This notice cancels a public hearing that was previously scheduled for March 5, and if necessary March 6, 1981. The period for submitting written comments ends March 20, 1981.

ADDRESSES: Parties may submit written information concerning those California requests for waivers of Federal preemption to the Director, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN–80–23). Copies of all materials relevant to the waiver request will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A–120), Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

In two **Federal Register** notices [46 FR 10851 (February 4, 1981) and 46 FR 12324 (February 13, 1981)] EPA announced that it had received requests for waivers of Federal preemption under section 209(b) of the Clean Air Act (Act), as amended, 42 U.S.C. § 7543(b) for amendments to California's new vehicle emission control program. The first set of amendments establishes evaporative emission standards for motorcycles, and new evaporative emission test procedures adapted to motorcycles.[1] The motorcycle evaporative emission standards for which California now requests a waiver are set out in the **Federal Register.**[2]

On December 26, 1980, CARB also requested a waiver of Federal preemption for amendments to "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles".[3] The amendments would accomplish the following:

(i) Permit California to enforce the Federal particulate exhaust emission standard for 1982 and later model year diesel-powered vehicles,

(ii) Change one of California's optional 1982 model year NO_x emission standards to 1.5 grams per mile (g/mi.) for 100,000 mile diesel passenger car certification, and

(iii) Eliminate the hydrocarbon (HC) exhaust emissions allowance granted vehicles with low evaporative HC emissions for 1982 and later model years.

EPA received a third waiver request from CARB dated January 14, 1981, covering a second set of amendments to "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles".[4] These amendments set special NO_x standards for qualifying "small-volume manufacturers," for model years 1982–1986. The proposed standards are consistent with special NO_x standards for model years 1980–1982 already covered by waivers of Federal preemption in that they allow these small-volume manufacturers additional lead time to meet the NO_x standards imposed upon other manufacturers.

Section 209(b) of the Act provides that the Administrator shall grant a waiver of Federal preemption after an opportunity for a public hearing, unless the Administrator makes one of the findings specified in section 209(b) of the Act.

In the **Federal Register** notices announcing receipt of CARB's waiver applications, EPA stated that it tentatively had scheduled a public hearing for March 5, and if necessary March 6, 1981, to consider these waiver requests, but would cancel the hearing and make its waiver determinations on the basis of written submissions to the record if no party notified EPA by February 24, 1981, that it wished to appear and present oral testimony.

EPA has not received notification from any party stating that it wishes to appear and present oral testimony concerning the California waiver requests. Therefore, EPA has cancelled the hearing scheduled for March 5, and if necessary March 6, 1981. Interested parties may still submit written information relevant to CARB's requests for waivers of Federal preemption.

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[1] The California Air Resources Board ("CARB") did not adopt all the amendments simultaneously. On December 19, 1977, CARB first adopted the motorcycle evaporative emission standards. On October 12, 1979, CARB adopted test procedures specially formulated for motorcycles to accompany the standards. Finally, on June 26, 1980, CARB amended the standards to give manufacturers an additional year of lead time to meet the standards for class III motorcycles. CARB requested a waiver of Federal preemption for these changes on January 14, 1981. Section 1976(b); Article 2, chapter 3, subchapter 1 of Title 13, California Administrative Code, "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles," as amended December 19, 1977, October 12, 1979 and June 26, 1980.

[2] 46 FR 10851 (February 4, 1981).

[3] Section 1960.1 and 1960.5, Title 13, California Administrative Code: "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," as amended August 28, 1980.

[4] Section 1960.4, Title 13, California Administrative Code; "Special Standards for 1982 and Subsequent Model Passenger Cars, and 1983 and Subsequent Model Light-Duty Trucks and Medium-Duty Vehicles, 0–3999 Pound Equivalent Inertia Weight", Amended August 27, 1980.

II. Procedures for Public Participation

Although EPA will not hold a public hearing to consider California's waiver requests, any party may still submit written data, views, and arguments which EPA will enter into the record upon which the Administrator bases his waiver decision. Interested parties who make written submissions should limit their presentations to the following considerations:

(1) Whether California's determination that the standards will be at least as protective of public health and welfare as applicable Federal standards and regulations is arbitrary and capricious;

(2) Whether California needs its standards to meet compelling and extraordinary conditions; and

(3) Whether the California standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

The record will remain open until March 20, 1981 for the submission of pertinent written information for consideration by the Administrator in formulating his waiver decision. EPA will make this information available for public inspection at the EPA Central Docket Section, Docket EN–80–23.

Dated: February 25, 1981.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-6715 Filed 3-27-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81–46, etc.]

Roanoke Christian Broadcasting, Inc., Western Virginia Television Co.; Applications for Construction Permit

Adopted: January 23, 1981.

Released: February 6, 1981.

By the Chief Broadcast Bureau:

In re applications of Roanoke Christian Broadcasting, Inc., Roanoke, Virginia, BC Docket No. 81–46, File No. BPCT–800409KE; Western Virginia Television Co., Roanoke, Virginia, BC Docket No. 81–47, File No. BPCT–790920KH; for a construction permit; hearing designation order designating Applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications of Roanoke Christian Broadcasting, Inc., (RCB) and Western Virginia Television Company (WVTC) for a new commercial television station to operate on Channel 27, Roanoke, Virginia.[1]

Roanoke Christian Broadcasting, Inc.

Financial Qualifications

2. Analysis of the financial data submitted by RCB reveals that $155,505 will be required to construct the proposed station and operate it for three months, without revenue, itemized as follows.

Equipment payment (lease for 3 months)	$39,525
Miscellaneous	37,000
Operating costs (including land and studio) (3 months)	78,980
Total	155,505

To meet these costs, RCB intends to rely on a $50,000 loan from Christian Television Services, Inc., on a prepaid affiliation agreement for $72,800 with the PTL Club through Trinity Advertising Agency, and on $94,000 in loans from individuals.

3. According to *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 F.C.C. 2d 784, 45 RR 2d 925 (1979), the affiliation agreement with the PTL Club may not be relied upon by RCB. The Commission's policy regarding financial qualifications requires an applicant to demonstrate that it has sufficient capital to cover construction costs and the costs for the initial commencement period between inauguration of broadcast service and the point where advertising or broadcasting accounts begin to "pay off." Therefore, applicants must show the ability to construct and operate for three months without any reliance on broadcast revenues. *New Financial Qualifications Standard for Broadcast Television Applicants*, supra, *Amber Productions, Inc.*, FCC 79–549, 46 RR 2d 448. Accordingly, a limited financial issue will be specified against RCB concerning the $72,800 from the PTL Club agreement.

4. Two individuals, R. W. Bowers and Randolph Kingery, are committed to loan RCB $25,000 and $15,000, respectively, but have insufficient liquid assets to meet their commitments.[2] Accordingly, a limited financial issue will be specified regarding the availability of $40,000 in loans from the above-mentioned individuals.

Western Virginia Television Company

Financial Qualifications

5. Analysis of the financial data submitted by WVTC reveals that $924,133 will be required to construct the proposed station and operate it for three months, without revenue, itemized as follows:

Equipment downpayment	$384,750
Equipment payments with interest (3 months)	98,109
Miscellaneous	272,958
Operating cost (including land and studio costs) 3 months	168,316
Total	924,133

WVTC intends to finance construction and operation with $25,489 in current assets, $660,000 in subscription agreements with its stockholders, and a $250,000 loan from the First National Exchange Bank; totaling $910,000.

6. WVTC's fifteen stockholders entered into subscription agreements with the applicant during the period from April 4, 1979 to April 30, 1979. The agreements specified that the subscriptions would be "null and void and of no further effect if the FCC does not issue a construction permit" within one year from the date of subscription. Thereafter, on October 4, 1979, WVTC held a special meeting of its stockholders in which it was resolved to extend the effective date of the subscription agreements to December 1, 1980. All of the subscribers were present except Gordon C. Willis.[3] Since the expiration date, as extended, has now passed, the viability of the subscription agreements is in doubt.[4] Accordingly, an appropriate issue will be specified.

7. The loan commitment from First National Exchange Bank to WVTC indicates that the bank's commitment to lend $250,000 is contingent upon the injection of stockholders' equity in the amount of $750,000. Of this amount, $90,000 in stock has already been issued and paid for, leaving $660,000 to be collected. Of the $90,000 received, $25,489 remains in cash. Since the availability of the remaining $660,000 has yet to be determined, a limited financial issue concerning the availability of the bank loan will be specified.

8. Except as indicated by the issues specified below, we find the applicants qualified to construct and operate as proposed. However, because the applications are mutually exclusive, we are unable to make the statutory finding that grant of them would serve the public interest, convenience and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *it is ordered*, That the petition to deny filed by Western Virginia Television Company IS DISMISSED.

10. *It is further ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Roanoke Christian Broadcasting, Inc., and Western Virginia Television Company are designated for hearing in a consolidated proceeding at a time and place before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Roanoke Christian Broadcasting, Inc.:

(a) Whether at least $72,800 upon which the applicant had relied from PTL Club will be available to it;

(b) Whether R. W. Bowers and Randolph Kingery have net liquid assets sufficient to meet their commitments to the applicant; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. To determine, with respect to Western Virgina Television Company:

(a) Whether at least $660,000 represented by stock subscriptions will be available to the applicant;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant will have available to it a loan of at least $250,000 from First National Exchange Bank; and,

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. *It is further ordered*, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice, as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-6556 Filed 3-27-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A–26]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 27, 1981.

Cut-Off Date: April 10, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after April 10, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of business on April 10, 1981, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the close of business on April 10, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on April 10, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP–801030AE (New), Pueblo West, Colorado, Public Broadcasting Company of Pueblo West, Inc., Req: 650kHz, 1kW, 5kW–LS, DA–N,U.

BP–8011121AE (WVNH), Salem, New Hampshire, WVNH Broadcasting Company, Inc., Has: 1110kHz, 5kW, DA–D, Req: 1120kHz, 1kW, 10kW–LS(5kW–CH), DA–N,U.

BP–801230AD (WKKE), Pearl, Mississippi, Mid South Media, Inc., Has: 1190kHz, 1kW,D, Req: 1180kHz, 500W, 10kW–LS, DA–N,U.

BP–810102AA (New), Sisseton, South Dakota, Wayne D. Tisdale, Req: 1330kHz, 1kW,D.

BP–810105AC (WKVL), Clarksville, Tennessee, Two Rivers Broadcasting Company, Has: 1550kHz, 0.25kW, DA–N,U, Req: 1550kHz, 0.25kW, 1kW–LS, DA–N,U.

BP–810119AD (New), State College, Pennsylvania, The Pennsylvania State University, Req: 820kHz, 5 kW, 50kW–LS, DA–2,U.

BP–810130AG (WLOU), Louisville, Kentucky, Summers Broadcasting, Inc., Has: 1350kHz, 5kW,D, Req: 1350kHz, 500W, 5kW–LS, DA–N,U.

BP–810108AE (New), Gatlinburg, Tennessee, Gatlinburg Broadcast Communications, Inc., Req: 1230kHz, 0.25kW, 1kW–LS,U.

BP–810129AB (New), Memphis, Tennessee, Minority Broadcasting of the Midwest, Inc., Req: 1030kHz, , 1kW, 50kW–LS, (10kW–CH), DA–N,U.

[FR Doc. 81-6645 Filed 2-27-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B–19]

TV Broadcast Application Accepted for Filing and Notification of Cut-Off Date

Released: February 24, 1981.

Cut-Off Date: April 13, 1981.

Notice is hereby given that the application listed below is accepted for filing. Because the application listed below is in conflict with an application which was accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the below-listed application will be accepted for filing.

Petitions to deny the application listed below and minor amendments thereto must be on file with the Commission not later than the close of business on April 13, 1981. The application previously accepted for filing and in conflict with the below-listed application may also be amended as a matter of right not later than the close of business on April 13, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

BPCT–801219KE (New), Lake Charles, Louisiana, Hugh Van Eaton, Sr. and Leland Hughes Jones, a partnership, Channel 29, ERP: Vis. 700 kW; HAAT: 333 feet.

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 81-6346 Filed 2-27-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] On September 8, 1980, WTVC filed a petition to deny RCB's application. The petition is, realistically, a pre-designation petition to specify issues. Since such petitions are no longer permitted, it will be dismissed. *Processing of Contested Broadcasting Applications*, 45 RR 2d 1220 (1979).

[2] The financial statement of R. W. Bowers indicates that his current liabilities exceeed his liquid assets by $75,423. Likewise, Randolph Kingery's financial statement indicates that his current liabilities exceed his liquid assets by $5,027.

[3] Normally, a legal question would be raised as to whether the stockholders, without the concurrence of Willis, could extend the life of Willis' commitment. However, since the viability of all the subscription agreements must be determined, a separate issue with regard to Willis is not necessary.

[4] One of the applicants' shareholders, Frank A. Boxley, placed $44,000 in an escrow account with Colonial American National Bank. The money was to be used to purchase stock according to a subscription agreement with WVTC. The terms of the escrow agreement between Frank A. Boxley and Colonial American National Bank indicate that the account terminated May 30, 1980. Accordingly, the availability of the $44,000 will be explored within the larger issue concerning $660,000 in subscription agreements.

[CC Docket No. 80-706; Transmittal No. 191]

RCA American Communications, Inc.; Revisions to Tariff FCC Nos. 1 and 2; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order extending comments and reply comments.

SUMMARY: The Federal Communications Commission denies a petition filed by RCA American Communications, Inc. (RCA Americom) seeking consolidation of this proceeding with the Commission's ongoing Competitive Carrier Rulemaking, Docket No. 79-252. The Commission also grants in part RCA Americom's motion for extension of time until March 3, 1981 in which to file its direct case in this investigation. The Commission denies the petition because consolidating the two proceedings would unduly delay the investigation of the specific issues raised in the underlying proceeding and because of the Commission's belief that investigation is the most appropriate means for examining the specific proposed revisions to RCA Americom's current tariff.

DATES: Comments or reply cases must be filed on or before April 2, 1981, and RCA Americom's response must be filed no later than April 17, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carl E. Douglas, Common Carrier Bureau, (202) 632-6917.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: February 11, 1981.

Released: February 19, 1981.

Before the Acting Chief, Common Carrier.

1. Before the Bureau is a petition filed by RCA Americom Communications, Inc. (RCA Americom) seeking consolidation of the above-captioned proceeding with the ongoing Competitive Carrier Rulemaking, Docket No. 79-252, *Further Notice of Proposed Rulemaking* FCC 80-742, released January 16, 1981. For the reasons explained below, we are denying the request.

2. By *Memorandum Opinion and Order*, FCC 80-778, released December 31, 1980 (*Order*), the Commission instituted an investigation into proposed tariff revisions filed by RCA Americom which would have increased rates and substantially restructured its current satellite service offerings. The Commission also suspended their effectiveness for five months.[1]

3. Among other things, it designated for investigation the following issues:

(1) What justification should be submitted by a dominant carrier proposing to alter a long term service tariff;

(2) Whether the [specific changes proposed by RCA American] would be just and reasonable and otherwise lawful under the tentative standard that a carrier may alter a long term service tariff only in accordance with the tariff itself or if it demonstrates that substantial cause exists to change the existing tariff terms; and

(3) Whether the specific changes proposed are just and reasonable and otherwise lawful.

See Order at para. 37.

4. RCA Americom argues that these are issues of a general legal and policy nature which should be resolved in the context of a rulemaking proceeding rather than in an investigation of specific tariff provisions. Any decision on them, states RCA Americom, may be expected to have broad industry impact. As such, all carriers and customers should have notice of their pendency and an opportunity to comment. RCA Americom contends that the rulemaking proceeding in Docket No. 79-252 in which the Commission is making a comprehensive evaluation of the regulatory treatment of domestic statellite carriers (Domsats) would be the most logical proceeding to consider the issues raised here.

5. The gravamen of RCA Americom's argument, therefore, appears to be that it is inappropriate to consider issues which may have broad but indirect applicability in the context of specific tariff proposals. We cannot agree. Indeed, as even RCA Americom recognizes, "the choice made between proceeding by general rule or by individual *ad hoc* litigation is one that lies primarily in the informed discretation of the administrative agency." *S.E.C.* v. *Chenery Corp.*, 332 U.S. 194, 203 (1946).[2]

6. More to the point, however, the issues that the Commission is examining in this proceeding arise in the context of the specific tariff revisions proposed by RCA Americom. These revisions would alter, among other things, the length of the service terms, the termination liability, the grades of service currently available, and the length of the renewal notice periods. The primary purpose, in other words, is to determine the lawfulness of these specific proposed revisions. To this end, the issues have been formulated so as to develop workable standards to aid in that purpose. By necessity, workable standards must be established first before the Commission can evaluate the lawfulness of any particular revision. The fact that such standards then are likely to have precedential value does not mean the Commission must decide the questions raised by RCA Americom's filing in a broad rulemaking proceeding.

7. Consolidating this investigation with Docket No. 79-252 would be unwise for another reason. In adopting the *Order* the Commission expressly stated its intention to conduct an expedited investigation which would be concluded within the five month suspension period. Since reply comments in Docket No. 79-252 will not be due until April 6, 1981, the consolidation of these proceedings would clearly frustrate the Commission's objective of completing this investigation by May 31, 1981.

8. This brings us to RCA Americom's request for a 30-day extension after release of this order to file its direct case in the event that its petition is denied. Although RCA Americom does not give any reason for its request, it would appear the extension is needed to offset the time spent in preparing the petition. Under the circumstances, we conclude that an extension of time until March 3, 1981, would not unduly delay the proceeding. In view of the five month suspension limitation, however, we do not intend to grant any further extensions of time in the the pleading cycle absent a showing of extraordinary circumstances.

9. Accordingly, it is ordered, pursuant to Section 0.291 of the Commission's Rules, 47 CFR 0.291, That the petition to consolidate filed by RCA American Communications, Inc. IS DENIED.

10. It is further ordered, That RCA Americom shall submit its direct case no later than March 3, 1981. Other parties may file their reply cases or comments within 30 days thereafter. RCA Americom may file its response within 15 days thereafter.

11. It is further ordered, That a copy of this Order shall be published in the **Federal Register**.

Joseph A. Marion,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-6642 Filed 2-27-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Under the procedural schedule set by the *Order*, RCA Americom is required to file its direct case no later than February 16, 1981. RCA Americom has moved for a 30 day extension of time in the event we deny its consolidation petition. Heritage Village Church and Missionary Fellowship, Inc. oppose this motion, while Showtime Entertainment, the Christian Broadcast Network, Inc., Southern Satellite Systems, Inc., and Spanish International Network, Inc. oppose both the motion and the petition.

[2] *See, also*, *City of Chicago* v. *F.P.C.*, 458 F.2d 731 (D.C. Cir. 1971), cert. denied 405 U.S. 1074 (1972). "The ability to choose with relative freedom the procedure it will use to acquire relevant information gives the Commission power to realistically tailor the proceedings to fit the issues before it, the information it needs to illuminate those issues and the manner of presentation which, in its judgment, will bring before it the relevant information in the most efficient manner."
458 F.2d at 744.

[CC Docket No. 80-286; FCC 81-64]

Federal-State Joint Board on Jurisdictional Separations, Designation of Chairman and Appointment of Member

AGENCY: Federal Communications Commission.

ACTION: Designation of new Chairman of the Federal-State Joint Board on jurisdictional separations and appointment of new member to the Board.

SUMMARY: Acting Chairman of the Commission Robert E. Lee is designated to serve as Chairman of the Joint Board. Commissioner Anne P. Jones is also appointed to fill a vacancy on the board. This action was necessitated by former Commission Chairman Charles D. Ferris; withdrawal from participation in all proceedings before the Commission pending the effective date of his resignation.

DATES: This action is effective February 19, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Policy and Program Planning Division, Common Carrier Bureau (202-632-9342).

Adopted: February 5, 1981.

Released: February 19, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of an amendment of Part 67 of the Commission's rules and establishment of a Joint Board, CC Docket No. 80-286, *second supplemental notice.*

1. On June 11, 1980, the Commission instituted a proceeding to amend Part 67 of the Commission's Rules concerning jurisdictional separations and established a Federal-State Joint Board pursuant to Section 410(c) of the Communications Act to develop the relevant revisions. *Amendment of part 67 of the Commission's Rules and Establishement of a Joint Board*, CC Docket No. 80-286, 78 FCC 2d 837 (1980). By a subsequent Notice the Commission appointed the members of the Joint Board and dealt with certain procedural matters. Chairman Charles D. Ferris, Commissioner Robert E. Lee and Commissioner Joseph R. Fogarty were appointed as the Federal Communications Commission members of the Joint Board. Commission Chairman Ferris was designated Chairman of the Joint Board, CC Docket No. 80-286, 82 FCC 2d 157 (1980).

2. Chairman Ferris subsequently tendered his resignation from the Commission effective April 10, 1981, and withdrew from participation in all proceedings before the commission pending his departure. By Commission action on February 5, 1981, Commissioner Robert E. Lee will serve as Acting Chairman of the Commission. He will also serve as Chairman of the Joint Board pursuant to Section 410(c) of the Act.[1] Commissioner Anne P. Jones was appointed to fill the vacancy on the Joint Board created by Chairman Ferris' withdrawal.

3. Accordingly, it is ordered, That Acting Chairman of the Commission Robert E. Lee shall serve as Chairman of the Federal-State Joint Board convened in this proceeding pursuant to Section 410(c) of the Communications Act, as amended, 47 U.S.C. 410(c) (1976).

4. It is further ordered, That Commissioner Anne P. Jones is appointed to the Joint Board.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-6651 Filed 2-27-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Section 410(c) of the Act, as amended, provides, among other things, that

[t]he Chairman of the commission, or another Commissioner designated by the Commission, shall serve as Chairman of the Joint Board.

47 U.S.C. 410(c) (1976).

FEDERAL MARITIME COMMISSION

Atlantic and Gulf/West Coast of Central America and Mexico Conference No. 8300; Agreement Termination

The Federal Maritime Commission gives notice that it shall terminate its approval of the Atlantic and Gulf/West Coast America and Mexico Conference No. 8300, as amended, effective February 1, 1981, the effective date of the withdrawal of Naviera Multinacional Del Caribe, S.A. (NAMUCAR) from membership in the Conference. NAMUCAR's withdrawal reduced the Conference membership only one party. Section 15 of the Shipping Act, 1916, only recognizes conferences between two or more parties subject to the Act.

By Order of the Federal Maritime Commission.

Dated: February 25, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6667 Filed 2-27-81; 8:45 am]

BILLING CODE 6730-01-M

Filing and Approval of Agreement

The Federal Maritime Commission hereby gives notice that on January 19, 1981, the following agreement was filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, P.L. 96-325, 94 Stat. 1021, and was deemed approved that date, to the extent it constitutes an assessment agreement as described in the fifth paragraph of section 15, Shipping Act, 1916. Agreement No. LM-80 supersedes Agreement No. LM-28, which is currently before the Commission in Docket No. 78-39, *Standard Fruit and Steamship Co., Inc., and United Brands, Inc.* v. *Pacific Maritime Association, et. al.*

Agreement No.: LM-80.

Filing Party: R. Frederick Fisher, Esquire, Lillick, McHose & Charles, Attorneys for Pacific Maritime Association, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. LM-80 is an assessment agreement between the members of the Pacific Maritime Association implementing certain collective bargaining obligations with the International Longshoremen's and Warehousemen's Union. Agreement No. LM-80 cancels and supersedes Agreement No. LM-28.

By Order of the Federal Maritime Commission.

Dated: February 25, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6666 Filed 2-27-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street,

N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 on or before March 23, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3950.

Filing Party: Paul D. Pella, Port Director, Jackson County Port Authority, 3033 Pascagoula Street, Pascagoula, Mississippi 39567.

Summary: Agreement No. T-3950, between the Jackson County Port Authority (Port) and the Ryan-Walsh Stevedore Company (Ryan-Walsh), provides for lease to Ryan-Walsh of Terminal "G and H" in the Port of Pascagoula, located in the Port's East Harbor (Bayou Casotte). As compensation, Ryan-Walsh will pay Port a guaranteed minimum annual rental of $200,000, as well as an additional fee of $0¢ per net ton on all cargo in excess of 200,000 tons handled through the facilities annually. The term of the lease is for one year, with a single one-year renewal option.

Agreement No. 10159-10.

Filing Party: Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: Agreement No. 10159-10 restates the basic agreement of the American West African Freight Conference Rationalization Agreement in its entirety and further amends the basic agreement to provide for (1) the parties to agree upon the allocation to each Line of time at any berth, slot or slots assigned it and the weight tonnage of cargo for discharge or loading at such assigned berth with the Chairman advising each Line thereof; (2) telephone poll or written instrument or such other method as the Lines may determine to be best suited to the circumstances, if a meeting is impracticable; (3) a Chairman and his designated duties; (4) a security deposit of ten thousand dollars ($10,000) by each new member; (5) detailed listing of assessments; and (6) termination of any party to participation in the agreement.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

Dated: February 25, 1981.

[FR Doc. 81-6511 Filed 2-27-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed; Cancellations

Lykes Bros. Steamship Co., Inc.; Bruno Bischoff Reederei Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8592.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Bruno Bischoff Reederei in Agreement No. 8592. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Deutsche Dampfschiffahrts—Gesellschaft "HANSA" Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8594.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Deutsche Dampfschiffahrts—Gesellschaft "HANSA" in Agreement No. 8594. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Deutsche Dampfschiffahrts—Gesellschaft "HANSA" Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8597.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Deutsche Dampfschiffahrts—Gesellschaft "HANSA" in Agreement No. 8597. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Ahlman—Transport Schiffahrsagenturen Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8599.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Ahlman—Transport Schiffahrtsagenturen in Agreement No. 8599. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Bruno Bischoff Reederei Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8601.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Bruno Bischoff Reederei in Agreement No. 8601. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros., Steamship Co., Inc.; Antwerp Sund Line Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8622.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Antwerp Sund Line in Agreement No. 8622. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Belgian Scantic Line Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8623.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Belgian Scantic Line in Agreement No. 8623. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Stockholms Rederi AB, SVEA Line Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8624.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Stockholms Rederi AB, Svea Line in Agreement No. 8624. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Det Bergenske Dampskib Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 8626.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Det Bergenske Dampskib in Agreement No. 8626. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

Lykes Bros. Steamship Co., Inc.; Combined Portugal Line Transshipment Agreement; Notice of Cancellation

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9379.

Summary: On February 12, 1981, the Commission received notice of the termination of the participation of Lykes Bros. Steamship Co., Inc. and Combined Portugal Line in Agreement No. 9379. The agreement will be cancelled effective February 12, 1981, the date the notice of cancellation was received by the Commission.

By Order of the Federal Maritime Commission.

Dated: February 25, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6585 Filed 2-27-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-19]

Eli Lilly International Corp. v. Mitsui O.S.K. Lines Ltd.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Eli Lilly International Corp. against Mitsui O.S.K. Lines Ltd. was served February 20, 1981. Complainant alleges that respondent has improperly applied its tariff in assessing charges for ocean transportation.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6531 Filed 2-27-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3940]

Matson Terminals, Inc./Korea Marine Transport Co., Ltd.; Availability of Finding of No Significant Impact

Upon completion of an impact statement, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the environmental issues related to the referenced proceeding do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Agreement No. T-3940, between Matson Terminals, Inc. (Matson) and Korea Marine Transport Company, Ltd. (KMTC), provides for maintenance and repair services by Matson on KMTC container and container handling equipment at Matson's Honolulu, Oakland and Los Angeles terminals.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related impact assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6532 Filed 2-27-81 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3946]

Virginia Port Authority and Oyster Point Development Corp.; Availability of Findings of No Significant Impact

Upon completion of an assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3946 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The subject agreement, between the Virginia Port Authority and the Oyster Point Development Corporation, provides for leasing of a tract of land adjacent to Pier 8 at the Newport News Marine Terminal to be used for construction and operation of an automatic grain bagging facility (see 46 FR 10539).

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, DC. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6533 Filed 2-27-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse affects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 25, 1981.

V 46 / 40 MAR 2 81 UMI

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Horizon Bancorp, Morristown, New Jersey (mortgage and financing activities; United States, Western Europe and South America): to engage through its subsidiary, Horizon Creditcorp, in making or acquiring for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortgage and finance company; and servicing loans and other extensions of credit for the account of others. Typically, the persons for whom such loans would be served would be other financial institutions. These activities would be conducted from an office in Morristown, New Jersey, serving the United States, Western Europe and South America.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Northern Bankshares Inc., McFarland, Wisconsin (general insurance activities; McFarland, Wisconsin): to engage in general insurance activities in a town with population of less than 5,000. These activities would be conducted from an office of Applicant's subsidiary bank in McFarland, Wisconsin, serving McFarland, Wisconsin.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6818 Filed 2-27-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commended *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interest persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 26, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (installment sales finance activities and insurance activities; Pennsylvania): to engage through its subsidiary Ritter Consumer Discount Company, Inc., of Pennsylvania in purchasing installment sales finance contracts, and to sell credit life insurance, accident and health insurance, and property damage and liability insurance directly related to such finance activity. These activities would be conducted from the five existing offices of Ritter Consumer Discount Company, Inc., of Pennsylvania located in Philadelphia, Pennsylvania and Springfield, Pennsylvania. The offices serve Philadelphia, Bucks, Montogomery and Delaware Counties.

B. *Other Federal Reserve Banks.* None.

Board of Governors of the Federal Reserve System, February 24, 1981.

Jefferson A. Walker,

Assistance Secretary of the Board.

[FR Doc. 81-6819 Filed 2-27-81; 8:45 am]

BILLING CODE 6210-01-M

Chisholm Trail Financial Corp.; Formation of Bank Holding Company

Chisholm Trail Financial Corp., Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Chisholm Trail State Bank, Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6817 Filed 2-27-81; 8:45 am]

BILLING CODE 6210-01-M

Old Kent Financial Corp.; Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by consolidation to Gaylord State Bank, Gaylord, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6820 Filed 2-27-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Bancshares, Inc.; Formation of Bank Holding Company

Peoples Bancshares, Inc., Chalmette, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Peoples Bank & Trust Company of St. Bernard, Chalmette, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 23, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6821 Filed 2-27-81; 8:45 am]

BILLING CODE 6210-01-M

United Banks of Colorado, Inc.; Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of United Bank of Arapahoe National Association, Arapahoe County, Colorado, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 24, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6822 Filed 2-27-81; 8:45 am]

BILLING CODE 6210-01-M

Valley National Corporation; Formation of Bank Holding Company

Valley National Corporation, Phoenix, Arizona, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to The Valley National Bank of Arizona, Phoenix, Arizona. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Valley National Corporation, Phoenix, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to establish *de novo* a consumer and dealer finance company in Albuquerque, New Mexico, and acquire Concho Investment Corporation and Western Security Life Insurance Company, both of Phoenix, Arizona.

Applicant states that the proposed subsidiaries would engage in the activities of consumer and dealer financing and credit-related insurance activities, including the underwriting of credit life and credit accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in Albuquerque, New Mexico, and the geographic area to be served is the State of New Mexico. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System Washington, D.C. 20551, not later than March 26, 1981.

Board of Governors of the Federal Reserve System, February 24, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6823 Filed 2-27-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals (CAB and OSM)

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 17, 1981. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and OSM requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before March 20, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regualtory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory

Reports Review Staff, 202–275–3532.

Civil Aeronautics Board

The CAB requests clearance of revisions to Form 298–A, Air Taxi Operator and Commuter Air Carrier Registration and Amendments under Part 298 of the Economic Regulations of the Civil Aeronautics Board. This form is filed by every taxi operator who plans to commence operations under Part 298 of the Board's Economic Regulations. Submission of Form 298–A is mandatory under the Federal Aviation Act of 1958, as amended. The revisions consist of a new question asking whether the registering carrier is a U.S. citizen; the section on types of service has been expanded; and the order of the questions has been changed for clarity. The CAB estimates respondents will number approximately 4,000 and that time to complete Form 298–A will average 30 minutes.

Office of Surface Mining, Department of the Interior

The OSM requests an extension without change of Form OSM–23, Statement of Employment and Financial Interest. Public Law 95–87 requires that no employee of the State regulatory authority performing any function or duty under the Act shall have a direct financial interest in any underground surface coal mining operation. This requirement pertains to all States which have ongoing coal mining operations. Form OSM–23 is used to collect the data which is reviewed, monitored and used to enforce restrictions against direct and indirect financial interest of State employees. The OSM estimates respondents will number approximately 1,000 State regulatory employees in 28 States and that time to complete Form OSM–23 will average 30 minutes.

The OSM requests clearance of the reporting and recordkeeping requirements contained in new 30 CFR Part 850, Training Program for Blasters and Members of Blasting Crew, and Certification Programs for Blasters. The OSM has determined that such information is necessary to perform its responsibilities under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq. and must be collected, submitted or retained. On December 12, 1980, OSM published these requirements in the **Federal Register** (45 FR 82084–82100) subject only to review by the General Accounting Office to assure that a minimum burden is imposed in the manner in which such information is proposed to be obtained. Section 850.4(c)(1) of the regulation requires 23 State agencies to prepare and submit to OSM a State plan for examining, certifying, revoking, and suspending certification, appealing revocation or suspension, and promoting and providing training for blasters and members of blaster crews. The reporting time is estimated by OSM to be an average of 320 hours per State agency. Section 850.4(c)(7) requires 23 State regualtory authorities to collect, maintain, and provide OSM with data on training, test results and experience requirement results. OSM estimates no additional burden on the regualtory authority in collecting and maintaining the information as this is an Equal Employment Opportunity Commission Requirement. However, OSM estimates an average reporting time of 15 minutes xeroxing time per State regulatory authority. Section 850.14(a) and (e)(1)–(3) require approximately 7,000 persons interested in being certified for blasting to submit an application for an examination and an application for recertification or reexamination. The reporting time is estimated by OSM to be 1 hour and 45 minutes for the initial application and 30 minutes for the recertification or reexamination application. Section 850.14(c) requires the 23 State regualtory authorities to notify approximately 5,790 applicants for blaster certification, within 30 days of examination as to their certification status. Reporting time is estimated by OSM to be 1 hour per notification.

The OSM requests an extension without change clearance of the recordkeeping requirements contained in its Permanent Regulatory Program, specifically in 30 CFR Part 870. The OSM has determined that such information is necessary to perform its responsibilities under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq. and must be retained. Section 870.16 requires operators of an estimated 5,000 coal mines to continuously maintain business records which reflect coal production and sales. The records must be kept for a period of 6 years. The OSM estimates that there is no additional burden imposed by this provision since these records would be maintained under normal operating practice of the coal mining companies. The OSM estimates that approximately 5,000 coal mining companies retain these records.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81–6547 Filed 2–27–81; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Bladder and Prostatic Cancer Review Committee; Clinical Cancer Program Project and Cancer Center Support Review Committee; Meetings for Review of Grant Applications

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of committee: Bladder and Prostatic Cancer Review Committee (Bladder Subcommitte)
Dates: March 12–13, 1981
Place: Holiday Inn Airport Conference Room, 1489 Jefferson Davis Highway, Arlington, Virginia 22202
Times:
Open: March 12, 8:30 a.m.–9:30 a.m.
Closed: March 12, 9:30 a.m.–5:00 p.m.; March 13, 8:30 a.m.–adjournment
Closure reason: To review grant applications
Executive Secretary: William E. Straile, Ph. D.
Address: Blair Building, Room 314, National Institutes of Health
Phone: 301/427–8800

(Catalog of Federal Domestic Assistance numbers, 13.393, 13.394, 13.395, project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

Name of committee: Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Program Project Subcommittee)
Dates: March 30–April 1, 1981
Place: Building 31/C, Conference Room 6, National Institutes of Health
Times:
Open:March 30, 8:30 a.m.–9:00 a.m.
Closed: March 30, 9:00 a.m.–adjournment; March 31, 8:30 a.m.–adjournment; April 1, 8:30 a.m.–adjournment
Closure reason: To review grant applications
Exectutive Secretary: Dr. Louise C. Thomson
Address: Westwood Building, Room 809, National Institutes of Health
Phone: 301/496–7924

(Catalog of Federal Domestic Assistance number 13.393, project grants in cancer center support research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that circular.

Dated: February 19, 1981.

[FR Doc. 81–6528 Filed 2–27–81; 8:45 am]

BILLING CODE 4110–08

National Institute of Dental Research; Meeting of Special Grants Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, on March 10–11, 1981, in Conference Room 6, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 10:30 a.m. on March 10, 1981, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 10:30 a.m. on March 10, 1981, to adjournment on March 11, 1981, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Emil L. Rigg, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496–7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Calalog of Federal Domestic Assistance Programs Nos. 13.840—Caries Research, 13.841—Periodontal Diseases Research, 13.842—Craniofacial Anomalies Research, 13.843—Restorative Materials Research, 13.844—Pain Control and Behavioral Studies, 13.845—Dental Research Institutes, 13.878—Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: February 19, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–6529 Filed 2–27–81; 8:45 am]

BILLING CODE 4110–08–M

Vision Research Program Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, March 27, 1981, Building 31, C Wing, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on Friday, March 27, from 8:30 a.m. to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 9:30 a.m. on March 27 until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A–04, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–06, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–5561, will furnish substantive program information.

(Calalog of Federal Domestic Assistance Programs Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: February 23, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–6527 Filed 2–27–81; 8:45 am]

BILLING CODE 4110–08–M

Public Health Service

Office of Health Research, Statistics, and Technology; National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of percutaneous transluminal angioplasty in treatment of partially occluded arteries resulting from atherosclerosis in arteries of the lower extremities, in the aortic arch and in the carotid, vertebral and renal arteries.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than June 1, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: February 24, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statitics, and Technology.

[FR Doc. 81–6535 Filed 2–27–81; 8:45 am]

BILLING CODE 4110–85–M

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-81-1054]

Section 202 Loans for Housing for the Elderly or Handicapped; Announcement of Fund Availability Fiscal Year 1981

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: HUD is announcing the availability of Fiscal Year 1981 loan authority under the Section 202 Housing for the Elderly or Handicapped Direct Loan Program. The loan authority will be used to provide direct Federal loans for a maximum term of 40 years under Section 202 of the Housing Act of 1959, as amended, to assist private nonprofit corporations and consumer cooperatives in the development of new or substantially rehabilitated housing and related facilities to serve the elderly or handicapped.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Title 24, Code of Federal Regulations, Part 885, as amended, that the Department of Housing and Urban development will be accepting Applications for Fund Reservations from eligible Borrowers (see Section 885.5 for the definition of "Borrower" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provision of Section 202 of the House Act of 1959, as amended.

The Assistant Secretary for Housing is assigning Section 202 loan fund authority for Fiscal Year 1981 to the HUD Field Offices identified below in conformance with the provisions of Section 213(d) of the Housing Community Development Act of 1974, as amended, as provided at 24 CFR Part 891, Subpart D.

While the precise number of units to be funded depends upon actual approvable applications received, the following distribution plan shows the approximate number of units and loan authority available for new applications in each Field Office jurisdiction for Fiscal Year 1981.

Fiscal Year 1981 Section 202 Distribution Plan by HUD Field Office Jurisdiction

	Estimated number of units	Estimated loan authority [1]
Boston regional office:		
Boston	467	22,374,000
Manchester (Bangor, Burlington)	186	7,503,000
Providence	150	6,705,000
Hartford	187	8,821,000
Total	970	45,403,000
New York regional office:		
Buffalo (Albany)	390	16,817,000
Caribbean	339	10,958,000
Newark (Camden)	487	25,420,000
New York	979	59,250,000
Total	2,195	112,445,000
Philadelphia regional office:		
Baltimore	150	7,003,000
Philadelphia (Wilmington)	537	27,135,000
Pittsburgh	359	15,928,000
Charleston	150	6,774,000
Richmond	208	7,854,000
Washington, D.C.	150	7,104,000
Total	1,852	71,598,000
Atlanta regional office:		
Atlanta	297	10,575,000
Birmingham	225	8,173,000
Columbia	199	6,066,000
Greensboro	356	11,333,000
Jackson	172	6,139,000
Jacksonville (Coral Gables, Tampa	997	37,235,000
Knoxville	150	6,000,000
Nashville (Memphis)	153	6,091,000
Louisville	236	9,024,000
Total	2,885	101,736,000
Chicago regional office:		
Chicago (Springfield)	810	37,455,000
Columbus	150	6,300,000
Cleveland	262	9,591,000
Cincinnati	150	6,282,000
Detroit	325	14,886,000
Grand Rapids	219	7,966,000
Indianapolis	380	13,790,000
Milwaukee	338	15,377,000
Minn.-St. Paul	462	19,490,000
Total	3,076	130,937,000
Dallas regional office:		
Dallas (Albuquerque, Fort Worth, Lubbock)	855	19,672,000
Little Rock	211	6,816,000
New Orleans (Shreveport)	214	9,621,000
Oklahoma City (Tulsa)	217	8,169,000
Houston	272	8,747,000
San Antonio	231	7,594,000
Total	1,800	60,619,000
Kansas City regional office:		
Kansas City (Topeka)	424	14,376,000
Omaha	150	5,620,500
Des Moines	246	9,419,000
St. Louis	213	10,021,000
Total	1,033	39,436,500
Denver regional office:		
Denver (Helena, Fargo, Sioux Falls, Salt Lake City, Casper)	332	13,557,000
Total	332	13,557,000
San Francisco regional office:		
Honolulu	20	1,102,000
Los Angeles (San Diego, Santa Ana)	1,025	48,832,000
Phoenix	150	5,733,000
San Francisco (Fresno, Reno, Las Vegas	538	25,043,000
Sacramento	150	8,472,500
Total	1,883	87,182,500
Seattle regional office:		
Portland (Boise)	218	7,867,000
Seattle (Spokane)	243	11,548,000
Total	461	19,415,000

[1] Pursuant to Section 213(d) of the Housing and Community Development Act of 1974, as amended, the estimated loan authority is subject to further breakdown into "metropolitan" and "nonmetropolitan" areas.

The distribution plan set forth above is provided as a guide for prospective Borrowers. It indicates the estimated loan authority that can be expected to be made available for applications for units in each HUD Field Office jurisdiction. However, these unit and loan estimates are subject to change upon Regional and/or Field Office determinations. Such changes may be necessary in order to assure that there is enough loan authority in each Field Office to support housing projects of feasible size. Each HUD Field Office receiving Fiscal Year 1981 loan authority will prepare and publish a single Invitation for Applications for Section 202 Fund Reservation (Invitation) for its jurisdiction which indicates the amount of such authority and the maximum number of units this amount is expected to assist. The Invitation will designate those allocation areas where Section 202 projects are consistent with the Field Office allocation plan.

Limitations On Fund Availability to Certain Areas

Prospective Borrowers interested in applying should be aware of the requirements governing the allocation of loan authority as set forth in Section 885.200 of the Regulations. In determining the number of units for housing for the elderly or handicapped to be provided to a specific allocation area, each Field Office will allocate the Section 202 "fair share" assignment consistent with the housing allocation plan.[1] Because of previous years' program selections, in many allocation areas a greater proportion of housing for the elderly has been provided than would otherwise have occurred, and as a result it may not be possible to approve Section 202 applications in such areas. The Field Office Invitation will clearly indicate the allocation areas designated for priority evaluation of Section 202 applications. Pursuant to § 885.205c (2) and (3) of the Regulations, Borrowers may submit applications in areas not so designated by the Field Office Invitations under the following conditions:

(a) Applications for projects in any allocation area which are designed wholly for the nonelderly disabled or

[1] To the maximum extent practicable, the number of units in the allocation plan shall be proportionate by housing type and household type to the approved Annual Housing Action Programs (which reflect the locality increments to achieve 3-year HAP goals), housing needs for non-HAP localities and goals for AHOPs approved pursuant to Section 891, Subpart E.

handicapped will be accepted and evaluated;

(b) All other applications from the designated allocation areas will be evaluated concurrently with those described in (a) above and applications for projects in areas not designated in the Invitation will be considered for approval only if insufficient numbers of approvable applications are received for projects in the designated allocation areas, and if the proposal is consistent with the HAP, or in the case of areas not having HAPs, is consistent with the Field Office's determination of housing needs.

As mentioned above, interested Section 202 Borrowers will be notified of the designated allocation areas by an Invitation prepared and advertised by the HUD Field Office. Because of the exceptions set forth above, any eligible Borrower may apply for areas outside the designated allocation areas established by the Field Office. As it is anticipated that demand from acceptable Borrowers from designated allocation areas may be in excess of available loan authority, prospective applicants from other areas should recognize that their prospects for selection might be very limited.

Schedule for Section 202 Invitations, Workshops and Application Deadline

All applications for Section 202 Fund Reservations by eligible Borrowers must be filed with the appropriate HUD Field Office and must contain all exhibits and additional information as required by § 885.210 of the Regulations. HUD Field Offices will publish an Invitation in newspapers of general circulation and in minority newspapers where available serving the Field Office jurisdiction once a week for two consecutive weeks commencing no earlier than January 26, 1981, but no later than February 27, 1981. Field Offices will accept applications anytime after publication of the Invitation, but no applications will be accepted after the regular closing time of the appropriate Field Office on Friday, May 15, 1981, unless said final date for submission of applications is extended by the Assistant Secretary for Housing by publication of an extension notice in the **Federal Register**.

Borrowers interested in applying for a Fund Reservation under Section 202 are encouraged to provide the appropriate Field Office with the name, address and telephone number of the Sponsor and/or Borrower organization(s), to advise the Field Office whether they wish to attend the workshop described in the following paragraph, and to secure the program handbook and Application Package. Minority organizations also are encouraged to participate in this program as Sponsors and/or Borrowers.

Workshops will be conducted by Field Offices during the months of March and April 1981 to explain the regulations and instructions governing the Section 202 and Section 108(b) Seed Money loan programs, to distribute Application Packages, and to discuss the application procedures and required exhibits. More detailed information covering the time and place of the particular workshops will be indicated in the Field Office Invitation. Arrangements will be made by the Field Office, if necessary, to assure that any interested handicapped persons are able to attend and participate in the workshop. Such persons should contact the Field Office, so that appropriate arrangements can be made.

Additional Information

Pursuant to § 885.205(a)(4), this is to serve further notice that:

(1) Religious bodies may serve as sponsors of Section 202 projects, but the Borrower corporation must be a separate legal entity in order to comply with Constitutional requirements for separation of Church and State. No religious purpose may be included in the Articles of Incorporation or By-laws, etc., of the Borrower corporation.

(2) The Sponsor must have a current exemption ruling from the Internal Revenues Service, and where the Sponsor and Borrower are not the same, the Borrower corporation must have applied for an exemption ruling from the Internal Revenue Service prior to the deadline date for filing applications (i.e., May 15, 1981).

(3) Applications may be submitted only by eligible Borrowers. The Borrower must be an eligible corporation as defined in § 885.5 of the Section 202 Regulations and must have been legally incorporated at the time its application is filed with the appropriate HUD Field Office.

(4) The Department is in the process of amending the definition of Borrower contained in § 885.5 to implement the reqirements of Section 202(d)(3) of the Housing Act of 1959, as amended by the Housing and Community Development Amendments of 1978 that there be significant representation of the views of the community in which the project is located in the composition of the Borrower's governing board. Although this amendment will not become effective until a final rule is published in the **Federal Register**, interested applicants may want to keep this in mind when establishing their Borrower corporations.

(5) Pursuant to § 885.215 of the Regulations no single Borrower may submit an application or applications in any HUD Region in excess of that necessary to finance the construction or substantial rehabilitation of three hundred (300) units of Housing and Related Facilities. Further, outstanding Handbook instructions set forth in Paragraph 1-5b of HUD Handbook 4571.1 REV states that "reservations for projects intended primarily for the elderly generally will not be approved for more than 200 units." This policy is intended to expand the number of areas in the community where the elderly can live in housing specially designed to meet their needs. Therefore, applications which would result, upon completion of the particular proposal, in more than about 200 units of specially designed housing for the elderly from any source in that immediate area should not be selected, unless the Field Office Area Manager or Supervisor fully documents the reasons for such approval.

(6) Also, to be considered responsive to the Invitation among other requirements, an application for a project to be located in a designated allocation area must not request a larger number of units than advertised for that area. For non-designated allocation areas (either metropolitan or nonmetropolitan), and application must not request a larger number of units than the total number of units allocated by the Field Office to such areas in its Invitation.

(7) HUD will make contract authority under Section 8 of the United States Housing Act of 1937, as amended, available for successful Borrowers.

(8) Section 202 Fund Reservations will be distributed among successful Borrowers in accordance with the requirements of Section 885.220 (Review of Application for Fund Reservation) and on the basis of all of the information furnished by the Borrowers as set forth in the Application Package and pursuant to § 885.225 (Approval of Applications) of the Regulations.

(9) Applicants which submitted applications which were not funded due to insufficient Fiscal Year 1980 Section 202 loan authority will have to reapply under this year's Field Office Invitations.

(10) The Assistant Secretary for Housing has established one-half of 1 percent (0.5%) of the total HUD-approved Section 202 mortgage amount, not to exceed $10,000, to be the minimum capital investment for Section 202 Borrowers. This requirement applies to all Section 202 Borrowers receiving

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HUD Field Office approval of an application for a Section 202 fund reservation (under the provisions of § 885.400 et seq.). Said minimum capital investment shall apply to all Section 202 projects receiving fund reservations in Fiscal Year 1981 and shall remain in effect unless altered by the Assistant Secretary for Housing by publishing in the Federal Register a revision to the minimum capital investment requirement. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minimum capital investment requirement.

Borrowers are invited to submit applications for Section 202 fund reservations in accordance with this Announcement and Part 885. Additional information regarding the Section 202 program may be found in Part 885.

The Catalog of Federal Domestic Assistance Program title and number is Housing for the Elderly or Handicapped, 14.157.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended; Section 4(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., on February 19, 1981.

George O. Hipps, Jr.,

Acting Deputy Assistant Secretary for Housing, Deputy Federal Housing Commissioner.

[FR Doc. 81-6642 Filed 2-27-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6986-A and AA-6986-C]

Alaska Native Claims Selections

The purpose of this decision is to modify the decision dated January 21, 1981, approving lands for conveyance to Cape Fox Corporation under the provisions of Sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1615(b) (1976)) to add the following Sec. 17(b) easement reservation:

(EIN 35 L, G) An easement one hundred (100) feet in width for a proposed powerline from the selection boundary Sec. 13, T. 74 S., R. 90 E., Copper River Meridian, northerly adjoining the existing road (highway easement deed No. 5713) to a point in Sec. 18, T. 74 S., R. 91 E., Copper River Meridian, thence easterly approximately 1.2 miles to a point in Sec. 17, T. 74 S., R. 91 E., Copper River Meridian, near the existing road right-of-way, thence southeasterly to a point near the White River in Sec. 21, T. 74 S., R. 91 E., Copper River Meridian, thence northeasterly generally following the White River to the selection boundary in Sec. 35, T. 73 S., R. 91 E., Copper River Meridian.

The uses allowed are those activities associated with the construction, operation, and maintenance of the powerline facility.

Except as modified by this decision, the decision of January 21, 1981 stands as written.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-6571 Filed 2-23-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-24609]

Alaska Native Claims Selections

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Section 3(a) of Pub. L. 95-178 (91 Stat. 1369), authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On February 27, 1979, Patent No. 50-79-0055 was issued to Cook Inlet Region, Inc., for 195.00 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Section 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(e)) (ANCSA), and Section 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Section 3(a) of Pub. L. 95-178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska

T. 24 N., R. 4 W.,
Sec. 8, S½SE¼, S½SW¼, S½NE¼SW¼, SW¼NW¼SW¼, N½SE¼NW¼SW¼.
Containing 195.00 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., for the above described lands with no Sec. 17(b) easements reserved. The revised conveyance document will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50-79-0055.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks, in the ANCHORAGE TIMES. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, of regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 1, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-6572 Filed 2-27-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-24610]

Alaska Native Claims Selections

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On February 27, 1979, Patent No. 50-79-0052 was issued to Cook Inlet Region, Inc., for 3,642.22 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(e)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska

T. 19 N., R. 1 E.,
Sec. 26, SE¼SW¼;
Sec. 35, E½.
Containing 360.00 acres.

T. 19 N., R. 2 E.,
Sec. 23, S½SW¼, SE¼;
Sec. 25, S½;
Sec. 26, N½.
Containing 880.00 acres.

T. 19 N., R. 4 E.,
Sec. 2, lots 3 and 4.
Containing 79.70 acres.

T. 19 N., R. 5 E.,
Sec. 5, NW¼.
Containing 160.00 acres.

T. 20 N., R. 5 E.,
Sec. 31, SE¼, NE¼, E½W¼
Sec. 32, SW¼, W½SE¼, E½NE¼, SE¼SE¼.
Containing 760.00 acres.

T. 20 N., R. 6 E.,
Sec. 18, E½W½, W½NE¼, and lots 1 through 4;
Sec. 19, E½W½, and lots 1 through 4;
Sec. 20, all;
Sec. 28, N½SW¼.
Containing 1,366.00 acres.

T. 20 N., R. 7 E.,
Sec. 19, lot 1.
Containing 36.52 acres.

Aggregating 3,642.22 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-24837, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight [GVW]).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 11 D9) An easement for an existing trail fifty (50) feet in width traversing Native conveyed land and paralleling the Chickaloon River in section 19, T. 20 N., R. 6 E., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 12b D9, L) An easement for an existing trail twenty-five (25) feet in width traversing the Native conveyance in section 20, T. 20 N., R. 6 E., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 6 D9, C5) An easement sixty (60) feet in width for an existing road from the Glenn Highway in Section 7, T. 19 N., R. 5 E., Seward Meridian, continuing northerly through the Native conveyance to State lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., for the above described lands reserving the easements identified above. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50-79-0052.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the Anchorage Times. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 1, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-6573 Filed 2-27-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-24611]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands coveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On February 28, 1979, Patent No. 50-79-0056 was issued to Cook Inlet Region, Inc., for 4,822.71 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(e)) (ANCSA), and Sec.

V 46 / 40 MR 2 81 UMI

12(c) of P.L. 94–204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of P.L. 95–178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska

T. 16 N., R. 3 W.,
Sec. 23, E½NW¼, NE¼SW¼, NW¼SE¼.
Containing 160.00 acres.

T. 16 N., R. 4 W.,
Sec. 11, W½NE¼SW¼, NW¼SE¼SW¼, NE¼NE¼SW¼;
Sec. 15, W½NE¼;
Sec. 25, NE¼, N½SE¼, S½SW¼, NW¼SW¼, N½NE¼SW¼, W½SW¼NE¼SW¼, SE¼NE¼SW¼.
Containing 515.00 acres.

T. 17 N., R. 3 W.,
Sec. 6, SE¼NW¼, SW¼NE¼, E½SW¼, W½SE¼, lots 1 through 10;
Sec. 7, E½, E½W½, lots 1 through 4;
Sec. 23, SE¼;
Sec. 24, W½, NE¼;
Sec. 31, lot 16.
Containing 1,870.14 acres.

T. 17 N., R. 4 W.,
Sec. 12, NE¼NW¼, SE¼NW¼NW¼, N½NW¼NW¼, N½NE¼, N½SE¼NE¼, SE¼SE¼NE¼, lots 1, 2, 5 through 11, 13, and U.S. Survey 3518 lots 1, 6 through 10;
Sec. 33, NW¼NE¼, SE¼NE¼, S½SE¼, S½N½SE¼, N½NE¼SE¼, NE¼NW¼SE¼, S½SW¼, S½NE¼SW¼, NW¼SW¼, W½SW¼NW¼, lots 7, 10 through 12, 21 through 24, 26, 27, 29 through 37, 39.
Containing 764.17 acres.

T. 18 N., R. 3 W.
Sec. 31, SE¼, E½SW¼, lots 3, 4;
Sec. 32, W½, SE¼, S½NE¼;
Sec. 33, W½, W½NE¼, SE¼;
Sec. 34, W½SW¼.
Containing 1,513.40 acres.
Aggregating 4,822.71 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–24838, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 1 C5) An easement for an existing road sixty (60) feet in width traversing the high ground on Native land in Section 25, T. 16 N., R. 4 W., Seward Meridian, continuing westerly to State lands and water. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 4 D2) An easement for an existing trail twenty-five (25) feet in width traversing Native land in Section 25, T. 16 N., R. 4 W., Seward Meridian, and Section 23, T. 16 N., R. 3 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 5 C5, L) An easement for an existing road sixty (60) feet in width beginnning at an unnamed road in Section 18, T. 17 N., R. 3 W., Seward Meridian, traversing Native land northeasterly through Section 7, T. 17 N., R. 3 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., for the above-described lands reserving the easements identified above. The revised conveyence document will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50–79–0056.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the Anchorage Daily News. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until April 1, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 81–6874 Filed 2–27–81; 8:45 am]
BILLING CODE 4310–84–M

[INT DES 81–8; Supplement]

Colstrip Project; Final Environmental Impact Statement; Availability of Draft Supplement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft Supplement to the Colstrip Project Final Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Draft Supplement to the Colstrip Project Final Environmental Impact Statement (INT FES 79–29). This supplement evaluates additional proposed corridors for the Colstrip 500 Kv transmission line from near Boulder, Montana to alternative substation locations near Garrison, Montana.

SUPPLEMENTARY INFORMATION: The Draft Supplement was prepared as the result of new alternative developed in response to public concerns obtained during the centerline location process. These alternatives had not been previously considered in the Colstrip Project EIS. This supplement was prepared jointly by the Bureau of Land Management, Forest Service, and Bonneville Power Administration.

Although the Draft Supplement states that a preferred federal alternative would not be specified until the final Supplement was issued, agency managers have reached accord on a tentative preference for routes in the Boulder and Deer Lodge areas. The Boulder preferred alternative leaves the Designated Corridor near Elkhorn Creek and proceeds northwest crossing McCarthy Creek and Muskrat Creek then west across Interstate 15 past Mount Thompson to Uncle Sam Gulch, then southwest to rejoin the Designated Corridor at Saul Haggerty Gulch.

The Black Mountain preferred alternative in the Deer Lodge area follows the Designated Corridor from Finn gulch to west of the Continental Divide, near the head of Peterson Creek then north across Cottonwood Creek near the Emery Mine and north of Fred Burr Creek, then the AAA corridor proceeds northwest until crossing Interstate 90 southeast of Garrison and continuing across Rock Creek, Willow Creek and Pikes Peak Creek to reach the Designated Corridor at Dry Gulch and follow the Designated Corridor to the proposed Substation Site 3 near Gold Creek. The tentative preferred federal alternatives were developed through a comparison of criteria including public acceptance, impacts to residences and inhabited areas, agricultural impacts, construction costs, corridor length across public and private lands, and overall environmental impacts.

In addition to copies being mailed, copies of the document are available at the following locations:

U.S. Dept. of Agriculture, Forest Service, Planning, Programming, Budgeting, Federal Building, Missoula, Montana 59807, Telephone: (406) 329–3399
U.S. Dept. of Interior, Bureau of Land Management, Public Affairs Staff, 222 North 32nd Street, Billings, Montana 59101, Telephone: (406) 657–6561
U.S. Dept. of Energy, Bonneville Power Administration, P.O. Box 758, Hwy. 2 East, Kalispell, Montana 59901, Telephone: (406) 755–6202

Oral and/or written comments will be received at the following public hearings:

March 24, 1981, 7:30 PM, at the Powell Community Center, 5th and Cottonwood, Deer Lodge, Montana;
March 25, 1981, 7:30 PM, at the Boulder Grade School, 205 South Washington, Boulder, Montana

Comments on the Draft Supplement are invited from all interested parties and should be forwarded to the following official no later than April 20, 1981: Neil Morck, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, Telephone: (406) 657–6457.

Dated: February 20, 1981.

Michael J. Penfold,
BLM Montana State Director.

[FR Doc. 81–6584 Filed 2–27–81; 8:45 am]
BILLING CODE 4310–84–M

Draft Wilderness Study and Reporting Schedule; Extension of Public Comment Period

AGENCY: Bureau of Land Management.

ACTION: Notice of Extension of Public Comment Period and Listing of Additional Study Scheduling Criteria.

SUMMARY: This notice announces a 45-day extension for the public comment period on the Draft Wilderness Study and Reporting Schedule listed as part B, Status of Current Planning Documents and Projected New Planning Starts, Including Wilderness Study and Reporting Schedules, published in the **Federal Register**, January 19, 1981 (46 FR 5032). This notice extends the comment period to April 16, 1981. The comment period is being extended to allow the public to examine the draft wilderness study schedule together with the "List of Wilderness Study Areas" which will be published in the **Federal Register** on Tuesday, March 3, 1981. Additional copies of either publication are available by contacting the Bureau of Land Management at the address provided below.

The schedule anticipates: (1) reporting wilderness recommendations, which contain energy resource conflicts, to the President by September 30, 1985, and (2) completion of all land use plans containing wilderness recommendations by September 30, 1986.

Criteria used by the Bureau to establish the schedule include the following priorities: (1) energy resource conflicts; (2) prime wilderness values; (3) other resource management conflicts; (4) opportunities for coordination with other agencies wilderness studies; (5) utilizing as many normally scheduled Bureau planning efforts as possible. A detailed explanation of the individual state rankings using these criteria may be obtained from the respective Bureau State Offices, shown at the end of this announcement.

DATE: Comments by April 16, 1981.

ADDRESS: Comments or suggestions submitted after March 2, 1981, should be sent to: Director (430), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Comments will be available in Room 5600 of the above address during regular business hours (7:45 A.M. to 4:15 P.M.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Martin R. Botkin, Division of Wilderness and Environmental Areas, Telephone (202) 343–6064.

Dated: February 25, 1981.

Ed Hastey,
Acting Director.

State Offices

Alaska: 701 C Street, Post Office Box 13, Anchorage, AK 99513, FTS: 399–0150, COM: (907) 271–5555
Arizona: 2400 Valley Bank Center, Phoenix, AZ 85073, FTS: 261–3831, COM: (602) 261–3900
California: Federal Building, 2800 Cottage Way, Sacramento, CA 95825, FTS: 468–4724, COM: (916) 484–4724
Colorado: Colorado State Bank Building, 1600 Broadway, Denver, CO 80202, FTS: 327–4481, COM: (303) 837–4481
States East of the Mississippi River, Plus Iowa, Minnesota, Missouri, Arkansas and Louisiana: Eastern States Office, 350 South Pickett Street, Alexandria, VA 22304, COM: (703) 235–2830
Idaho: Federal Building, 550 West Fort Street, Post Office Box 042, Boise, ID 83724, FTS: 554–1770, COM: (208) 384–1770
Montana, North Dakota and South Dakota: 222 N. 32nd Street, Post Office Box 30157, Billings, MT 59107, FTS: 585–6561, COM: (406) 585–6011
Nevada: Federal Building, 300 Booth Street, Reno, NV 89509, FTS: 470–5311, COM: (702) 784–5455
New Mexico, Oklahoma and Texas: U.S. Post Office and Federal Building, Post Office Box 1449, Santa Fe, NM 87501, FTS: 476–1316, COM: (505) 988–6316
Oregon and Washington: 729 N.E. Oregon Street, Post Office Box 2965, Portland, OR 97208, FTS: 429–4024, COM: (503) 231–6273
Utah: University Club Building, 136 East South Temple, Salt Lake City, UT 84111, FTS: 588–4227, COM: (801) 524–4227
Wyoming, Kansas and Nebraska: 2515 Warren Avenue, Post Office Box 1828, Cheyenne, WY 82001, FTS: 328–2111, COM: (307) 778–2220

[FR Doc. 81–6608 Filed 2–27–81; 8:45 am]
BILLING CODE 4310–84–M

Anchorage District Advisory Council; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of Public Meeting.

SUMMARY: The Anchorage District Advisory Council will conduct a meeting in accordance with the Federal Advisory Council Committee Act concerning the formulation of policy with regard to subsistence use of resources by Alaskan residents as mandated by the Alaska Lands Conservation Act.

DATE: March 24, 1981, 8:30 a.m. to 4:00 p.m. The public may make oral statements to the council at 1:00 p.m. Anyone wishing to be on the agenda should contact the District Public Information Officer prior to the meeting.

ADDRESS: 4700 E. 72nd Ave., Anchorage, Alaska 99507.

FOR FURTHER INFORMATION CONTACT: Joette Storm, Public Information Officer, (907) 344–9661

SUPPLEMENTARY INFORMATION:

Proposed Agenda

8:30 a.m. Meeting is called to order, Reading of Minutes, Old Business, Chairman Suddock
9:00 a.m. Presentation of Subsistence as it relates to BLM programs: review of State law, Alaska Land Act, BLM Draft Policy, Richard Vernimont, Dave Dorris
10:00 a.m. Break.
10:15 a.m. Isaac Walton League position, Sam McDowell
11:00 a.m. State of Alaska position, Alaska Department of Fish and Game representative
Noon Lunch
1:00 p.m. Public Comment
2:00 p.m. Presentation of Fairbanks Council Subsistence Subcommittee Report, Richard Vernimen
Council work session, Chairman Suddock

Richard W. Tindall,

District Manager.

[FR Doc. 81-6644 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Mid-Atlantic Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Public Law 92-463)

Name: Mid-Atlantic Technical Working Group
Date: March 19, 1981
Place: Garden State Ballroom, Parlor II, Hilton Gateway Hotel, Raymond Boulevard, Newark, New Jersey
Time: 10:00 a.m. to 4:30 p.m.

Committee membership consists of representatives from federal agencies, the coastal states of New York through North Carolina, the petroleum industry, and other private interests.

Agenda: Discussion of comments on the Draft Hudson Canyon Transportation Management Plan.

This meeting will open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Commitee regarding the agenda topic should contact Richard Barnett of the New York OCS Office (212-264-1061) by 12 March 1981. Written statements should be submitted by 26 March to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32-120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 14 May 1981 at the above address.

Judith B. Gresham,

Acting Manager, New York OCS Office.

[FR Doc. 81-3774 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-84-M

[U-47194]

Utah; Invitation To Participate in Coal Exploration Program; Getty Mineral Resources Company

February 9, 1981.

Getty Mineral Resources Company, a wholly-owned subsidiary of Getty Oil Company, is inviting all qualified parties to participate in a program for the exploration of coal reserves on the Castle Valley Ridge Exploration Tract near Wattis, Utah. The lands are located in Carbon and Energy Counties, Utah, and are described as follows:

T. 14 S., R. 7 E., SLM, Utah,
Sec. 26, SW¼;
Sec. 27, SE¼;
Sec. 34, lots 3, 4, NE¼, N½Se¼;
Sec. 35, lots 1, 2, N½ N½SW¼.
T. 15 S., R. 7 E., SLM, Utah,
Sec. 2, all;
Sec. 3, lots 1-3, 6-11, SE¼;
Sec. 10, NE¼, E½SE¼;
Sec. 11, all;
Sec. 14, N½;
Sec. 15, E½NE¼.
Containing 3, 675.42 acres

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Getty Mineral Resources Company, P.O. Box 15668, Salt Lake City, Utah 84115. Such written notice must be received on or before April 1, 1981.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis. A copy of the exploration plan, as submitted by Getty Mineral Resources Company, is available for public review during normal business hours, in the following office, under Serial No. U-47194: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

L. Pollick,

Chief, Minerals Section.

[FR Doc. 81-6570 Filed 3-27-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Southern Appalachian Coal Region—Alabama Subregion; Request for Public Comments on Maximum Economic Recovery and Fair Market Value; Correction

The notice that appeared in the **Federal Register** Vol. 46, No. 24 on Thursday, February 5, 1981 on page 11047 is revised to read as follows:

The U.S. Geological Survey has identified 26 tracts as candidates for possible lease sale in the Southern Appalachian Coal Region in Alabama. The 26 tracts are those tracts that were considered earlier by the Southern Appalachian Regional Coal Team.

A description of these tracts is contained in Table I. More complete geologic data on these tracts are available in the "economic recovery potential analysis reports" prepared for each tract. These reports are available for public inspection at the Office of the Eastern Region Conservation Manager, Conservation Division, U.S. Geological Survey, 1725 K St. NW., Suite 204, Washington, DC., and at the Bureau of Land Management, Tuscaloosa Office, 1315 McFarland Blvd., Tuscaloosa, Alabama 35405. Additional data on these tracts are available from the Final Environmental Impact Statement (FEIS). Copies of the FEIS are available from Bob Todd, EIS Team Leader, Bureau of Land Management, Tuscaloosa Office.

The public is invited to submit written comments on the fair market value of the listed tracts to the U.S. Geological Survey. Comments should address, but not be limited to, the following:

1. The quantity and quality of the coal resources for each tract by seam;
2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined on each tract and the most desirable timing and rate of production;
3. The demonstrated and inferred reserves of coal on each tract by seam;
4. Which of the tracts, if any, should be evaluated as part of a larger mining unit (i.e., those tracts which do not in themselves form a logical mining unit);
5. The configuration of the larger mining unit of which the tract may be a part;
6. Restrictions to mining which may affect coal recovery;
7. The price that the mined coal would bring in the marketplace;
8. The cost of producing the coal, including a discussion of mining and reclamation cost;
9. The minimum rate of return that would be desired by a coal company, either in the absence of inflation (real rate of return) or including inflation, in which case the anticipated rate of inflation should be given;
10. Depreciation and other accounting considerations;
11. The value of the surface estate if privately held; and,
12. Documented information on recent coal lease transactions in the area, including location of the property,

available access, terms of the transactions, and any major conditions specified in the contract.

If information submitted is considered to be proprietary, the information should be so labeled in the first page of the written comment. The U.S. Geological Survey will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to Eastern Region Conservation Manager, Conservation Division, U.S. Geological Survey, 1725 K St. NW., Suite 204, Washington, D.C. 20006. Comments should be received no later than 30 days after publication of this notice.

This request for comments should not be interpreted as a firm commitment by the Federal Government to lease any of the tracts listed in Table I. A decision to lease any or all tracts will be made not less than 30 days after publication of a final environmental impact statement (FEIS) for the Southern Appalachian coal region. This sequence of steps is in accordance with the procedures specified in the 43 CFR series, Federal Coal Management Regulations. The FEIS was published by the Bureau of Land Management, Tuscaloosa, Alabama on January 14, 1981.

Departmental policy calls for release of all non-proprietary data which are used as input in the discounted cash flow (DCF) evaluation model. Under this policy, we are releasing for public comment and review our initial estimates of: *The coal selling price* which is an estimate of current market prices (f.o.b. mine) based on the quality of the coal; *the unit mining cost* which is an estimate of all the operating costs used to produce the coal, excluding depreciation and depletion, royalties, and all taxes; and *the nominal discount rate* which is the discount rate obtained from using a 10 percent real discount rate and a 9 percent inflation factor. For the high ranked tracts, these cost and price estimates appear in Table II. Estimate ranges for those tracts ranked medium and low by the Regional Coal Team appear in Table II.

These values may change as a result of comments received from the public and changes in the market conditions between now and when the final disounted cash flow evaluations are completed.

Table I

Tract name	County, township and range, (Huntsville P.M.)	Acreage total/FMO [1]	In place coal reserve estimate (thousand tons) total/FMO [1]	Probable type of mine	Btu per pound	Sulfur content (percent)	Ash content (percent)
Upper North River (By-pass)	Fayette; T16S, R11W	40/40	286/286	Underground	11,908	2.0	13.8
North River	Fayette; T17S, R11W	9600/1240	44,755/6,140	Underground	12,225	2.4	13.0
Harris Cemetery (SBA)	Walker; T14S, R11W	160/40	44/23	Surface	14,250	1.4	6.4
Upper Sulfur Springs Church (SBA)	Fayette; T15S, R9W	520/40	1,257/49	Surface	14,005	1.6	5.1
Goodwin Creek	Walker; T12S, R11W	880/280	1,100/446	Surface	14,257	1.2	3.2
Brannon	Walker:T14S, R9 and 10W	394.13/273.13	1,116/672	Surface	13,270	2.0	14.7
Little Tyro Creek	Fayette; T15 and 16S, R9 and 10W.	1720/880	2,019/1,009	Surface	13,120	2.7	8.2
Crabbe Road	Tuscaloosa; T17 and 18S, R9W	3219/800	12,176/3,073	Surface	13,608	3.7	6.6
Wills Chapel (SBA)	Fayette; T15S, R9W	480/120	210/88	Surface	13,000	.9	10.0
North Rock Springs Church	Tuscaloosa T17S, R9W	1200/400	1,944/926	Surface	12,954	3.9	10.7
Dry Creek North	Tuscaloosa; T18S, R9 and 10W	2025/480	14,209/3,800	Surface	13,200	3.5	11.0
Dry Creek South	Tuscaloosa; T18S, R9 and 10W	1120/400	9,830/3,156	Surface	13,300	3.0	9.0
Boxes Creek West	Walker; T14S, R10W	286/35	962/118	Surface	13,270	2.0	14.7
Yellow Creek East	Tuscaloosa; T19S, R9W	2660/480	12,474/2,759	Surface	13,270	1.0	9.7
Flatwoods	Fayette; T16S, R9W	1800/320	2,694/843	Surface	12,835	2.9	9.2
Poplar Hollow	Fayette; T16 and 17,R9W	3680/1180	8,151/2,229	Surface	12,512	3.2	9.1
Pendley No. 1	Fayette; T15S, R9 and 10W	1520/840	687/797	Surface	13,440	1.2	8.3
Bagwell Road	Tuscaloosa; T17S, R9W	2520/480	3,508/890	Surface	14,080	2.4	5.2
Elm Grove	Walker:T13 and 14S, R10W	640/80	732/89	Surface	12,270	2.0	14.7
Piney Woods Church	Tuscaloosa; T18S, R9 and 10W	1830/490	16,385/5,223	Surface	13,400	3.7	11
Dividing Ridge	Fayette; T17S, R9W	1160/680	1,395/1,055	Surface	13,288	2.7	7.9
Jess Creek	Walker; T14S, R9W	6760/1960	25,774/7,723	Surface	12,995	1.0	11.4
Rock Springs Church	Tuscaloosa; T17S, R9W	8600/3520	60,886/25,927	Underground	12,337	2.3	16.6
Windham Springs	Tuscaloosa; T18S, R9 and 10W	14,120/7,920	88,788/44,501	Underground	12,700	2.7	13.4
Wiley	Tuscaloosa; T17 and 18S, R9 and 10W.	7920/2040	54,117/14,323	Underground	12,460	2.5	13.2
Howard	Walker; T14S, R9 and 10W	637.76/412.5	1,805/1,167	Surface	13,270	2.0	14.7

[1] Federal Mineral Ownership.

Table II

	Mining cost (dollar/ton)	Coal selling price (dollar/ton)
Upper North River	18	36
North River	19	38
Harris Cemetery (SBA)	25	32
Upper Sulfur Springs Church	22	35
Goodwin Creek	20	42

Table III

	Underground	Surface
Mining costs (dollar/ton)	19-22	15-25
Coal selling price (dollar/ton)	25-36	24-42

Table III—Continued

	Underground	Surface
Discount rate (percent)	19.9	19.9

Richard B. Krahl,

Acting Conservation Manager, Eastern Region.

[FR Doc. 81-6541 Filed 2-27-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of

the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 111375 (Sub-85F), (Correction) (Republication) filed March 7, published in the FR issue of May 5, 1977 and republished this issue. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Charles E. Dye (same address as applicant). A Decision of the Commission, Division 1, Acting as an Appellate Division, decided March 8, 1979, served March 29, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting (A)(1) *foodstuffs*, (2) *pharmaceutical materials, supplies, and products*, (3) *chemicals*, (4) *alcoholic beverages*, (5) *tobacco products*, (6) *pet foods*, and (7) *such commodities as are dealt in by distribution or consolidation warehouses* for the commodities described in (1) through (6), when moving in the same vehicle at the same time as the commodities described in (1), (2), (3), (4), (5), or (6), (except commodities in bulk), in (1) through (7), in vehicles equipped with mechanical refrigeration, (a) from Denver, CO, to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), restricted to traffic originating at (or moving from storage-in-transit at) Denver CO, or the facilities of Nobel, Inc., at Albuquerque, NM, and destined to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and (b) from points in the United States in and west of MN, IA, MO, AR and LA (except AK and HI), to Denver, CO, restricted to traffic originating at points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), and destined to (or moving to storage-in-transit at) Denver, CO, or the facilities of Nobel, Inc., at Albuquerque, NM, provided that parts (a) and (b) may be tacked in connection with shipments which originate at or destined to the facilities of Nobel, Inc., at Albuquerque, NM; and (B) *foodstuffs*, (except in bulk) between the facilities of Packers' Cold Storage, at Laramie, WY, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), restricted to traffic originating at and destined to points in the United States in and west of MN, IA, MN, AR, and LA (except AK and HI); that applicant is fit, willing and able properly to perform such service and to conform to the requirements of Subtitle IV of Title 49, United States Code (formerly the Interstate Commerce Act), and the Commission's rules and regulations. The purpose of this corrected republication is to include a portion of the granted authority which was inadvertently omitted from previous publication.

MC 144884 (Sub-5), (Republication) filed May 29, 1979, published in the FR issue of November 29, 1979 and republished this issue. Applicant: ARTHUR A. JOHNSTON & MICHAEL A. JOHNSTON DBA JOHNSTON TRUCKING P.O. Box 325, Spearfish, SD 57783. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. A Decision of the Commission, Review Board Number 2, decided September 11, 1980 and served September 30, 1980, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, from points in WY to points in IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, ND, OH, OK, PA, SD, TX, and WI; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to amend the application by reflecting additional service to points in MT, OK, PA, and TX.

MC 145384 (Sub-29), (Republication) filed April 2, 1979, published in FR issue of August 16, 1979 and republished this issue. Applicant: ROSE–WAY, INC., 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. A Decision of the Commission, Review Board Number 3, decided May 19, 1980, served June 6, 1980 and a Decision of the Commission, Division 1, Acting as an Appellate Division, decided September 12, 1980, served September 22, 1980, find that the present and future public convenience and necessity require operation by applicant to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal articles*, (a) from Santa Barbara, CA, to points in AZ, IL, IN, KY, MO, NM, OH, OK, and TX; and (b) from Chicago, IL (except from the facilities of Reynolds Metals Company), to points in AZ, CA, NV, OR, UT, and WA; and (2) *iron and steel articles*, from Shelby, OH, to points in AZ, CA, NV, OR, UT, and WA; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to reflect service to points in IN.

MC 146375, (Republication) filed February 23,1979, published in the FR issue of June 21, 1979 and republished this issue. Applicant: MERCER INTERNATIONAL TRANSPORTATION MANAGEMENT & CONSULTING SERVICES, INC., 500 Alta Drive, Fort Worth, TX 76107. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. A Decision of the Commission, Administrative Law Judge, dated August 5, 1980 and served August 14, 1980, finds that operation by applicant will serve a useful purpose responsive to a public need, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *line pipe, machinery, equipment, pipe line materials and supplies* incidental to, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of natural gas, petroleum, petroleum products, and coal slurry pipelines (except plastic and cement asbestos pipe), including the stringing and picking up thereof, and (2) *line pipe* incidental to, used in, or in connection with, the construction, operation, repair, servicing maintenance, and dismantling of energy related pipelines (except plastic and cement asbestos pipe), including the stringing and picking up thereof, between points in the United States (except Hawaii). RESTRICTION: This authority is restricted to traffic moving to or from pipeline rights-of-way or to traffic having a prior or subsequent movement by rail or water; that applicant is fit, willing, and able properly to perform the service and to conform statutory and administrative requirements. The pupose of this republication is to reflect applicant's actual grant of authority.

MC 147905, (Republication) filed July 26, 1979, published in the FR issue of February, 20, 1980 and republished this issue. Applicant: SEIMAX GAS CORPORATION, P.O. Box 191, Monticello, NY 12701. Representative: Marcos A. Alvarez, 202 Broadway, Monticello Inn Bldg., Monticello, NY 12701. A Decision of the Commission, Review Board Number 4, decided November 18, 1980, and served December 4, 1980, finds that applicant's performance of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid propane gas*, in bulk, from Watkins Glen, NY, Warren, PA, and ports of entry on the International Boundary line between the United States and Canada in NY, to Alden, Lockport, Ovid, Trumansburg, North Collins, Ithaca, Sanborn and Jamestown, NY. NOTE: The certificate issued in this proceeding shall expire 5 years from the date of issuance. CONDITIONS: (1) Carrier must conduct separately its for-hire motor carrier activities and its other businesses, and (2) Carrier must maintain separate records and accounts for its for-hire motor carrier activities and its other businesses; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary

[FR Doc. 81-6548 Filed 2-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-043]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Decided: February 20, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 200 (Sub-551), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in OK and TX, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-552), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *rubber and plastic products*, (1) between points in WI, on the one hand, and, on the other, points in CT, OH, and TX, and (2) between points in New Haven County, CT, on the one hand, and, on the other, points in Johnson County, IA.

MC 200 (Sub-553), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CA, FL, IL, IN, MD, MN, NJ, OH, PA, TX, and WV, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-555), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodites* (except classes A and B explosives), between points in Cuyahoga County, OH, on the one hand, and, on the other, points in Harris, Harrison and Jefferson Counties, TX.

MC 200 (Sub-557), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodites* (except classes A and B explosives), between points in AR, CA, KY, OH, TN, UT, and WA, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-560), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodites* (except classes A and B explosives), between points in Greenwood County, SC, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-563), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same

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address as applicant). Transporting *printed matter*, between points in Polk County, IA, on the one hand, and, on the other, points in ID and UT.

MC 200 (Sub-564), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodites* (except classes A and B explosives), between points in Vance County, NC, on the one hand, and, on the other, points in the U.S.

MC 7381 (Sub-18), filed January 29, 1981. Applicant: WEBB S TRANSFER, INC., PO Box 1189, Suffolk, VA 23434. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Transporting *general commodities* (except classes A and B explosives), between points in DE, MD, NJ, NY, PA, VA, and the District of Columbia, on the one hand, and, on the other points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI and the District of Columbia.

MC 14781 (Sub-14), filed February 4, 1981. Applicant: GOTTRY CORP., P.O. Box H—Westgate Branch 999 Beahan Road, Rochester, NY 14624. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *machinery, metal products, transportation equipment, and those commodities which because of their size or weight require the use of special handling or equipment*, between those points in NY, on and west of Interstate Hwy 81, and those points in PA on, west, and north of a line beginning at the NY–PA State line and extending along Interstate Hwy 81 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the PA–OH State line, on the one hand, and, on the other, points in the U.S.

MC 33641 (Sub-159), filed February 2, 1981. Applicant: IML FREIGHT, INC., PO Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in Carbon and Emery Counties, UT, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 35320 (Sub-630), filed January 29, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Latimer County, OK, on the one hand, and, on the other, points in the U.S.

MC 48441 (Sub-69), filed February 4, 1981. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisler, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products, and petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 60470 (Sub-24F), filed December 10, 1980, and previously noticed in **Federal Register** issue of January 9, 1981. Applicant: MOTORCAR TRANSPORT COMPANY, 1280 Joslyn Ave., Pontiac, MI 48055. Representative: Joseph Gracia, Suite 211, 3221 W. Big Beaver Rd., Troy, MI 48084. Transporting *motor vehicles*, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of General Motors Corporation or its dealers.

Note.—This republication clarifies the territorial description.

MC 67450 (Sub-109), filed February 2, 1981, Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between the facilities used by ITOFCA, Inc. or its members, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 74761 (Sub-25), filed January 27, 1981. Applicant: TRAILWAYS TAMIAMI, INC., P.O. Box 56669, 200 Spring St., N.W., Atlanta, GA 30303. Representative: Gregory A. Presnell, 17th Floor, CNA Bldg., P.O. Box 231, Orlando, FL 32802. Over regular routes, transporting (1) *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (a) between Jacksonville and Tallahassee, FL, from Jacksonville over Interstate Hwy 10 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Tallahassee, and return over the same route, serving the intermediate points of Lake City and Live Oak, FL, (b) between Jacksonville and Gainesville, FL, from Jacksonville over U.S. Hwy 301 to Waldo, then over FL Hwy 24 to Gainesville, and return over the same route, serving all intermediate points, (c) between Tampa and Clearwater, FL, over FL Hwy 60, serving no intermediate points, (d) between Daytona Beach and Fort Lauderdale, FL, from Daytona Beach over U.S. Hwy 92 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction FL's Turnpike, then over FL's Turnpike to junction FL Hwy 74, then over FL Hwy 74 to jucntion Interstate Hwy 95, then over Interstate Hwy 95 to Fort Lauderdale, and return over the same route, serving all intermediate points, (e) between Titusville, FL, and junction FL Hwy 50 and Interstate Hwy 95, over FL Hwy 50, serving all intermediate points, (f) between Cocoa, FL, and junction FL Hwy 520 and Interstate Hwy 95, over FL Hwy 520, serving all intermediate points, (g) between Melbourne, FL and junction U.S. Hwy 192 and Interstate Hwy 95, over U.S. Hwy 192, serving all intermediate points, (h) between Fort Pierce, FL and junction FL Hwy 68 and Interstate Hwy 95, over FL Hwy 68, serving all intermediate points, (i) between Fort Pierce, FL and junction FL Hwy 70, FL's Turnpike, and Interstate Hwy 95, over FL Hwy 70, serving all intermediate points, (j) between junction FL Hwy 70 and FL's Turnpike and Orlando FL from junction FL Hwy 70 and FL's Turnpike over FL's Turnpike to junction U.S. Hwy 441, then over U.S. Hwy 441 to Orlando, and return over the same route, serving junctions FL Hwy 70, FL's Turnpike and Interstate Hwy 95, FL's Turnpike and FL Hwy 60, FL's Turnpike and combined U.S. Hwys 192 and 441 for purposes of joinder only, (k) between Yeehaw junction, FL and junction FL Hwy 60 and FL's Turnpike, over FL Hwy 60, serving the termini for purposes of joinder only, and (l) between Titusville and Melbourne, FL, over U.S. Hwy 1, serving all intermediate points, and (2) *passengers and their baggage*, in charter and special operations, beginning and ending at points in Brevard, Indian River, St. Lucie, and Martin Counties, FL, and those points in Pinellas County north of FL Hwy 686, and extending to points in the U.S.

MC 75840 (Sub-152), filed February 2, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *metal products*, between points in Baltimore County, MD, on the one hand, and, on the other, points in TX, WV, and IN.

MC 82841 (Sub-300), filed February 3, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Transporting *lumber, lumber and wood products, forest products, and pulp, paper and related products*, between points in

Choctaw County, AL, and points in MS, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, NC, ND, NE, NJ, NY, OH, OK, PA, SC, SD, TN, TX, VA, WI, and WV.

MC 82841 (Sub-301), filed February 3, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Transporting *building materials*, between the facilities used by Shepherd Products Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 82841 (Sub-303), filed February 3, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 61827. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *general commodities* (except classes A and B explosives), between the facilities of Valmont Industries, Inc. and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 85561 (Sub-12), filed February 3, 1981. Applicant: OLIVER TRUCK LINES, INC., 1238 S. Cleveland-Massillon Rd., Akron, OH 44321. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Franklin County, OH, on the one hand, and, on the other, points in OH.

MC 94430 (Sub-53), filed February 4, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P. O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *chemicals and related products*, between points in Mason and Midland Counties, MI, on the one hand, and, on the other, points in Cuyahoga County, OH.

MC 108341 (Sub-196), filed February 4, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *metal products*, between points in Jefferson County, AL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 108341 (Sub-197), filed February 5, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *metal products*, (1) between points in Erie County, NY, on the one hand, and, on the other points in AL, GA, NC, SC, TN, and VA, and (2) between Baltimore, MD, on the one hand, and, on the other, points in AL and TN.

MC 111231 (Sub-336), filed January 30, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Transporting *clay, concrete, glass or stone products, and building materials*, between points in Erie County, NY, Green County, MO, and San Bernardino County, CA, on the one hand, and, on the other, points in the U.S.

MC 114211 (Sub-501), filed February 3, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of Asarco Incorporated, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 114211 (Sub-503), filed February 4, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Black Hawk County, IA, on the one hand, and, on the other, points in the U.S.

MC 119670 (Sub-57), filed February 5, 1981. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Ave., P.O. Box 32115, Cincinnati, OH 45232. Representative: William R. Dally (same address as applicant). Transporting *general commodites* (except classes A and B explosives), between points in AL, DE, GA, IL, IN, KY, MD, MI, MO, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WI, WV, and DC.

MC 119700 (Sub-77), filed February 4, 1981. Applicant: STEEL HAULERS, INC., Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *metal products*, between points in Jackson County, MO, on the one hand, and, on the other, points in Madison County, NE, Shelby County, TN, Ellis County, TX, and Jackson County, AR.

MC 120080 (Sub-6), filed January 21, 1981. Applicant: MORGAN EXPRESS, INC., 10130 Monroe Drive, Dallas, TX 75229. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Slidell, LA, and Mobile, AL: Over U.S Hwy 90 and Interstate Hwy 10, serving all intermediate points.

Note.—Applicant intends to tack with existing regular-route authority.

MC 121470 (Sub-73), filed January 27, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan St., Nashville, TN 37207. Representative: Helen Jones (same address as applicant). Transporting *metal products*, between Mobile, AL, on the one hand, and, on the other, points in the U.S.

MC 124141 (Sub-49), filed January 22, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Franklin Distributing Division of Franklin Chemical Industries, Inc., of Columbus, OH.

MC 124511 (Sub-71), filed January 23, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in AL, GA, AR, KY, LA, MS, TN, TX, OK, and KS.

MC 127840 (Sub-171), filed February 5, 1981. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *commodities in bulk*, between points in the U.S.

MC 134440 (Sub-3), filed February 4, 1981. Applicant: LAVENTURE BROS. TRANSFER, d.b.a. LAVENTURE BROS. TRANSFER AND LAVENTURE BROS. VAN LINES. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *household goods*, (1) between points in CA, ID, OR and WA, and (2) between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, MO, NE, OK, TN, TX, AZ, NM, NV, and UT.

MC 134501 (Sub-91), filed February 5, 1981. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135111 (Sub-8), filed January 29, 1981. Applicant: REESE TRUCKING, INC., P.O. Box 99, Dover, OH 44622. Representative: William J. Lavelle, 2310

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Grant Bldg., Pittsburgh, PA 15219. Transporting (1)(a) *lumber and wood products*, (b) *chemicals and related products*, (c) *rubber and plastic products*, (d) *metal products*, and (e) *medical and hospital equipment and supplies*, between points in Carroll, Coshocton, Guernsey, Harrison, Holmes, Stark, Tuscarawas and Wayne Counties, OH, on the one hand, and, on the other, points in the U.S., and (2) *chemicals and related products*, between points in Harris County, TX, on the one hand, and, on the other, points in the U.S.

MC 142941 (Sub-79), filed February 2, 1981. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: E. W. Scarborough, (same address as applicant). Transporting *such commodities* as are dealt in or used by maufacturers and distributors of toilet preparations, (1) between points in AZ, CA, FL, IL, IN, MA, MO, NJ, OK, OH, TX, and WY, and (2) between points in AZ, CA, FL, IL, IN, MA, MO, NJ, OK, OH, TX, and WI, on the one hand, and, on the other points in AL, CO, ID, KS, KY, LA, MS, MT, NM, NV, OR, UT, WA, and WY. Condition: Issuance of a certificate in this proceeding will be conditioned upon coincidental cancellation, at applicant's written request of its certificate MC–142941 (Sub 57).

MC 143280 (Sub-13), filed January 23, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a corporaation, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *fireplaces and heating equipment*, between points in Wood and Portage Counties, WI and Riverside County, CA, on the one hand, and, on the other points in the U.S.

MC 145441 (Sub–144), filed February 5, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *food and related products*, between Detroit, MI, and Chicago, IL, on the one hand, and, on the other points in Los Angeles County, CA, King County, WA, DeKalb County, GA, and Oklahoma, Canadian, and Cleveland Counties, OK.

MC 146111 (Sub–6), filed January 30, 1981. Applicant: INDUSTRIAL TRANSPORT INC., 11910 Harvard Ave., P.O. Box 04177, Cleveland, OH 44105. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield, VA 22151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Pittsburgh, PA.

MC 146380 (Sub–3), filed January 29, 1981. Applicant: WILLIAM PIERCE, d.b.a., PIERCE TRUCKING, 205 First Street, Ludington, MI 49431. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *general commodities* (except classes A and B explosives), between points in Midland and Bay Counties, MI, and those points in MI on and west of a line beginning at the IN-MI State line and extending along Interstate Hwy 69 to junction Interstate Hwy 496, then along Interstate Hwy 496 to junction U.S. Hwy 127, then along U.S. Hwy 127 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction Interstate Hwy 75, then along Interstate Hwy 75 to Mackinaw City, MI on the one hand, and, on the other points in the U.S.

MC 146820 (Sub-12), filed January 27, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215.Transporting (1) *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Swan Hose Division, Amerace Corporation of Worthington, OH, and (2) *Pulp, paper and related products*, and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Stone Container Corporation, of Chicago, IL.

MC 148080 (Sub-7), filed January 23, 1981. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612.Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston-Purina Company in AZ, CA, CO, KS, MO, NM, NV, OK, TX and UT, on the one hand, and, on the other, points in AZ, CA, CO, KS, MO, NM, NV, OK, TX and UT.

MC 148320 (Sub-5), filed January 23, 1981. Applicant: MHB INC., 204 E. North St., Warsaw, NC 28398. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *food and related products*, between Baltimore, MD, and points in Atlantic County, NJ, on the one hand, and, on the other, points in Cumberland and Richmond Counties, NC, and Chatham and Glynn Counties, GA.

MC 148341 (Sub-3), filed January 21, 1981. Applicant: MASS TRANSIT, INC., 2450 Orange Ave., Signal Hill, CA 90806. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in the U.S., under continuing contract(s) with Agripac, Inc., of Salem, OR, and Lucky Stores, Inc., of Buena Park, CA.

MC 148620 (Sub-6), filed February 5, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., Atlanta, GA, 30303. Transporting *pulp, paper and related products*, and *printed matter*, between points in the U.S., under continuing contract(s) with Datacom, Inc., of Willow Grove, PA.

MC 148930 (Sub-5), filed January 27, 1981. Applicant: AERO DELIVERIES, INC., 529 Gidley Dr., Grand Haven, MI. 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lieberman Enterprises, of Minneapolis, MN.

MC 149440 (Sub-5), filed January 29, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *rubber and plastic products*, between points in Dallas County, TX, on the one hand, and, on the other, those points in the U.S. in and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 149440 (Sub-7), filed February 2, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *machinery and metal articles*, between points in Spartanburg County, SC, Sheboygan County, WI, and Brown County, TX, on the one hand, and, on the other, points in the U.S.

MC 150240 (Sub-1) (M1)F, filed February 5, 1981. Applicant: FREIGHT SALES, INC., 447 James Parkway, P.O. Box 1176, Newark, OH 43055. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *petroleum and petroleum products*, between Catlettsburg, KY, and points in WV, those in PA on, south, and west of a line beginning at the OH-PA state line and extending along Interstate Hwy 70 at or near Breezewood, PA, and then over Interstate Hwy 70 to the PA-MD state line, and those in OH on, south, and east of a line beginning at the PA-OH state line and extending along Interstate Hwy 76 to junction Interstate Hwy 71, and then along Interstate Hwy 71 to the OH-KY state line, under continuing contract(s) with River Oil Co., of Marietta, OH, and Michels Oil Company, of Pennsboro, WV. Condition: Issuance of a permit in this proceeding will cancel permit MC 150240 (Sub-1F), issued November 20, 1980.

Note.—The purpose of this petition is to add Michels Oil Company, of Pennsboro, WV, as a contracting shipper.

MC 150351 (Sub-1), filed January 27, 1981. Applicant: STIME, LTD., 2833 Leonis Blvd., Vernon, CA 90058. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Glasteel Tennessee, Inc., of Duarte, CA.

MC 150480 (Sub-2), filed January 23, 1981. Applicant: YOWELL TRANSPORTATION SERVICE, INC., 1840 Cardington Rd., Dayton, OH 45409. Representative: William H. Cantillon (same address as applicant). Transporting *machinery*, between points in the U.S., under continuing contract(s) with Harris Composition Systems Division, Documation, Inc., Harris Satellite Communications Div., and TRW Vidar, all of Melbourne, FL, Stromberg Carlson Corporation, of Sanford, FL, and Harris Controls, Inc., of Palm Bay, FL.

MC 151281 (Sub-1), filed January 30, 1981. Applicant: DESTINATIONS UNLIMITED, INC., 507 Frenchmen St., New Orleans, LA 70116. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA 70130. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in LA, and extending to points in the U.S.

MC 151700, filed November 20, 1980. Applicant: CHAPPELL MOVERS, INC., 3009 W. Broadway, Louisville, KY 40211. Representative: Robert E. Webb, Jr., 306 Kentucky Home Life Bldg., Louisville, KY 40202. Transporting *general commodities* (except classes A and B explosives), between points in KY, IN, OH, IL, MO, IA, MI, WI, TN, MS, AL, GA, FL, SC, NC, PA, WV, MD, VA, LA, AR, OK, TX, and DC.

MC 152161 (Sub-1), filed January 27, 1981. Applicant: PONSELL SUPPLY CO., INC., 1702 Swan Street, Jacksonville, FL 32204. Representative: Norman J. Bolinger, 3100 University Blvd. S., Suite 225, Jacksonville, FL 32216. Transporting *building materials*, between points in Clay County, FL, and Chatham County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 152271 (Sub-2), filed January 12, 1981. Applicant: VINCENT AND ROGER MARCHESE d.b.a., VINCENT MARCHESE & SON, DRIVE AWAY SERVICE, 6333 David Ave., Loomis, CA 95650. Representative: Vincent Marchese (same address as applicant). Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with General Motors Acceptance Corporation, of Sacramento, CA.

MC 152420 (Sub-1), filed February 2, 1981. Applicant: LAND TRANSPORT CORPORATION, 24 Sabrina Rd., Wellesley, MA 02181. Representative: James E. Mahoney, 148 State St., Boston, MA 02109. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, and CT, on the one hand, and, on the other, those points in the U.S. in the east of MN, IA, MO, OK, and TX.

MC 152821 (Sub-2), filed January 27, 1981. Applicant: RUSH TRANSPORT, INC., 172 Chestnut St., Springfield, MA 01103. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *food and related products*, between the facilities of the Quaker Oats Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152700 (Sub-1), filed January 21, 1981. Applicant: KRIEG TRUCKING, 468 Tamarak Court, Dubuque, IA 52001. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Economic Laboratory, Inc., of St. Paul, MN.

MC 153761 (Sub-1), filed January 28, 1981. Applicant: LESTER TRANSPORTATION, INCORPORATED, P.O. Box 4784, Martinsville, VA 24112. Representative: Tilden J. Lester (same address as applicant). Transporting *building materials*, between points in the U.S., under continuing contract(s) with The Lester Group, Inc., of Martinsville, VA.

MC 153860, filed January 23, 1981. Applicant: W. O. WARE, 2010 William Tell, Houston, TX 77093. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Transporting *Mercer commodities*, between points in Harris County, TX, on the one hand, and, on the other, points in AL, AR, CO, FL, LA, MS, NM, OK, TX and WY.

MC 153971, filed February 6, 1981. Applicant: E–Z TRANS, INC., P.O. Box 641, Woodbury, CT 06798. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Washburn Wire Company, of Rumford, RI, Control Data Corporation, of Minneapolis, MN, and Harvey Hubbell, Inc., of Bridgeport, CT.

MC 154010, filed February 4, 1981. Applicant: NORTHLAND CORPORATION, U.S. Hwy 146 East, P.O. Box 265, LaGrange, KY 40031. Representative: William L. Hagan, Jr. (same address as applicant). Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with (a) Logan Lumber Company, Inc., of Tampa, FL and (b) Funch Lumber Company of Cincinnati, OH.

[FR Doc. 81-6628 Filed 2-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY3–002

Decided: February 19, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 5396 (Sub-187), filed February 9, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387; Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Ave., Detroit, MI 48226, (313) 965–2577. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Arco Polymers, Inc., of Philadelphia, PA.

Volume No. OPY3–003

Decided: February 23, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 2605 (Sub-20), filed February 9, 1981. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 East Adams St., Philadelphia, PA 19124. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068, (312) 692-3020. Transporting *pulp, paper or related products,* between Philadelphia, PA, on the one hand, and, on th other, points in IL, IN, MI, MO, and OH.

MC 46614 (Sub-11), filed Feb. 9, 1981. Applicant: BLUE & WHITE LINES, INC., 516 West Plank Rd., Altoona, PA 16602. Representative: Robert J. Brooks, Suite 1111, 1828 L St., NW, Washington, DC 20036, (202) 466–3892. Transporting *passengers and their baggage,* in special and charter operations, between points in the U.S.

MC 63535 (Sub-2), filed Feb. 9, 1981. Applicant: WM. SPENCER & SON CORPORATION, P.O. Box 104, Elizabethport Station, 102 Marsh St., Elizabeth, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between New York, NY, and points in NJ, on the one hand, and, on the other, points in the U.S.

MC 85934 (Sub-128), filed Feb. 9, 1981. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Ave., P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 248, Dearborn, MI 48120, (313) 349–3980. Transporting *clay, concrete, glass or stone products,* (1) between points in MI, on the one hand, and, on the other, points in IN, KY, NY, OH, PA, and WV, and (2) between points in OH, on the one hand, and, on the other, points in IN, KY, NY, PA, and WV.

MC 116544 (Sub-241), filed Feb. 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Represeniative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856–0117. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S.

MC 120924 (Sub-12), filed Feb. 9, 1981. Applicant: B & W CARTAGE CO., INC., 2932 West 79th St., Chicago, IL 60652.Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC.

MC 136315 (Sub-141), filed February 9, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 969–3424. Transporting *machinery and metal products,* between points in Jefferson County, TX, on the one hand, and, on the other, points in the U.S.

MC 136605 (Sub-163), filed February 9, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, (303) 861–4028. Transporting *agricultural, industrial, building and construction materials, equipment and supplies,* between those points in the U.S. in and west of PA, OH, IN, IL, MO, AR, and LA.

MC 140055 (Sub-1), filed February 9, 1981. Applicant: MAYS LANDING TRANSPORTATION COL, INC., 184 W. Sherman Ave., Vineland, NJ 08360. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *sand,* between points in the U.S., under continuing contract(s) with Whitehead Brothers Company, of Florham Park, NJ.

MC 142575 (Sub-5), filed February 9, 1981. Applicant: UNDERWOOD TRUCK LINES, INC., 303 North Murphy, Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6655. Transporting *rubber and plastic products,* between points in Vigo County, IN, on the one hand, and, on the other, points in the U.S.

MC 150235 (Sub-3), filed February 9, 1981. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, Sumrall, MS 39482. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *machinery, and metal products,* between points in AL, FL, GA, IL, LA, MS, TN, and TX.

MC 150975 (Sub-1), filed Feb. 9, 1981. Applicant: DORVAL CORP., 1201 Corbin St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *such commodities* as are dealt in or used by grocery or discount department stores, between Charleston, SC, New York, NY, Boston, MA, Norfolk and Richmond, VA, Jacksonville, Miami and Tampa, FL, Philadelphia, PA, and Wilmington, DE, on the one hand, and, on the other, points in the U.S.

MC 152874 (Sub-1), filed Feb. 9, 1981. Applicant: L. G. TRUCK, INC., P.O. Box 359, Lebanon, PA 17042. Representative: David A. Sutherlund, Suite 400, 1150 Connecticut Ave., NW, (202) 452–6847. Transporting *metal products* and *machinery,* between points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, VA, WV, and DC, on the one hand, and, on the other, points in the U.S.

MC 152995 (Sub-1), filed Feb. 9, 1981. Applicant: JAMES THOMAS TRUCKING, INC., 17708 Stonebridge Dr., Hazel Crest, IL 60429. Representative: JAMES THOMAS (same address as applicant) (312) 957–9853. Transporting *such commodities* as are dealt in or used by manufacturers of paints, between points in the U.S., under continuing contract(s) with Illinois Bronze Powder Paint Company, of Lake Zurich, IL; and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Nashua Corporation, of Chicago, IL.

MC 153655 (Sub-1), filed Feb. 9, 1981. Applicant: ENVIRONMENTAL TRANSPORT GROUP, INC., P.O. Box 296, Flanders, NJ 07836. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *hazardous materials* and *industrial waste material,* between points in the U.S.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of hazardous materials it will expire 5 years from the date of issuance.

Agatha L. Merganovich,

Secretary.

[FR Doc. 81-6624 Filed 2-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it, (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonable be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such

duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 409

Decided: February 12, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill.

MC 119755 (Sub-5), filed Nov. 27, 1979 previously published in the **Federal Register** issue of March 27, 1980. Applicant: WEST–TRADE TRANSPORT, LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B4B6. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting foreign commerce only, *machinery* including construction machinery and equipment as described in Appendix VIII to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between ports of entry on the international boundary line between the U.S. and Canada in WA, OR, CA, ID, NV, UT, and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unncessary. Affidavits are due 20 days from the date of publication.

Volume No. 410

Decided: February 18, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill. (Member Parker not participating.)

MC 147613 (Sub-2F), filed October 1, 1979 Applicant: JIM RUSHFELDT, INC., NW. 113 St., Miami, FL 33168. Representative: James L. Rushfeldt (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing house*, as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near Sioux Falls, SD, to points in AL, FL, GA, NC, and SC, restricted to traffic originating at the named facilities.

MC 147992 (Sub-2F), filed October 1, 1979. Applicant: MAGGERT & FUQUA, Rural Route 3, Paris, IL 61944. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. Transporting (1) *agricultural limestone*, from Cloverdale, IN, to points in Edgar and Douglas Counties, IL; (2) *dry fertilizer*, from Henderson and Irvington, KY, and Mt. Vernon, IN, to points in Edgar County, IL; and (3) *rock and gravel*, from Clinton and Montezuma, IN, to points in Edgar County, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6628 Filed 2-27-81; 8:45 am]

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[Volume No. 27]

Motor Carriers; Permanent Authority Decisions

Restriction Removals; Decision-Notice

Decided: February 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 29328 (Sub-6)X, filed February 13, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, IL 60432. Representative: Anthony E. Young, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description (a) from plastic pipe and fittings, and materials used in the installation of plastic pipe to "rubber and plastic products," (b) cement pipe to "clay, concrete, glass or stone products" (c) insulation board to "pulp, paper, and related products," (2) replace plantsite facilities with county-wide authority: Muscatine County for Wilton, IA, Lake County for Waukegan, IL, and Joliet County for Rockdale, IL, and (3) provide radial service in lieu of existing one-way authority between those counties and points in several midwetern States.

MC 29328 (Sub-9)X, filed February 12, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Ave., Joliet, IL 60432. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 5 certificates to broaden its commodity descriptions from geneal commodities (with the usual exceptions), to "general commodities, except classes A and B explosives", in both certificates. Applicant also seeks to remove restriction limiting transportation to traffic on movements between a named terminal site on Frontage Road, and one-half mile west of County Line Road, in DuPage County, IL, to authorize service between DuPage County and points within 50 miles of Chicago, IL, in IL, and IN in Sub-No. 5.

MC 30204 (Sub-No. 44)X, filed January 26, 1981, previously notice in the **Federal Register** of February 5, 1981, republished as corrected this issue. Applicant: HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, MA 02740. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in the irregular-route portion of its Sub-No. 40 F certificate to broaden the territorial description from one-way authority to radial authority between Johnstown, PA, and points in PA within 45 miles of Johnstown, PA. The purpose of this republication is to correctly state the docket number involved in this proceeding as MC 30204 (Sub-No. 44)X in lieu of MC-30240 (Sub-No. 44)X.

MC 48958 (Sub-219)X, filed February 10, 1981. Applicant: ILLINOIS–CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. Applicant seeks to remove restrictions from its

lead and Sub-33, 42, 51, 55, 59, 64, 73, 76, 87, 99, 102, 107, 126, 140, 148, 159F, 171F and 194F certificates, which primarily authorize the transportation of general commodities (with certain exceptions) over a network of regular routes in the States of, as here pertinent, AZ, CA, CO, IA, IL, NE, NM, NV, OH, OK, TX, VT, and WY. Applicant seeks to remove all restrictions in its lead certificate and each of the above-numbered Sub-Nos. to authorize service at all intermediate points on its authorized regular-routes in the above-named states.

MC 52869 (Sub-100)X, filed February 11, 1981. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, MT 59301. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-70, 87 and 92 certificates to (1) broaden the commodity descriptions to "commodities in bulk" from water, in bulk, in tank vehicles, in Sub-No. 70, liquid fertilizer and liquid fertilizer ingredients, in Sub-87, and road oil, asphalt, and fuel oil, in bulk, in Sub-92 and (2) expand its one-way authority to radial authority: in Sub-87 between MT (with exceptions) and WY; and in Sub-92, between MT and points in ID and UT.

MC 66571 (Sub-11)X, filed February 9, 1981. Applicant: RED LINE, INC., 2310 Orange Avenue, NE., Roanoke, VA 24002. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its Sub-7 certificate to (a) broaden its commodity description in (1) and (2) of its authority from new furniture and furniture parts and materials, supplies, and equipment used in the manufacture thereof (except commodities in bulk) to "furniture and fixtures", (b) replace specified plantsites with county-wide or commercial zone authority: a named plantsite at Bassett, VA and Stanleytown, VA with Henry County, VA; Pulaski, VA with Pulaski County, VA; Martinsville, Roanoke and Galax, VA; NC with Iredill County, NC; Mt. Airy, NC with Surry County, NC; and Dublin, GA with Laurens County, GA, and Macon, GA, (c) remove restriction limiting the service to the transportation of shipments originating at or destined to named points, and (d) authorize radial service in place of one-way authority (1) between Henry and Pulaski Counties, VA, Martinsville, Roanoke and Galax, VA, Iredell and Surry Counties, NC and points in DE, GA, MD, NJ, NC, PA, SC, VA, and DC and (2) between Macon, GA and Laurens County, GA and points in the above named States and AL.

MC 66571 (Sub-12)X, filed February 17, 1981. Applicant: RED LINE, INC., 2310 Orange Avenue NE., Roanoke, VA 24002. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from general commodities (with exceptions) to "general commodities" (except classes A and B explosives).

MC 104654 (Sub-168)X, filed February 11, 1981. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Applicant seeks removal of restrictions it its Sub-106, 134, 139, 144, and 148 certificates, and gateway elimination notices E–47, E–48, E–49 and E–50, to (1) broaden the commodity description in each to read "building materials" from cement in Sub-134, 144, and 148; from cement, in bulk, in Sub-106 and E–47, E–48, E–49 and E–50; from cement, in bags, in Sub-139; (2) replace plantsite restrictions with countywide authority to serve Marion County MO (plantsite at Hannibal, MO) in Sub-106 and E–50, Cape Girardeau County, MO (plantsite at Cape Girardeau, MO) in Sub-106 and E–49; St. Louis County, MO (plantsites at St. Louis, MO) in Subs-106, 139, 148, E–47 and E–48; Jackson County, MO (plantsite at Kansas City, MO) in Sub-106; Massac County, IL (plantsite near Jappa, IL) in Sub-144; (3) change the territorial descriptions from one-way service to authorize radial service between Marion, Cape Girardeau, St. Louis, and Jackson Counties, MO, and points in IL, and MO in Sub-106; between St. Louis County, MO, points in IL in Sub-139; between Massac County, IL, and points in AR, IL, IN, KY, MO, and TN in SUb 144; between St. Louis County, MO, and points in IA, KS, NE, and IN, in Sub-148; between St. Louis County, MO, and points in TN and described portions of AR and KY in E–47 and E–48; between Cape Girardeau County, MO, and points in IN, and KY and described portions of AR, and TN in E–49; between Marion County, MO, and described portion of AR and KY, points in TN; and (4) remove the intermodal restriction limiting service to the transportation of traffic having a prior movement by rail or water carrier in interstate commerce in Sub-134.

MC 104832 (Sub-14)X, filed February 10, 1981. Applicant: HOLMAN TRANSFER COMPANY, 49 S.E. Clay, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-11 and 12 certificates to (1) broaden the commodity description from dry sugar (in bulk) to "food and related products" in Sub-11 and from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)" in Sub-12, (2) remove the plantsite limitations at Portland, OR and Kent, WA and remove the restriction to transportation of traffic originating at the facilities in Sub-12 and (3) replace one-way authrotiy with radial authority between Portland, OR and points in WA in Sub-11 and between Portlant, OR and 3 WA counties and between Kent, WA and Portland, OR in Sub-12.

MC 105007 (Sub-76)X, filed February, 12, 1981. Applicant: MATSON TRUCK LINE, INC., P.O. Box 328, 1407 St. John Ave., Albert, Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-1, 21, 22, 24, 27, 29, 31, 36, and 65 certificates to (1) broaden its commodity descriptions from such commodities as (a) hay loaders and hay racks, tractors, farm machinery, and agricultural implements, to "machinery and transportation equipment," in Sub-1, (b) laminated wood products, hardware and accessories therefore, prefabricated wooden buildings, and lumber, to "building materials, and lumber and wood products," in Sub-1, 21, 22, 24, 27, and 36, (c) reinforced concrete slabs sections, slats, and beams, roofing, laminated wood beams, arches and trusses, and wood and metal trusses and accessories, parts and supplies, to "building materials," in Sub-29, 31, and 65; (2) change its one-way authority to radial authority between several midwestern States, and to replace its cities or plantsites with county-wide authority as follows: (a) in Sub-1, 6 named cities in IA, with Wapello, Black Hawk, Floyd, Scott, and Des Moines Counties, IA, 5 cities in IL, with Rock Island, Winnebago, and LaSalle Counties, IA, Waseca and Albert Lea, MN, with Waseca and Freeborn Counties, MN, and Racine, WI, with Racine County, WI, (b) in Sub-21, a named plantsite at or near Albert Lea, MN, with Freeborn County, MN, (c) in Sub-22, New Haven, IN, and a named plantsite near Fort Wayne, IN, with Allen County, IN, (d) in Sub-27, 29, 31, and 36, Albert Lea, Hollandale, and Clarks Grove, MN, with Freeborn County, MN, and (e) a named plantsite at Delaware, OH with Delaware County, OH; and (3) remove the named plantsite restrictions located at St. Paul, and Minneapolis, MN, in Sub 24 and 36, respectively; and remove the restriction

prohibiting transportation of laminated wood products, and hardware and accessories therefore, from Albert Lea, MN, to points in 11 specified States.

MC 118838 (Sub-73)X, filed February 17, 1981. Applicant: GABOR TRUCKING, INC., Route 4, Box 124B, Detroit Lakes, MN 56501. REPRESENTATIVE: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicants seeks to remove restrictions in its Sub-21F, 34F, 36F, and 68F certificates to (1) broaden the commodity descriptions from (a) gypsum, gypsum products, materials and supplies used in the manufacture, installation, and distribution of gypsum and gypsum products, clay and clay products to "clay, concrete, glass or stone products" in Sub-34 and 36, (b) plastic articles and polystyrene products, materials, equipment and supplies to "rubber and plastic products" in Sub-66, (2) authorize county-wide for city-wide service: Kittson County for Noyes, MN, and Pembina County for Pembina, ND, in Sub-21; Crawford County for Cuba, MO, in Sub-34; Summit County for Tallmadge, OH, and Winnebago County for Rockford, IL, in Sub-68; (3) eliminate the exceptions of AK and HI in sub-34 and 36, (4) authorize radial service in lieu of existing one-way authority in Sub-21, between the U.S. and Canada International Boundary Line at Kittson and Pembina Counties, ND, and points in ND, SD, IA, MN, WI and IL, and (5) eliminate the in bulk, in tank vehicles exceptions in Sub-34 and 36.

MC 119226 (Sub-126)X, filed February 13, 1981. Applicant: LIQUID TRANSPORT CORP., R.R. 10, Box 100B, Greenfield, IN 46140. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Applicant seeks to remove restrictions from its Sub-97 certificate to (1) broaden its commodity description from alcohol, in bulk, to "commodities in bulk"; (2) replace a named plantsite at Decatur, IL, with the county-wide authority of Macon County, IL; and (3) change its one-way authority to radial authority between Macon County, IL, and points in the United States.

MC 119226 (Sub-127)X, filed February 13, 1981. Applicant: LIQUID TRANSPORT CORP., R.R. 10, Box 100B, Greenfield, IN 46140. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-104F and 111F certificates to (1) broaden its commodity descriptions from sugar products and corn products, and chemicals, vegetable oils, and animal fats, in bulk, in tank vehicles, to "commodities in bulk", in both certificates, (2) change its one-way authority to radial authority between several 24 southern and eastern States, in both certificates, (3) eliminate the plantsite restrictions (a) a named plantsite at Cincinnati, OH, in Sub-104F, and (b) a named plantsite at Ivorydale and St. Bernard, OH, in Sub-111F.

MC 119599 (Sub-10)X, filed February 13, 1981. Applicant: HARSHMAN-INDUSTRIAL CARTAGE CO., INC., 1617 Warren Ave., Niles, OH 44446. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-3, 6F, and 8F to (1) broaden the commodity descriptions to (a) "metal products" from: iron and steel products and sheet steel and steel plates in the lead: fabricated metal products in Sub-3; and fabricated metal products, iron and steel coil and sheets in Sub-6F, and (b) "machinery" from washing machine tubs and enameled plumber goods in the lead, (2) remove plantsite restrictions and replace with county-wide or city-wide authority: Trumbull County, OH, from Warren, OH, in Sub-3; Warren, OH, Cook and Perry Counties, IL, for Franklin Park and Pinckneyville, IL, in Sub-6F; Lake County, IL, for East Chicago, IL, Wayne County, MI, for River Rouge, MI, Ottawa County, OH, for Gypsum, OH, and Genesee County, NY, for Oakfield, NY in Sub-8F. Applicant also seeks to (1) expand some of its city-wide authority to county-wide authority in the lead: Armstrong County, PA, for Apollo and Leechburg, PA; Mercer County, PA, for Farrell and Sharon, PA; Boyd and Campbell Counties, KY for Ashland and Newport, KY; Lake and Cass Counties, IN, for Gary, and Logansport, IN; Ohio, Hancock, Mercer, Marion, and Magnolia Counties, WV, for Wheeling, Weirton, Bluefield, Fairmont, and Morgantown, WV; Stark, Trumbull, and Cuyahoga Counties, OH, for Alliance, Warren, and Cleveland, OH; Monroe and Ingham Counties, MI, for Monroe and Lansing, MI; and Erie County, NY, for Buffalo, NY, (2) broaden its one way authority to radial authority between named points in the Eastern United States in the lead and Sub-3 and 6F, and (3) remove the "except commodities in bulk" restrictions in Sub-8F.

MC 121046 (Sub-9)X, filed February 12, 1981. Applicant: B. A. MILLER & SONS TRUCKING, INC., State Route 109, Liberty Center, OH 43532. Representative: A. Charles Tell, Baker & Hostetler, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its MC 121046 Sub-4 certificate and its lead MC 136919 and Sub-3F, 4F, and 5F permits to (1) broaden the commodity descriptions (a) in the Sub-4 certificate, from general commodities (with the usual exceptions, and those injurious or contaminating to other lading) to "general commodities (except classes A and B explosives)," and (b) in the lead MC 136919 and Sub-3F, 4F, and 5F permits, from food, food products, and foodstuffs and equipment ingredients, materials and supplies used in the production of food products (except commodities in bulk, in tank vehicles) to "food and related products"; (2) in the lead MC 136919 and Sub-3F, 4F, and 5F permits, authorize service between points in the United States, under continuing contract(s) with named shippers; and (3) in the MC 121046 Sub-4 certificate, remove the plantsite restriction, allowing radial service between points in Henry County, OH, and, points in the lower peninsula of MI, IN, IL, and Louisville, KY.

MC 121470 (Sub-77)X, filed February 13, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. The applicant seeks to remove restrictions in its Sub-4, 5, 12, 20, 27, 31, 34, 36, 37, 40, 42, 52, 53, 58, 59, 61, 66, and 67, to (a) broaden the commodity description in each certificate to "metal products", from, respectively, (Sub-4) iron and steel articles, (Sub-5) sheet metal products, aluminum windows and doors, iron steps and columns, and parts and accessories used in the installation of the above commodities, (Sub-12) welded steel tubing, (Sub-20) steel sheets and steel coils, (Sub-27) iron and steel articles, (Sub-31) aluminum, iron or steel, in sheets or in coils, (Sub-34) structural plating, guard rails, guard rail accessories, bridge flooring, corrugated metal culvert pipe, and connecting bands, (Sub-36, 37, 40, 42, and 52) iron and steel articles, (Sub-37 and 40) iron and steel articles, (Sub-53) preengineered and prefabricated buildings, knocked down, and accessories for preengineered and prefabricated buildings, (Sub-58) iron and steel articles, (Sub-59) decking, iron and steel, (Sub-61) iron and steel articles, (Sub-66) iron and steel articles, and (Sub-67) sheet metal products; (b) broaden the territorial authority to authorize round-trip operations in lieu of the existing one-way operations in Sub-4, 5, 12, 20, 34, 36, 37, 40, 42, 53, 58, 59, 61, and 67; (c) remove the reference to the facilities of named shippers in Sub-12, 20, 27, 31, 34, 36, 37, 40, 42, 52, 53, 58, 59, 61, 66, and 67; (d) eliminate the

restrictions to the transportation of traffic originating at or destined to named points or facilities in Sub-5, 12, 20, 27, 31, 34, 36, 37, 40, 42, 52, 53, 58, 59, 61, 66, 67; (e) broaden the territorial description to allow service at points in AK and HI in Sub-27 and 53, 67; and (f) broaden the territorial descriptions from named cities to their respective counties as follows: (Sub-12) LaVergne, TN to Rutherford County, TN, (Sub-27) Kingston Spring, TN to Cheatham County, TN, (Sub-34) Pulaski and Bedford, PA to Lawrence and Bedford Counties, PA, (Sub-36) Johnstown, PA to Cambria County, PA, Burns Harbor, IN to Porter County, IN, Lackawanna, NY to Erie County, NY, and Sparrows Point, MD to Baltimore County, MD, (Sub-37) Gadsden, AL to Etowah County, AL, (Sub-42) Norcross, GA to Gwinnett County, GA, (Sub-52) Harriman, TN to Roane County, TN and Newport, AR to Jackson County, AR, (Sub-53) Muscle Shoals, AL to Colbert County, AL, (Sub-58) Sparrows Point, MD to Baltimore County, MD, Niles, OH to Trumbull County, OH, Elyria, OH to Lorain County, OH, Hennepin, IL to Putnam County, IL, McMinnville, TN to Warren County, TN, and Lexington, TN to Henderson County, TN, and (Sub-66) Bristol, VA to Washington County, VA.

MC 125162 (Sub-11)X, filed February 11, 1981. Applicant: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, GA 31206. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-5 certificate (1) by changing the commodity description from brick, block, tile, and refractory materials (except in bulk), and materials and supplies therefor (except in bulk), silica sand, in containers and quartz gravel, in containers, to "clay, concrete, glass or stone products", (2) by substituting Bibb County for Macon, GA, and Frederick County for Rocky Ridge, MD, and (3) authorizing radial traffic between Bibb County, GA and Frederick County and Baltimore, MD.

MC 129414 (Sub-8)X, filed February 17, 1981. Applicant: BELL & MOONEY, INC., P.O. Box 9, Evans, CO 80620. Representative: Steven K. Kuhlman, 2600 Energy Center, 717 Seventeenth St., Denver, CO 80202. Applicant seeks removal of restrictions in its Sub-3 and 4 certificates, to (1) in Sub-3, remove exceptions to the transportation of complete drilling rigs and to the stringing or picking up of pipe in connection with main or trunk pipelines, to allow (a) machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (b) machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; eliminate the restriction which requires service to be performed between railheads in WY, and points in WY not on railroads, to authorize service betweeen points in WY; change the territorial description from one-way to radial authority between Niobrara County, WY, and CO, MT, SD and UT; (2) in Sub-4, broaden the commodity description to "chemicals and related products" from lost circulation materials (drilling mud additives) and chemicals, in containers; substitute county-wide authority for Gillette and Upton, WY, and authorize radial service between Campbell and Weston Counties, WY, and points in 15 counties in MT.

MC 133937 (Sub-35)X, filed February 13, 1981. Applicant: CAROLINA CARTAGE COMPANY, INC., 1638 E. Vesta Avenue, College Park, GA 30337. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-2, 3, 14, 16, and 22, certificates to (1) remove the restriction limiting transportation to traffic having a prior or subsequent movement by air or water; (2) broaden the territorial authority from airports, airport facilities or ports located at specific named points to city authority as follows: In Sub-2, from airports at Atlanta, GA and Charlotte, NC to Atlanta, GA and Charlotte, NC; in Sub-3 and 14, from airports and airport facilities at Atlanta, GA to Atlanta, GA; in Sub-16 from Douglas Municipal Airport, Charlotte, NC; Hartsfield International Airport, Atlanta, GA; the Greenville-Spartanburg Airport, Greenville, SC; the Dallas-Ft. Worth International Airport, Dallas-Ft. Worth, TX; Houston Intercontinental Airport, Houston, TX; Moisant International Airport, New Orleans, LA; Lambert International Airport, St. Louis, MO; Kansas City International Airport, Kansas City, MO; Metro Airport, Detroit, MI; Los Angeles International Airport, Los Angeles, CA; San Francisco International Airport, San Francisco, CA; and O'Hare International Airport and Midway Airport, Chicago, IL, to Charlotte, NC; Atlanta, GA; Greenville, SC; Dallas, TX; Ft. Worth, TX; Houston, TX; New Orleans, LA; St. Louis, MO; Kansas City, MO; Detroit, MI; Los Angeles, CA; San Francisco, CA; and Chicago, IL; and in Sub-22, from the Miami International Airport in Dade County, FL, and the ports of Miami and Port Everglades, FL, to Miami FL; and (3) to remove the restriction limiting the transportation of traffic originating at named airports and destined to named airports for delivery only in the cities specified in Sub-16 above.

MC 134638 (Sub-3)X, filed February 17, 1981. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Man., Canada. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Applicant seeks to remove restrictions in its Sub-25F permit to broaden the territorial description to "between points in the United States" under a continuing contract(s) with a named shipper.

MC 135902 (Sub-7)X, filed February 12, 1981. Applicant: KENNETH M. MOODY, d.b.a. K. M. MOODY, 3100 Dogwood Street, N.W., Washington, DC 20015. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-4 permit which authorizes the transportation of tires and tubes, and accessories for tires and tubes, between Akron, Cincinnati, Dayton, and Columbus, OH, and, Baltimore, MD, Wilmington, DE, and Fairfax, Newport News, Norfolk, Virginia Beach, and Winchester, VA, by broadening its territorial authority to between points in the U.S. under a continuing contract(s) with a named shipper.

MC 136771 (Sub-8)X, filed February 17, 1981. Applicant: HY-WAY TRANSIT, INC., Route 1, Cedar Grove, WI 53013. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its Sub-No. 4F permit to (1) broaden its commodity descriptions from dairy products and imitation cheese (except in bulk, in tank vehicles), to "food and related products"; and (2) broaden its territorial authority to between points in the United States under a continuing contract(s) with a named shipper.

MC 138328 (Sub-132)X, filed February 17, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 19 and 74F certificates to (1) broaden its commodity description in both authorities from cookies to "food and

related products"; and (2) broaden its territorial scope in both authorities by replacing named facilities at Ripon, WI, with county-wide, Fond du Lac County, WI, and replacing one-way authority with radial in Sub. No. 19 between points in Fond du Lac County, WI, and points in AZ, CA, CO, ID, MT, MV, NM, OR, TX, UT and WA, and in Sub-No. 74 between points in Fond du Lac County, WI and points in the United States (except AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT and WA).

MC 138902 (Sub-18)X, filed February 13, 1981. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, VA 22932. Representative: Harry C. Ames, Jr., David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-No. 13 certificate to (1) broaden its commodity description from plastic film, in vehicles equipped with mechanical refrigeration, to "rubber and plastic products"; (2) replace a named plantsite at or near Grottoes, VA, with the county-wide authority of Rockingham County, VA; and (3) change its one-way authority to radial authority between Rockingham County, VA, and points in 28 States in the eastern half of the United States.

MC 140615 (Sub-61)X, filed February 13, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address). Applicant seeks to remove restrictions in its Sub-Nos. 15, 24F, 27F, 44F, and 50F certificates to (A) broaden the commodity descriptions in these certificates from dairy products, by-products and gift paks (except frozen, and in bulk), frozen foods (except in bulk), cheese and cheese products, and foodstuffs respectively to "food and related products", (B) remove "except frozen commodities and commodities in bulk" from Sub-Nos. 15 and 24F, (C) remove all facilities restrictions (except Brooke Bond Cheez Co., Inc., where it appears in (b) below), and authorize radial county-wide authority in place of its one-way city-wide authority: (1) in Sub-No. 15, (a) between points in Wood and Clark Counties, WI and points in 14 eastern and central States and DC, and (b) between points in Delaware County, IA and Bongards, MN, and the facilities of Brooke Bond Cheez Co., Inc., and (2) in Sub-No. 24F, between points in Portage County, WI and points in 13 eastern States and DC, (D) replace city-wide authority with county-wide authority: (1) in Sub-No. 27F, Wood County, WI for Wisconsin Rapids, WI, (2) in Sub-No. 44F, Washington County, VT, for Cabot, VT, and (3) in Sub-No. 50F, Columbia, Eau Claire, Outagamie, Ozaukee, Manitowoc, Dodge, Pepin, Vilas, Fond du Lac, Trempealeau, Oconto, Brown, Clark, Green Lake, Wood, Buffalo, St. Croix, Winnebago, Portage, Sheboygan, Sauk, and Waukesha Counties, WI, for Arlington, Cambria, Fall River, Lodi, Poynette, Augusta, Bear Creek, Seymour, Belgium, Cleveland, Manitowoc, Clyman, Lomira, Theresa, Durand, Eagle River, Eden, Fairwater, Fond du Lac, Oakfield, Galesville, Gillet, Green Bay, Pulaski, Loyal, Markesan, Marshfield, Mondovi, New Richmond, Pickett, Plover, Random Lake, Reedsburg, Sauk City, and Sussex, WI, and (E) remove the "originating at or destined to" restrictions in Sub-Nos. 15 and 24F.

MC 141459 (Sub-20)X, filed February 11, 1981. Applicant: A.G.S. ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, IL 60603. Applicant seeks to remove restriction in its Sub-Nos. 2F and 16F certificate (1) by (a) changing the commodity description in Sub-No. 2F from plastic articles (except in bulk) and materials, equipment and supplies, (except in bulk), to "plastic and plastic articles" and (b) by deleting an in bulk restriction from "plastic and plastic articles" in Sub-No. 16F, (2) substituting Montgomery County for named facilities at Litchfield, IL, deleting "originating at or destined to" restrictions in both certificates, and (3) authorize radial service in place of its one-way authority: between Montgonery County, IL and points in 30 States and DC.

MC 145180 (Sub-2)X, filed February 17, 1981. Applicant: THREE TRANSPORTATION, INC., P.O. Box 1580, Bartow, FL 33830. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 1F Certificate to (1) broaden the commodity description from fiberglass and plastic gasoline storage tanks, preconditioners, ducts, and industrial ventilating commodities to "rubber and plastic products, and building materials", (2) remove the plantsite restriction at Bartow, FL and replace it with county-wide authority to serve Polk County, FL, and (3) change the one-way authority to radial authority between Polk County, FL and points in AL, AR, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 145353 (Sub-1)X, filed February 18, 1981. Applicant: WAYNE O. NELSON, d.b.a. NELSON TRANSPORT, Box 251, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Wilson Road, Edina, MN 55424. Applicant seeks to remove restrictions in its lead certificate to broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives). Applicant also seeks to remove restrictions (a) limiting transportation to traffic moving in salvage operations from the site of a railroad wreck, and (b) limiting transportation to traffic having a prior movement by rail on movements between IL, IN, IA, MI, MN, MO, MT, NE, ND, SD, and WI.

MC 146108 (Sub-3)X, filed February 17, 1981. Applicant: BIG T TRANSFER, INC., 1814 Gillett Ave., Louisville, KY 40211. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47210. Applicant seeks to remove restrictions from its lead permit to (1) remove the facilities limitation at Louisville, KY and (2) expand its authority between points in the U.S. under contract(s) with a named shipper.

MC 146610 (Sub-2)X, filed January 30, 1981. Applicant: CHARLES JOINER, 104 South Central, Tennille, GA 31087. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity description from insulators and parts insulators to "electrical machinery, equipment or supplies and clay, concrete, glass or stone products"; and (2) to expand its territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 147062 (Sub-12)X, filed February 17, 1981. Applicant: EXPRESS TRANSPORTATION COMPANY, P.O. Box 789, Chattanooga, TN 37401. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its (Sub-10F) certificate to (1) broaden the commodity description from general commodities (with usual exceptions to "general commodities (except classes A and B explosives))"; (2) authorize county-wide authority: Knox County, TN, for Knoxville, TN; and (3) remove the restriction limiting service to the transportation of traffic moving radially between named facilities and rail piggyback ramps and points in AL, GA, and TN, to allow radial service between Atlanta, GA, Birmingham, AL, Chattanooga and Nashville, TN, points in Knox County, TN, and points in AL, GA, and TN.

MC 148600 (Sub-10)X, filed February 18, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Rd., West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC. 20001. Applicant seeks to remove restrictions in its (Sub-2F) certificate to (1) eliminate the restrictions prohibiting transportation of commodities in bulk, in tank vehicles; (2) replace a named plantsite at or near Des Plaines, IL, with Cook County, IL; and (3) remove the "except AK and HI" restriction on its radial authority between Des Plaines and points in the United States.

MC 149517 (Sub-1)X, filed February 12, 1981. Applicant: BEN FRAZIER, INC., P.O. Box 153, Fergus Falls, MN 56537. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Applicant seeks to remove restrictions in its MC 144596 (Subs-1F and 3F) permits to (1) broaden the commodity descriptions from iron and steel to "metal products" in (Sub-1F), and from lumber, lumber mill products, wood products, roofing materials, metal products, composition board and millwork to "building materials, lumber and wood products and metal products" in (Sub-3F), and (2) broaden its territorial scope in (Subs-1F and 3F) by replacing one-way authority with authority between points in the United States under continuing contract(s) with named shippers.

MC 150336 (Sub-2)X, filed February 12, 1981. Applicant: WILLIAM A. PILSON II, INC., 1010 Michigan Avenue, Palm Harbor, FL 33563. Representative: David C. Venable, 666—Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its (Sub-1F) permits to (1) broaden the commodity description from store fixtures and store equipment and equipment, materials and supplies used in the manufacture distribution and sale of store fixtures and store equipment to "furniture, and fixtures, building materials and machinery" and (2) broaden the territorial application to between points in the United States under continuing contract(s) with a named shipper.

MC 150798 (Sub-3)X, filed February 13, 1981. Applicant: CKR TRANSPORT, LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. Applicant seeks removal of restrictions in its (Sub-1F) certificate to (1) delete the facilities limitations, in Chicago, IL, Atlanta, GA and Sparks, NV, (2) substitute Washoe County, NV, for Sparks, NV, and (3) broaden the territorial description to authorize service between Chicago, IL, Atlanta, GA, Washoe County, NV, and AR, AK, CA, FL, IN, GA, NH, NJ, NY, NV, MN, OR, PA, TN, TX, WI, and WA.

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[Volume No. 28]

Motor Carriers; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: February 25, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2202 (Sub-660)X, filed February 9, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20013. Applicant seeks to remove restritions in its (Sub-260) and 274 certificates to (1) replace one-way with radial authority between named points in MA, PA, NJ, NY, CT, and RI in the irregular route portion of (Sub-260), and between Charleston, SC and points in 4 SC counties, in (Sub-274); (2) replace Hartsville, SC with Darlington County, SC and authorize radial service between Darlington County, SC and various areas in NC and SC, in (Sub-274); (3) remove the restrictions (a) against radial transportation of tobacco between Hartsville, SC and part of NC (b) except commodities in bulk or requiring special equipment and in bulk, in tank vehicles and (c) requiring transportation in containers in (Sub-274) and (4) remove the restriction in (Sub-280) that authority granted over described regular routes is restricted so as to preclude their use in the handling of strictly local traffic moving between points authorized therewith located in MA, RI, and CT.

MC 2421 (Sub-34)X, filed February 17, 1981. Applicant: NEWTON TRANSPORTATION COMPANY, INC., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 PA Bldg., PA Ave. and 13th St., NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead certificate and (Sub-3, 10, 11, 12, 13, 14, 15, 16F, 17F, 19F, 21F, 24F, 25F, 28F, 29F, and 32F), to (1) broaden the commodity descriptions of (a) new furniture, new furniture and new furniture parts, new upholstered furniture or table slides in the lead and (Sub-3, 10, 12, 15, 16F, 17F, 19F, 21F, and 32F) to "furniture and fixtures"; (b) veneer to "lumber and wood products" in (Sub-11, 13 and 28F); (c) glass or flat glass to "clay, concrete, glass or stone products" in (Sub-14 and 29F); (d) steel articles to "metal products" in (Sub-24F); and (e) canned goods (except frozen) to "food and related products" in (Sub-25F); (2) broaden plant site, facilities of, or city origins or destinations to county-wide authority: from Lenoir, NC, to Caldwell County, NC, in the lead and (Sub-15 and 17F); from Morganton, NC, to Burke County, NC, in the lead; from Paducah and Winchester, KY, to McCracken and Clark Counties, KY in (Sub-13); from Crystal City, MO, to Jefferson County, MO, in (Sub-14); from the facilities at Lenoir, NC, in (Sub-14, and 29F) to Caldwell County, NC; from the facilities at Rutherfordton, NC in (Sub-3 and 21F) to Rutherford County, NC; from the facilities at Marion, NC in (Sub-10) to McDowell County, NC; remove the facilities limitations at Catawba and Alexander Counties, NC in (Sub-19F); from the facilities at Independence, OH in (Sub-24F) to Cuyahoga County, OH; from the facilities at Mount Summnit, IN in (Sub-25F) to Henry County, IN; from the facilities at Knoxville, TN in (Sub-28F), to Knox County, TN; and from the facilities at Troutman and Statesville, NC in (Sub-32F) to Iredell County, NC; and (3) expand one-way authorities to

authorize radially, service between points in the above-named cities or counties and points in specified eastern and central States.

MC 3581 (Sub-30)X, filed February 17, 1981. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, NE, Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 11 and 21 certificates to (1) broaden the commodity descriptions from automobiles, trucks, chassis and tractors (except crawler type), in secondary movements, and tractor attachments, tractor parts, and tractor accessories, in mixed loads with tractors, in both certificates to "transportation equipment"; (2) remove the "originating at" restriction in Sub-No. 11; (3) remove the named facilities limitation in Sub-No. 21; and (4) expand its one-way authority to radial authority between Nashville, TN, and, points in KY, VA, and WV in Sub-No. 11, and between Norfolk, VA, and, points in AL, DE, FL, GA, KY, MD, MI, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV and DC, in Sub-No. 21.

MC 9914 (Sub-16)X, filed February 18, 1981. Applicant: WARREN TRUCKING CO, INC., P.O. Box 2038, Martinsville, VA 24112. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. Applicant seeks removal of restrictions in its lead certificate to (1) substitute county-wide authority for Martinsville, VA, and broaden the territorial description from one-way to radial service on movements of new furniture, between McHenry County, VA, and points in DE, MD, NJ, NC, PA, WV, DC, points in a described portion of OH, points in the New York, NY commercial zone, and points in Nassau County, NY; (2) remove all exceptions in the general commodities authority "except classes A and B explosives," and broaden the territorial description from one-way authority to radial service between New York, NY and Nassau County, NY, Philadelphia and Delaware Counties, PA, part of Montgomery County, PA, and points in MD within ten miles of Baltimore, MD and including Baltimore, and points in McHenry County, VA, and part of Rockingham County, NC, and (3) delete authority to transport rejected shipments of new furniture empty used containers and rejected shipments of general commodities, furniture materials, and empty used containers and rejected furniture materials in the reverse direction.

MC 15808 (Sub-25)X, filed February 18, 1981. Applicant: GIRTON BROS., INC., P.O. Box 159, Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-No. 2 permit to (1) broaden the commodity descriptions to "transportation equipment" from (a) new automobiles, new trucks, and parts in the lead, and (b) motor trucks and parts, cabs and bodies, and internal combustion engines and parts in Sub-No. 2, and (2) expand the territorial authority in the above permits, to between points in the United States, under continuing contract(s).

MC 56270 (Sub-53)X, filed February 17, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., P.O. Box 2385, Green Bay, WI 54306. Representative: Alki E. Scopelitis, Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 18F certificate to (1) broaden the commodity description by removing "except paper, paper products, tractor cabs, agricultural equipment, lawn garden and agricultural tractors, snowmobiles, aerospace craft, and aerospace craft parts" from its authority to transport commodities which because of size or weight, require the use of special equipment or handling, (2) remove the facilities limitations at Aurora, Decatur, Peoria and Joliet, IL to points in KY and TN, (3) remove restriction to the transportation of traffic originating at and destined to the points in named states, and (4) remove restriction against the transportation of specified commodities (cast iron pipe) from Council Bluffs, IA and Lynchburg, VA and (construction equipment and tanks) from points in MN and IA to points in IL and WL.

MC 88088 (Sub-4)X, filed February 17, 1981. Applicant: 3 B'S MOVING & STORAGE, INC., P.O. Box 358, Clarkston, WA 99403. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-No. 3F certificate by broadening the commodity description from general commodities (with the usual exceptions), to "general commodities (except Classes A and B explosives)"; by broadening Lewiston, ID to Nez Perce County, ID, and Wilma and Clarkston, WA to Whitman and Asotin Counties, WA; by eliminating the restriction "in containers"; and by eliminating the restriction to traffic having an immediately prior or subsequent movement by water, on its radial authority between named WA and ID Counties and named WA and ID Counties.

MC 93236 (Sub-2)X, filed February 12, 1981. Applicant: BONDY CARTAGE LIMITED, P.O. Box 420, Windsor, Ontario, Canada N9A–6L7. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1F certificate by changing the radial territory description; from ports of entry on the international boundary line, between the U.S. and Canada at Detroit, MI, to ports of entry in MI in its radial authority between points in Ohio and Michigan and ports of entry at Detroit.

MC 99896 (Sub-8)X, filed February 13, 1981. Applicant: ATKINSON TRANSFER, INC., 1475 W. River Rd., Dayton, OH 45418. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its Sub-No. 3F certificate to broaden the commodity description in part (1) and (2) from aluminum castings and scrap aluminum to "metal products", in part (3) from rubber packing devices to "rubber products" and part (4) from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; (2) expand specific point authority to county-wide authority as follows: in part (1) Bedford, IN, to Lawrence County, IN, in part (3) Morristown, IN, to Shelby County, IN, and Dayton, OH, to Montgomery County, OH, and in part (4) Tipp City to Miami County, OH; and (3) expand its one-way authority to radial authority in parts (1) and (2) between Lawrence County, IN, and, points in Montgomery County, OH, in part (3) expand its one-way authority to radial authority in parts (1) and (2) between Lawrence County, IN, and, points in Montgomery County, OH, in part (3) between Shelby County, IN, and, points in Montgomery County, OH, and (4) between Dayton, OH, and Miami County, OH, and, points in OH.

MC 115865 (Sub-7)X, filed February 18, 1981. Applicant: QUIMBY TRUCKING, INC., P.O. Box 807, Herminston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97310. Applicant seeks to remove restrictions in its Sub-No. 4 certificate by changing the commodity description (a) from feed and feed ingredients to "food and related products" and (b) eliminating the "in bulk" restriction.

MC 120737 (Sub-78)X, filed February 18, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. BOX 39, Canton, IL 61520. Representative: James C. Hardman, 33 North LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions

in its Sub-No. 46 certificate to (1) remove the restriction against transportation of commodities in bulk, to allow "such commodities as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure products manufacturers and dealers," (2) remove restrictions in the first four territorial parts which limit service to transportation of traffic originiating at the facialities, of, or used by, International Harvester Co., and originating at points in the States named in each of the respective parts and destined to the facilities of the above-named shipper (except that these restrictions shall not apply to traffic moving in foreign commerce), (3) remove restrictions in the next three territorial parts which limit service to the transportation of traffic having a prior movement by water, and destined to the facilities or dealers of the above-named shipper, (4) remove the restrictions against service to AK and HI in the fourth territorial part, and (5) change territorial descriptions from one-way to radial service, and substitute some county-wide authority for the specified plantsites and cities: (1) between East Moline, Moline, and Rock Island, IL (facilities at East Moline, Moline, and Rock Island), and points in 41 States and DC; (2) between Fulton County, IL (facilities at Canton, IL), and points in 31 States and DC; (3) between Memphis, TN (facilities at Memphis, TN), and points in 36 States and DC; (4) between Louisville, KY (facilities at Louisville, KY), and points in the United States; (5) between Orleans County, LA (facilities at the Port of New Orleans, LA and its commercial zone), and points in seven States; (6) between Philadelphia County, PA (facilaities at the Port of Philadelphia, PA and its commercial zone), and points in 12 States; and (7) between Chatham County, GA (facilities at the Port of Savannah, GA and its commercial zone), and points in 18 States and DC.

MC 125522 (Sub-11)X, filed February 12, 1981. Applicant: SUNBURY TRANSPORT LIMITED, P.O. Box 3217, Postal Station B, Federicton, New Brunswick, Canada E3A 5G9. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 6, 7, and 9 certificates and MC-150332F permit to (1) broaden the commodity descriptions (a) in Sub-Nos. 1, 2, 6, and 7 from lumber, hardwood flooring, pres-to-logs, fencing and composition board to "lumber and wood products," (b) in Sub-No. 9, from plasterboard, gypsum board, plywood, waste paper and asphalt products (except in bulk) to "bulling materials, waste or scrap materials not identified by industry producing, and petroleum, natural gas, and their products", and (c) in MC-150332F, from woodpulp to "pulp, paper and related products"; (2) expand specific ports of entry to include all border crossing points and authorize radial authority between the ports of entry on the United States-Canada Boundary lines located (a) in the Sub-No. 1 certificate, ME, and, points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, (b) in the Sub-No. 2, certificate, ME, NH, VT and NY and points in DE, MD, VA, WV, NC, SC, GA, MI, IN, OH, DC, CT, ME, MA, NH, NJ, NY, PA, RI, and VT, (c) in Sub-No. 6, ME, and, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, (d) in the Sub-No. 7 certificate, ME, VT, and NY, and, points in IL, IN, KY, MI, MO, TN, WI, CT, ME, MA, NH, NJ, NY, PA, RI, VT, DE, MD, VA, WV, NC, SC, GA, OH, and DC, and, (e) in Sub-No. 9, ME, and, points in CT, ME, MA, NH, NY, RI, and VT; (3) in the MC–150332F permit, authorize service between points in the United States, under continuing contract(s) with a named shipper; (4) in Sub-Nos. 1, 2, and 9 certificates, remove the restriction against the transportation of traffic originating at or destined to Canada; and, (5) in MC-150332F, remove the "foreign commerce" restriction.

MC 135185 (Sub-56)X, filed February 17, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Hwy 31 North, South Bend, IN 45524. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-No. 17 permit by (1) broadening the commodity description from meats, meat products and meet byproducts and articles distributed by meat-packing houses, to "food and related products," and (2) broadening its territorial description to "between points in the U.S." under continuing contract(s) with a named shipper.

MC 135185 (Sub-57)X, filed February 18, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Hwy 31 North, South Bend, IN 45524. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 15, 26, and 36F permits (1) broaden the commodity descriptions in (a) Sub-Nos. 15 and 26 from carmeras, camera outfits, camera cases, projectors, photographic material, developing film packs and vision receiving sets, to "instruments and photographic goods"; (b) in Sub-No. 36F from chemicals, cleaning compounds, disinfectants, deodorants drug and toilet preparations, household cleaning supplies, hydraulic cement, sand adhesive tape, plastic synthetics, rubber cement, caulking and brazing compounds, and drugs to "chemicals and related products, and clay, concrete, glass or stone products", and (2) expand the territorial authority in all permits to between points in the U.S., under continuing contract(s) with named shippers.

MC 138283 (Sub-14)X, filed February 17, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Micheal J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to (1) broaden the commodity description in its Sub-No. 1 permit to "food and related products" from (a) confectionary products, nuts and cookies, except commodities in bulk, and (b) materials and supplies, except commodities in bulk, and (2) broaden the territorial description to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 144688 (Sub-50)X, filed February 17, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Boulevard, Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 36F certificate to (1) replace authority to serve named facilities with authority to serve the cities of Atlanta, GA, Jacksonville, FL, Memphis, TN, and New Orleans, LA, and (2) eliminate the "in bulk" restriction in the commodity description.

MC 145696 (Sub-4)X, filed February 13, 1981. Applicant: M & M LIMITED, 228 Louisville Air Park, Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its lead permit and Sub-No. 1 by (a) expanding the territorial description to between points in the United States under continuing contract(s) with a named shipper, and (b) by expanding the commodity description in the lead permit from (1) malt beverages, and (2) equipment, materials, and supplies used in the manufacture and distribution of malt beverages, except commodities in bulk, and tank vehicles, to "such commodities as are dealt in by manufacturers or distributors of alcoholic beverages," and (c) by expanding the commodity description in Sub-No. 1 from such commodities as are dealt in or used by grocery and food business houses, except frozen

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commodities and commodities in bulk, to "such commodities as are dealt in or used by grocery and food business houses."

MC 148187 (Sub-4)X, filed January 22, 1981. Applicant: VIERON, INC., 5236 Wasena Ave., Baltimore, MD 21225. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Applicant seeks removal of restrictions in its Sub-No. 2 permit to (1) broaden the commodity description to "petroleum products," from fuel oils and gasoline, in bulk, and (2) authorize service between points in the United States, under continuing contract(s) with two named shippers.

MC 150401 (Sub-1)X, filed February 17, 1981. Applicant: THERMAL SYSTEMS INDUSTRIES, 3055 West 2100 South, Salt Lake City, UT 84119. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from insulation and materials and supplies used in the manufacture, distribution, and installation of insulation to "building materials," and (2) authorize service between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-6631 Filed 2-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. 414]

Motor Carriers; Permanent Author Notices, Substitution Applicatio Single-Line Service for Existing Joint Line Service

MC 112304 (Sub-193), (republication), filed June 5, 1979, published in the FR issue of November 27, 1979 and republished this issue. Applicant: ACE DORAN HAULING & RIGGING CO., A corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. A Decision of the Commission, Division 1, Acting as an Appellate Division, decided January 6, 1981 and served January 9, 1981 orders that the proceedings be reopened for further processing, that applicant seeks authority to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities*, the transportation of which because of size or weight requires the use of special equipment, (2) *metal articles*, (3)(a) *self-propelled articles*, each weighing 15,000 pounds or more, and (b) *related machinery, tools, parts, and supplies* moving in connection therewith, (1) between points in CT, IL, IN, KY, MD, MA, NJ, MO, NH, MJ, OH, PA, RI, TX, VT, VA, WV, WI and DC, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, IA, KS, LA, ME, MN, MS, MT, NE, NV, MN, NC, ND, OK, OR, SC, SD, TN, UT, WA, and WY, and (2) between points in CT, IL, IN, KY, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TX, VT, VA, WV, WI, and DC. NOTE: The sole purpose of this application is to substitute single-line for joint-line operations. Inasmuch as persons not party to this proceeding may have relied upon the notice of the application as published and may have an interest in the proceeding to be reconsidered on the basis of the new Act, the notice of application must be republished indicating that a decision is to be made in accordance with the provisions of the Motor Carrier Act of 1980. All interested persons, including protestants, will thereupon have an opportunity to file protests within 45 days of publication, and applicant, to file rebuttal materials within 60 days of publication, in keeping with regular application procedures. See Ex Parte No. 55 (Sub-No. 43), *Rules Governing Applications for Operating Authority*, pp. 8–9 (1980).

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-6625 Filed 2-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to and application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One Copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service had been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the qualtity of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–86

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 154210 (Sub-1–1TA), filed February 19, 1981. Applicant: A & R TRANSPORTATION COMPANY, INC., 21 Ridgecrest Drive, Hudson, NH 03051. Representative: Samuel L. Watts, TDS, Inc., 54 Middlesex Turnpike, Burlington, MA 01803. *Contract carrier:* irregular routes: *Metals and metal products and items used and useful in the processing and marketing of metals and metal products*, between the plant sites of Edgcomb Steel in NH, ME, RI, CT, NY, and MD on the one hand, and, on the other, points in the states of CT, MA, RI, NH, VT, ME, PA, NY, NJ, DE, MD, VA, WV, NC, SC, GA, FL, OH, IL, IN, MI, and WI, under continuing contract(s) with Edgcomb Steel of New England, Inc., 385 W. Hollis Street, Nashua, NH 03060.

MC 154211 (Sub-1–1 TA), filed February 20, 1981. Applicant: RECYCLING INDUSTRIES, INC., 385 Quincy Avenue, Braintree, MA 02184. Representative: Donald Corey, 385 Quincy Avenue, Braintree, MA 02184. *Hazardous wastes materials, in bulk and in drums*, between states east of the Mississippi River. Supporting shipper(s): General Electric Co., 100 Woodlawn Ave., Pittsfield, MA 01201; Polaroid Corp., Cambridge, MA 02139; Aerovox, Inc., 740 Belleville Ave., New Bedford, MA 02740.

MC 151193 (Sub-1–14TA), filed February 17, 1981. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, Three Commerce Drive, Cranford, NJ 07016. *Contract carrier:* irregualr routes: *Such commodities as are dealt in and sold by supermarkets and hardware stores (except commodities in bulk), and equipment, materials and supplies used in the manufacture, sale and distrubution of such commodities (except commodities in bulk)*, between points in CT, RI, MA, VT, NH, ME, NY, PA, DE, NJ, MD and GA, under continuing contract(s) with Purex Corporation of Bristol, PA. Supporting shipper: Purex Corporation, 1414 North Radcliff, Bristol, PA 19007.

MC 142765 (Sub-1–3TA), filed February 17, 1981. Applicant: AMERICAN TRANSPORTATION, INC., 797 Amity Road, Bethany, CT 06525. Representative: Guy H. Postell, Postell & Hall, P.C. Suite 713, 3384 Peachtree Rd., N.E. Atlanta, GA 30326. *Contract carrier:* irregular routes: *Merchandise, equipment and supplies sold, used or distributed by a manufacturer of cosmetics*, (1) between Newark, DE, on the one hand, and, on the other, points in CT, NY, RI, MA, NH, VT and ME, and (2) between Newburgh, NY, and Bethany, CT, on the one hand, and, on the other, points in Westchester, Putnam, Orange, Sullivan, Rockland, Ulster, Dutchess, Greene and Columbia Counties, NY, under continuing contract(s) with Avon Products, Inc., of Newark, DE. Supporting shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711.

MC 123233 (Sub-1–8TA), filed February 17, 1981. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Street, Ville D'Anjou, PG Canada H1J 1C4. Representative: J. P. Vermette, 7887 Grenache Street, Ville D'Anjou, PQ Canada H1J1C4. *Dry Sodium Chlorate, in bulk, in tank vehicles*, from the Port of Entry on the International Boundary Line between the U.S. and CD located at or near Grand Portage, MN, to Cloquet, MN, Escanaba, MI, Nekoosa, WI and Wisconsin Rapids, WI. Supporting shipper: ERCO Industries Ltd., 2 Gibbs Rd., Islington, Ontario, CD.

MC 1783 (Sub-1–2TA), filed February 18, 1981. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway, Nashua, NH 03060. Representative: Charles A Webb, Suite 1111, 1828 L Street, N.W., Washington, DC 20036. *Boots and shoes* between points in Hunterdon County, NJ, on the one hand, and, on the other, points in ME, VT, NH, MA, CT and RI. Supporting shipper: Meldisco Division of the Melville Corp., 401 Hackensack Avenue, Hackensack, NJ 07601.

MC 40815 (Sub-1–3TA), filed February 18, 1981. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Avenue, North Merrick, NY 11566. Representative: Willian H. Shawn, Suite 501, 1730 M Street, Northwest, Washington, DC 20036. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers* (1) between Bay Shore, NY, and Atlantic City, NJ, from Bay Shore over New York Hwy 27 to Junction Interstate Hwy 678, then over Interstate Hwy 678 to Junction New York Hwy 25, then over New York Hwy 25 to Junction Interstate Hwy 495, then over Interstate Hwy 495 to Junction Interstate Hwy 278, then over Interstate Hwy 278 to Junction New York Hwy 440, then over New York Hwy 440 to Junction New Jersey Hwy 440 to Junction Garden State Parkway, then over the Garden State Parkway to Junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, and return over the same route; (2) between Hauppauge, NY, and Atlantic City, NJ, from Hauppauge, at Exit 57 on Interstate Hwy 495, over Interstate Hwy 495 to Junction Community Drive, then over Community Drive to Junction New York Hwy 25A, then over New York Hwy 25A to Junction Interstate Hwy 678, then over Interstate Hwy 678 to Junction Interstate Hwy 95, then over Interstate Hwy 95 to Junction Garden State Parkway, then over Garden State Parkway to Junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, and return over the same route. Supporting shipper(s): There are 17 support statements which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 145829 (Sub-1–13TA), filed February 18, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Steel, rolled, bevelled, rounded, squared, including varied alloy grades*, between points in the US, under contract(s) with Thompson Steel Company, Inc., of Canton, MA. Supporting shipper: Thompson Steel Company, Inc., 120 Royall St., Canton, MA 02021.

MC 30618 (Sub-1–1TA), filed February 18, 1981. Applicant: HENERY V. RABOUIN, INC., Richmond Road, Hancock, MA 01237. Representative: Sherwood Guernsey II, 57 Wendell Avenue, Pittsfield, MA 01201. *Talc*, between La Moille County, VT and Plymouth, MI. Supporting shipper: Autoplas, 13101 Eckles Road, Plymouth, MI 48170.

MC 66531 (Sub-1–1TA), filed February 18, 1981. Applicant: INTERSTATE GROCERY DISTRIBUTION SYSTEM, INC., 2200 48th St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are dealt in or sold by grocery stores*, between points in NJ; New York, NY; Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan Ulster, and Westchester Counties, NY; Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lehigh, Monroe, Montgomery, Philadelphia, Northampton, Northumberland, Perry, Pike, Schuykill, Wayne, and York Counties, PA. This authority is to be tacked with applicant's present authority MC 66531 and Subs 4, 5, and 7 at North Bergen, NJ. Supporting shipper(s): There are eight statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 144906 (Sub-1–1TA), filed February 18, 1981. Applicant: NORTH OPERATING COMPANY, 39 Little Brook Road, Springfield, NJ 07081. Representative: Roy A. Jacobs, Esq., Alfano & Alfano, P. C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier:* irregular routes: *Paper and paper products* between New York, NY, on the one hand, and, on the other, points in AL, CT, DE, DC, GA, IL, IN, LA, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI, under continuing contract(s) with Williamhouse-Regency, Inc. or Ridgewood, NY. Supporting shipper: Williamhouse-Regency,Inc., 1710 Flushing Avenue, Ridgewood, NY 11385.

MC 133565 (Sub-1–1TA), filed February 17, 1981. Applicant: TRUE TRANSPORT, INC., P.O. Box 829, 15 Stockton Street, Newark, NJ 07101. Representative: Leamon McCoy, P.O. Box 829, 15 Stockton Street, Newark, NJ 07101. *General commodities, (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk or those requiring special equipment)* between the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in IN, OH, and WV, restricted to freight having a prior or subsequent movement by water. Supporting shipper(s): NCR Corporation, 6500 Hamilton-Lebanon Road, Middletown, OH 45042; Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, NJ 07207; Wilson American Co., Inc., 2601 Greenleaf Ave., Elk Grove, IL 60007.

MC 154132 (Sub-1–1TA), filed February 18, 1981. Applicant: JOLEE CONSOLIDATORS, INC., 11 West Street, Brooklyn, NY 10001. Representative: Irving Klein, Esq., 371

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Seventh Avenue, New York, NY 11222. *Contract carrier:* irregular routes: *Cosmetics, toiletries, cosmetic and toilet accessories; related advertising and display materials; merchandise, equipment and supplies sold, used or distributed by a manufacturer of cosmetics,* between New York, NY, and Nassau, Suffolk, Westchester and Putnam Counties, NY, under continuing contract(s) with Avon Products, Inc., of Newark, DE. Supporting shipper: Avon Products, Inc., Ogeltown Road, Route 273, Newark, DE 19711.

MC 148863 (Sub-1-2TA), filed February 18, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Railroad car parts and related commodities and materials, supplies and equipment used in the manufacture and distribution of such commodities* between the facilities of Dresser Transportation Equipment, Division of Dresser Industries located in Depew, NY and points in IL, IN, KY, MI, MN, MO, OH, PA, WV, and WI. Supporting shipper: Dresser Transportation Equipment Division of Dresser Industries, 2 Main Street, Depew, NY 14043.

MC 29934 (Sub-1-3TA), filed February 18, 1981. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Such commodities as are dealt in and used by chain grocery and food business houses, and materials supplies and equipment used in the distribution and sale thereof,* between points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC. Supporting shipper(s): Ocean Spray Cranberries, Inc., Water Street, Plymouth, MA 02360, and Del Monte Corporation, a wholly-owned subsidiary of R. J. Reynolds Industries, P.O. Box 3575, San Francisco, CA 94119.

MC 143110 (Sub-1-3TA), filed February 17, 1981. Applicant: K & B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: Stuart R. Mandel, Mandel & Kavaller, 315 S. Beverly Hills, CA 90212. *Contract carrier:* irregular routes: *Chemicals, except in bulk,* from Eldorado, AR to AL, AR, AZ, CA, CO, FL, GA, ID, IA, IL, IN, KS, LA, MD, MI, MO, MS, MN, MT, NE, NJ, NY, NV, ND, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV and WI, under continuing contract(s) with Aceto Agricultural Chemicals Corporation of Flushing, NY. Supporting shipper: Aceto Agricultural Chemicals Corporation, 126-02 Northern Boulevard, Flushing, NY 11368.

MC 154128 (Sub-1-1TA), filed February 18, 1981. Applicant: BELTON'S CHARTER BUS CORP., 9 Rosz Place, Passaic, NJ 07055. Representative: Larsh B. Mewhinney, Esq., Moore Berson Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Passengers and their baggage, in charter operations,* beginning at points in New York, NY and NJ and extending to ME, NH, VT, MA CT, RI, NY, NJ, PA, MD, DE, DC, VA, WV, NC, SC, GA, FL, AL, MS, TN, KY, OH, IN, IL, WI, and MI. Supporting shipper(s): There are ten statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 116362 (Sub-1-1TA), filed February 19, 1981. Applicant: AIME BELLAVANCE & SON, INC., Boyton Street, Barre, VT 05641. Representative: John Monte, 61 Summer Street, Barre, VT 05641. *Such commodities as are dealt in or used by manufacturers and distributors of coal and wood burning stoves,* between points in PA, MA, MD, NH, NJ, NY, and VT. Supporting shipper: Vermont Castings, Prince St., Randolph, VT 05060.

MC 144407 (Sub-1-4TA), filed February 19, 1981. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are dealt in or used by department, catalog, drug and varitey stores,* between points in De Sota County MS, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 149432 (Sub-1-1TA), filed February 19, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. *Such commodities as are dealt in or used by wholesale, retail chain grocery and food business houses,* between points in NJ on the one hand, and, on the other, points in DE, MD, NY, PA, VA, and DC. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 125403 (Sub-1-5TA), filed February 19, 1981. Applicant: S.T.L. TRANSPORT, INC., P.O. Box 369, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Paper, also materials, equipment and supplies used in the manufacture, sale and distribution of such commodity,* between Boston, MA and NY, OH and PA. Supporting shipper: Diamond Internatioinal Corporation, 733 Third Avenue, NY, NY 10017.

MC 154125 (Sub-1-1TA), filed February 18, 1981. Applicant: P. J. GREEN ADVERTISING SERVICE, INC., 449 Wurz Avenue, Utica, NY 13503. Representative: Guy H. Postell, Postell & Hall, P.C. Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Contract, irregular, *Merchandise, equipment and supplies used, sold or distributed by a manufacturer of cosmetics,* between Utica, NY, on the one hand, and, on the other, Herkimer, Madison and Oneida Counties, NY. Under continuing contract(s) with Avon Products, Inc., New York, NY. Supporting shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE, 19711.

MC 150975 (Sub-1-2TA), filed February 18, 1981. Applicant: DORVAL Corp., 1201 Corbin St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are dealt in or sold by grocery or discount department stores,* between the commercial zones of Charleston, SC, New York, NY, Miami and Tampa, FL, Philadelphia, PA, Richmond and Norfolk, Va, and Wilmington, DE, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NH, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VA, WA, WV, and WI. Supporting shipper(s) Cadur Trading Corp., 1037 N.W. 21st Terr., Miami, FL.

MC 154050 (Sub-1-1TA), filed February 13, 1981. Applicant: CARRIER SYSTEMS INTERNATIONAL MOTOR FREIGHT, INC., Sellers & O'Brien Streets, Kearny, NJ 07032. Representative: Harry J. Jordan, Esq., Macdonald & McInerny, P.C., Suite 502, Solar Building, 1000 Sixteenth Street NW., Washington, DC 20036. *General commodities, except Classes A and B explosives, in containers having a prior or subsequent movement by water* between Richmond, VA, on the one hand, and, on the other, NY, NJ, DE, MD, PA, and CT. Supporting shipper: Transocean Transport, Inc., 1201 Corbin Street, Port Elizabeth, NJ 07201.

MC 149302 (Sub-1-6), filed February 17, 1981. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland Street, Fall River, MA 02724. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Garments, and materials, equipment, and supplies used in the manufacture of garments (except commodities in bulk)* between Braintree and Randolph, MA on the one hand, and, on the other, points in NC, SC, GA, VA, TN, FL, MS, AR and TX. Supporting shipper: Collegetown—A Division of Interco Inc., 1 Collegetown Drive, Braintree, MA 02184.

MC 147923 (Sub-1-1TA), filed February 17, 1981. Applicant: MARINE TRANSPORTATION INTERMODAL, INC., d.b.a. M T I, INC., 15 Prospect Lane, Colonia, NJ 07067. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Wines, except in bulk* from New York, NY ot North Haven, CT, Philadelphia, PA and Schenectady, NY. Supporting shipper: Ernest & Julio Gallo Winery, P.O. Box 1130, Modesto, CA 95353.

MC 138861 (Sub-1-17TA), filed February 17, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036. *Contract carrier:* irregular routes: *General Commodities (except Classes A and B explosives),* between Providence, RI, on the one hand, and, on the other, Carrollton, GA and Fort Mills, Orangeburg and Greenville, SC, under continuing contract(s) with C.N.C. Chemical Corporation. Supporting shipper: C.N.C. Chemical Corporation, P.O. Box 997, Annex Station, Providence, RI 02901.

The following applications were filed in Region 2. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North Seventh Street, Rm. 620, Philadelphia, PA 19106.

MC 72420 (Sub-II-1TA), filed February 13, 1981. Applicant: THE ACE MOTOR TRANSPORT CO., 3103 Tiffin Ave., Sandusky, OH 44870. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. *Automobile parts,* from Cleveland, OH, to Detroit, MI, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline at Detroit, MI. Supporting shipper: International Harvester Canada, Ltd., 508 Richmond St., Chatham, Ontario, Canada N7M 5M4.

MC 62978 (Sub-II-1TA), filed February 13, 1981. Applicant: ALL FREIGHT DISTRIBUTION CO., INC., 6201 Seaforth St., Baltimore, MD 21224. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005. *Tools and Materials and Supplies used or useful in the manufacture and distribution thereof,* between Hampstead, MD, on the one hand, and, on the other, Baltimore, MD. The traffic moving here will have a prior or subsequent movement by rail under a freight forwarder shipping document, for 270 days. Applicant intends to interline. Supporting shipper: Clipper Express Co., 6201 Seaforth St., Baltimore, MD 21224.

MC 154014 (Sub-II-1TA), filed February 11, 1981. Applicant: ALLEN TRUCK AND TRAILER LEASING, INC., 125 West Peach St., P.O. Box 724, Connellsville, PA 15425. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Contract, irregular, *Merchandise, equipment and supplies sold, used, or distributed by a manufacturer of cosmetics,* between Newark, DE, and Springdale, OH, on the one hand, and, on the other, Brewer, Gray and Portland, ME; Boston, Cambridge, Shrewsbury and Springfield, MA; Concord, NH; Albany, Bethany, Binghamton, Buffalo, Latham, Newburgh, Syracuse, Troy and Utica, NY; Ebensburg, Erie, Fayette City, New Stanton, Pittsburgh, Williamsport, and York, PA; and, Warwick, RI, under a continuing contract(s) with Avon Products, Inc., New York, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711.

MC 129625 (Sub-II-3TA), filed February 11, 1981. Applicant: ROBERT COLE TRUCKING CO., P.O. Box M, Falls Creek, PA 15840. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Salt, in bulk, in dump vehicles,* from the facilities of International Salt Company located in Retsof, NY to points in Crawford, Erie, Forest, Venango, and Warren Counties, PA for 270. An underlying ETA seeks 120 days. Supporting shipper: International Salt Co., Morgan Highway, Clarks Summit, PA 18411.

MC 154094 (Sub-II-1TA), filed February 13, 1981. Applicant: CONTRACT TRANSPORT, INC., P.O. Box 698, Hartville, OH 44632. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Contract; Irregular: General Commodities (Except Classes A and B explosives)* between pts, in the U.S. for 270 days for the account of Forest City Dillon Precast Systems, Inc. of Stow, OH. Supporting shipper: Forest City Dillon Precast Systems, Inc., 837 Seasons Rd., Stow, OH 44224.

MC 14314 (Sub-II-4TA), filed February 12, 1981. Applicant: DUFF TRUCK LINE, INC., Broadway and Vine Sts., Lima, OH 45802. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Common, regular: *general commodities (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment)* serving the Owensboro, KY commercial zone as an off-route point in connection with carrier's otherwise authorized regular route operations for 270 days. An underlying ETA has been filed for 120 days. Applicant intends to tack and interline. Supporting shippers: Pinkerton Tobacco Company, 1121 Industrial Dr., Owensboro, KY 43201. Harsh Manufacturing Company, 900 Industrial Dr., Owensboro, KY 43201.

MC 125687 (Sub-II-3TA), filed February 12, 1981. Applicant: EASTERN STATES TRANSPORTATION PA, INC., 1060 Lafayette Street, York, PA 17405. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW, Washington, DC 20005. (1) *Flat printing paper* from the facilities of Byron Weston Company at Dalton, MA to Baltimore, Columbia and Rockville, MD, and points in their commercial zones; (2) *Paper and pulp board containers* from the facilities of Sealright Co., Inc. at Fulton, NY to Suffield, CT, Arlington, MA, Foxboro, MA, Middleton, RI, Woodstown, NJ, Woodbridge, NJ, Edison, NJ, Newark, NJ, Philadelphia, Pittsburgh, Harrisburg, Allentown, Johnstown, Pottsville, Ambridge and Ephrata, PA, and Baltimore, MD, and points in their commercial zones; and (3) *Paper, paper products, scrap or waste paper, plastic articles, materials and supplies used in the manufacture and distribution of paper, paper products and plastic articles,* between points within 70 miles of Newark, NJ on the one hand, and, on the other, all points in MD, PA, NY, CT, RI and MA, for 270 days. Supporting shippers: Byron Weston Company, 800 Main Street, Dalton, MA 01226. Sealright Co., Inc., 314 S. First Street, Fulton, NY 13069. Stone Container Corporation, 360 North Michigan Avenue, Chicago, IL 60601.

MC 148655 (Sub-II-1TA), filed February 13, 1981. Applicant: ERIEVIEW CARTAGE CO., P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg. 666 11th St., NW, Washington, DC 20001. *(1) carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; *(2) materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and *(3) imported nails* from Savannah, GA to Conyers, GA; for 270 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N.

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Baldwin Park Blvd., City of Industry, CA 91749.

MC 150241 (Sub-II–2TA), filed February 13, 1981. Applicant: JOHN BANCHICH, d.b.a. FULL HOUSE TAXI CO., 239 Lake Shore Dr., Port Clinton, OH 43452. Representative: John Banchich (same as applicant). Contract, irregular: *Passengers who are employees of Consolidated Rail Corporation,* (1) between Toledo, OH and pts. in its commercial zone on the one hand, and, on the other, pts. along the right-of-way of Consolidated Rail Corp. between Toledo, OH and Detroit and Clinton, MI, and (2) between Toledo, OH and pts. in its commercial zone, on the one hand, and, on the other, pts. along the right-of-way of Consolidated Rail Corp. between Toledo, OH and Elkhart, IN, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidated Rail Corp., Room 301, 1528 Walnut St., Philadelphia, PA 19102.

MC 150241 (Sub-II–3TA), filed, February 13, 1981. Applicant: JOHN BANCHICH, d.b.a. FULL HOUSE TAXI CO., 239 Lake Shore Dr., Port Clinton, OH 43452. Representative: John Banchich, (same as applicant). Contract, irregular: *Passengers who are employees of Consolidated Rail Corp.,* between Toledo, OH, on the one hand, and, on the other, points along the right-of-way of Consolidated Rail Corp. between Toledo, OH, and Conway, PA. Restricted to the transportation of no more than 10 passengers in any one vehicle, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidated Rail Corp., Room 301, 1528 Walnut St., Philadelphia, PA 19102.

MC 138000 (Sub-II–27TA), filed, February 13, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *(1) Paper, paperboard, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of (1) above,* between points in the United States in and east of MN, IA, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Restricted to the facilities of or utilized by Halltown Paperboard Company and its subsidiaries, for 270 days. Supporting shipper: Halltown Paperboard Company, Halltown, WV 25423.

MC 153975 (Sub-II–1TA), filed, February 9, 1981. Applicant: AEC, LTD., 724 York Rd., Towson, MD 21204. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Contract, irregular: *Passengers and their baggage in special and charter operations,* between Atlantic City, NJ, on the one hand, and, on the other, DC and points in MD, VA and PA, for 180 days. Supporting shipper: Playboy-Elsinore Assoc., d.b.a. The Playboy Hotel, 2500 Boardwalk, Box 1558, Atlantic City, NJ 08401.

MC 145252 (Sub-II–7TA), filed, February 9, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Frozen foods,* between Mt. Airy, MD, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR and LA, for 270 days. Supporting shipper: Mt. Airy Cold Storage, Mt. Airy, MD 21771.

MC 151731 (Sub-II–2TA), filed, February 9, 1981. Applicant: C.T.J. TRANSFER, INC., 5912 Murray Ave., Bethel Park, PA 15102. Representative: John C. Fudesco, 1333 New Hampshire Ave., NW, Suite 960, Washington, DC 20036. Contract, irregular: *Such commodities as are sold, used or distributed by manufacturers of cosmetics,* between points in PA, OH, and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711.

MC 142873 (Sub-II–1TA), filed February 9, 1981. Applicant: D&W TRUCK LINES, INC., 209 1st St., Parson, WV 26287. Representative: E. Stephen Heisley, 805 Mc Lachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. *(1) carpet strip adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; *materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and *(3) imported nails* from Savannah, GA to Conyers, GA; for 270 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 59957 (Sub-2–9TA), filed February 3, 1981. Applicant: MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, PA 17405. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., Pa 19107. *Common: Regular: General commodities* (except Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission) (1) Between Baltimore, MD, and New York, NY: From Baltimore, MD over U.S. Hwy 40 to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction Alt. U.S. Hwy 130 (formerly NJ Hwy 44), then over Alt U.S. Hwy 130 via Gibbstown and Paulsboro to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction U.S. Hwy 1, then over U.S. Hwy 1 to New York, NY and return over the same routes. (2) Between Richmond, VA, and Norfolk, VA: (a) From Richmond, VA over U.S. Hwy 1 to Petersburg, VA, then over U.S. Hwy 460 to Suffolk, VA, then over U.S. Hwy 58 to Norfolk, VA and return over the same routes. (b) From Richmond, VA over U.S. Hwy 1 to junction VA Hwy 10, then over VA 10 to Chuckatuck, VA, then over unnumbered highway to junction U.S. Hwy 460, then over U.S. Hwy 460 to Norfolk, VA, and return over the same route. (c) From Richmond, VA, over I–Hwy 64 to Norfolk VA and return over the same route. (3) Between Harrisburg, PA, and Baltimore, MD: From Harrisburg, PA, over I–Hwy 83 to Baltimore, MD, and return over the same route. (4) Between Baltimore, MD, and Salisbury, MD: From BAltimore, MD, over MD Hwy 2 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Salisbury, MD and return over the same route. (5) Between Baltimore, MD, and Dover, DE: From Baltimore, MD, over MD Hwy 2 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction MD Hwy 404, then over MD Hwy 404 to junction MD Hwy 313, then over MD Hwy 313 to junction MD Hwy 317, then over MD Hwy 317 to the Maryland-Delaware Line, then over DE Hwy 14 to junction U.S. Hwy 13, then over U.S. Hwy 13 to Dover, DE, and return over the same routes. Serving all intermediate points in routes (1) through (5) above, and serving as off-route points in connection with routes (1) through (5) above, points within 35 miles of New York, NY, 35 miles of Philadelphia, PA, and all points in the States of MD and DE, east of the Chesapeake Bay, and south of the Chesapeake and Delaware Canal. Authority is sought to tack with applicant's present authority at MC 59957; to interline at all common points; and to provide service to and from the commercial zones of all authorized points. Supporting shipper(s): There are 25 statements in support of this application which may be examined at the ICC Regional Office in Philadelphia, PA.

MC 138714 (Sub-II–5TA), filed February 6, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Contract; irregular: shopping carts, and materials and supplies used in the manufacture and distribution thereof,* between Richmond, VA, and Los Angeles, CA, and points in their commercial zones, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Rehrig International, Inc. Supporting shipper: Rehrig International, Inc., 901 North Lombardy, Richmond VA 22320 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rehrig International, Inc., 901 North Lombardy, Richmond, VA 22320.

MC 143300 (Sub-II–3TA), filed February 2, 1981. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clerk, P.O. Box 25, Stanleytown, VA 24168. *General Commodities, except Class A and B explosives,* between the Norfolk and Richmond, VA Commercial Zones, on the one hand, and, on the other, points in Campbell, Franklin, Henry, Patrick, Pittsylvania, Smyth, and Warren Counties, VA for 270 days. An underlying ETA seeks 120 days authoritys. Supporting shipper: There are 5 supporting shippers. Their statements may be examined at the ICC Regional Office in Philadelphia, PA.

MC 107012 (Sub-II–134TA), filed February 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *New furniture,* from Bassett, Galax, and Pulaski, VA, to the facilities of The McClure Tritschler-Parrish Co., at Columbus, OH for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: The McClure Tritschler-Parrish Co., 1800 Moler Rd., Columbus, OH 43207.

Note.—Common control may be involved.

MC 41951 (Sub-II–3TA), filed February 9, 1981. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Hwy., Washington, DC 20014. *Food and related products* from Cambridge, Md, to Ortonville, MN for 270 days. An underlying ETA seeks 120 days authority. Shippper: RJR Foods, Inc., Box 3575, San Francisco, CA 94119.

MC 152580 (Sub-II–2TA), filed February 9, 1981. Applicant: H. R. PHILLIPS, INC., P.O. Box 279, Cedar Beach Rd., Milford, DE 19961. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street NW., Washington, DC 10005. *Fibers and materials and supplies used in the processing and distribution of fibers (except commodities in bulk),* between Milford, DE and Clover and S. Boston, VA, on the one hand, and, on the other, points in MN, IA, MO, AR, TX, WI, IL, IN, MI, MA, CT, RI, ME, NH, VT, FL, KY, OH, WV and DC, for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Steiner & Co., Inc., Milford, DE 19963.

MC 134271 (Sub-II–2TA), filed February 9, 1981. Applicant: PRUITT MOVING & STORAGE COMPANY, 800 West Hardin St., Findlay, OH 45840. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Plastic and rubber products* between the Cleveland, OH commercial zone, on the one hand, and, on the other, points in and east of TX, OK, KS, IA, and MN for a period of 270 days. Supporting shipper: Transco Plastics Corporation, 2610 Richmond Road, Bedford Heights, OH 44146.

MC 1539361(Sub-II–1TA), filed February 11, 1981. Applicant: MARCUM TRUCKING COMPANY, INC., Box 307, Mt. Gay, WV 25637. Representative: Thomas N. Hanna, One Valley Square, Suite 1290, Charleston, WV 25301. *Contract Irregular: General commodities, except household goods as defined* by the Commission and class A and B explosives, between points in Logan, Mingo, McDowell and Boone Counties, WV; Martin Pike, Floyd and Letcher Counties, KY., on the one hand, and, on the other, points in KY, WV, VA, MD and PA for 270 days under a continuing contract with Rehab Company, Inc., Strollings, WV, Pontiki Coal Corporation, Lovely, KY, and Island Creek Coal Company, a corporation, Paintsville, KY. Supporting shipper(s): Refab Company, Inc., Box 57, Strollings, WV 25646; Pontiki Coal Corporation, P.O. Box 57, Lovely, KY 41231; Island Creek Coal Company, P.O. Box 1258, Paintsville, KY 41240.

MC 9914 (Sub-II–6TA), filed February 10, 1981. Applicant: WARREN TRUCKING COMPANY, P.O. Box 5224, Martinsville, VA 24112. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. *Furniture parts, plywood, veneer, and particleboards, MDF* between Pittsylvania County, VA on the one hand and points in NC, WV, MD, and PA on the other for 270 days. Supporting Shipper: Whittle Plywood Corp., Drawer F. Chatham, VA 24531.

MC 66571(Sub-II–4TA), filed February 12, 1981. Applicant: RED LINE, INC., 2310 Orange Avenue, N.E. Roanoke, VA 24002. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *(1)(a) New furniture and furniture parts, and (b) materials, supplies and equipment used in the manufacture of new furniture and furniture parts,* between points in Henry County, Virginia, on the one hand, and, on the other, points in DE, GA, MD, NJ, NC, PA, SC, VA, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are six certificates of support attached to the application which may be examined at the ICC Regional Office, Phila., PA 19106.

MC 129086(Sub-II–7TA), filed February 13, 1981. Applicant: SPENCER TRUCKING CORPORATION; Route 2, Box 254A, Keyser, WV 26726. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Silica sand,* between Frederick County, VA, on the one hand, and, on the other, points in NY, for 270 days. An underlying ETA seeks 210 days authority. *Supporting shipper(s):* Unimin Corporation, 50 Locust Avenue, New Canaan, CT 06840.

MC 150724 (Sub-II–3TA), filed February 11, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 1024 North Main Street, Niles, OH 44446. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Meats, meat products and meat by-products, and articles distributed by meat-packaging houses, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk)* from points in Moore County, TX to points in OH and points in PA and WV on and west of U.S. Highway 219 for a period of 270 days. An underlying ETA seeks 120 day authority. Support shipper: Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604.

MC 106920 (Sub-II–14TA), filed February 11, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. *Foodstuffs and materials, supplies and equipment* used in the manufacture and distribution of foodstuffs, between Marion, Williamson, E. Williamson, Sterling, Newark, Oaks Corners, Phelps, Dundee, Himrod, and Penn Yan, NY, on the one hand, and, on the other, points in DE, IL, IN, IA, KS, KY, MD, MN, MO, MI, OH, PA, TN, VA, WV, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Seneca Foods Corporation, 3939 S. Main Street, Marion, NY 14505

MC 151303 (Sub-II–3TA), filed February 11, 1981. Applicant: GEORGE W. SMYTH, JR., CO., 1101 Ritchie Rd., Capital Heights, MD 20027.

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Representative: George W. Smyth, Jr. (same as applicant). *Books, paper, printing, and plastic articles,* from Poughkeepsie, NY to Fayetteville, NC for 270 days. Supporting shipper(s): Western Publishing Co., Inc., 1220 Mound Ave., Racine, WI 53404.

MC 150339 (Sub-2-30TA), filed February 11, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Metal rolling mill machinery, related auxiliary equipment, and construction materials,* from Pittsburgh, PA, Youngstown, OH, and Akron, OH, and points in their respective commercial zones, to Kokomo, IN, under continuing contract(s) with Tippins Machinery Co., Inc., 435 Butler St., Pittsburgh, PA 15223. An underlying ETA seeks 120 days authority. Supporting shipper: Tippins Machinery Co., Inc., 435 Butler St., Pittsburgh, PA 15223.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 148362 (Sub-3-7TA), filed February 17, 1981. Applicant: HAR-BET, INC., 7209 Tara Boulevard, Jonesboro, GA 30236. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *General commodities, except commodities in bulk and Classes A and B explosives* between points in the US (except AK and HI) under contract or continuing contracts with United Freight, Inc. of Morrow, GA 30260. Supporting Shipper: United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260.

MC 153911 (Sub-3-2TA), filed February 17, 1981. Applicant: MOBILE MODULAR TRANSPORT, INC., 1531½ Roswell Road, P.O. Box 327, Marietta, GA 30061. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326. *Mobile homes, and materials, equipment and supplies used in or dealt by mobile home manufacturers* between the facilities of Guerdon Industries, Inc. d/b/a Corona Mobile Homes, Inc. at points in FL, GA, AL and TN on the one hand, and, on the other, points in NC, SC, GA, FL, AL and TN. Supporting Shipper: Guerdon Industries, Inc. d/b/a Corona Mobile Homes, Inc., P.O. Box 35290, Louisville, KY 40232.

MC 154105 (Sub-3-1TA), filed February 17, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. *Contract carrier:* irregular: *(a) Automotive oil and air filters, and (b) paper,* (a) from Gastonia, NC, to Atlanta, GA, and (b) from Madisonville, KY, to Gastonia, NC, under continuing contract(s) with Wix Corporation of Gastonia, NC. Supporting shipper: Wix Corporation, P.O. Box 1967, Gastonia, NC 28053.

MC 133221 (Sub-3-6TA), filed February 17, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver, (same as applicant). (1) *Fabricated metal products,* from Rockdale County, GA to points in the U.S. (except AK and HI) and (2) *materials, equipment, and supplies used in the manufacture, sale, and distribution of fabricated metal products,* from points in the U.S. (except AK and HI) to Rockdale County, GA. Supporting shipper: Warren/Sherer, Kysor Industrial Corporation, 1600 Industrial Blvd., Conyers, GA 30207.

MC 151012 (Sub-3-2TA), filed February 17, 1981. Applicant: O.W.L. TRANSPORT, INC., 157 Carolyn Lane, Nicholasville, KY 40356. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Iron and steel articles, and materials, supplies and equipment used in the manufacture, processing, sale and distribution of iron and steel articles,* between Jessamine County, KY, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, KS, OK, and TX. Supporting shipper: Armco, Inc., 703 Curtis Street, Middletown, OH 45043.

MC 151173 (Sub-3-6TA), filed February 13, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd, Jonesboro, Ga 30236. Representative: J. Harold Wright (same address as applicant). *Malt Beverages, Empty Containers, Material and Supplies used in the manufacture of Malt Beverages.* From Detroit, MI and Fostoria, OH, to points in AL, FL, GA, NC and SC. Supporting shipper: The Stroh Brewery Co. One Stroh Dr. Detroit, MI 48226.

MC 3854 (Sub-3-1TA), filed February 17, 1981. Applicant: BURTON LINES, INC., P.O. Box 11306, 815 Ellis Road, Durham, NC. Representative: G. E. Martin, Jr. (same as applicant). *Iron and steel articles, and materials, equipment and supplies used in the manufacture, distribution and sales of such articles,* between Middlesex County, NJ on the one hand, and, on the other, points in NC, VA, DE, MD, PA and DC. Supporting shipper: Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862.

MC 145129 (Sub-3-2TA), filed February 17, 1981. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 2909 South Hickory Street, Chattanooga, TN 37407. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. *General commodities (except Class A and B Explosives and Household Goods as described by the ICC)* between the facilities of Whitaker Transportation Company, Inc., Cherokee Warehouses, Inc., and its affiliates; and piggyback ramps located at points in AL, GA, and TN, on the one hand, and on the other, points in AL, GA, and TN. Supporting shipper(s): There are 7 statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 124154 (Sub-3-15TA), filed February 17, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *Agricultural, Industrial, Food grade chemicals and chemical by-products and materials, supplies and equipment used in the manufacture thereof* between points in the US (except AK and HI). Supporting shipper: Moreland McKesson Chemical Company, P.O. Drawer 2169, Spartanburg, SC 29304.

MC 151805 (Sub-3-1TA), filed February 17, 1981. Applicant: JAMES W. POPE, 5900 Lyle St., Orlando, FL 32807. Representative: James W. Pope (same as above). *Contract Carrier:* Irregular Routes. *Hard Copy, Microfilm and Microfilm Equipment,* between points in FL, GA and AL, on the one hand, and on the other Flora, MS, under continuing contract(s) with Southern Vital Records Center, Inc. Supporting shipper(s): Southern Vital Records Center, Inc., P.O. Box 236, Flora, Ms 39071.

MC 152544 (Sub-3-8TA), filed February 17, 1981. Applicant: CYPRESS TRUCK LINES, INC., 1746 East Adams Street, Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Wire Garment Hangers and Materials and Supplies used in the manufacture, sale and distribution of garment Hangers,* from Gadsden, AL and Jacksonville, FL, to points in the U.S. Supporting shipper: Cleaners hanger Co., 735 North Lane Avenue, Jacksonville, FL 32205.

MC 134716 (Sub-3-2TA), filed February 17, 1981. Applicant: RUSH TRUCKING, INC., 200 Southwest 19th St., Ft. Lauderdale, FL 33315. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Contract, irregular: General commodities (except Classes A and B explosives)* between Orlando, FL on the one hand, and, on the other, points in Broward, Charlotte, Collier, Dade, De Soto, Glades, Hardee, Henry, Hernando, Highlands, Hillsborough, Lee, Manatee, Martin, Monroe, Okeechobee, Palm Beach, Pasco, Sarasota and St. Lucie Counties, FL having a prior movement in interstate commerce, *under a continuing contract(s) with Stanley Home Products, Inc.* Supporting shipper: Stanley Home Products, Inc., P.O. Box 30127, Charlotte, NC 28230.

MC 145912 (Sub-3-1TA), filed January 13, 1981. Republication—originally published in **Federal Register** of January 26, 1981, Page 8135, Volume 46, No. 16. Applicant: TRUCK SERVICE, INC., 303 Vance St., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract:* Irregular: (1) *Plastic articles,* from Gaston County, NC to all points in U.S. (except AK and HI) under a continuing contract with Allied Plastics, Inc.; (2) *Plastic articles and materials and supplies used in the manufacture and distribution of plastic articles* between Rutherford County, NC on the one hand, and on the other, points in GA, FL, SC, TN, IN, VA, AL, IL, AR, MS, NJ, LA, NY, TX, PA, OH, MA under a continuing contract with United Southern Industries, Inc.; and (3) *Plastic garment hangers and materials and supplies used in the manufacture and distribution of plastic garment hangers* between Rutherford County, NC, on the one hand, and on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, OH, NY, TX, NJ and CA under a continuing contract with A & E Warbern Co., Inc., Forest City, NC. Supporting shippers: Allied Plastics, Inc., Gastonia, NC; United Southern Industries, Inc., Forest City, NC and A & E Warbern Co., Inc., Forest City, NC.

MC 135895 (Sub-3-21TA), filed February 17, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) permanent antifreeze (except in bulk) and (2) equipment materials and supplies used in the manufacture, sale and distribution of commodities described in (1) above (except commodities in bulk and those requiring special equipment)* between points in Madison Parish, LA, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, LA, MI, MO, MS, NC, OH, OK, SC, TN and TX: Restricted to the transportation of traffic originating at or destined to facilities utilized by Omni Industries, Inc. Supporting shipper(s): Omni Industries, Inc., 1464 Sierra Vista Drive, Baton Rouge, LA 70815.

MC 153509 (Sub-3-7TA), filed February 17, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, Kentucky 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, Kentucky 40202. *Contract carrier* regular: *hydraulic and non-hydraulic lifts and parts* between Madison, IN, on the one hand, and on the other, points in the U.S., under a continuing contract with Rotary Lift, a Division of Dover Corporation, 2700 Lanier Drive, Madison, IN 47250. Supporting shipper: Rotary Lift, a Division of Dover Corporation, 2700 Lanier Drive, Madison, IN 47250.

MC 154108 (Sub-3-1TA), filed February 17, 1981. Applicant: CALHOUN TRANSPORTATION SERVICE, INC., Old Route 11, P.O. Box 10, Calhoun, GA 37309. Representative: Matthew C. Ellis, 1001 Market St., Chattanooga, TN 37402. *Such commodities as are used, dealt in, or distributed by a manufacturer and distributor of paper and paper products,* between the facilities of Bowater Southern Paper Company and points in AL, AR, FL, GL, IL, IN, KY, MS, OH, PA, VA and WV. Supporting shipper: Bowater Southern Paper Company, Calhoun, TN 37309.

MC 146782 (Sub-3-9TA), filed January 2, 1981. Republication—originally published in **Federal Register,** Volume 46, No. 7, 01-12-81. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *(1) Iron and steel articles; wire, wire products, fencing, and other fencing materials, and (2) Materials, equipment and supplies used in the manufacture of (1) above (except commodities in bulk),* between points in Crawford County, AR, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and TX. Supporting shipper(s): Bekaert Steel Wire Corporation, I-40 and Lee Creek Road, Van Buren, AR 72956.

MC 152508 (Sub-3-1TA), February 16, 1981. Applicant: DIXIE EXCURSIONS, P.O. Box 4038, Opelika, Alabama 36801. Representative: David L. Elam, 503 Dumas Dr. Auburn, Alabama 36830. *Sixteen passengers or less and their baggage, in the same vehicle with passengers, in special and charter operations* from Lee and Macon counties, AL, on the one hand, and, on the other, points in Clayton, Dekalb and Fulton counties, GA. Supporting shipper: Expeditions Inc., 217A South 8th Street, Opelika, AL 36801.

MC 143059 (Sub-3-35TA), filed February 20, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Rough steel castings, power pumps, railway car adapters, railway car/locomotive wheels (loose or attached to axels), brake shoes (railway car or locomotive), asbestos blocks and machinery,* between the facilities of Abex Corporation on the one hand, and, on the other, points in the United States. Supporting Shipper: Abex Corporation, 530 Fifth Avenue, New York, NY 10036.

MC 115841 (Sub-3-47TA), filed February 19, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168 Knoxville, TN 37922. Representative: Michelene Good (same as above). *Electroless nickle solution in drums, steel and plastic tanks, in crates,* between Nashville, TN on the one hand, and, on the other, points in AR, AZ, CA, CT, DE, IL, IN, LA, MA, MN, NV, NY, OH, OK, PA, RI and TX. Supporting Shipper: Elnic, Inc., 657 Massman Drive, Nashville, TN 37210.

MC 153217 (Sub-3-2TA), filed February 19, 1981. Applicant: JACK THOMAS, d.b.a. JACK THOMAS TRUCKING, P.O. Box 337, Tellico Plains, TN 37385. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Meat and packinghouse products (except hides and commodities in bulk),* between the facilities of Dold Foods, Inc., at or near Wichita, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shipper: Dold Foods, Inc., 2929 North Ohio, Wichita, KS 67204.

MC 124835 (Sub-3-6TA), filed February 19, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). *Fuel Oils, #4, 5 & 6, in bulk,* from Knox County, TN to all points in VA. Supporting Shipper: General Oils, Inc., P.O. Box 68 Chattanooga, TN 37401.

MC 139958 (Sub-3-12TA), filed February 19, 1981. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 113 West Main St., Frankfort, KY 40601. (1) *Loud speakers, cabinets as used with loud speakers, parts, materials and supplies*

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used in the manufacture thereof: Between Eminence (Henry County), KY and Hope, AR; Holly Springs, MS; Greenwood, MS; San Francisco, CA and Los Angeles, CA; and (2) *Tires, pneumatic rubber and related articles, automotive accessories:* Between Owensboro (Daviess County), KY and Los Angeles, CA and San Francisco, CA. Supporting shippers: Eminence Speaker Corp., Inc., Eminence, KY and Tire Mart Incorporated, Owensboro, KY.

MC 147127 (Sub-3–10TA), filed January 16, 1981. Republication—originally published in **Federal Register** of January 26, 1981, page 8134, volume 46, No. 16. Applicant: McLAURIN TRUCKING COMPANY, P.O. Box 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., Wick, Vuono & Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Textile products, textile machinery, and textile machinery parts,* between points in Gaston, Union Counties, and Mecklenburg Counties, NC, on the one hand, and, on the other, points in SC. Supporting shippers: Gaston County Dyeing Machine Co., P.O. Box 308, Stanley, NC 28164; Standard-Coosa-Thatcher Co. (Carlton Plant), P.O. Box 608, Cherryville, NC 28021; and North Carolina Equipment Company, 3601 Performance Road, Charlotte, NC 28208.

MC 152878 (Sub-3–1TA), filed January 30, 1981. Republication—originally published in **Federal Register** of February 9, 1981, page 11626, volume 46, No. 26. Applicant: LEXINGTON CARTAGE COMPANY, 2180 Young Drive, P.O. Box 1778, Lexington, KY 40593. Representative: Herbert D. Liebman, 403 West Main Street, P.O. Box 478, Frankfort, KY 40602. *Contract carrier;* irregular routes. *such commodities as are dealt in by wholesale, retail and chain drug, grocery and food business houses, and materials, equipment, and supplies used in the manufacture and distribution of the above described commodities* between points in the states of KY, OH, PA and WV. Under continuing contracts with The Procter & Gamble Distributing Co., The Procter & Gamble Manufacturing Co. Supporting shipper: The Procter & Gamble Distributing Co., The Procter & Gamble Manufacturing Co., P.O. Box 599, Cincinnati, OH 45201.

MC 154149 (Sub-3–1TA), filed February 18, 1981. Applicant: CREECH TRANSPORT, INC., P.O. Box 844, Leakesville, MS 39451.Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract carrier; irregular* routes; *wearing apparel* between Talladega and Goodwater, AL; Miami, FL; and Leakesville, MS, under a continuing contract(s) with Niki-Lu Industries Mississippi, Inc., P.O. Box 1015, Leakesville, MS 39451. Supporting shipper(s): Niki-Lu Industries Mississippi, Inc., P.O. Box 1015, Leakesville, MS 39451.

MC 144989 (Sub-3–4TA), filed February 19, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Court, Charlotte, NC 28205. *Contract carrier:* irregular: *Carpets, carpeting, carpet remnants or rugs; and yarn, materials and supplies used in the manufacture of the foregoing commodities (except in bulk),* between points in the U.S., under continuing contract(s) with Queen Carpet Corp. of Dalton, GA. Supporting shipper: Queen Carpet Corp., P.O. Box 1527, Lakeland Road, Dalton, GA 30720.

MC 143059 (Sub-3–34TA), filed February 18, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same as applicant). *Commodities as are dealt in by manufacturers or distributors of building materials,* between points in Camden, NJ, Charleston, SC, Jacksonville, FL, New Orleans, LA, Tampa, FL, Miami, FL, Wilmington, NC, Savannah, GA, Baltimore, MD, New York, NY, Philadelphia, PA, Detroit, MI Cleveland, OH, Buffalo, NY, Chicago, IL, Milwaukee, WI, Toledo, OH, Boston, MA, Mobile, AL, Galveston, TX, Houston, TX, Samoa, CA, San Diego, CA, Alameda, CA, Los Angeles, CA, Long Beach, CA, San Francisco, CA, Oakland, CA, Sacramento, CA, Stockton, CA, Eureca, CA, Yreka, CA, Portland, OR, Vancouver, WA, Longview, WA, Tacoma, WA, Seattle, WA, Coos Bay, OR, Panama City, FL, Pensacola, FL, Corpus Christi, TX, Fairbanks, AK, Anchorage, AK, Memphis, TN, St. Louis, MO, Louisville, KY, Cincinnati, OH and Pittsburgh, PA, on the one hand, and, on the other, points in the United States. Supporting shipper: Mitsui & Company (U.S.A.), Inc., 611 West Sixth Street, Los Angeles, CA 90017.

MC 151822 (Sub-3–2TA), filed February 19, 1981. Applicant: FREIGHT DIRECT, INC., P.O. Box 10707, 554 University Avenue SW., Atlanta, GA 30310. Representative: Robert C. Boozer, 1400 Candler Building, Atlanta, GA 30043. *General commodities (except Class A and B explosives, household goods, and commodities in bulk in tank vehicles)* between Atlanta, GA, and points in its commercial zone, on the one hand, and on the other hand, points in FL, AL, MS, LA, TX, AR, TN, SC, NC, VA, WV, KY, OH, IN, IL, MO, MI, PA, DE, MD, DC, NJ, NY, CT, RI, and MA. Supporting shipper: Executive Bonded Warehouse, Inc., 3954 Bouldercrest Rd., Atlanta, GA 30349 and Expando Distribution Warehousing System, Inc., P.O. Box 10684, Atlanta, GA 30310.

MC 134105 (Sub-3–14TA), filed February 19, 1981. Applicant: Celeryvale Transport, Inc., 1706 Rossville Avenue, Chattanooga, TN. 37408. Representative: James E. Elgin (address same as applicant). *1. Malt beverages and related advertising materials. 2. Empty used beverage containers and materials and supplies used in and dealt with by breweries.* 1. Between Jefferson County, CO on the one hand, and on the other, points in TN, LA and MS. 2. Between points in TN, LA and MS on the one hand, and on the other Jefferson County, CO. Supporting shipper, Adolph Coors Co., Transportation Dept., No. 304, Golden, Colorado.

MC 141261 (Sub-3–1TA), filed February 18, 1981. Applicant: SOUTHERN FURNITURE TRANSPORT, INC., 2003 Viscount Row, Orlando, Florida 32809. Representative: Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. *New Furniture,* between GA and AL on the one hand, and, on the other, points in that part of FL on, north and west of U.S. Highway 441 from the FL/GA state line to Gaineville, FL, thence southwesterly along U.S. Highway 24 to Cedar Key, FL; Between points in TN on the one hand, and, on the other, points in the States of GA, AL and FL. There are 5 supporting shipper statements to this application which may be reviewed at the regional I.C.C. office in Atlanta, GA.

MC 147942 (Sub-3–4TA), filed February 18, 1981. Applicant: M & L TRUCK LINE, INC., P.O. Box 358, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 1890 Jefferson Avenue, Memphis, TN 38103. *General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and agricultural implements and machinery (not including lawn, garden, and leisure products)),* from those points in the U.S. in and east of ND, SD, NE, KS, NM, and TX, to points in AR, MS, and TN, restricted against the transportation of lumber, treated lumber, plywood, composition board, roofing, pipe, crossties, pallets, and structural steel from points in AR, KS, LA, OK, MS, TN, and TX. There are no Certificates of

Support filed with this application. Note: Applicant intends to interline at all points.

MC 1477887 (Sub-3–3TA), filed February 19, 1981. Applicant: SOUTHERN DRAYAGE, INC., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Contract,* irregular. *(1) scouring pads, deodorants and cleaning compounds and (2) materials, supplies and equipment used in the manufacture of commodities in (1) above* between points in Hinds and Rankin Counties, MS, on the one hand, and, on the other, points in MA, MD and NJ under continuing contract(s) with Airwick Industries, Inc. Supporting shipper: Airwick Industries, Inc. 111 Commerce Rd., Carlstadt, NJ 07072.

MC 134978 (Sub-3–3TA), filed February 19, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Route 3, Campobello, SC 29322. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 20602. *Petroleum and petroleum products* between points in NC, SC, and Savannah, GA. Supporting shippers: Tom's Fuel Oil, Inc., 1240 Alice Dr., Sumter, SC, Burrell's Fuels, Inc., 100 New Market Rd., Tryon, NC, Autosystems, Inc., 2305 Augusta Rd., Greenville, SC, Wateree Textile Corp., P.O. Box 308, Camden, SC 29020, Prince Oil Co., Inc., P.O. Box 101, Landrum, SC 29356.

MC 144082 (Sub-3–13TA), filed February 18, 1981. Applicant: DIST/TRANS MULTI–SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as above). *Contract carrier,* irregular routes; *Such commodities as are manufactured, distributed or used by electrical equipment and supply manufacturers;* between Anoka, MN on the one hand, and, on the other, points in the states of AL, FL, GA, MD, NJ, PA, NC, SC, TN, and VA, restricted to service performed under a continuing contract(s) with Hoffman Engineering Company, Tyler Street, Anoka, MN 55303.

MC 154160 (Sub-3–1TA), filed February 19, 1981. Applicant: J. J. SMITH TRUCKING CO., INC., 2700 Kendrick Ave., Charlotte, NC 28213. Representative: John J. Smith (same address as above). *Asphalt, rock and gravel, in dump trucks,* between Indian Trail, NC and points in SC. Supporting shipper: Mathison Company, Indian Trail, NC 28079.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 200 (Sub-5–88TA), filed February 19, 1981. Applicant: RISS INTERNATIONAL CORP., P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis, (same address as applicant). *(1) Aluminum, steel, and vinyl siding, and related commodities, and (2) Materials, supplies and equipment, used in the manufacture, distribution, and installation of Commodities named in (1) above,* between points in Wayne and Jackson Counties, MI; Pike County, OH; and Douglas County, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Wolverine Aluminum Co., 1650 Howard, Lincoln Park, MI.

MC 107496 (Sub-5–55TA), filed February 20, 1981. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Arsenic acid* from Bryan, TX to Charles City, IA. Supporting shipper: Salisbury Labs, Inc., 2000 Rockford Road, Charles City, IA 50616.

MC 109397 (Sub-5–31TA), filed February 20, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). *(1) Hazardous waste material, (2) industrial waste material, and (3) waste material characterized as hazardous or potentially hazardous as defined by the U.S.E.P.A.* between points in the U.S. Supporting shipper: Materials Recovery Enterprises, Inc., 4835 LBJ Freeway No. 450, Dallas, TX 75234.

MC 119399 (Sub-5–45), filed February 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Lab Litter, Granules and Chips (except in bulk):* From Perry County, MO to points in AZ, CA, CO, OH and UT. Supporting shipper: K.C.N. Pharmacal Incorporated, Kansas City, MO 64116.

MC 121517 (Sub-5–8TA), filed February 20, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Residual fuel oil,* from Kansas City, KS to Port of Muskogee, OK. Supporting shipper(s): Deal Petroleum Company, 2815 East Skelly Drive, Tulsa, OK 74105.

MC 126822 (Sub-5–49TA), filed February 20, 1981. Applicant: WESTPORT TRUCKING CO. 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Food or kindred products,* between points in the U.S., restricted to shipment for Master of Mixes, Inc. Supporting shipper: Master of Mixes, Inc., 10975 Grandview Street, Suite 120, Corporate Woods 27, Overland Park, KS 66210.

MC 128273 (Sub-5–34TA), filed February 19, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General Commodities (except A & B explosives, household goods, as defined by the Commission, commodities in bulk, in tank vehicles, and commodities which, because of size or weight, require the use of special equipment),* between points in the commercial zones of New Orleans and Baton Rouge, LA, Houston and Galveston, TX, and Mobile, AL, on the one hand, and, on the other, points in the states of MT, WY, CO, NM, ND, SD, NE, KS, OK TX, MN, IA, MO, AR, WI, IL, MI, IN, OH, PA, NJ, MA, WV, KY, TN, VA, NC, SC, MS, AL, GA, and FL. Restricted to traffic originating at or destined to the facilities of Daniel F. Young, Inc., M.G. Maher & Co., Inc., Geo. Wm. Rueff, Inc., S. Jackson & Son, Inc., and W. R. Zanes & Co. of LA, Inc. Further restricted to traffic having a prior or subsequent movement by water. Supporting Shipper: There are five.

MC 133562 (Sub-5–3TA), filed February 19, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, Highway 4, P.O. Box 115, Estherville, IA 51334. Representative: Merle Johnson (same as applicant). *Meats and meat by-products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 & 766,* from (1) Holly Ridge, NC to points in GA, AL, MS, TN, LA, TX & CA: (2) Hospers and Sioux Center, IA to points in the U.S. (excluding AK and HI). *Non-exempt food and kindred products* from Chicago, IL to Points in IA, KS, MN, MO, NE, ND and SD. Supporting shippers: Carolina Meat Processors, Holly Ridge, NC; Banner Beef Co., Hospers, IA; Sioux-Preme Packing Co., Sioux Center, IA; and Schulze & Burch Biscuit Co., Chicago, IL.

MC 135070 (Sub-5–38TA), filed February 20, 1981. Applicant: JAY

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LINES, INC. Box 61467, DFW Airport, TX 7261. Representative: Gailyn L. Larsen. P.O. Box 82816, Lincoln, NE 68501. *Food and related products and such commodities as are dealt in or used by grocery stores and food business houses,* between all points in the U.S. restricted to traffic originating at or destined to the facilities of Topco Associates, Inc., Federated Foods, Inc., and Nugget Distributors, Inc., and their affiliates, suppliers, or vendors. Supporting shippers: Topco Associates, Inc., 7711 Gross Point Road, Skokie IL 60077, Federated Foods, Inc., 520 Mercury Drive, Sunnyvale, CA 94086; and Nugget Distributors, Inc., P.O. Box 8309, Stockton, CA 95208.

MC 135078 (Sub-5–10TA), filed February 20, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 10251, Kansas City, MO 64141. Contract irregular, *containers, packaging products and such materials, supplies and equipment used in the manufacture of such products* between points in the U.S. Supporting shipper: Daisley Packaging Corp., 1423 Marcy Street, Omaha, NE 68108.

MC 135691 (Sub-5–2TA), filed February 20, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6845, Lincoln, NE 68506. *Iron and steel wire, racks and shelves* from Dallas County, TX to points in the U.S. Supporting shipper: Universal Carrier Company, Inc., 613 Easy Street, Garland, TX 75042.

MC 142872 (Sub-5–19TA), filed February 19, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Applicant's Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Alcoholic Beverages (except in bulk)* from New Orleans, LA; Galveston and Houston TX to points in the U.S. (except AK, HI, ND, SD and WY). Supporting shipper: Lykes Brothers Steamship Lines, Inc., 300 Poydras Street, New Orleans, LA 70130.

MC 144821 (Sub-5–5TA), filed February 20, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty Avenue, St. Louis, MO 63134. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Petroleum and petroleum products, vehicle body sealer, sound deadening compounds, filters, and such commodities as are dealt in or used by retail filling stations and automobile service centers, in containers; (2) lawn and garden supplies, in containers; and (3) equipment, materials and supplies used in the manufacture, sale, assembly and distribution of commodities described in (1) and (2) above (except commodities in bulk and those requiring special equipment)* between points in and east of ND, SD, NE, KS, OK, and TX, and points in CA and WA (Restricted to traffic originating at or destined to facilities of Specialty Oil Company, Inc.) Supporting shipper: Speciality Oil Company, Inc., 2470 Valley View Drive, Shreveport, LA 71108.

MC 145715 (Sub-5–9TA), filed February 20, 1981. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Materials, Equipment and Supplies used in the processing of poultry products* from points in the U.S. (except AK and HI) to points in AR. Supporting shipper: OK Foods, Inc., Post Office Box 286, Ft. Smith, AR 72904.

MC 147493 (Sub-5–1TA), filed February 20, 1981. Applicant: NO LIMITATION TRUCKING SERVICES, INC., 9501 Old Gentilly Rd., New Orleans, LA 70126. Representative: Peter R. Gilbert, 1000 Potomac St., NW, 5th Fl. Washington, DC 20007. *Contract, irregular; coal and coal products and materials, equipment, and supplies used in the mining and processing thereof,* between points in IN, KY, LA, NC, NY, OH, TN and TX, under a continuing contract with Ken-Tenn Corp. Supporting shipper: Ken-Tenn Corporation, 703–D Dean Hill Drive, Tinsley, KY 40993.

MC 149088 (Sub-5–4TA), filed February 20, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS. 66067. Applicant's representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Industrial sand,* between El Paso County, CO and points in KS, NM, TX, OK, NE and MO. Supporting shipper: Colorado Silica Sand, Inc., P.O. Box 15615, Colorado Springs, CO 80935

MC 150592 (Sub-5–7TA), filed February 20, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, 12th & Academy, York, NE 68467. Applicant's representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Food and related products,* between points in Buffalo, Douglas, and Kearney Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK, HI, MT, and WY). Supporting shippers: Gibbon Packing, Inc., P.O. Box Q, Gibbon, NE 68840; Minden Beef Co., P.O. Box 70, Minden, NE 68959; and Omaha Steaks International, Inc., 4400 South 98th Street, Omaha, NE 68127.

MC 151383 (Sub-5–3TA), filed February 19, 1981 Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Applicant's representative: Fred Rahal, Jr., Rahal & Anderson, A Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract; Irregular: *Primary metal products including galvanized, except coating or other allied processing as described in Item 33 of the Standard Transportation Commodity Code, and fabricated metal products, except ordnance, as described in Item 34 of the Standard Transportation Commodity Code,* between all points in the U.S., under continuing contract(s) with ANC–CO, Inc. of Ponca City, OK; Central Manufacturing and Supply Company of Ponca City, OK; High-Temp Metals, Inc. of Oklahoma City, OK; and Alloy Pipe Fabricators, Inc. of Oklahoma City, OK. Supporting shippers: ANC–CO Inc., P.O. Drawer 791, Ponca City, OK 74602; Central Manufacturing and Supply Company, P.O. Drawer 791, Ponca City, OK 74602; High-Temp Metals, Inc., P.O. Box 25368, Oklahoma City, OK 73125; Alloy Pipe Fabricators, Inc., P.O. Box 25368, Oklahoma City, OK 73125.

MC 153323 (Sub-5–3TA), filed February 20, 1981 Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 238, Dension, IA 51442. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Pet food,* from the facilities of Star-Kist Foods, Inc. at or near El Paso, TX; Terminal Island, CA; and Muscatine, IA to all pts in the U.S. Supporting shipper: Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, CA 90731.

MC 154106 (Sub-5–1TA), filed February 20, 1981. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Applicant's representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Flour,* from points in Stafford County, KS to points in VA, WV, KY, OH, PA, TX, IN, GA, AL, FL, TN, NC and SC. *Ingredients utilized in the milling and manufacture of flour,* from points in the U.S. (except AK and HI) to points in Stafford County, KS. *Feed ingredients* from points and places in Stafford County, KS to points in the U.S. (except AK and HI). Supporting shipper: Stafford County Flour Mills, P.O. Box 7, Hudson, KS 67545.

MC 154158 (Sub-5–1TA), filed February 19, 1981 Applicant: KINNEY TRUCK LINE, INC., 124 W. Willis Avenue, Perry, IA 50220. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. (a) *Agricultural machinery, agricultural implements, and agricultural machinery and implement parts* from Perry, IA, and the plant sites of Osmundson Mfg. Co. and Wiese Corporation at or near Perry, IA to AL, AR, CO, DE, GA, ID, IL, IN, KS, KY, LA, MI, MN, MS, MO, MT, NE, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA and WI. (b) *Materials, equipment and supplies, used in the manufacturing, processing, sale and distribution of agricultural implement parts (except comodities in bulk)* from pts in CO, IL, IN, KY, MI, MO, NY, OH, PA, and WI to Perry, IA and the plant sites of Osmundson Mfg. Co. and Wiese Corporation at or near Perry, IA. Supporting shipper: Osmundson Mfg. Co., P.O. Box 158, Highway 141 West, Perry, IA 50220; Wiese Corporation, 1501 5th Street, Perry, IA 50220.

MC 154212 (Sub-5–1TA), filed February 20, 1981 Applicant: PREWITT AND WALKER TRUCKING CO., P.O. Box 221, Irving, TX 75060. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Chemicals, Cleaning, Scouring and Washing Compounds (except in bulk)* from Dallas, TX to points in AZ, CO, GA and LA. Restricted to shipments originating at the facilities of Research Products. Supporting shipper: Research Products, 11215 Shady Trail, Dallas, TX.

MC 154219 (Sub-5–1TA), filed February 20, 1981 Applicant: BARRY KING, P.O. Box 238, Castor, LA 71016. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Lumber and related wood products,* from points in LA to points in TX. Supporting shipper: Martin Timber Co., Inc., P.O. Box 99, Castor, LA 71016.

MC 154220 (Sub-5–1TA), filed February 20, 1981. Applicant: MALONE TRUCKING CO., P.O. Box 709, Texas City, TX 77590. Representative: Larry J. Malone (same as applicant). *Hazardous and Non-Hazardous waste materials for disposal when destined to lawfully constituted waste disposal facilities,* Between points in the U.S. except HI. Supporting shipper: Malone Service Co., 21–21st St. So. Texas City, TX 77590.

MC 154221 (Sub-5–1TA), filed February 20, 1981. Applicant: FISCHER OIL CO., 300 W. 5th St., Washington, MO 63090. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Gasoline and fuel oil, in bulk,* from the facilities of Amoco Oil Company at Wood River, Il to points in Jefferson, Franklin, Warren and St. Charles Counties, MO. Supporting shipper: There are 5.

MC 154222 (Sub-5–1TA), filed February 20, 1981. Applicant: PIPECO INC., 1113 E. Memphis, P.O. Box 1334, Broken Arrow, OK 74012. Representative: David R. Worthington, 1916 Valley Road, Sapulpa, OK 74066. *Oil field equipment, petroleum equipment, and materials, equipment, and supplies used in their manufacture* between points in the states of NM, CO, TX, UT, WY, KS, and OK. Supporting shippers: Mapco Inc., 1800 S. Baltimore Ave., Tulsa, OK 74119; Modern Supply Company, P.O. Box 2069, Ponca City, OK 74061.

MC 200 (Sub-5–87TA), filed February 18, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Hides,* between points in the U.S. Supporting shipper: A. J. Hollander & Co., Inc., 5 Hanover Square, NYC, NY 10004.

MC 26825 (Sub-5–11TA), filed February 18, 1981. Applicant: ANDREW VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. *Such commodities as are dealt in or used by manufacturers and distributors of laboratory and medical supplies,* between points in the US, restricted to traffic originating at or destined to the facilities utilized by Sherwood Medical Company. Supporting shipper: Sherwood Medical Company, U.S. Hwy. 81 South, Norfolk, NE 68701.

MC 26825 (Sub-5–12TA), filed February 18, 1981. Applicant: ANDREW VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. *Rubber and plastic products,* between Hennepin County, MN on the one hand, and on the other, pts in the U.S. Supporting shipper: Magnum Tire Corporation, 614 North First Street, Minneapolis, MN 55401.

MC 35320 (Sub-5–50TA), filed February 18, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX. 79408. Representative: Kenneth G. Thomas (same as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Richmond, VA and its commercial zone and points in Chesterfield County, Henrico County and Hanover County, VA as off-route points in connection with carrier's otherwise authorized regular-route operations. Supporting shipper: There are 5 supporting shippers.

Note—Applicant intends to tack and interline.

MC 67234 (Sub-5–15TA), filed February 18, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B.W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Sleeping Bags, Comforters, Dog Beds, Shirts, and such commodities as are dealt in by retail clothing stores* between Seattle, WA, New Orleans, LA, Kinston, NC, and Freeport, ME. Supporting shipper: L.L. Bean, Inc., Casco Street, Freeport, ME 04032.

MC 67234 (Sub-5–16TA), filed February 18, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Power Cast Transformers, Magnetic Components, and Electronic Instrumentation and Control Devices,* between Clearwater, FL on the one hand, and, on the other, points and places in the U.S. Supporting shipper: Electromagnetic Industries, a division of Square D Company, 2005 Calumet Street, Clearwater, FL 33515.

MC 99427 (Sub-5–12TA), filed February 18, 1981. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Sulfuric Acid* from Milan, NM to pts in UT. Supported by: Chemical Marketing Services, Suite 2401, Fourth National Bank Bldg., Tulsa, OK 74119.

MC 110581 (Sub-5–3TA), filed February 18, 1981 Applicant: GG & H MOTOR FREIGHT LINES, INC., P.O. Box 329, Greenfield, IA 50849 Representative: Mr. Russell H. Wilson, 4400 Merle Hay Road, Des Moines, IA 50310. (1) *Doors and windows and the materials used to manufactue doors and windows,* from Des Moines, IA to KS, MO, IL, MN, NE, and SD; (2) *Windows and doors,* from Minneapolis and Bayport, MN to pts and places in IA; (3) *Glass and material used in the manufacture of glass,* between Adair County, IA and pts in the U.S.; (4) *Agricultural implement parts, steel stock racks, hay feeders, and materials used in the manufacture of the same,* between Adair County, IA and pts in the U.S. Applicant intends to tack. Supporting shippers: Windsor Wood Windows, 900 S. 19th St., Des Moines, IA 50265; Rock Island Millwork, 1770 N.E. 58th St., Des Moines, IA 50313;

Cardinal Insulated Glass Co., P.O. Box 99, Highway 25 North, Greenfield, IA 50849; Gross Manufacturing Co., Inc., 118 S.E. Jackson, Greenfield, IA 50849.

MC 111170 (Sub-5-9TA), filed February 18, 1981 Applicant: WHEELING PIPE LINE, INC., 301 N. Washington, El Dorado, AR 71730. Representative: Dennis Ledet (same address as applicant). *Chemicals, in bulk, in tank vehicles*, between Ashley County, AR and points in the U.S. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 520, Crossett, AR 71635.

MC 112822 (Sub-5-5TA), filed February 18, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little Street, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Food and related products*, between Anderson County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Vernon Calhoun Packing Company, P.O. Box 709, Palestine, TX 75801.

MC 119789 (Sub-5-43TA), filed February 18, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Alcoholic Beverages (except in bulk)* from New Orleans, LA, Galveston, TX, and Houston, TX, to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, MN, MS, MO, NE, OK and TX. Supporting shipper: Lykes Bros. Steamship Co., Inc., 300 Poydras, New Orleans, LA, 70130.

MC 120257 (Sub-5-2TA), filed February 18, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Contract; Irregular; *pipe, iron and steel, and commodities as described in Mercer Extension-Oilfield Commodities 74 M.C.C. 459*, between Harris County, TX, on the one hand, and, on the other, points in King and Pierce Counties, WA. Supporting shipper: Arco Oil & Gas Company, Inc., P.O. Box 2819, Dallas, TX 75221.

Note.—Applicant intends to interline.

MC 124673 (Sub-5-10TA), filed February 18, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2187, Amarillo, TX 79105. Representative: Gail P. Johnson (same as applicant). *Liquid fertilizers and fertilizer compounds*, between Dodge City, KS, and points in OK, TX, NM, CO and NE. Supporting shipper: Ruffin, Inc., P.O. Box 940, Dodge City, KS 67801.

MC 126118 (Sub-5-51TA), filed February 17, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Such commodities as are used by and dealt in by distributors and manufacturers of plastic articles*, between points in TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Omega Plastics Corporation, Ray Hewitt, Transportation Manager, Beaver Creek Drive, Box 12428, Knoxville, TN 37917.

MC 126118 (Sub-5-52TA), filed February 18, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Such commodities as are used by and dealt in by medical and hospital suppliers*, between Argyle, NY; St. Joseph, MO; and St. Louis, MO and points in their commercial zones, on the one hand, and, on the other, points in CA, GA, IL, MO, NJ, NY, NE, and TX. Supporting shipper: Sherwood Medical Industries, Inc., Michael G. Edwards, Director of Transportation & Warehousing, 1831 Olive Street, St. Louis, MO 63103.

MC 138469 (Sub-5-35TA), filed February 18, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Attorney at Law, Blanshan & Summerfield, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Alcoholic beverages (except in bulk)*, from the facilities of Central Liquor Company at Oklahoma City, OK to points in MN. Supporting shipper: Central Liquor Company, 4001 N. W. 3rd Street, Oklahoma City, OK.

MC 128273 (Sub-5-30TA), filed February 18, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General Commodities* between the facilities of the Westinghouse Corporation at or near Abingdon, VA, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Westinghouse Electric Corporation, Box 869, Abingdon, VA 24210.

MC 128273 (Sub-5-31TA), filed February 18, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Synthetic and Commercial Twine* from Wichita, KS, to points in the U.S. (except AK & HI). Restricted to the facilities of Exxon Chemical Americas. Supporting shipper: Exxon Chemcial Americas, 100 S. Pensola, Kingman, KS.

MC 128273 (Sub-5-32TA), filed February 18, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Foodstuffs (except frozen)* from Clay and Jackson Counties, MO, and Johnson and Wyandotte Counties, KS, to points in the U.S. (Except AK & HI). Supporting shipper: There are 6.

MC 128273 (Sub-5-33TA), filed February 18, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General Commodities*, between the facilities of Zales Corp. at or near Dallas, TX, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Zale Corporation, 3000 Diamond Park, Dallas, TX 75247.

MC 129908 (Sub-5-45TA), filed February 18, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Electronic calculators and cash registers and parts thereof* between El Paso County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Victor Business Products, 9555 Plaza Circle, El Paso, TX 79907.

MC 133735 (Sub-5-2TA), filed February 18, 1981. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Non-exempt food or kindred products*, from the facilities of Heinz USA located at or near Holland, MI, to the facilities of Heinz USA located at or near Muscatine, IA. Supporting shipper: Heinz U.S.A., A Division of H.J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 135070 (Sub-5-36TA), filed February 18, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261,. Representative: Gailyn L. Larsen, P.O. Box 81816, Lincoln, NE 68501. *Food and related products*, from Houston, TX, and its Commercial Zone, to Albuquerque, NM, and its Commercial Zone. Supporting shipper: Hunt-Wesson Foods, 1645 West Valencia Drive, Fullerton, CA 92634.

MC 135070 (Sub-5-37TA), filed February 18, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261,. Representative: Gailyn L. Larsen, P.O. Box 81816, Lincoln, NE 68501. *Contract; Irregular. Chemicals (except in bulk)*, From the facilities of Celanese Chemical Company, Inc., in Harris, Matagorda, Nueces, and Gray Counties, TX, to points in the U.S. (except AK and HI), under continuing contract(s) with Celanese Chemical Company, Inc. Supporting shipper: Celanese Chemical Company, Inc., 1250 W. Mockingbird Lane, Dallas, TX 75247.

MC 135197 (Sub-5-2TA), filed February 18, 1981. Applicant: LEESER TRANSPORTATION, INC., Route 3, P.O. Box 545, Palmyra, MO 63461. Representative: Edward J. Kiley, 1730 M Street NW., Washington, D.C. 20036. *Betanaphtol chemicals in bags*, between the facilities of American Cyanamid Company at or near Willow Island, WV to Springfield, MO. Supporting shipper: American Cyanamid Company, Wayne, NJ 07470.

MC 135399 (Sub-5-2TA), filed February 18, 1981. Applicant: HASKINS TRUCKING, INC., P.O. Box 7729, Longview, TX 75602. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. *Abrasives in sacks and bags* from Detroit, MI, Hamilton, OH and Fernwood, ID to points in TX. Supporting shipper: CLEMTEX, Ltd., 248 McCarty Dr., Houston, TX 77029.

MC 138069 (Sub-5-7TA), filed February 18, 1981. Applicant: LUCIUS, INC., 2512 South 163rd Street, Omaha, NE 68130. Representative: Max Vance, 2512 South 163rd Street, Omaha, NE 68130. *Such commodities as are dealt in by grocery stores and food businesshouses*, from Chicago, IL and Green Bay, WI to points in CO. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 138069 (Sub-5-8TA), filed February 18, 1981. Applicant: LUCIUS, INC., 2512 South 163rd Street, Omaha, NE 68130. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. *Such commodities as are dealt in or used by retail stores*, between the facilities of Lozier Store Fixtures, Inc. at Omaha, NE, on the one hand, and, on the other, points in the U.S. Supporting shipper: Lozier Store Fixtures, Inc., 4401 North 21st Street, Omaha, NE 68101.

MC 139434 (Sub-5-1TA), filed February 18, 1981. Applicant: MID-AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, NE 68401. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO, 64141. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766*, between Douglas County, NE and points in CT, IN, MA, MD, NH, NJ, NY, PA, OH, AND DC. Supporting shipper: Beef Nebraska, Inc., P.O. Box 7203, Omaha, NE 68107.

MC 140665 (Sub-5-61TA), filed February 18, 1981. Applicant: PRIME, INC., P.O. Box 4202, Springfield, MO 65804. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. *(1) Malt beverages and related advertising materials, and (2) empty used beverage containers and materials and supplies used in and dealt with by breweries*, (1) from Jefferson County, CO, to points in CA, LA, MS, MO, TN, TX, and WA, and (2) from CA, LA, MS, MO, TN, TX, and WA, to points in Jefferson County, CO.Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 144622 (Sub-5-68TA), filed February 18, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *(1) Plastic articles and (2) Equipment and supplies used in the manufacture and distribution of plastic articles* between the facilities of Mobile Chemical Company, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Mobile Chemical Company, Macedon, NY 14502.

MC 144622 (Sub-5-69TA), filed February 18, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Chemicals, drugs, medicines, toilet preparations, acids, shampoos, animal feed supplements, sugar, and printed matter* between points in CA, IL, TX, MO, OK, WI, PA, NV, VA, MN, NJ, and IA, restricted to traffic originating at or destined to the facilities utilized by Hoffmann-La Roche, Inc. Supporting shipper: Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, NJ 07110.

MC 144622 (Sub-5-70TA), filed February 18, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *(1) Electrical appliances, electrical equipment, and electrical components, and (2) Parts and accessories for the commodities in (1) above* from the facilities of Square D Company and its subsidiaries located at Birmingham, Clanton, Helena, and Leeds, AL; Los Angeles, CA; Denver, CO; Clearwater and Pinellas, FL; Atlanta, GA; Chicago, IL; Huntington and Peru, IN; Cedar Rapids, IA; Florence and Lexington, KY; Detroit and Three Rivers, MI; Columbia, MO; Lincoln, NE; Bordentown, Lyndhurst, and Secaucus, NJ; New York, NY; Asheville and Raleigh, NC; Middletown and Oxford, OH; Emmaus and Fogelsville, PA; Columbia, SC; Smyrna, TN; Dallas and Mesquite, TX; Orting, Seattle, and Spokane, WA; and Milwaukee and Oshkosh, WI to all points in the U.S. (except AK and HI). Supporting shipper: Square D Company, 8300 Burlington Pike, Florence, KY 41042.

MC 146448 (Sub-5-15TA), filed February 18, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Refractories, refractory products, minerals and ores*, from Chicago Heights and Aurora, IL; Vandalia and St. Louis, MO; Camden, NJ; Port Kennedy, PA; and Wilmington, DE, to points in CA, LA, OK and TX. Supporting shipper: Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482.

MC 146448 (Sub-5-16TA), filed February 18, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Polydoroff and Miller, P.C., Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. *Confectionery* from Philadelphia, PA, to points in CA and in the Dallas-Fort Worth, TX commercial zone. Supporting shipper: Fleer Corporation, 10th St. at Somerville Ave., Philadelphia, PA 19141.

MC 146448 (Sub-5-17TA), filed February 18, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. (1) *Scrap batteries* from Birmingham, AL, Cerritos, CA, Denver, CO, Orlando, FL, Atlanta, GA, Indianapolis, IN, Chicago, IL, New Orleans, LA, St. Louis, MO, Baltimore, MD, Saddle Brook, NJ, King of Prussia, PA, and Tazewell, VA, to Dallas, TX, and Omaha, NE. (2) *Batteries* from Elk Grove Village and Kankakee, IL, to point in the U.S. (except AK and HI). Supporting shipper: Gould, Inc., Industrial Battery Division, 2050 Cabot Boulevard West, Langhorne, PA 19047.

MC 147388 (Sub-5-11TA), filed February 18, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R.R. 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. (1) *Parts, materials and supplies used in the production and repair of motor vehicle equipment*,

(except in bulk), and, (2) *parts, materials, equipment, and supplies used in the manufacture, sale and distribution of the commodities in (1) (except in bulk)*, Between Kearney, NE, on the one hand, and, on the other, points in the U.S. Supporting shipper: Eaton-Corp.—Engine Components Div., East Highway 30, Kearney, NE 68847.

MC 147417 (Sub-5–1TA), filed February 18, 1981. Applicant: NEALY ENTERPRISES OF MISSISSIPPI, INC., Route 1, Cooktown Road, Ruston, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract; irregular; automotive parts and accessories* between Jefferson Parish, LA and points in Baldwin, Mobile and Washington Counties, AL and points in MS under a continuing contract or contracts with Genuine Auto Parts Company. Supporting shipper: Genuine Auto Parts Company, 500 Shrewsbury Road (P.O. Box 10247), Jefferson, LA 70181.

MC 147552 (Sub-5–6TA), filed February 18, 1981. Applicant: CAJUN CARTAGE & WAREHOUSING CORP., 1205 St. Louis Street, New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Suite 502, Solar Building, Washington, DC 20036. *General commodities (except household goods as defined by the Commission and classes A & B explosives)*, restricted to the prior or subsequent movement by rail or water, between points in LA. Supporting shippers: There are 15 supporting shippers.

Note.—Applicant intends to tack and interline.

MC 150578 (Sub-5–27TA), filed February 18, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same as applicant). *(1) Cleaning and polishing compounds; textile softeners, lubricants, deodorants, disinfectants, hypochlorite solution, chemicals, paint, stains, varnish, plastic bags, filters, and; (2) Materials and supplies used in the manufacture, distribution, and sale of commodities in (1) above* between Dallas, TX,, on the one hand, and, on the other, points in AR, CO, KS, LA, MO, OK, and TN. Supporting shipper: Economics Laboratory, Inc., 2305 Sherwin, Garland, TX 75041.

MC 151118 (Sub-5–8TA), filed February 18, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) Equipment, materials and supplies used in the manufacture, sale, assembly, and distribution of gas cooking appliances and equipment, and parts, accessories and fittings therefor (except commodities in bulk and those requiring special equipment)* between points in AR, on the one hand, and, on the other, points in WI: Restricted to traffic originating at or destined to facilities of Arkla Industries Inc. Supporting shipper(s): Arkla Industries, Inc., Paragould, AR 72450.

MC 151118 (Sub-5–9TA), filed February 18, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) Belt, wheel and roller conveyors and conveyor systems, conveyor parts and supplies, and gravity flow rack shelving; and (2) equipment and supplies used in the manufacture, sale and distribution of commodities described in (1) above (except commodities in bulk and those requiring special equipment)* between Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Automated Conveyor Systems, Inc., 1909 Thomas Road, Memphis, TN 39134.

Note.—Dual operations may be involved.

MC 151645 (Sub-5–3TA), filed February 18, 1981. Applicant: K. S. R., INC., Highway 25 East, P.O. Box 895, Paragould, AR 72450. Representative: William W. Roswell (same as applicant). *General Commodities, (except Class A & B Explosives)*, between Tunica County, MS, on the one hand and points in the U.S. on the other hand. Supporting shipper: G.E.S., INC., 105 North Division, Forrest City, AR 72335.

MC 152021 (Sub-5–17TA), filed February 18, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). *Contract; Irregular: wallboard tape and wallboard sheet paper* between Hot Springs, AR and all points in the continental U.S. (except AK & HI) under contract with Sutco, Inc., Hot Springs, AR.

MC 152959 (Sub-5–6TA), filed February 18, 1981. Applicant: MOBILE EXPRESS, INC., P.O. Box 8167, Longview, TX 75607. Representative: Robert Nieman (same as applicant). Contract; Irregular; *Mobile homes, modular homes, office trailers, recreational vehicles, and any and all related component parts thereof*, between the facilities of Champion Home Builders Company, Inc., Buffalo, TX, on the one hand, and on the other, all points and places in the U.S. and AK. Supporting shipper: Champion Home Builders Co., Inc., P.O. Box 459, Buffalo, TX 75831.

MC 153550 (Sub-5–2TA), filed February 18, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72767. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, Ga 30301. *Steel coils*, from points in OH, IL and MI to Harrison, AR. Supporting shipper: Anchor Die Cast Division, P.O. Box 1197, Harrison, AR 72601.

MC 154104 (Sub-5–1TA), filed February 18, 1981. Applicant: THREE RIVERS EXPRESS, INC., 509 West Cherokee, Wagoner, OK 74467. Representative: Farrell Rosson (same as above). Contract; Irregular. *Building materials, prefabricated steel buildings, and appliances* between points in the U.S. under bilateral contracts with Rosson Lumber and Ready Mix Co., Inc.

MC 154113 (Sub-5–1TA), filed February 17, 1981. Applicant: T. D. CARRIERS, INC., Box 15759, Houston, TX 77020. Representative: Danny M. Wilburn, Box 15759, Houston, TX 77020. *Molasses and/or syrups in containers (except in bulk)*, between points in the forty-eight (48) states. Supporting shipper: Colonial Molasses Company, 199 First St., Gretna, LA 70053.

MC 154113 (Sub-5–2TA), filed February 17, 1981. Applicant: T. D. CARRIERS, INC., Box 15759, Houston, TX 77020. Representative: Danny M. Wilburn, Box 15759, Houston, TX 77020. *Bearings, all types, castings and commodities related to and used in the manufacturing and distrubution of bearings and their related commodities*, between points in the forty-eight (48) states. Supporting shipper: FAG Bearings Corporation, Hamilton Avenue, Stamford, CT 06904.

MC 154113 (Sub-5–3TA), filed February 17, 1981. Applicant: T. D. CARRIERS, INC., Box 15759, Houston, TX 77020. Representative: Danny M. Wilburn, Box 15759, Houston, TX 77020. *Sugar in packages*, between points in the forty-eight (48) states. Supporting shipper: Supreme Sugars, Inc., One Shell Square, Suite 321, New Orleans, LA 70139; Godchaus-Henderson Sugar Co., Inc., P.O. Drawer AM, Reserve, LA 70084; Colonial Sugars, Inc., Gramercy, LA 70052.

MC 154117 (Sub-5–1TA), filed February 18, 1981. Applicant: DALCON EXPRESS, INC., P.O. Box 36229, Dallas, TX 75235. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except those of unusual value, Classes A and B explosives, Household Goods as defined by the Commission, commodities in bulk, and those requiring special equipment* between AR, LA, NM, OK and TX. Under continuing contract with TPS Freight Distributors. Supporting shipper: TPS Freight Distributors, Inc., P.O. Box 36229, Dallas, TX 75235.

MC 154118 (Sub-5–1TA), filed February 18, 1981. Applicant: ANDERSON & JOURGENSEN TRUCK LINE, INC., P.O. Box 6, Ennis, TX 75119. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Contract: Irregular. *(1) Paint and iron and steel articles; and (2) Materials and supplies used in the manufacture, sale and distribution of paint and iron and steel articles*, between points in the U.S. under continuing contracts with Ennis Paint Mfg., Inc., Ennis Steel Industries, and M.F.I. Incorporated. Supporting shippers: Ennis Paint Mfg., Inc., P.O. Box 6, Ennis, TX 75119; Ennis Steel Industries, P.O. Box 6, Ennis, TX 75119; M.F.I., Incorporated, P.O. Box 6, Ennis, TX 75119.

The following protests were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 134387 (Sub-6–9TA), filed February 9, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 1800 United California Bank Bldg., Los Angeles, CA 90017. *Mattresses, box springs, upholstered couches, lounges and sofas*, between Los Angeles and Alameda Counties, CA to all points in WA and OR, for 270 days. Supporting shipper: Simmons, U.S.A., 1700 Fairway Ave., San Leandro, CA 94577.

MC 71652 (Sub-6–10TA), filed February 12, 1981. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: David J. Stewart (same address as applicant). *(1) Aluminum, aluminum articles; (2) Lumber, lumber products, wood products, millwork, molding; (3) Iron and steel articles; (4) Metal articles other than iron and steel; (5) Building board; (6) Roofing materials; (7) Pipe, tubing, conduits, and fittings; (8) Building and construction materials; (9) Insulated panels*, between points and places in and west of the States of ND, SD, NE, KS, OK, and TX for 270 days. Supporting shippers: There are 16 shippers. Their statements may be examined at the Regional Office listed.

MC 42487 (Sub-6–57TA), filed February 12, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenbury, P.O. Box 3062, Portland, OR 97208. *Common carrier*, regular routes: *General commodities, (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, Serving the facilities of Zeigler-Harris Corporation at or near Pine Grove, PA, and Filter Media, Inc. at or near Locust Summit, PA, as off-route points in connection with carrier's otherwise authorized regular route operations, for 270 days. (Transportation authorized will not include the movement of hazardous materials.) Applicant intends to tack to its existing authority and any authority it may acquire in the future, to permit service to and from points throughout the U.S. Applicant proposes to interline traffic with its present connecting carriers supporting shipper(s): Ziegler-Harris Corporation, P.O. Box 98, Pine Grove PA 17963 Filter Media, Inc., P.O. Box 75, Gilberton, PA 17934.

MC 136605 (Sub-6–28TA), filed February 12, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Materials, equipment and supplies used in, incidental to, or in connection with the construction, operation, repairing, servicing, and maintenance of pipelines*, (1) Between points in MT, ND, SD, MN, IA and IL; (2) between points named in (1) above on the one hand, and points in the U.S. (Except AK & HI) on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Internorth Inc., 2223 Dodge St., Omaha, NE 68102.

MC 144606 (Sub-6–5TA), filed February 12, 1981. Applicant: DUNCAN & SON LINES, INC., 714 E. Baseline Rd., Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *Alcoholic beverages*, (except in bulk), *advertising materials and supplies*, from El Segundo, CA to Phoenix, AZ for 270 days. Supporting shipper: Phoenix Distribution Co., 33 So. 28th St., Phoenix, AZ 85034.

MC 145915 (Sub-6–2TA), filed February 11, 1981. Applicant: EAGLE TRANSPORT, INC., P.O.B. 189, Montpelier, ID 83254. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Oil drilling mud compounds*, between points in Lander and Nye Counties, NV on the one hand, and on the other, points in Uinta County, WY and Bear Lake County, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: IMCO Services, Inc., P.O. Box 309, Rock Springs, WY 82901.

MC 134484 (Sub-6–3TA), filed February 12, 1981. Applicant: EDWARDS BROS. INC., P.O.B. 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier*, Irregular routes: *General commodities (except classes A and B explosives, commodities in bulk, and used household goods as defined by the Commission)*, from the facilities of Far East Europe Trading, Inc., at or near Emeryville, CA to points in the U.S. in and west of WI, IL, MO, AR, and LA (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Far East Europe Trading, Inc., 1710 63rd St., Emeryville, CA 94608.

MC 124679 (Sub-6–39TA), filed February 12, 1981. Applicant: C.R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). *Commodities dealt in by wholesale and retail appliance businesses* from the facilities of the Sony Corporation at Los Angeles, CA and its commercial zone to points in OR, WA, MT, ID, WY, CO, UT, NM, and AZ, for 270 days. Supporting shipper: Ryan Distributing, 990 South 770 West, Salt Lake City, UT 84104.

MC 154042 (Sub-6–1TA), filed February 12, 1981. Applicant: JAMES T. GARRETT TRUCKING, INC., 4300 Holt Ave., Spc 125, Montclair, CA 91763. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier*, Irregular routes: *Food Supplement Products, Weight Control Products, Skin and Hair Products, Dehydrated Food Products, Dehydrated Food Storage Units, Household cleaning products and Health aid products*, from points in Orange County, CA and Portland, OR to points in the U.S. (Except AK and HI), for the account of Pro-Vita Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pro-Vita Corp., 1060 N. Armondo, Anaheim, CA 92806.

MC 152054 (Sub-6–1TA), filed February 12, 1981. Applicant: WILLIAM H. MILLER, d.b.a. GOLD COUNTRY EXPRESS, 4586 Mi-Wok Rd., Placerville, CA 95667. Representative: William H. Miller, P.O. Box 591, Lotus, CA 95651. *General Commodities* (with usual exceptions) between Sacramento, Placer and El Dorado Counties, CA for 270

days. An underlying ETA seeks 120 days authority. Applicant intends to interline. Supporting shippers: Warren Products, P.O. Box 574, Lotus, CA 94651; Rescue Engineers, Inc., P.O. Box 293, Rescue, CA 95672; Ro-Lar Electronics, Inc., 3364 Coach Ln., Cameron Park, CA 95682.

MC 154025 (Sub-6–1TA), filed February 11, 1981. Applicant: GOLD CROWN COACHES, INC., 945 Ratcliff Dr. S.E., Salem, OR 97302. Representative: Robert C. Willard (same address as applicant). *Passengers and baggage* in charter service, between Portland International Airport located in Multnomah County, OR, Marion, Polk, Linn, Benton, Lincoln, Yamhill and Tillamook Counties, OR and points in the U.S., except AK and HI for 180 days. Supporting shippers: There are seven shippers. Their statements may be examined at the Regional office listed.

MC 141049 (Sub-6–1TA), filed February 11, 1981. Applicant: GOODMAN MOTOR TRANSPORT CO. (1973) LTD., 6510 Jellicoe St., Vancouver, B.C., Canada V5S 3V1. Representative: Robert G. Gleason, 1127-10th East, Seattle, WA 98102. *Contract Carrier:* Irregular routes: *Cement in bags or containers other than in bulk,* from points in the state of WA to points on the International Boundary at or near Blaine, Lynden and Sumas, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kask Bros. Ready-Mix Ltd., 6715 Curtis St., N. Burnaby, B.C., Canada V5B 2A9.

MC 98964 (Sub-6–3TA), filed February 12, 1980. Applicant: P.B.I. FREIGHT SERVICE, 960 North 1200 West, Orem, UT 84057. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. *Common Carrier:* regular routes: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and the commodities requiring special equipment), over regular routes, between points in Utah County, UT, on the one hand, and, points in San Juan and Grand Counties, UT; Apache and Navajo Counties, AZ; and Dolores, San Miguel and Montezuma Counties, CO on the other hand; from Utah County over U.S. Hwy 50 to its intersection with Grand County and return, for 270 days. Operations in named counties above are over irregular routes. Applicant intends to tack and interline. There are 5 supporting shippers.

MC 149078 (Sub-6–10TA), filed February 12, 1981. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whitter, CA 90602. *Such commodities as are dealt in by manufacturers and distributors of building materials,* and *materials, equipment, parts and supplies for such commodities,* between facilities used by Donn Corporation in OH, MD, and PA, on the one hand, and, on the other, points in the U.S. west of the Mississippi River (except in AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Donn Corporation, 1000 Crocker Rd, Westlake, OH 44145.

MC 153794 (Sub-6–1TA), filed February 11, 1981. Applicant: HENRY J. ROBELLO, d.b.a. ROBELLO AND SON TRANSPORTATION, P.O. Box 123, Wallace, CA 95254. Representative: Arden Riess, P.O. Box 6067, Stockton, CA 95206. *Contract Carrier,* Irregular route: *Delicatessen products including lunch meats, and cheese items requiring refrigerated service,* from San Leandro, CA. to Tacoma, WA, for the account of Lucky stores, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lucky Stores Inc., 6300 Clark Ave., Dublin CA. 94563.

MC 138875 (Sub-6–43TA), filed February 12, 1981. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Raod, Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *lumber, lumber mill products, wood products and compoisition board* (except commodities in bulk), from points in MT to Adams-Arapahoe, Denver, Eagle, El Paso, Garfield and Pueblo Counties, CO and Ada and Bannock Counties, ID, for 270 days. An Underlying ETA seeks 120 days authority. Supporting shipper: Intermountain Orient, Inc., P.O. Box 4297, Boise, ID 83704; Idaho Pacific Lumber Company, Inc., P.O. Box 4815, Boise, ID 83704; and Gold shield, P.O. Box 5775, Boise, ID 83705.

MC 110325 (Sub-6–55TA), filed February 11, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105. *Common carrier, regular routes, general commodities* (except household goods as defined by the Commission and Classes A and B explosives) (1) between Dallas, TX and San Antonio, TX, from Dallas over Interstate Hwy 35E to junction Interstate Hwy 35, then over Interstate 35 to San Antonio and return over the same route; (2) between Houston, TX and San Antonio, TX from Houston over Interstate Hwy 10 to San Antonio and return over the same route; (3) between Ft. Worth, TX and junction of Interstate Hwys 34W and 35, from Ft. Worth over Interstate Hwy 35W to junction interstate Hwy 35, and return over the same route for 270 days. Applicant proposes to serve all intermediate points and their commercial zones, including the commercial zones of the named cities. Applicant further proposes to tack to its existing authority and interline at authorized service points throughout its system. An underlying ETA seeks 120 days authority. There are twenty-three (23) supporting shippers. Their statements may be viewed at the regional office listed.

MC 108121 (Sub-6–2TA), filed February 11, 1981. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., 18800 Southcenter Parkway, Tukwila, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. *Automobiles and trucks,* in secondary movements, in truckaway service, between Tacoma, WA, and points in NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Isuzu Motors, Inc., 2300 Pellissier Place, Whittier, CA 90601.

MC 151225 (Sub-6–5TA), filed February 11, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718-17th St., Suite 1700, Denver, Co 80202.. *Contract Carrier,* Irregular routes: *Sand and chemicals,* between points in AZ, CO, and NM, on the one hand, and, on the other, points in CO, NM, and UT, for the account of Big 3 Industries, Inc./ NOWSCO Services, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Big 3 Industries, Inc./NOWSCO Services, 720 North Post Oak R., Suite 332, Houston, TX 77024.

MC 151611 (Sub-6–7TA), filed February 11, 1981. Applicant: WAYFARE TRUCKING, INC., 725 Industrial Way, Port Hueneme, CA 93041. Representative: Ronald C. Chavel, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier,* Irregular Routes: *Foundry supplies,* between Pueblo, CO, Locust Summit, PA, Bell Fourche, SD, Fernwood, ID, Andersonville, GA, Brownsville, TX, Milwaukee, WI, Marietta, Astabula, and Sheffield, OH, Alloy, WV, and Pittsburg, PA, on the one hand, and Carson and Oakland, CA on the other hand; under continuing contract(s) with C.E. Cast Industrial Products, for 270 days. Supporting shipper: C. E. Cast Industrial Products, 2090 E. 220th, Long Beach, CA 90810.

MC 89684 (Sub-6–11TA), filed February 11, 1981. Applicant: WYCOFF COMPANY, INC., P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell, (same address as applicant). *Electrical equipment and parts,* between points in Los Angeles, Orange, and San Bernardino Counties, CA on the one hand, and on the other, points in NV, UT, ID, WY, and CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: GTE Sylvania, 6130 E. Slauson Ave., City of Commerce, CA 90040.

MC 154045 (Sub-6–1TA), filed February 12, 1981. Applicant: JAMES J. ZIMMERMAN, d.b.a. ZIMMERMAN TRUCKING, P.O. Box 1193, Lompoc, CA 93436. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Syrup, flavoring or fruit, in packages,* from Santa Maria, CA to Denver, CO; Southbury, CT; Columbus, GA; Owensboro, KY; Albuquerque, NM; Bryan, TX; El Paso, TX and points in OR and WA, for 270 days. Supporting shipper: Ramsey Laboratories, 840 W. Boone St., Santa Maria, CA 93454.

MC 129414 (Sub-6–2TA), filed February 13, 1981. Applicant: BELL & MOONEY, INC., P.O. Box 925, Gillette, WY 82716. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202. *Petroleum and petroleum products,* between Billings, Laurel, and Bridger, MT on the one hand, and, on the other, points in WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Black Thunder Marketing, Inc., P.O.B. 53, Casper, WY 82601; Farmers Co-operative Association of Gillette, WY, P.O.B. 3001, Gillette, WY 82716.

MC 154095 (Sub-6–1TA), filed February 17, 1981. Applicant: CEDAR POINT TRUCKING, INC., 113 W. 1st S., Rexburg, ID 83440. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *(1) Lumber and lumber mill products,* from points in Canada, ID, OR WA, MT, WY, CO, and CA, to points in AZ, CO, UT, and WY, and, *(2) Log home packages and materials and supplies used in the manufacture and distribution thereof,* between the facilities of Yellowstone Log Homes at or near Rigby, ID and the facilities of Youngstrom Log Homes at or near Blackfoot, ID, on the one hand, and, on the other, points in the U.S. in and west of ND, SD, NE, CO, and NM (except AK and HI), for the account(s) of Herin Forest Industries; Gorrell Lumber, Inc.; Yellowstone Log Homes; and Youngstrom Log Homes, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Herin Forest Industries, P.O.B. 25387, Portland, OR 97225; Gorrell Lumber, Inc., 6465 W. Ottwa Place, Littleton, CO 80123; Yellowstone Log Homes, Route 4, Box 2, Rigby, ID 83442; Youngstrom Log Homes, P.O.B. 385, Blackfoot, ID 83221.

MC 141033 (Sub-6–4TA), filed February 13, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Harris L. Rabins, (same as applicant). (1) *Paint coatings and paint related products,* from Pulaski County, AR to points in the U.S. (except AK and HI); and (2) *equipment, materials and supplies used in the manufacture, sale, and distribution of the commodities in (1) above,* from points in the U.S. (except AK and HI) to Pulaski County, AR for 270 days. Supporting shipper: Ameron, 201 North Berry St., Brea, CA 92621.

MC 146651 (Sub-6–1TA), filed February 17, 1981. Applicant: ARTHUR W. COULTER, d.b.a. A. W. COULTER TRUCKING, 24280 Ave. 95, Terra Bella, CA 93270. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Fiberboard boxes, box liners, box fillers,* from Ontario, CA to Glendale, Mesa, Phoenix, Tempe and Yuma, AZ, for 270 days. Supporting shipper: Fruit Growers Supply Co., 14130 Riverside Dr., Sherman Oaks, CA 91423.

MC 35227 (Sub-6–5TA), filed February 17, 1981. Applicant: EDSON EXPRESS, INC., 1270 Boston Ave., Longmont, CO 80501. Representative: Dale E. Isley, Suite 330, 50 South Steele St., Denver, CO 80209. *General Commodities* (except Classes A and B explosives) over irregular routes, between points in Big Horn, Converse, Fremont, Johnson, Natrona, Park, Sheridan, and Washakie Counties, WY, for 270 days. Supporting shipper: There are 22 supporting shippers. Their statements may be examined at the Regional Office listed. Applicant requests tacking and interline privileges.

MC 152187 (Sub-6–1TA), filed February 17, 1981. Applicant: GORDON TRUCKING, INC., 2205 Pacific Hwy E., Tacoma, WA 98424. Representative: Kenneth R. Mitchell, (same as applicant). *(1) Chemical and (2) Materials, equipment and supply used in the manufacture and distribution of commodities in (1) above,* between points in Pierce County, WA, on the one hand, and points in OR, on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Purex Corporation, 2001 Thorne Rd., Tacoma, WA 98421.

MC 154134 (Sub-6–1TA), filed February 18, 1981. Applicant: H&B TRUCKING CO., INC., 224 Oregon St., El Segundo, CA 90245. Representative: R. J. Rees, (same as applicant). *Contract Carrier,* Irregular routes: *Foodstuffs, Groceries, grocery house supplies and equipment used in the processing and distribution of same.* Between the facilities of Bavarian Specialty Foods located in the Los Angeles Commercial Zone and points in the U.S., for 270 days. Supporting shipper: Bavarian Specialty Foods, 750 Basin St., P.O. Box 1981, San Pedro, CA 90731.

MC 139906 (Sub-6–57TA), filed February 17, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Mineral Ores,* I.E. zircon, rutile, ilmenite, leucoxene, (except in bulk) from Green Cove Springs, FL to Henderson, NV; Los Angeles, CA and Portland, OR, for 270 days. Supporting shipper: Associated Minerals (USA), Ltd., P.O. Box 1307, Green Cove Springs, FL 32043.

MC 139906 (Sub-6–58TA), filed February 17, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Cigars* between Cullman, AL, and Jacksonville, FL on the one hand, and, on the other, points in CA, IL, MO, MD, NY, PA and DC., for 270 days. Supporting shipper: Jno. H. Swisher & Son, Inc., P.O. Box 2230, Jacksonville, FL 32202.

MC 154052 (Sub-6–1TA), filed February 13, 1981. Applicant: MIDWEST AUTO TRANSPORT, 7720 So. Everett, Littleton, CO 80123. Representative: William Sherman, (same address as applicant). *Used motor vehicles* between points in CO, WY, UT, NM, ND, SD, TX, NE, KS, MT, NV, AZ, OK, and MO, for 270 days. Supporting shipper: J. B. Auto Sales, 619 Edna, Pueblo, CO.

MC 154109 (Sub-6–1TA), filed February 17, 1981. Applicant: SERVICE TRANSPORT, P.O. Box 5704, Seattle, WA 98105. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055. *Contract Carrier,* Irregular routes: *Beer and Wine with empty pallets and containers on return* from points in CA to King County, WA for 270 days. Supporting shipper: K & L, Inc., 300—120th N.E., Bellevue, WA.

MC 138875 (Sub-6–44TA), filed February 17, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell, (same address as applicant). *Beer and wine* (except commodities in bulk), from Long Island, Westfield and Brooklyn, NY to Boise, ID, for 270 days. An

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underlying ETA seeks 120 days authority. Supporting shipper: Superior Beverage, Inc., 3880 Development Ave., Boise, ID 83705.

MC 136818 (Sub-6-27TA), filed February 17, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. *Roofing materials*, from Waxahachie, Ennis and El Paso, TX to points in AZ, CA, CO, ID, MT, NM, NV, WA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Elk Corporation, 531 W. Pampa, Mesa, AZ 85202.

MC 89684 (Sub-6-12TA), filed February 17, 1981. Applicant: WYCOFF COMPANY, INC., P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). *Auto parts and accessories*, between Los Angeles, CA; Salt Lake City, UT; and Denver, CO; on the one hand, and on the other, points in UT, NV, ID, WY, and CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Volkswagen of America, 11300 Playa St., Culver City, CA 90230; and American Parts System, Inc., 2037 So. 4250 W., Salt Lake City, UT 84120.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6549 Filed 2-27-81; 8:45 am]

BILLING CODE 7535-01-M

[Finance Docket No. 29430 (Sub-No. 1)]

NWS Enterprises, Inc.; Control; Norfolk and Western Railway Co. and Southern Railway Co.; Correction

February 24, 1981.

Finance Docket No. 29430 (Sub-No. 1), NWS ENTERPRISES, INC.—CONTROL—NORFOLK AND WESTERN RAILWAY COMPANY AND SOUTHERN RAILWAY COMPANY, and embraced proceedings, filed December 4, 1980 was accepted for consideration by decision of December 23, 1980 published in the **Federal Register** January 2, 1981, at 46 FR 173. The decision incorrectly listed the Durham and Southern Railway Company as a subsidiary of Southern Railway Company. The correct name for the subsidiary is the Durham and South Carolina Railroad Company.

Additionally, the published notice stated that the evidentiary phase of these proceedings must end by January 2, 1982. January 2, 1983 is the correct date by which the evidentiary phase must be completed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6629 Filed 2-27-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Museum Panel; Policy Section; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Museum Panel (Policy Section) to the National Council on the Arts will be held March 16-17, 1981, from 9 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 17, 1981 from 9 a.m.-5:30 p.m. to discuss future policy directions.

The remaining sessions of this meeting on March 16, 1981, from 9 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202), 634-6070.

Dated: February 19, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-6582 Filed 2-27-81; 8:45 am]

BILLING CODE 7537-01-M

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on Tuesday, March 10, 1981 from 9:00 a.m.-5:30 p.m. in room 1422, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of discussing confidential budgetary information to be submitted to the Office of Management and Budget and the Congress. The disclosure of such information would reveal information the premature disclosure of which would be likely significantly to frustrate implementation of a proposed agency action. In accordance with the determination of the Chairman, this session will be closed to the public pursuant to subsection 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: February 25, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-6580 Filed 2-27-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel; Crafts Fellowships/Apprenticeships; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Crafts Fellowships/Apprenticeships) to the National Council on the Arts will be held on March 16-20, 1981, 9:00 a.m. to 5:30 p.m. in the lobby of the Consul Building, on the first floor, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: February 19, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-6583 Filed 2-27-81; 8:45 am]

BILLING CODE 7537-01-M

Dance Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Dance Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under National Foundation in the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-6641 Filed 2-27-81; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Advisory Panel; Renewal

In accordance with this provision of the Federal Advisory Committee Act (Pub. L. 92-463), section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office and Management and Budget Circular A-63) notice is hereby given that renewal of the Design Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1983. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1981.

[FR Doc. 81-6640 Filed 2-27-81; 8:45 am]

BILLING CODE 7537-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

February 25, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal reports act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF DEFENSE

(Agency Clearance Officer—John V. Wenderoth—703–697–1195)

Extensions (Burden Change)

• Departmental and Others
Spare parts and maintenance support of space and missile systems (MIL–STD–1539) (USAF)
Other—see SF83
Businesses or other institutions
Defense aerospace contractors
Sic: 376
Multiple functions, 24 responses, 24 hours, $720 Federal cost, 0 form
Kenneth B. Allen, 202–395–3785

This standard is a unique RDT & E support concept for space and missile systems based on the contractor being responsible for providing all spare parts and required maintenance during the period of contract performance. This concept has eliminated the traditional provisioning concept and related data items. The costs of spare parts are included as a task in the contract statement of work and are negotiated as a part of the total contract cost.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(Agency Clearance Officer—Joseph Strnad—202–245–7488)

New

• Departmental Management
1. The survey of income and program participation
2. The survey of income and program participation (Wave one & two) pretest
OS–2–81 OS–2A–81
Other-see SF83
Individuals or households
Households in national probability sample
Public assistance and other income supplements, $10,900,000 Federal cost, 2 forms
Gwendolyn Pla, 202–395–6880

To provide statistics for the executive and legislative branches not previously available such as multiple-recipiency of benefits of major Government programs, to support policy analysis, monthly program participation and eligibility statistics. The data requirements include income, employment and household composition, taxes, assets, in-kind income and related subjects to estimate the effects of executive and legislative decisions.

• Health Care Financing Administration
Pilot test of revised medicaid and integrated quality control forms
HCFA 301 test
Nonrecurring
State or local governments
State quality control reviewers
SIC: 919
Health, 1,812 responses, 72 hours, $245,000 Federal cost, 2 forms
Richard Eisinger, 202–395–6880

A pilot test will be conducted for one month in seven States to test revisions to the medicaid and integrated quality control (QC) system forms, so that the feasibility of constructing a national medicaid data base using QC data can be determined.

• Health Resources Administration
Exceptional financial need scholarship program study
Questionnaire
HRA T99
Nonrecurring
Businesses or other institutions
Med., osteop., & den. sch. partic. in exceptl finan., etc.
SIC: 822
Health, 977 responses, 162 hours, $16,632 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880

The study will provide information on EFN scholarship recipients during the course of their studies. The results of the survey will provide PHS with critical information for upcoming legislative hearings, aid in managing their current program, and provide targeted monitoring and technical assistance.

Revisions

• Health Care Financing Administration
Chronic renal disease medical evidence report
HCFA–2728
On occasion
Individuals or households/businesses or other institutions chronic renal dise. clai. & physi. resp. for med. treatmt
SIC: 801
Small businesses or Organizations
Health, 15,000 responses, 3,750 hours, $49,590 Federal cost, 1 form
Richard Eisinger, 202–395–6880

Specific medical information required to determine the eligibility of chronic renal disease claimants under medicare. Form is used to elicit the data required to make an entitlement determination.

Extensions (Burden Change)

• Food and Drug Administration
Application for commission
FD–1777
On occasion
Individuals or households
State & loc. reg. officials applying for a commission
Consumer and occupational health and safety, 100 responses, 100 hours, $1,080 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880

This form is used to obtain background information on State and local officials applying for an FDA commission. Upon receipt of the form FDA 1777 FDA requests a security check from the office of personnel management. On a satisfactory check from OPM, the applicant is ultimately given an FDA commission.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Agency Clearance Officer—Robert G. Masarsky—202–755–5184)

Extensions (No Change)

• Housing Programs
Request for approval of advances under a preliminary loan contract or under a contract for planning and land acquisition
HUD 51991
On occasion
State or local governments
Advances under preliminary loan contracts
SIC: 953
Mortgage credit and thrift insurance, 300 responses, 900 hours, $120 Federal costs, 1 form
Richard Sheppard, 202–395–6880

Authority for this report is title II of the Housing and Community Development Act of 1974 (P.L. 93–383, 88 Stat. 633). Submitted by Public Housing Agency to obtain approval of advances under a preliminary loan contract. Needed by HUD to control allocated funds and determine advances required and amount to approve.

• Housing Programs
Requisition for partial payments of operating subsidy, Public Housing Urban Initiatives Program (PHUIP)
HUD–53120
Quarterly
State or local governments
Public housing agencies
SIC: 953
Public assistance and other income supplements, 268 responses, 536 hours, $6,852 Federal cost, 1 form
Richard Sheppard, 202–395–6880

Authorization title no. HDC 1974, P.L. 93–383, 88 Stat 633. Submitted by PHA's and will be used to obtain partial payments for actual and proposed expenditures for the PHUIP. Payment of actual and proposed expenditures for the public housing urban initiatives program.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—202–633–3526

New

• Immigration and Naturalization Service
Application by refugee for waiver of grounds of excludability
I–602
Nonrecurring
Individuals or households
Alien refugees
Federal law enforcement activities, 6,000 responses, 1,500 hours, $207,000 Federal cost, 1 form
Andy Uscher, 202–395–4814

The I–602 is an application required to implement the waiver of excludability provisions as provided in the Refugee Act of 1980. the Act requires I & NS to report to Congress the number of waivers granted and a summary of the reasons for granting such waivers.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Mine Safety and Health Administration
Survey of welding operations in the metal and nonmetal mining industry
MSHA–4000–33
Nonrecurring
Businesses or other institutions
Metal and nonmetal mine operators, supervisors, and miners
SIC: 101
Small Businesses or organizations
Consumer and occupational health and safety, 2,537 responses, 2,537 hours, $100,000 Federal cost, 3 forms
Arnold Strasser, 202–395–6880

Under the Federal Mine Safety and Health Act of 1977 the MSHA has responsibility for improving mandatory health and safety standards for the mining industry. Towards this end, the standards committee has determined the need to establish health standards for welding.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—202–287–0754

Reinstatements

• 1. Lead additive reporting forms for refiners
2. Manufacturering sites
EPA–3520 –2 –3
Quarterly
Businesses or other institutions, all gasoline producing refineries in the U.S.A.
Pollution control and abatement, 1,040 responses, 4,160 hours, $2,000 Federal cost, 2 forms
Edward H. Clarke, 202–395–7340

This information is needed to have a record of compliance by individual refiner. This is required in the lead phase-down program which limits the use of lead additives in gasoline.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Revisions

• Disability Benefits Questionnaire
29–8313
On occasion
Individuals or households
Insured veterans
Income security for veterans, 102,000 responses, 25,500 hours, $274,797 Federal cost, 1 form
Robert Neal, 202–395–6880

The completed form is required by law, 38 U.S.C. 712. The information collected is used to determine the continuing eligibility for waiver of insurance premiums or income benefits on total disability.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2596

Revisions

• 5Power Distributors Annual Financial Report
TVA–3957
Annually
Businesses or other institutions
Electric companies who purchase power from TVA
Energy supply, 160 responses, 3,200 hours, $55,000 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

Need—helps fulfill responsibilities assigned by Congress. Uses—tool to measure effective retailing of electricity at lowest possible rates. Aids in maintaining uniform and acceptable accounting. Aids in making managerial decisions relating to electric operations, i.e., load growth, studies, financial needs forecasts, results and effects of conservation programs, etc.

Extensions (No Change)

• Power Distributors Monthly Financial Report
TVA–4171
Monthly
Businesses or other institutions
Electric companies who purchase power from TVA
Small businesses or organizations
Energy supply, 1,920 responses, 960 hours, $14,000 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

Need—helps fulfill responsibilities assigned by Congress. Uses—assures accounting and recordkeeping maintained on current and readily available basis. Supplies management with financial information on a monthly recurring basis to assist in making management decisions concerning electric rates, finances, and other long and short term plans.

C. Louis Kincannon,
Assistant Administrator.

[FR Doc. 81–6878 Filed 2–27–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11644; 812–4822]

American Birthright Trust and Tax-Managed Fund for Utility Shares; Application and Order

February 24, 1981.

Notice is hereby given that American Birthright Trust and Tax-Managed Fund for Utility Shares (collectively referred to as "Applicants"), 247 Royal Palm Way, Palm Beach, Florida 33480, open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on February 12, 1981, for an order of the Commission under Section 6(c) of the Act exempting Applicants from certain provisions of Section 16(a) of the Act until April 30, 1981, to permit pursuant to a court order three "disinterested" persons and one new "interested" person to serve on the board of trustees or board of directors of the Applicants until Applicants' 1981 annual meetings of shareholders. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On December 30, 1980, the United States District Court for the District of Columbia entered an order in *Securities and Exchange Commission* v. *American Birthright Trust Management, Inc. et al.* ("Order"). The entry of that Order resulted in the settlement of an injunctive action brought by the Commission against the investment adviser, officers of the investment adviser, and the directors and trustees of the Applicants as a result of certain violations of the Securities Act of 1933

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("1933 Act") and the Act committed by the above entity and individuals in their administration of the affairs of the Applicants. Among other things, the Order required that the investment adviser of the Applicants and the officers of the investment adviser take action to ensure that at least 60% of the members of the board of trustees of American Birthright Trust and board of directors of Tax-Managed Fund for Utility Shares would consist of disinterested directors or trustees having no previous affiliation with any of the defendants in this case and with whom the Commission shall have no objection. Pusuant to that provision of the Order all but one member of the old Boards resigned and were replaced by four individuals, three of whom had no previous affiliation with any of the defendants in the injunctive action. Thus, only one member of the Applicants' present Boards has been elected by the shareholders of the Applicants.

Section 16(a) of the Act in part provides that, except for the filling of certain vacancies on a board of directors, no person can serve as a director of an investment company unless elected by shareholders. In the event that at any time less than a majority of directors are elected by shareholders, Section 16(a) requires that a special shareholder meeting be held within sixty days for the purpose of electing directors to fill any existing vacancies on the board unless the Commission shall, by order, extend such period. In order to prevent their Boards from being improperly constituted after February 28, 1981, the Applicants have requested, pursuant to Section 6(c) of the Act, an exemption from the provisions of Section 16(a) of the Act until April 30, 1981.

In their application the Applicants state that their new Boards, assisted by an independent counsel who was appointed pursuant to the terms of the Order, are currently reviewing the terms of the advisory and service contracts with the Applicants' investment adviser (American Birthright Trust Management, Inc.). Applicants further state that such review should be completed in sufficient time to allow the new Boards to present to the Applicants' shareholders at the 1981 annual meetings the results of their deliberations. Such annual meetings are scheduled to be held in April.

The applicants request permission to delay holding shareholder meetings to ratify the appointment of their new directors and trustees until their scheduled annual meetings of shareholders. The Applicants note that the holding of special shareholder meetings by February 28, 1981, to elect directors and trustees would result in the holding of two shareholder meetings within three months. The Applicants contend that requiring Applicants to hold two such meetings within a three month period would impose an unnecessary and inappropriate burden on them, and constitute an unjustifiable cost to their shareholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The matter has been considered by the Commission, and it is found that, in view of the circumstances set forth above, particularly given the District Court's entry of the Order, the concurrence of the Commission with the terms of the Order, the temporary nature of the exemption sought and the necessity of acting immediately to protect shareholders' interests, the granting of an immediate temporary order exempting Applicants from Section 16(a) of the Act to permit three disinterested persons and one new interested person to serve on the Board of each Applicant pursuant of the Order until April 30, 1981, is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly,

It is ordered, pursuant to Section 6(c) of the Act, that the application for a temporary order exempting the Applicants from certain provisions of Section 16(a) of the Act to permit, pursuant to a court order, three disinterested persons and one new interested person to serve on the board of trustees or board of directors of the Applicants until Applicants' 1981 annual meetings of shareholders to be held by April 30, 1981, is granted.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6553 Filed 3-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21931; 70-6435]

Central and South West Fuels, Inc., et al.; Proposed Fuel Exploration and Development Budgets

February 24, 1981.

In the matter of Central and South West Fuels, Inc., 1800 Davis Building, 1309 Main Street, Dallas, Texas 75202, Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403, Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102, Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156, and West Texas Utilities, P.O. Box 841, Abilene, Texas 79604.

Notice is hereby given that Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO"), Southwestern Electric Power Company ("SWEPCO") and West Texas Utilities ("WTU"), electric utility subsidiaries of Central and South West Corporation ("CSW"), a registered holding company, together with Central and South West Fuels, Inc. ("CSWF"), a fuel subsidiary of CPL, PSO, SWEPCO, and WTU have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a), 10, 12 and 13 of the Act and Rules 80-95 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said application-declaration which is summarized below for a complete statement of the proposed transaction.

By orders dated December 28, 1978, March 30, 1979, May 11, 1979, May 31, 1979, June 28, 1979, July 31, 1979, October 31, 1979 and April 1, 1980 (HCAR Nos.20864, 20933, 21046, 21071, 21124, 21165, 21234 and 21506), applicants declarants were authorized fuel exploration and development budgets for the period January 1, 1979 through March 31, 1981. Applicants-declarants here request fuel exploration and development authorizations for the period April 1, 1981 through December 31, 1981.

CSWF and the operating companies have budgeted expenditures of $15,849,000 for the period April 1, 1981 through December 31, 1981 for lignite projects. In addition, they have budgeted $1,584,000 as a contingency against cost overruns. The activities will be conducted by CSWF as agent for the operating companies.

An estimated $40,000 of the lignite budget will be used for the Cass-Morris Area (Texas) for required maintenance of existing leases. No development, engineering or geological work will be undertaken in this area.

An estimated $3,562,000 of the lignite budget will be used for the Dolet Hills Area (Louisiana); $2, 291,000 will be expended on land acquisition and maintenance of existing leases and $1,271,000 for engineering expenses. As of September 30, 1980 this project contained a total of 29,442 acres held in joint tenancy by SWEPCO and Central Louisiana Electric Company ("CLECO"). The lignite in this prospect will be used for the Dolet Hills power plant, to be owned in equal shares by SWEPCO and CLECO, which is expected to be placed in service in 1986. SWEPCO, to the exclusion of any other CSW System company, will reimburse CSWF for all Dolet Hills Area expenditures and will be directly reimbursed by CLECO for 50% of all Dolet Hills expenditures.

An estimated $1,638,000 of the lignite budget will be used for the Karnack-Wood-Lawn Area (Texas); $556,000 will be spent for outcrop and minor bracket drilling to further delineate the lignite area, $713,000 will be exepnded for engineering purposes, and $369,000 is budgeted for land acquisition and lease maintenance. As of September 30, 1980 CSWF had acquired leases for 35,643 net acres in this prospect. The lignite from this prospect will be used for Karnack I and II, two CSW system 640 MW lignite units. Karnack I is expected to be placed in commercial operation in 1990.

An estimated $6,004,000 of the lignite budget will be used for the South Hallsville Area (Texas); $3,636,000 will be spent for pipeline relocation in the project area, $1,773,000 will be used for land acquisition and lease maintenance, and $595,000 is for further geological and engineering work as well as for CSWF contract administration relating to the planning, designing, development and construction of a surface lignite mine. As of September 30, 1980 this prospect contained approximately 41,325 net acres. The lignite obtained in this prospect will be used only for the SWEPCO 640 MW Pirkey unit planned for commercial operation in 1985. Since no other CSW System company will share in that plant, SWEPCO will continue to reimburse CSWF for all expenditures for this project. Beginning in the fall of 1984, North American Coal Corporation will mine and deliver lignite to the Pirkey Plant pursuant to a cost plus take or pay contract.

An estimated $3,098,000 of the lignite budget will be used for the Walker-Grimes Area (Texas); $1,399,000 will be spent to complete outcrop drilling and overburden coring in Area I and to perform development drilling, overburden coring and preliminary evaluations of deeper lignite in Area II. $1,073,000 will be used for engineering work, $626,000 is budgeted for land acquisition and lease maintenance. As of September 30, 1980 CSWF has acquired leases for 53,838 net acres in this prospect. The lignite from this prospect will be used for two 640 MW CSW System lignite units the first of which is scheduled for commercial operation in 1989.

An estimated $1,047,000 of the lignite budget will be spent on the Coastal States Area (Texas); $47,000 will be used for drilling, analysis and other associated geological testing in order to determine whether it would be advisable to exercise an option on this prospect. $1,000,000 is for the cost of acquisition of the lignite properties in the event such tests show substantial lignite deposits. CPL was one of four utilities (the other three are unaffiliated companies) granted an option to purchase lignite properties in Bastrop, Fayette and Washington Counties, Texas as a result of the settlement of claims against Coastal States Lo Vaca. CPL's share of the settlement would permit it to purchase 35.535905% of these properties. CPL is the only CSW system which currently has an interest in this prospect.

An estimated $460,000 will be expended during the budget period on other lignite projects. These expenses include geological and engineering studies, evaluations, and acquisition of properties submitted to CSWF during the period.

For the period from April 1, 1980 through March 31, 1981 the Commission had authorized the expenditure of $3,500,000 for the exploration and development of the New Castle-Crystal Fall prospect. It is estimated that only 41,049,000 of the $3,500,000 budgeted will be expended by March 31, 1981, leaving $2,451,000 unexpended. CSWF has budgeted $2,581,000 for all coal projects for the period April 1, 1981 through December 31, 1981. Of this amount $2,451,000 is budgeted for the New Castle-Crystal Falls Area (Texas) and will be expended as part of the same program and for the same purposes as the $3,500,000 budgeted for the previous period.

An estimated $884,000 will be spent for the New Castle-Crystal Falls prospect for developmental drilling and detailed quality control coring in Area II and for fill-in drilling and continuous coring in Area I. Engineering work, budgeted at $1,004,000, including mapping, surveying, analysis of drilling data, and the preparation of a preliminary mine plan, will be conducted during the period. This engineering work will provide a definitive estimate of fuel quality and quantity, and also of the cost of fuel from this project. Approximately $763,000 will be used for further acquisition of acreage in the prospect area and in the maintenance of leases that have been acquired to date. CSW and its operating companies believe that the main advantage of the New Castle-Crystal Fails coal prospect is that it will allow the use of a mine mouth plant which would alleviate the uncertainty and high cost connected with transporting western coal.

It is expected that approximately $118,000 will be expended during the budget period for engineering and feasibility studies related to other coal projects which have been or may be offered CSWF during the period; $12,000 is budgeted as a contingency element for other coal studies conducted during the budget period.

CSWF and the operating companies have budgeted $35,000 for uranium expenditures for the period from April 1, 1981 through December 31, 1981. An additional contingency amount of $3,000 is budgeted to protect CSWF against unforeseen cost overruns. Most of these expenditures will be for land-related legal fees for PSO's uranium holdings.

Additionally, CPL, PSO and SWEPCO have budgeted $18,000,000, $11,560,000, and $1,850,000, respectively, for the period April 1, 1981 through December 31, 1981, for oil and gas exploration and development activities to be conducted by them unilaterally or with entities not affiliated with any CSW operating company.

CPL, PSO, and SWEPCO propose to continue severally to acquire leasehold interests and surface titles, to dispose of interests deemed not attractive or appropriate to their needs, to conduct geological evaluation and testing, to drill exploratory and development wells, to operate wells, to acquire and operate gathering and pipeline facilities in connections with gas and oil wells in which any of them has a participation, to arrange for any treatment or processing needed to sell or exchange products or byproducts where such sales or exchanges directly or indirectly reduce fuel costs. Activities may be entered into through joint ventures, partnerships, or other common enterprises with entities not affiliated with CPL, PSO, or SWEPCO (except for Transok Pipe Line Company, a wholly-owned subsidiary of PSO), and may involve farm-ins, farm-outs, bottom-hole or dry-hole contributions and other transactions.

CPL proposes to expend a total of $18,000,000 for the budget period, of which $14,525,000 will be for new exploration and development and $1,675,000 for old exploration and development. The remaining $1,600,000 will be for lease acquisition and operating costs. CPL has also budgeted $1,800,000 as a contingency element to protect itself against inforeseen cost overruns.

PSO proposes to expend a total of $11,560,000 for the budget period and does not expect to initiate new petroleum exploration and development ventures in states other than those in which it currently engaged in such activities. Of the total expenditures for the budget, $10,377,000 is for current exploration for ongoing programs in the ANADARKO and ARKOMA basin areas in Oklahoma, and $1,183,000 will be for new exploration. PSO has also budgeted $1,156,000 as a contingency element to protect itself against unforeseen cost overruns.

SWEPCO has budgeted expenditures of $1,850,000 for the budget period. The oil and gas budget contemplates the continued development of the South Carthage prospect, the Longwood prospect, and the Elm Grove prospect. SWEPCO has budgeted $185,000 as a contingency element to protect it against unforeseen cost overruns.

CSWF's general and administrative expenses for the budget period are estimated at $782,000, plus a contingency of $78,000 to protect CSWF against unforeseen additional costs.

The fees expenses to be incurred in connection with the proposed transactions are estimated at $3,200 including legal fees of $1,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 20, 1981 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6551 Filed 2-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11643; 812-4783]

Lincoln National Life Insurance Co. and Lincoln National Variable Annuity Fund A; Application

February 24, 1981.

Notice is hereby given that The Lincoln National Life Insurance Company ("Lincoln National"), a stock life insurance company organized under the laws of the State of Indiana, and The Lincoln National Variable Annuity Fund A ("the Fund"), 1300 South Clinton Street, Fort Wayne, Indiana 46801, a separate account of Lincoln National registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company (hereinafter collectively referred to as "Applicants") filed an application on December 17, 1980, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On September 16, 1966, Lincoln National's Board of Directors established the Fund pursuant to Indiana law. Lincoln National serves as investment adviser to and principal underwriter for the Fund. Among the variable annuity contracts offered by the Applicants is a Group Variable Annuity Contract designed to fund benefits provided by annuity purchase plans adopted by public school systems and certain tax-exempt organizations for their employees and which qualifies for tax-deferred treatment under Section 403(b) of the Internal Revenue Code of 1954, as amended.

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make available to certain employees an Optional Retirement Program ("the Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. The statute provides as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company quaified to do business in Texas. In 1973, the Texas legislature made two amendments in the Program legislation, which amendments became effective on June 14, 1973. The statutory definition of the Program was amended to provide that the beneifts of such annuities are to be available only upon termination of employment in Texas public institutions of higher education, retirement, death or total disability of the participant. The other amendment added a new Section 51.358 to Subchapter G which also provides that the benefits of such annuities will be available only if the participant dies, terminates his employment due to total disability, accepts retirement, or terminates employment in the Texas public institutions of higher education.

Because of uncertainty regarding the effect of these amendments, the University of Texas System ("the System") requested the opinion of the Attorney General of Texas with respect to several questions concerning such amendments. The Attorney General reendered an opinion dated February 18, 1975, in response to the System's letter. The Attorney General interpreted Section 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Program on or after June 14, 1973, that make available the redemption value of such contract prior to the occurrence of one of the conditions specified in the statute, *i.e.*, termination of employment, retirement, death or total disability. Moreover, the opinion further stated that the prohibitions of Section 51.358 were impliedly in effect upon the establishment of the Program (in 1967) and that notwithstanding any language which may be contained in existing contracts, a participant in the Program has never had the right to redeem his annuity contract otherwise than in accordance with the limitations described above. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another; accordingly, the granting of the relief requested in the application would not affect such right.

Sections 27(c)(1), 22(e) and 27(d)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a redeemable security. Section 2(a)(32) of the Act defines "redeemable security" to mean any security under the terms of which the holder upon it presentation to the issuer or to a person designated by the issuer is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfication upon redemption of any redeemable security in accordance with its terms for more then seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(b) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants hereby request exemption from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with Section 51.358 as it pertains to: (i) redemption values under contracts issued to participants in the Program subsequent to the date of such exemptive order, and (ii) redemption values under group contracts issued prior thereto but attributable to payments made subsequent to the date of such order such that redemption values, in accordance with the opinion of the Texas Attorney General cited above, may be made available only upon termination of employment, retirement, death, or total disability of the participating faculty member.

Applicants assert that if such exemptions are not granted, persons participating in the Program effectively will be denied an opportunity to select as a funding medium for their retirement benefits one of two funding media specifically provided in the Texas statute for such purpose. Additionally, participants will be unable to obtain the state's contributions for the purchase of an equity-based retirement vehicle. In this respect, the Attorney General's opinion indicated that these contributions will encourage participation in the retirement plan but that unrestricted withdrawals prior to retirement might be detrimental to an effective retirement vehicle. In view of the foregoing, Applicants assert that the Commission should grant the requested exemptions because: (1) the limited restriction on redemption would be voluntarily assumed by participants, *i.e.*, eligible employees are not required to participate in the Program; (2) the restrictions were neither formulated nor suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the contributions of the State of Texas.

Applicants will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values. This disclosure will take the form of an appropriate reference in each prospectus to the restrictions on redemption of these contracts, as well as a requirement that each participant, as part of the determination that the sale of these contracts be suitable for that participant, sign a statement indicating that he/she is aware that these restrictions will be placed on his/her contract when it is issued.

In addition, Lincoln National will review all sales literature that is to be used in conjunction with the sales of these contracts for the existence of material representations that are inconsistent with the restrictions to be placed on these contracts and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of the potential participants.

Section 6(c) authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 20, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that they be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following March 20, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6554 Filed 2-27-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

February 23, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

GEO International Corporation

Common Stock, $.10 Par Value (File No. 7-5865)

This security is listed and registered on one or more other national securities exchanges and is reported on the

consolidated transaction reporting system.

Interested persons are invited to submit on or before March 16, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6555 Filed 2-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21926; 70-6550]

Mississippi Power & Light Co.; Proposal To Amend Charter To Increase Authorized Number of Shares of Common and Preferred Stock

February 20, 1981.

Notice is hereby given that Mississippi Power and Light Company ("Company"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subsidiary of Middle South Utilities, Inc. ("Middle South") has filed a declaration with this Commission pursuant to the public Utility Holding Company Act of 1935 ("Act") designating Sections 6 and 7 as applicable to the following proposed transaction. All interested parties are referred to said application which is summarized below for a complete statement of the proposed transaction.

The Company proposes to amend its Restated Articles of Incorporation ("Charter") to increase the authorized number of shares of common stock from 5,000,000 shares to 15,000,000 shares, and to increase the authorized number of shares of Preferred Stock from 704,476 shares to 2,004,476 shares. Under its charter, the Company is authorized to have outstanding 5,000,000 shares of common stock, without par value ("Common Stock"), of which 4,540,000 shares are presently issued and outstanding and 460,000 authorized but unissued shares remain available for issuance. In addition the Charter provides for one class of preferred stock consisting of 704,486 shares having a par value of $100 per share ("Preferred Stock"), of which 378,808 shares have been issued in five series and are presently outstanding an 325,668 authorized but unissued shares remain available for issuance.

The Company presently estimates that its future capital requirements will necessitate the authorization of additional shares of Common Stock. The Company expects to file an Application and/or declaration for authority to issue and sell additional common Stock to Middle South in 1981.

In light of current financial plans contemplated by the Company to issue and sell 300,000 shares of a new series of Preferred Stock, assuming adequate earnings coverage (File No. 70-6537), the Company estimates that the shares of Preferred Stock authorized and available for issuance would be virtually exhausted within the next year.

The Company believes that the current amount of authorized Common Stock and Preferred Stock is not sufficient to allow it to meet its future financing requirements. It is estimated that the Company's construction expenditures for 1981, 1982 and 1983 will be $159,528,000, $77,000,000 and $81,000,000, respectively, Net of Allowance for Funds Used During Construction.

The adoption of the proposal will require the affirmative vote of the holders of at least two-thirds (2/3)of all outstanding shares of the Common Stock and of all outstanding shares of the Preferred Stock voting together as a single class. The Company has been informed by Middle South, the beneficial owner of all outstanding shares of the Company's Common stock, that it intends to vote its shares in favor of the proposal. Such vote would necessarily constitute the vote necessary for adoption of the proposal.

The fees and expenses incurred by the Company in connection with this proposal are estimated not to exceed $20,000 including legal fees of $12,500 and printing costs of $4,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 16, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Wahington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6552 Filed 2-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17568; File Nos. SR-NYSE-80-11, SR-Amex-80-6]

New York Stock Exchange, Inc. and American Stock Exchange, Inc.; Order Approving Proposed Rule Changes

February 24, 1981.

I. Introduction and Summary

On May 5, 1980, the Commission instituted proceedings pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 ("Act")[1] to determine whether to disapprove proposed rule changes[2] filed by the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, and the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, to make permanent their respective rules regarding Registered Competitive Market Markers ("RCMMs") and Registered Equity Market Makers ("REMMs").[3] The Commission has determined that the proposed rules are consistent with the Act and the rules thereunder, and in particular Section 6(b)(5) of the Act, since the RCMM and REMM programs

[1] 15 U.S.C. 78s(b)(2).

[2] Notice of the commencement of this proceeding was given by the issuance of Securities Exchange Act Release No. 16781 (May 5, 1980). Interested persons were invited to submit written data, views and arguments as well as rebuttals to any such submissions.

[3] File Nos. SR-NYSE-80-11 and SR-Amex-80-6.

are designed to facilitate more liquid and competitive markets on the respective exchanges and, thereby, to remove impediments to and perfect the mechanism of a free and open market. Accordingly, the Commission has determined to approve the proposed rule changes. While the Commission is unable to conclude that RCMMs and REMMs qualify for the market maker exemption from the proprietary trading restrictions of Section 11(a) of the Act, because the Commission has concluded that the RCMM and REMM programs may add some depth and liquidity to their respective markets and do not appear to have any negative impact on those markets, the Commission, by rule, is granting RCMMs and REMMs an exemption from the statutory prohibition pursuant to Section 11(a)(1)(H) of the Act.[4]

II. Background

The RCMM (NYSE Rule 107) and REMM (Amex Rule 114) programs have been in effect on a pilot basis since May 1, 1978.[5] The programs were devised to avoid the effects of Section 11(a) of the Act, adopted in 1975, which prohibits proprietary trades by exchange members except pursuant to specific exemptions contained therein.[6] It was envisioned that members who previously had functioned as floor traders on the NYSE and Amex, would qualify, as RCMMs and REMMs, for the exemption from the proprietary trading restriction for any "transaction by a dealer acting in the capacity of a market maker" ("market maker exemption").[7]

The rules permit RCMMs and RMMs to effect on-floor proprietary trades subject to a number of requirements. For example, a member registered as an RCMM or REMM is subject to an "affirmative" obligation to respond when "called-in" by a floor official, or by a floor broker holding an unexecuted customer order and to improve the market in a particular stock.[8] RCMMs and REMMs also are subject to a "negative" obligation requiring that, whenever they make bids or offers or effect transactions, their activity must be conducted in a manner consistent with the maintenance of a fair and orderly market in the subject security.[9]

After considering the October 1979, filings by the NYSE and Amex which sought permanent approval of the RCMM and REMM rules,[10] the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether to disapprove the RCMM and REMM rules. In its order instituting disapproval proceedings, the Commission stated that it was unable to conclude, based upon the data submitted by the NYSE and the Amex, that RCMMs and REMMs performed a *bona fide* market making function and, accordingly, that they qualified for the market maker exemption under Section 11(a)(1)(A). The statistics submitted by the NYSE and the Amex indicated that the extent to which RCMMs and REMMs were called-in was extremely limited and the vast majority of their trading volume occurred in situations in which they had not been called-in to participate.[11] The Commission also stated its concern that, when trading on their own initiative, RCMMs and REMMs are free to engage in isolated trading not constituting the kind of regular and continuous course of dealings in a particular security normally associated with market making.[12]

III. Summary of Submissions Received

A. Comments of NYSE

The NYSE stated that the Commission incorrectly focused upon the frequency of call-ins as a measure of RCMMs' market making performance since call-in statistics do not take into account those trades which would have resulted in a call-in but for the fact that the RCMM already was present in the crowd. In this regard, the NYSE suggested that a more appropriate measure of whether RCMMs perform a supplemental market making function is the ratio of RCMM responses to the number of times they are called-in. Further, the NYSE argued tht RCMMs are an important source of competition to the specialist and, in view of the absence of any harmful effects resulting from their trading, that it would be contrary to the intent of the Act to eliminate RCMMs as a competitive element on the floor. The NYSE also asserted that the standards governing RCMMs meet or exceed those of certain market makers in other exchange markets and, therefore, a determination by the Commission that RCMMs are not market makers for purposes of the Act would be inconsistent both with the Act's policy in favor of equal regulation and the Equal Protection Clause of the Fourteenth Amendment to the Constitution. Finally, the NYSE stated that the Commission's interpretive exclusion of exchange members from the coverage of the "natural person" exemption of Section 11(a)(1)(E) is erroneous and therefore, that RCMMs should be permitted to trade pursuant to that exemption.

B. Comments of the Amex

The Amex also stated that the Commission incorrectly relied upon the frequency of call-ins as a measure of market maker performance. The Amex argued that the essence of market making is to provide depth and liquidity to the market by engaging in transactions which generally are on the opposite side of the market in relation to the weight of public order flow, and stated that its rules assure that all trading by REMMs serves this function. The Amex also argued that REMMs have functioned as a competitive force to discipline trading by exchange specialists.

IV. Discussion

Section 19(b)(2) of the Act requires the Commission to approve a proposed rule

[4] *See* Securities Exchange Act Release No. 17569 (February 24, 1981).

[5] Securities Exchange Act Release No. 14718 (May 1, 1978), 45 FR 19738 (File Nos. SR-NYSE-78-24, and SR-Amex-78-10).

In approving the pilot programs, the Commission stated that it would look at the actual conduct of RCMMs and REMMs and that, if permanent approval was sought, the Amex and NYSE would have to submit specific data demonstrating that RCMMs and REMMs performed a *bona fide* market making function. *Id.* at 12.

[6] Section 11(a) of the Act was amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975) ("1975 Amendments"), but was not to become effective until May 1, 1978. Subsequently, the Congress amended the effective date and Section 11(a) become fully effective on February 1, 1979.

[7] Section 11(a)(1)(A) of the Act.

[8] RCMMs are obligated to respond to call-ins by floor officials or floor brokers by either (1) bidding or offering so as to narrow the spread by at least ⅛ of a point, or (2) improving depth by at least one unit of trading (100 shares) at the current bid or offer.

REMMs on the Amex are subject to the same general obligations only if the bid or offer was quoted by the Amex specialist for his own account.

[9] RCMMs and REMMs generally are prohibited from reaching across the market to engage in destabilizing transactions. *See* NYSE Rule 107B.10(ii) and Amex Rule 119.02(C).

[10] File Nos. SR-NYSE-79-42 and SR-Amex-79-13. The NYSE and Amex initially sought permanent approval of the RCMM and REMM rules in June 1979 (File Nos. SR-NYSE-79-27 and SR-Amex-79-9). However, the exchanges amended their filings to obtain only a nine-month extension of the pilots.

[11] The statistics submitted by the NYSE showed that in excess of 90 percent of the average weekly RCMM share volume was self-initiated. Similarly Amex statistics showed that 100 percent of REMM volume for October 1979, and 98 percent of REMM volume for January 1980, was self-initiated. Amex REMMs are required to yield priority to off-floor orders in establishing or increasing a position when initiating trades.

[12] While NYSE RCMMs are permitted to trade as market makers in every security listed on the NYSE (approximately 2,100), Amex REMMs are permitted to trade as market makers only in the stocks in which they are registered (typically 10-15).

The ability of RCMMs and REMMs to engage in this type of isolated trading is enhanced by their use of other floor brokers to execute their transactions.

change of an exchange if it finds that the proposal is consistent with the applicable requirements of the Act and the rules and regulations thereunder. The Commission must disapprove a proposed rule change if it is unable to make such a finding.

The Commission has reviewed the submissions of the NYSE and the Amex and has found no additional statistics or arguments that lead it to conclude that the trading activity of RCMMs and REMMs constitute transactions by a dealer acting in the capacity of a market maker, as required to qualify for the market maker exemption from Section 11(a). Nevertheless, the Commission believes, on balance, that RCMMs and REMMs provide the potential for sufficient benefits to their markets to warrant the continuation of the programs. The Commission believes that RCMMs and REMMs contribute to the maintenance of fair and orderly markets when trading in response to call-ins, although such contribution presently is limited due to the infrequency with which the call-in obligation is invoked. Further, RCMMs and REMMs possess the potential to add depth and liquidity to their respective markets even when not responding to call-ins. Continuation of the programs would preserve such potential and, in addition, would assure maximum potential for competition on the NYSE and Amex, consistent with the objectives of the 1975 Amendments.

Moreover, the Commission has not been presented with any information that leads it to conclude at this time that RCMMs and REMMs have traded in a manner which is inconsistent with the maintenance of fair and orderly markets. All RCMM and REMM trading must be conducted in a manner consistent with the negative obligations contained in their respective rules designed to minimize possible destabilizing aspects of their trading.[18]

Thus, RCMMs and REMMs are significantly limited in their ability to "reach across the market" to effect destabilizing transactions. As a result, the potential for RCMM and REMM trades to accentuate short term price trends or otherwise be harmful to the markets appears to be minimal.

V. Conclusion

For the reasons set forth above, the Commission has determined that the programs should be continued. In addition, the Commission has determined that the RCMM and REMM rules are consistent with the Act and rules thereunder, in particular the requirements of Section 6. However, because the Commission has concluded that RCMMs and REMMs do not act as market makers for purposes of Section 11(a)(1)(A) of the Act, the Commission has determined to exercise its authority under Section 11(a)(1)(H) of the Act to adopt a rule exempting RCMM and REMM transactions from Section 11(a)(1) of the Act and to approve the NYSE and Amex proposed rule changes.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act that the proposed rule changes (SR–NYSE–80–11 and Sr–Amex–80–6) be, and hereby are, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6556 Filed 2-27-81; 8:45 am]

BILLING CODE 8010-01-M

[18] *See* NYSE Rule 107.10(ii); Amex Rule 114.02(c).

[Release No. 34-17579; File No. SR-MSE-81-1]

Proposed Rule Change by Midwest Stock Exchange, Inc., Relating to a Trade-Through Rule

Comments requested on or before March 23, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1981, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of Terms of Substance of the Proposed Rule Change

The Midwest Stock Exchange, Incorporated, Rule 37 of Article XX has been renumbered as Rule 38, and the proposed rule is designated as Rule 37—ITS "Trade-Throughs" and "Locked Markets."

The provisions of proposed rule specify that a member shall avoid initiating a trade-through for any ITS Eligible Listed Security, with the exception that a member may be relieved of this obligation should an applicable condition described in the rule occur.

In the event that a trade-through occurs the proposed rule places the responsibility on the party who initiated the trade-through to respond as promptly as practical to the aggrieved party's complaint. The member is to notify the aggrieved party that either the member was relieved of his obligation under an applicable condition described in the rule or that the complaint is valid and corrective action is being taken pursuant to the rule.

The procedures for corrective action vary depending upon whether the broker-dealer initiating the trade-through ("initiating broker-dealer") and the broker-dealer representing the *contra* side ("*contra* broker-dealer") are executing orders which originated from off the floor. In the event that both the initiating and *contra* broker-dealers were acting for their own account, the trade-through would be canceled and removed from the consolidated transaction reporting system ("consolidated system"). If, on the other hand, either the initiating or *contra* broker-dealer was executing (in whole or in part) an order which originated from off the floor, one of the following two alternative procedures would be required:

(i) The initiating broker shall "satisfy, or cause to be satisfied, the bid or offer traded through in its entirety at the price of such bid or offer" or

(ii) The initiating and *contra* side broker-dealers shall correct the price of their transaction to a price at which the trade-through would not have occurred ("adjusted price"), and the price correction shall be reported in the consolidated system.

Regardless of which corrective procedure is followed, the initiating broker-dealer also would be required to assure that the off-floor orders that were executed in the transaction which constituted the trade-through receive the price which caused the trade-through; the price at which the bid or offer traded-through was satisfied, if it was satisfied; or the adjusted price, if there was an adjustment; whichever of those prices is most beneficial to that order.

The proposed rule also provides that if a member makes a bid for an ITS Security on the Exchange and causes a locked market with another ITS participating market center, the member shall send a commitment to trade to such other market center seeking the offer he has equalled or exceeded, which commitment shall be for either the number of shares he has bid or for the number of shares offered on the other market center, whichever is less. The same principle shall apply to a member who makes an offer for an ITS Security on the Exchange and causes a locked market with another ITS participating market center. This provision is subject to exceptions listed in the proposed rule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The provisions of the rule were arrived at through a joint agreement of the ITS participating market centers and adopted to market orders as much as possible from executions at price inferior to prices which exist on other market centers.

The statutory basis for the adoption of the trade-through rule is found in Sections 6(b)(5) and 11A(a)(1)(C), in that it is designed to facilitate transactions in securities; remove impediments to and perfect the mechanism of a free and open market and a national market system; encourage brokers to seek out and obtain execution of customer orders in the best market; and, in general, protect investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Stock Exchange, Incorporated does not believe that any burdens would be placed on competition by the propsed rule change. Rather it believes that competition among ITS participating market centers would be encouraged.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments were neither solicited nor reveived.

III. Date of Effectiveness of the Proposed rule Change and Timing for Commission Action

On or before April 6, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authoirty.

George A. Fitzsimmons,

Secretary.

February 26, 1981.

[FR Doc. 81-6778 Filed 2-27-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 746]

Negotiation of Antarctic Mineral Regime; Environmental Impact Statement; Meeting

AGENCY: Department of State.

ACTION: Notice of public meeting.

SUMMARY: The Office of Oceans and Polar Affairs, Bureau of Oceans, International Environmental and Scientific Affairs, will hold a scoping session from 10:00 to 12:00 a.m. on Wednesday, March 18, 1981 in Room 1107, Department of State, 22nd and C Streets, N.W., Washington, D.C.

The purpose of the scoping session is to invite discussion on the significant environmental issues to be addressed in the Department's environmental impact statement on the Negotiation of an Antarctic Mineral Regime.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Monks, Room 5801, OES/OPA, Department of State, 22nd and C Streets, N.W., Washington, D.C. 20520. Mr. Monks may be reached by telephone on (202) 632–4970.

Donald R. King,

Director, Office of Environment and Health.

[FR Doc. 81-6657 Filed 2-27-81; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on March 20, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on January 23, 1981; (2) Special Committee Activities Report for January and February 1981; (3) Chairman's Report on RTCA Administration and Management; (4) Consideration of Establishing New Special Committees; (5) Approval of Special Committee 133 Report on Minimum Operational Performance Standards for Optional Equipment Which Displays Non-Radar Derived Data on Weather and Ground Mapping Radar Indicators; (6) Approval of Memorandum for Record Regarding Federal Participation in the Development and Use of Voluntary Standards; (7) Approval of Corrigendum to RTCA Document DO–173, Minimum Operational Performance Standars for Airborne Weather and Ground Mapping Pulsed Radars, Regarding Incorporation of Color Conversion Formulas; (8) Report of Review and Nominating Committee; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 23, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-6507 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-5]

Petitions for Exemption, Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: March 23, 1981.

ADDRESSES: Send comments on any petition in tripilicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 23, 1981.

John H. Cassady,

(Acting) Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21281	Golden West Airlines	14 CFR § 121.61(d)	To allow petitioner to employ Mr. John A. C. Nelson as their Chief Inspector although he lacks part of the requirement to have at least 3 years of diversified maintenance experience on large aircraft with an air carrier, commercial, operator, or certificated repair station.
20812	Flight Safety International, Inc.	14 CFR § 61.65(e)(1)	To allow all students enrolled in petitioner's Helicopter Instrument Rating Course or Additional Instrument Rating Course (Helicopter) to be eligible to apply for the Helicopter Instrument Rating without having 50 hours of cross-country flight time as pilot in command in the category of aircraft for which an instrument rating is sought.
21303	Ozark Air Lines, Inc	14 CFR § 121.391(a)(3)	To permit petitioner to utilize two flight attendants aboard its DC-9-30 airplanes configured with 110 passenger seats when 10 seats are blocked from use.
21338	Trans-West Air Charter	14 CFR § 135.297(b)	To delete the Non-Directional Beacon instrument approach procedure demonstration requirement for its company pilots during pilot in command proficiency checks.
21233	Air Oregon	14 CFR § 21.197	To allow petitioner to obtain a special flight permit with continuing authority for aircraft maintained under a continuous airworthiness maintenance program.
20183	Gene E. Humphrey	14 CFR § 135.243	To permit petitioner to serve as pilot in command under VFR and IFR conditions without meeting the minimum total flying hour requirements.
21290	Cochise Airlines	14 CFR § 65.53(a)	To permit issuance of an aircraft dispatcher certificate to Mr. Richard D. Warren prior to 23d birthday.
21300	Elan Air Corp	14 CFR § 121.291	To permit petitioner to commence service in a DC-8 aircraft without conducting a full-seating capacity emergency evacuation demonstration.
20009	Captain Leo Tew	14 CFR § 121.383(c)	To permit petitioner to continue as a pilot in air carrier operations after having reached his 60th birthday.
21342	Pacific Southwest Airlines	14 CFR § 61.39(b)	To permit certain PSA flight crewmembers to take the flight test for an airline transport pilot certificate (ATCP) although more than 24 months have elapsed since they passed the required written test for that certificate.
21336	Macy's Flying Service	14 CFR § 135.243(b)(3)	To allow pilots employed by petitioner to operate as pilots in command without having instrument ratings.
21301	Lake Mead Air, Inc. (LMA)	14 CFR § 135.243(b)(3) and 135.39(b)(2)(i)	To allow Mr. Earl Leseberg to operate as pilot in command in LMA's Part 135 operations without an instrument rating during day visual flight rule conditions.
21099	Heli-Trade, Corp	14 CFR § 47.9(b)	To allow petitioner to operate its aircraft when the 60 percent test is met on a yearly basis but not every other 6-month period.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
21225	Global International Airways, Corp	14 CFR § 121.291	To permit petitioner to introduce B-707-331 aircraft into initial service in a 178-passenger seat configuration without conducting a full-scale emergency evacuation demonstration. *Granted 2/6/81.*
20810	Federal Express Corp	14 CFR § 121.578	To permit petitioner to operate its cargo aircraft even though the ozone concentration that may be present in the aircraft may exceed the specified limits. *No longer required 1/27/81.*
19894	USAir	14 CFR § 141.55(a)	Extension of exemption No. 2916 to a date beyond February 28, 1981. Exemption No. 2916 permits USAir to submit a course of training, for approval under Part 141, that does not meet the minimum curriculum for that course prescribed in the appropriate appendix of part 141. *Granted 2/12/81.*
20930	Western Helicopters, Inc	14 CFR § 141.35(b)	To permit Robert W. Spencer to be designated the chief flight instructor for petitioner's training courses even though he does not meet all the experience requirements. *Denied 2/17/81.*
20566	Comair, Inc	14 CFR § 135.117(a)(9)	To allow petitioner to omit the briefing of passengers on the location and operation of fire extinguishers in company aircraft having nine passenger seats or less. *Denied 2/17/81.*
20898	Texas International Airlines	14 CFR § 121.391(a)(3)	To allow petitioner to utilize two flight attendants aboard its DC-9-30 airplanes with 115 passenger seats when 15 passenger seats are blocked from use and when aircraft substitution for mechanical reasons is required at a station where a third flight attendant is not available or cannot be made available without undue delay or flight cancellation. *Granted 2/9/81.*
21354	Sea Airmotive, Inc	14 CFR § 121.538	To provide petitioner with relief from the requirements to maintain a full security program. *Granted 2/19/81.*
21110	Rio Airways, Inc	14 CFR § 61.31(a)(1)	To permit petitioner's pilots to operate Swearingen Metro IIA large aircraft without possessing the appropriate type rating for that aircraft. *Granted 2/17/81.*
20191	American Jet Aviation	14 CFR § 135.167	To permit petitioner to conduct extended overwater operations in accordance with Section 91.189 instead of Section 135.167. Petitioner operates only Learjet aircraft. *Denied 2/12/81.*
19892	American Airlines Training Corp	14 CFR § 141.33(a)(2)	Renewal of Exemption No. 2920. The present exemption permits petitioner to use instructors who do not possess flight instructor certificates for flight or ground instruction, in training courses approved under Part 141 of the FAR and that lead to the issuance of a type rating. *Granted 2/12/81.*
20104	Andy's Flying Service	14 CFR § 135.243	To allow Mr. Robert B. Knapp to serve as pilot in command until he reaches age 23 without holding an ATPC. *No longer required 2/9/81.*
20804	Reeve Aleutian Airways, Inc	14 CFR § 121.311(h)	To provide relief from the requirement that the flight engineer of a L-188 Lockheed Electra Aircraft wear a shoulder harness during takeoff and landing. *Denied 2/12/81.*
20635	Beech Aircraft	14 CFR § 21.197	To allow petitioner to ferry uncompleted aircraft to a destination for completion and certification. *Granted 2/11/81.*
21232	United Air Carrier, Inc (UACI)	14 CFR § 121.165	Amendment to Exemption No. 3115 to replace DC-8-61 aircraft N913R listed in the exemption with DC-8-61 aircraft N810EV. The present exemption exempts UACI from the exclusive-use provisions of § 121.156 and the certificate issuance procedures of SFAR 38. *Granted 2/13/81.*
21309	United Air Carriers, Inc	14 CFR § 121.1 and 125.1	To permit petitioner to be considered for issuance of a Part 121 operating certificate and contingent upon the issuance of said certificate, to permit petitioner to engage in overseas operations as a commercial operator of large airplanes under part 121 instead of part 125. *Granted 2/13/81.*

[FR Doc. 81-6506 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Santa Clara County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway improvement study in Santa Clara County, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to widen and/or realign State Highway 82 in Santa Clara County, California. The limits of the EIS are from the State Route 17 freeway in San Jose to Scott Boulevard in Santa Clara, a distance of 2½ miles. The EIS will consider several alternative proposals to improve transportation service in the area served by this segment of the highway. The alternatives include widening the highway from four to six lanes from Route 17 to Scott Boulevard and realignment between Maple Street and De La Cruz Boulevard in Santa Clara.

A formal inter-disciplinary team approach is planned for this study to insure the interaction of different disciplines in the development and evaluation of alternatives. This inter-disciplinary team will include representatives from the appropriate federal, state, and local agencies and any other organizations that have an interest in the study.

An informational public meeting will be held at the Santa Clara City Council Chambers at 1500 Warburton Avenue on Tuesday, March 10, 1981, at 1:30 p.m. Public notice will be given of the time and place of the information meeting.

To ensure that the full range of issues are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposal and the EIS should be directed to the FHWA at the address provided above.

V. 46 / 40 MAR 2 81 UMI

Issued on February 20, 1981.

J. H. Lamb,

Acting District Engineer, Sacramento, California.

[FR Doc. 81-6615 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Honolulu, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Segawa, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546-5150.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve the intersection at Castle Junction in Honolulu, Hawaii. Passing through Castle Junction, Pali Highway and Kalanianaole Highway (FAP 61) form a major connecting facility with downtown Honolulu and the outlying communities of Kailua and Waimanalo. Kamehameha Highway (FAP 83) also intersects the Pali/Kamehameha Highway at Castle Junction. The fourth leg of this intersection, Auloa Road, is a low-volume facility which services local traffic in the immediate area.

Preliminary traffic and accident investigations indicate that an interchange at Castle Junction may be warranted. Alternatives include either a trumpet or diamond type interchange with preference given to the Pali/Kalanianaole Highway movement.

In addition, the project will explore the general implications of a "no-build" alternative. The project EIS will reveal anticipated effects should it be decided to forego any improvements at Castle Junction.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens. In addition, a public hearing will be held and testimony will be received regarding each of the proposed alternatives. A public notice will be published indicating the time and place of the hearing. A revised draft EIS will be available at the time of the hearing, for public review and comment.

No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Ralph T. Segawa,

Division Administration, Honolulu, Hawaii.

[FR Doc. 81-3652 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-5; Notice 1]

Ford Motor Co.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Ford Motor Co., of Dearborn, Michigan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.1 and Table I of Standard No. 101-80 require that a hand-operated defroster and defogging system control, on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide the identifying word "Defrost". Use of an identifying word was mandatory before September 1, 1980, and no symbols were allowed.

Ford has produced over 5,000 of its Fiesta model since September 1, 1980, in which the defroster control is identified only by the word "Defrost", compliant with Standard No. 101, but noncompliant with Standard No. 101-80. As a matter of economics, the cost of rewording the control is estimated at $85,000. Ford argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

Interested persons are invited to submit written data, views and arguments on the petition of Ford Motor Company described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson respectively.

Comment closing date March 26, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 20, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-3764 Filed 2-27-81; 8:45]

BILLING CODE 4910-59-M

[Docket No. EX80-2; Notice 2]

Model A and Model T Motor Car Reproduction Corp.; Grant of Temporary Exemption From Federal Motor Vehicle Safety Standard

This notice grants the petition by the Model A and Model T Motor Car Reproduction Corporation of Detroit, Michigan ("Model A" herein) for a temporary exemption of three years for its "Shay Reproduction 55 Bird" replica passenger car from Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*. The basis of the grant is that compliance would cause substantial economic hardship.

The Shay Reproduction 55 Bird is a replica of the 1955 Ford Thunderbird. Petitioner argued that production models will conform to all applicable Federal motor vehicle safety standards including Standard No. 301 but averred that it lacked funds to conduct all tests necessary to demonstrate compliance. The fuel system in the engine compartment is one used by Ford Motor Company on certain of its 1980 model year vehicles. The remainder of the system employes fuel and vapor lines of

current production materials and a fuel tank of 13 gauge aluminum material seam welded, similar in configuration to tanks used in most of today's passenger cars. Petitioner stated that it would cost $240,000 to verify compliance with Standard 301, which would be burdensome since its pre-tax loss in the fiscal year ending March 31, 1980, was $300,000. The company manufactured 2,000 of its other product, a Model A replica, in the year preceding filing of the petition.

In support of its petition, Model A argued that an exemption would be in the public interest since 290 employees would lose their jobs if the company has to cease operations (46% of these employees have been beneficiaries of Federal and State employment programs). The company's factory is located around Battle Creek, Michigan which has been designated as an area of economic hardship. The petitioner submitted that denial would have unfortunate consequences both for the company and for its vendors.

Notice of the petition was published on September 11, 1980, and an opportunity afforded for comment (45 FR 60104).

One comment was received on the petition, from Patricia Hill of Howell, Michigan, who supported it. The reasons presented by Ms. Hill are concurred in by the agency, and form the basis for granting the petition:

1. The fuel system of the Shay Reproduction 55 Bird is designed to be in partial if not complete compliance with the standard due its similarity with other vehicles which do comply.

2. A test program intended to confirm compliance with the standard would be expensive, burdensome, and probably not particularly informative since the vehicle may already comply.

3. Any incremental hazard to the motoring public would be small due to the typically limited usage of a replica vehicle.

4. The economic disruption caused by elimination of 300 jobs in a designated economically distressed area in an economically distressed industry would be devastating. Similar effects would be felt by the petitioner's vendor.

5. The social interest of the public is better served by granting the petition.

It is hereby found that to require compliance with Standard No. 301 would cause petitioner substantial economic hardship, and that Model A has in good faith attempted to meet the requirements of the Standard. It is also found that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing Model A and Model T Motor Car Reproduction Corp. is hereby granted NHTSA Exemption No. 80-2 from 49 CFR 571.301 Motor Vehicle Safety Standard No. 301 *Fuel System Integrity*, expiring November 1, 1983.

(Sec. 3, Pub. L. 92-546, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50)

Issued on February 23, 1981.

Diane Steed,

Acting Administrator.

[FR Doc. 81-3703 Filed 2-27-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

United States and Yugoslavia; Discussions on Income Tax Treaty

The Treasury Department announced that representatives of the United States and Yugoslavia will meet in Washington during March 10-13, 1981, to resume discussions of a bilateral income tax treaty. Preliminary negotiations were held in Belgrade in 1976. There is no income tax treaty now in effect between the two countries.

The proposed treaty is intended to prevent double taxation and to facilitate trade and investment between the two countries. It will be concerned with the tax treatment of income of individuals and companies from business, investment, and personal services, and procedures for administrative cooperation.

The discussions will take into account the "model" tax treaty published by the Organization for Economic Cooperation and Development in 1977 and the U.S. model income tax treaty published in May 1977, as well as recent treaties concluded by both countries.

The Treasury Department invites interested persons to submit comments on Yugoslavian taxes, particularly any taxes affecting foreign persons, and any issues relevant to the negotiations. Comments should be submitted in writing to Joel Rabinovitz, Deputy International Tax Counsel, U.S. Treasury Department, Washington, D.C. 20220.

Dated: February 24, 1981.

Emil M. Sunley,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 81-6529 Filed 2-27-81; 8:45 am]

BILLING CODE 4810-25-M

V 46 / 40 MAR 2, 81 1 UMI

Sunshine Act Meetings

Federal Register
Vol. 46, No. 40
Monday, March 2, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Postal Rate Commission	7
Securities Exchange Commission	8

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Friday, February 27, 1981.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of the regulation of commodity pools by the States.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–332–81 Filed 2–26–81; 12:00 pm]

BILLING CODE 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:45 p.m. on Wednesday, February 25, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Application of Tri Counties Bank, Chico, California, an insured State nonmember bank, for consent to merge, under its charter and title, with Shasta County Bank, Redding, California (subsequent to the merger of Shasta County Bank, under its charter and title, with Tri-Counties Subsidiary Company, a noninsured California corporation in organization and a wholly-owned subidiary of Tri Counties Bank); for consent to establish the six offices of Shasta County Bank as branches of Tri Counties Bank; for consent to issue convertible subordinated capital notes, in an aggregate principal amount not to exceed $3,600,000 at a rate not to exceed 9.50 percent per annum, as an addition to the capital structure of Tri Counties Bank; and for advance consent to retire these capital notes at maturity (seven years and one day from the date of issuance) or to convert these capital notes into common stock of Tri Counties Bank after one year from the date of their issuance.

Application of Southwest Mississippi Bank, Magnolia, Mississippi, for consent to consolidate, under its charter and with the title "First Bank of Southwest Mississippi," with Bank of McComb, McComb, Mississippi, to establish the five offices of Bank of McComb as branches of the resultant bank, to redesignate its main office location to the present main office location of bank of McComb, and the exercise full trust powers.

Application of Farmers Bank of the State of Delaware, Dover, Delaware, to approve the amended stock purchase agreement, to terminate the amended assistance agreement, and for consent to retire capital pursuant to section 18(i) of the Federal Deposit Insurance Act.

Recommendation regarding the sale of the Corporation's shares of preferred stock issued by Farmers Bank of the State of Delaware Dover, Delaware.

Recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania.

Recommendation regarding the liquidation of assets acquired by the Corporation in its capacity as receiver of United States National Bank, San Diego, California (Case No. 44,703—NR).

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) thereof (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 26, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–331–81 Filed 2–26–81; 11:27 am]

BILLING CODE 6714–01–M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, March 5, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

MATTERS TO BE CONSIDERED:

Amendment to Res. No. 81–17 Dated January 15, 1981 Regarding Merger of—Second Federal Savings & Loan Association of Pittsburgh, Pittsburgh, Pennsylvania into Suburban Savings Association, Pittsburgh, Pennsylvania.

[S–329–81 Filed 2–26–81; 9:50 am]

BILLING CODE 6720–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

February 26, 1981.

TIME AND DATE: 10 a.m., Wednesday, March 4, 1981.

PLACE: Room 600, 1730 K Street NW., Washington D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. A. H. Smith Stone Company, VA 80–2–M. (Petition for Discretionary Review.)
2. United Castle Coal Company, VA 79–141–D. (Issues include scope of right to refuse to work under section 105(c) of the 1977 Mine Act and whether the section was violated in circumstances of this case.)

CONTRACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–336–81 Filed 2–26–81; 2:21 pm]

BILLING CODE 6820–12–M

5

[NM–81–6]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 13872, February 24, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, March 3, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—Collision of U.S. Tugboat *Brazos* with Bermudan Bulk Carrier *Fort Calgary*, Houston Ship Channel, August 7, 1980, and *Recommendations* to the U.S. Coast Guard.
2. *Aircraft Accident Report*—Eagle Commuter Airlines, Inc., Piper PA–31–350 Navajo Chieftain, N59932, Houston, Texas, March 31, 1980.
3. *Recommendation* to the Federal Aviation Administration regarding the Pilot Training Programs and Aircraft Flight Manuals of 14 CFR Part 135 operators.
4. *Railroad Accident Report*—Side Collision of Norfolk and Western Railroad Company's Train No. 86 with Extra 1589 West near Welch, West Virginia, September 6, 1980, and *Recommendation* to the Norfolk and Western Railway Company.
5. *Proposed Special Study*—Large Transport Category Aircraft Cabin Safety.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–462–6022.

February 26, 1981.

[S–335–81 Filed 2–26–81; 12:51 pm]

BILLING CODE 4910–58–M

6

[1P0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters)

TIME AND DATE: 9:30 a.m., Thursday, February 26, 1981.

PLACE: Room 724, 320 First Street, NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 6 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (202) 724–3094.

[S–330–81 Filed 2–26–81; 11:07 am]

BILLING CODE 4410–01–M

7

POSTAL RATE COMMISSION.

TIME AND DATE: 2:30 p.m., Wednesday, March 4, 1981.

PLACE: Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel matters. (Closed pursuant to 5 U.S.C. § 552b(c)(2)(6).)

CONTACT PERSON FOR MORE INFORMATION: D. Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268; Telephone (202) 254–5614.

[S–334–81 Filed 2–26–81; 12:41 pm]

BILLING CODE 7715–01–M

8

SECURITIES EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 2, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, March 4, 1981, at 10:00 and on Thursday, March 5, 1981, following the 10:00 a.m., open meeting. An open meeting will be held on Thursday, March 5, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the close meeting. Certain staff members who are responsibile for the calendared matters may be present.

The General Counsel of the Committee, or his designee, has certified that, in his opinion, the items to be considered at the close meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, March 4, 1981, at 10:00 a.m. will be:

Litigation matters.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Administrative proceeding of an enforcement nature.
Formal orders of investigation.
Regulatory matter bearing enforcement implications.
Subpoena enforcement action.
Institution of injunctive actions.
Freedom of Information Act appeals.

The subject matter of the closed meeting scheduled for Thursday, March 5, 1981, following the 10:00 a.m. open meeting, will be:

Institution of injunctive action.

The subject matter of the open meeting scheduled for Thursday, March 5, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the application of Paul J. Bruck to own and operate a proposed registered broker-dealer under certain limited conditions. For futher information, please contact Adele Geffen at (202) 272–2947.
2. Consideration of whether to issue a release withdrawing an advance notice of proposed rulemaking concerning the disclosure of security ratings in Commission filings. For further information, please contact Beverly K. Rubman, at (202) 272–2604.
3. Consideration of whether to affirm action, taken by the Duty Officer, approving and transmitting a report of the staff of the Division of Investment Management on the regulation of money market funds to a committee of the Utah State Senate to be included in the committee's hearings on money market funds. For further information, please contact Cathy Douglas at (202) 272–3026.
4. Consideration of whether to adopt two interim rules under the Investment Company Act of 1940 (Rules 57b–1 and 60a–1) which relate to business development companies. For further information, please contact Marsha Gilman at (202) 272–3036.
5. Consideration of whether to issue a release adopting an amendment to Rule 17a–7 under the Investment Company Act of 1940 which would exempt the purchase and sale of an expanded class of securities between registered investment companies, and an expanded class of affiliated persons thereof, provided that, among other things, the transaction involves a security for which market quotations are readily available and is effected at the independent current market price of that security. For futher information, please contact Paul F. Roye at (202) 272–3014.
6. Consideration of whether the Commission should authorize the Divisions of Corporation Finance and Market Regulation to issue "no-action" and interpretative letters concerning transactions in listed options during registered offerings of the underlying

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stock. The letters would address the application of Sections 2(11) and 5 of the Securities Act of 1933 and Rule 10b–6 under the Securities Exchange Act of 1934 to certain option and option-related transactions by underwriters and their customers. For further information, with respect to the Securities Act of 1933, please contact Peter Romeo at (202) 272–2573; with respect to the Securities Exchange Act of 1934, please contact M. Blair Corkran at (202) 272–2853.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

February 25, 1981.

[S–333–81 Filed 2–26–81; 12:38 pm]

BILLING CODE 8010–01–M

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Reader Aids

Federal Register
Vol. 46, No. 40
Monday, March 2, 1981

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Chicago, Ill.	312–663–0884
Los Angeles, Calif.	213–688–6694
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FEDERAL REGISTER PAGES AND DATES, MARCH

14726–14884 2

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.
In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).
A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
March 2	March 17	April 1	April 16	May 1	June 1
March 3	March 18	April 2	April 17	May 4	June 1
March 4	March 19	April 3	April 20	May 4	June 2
March 5	March 20	April 6	April 20	May 4	June 3
March 6	March 23	April 6	April 20	May 5	June 4
March 9	March 24	April 8	April 23	May 8	June 8
March 10	March 25	April 9	April 24	May 11	June 8
March 11	March 26	April 10	April 27	May 11	June 9
March 12	March 27	April 13	April 27	May 11	June 10
March 13	March 30	April 13	April 27	May 12	June 11
March 16	March 31	April 15	April 30	May 15	June 15
March 17	April 1	April 16	May 1	May 18	June 15
March 18	April 2	April 17	May 4	May 18	June 16
March 19	April 3	April 20	May 4	May 18	June 17
March 20	April 6	April 20	May 4	May 19	June 18
March 23	April 7	April 22	May 7	May 22	June 22
March 24	April 8	April 23	May 8	May 26	June 22
March 25	April 9	April 24	May 11	May 26	June 23
March 26	April 10	April 27	May 11	May 26	June 24
March 27	April 13	April 27	May 11	May 26	June 25
March 30	April 14	April 29	May 14	May 29	June 29
March 31	April 15	April 30	May 15	June 1	June 29

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CFR CHECKLIST; 1980 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1980):

Title	Price
1	$4.50
2 [Reserved]	
3	7.50
4	6.50
5	8.00
6	3.75
7 Parts:	
0–52	8.50
53–209	7.00
210–299	7.00
300–399	5.50
400–699	6.50
700–899	7.00
900–944	7.00
945–980	5.50
981–999	5.50
1000–1059	7.00
1060–1119	7.00
1120–1199	6.00
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1500–1899	6.50
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2852	8.50
2853–end	6.00
8	5.50
9 Parts:	
1–199	7.00
200–end	6.50
10 Parts:	
0–199	7.50
200–499	8.50
500–end	7.50
11 (Rev. 4/1/80)	4.75
12 Parts:	
1–199	6.00
200–299	9.00
300–end	11.00
13	7.00
14 Parts:	
1–59	8.50
60–199	8.50
200–1199	8.00
1200–end	6.00
15	9.00
16 Parts:	
0–149	7.00
150–999	6.00
1000–end	6.50

CFR Unit (Rev. as of Apr. 1, 1980):

17 Parts:	
0–239	7.50
240–end	7.50
18 Parts:	
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150–end	8.50
19	9.00
20 Parts:	
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500–end	7.50
21 Parts:	
01–99	6.00
100–169	7.00
170–199	6.00
200–299	4.50
300–499	8.00
500–599	7.50
600–799	5.00
800–1299	5.50
1300–end	4.50
22	8.00
23	7.00
24 Parts:	
0–499	11.00
500–1699	9.00
1700–end	6.00
25	8.00
26 Parts:	
1 (§§ 1.0–1.169)	8.50
1 (§§ 1.170–1.300)	6.50
1 (§§ 1.301–1.400)	6.00
1 (§§ 1.401–1.500)	7.00
1 (§§ 1.501–1.640)	6.50
1 (§§ 1.641–1.850)	7.50
1 (§§ 1.851–1.1200)	8.00
1 (§§ 1.1201–end)	9.00
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30–39	6.50
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300–499	6.00
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600–end	5.00
27 Parts:	
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200–end	7.50

CFR Unit (Rev. as of July 1, 1980):

28	7.00
29 Parts:	
0–499	9.00
1900–1910	9.00
1911–1919	5.50
1920–end	8.00
30 Parts:	
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200–end	8.00
31 Parts:	
0–199	6.00
200–end	7.50
32 Parts:	
1–39 (Supplement)	6.00
40–399	10.00
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700–799	8.00
800–999	8.00
1000–end	8.50
33 Parts:	
1–199	9.50
200–end	8.50
34	6.00
36	7.50
37	6.00
38	11.00
39	6.00
40 Parts:	
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52	9.00
53–80	7.50
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100–399	13.00
400–424	7.50
425–end	7.50
41 Chapters:	
3–6	6.00
7	4.25
8	4.50
9 (Supplement)	3.00
10–17	7.50
18 (Vol. I)	7.50
18 (Vol. II)	9.00
18 (Vol. III)	7.50
19–100	7.50
101	8.50
102–end	7.00
CFR Index	8.50

CFR Unit (Rev. as of Oct. 1, 1980):

42 Parts:	
1–399	9.50
43 Parts:	
1–199	6.50
44	7.00
45 Parts:	
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150–199	7.50
200–499	5.50
500–1199	7.50
46 Parts:	
1–29	5.00
70–89	5.50
166–199	6.00
49 Parts:	
1–99	5.50
200–399	7.00
400–999	7.50
1000–1199	7.50
1200–1299	9.00

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESCS Economics, Statistics, and Cooperatives Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
REA Rural Electrification Administration
RTB Rural Telephone Bank
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department
DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SOLAR Conservation and Solar Energy Office
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
SMREO Surface Mining Reclamation and Enforcement Office
WPRS Water and Power Resources Service

JUSTICE Justice Department

DEA Drug Enforcement Administration
BJS Bureau of Justice Statistics
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission

LABOR Labor Department

BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration

OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

AC Aging, Federal Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCH National Council for the Handicapped
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing February 19, 1981

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Tuesday
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14885 **Red Cross Month, 1981** Presidential proclamation

14904 **Probation and Parole** Justice/PARCOM proposes to place principal offenders behind very large scale opiate distribution rings in "Greatest II" severity category; comments by 4-25-81

15001 **Grant Programs—Corrections** Justice/NIC amends procedures for internal processing of concept papers, grant applications and/or contracts

14915 **Grant Programs—Veterans** ED accepts applications until 5-18-81, from institutions of higher education under Veterans' Cost-of-Instruction Payments Program

14972 **Open Heart Surgery** HHS/PHS plans evaluation of safety and clinical effectiveness of electroencephalographic monitoring during surgery and immediate post-operative period; comments by 6-1-81

14895 **Child Welfare** HHS/HDSO withdraws interim final rule specifying requirements for State eligibility for additional payments under Child Welfare Services Program; effective 3-3-81

15104 **Child Safety** EPA clarifies aspects of child-resistant pesticide packaging regulation (Part III of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

14955 Food Additives EPA announces filing of request for postharvest use of carbon dioxide, nitrogen, and combustion product gas in or on all processed agricultural commodities as insecticide

14965 Pesticides EPA permits greater discretion in diluting individual products for forestry and agricultural applications; effective 3–3–81

14916 Radioactive Wastes DOE/Sec'y withholds distribution of draft National Site Characterization and Selection Plan

14914 Marine Mammals Commerce/NOAA announces that the Republic of Korea has applied for general permit to incidentally take 200 seals and 50 small cetaceans within U.S. fishery conservation zone in 1981; comments by 4–2–81

15086 Wilderness Areas Interior/BLM issues supplemental information on study areas in contiguous Western States (Part II of this issue)

15112 Petroleum Allocation DOE/ERA proposes to establish mechanism for adjusting entitlements lists under domestic crude oil allocation program for period prior to decontrol on 1–28–81; effective 4–1–81; comments by 4–2–81; hearing 3–17–81 (Part IV of this issue)

14887 Banks, Banking NCUA determines that sale of Federal funds to a bank is authorized; effective 3–1–81

15017 Treasury Notes Treasury announces interest rate of 13⅞ percent per annum for Series N–1983

14913 Computer Technology Commerce/NBS solicits comments by 5–4–81, on proposed transport and session control network protocol standards

14890 Freedom of Information DOD/Sec'y assesses fee charges for certain types of requests from news media representatives and prescribes policy and requirements to narrow scope of requests; effective 2–24–81

14908 Privacy Act Document USDA/Sec'y

15042 Sunshine Act Meetings

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The President

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Red Cross Month, 1981

By the President of the United States of America

A Proclamation

This year we celebrate the 100th Anniversary of the American National Red Cross, a humanitarian movement born in Europe in time of war and founded in our Nation in 1881 by a small group headed by Clara Barton, a woman nearing the age of 60 who was known during the Civil War as the "Angel of the Battlefield."

With unfailing resourcefulness, zeal, and compassion, Red Cross volunteers have proved equal to the challenges of our time. In peace and in war, they have reflected the humanitarian instincts of the American people.

The Red Cross teaches individuals, families, and communities to avoid emergencies; prepares individuals, families, and communities for those emergencies that cannot be avoided; and helps individuals, families, and communities cope with crises when they do come.

The Red Cross serves beside our armed forces at home and abroad; provides blood and its components to our ill and injured; and helps those stricken by disaster.

The primary support of the American Red Cross always has been contributions, given voluntarily. This voluntary support reflects admirably the freedom and generosity of the American people. To insure that the Red Cross emblem continues to fly on banners across this Nation for another 100 years, I urge all Americans to continue this support with undiminished vigor.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1981 as Red Cross Month, a month when every citizen is asked to join, serve, and contribute in the same example of unselfish spirit that has characterized the Red Cross since its founding a century ago.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of the Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

Editorial Note: The President's memorandum to heads of departments and agencies of Feb. 27, 1981, on signing Proclamation 4822, is printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 9).

[FR Doc. 81-6855
Filed 2-27-81; 2:37 pm]
Billing code 3195-01-M

V 46/41 MR 3 81 1 UMI

Rules and Regulations

Federal Register
Vol. 46, No. 41
Tuesday, March 3, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

Pay Administration (General)

Correction

In FR Doc. 81-481 appearing at page 2323 in the issue for Friday, January 9, 1981, make the following correction:

On page 2325, in the second column, in the authority citation, in the first line, "E.O. 10082" should have read "E.O. 10982".

BILLING CODE 1505-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Interpretive Ruling—Federal Funds; IRPS 81-2

AGENCY: National Credit Union Administration.

ACTION: Interpretation of General Applicability.

SUMMARY: The purpose of this interpretive ruling is to set forth the Administration's position with respect to transactions in Federal funds by Federal credit unions and to establish accounting procedures for such transactions.

EFFECTIVE DATE: March 1, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Deputy General Counsel or James J. Engel, Assistant General Counsel, at the above address. Telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: The Administration has previously taken the position that the sale of Federal funds to a bank constitutes a loan to the bank and is not authorized under the lending powers of Federal credit unions in Section 107(7) of the Act. Although the Administration continues to maintain its position that the sale of Federal Funds is not authorized by section 107(5), upon further analysis the Administration has determined that the sale of Federal Funds to a bank is authorized under the deposit power in section 107(8) of the Act.

The power to make deposits in national and state banking institutions was included in the original Federal Credit Union Act which was adopted in 1934 (June 26, 1934, c 750, section 7, 48 Stat. 1218). Based on the legislative background and history of this power, the Administration has concluded that it is broad enough to permit the sale of Federal funds to any bank in which a Federal credit union may deposit funds.

If a Federal credit union *purchases* Federal funds from a bank, as contrasted with *selling* Federal funds to a bank, the purchase constitutes a borrowing transaction and is subject to the borrowing limitations of Section 107(9) of the Act.

IRPS 81-2

(a) *Federal Funds Transactions.* As used in this interpretation, a Federal funds transaction is a transaction in which a Federal credit union sells Federal funds to a bank. A sale of Federal funds occurs when a Federal credit union transfers immediately available funds to a bank and the bank agrees to repay the funds to the Federal credit union one or more business days later. The funds may be transferred to the bank by any method, including from an account maintained at the bank by the credit union. The agreement to repay may have a specific maturity date or may be open-ended. An open-ended agreement has no specific maturity date but requires repayment on any date that is specified by either the Federal credit union or the bank.

A Federal funds transaction would ordinarily include the purchase of Federal funds as well as the sale of Federal funds. However, for purposes of this interpretation, a Federal funds transaction includes only the sale of Federal funds as described in this paragraph. A purchase of Federal funds is a borrowing transaction subject to the limitations of Section 107(9) of the Act. Also, for purposes of this interpretation, a Federal funds transaction does not include the transfer of funds to a bank if the funds are to be credited to a transaction account or a nonpersonal time deposit as defined in 12 CFR 204.2, including any such time deposit that is represented by a certificate of deposit. An investment in a certificate of deposit is subject to the limitations in 12 CFR 703.1.

(b) *Banks.* As used in this interpretation, a bank is:

(A) A national bank or

(B) A state bank, trust company, or mutual savings bank operating in accordance with the laws of a state in which the Federal credit union maintains a facility. The word "facility" means the home office of a Federal credit union or any suboffice thereof, including but not necessarily limited to a wire service, telephone service or mechanical teller station.

(c) *Authorization.* A Federal credit union may enter into a Federal funds transaction as described in this interpretation if:

(1) The interest or other consideration received from the bank is at the market rate for Federal funds transactions, and

(2) The transaction does not violate any of the limitations imposed on deposits under 12 CFR 703.3.

(d) *Guidelines.* In entering into a Federal funds transaction under this interpretation, it is recommended that:

(1) The Federal credit union itself transfer the funds to the bank which agrees to repay the funds, and

(2) No consideration be received from a third party in connection with the transaction.

(e) *Accounting Procedures.* Federal funds transactions will be recorded in account 748, Other Shares, Deposits and Certificates.

Rosemary Brady,
Secretary of the Board.
February 25, 1981.

[FR Doc. 81-6612 Filed 3-2-81; 8:45 am]
BILLING CODE 7535-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 1

Period for Comments on Presiding Officers' Recommended Decisions and Staff Reports

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended § 1.13(h) of its Rules of Practice and Procedure to direct the presiding officers to prescribe time periods for the submission of public comments on staff reports and presiding officers' recommended decisions prepared in proceedings for the promulgation of rules under section 18(a)(1)(B) of the Federal Trade Commission Act. The time periods shall be no less than 60 days. Section 1.13(h) previously provided for a 60-day comment period.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce G. Freedman, (202) 523–3865, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to direct the presiding officers to establish appropriate time limits for the filing of public comments on their recommended decisions and on staff reports issued in rulemaking proceedings under Section 18(a)(1)(B) of the Federal Trade Commission Act. The time periods shall be no less than 60 days. The presiding officers may allow more than 60 days if, based on such factors as the magnitude of the record, the prior amount of time that has been available to rulemaking participants for review of the record, or the complexity of the issues, they believe that a 60-day comment period would be inadequate. This amendment will not apply to proceedings in which, as of the effective date, a presiding officer's report has issued. In those proceedings, the Commission will continue to entertain motions for extensions of the 60-day comment period.

Accordingly, the Commission amends 16 CFR Chapter I, by revising § 1.13(h), to read as follows:

§ 1.13 Rulemaking proceeding.

* * * * *

(h) *Postrecord comment.*—The staff report and the presiding officer's recommended decision shall be the subject of public comment for a period to be prescribed by the presiding officer at the time the recommended decision is placed in the rulemaking record. The comment period shall be no less than sixty (60) days. The comments shall be confined to information already in the record and may include requests for review by the Commission of determinations made by the presiding officer.

* * * * *

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. 46(g)).)

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-6784 Filed 3-3-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17569]

Transactions By Registered Competitive Market Makers and Registered Equity Market Makers

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of final rules.

SUMMARY: The Commission is adopting a final rule under the Securities Exchange Act of 1934 ("Act") to exempt from the proprietary trading prohibition of Section 11(a)(1) certain transactions by Registered Competitive Market Makers and Registered Equity Market Makers registered on the New York Stock Exchange and American Stock Exchange respectively.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Stuart M. Strauss, Esquire, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272–2413.

SUPPLEMENTARY INFORMATION: Section 11(a)(1) of the Act [1] prohibits any member of a national securities exchange from effecting any exchange transaction for its own account, the account of an associated person, or an account over which the member or an associated person exercises investment discretion, unless the transaction is covered by one of the specific exemptions set forth in paragraphs (A) through (G) of Section 11(a)(1) or is exempt pursuant to a Commission rule adopted under paragraph (H) of that section.[2]

The Commission has determined to approve on a permanent basis Rule 107 of the New York Stock Exchange ("NYSE") and Rule 114 of the American Stock Exchange.[3] Those rules require that Registered Competitive Market Makers ("RCMMs") on the NYSE and Registered Equity Market Makers ("REMMs") on the Amex register with their exchanges and that, among other things, RCMMs and REMMs be subject to an "affirmative" obligation to respond when "called-in" by a floor official or a floor broker holding an unexecuted customer order, and to improve the market in a particular stock. In addition, all RCMM and REMM trading must be conducted in a manner consistent with certain negative obligations contained in their respective rules designed to minimize possible destabilizing aspects of their trading and to significantly limit their ability to "reach across the market" to effect destabilizing transactions.

Although the Commission has determined that the RCMM and REMM rules generally are consistent with the Act and the rules thereunder, it is unable to conclude that RCMMs or REMMs qualify generally for any of the specific exemptions to the general proprietary trading prohibition. Nevertheless, the Commission has determined that RCMMs and REMMs have the potential to provide sufficient benefits to their markets to warrant an exemption from the statutory prohibition pursuant to Section 11(a)(1)(H) of the Act. Specifically, the Commission believes that RCMMs and REMMs contribute to the maintenance of fair and orderly markets when trading in response to call-ins, although such contribution presently is limited due to the infrequency with which the call-in obligation is invoked. Further, the Commission believes that RCMMs and REMMs possess the potential to add depth and liquidity to their respective markets even when not responding to call-ins [4] and thus may add to the potential for competition on the floors of both the NYSE and Amex, consistent

[1] 15 U.S.C. 78k(a).

[2] Paragraph (H) of Section 11(a)(1), 15 U.S.C. 78k(a)(1)(H), provides that the general proprietary trading prohibition shall not apply to

* * * "any other transaction of a kind which the Commission, by rule, determines is consistent with the purposes of this paragraph, the protection of investors, and the maintenance of fair and orderly markets."

[3] *See* Securities Exchange Act Release No. 17568 (February 24, 1981). File Nos. SR–NYSE–80–11 and SR–Amex–80–6.

[4] Moreover, the Commission has not been presented with any information that leads it to conclude at this time that RCMMs and REMMs have traded in a manner which is inconsistent with the maintenance of fair and orderly markets. And, in light of the restrictions on their ability to effect destabilizing trades, it appears that the potential for RCMM and REMM trades to accentuate price trends or otherwise be harmful to the markets is minimal. *See* NYSE Rule 107.10(ii) and Amex Rule 114.02(e).

with the competitive objectives of the Securities Acts Amendments of 1975.[5]

In view of the potential contributions which RCMMs and REMMs can make to their respective markets and the absence of any discernible harmful effects from their trading, the Commission finds that adoption of a rule exempting transactions by RCMMs and REMMs from Section 11(a)(1) is consistent with the purposes of Section 11(a) of the Act, the protection of investors and the maintenance of fair and orderly markets.

Effects on Competition

For the reasons articulated above, the Commission finds that the rule does not impose any burdens on competition not necessary or appropriate under the Act. In particular, the Commission believes that the rule may promote competition on the NYSE and Amex floors.

The Commission finds, pursuant to Section 4(b) of the Administrative Procedure Act,[6] good cause for dispensing with further notice and public procedure since the rule will not alter the status quo. In addition, notice of the subjects and issues addressed by this rule have been provided in Securities Exchange Act Release No. 14718 (May 1, 1978) by which the Commission approved the RCMM and REMM programs on a pilot basis and which specifically solicited written comments with respect to both programs, and in Securities Exchange Act Release No. 16781 (May 5, 1980) by which the Commission instituted disapproval proceedings with respect to the NYSE and Amex proposed rule change seeking to make permanent the RCMM and REMM programs. Thus, further notice and public proceedings are unnecessary pursuant to Section 553(b) of the Administrative Procedure Act.

Pursuant to Section 4(d) of the Administrative Procedure Act,[7] the Commission is dispensing with the 30-day notice prior to the effectiveness of the rule since the rule is a substantive rule which grants an exemption from the Act.

Text of Rule

Pursuant to its authority under section 11(a)(1)(H) of the Act, the Commission hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.11a1–5 as follows:

[5] Pub. L. No. 94–29 (June 4, 1975).

[6] 5 U.S.C. 553(b).

[7] 5 U.S.C. 553(d).

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.11a1–5 Transactions by registered competitive market makers and registered equity market makers.

Any transaction by a New York Stock Exchange registered competitive market maker or an American Stock Exchange registered equity market maker effected in compliance with their respective governing rules shall be deemed to be of a kind which is consistent with the purposes of section 11(a)(1) of the Act, the protection of investors, and the maintenance of fair and orderly markets.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 24, 1981.

[FR Doc. 81-6813 Filed 3-2-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 540

Procaine Penicillin G Sterile Aqueous Suspension (Injectable); Penicillin Antibiotic Drugs for Animal Use

Correction

In FR Doc. 81–2814, published at page 8467, in the issue of Tuesday, January 27, 1981, on page 8468, second column, third full paragraph, in the second line from the end of that paragraph the reference in the amendatory language reading "§ 540.247b" should read "§ 540.274b".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 6H5143/T62; PH–FRL 1767–3]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Butachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a feed additive regulation permitting residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2′,6′-diethylacetanilide) in a proposed experimental program involving application of the herbicide to growing rice with tolerance limitations for residues of the herbicide at 1 part per million (ppm) in rice hulls and 0.5 ppm in rice bran. This extension was requested by Monsanto Agricultural Products Co. This extension will permit the marketing of rice bran and rice hulls while further data are collected on the herbicide.

EFFECTIVE DATE: Effective on March 3, 1981.

ADDRESS: Written objections may be submitted to the: Hearing clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 29, 1980 (45 FR 28317) that a temporary feed additive petition had been extended for residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2′,6′-diethylacetanilide) in a proposed experimental use program involving application of the herbicide to growing rice with a tolerance limitation of 1 part per million (ppm) for residues of the herbicide rice hull and 0.5 part per million in rice bran.

Monsanto Agricultural Products Co. has requested a 1-year extension of the temporary feed additive to permit the continued testing to obtain additional data and to permit the marketing of the feed item affected by the application of the herbicide to growing raw agricultural commodities, rice bran and rice hulls.

The scientific data reported and other relevant material have been evaluated and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136). It has further been determined that since residues of the herbicide may result in rice hulls and rice bran from the agricultural use provided for in the experimental use permit, the feed additive regulation should be extended along with the tolerance limitations. Accordingly, the feed additive regulation is extended as set forth below.

V 46 / 41 MR 3 81 UMI

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. E-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it has been determined that it is a specialized regulation, not subject to the procedural requirements of Executive Order 12044.

Effective on: March 3, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1))

Dated: February 12, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Part 561 of 21 CFR is amended by revising § 561.55 to read as follows:

§ 561.55 Butachlor.

Residues of the herbicide (*N*-(butoxymethyl)-2-chloro-2',6'-diethylacetanilide) may be present in the following feed only as a result of application of the herbicide to the growing agricultural commodity in an experimental use program which expires April 23, 1982. Residues not in excess of these tolerances remaining after expiration of this experimental use program will not be considered actionable if the herbicide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and feed additive tolerances.

Feed	Parts per million
Rice bran	0.5
Rice hulls	1.0

[FR Doc. 81-6719 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 78N-1868]

Classification of Glutathione Reductase Assays

Correction

In FR Doc. 80-27350 appearing on page 60616, in the issue of Friday, September 12, 1980 make the following correction.

On page 60616, second column, the third line from the bottom of the page should have read; "regulation to classify glutathione reductase".

BILLING CODE 1505-01-M

21 CFR Part 864

[Docket No. 79P-0112]

Classification of Platelet Factor 4 Radioimmunoassays

Correction

In FR Doc. 80-27382, appearing on page 60624, in the issue of Friday, September 12, 1980, make the following correction.

On page 60625, second column, the fifth line of § 864.7695(a) should have read: "activation by radioimmunoassay. This device measures platelet activation, which may indicate a".

BILLING CODE 1505-01-M

21 CFR Part 864

[Docket No. 78N-1920]

Classification of Vacuum-Assisted Blood Collection Systems

Correction

In FR Doc. 80-27382, appearing on page 60639, in the issue of Friday, September 12, 1980, make the following correction.

On page 60639, first column, the fourth line from the bottom of the page reading "without change." Should have read "with a minor clarifying change.".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43c

Preparation of Rolls of Certain Delaware Indians; Preparation, Certification and Approval of Rolls

AGENCY: Bureau of Indian Affairs.

ACTION: Final rules; correction.

SUMMARY: This document corrects an erroneous telephone number which was published December 17, 1980 (45 FR 82921). The telephone number listed under "For Further Information Contact" should read 918-687-2296.

FOR FURTHER INFORMATION CONTACT:
Mr. Thomas J. Ellison, Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma 74401, telephone number 918-687-2296.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-6618 Filed 3-2-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 286

[DOD 5400.7-R]

DOD Freedom of Information Act Program: Amendment No. 1

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule amendment.

SUMMARY: This amendment assesses fee charges for certain types of Freedom of Information requests received from news media representatives, and prescribes uniform DOD policy and requirements to narrow the scope when the requested record is not reasonably described.

EFFECTIVE DATE: February 24, 1981.

FOR FURTHER INFORMATION CONTACT:
Col. R. Farris, Office of the Director, Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Washington, D.C. 20301, Telephone 202-697-1180.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-37868, appearing in the **Federal Register** on December 5, 1980 (45 FR 80502), the Department of Defense published the DOD Freedom of Information Act Program regulation (subparts B through I of Part 286). This is the first amendment to this rule.

Accordingly, 32 CFR, Chapter I, Part 286, is amended to read as follows:

PART 286—DOD FREEDOM OF INFORMATION ACT PROGRAM

1. Section 286.14 is amended as follows:

a. By revising paragraph (h)(1).

2. Section 286.60 is amended as follows:

a. By revising paragraph (b)(3)(iii) and redesignating paragraphs (b)(3)(iv) and (v) as (b)(3)(v) and (vi).

Section 286.14 is amended by revising paragraph (h)(1).

§ 286.14 Policy.

* * * * *

(h) Description of Requested Record.

(1) Identification of the record desired is the responsibility of the member of the public who requests a record. The requester must provide a description of the desired record, that enables the Government to locate the record with a reasonable amount of effort. The Act does not authorize "fishing expeditions." When a DOD Component receives a request that does not "reasonably describe" the requested record, it shall notify the requester of the defect. The defect should be highlighted in a specificity letter, asking the requester to provide the type of information outlined below in subparagraph (h)(2) of this Part. Components are not obligated to act on the request until the requester responds to the specificity letter.

* * * * *

Section 286.60 is amended by revising paragraph (b)(3)(iii) and redesignating paragraphs (b)(3)(iv) and (v) as (b)(3)(v) and (vi).

§ 286.60 General provisions.

* * * * *

(b) Fee Assessment.

* * * * *

(3) * * *

(i) * * *

(ii) * * *

(iii) The records are to be made available in response to a news media requester whose requests under this Part are reasonable in scope and frequency. Fee charges are appropriate for news media requesters and may be assessed when:

(A) The fee charges exceed the fee waiver threshold of $30.00; and

(B) Either the requested record does not contain information that can be considered as primarily benefiting the general public, or the search for the requested record requires an inordinate amount of DOD Component personnel time, and impacts adversely on the DOD Component concerned in accomplishing its primary functional missions.

* * * * *

(5 U.S.C. 552).

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 25, 1981.

[FR Doc. 81-6619 Filed 3-2-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-4-FRL 1731-1]

Designation of Areas for Air Quality Planning Purposes; Alabama, Redesignation for Morgan County

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On July 14, 1980, the Alabama Air Pollution Control Commission submitted to EPA eight quarters of total suspended particulates (TSP) data from the Morgan County area. These data show no violations of the primary or secondary TSP standards. EPA is today approving the state's request for redesignation of Morgan County from secondary nonattainment for TSP to an attainment classification.

DATES: This action is effective April 2, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

In addition, the Alabama revision may be examined at the offices of the Alabama Air Pollution Control Commission, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT:
Mr. Jerry Preston, EPA Region IV at the above address, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978, EPA promulgated a nonattainment status designation for a portion of Morgan County, Alabama. This designation was for a secondary nonattainment area for particulates around the vicinity of Decatur, Alabama.

EPA's policy for 107 redesignation criteria was issued on June 12, 1978, and stated that for redesignation of a nonattainment area by use of monitoring data, that data must be below the standard for the pollutant measured for a reporting period of no less than eight quarters.

The TSP data submitted by the Alabama Air Pollution Control Commission on July 14, 1980 showed no violations of the 24 hour secondary standard. The eight quarters of data submitted were from July 1, 1978 to June 30, 1980. All data have been documented, determined to show representativeness, and have been subject to an accepted quality assurance program. EPA proposed redesignation of Morgan County to attainment for the TSP secondary standard on October 22, 1980 (45 FR 70006), no comments were received on the proposal.

ACTION: Based on the above statements, EPA is approving the redesignation of the area in Morgan County from nonattainment to attainment for the TSP secondary standard.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed these regulations and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA approval of the redesignation of Morgan County, Alabama, is available only by the filing of a petition for review in the United States Court of Appeals for appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Secs. 107 and 172 of the Clean Air Act (42 U.S.C. 7407))

Dated: January 27, 1981.

Walter C. Barber,

Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

V 46 / 41 1 M R 3 8 1 UMI

Subpart C—Section 107 Attainment Status Designations

In § 81.301 the attainment status designation table for TSP is revised to read as follows:

§ 81.301 Alabama.

Alabama—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Etowah City within the western section of Gadsden.	X	X		
That portion of Jackson City surrounding TVA's Widows Creek plant.	X	X		
Those portions of Jefferson City within central Birmingham and the area surrounding the Universal Atlas Cement Plant.	X	X		
That portion of Lauderdale City containing Florence			X	
That portion of Mobile City within a section of downtown Mobile.			X	
Rest of State				X

[FR Doc. 81-6810 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-9 FRL 1743-3]

Designation of Areas for Air Quality Planning Purposes: Attainment Status Designations; California and Nevada: Lake Tahoe Basin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice revises the attainment status designation of the Lake Tahoe Basin, in California and Nevada, for ozone. The revision is the result of EPA estalishing a new National Ambient Air Quality Standard (NAAQS) for ozone of 0.12 parts per million (ppm) to replace the photochemical oxidant (Ox) standard of 0.08 ppm. The Lake Tahoe Basin is redesignated from nonattainment for Ox to attainment for ozone.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Ronald Leach, (415) 556-6728.

SUPPLEMENTARY INFORMATION: On March 3, 1978, under Section 107(d)(2) of the Clean Air Act (CAA), as amended, EPA promulgated attainment status designations for all states. The California and Nevada portions of the Lake Tahoe Basin were designated nonattainment for Ox on March 3, 1978 (43 FR 8973 and 9012). EPA established a new NAAQS for ozone of 0.12 ppm to replace the Ox standard of 0.08 ppm on February 8, 1979 (44 FR 8202). In addition, EPA established a statistical method of determining whether the standard has been violated.

Under Section 107(d)(5) of the CAA, a state may revise its designations of attainment status and submit them to EPA for promulgation. Redesignations were submitted to EPA by the State of Nevada on February 26, 1980, and by the State of California on July 23, 1980. Both States informed EPA that their respective portions of the Basin were currently attaining the revised Federal ozone standard. California's submittal included air quality data taken from both the California and Nevada portions of the Basin. This data showed that the ozone standard had not been exceeded.

Based upon a review of the air quality data and use of the statistical method for determining compliance with the NAAQS, EPA believes that the NAAQS for ozone have been attained. On October 3, 1980 (45 FR 65831) EPA published a notice of proposed rulemaking concerning the redesignation. The notice proposed to approve the redesignation and provided a 30 day public comment period. A single comment supporting the redesignation was submitted by the Nevada Division of Environmental Protection on October 20, 1980. Therefore, today's notice takes final action to redesignate the Lake Tahoe Basin to attainment for ozone.

As a result of this redesignation, the States are no longer subject to the requirements of Title I, Part D (Plan Requirements for Nonattainment Areas) of the CAA, as amended, for ozone in the Lake Tahoe Basin.

EPA has determined that this document is "specialized" and therefore not subject to the requirements of Executive Order 12044.

(Section 107(d) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7601(a)))

Dated: February 25, 1981.

Walter C. Barber,

Acting Administrator.

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designation

1. Section 81.305—California, the attainment status of the Tahoe Air Basin for ozone (last revised August 11, 1980, 45 FR 53149) is revised to read as follows:

§ 81.305 California.

* * * * *

California—Ozone

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * * * *		
Tahoe Air Basin		X

2. Section 81.329—Nevada, the attainment status of the Lake Tahoe Basin for Ox (last revised on May 7, 1980, 45 FR 30071) is revised to read as follows:

§ 81.329 Nevada

Nevada—O_3

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * * * *		
Lake Tahoe Basin		X
* * * * *		

[FR Doc. 81-6717 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 181

[A-2-FRL 1762-2]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designation for New York State

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to announce Environmental Protection Agency promulgation of a change to the designation of the Borough of Staten Island in New York City with regard to its attainment of the national secondary ambient air quality standard for particulate matter. Such designations are required by Section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state. A request was received from New York State to redesignate a portion of Staten Island, currently designed "nonattainment," to "attainment" for the secondary standard for particulate matter. The Environmental Protection Agency believes that the existing evidence is insufficient to warrant a designation of "attainment" and is instead redesignating the west-central portion of Staten Island to "cannot be classified."

EFFECTIVE DATE: This action is effective on March 3, 1981.

ADDRESS: Copies of the proposal submitted by New York State and public comments received are available for public inspection during normal business hours at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, 212-264-2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act, as amended in August 1977, directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations and promulgated them on March 3, 1978 (43 FR 8962). Subsequently, on January 25, 1979 (44 FR 5119), revisions to the designations for the states administrated by the Region II Office of EPA (New York, New Jersey, the Commonwealth of Puerto Rico and the U.S. Virgin Islands) were promulgated.

On September 12, 1980 New York State requested that the west-central portion of the Borough of Staten Island be redesignated with respect to the national secondary ambient air quality standard for particulate matter. The Borough of Staten Island, south of I-278, west of Richmond Avenue and north of Arthur Kill Road as far west as Rossville Avenue, is currently designated "nonattainment" with respect to this standard. The State proposed that this portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region be redesignated to "better than national standards."

In the October 24, 1980 issue of the **Federal Register** (45 FR 70515), EPA advised the public that it could not find approvable New York State's request for redesignation of this area to "attainment." Instead EPA proposed redesignation to "cannot be classified." The reader is referred to this notice for a detailed description of the criteria used by EPA in evaluating the State's request and of the technical basis for EPA's decision to propose redesignation of the west-central portion of Staten Island to "cannot be classified."

Comments on EPA's October 24, 1980 notice of proposed rulemaking were received in a November 20, 1980 letter from the New York State Department of Environmental Conservation (NYSDEC) and in a December 18, 1980 letter from the Power Authority of the State of New York (PASNY). Both agencies requested that EPA concur with NYSDEC's request for redesignation of the area to "attainment."

In its comments PASNY correctly pointed out that a designation of "cannot be classified," as proposed by EPA, is reserved for areas where the monitored data is unrepresentative and where other analyses do not clearly indicate the attainment status of the locale. Both the PASNY and NYSDEC letters contend that if the 24-hour reading of 153 $\mu g/m^3$ recorded on May 23, 1978 at the PS-26 monitoring site were discarded (based on the results of a microscopic filter analysis showing a heavy pollen load on that day), the area is in attainment of the secondary particulate matter standard.

As was mentioned in EPA's October 24, 1980 proposal, EPA agrees that the 153 $\mu g/m^3$ value recorded on May 23, 1978 is unrepresentative; EPA did not claim that monitored data shows a violation of the 24-hour standard. However, it should be noted that the technique used for particulate matter monitoring requires a 24-hour sample to be collected only once every six days.

The chance of detecting a violation of a 24-hour standard is directly dependent on the frequency at which samples are collected. EPA's recommendation of how data obtained from intermittent monitoring should be interpreted is found in its Office of Air Quality Planning and Standards publication number 1.2-008, *Guidelines for the Interpretation of Air Quality Standards*, revised February 1977. The Guideline states that sampling at monitoring sites which yields only partial annual coverage is not necessarily sufficient to show compliance with "once per year" standards. Where the situation is considered marginal (as in this case), statistical evaluation of the data is warranted. Although nonattainment cannot be determined on the basis of statistically predicted values in excess of the standard, such a situation might necessitate more frequent sampling at a particular site.

As a result of EPA's technical analysis of the PS-26 monitoring data, EPA still believes that redesignation of the west-central portion of Staten Island to "attainment" of the secondary standard for particulate matter is not clearly supportable and that additional monitoring would be required before a conclusive determination of attainment can be made. Given this note of doubt regarding the true attainment status of the area, EPA is taking action today to finalize its proposal to redesignate this area to "cannot be classified."

This action is made effective immediately inasmuch as it provides no additional burden upon any affected party. Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing for a petition of review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this package and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sections 107, 301 of the Clean Air Act, as amended (42 U.S.C. 7407, 7601))

Dated: February 25, 1981.

Walter C. Barber,

Acting Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Part 81 Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

1. Section 81.333 is amended by revising the attainment status designation table for TSP as follows:

§ 81.333 New York.

V 4 6 / 4 1 M R 3 8 1 UMI

New York State—TSP

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
New Jersey—New York—Connecticut Interstate AQCR:				
The Borough of Staten Island (south of I-278, west of Richmond Ave., and north of Arthur Kill Road as far west as Rossville Ave).			X*	
Remainder of AQCR				X.

*EPA designation replaces State designation.

[FR Doc. 81-6718 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-35-M

40 CFR Part 180

[PH-FRL 1767-2; PP 8E2083/R299]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 5-Ethoxy-3-Trichloromethyl-1,2,4-Thiadiazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodity strawberries at 0.2 part per million (ppm). This regulation was requested by the California Department of Food and Agriculture. This regulation establishes a maximum permissible level for residues of 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its metabolite in or on the raw agricultural commodity strawberries.

EFFECTIVE DATE: Effective on March 3, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 21, 1980 (45 FR 77079) that the California Department of Food and Agriculture submitted pesticide petition number 8E2083 to the EPA. The petition proposed that a tolerance be established for residues of 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its metabolite in or the raw agricultural commodity strawberries at 0.2 part per million. No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other available material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought.

Any person adversely affected by this regulation may, on or before April 2, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 18, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting "strawberries" in the table under § 180.370 to read as follows:

§ 180.370 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole; tolerances for residues.

Commodity	Part per million
Strawberries	0.2

[FR Doc. 81-6721 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-35-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-40

[FPMR Amdt. G-49]

Transportation and Traffic Management Policies and Procedures; Correction

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error in the final rule on transportation and traffic management policies and procedures that appeared in the **Federal Register** of Tuesday, December 30, 1980 (45 FR 85751).

FOR FURTHER INFORMATION CONTACT: Joseph M. Napoli, Traffic Programs Branch, Transportation and Public Utilities Service, General Services Administration (TTMP), Washington, D.C. 20406 (202-275-0654). The following correction is made in FR Vol. 45, No. 251, appearing in the issue of December 30, 1980:

On page 85760, § 101-40.403-2 (Disqualification procedures), the 10th line of subparagraph (6) § 101-40.403-2(a)(6)) appearing at the top of the third colum is corrected to read "paragraph (a)(2)(iv) of this section, the" instead of "paragraph (b)(2)(iv) of this section, the."

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 20, 1981.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 81-6779 Filed 3-2-81; 8:45 am]

BILLING CODE 6820-AN-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1357

Requirements Applicable to Title IV-B

AGENCY: Office of Human Development Services, HHS.

ACTION: Withdrawal of interim final rule.

SUMMARY: The Office of Human Development Services (OHDS) of the Department of Health and Human Services (HHS) is withdrawing the interim final regulation specifying requirements for State eligibility for additional payments under title IV-B (Child Welfare Services Program) of the Social Security Act. The interim final regulation was published December 31, 1980 (45 FR 86812).

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Frank Ferro, Associate Chief, Children's Bureau (202) 755-7418.

SUPPLEMENTARY INFORMATION: On December 31, 1980, OHDS issued an interim final rule (45 FR 86812) that described systems and programs that the Secretary would find satisfactory as meeting the requirements of Section 427 of the Social Security Act, recently added by Pub. L. 96-272, the "Adoption Assistance and Child Welfare Act of 1980." Section 427 imposes requirements which States must meet to be eligible for additional payments under title IV-B. The interim final regulation established 45 CFR Part 1357, Requirements Applicable to Title IV-B, and 45 CFR 1357.30, Requirements for State eligibility for additional payments. The effective date of the interim final regulation was stated as December 31, 1980.

For the following reasons the Department is withdrawing the regulation:

Several sections of the regulation contain reporting and recordkeeping requirements. Under the Federal Reports Act, 44 U.S.C. 3509, these requirements must be reviewed by the Office of Management and Budget (OMB) before they can be implemented. Because OMB has not yet reviewed these requirements, there is doubt as to whether portions of the regulation are legally effective. In light of the questionable effectiveness of the regulation, the Department believes that substantial confusion will result if the regulation is not withdrawn.

In addition, on December 31, 1980, the Department published a Notice of Proposed Rulemaking (NPRM) which was intended to include, at §§ 1357.30 and 1356.40(d), the same provisions as the interim final regulation. Because of a number of minor technical errors in the interim final regulations, there are inconsistencies between the two versions. The correct language appears in the NPRM. Therefore, in order to avoid the confusion resulting from having before the public two versions of the same regulation, the Department believes it is in the public interest to withdraw the interim final regulation.

The Department believes the foregoing reasons also constitute good cause for omitting notice and comment procedures concerning withdrawal of the regulation, as required under section 553(b) of the Administrative Procedures Act (APA) and for making the withdrawal effective immediately rather than waiting 30 days under section 553(d) of the APA. Any delay in withdrawing the interim final regulation to allow for public comment would be likely to increase existing confusion surrounding this situation.

Furthermore, by issuing this withdrawal without notice and comment, the Department is not denying the public an opportunity to comment on the regulations. The public has been invited to comment on these sections as they appear in the NPRM. The comment period extends through March 16, 1981. We believe it would be unnecessary and confusing to request comments on the withdrawal of a regulation while seeking comments on the adoption of the same requirements. Section 1357.30 remains as a proposed regulation for comment in the NPRM. This notice withdraws only the interim final rule.

PART 1357 [Removed]

Part 1357 of 45 CFR Chapter XIII is removed.

Dated: February 13, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

Approved: February 26, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-6777 Filed 3-2-81; 8:45 am]

BILLING CODE 4110-92-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1492; Amdt. 1]

Chicago and North Western Transportation Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1492.

SUMMARY: Amendment No. 1 extends the expiration data of Service Order No. 1492 which authorizes Chicago and North Western Transportation Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE: 11:59 p.m., February 28, 1981, and continuing in effect until 11:59 p.m., March 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION: Decided February 25, 1981.

Upon further consideration of Service Order No. 1492, (46 FR 10740), and good cause appearing therefor:

It is ordered, § 1033.1492, *Chicago and North Western Transportation Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)* is amended by substituting the following paragraph (N) for paragraph (N) thereof:

(N) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Chicago and North Western Transportation Company to undertake compensation negotiations, and shall expire at 11:59 p.m., March 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1981.

V 46 / 41 MR 3 81 UMI

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6782 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S.O. 1494; Amdt. 1]

Des Moines Union Railway Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1494.

SUMMARY: Amendment No. 1 extends the expiration date of Service Order No. 1494, which authorizes Des Moines Union Railway Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE: 11:59 p.m., February 28, 1981, and continuing in effect until 11:59 p.m., March 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided February 25, 1981

Upon further consideration of Service Order No. 1494 (46 FR 10741), and good cause appearing therefor:

It is ordered, § 1033.1494 *DES MOINES UNION RAILWAY COMPANY AUTHORIZED TO USE TRACKS AND/OR FACILITIES OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC, DEBTOR, (RICHARD B. OGILVIE, TRUSTEE)* Service Order No. 1494 is amended by substituting the following paragraph (N) for paragraph (N) thereof:

(N) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Des Moines Union Railway Company to undertake compensation negotiations, and shall expire at 11:59 p.m., March 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6780 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[S.O. 1493; Amdt.1]

Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to service order No. 1493.

SUMMARY: Amendment No. 1 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE: 11:59 p.m., February 28, 1981, and continuing in effect until 11:59 p.m., March 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided February 25, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742), and good cause appearing therefor:

It is ordered, § 1033.1493 *Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific, debtor, (Richard B. Ogilvie, Trustee)* Service Order No. 1493 is amended by substituting the following paragraph (N) for paragraph (N) thereof:

(N) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Escanaba and Lake Superior Railroad Co. pany to undertake compensation negotiations, and shall expire at 11:59 p.m., March 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6781 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–004M]

Occupational Exposure to Lead

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Delay of effective date of new trigger levels for medical removal protection.

SUMMARY: OSHA is delaying the effective date of the new trigger levels for medical removal protection under the lead standard from March 1, 1981 to April 1, 1981 (§ 1910.1025(k)). This action is taken upon the request of several industry parties and will allow for the submission and evaluation of additional information from all interested persons concerning any further relief which may be appropriate.

DATES: The effective date of the new trigger levels is April 1, 1981. All data and comments must be received by March 20, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. H–004M, Occupational Safety and Health Administration, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523–7894.

FOR FURTHER INFORMATION CONTACT:
Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, Washington, D.C. 20210; telephone (202) 523–7081.

SUPPLEMENTARY INFORMATION: On November 13, 1978, OSHA issued a new standard on occupational exposure to lead under the authority of section 6(b) of the Occupational Safety and Health Act, 29 U.S.C. 655(b). The standard was published in the **Federal Register** on November 14 and 21, 1978 (43 FR 52952; 43 FR 54354) and codified at 29 CFR 1910.1025.

The standard, in addition to requirements for reduction of airborne lead exposures, monitoring, protective equipment, training, medical surveillance, and other protective measures, also contains a requirement for the removal of employees whose blood lead levels exceed specified values and for their transfer to lower exposure positions or, in the absence of such positions, for their removal from the workplace. While employees are transferred or removed from the workplace, the employer must maintain their earnings and other employment rights. These employees would then be returned to employment when their blood lead levels drop below specified levels. This provision, known as the medical removal protection ("MRP") requirement, is contained in paragraph (k) of § 1910.1025.

To assure the feasibility of this provision and in recognition of the existing elevated blood lead levels of many exposed employees, the standard provided for a progressive phase-in of the levels which would trigger the removal and subsequent return of employees to lead exposure positions. During the first year of the standard, beginning March 1, 1979, employees would have to be removed if the concentration of lead in their blood was at or above 80 micrograms of lead per 100 grams of whole blood (80 μg/100g). These employees could be returned when their blood lead levels dropped to 60 μg/100g. Starting March 1, 1980, employees with blood lead levels at or above 70 μg/100g would have to be removed and could not be returned until blood lead dropped to 50 μg/100g. Beginning March 1, 1981, the third year of the standard, the trigger levels for removal and return were scheduled to drop to a 60 μg/100g removal level and 40 μg/100g return level.

Several employers and industry groups representing a cross-section of those affected by the lead standard, have petitioned OSHA for a one-year delay in the March 1, 1981 effective date of the new trigger levels. They have alleged that the application of the new trigger levels on March 1 is infeasible because it would necessitate the removal of many skilled employees, including supervisors, foremen and maintenance workers, whose blood lead levels currently exceed 60 μg/100g. They further state that these employees would have to be on removal status for lengthy periods of time until their blood leads dropped below 40 μg/100g, and that because of their skills and experience they could not be easily replaced. As a result, there would be serious adverse effects on the continued operation and productivity of their plants, including the health and safety controls utilized in these industries.

Responses to these requests for a delay in the effective date have been received from several unions, generally challenging the adequacy of the factual basis for the requested delay and suggesting that any delay which is granted be limited in scope and time to those employers and plants where serious feasibility problems can be demonstrated.

These requests and responses raise serious questions concerning the feasibility of the new trigger levels and what relief is appropriate to prevent the disruptions which may occur while protecting employees from harmful exposures to lead. The information submitted so far by affected industries and unions does not fully indicate the precise extent and scope of the problem or the appropriate relief, including an alternative protection which might be warranted.

In light of these uncertainties and other gaps in the evidence submitted, OSHA has decided as an interim measure to delay the effective date of the new trigger values, provided in §§ 1910.1025(k)(1)(i)(C) and 1910.1025(k)(1)(iii)(A)(*3*), until April 1, 1981, for all employers covered by the lead standard. This brief delay will enable all interested persons to submit additional information and views concerning the extent and scope of any appropriate relief, and will enable to the agency to evaluate the requests and determine what long-term action is appropriate.

All interested persons are invited to submit information and views on all issues involved in the requests for delay in the effective date of the new medical removal protection trigger levels. Since there is a very brief period of time available, all comments must be received by March 20, 1981 to be assured of consideration by the agency. Written comments should be submitted, in quadruplicate, to the OSHA Docket Office, Docket No. H–004M, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 523–7894. The requests and responses received so far, as well as all comments received in

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response to this notice, will be available for inspection and copying at the Docket Office.

In view of the very brief time available and the limited nature of the delay in the effective date provided herein, OSHA has determined that public notice and comment on the one-month delay are impracticable, unnecessary and contrary to the public interest, within the meaning of 5 U.S.C. 553(b) and section 6(b) of the Occupational Safety and Health Act.

Signed at Washington, D.C., this 27th day of February 1981.

David C. Zeigler,

Acting Assistant Secretary of Labor.

[FR Doc. 81-6843 Filed 3-2-81; 10:20 am]

BILLING CODE 4510-26-M

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Proposed Rules

Federal Register
Vol. 46, No. 41
Tuesday, March 3, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

7 CFR Part 2851

[Docket No. 80-026E]

Solicitation of Information on Proposed Shelled Peanut Standards; Extension of Comment Period

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of extension of comment period on solicitation of information on proposed shelled peanuts standards.

SUMMARY: The Food Safety and Quality Service has been requested to extend the comment period on the Solicitation of Information on Proposed Rules for Shelled Peanuts published in the **Federal Register** on February 3, 1981. The extension has been requested by the Southeastern Peanut Association to provide additional time for peanut industry representatives to arrange a national meeting on the proposed U.S. Standards for Grades of Shelled Peanuts. In response to the request, the Agency is extending the comment period to April 2, 1981.

DATE: Comments and information must be received on or before April 2, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 2637, South Agriculture Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Canon, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2093. The Draft Impact Analysis describing the options considered in developing the proposed rule and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1981, the Food Safety and Quality Service (FSQS) published a solicitation of information (46 FR 10498) on proposed U.S. Standards for Grades of Shelled Peanuts. The solicitation requested further industry comments on the proposed standards which were published December 14, 1979, (44 FR 72599). Interested persons were given until March 5, 1981, to comment.

The Southeastern Peanut Association, representing growers and shellers in Georgia, Alabama, Mississippi, and Florida, has requested additional time to make comments on the FSQS alternate proposals presented in the solicitation of information. They wish to meet with the Southwestern Peanut Shellers Association and the Virginia-Carolina Peanut Association, co-originators of the request to revise the U.S. standards for shelled peanuts. Representatives of these and other industry organizations require additional time to formalize meeting arrangements. In order to resolve industry differences concerning the alternate proposal presented by FSQS in the solicitation for comments, additional time is needed for industry members to formulate their responses.

Since the Agency is interested in receiving meaningful data, the Agency has determined that these circumstances are considered sufficient justification for extending the comment period to April 2, 1981.

Done at Washington, D.C., on February 26, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-6615 Filed 3-2-81; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 157, 250, and 260

[Docket No. RM81-16]

Notice of Proposed Rulemaking To Discontinue Certain Producer Reports and Related Form Nos. 108 and 314-B, and To Reinstitute and Revise Producer Filing Instructions

Issued February 19, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: By this Notice, the Federal Energy Regulatory Commission (Commission) proposes to eliminate in their entirety, FPC Form No. 108, "Rate Schedule Analysis on a Continuing Current Basis" (18 C.F.R. § 260.6), and FPC Form No. 314-B, "Annual Statement for Independent Producers Holding Small Producers Exemptions" (18 C.F.R. § 154.104).

In place of Form No. 108—which is composed of five separate schedules—the Commission would substitute the following reporting requirements:

In lieu of Schedule No. 502, "Independent Producer Rate Schedule Identification and Contract Data," and Schedule No. 503, "Independent Producer Rate Schedule Pricing Provisions and Actual Quality Data," the Commission proposes to reinstate a simplified version of 18 C.F.R. § 250.5, "Form of Contract Summary to be Filed by All Applicants for a Certificate of Public Convenience and Necessity, Including Successors in Interest."

In lieu of Schedule No. 507, the Commission proposes the addition of a new section—18 C.F.R. § 250.14, "Initial Billing Statement or Notice of Change in Rate."

Schedule Nos. 501 and 505 are proposed to be entirely deleted.

These proposed changes would result not only in the complete elimination of Schedule Nos. 501 and 505 of Form No. 108 but also in the reduction by approximately 72 percent of the current reporting requirements in Schedule Nos. 502, 503 and 507.

Form No. 314-B is to be deleted in its entirety, and will be replaced by a "single statement" filing requirement that must be filed by any small producer who loses that status by producing more than 10 BCF per year.

The total reduction resulting from these changes in the reporting requirements is 68 percent. These reductions are made as part of an ongoing effort at the Commission to eliminate unnecessary reporting burdens and to update its forms, and are based upon the Commission's conclusion that the information proposed to be deleted

is no longer needed by the Commission to carry out its regulatory duties.

DATE: Comments are due by April 6, 1981.

ADDRESS: Comments to this Notice should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM81-16.

FOR FURTHER INFORMATION CONTACT:

Marvin Hirsh, Chief, General Reports Branch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 6410, Washington, D.C. 20426, Phone: (202) 357-8748.

Discontinuance of Producer Reports and Related Form Nos. 108 and 314-B, and Reinstitution and Revision of Producer Filing Instructions; Notice of Proposed Rulemaking

Issued February 19, 1981.

The Federal Energy Regulatory Commission (Commission) is engaged in an ongoing effort to eliminate unnecessary reporting burdens. This rulemaking would discontinue two of the Commission's reporting requirements: FPC Form No. 314-B, "Annual Statement for Independent Producers Holding Small Producer Exemptions," and FPC Form No. 108, "Rate Schedule Analysis on a Continuing Current Basis."

Two of the five schedules in Form No. 108 would be deleted in their entirety (Schedule Nos. 501 and 505), as would be the supporting documents to the form. In place of two of the remaining three schedules (Schedule Nos. 502 and 503), the Commission proposes to reinstate a simplified reporting requirement. The remaining Form No. 108 schedule (Schedule No. 507) would be replaced by a new, shorter reporting requirement.

Form No. 314-B would be replaced by a requirement that a company file a single statement if it loses its small producer status.

The deletions and amendments proposed in this rulemaking would result in a significant reduction in the respondent's reporting burden; indeed, the Commission recently decided to suspend a number of filings under these two forms.[1]

[1] In anticipation of this Notice of Proposed Rulemaking, the Commission issued an order on May 5, 1980, to suspend, until further notice, the filing of Schedule Nos. 501 and 505 of Form No. 108, and the filing of Form No. 314-B (45 *Fed. Reg.* 33600, May 20, 1980).

I. Background

A. Form No. 108

Form No. 108 is prescribed by 18 C.F.R. § 260.6.[2] It requires the reporting of current information from large independent gas producers concerning natural gas flowing in interstate commerce. The form is designed for computer responses.

Form No. 108 currently consists of five schedules: No. 501, "Independent Producer Natural Gas Sales Summary"; No. 502, "Independent Producer Rate Schedule Identification and Contract Data"; No. 503, "Independent Producer Rate Schedule Pricing Provisions and Actual Quality Data"; No. 505, "Independent Producer Annual Rate Schedule Sales Data"; and No. 507, "Independent Producer Rate Change Filing or Initial Billing Statement". Much of the information collected by Form No. 108 had been used for biennial national rate adjustments under section 4 of the Natural Gas Act (NGA) (15 U.S.C. §§ 717-717w). However, with the passage of the Natural Gas Policy Act (NGPA), (15 U.S.C. §§ 3301-3432), the biennial rate adjustments are no longer required. Therefore, the Form No. 108 data bank is obsolete, and should be eliminated.

1. *Schedule Nos. 501 and 505.* Schedule Nos. 501, "Independent Producer Natural Gas Sales Summary", and 505, "Independent Producer Annual Rate Schedule Sales Data", are annual gas sales, volume, and revenue reports. These reports are inadequate for NGPA compliance purposes in that they do not identify: (a) which first sales of gas from individual wells have been found by state agencies to fall into specific NGPA maximum lawful pricing categories,[3] and (b) which first sales of gas were subject to sections 104 and 106(a) of the NGPA. In addition, several of the wells dedicated to interstate sales contracts that have been subject to the NGPA well determination process are operated by either small producers or pipeline operators; and they are not required to file information on Schedule Nos. 501 and 505.

The Commission's field audit program is proving to be an effective means of assuring producer and pipeline compliance with the NGPA and with the Commission's regulations. Furthermore, actual volume and revenue data for individual or company-wide sales may be obtained from producers and pipelines as needed by the Commission or by the Energy Information Administration (EIA) through specific data requests. For these reasons, the Commission proposes that Schedule Nos. 501 and 505 of Form No. 108 should be entirely discontinued, and not replaced.

2. *Schedule Nos. 502 and 503.* Schedule Nos. 502, "Independent Producer Rate Schedule Identification and Contract Data" and 503, "Independent Producer Rate Schedule Pricing Provisions and Actual Quality Data" collect summaries of contract data. They are required to be filed every time a producer submits a new contract or a contract amendment.

While passage of the Natural Gas Policy Act has made the continued filing of much of the Form No. 108 data unnecessary, sections 4 and 7 of the Natural Gas Act still require that certain certificate and rate filings be made for gas that is "committed or dedicated to interstate commerce" within the meaning of section 2(18) of the NGPA.

Therefore, in lieu of Schedule Nos. 502 and 503, the Commission proposes, in effect, to reinstate § 250.5 of the Commission's regulations, to provide for Format No. FERC 558, "Contract Summary to be Filed by all Applicants for Certificates of Public Convenience and Necessity, Including Successors in Interest." Section 250.5 had been deleted by the Commission Order which established Form No. 108. (*See* footnote no. 2 above.) This revised § 250.5 would include certain NGPA pricing data which is currently provided for in Schedule Nos. 502 and 503. It would also include a limited number of new data elements which are essential to a certificate application. Certain elements would also be added for clarification purposes. Format No. FERC 558 would, however, be designed for human (*i.e.*, non-computer) use. It would also represent an 82 percent reduction in data elements from Schedule Nos. 502 and 503, and would eliminate a considerable reporting burden for affected respondents.

3. *Schedule No. 507.* Schedule No. 507, "Independent Producer Rate Change Filing or Initial Billing Statement" reports the initial rate which a producer proposes to charge under its requested certificate for a newly certificated sale of natural gas under section 7 of the NGA, or a change in the rate which a producer proposes to make in its filed rate under section 4 of the NGA.[4]

[2] Form No. 108 was instituted by Order No. 556, Docket No. 76-10, 41 *Fed. Reg.* 52441, November 30, 1976, and revised by Order No. 556-A, Docket No. RM76-10, 42 *Fed. Reg.* 41271, August 16, 1977.

[3] *See* §§ 102, 103, 107 and 108 of the NGPA.

[4] Many changes in rate filings have been eliminated under the blanket affadavit procedures adopted in Order No. 15 (issued November 17, 1978, 43 *Fed. Reg.* 55756, November 29, 1978; amended by Order No. 15-A, issued December 28, 1978, 44 *Fed. Reg.* 1100, January 4, 1979), and in Order No. 25 (issued March 27, 1979, 44 *Fed. Reg.* 19389, April 3, 1979).

Continued

The Commission believes that the data in Schedule No. 507 could be reported in a simpler format. Thus, new Format No. FERC 559, "Independent Producer Rate Change or Initial Billing Statement", is proposed to be set out at § 250.14 of the Commission's regulations. Format No. FERC 559 would collect some of the same data as Schedule No. 507. Certain new elements would be included to conform to requirements of the NGPA. However, as a result of the simplification of the format and deletion of items which are not essential to the report, a 30 percent net reduction in data elements would result, as compared to Schedule No. 507. Format No. FERC 559 would also be designed for human (*i.e.*, non-computer) use. Finally, the new format could be used for either of two purposes, *i.e.*, as an Initial Billing Statement, or as a Notice of Change in Rate Filing.

B. Form No. 314-B

Section 154.104 of the Commission's regulations requires that small producers file annual reports of interstate sales. The data are submitted on Form No. 314-B. This report is used to identify small producers and their affiliates whose combined annual jurisdictional sales exceed 10 million Mcf, so that such certificates may be cancelled with respect to future sales. Small producer status is terminated as of April 1 of the year immediately following the calendar year in which a producer's jurisdictional sales (including affiliate sales) exceeded 10 million Mcf. Small producer status is also lost if a small producer merges with, is acquired by, or otherwise become affiliated with: (a) another producer, and the total jurisdictional sales of such parties exceeds 10 million Mcf, or (b) a Class A pipeline company. This annual report currently constitutes notice to the Commission of such excess sales. (*See* § 157.40 (a)(1) and (d).

Since enactment of the Natural Gas Policy Act, which prescribes the maximum statutory prices for producer sales in both interstate and intrastate markets, the annual reporting requirements for interstate small producer sales are of minimal value to the Commission's regulatory responsibilities. Therefore, the Form No. 314-B and the reporting burden that it represents could be eliminated, without any apparent detriment.

The Commission accordingly proposes to require that a company report a loss of small producer status. This information would, however, be required merely in the form of a simple statement to the Commission that the company's sales have exceeded 10 million Mcf during the previous calendar year.

II. Summary of Changes

A. Form No. 108

The Commission proposes to delete the "Form No. 108" and the following supporting documents to the Form in their entirety:

Schedule Nos. 501 and 505; the Cover Sheet; Table of Contents; Schedule 0000, "Footnotes to FPC Public Use Schedules"; Directions for Submitting Completed Schedules to the FPC; Attestation; Index; and the Register of Data Standards.

Schedule Nos. 502 and 503 would be replaced by a single noncomputer format, Format No. FERC 558, set out at § 250.5 of the Commission's regulations. The following changes in the reporting requirement would result:

Deletions

Current Schedule Nos. 502 and 503

Respondent Code
Submission Period
Page Footnote
Original—Revision
Page of Pages
FERC Rate Schedule Number
Multiple Analysis Code
Reason for Multiple Analysis
Supplement Number
Proposed Effective Date

Current Schedule No. 502

Contract Date
Contract Ratification Date
Contract Renegotiation Date
Well Spud-In Date Category
Buyer Code
First State, First County Code
First State, Second County Code
First FPC Area Code
Second State, First County Code
Second State, Second County Code
Second FPC Area Code
Supplement Filing Date
Supplement Effective Date
Supplement Effective Date—Estimated-Indicator
Supplement Effective Date—Indefinite
Type Supplemental Filing
Rate Schedule Effective Date—Actual
Rate Schedule Effective Date—Indefinite
Contract Initial Term
Contract Term Extended
Contract Term—Date From
Contract Term—Indefinite Date From
Contract Measurement Pressure Base
Analysis Code Pressure Base
Type of Gas Seller
Status of Contract
Maximum Contract Delivery Pressure—First Set
Maximum Contract Delivery Pressure Indicator—First Set
Minimum Contract Delivery Pressure—First Set
Minimum Contract Delivery Pressure Indicator—First Set
Maximum Contract Delivery Pressure—Second Set
Maximum Contract Delivery Pressure Indicator—Second Set
Minimum Contract Delivery Pressure—Second Set
Minimum Contract Delivery Pressure Indicator—Second Set
Processing Rights
Actual Delivery Points
Actual Delivery Points
Actual Measurement Point
Actual Measurement Point
Actual Measurement Point
Take-or-Pay Provision
Accelerated Take Provision
Btu Requirements, Minimum
Btu Requirements, Price Adjustable Below
Btu Adustment, Type Downward
Btu Requirements, Maximum
Btu Requirements, Price Adjustable Above
Btu Adjustment, Type Above Maximum Total Sulphur
Maximum Sulfur Commercially Free Indicator
Maximum Hydrogen Sulfide
Maximum Water
Maximum Water Abbreviation
Maximum Total Diluent
Maximum CO_2, Percent
Maximum Oxygen, Percent
Maximum Nitrogen, Percent
Maximum Liquid Hydrocarbons
Maximum Liquid Hydrocarbons Indicator
Purity Clause Indicator
FERC Field Plant Code
Field Depth Limitation
Effective Date of Seller—Buyer Change
Seller Buyer Code
Name Change Indicator
Type of Change Indicator
Type Identification Change Indicator
Rate Schedule Name Suffix
Prior/Present Rate Schedule Identification Number

Current Schedule No. 503

Revenue Sharing Clause
Spiral Escalation Clause
Liquid Revenue Clause
Favored Nation Clause
FERC Area Rate Clause
Area Rate Clause, Actual Date From Deregulation Clause
Tax Reimbursement, Percent
Maximum Tax Reimbursement
Percent Gas Well Gas
Percent Casinghead Gas
Percent Residue Gas
Residue Gas Mixture—Gas Well
Residue Gas Mixture—Casinghead
Delivery Pressure Indicator
Actual Average Btu
Average Btu Content Indicator
Fixed Increase—Actual Date
Fixed Increase—Indefinite Date
Fixed Increase—Base Rate
Type Impurity
Impurity Content
Impurity Content Indicator

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Waiver of Price Renegotiation/ Redetermination
Price Renegotiation/Redetermination Indicator
Current Ratio to Reserves Denominator
Estimated Annual Sales Volume
Price Redetermination Date, Actual
Price Redetermination Date, Indefinite
Historical Annual Sales, Year
Historical Annual Sales, Volume

Seller Additive Charge—Type, Seller Additive Charge—Amount, Buyer Deductive Charge—Type, and Buyer Deductive Charge—Amount would be combined into one element in Format No. FERC 558.

Additions

Person Responsible for Application
Location of Sale—State and County Name
Estimated Sales Volume—Monthly
Assignor's FERC Docket Nos.
Proposed Disposition of Rate Schedule
Suspension Docket Number
Price Subject to Refund, Dollars/MMBtu
Date Price Made Effective Subject to Refund
Estimated Amount Subject to Annual Refund
Bond or Undertaking Intention

Schedule No. 507 would be replaced by a non-computer format, Format No. FERC 559, set out at § 250.14 of the Commission's regulations. The following changes in the reporting requirements would result:

Deletions

Respondent Code
Submission Period
Page—Footnote
Original—Revision
Page of Pages
Multiple Analysis Code
Reason for Multiple Analysis
FERC Rate Schedule Supplement Number
Type Rate Schedule Identification
Buyer Code
State Abbreviation
County Code
Field/Plant Code
Proposed Effective Date—Indefinite
Proposed Revenue Differences—DOL
Tax Reimbursement, CTS/Mcf
Other Charges, CTS/Mcf
Other Charges—Dehydration, CTS/Mcf
Other Charges—Compression, CTS/Mcf
Other Charges—Treating, CTS/Mcf
Other Charges—Other, CTS/Mcf
Line Sequence Number

Type of Rate Change and Other Type of Rate Change would be combined into one element in format No. FERC 559.

Additions

Total Rate, CTS/MMBtu
Covered by Affidavit under § 154.94(h)
Rate Under Sections 102(d) or 108 of NGPA
FERC Notice of Determination Control Number
Effective Date of Determination
Date

County Name, and State Name requirements which are currently prescribed in Schedule No. 507 would be modified for inclusion in Format No. FERC 559.

B. Form No. 314–B

Form No. 314–B would be deleted in its entirety. Only a statement to the effect that annual producer sales have exceeded 10,000,000 Mcf would be required to be filed by the producer, with the Commission and with its purchasers.

III. Certification of no Significant Economic Impact

The Regulatory Flexibility Act (RFA),[5] requires certain statements, descriptions, and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(b) of the RFA, the Commission finds that the provisions of that Act do not apply to this rulemaking. If promulgated, this rulemaking would simplify the reporting requirements for independent natural gas producers, by eliminating two cumbersome reports, Form No. 108, "Rate Schedule Analysis on a Continuing Current Basis", and Form No. 314–B, "Annual Statement for Independent Producers Holding Small Producer Exemptions".

Two of the five schedules in Form No. 108 would be deleted in their entirety, two others would be replaced by Format No. FERC 558, and another schedule would be replaced by Format No. 559. Format Nos. FERC 558 and 559 would be simplified, noncomputer reporting requirements which would result in a significant reduction in respondent reporting burdens. Neither the current Form No. 108 nor the proposed revised formats, Format Nos. FERC 558 and 559, impose any requirements upon "small producers" (*i.e.*, independent producers of natural gas who are not affiliated with a Class A natural gas pipeline company and whose total "jurisdictional sales" on a nationwide basis, together with sales by affiliated producers were not in excess of 10,000,000 Mcf during the preceding calendar year) (*see* 18 C.F.R. 157.40(a)). Only those independent producers whose sales exceed 10,000,000 Mcf during the preceding calendar year would submit these filings.

Form No. 314–B would be replaced by a "single statement" filing which would be required of any small producer who loses that status by producing more than 10,000,000 Mcf per year.

As such, this rulemaking does not impose any regulatory or administrative burden upon small entities nor does it require an expense of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

IV. Written Comment Procedures

The Commission invites interested persons to submit written data, views and other information concerning the matters set out in this Notice. An orginal and 14 copies of such comments should be filed with the Commission by April 6, 1981. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM81–16.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 during regular business hours.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; Natural Gas Policy Act, 15 U.S.C. 3301–3432, Natural Gas Act, 15 U.S.C. 717–717w; Regulatory Flexibility Act, Pub. L. No. 96–354; E.O. 12009, 3 C.F.R. 142)

In consideration of the foregoing, the Commission proposes to amend Parts 154, 157, 250 and 260, of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,
Secretary.

1. Section 154.92 is amended by revising the second sentence of paragraph (a) and the second sentence of paragraph (b) to read as set forth below; and removing paragraph (e) in its entirety.

PART 154—RATE SCHEDULES AND TARIFFS

§ 154.92 Filing of rate schedules by independent producer.

(a) * * * To each such rate schedule, there shall be attached a billing statement, in the format specified in § 250.14.

(b) * * * To each such rate schedule there shall be attached a statement, in the format specified in § 250.14, which shows the estimated sales and billing for the first month of service, in sufficient detail to show the method of billing and price used.

* * * * *

(e) [Removed]

* * * * *

2. Section 154.94 is amended by revising paragraph (f), and Appendix A in the fourth paragraph of Item II of the Instructions for Competing Exhibit A to read as follows:

§ 154.94 Changes in rate shcedules.

* * * * *

(f) Notice of change in rate level. An independent producer who is proposing a contractual change in rates, charges, etc., shall file the information specified in § 250.14.

* * * * *

Appendix A to § 154.94

* * * * *

Exhibit A

* * * * *

Instructions for Completing Exhibit A

* * * * *

II. *Specific Instructions. Respondent Name and Code:*

* * * * *

Applicable Just and Reasonable Rate Previously Established Under the NGA: Enter either the base rate (Mcf at 14.73 psia) reflected in the last notice of change in rate submitted for the vintage involved or the base rate reflected in the initial billing statement. *See* § 250.14 of this chapter.

* * * * *

§ 154.104 [Removed]

3. Section 154.104 is removed in its entirety.

4. Section 157.24 is amended by revising the first sentence of paragraph (a) to read as follows:

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

§ 157.24 Contents of application.

(a) Every application for a certificate of public convenience and necessity required under § 157.23 shall be filed with the Commission and shall contain, in the form specified in § 250.5, a summary of each contract for the sale or transportation of natural gas for which a certificate is requested. * * *

5. Section 157.40 is amended in paragraph (a)(1) by revising the last two sentences of the second paragraph, which begins as set forth below, to read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

(a) Definitions. (1) * * *

Upon termination of small producer status * * *

If such termination occurs as a result of merger or affiliation, the producer shall give notice thereof to its purchasers and to the Commission within 30 days of the effective date of such occurrence. If such termination occurs as a result of sales having exceeded the 10,000,000 Mcf limitation during a calendar year, the producer shall give notice thereof to its purchasers and to the Commission by letter to be submitted on or before April 1 of the following year.

* * * * *

6. A new § 250.5 is added to read as follows:

PART 250—FORMS

§ 250.5 Contract summary to be filed by all applicants for certificates of public convenience and necessity, including successors in interest. (See § 157.24(a) of this chapter.)

Note.— All applicants shall complete Part I. An applicant who is an assignee (including farmout) filing as a successor shall also complete Part II–A and Part II–B if the related rate schedule is under suspension, if the rate is in effect subject to refund, or if the sale is being made by the assignor under temporary certificate with a rate refund condition. The reporting pressure base is 14.73 psia.

Date _____

Part I

(1) Name of applicant _____
(2) Person responsible for application:
(a) Name and title _____
(b) Mailing address _____
(c) Telephone No _____
(3) Name of purchaser _____
(4) Are applicant and purchaser affiliated?
No _____
Yes _____
(5) Location of sale:
(Field, County, State) _____
(6) Type of application [1] _____
(7) Date of contract _____
(8) Total price in dollars per MMBtu (including all adjustments and tax reimbursement) _____
(9) Specify adjustments included in total price per MMBtu in (8) above [2] _____
(10) Estimated sales volumes (Mcf per month)
(11) Delivery pressure _____
(12) Delivery point e.g., wellhead, plant tailgate, central point in field, etc _____
(13) Other special conditions affecting price _____
(14) Advance payments:
Yes _____
No _____

Part II–A

(15) Assignor _____
(16) Description of service to be continued:
(a) FERC Docket No.(s) under which assignor was originally authorized: _____
(b) Proposed disposition of assignor's FERC Gas Rate Schedule(s) _____

Part II–B

(17) Suspension Docket No _____
(18) Price currently being collected subject to refund (in dollars per MMBtu _____
(19) Date price made effective subject to refund
(20) Estimated amount subject to possible annual refund $_____
(21) In addition to the refund obligation required by § 154.92(d)(3), does assignee intend to file bond or undertaking to assure total refund: (a) from the date increased rate of assignor became effective subject to refund or (b) from date operation commenced under assignor's temporary certificate containing a refund condition? Yes_____ No_____

[1] Specify whether initial service, add acreage, delete acreage, continue service of predecessor, farmout, or other. If "other", give details.

[2] Specify each type of adjustment (e.g. gathering, dehydration, compression, liquefiable hydrocarbons, etc.) and each related adjustment amount in price per MMBtu reflected in the total price.

§ 250.11 [Removed]

7. Section 250.11 is removed it its entirety.

8. A new § 250.14 is added to read as follows:

§ 250.14 Independent producer rate change or initial billing statement. (See §§ 154.92 and 154.94)

Note.—This format is to be used to file either a Notice of Change in Rate or an Initial Billing Statement by checking the appropriate box and answering the applicable questions. Applications filed to collect Natural Gas Policy Act rates must include rate information items (9)(a) through (f) and also include a statement, under oath, stating that in addition to collecting NGPA rates as shown, the filing party will be reimbursed only for taxes actually paid, to the extent contractually authorized. Do not include tax reimbursement data for NGPA rates on the form. Applications filed to collect rates at Natural Gas Act or contract rate levels must include tax items (9)(a) through (e). Applicable tax reimbursement should be included under item (9)(d). Rates should be shown in dollars to three decimal places. The reporting pressure base is 14.73 psia.

Check One: Producer Rate Change (§ 154.94)
☐ Initial Billing Statement (§ 154.92) ☐
(1) Name of Producer _____
(2) FERC Gas Rate Schedule No. _____
(3) Name of Buyer _____

(4)Location:
(a) Field _____
(b) County _____
(c) State _____
(5) Basic Contract Date _____
(6) Proposed Effective Date _____
(7) Contract Basis _____
(8) Regulation Section (type of change) _____
(9) Rate information:

	Current	Proposed
(a) Base rate ($/Mcf)	$	$
(b) Btu adjustment		
(c) Gathering allowance		
(d) Other (explain)		
(e) Total rate ($/Mcf)		
(f) Total rate ($/MMBtu)		

(10) Average Btu content (Btu/cu.ft.) _____
(11) Estimated annual sales volume (Mcf) _____
(12) Are futures escalations to be covered by affidavit filed under § 154.94(h)? _____
(13) Is the application for a rate under sections 102(d) or 108 of NGPA? _____
If yes, what is (a) The FERC Notice of Determination Control No.? _____
(b) The effective date of final determination? _____
(14)Remarks:
(15) Person responsible for this filing:
(a) Name and title _____
(b) Signature _____

[5] 5 U.S.C. §§ 601–612 (Pub. L. 96–354).

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(c) Address:
Street No
City
State
Zip
(d) Telephone No
(e) Date

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

§ 260.6 [Removed]

9. Section 260.6 is removed it its entirety.

[FR Doc. 81-6520 Filed 3-2-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommiting and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to modify its offense severity scale, an important feature of its paroling policy guidelines, to place in the "Greatest II" severity category the principal offenders behind very large scale opiate (e.g., heroin) distribution rings. In addition, the Commission is considering subdividing the "Greatest II" severity category in order to provide a maximum guideline limit for some of the offenses currently in the "Greatest II" category, and to raise the minimum guideline limit for other offenses in that category. One effect of such a restructuring would be to require a change in nomenclature for all of the severity categories in the guidelines. These changes are proposed in an effort to modify the paroling guidelines to more accurately reflect the actual decision-making practices observed over the past year for cases involving these most serious offenses.

DATE: Public comment must be received by April 25, 1981.

ADDRESS: Send comments to Barbara Meierhoefer at the address shown below.

FOR FURTHER INFORMATION CONTACT: Barbara Meierhoefer, U.S. Parole Commission Research Unit, 320 First Street, N.W., Washington D.C. 20537, (202) 724-3153.

SUPPLEMENTARY INFORMATION: As an aid in making equitable parole release decisions, the U.S. Parole Commission utilizes a guideline chart which sets forth a customary range of months to be served for various combinations of offense severity and offender risk (see 28 C.F.R. § 2.20). One axis of this two-dimensional guideline chart is the offense severity scale which groups offenses of similar gravity into one of seven categories ranging from "low" to "Greatest II" severity. The offense examples listed in the "Greatest II" category represent the most serious crimes.

The conference report accompanying the Parole Commission and Reorganization Act of 1976 requires that the Commission monitor the use of its guidelines and consider modifications if decisions outside of the guidelines are being rendered so frequently as to warrant a change in the published policy. Such now appears to be the case with decisions involving very large scale opiate (e.g., heroin) offenders.

The Commission currently places the offense of "opiates, possession with intent to distribute/sale, managerial or proprietary interest and very large scale (e.g., offense involving more than 50 grams of 100% pure heroin, or equivalent amount)" in the Greatest I category. However, the Commission has found that when it is faced with a conspiracy involving multi-kilo amounts of opiates, its release decisions in these cases are consistently above the guidelines. These offenders are usually major heroin importers and suppliers whose profit expectations are enormous, and whose criminal sophistication and daring are unusually high.

It is therefore proposed that the amount of drugs used to place opiate offenses in the Greatest I severity category be limited to one kilogram of 100% pure heroin (or equivalent amount), and that offenses involving more than one kilogram of 100% pure heroin (or equivalent amount) be placed in "Greatest II".

The Commission would also like to solicit comment pertaining to the possible subdivision of the current "Greatest II" category. At the present time, there is no maximum guideline range for the "Greatest II" severity category because of the limited number of cases falling into the category and the wide variation of behaviors which can be encompassed within the category.

The offenses currently rated "Greatest II" include the following:

Murder

Aggravated felony—serious injury (e.g., robbery: injury involving substantial risk of death, or protracted disability, or disfigurement) or extreme cruelty/brutality toward victim.

Aircraft hijacking

Espionage

Kidnaping (for ransom or terrorism; as hostage; or harm to victim)

Treason

5 or more bank robberies

If the current proposal were to be adopted, offenders with a managerial or proprietary interest in more than one kilogram of 100% pure heroin (or equivalent amount) would be added to the list. Additionally, there is a separate proposal currently out for public comment which would raise voluntary manslaughter cases to the "Greatest II" category (45 FR 84090, December 22, 1980).

The Commission is considering some of these offenses for the setting of an upper limit to the guideline range. The offenses being considered are those which are relatively less variable in circumstances and for which data on the Commission's practice is available for a sufficiently large number of offenders to constitute a "customary policy" (e.g., five or more bank robberies). Setting an upper guideline limit for as many offenses as possible furthers the Commission's aim of structuring discretion and providing increased certainty in the paroling process.

For some of the less frequent and more serious offenses (e.g., murder) the Commission is considering raising the minimum guideline limit, and thus the customary penalty, to reflect more adequately actual Commission practice.

If the Commission does adopt a subdivision of the Greatest II severity category, a renaming of the severity categories is planned so that the categories would be labeled Category 1 (currently LOW); Category 2 (currently LOW-MODERATE), etc.

I certify that this rule would not have any significant impact upon small business entities, with respect to 94 Stat. 1164 (PL 96-354), since the rule would only affect the time to be served by convicted and sentenced prisoners.

The Commission has consulted with the Office of Management and Budget pursuant to Executive Order 12291, and received their clearance for this publication.

Dated: February 26, 1981.

Benjamin J. Malcolm,

Vice-Chairman.

[FR Doc. 81-6675 Filed 3-3-81; 8:45 am]
BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1634-4]

Standards of Performance for New Stationary Sources; Bulk Gasoline Terminals

Correction

In FR Doc. 80-38932, published at page 83126, on Wednesday, December 17, 1980, on page 83142, in the third column, the last line, "(date of publication in **Federal Register**" should be corrected to read "December 17, 1980".

BILLING CODE 1505-01-M

40 CFR Part 763

[TSH-FRC 1706; OPTS 84004]

Asbestos; Reporting and Recordkeeping Requirements

Correction

In FR Doc. 81-2457, appearing at page 8200 in the issue of Monday, January 26, 1981 certain proposed forms were published. In § 763.76(a), EPA Form 7710-36, Reporting Industrial and Commercial Use of Asbestos, Part H appeared at page 8239 but was illegible. Part H is reprinted here for the convenience of the reader.

BILLING CODE 1505-01-M

H. SUMMARY OF CURRENT WORKER EXPOSURES

16. This section requires you to report the eight-hour Time Weighted Average (TWA) for all employees at the reporting site for whom you have already determined a TWA. You should group all employees with known TWA's into the ranges of TWA values indicated on the following chart. For each group of employees, you will then determine the total person hours that those employees worked at the given TWA range. Persons who mine and mill asbestos will report summaries of measurements of the Mine Safety and Health Administration (MSHA) (30 CFR 55., 56., 57.5-1(a)). Persons who mill, process, or manufacture asbestos will report summaries of measurements pursuant to the requirements of the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.1001). Do not estimate TWA figures for any employees. Report only known TWA values.

(H)1. 8-Hour Time Weighted Average (TWA)

For each range of exposure levels listed below:

Column 1 - enter the number of workers whose exposure falls within each exposure range. (where more than one TWA is available for a particular worker in the most current year, use the geometric mean of these values as the TWA for the worker.

Column 2 - enter for each exposure range the total number of hours worked in 1980 by the employees listed in column 1.

Column 3 - enter the total number of actual measurements (filters) that you used to determine the employees' TWA's that are reported in this chart.

(H)2. Ceiling Concentration Levels

For each exposure level range:

Enter the number of workers for whom ceiling concentration levels of asbestos fiber were determined in 1980 pursuant to the monitoring requirements of MSHA or OSHA.

Enter the number of ceiling concentration measurements that were recorded in 1980.

(H)1. 8-Hour Time Weighted Average (TWA)

Average 8-hour TWA (Fibers/cc)

	(1) Number of Workers Affected	(2) Total Person Hours Per Year at TWA in 1980	(3) Number of Measurements (Filters)
≤ 0.1			
0.1-0.5			
0.6-1.0			
1.1-2.0			
≥ 2.0			

(H)2. Ceiling Concentration Levels

Ceiling Concentration Levels (fibers/cc)

	2.0-5.0	5.1-10.0	≥10.0
Number of Workers Affected			
Number of Measurements Recorded			

BILLING CODE 1505-01-C

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5955]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 80-38902, appearing at page 83272, on Thursday, December 18, 1980, on page 83277, in the table, in the entry for "Minnesota . . . (c), Lanesboro" in the right-hand column, in the sixth line "Just upstream corporate limit" should be corrected to read "Just upstream of dam".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-634]

Changes in the Corporate Structure and Operations of the Communications Satellite Corporation; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: This Order extends the time for filing reply comments in response to the Commission's Notice of Proposed Rulemaking in Docket No. 80-634 on corporate structure and operations of the Communications Satellite Corporation from February 20, 1981, to March 6, 1981. The extension was granted pursuant to a request filed by Magnavox Government and Electraonic Company.

DATES: Reply comments shall be filed on or before March 6, 1981.

ADDRESS: Reply comments should be submitted to: The Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James L. Ball/Glenn deChabert, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-3214.

In the matter of changes in the corporate structure and operations of the Communications Satellite Corporation.

Request for Extension of Time; Order; (46 FR 5008)

Adopted: February 19, 1981.

Released: February 23, 1981.

1. Magnavox Government and Industrial Electronics Company (Magnavox) has filed a request for a twenty-day extension of time, to and including March 12, 1981, within which to file reply comments in this proceeding. The current deadline for filing reply comments is February 20, 1981. In support of its request, Magnavox maintains that additional time is necessary for it to prepare a response to COMSAT General's January 19, 1981 letter to the Commission indicating its intention to manufacture and sell shipboard terminals in connection with the INMARSAT system.

2. We will grant Magnavox's request in part. The prospect of Comsat's involvement in the shipboard terminal market raises organizational and operational issues similar to those outlined in the Commission's Notice in this proceeding concerning Comsat's involvement in other non-INTELSAT/INMARSAT activities. COMSAT General's letter was filed pursuant to the Commission's requirement in the Comsat Study that Comsat provide written notice of any intention to supply shipboard terminals in connection with the INMARSAT system. *Communications Satellite Corporation*, 77 FCC 2d 564 (1980). The Commission indicated in the Comsat Study that it would provide an opportunity for public comment to such notice and initiate any proceeding necessary to address issues raised by commenting parties. COMSAT General's letter accordingly has been made part of the record in this proceeding. We believe that a fourteen-day extension of time should be sufficient to prepare comments to the letter as a part of reply comments in this proceeding.

3. Accordingly, it is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 C.F.R. Section 0.291 (1979), that the request of Magnavox Government and Electronics Company, for an extension to file reply comments in CC Docket No. 80-634 is granted, in part, and denied, in part.

4. It is further ordered, that interested parties shall file reply comments in this proceeding on or before March 6, 1981.

Federal Communications Commission.

Willard L. Demory,

Assistant Bureau Chief, International Common Carrier Bureau.

[FR Doc. 81-6000 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

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Notices

Federal Register
Vol. 46, No. 41
Tuesday, March 3, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 27, 1981.

The March 11–12, 1981 meeting of the USAF Scientific Advisory Board Chief's Technical Advisory Group (CTAG) published in the **Federal Register**, Volume 46, No. 30, page 1225 on Friday, February 13, 1981 has been rescheduled for March 18–19, 1981 from 9:00 a.m. to 5:00 p.m. at Norton AFB, CA. All other information remains the same.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,
Air Force Federal Register, Liaison Officer.

[FR Doc. 81–6836 Filed 3–2–81; 9:41 am]
BILLING CODE 3910–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Early Winters; Alpine Winter Sports Site; Okanogan National Forest, Okanogan County, Washington; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for development of the proposed Early Winters alpine winter sports site.

The Winthrop District Multiple-Use Plan was completed and adopted in 1968. The Plan refers to a potential alpine winter sports site near Early Winters. The North Cascades Winter Sports Study, Forest Service, Department of Agriculture, Pacific Northwest Region, 1970, describes the area as having good potential for a winter sports site.

The Integrated Forest Plan, in progress, will determine the allocation of the use for the area. The Early Winters EIS will display different levels of development and their effects.

Several scoping sessions will be held in the Spring of 1981, to gain information on the issues to be analyzed. Because of the probable significance of any social and biological changes, it has been determined that an environmental impact statement be prepared.

The project evaluation will include a reasonable range of management alternatives from no action to a development with facilities that will serve the maximum feasible capacity which could be up to 10,000 persons at one time.

The Forest Supervisor was contacted by the Board of County Commissioners of Okanogan County who were concerned that the proposed winter sports development may trigger further land development in the upper portion of the Methow Valley. Okanogan County Planning Department personnel will cooperate in the environmental analysis which will meet both NEPA and SEPA (State Environmental Policy Act) requirements in a single cooperative effort.

R. E. Worthington, Regional Forester, is the responsible official. Questions about the proposed action and environmental impact statement should be directed to Irv Smith, Recreation and Planning Staff, Okanogan National Forest (Phone 509–422–2704).

It is anticipated that the environmental analysis will require about eighteen months. The draft environmental impact statement should be available for public review by December 1981. The final environmental impact statement is scheduled to be completed in September 1982.

Written comments and suggestions regarding this analysis should be sent to William McLaughlin, Forest Supervisor, Okanogan National Forest, P.O. Box 950, Okanogan, Washington 98840.

Dated: February 20, 1981.

James F. Torrence,
Acting Regional Forester.

[FR Doc. 81–6742 Filed 3–2–81; 8:45 am]
BILLING CODE 3410–11–M

Office of the Secretary

Privacy Act of 1974; System of Records

Notice is hereby given that the Department of Agriculture, in accordance with 5 U.S.C. 552a(e) (4) and (11), intends to adopt this notice of a new system of records as set forth below. Although the Privacy Act requires only that portion of the system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of this notice. A report of this system of records was sent to the Office of Management and Budget and the Congress on January 2, 1981.

Interested persons may submit written comments on this notice to: Chief, Records, Systems, and Analysis Branch, Economics and Statistics Service, U.S. Department of Agriculture, Washington, D.C. 20250, on or before April 2, 1981.

This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." An impact analysis describing the options considered in developing this action and the impact of implementing each option is available on request from Leonard Vaughan, ESS, USDA, Room 1419–S, Washington, D.C., (202) 447–5671. The impact analysis statement and all comments will also be available for public inspection during business hours in Room 1419–S.

This notice will be adopted without further publication in the **Federal Register** on April 2, 1981, unless modified by a subsequent notice to incorporate comments received from the public.

USDA/ESS–6

SYSTEM NAME:

Farm Production Expenditure Survey, Family Living Expense Section(s). USDA/ESS.

SYSTEM LOCATION:

Survey Questionnaires and raw data in machine readable media are located in State Statistical Offices at the following locations:

Montgomery, AL	Washington, D.C.
Phoenix, AZ	Orlando, FL
Little Rock, AR	Athens, GA
Sacramento, CA	Boise, ID
Denver, CO	Springfield, IL
West Lafayette, IN	Albany, NY
Des Moines, IA	Raleigh, NC
Topeka, KS	Fargo, ND
Louisville, KY	Columbus, OH
Alexandria, LA	Oklahoma City, OK
College Park, MD	Portland, OR
Lansing, MI	Harrisburg, PA
St. Paul, MN	Columbia, SC
Jackson, MS	Sioux Falls, SD
Columbia, MO	Nashville, TN
Helena, MT	Austin, TX
Lincoln, NE	Salt Lake City, UT
Reno, NV	Richmond, VA
Concord, NH	Charleston, WV
Trenton, NJ	Madison, WI
Las Cruces, NM	Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Economics and Statistics Service" or "Crop and Livestock Reporting Service."

Magnetic tapes and list frame codes that identify individuals are located in the Martin Marietta Data System (MMDS) file, Orlando, Florida.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of farmers and ranchers residing in continental United States.

CATEGORY OF RECORDS IN THE SYSTEM:

Questionnaires and machine readable media containing information as listed under the "Category of Individuals" reported by farmers and ranchers who are interviewed in the survey and who voluntarily report family living expenditures on the Farm Production Expenditure Survey for: (1) Food and household supplies; (2) housing-rent, mortgage payments, maintenance on appliances and furnishings, repairs, utilities purchased; (3) non-farm auto transportation purchases, maintenance and operating expenses of motor vehicles, insurance, public transportation; (4) other family living expenses not reported above (clothing, health insurance, medical and dental care, education, personal insurance, hobbies, recreation, gifts and contributions and magazines); and (5) total expenditure for family living expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

7 U.S.C. 2204.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The family living expense data is used to update the Index of Prices Paid by Farmers for Commodities and Services, Interest, Taxes and Farm Wage Rates to the current base weight period. Summary data as published do not identify specific data with individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Questionnaires packed in boxes and raw data machine readable media are stored in State Statistical Offices at the locations referred to in the paragraph entitled "Systems Locations."

Magnetic tapes and list frame codes that identify individuals are stored in the tape library on MMDS Network.

RETRIEVABILITY:

Questionnaires, machine readable media and magnetic tapes are indexed by reporter identification numbers and/or location of selected small land areas.

SAFEGUARDS:

Questionnaires and raw data machine readable media arae retained in locked storage rooms. Magnetic tapes are stored in an area to which access is limited to authorized personnel of MMDS.

RETENTION AND DISPOSAL:

Questionnaires are retained for a minimum of 30 days after primary data have been summarized. Machine readable raw data media is kept a minimum period of 14 months after satisfactory completion of the summary.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Crop Reporting Board, Economics and Statistics Service, Statistics, USDA, Washington, D.C. 20250, telephone (202–447–4415) or the appropriate Statistician in Charge, State Statistical Office at the addressed specified above.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to the individual from the Chairman, Crop Reporting Board, Economics and Statistics Service, USDA, Washington, D.C., telephone (202–447–4415) or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address the request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain name, address, and date (month and year) that questionnaire was completed and name of survey.

RECORD ACCESS PROCEDURES:

Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to the individual by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for contesting a record in the system which pertains to the individual by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification Procedure."

RECORD SOURCE CATEGORIES:

Information in this system comes solely from farmers and ranchers who were interviewed in this survey.

John R. Block,
Secretary.

February 25, 1981.

[FR Doc. 81–6720 Filed 3–2–81; 8:45 am]
BILLING CODE 3410–01–M

SOIL CONSERVATION SERVICE

Beck and Alkali Lakes Water-Based Recreation and Fish and Wildlife Development RC&D Measure, Wyoming

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank S. Dickson, Jr., State Conservationist, Soil Conservation Service, Room 3209, Federal Building, 100 East B Street, P.O. Box 2440, Casper Wyoming 82602, telephone 307–265–5550, Extension 5201.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Beck and Alkali Lakes Water-Based Recreation and Fish and Wildlife Development RC&D Measure, Park County, Wyoming.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Frank S. Dickson, Jr., State Conservationist, has determined that the preparation and review of an

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environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of basic facilities for recreation and a fish and wildlife development. The planned works of improvement include picnic tables and shelters, barbecue facilities, horseshoe pits, a boat ramp, children's playground equipment, a fishing pier, a swimming beach, a group picnic area, nature trails, parking, and access roads into the area. Landscaping and grass seeding are also planned.

A fish and wildlife development will be installed on Beck and Alkali Lakes. Water depths will be increased along the south side of Beck Lake. Waterfowl nesting islands will be constructed in the portion of Alkali Lake east of the Meeteetse highway. Grass seeding for waterfowl food and nesting cover, and fencing for livestock exclusion are also planned.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Frank S. Dickson, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 19, 1980.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–6731 Filed 3–2–81; 8:45 am]

BILLING CODE 3410–16–M

Chillicothe Flood Prevention RC&D Measure, Missouri

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 2314–442–2271, Ext. 3145.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chillicothe Flood Prevention RC&D Measure, Livingston County, Missouri.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention. The planned works of improvement include one floodwater retarding structure with a sediment pool area of 17 acres and a flood pool surface of 41.7 acres. Mitigation of wildlife habitat lost will be accomplished by re-establishing 21 acres of fenced and managed wildlife habitat on and near the dam and within the waterline of the flood pool.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse reivew of Federal and federally assisted programs and projects is applicable)

Dated: February 19, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–6732 Filed 3–2–81; 8:45 am]

BILLING CODE 3410–16–M

City of Fruitland Recreational Park Critical Area Treatment RC&D Measure, Maryland

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland, 20740, telephone 301–344–4180.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental quality guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the City of Fruitland Recreational Park Critical Area Treatment RC&D Measure, Wicomico County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment in an existing recreation area. The planned works of improvement include debris basins, grassed waterways, pipe structures, land smoothing, critical area seeding, and windbreaks.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 19, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–6733 Filed 3–2–81; 8:45 am]

BILLING CODE 3410–16–M

Galey Critical Area Treatment RC&D Measure, Oklahoma

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Office Building, Stillwater, Oklahoma 74074, telephone 405–624–4360.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Galey Critical Area Treatment RC&D Measure, Pontotoc County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact state are not needed for this project.

The measured concerns a plan for critical area treatment for erosion control. The planned works of improvement include shaping, topsoiling, fertilizing, sprigging or sodding, grade stabilization structure, diversions, fencing, and tree planting.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 19, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–6734 Filed 3–2–81; 8:45 am]

BILLING CODE 3410–16–M

New London Rivers Water-Based Recreation RC&D Measure, Wisconsin

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Cliffton A. Maguire, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone 608–264–5351.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the New London Rivers Water-Based Recreation RC&D Measure, Waupaca County, Wisconsin.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Cliffton A. Maguire, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based recreation facilities and critical area treatment. The planned works of improvement include basic facilities for public water-based recreation such as trails, benches, picnic tables, a canoe launch, signs, fencing, lighting, and landscaping of sitting and picnic areas, and riprapping and vegetating eroding riverbanks within the planning area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Cliffton A. Maguire. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–6737 Filed 3–2–81; 8:45 am]

BILLING CODE 3410–16–M

Critical Area Treatment RC&D Measures, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717–782–2202.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for certain Critical Area Treatment RC&D Measures in Pennsylvania.

The environmental assessments of these types of federally assisted actions indicate that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects if the planned action and impacts are substantially as described in the finding of no significant impact for Critical Area Treatment RC&D Measures, Pennsylvania.

The measures concern a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize eroding areas. Practices include surface water control structures subsurface

drainage, riprap, streambank stabilization, and vegetation establishment including lime, fertilizer, and mulch.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessments are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 19, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-6735 Filed 3-2-81; 8:45 am]

BILLING CODE 3410-16-M

Rosedale Flood Prevention and Drainage RC & D Measure, Louisiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Rosedale Flood Prevention and Drainage R.C. & D. Measure, Iberville Parish, Louisiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention and land drainage. The planned works of improvement include work on 21,000 feet of existing channel and 800 feet of new channel to establish an adequate outlet for excess water. Approximately 4,000 feet of diversion levee and two water control structures are also planned. Disturbed areas will be revegetated for stabilization.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 19, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-6736 Filed 3-2-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[DOCKET 39102]

Eastern Air Lines, Inc., Civil Penalties for Violations of Part 252; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on March 19, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned judge.

Dated at Washington, D.C., February 25, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-6786 Filed 3-2-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37554; Order 81-2-108]

Establishment of the Standard Foreign Fare Level; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of February, 1981.

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating costs per avialable seat-mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first Interim SFFL and subsequent Order 81-1-44 established the currently effective two-month SFFL applicable through March 31, 1981.

In establishing the SFFL for the two-month period commencing April 1, 1981 we have projected nonfuel costs based on the year ended Sept. 30, 1980, and have adjusted fuel prices to reflect the experienced monthly rate of fuel cost escalation.

Our calculations measure inflation from October 1, 1979, to May 1, 1981, the midpoint of the April-May projection period, for the three ratemaking entities: Atlantic, Latin America, and Pacific. The four-month average of October-January fuel cost increases produces the following rates of escalation: 1.75 cents per gallon in the Atlantic; 1.59 cents per gallon in the Latin America; and 1.57 cents per gallon in the Pacific. However, in order to give greater emphasis to January's prices, we have based our current fuel projection on the mean of four month average and the January increase in each entity. Weekly fuel prices reported to us indicate that the current dramatic fuel cost escalation is continuing unabated, and that an adjustment to our usual methodology is required to achieve realistic results. The resulting projections are fuel prices of 123.13 cents in the Atlantic, 108.13 centers in Latin America, and 122.62 cents in the Pacific at May 1, 1981.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 25.91 percent in the Atlantic, 31.85 percent in Latin America, and 16.87 percent in the Pacific, over the October 1, 1979 level (see Appendix A.) This results in increases over the last two-month SFFL of 4.33 percent, 6.03 percent, and 4.65 percent, respectively.

We calculated both a two-month and a four-month SFFL effective February 1, 1981 in Order 81-1-44. The four-month period continues through May 31, 1981, and carriers whose filings utilized the higher four-month figures may not rely upon the increases permitted by this Order. The next four-month SFFL, along with the usual two-month projection, will be effective June 1, 1981.

Due to the long lead time required to implement international tariffs, and the large fuel cost escalation not recognized in the currently effective two-month SFFL, the Board will adopt a liberal policy of granting Special Tariff Permission for implementation of these increases prior to April 1.[2]

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective April 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.2591
Latin America	1.3185
Pacific	1.1887

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board:

Phyllis T. Kaylor,[3]

Secretary.

[FR Doc. 81-6785 Filed 3-2-81; 8:45 am]

BILLING CODE 6320-01-M

[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

[Docket 39327]

Jet America Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., February 24, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-6787 Filed 3-2-81; 8:45 am]

BILLING CODE 6320-01-M

[2] Special Tariff Permissions will not be granted for effectiveness prior to April 1 with respect to those Latin American markets where fares substantially exceeded SFFL ceilings in November 1980 through January 1981.

[3] All Members Concurred.

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics

Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by P.L. 94-409), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on March 24, 1981, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m. is: 1) introductory remarks by the Acting Director, Bureau of the Census; 2) current Census Bureau activities and legislative budget situation; 3) status of 1978 Census of Agriculture publications and follow-on surveys; 4) review of 1978 comparability report; 5) Economic/Agriculture Data Linkage Study; 6) 1982 Census of Agriculture, including mail list evaluation and plans, census content, and publication plans; 7) 1982 farmer conferences; and 8) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Arnold L. Bollenbacher, Chief, Agriculture Division, Bureau of the Census, Room 3015, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5230.

Dated: February 26, 1981.

Daniel B. Levine,

Acting Director Bureau of the Census.

[FR Doc. 81-6998 Filed 3-2-81; 8:45 am]

BILLING CODE 3510-07-M

National Bureau of Standards

Solicitation of Comments on the Impact and Applicability of Planned Transport and Session Control Network Protocol Standards

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to established uniform automatic data processing (ADP) standards. The National Bureau of Standards (NBS) plans to propose transport and session control network protocol standards as Federal Information Processing Standards (FIPS) in 1981. The draft technical specifications of these planned standards are available for review from the National Bureau of Standards, Institute for Computer Sciences and Technology, Standards Administration Office, Washington, D.C. 20234.

NBS is requesting comments on these planned standards and is particularly interested in the following items:

1. The impact of implementing these planned transport and session control protocol standards.

Data is solicited on the effort required to implement these planned standards within existing systems through retrofitting and also within planned systems.

2. The applicability of these planned standards.

The objectives of these standards are to provide interoperability among Federal systems and networks and to maximize opportunities for the competitive acquisition of the components of such systems. Comments are requested on specific applicability statements, consistent with these objectives, which may be included in the standard.

3. Time period required to conform to these planned standards.

Comments are solicited on the amount of time which should be allowed for conformance to the planned standards; that is, how much time should be allowed after FIPS have been issued until applicable systems and networks are required to conform.

Comments should be provided in writing by May 4, 1981 to the following address: National Bureau of Standards, Director, Institute for Computer Sciences and Technology, Administration Building, Room A200, Washington, D.C. 20234, ATTN: Planned Transport and Session Standards.

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For additional information contact: Robert P. Blanc, Chief, Systems and Network Architecture Division, Building 225, Room B218, Washington, D.C. 20234, (301) 921–3817.

Dated: February 26, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-6722 Filed 3-2-81; 8:45 am]

BILLING CODE 3510-12-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico and South Atlantic Fishery Management Councils (FMC's) established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will hold joint and separate public meetings. The Gulf of Mexico FMC will meet in separate session to review status reports on development of fishery management plans (FMP's); consider foreign fishing applications, if any; conduct a public comment session on the Groundfish FMP, discuss any needed changes and adopt the plan for submission to the Secretary; and conduct other fishery management business. The South Atlantic FMC will also meet in separate session to review the Calico Scallops and Coral FMP's; receive update on the Snapper Grouper and Swordfish FMP's; review comments for the Spiny Lobster FMP, and discuss other management and administrative matters. The Gulf of Mexico and South Atlantic FMC's will also meet jointly to conduct a public comment session on the Spiny Lobster FMP, discuss any needed changes, and adopt the final document for submission to the Secretary; address unresolved issues on plan revision for the Coastal Migratory Pelagics FMP, adopt the final document for submission to the Secretary and conduct other fishery management business.

DATES: The Gulf of Mexico FMC separate public session will convene on Wednesday, March 25, 1981, at 1 P.M., and adjourn at approximately 5 p.m. The South Atlantic FMC separate public session will convene on Wednesday, March 25, 1981, at 1:30 p.m., and adjourn at approximately 5 p.m., reconvening on Thursday, March 26, 1981, at 9 a.m., and adjourning at approximately 12 noon.

The Gulf of Mexico and South Atlantic FMCs' joint public session will convene on Tuesday, March 24, 1981, at approximately 3 p.m., and adjourn at approximately 5 p.m., reconvening on Wednesday, March 25, 1981, at approximately 8 a.m., and adjourning at approximately 12 noon.

ADDRESS: The Gulf of Mexico FMC separate public session will take place at the Riverside Hilton Inn, Ballroom B, 200 Ashley Street, Tampa, Florida. The South Atlantic FMC separate public session will also take place at the same location, Ballroom A, and the Gulf of Mexico and South Atlantic FMCs' joint public session will also take place at the same location, Ballroom A.

FOR FURTHER INFORMATION CONTACT:

Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815

or

South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407 Telephone: (803) 571–4366.

Dated: February 26, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-6793 Filed 3-2-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for General Permit

Notice is hereby given that the following Application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

The Embassy of the Republic of Korea has applied for a Category 1: "Towed or Dragged Gear" general permit to incidentally take 100 phocid seals, 100 otariid seals and 50 small cetaceans within the U.S. fishery conservation zone in 1981.

The Application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written views on the Application within 30 days of the date of this Notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 25, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-6789 Filed 3-2-81; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistical Committee, which will meet to discuss changes to the draft Spiny Lobster Fishery Management Plan.

DATES: The public meeting will convene on Wednesday, March 25, 1981, at approximately 9 a.m., and will adjourn at approximately 5 p.m.

ADDRESS: The meeting will take place at the National Marine Fisheries Service, Honolulu Laboratory, 2570 Dole Street, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Dated: February 26, 1981.

[FR Doc. 81-6788 Filed 3-2-81; 8:45 am]

BILLING CODE 3510-22-M

Maritime Administration

Intent To Prepare an Environmental Impact Statement

Notice is hereby given that the Maritime Administration, Department of Commerce, plans to prepare a draft environmental impact statement (DEIS) for its maritime aid programs authorized by the Merchant Marine Act of 1936, as amended (46 U.S.C. 1101 et seq.). The DEIS will address the following:

1. Construction-Differential Subsidy (Title V);
2. Vessel Financing Assistance (Title XI);
3. Operating-Differential Subsidy (Title VI);
4. Capital Construction Fund;
5. Construction Reserve Fund; and
6. Vessel Trade in Program.

The draft environmental impact statement will review potential alternatives and the environmental effects of implementing such alternatives.

Copies of the DEIS will be made available for agency and public comment upon publication. Requests for copies of the DEIS should be addressed to Mr. Donald H. Seaman, Division of Environmental Activities, Office of Shipbuilding Costs, Maritime Administration, Department of Commerce, Washington, D.C. 20230 (202/377–5136).

By Order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

Dated: February 23, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-6517 Filed 3-2-81; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee; Changes in Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 100. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 100 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick W. Weiser, 325–9330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin No. 100 to the Heads of Executive Departments and Establishments

Subject: Table of Maximum Per Diem Rates in Lieu of Subsistence for United States Government Civilian Officers and Employees for Official Travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 99 except in the case identified by an asterisk which rate is effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	12.60
Anaktuvuk Pass	140.00
Anchorage	72.00
*Barrow	166.00
Bethel	93.00
College	67.00
Cordova	84.00
Deadhorse	84.00
Dillingham	83.00
Dutch Harbor	82.00
Elelson AFB	67.00
Elmendorf AFB	72.00
Fairbanks	67.00
Ft. Richardson	72.00
Ft. Wainwright	67.00
Juneau	88.00
Kodiak	84.00
Kotzebue	91.00
Murphy Dome	67.00
Noatak	91.00
Nome	90.00
Noorvik	91.00
Prudhoe Bay	94.00
Shemya AFB [1]	11.00
Shungnak	91.00
Spruce Cape	84.00
Tanana	90.00
Valdez	70.00
Wainwright	79.00
All Other Localities	71.00
American Somoa	65.00
Guam M.I.	80.00
Hawaii:	
Oahu	70.00
All Other Localities	60.00
Johnston Atoll [2]	15.50
Midway Islands [1]	12.60
Puerto Rico:	
Bayamon:	
12-16—5-15	102.00
5-16—12-15	75.00
Carolina:	
12-16—5-15	102.00
5-16—12-15	75.00
*Fajardo (Incl. Luquillo):	
12-16—5-15	102.00
5-16—12-15	75.00
Ft. Buchanan (Incl. GSA Service Center, Guaynabo):	
12-16—5-15	102.00
5-16—12-15	75.00
Ponce (Incl. Ft. Allen (NCS))	66.00
Roosevelt Roads:	
12-16—5-15	102.00
5-16—12-15	75.00
Sabana Seca:	
12-16—5-15	102.00
5-16—12-15	75.00
San Juan (Incl. San Juan Coast Guard Units):	
12-15—5-15	102.00
5-16—12-15	75.00
All Other Localities	63.00
Virgin Islands of U.S.:	
St. Thomas:	
12-1—4-30	126.00
5-1—11-30	74.00
Other:	
12-1—4-30	91.00
5-1—11-30	69.00
Wake Islands [2]	15.00
All Other Localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal and incidental expenses.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 27, 1981.

[FR Doc. 81-6634 Filed 3-2-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Veterans' Cost-of-Instruction Payments Program; Payments to Institutions of Higher Education

AGENCY: Department of Education.

ACTION: Closing date for transmittal of applications for fiscal year 1981.

Applications for awards are being accepted from institutions of higher

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education under the Veterans' Cost-of-Instruction Payments Program.

Authority for this program is contained in Section 420 of the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

(20 U.S.C. 1070e–1)

This program issues awards to institutions or combinations of institutions of higher education.

The purpose of the awards is to assist institutions in providing specific educational services to veterans enrolled at the institution.

Closing date for transmittal of applications: Applications for awards must be mailed or hand delivered by May 18, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Office of Postsecondary Education, Veterans' Programs Branch, (Room 3514, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 84.064.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing. (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Application delivered by hand: An application to be hand delivered must be taken to the U.S. Department of Education, Veterans' Programs Branch, Room 3514, ROB–3, 7th and D Streets, S.W., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

Available funds: On January 16, 1981, a budget rescission was proposed to the Congress that may rescind the $12,039,000 that was included in the continuing resolution for this program. If the Congress approves the proposed rescission, a notice to the public will be published in the **Federal Register**, stating that the rescission has been approved. However, the deadline established in this notice will not be extened, and applicants should prepare and submit applications pending further notification.

Program information and application forms: Program information packages and application forms are expected to be ready for mailing by April 10, 1981. They may be obtained by writing to the U.S. Department of Education, Office of Postsecondary Education, Veterans' programs Branch, (Room 3514, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Veterans' Cost-of-Instruction Payments Program, 34 CFR Part 629. (These regulations were published in the **Federal Register** as a notice of proposed rule on December 30, 1980. (45 FR 86328–86331); and

(b) The Education Department General Administrative Regulations (EDGAR), 34 CFR Part 75 (Direct Grant Programs) and Part 77 (General).

Note.—If substantive changes are made to the proposed rules for this program, applicants will be given an opportunity to amend their applications.

Further Information: For further information contact Dr. Stanley B. Patterson, Chief, Veterans' Programs Branch, U.S. Department of Education, (Room 3514, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–2806.

(20 U.S.C. 1070e–1)

(Catalog of Federal Domestic Assistance Number 84.064; Higher Education—Veterans' Cost-of-Instruction Payments Program (VICP))

Dated: February 25, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-6783 Filed 3-2-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Draft National Site Characterization and Selection Plan and Environmental Assessment; Notice of Withdrawal

AGENCY: Department of Energy.

ACTION: Notice of Withdrawal of Draft National Site Characterization and Selection Plan.

SUMMARY: Per the Notice of Availability in the **Federal Register** on February 12, 1981 (46 FR 12049), the Department of Energy announced the release of the draft National Site Characterization and Selection Plan and accompanying Environmental Assessment (NSCSP/EA) for public review and comment. That Notice is now being withdrawn, as the Department has decided to withhold distribution of the draft NSCSP/EA. The NSCSP for siting high-level waste repositories is one element of the Department's National Waste Terminal Storage (NWTS) Program. All of the Department's programs are currently under extensive review. Until such review is complete and necessary revisions made to the Department's NWTS Program, the Department does not intend to release the draft NSCSP/EA document.

FOR FURTHER INFORMATION CONTACT: Colin A. Heath, Director, Office of Waste Isolation, NE–330, GTN, U.S. Department of Energy, Washington, D.C. 20545. Telephone: (301) 353–4068.

Dated: February 23, 1981.

For the United States Department of Energy.

Mahlon E. Gates,

Assistant Secretary for Nuclear Energy.

[FR Doc. 81-6677 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Acceptance of Certain Petitions Filed for Approval of Electric System Compliance Plans

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Acceptance of Certain Petitions Filed for Approval of Electric System Compliance Plans.

SUMMARY: The Powerplant and Industrial Fuel Use Act of 1978 (FUA) prohibits existing electric powerplants from using natural gas as a primary energy source on or after January 1, 1990, and from using natural gas as a primary energy source before 1990 unless they burned natural gas in 1977, and then in no greater proportion than the average yearly proportion used by such powerplants in the calendar years 1974 through 1976.

The Economic Regulatory Administration (ERA) on June 12, 1979, issued an interim rule (44 FR 36002) and on August 1, 1980 the final rule (45 FR 53682) 10 CFR 504.4, implementing the electric utility system compliance option authorized by section 501 of FUA. The final rule sets forth the criteria and procedures by which owners and operators of existing powerplants may be considered in compliance with the Title III FUA prohibitions on natural gas use by obtaining ERA approval of a system compliance plan. The regluations required a submission of certain elements of a proposed plan by January 1, 1980, and all additional submissions to complete a proposed plan by August 1, 1980. ERA received petitions for orders for the approval of system compliance plans from 39 eligible utility systems by the August 1, 1980 deadline for submission. Upon preliminary review ERA determined that 13 of those petitions met the minimum requirements of 10 CFR 504.4(b) and published notice of acceptance of those petitions in the **Federal Register** on September 5, 1980 (45 FR 58948). At that time ERA also noticed its determination, pursuant to 10 CFR 501.3(f), that certain other petitions were incomplete. ERA notified those petitioners of the appropriate steps that they should take within 90 days to cure the defects in their petitions. ERA has received supplemental information from 17 of those petitioners, and determined upon preliminary review that those 17 petitions met the minimum requirements of 10 CFR 504.4(b) and published notice of acceptance of those petitions in the **Federal Register** on December 5, 1980 (45 FR 80582). Subsequent to the notices of acceptance published in the **Federal Register** on September 5, 1980 (45 FR 58948) and December 5, 1980 (45 FR 80582) 7 petitioners have submitted information supplemental to their original petitions; and, upon preliminary review, ERA has determined that those 7 petitions now appear to meet the minimum requirements of 10 CFR 504.4(b) and is therefore accepting those petitions. In accordance with 10 CFR 501.31 and 10 CFR 501.33, interested persons are invited to submit written comments in regard to this matter. Also, any interested person may submit a written request for a public hearing.

DATE: Written comments and requests for a public hearing are due on or before April 17, 1981.

ADDRESSES: Fifteen copies of written comments or of any request for a public hearing shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461. Docket Number ERA–FC–81–001 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, (202) 653–4055.

James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128I, Washington, D.C. 20461, (202) 653–4268.

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: On June 12, 1979, ERA issued an interim rule (44 FR 36002) and on August 1, 1980 a final rule (45 FR 53682) implementing the authority granted to the Department of Energy by section 501 of FUA.

The final rule (10 CFR 504.4) establishes the procedures that ERA will follow in implementing its authorities under section 501 of FUA. 10 CFR 504.4(b) of the final rule contains a description of the minimum requirements that petitioners must meet in order to obtain approval of their system compliance plans.

Approval of a system compliance plan will allow a utility system to comply with natural gas use prohibitions contained in FUA applicable to existing powerplants on a systemwide basis rather than on an individual powerplant basis. Through utilization of the system compliance option, utilities which are now heavily dependent upon natural gas will be allowed to develop a plan to accomplish an orderly phased reduction in natural gas use.

Upon recepit of petitions for orders for the approval of system compliance plans, ERA performed an intitial review of the plans as specified in 10 CFR 501.3(c). ERA determined that petitions submitted by the owners/operators of certain utility systems did not meet the minimum requirements specified in 10 CFR 504.4(b). Subsequent to the notices of acceptance published in the **Federal Register** on September 5, 1980 (45 FR 58948) and December 5, 1980 (45 FR 80582) 7 petitioners have submitted information supplemental to their original petitions; and, upon preliminary review, ERA has determined that the following utility systems have now submitted information which appears sufficient to meet the minimum requirements specified in 10 CFR 504.4(b).

Name of Petitioner and Location

City of Farmington, Farmington, New Mexico.
Greenwood Utilities, Greenwood, Mississippi.
Oklahoma Gas & Electric Company, Oklahoma City, Oklahoma.
Orlando Utilities Commission, Orlando, Florida.
Sebring Utilities Commission, Sebring, Florida.
Sunflower Electric Cooperative, Inc., Hays, Kansas.
Utilities Commission, New Smyrna Beach, Florida.

Pursuant to 10 CFR 501.3(d), ERA hereby accepts the petitions for orders approving system compliance plans from the above listed petitioners and is, with this **Federal Register** notice, announcing the commencement, in accordance with 10 CFR 501.63, of the administrative proceeding for these petitions.

Acceptance of these petitions does not constitute approval of the plans by ERA, nor does it foreclose ERA from requesting further information during the course of its further review of the petitions and the proceedings. Failure to provide additional information as requested could result in ERA withdrawing its acceptance of the petition or may ultimately result in the denial of the request for the approval of the plan.

ERA is accepting the petitions based upon the petitioners having met the minimum requirements of 10 CFR § 504.4(b). In its preliminary review of the petitions ERA has not determined the appropriateness of any recommended terms and conditions set forth in the petitions nor the accuracy of any information, data or calculations provided as a part of the petitions. Such terms and conditions, contingencies, stipulations, etc. will be reviewed and analyzed by ERA during the course of the administrative proceedings and are available for public review during the public comment period.

The public comment period regarding these seven petitions will remain open until April 17, 1981. During this time ERA will request any necessary additional information or allow the correction of deficiencies in the petitions as originally filed.

The public file, containing all documents relating to accepted petitions is available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street, N.W., Washington, D.C., Monday-Friday, 8:00 a.m.–4:30 p.m.

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Issued in Washington, D.C. on February 18, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-6879 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

Domestic Crude Oil Allocation Program; Entitlements Notice for November 1980; Correction

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: November 1980 Entitlements Notice; Correction.

SUMMARY: This document corrects typographical errors that appeared in a table on page 10192 in the November 1980 Entitlements Notice, published in the Federal Register of Monday, February 2, 1981 (46 FR 10191).

FOR FURTHER INFORMATION CONTACT:

David A. Welsh or Robert H. Thompson (Entitlements Program Office), Economic Regulatory Administration, Room 6212, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3459 or 653-3475.

Jeffrey Stoermer (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 6A-127, Washington, D.C. 20585, (202) 252-6754.

The following corrections are made in the November 1980 Entitlements Notice, published in the Federal Register on February 2, 1981 (46 FR 10191):

On page 10192 in the table appearing at the bottom of the third column, the weighted average cost of lower tier crude oil, published as "$7.21", is corrected to "$7.23"; and the weighted average cost of upper tier crude oil (excluding ANS oil), published as "14.12", is corrected to "15.45".

Issued in Washington, D.C. on February 24, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-6680 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-002; OFC Case Number 51100-6257-01-77 and 51100-6257-02-77]

Georgia Power Company; Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Classification—Georgia Power Company.

SUMMARY: On February 2, 1981, the Economic Regulatory Administration (ERA) published notice in the Federal Register (46 FR 10198) of requests from the Georgia Power Company (Georgia Power) to classify as "existing" facilities two major fuel burning installations (MFBI's) pursuant to 10 CFR 515.13 ("Final Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities" issued by ERA on October 12, 1979, and published in the Federal Register on October 19, 1979 (44 FR 60690)) and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). Pursuant to § 515.13(a) ERA has determined that the two boilers are existing facilities.

SUPPLEMENTARY INFORMATION: On July 24, 1980, Georgia Power requested that ERA classify as existing two boilers designed to burn oil and/or natural gas. Notice of Georgia Power's filing of the requests for classification was published in the Federal Register on February 2, 1981, at 46 FR 10198.

The public comment period provided in the notice expired on February 23, 1981. No comments were received.

Georgia Power has established its eligibility to request classification of Start-up Boilers 1 and 2 at their Plant Scherer in Juliette, Georgia, by satisfactorily demonstrating, pursuant to 10 CFR 515.10 that it had executed a contract for the construction or acquisition of such units prior to November 9, 1978. Georgia Power demonstrated that these units should be classified as existing pursuant to 10 CFR 515.13 on the basis that the cancellation, rescheduling, or modification of the two units as of November 9, 1978 would result in a substantial financial penalty. Specifically, Georgia Power demonstrated that charges incurred as a result of cancellation of its contracts for the subject boilers as of November 9, 1978 would, in each case, have been at least 25 percent of the total projected project cost as required by 10 CFR 515.13.

Based upon its review of Georgia Power's request, together with Georgia Power's supplementary filing of September 30, 1980, ERA has now determined to classify the Georgia Power's Plant Scherer Start-up Boilers 1 and 2 as existing facilities pursuant to 10 CFR 515.13.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4265.

James Renjilian, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

The public files (OFC Case Numbers 51100-6257-01-77 and 02-77) containing documents on these proceedings are available for inspection upon request at: Economic Regulatory Administration, Room B-110, 2000 M Street NW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on February 24, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic regulatory Administration.

[FR Doc. 81-6681 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 63011-9162-01-24; Docket No. ERA-FC-80-017]

Great Western Malting Co.; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Great Western Malting Company (Great Western) granting a permanent cogeneration exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas in new powerplants.

Background: Great Western proposes to install at its Vancouver, Washington facility a 20,100 kilowatt gas-fired combustion turbine to produce electricity and hot water heat for the company's malting process. On April 22, 1980, after a prepetition conference held in Washington, D.C., Great Western submitted a revised petition to ERA for a permanent cogeneration exemption from the prohibitions of FUA to use natural gas as a primary energy source in its proposed cogeneration powerplant.

ERA accepted the petition on June 13, 1980, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the Federal Register on June 20, 1980 (45 FR 41693). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to section 701 of FUA.

During this period interested persons also were afforded an opportunity to request a public hearing. The comment period ended August 4, 1980. Comments were received from Region X of the Environmental Protection Agency (Seattle, Washington). No hearing was requested.

ERA's staff prepared a Tentative Staff Analysis which recommended that ERA issue an order granting Great Western a permanent cogeneration exemption to use natural gas as a primary energy source in the cogeneration facility subject to certain terms and conditions. A Notice of Availability of the Tentative Staff Analysis was published in the Federal Register on January 19, 1981 (46 FR 5042). The publication of the Notice of Availability opened a 14-day public comment period which ended February 2, 1981.

On the basis of ERA's review of the entire record of this proceeding, including a review of the public comments received after publication of the Notice of Acceptance, ERA has determined to grant the exemption requested by Great Western to use natural gas in its proposed cogeneration powerplant, subject to the terms and conditions enumerated below.

Based upon information provided by Great Western, ERA conducted an environmental analysis which was reviewed by the DOE's Office of Environment, in consultation with the Office of General Counsel, and DOE has concluded that the granting of this exemption is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA). Accordingly, neither an environmental impact statement nor an environmental assessment is required.

DATES: This order will not take effect until May 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055.

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4208.

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Ave., SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), on May 15, 1979 and May 17, 1979, published in the Federal Register (44 FR 28530, 28950), an Interim Rule to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). A Final Rule published on June 6, 1980 (45 FR 38278), became effective August 5, 1980, but those sections of the Interim Rule relating to the cogeneration exemption (44 FR 28994) continued in effect. FUA prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

Great Western plans to install a 20.1 MW gas-fired cogeneration powerplant to produce electricity and hot water heat for its malting process at its Vancouver, Washington facility. The cogeneration facility will consist of a General Electric LM 2500 gas turbine generator connected to a Johnston waste heat recovery boiler, and three oil-fired stand-by boilers. The gas turbine has a design heat input rate of 183 MM BTU's per hour and each stand-by boiler has a design heat input rate of 55.6 MM BTU's per hour. The waste heat boiler will receive no supplemental firing. All of the electricity produced by the gas turbine will be sold to local utilities, while heat exhaust from the turbine will be utilized by the waste heat boiler to produce hot water used to provide indirect heat for Great Western's production activities. The stand-by boilers will furnish additional process heat on very cold days and serve as a backup system when the gas turbine is down for repairs or maintenance. In either case, the stand-by boilers will not be used in the production of electricity. Pursuant to FUA section 103(a)(7)(B)(ii), the cogeneration facility will be treated as a powerplant because more than half of its annual electric power generation will be sold.

Great Western estimates that the cogeneration facility will consume approximately 1,626 to 1,992 MM cu. ft. of natural gas per year (4.5 to 5.5 MM cu. ft. per day), and expects that it will begin commercial operation in November, 1981. In accordance with 10 CFR § 503.37, a petitioner is required to demonstrate either that the oil and gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of such facility or that it would be in the public interest to grant the exemption.

After reviewing present and future regional power generation, ERA's staff has concluded that the proposed cogeneration facility would provide needed additional power to the grid immediately and into the 1990's to reduce a current and projected electrical shortfall and would also eliminate or reduce the need for new oil- and gas-fired peaking units. ERA has concluded that Great Western has demonstrated that oil and gas savings will result from the use of the proposed cogeneration facility.

On July 29, 1980, the United States Environmental Protection Agency—Region X submitted comments to ERA questioning whether or not the Prevention of Significant Deterioration (PSD) requirements (Part C of the Clean Air Act) applied to the proposed facility. On October 24, 1980, ERA was advised that, based upon EPA's review of information furnished by Great Western, EPA determined that the proposed powerplant will not be subject to PSD review. No hearing was requested.

ERA's staff believed that there may be periods of time when operation of the cogeneration powerplant could result in less than full utilization of available alternate fuel capacity in the region. For example, during periods when both low loads and above average water conditions prevail, generally in the spring, continued operation of the cogeneration powerplant could result in less than full utilization of the water available. Therefore, ERA staff recommended conditioning the grant of any cogeneration exemption upon the requirement that Great Western operate its boilers rather than its cogeneration powerplant during such periods rather than its cogeneration powerplant during such periods. Subsequent telephone conversations between ERA staff and Great Western and between ERA staff and the Public Utility District of Clark County, (Clark County) have resulted in reconsideration of this condition. Both Great Western and Clark County are concerned with the extent to which such requirement must be carried out in view of practical day to day operating considerations. These considerations include the amount of time required to notify Great Western of when to cease operating the cogeneration powerplant, the sometimes rapid change in water conditions, the method of communications, etc. Clark County suggested that the condition be modified to provide operating flexibility. ERA has concluded the insertion of the words "To the maximum extent practicable" at the beginning of the proposed condition will provide the necessary flexibility.

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Order

ERA hereby grants to Great Western a permanent cogeneration exemption from the prohibitions of FUA with respect to the use of natural gas as a primary energy source in the company's proposed cogeneration powerplant, subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. To the maximum extent practicable, Great Western will operate its natural gas- or oil-fired boilers instead of its cogeneration powerplant whenever the generation of electricity by its cogeneration powerplant would result in less than full utilization of alternate fuel capacity available to the West Group of the Northwest Power Pool.

B. This order shall not take effect until May 2, 1981.

Issued in Washington, D.C. on February 24, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-6682 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-003]

Salt River Project Agricultural Improvement and Power District; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On January 21, 1981, Salt River Project Agricultural Improvement and Power District (Salt River Project), P.O. Box 1980, Phoenix, Arizona 85001, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 19,106,000 Mcf of natural gas per year to displace approximately 2,844,000 barrels of residual fuel oil (0.9 percent sulfur) and approximately 254,000 barrels of distillate fuel oil (0.5 percent sulfur) per year at its Agua Fria Steam Plant in Glendale, Arizona and Kyrene Steam Plant in Tempe, Arizona. The eligible seller of the natural gas is Consumers Power Company and the gas will be transported by the Panhandle Eastern Pipe Line Company, the Trunkline Pipe Line Company, the Natural Gas Pipeline Company of America, and the El Paso Natural Gas Company. Notice of that application was published in the **Federal Register** (46 FR 11702, February 10, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On March 21, 1980, Salt River Project received the original certification (ERA Docket No. 79-CERT-115) of an eligible use of natural gas at the above steam plants for a period of one year, which will expire on March 20, 1981.

The ERA has carefully reviewed Salt River Project's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Salt River Project's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification to be effective March 21, 1981, and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification is available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., February 24, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-6683 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket Nos. 81-14-NG; 81-15-NG; and 81-16-NG]

Transcontinental Gas Pipeline Corp. and Midwestern Gas Transmission Co., Natural Gas Imports; Applications To Pay the Canadian Border Price

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of applications to amend natural gas import authorizations to permit purchase price increase.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of applications by Transcontinental Gas Pipeline Corporation (Transco) (ERA Docket Nos. 81-14-NG and 81-15-NG) and Midwestern Gas Transmission Company (Midwestern) (ERA Docket No. 81-16-NG) to amend their current natural gas import authorizations in order to permit the purchase of natural gas imported from Canada into the United States at a price of U.S. $4.94 per MMBtu effective April 1, 1981. Currently, these companies are authorized to purchase natural gas from Canada at a price of U.S. $4.47 per MMBtu.

The applications are filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on March 13, 1981.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Gary (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street N.W., Room 7108, RG-55, Washington, D.C. 20461, (202) 653-3286.

Patricia J. Neel, (Office of the General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Ave. S.W., Forrestal Bldg. Room 5E-074, Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION:

By DOE/ERA Opinion and Order No. 17, issued on July 7, 1981, in ERA Docket No. 79-08-NG, Transco was conditionally authorized jointly with Tennessee Gas Pipeline Company Limited (Tennessee) to import up to 22 Bcf of natural gas per year from Sulpetro Limited. This imported volume is divided equally between Transco and Tennessee. Transco also imports up to 10 Bcf of natural gas per year from Union Gas Limited, as conditionally authorized by DOE/ERA Opinion and Order No. 24, issued on October 31, 1980, in ERA Docket No. 80-14-NG.

Midwestern is currently authorized to purchase and import up to 363,000 Mcf of natural gas per day from TransCanada Pipe Lines Limited (TransCanada). Midwestern is also authorized to import up to 114 Bcf of natural gas purchased from TransCanada on a best efforts basis at a maximum daily rate of 600,000 Mcf per day through October 31, 1981.

In DOE/ERA Opinion and Order No. 14B, issued on May 15, 1980, in ERA Docket Nos. 80-01-NG, *et al.*, Inter-City Minnesota Pipelines Ltd., Inc., *et al.*, and in subsequent orders in other dockets, ERA authorized the import of natural gas from Canada at a border price of U.S. $4.47 per MMBtu. On January 15, 1981, the Government of Canada announced a new border price of U.S. $4.94 per MMBtu for natural gas exported to the United States, effective April 1, 1981.

On February 12, 1981, Transco filed two applications for authorization to pay the new price for its importations of Canadian gas. In each of its applications, Transco states that the need for this supply of gas was determined previously be ERA at the time the original authorizations were granted and contends such need still exists.

On February 15, 1981, Midwestern filed its application to amend its authorization to allow the importation of Canadian natural gas at the new price. Midwestern submits that continuation of this imported supply is necessary because Midwestern's entire Northern system is wholly dependent upon this source of Canadian natural gas. Also, Midwestern's resale of imported Canadian natural gas to Michigan Wisconsin Pipeline Company (Michigan Wisconsin) and Tennessee represents an important source of supply for those two companies.

Certain other companies authorized to import natural gas from Canada, including Michigan Wisconsin, Montana Power Company, Northern Natural Gas Company, Tennessee, and Vermont Gas Systems, Inc., have not yet applied to amend their import authorizations. ERA anticipates that it will consolidate for decision all applications to amend the price paid for currently authorized imports of Canadian gas. However, persons with a specific interest in the proceedings noticed herein should intervene in these dockets without prejudice to filing comments in other related dockets at a later date. In order to provide sufficient time for ERA to consider these applications prior to the effective date of the price increase, we are limiting the intervention period to ten days.

Other Information

The ERA invites protests or petitions for intervention in the applications noticed herein, or in anticipation of a consolidated proceeding to consider all Canadian price increase requests by companies currently authorized to import natural gas from Canada.

Such protests or petitions are to be filed with the Economic Regulatory Administration, Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the applicable rules of practice and procedure (18 CFR 1.8 and 1.10). Protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on March 13, 1981.

Any person wishing to become a party to the proceedings or to participate as a party in any hearing therein must file a petition to intervene. Protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

A hearing will not be held unless a motion for a hearing is made by any party and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. A party filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is ordered, due notice will be given to the parties.

A copy of the applications noticed herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on February 24, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-6684 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF81-12-000]

American McGaw Division of American Hospital Supply Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 26, 1981.

On January 19, 1981, American McGaw Division of American Hospital Supply Corporation, 2525 McGaw Avenue, Irvine, California 92714, filed with the Federal Energy Regulatory Commission an application to be certified as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The proposed topping-cycle cogeneration facility will be located in Irvine, California. American McGaw will be installing a Solar Centaur turbine generator with a Deltak Heat Recovery Unit. The system will generate 2.8 megawatts of electricity and supply 15,600 pounds per hour of 125 psig process steam. The system will burn natural gas. American McGaw is the sole owner of the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6736 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-260-000]

Appalachian Power Co., et al., Notice of Filing

February 26, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AE) on February 17, 1981, tendered for filing on behalf of its affiliates Appalachian Power Company (Appalachian), Ohio Power Company (Ohio Power) and Wheeling Electric Company (Wheeling), Modification No. 11 dated February 13, 1981, to the Operating Agreement dated June 1, 1971 between Monongahela Power Company, West Penn Power Company, Appalachian Power Company, Ohio Power Company and Wheeling Electric Company, Appalachian's Rate Schedule FERC No. 55, Ohio Power's Rate Schedule FERC No. 73 and Wheeling's Rate Schedule No. 5.

Sections 1 and 2 of Modification No. 11 provides for an increase in the demand charge for Short Term and Limited Term Power from $0.85 to $1.05 per kilowatt per week and $4.50 to $5.50 per kilowatt per month respectively. Both schedules proposed to become effective February 23, 1981.

Applicant states that since the use of Short Terms Power and Limited Term Power cannot be accurately estimated, for the twelve month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Appendix V which was included with revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1980 would have been $2,222,380.91 (i.e., from $47,410,103.26 to $49,632,484.17) for Short Term Power. There were no Limited Term transactions in the year ending December 1981.

Copies of the filing were served upon Allegheny Power Service Corporation,

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the Public Utilities Commission of Ohio, the Public Service Commission of West Virginia and Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6757 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP74-4-002, et al.]

Cities Service Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

February 26, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 16, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
2/6/81	Cities Service Gas Co.	RP74-4-002	Report.
2/17/81	Tennessee Gas Pipeline Co.	RP73-113-004, *et al*	Report.
2/17/81	Tennessee Gas Pipeline Co.	RP73-113-005, *et al*	Report.
2/18/81	Texas Eastern Transmission Corp.	RP61-40-000	Petition and plan
2/19/81	South Georgia Natural Gas Co.	RP77-32-010	Report.
2/19/81	Consolidated Gas Supply Corp.	RP72-157-041	Report

[FR Doc. 81-6756 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-15-000]

Great Lakes Steel, Division of National Steel Corp. and McLouth Steel Corp.; Application for Adjustment and Request for Interim Relief

February 26, 1981.

On February 13, 1981, Great Lakes Steel Division of National Steel Corporation and McLouth Steel Corporation (Applicants) filed an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301 *et seq.*) and § 1.41 of the Commission's regulations. Applicants seek relief from certain alternative fuel price ceilings published pursuant to 18 CFR 282.404.

Applicants state that in connection with their respective steel-making facilities in Wayne County, Michigan, they purchase natural gas for boiler fuel use and are therefore subject to the incremental pricing program of Title II of the NGPA. Applicants state that the alternative fuel price ceilings published for the states in Region D by the Energy Information Administration (EIA) for December 1980, and January and February 1981, indicate that the February 1981 alternative fuel price ceiling for Michigan was the highest of the seven states in Region D. In particular, applicants note that the price differential between the alternative fuel price ceiling for Michigan and Illinois is $1.35 per MMBtu, and for Michigan and Ohio it is $.90 per MMBtu. Applicants believe that these fuel price ceilings are based on sales occuring predominantly outside southeastern Michigan and therefore include substantial transportation costs for non-water transportation. Since the Applicants are directly competing in the automotive steel market with other Great Lakes Region steel producers as well as foreign steel producers, they state that the great disparity between the alternative fuel price ceilings for Michigan and the ceilings for other states in Region D, particularly Illinois and Ohio, places them at a competitive disadvantage with other Region D states and foreign steel producers. Applicants claim that this disparity also unfairly and inequitably distributes the burdens of incremental pricing on applicants and other Michigan industries.

Applicants request relief similar to that granted to the State of Kentucky in Docket No. RM81-9, issued December 24, 1980 (46 FR 2036, January 8, 1981), and a Commission directive to the EIA to use the Region D price ceiling as the price ceiling for Michigan, pending final action in Docket No. RM79-21.

In addition, Applicants request interim relief pursuant to § 1.41(m) of the Commission's regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR § 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before March 18, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6760 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-286-000]

Illinois Power Co.; Notice of Filing

February 26, 1981.

The filing Company submits the following:

Take notice that on February 17, 1981, Illinois Power Company ("Illinois Power") tendered for filing proposed Modification No. 7, dated November 18, 1980, to the Interconnection Agreement, dated July 25, 1975, between Western Illinois Power Cooperative, Inc. and Illinois Power Company.

Illinois Power indicated that this filing is made for an additional point of interconnection at a point near Elkhart, Illinois, which shall be known as "Turris Interchange".

Illinois Power states that a copy of the filing was served upon Western Illinois Power Cooperative, Inc. and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before March 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6761 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-285-000]

Kansas Gas and Electric Co.; Proposed Tariff Change

February 26, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on February 13, 1981, tendered for filing a proposed change in its FPC Electric Service Tariff No. 125. The proposed Amendatory Agreement changes the minimum and maximum amounts of power.

The Amendatory Agreement is necessary because the present demands are being exceeded.

Copies of this filing were served upon the City of Mindenmines, Missouri.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6762 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3935-000]

Lawrence Gleeson, Thomas Blackburn, and Michael Baird; Application for Preliminary Permit

February 27, 1981.

Take notice that Lawrence Gleeson, Thomas Blackburn, and Michael Baird (Applicant) filed on January 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)—825(r)] for proposed Project No. 3935 to be known as Littlefield Project located on the Little Androscoggin River in the City of Auburn, Androscoggin County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas E. Blackburn, P.O. Box 136, Mechanic Falls, Maine 04256. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 420-foot long, 21-foot high rock core concrete dam with a breached section 90 feet long which would be repaired; (2) a reservoir with little or no storage capacity; (3) an existing powerhouse at the dam containing an existing turbine to be reconditioned and connected to a new 1 MW generator; and (4) appurtenant facilities. The proposed run-of-the-river project would generate up to 4,380,000 kWh annually saving the equivalent of 7,300 barrels of oil or 2,000 tons of coal.

Purpose of Project—Energy produced at the project would be sold to Central Main Power Company for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The Work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 30, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 1, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3935. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

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20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regualtory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6752 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-282-000]

The Montana Power Co.; Notice of Filing

February 26, 1981.

The filing Company submits the following:

Take notice that The Montana Power Company (Montana) on February 17, 1981, tendered for filing its proposed Rate Schedule REC–81 applicable for sales to Big Horn County Electric Cooperative, Inc. (currently served under FPC Rate Schedule No. 40, Supplement No. 3), and Central Montana Generation & Transmission Cooperative, Inc. (currently served under FPC Rate Schedule No. 39, Supplement No. 9).

The Company states that, based on the test year ending December 31, 1979, proposed Rate Schedule REC–81 would have provided it with increased revenues of $178,093 from sales to Big Horn and Central Montana. The Company states that the rate increase has become necessary as a result of increasing costs being incurred in providing service to these customers.

The Company has proposed that Rate Schedule REC–81 become effective with service on and after March 1, 1981, in order to enable Big Horn and Central Montana to implement corresponding increases in their rates.

Copies of the Company's filing were served upon Big Horn and upon the Montana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6763 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-284-000]

The Montana Power Co., Notice of Filing

February 26, 1981

The filing Company submits the following:

Take notice that The Montana Power Company (Montana) on February 18, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements with the Los Angeles Department of Water and Power (Los Angeles). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Los Angeles.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $2,761,800.00, based upon energy delivered from September 15, 1980 through February 1, 1981. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of September 15, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6764 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4013 and 4026]

New England Hydro et al.; Competing Applications for Preliminary Permit

February 27, 1981.

Take notice that New England Hydro (New England) filed on January 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4013 to be known as the Aziscohos Project located on the Magalloway River in Oxford County, Maine. Central Maine Power Company and Androscoggin Reservoir Company (CMP), also filed an application on January 16, 1981, for preliminary permit for Project No. 4026 also to be known as the Aziscohos Project at the same exact location. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Andre Jaeger, New England Hydro, 3 Great Pasture Road, West Redding, Connecticut 06896 and Jon S. Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04336. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project No. 4013 would consist of: (1) an existing 880-foot long, 67-foot high Ambursen dam built of reinforced concrete; (2) an existing reservoir with a surface area of 8,320 acres and a storage capacity of 221,355 acre-feet; (3) a new powerhouse located immediately below the dam containing a single turbine-generator with a rated capacity of 1.6 MW; (4) a transmission line; and (5) appurtenant facilitities. New England estimates that the average annual energy output would be 8,167,000 kWh.

The proposed Project No. 4026 would utilize the same dam and reservoir described above and would also include a new powerhouse located immediately below the dam with a single turbine-generator with a rated capacity of 2.5 MW annually generating approximately 10,000,000 kWh. CMP owns the dam and reservoir.

Purpose of Project—New England proposes to sell energy produced at the project to Central Maine Power Company. CMP proposes to use the energy produced at the project in Central Maine Power Company's distribution system.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicants would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. New England estimates that the work to be performed under this preliminary permit would cost $48,000. CMP estimates that the work to be performed under this preliminary permit would cost $362,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 30, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 1, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to these notices of competing applications for preliminary permit for Projects Nos. 4013 and 4026. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6753 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3871-000]

Oklahoma Renewable Resources, Inc.; Application for Preliminary Permit

February 27, 1981.

Take notice that Oklahoma Renewable Resources, Inc. (Applicant) filed on December 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3871 to be known as Hugo Dam located on Kiamichi River in Choctaw County. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jeffrey M. Kossak, 14 Wall Street, Suite 1900, New York, New York 10005. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Hugo Dam and would consist of: (1) a new penstock; (2) a new powerhouse containing generating unit(s) having a total rated capacity of 5.6 MW; (3) a short 69-kV transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 23 GWh.

Purpose of Project—Project energy would be sold to a public or private utility company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $82,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Rmel Corporation's Hugo Dam Project No. 3555 filed on October 10, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the

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Commission, on or before February 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 20, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3871. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6754 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-289-000]

Southern California Edison Co.; Notice of Filing

February 26, 1981

The filing Company submits the following:

Take notice that on February 18, 1981, Southern California Edison Company (Edison) tendered for filing two letter agreements dated December 31, 1980, executed by: (1) Edison and the City of Anaheim, and (2) Edison and the City of Riverside. These agreements extend the terms of Edison's Rate Schedules FERC Nos. 99 and 83 applicable only to the City of Anaheim and Edison's Rate Schedules Nos. 98 and 84 applicable only to the City of Riverside, and conform the rates for scheduling and dispatching services with Edison's rates to other entities for similar services.

Copies of this filing were served upon the Public Utilities Commission of the State of California, the City of Anaheim and the City of Riverside.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6765 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-287-000]

Southern California Edison Co.; Notice of Filing February 26, 1981

The filing Company submits the following:

Take notice that on February 18, 1981, Southern California Edison Company (Edison) tendered for filing a Notice of Cancellation of Edison's Rate Schedule FERC No. 119, which is applicable only to Portland General Electric Company (Portland).

Edison requests an effective date of March 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.110). All such petitions or protests should be filed on or before March 20, 1981. Protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6766 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3986-000]

Swift River Company, Inc.; Application for Preliminary Permit

February 27, 1981.

Take notice that Swift River Company, Incorporated (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3986 to be known as the Bangor Water Works Project located on Penobscot River in the City of Bangor, Penobscot County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Peter B. Clark, President, Swift River Company, Inc., 148 State Street, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 750-foot long, 15-foot high timber crib dam and a 250-foot long 15-foot high concrete ogee spillway (the Applicant proposes to raise the height of the dam and spillway four feet to elevation 21 feet m.s.l.); (2) a reservoir with a previous storage capacity of 9,000 acre-feet also to be raised four feet above the previous elevation to 21 feet m.s.l.; (3) an existing powerhouse containing 3 new turbine-generator units with a total rated capacity of 6.6 MW which would generate up to 52 million kWh annually or a new powerhouse containing 3 turbine generator units with a total rated capacity of 13 MW which would generate up to 80 million kWh annually; (4) a new fishway to allow the continued passage of Salmon above the dam; and (5) appurtenant facilities.

Purpose of Project—Energy produced at the project would be sold to either Bangor Hydro-Electric Company of Central Maine Power Company for distribution to their respective customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $125,000. Applicant requests a preliminary permit term of 36 months.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTEST", "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3986. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6755 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-291-000]

Tampa Electric Co.; Notice of Filing

February 26, 1981.

The filing Company submits the following:

Take notice that Tampa Electric Company (Tampa), on February 20, 1981, tendered for filing an Agreement for Interchange Service between City of Kissimmee Electric Utilities (Kissimmee) and Tampa. Correspondence concerning this matter should be addressed to: Mr. G. Pierce Wood, Senior Vice President, Tampa Electric Company, P.O. Box 111, Tampa, Florida 33601; and James M. Broadstone, Esquire, Gallagher, Boland, Meiberger and Brosnan, 821 Fifteenth Street, N.W., Washington, D.C. 20005.

The agreement provides for the emergency and scheduled short-term interchange of capacity and energy between Tampa and Kissimmee. Tampa asks that the agreement be made effective as of January 1, 1981, and therefore seeks waiver of the Commission's notice requirements pursuant to § 35.11 of the Commission's Regulations, 18 CFR 35.11 (1980).

A certificate of concurrence by Kissimmee was filed with the agreement. Copies of the filing have been served upon Kissimmee and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6767 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-38-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Tariff Filing

February 26, 1981

Take notice that on February 17, 1981, Tennessee Gas Pipeline Company, a

Division of Tenneco Inc. (Tennessee), tendered for filing Fifth Revised Sheet No. 213D of Ninth Revised Volume No. 1 of its FERC Gas Tariff, which is proposed to become effective April 1, 1981.

Tennessee states that the purpose of this tariff sheet is to change the methodology in Section 4.2 of Article XXIII of the General Terms and Conditions by which Tennessee flows through producer-supplier refunds applicable to periods prior to January 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in this proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-6768 Filed 3-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-97, et al.]

Tennessee Gas Pipeline Co; et al.; Informal Settlement Conference

February 20, 1981.

In the matter of Tennessee Gas Pipeline Company, Docket No. RP80-97; Michigan Wisconsin Pipe Line Company, Docket No. RP80-100; Southern Natural Gas Company, Docket No. RP80-102; Natural Gas Pipe Line Company of America, Docket No. RP80-107; Transcontinental Gas Pipe Line Corporation, Docket No. RP80-117; United Gas Pipe Line Company, Docket No. RP80-121; Trunkline Gas Company, Docket No. RP80-106; Columbia Gulf Transmission Company, Docket No. RP80-145; Columbia Gas Transmission Corporation, Docket No. RP80-146; Sea Robin Pipeline Company, Docket Nos. RP80-55 and RP80-118; Florida Gas Transmission Company, Docket No. RP81-7; High Island Offshore System, Docket No. RP81-18, and U-T Offshore System, Docket No. RP81-20.

Take notice that on March 11, 1981, at 10 a.m. there will be an informal conference of the working committee previously established during joint discussions of the above-captioned dockets. The purpose of this meeting will be to discuss the settlement of issues pertaining to the allocation of the costs of transmission of liquids and liquefiable hydrocarbons. Such isues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extent possible.

The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, Hearing Room G, 825 North Capitol Street NE., Washington, D.C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but if such persons have not previously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings be deemed to authorize intervention in any other docket.

Participation in the discussion of the working committee will be limited to the designated working committee members.

All working committee members will be expected to come fully prepared to discuss the merits of the issues arising in the above-captioned proceedings and to make such commitments with respect to issues and to any offers of settlement or stipulations discussed at the conference as may be appropriate in light of the representative nature of the working committee.

If prior to March 11, 1981, unanticipated inquiries arise regarding this meeting, participants are advised to contact Lawrence Acker or Norma Rosner at (202) 357-8565.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-6769 Filed 3-3-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-199-000]

Central Telephone & Utilities Corp. (Western Power Division); Order Accepting for Filing and Suspending Proposed Rates, Denying Motion To Reject, Directing Summary Disposition, Granting Intervention, and Establishing Procedures

Issued February 27, 1981.

On December 30, 1980, the Western Power Division of Central Telephone & Utilities Corporation (Central) tendered for filing three proposed rate schedules: (1) Schedule 81-CH-2 for firm and partial requirements service to eleven REA Cooperatives (Cooperatives); [1] (2) Schedule 81-MWH-5 for firm and partial requirements service to twenty three municipal wholesale customers (Municipals); [2] and (3) Schedule 81-TSV-1 for transmission service to the Kansas Electric Power Cooperative (KEPCO).[3] The rates under the proposed rate schedules would result in an increase in revenues of approximately $3.9 million (16%) based on the 12 month period ending December 31, 1981.[4] Central requests an effective date of March 1, 1981, for the submittals. Notice of the filing was issued on January 5, 1981, with comments due on or before January 26, 1981. Three pleadings were timely filed.

On January 23, 1981, CKEC filed a petition to intervene and protest, requesting that the proposed rates be suspended for five months and set for hearing. On January 26, 1981, the Municipals also filed a petition to intervene and protest. In their pleading, Municipals request a five month suspension and a hearing based on their objection to Central's failure to provide adequate supporting data to justify the increased Period II costs. In addition,

[1] Of the eleven Cooperatives, ten purchase all of their power requirements from Central. One rural cooperative, Central Kansas Electric Cooperative (CKEC), has generating facilities and purchases partial requirements service from Central. For individual rate schedule designations, see Attachment A.

[2] Thirteen of the twenty-three Municipals are full requirements customers. The remaining ten Municipals (Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Russell, Osborne, Washington, and Stockman, Kansas) have their own generation and can buy partial requirements from Central.

[3] Rate Schedule 81-TSV-1 has been filed as an "initial" rate schedule. KEPCO, a newly-formed generation and transmission cooperative, will provide (sometime during the Period II test period) bulk power planning and wheeling service to the Cooperatives who presently are receiving service from Central.

[4] By petition filed December 30, 1980, Central requests waiver of certain specific minor filing requirements. Our acceptance for filing of the rates as modified *infra*, shall constitute a grant of such requests.

Municipals raise a variety of cost of service issues,[5] and allege price squeeze.

On January 26, 1981, the Cooperatives filed a (1) protest, (2) petition to intervene, (3) a motion to reject (or, in the alternative, impose a five month suspension), (4) motion to reject the transmission rate as an initial rate and accept it as a change in service subject to suspension and investigation, and (5) request for the initiation of price squeeze procedures. The Cooperatives generally raise cost of service issues similar to those identified by the Municipals. The Cooperatives also object to certain rate design features.[6]

On February 9, 1981, Central filed an answer to the Cooperatives' motion to reject.

Discussion

Initially, we find that participation in this proceeding by the Cooperatives, Municipals, and CKEC is in the public interest. Consequently, we shall grant their petitions to intervene.

We note that Central has excluded accumulated deferred investment tax credits (ADITC) from rate base in the computation of interest expense for tax allowance purposes. This adjustment contravenes prior Commission precedent.[7] Accordingly, Central will be directed to file revised rates and supporting cost statements reflecting the inclusion of ADITC balances in rate base in the computation of interest expenses for income tax purposes.

Central's proposed rate schedule applicable to the full requirements customers provides for minimum billing demand based on 75% of the highest demands established during the preceding months of June through September. Contrary to this provision, however, the billing demands shown Central's cost of service Statement BG do not reflect application of the 75% ratchet provision and, therefore, represent an understatement of the actual billing demands by the wholesale customers. Since Central has utilized the understated billing demands in the design of the proposed demand charge (Statement BL), the demand charge is overstated on a $/kW basis. While this discrepancy does not warrant outright rejection of Central's filing, as suggested by the Cooperatives, Central will be required to revise its rates and supporting Statements BG and BL to reflect billing demands and demand charges which give effect to the operation of the ratchet provision contained in the proposed rate schedule.

The Commission also notes that Central has included expenses associated with the use of limestone (in the anti-pollution process) in the computation of the base fuel component of the fuel adjustment clause. We have concluded that the inclusion of such costs (which are not properly recorded in Account Nos. 151 and 518 of the Uniform System of Accounts) does not comport with the requirements of section 35.14 of the Commission's regulations.[8] Accordingly, the inclusion of limestone expenses in the computation of the base fuel component of the fuel adjustment clause will be summarily rejected. Central will be ordered to refile a fuel adjustment clause and related Statement BI which reflects the exclusion of limestone expenses from the computation of the base cost of fuel. In addition, no such expenses should be included in monthly fuel clause calculations.

Cooperatives have also moved to reject the transmission filing as an initial rate and to instead treat it as a change in rate. Cooperatives contend that although Central will technically be supplying transmission service for the first time to KEPCO, the transmission service is in reality being rendered to the member cooperatives of KEPCO who were previously served by Central. Thus, they argue, the filed transmission charge is a change in the previous full requirements service provided by Central to the Cooperatives.

The Commission has previously held that the provision of transmission service to a customer constitutes a change in rate when interchange or requirements service has been previously provided to that customer. See *Florida Power & Light Company* v. *FERC*, 617 F.2d 809 (D.C. Cir. 1980). We note that although Central is technically providing transmission service to KEPCO for the first time, it is the same service to the same beneficiaries whom Central previously billed directly. The fact that the Cooperatives have a new billing agent, the newly formed KEPCO generation and transmission cooperative, does not alter the essential nature of the transmission service. We therefore agree with Cooperatives that Central's transmission rate filed in this docket is properly considered a change in rate subject to suspension under section 205 of the Federal Power Act.

Apart from the issues addressed above, the Commission finds that Central's filing is in substantial compliance with the requirements of our regulations.[9] The issues raised by the Cooperatives, the Municipals, and CKEC (other than those summarily disposed of herein) are matters which may be explored during the hearing ordered below. Therefore, we shall deny the Cooperatives' motion to reject Central's proposed rate increase.

Our analysis indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by this order, and suspend them as directed below.

In a number of suspension orders,[10] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. We shall therefore accept each of the proposed rates for filing, as modified by summary disposition, and suspend them for five months from 60 days after filing, to become effective thereafter on August 1, 1981, subject to refund.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the Cooperatives and the

[5] These issues relate to the (1) computation of cash working capital, (2) proper level of fuel stocks, (3) composition of construction work in progress, (4) computation of income taxes, (5) reasonableness of increased depreciation charges, and (6) reasonableness of a requested 16% rate of return on common equity.

[6] The Cooperatives, *inter alia*, challenge (1) Central's stated billing determinants asserting that they fail to reflect the impact of the 75% demand ratchet, (2) the allocation of demand costs to the wholesale customers, (3) the reasonableness of the transmission losses assigned to the wholesale customers, and (4) the use of a single (kW) rate for both all requirements service and partial requirements service.

[7] *See Alabama Power Company*, Opinion No. 54, Docket No. E-8851, (August 1, 1979).

[8] *See The Electric Cooperatives of Kansas*, Docket No. EL81-2-000, Declaratory Order, issued February 26, 1981.

[9] *See Municipal Light Boards of Reading and Wakefield Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[10] e.g., Boston Edison Company, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket NOs. ER80-506, et al. (August 29, 1080) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

Municipals. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) The motions to reject Central's filing are hereby denied.

(B) The Cooperatives' motion to treat the transmission rate schedule as a change in rate is granted. The proposed rates for transmission service shall be collected subject to refund as prescribed in paragraph (C) below.

(C) Central's proposed schedules 81–CH–2, 81–MWH–5, and 81–TSV–1, as modified by this order, are hereby accepted for filing and suspended for five months, to become effective August 1, 1981, subject to refund.

(D) Central's exclusion of ADITC from rate base in computing interest expense for income tax purposes is summarily rejected. Central is directed to file within thirty (30) days of the issuance of this order revised rate schedules and supporting cost statements reflecting the inclusion of ADITC balances in rate base in the computation of interest expense for income tax purposes.

(E) Central's inclusion of limestone expenses in the computation of the base fuel component of the fuel adjustment clause is summarily rejected. Central is directed to refile within thirty (30) days of the issuance of this order a fuel adjustment clause and related Statement BI which reflects exclusion of limestone expenses from the computation of the base cost of fuel in the fuel adjustment clause.

(F) Central is hereby directed to file within thirty (30) days of the issuance of this order revised rates and revised Statements BG and BL reflecting billing demands and demand charges which give effect to the operation of the ratchet provision contained in the proposed rate schedule.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the tariff and the rates proposed by Central in this proceeding.

(H) The Coopératives, Municipals, and CKEC are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before March 1, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(K) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Central Telephone and Utilities Corporation, Western Power Division: Rate Schedule Designation, Docket No. ER81–199–000

Filed: December 30, 1980

I *Municipal Wholesale Customers Rate 81–MWH–5*

Other Party, Designation and Superseded Supplement No.

1. Cawker City—Supplement No. 4 to Rate Schedule FERC No. 87; Supplement No. 3 (as Supplemented)
2. Cimarron—Supplement No. 4 to Rate Schedule FPC No. 98; Supplement No. 3 (as Supplemented)
3. Coats—Supplement No. 4 to Rate Schedule FERC No. 88; Supplement No. 3 (as Supplemented)
4. Glasco—Supplement No. 4 to Rate Schedule FERC No. 97; Supplement No. 3 (as Supplemented)
5. Glen Elder—Supplement No. 4 to Rate Schedule FERC No. 89; Supplement No. 3 (as Supplemented)
6. Holyrood—Supplement No. 4 to Rate Schedule FERC No. 90; Supplement No. 3 (as Supplemented)
7. Isabel—Supplement No. 4 to Rate Schedule FERC No. 91; Supplement No. 3 (as Supplemented)
8. Jamestown—Supplement No. 4 to Rate Schedule FERC No. 92; Supplement No. 3 (as Supplemented)
9. Lucas—Supplement No. 4 to Rate Schedule FERC No. 93; Supplement No. 3 (as Supplemented)
10. Luray—Supplement No. 4 to Rate Schedule FERC No. 94; Supplement No. 3 (as Supplemented)
11. Mankato—Supplement No. 4 to Rate Schedule FERC No. 95; Supplement No. 3 (as Supplemented)
12. Montezuma—Supplement No. 9 to Rate Schedule FERC No. 70; Supplement No. 8 (as Supplemented)
13. Tipton—Supplement No. 4 to Rate Schedule FERC No. 96; Supplement No. 3 (as Supplemented)
14. Anthony—Supplement No. 15 to Rate Schedule FPC No. 59; 14
15. Attica—Supplement No. 12 to Rate Schedule FPC No. 84; 11
16. Beloit—Supplement No. 13 to Rate Schedule FPC No. 60; 12
17. Hoisington—Supplement No. 15 to Rate Schedule FPC No. 57; 14
18. Kingman—Supplement No. 17 to Rate Schedule FPC No. 58; 16
19. Pratt—Supplement No. 16 to Rate Schedule FPC No. 34; 15
20. Russell—Supplement No. 15 to Rate Schedule FPC No. 41; 14
21. Washington—Supplement No. 15 to Rate Schedule FPC No. 56; 14
22. Osborne—Supplement No. 8 to Rate Schedule FPC No. 86; 7
23. Stockton—Supplement No. 6 to Rate Schedule FERC No. 99; 5

II *Rural Electric Cooperatives Rate 81–CWh–2*

Other Party, Designation and Superseded Supplement No.

1. Ark Valley—Supplement No. 10 to Rate Schedule FPC No. 74; Supplement No. 9 (As Supplemented)
2. C. M. S.—Supplement No. 12 to Rate Schedule FPC No. 75; Supplement No. 11 (As Supplemented)
3. C & W—Supplement No. 10 to Rate Schedule FPC No. 76; Supplement No. 9 (As Supplemented)
4. Jewel-Mitchell—Supplement No. 11 to Rate Schedule FPC No. 77; Supplement No. 10 (As Supplemented)

5. N. C. K.—Supplement No. 10 to Rate Schedule FPC No. 78; Supplement No. 9 (As Supplemented)
6. Ninnescah—Supplement No. 10 to Rate Schedule FPC No. 79; Supplement No. 9 (As Supplemented)
7. Norton-Decatur—Supplement No. 9 to Rate Schedule FPC No. 80; Supplement No. 8 (As Supplemented)
8. Smoky Hill—Supplement No. 9 to Rate Schedule FPC No. 81; Supplement No. 8 (As Supplemented)
9. Sumner-Cowley—Supplement No. 9 to Rate Schedule FPC No. 82; Supplement No. 8 (As Supplemented)
10. Victory—Supplement No. 11 to Rate Schedule FPC No. 83; Supplement No. 10 (As Supplemented)
11. Central Kansas Elec. Coop., Inc.—Supplement No. 15 to Rate Schedule FPC No. 35; Supplement No. 14

III *Rate Schedule 81–TSV–1*

Other Party and Designation

Kansas Electric Power Cooperative—Rate Schedule FERC No. 102

[FR Doc. 81-6661 Filed 3-2-81; 8:45 am]

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[Project Nos. 3660-000, 3680-000, and 3971-000]

Continental Hydro Corp., Dam Twelve Development Ltd., and Enagenics; Applications for Preliminary Permit

February 26, 1981.

Take notice that Continental Hydro Corporation (CHC), Dam Twelve Development Ltd (DTD), and Enagenics (Applicants) filed, respectively, on November 4, 1980, November 5, 1980, and January 12, 1981, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed project Nos. 3660, 3680, and 3971, respectively, to be known as Kentucky River Lock and Dam No. 12, located on the Kentucky River in Estill County, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with CHC should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with DTD should be directed to: Mr. Kenneth Lever, Partner, Dam Twelve Development, Ltd, 6566 France Avenue South, Minneapolis, Minnesota 55435. Correspondence with Enagenics should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Descriptions.—The proposed projects would utilize an existing dam owned by the U.S. Army Corps of Engineers. The Applicant's facilities would be located mostly on U.S. lands.

Project No. 3660 would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, with generating units having a total installed capacity of 3.0 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates the average annual energy output for the project would be 10,800 MWh.

Project No. 3680 would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, with generating units having a total installed capacity of 5.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates the average annual energy output for the project would be 16,100 MWh.

Project No. 3971 would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, with generating units having a total installed capacity of 14.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates the average annual energy output for the project would be 29,700 MWh.

Purpose of Projects.—The power produced by all the Applicants would be sold to the Kentucky Utilities Company.

Proposed Scope and Cost of Studies under Permit.—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time they would conduct economic, engineering, and environmental studies, consult Federal, State, and local government agencies concerning the potential environmental effects of the project and prepare an application for FERC license. CHC estimates the cost of the studies under the permit to be approximately $62,000. DTD estimates the cost to be approximately $100,000, and Enagenics estimates the cost to be approximately $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3660, 3680, and 3971. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy

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Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6995 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3893-000]

El Dorado Irrigation District; Application for Preliminary Permit

February 26, 1981.

Take notice that El Dorado Irrigation District (Applicant) filed on December 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3893 to be known as the Sly Park Dam Project located on Sly Park Creek in El Dorado County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William Charpier Jr., District Engineer, El Dorado Irrigation District, Post Office Box 1608, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of a powerhouse containing a single generating unit with a capacity of between 700 and 800 kW located near the existing outlet works for the Water and Power Resources Service's Sly Park Dam.

The Applicant estimates that the maximum average annual energy output would be 3,000 MWh.

Purpose of Project.—Project power would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit.—Applicant would conduct: (1) a hydrology study of the natural and diverted drainage areas of the Sly Park Reservoir; (2) a study of friction losses (at various flows) and selection of the optimum turbine size for existing and projected system; (3) a fish and wildlife review, and environmental impact study; and (4) a historical review of the site. Applicant would prepare an economic feasibility report and preliminary designs of the penstock, powerhouse, afterbay and equipment. The estimated cost of this work is $55,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application.—This application was filed as a competing application to Continental Hydro Corporation's Project No. 3846 under 18 CFR (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3893. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6996 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3976-000]

Enagenics; Application for Preliminary Permit

February 26, 1981.

Take notice that ENAGENICS (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for the proposed Project No. 3976 to be known as the Causey Hydro Project located on the Ogden River in Weber County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q. Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservation District, and would consist of: (1) a penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 4,800 Kw; (3) a tailrace; (4) a new transmission line, approximately 4 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,200,000 Kwh.

Purpose of Project—Project energy would be sold to the Utah Power and Light Company. Other alternative markets, such as nearby public institutions and industrial users, will be investigated.

Purpose Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—this application was filed as a competing application to Utah Hydro Corporation's application for Project No. 3544 filed on October 6, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing application April 20, 1981 itself or a notice of intent to file a competing application. submission of a timely notice of intent allows an interested person to file the competing application no later than June 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3976. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6997 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3966-000]

Enagenics; Application For Preliminary Permit

February 26, 1981.

Take notice that ENAGENICS (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3966 to be known as Canyon Dam Hydroelectric project located on the Guadalupe River in Comal County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr. President ENAGENICS, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Corps of Engineers' Canyon Lake Dam and would consist of a powerhouse containing a single generating unit having a rated capacity of 10.1 MW, the existing transmission lines, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 23.6 GWh.

Purpose of Project—The energy generated by the proposed project would be sold to the San Antonio Utility Co.

Proposed Scope and Cost of Studies under Permit—The proposed term of the requested permit is thirty-six (36) months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize

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construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3635 filed on October 31, 1980, under 18 CFR 4.33 (1980). Anyone desiring to be heard or to make any protests about this application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3966. Any comments, notices of intent, competing application, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6868 Filed 3-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3979-000]

Enagenics; Application for Preliminary Permit

February 26, 1981

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3979 to be known as the Shenango River Dam Project located on the Shenango River in Mercer County, Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U. S. Army Corps of Engineers. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize the U.S. Army Corps of Engineers' existing Shenango River Dam and Reservior. The project would consist of the following unconstructed works: (1) a penstock extending to; (2) a powerhouse located on the southwest bank of the river; and (3) appurtenant facilities. The installed capacity would be about 4,000 kW and the project would have an estimated average annual energy production of 10,100,000 kWh.

Purpose of Project.—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for an FERC license. Applicant estimates the cost of the studies would be $35,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Hydro Corporation of Pennsylvania's Project No. 3290, filed on August 4, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accpeted for filing.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 24, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3979. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary,

[FR Doc. 81-6869 Filed 3-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3957-000]

Enagenics; Application for Preliminary Permit

February 26, 1981

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—625(r)] for proposed Project No. 3957 to be known as Allegheny L/D #6 Hydro Project located on the Allegheny River in Armstrong County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr. President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular knd of response that person wishes to file.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers Allegheny Lock and Dam No. 6 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 10,000 Kw; (3) a tailrace; (4) a new transmission line, approximately three miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 74,500,000 Kwh.

Purpose of Project.—Project energy would be sold to the West Penn Power Company. Other alternative markets, such as the nearby public institutions or industrial users, will be investigated.

Purpose, Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3957. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the

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Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6670 Filed 3-2-81; 8:45 am]

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[Project No. 3961-000]

Enagenics; Application for Preliminary Permit

February 26, 1981.

Take notice that Enagencis (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3961 to be known as Allegheny L/D #4 Hydro Project located on the Allegheny River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagencis, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers Allegheny Lock and Dam No. 4 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 28,800 Kw; (3) a tailrace; (4) a new transmission line, approximately 5 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 91,900,000 Kwh.

Purpose of Project.—Project energy would be sold to the West Penn Power Company. Other alternative markets, such as nearby public institutions and industrial users, will be investigated.

Purpose Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3961. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6671 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2809]

Maine Hydroelectric Development Corp.; Application for Amendment of License

February 26, 1981.

Take notice that Maine Hydroelectric Development Corporation (MHEDC) filed on February 6, 1981, an application for amendment of it's license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for the American Tissue Project No. 2809 located on the Cobbosseecontee Stream in the Town of Gardiner, Kennebec County, Maine. Correspondence with the Applicant should be directed to: Larry Gleeson, Maine Hydroelectric Development Corporation, Mill Lane, P.O. Box 405, Belfast, Maine 04915.

MHEDC proposes to amend Article 20 of the license of the American Tissue Project issued May 9, 1979. Article 20 required MHEDC to begin installation and construction of hydroelectric generating facilities at the project within 2 years from the date of issuance of the license. MHEDC has requested that Article 20 be amended to require that construction begin within 4 years from the date of issuance of the license. Additional time has been requested because of the anticipated delay caused by the upcoming eminent domain proceeding filed in U.S. District Court for the District of Maine by MHEDC to acquire the real estate and property rights of the American Tissue dam site.

If MHEDC cannot acquire the real estate and property rights of the American Tissue dam site through a voluntary agreement with its owner, Section 21 of the Federal Power Act, 16 U.S.C. § 814 gives MHEDC the authority to acquire such property by eminent domain proceedings.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6672 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4045-000]

Mason County Public Utility, District No. 3; Application for Preliminary Permit

February 26, 1981.

Take notice that Mason County Public Utility District No. 3 (Applicant) filed on January 22, 181, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4045 to be known as the Goldsborough Creek Hydroelectric Project located on the Goldsborough Creek in Mason County, near Shelton, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis E. Rohr, General Manager, Mason County PUD No. 3, P.O. Box 490, Shelton, Washington 98584, and Mr. Benjamin N. Settle, P.O. Box 308, Shelton, Washington 98584, with copies to CH2M Hill, Attention Mr. Abbas Orumchian, 1500 114th Avenue SE, Bellevue, Washington 98004.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) an existing timber crib dam, 14 feet high by 100 feet long creating a pondage with negligible capacity; (2) an existing wooden fish ladder; (3) a new intake structure; (4) a new 100-foot long, 30-inch diameter steel penstock serving; (5) a new powerhouse, to be operated under a head of 30 feet, to contain one Francis-type, turbine-generating unit with a rated capacity of 400 kW; (6) a tailrace channel; and (7) a new 0.7-mile long, 12.5-kV transmission line to connect to an existing Applicant transmission line.

The Applicant estimates that the average annual energy output would be 1.4 million kWhs.

Purpose of Project.—The power output would be used to meet the Applicant's load growth and to offset power purchases now being made by the Applicant to supply its customers.

Proposed Scope and Cost of Studies under Permit.—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $138,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters, the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4045. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, protest, or petition to

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intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-6873 Filed 3-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4072-000]

New England Hydro; Application for Preliminary Permit

February 26, 1981.

Take notice that New England Hydro (Applicant) filed on January 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4072 to be known as the Snow Pond Project located on Messalonskee Lake near the Town of Oakland, Kennebec County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Andre Jaeger, New England Hydro, 3 Great Pasture Road, West Redding, Connectucut 06896. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) an existing 10-foot high, 251 foot long granite block and concrete dam including a 136-foot wide gate section; (2) Messalonskee Lake with a surface area of 25,597 acres; (3) an existing powerhouse, to be reconditioned, containing a single new turbine-generator with a rated capacity of 2.2 MW; (4) a transmission line; and (5) appurtenant facilities. The existing dam and reservoir is owned by Central Maine Power Company. The Applicant estimates that the averge annual energy output would be 4,237,000 Kwh.

Purpose of Project.—Energy produced at the project would be sold to Central Maine Power Company for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit.—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of enviromental impacts. Based on results of these studies, Applicant would decide whether or not to proceed with the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $39,000. Applicant requests a preliminary permit term of 24 months.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 27, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4072. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-6874 Filed 3-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-187-000]

Public Service Company of New Mexico; Order Accepting for Filing and Suspending in Part Proposed Increased Rates, Granting Interventions, Denying Motions To Reject, Directing Summary Disposition in Part, Providing for Hearing, and Establishing Procedures

Issued February 27, 1981.

On December 23, 1980, Public Service Company of New Mexico (PNM) tendered for filing proposed increased rates for service to five wholesale customers.[1] The rates proposed to four of these customers were tendered as unilateral rate changes pursuant to section 205 of the Federal Power Act and would increase revenues by approximately $13,121,000 (18.2%) for the twelve-month period following the proposed effective date of March 1, 1981. The proposed increase to the fifth wholesale customer, the City of Gallup, New Mexico, was submitted to become

[1] See Attachment A for rate schedule designations and customer identification.

effective prospectively only "pursuant to the Commission's order in Docket No. E-9454" as reaffirmed by U.S. Court of Appeals for the Tenth Circuit.[2] The rates to Gallup would increase revenues by approximately $788,458 (8.65%) over the filed but not yet effective rates in Docket No. ER80-313.

The proposed rate schedules for Gallup are based on the exclusion of ADITC from PNM's capital structure. PNM has also filed two alternative rate schedules. The first alternative schedule includes ADITC in capitalization at the overall rate of return; the second schedule includes ADITC in capitalization at the common equity rate of return. PNM indicates that it reserves the right to implement either of these alternate rate schedules in the event that it prevails in a pending judicial proceeding concerning the Commission's treatment of the ADITC issues.[3]

The proposed rate schedules for PNM's four remaining wholesale customers are based on inclusion of ADITC in the capital structure at the overall rate of return. PNM states that this proposed treatment of ADITC is the result of a stipulation between PNM and the affected customers in PNM's recent settlement in Docket Nos. ER77-464, ER78-337, ER79-479, and ER80-313.[4]

Public notice of PNM's filing was issued on January 2, 1981, with responses due on or before January 23, 1981.[5] Petitions to intervene in this proceeding were filed by the Cities of Farmington and Gallup, New Mexico (Cities), Community Public Service Company (CPS), Plains Electric Generation and Transmission Cooperative, Inc. (Plains), and the General Service Administration (GSA).[6] The petitioners seek permission to intervene and request a hearing. Additionally, the Public Service Commission of New Mexico, (PSCNM) filed a notice of intervention.

Each of the petitioners also requests a five-month suspension of the proposed increased rates alleging, among other things, that PNM's use of a 17.5% rate of return on common equity is excessive, and that PNM has utilized improper cost of service and allocation procedures. Cities contend that PNM's support for its rate of return on equity must be rejected which, in turn, compels rejection of PNM's entire filing. Alternatively, Cities argue that allowing PNM a rate of return on equity of 17.5% would result in a price squeeze. Accordingly, Cities request that PNM be permitted to refile rates which will produce a rate of return for the resale customers no higher than the rate of return produced by the rates currently in effect for its retail customers. Cities also request summary judgment to eliminate PNM's deduction of its ADITC carry forward from Account Nos. 281, 282, and 283.

In its petition, Plains requests that the Commission reject PNM's entire filing on the basis that it fails to comply with section 35.13 of the Commission's regulations. As additional grounds for its request, Plains argues that while PNM elected to apply normalization to the calculation of its income tax expense in the cost of service, it failed to deduct from that cost of service the deferred tax flowback from previous years as required by the Commission. Plains has also moved for a phased, expedited hearing on PNM's request for a 17.5% rate of return in equity. Plains argues that this rate is excessive, that it would impose a tremendous and unreasonable burden and that, therefore, to delay any refund that might be ordered may severely diminish the relief which the Federal Power Act was designed to provide.

On February 6, 1981, PNM filed a response in which it argues that Plains' and Cities' requests for rejection of the rate filing and Cities' request for summary judgment are without merit. PNM also contends that none of the petitioners' arguments justify a maximum suspension. Finally, PNM states that it would not object to Plains' request to sever the issue of the proper rate of return on equity and to set that issue for expedited hearing.

Discussion

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest. Further, we find that good cause exists to permit GSA to intervene out of time. Accordingly, each of the petitions will be granted. The timely notice filed by the New Mexico Commission is sufficient to initiate its participation as an intervenor.

Our review of PNM's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as directed below.

In a number of suspension orders,[7] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. We shall therefore accept the proposed rates for filing, as modified below, and with respect to each customer other than Gallup, we shall suspend the rates for five months to become effective thereafter on August 1, 1981, subject to refund.

With regard to Gallup, we note that the proposed rates include Schedule A which provides for service at three existing delivery points and Schedule B which applies to a fourth delivery point expected to become operational in February of 1981. In Docket No. ER80-313, PNM filed an executed supplemental agreement to the PNM/Gallup contract to provide for service at this new delivery point. The supplement was accepted for filing and suspended in Docket No. ER80-313.

The Schedule A and Schedule B rates, shall become effective prospectively only following a Commission order approving the rates as requested by PNM.

Our analysis also indicates that the proposed rates should not be summarily rejected. We find that the submittal substantially complies with the Commission's filing requirements.[8] As to Cities' and Plains' contention that PNM's proposed rate of return on equity requires summary rejection, we believe the more appropriate course, consistent with that taken by the Commission in Docket No. ER80-313, is to consider this matter on the basis of an evidentiary

[2] *Public Service Co. of New Mexico* v. *FERC* 628 F.2d 1267 (Tenth Circuit 1980).

[3] PNM appealed the Commission's orders in Docket Nos. ER78-337, *et al.*, and ER79-48, *et al.*, on the exclusion of ADITC from the capital structure. The issue is presently pending before the U.S. Court of Appeals for the District of Columbia Circuit in consolidated Dockets 80-1200 and 80-1424, *Public Service Company of New Mexico* v. *Federal Energy Regulatory Commission.*

[4] The settlement was accepted for filing by Commission order issued January 29, 1981 in *Public Service Company of New Mexico*, Docket Nos. ER77-364, *et al.*

[5] Additionally an addendum to the January 2, 1981 notice was issued on January 16, 1981.

[6] The petition by GSA was untimely filed on January 28, 1981.

[7] *E.g., Boston Edison Company*, Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension) *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

[8] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

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hearing.[9] Further, we reject Plains' contention that PNM has failed to properly deduct from its cost of service deferred tax flowback from previous years. According to PNM's filing,[10] PNM has deducted approximately $89,000 in deferred tax adjustments from its cost of service. Whether that is the appropriate amount to be deducted is another issue which can be resolved at hearing.

We shall also deny Plains' request for a phased, expedited hearing on the issue of rate of return. We believe that, consistent with the mandate of the Federal Power Act (16 U.S.C. 824(b)), all rate increase cases should be handled expeditiously, and effective case management dictates that, except in extraordinary circumstances, the scheduling of particular cases should be left to the discretion of the presiding judge. We are confident that the presiding judge will take all appropriate factors into account in determining the procedural schedule here. We also note that our decision not to sever the rate of return issue comports with our treatment of Docket No. ER80-313.

Cities urge summary disposition of the ADITC carryover issue. The issue involves the question of the propriety of PNM's accounting for Investment Tax Credit carry forwards in Account Nos. 281-283. We will not grant summary judgment with respect to this issue. The matter has been the subject of an evidentiary hearing and is now pending before the Commission in *Public Service Company of New Mexico*, Docket No. ER78-338.

As noted, PNM has filed three alternative rates for Gallup. The proposed rates exclude ADITC from capitalization; the two alternate rate schedules include ADITC in capitalization. In accordance with established Commission precedent, the Commission previously rejected PNM's proposed rate schedules in Docket Nos. ER78-478 *et al.* which included ADITC in the capital structure.[11] Consistent with our prior holdings, we shall reject the alternative rate schedules that include ADITC in the capital structure.

As to the proposed rates for the remaining customers, PNM has included ADITC in the capitalization at the overall rate of return. PNM justifies this treatment by reference to a settlement agreement between PNM and its customers in Docket Nos. ER77-464, ER78-337, ER79-479, and ER80-313. That agreement states that the parties agree that in PNM's filing in this proceeding "ADITC shall be included in the capital structure at the overall cost of capital, subject to refund pending the outcome of the appeals in [the D.C. Circuit]."

As discussed above, the Commission has consistently held that ADITC should be excluded from capitalization, and it has specifically applied that holding to PNM and to other utilities in previous orders. Additionally, the Commission order adopting the prior settlement specifically did so without prejudice to any future Commission determinations.[12] We continue to believe that the exclusion of ADITC from capitalization is appropriate and, therefore, we shall direct PNM to refile its capital structure and rates to reflect this treatment.

Because this proceeding involves in part an application for increased rates that cannot become effective until the Commission determines the new lawful rate, we will not phase the price squeeze issue raised by Cities for later determination. *See, Public Service Company of New Mexico*, Docket Nos. ER79-478 and ER79-479, issued August 28, 1979.

The Commission Orders

(A) The motions of Plains and Cities to reject PNM's filing are denied.

(B) The requests for summary disposition are hereby denied.

(C) PNM's proposed increased rates tendered for service to CPS, Department of Energy-Los Alamos, Plains, and Farmington as modified by ordering paragraph (E) below, are hereby accepted for filing and suspended for five months to become effective, subject to refund, on August 1, 1981.

(D) PNM's proposed Schedule A and Schedule B rates for service to Gallup are accepted for filing to become effective prospectively only following a Commission order establishing just and reasonable rates.

(E) Summary disposition with respect to PNM's treatment of ADITC in its proposed rates for service to CPS, Department of Energy-Los Alamos, Plains, and Farmington is hereby ordered in accordance with the discussion of this matter above. PNM shall file within thirty (30) days of the issuance of this order a revised cost of service and rates to reflect this summary disposition.

(F) The alternative rate schedules tendered by PNM for service to Gallup that include ADITC in the capital structure are hereby rejected.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the lawfulness of PNM's rates.

(H) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and, *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before May 15, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(K) We hereby order initiation of price squeeze procedures, although we shall not phase the proceeding at this time. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations, as amended by subsequent Commission orders.

(L) The Secretary shall promptly publish this order in the Federal Register.

[9] *See Public Service Company of New Mexico*, Docket No. ER80-313, order issued May 30, 1980, mimeo at 3-4.

[10] *See* Period II, Statement J, p. 1, line 12.

[11] Docket Nos. ER79-478 *et al.*, order issued August 28, 1979, *mimeo* at 2, wherein the Commission cited *Carolina Power & Light Co.*, Opinion No. 19, August 2, 1978; *Virginia Electric Power Company*, Docket No. ER78-522, order issued August 30, 1978; and *Public Service Company of Oklahoma*, Docket No. ER78-511, order issued October 12, 1978.

[12] *Public Service Company of New Mexico*, Docket Nos. ER77-364 *et al.*, order issued January 29, 1981, *mimeo* at 2, Ordering Paragraph (C).

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Public Service Company of New Mexico
Docket No. ER81-167-00

Designation and Other Party

Supplement No. 21 to Rate Schedule FPC No. 31 (Supersedes Supplement No. 20)—Plains Electric Generation and Transmission Cooperative, Inc., (345 KV service)
Supplement No. 22 to Rate Schedule FPC No. 31 (Supersedes Supplement No. 20)—Plains Electric Generation and Transmission Cooperative, Inc., (115 KV service)
Supplement No. 11 to Rate Schedule FPC No. 32 (Supersedes Supplement Nos. 8 and 10)—Community Public Service Company
Supplement No. 7 to Rate Schedule FPC No. 34 (Supersedes Supplement Nos. 5 and 6)—Department of Energy—Los Alamo
Supplement No. 8 Rate Schedule FPC No. 35 (Supersedes Supplement Nos. 5 and 7)—City of Farmington
Supplement No. 9 to Rate Schedule FPC No. 2—City of Gallup Service Schedule B

[FR Doc. 81-6662 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF79-3021]

Southeastern Power Administration; Order Confirming and Approving Rate Schedules

Issued February 27, 1981.

By letter filed May 22, 1979, the Assistant Secretary for Resource Applications (AS/RA) of the Department of Energy, on behalf of the Southeastern Power Administration (SEPA), submitted a request for final confirmation and approval of wholesale power rate schedules CR-1-D and CR-2-D for the period ending June 30, 1983.[1] These rate schedules supersede schedules previously confirmed and approved by the Federal Power Commission through June 30, 1978, and apply to power marketed by SEPA from the U.S. Corps of Engineers' multi-purpose reservoir projects known as the Cumberland Basin projects. By Rate Order No. SEPA-4, dated May 22, 1979, the AS/RA approved the rates on an interim basis for the period July 1, 1978, through June 30, 1980. On May 22, 1980, the AS/RA extended the interim approval through June 30, 1981.

Notice of this submittal was published in the **Federal Register** on June 20, 1979, with protests or petitions to intervene due on or before July 9, 1979. No responses have been received.

[1] This referral was made pursuant to Department of Energy Secretarial Delegation Order No. 0204-33 and the pertinent provisions of the Flood Control Act of 1944.

SEPA is a federal power marketing agency responsible for a number of reservoir projects, including the integrated Cumberland Basin projects in Tennessee and Kentucky.[2] These projects have a combined nameplate capacity of 853,000 kilowatts and produce an average of 2,920,000,000 kilowatt-hours annually. Power and energy from these projects are sold to the Tennessee Valley Authority (TVA) under rate schedule CR-1-D, and retained peaking, standby, and emergency standby power and energy are sold to four other customers,[3] under rate schedule CR-2-D. The new rates will produce an estimated average annual revenue of $18,650,000, representing an increase of $2,538,000 (16%) over the previously approved rates.

Discussion

The Secretary of Energy, in Delegation Order No. 0204-33, delegated to this Commission the authority to confirm and approve on a final basis, or to disapprove, federal power marketing agency rates. In accordance with the standards established in section 5 of the Flood Control Act of 1944, the rates are to "encourage the most widespread use [of project power and energy] at the lowest possible rates to consumers consistent with sound business principles" and to recover "the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years."[4]

The Corps of Engineers has allocated $336,775,000 of capital investment to be repaid by fiscal year 1982, including approximately $68,000,000 for remedial work being performed on one of the eight SEPA facilities, the Wolf Creek Project. As a result of increased costs, especially those attributable to the remedial work at Wolf Creek, SEPA entered into supplemental agreements with TVA and the other customers in May of 1978, providing, in part, that the filed rates would be effective as of July 1, 1978. These rates superseded prior rate schedules confirmed and approved by the Federal Power Commission in Docket No. E-7168, on June 29, 1973, for the period July 1, 1973, through June 30, 1978.

[2] The Cumberland Basin projects comprise eight federally constructed hydroelectric generating projects located on the Cumberland River and its tributaries.

[3] The other customers are: Big Rivers Electric Corporation; the Indiana Statewide Rural Electric Cooperative; the Southern Illinois Power Cooperative; and the East Kentucky Power Cooperative.

[4] 16 U.S.C. 825s.

On June 2, 1978, the AS/RA filed a request for confirmation and approval of the new rate schedules with the Department of Energy's Economic Regulatory Administration (ERA). By order issued on December 29, 1978, (44 FR 1444) the Administrator of ERA disapproved the filed rates on the basis that they were higher than necessary to recover the costs of producing and transmitting the power and energy sold by the projects. In April of 1979, SEPA prepared a revised Power Repayment Study (PRS) which changed certain repayment criteria used in previous studies and used historical rather than estimated financial data for fiscal year 1978. SEPA concluded that the results of the revised PRS supported the same revenue level as that which has been proposed in ERA Docket No. SEPA 78-2. On May 22, 1979, the AS/RA approved the rates on an interim basis, from July 1, 1978, through June 30, 1980, pending final confirmation and approval by this Commission. On May 22, 1980, the AS/RA extended the interim approval through June 30, 1981.

The filed rate schedules in this docket are the same as those previously filed with ERA and rejected; however, the changes in criteria have eliminated the excess revenues that formed the basis for the prior ERA rejection.

SEPA's PRS indicates that, based on estimates of average annual revenues of $18,650,000 and annual operating expenses of $5,450,000, the investment allocated to power, including all but $6,273,000 of the replacement costs, will be repaid by the end of fiscal year 2024 (the 50th year after the last completed project began commercial operation). Supporting data to the PRS indicate that the unpaid $6,273,000 are costs of replacements whose service lives extend beyond the initial project repayment period.

The amount of the unpaid balance on replacement items appears to be reasonable. However, our analysis of the data supporting the instant filing, as well as filings by other federal power marketing agencies before this Commission, reveals certain concerns, including inconsistencies in calculating operation and maintenance expenses and future replacement costs. There appears to be no firm AS/RA policy with respect to determining the price levels to be used for estimating these costs. In addition, we note that SEPA has failed in this filing to assess interest expense on investments in new project additions and replacements for the year in which they commence service, contrary to the policy adopted by the Department of Energy, in Order No. RA

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6120.2, issued in September of 1979. We believe it appropriate to express these observations although they do not have a sufficient rate level impact to warrant rejection of the filed rates. Furthermore, we recognize that the AS/RA has initiated efforts to further clarify the policies incorporated in Order No. RA 6120.2.[5]

According to SEPA's PRS, repayment of each major investment allocated to power is to be accomplished within the service life of the investment or 50 years, whichever is less. In the study, SEPA applied the long-standing policy, initially developed by the Department of Interior and continued by the AS/RA, of repaying selected high interest investments ahead of the required repayment date and postponing repayment of lower interest investments. By pursuing this policy, the overall system-wide interest expense paid to the Treasury is minimized in an effort to keep rates at the lowest possible levels. While the Commission has previously expressed concern with regard to this matter,[6] the AS/RA has recently affirmed the position that the existing practice should not be changed at this time.[7]

This payment policy has been in effect for approximately eight years, during which time the Federal Power Commission frequently approved federal rate filings. Further, rates based on this policy reflect actual current payments being made to the U.S. Treasury. We note that, to date, the Treasury and the Office of Management and Budget have neither protested the current practice nor proposed an alternative repayment policy reflecting higher interest payments. Despite the Commission's stated concern regarding this repayment methodology, in exercising our appellate-type review function, we are not prepared to conclude at this time that the AS/RA policy lacks a rational basis.

In light of the foregoing and the lack of any protests or petitions to intervene in the present proceeding, the Commission finds it appropriate and in the public interest to approve and confirm SEPA rate schedules CR-1-D and CRA-2-D for the period July 1, 1978, through June 30, 1983.

The Commission Orders

(A) SEPA rate schedules CR-1-D and CR-2-D are hereby confirmed and approved for the period July 1, 1978, through June 30, 1983.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6664 Filed 3-2-81; 8:45 am]

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[5] On January 16, 1981, the AS/RA ratified four general recommendations sponsored by the Director of DOE's Office of Power Marketing Coordination (OPMC) on the basis of a Power Rate Council Amortization Issue Paper. Two recommendations pertinent to this order included: (1) a proposal to continue at this time the existing repayment policy of assigning revenues to the highest interest-bearing investments first, while staying within allowable repayment periods (unless otherwise indicated by legislation); and (2) a proposal for the OPMC, together with the power marketing agencies, to develop guidelines or refine policies in DOE Order No. RA 6120.2, so that applicable policies will be current and will not be, or appear to be, implemented in a manner that discredits them. In soliciting AS/RA approval of these recommendations, the OPMC Director noted that "[t]he recommendations are based on the conclusions that existing repayment practices are basically sound but need to be improved, both substantially and in their implementation."

[6] *E.g., Southeastern Power Administration,* Docket No. EF79-3052, order issued October 25, 1979.

[7] *See* footnote 5, *supra.*

[Docket Nos. ER80-678, and RM79-29, ER80-592, et al. Docket No. ER80-689]

Union Electric Co. and Iowa Southern Utilities Co., Order Accepting for Filing and Suspending Proposed Rates, Granting Waiver of Notice, Establishing Procedures, and Terminating Docket No. ER80-689

Issued February 27, 1981.

In response to the Commission's Order No. 84,[1] Union Electric Company (Union Electric) submitted for filing on August 15, 1980, in Docket No. ER 80-678, unexecuted amendments to its interchange agreements with various parties, including Iowa Southern Utilities Company (Iowa Southern). With regard to the transmission or third party resale of electric power, Order No. 84 requires utilities to cap percentage adders in their rates as applied to purchased power costs [2] (1) at one mill per kwh or less without providing cost support, or (2) at more than one mill per kwh with cost support. Union Electric's August 15 submittals included its own percentage adder proposals but did not specify proposed rates to be charged by Iowa Southern. By order issued October 29, 1980, in consolidated Docket Nos. RM79-29, and ER80-592 *et al.,* the Commission accepted these proposed rates for filing, suspended them for one day to become effective September 2, 1980, subject to refund, and set them for hearing in conjunction with the consolidated proceedings.

Also on August 15, 1980, Iowa Southern filed in Docket No. ER80-689 an amendment to its interchange agreement with Union Electric. This amendment was filed without the concurrence of Union Electric. The Iowa Southern proposal limited its percentage adders to one mill per kwh, but also included an additional fixed adder of 3.35 mills per kwh for "a system facility charge and system losses." By letter dated September 15, 1980, Iowa Southern was notified that its submittals were deficient because they lacked the required cost support. By letter dated January 23, 1981, Iowa Southern was notified that no response had been received by the Commission to the deficiency letter and that the docket would be terminated absent a response within fifteen days. Iowa Southern thereafter, by letter dated January 30, 1981, requested the Commission to terminate Docket No. ER80-689 in light of Union Electric's January 2, 1981 filing that is discussed below.

On January 2, 1981, Union Electric submitted for filing in Docket No. ER80-678, an executed amendment dated November 21, 1980, to its interchange agreement with Iowa Southern. Iowa Southern has indicated its concurrence in this submittal. The proposed amendment provides that for all energy exchanged under the agreement that is priced according to the purchased energy price from third party systems, the supplier will charge the purchase price plus an adder equal to the greater of (1) a fixed amount per kwh [3] plus an adjustment for transmission losses, or (2) 10% of the transmitting party's internal incremental costs. With respect to Union Electric, the rates proposed in the January 2, 1981 submittals are the same as those included in Union Electric's submittals of August 15, 1980. notice of Union Electric's January 2, 1981 filing was issued on January 16, 1981, with responses due on February 9, 1981. No responses have been received.

Discussion

Neither Union Electric nor Iowa Southern has provided support or rationale for charging more than the specified fixed adder whenever 10 percent of internal incremental costs exceed the adder. Our analysis indicates

[1] Order No. 84, Limits for Percentage Adders in Electric Rates for Transmission Service, Docket No. RM79-29, issued May 7, 1980.

[2] A percentage adder is a rate component that recovers revenues computed wholly or in part as a percentage of the price of purchased electric power paid by a transmitting utility for power generated by another utility.

[3] If Union Electric is the supplier, the fixed adder is 3.36 mills per kwh. If Iowa Southern is the supplier, the fixed adder is 3.35 mills per kwh.

that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, the rate will be suspended as hereinafter ordered, and set for hearing.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspensions for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. In view of the nature of the interchange services at issue, and consistent with our treatment of other Order 84 compliance filings, we shall suspend for only one day to permit the interchange rates to go into effect.

We shall treat Union Electric's request that its submittals of January 2, 1981, be incorporated into its filing of August 15, 1980, as an implied request for waiver of our notice requirements, and we shall grant such waiver. Accordingly, we shall suspend the proposed rates (including the refiled rates for Union Electric) for one day permitting the rates to take effect subject to refund thereafter on September 2, 1980. We shall also set these proposed rates for investigation in conjunction with the pending proceeding in Docket Nos. RM79-29, and ER80-592 *et al.* Moreover, in light of Union Electric's January 2, 1981 submittals, we shall grant Iowa Southern's request to terminate Docket No. ER80-689.

The Commission orders:

(A) Union Electric's implied request for waiver of the Commission's notice requirements in hereby granted.

(B) Union Electric's submittals of January 2, 1981, in Docket No. ER80-678 are accepted for filing and suspended for one day to become effective as of September 2, 1980, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act, and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Union Electric's proposed rates in Docket No. ER80-678. Such hearing shall be held in conjunction with the pending proceeding in Docket Nos. RM79-29, and ER80-592, *et al.*

(D) The presiding administrative law judge designated in Docket Nos. RM79-29, and ER80-592, *et al.*, shall establish such additional procedures or schedules as are necessary to accommodate consideration of Union Electric's and Iowa Southern's currently proposed rates in the pending proceeding.

(E) Docket No. ER80-689 is hereby terminated.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6665 Filed 3-2-81; 8:45 am]

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Attachment A

Union Electric Company

[Docket No. ER 80-678]

Filed: January 2, 1981.

Other party: Iowa Southern Utilities Company.

Designation

(1) Supplement No. 7 to Rate Schedule FPC No. 63 (Supersedes Supplement No. 6).

Description

Executed Second Amendment dated November 21, 1980.

Iowa Southern Utilities Company

Supplement No. 5 to Rate Schedule FPC No. 19 (Dated November 25, 1980; concurs in (1) above).

[FR Doc. 81-6633 Filed 3-3-81; 8:45 am]

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[Docket Nos. ER81-130-000 and ER81-139-000]

Appalachian Power Co.; Order Denying Rehearing

Issued: February 25, 1981.

On November 20, 1980, Appalachian Power Company (APCO) tendered for filing in Docket No. ER81-130-000 revised rates for its wholesale customers proposed to become effective February 1, 1981. On November 26, 1980, APCO tendered for filing in Docket No. ER81-139-000 revised rates for Kingsport Power Company proposed to become effective February 1, 1981. By order issued January 16, 1981, the Commission accepted the rates for filing and suspended them for one day, to become effective on February 2, 1981, subject to refund. The Commission consolidated the dockets for purposes of hearing and decision and initiated price squeeze procedures.

On January 26, 1981, the Cities of Bedford, Danville, Martinsville, Radford, Richlands, and Salem, Virginia and the Virginia Polytechnic Institute and State University (Cities) filed a motion requesting rehearing of the Commission's order of January 16, 1981.[1] The Cities ask the Commission to reconsider its decision to order a one day suspension and to order in its place suspension for the maximum five months, to summarily dispose of issues which they contend conflict with clear Commission precedent, and to order expedited consideration of this proceeding and, particularly, the price squeeze issue.

The Cities argue that the existence of a price squeeze and the magnitude of the rate increase requested warrant suspension for the maximum five months. As we stated in our order of January 16, 1981, our preliminary analysis indicated that the proposed rate increase might not yield excessive revenues and, thus, that it would be inequitable to order suspension for five months.

Allegations of price squeeze are often raised in protests, although they may never be pursued through hearing. The determination that a price squeeze exists requires a careful comparison of the wholesale rates which would be considered just and reasonable, but for a price squeeze, with the relevant retail rates. In addition, the costs of serving the various customer classes must be considered as well. We believe that it would be inequitable to a utility, except in extraordinary circumstances, to prejudge the existence of a price squeeze and to determine on the basis of preliminary pleadings that an otherwise appropriate suspension period should be modified solely on the basis of unproven allegations of price squeeze.

The Cities also argue that the Commission has failed to fully explain the reasons for ordering a day suspension. Our order of January 16, 1981 clearly stated that the one day

[4] *E.g., Boston Edison Co.,* Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Co.,* Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension), *Cleveland Electric Illuminating Co.,* Docket No. ER80-488 (August 22, 1980) (one day suspension).

[1] On January 19, 1981, the Cities filed a supplement to their petition to intervene. On February 17, 1981, the Cities filed a petition and sworn affidavits in further support of their motion for rehearing. APCO responded to the motion for rehearing and the supplement to the petition to intervene on February 11, 1981.

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suspension was being ordered to insure refund protection for APCO's customers in light of the substantive questions rasied by the Cities, although a preliminary analysis of the proposed rates indicated that they may not yield excessive revenues. The order further stated that to require suspension for the maximum five months when APCO's rates may not yield excessive revenues would be unfair to APCO.

Upon consideration of the request for summary disposition, the Commission finds no new facts or arguments which would warrant reconsideration of its earlier order. With respect to the request for expedited treatment, the Commission notes that undue delay should never be sanctioned. The specifics of scheduling any proceeding, however, is a matter best left to the sound discretion of the presiding judge; the presiding judge will generally be more able to determine what schedule will most successfully bring a proceeding to a swift and just conclusion.

The Commission orders:

(A) The motion for rehearing is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6744 Filed 3-2-81; 8:45 am]

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[Docket No. OR81-1-000, SP81-9-000]

Association of Oil Pipe Lines; Order Extending ICC Special Permission No. 76-2730

Issued: February 11, 1981.

The Interstate Commerce Commission (ICC) on February 13, 1976, issued an order in ICC Special Permission Docket No. 76-2730 which grants oil pipeline companies special permission to cancel tariffs under suspension or postponement, subject to certain conditions. On November 13, 1980, the Association of Oil Pipe Lines (AOPL) requested that the Federal Energy Regulatory Commission (Commission) extend the effectiveness of ICC Special Permission No. 76-2730 which is due to expire on February 13, 1981.

The AOPL supports its request for extension of ICC Special Permission No. 76-2730 by contending that withdrawal and cancellation of suspended or postponed oil pipeline tariff matters, including the termination of any related investigation, will avoid unnecessary and costly proceedings for all concerned and can only be beneficial to the general public interest.

The Commission finds that good cause exists for extending ICC Special Permission No. 76-2730. The Commission will extend the Special Permission for one year (until February 13, 1982) or until the Special Permission is addressed in a final Commission regulation, whichever occurs first. Several technical modifications to the ICC Special Permission No. 76-2730 have been made to reflect the transfer of jurisdiction from the ICC to the Commission.

The Commission orders:

(A) Except as provided in paragraph (B), all common carriers by pipeline in interstate or foreign commerce are hereby authorized to issue, post and file supplements to bound tariffs, and to loose-leaf tariffs as authorized in paragraph (E), or loose-leaf page amendments to loose-leaf tariffs to their respective tariff or tariffs; such supplements or pages to provide for the cancellation of matter under suspension or previously suspended matter which is under postponment, to be made effective prior to the date to which suspended or postponed (whichever is later) and upon not less than 10 days' notice:

Provided that the carrier shall concurrently with the filing of such cancellation, (1) notify all parties of record in the proceeding and the Office of the Secretary of the Commission in Washington, D.C. 20426, by telegram or first class mail, referring to the FERC docket number and to the FERC number of each tariff included in the suspension and to the number of the supplement or revised page(s) effecting the cancellation and the effective date thereof, and (2) certify by first class mail to the Office of the Secretary, that all parties have been notified, and furnish a signed copy of such notification to the Oil Pipeline Board as an attachment to the letter of transmittal accompanying the copies of the publication(s) for official filing.

(B) This permission shall not be used as authority to cancel a suspended or postponed matter:

(1) Where the supplement announcing the suspension as required by 48 CFR 1300.9(k) has not been filed.

(2) Where such cancellation cannot be made effective on or prior to the last day of the suspension or postponement period, or on or before the date a final decision is reached by the Commission, whichever is earlier.

(3) Where a carrier cancels only a portion of the matter in a tariff which is under suspension in a particular FERC docket.

(4) Where there is matter held in force during the period of suspension (or postponement), which matter had been specifically indicated as to be cancelled by the suspended (or postponed) provisions, and this matter is not brought forward without change into the supplement or onto the loose-leaf page amendment (to a loose-leaf tariff) which directs the cancellation of the suspended (or postponed) provisions or into a new tariff concurrently and on the same notice.

(C) The terms of the orders of suspension and 49 CFR 1300.9(k) are hereby modified to the extent necessary to permit the cancellation of suspended matter under authority of this permission, and 49 CFR 1300.9(e) is hereby waived as to supplements to bound tariffs which contain only matter published under authority of this permission and to permit the filing of a supplement to a loose-leaf tariff to the extent authorized in paragraph (E).

(D) Where the matter to be cancelled is in a bound tariff, the supplement issued hereunder providing for the cancellation of suspended (or postponed) matter shall also direct the cancellation of the supplement (if it contains no other matter), item or provisions announcing the suspension or postponement, as the case may be.

(E) Where the matter to be cancelled is in a loose-leaf tariff, the cancellation shall be effected by the issuance of a loose-leaf page amendment or amendments and the cancellation of the supplement announcing the suspension or postponement shall be accomplished by the reissue of the check sheet to the tariff, effective concurrently with the cancellation of the suspended or postponed matter. The cancellation may be accomplished by supplement if a loose-leaf tariff containing only suspended (or postponed) matter is to be cancelled.

(F) No new matter shall be published, nor the effective date of any matter advanced to an earlier date, upon less than statutory notice, under authority of this permission.

(G) All matter published hereunder shall bear the appropriate following notation:

(Where matter is under suspension, not postponement) "Cancellation of suspended matter in FERC Docket No. (here insert docket number) authorized; issued on ten days' notice; FERC Permission No. SP81-9-000."

(Where matter is under postponement) "Cancels matter under postponement in FERC Docket No. (here insert docket number); issued on ten days' notice; FERC Permission No. SP81-9-000."

(H) Publication of provisions hereunder should comply with the requirements of 49 CFR 1300.8 and 1300.9, including cancellation by notice, except where matter being cancelled is in a tariff that contains only matter under suspension or postponement.

(I) This permission does not, except as expressly indicated, waive or modify any outstanding formal order of the Commission, any of the requirements of its published rules relative to the construction and filing of tariff publications or any of the provisions of the Interstate Commerce Act, nor does it authorize the filing of any publications other than those referred to herein.

(J) This permission shall continue in force and effect to and including February 13, 1982, or until this Special Permission is addressed in a final Commission regulation, whichever occurs first.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-6745 Filed 3-2-81; 8:45 am]

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[Project No. 3492-001]

City of Haines, Oreg.; Application for Preliminary Permit

February 27, 1981.

Take notice that the City of Haines, Oregon (Applicant) filed on December 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3492 to be known as Rock Creek Power Project located on Rock Creek in Baker County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable Richard H. Camp, Mayor, City of Haines, Haines, Oregon 97833. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 40-foot high, 150-foot long concrete gravity dam, just up stream of the existing Haines Diversion Dam of Licensed Project No. 1986, forming; (2) a reservoir with gross storage capacity of 40 acre-feet; (3) a 12,000 foot long penstock leading to; (4) a powerhouse containing a single generating unit with a rated capacity of 15 MW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 50 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested an 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $200,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3492. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825, North Capitol Street N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6746 Filed 3-2-81; 8:45 am]

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[Project No. 3832-000]

City of Martinsville, Virginia; Applicaiton for Preliminary Permit

February 27, 1981.

Take notice that the City of Martinsville, Virginia, (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3832 to be known as the Gathright Dam located at the U.S. Army Corps of Engineers' Gathright Dam on the Jackson River in Alleghany County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the applicant should be directed to: Mr. James V. Williamson, R. W. Beck and Associates, 200 Tower Building, 7th Avenue at Olive Way, Seattle, Washington, 98101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Gathright Dam presently under construction. Project No. 3832 would consist of: (1) a powerhouse containing generating units having a total installed capacity of 13.5 MW; (2) a short tailrace; (3) a 1 to 2-mile long transmission line; and (4) appurtenance facilities.

The Applicant estimates that the averge annual energy output would be 39,500 MWh.

Purpose of Project—The City of Martinsville proposes to utilize the power output of the site, within its existing system, to reduce power purchases from either Appalachian Power Company or Virginia Electric Power Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. The Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation, would consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. The Applicant esitmates that the cost of studies under the permit would not exceed $145,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibiity of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be presumed to have no comments.

Competing Application—This application was filed as a competing application to the Gathright Dam Projects Nos. 3348 and 3422 on the Jackson River, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will condsider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition, to intervene must be filed on or before March 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3832. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6747 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3888-000]

City of Yelm, Washington and Pacific Hydro, Inc.; Application for Preliminary Permit

February 27, 1981.

Take notice that City of Yelm, Washington and Pacific Hydro, Inc. (Applicant) filed on December 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3888 to be known as Mud Mountain Dam Project located on White River in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert H. Sherman, P.O. Box 572, 14030 Yelm Highway SE., Yelm, Washington 98597. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government dam owned by the United States Army Corps of Engineers and would consist of a tunnel, penstock, and powerplant with a total installed capacity of 25 MW.

The Applicant estimates that the average annual energy output would be 133,000,000 kWh.

Purpose of Project—The power generated by the project would be marketed to the Bonneville Power Administration.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic anlysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of the studies, Applicant would decide to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the cost of the studies to be performed under the preliminary permit would be $49,000.

Purpose of Preliminary Permit—A preliminary permit does not authorized construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3734 submitted on November 11, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Repsonsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No 3888. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6748 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3898-000]

Cook Electric Co.; Application for Preliminary Permit

February 27, 1981.

Take notice that Cook Electric Company (Applicant) filed on December 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3898 to be known as Thief Valley Project located on the Powder River in Union and Baker Counties, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two 50-foot long and 6-foot diameter penstocks through the outlet works of the existing Water and Power Resources Service's 50-foot high concrete Thief Valley Dam; (2) a powerhouse containing two generating units, each rated at 450 kW; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 3.9 million kWh.

Purpose of Project—The energy produced by the project would be sold to a local utility company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *April 30, 1981*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June

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29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3898. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6749 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-283-000]

Edison Sault Electric Co., Proposed Supplement to Electric Service Contract

February 26, 1981.

Take notice that Edison Sault Electric Company (Edison), on February 17, 1981, tendered for filing a Supplement Agreement No. 5 between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated November 1, 1980, which agreement will supplement an existing Contract for Electric Service, date February 1, 1977, between the same two parties. The contract between the parties, dated February 1, 1977, has been designated Rate Schedule FERC No. 8 (Docket No. ER77-477). The proposed supplemental agreement provides for a change in the wheeling rate schedule as provided in the contract, dated February 1, 1977, under subsection (d) wheeling change, Section 5, Rate.

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, should file a Petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6750 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3992-000]

Enagenics; Application for Preliminary Permit

February 27, 1981.

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed East Fork Dam Project No. 3992, to be located at the U.S. Army Corps of Engineers' East Fork Dam and Reservoir, a flood control project, on the East Fork of the Little Miami River near Batavia, Clermont County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 3992 would consist of: (1) a proposed penstock extending from the outlet works downstream; (2) a proposed powerhouse located on the west bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 14.8 MW, and the annual energy output to be 26.2 GWH.

Purpose of Project—Energy produced at the proposed project would be sold to Cincinnati Power and Light Company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right to priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of the permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3375 on East Fork Dam Project in Batavia, Clermont County, Ohio under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or comments does not become a party to the proceedings. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICTION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3992. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6750 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3780-000]

Illinois Renewable Resources, Inc. and The City of Shelbyville, Illinois; Application for Preliminary Permit.

February 27, 1981.

Take notice that Illinois Renewable Resources, Inc. and the City of Shelbyville, Illinois (Applicants) jointly submitted on November 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3780 to be known as Shelbyville Lake Dam located at the U.S. Army Corps of Engineers' Shelbyville Lake Dam, a recreation and flood control project, on the Kaskaskia River in Shelby County near Shelbyville, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jeffrey M. Kossak, Suite 1900, 14 Wall Street, New York, New York 10005. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse; (2) a proposed penstock connected to an existing outlet; (3) a proposed 34.5 kV transmission line extending 400 feet to an existing 34.5 kV line owned by Central Illinois Public Service Company, and (4) appurtenant facilities. Applicant estimates the capacity of their proposed project to be 5.5 MW. The Applicant estimates that the average annual energy output would be 24.3×10^6 kWh.

Purpose of Project—Energy produced by the Applicant would be sold to a public or private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, soils and foundation data. The cost of the aforementioned activities along with obtaining agreement with other Federal, State, and local agencies are estimated to be $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Shelbyville Lake Dam Project No. 3520 on November 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of

these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3780. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6751 Filed 3-2-81; 8:45 am]

BILLING CODE 6455-85-M

Office of Hearings and Appeals

Notice of Cases Filed; Week of February 6 through February 13, 1981

During the week of February 6 through February 13, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 24, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of February 6 through February 13, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 6, 1981	Adams Oil Company, Charlottesville, Virginia	BRS-0141	Request for Stay. If Granted: Adams Oil Company would receive a stay of the March 7, 1978 Modified Remedial Order, as amended, pending Adams Oil Company's Petition for Review to the Federal Energy Regulatory Commission regarding the January 7, 1981 Decision and Order (Case No. FEE-4816) issued by the Office of Hearings and Appeals.
Feb. 9, 1981	City of Columbus, Ohio, Columbus, Ohio	BEE-1623	Exception from the Entitlements Program. If Granted: The City of Columbus, Ohio would receive an exception from the provisions of 10 C.F.R. § 211.67 which would modify the firm's entitlement sales obligations.
Feb. 9, 1981	Conoco, Inc., Houston, Texas	BEA-0601	Appeal of Assignment Order. If Granted: The August 7, 1979 Assignment Order issued to Conoco, Inc. by the Economic Regulatory Administration, Region VI, regarding Conoco's supply obligations to Jones & Brown Enterprises, Inc. would be rescinded.
Feb. 9, 1981	Gulf States Oil & Refining Company Washington, D.C.	BEL-1616	Temporary Exception from the Entitlements Program. If Granted: Gulf States Oil & Refining Company would receive a temporary exception from the provisions of 10 C.F.R. § 211.67 which would modify its entitlements purchase obligations.
Feb. 9, 1981	Koch Industries, Inc./West Side Dist. Co., Washington, D.C.	BRF-0185	Motion for Protective Order. If Granted: Koch Industries, Inc. would enter into a Protective Order with West Side Dist. Co regarding the exchange of proprietary information.
Feb. 9, 1981	Oklahoma Refining Company, Washington, D.C.	BEL-0925	Temporary Exception from the Entitlements Program. If Granted: Oklahoma Refining Company would receive a temporary exception from the provisions of 10 C.F.R. § 211.67 which would its entitlements purchase obligations.
Feb. 9, 1981	Williams & Sons Enterprises, Lake Shall Knob, Missouri	BRX-0158	Request for Supplemental Order. If Granted: The finalization of the Proposal Remedial Order issued to Williams & Sons Enterprises (Case No. BRW-0073) would be rescinded.
Feb. 10, 1981	341 Tract Unit (Citronelle Field), Washington, D.C.	BEX-0159	Request for Supplemental Order. If granted: The December 31, 1980 Decision and Order (Case No. BEN-0078) issued to 341 Tract (Citronelle Field) by the Office of Hearings and Appeals would be modified.
Feb. 10, 1981	Chas. L. Feltus, Chamblee, Georgia	BFA-0603	Appeal of Information Request Denial. If granted: The January 15 and January 16, 1981 Information Request Denials issued by the Personnel Officer and Regional Representative of Region IV would be rescinded and Chas. L. Feltus would receive access to certain DOE personnel information.
Feb. 10, 1981	Chevron U.S.A., Inc. San Francisco, California	BEE-1632	Price Exception. If granted: Chevron U.S.A., Inc. would receive an exception from the provisions of 10 C.F.R. Part 212, regarding the treatment of the costs of imported crude oil on a "loaded basis" or "landed basis".
Feb. 10, 1981	Gulf Oil Corporation Washington, D.C.	BRZ-0083	Motion for Interlocutory Order. If granted: The Office of Hearings and Appeals would enter an order dismissing or remanding for further audit the Proposed Remedial Order issued to Gulf Oil Corporation on May 1, 1979.
Feb. 10, 1981	Gulf Oil Corporation, Washington, D.C.	BRZ-0084	Motion for Interlocutory Order. If granted: The Office of Hearings and Appeals would defer its consideration on the "injection well" issue in Case No. DRO-0194, pending the final resolution of that issue in litigation currently before the United States District Court for the District of Kansas.
Feb. 10, 1981	Independent Documentary Group, San Francisco, California.	BFA-0602	Appeal of an Information Request Denial. If granted: The January 23, 1981, Information Request Denial issued by the Idaho Operations Office would be rescinded, and the Independent Documentary Group would receive access to photographs of the three bodies of the victims of the January 3, 1961 SL-1 Accident.
Feb. 10, 1981	Navajo Refining Company, Washington, D.C.	BER-0103	Request for Modification. If granted: The January 27, 1981, Decision and Order (Case No. BXE-1356) issued to Navajo Refining Company by the Office of Hearings and Appeals would be modified regarding the firm's entitlements purchase obligations.
Feb. 10, 1981	Southwestern Refining Co., Inc., Washington, D.C.	BEX-0160	Request for Supplemental Order. If granted: Southwestern Refining Co., Inc. would receive an exception from the provisions of 10 C.F.R § 211.67 which would modify its entitlements purchase obligations.
Feb. 11, 1981	Allied Materials Corporation, Washington, D.C.	BED-0092	Motion for Discovery. If granted: Discovery would be granted to Allied Materials Corporation in connection with the firm's Petition for Special Redress (Case No. BEG-0044) regarding allocations to the Buy/Sell Program.
Feb. 11, 1981	Energy Cooperative, Inc., Chicago, Illinois	BEX-0161	Request for Supplemental Order. If granted: The January 19, 1981 Decision and Order (Case No. BEE-1298) issued to Energy Cooperative, Inc. by the Office of Hearings and Appeals would be modified regarding entitlements exception.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of February 6 through February 13, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 11, 1981	Exxon Company, U.S.A., Washington, D.C.	BFA-0604	Appeal of an Information Request Denial. If granted: The January 9, 1981, Information Request Denial issued by the Office of General Counsel would be rescinded, and Exxon Company would receive access to the Owens documents.
Feb. 11, 1981	Ergon Refining, Inc., Washington, D.C.	BEN-1620	Request for Interim Order. If granted: Ergon Refining, Inc. would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1620).
Feb. 11, 1981	Fletcher Oil and Refining Company, Washington, D.C.	BEN-1611	Request for Interim Order. If granted: Fletcher Oil and Refining Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1611).
Feb. 11, 1981	Gary Energy Corporation, Denver, Colorado	BRS-1344	Request for Stay. If granted: Gary Energy Corporation would receive a stay of the proceedings regarding the November 12, 1980, Proposed Remedial Order issued by the Office of Enforcement, Rocky Mountain District, pending final determination on its Statement of Objections (Case No. BRO-1344).
Feb. 11, 1981	Office of Enforcement (Lewtex), Washington, D.C.	BER-0033	Implementation of Special Refund Procedures. If granted: The Office Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R., Part 205, in connection with July 31, 1979 Consent Order issued to Lewtex Oil and Gas Corporation.
Feb. 12, 1981	341 Tract Unit (Citronelle Field)/Cities Services *et al*, Washington, D.C.	BEJ-0186	Motion for Protective Order. If granted: 341 Tract Unit (Citronelle Field) would enter into a Protective Order with Cities Service *et al* regarding the exchange of proprietary information.
Feb. 12, 1981	Apex Oil Company, Washington, D.C.	BFA-0606	Appeal of an Information Request Denial. If granted: The January 7, 1981 Information Request Denial issued by the Office of General Counsel would be rescinded, and Apex Oil Company would receive access to certain DOE information.
Feb. 12, 1981	Brennan Oil and Heating Co., Inc., Providence, Rhode Island.	BEE-1629	Exception to the reporting requirements. If granted: Brennan Oil and Heating Co., Inc. would not be required to file Form EIA-9A ("No. 2 Distillates Price Monitoring Report").
Feb. 12, 1981	Capell, Howard, Knobe and Cobbs, Washington, D.C.	BFA-0607	Appeal of an Information Request Denial. If granted: The January 9, 1981 Information Request Denial issued by Manager of the Idaho Operations Office, DOE, would be rescinded, and Capell, Howard, Knobe and Cobbs would receive access to agency records relating to RFP No. RP07-81ID12175 for security protective services for DOE facilities at the Idaho National Engineering Laboratory and at Idaho Falls and Raft River, Idaho.
Feb. 12, 1981	Hydrotherm, Inc., Stanford, Connecticut	BES-1627	Request for Stay. If granted: Hydrotherm, Inc. would receive a stay of the provisions of 10 CFR Part 430 regarding the energy efficiency test of its new pulse combustion boiler.
Feb. 12, 1981	Office of Enforcement (Palo Pinto), Washington, D.C.	BEF-0034	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R., Part 205, in connection with the June 28, 1979, Consent Order entered into between Office of Enforcement and Palo Pinto Oil & Gas Company.
Feb. 12, 1981	Stephen M. Shaw, La Jolla, California	BFA-0605	Appeal of an Information Request Denial. If granted: The January 22, 1981 Information Request Denial issued by the Director of Division of the FOI and Privacy Acts Activities would be rescinded, and Stephen M. Shaw would receive access to certain DOE information.
Feb. 13, 1981	DOW Chemical USA/Marathon Oil Co., Freeport, Texas	BEJ-0187	Motion for Protective Order. If granted: Dow Chemical USA would enter into a protective order with Marathon Oil Company regarding the exchange of proprietary information in connection with DOW Chemcal's Application for Exception (Case No. BXE-1520).

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of February 6, 1981 Through February 13, 1981]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name	Case No. and date	State
School Board of St. Lucie County, Fla.	BXE-1630, 2/9/81	Florida.
White Mountain Apache Enterprise.	BEE-1631, 2/9/81	Arizona.

Notices of Objection Received

[Week of February 6, 1981 Through February 13, 1981]

Date	Name and location of applicant	Case No.
2/2/81	Woolly Fuel Co., Maplewood, N.J.	BEE-1538
2/6/81	Southern Fuel Co., Baltimore, Md.	BEE-1530
2/6/81	Twin-Tech Oil Co., Washington, D.C.	DXE-0069
2/6/81	Twin-Tech Oil Co., Washington, D.C.	DEX-0212
2/6/81	Ireland Transport & Storage Co., Ketchikan, Alaska.	BEE-1552
2/10/81	Navajo Refining Co., Houston, Tex.	DEX-0122
2/10/81	JaMar Oil Distributors, Denver, Colo.	BEE-1553
2/12/81	Sentry Refining, Inc., Washington, D.C.	BEE-1339
2/13/81	Bachelder Oil Co., Athol, Mass.	BEE-1543
2/13/81	Northland Oil & Refining Co., Tulsa, Okla.	DXE-2539
2/13/81	Northland Oil & Refining Co., Tulsa, Okla.	DEE-1892
2/13/81	Northland Oil & Refining Co., Tulsa, Okla.	DEE-0894

[FR Doc. 81-6676 Filed 3-2-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180568; PH-FRC1767-8]

California; Issuance of Specific Exemption for Carbofuran on Grapes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") for the use of carbofuran to control rootknot and dragger nematodes on a maximum of 645,000 acres or established grapes in California. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on February 28, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Gross, Registration Division (TS767), Office of Pesticide Programs,

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Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, 22202, (203–557–7123).

SUPPLEMENTARY INFORMATION: The Applicant reports that all the major grape-growing areas in California are infested with root-knot (*Meloidogyne* spp.) and dagger (*Xiphinema* spp.) nematodes. The nematodes attack the grape vines, destroying the plant roots. The Applicant states that no pesticides are registered for use against nematodes on grapes and that, although nematode-resistant root stocks have been developed, replanting is impractical on a statewide basis. The present danger has arisen, the Applicant claims, because the nematocide DBCP had not been available since 1977 when its registration was cancelled. The Applicant estimates that California grape growers may lose $118 million if carbofuran is not used. Data indicate that carbofuran will control nematodes and increase grape yield.

The Applicant proposed to make a single treatment using Furadan 10G which contains the active ingredient (a.i.) carbofuran. A dosage rate of 10 pounds a.i. per acre will be applied by ground equipment and a preharvest interval of 200 days will be observed.

EPA has determined that residues of carbofuran and its metabolites from the proposed use would not exceed 0.4 part per million (ppm) in or on grapes (of which no more than 0.2 ppm is carbamate), 6 ppm in or on raisin waste (of which no more than 3 ppm are carbamates), 2ppm in or on grape pomace (of which no more than 1.5 ppm are carbamates), and 2 ppm in or on raisins (of which no more than 1 ppm is carbamate). These levels have been judged adequate to protect the public health. EPA has also determined that the proposed use should not present an undue hazard to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until February 28, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Furadan 10G, EPA Reg. No. 279–2712, may be used.

2. A maximum of 1 application per season may be made.

3. Furadan may be applied at a rate of 100 pounds of product (10 pounds a.i.) per acre.

4. Application may be made using ground equipment.

5. Application will be made by or under the direct supervision of State-certified applicators.

6. A maximum of 645,000 acres of grapes may be treated.

7. A total of 6.45 million pounds a.i. is authorized.

8. No application may be made within 200 days of harvest.

9. Carbofuran must not be applied directly to any boby of water, and drift reduction precautions must be observed. The pesticide must not be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticides.

10. Residue levels of carbofuran resulting from the above use are not expected to exceed 0.4 ppm in or on graped (of which no more than 0.2 ppm is carbamate), 2 ppm in or on grape pomace (of which no more than 1.5 ppm are carbamates), 6 ppm in or on raisin waste (of which no more than 3 ppm are carbamates), and 2 ppm in or on raisins (of which no more than 1 ppm is carbamate). Grapes, grape pomace, raisins, and raisin waste with residue levels not exceeding these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

11. The EPA shall be immediately informed of any adverse effects resulting from the use of carbofuran in connection with this exemption.

12. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by May 1, 1981. Included in this report should be a study of all bird kills as determined by a walk-through survey by qualified personnel conducted in rows near field edges abutting desirable bird habitats or areas of known bird activity. The study should be conducted on the first day of application and 2 days afterward.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: February 18, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6709 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51228; TSH-FRL 1767-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81–26—March 22, 1981.
PMN 81–31—March 23, 1981.
PMN 81–33, 81–34—March 27, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No., Notice Manager, Telephone, and Room No.

80–26—Wendy Cleland-Hamnet (202–426–2601), E–206
80–31—David Dull (202–426–2601), E–206
81–33, 81–34—Cynthia Work (202–426–2601), E–206

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50444-Revised). The requirement to submit a PMN for new (45 FR 505444-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic uses), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51228]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: February 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–26

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 21, 1981.

Manufacturer's Identity. Abcor, Inc., 850 Main St., Wilmington, MA 01887.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyfluorohydrocarbonmethacrylic copolymer.

Use. Modules in ultrafiltration or reverse osmosis equipment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Non-volatile.
Insoluble in water.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that there will be no worker exposure at user sites because the PMN substance has no measurable vapor pressure and is insoluble in any of the solvents used in the process.

Environmental Release/Disposal. The manufacturer states that during manufacture, very small amounts of the PMN substance will be released into the waters of a POTW. Unused product containing the PMN substance will be returned to manufacturer for disposal according to RCRA guidelines.

PMN–81–31

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 22, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours and Co., Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyurethane polyacrylic block polymer.

Use. The manufacturer states that the PMN substance will be used as an isolated intermediate.

Production Estimates. No data were submitted.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, four workers will be exposed to the new substance through skin contact 8 hr/da, 1 da/yr.

Environmental Release/Disposal. The manufacturer states that there will be a minimal and incidental disposal of the new substance as the wash solvent is recovered and recycled; solid waste is incinerated.

PMN 81–33

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 26, 1981.

Manufacturer's Identity. Synalloy Corporation, Blackman Uhler Chemical Division, PO Box 5627, Spartanburg, SC 29304.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tetrahydroacridinone.

Use. Chemical intermediate.

Import/Production Estimates

	Kilograms per year	
	Minimum	Maximum
First year	0	454
Second year	454	4,540
Third year	454	4,540

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Physical/Chemical Properties

Melting point—Melting point—366°–368° C.

Solubility—Insoluble in water.

Toxicity Data

Acute oral toxicity (male rats)—very low toxicity.

Primary skin irritation (albino guinea pigs)—non-irritant.

Inhalation: approximate lethal concentration (male rats)—10.38 mg/l.

Mutagenicity (Salmonella typhimurium)—mutagenic.

Eye irritation (albino rabbits)—mild irritant.

Exposure. The manufacturer states that during manufacture two workers will be exposed to the new substance through skin contact 2 hr/da, 10 da/yr.

Environmental Release/Disposal. The submitter states that there will be no release of the new chemical into the environment.

PMN 81–34

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 26, 1981.

Manufacturer's Identity. Synalloy Corporation, Blackman Uhler Chemical Division, PO Box 5827, Spartanburg, SC 29304.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acridinone.

Use. Pigment component for plastics and paint.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
First year	0	454
Second year	454	4,540
Third year	454	4,540

Physical/Chemical Properties.

Non-volatile.

Insoluble.

Toxicity Data. The manufacturer states that the PMN substance is non-mutagenic, shows low acute oral and inhalation toxicity, produces no skin irritation or sensitization, and mild eye irritation.

Exposure

Activity and exposure route(s) Peak	Maximum Number Exposed	Maximum duration Hour per day	Maximum duration Day per year	Concentration Average
Manufacture: Dermal	2	2	10	
Process or use:				
Dermal	6	2	15	
Inhalation		2	15	

Environmental Release/Disposal. The manufacturer states that there will be no environmental release of the PMN substance at the manufacture site. At a user's site, environmental release will be minimal and incidental. Off-quality material will be disposed of in a chemical landfill.

[FR Doc. 81-6713 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-01

[PF-216; PH-FRC 1765-7]

Certain Pesticide Chemicals; Filing of Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide and food additive petitions for certain pesticides in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–216]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The designated product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions and food additive petitions have been submitted to the agency to establish pesticide tolerances and food additive regulations on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2451. Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120. Proposes amending 40 CFR 180.387 by establishing a tolerance for the combined residues of the insecticide 1-methylethyl 2-((ethoxy((1-methylethyl)amino) phosphinothioyl)oxy)benzoate and its cholinesterase-inhibiting metabolites 1-methylethyl 2-((ethoxy((1-methylethyl)amino)phosphinoyl)oxy) benzoate, 1-methylethyl 2-((ethoxy(1-amino)phosphinoyl)oxy)benzoate and 1-methylethyl 2-((ethoxy(1-amino)phosphinothioyl)oxy)benzoate in or on the dry bulb of onions at 1.0 part per million (ppm). The proposed analytical method for determining residues is a gas liquid chromatographic method with thermionic detection. (PM 16, William H. Miller, 703–557–7040).

FAP 1H5285. Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804. Proposes amending 21 CFR 193.156 by establishing a regulation permitting the combined residues of the insecticide *0,0*-dimethyl *0*-(4-nitro-*m*-tolyl) phosphorothioate and its metabolites *0,0*-dimethyl *0*-(4-nitro-*m*-tolyl) phosphate and 3-methyl-4-nitrophenol for all food items in food service, manufacturing, or processing establishments at 0.5 part per million.

The fenitrothion may be present as a residue from applications of the insecticide fenitrothion in food handling establishments such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants, and canneries in accordance with the following prescribed conditions:

(a) Application shall be limited solely to spot and/or crack and crevice treatment in food handling establishments where food and food products are held, processed, prepared, or served. Spray concentration shall be limited to a maximum of 1.0 percent active ingredient. For crack and crevice treatments, equipment capable of delivering a pin-stream of insecticide shall be used. For spot treatments, a coarse, low-pressure spray shall be used to avoid atomization or splashing of the spray. Contamination of food and food-contact surfaces shall be avoided.

(b) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling. (PM 16, William H. Miller, 703–557–7040).

PP 9F2243. FMC Corp., 2000 Market St., Philadelphia, PA 19103. Proposes amending 40 CFR 180.378 by establishing tolerances for residues of the insecticide permethrin, (3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Animal fat	2.0
Lettuce	20.0
Meat and meat byproducts of cattle, goats, hogs, horses, and sheep	.1
Milk	.2
Tomatoes	1.0

The proposed analytical method for determining residues is gas liquid chromatography. (PM 17, Franklin D. R. Gee, 703–557–7028).

FAP 9H5234. FMC Corp., 2000 Market St., Philadelphia, PA 19103. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide permethrin, (3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate) on the commodity tomato pomace at 160 parts per million. (PM 17, Franklin D. R. Gee, 703–557–7040).

(Secs. 408(d)(1), 68 Stat. 512, [7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348)).

Dated: February 18, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6699 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-33-M

[PF-214; PH-FRL 1765-6]

Certain Pesticide Chemicals; Filing of Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that the Interregional Research Project No. 4 (IR–4) has filed requests with the EPA to establish a food additive regulation concerning the use of carbon dioxide, nitrogen, and combustion product gas in or on all processed agricultural commodities when used postharvest as an insecticide.

ADDRESS: Written comments and inquiries should be directed to: Clinton Fletcher, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–214]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the office of Clinton Fletcher from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experimental Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, has filed food additive petitions FAP OH5271, OH5273, and OH5274 with the EPA in accordance with the Federal Food, Drug, and Cosmetic Act, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington.

These petitions propose that 21 CFR Part 193 be amended by establishing a food additive regulation concerning the use of carbon dioxide, nitrogen, and combustion product gas in or on all processed agricultural commodities when used postharvest as an insecticide.

(Sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: February 18, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6700 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-33-M

[OPP-C30196; PH-FRL 1766-3]

Certain Pesticide Products; Receipt of Applications To Conditionally Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to conditionally register certain pesticide products containing new active ingredients.

DATE: Comments must be received on or before April 2, 1981, and should bear a notation indicating the EPA file symbol.

ADDRESS: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703–557–7028).

SUPPLEMENTARY INFORMATION: EPA gives notice that certain companies have submitted applications to conditionally register certain pesticide products containing new active ingredients. These applications are made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162.6). Notice of receipt of these applications does not indicate a decision by the agency on the applications.

EPA File Symbol 8730–EG. Herculite Products, Inc., 1107 Broadway, New York, NY 10010. Produce name: Hercon Luretape with Multilure, containing the new active ingredient (-)-4-methyl-3-heptanol at 3.25 percent; (-)-α-5-ethyl-2,4-dimethyl-6,8-dioxabicyclo [3.2.1] octane at 0.672 percent; and (3aα,3bα,4α,7β,7aR*)-(-)-3a,3b,4,5,6,7,-hexahydro-3,7-dimethyl-4-(1-methyl-ethyl)-1*H*-cyclopenta[1,3] cyclopropa[1,2] benzene at 0.108 percent. The application proposes that the insecticide be classified for general use on smaller European Elm bark beetle pheromone dispensers to help reduce Dutch Elm disease.

EPA File Symbol 36838–A. Albany International, 110 A St., Needham Heights, MA 02194. Product name: KONTROL H.V. insecticide, containing the new active ingredients: Z-11-Hexadecenal at 5.9102 percent, Z-9-Tetradecenal at 0.8370 percent, Z-11-Hexadecen-1-ol at 0.0009 percent, Z-7-Hexadecenal at 0.0595 percent, Z-9-Hexadecenal at 0.0595 percent, Hexadecanal at 1.6508 percent and Tetradecanal at 0.7821 percent. The application proposes that the insecticide be classified for general use in preventing tobacco budworm in cotton. This is accomplished by interfering with mating communication between adult moths.

EPA File Symbol 44952–R. Texas Forest Service, Texas A & M Univ., College Station, TX 77843. Product name: Frontalure, containing the new active ingredients Frontalin at 19.4 percent and alpha-Pinene at 38.8 percent. The application proposes that the insecticide be classified for restricted use in forested areas to protect several species of pine trees from damage caused by the southern pine beetle.

Interested persons are invited to submit written comments of the applications referred to in this notice. Notice of approval or denial of these applications will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, and the regulations thereunder, the test data and

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other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

(Sec. 3(c), 86 Stat. 972, (7 U.S.C. 136a))

Dated: February 18, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6706 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-217; PH-FRL 1766-4]

Ciba-Geigy Corp.; Filing of Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Ciba-Geigy has submitted pesticide and food additive petitions for residues of the insecticide bromopropylate (isopropyl-4,4'-dibromobenzilate) in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-217]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide and food additive petitions have been submitted to the agency by Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409, to establish tolerances and a food additive regulation for residues of the insecticide bromopropylate (isopropyl-4,4'-dibromobenzilate) in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2436. Proposes that 40 CFR Part 180 be amended by establishing tolerances for residues of the insecticide bromopropylate (isopropyl-4,4'-dibromobenzilate) in or on citrus fruits at 3.0 parts per million (ppm); and milk fat at 1.5 ppm. The proposed analytical method for determining residues is by gas chromatography with an election capture detector.

FAP 1H5279. Proposes that 21 CFR Part 193 be amended by establishing a regulation permitting residues of the insecticide bromopropylate (isopropyl-4,4'-dibromobenzilate) on the commodities dried citrus pulp at 9 parts per million (ppm) and citrus oil at 125 ppm.

PP 1F2436. Proposes that 40 CFR Part 180 be amended by establishing tolerances for residues of the insecticide bromopropylate (isopropyl-4,4'-dibromobenzilate and 4, 4' dibromobenzilic acid) in or on the fat and meat of cattle, goats, hogs, horses, and sheep at 2.0 ppm. The proposed analytical method for determining residues is by gas chromatography with an electron capture detector.

(Secs. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348)).

Dated: February 24, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6705 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50523; PH-FRL 1766-5]

DMB Packing Corp.; Issuance of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an experimental use permit to DMB Packing Corp. Such permits are in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA has issued an experimental use permit to DMB Packing Corp., Box 517, Newman, CA 95360. This experimental use permit (44544-EUP-2) allows the use of 1,000 pounds of the plant growth regulator ammonium isobutyrate and isobutyric acid on pomegranates to evaluate the hastening of the maturity of pomegranates. A total of 80 acres are involved. The program is authorized only in the State of California. (A temporary exemption from the requirement of a tolerance for isobutyric acid on pomegranates has been established.) The experimental use permit is effective from January 6, 1981 to January 6, 1982.

Persons wishing to review the experimental use permit are referred to the Product Manager. Inquiries regarding this permit should be directed to the person given above. It is suggested that interested persons call before visiting the EPA Headquarters office so that the appropriate file may be made available for inspection purposes, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended; (7 U.S.C 136))

Dated: Feburary 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6701 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59044; TSH-FRL 17668]

Disazo Dye; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (ERA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropiateness of granting the exemption.

DATE: The Agency must either approve or deny this application by March 21, 1981. Persons should submit written comments on the application no later the March 18, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 5(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28556-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(H)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application withing 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before March 18, 1981, submit to the Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies comments. The comments are to be identified with the document control number "[OPTS-59044]". Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2021 (15 U.S.C. 2604)).

Dated: February 25, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM 81-2

The following summary is taken from the data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. March 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided: Manufacturing site—South Atlantic, U.S. Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disazo dye.

Use. Textile dye.

Production Estimates. The manufacturer states that 4,500 kilograms will be produced for test making purposes involving three customers. Period of test: 45 days.

Physical/Chemical Properties.

Form—Aqueous solvent solution.

Specific gracity—1.06 at 23°C.

Flash point—>200°F (Closed cup).

Boiling point—102°C.

Toxicity Data.

Acute oral toxicity (rats)—LD_{50} 88.6 mg/kg.

Skin irritation (rabbits)—Non-irritant.

Eye irritation (rabbits)—Non-irritant.

Acute dermal toxicity (rabbits)—LD_{50} >2,000 mg/kg.

Exposure. The manufacturer states that during production of the new substance, one worker may be exposed dermally a maximum of 14 hours. Any exposure will be as a result of accidental spill. During use, a maximum of 12 workers may be exposed dermally 1 hr/da for 45 days.

Environmental Release/Disposal. The manufacturer states that there will be no release to the air environment during manufacture use. Cleanup water from manufacture will go to an on-site biological waste treatment facility. Nothing is sent to solid waste dumps.

[FR Doc. 81-6702 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-180562; PH-FRL 1767-7]

Hawaii; Issuance of Specific Exemption for Thiabendazole on Papayas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Hawaii Department of Agriculture (hereafter referred to as the "Applicant") to use thiabendazole on 70 million pounds of papayas for control of post-harvest fungal decay. The specific exemption was issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Gross, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis

Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: According to the Applicant, post-harvest diseases of papaya are currently the largest single factor contributing to market losses of fresh papayas. Anthracnose and stem-end rot, two fungal diseases, are the most serious. The diseases are not visible on unripened fruits as they are packed, making it impossible for the packer to cull potentially diseased fruits. Later, as fruits ripen after shipping, fungal lesions develop rapidly and fruits may decay within 24 hours. Disease may be reduced but not entirely eliminated by a careful orchard management program, the Applicant reported.

There are no fungicides registered for post-harvest treatment of papayas; however, there are other means of reducing losses due to post-harvest decay. Maneb and Bravo are registered for use on papayas during the growing season, but, according to the Applicant, give only partial control and require a supplemental post-harvest treatment. The only other treatment available is a hot water dip, but the Applicant reports that although effective in significantly reducing the disease incidence, the treatment can scald the fruit if the temperatures are too high and not protect the papayas if too low.

The papaya industry represents Hawaii's fourth largest agricultural crop and is valued at approximately $7.875 million annually under complete control conditions. Without an effective post-harvest treatment of papayas, the Applicant estimates that growers would gross $1.42 million; using the hot water treatment growers would realize $4.1 million; and with the thiabendazole dip, farmers would realize $8.06 million from the papaya market.

The Applicant proposed to use Mertect 340–F (EPA Reg. No. 618–75) which contains the active ingredient (a.i.) thiabendazole. Fruit intended for both local consumption and for export is to be treated.

EPA has determined that residues of thiabendazole on papayas from this use are not likely to exceed five parts per million (ppm). This residue level has been judged adequate to protect the public health. EPA anticipates no unreasonable adverse effects to the environment from the proposed plan.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The Merck and Co. product, Mertect 340-F Fungicide, which contains the a.i. thiabendazole, is authorized at a dosage rate of 14–56 fl. oz. product (6.7–26.6 oz. a.i.) per 100 gallons of water. Papayas are to be treated only once and the treatment period should not exceed 3 minutes.

2. Any diluents used, such as waxes, should be those generally regarded as safe (GRAS) by the Food and Drug Administration, U.S. Department of Health and Human Services.

3. Up to 70 million pounds of papayas may be treated. Up to 60 gallons of formulated product (228 pounds a.i.) are authorized.

4. Use of thiabendazole is authorized only in processing plants where runoff water is recirculated or in plants where equipment will ensure no runoff will occur.

5. The amount of thiabendazole employed on a daily basis is to be carefully planned so that contamination through waste disposal is kept at a minimum.

6. Care must be taken in the cleaning of equipment or disposal of wastes to prevent contamination of water used for human consumption or by animals, wildlife, aquatic life, or for irrigation purposes.

7. All applicable label directions, precautions, and restrictions must be adhered to.

8. A full report which summarizes the results of this specific exemption must be submitted to the EPA by the end of March, 1982.

9. The Applicant is responsible for ensuring that all of the provisions and restrictions of the specific exemption are met.

10. The EPA shall be immediately informed of any adverse effects resulting from the use of thiabendazole under this specific exemption.

11. Residues of thiabendazole in or on papayas should not exceed five ppm from this use. Papayas with residues of thiabendazole not exceeding this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been notified of this action.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: February 18, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6710 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 0G2370/T283; PH–FRL 1766–1]

Isobutyric Acid; Temporary Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance has been extended for the active ingredient of the herbicide (plant growth regulator) isobutyric acid in or on pomegranates.

DATE: This temporary exemption expires on January 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM #2,1921 Jeffersom Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 18, 1980 (45 FR 48241) that DBM Packing Corp., Box 517, Newman, CA 95360 had been issued a temporary exemption from the requirement of a tolerance for the herbicide isobutyric acid in or on grapes.

DBM Packing Corp. has requested an extension of the exemption from the requirement of a tolerance for use of the herbicide in or on pomegranates.

This temporary exemption will permit the marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (44544–EUP–2) which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported show that the exemption is adequate to cover residues resulting from the proposed experimental use and that such exemption will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provision:

1. The amount of the active ingredient of the plant growth regulator to be used will not exceed the amount authorized in the experimental use permit.

2. DBM Packing Corp. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires January 6, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with the provisions of the experimental use permit and the temporary exemption. This temporary exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicates that such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j))).

Dated: February 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6708 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[PFT–42; PH–FRL 1766–7]

Nor-Am Agricultural Products, Inc.; Filing of a Temporary Feed Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Nor-Am Agricultural Products, Inc., has submitted a petition (FAP 1H5286) proposing a regulation permitting the use of the defoliant thidiazuron *N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea and its aniline-containing metabolites on growing cotton with a tolerance limitation of 0.8 part per million on cottonseed hulls. This represents an increase from a tolerance of 0.4 ppm previously established (FAP 9H5198) for this herbicide and metabolites.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PFT–42]" and the petition number 1H5286. All written comments filed pursuant to this notice will be available for public inspection in the office of the product manager from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of November 2, 1978 (43 FR 51131) that Nor-Am Agricultural Products, Inc., 1275 Lake Ave., Woodstock, IL 60098, had submitted a petition (FAP 9H5198) to the EPA. The petition proposed that 21 CFR 561 be amended by establishing a regulation permitting the use of the defoliant thidiazuron *N*-phenyl-*N'*-1,2,3,-thiadiazol-5-ylurea and its aniline-containing metabolites in an experimental program involving the application of the herbicide to growing cotton with a tolerance limitation of 0.4 part per million in cottonseed hulls.

Nor-Am Agricultural Products, Inc. has submitted a petition (FAP 1H5286) proposing that the tolerance limitation be increased from 0.4 ppm to 0.8 ppm.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: February 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6703 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP–180559; PA–FRC 1767–5]

Oregon; Issuance of Specific Exemption for Nemacur on Raspberries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: EPA has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") for the use of Nemacur 3 EC on 825 acres of raspberries in counties west of the Cascade Mountains in Oregon to control the lesion nematode. The specific exemption was granted under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: The Applicant reports that the lesion nematode *Pratylenchus penetrans* is the major nematode problem for Oregon raspberry growers. It causes damage to raspberry plant roots, and when high populations of nematodes develop, plants lose vigor and the ability to produce good crops, according to the Applicant. The Applicant indicates that the problem is an emergency for those who are losing production, cane growth, and land usable for raspberries.

Telone and D–D are registered as preplant soil fumigants and are usable only on new plantings. According to the Applicant, the precise conditions of moisture, temperature, and soil conditions required for their use preclude application some years. Since raspberries are planted in February, it is necessary to treat soil the previous fall. No products are registered for post-plant use on raspberries. DBCP are registered for post-planting use on raspberries, but registration was withdrawn in 1977. Since then raspberry growers have been left with no feasible nematode control in established plantings. The Applicant indicates that losses to growers due to uncontrolled nematode infestations could reach into the $1 million range.

The Applicant proposed to make a single application of Nemacur 3 EC which contains the active ingredient (a.i.) ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate. A maximum of 2.475 gallons of Nemacur 3 EC (7.425 pounds a.i.) will be needed to treat 825 acres of raspberries in the Oregon counties west of the Cascade Mountains.

EPA has determined that the combined residues of Nemacur and its sulfoxide and sulfone metabolites in or on raspberries resulting from the proposed use should not exceed 0.1 part per million (ppm). This level has been judged adequate to protect the public health. While some nontarget wildlife mortality may occur from this use, EPA does not anticipate an unreasonable threat to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until January 15, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Nemacur 3 EC (EPA Reg. No. 3125–283), manufactured by Mobay Chemical Corp., may be applied at a rate of 6 to 12 pounds a.i. per acre. If an unregistered label is used in

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connection with this product, it must contain the identical, applicable precautions and restrictions which appear on the registered label.

2. Applications will be made to established plantings or to new plantings when weather conditions preclude the use of registered preplant fumigant nematocides.

3. Applications will be made only when State personnel determine that populations of lesion nematode are sufficient to warrant treatment.

4. A single ground application will be made when adequate rainfall can be expected to incorporate the nematocide.

5. A maximum of 7,425 pounds a.i. may be applied.

6. A maximum of 825 acres in the area named above may be treated.

7. Applications will be made by State-certified private or commercial applicators.

8. All applicable directions, restrictions, and precautions on the EPA-registered produce label must be followed.

9. Nemacur must not be applied to any body of water and drift reduction precautions must be observed. The pesticide is not to be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticides.

10. Nemacur is highly toxic to wildlife. It is recommended that the Oregon Department of Fish and Wildlife be provided the opportunity to observe the application of Nemacur and monitor its effects on wildlife populations. If any wildlife mortality occurs, it should be reported to the Oregon Department of Fish and Wildlife.

11. Treatment of raspberries as proposed should not result in the combined residues of ethyl 3-methyl-4-(methyl-thio)phenyl (1-methylethyl)phosphoramidate and its sulfoxide and sulfone metabolities exceeding 0.1 ppm in or on raspberries. Raspberries with residues not exceeding 0.1 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

12. EPA shall be immediately informed of any adverse effect resulting from the use of this pesticide in connection with this exemption.

13. The Applicant shall be responsible for assuring that all provisions of this specific exemption are met and must submit a report summarizing the results of this program by July 15, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: February 19, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6712 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59043; SH-FRL 1766-6]

Polyester (1,4-Butanediol/Isophthalic Acid, Dimethyl Ester/ Poly(Oxyethylene/Oxypropylene/ Terephthalic Acid, Dimethyl Ester); Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by March 19, 1981. Persons should submit written comments on the application no later than March 18, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: David Dull, Chemical Control Division, (TS-794), Office of and Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before March 18, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number [OPTS-59043]. Comments received may be seen in Rm. E-106 of the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: February 25, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM 81-1.

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. March 19, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester (1,4-butanediol/isophthalic acid, dimethyl ester/poly (oxyethylene/oxypropylene/ terephthalic acid, dimethyl eater).

Use. The submitter states that a limited number of companies specializing in compounding and fabricating industrial goods would be provided the material for fabrication of the polymer into industrial products.

Production Estimates. The manufacturer states that limited quantities will be manufactured for test marketing purposes to run approximately four months.

Physical/Chemical Properties. No data were submitted on the new substance; data on component materials were provided.

Toxicity Data. No data were submitted on the new substance, however the manufacturer states that like most polymeric materials, the substance is expected to have a very low toxicity. Data on raw component materials were provided.

Exposure. The manufacturer states that a maximum of 100 persons is expected to be exposed dermally to the polymer and that exposure will occur only in manufacturing operations of the goods. Consumers will not use or be exposed to the new polymer.

Environmental Release/Disposal. No data were submitted. Waste disposal, if any, will be by landfill.

[FR Doc. 81-6704 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-53022; TSH-FRL 1767-1]

Premanufacture Notices; Monthly Status Report for January 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for January 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on a specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-426-8816).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** on May 15, 1979 (44 FR 28558) and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances that EPA has added to the Inventory during the month. Therefore, EPA is publishing the January 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53022]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: February 25, 1981.

Edward A. Klein,

Director, Chemical Control Division.

V 4 6 / 4 1 M R 3 8 1 UMI

Premanufacture Notices Monthly Status Report for January 1981

PMN No.	Identity/generic name	FR citation	Expiration date
	I. Premanufacture Notices Received During the Month		
81-1	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, and benzoic acid.	In preparation	Apr. 2, 1981.
81-2	Water reducible siliconized alkyd resin	46 FR 11350 (2/6/81)	Do.
81-3	Methyl, bis (hydroxypropyl) tallow alkyl ammonium methyl sulfate	46 FR 11349 (2/6/81)	Do.
81-4	Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid.	In preparation	Do.
81-5	Generic name: Nylon	do	Do.
81-6	Polyester-amide polymer	do	Apr. 5, 1981.
81-7	Generic name: Modified resorcinol resin	do	Apr. 26, 1981.
81-8	Generic name: Urethane resin	46FR 11352 (2/6/81)	Do.
81-9	Generic name: Silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981
81-10	Generic name: Sodium salt of silylated phosphonate	46 FR 11352 (2/6/81)	Do.
81-11	Polymer of: Esterdiol 204; 1,6-hexanediol; neopentyl glycol; trimethylol propane; isophthalic acid and; and dibutyl tin oxide.	In preparation	Do.
81-12	Generic name: Acrylic copolymer adhesive	do	Do.
81-13	C_{12-18} Polypropylene ether	do	Do
81-14	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.	do	Apr. 15, 1981.
81-15	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid.	do	Do.
81-16	Generic name: Reaction product of an epoxy and a substituted amine	do	Do.
81-17	Generic name: Polymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative.	do	Do.
81-18	Maleic half ester of ethoxylated aliphatic alcohol emulsifier	do	Do.
81-19	Polymer of: Butyl acrylate, methyl acrylate, acrylonitrile, 2-hydroxyethyl acrylate, and acrylic acid.	In preparation	Do.
81-20	Generic name: Sodium salts of *N*-methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	do	Apr. 19, 1981.
81-21	Generic name: Halogenated conjugated diene, polymer with haloalkyl benzene, and alkenoic acid.	do	Do.
81-22	1,3-Bis(4-hydroxybutyl)-1,3-didecyl-dimethyl disiloxane	do	Apr. 21, 1981.
81-23	Di(hydrogenated tallowalkyl)-quaternary ammonium compounds	do	Do.
81-24	Ditallowalkylquaternary ammonium compound	do	Do.
81-25	Generic name: Derivatized copolymer of acrylic acid and *N*-(1,1-dimethyl-3-substituted butyl) acrylamide.	do	Do.
81-26	Generic name: Polyfluorohydrocarbon-methacrylic copolymer	do	Do.
81-27	Generic name: Alkyd resin 324-45	do	Do.
81-28	Generic name: Alkyd resin 343-42	do	Do.
81-29	Generic name: Reaction product olefins, vegetable oil, and sulfur	In preparation	Apr. 22, 1981.
81-30	Generic name: Polyester resin derived from a mixture of phthalic acids with alkylene glycols and lighter polyols.	do	Do.
81-31	Generic name: Polyurethane polyacrylic block polymer	do	Do.
81-32	Generic name: (Substituted phenoxy) alkanoic acid	do	Do.
81-33	Generic name: Tetrahydro-acridinone	do	Apr. 26, 1981.
81-34	Generic name: Acridinone	do	Do.
81-35	Generic name: *N*-Methylene phosphonic acids of a complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	do	Apr.19, 1981.
81-36	Alkyl acid phosphorous esters	do	Apr. 26, 1981.
81-37	Methylenebis (diisopropylaniline)	do	Do.
81-38	Bicyclo [3,2,1] octan-8-ol, 1,5-dimethyl-, acetate bicyclo [3,3,0]-octan-2-ol, 1,5-dimethyl-, acetate bicyclo [3,3,1] octan-2-ol, 1,5-dimethyl-, acetate bicyclo [3,3,1] nonan-1-ol, 5-methyl-, acetate.	In preparation	Do.
81-41	5-Methyl-4-*H*-1,2,4-triazole-3-selenol 1,2-dihydro-5-methyl-3-*H* 1,2,4-triazole-3-selone	do	Apr. 30, 1981.
81-42	Generic name: (Substituted-phenoxy) alkanoic acid, alky lester	do	Do.
81-43	Generic name: Chromophore substituted poly(oxypropylene)	do	Do
	II. Premanufacture Notices Received Previously and Still Under Review at the End of the Month		
80-313	2-Chloro-2-sulfopropionic acid	45 FR 83662 (12/19/80)	Feb. 2, 1981.
80-314	2,4-Bis [(4-(*N*-cyano-*N*-phenylsulfonylamino)phenyl)methyl]-*N*-cyano-*N*-phenylsulfonylbenzenamine; 4,4'-methylenebis (*N*-cyano-*N*-phenylsulfonylbenzenamine; 4,4'-methylenebis[2-[(4-(*N*-cyano-*N*-phenylsulfonylamino)phenyl)-methyl]-*N*-cyano-*N*-phenylsulfonylbenzenamine].	45 FR 85151 (12/24/80)	Feb. 1, 1981.
80-315	4,4'-Methylenebis (*N*-cyanobenzenamines); 2,4-bis[(4-(*N*-cyanoamino) phenyl)methyl]-*N*-cyano-benzenamine; 4,4' methylenebis [2-[(4-*N*-cyanoamino)phenyl) methyl]-*N*-cyanobenzenamine].	45 FR 85151 (12/24/80)	Do.
80-316	Generic name: Dialkyltin-dincinoleate	45 FR 83020 (12/17/80)	Feb. 2, 1981.
80-317	Generic name: Polymer of modified resin esters and mixed oils	45 FR 83023 (12/17/80)	Feb. 3, 1981.
80-318	Dimethyl diallyl ammonium chloride-acrylamide-potassium acrylate terpolymer	45 FR 83664 (12/19/80)	Feb. 5, 1981.
80-319	Generic name: Salt form of acrylic acid-acrylate copolymer	45 FR 83661 (12/19/80)	Do.
80-320	Vanadic acid, tris (2-methylpropyl) ester	45 FR 83019 (12/17/80)	Do.
80-321	Generic name: Polymer of an alkyl acrylate, an alkyl methacrylate, and a saturated cyclic methacrylate.	45 FR 82708 (12/17/80)	Feb. 10, 1981.
80-322	Generic name: Polymer of epoxidized soybean oil benzoic acid	45 FR 83021 (12/17/80)	Do.
80-323	Generic name: Acrylic emulsion	45 FR 83662 (12/19/80)	Do.
80-324	Generic name: Poly (alkyl ether) hydroxy alkyl ester	45 FR 82706 (12/16/80)	Feb. 11, 1981.
80-325	Generic name: Chromophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80)	Feb. 15, 1981.
80-326	Generic name: Chromophore substituted poly (oxyethylene)	45 FR 82706 (12/16/80)	Do.
80-327	Generic name: Toluene diisocyanate blocked prepolymer	45 FR 83020 (12/17/80)	Do
80-328	Generic name: Unsaturated melamine formaldehyde methanol resin	45 FR 83019 (12/17/80)	Feb. 16, 1981.
80-329	Generic name: Salt of fatty acid dimer	45 FR 83022 (12/17/80)	Do
80-330	Amino Alcohol	46 FR 3963 (1/16/80)	Feb. 18, 1981.
80-331	Methacrylic fatty acid adduct	46 FR 11347 (2/6/81)	Feb. 19, 1981.
80-332	Soya fatty ester	46 FR 11347 (2/6/81)	Feb. 22, 1981.
80-333	Polymer of: Substituted alkanediol, alkanedioic acid, and alkenedioic acid	46 FR 8711 (1/27/81)	Do
80-334	Polymer of: Alkanediol, alkanedioic acid, and alkenedioic acid	46 FR 8711 (1/27/81)	Do
80-335	Polymer of: Substituted alkanediol, alkanedioic acid, and alkenedioic acids	46 FR 8711 (1/27/81)	Do
80-336	1,2,4,-Substituted anthraquinone	46 FR 8710 (1/27/81)	Do
80-337	Acrylamid-methacrylic copolymer	46 FR 1022 (1/5/81)	Feb. 23, 1981.
80-338	Salt form of acrylic acid-acrylate copolymer	46 FR 1022 (1/5/81)	Feb. 22, 1981.

Premanufacture Notices Monthly Status Report for January 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
80-339	Salt form of acrylic acid-acrylate copolymer	46 FR 1022 (1/5/81)	Do
80-340	Polymer diol, monocarboxylic acid diol, diamine, and a diisocyanate	46 FR 3963 (1/16/81)	Feb. 24, 1981.
80-341	*N-N'*-Nonanediolyl-bis [3,4,5,6-tetrahydro-2(1*H*) pyrimidinone]	46 FR 2717 (1/12/81)	Mar. 1, 1981.
80-342	Disodecyl dimerate	46 FR 2713 (1/12/81)	Do.
80-343	1, 6-Hexanediamine, distillation residues- amines, C_{6-9} alkyl di- and C_6 cyclic di- dichloroethane-epichlorohydnn polymer.	46 FR 8085 (1/21/81)	Do.
80-344	Generic name: Metal reanate	46 FR 8710 (1/27/81)	Do
80-345	Generic name: Dialkyl trithio-carbonate	46 FR 5058 (1/19/81)	Mar. 2, 1981
80-346	Ferrous complexed sulfonated tannin	46 FR 8718 (1/27/81)	Do
80-347	Generic name: Metal amine propanol complex	46 FR 11026 (2/5/81)	Mar. 3, 1981.
80-348	Sunflower oil, polymer with pentaerythritol phthalic anhydride, soybean oil, and trimethylol ethane.	46 FR 5058 (1/19/81)	Mar 8, 1981.
80-349	Sunflower oil, polymer with benzoic acid, and pentaerythritol	46 FR 5058 (1/19/81)	Do
80-350	Resin polymers with glycerol, phthalic anhydride and sunflower oil	46 FR 5058 (1/19/81)	Do
80-351	Generic name: Substituted alkanioc acid, alkyl ester	46 FR 8718 (1/27/81)	Do
80-352	Generic name: Polymer of: Acylic acid, styrene, substituted alkyl acrylates, and alkyl mercaptan	46 FR 8711 (1/27/81)	Do
80-353	Generic name: Polymer of: An isocyonate and mixture of aliphatic polyols	46 FR 8710 (1/27/81)	Mar. 10, 1981.
80-354	Generic name: Polyester polymer of aliphatic polyols, aromatic diacid, and aliphatic diacid	46 FR 8105 (1/26/81)	Do
80-355	Generic name: (p-Dialkylamno phenyl)-diaryl heterocycle	46 FR 11026 (2/5/81)	Do
80-358	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 8714 (1/27/81)	Mar. 11, 1981
80-359	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 8714 (1/27/81)	Do
80-360	2-Propanol, 1-methoxy-acetate	In preparation	Mar. 12, 1981.
80-361	Formaldehyde, polymer with *N*-(3-aminopropyl)-1, 3-propene diamine, (chloromethyl) oxirane, and phenol.	46 FR 8716 (1/27/81)	Mar. 15, 1981.
80-362	A resin from bisphenol A-epichlorohydrin copolymer, bisphenol A, linseed oil fatty acids, tall oil fatty acids, styrene, and acrylic acid.	46 FR 8104 (1/26/81)	Do.
80-364	Generic name: Monoethanol amide of long chain fatty acid	46 FR 8717 (1/27/81)	Do
80-365	Calcium sodium ethylenediamine tetrakis (methylenephosphonate)	46 FR 5058 (1/19/81)	Do
80-366	1-Propanaminium, *N,N*-dimethyl, *N*-ethyl-3-[(1-oxoco-cosalkyl)amno]-, ethylsulfate	46 FR 11354 (2/6/81)	Mar. 16, 1981.
80-367	Generic name: Vegetable fatty acid modified polyester	46 FR 11354 (2/6/81)	Mar 18, 1981.
80-368	Generic name: Alkenylsuccinic acid, monoester	In preparation	Mar. 19, 1981.
80-369	Generic name: Polyester di-urethane methacrylate resin based on the reaction of a diallkyl diol/adipic acid polyester diol with toluene diisocyanate and hydroxyethyl metha-crylate.	do	Mar 23, 1981
80-370	Generic name: Aliphatic thiol	do	Mar. 22, 1981
80-371	(Alkyl) halothiophosphate	do	Mar 24, 1981
80-372	Halogenated diphenyl sulfide	do	Do
80-373	Generic name: Reaction product of 4-nitrosophenol hydroxybenzene and an oxo alkane with sodium sulfide (NA_2 (S_x))	In preparation	Mar. 23, 1981
80-374	Generic name: 4-(Trifluoromethyl)-2-chloro-1-(3-substituted phenoxy) benzene derivative	do	Do
80-375	Generic name: Polymer of metha-crylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative	do	Do
80-376	Generic name: Urethane prepolymer	46 FR 11350 (2/6/81)	Do
80-377	Polymer of: 1,2-ethanediol; 2,5-furandione; 1,3-isobenzo-furandione; 1,2-propanediol: and 32,4,7,72-tetrahydro-4,7-methano-1*H*-indene.	46 FR 11349 (2/6/81)	Do
80-378	Generic name: *N*-(Substituted)-*N*-(substituted) acetamide	In preparation	Mar. 24, 1981
80-379	Generic name: Organosilicon polymer	do	Do
80-380	Generic name: 4-Substituted (substituted benzene)	46 FR 11350 (2/6/81)	Mar. 29, 1981
80-381	1-Substituted-4-(substituted hetero-monocyclic) benzene	46 FR 11350 (2/6/81)	Do.
80-382	Generic name: Adipic acid, 1,2-propanediol, monocarboxylic acid polyester	In preparation	Do
80-383	Ammonium dinoleate	46 FR 11349 (2/6/81)	Do
	III. Premanufacture Notices for Which the Notice Review Period Has Ended During the Month		
80-272	*N*-Methyl-*N*-glucitylstearoylamide	45 FR 73128 (11/4/80)	Jan. 1. 1981
80-273	Amines, C_{16-18}-alkyldimethyl, phosphate salt	45 FR 73128 (11/4/80)	Do
80-275	Polymer of: Tall oil fatty acid, isophthalic acid, trimethylol propane, trimellitic anhydride, methyl methacrylate, ethyl acrylate, methacrylic acid, hydroxy ethyl methacrylate.	45 FR 73132 (11/4/80)	Jan. 4, 1981
80-276	Generic name: Styrene acrylic polymer	45 FR 71415 (10/28/80	Do.
80-277	Generic name: Modified terpolymer of mixed alkyl acrylates	45 FR 71415 (10/28/80)	Do.
80-278	Generic name: Modified copolymer of mixed alkyl acrylates	45 FR 71415 (10/28/80)	Do.
80-279	Polymer of: 2,2-Dimethyl 1,3-propanediol; 2,2,4-trimethyl 1, 3-pentanediol, isophthalic acid; and fumaric acid	45 FR 73128 (11/4/80)	Jan. 5, 1981
80-280	Generic name: Hydrogen zeolites	45 FR 74562 (11/10/80)	Jan. 7, 1981
80-281	Polymer of: Propylene glycol, neopentyl glyco, isophthalic acid, Empol 1022 dimeric fatty acid, trimellitic anhydride polymer.	45 FR 73131 (11/4/80)	Jan. 8, 1981.
80-282	Aminoalkanol salt, as a 25% aqueous solution	45 FR 75752 (11/17/80)	Jan. 12, 1981
80-283	Generic name: Styrene methacrylate acrylate polymer	45 FR 74993 (11/13/80)	Jan. 13, 1981
80-284	Generic name: Polymer of alkanediols and carbomonocyclic anhydrides	45 FR 75752 (11/17/80)	Jan. 14, 1981
80-286	*N*(4-Diazo phenyl) morpholine hexafluorophosphate	45 FR 74993 (11/13/80)	Jan. 19, 1981.
80-287	Polymer of: Tall oil fatty acid, isophthalic acid, terephthalic acid, pentaerythritol, benzoic acid, and trimethylol propane	45 FR 77125 (11/21/80)	DO
80-288	Polymer of: Soybean oil, pentaerythritol, isophthalic acid, benzoic acid, terephthalic acid	45 FR 77125 (11/21/80)	DO
80-289	Amines, isopropyl, distillation residues	45 FR 75750 (11/17/80)	Jan. 21, 1981
80-290	Amines, ethyl, distillation residues	45 FR 75750 (11/17/80)	Do
80-291	Polymer of: Epoxy resin, bisphenol A, paraformaldehyde, dibutylamine, and diethanolamine	45 FR 79150 (11/26/80)	Do
80-292	Generic name: Disubstituted carbopolycylic derivative	45 FR 79150 (11/26/80)	Do.
80-293	Generic name: Dimethyl alkylmethyl silicone glycol copolymer	45 FR 79157 (11/26/80)	Jan 25, 1981.
80-294	Generic name: Siloxane, alkoxylated aminoalkyl	45 FR 79157 (11/26/80)	Do.
80-295	Generic name Disubstituted nitrobenzene	45 FR 78791 (11/26/80)	Do.
80-296	Generic name: Ethyl, substituted, (((sulfopropyl) heteropolycyclic) methyl) alkenyl heteropolycycle.	45 FR 78791 (11/26/80)	Do
80-297	Generic name: Ethyl, substituted, methylheteropolycycle tosylate	45 FR 78791 (11/26/80)	Do
80-298	Generic name: Substituted, methylheteropolycycle	45 FR 78791 (11/26/80)	Do.
80-299	Generic name: Disubstituted benzene	45 FR 78791 (11/26/80)	Do
80-300	Generic name: Bis(Nitro, substituted phenyl) substituent	45 FR 78791 (11/26/80)	Do
80-301	Cyclohexane, 1,1'-methylene bis [4-isocyanato-, reaction products with 1,3-isobenzofurandione, polymer with 1,6-hexanediol, alpha-hydro-omega-hydroxypolyoxy (1,4-butanediyl), and (2-hydroxyethyl)-2-propenoate.	45 FR 79152 (11/26/80)	Do.
80-302	Generic name: Modified Polyester based on carbomonocyclic anhydride and alkanediols	45 FR 80354 (12/4/80)	Jan. 26, 1981
80-303	Generic name: Substituted alkyl peroxycarbonate	45 FR 80351 (12/4/80)	Jan. 27, 1981
80-304	Generic name: Alkyl substituted chlorocarbonic acid	45 FR 80351 (12/4/80)	Do
80-305	Generic name: Elastomeric urethane	45 FR 82707 (12/16/80)	Jan. 26, 1981.
80-306	Generic name: Urea/carbamate lacquer	45 FR 82707 (12/16/80)	Jan. 27, 1981.

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Premanufacture Notices Monthly Status Report for January 1981—Continued

PMN No	Identity/generic name	FR citation	Expiration date
80-307	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride	45 FR 81651 (12/11/80)	Do.
80-310	Butanenitrile, 2-methyl, 2,2'-azobis	45 FR 80350 (12/4/80)	Jan. 28, 1981.
80-311	Butanenitrile, 2-methyl, 2-amino	45 FR 81826 (12/12/80)	Do.
80-312	„N-Isocyanatotolyl-abietamide	45 FR 83661 (12/19/80)	Do.
	IV. New Substances Added to the Inventory During the Month of January 1981		
80-106	Reichold Chemicals Inc.	Hydrogenated petroleum hydrocarbon resin of the cyclopentadien type.	45 FR 41060 (6/17/80).
80-143	CBI	Generic nr: Complex of *p*-phenyl phenol and an alkyl amine.	45 FR 46202 (7/9/80)
80-174	CBI	Generic name: Polyester reaction product with toluene diisocyanate-acrylate terminated.	45 FR 52243 (8/6/80).
80-191	CBI	Methylene bis (4-cyclo hexyl isocyanate propylene glycol hydroxy ethyl acrylate polycxypropylenediamine.	45 FR 59196 (9/8/80).
80-211	CBI	Adduct of polytetra methylene glycol, an aliphatic polyglycol, and an aliphatic diisocyanate	45 FR 60006 (9/11/80).
80-213	CBI	Generic name: Halogenated copolymer resin.	45 FR 60008 (9/11/80).
80-241	du Pont de Nemours	Generic name: Polyurethane polyacrylic polymer.	45 FR 63344 (9/24/80).
80-260	CBI	Generic name: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates.	45 FR 69293 (10/20/80).
80-269	CBI	Monomers of linseed oil, styrene, glycerine, toluene diisocyanate.	45 FR 73130 (11/4/80).
80-264	CBI	Benzenamine, [*N*-(1-methylidene)-1-methyl butylidene)-4,4-methylene bis.	45 FR 73127 (11/4/80).
80-275	CBI	Polymer of tall oil fatty acid, isophthalic acid, trimethylol propane, trimellitic anhydride, methyl methacrylate, ethyl acrylate, methacrylic acid, hydroxy ethyl methacrylate.	45 FR 73132 (11/4/80).

[1] Expiration of the notice review period does not signify that the chemical had been added to the inventory.

[PP 5G1579/T282; PH-FRL 1766-2]

State of Florida; Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a renewal of a temporary tolerance for residues of the plant growth regulator 5-chloro-3-methyl-4-nitro-1*H*-pyrazole in or on the raw agricultural commodity oranges at 0.1 part per million.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (202–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of January 10, 1980 (44 FR 2092) that a temporary tolerance had been renewed for residues of the plant growth regulator 5-chloro-3-methyl-4-nitro-1*H*-pyrazole in or on the raw agricultural commodity oranges at 0.1 part per million. This tolerance was renewed in response to a pesticide petition (PP 5G1579) submitted by the State of Florida, Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33802.

The State of Florida, Department of Citrus has requested a 1-year renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit (43806–EUP–1) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. The State of Florida must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The State must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This renewal expires January 5, 1982. Residues not in excess of 0.1 ppm remaining in or on oranges after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 136(j)))

Dated: February 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-6707 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180486A; PH-FRL 1767-6]

Texas, Issuance of Specific Exemption for Chlordane on Flood Control Structures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Texas Department of Agriculture (hereafter referred to as the "Applicant") for the use of chlordane to control the desert termite on approximately 40 acres of grass on back slopes of flood control structures located on the Kickapoo Creek Watershed in Coke County, Texas. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on November 30, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509B, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: The Applicant reports that the U.S. Department of Agriculture, Soil Conservation Service, has constructed flood control structures which are currently under management supervision of local soil conservation districts. Traditionally, structural stabilization is obtained by establishment of native or adapted introduced grass species to prevent erosion of these earthen structures. Heavy infestations of desert termites have denuded six of these structures on about 40 acres in the Kickapoo Creek Watershed, promoting soil erosion, which results in weakened structures and expensive repair efforts. The Applicant states that the only mechanical alternative is to apply riprap, an expensive effort that would cost in excess of $3 million. Rejuvenation of the denuded areas would cost about $700.00 per acre and would require reinstallation approximately every third year because of termite activity. According to the Applicant, there are currently no registered pesticides for control of desert termites.

The Applicant proposes to use a total of 120 pounds of the active ingredient (a.i.) chlordane at a rate of 3 pounds a.i. per acre on approximately 40 acres. The Applicant reports that all the structures are fenced and no grazing is allowed. The Applicant states that chlordane is known to be effective against desert termites and has residual activity.

On March 6, 1978, the Administrator of EPA cancelled virtually all registrations of products containing chlordane. Notice of these cancellations appeared in the **Federal Register** of March 24, 1978 (43 FR 12372). Under Subpart D, 40 CFR 164.131, the Administrator must hold hearings before permitting the use of a cancelled registration of a pesticide unless he determines to waive hearings as provided for in 40 CFR 164.133.

The proposed use of chlordane has not been registered and therefore does not constitute a petition for reconsideration of the cancellation order as specified in 40 CFR 164.130. Since this is the case, it was not required that interested parties be notified and afforded hearing opportunities before this use of chlordane was permitted. A notice, however, was published in the **Federal Register** of September 12, 1980 (45 FR 60481), to give the public an opportunity to comment. The comment period closed on September 29, 1980; however, no comments were received.

EPA anticipates little or no applicator exposure from this use of chlordane. Any adverse effects on nontarget species will be minimal due to the limited acreage to be treated and the precautions EPA has imposed.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 30, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. EPA-registered emulsifiable concentrate formulations of chlordane may be used.

2. A single application may be made using 3 pounds a.i. per acre.

3. All applications will be made using ground equipment in a minimum of 15 gallons of spray per acre.

4. All applications will be made by or under the direct supervision of applicators State-certified in this category of pest control.

5. A maximum of 40 acres may be treated. Treatment of the back slopes of a maximum of six flood control structures located on the Kickapoo Creek watershed in Coke County, Texas, is authorized.

6. A maximum of 120 pounds a.i. is authorized.

7. All applicable directions, restrictions, and precautions on the EPA-registered label are to be adhered to.

8. Applicators must wear a pesticide respirator which has been jointly approved by the Mining Enforcement and Safety Administration (formerly the U.S. Bureau of Mines) and the National Institute of Occupational Safety and Health.

9. Applicators must wear protective clothing including rubber gloves, long-sleeved shirts, and long pants. Applicators must wash thoroughly with soap and water after handling and before eating or smoking. Used clothing must be washed before reuse.

10. It is recommended that a closed system be used for mixing/loading operations of chlordane.

11. Chlordane is extremely toxic to fish and other aquatic organisms. It must not be applied directly to any body of water and drift reduction precautions must be observed. It may not be applied where excessive runoff is likely to occur.

12. Precautions must be taken to avoid or minimize spray drift to nontarget areas. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speed exceeds 10 miles per hour.

13. Participants are to be notified of their obligation to report any and all adverse effects on nontarget organisms arising from the use of chlordane. The EPA shall be immediately informed of any adverse effects resulting from the proposed use.

14. Prior to application, consultations must be held with the State Fish and Game Service and the Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, regarding safeguards to be implemented in order to reduce potential adverse effects to nontarget organisms. Results of these consultations and those measures actually implemented should be documented and include in the final report (see item 16).

15. In order to prevent residues of chlordane in meat or milk of animals near the treatment area, livestock must not be allowed to graze on treated areas. All applications are to be made on areas which are fenced off from areas to be grazed. Periodic monitoring for chlordane residues should be performed on rangeland bordering treated areas to ensure that runoff from the treated areas has not occurred.

16. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by March 1, 1982.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 18, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6711 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-00120; PH-FRL 1745-3]

Ultra Low Volume or Low Volume Pesticide Applications; Issuance of Advisory Opinion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of advisory opinion.

V 46/41 MR 3 81 UMI

SUMMARY: EPA is issuing an Advisory Opinion under section 2(ee) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to permit greater discretion in diluting individual pesticide products for forestry and agricultural applications. This Opinion will remove from the scope of the first Advisory Opinion, issued on July 10, 1979, (44 FR 40399) certain use practices which the Agency has found can be permitted without causing unreasonable adverse effects on the environment.

EFFECTIVE DATE: This notice is effective March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Richrad W. King, Policy & Liaison Staff, Registration Division (TS–767), Room E–509F, Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–1736).

SUPPLEMENTARY INFORMATION: FIFRA as amended in 1978, [Pub. L. 95–396] directed EPA to undertake an investigation addressing methods of pesticide application, including the use of ultra low volume, in cooperation with the Secretary of Agriculture and appropriate State officials. That investigation was completed and a report was submitted to Congress, as required. In that report, the Agency presented its finding that there may be a potential increase in hazard resulting from the sue of less diluent than approved on the product labeling in combination with the authorized amount of active ingredient.

The Agency issued an Advisory Opinion published in the **Federal Register** of July 10, 1979, (44 FR 40399) stating Agency policy that use of a pesticide with less diluent than that specified issued under section 18, constitutes use of a registered pesticide in a manner inconsistent with its labeling and therefore is a violation of FIFRA section 12(a)(2)(G). This Opinion was published under FIFRA section 2(ee), which provides that the term "misuse" shall "not include the use of a pesticide for agricultural or forestry purposes at a dilution less than label dosage" unless EPA issues a regulation or advisory opinion consistent with the report to Congress, which regulation or opinion specifically requires the use of definite amounts of dilution.

The July 10, 1979 Advisory Opinion also stated that the Agency intended to conduct a further review of the nature and effects of low volume (LV) and ultra low volume (ULV) applications and that a second opinion would be issued if appropriate to permit more discretion in diluting individual pesticide products. This statement was premised on the belief that certain LV and ULV applications could be made without causing unreasonable adverse effects but that a determination as to exactly what types of LV and ULV applications could be permitted would require further evaluation. Such an evaluation has now been completed and EPA is today issuing the second Advisory Opinion under FIFRA section 2(ee).

Advisory Opinion

The Advisory Opinion issued July 10, 1979 effectively barred LV or ULV pesticide applications unless such use practices were permitted by product labeling or by the terms of an emergency exemption issued under FIFRA section 18. EPA is now revising that Opinion to permit the use of a pesticide on a forest or agricultural site in a manner which results in application of the same amount of active ingredient(s) to the site as specified on the product label but with less diluent than is specified on the label if certain conditions are met.

In the case of ultra low volume (ULV) applications, i.e., the diluted formulation is applied at a rate of less than or equal to one-half gallon per acre, these conditions are:

(1) The use of less diluent is based on an official written or published recommendation made in accordance with this Advisory Opinion by an Agricultural Extension Service of a land grant college or university or by an appropriate federal, state, or local government agency;

(2) The use of less diluent is not specifically prohibited on the label; and

(3) The pesticide is applied in accordance with the other provisions of this Advisory Opinion.

In the case of low volume (LV) applications, i.e., where the diluted formulation is applied at a rate less than that specified on the label but greater than one-half gallon per acre, the conditions are:

(1) The use of less diluent is based on an official written or published recommendation made in accordance with this Advisory Opinion by an Agricultural Extension Service of a land grant college or university, by an appropriate federal, state, or local government agency, or by persons officially designated by the state lead agency to issue recommendations under this Opinion.

(2) The use of less diluent is not specifically prohibited on the label; and

(3) The pesticide is applied in accordance with the other provisions of this Advisory Opinion.

Persons officially designated by a state lead agency to issue such recommendations, shall not be considered to be duly authorized to make recommendations under this Opinion until the state lead agency has notified the EPA Registration Division of their names and affiliations.

Except as specifically provided in this Advisory Opinion, any use of a registered pesticide with less diluent than specified on the labeling in combination with the authorized amount of active ingredient(s) constitutes use of a registered pesticide in a manner inconsistent with its labeling in violation of FIFRA, section 12(a)(2)(G).

A. Contents of the Recommendation

Each recommendation shall be made in writing, and signed and dated by the appropriate representative. Official publications of these organizations may also be a source of recommendation.

All recommendations must provide operational level guidance to the applicator delineating acceptable methods for reducing all potential increases in exposure levels.

This recommendation must specify the geographical location, (e.g., county) in which the specific use practice(s) will be permitted, the specific amount(s) of diluent to be used, the commodity, crop or area on which the application is to be made, the dates and duration for which the recommendation is applicable, and the specific pesticide(s) to be used.

In addition, the appropriate method(s) of application (e.g. air or ground) must be specified in the recommendation and must be linked to the site/pest combinations listed in the product labeling.

The recommendations must refer to either: (a) The particular pesticide product(s) to be used, (e.g., identified by product name and EPA registration number), or (b) the particular formulation of active ingredient(s) to which the recommendation applies.

The recommendation for the particular use practice(s) will be valid only in the specific geographical region(s) of the State wherein it was made, and for the pesticide(s) to be applied.

B. Notification

Any person or organization (including persons officially designated by a state lead agency) making a recommendation pursuant to this opinion must provide the EPA and the appropriate State pesticide regulatory agency a copy of each recommendation. Copies of recommendations submitted to the EPA should be addressed to either the Fungicide-Herbicide Branch or Insecticide-Rodenticide Branch, Technical Support Section Head, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460.

C. Limitations

The use of a registered pesticide for the control of pests in accordance with this Advisory Opinion neither modifies other label provisions or directions for use, nor authorizes the use of the pesticide in a manner inconsistent with any other label provisions, including, without limitation, directions for use, precautionary labeling, and warning statements. Under no circumstances does this Advisory Opinion permit any activity which is expressly prohibited on the label.

Label provisions which must be complied with at all times, regardless of the use patterns include, without limitation, precautionary statements regarding product mixing, loading and preparation, other application methods, other label dosage rates (except as provided in **Federal Register** Notice published on July 10, 1979), application frequency or pre-harvest intervals, tolerances, field reentry intervals, protective clothing or equipment requirements, product packaging and transportation requirements, and storage and disposal practices.

Federal and State agencies may not use this opinion to make recommendations for pesticides used under a Section 18 emergency exemption. If a federal or state agency wishes to recommend less diluent than specified on the label, an amended Section 18 application must be submitted to and approved by BPA.

D. Responsibility for Compliance: Civil Liability Matters

The responsibility for complying with the recommendations made under this Advisory Opinion and all applicable label instructions will rest with the person using or supervising the use of the pesticide. Use of a pesticide in accordance with the provisions of this Advisory Opinion will not limit liability for State enforcement sanctions should a State, in administering state law, decline to adopt this Advisory Opinion.

Persons or organizations who make recommendations under this Advisory Opinion should be aware that under state law they may be found liable for civil damages to persons who suffer harm as a result of their recommendation. Therefore, before issuing a recommendation under this Advisory Opinion, it would be prudent to evaluate the proposed use practice to determine whether it would result in (1) an unreasonable increase in risk to applicators, workers, or bystanders; (2) an unreasonable increase in risk of phytotoxicity to the target crop or nearby sensitive crops; (3) an unreasonable increase in risk to nontarget organisms, including birds, fish, wildlife, bees, and beneficial insects; or (4) pesticides residues in excess of established tolerances for agricultural commodities as identified in 40 CFR Part 180.

E. Revocation of Recommendations

EPA may revoke any recommendations(s) issued under the provisions of this Advisory Opinion which has demonstrated or is suspected of producing substantial adverse effects to man and the environment.

Authority

This Advisory Opinion is issued pursuant to the authority granted to the Administrator by section 2(ee) of FIFRA, 7 U.S.C. 136(ee) (Supp. 1979).

Dated: January. 28, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-6723 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS–00021; TS FRL 1768–4]

Interagency Toxic Substances Data Committee; Cancellation of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The March 3, 1981 meeting of the Interagency Toxic Substances Data Committee has been cancelled.

FOR FURTHER INFORMATION CONTACT: Nan Fremont (TS–777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202–755–8040).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of each month at 9:30 a.m. and are open to the public. The meetings are held in: Rm. 2010, New Executive Office Building, 17th St. and Pennsylvania Ave., NW., Washington, D.C. 20006.

The March meeting has been cancelled. The next meeting of the Interagency Toxic Substances Data Committee will take place on April 7, 1981.

Dated: February 19, 1981.

Nan Fremont,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 81-6606 Filed 3-2-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL RESERVE SYSTEM

First City Holding Corp.; Formation of Bank Holding Company

First City Holding Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of City National Bank and Trust Company, Oklahoma City, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 25, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6794 Filed 3-2-81; 8:45 am]

BILLING CODE 6210-01-M

Flagship Banks, Inc.; Acquistion of Bank

Flagship Banks, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Flagship National Bank of Sarasota County, Sarasota, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be

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received not later than March 27, 1981. Any comment on an application that requests a hearing must inlcude a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any question of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 25, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6795 Filed 3-2-81; 8:45 am]

BILLING CODE 6210-01-M

South First National Corp., Formation of Bank Holding Company

The South First National Corporation, Ocean Springs, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of the South, Ocean Springs, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 25, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-6796 Filed 3-2-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 24, 1981. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 23, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests clearance of revisions to Form NRC-2, Application for Source Material. The use of Form NRC-2 provides a mechanism for applicants who wish to obtain a license to possess or use source material to provide the information needed by NRC to review the applicant's proposed programs. The regulation, 10 CFR Part 40, provides general requirements for issuance of a license. Form NRC-2 has benefit and value in that it seeks the specific information which an applicant must submit so that NRC can make a determination as to whether or not the applicant's program is adequate and meets the general requirements for a license. One revision entails a change in item 10 from "minimum" technical qualifications of the supervisory personnel responsible for the radiation safety program to "resume" of the technical qualifications to ensure information more pertinent to the license is obtained; items 5 and 6 which formerly asked for citizenship, state, age and business/occupation of applicant, if an individual, have been replaced by a block requesting person to contact regarding the application and a phone number; and all references to pounds were changed to kilograms for conformance with the metric system.

Norman F. Heyl,

Regulatory Report's Review Officer.

[FR Doc. 81-6606 Filed 3-2-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Basic Behavioral Process Research Review Committee et al.; Meeting Changes

In **Federal Register** Document 81-1766, appearing on pages 5069-72, in the issue of Monday, January 19, 1981, the following changes are made:

The Basic Behavioral Process Research Review Committee will meet February 26-27. The meeting will be open on February 26 from 9:00 to 10:00 a.m.

The Alcohol Biomedical Research Review Committee will meet February 25-27.

The second listing for the Alcohol Biomedical Research Review Committee (on page 5071) is changed to the Alcohol Psychosocial Research Review Committee—contact: James C. Teegarden.

Other arrangements for these meetings remain as announced on January 19, 1981.

Dated: January 29, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-6649 Filed 3-2-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 81F-0009]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that the Calgon Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1, 2-dibromo-2,4-dicyanobutane as a preservative for latexes used as pigment binders in paper coatings.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF-334), Food and Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3373) has been filed by the Calgon Corp., Pittsburgh, PA 15230, proposing that § 176.170 (21 CFR 176.170) be amended to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane as a preservative for latexes used as pigment binders in coatings of paper and paperboard in contact with aqueous and fatty foods.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 10, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-6655 Filed 3-2-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79M-0438]

Cooper Vision, Inc.; Premarket Approval of Permalens® (Perfilcon A) Hydrophilic Contact Lens for Nonaphakic Extended Wear

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Permalens® (perfilcon A) Hydrophilic Contact Lens for Nonaphakic Extended Wear, sponsored by Cooper Vision, Inc., Mountain View, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 2, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On August 27, 1980, Cooper Vision, Inc., Mountain View, CA, submitted to FDA a supplemental application for premarket approval of Permalens® (perfilcon A) Hydrophilic Contact Lens for Nonaphakic Extended Wear. FDA initially approved this device for aphakic extended wear on June 11, 1979, following the agency's determination that the lenses were safe and effective for use as recommended in the submitted labeling (see 44 FR 76862; December 28, 1979). The current supplemental application requested approval of the lenses for extended wear by persons with nondiseased eyes. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On January 29, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadended the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Permalens® (perfilcon A) Hydrophilic Contact Lens, like that of other approved contact lenses, states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using inappropriate products, e.g., solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with an approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(1)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the

notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 2, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–6652 Filed 3–3–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81G–0035]

Corning Glass Works; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Corning Glass Works has filed a petition (GRASP 1G0273) proposing affirmation that the use of an immobilized lactase composite is generally recognized as safe (GRAS) for use in the production of low-lactose whey.

DATE: Comments by May 4, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vivian Prunier, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and the regulations for affirmation of GRAS status under § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 1G0273) has been filed by Corning Glass Works, Corning, NY 14830, and placed on public display at the Dockets Management Branch, Food and Drug Administration, proposing affirmation that the use of an immobilized lactase composite is generally recognized as safe for producing low-lactose whey.

The immobilized lactase composite is prepared by covalently bonding β-galactosidase (from *Aspergillus niger* or other approved organisms) to a porous ceramic support via the linking agents γ-aminopropyltriethoxy silane and glutaraldehyde.

Any petition which meets the format requirements outlined in § 170.35 is filed by FDA. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before May 4, 1981, review the petition and file comments (four copies) with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the Dockets Management Branch, address above, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 23, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–6653 Filed 3–3–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80F–0031]

Dynapol; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Dynapol has filed a petition proposing that the food additive regulations be amended to provide for the safe use of an antioxidant for use in food for human consumption.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), FDA gives notice that Dynapol, 1454 Page Mill Rd., Palo Alto, CA 94304, has filed a petition (FAP OA3517) proposing that a new section be added under Part 172 (21 CFR Part 172), Subpart B—Food Preservatives, to provide for the safe use of an antioxidant, 1,4-benzenediol, 2-(1,1-dimethylethyl)-polymer with diethenylbenzene, 4-(1,1-dimethylethyl)phenol, 4-methoxyphenol, 4,4'-(1-methylethylidene)bis(phenol) and 4-methylphenol (CAS Reg. No. 60837–57–2), for use in food for human consumption. The antioxidant is also called anoxomer or *tert*-butylhydroquinone polymer with divinylbenzene, *p-tert*-butylphenol, *p*-methoxyphenol, 4,4'-isopropylidenediphenol, and *p*-cresol.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–6657 Filed 3–3–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0008]

Sun Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Sun Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of methylated ethylene urea-glyoxal copolymer as a starch insolubilizer for paper and paperboard which will contact dry food.

FOR FUTHER IMFORMATION CONTACT: Richard C. Kraska, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec 409(b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP OB3530) has been filed by Sun Chemical Corp., Chester, SC 29706, proposing that § 176.180 Component of paper and paperboard in contact with dry food (21 CFR 176.180) be amended to provide for the safe use of methylated ethylene ureaglyoxal copolymer as a starch insolubilizer for paper and paperboard which will contact dry food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25. 40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 10, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–6656 Filed 3–3–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80P–0522/CP]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to KMC Foods, Inc., to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than June 1, 1981 However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to KMC Foods, Inc., P.O. Box 158, Cheriton, VA 23316. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under 21 CFR 156.145. The product is prepared from concentrated tomato juice that complies with the requirements of § 155.192(a)(1) (21 CFR 155.192(a)(1)). The test product is equivalent to a single-strength tomato juice normally found in the marketplace. The finished product contains not less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 100,000 cases of twelve 46-ounce cans of the product to be distributed in the States of Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

The test product is to be packed at the KMC Foods, Inc., plant located in Cheriton, VA.

The principal display panel of the label states the product's name as "tomato juice from concentrate". Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.192(a)(1) is declared as "tomato concentrate". This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than June 1, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

Dated: February 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–6654 Filed 3–3–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81M–0002]

Burton, Parsons and Co., Inc.; Premarket Approval of Combiflex™ Hydrophilic Contact Lens Solution

Correction

In FR Doc. 81–2825, published at page 5736, in the issue of Tuesday, January 27, 1981, make the following corrections.

1. The Trademark symbol,"™" should appear after the name "Combiflex" in:

a. The heading on page 8736, as set for TM above.

b. Page 8737, first column, sixth line under "**SUMMARY**".

c. Page 8737, first column, fifth line under "**SUPPLEMENTARY INFORMATION**".

d. Page 8737, second column, second full paragraph, second line.

2. On page 8737, second column, in the last line of the second full paragraph the reference "21 U.S.C. 360(e)(1)(F)" should read "21 U.S.C. 360e(e)(1)(F)".

BILLING CODE 1505–01–M

[FDA–225–80–2001]

Claims; Memorandum of Understanding With the Department of Health and Social Security of the United Kingdom

Correction

In FR Doc. 81–2827, published at page 8737, in the issue of Tuesday, January 27, 1981, make the following corrections:

1. On page 8738, second column, under "**III. Liaison Between Food and Drug * * * "**, the next to the last paragraph, in the second line from the end of that paragraph, the ZIP code reading "2024" should read "20204".

2. On page 8739, first column, second line from the top of the page, "NSS" should read "NSSP".

BILLING CODE 1505–01–M

[Docket No. 78N–0376]

International Nutrition, Inc.; Denial of Request for Hearing and Refusal To Approve Application

Correction

In FR Doc. 81–2819, published at page 8741, in the issue of Tuesday, January 27, 1981, in the second column, fifth line from the top of the page the reference reading "§ 558.45" should read "§ 558.145".

BILLING CODE 1505–01–M

[Docket No. 77–0350]

Protection of Human Research Subjects; Clinical Investigations Which May Be Reviewed Through Expedited Review Procedure Set Forth in FDA Regulations

Correction

In FR Doc. 81–2690, published on page 8980, in the issue of Tuesday, January 27, 1981, in the second column, seventh line from the top of the page, the word "weighting" should read "weighing".

BILLING CODE 1505–01–M

V 46 / 41 MR 3 81 UMI

[Docket No. 80G-0516]

Davidson Chemical Division of W. R. Grace and Co., Filing of Petition For Affirmation of GRAS Status

Correction

In FR Doc. 81-5557, appearing on page 13375, on Friday, February 20, 1981, in the first column, in the "FOR FURTHER INFORMATION CONTACT" paragraph "(HFA-" should be corrected to read "(HFF-".

BILLING CODE 1505-01-M

[Docket No. 80M-0509]

Miles Laboratories, Inc., Biostator®

Glucose Controlled Insulin Infusion System; Premarket Approval

Correction

In FR Doc. 81-5354, appearing at page 13375, on Friday, February 20, 1981, on page 13376, in the first column, in the "Supplementary Information" paragraph, in the seventeenth line "GDA's" should be corrected to read "FDA's".

BILLING CODE 1505-01-M

Public Health Service

National Committee on Vital and Health Statistics; Environmental Health Statistics Subcommittee; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463), notice is hereby given that the Subcommittee on Environmental Health Statistics of the National Committee on Vital and Health Statistics, pursuant to functions established by Section 306(k), Paragraph (4) of the Public Health Service Act (42 U.S.C. 242(k)), will convene Monday, February 23, 1981, 9:00 a.m. in Room G-20 of the Federal Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

Principal consideration will be devoted to a discussion of guidelines and plans for the Subcommittee, and recommendations to be made to the National Committee on Vital and Health Statistics. Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Further information regarding this meeting of the Subcommittee or other matters pertaining to the National Committee on Vital and Health Statistics may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Room 17A-55, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301-443-2860.

Dated: January 29, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics and Technology.

[FR Doc. 81-6044 Filed 3-2-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of electroencephalographic monitoring during open heart surgery and the immediate post-operative period. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than June 1, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17-A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst at the above address or by telephone. (301) 443-4990.

Dated: January 29, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-6045 Filed 3-2-81; 8:45 am]

BILLING CODE 4110-85-M

Intent To Grant Exclusive Patent License

Pursuant to 45 CFR 6.3 of the Department of Health and Human Services Patent Regulations and 41 CFR 101-4 of the Federal Procurement Regulations, notice is hereby given of an intent to grant to Suntech, Inc., of Radnor, Pennsylvania, an exclusive license to manufacture, use, and sell inventions of Robert E. Moore and Leland C. Clark, Jr., entitled as follows:

1. "Novel Process for Production of Perfluro p-Methane from Pinene," U.S. Patent No. 4,143,079, issued March 6, 1979;

2. "Determination of Perflurorocarbon Critical Solution Temperature," U.S. Application Serial No. 61,584;

3. Invention entitled "Preparation of a Mixture of 1-Hydropentadeca fluoroadamantane and Perfluoroadamantane," U.S. Patent Application Serial No. 165,902.

Copies of the above U.S. applications and issued U.S. patent may be obtained upon written request to the Chief, Patent Branch, Department of Health and Human Services, c/o National Institutes of Health, Westwood Building, Room 5A03, Bethesda, MD 20205.

The proposed license will have a duration of five (5) years from the date of first commercial sale in the United States of America, or eight (8) years from the date of the license, whichever occurs first, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with the Department of Health and Human Services (HHS) Patent Regulations. HHS will grant the license unless, within sixty (60) days of this Notice, the Chief of the Patent Branch, named hereinabove, receives in writing any of the following, together with supporting documents:

A. A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

B. An application for a nonexclusive license to manufacture, use or sell the invention in the United States is submitted in accordance with 41 CFR 101-4 of the Federal Procurement Regulations, and 45 CFR 6.3 of the Department of Health and Human Services Patent Regulations, and the applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant Secretary for Health of the Department of Health and Human Services will review all written responses to this Notice.

(45 CFR 6.3 and 41 CFR 101-4)

Dated: February 24, 1981.

Charles Miller,

Acting Assistant Secretary for Health.

[FR Doc. 81-6740 Filed 3-2-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 20, 1981. Pursuant to § 1202. written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 18, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CALIFORNIA

Kern County

Bakersfield, *Kern Branch Beale Memorial Library*, 1400 Baker St.

Los Angeles County

Los Angeles, *Los Angeles Pacific Company Ivy Park Substation*, 9015 Venice Blvd.
Pasadena, *Vista del Arroyo Hotel and Bungalows*, 125 S. Grand Ave.

Sacramento, County

Sacramento, *Brighton School*, 3312 Bradshaw Rd.

San Joaquin County

Stockton, *Hotel Stockton*, 133 E. Weber Ave.

Santa Clara County

Palo Alto, *U.S. Post Office*, 380 Hamilton Ave.

FLORIDA

St. Johns County

St. Augustine, *St. Augustine Lighthouse and Keepers Quarters*, Old Beach Rd.

INDIANA

DeKalb County

Spencerville, *Spencerville Covered Bridge*, SR 68 at St. Joseph River

Henry County

New Castle, *Henry County Courthouse*, Courthouse Sq.

Lawrence County

Mitchell, *Mitchell Opera House*, 67th and Brook Sts.

NEW YORK

Westchester County

Peekskill vicinity, *Van Cortlandt Upper Manor House*, Oregon Rd.

OKLAHOMA

Bryan County

Kemp vicinity, *Carpenter's Bluff Railroad Bridge*, W of Kemp

Creek County

Drumright, *Santa Fe Depot*, Broadway and Harley Sts.
Drumright vicinity, *Tidal School*, S of Drumright off Ok 16

[FR Doc. 81-40 Filed 3-2-81; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 28, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 18, 1981.

Carol Shull,

Acting Chief, Registration Branch.

Hawaii

Maui County

Kaho'olawe Island, *Kaho'olawe Island Archeological District*, Kaho'olawe Island

[FR Doc. 81-6697 Filed 3-2-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

Arizona; Phoenix District, Bureau of Land Management District Advisory Council Meeting

The third meeting of the Phoenix District, BLM, District Advisory council will be held April 3, 1981. The meeting will be held at the district office, 2929 West Clarendon Avenue, Phoenix, Arizona, Between 8:00 a.m. and 5:00 p.m.

The council has been established by, and is managed according to the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The agenda for the meeting includes the following:

1. Explanation of BLM's Annual Work Plan process. Council recommendations on budget priorities.
2. Discussion of State Director's guidance on resource management plan preparation.
3. Discussion of status of district planning efforts in the Lower Gila North, Lower Gila South, and Hualapai-Aquarius planning areas, including a review of the draft Environmental Impact Statement for Hualapai-Aquarius.
4. Discussion and information on BLM fire management policy.
5. Introduction of National advisory council member Peter Guerrero and discussion of national council's role.

The meeting is open to the public. Interested people may make oral statements to the Council from 1:00 to 1:30 p.m., or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by March 27, 1981. Depending on the number of people wishing to make oral statements, a time limit may be established for each speaker.

Summary minutes of the meeting will be maintained at the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information, contact Jack de Golia at (602) 241-2908.

Dated: February 20, 1981.

W. K. Barker,

District Manager.

[FR Doc/ 81-3676 Filed 3-2-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Thursday, April 9, 1981. The meeting will begin at 9:30 a.m. in the Bureau of Land Management District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda items to be discussed are:

1. Report on recommendations from the last meeting.
2. District Range Betterment and Improvement Policy.
3. Review of AMPs and Grazing Systems.

Grazing advisory board meetings are open to the public. Interested persons may make oral statements or file written statements for the board's consideration. Oral statements will be received at 11:00 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801-586-2401, by April 7, 1981. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager or Board Chairman.

V 46 / 41 MR 3 81 UMI

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 20, 1980

Morgan S. Jensen,

District Manager.

[FR Doc. 81-6736 Filed 3-2-81; 8:45 am]

BILLING CODE 4310-84-M

Intergovernmental Planning Program, Gulf of Mexico Regional Technical Working Group; Meeting

As authorized by the Secretary of the Interior and pursuant to 43 CFR 1784, a public meeting of the Outer Continental Shelf Advisory Board's Gulf of Mexico Regional Technical Working Group will be held on April 7, 1981, beginning at 9:30 a.m. (cst) and ending at 3 p.m. (cst). Major agenda items include: (1) Environmental, Nomination, and Tentative Tract Selection Briefings for OCS Sales No. 72 and 74; (2) Regional Environmental Impact Statement; (3) National and Regional Study Plans; and (4) Transportation Management Planning.

The meeting on April 7 will be held in the Conference Room of the Bureau of Land Management's New Orleans OCS Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. The meeting is open to the public and interested persons may make oral or written presentations beginning at 2:45 p.m.

A taped transcript and complete Summary Minutes of all sessions will be available for public inspection at the New Orleans OCS Office not later than 60 days after the meeting. Further information in regard to this meeting is available from Sydney H. Verinder, telephone number (504) 589-6541.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

February 23, 1981.

[FR Doc. 81-6739 Filed 3-2-81; 8:45 am]

BILLING CODE 3430-84-M

Regional Oil Shale Team; Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-163) notice is hereby given that a meeting of the Regional Oil Shale Team (ROST) will be held at 8:30 a.m., Wednesday, April 1, 1981, Century Room, Cosmopolitan Hotel, 1780 Broadway, Denver, Colorado 80202.

The team will meet to discuss Bureau of Land Management Planning Guidance with respect to oil shale development, tract delineation criteria, and tract selection criteria to be used in ranking oil shale tract for possible leasing.

Attendance is open to the interested public. Seating will be available for approximately 80-100 persons. A public comment period will begin at approximately 10:30 a.m. Persons wishing to speak should contact, prior to the meeting, Andrew Heard, Bureau of Land Management, 1600 Broadway, Denver, Colorado 80202, telephone 303-837-3008.

At the conclusion of the ROST meeting a public meeting will be held at the same location to discuss staff papers describing bidding systems and methods to encourage the use of certain technologies in oil shale development. The meeting is expected to adjourn at approximately 5 p.m.

FOR FURTHER INFORMATION CONTACT: Michael H. Schwartz, Division of Onshore Energy Resources (530), Bureau of Land Management, Washington, D.C. 20240, Telephone: 202-343-7753.

George D. Lea,

Deputy Director.

[FR Doc. 81-6658 Filed 3-2-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29520]

Lake Superior & Ishpeming Railroad Co., Purchase of Chicago and North Western Transportation Co.; Notice of Exemption: Correction [1]

Pursuant to 49 CFR 1111.4(g) and 1111.5(c)(1) as amended by *Railroad Consolidation* Procedures, 363 I.C.C. 200, 224 and 226 (1980), the Lake Superior & Ishpeming Railroad Company (LS&D) has notified the Commission of its intention to participate in transactions that are considered exempt under 49 U.S.C. 10505.

LS&I will acquire from the Chicago and North Western Transportation (C&NW) its 50% ownership of the line from Coops Spur to Duncan, MI, a distance of 4.3 miles. This line is presently jointly owned, 50% by LS&I and 50% by C&NW. C&NW obtained Commission approval to abandon its 50% joint ownership of the line in AB-1 (Sub-No. 100F) which was issued September 5, 1980.

This transaction involves the acquisition of a line of railroad which would not constitute a major market extension where the Commission has found that the public convenience and necessity permit abandonment. For this reason, the transaction is eligible for exemption, 49 CFR 1111.5(c)(1).

In granting the exemption we may not relieve a carrier of its obligation to protect the interests of employees. See 49 U.S.C. 10505(g)(2) as amended by the Staggers Rail Act of 1980 (Pub. L. No. 96-448), October 14, 1980. Therefore, we will require, as a condition to use of this exemption, the same level of labor protection as is usually required in the type of transactions proposed here. We have determined that the employee protective provisions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in these transactions, which normally would require approval under 49 U.S.C. 11343. The exemption, therefore, will be subject to those protective provisions.

L&SI's failure to comply with these requirements may be grounds to revoke the exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6728 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Republished to cure defects in our December 5, 1980 notice, which did not comply fully with the requirements of the Staggers Rail Act of 1980.

[Section 5a Application No. 23A]

Middle Atlantic Conference Petition for Approval of Amendments to Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Second notice of proposed amendments to ratemaking agreement.

SUMMARY: Middle Atlantic Conference (MAC), a motor carrier rate bureau, filed a petition on September 15, 1980, requesting Commission approval of certain amendments to the ratemaking agreement among its members. The proposed amendments would consolidate the operations of MAC and the New England Motor Rate Bureau, Inc. (NEB), and thus enable MAC to extend its operations to transportation activities within the New England Territory. The Commission invited comments from interested parties in a notice served October 2, 1980. 45 FR 65341 (1980). Comments were filed representing supporting, opposing and qualified positions. On January 19, 1981 MAC filed a petition for leave to file a reply to the initial comments and filed its reply. Leave is granted, and the reply comments are accepted as filed. In the interest of fairness, parties are given the opportunity to reply to the comments of MAC.

DATE: Comments are due 30 days from publication of this notice in the **Federal Register.**

ADDRESS: Send an original and 15 copies (if possible) of comments to: Interstate Commerce Commission, Office of Proceedings, Room 5340, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Under the provisions of 49 U.S.C. 10706 (formerly section 5a of the Interstate Commerce Act), motor common carriers providing transportation or service subject to this Commission's jurisdiction may enter into agreements with one or more such carriers concerning rates and related rules and procedures for joint consideration and establishment of rates. Agreements may then be submitted to the Commission. Approval confers antitrust immunity for these activities.

Approval will be granted only if the Commission finds that the agreements meet the requirements of section 10706 and are not inconsistent with the transportation policy set forth at 49 U.S.C. 10101. The Commission may also impose reasonable conditions in connection with any approval. Activities conducted under approved ratemaking agreements are immunized from liability under the antitrust statutes.

MAC seeks approval of proposed amendments to its existing agreement under which its operations would be consolidated with those of NEB. This consolidation and the petition filed with this Commission have been approved by both MAC and NEB pursuant to their respective by-laws. The proposed amendments cover the structure and operating procedures of the consolidated organization. We requested comments on these amendments in a notice published in 45 FR 65341 (1981).

Comments in opposition to the merger were received from approximately 70 small New England carriers, a transportation consultant and jointly from the National Small Shipments Traffic Conference, Inc. and the Drug and Toilet Preparation Traffic Conference, Inc. (Conferences). Comments filed by the National Industrial Traffic League, Inc. and Charles Donley and Associates, clearly favored merger. three shipper groups filed comments qualifying their support or opposition to merger.

After the closing date for the filing of comments, MAC filed reply comments to clarify matters. Included in the reply were statements by the NEB President, the NEB Assistant General Manager, the MAC Executive Vice-President, and a member of the MAC committee formed to explore the possible merger. Also, the reply contained the report of the joint NEB-MAC committee which studied and recommended merger, the resolutions adopted by the MAC and NEB Boards of Directors, as well as supporting statements from over 70 MAC carriers. Based on this information, four New England carriers subsequently withdrew their opposition to the merger. In addition, the Conferences filed a petition to reject MAC's reply or, alternatively, to allow supplemental comments in response to the reply.

Because MAC's reply provides important supplementary and clarifying information about events leading up to, and the effects of, the proposed amendments, we believe the reply should be made part of the record. However, since MAC's reply comments fall outside the scope of our previous **Federal Register** notice and request for comments, we find it only fair to allow the parties a chance to address MAC's reply.

This will necessarily postpone somewhat the disposition of MAC's original petition; however, we do not believe the parties will be harmed by this delay, notwithstanding MAC's request for expedited action. Indeed, the need for such action is necessitated by MAC's submission of the supplementary information in a late filed reply, instead of as a comment to the original notice.

The parties filing comments to our original notice are given the opportunity to file additional comments directed to MAC's reply comments. Notice to the parties in this proceeding will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

(49 U.S.C. 10321, 10706, 5 U.S.C. 554)

Decided: February 24, 1981.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6724 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP4-035]

Motor Carriers; Decision-Notice

Decided: February 24, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's

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other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 119777 (Sub-519), filed February 2, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities*, between La Center and Pine Grove, KY, Deputy, IN, North Muskegon, MI, Roseboro and Garland, NC, Raymond, Carpenter, Tutwiler, Ruleville, Sunflower, Inverness and Belzoni, MS, Kaufman, Gastonia, Frankston, Ponta and Sacul, TX, Bell, Port Charlotte, El Jobean and Boca Grande, FL, Rock Creek and Mendon, IL, Devol, OK, Silverdale, KS and Henry, SD, on the one hand, and, on the other, points in the U.S. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 144957 (Sub-10F), filed January 2, 1981, and previously noticed in the **Federal Register** issue of January 29, 1981. Applicant: PETERCLIFFE, LTD., 12623 E. Imperial, Santa Fe Springs, CA 90670. Representative: Patrick H. Smyth, 19 So. LaSalle St., Suite 401, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Note.—The purpose of this republication is to correctly state applicant's name.

[FR Doc. 81-6729 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

[ICC Order No. 74-A Under Service Order No. 1344]

Illinois Terminal Railroad Co.; Rerouting Traffic

Upon further consideration of ICC Order No. 74, and good cause appearing therefor:

It is ordered, ICC Order No. 74 is vacated.

This order shall become effective February 18, 1981, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 18, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-6727 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 413]

Permanent Authority Decisions; Decision-Notice

Decided: February 20, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 24(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1) setting forth the specific grounds upon which, it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute and application under the procedures of the Commission will result in its dimissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With exception of those applications involving duly noted problems (e.g.s., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United Codes, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3, Members Fortier, Hill and Parker, Member Parker not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 144622 (Sub-105F), filed October 1, 1979. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Bob Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 54402. Transporting *general commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment), between the facilities of the Louisiana Midland Railway at or near Trout, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI)

MC 146632 (Sub-1F), filed October 4, 1979. Applicant: BETS TRUCK LEASING INC., P.O. Box 1050, Bennington, VT 05201. Representative: Robert George Erb (same address as applicant). Transporting (1) *gift wrapping paper, wall paper, bows, ribbons, tags, cards and decorative boxes* and (2) *materials and supplies* used in the manufacture and distribution of the comodities in (1) above, between Bennington VT, and Rotterdam NY, on the one hand, and, on the other, points in the U.S. east of LA, AR, MO, IA, and MN, under continuing contract(s) with Ben Mont Corporation, of Bennington, VT.

MC 146832 (Sub-2F), filed October 3, 1979. Applicant: H. G. CONWAY, d.b.a. R.V. TOWING, 13507 US 99 South, Everett, WA 98204. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Transporting *trailers*, designed to be drawn by passenger vehicle, from Portland, McMinnville and Mt. Angel, OR, and Woodland and Vacaville, CA, to points in WA, under continuing contract(s) with (a) Karr's Korral, Inc. and Hearron's Recreational Vehicle Center, Inc., of Everett, WA, (b) Apache Camping Trailers, of Seattle, WA, and (c) Northern Lite Manufacturing, Inc., of Portland, OR.

[FR Doc. 81-6807 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-44]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: February 25, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular

routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 145976 (Sub-4), filed February 5, 1981. Applicant: C & Y LEASING CORPORATION, 475 Swingle Acres, Casper, WY 82601. Representative: Edwards A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 138366 (Sub-8), filed February 6, 1981. Applicant: BEE LINE, INC., 17 Commerce Rd., Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 138366 (Sub-9), filed February 6, 1981. Applicant: BEE LINE, INC., 17 Commerce Rd., Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-6808 Filed 3-2-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 29]

Restriction Removals; Decision-Notice

Decided: February 25, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137, Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 263 (Sub-239)X, filed February 17, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same as applicant). Applicant seeks removal of restrictions in its Sub-Nos. 226F and 230F certificates to (1) remove all exceptions in its regular-route general commodities authority, which presently authorize the transportation of explosives, to have the commodity description read "general commodities" in both certificates; remove territorial restrictions which limit service to precise intermediate points, to authorize service at all intermediate points on the described regular-routes between Albuquerque, NM and New Orleans, LA in Sub-No. 226F, and between (a) Salt Lake City, UT and Minneapolis, MN, (b) Denver, CO and Billings, MT in Sub-No. 230F; remove the restriction against the transportation of traffic by carrier when the point where the shipment begins and ends its journey on carrier's route are both within TX, and/or within LA in Sub-No. 226F; (2) broaden the commodity description of the irregular-route authority to "food and related products" from frozen foods and potatoe products (not frozen), and change from one-way to radial service between points south of the southern boundary of Idaho County, ID, and points in TX and LA in Sub-No. 226F.

MC 8544 (Sub-40)X, filed February 12, 1981. Applicant: GALVESTON TRUCK LINERS INC., 7415 Wingate, Houston, TX 77011. Representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-4, 6, 9, 10, 18, 23, 25, 26, 27, 28, 29, 30, 31F and 32F certificates to (1) broaden the commodity descriptions in (a) the lead and Sub-9 and 10 certificates, from general commodities (with the usual exceptions and livestock) to "general commodities (except classes A and B explosives)," "(b) in the lead and Sub-4, 6, 25, 28 and 30 certificates, from bags, bagging and ties and wall paper, and cash register paper, and, newsprint, groung wood paper and wood pulp to "pulp, paper and related products," "from wool and mohair, and cotton and cotton linters to "textile mill products," from automobile tires and manufactured rubber products to "rubber and plastic products," and from glass other than glassware to "clay, concrete, glass or stone products," "(c) in the lead and Sub-10 certificate, from food preparing machinery, agricultural machinery and implements, and, cash registers, electric batteries and parts, and machinery, materials, supplies and equipment to "machinery," (d) in the lead and Sub 29 and 32F certificates, from petroleum products and petroleum wax to "petroleum, natural gas and their products," (e) in Sub-18, 23 and 27, from tea, sugar, and cooking oil and foodstuffs to "food and related products," (f) in Sub-23, 26, 27 and 31F, from antifreeze, aluminum sulfate, bleaching, cleaning and scouring preparations, and, drilling mud compounds and stabilizer emulsifier to "chemicals and related products," and (g) in Sub-27, from chopped alfalfa to "farm products"; (2) replace city-wide authority with authority with county-wide authority: in the lead certificate; Beckham, Blaine, Kay, Pontotoc, Tulsa, Creek, and Okmulgee counties, OK (for Sayre, Watonga, Ponca City, Blackwell, Ada, Sand Springs, Sapulpa and Okmulgee, OK), Jasper and Greene Counties, MO (for Jopline and Springfield, MO), Fulton, Will and Grundy Counties, IL (for Canton, Joliet and Coal City, IL), Summit & Miami Counties, OH (for Akron, Barberton, and Troy, OH), Lake County, IN (for Hammond, IN); in Sub-4, Fayette County, OH (for Washington Court House, OH); in Sub-Nos. 6 and 31F, Okmulgee County, OK (for Okmulgee, OK); in Sub-18, Comanche, Stephens and Carter Counties, OK (for Lawton, Duncan, and Ardmore, OK); in Sub-No. 25, McLennan County, TX (for Waco, TX); in Sub-No 28, Angelina County, TX (for Herty, TX); and, in Sub-32F, Osage County, OK, and Gregg County, TX (for Barnsdall, OK, and Kilgore, TX); (3) in the lead and Sub-4, 6, 9, 10, 18, 23, 25, 26, 27, 28, 29, 30, 31, and 32, authorize radial authority in place of exisiting one-way authority between various combinations of points in OK, TX, OH, MO, KS, IL, and IN for example, in Sub-4, between points in Fayette County, OH, and Houston, TX; and in Sub-6, between points in Okmulgee County, OK, and points in a specified portion of TX; and (4) eliminate plantsite restrictions in Sub-27, 28, 29, and 30.

MC 22254 (Sub-85)X, filed February 12, 1981. Applicant: TRANS-AMERICAN VAN SERVICE, INC., P.O. Box 12608, Fort Worth, TX 76116. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W. Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-8, 12, 15, 16, 23, 31, 34, 53, 54, 55, 57, 66, 67, 68, and 78 certificates, E-1 and E-2 letter notices: (1) in Sub-8, 12, 15, 23, 31, 34, 53, 54, 55, 57, 67, 68, 78, E-1 and E-2 to broaden either "pianos" or "organs" to "musical instruments"; (2) in Sub-16 to broaden "unboxed used typewriters" to "machinery"; (3) in Sub-21 to broaden "new self-propelled passenger or property carrying electric motor vehicles weighing less than 1,000 pounds" to "transportation equipment"; (4) in Sub-54 to broaden "off-highway recreational and utility vehicles" to "transportation equipment"; (5) in Sub-55 to broaden "phonographs, vending machines, and parts and accessories thereof" to "machinery"; (6) in Sub-66 to broaden "carpet padding" to "textile mill products"; (7) in Sub-12, 23, 31, 34, 53, 57, 66 and 78 to broaden oneway to radial authority; (8) to substitute in Sub-8 Wells County (for Bluffton) and Ogle County (for Oregon), IL; in Sub-12 De Kalb County (for De Kalb), IL, and Ottawa County (for Grand Haven), MI; in Sub-15 and 18, De Kalb County (for De Kalb), IL; in Sub-23 Alcorn County (for Corinth), MS; in Sub-31F Faulkner (for Conway) and Washington (for Fayetteville) AR, and Leflore County (for Greenwood), MS; in Sub-34 Wells County (for Bluffton) IN; in Sub-53 Marshall County (for Holly Springs), MS; in Sub-55 Cache County (for Logan), UT, in Sub-57 Caldwell County (for Granite Falls), NC; in Sub-66 Dyer County (for Dyersburg), TN; and in Sub-78 Northumberland County (for Elysburg), PA; (9) in Sub-8, 31, 34, 53, 54, 55, 66, 67, and 78 to remove the exceptions of AK and HI, and (10) in Sub-55 to remove a facilities limitation at Logan, UT.

MC 40971 (Sub-5)X, filed February 13, 1981. Applicant: UTAH-WYOMING FREIGHT LINE, INC., 2818 West 2700 South, Salt Lake City, UT 84119. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Applicant seeks to remove restrictions in its lead and Sub-2, 3, and 4 certificates by (1) eliminating from its general commodity authority all exceptions except "classes A and B explosives" in the irregular route portion of the lead, and Sub-2, 3, and 4; (2) authorizing service to all intermediate points along a described regular route between: Manila, UT, and Rock Springs WY, and Linwood and Salt Lake City, UT, in the lead; Rock Springs and Kemmerer, WY, in Sub-3F; and Kemmerer, WY, and Idaho Falls, ID in Sub-4F.

MC 56270 (Sub-52)X, filed February 17, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., 1401 State Street, P.O. Box 2385, Green Bay, WI 54306. Representative: Alki E. Scopelitis, Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-46F certificate to broaden its commodity description from clay, brick, and tile products, to "clay, concrete, glass or stone products;" to change its one-way authority to radial authority between the U.S. and points in WI and the Upper Peninsula of MI, and to remove the exception of AK and HI.

MC 63792 (Sub-36)X, filed February 18, 1981. Applicant: STILES TRUCK LINE, INC., 1329 Boyles Street, Houston, TX.. Representative: C. W. Ferebee, 720 N. Post Oak Road, Suite 230, Houston, TX 77024. Applicant seeks to remove restrictions in its Sub-12 certificate to broaden its commodity description from iron and steel articles, to "metal products". Applicant also seeks to change its one-way authority to radial authority, between Houston, TX, and points in AR, LA, and TX.

MC 76429 (Sub-9)X, filed February 17, 1981. Applicant: STEWART TRUCK LINE, INC., P.O. Box 109, Dry Ridge, KY 41035.. Representative: William L. Willis Suite 708 McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions in a portion of its lead and Sub-8 certificate, which authorize the transportation of general commodities (with the unusual exceptions) to (1) allow service at all intermediate points between Corinth, KY and Lexington, KY, and to eliminate the restriction against the handling of traffic originating at, or destined to, moving through or interchanged at, Cincinnati, OH, or points within its commercial zone, in the lead, sheet 2, and (2) eliminate the restriction against the handling of traffic originating at, or destined to Lexington, KY, and points within its commercial zone, in Sub-8F, from its irregular radial authority between a facility at Owenton, KY, and Chicago, IL, South Bend, Elkhart, and Bremen, IN.

MC 80498 (Sub-13)X, filed February 17, 1981. Applicant: EARL C. SMITH, INC., 1720 Dove Street, Port Huron, MI 48060. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-10F certificate by (1) broadening the commodity description from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)" and (2) remove the restriction limiting service to traffic having an immediately prior or subsequent movement by rail and/or water.

MC 93764 (Sub-4)X, filed February 17, 1981. Applicant: BOYER TRUCK LINE, INC., 2645 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions from livestock to "farm products", feed, chipboard, boxes, paper, fibre-board, pulpboard, binder twine, and farm machinery, to "feed, pulp paper and related products, and machinery", from binder twine, farm machinery, and agricultural implements, to "machinery", from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)", from coal, to "coal and coal products", and from feed and livestock, to "feed and farm products"; (2) change its one-way authority to radial authority between various combinations of points in IL and IA; (3) authorize intermediate point service in its regular route authority, between DeWitt, IA and Chicago, IL; (4) replace its cities with county-wide authority, in its irregular route authority (a) Sandwich, Rockford, Moline, East Moline, and Rock Island, IL, with Dekalb, Winnebago, and Rock Island Counties, IL, Low Moor and DeWitt, IA, with Clinton County, IA, Geneseo, IL, with Henry County, IL, Maquoketa, IA, with Jackson, IA, and Rock Falls and Canton, IL, with Whiteside and Fulton Counties, IL; and (5) eliminate the restriction prohibiting joint-line service with F-B Truck Line Company and Lester Smith Trucking, Inc., or any of their successors on the transportation of farm machinery.

MC 100866 (Sub-540)X, filed February 18, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA. Representative: Wilburn L. Williamson, Suite 615-East, 2601 Northwest Expressway, Oklahoma City, OK 73112. Applicant seeks to remove restrictions in its Sub-389F, 412F and 463 certificates to (1) broaden the commodity description from (a) metal and metal articles to "metal products" in Sub-389, (b) general commodities (with exceptions) to "general commodities (except classes A and B explosives)"

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and remove the requirement that they move in mixed loads with size and weight commodities in Sub-412; (2) eliminate the in bulk, in dump vehicle, and *Mercer* commodities exceptions in Sub-389 and 463; (3) replace a plantsite limitation with Shreveport, LA, in Sub-412; (4) authorize radial in lieu of existing one-way authority between AL, FL, GA, NC, SC, VA, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, NE, OH, WI, in Sub-463 (5) delete the exceptions of AK and HI in Sub-412.

MC 102285 (Sub-8)X, filed February 17, 1981. Applicant: MIAMI TRANSFER CO., INC., P.O. Box 680579 10340 N.W. 37th Avenue, Miami, FL 33147. Representative: Norman J. Bolinger, 3100 University Blvd. S., Suite 225, Jacksonville, FL 32216. Applicant seeks to remove restrictions in its Sub-4F certificate to (1) remove all exceptions in its general commodity authority except "classes A and B explosives," (2) remove the restrictions limiting transportation to traffic (a) moving in containers and in trailers and (b) having a prior or subsequent movement by water, and (3) broaden the one-way authority to radial authority between points in FL, on the one hand, and, on the other, Charleston, SC, Savannah, GA, and Mobile, AL.

MC 111320 (Sub-75)X, filed February 17, 1981. Applicant: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, OH 44236. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-23F certificate to (1) broaden the commodity description from (a) new road building machinery and equipment, and parts thereof, and (b) road building machinery and equipment, to "commodities which because of their size or weight require the use of special handling or equipment, machinery, and equipment, materials and supplies used in the manufacture, sale or distribution thereof and (2) eliminate the restriction against the transportation of shipments originating at the facilities of Deere and Co., in Black Hawk, Dubuque, Polk, Scott, and Wapello Counties, IA and Rock Island County, IL and destined to points in IL, IA, KS, MN, MO, NE, ND, OK, SD, TX, and WI, and the exception of AK and HI, to authorize service between points in the U.S. (except Points in AZ, ID, MT, NV, NM, OR, UT, WA, WY, and CA).

MC 112617 (Sub-477)X, filed February 17, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Edward J. Kiley, 1730 M St., NW., Washington, DC 20036. Applicant seeks to remove restrictions from its lead certificate and Sub-77, 173, 179, 204, E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E26, E35, E36, E39, E40, E41, E42, E43, E44, E45, and E118, by (1) broadening the commodity description in each from chemicals, petroleum and petroleum products, and liquid chemicals, in bulk, and/or in tank vehicles, to "commodities in bulk"; (2) replacing specific authority with county-wide authority (a) in Sub-77, 173, 179, 204, E35, E39, and E118, change Calvert City, KY or Calvert City, KY and points in Marshall County, KY, within 5 miles thereof to Marshall County, KY, (b) in Sub-E26, E36, E43, E44, and E45, change the named facilities at Owensboro, KY, to Daviess County, KY, and (c) in Sub-E40, E41, and E42, change from points in KY within 5 miles of Brandenburg, KY, excluding Brandenburg and Ekron, KY to Meade County, KY; (3) in Sub-E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, and E14, deleting the restriction against transportation to or from points in the Louisville, KY, commercial zone located in the State of IN; and (4) in all sub-numbers, expanding one-way authorities to authorize radial service between specified cities or counties in KY and numerous specified States located throughout the U.S.

MC 113528 (Sub-55)X, filed February 17, 1981. Applicant: MERCURY FREIGHT LINES, INC., 67 Midtown Park, East, P.O. Box 1247, Mobile, AL 36633. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. Applicant seeks to remove restrictions in its regular-route authority in the lead and Sub-4, 5, 8, 10, 11, 12, 13, 16, 26, 35, 41F, 51, and 54F certificates which authorize operations primarily in southern States, and irregular-route authority in Sub-19, 21, 22, 23G, 25, 34, 36F, 37F, 38F, 39F, 40F, 43F, 44F, 45F, 46F, and 50F certificates which also authorize operations primarily in southern States. It seeks to remove all exceptions in its regular-route general commodities authority "except classes A & B explosives," (2) broaden the second commodity description of the lead certificate to authorize "transportation equipment" from empty vehicles, (3) remove territorial restrictions which limit service to some intermediate points or no intermediate point service, to authorize service at all intermediate points on its described regular-routes, (4) remove restrictions which limit traffic to specified points for purpose of joinder only in the lead and Subs 4, 5, 10, 11, and 26, and (5) remove restrictions against the transportation of shipments moving between Birmingham, AL and points within 15 miles of Birmingham and seven-named counties in GA in Sub 16; of traffic moving from, to, or through Mobile, AL or points in its commercial zone in Sub-26; to traffic moving to, from, or thru Atlanta, GA in routes (1) thru (21), in Sub-51F.

Applicant also seeks to (1) remove all exceptions in its irregular-route general commodities authority "except classes A and B explosives" in Sub-19, 22, 23G, 45F, and 50F; (2) broaden commodity descriptions to: "tobacco products" from tobacco and tobacco products in Sub-21; "furniture and fixtures" from new furniture, kitchen cabinets set up, and kitchen sinks, and "building materials" from mineral and rock wool, siding, roofing and materials in Sub-22; "metal products" from iron, steel, and aluminum articles, tanks, and parts, attachments and accessories in Sub-25; "lumber and wood products" from particle-board and paneling in Sub-34; "plastic and metal products" from plastic pipe, pipe fittings, couplings, valves, and materials, equipment and supplies, except commodities in bulk, in Sub-36F; "metal products" from metal articles, except commodities which because of size or weight require the use of special equipment, in Sub-37F; "metal products" from iron and steel articles, except commodities which because of size or weight require the use of special equipment, in Sub-38F and 39F; "metal products" from pipe and pipe fittings, except those which because of size or weight require the use of special equipment, in Sub-40F; "building materials" from doors, door hardware, hardwood and accessories, and materials, equipment and supplies, except commodities in bulk, in Sub-43F; "building materials" from mineral fibre products and insulating materials, supplies and equipment in Sub-44F; and "metal products" from iron and steel articles in Sub-46F. Applicant also seeks to (1) remove restrictions limiting transportation to traffic originating at or destined to named facilities in Sub-25, 34, 35, 37F, 38F, 40F, 43F, 44F, 45F, 46F, and 50F, (2) substitute some county-wide authority for the specified plantsites and cities: Marlboro County, SC, for Bennettsville, SC, and Shelby County, AL, for Leeds, AL, in Sub-22; Sabine Parish, LA, for facilities at Many, LA, in Sub-34; Burnsville, AL, for plantsite near Burnsville, AL, in Sub-13; Coweta County, GA, for facilities in Coweta County, GA, in Sub-35; Richland County, SC, for facilities near Columbia, SC, in Sub-37; Leon County, TX, for facilities near Jewett, TX, in Sub-38F; Mecklenburg County, NC, for facilities at Charlotte and Bakers, NC, in Sub-40F; Escambia County, FL, for Century, FL, and Kaufman County, TX, for Terrell, TX; Jefferson County, AL for Leeds, AL, in Sub-43F; Ellis County, TX, for facilities at Waxahachie, TX, in Sub-44F; Tarrant County, TX, for facilities near Fort Worth, TX; Arcadia and Lafayette Parishes, LA, for Church Point and Lafayette, LA, in Sub-45F; Harris County, TX, for facilities at Baytown, TX, in Sub-46F; and Escambia County, FL, for facilities near Gonzalez and Pensacola, FL, in Sub-50F, and (3) change from existing one-way service to radial service in Sub-21, 22, 25, 34, 36F, 37F, 38F, 39F, 40F, 43F, 44F, 45F and 46F between points in various combinations named southern States.

MC 118202 (Sub-169)X, filed February 17, 1981. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Appliant seeks to remove restrictions in its Sub-88F and 124F certificates to (1) broaden the commodity description from magazines, magazine sections, and periodicals to "printed matter"; (2) to expand the territorial authority from facilities at Pewaukee, WI to Waukesha County, WI and in Sub-88F & 124F; from the destination points of Bethany, CT, Cottage City, MD, Hoboken, Bayonne and North Bergen, NJ, Troy and Carle Place, NY and McKees Rocks, PA to New Haven County, CT, Prince Georges County, MD, Hudson and Bergen County, NJ, Rensselaer & Nassau Counties, NY, and Allegheny County, PA; in Sub-88; (3) authorize radial authority in lieu of existing one-way authority, between Waukesha County, WI, and points in 15 states in Sub-124F and between the counties named in (2) and Baltimore, MD, Boston, MA, Columbus, OH, Harrisburg, PA, and DC and Waukesha County, WI in Sub-88F and (4) eliminate the restriction to traffic orginating at and destined to named facilities in 88F.

MC 118833 (Sub-74)X, filed February 18, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-38F certificate by (1) broadening its commodity description from fiberglass reinforced concrete slabs to "building materials," (2) substituting Butler County for named facilities at Hamilton, OH, (3) replacing one-way with radial authority between Hamilton and points in the U.S., and (4) removing (a) originating at or destined to restrictions and (b) restrictions against the transporation of "size or weight" commodities.

MC 118838 (Sub-75)X, filed February 18, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions from its Sub-41F certificate to (1) broaden the commodity description from prefabricated agricultural processing facilities, parts and accessories thereof, and materials, equipment and supplies used in the manufacture and distribution thereof, to "building materials, and machinery"; (2) expand the territorial authority from Wahpeton, ND and Watertown, WI, to Richland County, ND and Jefferson County, WI; and (3) expand its one-way authority to radial authority between Richland County, ND, and Jefferson County, WI, and, points in ID, IL, IN, IA, KS, MN, MO, MT, NE, ND, OH, OR, SD, WA and WI.

MC 119118 (Sub-69)X, filed: February 13, 1981. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA, 15650. Representative: RICHARD C. McGINNIS, 711 Washington, Building, Washington, DC, 20005. Applicant seeks to remove restrictions in its Sub-11, 27, 31, 32, 33, 34, 36, 37, 39, 41, 42, 43, 47, 50, 54, 60F, 62F, 64F, and 65F, certificates and its Sub-E1 letter notice by (A) broadening the commodity descriptions in all of the above authorities, (except Sub-31 and parts (4) and (5) of Sub-11) to "food and related products" from malt beverages or from malt beverages, in containers, (B) eliminating in Sub-31 the restrictions against the transportation of commodities in bulk and foods or foodstuffs transported in vehicles equipped with mechanical refrigeration; (C) expanding one-way authority to radial authority to authorize service between specified cities or counties in MD, OH, PA, NJ, MI, NC, NY, GA, and IN, and specified cities or counties mainly in the eastern portion of the U.S. and DC, and (D) replacing authority to serve specified facilities at named points and authority to serve specified points with county-wide authority and, in some instances, with authority to serve a city: In Sub-11, sheet 2 facilities at Columbus, OH, with Columbus, OH, facilities at Pittsburgh, PA, with Pittsburgh, PA, facilities at Curwensville, PA, with Clearfield County, PA, facilities at Homer City, PA, with Indiana County, PA, and facilities at Meadville, PA, with Crawford County, PA; Erie, PA, with Erie County, PA, Jamestown, NY, with Chautauqua County, NY, and Weirton, WV, with Hancock County, WV; warehouse facilities at or near Pittsburgh, PA, with Pittsburgh, PA, in Sub-11, sheet 3, Bradford, PA, with McKean County, PA, Ridgeway, PA with Elk County, PA, Greensburg, PA, with Westmoreland County, PA, Erie, PA with Erie County, PA, Oil City, PA, with Venango County, PA, and Warren, PA, with Warren County, PA; and facilities at Newark, NJ, with Newark, NJ; in Sub-27, 32 and 33, Winston-Salem, NC, with Forsyth County, NC; in Sub-34 and 36, Frankenmuth, MI, with Saginaw County, MI; in Sub-37, Raddison (Lysander Township), NY, with Onondaga County, NY; in Sub-39, South Volney, NY with Oswego County, NY; in Sub-42, Latrobe, PA, with Westmoreland County, PA, and Wilmington, DE, with New Castle County, DE; in Sub-43, Frankenmuth, MI, with Saginaw County, MI; in Sub-47, Pabst, GA, with Houston County, GA, Cambridge, OH, with Guernsey County, OH, Rochester, NY with Monroe County, NY, Atlantic City, NJ, with Atlantic County, NJ; in Sub-60F, Eden, NC, with Rockingham County, NC in Sub-62F, Latrobe, PA, with Westmoreland County, PA; in Sub-64F, facilities in Onondaga and Oswego Counties, NY, With Onondaga and Oswego Counties, NY; and in Sub-65F, Latobe, PA, with Westmoreland County, PA. Applicant also seeks to eliminate restrictions (a) to shipments moving from, to or between wholesale hardware supply houses, warehouses, or other facilities of such houses from its radial authority in Sub-11, sheet 2, between Pittsburgh, PA and OH and (b) to the transportation of shipments originating at or destined to facilities of named shippers in Sub-31.

MC 119934 (Sub-237)X, filed February 13, 1981. Applicant: ECOFF TRUCKING, INC., R. R. 10, Box 100A, Greenfield, IN 46140. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-81 certificate to (1) broaden the commodity description in part 1 from phosphoric acid, phosphatic fertilizer solutions, tetra-potassium-pyrophosphates, and dry phosphates in bulk, in tank vehicles and in part 2 from spent phosphoric acid to "chemcials and related products", and (2) expand the territorial application in part 1 from city to county-wide authority, change one-way authority to radial authority under part 1 between Hamilton County, OH (Fernald, OH) and points in KY, MD, NJ, PA, NY and WV, and under part 2 between points in KY, MD, NJ, PA, NY, and WV and points in IA, IL, IN, NY, MO and OH.

MC 119974 (Sub-235)X, filed February 13, 1981. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance Street, Green

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Bay, WI 54305. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its (Sub-82F) certificate by eliminating the restriction to transportation of traffic originating at the named orgin states and destined to the named destination states from its non-radial grant between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, and its radial grant between the 9 States named above and points in KS, NE, NY, PA, and TN; and by removing the restriction in the commodity authority against the transporttion of commodities in bulk in tank vehicles.

MC 120636 (Sub-14)X, filed February 18, 1981. Applicant: BRUNTON STORAGE & VAN CO., INC., P.O. Box 577, Chatsworth, IL 60921. Representative: E. Stephen Heisley, 605 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks removal of restrictions in its (Sub-5) certificate to (1) remove all exceptions in its irregular-route general commodities authority "except classes A and B explosives," and (2) substitute county-wide authority for the named facility near Des Plaines, IL, and remove the restriction against service to AK and HI, to authorize radial service between Cook County, IL, and points in the U.S.

MC 121496 (Sub-56)X, filed February 17, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its (Sub-40F) certificate to (1) broaden the commodity description from liquid chemicals, in bulk, in tank vehicles, to "chemicals and related products," (2) eliminate the plantsite limitation, (3) authorize radial service between Houston and Beaumont, TX, and, points in the U.S., and (4) remove the restriction against service to Alaska and Hawaii.

MC 121496 (Sub-57)X, filed February 18, 1981. Applicant: CANGO CORPORATION 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 866 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its (Sub-42F) certificate to (1) broaden its commodity description from petroleum and petroleum product, in bulk, in tank vehicles, to "commodities in bulk", (2) replace the plansite restriction at or near Baton Rouge, LA, with Baton Rouge, LA, (3) change its one-way authority to radial authority between Baton Rouge, LA, and points in the United States, and (4) remove the Alaska and Hawaii exception.

MC 123383 (Sub-97)X, filed February 10, 1981. Applicant: BOYLE BROS., INC., Rural Delivery 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in all certificates by (1) changing existing one way authority to radial authority between points primarily in eastern and midwestern States in MC 123383 and in (Sub-6, 10, 11, 12, 14, 17, 21, 23, 24, 25, 26, 29, 30, 31, 32, 33, 35, 36, 38, 40, 41, 42, 44, 45, 46, 48, 50, 57, 58, 62, 64, 68G, 69, 73, 74, 75, 76, 78, 79, 80, 81, 84, 88, 91, 94, E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-9, E-10, E-11, E-12, E-13, E-14, E-16, E-19, E-20, E-22, E-24, E-26, E-27, E-30, E-31, E-32, E-33, E-34, E-37, E-38, E-39, E-40, E-43, E-44, E-45, E-46, E-47, E-48); (2) removing plant site or facilities restrictions from and to which traffic may move in MC 123383 and (Sub-6, 14, 21, 24, 25, 29, 32, 36, 40, 42, 44, 46, 48, 50, 62, 65, 69, 71, 73, 74, 75, 78, 79, 80, 86, E-1, E-2, E-3, E-4, E-5, E-6, E-48); (3) removing restrictions against transportation in bulk or requiring special equipment or "size and weight" in (Sub-6, 10, 11, 12, 14, 17, 21, 23, 25, 32, 34, 35, 36, 38, 41, 45, 46, 62, 65, 68G, 69, 71, 73, 74, 82, 86, 89, E-1, E-2, E-3, E-5, E-6, E-7, E-10, E-12, E-13, E-14, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-30, E-31, E-32, E-34, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-44, E-46, E-47); (4) and removing restrictions "with no transportation for compensation on return in MC 123383, and (Sub-11, 21, 24, 25, 26, 30, 31, 32, 33, 40, 41, 42, 44, 45, 46, 48, 50, 57, 58, 62, 64, 68G, 74, 75, 76, 78, 80). Applicant also seeks in MC 123383 to remove the "except structural steel" restriction from building materials; in MC 123383 and (Sub-79), remove all restrictions from general commodities except classes A and B explosives; in (Sub-6), Remove "except fly ash and asphalt" from building materials; in (Sub-9), remove restrictions "dry" from dry cement and "prior movement by rail"; in (Sub-10), remove restriction of "loose" from quarry products; in (Sub-30), remove the mixed traffic requirement; in (Sub-34, E-9, E-10, E-11, E-12, E-13, E-14, E-41, E-46, and E-47), remove restriction requiring movement from, to or between types of facilities, and excluding "iron and steel products"; in (Sub-58), eliminate restriction "in mixed loads with plywood"; in (Sub-58), remove restriction to traffic having a prior movement by water; in (Sub-68G), remove restriction excluding transportation of iron and steel products from building materials and excluding commodities which are not building materials and excluding lumber (except plywood and veneer); in (Sub-73), remove Mercer commodity exception from aluminum products; in (Sub-78 and E-8), remove restriction against transportation of certain named commodities from building materials; in E-6 eliminate the restriction against structural steel from building materials; in E-7, remove restriction as to type of use of composition board; in E-9, E-10, E-11, E-12, E-13, and E-14, eliminate exclusion of iron and steel products from such commodities * * * group; in E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-25, E-26, E-27, E-30, E-31, E-32, E-33, E-41, E-42, E-43, E-44, E-46, E-47, eliminate "except iron and steel products" from commodity groups named. Applicant also seeks to change cities and locations shown in certificates to counties as follows: in the lead No. MC 123383, from Farnams, MA, Falls Village, CT, Aberdeen, MD, Dahlgren, VA, to Berkshire County, MA, Litchfield County, CT, Hartford County, MD, and King County, VA; in (Sub-10), from Mt. Hope, NJ, to Morris County, NJ, in (Sub-11), from Mt. Hope, NJ, to Morris County, NJ; in (Sub-12 and 25), from Bowie, MD, to Prince Georges County, MD; in (Sub-21), from Akron, NY, to Erie County, NY; in (Sub-23, 26, 30, 32, 38, E-1, E-2, E-3), from Deposit, NY, to Broome County, NY; in (Sub-24), from Manchester and North Haven, CT, to Hartford County and New Haven County, CT; in (Sub-25), from West Conshohocken and Evansville, PA, to Montgomery County and Berks County, PA; in (Sub-29, E-48), from Meridian, MS, to Lauderdale County, MS; in (Sub-38, 44, and 46), from Carteret, NJ, to Middlesex County, NJ; in (Sub-38 and 46), from Pittston, PA, to Luzerne County, PA; in (Sub-38), from Sunbury, PA, to Northumberland County, PA; in (Sub-41 and 45), from Port Clinton, OH, to Ottawa County, OH; in (Sub-42), from Roseland, NJ, and Orange, VA, to Essex County, NJ, and Orange County, VA; in (Sub-44 and 46), from Port Newark and Edgewater, NJ, to Essex County, and Bergen County, NJ; in (Sub-46), from Jamesburg, NJ, to Middlesex County, NJ; in (Sub-50), from Doswell, VA to Hanover County, VA; in (Sub-57), from Moncure, NC, to Chatham County, NC; in (Sub-65), from Springfield, KY, to Washington County, KY; in (Sub-68), from Millis, MA, Oakfield, NY, Akron, NY, and Fairless Hills, PA, to Norfolk County, MA, Genessee County, NY, Erie County, NY, Bucks County, PA; in (Sub-71), from Gloucester, NJ, Thorofare (West Deptford Township, NJ) to Camden County, and Gloucester County, NJ; in (Sub-73), from North Brunswick, NJ, to Middlesex County, NJ; in (Sub-73 and 78), from Burlington, NC, to Alamance County, NC; in (Sub-73 and 78), from Winton, NC, to Hertford County, NC; in (Sub-74), from Wilmington, DE, to New Castle County, DE; in (Sub-75), from Milford, Va, to Carolina County, VA; in (Sub-78), from New Brunswick, Dayton, Parlin, NJ, Ellenville, NY, Frederick, MD, Dover, NJ, to Middlesex County, NJ, Ulster County, NY, Frederick County, MD, Morris County, NJ; in (Sub-79), from E. Hempfield Township, PA, to Lancaster County, PA; in (Sub-80), from Hanover, South Boston, Charleston, Westfield, MA, Norwich, and Windsor Locks, CT, to Plymouth County, Suffolk County, Hampden County, MA, New London County, and Hartford County, CT; in (Sub-81), from Burns Harbor, IN, to Porter County, IN; in (Sub-84), from Ashtabula, OH, to Ashtabula County, OH; in (Sub-86), from Quakertown, PA, to Bucks County, PA; in (Sub-89), from Buchanan, NY, and Wilmington, DE, to Westchester County, NY, and New Castle County, DE; in (Sub-94), from Hyde Park, Palmer, Springfield, MA, and Harrisburg, PA, to Suffolk County, Hamden County, MA, and Dauphin County, PA. Applicant also seeks to broaden its commodity authorities as follows: in its lead MC 123383, (a) from insulating materials, gypsum and gypsum products, sprinkler systems, plumbing equipment and supplies, roofing supplies and materials to "building materials, clay, concrete, glass or stone products, machinery, rubber and plastic products, and metal products", (b) from sashweights, metallic castings, metallic scrap, to "metal products and waste or scrap materials", (c) from brick and tile to "clay, concrete, glass or stone products", (d) from lime products to "clay, concrete, glass or stone products", (e) from limestone to "ores and minerals", (f) from concrete slabs to "clay, concrete, glass or stone products", (g) from empty shells to "ordnance and accessories", (h) from scrap shells ordnance and accessories"; in (Sub-6), from gypsum products to "clay, concrete, glass or stone products"; in (Sub-9), from cement to "Clay, concrete, glass or stone products"; in (Sub-10), from quarry products to "ores and minerals"; in (Sub-11), from sand and gravel and magnetite ore to "ores and minerals"; (Sub-12), from cement to "clay, concrete, glass or stone products"; in (Sub-14), from roof deck plaster or cement to "clay, concrete, glass or stone products"; in (Sub-17), from gypsum products and urethane foam to "clay, concrete, glass or stone products, and, rubber and plastic products"; in (Sub-21), from joint system materials to "building materials"; in (Sub-23), from fibreboard and wallboard to "lumber and wood products"; in (Sub-24), from building sections to "building materials"; (Sub-25), from cement to "clay, concrete, glass or stone products"; in (Sub-26), from composition boards to "lumber and wood products"; In (Sub-29), from wallboard, building board, insulating board, fibreboard, pulp board and strawboard, to "lumber and wood products"; in (Sub-30), from composition board to "lumber and wood products"; in (Sub-31), from plywood, harboard and molding, to "lumber and wood products"; in (Sub-32), from composition board to "lumber and wood products"; in (Sub-33), from plywood, hardboard and molding, to "lumber and wood products"; in (Sub-34), from heating materials and supplies, and insulating materials and supplies, to "metal products, building materials, and clay, concrete, glass or stone products"; in (Sub-35), from compostion boards, to "lumber and wood products"; in (Sub-36 and 38), from gypsum and gypsum products, asphalt and compostion roofing products, composition boards, urethane and urethane products, and insulating materials, to "clay, concrete, glass or stone products, petroleum products, lumber and wood products rubber and plastic products, and building materials"; in (Sub-38), from steel door frames, steel doors, and elevator cabs to "metal products and machinery"; in (Sub-40), from plywood, hardboard and particle board, to "lumber and wood products"; in (Sub-41), from gypsum and gypsum products, to "clay, concrete, glass or stone products"; in (Sub-42), from fireplace logs to "lumber and wood products", in (Sub-44), from gypsum and gypsum products, roofing and roofing supplies and materials, boards, urethane and urethane products, and insulating material to "clay, concrete, glass or stone products, building materials, lumber and wood products"; and rubber and plastic Products"; in (Sub-45), from gypsum and gypsum products, asphalt and composition roofing and products, urethane and urethane products, insulating materials, "clay, concrete, glass or stone products, petroleum products, rubber and plastic products, and building materials"; in (Sub-46), from gypsum products, compostioin boards, insulating materials, roofing and roofing materials, and urethane and urethane products to "clay, concrete, glass or stone products, lumber and wood products, building materials, and rubber and plastic products"; in (Sub-48), from plywood, hardboard and particleboard to "lumber and wood products"; in (Sub-50 and 57), from wood fibreboard "to lumber and wood products"; in (Sub-58), from pictures, furniture, furniture parts, and wooden shelves to "furniture and fixtures, printed matter, and metal products"; in (Sub-62), from roofing and roofing material, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products, to "building materials, clay, concrete, glass or stone products, lumber and wood products, and rubber and plastic products"; in (Sub-64), from compostion board and particleboard to "lumber and wood products"; in (Sub-65), from wood paneling, and fiberglass panelling to "lumber and wood products, clay, concrete, glass or stone products"; in (Sub-68), from gypsum and gypsum products, roofing supplies and materials, boards, urethane and urethane products, insulating materials, to "building materials, petroleum products, rubber and plastic products"; in (Sub-69 and 71), from plastic articles to "rubber and plastic products"; in (Sub-73, and 78), from aluminum products to "metal products"; in (Sub-74), from gypsum and gypsum products products to "clay, concrete, glass or stone products"; in (Sub-75), from plasterboard joint systems to "clay, concrete, glass or stone products"; in (Sub-76), from paperboard panels to "pulp, paper and related products"; in (Sub-80), from furniture stock panels, wood dimension stock, and composition board, to "lumber and wood products"; in (Sub-81), from composition board and plywood to "lumber and wood products"; in (Sub-84), from composition board, to "lumber and wood products"; in (Sub-86), from roofing materials to "building materials"; in (Sub-88), from lumber to "lumber and wood products"; in (Sub-89), from gypsum, gypsum products to "clay, concrete, glass or stone products"; in (Sub-91), from lumber and composition board to "lumber and wood products"; in (Sub-94), from printing paper, egg cartons, matches, and scrap waste paper to "pulp, paper and related products, matches, and waste or scrap materials"; in (Sub-E-1), from composition board as are building and roofing supplies and materials, to "building materials and supplies"; in (Sub-E-2), from composition board to "lumber and wood products"; in (Sub-E-3), from composition board, to "lumber and wood products"; in (Sub-E-4), from plywood to "lumber and wood products"; (Sub-E-5), from gypsum-

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products as are building and roofing materials or supplies to "building materials and supplies, and clay, concrete, glass or stone products"; (Sub-E-6), from gypsum products as are building and roofing materials or supplies to "building materials and supplies, clay, concrete, glass or stone products"; (Sub-E-7), from composition board as are building, construction, heating and insulating materials and supplies to "lumber and wood products"; (Sub-E-16), from gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, insulting materials, (all of the above "as are building supplies and equipment") to "clay, concrete, glass or stone products, petroleum products, lumber and wood products, rubber and plastic products, and building supplies and equipment"; (Sub-E-17), from insulting materials, heating equipment and supplies, to "builiding materials, machinery, and metal products"; (Sub-E-18), from insulating materials, heating equipment and supplies, to "building materials, machinery, and metal products"; (Sub-E-19), from composition boards as are building materials or supplies, to "building materials and supplies"; (Sub-E-20), from gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, insulating materials, (all of the above "as are building supplies and equipment"), to "clay, concrete, glass or stone products, lumber and wood products, rubber and plastic products, and building supplies and equipment"; (Sub-E-24), from gypsum products, urethane foam (as are building materials), to "clay, concrete, glass or stone products, and building materials"; (Sub-E-27), from compostion boards as are building materials, to "building materials"; (Sub-E-33), from gypsum and gypsum products, roofing and roofing supplies and materials, boards, urethane and urethane products, and insulating materials (all as are building materials), to "clay, concrete, glass or stone products, building materials, lumber and wood products, and rubber and plastic products"; (Sub-E-34), from roofing materials to "building materials"; (Sub-E-37), from fibreboard and wall board as are building materials and supplies, gypsum and gypsum products to "building materials and supplies, and clay, concrete, glass or stone"; (Sub-E-38), from composition boards as are building supplies, insulating materials, gypsum and gypsum products, to "building matreials and supplies, clay, concrete, glass or stone products"; (Sub-E-39), from gypsum products, urethane foam, (all as are building materials and supplies or insulating materials), and insulating materials to "building materials and supplies"; (Sub-E-40), from gypsum and gypsum products, asphalt and composition roofing products, and urethane and urethane products (as are building materials or supplies), insulating materials, to "clay, concrete, glass or stone products, and building materials and supplies"; (Sub-E-41), from insulting materials, plumbing and heating equipment and supplies, such gypsum and gypsum products as are construction materials, and supplies and materials as are dealth in by wholesale and retail hardware stores, to "building materials, machinery, metal products, rubber and plastic products, clay, concrete, glass or stone products, construction materials, and such commodities as are dealth in by hardware stores"; (Sub-E-42), from such gypsum roofing materials and supplies as are construction, heating, and insultating materials, supplies or equipment, and such commodities as are dealt in by wholesale and retail department stores, to "building materials, clay concrete, glass or stone, and heating materials, supplies and equipment, and such commodities as are dealt in by hardware stores"; (Sub-E-45), from gypsum and gypsum products, insulting materials, roofing and roofing supplies and materials, boards, urethane and urethane products (all as are building materials or supplies, plumbing or heating equipment or supplies or metal products), to "clay, concrete, glass or stone products, building materials or supplies, rubber or plastic products, lumber and wood products, petroleum, all as are plumbing or heating equipment or supplies or metal products"; (Sub-E-46), from insultating materials, such gypsum roofing materials as are construction or heating materials, or equipment or such commodities as are dealt in by wholesale and retail hardware stores, to "clay, concrete, glass or stone products, building materials, and heating materials, or equipment, or those dealth in by hardware stores"; (Sub-E-47), from insulation materials, such gypsum roofing materials as are construction materials, supplies and equipment or such commodities as are dealt in by wholesale and retail hardware stores, to "clay, concrete, glass or stone products, building materials, and those dealt in by hardware stores"; and, in (Sub-E-48), from wallboard, building board, insulating board, fibreboard, pulpboard and strawboard, to "lumber and wood products".

MC 124004 (Sub-67)X, filed February 17, 1981. Applicant: RICHARD DAHN, INC., 620 W. Mountain Rd., Sparta, NJ 07871. Representative: Richard W. Dahn (same address). Applicant seeks to remove restrictions in its lead and (Sub-15, 20, 27, 28, 29, 34, and 43) certificates in order to (1) broaden the commodity descriptions (a) from animal and poultry feed, animal and poultry feed ingredients (dry, in some instances, animals, poultry and pet feed and feed ingredients and supplements, cracklings, and animal offal to "food and related products" in the lead and each above-numbered sub; (b) from lumber and logs and firewood to "forest products" in the lead; (c) from dry fertilizer and dry fertilizer ingredients and agricultural insecticides, fungicides, and weed killing compounds to "chemicals and related products" in (Sub-15); (d) from cracklings, in bulk to "commodities in bulk" in (Sub-28); and (e) from quarry products and stone and decorative stone and decorative stone products to "clay, concrete, glass or stone products" in (Sub-29); (2) remove the restrictions on its commodities and territory (in some instances) in (a) (Sub-15), "in containers, when moving in mixed loads with the commodities above, and in bulk and in bags", (b) (Sub-20), "in bulk in dump vehicles, and in bags", (c) (Sub-27), the restriction against the transportation of salt and commodities in tank vehicles, and the "originating at or destined to points in Canada" restriction, and (d) (Sub-29), "except liquid commodities in tank vehicles" and the restriction against the transportation of lime, limestone, limestone products, sand, cement and soda ash, and packinghouse by-products, from Smithfield, VA; (3) replace authority to serve specified facilities at named points and authority to serve specified point with county-wide authority; (a) in the lead, sheet 2, change Ford, VA, to Dinwiddie County, VA; Swedesboro and Pitman, NJ to Gloucester County, NJ; (b) in (Sub-15), sheet 2 and (Sub-20), sheet 1, change Jersey City, Bayonne, and Secausus, NJ to Hudson County, NJ; (c) in (Sub-27), sheet 2, change Lumberville, PA to Bucks County, PA; (d) in (Sub-28), change the named facilities at Circleville, OH, to Pickaway County, OH; Green Bay WI, to Brown County, WI; (e) in (Sub-34), sheet 2, change Siler City, NC, to Chatham County, NC and Zanesville, OH, to Muskingham County, OH; and (f) in (Sub-43), change Port Monmouth, NJ, to Monmouth County, NJ, and (4) in all sub-numbers, expand one-way authorities to authorize radial

service between specified cities or counties in 18 eastern and central States and numerous specified eastern and central States.

MC 127651 (Sub-68)X, filed February 17, 1981. Applicant: EVERETT C. ROEHL, INC., East 29th Street, Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its (Sub-53F) certificate by expanding its one-way authority to radial authority to transport iron and steel articles, between Chicago, IL, and points in MN and WI.

MC 133993 (Sub-4)X, filed January 28, 1981, previously noticed in the **Federal Register** of February 2, 1981, republished as corrected this issue. Applicant: SAND MOUNTAIN AUTO AUCTION, INC., P.O. Drawer 638, Boaz, AL 35957. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Applicant seeks to remove restrictions from its lead and Sub-1 and 3 by (1) broadening the commodity descriptions used automobiles and motor vehicles to "transporation equipment," (2) eliminating restrictions limiting service to "in truckaway service" in all certificates to "in secondary movements" and "to shipments moving on freight forwarder bills of lading of TNT, Inc." in Sub-3, (3) broadening from one-way authority to radial authority between points in AL and specified States in the eastern half of the U.S. in its lead and Sub-1, (4) substituting counties for specified facility, or city restriction; Marshall County, Al, for Mountain Auto Auction, Inc., at or near Boaz, AL, in its lead and Sub-1; Lake County, IN, for Gary, Hammond, and East Chicago, IN in Sub-1; Washtenaw and Genessee Counties, MI, for Ann Arbor and Flint, MI, respectively in Sub-1; and Newark, NJ, for Port Newark, NJ, in Sub-3.

Note.—The purpose of this republication is to correct the scope of removal sought to include Sub-No. 3 which was inadvertently omitted from the original **Federal Register** publication on February 2, 1981.

MC 134866 (Sub-2)X, filed February 18, 1981. Applicant: COURY MOTOR FREIGHT, 580 Ottawa, St. Paul, MN 55107. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions from its lead and Sub-1 certificates by (1) eliminating from general commodity authority all exceptions except "classes A and B explosives," (2) changing city-wide to county-wide authority from: Osceola, Garfield, Lincoln, Balsam Lake, and St. Croix Falls to Polk County, WI in the lead and Sub-1; South St. Paul, St. Paul, and Newport to Dakota, Ramsey, and Washington Counties, MN in the lead; and Minneapolis to Hennepin County, MN in the lead and Sub-1; and (3) authorizing radial authority in place of existive one-way authority between: Dakota, Ramsey, Washington, and Hennepin Counties, MN and points in Polk County, WI.

MC 135070 (Sub-184)X, filed February 18, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Applicant seeks to remove restrictions in numerous certificates to broaden its commodity descriptions to "food and related products" in (1) Sub-17F, 39F, 44F, 48F, 51F, 57F, 59F, 73F, 88F, and 144F, from foodstuffs; (2) Sub-25F, 49F, and 66F, from frozen foods; (3) Sub-26F, 34F, 63F, 83F, and 151F, from confectionery; (4) Sub-71F and 146F, from bananas and agricultural commodities which are otherwise exempt from economic; (5) Sub-89F from dairy products; (6) Sub-91F from bakers yeast and ingredients thereof; and (7) Sub-95F from refined sugar. Applicant also seeks in (1) Sub-17F, 25F, 26F, 34F, 39F, 44F, 48F, 49F, 51F, 57F, 59F, 63F, 66F, 71F, 73F, 83F, 88F, 89F, 91F, 95F, 144F, 146F, and 151F, to change the one-way authority to radial authority between specified cities or counties and points in states throughout the U.S.; (2) Sub-17F, 39F, 49F, 57F, 59F, 73F, and 88F, to remove the "except commodities in bulk" restrictions (3) Sub-26F, 73F, 88F, and 151F, to remove the restriction requiring transportation in vehicles equipped with mechancial regfrigeration; (4) Sub-17F, 25F, 26F, 34F, 39F, 44F, 48F, 49F, 51F, 57F, 59F, 63F, 66F, 73F, 83F, 88F, 89F, 91F, 144F, and 151F, to eliminate the origin plantsite restrictions named therein such as M&M/Mars, at or near Elizabeth and Warren County, NJ and Lancaster County, PA in Sub-26F, and to remove all restrictions limiting service to the transportion of traffic originating at the named origins and/or destined to named destinations, in Sub-17F, 25F, 26F, 34F, 48F, 49, 51F, 59F, 73F, 83F, 88F, and 89F; (5) in all Sub numbers named above, to substitute counties for cities as follows: Dunn, Baron, Wood, and Eau Claire Counties, WI, for Menomonie, Cameron, Vesper, Wisconsin Rapids, and Eau Claire, WI, in Sub 17F; Benzie, Berrien and Oceana Counties, MI, for Frankfort, Benton Harbor, and Hart, MI, in Sub-25F; Warren County, NJ, for Hackettstown, NJ, and Lancaster County PA, for Elizabethtown, PA, in Sub-26F; Northampton, Cumberland, and Chester Counties, PA, for Bethlehem, Shiremanstown, Mechanicsburg, and Parkesburg, PA, in Sub-39F; Sullivan, Carroll, Macon and Saline Counties, MO, for Milan, Carrolton, Macon and Marshall, MO, in Sub-44F; Outagamie and Brown Counties, WI, for Appleton and Green Bay, WI, in Sub-49F; Hartford County, WI, for Appleton and Green Bay, WI, in Sub-49F; Hartford County, CT, for Wethersfield and Hartford, CT, and Ulster County, NY, for New Paltz, NY, in Sub 57F; Jasper County, MO, for Joplin and Carthage, MO, in Sub-59F; Grandy County, OK, for Chickasha, OK, in Sub-66F; Bradley County, TN, for Cleveland, TN, in Sub-73F; Waukesha and Wood Counties, WI, for New Berlin and Marshfield, WI, and Jackson and Chickasaw Counties, IA, for Preston and Fredericksburg, IA, in Sub-89F; Kern County, CA, for Bakersfield, CA in Sub-91F; Fort Bend County, TX, for Sugar Land, TX in Sub-95F; Santa Clara, Glenn, and Merced Counties, CA, for Gilroy, Willows and Los Banos, CA, in Sub-144F; and (6) in Sub-17F to remove the "in tank vehicles" restriction and Sub-71F, 73F, and 95F to remove restrictions against service to AK and HI.

MC 135170 (Sub-55)X, filed February 17, 1981. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-50F permit by (1) broadening the commodity description from foodstuffs (except in bulk) to "food and related products," and (2) broadening its territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 135170 (Sub-56)X, filed February 17, 1981. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in it Sub-12, 16, 28F, 36F and 48F permits to (1) broaden its commodity descriptions from containers, container closures, and materials, equipment and supplies used in the manufacture, sale and distribution of containers and container closures (except commodities in bulk and those which because of size or weight require the use of special equipment) to "such commodities as are dealt in or used by manufacturers of containers"; and (2) replace one-way authority with authority between points in the United States under continuing contract(s) with named shippers.

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MC 135231 (Sub-52)X, filed February 17, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-43F certificate to eliminate a restriction to shipments originating at named facilities, eliminate the HI and AK exception from its nation-wide authority, and change its one-way authority to radial authority between named facilities in MN and points in the United States (except AL, FL, GA, MS, and SC).

MC 138902 (Sub-19)X, filed February 18, 1981. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, VA 22932. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-2, 3, 5, 6, 7F, 8F, 9F, 11F, 12F, and 16F certificates to (1) broaden its commodity descriptions from various food items such as frozen foods, materials and supplies used in the processing, manufacturing, and packaging of frozen foods (except commodities in bulk), bananas, agricultural commodities, frozen bakery products, and frozen foodstuffs, to "food and related products", in each certificate; (2) change its one-way authority to radial authority between various combinations of points and midwestern and eastern States, in Sub-6, 11F, 12F, and 16F; (3) replace its cities or plantsites with county-wide authority (a) Crozet, VA, with Albermarle County, VA, in Sub-2, 5, 6, 7F, 8F, and 9F, (b) a plantsite at Crozet, VA, with Albermarle County, VA, and Russellville, AR, with Pope County, AR, in Sub-3, (c) a plantsite in Cumberland County, NJ, with Cumberland County, NJ, in Sub-11F, part (1), and plantsites at 3 cities in MI, with Kent, Oceana, and Ionia Counties, MI, in part (2), and (d) a plantsite at or near Pottstown, PA, with Montgomery County, PA, Russellville, AR, with Pope County, AR, Greenville, MI, with Montcalm County, MI, and Madison, WI, with Dane County, WI, in Sub-16F, and (3) remove the originating at and destined to restriction, in Sub-11f.

MC 139904 (Sub-1)X, filed February 18, 1981. Applicant: INGRAM TRUCKING CO., INC., Box 306, Ball Ground, GA 30107. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in it lead certificate to (1) change the commodity descriptions from monumental, building, and crushed marble (some in bulk), crushed and rubble stone; and stone setting contractors' machinery equipment (except "size and weight" commodities) to "clay, concrete, glass or stone products" and "machinery"; (2) broaden city origins to county-wide authority: from Marblehill, and Tate, GA to Pickens County, GA; from Nelson, GA to Cherokee County, GA; from Whitestone, GA to Gilmer County, GA; and from Mansfield, NJ to Burlington County, NJ; (3) expand its one-way authority to authorize radial service between specified counties in GA, MO, TX, and NJ, and specified States in the eastern and central U.S. and DC; and (4) eliminate the "originating at and destined to" restriction on sheet 4.

MC 140942 (Sub-2)X, filed February 17, 1981. Applicant: CLOVERDALE TRANSPORATION COMPANY, P.O. Box 578, Mandan, ND 58554. Representative: Michael J. Ogborn, Nelson & Harding, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from (a) meat, meat products, and meat-by-products, dairy products, and articles distributed by meat packinghouses to "food and related products" and (b) from such commodities as are dealt in by wholesale and retail grocery and food houses and food processors to include "materials and supplies used by wholesale and retail grocery and food business processors", (2) to remove restrictions against the transportation of hides and commodities in bulk, and (3) to broaden the territorial description to "between points in the United States" under a continuing contract(s) with a named shipper.

MC 141995 (Sub-1)X, filed February 17, 1981. Applicant: INTERNATIONAL EX-AIR TRANSPORT, INC., 270 Guadalupe Street, Laredo, TX 78040. Representative: Eduardo Pena, Jr., 243 National Press Building, Washington, DC 20045. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)"; (2) replace San Antonio, TX with the county-wide authority of Bexar County, TX, (3) eliminate the restriction prohibiting transportation of shipments having prior or subsequent movement by air carrier and (4) expand the territorial authority to authorize ports of entry on the United States-Republic of Mexico in Texas in place of those located at or near Laredo, TX, on radial movements between Bexar County, TX, and Laredo, TX, and ports of entry on the United States-Republic of Mexico, in TX.

MC 142703 (Sub-31)X, filed February 18, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub 16F certificate to (a) broaden its general commodities authority by removing all commodity exceptions except classes A and B explosives and (b) remove a restriction which restricts transportation to shipments having a prior or subsequent movement by rail in trailer-on-flatcar-service.

MC 143443 (Sub-6)X, filed February 17, 1981. Applicant: D.J. KIRBY, INC., Box 195, Gilberts, IL 60136. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-4F certificate to (1) broaden its commodity description (a) from steel to "metal products" in its lead certificates, and (b) from construction materials (except in bulk) to "building materials" in Sub-4F; (2) eliminate facility limitations at or near Elgin, and Hampshire, IL, substitute county-wide authority, and change the one-way authority to radial authority between Kane County, IL (Elgin and Hampshire, IL), and points in 8 Western States in Sub-4F; and (3) remove restriction limiting transportation to traffic originating at the named origins destined to named destinations in Sub-4F.

MC-144806 (Sub-8)X, filed February 18, 1981. Applicant: FRED M. ANDERSON, d.b.a. DELTAL VALLEY TRUCKING, 69 N. 200 West, Delta, UT 84624. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-2F and 3F permits to (1) in Sub 2F, broaden the commodity description from beet pulp pellets, in bulk, to "food and related products" and (2) in Sub-2F and 3F, expand its territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 146097 (Sub-3)X, filed February 17, 1981. Applicant: LENNEMAN TRANSPORT, INC., 10 N. Michigan St., Hutchinson, MN 55350 Representative: Robert P. Sack, P.O. Box 6010 W. St. Paul, MN 55118. Applicant seeks to remove restrictions from its Sub-1F and 2F certificates to (1) change its commodity descriptions from iron or steel bars, iron or steel plates, and iron or steel rods; and agricultural fertilizing equipment to "metal products"; (2) replace the city-wide authority in each sub-number with county-wide authority: From Sterling, IL to Whiteside County, IL; from Hutchinson, MN to McLeod County, MN; from Yankton, SD to Yankton County, SD; (3) expand one-way authorities to authorize radial service between specified counties or cities in IL, MN and SD, and points in 12 central States; and (4) eliminate the "originating at and destined to" restriction in each sub-number.

MC-148127 (Sub-30)X, filed February 18, 1981. Applicant: LINEHALL EXPRESS CORP., P.O. Box 5078, Manchester, NH 03108. Representative: John A. Sykas (same as above). Applicant seeks to remove restrictions in its Sub-No. 22F certificate to (1) remove the plantsite restriction and replace it with city-wide authority of Portland, ME, and (2) replace one-way authority with radial authority between Portland, ME, and, points in CA, CO, AZ, UT, and OR.

[FR Doc. 81-6809 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPI-042

Decided: February 19, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 83850 (Sub-16), filed February 2, 1981. Applicant: JOHNSON'S TRANSFER, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *general commodities* (except classes A and B explosives), between the facilities used by United States Gypsum Company, its affiliates and subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 98391 (Sub-4), filed February 2, 1981. Applicant: JEKEL MOVING & STORAGE CO., a corporation, 405 36th St., SE., Grand Rapids, MI 49508. Representative: George A. Pendleton, P.O. Box 51, 5116 Brookgate, NW., Comstock Park, MI 49321. Transporting *household goods*, between points in Allegan County, MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Thermotron Corporation, of Holland, MI.

MC 112801 (Sub-258), filed February 2, 1981. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Transporting *commodities in bulk*, between the facilities of Dow Chemical Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 115821 (Sub-55), filed February 3, 1981. Applicant: BEELMAN TRUCK CO., P.O. Box 93, St. Libory, IL 62282. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *lime, limestone, and limestone products*, between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 116280 (Sub-25), filed February 2, 1981. Applicant: W. C. McQUAIDE, INC., 153 Macridge Ave., Johnstown, PA 15904. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives), between points in Camden County, NJ, on the one hand, and, on the other, points in PA.

MC 117940 (Sub-370), filed January 27, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *general commodities* (except classes A and B explosives), between the facilities used by The Charter Oak Shippers Cooperative Association, Inc., in CT, MA, and RI, on the one hand, and, on the other, points in the U.S.

MC 119700 (Sub-76), filed January 26, 1981. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64125. Transporting *metal products*, between points in Shawnee County, KS, on the one hand, and, on the other, points in AR, IL, IN, IA, KY, LA, MI, MN, MS, MO, NE, OH, OK, SD, TN, TX and WI.

MC 128520 (Sub-6), filed January 16, 1981. Applicant: ROBINSON FREIGHT LINES, INC., P.O. Box 10234, Knoxville, TN 37919. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *lime, limestone and limestone products*, between points in Union and Knox Counties, TN, on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, OH, SC, VA, and WV.

V 46/41 MR 3 81 UMI

MC 128541 (Sub-3), filed January 30, 1981. Applicant: WESLEY WAYNE MACOMBER d.b.a. MACOMBER TRUCKING, RFD 1A, Pond Rd., Gardiner, ME 04345. Representative: Wesley Wayne Macomber (same address as applicant). Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Yorktowne Paper Mills of Maine, Inc., of Gardiner, ME.

MC 144710 (Sub-7), filed January 28, 981. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Rd., Rochester, NY 14625. Representative: S. Michael Richards, PO Box 225, Webster, NY 14580. Transporting *electrical appliances, carbon electrodes, furnace or electrolytic bath and carbon plugs, carbon scrap, coke flour, machinery and machinery parts*, between points in Erie, Niagara and St. Lawrence Counties, NY, and Elk County, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, ID, IA, KS, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, ND, OK, OR, RI, SD, TX, UT, VT, WA, WY, and DC.

MC 147681 (Sub-17), filed February 3, 1981. Applicant: HOYA EXPRESS, INC., P.O. Box 543, West Middlesex, PA 16159. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *equipment, materials and supplies* used in the manufacture and installation of equipment used by banks and financial institutions, (2) *equipment, materials, and supplies* used in the construction of banks and financial institutions, and (3) *furniture and fixtures*, between points in OH, CT, DE, IN, KY, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, MI, IL, TX, and DC.

Volume No. OP2-019

Decided: February 13, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 16872 (Sub-26), filed January 23, 1981. Applicant: WILLIAM MIRRER, d.b.a. MIRRER'S TRUCKING, 100 E. 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Witco Chemical Corp. and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 73533 (Sub-14), filed January 22, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant). Transporting *printed matter*, between points in the U.S., under continuing contract(s) with Port City Press, Inc., of Baltimore, MD.

MC 107012 (Sub-648), filed January 22, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429-2110. Transporting *textile mill products*, between points in Moore County, NC, on the one hand, and, on the other, points in PA.

MC 119702 (Sub-81), filed January 29, 1981. Applicant: STAHLY CARTAGE CO., 119 S. Main St., Edwardsville, IL 62025. Representative: E. Stephen Heisley, 666 Eleventh St., NW #805, Washington, DC 20001. Transporting *general commodities* (except classes A and B explosives), between the facilities used by (a) Amoco Chemicals Corporation and (b) W. & W. Sales and Leasing Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139973 (Sub-87), filed January 29, 1981. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *metal products*, (2) *rubber and plastic products*, (3) *chemicals and related products*, between the facilities used by Ross Daniels, Inc., on the one hand, and, on the other, points in the U.S.

Volume No. OP2-021.

Decided: February 12, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 263 (Sub-237), filed January 27, 1981. Applicant: GARRETT FREIGHTLINES, INC. 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green, (same address as applicant), 208-232-8831. Transporting *general commodities*, between Denver and Pueblo, CO, over Interstate Hwy 25, serving all intermediate points and the off-route point of Canon City, CO in connection with carrier's authorized regular-route operations. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 2052 (Sub-25), filed January 5, 1981. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *food and related products*, between Milwaukee, WI, St. Paul, MN, and points in Peoria and St. Clair Counties, IL, on the one hand, and, on the other, points in NE.

MC 11012 (Sub-5), filed January 26, 1981. Applicant: JENKINS-SIMMONS TRANSPORTATION CO., INC., 678 Adams St., North Abington, MA 02351. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 697-7748. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, NJ, NY, RI and VT.

MC 29613 (Sub-10), filed January 26, 1981. Applicant: JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue East, Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives) between points in CT, RI, MA, NY, NJ, PA, DE, MD, and DC.

MC 47583 (Sub-137), filed February 2, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, 913-843-0110.Transporting *rubber and plastic products*, between points in Douglas County, NE, on the one hand, and, on the other, points in the U.S.

MC 107162 (Sub-78), filed January 28, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., R. R. 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255-8891. Transporting (1) *lumber and wood products*, and *forest products*, between points in the upper peninsula of MI, and those points in WI on and north of WI Hwy 64, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WI, (2) *forest products* between the origin territory in (1), on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (3) *lumber and wood products* between points in the lower peninsula of MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX, and (4) *such commodities* as are dealt in by manufacturers and distributors of fertilizer between points in Lucas County, OH, on the one hand, and, on the other, points in the upper Peninsula of MI.

MC 112223 (Sub-135), filed January 3, 1981. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd, Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant), 612-781-6653. Transporting *clay, concrete, glass or stone products*, between St. Paul, MN, on the one hand, and, on the other, points in WI.

MC 114123 (Sub-51), filed January 21, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233-5731. Transporting *food and related products*, between points in King County, NY, on the one hand, and, on the other, points in ME, VT, NH, NY, MA, RI, CT, and NJ.

MC 123922 (Sub-21), filed January 26, 1981. Applicant: AMTRUK TRANSPORT, INC., P.O. Box 4327, Bergen Station, Jersey City, NJ 07304.Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005, (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Celanese Chemical Company, Inc., of Dallas, TX.

MC 138123 (Sub-13), filed January 3, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of floor tile and flooring accessoreis, between the facilities of Uvalde Rock Asphalt Company, of Harris County TX, on the one hand, and, on the other, points in the U.S.

MC 138882 (Sub-378), filed January 21, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant), (202) 566-518. Transporting *building materials*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 139642 (Sub-9) filed January 6, 1981. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103, (918) 583-9000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International American Ceramics, Inc., of Tulsa, OK.

MC 139763 (Sub-5) filed January 28, 1981. Applicant: OAK HARBOR FREIGHT LINES, INC., 6350 S. 143rd St., Seattle, WA 98168. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *general commodities* (except classes A and B explosives), between points in Multnomah, Washington and Clackamas Counties, OR and Clark, Cowlitz, Lewis, Thurston, Pierce, King, Snohomish, Island, Skagit and Whatcom Counties, WA.

Note.—applicant holds regular route authority and has indicated intention to tack with existing authority.

MC 141932 (Sub-41) filed January 5, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of (a) Jordan Marsh Co., and (b) Marshall's, Inc., at points in the U.S. on the one hand, and, on the other, points in the United States.

MC 141993 (Sub-41) filed January 21, 1981. Applicant: CHIPPEWA YELLOW BUS CO., INC., d.b.a. CHIPPEWA TRAILS, 515 Roland St., Chippewa Falls, WI 54729. Representative: Yvonne I. Hebert (same address as applicant), (715) 723-2094. As a *broker*, at Chippewa Falls, WI, to arrange for the transportation, by motor vehicle, of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in Chippewa, Rusk, Barron, Eau Claire, Dunn, and Clark Counties, WI, and extending to points in the U.S. (except AK and HI).

MC 142603 (Sub-40) filed January 27, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *pulp, paper and related products* between points in the U.S., under continuing contract(s) with Scott Paper Company of Scott Plaza II, Philadelphia, PA.

MC 144083 (Sub-14) filed February 3, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, 601-969-3424. Transporting *machinery*, between points in Madison County, MS, on the one hand, and, on the other, points in the U.S.

MC 144672 (Sub-26), filed January 21, 1981. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant), (513) 277-8933. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 145593 (Sub-11), filed February 3, 1981. Applicant: HAROLD SHULL TRUCKING, INC., P.O. Box 1533, Hickory, NC 28601. Representative: Fran Finley, 1050 21st Ave. NW No. 31, Hickory, NC 28601, 704-322-8238. Transporting *metal products*, between points in Trumbull and Cuyahoga Counties, OH, and Allegheny County, PA, on the one hand, and, on the other, points in Surry County, NC.

MC 146293 (Sub-72), filed January 26, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 849, Lawrenceville, GA 30246. Representative: Richard M. Tettlebaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 262-7855. Transporting *such commodities* as are dealt in or used by manufacturers of musical instruments, between points in GA and TN, on the one hand, and, on the other, points in WI.

MC 146523 (Sub-2), filed January 21, 1981. Applicant: R. A. HOWARD BUS SERVICE LIMITED, P.O. Box 288, Henry St. Athens, Ontario, Canada KOE 1BO. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Blacklick Rd., Springfield, VA 22151, (703) 941-8200. Transporting, in foreign commerce only, *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at ports of entry on the international boundry line between the U.S. and Canada, and extending to points in the U.S.

MC 149152 (Sub-3), filed January 28, 1981. Applicant: L & L MOTOR FREIGHT, INC., 1911 N. W. 1st St., Oklahoma City, OK 73126. Representative: William P. Parker, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 Transporting *general commodities* (except classes A and B explosives), between Oklahoma City, OK and Lubbock, TX.

MC 151632 (Sub-6), filed January 22, 1981. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Rd., Westfield, MA 01086. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, NY, NJ, PA, RI, and VT, on the one hand, and, on the other, points in the U.S.

MC 153733, filed January 21, 1981. Applicant: METRO TRANSPORT COMPANY, INC., P.O. Box 11074, Charlotte, NC 27602. Representative: David H. Permar, P.O. Box 527, Raleigh, NC 27602, (919) 828-5952. Transporting *petroleum, natural gas and their products* between points in NC and SC.

V 46/41 MR 3 81 UMI

Volume No. OP2–022

Decided: February 17, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 63562 (Sub-80), filed January 28, 1981. Applicant: BN TRANSPORT INC., 6775 East Evans Ave., P.O. Box 22694—Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Over Regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Seattle, WA, and Chicago, IL, over Interstate Hwy 90, (2) between junction Interstate Hwys 90 and 94 (near Billings, MT) and Detroit, MI, over Interstate Hwy 94, (3) between Portland, OR, and junction Interstate Hwy 84 and Interstate Hwy 80: from Portland over Interstate Hwy 84 to junction Interstate Hwy 80, and return over the same route, (4) between San Francisco, CA and Toledo, OH, over Interstate Hwy 80, (5) between Indianapolis, IN, and junction Interstate Hwy 70 and Interstate Hwy 15: from Indianapolis over Interstate Hwy 70 to junction Interstate Hwy 15, and return over the same route, (6) between Kansas City, MO, and the intersection of Interstate Hwy 29 and the international boundary line between the U.S. and Canada, over Interstate Hwy 29, (7) between Duluth MN, and Loredo, TX, over Interstate Hwy 35, (8) between Memphis, TN, and junction Interstate Hwy 40 and Interstate Hwy 15: from Memphis over Interstate Hwy 40 to junction Interstate Hwy 15 and return over the same route, (9) between New Orleans, LA, and Los Angeles, CA, over Interstate Hwy 10, (10) between Chicago, IL, and junction Interstate Hwy 55 and Interstate Hwy 10: from Chicago over Interstate Hwy 55 to junction Interstate Hwy 10 and return over the same route, (11) between Indianapolis, IN, and junction Interstate Hwy 74 and Interstate Hwy 80: from Indianapolis over Interstate Hwy 74 to junction Interstate 80 and return over the same route, (12) between Oklahoma City, OK, and St. Louis, MO, over Interstate Hwy 44, (13) between Little Rock, AR, and Galveston, TX: from Little Rock over Interstate Hwy 30 to junction Interstate Hwy 45, then over Interstate Hwy 45 to Galveston, and return over the same route, (14) between Jackson, MS, and junction Interstate Hwy 20 and Interstate Hwy 10: from Jackson over Interstate Hwy 20 to junction Interstate Hwy 10, and return over the same route, (15) between Las Cruces, NM, and junction Interstate Hwy 25 and Interstate Hwy 90: from Las Cruces over Interstate Hwy 25 to junction Interstate Hwy 90 and return over the same route, (16) between Indianapolis, IN, and Flint, MI, over Interstate Hwy 69, (17) between Toledo, OH, and Sault Ste Marie, MI, over Interstate Hwy 75, (18) between junction Interstate Hwys 10 and 8 and the intersection of Interstate Hwy 15 and the international boundary line between the U.S. and Canada: from junction Interstate Hwys 10 and 8 over Interstate Hwy 8 to junction Interstate Hwy 15, then over Interstate Hwy 15 to the intersection of the international boundary line between the U.S. and Canada, and return over the same route, (19) between the intersection of Interstate Hwy 5 and the international boundary line between the U.S. and Canada, and, the intersection of Interstate Hwy 5 and the international boundary line between the U.S. and the Republic of Mexico, over Interstate Hwy 5, (20) between Chicago, IL, and junction Interstate Hwys 57 and 55 over Interstate Hwy 57, (21) between Chicago, IL, and Indianpolis, IN, over Interstate Hwy 65, serving points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NV, NE, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY as off route points in connection with carrier's authorized regular routes.

MC 108313 (Sub-16), filed January 26, 1981. Applicant: CALEDONIA LINES, INC., 100 Sunny Sol Blvd., P.O. Box 8, Caledonia, NY 14423. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 113202, (315) 472–8845. Transporting (1) *chemicals and related products,* between points in the U.S., under continuing contract(s) with (a) Jones Chemicals, Inc., of Caledonia, NY, (b) Friendship Supply Company, Inc., of Friendship, NY, (c) Monarch Chemicals, Inc., of Utica, NY, (d) L.C.P. Chemicals—NY, of Solvay, NY, and (e) Allied Chemical Corporation, of Morristown, NJ; and (2) *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with (a) Jones Chemicals, Inc., of Caledonia, NY, (b) Friendship Supply Company, Inc., of Friendship, NY, (c) Monarch Chemicals, Inc., of Utica, NY, and (d) L. R. Cross, Inc., of Syracuse, NY. Condition: Applicant has requested coincidental cancellation of its permits in MC–108313 (Sub Nos. 1, 6, 7, 9, 10, 12, 14, and 15), and discontinuance and dismissal of a petition to modify now pending in MC-108313 (Sub No. 14 (M1)F) upon issuance of a permit in this proceeding.

MC 110563 (Sub-322), filed January 29, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747; Sidney, OH 45365. Representative: Victor J. Tambascia (same as applicant). Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, Los Angeles, CA, and points in Dade County, FL, Tarrant County, TX, and Lake County, IL, on the one hand, and, on the other, points in the U.S.

MC 136123 (Sub-12), filed February 3, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant) 813–722–0506. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Fearn International, Inc., of Franklin Park, IL.

MC 138393 (Sub-6), filed January 30, 1981. Applicant: NY, NJ, CT FREIGHT & MESSENGER CORP., 351 West 38th St., New York, NY 10018. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. Transporting *such commodities* as are dealt in by department stores, between points in the U.S., under continuing contract(s) with (a) K Mart Apparel Corp., of North Bergen, NJ, and (b) Strawbridge & Clothier, Inc., of Philadelphia, PA.

MC 145632 (Sub-1), filed January 26, 1981. Applicant: OTTUMWA TRANSIT LINES, INC., 1414 West 2nd St., Ottumwa, IA 52501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Schuyler, Adair, Macon, and Knox Counties, MO, and extending to points in the U.S.

MC 149112 (Sub-2), filed January 23, 1981. Applicant: FLORIDA-NEW ORLEANS EXPRESS, INC., 635 North Wabash St., Lakeland, FL 33801. Representative: Rudy Yessin, 113 West Main St., Frankfort, KY 40601, (502) 227–7326. Transporting *food and related products,* between the facilities of Tropicana Products Co., in Manatee County, FL, on the one hand, and, on the other, New Orleans, LA, St. Louis, MO, Indianapolis, IN, and Minneapolis, MN.

MC 149202 (Sub–3), filed January 30, 1981. Applicant: MOUNTAIN TRUCKING, INC., 5121 Breakwater Way, Oxnard, CA 93030. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *chemicals and related products* between points in Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 150482 (Sub-2), filed January 23, 1981. Applicant: McCAULEY AIR FREIGHT, R.D. No. 4, Box 314A, Punxsutawney, PA 15767. Representative: John W. Smith (same address as applicant) (814) 938–3790. Transporting *metal products,* between points in Elk County, PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151192, filed January 23, 1981. Applicant: MARTHA M. KLIMAS, d.b.a. KLIMAS PETROLEUM HAULING, 9139 South 88th Ave., Hickory Hills, IL 60457. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068, (312) 692–3020. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ashland Chemical Company, Division, Ashland Oil, Inc., of Dublin, OH.

MC 151293 (Sub-1), filed December 10, 1980. Applicant: HUTCHENS TRUCKING CO., INC., 615 Rosann Dr., Winston-Salem, NC 27107. Representative: B.G. Martin, 1979 Beach St., Winston-Salem, NC 27103. Transporting *electrical controllers and parts for electrical controllers, transformers, switch gear equipment, appliances and electrical switches, breakers, and parts for breakers,* between points in the U.S., under continuing contract(s) with General Electric Company, of Fort Wayne, IN.

MC 151952, filed January 23, 1981. Applicant: DOUGHTY MOVING & STORAGE, INC., P.O. Box 1502, Natchez, MS 39210. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting (1) *metal products,* between points in Adams County, MS, on the one hand, and, on the other, points in AL, LA, MS, and Nacogdoches County, TX; and (2) *machinery,* between points in Nacogdoches County, TX, on the one hand, and, on the other, points in AL and MS.

Volume No. OP4–034

Decided: February 24, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 34227 (Sub-23), filed January 29, 1981. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, a Corporation, 15910 E. Colfax, Aurora, CO 80011. Representative: James P. Beck, 717 17th St., Suite. 2600, Denver, CO 80202. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Univeral Paper Goods Company, of Los Angeles, CA.

MC 42487 (Sub-1026), filed February 2, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland OR 97208. Transporting *general commodities* (except classes A and B Explosives), serving points in Monroe County, OH, as off-route points in connection with applicant's otherwise-authorized regular-route operations.

Note.—Applicant intends to tack with its existing authority and any authority it may acquire in the future.

MC 98327 (Sub-51), filed January 30, 1981. Applicant: SYSTEM 99, a Corporation, 8201 Edgewater Dr., Oakland, CA 94621. Representative: Bruce H. Howe (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Portland, OR, and Trinidad, CA: from Portland over OR Hwy 99W to Junction City, OR, then over OR Hwy 99 to Eugene, OR, then over Interstate Hwy 5 to junction U.S. Hwy 199, then over U.S. Hwy 199 to junction U.S. Hwy 101, then over U.S. Hwy 101 to Trinidad, and return over the same route, serving all intermediate points, and serving points in Multnomah, Washington, Yamhill, Polk, Benton, Lane, Douglas, and Josephine Counties, OR, and Del Norte and Humboldt Counties CA, as off-route points; and (2) between Grants Pass, OR, and Alturas, CA: from Grants Pass over Interstate Hwy 5 to junction OR Hwy 62, then over OR Hwy 62 to junction OR Hwy 140, then over OR Hwy 140 to junction OR Hwy 39, then over OR Hwy 39 to the OR–CA State line, then over CA Hwy 139 to Junction CA Hwy 299, then over CA Hwy 299 to Alturas, and return over the same route, serving all intermediate points, and serving points in Jackson and Klamath Counties, OR, and Siskiyou and Modoc Counties, CA as off-route points.

Note.—Applicant states it intends to tack with its existing authority in order to render a through service.

MC 105407 (Sub-18), filed January 13, 1981. Applicant: HANNIBAL QUINCY TRUCK LINES, INC., 2816 Market St., Hannibal, MO 63401. Representative: L. F. Blackstun, 3820 Wisman Ln., Quincy, IL 62301. Transporting *general commodities* (except Classes A and B explosives), serving the facility of Associated Electric Cooperative, Inc., at Thomas Hill, MO as an off-route point in connection with carrier's otherwise authorized regular route operations.

Note.—Applicant states it intends to tack the requested authority with its regular route authority in MC–105407.

MC 123387 (Sub-30), filed February 4, 1981. Applicant: E.E. HENRY, INC., 1128 S. Military Hwy., Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *general commodities* (except classes A and B explosives), between points in MI, on the one hand, and, on the other, points in the U.S.

MC 144827 (Sub-55), filed January 22, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting *machinery,* between points in the Shelby County, TN, on the one hand, and, on the other, points ithe U.S.

MC 148647 (Sub-15), filed January 29, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with RASCO, Incorporated, of Lakeville, CT.

MC 148647 (Sub-19), filed February 3, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 153917, filed February 2, 1981. Applicant: DAVID E. BAILEY, d.b.a. DAVID BAILEY TRUCKING, 406 W. Maple St., Auburn, IL 62615. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *machinery,* between points in Jasper County, IA, on the one hand, and, on the other, those points in the IL in and south of Whiteside, Henry, Stark, Peoria, Woodford, McLean, Champaign, and Vermilion Counties, IL, those in IN on and south of U.S. Hwy 40, points in Jefferson County, KY, and St. Louis, MO.

MC 148647 (Sub-18), filed February 2, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Western Electric Company, Inc., of New York, NY.

MC 153927, filed February 2, 1981. Applicant: ROGERS PETRO-CHEM., INC., R.R. 1, Grove City, MN 56243. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *hazardous materials,* between points in the U.S. Condition: To the extent any certificate issued herein

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authorizes the movement of dangerous commodities, it shall be limited to a period of five (5) years from the date of issue.

Volume No. OP4–039

Decided: February 24, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 153637, filed January 12, 1981, and noticed in the **Federal Register** issue of February 4, 1981, and republished in this issue. Applicant: LFS COACH, INC., 2200 Ridge Rd., Baltimore, MD 21207. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *passengers and their baggage*, in round-trip charter and special operations, between Baltimore and points in Baltimore County, MD, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Volume No. OP4–040

Decided: February 24, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 125687 (Sub-22F), filed January 5, 1981, and previously noticed in the **Federal Register** issue of January 29, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., York, PA 17405. Representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *malt beverages*, (1) between points in Providence, RI and Boston, MA, on the one hand, and, on the other, points in CT, RI, MA, NY and NJ, and (2) between points in Philadelphia, PA, on the one hand, and, on the other, points in PA, NJ, and NY.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Volume No. OP5–55

Decided: February 11, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 98039 (Sub-5), filed January 23, 1981. Applicant: LENOIR TRANSFER CO., INC., P.O. Box 696, Lenoir, NC 28465. Representative: C. Douglas Woods (same address as applicant). Transporting *furniture and fixtures*, between points in NC.

MC 99149 (Sub-16F), filed October 10, 1980. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 8400 New Benton Highway, Little Rock, AR 72219. Representative: Charles J. Lincoln II, 1550 Tower Building, Little Rock, AR 72201. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Miller County, AR, on the one hand, and, on the other, points in TX, LA and OK.

Note.—The Applicant intends to tack the requested authority to its regular-route authority at Texarkana, AR/TX. This republication broadens the application previously published November 6, 1980.

MC 107478 (Sub-85), filed January 28, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, 1791 Westchester Drive, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D. C. 20014. (A) over regular routes transporting *general commodities* (except classes A and B explosives) (1) between Charlotte, NC and Mobile, AL: from Charlotte over Interstate Hwy 85 to Montgomery, AL, then over Interstate Hwy 65 to Mobile, and return over the same routes; (2) between Charlotte, NC and Miami, FL: from Charlotte over U.S. Hwy 21 to Columbia, SC, then over U.S. Hwy 321 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Miami, and return over the same routes; (3) between junction U.S. Hwys 321 and 301 and Tampa, FL over U.S. Hwy 301; (4) between Daytona Beach and Tampa, FL over Interstate Hwy 4; (5) between Charleston, SC and Memphis, TN: from Charleston over Interstate Hwy 26 to Asheville, NC, then over Interstate Hwy 40 to Memphis, and return over the same routes; (6) between Charleston, SC and Tallahassee, Fl: from Charleston over U.S. Hwy 17 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Waycross GA, then over U.S. Hwy 84 to Thomasville, GA, then over U.S. Hwy 319 to Tallahassee, and return over the same routes; (7) between Jacksonville, FL and Mobile, AL over U.S. Hwy 90; (8) between Columbia, SC and Memphis, TN: from Columbia over Interstate Hwy 20 to Birmingham, AL, then over U.S. Hwy 78 to Memphis, and return over the same routes; (9) between Tampa, FL and Nashville, TN over U.S. Hwy 41; (10) between Savannah, GA and Montgomery, AL over U.S. Hwy 80; (11) between Atlanta, GA and Jacksonville, FL over U.S. Hwy 23; (12) between Memphis, TN and Mobile, AL: from Memphis over Interstate Hwy 55 to Jackson, MS, then over U.S. Hwy 49 to Hattiesburg, MS, then over U.S. Hwy 98 to Mobile, and return over the same routes; (13) between Tallahassee and Miami, FL over U.S. Hwy 27; (14) between Ocala and Orlando, FL over U.S. Hwy 441; (15) between Nashville, TN and Cottondale, FL: from Nashville over U.S. Hwy 31 to Montgomery, AL, then over U.S. Hwy 231 to Cottondale, and return over the same routes; (16) between Birmingham, AL and Winchester, VA: from Birmingham over U.S. Hwy 11 to Knoxville, TN, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Winchester, and return over the same routes; (17) Between Evergreen, AL and Pensacola, FL: from Evergreen over U.S. Hwy 31 to Brewton, AL, then over U.S. Hwy 29 to Pensacola, and return over the same routes; (18) between Anniston and Huntsville, AL over U.S. Hwy 431; (19) between Huntsville, AL and Memphis, TN; (a) from Huntsville over U.S. Hwy 72 to Memphis, and return over the same route; (b) from Huntsville over Alternate U.S. Hwy 72 to junction U.S. Hwy 72, then over U.S. Hwy 72 to Memphis, and return over the same routes; (20) between junction Interstate Hwys 85 and 185 and Dothan, AL: from junction Interstate Hwys 85 and 185 over Interstate Hwy 185 to Columbus, GA, then over U.S. Hwy 431 to Dothan, and return over the same routes; (21) between Atlanta, GA and Tampa, FL over U.S. Hwy 19; (22) between Roanoke and Richmond, VA: from Roanoke over U.S. Hwy 460 to junction VA Hwy 307, then over VA Hwy 307 to junction U.S. Hwy 360, then over U.S. Hwy 360 to Richmond, and return over the same routes: (23) Serving in connection with routes (1) through (22) above, all intermediate points; and (24) serving, in connection with routes (1) through (22) above and the carrier's otherwise authorized regular-route operations, points in the following counties as off-route points: Knox, Anderson, Hamilton, Bradley, Davidson, Shelby, Fayette and Tipton Counties, TN; Amherst, Bedford, Botetourt, Campbell, Franklin, Montgomery, and Roanoke Counties, VA; Morgan, Madison, Limestone, Laurence, Colbert, Lauderdale, Jefferson, Elmore, Macon, Montgomery, Autauga, Mobile, Baldwin, and Houston Counties, AL; and Escambia, Santa Rosa, Duval, Orange, Seminole, Pinellas, Leon, Hillsborough, Gadsden, Dade, Broward, and Palm Beach Counties, FL. (B) Over irregular routes transporting *general commodities* (except classes A and B explosives) (1) between points in AL, FL, TN, and VA; and (2) between points in AL, FL, TN, and VA, on the one hand, and, on the other, points in Steuben County, NY, and points in MA, CT, RI, NJ, NC, SC, and GA, and those points in NY on and south of NY Hwy 7, those in PA on, east, and south of a line beginning at the MD–PA state line and extending along Interstate Hwy 83 to York, PA, then along U.S. Hwy 30 to junction U.S. Hwy 202, then along U.S. Hwy 202 to the PA–NJ state line, and those in that part of MD west of the Susquehanna River and Chesapeake Bay and east of Garrett County, MD.

MC 124078 (Sub-1038), filed January 23, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53215. Transporting *salt and salt products*, between Chicago and East St. Louis, IL, Louisville, KY, Baltimore, MD, Cincinnati, OH, Nashville, TN, Milwaukee, WI, points in LaSalle County, IL, Posey County, IN Dubuque County, IA, and St. Mary Parish, LA on the one hand, and, on the other, points in the U.S.

MC 124328 (Sub-141), filed January 28, 1981. Applicant: BRINK'S INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Richard H. Street, 1729 H St., N.W., Washington, D.C. 20006. Transporting *currency, coin, and negotiable instruments*, between points in the United States, under continuing contract(s) with Heritage Village Church and Missionary Fellowship, Inc., of Charlotte, NC.

MC 136669 (Sub-17F), filed December 31, 1980, previously noticed in the FR issue of January 28, 1981. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, NE 68731. Representative: Eugene D. Anderson, 910 17th St., Suite 428, Washington, DC 20006. Transporting *food and related products*, and *machinery* between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

Note.—This republication shows applicant's representative which was erroneously deleted from the previous publication.

MC 142429 (Sub-3)(M1–F) (Notice of filing of petition to modify certificate.) Filed February 10, 1981. Petitioner: HORACE G. STROUD, d.b.a. STROUD TRUCK SERVICE, 11030 Weaver St., South El Monte, CA 91733. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Petitioner holds a motor *contract carrier* permit in No. MC–142429 Sub 3, issued August 29, 1980, authorizing the transportation of *meats, meat products, and meat by products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix 1 to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration from points in IL, IA, KS, MN, MO, NE, OK, SD, TX, and WI, to points in CA, under continuing contract(s) with Foster Farms, of Livingston, CA. By the instant petition, petitioner seeks to add Swift & Co., of Chicago, IL, as a contracting shipper.

MC 145129 (Sub-5F), filed December 30, 1980, previously noticed in FR issue (Republication) of February 3, 1981. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. Transporting *those commodities* which because of their size or weight require the use of special equipment or special handling, and *iron and steel articles* between points in Bradley and Hamilton Counties, TN, on the one hand, and, on the other, points in AL, GA, KY, MS, NC, SC, TN, and VA.

Note.—Purpose of republication to modify the authority as above.

MC 146078 (Sub-32F), filed October 22, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *foodstuffs* and *materials* used in the preparation of foodstuffs, between the facilities of CPA Corporation at Wichita, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146678 (Sub-6), filed January 29, 1981. Applicant: SOUTHLAND TRANSPORTATION, INC., P.O. Box 7660, Washington, DC 20044. Representative: Henry E. D. Seaton, 929 Pennsylvania Ave., NW, 425 13th St., NW, Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in Chatham County, GA, on the one hand, and, on the other, those points in TN within an area bounded on the west by the western branch of the Tennessee River and on the east by US Hwy 27.

Volume No. OP5–056

Decided: February 17, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 78228 (Sub-184), filed January 30, 1981 Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *metal products*, between points in the U.S.

MC 100449 (Sub-124), filed January 28, 1981 Applicant: MALLINGER TRUCK LINE, INC. R.R. 4, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses*, between Louisa and Black Hawk Counties, IA, on the one hand, and, on the other, points in OK, NM, and TX.

MC 110988 (Sub-438), filed February 2, 1981 Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 125018 (Sub-6), filed January 28, 1981 Applicant: TENNESSEE TRUCK LINES, INC., Route 4, Dandridge, TN 37735. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W. Washington, D.C. 20004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Blytheville Canning Company, Inc. of Muskogee, OK, Bush Brothers & Co. of Dandridge, TN, Heekin Can Division of Diamond International Corp. of Cincinnati, OH, New Era Canning Company of New Era, MI, Shiocton Kraut Company, Inc., of Shiocton, WI, and Valley Canning Company, Inc. of Ville Platte, LA.

MC 126428 (Sub-13), filed January 26, 1981 Applicant: ZIBERT TRANSPORT CO., P.O. Box 65, Peru, IL 61354. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *chemicals and related products*, between points in IA, IL, IN, MN, MO, OH, and WI.

MC 129908 (Sub-74), filed January 26, 1981 Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of plastic articles, between points in the U.S. on the one hand, and, on the other, the facilities of Mobil Chemical Company in the U.S.

MC 136899 (Sub-54), filed January 26, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wison, 150 E. Gilman St., Madison, WI 53703. Transporting *such commodities* as are dealt in or use by manufacturers, coverters and printers of paper, paper products, and plastic products, between points in WI, on the one hand, and, on the other, points in CO, IL, IN, IA, KS,

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KY, MI, MN, MO, MT, NE, ND, OH, SD, TN, WI, and WY.

MC 138308 (Sub-133), filed January 16, 1981, previously noticed in FR issue of February 9, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, and, on the other, the facilities used by T. G. & Y. Stores Co.

Note.—This republication changes the territorial description.

MC 138308 (Sub-139), filed January 26, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. on the one hand, and on the other, the facilities used by Ralston Purina Company.

MC 146038 (Sub-3), filed January 28, 1981. Applicant: QUICK SILVER, INC., Box 213, Liberty, MO 64068. Representative: Patricia F. Scott, 20 East Franklin, Liberty, MO 64068. Transporting *such commodities* as are dealt in or used by distributors of foodstuffs, between Kansas City, MO, on the one hand, and, on the other, points in the U.S.

MC 147159 (Sub-1), filed February 2, 1981. Applicant: PIPE HAULERS, INC., 2045 South High St., Columbus, OH 43207. Representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43207. Transporting *clay, concrete, glass or stone products*, between points in OH, on the one hand, and, on the other, points in PA, WV, VA, KY, IN, and MI.

MC 150339 (Sub-25), filed February 5, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr., (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tippens Machinery Co., Inc., of Pittsburgh, PA.

MC 152779 (Sub-1), filed February 2, 1981. Applicant: KFM TRANSPORT, INC., 222 E. 5th Ave., Naperville, IL 60540. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts) with Kroehler Mfg. Company and Gary Schroeder Chair Co., both of Naperville, IL, and their subsidiaries.

Volume No. OP5-057

Decided: February 18, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 108119 (Sub-282), filed February 5, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *metal products*, between Box Elder County, UT, on the one hand, and, on the other, points in the U.S.

MC 112989 (Sub-138), filed January 28, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 S., Eugene, OR 97405. Representative: John W. White, Jr., (same address as applicant). Transporting *pulp, paper and related products*, between points in the U.S.

MC 117119 (Sub-834), filed January 26, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *such commodities* as are dealt in or used by a florist supplier, between points in the U.S.

MC 119098 (Sub-9), filed January 28, 1981. Applicant: BILL ROHRBAUGH'S CHARTER SERVICE, INC., 121 N. Ruth Ave., Spring Grove, PA 17362. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Carroll County, MD, and that portion of Frederick County, MD north of MD Hwy 26 and on and east of U.S. Hwy 15, and extending to points in the U.S.

MC 126119 (Sub-7), filed January 28, 1981. Applicant: EASTERN MOTOR TRANSPORT, INC., P.O. Box 501, Richmond, VA 23204. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting *petroleum and petroleum products*, between points in Guilford County, NC, on the one hand, and, on the other, points in VA.

MC 129908 (Sub-73), filed January 27, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting *chemicals and related products*, between points in the U.S.

MC 129908 (Sub-75), filed January 22, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S. W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, AZ,CA, CO, DC, DE, FL, GA, IL, IN, KS, LA, KY, MD, MI, MO, MS, NC, NJ, NM, NV, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WI, and WV.

MC 135328 (Sub-6), filed February 4, 1981. Applicant: MARVIN E. YATES, d/b/a YATES TRUCKING CO., 1600 Joe Wright Rd., Klamath Falls, OR 97601. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. Transporting (1) *building materials*, and (2) *lumber and wool products*, between points in OR, and those in CA in and north of Mendocino, Lake, Yolo, Sacramento and El Dorado Counties, on the one hand, and, on the other, points in CA, OR, WA, MT, ID, NV, and UT.

MC 136828 (Sub-38), filed February 5, 1981. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Transporting *machinery*, between points in Shelby County, TN, and Lubbock County, TX, on the one hand, and, on the other, points in the U.S.

MC 138198 (Sub-13), filed February 2, 1981. Applicant: SPD TRUCK LINE, INC., 401 Cottage St., Abilene, KS 67410. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Duckwall-Alco Stores, Inc., of Abilene, KS.

MC 138328 (Sub-131), filed January 30, 1981. Applicant: CLARENCE L. WERNER, d/b/a WARNER ENTERPRISES, I–80 & Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Transporting *building materials*, between points in McPherson County, KS on the one hand, and, on the other, points in AR, IL, IA, LA, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 144219 (Sub-8), filed February 6, 1981. Applicant: B.I.T., INCORPORATED, P.O. Box 968, Reedley, CA 93654. Representative: Greg P. Stefflre, 261 South Figueroa St., Los Angeles, CA 90012. Transporting *Clay, concrete, glass or stone products*, between points in the U.S.

MC 144219 (Sub-9), filed February 6, 1981. Applicant: B.I.T., INCORPORATED, P.O. Box 968, Reedley, CA 93654. Representative: Greg P. Stefflre, 261 South Figueroa St., Los Angeles, CA 90012. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *building materials*, (except those described in (1) and (2) above) between points in WA, ID, MT, WY, OR, CA, NV, UT, CO, AZ, and NM.

MC 144549 (Sub-8), filed January 28, 1981. Applicant: PITTSVILLE SERVICES, INC., 45 Downing Parkway, Pittsfield, MA 01201. Representative: Sherwood Guernsey, II, 57 Wendell Ave., Pittsfield, MA 01201. Transporting *general commodities* (except classes A and B explosives), between points in Berkshire County, MA, on the one hand, and, on the other, points in the U.S.

MC 144889 (Sub-11), filed February 5, 1981. Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Ave., Hammond, IN 46320. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting metal products between points in Putnam County, IL, on the one hand, and, on the other, points in MI.

MC 145059 (Sub-7), filed January 28, 1981. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Blvd., Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *food and related products*, between points in Cumberland County, NJ, on the one hand, and, on the other, points in the U.S.

MC 146819 (Sub-3), filed January 30, 1981. Applicant: JOHN ARYON, d.b.a. TRANS-WEST SERVICE, 8856 E. Rosecrans Ave., Downey, CA 90241. Representative: John Aryon (same address as applicant). Transporting *food and related products*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in AZ, NV, OR, and WA.

MC 148428 (Sub-16), filed February 6, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Transporting *food and related products*, between points in Hennepin, Anoka, and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 149388 (Sub-6), filed January 29, 1981. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Ave., Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals, between points in the U.S.

MC 150339 (Sub-24), filed February 4, 1981. Appliant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Warner-Lambert Company, of Morris Plains, NJ.

MC 150589 (Sub-2), filed February 6, 1981. Applicant: J & K TRANSPORTATION COMPANY, INC., 1600 Industrial, Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St. NW, Suite 1000, Washington, DC 20036. Transporting *building materials*, between points in Jackson and Wayne Counties, MI, Lucas and Pike Counties, OH, and Douglas County, KS, on the one hand, and, on the other, points in the U.S.

MC 151619 (Sub-1), filed February 2, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Transporting *such commodities* as dealt in or used by wholesale, retail, and discount stores, between Dallas, TX, on the one hand, and, on the other, points in the U.S.

MC 152218 (Sub-1), filed February 2, 1981. Applicant: OHIO PIGGYBACK TRANSPORTATION, INC., 2682–A Fisher Rd., Columbus, OH 43204. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *such commodities* as are dealt in or used by manfacturers and distributors of wall coverings, between points in the U.S., under continuing contract(s) with Columbus Coated Fabrics, Inc., Division of Borden Chemical, Borden, Inc., of Columbus, OH; (2) *such commodities* as are dealt in or used by manufacturers and distributors of heating and cooling units, between points in the U.S., under continuing contract(s) with Lennox Industries, Inc., of Columbus, OH; (3) *such commodities* as are dealt in or used by manufacturers and distributors of plastic products, between points in the U.S., under continuing contract(s) with Lustro-Ware, Division of Borden Chemical, Inc., of Columbus, OH; and (4) *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with DeSoto, Inc., of Des Plaines, IL.

Volume No. OP5-059

Decided: February 19, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 8758 (Sub-5), filed February 5, 1981. Applicant: CITIZENS TRANSPORTATION OF CALIFORNIA, INC., 1670 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Whittier, CA 90602. Transporting *general commodities* (except classes A and B explosives), (1) between points in AZ, CA, NM, and NV, and (2) between points in AZ, CA, NM, NV, on the one hand, and, on the other, points in CO, ID, MT, OR, TX, UT, WA, and WY. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation at applicant's written request, of its authorities in MC 8758 (Subs-1 and 4), acquired in MC-FC-78286.

MC 9289 (Sub-22), filed February 4, 1981. Applicant: BEST WAY MOTOR FREIGHT, INC., 1765 6th Ave., S., Seattle, WA 98134. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *general commodities* (except classes A and B explosives), between points in WA and OR.

MC 29328 (Sub-7), filed February 4, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Ave., Joliet, IL 60432. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350 Chicago, IL 60603. Transporting *pulp, paper, and related products*, between points in Grundy and Kane Counties, IL, on the one hand, and, on the other, points in IN, IA, WI, MI, MO, OH, KY, and KS.

MC 52579 (Sub-213), filed January 30, 1981. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *wearing apparel*, between points in Grayson County, KY, on the one hand, and, on the other, New York, NY.

MC 108119 (Sub-281), filed February 4, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, A Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Donald A. Morken, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., restricted to traffic moving from or to the vacilities of or utilized by American Hoist & Derrick Company, its subsidiaries or suppliers.

MC 121568 (Sub-79), filed February 4, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). Transporting *lead wheel weights and battery terminals*, between points in Sullivan County, TN, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

Note.—Applicant intends to tack with existing authority.

V 46 / 41 MR 3 81 UMI

MC 109448 (Sub-29), filed January 27, 1981. Applicant: PARKER TRANSFER CO., a corporation, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Transporting *plastics and related products*, between points in Lorain County, OH, on the one hand, and, on the other, points in the U.S.

MC 113658 (Sub-45), filed February 3, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Richard J. Loose (same address as applicant). Transporting *food and related products*, between points in Kearney County, NE, on the one hand, and, on the other, points in IL, NY, PA, CT, and NJ.

MC 134769 (Sub-6), filed February 6, 1981. Applicant: BILL BURTON & SONS, INC., P.O. Box 404 Newberry, MI 49868. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *building materials*, (a) between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (b) between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points on the international boundary line between the U.S. and Canada.

MC 138469 (Sub-264), filed January 30, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75367, Oklahoma City, OK 73147. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *malt beverages* between points in Jefferson County, CO., on the one hand, and, on the other, points in AR, LA, MS, and TN.

MC 142848 (Sub-14), filed February 4, 1981. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *coal and coal products* between points in IN, IL, and KY.

MC 144219 (Sub-7), filed February 6, 1981. Applicant: B.I.T., INCORPORATED, P.O. Box 968, Reedley, CA 93654. Representative: Greg P. Steffire, 261 South Figueroa St. Los Angeles, CA 90012. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with E.I. DuPont de Nemours & Co., Inc., of Wilmington, DE, SCM Glidden Painting & Resins, of San Francisco, CA, Monsanto Company, of St. Louis, MO, and PPG Industries, Inc., of Pittsburgh, PA.

MC 144969 (Sub-28), filed February 2, 1981. Applicant: WHEATON CARTAGE COMPANY, a corporation, 3rd and G Sts., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 101 Wheaton Ave., Millville, NJ 08332. Transporting *foodstuffs*, between the facilities utilized by Progress Quality Foods and their suppliers at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147698 (Sub-4), filed January 30, 1981. Applicant: J.L.M.S., INC., 115 Moonachie Ave., Moonachie, NJ 07074. Representative: Zoe Ann Pace, Suite 2373 One World Trade Center, New York, NY 10043. Transporting *general commodities* (except classes A and B explosives), between New York, NY, on the one hand, and, on the other, Philadelphia, PA, and Boston, MA.

MC 151238 (Sub-2), filed January 30, 1981. Applicant: ZERO TANK & TRUCK LINES, INC., P.O. Box 551, Channelview, TX 77530. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (1) irrigation systems, and (2) solar energy systems, between points in Carter County, OK, and Washington, and Lubbock Counties, TX, on the one hand, and, on the other, New Orleans, LA, and Houston and Galveston, TX.

MC 153988 (Sub-1), filed February 6, 1981. Applicant: RYAN TRANSFER & STORAGE CO., a corporation, 888 Mackubin St., St. Paul, MN 55117. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *metal products*, and (2) *transportation equipment*, between points in the U.S., under continuing contract(s) with The Maxson Corporation, of St. Paul, MN.

Volume No. OP5-060

Decided: February 18, 1981.

By the Commission, Review Board No. 1 members Carleton, Joyce, and Jones.

MC 52579 (Sub-214), filed January 30, 1981. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *wearing apparel*, between Greer, SC, on the one hand, and, on the other, Wilmington, DE, and points in Franklin County, OH. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 R.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 56388 (Sub-43), filed January 30, 1981. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *commodities in bulk*, between points in VA, WV, PA, DE, MD, NJ, OH, NC, and DC.

MC 89228 (Sub-3), filed January 28, 1981. Applicant: V. IACONO TRUCKING CO., INC., 23 Ring Street, Providence, RI 02904. Representative: Charles R. Reilly, 391 Davisville Rd., North Kingstown, RI 02852. Transporting *general commodities*, (except classes A and B explosives) between points in CT, MA, and RI.

MC 99969 (Sub-5), filed February 2, 1981. Applicant: HUNTLEY TRUCKING CO., Rt. 1, New Plymouth, OH 46654. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *coal and coal products*, between points in Hocking County, OH, on the one hand, and, on the other, points in IN.

MC 100449 (Sub-125), filed January 28, 1981. Applicant: MALLINGER TRUCK LINE, INC., Rural Route 4, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in Webster County, IA, on the one hand, and, on the other, points in CO, KS, MN, MO, NE, ND, SD, and WI.

MC 105808 (Sub-13), filed February 3, 1981. Applicant: PLYMOUTH ROCK TRANSPORTATION CORPORATION, 1230 Massachusetts Ave., Boston, MA 02125. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, CT, MY, NJ, PA, MD, DE, OH, VA, and DC.

MC 106398 (Sub-1092), filed February 2, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Edward Hines Lumber Company, of Chicago, IL.

MC 116319 (Sub-17), filed February 2, 1981. Applicant: WASHINGTON TRUCKING, INC., P.O. Box 107, Darrington, WA 98241. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233 Renton, WA 98055. Transporting *commodities in bulk, between points in WA, OR, CA, ID, and MT.*

MC 145088 (Sub-6), filed January 30, 1981. Applicant: S & T TRUCKLOAD, INC., 2527 N.E. 28th Street, Forth Worth, TX 76106. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of boat trailers, between points in Tarrant County, TX, on the one hand, and, on the other, points in the U.S.

MC 150589 (Sub-3), filed February 6, 1981. Applicant: J & K TRANSPORTATION COMPANY, INC., 1600 Industrial St., Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., N.W., Washington, DC 20036. Transporting (1) *rubber and plastic products, and* (2) *metal products*, between points in the U.S., under continuing contract(s) with Carolina Can Company, of Arden, NC.

MC 150939 (Sub-11), filed February 4, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of copper wire products, between points in the U.S., under continuing contract(s) with Essex Group, Division of United Technologies Corp., of Ft. Wayne, IN. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 151428 (Sub-1), filed January 28, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315 Beverly Hills, CA 90212. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Harwick Chemical Co., of Akron, OH.

MC 152068 (Sub-2), filed January 28, 1981. Applicant: HOC-EXPRESS, INC., 125 N. Elizabeth, Wichita, KS 67203. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *air conditioning units and refrigeration units*, (1) between points in Sedwick County, KS, and points in OK, and AR, and (2) between points in Sedgwick County, KS, on the one hand, and, on the other, points in IN.

MC 152479 (Sub-1), filed February 4, 1981. Applicant: WABASH EXPRESS, INC., 2 Warwick Road, Stratford, NJ 08084. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094. Transporting *general commodities* (except classes A and B explosives) between Philadelphia, PA, on the one hand, and, on the other, points in DE, NJ, and PA.

MC 152839 (Sub-1), filed February 2, 1981. Applicant: ROCKET MOTOR FREIGHT LINES, INC., P.O. Box 623, Peoria, IL 61606. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, Transporting *petroleum, natural gas and their products*, between points in IA, IN, IL, OH, PA, and WI.

MC 153199 (Sub-1), filed February 2, 1981. Applicant: DOUGLAS EUGENE HARRIS, d.b.a. HARRIS AND SONS, 1004 N. 12th Street, Chickasha, OK 73108. Representative: Michael H. Lennox, 8903 N. Western Ave., Oklahoma City, OK 73114. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Agnew Steel Co., Inc., of Oklahoma City, OK.

MC 153429 (Sub-1), filed February 4, 1981. Applicant: LAKEWAY TRUCKING COMPANY, P.O. Box 763, Morristown, TN 37814. Representative: Carl W. Eilers, 111 East Market Street, Kingsport, TN 37660. Transporting (1) *lumber and wood products*, (2) *pulp, paper and related products*, and (3) *clay, concrete, glass, and stone products*, between points in Hamblen and Jefferson Counties, TN, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6725 Filed 3-2-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g.s, unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-044

Decided: February 18, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

V 46 / 41 MR 3 81 UMI

MC 96770 (Sub-1), filed January 27, 1981. Applicant: FLORIDA TERMINALS & TRUCKING CO., a Corporation, P.O. Box 13607, Orlando, FL 32809. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

MC 148281 (Sub-13), filed February 3, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPI-045

Decided: February 20, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 200 (Sub-565), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO. 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *food and related products*, between points in Gloucester County, NJ, on the one hand, and, on the other, points in Cache County, UT.

MC 200 (Sub-576), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141.Representative: H. Lynn Davis (same address as applicant). Transporting *pulp, paper and related products*, between points in Clay County, MO, on the one hand, and, on the other, points in Alameda County, CA.

MC 200 (Sub-580), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *containers and container closures*, between points in CO, GA, IL, IN, NC, NJ, NY, OH, OK, PA, TX, and VA, on the one hand, and, on the other, points in the U.S.

MC 33970 (Sub-24), filed February 6, 1981. Applicant: GEORGE HILDEBRANDT, INC., R.D. No. 4, Hudson, NY 12534. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *building materials*, (2) *coal and coal products*, and (3) *ores and minerals*, between points in NY, ME, NH, MA, RI, CT, PA, DE, MD, VT, NJ, VA and DC.

MC 47171 (Sub-203), filed February 4, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in TN, on the one hand, and, on the other, points in CT, DE, DC, GA, MD, MA, NJ, NY, NC, SC, PA, RI and VA.

MC 48441 (Sub-70), filed February 5, 1981. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *such commodities* as are dealt in or used by wholesale, retail, and discount food business houses, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 65491 (Sub-17), filed February 6, 1981. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd St., Bronx, NY 10469. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. Transporting *metal products*, between points in Cuyahoga County, OH, on the one hand, and, on the other, Philadelphia, PA, New York, NY, Baltimore, MD, and points in Fairfield and New Haven Counties, CT.

MC 72420 (Sub-11), filed January 21, 1981. Applicant: THE ACE MOTOR TRANSPORT CO., a corporation, 3103 Tiffin Ave., Sandusky, OH 44870. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between Detroit, MI, and points in Erie, Sandusky, Ottawa and Lucas County, OH, on the one hand, and, on the other, points in the U.S.

MC 85970 (Sub-47), filed January 30, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *farm products*, between points in Fulton County, KY, on the one hand, and, on the other, points in the U.S.

MC 106920 (Sub-124), filed February 6, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *food and related products*, between points in FL, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

MC 108341 (Sub-202), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *metal products and building materials*, between points in Chester County, SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 113460 (Sub-11), filed January 23, 1981. Applicant: BLACKHAWK TRANSPORTATION, INC., Box 3008, Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in Polk County, IA, on the one hand, and, on the other, those points in MN, NE, KS, MO, WI, and IL.

MC 115311 (Sub-404), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation, at applicant's written request, of its existing certificates in No. MC 115311 and sub numbers.

MC 119641 (Sub-188), filed February 2, 1981. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural and industrial equipment, and lawn care and leisure products, between points in Harrison County, MS, on the one hand, and, on the other, points in CO, IL, IA, KS, MI, MN, MO, MT, NE, ND, OK, SD, WI and WY.

MC 121081 (Sub-8), filed February 4, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *machinery, metal products, and rubber and plastic products*, between points in Mecklenburg and Union Counties, NC, on the one hand, and, on the other, those points in the U.S. in and east of LA, AR, MO, IA, and MN.

MC 124221 (Sub-72), filed February 2, 1981. Applicant: HOWARD BAER, P.O. Box 47, Morton, IL 61550. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL, and John Morrell & Co., of Chicago, IL.

MC 127820 (Sub-19), filed February 5, 1981. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *general commodities* (except classes A and B explosives), between points in Coshocton County, OH, on the one hand, and, on the other, points in the U.S.

MC 127840 (Sub-170), filed February 5, 1981. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 140460 (Sub-12), filed February 6, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006. Transporting *rubber and plastic products*, between points in Luzerne County, PA, on the one hand, and, on the other, points in the U.S.

MC 141700 (Sub-3), filed February 4, 1981. Applicant: KENNETH SCHUCK TRUCKING, INC., R.D. No. 8, Box 392, Allentown, PA 18104. Representative: Robert J. Brooks, Suite 1115, 1828 L St., N.W., Washington, DC 20036. Transporting *metal and metal products*, between points in Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 142680 (Sub-16), filed January 28, 1981. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting (1) *forest products* (2) *lumber and wood products*, between points in MS, and points in Sumter and Lamar Counties, AL, on the one hand, and, on the other, points in MS, AL, LA, GA, FL, TX, and AR.

MC 143300 (Sub-8), filed February 2, 1981. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *general commodities* (except classes A and B explosives), between Norfolk and Richmond, VA, on the one hand, and, on the other, points in Campbell, Franklin, Henry, Patrick, Pittsylvania, Smyth, and Warren Counties, VA.

Volume No. OPI-047

Decided: February 23, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton and Liberman.

MC 200 (Sub-558), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in AL, CA, CO, IL, LA, NJ, OH, TX, and WA, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-578), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *food and related products*, between points in Buchanan County, MO, on the one hand, and, on the other, points in CA and KY.

MC 890 (Sub-4), filed February 5, 1981. Applicant: ADKINS TRUCKING AND FREIGHT LINES, INC., Box 190, 750 Charles St., Gloucester City, NJ 08030. Representative: Robert B. Einhorn, 3220 P. S. F. S. Bldg., 12 South 12th St., Philadelphia, PA 19107. Transporting *food and related products*, between Camden, NJ, on the one hand, and, on the other, points in Ulster and Orange Counties, NY.

MC 75840 (Sub-153), filed January 30, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222. Transporting *transportation equipment and metal products*, (1) between points in MI, on the one hand, and, on the other, points in MS, TN, and NC, and (2) between points in NC, on the one hand, and, on the other, points in OH.

MC 90870 (Sub-44), filed January 23, 1981. Applicant: RIECHMANN ENTERPRISES, INC., Route 1, Box 1284, Granite City, IL 62040. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *general commodities* (except classes A and B explosives), between points in Madison County, IL, on the one hand and, on the other, points in the U.S.

MC 106400 (Sub-129), filed February 5, 1981. Applicant: KAW TRANSPORT COMPANY, A Corporation, P.O. Box 8510, Sugar Creek, MO 64054. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Transporting *commodities in bulk*, (1) between points in AR, CO, IA, IL, KS, LA, MN, MO, ND, NE, NM, OK, SD, TX, WI, and WY, and (2) between points in AR, CO, IA, IL, KS, LA, MN, MO, ND, NE, MN, OK, SD, TX, WI, and WY, on the one hand, and, on the other, points in the U.S.

MC 108341 (Sub-203), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *metal products*, between points in Monroe County, GA, on the one hand, and, on the other, those points in the U.S. in an east of MN, IA, MO, AR, and LA.

MC 111871 (Sub-11), filed February 5, 1981. Applicant: SOUTHEASTERN FREIGHT LINES, INC., U.S. Hwy 387, P.O. Box 5887, Columbia, SC 29250. Representative: Thomas G. Sloan (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in GA, SC, and NC.

MC 117201 (Sub-50), filed February 6, 1981. Applicant: INTERSTATE DISTRIBUTING CO., a corporation, 8311 Durango SW., Tacoma, WA 98499. Representative: George R. LaBissioniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting (1) *pulp, paper and related products, and* (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with North Pacific Paper Co., of Tacoma, WA., and International Paper Company, of New York, NY.

MC 128720 (Sub-13), filed February 6, 1981. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. Transporting *general commodities* (except classes A and B explosives), between points in TN, on the one hand, and, on the other, points in KY.

Note.—Applicant intends to tack the rights sought to its existing regular route authority in MC-126720 Subs. 2, 4, 5, 6, and 7.

MC 135410 (Sub-121), filed January 26, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING,

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P.O. Box 266, North 6th St. Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automotive care products, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 144471 (Sub-1), filed February 6, 1981. Applicant: CLAUSEN BUS SERVICE, INC., 123 East Mineola Ave., Valley Stream, NY 11580. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in NY, and extending to points in the U.S. (including AK, but excluding HI).

MC 145230 (Sub-8), filed January 23, 1981. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39191. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting *forest products, and lumber and wood products*, between points in the U.S., under continuing contract(s) with Vanply, Inc., of Charlotte, NC.

MC 145371 (Sub-7), filed January 30, 1981. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting (1) *pulp, paper and related products* and (2) *chemicals and related products*, between points in Putnam County, OH, on the one hand, and, on the other, points in the U.S.

MC 145441 (Sub-141), filed January 30, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *food and related products*, between points in Alameda and Santa Clara Counties, CA, on the one hand, and, on the other, points in IL, MI, OH, and NY. CONDITION: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicants written request of existing certificates in MC–145441 Sub-Nos. 68F and 86F.

MC 145441 (Sub-142), filed January 30, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *food and related products*, between the facilities used by Lamb-Weston, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146890 (Sub-33), filed February 6, 1981. Applicant: C & E TRANSPORT, INC., d./b./a C.E. SUMSTEIN CO., a corporation P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 666 Eleventh Street NW., Suite 805, Washington, DC 20001. Transporting *food and related products*, between points in Morgan County, IL, on the one hand, and, on the other, points in the U.S.

MC 146041 (Sub-7), filed February 5, 1981. Applicant: CAL–TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer Suite 423, 1511 K St., N.W. Washington, DC 20005. Transporting *such commodities* as are dealt in or used by manufacturers of containers, between points in King County, WA, Los Angeles County, CA, and Maricopa County, AZ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 146761 (Sub-3), filed February 2, 1981. Applicant: P.J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: Norman A. Cooper 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *food and related products* (1) between points in CA, and (2) between Chicago, IL, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MO, OH, PA and WI.

MC 1418060 (Sub-9), filed February 2, 1981. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *such commodities* as are dealt in or used by retail shoe stores, between points in PA, NC, and Shawnee County, KS, on the one hand, and, on the other, points in OK, KS, CO, MO, NM, TX, IL, NE, IN, OH, KY, TN and AR.

MC 148600 (Sub-8), filed February 2, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Transporting (1) *rubber and plastic products*, (2) *chemicals and related products*, (3) *metal products*, (4) *textile mill products*, and (5) *petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 148871 (Sub-3), filed February 5, 1981. Applicant: PORT TERMINAL REFRIGERATED TRANSPORT, INC., Foot of Algiers St., Port Newark, NJ 07114. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *food and related products*, between Newark, NJ, Baltimore, MD, and points in Albany County, NY, on the one hand, and, on the other, points in PA, OH, MI, IN, NY, CT, NJ, IL, WI, RI, MA, NH, VT, and ME.

MC 152190 (Sub-1), filed February 2, 1981. Applicant: HOUGHTON TRUCKING, INC., Houghton, IA 52631. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *chemicals and related products*, between points in Lee, Story, and Polk Counties, IA, on the one hand, and, on the other, points in IL, and MO.

MC 152391 (Sub-2), filed February 3, 1981. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 824 27th Ave., SW., Cedar Rapids, IA 52404. Representative: Virginia A. Wilson (same address as applicant). Transporting *metal products, and machinery*, between points in the U.S., under continuing contract(s) with LeFebure Corporation of Cedar Rapids, IA.

MC 152741 (Sub-1), filed February 6, 1981. Applicant: APPALACHIAN FREIGHT CARRIERS, INC., P.O. Box 307, Edinburg, VA 22824. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Transporting *building materials*, between points in VA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 153621 (Sub-54), filed February 5, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., P.O. Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Transporting *lumber and wood products*, between points in AL, AR, GA, IL, IN, IA, KS, KY, MI, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, WV, and WI.

MC 154112, filed February 5, 1981. Applicant: HENRY J. BLANCHARD & SONS, INC., 98 Liberty St., Danvers, MA 01923. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting *machinery*, between points in MA, ME, NH, RI, and VT.

Volume No. OP2–020

Decided: February 12, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 128932 (Sub-12), filed January 21, 1981. Applicant: COMMERCIAL STORAGE & DISTRIBUTION COMPANY, 432 Richmond Rd., Texarkana, TX 75501. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC, (202) 833–8884.

Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151862, filed January 28, 1981. Applicant: B. R. GLYNN INTERNATIONAL, DIVISION, OF SCOTTISH EXPRESS INTERNATIONAL, 878 Burbank Ave., Suffield, CT 06078. Representative: B. R. Glynn (same as applicant) (203) 668–1244. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP5–058

Decided: February 18, 1981.

By the Commission, Review Board No. 1. Members Carleton, Joyce, and Jones.

MC 143259 (Sub-2), filed January 30, 1981. Applicant: TOM DURKIN, d.b.a. TOM DURKIN TRUCKING, 38 East Chestnut St., Walla Walla, WA 99362. Representative: Steve VanWyk, 12012 NE Lonetree, Poulsbo, WA 98370. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153918, filed January 6, 1981. Applicant: TRANSPORTATION & CONSOLIDATION CENTERS, INC., P.O. Box 1524, Harrisburg, PA 17105. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-6726 Filed 3-2-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

National Institute of Corrections

Grant and Contract Review Process; Procedures

Notice is hereby given that the National Institute of Corrections (NIC) has amended its procedures—which were published in the **Federal Register**, Volume 41, No. 216—Monday, November 8, 1976 at pp. 49200–49201 and amended in the **Federal Register**, Volume 43, No. 251—Friday, December 29, 1978 at pp. 61033–61035—for the internal processing of concept papers, grant applications and/or contracts. These procedures cover concept papers, grant applications and/or contracts submitted by appropriate individuals, organizations or agencies with NIC's enabling legislation (18 U.S.C. Sections 4351–4353 (1974)).

Allen F. Breed,
Director, National Institute of Corrections.

1. *Purpose:* To formalize the responsibilities of the Advisory Board, Grant Review Committee of the Advisory Board, and the Director of the National Institute of Corrections with regard to grant and contract review and award. To detail the steps involved in the review and award process.

2. *Directives affected:* Supersedes procedures contained in June 23–24, 1975, National Institute of Corrections Advisory Board Minutes. Supplements all official Government regulations.

3. *Definition of terms:*

A. For purposes of this statement, the term *"Director"* means the Director of the National Institute Corrections; the term *"Advisory Board"* means the Advisory Board of the National Institute of Corrections; and the term *"Grant Review Committee"* means the Grant Review Committee of the Advisory Board, National Institute of Corrections.

B. An *"application"* is a duly executed Standard Form 424—Federal Assistance, properly completed in compliance with application instructions and submitted from eligible parties in accordance with Federal Management Circular FMC 74–7 and FMC 73–7.

C. A *"concept paper"* is any submission of materials other than the Standard Form 424 which outlines in brief the submitters's programmatic and budgetary proposal.

(Concept papers and applications for grants originate from three primary sources: 1) in response to announced initiative efforts; 2) solicited by National Institute of Corrections staff; and 3) forwarded to the National Institute of Corrections unsolicited.)

D. *"Employee"* means an officer or employee of the Department of Justice and includes a special Government employee (as defined in paragraph E of this section).

E. *"Special Government Employee"* means an individual who is retained, designated, appointed, or employed by the Department of Justice to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. For purposes of this policy statement, members of the National Institute of Corrections Advisory Board shall be considered "Special Government Employees."

F. *"Conflict of Interest"*—The Department of Justice Standards of Conduct, 28 CFR Part 45.735–4, defining "Conflicts of Interest," apply to "employees" and "special government employees" as defined in this section.

(1) A conflict of interest exists whenever the performance of the duties of an employee has or appears to have a direct and predictable effect upon a financial interest of such employee or of his spouse, minor child, partner, or person or organization with which he is associated or is negotiating for future employment.

(2) A conflict of interest exists even though there is no reason to suppose that the employee will, in fact, perform the duties to his/her own personal advantage rather than to the advantage of the Government.

(3) An employee shall not have a direct or indirect financial interest that conflicts, or appears to conflict, with his Government duties and responsibilities.

(4) This section does not preclude an employee from having a financial interest or engaging in a financial interest or engaging in a financial transaction to the same extent as a private citizen not employed by the Government so long as it is not prohibited by statute.

(a) No employee shall have or make investments (a) in enterprises which it is reasonable to believe will be involved in decisions to be made by him, (b) on the basis of information which comes to him by reason of his status as a Department of Justice employee and which has not become part of the body of public information, or (c) which are reasonably likely to create any conflict in the proper discharge of his official duties.

G. The term *"Contract"* means establishment of a binding legal relationship obligating the seller to furnish personal property or nonpersonal services (i.e., unsupervised delivery of services or a product) and the buyer to pay therefore. It includes all types of commitments which obligate the Government to an expenditure of funds. In addition to a two-signature document, it includes a transactions resulting from acceptance of offers by awards or notices of awards; agreements and job orders or task letters issued thereunder; letter contracts; letters of intent; and order, such as purchase orders, under which the contract becomes effective by written acceptance of performance. It also includes contract modifications.

H. *"Field readers"* are those individuals who review NIC-selected

concept papers and application statements from their professional perspectives for the purpose of assessing the relative merits and reasibility of proposed actions or activities of the submitter. These individuals appear on the Advisory Board's approved list of readers.

I. The term *"Grant"* means an agreement between the Federal Government and another party whereby the Federal Government provides funds or aid in kind to carry out specified programs, services, or activities.

4. *Annual program plan:*

Each year the Director of the National Institute of Corrections shall prepare for the approval of the Advisory Board an Annual Program Plan. This Plan shall outline the program priorities or thrust areas of the Institute, the types of grants and contracts to be undertaken in the next fiscal year, and their estimated funding levels. The Annual Program Plan, once approved, may be modified at any duly authorized meeting of the Advisory Board.

The Annual Program Plan shall serve as the framework and guidelines by which concept papers or applications will be reviewed.

5. *Action:*

A. If any NIC Advisory Board member or staff member (for one year after their separation from the Institute) shall have a substantial personal involvement (review of draft, personal financial gain from the project if approved, etc.) in the preparation and/or submission of a proposal to NIC, then he or she shall declare the nature of that involvement to the Director and shall not participate in the review of the proposal in any manner. In such instances the Director shall not advise the Board of the appearance of conflict of interest, to avoid any possible influence such knowledge might have in the Board's decision process.

B. Each concept paper and application will receive a fiscal and programmatic review by the National Institute of Corrections staff. When submissions are deemed nonfundable by staff, a rejection letter briefly stating the reason for rejection will be forwarded to the organization or person submitting the concept paper or application.

C. Where the concept paper or application is deemed potentially fundable and there is no known conflict of interest, the following will apply:

(1) If the proposed project is (a) within the approved National Institute of Corrections thrust areas and the funding level is $100,000 or less; or (b) for the performance of any internal administrative functions of the National Institute of Corrections; or (c) an interagency agreement where another federal agency is the recipient, the Director will review staff recommendations and make the award decision.

(2) If the proposed project is within the approved National Institute of Corrections thrust areas but requested funding is greater than $100,000, the Director will obtain at least three field reviews from the Board-approved list of field readers, as the the concept paper or application's suitability, feasibility, and contribution to the field of corrections.

The Director will then review staff recommendations and field reviews and make an award decision.

(3) If the proposed project is within the approved National Institute of Corrections thrust areas but requested funding is $300,000 or more, the process will proceed as in C(2) above with the exception that the Director will seek the advice of the Grant Review Committee as to the appropriateness of the project to the Annual Program Plan.

D. Where the concept paper or application is deemed potentially fundable but the declaration referred to in 5(A) above or other data indicates *in the judgement of the Director or his designee* that there may be a substantial personal conflict of interest, the procedures outlined in Section C above will apply, but in addition:

(1) There will be fiscal and programmatic review by staff and review by three field readers from the Board-approved list of reviewers, as to the concept paper or application's suitability, feasibility, and contribution to the field of corrections.

(2) Where such reviews are positive, the Director will seek the advice of the Grant Review Committee regarding the appropriateness of an award and then make an award decision.

E. Each organization or person submitting a concept paper or application will have the right to appeal nonfavorable decisions

(1) Where concept papers or applications meet guidelines presented in C(1) or C(2) above, the Grant Review Committee will serve as the appellate review board and make recommendations to the Director for appropriate action.

(2) Where concept papers or applications meet guidelines contained in C(3) above, the Chairman of the Advisory Board will appoint from the Board an appeals committee to make recommendations to the Director for appropriate action.

F. *Continuation grants.* Any grant for which a renewal or continuation is requested will be reviewed by NIC program staff. This review will include consideration of any evaluations and reports completed during the term of the grant, NIC's Annual Pogram Plan, as well as the need for a continued effort in the particular area covered by that particular grant. The reviewing staff will submit a recommendation to the Director. The Director will then make a decision on the continuation of the grant in question.

Appeals to decisions on continuation grants may be made in accordance with the specifications outlined by Section E above.

6. *Reporting:* The Grant Review Committee will receive a listing of NIC grant awards quarterly. In addition, the Grant Review Committee will be advised quarterly of programmatic contracts entered into by NIC.

[FR Doc. 81-6741 Filed 3-2-81; 8:45 am]

BILLING CODE 4410-05-M

Bureau of Prisons

Advisory Corrections Council; Notice of Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on March 11, 1981, in Washington, D.C.

This meeting is being held in conjunction with the Judicial Conference of the United States. The purpose of the meeting is to discuss eight agenda items related to the role of the Federal Government in Corrections.

Signed at Washington, D.C., this 26th day of February 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-6694 Filed 3-2-81; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-6-M]

J.S. Redpath Corp.; Petition for Modification of Application of Mandatory Safety Standard

J.S. Redpath Corporation, P.O. Box 27328, Tempe, Arizona 85282 has filed a petition to modify the application of 30 CFR 57.19-22 (cable on hoisting drum) to its Silver Shaft Development Project located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements for attachment of wire rope to the drum end of the stage winches at the petitioner's mine.

2. The construction of the circular concrete shaft is by conventional methods and utilizes a work platform (galloway stage) supported by three (3) individual synchronized winch hoists. The manufacturer's design of the winch drums provides for the attachment of the wire ropes by placement of three (3) clamps to the side of the drum. The three (3) winches are synchronized for simultaneous operation and have a maximum rated speed of 28 feet per minute. The permanent shaft steel is being installed approximately 100 feet above the shaft bottom and concrete lining; therefore the vertical movement of the galloway stage is restricted.

3. Each winch is supplied with high pressure hydraulic disc brakes, which are spring applied and pressure released. The brakes are designed to automatically apply during a power failure and/or loss of pressure within the system.

4. J.S. Redpath Corporation is submitting this petition to the Mine Safety and Health Administration with the belief that the standards in 30 CFR Part 57.19 do not apply to the stage winch equipment.

In support of the petition for modification, petitioner states that:

a. Due to the manufacturer's design, any modification of the drum to apply the application of 57.19-22 could result in drum damage thereby reducing the designed safety factors in the units;

b. There is not the continual stress on the equipment or wire rope such as longitudinal or associated transverse vibrations which occur with the high speed hoisting equipment;

c. The number of rope clamps on the drum has been increased from the manufacturer's requirements of three (3) to five (5);

d. The rope was wound on the drum under thirty thousand pounds of tension;

e. The number of full turns of wire rope remaining on the drum at the maximum depth will be over seventeen wraps. This figure takes into consideration the requirements of 30 CFR 57.19-124 (annual cutting of the wire rope).

5. For these reasons, petitioner reqests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 2, 1981. Copies of the petition are available for inspection at that address.

Dated: February 23, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-6801 Filed 3-3-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

New Mexico State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 10, 1975, notice was published in the **Federal Register** (40 FR 57455) of the approval of the New Mexico plan and the adoption of Subpart DD to Part 1952 containing the decision.

The New Mexico plan provides for the adoption of Federal standards as State standards by reference after:

1. Technical Advisory Committee submittal of recommendations to the Environmental Improvement Division.

2. Notice of public hearing(s) published in a newspaper of general circulation in the state at least thirty (30) days prior to the date of such hearing(s).

3. Open public hearing(s) conducted by the Environmental Improvement Board.

4. Filing of adopted regulations, amendments or revocations under the State Rules Act.

Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to the Federal program changes, the State of New Mexico has submitted by letters dated July 14, 1980, and August 12, 1980, from Thomas E. Baca, Director Environmental Improvement Division, to Gilbert J. Saulter, Regional Administrator and incorporated as part of the plan, amended State standards comparable to Federal standards § 1910.177 Servicing Multi-Piece Rim Wheels dated January 29, 1980. The State included in their submission amendments, corrections, or deletions comparable to § 1910.217 Mechanical Power Presses dated February 8, 1980, § 1910.1043 Cotton Dust dated December 5, 1978, and February 26, 1980, and §§1910.1046/1928.113 Cotton Dust in Cotton gins dated December 5, 1978.

These standards which are contained in New Mexico Occupational Health and Safety Regulations, Section 200—General Standards, and Section 400—Agricultural Standards, were promulgated after public hearings held on April 29, 1980, pursuant to the New Mexico Occupational Health and Safety Act, Section 50-9-1 through 50-9-25, N.M.S.A. 1978.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly they are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor—OSHA, Room 602, 555 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202, Director, Environmental Improvement Division, Crown Building, 725 St. Michael's Drive, Santa Fe, New Mexico 87503; and Technical Data Center, Room N2439R, Third and Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the New Mexico State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural

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requirements of State law and further participation would be unnecessary.

This decision is effective March 3, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Dallas, Texas this 28th day of August 1980.

Gilbert J. Saulter,

Regional Administrator.

[FR Doc. 81-6790 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-26-M

Puerto Rico State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On August 30, 1977, notice was published in the **Federal Register** (42 FR 43628) of the approval of the Puerto Rico plan and the adoption of Subpart FF to Part 1952 containing the decision.

The Puerto Rico plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to a Federal standard change, the State has submitted by letter dated March 26, 1980 from Assistant Secretary John Cinque to Assistant Regional Administrator Richard Andree, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration final standard for Occupational Exposure to Lead, as published in the **Federal Register** (43 FR 52952) dated November 14, 1978, with corrections published in the **Federal Register** (44 FR 50338) dated August 28, 1979. This standard which is contained in the P.R. regulations Number Four (equivalent to 29 CFR Part 1910) was promulgated by resolution adopted by the P.R. Department of Labor and Human Resources on December 26, 1979, pursuant to the P.R. Act number 16 and Chapter 43 of the P.R. rules and regulations Act of 1958. In response to a Federal standard change, the State has submitted by letter dated October 28, 1980, from Assistant Secretary John Cinque to Deputy Regional Administrator Nicholas DiArchangel, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration Permanent Standard for Appendices to the Final Standard for Occupational Exposure to Lead as published in the **Federal Register** (44 FR 60980) dated October 23, 1979; Corrections to the Appendices of the Final Standard for Occupational Exposure to Lead as published in the **Federal Register** (44 FR 68827) dated November 30, 1979, Mechanical Power Presses—Corrections as published in the **Federal Register** (45 FR 8593) dated February 8, 1980; Servicing Multi-Piece Wheels—as published in the **Federal Register** (45 FR 6706) dated January 29, 1980; Air Contaminants Tables—Corrections as published in the **Federal Register** (43 FR 57601) dated December 8, 1978; Safety and Health Regulations identified as applicable to Construction as published in the **Federal Register** (44 FR 20940) dated April 6, 1979. These standards which are contained in the Puerto Rico Regulations, Number Four (equivalent to 29 CFR Part 1910) were promulgated by resolution adopted by the Puerto Rico Department of Labor and Human Resources on June 23, 1980, pursuant to the Puerto Rico Act Number 16 and Chapter 43 of the Puerto Rico Rules and Regulations Act of 1958.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly is hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Puerto Rico Department of Labor and Human Resources, Prudencio Rivera Martinez Bldg. Munoz Rivera Avenue 505, Hato Rey, Puerto Rico 00917; and Office of the Director, Federal Compliance and State programs, Room N-3619, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws: The Assistant Secretary finds that good cause exists for not publishing the supplement to the Puerto Rico State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective March 3, 1981.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)))

Signed at New York City, New York this fifth day of December 1980.

Roger A. Clark,

Regional Administrator.

[FR Doc. 81-6791 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-17; Exemption Application No. D-1571]

Exemption from the Prohibitions for a Certain Transaction Involving the Chelsea Emergency Physicians, P.C. Profit Sharing Plan Located in Ann Arbor, Michigan

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of a certain parcel of real property by the Chelsea Emergency Physicians, P.C. Profit Sharing Plan (the Plan) to Dr. Michael D. Papo (Dr. Papo), a party in interest.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 2, 1980, notice was published in the **Federal Register** (45 FR 79944) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed on behalf of Dr. Papo and the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the notification requirements as set forth in the Notice of Pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employee of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale by the Plan of certain real property located at 220 East Washington Street, Ann Arbor, Michigan, to Dr. Michael D. Papo, a party in interest with respect to the Plan, for the cash price of $160,000, provided that this amount is not less than fair market value at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all meterial terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 24th day of February.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-6635 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-16; Exemption Application No. D-1188]

Exemption from the Prohibitions for Certain Transactions Involving Panlmatic Co. Employees' Profit Sharing Plan and Trust, Located in Elk Grove Village, Ill.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits, prospectively, the leasing of certain real property by Panlmatic Company Employees' Profit Sharing Plan and Trust (the Plan) to Panlmatic Company (the Employer), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: C. E. Beaver of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2414) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975 (c)(1) (A) through (E) of the Code, for the transaction described in an application filed jointly by the Employer and the Plan pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a

hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(a)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department make the following determinations:

(a) the exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, prospectively, to the leasing of the Bond Property, located at 73 East Bond Street, Elk Grove Village, Illinois, for the duration of the lease, and its two optional renenal periods. The exemption is subject to the conditions (1) that any prohibited transaction committed in connection with the use of the assets of the Plan for the benefit of the Employer or with the lease of the Bond Property to the Employer by the Plan are to be "corrected" within the meaning of section 4975(b)(5) of the Code, and (2) that the excise taxes imposed by reason of such prohibited transactions are paid within 90 days of the published grant of this exemption.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 24th day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-6637 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-15; Exemption Application Nos. D-821 and 1081]

Exemption From the Prohibitions for Certain Transactions Involving the Transamerica Life Insurance and Annuity Co.; Located in Los Angeles, Calif.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts, under certain conditions, the reinsurance by the Transamerica Life Insurance and Annuity Company (Transamerica Life) of liabilities under life insurance and annuity contracts, including those held in separate accounts, which were sold to employee pension benefit plans by Occidental Life Insurance Company of California (Occidental).

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 16, 1980, notice was published in the **Federal Register** (45 FR 82765) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406 (a) and (b) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (F) of the Code, for transactions described in applications filed on behalf of Occidental, Transamerica Life, and Transamerica Insurance Company of California. The notice set forth a summary of facts and representations contained in the applications for exemption and referred interested persons to the applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the notice to interested persons requirement as set forth in the notice of pendency. The only comment received by the Department was submitted by the applicants, who request that the proposed exemption be modified to clarify that the exemption includes relief for the payment and receipt of consideration between Occidental and Transamerica Life with respect to the reinsurance of liabilities under the contracts covering employees of members of the Transamerica Corporation controlled group. The applicants also request that the proposed exemption be modified to clarify that the exemption exempts the reinsurance of liabilities under a covered contract to the extent that the applicable conditions are satisfied with respect to that particular contract. For purposes of clarification, the Department has agreed to modify the exemption accordingly.

The applications were filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plans and their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plans.

Accordingly the restrictions of section 406 (a) and (b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code, shall not apply to the reinsurance by Transamerica Life of liabilities under a life insurance or annuity contract sold by Occidental to an employee benefit pension plan with respect to which Transamerica Life is a party in interest by reason of section 3(14) (E) or (G) of the Act, the reinsurance by Transamerica Life of liabilities under a life insurance or annuity contract sold by Occidental to an employee pension benefit plan where funds under the contract are held by Occidental in a separate account, and the payment or receipt of amounts between Occidental and Transamerica Life in connection with such reinsurance, provided the following conditions are met: (1) the amount paid to Occidental by the plan for the contract is no greater than fair market value; and (2) regarding the funds which are held by Occidental in a separate account under the contract which was or is to be issued to a pension plan unrelated to the Transamerica controlled group, the transfer of the assets held in such an account and the reinsurance of liabilities relating to such an account by Transamerica Life shall not be entered into until Occidental has received a statement in writing from a plan trustee or named fiduciary unrelated to the Transamerica controlled group that such trustee or fiduciary has determined that the transaction is appropriate for the plan and is in the best interests of the plan's participants and beneficiaries.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 24th day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-6638 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-16; Exemption Application No. D-1936]

Exemption From the Prohibitions for Certain Transactions Involving the Washington-Idaho-Montana Carpenters-Employers Retirement Plan Located in Spokane, Washington

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the lease of office space by Washington-Idaho-Montana Carpenters-Employers Retirement Plan (the Plan) to Administration Services, Inc. (ASI), a service provider to the Plan.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2432) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for a transaction described in an application filed by legal counsel for the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. One public comment was received which was in favor of the exemption as proposed by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the

Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the lease of office space by the Plan to ASI, provided that the terms of the transaction were not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 24th day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-6639 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-19; Exemption Application No. D-1575]

Exemption From the Prohibitions for Certain Transactions Involving the Kishwaukee Valley Medical Group, S.C. Employees' Retirement Plan and Trust Located in Woodstock, Illinois

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits both the proposed sale of certain real property by the Kishwaukee Valley Medical Building Partnership (the Partnership) to the Kishwaukee Valley Medical Group, S.C. Employees' Retirement Trust (the Trust) and the proposed lease of the same real property by the Trust to the Kishwaukee Valley Medical Group, S.C. (the Employer).

FOR FURTHER INFORMATION CONTACT: C. E. Beaver of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2424) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transactions described in an application filed by the Partnership, the Employer, and the trustee of the Trust pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

On accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to both the proposed sale of the real property at 13707 West Jackson Street, Woodstock, Illinois by the Partnership to the Trust and to the proposed lease of that real property by the Trust to the Employer, if such sale and lease are according to the terms set forth in the application for exemption.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 25th day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-6640 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2389]

Proposed Exemption for Certain Transactions Involving Merrill Lynch Realty Management, Inc., Located in New York City, New York

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption involves certain aspects of the proposed provision of real estate services by Merrill Lynch Realty Management, Inc. (Merrill Lynch Realty) and its affiliates to banking and other financial institutions with trust powers (Banking Institutions) maintaining collective investment funds in which employee benefit plans invest. The proposed exemption, if granted, would affect Merrill Lynch Realty and its affiliates, the Banking Institutions and the participants and beneficiaries of the employee benefit plans that are invested in the collective investment funds.

DATES: Written comments and requests for a public hearing must be received by the Department on or before April 13, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2389. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(b) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (E) and (F) of the Code. The proposed exemption was requested in an application filed by Merrill Lynch Realty and its affiliates, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Merrill Lynch Realty is a wholly-owned subsidiary of Merrill Lynch, Hubbard Inc., which is a wholly-owned subsidiary of Merrill Lynch & Co. which is a corporation that provides diversified financial services. Merrill Lynch Realty provides a full line of real estate management services covering the full life cycle of properties or of the owner's involvement in a property. Such services include conceptual planning, zoning, development, evaluation of existing properties, physical and financial management, marketing, leasing, brokerage and disposition. In addition, on a case-by-case basis, Merrill Lynch Realty may evaluate, select and supervise on-site personnel; structure and manage rental and leasing programs; and direct the efforts of architects and builders in the construction phases of developing a property. Merrill Lynch Realty's scope encompasses properties in many locations around the country, including office buildings, shopping centers, apartment buildings, motels, primary residential communities, and land. Merrill Lynch Realty has formed and will continue to form a number of subsidiaries throughout the United States. The state-by-state incorporation of subsidiaries of Merrill Lynch Realty is used to facilitate compliance with the real estate laws in the jurisdictions in

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which Merrill Lynch Realty conducts its activities. The wholly-owned subsidiaries of Merrill Lynch Realty provide essentially the same services as Merrill Lynch Realty.

2. Banking Institutions are becoming increasingly interested in investing in real estate because their employee pension benefit plan trust department customers are interested in diversifying their investments into real estate. Because of the difficulties encountered in connection with the direct ownership of real estate by employee pension benefit plans, plan fiduciaries are exhibiting an interest in participating in Banking Institution-maintained collective investment funds (Collective Investment Funds) that invest in real estate.

3. Numerous Banking Institutions have indicated to Merrill Lynch Realty that they would like to establish Collective Investment Funds for the purpose of investing in real estate, but believe they do not have the staffing necessary to search the country for acceptable properties. Customarily, this function is provided by licensed real estate brokers. Merrill Lynch Realty represents that the general solicitation of brokers might result in a significant number of submissions and inquiries from brokers requesting an opportunity to present properties, many of which may not conform to such Banking Institutions' investment guidelines. Merrill Lynch Realty represents that it would be more efficient, and effective for such banking institutions to engage a broker with national and international contracts on an exclusive basis. An exclusive brokerage arrangement will permit the exclusive broker to screen properties and to make an initial determination with respect to which properties would be brought to the Banking Institution's attention in accordance with guidelines established by the Banking Institution.

4. Merrill Lynch Realty and its affiliates are requesting an exemption that would allow them to enter into an agreement (the Proposed Agreement) with Banking Institutions which are independent of Merrill Lynch Realty and its affiliates in which Merrill Lynch Realty and its affiliates would serve as the Banking Institution's exclusive real estate broker for such Banking Institution's Collective Investment Funds and to be compensated for such brokerage.

5. Pursuant to the Proposed Agreement, in the event that the Banking Institution purchases a property which was brought to its attention by Merrill Lynch Realty, the latter will receive standard negotiated brokerage fees from the seller of such property. In the event that Merrill Lynch Realty does not receive a brokerage fee from the seller, under certain circumstances, the Banking Institution may determine that the Collective Investment Fund will pay the brokerage fee. If the Banking Institution decides to sell a property held by its Collective Investment Fund, Merrill Lynch Realty will be called upon to find a purchaser and, in such case, it will be paid a fee for such brokerage by the Collective Investment Fund.

6. A Banking Institution entering into the Proposed Arrangement with Merrill Lynch Realty and its affiliates will establish written investment guidelines (Investment Guidelines) for its Collective Investment Fund. Neither Merrill Lynch Realty nor any affiliate will be involved in the formulation of such Investment Guidelines. If Merrill Lynch Realty is presented with Investment Guidelines it determines to be inappropriate, Merrill Lynch Realty will suggest that the Banking Institution retain the services of another broker in lieu of Merrill Lynch Realty. Pursuant to the Proposed Agreement, Merrill Lynch Realty will use its best efforts to locate and bring to the attention of the Banking Institution properties which appear to meet the Investment Guidelines. In connection with its presentation of such properties to the banking institution, Merrill Lynch Realty will provide the Banking Institution with the information the Banking Institution deems necessary for it to determine whether such property should be acquired. In addition, Merrill Lynch Realty will make certain disclosures. To the extent that Merrill Lynch Realty is aware that it or any affiliate is an affiliate of the seller, such relationship will be brought to the attention of the Banking Institution. Similarly, Merrill Lynch Realty will disclose whether it or any affiliate is a service provider with respect to the Property, who will be paying the brokerage commission and whether any portion of such commission will be shared with an affiliated or non-affiliated cooperating broker.

7. Although Merrill Lynch Realty will present properties to the Banking Institution, the Proposed Agreement specifically provides that the Banking Institution will not ask Merrill Lynch Realty to recommend any property as being appropriate or inappropriate for the Collective Investment Fund or to otherwise advise as to the value of any property. Merrill Lynch Realty Management will merely submit properties to the Banking Institution (along with the information required by such Banking Institution and the appropriate disclosures) for review and approval or rejection. The Proposed Agreement provides that the Banking Institution, in its sole discretion, must determine whether or not the property is an appropriate investment for its Collective Investment Fund. The applicants are not requesting relief from section 406(a) of the Act. The applicants represent that the proposed transactions are exempted from section 406(a) of the Act by the statutory exemption provided by section 408(b)(2) of the Act. Notwithstanding the above, Merrill Lynch Realty represents that it may be deemed to be a fiduciary as defined in section 3(21)(A) of the Act with respect to the employee benefit plans that invest in the Collective Investment Funds and therefore may require relief from section 406(b) of the Act.

8. Merrill Lynch Realty represents that it is a sophisticated entity with a considerable amount of expertise in the real estate industry and that the requested exemption is in the interests of plans participating in Collective Investment Funds because the proposed arrangement will permit employee benefit plans to indirectly invest in real estate without committing a disproportionate amount of plan assets in real estate in a particular district or in a particular class of property. In addition to providing diversification, employee benefit plans will be able to participate in the real estate market with the benefit of experts in the acquisition and disposition of real estate and in the management thereof. Merrill Lynch Realty further represents that (1) it is subject to state laws and the rules and regulations relating to the conduct of real estate brokerage activities; (2) Banking Institutions maintaining Collective Investment Funds in which employee benefit plans participate are fiduciaries subject to the rules and regulations of the Act; and (3) the Collective Investment Funds are subject to the requirements of Section 9.18 of Regulation 9 of the Comptroller of the Currency and either Section 501(a) or Section 585 of the Code.

9. In summary, the applicants represent that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act as follows (1) the terms of the transactions will be negotiated at arm's length between two unrelated and sophisticated parties; (2) the Banking Institution will make an independent determination whether or not such transactions will be entered into; (3) Merrill Lynch Realty and its affiliates are subject to the state laws and rules and regulations relating to the conduct of real estate brokerage activities; (4) the Collective Investment Funds are subject to the rules and regulations of the Act and certain banking regulations; and (5) it will allow certain employee benefit plans to invest in real estate by using Collective Investment Funds.

Notice to Interested Persons

This notice of pendency will constitute the only notice to interested persons because the identity of the interested persons that will be affected by the proposed exemption is not known at this time.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extent to transactions prohibited under section 406(a) of the Act and section 4975(c)(1)(A) through (D) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) and 4975(c)(1)(F) of the Code shall not apply to the provision of real estate brokerage services as described above and the receipt of commission with respect to such services by Merrill Lynch Realty and its affiliates.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-6647 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-9488]

Mallory Buick Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 21, 1980 in response to a petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at Mallory Buick Company, St. Louis, Missouri. Workers at the firm sell and service automobiles.

The investigation revealed that criterion (3) has not been met.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall,* 608 F.2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service worker's firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

During the course of investigations covering 20 General Motors Corporation assembly plants it was determined that GM's production of various mid-size, standard and luxury/specialty cars, vans, and light-duty trucks was adversely affected by increasing imports of like or directly competitive vehicles

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(TA-W-8783, 6917, 6999-7000, 7009, 7015-16, 7059, 7071, 7073-76, 7078-82, 8613 and 9570).

Average employment at Mallory Buick Company (majority stockholder General Motors Corporation) increased from 1978 to 1979. Compared to the same quarter of the previous year, employment either increased or remained the same in each quarter of 1979 and in the first quarter of 1980. Mallory Buick Company did not experience a significant decline in its average employment until the April through July period of 1980, compared with the same months in 1979. The sales decline which Mallory Buick Company experienced during those months occurred in the sales of used cars, parts and service. New car sales remained virtually unchanged during that period. Consequently, no significant connection can be established between Mallory Buick Company's employment decline and production declines at the assembly plants of General Motors Corporation.

Conclusion

After careful review, I determine that all workers of Mallory Buick Company, St. Louis, Missouri are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-6797 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8428]

Star Watch Case Co. Negative Determination Regarding Eligibility To Apply for Worker Adjustmemt Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers firm, or an appropriate subdivision thereof, have become totally or partially separate, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 2, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at Star Watch Case Company, Ludington, Michigan. Workers at the company produce watch cases.

The investigation revealed that criterion (3) has not been met.

The petitioners allege that imports of watches have adversely affeted sales, production and employment at Star Watch Case Company.

Although imported watches incorporate watch cases imports of the whole product are not like or directly competitive with their component parts. Imports of watch cases must be considered in determining import injury to workers producing watch cases at the Star Watch Case Company.

Declines in production and employment at the company in 1979 can be attributed to disruptions caused by the sale of the company and the implementation of changes instituted by the new management. Another contributing factor to the decline was the loss of important customers which went out of the watch making business in 1979.

Sales of watch cases by Star increased in the first 10 months of 1980 compared to the first 10 monts of 1979, following the changes in company ownership and management. Sales increased each quarter of 1980 when compared with the previous quarter.

Conclusion

After careful review, I determine that all workers of Star Watch Case Company, Ludington, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of February 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-6798 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8750; 9455; 9987; 10,021; 10,637]

United Technologies Corp., Automotive Products Division; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigations were initiated on June 16, July 21, August 11, and September 8, 1980 in response to petitions which were filed by the International Brotherhood of Electrical Workers on behalf of workers at the plants of the Automotive Products Division of United Technologies Corporation listed in the Appendix. The workers of these plants produce(d) automotive wire harnesses.

U.S. imports of automotive wire harnesses increased both absolutely and relative to domestic production in 1979 compared to 1978, and increased absolutely in the January–June period of 1980 compared to the same period of 1979.

Division imports of automotive wire harnesses increased in value both absolutely and relative to total division sales of automotive wire harnesses in 1979 compared to 1978. The Division opened another foreign plant in June 1980. Division imports increased in value both absolutely and relative to total division sales in the July–August period of 1980 compared to the same period of 1979. Division imports of automotive wire harnesses were a significant proportion of total division sales in 1978, 1979 and the first eight months of 1980.

The Ruston, Louisiana plant closed in May 1980. The Wauseon, Ohio plant closed in March 1980 and was sold in September 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with automotive wire harnesses produced at the plants of the Automotive Products Division of United Technologies Corporation listed in the Appendix contributed importantly to the decline in sales or production and to the total or partial separation of workers at those plants. In accordance with the provisions of the Act, I make the following certification:

All workers at the plants of the Automotive Products Division of United Technologies Corporation listed in the Appendix who became totally or partially separated from employment on or after the impact dates and before the applicable termination date listed in the Appendix are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-6799 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,920; 10,929; 11,496]

White Motor Co.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibilty requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigations were initiated on September 22 and October 27, 1980 in response to petitions which were filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at the Cleveland, Ohio; Farmington Hills, Michigan; and Eastlake, Ohio facilities of White Motor Corporation.

Workers at the Cleveland, Ohio facility are engaged in the minor fabrication and warehousing of heavy-duty truck parts. Workers at the Farmington Hills, Michigan and Eastlake, Ohio facilities perform a variety of administrative functions for White Motor Corporation.

The investigation revealed that, with respect to the Cleveland, Ohio facility of White Motor Corporation, criterion (3) has not been met.

The Cleveland, Ohio facility of White Motor Corporation is engaged in the warehousing and minor fabrication of heavy-duty truck parts for the replacement market. At one time the Cleveland facility was a major truck assembly facility of White Motor Corporation. In 1978 heavy-duty truck assembly operations were terminated at the Cleveland facility and transferred to White's Dublin, Virginia assembly plant. Since early 1978 White has been in the process of terminating related parts production at the Cleveland facility. Some of the parts production has been or will be transferred to other facilities of White Motor Corporation. The remainder of the parts production will be replaced by outside domestic suppliers. White Motor Corporation did not import any of the truck parts which were produced by the Cleveland facility in 1979 and 1980.

Once the transfer of parts production has been completed the Cleveland, Ohio facility will serve primarily as a warehouse facility for White. The majority of the parts handled by the Cleveland, Ohio facility are produced by independent parts companies and not by White-owned plants which produce parts.

Petitioners allege that increased imports of trucks have contributed importantly to declines in sales, production and employment at the Cleveland, Ohio facility of White Motor Corporation. Although imported trucks incorporate truck parts, imports of the whole product are not like or directly competitive with their component parts. Imports of truck parts must be considered in determining import injury to workers producing truck parts at the Cleveland, Ohio facility of White Motor Corporation.

With respect to the Farmington Hills, Michigan facility of White Motor Corporation, criterion (1) has not been met.

White Motor Corporation opened its Farmington Hills, Michigan facility in November 1979. The facility serves as the corporate office for White Motor and performs a variety of administrative functions for the corporation. Compared to the previous quarter, employment at the Farmington Hills, Michigan facility increased during each of the first three quarters of 1980.

With respect to the Eastlake, Ohio facility of White Motor Corporation, criterion (3) has not been met.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall*, 608 F.2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

In order to determine if increased imports contributed importantly to production and employment declines at administrative support facilities of White Motor Corporation, the Department sought to determine the degree to which each facility was integrated into the production of White Motor Corporation heavy-duty trucks. Where substantial integration was established the Department considered imports of "like or directly competitive" trucks in determining import injury to workers at administrative support facilities.

The Eastlake, Ohio facility performs a variety of administrative functions for White Motor Corporation, including sales and engineering services, in support of the corporation's heavy-duty truck assembly operations. Therefore, the facility is substantially integrated into the corporations's production of heavy-duty trucks.

U.S. imports of heavy-duty trucks decreased in quantity absolutely and relative to domestic shipments in January–September 1980 compared to January–September 1979. U.S. imports amounted to a small proportion of total U.S. shipments in 1979 and the first nine months of 1980. U.S. exports of heavy-duty trucks significantly exceeded U.S. imports during the 1975–September 1980 period.

Declines in employment at the Eastlake, Ohio facility in 1979 and 1980 were the result of a general corporate reorganization by White Motor

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Corporation. The corporate staff was transferred from Eastlake to the newly formed Farmington Hills, Michigan facility in November 1979. In May 1980 the truck group staff of Eastlake was eliminated. Most of these functions were transferred to White Motor's manufacturing plants. After the reorganization, only engineering and sales personnel remained at the Eastlake facility.

Conclusion

After careful review, I determine that all workers of the Cleveland, Ohio; Farmington Hills, Michigan; and Eastlake, Ohio facilities of White Motor Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 24th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-6800 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-28-M

MERIT SYSTEMS PROTECTION BOARD

Publication of Decisions

AGENCY: Merit Systems Protection Board.

ACTION: Notice of publication of decisions.

SUMMARY: The Merit Systems Protection Board announces the publication of the first two volumes of Merit Systems Protection Board decisions and accompanying index volume. The three-volume set of Decisions of the United States Merit Systems Protection Board and Index to Decisions of the United States Merit Systems Protection Board is available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; Stock No. 062-000-00002-3; price: $27.00.

FOR FURTHER INFORMATION CONTACT: Ada R. Kimsey, Director, Publications Division, Office of the Secretary, Room 220, 1717 H Street, NW, Washington, D.C. 20419, 202-653-7130.

SUPPLEMENTARY INFORMATION: Covering the period January 11, 1979 through July 22, 1980, the publications consist of Board final actions taken after the issuance of an initial decision in an appeal from agency action, Board actions in cases where it has original jurisdiction, and precedential interlocutory actions. In most cases, the preceding initial or recommended decision is included. These cases are indexed in the accompanying multi-part index volume. All other final Board actions taken on behalf of the Board by its presiding officials in Board Field Offices are available on microfiche at the Board and its Field Offices.

Merit Systems Protection Board.

Ruth T. Prokop,

Chairwoman.

February 23, 1981.

[FR Doc. 81-6530 Filed 3-2-81; 8:45 am]

BILLING CODE 7400-01-M

MINIMUM WAGE STUDY COMMISSION

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: Minimum Wage Study Commission.
Date: March 26, 27 and possibly 28, 1981.
Place: 1430 K St. NW, Suite 700, Washington, DC.
Time: 10 a.m. on first day; other days at 9 a.m.

Original notification of this meeting appeared in the **Federal Register** February 6, 1981.

Proposed agenda:

(1) Presentation of preliminary integrated reports on:
(a) Income Distribution.
(b) Indexation.
(c) Inflation.
(d) Employment/Unemployment Effects.
(e) Executive, Administrative and Professional Exemptions.
(f) Agricultural Service Exemptions.

Next meeting of the Commission will be held April 8, 9 and possibly 10, 1981.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, DC 20005, telephone (202) 376-2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 81-6792 Filed 3-2-81; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-23)]

NASA Advisory Council (NAC), Life Sciences Advisory Committee; Meeting

The NAC Life Sciences Advisory Committee (LSAC) will meet at the George Washington University on March 14, 1981. The meeting will take place from 8:30 a.m. to 5:00 p.m. in Room 104/108 of the Government Building, 710 21st Street NW., Washington, DC 20009.

A portion of the meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including 10 Committee members and participants).

A closed Executive Session will be held to allow discussion of the compendium of experiments that is being considered for selection on the first dedicated Life Sciences Spacelab Mission. Although individual experiments have been evaluated and categorized, additional advice and counsel is being sought from the Committee on the merits of experiment combinations, the designation of lead and subordinate investigators and upon the value of the fully integrated payload. Throughout this session, the qualifications of the proposers will be candidly discussed and appraised. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public.

The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs. Following is the approved agenda for the meeting:

Agenda

March 14, 1981

8:30 a.m. to 8:45 a.m.—Introductory Remarks
9:00 a.m. to 9:45 a.m.—Assignments from Previous Meeting
9:45 a.m. to 10:00 a.m.—Planning for Overall Research Review
10:00 a.m. to 10:30 a.m.—Status of Payload
10:30 a.m. to 5:00 p.m.—Executive Session (Closed)

For further information please contact Dr. Paul Rambaut, Executive Secretary for the Committee, Code SBT-3, National Aeronautics and Space Administration, Washington, DC 20546, Telephone (202) 755-3723.

Gerald Griffin,

Acting Associate Administrator for External Relations.

February 25, 1981.

[FR Doc. 81-6650 Filed 3-2-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee.
Date: March 31, 1981.

Time: 9 a.m. to 5 p.m.
Place: Room 642 National Science Foundation, 1800 G St., NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Mrs. Lois J. Hamaty, Executive Secretary of the Alan T. Waterman Award Committee, National Science Foundation, Washington, D.C. 20550, telephone: 202-357-9471.
Purpose of committee: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.
Agenda: To review nominations, with supporting documentation, as part of the selection process for the Award.
Reason for closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are within exemption 6 of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: The determination made on February 25, 1981, by the Director of the National Science Foundation pursuant to the provisions of Section 10(d) of P.L. 92-463.

M. Rebecca Winkler,

Committee Management Coordinator.

February 26, 1981.

[FR Doc. 81-6692 Filed 3-2-81; 8:45 am]

BILLING CODE 7535-01-M

Committee on Equal Opportunities in Science and Technology; Notice of Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), it is hereby determined that the establishment of the Committee on Equal Opportunities in Science and Technology is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law.

Name of committee: Committee on Equal Opportunities in Science and Technology.

Statutory authority: The Committee was established by P.L. 96-516 (December 15, 1980) entitled "National Science Foundation Authorization and Science and Technology Equal Opportunities Act."

Purpose: To provide advice to the NSF concerning (1) implementation of the provisions of the Science and Technology Equal Opportunities Act (P.L. 96-516) and (2) other policies and activities of the Foundation to encourage full participation of women, minorities, and other groups currently underrepresented in scientific, engineering, professional, and technical fields.

Structure: There will be a subcommittee of the Committee known as the Subcommittee on Women in Science and Technology. This Subcommittee will have responsibility, under the cognizance of the full Committee, for all Committee matters relating to (1) the participation in and opportunities for education, training, and research for women in science and technology and (2) the impact of science and technology on Women. The Subcommittee will be composed primarily of women members of the committee and such other members of the Committee as the Chairperson of the Committee, with the concurrence of the Committee, may designate.

There will also be a subcommittee known as the Subcommittee on Minorities in Science and Technology which will have responsibility, under the cognizance of the full Committee, for all committee matters relating to (1) the participation in and opportunities for education, training, and research for minorities in science and technology and (2) the impact of science and technology on minorities. The Subcommittee will be composed primarily of minority members of the Committee and such other members of the Committee as the Chairperson of the Committee, with the concurrence of the Committee, may designate.

Effective date of establishment and duration: The Committee is effective upon filing the charter with the Director, NSF, and the standing committees of Congress having legislative jurisdiction of the Foundation. The Committee will operate on a continuing basis contingent upon its renewal every two years. The next renewal date for the Committee will be December 15, 1982, the date the Public Law was enacted.

Membership: The Committee will be composed of 12 to 15 members appointed by the Director, NSF, with the concurrence of the National Science Board. The Chairperson of the National Science Board Committee on Minorities and Women will be an *ex officio* member. Members will be broadly representative of the research and science education community. Because of the specialized nature of the Committee, a significant number of women and minority group individuals will be appointed members. Professional stature and familiarity with the National Science Foundation and its programs will be considered in selecting Committee members.

Operation: The Committee will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463); NSF policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

John B. Slaughter,

Director.

February 25, 1981.

[FR Doc. 81-6693 Filed 3-2-81; 8:45 am]

BILLING CODE 7555-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 07/07-5082]

Central Systems Equity Corporation; Application for a License To Operate as a Section 301(d) Licensee

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing Section 301(d) Licensees (13 CFR Section 107.102 (1980)), under the name of Central Systems Equity Corporation, 350 West Douglas, Wichita, Kansas 67202, for a license to operate as a Section 301(d) Licensee under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Clarence E. Wesley, 4819 N. Harding, Wichita, Kansas 67220, President, General Manager, Director, .031 percent
Anthony R. Hardrick, 1601½ N. Hillside, Wichita, Kansas 67214, Assistant General Manager
Bobbye T. Humphrey, 2323 N. Woodlawn, Wichita, Kansas 67220, Vice President, Director, .001 percent
Otis G. Milton, 3845 N. Clarence Avenue, Wichita, Kansas 67204, Secretary, Treasurer, Director, .002 percent
Brent A. Berry, 7019 E. 14th Street, Wichita, Kansas 67206, Director, .001 percent
Wendell M. Smith, 6404 Jacqueline, Wichita, Kansas 67206, Director, .001 percent
Johnie P. Nulan, 1435 N. Piatt, Wichita, Kansas 67214, Director, .001 percent
Robert T. Cornwell, 23 Chisholm Creek, 3900 N. Woodlawn, Wichita, Kansas 67220, Director
Central Systems Development Co., Inc., 350 W. Douglas, Wichita, Kansas 67202, 71.9 percent
Wilson Propane Wholesale, Employee Stock Ownership Trust, 125 N. Market, Suite 1600, Wichita, Kansas 67202, 23.8 percent

There will be two classes of stock authorized: two hundred thousand shares of $10 par common, and twenty thousand shares of $100 par preferred. Initially, 105,000 shares of common stock will be issued with a resultant private capital of $1,050,000. Applicant proposes

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to conduct its operations principally in the State of Kansas.

As a Section 301(d) Licensee the investment policy of the Applicant will be limited to making investments solely in small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than March 18, 1981, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Wichita, Kansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 25, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6722 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5177]

Metro Capital Corp.; Issuance of License

On November 14, 1980, a Notice was published in the **Federal Register** (45 FR 75412) stating that an application had been filed by Metro Capital Corporation, 5403 Aloha Place, Holiday, Florida 33570, with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (SBICs).

Interested parties were given until the close of business December 1, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 04/04-5177 to Metro Capital Corporation, to operate as a Section 301(d)SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6770 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-5152]

20th Century S.B.I.C., Inc.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.)*, has been filed by 20th Century S.B.I.C., Inc. (20th Century), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and principal stockholders of 20th Century are as follows:

David W. Mays III, 3616 Barham Blvd., Los Angeles, CA 90068, President, Director, 9.5%

Toby J. Bryant, 4560 Don Milagro Dr., Los Angeles, CA 90008, Vice President, Director, 9.5%

James O. Clark, DDS, 19901 N. Park Blvd., Shaker Heights, OH 44122, Chief Financial Officer, Director, 71.5%

James H. Biggins, 28773 Sweetbriar Dr., North Olmsted, OH 44070, Secretary, Director, 9.5%

20th Century, an Ohio corporation, with its principal place of business located at 11811 Shaker Boulevard, #426, Cleveland, Ohio 44120, will begin operations with $500,000 of net combined paid-in capital and paid-in surplus derived from the sale of common stock to management.

20th Century will conduct its activities principally in the States of California, Ohio and Texas.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Cleveland, Ohio and Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 24, 1981.

Peter F. McNeish,

Acting Associate Administrator.

[FR Doc. 81-6771 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-11-M

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Las Vegas, Nevada, will hold a public meeting from 10:00 a.m. to 12 Noon, on Tuesday, March 31, 1981, at the U.S. Small Business Administration, 301 E. Stewart Street, Las Vegas, Nevada, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration and others attending.

For further information, write or call Robert S. Garrett, District Director, U.S. Small Business Administration, 301 E. Stewart, Las Vegas, Nevada 89101—(702) 385-6611.

Dated: February 24, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6773 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m. (MDT), on Tuesday, March, 24, 1981, at the Royal Restaurant "Executive Room", 1112 Main Street, Boise, Idaho, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702—(208) 334-1096.

Dated: February 24, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6774 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 9:30 a.m., on Wednesday, March 25, 1981, in the Third Floor Conference Room of the Orbanco Building, at 1001 Southwest Fifth Avenue, Portland, Oregon, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration and others attending.

For further information, write or call Peter A. Plumridge, Acting District Director, U.S. Small Business Administration, 1220 Southwest Third Avenue, Room 676, Portland, Oregon 97204—(503)-221-3451.

Dated: February 24, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6775 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Spokane, Washington, will hold a public meeting at 9:00 a.m. (PST) on Monday, March 23, 1981, at the Flamingo Restaurant, North 5005 Division Street, Spokane, Washington, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration and others attending.

For further information, call or write Valmer W. Cameron, District Director, U.S. Small Business Administration, U.S. Court House, Room 651, Post Office Box 2167, Spokane, Washington 99210—(509) 456-3781.

Dated: February 24, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6776 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Atlanta, Georgia, will hold a public meeting from 2 p.m. on Thursday, March 26, 1981, to 12 Noon on Friday, March 27, 1981, at the Ramada Inn, 2505 N. Slappey Boulevard, Albany, Georgia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others attending.

For further information, write or call Clarence B. Barnes, District Director, U.S. Small Business Administration, 1720 Peachtree Road NW., 6th Floor, Atlanta, Georgia 30309—(404) 881-4749.

Dated: February 26, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6802 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, Mississippi, will hold a public meeting at 9 a.m., (CST) on Thursday, April 2, 1981, in Room 707 Federal Building, 100 West Capitol Street, Jackson, Mississippi, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Sam M. Baker, District Director, U.S. Small Business Administration, Suite 322 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201, (601) 960-4363.

Dated: February 26, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6803 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Nashville, Tennessee, will hold a public meeting at 9:00 a.m., on Wednesday, April 1, 1981, at Fayetteville Country Club, Fayetteville, Tennessee, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call W. J. Shaver, District Director, U.S. Small Business Administration, Suite 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219—(615)251-5850.

Dated: February 26, 1981.

Robert P. O'Malley,

Executive Director Office of Advisory Councils.

[FR Doc. 81-6805 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, Missouri, will hold a public meeting at 9:30 a.m., on Thursday, March 26, 1981, in the Decision Center, Chamber of Commerce Building, 320 North Jefferson, Springfield, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others attending.

For further information, write or call Patrick E. Smythe, Acting District Director, U.S. Small Business Administration, 1150 Grand Avenue, 5th Floor, Kansas City, Missouri (816) 374-5557.

Dated: February 26, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-6804 Filed 3-2-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

[Public Debt Series—No. 5-81]

Series N-1983 Notes, Interest Rates

The Secretary announced on February 24, 1981, that the interest rate on the notes designated Series N-1983, described in Department Circular-Public Debt Series-No. 5-81, dated February 18, 1981, will be 13⅞ percent. Interest on

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the notes will be payable at the rate of 13⅞ percent pre annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-6608 Filed 3-2-81; 8:45 am]

BILLING CODE 4810-40-M

OFFICE OF PERSONNEL MANAGEMENT

Positions Which Were Career Reserved During 1980

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 178 this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1980.

FOR FURTHER INFORMATION CONTACT: Anne A. Andrews, Executive Personnel and Management Development, (202) 632–6820.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were designated career reserved any time in 1980, whether or not they were still career reserved on December 31, 1980. Section 3132(b)(4) of title 5 U.S.C. requires that the head of each agency publish the list by March 1 of the following year; OPM is publishing the list for all agencies.

OFFICE OF PERSONNEL MANAGEMENT.

Beverly McCain Jones,

Issuance System Manager.

Positions That Were Career Reserved During Calendar Year 1980

Agency and organization	Career reserved positions
ACTION:	
Ofc of the Director	Budget Officer.
Ofc Assoc Dir for Domestic and Anti-Poverty Operations.	Director—Accounting Division.
Administrative Conference of the U.S.	Executive Director.
	Executive Secy.
	Research Director.
Advisory Council on Historic Preservation: Ofc of the Exec Director.	Princ Dep Exec Dir.
	Dep Exec Dir.
Department of Agriculture:	
Ofc of the Inspector General.	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Auditing.
	Dep Asst Inspector General for Auditing.
	Asst Inspector Gen for Planning Res and Eval.
Office of Asst Sec'y Administration.	Assistant Secretary for Administration.
Office of Operations and Finance.	Dep Dir for Administrative Services.
Farmers Home Administration.	Dep Admr—Financial and Administrative Opers.
	Dir, Finance Ofc.
	Asst Dep Admin for Mgt.
Rural Electrification Administration.	Asst Admr—Mgmt.
	Financial Mgr (Director) REA.
	Director Distribution Systems Division.
	Director Power Supply Division.
Agricultural Marketing Service.	Deputy Administrator, Management.
	Director, Fruit and Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Dir—Livestock Poultry Grain and Seed Division.
	Dir Warehouse Division
	Director, Tobacco Division.
Animal and Plant Health Inspection Service.	Dep Admr for Management.
	Asst Dep Admr for Internal and Emergency Progs.
Veterinary Services	Asst Dep Admr—Animal Health Progs—Vet Serv.
	Asst Dep Admr, Inmail Prog, Vet Services.
	Dir, Veterinary Services Laboratories, Ames.
	Dir, Nat Prog PLanning Staffs, Vet Services.
	Co—Dir, U.S./Mexico Screwworm Comm.
	Director, Northern Region.
	Dir, SE Region, Veterinary Services.
	Dir, Natl Brucellosis Eradication Program.
Plant Protection and Quarantine Service.	Dir, Nat Prog Plan Staff, Plant Prot and Quarantine.
	Dir, SE Region, Plant Prot and Quarantine.
Federal Grain Inspection Service.	Asst Dep Admr—Program Operations.
	Asst Dep Admin—Program Opers.
Food and Nutrition Service.	Dep Admr—Financial Mgmt (Comptroller).
	Deputy Admr for Management.
Food Safety and Quality Service.	Asst Dep Admr Technical Services.
	Dir, Poultry and Dairy Quality Div.
	Dep Admr—Administrative Mgmt.
	Dir, Technical Service Staff.
	Dir Northeast Region, Phila., Pa.
	Regl Director, Atlanta, Georgia.
	Dir, North Central Region, Des Moines, Iowa.
	Director, Southwestern Region, Dallas, Texas.
	Dir, Western Region, Alameda, California.
	Dir Fruit and Vegetable Quality Div FSOS.
	Assistant Deputy Admr Compliance FSOS.
	Dir Meat Quality Div FSOS.
	Director of Operations MPI-FO FSOS.
	Assistant Deputy Admr Science FSOS.
	Asst Dep Admin (Admin Mgt).
	Deputy Administrator, Science.
	Regional Director, Atlanta, Georgia.
Agricultural Stabilization and Conservation Service.	Dir, Financial Management Div.
Foreign Agricultural Service.	Asst Administrator, Management.
Commodity Programs	Dep Asst Admin, Commodity Programs.
	Dir Tobacco and Cotton Div.
	Dir, Grain and Feed Div.
	Dir, Oilseeds and Prod Div.
	Dir, Dairy, Livestock and Poultry Div.
Ofc of Dir Science and Education Administration.	Research Leader, Wheat Research.
	Research Leader—Fruit and Vegetable Chem Research.
	Research Leader—Forage and Turf Research.
	Res Leader—Plant Physio and Photosynthesis Res.
	Dep Dir for Adm.
	Chf International Programs.
	Director, Nutrition Research Ctr on Aging.
	Assoc Dep Dir for Adm Management.
	Dir, Children's Nutrition Research Center.
	Chief Livestock and Veterinary Sciences Staff.
	Chief Post Harvest Science and Technology Staff.
	Chief Crop Production Staff.
	Dir, Western Human Nutrition Research Center.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Agricultural research Service.	Chrman—Nutrition Inst, Beltsville, Md
	Chief Oilseed Crops Laboratory
	Chief Fermentation Laboratory
	Research Leader—Soil and Water Research Mgmt
	Chf, Plant Virology Lab, Beltsville, Md
	Res Leader Natural Products Chemistry Res
	Dir, Southern Regional Res Center, New Orlean
	Chief, Crop Protection Staff
Regional Offices, ARS	Dir, Northern Region Research Center
	Dir Natl Animal Disease Ctr
	Dir, Beltsville, Agricultural Research Center
	Chf Tobacco Lab
	Director, Eastern Regl Research Center
	Dir, Plum Island Animal Disease Ctr
	Chf Scientist, Plsdc-Orient Point, NY
	Director, Western Regional Research Center
	Research Leader Feedstuffs Research.
	Director, California-Hawaii-Nevada Area.
	Director, Florida-Antilles Area.
	Director, Oklahoma-Texas Area.
	Director, Athens, Georgia Area.
National Program Staff.	Chief Soil, Water and Air Sci Staff
	Asst Admr, National Program Staff
Research Staff	Director, U.S. Salinity Laboratory
	Dir Insects Affecting Man Laboratory.
Soil Conservation Service.	Dir Midwest Tech Service Center
	Dir NE Tech Service Center.
	Dir, SW Technical Service Center
	Dir Technical Field service Center.
	Asst Admr for Soil Survey
	Asst Admr for Mgmt.
	Dir Conservation Operations Division.
	Dir, Resource Dev Div
	Dir River Basin Div
	Dir Watersheds Division
	Director Engineering Division.
	Dir Ecological Sciences and Technology Division
	D/C for Admin.
	Dir, Consv Planning and App
	Dir, Project Dev and Maint.
	Dir, Basin and Area Planning (Soil Conserv)
	Assoc Dep Chief for Administration
	Dir, Soils (Soil Scientist)
	Dir, Land Treatment Program
Forest Service	Dep Chf for Administration
	Asaoc Dep Chief for Adm
	Dir Forest Insect and Disease Mgmt Staff
Research	Director, Timber Mgmt Research Staff.
	Dir Insect and Disease Research Staff
	Dir Forest Environment Research Staff.
	Dir Forest Economics Research Staff
	Dir Forest Products and Eng Res Staff
Nat'l Forest System	Dir, Range Management Staff
	Dir, Recreation, Mgmt Staff
	Dir Timber Management Staff
	Director, Engineering Staff
	Director Fire Control Staff
	Director, Lands Staff.
	Dir Land Management Planning Staff
	Dir, Wildlife Mgt Staff
	Dir, Minerals and Geology Staff
	Dir, Watershed Mgt Staff
State and Private Forestry.	Dir of Area Planning and Dev Staff
	Dir Cooperative Forestry.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Field Units	NE Area Dir, State and Private Forestry, U Darb
	Dir, SE Area State and Private Forestry
	Dir Intermountain Forest and Range Exp Sta, Ogd.
	Dir Northeastern Forest Experiment Station
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest and Range Exp Station.
	Dir, Pacific SW For and Range Exper Sta.
	Director Rocky Mt Forest and Range Exper Stat
	Dir S Eastern Forest Experiment Station
	Dir, S Forest Experiment Station, New Orlean
	Director, Forest Products Laboratory.
	Dep Dir Forest Products Lab.
Economics and Statistics Service.	Assoc Admr
	Admr Economics and Statistics Service.
	Dep Admr for Economics
	Dep Admr for Statistics.
	Deputy Admr for Cooperatives.
	Deputy Administration for Management.
	Dep Admr for Adm.
Economic Research Service.	Director, Commodity Economics Div.
	Director International Economics Division.
	Dir, National Economic Analysis Div.
	Dir, Natural Resource Economic Div.
	Dir, Economic Dev Div.
	Outdoor and Situation Officer.
Statistical Reporting Service.	Asst Dep Admr for Statistics.
	Dir Estimates Div.
	Director Survey Division.
	Dir Statistical Research Div.
	Dir, State Statistical Div.
World Food and Agric Outlook and Situation Board.	Chrman, World FD and Agric Outlook and Situation.
	D/Chrperson for Res Weather and Remote Sensing.
	Deputy Charperson for Economic Intelligence
Board for International Broadcasting.	Exec Director
	Dir for Research and Engineering
	Financial Manager.
	Foreign Information Officer.
Department of Commerce	
Ofc of the Inspector General	Asst Inspection Gen for Audits
	Dep Dir Ofc of Audits.
	Asst Inspection General for Investigations
	Dir, Ofc of Policy and Administration
Ofc of Asst Secy for Administration	Dir Ofc of Investigation and Security
	Dep Asst Secy for Acquisition, Grants and Information.
Ofc of Personnel	Dir, Office of Personnel
	Dep Dir for Personnel Administration
	Dep Dir for Personnel Development.
	Deputy Director of Personnel
Ofc of Procurement and ADP Management.	Dir-Ofc of Procurement and Adp Mgmt
	Dep Dir for Adp Management
	Dep Dir for Procurement.
Economic Development Administration	Spec Asst for Indian Affairs
	Dir, Ofc of Development Finance Management.
	Dir Ofc of Dev Finance Projects.
	Dir Ofc of Portfolio Administration.
Dep Asst Sec'y for Economic Dev Operation.	Dir, Ofc of Public Works.
	Director Ofc of Business Development.
	Dir, Ofc of Technical Assistance

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Dep Asst Secy for Econ Dev Policy and Planning	Dir Ofc of Dev Organization.
	Director Ofc of Economic Research.
	Dir Ofc of Eligibility and Industry Studies.
	Associate Dep Asst Sec for Policy and Planning.
Maritime Administration	Deputy Asst Secy for Maritime Affairs.
	International Activities Officer.
	Secy, Maritime Subsidy Board.
	Asst Admr for Marketing and Domestic Enterprise.
Office of Asst Adm for Commercial Development.	Asst Program Dev and Control.
	Dir, National Maritime Research Center, K P.
	Dir, Ofc of Advanced Ship Development.
	Dir, Ofc of Advanced ship Operations.
	Director Ofc of Maritime Technology.
	Director Office of Advanced Ship Development.
	Dir Office of Advanced Ship Operations.
	Director, Office of Maritime Technology.
Ofc of Asst Adm for Shipbldg. and Ship Ops	Dir, Ofc of Ship Construction.
	Dir Ofc of Shipbuilding Costs.
Office of Asst Administrator for Maritime Aids.	Asst Administration for Maritime Aids.
	Dep Asst Admr for Maritime Aids (Trade).
	Dep Asst Admr for Maritime Aids (Finance).
Ofc of the Asst Admr for Management and Budget.	Director, Ofc of Program Evaluation and Budget.
	Dir Ofc of Mgmt and Computer Sys.
	Chf Personnel Div.
	Dep, Dir, Off Prog Eval and Budget.
	Director Office of Management and Computer Sys.
	Dir Office of Administrative Operations.
Asst Admr for Policy and Planning.	Chf, Non-Living Resources Office.
	Dir National Marine Pollution Program Office.
	Program Analysis Officer.
National Marine Fisheries Service.	Dir Ofc of Policy Dev and Long Range Planning.
	Asst Dir for Internal Fisheries.
Fisheries Centers and Laboratories	Dir NE Fisheries Ctr.
	Dir SE Fisheries Ctr.
	Dir SW Fisheries Ctr.
	Dir NW and Alaska Fisheries Ctr.
Regional Directors, Nmfs	Regl Dir, Northeast Reg, Reg III.
	Reg Dir Southeast Reg, Reg II.
	Dir SW Region.
	Regl Dir Northwest Reg, Reg I
	Regl Dir, Alaska Reg, Region V.
Oceanic and Atmospheric Services	Chief, Oceanographic Services
	Chf, Fld Res Projects Div.
	Chf, Meteorological and Hydrological Services.
	Dir, Satellite and Advanced Technology
	Dir Operations and Program Evaluation Office.
Office of Ocean Technology and Engineering Services.	Director Plans and Programs Office.
	Dep Dir Ofc of Ocean Tech and Engr Serv.
	Chf Office of Interni Eng Standards.
	Dir, Undersea Science and Technology Program.
	Dep Dir, Manned Undersea Science and Technology.
	Dir Ncaa Data Body Ofc.
	Dir Ocean Inst Eng Ofc.
	Internat'l and Interagency Affairs Officer.
National Weather Service	Dep Dir-National Weather Service.
	Dir Climate Analysis Ctr.

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Office of Meteorology and Oceanography	Chf, Aids Implementation Staff Superv Meteoro. Executive Director, Nws. Dir, Ofc of Meteorology and Oceanography
Office of Hydrology	Chf Meteorological Services Division. Associate Director Dir Hydrologic Services Division. Director, Hydrologic R&D Laboratory
National Meteorological Center	Director Deputy Director
Ofc of Technical Services	Chf, Data Automation Div. Chief, Development Div. Chf-Forecast Division. Dir, Ofc of Technical Service.
Systems Development Office	Chf, Communications Division. Chf, Data Systems Division. Chief, Engineering Division. Dir Systems Development Ofc. Director, Integrated Systems Laboratory
Regional Offices	Director, Equipment Development Laboratory Dir, Techniques Dev Lab. Dir, Natl Severe Storms Forecast Center. Dir Southern Region, Ft Worth. Director, Nat'l Hurricane Center Dir, Salt Lake City Region. Dir, Alaska Region, Anchorage. Dir Eastern Region NWS. Director Central Region
Environmental Data and Information Service	Dep Dir, Environmental Data Service Associate Director for Marine Sciences. Dir Center for Environmental Assessment Svcs. Dir, Environmental Science Info Center. Dir, Nat'l Oceanographic Data Center. Dir, Nat'l Climatic Center. Dir, National Geophy and Solar Terres Data Cente.
National Earth Satellite Service	Dep Dir, Nat'l Environmental Satellite Servic Dir, Ofc of Operations. Assoc Dir For Data Processing. Dir, Ofc of Research Director, Systems Integration. Director, Systems Engineering. Dir, Meteorological Satellite Lab. Dir, Satellite Experiment Lab. Director Earth Sciences Laboratory.
National Ocean Survey	Dep Dir Chf Scientist. Dir Geodetic Research and Development Lab Chf, Control Networks Division. Assoc Dir Ofc of Aeronautical Charting and Cart. Assoc Dir for Marine Technology Dir, Engrg Dev Lab Oceanographic Science Advisor Chief Geodesist.
Ofc of Research and Development	Director, Ofc of Ocean Programs. Dep Dir, Ofc of Marine Pollution Assessment. Director Special Research Programs Office
Environmental Research Labs	Dep Dir, Environmental Research Laboratories. Dir, Weather Modification Prog Ofc. Director, Outer Continental Shelf Program Ofc Dir Great Lakes Environmental Research Lab. Dir Pacific Marine Environmental Lab. Dir Nat'l Severe Storms Lab.
Atlantic Oceanographic and Meteorological Labs	Dir, Atlantic Oceanographic and Meteorological Depy Dir Atlantic Oceanographic & Meteorologi.
Space Environment Lab	Director, Space Environment Laboratory
Aeronomy Lab	Director, Aeronomy Laboratory. Senior Scientist/Deputy Director.
Wave Propagation Lab	Director Dep Dir, Wave Propagation Laboratory
Atmospheric Physics and Chemistry Lab	Dir-Atmospheric Physics and Chemistry Lab.
Air Resources Labs	Dir ARL. Dir, Meteorological Lab, Durham, NC. Dir Air Atm Turbulence & Diffusion Lab.
Geophysical Fluid Dynamics Lab	Director Research Meteorologist. Res Team Leader Exp Predictions. Research Meteorologist.
Assoc Admr for Telecommunications Sciences	Assoc Admr for Telecommunications Science. Dep Dir, Institute for Telecom Sciences. Associate Director, Its. Assoc. Dir., Its. Assoc. Dir., Its.
Ofc of Asst Commr for Trademarks	Director, Trademark Examining Operation. Chairman, Trademark Trial & Appeal Board. Deputy Asst Commissioner for Trademarks.
Ofc of Asst Commr for Patents	Admr for Documentation Dir, Ofc of Patent Prog Control.
Chemical	Group Director 110. Group Director 120. Group Director 140. Group Director 160. Group Director 170.
Electrical	Group Director 210. Group Director 220. Group Director 230. Group Director 240. Group Director 250.
Mechanical	Group Director 350. Group Director 320. Group Director 340. Group Director 310. Group Director 330.
Board of Patent Interferences	Chairman.
National Bureau of Standards	Assoc Dir for International Affs. Director, Boulder Labs. Tech Advisor to the Director. Chief Program Office.
Inst for Computer Sciences and Technology	Assoc Dir, Teleprocessing and Supportcomm Tech. Assoc Dir Automatic Data Processing Standards Dir Cntr for Prog Sci and Technology Chf, Ofc of Developmental Automation and Contrl. Dir., Cntr for Computer Sys. Eng. Staff Asst for Computer Science. Chf Systems and Network Architecture Div. Assoc Dir for Planning Budget and Evaluation. Assoc Dir for Long Range Planning Senior Science Advisor Senior Mathematical Statistician Assoc Dir for Measurement Servs.
National Measurement Lab	Associate Director for Planning. Chief, Off of Environmental Mgmts Deputy Director for Programs.
Deputy Director for Programs	Chief, Office of Standard Reference Data. Chief Office Nondestructive Evaluation Progra. Chief Off of Standard Reference Materials. Chf-Ofc of Measurements for Nuclear Safeguard. Prog Manager, Industrial Process Data. Program Manager, Energy and Environmental dat.
Center for Absolute Physical Quantities	Program Manager Materials Utilization Data. Principal Scientist for Environmental Measure Dir-Ctr for Absolute Physical Quantities. Dep Dir, Center for Absolute Physical Quantie Sr Research Fellow and Chf Quantum Metrology Chf-Electrical Measurements and Stds Division. Chf, Time and Frequency Div. Research Physicist (Nuclear).
Quantum Physics Division	Chf Atomic and Plasma Radiation Div. Senior Scientist. Sr Sci and Fellow of Jila. Senior Research Scientist. Senior Scientist, Boulder. Sr Scientist and Fellow of Jila. Senior Scientist-Fellow of Jila.
Center for Analytical Chemistry	Chf, Quantum Physics Div (Dir for Acty). Director-Center for Analytical Chemistry CHF, Radiochemical Analysis Section. Scientific Asst to the Dir Ctr for Analytical.
Gas and Particulate Science Division	CHF-Gas and Particulate Science Division. Group Leader for Thermal Analysis. Group Leader for Spectro-Chemical Analysis.
Center for Radiation Research	Group Leader for Radiation Thermometry. Dir Center for Radiation Research. CHF-Radiation Source and Instrumentation Divisi. Deputy Director, Ctr for Radiation Research.
Nuclear Radiation Division	Chief Nuclear Radiation Div. Physicist, (Nuclear). Physicist (Nuclear). Principal Scientist, Neutron Standards.
Radiation Physics Division	Chief, Radiation Theory Section. Group Leader for Radioactivity. Prin Scientist in X-ray Physics. Group Leader for Far Ultraviolet Physics.
Center for Materials Science	Dir, Center for Materials Science. Dep Dir-Ctr for Materials Science. Chf, Polymers Science and Standards Div. Chf, Reactor Radiation Div. Senior Scientist. Chf-Chemical Stability & Corr Div Chf Ceramics Glass and Solid State Sci Division. Chf Fracture and Deformation Division. Group Leader for Fiberous Systems. Group Leader, Corrosion and Electrodeposition. Physicist (Solid State). Group Leader for Solid State Materials Section. Group Leader for Crystallography. Chf, Inorganic Glass Section. Research Chemist Chf, Metallury Div-Ctr for Materials Science. Group Leader, Frac Cer and Comp Frac and Deb Div. Group Leader, Reactor Radiation Division.
Center for Thermodynamics & Molecular Science	Dir-Ctr for Thermodynamics and Molecular Scienc. Dep Dir Cntr for Therm and Mol Science. Quantum Chemistry Group Leader. Group Leader for Environ Chemical Process. Senior Scientist. Scientific Asst to Dir Cen for Thermo & M/S.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
National Engineering Lab	Group Leader Equation of State. Chief, Surface Science Div. Senior Research Scientist. Assoc Dir for Technical Evaluation. Assoc Director for Program Planning. Asst Chf for Fluid Dynamics/Chf Aerodynamics. Assoc Dir for Program Coordination.
Center for Fire Research	Director-Center for Fire Research. CHF Fire Science Division. Chf Fire Safety Engineering Div.
Center for Building Technology	Deputy Director, Center for Fire Research. Director-Center for Building Technology Dep Dir (Operations), Ctr for Building Techno. Chf, Structures, Materials, and Life Safety Div. Chief, Building Thermal and Service systems. Chf-Building Economics and Regulatorytech Divs. Chf Thermal Analysis Program.
Center for Mechanical Engineering and Process Technology	Dir-Ctr for Mechanical Engineering & Process. Dep Dir Ctr for Mechanical Engineering & Proc. Chf-Mechanical Processes Division.Chf Thermal Processes Division. Chief Automated Production Technology Div. Chf, Thermophysical Properties Div.
Center for Applied Mathematics	Deputy Director, Center for Applied Mathematics. Deputy Director. Chf Mathematical Analysis Div. Chf Statistical Engineering Division. Senior Research Fellow. Assoc Dir for Computing.
Center for Electronics and Electrical Engineering	Chief, Operations Research Division. Dir-Ctr for Electronics & Electrical Engineer. Dep Director. Chief, Electron Devices Div. Chf Electrosystems Division. Chief, Electromagnetic Division. Chf-Electromagnetic Technology Division. Senior Research Scientist.
Center for Consumer Product Technology	Dir-Center for Consumer Product Technology. Dep Dir-Center for Consumer Product Technolog Chf, Product Perform Eng Div.
Center for Field Methods	Dir-Ctr For Field Methods.
Ofc of Engineering Standards	Chf Off of Eng Stds.
Ofc of Energy Programs	Chf, Ofc of Energy Programs.
Ofc of Federal Statistical Policy and Standards	Director, Ofc of Industrial Economics. Dir, Ofc of Federal Statistical Policy & Stds. Deputy Director, Social Statistics. Deputy Director, Economic Statistics.
Bureau of Industrial Economics	Dir Ofc of Ind Stat and Data Coord & Dev. Dir, Bureau of Industrial Economics. Dir Ofc of Industry Econ Res and Analysis. Dep Dir Bureau of Industrial Economics.
Bureau of Economic Analysis	Director Dep Dir, Bur of Economic Analysis. Assoc Dir for National Economic Accounts. Assoc Dir for National Analysis & Projections. Assoc Dir for Regional Economics.
Bureau of the Census	Assoc Dir for Internat'l Economics. Chief Economist. Chf Statistician. Asst to the Director for Econometrics. Chf, Nat'l Income and Wealth Div. Chief, Current Business Analysis Div. Chief, Business Outlook Div. Dep Dir. Asst Dir for International Programs. Associate Director for Demographic Fields. Asst Dir for Demographic censuses. Chf, Population Div. Chf, Statistical Methods Div. Chief demographic Surveys Division.
Statistical Standards and Methodology	Assoc Dir for Statistical Standards and Methods. Chf, Geography Div. Chf, Res Center for Measurement Methods.
Information Technology	Chief, Statistical Rsch Division. Asst Dir for Computer Services Chief, Computer Operations Division.
Administration and Field Operations	Associate Director for Administration. Assoc Dir for Field Operations. Chief Data User Services Division. Chief, Field Div. Asst to the Associate Dir for Field Operation. Assoc Dir for Economic Fields. Asst Dor Fpr Economic and Agriculture Censuses. Chief, Agriculture Div. Chf, Business Div. Chf, Construction Statistics Div. Chf, Econ Surveys Div. Chf, Foreign Trade Div. Chf, Government Div. Chf, Industry Div. Senior Economic Advisor.
Industry and Trade Administration	Deputy A/S for Admin & Legis Policy.
Commodity Futures Trading Commission	Executive assistant to the Chairman.
Office of the Chairman	Assoc Gen Counsel for Opinions and Review.
Office of the General Counsel	Assoc Gen Coun (Litigation). Assoc Gen Counsel (Rules).
Office of the Executive Director	Dep Exec Dir.
Office of the Chief Economist	Dep Chf Economist.
Division of Enforcement	Deputy Dir Division of Enforcement.
Division of Trading and Markets	Dep Dir Div of Trading and Markets.
Div of Mgmt Programming Planning and Evaluation	Dir Div of Mgmt Program Planning & Evaluation.
Regional Offices	Regional Director-Central Region.
Community Services Administration:	
Ofc of Inspector General	Deputy Inspector General. Asst Inspector General for Investigations. Asst Inspector General for Auditing.
Ofc of Management	Controller.
Consumer Product Safety Commission:	
Consumer Product Safety Commission	Dir Ofc of Prog Mgt.
Ofc of Aed for Hazard Id & Strategy Analysis	Dep Assoc Exec Dir for Epidemiology.
Ofc of Aed for for Engineering & Science	Dep Associate Executive Dir for Engr Sciences.
Ofc of Aed for Compliance & Enforcement	Assoc Exec Dir for Compliance & Enforcement.
Ofc of Aed for Field Operations	Assoc Exec Dir for Field Opers.
Ofc of Aed for Administration	Assoc Exec Dir for Adm.
Ofc Secy of Defense:	
Office of the Secretary	Inspector General for Defense Intelligence.
Ofc of Deputy Under Secy for Policy Review	Dir, Counter Intel and Investigative Prog
Ofc of Dep Under Secy for Policy Planning	Dir, Information Security. Dep Director-DOD Salt Task Force.
Ofc Deputy Asst Sec Civilian Personnel Policy	Asst Dep Dir for Strat Sys & Senior DSD Adv. Staff Dir CPP/Dir for Personnel Mgmt.
Ofc of Dir of DOD Dependents Schools	Dir Career Dev and Training. Dir Labor-Management Relations. Dir Compensation and Position Mgmt. Dir Staffing and Career Mgmt. Dir DOD Dependents Schools.
Office of Assistant Secretary, Public Affairs	Dir Pacific Region Dodds. Dir, Freedom of Information & Security Review.
Ofc of Dep Asst Secy (Strategic Programs)	Dir Strat Def and Theater Nuclear Forces Div.
Washington Headquarters Services	Director of Personnel and Security.
Ofc Dep Asst Secy of Defense (Audit)	Dep Asst Sec (Audit). Dir for Internal Audit Policy.
Ofc of Under Secretary for Research and Engineering	Dep Comptroller for Audit Policy. Staff Specialist for Program Planning.
Ofc of Asst to Secy for Atomic Energy	Staff Spec for Strategic Sys Assessment. Dep Asst to Secy (AE) (Assessment). Dir-Salt/Arms Control Support Group. Specialist for Arms Control Assessment. Sr Analyst for Long Range Resource Planning
Ofc of International Program and Technology	Dir, Technology Export. Director, Technology Trade. Staff Specialist for Internat Programs & Pol.
Ofc Dep Under Secy Acquisition Policy	Special Asst for Planning and Requirements Dep Dir Major Sys Acquisition.
Ofc-Dir-Material Acquisition Policy	Director (Material Acq Policy). Staff Spec for Def Sys Computer Res & Electro.
Ofc-Dir-Contract and Sys Acquisition	Dep Dir Standardization and Support. Dep Dir for Production Resources. Dir (Contracts & System Acquisition Dep Dir-Cost-Pricing and Finance Dep Dir-(Contract Placement & Administration) Dep Dir-Defense Acquisition Regulatory Syst
Ofc Dep Under Secy Test and Evaluation	Dep Dir (Strategic & Naval Sys [Sw] Dep Dir for Test Facilities and Resources.
Ofc of Dep Under Secy for Research and Advanced Tech	Spec Asst to Dua (Research & Advanced Technol).
Ofc-Dir-Engineering Technology	Dir (Engineering Technology). Staff Spec for Aeronautics and Hypersonics. Staff Specialist for Propulsion. Staff Specialist for Materials & Structures. Staff Specialist for Ordnance Staff Specialist for Weapons Technology
Ofc-Dir-Electronics and Physical Sciences	Dir Electronics and Physical Sciences. Staff Spec for Electron Dev & Integrated Circ. Staff Spec for Elec Warfare and Target Acq. Staff Specialist for Search and Surveillance.

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Ofc-Dir-Environmental Life and Sciences.	Staff Specialist for Chemical Technology.
Ofc-Dir-Rsch and Technical Info.	Dir, Research & Technical Information Ofc.
Office of Directed Energy Programs.	Dir, Directed Energy Programs.
Ofc of the Dir, Offensive and Space Systems.	Dir Offensive and Space Systems. Staff Specialist for Space & Advanced Systems. Staff Spec for Techn & Analysis (Off Sys).
Ofc-Dir-Defensive Systems.	Dir Defensive Systems. Staff Specialist for Early Warning & Attack. Staff Specialist for Defensive Systems.
Ofc of Dir Cruise Missile Systems.	Dir Ofc of Cruise Missile Sys.
Ofc of Dep Under Secy Tactical Warfare Progs.	Asst for Materiel Acquisition. Spec Asst for Plans and Analysis.
Ofc-Dir-Land Warfare	Dir-Ofc of Land Warfare. Staff Specialist for Close Combat Systems. Staff Specialist for Ground Air Defense Sys.
Ofc Dir Aircraft Systems.	Dir-Ofc of Aircraft Systems.
Ofc Dir Missile Systems.	Staff Spec for Interdiction/Naval Strike. Staff Spec, Close Air Sup/Battlefield Int.
Ofc of Director-Naval Warfare	Director-Naval Warfare. Staff Spec-Sub Warfare and Undersea Surveillanc. Staff Spec for Tds and Electromagnetic Techno. Staff Spec for Strategic and Naval Warfare Sys.
Ofc of Prin Das/Dep Under Sec (Comms Cmd Control & Intl).	Dep Asst Secy of Def (Comun, Command & Cont). Spec Asst for Technical Plans and Research. Dir Systems Research and Evaluation. Dep Asst Secy of Defense (Plans and Resources).
Ofc of Dir Communications Systems.	Dir Office of Communication Systems. Staff Spec for Switched and Spec Purpose Comm S. Staff Spec for Satellite Communications Syste.
Ofc of Dir Strategic Theater Cmd & Control Systems.	Dir Ofc Strategic & Theater Com and Cont Sys. Staff Spec for WWMCCS and other C Systems Arc.
Ofc of Dir of Info Sys	Director, Informsbon Systems.
Ofc of Dir Intelligence Systems.	Dir-Ofc of Intelligence Sys. Staff Specialist (Intelligence Programs).
Ofc of Dir Surveillance and Warning Systems.	Director, Tactical Intelligence Systems. Director-Ofc of Surveillance and Warning System.
Ofc of Dir Combat Support.	Dir (Combat Support). Stf Spec-(Elec Warfare and Counter C3I). Staff Specialist for Tactical Command and Contr.
Ofc of Dir Electronic Warfare & C3 Countermeasures.	Dir Electronic Warfare and C3 Countermeasures. Staff Spec for E W and C3 CSA.
Directorate, National Intelligence Systems.	Director National Intelligence Systems.
Defense Advanced Research Projects Agency.	Deputy Director for Research.
Regional Office-Europe.	Deputy Director for Technology. Dir Darpa Reg'l Ofc-Europe.
Regional Office-Pacific.	Dir Darpa Regional Ofc, Pacific.
Tactical Technology Office.	Dir-Tactical Technology Office. Dep Dir Tactical Technology Office. Asst Dir for Target Acq and Engagement. Dir for Ocean Monitoring and Control Div. Asst Dir for Weapons Technology and Concepts.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Information Processing Techniques Office.	Dep Dir Info Process G Techniques Ofc. Dir Information Processing Techn Ofc. Principal Research Manager.
Material Sciences Office.	Director for Materials Sciences. Stf Spec for Electro-Optical Materials & Devi. Staff Specialist for Advanced System material. Asst Dir for Cybernetics Technology. Assistant Director for Materials Sciences.
Defense Sciences Office.	Dep Dir Def Sciences Ofc. Dir Defense Sciences Ofc.
Nuclear Monitoring Research Office.	Dir for Nuclear Monitoring Research.
Strategic Technology Office.	Dir-Strategic Technology Office. Asst Dir (Tech). Asst Director, Systems. Chf Space and Optics Technology Division. Chief, Laser Technology Div. Chf Director Energy Div. Asst Dir, Surveillance Division. Deputy Director, Strategic Technology.
Directed Energy Office.	Dir, Directed Energy Ofc. Dep Dir, Directed Energy Ofc. Asst Dir for Technology, Directed Energy Off. Assistant Dir for Space Defense Technology.
Office of the Joint Chiefs of Staff.	Scientific and Technical Advisor to the Chief.
Defense Contract Audit Agency.	Director, DCAA. Deputy Director DCAA. Asst Dir Operations and Professional Dev. Asst Dir Policy and Plans.
Regional Managers	Regional Director, Atlanta. Regional Director, Boston. Regional Director, Chicago. Regional Director, Los Angeles. Regional Director, Philadelphia. Regional Director, San Francisco.
Defense Logistics Agency.	Staff Director Logistics Concepts and Mgmt.
Office Deputy Director for Contract Adm Services.	Asst Dep Dir Contract Administration Service.
Off of Exec Dir, Contract Admin, DDDCAS.	Dep Exec Dir, Contract Management.
Off of Exec Dir, Production, DDDCAS.	Executive Director, Production
Off of Exec Dir, Qual Assurance, DDDCAS.	Dep Exec Dir, Quality Assurance
Ofc of the Staff Dir-Small and Disadvantaged Business Util.	Staff Dir Small and Disadvantaged Businessms Uti.
Exec Dir, DLA Contracting.	Executive Director, Contracting. Chief, Contracts Division.
Exec Dir, DLA, Tech and Logistics Services.	Chf Property Disposal Div.
Office of the Director	Chief Scientist and Assoc Dir, Technology.
National Communications System.	Asst Manager for Technology and Standards. Dep Mgr National Communications System. Asst Mgr NCS Plans and Operations.
WWMCCS System Engr Organ.	WWMCCS-System Engineer. Dep WWMCCS System Engineer-Europe. Dep WWMCCS System Engineer. Chief WWMCCS Information System Office.
Defense Communications Engineering Center.	Dep Dir, DEF Communications Engineering Cente. Chf, Computer and Software Systems Division. Senior Science Advisor for Technolgy Chf Interoperability and Standards Div. Chf, Switched Systems Engr Div. Chf, Systems Engineering Div.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Ofc of Dep Dir, Comand and Control Techni Dir.	Dep Dir, Command and Control Technical Center. Tech Dir, WWMCCS ADP Technical Supt Direct.
Engineering Directorate, CCTC.	Chf, Subsystem Engineering Division. Chf ADP System Engineering Div. Tech Dir MEECN Engineering Division. Chief, Systems Plans and Programs Division. Technical Dir UAH-6 Project Management Office. Assoc Dep Dir For Research and Technology.
System Directorate, CCTC.	Deputy Director for Engineering.
Natl Military Comd Syst ADP Directorate, CCTC.	Scientific Advr to the Commander, PD Command. Asst Deputy Dir, NMCS ADP. Asst Dep Dir for Computer Services.
Military Satellite Communications Office.	Dep Dir, Military Satellite Communications.
Office of the Director	Dir (Biomedical Effects).
Office of Deputy Director Science and Technology.	Dep Dir (Science and Technology). Scientific Asst to Dep Dir (Science and Tech. Asst to Dep Dir (Sci and Tec) for Theoretical. Asst to the Dep Dir (Experimental Res), Asst to the Dep Dir (Sci and Tech) for Testing. Chf Electronics Vulnerability Division. Chf, Strategic Structures Division. Chf Aerospace Sys Div. Scientific Advisor to the Director (AFFRI). Scientific Advisor (AFFRI). Tech Pro Mngr for Nuclear Assessmt Director. Chief Emp Effects Division.
Defense Mapping Agency.	Dep Dir, Mngmt and Technology. Asst Dep Dir for Plans and Requirements. Staff Director of Personnel. Tech Dir-DMA Hydrographic/Topographic Center. Dep Dir Prog Prod Oper DMA HTC. Dep Dir for Progs, Production and Operations.
Off of Dep Dir, Programs, Production and Operations.	Dep Dir for Progs, Prod and Opers. Chief, Program Integration Division. Chf Spec Programs Div. Tech Dir DMA Aero Center. Asst Deputy Dir for Programming. Asst Deputy Dir for Production and Distribut.
Ofc of Deputy Director Systems and Techniques.	Dep Dir for Systems and Techniques. Chief, Advanced Technology Division. Chf Acq Sys Dev Div.
Defense Audit Service.	Deputy Director, Defense Audit Service. Assoc Director-Special Program Audits. Assoc Dir Intelligence and Communications AUD. Assoc Dir, Systems and Logistics Audits. Assoc Dir, Resources Reports and Overseas Audit. Assoc Dir Financial Mgmt and Manpower Audits. Director, Defense Audit Service.
Defense Investigative Service.	Dir Defense Investigative Service Dir for Operations.
Department of Air Force:	
Office of the Secretary.	Administrative Assistant to the Secy Dep Adm Asst. Dep for Air Force Review Boards.
OAS Manpower and Reserve Affairs and Installations.	
OPDRS Installations	Deputy for Installations Management.
OAS Research Development and Logistics.	Principal Depy Asst Secy (Research Dev Logist.
DDAS Research and Development.	Deputy for Systems Requirements.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
ODAS Programs/ Acquisition	Dep for Acquisition.
ODAS Logistics	Dep for Programs and Production. Dep for Supply and Maintenance. Dep for Transportation and Civil Aviation.
Office of Assistant Secretary, Financial Management.	Deputy for Accounting and Internal Audit. Deputy for Productivity Management. Deputy for Financial Systems and Analysis.
The Air Force Audit Agency.	Deputy Auditor General Dir, Acquisition and Logistics Systems. The Auditor General of the Air Force.
Office, Chief of Staff	Chf, Office of AF History. Deputy Director, Air Force Commissary Service.
Dir of Data Automation/ Commander Data Automation Agency	Associate Dir of Computer Resources. Tech Asst to Comdr Data Sys Design Center.
Office of Deputy Chief of Staff, Systems and Logistics.	Assoc Dir for Logistics Plans and Programs. Assoc Dir of Maintenance Engineering and Supply Assoc Director of Procurement Policy
Special Advisory Group.	Special Advisor.
Director of Civilian Personnel.	Deputy Director of Civilian Personnel. Chf Ofc of Civilian Personnel Opers. DAS (Civ Personnel Pol) Dir Civilian Pers.
Office of Deputy Chief of Staff, Comptroller.	Dep Comptroller.
Director of Management Analysis.	Assoc Dir of Mgmt Analysis.
Director of Budget	Assistant Director of Budget (Management). Chf, Operating Appropriations Div. Chf, Investment Appropriations Div.
Directorate of Accounting and Finance	Director, Plans and Systems. Dep Dir, Acctng and Finance.
Director of Programs	Associate Dir for Progs.
Directorate of Engineering and Services.	Assoc Dir for Engineering and Services.
AF Engrg and Services Center (Field)	Technical Director Dir of Personnel.
Office of the Commander	Assistant for Product Assurance.
DCS Procurement and Manufacturing.	Prin Asst/Contracting and Manufacturing. Chairperson Contract Review Committee. Dir of Manufacturing.
Deputy Chief of Staff/Personnel	Director of Civilian Personnel.
Deputy Chief of Staff/Comptroller.	Asst to the DCS/Comptroller.
Space and Missile Systems Organization	Asst Dep for Procurement and Manufacturing.
Foreign Technology Div.	Tech Dir (Electromagnetic Threat). Technical Director (Engineering) Technical Director (Technology and Threat).
Flight Test Center, Edwards AFB, Calif.	Technical Director, Test Engineering and Service.
AF Weapons Lab	Techn Dir (Physical Optics, Lasers, Prototype). Sr Advisor (Radiation Effects).
Materials Laboratory AFWAL.	Dir, Metals and Ceramics Div. Senior Scientist (Environment Effects) SR SCI Organic Chemistry Dir, Systems Support Division.
Aero Propulsion Laboratory AFWAL.	Dir, Turbine Engine Div.
AF Rocket Propulsion Laboratory	Dir, Solid Rocket Div.
USAF School of Aerospace Medicine.	Research Director (Crew Technology).
Aerospace Medical Research Lab.	Dir, Toxic Hazards Div. CHF, Mathematics and Analysis BR.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Aeronautical Syst Div	Deputy Comptroller Techn Dir, Flt Systems Engineering
Dep for Systems Mgmt, ASD	Technical Director (Systems).
Deputy for Tactical Warfare, ASD.	Tech Dir (Propulsion System).
Dep for Proc and Manufacturing ASD.	Asst Deputy for Procurement and Manufacturing
Deputy for Engineering.	Tech Dir Directorate of Equipment Engineerin Techn Dir, Directorate of Avionics Technical Director, Deputy for Avionics.
Sys Engrg Office Dep for Engrg ASD	Sys Eng Dir, F-15. Systems Engineering Director (Advanced Systems) Systems Engineering Director (F-16)
Electronic Systems Division	Deputy-Command and Mgmt Systems. Asst Dep for Contracting and Manufacturing Director (Plans)
Rome Air Development Center	Techn Dir (Intelligence and Reconnaissance) Technical Director (Communications and Control) Dir, Reliability and Compatibility Div Technical Dir (Surveillance).
Armament Division	Technical Advisor Techn Dir, Directorate of Range Engineering.
Aeronomy Division	Director Aeronomy Division CH, Atmospheric Structure Br.
Space Physics Division.	Dir, Space Physics Div, AFGL.
Aerospace Instrumentation Division.	Dir, Aerospace Instrumentation Div., AFGL.
Meterology Division	Chief Climatology Dynamics Branch. Sr Scientist Heat Transfer.
Optical Physics Division.	Dir Optical Physics Division.
Air Force Logistics Command.	Asst Dep Chf of Staff, Maintenance. Chairman A F Logistics Command Procur Committ. Asst DCS/Logistics Operations. Asst DCS/Plans and Operations. Asst DCS/Procurement and Production. Dir, Direc of Mat Requ and Financel Res Mgmt. Deputy Asst to the Commdr-Internl Logistics. Director of Civilian Personnel.
Headquarters, Dayton, Ohio.	Asst Dcs-Comptroller.
AF Acquisition Logistics Div.	Asst to the Commander AFALD. Deputy for Contracting and Manufacturing.
Air Logistics Center, San Antonio.	Dep Dir, Directorate of Maintenance. Dep Dir, Directorate of Materiel Mgmt.
Air Logistics Center, Oklahoma City.	Dep Dir, Directorate of Materiel Mgmt. Dep Dir, Directorate of Maintenance.
Air Logistics Center, Warner Robins.	Deputy Director, Directorate of Materiel Mgt.
Air Logistics Center, Ogden.	Deputy Dir, Dir of Maintenance. Dep Dir, Directorate of Maintenance. Deputy Director, Directorate of Materiel Mgt.
Air Logistics Center, Sacramento.	Dep Dir, Directorate of Materiel Management Dep Dir, Directorate of Maintenance.
Air Force Security Service.	Asst to the Commander.
Military Airlift Command.	Asst Dep Chf of Staff Plans, Scott AFB, Ill.
Scientific and Research.	Chf Technology Assessment Division Chf Systems Evaluation Division
Tactical Air Command.	Chief Scien Tactical Fighter Weapons Ctr Chief Scientist Tactical Air Warfare Ctr
Headquarters, Pacific Air Force.	Chief, Operations Analysis.
U.S. Air Forces in Europe.	Director of Civilian Personnel.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
AF Test and Eval Center (AFTEC).	Scientific Advisor (Test and Evaluation).
Joint-Electronic Warfare Center (JEWC)	Technical Director.
Department of Army:	
Office of the Under Secretary.	Asst Dep Under Sec (Operations Research) Operations Research Analyst Chf, Opers Res Grp for Forces and Readiness Operations Research Analyst for Systems.
Ofc of the Administrative Assistant	Adm Asst to the Secy of the Army Dep Administrative Assistant.
Odasa Research Development and Acquisition	Assoc Dir for Procurement Mgmt Review.
Odasa Acquisition	Dep for Materiel Acq Mgmt Dep for Procurement Policy.
Odasa Management and Budget.	Deputy for Management and Budget.
Ofc of Asst Secy-Installations Logistics and Finan Mgmt.	Asst Deputy for Installations and Housing Asst Dep for Logistics.
Off of Asst Secretary, Manpower and Reserve Affairs.	Dasa (DA Review Bds and Personnel Security).
Office, Assistant Chief of Staff, Intelligence	Spec Asst to the ACSI.
Ofc of Asst Chief of Staff, Automation and Communications.	Dir, Army Mgmt Systems Support Agency Dep Asst Chf of Staff Automation and Comms. Army Spectrum Manager Spec Asst to Asst Chf of Staff.
Ballistic Missile Def Sys Command.	Chief, Contracts Office.
Ballistic Missile Def Adv Techn Ctr.	Dir Technology Analysis Directorate Dir Discrimination Directorate Dir Missile Directorate Director Radar Directorate Dir-Data Processing Directorate Director Optics Directorate
Chf Scientist and Director of Army Research.	Asst Dir for Laboratory Activities. Asst Director for Research Programs Asst Dir for Technology Overview Rda Analyses Office
Dir of Combat Support Systems.	Physical Scientist Admr (Chem and Engr Sci) Combat Spt Sys Technol Mgr
Dir of Weapons Systems.	Physical Scientist (Aerospace Engr) Weapons Systems Technol Mgr.
Office, Dep Chief of Staff for Personnel	U.S. Army Safety Director.
Directorate of Civilian Personnel	Chief Labor and Employee Relations Division Director of Civilian Personnel Dep Director, Off Civ Personnel Chief, Position and Pay Management Division Chief, Staffing and Career Management Div
Civilian Personnel Center	Chf-Civilian Personnel Ctr
Army Research Institute for Behavioral and Social Sciences.	Dir Org and Systems Lab and Assoc Dir Art. Dir, Ind Train and Perf Res Lab, and Assoc Dir, A.
Dir Manpower Plans and Budget.	Dep Dir Manpower Plans and Budget.
Office, Deputy Chief of Staff for Logistics.	Chief Security Assistance Policy Coord Dtd. Asst Director for Supply Mgmt. Asst Dir of Resources and Mgmt. Asst Dir for Maintenance Mgmt Spec Asst to Dcslog and Chf Av Log Ofc.
Office of the Comptroller of the Army.	Dep Comptroller. Director of Cost Analyse Deputy Director of Operations and Maintenance
Finance and Accounting Center.	Dep Cmdr US Army Finance and Acctng Ctr. Dep Dir of Finance and Accounting
Director of Army Budget.	Deputy Director Dep Dir of Army Budget for Budget Management.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Army Audit Agency	Director, Logistical and Financial Audits.
	Auditor General
	Deputy Auditor General
	Dir Acquisition and Force Management Audits.
	Dir Personnel and Force Management Audits
	Dir Audit Plans and Resources.
Ofc Dep Chf of Staff for Operations and Plans.	Dep Dir, Force Program and Structure Direc, DCS.
U.S. Army Nuclear Agency.	Technical Director.
Concepts Analysis Agency, DCSOPS.	Dir for Joint Forces and Strategy
	Dir of Methodology and Resources and Computation.
Army Center of Military History.	Chief Historian
Army War College	Director of Academic Affairs.
U.S. Army Med Res Inst of Infectious Dis, Ft Detrick Md.	Program Director Hazardous Vir-
	Deputy for Science.
Training and Doctrine Command (TRADOC).	Dir, Combined Arms Studies and Analysis Activ.
Combat Developments Experimentation Command.	Scientific Advisor
U.S. Army Tradoc Systems Analysis Activity.	Dir U.S. Army Tradoc Systems Analysis Activity
Tradoc Combined Arms Test Facility.	Scientific Advisor
Military Traffic Mgmt Commd.	Spec Asst for Transportation Engr.
U.S. Army Forces Command.	Civilian Personnel Director.
U.S. Army Corps of Engineers.	Chief, Office of Personnel.
	Spec Asst to the Chf of Engrs for Interni Aff.
Ofc, Asst Chf of Engineers.	Chief, Programming Div, Ace.
Director of Civil Works.	Chf-Ofc of Policy
	Chf, Eng Div, Civil Works.
	Chief, Elect and Mech Br, Engineering Div.
	Chf, Programs Div
	Chf-Planning Division.
	Chf Construction-Operations Division.
MX Program Agency	Deputy Director for CEMXPA.
Director of Mistry Programs.	Chief, Engineering Division.
	Chf, Construction Division.
	Chf, Operations and Maintenance Div
Board of Engineers for Rivers and Harbors.	Tech Dir, Bd Engr Rivers and Harbors.
Institute for Water Resources.	Director Institute for Water Re-
Planning Divisions, COE.	Chief Planning Division.
	Chf Planning Div, Ohio River Div.
	Chf Planning Div, No Pacific Dir.
	Chf, Planning Div, South Atlantic Div.
	Chief, Planning Division Lower Mississippi Va.
	Chf Planning Div, Mo River Div.
	Chf, Planning Div, South Pacific.
	Chf Planning Div-Southwestern Div
	Chf Planning Dir North Central Div.
Engineering Divisions, COE.	Chief, Engineering Div, Ohio River Div
	Chief, Engineering Div, Southwest Div
	Chf, Eng Div, N Central Div, Chicago
	Chief, Engr Div, S Pacific Div, San Francisco.
	Chief, Engineering Div, N Atlantic Div, NY
	Chf Engineering Div, S Atl Div, Atlanta.
	Chief, Engr Div, L Miss Val Div, Vicks, Miss.
	Chief Engineering Div Middle East.
	Chief, Engineering Div, Missouri River Div
	Chief, Engineering Div, North Pacific Div
	Chief, Eng Div, Pacific Ocean Div, Honolulu.
	Chf Engineering Div, European Div.
	Chf Engineering Div, Huntsville.
Construction Divs-DOE	Chief Construction-Operations Div-
Construction Divs-DOE	Chf Construction Div, Middle East.
	Chf, Construction-operations Div, S Atlantic
Direc for Mgmt Info Sys.	Dir of Mgmt Information Systems
Director for Quality Assurance Darcom HQ	Director of Product Assurance
Ofc Dep Cmdg Gen Material Dev DARCOM	Asst Dep for Material Dev
	Asst Dep for Internal Research, Dev & Stander
	Chief Lab and Dev Command Management.
Dir for Dev and Energ DARCOM.	Assoc Dir for Systems Evaluation and Testing.
	Assoc Dir for Systems Development.
	Chf Ofc of Manufacturing Technology
Office of Manufacturing Technology	
Ofc Dep Cmdg Mat'l Readiness	Asst Dep for Material Readiness.
Direc for Internat'l Logistics.	Dep Dir of Security Assistance.
Direc for Material Management.	Associate Director for Material Pro-
	Dep Dir of Material Mgmt.
	Assoc Dir for Requirements and Resources.
Direc for Readiness	Dep Dir of Readiness
Direc for Procurement and Production.	Assoc Dir for Procurement.
	Dep Dir Procurement and Production.
Ofc Dep Commanding General for Resource Management.	Assistant Deputy for Resources and Management
Direc for Personnel Trg and Force Dev	Dep Dir for Personnel Train and Forcedevelopmen
Office of Comptroller Darcom Hq.	Chief, Civilian Personnel Div
	Deputy Comptroller.
Armament Material Readiness Command (ARRCOM).	Chf, Cost Analysis Div.
	Comptroller
	Deputy for Procurement and Pro-
Office of Commander ARRADCOM.	Tech Dir Armament Research and Dev Command.
	Assoc Tech Dir (Adv Process Technology).
	Assoc Tech Dir (Sys Dev and Engineering).
Large Caliber Weapon Systems Lab ARRADCOM.	Chief Nuclear and Fuze Divison.
	Chf-Energetic Materials Div
	Chf-Non Nuclear Munitions Div.
	Chf-Applied Sciences Division.
Fire Cont and Small Caliber Weapon Sys Lab ARRADCOM.	Chf Fire Control Systems Division.
Technology Lab (MICOM).	Chf, Armament Div.
	Chf Solid Propellent Chemistry Function
	Asst Dep for Readiness.
	Director for Advanced Sensors.
	Chief, Advanced Technology Function.
Missile Intelligence Agency	Dep Dir, Missile Intelligence Agency.
Mobility Equip Rsch and Dev Command (MERADCOM).	Assoc Techn Dir for Research and Dev
	Assoc Tech Dir for Eng and Acqui-
Natick Res and Dev Comd (NARADCOM).	Dep Techn Dir, Clothing and Equipment Sys Pprog.
	Dir, Clothing, Equip and Matls Engr Lab
	Dir, Food Science Laboratory.
	Director, Food Engineering Laboratory
	Dep Techn Dir, Food Service Systems Program
Tank-Automotive Mat Readiness Comd (TARCOM).	Comptroller, TARCOM.
	Dir for Procurement and Production.
Aberdeen Proving Ground, Md. T&E Command.	Assoc Dir-Material Testing Directorate
White Sands Missile Range, T&E Command.	Tech Dir and Chf Sci.
Troop Spt and Aviation Mat Readiness Cmd (TSARCOM).	Dir of Procurement and Production.
Program Mgr Army Tactical Data Systems (CORADCOM).	Deputy Program Manager, Army Tact Data Sys.
Depot Systems Command (DESCOM)	Deputy for Technical Operations.
Electronics Research and Development Comd (ERADCOM).	Assoc Technical Dir for Res and Technology
	Assoc Tech Dir for Elec Warfare and Intel
	Assoc Techn Dir for Production and Acqs.
Harry Diamond Labs (ERADCOM)	Chf, Dev and Eng Div.
Night Vision and Electro-Optics Lab (ERADCOM)	Dep Dir, Night Vision and Electro-Optics Lab
Ofc of Commander-(Micom).	Director for Procurement and Pro-
	Chief Guidance and Control Analysis
Project Mgmt Offices (MICOM).	Deputy Project Manager, U.S. Roland
	Dep Proj Mngr, High Energy Laser Sys, Ala.
	Deputy Director for Directed Energy
Engineering Lab (MICOM)	Dir for Test and Evaluation
	Dep Dir Systems Simulation and Development
	Dir for System Engineering.
	Dir-Engineering Laboratory
	Dir for Sys Engineering and Product Dev
Chemical Sys Lab ARRADCOM.	Chf Munitions Division.
	Chf-Research Division.
	Chf Toxicology Branch.
Ballistics Research Lab ARRADCOM.	Chf, Ballistic Modeling Div
	Chief Interior Ballistics Division.
	Chf-Launch and Flight Division.
	Chf Terminal Ballistics Div
	Chf Vulnerability Lethality Division.
Directorate of Systems Engineering.	Director, Development and Qualification.
Research and Technology Labs-AVRADCOM.	Dir-Aeromechanics Laboratory
	Dir-Structures Laboratory
	Director Propulsion Laboratory.
	Dir-Research and Technology Labs
Communications and Elect Materiel Readiness Comd (CERCOM).	Comptroller, CERCOM.
Communications Res and Dev Command (CORADCOM).	Director, Communications Systems Center
	Dir Systems Engineering and Integration.
Satellite Communication Agency (CORADCOM).	Dir of Engineering Dev
Patriot Project Office	Dep Project Manager, Patriot.
	Asst Proj Mgr for Dev and Acq Operations.
XM-1 Tank Project Office	Chf Engineer/Chf, Systems Engineering Division.
Fighting Vehicle Systems Project Ofc.	Dep Program Mgr-Fighting Vehicle Systems.
Army Reseach Office DARCOM (Durham NC).	Dir, Engr Sci Div.
Foreign Science and Technol Ctr DARCOM.	Dep Dir—Foreign Science and Technology Center
Army Material Systems Analysis Agency DARCOM.	Dir of Intelligence Production.
	Chf Combat Support Div AMSAA.
	Chf Air Warfare Div AMSAA.
	Chf, Reliability, Availability and Maintainabil.
	Chf Ground Warfare Division-AMSAA.
Army Communications Command.	Comptroller.
Headquarters, US Army, Europe.	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Director, Overseas Dependents Schools, Europe.
Joint Tactical Communications (TRITAC).	Dep Dir for Engineering.
	Associate Director TRITAC Office.
	Chf, Systems Div.
DOD Wage Fixing Authority.	Director, Technical Staff.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Department of Navy:	
DAE, Financial Management/ Comptroller of the Navy.	Director of Banking and Contract Financing
Asst Comptroller Budget & Reports/ Fiscal Mgt Div.	Assoc Dir, Budget & Reports/ Fiscal Manag Div
	Dir, Investment & Dev Div
	Assoc Dir for Finance
	Dir Budget Policy & Procedures Division.
	Dir, Budget Evaluation Group
Asst Comptroller Financial Mgt Systems.	Dep Asst Comptroller, Financial Management Sy
	Deputy Assistant Comptroller (Accounting)
Office of Auditor General.	Auditor General of the Navy
	Dep Auditor Gen/Dep Dir Naval Audit Service
	Dir Naval Audit Service Capital Region
Office of the Comptroller.	Comptroller, ONR & Spec Asst (Fin Manag) to AS
	Deputy Comptroller
Office of Assistant Chief for Patents.	Dir Navy Patents Program
	Field Dir, Navy Patents
	Departmental Director, Navy Patents.
Office of Procurement Services.	Director, Acquisition
Office of Assistant Chief for Research.	Dir, Physics Program
	Engineering Sciences Advisor, Math Sciences Di
	Hd, Fluid Dynamics Br, Math Sciences Div.
Assist Chief for Technology.	Dir Analysis and Support Div
	Dir-Naval Vehicles and Weapons Technology Div
Ocean Science and Technology Division.	Dir, Ocean Sci and Technology Div.
Navy Ocean Research and Development Activity	Assoc Tech Dir and Dir Ocean Prog Mgmt Ofc
Material Science and Component Technology Directorate.	Chf Sci, Lab for Structure of Matter.
Chemistry Division	Head Combustion and Fuels Branch.
Material Science and Technology Divison.	Assoc Supt Mat Sci and Tech Div/ Hd Thermos Mat B.
Electronics Technology Division.	Head, Magnetism Br
Optical Sciences Division.	Associate Superintendent Optional Science
Radiation Technology Div.	Head, X-ray Optics Br.
	Head, Cyclotron Applications Branch.
Space and Communications Technology Directorate.	Chf Sci, Lab for Cosmic Ray Physics.
	Head, Spacecraft Technology Center.
	Manager, Advanced Projects Ofc
Space Systems Division.	Hd Space Applications Branch.
	Head, Space Technology Br.
Environmental Sciences Division.	Superintendent Environmental Sciences Div.
	Assoc Superintendent for Ocean Sci Application.
U.S. Marine Corps	Fiscal Dir of the Marine Corps.
	Asst Dcs for Installations and Logistics.
	Dir Contracts Division
	Accounting Officer of Marine Corps.
Dir Command and Control and Communications (C3) Programs.	Dir, Electromagnetic Spectrum Management.
Dir-Naval Intelligence	Spec Asst to Dir of Naval Intelligence
Asst Dep Chf of Naval Operations (Civilian Personnel).	Asst Dep Chf of Naval Opers (Civilian Personnel).
	Dep Dir, Civilian Personnel Div.
	Hd, Personnel Dev Branch.
	Hd Personnel Mgmt Branch.
	Dir, Labor & Employee Relations Div.
	Dir-Navy Civilian Personnel Command.
	Director, Total Force Info Systems Div.
	Head Personnel Management and Evaluation Br
Director, Research, Development, Test and Evaluation	Spec Asst for Financial Matters
Ofc DCNO (Submarine Warfare)	Scientific and Tech Advisor for SSBN Survivabil.
Systems Analyses Div	Asst for Net Assessment and Mid-range Objective
	Asst for Spec Analyses and Head, Proj Forces Br.
	Asst for Advanced Res and Analytical Techniques
	Hd Support Force Manpower and Logistics Branch
U.S. Naval Observatory.	Dir, Time Service Div.
Office of the Oceanographer	Dep for International and Interagency Affairs.
Ofc of the Chf of Naval Training.	Comptroller.
Spec Assts to Chief of Bureau.	Comptroller.
Naval Aerospace Medical Institute	Spec Asst Scien Progs and Hd, Psychophysiology.
Naval Medical Research Unit #3.	Hd, Medical Zoology Dept, Cairo, Egypt.
Military Sealift Command.	Dep Ex Dir.
Director of Resources Management	Comptroller
	Dir of Resources Management.
	Cnm Advisor for Cost Analysis/ Estimating.
	Spec Asst to Dir Res Mgmt/Dir Fin Mgmt Sys Di.
Dep Chf of Naval Material (Logistics).	Asst Dep Chf of Naval Material (Oper and Logist).
Asst Dep Chf of Naval Material (Contracts and Bus Mgmt).	Hd-Tri Svc Negotiation Staff.
	Exec Dir for Contracts and Business Management.
	Dir Procurement Control and Clearance Division.
Asst Dep Chf of Naval Material (Technology and Labs)	Assoc Dir of Nv Labs.
	Hd, Vehicles Branch
	Hd Weapons Branch.
	Dep Tech Dir/Dir, Tech Plan'g and Assess Group.
	Dep Admin for Acquisition Control
Asst Dep Chf of Naval Material (Reliability and Eng)	Asst Dep Chf Nav Mat (Reliability and Eng).
U.S. Navy Ord Test Unit.	Chf Engr, US Nav Ord Test Unit.
Technical Division, Navigation Branch.	Hd, Navigation Equip Sect.
Test and Operations Branch.	Hd, Navigation Systems Sect.
	Test and Operations Branch Engineer.
Fire Control and Guidance Branch.	Guidance Section Head.
	Head Fire Control Section.
Missile Branch	Sec Engr, Re-entry Body Section.
	Head, Prod. Quality Assurance and Fleet Readine
	Sec Engr, Engrg Section.
	Asst for Syst Investigation and Compatibility
Launcher and Handling Branch.	Branch Engr Launcher and Handling Branch.
Antisubmarine Warfare Systems project Office.	Dir, Financial Management Ofc.
Trident Systems project Office	
Joint Cruise Missile Project Office.	Scientific Dev and Eval Director
David W Taylor Naval Ship R&D Center.	Exec Dir, Acquisition Directorate.
Aviation and Surface Effects Dept.	Dir of Long Range Plans and Program Card, Md.
	Assoc Tech Dir for Systems Development.
	Asst Tech Dir (Research Consultant).
Ship Performance Department.	Head, Naval Hydromechanics Div.
Structures Dept	Head Submarine Division
Naval Ocean Sys Center, San Diego	Dir Command Control and Communications
	Hd Electronics, Engineering and Comp Sci Dept.
	Director Ocean Surveillance
	Scientific Consultant-Electromagnetics
	Director Weapon Systems
	Director Engineering and Computer Sciences
	Chief Res Sci Subm Arctic Tech and Dir Arctic Subm.
	Dir Independent Research and Development.
	Dir for Administration.
Laboratory Directorate—NWC	Hd, Earth and Planet Sci Div, Research Dept.
	Hd, Detonation Physics Div, Research Dept.
Naval Air Development Center, Johnsonville, Pa	Dir-Communication and Navgation Tech Directorate
	Dir Sensors and Avionics Technology Directorate
	Head-Computer Department.
	Dir-Systems Directorate.
	Dir Aircraft and Crew Systems Technology Dire.
	Software and Computer Technology Dir
Naval Underwater System Center	Deputy Technical Director
Assoc Tech Dir Plans and Analyses.	Head, Systems Analysis Dept
Systems Development Directorate	Head, Warfare Analysis Dept.
	Hd Submarine Sonar Sys Dept
	Hd Weapons Sys Dept
	Hd Surface Ship Sonar Sys Dept
	Hd Spec Projects Dept
	Hd Combat Sys Control Dept
Off of Asst Commander for Res & Technology	Research Admr
	Surveillance Technology Admr.
	Propulsion Technology Admr
	Command Control and Guidance Technology Admr.
	Ordnance Technology Admr.
	Aerodynamics and Structured Technology admrat.
	Dir, Advanced Weapons Systems Division
Off of Asst Chf for Contracts	Exec Dir, Procurement Management
	Dir Aircraft Weapons Systems Purchase Div
Dep Cmdr for Asw Warfare Projects	Deputy Projet Manager (Lamps)
Organization and Manpower Management Office	Asst Dir, Org and Manpwr Mgmt Off
Asst Comdr for Systems and Engineering	Deputy Comptroller
	Exec Dir for Acquisition Management.
	Asst Dir, Adv Sys Div.
	Asst Dir, Evaluation Div.
	Tech Dir—Armament Div.
	Asst Dir, Engr Div.
	Technical Director, Avionics Division
	Dir, Systems Alternatives Directorate.
	Dir, Design Analysis Div
Asst Comdr for Test and Evaluation, Naval	Tech Dir, Test and Evaluation Group (Ar-06)
Naval Air Engineering Center.	Technical Director
Naval Avionics Facility.	Dir of Applied Research, Research and Engr Div
	Director of Engineering.
Naval Aviation Logistics Center	Exec Dir
Systems Evaluation Directorate	Assoc Dir—Sys Evaluation Directorate
	Head Systems Technology Department.
Range Directorate	Assoc Dir and Assoc to (Ranges and Tests)
	Dept. Hd, Capabilts Devel Dept PT Mugu Ca

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Naval Electronic Systems Command.	Deputy Comptroller
	Hd Command and Control Systems Department.
Director, Logistics Directorate	Exec Dir, Logistics Directorate
Contracts Directorate	Executive Director—Contracts
Navsea Project Offices.	Dep Proj Mgr and Tech Dir Rewson Systems Proj
	Asst Project Mgr for Elf Communications.
	Asst Proj Mgr for Onboard Submarinesystems.
Research and Tech Directorate	Tech Dir—Research and Technology
Acquisition Engrg Directorate.	Techn Dir, Material Acquisition Directorate
	Techn Dir, Telecommunications Div.
	Techn Dir, Air Traffic Cont Surv and Nag Sys Di.
Command Support Sys Ofc.	Techn Dir, Command and Control and Communicati
Designated Project Offices, Navsea.	Dep Proj Mgr for Anti Ship Missle Defense Proj
	Exec Dir—Aegis Shipbuilding Project.
	Dep Proj Mgr/Tech Dir Nucl Power Aircraft Lab.
	Dep Proj Mgr/Tech Dir Attack Sub Project Ofc.
	Dep Proj Mgr—Destroyer Ship Acq Project.
	Dep Proj Mgr and Tech Dir—Amphib Ship Acqui Proj.
	Director—Saw Submarine Systems Division.
Acquisition Directorate.	Executive Director Acquisition Directorate
Management and Admin, Navsea.	Dep Commander Management and Adm Directorate
Plans, Pgms and Fin Management/ Compt, Navsea.	Asst Dep Commdr, Plans, Prog Financ Mgt/Dep Com
Contracts, Navsea	Asst Dep Commander for Contracts.
	Dir Shipbldg and Overhaul Contracts Div.
Surface Combatant Ships Directorate.	Dep Dir, Surface Combatant Ship Logistics Div
Aircraft Carriers, Amphib and Aux Ships Dir.	Exec Dir Aircraft Carriers Amph and Aux Ships
Surface Warfare Systems Group WS and E Navsea.	Exec Dir, Surface Warfare Sys Grp
Nuclear Power, Navsea.	Hd Advanced Design Br
	Dir Nuclear Propulsion Plant Valves Division.
	Director—Reactor Materials Division.
	Head Advanced Design Branch.
	Head, Improved Reactor Design Branch.
	Hd, Surface Ship Br.
	Dir—Secondary Plant Components Division.
	Dir Surface Ship Systems Division.
Naval Undersea Warfare Engr Station, Keyport, Wa.	Technical Director
Naval Weapons Station, Seal Beach, Ca.	Tech Dir, Fit Mat Sys Anal and Eval Group
Naval Ordnance Station, Indian Head, Md, Navsea.	Special Assistant/Propulsion Technologist
Ship Design and Integration Directorate.	Asst Dir and Chf Engr, Advanced Tech Sys Div
	Dir Adv Dda, Dep Dir, Ship Concepts Dev Group
	Asst Tech Dir, Ship Design Div/Hd Adv Tech Br.
	Asst for Structures (Naval Architecture).
Ship Systems Directorate.	Dir, Ship Systems Res and Technology Office
	Asst for Propulsons Sys.
	Asst for Hull Mech and Weapons Sys.
	Dep Dir, Auxiliary Systems Group.
Combat Systems Design and Integration Division.	Head Tactical Data Systems Branch
	Hd Ship Design and Fleet Engineering Branch.
	Exec Director, Combat Systems Directorate.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Headquarters	Asst Dep Commander for Plans, Policy and Syst D
	Asst Dep Cmdr for Fin Mgmt/ Comp.
Office of Commander	Dep Dir of Programs and Comptroller
Dep Comdr for Acquisition.	Dir, Contracts Div
Department of Education:	
Management	Deputy Asst Secy for Finance—Controller
	Dir, Ofc of Procurement and Assistance Mgmt
Inspector General	Assistant Inspector General for Audits
	Asst Inspector General for Investigation.
	Deputy Asst Inspector Gen for Investigation.
	Dep Asst Inspector General for Tech Serv and Fld Ope
	Dep Asst Inspector General (Hq Audit Div).
Department of Energy:	
Ofc of Intergovernmental Affairs.	Dir Exec Office
Ofc of the Under Secretary	Dir Ofc of Program Plan and Integration
Chicago Operations Ofc.	Asst Manager for Administration
	Area Manager Batavia Area Office.
	Asst Mgr for Acquisition and Assistance.
Idaho Operations Ofc.	Asst Mgr for Pins Budget and Engr
	Asst Mgr for Admin.
	Dir Reactors Ops and Prgms.
	Dir Nuclear Fuel Cycle and Waste Mgmt Div.
Oak Ridge Operations Ofc.	Dir Enriching Op Div
	Dir Mfg Div.
	Asst Mgr for Admin.
Richland Operations Ofc.	Asst Mgr for Admin
	Asst Mgr for Tech Op.
	Dir Nuc Fuel Cy and Prod Div.
	Dep Asst Manager for Technical Operations.
San Francisco Operations Ofc.	Asst Mgr for Admin
	Asst Mgr for Projects.
Ofc of Asst Insp Gen for Audits.	Asst Inspector General for Audits
	Dep Asst I/G for Programs.
	Dir Financial and Procure Audits.
	Director Division of Program Audits.
Ofc of Asst Insp Gen for Inspections.	Asst Insp Gen for Inspec
	Dep Asst IG for Inspec.
	Dep Inspector General for Inspections.
Ofc of Asst Insp Gen for Investigations.	Asst Ins/Gen for Investigations
	Dep Asst I/G for Investigations.
Ofc of Hearings and Appeals.	Dep Dir for Legal Analyses
	Dep Dir for Financial Analyse.
	Dep Dir for Econ Analyses.
Ofc of Chief Accountant.	Deputy Chief Accountant
	Dir Division of Audits.
Ofc of Pipeline and Producer Regulation.	Dep Dir, Div of Audits
Economic Regulatory Administration.	Dir Ofc of Mgmt and Program Coordination
Ofc of Planning and Evaluation.	Dir Ofc of Op Plng and Eval
Ofc of Utility Systems.	Dir Reg Asst Div
	Dir Reg Intervention Div.
	Dir Pwr Supply and Reliability Div.
Energy Information Administration.	Dir, Ofc of Statistical Design and Analysis
	Dir, Ofc of Petroleum and Natural Gas Data Dev.
	Director, Office of Management and Program.
Asst Admr for Energy Systems Support.	Dir Ofc of Adp Svcs.
	Dir-Engy Emergency Mgmt Infor Sys Project Ofc.
	Dir Ofc of En Data Stnd and Stat Design.
	Dep Asst Adm for Sys Spt.
	Asst Admr Energy Systems and Support.
	Director, Ofc of Energy Data Development.
	Dir Ofc of Coal Elec and Alter Source Data Dev.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Asst Admr for Energy Information Validation.	Asst Admr for Energy Data Valid.
	Dep Asst Adm for En Info Valid.
	Dir Ofc of Validation Anal.
	Dir Ofc of Validation Resources.
	Dir Ofc of Systems Validation.
Asst Admr for Applied analysis.	Dir Ofc of Energy Use Anal.
	Asst Adm for Applied Sciences.
	Dir Off of En Source Analyses.
	Dir Ofc of Intergrative Analysis.
	Dir Ofc of Functional Anal.
	Dir Ofc of Analyses Oversight and Access.
	Dep Asst Admr for Appl Analy Energy Info Adm.
	Dir Ofc of Economic Analysis.
Office of Energy Information Services	Dir Ofc of Energy Infor Serv.
Asst Admr for Program Development.	Dir Ofc of Financial Reporting System.
	Dir Ofc of Oil and Gas Info Sys.
	Dir Ofc of the Nat En Info Sys.
	Dir Ofc of Consumption Data Systems.
AA for Energy Data Operations.	Asst Admr for Energy Data Operations.
	Dep Asst Admr for Energy Data Operations.
	Dir Ofc of Oil and Gas Statistics.
	Dir Ofc of Coal and Elec Power Statistics.
	Dir Div of Interfuel Nucl and Ot En Sources.
	Dir Ofc of Interfuels Int'l and Emrg Engs Stats.
Asst Secy for Conservation and Solar Energy	Dir, Conservation Techn Dev Div.
	Directory Consumer Products Division
	Director Automotive Tech Development Division.
	Dir, Photovoltaic Energy Systems Division.
	Director Buildings Division.
Executive Director	Dir Policy Plng and Eval Div.
	Dir Ofc of Budg and Adm Spt.
Dir of Commercialization	Dir Resources Management Division
Ofc of Transportation Programs.	Dir, Transportation Systems Utilization Div.
Ofc of Adv Conservation Technologies.	Chf Thermal and Mechanical Sys Br
Ofc of State and Local Programs.	Dir Weatherization Assistance Programs Div.
Deputy A/S for Solar Energy.	Project Advisor.
Ofc of Solar Applications for Bldgs.	Chf Photovoltaics Sys Br
	Dep Dir, Ofc of Solar Applications for Buildg.
	Dir Market Development Division.
Ofc of Solar Applications for Indus.	Dir Biomass Energy Systems Division.
	Dir Program Res Mgmt Div.
	Chf Solar Thermal Branch.
	Manager, Technology Transfer.
	Dir, Solar Thermal Energy Systems Div.
Ofc of Solar Power Applications.	Progm Mgr for Elec Sys.
	Chf, Wind Systems Branch.
Deputy A/S for Field Ops and Int Programs.	Dep Dir Central Solar Tech Div.
Ofc of Solar Applications.	Dir Ofc of International and Sci Prgms.
	Dep Dir Distributed Solar Tech Division.
Asst Secy for Resource Applications.	Director Finance and Administration Division.
	Dir, Prog/Proj Mgmt and Planning Division.
Ofc of Resource Management.	Dir Ofc of Resource Mgmt.
Dep Asst Secy for Utility and Indus Energy Appl.	Chf Power Delivery Br.
	Dep Dir Geo En/Chf Hydro Spt Br.
	Chf Pwr Supply and Integration Br.
Ofc of Uranium Resources and Enrichment.	Chf Supt Eval Br.
	Chf, Facilities Construction Branch.
	Chf Tech Spt Br.
	Chf Contracting and Marketing Br.
Ofc of Leasing Policy Development.	Dep Dir Lpd and Dir P and Pd Div.
Dep Asst Secy for Strategic Petroleum Reserve Office.	Dir Mgmt Div.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Bonneville Power Administration.	Asst Admr for Mgmt Serv
Western Area Power Administration.	Asst Admr for Mgmt Svcs
Asst Secy for Environment.	Dir Health Effects Research Division.
	Chief Envir Control Technology Branch.
Office of Management Support.	Dir Ofc of Mgmt Support
Office of Environmental Compliance and Oversee.	Dir Financial Serv Div
	Dep Dir Op and Env Safety
	Chf Fossil and Inexhaustible Prog Br.
	Chf Safety Analysis Branch
	Chf Policy Measurements and Insst Stnds.
	Medical Director, Oper and Environ Safety Div.
	Chf, Environmental Protection and Pub Safe Br.
	Chf, Occupational Safety Branch.
Office of Technology Impacts.	Dep Dir Tech Ass Div and Chf H T Br.
	Chf Nuclear Tech Br.
Office of Environmental Research.	Director, Human Health and Assessment Div.
Asst Secy for Defense Programs.	Dir for Assessments and Liaison
Ofc of Policy analysis Operations.	Exec Dir.
Ofc of Special Projects.	Dir Ofc of Spec Proj.
Ofc of Resource Management.	Dir Off of Prgms Coord
Ofc of Military Applications.	Dir Finan Mgmt Div
	Special Asst.
Ofc of Safeguards and Security.	Dir Incident Mgmt Div
Albuquerque Operations Office.	Dir Weapons Prod Div
	Asst Mgr for Admin
	Asst Mgr for Pins and Budget
	Dir Res Mgmt Div
	Dir Weapons Dvlmp Div
	Director Quality Assurance Division.
	Dir Operational Safety
	Asst Mgr for Logistics
	Dir Fac and Const Mgmt Div
	Dir Transportation and Safeguards Div.
	Asst Mgr for Administration
Savannah River Operations Office.	Asst Mgr for Admin.
Nevada Operations Ofc.	Asst Mgr for Admin.
	Asst Mgr for Plns Engr and Budget
Office of International Program Support.	Dir Ofc of Intl Prgm Spt.
Asst Secy for Policy and Evaluation.	Dir Div of Plng and Budget Sys
Office of Energy Research.	Director, Division of Financial Management
	Dir Div of Acquisition and Coordination.
Ofc of Program Administration and Operation.	Asst Dir for Pgm Adm and Op
	Dir Budg and Prm Coord Div
	Dep Assoc Dir, Ofc of Management.
Ofc of Fusion Energy	Mgr R&D Prog Planning
	Dir Div of Rsrc Mgmt and Acq
	Assoc Dir, Ofc of Management
Office of Basic Energy Sciences.	Dir Admin Div.
	Dir Engr Math and Geo Sci Div
	Dir Chem Sci Div
	Dir Adv Egy Proj Div
	Dir Mat Sci Div.
	Chf Metallurgy and Ceramics Br
	Chf Fund Interactions Br
	Chf Processes and Tech Br
	Chf Solid St Phy and Mat Chemistry Branch.
Office of High Energy and Nuclear Physics.	Chf Physics Research Branch
	Dir High En Physics Div
Directorate of Administration.	Director Personnel Management Evaluation.
Office of Personnel Management.	Dir Ofc of Personnel
	Dep Dir of Personnel
	Dir-Exec Resources Management Division.
	Dir Policies and Prgm Div
	Dir Empl Dvlmt and Trng Div.
	Dir Hq Personnel Operations Div.
	Dir Labor Relations Div.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Office of Organization and Management Systems.	Dir Ofc of Org and Mgmt Sys
	Dir Management Sys Analysis Div
	Dir Manpwr Res Mgmt Div
	Dep Dir, Ofc of Org and Mgmt
	Dir Org Plng and Mgmt Div.
	Dir Records and Rep Mgmt Div
	Dir Office of Facility Planning & Support.
Office of Administrative Services.	Dir Ofc of Admin Svcs
	Dep Dir Ofc of Admin Serv.
Office of Computer Services and Telecommunications Mgmt.	Dir Ofc of Comp Serv and Tel Mgmt.
	Dep Dir Ofc of Comp Serv and Tele Mgmt.
	Asst Dir For Ops.
	Dir Div of Telecommunications.
	Director, Operations Division.
	Director Division of Technical Support.
Office of Contractor Industrial Relations.	Dir Ofc of Industrial Relations
	Dir Cont Pers! Mgmt Div.
Office of Contractor Industrial Relations.	Dir Prgm Mgmt and Asmt Div.
	Dep Dir Ofc of Industrial Relations.
Ofc of ADP Management.	Dir Ofc of ADP Mgmt.
	Dep Dir Ofc of ADP Mgmt.
Office of Construction and Facility Management.	Dir Div of Real Estate and Fac Mgmt.
	Dir of Construction and Facility Mgmt.
Controller	Dir, Ofc of Management Inf Systems.
Office of Budget	Dir Ofc of budget
	Dir Budget Anal Div.
	Dir Budget Oper Div.
	Dir External Coord Staff
	Dep Dir Ofc of Budget.
	Dir Budget Analysis Div.
Office of Program Management Support.	Dir Ofc of Prgm Mgmt Support.
Office of Program and Project Assessment and Control.	Dir Engr and Const Support Div.
	Dir Ofc of Prgm Apvl and Contr.
	Dir Program and Project Mgmt Division.
	Dir policy and Analysis Division
Office of Finance and Accounting.	Dir Ofc of Finance and Accounting
	Dir Accounting Pol and Proc Div.
	Dir Wash Finan Serv Div.
	Dep Dir, Ofc of Fin and Acctg
	Deputy Dir, Washington Financial Services Div.
Office of Financial Policy	Dir Ofc of Financial Pol.
	Dir, Financial Analyses Div.
	Dir, Financial Policy Div.
Directorate of Procurement and Contracts Management.	Dir Tech and Resource Applications Support Div.
	Director, Procurement Management Rev Div.
	Director, Financial Incentives Ofc
Office of Small and Disadvantaged Utilization	Dir of Sm and Disadv bus Utiliz
	Dep Dir Proc Bus Affs Ofc.
Office of Policy	Dir Ofc of Policy.
	Dir Policy and Procedures Div.
	Dir Contr and Prop Mgmt Div.
	Dir Ofc of Prgm Support.
Office of Program Support	Dep Dir Pso and Dir CS and IS Div.
Ofc of Procurement Management	Dir Ofc of Procur Mgmt.
	Dir Cont Bus Clmns Div
Ofc of Procurement Operations	Dir Ofc of Procurement Operations.
	Dep Dir Ofc of Procur Op.
Assistant Secretary for fossil Energy	Dir Ofc of Res Mgmt and Acquis
	Spec Advsr to Prgm for Fos En
	Manager, Prog. Facilitation—Solar.
	Mgr Prog Facilitation—Fossil Energy.
	Manager, Prog. Facilitation—Nucl Wst.
	Dupty Director for Management.
	Director, Office of Resource Mgmt.
	Dir, Ofc and Major Proj Management.
Deputy Assistant Secretary for Management.	Asst Dir for Budget.
	Dep Asst Secy for Management.
Dep Asst Secy for Coal Technology.	Dep Dir Magnetohydrodynamics Div.
	Dep Dir Fossil Fuel Extraction Div.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Program Director for Project Management.	Chf Plans and Policy Br.
	Chf Syn Fuels Pgm Dvlmt Br
	Asst Dir for Tech Acquis and Eval
	Dir Fossil Energy Research Div
	Mgr., Process and Prgm Mgmt Br
	Dir, Ofc of Prog Support
Assistant Secretary for Nuclear Energy	Exec Dir Ofc of Nuc En Pgms
	Exec Dir, Ofc of Nuclear Energy Programs.
	Director, Fiscal Division
	Dir Ofc of Plans and Resource Mgmt.
Ofc of Resource Management.	Director, Ofc of Resource Management.
Dep Asst Secy for Naval Reactors	Assoc Dir for Commies Subs
	Asst Dir for Reactor Saf and Comp
	Assoc Dir for Reactors.
	Hd Op Reactors Sec.
	Sr Nav Reactors Rep (MAO).
	Chf Surface Ship Sys Br.
	Chf Submarine Sys Br.
	Chf Instrumentation and Control Br.
	Assoc Dir for Fiscal Mtrs
	Asst to Assc Dir for SS and WCB
	Hd Welding and Non-Dest Test Sec.
	Hd Submarine Section.
	Assoc Dir for Trid and Adv Sub Progs.
	Chf Reactor Refueling Br.
	Dep Reactors Refueling Br.
	Assoc Dir for Surf Ship and Wcb
	Sr Nav Reactors Rep (Mare Is).
	Chf Nuclear Technology Branch
	Hd Surface Ship Section.
	Sr Nav Reactors Rep (W Milton)
	Asst Dir for Shpyd Mtrs.
	Asst to the Assoc. Dir, for SS and WCB
	Dep Chf, Nucl. Compon branch.
	Assoc Dir for High Spod Sub Proj.
	Chf Nucl Compon Branch.
	Dep Dir Nav Reactors Div.
	Waste Isolation Pilot Plnt. Pjt. Cord.
	Spec Asst to Dep Dir Nr Div.
	Porg Mgr Prototype and Supe Operations.
	Dir Mgmt Supt Div.
	Asst Chf Scientist.
	Chf Nuc Tech Br.
	Asst to the Dir for Special Projects
	Assoc Dir for Security, Public and Foreign Mat.
	Chf Quality Assurance and Stds and Oper Sef Br.
	Sr Naval Reactors Representative (Pasco, Wa).
	Senior Naval Reactors Representative.
	Chief Reactor Engineering Branch
	Asst Manager for Operations
Pittsburgh Naval Reactors Office	Sr. Naval Reactors Rep (Portsmth)
	Sr Naval Reactors Rep. (Newpt . News).
	Senior Naval Reactors Rep (Pearl Harbor)
Deputy Assistant Secretary for Nuclear Reactor Program	Assoc Dep Asst Secy for Nuclear Reactor Prog
	Chf Adv Isotope Separation Br
	Chf Fact Mgmt Br.
	Chf Nucl Reactor Eval Br.
	Chf Safety and Physics Br.
	Chf Nucl Cycle Prgm Br.
	Dep Dir Nucl Pwr Devlp Div
	Dir, Engineering Components Div.
	Dir Nucl Pwr Dvlpmt Div.
	Chf Space and terras Sys Br.
	Chf Gas Cooled Fast Reactor Br
Environmental Protection Agency.	
Ofc of the Inspector General	Asst Inspector Gen for Investigations
	Dep I/G-asst I/G for Auditing
	Asst Inspector General for Audits
	Asst Dep Inspector General for Audits
	Dep Dir, Programs and Operations
Ofc of Intern'l Activities	
Region I, Boston	Dir Enf Div Reg I.
	Dir Water Div Reg I.
	Dir-Air and Hazardous Materials Div Reg I.

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Region II, New York	Dir-Surveillance and Analysis Div, Reg II.
	Dir-Enforcement Div-Reg II.
	Dir-Water Div Reg II
	Asst Regl Admr for Planning and Mgmt.
	Dir Air and Hazardous Material Div.
Region III, Philadelphia.	Dir Enforcement Div Reg III.
	Dir Water Div Reg III
	Dir Air and Hazardous Materials Division.
Region IV, Atlanta	Dir Water Div Reg IV
	Dir Enf Div Reg IV
	Dir Air and Hazardous Materials Div Reg IV
	Dir Surveillance and Analysis Division.
Region V, Chicago	Dir Enforcement Div Reg V
	Dir, Air and Hazardous Materials Div Reg V
	Dir Surveillance and Analysis Region V
	Director-Water Admr for Planning and Management.
	Asst Regl Admr for Planning and Management.
Region VI, Dallas	Dir Enf Div Reg VI.
	Dir-Air and Hazardous Materials Div Reg VI.
	Director-Water Div Reg VI.
	Dir-Surveillance and Analysis Div
	Asst Regional Admr for Planning and Mgmt.
Region VII, Kansas City.	Dir Water Div Reg VII
	Dir-Enforcement Div-Reg-VII.
	Dir-Air and Hazardous Materials Div Region VII
Region VIII, Denver	Dir Water Div Reg VIII.
	Dir Air and Hazardous Materials Div Reg VIII
	Director Enforcement Division Region VIII.
	Dir, Surveillance and Analysis Div.
Region IX, San Francisco.	Dir-Water Div Reg IX.
	Dir, Air and Hazardous Material Div
	Dir-Enforcement Div-Reg IX.
	Director Surveillance and Analysis Division.
Region X, Seattle	Dir, Air and Hazardous Materials Div Reg X.
	Dir-Water Div Reg X.
	Dir Enforcement Div-Reg X.
	Dir Surv and Analysis Division—Reg 10.
Office of the Asst Adm for Planning and Management.	Dir Ofc of Occupational Health and Safety
	Assoc to Asst Admr for Management Reform.
	Dir, Contracts Mgmt Div.
	Dep Asst Admr for Admin.
	Dir Budget Operations Div.
	Dir Econ Analysis Div
	Dir Program Analysis Division.
	Dir Policy Planning Division.
	Assoc to Asst Adm for Prog Mgmt and Policy.
	Dir Mgmt Info and Data Sys.
	Director, Personnel Management Div
	Dep Dir Budget Operations Division.
	Assoc Dep Asst Admr for Mgmt and Agency SVCS.
	Dir, Facilities and Support Services Division.
	Dir Ofc Admin Cincinnati.
	Dir Ofc Admin Research Triangle Park.
	Dir, Management and Organization Division.
Ofc of the Dep Asst Admin for Planning and Evaluation.	Dep Asst Adm for Planning and Evaluation.
	Dir Standards and Regulations.
	Director Program Evaluation Division.
Ofc of the Dep Asst Admin for Resources Management.	Dep Asst Admr for Resources Mgmt.
	Dir Program Integration Division.
	Dir, Program Reporting Div.
	Senior Resources Management Assistant.
	Dir, Grants Admin Div.
	Dir, Financial Mgmt Div.
	Dir, Control Project Staff.
Ofc of Audit	Dir, Ofc of Audit.
Ofc of the Asst Adm'r for Enforcement.	Dir Ofc of Progs and Mgmt Opers.
National Enforcement Investigations Center	Dir Natl Enforcement Investigations Center-ID.
Ofc of Dep Asst Admin for Water Enforcement.	Director, Enforcement Division.
	Director Permits Division.
	Assoc Dep Asst Admr for Water Enforcement.
Ofc of the Dep Asst Adm'r for Gen Enforcement.	Dir, Pesticides Enforcement Div
	Dir-Stationary Source Enforcement Div
Ofc of the Dep Asst. Adm'r for Mobile Source and Noise Enf	Dir-Mobile Source Enforcement Div
	Dir Manufacturers Operations Division.
	Dir Noise and Radiation Enforcement Div
	Dir Field Operations and Support Division.
Ofc of Asst Admr'r for Air, Noise, and Radiation.	Director, Ofc of Program Mgmt.
	Dir, Surveillance and Emergency Prepared Div.
	Dir, Air, Noise and Radiation Health Res Div
	Dir Statistics and Applied Mathematics Div
Ofc of the Dep Asst Adm for Air Quality Plans and Standard.	Director Control Programs Development Division.
	Director, Monitoring and Data Analysis Division.
	Dir, Strategies and Air Stds Div-Durham, NC.
	Dir, Standards and Engineering Division.
Ofc of the Dep Asst Adm for Mobile Source Air Poll Con.	Director, Emission Control Technology Div
	Dir Clarification Division.
Ofc of the Dep Asst Adm for Radiation Programs.	Director Technology Assessment Div
	Dir, Criteria and Standards Div.
Ofc of Dep Asst Adm for Noise Abatement and Control.	Dir, Tech and Federal Programs Division.
	Tech Dir/Dep Asst Adm for Noise Abatement and Control.
	Director State and Local Programs Div.
	Director, Standards and Regulation Div.
Ofc of Asst Adm'r for Water and Waste Management.	Dir Facility Requirements Division.
	Dir State Programs Div.
	Senior Science Advisor (Minor Use Pesticides)
	Policy Advisor.
Ofc of DAA for Solid Waste.	Dir, Hazardous and Industrial Waste Div.
	Director, Land Disposal Division.
	Dir, State Prog and Resource Recovery Div.
Ofc of DAA for Water Program Operations.	Dir, Oil and Hazard-US. Materials Division.
	Director Municipal Construction Division.
	Dir Municipal Operations and Training Division.
Ofc of DAA for Water Supply.	Dir Criteria and Standards Division.
	Dir, Ofc of Prog Dev and Evaluation.
Ofc of DAA for Water Planning and Stds.	Director, Effluent Guidelines Division.
	Director, Monitoring and Data Support Div.
	Dir Water Planning Division.
	Dir Criteria and Stds Div.
	Director Chemical Control Division.
Ofc of Asst Admr for Pesticides and Toxic Substances.	Dir, Health and Environmental Rev Div.
	Dir, Integration Staff.
Ofc of DAA for Prog Integration and Information.	Dir, Chemical Info Div.
	Dir-Monitoring Div.
	Tech Asst for Industrial Liaison.
	Dir International Chemical Affairs Staff.
Ofc of DAA for Chemical Control.	Director Premanufacturing Review Division.
	Director Control Action Division.
Ofc of DAA for Testing and Evaluation.	Dir-Environmental Review Division.
	Director Assessment Div.
Ofc of DAA for Pesticides Program.	Chf, Toxicology Branch.
	Dir, Spec Pesticide Review Division.
	Dir-Registration Division.
	Director-Program Support Division.
	Dir-Hazard Evaluation Division.
Ofc of Asst Adm'r for Research and Development.	Dep Dir for Technical Information.
	Dep Dir for Operations
	Exec Dir, Reproductive Effects Assess Group
	Executive Director Exposure Assessment Group
Ofc of the Principal Science Advisor	Principal Engineering Science Advisor
	Principal Physical Science Advisor.
	Dir, Ofc of Exploratory Research.
	Senior Scientific Advisor
	Principal Radiation Science Advisor
Ofc of DAA for Monitoring and Technical Support.	Dir—Monitoring Technology Division
	Dir Environmental Research Information Center
	Dir Technical Support Division.
	Director Environ Rsch Info Center, Cincinnati.
Ofc of DAA for Energy, Minerals and Industry.	Dep Dir—Environmental Research Lab Cincinnati
	Dir Industrial and Extractive Processes Division
	Dir Energy Processes Division.
	Dep Dir, Industrial Environmental Res Lab-Rtp
	Dir Energy Coordination Staff.
Ofc of DAA for Environ Process and Effects Research.	Dir Waste Management Division
	Dir Agri and Non-Point Source Management Division.
	Dir Media Quality Management Division.
	Director, Water and Land Division.
Environmental Research Lab.	Dep Dir—Environmental Sciences Rsch Lab-Rtp
	Dir Water Supply Research Div.
Ofc of DAA for Health Research	Dir Health Effects Division
	Director Criteria Development and Special Studies.
	Dir Water and Toxic Substance Health Res Div.
Health Effects Research Lab.	Dir, Res Adv and Spec Studies Ofc
Equal Employment Opportunity Commission.	Dist Dir (Baltimore)
	Dist Dir (New York).
	Dist Dir (Atlanta)
	Dist Dir (Houston).
	District Director (Detroit).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir (St Louis).
	Dist Dir (Miami).
	Dist Dir—(Indianapolis).
	Dist Dir (Memphis).
	Program Manager.
	Dist Dir—(Denver).
	Dist Dir—(Birmingham).
	Dist Dir—(New Orleans)
	Dist Dir—(Phoenix).
	Dist Dir—(Milwaukee).
	Dist Dir—(Charlotte).
	Dist Dir—(Seattle)
	Dist Dir—(Cleveland)
	Dist Dir—(Philadelphia).
Farm Credit Administration:	
Ofc of Supervision	Asst Dep Governor—Supervision
Ofc of Examination	Assoc Dep Governor and Chf Examiner
Ofc of Administration	Director Administrative Division
Federal Communications Commission:	
Office of the Executive Director.	Chief Data Automation Division
Broadcast Bureau	Chf, Complaints and Compliance Div
	Chief Broadcast Facilities Div.
	Chief Renewal and Transfer Division.
	Chf Hearing Div.
Field Operations Bureau.	Chief Enforcement Division
Common Carrier Bureau.	Managing Coun Comp and Litigation Task Force
	Chf Program Evaluation Staff.
	Chief Economics Division.
	Chf Enforcement Division.
	Chf, Mobil Services Div.
	Asst Bureau Chief (International).
Ofc of Science and Technology.	Chief International and Operations Division
	Chief Research and Standards Division.
	Chief Laboratory Division
	Chief Spectrum Management Division.
	Chief Research and Analysis Division.
	Chief Authorization and Standards Div.
Federal Emergency Management Agency:	
Office of the Director	Asst Dir for Information Services
	Chf SC Adv.
Office of the Inspector General	Inspector General
Ofc of Finance and Administration.	Dir of Finance and Administration
Office of Operations Support.	Dir, Computer Model Div
	Director, Special Facility Div.
	Supervisory Mathematician.
Assoc Dir for Mitigation and Research.	Asst Dir for Research
	Chf, Hazard Evaluation and Vulnerability Red Di.
	Chf, Emergency Operations Systems Division.
	Staff Dir, Techn Hazards Mitigation.
	Asst Assoc Dir for Natl Security
Assoc Dir for Plans and Preparedness.	Asst Assoc Dir
	Asst Associate Director
	Dir, Resources Assessment Div.
Federal Home Loan Bank Board:	
Office of Administration.	Director Administration
Office of Examinations and Supervision.	Dep Dir Examinations/Field Operations
	Deputy Director—Examinations/Policy.
Ofc of Internal Eval and Compliance.	Dir Internal Evaluation and Compliance Ofc
Federal Labor Relations Authority:	
Federal Service Impasses Panel.	Exec Director Fsip
Ofc of the Executive Director.	Executive Director
	Deputy Executive Director
	Solicitor.
Ofc of Operations and Technical Assistance.	Dir, Ofc of Oper and Technical Asst.
Office of Case Handling	Chf Counsel, Ofc of Case Handling
Ofc of the General Counsel.	Deputy General Counsel
	Assoc General Counsel
	Asst General Counsel (Field Management)
	Asst General Counsel (Field Management)
	Asst General Counsel (Appeals).
Regional Offices	Regl Dir
Federal Maritime Commission:	
Office of the Secretary.	Secretary
Office of the General Counsel.	Dep Gen Coun for Legis and Ord and Lra
	Dep Gen Coun for Reports Opinions and Decision.
Office of the Managing Director.	Dir Bureau of Certification and Licensing.
	Dep Managing Dir.
	Dir, Bureau of Agreements.
	Dir, Bureau of Investigation and Enforcement.
	Dir, Bureau of Tariffs.
	Dir, Bur of Industry Economics.
	Dep Dir Bur of Ocean Comm Regulation.
	Dir Bureau of Hearing Counsel.
	Dir Bureau of Enforcement.
Federal Mediation and Conciliation Service: Ofc of Administration.	Dir Office of Administration
Federal Trade Commission: Ofc of Executive Director.	Deputy Executive Director
General Services Administration:	
Office of the Administrator.	Special Council to the Admr for Ethics
Office of the Inspector General.	Asst Inspector Gen for Auditing
	Deputy Asst Inspector General for Auditing.
	Asst I/G for Investigations.
	Asst Insp General for Inspections.
Office of Acquisition Policy.	Asst Admr for Acquisition Policy
	Deputy Assistant Admr for Acquisition Policy
	Dir, of Contract Clearance.
	Dir, Acquisition Management Rev Directorate.
	Dir Acquisition Policy.
	Director Federal Procurement Regulation.
	Dir, Ofc of Small and Disadvantaged Bus Utliz.
Office of Human Resources and Organization.	Director, Ofc of Employee Dev and Training
	Dir, Ofc of Organization and Management.
	Dep Dir of Personnel (EP&PD)
	Executive Director
	Director of Personnel
	Dep Dir for Personnel Admin and Opers.
Office of Plans, Programs and Financial Management.	Dir of Finance
	Director of Budget.
	Director of Data Systems.
	Deputy Director of Planning and Analysis.
Federal Property Resources Service.	Asst Commr for Personal Property
	Dep Asst Commr for Personal Property.
	Asst Commr for Real Property.
	Asst Commissioner for Stockpile Management.
	Asst Commissioner for Stockpile Transactions
Transportation and Public Utilities Service.	Asst Comm for Transportation Audits.
	Asst Commr for Transportation and Travel Mgmt.
	Asst Commr for Public Utilities.
	Asst Commr for Motor Equipment.
	Asst Commissioner for Buildings Management.
	Dep Asst Commr for Buildings Management.
Public Buildings Service.	Asst Regional Admin for PBS Regional 5.
	Asst Commr for Space Planning and Management.
	Asst Commr for Design and Construction.
	Internatl Projects Officer.
	Dep Asst Commr for Construction Programs.
	Asst Commr for Contracts.
	Asst Commissioner for Fed Protective Ser Mgmt.
Automated Data and Telecommunications Service.	Asst Commr for Procurement.
	Asst Commr for Systems Engineering and Oper.
	Asst Commr for Systems Engineering and Oper.
	Asst Commr for Policy and Planning
	Dir-Data Communications Systems Div.
	Director, Advanced Planning and Research Divsn.
	Dir Voice Communications Systems Division.
	Dir Software Development Office
National Archives and Records Service.	Asst Archivist, Pres Libraries.
	Dir, L B Johnson Library.
	Asst Archivist for Fed Archives and Records Ctr.
	Asst Archivist for Records Mgmt.
	Dir, Harry S Truman Library.
	Dir, Dwight D Eisenhower Library.
	Asst Archivist, Natl Archives
	Asst Archivist for Educational Programs.
Federal Supply Service.	Dir of Supply.
	Dep Dir of Contracts.
	Asst Dir for Requirements.
	Asst Commissioner for Supply.
	Asst to the Dir of Programs and Requirements.
	Asst Commissioner for Contracts.
	Asst Commissioner for Contract Management.
	Asst Commissioner for Programs and Requirements.
	Director of Supply Policy.
	Asst Comr for Property Management.
	Director Ofc of Acquisition Planning FSS.
Region 2—New York	Asst Regl Admr for PBS.
	Asst Regl Admr for Federal Supply Service
Region 3—Philadelphia.	Asst Regional Admr for Contracting
National Capital Region.	Deputy Regional Admr, National Capital Region.
	Regl Controller and Dir of Adm, Natl Capital Rg.
	Asst Regl Adm for Public Building Service
Region 5—Chicago	Deputy Regional Admr R-5 (Chicago)
Region 6—Kansas City.	Asst Regl Admr for Administration.
Region 7—Fort Worth.	Asst Regl Admr for Public Buildings Service.
Region 10—San Francisco.	Asst Regl Administrator for Administration
	Asst Regl Admr for Public Buildings Service.
Department of Health and Human Services:	
Office of the Inspector General.	Dep Asst Inspector General for Auditing
	Assoc Dir-Division of Audit Coordination.
	Dep Asst Inspector Gen for Investigations.
	Assoc Dir, Div of Univ and Non-profit Audits.
OAS—for Management and Budget.	Dep Asst Sec, Finance.
	Dir, Div of Accounting Systems and Procedures.
	Dep Asst Secy for Grants and Procurement Mgmt.
	Dir, Div of Grants Policy and Regulations Devel.
	Asst Sec for Mgmt and Budget.
	Dir Ofc of Grant and Contract Financial Mgmt.
Ofc of Asst Secy for Personnel Adm.	Asst Sec for Personnel Administration
	Dir Ofc of Personnel Systems Integrity.
Assistant Secretary for Planning and Evaluatn.	Director of Evaluation.
Office of the General Counsel.	Asst Gen Counsel (Business and Admin Law Div).
Office of Human Development Services.	Director, Office of Policy Development.
Health Care Financing Administration.	Dep Dir, Bureau of Support Services.
	Dir Ofc of Prog Adm, Bur of Prog Operations.
	Dir, Bur of Support Services.
	Dir, Ofc of Demonstrations and Evaluations.
	Dir Ofc of Program Validation.
	Dir Ofc of Financial Management.
	Deputy Director Bureau of Quality Control
	Director, Ofc of Research.
	Dir Office of Quality Control Programs.
	Dir, Office of Human Resources and Admin Service.
	Dep Dir, Ofc of Res Demonstrations and Stat.
	Dir, Ofc of Professional Stds Review Org.
Ofc of Policy	Chf Actuary
	Dir Ofc of Res and Statistics
	Dep Chief Actuary (Long-Range).
	Chief Mathematical Statistician
	Dep Chief Actuary Short Range SSA.
	Dep Dir, Ofc of Research and Statistics, SSA.

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Ofc of Mgmt, Budget, and Pers.	Dir Ofc of Maternal Resources.
	Dir Ofc of Financial Resources.
Ofc of Assessment	Assoc Commr for Assessment.
	Dir Ofc of Security and Program Integrity.
	Dir Supplemental Security Studies SSA.
	Deputy Associate Commissioner Assessment.
Ofc of Hearings and Appeals	Dep Assoc Commr OHA.
Assistant Secretary for Health.	Dir, Natl Ctr, Hlth Svcs Research.
	Dep Dir, Office of Administrative Management.
	Director, Office of Resource Management.
	Assoc Dir, Analysis.
	Assoc Dir for Data Systems.
	Assoc Dir, Cooperative Hlth Stats Syst.
	Assoc Dir for Mathematical Statistics.
	Economist.
	Dir, Div of Intramural Research.
	Associate Director for Research.
Division of Research Grants.	Assoc Dir for Statistics and Analysis Org.
Division of Research Resources.	Dir, Div of Res Resources.
	Dep Dir, Div of Res Resources.
Division of Research Services.	Chf Biomedical Engineering and Instrumentation.
Associate Director for Administration.	Director, Div of Financial Management.
	Director, Division of Contracts and Grants.
Division of Computer Research and Tech.	Chief, Computer Center Branch.
	Chief, Lab of Applied Studies.
	Chf, Physical Science Lab.
National Library of Medicine.	Dep Dir, Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Assoc Dir for Intramural Activities.
	Assoc Director for Extramural Programs.
	Dir-Lister Hill Natl Ctr for Biomedical Comm.
	Assoc Dir, Specialized Info Services.
	Asst Dir for International Programs.
	Dep Dir, Lister Hill Natl Ctr for Biomedical.
	Associate Director for Planning.
National Institute of Health Clinical Center.	Assoc Dir for Clin Care NIH and Dir Clinical Cen.
	Dep Assoc Dir for Clin Care-NIH and Dep Dir Cli.
	Hospital Administrator, Clinical Center, PHS.
Natl Institute of Environmental Health Sciences.	Assoc Dir for Health Hazard Assessment.
	Chf Lab of Pharmacology.
	Chf Laboratory of Biomedical Genetics.
	Chf, Laboratory of Molecular Rendocs.
	Chf, Lab of Animal Genetics
	Chf, Lab of Pulmonary Function and Toxicology.
	Chief, Biometry Branch.
National Inst of Allergy and Infectious Diseases.	Dir-Immunology-Allergic and Immunologic Disease
	Assoc Dir for Extramural Programs.
	Assoc Dir-Intramural Research Prog.
	Chf, Lab of Parasitic Diseases.
	Chf, Lab of Biology of Viruses.
	Chf, Laboratory of Microbial Immunity
	Dep Dir Extramural Activities program.
	Spec Asst for Biometry, Off Sci Dir
	Chf Molecular Biology Rocky Mt Lab Hamilton M
	HD, Molecular Viral Disease
	Director, Microbiology and Infectious Dis Progs
	Chief, Lab of Immunogenetics.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Nat'l Institute of Neurological and Comm Disorders and Stroke.	Laboratory Director.
	Chf, Office of Biometry.
	Chf Lab of NeuroChemistry
	Chf, Surgical Neurology Branch.
	Chf, Lab of Neuro-Otolaryngology.
	Clinical Dir, NINCDS
	Director, Communicative Disorders Program.
	Director, Stroke and Trauma Program.
	Chief, Laboratory Neural Control.
Intramural Research	Chf, Devel and Metab Neurology Branch.
	Chf Lab of Molecular Biology.
	HD Cellular Neuropathology Section.
	Chief, Section on Neuroradiology.
	Chief, Lab of Biophysics.
	Chf, Lab of Neuropathology and Neuroanatomical S.
	HD, Section on Neuronal Interactions.
	Dir Fundamental Neurosciences Program.
	Chf, Lab of Experi Neurology.
Collaborative and Field Research.	Chief Lab of Central Nervous System Studies.
	Deputy Chief, Lab of Central Nervous Sys Stud.
Nat'l Heart, Lungs, and Blood Institute.	Asst. Dir. for Review, NHIbl.
	Dir Div of Lung Diseases.
	Dep Dir Div of Lung Diseases.
	Dir, A/Sclerosis, Hypertension and Lip Met Prog.
Div of Blood diseases and Resources.	Chf Sickle Cell Disease Branch.
	Dir, Div of Blood Diseases and Resources.
Associate Director for Intramural Research.	chf Surgery Br.
	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chf, Molecular Hematology Branch.
	Chief Macromolecules Section.
Laboratory of Biochemistry.	Sr. Rsch Chemist, Sect on Cell Biology
Laboratory of Chemical Pharmocology.	HD, Section on Enzyme Drug Interaction.
Molecular Disease Branch.	HD, Section on Chemistry.
Division of Heart and Vascular Diseases.	Dir Div of Heart and Vascular Diseases.
	Assoc Dir for Epidemiology and Biometry.
Associate Director for Extramural Research and Training.	Dep Assoc Dir, Extramural Res and Training.
National Cancer Institute.	Dir, Div of Cancer Res Resources and Center
	Chf-Drug Evaluation Branch.
	Chf-Lab of Medical Chemistry and Biology
	Chf, Epidemiology Branch.
	Deputy Director, Div of Cancer Cause and Preven.
	Chief Laboratory of Biochemistry.
	Assoc Dir for Medical Appl of Cancer Research.
	Dir Collaborative Research Program
	Dir, Div of Resources, Centers Comm Activity.
	Dir, Div of Cancer Cause and Prevention.
	Chief, Radiotherapy Development Branch.
	Assoc Dir, Cancer Therapy Evaluation Program.
Div of Resources Centers and Community Activity	Director, Div of Cancer Control and Rehabilitat.
	Special Asst for Liaison Activity.
Div of Cancer Cause and Prevention.	Chf Lab of Experimental Pathology.
	Sci Coord for Environmental Carcinogenesis.
	Assoc Director, Carcinogenesis Testing Progrs.
	Chief, Lab of Viral Carcinogenesis.
General Laboratories and Clinics.	Head, Mathematical Biology Section
	Chief, Laboratory of Cell Biology
	Head, Nucleic Acids Section.
	HD, Protein Chemistry Section.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Division of Cancer Biology and Diagnosis.	Chf-Laboratory of Pathophysiology.
	Chf Lab of Immunobiology
	Head, Nucleic Acid Enzymology Section.
	HD Biochemical Genetics Section
	Head Comparative Oncology Section.
	Assoc Chf-Lab/Immunbiology/HD Humoral Immunit.
	Head, Cell Organization Sect, Lab Molecular.
	Head Invitro Carcinogenesis Section.
	Head Tumor Immunology Sect/ Asst Chf Surgery Br.
	Head Developmental Biochemistry Section.
Radiation Branch	Chf-Radiation Oncology Br.
Associate Scientific Director for Viral Oncology	Chief, Lab of Molecular Virology.
	Assoc Scientific Director for Viral Oncology
Associate Scientific Director for Demography.	Chf Biometry Branch.
	Assoc Dir, Field Studies and Statistics.
	Head, Math Statistics and Applied Mathematics B.
Associate Scientific Director for Carcinogenesis.	Chf, Biology Br.
	Chief Laboratory of Molecular Carcinogenesis.
Chemotherapy	Dep Dir-Div of Cancer Treatment.
	Assoc Dir Development Therapeutics Prog.
	Chf, Laboratory of Chemical Pharmacology.
Natl Inst of Arthrts, Metabolic and Digestive Diseases.	Assoc Dir Prog Anal and Scientific Communication.
	Assoc Dir for Digestive Diseases and Nutrition.
	Assoc Dir for Kidney, Urologic, and Blood Dises.
	AD for diabetes, Endocrine and Metabolic Dis.
	Assoc Dir for Arthritis, Bone, Skin Diseases.
	Chief, Laboratory of Bio-Organic Chemistry
Extramural Programs	Assoc Dir for Extramural Prog Activities.
Intramural Research	Chf Sect on Enzymes and Celular Biochemistry
	Chf Sect on Intermediary Metabolism.
	Chief Section on Biochemical Mechanisms.
	Chf, Laboratory of Chemical Physics.
	Chf, Section on Spectroscopy and Structure.
	Chf Section on Human Biochemical Genetics.
	Sr Res Physicist, Mathematical Research Br.
	Sr Chemist, Clinical Endocrinology Br
	Senior Research Chemist.
	Chf, Mathematical Res Br
	Chief Section on Physical Biochemistry
	Chf Arthritis and Rheumatism Br
	Chf Pediatric Metabolism Br.
Laboratory of Physical Biology	Chf, Lab of Physical Biology.
	Chf, Section on Comparative Physiology
Laboratory of Biochemical Pharmacology	Chf Sect on Biochemistry.
Laboratory of Chemistry	Ch Sect Biochemistry of Amino Acids.
	Chief Lab of Chemistry.
Laboratory of Nutrition and Endocrinology	Chf, Laboratory of Nutrition and Endocrinology
	Chf Sect Nutritional Biochemistry
Laboratory of Molecular Biology	Senior Research Chemist.
	Chf Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry
	Head, Section on Molecular Structure
	Chf Lab of Chemical Biology
Laboratory of Chemical Biology.	Dir, Pharmacology/Toxicology Program.
Nat'l Institute of General Medical Sciences.	Dir, Cell and Molec Basis of Disease Prog.
	Dir Genetics Program.
	Assoc Dir for Program Activities.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
National Institute of Child Health and Human Development.	Dep Dir Center for Population Res.
	Chf, Endocrinology and Reproduction Research Br.
	Chief Perinatal Physiology.
	Clin Dir Nat'l Inst for Child Hlt and Human Dev.
Center for Population Research.	Chf, Fertility Regulating Methods Eval Br, Mid.
Intramural Research	Chief, Laboratory of Molecular Genetics.
National Institute on Aging.	Scientific Dir NIA.
	Clinical Dir and Chf Clin Physiology Branch.
	Chief,-Lab of Molecular Aging.
	HD, Molecular Chemistry Section.
National Eye Institute	Clinical Director NEI.
	Chf, Lab of Vision Research.
	Chf, Ofc of Biometry and Epidemiology.
	Dep Chief Ofc of Biometry and Epidemiology.
	Head, Sec on Exp Embryology.
	Head Experimental Pathlogy Section.
	Scientific Director.
National Institute for Dental Health.	Chief, Lab of Biochemistry.
	Chf, Lab of Microbiology
	Chf, Laboratory of Dev Biology and Anomalies.
	Chf Oral Pharyngeal Dev and Function Sec.
	Chf, Enzyme Chemistry Section.
	Chf, Caries Prevention and Research Branch.
Food and Drug Administration.	Regional Director, FDA, Reg II, New York.
	Reg'l. Dir, Food and Drug Adm, Reg IX (San Franc.
	Reg'l. Dir, Food and Drug Adm, Reg IV, Atlanta.
	Regl Food and Drug Director, Reg V. Chicago.
	Regl Food and Drug Dir, Reg X, Seattle.
	Regl Food and Drug Dir, Reg III, Philadelphia.
	Regl Food and Drug Dir, Reg VII, Kansas City.
	Regl Food and Drug Dir, Reg I, Boston.
	Regional Food and Drug Dir, Reg VI, Dallas.
	Regl Food and Drug, Reg VIII, Denver.
Associate Commissioner for Compliance.	Dep Assoc Commissioner for Regulatory Affairs .
	Director, Enforcement Policy Staff.
National Center for Toxicological Research.	Assoc Dir for Biometry and Experimental Design.
	Assoc Dir for Scientific Res, NCTR.
	Assoc Dir for Chronic Studies, NCTR.
Bureau of Foods	Assoc Dir for Regulatory Evaluation.
	Assoc Dir for Laboratory Investigations.
	Dir Div of Food and Color Additives.
	Assoc Dir for Compliance.
	Dep Dir, Bureau of Foods.
	Dir, Div of Microbiology.
	Director, Division of Regulatory Guidance.
Ofc of assoc Dir for Nutrition and Consumer Sciences.	Assoc Dir for Nutrition and Consumer Sciences.
	Dir Div of Nutrition.
Office of Technology	Assoc Dir for Technology
	Dir, Div of Food Technology
	Dep Assoc Dir for Technology
Ofc of Sciences	Dep Dir, Office of Sciences
	Dir, Div of Pathology.
	Dir Division of Toxicology
	Dir Div of Chemistry and Physics.
	Dep Dir, Div of Microbiology
Bureau of Drugs	Dir Div Oncology and Radiopharmaceutical Drug P.
	Director, Scientific Investigations Staff.
	Dir Div of Cardio-Renal Drug Products.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
	Assoc Dir for Compliance.
	Assoc Dir for Information Systems.
	Dep Assoc for Biometrics Dv. and Epidemiology.
	Dir Div of Biometrics.
	Dir Div of Drug Experience.
	Dir Div of Neuropharmacological Drug Prod.
	Assoc Dir for Regulatory Affairs.
	Dir Div of Surgical Dental Drug Products.
	Dir, Div of Metabolism and Endocrine Drug Prod.
	Assoc Dir Biometrics and Epidemiology.
Office of Scientific Evaluation.	Assoc Director for New Drug Evaluation.
	Dir, Div of Anti-Infective Drug Products.
	Dep Assoc Dir for Drug Monographs.
Ofc of Pharmaceutical Research and Testing.	Assoc Dir for Pharmaceutical Research and Test i.
	Chief Drug Pharmacology Br.
	Div, Div of Drug Biology.
	Director-Division of Drug Chemistry.
	Director Div of Biopharmaceutics.
	Dir, Natl Ctr for Antibiotic Analysis.
	Dep Assoc Dir, Pharmaceutical Res and Testing.
Bureau of Biologics	Asst to the Dir for Medical Programs.
	Dir, Div of Control Activities.
	Dir Div of Pathology.
	Dir, Div of Blood and Blood Products.
	Dir, Division of Control Activities.
	Assoc Dir for Comp, Bureau of Biologics.
Bureau of Veterinary Medicine.	Dir Div of Veterinary Medical Research
	Dir Div of Drugs for Ruminant Species.
	Dir-Div of Drugs for Non Food Animals.
	Dir Div of Drugs for Avian Species.
	Dir Div of Drugs for Swine and Minor Species.
	A/D for Surveillance and Compliance.
	Assoc Dir for Science Evaluation.
	Assoc Dir for Research.
	Deputy Dir Bureau of Veterinary Medicine.
Bureau of Radiological Health.	Assoc Dir for Human Food Safety.
	Dir, Div of Biological Effects.
	Dir Div of Radioactive Mat and Nuclear Medicine
	Assoc Dir for Standards.
Bureau of Medical Devices.	Assoc Dir for Device Evaluation.
	Associate Director for Compliance.
	Assoc Dir for Device Research and Testing.
Center for Disease Control.	Dir, Bureau of Training.
Bureau of Laborstones.	Dir Virology Division.
	Dir, Bacteriology Div
	Chf, Licensure and Proficiency Testing Division.
	Dir, Parasitology Div
Nat'l Inst of Occupational Safety and Health.	Dir, Div of Biomedical and Behavioral Science.
	Dir Clinical Chemistry Div.
	Director Division of Safety Research.
	Assoc Director for Research.
	Assoc Dir, Morgantown Operations.
Alcohol, Drug Abuse and Mental Health Administration.	Assoc Admr for Extramural Programs.
National Institute of Mental Health.	Associate Director for Research.
	Dir, Div of Scientific and Techn Info.
	Chief Lab of Psychology and Psychopathology.
	Associate Director, Minority Concern.
Office of Program Planning and Evaluation.	Chf, Theoretical Statistcs and Mathmatics Bran.
Division of Mental Health Service Programs.	Assoc Dir Extramural Programs.
	Dir Div of Mental Health Svc Programs.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Division of Extramural Research Programs.	Dir Div of Extramural Res Progs.
Division of Special Mental Health Research.	Dir Division of Special Mental Health Research.
	Chief, Lab. of Preclinical Pharmacology
Associate Director for Mental Health Intramural Res Prog.	Associate Director.
Division of Clinical and Behavioral Research.	Chf, Lab of Neurophysiology.
	Dir Div of Clinical and Behavorial Research.
	Chf Lab of Socio-Environmental Studies.
	Chf Lab of Developmental Psychology.
	Chf Sect on Neuropsychology.
	Chf, Sect on Pharmacology.
	Chf-Clinical Neuropharmacology Branch.
	Chf Clinical Psychobiology Branch.
	Chf, Psychopharmacology Research.
Division of Biological and Biochemical Research.	Chf, Lab of Cerebral Metabolism.
	Chief, Section on Myelin Chemistry.
	Chf, Lab of Neurochemistry.
	Chf Lab of Gen and Comparative Biochemistry.
	Chief, Lab of Brain Evolution and Behavior.
	Chief Lab of Neurobiology.
	Chf, Section of Cerebral Mechanism.
Saint Elizabeths Hospital.	Asst Superintendent, St Elizabeths Hospital
	Assoc Superintendent for Psychiatry.
	Clinical Dir John F Marr Div.
	Clinical Director, Godding Division.
	Clinical Dir, Richardson Div.
	Clinical Director, Mary O'Malley Division.
	Dir Overholser Division of Training.
	Dir, Div of Medical Surgical Support Programs.
	Director, Laboratory Branch.
	Dir, Medicine and Surgery Branch.
	Chief Department of Medicine
	Chf Dept of Surgery.
	Director, Div of Forensic Programs.
Department of Housing and Urban Development:	
Ofc of the Inspector General.	Assist Inspector General for Investigations.
	Asst Inspector General for Audit.
	Deputy Inspector General
	Asst I G for Fraud Control and Mgmt Operations.
Asst Sec for Fair Housing and Equal Opportunity.	Dir Ofc of HUD Program Compliance.
	Dir Ofc of Fair Housing Enforce and Sec 3
Assistant Secretary for Administration	Deputy Director of Personnel.
	Director, Office of Finance and Accounting.
	Director Ofc of Procurements and Contracts.
	Director, General and Program Accounting Group
Assistant Secretary for Policy Development and Research.	Dir, Div of Energy Building and Tech Standards.
	Dir, Div of Gov Capacity Building.
Ofc of Asst Secy for Community Planning and Development.	Dir, Ofc of Environmental Quality.
OAS for Neighborhoods, Vol Assoc and Cons Protection.	Dir Ofc of Interstate Land Sales Regis.
Region I Boston	Area Manager, Reg I Boston.
Region II New York	Area Manager, Newark Region II.
	Area Manager, NY Region II.
Region III Philadelphia.	Area Manager, Philadelphia Region III.
	Area Manager, Pittsburgh Reg III.

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Region IV Atlanta	Area Director Reg IV Atlanta.
	Area Mgr-Reg IV, Jacksonville, Fla.
	Area Mgr, Reg IV, Greensboro, NC.
Region V Chicago	Area Mgr, Columbus Area Office.
	Area Manager, Chicago Area.
	Area Mgr, Detroit Area.
	Area Manager, Indianapolis Area.
	Area Manager, Minn/St Paul area.
Region VI Dallas	Area Manager, Dallas, Reg VI.
	Area Mgr, Okla City Area, Dallas.
	Area Mgr, New Orleans Area.
Region IX San Francisco	Area Office Director (Los Angeles, Calif).
	Area Mgr.
Department of Interior:	
Ofc of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Asst Inspect Gen for Policy and Resource Manage.
Office of Hearings and Appeals	Chairman, Board of Land Appeals.
Board of Surface Mining and Reclamation Appeals	Chman-Bd of Surface Mining and Reclamation A.
	Mem-Bd of Surface Mining and Reclamation Appe.
	Mem-Bd of Surface Mining and Reclamation Appeal.
Ofc of Territorial Affairs	Dep Dir for Finance and Administration.
	Director, Office of the Comptroller.
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law.
	Deputy Assoc Solicitor, Indian Affairs.
	Asst Solicitor, Offshore Minerals and Int Law.
Nat'l Park Service	Ch Off of Pk Plan and En Qual.
	Asst Dir, Park Operations.
	Asst Dir, Cultural Resources.
U.S. Fish and Wildlife Service	Deputy Assoc Dir-Federal Assistance.
	Chief Office of Biological Services.
	Deputy Assoc Dir-Natl Wildlife Refuge Syste.
	Deputy Associate Director-Research.
	Senior Scientist.
	Dir, Natl Fisheries Center.
	Dir Denver Wildlife Research Center.
Bureau of Mines	Chf Mining Engineer.
	Chief Scientist.
	Dir Div of Minerals Resource Technology.
	Research Director Denver Mining Res Con.
	Dir Div of Minerals Health and Safety Technol
	Dir Div of Analytic Studies.
	Dir Div of Minerals and Land Assessment.
	Chief, Division of Helium.
	Chief Branch of Foreign Data.
	Dir Div of Prod/Consump/Data Collec and Interp.
	Dir Div of Minerals Availability.
	Res Dir Pittsburgh Mining and Safety Res Ctr
	Research Dir, Twin Cities Research Ctr.
	Research Dir, Albany Metallurgy Res Ctr.
	Dir, Ofc of Mineral Information Systems.
	Dir Div of Research Ctr Operations.
	Dir Div of Minerals Environmental Technology.
	Dir Div of Minerals Availability.
	Chf Branch of Domestic Data.
	Research Dir-Minn-St. Paul Research Center.
	Dir Div of Field Operations.
	Dir-Minerals Information Systems.
U.S. Geological Survey	Chief, Earth Resources Observation Sys Prog.
	Chief, Computer Center Div.
	Chief Publication Div
	Prog Chf-Environmental Impact Analysis Progra.
	Chief of Natl Petroleum Reserve in Alaska.
	Assoc Chf, Land Information and Analysis Ofc.
	Chief, Eros Data Center.
	Chief, Geography Program.
	Chief Branch of Surface Water.
National Mapping Div	Chief, National Mapping Division.
	Associate Chief, National Mapping Division.
	Chf, Special Mapping Center.
	Asst Division Chief for Plans Operations.
	Chief, Off of Res and Tech Stds.
	Chf, Western Mapping Ctr-Topographic Division.
	Chf, Mid Continent Mapping Ctr Topographic Div.
	Chief, Rocky Mountain Mapping Center.
	Asst Div Chief for Information and Data Svc.
	Chief Eastern Mapping Center.
	Asst Div Chf for Research.
Water Resources Div	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Regl Hydrologist Central Reg Lakewood.
	Research Hydrologist.
	Research Hydrologist (Ground Water).
	Regl Hydrologist Southeastern Region.
	Asst Chief Hydrologist, Res and Tech Coordinati.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
	Res Hydrologist (Water Quality).
	Chf, Water Data Coordn.
	Asst Chf Hydrologist for Operations.
	Asst Chf Hydrologist, Scien Public and Data Mg.
	Dep Asst Chf Hydrologist for Res and Tech Coord.
Geologic Div	Chief, Geologist.
	Chf, Ofc Earthquake Studies.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf, Ofc of Mineral Resources.
	Chf, Ofc of Energy Resources.
	Chief, Office of International Geology.
	Chief, Office of Environmental Geology.
	Chief, Ofc of Marine Geology.
	Chief, Ofc of Geochemistry and Geophysics.
Conservation Div	Chf Conservation Division.
	Asso Chief, Conservation Division.
	Regional Conservation Manager-Western Region.
	Regional Conservation Mgr-Eastern Region.
	Asst Div Chf for Operations.
	Depty Div Chief for Offshore Minerals Regula.
	Regional Manager, Central Region.
	Regl Conservation Mgr, Gulf of Mex Ocs Operat.
	Dep Div Chf for Onshore Mineral Regulation.
	Dep Div Chf Royalty Management.
	Regional Conservation Mgr, Pacific [OCS].
Water and Power Service	Chief, Div of Design.
	Chief, Div of Construction.
	Chief, Div of Atmospheric Water Resources Mgm.
	Chief, Division of General Research.
Bureau of Land Management	Asst Dir-Technical Services.
	Asst Dir-Renewable Resources.
	Asst Dir-Lands and Rights to Way.
	Asst Dir-Energy and Minerals Resources.
	Asst Director Recreati and Environmental Areas.
Ofc of Water Research and Technology	Assoc Dir-Technology Development.
	Interagency Water Research Coordinator.
Bureau of Indian Affairs	Deputy Dir-Indian Education programs.
	Assistant Dir of Admin (Financial Manager)
	Dir Off Security.
International Communication Agency	Ofc of the Assoc Dir for Management.
International Development Cooperation Agency	Ofc of the Auditor General.
	Deputy Auditor General.
	Ofc of Financial Management.
	Deputy Controller.
	Ofc of Personnel Management.
	Dep Dir Ofc of Personnel Management.
	Bureau for Program and Management Services.
	Dir Ofc Contract Management.
	Dir Commodity Management.
	Dep Dir Ofc of Contract Management.
Interstate Commerce Commission	Office of the General Counsel.
	Associate General Counsel, Litigation.
	Assoc Gen Counsel (Research and Opinions).
	Ofc of the Managing Director
	Dir of Personnel.
	Dir Bureau of Operations.
	Bureau of Accounts
	Dir, Bur of Accounts.
	Asst Dir, Bu of Accounts.
	Bureau of Traffic
	Director, Bu of Traffic.
	Asst Dir, Bu of Traffic.
	Office of Consumer Potection.
	Deputy Director for Enforcement.
	Asst Director.
	Ofc of Policy Analysis-Rail Svcs Planning Office.
	Associate Director.
	Deputy Director and Chief, Section of Analyses.
	Dep Dir, Section to Rail Services Planning.
	Dep Dir and Chf, Sect of Motor Policy.
	Deputy Director for Special Projects.
	Ofc of Consumer Protection.
	Dir Ofc of Consumer Protection.
	Associate Director.
	Deputy Director for Policy Development.
	Regional Offices
	Regional Director (Boston).
	Regional Director (Philadelphia)
	Regional Director (Atlanta).
	Regional Director (Chicago).
	Regional Director (Forth Worth)
	Regional Director (San Francisco)
	Ofc of Proceedings
	Associate Dir.
	Assist to Director.
	Section of Finance
	Dep Dir and Chf, Section Finance.
	Asst Dep Dir and Asst Chief, Section of Finance.
	Section of Rates
	Dep Dir and Chf Section of Rates
	Asst Dep Dir and Asst Chf, Section of Rates.
	Section of Operating Rights.
	Dep Dir and Chief Section fo Operation Rights.
	Asst Dep Dir and Asst Chf, Sect of Operating Ri
	Dep Dir for Cost, Economical and Financial Anal.
Department of Justice:	
Ofc of Professional Responsibility	Counsel on Professional Responsibility
U.S. Marshals Service	Asst Dir for Operations.
	Asst Dir for Planning Budge and Admin.
	Asst Dir for Legal and Personnel Programs.
Executive Office for U.S. Attorneys and Trustees.	Dep Dir Exec Ofc for U.S. Attorneys.
Statistics Division	Dir Statistics Div.
Ofc of Correctional Programs.	Asst Dir for Correctional Programs.
	Dep Asst Dir for Correctional Programs.
	Dep Asst Dir for Correctional Programs.
Ofc of Federal Prison Industries.	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Commr-Sec. Fed Prison Industries, I.
Ofc of Planning and Development.	Asst Dir for Planng and Dev.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Ofc of General Counsel	General Counsel.
Southeast Region	Regional Director.
	Warden Atlanta.
	Warden-Lexington KY.
	Warden Butner North Caroline.
Northeast Region	Regional Director.
	Warden Lewisburg, Pa.
	Asst Regional Dir.
South Central Region	Regional Director.
	Warden El Reno, Okla.
Western Region	Regional Director.
	Warden Terminal Island, CA.
	Warden, Lompoc, CA.
	Warden, McNeil Island, WA.
North Central Region	Regional Director.
	Warden Leavenworth, Kansas.
	Warden Springfield, Missouri.
	Warden Marion, Illinois.
	Warden Terre Haute, IN.
Office of Justice, Assistance, Research and Statistics.	Asst Dir, Ofc of Planning and Management.
	Asst Dir, Ofc of Audit and Investigations.
	Asst Dir, Ofc of Operations Support.
	Gen Counsel.
	Comptroller, Olc of the Comptroller.
Law Enforcement Assistant Administration.	Asst Admr Ofc Criminal Justice Progs.
	Dep Ast Admr Ofc of Criminal Justice Progs.
National Institute of Justice.	Asst Dir, Ofc of Research Programs.
	Asst Dir, Ofc of Dev Testing and Dissemination.
Bureau of Justice Statistics.	Assistant Administrator Bus.
Justice Management Division.	Asst Dir, Systems Dev Div.
	Prin Dep Asst General for Administration.
	Dep Asst Attorney General.
	Director Personnel and Training Staff.
	Director Internal Audit Staff.
	Director Budget Staff.
	Dir, Security Programs Staff.
	Dir-Systems Design and Dev Staff.
	Dir Systems Operations Staff.
	Dir Financial Staff.
	Deputy Assistant Attorney General.
	Special Asst to the Asst Attorney Gen for Adm.
	Deputy Assistant Attorney Genral.
	Dir Library Staff.
	Director, Evaluation Staff.
	Dir, Propertyu Management and Procurement Staff.
	Dir, Systems Policy and Planning Staff.
Immigration and Naturalization Service.	Exec Asst to the Commissioner.
	Asst Commr for Naturalization.
	Chf Spec Inquiry Officer.
	Asst Commissioner for Detention and Deportation.
	Asst Comm for Administration.
	Asst Comm for Adjudication.
	Asst Comm for Inspection.
	Asst Commissioner for Information Services.
	Asst Commissioner for Investigation.
	Asst Commr for Border Patrol.
	Dep Regional Commissioner, Burlington, VT.
	Dep Regl Commr, Twin Cities, Min.
	Dep Regional Commissioner—Southern Region.
	Dep Regional Commissioner, San Pedro, Calif.
	Dis Director, SW Region, San Francisco Dis.
	District Director—San Diego.
Community Relations Service.	Regl Director, Region V, Chicago.
	Regl Director, Region IX, San Francisco.
	Regl Director, Region III, Philadelphia.
Department of Labor: Office of the Secretary.	Deputy Director Office of Civil Rights.
	Dir, Ofc of Civil Rights.
Ofc of the Inspector General.	Asst Inspector Gen for Investigations.
	Asst Inspector Gen for Audit.
	Dir Ofc of Loss Prevention and Analysis.
Office of the Dep Under Secy for International Affairs.	Dir Ofc of Trade Adjustment Assistance.
	Dir Ofc of Management Administration and Planng.
Office of the Solicitor	Asst Solicitor, Div of Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security
	Assoc Solicitor for Labor Relations and Civil Rights.
	Assoc Solicitor for Occupational Safety and Health.
	Assoc Solicitor for Mine Safety and Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Assoc Solicitor for Gen Legal Services
	Director Special Litigation Staff.
Regional Solicitors.	Regional Solicitor, Chicago.
	Regional Solicitor Region IV—Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
DAS for Administration and Management.	Asst Sec'y for Admin and Mgmt.
	Dep Asst Sec for Adm and Mgmt.
	Director Administrative Programs and Services
	Dir Ofc of Budget.
	Dir Olc Labor Mgmt Relations.
	Dir of Management Policy.
	Comptroller for the Department.
	Dir, Office of Education and Career Development.
	Dir, Office of Equal Employment Opportunity.
	Dir of Personnel Management.
	Dep Dir of Personnel Management.
	Deputy Comptroller.
	Dir Ofc of Information Technology.
	Dir Ofc of Executive Personnel Management.
Olc of Prog Dev and Accountability.	Dir, Olc of Prog Development and Accountability
Olc of Federal Contract Compliance Programs.	Asst Adm'r for Fair Labor Standards.
	Dir—Div of Enforcement Coordination.
Wage and Hour Division.	Asst Adm'r for Govt Contract Wage Standards.
Olc of Workers Compensation Programs.	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Labor-Management Services Administration.	Asst Admr for Field Operations.
Pension and Welfare Benefits Programs.	Dep Admr for Pension and Welfare Benefits Prog.
	Asst Admr, Enforcement.
	Asst Admr for Pension and Welfare Benefit Prog.
	Asst Admr for Fiduciary Standards.
	Asst Admr, Reporting and Plan Standards.
Planning Evaluations and Systems.	Director, Office of Management.
Labor-Management Standards Enforcement.	Dir Olc of Labor-Management Stds Enforcement.
	Dep Dir Olc Labor Mgt Standards Enforcement.
Bureau of Labor Statistics.	Deputy Commissioner.
	Asst Commr for Field Operations.
Data Analysis.	Dir/Prog Eval and Coord.
	Asst Commr, Occupational Safety and Health Stat.
	Asst Commr, Economic Growth.
	Assoc Comr for Prices and Living Conditions.
	Asst Commr Productivity and Technology.
	Asst Commissioner for Current Employment Anal.
	Asst Commr for Wages and Industrial Relations.
	Asst Commr for Research Methods and Standards.
	Asst Commr for Employment Structure and Trends.
	Dep Assoc Commr for Prices and Liv Conditions.
	Asst Commr for Consumer Prices and Price Indexes.
	Asst Commr for Indust Prices and Price Indexes.
	Deputy Asst Commr for Employment Str and Trends.
Statistical Operations and Processing.	Asst Commissioner for Survey Design.
	Assoc Commr for Statistical Operations.
	Asst Commissioner for Systems and Standards
	Dep Assoc Commr for Statistical Operations.
Administrative Management.	Assoc Commr for Administrative Management.
Regional Commissioners.	Regional Commr New York.
	Reg Commr—Ble (Chicago).
Employment and Training Admin.	Dir Olc of Investigation and Compliance
U.S. Employment Service	Director, Office of Technical Support.
Olc of Management Assistance.	Director Office of Management and Training
Olc of Administration and Management.	Admr Administration and Mgt.
	Dir, Olc of Mgmt Info Syste.
	Comptroller.
	Dep Admr, Administration and Mgmt.
Olc of National Programs.	Chf, Div of Indian and Native American Programs.
Olc of Policy, Eval, and Research.	Director Olc of Program Evaluation.
Administrative Programs.	Dir, Adm Progs Occup Safety and Health Administ.
Health Standards Programs.	Dir Health Standards Programs.
Safety Standards Programs.	Dir Safety Standards Programs.
Federal Compliance and State Programs.	Dir Federal Compliance and State Programs.
Technical Support.	Dir Tech Support.
Mine Safety and Health Administration.	Chf of Standards, Regulations and Variances.
	Director of Administration and Management.
	Director of Assessments.
	Director of Technical Support.
Merit Systems Protection Board:	
Olc of Managing Director.	Managing Dir.
	Deputy Managing Director.
Olc of General Counsel.	General Counsel.
	Deputy General Counsel.
Office of Legislative Counsel.	Legislative Counsel.
Olc of Merit Systems Review and Studies.	Assoc Dir for Special Studies, MSRS.
	Associate Director for Operations, MSRS.
Olc of Appeals.	Dir Olc of Appeals.
Olc of Administration.	Director of Administration.
Field Offices.	Chief Appeals Officer—New York.
	Chief Appeals Officer—San Francisco
	Chief Appeals Officer—Chicago.
	Chief Appeals Office—Atlanta.
	Chief Appeals Officer—Philadelphia.
	Chief Appeals Officer—Dallas.
	Chief Appeals Officer—Washington, D.C..
Olc of Special Counsel.	Assoc Spec Counsel (Investigation)
	Assoc Special Counsel (Prosecution).

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
National Aeronautics and Space Administration:	
Ofc of the Chief Engineer.	Director, Program Assurance Division.
Ofc of Procurement.	Director of Procurement. Deputy Director of Procurement. Assoc Dir of Procurement (Policy and Management).
Ofc of the Inspector General.	Deputy Assistant Inspector Gen for Auditing. Assist Inspector General for Investigation. Assistant Inspector General for Auditing.
Ofc of the Assoc Adm/Comptroller.	Deputy Director for Programming. Director of Facilities. Deputy Director, Facilities Division. Dir Budget Operations Div Dir, Supply and Equipment Management. Dir Financial Mgmt Div. Dep Dir, Financial Management Div Asst Compt for Prog Status Rev and Cost Assess.
Ofc of the Assoc Admr for Mgmt Opers.	Chrman NASA Inventions and Const Bd. Asst Dir Inst Opers Div. Chief, NASA Safety Office.
Personnel Programs Division.	Dir Personnel Programs Div. Dep Dir Personnel Progs Div.
International Systems Division.	Chf Mgmt Processes and Directives Br. Dep Dir Info Sys Div. Chf Scientific and Tech Info Br.
Ofc of Assoc Admr for Space and Terr Applics.	Spec Asst to Assoc Admr for Sp and Terres Appe.
Materials Processing Space Div.	Asst Dir for Materials Science. Chf, Communications Systems Branch.
Environmental Observations Div.	Dep Director, Environmental Observations Div. Chief, Atmospheric Processes Branch. Manager, Operational Meteorological Satellite. Chief, Oceanic Process Branch. Mgr, Advanced Instrumentations and Sensor Engineer.
Resource Observation Div.	Deputy Director, Special Programs. Chief, Non-Renewable Resources Branch. Chief, Renewable Resources Branch. Chief, Scientist, Earth and Ocean Dynamics. Chief, Geodynamics Branch.
Applications System Div	Deputy Dir Resource Observation Div Chief, Flight Systems Branch.
Technology Transfer Div.	Chief, Data Systems Branch. Chief, Terrestrial Applications Branch. Chief, Applications Development Branch.
Ofc of Assoc Admr for Space Transp Sys.	Chief Systems Engineering Branch. Director Space Shuttle Orbiter Division. Chief Sts Program Budget and Control Chief Sts Integration Branch.
Space Transp Syst Opers Div	Dep Dir, Space Transportation Sys Operations. Chief, Pricing Launch Agreements & Customer. Chief, Mission Analysis and Integration Branch. Chief, Systems Engineering Branch. Chf Integrated Operations Branch. Dir, Sts Ground Sys and Flight Tests Div. Chief, Mechanical/Structural Systems Br Dep Dir, Sts Ground Sys and Flight Tests Div. Chf, Flight Test Branch. Dir Operations and Systems Requirements.
Dir Expendable Launch Vehicles Prog Div.	Dep Dir, Expendable Launch, Veh Prog Div Chf, Upper Stages Branch. Chf, Small and Medium Launch Veh Progs. Dep Dir Sts Expendable Equipment Div. Chief, Inertial Upper Stage Branch.
Space Lab Prog Div	Deputy Director, Spacelab Program Division Chief, Engineering Branch. Chf Integration and Test Branch.
Space Shuttle Proj Div	Deputy Director/k Space Shuttle Program. Chf, Space Shuttle Systems Operations. Chief, Avionics and Electrical Systems Branch. Dir, Sts Systems Eng & Integration Div Chief, External Tank Branch. Dep Dir, Space Shuttle Main Engine Program.
Reliability Quality and Safety Div	Director, Reliability/Quality and Safety Office
Resource Mgmt/ Admin Div.	Dep Dir, Resource Management Administration Chief Space Shuttle Prog Budget and Control Chf Budget Ofc. Chf, Sts Operations Program Budget Control. Director, Sts Effectiveness Analysis. Deputy Director, Resources Management & Adm.
Advanced Projs Div	Dep Dir Adv Progs. Chf Adv Concepts Br. Chf Adv Dev
Ofc of the Assoc Admr for Aeronautics and Space Tech	Deputy Chief Engineer for Facilities.
Space Systems Div	Dep Dir Space Sys Div. Information Systems Ofc, Manager. Manager, Trasnportation Systems Office. Manager, Spacecraft Systems Office.
Aeronautical Systems Div.	Deputy Director, Aeronautical Systems Div. General Aviation Ofc, Manager of the Low-Speed Aircraft, Manager of the High-Speed Aircraft, Manager of the Transport Aircraft Ofc, Manager of the Manager for Propulsion.
Research & Technology Div.	Dep Dir Res and Tech. Elec and Human Factors Office. Space Power and Propulsion Office. Aeronautical Propulsion Manager. Magr of the Aerodynamics and Fluid. Materials and Structures, Manager of the.
Energy Systems Division.	Conservation and Fossil Energy Systems. Dep Dir, Energy Systems Div. Space Utilization Sys Offc.. Solar Terrestrial Sys Office.
Ofc of Assoc Admr for Space Science.	Dep Dir, Prog Analysis Div & Chief Resources.
Astrophysics Division	Dep Dir Spacelab Mission Integration Division. Asst Director, Technical. Dep Dir Astrophysics Div. Discipline Scientist, High Energy Astrophysic. Discipline Scientists, Astronomy/ Relativity. Mgr Explorers/Suborbital Progs and A/Phy Paylds. Manager Research Flight Programs. Manager, Astrophysical Observetories.
Life Sciences Div	Mgr Adv Progs and Tech. Dep Dir Life Sciences Division. Chief, Biological Sciences. Associate to the Director, Life Sciences Div. Chf, Res & Tech Development Branch.
Planetry Division	Deputy Director, Planetary Division. Chf, Planetary Programs Branch. Discipline Scientist, Planetary Astronomy. Chf, Planetary Mission Operations Branch.
Solar Terrestrial Div	Dep Dir, Solar Terrestrial Division. Manager, Solar Terrestrial Satellites. Manager, Advanced Programs & Technology Manager, International Solar Polar Mission. Discpline Sci, Solar and Heliospheric Physics. Discipline Scientist, Space Plasma Physics.
Space Lab Mission Integration Division.	Manager Space Science Missions.
Ofc of Assoc Admr for Space Tracking and Data Sys.	Assoc Dir Tracking and Data Relay/Satpt. Assoc Dir, Communications and Data Systems Div Dir, Communications and Data Systems Div Chief, Network Operations Branch. Chief, Tdrss Operations Asst Assoc Admr (Technical)
Network Sp Dev-Programs Div.	Chief, Systems Support Program.
Network Opers and Comms Prog Div.	Director, Deep Space Network Systems. Managrr, Deep Space Network Operations. Mgr Space Tracking and Data Network Prog.
Ames Research Center.	Assoc Dir, NASA Ames Res Ctr.
Aeronautics and Flight Systems Directorate.	Dep Dir of Aeronautics and Flight Systems. Chief, Aircraft Operations Division. Chief, Flight Systems Research Division. Chief, Helicopter Technology Division. Chief, Simulation Sciences Division. Chief, V/Stol Aircraft Technology Division. Chief, Aerodynamics Division.
Astronautics Directorate.	Deputy Director of Astronautics. Chief, Airborne Mission & Applications Div Project Manager, Pioneer. Chief, Space Science Division. Chief, Thermo- and Gas-Dynamics Division. Chief Computational Fluid Dynamics Branch. Chief, Space Projects Division. Dir, Space Shuttle Main Engine Program.
Life Sciences Directorate.	Deputy Director of Life Sciences. Chief, Biomedical Research Division. Chief, Extraterrestrial Research Division. Chief, Biosystems Division. Chief, Man-Vehicle Systems Research Division.
Research Support Directorate	Chief, Research Facilities and Instrumentation.
Dryden Flight Research Center.	Director of Project/Test Liason Office. Deputy Dir, Flight Operations and Support. Chief, Research Pilots Division. Associate Director. Deputy Dir of Project/Test Liason Office.
Goddard Space Flight Center.	Deputy Director for Engineering. Special Assistant to the Director. Chief, Advanced Plans Office (Staff). Director of Flight Assurance. Comptroller. Dir, Prog and Institutional Planning Ofc. Spec Asst to the Dir.
Administration and Management Directorate.	Dep Dir of Management Operations. Procurement Officer.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Project Management Directorate.	Dep Dir of Project Mgmt. Mgr, Preliminary Systems Design Group. Project Manager, Landsat-D. Assoc Dir of Flight Proj for User Systems. Assoc Dir of Flight Proj for Sys Mgmt. Assoc Dir of Flight Projects for New Projects. Delta Project Manager. Project Mgr, Tracking and Data Relay Satellite Sy. Proj Mgr, Natl Oceanic Satell Sys Proj. Proj Mgr, Shuttle Payloads Interg and Rocket Ex. Proj Mg, Tires Proj. Assoc Dir of Flight Proj for Mission Systems.
Applications Directorate.	Deputy Director of Flight Projects. Asst Dir of Applications for Operations. Asst Dir of Aps for Earth and Ocean Phys Aps Prog. Asst Dir of Applications for System Studies. Chief, Lab for Atmospheric Sciences. Chief, Information Extraction Div. Chief, Earth Observations Systems Div. Deputy Director of Applications.
Sciences Directorate	Assoc Dir of Sciences. Chief, Lab for Planetary Atmospheres. Heat, Electrodynamics Branch. Chief, Lab for High Energy Astrophysics. Chief, Lab for Astronomy and Solar Physics. Chief, Lab for Extraterrestrial Physics.
Engineering Directorate.	Dep Dir of Engineering. Chief, Instrument Division. Chf, Applied Engineering Div.
Networks Directorate	Deputy Director of Networks. Assoc Dir of Networks (for Operations).
Mission and Data Operations Directorate.	Dep Dir of Mission and Data Operations. Asst Dir of Mission and Data Ops (Rsch and Tech).
Johnson Space Center.	Ted Asst to the Dir Spac Asst for Mgmt. Chief, Tech Planning Office. Manager, Programs Operations Ofc. Manager, Nasa White Sands Test Facility.
Space Shuttle Program Ofc.	Asst Mgr, Space Shuttle Prog Offc, Huston, Te. Manager for Orbital Flight Test. Mgr for Flight Safety, Space Shuttle Prog Ofc. Manager for Operational Integration. Manager Systems Integration.
Shuttle Payload Integration and Dev Proj Ofc.	Deputy Manager, Sts Operations Program Ofc.
Center Operations Directorate.	Dep dir of Center Operations.
Administration and Program Support Directorate.	Dep Dir of Administration and Program Support. Asst Dir of Administration and Program Support. Dir of Procurement.
Space and Life Sciences Directorate.	Asst. Dir. of Space and Life Sciences. Asst. Dir. for Medical Operations. Deputy Dir for Earth Resources. Chief Planetary and Earth Sciences Div. Chief, Medical Sciences Division. Dep Dir of Space and Life Sciences.
Engineering and Development Directorate.	Assoc Dir of Eng and Dev (for Program Support). Assoc Dir of Eng and Dev (for Program Dev). Assoc Dir of Eng and Dev (for Avionic systems). Chief, Tracking and Communication Dev Div. Chief, Avionics Systems Div. Manager, Engineering Office, Orbiter Project. Chief, Propulsion and Power Division. Chief, Structures and Mechanics Division. Chf, Engineering Analysis Div. Chf., Spacecraft Design Div., Engineering. Chf., Shuttle Avionics Integ. Div., Engineeri. Chf., Crew Systems Div., Engineering and Dev.. Chf., Experiment Systems Div., Engineering. Chf., Space Environ. Test Div., Engineering and. Deputy Director of Engineering and Dev Asst Director for Systems Engineering. Assistant Director for Research and Dev. Asst Director for Integration and Products.
Flight Operations Directorate.	Deputy Dir of Flight Operations. Chief, Astronaut Office. Chief, Aircraft Operations Division. Chief, Crew Training and Procedures Div. Chf., Flight Control Div., Flight Operations. Chief Payload Operations Div.
Data Systems and Analysis Directorate.	Dep Dir of Data Systems and Analysis. Chf, Flight Simulation Div. Chief, Mission Planning and Analysis Division. Chf., Ground Data Systems Div., Data Systems. Chf., Spacecraft Software Div., Data Systems. Chf., Institutional Data Systems Div.,. Asst Dir of Data Systems and Analysis.
Safety Reliability and Quality Assurance Direct.	Dir, Safety, Reliability, and Quality Assurance. Deputy Dir. Safety, Reliability and Quality. Dep Dir, Safety, Reliability and Qual Assurance.
Kennedy Space Center.	Chf., Biomedical Office. Dir., Safety, Reliability and Quality Assurance. Associate Director for Sts Development.
Shuttle Projects Ofc	Deputy Manager, Shuttle Projects Office. Manager, Kac Off-Site Operations Shuttle Proj.
Cargo Projects Office	Deputy Manager, Cargo Projects Office.
Shuttle Opers Directorate.	Deputy Director of Shuttle Operations. Director, Spacelab Operations. Director, Shuttle Engineering. Director, Shuttle Processing. Director, Deployable Payloads.
Cargo Payloads Directorate.	Deputy Director, Cargo Operations.
Design Engineering Directorate.	Deputy Director of Design Engineering. Director, Project Management. Dir., Mechanical and Facilities Engineering. Director, Electronic engineering.
Technical Support Directorate.	Deputy Director of Technical Support. Director, Operations Managements. Director of Information systems. Director, Ground Systems.
Adm and Mgmt Opers Directorate.	Deputy Director of Center Support Operations. Director of Center Support Operations.
Projects Directorate	Mgr Aircraft Energy Efficiency Project Ofc
Electronics Directorate.	Chf., Terminal Configured Vechiles Prg. Ofice. Chf., Analysis and Computation Division. Chief, Flight Dynamics and Control Div. Chf., Flight Electronics Division. Chf., Instrument Research Division.
Structures Directorate.	Chf., Acoustics and Noise Reduction Div Asst Chief, Acoustics and Noise Reduction Div Chief, Structures and Dynamics Div. Chf., Materials Division. Chief, Loads and Aeroelasticity Division.
Aeronautics Directorate.	Chief, Aeronautical Systems Div. Chief, Subsonic-Transonic Aerodynamics Div. Head, Transonic Aerodynamics Branch. Chief, High-Speed Aerodynamics Div. Assoc Chief High-Speed Aerodynamics Div. Chief, Flight Mechanics Div.
Space Directorate	Chief, Space Systems Division. Chief, Marine and Applications Technology Div. Chief, Atmospheric Environmental Sciences Div.
Lewis Research Center.	Dir, Reliability and Quality Assurance. Chief Scientist.
Aeronautics Directorate.	Chf Aerothermodynamics and Fuels Division. Chf Propulsion Systems Division. Chief Engine Systems Division. Chief Fluid Mechanics and Acoustics Div. Chief Transport Propulsion Office.
Energy Programs Directorate.	Dep Dir of Energy Programs (Technology) Dep Dir of Energy. Chief, Transportation Propulsion Division. Chief, Solar & Electrochemistry Div. Chief, Materials & Structures Div. Chf Fractures Branch. Chief, Wind and Stationary Power Division.
Space Systems and Technology Directorate.	Chf, Communications & Applications Div. Chief, Space Propulsion & Power Division. Chf Physics and Electronics Division. Chief Structures and Mechanical Technol Div
Launch Vehicles Directorate.	Deputy Director of Space.
Administration Directorate.	Dep Dir of Adm (Resources and Financial Manag) Dir, Computer Services Div.
Marshall Space Flight Center.	Center Comptroller, NASA MSFC. Manager, Space Science Projects Office (Proj Dep Dir, Administration and Program Support.
Shuttle Projects Office.	Deputy Manager, Shuttle Projects Office. Manager, External Tank Project Office. Manager, Solid Rocket Booster Project Office. Project Manager, Main Engine Project. Manager Major Test & Engineering Mgmt Office
Special Projects Ofc	Manager, Solar Energy Applications Project. Manager, Inertial Upper Stage Project.
Space Telescope Project Office.	Deputy Manager, Space Telescope Project.
Spacelab Program Office	Deputy Manager, Spacelab Program Office
Spacelab Payload Project Ofc.	Deputy Manager, Spacelab Payload Project. Manager, Office of Space Science Missions.

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
	Manager, Office of Applications Missions.
	Manager, 25 Kw Power Module Project.
Program Development Directorate.	Deputy Director, Program Development.
	Director, Program Planning Office.
	Director, Preliminary Design Office.
Science and Engineering Directorate.	Dep Dir, Science & Engineering
	Dir, Reliability & quality Assurance Ofc.
Assoc Dir for Engineering.	Assoc Dir for Engineering
	Deputy Associate Director for Engineering.
	Chf Engineer, Solid Rocket Booster Integration
	Chf, Engineer, Space Shuttle Main Engineer.
	Chf Engineer, Space Telescope.
	Chf Engineer, Interial Upper Stages.
	Chf Engineer, External Tank Project.
	Chief Engineer.
Electronics and Control Lab.	Director, Electronics and Control Laboratory.
	Dep Dir, Electronics and Control Laboratory.
	Chf Guidance Cont and Instrumentation Div.
Systems Dynamics Lab.	Director, Systems Dynamics Laboratory.
	Chf, Aerophysics Div
Data Systems Laboratory.	Dir Data Systems Laboratory
	Dep Dir Data Sys Lab Science and Engineering.
Materials and Processes Laboratory.	Dir, Materials and Processes Laboratory.
Systems Analysis and Integration Lab.	Director, Syst Anal and Integration Laboratory.
	Dep Dir Sys Analysis and Integration Lab.
	Chf Mission Analysis Division.
Structures and Propulsion Lab.	Director, Structures and Propulsion Laboratory.
	Dep Dir Structures and Propulsion Lab.
	Chf, Structures Division.
	Chf Engineering Analysis Division.
Space Sciences Lab.	Director, Space Sciences Lab.
	Chf, Atmospheric Sciences.
Test Laboratory	Dir-Test Laboratory.
	Deputy Manager.
Nat'l Space Technology Laboratories.	Deputy Manager—Programs.
National Capital Planning Commission.	Assoc Exec Dir Regional Affairs.
	Executive Director.
	Assoc Exec Dir D.C. Affairs.
	Asst Executive Dir (Admin).
	General Counsel.
National Credit Union Administration.	Comptroller
	Director, off of Internal Audit & Invest.
	Dir Ofc of Administration.
National Endowment for the Arts.	Director of Adm
National Endowment for the Humanities.	Director of Program Coordination.
National Labor Relations Board:	Deputy Chairman for Management.
Ofc of the Board Members.	Executive Secy
	Deputy Executive Secretary.
Div of Enforcement Litigation.	Deputy Assoc Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel
Div of Administration	Director of Administration.
	Deputy Director of Administration.
Div of Operations Management.	Assoc General Counsel, Div of Operation-Mgmt.
	Dep Assoc Gen Counsel, Div of Operations-Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
Regional Offices	Regl Dir Reg 1 Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4 Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regl Dir, Region 7, Detroit Mich
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir Reg 10 Atlanta.
	Regl. Dir., Reg. 11, Winston Salem.
	Regional Director, Reg 12, Tampa.
	Regional Director, Reg 13, Chicago.
	Regl Dir Reg 14 St. Louis.
	Regl Dir Reg 15 New Orleans.
	Regl Dir Reg 16 Ft Worth.
	Regl Dir Reg 17 Kansas City.Regl Dir Reg 19 Minneapolis.
	Regl Dir Reg 19 Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director Reg 22 Newark.
	Regional Director Reg 23 Houston Texas.
	Regional director Reg 24 Halo Rey Puerto Rico.
	Regl Dir. Reg 25, Indianapolis.
	Regl Dir Reg 26 Memphis.
	Regl Dir Reg 27 Denver.
	Regl. Dir. Reg. 28 Phoenix.
	Regl Dir Reg 29 Brooklyn.
	Regl Dir Reg 30 Milwaukee.
	Regl. Dir., Reg 32, Oakland.
	Regional Director, Reg. 33 Peoria, Ill.
	Regl Dir Reg 31 Los Angeles.
National Science Foundation:	
Office of the Director	Special Assistant.
Office of the General Counsel.	Associate Gen Counsel.
Office of Audit and Oversight.	Director
	Deputy Director.
	Head, Evaluation Staff.
Ofc of Planning and Resources Management.	Dir Budget and Program Analysis.
	Dir Strategic Planning and Policy Analysis.
Office of Government and Public Programs.	Assoc Dir for Public Programs.
	Head Congressional Liaison Branch.
Div of Astronomical Sciences.	Section Head, Ast Center Section.
	Section Head, Ast Research Section.
Div of Atmospheric Sciences.	Section Head-Ctrs and Facilities Program Sec.
	Section Head Grant Programs Section.
Div of Ocean Sciences.	Ofc Head Ocean Fac and Support.
	Section Head Oceanography Section.
Div of Polar Programs.	Deputy Division Director.
	Manager Polar Ops Section.
Division Of Ocean Drilling Programs.	Field Operations Officer.
Direct for Engineering and Applied Science.	Senior Staff Associate.
Div of Problem Focused Research.	Deputy Div Dir.
	Dep Dir for Social Sciences.
	Integrated Basic Research Group Leader.
Div of Applied Research.	Sect Hd Applied Social and Behavior Science.
	Sect Hd Math and Bio Sci and Eng.
Div of Intergovernmental Sci and Pub Tech.	Dir Intergov't Programs.
	Dir Industrial Programs.
	Dirctor-Experimental Program.
Direct for Biological, Behavioral and Soc Sciences.	Executive Assistant.
	Executive Asst.
Div of Environmental Biology.	Deputy Division Director.
Div of Physiology, Cellular and Molecular Biology.	Senior Scientist.
Div of Social Sciences.	Sect Hd Econ Geo and Poly Sci.
Direct for Mathematical and Physical Sciences.	Sect Hd Social Meas and Anal.
	Special Assistant.
	Senior Staff Associate.
Div of Physics	Deputy Division Dir.
	Sect Hd Nuclear Science.
Div of Mathematical and Computer Sciences.	Section Hd Computer Science.
	Sect Hd Math Sciences.
	Senior Staff Associate.
Div of Materials Research.	Section Head Material Research Lab.
	Sect Hd Metallurgy and Metals.
	Sect Hd Cond Matter Science.
Div of Chemistry	Sect Hd Chem Syn and Analy.
	Sect Hd Phy Chem and Dynam.
	Senior Staff Associate.
Directorate for Science Education.	
Div of Scientific Personnel Improvement.	Deputy Division Director.
Div of Sci Education Resources Improvement.	Deputy Division Director.
Div of Science Education Dev and Research.	Deputy Division Director.
Div of Policy Research and Analysis.	Deputy Division Director.
	Group Leader, Socio Econ.
	Group Leader, Tech Assessment.
	Group Leader, Envir Energy and Resources.
	Group Leader, Innv Pro and Management.
Div of Science Resources Studies.	Dep Division Director.
Div of International Programs.	Section Head, Sci and Tech Pers.
	Deputy Division Director.
	Sect Hd Africa and Asia.
	Sect Hd Latin Amer and Pacific.
	Sect Hd Europe.
	Sect Hd Oper Studies and Analysis.
	Sect Hd Middle East.
Div of Grants and Contracts.	Division Director.
Div of Financial and Admin Mgmt.	Division Director.
Div of Information Systems.	Division Director.
Div of Personnel and Management.	Division Director.
National Transportation Safety Board:	
Office of the Managing Director.	Deputy Managing Director.
Bureau of Administration.	Adm Officer.
Bureau of Accident Investigation.	Dir, Bureau of Acc and Dent Investigation.
	Deputy Director for Operations.
	Field Inv Chief.
	Dep Dir for Management.
Bureau of Technology.	Dir Bureau of Technology.
	Dir Bureau of Technology.
	Deputy Director for Operations.
	Dep Dir for Management.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel.	Chairman Asstbp.
	Exec Sec Asstbp.
	V Chairman—Exec Secy.
Atomic Safety and Liscensing Appeal Panel.	Chairman Aslap.
	Vice Chairman Aslap.
Office of Inspector and Auditor.	Dir OIA.
	Asst Dir for Investigations.
	Asst Dir for Audits.
Office of Public Affairs.	Dep Dir OPA.
Contracts	Director Division of Contracts.
Hearing Division	Assistant Chief Hearing Counsel.
	Assistant Chief Hearing Counsel.
	Assistant Chief Hearing Counsel.
	Assistant Chief Hearing Counsel.
Division of Accounting.	Director Division of Accounting.
Technical Support	Chf Applied Statistics Br.
General Engineering Stds.	Chf Structures and Components Stds Br
	Chf Eng Methodology Stds Br.
	Chf Reactor Sys Stds Br.
Material Safety Stds	Chf Transpo and Product Stds Br.
	Chf Fuel Process Sys Stds Br.
Siting Stds	Chf Site Safety Stds Br.
	Chf Site Designations Stds Br.
	Chf Env Protection Stds Br.
	Chf Waste Management Standards Br.
	Chf Geosciences Standards Br.
	Chf Siting and Environmental Standards Br.
Safeguard Stds	Chf Occupational Hlth Stds Br.
	Chf Safeguards Stds Br.
	Chf Radiological Hlth Stds Br.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Planning and Program Analysis Staff.	Chf Research Analysis Branch.
TMI Program Office	Chf Antitrust and Indemnity Group.
Light Water Reactors	Chf Law Branch #1.
	Chief Law Branch #2.
	Chf Law Branch #3.
	Chf Law Branch #4.
	Chf Emergency Preparedness Licensing Branch.
Quality Assurance and Opns.	Chf Operator Licensing Branch.
	Chf Quality Assurance Branch.
Standardization and Advance Reactors.	Chief Standardization Branch.
	Chief Advanced Reactors Branch.
Engineering Projects	Chief Operating Reactors Branch #3.
	Chief Operating Reactors Branch #4.
	Chief Engineering Branch.
	Chief Environmental Evaluation Branch.
	Chf Operating Reactors Branch #1.
	Chief Operating Reactors Br #2.
	Chief Operating Reactors Br #3.
	Chief Operating Reactors Br #4.
Systems and Projects.	Chief Operating Reactors Branch #1.
	Chief Operating Reactors Branch #2.
	Chief Reactor Safety Branch.
	Chief Systematic Evalu Program Branch.
	Chief Plant Systems Branch.
	Chief Licensing Branch #1.
	Chief Licensing Branch #2.
	Chf Standardization and Spec Projects Board.
	Chief Licensing Branch #3.
Reactor Safeguards	Chief Reactor Safeguards Licensing Bu.
	Chief Operating Reactors Branch #5.
	Chief Operating Reactors Assessment Branch.
	Chf, Systematic Evaluation Program Branch.
	Chf, Operation Reactors Assessment Br.
Engineering	Chief Mechanical Engineering Branch
	Chief Materials Engineering Branch.
	Chief Structural Engineering Br.
	Chief Mechanical Engineering Br.
	Chief Hydraulic and Geotech Eng Brnch.
	Chief Geoscience Branch.
Reactor Safety	Chief Core Performance Branch.
	Chief Reactor Systems Branch.
	Chief Analysis Branch.
	Chief Containment Systems Branch.
	Chief Materials Engineering Branch.
	Chief Equipment Quals Branch.
	Chief Quality Assurance Branch.
	Chief Chemical Engineering Branch.
Plant Systems	Chief Auxiliary Systems Branch
	Chief Power Systems Branch.
	Chief Instrumentation and Control Systems.
	Chief, Environmental Engineering Br.
	Chief Siting Analysis Branch.
	Chief Utility Finance Branch.
Environmental Tech	Chf Environmental Specialists Branch.
	Chf Cost Benefit Analysis Branch.
	Chief Instrum and Control Systems Branch.
	Chief Power Systems Branch.
	Chief Containment Systems Branch.
	Chief Auxiliary Systems Branch.
Environmental Projects.	Chf Environmental Projects Br #1.
	Chf Env Proj Branch #2.
	Chief Radiological Assessment Branch.
	Chief Accident Evaluation Branch.
	Chief Effluent Treatment Systems Branch.
Site Analysis	Chf Effluent Treatment Sys Br.
	Chf Accident Analy Br.
	Chf Radiological Assessment.
	Chief Reactor Systems Branch.
	Chief Systems Interaction Branch.
	Chief Core Performance Branch.
Site Technology	Chf Hydrology—Meteorology Br.
	Chf Geosciences Br.
Human Factors Engineering Branch.	Chief Human Factors Engy Branch.
	Chief Procedures and Test Review Branch.
	Chief Licensee Qualifications Branch.
Asst Dir for Generic Projects.	Chief Operator Licensing Branch.
	Chief Generic Issues Branch.
	Chief Licensing Guidance Branch.
	Chief Research and Stds Coordination Branch.
Asst Director for Technology.	Chief, Safety Program Evaluation Branch.
	Chief Operating Experience Eval Branch.
	Chief Reliability and Risk Assessment Branch.
Ofc of Nuc Material Safety and Safeguards.	Dir NMSS.
Safeguards	Chief Physical Security Development Br.
	Chief Regulatory Improvements Branch.
	Chief Physical Security Licensing Br.
	Chief Mtl Control and Accountability Lic Br.
	Chief Technical Planning and Info Branch.
	Chief Technology Assessment Branch.
Fuel Cycle Safety and Licensing.	Chf Uranium Fuel Licensing Br.
	Chf Advanced Fuel and Spent Fuel Licensing Br.
Material Safety and Licensing.	Chief Transportation Branch.
	Chief Procedures and Certification Br.
Operations and Technology.	Chf Tech Assessment Br.
Waste Management	Chf Hi-level Waste Tech Dev Br.
	Chf Hi-level Waste Licens Mgmt Br.
	Chf Licensing Proc and Integration Br.
	Chf Uranium Recovery License Br.
	Chief Low-level Waste License Br.
Probabilistic Analysis Staff.	Dir Prob Anal Staff.
Water Reactor Safety Research.	Chf Analytical Adv Reac Sfty Res Br.
	Chf Analysis Dev Br.
	Chief Fuel Behavior Res Branch.
	Chf Metallurgy and Materials Res Br.
	Chief Experimntl Fast Reactor Safty Res Br.
	Chf, Fuel Behavior Br.
General Reactor Safety Research.	Chf Site Safety Res Br.
Safeguards Research	Chf Tech Support Br.
Fuel Cycle and Environ Res.	Chf, Waste Management Branch.
Office of Inspection and Enforcement.	Exec. Officer for Mgmt and Analysis.
	Executive Officer for Operations.
Region I	Dep Dir Reg I
Region II	Dep Dir Reg II
Region III	Dep Dir Reg III
Reactor Construction and Inspection.	Dir Div of Reac Cons Insp
	Asst Dir Div of Reac Cons Insp.
	Chf, Performance Appraisal Br.
Reactor Opn Inspection.	Dir Div of Reac Operation Inspection.
	Asst Dir for Field Coordination.
	Asst Dir for Tech Prog.
Fuel Facilities and Mtls Safety Inspection.	Dir Div of Fuel Facil and Mtls Sfty Insp.
	Asst Dir Div of Fuel Fac and Mtl Sfty Insp.
Safeguards Inspection.	Dir Div of Safeguards Inspection.
	A/D Div of Safeguards Inspection.
Office of Management and Budget:	
Ofc of Administration	Asst. to the Director for Administration.
Ofc of Legislative Affairs.	Asst Dir Legislative Relevance.
	Dep Asst Dir, Legislative Reference Division.
	Chief, Economics, Science and Govt. Branch.
	Chf, Resources, Defense, Internal Br
Ofc of Federal Procurement Policy.	Asst Admr for Logistics.
	Asst Admr for Regulations.
	Asst Admr for Commercial Products.
	Dir Federal Acquisition Institute.
	Principal Assoc Admr for Procurement.
Budget Review Division.	Asst Dir for Budget Review.
	Dep Assistant Director for Budget Review.
	Chf, Budget Preparation Branch.
	Dep Chief Fiscal Analysis Branch.
	Chief, Financial Management Branch.
	Chief Fiscal Analysis Branch.
	Chief, Resources Systems Branch.
	Chief Fed Prog Info Branch.
Ofc of the Assoc Dir for Nat'l Secur and Int'l Affs.	Dep Associ Dir for Management.
Nat'l Security Div	Dep Assoc Dir for National Security
	Dist Chief.
	Chf., Intelligence Community Branch.
	Chief, Navy Branch.
	Chief, Air Force Branch.
	Chief, Army Branch.
	Chief, Manpower, Pay and Policy Branch.
Intern'l Affs Div	Dep Assoc Dir for Internal Affairs.
	Dep Chief, International Affairs Division.
	Chief, State—ICA Branch.
	Chief, Economic Affairs Branch.
	Chief International Security Affairs Branch.
Ofc of the Assoc Dir for Nat'l Res, Engy and Sci	Dep Assoc Dir for Spec Studies.
Energy and Science Division.	Dep. Assoc. Dir for Energy and Science
	Chief Science and Space Programs Branch.
	Dep Div Chf for Programming.
	Chief Energy Technology Branch.
	Chief, Energy Conservation and Regulation Branch.
	Chief, Science and Space Programs.
Natural Resources Division.	Dep. Associate Dir. For Natural Resources.
	Chief, Water Resources Branch.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief Interior Branch.
Ofc of the Assoc Dir for Human Res, Vet and Labor.	Dep Assoc Dir for Management.
Human Resources Programs Division.	Dep. Assoc. Dir. for Health and Income Maintena.
	Chief Health Branch.
	Chf, Income Maintenance Branch.
Veterans Labor and Education.	Deputy Associate Director for Labor, Vet and Ed.
	Dep Div Chf—Labor.
	Chief, Education Branch.
	Chf, Veteran Affairs Branch.
Ofc of Assoc Dir for Economics and Government.	Dep Assoc Dir for Special Studies.
Transportation, Commerce and Housing Division	Dep Assoc Dir for Transportation-Comm and Housi.
	Dep Div Chief (Transportation).
	Chief, Commerce Branch.
	Chf, Housing and Urban Dev Branch.
Justice, Treasury and General Management Division	Chf, General Management Branch.
	Dep for Justice, Treas and Gen Mgmt
	Chief, Justice, Treasury Branch
Management Improvement and Evaluation Div.	Asst Dir Mgt Improvement & Eval.
	Dep Asst Dir for Evaluation.
	Sr Mgmt Assoc, Mgmt Improvement and Eval.
	Sr Mgmt Assoc
	Senior Management Associate.
Federal Personnel Policy Division.	Asst Dir Fed Pers Policy
	Asst to the Asst Dir for Fed Pers Policy

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Office of Regulatory and Information Policy.	Dep Assoc Dir for Regulatory Pol and Reports MG.
	Dep for Info Pol (Nat Sec and Gen Gov Groups).
	Deputy Asst Dir for Reports Management.
	Senior Mgmt Policy Analyst.
	Dep Asst Dir for Reg Pol Econ and Nat Res Group.
	Senior Regulatory Policy Analyst.
Intergovernmental Affairs Division.	Dep Assoc Dir. for Intergovernmental Affairs.
	Chief, Field Operations Branch.
	Director, Human Services Reorg Study.
	Chief, Assistance Policy Branch.
	Chf, Fed Assistance Information Branch.
Office of Personnel Management:	
Office of Internal Evaluation.	Dir-Office of Internal Evaluation.
Ofc of Intergovernmental Personnel Programs.	Dep Asst Dir for Grants Administration.
Asst Dir/Agency Compliance and Evaluation.	Dep Asst Dir for Agency Compliance and Evaluati.
Personnel Research and Development Center.	Dir, Personnel Research and Development Center.
Standards Development Center.	Dir, Standards Development Center.
Dep Assoc Dir-Personnel Investigations.	DAD Personnel Investigations.
	ADAD Personnel Investigations.
Compensation	Chief Actuary.
Asst Dir for Retirement Programs.	Asst Dir for Retirement Programs.
Asst Dir for Insurance Operations.	Asst Dir for Insurance Operations.
	Chief, Medical Operations BR.
Railroad Retirement Board.	Dir of Research.
	Dir Unemployment and Sickness ins.
	Dir of Retirement Claims.
	Chief Executive Officer.
	Chf Actuary.
	Dep Executive Officer.
	Dir Budget and Fiscal Opers.
	Dir Bureau Processing and Accounts.
	Gen Counsel.
	Director of Investments.
Securities and Exchange Commission:	
Ofc of the Executive Dir.	Dep Exec Director.
Div of Corporation Finance.	Assoc Dir (Operations).
Office of the Chief Accountant.	Dep Chf Accountant.
Selective Service System.	Manager Administrative and Logistics Division.
	Assoc. Director, Planning.
	Assoc Dir, Management Information Systems.
	Assoc Dir, Policy Development
Small Business Administration:	
Office of the Administrator.	Spec Asst and Dir, Ofc of Equal Op and Compliance.
Ofc of the Inspector General.	Asst Insp Gen Audits.
	Asst Inspector General for Investigations.
Bureau for Minority Small Business and Cap Own Dev.	Assoc Admr for Business Development.
	Dep Assoc Admin for Business Development.
Bureau for Support Services.	Assoc Admin for Personnel Management.
	Dir Ofc of Data Mgmt.
District Directors	District Dir, Phila.
	District Director, Region IX, San Francisco.
	District Dir, Reg IX, Los Angeles.
	District Dir, Puerto Rico.
	District Director, Regon V, Chicago.
	Distnct Director, New York.
Department of State:	
Policy Planning Staff	Member, Planning and Coordination Staff.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Office of Under Sec for Economic Affairs.	Dir, Office of East-West Trade.
	Spec Asst, Asst Sec State, Economic Affs.
Bureau of European Affairs.	Spec Asst (Labor and UN Affs).
Bureau of Intelligence and Research	Deputy Director for Research.
	Deputy Director for Coordination.
	Dir, Ofc of Resources Policy.
	Dir, Ofc of Res. and Analysis Near East and S Asia.
	Dir, Ofc of Research and Analysis Soviet Affrs.
International Boundary and Water Commission.	Supervisory Civil Engineer.
Bureau of Personnel	Dir, Ofc of Civil Svc Career Dev and Assgn.
Department of Transportation:	
Office of Inspector General.	Assistant Inspector General for Audits.
	Dep Asst Inspector General for Audit.
	Director, Special Program and Evaluations.
	Asst Inspector General for Pol, Plan and Resour.
	Dir, Dot-Wide Programs.
	Director, Regional Programs.
	Assistant Inspector General for Investigation.
Asst Sec for Administration	Asst Secy for Administration.I02Ofc of Installations and Logistics.
	Dir, Ofc of Installations and Logistics.
	Dep Dir, Ofc of Installations and Logistics.I02Assoc Admr for Safety.
	Assoc Admr for Safety.
	Dep Dir Bureau of RR Safety.
Ofc of Pipeline Safety Regulation.	Assoc Dir for Pipeline Safety Regulation.
Ofc of Operations and Enforcement.	Assoc. Dir for Operations and Enforcement M.T.B.
Office of Accounting and Audits.	Dir, Office of Accounting and Audit.
Logistics Service	Director Logistics Service FAA.
	Dep Dir Logistics Service.
	Chf, Contracts Div.
Air Traffic Service	Dir Air Traffic SVC.
	Deputy Director Air Traffic Service.
	Chief, ATC Operations and Procedures Div.
	Chief Flight Service Division.
	Chf, ATC Automation Division.
	Chief, ATC System Programs Div.
	Chief Airspace and Air Traffic Rules Division.
Office of Airport Planning and Programming.	Div., Office of Airport Planning and Program.
	Dep Dir Office of Airport Planning and Program.
	Chief, Grants-in-aid Division.
Assoc Admr for Aviation Standards.	Assoc Admr for Aviation Standards.
	Deputy Assoc Admr for Aviation Standards.
	Chf, Safety Regulations Staff.
Office of Airworthiness.	Director Office of Airworthiness.
	Chief, Aircraft Engineering Division.
	Chief, Aircraft Maintenance Division.
Office of Aviation Safety.	Director, Office of Aviation Safety.
	Dep Dir, Ofc of Aviation Safety.
Office of Civil Aviation Security.	Director, Office of Civil Aviation Security.
	Dep Dir of Civil Aviation Security.
Office of Flight Operations.	Dir Ofc of Flight Operations.
	Chf Aircraft Programs Division.
	Chief, Flight Standards Natl Field Ofc.
	Chief General Aviation and Commercial Div.
	Chief, Air Transportation Div.
Office of Aviation Medicine.	Fed Air Surgeon.
	Deputy Federal Air Surgeon.
	Chief, Aeromedical Stds Div.
Mike Monroney Aeronautical Center	Chief Civil Aeromed Institute.
Great Lakes Region—FAA	Chf Air Traffic Div—Great Lakes Region.
	Chf—Flight Standards Division.
New England Region—FFA	Chief Flight Standard Division.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Northwest Region—FAA	Chief Flight Standard Division.
	Chf, Los Angeles Area Aircraft Cert Ofc.
	Chief Aircraft certification Division.
	Chief, Seattle area Aircraft Cert Office
Central Region-Kansas City.	Chief, Flight Standards Div.
Rocky Mountain Region—FAA.	Chf, Air Traffic Div.
Eastern Region—New York.	Chf, Air Traffic Div, Eastern.
	Chf, Flight Standards Div (Eastern).
Southern Region—Atlanta.	Chief, Flight Standards Div Atlanta.
	Chf, Air Traffic Div, Atlanta.
Southwest Region—Ft. Worth.	Chf, Air Traffic Div Ft Worth.
	Chf, Flight Standards Div.
Western Region—Los Angels	Chf., Air Craft Engr. Div., Western Region.
	Chief, Flight Standards Divison Los Angels.
	Chief, Air Traffic Div, Los Angeles.
Ofc of the Federal Highway Adm'r.	Asst Admr (FHR).
Assoc Adm'r for Safety.	
Assoc Adm'r for Safety.	
Bu of Motor Carr Safety.	Director.
	Dep Dir.
Off of Highway Safety.	Dir, Off of Highway Safety.
Assoc Admr for Right of Way and Environment.	Assoc Admr for Right-of-Way and Environment.
Off of Environmental Policy	Dir, Ofc of Environmental Policy
Off of Right of Way	Chf, Environmental Programs Div.
	Director, Office of Right-of-Way.
	Chf, Real Property Acquisition Div.
	Chf, Relocation Assistance Div.
Natl Center for Statistics and Analysis	Chf, Mathematical Analysis Div.
	Chf, Accident Investigation Div.
Vehicle research and Test Ctr	Chf-Engineering Test Facility
	Chf, Safety Research Lab.
Ofc of Vehicle Safety Comp.	Chief, Validation Division.
Ofc of Vehicle Safety Standards	Chf, Crash Avoidance Division.
	Chf, Crashworthiness Division.
Ofc of Automotive Fuel Economy Standards.	Chf, Light Truck Standards Division.
	Chf, Passenger Automobile Standards Branch.
US Coast Guard	Technical Director.
Department of Treasury:	
Office of the Secretary.	Senior National Intelligence Adviser.
Ofc of Tax Analysis	Deputy Director (Revenue Estimating).
	Assistant Director (Revenue Forecasting).
Debt Management	Deputy Director, Office of Debt Analysis.
Ofc of Asst Secy (Economic Policy).	Asst Dir for Economic Forecasting.
	Dir, Ofc of Pol Research.
	Senior Adv for Bal of Payments Anal and Proj.
	Dir, Energy Leg and Regulatory Anal Staff.
	Sr Economist.
Ofc of Under Sec for Monetary Affrs.	Spec Asst to the Under Sec (monetary Affs).
Ofc of Developing Nations Finance	Dep Dir, Ofc of Dev Nations Finance.
Ofc of Multilateral Development Banks	Alternate Dir, Asian Dev Bank.
	Dep Dir, Ofc of Internat'l Development Banks.
Ofc of Foreign Exchange Operations.	Dir, Ofc of Foreign Exchange Operations.
Ofc of International Monetary Affairs	Dep Dir, International Monetary Affairs
	Dep Dir, Ofc of International Monetary Affs.
Ofc of the Comptroller of the Currency	Dir for inspections and Audit.
Ofc of the Chief Counsel	Dir, Enforcement and Compliance.
	Dir, Securities Disclosure Div.
	Dir, Litigation Div.
Senior Dep Comptroller for Policy.	Sr Dep Comptroller for Policy.
Interagency Coordination	Dep Comp for Interagency Coordination.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Customer and Community Programs.	Dep Comp Customer and Comm Progs.
	Asst Dep Comptroller for Customer and comm Prog.
Research and Economic Programs.	Dep Compt for Research and Economic Progs.
	Dir, Bank Org and Structure.
	Dir, Strategic Analysis Division.
Sr Dep Comptroller for Bank Supervision.	Sr Dep Comptroller for Bank Supervision.
Multinational Banking	Dep Comp for Multinational Banking.
Specialized Examination.	Dep Compt for Specialized Exams.
Special Surveillance	Dep Comptroller for Spec Surveillance.
	Dir, for Spec Projects.
Chief National Bank Examiner.	Chf, National Bank Examiner.
	Asst Chf, National Bank Examiner.
	Asst Chf, Natl Bank Exam (Multinati Banking).
Senior Dep Comptroller for Operations.	Senior Dep Comptroller for Operations.
Administration	Dep Compt for Adm.
Regional Offices	Reg'l Adm'r of National Banks (Region 2).
	Reg'l Adm'r of National Banks (Reg 7).
	Reg'l Adm'r of Nat. Banks (Reg 12).
	Reg'l Adm'r of Nat. Banks (Reg 6).
	Reg'l Adm'r of Nat. Banks (Reg 3).
	Regional Administrator of Nat. Banks
	Reg'l Adm'r of Nat. Banks (Reg 10).
	Reg'l Adm'r of Nat. Banks (Reg 11).
	Reg'l Adm'r of Nat. Banks (Reg 9).
	Reg'l Adm'r of Nat. Banks (Reg 13).
	Reg'l Adm'r of Nat. Banks (Reg 5).
	Reg'l Adm'r of Nat. Banks (Reg 14).
	Reg'l Adm'r of Nat. Banks (Reg 1).
	Reg'l Adm'r of Nat. Banks (Reg 4).
	Fiscal Assistant Secretary.
Ofc of the fiscal Asst. Secy.	Deputy Fiscal Asst. Secy.
Asst Fiscal Asst Secy (Finance).	
Asst Fiscal Assistant Secretary (Banking).	
Bureau of Government Financial Operations.	Comm'r of Government Financial Operations.
	Dep Commr Bur of Gov Financial Operations.
	Asst Commissioner, Banking and Cash Management.
	Asst Commissioner, Comptroller.
	Asst Commer, Gov't wide Accounting.
	Asst Commr, distrubursement and Claims.
	Asst Commr Adm.
	Dir Div of Check Claims.
	Disbursing Officer.
	Dir Govt Accounting Sys Staff.
	Dir Div of govt Accounts and Reports.
	Dir Div of ADP.
	Assoc Commr, Bur of Gov Financial Operations.
Bureau of Public Debt	Commissioner.
	Dep Comm of the Public Debt
	Asst Commr (Filed).
	Assistant Commissioner (Washington).
	Asst Commr (Financing)
Ofc of Personnel	Dep Dir of Personnel.
	Asst. Dir. (Exec Manpower and Emp).
Ofc of Budget and Prog Ans.	Dep Dir (Prog analysis) Chf Prog Analysis Div.
Ofc of management and Organization.	Deputy Inspector General (Audit).
Ofc of Audit	Dir of Audit.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Bur of Alchhol, Tobacco, Firearms.	Asst Dir (Regulatory Enforcement).
	Asst Dir (Criminal Enforcement).
	Asst Dir (Tech and Scientific Ser).
	Dep Asst Dir (Reg Enforcement).
	Dep Asst Dir (Criminal Enforcement).
	Regional Director for Investigations.
	Regional Director for Investigations.
	Regional Director for Investigation.
	Special Asst to the Dir.
	Midwest Regl Counsel.
	Central Regl Counsel.
	Southeast Regl Counsel.
	Assistant Director (Internal Affairs).
U.S Customs Service.	Asst Commr (Mgmt Integrity).
	Dir, Management Inspection Staff.
Ofc of the Chief Counsel.	Asst Chief Counsel (Customs Court Litigat.
	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Reg Counsel.
	San Francisco Regl Counsel.
Office of the Comptroller.	Asst Commr (Human Res Mgmt and Dev).
	Director, Planning and Budget Division.
	Dir, Ofc of Financial Management and Prog Eval.
Ofc of Asst Commr for Boarder Operations.	Director, Ofc of Inspection.
	Dept Asst Commr (Border Operations).
	Dir Ofc of Patrol.
	Dir Ofc of Investigations.
Ofc of Asst Commr for Commercial Operations.	Asst Commr for the Ofc of Regulations and Rull.
	Director, Technical Services Div.
	Director, Classification and Value Divisions.
	Dir Ofc of Regulations and Rulings.
	Director, Entry Procedures and Penalties Div.
	Dir Duty Assessment Div.
	Dir Ofc of Trade Operations.
Regional Offices	District Director Detroit.
	Regl Comm Reg 2 NY.
	Dir, Ofc of Investigations.
	Reg Commr, Reg 1, Boston.
	Regl Commr of Customs, Reg 7, Los Angeles.
	Asst Regn Commr Operations Reg II New York.
	Dir Inspection and Control Div—Reg II New York.
	Regl Commr Reg 3 Baltimore.
	Regl Commr, Reg 4, Miami.
	Regl Commr of Customs, Reg 8, San Francisco.
	Regl Commr, Reg V, New Orleans.
	Reg Commr of Customs Reg VI.
	Regional Commissioner of Customs.
	Asst Regional Commer (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr.
	Asst Regl Commr (Operations).
	Asst Regional Commr (Operations).
US Secret Service	Director of the Secret Service
	Deputy Director U.S. Secret Service.
	Asst to the Dir, Training.
	Asst to the Dir, Pub Affs.
Ofc of Administration	Assistant Director, Administration.
Ofc of Inspection	Asst Director—OMS&ECTOPM (USSS).
Ofc of Protective Research.	Asst Dir (Protective Research).
	Dep Asst Dir Protective Res.
	Spec Agent in Charge—Tech Sec Div.
	Sec Agent in Charge—Intelligence Div.
Ofc of Protective Operations.	Asst Dir (Protective Operations).
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge—Presidential Protective.
	DAD Protective Opers (Uniformed Div).
	Spec Agent in Charge—VP Protect Div.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Office of Investigations.	Asst Director, Investigations.
	Special Agent in Charge, New York Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Dep Asst Dir Investigations.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Dep Spec Agent in Charge—NY Field Office.
Ofic of the Commissioner.	Deputy Commissioner #RS.
	Problem Resolution Officer.
	Asst to the Deputy Commissioner.
	Asst to the Commissioner (Public Affairs)
	Asst to the Commissioner (EEO).
	Asst to the Dep Commr.
Ofic of Asst Commr, Compliance.	Assistant Commissioner (Compliance).
	Dir, Examination Div.
	Director, Appeals Division.
	Dir, Criminal Div.
	Director, International Operations.
	Asst Dir, Examination Div.
	Asst Dir, Criminal Investigation Div.
	Asst Dir, Appeals Div.
	Deputy Assistant Commissioner (Compliance).
Asst Commr, Planning and Research.	Assistant Commissioner (Planning and Research).
	Dir-Legislative Analysis Div.
	Director, Statistics Division.
	Dir Research and Operations Analysis Div.
	Asst Dir, Statistics Div.
	Asst Dir, Research Operations Analysis Div.
	Asst Dir, Research.
Asst Commr, Technical.	Assistant Commissioner.
	Dep Asst Commr (Technical).
	Director Individual Income Tax Div.
	Director, Corporation Tax Division.
	Tech Adv to Dir—Corp Tax Div.
	Chf, Corporation Tax Branch.
	Chf Individual Income Tax Branch.
	Chf, Excise Tax Branch.
	Chief, Engineering and Valuation Branch Corp Ta.
	Asst Dir, Individual Tax Division.
	Dir, Tax Forms and Publications Div.
	Asst Dir, Corporation Tax Div.
	Assistant Director Tax Forms and Publications.
	Branch Chf, Reorg Br Corp Tax Div.
	Techn Advr to the Asst Commr (Technical).
Asst Commr, Tax Payer Serv and Returns Processing.	Deputy Asst Commissioner.
	Director, Taxpayer Service Division.
	Dir-Systems Programming Div.
	Director, National Computer Center.
	Dir, IRS Data Center Detroit.
	Dir, Returns Processing and Accounting Div.
	Assistant Dir Taxpayer Service Division.
	Dir, Disclosure Operations Div.
	Director, Tax Administration Adv Serv Div.
	Asst Dir, Returns Processing and Accounting Div.
	Asst Dir, Collection Div.
	Director, Collection Division
	Asst Commissioner (Taxpayer Service and Returns).
Ofc of the Asst Commr (Data Services).	Asst Commr (Data Services)
	Dir, Planning and Control Staff.
	Deputy Asst Commissioner (Data Services).
	Dir, Systems Analysis Div.
	Dir Systems Development Office.
	Asst Dir, Sys Design and Programming Div.
	Dir, Systems Design and Programming Div.
	Dir, Systems Support Div.
	Asst Dir, Tax Systems Division.
	Director Tax Systems Division.

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Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Otc of Asst Commr, Inspection.	Assistant Commissioner (Inspection).
	Director, Internal Audit Div.
	Director, Internal Security Division
	Asst Commr (Inspection).
	Gv-Service and Design Division.
	Asst Dir, Internal Security Division.
	Regional Inspector, Midwest Reg.
	Regional Inspector, North Atlantic.
	Regional Inspector, Western Reg.
	Regional Inspector, Southwest Reg.
	Regional Inspector, Mid-Atlantic Reg.
	Regional Inspector, Central
	Regional Inspector, Southeast.
	Asst Dir, Internal Audit Div.
	Dep Asst Commr (Inspection)
Otc of Asst Commr, Resources Management.	Asst Commr (Resources Management).
	Dep Asst Commr (Resources Management).
	Fiscal Management Officer.
	Director, Security Standards and Evaluation Div.
	Dir, Training Div.
	Dir, Facilitised Mgt Div.
	Director, Personnel Division
	Asst Dir, Personnel Div.aPAsst Dir, Fiscal Management Div.
	Dir, Resources Management Div.
	Dir, Program Planning and Review Staff.
Central Region	Regional Commr.
	District Dir (Cleveland)
	Dir Service Ctr Cincinnati.
	District Director (Parkersburg)
	District Dir, (Indianapolis).
	District Dir, (Louisville).
	District Dir, Cincinnati.
	Asst Dist Dir (Cleveland)
	Assistant District Director (Detroit)
	ARC (Tax Payer Service and Returns Processing.
	ARC (Examnetion)Central Region.
	Regl Dir of Appeals—Central Region.
	ARC (Criminal Inv).
	Asst Regl Comm (Resource Management).
	Assistant Regional Commissioner (Collection).
Mid-Atlantic Region	Regl Commissioner
	District Dir, Newark.
	District Dir, Philadelphia.
	Service Center Dir, Philadelphia
	District Dir, Pittsburgh.
	District Dir, Richmond.
	Asst District Dir, Philadelphia.
	Asst District Dir, Newark.
	Assistant District Director—Baltimore, Md.
	ARC (TS/RP) Mid-Atlantic Region.
	ARC (Examination) Mid-Atlantic.
	Reg Dir of Appeals, Mid-Atlantic Region.
	ARC (Criminal Investigation) Mid-Atlantic Reg.
	ARC (Resources Mgmt).
	Asst Regl Commr (Collection).
	District Director, Wilmington.
	District Dir, Baltimore.
Midwest Region	Regional Commissioner Midwest Region
	Regional Commr, Midwest Region.
	District Dir, Chicago.
	District Dir, St Louis.
	Srvc Ctr Dir, Kansas City.
	District Dir, Des Moines.
	District Dir, St Paul.
	District Dir, Omaha.
	District Dir, Springfield.
	District Dir, Milwaukee.
	Asst District Dir, Chicago.
	Asst District Dir, St Louis.
	ARC (Taxpayer Serv and Return Processing).
	Asst Regional Commr-Comp (Midwest Region).
	Regl Dir of Appeals, Midwest Reg.
	Asst Regl Commr (Resources Mgmt).

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
	District Director, Fargo.
	District Director, Aberdeen.
	Chief, Examination Division Chicago.
	ARC (Examination), Midwest Region.
	ARC (Collection) Midwest Region.
North Atlantic Region	Regl Commr
	District Dir, Manhattan.
	District Dir, Brooklyn.
	District Dir Boston.
	Service Center Director, Andover, Mass.
	Srvc Ctr Dir, Brookhaven.
	Chief Examination Div Manhattan.
	District Dir, Albany.
	Dist Dir (Hartford).
	District Dir, Buffalo.
	Asst Dist Dir, Brooklyn.
	Asst District Dir, Manhattan.
	Asst District Dir, Boston.
	ARC (Taxpayer Serv and Return Processing).
	Asst Regl Commr (Exam) North Atlantic Reg.
	Regional Dir of Appeals North Atlantic Region.
	ARC (Criminal Investigating).
	ARC (Resources Mgmt).
	ARC (Collection) North Atlantic Region.
	District Dir Providence.
	Dist Dir, Augusta.
	District Director, Portsmouth.
	District Director, Burlington.
	Chief Appeals Office New York City
Southeast Region	Regl Commr
	District Dir, Jacksonville.
	District Dir, Atlanta.
	Service Center Director, Memphis.
	Srvc Ctr Dir, Atlanta.
	District Dir, Greensboro.
	District Dir, Nashville.
	District Dir, Birmingham.
	District Director, Columbia.
	District Director, Jackson, Miss.
	Asst District Dir, Jacksonville, Fla.
	ARC (TS/RP) Southeast Region.
	ARC (Examination) Southeast Region.
	Regl Dir of Appeals—Southeast Reg.
	Asst Reg Comm (Criminal Investigation.
	ARC—(Resources Management).
	Asst Regl Commr (Collection)—SE Reg Atlanta.
	Assistant District Director, Atlanta.
Southwest Region	Regional Commr.
	District Dir, Austin.
	District Director, Dallas.
	Service Center Dir, (Austin).
	District Dir, Wichita.
	District Dir, Oklahoma City.
	District Dir, New Orleans.
	District Dir, Little Rock.
	District Dir, Denver.
	Asst Dist Dir, Austin.
	Asst District Dir, Dallas.
	Asst Reg Commr (Taxpayer Serv and Returns Proc).
	Asst Reg Commr, Southwest Region.
	Regl Dir of Appeals—Southwest Reg.
	ARC (Criminal Investigation) SW Region.
	ARC (Resources Mgmt).
	Assistant Regional Commissioner (Collection).
	District Director, Albuquerque.
	District Director, Cheyenne.
	Assoc District Director (Wichita).
Western Region	Regl Commr
	District Dir, Los Angeles.
	District Dir, San Francisco.
	Service Center Director, Fresno.
	Service Center Dir, Ogden.
	District Dir Reno.
	District Dir, Portland.
	District Dir, Seattle.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
	District Dir, Phoenix.
	Asst District Dir, Los Angeles.
	Asst Dist Dir San Francisco.
	ARC (Taxpayer Service and Returns Proc) NW.
	Asst Regl Commr (Examination).
	Regl Dir of Appeals.
	ARC (Criminal Investigation).
	ARC (Resources Management).
	Asst Regl Commr (Collection)—Western Region.
	District Director, Salt Lake City.
	District Director, Honolulu.
	District Director Anchorage.
	District Director Boise.
	District Director, Helena.
	Chf, Examination Div, Los Angeles.
Employee Plans and Exempt Organizations.	Asst Comm'r (Employee Plans and Exemp and Organiza.
	Deputy Asst Commr
	Director, Exempt Organizations Division.
	Dir Employee Plans Division.
	Director, Actuarial Division.
	Special Asst for Exempt Organization Matters.
	Asst Dir, Exempt Organizations Div.
	Asst Dir, Employee Plans Div.
	Chf, Technical Branch.
	Chf Operations Branch.
	Chf, Technical Branch.
	Chf Operations Branch.
	Asst Dir, Otc International Operations.
	Spec Asst for Employee Plans.
	Tech Adv/Asst to Dir Employee Plans Div.
	Dep Chf Counsel (Technical).
	Dep Chief Counsel (Litigation).
	Director, General Litigation Division.
	Dir, Tax Litigation Div.
	Dir, Interpraive Div.
	Dir, Legislative and Regulations Div.
	Dir, Administrative Services Div.
	Dir, Criminal Tax Div.
	Dir, Gen Legal Services Div.
	Technical Advisor to the Chf Counsel.
	Dep Chf Counsel (General)
	Dir, Disclosure Litigation Division.
	Dir-Employee Plans and Exempt Org Division.
	Asst Dir, Tax Court Litigation Division.
	Technical Advisor to the Chief Counsel.
	Asst Dir Interpraive Div.
	Asst Dir, Legislation and Regulations Div.
	Techn Asst to the Dep Chf Coun (Gen).
Regl Counsels	Regl Counsel, Central Reg
	Regional Counsel, Mid-Atlantic Region
	Regl Counsel Midwest Region
	Regl Counsel, North Atlantic Region
	Regional Counsel, SE Region
	Regl Counsel Southwest Region
	Regl Counsel Western Region
	District Counsel-Boston
	Disinct Counsel-Los Angeles
	Dep Regl Counsel (Criminal Tax)
	District Counsel Cincinnati
	Dep Regl Counsel (Criminal Tax)
	District Counsel-Philadelphia
	District Counsel-Newark
	Dep Regl Counsel (Criminal Tax)
	Dep Regl Counsel (General Litigat)
	District Counsel-Chicago
	District Counsel-Manhattan
	Dep Regl counsel (Tax Litigation)
	Deputy Regional Counsel (General Litigation)
	District Counsel-Atlanta
	Dep Regl Counsel (Tax litigation)
	District Counsel-Dallas
	Dep Regl Counsel (Gen Litigation)
	District Counsel-San Francisco

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
U.S. Arms Control and disarmament Agency:	
Office of Director	Chf Scientist.
Otc of Administration	Administrative Director.
Office of Operations Analyses.	Chief-Otc of Operations Analyses.
	Dep Chf-Otc of Operations Analyses.
Office of the General Counsel.	Assistant General Counsel.
Off of the Public Affairs Adviser.	Dep Public Affairs Adviser.
Regional Division	Chief, Regional Div.
Strategic Affairs Division.	Chf, Strategic Affs Div.
	Chf, Strategic Affs Div.
Non-Proliferation Bureau.	Chief Nuclear Energy Division.
	Chief, Nuclear Exports Div.
	Chf Nuclear Safeguard Division.
Weapons Evaluation and Control Bureau.	Chief Technology Transfer Group.
	Chf, Arms Transfer Div.
Multilateral Affairs Bureau.	Chief Advanced Technology Div.
U.S. International Trade Commission	
Otc of the Dir of Operations	Dir, Otc of Investigations.
	Dep Dir Otc of Operations.
Otc of Industries	Dir of Industries.
Veterans Administration:	
Board of Veterans Appeals.	Chairman.
	Vice Chairman.

Positions That Were Career Reserved During Calendar Year 1980—Continued

Agency and organization	Career reserved positions
Office of Personnel	Assoc Asst Admr for Personnel.
	Assoc Assistant Administrator for Personnel
	Asst for Classification and Compensation.
	Assoc Asst Admr for Personnel.
	Assoc Asst Admin for Personnel Policy.
	Assoc Asst Admin for Personnel Operations.
	Executive Assistant.
Office of Inspector General.	Dep Inspector General.
	Asst Inspector General for Audit.
	Asst Inspector General for Investigation
	Dep I/G for Intergovernmental Pol and Coord
	Executive Asst to Inspector General.
Office of the Controller.	Dir Reports and Statistics SVC.
Office of Data Management and Telecommunications.	Dir, Benefits Delivery Support SVC.
	Dir Health Care Delivery Systems Support SVC.
	Dir Memorial Affairs and Genl Sys Support SVC.
Office of Construction.	Project Director, Northeastern Region
	Project Dir Southern Region.
	Project Director—Central Region.
	Project Director, Western Region.
	Dir Program Control and Analysis.

Positions That Were Career Reserved During Calendar Year 1980 —Continued

Agency and organization	Career reserved positions
Office of Supply Services.	Assistant Administrator for Supply Services.
Department of Veterans Benefits.	Director Budget Staff.
	Dep Dir Compensation and Pension Service.
	Dep Dir Loan Guaranty SVC.
	Dep Dir Education and Rehabilitation SVC.
Department of Medicine and Surgery.	Dep Dir Resources Mgmt.
	Dep Dir Program Mgmt Staff.
	Dir Facility Management Offic.
	Director Medical Statistics Service.
	Dep Dir, Mental Health and Behavioral Sciences.
	Director, Supply Service.
	Dir Canteen Service.
	Dep Dir Facility Mgmt Otc.
	Dep to Asst Chf Med Dir for Academic Affairs
	Dir, Resources Management Otc.
	Deputy Director, Resource Management Office.
Research Positions	Chf Calcium Research Lab.
Water Resources Council. Water Resources Council Staff.	Asst Director-Program Coordination and Manage
	Assistant Director-Policy
	Dir Reports Evaluation Division

[FR Doc. 81-6695 Filed 3-2-81; 8:45 am]

BILLING CODE 6325-01-M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 41
Tuesday, March 3, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Communications Commission	1, 2
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Parole Commission	5
United States Railway Association	6

1

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of the Office of Commissioner Lee, Acting Chairman; from the agenda items scheduled for consideration at the February 25, 1981 Open Meeting, and previously listed in the Commission's Public Notice of February 18, 1981 (#07149).

Agenda, Item No., and Subject

Private Radio—4—*Title:* Public coast radiotelegraph (Class I) station applications at Arcadia, TX. *Summary:* The FCC will consider disposition of two applications regarding servive by public coast radiotelegraph Class I stations. One application submitted by ITT World Communications, Inc., seeks to close a station at Arcadia, TX; and the other application requests authority to operate a new station at the same location.

The following item has been deleted at the request of the Office of Commissioner Lee, Acting Chairman; from the agenda items scheduled for consideration at the February 25, 1981 Closed Meeting, and previously listed in the Commission's Public Notice of February 18, 1981.

Agenda, Item No., and Subject

Common Carrier—1—Carrier applications for authority to expand communication links between the United States and Cuba.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: February 25, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-338-81 Filed 2-27-81; 11:40 am]
BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Wednesday, March 4, 1981 at 9:30 a.m. in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—*Title:* An Inquiry Into the Use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communications; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communcations Systems (CC Docket No. 79-318). *Summary:* The Commission will consider adoption of rules and standards for commercial authorization of cellular mobile communications systems. The Commission will consider how the relevant market should be defined; what entities should be eligible to provide cellular service; how many systems to authorize and how much spectrum should be available; whether there should be separate allocations for wireline and non-wireline carriers; and whether separate subsidiaries should be required for some entities. Also to be considered are questions of interconnection, resale, and equipment and service offerings of cellular carriers. Technical standards, alternative proposals, and regulatory structure will be considered, as will be the mechanism for handling competing applications and questions of jurisdiction.

Common Carrier—2—*Title:* A, F & L Telephone. *Summary:* FCC considers petitions for reconsideration regarding application to renew license for DPLMRS Station KCC480 in Leominster, Massachusetts, operating on frequencies 152.21 and 454.025 MHz. It also considers petition for reconsideration regarding acceptance for filing of a DPLMRS application from Rivers Associates, Inc. requesting frequency 454.025 MHz in Fitchburg, Massachusetts.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: February 25, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-339-80 Filed 2-27-81; 11:41 am]
BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:30 p.m. on Thursday, February 26, 1981, the Borad of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from Mohawk Bank and Trust Company (In Liquidation), Greenfield, Massachusetts (Case No. 44,706-L).

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public, that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(6) and (c)(9)(B) thereof (5 U.S.C. 552b(c)(6) and (c)(9)(B)).

Dated: February 27, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-337-81 Filed 2-27-81; 11:40 am]
BILLING CODE 6714-01-M

4

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, March 3, 1981.

PACE: Commissioners' conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

10 a.m.: Discussion of Anticipated Transients ithout Scram Policy (public meeting)

2 p.m.: Meeting with Representatives of Nuclear Insurance Pools (public meeting)

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

February 24, 1981.

Walter Magee,

Office of the Secretary.

[S-340-81 Filed 2-27-81; 3:16 p.m.]
BILLING CODE 7590-01-M

5

[1P0401]

PAROLE COMMISSION

TIME AND DATE: 2 p.m., Tuesday, March 3, 1981.

PLACE: Room 724, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (202) 724-3094.

[S-341-81 Filed 2-27-81; 3:16 pm]
BILLING CODE 4410-01-M

6

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATES:

11 a.m., March 4, 1981;
9 a.m., March 5, 1981.

PLACE: Board Room 2-500, fifth floor, 955 L'Enfant Plaza North SW., Washington, D.C. 20595.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46, FR 38, Thursday, February 26, 1981.

STATUS: The sessions will be closed to the public.

CHANGES IN THE MEETINGS:

The meeting on March 4, 1981, was previously scheduled for 2:00 p.m. is now scheduled to begin at 11:00 a.m.

The meeting on March 5, 1981 was previously scheduled for 10:00 a.m. is now scheduled to begin at 9:00 a.m.

[S-342-81 Filed 2-27-81; 3:31 pm]
BILLING CODE 8240-01-M

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federal register

Tuesday
March 3, 1981

Part II

Department of the Interior

Bureau of Land Management

List of Wilderness Study Areas

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

List of Wilderness Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: List of Wilderness Study Areas.

SUMMARY: This notice contains supplemental information on wilderness study areas administered by the Bureau of Land Management (BLM) in the contiguous Western States as of January 1, 1981, and published in the **Federal Register** on January 19. The supplemental information is published to assist the public in locating the wilderness study areas and to make minor corrections in the January 19 publication.

Members of the public who wish to participate in wilderness studies of particular areas listed here are invited to write to the appropriate BLM State Directors listed in Appendix A, and make their interest known. There will be opportunities for public participation in all the studies.

FOR FURTHER INFORMATION CONTACT: Questions about particular wilderness study areas should be directed to the appropriate BLM State Directors, whose addresses appear at the end of this notice. Questions about the nationwide aspects of the program should be directed to the Division of Wilderness and Environmental Areas (430), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240. Telephone (202) 343–6064.

RESULT OF THE INVENTORY: As a result of all BLM wilderness inventory efforts, as of January 1, 1981, there is a total of some 24 million acres of public land under study as wilderness study areas or instant study areas. Also as a result of the wilderness inventory, some 149 million acres have been determined to lack wilderness characteristics; these will not be considered further in the wilderness review.

Some of the wilderness inventory decisions are subject to change at a later date as a result of decisions on protests and appeals.

The total figures shown in Table I below have changed from those in the Statistical Summary Table (Table I) published in the **Federal Register** on November 14, 1980 (45 FR 75575.). The changes are a result of the following:

1. Corrections have been made to account for acreage according to State political boundaries instead of BLM administrative boundaries.

2. Certain lands in Colorado were identified as wilderness study areas, contingent upon the status of contiguous Federal lands administered by the U.S. Forest Service as proposed wilderness areas. Congress acted, denying wilderness designation to the contiguous lands, and therefore the BLM-administered lands ceased to be wilderness study areas.

3. Corrections have been made to eliminate double-counting of acreage in some wilderness study areas that overlap State boundaries.

4. The number of Wilderness Study Areas has been corrected to recognize as separate WSA's those areas which may have previously been combined as subunits of a single inventory unit.

5. The acreage figures for Arizona have been corrected to reflect lands for which the inventory is still in progress.

In addition, more precise geographic identification is provided to assist the public in locating each wilderness study area.

The results of the inventory are presented in three tables below:

Table I. Statistical Summary Table

Table II. List of Wilderness Study Areas

Table III. List of Instant Study Areas

Dated: February 25, 1981.

Ed Hastey,

Acting Director.

Table I.—*Statistical Summary Table*

[BLM wilderness inventory results [1] as of Jan. 1, 1981]

Contiguous Western States	Public lands subject to wilderness inventory (acres)	Identified as wilderness study areas [2]		Determined to lack wilderness characteristics (acres)	Inventory still in progress (acres)
		Number of areas	Acres		
Arizona	12,596,000	124	2,994,000	8,780,000	822,000
California	16,585,000	230	5,838,000	10,747,000	0
Colorado	7,996,000	98	790,000	7,203,000	3,000
Idaho	11,949,000	63	1,627,000	10,070,000	252,000
Montana	8,140,000	45	486,000	7,628,000	46,000
Nevada	49,118,000	121	5,249,000	43,786,000	103,000
New Mexico	12,847,000	54	1,053,000	11,785,000	9,000
North Dakota	68,000	0	0	68,000	0
Oklahoma	7,000	0	0	7,000	0
Oregon	13,965,000	92	2,501,000	11,184,000	280,000
South Dakota	277,000	0	0	277,000	0
Utah	22,076,000	100	2,580,000	19,496,000	0
Washington	310,000	3	6,000	304,000	0
Wyoming	17,793,000	49	585,000	17,208,000	0
Total	173,727,000	[3] 967	23,689,000	148,523,000	1,515,000

[1] Figure represents final intensive inventory decisions, some of which are subject to protest and appeal. There may be changes in acreage at a later date as a result of decisions on protests and appeals.
[2] Includes instant study areas (ISA's) in State total for areas and acres.
[3] Excludes Alaska (1 ISA) and double counting interstate units.

Table II.—*BLM Wilderness Study Areas (WSA's)*

[Excludes instant study areas]

Reference number meaning:
[1] Crosses State political boundaries.
[2] Crosses BLM resource administrative boundary.
[3] Abuts wilderness area or study area on lands administered by Federal agency other than BLM.

Table II A.—*Arizona*

WSA name	No.	Acreage	County	Resource area
Arizona strip district				
Starvation Point	AZ-010-005 [1]	18,410	Coconino	Shivwits.
Ferry Swale	AZ-010-006A	10,170	Coconino	Vermillion.
Judd Hollow	AZ-010-006B	1,226	Coconino	Vermillion.
Paria Rim	AZ-010-006C	100	Coconino	Vermillion.
Cedar Mtn.	AZ-010-006D	12	Coconino	Vermillion.
Paria Plateau	AZ-010-006A/19	124,426	Coconino	Vermillion.
Overlook	AZ-010-006B	7,346	Coconino	Vermillion.
Emmett Wash	AZ-010-009 [2]	12,913	Coconino	Vermillion.
Kanab Creek	AZ-010-031 [2]	39,907	Coconino	Vermillion.
Hack Canyon (A)	AZ-010-033A [2]	63,682	Coconino	Vermillion.
Robinson	AZ-010-034 [1]	9,671	Coconino	Vermillion.
Cottonwood Point	AZ-010-041	9,449	Coconino	Vermillion.
Toroweap	AZ-010-050 [2]	5,312	Coconino	Vermillion.
Mount Logan	AZ-010-051 [2]	8,503	Coconino	Vermillion.
Mount Trumbull	AZ-010-052	7,265	Coconino	Vermillion.
Poverty Mountain	AZ-010-061	7,672	Coconino	Shivwits.
Parashaunt	AZ-010-063 [2]	29,141	Coconino	Shivwits.
Darnell Canyon	AZ-010-066A [3]	294	Coconino	Shivwits.
Grassy Mountain	AZ-010-066C [3]	5,523	Coconino	Shivwits.
Andrus Canyon	AZ-010-98D	48,248	Coconino	Shivwits.
North Dellenbaugh	AZ-010-087	10,678	Coconino	Shivwits.
G&F	AZ-010-099 [2]	640	Coconino	Shivwits.
Salt House	AZ-010-104A	13,465	Coconino	Shivwits.
Mustang Point	AZ-010-104B	27,250	Coconino	Shivwits.
Nevershine Mesa	AZ-010-105A [3]	19,457	Coconino	Shivwits.
Snap Point	AZ-010-105B [3]	9,500	Coconino	Shivwits.
Tincanebitts	AZ-010-105C [3]	2,715	Coconino	Shivwits.
Grand Gulch	AZ-010-107 [2] [1]	8,141	Coconino	Shivwits.
Pigeon Canyon	AZ-010-109	33,348	Coconino	Shivwits.
Last Chance	AZ-010-111	38,050	Coconino	Shivwits.
Grand Wash Cliffs	AZ-010-112	21,503	Coconino	Shivwits.
Pakoon Springs	AZ-010-114	24,900	Coconino	Shivwits.
Hidden Rim	AZ-010-119	16,063	Coconino	Shivwits.
Hobbie Canyon	AZ-010-124	11,825	Coconino	Shivwits.
Ide Valley	AZ-010-127	7,970	Coconino	Shivwits.
Sand Cove	AZ-010-128	40,061	Coconino	Shivwits.
Virgin Mountains	AZ-010-129	36,896	Coconino	Shivwits.
Virgin River	AZ-010-130 [2]	1,440	Coconino	Shivwits.
Purgatory	AZ-010-132	7,557	Coconino	Shivwits.
Lime Hills	AZ-010-134 [2]	12,850	Coconino	Shivwits.
Narrows	AZ-010-135	7,725	Coconino	Shivwits.
Mount Emma	AZ-010-136 [2]	6,480	Coconino	Shivwits.
Phoenix District				
Mount Wilson	AZ-020-001A [3]	24,821	Mohave	Kingman.
Van Deeman	AZ-020-107 [2]	1,550	Mohave	Kingman.
Mockingbird	AZ-020-008 [2]	5,700	Mohave	Kingman.
Black Mountains North	AZ-020-009 [2]	29,398	Mohave	Kingman.
Burns Spring	AZ-020-010	29,961	Mohave	Kingman.
Mount Tipton	AZ-020-012/042	19,550	Mohave	Kingman.
Grapevine Wash	AZ-020-014 [3]	2,200	Mohave	Kingman.
Grand Wash Cliffs	AZ-020-015	12,176	Mohave	Kingman.
Mount Davis (4 parcels)	AZ-020-021 [2]	2,600	Mohave	Kingman.
Mount Nutt	AZ-020-024	29,200	Mohave	Kingman.
Warm Spring	AZ-020-026/029	118,455	Mohave	Kingman.
Wabayuma Peak	AZ-020-037/043	36,730	Mohave	Kingman.
Planet	AZ-020-053 [2]	12,765	Mohave	Kingman.
Aubrey Peak	AZ-020-054	15,240	Mohave	Kingman.
Black Mesa	AZ-020-056	17,010	Mohave	Kingman.
Rawhide Mountains	AZ-020-058 [2]	62,300	Yuma	Kingman.
Arrastra Mountains	AZ-020-059 [2]	114,000	Mohave/Yavapai	Kingman.
Lower Burro Creek	AZ-020-060	22,300	Mohave	Kingman.
Upper Burro Creek	AZ-020-062	27,390	Mohave/Yavapai	Kingman.
Peoples Canyon	AZ-020-068	3,480	Yavapai	Lower Gila.
Buckskin Mountains	AZ-020-071 [2]	87,582	Yuma	Lower Gila.
Harcuvar Mountains	AZ-020-075	74,778	Yuma/Yavapai	Lower Gila.
Hassayampa River Canyon	AZ-020-083 [2]	24,200	Yavapai	Lower Gila.
S. Bradshaws E	AZ-020-084A [2]	640	Yavapai	Phoenix.
Big Horn Mountains	AZ-020-099	22,337	Maricopa	Lower Gila.
Hummingbird Springs	AZ-020-100	67,880	Maricopa	Lower Gila.
Hells Canyon	AZ-020-119	9,379	Yavapai/Maricopa	Phoenix.
New Water Mountains	AZ-020-125 [3]	56,600	Yuma	Lower Gila.
Little Horn Mountains West	AZ-020-126A [2]	13,800	Yuma	Lower Gila.
Fact Mountain	AZ-020-136	27,575	Maricopa	Lower Gila.
Signal Mountain	AZ-020-138	20,920	Maricopa	Lower Gila.
Woolsey Peak	AZ-020-142/144	72,930	Maricopa	Lower Gila.
N. Maricopa Mountains	AZ-020-157	75,483	Maricopa	Lower Gila.
Sierra Estrella	AZ-020-160	14,190	Maricopa	Lower Gila.
S. Maricopa Mountains	AZ-020-163	72,004	Maricopa	Lower Gila.
Butterfield Stage Memorial	AZ-020-164	9,566	Maricopa	Lower Gila.
Table Top Mountain	AZ-020-172	39,623	Maricopa/Pinal	Lower Gila.
Sikort Chapo Mountains	AZ-020-176	10,665	Pima	Lower Gila.
White Canyon	AZ-020-187	6,998	Pinal	Phoenix.

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Table II A.—*Arizona*—Continued

WSA name	No.	Acreage	County	Resource area
Phoenix District—Continued				
Picacho Mountains	AZ-020-194	6,400	Pinal	Phoenix.
Ragged Top	AZ-020-197	4,460	Pima	Phoenix.
Coyote Mountains	AZ-020-202	5,080	Pima	Phoenix.
Baboquivari Peak South	AZ-020-203B	2,065	Pima	Phoenix.
Ives Peak	AZ-020-204	9,675	Yavapai	Lower Gila.
Tres Alamos	AZ-020-205	8,910	Yavapai	Lower Gila.
Harquahala Mountains	AZ-020-095	74,890	Yuma/Maricopa	Lower Gila.
Little Horn Mountains	AZ-020-127	95,000	Yuma	Lower Gila.
Eagletail Mountain	AZ-020-128	112,000	Yuma/Maricopa	Lower Gila.
East Clanton Hills	AZ-020-129	30,000	Yuma/Maricopa	Lower Gila.
Saddle Mountains	AZ-020-135	5,500	Maricopa	Lower Gila.
Safford District				
Needles' Eye	AZ-040-001A	9,485	Pinal	Lower Gila.
Black Rock	AZ-040-006 [3]	8,492	Graham	Lower Gila.
Fishhooks	AZ-040-014	15,013	Graham	Lower Gila.
Daymine	AZ-040-016	16,629	Graham	Lower Gila.
Gila Box	AZ-040-022/023 024A [2]	13,470	Graham/Greenlee	Lower Gila.
Turtle Mountains	AZ-040-022/023 024B	17,422	Graham/Greenlee	Lower Gila.
Javelina Peak	AZ-040-048	17,870	Graham	San Simon.
Peloncillo Mountains	AZ-040-060 [1]	8,971	Cochise	San Simon.
Happy Camp Canyon	AZ-040-065	16,771	Cochise	San Simon.
Hoverrocker	AZ-040-077 [3]	2,769	Greenlee	San Simon.
Bowie Mountain	AZ-040-066 [3]	6,156	Cochise	San Simon.
Baker Canyon	AZ-040-070 [3 1]	4,812	Cochise	San Simon.
Galiuro Addition #3	AZ-040-081 [3]	840	Graham	San Simon.
Yuma District				
Needles No. Add	AZ-050-005B [3]	465	Mohave	Havasu.
Mohave Wash	AZ-050-007C/5-48/2-52 [3]	104,605	Mohave	Havasu.
Gibraltar Mountains	AZ-050-012	25,280	Mohave	Havasu.
Planet Peak	AZ-050-013	17,645	Mohave	Havasu.
Cactus Plain	AZ-050-014 A/B [3]	70,360	Mohave	Havasu.
Swansea	AZ-050-015A [3]	41,690	Mohave	Havasu.
E. Cactus Plain	AZ-050-017	13,735	Mohave	Havasu.
Crossman Peak	AZ-050-007B	87,760	Mohave	Havasu.
C. Trigo Mountains	AZ-050-023A [3]	4,500	Yuma	Yuma.
Trigo Mountains	AZ-050-023B [3]	26,870	Yuma	Yuma.
Kofa Unit 3 S.	AZ-050-031 [3]	3,400	Yuma	Yuma.
Kofa Unit 4 N.	AZ-050-033 [3]	1,900	Yuma	Yuma.
Kofa Unit 4 S.	AZ-050-034 [3]	11,220	Yuma	Yuma.
Total for State	118	2,862,340		

See table II for superior reference numbers.

Table II B.—*California*

WSA name	Number	Acreage	County	Resource area
Bakersfield District				
Tepusquet Peak	CA-010-007 [3]	1,024	Santa Barbara	Caliente.
Garcia Mountain	CA-010-012 [3]	494	San Luis Opispo	Caliente.
Black Mountain	CA-010-020 [3]	150	San Louis Obispo	Caliente.
Sheep Ridge	CA-010-022 [3]	4,905	Tulare	Caliente.
Milk Ranch/Case Mountain	CA-010-23 [3]	6,382	Tulare	Caliente.
Moses	CA-010-025 [3]	856	Tulare	Caliente.
Owens Peak	CA-010-026	22,560	Tulare/Kern	Caliente.
Sacatar Meadow	CA-010-027	6,638	Tulare/Inyo	Caliente.
Rockhouse	CA-010-029 [3]	34,795	Tulare/Kern	Caliente.
Scodie	CA-010-030 [3]	5,847	Kern	Caliente.
Domeland	CA-010-032 [3]	2,209	Kern	Caliente.
Spoor Canyon	CA-010-036 [3]	240	Santa Barbara	Caliente.
Cuyama	CA-010-037 [3]	1,014	Santa Barbara	Caliente.
Caliente	CA-010-042	19,018	San Luis Obispo	Caliente.
Kelso Creek Valley	CA-010-045 [3]	2,244	Kern	Caliente.
Cerro Gordo	CA-010-055	16,102	Inyo	Bishop.
Southern Inyo	CA-010-056	23,568	Inyo	Bishop.
Independence Creek	CA-010-057 [3]	9,750	Inyo	Bishop.
Wonoga Peak	CA-010-058 [3]	3,530	Riverside	Bishop.
Tinemaha	CA-010-059 [3]	3,280	Riverside	Bishop.
Paiute	CA-010-060 [3]	7,600	Inyo	Bishop.
Crater Mountain	CA-010-062	5,760	Riverside	Bishop.
Coyote Southeast	CA-010-063	3,211	Inyo	Bishop.
Symmes Creek	CA-010-064 [3]	7,700	Inyo	Bishop.
Black Canyon	CA-010-65 [3]	6,518	Inyo	Bishop.
Wheeler Ridge	CA-010-68 [3]	3,197	Inyo/Mono	Bishop.
Rock Creek West	CA-010-070	414	Mono	Bishop.
Laurel—McGee	CA-010-072 [3]	110	Mono	Bishop.
White Mountain	CA-010-275 [3]	1,260	Inyo/Mono	Bishop.
Benton Range	CA-010-077 [3]	4,052	Mono	Bishop.
Chidago Canyon	CA-010-079	20,245	Mono	Bishop.
Fish Slough	CA-010-080	19,730	Inyo/Mono	Bishop.
Volcanic Tableland	CA-010-081	11,840	Inyo/Mono	Bishop.

Table II B.—*California*—Continued

WSA name	Number	Acreage	County	Resource area
Bakersfield District—Continued				
Casa Diablo	CA-010-082	5,547	Mono	Bishop.
Excelsior (South ½)	CA-010-086	3,300	Mono	Bishop.
Excelsior (North ½)	CA-010-088	9,100	Mono	Bishop.
Granite Mountains	CA-010-090 [3]	52,781	Mono	Bishop.
Log Cabin—Saddlebags	CA-010-091A [3]	520	Mono	Bishop.
Walford Springs	CA-010-092	13,200	Mono	Bishop.
Mormon Meadow	CA-010-094	7,260	Mono	Bishop.
Mt. Biedeman	CA-010-095	12,420	Mono	Bishop.
Bodie Mountains	CA-010-099	23,360	Mono	Bishop.
Bodie	CA-010-100	15,455	Mono	Bishop.
Masonic Mountains	CA-010-102	6,500	Mono	Bishop.
Sweetwater	CA-010-103 [3]	960	Mono	Bishop.
Sinkard	CA-010-105 [3]	2,830	Alpine/Mono	Bishop.
	NV-030-531 [3]	3,930		
Carson—Iceberg	CA-010-105B [3]	1,040	Mono	Bishop.
	NV-030-532	550	Mono	Bishop.
Machesna Mountain	CA-010-109 [3]	720	San Luis Obispo	Caliente.
Panoche Hills North	CA-040-301A	8,677	Fresno	Diablo.
Panoche Hills South	CA-040-301B	11,267	Fresno	Diablo.
Pinnacles Wilderness	CA-040-302 [3]	5,838	Monterey/San Benito	Diablo.
Black Butte	CA-040-305A [3]	40	Monterey	Diablo.
Bear Mountain	CA-040-305B [3]	3,198	Monterey	Diablo.
Bear Canyon	CA-040-305C [3]	318	Monterey	Diablo.
Ventana Wilderness contiguous	CA-040-308 [3]	640	Monterey	Diablo.
North Fork American, American	CA-040-102 [3]	50	Placer	Bay Sierra.
Tuolumne River	CA-040-201 [3]	3,005	Tuolumne	Bay Sierra.
Merced River	CA-040-203	12,835	Mariposa	Bay Sierra.
Susanville District				
Pit River Canyon	CA-020-103	11,575	Lassen	Pit River.
Tule Mountain	CA-020-211	19,950	Lassen Modoc	Pit River.
Tunnison Mountain	CA-020-311	20,550	Lassen	Pit River.
Five Springs	CA-020-609 [1]	45,800	Lassen Washoe	Pit River.
Skedaddle	CA-020-612 [1]	66,800	Lassen Washoe	Eagle Lake.
Dry Valley Rim	CA-020-615 [1]	17,140	Lassen Washoe	Pit River.
Buffalo Hills	CA-020-619 [1]	880	Lassen Washoe	Eagle Lake.
Twin Peaks	CA-020-619A [1]	23,060	Lassen	Eagle Lake.
South Warner Contiguous	CA-020-706 [3]	4,330	Modoc	Pit River.
Redding District				
Timbered Crater	CA-030-201 [3]	18,680	Shasta/Modoc/Siskiyou	Ishi.
Lava	CA-030-203	11,632	Shasta	Ishi.
Tunnel Ridge	CA-030-402 [3]	4,823	Trinity	Ishi.
Yolla Bolly	CA-030-501 [3]	640	Techeme	Ishi.
Ishi	CA-030-503 [3]	200	Techeme	Ishi.
Oroville Lake	CA-030-504 [3]	58	Butte	Ishi.
Ukiah District				
King Range	CA-050-112	32,342	Humbold	Mendocino.
Red Mountain	CA-050-132	6,173	Mendocino	North Coast.
Big Butte	CA-050-211 [3]	9,546	Trinity/Mendocino	North Coast.
Thatcher Ridge	CA-050-212	17,187	Mendocino	Mendocino.
Eden Valley	CA-050-214	6,874	Mendocino	Mendocino.
Rocky Cr./Cache Cr.	CA-050-317	33,582	Lake/Yolo	Clear Lake.
Cedar Roughs	CA-050-331	7,183	Napa	Clear Lake.
California Desert District (Non-California Desert Conservation Area WSAs)				
Aqua Tibia	CA-060-002 [3]	280	Riverside	Indio.
Beauty Mountain G	CA-060-020G	11,342	San Diego/Riverside	Indio.
Combs Peak A	CA-060-021A	71	San Diego	Indio.
San Ysidro Mountain	CA-060-022	2,131	San Diego	Indio.
San Felipe Hills	CA-060-023	5,265	San Diego	Indio.
Sawtooth Mountains A	CA-060-24A [3]	3,892	San Diego	Indio.
Sawtooth Mountains B	CA-060-24B [3]	24,419	San Diego	Indio.
Sawtooth Mountains C	CA-060-24C	2,509	San Diego	Indio.
Eastern McCain Valley A	CA-060-025A	14,573	San Diego	Indio.
Table Mountain	CA-060-026	958	San Diego	Indio.
Hauser Mountain C	CA-060-027C	5,489	San Diego	Indio.
Western Otay Mountain	CA-060-028	5,570	San Diego	Indio.
So. Otay Mountain	CA-060-029	7,940	San Diego	Indio.
(California Desert Conservation Area)				
McAfee Creek	CDCA-100 [3]	456	Mono	Bishop.
North Tip	CDCA-100A [3]	407	Mono	Bishop.
Tolar Creek	CDCA-100 [3]	897	Mono	Bishop.
N.W. Fishlake Valley	CDCA-102 [3]	12,585	Mono	Bishop.
White Mountain	CDCA-103 [3]	7,784	Mono/Inyo	Bishop.
Cottonwood Creek	CDCA-104 [3]	3,729	Inyo	Bishop.
Wyman Creek	CDCA-105 [3]	5,729	Inyo	Bishop.
Antelope Spring	CDCA-107A [3]	851	Inyo	Bishop.
Sylvania Mountains	CDCA-111	14,993	Inyo	Bishop.
Last Chance Mountain	CDCA-112	36,287	Inyo	Bishop.
Piper Mountain	CDCA-115	89,282	Inyo	Bishop.
Saline Valley	CDCA-117 [1 3]	405,215	Inyo	Bishop/ Ridgecrest.
Lower Saline Valley	CDCA-117A [3]	6,560	Inyo	Ridgecrest.
No. Death Valley	CDCA-118	7,951	Inyo	Bishop.

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Table II B.—*California*—Continued

WSA name	Number	Acreage	County	Resource area
(California Desert Conservation Area)—Continued				
Little Sand Spring	CDCA-119 [2]	32,878	Inyo	Bishop.
Wanoobe Wash	CDCA-120 [2]	11,465	Inyo	Bishop.
Saline Dunes	CDCA-121	5,760	Inyo	Bishop.
Inyo Mountain	CDCA-122 [1]	87,145	Inyo	Bishop/ Ridgecrest.
Hunter Mountain	CDCA-123 [2]	23,604	Inyo	Ridgecrest.
Cerro Gordo Peak	CDCA-124 [1]	56,590	Inyo	Bishop/ Ridgecrest.
Panamint Dunes	CDCA-127 [2]	80,427	Inyo	Ridgecrest.
North Coso Range	CDCA-130	8,102	Inyo	Barstow.
Coso Range	CDCA-131	24,873	Inyo	Barstow/ Ridgecrest.
Great Falls Basin	CDCA-132	5,972	Inyo	Ridgecrest.
Darwin Falls	CDCA-132A	8,319	Inyo	Ridgecrest.
No. Argus Range	CDCA-132B	21,009	Inyo	Ridgecrest.
Wildrose Canyon	CDCA-134 [2]	36,949	Inyo	Ridgecrest.
Surprise Canyon	CDCA-136 [2]	52,696	Inyo	Ridgecrest.
Manly Peak	CDCA-137	33,390	Inyo	Ridgecrest.
Middle Park Canyon	CDCA-137A [2]	8,532	Inyo	Ridgecrest.
Slate Range	CDCA-142 [2]	89,528	Inyo	Ridgecrest.
Funeral Mountains	CDCA-143 [2]	46,529	Inyo	Ridgecrest.
Resting Springs Range	CDCA-145	89,772	Inyo	Ridgecrest.
Greenwater Range	CDCA-147 [2]	123,131	Inyo	Ridgecrest.
Greenwater Valley	CDCA-148 [2]	54,022	Inyo	Ridgecrest.
Ibex Hills	CDCA-149 [2]	33,929	Inyo	Ridgecrest.
Ibex Spring	CDCA-149A [2]	2,386	Inyo	Ridgecrest.
Nopah Range	CDCA-150	109,701	Inyo	Ridgecrest.
So. Nopah Range	CDCA-150A	13,779	Inyo	Ridgecrest.
Pahrump Valley	CDCA-154	33,914	Inyo	Ridgecrest.
Owlshead Mountain	CDCA-156 [2]	113,901	San Bernardino	Ridgecrest.
Little Lake Canyon	CDCA-157	25,207	Inyo	Ridgecrest.
Owens Peak	CDCA-158	36,023	Inyo/San Bernardino	Ridgecrest.
Cow Heaven	CDCA-159	5,564	Kern	Ridgecrest.
Horse Canyon	CDCA-160	4,067	Kern	Ridgecrest.
Kelso Peak	CDCA-160B	6,826	Kern	Ridgecrest.
Skinner Peak	CDCA-160C	1,036	Kern	Ridgecrest.
Frog Creek	CDCA-163	9,225	Kern	Ridgecrest.
El Paso Mountain	CDCA-164	17,064	Kern	Ridgecrest.
Golden Valley	CDCA-170	32,208	San Bernardino	Barstow.
Red Mountain	CDCA-172	7,040	San Bernardino	Barstow.
Blackwater Well	CDCA-173	7,260	San Bernardino	Barstow.
Grass Valley	CDCA-173A	13,875	San Bernardino	Barstow.
Black Mountain	CDCA-186C	7,602	San Bernardino	Barstow.
Newberry Mountain	CDCA-206	21,368	San Bernardino	Barstow.
Hollow Hills	CDCA-228	26,422	San Bernardino	Cima.
Shadow Valley	CDCA-235A	10,452	San Bernardino	Cima.
Magee/Atkins	CDCA-237	11,092	San Bernardino	Cima.
Deer Springs	CDCA-237A	2,560	San Bernardino	Cima.
Valley View	CDCA-237B	3,200	San Bernardino	Cima.
Teutonia Peak	CDCA-238A	2,976	San Bernardino	Cima.
Cima Dome	CDCA-238B	15,333	San Bernardino	Cima.
Ander Cones	CDCA-239	44,992	San Bernardino	Cima.
Soda Mountains	CDCA-242	106,641	San Bernardino	Cima.
Old Dad Mountains	CDCA-243	82,301	San Bernardino	Cima.
Rainbow Wells	CDCA-244	16,019	San Bernardino	Cima.
Eight-Mile Tank	CDCA-245	18,714	San Bernardino	Cima.
Kelso Mountains	CDCA-249	64,273	San Bernardino	Cima.
Kelso Dunes	CDCA-250	124,518	San Bernardino	Cima.
Cady Mountains	CDCA-251	65,177	San Bernardino	Cima.
Mesquite Spring	CDCA-251A	14,447	San Bernardino	Cima.
Sleeping Beauty Mountain	CDCA-252	18,333	San Bernardino	Cima.
Bristol/Granite Mountain	CDCA-256	72,206	San Bernardino	Cima.
Lava Hills	CDCA-258	18,423	San Bernardino	Cima.
South Bristol Mountain	CDCA-258B	23,238	San Bernardino	Cima.
Marble Mountains	CDCA-259	29,178	San Bernardino	Cima.
Clipper Mountains	CDCA-260	37,787	San Bernardino	Cima.
South Providence Mountain	CDCA-262	25,038	San Bernardino	Cima.
Providence Mountains	CDCA-263	51,057	San Bernardino	Cima.
Mid Hills	CDCA-264	13,300	San Bernardino	Cima.
New York Mountains	CDCA-265	35,583	San Bernardino	Cima.
Castle Peaks	CDCA-266	36,239	San Bernardino	Cima.
Fort Pointe	CDCA-267	37,561	San Bernardino	Cima.
Table Mountain	CDCA-270	7,556	San Bernardino	Cima.
Woods Mountain	CDCA-271	37,758	San Bernardino	Cima.
Signal Hill	CDCA-272	32,477	San Bernardino	Cima.
Dead Mountains	CDCA-276	29,411	San Bernardino	Cima.
Pinte Mountains	CDCA-288	17,063	San Bernardino	Cima.
Essex	CDCA-288A	10,984	San Bernardino	Cima.
Bigelow Cholla Garden	CDCA-290	9,136	San Bernardino	Cima.
Sacramento Mountains	CDCA-292	36,450	San Bernardino	Cima.
Step Ladden Mountains	CDCA-294	111,685	San Bernardino	Cima.
Pilot Peak	CDCA-295	29,434	San Bernardino	Cima.
Old Woman Mountains	CDCA-299	100,826	San Bernardino	Cima.
Ship Mountains	CDCA-300	17,889	San Bernardino	Cima.
Cleghorn Lakes	CDCA-304	26,912	San Bernardino	Cima.
Amboy Crater	CDCA-304A	13,414	San Bernardino	Cima.
Sheephole/Coding	CDCA-305	135,827	San Bernardino	Cima.
Turtle Mountains	CDCA-307	229,241	San Bernardino	Cima.
Chemehuevi	CDCA-310	57,229	San Bernardino	Cima.
Whipple Mountains	CDCA-312	81,548	San Bernardino	Cima.
Big Maria Mountains	CDCA-321	50,538	Riverside	Indio.
Rive Valley	CDCA-322	48,845	Riverside	Indio.

Table II B.—*California*—Continued

WSA name	Number	Acreage	County	Resource area
(California Desert Conservation Area)—Continued				
Palen/McCoy	CDCA-325	239,878	Riverside	(Indio
Coxcomb Mountains	CDCA-326 [1] [2]	52,992	Riverside / San Bernardino	Cima/Indio
So. Coxcomb Mountains	CDCA-326A	8,532	Riverside	Cima/Indio.
Eagle Mountains	CDCA-334 [1]	49,723	Riverside	Cima/Indio
Pinto Basin	CDCA-334 A [2]	4,480	Riverside	Cima/Indio
Pinto Mountains	CDCA-335 [1] [2]	24,710	San Bernardino/Riverside	Barstow/Indio.
Santa Rosa Mountains	CDCA-341	68,051	Riverside / San Diego	Indio.
Mecca Hills	CDCA-343	15,665	Riverside	Indio.
Orocopia Mountains	CDCA-344	44,195	Riverside	Indio.
Chuckwalla Mountain	CDCA-348 [1]	126,057	Riverside / Imperial	Indio.
Little Chuckwalla Mountain	CDCA-350 [1]	44,422	Riverside / Imperial	Indio/El Centro.
Palo Nirde Mountains	CDCA-352	25,428	Imperial	El Centro.
Indian Pass	CDCA-355	25,971	Imperial	El Centro.
Picacho Peak	CDCA-355A	6,982	Imperial	El Centro.
Little Picacho Peak	CDCA-356	37,196	Imperial	El Centro.
No. Algodones Dunes	CDCA-360	20,778	Imperial	El Centro.
So. Algodones Dunes	CDCA-362	35,524	Imperial	El Centro.
In-Ko-Pah Mountains	CDCA-366	25,868	Imperial	El Centro.
Fish Creek Mountains	CDCA-372	10,958	Imperial	El Centro.
Coyote Mountains	CDCA-373	8,766	Imperial	El Centro.
Yuma (Arizona) District (Areas in California administered by Yuma District, Non-California Desert Conservation Area)				
Dead Mountain, North Addition	AZ-050-011 [2]	1,815	San Bernardino	Havasu.
Dead Mountains, South Addition	AZ-050-002 [2]	630	San Bernardino	Havasu.
Chemehuevi Mountains	AZ-050-003 [2]	195	San Bernardino	Havasu.
Chemehuevi/needles	AZ-050-004 [2]	980	San Bernardino	Havasu.
Whipple Mountain Addition	AZ-050-010 [2]	1,380	San Bernardino	Havasu.
Big Maria Mountains, North	AZ-050-018 [2]	415	Riverside	Havasu.
Big Maria Mountains, South	AZ-050-019 [2]	1,420	Riverside	Havasu.
Little Picacho Peak Addition	AZ-050-035 [2]	2,915	Imperial	Havasu.
Total for State	224	5,827,354		

See table II for superior reference numbers

Table II C.—*Colorado*

WSA Name	Number	Acreage	County	Resource area
Craig District				
Bull Canyon	CO-010-001 [1]	11,777	Moffat	White River.
Willow Creek	CO-010-002	13,368	Moffat	White River.
Skull Creek	CO-010-003	13,740	Moffat	White River.
Black Mountain	CO-010-007A	9,932	Rio Blanco	White River.
Windy Gulch	CO-010-007C	12,274	Rio Blanco	White River.
Oil Spring Mountain	CO-010-046	17,740	Rio Blanco	White River.
Troublesome	CO-010-155	8,250	Grand	Kremmling.
Cold Springs West	CO-010-206 [1]	14,352	Moffat	Little Snake.
Diamond Breaks	CO-010-214 [1]	31,480	Moffat	Little Snake.
Cross Mountain	CO-010-230	14,081	Moffat	Little Snake.
Adjacent to DNM	CO-010-224 [3]	4,340	Moffat	Little Snake.
Adjacent to DNM	CO-010-224A [3]	1,320	Moffat	Little Snake.
Adjacent to DNM	CO-010-226 [3]	4,880	Moffat	Little Snake.
Adjacent to DNM	CO-010-228 [3]	5,200	Moffat	Little Snake.
Adjacent to DNM	CO-010-229O	6,900	Moffat	Little Snake.
Montrose District				
Dillon Mesa	CO-030-063 [3]	2,520	Gunnison	Gunnison Basin.
Bill Hare Gulch	CO-030-085 [3]	350	Hinsdale	Gunnison Basin.
Larson Creek	CO-030-086 [3]	880	Hinsdale	Gunnison.
Sparling Gulch	CO-030-088 [3]	1,120	Hinsdale	Gunnison Basin.
Red Cloud Peak	CO-030-206	10,100	Hinsdale	Gunnison Basin.
Slumgullion Slide	CO-030-211 [3]	1,640	Hinsdale	Gunnison Basin.
Friends Creek	CO-030-213 [3]	720	Hinsdale	Gunnison Basin.
American Flats	CO-030-217 [3]	3,400	Hinsdale San Juan Ouray	Gunnison Basin.
West Needles Contiguous	CO-030-229A [3]	5,760	San Juan	San Juan.
Needle Creek	CO-030-229B [3]	4,200	San Juan La Plata	San Juan.
Whitehead Gulch	CO-030-230B [3]	5,640	San Juan	San Juan.
Weminuche Contiguous	CO-030-238B [3]	1,840	San Juan	San Juan.
Handies Peak	CO-030-241	15,100	Hinsdale San Juan	Gunnison Basin.
Menefee Mountain	CO-030-251	7,360	Montezuma	San Juan.
Weber Mountain	CO-030-252	6,320	Montezuma	San Juan
Cross Canyon	CO-030-265 [1]	5,440	Montezuma Dolores	San Juan.
Squaw/Papoose Canyons	CO-030-265A [1]	4,680	Montezuma	San Juan
Cahone Canyon	CO-030-265D	8,365	Dolores	San Juan
McKenna Peak	CO-030-286	21,930	Montezuma Dolores	San Juan
Dolores River Canyon/Coyote Wash	CO-030-290	25,550	Dolores San Miguel	San Juan Uncompahgre
Tabeguache Creed	CO-030-300	7,270	Montrose	Uncompahgre.
Sewemup Mesa	CO-030-310A [3]	1,860	Montrose Mesa	Uncompahgre/ Grand Junction.
Camel Back	CO-030-353	10,900	Montrose	Uncompahgre.
Dominquez Canyon	CO-030-363	43,810	Delta Mesa	Uncompahgre.
Adobe Badlands	CO-030-370B	10,560	Delta	Uncompahgre.
Gunnison Gorge	CO-030-388 [3]	19,560	Montrose Delta	Uncompahgre.

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Table II C.—*Colorado*—Continued

WSA Name	Number	Acreage	County	Resource area
Canon City District				
Browns Canyon	CO-050-002	6,614	Chaffee Fremont	Royal Gorge
McIntyre Hills	CO-050-013	16,800	Fremont	Royal Gorge
Lower Grape Creek	CO-050-014	11,700	Fremont	Royal Gorge
Beaver Creek	CO-050-016	25,150	Fremont, Teller, El Paso	Royal Gorge
Upper Grape Creek	CO-050-017	10,200	Fremont/Custer	Royal Gorge
Black Canyon	CO-050-131 [3]	2,300	Saguache	San Luis
South Piney Creek	CO-050-132B [3]	870	Saguache	San Luis
Sand Castle	CO-050-135 [3]	1,644	Alamosa	San Luis
Papa Keal	CO-050-137 [3]	1,020	Almosa	San Luis
Zapata Creek	CO-050-139B [3]	720	Alamosa	San Luis.
San Luis Hills	CO-050-141	10,240	Conejos	San Luis.
Grand Junction District				
Demaree Canyon	CO-070-009	31,050	Garfield	Grand Junction.
Little Bookcliffs Wildhorse Area	CO-070-066	26,525	Mesa	Grand Junction
Black Ridge Canyons	CO-070-113	18,150	Mesa	Grand Junction
Black Ridge Canyons West	CO-070-113A [1]	49,200	Mesa	Grand Junction
The Palisade	CO-070-132	26,150	Mesa	Grand Junction
Domenguez	CO-070-150 [3]	31,990	Mesa/Delta	Uncompahgre.
Sewemup Mesa	CO-070-178 [3]	17,420	Mesa & Montrose	Grand Junction Uncompahgre
Eagle Mountain	CO-070-393 [3]	330	Pitkin	Glenwood, Springs
Hack Lake	CO-070-425 [3]	3,360	Garfield/Eagle	Glenwood Springs.
Bull Gulch	CO-070-430	15,000	Eagle	Glenwood Springs.
Castle Peak	CO-070-433	11,940	Eagle	Glenwood Springs.
Total for State	81	737,592		

See table II for superior reference numbers.

TABLE II D.—*Idaho*

WSA Name	Number	Acreage	County	Resource Area
Boise District				
North Fork Owyhee River	ID-016-40	55,147	Owyhee	Owyhee.
Horsehead Spring	ID-016-41	6,211	Owyhee	Owyhee.
Squaw Creek Canyon	ID-016-42	11,379	Owyhee	Owyhee
Deep Creek-Nickel Creek	ID-016-44 [2]	11,510	Owyhee	Owyhee/Bruneau.
Middle Fork Owyhee River	ID-016-45	13,396	Owyhee	Owyhee
West Fork Red Canyon	ID-016-47	12,882	Owyhee	Owyhee.
Deep Creek—Owyhee River	ID-016-49a [3]	72,083	Owyhee	Owyhee/Bruneau.
Yatahoney Creek	ID-016-49d	9,331	Owyhee	Owyhee/Bruneau.
Battle Creek	ID-016-49e	31,540	Owyhee	Owyhee.
Upper Owyhee River	ID-016-52 [3]	12,682	Owyhee	Owyhee/Bruneau.
Lower Salmon Falls Creek	ID-017-10 [3]	3,500	Twin Falls	Jarbidge/Magic.
Jarbidge River	ID-017-11	75,340	Twin Falls	Jarbidge/Bruneau
King Hill Creek	ID-019-02 [2]	23,815	Elmore	Jarbidge/Bennett Hills
Box Creek	ID-110-91a [3]	428	Valley	Cascade.
Little Jack's Creek	ID-111-06	58,040	Owyhee	Bruneau.
Big Jack's Creek	ID-111-07c	54,833	Owyhee	Bruneau
Bruneau River	ID-111-17 [3]	107,020	Owyhee	Bruneau/Jarbidge.
Pole Creek	ID-111-17B	24,509	Owyhee	Bruneau
Sheep Creek West	ID-111-36a	11,680	Owyhee	Bruneau.
Burley District				
Petticoat Peak	ID-028-01	11,298	Bannock & Canbon	bannock/Oneida.
Idaho Falls Distnct				
Appendicitis Hill	ID-031-14	24,870	Butte	Big Butte.
White Knob Mountains	ID-031-17	9,950	Custer	Big Butte.
Hawley Mountain	ID-032-03	15,510	Butte	Big Butte
Black Canyon	ID-032-09	5,400	Butte	Big Butte.
Cedar Butte	ID-033-04	35,700	Bingham	Big Butte.
Hell's Half Acre	ID-033-15	66,200	Bonevile & Bingham	Big Butte.
Table Rock Islands	ID-034-02	[redacted]	Bonneville	Medicine Lodge.
Pine Creek Islands	ID-034-03	155	Bonneville	Medicine Lodge.
Conant Valley Islands	ID-034-04	235	Bonneville	Medicine Lodge.
Henry's Lake	ID-035-77 [3]	350	Fremont	Medicine Lodge.
Worm Creek	ID-037-77 [3]	40	Bear Lake	Soda Springs.
Salmon Distnct				
Eighteen Mile	ID-043-03 [3]	24,922	Lemhi	Lemhi.
Goldburg	ID-045-01 [3]	3,290	Custer	Pahsimeroi
Burnt Creek	ID-045-12 [2 3]	24,980	Custer	Pahsimeroi & Big Butte
Corral—Horse Basin	ID-046-11	51,500	Custer	Challis
Boulder Creek	ID-046-13 [3]	2,573	Custer	Challis
Jerry Peak	ID-046-14	48,000	Custer	challis
Jerry Peak West	ID-046-14a	15,000	Custer	Challis

TABLE IID.—*Idaho*—Continued

WSA Name	Number	Acreage	County	Resource Area
Salmon District —Continued				
Borah Peak	ID-047-04 [3]	3,100	Custer	Challis.
Shoshone District				
Little Wood River	ID-053-04 [3]	4,285	Blaine/Lustery Butte	Monument.
Friedman Creek	ID-053-05	9,772	Blaine	Monument.
Black Butte	ID-054-02	4,002	Lincoln/Blaine	Bennett Hills.
Little City of Rocks	ID-054-05	5,875	Gooding	Bennett Hills.
Black Canyon	ID-054-06	10,371	Gooding	Bennett Hills.
Gooding City of Rocks	ID-054-06a	14,743	Gooding	Bennett Hills.
Gooding City of Rocks	ID-054-06b	6,297	Gooding	Bennett Hills.
Deer Creek	ID-054-10	7,487	Camas/Gooding	Bennett Hills.
Lava	ID-056-02	23,880	Lincoln	Monument.
Shale Butte	ID-057-02	15,998	Lincoln	Monument.
Sand Butte	ID-057-06	20,792	Lincoln	Monument.
Raven's Eye	ID-057-10	67,110	Blaine/Lincoln	Monument.
Little Deer	ID-057-11	33,531	Blaine/Lincoln/Minidoka	Monument.
Bear Den Butte	ID-057-14	9,700	Blaine/Minidoka	Monument.
Shoshone	ID-059-07	6,914	Lincoln	Bennett Hills.
Coeur D'Alene District				
Selkirk Crest	ID-061-01 [3]	720	Boundary	Emerald Empire.
Crystal Lake	ID-061-10	9,027	Kootenai & Benewah	Emerald Empire.
Grandmother Mountain	ID-061-15a	10,339	Shoshone	Emerald Empire.
Grandmother Mountain	ID-061-15b	6,790	Shoshone	Emerald Empire.
Snowhole Rapids	ID-062-01	5,088	Lewis/Idaho	Cottonwood.
Marshall Mountain	ID-062-10	6,524	Idaho	Cottonwood.
Total for State	60	1,325,801		

See table II for reference numbers.

Table II E.—*Montana*

WSA Name	Number	Acreage	County	Resource area
Miles City				
Billy Creek	MT-024-633 [3]	3,480	Garfield	Big Dry.
Seven Blacktool	MT-024-657 [3]	19,677	Garfield	Big Dry.
Bridge Coulee	MT-024-675	5,650	Garfield	Big Dry.
Musselshell Breaks	MT-024-677	8,050	Garfield	Big Dry.
Terry Badlands	MT-024-684	44,515	Prairie	Big Dry.
Zook Creek	MT-027-701	6,440	Rosebud	Powder River.
Buffalo Creek	MT-027-702	5,899	Powder River	Powder River.
Tongue River Breaks Contiguity	MT-027-763 [3]	1,484	Rosebud	Powder River.
Lewistown				
Bitter Creek	MT-064-356	59,112	Valley	Valley.
Antelope Creek	MT-065-266 [3]	9,400	Phillips	Phillips.
Burnt Lodge	MT-065-278 [3]	15,000	Phillips/Valley	Phillips.
Stafford	MT-066-250	4,700	Blaine	Havre.
Ervin Ridge	MT-066-253	12,000	Blaine	Havre.
Cow Creek	MT-066-256	36,200	Blaine/Phillips	Havre.
Pryor Mountain	MT-067-206 [1 3]	12,575	Carbon	Billings.
Big Horn Tack On	MT-067-207 [1 3]	4,470	Carbon	Billings.
Twin Coulee	MT-067-212 [3]	6,870	Golden Valley	Billings.
Two Calf Creek	MT-068-231	8,500	Fergus	Judith.
Dog Creek South	MT-068-244	5,230	Fergus	Judith.
Butte				
Whales Creek	MT-074-150	11,580	Powell	Garnet.
Hoodoo Mountain	MT-074-151a	11,380	Powell	Garnet.
Gallagher Creek	MT-074-151b	4,257	Powell	Garnet.
Quigg West	MT-074-155 [3]	520	Granite	Garnet.
Blind Horse Creek	MT-075-102	4,927	Teton	Headwaters.
Chute Mountain	MT-075-105 [3]	3,085	Teton	Headwaters.
Deep Cr./Battle Creek	MT-075-106 [3]	3,086	Teton	Headwaters.
North Fork, Sun River	MT-075-107 [3]	3,195	Teton	Headwaters.
Beaver Meadows	MT-075-110 [3]	595	Lewis & Clark	Headwaters.
Elkhorn	MT-075-114 [3]	3,585	Jefferson	Headwaters.
Black Sage	MT-075-115 [3]	5,976	Jefferson	Headwaters.
Yellowstone River Island	MT-075-133	53	Park	Headwaters.
Ruby Mountains	MT-076-001	26,357	Madison	Dillon.
Blacktail Mountains	MT-076-002	17,639	Beaverhead	Dillon.
East Fork, Blacktail Deer Creek	MT-076-007	6,180	Beaverhead	Dillon.
Hidden Pasture Creek	MT-076-022	15,475	Beaverhead	Dillon.
Bell/Limekiln Canyons	MT-076-026	9,568	Beaverhead	Dillon.
Henneberry Ridge	MT-076-028	9,755	Beaverhead	Dillon.
Farlin Creek	MT-076-034 [3]	1,280	Beaverhead	Dillon.
Tobacco Root Tack Ons	MT-076-063 [3]	880	Madison	Dillon.
Axolotl Lakes	MT-076-069	6,578	Madison	Dillon.
Madison Tack Ons	MT-076-079 [3]	1,469	Madison	Dillon.
Total for State	41	418,404		

See table II for superior reference numbers.

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Table II F.—*Nevada*

WSA Name	No.	Acreage	County	Resource area
Elko District				
Bluebell	NV-010-027	63,150	Elko	Wells.
Goshute Peak	NV-010-033	[illegible]	Elko	Wells
South Pequop	NV-010-035	[illegible]	Elko	Wells.
Cedar Ridge	NV-010-[illegible]	14,080	Elko	Elko.
Red Spring	NV-010-091	[illegible]	Elko	Elko.
Owyhee Canyon	NV-010-106	17,170	Elko	Elko.
Little Humboldt River	NV-010-132	40,100	Elko	Elko.
Rough Hills	NV-010-151	[illegible]	Elko	Elko.
Badlands	NV-010-184	9,000	Elko	Elko.
Winnemucca District				
East Fork High Rock Canyon	NV-020-006A,[2] CA-020-914	53,920	Washoe/Humboldt	Sonoma-Gerlach.
High Rock Lake	NV-020-007	[illegible]	Humboldt	Sonoma-Gerlach
Little High Rock Canyon	NV-020-008,[3] CA-020-913	52,143	Washoe/Humboldt	Sonoma-Gerlach.
Poodle Mountain	NV-020-012,[3] CA-020-618	127,829	Washoe/Humboldt	Sonoma-Gerlach.
Fox Mountain Range	NV-020-014	72,347	Washoe/Humboldt	Sonoma-Gerlach.
Calico Mountains	NV-020-019	[illegible]	Washoe/Humboldt	Sonoma-Gerlach.
Selenite Mountain	NV-020-200	[illegible]	Pershing	Sonoma-Gerlach.
Mount Limbo	NV-020-201	24,126	Pershing	Sonoma-Gerlach.
Tobin Range	NV-020-405	21,952	Pershing	Sonoma-Gerlach.
Blue Lakes	NV-020-600	[illegible]	Humboldt	Paradise-Denio.
South Jackson Mountains	NV-020-603	61,708	Humboldt	Paradise-Denio.
North Jackson Mountains	NV-020-606	25,780	Humboldt	Paradise-Denio.
Black Rock Desert	NV-020-620	333,111	Humboldt/Pershing	Paradise-Denio.
Pahute Peak	NV-020-621 [3]	55,052	Humboldt	Paradise-Denio.
North Black Rock	NV-020-622 [3]	[illegible]	Humboldt	Paradise-Denio.
McGee Mountain	NV-020-637 [3]	25,406	Humboldt	Paradise-Denio.
Pueblo Mountain	NV-020-642 [1]	600	Humboldt	Paradise-Denio.
North Fork Little Humboldt	NV-020-827	81,320	Humboldt/Elko	Paradise-Denio.
Disaster Peak	NV-020-859 [1]	18,200	Humboldt	Paradise-Denio
Carson City District				
Clan Alpine Mountains	NV-030-102	193,120	Churchill	Lahontan.
Stillwater Range	NV-030-104	92,053	Churchill	Lahontan.
Augusta Mountain	NV-030-108 [3]	93,200	Churchill, Pershing/Lander	Lahontan.
Desatoya Mountains	NV-030-110 [3]	48,150	Churchill	Lahontan.
Job Peak	NV-030-127	91,022	Churchill	Lahontan.
Gabbs Valley Range	NV-030-407	77,330	Mineral	Walker-Mina.
[illegible]	NV-030-430 [3]	27,560	Mineral	Walker-Mina.
Hontone Mine	NV-030-432 [3]	1,570	Mineral	Walker-Mina.
Burbank Canyons	NV-030-525A	13,395	Douglas	Walker-Mina.
Ely District				
Gosdhute Canyon	NV-040-015	35,100	White Pine	Egan.
Granite Springs	NV-040-029 [3]	23,400	White Pine	Schell.
Park Range	NV-040-154	[illegible]	Nye	Egan.
Riordan's Well	NV-040-166 [3]	[illegible]	Nye	Egan.
South Egan Range	NV-040-168 [3]	[illegible]	White Pine/Lincoln/Nye	Egan.
Mount Grafton	NV-040-169 [3]	54,500	White Pine/Lincoln	Evan.
Granite Springs	NV-040-066 [1 3]	23,400	White Pine	Schell.
Far South Egan	NV-040-172 [3]	[illegible]	Nye/Lincoln	Schell.
Fortification Range	NV-040-177	[illegible]	Lincoln	Schell.
Table Mountain	NV-040-197 [1]	[illegible]	Lincoln	Schell.
White Rock Range	NV-040-202	19,590	Lincoln	Schell.
Parsnip Peak	NV-040-206 [2]	77,000	Lincoln	Schell.
Worthington Mountains	NV-040-242 [2]	47,100	Lincoln	Schell.
Weepah Spring	NV-040-246	61,000	Lincoln/Nye	Schell.
Las Vegas District				
East Pahranagat	NV-050-031 [3]	16,200	Lincoln	Caliente-Virgin Valley.
South Pahrocs/Hiko	NV-050-032	[illegible]	Lincoln	Caliente-Virgin Valley.
Grapevine Spring	NV-050-039	84,935	Lincoln	Caliente-Virgin Valley.
Medsger Pass	NV-050-054 [3]	11,462	Lincoln	Caliente-Virgin Valley.
Meadow Valley Mountains	NV-050-056	185,744	Lincoln/Clark	Caliente-Virgin Valley.
Mormon Mountains	NV-050-061	162,887	Lincoln/clark	Caliente-Virgin Valley
Lower Pahranagat Lake	NV-050-065 [3]	3,350	Lincoln	Caliente-Virgin Valley
Tunnel Spring	NV-050-066 [1]	5,400	Lincoln	Caliente-Virgin Valley.
Delmar Mountains	NV-050-077	126,700	Lincoln	Caliente-Virgin Valley.
Evergreen	NV-050-01R-16 [3]	2,834	Lincoln	Caliente-Virgin Valley.
Fish & Wildlife No. 1	NV-050-0201 [3]	6,991	Lincoln/clark	Caliente-Virgin Valley.
Arrow Canyon Range	NV-050-0215	28,000	Clark	Caliente-Virgin Valley.
Fish & Wildlife No. 2	NV-050-0216 [3]	16,516	Clark	Caliente-Virgin Valley.
Fish & Wildlife No. 3	NV-050-0217 [3]	22,002	Clark	Caliente-Virgin Valley.
Muddy Mountains	NV-050-0229	89,000	Clark	Caliente-Virgin Valley.
Lime Canyon	NV-050-0231 [3]	30,747	Clark	Caliente-Virgin Valley.
Million Hills	NV-050-0233 [1 3]	11,523	Clark	Caliente-Virgin Valley.
Garrott Buttes	NV-050-0235 [3]	7,360	Clark	Caliente-Virgin Valley.
Jumbo Springs	NV-050-0236 [3]	3,811	Clark	Caliente-Virgin Valley.
Bonelli Peak	NV-050-0238 [3]	6,581	Clark	Caliente-Virgin Valley.
Siver Peak Range North	NV-050-0338	33,900	Esmeralda	Stateline-Esmeralda.
Pigeon Spring	NV-050-0350 [1]	3,575	Esmeralda	Stateline-Esmeralda.
Queer Mountain	NV-050-0354 [1 3]	81,550	Esmeralda	Stateline-Esmeralda.
Bonnie Claire Flat	NV-050-0355 [1 3]	69,000	Esmeralda/Nye	Stateline-Esmeralda
Porter Mine	NV-050-0368 [1 3]	6,089	Nye	Stateline-Esmeralda
Amargosa	NV-050-0369 [1 3]	12,453	Nye	Stateline-Esmeralda.
Nothing Flats	NV-050-0370 [1 3]	9,510	Nye	Stateline-Esmeralda.

Table II F.—*Nevada*—Continued

WSA Name	No	Acreage	County	Resource area
Las Vegas District—Continued				
Gem	NV-050-03R-22 [1 3]	2,153	Nye	Stateline-Esmeralda.
Mount Stirling	NV-050-0401	[illegible]	Nye/Clark	Stateline-Esmeralda.
Quail Springs	NV-050-0411	12,225	Clark	Stateline-Esmeralda.
LaMadre Mountains	NV-050-0412	[illegible]	Clark	Stateline-Esmeralda.
Resting Springs Range	NV-050-0480	3,850	Nye	Stateline-Esmeralda.
El Dorado	NV-050-0423 [3]	12,596	Clark	Stateline-Esmeralda.
North McCullough Mountains	NV-050-0425	52,258	Clark	Stateline-Esmeralda.
McCullough Mountains	NV-050-0435	[illegible]	Clark	Stateline-Esmeralda.
Ireteba Peaks	NV-050-0436 [3]	12,000	Clark	Stateline-Esmeralda.
Nellis	NV-050-04R-15 [3]	5,718	Clark	[illegible]
Battle Mountain District				
Kawich	NV-060-019	27,360	Nye	Tonopah.
Rawhide Mountain	NV-060-059	64,360	Nye	Tonopah.
th Reveille	NV-060-112	106,200	Nye	Tonopah.
nsade Mesa	NV-060-142/182	99,550	Nye	Tonopah.
Blue Eagle	NV-060-158/199 [3]	59,560	Nye	Tonopah.
The Well	NV-060-183	38,000	Nye	Tonopah.
Grant Range	NV-060-186 [3]	5,840	Nye	Tonopah.
Fandango	NV-060-190	40,940	Nye	Tonopah.
Morey	NV-060-191	20,120	Nye	Tonopah
Antelope	NV-060-231/241 [3]	87,400	Nye	Shoshone-Eureka.
Simpson Park	NV-060-428	48,670	Lander	Shoshone-Eureka.
Roberts	NV-060-541	15,090	Eureka	Shoshone-Eureka.
Susanville (Calif.) District				
Five Springs	CA-020-609 [1]	1,360	Washoe	Surprise.
Skedaddle Mountain	CA-020-612 [1]	120	Washoe	Surprise.
Dry Valley Rim	CA-020-615 [1]	76,085	Washoe	Surprise.
Buffalo Hills	CA-020-619 [1]	39,135	Washoe	Surprise.
Twin Peaks	CA-020-619A [1]	67,285	Washoe	Surprise.
Wall Canyon	CA-020-805	45,790	Washoe	Surprise.
Yellow Rock Canyon	CA-020-913A	13,050	Washoe	Surprise.
High Rock Canyon	CA-020-913B	33,985	Washoe	Surprise.
Sheldon Contiguous	CA-020-1012 [1 3]	24,130	Washoe	Surprise.
Massacre Rim	CA-020-1013	110,000	Washoe	Surprise.
Total for State	110	5,125,997		

See Table II for superior reference numbers.

Table II G.—*New Mexico*

WSA name	Number	Acreage	County	Resource area
Albuquerque District				
Denazin	NM-010-004	19,000	San Juan	Farmington.
Ah-She-She-Pah	NM-010-009	5,000	San Juan	Farmington.
Ignacio Chavez	NM-010-020 [3]	32,248	McKinley/Sandoval	Rio Puerco.
Chamisa	NM-010-021	11,091	Sandoval	Rio Puerco.
Cabezon	NM-010-022	7,235	Sandoval	Rio Puerco.
Ojito	NM-010-024	11,200	Sandoval	Rio Puerco.
San Antonio	NM-010-035	7,050	Rio Arriba	Taos.
Sabinosa	NM-010-055	15,760	San Miquel	Taos.
Bisti	NM-010-057	3,520	San Juan	Farmington.
Navajo Peak	NM-010-059 [3]	7,750	Rio Arriba	Taos
Emperdrado	NM-010-063	8,419	Sandoval	Rio Puerco.
La Lena	NM-010-063A	9,378	Sandoval	Rio Puerco.
Manzano	NM-010-092 [3]	845	Torrance	Rio Puerco
Socorro District				
Rimrock	NM-020-007	29,430	Valencia	San Augustine.
Sand Canyon	NM-020-008	8,320	Valencia	San Augustine.
Little Rim Rock	NM-020-009	9,540	Valencia	San Augustine.
Pinyon	NM-020-010	13,160	Valencia	San Augustine.
Petaca Pinta	NM-020-014	12,400	Valencia	San Augustine.
Sierra Ladrones	NM-020-016	[illegible]	Socorro	Jornada.
Manta Blanca	NM-020-018	[illegible]	Catron	Jornada.
Eagle Peak	NM-020-019	43,520	Catron	Jornada.
Veranito	NM-020-035	7,450	Socorro	Jornada.
Sierra Las Canas	NM-020-038	11,000	Socorro	Jornada.
Stallion	NM-020-040	22,000	Socorro	Jornada.
Horse Mountain	NM-020-043	5,140	Catrono	Jornada.
Continental Divide	NM-020-044	70,000	Catron	Jornada.
Devil's Backbone	NM-020-047A [3]	[illegible]	Socorro	Jornada.
Devil's Reach	NM-020-047B [3]	860	Socorro	Jornada.
Journada De Muerto	NM-020-055 [3]	25,260	Socorro	Jornada.
Las Cruces District				
Cowboy Spring	NM-030-007	6,710	Hidalgo	Las Cruces—Lordsburg
Gila Box	NM-030-023	7,980	Grant/Hidalgo	Las Cruces—Lordsburg
Blue Creek	NM-030-026	13,584	Grant/Hidalgo	Las Cruces—Lordsburg

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Table II G.—*New Mexico*—Continued

WSA name	Number	Acreage	County	Resource area
	Las Cruces District—Continued			
Cooke Range	NM-030-031	19,870	Luna	Las Cruces—Lordsburg.
Big Hatchet Mtns	NM-030-035	65,950	Hidalgo	Las Cruces—Lordsburg.
Alamos Hueco Mtns	NM-030-036	30,840	Hidalgo	Las Cruces—Lordsburg.
Cedar Mtns	NM-030-042	16,680	Luna	Las Cruces—Lordsburg.
West Potrillo Mtns./Mt Riley	NM-030-052A&C	Luna/Dona Ana 150,546		Las Cruces—Lordsburg.
Aden Lava Flow	NM-030-053	24,725	Dona Ana	Las Cruces—Lordsburg.
Robledo Mtns	NM-030-063	11,640		Las Cruces—Lordsburg.
Las Uvas Mtns	NM-030-065	10,680	Dona Ana	Las Cruces—Lordsburg.
Organ Mtns	NM-030-074	7,200	Dona Ana	Las Cruces—Lordsburg.
Jornada Del Muerto	NM-030-081 [2]	3,659	Sierra	White Sands.
Secramento Escarpment	NM-030-104 [2]	3,510	Otero	White Sands.
Brokeoff Mtns	NM-030-112 [2]	26,600	Otero	White Sands.
Guadalupe Escarpment	NM-030-114 [2]	7,053	Otero	White Sands.
Culp Canyon	NM-030-152	10,937	Otero	White Sands.
Peloncillo Mtns	AZ-030-060 [1 2]	4,061	Hidalgo	Las Cruces—Lordsburg.
Apache Box	AZ-040-076 [2]	932	Grant	Las Cruces—Lordsburg.
	Roswell District			
Little Black Peak	NM-060-109	15,570	Lincoln	Roswell.
Carrizozo Lava Flow	NM-060-110A	11,000	Lincoln	Roswell.
Mudgetts	NM-060-819/819A [3]	2,941	Eddy	Carlsbad.
Total for State	51	909,406		

See table II for superior reference numbers.

Table II H.—*Oregon/Washington*

WSA Name	Number	Acreage	County	Resource area
	Oregon			
	Lakeview District			
Devils Garden Lava Bed	OR-001-02	29,640	Lake	High Desert.
Squaw Ridge Lava Bed	OR-001-03	28,320	Lake	High Desert.
Four Craters Lava Bed	OR-001-22	12,120	Lake	High Desert.
Sand Dunes	OR-001-24	15,520	Lake	High Desert.
Diablo Mountain	OR-001-58	113,120	Lake	High Desert.
Orejana Rim	OR-001-76	22,800	Harney	Warner Lakes.
Abert Rim	OR-001-101	22,240	Lake	Warner Lakes.
Monument Flat	OR-001-117B	18,720	Lake	Warner Lakes.
Guano Creek	OR-001-132	10,560	Lake	Warner Lakes.
Spaulding Reservoir	OR-001-139B	65,720	Lake and Harney	Warner Lakes.
Hawksie Walkaie	OR-001-146A [2 3]	68,360	Harney	Warner Lakes/Andrews.
Hawksie Walkaie	OR-001-146B [2 3]	8,520	Harney	Warner Lakes.
	Burns District			
Malheur River-Bluebucket Creek	OR-002-14A	5,560	Harney	Riley.
Stonehouse	OR-002-23L [2]	21,000	Harney	Riley/Andrews.
Stonehouse	OR-002-23M	8,080	Harney	Andrews.
Sheepshead Mountains	OR-002-72C [2]	54,190	Harney and Malheur	Andrews/Southern Malheur.
Sheepshead Mountains	OR-002-72D [2]	35,000	Malheur	Andrews/Southern Malheur.
Sheepshead Mountains	OR-002-72F	20,330	Harney	Andrews.
Sheepshead Mountains	OR-002-72I	38,855	Harney/Malheur	Andrews.
Sheepshead Mountains	OR-002-72J	7,755	Harney	Andrews.
Winter Range	OR-002-73A	21,395	Harney	Andrews.
Winter Range	OR-002-73H	14,640	Harney/Malheur	Andrews.
Alvord Desert	OR-002-74F [2]	223,870	Harney/Malheur	Andrews/Southern Malheur.
Mahogany Ridge	OR-002-77B	27,370	Harney	Andrews.
Red Mountain (Part of OR-003-153)	OR-002-78D	2,720	Harney	Andrews.
Red Mountain	OR-002-78F	14,730	Harney	Andrews.
Pueblo Mountains	OR-002-81L [1]	67,430	Harney	Andrews.
Rincon	OR-002-82H [3]	97,395	Harney	Andrews and Warner Lakes.
Alvord Peak	OR-002-83A	14,655	Harney	Andrews.
Basque Hills	OR-002-84 [2]	138,420	Harney	Andrews/Winter Lakes.
South Steens	OR-002-85F	85,940	Harney	Andrews.
South Steens	OR-002-85G	35,850	Harney	Andrews.
South Steens	OR-002-85H	24,990	Harney	Andrews.

Table II H.—*Oregon/Washington*—Continued

WSA Name	Number	Acreage	County	Resource area
	Burns District—Continued			
Bitzen River	OR-002-86E	52,080	Harney	Andrews.
Bitzen River	OR-002-86F	9,380	Harney	Andrews.
Bridge Creek	OR-002-87I	14,060	Harney	Andrews.
Strawberry Mountain	OR-002-96A [3]	180	Grant	John Day.
Strawberry Mountain	OR-002-98C [3]	720	Grant	John Day.
Strawberry Mountain	OR-002-98D [3]	208	Grant	John Day.
Aldrich Mountain	OR-002-103	9,395	Grant	John Day.
	Vale District			
Castle Rock	OR-003-18	7,100	Harney/Malheur	Northern Malheur.
Beaver Dam Creek	OR-003-27	18,900	Malheur	Northern Malheur.
Camp Creek	OR-003-31	19,100	Malheur	Northern Malheur.
Cottonwood Creek	OR-003-32	7,900	Malheur	Northern Malheur.
Cold Creek	OR-003-33A	13,400	Malheur	Northern Malheur.
Cherry Creek	OR-003-35	5,300	Malheur	Northern Malheur.
Cedar Mountain	OR-003-47	46,300	Malheur	Northern Malheur.
Dry Creek	OR-003-53	22,800	Malheur	Northern Malheur.
Dry Creek Buttes	OR-003-56	51,000	Malheur	Northern Malheur.
Owyhee Breaks	OR-003-59 [2]	12,800	Malheur	Northern Malheur/Southern Malheur.
Blue Canyon	OR-003-73	12,800	Malheur	Northern Malheur.
Upper Leslie Gulch	OR-003-74A	3,000	Malheur	Northern Malheur.
Slocum Creek	OR-003-75	7,600	Malheur	Northern Malheur.
Honeycombs	OR-003-77A	38,200	Malheur	Northern Malheur.
Honeycombs	OR-003-77B	12,500	Malheur	Northern Malheur.
Lower Owyhee Canyon	OR-003-110 [2]	73,200	Malheur	Northern Malheur/Southern Malheur.
Saddle Butte	OR-003-111	87,500	Malheur	Southern Malheur.
Palomino Hills	OR-003-114	54,700	Malheur	Southern Malheur.
Bowden Hills	OR-003-118A	59,000	Malheur	Southern Malheur.
Clarks Butte	OR-003-120	91,500	Malheur	Southern Malheur.
Jordan Craters	OR-003-128A	28,700	Malheur	Southern Malheur/Andrews.
Willow Creek	OR-003-152 [2]	29,800	Harney/Malheur	Southern Malheur.
Disaster Peak (Part of OR-002-78D)	OR-003-153 [1 2]	13,300	Harney/Malheur	Southern Malheur/Andrews.
Fifteenmile	OR-003-156A	48,500	Malheur	Southern Malheur.
Oregon Canyon	OR-003-157	41,900	Malheur	Southern Malheur.
Twelvemile	OR-003-162A	27,100	Malheur	Southern Malheur.
Upper West Little Owyhee	OR-003-173A	87,200	Malheur	Southern Malheur.
	Prineville District			
Thirtymile	OR-005-01	7,560	Sherman/Gilliam	Central Oregon.
Lower John Day	OR-005-06	19,370	Sherman/Gilliam	Central Oregon.
North Pole Ridge	OR-005-08	6,062	Sherman/Gilliam	Central Oregon.
Spring Basin	OR-005-09	5,982	Wheeler	Central Oregon.
Steelhead Falls	OR-005-14 [2]	3,114	Deschutes/Jefferson	Deschutes.
Badlands	OR-005-21	32,053	Deschutes/Crook	Deschutes.
North Fork	OR-005-31A	10,745	Crook	Central Oregon.
South Fork	OR-005-33	19,631	Crook	Central Oregon.
Sand Hollow	OR-005-34	8,791	Crook	Central Oregon.
Gerry Mountain	OR-005-35	20,700	Crook	Central Oregon.
Hampton Butte	OR-005-42A	10,600	Crook/Deschutes	Central Oregon.
Cougar Well	OR-005-43	17,315	Crook/Deschutes	Central Oregon.
	Baker District			
McGraw Creek	OR-006-01 [3]	1,810	Wallowa	Baker.
Homestead	OR-006-02 [3]	10,700	Baker	Baker.
Sheep Mountain	OR-006-03	6,350	Baker	Baker.
Cache Creek Ranch	OR-006-10 [2 3]	1,960	Wallowa	Grand Ronde.
	Medford District			
Mountain Lakes	OR-011-01 [3]	320	Klamath	Klamath.
Soda Mountain	OR-011-17	5,640	Jackson	Klamath.
	Coos Bay District			
North Sisters Rock	OR-012-08A	3	Curry	Myrtlewood.
Zwagg Island	OR-012-14A	5	Curry	Myrtlewood.
Total for State	87	2,491,539		
	Washington			
	Spokane District			
Chopaka Mountain	OR-013-02	5,520	Okanogan	Border.
Little Patos Island	OR-013-24	15	San Juan	Border.

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Table II H.—*Oregon/Washington*—Continued

WSA Name	Number	Acreage	County	Resource area
Baker District				
Cache Creek Ranch	OR-008-10 [1] [3]	975	Asotin	Grande Ronde.
Total for State	3	8,610		

See table II for superior reference numbers.

Table II I.—*Utah*

WSA name	Number	Acreage	County	Resource area
Salt Lake District				
Deep Creek Mtns	UT-020-000 [2]	68,910	Tooele	Pony Express. House Range.
North Stansbury Mtns	UT-020-089 [3]	10,480	Tooele	Pony Express.
Cedar Mtns	UT-020-094	50,500	Tooele	Pony Express.
Big Hollow	UT-020-105 [3]	3,593	Tooele	Pony Express.
Cedar City District				
Cottonwood Canyon	UT-040-046 [3]	11,330	Washington	Dixie.
Starvation Point	UT-040-057 [1]	8,575	Washington	Dixie.
Steep Creek	UT-040-061 [3]	22,034	Garfield	Escalante.
Carcass Canyon	UT-040-076	46,711	Garfield	Escalante.
Mud Spring Canyon	UT-040-077 [2]	36,075	Kane/Garfield	Kanab/Escalante.
Fifty Mile Mtn	UT-040-080 [3]	145,143	Kane/Garfield	Escalante.
Scorpion	UT-040-082 [3]	35,984	Kane/Garfield	Escalante.
Cougar Canyon	UT-040-123 [1]	10,568	Washington	Dixie.
Red Mountain	UT-040-132	18,250	Washington	Dixie.
Cansan Mountain	UT-040-143 [1] [3]	47,170	Washington/Kane	Dixie/Kanab.
Orderville Canyon	UT-040-145 [3]	1,750	Kane	Kanab.
Deep Creek	UT-040-146 [3]	3,320	Washington	Dixie.
Red Butte	UT-040-147 [3]	804	Washington	Dixie.
Spring Canyon	UT-040-148 [3]	4,433	Iron	Beaver River.
The Watchman	UT-040-149 [3]	800	Washington	Dixie.
North Fork Virgin River	UT-040-150	1,040	Kane	Kanab.
LaVerkin Creek Canyon	UT-040-153 [3]	567	Washington	Dixie.
Taylor Creek Canyon	UT-040-154 [3]	35	Washington	Dixie.
Goose Creek Canyon	UT-040-176 [3]	89	Washington	Dixie.
Beartrap Canyon	UT-040-177 [3]	40	Washington	Dixie.
White Rock Range	UT-040-216 [1]	2,500	Beaver	Beaver River.
Mocurth Mtn	UT-040-217 [1]	14,830	Kane	Kanab.
Parunuweap Canyon	UT-040-230 [3]	30,890	Kane	Kanab.
Pane-Hackberry	UT-040-247	135,822	Kane	Kanab.
The Blues	UT-040-268 [3]	19,030	Garfield	Kanab.
Richfield District				
Conger Mtn	UT-050-035	22,853	Millard	Warm Springs.
Swasey Mtn	UT-050-061	49,500	Millard/Juab	House Range.
King Top	UT-050-070	84,771	Millard	Warm Springs.
Wah Wah Mountains	UT-050-073 [2]	35,700	Millard	Warm Springs/ Beaver River
Howell Peak	UT-050-077	23,825	Millard	Warm Springs.
Notch Peak	UT-050-078	51,130	Millard	Warm Springs.
Fish Springs Range	UT-050-127	52,500	Juab	House Range
Rockwell	UT-050-186	9,151	Juab	House Range
Fremont Gorge	UT-050-221 [3]	2,540	Wayne	Henry Mountains.
Dirty Devil	UT-050-236AB [3]	86,000	Wayne/Garfield	Henry Mountains.
Horseshoe Canyon	UT-050-237 [2]	38,800	Wayne	Henry Mountains.
Blue Hills—Mt. Ellen	UT-050-238	54,480	Wayne/Garfield	Henry Mountains.
Fiddler Butte	UT-050-241 [3]	27,000	Garfield	Henry Mountains.
Bull Mountain	UT-050-242	11,800	Wayne/Garfield	Henry Mountains.
Little Rockies	UT-050-247 [3]	35,700	Garfield	Henry Mountains.
Mt. Pennell	UT-050-248	27,300	Garfield	Henry Mountains.
Mt. Hillers	UT-050-249	20,000	Garfield	Henry Mountains.
Moab District				
Muddy Creek	UT-060-007	31,360	Emery	San Rafael.
Sids Mountain	UT-060-023	80,970	Emery	San Rafael.
Devil Canyon	UT-060-025	9,610	Emery	San Rafael.
Crack Canyon	UT-060-028A	25,315	Emery	San Rafael.
San Rafael Reef	UT-060-029A	55,540	Emery	San Rafael.
Horseshoe Canyon	UT-060-045 [3]	20,550	Emery	San Rafael
Mexican Mountain	UT-060-054 [3]	60,380	Emery	Price River/San Rafael
Turtle Canyon	UT-060-067	33,870	Emery	Price River.
Desolation-Gray Canyon	UT-060-068A [2]	217,130	Carbon/Emery/Grand	Price River/ Grand
Diamond Canyon	UT-060-100B	46,240	Grand	Grand.
Cottonwood Canyon	UT-060-100C	62,900	Grand	Grand.
Wrigley Mesa/Jone Canyon	UT-060-116/117	5,100	Grand	Grand.
Star Marble Canyon	UT-060-118 [1]	30,800	Grand	Grand.
South Lost Spring Canyon	UT-060-131A [3]	3,880	Grand	Grand.
Mill Creek	UT-060-139A	10,320	Grand/San Juan	Grand.
Behind the Rocks	UT-060-140A	12,930	Grand/San Juan	Grand.
Lockhart Basin	UT-060-164 [2]	7,300	San Juan	San Juan.
Bridger Jack Mesa	UT-060-167	5,300	San Juan	San Juan.

Table II I.—*Utah*—Continued

WSA name	Number	Acreage	County	Resource area
Moab District—Continued				
Butler Wash	UT-060-169 [3]	22,120	San Juan	San Juan.
Middle Point	UT-060-175	5,990	San Juan	San Juan
Pine Canyon	UT-060-186	11,300	San Juan	San Juan.
Cheese Box Canyon	UT-060-191	15,410	San Juan	San Juan.
Bullet Canyon	UT-060-198	8,730	San Juan	San Juan.
Sicklhorn/John's Canyon	UT-060-107/198	46,800	San Juan	San Juan.
Road Canyon	UT-060-201	34,740	San Juan	San Juan
Fish Creek Canyon	UT-060-204	46,530	San Juan	San Juan
Mule Canyon	UT-060-205B [3]	5,320	San Juan	San Juan.
Sheiks Canyon	UT-060-224	3,070	San Juan	San Juan.
Squaw Canyon	UT-060-227 [3]	8,580	San Juan	San Juan.
Cross Canyon	UT-060-229 [1]	1,000	San Juan	San Juan
Vernal District				
Cold Springs Mtn	UT-080-103	235	Daggett	Diamond Mtn
Diamond Breaks	UT-080-113 [1]	3,900	Daggett	Diamond Mtn.
Daniel's Canyon	UT-080-414 [3]	2,475	Uintah	Book Cliffs
Bull Canyon	UT-080-419 [3]	580	Uintah	Book Cliffs.
Total for State	90	2,307,538		

See table II for superior reference numbers

Table II J.—*Wyoming*

WSA name	Number	Acreage	County	Resource area
Worland District				
Owl Creek	WY-010-104A/B/C [3]	710	Hot Springs	Grass Creek.
Bobcat Draw Badlands	WY-010-126	17,150	Washakie	Grass Creek.
Sheep Mountain	WY-010-130	23,250	Big Horn	Grass Creek.
Red Butte	WY-010-131	11,350	Big Horn	Grass Creek.
Honeycombs	WY-010-221A	21,000	Big Horn	Washakie.
Cedar Mountain	WY-010-222A	21,570	Washakie	Washakie.
South Paint Rock	WY-010-236A [3]	660	Washakie	Washakie.
Paint Rock	WY-010-239A [3]	2,770	Big Horn	Washakie.
Medicine Lodge	WY-010-240A [3]	7,740	Big Horn	Washakie.
Alkali Creek	WY-010-241C	10,100	Big Horn	Washakie.
Trapper Creek	WY-010-242a	7,200	Big Horn	Washakie.
McCullough Peaks	WY-010-335a	25,210	Park	Cody.
Pryor Mountain	MT-067-206 [4] [5]	4,352	Big Horn	Cody.
Big Horn Tack-On	MT-067-207 [4] [5]	80	Big Horn	Cody.
Rawlins District				
Sweetwater Canyon	WY-030-101	9,056	Fremont	Lander.
Dubois Badlands	WY-030-109	4,520	Fremont	Lander.
Whiskey Mountain	WY-030-110 [3]	487	Fremont	Lander.
Copper Mountain	WY-030-111	6,858	Fremont	Lander
Sweetwater Rocks	WY-030-120	6,316	Fremont	Lander.
Sweetwater Rocks	WY-030-122	12,789	Fremont	Lander.
Sweetwater Rocks	WY-030-123A	7,041	Fremont	Lander.
Sweetwater Rocks	WY-030-123A	6,429	Fremont	Landers.
Encampment River Canyon	WY-030-301	3,380	Carbon	Medicine Bow.
Prospect Mountain	WY-030-303A [3]	1,099	Carbon	Medicine Bow.
Bennett Mountains	WY-030-304	5,722	Carbon	Medicine Bow.
Pedro Mountains	WY-030-305	5,390	Carbon	Medicine Bow.
Adobe Town	WY-030-401 [2]	33,000	Sweetwater	Divide.
Ferris Mountains	WY-030-407	20,495	Carbon	Divide.
Rock Springs District				
East Fork	WY-040-106 [3]	1,415	Sublette	Pinedale.
Lake Mountain	WY-040-110	13,970	Sublette	Pinedale.
Raymond Mountains	WY-040-221	32,236	Lincoln	Pinedale.
Buffalo Hump	WY-040-306	10,300	Sweetwater	Big Sandy.
Sand Dunes	WY-040-307	27,200	Sweetwater	Big Sandy.
Alkali Draw	WY-040-311	10,990	Sweetwater	Big Sandy.
South Pinnacles	WY-040-313	10,826	Sweetwater	Big Sandy.
Alkali Basin-East Sand Dunes	WY-040-316, 317	12,800	Sweetwater	Big Sandy.
Red Lake	WY-040-318	9,515	Sweetwater	Big Sandy.
Honeycomb Buttes	WY-040-323	41,620	Sweetwater	Big Sandy.
Oregon Buttes	WY-040-324	5,700	Sweetwater	Big Sandy
Whitehorse Creek	WY-040-325	4,028	Fremont	Big Sandy.
Mill Creek	WY-040-335 [3]	1,300	Sublette	Big Sandy.
Devils Playground	WY-040-401	15,646	Sweetwater	Salt Wells.
Twin Buttes	WY-040-402	8,830	Sweetwater	Salt Wells.
Red Creek Badlands	WY-040-406, 407, 410	7,100	Sweetwater	Salt Wells.
Adobe Town	WY-040-408 [2]	52,710	Sweetwater	Salt Wells.
Casper District				
Gardner Mountain	WY-060-201A	6,423	Johnson	Platte
North Fork Powder River	WY-060-202	10,088	Johnson	Buffalo.
Fortification Creek	WY-060-204	12,419	Johnson/Campbell	Buffalo.
Total for State	48	577,241		

See table II for superior reference numbers

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Table III.—*Instant Study Areas (ISA's)* [1]

District	State	Name	Acreage ISA	Acreage Contiguous	Acreage BLM total	Remarks	Resource area	County
Anchorage	Alaska	Halibut Cove	120	0	120	Study subject to legal review of Alaska Land Legislation passed 12/80.	Cook Inlet	Kenai (Borough)
Subtotal					120			
Safford	Arizona	Aravaipa	4,044	2,626	6,670	All one area; total roadless is 6,899 acres.	Gila	Pinal/Graham.
Arizona Strip	do	Big Sage	180	0	180	Contiguous land found to have no wilderness characteristics and was dropped from further wilderness review.	Vermillion	Coconino.
Do	do	Paiute	35,092	256	35,382	Part of Virgin River and Lime Hills WSA's; total roadless area is 49,382 acres.	Shivwits	Do.
Do	do	Paria	18,855	0	18,855	Contiguous to Paria Plat., Overlook, Cedar mts., Paria Rim, Judd Hollow and Ferry Swale WSA's and Vermillion Cliffs ISA; total roadless acreage in Arizona is 239,795 acres. Utah contiguous acreage is 21,470 acres admin. from Arizona.	Vermillion	Do.
Do	do	Turbinella Oak	154	0	154	Part of Sand Cove, WSA; total roadless acreage is 33,960 acres.	Shivwits	Do.
Do	do	Vermillion Cliffs	50,135	0	50,135	See Paria ISA	Vermillion	
Subtotal					111,356			
Redding	California	Baker Cypress/Lava Rock.	1,148	0	1,148	Part of Timber Crater WSA; total roadless size is 18,690 acres of public land.	Ishi	Shasta.
Susanville	do	Bitterbrush	640	0	640	Part of Buckhorn Inventory unit CA-020-604, which was dropped from further wilderness review.	Eagle Lake	Lassen.
Ukiah	do	Chemise Mt.	3,941	0	3,941	Part of King Range Conservation Area.	Mendocino	Mendocino.
Bakersfield	do	Negit Island	197	0	197	Isolated ISA total roadless acres is 197.	Bishop	Mono.
Do	do	Paiute Cypress	760	2,818	3,578	All one area i.e., total roadless WSA is 3,578 acres.	Caliente	Kern.
Folsom	do	San Benito	1,500	0	1,500	Contiguous to unit CA-040-309 land found not to have wilderness characteristics and was dropped from further wilderness review.	Hollister	San Bernardino.
Subtotal					11,004			
Canon City	Colorado	High Mesa	880	0	880	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Royal Gorge	Fremont.
Montrose	do	Needle Rock	80	0	80	do	San Juan	Delta.
Craig	do	N. Sand Dunes	791	0	791	do	Kremmling	Jackson.
Montrose	do	Powderhorn	40,480	9,660	50,140	All one area; total roadless WSA is 50,140 acres.	Gunnison Basin	Gunnison.
Do	do	Rare Lizard and Snake.	443	0	443	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	San Juan	Montezuma.
Subtotal					52,134			
Borse	Idaho	Birds of Prey	26,713	135,022	26,713	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Owyhee/Bruneau	Ada/Owyhee/ Elmore.
Idaho Falls	do	Chain Cup Buttle	160	15,950	160	do	Big Buttle	Buttle/Blaine/ Bingham.
Idaho Falls/ Shoshone.	do	Great Rift	160	374,240	374,400	All one area; total roadless WSA is 374,400 acres.	Big Buttle Monument	Blaine/Minidoka/ Buttle/Power.
Subtotal					401,273			
Butte	Montana	Bear Trap	2,861	1,154	4,015	Inventory decision deferred	Dillon	Madison.
Do	do	Centennial Mountain	21,774	8,256	30,030	do	do	Do.
Do	do	Humbug Spires	7,041	4,261	11,302	do	do	Do.
Lewistown	do	Square Buttle	1,947	0	1,947	No contiguous public land to designated natural area.	Judith	Fergus.
Subtotal					47,294			
Ely	Nevada	Bristlecone	480	0	480	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Egan	White Pine.
Do	do	Goshute Canyon	7,524	209,350	35,100	All one area; total area is 216,874 acres only 35,100 acres were found to have wilderness characteristics.	do	Do.
Winnemucca	do	Lahontan Cutthroat Trout.	12,316	29,945	41,661	Part of large road wilderness characteristics, however, only 29,945 acres were found to have wilderness characteristics.	Sonome Gerlach	Humbbolt.
Battle Mountain	do	Mountain Meadow	22	0	640	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Shoshone/Eureka	Nye.
Las Vegas	do	Pine Creek	240	23,760	24,000	All one area; total roadless WSA is 24,000 acres.	Stateline/Esmeralda	Clark.

Table III.—*Instant Study Areas (ISA's)* [1]—Continued

District	State	Name	Acreage ISA	Acreage Contiguous	Acreage BLM total	Remarks	Resource area	County
Las Vegas	Nevada	Pinyon-Joshua	640	0	640	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	do	Esmeralda.
Ely	do	Pygmy Sage	160	0	160	Contiguous land found not to have wilderness characteristics and was droped from further wilderness review.	Schell	White Pine.
Do	do	Swamp Cedar	3,200	0	3,200	do	Schell	Do.
Do	do	Shoshone Ponds	1,240	0	1,240	do	do	Do.
Las Vegas	do	Sunrise Mtn	10,240	0	10,240	do	Caliente/Virgin Valley.	Clark.
Do	do	Virgin Mtn	6,560	0	6,560	do	do	White Pine.
Subtotal					123,303			
Roswell	New Mexico	Mathers	640	19,520	19,880	All one area; total roadless WSA is 19,880 acres.	Carlsbad	Chaves.
Las Cruces	do	Guadalupe	3,692	[2] 454	6,960	Part of larger area being jointly studied with USFS.	Las Cruces/ Lordsburg.	Hidalgo.
				[2] 4,814		USFS has 15,850 and BLM has 8,950 acres.		
Socorro	do	El Malpais	84,000	31,000	115,000	All one area; total roadless WSA is 115,000 acres.	Jornada	Valencia.
Subtotal					143,840			
Medford	Oregon	Brewer Spruce	210	1,500	210	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Grants Pass	Josephine.
Coos Bay	do	Douglas Fir	590	511	590	do	Burnt Mtn	Coos.
Salem	do	Little Sink	80	0	80	do	Yamhill	Polk.
Lakeview	do	Lost Forest	8,660	14,520	7,960	1,000 acres of IRS is included in Sand Dunes WSA; total roadless acres. Remaining 7,960 acres of ISA will be reported separately. Remaining pacels contiguous to ISA were found not to have characteristics.	High Desert	Lake.
Prineville	do	Western Juniper	600	0	600	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Deschutes	Deschutes.
Subtotal	do				9,440			
Moab	Utah	Book Cliffs	400	0	400	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Book Cliffs	Uintah.
Do	do	Dark Canyon	49,904	0	49,904	Contiguous to Middle Point WSA; total roadless area 55,894 acres.	San Juan	San Juan.
Cedar City	do	Devils Garden	640	0	640	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Escalante	Garfield.
Moab	do	Grand Gulch	34,928	0	34,928	Contiguous to Pine Canyon, Slickhorn Canyon, Bullet Canyon, Sheiks Canyon WSA's; total roadless area is 104,826 acres.	San Juan	San Juan.
Cedar City	do	Joshua Tree	1,040	0	1,040	Contiguous land found not to have wilderness characteristics and was dropped from further wilderness review.	Dixie	Washington.
Moab	do	Link Flats	792	0	792	Contiguous to Devil's Canyon WSA; total roadless area is 10,522 acres. Two contiguous areas found not to have wilderness characteristics.	San Rafael	Emery/Wayne.
Cedar City	Utah	Escalante Canyon	1,160			Four ISA's are contiguous in one roadless area, total roadless area is 202,433 acres.	Escalante	Kane/Garfield.
		N. Escalante Canyon.	5,800					
		The Gulch	3,427	118,641	163,216			
		Phipps Death Hollow.	34,288					
		Paria	8,660	12,810	21,470	Part of ISA and contiguous acreage is in Utah but is administered by Arizona.	Kanab	Kane.
Subtotal					272,390			
Rock Springs	Wyoming	Scab Creek	6,680	956	7,636	All one area; total roadless WSA is 7,636 acres.	Pinedale	Sublette
Subtotal					7,636			

[1] Figure represents final decisions, some of which are subject to protest and appeal. There may be changes in acreage at a later date as a result of decisions on protests and appeals.
[2] New Mexico.
[3] Arizona.

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Appendix A—State Offices

U.S. Department of the Interior, Bureau of Land Management

Alaska
701 C Street, P.O. box 13, Anchorage, AK 99513
Arizona
2400 Valley Bank Center, Phoenix, AZ 85073
California
Federal Building, 2800 Cottage Way, Sacramento, CA 95825
Colorado
Colorado State Bank Building, 1600 Broadway, Denver, CO 80202
Eastern States Office
350 S. Pickett Street, Alexandria, VA 22304
Idaho
Federal Building, 550 West Fort Street, P.O. Box 042, Boise, ID 83724
Montana
222 N. 32nd Street, P.O. Box 30157, Billings, MT 59107
Nevada
Federal Building, 300 Booth Street, Reno, NV 89520
New Mexico
U.S. Post Office and Federal Building, P.O. Box 1449, Santa Fe, NM 87501
Oregon
729 N.E. Oregon Street, P.O. Box 2965, Portland, OR 97208
Utah
University Club Building, 136 East South Temple, Salt Lake City, UT 84111
Wyoming
2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82001

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federal register

Tuesday
March 3, 1981

Part III

Environmental Protection Agency

Pesticide Registration, Reregistration, and Classification Procedures; Clarification of Policies on Special Packaging

V 4 6 / 4 1 M R 3 8 1 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[PH-FRL 1744-1; OPP 250011B]

Pesticide Registration, Reregistration, and Classification Procedure; Clarification of Policy Issues on Special Packaging

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: This interpretation of the child-resistant packaging regulation (40 CFR 162.16) provides clarification on several aspects of the regulation. This interpretation became necessary because the pesticide industry had raised a number of questions which the agency feels can best be resolved by this publication. It is intended that through these clarifications the affected pesticide registrants will be in a better position to comply with the regulation by March 9, 1981, when it becomes effective.

FOR FURTHER INFORMATION CONTACT: Rosalind L. Gross, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 307, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7181).

SUPPLEMENTARY INFORMATION: On March 9, 1979, the Environmental Protection Agency (EPA) issued final regulations which require certain toxic pesticides to be in special, i.e., child-resistant, packaging after March 9, 1981. The regulations are now contained in 40 CFR 162.16. Because so many registrants have had questions about the implementation of these regulations, EPA has decided to publish this Notice, to answer those questions and to clarify the regulations in areas where they might be unclear. These clarifications can be used immediately in order to amend registrations with respect to child-resistant packaging. Where EPA proposes to amend the regulations, those amendments will of course become effective after full notice and comment rulemaking.

A. Eye and Skin Irriation Criteria

Many questions were received concerning the conduct and interpretation of eye and skin irritation studies. As indicated in the preamble to the final regulations (44 FR 13021), testing for a pesticide's eye and skin irritation effects should be done in accordance with the National Academy of Science/National Research Council Publication 1138 protocols.

B. "Inherently Child-Resistant" Products

A number of registrants have questioned whether their products need to be tested for child-resistant effectiveness, contending that they are "inherently" child-resistant. These products fall into two main categories: (1) those where it is claimed that the package is intrinsically unopenable by children, and therefore "inherently" child-resistant, and (2) those where it is admitted that the product is toxic and accessible to children, but where it is contended that it would not be possible for a child to consume or be exposed to a sufficiently large amount of the toxic pesticide to cause him harm.

It is the agency's position that neither of these classes of products is "inherently child-resistant." In the first case, where product design is the basis for the "inherently child-resistant" claim, it will be necessary for that package to be tested, like all other pesticide packages, in accordance with the Consumer Product Safety Commission protocols, as discussed in the regulations and clarified below. In the second case, it is open to the registrant to attempt to show that its product falls within the exemption category of 40 CFR 162.16(c)(3), on the ground that despite the pesticide's meeting of one or more of the toxicity criteria, it is not hazardous to man. The registrant must show that a child could not be exposed to a toxic or harmful amount of the pesticide. The fact that a pesticide has not been implicated in a large number of accidents involving children is not in itself sufficient grounds for exemption. Product specific test data and an appropriate scientific rationale must be submitted in support of an exemption request.

C. Distinction Between "Exempt From Special Packaging" and "Not Being Subject to Special Packaging"

Many registrants are requesting exemptions for products, when in actuality they are asking if their product is subject to the regulation. An exempt is only appropriate for a product which is subject to the regulation.

A product whose label does not allow for residential use, is classified for restricted use, or does not meet the toxicity criteria, is generally not subject to the special packaging regulations. A product "allows for residential use" if its label either directly recommends residential use or reasonably can be interpreted to permit residential use.

Determining the potential for residential use from the label directions may be difficult. Many ornamental plants and garden vegetables, for example, are grown by the individual homeowner and, therefore, a label which lists them can be interpreted as permitting residential use. Residential use thus may not be automatically excluded for a relatively large number of products. In fact, the same formulation may be used, for example, by the commercial vegetable grower as well as the home gardener raising the same crop. The registrant of a product is best aware of the actual use area/user group of the pesticide. The registrant is therefore in a position to either choose proper labeling (see I below) for those products not intended to be used by the homeowner or to choose child-resistant packaging for those products used and stored in residential areas. For those products which will not enter the residential area even by use of a serviceperson (see I below) the agency will continue to follow its customary distinction between pesticides products entering the home market and those which are intended for commercial production of food crops and ornamental plants. This distinction has over the years been accomplished by a number of means, for example, use directions and size limitations. On a case-by-case basis, and in case of uncertainties, the agency has also allowed or requested label language such as "for agricultural use only" or "not for use in or around the home."

The regulations provide for exemptions under two circumstances: (1) technical infeasibility or (2) where a product's meeting of the toxicity criteria is not indicative of a genuine hazard to man.

Technically feasible means that the technology exists to produce special packaging for a particular pesticide. The agency is not required to find either that the packing is readily available or that it will lend itself conveniently to the existing packages or packaging equipment of the registrant. EPA considers practicability and appropriateness to be components of technical feasibility. In EPA's view, packaging is practicable if it is susceptible to modern mass production and assembly line techniques and appropriate if it is chemically compatible with the pesticide contained in the package.[1]

[1]This definition is consistent with that of the Consumer Product Safety Commission (CPSC), published in the **Federal Register** of February 16, 1972 (37 FR 3427).

D. "Dormant" Pesticide Registrations

A pesticide whose registration is "dormant" is one which is validly registered with EPA but is not currently in production. Obviously, the registrant of a "dormant" product subject to the child-resistant packaging regulations must comply with those regulations when it either begins or renews production after March 9, 1981.

E. Voluntary Child-Resistant Packaging

A number of registrants whose products are not required to be in child-resistant packaging have asked whether they may nonetheless use it. The anwer is yes. However, once a registrant chooses to use child-resistant packaging, the registrant must comply in all respects with the child-resistant packaging regulations. It would be misleading to the public to have two types of child-resistant packaging—voluntary and compulsory—which were not of equal safety or effectiveness.

F. Product Toxicity and Child-Resistant Packaging

A pesticide product's toxicity places it in one of three categories in regard to child-resistant packaging. These are:

1. Those products which clearly meet or exceed the toxicity criteria in 40 CFR 162.16(c)(2). These products must be in child-resistant packaging unless the registrant can demonstrate grounds for an exemption under 40 CFR 162.16(c)(3).

2. Those products for which the existing toxicity data are not precise enough to indicate whether the product meets or exceeds the toxicity criteria of 40 CFR 162.16(c)(2). The registrants of these products may either do further testing to determine the precise toxicity of their products, or they may concede that their products are sufficiently toxic to be in child-resistant packaging, and comply with the child-resistant packaging regulations. This second situation does not constitute voluntary child-resistant packaging. There are three notable situations where this may occur:

(i) For purposes of precautionary labeling the agency may have considered oral toxicity data sufficient to show that the product was in toxicity category III (LD_{50} of from 500 through 5,000 mg/kg), but not specific enough to determine whether the product has an LD_{50} of 1.5 g/kg or less.

(ii) Eye irritation studies may have been submitted which showed corneal effects past day 7, and the study may have been terminated without determining whether the effects were reversible in 21 days. Such a study was sufficient for purposes of precautionary labeling (category I) but is no longer adequate to determine whether or not child-resistant packaging (CRP) is needed.

(iii) The third situation applies to skin irritation studies using an exposure period of 24 hours. These studies would not necessarily allow a conclusion as to whether the criteria for CRP have been exceeded.

3. Those products which clearly do not meet the toxicity criteria in 40 CFR 162.16(c)(2). These products are not required to be in child-resistant packaging, although a registrant may choose to use child-resistant packaging voluntarily, in accordance with E above.

G. Released for Shipment

The phrase "released for shipment" is defined as follows: "A product is released for shipment by a producing establishment when it is the intent of the producer to introduce the product into commerce." Products at the distributor and retail levels are considered to have been previously released for shipment by the producing establishment.

H. Testing Procedure for Child-Resistant Packaging Which Requires a Tool for Opening

As the regulations indicate, the protocol testing procedures of the Consumer Product Safety Commission (CPSC) 16 CFR 1700.20) are to be followed in testing the child-resistant packaging of pesticides. The CPSC policy for testing child-resistant packaging which requires a tool to open the packaging, published in the **Federal Register** of October 13, 1972 (37 FR 21632), will also be followed. The test policy is that:

1. children need not be given the tool during the test unless the tool and product are marketed together, and

2. adults will be given the tool for testing.

I. Limited Exception for Products Sold to, and Used by, Servicepersons

EPA has determined, based on comments submitted by various industry groups, that pesticides which are used in residential areas by janitors, professional pest control applicators, exterminators, swimming pool operators, lawncare and landscaping personnel, and other similar people need not be in child-resistant packaging. This is because the storage and usage patterns generally employed by these people are such that a significant hazard to young children is not apparent.

Therefore, EPA plans to propose to amend the present child-resistant packaging regulations to provide that pesticides applied and used by servicepersons, as defined below, will not be within the scope of the regulations. EPA's proposed amendments to the regulations will be published shortly, and will be subject to public comment. In the meantime, EPA will exercise its prosecutional discretion not to enforce the child-resistant packaging regulations against those manufacturers who comply with those restrictive measures enumerated below.

EPA now plans to propose amendments which are substantially as follows:

1. Serviceperson. As used in the child-resistant packaging regulations, a serviceperson is defined as one who provides a service of controlling pests without delivering any unapplied pesticide to any person so served. The term "serviceperson" includes, but is not limited to, a janitor, pest control operator, maintenance person, lawncare and landscaping personnel. "Serviceperson" does not include a household servant, such as maid, housekeeper, or private gardener.

2. A pesticide which meets the criteria for child-resistant packaging and is distributed only to servicepersons may be marketed without child-resistant packaging if the registrant labels its product (either by conventional or sticker label), "Only for Sale to, Use, and Storage by Servicepersons." This statement must be in type at least as large as the child hazard warning statement. Sale or other distribution of a pesticide labeled in this way to a person other than a serviceperson will violate FIFRA section 12(a)(2)(F), once the restriction is imposed by regulation. Use of a pesticide labeled in this way by anyone other than a serviceperson will be a violation of FIFRA section 12(a)(2)(G).

J. Testing Each Size of a Design

The regulations provide that, "Standards for special packaging shall be evaluated for each size of a design used pursuant to the Consumer Product Safety Commission protocols specified in 16 CFR 1700.20 * * *" 40 CFR 162.16(d)(3). In explaining the necessity for testing each size of a design, the Preamble to the final regulations stated that:

> Tests do not have to be run on each pesticide product, only on each special packaging design * * *. However, in § 162.16(d)(3) a requirement has been added to test each size of a closure design used. In discussions with the Consumer Product Safety Commission, EPA was advised that changing the size of a design often reduces the child-resistant effectiveness. Requiring each closure size to be tested will eliminate

the possibility of an ineffective package being marketed (44 FR 13020).

EPA recognizes that this preamble language is somewhat ambiguous, because it refers both to the testing of the entire special packaging design and to the testing of the closure size alone. While it was the intent of the drafters of the regulations to require that the entire special package be tested for its child-resistant effectiveness,[2] the preamble language apparently prompted some registrants to test only the closure size which they intended to use on their pesticide product.

In view of the closeness of the March 9, 1981, deadline for compliance with the special packaging regulations, EPA is now prepared to resolve this possible ambiguity by permitting pesticide registrants to certify that their pesticides packages are in compliance with the regulations based solely on the testing of each closure size. EPA will then propose amended regulations, to be open for public comment, which will make it clear that the phrase "each size of a design" means the entire package. The entire package will be defined to consist of the following elements: belonging to a specific ASTM (American Society for Testing and Materials) classification of packages; being made by a particular packaging manufacturer; having a specific trade name; being a specific model/style number; having a particular shape; having a particular size (volume capacity) container/package; having a particular size closure (if applicable); having a specific liner (if applicable); and having the container/closure or package being constructed of a particular material.

EPA recognizes that the time and expense necessary to test each specific package of each product requiring registration would be considerable. Accordingly, to lessen the impact which would occur if such testing were required, EPA will offer manufacturers an alternative method by which the packaging of products can be certified.[3] It is believed that this scheme provides a reasonable degree of assurance that a package not tested will still meet the effectiveness specifications for special packaging.

[2] As early as the 1977 proposed regulations, EPA stated that, "[U]nder this regulation it is intended that the entire package be tested. Containers which, for example, use safety closures which are not compatible with the container body are not acceptable" (42 FR 55235).

[3] However, should a pesticide package be tested and found not to comply with the child-resistant effectiveness standards of 16 CFR 1700.20, it will not be a defense that the similar product on which the registrant relied did meet those standards. Ultimately, each special package must be evaluated on its own merits.

EPA's proposal is set forth below, in the hope that some manufacturers will voluntarily comply with it before it becomes effective.

Proposed Testing Scheme

If a registrant uses a package other than the exact package system for which the protocol test data are available, EPA will accept certification if the package used meets the following criteria:

(1) Package shape: The package for which protocol data are available must be a conventional shape, e.g., cylindrical, rectangular, square, and the package for which certification is sought, even if different from the shape of the package tested, must also be conventional in shape. If an "F" style metal can or a conical metal can are involved, the shape used must be the same as the shape tested. All nonconventional package shapes, e.g., hourglass configuration, triangular packages, must be tested individually.

(2) Container/package material: The material of the package/container for which certification is sought must be generically equivalent and have the same physical/chemical properties (e.g., bursting strength, tear strength, etc.) as the material of the package for which protocol data are available. Different materials include polypropylene, low density polyethylene (LDPE), high density polyethylene (HDPE), glass, tin plate (steel), aluminum, etc. If data are available for a glass package and an LDPE package is used, it must be tested.

(3) Volume of the package: For certification on the basis of data involving a package other than the exact one used by the registrant, the protocol test data must demonstrate that the package tested has a child-resistant effectiveness of 88 percent of more after demonstration. The size of the package used must fall within the limits set forth below. The 88 percent figure was chosen, based on statistical analysis, to ensure that a package similar but not identical to the one tested would meet the 80 percent and 85 percent effectiveness testing requirements of the CPSC protocols. See 16 CFR 1700.20. If a registrant wants to certify that its package is child-resistant on the basis of testing the package actually used, a minimum of 80 percent child-resistant effectiveness after a demonstration is proper.

1. To use test data from a package which contains 0 to 8 fl. oz.,[4] the registrant's package must be the exact size of the package tested.

2. To use test data from a package which contains 8–64 fl. oz.,[4] the registrant's package can be equal to or as much as twice the size of the package test. For example, if an 8 fl. oz. package has been tested, its data (assuming that all other factors were equal) could be used for a package from 8 to 16 fl. oz.

3. To use data from a package which is larger than 64 fl. oz.,[4] the registrant's package can be equal to or as much as 1.5 times the volume of the package tested.

4. Closure/package: The closure/package used must be the same ASTM classification, the same model/style, the same model/style number, manufacturer, and trade name as the package tested.

5. Closure size: For certification on the basis of data involving a closure other than the exact one used by the registrant, the protocol test data must demonstrate that the closure tested has a child-resistant effectiveness of 88 percent or more after demonstration (see (3) above). The size of the closure used must fall within the limits set forth below:

a. To use data from a closure with a diameter less than 20 mm or greater than 45 mm, the registrant's closure must be the exact size of the closure tested.

b. If the registrant wishes to rely on data from one other closure, which is between 20 and 45 mm in diameter, inclusive, he may do so, provided that the diameter of the registrant's closure is in the size range between 20 and 45 mm inclusive and is between 1 and 1.15 times that of the closure tested. (Numbers should be rounded to the next highest whole number). For example, a registrant with a 28 mm closure could rely on test data for a 24 mm closure.

c. If the registrant wishes to rely on test data for two closures, which are between 20 and 45 mm in diameter, inclusive, and within 10 mm of each other, he may rely on that data for any closure which falls between the two tested. For example, if a 24 mm and a 33 mm closure of the same design were tested, the registrant could certify to the child-resistant effectiveness of its similar closures which were 28, 28, and 30 mm in diameter.

6. Closure material: The material of the closure used must be generically equivalent and have the same physical/chemical properties, i.e., bursting strength, tear strength, etc., as the closure material for which protocol data are available.

[4] Volumes measured in cubic inches can be converted to fluid ounces using the rule that 1 fl. oz. = 1.8 cu. in. Numbers should be rounded to the next highest whole number.

7. Liners: The materials of the registrant's liner and the liner on whose test data the registrant wishes to rely must be identical. This is because, in the experience of the Consumer Product Safety Commission, the closure liner is an integral part of the child-resistant package, and changing the liner may impair or eliminate the child-resistant effectiveness of a closure or packaging design.[5] In the situation where test data exist for a closure-liner system that differs from the closure-liner system used only in terms of closure diameter (>20 mm and <45 mm) certification is permissible if:

a. closure diameter used is greater than the diameter tested but is within the permissible range (size used is equal to or greater than the size tested and equal to or less than 1.15 times the size tested), then the closure to be used need not be tested if scientific data exist to demonstrate that the mechanical properties of the closure-liner system used are comparable to that tested. An example is if a 24 mm closure with a PVC liner is tested, then its data may be used for certification of a 28 mm version of the same closure with a PVC liner, provided there is scientific evidence that the 28 mm closure-liner system has mechanical properties similar to the 24 mm closure-liner system or

b. test data exist for two closure sizes with a difference equal to or less than 10 mm, the liner used in the two closure sizes for which data exist must be the same as the liner in the size used, then the closure to be used need not be tested. An example would be the test data for a 24 mm and 33 mm closure, both with a vinyl pulp backed liner. These data can be used for the certification of a 28 mm closure with a vinyl pulp backed liner.

The agency acknowledges that only a limited amount of data are available on large size packages. Consequently, exceptions will be considered in those cases where a registrant has submitted appropriate scientific and technical data.

K. Label Language

The particular wording of the label giving directions for child-resistant packaging opening and closing instructions is at the discretion of the registrant, so long as it clearly explains to the adult user how to use the package.

[5] This is why even an apparently minor modification in the liner, such as adding an insert for promotional purposes, may require retesting to ensure that the child-resistant effectiveness of the closure or package has not been impaired.

L. Certification of Child-Resistant Effectiveness

According to 40 CFR 162.16(e), the amendments for child-resistant packaging shall include a certification by the registrant that the package meets the standards of § 162.16(d).

The registrant is furthermore required to maintain records concerning the package (§ 162.16(f)) which include a complete copy of the data resulting from the tests conducted in accordance with § 162.16(d). As indicated under J, above, the agency realizes that it was not made entirely clear whether certification as to the child-resistant effectiveness of a particular package should be based on protocol tests carried out on the entire package or merely the closure. Therefore, by March 9, 1981, the agency is allowing two types of certifications, both of which will equally serve to comply with the regulation. After the agency has formally proposed and published a final regulation concerning the testing of package designs (see J, above) certain packages may have to be retested and recertified.

(a) Certification of effectiveness based on testing scheme listed under J above. If the protocol test data in the registrant's files show that either the exact package or a package meeting the criteria enumerated under J, above, has been tested, the registrant shall certify that the package meets the effectiveness criteria for child-resistance. The certification statement must include the registration number of the product, the registered product name, the registrant's name and address, date, the name, title, and signature of the company official. The certification, which should be submitted in triplicate, should include at a minimum the following statement:

> I hereby certify that the special packaging for this product and all applicable supplementally registered distributor products have been tested and found to meet the requirements of 40 CFR 162.16(d), Standards of Special Packaging.
>
> I understand that I am required to retain the records described in 40 CFR 162.16(f)(1), (2), and (3) for as long as the registration is valid. These records shall be available upon request, for inspection or copying purposes or for submission to EPA. Furthermore, I certify that should the special packaging for this product be changed, I will update this certification statement.

Additionally, if the product is sold in several sizes of packages all the sizes which this certification applies must be listed.

(b) Certification of effectiveness based on testing the package closure only. If the protocol test data in the registrant's files show that the closure used has been tested for effectiveness but it was actually tested on a container (package) other than the one used or outside the limitations of the scheme listed under J, above, he shall certify the effectiveness on the basis of the exact size closure. The certification statement, which should be submitted in triplicate, shall include the information listed under (a) above and shall include at a minimum the following statement:

> I hereby certify that the exact closure used on the package of this product and all applicable supplementally registered distributor products have been tested and found to meet the requirements of 40 CFR 162.16(d), Standards for Special Packaging.
>
> I understand that I am required to retain the records described in 40 CFR 162.16(f)(1), (2), and (3) for as long as the registration is valid. These records shall be available upon request, for inspection and copying purposes or for submission to EPA. Furthermore, I certify that should the special packaging for this product be changed, I will update this certification statement.

If a product is sold in a line of several size packages, some of these packages may be certifiable under method (a) and some under (b). In this case two certification statements are required, one for those packages meeting the specifications of (a) and one for those which meet the specifications of (b).

(c) Information concerning the package/closure used. The child-resistant packaging regulation does not require the registrant to submit information concerning the type and make of child-resistant packaging used, although this information is part of those records which must be kept, and which must be available for inspection and submission upon request by EPA. The agency at this time, however, requests the cooperation of registrants to supply this information voluntarily as an addendum to the certification statement. This request is made for purposes of gathering information on the variety of packages and/or closures which have undergone extensive testing to allow certification by (a) above, for example. The agency feels that this information will be extremely helpful in providing data which may permit it to propose a more liberal testing scheme than the one listed under J. The information requested is as follows: Product sizes; name of special packaging manufacturer; name of special packaging and model/style; (ASTM classification); closure sizes, and liners used.

M. Amended Product Registrations for Child-Resistant Packaging (CRP)

There are basically three types of amended registration applications that may be submitted in conjunction with

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the Special Packaging Regulations. An amendment may be filed to indicate the use of special packaging and to submit the associated certification statement; an amendment may be filed to revise labeling to remove a package from the scope of the special packaging regulations; or an amendment may be filed to change the product formulation or submit new toxicity data to remove a pesticide from the scope of the special packaging regulations. The registrant must indicate the use of special packaging on Form 8570–11 and must designate CR Package in Box 6 under "type of amendment."

1. Amendments for child-resistant packaging certification: The registrant must submit the required certification statement (original and two copies) along with the amended application. If child-resistant packaging instructions for opening and resecuring such packaging appear on the product label or on an accompanying circular, then the label or circular must be submitted. If the instructions are on the container or closure, only a copy of the instructions should be submitted.

2. Labeling amendments: Registrants must file an amended application to revise their labeling to indicate specific nonresidential use areas, or restricted use, i.e., the elected restriction of purchase, storage, and use only by a serviceperson; see section I. Registrants who wish to amend their registrations to have different labels for the same product may do so. The same product may be packaged in child-resistant packaging and non-child-resistant packaging in accordance with sections A through L of this Notice. The revised labeling must be submitted to and reviewed by EPA to determine if it complies with the special packaging regulations. If sticker labels are used on an interim basis the sticker must be submitted with the amendment.

3. Revisions to registrations to submit new toxicity data and/or to change formulations: A product may be less toxic than is currently indicated by its registration and precautionary labeling. Some registrants may subject their product to additional testing to determine its precise toxicity, or they may reformulate their products so that they do not meet the toxicity criteria under 40 CFR 162.16(c)(2) (see F. 2 above). If a product is reformulated an application for amended or new registration must be filed as for any other formulation change. If the registrant's retesting indicates that the product is more toxic than previously indicated, the registrant must submit these new test data to EPA, pursuant to FIFRA section 6(a)(2). If this toxicity testing also indicates that the registrant's product should be placed in a new (either higher or lower) toxicity category for labeling pruposes under 40 CFR 162.10(h)(1), the registrant must file an application for amended registration. If the new toxicity testing indicates that the registrant's product is less toxic than previously known, so that child-resistant packaging is not required but does not require that the product be placed into a different category, the registrant is not required to bring this information to EPA's attention. However, it would be helpful for him to do so, in order to avoid unnecessary enforcement actions in regard to the child-resistant packaging regulations.

N. Child-Resistant Packaging Certification for Registration of a New Pesticide Product Which Meets the Criteria

1. *Forms.* An applicant for the registration of a new pesticide product must indicate the use of special packaging on Form 8570–01 but a sample of the packaging need not be submitted. The applicant must submit the required certification statement (original and two copies).

2. *When certification is required.* Applicants may initiate registration procedures for new products before they obtain the child-resistant packaging data for certification. However, the child-resistant effectiveness certification must be submitted before any new product registration is issued after March 9, 1981.

3. *Labeling.* Instructions for opening and resecuring child-resistant packaging may appear on either the product label, accompanying labeling or circular, the container itself, or the closure. Instructions for special packaging on the label or circular will normally be submitted, as labeling is required for a new registration. If such instructions appear on the container or closure, then a copy of the instructions should be submitted. The container or closure should not be submitted.

O. Requesting Exemptions

The Special Packaging Regulations allow for exemption from child-resistant packaging of those products which meet the criteria for required special packaging only on the basis of technical infeasibility or on the basis that the hazards indicated by the toxicity criteria are not indicative of hazard to man.

An exemption should be mailed or delivered to Ms. D. Jean Jenkins, Special Packaging Coordinator, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–317, 401 M St. SW., Washington, D.C. 20460, (202–755–8930).

The regulation states that in order for an exemption to be granted it must be based on sufficient data which accompany the request, to support the decision. Additionally, it provides that any such decision shall be published in the **Federal Register** and shall be applicable to any product with identical or substantially similar composition and intended uses.

Initially, the procedures and data necessary to consider an exemption request will be determined on an individual basis. However, this document recommends certain procedures and data to help the agency in its consideration of requests for exemption. The agency requests but does not require that an exemption:

1. Be written in the English language.

2. Contain the name, address, and telephone number of the registrant.

3. Contain the Pesticide Registration Number and name of the Pesticide Product Manager.

4. Contain an explicit request for exemption from special packaging requirements.

5. Identify the particular product for which the exemption is sought.

6. Describe the package size of the product for which the exemption is sought.

7. Be typewritten.

8. Be accompanied by at least two copies of the request.

9. Explain the reason for the exemption based on one or more of the following grounds:

a. If the justification is based on the hazard indicated by the toxicity criteria in 40 CFR 162.16(c)(2) not being indicative of the risk to man, the justification shall state how the lack of human exposure, certain pharmocological mechanisms, or other human experience evidence [6] for the product clearly support granting of the exemption.

b. If the exemption is requested because special packaging is not technologically feasible (which includes compatible, practicable, or appropriate for the product), the justification shall explain why.

c. Where the exemption request is based upon an allegation that special packaging is incompatible with the particular product or would seriously and adversely compromise the utility or stability of a product, the registrant shall submit adequate evidence to support the allegation.

d. If the allegation of incompatibility is based upon the fact that the shelf-life of the product limits package choice, the exemption shall outline the particular limitation and shall include a time schedule for the registrant to reestablish shelf-life data.

[6] Human experience data, indicating the lack of accidents, are considered helpful but not primary evidence for an exemption.

Granting exemptions: Where the agency determines that reasonable grounds for an exemption are presented, the agency shall publish that decision in the **Federal Register**, and it shall be applicable to any product with identical or substantially similar composition and intended uses.

"Reasonable grounds" for granting an exemption are information and data sufficient to support the conclusion that:

(a) The hazard indicated by the toxicity criteria in 40 CFR 162.16(c)(2) are not indicative of the risk to man.

(b) Special packaging is not technically feasible, which includes compatible, practicable, or appropriate for the product.

Denying exemptions: Where the agency determines that reasonable grounds for an exemption are not presented, the exemption shall be denied, and the registrant notified in writing of the denial, including a brief statement of the reasons therefor.

Effect of filing an exemption: The filing of an exemption shall not have the effect of staying the regulation from which the exemption is sought. Therefore, products subject to special packaging shall be considered to be in violation of the law unless packaged in special packaging during the agency's consideration of the exemption request after March 9, 1981.P.

Data Compensation

In accordance with the data compensation regulations contained in 40 CFR 162.9–1, and particularly paragraph (b)(17) thereof, all amendments to registration which are made solely to achieve compliance with the special packaging regulations and which do not require EPA to review scientific data before deciding whether to permit the amended registration, will not be subject to the data compensation provisions of FIFRA sections 3(c)(1)(D) and 3(c)(2)(B).

(Sec. 25(c)(3) as amended (Pub. L. 92–516, 86 Stat. 983; Pub. L. 94–140, 89 Stat. 755; Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136 et seq.))

Dated: January 26, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–6716 Filed 3–2–81; 8:45 am]

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Tuesday
March 3, 1981

Part IV

Department of Energy

Economic Regulatory Administration

Establishment of Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-81-01]

Establishment of Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is proposing to adopt a Special Rule establishing a mechanism for adjusting entitlements lists under the domestic crude oil allocation program ("entitlements program," 10 CFR Part 211, section 211.67) for periods prior to the decontrol of crude oil on January 28, 1981. Two alternative methods are proposed to allow refiners and other participants on the entitlements lists to adjust reported crude oil runs-to-stills and receipts for periods prior to January 28, 1981, and either to make payments after the last regular entitlements list is published in March 1981. Adjustments also would be made for administrative and judical decisions affecting the entitlements program issued after the last entitlements list in March. We are also specifically requesting industry comments and views regarding appropriate action in the event that the national domestic crude oil supply ratio for the period January 1, 1981, through January 27, 1981, is negative.

DATES: Proposed effective date: April 1, 1981; Comments by 4:30 p.m., April 2, 1981; Requests to speak at hearing by 4:30 p.m., March 12, 1981; Hearing date: March 17, 1981, 9:30 a.m.

ADDRESSES: Comments and requests to speak at hearing to: Department of Energy, Economic Regulatory Administration, Office of Public Hearings Management, Docket No. ERA-R-81-01, Room B-210, 2000 M Street NW., Washington, D.C. 20461. Hearing location: James Forrestal Building, 1000 Independence Avenue SW., Room GE-086 (Auditorium), Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Cynthia Ford (Office of Public Hearings Management), Economic Regulatory Administration, Room B-210, 2000 M Street NW., Washington, D.C. 20461 (202) 653-3971

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street NW., Washington, D.C. 20461 (202) 653-4055

Daniel J. Thomas (Office of Petroleum Price Regulations), Economic Regulatory Administration, Room 7116, 2000 M Street NW., Washington, D.C. 20461 (202) 653-4288

Mary McDonald (Office of Petroleum Allocation Regulations), Economic Regulatory Administration, Room 7202-G, 2000 M Street NW., Washington, D.C. 20461 (202) 653-3254

David Welsh or Robert Thompson (Entitlements Program Office), Economic Regulatory Administration, Room 6212, 2000 M Street NW., Washington, D.C. 20461 (202) 653-3459 (Welsh); 653-3476 (Thompson)

William Funk, Peter Schaumberg or Jack Kendall (Office of General Counsel), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252-6736 (Funk); 252-6754 (Schaumberg); 252-6739 (Kendall)

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposal
III. Proposal with Respect to a Negative DOSR
IV. Comment Procedures
V. Procedural Matters.

I. Background

On January 28, 1981, the President issued Executive Order 12287 ("E.O. 12287," 46 FR 9909, January 30, 1981), effective 12:01 a.m., January 28, 1981, exempting all crude oil and refined petroleum products from the price and allocation regulations adopted pursuant to the Emergency Petroleum Allocation Act (Pub. L. 93-159), as amended. Section 3 of the Executive Order provides, however, that:

> The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for periods prior to this Order.

In accordance with the provisions of Section 3 of E.O. 12287, entitlements notices for December 1980 and the period January 1, 1981, through January 27, 1981, will be issued in accordance with the entitlements regulations in 10 CFR 211.67 in effort on January 27, 1981. (*See*, Ruling 1981-1, 46 FR 12945, February 19, 1981). The last regular entitlements list published in late March 1981 for crude oil runs-to-stills and receipts in January 1981 will reflect adjustments from prior entitlements lists resulting from reporting errors or recertifications of crude oil, as permitted by the regulations. In addition, the March entitlements list will be adjusted in accordance with normal procedures to give effect to ERA Decision and Orders, decisions by the Federal Energy Regulatory Commission (FERC), judicial decrees and Decision and Orders issued by DOE's Office of Hearings and Appeals (OHA) prior to the issuance date of the list.

We anticipate, however, that many refiners will continue ro receive recertifications of crude oil for several months, particularly those relating to tertiary incentive crude oil production (*See*, Ruling 1981-1, *supra*), and will have need to file invoice adjustments for periods prior to decontrol after March 5, 1981 (the date reports for January are due). In addition, judicial decrees, FERC decisions and Decision and Orders issued by DOE's Office of Hearings and Appeals (OHA) after March 5, 1981, may necessitate that there be a mechanism to adjust prior entitlements notices to give effect to those decisions. Still further adjustments may be necessary after publication of the March entitlements list to give effect to any ERA Decision and Orders that may be issued after the March entitlements list and that provide for the retroactive grant of entitlements to firms that made applications for entitlements for petroleum substitutes before January 28, 1981, but that still were outstanding as of the publication of the March list.

Had there not been decontrol, all such adjustments would have been included by ERA in the next regular entitlements list issued after the date of the report in accordance with established practice. Under the existing regulations in § 211.67, however, decontrol means that once the March 1981 entitlements list is issued for January transactions, DOE would have no effective means of accommodating errors or adjustments for prior months' lists. These potential adjustments should be required to be reported and accounted for through transfers of monies between firms. Additional regulatory authority for DOE to effect these transfers for periods prior to decontrol therefore is necessary and is recognized in Sec. 3 of E.O. 12287.

In view of this need for a mechanism to allow for adjustments in months prior to decontrol, but after the last regular entitlements data for January is reported in March 1981, ERA held a public conference on February 11, 1981, to discuss with industry how such a mechanism should be conceived. Written comments also were invited (*See*, "Notice of Public Conference Concerning the Establishment of a Mechanism for Entitlements Adjustments for Periods Prior to Crude Oil Decontrol," 46 FR 11291, February 6, 1981).

ERA has considered all of the written and oral comments, and in accordance with Section 3 of E.O. 12287, is proposing a Special Rule for entitlements adjustments for periods prior to decontrol.Two alternative methods for accomplishing this adjustment are presented, and commenters are requested to direct comments to the relative merits of the two options.

II. Proposal

A. Adjustments Included in the Clean-up List

In order to insure that final entitlements adjustments are achieved in an efficient yet equitable manner, we are proposing that the adjustment regulations provide for invoice adjustments and amendments with respect to crude oil runs-to-stills and receipts only for the months January 1980 through December 1980 and the period January 1, 1981 through January 27, 1981 (*i.e.*, entitlements lists issued during the period March 1980 through March 1981). This would be designated as the reporting period. Although the provisions of § 211.67 historically have not specified the period for which amendments and adjustments could be made, it is our view that participants in the program already have filed any amended reports and prior month invoice adjustments that are required with respect to months prior to January 1980 and, therefore, that limiting adjustments to the proposed period would appropriately balance our objective of minimizing administrative burdens while insuring the equitable treatment of all refiners. Furthermore, this proposed period corresponds to the period of gradual decontrol during which most reporting errors have occurred. An exception to the limitation on the time with respect to which amendments and adjustments could be made would be provided when a judicial or administrative order requires giving effect to an adjustment or amendment for a period outside the reporting period. However, we solicit comments as to whether it would be necessary to give effect to amended reports for periods prior to January 1980 in order to prevent serious prejudice to any participants.

We recognize that the opportunity to modify past entitlements reports may be misused by some persons. ERA therefore will make every effort to ensure that claims reported by refiners and others are legitimate before their inclusion on a final clean-up list. Past practices will be reviewed and any claims may be subject to audit.

In addition to adjustments to prior entitlements lists resulting from reporting errors and crude oil recertifications, the clean-up list would reflect adjustments resulting from administrative and judicial decisons. ERA Decison and Orders (such as those pending for petroleum substitutes), OHA Decison and Orders, decisions of the Federal Energy Regulatory Commission and decisions by the courts which are issued after the March entitlements list but before the issuance date of the clean-up list proposed herein, all would be accounted for on the clean-up list.

There is proposed to be created an "escrow" account under the clean-up list which would be funded proportionally by all firms. The purpose of this "escrow" account would be to provide a fund to pay or receive any monies as required pursuant to judicial and administrative decisions on the entitlements program issued after the date of publication of the clean-up list. Ultimately, the balance in the escrow account, after satisfying all claims, would be refunded to firms in the same proportion as it was paid.

It is our intention to include on the final clean-up list any claims and obligations resulting from ERA and OHA decisions even though these decisions still would be subject to appeal.

ERA concurs with those commenters who supported the earliest possible issuance date for the final clean-up list. As a further measure to insure that final adjustments are completed at the earliest possible date, we are proposing that no invoice adjustments or amendments for the final clean-up list would be accepted after June 1, 1981. We believe this filing date would permit adequate time to be sure that refiners will have received all recertifications that are required to be made by producers and resellers under section 212.131. In this regard, we are proposing to adopt provisions providing that a refiner will not be required to honor for pricing purposes any recertification it receives after May 1, 1981. This limitation would provide an incentive for resellers to expedite recertifications or risk not receiving payments. Refiners would be protected against receiving a recertification and not being able to recover entitlements already paid.

In addition, the proposed June 1, 1981, filing date should allow sufficient time to process pending appeals and applications for exception relief before DOE's Office of Hearings and Appeals, as well as time to process applications filed with ERA requesting the inclusion of petroleum substitutes in the entitlements program for periods prior to decontrol.

We are considering issuing a proposed final clean-up list in July 1981 before a final list is promulgated in August. This would allow all interested parties an opportunity to review the list and ascertain any errors or anomalies. We specifically solicit comments as to the practicality of a proposed clean-up list and a brief period to raise any challenges.

B. First Alternative Adjustment Mechanism

Under the first alternative adjustment mechanism, ERA would collect reports from all refiners and other participants in the entitlements program with respect to invoice adjustments and amendments to reported data in any month in the prescribed adjustment period. ERA then would convert each reported adjustment into a dollar amount. These dollar amounts would be considered "claims" if the firm was entitled to receive money from the entitlements program, and would be considered "obligations" if the firm owed money to the program.

Amendments would be handled in the same manner as for past entitlements lists. ERA would take into account the entitlement price for the month in issue in calculating the dollar value of the error.

It would be necessary to establish a new procedure, however, to calculate the dollar value of prior months invoice adjustments. In past months, the then current month's volume of controlled crude oil receipts simply was adjusted on the ERA-49 to account for past invoice adjustments. The impact of the adjustment would then be determined by the current month's data. For the clean-up report, there is no "current month." Therefore, we propose that to compute the dollar value of the invoice adjustments, data on crude costs, etc., used to compute deemed old oil ratios for the month of December 1980 would be used to transform the adjustments into a volume of barrels of deemed old oil. December was selected because it was the last full month of the program.

A dollar value for the deemed old oil would be determined by multiplying the calculated volume by the average entitlements price for the months of October through December 1980, and January 1981. An average of four months was selected because most prior month invoice adjustments cannot be related to any month.

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All other claims which cannot be attributed to any month would be divided among all months in the reporting period for which other claims are made. However, since it is unlikely that any invoice adjustment would relate back before October 1980, we are proposing to divide the claim equally among the months of October 1980 through January 1981.

By way of illustration, if Refiner A, a net entitlements buyer, reported in the month of December 1980 10,000 barrels of lower tier crude oil which subsequently was recertified as stripper well production (and therefor exempt from price controls), then in that month Refiner A was required to purchase 10,000 entitlements too many. Assuming an average entitlements price for October 1980 through January 1981 of $25.00, then Refiner A would be entitled to a claim of $250,000. This would be divided equally among the months of October through January. Similarly, if Refiner B discovered a reporting error where it reported excessive runs-to-stills in a given month of 20,000 barrels, and the DOSR in that month was .10, then that refiner was issued 2,000 too many entitlements. If the entitlement price again was assumed to be $25.00 in that month, then that refiner has an obligation of $50,000 attributable to that month.

Claims or obligations also would be determined to the extent of the dollar value of ERA Decision and Orders (*e.g.* petroleum substitute orders) exception and appeals relief granted by OHA, FERC decisions and judicial relief provided to persons since the issuance of the March entitlements list, and an escrow account (discussed below).

After calculating all the claims and obligations, a net adjustment for each month, equal to the sum of all claims minus the sum of all obligations for that month, would be determined. It is possible that some adjustments may not be identifiable as to a particular month. These adjustments—"no-month" adjustments—would be divided equally among the months for which a claim or obligation was reported and would be added to the sum of each month's adjustments. The only exception would be claims from prior month invoice adjustments, discussed above.

A total adjustment, equal to the sum of all net adjustments, then would be calculated. For purposes of discussion, it will be assumed that firms' claims for prior months will exceed firms' obligations for prior months. The result, therefore, will be a net claim. The essence of the proposed clean-up mechanism would be the method of allocating among firms the burden of paying the claim.

In practical terms, the effect in any given month of adjustments to previous reports is to change the so-called "runs credit" in the affected month. If the error was in receipts of controlled crude oil, the DOSR either was too high or too low in that month resulting in too many or too few entitlements being issued, respectively. Similarly, if a refiner misreported its crude oil runs-to-stills, then the number of entitlements issued to that refiner was in error. In either case, the runs credit, which all refiners receive in the month according to their volume of runs in that month, will be either too high or too low. Thus, all refiners (and others on the entitlements list with deemed runs, *e.g.*, importers of residual fuel oil into the eligible market), including the refiner which misreported, either were over—or undercompensated in that month directly in proportion to their crude oil runs-to-stills. Repaying the claim in the clean-up list in proportion to runs therefore would be the appropriate mechanism.

The first alternative proposal, therefore, is that the proportional share of the total adjustment for each firm would be determined by multiplying the total adjustment for the period January 1980 through January 27, 1981, by a fraction which represents that firm's percentage of all runs. The numerator of the fraction would be the sum of that firm's crude oil runs-to-stills for all months in which any firm reported an adjustment, and the denominator of the fraction would be the sum of all firms' crude oil runs-to-stills for all months in which any firm reported an adjustment. For example, if firms only reported adjustments for six of the months in the period January 1980 through January 1981, only runs data for the affected months would be used.

The result of applying the proposed fractions to the total adjustment would be to provide that each firm would pay the claim represented by the total adjustment in the same proportion as its runs to total runs in the period. Since the benefit each firm received as the result of excessive run credits in those months, explained above, also was generally in direct proportion to runs, the distribution of the burden using the proposed method would be fair and equitable.

We recognize that anomalies could result in the event we determine to adopt the first alternative adjustment mechanism. For example, a participant on the clean-up list which had substantially reduced runs-to-stills in a given month due to a refinery shutdown might nevertheless have a sizable proportional obligation attributable to that month under the first alternative proposal if there were large claims by participants with respect to that month. The reverse also could be true. Although we believe that any such anomalies would be mitigated by the proportional approach described above, we are proposing a second alternative proposal that would effectively eliminate such distortions but which has the detriment of being administratively more burdensome.

C. Second Alternative Adjustment Mechanism

Under the second proposal, firms would report adjustments, and ERA would calculate the dollar value of the adjustments, in the same manner as in the first alternative. However, rather than aggregate all the monthly claims and obligations into one total and then use one fraction to determine each firm's proportional share, ERA would account for each month separately. As in the first alternative, only those months in the period of January 1980 through January 1981 for which any adjustment is reported would be affected.

For every firm that was on the entitlements list for a month in issue, ERA would multiply the net adjustment for that month by a fraction. The numerator would be equal to that firm's runs-to-stills in that month, and the denominator would be equal to the sum of the runs of all firms in that month. A firm would have a fraction calculated for each month. The proportional shares, in dollar amounts, determined for each firm for each of the separate months, then would be added to determine that firm's share of the total adjustment for the entire adjustment period.

The effect of this proposal with respect to any given month in which a net claim was reported would be for each firm on the entitlements list for that month to pay the claim directly in proportion to its runs-to-stills in that month. Since runs are the basis upon which entitlements issuances and the "runs credit" were determined in that month, each firm would be in effect repaying the exact amount it was overcompensated in that month.

It should be noted that this second alternative approach has the same effect as recalculating the national domestic crude oil supply ratio (DOSR) using the adjusted volumes and the entitlements list for the month in issue. ERA has determined, however, not to propose an option which is expressly dependent upon recalculation of the DOSR. First, as just noted, recalculation of the DOSR for each month, redetermining the entitlements lists and then calculating dollar obligations, has the same effect as the approach of simply apportioning any claims for a month on the basis of runs. More important, however, if the DOSR is recalculated for a month in which there are substantial changes to reports of controlled crude oil (*e.g.*, recertifications of controlled crude oil under the tertiary incentive program), it is possible that a negative DOSR would result. The effect of a negative DOSR and its related problems are discussed in a later section. For purposes of this analysis, however, calculating a negative DOSR in a month which previously was positive is an unnecessary problem which could be avoided by using the approach described in the second option.

The essential difference between the second and first alternative options would be that the second option would ensure that no firm would be disproportionately burdened (or overcompensated) by the clean-up list as a result of a large claim or obligation in a month when its runs were substantially reduced or increased for one reason or another. However, this would not appear to be a serious problem if the first option were adopted, since our analysis shows that the average of a firm's percentage of monthly total runs for the reporting period does not differ significantly from its percentage of total runs for the period.

As was noted earlier, for purposes of illustration it was assumed that claims by firms with respect to previous months would exceed reports by firms of obligations for those months. Of course, for any month that reported obligations exceeded claims, the same fractions described above would be used for each firm to determine its share of the benefits.

D. Calculation of Net Claims and Obligations and Issuance of List

The remaining steps to completing the final clean-up list would be the same irrespective of which alternative is used. After calculating the proportional share of the total adjustment for each firm using the above-described fractions, ERA would calculate the following for each firm: the sum of that firm's claims for the adjustment period, minus the sum of its reported obligations for the adjustment period, and minus its fractional share of the net claim in the clean-up account (including the escrow account). If the result of this calculation is a postive number, then that firm would be placed on the final clean-up list as a payee in that amount. If it is a negative number, the firm would be a payor. When the final clean-up list is published in the **Federal Register** showing dollar amounts for payors and payees, payments would be required to be effected among the parties within a prescribed period of time, proposed to be 10 days, in a manner similar to entitlement purchases and sales. ERA could direct firms which did not liquidate their obligations to do so.

The basis for the adjustment mechanism is crude oil runs-to-stills. Some firms, however, are not refiners and do not run crude oil in the technical sense. These firms were deemed under the entitlements regulations to have runs. For example, firms that imported residual fuel oil into the eligible market were issued pursuant to § 211.67 a number of entitlements equivalent to fifty percent of the number of entitlements that generally would be received by a refiner in that month if the number of barrels of imported residual fuel oil were deemed crude oil runs-to-stills. In order to insure that firms that received entitlements benefits for residual fuel oil imported during the period January 1980 through January 27, 1981, also receive any claims to which they are entitled, or are required to pay any obligations under the program after claims are reported by firms for those months, we propose to impute a runs-to-stills fraction for these importers. Each barrel of residual fuel oil imported during the period January 1980 through January 27, 1981, and with respect to which entitlements were issued would be treated as one-half of a barrel of crude oil for purposes of determining runs-to-stills. The importing firm's fraction of net claims under both the first and the second proposed adjustment mechanisms then would be determined on the basis of these imputed runs-to-stills.

Similarly, under the entitlements program, entitlements are issuable each month to each unit of a petroleum substitute that is specified in the regulations or in an order issued by the ERA as being equivalent to a fraction of a barrel of crude oil on the basis that a refiner would be issued entitlements if each such unit of the petroleum substitute were an additional fraction of a barrel of crude oil runs-to-stills by a refiner in the month concerned. In order to insure that firms that have been or become eligible to receive entitlements with respect to petroleum substitutes are treated in a manner consistent with that of other program participants, we would treat each unit of a petroleum substitute as a fraction of a barrel of crude oil runs in performing calculations under either the first or second proposed entitlements adjustment mechanism.

E. Establishment of an Escrow Account

As was noted earlier, ERA is proposing to establish a special interest-bearing entitlements "escrow account," with an initial balance proposed to be $50,000,000. The purpose of this account is essentially twofold. First, it is very likely that after the final clean-up list is published in August 1981, a decision could be rendered with respect to an entitlements issue requiring that a firm be awarded entitlements or a money equivalent. In previous periods, when the entitlements program was functioning normally, such awards would have been included on the next entitlements list and all firms on the list that month would have shared the burden of that award in proportion to runs. Similarly, should a judicial decision be issued in the period between issuance of the March entitlements list and the final clean-up list in August, any award would be included in the clean-up list as a claim and divided among firms in proportion to runs. It therefore would be consistent with this practice to pay any awards after August 1981 out of an escrow account which, as was explained above, would be paid for by firms on the entitlements list in proportion to their crude oil runs-to-stills.

The second principal purpose of such an escrow account would be to provide an avenue of relief for a firm which was unable to collect its monies under the final clean-up list. For example, if a firm which was designated as a payor on the final list was unable to pay its obligation, one or more payees would be denied their payments. If an obligation cannot be enforced within a reasonable period of time, we believe that it would be fair and equitable to have all firms share that burden by allowing such payees to recover from the escrow account. At such time as DOE was able to collect such obligations, they would be placed back into the escrow account for future distribution to all the firms on the clean-up list.

The principal benefit of establishing the escrow account is that it would preclude the need to issue amended final clean-up lists or to resort to other *ad hoc* measures to handle claims which arise after the final clean-up list is promulgated. Similarly, any monies paid to the entitlements program for any reason, such as a judgment against a delinquent entitlements purchaser or reversal of an OHA decision, could be added to the escrow account.

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In addition to the $50,000,000 initial balance for the escrow account, we are proposing to include in the escrow account monies collected as a result of enforcement actions from alleged violations of the entitlements program. This money, approximately $8 million, currently is held in a separate Department of Energy escrow account. Only that portion of the existing escrow account which resulted from alleged violations under the entitlements program would be transferred. It would be a one-time transfer of whatever amounts were in the enforcement escrow account on the transfer date.

The escrow account proposed to be created either would be maintained at a bank or in a special account at the Treasury Department as deemed to be appropriate. If the account is held at the Treasury Department, the funds therein would not be considered to be Treasury Department funds.

After a period of time after the final clean-up list is issued, and periodically thereafter, ERA would review the balance in the escrow account and the anticipated liabilities which the account was created to cover, *e.g.*, outstanding litigation. If it would be determined by ERA that there are excess funds in the account, it could distribute those funds to firms on the final clean-up list in exactly the same proportion as funds were paid in by firms.

Commenters are requested to address comments both to the merits of the escrow account and the appropriateness of the $50,000,000 funding level. While we have proposed the escrow account because it appears the most simple and equitable means of dealing with post-clean-up list problems, we invite commenters to suggest other mechanisms that would achieve these goals without the use of an escrow account. Commenters also should consider the inclusion of the funds from the enforcement account. Particularly, we seek comments on whether any "escrow" account would adversely influence firms' actions in completing transactions under the proposed rule.

F. Reporting Requirements and Related Issues

It is ERA's intention that the Special Rule proposed herein stand by itself. Rather than repeat all the necessary supporting provisions in Part 211, such as definitions of terms and reporting requirements, we are proposing to incorporate by reference in this Special Rule all necessary provisions of Parts 210, 211 and 212, which but for this Rule will be otherwise generally revoked.

III. Proposal With Respect to a Negative DOSR

On January 19, 1981 (46 FR 8646, January 27, 1981), ERA issued a Notice of Intent regarding the effect on the entitlements program when the "national domestic crude oil supply ratio" (DOSR) becomes a negative number. At that time, it was projected that a negative DOSR likely would not occur before May 1981, reflected in the July 1981 Entitlements Notice. However, due to actions taken in expectation of decontrol shortly after January 20, 1981, as well as accelerated recertifications after decontrol that otherwise would have been spread over several months, the DOSR may become negative for January 1981, which would otherwise have been reflected in the March 1981 Entitlements Notice.

Data for December 1980 crude oil receipts have shown a marked acceleration in the decline rates for the controlled tiers. This trend likely will continue for January 1981 for a variety of factors, including a large volume of recertifications of controlled crude oil resulting from the tertiary incentive program. In addition, the number of entitlements issued to refiners and others as exception relief also may increase as the Office of Hearings and Appeals decides the remaining cases on its docket. It therefore is possible that the DOSR calculation for the March Entitlements Notice will result in a negative number. The General Counsel of DOE has determined, however, that at such time as the DOSR becomes a negative number, the entitlements program as currently structured would cease to function, and, in the absence of some regulatory action, no list could be published.

ERA will not know whether the DOSR will be negative until data on January crude oil runs-to-stills and receipts is reported to ERA by March 5, 1981. In the event the DOSR would be negative, it would be necessary for DOE to act quickly to remedy the situation through expedited rulemaking. We have tentatively determined that if a negative DOSR should occur, one of the options described below should be adopted. We would like comments addressed to these proposals as soon as possible, so that if an expedited rulemaking is required, ERA will have the benefit of as much public comment as is feasible.

One remedy to the negative DOSR problems would be to combine firms' January 1981 data on crude oil runs-to-stills and receipts with December 1980 data (and November 1980, if necessary) to achieve a positive DOSR. This is the equivalent of issuing one entitlements notice for two (or three) months combined. Thus, for all entitlements calculations, each firm's reported crude receipts and runs-to-stills would reflect both months' activities. Similarly, the DOSR, small refiner bias, California adjustment, etc., would reflect crude runs-to-stills and receipts for all months being combined. The Entitlements Notice for January 1981 then would be published with adjustments for transactions already effected after the earlier entitlements lists initially were issued.

A second option if the DOSR for January is negative is to limit recertifications of crude oil previously reported as controlled crude. Presently, on the Form ERA-49, for each tier of controlled crude oil, refiners may subtract from the reported volumes of monthly receipts any volumes from prior months which were recertified. Recertifications of crude oil were voluminous for December, and some refiners reported a net negative volume for a controlled tier.

To possibly prevent the negative DOSR, it is proposed that any negative volumes of deemed old oil for January would be treated for purposes of the January Entitlements Notice as a report of zero. The value of the entitlements which would be disallowed to refiners as a result of this cut-off would be deemed to be a claim for the month of January 1981 on the final clean-up list. The value of the claim would be determined by converting the negative barrels of controlled crude into barrels of deemed old oil using January 1981 data, and then multiplying the number of barrels of deemed old oil by the January entitlement price. The net effect would be that refiners would receive the same value as if the negative volumes were included in January and had the DOSR not been negative.

Of course, if the result of the cut-off proposed in this second option still would result in a negative DOSR for January because of the low volume of deemed old oil, another method would be required to be adopted.

Commenters are urged to consider carefully the above options and to comment on their respective merits.

IV. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the issues set forth in this notice of proposed rulemaking. All comments should be submitted by 4:30 p.m., e.s.t., of the day specified in the "DATES" section, to the appropriate address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Establishment of Entitlements Adjustment Mechanism," Docket No. ERA-R-81-01. Ten copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

You should identify any information or data considered by you to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for requests to make oral presentations:* The time and place for the hearing are indicated in the "Dates" and "addresses" sections of the preamble. If necessary to present all testimony, the hearing will resume at 9:30 a.m. on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation. If so, you should describe the interest concerned; if appropriate, state why you are a proper representative of a group or class of persons that has such an interest; and provide a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing. If you are selected to be heard at the hearing, we will notify you before 4:30 p.m., March 13, 1981. You will be required to make 100 copies of your statement available at the hearing location.

2. *Conduct of the hearing:* We reserve the right to select the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection in the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

V. Procedural Matters

A. Executive Order 12291

Under Section 6(a)(4) of Executive Order 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") has the authority, subject to the direction of the Presidential Task Force on Regulatory Relief, to waive those requirements of Sections 3 and 4 of Executive Order 12291 relating to the preparation of regulatory impact analyses and regulatory review.

Under the regulations, each firm to which entitlements are issuable is required to submit to the ERA any reports necessary to permit adjustments to entitlements issuances to insure that monies paid or received by the firm under the entitlements program are in accordance with those provisions of the regulations pertaining to the issuance of entitlements. Today's proposed Special Rule would establish a mechanism to insure that any such adjustments that may be necessary are accomplished in an efficient, yet equitable, manner so as to permit close-out of the entitlements program at the earliest possible time in conformance with the President's mandate in E.O. 12287. In view of these considerations, an exemption from the requirements of Sections 3 and 4 of Executive Order 12291 was requested of the Director with respect to today's proposed Special Rule. The request was granted.

B. Section 7 of the FEA Act

As required by section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. § 787 *et. seq.*, Pub. L. 93-275, as amended) a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for comment concerning the impact of this proposal on the quality of the environment. The EPA Administrator submitted the following comments:

On the basis of our preliminary review, we do not foresee these actions having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the Environmental Protection Agency. Although we have no comments to make at this time, we reserve the right to provide further comments in accordance with our responsibilities under Section 309 of the Clean Air Act once the proposed rule has been released for more extensive review and public comment.

C. Section 102 of the NEPA

After reviewing today's proposal, it has been determined that it would not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, that the preparation of an Environmental Impact Statement for this proposal is not required under 10 CFR Part 208.

D. Section 404 of the DOE Act

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91), we have referred this proposed rule, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination as to whether the Proposal would significantly affect any matter within the Commission's jurisdiction.

E. Regulatory Flexibility Act

Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*) provides that the provisions of Sections 603 and 604 of that Act pertaining to the preparation of regulatory flexibility analyses shall not apply to any proposed or final rule if the head of the issuing agency certifies that the rule would not, if promulgated, have a significant impact on a substantial number of small entities.

Executive Order 12287 effectively mandated the termination of the entitlements program allowing for necessary adjustments for periods prior to the Order. Today's proposed Special

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Rule merely provides a mechnanism whereby the orderly and equitable termination of the entitlements program could be effected in such a manner as to insure that, prior to final close-out of the program, a firm will be required to refund any excess monies it has received under the program or receive any additional monies to which it was entitled under the program.

In view of the nature of the proposed Special Rule, the ERA is hereby certifying that the Special Rule would not, if promulgated, have a significant impact on a substantial number of small entities.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L. 95–621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., February 27, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

1. Part 211 is amended by adding a Special Rule at the beginning thereof to read as follows:

Special Rule Establishing Entitlements Adjustment Mechanism

1. *Scope.* This Special Rule applies to all refiners and eligible firms listed on any entitlements notice issued during the period March 1980 through March 1981, as well as to any other firms to which entitlements may be issuable for the period January 1, 1980 through January 27, 1981, by the ERA pursuant to the provisions of the Mandatory Petroleum Allocation Regulations in effect on January 27, 1981.

2. *Purpose.* This Special Rule provides a method for an orderly termination of the domestic crude oil entitlements progrm originally established in § 211.67 of 10 CFR.

3. *Definitions.* For purposes of this Special Rule, all terms that are contained in or necessary to the implementation of this Special Rule shall have the same meanings as under the provisions of 10 CFR Part 211 and 10 CFR Part 212 that were in effect on January 27, 1981, except as specifically set forth in the following definitions:

"Claim" means the dollar amount determined by ERA to be owed to a firm resulting from adjustments to any one or more Entitlements Notices issued by ERA pursuant to 10 CFR 211.67 for the period from January 1, 1980 through January 27, 1981, or as a result of an administrative or judicial determination.

"Crude oil runs-to-stills" means crude oil runs-to-stills as determined by ERA to be applicable to the Entitlements Notice issued for each month in the reporting period, increased for any month in which a refiner or eligible firm received entitlements pursuant to sections 211.67(a)(3) or 211.67(a)(5) by a number equal to the number of entitlements issued pursuant to these sections in that month, divided by the national domestic crude oil supply ratio for that month.

"ERA" means the Economic Regulatory Administration of the Department of Energy (DOE).

"Firm" means refiners, eligible firms and other participants in entitlements lists.

"Net adjustment" means for each month the sum of all claims minus the sum of all obligations.

"Obligation" means the dollar amount determined by ERA to be owed by a firm as a result of adjustments to any one or more Entitlements Notices issued by ERA pursuant to 10 CFR 211.67 for the period from January 1, 1980 through January 27, 1981, or as the result of an administrative or judicial determination.

"Reporting period" means the period January 1, 1980 through January 27, 1981.

"Total adjustment" means the sum of net adjustments for the period January 1, 1980 through January 27, 1981.

4. *Determination of claims and obligations.*

(a) *Amendments.* Firms shall correct any errors contained in reports filed pursuant to 10 CFR § 211.66 or 10 CFR § 211.67(a)(5)(ii) for the reporting period by filing an amended report which must be received by ERA by June 1, 1981. For each month for which an amended report is filed by a firm pursuant to this subsection, ERA shall determine for that firm: (i) the obligation for that month by determining the dollar value of the excess entitlements issued, using the entitlement price for that month; or (ii) the claim for that month by determining the dollar value of the additional entitlements which should have been issued, using the entitlement price for that month.

(b) *Invoice adjustments.* Refiners shall report to DOE on Form ERA–49 for each reported category of crude oil the sum of all adjustments to the volume of price-controlled crude oil received prior to January 28, 1981, based upon prior invoice adjustments not previously included by ERA in any Entitlements Notices for the reporting period. Such reports must be received by ERA by June 1, 1981.

ERA shall determine for each refiner the number of barrels of deemed old oil represented by the reported adjustments. The deemed old oil calculation shall be made by ERA using data on crude oil costs used to determine the Entitlements Notice for crude oil runs-to-stills and receipts in the month of December 1980.

Obligations and claims for refiners reporting invoice adjustments shall be determined as follows:

(i) If the deemed old oil calculation in this subsection results in an increased volume of receipts of deemed old oil for any refiner, that refiner shall have an obligation equal to the increased number of barrels of deemed old oil multiplied by the average entitlement price for the months of October 1980, November 1980, December 1980 and January 1981.

(ii) If the deemed old oil calculation in this subsection results in a decreased volume of receipts of deemed old oil for any refiner, that refiner shall have a claim equal to the decreased number of barrels of deemed old oil multiplied by the average entitlement price for the months of October 1980, November 1980, December 1980 and January 1981.

(iii) One-fourth of the claims and obligations determined for any refiner pursuant to this subsection shall be deemed to have been reported for each of the months of October 1980, November 1980, December 1980 and January 1981, respectively.

(c) *Other adjustments.* (i) ERA shall determine any other claims or obligations to which any firm is entitled in any month and is not otherwise included in subsections (a) or (b), above, by using the entitlement price and other entitlement data for that month.

(ii) To the extent that any other such claim or obligation determined pursuant to subsection (i) is not applicable to a particular month, ERA shall prorate the amount of such claim or obligation equally among all months in the reporting period for which another claim or obligation has been determined pursuant to subsection (a) or (b).

(d) *Escrow account.* (i) The escrow account for the United States Department of Energy created pursuant to section (8) shall be deemed to have a cliam of [$50,000,000.00].

(ii) The claim of the escrow account shall be prorated equally among all months in the reporting period for which another claim or obligation has been determined pursuant to subsections (a) or (b).

[First alternative]

[5. *Share of total adjustment.*

(a) ERA shall determine the "net adjustments" and "total adjustment" for the reporting period.

(b) The proportional share of the "total adjustment" for each firm shall be determined by multiplying the "total adjustment" by a fraction. The numerator of the fraction is the sum of crude oil runs-to-stills for that firm for months in which adjustments were made in the reporting period, and the denominator of the fraction is the sum of the crude oil runs-to-stills for all firms for months in which adjustments were made in the reporting period.]

[Second alternative]

[5. *Share of total adjustment.*

(a) ERA shall determine the "net adjustment" for each month in which a claim or obligation has been made or has been deemed to have been made pursuant to section (4).

(b) The proportional share of the "net adjustment" for each firm for each month shall be determined by multiplying the "net adjustment" by a fraction. The numerator of the fraction is equal to the crude oil runs-to-stills for that firm for that month, and the denominator is equal to the sum of the crude oil runs-to-stills for that month of all firms.

(c) For each firm, ERA shall determine the sum of its proportional shares of the "net adjustments" calculated pursuant to subsection (b), which shall be deemed to be the proportional share of the total adjustment for that firm.]

6. *Net obligations and net claims.*

(a) ERA shall determine each firm's net obligation or net claim as follows:

(i) If the sum of its claims for the reporting period, minus the sum of its obligations for the reporting period, and minus its proportional share of the total adjustment (determined pursuant to section (5)) is greater than zero, it is a net claim and the firm shall be entitled to that sum of money from firms with obligations.

(ii) If the sum of its claims for the reporting period, minus the sum of its obligations for the reporting period, and minus its proportional share of the total obligation (determined pursuant to section (5)) is less than zero, it is a net obligation and the firm shall be required to pay that sum of money to firms with net claims.

(b) The United States Department of Energy shall be deemed to have a net claim equal to the amount of the escrow account created pursuant to section (8).

7. *Settlement of Net Obligations and Net Claims.*

(a) As soon as practicable after June 1, 1981, ERA shall publish in the **Federal Register** a proposed list of the net obligations and net claims of firms. Firms shall have a period of 15 days after publication of the proposed list in the **Federal Register** to comment to ERA, in writing, on the proposed net claims and net obligations. Comments should be addressed to:

Daivd A. Welsh, Chief, Crude Oil Pricing Branch, Economic Regulatory Administration, Room 6212, 2000 M Street, N.W., Washington, D.C. 20461

(b) Within 30 days of the publication of the proposed list, ERA shall publish a final list in the **Federal Register** of the net claim and net obligation of each firm. Firms with net obligations shall complete payments of such obligations to firms with net claims within 10 days from the date of publication of the final list in the **Federal Register**.

(c) *Failure to consummate transactions:* ERA may direct firms which have not paid monies equal to their net obligations under this section to transfer money, not in excess of their net obligations, to such firms as determined by ERA.

(d) Within fourteen days from the date of publication of the final list, each firm with a net claim or obligation shall certify to ERA in writing that it has completed the transaction required by this section. Certification should be addressed to the same person designated in subsection (a).

8. *Escrow Account.*

(a) *Establishment of "escrow" account:* (i) There is to be established an interest-bearing "escrow" account held by the United States Department of Energy. The "escrow" account shall be maintained at a bank or with the Department of the Treasury, as deemed appropriate.

(ii) The initial balance of the escrow account shall be $50,000,000.00 plus any sums then held by the Department of Energy in escrow as the result of enforcement actions against alleged violations of the entitlements program.

(iii) Additional amounts may be added to the balance of the escrow account.

(b) Twenty-one days after publication of the final list of net obligations and net claims, ERA may pay to any firm from the escrow account created pursuant to this section an amount equal to the difference between its net claim and the sums already received from firms with net obligations pursuant to this section.

(c) If at any time after all net claims have been paid pursuant to section (7) a firm is directed by the Office of Hearings and Appeals of the Department of Energy, the Federal Energy Regulatory Commission or a court of competent jurisdiction to pay a sum of money to the entitlements program, it shall be paid to the escrow account.

(d) If at any time after all net claims and obligations have been paid pursuant to section (7) any firm is determined by the Office of Hearing and Appeals of the Department of Energy, the Federal Energy Regulatory Commission or a court of competent jurisdiction to be entitled to a sum of money from the entitlements program, it shall be paid from the escrow account.

(e) ERA may, at any time that it determines that excess funds are in the escrow account, distribute any such excess funds. Each firm's share shall be determined by multiplying the total funds in the account by a fraction. The numerator of the fraction is equal to the total runs-to-stills for that firm in the reporting period. The denominator of the fraction is the sum of the runs-to-stills for all firms in the reporting period.

9. *Other Matters.*

(a) *Recertification.* No purchaser of crude oil shall be required to pay a higher price for that crude oil as a result of a certification pursuant to 10 CFR 212.131(b) that the purchaser receives after May 1, 1981.

2. Part 211 is amended by adding a Special Rule at the beginning thereof as follows:

Special Rule To Amend the Entitlements Program

(1) If for the month of January 1981 (which shall be deemed to be the first 27 days of the month) the "national domestic crude oil supply ratio" (DOSR) as defined in § 211.62 would result in a number less than zero, the provisions of this subsection shall apply.

[First Alternative]

[(2) ERA shall recompute the DOSR using aggregate reported data for the months of December 1980 and January 1981. If the DOSR which results from this calculation still is less than zero, ERA shall recompute the DOSR using aggregate data for each immediately preceding month as shall be necessary to result in a DOSR greater than or equal to zero.

(3) ERA shall perform each calculation required by § 211.67 with the term "month" for each such calculation

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deemed to include the month of January 1981 and each month aggregated with January 1981 pursuant to subsection (2).

(4) An Entitlements Notice for January 1981 shall be issued by ERA. Requirements to purchase or sell entitlements shall be adjusted by ERA before issuance of the Entitlements Notice to account for entitlements purchases or sales already consummated by participants on the list pursuant to the Entitlements Notices for December 1980 or any other month aggregated with January 1981 pursuant to subsection (2). Such adjustments shall take into account differences in the entitlement price calculated in the prior months and the entitlement price calculated pursuant to this section.

(5) Upon issuance of the Entitlements Notice in March 1981 for the month of January 1981, the provisions of Part 211 applicable to any regular monthly Entitlements Notice shall apply to that Notice.]

[Second Alternative]

[(2) Any refiner which reports on Form ERA-49 for the month of January 1981 (which shall be deemed to be the first 27 days of the month) a volume of receipts for a controlled tier of crude oil less than zero, shall be deemed for purposes of the Entitlements Notice for that month to be reporting a volume of zero for that controlled tier.

(3) For each negative barrel of crude oil receipts excluded from the Entitlements Notice for January 1981 by operation of subsection (2), ERA shall calculate for each refiner the number of barrels of deemed old oil represented by those negative crude oil receipts, using data for January 1981. For each refiner, ETA shall multiply the number of barrels of deemed old oil by the entitlements price calculated for January 1981. The dollar value calculated pursuant to this subsection shall be included for each refiner as a claim for the month of January 1981 for purposes of section (4) of the "Special Rule Establishing Entitlements Adjustment Mechanism" in Part 211.]

[FR Doc. 81-6886 Filed 2-27-81; 8:11 am]
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federal register

Tuesday
March 3, 1981

Part V

Environmental Protection Agency

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9F2167/R316; FH FRL 1769-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethylene Dibromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the nematocide, ethylene dibromide at .001 part per million (ppm) for ethylene dibromide, *per se* and at 125 ppm for inorganic bromides (calculated as bromide ion) on soybeans grown in soil treated with the nematocide ethylene dibromide. The regulation was requested by Auburn University. This rule establishes a maximum permissible level for residues of the nematocide on soybeans.

EFFECTIVE DATE: Effective on March 3, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 403, CM#2, 1921 Jefferson Davis Highway, Alexandria, VA 22202, (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 22, 1980 (45 FR 27010) that Auburn University, 107 Corner Hall, Auburn, AL 36830, had filed a petition (PP 9F2167) with the EPA. This petition proposed that 40 CFR Part 180 be amended by establishing a tolerance at 125 ppm for residues of inorganic bromides (calculated as bromide ion) in or on the raw agricultural commodity soybeans grown in soil treated with the nematocide ethylene dibromide. No comments were received in response to this notice of filing.

For purposes of consistency with the regulatory action proposed in the document, Ethylene Dibromide: Position Document 2/3, published in the **Federal Register** of December 10, 1980, the petition was amended to revise the proposed tolerance on soybeans to include a tolerance level of .001 ppm for ethylene dibromide, *per se* in soybeans.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in prescribed manner.

A comprehensive review of the data available for the chemical was conducted in connection with the Rebuttable Presumption Against Registration (RPAR) of Ethylene Dibromide (EDB) which was issued by the agency on December 14, 1977.

This presumption was based on data showing that EDB is oncogenic, mutagenic, and has adverse effects on reproduction. These data were discussed in detail including a quantitative risk analysis of the oncogenic data in the subsequent document, Ethylene Dibromide: Position Document 2/3 which was published in the **Federal Register** on December 10, 1980. This document also detailed a benefit/risk analysis of the presently registered pesticidal uses of the chemical in light of the adverse effects finding of the RPAR document; and proposed regulatory actions to reduce the potential health risks from these uses. As a result of this risk/benefit analysis, the agency has proposed to allow registration to continue for preplant soil fumigation. It is this same type of use pattern for which this tolerance on soybeans is being established. This proposal is based on the reduction of the health risks to soil fumigation applicators through required use of respirators and protective clothing; and the prohibition of re-entry into a treated field for 24 hours following fumigation; and on the minimal potential health risk to the general public since on EDB residues have been detected in soybeans grown in fumigated soil at the limit of sensitivity of the analytical methodology (currently 1 ppb or .001 ppm).

Food residue studies on soybeans grown in soil fumigated with ethylene dibromide were submitted and evaluated for the petition. These studies demonstrate that residues of EDB *per se* in soybeans grown in ethylene dibromide fumigated soils at maximum and exaggerated allowed application rates, will be less than the limits of sensitivity of analytical methodology, or less than .001 ppm.

There are no expectations of residues occurring in milk, eggs, meat, and/or poultry from the proposed use and § 180.6(a)(3) applies. An adequate analytical method is available for enforcement purposes and the nature of the residues is adequately understood.

Tolerances have previously been established for residues of inorganic bromides (calculated as bromide ion) in or on a variety of vegetables and fruits grown in soil treated with ethylene dibromide (40 CFR 180.126); in or on various grains, fruits and vegetables resulting from postharvest fumigation (40 CFR 180.146); and various processed foods and feeds (21 CFR 193.225, 21 CFR 193.230(d), 21 CFR 193.250 and 21 CFR 561.280(b)). As cited above, there is currently a proposed regulatory action pending against registration of the pesticide. Prior to registration of the use on soybeans, the restrictions as recommended in the RPAR Position Document 2/3 for the continuation of the soil fumigant use pattern will be implemented. There are no other considerations involved in establishing the proposed tolerances.

The pesticide is considered useful for the purpose for which the tolerances are sought. Establishment of the tolerances will protect the public health. Therefore, the regulations amending 40 CFR Part 180 by amending § 180.126 and establishing § 180.397 are set forth below.

Any person adversely affected by this regulation may on or before April 2, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in quintriplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For information on Regulatory Flexibility Act, see appendix to this rule.

Effective on: March 3, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2))

Dated: February 25, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended as follows:

1. By alphabetically inserting soybeans at 125 ppm in the list under § 180.126 to read as follows:

§ 180.126 Inorganic bromides resulting from soil treatment with ethylene dibromide; tolerances for residues.

* * * * *

125 parts per million in or on soybeans

2. By adding § 180.397 to read as follows:

§ 180.397 Ethylene dibromide; tolerances for residues.

A tolerance is established for the nematocide ethylene dibromide in or on soybeans at .001 part per million.

Appendix

Certification Under Regulatory Flexibility Act: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612, effective January 1, 1981). The purpose of the act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as small entities). The law requires that all "notice and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended, (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This regulation establishes a tolerance for residues of the nematodes, ethylene dibromide on soybeans at .001 part per million (PPM) and a tolerance for residues of inorganic bromides (calculated as Br) on soybeans grown in soil treated with the nematocide ethylene dibromide at 125 ppm. This rule establishes a maximum permissible level for residues of the nematocide on soybeans, does not restrict existing uses of the pesticide, and is beneficial in that it would allow registration of an additional use for the control of nematocide on soybeans.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-6924 Filed 3-2-81; 9:32 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP OF2386/R312; PH-FRL 1769-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N-Methylpyrrolidone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the pesticide chemical *N*-methylpyrrolidone in or on apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons. The regulation was requested by EM Industries, Inc. This regulation will allow the presence of residues of *N*-methylpyrrolidone in or on the above raw agricultural commodities when applied in formulations of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)] bis[formamide]) and in the absence of tolerances establishing maximum permissible levels of the residues of *N*-methylpyrrolidone in or on these commodities.

EFFECTIVE DATE: Effective on March 3, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM No.2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-7060.

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of February 18, 1981 (46 FR 12763) that EM Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10523 had submitted a pesticide petition (PP OF2384) to the EPA. The petition proposed that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for residues of the solvent *N*-methylpyrrolidone in or on the raw agricultural commodities apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons when used in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)] bis[formamide]). No comments or request for referral to an advisory committee were received in response to the notice of proposed rulemaking.

The toxicology data considered in support of the proposed exemption from the requirement of a tolerance included a subacute mouse feeding study and a subacute rat feeding study. The no-observed-effect-level (NOEL) determined from a 90-day dog feeding study is 1,000 parts per million (ppm) based on the findings of increased platelet counts in males. Studies found in the literature raised concern over the chemical's teratogenic potential. Although this exemption from a tolerance is adequately supported, any further request to expand the exemption regulation will need to be supported by an adequate theratology study. An adequate analytical method (gas chromatography with flame ionization detection) is available for enforcement purposes. The residues of *N*-methylpyrrolidone and its metabolites from the proposed use pattern are not expected to exceed 18 ppm in or on apricots, bell peppers, cantaloupes cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons.

No actions are currently pending against the use of *N*-methylpyrrolidone as an inert ingredient in pesticide formulations. Other considerations in establishing this tolerance exemption include the establishment of tolerances for residues of triforine in or on raw agricultural commodities—apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons [PP OF2351/OF2352/R314] which appears elsewhere in this issue of the **Federal Register**.

N-methylpyrrolidone is considered useful for the purpose for which the tolerance exemption is sought. There is

no reasonable expectation of residues in eggs, meat, milk, or poultry, as delineated in 40 CFR 180.6(a)(3). The agency has determined that the exemption from the requirement of a tolerance will protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before April 2, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For information on the Regulatory Flexibility Act, see appendix to this rule.

Effective date: March 3, 1981.

(Sec. 406(e) 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: Febraury 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 be amended by revising § 180.1047 to read as follows:

§ 180.1047 N-Methylpyrrolidone; exemption from the requirement of a tolerance.

N-methylpyrrolidone is exempted from the requirement of a tolerance for residues in or on the raw agricultural commodities—apricots, bell peppers, blueberries, cantaloupes, cherries, cranberries, cucumbers, eggplant, nectarines, peaches, plums, fresh prunes, strawberries, and watermelons when used in accordance with good agricultural practices in formulations with the fungicide triforine [*N,N*-1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) if such formulations contain not more than 30 percent *N*-methylpyrrolidone.

Appendix

Certification Under Regulatory Flexibility Act: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. 601–612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This regulation would exempt the inert ingredient from the need of a tolerance on certain raw agricultural commodities when used in formulation with the fungicide triforine. The rule is necessary before the Agency can register the pesticide product Funginex for additional agricultural uses. No additional restrictions are placed on the registrants by this rule.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81–6925 Filed 3–2–81; 9:32 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[PP OF2384/R313; PH-FRL 1769–2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dimethylformamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the pesticide chemical dimethylformamide in or on apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons. The regulation was requested by EM Industries, Inc. This regulation will allow the presence of residues of dimethylformamide in or on the above raw agricultural commodities when applied in formulations of the fungicide triforine (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)] bis[formamide]) and in the absence of tolerances establishing maximum permissible levels of the residues of dimethylformamide in or on these commodities.

EFFECTIVE DATE: Effective on March 3, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of February 18, 1981 (46 FR 12764) that EM Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10523 had submitted a pesticide petition (PP OF2384) of the EPA. The petition proposed that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for residues of the solvent dimethylformamide in or on the raw agricultural commodities—apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons when used in formulations with the fungicide trioforine (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)] bis[formamide]).

The data submitted in this petition and other revelant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included a subacute mouse feeding study and subacute rat feeding study. The no-observed-effect level (NOEL) determined from the subacute rat feeding study is 554 parts per million (ppm) based on finding congested liver volumes at higher levels. Studies found in the literature raised concern over the chemical's teratogenic potential. Although this exemption from a tolerance is adequately supported, any further requests to expand the exemption regulation will need to be supported by an adequate teratology study. An adequate analytical method (gas chromatorgrapy with flame ionization detection) is available for enforcement purposes.

The residues of dimethylformamide (DMF) and its methabolites from the proposed use pattern are not expected to exceed 18 ppm in or on apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons.

No actions are currently pending against the continued exemption of dimethylformamide when used as an inert ingredient in pesticide formulations. Other considerations in establishing this tolerance exemption include the establishment of tolerances for residues triforine in or on apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, peaches, plum, fresh prune, strawberries, and watermelons.

Dimethylformamide is considered useful for the purpose for which the exemption from requirement of a tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The agency has determined that the proposed exemption from the requirement of a tolerance will protect public health. Therefore, 40 CFR Part 180 established as set forth below.

Any person adversely affected by this regulation may, on or before April 2, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed rule had been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For information on Regulatory Flexibility Act, see appendix to this rule.

(Sec. 4(8e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: February 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 be amended by revising § 180.1046 to read as follows:

§ 180.1046 Dimethylformamide; exemption from the requirement of a tolerance.

Dimethylformamide is exempted from the requirement of a tolerance for residues in or on the raw agricultural commodities apricots, bell peppers, blueberries, cantaloupes, cherries, cranberries, cucumbers, eggplant, nectarines, peaches, plums, fresh prunes, strawberries, and watermelons when used in accordance with good agricultural practices in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide]) if such formulations contain not more than 30 percent dimethylformamide.

Appendix

Certification Under Regulatory Flexibility Act: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. 601–612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This regulation would exempt the inert ingredient from the need of a tolerance on certain raw agricultural commodities when used in formulation with the fungicide triforine. The rule is necessary before the Agency can register the pesticide product Funginex for additional agricultural uses. No additional restrictions are placed on the registrants by this rule.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81–6926 Filed 3–2–81; 9:32 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[PP OF2351/OF2352/R314; PH-FRL 1769–4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Triforine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) in or on certain raw agricultural commodities. This regulation was requested by EM Industries, Inc. This regulation will establish maximum permissible levels for residues of triforine in or on these raw agricultural commodities.

EFFECTIVE DATE: Effective on March 3, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk,

Environmental Protection Agency, Rm. M–3708 (A–110), 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of February 18, 1961 (46 FR 12762) that EM Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10523 had submitted pesticide petitions PP OF2351 and PP OF2352 to the EPA. These petitions proposed that tolerances be established for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) in or on the raw agricultural commodities apricots at 8.0 parts per million (ppm); bell peppers 5.0 ppm; blueberries at 0.1 ppm; cantaloupes at 1.0 ppm; cherries at 3.0 ppm; cranberries at 0.1 ppm; cucumbers at 0.5 ppm; eggplant at 1.0 ppm; nectarines at 8.0 ppm; peaches at 8.0 ppm; plums at 3.0 ppm; prunes (fresh) at 3.0 ppm; strawberries at 2.0 ppm; and watermelons at 1.0 ppm. No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in these petitions and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. Because there are no animal feed items in this petition, there are no reasonable expectations for residues in eggs, milk, meat, or poultry. The toxicology data considered in support of the tolerances included a 2-year dog feeding study with a no-observed-effect-level (NOEL) of 100 ppm; a 2-year rat feeding study with a NOEL of 625 ppm, with no oncogenic effect at 3,125 ppm; an 18-month mouse feeding study (negative for oncogenicity at 750 ppm; teratology and fetotoxicity effects at 800 ppm); two rat metabolism studies (satisfactory to determine major metabolites); a three-generation rat reproduction study with a NOEL of 2,500 ppm; mutagenicity (negative, male dominant lethal mouse test); and a 60-day dog feeding study with a NOEL of 100 ppm.

Based on the dog feeding study, the NOEL is 100 ppm or 2.5 milligrams (mg)/kilogram (kg) of body weight (bw). Using a 100-fold safety factor, the acceptable daily intake (ADI) is 0.025 mg/kg of body weight/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. These tolerances will result in a maximum theoretical exposure of 0.1863 mg/day.

An adequate analytical method for determining residues of triforine is available (gas chromatography with an electron capture detector) for enforcement purposes.

No actions are currently pending against the continued registration of triforine. Other considerations in the registration of triforine include the exemption from the requirement of a tolerance for residues of the solvents *N*-methylpyrrolidone and dimethylformamide used in the formulated product when applied to apricots, bell peppers, cantaloupes, cherries, cucumbers, eggplant, nectarines, plums, fresh prunes, strawberries, and watermelons. These regulations [PP OF2384/R313 and PP OF 2386/R312] appear elsewhere in this issue of the **Federal Register.** It is concluded that the tolerances will protect the public health, and therefore the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before April 2, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is significant and therefore subject to the procedural requirements of the order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed, and it had been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For information on Regulatory Flexibility Act, see appendix to this rule.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: February 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 be amended by revising § 180.382 to read as follows:

§ 180.382 Triforine; tolerances for residues.

Tolerances are established for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) in or on the following raw agricultural commodities:

Commodities	Parts per million
Apricots	8.0
Bell peppers	5.0
Blueberries	.1
Cantaloupes	1.0
Cherries	3.0
Cranberries	.1
Cucumbers	.5
Eggplant	1.0
Nectarines	8.0
Peaches	8.0
Plums	3.0
Prunes (fresh)	3.0
Strawberries	2.0
Watermelon	1.0

Appendix

Certification Under Regulatory Flexibility Act:

Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. 601–612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor,

who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would revise the present tolerance regulation for the fungicide triforine § 180.382, to include several additional raw agricultural commodities. This revision of the regulation is necessary before the Agency can register the pesticide product, funginex, for additional agricultural uses. No additional restrictions are placed on the product or the registrant(s) by this rule.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81–6827 Filed 3–2–81; 9:32 am]
BILLING CODE 6560–32–M

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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DOT/SLSDC			DOT/SLSDC	
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

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15175 **Mortgage** FHLBB proposes to amend its renegotiable rate mortgage and alternative mortgage instrument regulations; comments by 4–3–81

15132 **Commodity Futures** CFTC publishes regulations regarding position levels for reports filed by Large Traders, Futures Commission Merchants and Foreign Brokers; effective 3–15–81

15131 **Banks, Banking** Depository Institutions Deregulation Committee adopts rule concerning use of premiums by depository institutions; effective 2–26–81; comments by 4–1–81

15133 **Securities** SEC publishes final rule regarding certain distributions of securities by issuers; effective 2–19–81

15154 **Uranium** NRC proposes regulation regarding Uranium Fuel Cycle Environmental data; comments by 5–4–81

15202 **Grant Programs—Education** ED invites applications for Undergraduate International Studies and Foreign Language Program; apply by 4–20–81

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

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Presidential Documents

Title 3—

The President

Executive Order 12296 of March 2, 1981

President's Economic Policy Advisory Board

By the authority vested in me as President by the Constitution of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on the domestic and international economic policy of the United States, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the President's Economic Policy Advisory Board. The Board shall be composed of members from private life who shall be appointed by the President.

(b) The President shall designate a Chairman from among the members of the Board. The Assistant to the President for Policy Development shall serve as the Secretary to the Board.

Sec. 2. *Functions.* (a) The Board shall advise the President with respect to the objectives and conduct of the overall domestic and international economic policy of the United States.

(b) The Board shall work with the Cabinet Council on Economic Affairs (composed of the Secretaries of the Treasury, State, Commerce, Labor, and Transportation, and the United States Trade Representative, and the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget).

(c) In the performance of its advisory duties the Board shall conduct a continuing review and assessment of economic policy, and shall report thereon to the President whenever requested.

Sec. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Board such information with respect to economic policy matters as it may require for the purpose of carrying out its functions. Information supplied to the Board shall, to the extent permitted by law, be kept confidential.

(b) Members of the Board shall serve without any compensation for their work on the Board. However, they shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(c) Any expenses of the Board shall be paid from funds available for the Expenses of the Domestic Policy Staff.

Sec. 4. *General.* (a) Notwithstanding any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, shall be performed by the President, except that, the Administrator of General Services shall, on a reimbursable basis, provide such administrative services as may be required.

(b) The Board shall terminate on December 31, 1982, unless sooner extended.

Ronald Reagan

THE WHITE HOUSE,
March 2, 1981.

[FR Doc. 81–7104
Filed 3–3–81; 11:33 am]
Billing code 3195–01–M

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0018]

Interest on Deposits; Premiums, Finders Fees, and the Payment of Interest

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Temporary amendment of final rule; request for public comment.

SUMMARY: Effective December 31, 1980, the Depository Institutions Deregulation Committee ("Committee") adopted a rule concerning the use of premiums by depository institutions (12 CFR 1204.109). An increasing number of depository institutions are promoting premium programs in which a lump sum deposit is split up by the institution and placed in multiple accounts for the purpose of enabling the institution to give a premium for each account. In order to eliminate this unintended result which circumvents the objective of the premium rule, the Committee has adopted a temporary amendment to prohibit depository institutions from soliciting or otherwise promoting the opening of multiple accounts by a depositor in order to provide multiple premiums. The Committee also requests comment from the public on whether this rule should be permanent and on alternative methods that might be adopted on a permanent basis.

EFFECTIVE DATE: February 26, 1981. Comments must be received by April 1, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed rules to Normand Bernard, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. All material submitted should include the Docket Number D-0018. Such material will be made available for inspection and copying upon request except as provided in § 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR 1202.5).

FOR FURTHER INFORMATION CONTACT: Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446), Debra A. Chong, Attorney, Office of the Comptroller of the Currency (202/447-1632), F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4261), John Harry Jorgenson, Attorney, Board of Governors of the Federal Reserve System (202/452-3778), or Allen Schott, Attorney-Advisor, Treasury Department (202/566-6798).

SUPPLEMENTARY INFORMATION: Effective December 31, 1980, the Committee adopted a rule that premiums, whether in the form of merchandise, credit or cash, will not be regarded as a payment of interest if: (1) the premium is given to a depositor only when a new account is opened, an existing account is renewed, or funds are added to an existing account; (2) no more than two premiums *per account* are given in any 12-month period; and (3) the value of the premium, or, if merchandise is given, its total cost to the institution, is no more than $10 for deposits of less than $5,000 or $20 for deposits of $5,000 or more. (45 FR 68641). Since the rule became effective, an increasing number of depository institutions have been promoting premium programs in which a lump sum brought in by a depositor will be broken up by the institution and placed in multiple accounts for the purpose of enabling the institution to give a premium for each account. This results in the ability of the institution to provide more premiums than would otherwise be permitted if the funds had been placed in one account. While these programs technically comply with the Committee's existing premium rule, they appear to undermine the intent of the Committee and render the rule meaningless.

In order to curtail the practice of opening multiple accounts for a depositor, the Committee has adopted a temporary rule to prohibit a depository institution from soliciting or promoting deposits from customers on the basis that the funds will be divided into more than one account by the institution for the purpose of providing more than two premiums per deposit within a 12-month period. However, an institution will not be prohibited from providing more than two premiums if the depositor, without being encouraged by the institution, establishes more than one account.

This rule is being adopted on a temporary basis in order to provide the public with an opportunity to comment on this and alternative methods to deal with this problem on a permanent basis. For example, the Committee requests comment on whether the rule should be changed to permit the giving of premiums on a per *depositor* rather than on a per *account* basis and the operational problems, if any, that such a change might present for affected institutions. The Committee also requests suggestions on other alternatives. Comments must be received by April 1, 1981.

This action was taken by the Committee in order to clarify its original intent in adopting its premium rule and in view of the increasing solicitations that have occurred for time deposits on the basis that the funds will be divided into more than one account for the purpose of paying multiple premiums. Such solicitations are having adverse effects on the normal flow of funds among depository institutions and on the competitive balance among depository institutions. In view of these considerations and to facilitate the orderly administration of currently prescribed deposit interest rate regulations, the Committee finds that application of the notice and public participation provisions of 5 U.S.C. 553 to this action would be contrary to the public interest and that good cause exists for making this action effective in less than 30 days.

Pursuant to its authority under Title II of Pub. L. 96-221, 94 Stat. 142 (12 U.S.C. 3501 et seq.), to prescribe rules governing the payment of interest and dividends on deposits of mutual savings banks, and commercial banks and savings and loan associations insured by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, effective February 26, 1981 the Committee amends Part 1204 (Interest on Deposits) by adding the following sentence to 1204.109(a):

PART 1204—INTEREST ON DEPOSITS

* * * * *

§ 1204.109 Premiums not considered payment of interest.

(a) * * * A depository institution is not permitted directly or indirectly to solicit or promote deposits from customers on the basis that the funds will be divided into more than one account by the institution for the purpose of providing more than two premiums per deposit within a 12-month period.

* * * * *

By order of the Committee, February 26, 1981.

Normand Bernard,

Executive Secretary.

[FR Doc. 81-6947 Filed 3-3-81; 8:45 am]

BILLING CODE 6210-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 15

Position Levels for Reports Filed by Large Traders, Futures Commission Merchants and Foreign Brokers

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending §§ 15.00 and 15.03 of its regulations to raise the position levels at which traders must file series '03 reports in 23 commodities. Except for two commodities, United States Treasury Bonds and GNMAs, those present position levels which require traders to file Form 40s and futures commission merchants (FCMs) and foreign brokers to file series '01 reports and Form 102s will remain unchanged. Similalry, the position levels at which traders are required to file series '04 reports will remain unchanged. The purpose of this action is to alleviate an unnecessary reporting burden on the public and to reduce the amount of paperwork processed by the Commission.

EFFECTIVE DATE: March 15, 1981.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone (202) 254-3310.

SUPPLEMENTARY INFORMATION: Reporting levels are set in various commodities to ensure that the Commission receives adequate information to carry out its market surveillance programs, which include detection and prevention of market congestion and price manipulation and enforcement of Commission speculative limits.[1] Generally, Parts 17 and 18 of the Commission's regulations require reports from FCMs or foreign brokers and traders respectively when a trader holds a "reportable position," i.e., the open positions held or controlled by the trader in any one future of any commodity or any one contract market, which, at the close of the market on any business day, equals, or exceeds the quantity fixed in § 15.03(a) of the Commission's regulations for reporting purposes for the particular commodity.

Traders who attain a "reportable position" in a commodity are required to report on a series '03 report all positions the trader owns or controls as well as trades and deliveries affected in the subject commodity. In addition, traders must file a Form 40 which provides certain information necessary to determine the extent and nature of their involvement in futures trading. FCMs and foreign brokers who carry accounts in which there are "reportable positions" of traders are required to identify such traders on a Form 102 and to report on the series '01 forms those positions carried for each trader that equal or exceed the reporting level in any commodity.

In view of current levels of volume of trading and open interest in certain commodities and the information now received concerning these commodities, the Commission has determined that it is neither cost effective nor necessary to require futures position information both from FCMs on series '01 reports and from large traders on series '03 reports at current reporting levels. Accordingly, as part of its ongoing effort to eliminate unnecessary reporting requirements, the Commission has determined that the reporting levels which require traders to file series '03 reports should be raised for the following commodities: in wheat, corn and soybeans from 500,000 bushels to 1,000,000 bushels; in soybean oil, soybean meal, copper and gold from 100 contracts to 200 contracts; in live hogs and sugar from 50 contracts to 100 contracts; in platinum, Long-term United States Treasury Bonds, foreign currencies, and GNMAs from 25 to 100 contracts; and in United States Treasury Bills from 25 to 50 contracts. Reporting levels for series '03 reports in all other commodities will remain unchanged. In addition, reporting levels at which traders are required to file a Form 40 and at which FCMs and foreign brokers are required to file series '01 and Form 102 reports are raised from 25 contracts to 50 contracts in Long-term United States Treasury Bonds and GNMAs. Reporting levels in other commodities for the Forms 40 and 102 and the series '01 reports will remain unchanged. Similarly, reporting levels for the series '04 reports filed by large traders will also remain unchanged.

Generally, it has been the practice of the Commission to apply the same reporting level to Forms 40 and 102 and to series '01 and '03 reports ("large trader reports"). This was the case, for example, in June 1977 and April 1979 when the Commission substantially raised reporting levels in a number of commodities.[2] Because of these previous actions, the Commission now finds that except for two commodities, it cannot continue the practice of simultaneously raising reporting levels for all large trader reports without incurring the loss of important surveillance information, particularly that concerning maturing futures. The Commission has noted, however, that series '01 reports contain most of the essential information the Commission requires for surveillance of maturing futures (namely, reportable positions).[3] Since series '01 reports are more timely than the series '03 reports, they often are the primary data source for surveillance of tight market situations. In view of this, the Commission has determined that it can raise levels at which traders are required to file series '03 reports without a serious loss of information provided that it maintains current reporting levels for the Forms 40 and 102 and the series '01 reports.[4] The Commission is deleting the reference to § 19.02 contained in present § 15.00(b)(1) due to the fact that reporting levels that apply to § 19.02 are now referenced in § 15.00(b)(2).

[1] The following commodities are those for which Commission speculative limits are in effect: wheat, grains (including oats, barley and flaxseed), corn, soybeans, rye, eggs, cotton, and potatoes. 17 CFR Part 150 (1980).

[2] See 42 FR 25485 (May 17, 1977) and 44 FR 18169 (March 27, 1979).

[3] Delivery information, which the Commission considers important for surveillance of maturing futures, is not currently provided on the series '01 reports. Although the Commission receives this information on the series '03 reports from certain large traders, it has previously found that there are problems in obtaining complete and timely delivery information on such reports. See 45 FR 57143 (August 27, 1980).

[4] In view of the similarity between the information collected on both the series '01 and '03 reports, the Commission is considering the elimination of its requirement that large traders routinely file series '03 reports. See 41 FR 30352, July 23, 1976 and 45 FR 57144 (August 27, 1980). In this respect, the Commission's current actions will allow a partial evaluation of the effects of eliminating the series '03 reports.

In consideration of the foregoing, the Commission pursuant to its authority under Sections 4g(1), 4i, and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g(1), 6i and 12a(5) (1976), the Commission hereby amends Part 15 of Chapter 1 of Title 17 of the Code of Federal Regulations by revising §§ 15.00(b) and 15.03 as follows:

PART 15—REPORTS—GENERAL PROVISIONS

§ 15.00 Definitions.

* * * * *

(b) "Reportable position" means:

(1) Any open contract position in any one future of any commodity on any one contract market, which, at the close of the market on any business day, equals or exceeds the quantity specified below for reporting purposes for the particular commodity:

(i) For purposes of reports required by Part 17 and § 18.04, the quantity specified in § 15.03(a).

(ii) For purposes of reports required by § 18.00, the quantities specified in § 15.03(c).

* * * * *

§ 15.03 Quantities fixed for reporting.

(a) The quantities fixed for the purpose of reports filed under Part 17 and Section 18.04 of this chapter are as follows:

Commodity	Quantity
Wheat (bushels)	500,000
Corn (bushels)	500,000
Soybeans (bushels)	500,000
Oats (bushels)	200,000
Rye (bushels)	200,000
Barley (bushels)	200,000
Flaxseed (bushels)	200,000
Soybean oil (contracts)	100
Soybean meal (contracts)	100
Live cattle (contracts)	100
Hogs (contracts)	50
Cotton (bales)	5,000
Sugar (contracts)	50
Copper (contracts)	100
Gold (contracts)	100
Silver bullion (contracts)	250
Silver coins (contracts)	50
Long-term U.S. T-Bonds (contracts)	50
GNMA (contracts)	50
All other commodities (contracts)	25

(b) The quantities fixed for the purpose of reports filed under Part 19 of this chapter are as follows:

Commodity	Quantity
Wheat (bushels)	3,000,000
Corn (bushels)	3,000,000
Soybeans (bushels)	3,000,000
Oats (bushels)	2,000,000
Barley (bushels)	2,000,000
Flaxseed (bushels)	2,000,000
Rye (bushels)	500,000
Potatoes (carlots)	150
Eggs (cartons)	150
Cotton (bales)	5,000

(c) The quantities fixed for the purpose of reports filed under Part 18 of this chapter are as follows:

Commodity	Quantity
Wheat (bushels)	1,000,000
Corn (bushels)	1,000,000
Soybeans (bushels)	1,000,000
Rye (bushels)	200,000
Barley (bushels)	200,000
Flaxseed (bushels)	200,000
Oats (bushels)	200,000
Soybean Oil (contracts)	200
Soybean Meal (contracts)	200
Live Cattle (contracts)	100
Hogs (contracts)	100
Cotton (bales)	5,000
Sugar (contracts)	100
Copper (contracts)	200
Gold (contracts)	200
Silver bullion (contracts)	250
Silver coins (contracts)	50
Platinum (contracts)	100
Foreign currencies (contracts)	100
U.S. T-bills, 90-day and 1 yr. (contracts)	50
Long-term U.S. T-bonds (contracts)	100
GNMA's (contracts)	100
All other commodities (contracts)	25

The foregoing amendments are adopted effective March 15, 1981. The Commission finds that the foregoing action relieves a burden heretofore imposed and, therefore, that the notice and other public procedures called for by 5 U.S.C. 553 are not required. Accordingly, the foregoing amendments are not subject to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 *et seq.*

Issued in Washington, D.C., on February 26, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-6818 Filed 3-3-81; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 33-6292; 34-17556; IC-11633]

Application of Rule 10b-6 to Certain Distributions of Securities by Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting amendments to a rule under the Securities Exchange Act of 1934 ("Act") which generally prohibits trading by persons interested in a distribution. The amendments except from the application of that rule distributions of securities pursuant to employee or shareholder plans sponsored by an issuer or its subsidiaries. The Commission believes that these distributions generally do not present the potential for manipulative abuse that the rule was designed to prohibit.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Allyn C. Shepard (202-272-2883), Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On March 13, 1980, the Commission published for comment amendments to Rule 10b-6 [17 CFR 240.10b-6] which would except from the application of that rule distributions of securities by an issuer pursuant to employee or shareholder plans sponsored by an issuer.[1] All of the commentators supported adoption of the amendments[2] and the Commission is adopting them substantially in the form proposed.

Paragraph (e) of Rule 10b-6 currently provides that the provisions of the rule do not apply to a distribution of securities by an issuer to its employees, or to the employees of its subsidiaries, or to a trustee acquiring those securities for the account of the employees pursuant to certain specified types of employee plans.[3] The Commission believes that it is unlikely that an issuer would have an incentive to make purchases in a manipulative manner in order to facilitate any offering of securities to its employees or shareholders pursuant to an employee or shareholder plan, regardless of whether the plan meets the criteria contained in paragraph (e).[4] Therefore, if an issuer's only potential distribution for purposes of Rule 10b-6 is pursuant to such a plan the staff since 1977 consistently has taken the position that it would not recommend that the Commission take enforcement action under Rule 10b-6 with respect to

[1] Securities Act Release No. 6198 (March 13, 1980), 45 FR 18948 (1980).

[2] The Commission received fourteen letters of comment on the proposed amendments from representatives of the following groups: corporations (9); law firms and associations (4); and individuals (1).

[3] *See* Rule 10b-6(e)(1)-(3).

[4] The variety of employee and shareholder plans has increased substantially since 1955, when paragraph (e) was added to the rule. The Commission understands that certain of these plans permit a participant to make optional cash contributions in addition to any contributions by the issuer or the individual pursuant to the plan itself. The individual's additional cash contributions also are invested in the securities of the issuer. *See Securities and Exchange Commission, Reports on Banks Securities Activities*, 95th Cong., 1st Sess 27, 34 (Comm. Print Aug. 1977). The issuer generally has no control or influence over the amount of optional participant contributions and, to date, the staff has seen no abuses in connection with this type of plan provision.

purchases by an issuer of its securities, even though the issuer's plans do not meet the criteria contained in paragraph (e).[5] The staff has not viewed such offerings as distributions for purposes of paragraph (a) of the rule.

The Commission is adopting the proposed amendments to paragraph (e) of the rule to codify administrative practice regarding the inapplicability of the rule to employee or shareholder plans. The amendments exclude from the provisions of Rule 10b–6 any distribution of securities by an issuer or a subsidiary of an issuer [6] to employees or shareholders of the issuer or its subsidiaries pursuant to a plan, as that term is defined in new paragraph (c)(4) of the Rule.[7]

Part 240 of Title 17 of the Code of Federal Regulations is amended by adding a new paragraph (c)(4) to § 240.10b–6 and revising paragraph (e) thereof, as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.10b–6 Prohibitions against trading by persons interested in a distribution.

* * * * *

(c) * * *

(4) The term "plan" shall include any bonus, profit-sharing, pension, retirement, thrift, savings, incentive, stock purchase, stock ownership, stock appreciation, stock option, dividend reinvestment or similar plan for employees or shareholders of an issuer or its subsidiaries.

* * * * *

(5) The provisions of this section shall not apply to any distribution of securities by an issuer or a subsidiary of an issuer to employees or shareholders of the issuer or its subsidiaries, or to a trustee or other person acquiring such securities for the account of such employees or shareholders pursuant to a plan, as that term is defined in paragraph (c)(4) of this section.

(Secs. 3(b), 9(a)(6), 10(b), 13(e), 14(e), 15(c)(1), 23(a), 48 Stat. 882, 889, 891, 894, 895, 901, sec. 8, 49 Stat. 1379, sec. 5, 78 Stat. 569, 570, secs. 2, 3, 82 Stat. 454, 455, secs. 1, 2, 3–5, 84 Stat. 1497, secs. 3, 18, 89 Stat. 97, 155 (15 U.S.C. 78c(b), 78i(a), 78j(b), 78m(e), 78w(a)))

* * * * *

The Commission finds, in reliance upon § 553(d)(1) of the Administrative Procedure Act, that this amendment may become effective immediately.

By the Commission.

George A. Fitzsimmons

Secretary.

February 19, 1981.

[FR Doc. 81–6908 Filed 3–3–81; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 240

[Release No. 34–17574]

Regulation of Specialists

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending Rule 11b–1 under the Securities Exchange Act of 1934 to eliminate duplicative requirements with respect to exchange rule changes relating to specialists and to clarify its application to options as well as stock specialists.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Wilk, Esq., Division of Market Regulation, Securities and Exchange Commission, Room 338, 500 North Capitol Street, Washington, D.C. 20549 (202) 273–2841.

SUPPLEMENTARY INFORMATION: Rule 11b–1 [17 CFR 240.11b–11], adopted by the Commission in November 1964,[1] pursuant to Section 11(b) of the Securities Exchange Act ("Act"),[2] provides for the registration of specialists on national securities exchanges and prescribes certain minimum requirements concerning their regulation. Subsections (a)(1)of the rule, which the Commission is amending, and (a)(3) which the Commission is deleting, require that national securities exchanges file copies of their rules and rule changes relating to specialists with the Commission and set forth procedures for the Commission to follow in disapproving such rules or rule changes. As these procedures currently are prescribed by Section 19(b) of the Act, 15 U.S.C. 78(b), and by Rule 19b–4 [17 CFR 240.19b–4] thereunder, such provisions are unnecessary in Rule 11b–1. Thus, the Commission is deleting those provisions.

Subsections (a)(2)(iv) and (b) of the rule, which the Commission is amending, currently refer to the responsibilities of a specialist with respect to the "stock or stocks" in which he is registered, while all other references in the rule are to "securities" activities. The Commission has determined to adopt a technical amendment to Rule 11b–1 which changes the terms "stock or stock" to "securities" to clarify the applicability of the rule to options specialists[3] on all national securities exchanges.[4] This has been the Commission's long-standing interpretation of Rule 11b–1, and the use of the work "securities" will accurately reflect this interpretation and will resolve any existing ambiguity as to the applicability of the rule to options exchanges.

The amendment has been adopted without comment pursuant to Section 553(b) of the Administrative Procedure Act ("APA").[5] The Commission has determined that good cause exists for an exception from the publication requirements of the APA in that the amendments are technical amendments to existing rules and are adopted to eliminate unnecessary provisions and to clarify the existing interpretation by the Commission that options specialists come within the scope of the rule. As the amendments will not alter the existing regulatory framework, nor impose any burdens upon the regulated parties, the Commission has determined that a comment period is unnecessary. Therefore, the amendments qualify for an exception and may be adopted in final form without being proposed for comment.

For the reasons stated above, the Commission finds that the proposed amendment is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act. Accordingly, the Commission, acting pursuant to its authority under Section 23(a)(1) of the Act,[6] hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraphs (a)(1) and (a)(2)(iv), removing paragraph (a)(3), and revising paragraph (b) of §240.11b–1 as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.11b–1 Regulation of specialists.

(a)(1) The rules of a national securities exchange may permit a member of such exchange to register as a specialist and to act as a dealer.

(2) * * *

(iv) Provisions stating the responsibilities of a specialist acting as a broker in securities in which he is registered; and

(v) * * *

(b) If after appropriate notice and opportunity for hearing the Commission finds that a member of a national securities exchange registered with such exchange as a specialist in specified securities has, for any account in which he, his member organization, or any participant therein has any beneficial interest, direct or indirect, effected transactions in such securities which were not part of a course of dealings reasonably necessary to permit such specialist to maintain a fair and orderly market, or to act as an odd-lot dealer, in the securities in which he is registered and were not effected in a manner consistent with the rules adopted by such exchange pursuant to paragraph (a)(2)(iii) of this section, the Commission may by order direct such exchange to cancel, or to suspend for such period as the Commission may determine, such specialist's registration in one or more of the securities in which such specialist is registered: *Provided, however,* If such exchange has itself suspended or cancelled such specialist's registration in one or more of the securities in which such specialist is registered, no further sanction shall be imposed pursuant to this paragraph (b) except in a case where the Commission finds substantial or continued misconduct by a specialist; *And provided, further,* That the provisions of this paragraph (b) shall not apply to a member of a national securities exchange exempted pursuant to the provisions of paragraph (d) of this section.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

February 25, 1981.

[FR Doc. 81–6864 Filed 3–3–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Antidumping Duties; Ice Cream Sandwich Wafers From Canada; Final Results of Administrative Review and Revocation of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review and Revocation of Antidumping Finding.

SUMMARY: On November 17, 1980, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on ice cream sandwich wafers from Canada. The scope of the review was limited to the only known exporter, Viau, Ltd., and covered the period July 1, 1978 through July 6, 1979. Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing. No comments or requests were received.

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 14, 1972, a dumping finding with respect to ice cream sandwich wafers from Canada was published in the **Federal Register** as Treasury Decision 72–77 (37 FR 5293). On November 17, 1980, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of the administrative review of the finding (45 FR 75630).

The Department has now completed its administrative review of the finding.

Scope of the Review

The imports covered by this review are ice cream sandwich wafers currently classifiable under item 182.2000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter to the United States of Canadian ice cream sandwich wafers, Viau, Ltd., and the period covered by this review is July 1, 1978 through July 6, 1979.

Final Results of the Review

The Department received no comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

Determination

As a result of this review, the Department revokes the antidumping finding on ice cream sandwich wafers from Canada.

This revocation applies to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after July 6, 1979. The Department will issue appraisement instructions directly to the Customs Service.

Annex I [Amended]

The table in Part 353, Annex I, Commerce Regulations (19 CFR, Annex I, 45 FR 8207), is amended under the country heading "Canada", by deleting from the column headed "Merchandise" the words "ice cream sandwich wafers" and from the column headed "T.D." the number "72–77".

This administrative review, revocation and notice publication are in accordance with section 751 (a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1), (c)) and 353.54 of the Commerce Regulations (19 CFR 353.54).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 27, 1981.

[FR Doc. 81–6649 Filed 3–3–81; 8:45 am]

BILLING CODE 3510–25–M

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[5] *See, e.g., McDonald's Corporation* (June 6, 1977); *American Security Corporation* (September 28, 1977).

[6] The addition of "or a subsidiary of an issuer," suggested by one of the commentators, is intended to provide for situations where a subsidiary of the issuer [*e.g.*, a major operating subsidiary of a parent holding company] may sponsor an employee or shareholder plan which involves an offering of securities issued by the parent company.

[7] As proposed, the term "plan" would have included any bonus, profit-sharing, pension, retirement, thrift, savings, incentive, stock purchase, stock ownership, dividend reinvestment or similar plan for employees or shareholders of an issuer. In response to suggestions by several commentators, "stock option" and "stock appreciation" plans have been added to the list to make it clear that such plans are included within the exception. In addition, the clause "or employees or shareholders of its subsidiaries" has been added at the end of paragraph (c)(4).

[1] Securities Exchange Act Release No. 7625 (November 23, 1964), 29 FR 15862.

[2] 15 U.S.C. 78k(b).

[3] The term "specialist"also includes any market maker deemed to be or treated as a specialist for purposes of the Act by an exchange.

[4] Rule 11b–1 was adopted in 1964, nine years before options were permitted to be traded on a national securities exchange. Accordingly, while certain national securities exchanges, including the Philadelphia and Pacific Stock Exchanges, were exempted from its provisions at that time, the Commission did not intend and has never interpreted these exemptions to extend to the options programs of these national securities exchanges. In this regard, no national securities exchange has made an application pursuant to Section 11(c) of the Act to exempt its options program from the requirements of Rule 11b–1, nor is the Commission currently inclined to grant such an application. In any event, all of the options exchanges currently have rules designed to comply with the requirements of Rule 11b–1.

[5] 5 U.S.C. 551 *et seq.* Section 553(b) provides that an agency must publish general notice of proposed rule making in the Federal Register, unless at least one of two possible exemptions is available. The exceptions extend to: (1) "interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice;" and (2) situations "when the agency for good cause finds * * * that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

[6] 15 U.S.C. 78w(a)(1).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1765-1]

Revision to Idaho and Oregon State Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 5, 1980, EPA proposed for public comment in the **Federal Register** (45 FR 80558–60) revisions to the Idaho and Oregon State Implementation Plans. The revisions were in response to the May 10, 1979 (44 FR 27558) promulgated Rules and Regulations for Air Quality Monitoring, Data Reporting and Surveillance Provisions. No comments were received, therefore, EPA is today approving the Part 58 SIP revisions for the States of Idaho and Oregon. EPA approves a revision to the Idaho and Oregon State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, § 58.20 Air Quality Surveillance, plan content.

DATE: March 4, 1981.

ADDRESSES: Copies of the relative material for this revision may be examined during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

Central Docket Section (10A–80–18), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Streets SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: William B. Schmidt, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101,Telephone No. (206) 442–1106. FTS: 399–1106.

SUPPLEMENTARY INFORMATION: Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart N—Idaho

Section 52.670, (c)(18) is added as follows

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(18) On February 14, 1980 the State of Idaho Department of Health and Welfare submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR Part 58, Subpart C, § 58.20.

Subpart MM—Oregon

Section 52.1970, (c)(33) is added as follows:

* * * * *

§ 52.1970 Identification of plan.

(c) * * *

(33) On December 27, 1979, the State of Oregon Department of Environmental Quality submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR Part 58, Subpart C § 52.20.

(Section 110 and 172 of the Clean Air Act (42 U.S.C. 7410(a) and 7502))

Date: February 26, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the States of Idaho and Oregon was approved by the Director of the Federal Register on July 1, 1980.

[FR Doc. 81-6804 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1746-8]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On June 24, 1980 (45 FR 42338), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on an air quality surveillance plan submitted by the State of Illinois as a revision to the Michigan State Implementation Plan (SIP). No public comments were received. This notice announces EPA's final approval of the air quality surveillance plan as a revision to the Illinois SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on April 3, 1981.

ADDRESSES: Copies of the SIP revision, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the submisssion are also available at:

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6053.

SUPPLEMENTAL INFORMATION: Section 319 of the Clean Air Act, as amended, requires the U.S. Environmental Protection Agency (EPA) to establish monitoring criteria to be followed uniformly across the nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA on May 10, 1979 (44 FR 27558), promulgated Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. The regulations revoke Part 51 of Title 40 of the Code of Federal Regulations and establish a new Part 58 entitled Ambient Air Quality Surveillance.

On December 20, 1979, the State of Illinois submitted to EPA a SIP revision to provide for modification of the existing air quality surveillance network. EPA has reviewed the submittal and determined that it meets the requirements of Sections 110 and 319 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. The complete requirements for an air quality surveillance plan are outlined in 40 CFR 58.20, and were summarized in EPA's notice of proposed rulemaking published June 24, 1980 (45 FR 42338). At that time, EPA discussed the state's submission, and proposed approval of the Illinois air quality surveillance plan. Interested parties were given until July 24, 1980 to comment on the plan and on EPA's proposed approval. No comments were received. This notice announces EPA's final rulemaking action to approve the air quality surveillance plan as a revision to the Illinois SIP.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044 (43 FR 12661), EPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels proposed regulations, "specialized." I have reviewed this and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Final Rulemaking is issued under the authority of sections 110 and 319 of the Clean Air Act as amended (42 U.S.C. 7410 and 7619).

Dated: February 26, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1980.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Subpart O—Illinois

Section 52.720(c) is amended by adding subparagraph (26) as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

* * * * * *

(26) On December 20, 1979, the State of Illinois submitted a revision to provide for modification of the existing air quality surveillance network

[FR Doc. 81-6803 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL 1739-3]

Revision to the State Implementation Plan (SIP) for the State of Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Massachusetts were submitted to EPA on January 28, 1980 by the Commissioner of the Department of Environmental Quality Engineering. Those revisions included a comprehensive air quality monitoring plan intended to meet requirements of 40 CFR 58 entitled Ambient Air Quality Surveillance.

On June 26, 1980 the Regional Administrator published in the **Federal Register** (45 FR 43229) a Notice of Proposed Rulemaking for this revision to the Massachusetts SIP, to approve the comprehensive air quality monitoring plan. No comments were received during the 30-day comment period. EPA is taking action because the revision meets the requirements of the ambient air quality surveillance regulations. The intended effect of this action is to approve the comprehensive air quality monitoring plan.

EFFECTIVE DATE: These regulations take effect on April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Donald P. Porteous, Air Section, EPA, Region I, 60 Westview Street, Lexington, Massachusetts 02173, (617) 861–6700.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558) pursuant to the requirements of Sections 110(a)(2)(C), 319, 313, and 127 of the Clean Air Act, EPA promulgated ambient air quality monitoring, data reporting, and surveillance provisions, establishing a new Part 58 in 40 CFR, entitled Ambient Air Quality Surveillance.

Massachusetts has submitted a Comprehensive Air Quality Monitoring Plan designed to meet the requirements of Part 58. EPA has found that the Massachusetts submittal meets the applicable regulations. EPA proposed approval of the Comprehensive Air Quality Monitoring Plan in a notice of proposed rulemaking (45 FR 43229). No comments were received during the 30-day comment period. EPA is now granting final approval of the Massachusetts plan.

After evaluation of the state's submittal, the Administrator has determined that the Massachussetts revision meets the requirements of the Clean Air Act and 40 CFR, Part 58. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP revision is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA refers to these other regulations as "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Section 110(a) and 301 of the Clean Air Act, as amended, 42 U.S.C. 7401 and 7601)

Dated: January 27, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart W—Massachusetts

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Under § 52.1120, Identification of Plan, add subparagraph (36) to paragraph (c) as shown below:

§ 52.1120 Identification of Plan.

* * * * *

(c) * * *

(36) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR 58, was submitted by the Commissioner of the Department of Environmental Quality Engineering on January 28, 1980.

(c) * * *

[FR Doc. 81-6833 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1746-7]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On June 17, 1980 (45 FR 41016), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on an air quality surveillance plan submitted by the State of Michigan as a revision to the Michigan State Implementation Plan (SIP). No public comments were received. This notice announces EPA's final approval of the air quality surveillance plan as a revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on April 3, 1981.

ADDRESSES: Copies of the SIP revision, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the submission are also available at:

Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6053.

SUPPLEMENTAL INFORMATION: Section 319 of the Clear Air Act, as amended, requires the U.S. Environmental Protection Agency (EPA) to establish monitoring criteria to be followed uniformly across the nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA on May 10, 1979 (44 FR 27558), promulgated Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. The regulations revoke Part 51 of Title 40 of the Code of Federal Regulations and establish a new Part 58 entitled Ambient Air Quality Surveillance.

On December 19, 1979, the State of Michigan submitted to the USEPA a SIP revision to provide for modification of the existing air quality surveillance network. EPA has reviewed the submission and determined that it meets the requirements of Sections 110 and 319 of the Clear Air Act, as amended, and EPA regulations in 40 CFR Part 58. The complete requirements for an air quality surveillance plan are outlined in 40 CFR 58.20, and were summarized in EPA's notice of proposed rulemaking published June 17, 1980 (45 FR 41016). At that time, EPA discussed the state's submission, and proposed approval of the Michigan air quality surveillance plan. Interested parties were given until July 17, 1980 to comment on the plan and on EPA's proposed approval. No comments were received.

This notice announces EPA's final rulemaking action to approve the air quality surveillance plan as a revision to the Michigan SIP.

Under Section 307(b)(1) of the Clear Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044 (43 FR 12661), EPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels proposed regulations "specialized." I have reviewed this and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Final Rulemaking is issued under the authority of sections 110 and 319 of the Clear Air Act as amended (42 U.S.C. 7410 and 7619).

Dated: February 26, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1980.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Subpart X—Michigan

Section 52.1170(c) is amended by adding subparagraph (32) as follows:

§ 52.1170 Identification of Plan.

* * * * *

(c) * * *

* * * * *

(32) On December 19, 1979, the State of Michigan submitted a revision to provide for modification of the existing air quality surveillance network.

[FR Doc. 81-6801 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1746-6]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Minnesota

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On July 18, 1980 (45 FR 48168), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on an air quality surveillance plan submitted by the State of Minnesota as a revision to the Minnesota State Implementation Plan (SIP). One individual submitted comments on the proposed plan. This notice announces EPA's final approval of the air quality surveillance plan as a revision to the Minnesota SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on April 3, 1981.

ADDRESSES: Copies of the SIP revision; public comments on the Notice of Proposed Rulemaking (45 FR 48168), and EPA's evaluation and response to comments are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

Copies of the submission are also available at:

Minnesota Pollution Control Agency, 1935 W. County Road B-2, Roseville, Minnesota 55113

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6053.

SUPPLEMENTAL INFORMATION: Section 319 of the Clean Air Act, as amended, requires the U.S. Environmental Protection Agency (EPA) to establish monitoring criteria to be followed uniformly across the Nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA on May 10, 1979 (44 FR 27558), promulgated Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. The regulations revoke Part 51 of Title 40 of the Code of Federal Regulations and establish a new Part 58 entitled Ambient Air Quality Surveillance.

On March 5, 1980, the State of Minnesota submitted to EPA a SIP revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Minnesota on June 2, 1980. EPA has reviewed the submission and amendment and has determined that it meets the requirements of Sections 110 and 319 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58.

The complete requirements for an air quality surveillance plan are outlined in 40 CFR Part 58.20, and were summarized in EPA's notice of proposed rulemaking published July 18, 1980 (45 FR 48168). At that time, EPA discussed the state's submission and proposed approval of the Minnesota air quality surveillance plan. Interested parties were given until September 2, 1980, to comment on the plan and on EPA's proposed approval. One individual submitted comments on the proposed plan. The comments and EPA's responses are discussed below.

Public Comment

A commentor believes that the Minnesota air quality surveillance plan should not be approved by EPA until certain monitor siting problems are corrected. Specifically, the commentor is concerned about the location of ozone peak concentration and background concentration monitoring sites in the Minneapolis/St. Paul urban nonattainment area. For the peak site, the commentor points out that the monitor is sited on a building which is surrounded by large deciduous trees. The commentor is concerned that the scavenging effect of these trees would seriously affect the ozone readings. For the background site, the commentor is concerned that the monitor is located too close to possible significant sources of oxides of nitrogen. Therefore, it does not meet the specific background site criteria.

EPA Response

40 CFR Part 58.30 requires that a description of the NAMS monitoring network be submitted with the air monitoring SIP. However, 40 CFR Part 58 does not require a description of the entire SLAMS monitoring network be submitted as part of the SIP. The sites referred to by the commentor are SLAMS and not NAMS sites.

EPA is aware that there may be problems with the locations of the referenced monitors. Site surveys are being conducted jointly by the EPA and the Minnesota Pollution Control Agency (MPCA) to determine the acceptability of siting for these monitors. If a determination is made that these monitors are incorrectly positioned they will be moved to locations which comply with 40 CFR Part 58. In accordance with 40 CFR Part 58.23, MPCA has agreed to implement an acceptable SLAMS network by January 1, 1983 and to make a description of this network available for public review.

EPA Final Determination

EPA has determined that the SIP revision submitted by the State of Minnesota meets the requirements of 40 CFR Part 58. Therefore, the EPA takes final action today to approve the air quality surveillance plan as a revision to the Minnesota SIP.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044 (43 FR 12661), EPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels proposed regulations, "specialized." I have reviewed this and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Final Rulemaking is issued under the authority of sections 110 and 319 of the Clean Air Act as amended (42 U.S.C. 7410 and 7619).

Note.—Incorporation by reference of the State Implementation Plan for the State of Minnesota was approved by the Director of the Federal Register on July 1, 1980.

Dated: February 26, 1981.

Walter C. Barber,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Subpart Y—Minnesota

Section 52.1220(c) is amended by adding subparagraph (16) as follows:

§ 52.1220 Identification of Plan.

* * * * *

(c) * * *

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(16) On March 5, 1980, the State of Minnesota submitted a revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Minnesota on June 2, 1980.

[FR Doc. 81-6880 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1746-5]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On July 18, 1980 (45 FR 48169), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on an air quality surveillance plan submitted by the State of Ohio as a revision to the Ohio State Implementation Plan (SIP). One public interest group submitted comments on the proposed plan. This notice announces EPA's final approval of the air quality surveillance plan as a revision to the Ohio SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on April 3, 1981.

ADDRESSES: Copies of the SIP revision, public comments on the Notice of Proposed Rulemaking (45 FR 48169), and EPA's evaluation and response to

comments are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street S.W., Washington, D.C. 20460

Copies of the submission are also available at:

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6053.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, requires the U.S. Environmental Protection Agency (EPA) to establish monitoring criteria to be followed uniformly across the Nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA on May 10, 1979 (44 FR 27558), promulgated Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. The regulations revoke Part 51 of Title 40 of the Code of Federal Regulations and establish a new Part 58 entitled Ambient Air Quality Surveillance.

On February 8, 1980, the State of Ohio submitted to the EPA a SIP revision to provide for modification of the existing air quality surveillance network. EPA reviewed the revision and determined that it meets the requirements of Sections 110 and 319 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. The complete requirements for an air quality surveillance plan are outlined in 40 CFR 58.20, and were summarized in EPA's notice of proposed rulemaking published July 18, 1980 (45 FR 48169). At that time, EPA discussed the state's submission and proposed approval of the Ohio air quality surveillance plan. Interested parties were given until August 18, 1980 to comment on the plan and on EPA's proposed approval. One public interest group submitted comments on the proposed plan. This section of the notice discusses the comments received and EPA's response.

Issue

The commentor is concerned about two carbon monoxide air monitoring sites in the Toledo area. In the listing that accompanied the SIP revision both sites were classified as microscale sites. The commentor is concerned that the monitor inlets at both locations are incorrectly positioned and do not meet the microscale site criteria contained in Appendix E of 40 CFR Part 58.

EPA Response

The EPA requested the Ohio EPA to review the issues raised by the commentor. In a letter dated September 8, 1980 the Ohio EPA agreed that both sites were incorrectly classified as microscale sites. To alleviate this problem the classification of one site will be modified to "neighborhood" scale. For the second site, the state will make minor adjustments with regard to probe placement to conform to microscale site probe criteria contained in Appendix E of 40 CFR Part 58.

EPA Final Determination

After reviewing the public comments received and the State's response to public comments, EPA has determined that the SIP revision submitted by the State of Ohio meets the requirements of 40 CFR Part 58. Therefore, EPA takes final action today to approve the air quality surveillance plan as a revision to the Ohio SIP.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044 (43 FR 12661), EPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels proposed regulations, "specialized." I have reviewed this and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Final Rulemaking is issued under the authority of sections 110 and 319 of the Clean Air Act as amended (42 U.S.C. 7410 and 7619).

Dated: February 26, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1980.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Subpart KK—Ohio

Section 52.1870(c) is amended by adding subparagraph (26) as follows:

§ 52.1870 Identification of plan.

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(c) * * *

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(26) On February 8, 1980, the State of Ohio submitted a revision to provide for modification of the existing air quality surveillance network.

[FR Doc. 81–6862 Filed 3–3–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 81

[A–5–FRL 1765–3]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: This rulemaking changes the attainment status, relative to the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS), for Summit County, Ohio. In the October 17, 1980 **Federal Register** (45 FR 68978), USEPA proposed to redesignate this area from nonattainment to unclassified for CO. The State of Ohio requested USEPA to change the designation of Summit County from nonattainment for carbon monoxide to attainment. The intended effect is to satisfy the requirements of the Clean Air Act.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6035.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) directing each state to submit to the Administrator of the USEPA a list of those areas within the state which had ambient air concentrations of the pollutants sulfur dioxide (SO_2), total suspended particulates (TSP), nitrogen oxides (NO_x), carbon monoxide (CO) and ozone (O_3) which exceeded the USEPA established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each state which had ambient air concentrations below the NAAQS level were to be designated as attainment. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified. In the March 3, 1978 **Federal Register** (43 FR 8962) and in the October 5, 1978 **Federal Register** (43 FR 45993) the Administrator of the USEPA promulgated lists of nonattainment areas for each pollutant in each state. These lists also contained classifications for the attainment and unclassified areas within the state. Summit and Lucas Counties, Ohio were designated as nonattainment for carbon monoxide in the October 5, 1978 **Federal Register** (43 FR 45993).

According to section 107(d) of the Act, an area's designation is subject to revision whenever sufficient data becomes available to warrant such a redesignation. The State of Ohio, on March 21, 1980, requested USEPA to change the designation of Summit and Lucas Counties from nonattainment for carbon monoxide to attainment. This request was based on the ambient air quality data from the years 1977–1979 which showed that during these years there were no violations of either the primary or secondary carbon monoxide NAAQS in Summit and Lucas Counties.

After reviewing the data submitted by the State, USEPA, in the October 17, 1980 **Federal Register** (45 FR 68978), proposed to change the status of these counties from nonattainment to unclassified. For both areas, a thirty day public comment period was provided until November 17, 1980. During that time, USEPA received numerous comments on its proposed action for Lucas County, Ohio as well as a request to extend the public comment period for that County. Based on the request, USEPA in the December 17, 1980 **Federal Register** (45 FR 82964) extended, until December 23, 1980, the public comment period for its proposed action on the Lucas County, Ohio redesignation. Final action on the redesignation for Lucas County, Ohio will be published after USEPA has evaluated all the comments received.

For Summit County, Ohio USEPA did not receive a request to extend the public comment period and received only one comment from the State. In its letter to USEPA, the State noted that for carbon monoxide all other Counties in the State are designated in Chapter 40 Part 81 of the Code of Federal Regulations (40 CFR 81) as either nonattainment or attainment/unclassifiable. For consistency purposes the State requested USEPA to classify Summit County as attainment/unclassifiable. As stated in the notice of proposed rulemaking, due to the nature of carbon monoxide and to the manner in which it is measured EPA considers this area as unclassified. However, since the only designation classifications for carbon monoxide in 40 CFR 81 are nonattainment and attainment/unclassifiable, USEPA will designate the area as attainment/unclassifiable in 40 CFR 81.336.

Since there was no request to extend the public comment period provided for the Summit County redesignation; since USEPA's action on the Summit County redesignation is not dependent on its final action on the Lucas County redesignation; and since the comment received on the Summit County redesignation does not change the Agency's proposed action, USEPA, pursuant to section 107 of the Act, is today changing the designation of Summit County, Ohio from nonattainment to attainment/unclassifiable. Furthermore, as stated in the October 17, 1980 **Federal Register** at 68978 there is no longer any need for a carbon monoxide nonattainment SIP revision for Summit County, Ohio. Consequently, the restrictions on industrial growth contained in section 110(a)(2)(I) of the Act will now be lifted for carbon monoxide from major carbon monoxide emitting stationary sources.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant," and therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures.

USEPA Labels these other regulations, "Specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979, by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of March 4, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of section 107 of the Clean Air Act, as amended.

(Sec. 107 of Clean Air Act as amended, 40 U.S.C. 7407)

Dated: January 29, 1981.

Walter C. Barber,

Acting Administrator.

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows. In the table for "Ohio—Carbon monoxide" the entry under Summit County should be revised as follows:

§ 81.336 Ohio.

* * * * *

Ohio—Carbon Monoxide

Designated areas	Primary standard exceeded § (d)(1)(A)	Unclassifiable and/or attainment § (d)(1)(E)
* * * * * *		
Summit		X
* * * * * *		

[FR Doc. 81–6848 Filed 3–3–81; 8:45 am]

BILLING CODE 6560–38–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR PART 110

Information Regarding Requirements for Health Maintenance Organizations

Correction

In FR Doc. 81–5648, appearing at page 13511 in the issue of Monday, February 23, 1981, please make the following changes:

(1) On page 13511, second column, under "Supplementary Information:", sixth line, "94–559" should read "95–559".

(2) On page 13512, second column, under **"Organization and Operation"**, "*§ 110.108(b)—Final risk*" should read "*§ 110.108(b)—Financial risk*".

BILLING CODE 1505–01–M

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6003]

List of Communities With Special Hazard Areas Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or April 3, 1981, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–755–5585, Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

BILLING CODE 6718-03-M

EFFECTIVE DATE March 3, 1981

1 STATE	2 IDENT NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
OK	400502	Delaware County (Unincorporated Areas)	0001A thru 0008A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Mr. John Henry Ward, Chairman Board of Commissioners P.O. Box 309 Jay, OK 74346 (918) 253-4432
													EFFECTIVE DATE	March 6, 1981	
IN	160444	Monroe County Unincorporated Areas	0001A thru 0006A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Pat Cheesman, Coordinator Monroe County Planning Dept. 119 West 7th Street Bloomington, IN 47401 Phones 812 332-2827
													EFFECTIVE DATE	March 10, 1981	
TX	481566	City of Cities Municipal Utility District (Ft. Bend County)	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Board of Directors City of Cities Municipal Utility District 518 Sugarcreek Boulevard P.O. Box 45 Sugarland, TX 77478 (713) 494-5463
													EFFECTIVE DATE	March 13, 1981	
NJ	340444	Bor. of Somerville Somerset Co.	0005B	I	FL	B	1	3	1	7/26/74 10/24/75	N/A	9	N/A	N/A	Mr. Ralph D. Steradori Bor. Administrator 170 East Main Street Somerville, NJ 08876
NY	360265	Town of Jay (Essex County)	0005B 0010B 0015B 0070B 0230B	I	FL	B	1	3	1	11/8/74 9/3/76	N/A	9 10	N/A	N/A	Paul Savage Town Supervisor RU Sable Forks Jay, NY 12912

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UMI 1 8 4 R M 2 4 1 6 4 V

EFFECTIVE DATE March 13, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
NC	370429	Town of Pikeville (Wyane County)	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Raymond B. Glover Town Manager P. O. Box 9 Pikeville, NC 27863 919-242-5126
WI	550591	Sawyer County (Uninc. Areas.)	0001A thru 0015A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Zoning Administrator's Office Sawyer Co. Courthouse Hayward, WI 54896 715—634-4633
EFFECTIVE DATE March 17, 1981															
SD	460184	City of Ipswich (Edmunds County)	0001C	I	FL	B	1	3	1	11-5-76 2-14-78 9-5-78	N/A	9 10 16	N/A	N/A	Mr. Lynn Lander City Finance Officer P.O. Box 586 Ipswich, SD 57451 (605) 426-6961
TX	481485	Fort Bend County Levee Improvement District #2 (Fort Bend County)	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Ms. Carol Dinkins Vinson & Elkins Attorneys at Law First City National Bank Building Houston, TX 77002 (713) 651-2222
EFFECTIVE DATE March 20, 1981															
WI	550601	Marquette County Unincorporated Areas.	0001A thru 0006A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	County Clerk's Office Marquette Co. Courthouse Montello, WI 53949 Phone 412 297-2532

EFFECTIVE DATE March 27, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
MN	270638	Marshall County (Uninc. Areas)	Index 0001A thru 0017A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	County Auditor's Office Marshall County Courthouse Warren, MN 56762 Phone: 218 745-4851
EFFECTIVE DATE March 31, 1981															
TX	481544	City of Prairie View Waller Co.	0001A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Honorable Eristus Sams Mayor, City of Prairie View P. O. Box 2809 Prairie View, TX 77445 (713) 857-3711

BILLING CODE 6718-03-C

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 19, 1981.

Richard Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-6862 Filed 3-3-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 97

[FCC 81-56]

Amendment of the Commission's Rules To Provide for Exception to the 50-Watt Power Limitation in Two Additional Military Areas, and To Provide for Communications With Satellites by Amateur Radio Stations Within Certain Military Areas

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting rules in the Amateur Radio Service to relax a limitation to allow stations located in restricted areas near designated military installations and operating, in the future, in the Amateur-Satellite Service to communicate with satellites with power up to 1,000 watts (equivalent isotropically radiated power). The Table of Frequency Allocations is also amended to specify two additional areas. Amateur-Terrestrial communication in the restricted areas will remain subject to a 50-watt power limit.

EFFECTIVE DATE: April 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John B. Johnston or Maurice J. DePont, Private Radio Bureau, (202) 632–4964.

SUPPLEMENTARY INFORMATION:

Adopted: February 11, 1981.

Released: February 26, 1981.

In the matter of amendment of § 97.61(b)(7) of the Amateur Radio Service Rules to provide for exception to the 50 watt power limitation in two additional military areas, and to provide for communications with satellites by amateur radio stations within certain military areas; amendment of § 2.106, Table of Frequency Allocations.

By the Commission: Chairman Ferris not participating.

1. The Commission received a letter from the Radio Amateur Satellite Corporation (AMSAT), requesting the Commission's assistance in removing the 50 watt transmitter power limitation, in § 97.61(b)(7) of the Rules, applicable to amateur radio stations in certain parts of the country operating in the 420–450 MHz band. AMSAT states that, in order to use any new satellites that will be launched in the future, user stations will require 500–1,000 watts effective radiated power, an order of magnitude higher than that required to use previous amateur satellites. As a consequence, it anticipates that there will be as many as several thousand amateur radio stations using the new Phase III–A satellite that will require a waiver of § 97.61(b)(7) to permit higher power than 50 watts. AMSAT feels that amendment of the rule would eliminate the need for rule waivers.

2. The Frequency band 420–450 MHz is allocated to the Amateur Radio Service on a non-interference basis to the Government Radiolocation Service (See § 2.106 of the Commission's rules, Table of Frequency Allocations and Footnote US 35 thereto). Within this band, the frequencies 435–438 MHz are allocated to the Amateur-Satellite Service (ASAT), on condition that no harmful interference is caused to the other services, Government Radiolocation and Amateur Radio (See § 97.415, Footnote 1). Section 97.61(b)(5) requires that amateur radio stations operating in the frequency band 420–450 MHz not cause interference to the Government Radiolocation Service. Section 97.61(b)(7) identifies certain areas of the United States where amateur radio stations must have special authorization from the FCC Engineer in Charge (EIC) and the Military Area Frequency Coordinator (MAFC) before the station may transmit in the 420–450 MHz band with more than 50 watts input power.

3. In its request for assistance, AMSAT suggests that the Commission pursue the matter with the Interdepartment Radio Advisory Committee (IRAC) to determine whether the military would have any objection to deletion of the 50 watt power limitation. AMSAT offers three alternatives that it would consider to be suitable. They are:

A. Modify § 97.61(b)(7) to increase the transmitter power limit from the present 50 watts to 250 or 500 watts in the 420–450 MHz band.

B. Modify § 97.61(b)(7) to delete the 50 watt limit in the 435–438 MHz ASAT frequency band. Then the 1,000 watt limit specified in § 97.67(a) would apply between 435–438 MHz.

C. Modify § 97.61(b)(7) to apply only to amateur stations transmitting with antenna radiation patterns below elevation angles of 10 degrees, thus removing the 50 watt power limit for amateur radio stations communicating with the satellite.

4. The Commission took the matter up with IRAC. IRAC reported that the current restrictions, upon which § 97.61(b)(7) is based, are valid and are required by the military services. In addition, IRAC determined that two additional areas must be added to those now specified in § 97.61(b)(7) where power must be limited to 50 watts, unless, as mentioned in paragraph 2, special authorization has been obtained. The first area is within a 50 mile radius around Otis Air Force Base, Massachusetts. The other is within a 50 mile radius around Beale Air Force Base, California.

5. IRAC also said that it could permit amateur radio stations within any of the military restricted areas to communicate with satellites, on ASAT band frequencies 435–438 MHz, with power not to exceed 1,000 watts equivalent isotropically radiated power. However, those amateur radio stations would have to maintain a minimum transmitting antenna elevation angle of 10 degrees.

6. Amateur radio users who engage in amateur satellite operations will benefit from the relaxation of the rules herein ordered. Even though they are within any of the military restricted areas they can use 1,000 watts power as long as their antennas comply with the elevation angle specified. However, amateur radio users whose stations are located in the specified military areas and who engage solely in terrestrial operations will be required to accept the 50 watt power limit (unless waived) since amateur usage of frequencies in the 420–450 MHz ban is predicated on a non-interference basis to the Government Radiolocation Service in that band.

7. We are also amending § 2.106, Table of Frequency Allocations, Footnote U.S. 7, to reflect in that rule section the two additional military areas.

8. The specific rule amendments that we are adopting are set forth in the Appendix. Authority for the amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. We are dispensing with the prior notice and public procedure provisions of the Administrative Procedure Act as unnecessary (see 5 U.S.C. 553(b)(3)(B)) since the military services: (1) require a power restriction for terrestrial communications of amateur radio stations located near military installations; and, (2) could not permit, because of potential interference to military activities, any further concessions for amateur satellite operations.

9. Accordingly, it is ordered, effective April 8, 1981, that Parts 2 and 97 of the Commission's Rules are amended as set forth in the attached Appendix.

10. It is further ordered That this proceeding is terminated.

11. Information concerning these rule changes may be obtained from John B. Johnston or Maurice J. DePont, (202) 632–4964.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083;k 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

A. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

Section 2.106 is amended by adding new paragraphs (e) and (f) to Footnote U.S. 7 to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

U.S. Footnotes

* * * * *

U.S. 7 * * *

(e) In the State of Massachusetts within an 80-kilometer (50 mile) radius around locations at Otis Air Force Base, Massachusetts (latitude 41°45′ N., longitude 70°32′ W.).

(f) In the State of California within an 80-kilometer (50 mile) radius around locations at Beale Air Force Base, California (latitude 39°08′ N., longitude 121°26′ W.).

* * * * *

B. Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. In § 97.61, paragraph (b)(7) is amended by adding new subparagraphs (v) and (vi), as follows:

§ 97.61 Authorized frequencies and emissions.

* * * * *

(b) * * *

(7) * * *

(v) In the State of Massachusetts within an 80-kilometer (50 mile) radius of 41°45′ N., 70°32′ W.

(vi) In the State of California within an 80-kilometer (50 mile) radius of 39°08′ N., 121°26′ W.

2. In § 97.421, a new paragraph (c) is added as follows:

§ 97.421 Telecommand operation.

* * * * *

(c) Stations in telecommand operation may transmit from within the military areas designated in § 97.61(b)(7) in the frequency band 435–438 MHz with a maximum of 611 watts effective radiated power (1,000 watts equivalent isotropically radiated power). The transmitting antenna elevation angle between the lower half-power (−3 decibels relative to the peak or antenna bore sight) point and the horizon must always be greater than 10°.

3. A new § 97.422 is added to Subpart H of Part 97, as follows:

§ 97.422 Earth operation.

Stations in earth operation may transmit from within the military areas designated in § 97.61(b)(7) in the frequency band 435–438 MHz with a maximum of 611 watts effective radiated power (1,000 watts equivalent isotropically radiated power). The transmitting antenna elevation angle between the lower half-power (−3 decibels relative to the peak or antenna bore sight) point and the horizon must always be greater than 10°.

[FR Doc. 81-6850 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-281; RM-3496]

Radio Broadcast Services; FM Broadcast Station in Anchorage, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a Class C FM channel to Anchorage, Alaska, in response to a petition filed by KFQD, Inc. The assignment could bring a sixth commercial FM station to Anchorage.

EFFECTIVE DATE: April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 19, 1981.

Released: February 24, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Anchorage, Alaska).

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 42747, published June 25, 1980, proposing the assignment of Channel 293 to Anchorage, Alaska, as its sixth commercial FM assignment. The *Notice* was issued in response to a petition filed by KFQD, Inc. ("petitioner"), licensee of AM Station KFQD, Anchorage, Alaska. Supporting comments were filed by Pioneer Broadcasting Company, Inc.,[1] the successor in interest.

2. In its comments, Pioneer Broadcasting Company incorporated by reference the information contained in the *Notice*, and reaffirmed the commitment made by KFQD, Inc. to apply for the channel, if assigned. It further stated that Alaska's geography and climate are extreme, making the needs of the people of Anchorage for additional aural broadcast service unique.

3. Anchorage (pop. 48,029),[2] in the Anchorage Census Division (pop. 124,542), is located on the south central coast of Alaska, approximately 480 kilometers (303 miles) from the Canadian border. It is served locally by six fulltime AM stations (KANC, KBYR, KENI, KFOD, KHAR, and KYAK); five commercial FM stations (KHVN (Channel 263), KGOT (Channel 267), KRKN (Channel 271), KKLV (Channel 281), and KNIK–FM (Channel 288A)); and one noncommercial educational FM station (KSKA, Channel *276A).

4. As a result of the assignment of Channel 293 to Anchorage, new preclusion will occur on Channels 292A, 293, 294, and 296A. Eight communities with populations greater than 1,000 would be affected.[3] Of these, four (Valdez, Spenard, Palmer, and Soldotna) have no AM stations or FM assignments. Petitioner states that there are numerous channels available for assignment to the precluded communities.

5. In view of the fact that Anchorage has shown a continued population growth, a stabilized economy and there has been an interest expressed in an additional FM channel assignment, the Commission believes that the public interest would be served by assigning Channel 293 to Anchorage. The preclusion impact is insignificant since alternate channels are available to the precluded areas.

[1] The Commission recently approved a transfer of control to KFQD, Inc. of Aberdeen Broadcasting, and a merger of the two entities. Subsequently, the name was changed to Pioneer Broadcasting Company, Inc., which replaces KFQD, Inc., as the proponent of the proposed assignment of Channel 293 to Anchorage, Alaska.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Valdez (1,005), Seward (1,587), Cordova (1,164), Homer (1,083), Kenai (3,533), Palmer (1,140), Spenard (18,089), and Soldotna (1,202).

V 46 / 42 MR 4 81 UMI

6. Accordingly, It is ordered, That effective April 20, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules is amended as follows:

City	Channel No.
Anchorage, Alaska	263, 267, 271, *276A, 281, 288A, 293.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

Henry L. Baumann.

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–6864 Filed 3–3–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 80–248; RM–3431]

FM Broadcast Station in Eureka, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, by assigning Channel 268C to Eureka, California, as a third FM assignment, in response to a petition from Redwood Communications Company.

EFFECTIVE DATE: April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Eureka, California). BC Docket No. 80–248; RM–3431. Report and order.

Adopted: February 20, 1981.

Released: March 2, 1981.

By the Chief, Policy and Rules Division:

1. On May 29, 1980, at the request of Redwood Broadcasting Company ("petitioner"), permittee of daytime-only AM Station KEKA, Eureka, California, the Commission adopted a Notice of Proposed Rule Making, 45 FR 40182, published June 13, 1980, proposing the assignment of Class C Channel 268 to Eureka, California, as that community's third FM assignment. The channel can be assigned to Eureka in conformity with the minimum distance separation requirements. Petitioner filed comments in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received in response to the Notice.

2. Eureka (pop. 24,337),[1] seat of Humboldt County (pop. 99,692), is located in the northwest corner of California, approximately 448 kilometers (280 miles) north of San Francisco. It is served locally by two FM stations: KPDJ (Channel 222) and KFMI (Channel 242), and two fulltime AM stations (KINS and KRED). A construction permit has been granted to petitioner for daytime-only Station KEKA (AM).

3. Petitioner asserts that Eureka is the hub of governmental and commercial trade activity for the county and the surrounding area. Demographic and economic data were submitted demonstrating the need for a third FM assignment to Eureka.

4. In response to our request, contained in the Notice, petitioner provided updated first and second service figures. According to the new data, first FM and nighttime aural service will be provided to 1700 persons in 1,968 square kilometers (769 square miles). Second FM and nighttime aural service will be provided to 1400 persons in 1,940 square kilometers (758 square miles).

5. A preclusion study indicated that Channels 265A, 266, 267, 268, 269A, 270 and 271 would be precluded from various areas as a result of the proposed assignment. Twenty-three communities with populations exceeding 1,000 are located in the precluded areas. Petitioner states that alternate channels are available for assignment to Orland (258), Corning (256), Willets (296A), Central Valley (296A), Project City (296A), and Weaverville (276A). In response to our request in this Notice, petitioner states that alternate channels are also available to Ferndale, Fortuna and Blue Lake (256 and 286), Gridley (256) and Dunsmuir (296A).

6. In view of the first and second broadcast service that will be provided and the insubstantial preclusion impact, we believe it would be in the public interest to assign Channel 268C to Eureka, California.

7. Accordingly, *It is ordered*, That effective April 20, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, *is amended* for the community listed below, as follows:

City	Channel No.
Eureka, Calif.	222, 242, 268

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

9. It is further ordered, That this proceeding is Terminated.

10. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81–6829 Filed 3–3–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 80–280; RM–3510]

FM Broadcast Station in Petersburg, Indiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 272A to Petersburg, Indiana, as that community's first FM assignment at the request of Alan Gladish, Wyatt Rauch, Michael Voyles, and Ronald Weeks.

EFFECTIVE DATE: April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Petersburg, Indiana.) BC Docket No. 80–280 RM–3510. Report and order (Proceeding Terminated).

Adopted: February 20, 1981.

[1] Population figures are taken from the 1970 U.S. Census.

Released: February 27, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 42752, published June 6, 1980, proposing the assignment of FM Channel 272A to Petersburg, Indiana, as that community's first FM assignment, at the request of Alan Gladish, Wyatt Rauch, Michael Voyles, and Ronald Weeks ("petitioner"). Comments in support of the assignment were filed by petitioners [1] and by Pike Broadcasting Corporation. Both parties state that they will apply for authorization to build and operate a station on Channel 272A if it is assigned to Petersburg. No oppositions to the proposal were received.

2. Petersburg (pop. 2,697),[2] in Pike County (pop. 12,281), is located approximately 170 kilometers (103 miles) southwest of Indianapolis, Indiana. It currently has no local aural broadcast service.

3. Petitioners have submitted persuasive information with respect to Petersburg and its need for a first local FM assignment.

4. The Commission believes it would be in the public interest to assign FM Channel 272A to Petersburg, Indiana. Interest has been shown for its use and the assignment would provide the community with its first local aural broadcast service.

5. Accordingly, it is ordered, That effective April 20, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to Petersburg, Indiana, as follows:

City	Channel No.
Petersburg, Ind.	272A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. *It is further ordered*, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Petitioners note in their comments that Ronald Weeks has withdrawn his participation in the venture.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81–6830 Filed 3–3–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 80–204; RM–3421]

Radio Broadcast Services; FM Broadcast Station, Auburn, Maine; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A FM channel at Auburn, Maine, and modifies the license of the petitioner, The Great Down East Wireless Talking Company, to specify the Class C channel.

EFFECTIVE DATE: April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 19, 1981.

Released: February 25, 1981.

In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (Auburn, Maine).

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 34931, published May 3, 1980, proposing the substitution of Class C Channel 260 for Channel 261A at Auburn, Maine, in response to a petition filed by The Great Down East Wireless Talking Machine Company ("petitioner"), licensee of FM Station WWAV (Channel 261A). The *Notice* also proposed modification of the license for Channel 261A to specify operation on Channel 260. Petitioner submitted comments, restating its interest in the Class C channel.

2. Auburn (pop. 24,151),[1] seat of Androscoggin County (pop. 91,279), is located in southern Maine, approximately 43 kilometers (27 miles) southeast of Augusta. It is served locally by daytime-only AM Station WPNO and by FM Station WWAV (Channel 261A), licensed to the petitioner.

3. Petitioner incorporated by reference the information in the *Notice* that demonstrated the need for a Class C assignment. Petitioner contends that operation on the presently assigned Class A channel can serve only 63% of the county with a 1 mV/m or better signal, whereas, a Class C channel would encompass 96% of the county within its 1 mV/m contour.

4. As stated in the *Notice*, petitioner is competing for listening audience and advertising revenues with two Class B stations located in the nearby Auburn/Lewiston market. It claims that the proposed Class C assignment could provide the necessary revenue to maintain a viable operation

5. The assignment of Channel 260 to Auburn would cause preclusion on Channels 259, 260 and 261A. Twenty-two communities with a population greater than 1,000 would sustain preclusion on one or more of these channels. Twelve have no AM Stations or FM assignments.[2] The *Notice* requested that the petitioner indicate if alternate channels are available to each community. From the information submitted, it appears that Channels 284 and 292A are generally available to all of the precluded areas.

6. Canadian concurrence has been obtained for the substitution of Channel 260 for Channel 261A at Auburn, Maine.

7. The Commission believes that the public interest would be served by the proposed substitution of channels, inasmuch as it would provide expanded service to the surrounding area and population. The transmitter site is restricted to 17 kilometers (10.7 miles) south of the city. We have also authorized in paragraph 10 a modification of petitioner's license for Station WWAV, to specify operation on Channel 260, since there has been no other expression of interest in the Class C channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

8. In view of the foregoing, it is ordered, That, effective April 20, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Auburn, Maine	260

9. Authority for the action taken herein is contained in Sections 4(i),

[1] Population figures are taken from the 1970 U.S. Census.

[2] *Maine:* Vinalhaven, Thomaston, Boothbay Harbor, Lisbon Falls, Freeport, Wiscasset, Richmond, Belfast, Bucksport, Newport, Winslow, and Winthrop.

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5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

10. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by The Great Down East Wireless Talking Machine Company, for Station WWAV(FM), Auburn, Maine, is modified, effective April 20, 1981, to specify operation on Channel 260 instead of Channel 261A. The licensee shall inform the Commission in writing no later than April 20, 1981, of its acceptance of this modification. Station WWAV(FM) may continue to operate on Channel 261A for one year from the effective date of this action or until it is ready to operate on Channel 260, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 260, the licensee of Station WWAV(FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 260.

(b) At least 10 days prior to commencing operation on Channel 260, the licensee of Station WWAV(FM) shall submit measurement data required of an applicant for a broadcast license; and

(c) The licensee of Station WWAV(FM) shall not commence operation on Channel 260 without prior Commission authorization.

Nothing contained herein shall authorize a major change in transmitter site or the necessity of filing an environmental impact statement where required.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6605 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-389; RM-3557]

Radio Broadcast Services; FM Broadcast Station in Laurel Hill, North Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF-television Channel 59 to Laurel Hill, North Carolina, as its first commercial television assignment, in response to a petition filed by David M. Raley and Sabrina D. Raley.

EFFECTIVE DATE: April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 20, 1981.

Released: March 2, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 49628, published July 25, 1980, proposing the assignment of UHF television Channel 59 to Laurel Hill, North Carolina, as its first commercial television assignment. The *Notice* was issued in response to a petition filed by David M. Raley and Sabrina D. Raley ("petitioners"). Supporting comments were filed by the petitioners, restating their intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Laurel Hill (pop. 1,215),[1] in Scotland County (pop. 26,929) is located 215 kilometers (80 miles) east southeast of Charlotte. It has no local television service.

3. The *Notice* requested the petitioners to submit information regarding Laurel Hill's economy, government, and social organizations. In comments, petitioners assert that Laurel Hill is an unincorporated community with interests and needs that justify a first television assignment. They further state that the economy is based on farming and light industry.

4. The Commission believes that the public interest would be served by assigning UHF television Channel 59 to Laurel Hill. Petitioners have shown that there is an apparent need for a first local television service to that community. The assignment can be made in compliance with the minumum distance separation requirements and other criteria.

5. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective April 20, 1981, the Television Table of Assignments (§ 73.606(b) of the Rules) is amended with respect to the community listed below:

City	Channel No.
Laurel Hill, NC	59 +

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-6678 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-477; RM-3617]

FM Broadcast Stations in Roy and Clearfield, Utah; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 300 to Roy, Utah, as its first FM assignment in response to a petition filed by Kathy Wamsley.

EFFECTIVE DATE: April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Roy and Clearfield, Utah), BC Docket No. 80-477 RM-3617. Report and order (Proceeding Terminated).

Adopted: February 20, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 62517, published September 19, 1980, proposing the assignment of Class C FM Channel 300 to either Roy or Clearfield, Utah, as a first FM assignment. The *Notice* was issued in response to a petition filed by Kathy Wamsley ("petitioner"). Petitioner filed supporting comments, restating her intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Petitioner requested the assignment of Channel 300 to Roy and Clearfield, Utah, on a hyphenated basis. We have done so when it appears that the communities should be treated as one, due to their proximity and common social, cultural, trade and economic interests. The information submitted by the petitioner did not meet the necessary requirements. Therefore, we proposed the assignment for a specific community (Roy *or* Clearfield). In the *Notice* we requested the petitioner to indicate which community she seeks to serve and locate in, noting that the channel would be available for use at the other under provisions of the "15-mile rule," Section 73.203(b) of the Commission's Rules. Petitioner responded, requesting the assignment of Channel 300 to Roy, Utah.

3. Roy (pop. 14,345)[1] in Weber County (pop. 126,278) is located approximately 46 kilometers (24 miles) north of Salt Lake City, Utah. It has no local aural broadcast service.

4. Petitioner asserts that Roy has the population to warrant a Class C assignment. Petitioner further states that she proposes to serve the Clearfield community, due to its proximity.

5. The assignment of Channel 300 to Roy, taking into consideration the recent assignment of Channel 298 to Orem, Utah,[2] would cause preclusion on Channels 299 and 300 in all or parts of one county in *Colorado*, two counties in *Nevada*, five counties in *Wyoming*, twenty counties in *Idaho*, and seventeen counties in *Utah*. Petitioner indicates that Channel 274 is available to the precluded areas.

6. The Commission believes that it would be in the public interest to assign Channel 300 to Roy, Utah, as its first FM assignment. The preclusion impact is insignificant, since another channel is available to the precluded areas. The transmitter site is restricted to 6.3 kilometers (4 miles) north of the city to comply with the spacing to Channel 298 at Orem, Utah. Finally, anyone wishing to apply for use of the channel at Clearfield, Utah, could do so under Section 73.203(b) of the Commission's Rules, the 15-mile rule.

7. Accordingly, *it is ordered*, That effective April 20, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, *is amended* with respect to the community listed below:

City	Channel No.
Roy, Utah	300

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

9. *It is further ordered*, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6811 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-93; RM-3196 & RM-3254]

FM Broadcast Stations in Chilton, Clintonville and Manitowoc, Wisconsin; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a first Class A FM channel to Clintonville, Wisconsin, in response to a petition filed by Add, Inc. An alternative assignment of the channel to Chilton, Wisconsin, was not adopted due to a lack of stated interest in the assignment.

EFFECTIVE DATE: April 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Chilton, Clintonville and Manitowoc, Wisconsin), BC Docket No. 80-93, RM-3196, RM-3254. *Report and order* (Proceeding Terminated).

Adopted: February 20, 1981.

Released: February 26, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 17598, published March 19, 1980, proposing two alternative FM assignment plans: the assignment of Channel 221A to Clintonville, Wisconsin, as requested by Add, Inc., or the assignment of Channel 221A to Chilton, Wisconsin, and the substitution of Channel 257A for Channel 221A at Manitowoc, Wisconsin, as requested by R&D Broadcasting of Chilton, Wisconsin. These proposals are mutually exclusive because Clintonville and Chilton are approximately 82 kilometers (51 miles) apart, while the Commission's minimum separation requirements for co-channel Class A FM channels specify a distance of 104 kilometers (65 miles). Comments in support of the Clintonville assignment were filed by Add, Inc. ("Add"), and by Cub Radio, Inc. ("Cub"), licensee of Station WKKB (FM), in Manitowoc (Channel 221A). No comments in support of the Chilton assignment were received.[1] Add subsequently filed a "Request for Expedited Consideration" noting that no interest had been expressed in the Chilton assignment.

2. According to the Commission's procedures, a showing of continuing interest is required before a channel will be assigned. The original petitioner for the Chilton assignment, R&D Broadcasting, has failed to indicate a continuing interest in the assignment. The period for filing comments in this proceeding has expired and no other party has expressed an interest in an assignment to Chilton. Therefore, the lone issue to be resolved in this proceeding is whether to assign Channel 221A to Clintonville.

3. Clintonville (pop. 4,600),[2] in Waupaca County (pop. 37,780), is located approximately 200 kilometers (122 miles) northwest of Milwaukee. Clintonville currently has no local aural service, although an application for an AM station is pending.

4. Add has submitted persuasive information with respect to Clintonville and its need for a first FM broadcast service. The Commission therefore believes that it would be in the public interest to assign FM Channel 221A to Clintonville, Wisconsin. Interest has been shown for its use and the assignment would provide the community with its first local FM broadcast channel.

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[1] Population figures are taken from the 1970 U.S. Census.

[2] BC Docket No. 80-525, adopted February 4, 1981.

[1] Counsel for Cub notified the Commission that its attempts to serve its comments on the Chilton proponents proved futile because the parties' mailing address had been changed with no forwarding address given.

[2] Population figures are taken from the 1970 U.S. Census.

5. Accordingly, *It is ordered,* That effective April 20, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, *is amended,* with respect to Clintonville, Wisconsin, as follows:

City	Channel No.
Clintonville, Wis.	221A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. *It is further ordered,* That the petition of R&D Broadcasting of Chilton, Wisconsin to assign Channel 221A to Chilton, Wisconsin, *is Denied.*

8. *It is further ordered,* That this proceeding *is terminated.*

9. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-6828 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

Editorial Amendment of the 800 MHz Channelization Tables To Show Channel Frequencies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Part 90 of the Commission's Rules and Regulations sets out a channelization plan for land mobile trunked systems in the 806–866 MHz band. This amendment lists the frequencies which correspond to the channels to avoid misinterpretation of channel-to-frequency calculations.

EFFECTIVE DATE: November 25, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Keith Plourd, Private Radio Bureau, (202) 634-2443.

Order

Adopted: November 25, 1980.

Released: December 4, 1980.

In the Matter of Amending the 800 MHz Channelization Tables in Part 90 to Show Channel Frequencies.

1. In July of 1979, the Commission adopted a channelization plan for land mobile trunked systems in the 806–866 MHz band.[1]

2. Table I in § 90.365, which sets forth this channelization plan does not however, list the frequencies which correspond to the numbered channels. This omission leads to the potential for misinterpretation, since the frequencies can only be determined through a somewhat complex algebraic computation. Consequently, for ease of understanding, we are adopting here editorial changes to add a list of the actual frequencies along with the corresponding channels, for the benefit of our licensees.

3. This amendment is purely editorial in nature and is issued pursuant to the authority contained in § 0.23(d) of the Commission's rules and regulations and Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

4. In view of the foregoing, It is Ordered, effective November 25, 1980, that Part 90 of the Rules and Regulations is amended as set out in the attached Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communication Commission.

Richard D. Lichtwardt,

Executive Director.

Appendix

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 90.365, Table 1 of paragraph (h) is revised to read as follows:

§ 90.365 Selection and assignment of frequencies.

* * * * *

(h) See table below:

Table 1.—*Channelization for Trunked Systems*

[Other than Chicago]

Block No.	Channel No.	Mobile frequency/ base frequency (MHz)
1	1	820.9875/865.9875
	41	819.9875/864.9875
	81	818.9875/863.9875
	121	817.9875/862.9875
	161	816.9875/861.9875
	21	820.4875/865.4875
	61	819.4875/864.4875

[1] SS Docket No. 78-394, FCC 79-422.

Table 1.—*Channelization for Trunked Systems*—Continued

[Other than Chicago]

Block No.	Channel No.	Mobile frequency/ base frequency (MHz)
	101	818.4875/863.4875
	141	817.4875/862.4875
	181	816.4875/861.4875
	11	820.7375/865.7375
	51	819.7375/864.7375
	91	818.7375/863.7375
	131	817.7375/862.7375
	171	816.7375/861.7375
	31	820.2375/865.2375
	71	819.2375/864.2375
	111	818.2375/863.2375
	151	817.2375/862.2375
	191	816.2375/861.2375
2	2	820.9625/865.9625
	42	819.9625/864.9625
	82	818.9625/863.9625
	122	817.9625/862.9625
	162	816.9625/861.9625
	22	820.4625/865.4625
	62	819.4625/864.4625
	102	818.4625/863.4625
	142	817.4625/862.4625
	182	816.4625/861.4625
	12	820.7125/865.7125
	52	819.7125/864.7125
	92	818.7125/863.7125
	132	817.7125/862.7125
	172	816.7125/861.7125
	32	820.2125/865.2125
	72	819.2125/864.2125
	112	818.2125/863.2125
	152	817.2125/862.2125
	192	816.2125/861.2125
3	3	820.9375/865.9375
	43	819.9375/864.9375
	83	818.9375/863.9375
	123	817.9375/862.9375
	163	816.9375/861.9375
	23	820.4375/865.4375
	63	819.4375/864.4375
	103	818.4375/863.4375
	143	817.4375/862.4375
	183	816.4375/861.4375
	13	820.0875/865.0875
	53	819.0875/864.0875
	93	818.0875/863.0875
	133	817.0875/862.0875
	173	816.0875/861.0875
	33	820.1875/865.1875
	73	819.1875/864.1875
	113	818.1875/863.1875
	153	817.1875/862.1875
	193	816.1875/861.1875
4	4	820.9125/865.9125
	44	819.9125/864.9125
	84	818.9125/863.9125
	124	817.9125/862.9125
	164	816.9125/861.9125
	24	820.4125/865.4125
	64	819.4125/864.4125
	104	818.4125/863.4125
	144	817.4125/862.4125
	184	816.4125/861.4125
	14	820.0625/865.0625
	54	819.0625/864.0625
	94	818.0625/863.0625
	134	817.0625/862.0625
	174	816.0625/861.0625
	34	820.1625/865.1625
	74	819.1625/864.1625
	114	818.1625/863.1625
	154	817.1625/862.1625
	194	816.1625/861.1625
5	5	820.8875/865.8875

Table 1.—*Channelization for Trunked Systems*—Continued

[Other than Chicago]

Block No.	Channel No.	Mobile frequency/ base frequency (MHz)
	45	819.8875/864.8875
	85	818.8875/863.8875
	125	817.8875/862.8875
	165	816.8875/861.8875
	25	820.3875/865.3875
	65	819.3875/864.3875
	105	818.3875/863.3875
	145	817.3875/862.3875
	185	816.3875/861.3875
	15	820.6375/865.6375
	55	819.6375/864.6375
	95	818.6375/863.6375
	135	817.6357/862.6375
	175	816.6375/861.6375
	35	820.1375/865.1375
	75	819.1375/864.1375
	115	818.1375/863.1375
	155	817.1375/862.1375
	195	816.1375/861.1375
6	6	820.8625/865.8625
	46	819.8625/864.8625
	86	818.8625/863.8625
	126	817.8625/862.8625
	166	816.8625/861.8625
	26	820.3625/865.3625
	66	819.3625/864.3625
	106	818.3625/863.3625
	146	817.3625/862.3625
	186	816.3625/861.3625
	16	820.6125/865.6125
	56	819.6125/864.6125
	96	818.6125/863.6125
	136	817.6125/862.6125
	176	816.6125/861.6125
	36	820.1125/865.1125
	76	819.1125/864.1125
	116	818.1125/863.1125
	156	817.1125/862.1125
	196	816.1125/861.1125

Table 1.—*Channelization for Trunked Systems*—Continued

[Other than Chicago]

Block No.	Channel No.	Mobile frequency/ base frequency (MHz)
7	7	820.8375/865.8375
	47	819.8375/864.8375
	87	818.8375/863.8375
	127	817.8375/862.8375
	167	816.8375/861.8375
	27	820.3375/865.3375
	67	819.3375/864.3375
	107	818.3375/863.3375
	147	817.3375/862.3375
	187	816.3375/861.3375
	17	820.5875/865.5875
	57	819.5875/864.5875
	97	818.5875/863.5875
	137	817.5875/862.5875
	177	816.5875/861.5875
	37	820.0875/865.0875
	77	819.0875/864.0875
	117	818.0875/863.0875
	157	817.0875/862.0875
	197	816.0875/861.0875
8	8	820.8125/865.8125
	48	819.8125/864.8125
	88	818.8125/863.8125
	128	817.8125/862.8125
	168	816.8125/861.8125
	28	820.3125/865.3125
	68	819.3125/864.3125
	108	818.3125/863.3125
	148	817.3125/862.3125
	188	816.3125/861.3125
	18	820.5625/865.5625
	58	819.5625/864.5625
	98	818.5625/863.5625
	138	817.5625/862.5625
	178	816.5625/861.5625
	38	820.0625/865.0625
	78	819.0625/864.0625
	118	818.0625/863.0625
	158	817.0625/862.0625
	198	816.0625/861.0625
9	9	820.7875/865.7875
	49	819.7875/864.7875

Table 1.—*Channelization for Trunked Systems*—Continued

[Other than Chicago]

Block No.	Channel No.	Mobile frequency/ base frequency (MHz)
	89	818.7875/863.7875
	129	817.7875/862.7875
	169	816.7875/861.7875
	29	820.2875/865.2875
	69	819.2875/864.2875
	109	818.2875/863.2875
	149	817.2875/862.2875
	189	816.2875/861.2875
	19	820.5375/865.5375
	59	819.5375/864.5375
	99	818.5375/863.5375
	139	817.5375/862.5375
	179	816.5375/861.5375
	39	820.0375/865.0375
	79	819.0375/864.0375
	119	818.0375/863.0375
	159	817.0375/862.0375
	199	816.0375/861.0375
10	10	820.7625/865.7625
	50	819.7625/864.7625
	90	818.7625/863.7625
	130	817.7625/862.7625
	170	816.7625/861.7625
	30	820.2625/865.2625
	70	819.2625/864.2625
	110	818.2625/863.2625
	150	817.2625/862.2625
	190	816.2625/861.2625
	20	820.5125/865.5125
	60	819.5125/864.5125
	100	818.5125/863.5125
	140	817.5125/862.5125
	180	816.5125/861.5125
	40	820.0125/865.0125
	80	819.0125/864.0125
	120	818.0125/863.0125
	160	817.0125/862.0125
	200	816.0125/861.0125

[FR Doc. 81-6854 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

V 4 6 / 4 2 M R 4 8 1 UMI

Proposed Rules

Federal Register
Vol. 46, No. 42
Wednesday, March 4, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

Appendix A, Narrative Explanation of Table S–3, Uranium Fuel Cycle Environmental Data

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.[1]

SUMMARY: The Commission is publishing for public comment a proposed rule consisting of amendments and a new Appendix A to its regulation 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection." Appendix A consists of a narrative explanation for Table S–3, "Uranium Fuel Cycle Environmental Data," 10 CFR 51.20(e), describing the basis for the values contained in Table S–3 and the conditions which govern the use of the table. Specifically, Appendix A clarifies the significance of Table S–3 and addresses important fuel cycle impacts such as environmental dose commitments and health effects, socioeconomic impacts, and cumulative impacts, where these are appropriate for generic treatment. With certain exceptions the proposed amendments would remove from consideration in individual reactor licensing proceedings the environmental impacts addressed by Table S–3, on the grounds that the narrative in Appendix A supports a generic conclusion that these impacts cannot significantly affect the environmental cost-benefit balance for a light water reactor.

DATES: Comment period expires May 4, 1981. Comments received after the expiration date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or befor that date.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed explanatory narrative should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Branch. Copies of all comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. It should be noted that the Commission is soliciting comments only on the narrative; the values for environmental effects given in Table S–3 have been adopted by the Commission in their final fuel cycle rule, and, hence, are not appropriate subjects for comment.

FOR FURTHER INFORMATION CONTACT: Homer Lowenberg, Assistant Director for Operations and Technology, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 427–4142.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act of 1969 (NEPA), an environmental impact statement is prepared by the Nuclear Regulatory Commission in connection with issuance of a construction permit or an operating license for each light-water nuclear power reactor (LWR). Each statement contains a detailed evaluation of the environmental impacts of construction and operation of a plant and a discussion of reasonable alternatives, as well as an overall assessment of the costs and benefits of the licensing action.

In November 1972, a document entitled "Environmental Survey of the Nuclear Fuel Cycle" was published by the Directorate of Licensing of the Atomic Energy Commission (AEC) to establish a technical basis for an informed consideration of the environmental effects of the uranium fuel cycle in the environmental impact statements for individual LWRs. The survey was not intended to be an analysis of alternatives, costs, and benefits of the entire uranium fuel cycle, i.e., it was not intended to be a complete environmental impact statement on the LWR fuel cycle; rather, it was intended to be a survey of nuclear fuel cycle production operations and related effects.

In the survey, the nuclear fuel cycle was treated generically. This approach was necessary because it was not possible to trace either the fresh or the spent fuel of an individual reactor through the fuel cycle and thus pinpoint environmental impacts at specific plants at specific points in time. Accordingly, the various steps in the fuel cycle were reviewed and models for each step were developed that would provide characteristic, but conservative, assessments of the effluents and effects from each operation.

Comments on the Environmental Survey were solicited in a **Federal Register** notice (37 FR 24191) and a hearing was held on February 1 and 2, 1973. The purpose of the hearing was to consider possible amendments to Appendix D of 10 CFR Part 50 which could, by rule, specify the environmental effects of the uranium fuel cycle that should be factored into the assessment of costs and benefits in environmental impact statements for individual LWRs. Written comments were received and recommendations for improvement were offered during the hearings. After consideration of these comments, the AEC promulgated a final fuel cycle rule (so-called Table S–3) on April 22, 1974 (39 FR 14188) and republished the earlier survey, with additions and corrections, as WASH–1248, "Environmental Survey of the Uranium Fuel Cycle." The AEC indicated that the rule and survey would be reexamined from time to time to accommodate new information. Table S–3 was codified in 10 CFR Part 51 of the NRC Regulations when Appendix D to Part 50 was redesignated in 1974.

On January 19, 1975, AEC was abolished, and its licensing and regulatory responsibilites transferred to the Nuclear Regulatory Commission. On July 21, 1976, the United States Court of Appeals for the District of Columbia Circuit decided *Natural Resources Defense Council* v. *NRC*, 547 F.2d 633 (D.C. Cir. 1976), and *Aeschliman* v. *NRC*, 547 F.2d 623 (D.C. Cir. 1976), two cases involving judicial review of the fuel cycle rule. In those cases, the court approved the overall approach and methodology of the rule. However, the court found that the rule was inadequately supported by the record insofar as it treated two aspects of the fuel cycle—the impacts from reprocessing of spent fuel and radioactive waste management.

The Commission issued a General Statement of Policy (41 FR 34707, August 16, 1976) in response to the court decisions, announcing its intention to reopen rulemaking proceedings on the environmental effects of the fuel cycle. the purpose of the reopened proceeding was to supplement the existing record with regard to reprocessing and waste management, to determine whether the rule should be amended, and if so, in what respect. The Commission directed the staff to prepare a supplement to the survey to establish a basis for identifying environmental impacts associated with fuel reprocessing and waste management[2] activities that are attributable to the licensing of a model LWR. The supplement, NUREG–0116, was published in October 1976. The public comments, responses, and additional information on reprocessing and waste management were made available in March 1977 in NUREG–0216.

On March 14, 1977, the Commission promulgated an interim rule (42 FR 13803) incorporating revised values which had been developed for Table S–3. Hearings on the supplements and the amended rule were started in January 1978 and completed in April 1978.

The rulemaking grew well beyond a narrow inquiry into the evidentiary basis supporting the numbers tabulated in the interim rule. The broader perspective taken by the participants and the Hearing Board clarified many issues concerning fuel cycle environmental impacts not covered by Table S–3 which need to be addressed, at least conceptually, in a comprehensive fuel cycle rule. These issues include—but are not necessarily limited to—environmental dose commitments and health effects from fuel cycle releases, fuel cycle socioeconomic impacts, and possible cumulative impacts.

On July 27, 1979, the Commission approved the final rule which set out revised envronmental impact values for the uranium fuel cycle to be included in environmental reports and environmental statements for reactors (44 FR 45362). In the **Federal Register** notice, the Commission announced that, as recommended by the Hearing Board, it would publish an explanatory narrative that would be part of the same rule.[3] The Commission noted that the fuel cycle rulemaking record made clear that effluent release values, standing alone, did not meaningfully convey the environmental significance of uranium fuel cycle activities. The focus of interest and the ultimate measure of impact for radioactive releases are the resulting radiological dose commitment and associated health effects. The Commission directed that an explanatory narrative be developed that would convey in understandable terms the significance of releases in the table. The narrative was also to address such important fuel cycle impacts as environmental dose commitments and health effects, socioeconomic impacts and cumulative impacts, where these are appropriate for generic treatment.

The staff has written an explanatory narrative that provides the public with some quantitative measures (dose commitments and health effects) of the radiological impacts resulting from the releases of radioactive materials specified in Table S–3. The narrative, to be extent practicable, was drawn primarily from the WASH–1248, NUREG–0116, and NUREG–0216 documents and other material in the S–3 hearing record. Material in these documents, and in the S–3 hearing record, was abstracted to form the basis of the narrative. References to applicable sections of these and other documents have been included in the narrative.

Other topics have been included in the narrative: a discussion of cumulative effects; a discussion of the methods that might be used to calculate dose commitments over long time periods and the significance of the calculations and discussion of the time period over which the waste in a repository represents a significant potential hazard. Included in the discussion of the time period over which waste in a repository represents a significant potential hazard is an analysis, based on data presented in NUREG–0116 (Table 4.19, page 4–96), of potential releases from the repository over very long periods of time if a repository did not perform as expected.

Two isotopes that may be emitted from various fuel cycle facilities have not been included in Table S–3 as a result of Commission decisions:

- Radon emissions are presently not treated in Table S–3. The value for radon emissions was specifically deleted from Table S–3 based upon recommendations of the staff and the positions of several intervenors in individual licensing actions (43 FR 15613, April 14, 1978). Accordingly, radon releases, together with an appraisal of their impacts, may be considered in individual reactor licensing proceedings.
- Technetium-99 releases are not given in Table S–3. The Fuel Cycle Rule Hearing Board concluded that the conservative assumption of complete release of iodine-129 tended to compensate for the omission of technetium from the table. However, the Commission decided that the emissions of technetium, together with an appraisal of the impacts associated with them, could be considered in individual reactor licensing proceedings.

Pending adoption of the explanatory narrative as part of the fuel cycle rule, the use of Table S–3 in individual proceedings must be accompanied by supplementary presentations. Accordingly, the Commission has directed the NRC staff to continue presenting in individual proceedings an evaluation of dose commitments and health effects from fuel cycle releases. In addition, the staff will address economic and socioeconomic impacts, possible cumulative impacts of fuel cycle activities, and other impacts of the fuel cycle as may reasonably appear to have a significance for individual reactor licensing sufficient to warrant attention for NEPA purposes. These matters currently remain open for litigation in individual proceedings.

Upon adoption of the explanatory narrative as part of the fuel cycle rule, except for radon emissions and technetium-99 releases, no further consideration of fuel cycle impacts addressed by Table S–3 and the explanatory narrative will be required or allowed in individual reactor licensing proceedings. The Commission has found, based on the narrative explanation given in Appendix A, 10 CFR Part 51, that the fuel cycle impacts addressed by Table S–3 cannot significantly affect the cost-benefit balance for a light water reactor.

[1] This proposed rule and the accompanying narrative were developed concurrently with, but independently of, the revision of 10 CFR Part 51 made in response to the CEQ regulations. The rule and the narrative, after Commission review and action, will be conformed to 10 CFR Part 51, as published.

[2] "Waste management," as used in WASH–1248 and the Supplements, refers to the handling of wastes from post-fission operations in the fuel cycle, or other operations from which wastes arise and are shipped to some storage or burial facility.

[3] In recommending the addition of an explanatory narrative, the Hearing Board stated, "If all the impacts of the fuel cycle would be expressed in the table in terms of familiar impacts of the operation of a power plant or other common facility, other explanation might not be necessary. However, the radiological impacts and some others cannot be described in this manner. We conclude, therefore, that Table S–3 should be supplemented by a brief explanatory narrative . . . . The narrative should contain a brief description of the fuel cycle, with references to specific sections of reports where more detailed information can be obtained. The numbers in Table S–3 should be related to the major sources in the narrative and the impacts should be explained.

"Environmental dose commitments resulting from the radiological releases should be discussed in the narrative. Health effects could be included or dealt with in the discussion of the health effects of reactor operation. Socioeconomic impacts should be discussed but economics need not be included."

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Accordingly, with the exception of radon-222 and technetium release values and their potential significance, there shall be no further consideration of fuel cycle impacts addressed by Table S-3. Table S-3 and the material in the narrative will be referenced as support for a generic conclusion that these fuel cycle impacts cannot affect significantly the cost-benefit balance for a light water reactor.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the National Environmental Policy Act of 1969, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following proposed amendment to 10 CFR Part 51 is contemplated:

1. In § 51.20, paragraph (e) is revised to read as follows:

§ 51.20 Applicant's environmental report—construction permit stage.

* * * * *

(e) In the Environmental Report required by paragraph (a) for light-water-cooled nuclear power reactors, the contribution of the environmental effects of uranium mining and milling, the production of uranium hexafluoride, isotopic enrichment, fuel fabrication, reprocessing of irradiated fuel, transportation of radioactive materials and management of spent fuel and low-level wastes and high-level wastes related to uranium fuel cycle activities to the environmental costs of licensing the nuclear power reactor, shall be as set forth in Table S-3, Table of Uranium Fuel Cycle Environmental Data. No further discussion of the environmental effects addressed by the table shall be required. This paragraph does not apply to any applicant's environmental report submitted prior to (*date of publication* of final rule).

2. In § 51.23, paragraph (c) is revised to read as follows:

§ 51.23 Contents of draft environmental statement.

* * * * *

(c) The draft environmental impact statement will include a preliminary cost-benefit analysis which considers and balances the environmental and other effects of the facility and the alternatives available for reducing or avoiding adverse environmental and other effects, as well as the environmental, economic, technical and other benefits of the facility. The contribution of the environmental effects of the uranium fuel cycle activities specified in § 51.20(e) shall be addressed in the draft environmental impact statement by setting out Table S-3, Table of Uranium Fuel Cycle Environmental Data, and noting that the Commission has found, based on the narrative explanation given in Appendix A, 10 CFR Part 51, that the fuel cycle impacts addressed by Table S-3 cannot significantly affect the cost-benefit balance for a light water reactor. With the exception of radon-222 and technetium release values [4] and their potential significance, there shall be no further consideration of fuel cycle impacts addressed by Table S-3. The impact statement shall consider and take account of economic and socioeconomic impacts, possible cumulative impacts, and other fuel cycle impacts as may reasonably appear significant. The cost benefit analysis will, to the fullest extent practicable, quantify the various factors considered. To the extent that these factors cannot be quantified, they will be discussed in qualitative terms. The cost-benefit analysis will indicate what other interests and considerations of federal policy are thought to offset any adverse environmental effects of the proposed action identified pursuant to paragraph (a). Due consideration will be given to compliance of the facility construction or operation and alternative construction and operation with environmental quality standards and requirements which have been imposed by federal, state, regional, and local agencies having responsibility for environmental protection, including applicable zoning and land-use regulations and water pollution limitations or requirements promulgated or imposed by the Federal Water Pollution Control Act. The environmental impact of the facility will be considered in the cost-benefit analysis with respect to matters covered by these standards and requirements irrespective of whether a certification or license from the appropriate authority has been obtained, including any certification obtained pursuant to Section 401 of the Federal Water Pollution Control Act. While satisfaction of Commission standards and criteria pertaining to radiological effects will be necessary to meet the licensing requirements of the Atomic Energy Act, the cost-benefit analysis will, for the purposes of NEPA, consider the radiological effects of the facility and alternatives.

[4] Values for releases of Rn-222 and Tc-99 are not given in the Table. The amount and significance of Rn-222 releases from the fuel cycle and Tc-99 releases from waste management or reprocessing activities shall be considered in the draft environmental impact statement and may be the subject of litigation in individual licensing proceedings.

3. In Part 51, a new Appendix A, "Explanatory Narrative for Table S-3," Table of Uranium Fuel Cycle Environmental Data, is added to read as follows:

Appendix A—Explanatory Narrative for Table S-3, Table of Uranium Fuel Cycle Environmental Data

Section I. The LWR Uranium Fuel Cycle

A. *Introduction.* The purpose of this narrative explanation of Table S-3 is to assist the reader in identifying the major environmental impacts of each step in the fuel cycle and in determining which fuel cycle steps are the major contributors to each type of environmental impact shown in Table S-3. Table S-3 summarizes the environmental effects of the normal operations of the uranium fuel cycle associated with producing the uranium fuel for a nuclear power plant and in disposing of the spent nuclear fuel and the radioactive wastes. The values in Table S-3 were estimated principally by methods which are described in detail in the reports WASH-1248, "Environmental Survey of the Uranium Fuel Cycle,"(*1*) NUREG-0116, "Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle,"(*2*) and NUREG-0216, "Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle."(*3*) In addition, at a public hearing beginning on January 16, 1978, (Docket No. RM 50-3) on the reprocessing and waste management environmental effects, the Commission staff answered questions about the estimates for the back end of the fuel cycle and considered suggestions made by other participants in the hearing. The complete record of this public hearing and the three documents cited above are available in the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C., and provide further explanation of the factors considered in developing estimates for Table S-3. These reference materials contain the complete technical basis for the estimates in the Table, and give detailed descriptions of the fuel cycle operations and their environmental effects.

The following narrative explanation of the values given in Table S-3 is drawn from the record and cross-referenced to source documents for the benefit of readers seeking more information. The Table S-3 values which pertain to the front end of the fuel cycle (up to the loading of the fuel in the reactor) are taken from WASH-1248; values pertaining to the back end of the fuel cycle are taken from NUREG-0116, with changes which are noted in the hearing record.(*4*) Since the narrative is designed to help the reader in interpreting the environmental effects given in Table S-3, the aforementioned documents, together with others that were cited in the documents or discussed during the hearings, are generally the only references cited in the narrative. The exceptions to this statement are found in Section III, where the staff has provided information on how long-term environmental dose commitments might be calculated, and what incremental releases from waste disposal sites might be. Since these topics were not covered in detail in WASH-1248, NUREG-0116, NUREG-0216 or the hearing record, information not in the record had to be used to develop the material.

Section I of the narrative describes the extant LWR uranium fuel cycle, the alternatives and the individual operations of the fuel cycle; Section II contains a description of the environmental effects of the LWR fuel cycle and of the individual fuel cycle operations; Section III contains a discussion of environmental dose commitments and health effects resulting from releases of radioactive materials from the fuel cycle. Section III also includes a discussion of how dose commitment evaluations over extended periods of time might be performed and what their significance might be. In addition, there is a discussion of what, if any, incremental releases from waste disposal sites might occur over very long periods of time (i.e., an evaluation of repository impacts for the repository considered in NUREG-0116). Section IV contains a discussion of socioeconomic impacts.

B. *Alternative Fuel Cycles.* The several alternative fuel cycles which can be used for present generation LWR reactors can be primarily characterized by how the spent fuel is handled, since all presently available alternatives start with uranium fuel. The alternatives are:

Once-Through Fuel Cycle:

• The spent fuel can be disposed of without recovery of residual fissionable isotopes; this is the present operating mode for U.S. nuclear reactors.

Uranium-Only Recycle:

• Uranium can be recovered from spent fuel by reprocessing and can be recycled in nuclear fuel. Plutonium can be stored for later use or combined with residual radioactive materials as wastes. Uranium-only recycle, including plutonium storage, was considered to be the most likely mode of operation at the time of preparation of WASH-1248 (1972-1974), and was the fuel cycle addressed in that document.(*5*) In NUREG-0116, plutonium was considered to be a waste to be disposed of at a federal repository.(*6*)

Uranium and Plutonium Recycle:

• Both uranium and plutonium can be recovered from spent fuel by reprocessing and recycling to the reactor, the plutonium being recycled with uranium as mixed oxide fuel. The residual radioactive materials are wastes. The wide scale use of this mode of operation was under consideration in the Commission's GESMO(*7*) proceeding.

There are only two LWR fuel cycles potentially licensable for wide-scale use in the United States at this time: the once-through cycle, and the uranium-only recycle fuel cycle. The back-end steps of these two fuel cycles are considered in NUREG-0116 and -0216, and the larger environmental effect of the two fuel cycles is included in Table S-3. Since the fuel cycle rule is to cover LWRs during their operating lifetime, even though there are no reprocessing plants operating in the United States at this time, the remanded hearing (Docket No. RM 50-5) of January 1978 through April 1978 considered both the once-through and uranium-only recycle fuel cycles to cover the possibility that spent fuel may be reprocessed at some future date.

C. *Fuel Cycle Operations.* Many different operations are required for either the once-through fuel cycle or the uranium-only recycle fuel cycle. Operations involved in preparing fresh fuel for use in a reactor are collectively known as the "front end" of the fuel cycle. The operations following irradiation of the fuel in the reactor are known as the "back end" of the fuel cycle. Figure 1 shows a block flow diagram for the front end of the fuel cycle; Figures 2a and 2b show the back end of the once-through and uranium-only recycle fuel cycles respectively.

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LWR URANIUM FUEL CYCLE FRONT END OPERATIONS

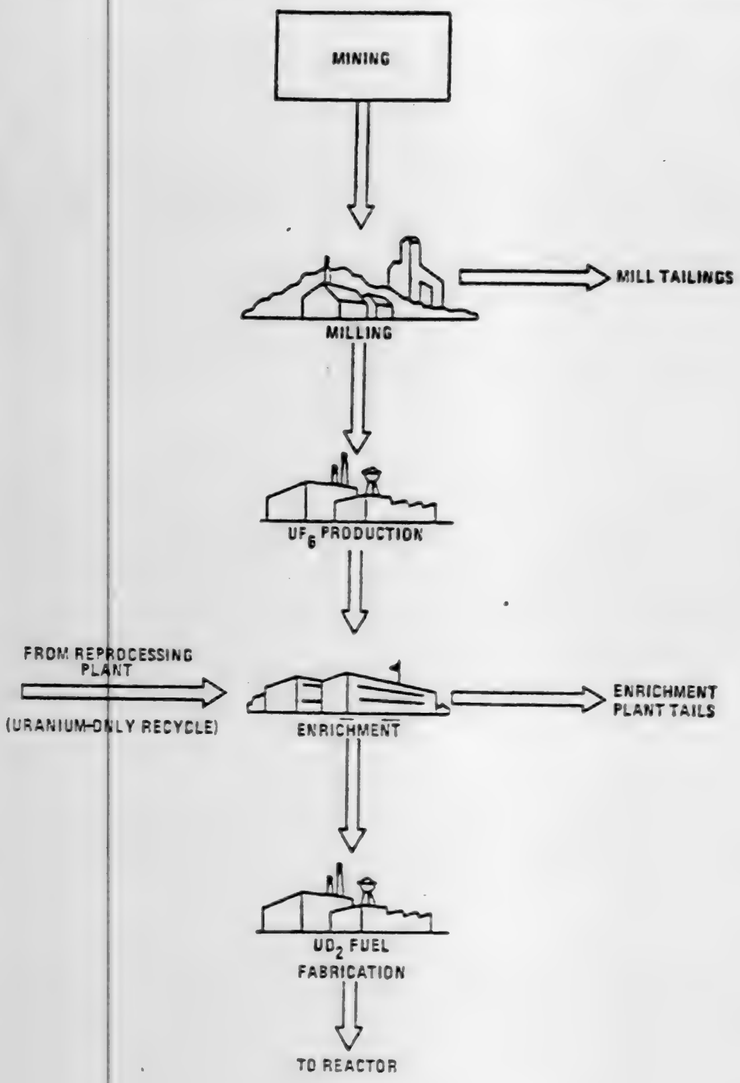


Figure 1 LWR Uranium Fuel Cycle Front End Operations

LWR URANIUM FUEL CYCLE BACK END OPERATIONS

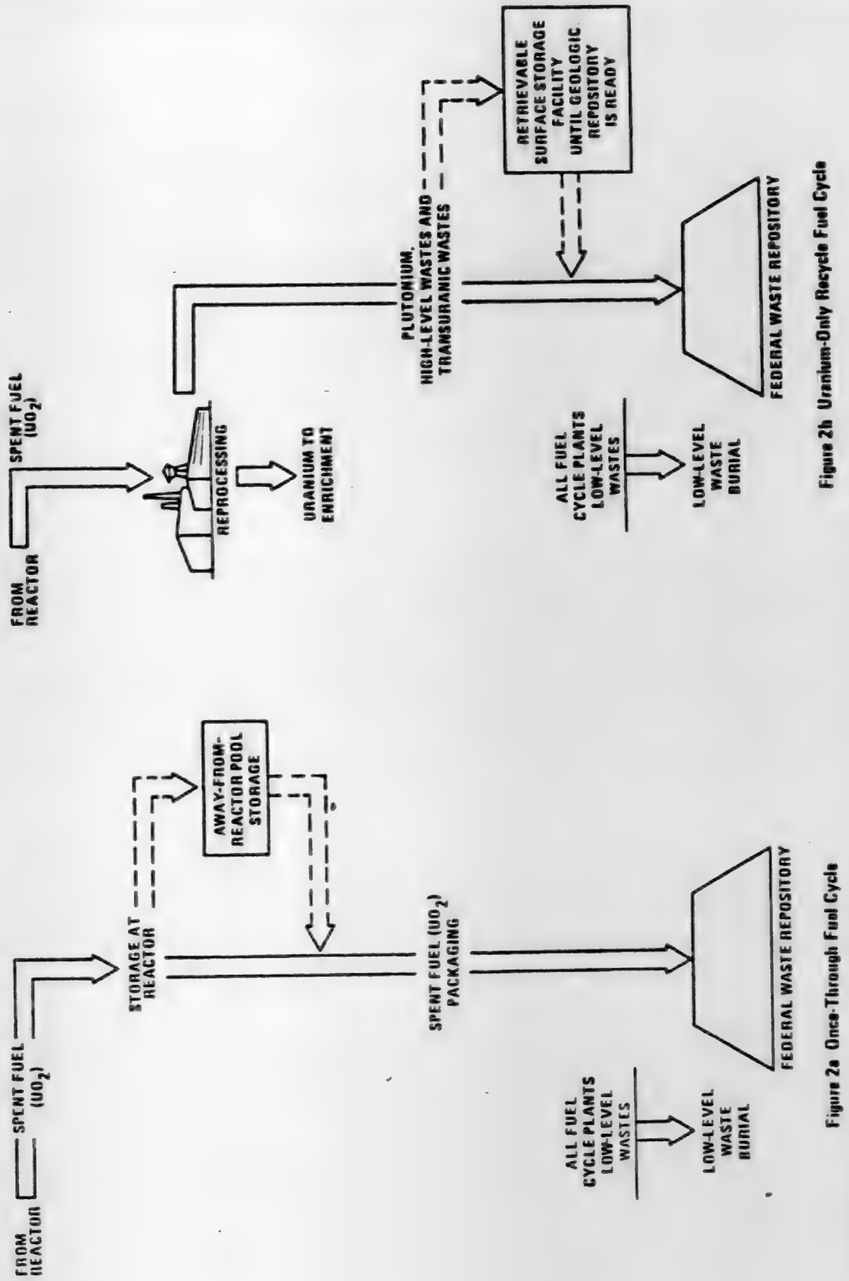


Figure 2h Uranium-Only Recycle Fuel Cycle

Figure 2a Once-Through Fuel Cycle

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Five operations comprise the front end of the fuel cycle (Figure 1): ore is mined; the uranium content of the ore is recovered as an impure compound (yellowcake) by milling; a purified uranium compound (UF_6) is produced; the uranium-235 content of natural uranium is increased at enrichment plants; and uranium fuel is fabricated.(*8*)

Two different sets of operations comprise the back end of the fuel cycle. In the once-through fuel cycle (Figure 2a), spent fuel from the LWR is stored, either at the reactor or at special facilities away from the reactor, for periods of time in excess of 5 years. The spent fuel is packaged and disposed of in Federal repositories. In the uranium-only recycle mode (Figure 2b), spent fuel is stored at reactors for short periods of time (greater than 90 days), and then shipped to reprocessing plants, where uranium is recovered in a form suitable for feed to enrichment plants. Plutonium and other residual materials from the spent fuel (cladding, fission products, actinide elements, activation products) are solidified, and packaged in a form suitable for disposal. Current regulations (10 CFR Part 50, Appendix F) require that certain wastes from reprocessing plants be solidified within 5 years of their generation and that these wastes be disposed of within 10 years of their generation. Most of the waste from reprocessing plants will be disposed of at Federal repositories.

D. *The Model Reactor and its Fuel Cycle Requirements.* For the purposes of developing the values in Table S–3, a model light-water reactor was defined in WASH–1248 as a 1,000-MWe reactor assumed to operate at 80% of its maximum capacity for one year, thus producing 800 MW-yrs of electricity annually.(*9*) The fuel cycle requirements averaged over a 30-year operating life for this reactor were labelled an annual fuel requirement (AFR) in WASH–1248. Since that time, the AFR acronym has been used to characterize away-from-reactor storage of spent fuel. In NUREGs–0116 and –0216, the terminology "reference reactor year" (RRY) was employed to describe the fuel cycle requirements of a model 1,000-MWe reactor operating for one year. The same terminology will be utilized in this narrative.

The front end of the fuel cycle, as described in WASH–1248, covers the supply of fuel for the model reactor: 91,000 metric tons of ore (containing 2 parts of U_3O_8 per 1,000 parts of ore) are required per RRY. Milling of the ore produces 182 metric tons of yellowcake,* which in turn is converted into 270 metric tons of natural UF_6. In the enrichment operation, much of this natural UF_6 feed material is rejected from the fuel cycle as enrichment plant tails. of the 270 metric tons of UF_6 feed, 218 metric tons are rejected from the fuel cycle as depleted uranium tails. The remaining 52 metric tons of enriched uranium product is the feed for the fuel fabrication plant and contains enough uranium for 40 metric tons of UO_2 fuel (35 metric tons of contained uranium). This amount of fuel is required annually by an LWR producing 800 MW-years of electricity.(*10*)

The back-end fuel cycle steps, described in NUREGs–0116 and –0216, handle the post-fission products and wastes, including the spent fuel. The spent fuel, which still contains about 34 metric tons of uranium,(*11*) is removed from the reference reactor annually. (Approximately one metric ton of uranium has been converted to fission products and actinide elements.) The fresh and spent fuel is in the form of fuel assemblies, each containing between about 0.2 and 0.5 metric tons of uranium.(*12*) Hence, the number of fuel assemblies handled in each reactor reload ranges from about 70 to 180, depending on the type of reactor. For the once-through fuel cycle, this fuel is stored under water for periods of time in excess of 5 years, either at the reactor site or at offsite facilities. Following the storage period, the spent fuel will be disposed of at a Federal repository.(*13*)

For the uranium-only recycle option, the spent fuel is reprocessed to recover uranium. Plutonium (about 0.35 metric tons per RRY)(*14*) may be recovered as plutonium oxide in a separate stream. The fission products, other actinide elements, and activation products are concentrated into one or more solid waste products which are disposed of together with any plutonium stream.

To develop the values in Table S–3, the environmental effects resulting from operating the model fuel cycle facilities were estimated. These effects were then normalized to reflect the effects attributable to the processing of fuel for a single year's operation of a model reactor (RRY).

Section I—References

1. U.S. Atomic Energy Commission, "Environmental Survey of the Uranium Fuel Cycle," WASH–1248 1974, p. iv.
2. U.S. Nuclear Regulatory Commission, "Environmental Survey of the Reprocessing and Waste Management Portion of the LWR Fuel Cycle, A Task Force Report," W. Bishop, F. J. Miraglia, Ed., NUREG–01116, October 1976, pp. i, ii.
3. U.S. Nuclear Regulatory Commission, "Public Comments and Task Force Responses Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG–0216, March 1977.
4. U.S. Nuclear Regulatory Commission, "Staff Recommendations for Minor Adjustments to Table S–3," submitted by James Lieberman, Counsel for NRC Staff, Docket RM 50–3, January 19, 1978.
5. WASH–1248, p. S–3.
6. NUREG–0116, p. S–12.
7. "U.S. Nuclear Regulatory Commission, Final Generic Environmental Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in Light Water Cooled Reactors," Office of Nuclear Material Safety and Safeguard, NUREG–0002, August 1976.
8. WASH–1248, p. S–2.
9. Ibid., p. S–5.
10. Ibid.
11. NUREG–0002, Table IV C–9, p. IV C–75.
12. Ibid., Section 3.28, p. 3–8.
13. NUREG–0116, p. 4–8.
14. Ibid., Section 3.2.7.1, p. 3–9.

Section II. Environmental Effects of the LWR Fuel Cycle

A. *Environmental Data.* Table S–3, Table of Uranium Fuel Cycle Environmental Data, is a summary of environmental impacts attributable to the uranium fuel cycle, normalized to the annual fuel requirement in support of a model 1,000-MWe LWR. Data from the "front end" of the uranium fuel cycle, based on WASH–1248, have been combined with data from the "back end," which is based on NUREGs–0116 and–0216 and the remanded proceeding (Docket No. RM–50–3). Table S–3A, which follows, set forth the contributions by the various segments of the fuel cycle to the total values given in Table S–3. In general, Table S–3 presents the sum of the higher values taken either the once-through fuel cycle or the uranium-only recycle option. The following is a brief discussion of the environmental considerations related to the "back end" of the once-through fuel cycle and the uranium-only recycle option.

1. Back End of the Once-Through Fuel Cycle. At present, spent fuel discharged from LWRs is being stored in the United States pending a policy decision whether to dispose of the irradiated spent fuel as a waste product—the once-through fuel cycle, or to reprocess spent fuel and recover the residual fissile values for recycle as fuel in power reactors, in this case—the uranium-only recycle option. In the once-through fuel cycle, the storage and disposal of spent fuel as waste, along with other waste management activities, constitutes the "back end" of the uranium fuel cycle. (*1*)

The environmental considerations related to the once-through fuel cycle are summarized in column F of Table S–3A. It is expected that spent fuel will remain in interim storage facilities for periods of up to 10 years or more to reduce radiation and heat emissions prior to packaging and disposal, and because facilities for the permanent disposal of spent fuel are not yet available.(*2*) Thus, column F includes the environmental impacts of extended pool storage as well as spent fuel disposal in a deep salt bed, geological repository. Low-level wastes, and decontamination and decommissioning wastes, from all segments of the fuel cycle are also included in column F.(*3*) There are no significant amounts of transuranic (TRU) wastes generated in the once-through fuel cycle.

It has been assumed that spent fuel or high-level wastes will be disposed of in a geologic, bedded salt, repository.(*4*) Operation of repository facilities is similar for both spent fuel or high-level waste, and it has been assumed that a repository in bedded salt will be designed and operated so as to retain the solid radioactive waste indefinitely. However, the radiological impacts related to the geologic disposal of spent fuel are based on the assumption that all gaseous and volatile and radionuclides in the spent fuel are released before the geologic repository is sealed.(*5*) Since the gaseous and volatile radionuclides are the principal contributors to environmental dose commitments, this assumption umbrellas the upper bounds of the dose commitments that may be associated with the disposal of spent fuel.

2. Back End of the Uranium-Only Recycle Fuel Cycle Option. At present, there are no spent fuel reprocessing plants in the United States that can reprocess LWR spent fuel. Moreover, if a policy decision is made to permit reprocessing of spent fuel, the capability to reprocess spent fuel in the United States may not be available until about the early 1990s. However, if LWR spent fuel is reprocessed, the environmental impacts from reprocessing and related waste management activities are nearly identical for the recycling of uranium and plutonium, and for the recycling of uranium-only, as fuel in nuclear power reactors. Whether plutonium will be used as a fuel in LWRs, or breeder reactors, or both, is a separate issue that will be resolved in connection with the policy decision whether to resume reprocessing in the United States. For this purpose, to cover the contingency that at some future date spent fuel from LWRs may be reprocessed, it has been assumed that only the uranium that is recovered from the reprocessing of spent fuel from LWRs will be recycled as fuel to LWRs. The plutonium is not recycled for its fuel value in LWRs; instead, it becomes a byproduct waste that may be disposed of in a manner similar to that for high-level waste.(*6*) This is called the uranium-only recycle option, and its environmental considerations are summarized in columns G (Reprocessing) and H (Waste Management) of Table S–3A, and the other segments of the fuel cycle, excluding column F.*

With respect to waste management activities associated with the uranium-only recycle option (column H), the environmental considerations include the geologic disposal of high-level wastes (HLW), transuranic wastes (TRU), plutonium low-level or nontransuranic wastes, and the disposal of wastes from decontamination and decommissioning of fuel cycle facilities.(*7*) The environmental considerations relevant to waste management activities directly related to reprocessing, such as storage of liquid wastes in tanks, waste solidification and packaging, and interim storage of solidified wastes at the reprocessing site, are included in column G.

It has been assumed that a geologic repository will be designed and operated so as to retain solid radioactive waste indefinitely. However, to umbrella the upper bounds of the environmental dose commitments that may be associated with reprocessing and waste management operations related to the uranium-only recycle option, it has been assumed that all of the gaseous and volatile radionuclides contained in the spent fuel are released to the atmosphere prior to the disposal of the wastes.(*8*) The gaseous radionuclides (tritium, carbon-14, and krypton-85) and the volatile radionuclide iodine-129 are the principal contributors to environmental dose commitments from the "back end" of the uranium fuel cycle.

*It should be noted that column F, and columns G and H, are not added together to arrive at totals, but are presented as alternatives. Column F presents the environmental effects associated with the back end of the once-through fuel cycle (no reprocessing), and columns G and H present the environmental effects associated with the back end of the uranium-only recycle (reprocessing) option. The higher value from these two alternative fuel cycles is added to arrive at totals.

Varying fuel cycle operating conditions including reactor parameters, yellowcake purity, enrichment tails assay, etc. affect the yellowcake RRY requirement which is thus subject to considerable variation

Table S–3A.—Summary of Environmental Considerations for LWR Fuel Cycle by Component Normalized to Model LWR Reference Reactor Year

	A	B	C	D	E	F	G	H	I	Total
	Mining	Milling*	UF_6 Prod.	Enrichment	Fuel Fab.	Spent fuel storage and disposal	Reprocessing	Waste mgmt. for uranium recycle	Transportation	
NATURAL RESOURCE USE										
Land (acres):										
Temporarily committed	55	0.5	2.5	[illegible]	[illegible]	7.7	[illegible]	[illegible]	.....	100
Undisturbed area	[illegible]	[illegible]	2.3	0.6	0.16	7.5	28.5	[illegible]	.....	[illegible]
Disturbed area	17	0.3	0.2	0.2	0.04	192	3.5	0.35	.....	[illegible]
Permanently committed	2	2.4	0.02	0.0	0.0	7.7	0.12	8.4	.....	13
Overburden moved (millions of MT)	2.7	.....	.....	.....	.....	301	0.1	0.0015	.....	2.8
Water (millions of gallons):										
Discharged to air	.....	[illegible]	3.3	[illegible]	.....	11.4	[illegible]	[illegible]	.....	[illegible]
Discharged to water bodies	.....	.....	23.0	11,006	5.2	25	54.8	.....	.....	11,090
Discharged to ground	123	.....	.....	.....	.....	3.1	.....	3.5	.....	127
Total water	123	65	[illegible]	11,090	5.2	14.5	61.4	4.2	.....	11,377
Fossil fuel:										
Electrical energy (thousand MWh)	0.25	2.70	1.70	310	1.7	1.9	4.0	[illegible]	.....	323
Equivalent coal (thousands MT)	[illegible]	0.97	[illegible]	113	0.62	0.7	1.5	[illegible]	0.016	118
Natural gas (million scf)	.....	68.5	[illegible]	.....	3.6	12	[illegible]	14	.....	135
EFFLUENTS:										
Chemical (MT):										
SO_x	8.5	37.0	[illegible]	[illegible]	[illegible]	[illegible]	5.4	[illegible]	[illegible]	4,400
NO_x	5.0	15.9	[illegible]	1,130	[illegible]	0.04	21.9	[illegible]	[illegible]	1,190
Hydrocarbons	0.3	1.3	[illegible]	11	0.06	0.0004	0.5	[illegible]	[illegible]	14
CO	0.02	0.3	[illegible]	[illegible]	0.15	[illegible]	0.5	[illegible]	[illegible]	[illegible]
Particulates	.....	9.7	7.6	1,130	[illegible]	[illegible]	0.6	[illegible]	[illegible]	1,154

Table S-3A.—Summary of Environmental Considerations for LWR Fuel Cycle by Component Normalized to Model LWR Reference Reactor Year—Continued

	A Mining	B Milling*	C UF_6 Prod.	D Enrichment	E Fuel Fab.	F Spent fuel storage and disposal	G Reprocessing	H Waste mgmt. for uranium recycle	I Transportation	Total
Other gases:										
F			0.11	0.5	0.005		0.05			0.67
Cl						0.013	0.006	0.013		0.014
Liquids:										
SO_x			4.5	5.4			<0.02			9.5
NO_3			0.1	2.7	23					25.8
Fluoride			8.5		4.1					12.9
Ca				5.4						5.4
Cl^-			0.2	8.2			0.09			8.5
Na^+			9.9	2.2			<0.02			12.1
NH_3			1.5		10.0					10.0
Fe				0.4						0.4
Tailings solutions (thousands)		240								240
Solids	91,000	40			26			0.42		91,000
RADIOLOGICAL (CURIES)										
Gases (including entrainment):[5]										
Rn-222		0.02				4.5×10^{-7}		4.5×10^{-7}		0.02
Ra-226		0.02				4.5×10^{-7}		4.5×10^{-7}		0.02
Th-230		0.03	0.0015	0.002	0.0002	7.3×10^{-6}	0.000039	7.3×10^{-6}		0.034
Uranium (thousands)						14	18.1	6.8×10^{-9}		18.1
C-14						19	24			24
Kr-85 (thousands)						290.70	400	1.1×10^{-7}		400
Ru-106							0.14			0.14
I-129						1.3	0.03			1.3
I-131						.003	0.83			0.83
Fission Products and Transurancs										0.203
Liquids:										
Uranium and daughters		2	0.044	0.02	0.02	5.9×10^{-6}		5.4×10^{-6}		2.1
Ra-226			0.0034							0.0034
Th-230			0.0015							0.0015
Th-234					0.01					0.01
Tritium (thousands)										
Fission and Activation Products						5.9×10^{-6}		4.5×10^{-6}		5.9×10^{-6}
Solids (buried onsite):										
Other than high level (shallow)		300	0.06		0.23	4700.	0.52	10,700		11,300
TRU and HLW (deep) (millions)						11		11		11
Thermal (billions of Btu)		69	20	3,200	9	750	75.5	669	0.014	4,083

(1) Estimated effluents based upon combustion of equivalent coal for power generation.
(2) 25% from natural gas use.
(3) Combined effluents from combustion of coal and natural gas and process tankage; contains 0.2 MT of Hexane.
(4) Contains about 80% Potassium.
(5) In the "uranium recycle" case, gaseous radionuclides are assumed to be released in reprocessing, and the releases are shown in the "Reprocessing" column (G). In the "once-through" case, where spent fuel goes to geologic disposal, gaseous radionuclides are assumed to leak out of the fuel at the repository; the amounts are shown in column F. Only the larger of the two values is added into the "Total" column, since they represent alternative cases.
*Numbers presented for uranium milling are taken from WASH-1248. They are not necessarily consistent with more recent staff staff analyses, e.g., those presented in NUREG-0511, "Draft Generic Environmental Impact Statement on Uranium Milling," published in April 1979.

B. *Environmental Considerations of Uranium Fuel Cycle Options.* This section is a brief discussion of the environmental considerations of the uranium cycle, which are summarized in Table S–3 [1] and Table S–3A. It also provides a brief explanation of how the vaules in Table S-3, which has been normalized to a model 1,000–MWe reference reactor year (RRY), can be converted into the cumulative environmental effect over the 30-year reference reactor lifetime, and in turn converted into the cumulative environmental effect related to a prospective nuclear power forecast.[2] The narrative is drawn primarily from the WASH–1248, NUREG–0116, and NUREG–0216 documents, and the S–3 hearing record. References to applicable sections of these documents are included in the narrative.

It should be noted that radon emissions from the front end of the fuel cycle and technetium-99 release estimates for the back end of the fuel cycle are not given in Table S–3. Accordingly, radon and technetium releases, together with an appraisal of their impacts, may be the subject of litigation in individual reactor licensing proceedings.(9)

1. Natural Resource Use.

a. Land.

The totel land use per RRY attributable to the uranium fuel cycle in support of a model 1,000–MWe LWR is about 113 acres, of which about 100 acres are temporarily committed, and about 13 acres are permanently committed. About 80% of the temporarily committed land used by fuel cycle facilities is undisturbed land. Temporarily committed land, which is used during the life of specific fuel cycle facilities, can be released for unrestricted use after those facilities are closed down and decommissioned. Permanently committed land is that land which may be used for waste disposal but may not be released for unrestricted use after certain facilities have ceased operating and are decommissioned.(10)

The mining of unranium ore accounts for about 55% of the temporarily committed land use of the entire uranium fuel cycle. Mining operations also account for most of the overburden moved: 2.7 million metric tons compared to a total of 2.8 million metric tons per RRY for the entire fuel cycle. Next to mining, reprocessing and waste management operations use most of the remaining temporarily committed land attributable to the uranium fuel cycle. Of the permanently committed land use attributable to the uranium fuel cycle, mining and milling operations account for about 35%, and most of the remaining 65% is used for the disposal of radioactive wastes (8.5 acres/RRY).

[1] Table S–3 summarizes the total environmental considerations given in the column "Total" of Table S–3A.

[2] Most effluent values, unless indicated otherwise, can be converted from RRY values to reactor lifetime values by multiplying the value/RRY by 30 years (reactor life).

To determine the cumulative land use effect related to a prospective nuclear economy, one must first convert the land use per RRY to land use per model 1,000–MWe LWR lifetime (30 years), and then multiply that value by the equivalent number of model 1,000–MWe LWRs projected (GWe). The weighted average factor to convert land use per RRY to land use per model LWR life is about 40.

The conversion factor of 40 is a weighted average that results from consideration of three factors: land use for facilities; land use for waste management, which increases with time; and ore depletion and mill recovery performance over the life of the reactor. In WASH–1248, uranium mining and milling operations were based on an average ore grade of 0.2% and 100% mill recovery, which represented current operations. However, a later analysis developed for NUREG–0002 indicated that when ore depletion and mill recovery performance is considered over the years 1976–2000, it would be more appropriate to use an average ore grade of 0.1%, with 90% mill recovery, over the life of an LWR. Thus, to convert land use per RRY to land use per LWR life committed to mining and milling, the land use per RRY should be multiplied by 67. Added to this value is the land use per RRY for UF_6 production, enrichment, fuel fabrication, and reprocessing; and 30 time the land use per RRY for waste management operations. For the reason given above, since most of the "overburden moved" is related to the mining of uranium ore, the factor used to convert MT/RRY of overburden moved to MT/LWR life is 67.

Environmental Effects: The land use requirements related to the fuel cycle in support of a model 1,000–MWe LWR do not represent a significant impact. A 1,000–MWe coal-fired power plant that uses strip-mined coal requires the disturbance of about 200 acres of land per year for obtaining coal alone. Thus, for comparison, the coal plant disturbs about 10 times as much land as the disturbance attributable to the entire fuel cycle in support of the model 1,000–MWe LWR.

b. Water.

The principal use of water in the fuel cycle supporting a model 1,000–MWe LWR is for cooling. Of the total 11,377 million gallons of water use per RRY, about 11,000 million gallons are required to remove heat, by once-through cooling, from the power stations that supply electrical energy for uranium enrichment.

The discharge of water to surface streams is in accordance with the National Pollutant Discharge Elimination System Permits issued by EPA and the states. Drainage water pumped out of uranium mines (123 million gallons/RRY) and from waste management operations (3.5 million gallons/RRY) is discharged to the ground. Of the 160 million gallons of water evaporated per RRY, about 65 million gallons of water are evaporated from mill tailings ponds, and the other 95 million gallons of water are evaporated from cooling water from fuel cycle facilities.

To determine the cumulative water use effect related to a prospective nuclear economy, one must first convert water use per RRY to water use per model 1,000–MWe LWR lifetime (30 years), and then multiply that value by the equivalent number of model 1,000–MWe LWRs projected (GWe). The factor used to convert water use per RRY to water use per model LWR life is 30. However, to determine the water use evaporated or discharged to ground, the conversion factor for mining and milling operations is 67; and the factor for other fuel cycle operations is 30.

Environmental Effect: The water use requirements related to the fuel cycle in suport of a model 1,000–MWe LWR do not represent a significant impact. If all plants supplying electrical energy used cooling towers, the water use of the fuel cycle would be about 6% of that required by the model 1,000–MWe LWR. The evaporated water loss of the fuel cycle is about 2% of the evaporated water loss of a model 1,000–MWe LWR cooling tower.

c. Fossil Fuel.

Electrical energy and process heat are used in the fuel cycle. The electrical energy (323 thousand MWh/RRY), of which about 96% is used for uranium enrichment, is produced by conventional, coal-fired, power plants.(T312T1) Most of the process heat used in the fuel cycle is supplied by the combustion of natural gas (135 million scf/RRY). In general, about 50% of the natural gas is used for yellowcake drying.(T313T1) 15% is used in UF_6 production, 3% is used in fuel fabrication, 22% is used in reprocessing, and 10% is used in waste management operations.

To determine the cumulative fossil fuel use effect related to a prospective nuclear economy, multiply the fossil fuel per RRY value by 30 to convert to the fossil fuel use over the 30-year life of the model 1,000-MWe LWR, and then multiply that value by the equivalent number of model 1,000-MWe LWRs projected (GWe).

Environmental Effect: The fossil fuel use requirements related to the fuel cycle in support of a model 1,000-MWe LWR do not represent a significant impact. The electrical energy needs of the fuel cycle are only about 5% of the electrical energy produced by the model 1,000-MWe LWR. If the natural gas consumed by the fuel cycle were used to generate electricity, it would contribute less than 0.4% of the electrical energy produced by the model LWR.

2. Effluents—Chemical.

a. Gases.

The gaseous chemical effluents from the fuel cycle result, for the most part, from the combustion of fossil fuel to provide electrical energy or process heat for fuel cycle facilities.(*14*) To determine the cumulative gaseous chemical effect related to a prospective nuclear economy, perform the calculation in a manner similar to that given above for fossil fuel.

Environmental Effect: The gaseous chemical effluents related to the fuel cycle in support of a model 1,000-MWe LWR do not represent a significant impact. Based on data in a Council on Environmental Quality report,(*15*) these emissions represent a very small addition (about 0.02%) to emissions from transportation and stationary fuel combustion in the United States.

b. Other Gases.

Small amounts of halogen compounds are released as gaseous effluents to the environs, primarily as fluorides from UF_6 conversion and uranium enrichment operations.

Environmental Effect: Measurements of fluorine in unrestricted areas indicate concentrations below the level at which deleterious effects have been observed.(T316T1) Moreover, long-term observations have not revealed any adverse effects attributable to fluoride releases from UF_6 conversion, uranium enrichment, and fuel fabrication facilities.

c. Liquids and Solids.

Some liquid chemical effluents are released to surface waters from UF_6 enrichment, and fuel fabrication facilities. Tailings solutions from the uranium mill account for the bulk of mass of liquid (240 thousand MT/RRY) and solid (91 thousand MT/RRY) effluents from the fuel cycle. However, the tailings solutions are slowly dissipated by natural processes, principally through evaporation, leaving the tailings solids for eventual disposal.(*17*)

There are two major aqueous waste streams associated with the wet UF_6 conversion process.(*18*) One is made up of dilute scrubber solutions that are treated with lime to precipitate calcium fluoride, which is then diluted with

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cooling water effluent before it is released. The other is a raffinate streams which is held in sealed ponds from which the water is allowed to evaporate. The solids which are recovered from the settling ponds are packaged and ultimately buried. The discharge of water to surface stream is in accordance with a National Pollutant Discharge Elimination System Permit issued by EPA or the state.

A number of chemicals (primarily calcium, chlorine, sodium, and sulfate ions) are present in the liquid effluent from the enrichment plant. Water treatment and dilution by the receiving river reduces the concentration of chemicals to a small fraction of the recommended permissible water quality standards.(*19*)

The liquid effluent from fuel fabrication facilities contains nitrogen compounds resulting from the use of ammonium hydroxide in the production of UO_2 powder, and from the use of nitric acids in scrap recovery operations. The fluorine introduced into the fuel cycle during UF_6 production becomes a waste product during the production of UO_2 powder. The gaseous fluoride is removed from the effluent air streams by water scrubber systems.(*20*) The scrubber system wastes are treated with lime to precipitate calcium fluoride, which is filtered from the waste effluent stream and packaged (about 11 cubic yards/RRY) for disposal.(*21*) The discharge of water to surface streams is in accordance with a National Pollutant Discharge Elimination System Permit issued by EPA or the state.

To determine the mass of tailings solution and solid tailings related to a prospective nuclear economy, which are a function of the average grade of ore processed, multiply the values for tailings solutions and solids in Table S-3 by 67 to obtain the mass of tailings solution and tailings generated over the model LWR lifetime.

Environmental Effect: The liquid and solid chemical effluents related to the fuel cycle in support of a model 1,000-MWe LWR do not represent a significant impact. All liquid discharges from fuel cycle facilities into the navigable waters of the United States are subject to requirements and limitations set forth in the National Pollutant Discharge Elimination System Permit issued by an appropriate state or federal regulatory agency. When milling activities are terminated, the tailings pile must be graded, covered with earth and topsoil, and seeded to reduce radon emanation.*

3. Effluents—Radiological.

a. Gases and Liquids.

Table S-3 summarizes (except from radon-222 and technetium-99) the curies of radioactivity released per RRY in the gaseous and liquid effluents from the uranium fuel cycle in support of a model 1,000-MWe LWR. In general, the natural radionuclides (radium, thorium, and uranium) are released from the front end, and the other radionuclides are released from the back end of the fuel cycle.

In the front end of the fuel cycle, small amounts of radium, thorium, and uranium are released to the environment in the gaseous process effluents and in the ventilation air discharged to the atmosphere from milling, UF_6 production, enrichment, and fuel fabrication facilities. Small amounts of uranium and its daughters also are released in the liquid effluents from these facilities, but most of these radionuclides become part of the solid waste collected in the tailings pile from milling operations or in settling ponds associated with the other front end operations.

In the once-through fuel cycle, the spent fuel is stored for five or more years and then disposed of in a geologic respository when the repository is available to receive spent fuel.(*22*) During interim storage prior to sealing of the repository, some of the gaseous and volatile radionuclides contained in the spent fuel may escape due to the failure of the fuel element cladding and leakage of the spent fuel disposal containers.(*23*)

About 50% of the krypton, 10% of the carbon-14, and 1% of tritium and iodine contained in spent fuel exists within the gas space in the fuel rod and is likely to be released from the fuel rod if the cladding fails. However, the curies of tritium, carbon-14, krypton-85, and iodine-129, given in Column F of Table S-3A, represent the total curies of each contained in 35 metric tons of spent fuel (the annual reference reactor fuel requirement), irradiated to 33,000 MWd/MT, and aged 5 years. Since the site and method for spent fuel disposal have not yet been defined, the NRC staff cannot determine what amounts of radionuclides may eventually escape from the repository or when they may enter the environment. However, the NRC staff has identified which radionuclides have the higher probability of migrating from a repository, and which of these radionuclides are the principal contributors to environmental dose commitments if they do eventually enter the biosphere. In general, the gaseous radionuclides that escape from failed fuel rods, or leaking waste canisters, before the repository is sealed, and the very long-life radionuclides that have low retardation in soils, such as iodine-129, which may migrate with groundwater and eventually reach the biosphere, are the principal contributors to environmental dose commitments. Accordingly, to umbrella the upper bounds of prospective dose commitments, it has been assumed in Table S-3 that all of the tritium, carbon-14, krypton-85, and iodine-129 contained in 5-year-old spent fuel per RRY have been released to the environment.

In the uranium-only recycle option, the spent fuel is reprocessed. During reprocessing, the gaseous radionuclides (tritium, carbon-14, and krypton-85) are released to the atmosphere; however, most of the iodine is removed from the process effluents. (*24*) The radiological effluents related to the uranium-only recycle option are given in column H of Table S-3A. These values, per RRY, are based on the reprocessing of 6-month-old spent fuel.

Since the radiological effluents given in Table S-3 are based on the higher values taken from either fuel cycle, the radiological considerations related to the back end of the fuel cycle are based on 100% release of the tritium, carbon-14, krypton-85, and iodine-129 contained in 6-month-aged spent fuel, and small amounts of other fission products and transuranic radionuclides that may be released if spent fuel were reprocessed.

Environmental Effect: Excluding radon, the radiological effluents released per RRY from the fuel cycle in support of the model 1,000-MWe LWR result in an estimated 100-year environmental dose commitment to a U.S. population of 300 million persons of about 650 person-rem, of which about 550 person-rem is attributable to gaseous effluents and about 100 person-rem is attributable to liquid effluents. Of the dose commitment attributable to gaseous effluents, about 42% is from tritium, 31% is from carbon-14, 5% is from krypton-85, 10% is from iodine, and the balance (12%) is from all other radionuclides, which contribute primarily to the local population dose commitment. Although tritium and carbon-14 account for most of the population dose commitment from the uranium fuel cycle, tritium and carbon-14 produced in the world's atmosphere by cosmic radiation contribute about 1% of the total population dose commitment from natural background radiation. However, that 1% implies that naturally occurring tritium and carbon-14 will result in about 300,000 person-rem each year to the U.S. population, or about 30,000,000 person-rem over a 100-year period.

Although radon effluents are excluded from Table S-3, the dose commitment from radon has to be added to the above fuel cycle environmental dose commitment to arrive at the estimated dose commitment attributable to the entire fuel cycle. Based on recent studies, the 100-year environmental dose commitment per RRY attributable to radon emissions from mining and milling is about 210 person-rem.(*25*)

On this basis, the 100-year environmental dose commitment attributable to the entire fuel cycle is about 860 person-rem per RRY. For comparison, the annual dose commitment to a U.S. population of 300 million from natural background radiation results in about 30,000,000 person-rem. Thus, the dose commitment per RRY from the fuel cycle is about 0.003% of the annual dose commitment, and about 0.00003% of the 100-year environmental dose commitment, to the U.S. population from natural background radiation. Section III contains an assessment of the environmental dose commitment to the U.S. population attributable to the radiological effluents, except radon, released from the uranium fuel cycle.

b. Solids.

The curies per RRY of radionuclides in buried radioactive low-level, high-level, and transuranic waste materials are given in Table S-3. As discussed above, it is assumed that there will be no release of solid radionuclides to the environment from buried solid waste materials. Moreover, the radiological effluents from waste management are so small in relation to the other segments of the fuel cycle that they do not show up in the totals presented in Table S-3.(*26*)

About 10,700 curies of mixed radionuclides are buried per RRY at low-level waste land burial sites. Of this total, 9,100 curies come from LWR low-level waste(*27*) 1,500 curies are attributable to decommissioning of nuclear facilities, including the reactor;(*28*) and the balance, about 100 curies, is generated by the uranium fuel cycle operations in support of the LWR. About 600 curies of uranium and its daughters are added per RRY to the tailings pile at the mill site.(*29*)

The high-level radioactive waste from the once-through fuel cycle is the spent fuel assemblies, which will be packaged and disposed of in a geologic repository. The radioactive waste from the uranium-only recycle option consists of the fuel assembly hulls, the high-level and intermediate-level wastes from reprocessing, and the plutonium waste. These wastes will be disposed of in a geologic repository in the form of solids which will have chemical and physical properties that mitigate the release of radionuclides to the environs. It is assumed that the geologic repository will be designed and operated so that the solid radioactive wastes are confined indefinitely.

Environmental Effect: There are no significant releases of solid radioactive materials from shallow land-burial facilities, or from the geologic repository, to the environment.

4. Effluents—Thermal.

The uranium fuel cycle in support of a model 1,000-MWe LWR discharges approximately 4 trillion Btu of heat per RRY into the environs. Most of this heat, about 80%, is rejected to the atmosphere at the power plants supplying electrical energy to the enrichment plant or at the enrichment plant itself.(*30*) Waste management and spent fuel storage contribute about 18% of the heat rejected to the environs. This heat results from the decay of radionuclides. The rejection of process heat from fuel cycle facilities accounts for the remaining 2% of the thermal effluent from the fuel cycle.

To determine the heat rejection by the fuel cycle over the model LWR lifetime, multiply the thermal effluent value per RRY by 30.

Environmental Effect: The thermal effluents related to the fuel cycle in support of a model 1,000-MWe LWR do not represent a significant impact. The thermal effluent of the fuel cycle is only about 8% of the heat dispersed to the environs by the model LWR.

5. Transportation.

The dose commitment to workers and the public related to the transport of nuclear materials in support of a model 1,000-MWe LWR is estimated to be about 2.5 person-rem per RRY.(*31*)

To determine the transportation dose commitment over the model LWR lifetime, multiply the dose commitment per RRY by 30.

Environmental Effect: The transportation dose commitment related to the fuel cycle in support of a model 1,000-MWe LWR does not represent a significant impact. Compared to natural background radiation, this dose commitment is small.

5. Occupational Exposure.

The occupational exposure value given in Table S-3 (22.6 person-rem) represents an upper exposure value related to reprocessing and waste management activities associated with the back end of the fuel cycle, if the model 1,000-MWe LWR is operated on the uranium-only recycle mode. Most of the occupational exposure attributable to the back end of the fuel cycle results from the variety of operations associated with reprocessing and related waste management activities involving the disposal of irradiated spent fuel. For comparison, the occupational exposure related to the back end of the once-through uranium fuel cycle is estimated to be 7 person-rem per RRY. The occupational exposure attributable to the entire uranium fuel cycle in support of a model 1,000-MWe LWR is estimated to be about 200 person-rem per RRY.(T332T1)

Environmental Effect. The occupational exposure attributable to the fuel cycle in support of a model 1,000-MWe LWR is acceptable. NRC regulations limit the permissible occupational exposure of any individual to 5 rem annually.

Section II—References

1. NUREG–0116, Sections 2.6 and 4.6.
2. Ibid., p. 4–109.
3. Ibid., p. 4–117.
4. Ibid., Section 4.4.
5. Ibid., p. 4–114.
6. Ibid., Section 2.5 and p. 4–100.
7. Ibid., Sections 2.2, 2.3, 2.4, 2.5, and 4.4.
8. Ibid., p. 4–114.
9. Federal Register, *44*, p. 45371.
10. WASH–1248, p. S–9.
11. Ibid., p. S–16.
12. Ibid., p. D–14.
13. Ibid., p. B–10.
14. Ibid., p. S–18.
15. U.S. Council on Environmental Quality, "the Seventh Annual Report," September 1976. Figures 11–27 and 11–28, pp. 238–239.
16. WASH–1248, p. S–18.
17. Ibid., p. B–9.
18. Ibid., p. C–4.
19. Ibid., pp. D–18, 19.
20. Ibid., p. E–3.
21. Ibid., p. E–3.
22. NUREG–0116, p. 4–109.
23. Ibid., pp. 4–110 and 4–115.
24. Ibid., p. 4–9
25. NUREG–0511, *Generic Environmental Statement on Uranium Milling*, April 1979.
26. NUREG–0116, p. 4–84, Table 4.16.
27. NUREG–0216, p. H–17, Table VII.
28. Ibid., p. H–16, Table VIII.
29. WASH–1248, p. S–24.
30. Ibid., p. S–24.
31. NUREG–0116, p. 4–150, Table 4.35.
32. NUREG–0216, p. I–2.

III. Calculated Population Dose Commitments and Health Effects of the Uranium Fuel Cycle

In the **Federal Register** notice promulgating the final fuel cycle rule (44 FR 45362), the Commission stated, in note 35, that one important issue to be addressed in the narrative is the question of the time period over which dose commitments from long-lived radioactive effluents should be evaluated. The Commission also

*At this time, radon emissions are excluded from the S-3 fuel cycle rule. Proposed regulations related to the disposal of mill tailings were published in the **Federal Register** on August 24, 1979.

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directed that the narrative address how dose commitment evaluations over extended periods of time might be performed and what their significance might be.

This portion of the narrative has been developed to meet the above Commission directive. Section A contains a discussion of the population dose commitments and health effects calculated to result from the radioisotope releases given in Table S-3 when integrated over 100 years.[a] Section B contains a discussion of the period of time that the waste in a federal repository may represent a significant potential hazard, the incremental radioisotope releases from the repository which might occur during that period, and the period of time for which calculations may provide meaningful information. Section C contains a discussion of how very long-term (thousands of years) dose commitments and health effects attributable to long-lived radioisotopes released to the environment might be calculated, and what the significance of the calculations might be.

A. *100-Year Environmental Dose Commitments.* In this discussion, the environmental models used to calculate the transport of released radioactivity to man and to estimate the potential somatic and genetic health effects are the models discussed in the GESMO Hearings.*(1)* The models have been described in some detail in Appendix C of NUREG–0216. Basically, the models account for the dispersion of radioactivity released in the environment, the bioaccumulation in food pathways, the uptake by man and the dose commitments resulting from that uptake. There are two types of population dose commitments calculated: the 50-year dose commitment from combined external exposure and internal dose resulting from the continued uptake of the radioisotopes released in a 1-year period, and the environmental dose commitment (EDC). The EDC represents the sum of the 50-year dose commitments for each year of a specified period following the release of a given quantity of radioactivity. It includes the dose from the release during the first year, as well as additional exposure from deposited and resuspended radioactivity and internal doses from biological uptake of radioactivity for the subsequent 49 years after the release.

In practice, it is impossible to estimate with precision the complete EDC for very long-lived nuclides, such as iodine-129 (17 million-year half-life), as there is no way to predict with any degree of certainty the many variables that affect such estimates so far into the future, e.g., the growth of human population, technological advances, the environmental behavior of long-lived radionuclides, and the occurrence of catastrophic climatic and geologic changes. (See Section C for a discussion of how long-term dose commitments might be calculated.)

NRC, EPA, and other agencies use a so-called incomplete EDC. In GESMO,*(2)* the length of the incomplete EDC selected was 40 years for a total U.S. population of 250 million. Thus, 50-year population doses were calculated for each year of the 40-year exposure period and summed (i.e., the total length of time covered was 40 + 50, or 90 years). These calculations have been modified to extend the population dose integration period to 100 years, as recommended by the S–3 Hearing Board. Since each year's exposure is calculated for 50 years, the total time covered is 150 years. For the overall fuel cycle, the total body exposure is projected to be 550 person-rem/RRY for an assumed stable U.S. population of 300 million.

It should be noted that for tritium and krypton-85 (two of the major dose contributors), there is little difference between a 40-year and a 100-year EDC, since about 90% of both nuclides will decay within the first 40 years. Furthermore, much the same is true of most of the fission and activation products released from the nuclear fuel cycle (e.g., iodine-131, ruthenium-106, strontium-90, cesium-137). For this reason, increasing the length of the EDC from 40 to 100 years results in much less than a doubling of the estimated dose commitments and potential health effects; not much additional change would occur if the EDC were extended beyond the 100 years for most isotopes. However, for the very long-lived radioisotopes such as carbon-14 and iodine-129, among others, and the special case of 3.8-day radon-222 which continues to be formed by decay of long-lived parents, the EDCs continue to increase with time and the calculated health effects also continue to increase. (See Section C for a discussion of very long EDCs.)

In the area of health effects, it is possible that even the 40-year EDCs calculated for the S–3 hearings overestimated the impacts of the releases. The health effects models represent a linear extrapolation of effects observed at high dose rates (e.g., Japanese nuclear bomb survivors) to potential effects at low doses and low dose rates. In addition, the assumption is made that there is no dose below which effects cannot occur. It is believed that the use of such models, although useful for regulatory purposes, tends to overestimate the effects of exposure to low-level ionizing radiation. Most animal and cellular studies indicate reduced somatic and genetic effects as the doses or dose rates are reduced. At low doses and low dose rates, the effects per unit of radiation dose may decline due to cellular repair and other mechanisms.

The linear hypothesis, as the 1972 BEIR report indicated, in most cases probably overestimates, rather then underestimates, the risk from low-LET [b] radiation; and such estimates should not be regarded as more than upper limits of risk. In this regard, beyond mining and milling, the population dose commitment from the uranium fuel cycle results, for the most part, from the exposure of about 300 million people to very low doses of low-LET radiation. In general, the controversy about whether the risks related to high-LET radiation are understated pertains to the effects from exposure to neutrons and alpha particles, which are not significant to the back end of the uranium fuel cycle. The high-LET radiation from transuranic radionuclides in the uranium fuel cycle effluents contributes less than about 0.4% of the health effects attributable to the back end of the uranium fuel cycle.

The health risk estimators from the GESMO *(3)* studies are as follows: [c]

Total body dose: 135 cancer deaths per million person-rem; 258 genetic effects per million person-rem
Thyroid dose: 13.4 cancer deaths per million person-rem
Lung dose: 22.2 cancer deaths per million person-rem
Bone dose: 6.9 cancer deaths per million person-rem

Although the risk of a genetic effect occurring is about twice that of a cancer death, most of the genetic effects (assumed to be occurring at the equilibrium rate) would not be fatal.[d]

Because there are higher dose commitments to certain organs (e.g., lung, bone, thyroid) than to the total body, the total risk of radiogenic cancer is not addressed by the total body dose commitment alone. By using the risk estimators presented above, it is possible to estimate the whole body equivalent dose commitments for certain organs. The sum of the whole body equivalent dose commitments from those organs was estimated to be about 100 person-rem. When added to the above value, the total 100-year environmental dose commitment would be about 650 person-rem/RRY.

In summary, the potential radiological impacts of the supporting fuel cycle (including fuel reprocessing and waste management but excluding radon emissions from mining and mill tailings) are as follows:

Total body person-rem/RRY: 550 (100-year dose commitment)
Risk equivalent person-rem/RRY: 650 (100-year dose commitment) [e]
Fatal cancers/RRY: 0.088
Genetic effects/RRY: 0.14

Thus, for example, if three light water reactor power plants were to be operated for 30 years each, the supporting fuel cycle would cause risk equivalent whole body population dose commitments of about 59,000 person-rem and a genetically significant dose commitment of about 50,000 person-rem, leading to estimates of 8 fatal cancers and 13 genetic effects in the U.S. population (300 million persons) over a period of 100 years. Some perspective can be added by comparing such estimates with "normal" cancer mortality for the same population. Assuming that future population characteristics (age distribution, cancer susceptibility, etc.) and competing risks of mortality remain the same as today, such projections would predict about 60 million cancer deaths from causes other than generation of nuclear power during the next 100 years. Assuming that the occurrence of genetic effects remains constant, projections would predict about 25 million genetic effects from causes other than generation of nuclear power during the next 100 years.

Using the lifetime risk estimate of 135 cancer deaths per 10^6 person-rem and averaging the 650 risk equivalent person-rem per RRY over the U.S. population of 300 million persons, the average lifetime individual risk in the United States from cancer mortality from radioactivity released from the supporting fuel cycle is about 3 chances in 10 billion per RRY. The average lifetime risk per person of cancer mortality from radioactivity released, excluding radon, from the uranium fuel cycle in support of all the currently projected and operating nuclear reactors, if operated for 30 years, is estimated to be less than 2 chances in 1 million. Assuming one RRY supplies electrical power for approximately a million persons and that all of the cancer risk is borne only by those users, the average lifetime risk to this population group would be about 9 chances in 100 million per RRY. This would also be the approximate average lifetime risk per person per RRY from the fuel cycle if all of the electricity used in the United States were produced by nuclear power plants. However, since nuclear power presently provides about 10% of the total electricity generated in the United States, the average lifetime risk per person in the United States would be about 9 chances in 1 billion per RRY.

In order to provide some perspectives on the risk of cancer mortality from the supporting fuel cycle, some mortality risks which are numerically about equal to 9 chances in 1 billion are as follows: a few puffs on a cigarette, a few sips of wine, driving the family car about 6 blocks, flying about 2 miles, canoeing for 3 seconds, or being a man aged 60 for 11 seconds.*(4)* Using electricity generated by any means for typical domestic use results in an average risk of 6×10^{-6} per year from accidental electrocution.*(5)* Thus, a lifetime risk of 9 in 1 billion would be equivalent to using electricity for about one half day.

Currently, the number of nuclear power reactors operating, being built, or tentatively planned in the United States totals about 190 which is estimated to provide a nuclear generating capacity in the United States of about 183,000 megawatts. The estimated potential upper-limit health effect risk from manmade radioactivity released to the environment from the uranium fuel cycle, beyond mining and milling, in support of the projected 30-year operation of all currently operating or planned nuclear reactors in the United States is as follows.

Estimated Risks of Cancer and Genetic Effects [1]

	100-yr EDC [2]		10,000-yr EDC [3]	
	Cancer mortality	Incidence of genetic effects	Cancer mortality	Incidence of genetic effects
Health Effect Risk, All Currently Operating or Planned Reactors	464	771	652	1,155
Natural Occurrence (300 million population)	60×10^6	25×10^6	60×10^6	25×10^6
Percent Increase Over Natural	8×10^{-4}	3×10^{-3}	1.1×10^{-3}	4.6×10^{-3}

[1] Excludes mining and milling radon effluents.
[2] Environmental Dose Commitment.
[3] Increase results primarily from long-life C–14 and I–129 effluents.

Thus, for the currently projected U.S. nuclear power industry, the potential upper-limit cancer mortality risk estimates, estimated for a 100-year EDC and a 10,000-year EDC, excluding radon, are about 8×10^4 percent and about 1×10^5 percent respectively, of the potential occurrence of natural cancer mortality in the U.S. population over equivalent periods of time. The incremental difference in U.S. population dose due to the projected growth of nuclear power would average less than 1 mrad/person/year. According to the BEIR Committee, manmade radiation levels of 100 mrem/year can be regarded as comparable to other risks that are often accepted by the public.

It is believed that the estimated Table S–3 values and the dose and health effects models used by the NRC to develop the above estimates result in conservatively high projections. Therefore, they provide reasonable assurance that the radiological effects resulting from the releases in Table S–3 (as presented in NUREGs-0116 and -0216) have not been underestimated.

B. *Potential Long-Term Effects of Waste Disposal.* NUREG-0116, Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle, contained estimates of the short-term impacts from waste disposal operations (i.e., those impacts that could result from the waste disposal operation during their operating life). Although NUREG-0116 and NUREG-0216 contained data on potential long-term risks from escape of radionuclides from a repository*(6)*

[a] WASH-1248 and Table S-3 did not address the question of population dose commitments or potential health effects. However, these topics were discussed in considerable detail in NUREGs–0116 and –0216 (Supplements 1 and 2 of WASH–1248). These reports present a detailed reevaluation of the "back end" of the uranium fuel cycle.

[b] Linear energy transfer.

[c] The conclusions in the S–3 narrative concerning potential biological effects are based on risk estimators in the BEIR I Report modified to reflect more recent radiobiological data in WASH-1400. The BEIR III, which reevaluates the risk estimators presented in BEIR I, recently has been published (July 1980). Although the NRC staff review is still under way, the range of risk estimators for low-level radiation presented in BEIR III appears to be essentially the same numerically or less than those presented in BEIR I for whole body exposures. However, in some cases the cancer risk estimators for specific organs in BEIR III appear to be different from (generally higher than) those in BEIR I, which were used in the S–3 narrative. Thus, cancer risk estimators for some specific organs could be underestimated in the S–3 narrative. However, since the bulk of the collective population doses from the uranium fuel cycle (excluding radon) are whole body exposures, the conclusions of this S–3 narrative would be changed only slightly, if at all, if the revised BEIR III risk estimators were to be used

[d] It requires about 5 generations for a genetic effect to closely approach equilibrium in a specific population.

[e] Includes dose commitments to other organs as well as whole body dose commitments.

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and from low-level waste disposal operations.*(7)* no entries were made in Table S–3 for these potential releases because they were judged to be too small to be of significance.

The staff has reviewed the long-term effects of low-level waste disposal and TRU and high-level waste or spent fuel disposal for both of the two fuel cycles covered by the present proceeding—once-through and uranium-only recycle. The potential effects resulting from long-term releases of low-level waste have been addressed in NUREG-0216,*(8)* and no additional consideration of the potential effects of disposal of these types of wastes is believed to be necessary. Moreover, since it has been assumed that TRU wastes will be disposed of in a repository along with high-level wastes, there is no explicit discussion of TRU wastes because the TRU wastes are considered to be part of the high-level waste.

The wastes from the once-through and uranium-only fuel cycles that will be disposed of in federal repositories differ from one another in several ways as noted below:

• Waste Form—The dominant amount of radioactive waste from the once-through fuel cycle is in the form of spent fuel assemblies, with the fission products and actinides in a UO_2 matrix; while the dominant waste from the uranium-only fuel cycle will be solidified high-level, plutonium, and TRU waste. The latter will be in the form of solids having properties engineered to reduce mobility of fission products and actinides. The NRC cannot at this time describe in any detail the variations in the properties (in terms of better long-term retention of fission products and actinides) of one type of waste form from the other. Hence, for this discussion, the various forms of solid waste have been assumed to have similar nuclide-retention properties.

• Radionuclide Content—The spent fuel contains all of the nonvolatile fission products, transuranic elements, and activation products produced in the course of its irradiation, as well as all the residual uranium. Similarly, the high-level wastes in combination with the plutonium and any TRU wastes from the uranium-only fuel cycle contain essentially all of the nonvolatile fission products, transuranic elements, and activation products produced in the fuel in the course of irradiation. The main difference between the spent fuel and the wastes from uranium-only recycle is that the wastes from the latter contain only 2–5% of the residual uranium. Thus, on a broad comparative basis, since all other nuclides are present in about equal amounts in both wastes, the spent fuel represents a slightly greater long-term risk because of its larger uranium content.

Since all solidified wastes have been assumed for this study to have equivalent nuclide retention properties, and since spent fuel represents the greater long-term risk, the following discussion is based on spent fuel.

The potential effects from long-term releases of radioisotopes from a repository require the consideration of two basic issues:

• over what period of time does the waste represent a significant potential hazard, and

• given the state-of-the-art of modeling transport of radionuclides, do calculations provide meaningful information over that period of time?

One way to address the question of time over which the spent fuel in the repository represents a significant hazard is to assess the net potential impact of the disposal of the waste relative to the potential impacts if the charge to the reactors (fresh fuel) had remained in the ore body. For this assessment it is assumed that an engineered system, including waste from packaging, and the repository, can be expected to confine (isolate) radioactive waste materials at least as well as an isolated ore body. This assumption is believed to be reasonable, based upon the following observations. Ore deposits were located in various geologic settings by natural phenomena and some may be in contact with groundwater, in soils with only moderate retardation of solute movement, and with varying ion travel distances to the biosphere. A repository, on the other hand, will be located in a hydrogeologic setting purposely selected to have no known or prospective contact with circulating groundwater, high retardation of solute movement, and long ion travel distances to the biosphere. In addition, the repository system, including waste form and packaging, will also include engineered features which are intended to prevent or greatly slow the release of the waste to the host media.

For waste placed in a repository system to reach the bisophere, one of two types of events must occur. The first involves essentially commonplace occurrences and requires: (1) water to infiltrate the repository; (2) the waste container to corrode; and (3) radionuclides to leach form the waste from. Long-lived radionuclides will eventually reach the biosphere by migration of leached radionuclides with the movement of groundwater to a discharge point or to a well. This type of event could expose man to radioactive materials via food chains or other environmental pathways. The second type of event involves unusual occurrences, such as disruption of the repository by man or natural events, which released radionuclides to the biosphere. However, sites for waste repositories will be selected in areas where the probability that a natural event would disturb the repository is extremely low and located away from identified natural resources to minimize the probability that man would accidentally disturb the repository. An analysis of the consequences of a meteorite strike of the repository, an extraordinary event that would be classified as coming under scenario two, has been given in NUREG–0116.*(9)* Thus, the analysis here considers primarily the probability of waste reaching the biosphere under the conditions of scenario one.

In the event water infiltrated the repository, it would take a long time for any of the leached radionuclides to be transported to the biosphere by groundwater migration. Movement of groundwater is itself slow, and retarding mechanisms such as ion exchange increase the travel time for most radionuclides such that it might take tens to hundreds of thousands of years for them to reach the biosphere.*(10)* In this period of time, most radioactive material will have decayed away before it could reach the biosphere. On the other hand, fission products carbon-14, technetium-99, and iodine-129 have a combination of low retardation by ion exchange in soil and long lives. Accordingly, if these radionuclides were leached from wastes by infiltrating water, they could reach the biosphere in relatively small concentrations over a rather long time period. However, in developing the source terms for Table S–3, it was assumed that carbon-14 and iodine-129 were released to the biosphere before the waste was sent to the repository. While not the actual case with respect to the disposal of spent fuel from the once-through fuel cycle, for the purpose of the S–3 rule, this assumption bounds the upper limits relevant to releases of carbon-14 and iodine-129 from the uranium fuel cycle. Technetium can exist in several oxide forms. Under the conditions expected for groundwaters not in contact with the atmosphere, insoluble TcO_2 or related hydrated forms should be the solubility-controlling phases, and the concentrations of technetium in migrating groundwater should be extremely low. However, the oxidation conditions are difficult to predict due to the effects of construction of the repository and due to waste-rock

interactions. Therefore, technetium has been considered to be present as the pertechnetate oxyanion (TcO_4^-) which is assumed to migrate to the biosphere with the groundwater.

To determine the time period over which spent fuel might be deemed a significant hazard, we have compared its dilution index with that of unirradiated uranium fuel. The dilution index is a measure of the amount of water required to dilute the concentration of radionuclides to the limits of 10 CFR Part 20 for unrestricted release, which can be used to compare the consequences of ingestion of radioactive materials. From Figure 3, it can be seen that in spent fuel the fission products dominate the dilution index up to about 200 years from reactor discharge. Beyond 200 years to about 50,000 years, the transuranic radionuclides and their daughters dominate the dilution index, and beyond 100,000 years, uranium and its daughters dominate the dilution index. From Figure 4, it can be seen that the growth of uranium daughters radium and lead dominate the dilution index for aged unirradiated uranium fuel, such that by about 100,000 years, the dilution indexes for both spent fuel and unirradiated uranium fuel are about the same, both being dominated by uranium and its daughters. Thus, without consideration of dispersion or retardation relative to groundwater transport time, at about 100,000 years the dilution index of the waste in a repository is about the same as aged unirradiated uranium fuel. Moreover, since plutonium and americium have long delay times during transport from the repository to the environment, the dilution index of those materials in the waste that could potentially be released is about the same as aged unirradiated fuel after 10,000 years.

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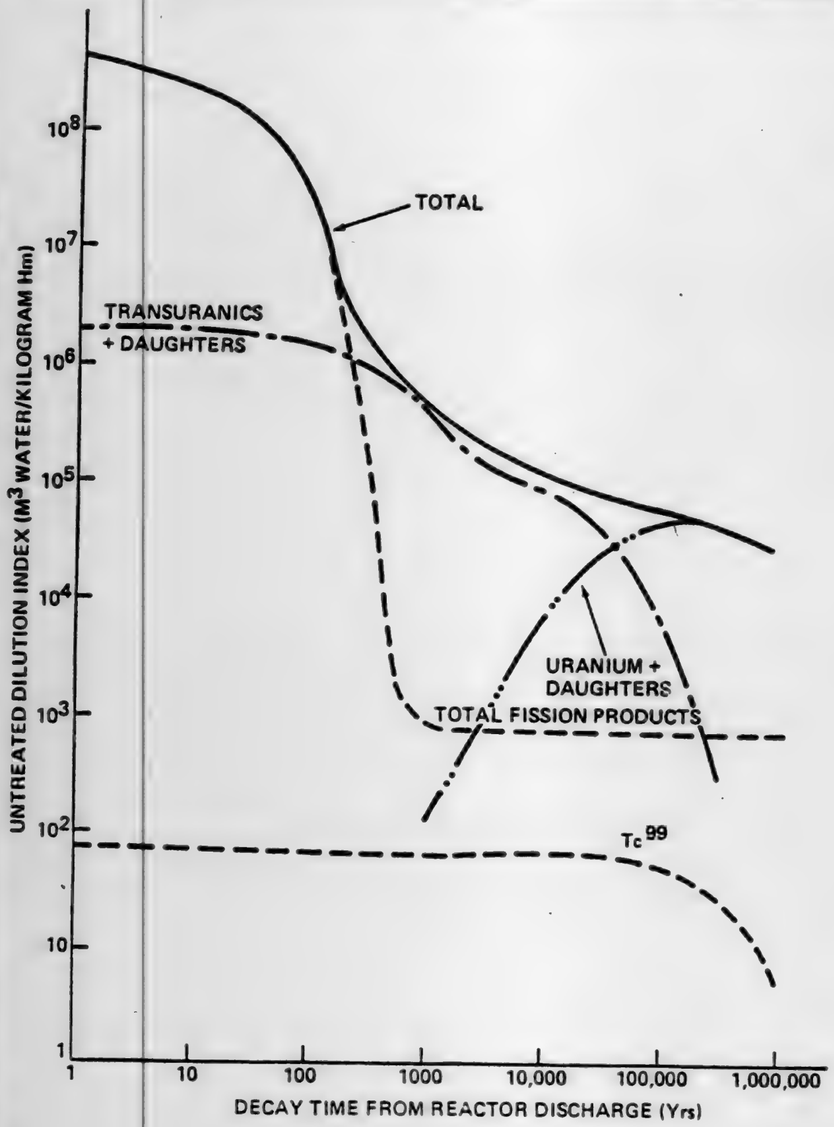


Figure 3 Dilution Index for Spent Uranium Fuel.

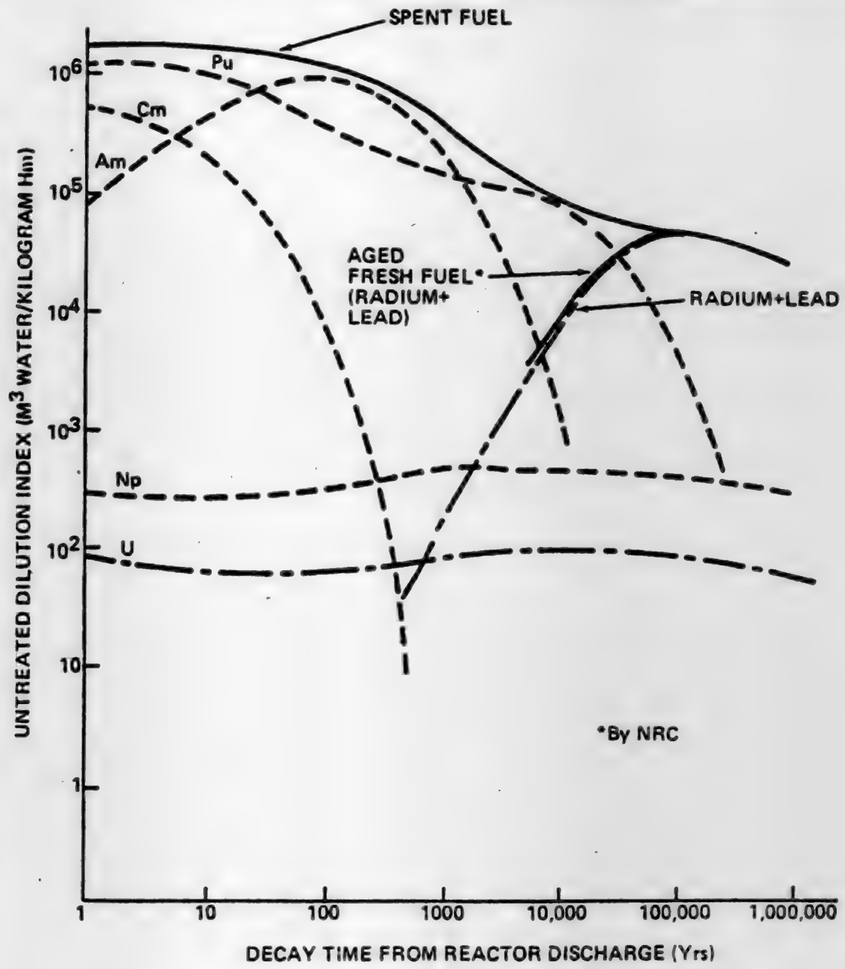


FIGURE 4 Dilution Index for Actinides and Daughters in Spent and Aged Fresh Uranium Fuel

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Thus the answer to the previously posed questions concerning the potential long-term effects of waste repositories may be framed as follows:

1. For natural-type releases from a repository, significant net potential impacts of spend fuel relative to aged fresh fuel exist for less than 10,000 years. In natural-type releases, there is a long time delay (10^4–10^5 years) between the time the nuclide (or its parent) leaves the repository and reaches the biosphere. The net impact of such releases can be conservatively (high side) approximated by assuming the complete release of the technetium-99. Given the number of conservative assumptions required to model the releases from a repository under natural-type circumstances and the small potential net impact after 10,000 years, calculating releases for natural-type conditions beyond 10,000 years provides little meaningful information.

2. If disturbances of a repository which could result in the direct release of significant quantities of otherwise immobile isotopes are being considered (well-digging), significant net potential hazards could persist for 100,000 years. The impacts from the disturbance would depend on the time and nature of the action.

C. *Dose Commitments and Health Effects from Long-Lived Radioisotopes Released from the Uranium Fuel Cycles.* The Commission directed the staff to discuss the time period over which dose commitments should be evaluated, how the dose commitment evaluations over extended periods of time might be evaluated, and what their significance might be. In Section A, page 38, it was shown that a 100-year EDC was adequate to provide the total dose commitment from most isotopes. Very long-time EDCs are necessary if the complete environmental dose commitments from fuel cycle emissions such as carbon-14 and iodine-129 are to be determined. In addition to these isotopes, the analysis given in Section B showed that a very conservative evaluation of long-term emissions from a repository would show technetium-99 could be released from a repository. Applicable released for these isotopes are:

Carbon-124—24 Ci/RRY
Iodine-129—1.3 Ci/RRY
Technetium-99—upper bound for long-term releases from the repository is 500 Ci/RRY, 100% of the technetium in fuel.[f]

[f] Environmental Standards being developed by EPA and regulations being developed by NRC are expected to require reasonable assurance that release of Tc-99 are a small fraction of this quantity.

Carbon-14 and iodine-129 would be emitted as volatile materials; technetium would be leached from the waste repository and reach the biosphere dissolved in water.

Mathematical models are available for estimating the long-term population doses from carbon-14 and iodine-129. No models are currently available for estimating long-term doses from technetium.

1. Calculation of Dose Commitments.

To calculate dose commitments and health effects over long time periods, one must: (a) predict the population at risk; (b) model the time-dependent behavior of the nuclide in the environment; and (c) predict the response of the population to the exposure in terms of cancer mortality and genetic defects.

a. Population at Risk.

In considering population at risk over time periods of 100,000 years or more, several gross assumptions must be made. Realistically, geologic history would predict several catastrophes such as ice ages (as many as 10 might occur over 250,000 years) (*11*) and large fluctuations in population might be expected to be caused by such catastrophes. The staff, for want of a better rationalization, has assumed a stable world population of 10 billion for the first 10,000 years of expsoure, with periodic variations of population of from 2 billion to 10 billion as a function of time beyond 10,000 years. Further, the U.S. population was assumed to be a constant 3% of the world population.

b. Models of Nuclide Behavior.

(1) Carbon-14.

The GESMO and S–3 hearing records do not contain a model that adequately predicts the behavior of carbon-14 in the environment over long time periods. The GESMO model (RABGAD) can be used to estimate the dose commitment to the U.S. population from the initial passage of carbon-14 before it mixes in the world's carbon pool. The carbon-14 model developed by Killough (*12*) can be modified, using the population variations given above, to obtain long-term dose commitments.

(2) Iodine-129. Appendix C, Section 3.0 of NUREG-0216 provides an adequate model for estimating long-term population doses from iodine-129. The GESMO model (RABGAD) can be used for estimating the U.S. population dose resulting from the initial passage of the iodine-129 prior to mixing in the world pool of stable iodine. For the long term, the model assumed for the S–3 hearings results in 1.1×10^{-12} rem/year/Ci to each person in the world after the mixing occurs, with the annual dose-rate declining with a half-life of 17 million years. Although removal mechanisms probably exist which would result in an environmental half-life much less than the 17 million year radiological half-life, the environmental half-life was conservatively taken to be the radiological half-life. This conservatism is prudent until better long-term iodine models are developed.

c. Response to Exposure. In considering response of the population to exposure to radioactive nuclides, the staff has no basis to choose any responses other than those estimated currently—135 cancer deaths/10^6 person-rem, and 258 genetic defects/10^6 person-rem.(*13*)

2. Numerical Estimates of Dose Commitments and Health Effects.

The models described above, with the assumptions delineated for population and population response to exposure have been used to calculate long-term dose commitments resulting from carbon-14 and iodine-129 releases. The values are given in Table I (carbon-14) and Table II (iodine-129). It can be seen from Table I that integrating carbon-14 dose commitments over 10,000 years captures essentially the total potential person-rem dose commitments from carbon-14. These data indicate that the total U.S. population exposure to infinity is perhaps 3–4 times the first-pass exposure and the potential infinite world population exposure is perhaps 8 times the first-pass world population exposure. Cumulative excess cancer mortalities/RRY of about 0.06 (U.S.) and 1 (world) might be predicted from the carbon-14 releases. A cumulative total of about 0.1 (U.S.) and 3 (world) genetic defects/RRY would be predicted to result over a period of 100,000 years from the carbon-14 released.

It can be seen from Table II that the dose commitments from iodine-129 continue to increase with time, even beyond 250,000 years. Since the model does not incorporate any removal mechanism other than radioactive decay (17 million year half-life), the calculations could, in theory, be extended to 200 million years or so to capture the total dose commitments of iodine-129. This has not been done for the present treatment. (A discussion of the significance of long-time calculations is given in Section 3. below.)

The data in Table II show that the 250,000-year dose commitments (whole body risk equivalent) from iodine-129 (76 U.S. and 1,250 world person-rem/RRY) are about 12 to 16% of the 100,000-year (infinite) dose commitments from carbon-14 (430 U.S. and 10,600 world person-rem/RRY). Cumulative excess cancer mortalities/RRY for a 250,000-year exposure are about 0.01 (U.S.) and 0.17 (world); cumulative genetic defects/RRY (250,000-year) are about 0.002 (U.S.) and 0.035 (world).

Table I.—*Population Dose Commitments and Potential Health Effects for 24 Ci/RRY Release of C–14 From the Fuel Cycle*

Time (years)	Cumulative person-rem (T.B. risk equivalent*) and cumulative genetically significant dose (organ-rem)		Cumulative cancer mortality		Cumulative genetic effects	
	U.S.**	World**	U.S.	World	U.S.	World
100	130	790	0.02	0.1	[illegible]	[illegible]
1,000	170	+ 1,900	0.02	0.3	[illegible]	0.5
10,000	380	+ 8,900	0.05	1.2	0.10	2.3
100,000	430	+ + 10,600	0.06	1.4	0.11	2.7
250,000	430	+ + 10,600	0.06	1.4	0.11	2.7

*Total body dose equivalent is the sum of the total body dose and each organ dose multiplied by the ratio of the mortality risk per organ-rem to the mortality risk per person-rem total body
**First Pass Dose = 127 person-rem (total body risk equivalent) or organ-rem.
†Based on approximation to Killough's C–14 model (ORNL–5269) as follows
person-rem/Ci F (t) = [28 + 592 (1 − e^[illegible])]·[assumed world population of 10 billion/Killough population of 12.21 billion]
††Based on approximation to Killough's C–14 model as follows.
person-rem/Ci F(t) = [10/12.21]·[441 + 179 (1 − e^[illegible])]·[5.2 billion avg./12.21 billion]

Table II.—*Population Dose Commitments and Potential Health Effects for 1.3 Ci/RRY Release of I–129 From a HLW Repository*

Time (years)	Cumulative person-rem (total body risk equivalent)*		Cumulative genetically significant population dose (organ-rem)	
	U.S.**	World**	U.S.***	World***
100	[illegible]	41	4.4	4.5
1,000	[illegible]	49	4.4	5.4
10,000	43	130	4.7	14.6
100,000	55	524	6.0	57.6
250,000	76	1,250	8.4	137

	Cumulative cancer mortality		Cumulative genetic effects	
	U.S.	World	U.S.	World
100	0.0054	0.0055	0.0011	0.0012
1,000	0.0054	0.0066	0.0011	0.0014
10,000	0.0058	0.018	0.0012	0.0038
100,000	0.0074	0.071	0.0015	0.015
250,000	0.01	0.17	0.0022	0.035

*Total body dose equivalent is the sum of the total body dose and each organ dose multiplied by the ratio of the mortality risk per organ-rem to the mortality risk per person-rem (total body)
**First Pass Dose = 31 person-rem whole body risk equivalent
***First Pass Organ Dose 4.4 organ-rem (gonads)

3. The Significance of Long-Term Dose Commitments.

In the above section, at the direction of the Commission, the staff has provided theoretical mathematical calculations for dose commitments and health effects of carbon-14 and iodine-129 for up to 250,000 years. In order to perform these calculations, the staff has had to make a series of assumptions based upon little foundation and in which it has little or no confidence. Because of the shortness of human life expectancy relative to the much slower changes occurring on earth, such as variations in climate, continental drift, erosion, and evolution of species, it is difficult to comprehend the immensity of potential changes over long periods of time.

For comparatively short-lived isotopes, dose commitment integrations can be projected for what amounts to infinite time intervals. For example, an infinite time integration of population dose can be done for tritium or krypton-85 since such time integration effectively requires consideration of a period of about 100 years or less. However, projecting population at risk, and population response to risk over even such relatively short time intervals requires many assumptions which the staff has reason to question. It is possible for example, to reasonably postulate the following occurrences during the next 100 years: major changes in the size of the population at risk because of war or global starvation; important medical developments; the onset of the "greenhouse" effect: the depletion of oil, natural gas, and mineral resources. Any of these occurrences may have significant effects on worldwide conditions and affect the validity of calculated dose commitments and related health effects.

The staff is unable to make any definitive statements about the possible variations in the long-term dose commitments and health effects resulting from potential future happenings. However, the staff believes that the cumulative combined impacts from long-lived radionuclides such as carbon-14 and iodine-129 are small relative to those from natural background radiation, which is about 100,000 billion person-rem (world) over a 250,000 year total, i.e., less than about 10^{-7} percent of those impacts resulting from natural background radiation.

Section III—References

1. Docket No. RM–50–5, Generic Environmental Statement on Mixed Oxide Fuel (GESMO). Hearing transcripts for January 19, 25 and 26, 1977.
2. NUREG–0002, Chapter IV–J.
3. Ibid., Chapter IV–J, Appendix B, page IV–J (B)–1.
4. Pochin, E. E., "The Acceptance of Risk," Br. Med. Bull., Vol. 31, No. 3, pp. 184–190 (1975).
5. U.S. Nuclear Regulatory Commission, The Reactor Safety Study, Main report. WASH–1400, 1975. Table G–3.
6. NUREG–0116, page 4–94 ff.
7. NUREG–0216, Appendix H, page H–16 ff.
8. Ibid.
9. NUREG–0116, Table 4–19.
10. Oak Ridge National Laboratory," Siting of Fuel Reprocessing Plants and Waste Management Facilities, ORNL–4451, July 1970.
11. Norwine, J., "A Question of Climate: Hot or Cold?," *Environment, 19,* #8, p. 7, Nov. 1977, Mitchell, J. M., Jr., "Carbon Dioxide and Future Climate," E.D.S., N.O.A.A., Commerce, March 1977; Calder, N., "Head South with All Deliberate Speed: Ice Age May Return in a Few Thousand Years," *Smithsonian, 8,* #10, Jan. 1978.
12. Killough, G. G., "A Diffusion-Type Model of the Global Carbon Cycle for the Estimation of Dose to the World Population from Releases of Carbon-14 to Atmosphere," ORNL–5269, May 1977.
13. NUREG–0002, Chapter II–J, Appendix B.

Section IV. Socioeconomic Impacts

Socioeconomic impacts of the uranium fuel cycle can result from increases in levels of employment and public services requirements. Because the topic is so broadly defined, it is desirable to approach it as a series of interrelated subcategories. Briefly, these consist of:

- Population—changes in population resulting from the influx of workers and their families at both the construction and operation stages of facilities.

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• Economy—induced changes in income and expenditures, including demands for services, both public and private.

While this factor was not discussed in WASH–1248, it was briefly covered in the remanded hearing (Docket No. RM 50–3) on the back end of the fuel cycle, and the following discussion is based on the record of that proceeding.

For the nuclear fuel cycle, population and economic data can be obtained at each stage from mining, milling, and fuel fabrication through waste isolation. The tabulation of conventional socioeconomic impacts at each stage can provide a generic measure of the conventional socioeconomic impacts associated with the entire fuel cycle.

For each stage of the fuel cycle, the character and magnitude of the socioeconomic impacts are site-specific and are determined by the size of the work force, the size of the local populations, the number of incoming workers in relation to the population size, the capacities of public service facilities impacted, the administrative capability of the impacted political jurisdictions, and other related factors. The size of work forces needed for reprocessing plants and waste-related facilities suggests that socioeconomic impacts should be manageable through proper planning and mitigative efforts. In fact, the socioeconomic effects of establishing reprocessing plants and waste-related facilities are not expected to differ in quantity or quality from those associated with any commercial nuclear power plant. The socioeconomic considerations can be summarized as follows:

Impacts that can be expected are comparable to or less than those caused by LWR construction activities and could include noise and dust around the site; disruptions or dislocations of residences or businesses; physical or public-access impacts on historic, cultural, and natural features; impacts on public services such as education, utilities, the road system, recreation, public health and safety; increased tax revenues in jurisdictions where facilities are located; increased local expenditures for services and materials, and social stresses. *(1)*

With respect to the socioeconomic impacts that may be attributable to reprocessing facilities, NUREG–0116 *(2)* cites TVA information showing the anticipated socioeconomic impacts associated with the construction of an LWR are representative of those socioeconomic impacts which can be expected from construction and operation of a reprocessing facility.

Since a 2,000-metric-ton reprocessing plant (the size of the model reprocessing plant) is capable of servicing 57 reactors annually, the socioeconomic impacts from construction of a reprocessing plant attributable to a single reactor can be approximated as less than 2% of those of the reactor.

With respect to the socioeconomic impacts which can be attributed to a high-level waste repository (HLWR), commercial nuclear power plant information was utilized to illustrate the anticipated impacts. The anticipated impacts can be expected to vary depending upon the location of the repository and the size of the surrounding communities.

Preliminary estimates of the construction labor force, developed by the Office of Waste Isolation at Oak Ridge National Laboratory, show a peak number of 800 people, in contrast to the average LWR work force of 2,000. The anticipated socioeconomic impacts of high-level waste repository construction thus could be expected to be less than those of construction of an LWR. Since the proposed repository has the capability of servicing a total of 133 reactors, and can store fuel from 40 reactors (based on 1,200 RRYs over 30 years of operation), the socioeconomic impacts resulting from construction of the repository, when allocated to a single reactor, would be only a few percent of the socioeconomic impact of constructing the reactor.

In terms of operating work force, preliminary estimates developed at the Office of Waste Isolation at ORNL set the number of peak labor force for a high-level waste repository at 1,630, about 10 times that of an LWR work force (170).

An added 1,630 workers to a rural employment base would mean a change in the economy of the area. If the pattern followed the experience of large industrial plants locating in small towns, the following observations could be expected to apply:*(3)*

1. Rural industrial development seldom produces an unmanageable population growth rate; it provides a stabilizing influence on population;
2. There is a tendency for long distance commuting, which tends to spread out impacts on community facilities;
3. Housing would be a common problem in rural areas.

If the settlement pattern were very concentrated, the impacts on community facilities and housing could be expected to be larger. It is believed that the lead times will be sufficient to allow the potentially impacted communities and the applicant to develop mitigative programs which would allow for an orderly and manageable resolution of potential socioeconomic impacts.

Should the repository be located within a relatively easy commuting distance, it is believed that the surrounding communities should be able to absorb the 1,630 workers with fewer impacts occurring and be able to resolve any potential impacts requiring mitigation in advance of the operation phase.

Based upon these assessments of socioeconomic considerations associated with the construction and operation of reprocessing and waste burial facilities, it was concluded that when they are spread over many power reactors, they add an insignificant amount to the environmental impacts of an individual reactor. Thus, no specific value for socioeconomic considerations was placed in Table S–3.

In its effort to update Table S–3, the Commission is performing socioeconomic studies which are intended to provide more detailed data on the impacts actually experienced as a result of construction and operation of the facilities involved in each step of the nuclear fuel cycle. The studies may provide information that will permit an incremental assessment of socioeconomic impacts attributed to the fuel cycle activities.

Section IV—References

1. NUREG–0116, Section 4.11.4, p. 4–168.
2. Ibid, p. 4–170.
3. U.S. Nuclear Regulatory Commission, Policy Research Associates, "Socioeconomic Impacts: Nuclear Power Station Siting," NUREG–0150, June 1977.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants that do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act 5 U.S.C. 601 or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act. Furthermore, the notice of proposed rulemaking contains a narrative explanation of Table S–3 and does not impose additional requirements.

(Secs. 161(b) and (i), Pub. L. 83–703, 68 Stat. 948, 949 (42 U.S.C. 2201(b), (i)); Sec. 170, Pub. L. 85–256, 71 Stat. 576, Pub. L. 94–197, 89 Stat. 1111 (42 U.S.C. 2210) Sec. 201, Pub. L. 93–438, as amended, 88 Stat. 1242, 89 Stat. 413 (42 U.S.C. 5841)).

Commissioner Bradford dissents from portions of this rule. His separate views and additional views of Chairman Ahearne are attached.

Dated at Washington, DC this 23rd day of February, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Separate Views of Commissioner Bradford on the S–3 Narrative

The Commission was given four possible methods of dealing with environmental effects arising from the back-end of the fuel cycle:

1. The narrative is to be included in the draft and final EIS, either directly or by reference, purely as a matter of information to the public and the licensing board. There are no restrictions on the board's power to receive or require additional material on significance of the S–3 impacts and to weigh these impacts in the reactor cost-benefit balance as it sees fit, based on the record compiled in the proceeding.

2. As in option 1, except that the board could not require from the staff or applicant additional information beyond that contained in the narrative, i.e., the narrative would be deemed sufficient consideration of the environmental significance of the S–3 impacts. But supplementation by the parties would not be precluded.

3. No further discussion of fuel cycle impacts addressed by the table and the narrative would be required or allowed. The licensing board would factor fuel cycle impacts into the cost-benefit balance based on the material in Table S–3 and the narrative.

4. No further consideration of fuel cycle impacts addressed by the table and the narrative would be required or allowed in individual licensing proceedings. Table S–3 and the material in the narrative would be referenced as support for a generic conclusion that these fuel cycle impacts cannot affect significantly the cost-benefit balance for a reactor.

The Commission chose Option #4.

I do not agree with the Commission's proposal to prohibit consideration of fuel cycle impacts in individual license proceedings. By this proposal the Commission is finding as a matter of law that the deaths which may be caused by the fuel cycle may not be considered in a federal decision on whether or not to license a plant. The narrative itself estimates these possible deaths to number 484 over 150 years for the back-end of the fuel cycle associatd with 190 currently projected reactors. This finding means that if a viable alternative, which was not expected to kill, were otherwise equal on a cost-benefit basis with a reactor, the Commission would ignore the alternative's lack of human casualties. The only rational basis for the Commission's view is the assumption that the back-end of the nuclear fuel cycle does not kill as many persons as other alternatives. However, in adopting this proposal, the Commission has made no study whatsoever to support this assumption. Accordingly, I would not find fuel cycle impacts insignificant as a matter of law. While I recognize that the effects may be acceptable in comparison with alternatives, I would leave the significance question to the Boards in the first instance, as in opinion No. 1.

As a final matter, the narrative should deal with worldwide impacts. It should also acknowledge that the additional of the front end of the fuel cycle (Radon 222) to the narrative might increase the fatal cancer risk by two times for a 100-year environmental dose commitment and 200 times for the 10,000-year environmental dose commitment. I am surprised that I should have to make this point separately, but the Commission has expressly refused to include it.

Additional Views of Chairman Ahearne on the S–3 Narrative

The Commission in promulgating Table S–3 and the narrative has made a generic determination of the impacts of the back end of the fuel cycle. Thus it appears appropriate for the Commission, as opposed to individual licensing boards, to decide how these impacts affect the cost-benefit balance for a reactor. To allow the individual licensing boards to address the significance of the S–3 impacts defeats the purpose of issuing a generic rule.

In deciding that these fuel cycle impacts cannot affect the cost-benefit balance, I have considered the impacts presented in the narrative. As Commissioner Bradford notes in his separate views, the narrative estimates that the back end of the fuel cycle associated with the 190 currently projected reactors may cause 484 deaths over 150 years. From a different perspective, this means that the back end of the fuel cycle for each individual reactor may cause less than 3 deaths over 150 years. Given the magnitude of the impacts from other parts of the fuel cycle and the uncertainties associated with estimating the impacts of the total fuel cycle, it is impossible for such a relatively small impact to significantly affect the cost-benefit balance of a reactor. In any event, the Commission could reassess its position if future data indicate that the impacts are different from the current estimates.

As Commissioner Bradford notes, the Commission has not addressed the potential impacts of radon in the narrative. Radon is also not included in Table S–3 since the Commission has yet to make a generic determination of the impacts of radon. The value of radon and an appraisal of its impacts are being considered in individual reactor proceedings. Thus, until the Commission decides the value for radon emission, it is inappropriate for the Commission to discuss the generic impacts in the narrative and preempt the individual licensing discussions.

[FR Doc. 81–6525 Filed 3–3–81; 8:45 am]

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FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81–118]

Adjustable-Rate Mortgage Instrument Amendments

Dated: February 27, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Request for additional comments.

SUMMARY: The Board requests comment on several issues raised in response to the Board's October 23, 1980, proposal to amend its renegotiable rate mortgage and alternative mortgage instrument regulations. Since these issues were not specifically addressed in the Board's proposal, the Boared is making this request for comments so that it may obtain a full review of these issues before making final amendments to its regulations. The issues include: whether a limitation should be placed on the amount by which monthly payments may be increased; whether, if such a limitation is imposed, there should also be a limitation on the amount by which the interest rate may be adjusted periodically; whether additions to the principal loan balance should be permitted in connection with a limitation on monthly payment increases; and whether the proposed amendments should contain a provision regarding adjustment of the interest rate over the life of the loan different from the 5 percentage-point limitation initially proposed.

DATE: Comments must be receieved by April 3, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel ((202) 377–6466), or Susan E. Kelsey, Office of Policy and Economic Research ((202) 377–6914), at the above address.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Board proposed to amend its renegotiable rate mortgage (RRM) regulation with regard to maximum annual interest-rate changes and grouping of loans, and to amend its alternative mortgage instrument regulation to make it consistent in certain respects with the RRM regulation (45 FR 72875, November 3, 1980). A number of the 181 comments received on that proposal, including oral

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and written testimony presented at the joint hearings held in December 1980 by the Board and the Office of the Comptroller of the Currency, raised several issues not addressed by the proposal. Since these issues relate to the imposition of limitations on adjustment of the interest rate on a mortgage loan, the major change in the Board's pending proposal, the Board believes it is essential to obtain a full review of these issues before making final amendments to the regulations. The board notes that many commenters raised these issues through reference to the proposed regulation of the Office of the Comptroller of the Currency relating to adjustable rate mortgages (45 FR 64196, September 29, 1980), which directly addressed some of these issues. While the Board's staff has reviewed comments on these issues received by the Comptroller regarding that Office's proposal, the Board wishes to obtain directly the views of all interested parties on these issues as they relate specifically to mortgage financing by Federally-chartered thrift institutions.

The purpose of this request is to obtain comments that will assist the Board in analyzing fully the many considerations raised by these issues. The areas on which the Board wishes comment are set forth below.

Limitation on Monthly Payment Increases

Under the Board's proposed amendments, the maximum interest rate adjustments permitted on a renegotiable rate mortgage (RRM) or variable rate mortgage (VRM) would be limited to the equivalent of 1 percentage point per year. The principal reason for imposing rate-adjustment limitations is to protect the borrower from financial hardship resulting from large movements of the interest rate. However, these limitations prevent both the borrower and the lender from realizing the full benefit of rate changes that would otherwise be appropriate if the loan interest rate were permitted to follow freely the movement of the index rate. One otion that addresses both the prevention of undue financial hardship and the desire for maximum flexibility regarding rate changes is imposition of a cap on the amount by which the monthly payment could be increased at any one time, coupled with liberalization of the maximum amount by which the interest rate may be adjusted at any one time. If the payment cap did not permit full accommodation of an interest-rate adjustment, the excess interest normally would be added to the principal balance of the loan, assuming such additions were permitted by the board (see discussion below). The Board requests comment on whether excess interest could be accounted for in some other manner.

A number of comments from both consumers and lenders expressed general support for authorization of a payment-change limitation. The Board therefore solicits comment on all aspects of the use of such a limitation.

Such a limitation need not be imposed on each individual payment adjustment, but instead could limit the total payment change that would be permissible during a particular time interval while also precluding any one payment change during that interval from exceeding the total change permissible over the interval. For example, payment changes could be permitted semiannually, but with a cap on the amount by which the payment could be adjusted in any one year. Although no semiannual change could exceed the annual cap, a regulatory provision need not limit each semiannual change to one-half of the annual cap. As an additional example, if a loan contract provided for payment changes every three years, the permissible payment adjustment on that date would be three times the amount of the annual cap. In connection with this issue, the Board requests comment on how frequently adjustments to the monthly payment should be permitted and on whether these adjustments should be required to be at regular intervals over the life of the loan.

The table below demonstrates the effect of various percentage limitations on the amount by which the monthly payment on a $50,000, 30-year mortgage could be increased from year to year. In this example, monthly payments are adjusted annually, and the loan interest rate increases substantially from 12 percent to 18 percent in the first five years of the loan and stabilizes. This hypothetical illustrates most graphically the effects of different payment caps on the monthly payment amount and on the rate of amortization. In actual practice, the interest rate would more likely fluctuate, and its movement would not be as extreme as in the hypothetical.

As can be noted from the table, a 7.5 percent limitation would permit significantly less addition to principal than would a figure of 5 percent, thus resulting in a smaller total payment on the loan. A 10 percent limitation would entail no additions to principal whatsoever, since a 10% payment increase would accommodate the additional interest due as a result of the 1.5 percentage-point increase in the loan interest rate (although it would slow the rate at which principal is amortized). The 10 percent limitation would, though, result in a greater payment change than would a 7.5 or 5 percent limitation. In general, for any given payment cap and any given change in the interest rate, additions to principal will be larger, in proportion to the amount of the monthly payment and the outstanding principal loan balance, at lower interest rate levels than at higher interest rate levels.

Table I.—*30-year, $50,000 Mortgage Initial Interest Rate—12 Percent*

Year	Rate (percent)	Monthly payment				Remaining balance			
		5 percent cap	7.5 percent cap	10 percent cap	No cap	5 percent cap	7.5 percent cap	10 percent cap	No cap
1	12	$514	$514	$514	$514	$49,818	$49,818	$49,818	$49,818
2	13.5	540	552	565	572	50,079	49,915	49,751	49,669
3	15	567	594	622	630	50,837	50,295	49,745	49,544
4	16.5	595	638	684	689	52,180	50,977	49,738	49,437
5	18	625	686	753	748	54,235	51,992	49,648	49,344
6	18	656	738	753	748	56,284	52,834	49,535	49,231
10	18	797	800	753	748	63,908	51,838	48,815	48,516
15	18	1,018	800	753	748	66,591	49,678	46,781	46,494
20	18	1,112	800	753	748	61,723	44,400	41,811	41,555
25	18	1,112	800	753	748	43,797	31,505	29,668	29,486
29	18	1,112	800	753	748	12,130	8,726	8,217	8,167

The Board requests comment on the impact of a payment limitation on the sale of mortgages containing such a feature in the secondary market. In addition, the Board requests comment on whether a limitation on changes in the monthly payment should apply only to increases, and on whether use of such a limitation should be optional with a borrower rather than mandatory for all adjustable-rate mortgage loans. Finally, the Board requests comment on whether a regulation that imposes a limitation on changes in the monthly payment should also provide for an initial period, longer than succeeding periods, during which the monthly payment could not be adjusted, and on what would be the appropriate length of such an initial period.

Additions to Principal

If the Board's regulations were amended to provide for a cap on

monthly payment increases, situations could arise where the monthly payment would be insufficient to pay all of the interest due on a loan at a particular time. Under current provisions governing the graduated payment mortgage (GPM) (12 CFR 545.6–4(b)), the loan would negatively amortize in such a situation—that is, interest not covered by the monthly payment would be added to the principal balance of the loan and, from that time on, be treated as principal. Under the Board's pending proposal on graduated payment adjustable mortgages (GPAMs) (45 FR 60798, October 8, 1980), which would combine the features of the GPM and the RRM, additions to principal would also be permitted. Both the GPM and the proposed GPAM regulations, however, impose specific limitations on the maximum period during which additions to principal may take place (*e.g.*, five years where the monthly payment may increase by as much as 7.5 percent from one year to the next, or 10 years where the maximum monthly payment increase from year to year would be 3 percent).

The Board requests comment on whether additions to principal should be permitted on an adjustable-rate mortgage and, if so, what limitations should be imposed on such additions. In addition, the board requests comment on whether the proposed GPAM instrument should be retained as a separate type of mortgage instrument, or whether, and under what circumstances, it should be merged with the RRM or VRM, or both.

Another aspect of concern to the Board regarding additions to principal on adjustable-rate mortgages involves the Board's maximum limitations on the amount of a loan relative to the value of the property securing the loan (12 CFR 545.6–2). Under the Board's existing regulations on loan-to-value ratios, the dollar amount of a conventional loan (one that is neither guaranteed nor insured by a government agency) may never exceed 95 percent of the original appraised value of the security property. In addition, on any such loan exceeding 90 percent of the value of the security property, as long as the loan exceeds 90 percent, the borrower is required to maintain private mortgage insurance on the amount of the loan exceeding 80 percent of the original appraised value of the property. Given these restrictions, the Board requests comment on what provisions should be included in the regulation to ensure that additions to the principal balance of an adjustable-rate mortgage never lead to a violation of the maximum loan-to-value limitations. One such provision, for example, could prohibit the loan amount from exceeding 95 percent of the current value of the security property.

The Board is also concerned with ensuring that the major ramifications of additions to principal are properly disclosed to borrowers. A disclosure could provide merely a textual explanation, could rely heavily on numerical examples, or could employ some combination of both types of explanatory material. Under the Board's current GPM regulation, lenders are required to give the borrower a side-by-side comparison of the operation of a GPM and of a conventional fixed-rate mortgage. The proposed GPAM regulation, in contrast, would not require as extensive a disclosure involving numerical examples. The Board requests comment on all issues relating to complete disclosure of the effects of additions to the principal balance of an adjustable-rate mortgage.

Limitation on Periodic Rate Adjustment

If the Board's regulations governing adjustable-rate mortgages are amended to provide for a limitation on increases in the monthly payment, a question arises as to whether it is necessary or desirable to continue to impose a limitation on the extent to which the interest rate may be periodically adjusted. The principal reason for imposing a limitation on the amount by which the monthly payment may be adjusted from one time interval to the next is to prevent the financial burden that an unusually large increase may impose on a borrower. Therefore, selection of a particular payment-change limitation necessarily entails a determination that borrowers generally will not be unduly burdened by a payment increase of that magnitude. To the extent a limitation on periodic *rate* changes would prevent payment increases as large as those that would be permitted if only a *payment*-change limitation were used, the rate-change limitation must be considered to be unrelated to the affordability of such payment increases. Thus, use of a payment cap raises a question as to the need for a rate-change limitation where payment increases are restricted.

On the other hand, a rate-change limitation could prove useful as an implicit cap on additions to principal, assuming such additions are authorized. That is, if the largest payment increase permitted by a payment-change limitation were still insufficient to cover the additional interest due as a result of an interest-rate increase, a restriction on the amount of the rate increase would limit the amount by which the additional interest exceeded the permissible payment increase, thus limiting the amount of interest that could be added to the principal loan balance.

The Board requests comment on all aspects of this issue. In addition, if a periodic rate-adjustment limitation is to be retained, the Board requests comment on what would be the appropriate magnitude of such a limitation and on how frequently interest-rate adjustments should be permitted relative to the frequency of changes in the monthly payment. Finally, the Board requests comment on whether it should provide for an initial period, longer than succeeeding periods, during which the loan interest rate may not be adjusted, and on what would be the appropriate length of such a period.

Aggregate Limitation on Rate Adjustment

The RRM regulation currently provides for a maximum rate adjustment of 5 percentage points over the life of a loan. The Board's pending proposal would increase the maximum life-time adjustment on the VRM from 2.5 to 5 percentage points, to match the RRM limitation. A number of commenters asserted that the 5 percentage-point limit was too low or that a straight percentage limitation on adjustment of the interest rate would not be the most appropriate limitation. Some of these latter commenters suggested two alternative limitations. One would provide for a percentage limitation tied to a specific period of years during the term of the loan. For example, the interest rate would be prohibited from rising more than 5 percentage points during the initial 12 years of the loan. The second alternative would be based on the percent by which the contract interest rate may be increased (*e.g.*, no more than 50% higher than the initial rate). The Board notes that the Office of the Comptroller of the Currency, in its proposal regarding adjustable-rate mortgages, requested comment on these alternative limitations as well as on whether any aggregate limitation should be required at all.

The Board would like to receive comment on the type of aggregate rate-change limitation, if any, that should be imposed. The Board is also interested in comments on all types of limitations, including those summarized above (which were addressed by the Comptroller's proposal).

Conversion Provision for Senior Citizens

One of the adjustable-rate mortgage plans reviewed by the California State Legislature in 1980 contained a provision that would have permitted an

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adjustable-rate mortgage borrower to convert to a fixed-rate loan after reaching the age of 65 (S.B. 1937). The adjustable-rate loan would have had to have been in effect for at least nine years prior to the conversion, and the security property would have had to remain the borrower's principal residence. The inclusion of such a conversion option would reflect the fact that borrowers who are senior citizens normally have a fixed income level and, therefore, might find it more difficult to afford interest-rate adjustments.

The Board requests comment on whether such a provision should be included in the Board's adjustable-rate mortgage regulations, either on an optional or mandatory basis. The Board is particularly interested in comments regarding the need for such a provision as well as in alternative provisions that might be included to meet the needs of senior citizens.

Prepayment Penalty

The Board's RRM regulation currently prohibits imposition of a prepayment peanlty after notice of the first interest-rate adjustment. The VRM regulation currently prohibits a prepayment penalty only during a 90-day period coinciding with each rate adjustment but, as proposed to be amended, would contain a provision similar to that currently applicable to RRMs.

The Board requests comment on whether imposition of a prepayment penalty should be prohibited altogether. Given the greater leeway that Federal associations could have under the proposals, it may be appropriate to maximize borrowers' ability to respond to market changes by prohibiting prepayment penalties. The Board notes that, although associations are permitted to impose a prepayment penalty prior to the initial rate adjustment, Federal associations using the Federal Home Loan Mortgage Corporation's uniform adjustable-rate mortgage forms would be unable to impose a prepayment penalty.

Conclusion

Accordingly, the Board requests additional comments on the specific issues set out above. The Board wishes to make clear that additional comments on other issues raised in the currently-pending proposal are not requested by this action. The Board's desire is that additional comments focus on the questions raised by this request. Since the Board has already requested and received comments regarding amendement of its adjustable-rate mortgage regulations and since this request is intended to be a limited inquiry into issues not specifically addressed in the Board's October 23, 1980, proposal, the Board has determined to require the submission of comments by April 3, 1981.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947; 3 CFR 1943-1948 Comp. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-6913 Filed 3-3-81; 8:45 am]

BILLING CODE 6720-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 33-6295, 34-17582, 35-21937, 39-613, IC-11651, IA-751; File No. S7-877]

Records Not Obtained by the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Securities and Exchange Commission is requesting written comments on a proposed rule defining the circumstances under which a document received by the Commission will not be considered to have been "obtained" by the Commission within the meaning of Section 24(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78x(a), thereby not becoming an "agency record" for purposes of the Freedom of Information Act ("FOIA"). In connection with the publication of a rule concerning confidential treatment procedures, the Commission received some comments urging adoption of this proposal. Publication of the current proposed rule is necessary to obtain additional public comment and to provide more focused attention upon the effect of the proposed rule on those who supply information to the Commission and those who seek information under the FOIA. Receipt of comments will enable the Commission to reach a more informed decision as to whether such a rule should be adopted.

DATE: Comments should be received by the Commission on or before June 1, 1981.

ADDRESSES: All communications concerning this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such communications should refer to File No. S7-877, and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Harlan W. Penn, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2454.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today published for comment a proposed rule defining the circumstances under which a document received by the Commission will not be considered to have been "obtained" by the Commission within the meaning of Section 24(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78x(a). The Commission proposes to adopt a new § 240.24a-1 of Part 240, Chapter II, Title 17, Code of Federal Regulations, which defines the circumstances under which a document, or other form of recorded information, which has been received by the Commission other than in connection with a filing with the Commission, shall not be considered a "record * * * otherwise obtained by the Commission," within the meaning of Section 24(a), thus not becoming a "record" within the meaning of the Freedom of Information Act ("FOIA"), 5 U.S.C. 552.

The Commission, itself an agency committed to the concept of full and fair disclosure for public investors in securities so that they can make informed investment decisions, strongly supports the concept of openness in government so that the public may know what its government is doing. The proposed rule concerns a matter of balancing between the public's right to know what its government is doing, in the form of obtaining information pursuant to the FOIA, and the legitimate concerns of persons who are required to furnish information to the Commission during law enforcement investigations.

In the course of carrying out its responsibilities to enforce the federal securities laws, the Commission receives a great deal of information from or concerning those under investigation. Much of that information is not required to be filed with the Commission or elsewhere and is not publicly available from the companies or individuals involved. It is, in fact, fortuitous that much of this information ever comes to be contained within Commission files. Such items as corporate minutes and stockholder lists often are not available to members of the public under state law. Those who submit such information are rightfully concerned that its presence in Commission files not result in unnecessary publication of such non-public information.

Under the FOIA, however, information contained within an agency record generally must be released to those who request access to those agency records. During the active phase of Commission law enforcement efforts, the Commission can and generally does assert Exemption 7(A) to withhold investigatory records. *See* 5 U.S.C. (b)(7)(A). When no active investigation is pending and other law enforcement efforts have been concluded, however, Exemption 7(A) is unavailable and other exemptions must be relied upon if agency records, including items received from third parties, are to be protected from general public scrutiny. The exemption usually relied upon in such situations is Exemption 4 which protects "trade secrets and commercial or financial information obtained for a person and privileged or confidential." Yet, it is clear from the language of Exemption 4 and from judicial decisions interpreting it, that it is of limited applicability and will generally only protect information which can fairly be characterized as a trade secret or as commercial or financial in nature. In addition, it must be recognized that, after the government's law-enforcement interest in a matter is concluded, the Commission has essentially a stakeholder role to play in disputes concerning release of this information. Under the FOIA, however, the submitter of information has few, if any, effective avenues of legal recourse available to prevent disclosure. *See Chrysler* v. *Brown*, 441 U.S. 281 (1979).

Many of the members of the public requesting access to this information are business competitors of or litigants adverse to the submitter of the information. These requesters seek the information as a means of discovering confidential information which may secure some advantage over the submitter of information, an advantage not within the contemplation of Congress when it enacted the FOIA. As a consequence of these factors, many persons who are requested to submit information during Commission law enforcement investigations perceive a risk that that information ultimately may become public under the FOIA, even though it may never have been directly relevant to the Commission's law enforcement interest. Because of this perception, there is resistance to the voluntary and prompt submission of confidential information to the Commission.

The Commission needs access to such information in order to make informed decisions in executing the various laws the Commission is charged to administer. It is the Commission's experience that, in most cases, information can be secured on a more timely and less expensive basis through voluntary submission or through prompt compliance with a Commission subpoena rather than pursuant to judicial enforcement of a subpoena. Accordingly, to encourage such submissions the Commission recently promulgated a procedural rule regarding requests for confidential treatment. *See* 17 CFR 200.83, 45 FR 62418 (Sept. 19, 1980).

The Commission received a number of public comments on the proposed confidential treatment rule. Those comments suggested, *inter alia*, that the Commission should consider carefully what records constitute "agency records" under the FOIA. Those comments also suggested that recent Supreme Court decisions demonstrated that the Commission has the ability to do more to protect the confidentiality of records submitted to it by private parties, including determining which records coming into its possession should become agency records subject to the FOIA. Thus, as a result of the public comment process, it was recommended that the Commission consider a rule defining the circumstances under which records received from third parties would become agency records.

The Commission has affirmative obligations under the FOIA to provide the public with access to agency records subject to certain specified exemptions. But, the Commission is also aware of the increasing number of instances in which the Commission has had to resort to subpoenas and even petition for judicial enforcement of those subpoenas because of the submitters' concern with eventual public disclosure of submitted material under the FOIA. This concern has arisen, on occasion, as a result of uncertainty as to whether particular information may become "agency records" in the Commission's possession. Moreover, comments received from the public concerning the confidential treatment rule indicate that clarification of the term "agency records" would diminish these concerns, thereby enabling the Commission to pursue its responsibilities expeditiously, especially the investigation of possible violations of the federal securities laws. The Commission considers it appropriate, therefore, to exercise its general rulemaking authority to define the circumstances under which a record received by the Commission other than in connection with a filing will be considered to have been "otherwise obtained" by the Commission, within the meaning of Section 24(a) of the Securities Exchange Act of 1934.

In this regard, it is significant that the FOIA does not define the term "agency record."[1] And, the United States Supreme Court in *Forsham* v. *Harris*, 445 U.S. 169, 186, n.17 (1980), declined to categorize what degree of agency control over information is necessary to support a finding that it has "obtained records," although it ruled that an unexercised right of access was insufficient. It also appears that physical possession of documents by an agency subject to the FOIA is required but is not, of itself, sufficient to subject the document to the FOIA. *See Kissinger* v. *Reporters Committee for Freedom of the Press*, 445 U.S. 136, 155, 157 (1980); *Forsham* v. *Harris*, *supra*, 445 U.S. at 185, n.16.[2] Moreover, the Court of Appeals for the District of Columbia Circuit recently declared that records obtained by the Federal Trade Commission pursuant to subpoena do not necessarily become "agency records." *Federal Trade Commission* v. *Anderson*, 631 F.2d 741 (D.C. Cir. 1979). Although the *Anderson* court recognized that "even documents obtained under subpoena may have other characteristics that bring them within the rubric of agency records;" it also recognized that it is inappropriate to assume a statutory obligation to disclose such documents.[3]

Congress, however, defined the term "records" for FOIA purposes with respect to the Commission in Section

[1] There are two pertinent provisions of the FOIA which require agencies and the courts to determine, in the first instance, whether the FOIA requestor has sought information within the provisions of the Act. One provision, 5 U.S.C. 552(a)(3), provides, in part, that

each agency, upon any request for records * * * shall make the records promptly available to any person.

The second section, 5 U.S.C. 552(a)(4)(B), provides, in part, that

the district court * * * has jurisdiction to enjoin the agency from withholding agency records improperly withheld * * *. [T]he court shall examine the matter *de novo*, and may examine the contents of such agency records *in camera* * * *.

[2] *See also Goland* v. *Central Intelligence Agency*, 607 F.2d 339, 347 (D.C. Cir. 1978), *cert. denied*, 445 U.S. 927 (1980); *Ryan* v. *Department of Justice*, 617 F.2d 781 (D.C. Cir. 1980); *Warth* v. *Department of Justice*, 595 F.2d 521, 522-523 (9th Cir. 1979); *Cook* v. *Willingham*, 600 F.2d 685 (10th Cir. 1968).

[3] *Federal Trade Commission* v. *Anderson*, *supra*, 631 F.2d at 750. The case was rendered moot on remand by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252 (1980), which exempted records obtained by the Federal Trade Commission during investigations from public access under the FOIA.

24(a) of the Securities Exchange Act of 1934 which provides:

> For purposes of [the FOIA], the term "records" includes all applications, correspondence, notices, and other documents filed with or otherwise obtained by the Commission, pursuant to this title or otherwise.[4]

And, the Supreme Court in *Forsham* v. *Harris, supra,* 445 U.S. at 185, cited Section 24(a) as providing independent "standards for public access to documents generated by the [Securities Exchange] Act."

In the proposed rule, which follows, the Commission has defined those circumstances under which a document received by the Commission may be considered to have been "obtained" by the Commission within the meaning of Section 24(a) of the Act. The Commission seeks public comments with respect to all aspects of the proposed rule, but, in particular, requests commentators to address the following issues: (1) the extent to which this rule would encourage the prompt submission of in formation needed in the Commission's law enforcement efforts; (2) the possibility that other identifiable measures also would be effective in encouraging cooperation with Commission requests for information; and (3) the adverse impact, if any, of this rule on the legitimate interests of those who request access to information under the FOIA.

Authority

This notice of proposed rulemaking is effected under the authority of Section 19 of the Securities Act of 1933, 15 U.S.C. 77r; Sections 23 and 24 of the Securities Exchange Act of 1934, 15 U.S.C. 78w and 78x; Section 20 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79t; Section 319 of the Trust Indenture Act of 1939, 15 U.S.C. 77sss; Section 38 of the Investment Company Act of 1940, 15 U.S.C. 80a–37; and Section 211 of the Investment Advisers Act of 1940, 15 U.S.C. 80b–11.

Regulatory Flexibility Act

No regulatory flexibility analysis (or certification that one is not required) is necessary because the rule is interpretive, and thus not within the definition of "rule" for purposes of Chapter 6, Title 5, U.S.C.

[4] This language was inserted in 1975 as an amendment to the Act. This language appeared only in the Senate version of the bill. *Compare* S. Rep. No. 94–75, 94th Cong., 1st Sess. 130–137, 245 (1975) *with* H.R. Rep. No. 94–123, 94th Cong., 1st Sess. 181 (1975). The Conference Committee accepted the Senate version without comment. *See* H.R. Rep. No. 94–229, 94th Cong., 1st Sess. 70–71 (1975).

Conclusion

It is therefore proposed to amend Part 240 of Chapter II, Title 17, Code of Federal Regulations, by adding thereto § 240.24a–1, as set forth below.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.24a–1 Records not obtained by the Commission.

A "record" received by the Commission, other than in connection with a filing with the Commission, shall not be considered to have been "otherwise obtained" by the Commission, within the meaning of section 24(a) of the Act, 15 U.S.C. 78x(a), unless such record is used as an exhibit by the Commission or its staff in the law enforcement activities of the Commission, including investigations and judicial or administrative proceedings, or in proceedings by the Commission conducted pursuant to its Rules of Practice or under its Conduct Regulation. This section does not affect the status of records created by, or at the direction of, the Commission or its staff.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 27, 1981.

[FR Doc. 81–6907 Filed 3–3–81; 8:45 am]

BILLING CODE 8010–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–7–FRL 1764–8]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of submittal to satisfy conditions of plan approval.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act (CAA), as amended, the State of Missouri revised its State Implementation plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan. On February 12, 1981, the State submitted documentation for the purpose of fulfilling two of these conditions. The conditions involve commitments to transportation control measures and the results of carbon monoxide modeling for the St. Louis area.

The purpose of this notice is to advise the public that the State of Missouri has made a submission involving this condition. EPA is reviewing the material submitted and intends to issue a notice of proposed rulemaking after the review is complete. Until final action is published in the **Federal Register**, the conditional approval of the SIP is being continued.

ADDRESSES: Copies of the State submission are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Room 2922, Washington, D.C. 20460.

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101.

East-West Gateway Coordinating Council, 112 North Fourth Street, St. Louis, Missouri 63102.

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger at (816) 374–3791, (FTS) 758–3791.

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. A detailed discussion of that action can be found in the **Federal Register** notice published on that date (45 FR 24140).

One of the conditions promulgated by EPA requires the East-West Gateway Coordinating Council (EWGCC) to complete an analysis of alternative transportation measures and to secure commitments from responsible agencies to specific transportation strategies which will achieve hydrocarbon and CO emission reductions in the St. Louis nonattainment areas. This condition was due January 31, 1981. On January 28, 1981, EWGCC adopted a package of transportation measures and commitments. The State submitted this package to EPA as a SIP revision on February 12, 1981.

The other condition required EWGCC to complete and submit the requisite carbon monoxide dispersion modeling for the St. Louis area by January 31, 1981. The CO modeling results were included with the above revisions submitted by the State on February 12, 1981.

The public is advised that the State has made a submission. EPA is reviewing the material to determine if it complies with the requirements of the Clean Air Act and the conditions promulgated by EPA. A notice of proposed rulemaking will be issued after EPA completes a review of the submission. EPA's conditional approval of the Missouri SIP is being continued until final action on the submittal is published in the **Federal Register**.

Dated: February 23, 1981.

Kathleen Camin,

Regional Administrator.

[FR Doc. 81–6944 Filed 3–3–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 52

[A–9–FRL 1750–4]

Approval and Promulgation of Implementation Plans; Nevada State Implementation Plan Revision

Correction

In FR Doc. 81–4834, published at page 11843, on Wednesday, February 11, 1981, on page 11845, in the first column, in the last paragraph, in the fifth line "Rules 1 and" should be corrected to read "Rules 12 and".

BILLING CODE 1505–01–M

40 CFR Part 180

[PP OE2372/P169, PH–FRL 1769–7]

Chlorpyrifos; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the insecticide chlorpyrifos. This proposal was submitted by the Interregional Research Project No. 4 (IR–4). This amendment will establish a maximum permissible level for residues of the subject insecticide on mint hay at 1.0 part per million (ppm).

DATE: Written comments must be received on or before April 3, 1981.

ADDRESS: Written comments to: Clinton Fletcher, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (703–557–7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number OE2372 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act propose the establishment of a tolerance for combined residues of chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity mint hay at 1.0 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 1.0 ppm in or on mint hay were 2-year rat and dog feeding studies each with no-observable-effect-levels (NOELs) of 0.1 milligram (mg)/kilogram (kg)/day based on red blood cell anticholinesterase (RBC AChE) effects and 3.0 mg/kg/day based on systemic effects. The rat feeding study gave negative oncogenic potential; a three-generation rat reproduction study with a NOEL of 1.0 mg/kg/day (highest dose); a 2-year mouse oncogenicity study negative at 15 ppm (highest dose); a mouse teratology study negative at 25 mg/kg (highest dose); a hen delayed neurotoxicity study negative at 100 mg/kg.

The acceptable daily intake (ADI), based on the rat feeding study (RBC AChE NOEL of 0.1 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.4114 mg/day. The current action will utilize less than 1 percent of the ADI. Published tolerances utilize 32.5 percent of the ADI.

The metabolism of chlorpyrifos is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. No poultry feed items are involved here and there will be no problem of secondary residues in poultry tissue and eggs from this use. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before April 3, 1981 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP OE2372/P169)." All written comments filed in response to this petition will be available for public inspection in the office of Clinton Fletcher from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For information on Regulatory Flexibility Act, see appendix to this rule.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting the raw agricultural commodity "mint hay" in the table under § 180.342 to read as follows:

§ 180.342 Chlorpyrifos; tolerance for residues.

. . . . . .

Commodities	Parts per million
. . . . .	
Mint hay	1.0
. . . . .	

Appendix to [PPOE2372/P169] Chlorpyrifos: Proposed Tolerance

Certification Under Regulatory Flexibility Act:

Congress enacted the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. 601–612, effective January 1, 1981). The

purpose of the act is to assure that the Agency analyzes the effect of regulatory requirements on small business, government jurisdictions, and organizations (collectively referred to as small entities). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerances levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the productions of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a maximum permissible level for residues of the insecticide chlorpyrifos in or on mint hay at 1.0 part per million. The only potential adverse impact on the proposed ruling would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighted by the benefits to the registgrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-6810 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP 9E2225/P168; PH FRL 1769-8]

Ethephon; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the plant growth regulator ethephon. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This admendment will establish a maximum permissible level for residues of the ethephon on cucumbers at 0.1 part per million (ppm).

DATE: Written comments must be received on or before April 3, 1981.

ADDRESS: Written comments to: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, has submitted pesticide petition number 9E2225, to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of North Carolina, Ohio, and Tennessee.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, proposes the establishment of a tolerance for residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity cucumbers at 0.1 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 0.1 ppm in or cucumbers were a 2-year rat chronic feeding/oncogenesis study with a no-observable-effect-level (NOEL) of 30 ppm based on anticholinesterase inhibition effects, 3,000 ppm based on systemic effects, and negative for oncogenicity; a 2-year dog feeding study with a NOEL of less than or equal to 30 ppm based on anticholinesterase inhibition effects and 300 ppm based on systemic effects; a delayed neurotoxicity study in hens negative at 1,000 mg/kg/day. Data currently lacking and considered desirable include teratology studies in two animal species, an oncogenesis study in a second animal species, and a screening battery of mutagenicity tests. According to a letter of May 6, 1980, the registrant reported that these studies (except for a second teratology study) are currently underway and the results should become available to EPA soon.

The acceptable daily intake (ADI), based on the 2-year dog feeding study (NOEL of 300 ppm) and using a 100 fold safety factor, is calculated to be 0.0750 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 4.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.4555 mg/day. The current action will utilize 0.03 percent of the ADI. Published tolerances utilize 10.12 percent of the ADI.

The metabolism of ethephon is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There are no animal feed items involved with cucumbers. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the agency, it is proposed that the tolerance be established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before April 3, 1981 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 9E2225/P168]." All written comments filed in response to this petition will be available for public inspection in the office of Clinton Fletcher from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

For information on Regulatory Flexibility Act requirements, see appendix to this rule.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated February 19, 1981.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by (1) revising § 180.300 into an alphabetized columnar format, and (2) alphabetically inserting the raw agricultural commodity "cucumbers" to read as follows:

§ 180.300 Ethephon; tolerance for residues.

Tolerances are established for residues of the plant regulatory ethephon [(2-chloroethyl)phosphonic acid] in or on raw agricultural commodities as follows:

Commodity	Part per million
Apples	5
Blackberries	30
Blueberries	20
Cantaloupes	2
Cherries	10
Coffee beans	0.1(N)
Cranberries	5
Cucumbers	0.1
Figs	5
Filberts	0.5
Lemons	2
Peppers	30
Pineapples	2
Pineapple fodder	3
Pineapple forage	3
Tangerines	0.5
Tangerine hybrids	0.5
Tomatoes	2
Walnuts	0.5

Appendix to [PP9E2225/P168] Ethephon Proposed Tolerance

Certification Under Regulatory Flexibility Act:

Congress enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612) effective January 1, 1981. The purpose of the act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as small entities). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under sec. 409 of the same act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a maximum permissible level for residues of the plant growth regulator ethephon in or on cucumbers at 0.1 part per million. The only potential adverse impact on the proposed ruling would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-6836 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5947]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction; Maine

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Gorham, Cumberland County, Maine, previously published at 45 FR 77085 on November 21, 1980, and in the *Portland Press Herald* on October 30, 1980, and November 6, 1980.

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Washington, D.C., 20472.

SUPPLEMENTARY INFORMATION. The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Gorham, Cumberland County, Maine, previously published at 45 FR 77085 on November 21, 1980, and in the *Portland Press Herald* on October 30, 1980, and November 6, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Due to a clerical error, a location under the Source of Flooding of Presumpscot River was listed as "Upstream of U.S. Route 202"; it should be amended to read "Upstream of State Route 4". The corresponding elevation was correct as published.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367); and delegation of authority to Federal Insurance Administrator)

Issued: February 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 6851 Filed 3-3-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5780]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Mass.; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: In correcting a flood model error on the Ipswich River, changes are made to the Flood Insurance Study (profiles) and Rate Maps for the Town of Wilmington, Middlesex County, Massachusetts. These changes affect the areas surrounding the Ipswich River, Lubbers Brook, and Maple Meadow Brook.

The proposed base flood elevation determination for the Town of Wilmington is correct as follows:

V 46 / 42 MR 4 81 UMI

Source of flooding	Location	*Elevation in feet (NGVD)
Shawsheen River	Downstream corporate limits	*88
	Upstream corporate limits	*93
Ipswich River	Downstream corporate limits	*76
	Upstream of Church Street culvert.	*88
	Canal Street culvert	*95
	Upstream corporate limits	*109
Martins Brook	Downstream corporate limits	*76
	Downstream of Salem Street.	*76
	Upstream of Salem Street	*82
	Andover Street	*84
Maple Meadow Brook.	Confluence with Ipswich River.	*81
	Power company easement road.	*95
Lubbers Brook	Confluence with Ipswich River.	*77
	Upstream of Middlesex Avenue culvert.	*82
	Downstream of Main Street	*93
	Upstream of Main Street	*98
	Upstream of Boston & Maine Railroad (south of Main Street).	*100

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in the Town of Wilmington, Middlesex County, Massachusetts, previously published at 45 FR 13484 on February 29, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)). 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 23, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–6650 Filed 3–3–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR CH. I

[Gen. Docket 80–739]

Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment and reply comments period.

SUMMARY: The FCC has extended the deadline for Comments and Reply Comments in the Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979, due to concern that inadequate time was available.

DATES: The deadline for comments has been extended to March 2, 1981, and the deadline for Reply Comments has been extended to March 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Fred L. Thomas, Office of Science and Technology, (202) 653–8171.

Adopted: February 13, 1981.

Released: February 13, 1981.

In the matter of Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979, [General Docket 80–739], (46 FR 3060).

By the Office of Science and Technology:

1. It has been brought to the attention of the Commission that a number of parties interested in this proceeding, and who would like to file comments to the First Notice of Inquiry, are currently involved with a special task force preparing for the Region 2 AM Broadcast planning conference. The task force, which is presently concluding its work, has required a large amount of time from its members and has greatly restricted their efforts to file comments in this proceeding. Therefore, the Commission acting on its own motion, believes that an extension of time for both Comments and Reply Comments would be in the public interest.

2. Therefore, it is ordered, that the date for filing Comments is extended to and including 2 March 1981, and the date for filing Reply Comments is extended to and including 23 March 1981.

3. This action is taken pursuant to authority found in Sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended, and § 0.241 of the Commission's Rules.

Elliot Maxwell,

Acting Chief Scientist.

[FR Doc. 81–6932 Filed 3–3–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–100; RM–3763]

FM Broadcast Station; Tioga and Boyce, La.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 252A to Tioga, Louisiana, and substitutes Channel 272A for Channel 252A at Boyce, Louisiana, in response to a petition filed by Loren Yadon.

DATE: Comments must be filed on or before April 20, 1981, and reply comments on or before May 11, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 20, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Tioga and Boyce, Louisiana.

1. The Commission herein considers a petition for rule making [1] filed by Loren Yadon ("petitioner"), which seeks the assignment of Channel 252A to Tioga, Louisiana, as its first FM assignment and seeks the substitution of Channel 272A for Channel 252A at Boyce, Louisiana. Supporting comments were filed by Boyce Broadcasting Corporation [2] and by the petitioner who stated an intent to apply for the channel, if assigned.

2. Boyce Broadcasting Corporation, in comments, stated that it is a corporation owned by Black minorities, and the community of Boyce is sixty percent Black. It has requested expedited action on its pending application for a construction permit.[3]

[1] Public Notice of the petition was given on October 17, 1980, Report No. 1253.

[2] Boyce Broadcasting Corporation is the applicant for a construction permit to operate on Channel 252A at Boyce, Louisiana.

[3] *Statement of Policy on Minority Ownership of Broadcast Facilities*, 68 F.C.C. 2d 979 (1978).

3. Tioga (population not listed) in Rapides Parish (pop. 118,078),[4] is located approximately 275 kilometers (170 miles) northwest of New Orleans, Louisiana. It has no local aural broadcast service.

4. Petitioner asserts that the population of Tioga, described as Ward 10 of Rapides Parish, has increased twenty-six percent from 1960 to 1970, and has shown consistent growth since 1970.[5] Petitioner further states that the economy is supported by dress industries, a manufacturer of industrial valves (the largest employer), retail stores, service stations, repair shops and restaurants. Ecomonic and demographic information was submitted to demonstrate the need for an FM assignment to Tioga. Petitioner should submit a recent population estimate for the community of Tioga.

5. The distance between Tioga and Boyce is approximately 23 kilometers (14 miles). The separation required between Class A co-channels is 104 kilometers (65 miles). Also, the proposed assignment of Channel 252A to Tioga requires a site restriction of approximately 7 kilometers (4.4 miles) northwest of the city, due to the proximity of Station WAFB (Channel 251) at Baton Rouge, Louisiana. The assignment of Channel 272A to Boyce is also restricted by Station KNOE (Channel 270) at Monroe, Louisiana. However, the use of Channel 272A is available at the site proposed for Channel 252A by the Boyce applicant.

6. In view of the apparent need for a first FM channel assignment to Tioga, the Commission believes that it would be in the public interest to propose assignment of Channel 252A to that community. We also propose to substitute Channel 272A for Channel 252A at Boyce, Louisiana.

7. Accordingly, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the following communities:

City	Channel No.	
	Present	Proposed
Tioga, Louisiana		252A
Boyce, Louisiana	252A	272A

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 20, 1981, and reply comments on or before May 11, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Makings to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rulemaking* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81–6681 Filed 3–3–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–101; RM–3705]

FM Broadcast Station; East Hampton, N.Y.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes amendment of § 73.202(b) of the Commission's Rules, the FM Table of Assignments, by assigning Channel 244A to East Hampton, New York, as that community's first FM assignment, in

[4] Population figures are taken from the 1970 U.S. Census.

[5] This data is provided to petitioner by Mrs. Geneva Ropey, United States Postmaster at Tioga, Louisiana.

response to a petition filed by Marken Properties, Inc.

DATES: Comments must be filed on or before April 20, 1981, and reply comments on or before May 11, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 20, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (East Hampton, New York).

1. The Commission has before it a petition for rule making [1] filed by Marken Properties, Inc. ("petitioner"), requesting the assignment of FM Channel 244A to East Hampton, New York, as that community's first FM assignment. Supporting comments were filed by the petitioner in which it restated its intent to apply for the channel, if assigned. No comments in opposition to the proposal were filed. Assignment of Channel 244A to East Hampton will require a site restriction of approximately 1 kilometer (.6 miles) southeast of the community.

2. East Hampton (pop. 1,753 [2] is located in Suffolk County (pop. 1,124,950), approximately 145 kilometers (90 miles) east of New York, New York. It presently has no local aural service. East Hampton is primarily a recreation resort, but the community also has a broad base of small businesses and service firms. The town also contains the East Hampton Airport and two U.S. Coast Guard Reservations.

3. In view of the fact that the assignment would provide a first local aural service to East Hampton, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the community listed as follows:

City	Channel No.	
	Present	Proposed
East Hampton, New York		244A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 20, 1981, and reply comments on or before May 11, 1981.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Makings to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filings of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-6879 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on July 21, 1980, Report No. 1240.

[2] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 81-102; RM-3763]

FM Broadcast Station; Fort Worth and Palestine, Tex.; Proposed Changes in Table of Assigments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to substitute FM Channel 231 for Channel 230 in Fort Worth, Texas, and substitute FM Channel 244A for Channel 232A in Palestine, Texas; and to modify the licenses of Stations KESS in Ft. Worth and KLIS in Palestine to specify operation on the newly assigned channels. The action was initiated in response to a petition filed by Latin American Broadcasting Company, licensee of Station KESS in Forth Worth.

DATES: Comments must be filed on or before April 20, 1981, and reply comments must be filed on or before May 11, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 20, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Fort Worth and Palestine, Texas).

1. A petition for rule making [1] was filed by Latin American Broadcasting Company ("petitioner"), licensee of Station KESS(FM) in Fort Worth, Texas (Channel 230), proposing the substitution of Channel 231 for Channel 230 in Fort Worth, and Channel 244A for Channel 232A in Palestine, Texas. Petitioner further requests that its license be modified to specify operation on Channel 231 and that the license for the Palestine station (KLIS) also be modified. The proposed assignments can be made in compliance with the Commission's minimum distance separation requirements.[2] Comments in support of the petition were filed by petitioner; Vista Broadcasting Company, Inc. ("Vista"), licensee of Station KLIS(FM) in Palestine, Texas (Channel 232A), and Service Broadcasting Corporation ("Service"), licensee of Station KKDA-FM in Dallas, Texas (Channel 283).

2. Petitioner states that KESS is one of only two radio stations in the Dallas/Fort Worth area providing Spanish-language programming to the substantial Hispanic community living in the area. Petitioner asserts that from its present transmitter site its signal quality is poor in certain parts of Dallas where many Hispanics reside. Petitioner states that in order to provide reliable full-time Spanish-language service to the entire Dallas/Fort Worth area, KESS desires to move its transmitter site to the existing Dallas/Fort Worth antenna farm at Cedar Hill. Petitioner acknowledges that at this time, such a move is impeded by an IF separation problem with Station KKDA-FM in Dallas, operating on Channel 283. Petitioner requests that Channel 231 be substituted for Channel 230 so that the IF interference problem would no longer exist. According to petitioner, both KESS and KKDA-FM could then move their transmitter sites to Cedar Hill and thereby expand their service areas. The assignment of Channel 231 to Fort Worth would require the deletion of Channel 232A from Palestine, Texas. Petitioner requests that Channel 244A be substituted for Channel 232A in Palestine, and petitioner agrees to reimburse the licensee of Station KLIS for the expenses incurred in the frequency change.

3. Vista, the licensee of Station KLIS in Palestine, states that it supports the proposed changes in the Table of Assignments and agrees to the modification of its license to specify operation on Channel 244A. Thus, an *Order to Show Cause* is not necessary to obtain the licensee's consent to the modification. Service, licensee of Station KKDA-FM, likewise supports the rule making, and states that it will participate in the reimbursement of Station KLIS if the proposed assignments are adopted.

4. *Preclusion Study:* Petitioner states that the proposal to substitute Channel 231 for Channel 230 would reduce preclusion on Channels 228, 229 and 230, and would cause no new preclusion on Channels 231, 233 and 234. New preclusion will occur on Channel 232A in a small area around Waco-Gatesville-Martin. Petitioner should state in its comments whether additional channels are available for assignment in these areas.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as to the named communities as follows:

Community	Channel No.	
	Present	Proposed
Fort Worth, Tex.	230, 242, 246, 258, 271 and 298.	231, 242, 246, 258, 271 and 298.
Palestine, Tex.	232A and 252A	244A and 252A.

6. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 20, 1981, and reply comments on or before May 11, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Makings to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this preoceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in intial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if

[1] Public Notice of the petition was given on November 10, 1980, Report No. 1256.

[2] The petition, when filed, conflicted with a proposal to assign Channel 244A to Crockett, Texas. This conflict was removed when the Commission proposed the assignment of Channel 228A to Crockett instead of Channel 244A.

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advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquaters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-6680 Filed 3-3-81; 8:45 am]

BILLING CODE 8712-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 410

Fish and Wildlife Coordination Act; Notice of Re-Opening Comment Period on Proposed Rulemaking and Draft Environmental Statement

AGENCY: National Oceanic and Atmospheric Administration, Commerce; Office of the Secretary, Interior.

ACTION: Re-opening of comment period.

SUMMARY: A new 50 CFR Part 410—rules which would establish uniform procedures for Federal agency compliance with the Fish and Wildlife Coordination Act (FWCA)—was proposed on December 18, 1980 (45 FR 83412). The same publication included Notice of Availablity of a Draft Environmental Impact Statement (DEIS), which describes the proposed action and alternatives to it. That notice established February 17, 1981, as the deadline for public comment on both the proposed rulemaking and the DEIS. Because of the importance of the issue, and because very few comments have been forthcoming thus far, the deadline has been extended.

DATES: Written comments on both the proposed rules and DEIS must be received no later than March 25, 1981.

ADDRESS: Comments should be addressed to Director, U.S. Fish and Wildlife Service (ES), Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Richard K. Robinson or Thomas J. Bond, U.S. Fish and Wildlife Service (ES), Department of the Interior, Washington, D.C. 20240; (202) 343-5197 or 343-7292 respectively; or James R. Chambers, National Marine Fisheries Service, 3300 Whitehaven St., NW., Washington, D.C. 20235; (202) 634-7490.

Dated this 25th day of the February 1981.

F. Eugene Hester,
Acting Director, Fish and Wildlife Service.

William H. Stevenson,
Assistant Administrator for Fisheries.

[FR Doc. 81-6629 Filed 3-3-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 42
Wednesday, March 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Middle Fork of the Feather Wild and Scenic River; Boundary Adjustment of the Recreation Zone; Correction

AGENCY: Forest Service, USDA.

ACTION: Notice; correction.

SUMMARY: This document is to correct errors and omissions in the legal land descriptions that appeared at pages 46834 and 46835 in the Federal Register of Friday, July 11, 1980 (45 FR 46834).

FOR FURTHER INFORMATION CONTACT:
Richard Hull, Director of Lands, (703) 235-8212.

The following corrections are made in FR Doc. 80-20683 appearing on 46834 in the issue of July 11, 1980:

1. On page 46834 in mid-column three under T. 22N., R. 12E., Section 9. "SW¼NW¼SE¼, NW¼" is corrected to read "SW¼NW¼SE¼NW¼" and "SE¼, NE¼NE¼SW¼" is corrected to read "SE¼NE¼NE¼SW¼."

2. On page 46835 at the bottom of column two, Section 10—"Lot 11 W½ Lot 12." is corrected to read "Lot 11. W½ Lot 12.."

3. On page 46835 near the top of column three, following "Section 15—" include "Lots 1, 2, 3, 4, 5, 6, 7, 8, and 12 and the N½ of Lots 9, 10, and 11."

Douglas R. Leisz,
Associate Chief.

February 23, 1981.

[FR Doc. 81-6630 Filed 3-3-81; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Expanded Metal of Base Metal From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on expanded metal of base metal from Japan. The scope of the review covers four exporters of this merchandise to the United States not covered by the Department's previous review. This review covers separate time periods for each exporter up to December 31, 1979. The review indicates the existence of dumping margins in particular periods for certain exporters.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and purchase price on each of their shipments occurring during the covered periods. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT:
J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 16, 1974, a dumping finding with respect to expanded metal of base metal from Japan was published in the Federal Register as Treasury Decision 74-29 (39 FR 1979). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on expanded metal of base metal from Japan. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of expanded metal of base metal manufactured in three types (standard, flattened and grating) and various thicknesses. Expanded metal of base metal is currently classifiable under item 652.8000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 33 exporters (in a previous notice stated to be 34) to the United States of Japanese expanded metal of base metal. This review covers 4 of them (those not covered by the previous review published in the Federal Register on November 24, 1980 (45 FR 77501-2)) for all time periods up to December 31, 1979, during which shipments of expanded metal of base metal may have been made to the United States.

One company, Kanebo Kensetsu Kogyo Co., Ltd., which exported between 1975 and 1979 could not be located by the Ministry of International Trade and Industry (MITI). For this exporter we proceeded to use the best information available. The best information is the highest fair value rate for those firms investigated during the fair value investigation.

For Alton Trading Co. and Okaya & Co., Ltd., the best information available is the latest rate for the manufacturers of their exports. For Alton this is Kanebo Steel Co., Ltd. For Okaya & Co., Ltd. it is Nippon Steel Products Co., Ltd. Tomiyasu & Co., Ltd. failed to respond to the Department's questionnaire. For this firm the best evidence is the highest fair value rate.

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Preliminary Results of the Review

As a result of our review we preliminarily determine that the following margins exist:

Japanese exporter	Time period	Margin (percent)
Alton Trading Co.	1-1-78/12-31-79	4.9
Kanebo Kensetsu Kogyo Co., Ltd.	1-1-75/12-31-79	4.9
Okaya & Co., Ltd.	1-1-77/12-31-78	
	1-1-79/12-31-79	0
		.33
Tomiyasu & Co., Ltd.	1-1-77/12/31-79	4.9

Interested parties may submit written comments on these preliminary results on or before April 3, 1981 and may request disclosure and/or a hearing on or before March 19, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates or export dates as appropriate during the time periods involved. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percent stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Because the weighted-average margins for Okaya & Co., Lt., are *de minimis*, the Department shall not require cash deposits on their shipments. This requirement, and the waiver for Okaya & Co., Ltd., shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act [19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 25, 1981.

[FR Doc. 81-6844 Filed 3-3-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Bars, Reinforcing Bars, and Shapes From Australia; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke.

SUMMARY: This notice is to advise the public that, as a result of an administrative review of the antidumping finding on steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, the Department of Commerce has tentatively determined to revoke the finding. There have been no shipments of steel bars, reinforcing bars, and shapes by Broken Hill during the period of review, January 1, 1975 through August 27, 1979, and there is no indication of any sales at less than fair value since that time. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2496).

SUPPLEMENTARY INFORMATION.

Procedural Background

On April 7, 1970, a dumping finding with respect to steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia. ("Broken Hill"), was published in the **Federal Register** as Treasury Decision 70–81 (35 FR 5610). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise was published by the Department of the Treasury in the **Federal Register** on August 27, 1979 (44 FR 50129–30). Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. No comments were received. However, Treasury took no final action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on steel bars, reinforcing bars, and shapes manufactured by Broken Hill.

Scope of the Review

Imports covered by this review are steel bars, reinforcing bars, and shapes currently classifiable under items 606.7900, 606.8310, 606.8330, 606.8350, 609.8035, and 609.8045 of the Tariff Schedules of the United States Annotated (TSUSA). The review is limited to merchandise manufactured by Broken Hill, the only known exporter to the U.S. of this merchandise. The review covers the period January 1, 1975 through August 27, 1979, the date that the "Tentative Determination to Modify or Revoke Dumping Finding" was published by the Treasury Department. The Treasury Department previously reviewed all earlier periods covered by the finding.

Preliminary Results of the Review

There is no evidence of any importations of this merchandise into the United States during the period of this review. There are no known unliquidated entries. There is no indication of any sales at less than fair value since that time.

As provided for in § 353.54(e) of the Commerce Regulations, Broken Hill has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that the merchandise covered by the finding manufactured by them thereafter imported into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review we tentatively determine to revoke the finding on steel bars, reinforcing bars, and shapes manufactured by Broken Hill. If this finding is revoked, it shall apply to unliquidated entries, if any, of this merchandise entered, or withdrawn from warehouse, for consumption on or after August 27, 1979. Interested parties may submit written comments within 30 days from the date of this notice and may request disclosure and/or a hearing on or before March 19, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke and notice are in accordance with section 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.54(e) of the Commerce Regulations (19 CFR 353.54(e)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 27, 1981.

[FR Doc. 81-6845 Filed 3-3-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Announcement of Receipt of Recommendation and Placement on the List of Recommended Areas and Initiation of Consultation on the Central Area of Nantucket Sound, Mass., as a National Marine Sanctuary

AGENCY: Office of Coastal Zone Management, OCZM, National Oceanic and Atmospheric Administration, NOAA, Department of Commerce.

ACTION: Notice.

SUMMARY: Pursuant to Guidelines implementing Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, (16 U.S.C. 1431–1434) NOAA announced receipt of the recommendation of the central area of Nantucket Sound as a national marine sanctuary. NOAA has reviewed this recommendation in accordance with the site evaluation criteria stated in the regulations (15 CFR 922.21(b)) and finds that it meets the requirements for placement on the List of Recommended Areas (LRA). Therefore, it is adding the recommended area to the LRA. The LRA is a list of areas that have at least some potential for being designated a marine sanctuary. However, placement on the LRA is a preliminary step only and does not imply that a designation will occur. Information and comments are requested on the feasibility of establishing the central area of Nantucket Sound as a national marine sanctuary.

After consultation with interested persons and State and local officials, NOAA will decide whether to declare the site an Active Candidate. If the site is declared an Active Candidate, NOAA will then prepare an issue paper that will discuss alternative national marine sanctuary arrangements for the central area of Nantucket Sound, including alternative boundaries and management regimes.

DATE: Information and comments are requested by March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Richard J. Podgorny, (202) 634–4236.

ADDRESS: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as national marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological or aesthetic values. On October 31, 1979, NOAA published an initial LRA containing those sites with at least some potential for sanctuary designation (44 FR 62552; October 31, 1979) as mandated by the General Marine Sanctuary Regulations (15 CFR Part 922).

On December 29, 1980, the Office of Coastal Zone Management received from Governor Edward J. King of the Commonwealth of Massachusetts a recommendation that the central area of Nantucket Sound be designated a national marine sanctuary. This area consists of approximately 163 square nautical miles located 3 miles offshore of Cape Cod, Martha's Vineyard and Nantucket Island, Massachusetts. The intent of this recommendation is to maintain the biological and recreational integrity of the Nantucket Sound area.

The central area of Nantucket Sound is being added to the LRA. This recommendation has been reviewed and found eligibile for inclusion in the LRA by meeting the following site evaluation criteria stated in § 922.21(b) of the marine sanctuary program regulations:

(1) *Important habitat on which any of the following depend for one or more life cycle activity, including breeding, feeding, rearing young, staging, resting, or migrating (922.21(b)(1)):*

(i) *Rare, endangered, or threatened species.* This central area of the Sound is used by the right whale, leatherback and ridley turtles, roseate terns, and shearwaters.

(iv) *Commercially or recreationally valuable marine species.* The central area of the Sound provides habitat for more than 79 species of finfish and shellfish, including black sea bass, northern searobin, scup, tauhog, bay scallop, quahog, cod, perch, and flounder.

(2) *A marine ecosystem of exceptional productivity indicated by an abundance and variety of marine species at various tropic levels in the food web (922.21(b)(2)).* In addition to the rare, endangered, and/or threatened species, and the commercially or recreationally valuable marine species mentioned above, more than 300 species of waterfowl and several other species of marine mammals and turtles use the central area of the Sound. Two unique oceanographic conditions in Nantucket Sound are the confluence of the Gulf Stream and Laborador Current and the continuous flood and ebb tide movement resulting in a constant mixing of the waters throughout the Sound area. The mixing of these two systems thus forms a richly diverse and productive ecosystem.

(3) *An area of exceptional recreational opportunity relating to its distinctive marine characteristics (922.21(b)(3)).* The area is an integral component of a regionally and nationally significant marine recreational area, accessible within one day's drive to one-third of the nation's population. Water quality in the area is of the highest class for coastal and marine waters.

(4) *Historic or cultural resources of widespread public interest (922.21(b)(4)).* Lying in the waters of this central area of the Sound are 28 identified shipwrecks exemplifying different types and styles of ship construction dating back to 1802. Archeologists project that many more shipwrecks could be present in the nominated area, some of which could date back to 1600's.

This recommendation is intended to provide a mechanism to protect the above resources cited by the Commonwealth as well as the biological and recreational integrity of the entire Nantucket Sound area. It is submitted in accordance with a settlement agreement in the case of *United States vs. Maine et al.* (Massachusetts) a dispute between the Commonwealth of Massachusetts and the United States over jurisdiction of the central portion of Nantucket Sound. The recommendation presents the Commonwealth of Massachusetts' concept for a national marine sanctuary. The Department of Commerce is not limited, however, to the acceptance or rejection of this particular approach and requests views on the most appropriate scope for a sanctuary in this area.

The entire LRA will not be republished at this time but will be updated in the **Federal Register** later this year. Nantucket Sound (MA) will be considered for Active Candidate status and possible future designation on the basis of further evaluation criteria, as

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stated in the regulations. Placement of this site on the LRA or selection as an Active Candidate does not establish any regulatory controls; rather it is a means by which NOAA acquires additional information on the characteristics of the site and solicits comment on the feasibility and desirability of sanctuary designation. Regulatory controls can be established only after the designation of a marine sanctuary in accordance with the regulations. LRA listing and Active Candidate status are prerequisites to designation as a marine sanctuary but they do not imply that designation will occur.

The Act requires formal consultation with the Secretaries of State, Defense, the Interior, Transportation, Energy and the Administrator of the Evironmental Protection Agency and other interested agencies prior to designation. In addition, NOAA policy and regulations call for full consultation with interested persons and State and local officials. This request for information and comment on a Nantucket Sound National Marine Sanctuary nomination is the beginning of a series of consultations that are part of the process for evaluating marine sanctuary proposals.

After this consultation, if NOAA finds the area meets the criteria for Active Candidacy, it will prepare an issue paper that will discuss alternative marine sanctuary arrangements for the central area of Nantucket Sound, including alternative boundaries and management regimes. One or more public workshops could be scheduled in the Spring to serve as a forum for comments on the issue paper and on the desirability of a sanctuary as an appropriate protection mechanism for this area. The comments received in response to these consultations and workshops will provide guidance to NOAA on whether to prepare a Draft Environmental Impact Statement containing a proposed designation, regulations, and management plan and what issues and questions to be addressed in that document.

All interested persons or groups may submit information and/or comments concerning the feasibility of this site as a possible national marine sanctuary. Further notice will be published in the **Federal Register** if NOAA determines the recommended area to be an Active Candidate.

A copy of the recommendation is available for public review in Room 330, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20007, between the hours of 8:00 a.m.–4:30 p.m., Monday through Friday.

Dated: February 25, 1981.

Donald W. Fowler,

Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-6600 Filed 3-3-81; 8:45 am]

BILLING CODE 3510-08-M

Caribbean Fishery Management Council, Its Education and Information Subcommittee, Its Administrative Subcommittee, Its Scientific and Statistical Committee and Its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council (FMC), established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established Education and Information and Administrative Subcommittees, a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities.

The Council will hold its 34th regular meeting to consider status reports on fishery management plans (FMPs) under development; draft FMP framework for Shallow-water Reef Fishes; draft plan for Coastal Migratory Pelagics; draft Caribbean Billfish FMP; progress on preparation of a color-slide narrated presentation on Council activities, and discuss administrative and other Council business.

The Council's Education and Information Subcommittee will meet to consider the color-slide narrated presentation on Council activities, as well as matters related to the Council's newsletter; the Council's Administrative Subcommittee will meet to consider matters related to the budget and the Council's administrative operations.

The Council's SSC and AP will also meet concurrently and/or jointly, if deemed convenient, to examine and provide recommendations to the Council on the proposed regulations to implement the Spiny Lobster FMP and the development of FMPs for Shallow-water Reef Fish, Coastal Migratory Pelagics, and Caribbean Billfish. These meetings are open to the public.

DATES: The Council meeting will convene on Wednesday, March 25, 1981, at approximately 9 a.m., and will adjourn on Thursday, March 26, 1981, at approximately 12 noon. The Council's Education and Information Subcommittee meeting will convene on Tuesday, March 24, 1981, at 9 a.m., and will adjourn at approximately 12 noon, while the Council's Administrative Subcommittee meeting will convene on the same day, from approximately 1:30 p.m., to approximately 5 p.m.

The Council's SSC and AP meeting will also convene on Tuesday, March 24, 1981, at approximately 9 a.m., and will adjourn at approximately 5 p.m.

ADDRESS: All meetings will take place at the Hotel Pierre, 105 de Diego Avenue, Santurce, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: February 27, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-6011 Filed 3-3-81; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Proposed New Rules and Rule Amendments Relating to the Guaranty Fund, Position Limits, Original Margin and Assessments of the Comex Clearing Association, Inc.

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of contract market rule proposals.

SUMMARY: The Comex Clearing Association, Inc. ("Association"), has proposed new rules and amendments to existing rules relating to the guaranty fund, position limits, original margin and assessments. The Commodity Futures Trading Commission ("Commission") has determined that the proposed new rules and amendments are of major economic significance and that, accordingly, publication of the proposed new rules and amendments is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before May 4, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to Comex Clearing Financial Protection Rules.

FOR FURTHER INFORMATION CONTACT: Muriel A. Caplan, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581; Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 7a(12) (Supp. III 1979), has determined that the Association's proposed amendments to bylaw sections 6.2(a), 6.2(e), 8.9, and 9.4 and to rules 32 and 82, and its proposed new rules 44, 80, 81 and 83 are of major economic significance. The proposals relate to the guaranty fund, position limits, original margin and assessments against members.

The Association proposes to increase the range of deposits to the guaranty fund required of clearing members and to classify members according to the amount of the clearing member's net capital or working capital. The Association also proposes to revise its rules concerning clearing member position limits. The proposed new rules would substantially reduce the net outright positions and net straddles which currently may be carried by clearing members and would base these new limits upon a clearing member's net capital or working capital. Moreover, the Association is proposing to clarify existing practices and is setting forth new rules pertaining to position limits for affiliated firms. In addition, the proposed new rules would require clearing members to deposit additional original margin when the settlement price of the spot month exceeds the normal limit for that commodity. The additional margin would be in amounts sufficient to margin the back month positions to the market, based on the settlement price of the spot month plus or minus the differential shown on the most recent day that a limit move did not occur. Payments would be limited to the equivalent of two limit moves for each position unless the Board, by resolution, requires more. In the event that net positions are increased as a result of ex-pit transactions, the clearing member would be required to deposit additional original margin in an amount to margin the increased positions fully. Finally, the Association proposes to compute assessments against clearing members according to a revised formula and, further, would limit the amount assessed against clearing members in the event of a default.

The Association's proposed amendments to bylaw sections 6.2(a), 6.2(e), 8.9, and 9.4 and to rules 32 and 82, and its proposed new rules 44, 80, 81 and 83 are printed below, showing deletions in brackets and additions in italics:

A. Relating to the Guaranty Fund

1. Amend the first two paragraphs of section 6.2(a) to read as follows:

(a) Each Clearing Member shall, before the Corporation becomes a party to a contract with him or it as provided in Sections 6.1 and 6.4, deposit with the Corporation such amount as may be required by the Board. [, provided however:] The amounts so deposited, collectively, together with such surplus as the Board may devote to the same purpose, shall constitute a fund to be known as the "Guaranty Fund of Comex Clearing Association, Inc."

The Board may classify Clearing Members for Guaranty Fund purposes based on the amount of the working capital or net capital, as the case may be, of such Clearing Members, and the Board may fix the amount of the Guaranty Fund deposit to be made by Clearing Members of each class and, from time to time, may change the amount of such deposit for any class, provided, however:

(i) that in no event shall the deposit of a Clearing Member be less than [$10,000] *$200,000* nor more than [$100,000] *$2,000,000*, and

(ii) that the amount of the Guaranty Fund deposit shall be the same for all Clearing Members *in the same class.*

2. Amend Section 6.2(e) to read as follows:

To the extent and in the manner prescribed by the Board pursuant to Rule, a Clearing Member may deliver to the Corporation in lieu of a cash deposit to the Guaranty Fund:

(i) certificates of deposit (issued by any institution selected by the Clearing Member which has been approved by the Board of Directors as a Guaranty Fund depository) for direct obligations of the United States, in bearer form. Securities covered by certificates of deposit shall be at the risk of the Clearing Member depositing the same, and

(ii) letters of credit, inform approved by the Board, issued in favor of the Corporation by an institution selected by the Clearing Member and which has been approved by the Board as an original margin depository.

(e) [Clearing Members may deliver to the Corporation certificates of deposit (issued by any institution selected by the depositor which has been approved by the Board of Directors as a Guaranty Fund depository) for direct obligations of the United States, in bearer form, which certificates of deposit shall be accepted by the Corporation in lieu of cash against such Clearing Member's contribution to the Guaranty Fund to the extent and at such percentage of the face value thereof as the Board of Directors may from time to time prescribe. Securities covered by certificates of deposit shall be at the risk of the Clearing Member depositing the same.]

3. Change the caption of Part VIII of the Rules to *Guaranty Fund.*

4. Adopt new Rules 80 and 81 to read as follows: Rule 80. *Classification of Clearing Members for Guaranty Fund Purposes.*

(a) Pursuant to Section 6.2(a) of the By-laws, Clearing Members shall be classified for Guaranty Fund purposes as follows:

Class	Net capital or working capital (in millions of dollars)	Amount of guaranty fund contribution
I	2 or less	$200,000
II	More than 2 to 20	10% of net capital or working capital
III	More than 20	$2,000,000

(b) For the purposes of paragraph (a):

(i) The amount of each Clearing Member's contribution to the Guaranty Fund shall be determined once a year and shall be based upon the annual certified financial statement filed by such Clearing Member with the Corporation pursuant to Rule 21(a); and

(ii) The contribution to the Guaranty Fund by a Class II Clearing Member shall be based on its net capital or working capital rounded to the nearest $250,000.

Rule 81. *Form of Guaranty Fund Deposit.*

A Clearing Member's deposit to the Guaranty Fund shall consist of the following:

(a) Not less than $20,000 in cash; and

(b) Any balance in cash, direct obligations of the U.S. Government ("Governments") to the extent permitted by Rule 82 and/or a letter of credit permitted by Rule 83.

5. Renumber Rule 80 as Rule 82, and amend to read as follows:

(a) Only Governments, in bearer form, shall be eligible for deposit in the Guaranty Fund subject to the provisions of this Rule.

(b) A Government shall be valued at 100% of its face value, if the market value thereof is not less than 100% of such face value. If the market declines below such value and is not lower than 95, it shall be valued at 95. Thereafter, for each further decline in market value of 5 points or less, a similar reduction in valuation shall apply.

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(For example, a Government having a market value of 93 shall be valued at 90).

(c) General requirements for deposit:

(i) A deposit of Governments shall be evidenced by a certificate of deposit (issued by any institution selected by the *Clearing Member* which has been approved by the Board as a Guaranty Fund depository) and shall be accepted, in lieu of cash, *to the extent permitted by Rule 81*, as a Clearing Member's contribution to the Guaranty Fund.

(ii) Any Clearing Member desiring to deposit Governments in lieu of cash or letters of credit may do so upon not less than three business days notice to the Corporation.

6. Adopt new Rule 83 to read as follows:

Rule 83. *Deposit of Letters of Credit in the Guaranty Fund.*

(a) A letter of credit in favor of the Corporation, in form and substance approved by the Board, issued by any institution selected by the Clearing Member, provided that such institution has been approved by the Board as an original margin depository, shall be accepted in the full principal amount thereof, in lieu of cash, to the extent permitted by Rule 81, as a Clearing Member's contribution to the Guaranty Fund, provided, however, that the aggregate amount of letters of credit which may be accepted at any time from any one original margin depository may be limited by the Board from time to time. Each such letter of credit shall be irrevocable, shall be available to be drawn upon by the Corporation by a clean sight draft and shall run for a period of not less than one year from the date of issue.

If a letter of credit has been renewed by the depositing Clearing Member prior to the 20th business day before the expiration date thereof, the Corporation shall have the right to draw on the issuer thereof and deposit the full amount of the letter of credit into the Guaranty Fund as provided in section 6.2 of the By-laws.

(b) If the Corporation is required to apply the Guaranty Fund to make good a deficit as provided in Section 9.4(a) of the By-laws, the Corporation, to the extent it deems necessary, may call on each Clearing Member who has deposited a letter of credit pursuant to Rule 82 to pay such Clearing Member's share thereof in cash, and if any Clearing Member does not make such cash payment in the time specified by the Corporation, the Corporation shall have the right to draw upon the issuer of such letter of credit and deposit the full amount of the letter of credit into the Guaranty Fund as provided in Section 6.2 of the By-laws.

(c) Any Clearing Member desiring to deposit a letter of credit in lieu of cash or Governments may do so on not less than three business days notice to the Corporation.

B. *Relating to Position Limits.*

1. Amend Section 8.9 to read as follows:

(a) Subject to the provisions of Sections 8.9(b) through 8.9(d), a Clearing Member shall not maintain contracts with the Corporation representing a net interest in excess of the number of contracts set forth below:

Net capital or working capital (millions of [illegible])	Net outright combined all commodities	Net straddles combined all commodities	Net outright and net straddles combined all commodities
More than 50	15,000	[illegible]	18,000
40 to 50	12,500	16,500	[illegible]
30 to 40	10,500	15,100	15,100
20 to 30	8,500	13,700	13,700
15 to 20	6,500	12,300	12,300
10 to 15	5,000	11,000	11,000
7.5 to 10	3,500	[illegible]	9,700
5 to 7.5	2,700	[illegible]	[illegible]
4 to 5	2,000	7,500	7,500
3 to 4	1,500	[illegible]	6,500
2 to 3	1,000	5,500	5,500
1 to 2	[illegible]	4,500	4,500

A Clearing Member may carry positions in any one commodity of between 33⅓% and 66⅔% of the maximum position limits set forth above as determined by the Board from time to time, provided, however, that the Board shall have authority:

(i) to apply different percentages for different commodities as well as different percentages for net outright positions and net straddle positions, and

(ii) in the case of copper only, to permit a Clearing Member to carry net positions of up to 100% of such maximum position limits.

[Working capital of clearing member in millions of dollars]	Position limits	
	Straddles number	Net number
More than 10	54,000	36,000
More than 9 to 10	54,000	34,000
More than 8 to 9	[illegible]	32,000
More than 7 to 8	43,000	31,000
More than 6 to 7	43,000	[illegible]
More than 5 to 6	[illegible]	[illegible]
More than 4 to 5	32,000	14,000
More than 3 to 4	[illegible]	[illegible]
More than 2 to 3	[illegible]	3,000
More than 1 to 2	14,000	1,500]

(b) A Clearing Member may maintain net positions one level above the one applicable to such Clearing Member based on its *net capital or* working capital upon payment of such additional original margin upon the excess position as the Board from time to time may determine. [provided, however, that notwithstanding the limits set forth in the foregoing schedule or in this subparagraph (b), in no event may a Clearing Member maintain positions in excess of the following limits except as permitted pursuant to subparagraph (d):

	[Net interest]	Any 1 mo	Straddle interest	Net and straddle interest
Silver	12,000	6,000	18,000	18,000
Gold	12,000	6,000	18,000	18,000
Copper	12,000	6,000	18,000	18,000
Zinc	12,000	6,000	18,000	18,000]

(c)(*i*) If any two or more Clearing Members are affiliated firms, as herein defined, *their respective position limits shall be determined by the net capital or working capital of each and their aggregate net positions may not exceed those which could be maintained by the larger (or largest) of such affiliated firms based on its own net capital or working capital.* [The aggregate net position limits applicable to such firms may not be greater than the net position limits that could be maintained by a single firm. Subject to] *Notwithstanding* the preceding sentence [and to policies established by the Board], affiliated firms which have issued unconditional guarantees in form and substance satisfactory to the Board with respect to each other, may maintain position limits based on *their* [the] consolidated net capital *or working capital.*

(ii) The Board may adopt Rules with respect to the allocation of positions among affiliated firms.

For the purpose of this paragraph, the term "affiliated firms" includes but is not limited to (i) parent and subsidiary corporations (ii) corporations or partnerships owned or otherwise controlled by a common parent, (iii) firms having common partners, and (iv) corporations having common officers or directors.

(d) The Board shall have the right, for reasons it deems appropriate, to impose position limits on particular Clearing Members below the level otherwise permitted in this Section 8.9, and in connection therewith may direct such Clearing Members to reduce their then net open positions to such lower level. In addition, the Board, in extraordinary circumstances, may permit particular Clearing Members to carry positions in excess of the limits permitted by this Section 8.9 for such time *or times* as the Board deems appropriate.

C. Relating to Margin

Adopt a new Rule 44 to read as follows:

Rule 44: (a) For the purposes of this Rule 44, the following terms shall have the following meanings unless the context otherwise clearly requires:

(i) Commodity: A contract for future delivery of a commodity traded on or subject to the By-laws and Rules of the Exchange.

(ii) Settlement Price: The settlement price for a commodity established by the Exchange pursuant to Sections 905 or 1102 of the Exchange By-laws.

(iii) Spot Month: The nearest maturity month of a commodity.

(iv) Back Month: Any maturity of a commodity other than the spot month.

(v) Limit Move: A change in the settlement price of a commodity from the settlement price of such commodity on the preceding business day by an amount equal to the Exchange established daily price fluctuation limit for such commodity.

(vi) Contango: A price structure for different maturities of a commodity in which, in the absence of a limit move, the settlement prices of back months exceed the settlement price of the spot month.

(vii) Backwardation: A price structure for a commodity in which, in the absence of a limit move, the settlement price of the spot month exceeds the settlement prices of the back months.

(b) If on any day,

(i) the settlement price for the spot month of a commodity is higher or lower than such settlement price on the preceding business day by an amount greater than a limit move for such commodity, and

(ii) the settlement price of any back month of such commodity is equal to a limit move, the Corporation, subject to the provisions of this Rule 44, shall collect from each Clearing Member against whose net outright position such price movement has occurred, as additional original margin pursuant to By-law Section 8.4(b), an amount sufficient to margin such net outright position in each back month in which a limit move has occurred to the spot month settlement price plus or minus a differential, if any, to reflect the contango or backwardation shown by the settlement prices of such commodity on the most recent business day in which a limit move did not occur.

(c) Notwithstanding the provisions of paragraph (b) of this Rule 44,

(i) additional original margin collected on any one day pursuant to the provisions of Paragraph (b) of this Rule 44 from a Clearing Member shall not exceed an amount which, when added to variation margin with respect to such net outright position, is equal to such Clearing Member's net outright position in a commodity multiplied by two limit moves in that commodity unless (x) the Board by resolution expressly so requires, or (y) additional original margin is required from such Clearing Member in connection with an ex-pit transaction, and

(ii) if a backwardation exists for any commodity, the provisions of By-law Section 8.5 also shall be applicable.

2. Amend Rule 32 as follows:

(b) The Corporation shall process each such slip for the purpose of confirming the matching of it with the corresponding memorandum slip of the opposite Clearing Member with whom such contract was made. Each slip received from a Clearing Member, when so confirmed, shall be accepted by the Corporation on behalf of the opposite Clearing Member with whom such contract was made except as provided in paragraph (c). Such accepted memorandum slips on the following business day shall be delivered to the Clearing Member from whom they were received.

(c) The Corporation shall not accept contracts:

(i) Where the memorandum slips for such contracts do not match, except that such slips which match in all respects other than quantity shall be accepted by the Corporation for the lesser quantity shown, *and*

(ii) with respect to an ex-pit transaction entered into by a Clearing Member pursuant to Exchange Rule 504(a) (4), unless the report of such transaction is accompanied by original margin paid on behalf of each Clearing Member whose net outright position is increased as the result of such transaction in an amount sufficient to fully margin the resultant net outright position based on the applicable settlement price for the preceding business day.

Renumber present paragraphs (c) through (h) as (d) through (i), respectively.

D. Relating to Assessments

1. Delete By-law Section 9.4(b) and adopt new By-law Sections 9.4(b), (d), (e) and (f) to read as follows:

(b) Except as set forth in paragraphs (c), *(d), (e) and (f)* below, all such assessments shall be levied on a Clearing Member as follows:

A. For each commodity in which the loss occurred (i) divide the number of contracts in such commodity cleared for the account of such Clearing Member for the nine months preceding the default by (ii) an amount equal to (x) the total number of contracts in that commodity cleared by the Corporation during such nine month period minus (y) the number of contracts in that commodity cleared by the Corporation during such nine month period for the account of the defaulting Clearing Member and (iii) multiply the resultant fraction by the amount of such loss.

B. For each commodity in which the loss occurred (i) divide the aggregate net open interest in such commodity carried for the account of such Clearing Member for the nine months preceding the default by (ii) an amount equal to (x) the total aggregate net open interest in that commodity carried by the Corporation during such nine month period minus (y) the aggregate net open position in that commodity cleared by the Corporation during such nine month period for the account of the defaulting Clearing Member and (iii) multiply the resultant fraction by the amount of such loss.

[B. Add the total for each commodity computed pursuant to A.]

C. For each Clearing Member, add the amounts computed pursuant to A and B for each such commodity and divide the total by 2.

D. For each Clearing Member, add the amounts computed pursuant to C.

(c) If at any one time the contracts of all Clearing Members in any commodity shall be or shall have been closed, the assessment provided under this Section 9.4 shall be based only upon contracts for the specific commodity accepted for clearance after the date of such closing.

(d) An assessment on a Clearing Member pursuant to paragraph (b) shall not exceed the lesser of

(i) 25% of such Clearing Member's net capital or working capital, as the case may be, as at the closing of its fiscal quarter preceding the date of the default with respect to which such assessment is made unless, for thirty or more business days (whether or not consecutive) during the nine month period preceding the default on which such assessment is based, such Clearing Member carried additional net positions in any commodity pursuant to By-law Section 8.9(b), in which event such assessment on such Clearing Member shall not exceed 25% of the midpoint of the net capital or working capital level needed to carry such additional net positions without relying on the provisions of Section 8.9(b); or

(ii) Ten Million ($10,000,000) dollars.

(e) A Clearing Member shall not be subject to the maximum assessment permitted by paragraph (d) above more than once in any consecutive ten

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business day period. If, as the result of a second assessment within such ten day period, the total assessed against a Clearing Member, but for the preceding sentence of this paragraph (e), would exceed the maximum assessment specified in paragraph (d), such excess shall be reallocated pro rata among all other Clearing Members assessed whose total assessments during such period are less than the maximum specified in paragraph (d), but in no event shall such reallocation cause the assessment against any Clearing Member to exceed the maximum specified in said paragraph (d).

(f) Notwithstanding the provisions of paragraph (b), a Clearing Member which timely pays an assessment levied pursuant to this Section 9.4 and withdraws as Clearing Member within ten business days after the date such assessment is levied shall not be subject to futher assessments after the date of such withdrawal except as permitted by paragraph (e).

In light of its responsibilities, under sections 5a(12) and 15 of the Act[1], the commission invites comments from interested persons concerning the Association's proposed financial protection rules. Comments should be directed to whether the Association's proposed rules comply with the provisions of the Act and the Commission's regulations thereunder and should address specifically the manner in which these proposals would, or would not, further the public interest objectives and purposes of the Act. The Commission also is soliciting comments on whether the proposals would represent the least anticompetitive means for the Association to achieve its objectives, and, if not, what other means the Association could employ to achieve its desired results. To the extent possible, comments should be supported by appropriate ecomonic data and statistical or factual analysis which will demonstrate the effect of the Association's proposed rules on the business or financial operations of the commentator.

Interested persons should send written data, views or arguments on the amendments proposed by the Association to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D. C. 20581, by May 4, 1981.

Issued in Washington, D.C. on February 26, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-6817. Filed 3-3-81; 8:45 am]

BILLING CODE 6351-01-M

[1] Pursuant to section 5a(12) of the Act, 7 U.S.C. 7a(12) (Supp. III 1979), the Commission is authorized to approve only those contract market rules which are "not in violation of the provisions of this Act or the regulations of the Commission." Section 15 of the Act, 7 U.S.C. 19 (1976), directs the Commission "to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of this Act, as well as the policies and purposes of this Act, in * * * approving any bylaw, rule, or regulation of a contract market * * *."

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 81-1]

A & B Wiper Supply, Inc., et al.: Publication of a Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a Complaint under the Consumer Product Safety Act.

SUMMARY: Under provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025), the Consumer Product Safety Commission must publish in the **Federal Register** complaints which it issues under the Consumer Product Safety Act. Published below is a Complaint in the matter of A & B Wiper Supply, Inc., and Albert Kanefsky and Joel Kanefsky, officers of the corporation, issued February 19, 1981.

Dated: February 25, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

In the Matter of A&B Wiper Supply, Inc., a corporation, and Albert Kanefsky, as an officer of the corporation, and Joel Kanefsky, as an officer of the corporation.

Complaint

Nature of the Proceeding

1. This is an adjudicative proceeding under the Rules of Practice in Adjudicative Proceedings before the Consumer Product Safety Commission (hereinafter, the "Commission"), 16 CFR Part 1025, for the assessment of civil penalties pursuant to section 20 of the Consumer Product Safety Act (hereinafter, the "CPSA"), 15 U.S.C. 2069, against respondents A&B Wiper Supply, Incorporated, Albert Kanefsky and Joel Kanefsky, for failing to comply with the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

Jurisdiction

2. The Commission has jurisdiction over the subject matter of this adjudicative proceeding pursuant to section 20 of the CPSA, 15 U.S.C. 2069, and 16 CFR 1115.2(d).

Respondents

3. Respondent A&B Wiper Supply, Incorporated (A&B) is a corporation organized and existing under the laws of the State of Pennsylvania with its principal corporate offices located at 116 Fountain Street, Philadelphia, Pennsylvania. The corporation is a "distributor" within the meaning of section 3(a)(5) of CPSA, 15 U.S.C. 2052(a)(5).

4. Respondent Albert Kanefsky is president of the respondent corporation. In this capacity he controls the acts, practices, and policies of the respondent corporation.

5. Respondent Joel Kanefsky is secretary and treasurer of the respondent corporation. In this capacity he participates in the acts, practices, and policies of the respondent corporation. In particular, he controls the day-to-day operations of the respondent corporation.

The Consumer Product

6. Sleepwear produced or distributed for sale is a consumer product within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

7. TRIS (2,3-dibromopropyl) phosphate, commonly known and hereinafter referred to as "TRIS", is a flame-retardant chemical. Prior to 1977, TRIS was commonly applied to children's wearing apparel made with acetate, tri-acetate blends, and 100% polyster fabrics to meet the flammability standards for children's sleepwear, 16 CFR parts 1615 and 1616, promulgated pursuant to section 4 of the Flammable Fabrics Act, as amended, 15 U.S.C. 1193.

8. The Commission considers TRIS to be toxic within the meaning of section 2(g) of the Federal Hazardous Substances Act (hereinafter, the FHSA), 15 U.S.C. 1267(g), in that it has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through the body surfaces. The Commission considers TRIS to be a hazardous substance as that term is defined in section 2(f)1(A)(i) of the FHSA, 15 U.S.C. 1261(f)1(A)(i), in that TRIS is toxic and may cause substantial personal injury or substantial illness by reason of its toxic, carcinogenic and mutagenic charteristics, during or as approximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. 42 18850 (April 8, 1977); 42 FR 28060 (June 1, 1977); 42 FR 61593 (December 6, 1977).

9. The Commission further considers any TRIS-treated children's wearing apparel, fabric, and related articles and products containing or treated with TRIS to be a banned hazardous substance within the meaning of section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A), in that they are articles intended for use by children which are hazardous substances or which bear or contain hazardous substances in such manner as to be susceptible of access to a child. 42 FR 18850 (April 8, 1977); 42 FR 28060 (June 1, 1977); 42 FR 61593 December 6, 1977).

10. Specifically, the Commission believes that when used in children's wearing apparel, TRIS can enter the bodies of infants and children by absorption through the skin and by ingestion. Such exposure may cause cancer or other substantial injury or illness to infants and children exposed to TRIS.

Facts

11. On or about December 7, 1979, The William Carter Company, a manufacturer of children's sleepwear and other apparel located in Needham, Massachusetts, agreed to sell TRIS-treated children's sleepwear to Vinyl Sales of Lawrence, Massachusetts. The terms of the agreement require Vinyl Sales to acknowledge that the children's sleepwear was treated with TRIS and to agree to sell the goods as industrial wiping rags.

12. Vinyl Sales received permission from the Commission staff to sell part of the TRIS-treated sleepwear to several industrial rag dealers, contingent on the purchaser acknowledging that the garments must be cut into wiping cloths and that they must cooperate with the monitoring activities of the Commission staff.

13. On or about August 18, 1980, respondents entered into a written agreement with Vinyl Sales whereby A&B agreed to purchase TRIS-treated children's sleepwear from Vinyl Sales. Respondents agreed to cut the TRIS-treated children's sleepwear and to sell them as industrial wiping rags. Respondents further agreed to provide the Commission with monthly reports on the status of the TRIS-treated children's sleepwear, including their final disposition.

14. From on or about July 20, 1980, until on or about December 17, 1980, respondents purchased from Vinyl Sales approximately 181,000 pounds of uncut TRIS-treated children's sleepwear (approximately 633,500 garments).

15. From on or about August 15, 1980, until on or about December 23, 1980, resondents sold to distributors and retailers aproximately 80,000 pounds (approximately 280,000 garments) of uncut TRIS-treated children's sleepwear purchased from Vinyl Sales.

16. Respondents did not cut the TRIS-treated children's sleepwear purchased from Vinyl Sales into industrial wiping rags prior to its sale to distributors and retailers.

17. Respondents distributed or caused to be distributed in commerce, as those terms as defined in section 3(a)(11) and (12), 15 U.S.C. 2052(a)(11) and (12), TRIS-treated children's sleepwear purchased from Vinyl Sales.

18. TRIS-treated children's sleepwear sold by respondents to distributors and retailers was resold to consumers.

Violations

19. Section 15(b) of the CPSA, 15 U.S.C. 2064(b), requires every manufacturer, distributor and retailer of a consumer product distributed in commerce to immediately inform the Commission upon obtaining information that such consumer product contains a defect would/could create a substantial product hazard, as that term is defined in section 15(a)(1) of the CPSA, 15 U.S.C. 2065(a)(1).

20. Every manufacturer, distributor, and retailer of TRIS-treated children's sleepwear, a product subject to regulation under the FHSA, is required to comply with the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b); 16 CFR 1115.2(d).

21. Respondents obtained information which reasonably supported the conclusion that TRIS-treated children's sleepwear as described in paragraphs 7–10 contained a product defect which could create a substantial product hazard within the meaning of section 15(a) and (b) of the Act, 15 U.S.C. 2064(a) and (b).

22. Respondents did not inform the Commission that the defective TRIS-treated children's sleepwear was being distributed in commerce, as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b) and 16 CFR 1115.13.

23. Respondents knowing failure to furnish the information required by section 15(b) of the CPSA, 15 U.S.C. 2064(b) concerning the approximate 280,000 individual TRIS-treated children's sleepwear constitutes a separate violation and offense under section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), with respect to each children's garment involved.

24. The knowing failure of respondents to furnish the information required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), for a period of approximately 120 days constitutes a separate violation and offense under section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), with respect to each day the information was withheld.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission:

1. Determine that a civil penalty should be assessed against the respondents or any of them;

2. Determine the amount of the civil penalty to be assessed against the respondents or any of them, not to exceed $2,000 for each violation up to a maximum of $500,000;

3. Impose a civil penalty against the respondents or any of them pursuant to section 20 of the CPSA, 15 U.S.C. 2069; and

4. Grant such other additional relief as the interest of justice may require together with costs and disbursements of this action.

Dated: February 19, 1981.

Catherine C. Cook,

Acting Associate Executive Director, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission.

[FR Doc. 81-6823 Filed 3-3-81; 8:45 am]

BILLING CODE 6355-01-M

[CPSC Docket No. 81-2]

Crown-Tex Corporation: Publication of a Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a complaint under the Consumer Product Safety Act.

SUMMARY: Under provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025), the Consumer Product Safety Commission must publish in the **Federal Register** complaints which it issues under the Consumer Product Safety Act. Published below is a complaint in the matter of Crown-Tex Corporation, issued February 19, 1981.

Dated: February 25, 1981

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

In the Matter of Crown-Tex Corporation, a corporation, 350 Fifth Avenue, New York, New York 10001.

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Complaint

Nature of the Proceeding

1. This is an Adjudicative Proceeding under the Consumer Product Safety Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025, for the assessment of a civil penalty against Crown-Tex Corporation, pursuant to Section 20 of the Consumer Product Safety Act, as amended (hereinafter, the "CPSA"), 15 U.S.C. 2051, 2069, for knowingly failing to furnish information required by a Special Order issued pursuant to Section 27(b) of the CPSA, 15 U.S.C. 2076(b).

Jurisdiction

2. The Commission has jurisdiction over the subject matter of this Adjudicative Proceeding pursuant to Sections 20 and 27 of the CPSA, 15 U.S.C. 2069 and 76.

Respondents

3. Crown-Tex Corporation is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 350 Fifth Avenue, New York, New York 10001. Crown-Tex Corporation is engaged in the manufacture and sale of ladies and children's sleepwear garments.

Special Order

4. On June 14, 1978, pursuant to Sections 5, 27(b)(1) and 30(d) of the CPSA, 15 U.S.C. 2054, 2076(b)(1), and 2079(d), and Section 11(a) of the FHSA, 15 U.S.C. 1270(a), the Commission issued a "Special Order for Submission of Information" to manufacturers of children's sleepwear, including Crown-Tex Corporation. In this Special Order, the manufacturers of children's wearing apparel are required to provide, *inter alia*, the following information concerning TRIS-treated products:

"9. State the number and exact location of all TRIS-treated products that are currently in inventory or otherwise under the firm's control, identifying each product and the quantity thereof by style or other identifiable classification.

"10. For every disposition (for example, destruction) of Tris-treated products which is to be made by the firm after receipt of this Special Order, notify the Associate Executive Director for Compliance and Enforcement at least 15 days before each such disposition is scheduled to occur, stating (1) the intended means of disposition, (2) the intended place of disposition, (3) the time scheduled for disposition, (4) a description as to style or other identifiable classification for each product and the quantity thereof, (5) the name, address and telephone number of the official within the firm who is responsible for accomplishing such disposition, (6) the name, address, and telephone number of any agent or independent contractor who will accomplish such disposition on behalf of the firm, and (7) identify and describe in complete detail each and every document and entry thereon maintained by or on behalf of the firm which relate to the disposition of the Tris-treated products described herein, or, in the alternative, submit copies of each such document.

* * * * *

"12. For any changes which occur in the firm's inventory of Tris-treated products after your initial submission of responses or for any other changes in the information furnished in the firm's initial submission of information, provide immediate supplemental responses to reflect all such changes as they occur, until otherwise notified by the Commission. State this information in the same form as your initial responses."

5. On July 11, 1978, Crown-Tex Corporation responded to this Special Orders as follows:

[Paragraph 9] 18,659 yards of uncut 100% polyester design #64094 purchased from M. Lowenstein & Sons—on premises of our contractor at: 305 Nash Road[,] New Bedford, Massachusetts 02746.

[Paragraph 10] No dispositions made after June 16, 1978, date of receipt of this Special Order.

* * * * *

[Paragraph 12] We shall so inform you if and when any change will occur.

Violation

6. On July 24, 1980, Crown-Tex Corporation sold the aforementioned 18,659 yards of cut 100% polyester Tris-treated fabric (hereinafter, the "Tris-treated fabric") to United Export Clothing Company, located at 124 Emmet Street, Newark, New Jersey 07114. On October 13, 1980, United Export Clothing Company sold the entire 18,659 yards of this fabric to Trans World Trading, Lama, Togo, an exporting agent, and shipped the fabric to Godka Enterprises, Accra, Ghana.

7. Crown-Tex Corporation failed to inform the Commission of its disposition of the Tris-treated fabric, as required by paragraph 10 of the Special Order, and failed to inform the Commission of the correlative change in its inventory of Tris-treated products as required by paragraph 12 of the Special Order.

8. The Commission discovered the aforementioned sale and transfer of the Tris-treated fabric during a compliance field program inspection of Crown-Tex Corporation conducted on December 4, 1980.

9. Crown-Tex Corporation knowingly failed to report to the Commission the information required by paragraphs 10 and 12 of the Special Order, in violation of Section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), of the CPSA, from the date upon which it was required to so report (July 10, 1980), to the date the Commission discovered the sale and transfer by Crown-Tex Corporation of the Tris-treated fabric (December 4, 1980), a period of 148 days.

10. Pursuant to Section 20(a)(1) of the CPSA 15 U.S.C. 2069(a)(1), each day on which Crown-Tex Corporation knowingly failed to comply with paragraphs 10 and 12 of the Special Order in violation of Section 19(a)(3), 15 U.S.C. 2068(a)(3), constitutes a separate offense which subjects it to a civil penalty of $2,000 for each such violation and offense, except that the maximum civil penalty shall not exceed $500,000 for the said related series of violations.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission:

1. Determine that Crown-Tex Corporation knowingly failed to comply with paragraphs 10 and/or 12 of the Special Order, in violation of Section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), for which a civil penalty is authorized pursuant to Section 20(a)(1) of the CPSA, 15 U.S.C. 2069(a)(1).

2. Assess a civil penalty pursuant to Section 20(a) of the CPSA, 15 U.S.C. 2969(a), against Crown-Tex Corporation in the sum of $2,000 for each day of any such violation not to exceed the maximum amount allowed under the statute.

3. Grant such other and further relief as the Commission deems necessary and proper.

Dated: February 19, 1981.

Catherine C. Cook,

Acting Associate Executive Director, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission.

In the matter of Crown-Tex Corporation, a corporation, 350 Fifth Avenue, New York, New York 10001.

List and Summary of Documentary Evidence

Pursuant to § 1025.11(b)(3) of the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR 1025.11(b), the following is a list and summary of the documentary evidence supporting and accompanying the Complaint in this matter.

1. Tris-Treated Products, Special Order for Submission of Information (hereinafter, the "Special Order"), dated June 14, 1978, containing 12 questions relating to the identification, receipt, distribution, and inventory for Tris-treated products, with copy of Commission's Statement of Policy on Exportation of Tris-treated Children's Wearing Apparel, 43 FR 2711, June 14, 1978.

2. Letter of transmittal for the Special Order which is self-explanatory.

3. Mailgram from Crown-Tex Corporation to M. Lowenstein and Sons, dated April 28, 1977, requesting invoice number and date of shipment of Tris-treated children's wearing apparel.

4. Customer notification by Crown-Tex Corporation, dated May 4, 1977, advising customers that the Commission has determined that Tris-treated children's wearing apparel is toxic, and requesting the customers to return the garments to Crown-Tex Corporation for repurchase.

5. Letter of transmittal of Crown-Tex Corporation's response to the Special Order, dated July 11, 1978.

6. Crown-Tex Corporation's response to the Special Order, undated, which is self-explanatory.

7. Affidavit of Jerry David, Assistant Secretary of Crown-Tex Corporation, dated December 9, 1980, attesting to the sale of 18,659 yards of Tris-treated fabric to United Export Clothing Company on July 24, 1980.

8. Crown-Tex Corporation Invoice No. 58713, dated July 22, 1980, showing the sale of 18,659 yards of Tris-treated fabric to United Export Clothing Company.

9. Straight Bill of Lading, dated July 24, 1980, showing the shipment of 18,659 yards of Tris-treated fabric to United Export Clothing Company.

10. Affidavit of Jack Pollock, President of United Export Clothing Company, dated December 19, 1980, attesting to receipt of 18, 659 yards of Tris-treated fabric from Crown-Tex Corporation, and subsequent sale and shipment of this fabric for export to Ghana.

11. United Export Clothing Company Invoice, dated October 13, 1980, including sale of 18,659 yards of Tris-treated fabric to Trans World Trading, Lome, Togo.

Earl A. Gershenow,

Trial Attorney, Division of Administrative Litigation, Consumer Products Safety Commission.

[FR Doc. 81-6822 Filed 3-3-81; 8:45 am]

BILLING CODE 6355-01-M

CONSUMER PRODUCE SAFETY COMMISSION

General Order on Consumer Products Containing Asbestos; Extension of Time for Submission of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for submission of information under general order.

SUMMARY: The Commission extends the time in which firms must submit under a general order certain information to it concerning the use of asbestos in selected consumer products from February 20, 1981 to March 20, 1981. The Commission has received a number of requests for extension of this time period. The Commission is granting a one month extension for the convenience of firms and because the extension will not unduly interfere with the Commission staff schedule for the tabulation and use of the date.

DATES: Firms shall furnish the required information on or before March 20, 1981. Firms are required to report any changes in the information (or new uses of asbestos in the consumer products) within 30 days of the change for a one year period following publication of the order in the **Federal Register**. The order expires December 22, 1981.

ADDRESS: Information required by this order should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Carole Roth, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7770.

SUPPLEMENTARY INFORMATION: On December 22, 1980, the Commission issued a general order requiring manufacturers and importers of specified categories of consumer products to furnish the Commission with information concerning the use of asbestos in the products, the form in which asbestos is present, the purpose served by the asbestos, the marketing and use patterns of the products, information on substitutes for asbestos in the products, and information on any testing of the products for asbestos fiber emission. (See 45 FR 84384). The order required information to be submitted within 60 days, that is, on or before February 20, 1981.

The Commission has received a number of requests, oral and written, for varying extensions of the February 20, 1981 deadline. While many firms have submitted their responses to the order, the Commission has decided, for the convenience of firms who are unable to submit their responses by February 20, to extend the deadline until March 20, 1981. Rather than granting individual extensions of varying lengths to particular firms, the Commission believes it is more equitable to have the same extension period generally applicable to all firms subject to order who have not yet submitted their responses. The Commission has chosen a one month extension period since this amount of time is not expected to interfere with Commission staff schedules for tabulation and use of the data received under order. The Commission believes this additional month should allow all firms sufficient time to respond to the order and plans no further extensions of the deadline.

Accordingly, the time in which firms must submit information under the general order published in the **Federal Register** on December 22, 1980 is extended from February 20, 1981 to March 20, 1981. Information required by the order should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: February 27, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-6812 Filed 3-3-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Prepare a Proposed Draft Environmental Impact Statement

The United States Air Force proposes to continue development of the east coast Over The Horizon Backscatter (OTH–B) radar system. The proposed action, which will be addressed in a Draft Environmental Impact Statement (DEIS), is the expansion of the existing 30° Experimental Radar System into a 60° coverage Full-Scale Engineering Development System with subsequent expansion into a 180° coverage Operational Radar System. This proposed DEIS supplements the Final

V 46 / 42 MR 4 81 1 UMI

EIS of January 1975 which addressed the general deployment of the OTH–B system on the east coast.

This DEIS will address changes in the OTH–B program since 1975 and specifically analyze the environmental impact of locating an Operations Site and a Central Support Sites for both the Transmitter and Receiver Sites at Bangor International Airport (IAP), Maine. An alternative is to locate the Receiver Site support at Bucks Harbor Air Force Station (AFS), Maine, while the Transmitter Site support and Operations Site would still be at Bangor IAP. The alternative to continued development of OTH–B is to terminate the program at the experimental phase.

In exploring the proposed action and alternatives, the environmental analysis will consider such topics as changes in the level of high frequency energy emitted from the Transmitter Site near Moscow, Maine; changes in land requirements for the Transmitter and Receiver Sites (Receiver Site being located at Columbia Falls, Maine); and biophysical/socio-economic effects of locating the Operations Site at the proposed location.

Participation in the EIS process by interested Federal, state, and local agencies, as well as interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

Headquarters Electronic Systems Division estimates the DEIS will be available for public review and comment by early May 1981.

Questions concerning the proposed action and DEIS can be directed to: Mr. R. Raffa, HQ ESD/OCU, Hanscom AFB, Maine 01731, Telephone (617) 861–3758.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81–6852 Filed 3–3–81; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Ethnic Heritage Studies; Meeting

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and agenda of a forthcoming meeting of the National Advisory Council on Ethnic Heritage Studies. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: March 25, 1981—9:00 a.m. to 4:30 p.m.; March 26, 1981—9:00 a.m. to 4:30 p.m.; March 27, 1981—9:00 a.m. to 1:00 p.m.

ADDRESS: Federal Office Building 6, Room 3000 (small conference room), 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence E. Koziarz, Director, Ethnic Heritage Studies Program, 1128 Donohoe Building, (202) 245–3471.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies is established under Section 956 of the Elementary and Secondary Education Act of 1965 as added by the Education Amendments of 1972 (Pub. L. 92–319) and amended by the Eucation Amendments of 1978 (Pub. L. 95–561). The Council is established to advise the Secretary and the Assistant Secretary for Education Research and Improvement on the implementation of Part E of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

The Council shall advise concerning matters of general policy, arising from the administration of programs authorized by Part E of Title IX, of the Elementary and Secondary Education Act of 1965, and shall perform specific functions as follows: (a) make recommendations to the Secretary and the Assistant Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development; (b) suggest innovations to meet program needs or otherwise improve ethnic heritage studies; (c) suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required for substantial intercultural curriculum materials development; (d) provide such administrative and legislative proposals as may be appropriate; and (e) not later than June 30 of each year, submit to Congress, a report of its activities, findings, and recommendations.

The proposed agenda includes:

March 25, 1981

Council Business
Review and Analysis of Legislation
Dialogue with ED Administrators and Congressional Staff Regarding Legislation

March 26, 1981

Review and Analysis of the Process Used to Evaluate Projects
Review of Previous Annual Reports
Development of Ideas for 1980 Annual Report

March 27, 1981

Committee Meetings
Reports by Committees
Agenda for June Meeting

Records are kept of all Council proceedings, and are available for public inspection at the Office of the National Advisory Council on Ethnic Heritage Studies, 1128 Donohoe Bldg., 400 6th Street SW., Washington, D.C. 20202.

Signed in Washington, D.C. on February 25, 1981.

Dick W. Hays,

Acting Assistant Secretary.

[FR Doc. 81–6840 Filed 3–3–81; 8:45 am]

BILLING CODE 4000–01–M

Regional Education Programs for Deaf and Other Handicapped Persons

AGENCY: Department of Education.

ACTION: Extension of Closing Data for Transmittal of Application for Awards During Fiscal Year 1981.

Notice is given that the January 30, 1981, deadline for transmittal of applications for the Regional Education Programs for Deaf and Other Handicapped Persons is extended to April 17, 1978. This notice was originally published in the **Federal Register** on October 7, 1980 (45 FR 66564).

The October Notice also indicated that the funding of awards would range from $50,000 to $125,000 per year. Because the total amount available was not assured, application packets were held from mailing on the announced date. Interim review of program goals indicated the desirability of lowering the range of funding per project to be awarded, as noted below.

Authority for this program is contained in Section 625 of the Education of the handicapped Act (20 U.S.C. 1424a).

This program issues awards to institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies.

The purpose of this program is to develop and operate specifically designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

Closing Date for Transmittal of Application

Under § 75.109(b) of the Education Department General Administrative Regulations (34 CFR 75.109(b)), an applicant may make changes to its application on or before the closing date. An applicant who submitted an application in response to the original closing date of January 30, 1981 may amend its application on or before April 17, 1981.

Application Delivered by Mail

An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.078, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a date postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds

Approximately $1,600,000 is available for support of new demonstration projects in 1981. We expect that 20 to 30 grants will be awarded, with funding ranging from $25,000 to $50,000 per project per year. An applicant for a new grant may propose a project period of from 12 to 36 months. Applicants are encouraged to apply for 12 month projects.

However, these estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms

Application forms and information may be obtained by writing to the Regional Education Programs, Program Development Branch, Office of Special Education, Department of Education, (Donohoe Building, Room 3121), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the information packages. The Secretary strongly urges that the narrative portion of the application not exceed fifty (50) pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the Regional Education Programs (34 CFR Part 338 (formerly 45 CFR Part 121k)); Note: Final amendments to the selection criteria for Regional Education Programs (34 CFR Section 338.18) were published in the **Federal Register** on January 19, 1981 (46 FR 5381–5382).

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77 (formerly 45 CFR Parts 100a and 100c)).

FURTHER INFORMATION: For further information contact the Regional Education Programs, Program Development Branch, Office of Special Education, Department of Education, (Donohoe Building Room 3121), 400 Maryland Avenue, S.W., Washington, D.C. 20202.Telephone: (202) 245–9722.

(20 U.S.C. 1424a)

(Catalog of Federal Domestic Assistance number 84.078 Regional Education for Deaf and Other Handicapped Persons Projects)

Dated: February 26, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–6832 Filed 3–3–81; 8:45 am]

BILLING CODE 4000–01–M

Undergraduate International Studies Program; Application Notice for Noncompeting Continuation Projects for Fiscal Year 1981

Applications are invited for noncompeting continuation projects under the Undergraduate International Studies Program.

Prior to the enactment of the Education Amendments of 1980, Pub. L. 96–375, this program was carried out under section 601(a) of the National Defense Education Act of 1958, as amended, 20 U.S.C. 511(a). Section 604 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1124, now authorizes the Secretary to make grants to strengthen and improve undergraduate instruction in international studies and foreign languages.

The Undergraduate International Studies Program issues awards to individual institutions of higher education and combinations of institutions of higher education.

The purpose of the awards is to assist these institutions to initiate or strengthen international or global components in their instructional programs.

Closing Date for Transmittal of Applications

To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by April 3, 1981.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail

An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.016 (Undergraduate International Studies Program), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does

not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand

An application that is hand delivered should be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Available Funds

It is estimated that approximately $516,000 will be available for continuation grants in FY 1981, and that approximately twelve continuation grants will be awarded.

These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application Forms

Application forms and program information packages are available.

They may be obtained by writing to the Office of International Studies, U.S. Department of Education, (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions and forms included in the program information package. The Secretary urges that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to these continuation applications include the following:

(a) Regulations governing the Graduate and Undergraduate International Studies Program (34 CFR Parts 655 and 656, formerly codified at 45 CFR Part 146); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77). These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Further Information

For further information, contact Mrs. Susanna Easton, Office of International Education, U.S. Department of Education, (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–9588.

(20 U.S.C. 1124)

(Catalog of Federal Domestic Assistance Number 84.016—Foreign Language and Area Studies International Studies Programs)

Dated: February 25, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-6831 Filed 3-3-81; 8:45 am]

BILLING CODE 4000-01-M

Undergraduate International Studies and Foreign Language Program; Application Notice for New Projects for Fiscal Year 1981

Applications are invited for new projects under the Undergraduate International Studies and Foreign Language Program.

Authority for these programs is contained in Section 604 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1124)

The Undergraduate International Studies and Foreign Language Program issues awards to institutions of higher education and public and non-profit private agencies and organizations, including professional and scholarly associations. The purpose of the awards is to:

(a) assist institutions of higher education to plan, develop, and carry out a comprehensive program to strengthen and improve undergraduate instruction in international studies and foreign languages, and

(b) assist associations and organizations to develop projects that will make an especially significant contribution to strengthening and improving undergraduate instruction in international studies and foreign languages.

Closing Date for Transmittal of Applications

An application for a grant must be mailed or hand-delivered by April 20, 1981.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.016 (Undergraduate International Studies Program), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing accceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered should be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Specific information about this program is contained in the program regulations (34 CFR Parts 655 and 658) that were published in the **Federal Register** on December 31, 1980, 45 FR 86874–86876 and 86879–86881.

Available Funds

It is estimated that approximately $1,484,000 will be available for new projects in FY 1981, and that approximately 33 new grants will be awarded. It is estimated that awards to a single institution will average around $45,000 and that consortia may receive grants of up to $80,000.

These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application Forms

Application forms and program information packages are available.

They may be obtained by writing to the Undergraduate International Studies Program, Office of International Studies, U.S. Department of Education, (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions and forms included in the program information package. The Secretary urges that applicants not submit information that is not requested.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the Undergraduate International Studies and Foreign Language Program (34 CFR Parts 655 and 658, that were published in the **Federal Register** on December 31, 1980, 45 FR 86874–86876 and 86879–86881, and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77). These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Further Information

For further information, contact Mrs. Susanna Easton, Office of International Education, U.S. Department of Education, (Room 3671, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–9588.

(20 U.S.C. 1124)

(Catalog of Federal Domestic Assistance Number 84.016-Undergraduate International Studies program)

Dated: February 26, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-6830 Filed 3-3-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council; Resource Applications; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: National Petroleum Council

Date and time: Thursday, April 16, 1981—9:00 a.m.

Place: The Madison Hotel, Executive Chambers I, II, and III, 15th and M Streets NW., Washington, D.C.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, 1000 Independence Avenue SW., Forrestal Building, Room 6G087, Washington, D.C. 20585, Telephone: 202–252–5187

Purpose of committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda

- Call to Order by C. H. Murphy, Jr., Chairman, National Petroleum Council
- Remarks by the Honorable James B. Edwards, Secretary of Energy
- Reports of the Committees of the National Petroleum Council:

a. Committee on Emergency Preparedness

b. Committee on Arctic Oil and Gas Resources (Progress Report)

c. Committee on Environmental Conservation (Progress Report)

- Consideration of Administrative Matters
- Discussion of any other business properly brought before the National Petroleum Council
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on February 26, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-6841 Filed 3-3-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Summit Transportation Company; Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of and Opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has executed a Consent Order and provides an opportunity for public comment on the Consent Order and potential claims against the refunds deposited in an escrow account pursuant to the Consent Order.

DATES: Effective date: January 6, 1981. Comments by: April 3, 1981.

ADDRESS: Send comments to: Larry G. Harris, Supervisory Auditor, Program Operations Division, Office of Enforcement, Economic Regulatory Administration, 2000 M Street, N.W., Room 5002, Washington, D.C. 20461 (202–653–3517).

FOR FURTHER INFORMATION CONTACT: Larry G. Harris, Supervisory Auditor, Program Operations Division, Office of Enforcement, Economic Regulatory Administration, 2000 M Street, N.W., Room 5002, Washington, D.C. 20461 (202–653–3517).

SUPPLEMENTARY INFORMATION: On January 6, 1981, the Office of Enforcement of the ERA executed a Consent Order with Summit Transportation Company, formerly Summit Gas Company of Houston, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more, excluding interest and civil penalties, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

This Consent Order is an integral part of the disposition of certain criminal and civil disputes in regard to Summit as directed in an Agreement Letter dated January 15, 1981 filed with the United States District Court for the Southern District of Texas, Houston Division (Criminal No. H–79–152–S). Accordingly, in order to resolve both criminal and civil matters as agreed, the DOE made this Consent Order effective immediately upon execution by both Summit and the DOE in furtherance of the public interest.

I. The Consent Order

Summit, with its home office located in Houston, Texas, was a firm engaged in the resale of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 212 and other applicable law during the period covered by this Consent Order, January 1, 1973 through December 31, 1978, ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of Summit, the Office of

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Enforcement, ERA, and Summit entered into a Consent Order, the significant terms of which are as follows:

1. The DOE claims that, in a number of instances during the settlement period, Summit (a) purchased uncertified crude oil from Coral Petroleum, Inc. and resold that crude oil with "upper tier"certifications and (b) purchased crude oil certified as "old oil" from firms other than Coral Petroleum, Inc. and resold that crude oil with "upper tier" certifications in violation of 10 C.F.R. §§ 205.202, 210.62(c), 212.10, 212.93, 212.131, and other applicable provisions of law.

2. Summit agrees to refund, on or before January 19, 1981, the sum of seventeen million dollars ($17,000,000.00), including interest and excluding civil penalties, in full settlement of all civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions described above during the settlement period. These funds will remain in a suitable account pending the determination of their proper disposition.

3. Summit agrees to pay on or before January 19, 1981, the sum of three million dollars ($3,000,000.00) as a civil penalty in regard to the above-described transactions during the settlement period.

4. Summit agrees to recognize the authority of and to comply with the reporting requirements in Public Laws 94–163, 94–385, 93–275, 93–159, as amended, and other applicable law by filing applicable DOE reports which may become due form Summit regarding its activities occurring after the execution of this Consent Order.

5. Summit, without admitting to any of the allegations contained in the Consent Order, maintains that it has entered into this Consent Order to resolve fully and finally any and all existing and potential civil disputes arising between it and the DOE as a result of the transactions during the settlement period and to avoid the expense of litigation and the disruption of its business.

6. The provisions of 10 CFR 205.199J (including the publication of this Notice) are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been either passed through as higher prices to subsequent purchasers or offset through devices such as the Domestic Crude Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossiblity to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments and Notices of Claim

A. Potential claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now required. Written notification to the ERA at this time is requested primarily for the purpose of identifying potential claims to the refund amount.

After potential claims are identified, procedures for the making of prooof of claims may be established. Failure by a person to provide this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

B. Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. Send your comments or written notification of a claim to Larry G. Harris, Supervisory Auditor, Program Operations Division, Office of Enforcement, Economic Regulatory Administration, 2000 M Street, N.W., Room 5002, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Larry G. Harris.

Identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Notice of Claim to Summit Consent order" or "Comments on Summit Consent order." We will consider all comments and notices of claim we receive by 4:30 p.m., local time on April 3, 1981.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 25th day of February 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-6837 Filed 3-3-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Solar Photovoltaic Energy Advisory Committee of the Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

NAME: Solar Photovoltaic Energy Advisory Committee of the Energy Research Advisory Board.

DATE AND TIME: Monday, March 23, 1981—10:00 a.m.—4:00 p.m. Tuesday, March 24, 1981—9:00 a.m.—4:00 p.m.

PLACE: MIT Lincoln Laboratory, 244 Wood Street, Building A, Room 254, Lexington, MA 02173.

CONTACT: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Forrestal Building—Room 8G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202–252–5187.

PURPOSE OF THE COMMITTEE: To advise the Secretary on the scope and pace of research and development with respect to solar photovoltaic energy systems; the need for and timing of solar photovoltaic energy systems demonstration projects; the need for change in any research, development, or demonstration program established under this Act; and the economic, technological, and environmental consequences of the use of solar photovoltaic energy systems.

TENTATIVE AGENDA:

Briefing and discussion of Lincoln Lab PV programs.
Development of components for residential systems.
Residential experiment station activities.
Field applications experiences.
Discussion and preparation of draft report.
Public Comment (10 minute rule).

PUBLIC PARTICIPATION: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

TRANSCRIPTS: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

EXECUTIVE SUMMARY: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on February 26, 1981.

Georgia Hildreth

Director, Advisory Committee Management.

[FR Doc. 81-6828 Filed 3-3-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 1768-2]

Change in the Development of the 1990 Construction Grants Strategy; Postponement of Public Workshops

AGENCY: Environmental Protection Agency.

ACTION: Postponement of Public Workshops.

SUMMARY: In the January 23, 1981, issue of the **Federal Register** (46 FR–1732), the Environmental Protection Agency announced national workshops on its 1990 Construction Grants Strategy March 10, 12, 17, 20 in Boston, San Francisco, New York, Chicago, Atlanta and Washington, D.C.

In light of President Reagan's budget proposals of February 18, 1981, and in order to give the new Administration an opportunity to establish its policy for the municipal wastewater treatment construction grants program these workshops are postponed. However, public hearings on program porposals will be scheduled at later date.

Comments on the Preliminary Draft will be accepted until March 31, 1981. A responsiveness summary to these comments and the text of EPA's proposals will appear in the **Federal Register** later this year.

ADDRESSES: Send written comment to Ms. Merna Hurd, Associate Assistant Administrator for Water and Waste Management, WH–556, Environmental Protection Agency, Washington, D.C. 20460, by March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Francine Zucker, Office of Water Program Operations, WH–554, Environmental Protection Agency, Washington, D.C. 20460, (202) 755–6028.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-6857 Filed 3-3-81; 8:45]

BILLING CODE 6560-29-M

[RH-FRL 1768-3]

Proposed Federal Radiation Protection Guidance for Occupational Exposures; Schedule of Public Hearings

AGENCY: U.S. Environmental Protection Agency.

ACTION: Schedule of public hearings on proposed recommendations for radiation protection of workers.

SUMMARY: In the **Federal Register** of January 23, 1981 (46 FR 7836), EPA published proposed new guidance for Federal agencies on the protection of workers exposed to ionizing radiation and announced that the Agency would join with the Nuclear Regulatory Commission and the Occupational Safety and Health Administration in holding public hearings on this proposed guidance. That notice contains instructions for those who wish to appear at these hearings. We announce here the dates and addresses of these hearings. We also give a corrected room location for the EPA Central Docket in Washington, D.C.

Dates and Locations

Following is the schedule for public hearings to be held in April and May 1981:

a. General Services Administration Auditorium, 18th and F Streets NW., Washington, D.C. 20405
Monday, April 20—10 AM–4:30 PM
Tuesday, April 21—9:30 AM–4:30 PM and 8–10 PM
Wednesday, April 22—9:30 AM–4:30 PM and 8–10 PM
Thursday, April 23—9:30 AM–4:30 PM (as required)

b. Dunfey's Houston Hotel, 7000 Southwest Freeway, Houston, Texas 77074
Friday, May 1—9 AM–4:30 PM
Saturday, May 2—9 AM–4:30 PM (as required)

c. Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Illinois 60605
Tuesday, May 5—9 AM—4:30 PM and 8–10 PM
Wednesday, May 6—9 AM–4:30 PM (as required)

d. Hyatt Regency Hotel, #5 Embarcadero Center, San Francisco, California 94111
Friday, May 8—9 AM–4:30 PM
Saturday, May 9—9 AM–4:30 PM (as required)

FOR FURTHER INFORMATION CONTACT: Mr. Luis F. Garcia, U.S. Environmental Protection Agency (ANR–460), Washington, D.C. 20460 (Telephone: 703–557–8224), or any of the following EPA regional offices:

Houston, Texas—Telephone 713–226–5762 (Bernadine Wilturner);
Chicago, Illinois—Telephone 312–353–2654 (Pete Tedeschi);
San Francisco, California—Telephone 415–556–4606 (David L. Duncan).

Correction

The current location of the EPA Central Docket Section, 401 M Street, S.W., Washington, D.C. 20460, is "West Tower, Gallery One," not "Room 2903 B, Mall," as stated on page 7836 (Addresses) and page 7844 (The Public Hearing Record) of our **Federal Register** notice of January 23, 1981 [46 FR 7836].

Dated: February 26, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-6863 Filed 3-3-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 81-105 and 81-106; File Nos. 22671-CD-P-1-80 and 20562-CD-P-1-81]

Airsignal International, Inc., and Lawrence Paging and Mobile Phone; Applications for Construction Permits; Hearing Designation Order

In the matter of applications of Airsignal International, Inc., for construction permit for new two-way station on 454.325 MHz in the Domestic Public Land Mobile Radio Service at Kansas City, Kansas (CC Docket No. 81–105, File No. 22671–CD–P–1–80) and Daisy J. Thompson, Ward A. Thompson, Donna M. Thompson, and Ward H. Thompson d.b.a. Lawrence Paging and Mobile Phone, for construction permit to add new location for two-way station KIF660 on 454.325 MHz in the Domestic Public Land Mobile Radio Service near Lawrence, Kansas (CC Docket No. 81–106, File No. 20562–CD–P–1–81).

Memorandum Opinion and Order

Adopted: February 20, 1981.
Released: February 27, 1981.

V 46 / 42 M R 4 8 1 UMI

By the Common Carrier Bureau:

1. Presently before the Mobile Services Division, pursuant to delegated authority, are the captioned applications of Airsignal International, Inc. (Airsignal), and Daisy J. Thompson, Ward A. Thompson, Donna M. Thompson and Ward H. Thompson d.b.a. Lawrence Paging and Mobile Phone (Lawrence). These applications are electrically mutually exclusive;[1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Airsignal International, Inc., File No. 22671–CD–P–1–80, and Daisy J. Thompson, Ward A. Thompson, Donna M. Thompson and Ward H. Thompson d.b.a. Lawrence Paging and Mobile Phone, Inc., File No. 20562–CD–P–1–81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 39 dBu contours, based upon the standards set forth in § 22.504(a) of the Commission's Rules,[2] and to determine and compare the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administration Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Roberta Cook,

Deputy Chief, Mobile Services Division.

[FR Doc. 81-6891 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

[1] We note that while Airsignal is applying to construct a new facility, Lawrence is seeking to add an additional location for its existing station, KIF660. A grant of either application would preclude a grant of the other.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

[BC Docket No. 81-97 and 81-98; File Nos. BPH-790503 AB and BPH-790924 AG]

Blue Mountain Broadcasting Co., et al.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Blue Mountain Broadcasting Co., Ontario, Oregon, Req: 93.1 MHz, channel 226, 50 kW (H&V), 2,687 feet (BC Docket No. 81–97 and Filed No. BPH–790503AB), Lloyd B. Roach, Jacqueline L. Roach, Carey Orr Cook and Janice B. Cook, d.b.a. Roach-Cook Co., Ontario, Oregon, Req: 93.1 MHz, channel 226, 100 kW (H&V), 547 feet (BC Docket No. 81–98 and File No. BPH–790924AG) and Treasure Valley Communications Company, New Plymouth, Oregon, Req: 93.1 MHz, channel 226, 50 kW (H&V), 260 feet (BC Docket No. 81–99 and File No. BPH–790924AH) for construction permit for a new FM station.

Adopted: February 13, 1981.

Released: March 3, 1981.

By the Commission:

1. The Commission, has under consideration: (i) the above-captioned mutually exclusive applications of Blue Mountain Broadcasting Co., (Blue Mountain) and Roach-Cook Co. (Roach-Cook) for a new FM broadcast station at Ontario, Oregon, and Treasure Valley Communications Company (Treasure Valley) for a new FM broadcast station at New Plymouth, Idaho; (ii) petitions to deny filed by KBOI, Inc. (KBOI), licensee of Station KBOI–FM, Boise, Idaho, Capps Broadcasting Group (Capps), licensee of Station KSRV(AM), Ontario, Oregon, and Roach-Cook; and (iii) pleadings responsive thereto.[1]

2. The KBOI and Capps petitions to deny contend that the Blue Mountain proposal will not provide a 3.16 mV/m or better signal over Ontario as required by Section 73.315 of the Commission's Rules, but would place a city grade signal over all of Boise, resulting in the *de facto* reallocation of Channel 226C. Although Blue Mountain's proposed community of license is Ontario, its proposed site is only 10.7 miles from Boise and 47 miles from the City center of Ontario. A city grade signal would be put over all of Boise, but such a premium signal would not even reach the nearest city limit of Ontario (the 1970 U.S. Census populations of Ontario and Boise are 6,523 & 87,500, respectively). The furthest distance the 3.16 mV/m predicted contour would extend from the proposed site is slightly less than 44 miles, over 3 miles from the Ontario city limits in contravention of Section 73.315. Blue Mountain submitted an amendment on August 13, 1979, whereby it attempted to show that tests had been conducted which demonstrated a 3.16 mV/m predicted contour would be placed over Ontario. However, the measurements are unacceptable because the method does not conform to the requirements of Section 73.314 of the Rules. Both of the competing applicants are able to provide a 3.16 mV/m signal over Ontario. Accordingly, a substantial and material question of fact exists as to whether a waiver of Section 73.315 of the Rules is justified and whether Blue Mountain's proposal constitutes a *de facto* reallocation of Channel 226C from Ontario. In these circumstances, an evidentiary hearing is required, and appropriate issues will be specified.

3. The Roach-Cook petition to deny the Treasure Valley application is basically a petition to specify issues. However, the petition also contends that Treasure Valley's proposal constitutes a *de facto* reallocation of Channel 226C from Ontario, Oregon to New Plymouth, Idaho. Roach-Cook's allegation that Treasure Valley's application constitutes a *de facto* reallocation of Channel 226C from Ontario to New Plymouth, Idaho, will be denied since New Plymouth is only 10 miles from Ontario and may be specified as the community of license pursuant to Section 73.203(b) of the Rules. In accordance with the Commission's *Report and Order in Revised Procedures for the Processing of Contested Broadcast Applicants*, 72 FCC 2d 202, 45 RR 2d 1220 (1979), the other matters sought to be raised by Roach-Cook will not be considered herein. Accordingly, the opportunity to raised the matters contained in Roach-Cook's petition will be afforded post-designation pursuant to Section 1.229 of the Rules.

4. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act, as amended, which of the proposal would best provided a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal of Blue Mountain Broadcasting Co. is in compliance with § 73.315 of the Commission's Rules concerning coverage of the community of license with a signal of 3.16 mV/m or better, and, if not whether circumstances exist which warrant a waiver of that Section.

2. To determine whether the proposal of Blue Mountain Broadcasting Co. constitutes a *de facto* reallocation of Channel 226C from Ontario, Oregon to Boise, Idaho.

3. To determine the areas and populations which would receive primary aural service (1 mV/M or greater in the case of FM) from the respective proposals and the availability of other primary service to such areas and populations.

3. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

7. It is further ordered, that the petition to deny filed by KBOI, Inc. and Capps Broadcasting Group are granted to the extent indicated herein, and DENIED in all other respects, and that KBOI, Inc. and Capps Broadcasting Group are made parties to the proceeding.

8. It is further ordered, that the petition to deny filed by Roach-Cook is denied to the extent indicated herein.

9. It is further ordered, that the petition for leave to amend filed by Treasure Valley is granted and the amendment is accepted.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-6893 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Treasure Valley's September 25, 1980, petition for leave to amend to relocate its transmitter site 241 feet from the site previously specified will be granted and the amendment accepted.

[BC Docket Nos. 81-94, 81-95, and 81-96; File Nos. BPH-790813AE, BPH-790829AB, and BPH-800317AF]

Carroll-Harrison Broadcasting, Inc., et al., Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Carroll-Harrison Broadcasting, Inc., Cadiz, Ohio, Req: 106.3 MHz, Channel 292A, 3.0 kW (H&V), 300 feet (BC Docket No. 81–94 and File No. BPH–790813AE), Harrison County Broadcasting, Inc., Cadiz, Ohio, Req: 106.3 MHz, Channel 292A, 3.0 kW (H&V), 300 feet (BC Docket No. 81–95 and File No. BPH–790829AB) and Cadiz Broadcasting, Inc., Cadiz, Ohio, Req: 106.3 MHz, Channel 292A, 3.0 kW (H&V), 300 feet (BC Docket No. 81–96 and File No. BPH–800317AF) for a construction permit for a new FM station.

Adopted: February 13, 1981.

Released: February 26, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Carroll-Harrison Broadcasting, Inc., Harrison County Broadcasting, Inc., and Cadiz Broadcasting, Inc.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

4. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

5. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-6894 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

V 46/42 MR 4 81 UMI

[BC Dockets 81-63 and 81-64; File Nos. BP-79075AD and BP-800609AA]

Deerfield Broadcasting Co., Inc., and Woodstock Broadcasting Co.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Deerfield Broadcasting Co., Inc., Woodstock, Virginia, Req: 940 kHz, 250 W, Day (BC Docket 81-63 and File No. BP-790705AD) and Earl Judy, Jr. and Peter W. Lechman d.b.a. Woodstock Broadcasting Company, Woodstock, Virginia, Req: 940 kHz, 250 W, Day (BC Docket 81-64 and File No. BP-800609AA) for construction permit.

Adopted: January 29, 1981.

Released: February 18, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Deerfield Broadcasting Co., Inc. (Deerfield) and Earl Judy, Jr. and Peter W. Lechman d.b.a. Woodstock Broadcasting Company (WBC).

2. *Deerfield Broadcasting Co., Inc.* In response to Section II, Question 21 of FCC Form 301, this applicant has indicated that its principals are unrelated. However, other Commission files show that Luther F. Dean, Deerfield's vice-president, is the father of Robert L. Dean, its president. This discrepancy must be corrected by amendment.

3. Analysis of the financial portion of Deerfield's application reveals that it will require $47,228 to construct the proposed facility and operate for three months, itemized as follows:

Equipment	$13,928
Other application and construction costs	18,400
Operating costs	14,900
Total	47,228

The applicant proposes to finance this with $5,000 existing capital and a $45,000 loan from Vincent D. O'Connell, one of its principals. Additionally, it states that the proceeds from the anticipated sale of commonly owned WABH, Churchville, Virginia, will be available in the amount of about $80,000, after payment of debts. The existing capital has been shown to be available. However, the balance sheet submitted by Mr. O'Connell is undated. Further, applicant's statements with respect to sale of WABH do not provide sufficient assurance that the funds indicated will be available. Therefore, no funds beyond the $5,000 existing capital have been shown, and a limited financial issue must be specified.

4. Deerfield's local notice failed to describe the antenna it proposes to erect, as required by Section 73.3580(f)(5) of the Commission's Rules. To remedy this defect, the applicant must republish a corrected notice.

5. *Woodstock Broadcasting Company.* This applicant published its local notice only two times in *The Shenandoah Valley Herald*, a weekly newspaper, though Section 73.3580(c)(1)(ii) requires publication three weeks. It must therefore publish its notice one additional time to satisfy the local notice requirement.

6. *Other matters.* Data submitted by the applicants indicate that there would be a significant difference in the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Except as indicated by the issue specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Deerfield Broadcasting Co., Inc.:

a. The source and availability of funds over and above the $5,000 indicated; and

b. Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine in light of the evidence adduced pusuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, that Deerfield Broadcasting Co., Inc. shall file the amendment specified in paragraph 2, above, within 30 days after this Order is published in the **Federal Register.**

10. It is further ordered, that Deerfield Broadcasting Co., Inc. and Woodstock Broadcasting Company shall republish local notice of their applications as specified in paragraphs 4 and 5, above, and shall file statements of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the **Federal Register.**

11. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-6885 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-103 and 81-104; File Nos. BPCT-800806KG and BPCT-800314KE]

Greater Wichita Telecasting, Inc., and Columbia-Kansas TV, Ltd.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Greater Wichita Telecasting, Inc., Wichita, Kansas (BC Docket No. 81-103 and File No. BPCT-800806KG) and Columbia-Kansas TV, Ltd. Limited Partnership, Wichita, Kansas (BC Docket No. 81-104 and File No. BPCT-800314KE) for construction permit.

Adopted: February 19, 1981.

Released: February 26, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 24, Wichita, Kansas.

2. *Greater Wichita Telecasing, Inc. (GWT).* No determination has been reached that the antenna structure proposed by GWT would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Greater Wichita Telecasting, Inc.:

(a) Whether there is a reasonable possibility that the tower height and location proposed by applicant would constitute a hazard to air navigation.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is qualified to be a Commission licensee.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

6. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-6886 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-50, etc. and File Nos. BPCT-781211LC, etc.)

Highland Communications, Inc., et al.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Highland Communications, Inc., Medford, Oregon (BC Docket No. 81-50, File No. BPCT-781211LC), Christian Broadcasting Corp., Medford, Oregon (BC Docket No. 81-51, File No. BPCT-790227KE), Sunshine Television, Inc., Medford, Oregon, (BC Docket No. 81-52, File No. BPCT-790815KF) and Medford Channel 12 Limited Partnership (Wylie H. Whisonant, Jr., Cornelous W. Jenkins and Channel 12 Associates, Inc., General Partners), Medford, Oregon (BC Docket No. 81-53, File No. BPCT-790815KG) for construction permit for a new television station.

Adopted: January 29, 1981.

Released: February 13, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration: (a) the above-captioned mutually exculsive applications filed by Highland Communications, Inc., (Highland), Christian Broadcasting Corp. (Christian), Sunshine Television, Inc., (Sunshine) and Medford Channel 12 Limited Partnership (Med-12) for a new commercial television station to operate on Channel 12, Medford, Oregon; (b) a "Request for Stay," filed August 15, 1979 by Oregon Broadcasting Company (OBC); (c) a "Petition to Deny" filed August 15, 1979 by OBC; (d) Opposition to Petition to Deny and Request for Stay filed August 28, 1979 by Christian; (e) Opposition to Petition to Deny and Request for Stay filed August 22, 1979 by Highland; (f) Comments on petition to Deny and Request for Stay, filed September 13, 1979 by Sunshine.

2. In both the Request for Stay and the Petition to Deny filed by Oregon Broadcasting Co., (OBC) licensee of television station KOBI, Channel 5, Medford, Oregon, OBC alleges that, pending the outcome of its application for review of a previous ruling which assigned VHF television Channel 12 to Medford, Oregon, *Report and Order* (Docket No. 21109) 43 FR 1503 (January 10, 1978) any proceessing of the above-captioned applications would be premature and not in the public interest. However, on November 10, 1980, the Commission affirmed the assignment of Channel 12 to Medford, Oegon, and denied OBC's application for review. In view of the Commission's action affirming the Channel 12 assignment, the Request for Stay, considered as a Motion for Deferred Processing, and the Petition to Deny will be dismissed as moot.

Sunshine Television, Inc.

3. Analysis of the financial data submitted by Sunshine reveals that $2,256,790 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment payments	$1,814,800
Building	50,000
Other items.	
Legal	100,000
Engineering	5,000
Installation	75,000
Miscellaneous	20,000
Operating costs (for 3 months)	191,990
Total	2,256,790

Sunshine plans to finance construction and operation of the proposed facility with the following funds:

Existing Capital	$[illegible]
New Capital (stock subscriptions)	215,000
Stockholder Loans	785,[illegible]
Bank Loan	1,800,[illegible]
Total	2,800,000

4. Section III, Page 3, Item 4(b) of FCC Form 301 requires each person who has agreed to furnish funds, purchase stock, extend credit or guarantee loans to submit a balance sheet or a detailed financial statement indicating financial ability to comply with terms of the agreement. Letters of assurance from various local banks purportedly summarizing the financial condition of each stockholder, are insufficient to allow us to determine whether each stockholder is financially capable of meeting the terms of the subscription and loan commitments to the corporation. In most instances there has been no showing of current and liquid assets sufficient in amount to meet current liabilities. Thus, the Commission is unable to determine the net liquid assets of the stockholders. Therefore, a question arises as to the ability of the stockholders to comply with the terms of the subscription and loan agreements.

The First National Bank of Oregon loan commitment is contingent upon the following conditions:

(1) The execution of a personal guaranty by each stockholder in the amount of $1,800,000.

(2) Stockholders' capital injection of $250,000 in the form of the initial stock issue.

(3) Loans to Sunshine, from stockholders, in the amount of $750,000 to be subordinated to the Bank debt prior to the disbursement of any funds to the corporation.

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However, there is no documentation evidencing each stockholder's willingness to guarantee the above-mentioned loan, or to subordinate his loan to the bank loan. Inasmuch as Sunshine has not submitted a balance sheet or financial statement pursuant to Section III, Page 2, Paragraph 2 of FCC Form 301, we are unable to determine whether the applicant has the net liquid assets to meet the terms of the bank loan. Accordingly, limited financial issues will be specified against Sunshine.

Medford Channel 12 Limited Partnership

5. The financial data submitted by Med-12 reveals that approximately $2,831,800 will be required to construct and operate the proposed station for three months, estimated as

Equipment	$1,830,400
Land and Buildings	401,000
Legal, engineering installation and miscellaneous	214,400
Estimated operating costs (3 mos)	386,000
Total	2,831,800

To meet these expenditures, Med-12 relies upon approximately $3,918,000, itemized as follows:

Existing Capital	$35,000
Anticipated Ltd Partnership Contribution	2,935,000
Net Deferred Credit from Equipment Supplier	948,000

Analysis of the financial data presented in paragraph 5 leads to the following conclusions:

(a) The applicant proposes to acquire equipment from an unidentified supplier on a deferred credit basis. However, Med-12 has not submitted a letter from its proposed supplier setting forth the terms upon which the equipment will be made available. Therefore, a question arises as to the terms of the equipment agreement and whether the applicant has the necessary funds.

(b) The applicant intends to rely on approximately $2.9 million in partnership contributions. However, the partners have not submitted current balance sheets (dated within 90 days of the filing of the application). In addition, the applicant has not submitted a copy of the financial agreement pursuant to Section III, Page 3, Paragraph 4, Form 301. Therefore, a further question arises as to the availability of the partnership contributions as a source of funds. Accordingly, a limited financial issue will be specified against Med-12.

6. Except as indicated by the issues specified below, the Commission finds Highland Communications, Inc., Christian Broadcasting Corp., Sunshine Television, Inc., and Medford Channel 12 Limited Partnership, legally, financially, technically and otherwise qualified. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that grant of the applications will serve the public interest, convenience and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues set out below.

7. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine with respect to Sunshine:

(a) Whether the applicant has $2,256,790 available to construct and operate the proposed station for three months.

(b) Whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified to construct and operate as proposed.

(2) To determine with respect to Med-12:

(a) Whether the applicant has $2,831,800 available to construct and operate the proposed station for three months.

(b) Whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified to construct and operate as proposed.

(3) To determine, on a comparative basis, which of the applications would best serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that the Request for Stay, considered as a Motion For Deferred Processing and the Petition to Deny filed by, Oregon Broadcasting Company are dismissed as moot.

9. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within twenty (20) days of the mailing of this Order, shall file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934 as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-6807 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 76, "Maritime Advisory Committee in Preparation for the 1982 Mobile Services World Administrative Radio Conference (1982 Mobile Services WARC)," Notice of 8th Meeting, Wednesday, March 18, 1981, 9:30 a.m., 1st Floor Auditorium, Comsat Building, 940 L'Enfant Plaza, S.W., Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative matters.
3. Discussion of Proposals and review of work program.
4. Establishment of future meeting schedule.

Charles Dorian, Chairman, SC-76, Comsat Corporation, Washington, D.C., Phone: (202) 554-6756

Executive Committee Meeting, Notice of March Meeting, Thursday, March 19, 1981, 9:30 a.m., Conference Room 6332-34, Nassif (DOT) Building, 400 Seventh Street, S.W., at D Street, Washington, D.C.

Agenda

1. Administrative Matters.
2. Special Committee Reports.
3. Nominating Committee Reports.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-6836 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-24]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Cut-off Date: April 13, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after April 13, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 13, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than the close of business on April 13, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on April 13, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Report No. A-24

BPCT-801224KF	New	Meridian, Mississippi, TV-3, Inc., Channel 30; ERP: Vis. 6.55 kW; HAAT, 234 feet.	
BPCT-801224KH	New	Tucson, Arizona, Valle Verde Broadcasting Corp., Channel 40, ERP: Vis. 1549 kW; HAAT: 2,032 feet.	
*BMPCT-801231KE	(WTTO(TV))	Birmingham, Alabama, Chapman Radio and Television Corporation, Channel 21, Change city of license from Homewood, Alabama, change site, increase ERP Vis. to 1042 kW, increase HAAT to 1,343 feet	
BPET-810121KM	New	Reno, Nevada, Channel 5 Public Broadcasting, Inc., Channel 5, ERP: Vis. 5.02 kW; HAAT: 465 feet.	

[FR Doc. 81-6905 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-92 and 81-93; File Nos. BPH-10639 and BPH-790924AA]

Vacation Media, Inc., and Judith G. Hayes; Applications for Construction Permits; Hearing Designation Order

In the matter of applications of Vacation Media, Inc., Gatlinburg, Tennessee, Req: 105.5 MHz, Channel 288, .225 kW (H&V), 911 feet (BC Docket No. 81-92, File No. BPH-10639) and Judith G. Hayes, Pigeon Forge, Tennessee, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 64.13 feet ((BC Docket No. 81-93, File No. BPH-790924AA) for a construction permit for a new FM station.

Adopted: February 11, 1981.

Released: March 2 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration (i) the above captioned mutually exclusive applications filed by Vacation Media, Inc. (Vacation Media) and Judith G. Hayes (Hayes) and (ii) a petition to deny the application of Vacation Media filed by Hayes.

2. Hayes filed a petition to deny Vacation Media's application claiming that it was in contravention of § 73.207 of the Commission's Rules in that it specified a transmitter site which was short-spaced by 2.3 miles with WAGI-FM in Gaffney, South Carolina. Hayes requested that the Commission either deny Vacation Media's application or require that it be amended. On July 18, 1980 Vacation Media filed a minor amendment to its application specifiying a change in transmitter site which eliminated any short-spacing problems. Since Vacation Media's amendment has rendered Hayes' petition moot, the petition to deny is denied.

3. Hayes has not provided us with a current FAA clearance. Accordingly, an appropriate issue will be specified.

4. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Hayes would constitute a hazard to air navigation.

2. To determine the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from the proposed operations of Vacation Media, Inc. and Judith G. Hayes and the availability of other primary service to such areas and population.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, of either, of the applications should be granted.

7. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

8. It is further ordered, that, the petition to deny filed by Judith G. Hayes is denied.

9. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

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10. It is further order, that the applicants herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-6898 Filed 3-3-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Application for Approval of Amendment to Atlantic and Gulf American-Flag Berth Operators Agreement; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 9355-8 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement modifies the basic Atlantic and Gulf American-Flag Berth Operators Agreement (No. 9355) by adding the Pacific American-Flag Berth Operators as carriers, providing for intermodal service, and modifying the scope to adjust for ongoing intermodal shipment of certain household goods carried on through U.S. Government bills of lading.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6824 Filed 3-3-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-16]

Exemption of Certain Agency Agreements Involving Solicitation and Booking of Cargo and Signing Contracts of Affreightment and Bills of Lading; Availability of Finding of No Significant Impact

In Docket No. 81-16 the Commission proposes to amend 46 CFR Part 520 to exempt from section 15 approval certain agency agreements dealing with the solicitation and booking of cargo and signing contracts of affreightment and bills of lading. This exemption does not apply to agency agreements between common carriers competing in the same trade or agents representing different carriers in the same trade.

Upon completion of an environmental assessment on this action, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on this docket will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6825 Filed 3-3-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-20]

Proctor & Schwartz, Inc. v. Mitsui O.S.K. Line, Ltd., Filing of Complaint and Assignment

Notice is given that a complaint filed by Proctor & Schwartz, Inc. against Mitsui O.S.K. Lines, Ltd. was served February 23, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of sections 18 Bc(sic) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6826 Filed 3-3-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3950]

Lease Between the Jackson County Port Authority and Ryan-Walsh Stevedore Co.; Availability of Finding of No Significant Impact

Upon completion of an assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3950 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and the preparation of an environmental impact statement is not required. This agreement between the Jackson County Port Authority and Ryan-Walsh Stevedore Co. provides for the lease of facilities located at the Port of Pascagoula, in the Port's East Harbor (Bayou Casotte), known as Terminals G and H.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6889 Filed 3-3-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-10]

Sea-Land Service, Inc., Trailer Marine Transport Corp., and Gulf Caribbean Marine Lines, Inc., Proposed General Rate Increases in the Puerto Rico and Virgin Islands Trades; Order Amending Order of Investigation

On December 5, 1980, Puerto Rico Maritime Shipping Authority (PRMSA) filed Supplement No. 11 to its Tariff FMC-F No. 7, proposing a general increase in rates, effective February 3, 1981, in its service between Atlantic and Gulf ports and ports in Puerto Rico. This tariff filing was rejected by the Commission because of PRMSA's failure to comply with the requirements of Rule 67 of the Commision's Rules of Practice and Procedure (46 CFR 502.67). The Commission thereafter granted PRMSA permission to refile its rate increases with modified financial and operating data, on thirty days' notice, and shortened the time for the filing of protests.

On January 28, 1981, PRMSA filed Supplement No. 13 to Tariff FMC-F No. 7, to become effective February 27, 1981. Supplement No. 13 proposes the same rate increases as did Supplement No. 11 and applies to all ocean freight rates, minimum charges on truckload shipments, extra size charges, minimum bill of lading charges, per trailer rates or maximum charges per trailer, truckload minimum charges for cargo in 20-foot containers and minimum charges for exclusive use of trailers.

Protests to the proposed rate increases were filed by the Government of the Virgin Islands, the Puerto Rico Manufacturers Association and the Drug and Toilet Preparation Traffic Conference Inc. Letters opposing the rate increases were also received from Beech-Nut Foods Corporation, Continental Foods, Inc. S.A., Heinz U.S.A., Kellogg Company, Cafe Savers, inc., Gene & Brenda Martin (The Reef, Teague Bay), National Can Corporation, Southwire Company, Tufflite Plastics, Inc., and Trio Hnos., Inc. PRMSA filed a Reply to the Protests.

These Protests and Reply raise basically the same issues as those already being investigated in this proceeding with respect to other carriers in the U.S.-Puerto Rico/Virgin Islands trades. Accordingly, because of this similarity of issues, particularly the rate parity considerations prevailing in this trade, PRMSA's proposed rate increases will be permitted to go into effect as scheduled but will be included in this investigation, and PRMSA will be made a respondent in the proceeding. All issues set forth in the Commission's Order instituting this proceeding will be fully applicable to PRMSA's proposed rate increases. In addition, because of the peculiar capital structure of PRMSA, the fixed charge coverage ratio standard of reasonableness stated in 46 CFR 512.6(d)(3) will also be considered in determining the reasonableness of PRMSA's proposed rate increases.

Therefore, it is ordered, That PRMSA's Supplement No. 13 to Tariff FMC-F No. 7 be included in the tariff matter listed in Appendix A to the Order of Investigation issued in this proceeding on January 29, 1981; and

It is further Ordered, That PRMSA be named a Respondent in this proceeding; and

It is further ordered, That all issues stated in the said Order of Investigation be considered in determining the reasonableness of PRMSA's proposed rate increases and that in addition consideration be given to the fixed charge coverage ratio standard of reasonableness as set forth in 46 CFR 512.6(d)(3) in making such determination; and

Finally, it is ordered, That the title of this proceeding be amended to include "Puerto Rico Maritime Shipping Authority."

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-6888 Filed 3-3-81; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTATION

GSA Bulletin FPR 50 Federal Procurement

February 23, 1981.

To: Heads of Federal agencies.

Subject: List of basic agreements available for use by executive agencies.

1. *Purpose.* This bulletin lists the current basic agreements of executive agencies available for use in the acquisition of research and development contracts from educational institutions and nonprofit organizations in Fiscal Year 1981.

2. *Expiration date.* The information contained in this bulletin is of a continuing nature and will remain in effect until canceled.

3. *Background.* a. This bulletin, and predecessor bulletins, represent the implementation of recommendation B-11 of the Commission on Government Procurement which provides as follows: "Encourage the use of master agreements of the grant and contract types, which when executed should be used on a work order basis by all agencies and for all types of performers."

b. Section 1-3.410-2(e) of the FPR provides for the publication of FPR bulletins listing the basic agreements of executive agencies on a fiscal year basis as reported by those agencies. This is the fifth listing of these agreements.

4. *Guidance.* Attachment A contains a current list of institutions and organizations that have entered into basic agreements with executive agencies. Each institution is listed alphabetically together with a code number that identifies the agency concerned. Attachment B lists agency contact points that may be used to obtain copies of and information concerning the current applicability of the various basic agreements.

5. *Cancellation.* This bulletin cancels GSA Bulletin FPR 41, dated February 4, 1980.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

Attachment A—Basic Agreements With Educational Institutions and Nonprofit Organizations, Fiscal Year 1981

Note.—The buying office should verify the current applicability of each basic agreement number and date listed below. To obtain a copy of or information concerning a particular basic agreement, identify the contractor and its code number and locate the contract point in Attachment B.

Contractor; Basic Agreement No.; Date; and Code

Akron, University of, Akron, Ohio; N00014-79-H-0142; January 1, 1979—1

Alabama, University of, Huntsville, Alabama; N00014-79H-0167; January 1, 1979—1

Alabama, University of, University, Alabama; N00014-79H-0130; January 1, 1979—1

Alaska, University of, Fairbanks, Alaska; N00014-79H-0002; January 1, 1979—1

* American Institute of Biological Sciences, Arlington, Virginia; N00014-79H-0003; January 1, 1979—1

American University, Washington, DC; N00014-79H-0073; January 1, 1979—1

Arizona Board of Regents, Arizona State University, Tempe, Arizona; N00014-79H-0093; January 1, 1979—1

Arizona Board of Regents, University of Arizona, Tuscon, Arizona; N00014-79H-0030; January 1, 1979—1

Arkansas, University of, Board of Trustees, Fayetteville, Arkansas; N00014-79H-0151; January 1, 1979—1

Auburn University, Auburn, Alabama; N00014-79H-0141; January 1, 1979—1

Beth Israel Medical Center, New York, New York; N00014-79H-0085; January 1, 1979—1

Boston College, Trustees of, Chestnut Hill, Massachusetts; N00014-79H-0117; January 1, 1979—1

Boston University, Boston, Massachusetts; N00014-79H-0137; January 1, 1979—1

Brandeis University, Waltham, Massachusetts; N00014-79H-0182; January 1, 1979—1

Bringham Young University, Provo, Utah; N00014-79H-0174; January 1, 1979—1

Brown University, Providence, Rhode Island; N00014-79H-0042; January 1, 1979—1

California Institute of Technology, Pasadena, California; N00014-79H-0005; January 1, 1979—1

* Nonprofit Organization.

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California Institute of Technology, Pasadena, California; 14-08-0001-16850; April 15, 1978—4
California State University, Northridge Foundation, Northridge California; N00014-79H-0095; January 1, 1979—1
California State University, Long Beach Foundation, Long Beach, California; N00014-79H-0084; January 1, 1979—1
California State University, Los Angeles Foundation, Los Angeles, California; N00014-79H-0001; January 1, 1979—1
California, The Regents of the University of, Berkeley, California; N00014-79H-0004; January 1, 1979—1
Carnegie-Mellon University, Pittsburgh, Pennsylvania; N00014-79H-0063; January 1, 1979—1
Case Western Reserve University, Cleveland, Ohio; N00014-79H-0034; January 1, 1979—1
Catholic University of America, Washington, DC; N00014-79H-0074; January 1, 1979—1
*Charles Stark Draper Laboratory, Cambridge, Massachusetts; N00014-79H-0007; January 1, 1979—1
Chicago, University of, Chicago, Illinois; N00014-79H-0035; January 1, 1979—1
Children's Hospital Medical Center, Boston, Massachusetts; N00014-79H-0132; January 1, 1979—1
Cincinnati, University of, Cincinnati, Ohio; N00014-79H-0147; January 1, 1979—1
Clarkson College of Technology, Potsdam, New York; N00014-79H-0043; January 1, 1979—1
Clemson University, Clemson, South Carolina; N00014-79H-0116; January 1, 1979—1
Colorado School of Mines, Golden, Colorado; N00014-79H-0180; January 1, 1979—1
Colorado State University, Fort Collins, Colorado; N00014-79H-0036; January 1, 1979—1
Colorado, The Regents of the University of, Boulder, Colorado; N00014-79-H-0118; January 1, 1979—1
Colorado, University of Boulder, Colorado; 14-08-0001-17647; October 1, 1978—4
Columbia University, New York, New York; 14-08-0001-16851; July 14, 1978—4
Columbia University, The Trustees of, New York, New York; N00014-79-H-0006; January 1, 1979—1
Connecticut Health Center, University of Farmington, Connecticut; N00014-79-H-0150; January 1, 1979—1
Connecticut, University of, Stoors, Connecticut; N0014-79-H-0066; January 1, 1979—1
Cornell University, Ithaca, New York; N00014-79-H-0044; January 1, 1979—1
Cornell University, Ithaca, New York; 14-08-0001-18209; July 1, 1980—4
Dartmouth College, Hanover, New Hampshire; N00014-79-H-0121; January 1, 1979—1
Dayton, University of, Dayton, Ohio; N00014-79-H-0157; January 1, 1979—1
Delaware, University of, Newark, Delaware; N00014-79-H-0103; January 1, 1979—1
Denver, University of (Colorado Seminary), Denver, Colorado; N00014-79-H-0125; January 1, 1979—1
Drexel University, Philadelphia, Pennsylvania; N00014-79-H-0045; January 1, 1979—1
Duke University, Durham, North Carolina; N00014-79-H-0071; January 1, 1979—1
Emmanuel College, the Trustees of Boston, Massachusetts; N00014-79-H-0153; January 1, 1979—1
Emory University, Atlanta, Georgia; N00014-79-H-0081; January 1, 1979—1
*Environmental Research Institute of Michigan, Ann Arbor, Michigan; N00014-79-H-0172; January 1, 1979—1
Florida A&M University, Tallahassee, Florida; N00014-79-H-0170; January 1, 1979—1
Florida Institute of Technology; Melbourne, Florida; N00014-79-H-0171; January 1, 1979—1
Florida State University, Tallahassee, Florida; N00014-79-H-0082; January 1, 1979—1
Florida, University of, Gainesville, Florida; N00014-79-H-0080; January 1, 1979—1
*Franklin Institute Research Laboratories, Philadelphia, Pennsylvania; N00014-79-H-0184; January 1, 1979—1
George Washington University, Washington, DC; N00014-79-H-0075; January 1, 1979—1
Georgetown University, Washington, DC; N00014-79-H-0076; January 1, 1979—1
Georgia State University, Atlanta, Georgia; N00014-79-H-0079; January 1, 1979—1
Georgia Tech Research Institute, Atlanta, Georgia; N00014-79-H-0108; January 1, 1979—1
Georgia, University of, Athens, Georgia; N00014-79-H-0152; January 1, 1979—1
Hahnemann Medical College, Philadelphia, Pennsylvania; N00014-79-H-0046; January 1, 1979—1
Harvard College, President and Fellows of, Cambridge, Massachusetts; N00014-79-H-0028; January 1, 1979—1
Hawaii University of, Honolulu, Hawaii; N00014-79-H-0008; January 1, 1979—1
Houston, University of, Houston, Texas; N00014-79-H-0068; January 1, 1979—1
Howard University, Washington, DC; N00014-79-H-0077; January 1, 1979—1
Idaho, University of, Moscow, Idaho; N00014-79-H-0164; January 1, 1979—1
Illinois, Board of Trustees of the University of, Urbana, Illinois; N00014-79-H-0009; January 1, 1979—1
Indiana University Foundation, Bloomington, Indiana; N00014-79-H-0089; January 1, 1979—1
Iowa State University of Science and Technology, Ames, Iowa; N00014-79-H-0173; January 1, 1979—1
Iowa, University of, Iowa City, Iowa; N00014-79-H-0037; January 1, 1979—1
John Carroll University, Cleveland, Ohio; N00014-79-H-0094; January 1, 1979—1
John Hopkins University, Baltimore, Maryland; N00014-79-H-0061; January 1, 1979—1
Kansas State University, Manhattan, Kansas; N00014-79-H-0120; January 1, 1979—1
Kansas, University of, Lawrance, Kansas; N00014-79-H-0065; January 1, 1979—1
Kentucky Research Foundation, University of, Lexington, Kentucky; N00014-79-H-0146; January 1, 1979—1
Lehigh University, Bethlehem, Pennsylvania; N00014-79-H-0047; January 1, 1979—1
Leland Stanford Junior University, The Board of Trustees of, Stanford, California; N00014-79-H-0029; January 1, 1979—1
Louisiana State University and Agriculture and Mechanical College, Board of Supervisors of the, Baton Rouge, Louisiana; N00014-79-H-0072; January 1, 1979—1
Louisville Foundation, University of, Louisville, Kentucky, N00014-79-H-0148; January 1, 1979—1
Loyola University, Chicago, Illinois; N00014-79-H-0175; January 1, 1979—1
Maryland, University of, College Park, Maryland; N00014-79-H-0096; January 1, 1979—1
Massachusetts General Hospital, Boston, Massachusetts; N00014-79-H-0133; January 1, 1979—1
Massachusetts Institute of Technology, Cambridge, Massachusetts; N00014-79-H-0049; January 1, 1979—1
Massachusetts Institute of Technology, Cambridge, Massachusetts; 14-08-0001-16852; July 14, 1978—4
Massachusetts, University of, Amherst, Massachusetts; N00014-79-H-0046; January 1, 1979—1
Miami, University of, Coral Gables, Florida; N00014-79-H-0010; January 1, 1979—1
Michigan State University, East Lansing, Michigan; N00014-79-H-0067; January 1, 1979—1
Michigan Technological University, Houghton, Michigan; N00014-79-H-0140; January 1, 1979—1
Michigan, The Regents of the University of, Ann Arbor, Michigan; N00014-79-H-0011; January 1, 1979—1
Minnesota, the Regents of the University of, Minneapolis, Minnesota; N00014-79-H-0012; January 1, 1979—1
Missouri University Hall, The Curators of Columbia, Missouri; N00014-79-H-0070; January 1, 1979—1
Montana State University, Bozeman, Montana; N00014-79-H-0159; January 1, 1979—1
Montana, University of, Missoula, Montana; N00014-79-H-0162; January 1, 1979—1
*National Academy of Sciences, Washington, DC; N00014-79-H-0013; January 1, 1979—1
*National Academy of Sciences, Washington, DC; DOT-OS-90007; January 1, 1979—3
Nevada System, University of Desert Research Institute, Reno, Nevada; N00014-79-H-0119; January 1, 1979—1
New Hampshire, University of Durham, New Hampshire; N00014-79-H-0050; January 1, 1979—1
New Mexico Institute of Mining and Technology, Socorro, New Mexico; N00014-79-H-0031; January 1, 1979—1
New Mexico State University Physical Science Lab., Las Cruces, New Mexico; N00014-79-H-0032; January 1, 1979—1
New Mexico University, Regents of University Hill, Albuquerque, New Mexico; N00014-79-H-0136; January 1, 1979—1
New York City University, Research Foundation on behalf of City College, New York, New York; N00014-79-H-0056; January 1, 1979—1
New York State University, Research Foundation of, Albany, New York; N00014-79-H-0057; January 1, 1979—1
New York University, New York, New York; N00014-79-H-0014; January 1, 1979—1

New York University, Medical Center, New York, New York; N00014-79-H-0102; January 1, 1979—1
North Carolina at Chapel Hill, University of, Chapel Hill, North Carolina; N00014-79-H-0101; January 1, 1979—1
North Carolina at Charlotte, University of, Charlotte, North Carolina; N00014-79-H-0144; January 1, 1979—1
North Carolina at Wilmington, University of, Wilmington, North Carolina; N00014-79-H-0131; January 1, 1979—1
North Carolina State University at Raleigh, Raleigh, North Carolina; N00014-79-H-0097; January 1, 1979—1
North Dakota, University of, Grand Forks, North Dakota; N00014-79-H-0114; January 1, 1979—1
Northeastern University, Boston, Massachusetts; N00014-79-H-0051; January 1, 1979—1
Northwestern University, Evanston, Illinois; N00014-79-H-0038; January 1, 1979—1
Notre Dame Du Lac, University of, Notre Dame, Indiana; N00014-79-H-0143; January 1, 1979—1
Nova University, Fort Lauderdale, Florida; N00014-79-H-0067; January 1, 1979—1
Oakland University, Rochester, Michigan; N00014-79-H-0139; January 1, 1979—1
Ohio State University Research Foundation, Columbus, Ohio; N00014-79-H-0039; January 1, 1979—1
Ohio University Research Institute, Athens, Ohio; N00014-79-H-0017; January 1, 1979—1
Oklahoma State University of Agriculture and Applied Science, Stillwater, Oklahoma; N00014-79-H-0166; January 1, 1979—1
Oklahoma, University of, Norman, Oklahoma; N00014-79-H-0138; January 1, 1979—1
Old Dominion University Research Foundation, Norfolk, Virginia; N00014-79-H-0127; January 1, 1979—1
Oregon Graduate Center for Study and Research, Beaverton, Oregon; N00014-79-H-0165; January 1, 1979—1
Oregon State University, The State of Oregon, Acting by and through the State Department of Higher Education on Behalf of, Corvallis, Oregon; N00014-79-H-0015; January 1, 1979—1
Oregon, University of, The State of Oregon, Acting by and through the State Board of Higher Education on Behalf of, Eugene, Oregon; N00014-79-H-0163; January 1, 1979—1
Pennsylvania State University, University Park, Pennsylvania; N00014-79-H-0052; January 1, 1979—1
Pennsylvania, The Trustees of the University of, Philadelphia, Pennsylvania; N00014-79-H-0016; January 1, 1979—1
Pittsburgh, University of, Pittsburgh, Pennsylvania; N00014-79-H-0053; January 1, 1979—1
Polytechnic Institute of New York, Brooklyn, New York; N00014-79-H-0054; January 1, 1979—1
Princeton University, The Trustees of, Princeton, New Jersey; N00014-79-H-0018; January 1, 1979—1
Purdue Research Foundation, West Lafayette, Indiana; N00014-79-H-0019; January 1, 1979—1
Regis College, Weston, Massachusetts; N00014-79-H-0181; January 1, 1979—1
Rensselaer Polytechnic Institute, Troy, New York; N00014-79-H-0055; January 1, 1979—1
Rhode Island, University of, Kingston, Rhode Island; N00014-79-H-0058; January 1, 1979—1
*Riverside Research Institute, New York, New York; N00014-80-H-0001; January 1, 1980—1
Rochester, University of, Rochester, New York; N00014-79-H-0145; January 1, 1979—1
Rutgers, the State University, New Brunswick, New Jersey; N00014-79-H-0084; January 1, 1979—1
Saint Louis University, St. Louis, Missouri; N00014-79-H-0156; January 1, 1979—1
San Diego State University Foundation, San Diego, California; N00014-79-H-0021; January 1, 1979—1
San Jose State University Foundation, San Jose, California; N00014-79-H-0040; January 1, 1979—1
Seattle University, Seattle, Washington; N00014-79-H-0078; January 1, 1979—1
*Smithsonian Institution, Washington, DC; N00014-79-H-0123; January 1, 1979—1
South Dakota School of Mines and Technology, Rapid City, South Dakota; N00014-79-0088; January 1, 1979—1
South Florida, University of, Tampa, Florida; N00014-79-H-0069; January 1, 1979—1
Southeastern Center for Electrical Engineering Education (SCEEE), Orlando, Florida; N00014-80-H-0002; May 1, 1980—1
Southern California, University of, Los Angeles, California; N00014-79-H-0022; January 1, 1979—1
Southern California, University of, Los Angeles, California; 14-08-0001-16854; April 15, 1978—4
Southern Methodist University Research Administration, Dallas, Texas; N00014-79-H-0115; January 1, 1979—1
*Stanford Research Institute International, Menlo Park, California; N00014-79-H-0168; January 1, 1979—1
Stevens Institute of Technology, The Trustees of, Hoboken, New Jersey; N00014-79-H-0059; January 1, 1979—1
Syracuse University, Syracuse, New York; N00014-79-H-0154; January 1, 1979—1
Tennessee, University of, Knoxville, Tennessee; N00014-79-H-0098; January 1, 1979—1
Texas A&M Research Foundation, College Station, Texas; N00014-79-H-0024; January 1, 1979—1
Texas Christian University, Fort Worth, Texas; N00014-79-H-0169; January 1, 1979—1
Texas System, University of, Austin, Texas; N00014-79-H-0023; January 1, 1979—1
Texas Technological University, Lubbock, Texas; N00014-79-H-0135; January 1, 1979—1
Tufts University, Medford, Massachusetts; N00014-79-H-0155; January 1, 1979—1
Tulane University, New Orleans, Louisiana; N00014-79-H-0107; January 1, 1979—1
Tuskegee Institute, Tuskegee, Alabama; N00014-79-H-0149; January 1, 1979—1
Union College, Schenectady, New York; N00014-79-H-0126; January 1, 1979—1
Utah State University, Logan, Utah; N00014-79-H-0160; January 1, 1979—1
Utah, University of, Salt Lake City, Utah; N00014-79-H-0033; January 1, 1979—1
Vermont, University of, Burlington, Vermont; N00014-79-H-0134; January 1, 1979—1
Virginia Commonwealth University, Richmond, Virginia; N00014-79-H-0104; January 1, 1979—1
Virginia Polytechnic Institute and State University, Blacksburg, Virginia; N00014-79-H-0099; January 1, 1979—1
Virginia State College, Petersburg, Virginia; N00014-79-H-0129; January 1, 1979—1
Virginia, The Rector and Visitors of the University of, Charlottesville, Virginia; N00014-79-H-0025; January 1, 1979—1
Wake Forest University (Bowman Gray School of Medicine), Winston-Salem, North Carolina; N00014-79-H-0083; January 1, 1979—1
Washington State University, Pullman, Washington; N00014-79-H-0091; January 1, 1979—1
Washington, The Board of Regents of the University of, Seattle, Washington; N00014-79-H-0026; January 1, 1979—1
Washington University, St. Louis, Missouri; N00014-79-H-0124; January 1, 1979—1
Washington, University of, Seattle, Washington; 14-08-0001-17794; April 15, 1978—4
Wayne State University, Detroit, Michigan; N00014-79-H-0105; January 1, 1979—1
Wentworth Institute of Technology, Inc., Boston, Massachusetts; N00014-79-H-0158; January 1, 1979—1
West Virginia Board of Regents on behalf of West Virginia University, Morgantown, West Virginia; N00014-79-H-0100; January 1, 1979—1
William and Mary, College of, Williamsburg, Virginia; N00014-79-H-0110; January 1, 1979—1
William Marsh Rice University, Houston, Texas; N00014-79-H-0062; January 1, 1979—1
Wisconsin System, Board of Regents of the University of, Madison, Wisconsin; N00014-79-H-0041; January 1, 1979—1
*Woods Hole Oceanographic Institution, Woods Hole, Massachusetts; N00014-79-H-0183; January 1, 1979—1
Worcester Polytechnic Institute, Worcester, Massachusetts; N00014-79-H-0128; January 1, 1979—1
Wyoming, University of, Laramie, Wyoming; N00014-79-H-0122; January 1, 1979—1
Yale University, New Haven, Connecticut; N00014-79-H-0027; January 1, 1979—1
Yeshiva University, New York, New York; N00014-79-H-0060; January 1, 1979—1

Attachment B—Contact Points for Information on the Basic Agreements With Educational Institutions and Nonprofit Organizations, Fiscal Year 1981

Contact Points and Code

Mr. Ken Popham, Office of Naval Research (Code 611), 800 North Quincy Street, Arlington, VA 22217, (202) 696-4605—1

*Nonprofit Organization

V 46/42 MR 4 81 UMI

Mr. Herbert Wolff, Supervisory Grants & Contract Specialist, Division of Grants and Contracts, National Science Foundation, Washington, DC 20550, (202) 357–9630—2
Mr. Bill Irish, Procurement Analyst, Office of the Secretary, Department of Transportation, Washington, DC 20590, (202) 426–4237—3
Mr. Colonel C. Armstrong, Acting Chief, Division of Procurement and Grants, Office of Administrative and Management Policy, Department of Interior, Washington, DC 20240, (202) 343–6431—4

[FR Doc. 81–6658 Filed 3–3–81; 8:45 am]
BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Supplemental Health Insurance Panel; Meeting

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces a meeting of the Supplemental Health Insurance Panel and sets forth the tentative agenda for that meeting. Interested members of the public may attend.

DATE: March 17, 1981, 8:00 a.m. to 10:00 a.m.

ADDRESS: Hyatt Regency Columbus, 350 N. High Street, Columbus, Ohio 43215.

FOR FURTHER INFORMATION CONTACT: Robert A. Silva, Director, Medigap Operations Staff, Bureau of Program Operations, Health Care Financing Administration, Department of Health and Human Services, Room 555 East High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, 301–594–9412.

SUPPLEMENTARY INFORMATION: The Supplemental Health Insurance Panel consists of the Secretary of HHS and four State Commissioners or Superintendents of Insurance. The Panel is provided for under section 1882 of the Social Security Act (42 U.S.C. 1395ss). The Panel reviews State programs for regulating private health insurance policies (commonly called Medigap policies) to determine whether or not those programs meet or exceed standards specified in Federal statute. The Act also provides, in part, for a program of certification, by the Secretary, of Medigap policies. HCFA administers this program; however, it will be in effect only in those States that the Panel determines have not established their own regulatory programs for Medigap policies according the standards contained in the Federal statute.

The tentative agenda for the meeting of the Panel on March 17, 1981 includes the following:

1. Analysis and interpretation of portions of the "National Association of Insurance Commissioners (NAIC) Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act", adopted by the NAIC on June 6, 1979, as it applies to Medigap policies. The NAIC Model Regulation was incorporated by reference into Federal Medigap legislation (section 1882(g) of the Act).
2. The format and procedures that the Panel might use in its review of State insurance statutes and regulations that pertain to Medigap policies.
3. Plans for future meetings of the Panel and discussion of how to inform interested parties of the time, place, and agenda of those meetings.

(Sec. 1882 of the Social Security Act (42 U.S.C. 1395ss))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program; No. 13.774, Medicare—Supplemental Medical Insurance Program)

Dated: February 20, 1981.

Paul Willging,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 81–6659 Filed 3–3–81; 8:45 am]
BILLING CODE 4110–35–M

Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of the tinnitus masker in treatment of tinnitus aurium.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than June 2, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clincial data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to:

Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4900.

Dated: February 25, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–6629 Filed 3–3–81; 8:45 am]
BILLING CODE 4110–85–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Realty Action—Exchange Public Lands in Garfield and Lewis and Clark Counties, Montana; Correction

February 23, 1981

In F.R. Doc. 81–3026 appearing on pages 9216 and 9217 in the issue for Wednesday, January 28, 1981, we omitted a 40-acre tract in the land description. Make the following changes:

1. On page 9217, column 2, lines 22 and 23 should read

"T. 14 N., R. 4 W.,
Sec. 4, Lot 4 and SE¼SE¼."

2. On page 9217, column 2, line 30 should read "12,349.89 acres".

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–6618 Filed 3–3–81; 8:45 am]
BILLING CODE 4310–84–M

[U–6047–A]

Utah; Partial Termination of Segregation by Classification for Multiple Use Management

Pursuant to the authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10528), it is ordered as follows:

1. I hereby terminate the segregative effect as specified in Paragraph 4 of the Multiple Use Classification Order of June 8, 1970 (FR Doc. 70–7442 filed June 15, 1970), published in the **Federal Register** June 16, 1970, No. 116, FR page 9865, insofar as it affects the lands described below:

Salt Lake Meridian, Utah

T. 39, S., R. 12 W.,
Sec. 7, lots 11, 16, 17, and 18.
T. 40 S., R. 18 W.,
Sec. 29, E½SE¼.
The areas described aggregate 242.40 acres.

2. Paragraph 4 of the Classification Order of June 16, 1970, segregated the lands from appropriation under the mining laws (30 U.S.C., Ch. 2). This segregative effect will terminate on the above lands March 2, 1981 as provided by the regulations in 43 CFR 2461.5(c)(2).
3. The lands remain segregated from appropriation under the agricultural land laws (43 U.S.C., Chapter 9; 25 U.S.C., Sec. 334). They shall remain open to all other applicable forms of appropriation.

Dated: February 17, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81–6614 Filed 3–3–81; 8:45 am]
BILLING CODE 4310–84–M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

The U.S. Advisory Commission on Public Diplomacy will meet in open session on March 20, 1981, in Room 600—1750 Pennsylvania Avenue, NW., Washington, D.C. from 9:30 AM to 3 PM. The agenda will include a presentation of ICA's budget situation, and a discussion with Board for International Broadcasting representatives. Because space is limited, please call Elizabeth Fahl, (202) 724–9244, if you are interested in attending the meeting.

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 81–6690 Filed 3–3–81; 8:45 am]
BILLING CODE 8230–01–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1 (Sub-92)]

Chicago and North Western Transportation Co., Abandonment Between Minerva Junction and Zearing, IA; Findings

Notice is hereby given that pursuant to 49 U.S.C. 10903, an administratively final decision was issued by the Commission, Review Board Number 5 on February 18, 1981, stating that the public convenience and necessity permit the Chicago and North Western Transportation Company to abandon 19.1 miles of railroad between Minerva Junction and Zearing, IA. The abandonment is subject to employee protective conditions in *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

A certificate of abandonment will be issued conditionally to the Chicago and North Western Transportation Company on April 3, 1981, unless the Commission further finds that:

(1) A financially responsible person, including a government entity, has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than *10 days* from the publication of this Notice; and

(2) It is likely that the proferred assistance would:

(a) Cover the difference between the revenues attributable to the rail line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) Cover the acquisition cost of all or any portion of the rail line.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request made for the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after Notice is published.

When the Commission is notified that an assistance or acquisition and operating agreement is executed, it will postpone the issuance of a certificate for the period of time the agreement (including any extensions or modifications) is in effect. Information and procedures about financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained in the statute as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–6948 Filed 3–3–81; 8:45 am]
BILLING CODE 7035–01

[Permanent Authority Decisions Volume No. OP3–176]

Motor Carriers; Decision–Notice

Decided: February 19, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal Action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an aplicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1. Members Carleton, Joyce and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications

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for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 2605 (Sub-19), filed January 30, 1981. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams St., Philadelphia, PA 19124. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *food and related products*, between Baltimore, MD, on one hand, and, on the other, points in NJ, PA, WV, VA, and DC.

MC 10345 (Sub-103F), filed December 10, 1981, previously noticed in FR on January 6, 1981. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 2400 W. St. Joseph St., Lansing, MI 48901. Representative: Joseph Gracia, Suite 211–3221 W. Big Beaver Rd., Troy, MI 48084. Transporting *motor vehicles*, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of General Motors Corporation or its dealers.

Note.—This republication corrects the reference to "the facilities of General Motors Corporation or its dealers," instead of "facilities used by General Motors Corporation."

MC 13134 (Sub-101), filed February 5, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 236, Ohio St. Rt. No. 93 North, Oak Hill, OH 45656. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. Transporting *machinery*, between points in Fayette County, PA, on the one hand, and, on the other, points in the U.S.

MC 30605 (Sub-171), filed January 28, 1981. Applicant: SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, KS 67201. Representative: Richard K. Knowlton, 224 South Michigan Ave., Chicago, IL 60604. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with The Atchison, Topeka and Santa Fe Railway Company, of Topeka, KS.

MC 46054 (Sub-82), filed January 28, 1981. Applicant: BROWN EXPRESS, INC., 428 South Main, San Antonio, TX 78285. Representative: Mert Starnes, A Professional Corporation, P.O. Box 2207, Austin, TX 78768. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Victoria and Long Mott, TX: over TX Hwy 185, serving all intermediate points and serving all other points in Calhoun County, TX, as off-route points in connection with its regular-route authorjty.

MC 77874 (Sub-1), filed January 22, 1981. Applicant: ALVIN D. FREY, INC., 966 York St., Hanover, PA 17331. Representative: Norman T. Petow, 43 N. Duke St., York, PA 17401. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in York County, PA, on the one hand, and, on the other, points in AL, DE, FL, GA, CT, IL, IN, KY, ME, MI, NC, NH, NJ, NY, MA, MD, SC, OH, RI, TN, VA, VT, WV, and DC.

MC 97684 (Sub-3), filed January 30, 1981. Applicant: THE FILM TRANSIT COMPANY, a Corporation, 9921 York-Alpha Dr., North Royalton, OH 44133. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *general commodities* (except classes A and B explosives), between points in Cuyahoga and Franklin Counties, OH, on the one hand, and, on the other, points in OH.

MC 110364 (Sub-7), filed January 29, 1981. Applicant: OHIO CARRIER CORPORATION, P.O. Box 429, Dover, OH 44622. Representative: James M. Burtch 100 E. Broad St., Columbus, OH 43215. Transporting: *metal products*, between points in Tuscarawas County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 112304 (Sub-252), filed January 28, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). Transporting: *general commodities* (except classes A and B explosives), between the facilities of A. P. Green Refractories Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 114274 (Sub-74), filed February 5, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 46th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North La Salle St., Chicago, IL 60601.Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, and Swift & Company, both of Chicago, IL.

MC 114284 (Sub-101), filed January 30, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., a Corporation, P. O. Box 82407, Oklahoma City, OK 73148. Representative: William B. Baker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601.Transporting: *confectioneries and confectionery products*, between points in AZ, AR, CA, IL, KS, LA, MO, NM, OK, and TX.

MC 134954 (Sub-7), filed January 29, 1981. Applicant: INTERNATIONAL PRODUCTS CORP., 402 North Sixth St., P.O. Box 1158, Chickasha, OK 73018. Representative: R. H. Lawson, 2753 Northwest 22nd St., Oklahoma City, OK 73017.Transporting: *fertilizer*, between Pasadena, TX, and Atlas, MO, on the one hand, and, on the other, points in the U.S.

MC 135154 (Sub-10), filed January 28, 1981. Applicant: BADGER LINES, INC., 3109 West Lisbon Ave., Milwaukee, WI 52308. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of beverages and beverage products, between points in the U.S.

MC 139934 (Sub-6), filed January 29, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., P.O. Box 2698, Tampa, FL 33601. Representative: Robert R. Solomon (same address as applicant). Transporting (1) *Commodities which because of their size or weight require the use of special handling or equipment*, (2) *machinery*, (3) *metal products*, and (4) *concrete forming systems*, between points in AL, FL, and GA.

MC 142364 (Sub-47), filed January 30, 1981. Applicant: KENNETH SAGELY, d.b.a. KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities* as are dealt in or used by department, hardware, drug, and grocery stores, and food business houses, between Atlanta, GA, Alsip, IL, Clifton and Morristown, NJ, and Houston, TX, on the one hand, and, on the other points in the U.S.

MC 142364 (Sub-48), filed January 30, 1981. Applicant: KENNETH SAGELY, d.b.a. KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *paper and paper products, plastic products, and furniture*, between the facilities of Scott Paper Company, at points in AL, AR, GA, IL, IN, KS, LA, MO, OH, OK, TN, TX, and WI, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KS, LA, MO, OH, OK, TN, TX, and WI.

MC 142364 (Sub-49), filed January 30, 1981. Applicant: KENNETH SAGELY, d.b.a. KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities* as are dealt in or used by variety and grocery stores, between the facilities of Wal-Mart Stores, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151725 (Sub-1), filed January 30, 1981. Applicant: LEAF TRANSPORTATION, INC., 1155 North Cicero Ave., Chicago, IL 60651. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Leaf Confectionery, Inc., of Chicago, IL.

MC 151945 (Sub-1), filed January 29, 1981. Applicant: EXPEDITED TRUCK SERVICE, Div. of Roberts Truck Rentals, Inc., 106 South Clinton St., Fort Wayne, IN 46802. Representative: Christopher H. Jones (same address as applicant). Transporting *automotive and truck parts*, between points in the U.S. under continuing contract(s) with International Harvester Co., of Chicago, IL.

MC 153844, filed January 28, 1981. Applicant: NASHVILLE-EXPRESS TRAVEL, INC., Suite 506, Oaks Tower, 1100 Kermit Drive, Nashville, TN 37217. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N. W., Washington, DC 20005. As a *broker*, at Nashville, TN, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in the U.S.

[FR Doc. 81-6827 Filed 3-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OPY3–004]

Motor Carriers; Decision-Notice

Decided: February 23, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirement which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Carleton, Joyce and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 1515 (Sub-297), filed February 9, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant), (602) 248–2942. Over regular routes, transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Phoenix, AZ and Holbrook, AZ: from Phoenix over AZ Hwy 87 to Payson, then over AZ Hwy 260 to junction AZ Hwy 377, then over AZ Hwy 377 to junction AZ Hwy 77, then over AZ Hwy 77 to Holbrook, and return over the same route, serving Mesa, AZ as an intermediate point.

MC 85934 (Sub-129), filed February 9, 1981. Applicant: MIGHIGAN TRANSPORTATION COMPANY, a corporation, 3801 Wyoming Ave., P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *metal articles*, between points in MI, on the one hand, and, on the other, points in IL, IN, OH, KY, PA, NY, WV, MD, NJ, MA, VT, RI, CT, and NH.

MC 116915 (Sub-141), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *pulp, paper, and related products*, between points in Chatham and DeKalb Counties, GA, Lafayette County, LA, Morgan County, AL, Hamblen County, TN, Cuyahoga County, OH, and Spartanburg County, SC, on the one hand, and, on the other, points in the U.S.

MC 145044 (Sub-6), filed February 9, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Airwick Industries, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146075 (Sub-6), filed February 9, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant), (303) 428–4065. Transporting *sewage treatment systems*, between points in CO and TX.

MC 149235 (Sub-4), filed February 9, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Dr., Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a

continuing contract(s) with Gordon Corporation, of Kansas City, MO.

MC 153314 (Sub-3), filed February 10, 1981. Applicant: M & D TRANSPORTATION, INC., 6538 North 57th Ave., Box 775, Glendale, AZ 85301. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting (1) *pulp, paper and related products,* (a) between points in AZ and CA, on the one hand, and, on the other, points in the U.S., and (b) between points in Wood and Portage Counties, WI, and Little River County, AR, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OR, UT, and WA; and (2) *pulp, paper and related products; printed matter;* and *chemicals and related products,* between points in Craighead County, AR, Waukesha County, WI, and Maricopa County, AZ, on the one hand, and, on the other, those points in the U.S. in and west of MI, WI, IL, MO, AR, and LA.

MC 153314 (Sub-4), filed February 10, 1981. Applicant: M & D TRANSPORTATION, INC., 6538 North 57th Ave., Box 775, Glendale, AZ 85301. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting *furniture and fixtures, rubber and plastic products, metal products,* and *building materials,* between points in Maricopa County, AZ, Walker, Whitfield, Murray, Catoosa, Gordon and Chattooga Counties, GA, Washoe County, NV, and Los Angeles, Orange, and Alameda Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 153395 (Sub-1), filed February 9, 1981. Applicant: CHAR–LINE CORPORATION, 816 East Funston, Wichita, KS 67211. Representative: Lester C. Arvin, 614 Century Plaza Building, Wichita, KS 67202, (316) 265–2634. Transporting *rubber and plastic articles,* between points in Sedgwick and Butler Counties, KS, on the one hand, and, on the other, points in AR, CO, KS, MO, NE, OK, and TX.

[FR Doc. 81–6730 Filed 3–3–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3–180]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: February 24, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon completion with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 2934 (Sub-100), filed February 3, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 300 E. Fall Creek Parkway, Indianapolis, IN 46205. Transporting *furniture and fixtures, and such commodities* as are dealt in by department stores, between points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 7555 (Sub-80), filed February 6, 1981. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006. Transporting (1) *food and related products* and (2) *chemicals and related products,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 40915 (Sub-54), filed February 6, 1981. Applicant: BOAT TRANSIT, INC., P.O. Box 1403, Newport Beach, CA. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of fiberglass and fiberglass products, between points in the U.S.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of certificate MC 40915 (Sub-53F).

MC 53965 (Sub-186), filed February 6, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue, Detroit, MI 48228. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 55794 (Sub-3), filed February 5, 1981. Applicant: OTTO NELSON & SONS, INC., P.O. Box 159, Kenosha, WI 53141. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *household goods,* between points in Kenosha and Walworth Counties, WI, and Lake and McHenry Counties, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KA, OK and TX.

MC 94265 (Sub-373), filed January 26, 1981. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *food and related products,* between points in IN, on the one hand, and, on the other, points in GA, MD, NC, PA, SC and DC.

MC 98964 (Sub-21), filed January 22, 1981. Applicant: PBI FREIGHT SERVICE, P.O. Box 37, Orem, UT 84057. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Trans-West Shipper's Association, of Salt Lake City, UT.

MC 105045 (Sub-158), filed January 6, 1981. Applicant: R. L. JEFFRIES TUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting *machinery, metal products, and those commodities* which because of their size or weight require the use of special handling or equipment, between points in AL, FL, GA, LA, TN, KY, WI and WV, on the one hand, and, on the other, points in the U.S.

MC 106644 (Sub-358), filed February 5, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, and (2) *self-propelled articles,* between points in TX, on the one hand, and, on the other, points in OK.

MC 114084 (Sub-21), filed February 5, 1981. Applicant: S. & S. TRUCKING CO. 120 South Oakland Avenue, Statesville, NC 28677. Representative: James M. Sample, Jr. (same address as applicant). Transporting *furniture and fixtures,* between the facilities of S & H Furniture, Inc., a division of Sperry & Hutchinson Company, in VA, NC and TN, on the one hand, and, on the other, points in the U.S.

MC 119654 (Sub-96), filed February 5, 1981. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *chemicals,* between points in IL, IN, KY, MI, MO, OH, PA, and WI.

MC 124964 (Sub-70), filed February 6, 1981. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, Fl 32778. Representative: E. Stephen Heisley, 666 Eleventh Street, NW, No. 805, Washington, DC 20001. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Anderson Clayton Foods, a division of Anderson Clayton and Company, of Dallas, TX.

MC 125335 (Sub-114), filed February 3, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *food and related products, and citrus byproducts,* between points in FL on the one hand, and, on the other, points in the U.S.

MC 133735 (Sub-15), filed February 6, 1981. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., P.O. Box 186, Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *food and related products,* between points in Ottawa County, MI, on the one hand, and, on the other, points in Muscatine County, IA.

MC 135074 (Sub-1), filed February 4, 1981. Applicant: SECURITY STORAGE CO., INC., P.O. Box 2005, Goldsboro, NC 27530. Representative: M. Wendell Thornton (same address as applicant). Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 141094 (Sub-3), filed February 3, 1981. Applicant: ACME TRUCKING, INC., 1298 Thurston Dr., Columbus, OH 43227. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Franklin Chemical Industries, Inc., Franklin Distribution Company, of Columbus, OH.

MC 142555 (Sub-1), filed January 27, 1981. Applicant: EMERSON DELIVERY, INC., P.O. Box 652, Cedar Rapids, IA 52406. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *printed matter,* between points in the U.S., under continuing contract(s) with Stamats Communications, Inc., and Fisher Printers, Inc., both of Cedar Rapids, IA; and (2) *machinery,* between points in the U.S., under continuing contract(s) with FMC Corporation, of Cedar Rapids, IA, and American Motors Sales Corporation of Milwaukee, WI.

MC 148035 (Sub-11), filed February 3, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *chemical and related products, petroleum, natural gas and their products,* between points in Atchison County, MO, on the one hand, and, on the other, points in IA, KS and NE.

MC 149425 (Sub-2), filed February 6, 1981. Applicant: WESLEY J. HEMENWAY d.b.a. W. J. HEMENWAY TRUCKING, Box 401, Big Falls, MN 56627. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 35402. Transporting *lumber and wood products,* (1) between points in Koochiching County, NN, on the one hand, and, on the other, points in WI, and (2) between points in Chippewa County, WI, on the one hand, and, on the other, points in MN.

MC 150705 (Sub-6), filed February 6, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesteron, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 150724 (Sub-4), filed February 2, 1981. Applicant: DONALD SANTISI TRUCKING CO.,a corporation, 340 Victoria Rd., Youngtown, OH 44515. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *farm products, and food and related products,* between the facilities of or used by Kal Kan Foods, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147915 (Sub-1), filed February 6, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives) (1) between points in Camden and Burlington Counties, NJ, on the one hand, and, on the other, points in CA, FL, GA, ME, NH, NC, OH, TX and VT; and (2) between points in bucks County, PA, on the one hand, and, on the other, points in CA, CT, DE, FL, GA, ME, SC, MO, MD, MA, NH, NJ, NY, NC, OH, PA, RI, TX, VT, VA, IL, WV, and DC.

MC 150865 (Sub-2), filed February 6, 1981. Applicant: ATLANTIC & WESTERN TRANSPORTATION CO., INC., 3934 Thurman Road, Forest Park, GA 30051. Representative: Ronald J. Turner (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Taracorp, Inc., of Atlanta, GA.

MC 151925 (Sub-1), filed February 6, 1981. Applicant: KEN VAN LEUVEN & SON, INC., 10798 Seneca Dr., Boise, ID

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83709. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chandler, Corporation, and Building Specialties Wholesale Co., Inc., both of Boise, ID.

MC 152814 (Sub-1), filed January 28, 1981. Applicant: GOOD TRANSPORT, INC., 1118 East 223rd Street, Carson, CA 90745. Representative: Mitchell Aaronson, 1880 Century Park East, Suite 1400, Los Angeles, CA 90067. Transporting *general commodities* (except classes A and B explosives) between points in the U.S. and under continuing contract(s) with Puget Sound Shippers Association, of Seattle, WA.

MC 152984 (Sub-1), filed January 21, 1981. Applicant: D. JORGENSEN TRUCKING, INC., P.O. Box C, Irrigon, OR 97844. Representative: Donald E. Jorgensen (same address as applicant). Transporting *food and related products*, (1) between points in Jefferson, Morrow and Umatilla Counties, OR, and Walla Walla County, WA, on the one hand and, on the other, points in WA and CA.

MC 153975 (Sub-1), filed January 19, 1981. Applicant: AEC, LTD., 724 York Road, Towson, MD 21204. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at Atlantic City, NJ, and extending to points in MD, VA, PA and DC.

MC 154055, filed February 4, 1981. Applicant: CUSTOM CONTRACT CARRIER, INC., Middletown Ave., Northford, CT 06472. Representative: Richard H. Streeter, 1729 H Street, NW, Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, OH, IN, IL, VA, WV, DE, MD, KY, MO and DC.

The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343–11344, or submit an affidavit to the Secretary's office indicating why such approval is unnecessary. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 3, Room 2158.

[FR Doc. 81-6919 Filed 3-3-81; 8:45 am]

BILLING CODE 7035-01-M

Volume No. OP4-052]

Motor Carriers; permanent Authority Decisions-Notice

Decided: February 2, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applicants may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle, IV, United States Codes, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verfied statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unpposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice effective. Within 60 days after publication and applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreing commerce over irregular routes, unless noted otherwise. Applications for motor contract carrie authority are those where service is for named shipper "under contract".

MC 97977 (Sub-8), filed February 5, 1981. Applicant: CARTAGE SERVICE, INC., 2437 E. 14th ST., Los Angeles, CA 90012. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whitter, CA 90602. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

[FR Doc. 81-6922 Filed 3-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-48]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Decided: February 20, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 115180 (Sub-103), filed February 9, 1981. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th St., New York, NY 10011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 134221 (Sub-4), filed February 9, 1981. Applicant: C.B.L. TRUCKING & LEASING, INC., P.O. Box 8, Delanco, NJ 08075. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81-6921 Filed 3-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-417]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Decided: February 25, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extend to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An orginal and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant

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is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3. Members Parker, Fortier and Hill.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 128521 (Sub-13F), filed June 24, 1980. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. Box 100417, Nashville, TN 37210. Representative: Robert S. Durrett (same address as applicant). Transporting (1) *air cooling equipment, and heating equipment,* and (2) *parts* for the commodities in (1), between Nashville, TN, on the one hand, and, on the other, points in AL, MS, LA, FL, GA, and SC.

Note.— Applicant intends to interline at Birmingham, AL, New Orleans, LA, and Atlanta, GA.

[FR Doc. 81-6020 Filed 3-3-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-049

Decided: February 20, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 200 (Sub-568), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving Houston, TX, as an off-route point in connection with applicant's otherwise-authorized regular-route operations.

MC 200 (Sub-573), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *such commodities* as are dealt in or used by a distributor of footwear, between points in Plymouth and Worcester Counties, MA, on the one hand, and, on the other, points in Boyle County, KY.

MC 74321 (Sub-162), filed February 9, 1981. Applicant: B. F. WALKER, INC., 155 Tremont Place, P.O. Box 17-B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. Transporting *construction materials and supplies,* between points in AZ, CA, CO, ID, KS, LA, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY.

MC 124141 (Sub-50), filed February 9, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *food and related products,* between points in IL, on the one hand, and, on the other, points in

CO, IA, IN, KS, MN, MO, NE, NM, OK, TX, and WI.

MC 133480 (Sub-3), filed February 9, 1981. Applicant: A. VIZZI, INC., 17 Crescent St., Keansburg, NJ 07734. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except classes A and B explosives), between points in Westchester County, NY, on the one hand, and, on the other, points in CT, DE, MD NJ, NY, PA, RI, VA, and DC.

MC 143280 (Sub-15), filed February 9, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a Corporation, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *pulp, paper and related products,* between points in Outagamie County, WI, on the one hand, and, on the other, points in the U.S.

MC 147400 (Sub-7), filed February 9, 1981. Applicant: RAEMARC, INC., 1903 Chicory Rd., Racine, WI 53405. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Modine Manufacturing Company, (b) Twin Disc, Inc., (c) Jensen Metal Products, Inc., and (d) Walker Manufacturing Company all of Racine, WI.

MC 148751 (Sub-11), filed February 9, 1981. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *containers, container closures, and tubing,* between the facilites of Brockway Glass Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148791 (Sub-11), filed February 9, 1981. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Craig-Imperial-Acme Consolidators, Inc., of Denver, CO.

Volume No. OP1-051

Decided: February 25, 1981.

By the Commission Review Board No. 3. Members Parker, Fortier, and Hill.

MC 200 (Sub-574), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting (1) *machinery,* and (2) *metal products,* between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 531 (Sub-460), filed February 11, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities used by Union Carbide Coroporation in the U.S. on the one hand, and, on the other, points in the U.S.

MC 33051 (Sub-2), filed February 17, 1981. Applicant: BUDWAY ENTERPRISES, INC. d.b.a. BUDWAY EXPRESS, 4700 S. Gregg Rd., Pico Rivera, CA 90660. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Transporting *general commodities* (except classes A and B explosives), between points in CA. Condition: Issuance of a certificate in this proceeding is conditioned upon conincidental cancellation, at applicant's written request, of its certificate in MC-33051 and the certificate of registration held in MC-136955 Sub-No. 3.

MC 66531 (Sub-8), filed February 9, 1981. Applicant: INTERSTATE GROCERY DISTRIBUTION SYSTEM, INC., 2200 48th St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934.Transporting *general commodities* (except classes A and B explosives), between New York, NY, points in NJ, and those in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, Westchester Counties, NY, Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lehigh, Monroe, Montgomery, Philadelphia, Northampton, Northumberland, Pike, Schuykill, Wayne, and York Counties, PA.

MC 68100 (Sub-45), filed February 9, 1981. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *construction materials, equipment, and supplies,* between points in the U.S.

MC 85970 (Sub-49), filed February 10, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *such commodities* as are dealt in or used by a manufacturer of shoes, between New York, NY, and points in Plymouth County, MA, on the one hand, and, on the other, points in Davidson County, TN.

MC 123091 (Sub-36), filed February 10, 1981. Applicant: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *ores and minerals,* (2) *lumber and wood products,* (3) *rubber and plastic products,* (4) *clay, concrete, glass or stone products,* (5) *metal products,* (6) *machinery,* and (7) *building materials,* between points in the U.S. Condition: Prior to issuance of a certificate in this proceeding, applicant must request cancellation of those certificates which duplicate the above authority.

MC 129191 (Sub-15), filed February 10, 1981. Applicant: RICHARD T. PLATTNER d.b.a. JANS MOTOR SERVICE, 12600 South Laramie Ave., Alsip, IL 60658. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601. Transporting *metal products, machinery, transportation equipment, and building materials,* between points in the U.S.

MC 133841 (Sub-26), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *metal products,* and (2) *clay, concrete, glass or stone products,* between the facilities used by Dyckerhoff & Widmann, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141871 (Sub-24), filed February 9, 1981. Applicant: WNI, INC., 8460 S.W. Salish Lane, Wilsonville, OR 97070. Representative: Richard F. Fink (same address as applicant). Transporting *general commodities* (except classes A and B explosives), (1) between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, and (2) between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, on the one hand, and, on the other, points in the U.S.

MC 145441 (Sub-146), filed February 9, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *textile mill products and metal products,* between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S.

MC 145930 (Sub-10), filed February 10, 1981. Applicant: WILLIAM E. MOROG

d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting *clay, concrete, glass or stone products*, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 146111 (Sub-7), filed February 9, 1981. Applicant: INDUSTRIAL TRANSPORT, INC., 11910 Harvard Ave., P.O. Box 04177, Cleveland, OH 44105. Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield, VA 22151. Transporting *transportation equipment*, between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 146961 (Sub-1), filed February 9, 1981. Applicant: INTERLAKE SYSTEMS, INC., 601 Hilltop Rd., Cinnaminson, NJ 08077. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ. Transporting *metal products*, between the facilities used by the Hoeganaes Corporation at points in Burlington County, NJ, and Sumner County, TN, on the one hand, and, on the other, points in the U.S.

MC 150211 (Sub-11), filed February 9, 1981. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Jerry Ross (same address as applicant). Transporting *rubber and plastic products*, between the facilities used by Mobile Chemical Company, its subsidiaries, customers, and suppliers, in the U.S. on the one hand, and, on the other, points in the U.S.

MC 150231 (Sub-9), filed February 9, 1981. Applicant: MAVERICK TRANSPORTATION, INC., 1803 E. Broad St., Texarkana, AR 75502. Representative: Steve Williams (same address as applicant). Transporting *metal products*, between points in the U.S., under continuing contract(s) with Barg Steel Company, Inc., of Little Rock, AR.

MC 150441 (Sub-1), filed February 11, 1981. Applicant: JOHN E. ZULAK HAULAGE, LTD., 1489 Augustine Dr., Burlington, Ontario, Canada L7P 2N1. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *In foreign commerce only*, transporting *waste or scrap materials*, between points in the U.S., under continuing contract(s) with Mostel Metals Company of Canada Ltd., of Scarborough, Ontario, Canada.

MC 151030 (Sub-1), filed February 9, 1981. Applicant: MARJO TRUCKING, INC., P.O. Box 2311, Newburgh, NY 12550. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *metal products*, and (2) *rubber and plastic products*, between New York, NY, on the one hand, and, on the other, points in the U.S.

MC 151241 (Sub-4), filed February 9, 1981. Applicant: AVONDALE WRECKER SERVICE, 4030 3rd Ave., South, P.O. Box 31142, Birmingham, AL 35222. Representative: Cecil Eugene Wilson (same address as applicant). Transporting *transportation equipment*, between points in AL, on the one hand, and, on the other, points in AR, AZ, CA, CO, FL, GA, IL, IN, KS, KY, LA, MD, MI, MO, MS, NC, NM, NY, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 151421 (Sub-1), filed February 9, 1981. Applicant: FAK CO., INC., 14 Bowser Rd., New Brunswick, NJ 08901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *machinery and electrical equipment and supplies*, between New York, NY, and points in Georgetown County, SC, on the one hand, and, on the other, points in the U.S.

MC 152051 (Sub-1), filed February 9, 1981. Applicant: A. HUTTAR & SONS, INC., 300 Tall Cedar Court, Bell Meade, NJ. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting (1) *chemicals and related products*, and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Morton Salt, Division of Morton Norwich Products, Inc., of Chicago, IL.

MC 152431 (Sub-1), filed February 10, 1980. Applicant: HARVIE BLACK, JR., d.b.a. BLACK TRUCKING CO., 2149 Johnstown Rd., Huntington, WV 25701. Representative: Robert G. Malone (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Midwest Corporation, a subsidiary of UNR Industries, Inc., of Charleston, WV, (b) Connors Steel Company, (c) Blumburg Electric Company, (d) Cardinal Steel and Processing, (e) Lilly Electric Sales and Equipment, (f) Terrell Industries, (g) Tram Incorporated, and (h) Goodwill Industries, all of Huntington, WV.

MC 152671 (Sub-1), filed February 10, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Ore-Ida Foods, Inc., of Boise, ID, (b) Idaho Frozen Foods Corporation of Twin Falls, ID, (c) Cowboy Oil Company of Pocatello, ID, (d) Modern Merchandising, Inc., of Hopkins, MN, and (e) Metalbestos Systems, Inc., of Logan, OH.

MC 153830 (Sub-2), filed February 9, 1981. Applicant: LORI-MATT CARRIERS, INC., 8803 Meadows Parkway, Omaha, NE 68138. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) Lakin Meat Processors, Inc., and (b) Deli International, Inc., both of Omaha, NE.

Volume No. OPY-003

Decided: February 25, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 35077 (Sub-2), filed February 9, 1981. Applicant: COURIER SYSTEMS, INC., 123 Pennsylvania Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 101177 (Sub-1), filed February 10, 1981. Applicant: W. JEFF HAMMOND MOVING & STORAGE, INC., 4001 Fort Campbell Blvd., Hopkinsville, KY 42240. Representative: George M. Catlett, 708 McCure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 115557 (Sub-36), filed February 13, 1981. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Verne T. Mahood (same address as applicant), (814) 365-5611. Transporting (1) *general commodities*, between Bridgetown, Cheviot, Covedale, Dent, Gerald, Miami, and Willeys, OH; Alum Rock, Blairs, Brightwood, Coverdale, Foxburg, Jefferson, Jewell, Kahles Siding, Library, Library Junction, McCurray, Parkers Landing, Ritts, St. Petersburg, and Turkey, PA, on the one hand, and, on the other, points in the U.S., and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-001

Decided: February 23, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 119777 (Sub-523), filed February 9, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85—East, Meaidonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L" Madisonville, KY 42431 (502) 821-5784. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 142827 (Sub-10), filed February 9, 1981. Applicant: DE MARLIE TRUCKING, INC., P.O. Box 338, Reynolds, IL 61279. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge IL 60068. Transporting *food and related products*, between points in Cass and Cook Counties, IL, Dallas and Scott Counties, IA, and Dane County, WI, on the one hand, and, on the other, points in DE, FL, GA, IA, IL, IN, KY, LA, MO, MS, NC, OH, SC, TN, and WI.

MC 152756 (Sub-1), filed February 9, 1981. Applicant: A. F. TRUCKING, LTD., Box 346, Grunthal, Manitoba, Canada ROA ORO. Representative: Richard P. Anderson, 502 First National Bank Bldg., Frago, ND 58126, (701) 235-4487. Transporting *such commodities* as are dealt in or distributed by grocery and food business houses, between points in the U.S., under continuing contract(s) with Westfair Foods, Ltd., of Winnipeg, Manitoba, Canada, and Western Commodities, Ltd., of New Westminister, British Columbia, Canada.

MC 153566 (Sub-2), Filed February 9, 1981. Applicant: BELCHER TRUCKING CO., INC., P.O. Box 160, Brent, AL 35034. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942-9116. Transporting (1) *metal products*, and (2) *clay, concrete, glass or stone products*, between points in Coshocton and Tuscarawas Counties, OH, and points in the U.S. in and east of OH, KY, TN, AR, and LA.

Agatha L. Mergenovich,

Secretary.

[FR DOC. 81-6923 Filed 3-3-81; 8:45 am]

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[Volume No. 30]

Motor Carriers; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: February 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments file within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 15808 (Sub-24)X, filed February 18, 1981. Applicant: GIRTON BROS., INC. P.O. Box 159, Brazil, IN 47834. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Subs. 1, 14, and 18 permits to (1) broaden the commodity descriptions to "petroleum, natural gas, and their products" from gasoline and light oils in Sub 1, petroleum and petroleum products, in tank trucks in Sub 14, and petroleum and petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in tank vehicles in Sub 18, (2) eliminate the "in bulk" restrictions in Subs 14 and 18, and (3) expand the territorial authority to between points in the United States, under continuing contracts(s).

MC 65491 (Sub-24)X, filed February 17, 1981. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd Street, Bronx, New York 10469. Representative: William Biederman 371 Seventh Avenue, New York, New York 10001. Applicant seeks to remove restrictions from its lead, Subs. 6 and 7 certificates to (1) allow it to serve all intermediate points between (a) Allentown and Lancaster, PA New York, NY, and Buffalo, NY Newark, NJ, and Richmond, VA, in the lead, sheet 2; New York, NY, and Rochester, NY; Stroudsburg, PA, and Syracuse, NY, and Norwalk, CT, and Boston, MA in the lead, sheet 3; (b) Buffalo and Rochester, NY, in Sub 6, sheet 2 and (c) Albany, NY and Springfield, MA in Sub 7, sheet 1; (2) eliminate "serving specified points for purposes of joinder only" in Subs 6 and 7; (3) remove the restriction in Sub 7 limiting service over I-90 between Springfield, MA and Albany, NY to the transportation of shipments originating at or destined to points west of the Syracuse, NY commercial zone; and (4) expand its one-way to authorize roundtrip service between Reading, PA and New York, NY, in the lead, sheet 4.

MC 118518 (Sub-12)X, filed February 18, 1981. Applicant: MUKLUK FREIGHT LINES, INC., 3812 Spenard Road, Anchorage, AK 99503. Representative: Leo C. Franey, 918 16th Street, NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Subs 3 and 9 certificates to broaden its commodity descriptions from general commodities (with the usual exceptions), to "general commodities (except those of unusual value and classes A and B explosives)", in both certificates.

MC 119234 (Sub-7)X, filed February 19, 1981. Applicant: MERCER MARINE TRANSIT CORP., P.O. Box 368, Calhoun, GA 30701. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-4F certificate to (1) broaden its commodity description from truck transit mixers, and materials, equipment and supplies, to "machinery"; (2) replace named facilities located at or near Calhoun, GA, Bryan, OH, and Industry, CA, with county-wide authority between Gordon County, GA, Williams County, OH, and Los Angeles County, CA, and points in the U.S.; and (3) eliminate the AK and HI exception.

MC 121279 (Sub-3X), filed February 18, 1981. Applicant: BEAVER TRANSPORT, INC., 46 River St., New Haven, CT 06513. Representative: Fritz R. Kahn, Suite 1100, 1660 L St. NW., Washington, D.C. 20036. Applicant seeks to remove the restriction from its Sub-2 certificate to broaden the commodity description from general commodities, with exceptions, to "general commodities, except classes A and B explosives".

MC 123980 (Sub-7)X, filed February 17, 1981. Applicant: MANDUS R. OLSON, 2148 Bunker Lane Blvd., NW., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Applicant seeks to

remove restrictions from its Sub-4 certificate by (1) changing the commodity description from automobile and truck parts to "transportation equipment" (2) replacing authority to serve Batavia, IL with Kane County, IL; and (3) expanding its one-way authority to authorize radial service between Chicago, Kane County, and Bedford Park, IL, and points in MN, ND and WI.

MC 125335 (Sub-116)X, filed February 17, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Subs. E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, E–9, E–10, E–11, E–12, E–13, 2, 4, 6, 7, 11F, 12F, 18F, 19F, 22F, 25F, 28F, 34F, 35F, 36F, 38F, 39F, 42F, 43F, 47F, 48F, 53F, 54F, 55F, 56F, 66F, 70F, 71F, 72F, 74F, 81F, 82F, 83F, 84F, 86F, 89F, 92F, 96F, 100F, 101F, and 104F, certificates by (1) broadening its commodity descriptions to "food and related products" in (a) Subs. E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, E–9, E–10, E–11, E–12, E–13, and Sub-2 from frozen foods (except dressed poultry); (b) its lead certificate and Subs. 4, 6, 12F, 25F, 36F, 66F, 89F, and 101F, from frozen foods; (c) Subs. 7, 11F, 18F, 19F, 28F, 34F, 35F, 43F, 54F, 74F, 86F, 92F, 96F, and 104F from foodstuffs; (d) Subs. 83F, and 84F from foodstuffs (except frozen); (e) Sub-56F from canned foodstuffs; (f) Subs. 38F and 72F, from dairy products; (g) Subs. 39F, 47F, and 70F from cheese and cheese products; (h) Subs. 42F, 48F, 53F, 55F, 71F, 81F, and 82F from confectionery; (i) Sub-22F from confectionery and cough drops; and (j) Sub-100F from frozen vegetables; (2) changing one-way to radial authority in its lead and Subs. E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, E–9, E–10, E–11, E–12, and E–13, Subs. 2, 4, 6, 7, 11F, 12F, 18F, 19F, 22F, 25F, 34F, 35F, 38F, 39F, 42F, 43F, 47F, 48F, 53F, 54F, 55F, 56F, 66F, 70F, 71F, 72F, 74F, 81F, 82F, 83F, 84F, 86F, 89F, 92F, 96F, 100F, 101F, and 104F; between numerous States in the eastern half of the U.S.; (3) removing restrictions against transporting commodities in bulk in Subs. 7, 11F, 18F, 19F, 22F, 28F, 34F, 35F, 36F, 43F, 83F, 84F and 96F; (4) removing restrictions requiring commodities to move in vehicles equipped with mechanical refrigeration; (5) eliminating plantsite restrictions in Subs. 4, 6, 7, 11F, 12F, 18F, 19F, 22F, 25F, 28F, 34F, 35F, 36F, 39F, 42F, 43F, 47F, 48F, 53F, 54F, 55F, 56F, 66F, 70F, 71F, 72F, 74F, 81F, 82F, 83F, 84F, 86F, 89F, 92F, 96F, and 100F; and (6) substituting counties for cities as follows: Washington County, MD, for Hagerstown, MD, in lead certificate; Benzie, Oceana, and Berrien Counties, MI, for Frankfort, Hart, and Benton Harbor, MI, in Sub-4; York, Centre, Columbia, and Lackawanna Counties, PA, for Hanover, Centre Hall, Bloomsburg, and Scranton, PA, in Sub-6; Rutherford County, TN, for Murfreesboro, TN, in Sub-7; Scott County, MS, for Forest, MS, in Sub-12F; Henry County, OH, for Napoleon, OH, in Sub-19F; Berks County, PA, for Reading, PA, in Sub-22F; Kent and Ionia Counties, MI, for Grand Rapids and Lake Odessa, MI in Sub-25F; Bradley County, TN, for Cleveland, TN, in Sub-34F; Rutherford County, TN, for Murfreesboro, TN, in Sub-36F; Green County, WI, for Monroe, WI, in Sub-39F; Lancaster County, PA, for Lititz, PA, in Sub-42F; Cumberland County, PA, for Shiremanstown and Mechanicsburg, PA, in Sub-43F; Sheboygan County, WI, for Plymouth, WI, in Sub-47F; Warren County, NJ, for Hackettstown, NJ, in Sub-55F; Robeson County, NC, for Maxton, NC, in Sub-56F; Outagamie County, WI, for Appleton, WI, and Rutherford County, TN, for Murfreesboro, TN, in Sub-66F; Brown, Marathon, Taylor, Green and Kewaunee Counties, WI, for Green Bay, Wausau, Marathon, Medford, Monroe, and Algoma, WI, in Sub-70F; Northampton County, PA, for Bethlehem, PA, in Sub-71F; Waukesha and Wood Counties, WI, and Jackson and Chickasaw Counties, IA, for New Berlin and Marshfield, WI, and Preston and Fredericksburg, IA, in Sub-72F; Bradley County, TN, for Cleveland, TN, in Sub-74F; Warren County, NJ, for Hackettstown, NJ, and Lancaster County, PA, for Elizabethtown, PA, in Sub-82F; Washington County, MS, for Greenville, MS, Sussex County, DE, for Millsboro, DE, and Lapeer, Saginaw, and St. Clair Counties, MI, for Imlay City, Bridgeport, and Memphis, MI, in Subs. 83F and 84F; Chester, Lancaster, and Lehigh Counties, PA, for Downingtown, New Holland, and Foglesville, PA, and Sussex County, DE, for Milford, DE in Sub-86F; Franklin County, PA, for Chambersburg, PA, Berrien, Benzie, and Oceana Counties, MI, for Benton Harbor, Frankfort, and Hart, MI, in Sub-89F; Cuyahoga County, OH, for Solon, OH, in Sub-92F; Dougherty County, GA, for Albany, Ga. in Sub-96F; Hillsborough County, FL, for Plant City, FL, in Sub-100F; Niagara County, NY, for Barker, NY, and Cumberland County, NJ, for Vineland, NJ, in Sub-101.

MC 125708 (Sub-213)X, filed February 4, 1981. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley, Lake Station, IN 46405. Representative: Arnold Goebel, 109 Velma, South Roxana, IL 62087. Applicant seeks to remove restrictions from its lead and Sub-Nos. 80, 82, 85, 87, 91, 101, 103, 104, 106, 110, 112, 113, 114, 115, 118, 119, 123, 124, 128, 133, 139, 140, 147, 149, 153, 154, 155, 158, 159, 161, 162, 163, 164, 165, 166, 172, 182, 183, 185, 191, 192, 195, 197, 198, 199, 201, and E1, (hereinafter designated by L or the subnumber). It also seeks to remove restrictions from its MC–119897 and Sub-Nos. 13, 14, 16, 18, 19G and E1, authorities acquired in MC–F–14243 (hereinafter designated by AL or A and subnumber). Applicant seeks to broaden commodity descriptions as follows: (1) "Metal articles" for steel grinding balls (L,91); steel and materials and supplies used in the manufacture of steel grinding balls (L); tin cans (L); lock washers and agricultural implement parts (L); materials used in the manufacture of agricultural implement parts (L); water well pipe, casing, pipe fittings and protectors, and sheet steel (L); water well casing, pipe, tubing, pipe fittings, and protectors, and steel (L); non-self-propelled farm implements and parts therefor (L); steel (L); iron and steel articles (L, 82, 85, 94, 115, 147, 153, 183, 195, and 199); iron and steel (L, 85); iron and steel articles as described in the *Descriptions* case (L); steel tubing, conduit, pipe, and sheet steel (L); pipe and pipe fittings, couplings, connections, and accessories (L); steel articles (L); materials used in the manufacture of fertilizer equipment, implement parts, and accessories (104); steel fences and fence posts, steel cloth, netting and fabric, steel gates, steel wire and wire products, and related steel wire special ties, accessories, fittings, and parts incidental to the completion, erection, and installation thereof and wire carriers (124); pipe, cable, and attachments (146); steel, pipe, bars, and wire mesh (149); scrap metal (154); scrap iron, scrap steel, and scrap non-ferrous metals (155); spring steel articles (158); steel bars (158); pipe and cable, attachments, sheet and strip steel (159); non-ferrous metal products (159); iron fittings and aluminum fittings (164); fabricated steel articles (166); iron and steel articles and materials, equipment and supplies (182); railway track material and scrap metal (192); and aluminum ingots and zinc alloy ingots, and zinc articles and aluminum scrap (198); (2) "Building and paving materials" for building, paving and roofing materials (L); building, paving, and roofing materials and insulation (L); and building, paving, and roofing materials and pine (L); (3) "Building materials" for insulation materials, floor tiles, and pine (L); picket fencing (L); wood lath (L); wooden posts, poles, beams, pillars and lumber (L); wooden posts poles, beams, and pillows, ties and chemically treated, pressure treated and creosoted lumber (L); refractories (L); plastic and vinyl building materials, backerboard, and materials and supplies used in the installation thereof (L); flourescent lighting fixtures (123); hardboard, construction board, and particle board (128); and lumber, wood products, paint and varnish; (4) "machinery" for sprinkler system components and accessories (L); fertilizer equipment, fertilizer implement parts, and accessories (L); hardware for the transmission and distribution of electric power (123); industry baking ovens and industry washers (201); and mine and oil field machinery and supplies (AL); (5) "lumber and wood products, buildings, and building materials" for buildings, materials, supplies and accessories for buildings, used products, composition wood products, laminated products, and parts and accessories (139); (6) "lumber and wood products" for railroad ties and timbers (L); laminated wood products (L); lumber, posts and poles (L); wooden pallets (L); lumber (113,185); and lumber, wooden posts and poles (114); (7) "pulp, paper and related products" for paper and paper products (119); and paper, in rolls (191); (8) "machinery and related materials, equipment and supplies" for machinery, materials, equipment and supplies used for the manufacture of petroleum products and water (AL, A19, AE1); and wellpoint equipment, machinery and materials, and supplies (AL; (9) "ores and minerals" for carbon black (123); and clay, talc and whiting (123); (10) "coal and petroleum products" for liquid coal tar and liquid coal tar products (A16); (11) "petroleum and its products" for plastic containers, covers for plastic containers, and accessories for plastic containers (118); oil and solvents (123), plastic pipe (A14); and petroleum pitch (A16); (12) "rubber and plastic products" for rubber residues (123); reclaimed rubber slabs (123); ground rubber (123); and rubber and plastic articles and materials, equipment and supplies (165); (13) "rubber and plastic articles and building materials" for plastic articles and insulation (163); (14) "metal and plastic articles" for plastic conduit, plastic and iron fittings and connections, values, hydrants and gaskets (133); (15) "containers" for cartons; (16) "food and related products" for grain products (L, 112); processed and canned foodstuffs (L); apple cider and vinegar (L); processed and canned food (L); canned food, table sauces, relishes, and non-alcoholic beverages (L); fruit juice and vinegar (L); canned foodstuffs (103); dry flour (L); and dry flour and mill feed (106); (17); "Chemicals and related products" for corrosion-inhibiting compounds, emulsion-breaking compounds, paraffin solvents, scale-inhibiting compounds, water treating and softening compounds, and chemicals and compounds used in the processing of crude oil. Applicant also seeks to broaden all its territorial authority from existing one-way authority to radial authority between numerous points primarily in midwestern and southern States, and to broaden specified points and facilities to appropriate county or counties as follows: Greenville, IL (L), the facilities of Peavey Company Flour Mills at Alton, IL, (L), Springdale, AR, (L); Collinsville, IL (L), plantsites of Johns-Manville Corporation at Waukegan, IL, plantsites of Phillip Carey Manufacturing Company Lehon Division at Wilmington, IL (L), Beall Tool Division, Unit Rail Anchor Corporation at East Alton, IL (IL), South Bend and Evansville, IN (L), Plantsites of Nebraska Bridge Supply and Lumber Company at Cable, WI (IL), Fort Dodge, IA (L), Chicago Heights, IL (L), Granite City IL (L), Centralia, IL (L), Flora, IL (L), Sparta, Carlinville, Centralia, and Irvington, IL (L), Louisiana, MO (L, 94), plantsites of National Vinegar Co., at Alton, IL (L), Mt. Summit, IN (L), Rush Springs, OK (L), Plantsite of the Johns Manville Perlite Corporation at or near Rockdale IL (L), Waukegan, IL (L), Fairbury and Forrest, IL (L), Alton, IL (L), Chester, IL (L) Madison, IL (L), Springfield, IL (L), plantsites and warehouse facilities of Northwestern Steel and Wire Company located at Sterling and Rock Falls, IL (L), Rockford, IL (L), Schaumburg, IL (L), Aurora, IL (L), Freeport, IL (L), Peoria IL (L), Sterling, IL (L), Galesburg, IL (L), Olney, IL (L), Salem, IL (L), Evanston, IL (L), East St. Louis, IL, the plantsites and warehouse facilities of International Tube, Inc., International Conduit Corporation, and Continental Tube Co., at Chicago, IL (L), plantsites and storage facilities of the Valley Steel Products Company at or near Mount Clare and Carlinville, IL (L), plantsite of New Steel Warehouse, Inc. at Schaumburg IL (L), Hastings, MN (L), Superior, WI (L), Buffalo, NY (L), Dallas, TX (L), Mt. Summit, IN (L), plantsite of Bird & Son, Inc., at Bardstown, KY (L), Bethel, Chillicothe, Edina, Fayetteville, Joplin, Louisiana, Palmyra, and St. Joseph, MO (L), Dutzow and Union, MO (L), Brentwood, MO (80), Carlinville, IL (L, 82), warehouse facilities of the Fox Oil Company at or near Wood River, IL (L), Centralia, Sparta, Irvington and Flora, IL (94), Clarkville, OH (94), plantsite of the Grinell Corporation located near Henderson, TN (101), plantsite and warehouse facilities of Clark Manufacturing Company at Atherton, MO (104), Winoma and Redwing, MN (106), Leavenworth, KS (106), plantsite of Standard Iron and Steel Company at Webb City, MO, and plantsite of Peavey Company at or near Hastings, MN (112), St. Joseph, MO (114), plants, warehouses, and shipping facilities utilized by the Mt. Clare Steel Supply Co., Inc., at or near Mt. Clare and Wilsonville, IL (115), plantsite of Roper Plastic, Inc., at or near Los Angeles, CA (118), Jerseyville, IL (118), plantsite and warehouse facilities of Centralia Container Corp., at or near Centralia, IL (119), plantsite of the Oliver Division of the Sangamore Electric Co., at Vicksburg, MI (123), plantsite of the Interior Lighting Department of the Westinghouse Electric Corporation at Cedars, MI (123), plantsite of U.S. Rubber Reclaiming Company near Vicksburg, MI (123), plant and warehouse sites of Midstates Steel and Wire Company at or near Crawfordsville, IN (124), Oshkosh, WI (128), Columbia, MO (133), plantsite and warehouse facilities of Marshall Erdman and Associates, Inc., at Waunakee and Madision, WI (139), plantsite and warehouse facilities of Marshall Erdman Associates, Inc., at Princeton, NH (139), Glendale, WV (146), facilities of Nucor Steel, a division of Nucor Corporation, at Darlington, SC (147), Andrews, SC (149), facilities of Armco, Inc., at Kansas City, MO (153), Abilene, Amarillo, and Ballinger, TX (154), facillities of David J. Joseph Co., at Baldwin and Indiantown, FL (155), facilities of Beall Manufacturing, a Division of Verlen Corp., at or near Cordele, GA (158), facilities used by Triangle PWC, Inc., at Glendale, WI (159), Jacksonville, TX (162), Martins Ferry, OH (164), facilities of Entek Corp., of America, at or near Irving, TX (165), Norcross, GA (172), facilities of North Star Steel Company, at or near Monroe, MI (182), East Jordan, MI (183), Mount Sterling, IA (185), Woodcliff, KY, Lockport, LA, and Teutopolis, IL (191), Nitro, WV (192), Jewett, TX (195), Ellsworth, MI and Davenport, IA (197), Maple Heights, OH (198), Birmingham, AL (199), facilities of Infratrol Manufacturing Corporation at Milwaukee, WI, (201), plantsite storage facilities of Moretrench American Corp., located at Houston, TX (A–13), plantsite of Koppers Co., at or near Houston, TX, and plant site of Consolidated Aluminum, Company, at or near Harbor, LA (A–18). Applicant also seeks to remove: (1) Against service in vehicles equipped with mechanical

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refrigeration—L. (2) Limiting service to the transportation of traffic originating at or destined to named point(s)—L. 80, 87, 94, 101, 104, 106, 110, 112, 115, 119, 123, 124, 128, 133, 139, 146, 147, 149, 153, 155, 159, 195, 199, A–13. (3) Against the transportation of named commodities—L. (4) Against transportation in dump vehicles—L. 154. (5) Limiting service to named commodities in containers—L. (6) Limiting service to in bulk service or against commodities in bulk—91, 123, 165. (7) Against the transportation of commodities which because of their size and weight require the use of special equipment—101, 123. (8) Against service to or from named points—115. (9) Excluding service to points in Alaska and Hawaii—162, 163, 165, 166, 182, 183, 192, 197, 199.

MC 128007 (Sub-164)X, filed February 17, 1981. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641-Harrision Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-155F certificate to (1) broaden the commodity description from (a) fabricated concrete reinforcing materials and joints, and (b) materials and supplies used in the manufacture of the commodities in (a) to "metal products", (2) remove the facilities limitations and authorize county-wide authority to Yuma County, AZ, in place of Parker, AZ, Los Angeles County, LA, in place of Santa Fe Springs, CA, and Dutchess County, NY, in place of Red Hook, NY, (3) authorize radial authority in place of its one-way authority between Yuma County, AZ, Los Angeles County, LA, South Bend, IN, Dutchess County, NY, and Houston, TX, and points in the U.S. and (4) remove AK and HI exceptions.

MC 133095 (Sub-304)X, filed February 12, 1981. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., 2002 Continental Life Building, Fort Worth, TX 76102. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions from its certificates in various Sub-Nos. mentioned below by (1) broadening the commodity descriptions from (a) alcohol and alcoholic beverages, alcoholic liquors and wines, malt beverages, nutritional solutions, frozen foodstuffs, foodstuffs, meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses to "food and related products" in Sub-Nos. 7, 9, 101, 107, 110, 139, 149, 168, 177, 181F, 185F, 202F, 204F, 209F, 211F, 215F, 225F, 226F, 242F, 258F, 264F, 268F, 281F, 283F, and 292F, used in addition Sub-No. 202F, part 2 specified material used in the manufacturing and sale of alcoholic liquors to "those materials used in the manufacturing and sale of food and related products"; (b) limestone and gypsum pellets to "ores and minerals, and clay, concrete, glass, or stone products" in Sub-No. 92; (c) television sets, record players, radios, home entertainment centers, and electronic equipment, electric motors, grinders, buffers, dental lathes, dust collectors and pedestals, chain saws, generators, pumps, air conditioners, heaters, power transmission machinery to "machinery" in Sub-Nos. 90, 99, 104, 105, 112, 151, 152, 155, 157, 159, 161, 162, 190F, 194F, 199F, 215F, and 261F; (d) plastic articles to "rubber and plastic products" in Sub-Nos. 101, 227F, 234F, 241F, and 255F; (e) woven synthetic fabric to "textile mill products" in Sub-No. 269F; (f) auto parts to "transportation equipment" in Sub-No. 132; (g) distillery bottling supplies, paper and paper articles, and packaging materials to "pulp, paper, and related products" in Sub-Nos. 101, 123, 191F, 192F, 198F, 221F, 229F, 233F, 247F, and 252F; (h) attachments and accessories to "metal products" in Sub-Nos. 157, 161, and 260F; (i) plumbers goods and fittings, and plumbing equipment and supplies to "such commodities as are dealt in or used by plumbers," in Sub-Nos. 223F, 236F, and 266F; (j) household products and household articles to "household goods" in Sub-No. 215F; (k) packaging materials used in the distribution and sale of alcoholic beverages to "packaging materials used in the distribution and sale of food and related products" in Sub-No. 253F; (l) salt and salt products, and materials and supplies used in the agricultural, water treatment, etc. when shipped in mixed loads with salt and salt products to "(1) chemicals and related products, and (2) materials and supplies used in the agricultural, water treatment, flood processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with the commodities in (1) above" in Sub-No. 286F; (m) pool, billard and game tables, lighting fixtures, to "furniture and fixtures" in Sub-Nos. 131 and 161; (n) drugs, shampoo, soap, and toilet articles, hair care equipment, vehicle body sealer, cleaning compounds to "chemicals and related products" in Sub-Nos. 144, 149, 151, 152, 159, 165, 178, 194F, 204F, 215F, 233F, 235F, 261F, 277F, 286F, and 287F; (o) cosmetic mirrors and empty glass containers to "clay, concrete, glass or stone products" in Sub-Nos. 101, 150, 198F, and 251F; (p) doors to "building materials" in Sub-No. 182F; and (q) petroleum and petroleum products to "petroleum, natural gas and their products" in Sub-Nos. 210F and 233F; (2) broadening the territorial descriptions from existing one-way authority to radial authority between numerous combinations of specified origins and U.S. points throughout the U.S. for example (a) Houston, TX and Del Rio, Eagle Pass, and El Paso, TX in Sub 9; points in 10 northeastern States to named facilities in AR, OK, and TX (with certain exceptions), in Sub-No. 52; Marion County, IA and Irvington, KY and points in the U.S. in Sub-No. 92; New York, NY, Armstrong County, PA, Louisville, and Franklin County, KY, Dearborn County, IN, Coffee County, TN and CA in Sub-No. 101; Minneapolis, MN and CO, OK and TX in Sub-No. 102; Gaston County, NC and points in that part of the U.S. in and west of ND, SD, NE, KS, OK and TX in Sub-No. 104; Armstrong County, PA, Dearborn County, IN, Franklin County and Louisville, KY, and Coffee County, TN and NM in Sub-No. 107; Fort Worth, TX and points in CO in Sub-No. 110; Mobile County and points in MD, NJ, NY, VA, and DC, and Philadelphia, PA in Sub-No. 123; Moniteau County, MO and points in the U.S. in Sub-No. 131; Toledo, OH and La Porte County, IN and points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY in Sub-No. 132; Dallas, TX and points in KS and OK in Sub-No. 139; points in MS and those points in the U.S. in and east of AL, TN, KY, WV, and PA in Sub-No. 142; Buffalo, NY and points in the U.S. in and west of WI, IL, MO, AR, and LA in Sub-No. 144; and various other combinations in Sub-Nos. 149, 150, 151, 152, 159, 165, 168, 177, 181F, 182F, 185F, 191F, 192F, 194F, 195F, 197F, 198F, 199F, 204F, 209F, 210F, 215F, 221F, 223F, 224F, 226F, 229F, 233F, 235F, 236F, 242F, 247F, 251F, 252F, 253F, 258F, 260F, 261F, 264F, 266F, 268F, 269F, 277F, 281F, 283F, 286F, 287F, and 292F; (3) changing city-wide to county-wide authority from: Athens to Henderson County, TX in Sub-No. 90; Knoxville to Marion County, IA, and Irvington to Breckinridge County, KY in Sub-No. 92; Schenley to Armstrong County, PA in Sub-Nos. 101, 107 and 242F; Lawrenceburg to Dearborn County, IN in Sub-Nos. 101 and 107; Frankfort to Franklin County, KY in Sub-Nos. 101, 107, 155 and 242F; Tullahoma to Coffee County, TN in Sub-Nos. 101, 107 and 242 F; Gastonia to Gaston County, NC in Sub-No. 104; Edisto to Middlesex County, NJ in Sub-No. 112; Mobile to Mobile County, AL in Sub-Nos. 123, 192F, 247F, and 252F; California to Montieau County, MO in Sub-No. 131;

Pinola to La Porte County, IN in Sub-No. 132; Milledgeville to Baldwin County, GA in Sub-Nos. 149 and 204F; Rochester to Olmstead County, MN in Sub-No. 150; Stamford to Fairfield County, CT in Sub-Nos. 150, 151, 152, 159 and 195F; Camarillo to Ventura County, CA in Sub-Nos. 152, 159, and 194F; San Leandro to Alameda County, CA in Sub-No. 155; Cleburne to Johnson County, TX, Itasca to Hill County, TX and West to McLennan County, TX in Sub-No. 161; Oxford to Lafayette County, MS in Sub-No. 162; Florence to Boone County, KY in Sub-No. 165; Belvidere to Boone County, IL, in Sub-No. 177; Avery and Clarksville to Red River County, TX in Sub-Nos. 182F and 199F; Lawton to Van Buren County, MI in Sub-No. 185F; Smith to Sebastian County, AR in Sub-No. 190F; Saddle Brook to Bergen County, NJ, Lakewood to Ocean County, NJ, and Cheshire to New Haven County, CT in Sub-Nos. 194F and 195F, Clarion to Clarion County, PA in Sub-Nos. 198F; Monroe to Ouachita County, LA in Sub-No. 215F, Salem to Columbiana County, OH in Sub-No. 223F; Corinth to Saratoga County, NY, and Ticonderoga to Essex County, NY in Sub-N. 229F; Downers Grove, Naperville, and Skokie to Du Page County, IL, Versailles to Woodford County, KY, Hammond to Lake County, IN, Ossining to Westchester County, NY, and Taunton to Bristol County, MA in Sub-No. 240F; Fresno to Madera County, CA in Sub-No. 242F; Oconto Falls to Oconto County, and Green Bay to Brown County, WI in Sub-No. 247F; Vienna to Wood County, WV, Joliet to Will County, IL, and Coventry to Kent County, RI in Sub-No. 251F; Moss Point to Jackson County, MS, Bastrop to Morehouse County, LA, and Springhill to Webster County, LA in Sub-No. 252F; Kentwood to Kent County, MI and Olive Branch to DeSoto County, MS in Sub-No. 255F; Eastland to Eastland County, TX and Fresco to Collin County, TX in Sub-No. 260F; Hereford to Deaf Smith County, TX and Lubbock to Lubbock County, TX in Sub-No. 268F; Palestine to Anderson County, TX in Sub-No. 281F; and Grand Saline to Van Zandt County, TX in Sub-No. 286; (4) eliminating the restrictions (a) against service to AK and HI in Sub-Nos. 90, 92, 99, 104, 105, 112, 131, 144, 150, 151, 161, 162, 224F, 227F, 229F, 233F, 234F, 240F, 241F, 242F, 251F, 260F, 261F, 269F, 277F, and 281F; (b) against "size and weight" commodities in Sub-Nos. 105, 112, 155, and 157; (c) to "ex-water" movement in Sub-No. 268; (d) "originating and destined to" in Sub-Nos. 52, 90, 99, 107, 123, 132, 144, 151, 152, 177, 178, 185F, 197F, 202F, 227F, 229F, 233F, 240F, 266F, and 283F; (e) originating at or destined to a named facility in Sub-Nos. 90, 92, 102, 112, 123, 144, 149, 150, 151, 152, 159, 165, 177, 178, 185F, 190F, 192F, 202F, 204F, 210F, 215F, 223F, 224F, 227F, 229F, 233F, 235F, 236F, 240F, 247F, 252F, 266F, 268F, 277F, 281F, 283F, 286F, and 287F; (f) against "commodities in bulk" in Sub-Nos. 7, 9, 52, 90, 92, 99, 102, 105, 107, 112, 139, 142, 144, 157, 159, 161, 162, 168, 178, 185F, 190F, 191F, 195F, 202F, 204F, 209F, 210F, 211F, 221F, 224F, 225F, 226F, 227F, 233F, 234F, 235F, 240F, 241F, 242F, 247F, 255F, 261F, 268F, 269F, 281F, 283F, 287F and 292F; (g) requiring use of equipment with mechanical refrigeration in Sub-Nos. 110, 139, 144, 159, and 165; (h) limiting the transportation of drugs, toilet preparations, paper, paper products, new furniture, plumbing fixtures, materials, equipment and supplies and/or entertainment products to transportation in mixed loads with other merchandise dealt in by retail discount stores in Sub-No. 52; and (i) excepting the transportation of foodstuffs and from authority to transport such merchandise as is dealt in by retail discount stores in Sub-Nos. 52 and 102 and foodstuffs and furniture in Sub-No. 224. Applicant also seeks to delete authority to transport foodstuffs in mixed loads in Sub-Nos. 52 and 102.

MC 134038 (Sub-9)X, filed February 19, 1981 Applicant: MAJORS TRANSIT, INC., P.O. Box 7, Caneyville, KY 42721. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions from its Sub-Nos. 1, 2, 3, 4, 5 and 6 certificates by (1) removing all exceptions to its general commodities authority, except classes A and B explosives in each certificate; (2) authorizing service at all intermediate points (a) in Sub-No. 3 between Louisville and Calhoun, KY, and (b) in Sub-No. 4 between Nortonville and Louisville, KY; and between junction US Highway 41–A with the Webster-Hopkins County line, and Earlington, KY; and (3) removing the restriction against service (a) between Louisville and Morgantown, KY in Sub-No. 1, (b) at Bowling Green as to traffic originating at, destined to, or interchanged at Louisville, KY in Sub-No. 3, (3) at Hopkinsville, KY, as to traffic originating at or destined to or interchanged at Louisville KY, in Sub-No. 4, and (d) against the handling of traffic originating at, destined to, or interchanged at points in the Paducah, KY commercial zone in Sub-No. 4.

MC 134638 (Sub-4)X, filed February 17, 1981 Applicant: MID–WEST TRUCK LINES, LTD., 1216 Fife Street, Winnepeg, Manitoba, Canada. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Applicant seeks to remove restrictions in its MC 125358 (Sub-No. 14) permit to broaden the territorial description to between points in the U.S., under continuing contract(s) with named shipper.

MC 138469 (Sub-265)X, filed February 13, 1981 Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 87F, 96F, 177F, 206F, 218F, 221F, 224F and 235F certificates by (1) broadening its commodity description (a) in Sub-No. 87F from tube oil and grease to "petroleum, natural gas and their products" and from anti-freeze to "chemicals and related products," (b) in Sub-No. 177F by removing the restriction against the transportation of meat, (c) in Sub-No. 206F from electrical sound amplifying equipment, component parts, accessories, displays and related articles and materials, equipment and supplies used in the manufacture and distribution of those commodities to "machinery," (d) in Sub-No. 218F from general commodities with exceptions to "general commodities (except classes A and B explosives)," (2) by removing the restriction against commodities in bulk in Sub-Nos. 87F, 96F, 177F, 206F, 224F, and 235F; (3) by changing existing one-way authority to radial authority in Sub-Nos. 87F, 96F, 177F, 206F, 218F, 221F, 224F and 235F between Oklahoma City, OK and Hayward, CA and various other points and points in the U.S.; (4) by substituting in Sub-No. 96F Los Angeles County for La Mirada, CA, Orange County for Orlando, FL, Shelby County for Shelbyville, KY, and Osage County for Skiatook, OK; in Sub-No. 177F Seward County for Liberal, KS; in Sub-No. 221F, Alemeda County for Hayward, CA; and in Sub-No. 235F, Cook County for Lyons, IL, and Howard County for Dorsey, MD; (5) by removing facilities limitations in Sub-Nos. 87F, 96F, 177F, 206F, 208F, 221F, 224F and 235F; (6) by removing "originating at or destined to" restrictions in Sub-Nos. 87F, 96F, 177F, 206F, 224F, and 235F; and (7) by removing the restriction against the transportation of traffic to AK and HI in its nationwide authority in Sub-Nos. 87F, 206F, 221F and 224F, 218F; and (8) removing a restriction against traffic moving to or from the State of origin or destination in its nationwide authority in Sub-Nos. 218F and 221F.

MC 141416 (Sub-2)X, filed February 17, 1981. Applicant: BIG RIG EXPRESS, INC., 12265 Caladre, Downey, CA 92042. Representative: William J. Monheim,

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P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restriction from its Sub-No. 1F permit (1) to broaden the commodity description from meat, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A, C, and D of Appendix I to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209 and 706 to "meats, packinghouse products and commodities used by packinghouses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (2) to remove the restriction against transportation of commodities in bulk, and (3) to broaden the territorial description to between points in the United States under a continuing contract(s) with a named shipper.

MC 142800 (Sub-1)X, filed February 18, 1981. Applicant: VALLEY CARTAGE, INC., P.O. Box 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", and (2) eliminate the restriction to the transportation of shipments originating at and destined to named points and areas in ID and OR.

MC 146071 (Sub-33)X, filed February 17, 1981. Applicant: DEETZ TRUCKING, INC., 316 Oak Street, Strum, WI 54770. Representative: Jack B. Wolfe, Suite 350, 1600 Sherman St., Denver, CO 80203. Applicant seeks to remove restrictions from its Sub-Nos. 1F, 6F, 7F, 9F, 10F, 11F, 12F, 13F, 17F, 20F, 24F, 27F, 28F, 29F, and 30F certificates by (1) broadening the commodity descriptions (a) from specific named foodstuff items such as meats, frozen foods, cheese, etc., to "food and related products" in Sub-Nos. 1F, 7F, 9F, 10F, 20F, 27F, 28F, and 29F, (b) from various agricultural goods such as tractor exhaust pipes, augers, etc., to "machinery" in Sub-Nos. 6F and 11F, (c) from sewer pipe, pipe fittings, manhole covers, etc., to "rubber and plastic products", "clay, concrete, glass or stone products", and "metal products" in Sub-No. 12F, (d) from clay products and refractory products to "clay, concrete, glass or stone products" in Sub-No. 24, and (e) by removing all exceptions on commodity descriptions, such as hides; commodities in bulk; machinery; size and weight commodities; those described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, etc., wherever they appear in each of the above-numbered certificates; (2) replacing authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in Sub-No. 1F, facilities at Huron, SD with Beadle County, SD; in Sub-No. 6F, facilities at Hull, IA, Lennox and Sioux Falls, SD with Sioux County, IA, Lincoln and Minnehaha Counties, SD, respectively; in Sub-No. 7F, Fairmount, MN and Eau Claire, WI with Martin County, MN and Eau Claire County, WI; in Sub-No. 9F, facilities at Sioux Falls, SD, Estherville and Sioux City, IA with Minnehaha County, SD, Emmett and Woodbury Counties, IA, respectively; in Sub-No. 10F, Green Bay, WI with Brown County, WI; in Sub-No. 11F, facilities at Arcadia, Black, River Falls, Mineral Point, Neilsville, Viroque, and Wautoma, WI, with Trempealeua, Jackson, Iowa, Clark, Vernon, Waushara Counties, WI, respectively; in Sub-No. 12F, facilities at West Bend, WI with Washington County, WI; in Sub-No. 13F, facilities at Eau Claire and Ladysmith, WI with Eau Claire and Rusk Counties, WI; in Sub-No. 17F, facilities at Monroe, WI with Green County, WI; in Sub-No. 20F, facilities at Deerfield, IL with Lake County, IL; in Sub-No. 27F, facilities at Le Mars and Sioux City, IA with Plymouth and Woodbury Counties, IA; in Sub-No. 28F, facilities at Eau Claire, WI and Fairmont, MN with Eau Claire County, WI and Martin County, MN; in Sub-No. 29F, facilities at Green Bay and West Bend, WI with Brown and Washington Counties, WI; and in Sub-No. 30F, facilities at Madison, WI with Dane County, WI; (3) removing the restriction "except AK and HI" in Sub-Nos. 6F, 11F, 12F, 13F, and 17F; (4) removing the "originating at or destined to" restrictions in Sub-Nos. 7F, 13F, and 20F; and (5) in all sub-numbers except Sub-No. 13F, expanding one way authorities to authorize radial service between specified cities or counties in IA, IL, MN, SD, and WI, and points in the U.S. or numerous specified States located throughout the U.S.

MC 145436 (Sub-1)X, filed February 10, 1981. Applicant: Ronald A. Kottke, d.b.a. KOTTKE TRUCKING, Ortonville, MN 56278. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from canned goods to "food and related products"; and (2) broaden the territorial scope of its authority to between points in the United States under continuing contract(s) with named shippers

MC 146435 (Sub-4)X, filed February 10, 1981. Applicant: SMITH TRUCK BROKERAGE, INC., Box 974, Willmar, MN 56201. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from confectionery and dessert preparations, to "food and related products"; (2) replace a named plantsite located at Chicago, IL, with Chicago, IL; (3) change its one-way authority to radial authority, between Chicago, IL, and points in MN, ND, MT, ID, WA, OR, and UT; and (4) eliminate the restriction limiting transportation to traffic originating at the named facilities.

MC 148428 (Sub-18)X, filed February 17, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, 10F, and 12F certificates to (1) broaden the commodity description from flotation and protective clothing and, materials and supplies used in the manufacture of flotation and protective clothing, to "textile mill products" in Sub-No. 1F; from refrigerators, freezers, and cooling units and parts therefor and materials, equipment, and supplies, to "machinery" in Sub-No. 4F; from cabinets and materials, equipment and supplies used in the construction of cabinets, to "furniture and fixtures" in Sub-No. 7F; from paper and paper products and materials used in the sale and distribution of paper and paper products, and materials, equipment and supplies used in the manufacture of paper and paper products, to "pulp, paper and paper products" in Sub-No. 8F; from feeds, and materials, equipment and supplies used in the production of animal feeds, to "food and related products" in Sub-No. 10F; (2) remove the "except commodities in bulk" restrictions in Sub-Nos. 4F, 5F, 6F, and 10F; (3) broaden specific points and/or named facilities to county-wide authority as follows: St. Cloud, MN to Stearns County, MN in Sub-Nos. 1F, 3F, 4F, and 8F, Sauk Rapids, MN to Benton County, MN in Sub-No. 1F; Princeton, MN to Mille Lacs County, MN in Sub-No. 7F; Des Moines, IA to Polk County, IA, in Sub-No. 9F and Willmar, MN to Kandiyohi County, MN in Sub-No. 10F; (4) remove the "originating at or destined to" restrictions in Sub-No. 1F, 3F, and 7F; (5) remove AK and HI exceptions; and (6) expand its one-way authority to radial authority between Stearns County, MN, and, points in the U.S. in Sub-Nos. 4F and 8F; and remove the facilities limitation and authorize radial service between St. Louis, MO, and, Minneapolis, MN, in Sub-No. 6F.

MC 150570 (Sub-3)X, filed February 19, 1981. Applicant: C.U. TRUCKING COMPANY, 1805 Dot, McHenry, IL 60050. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden its commodity description from dry bulk cement, to "cement", broaden Park City to Lake County, IL and McHenry to McHenry County, IL, and expand its one-way authority to radial authority between Milwaukee, WI, and, points in McHenry and Lake Counties, IL, in Sub-No. 1F; and (2) broaden Lemont, IL to Cook County which is embraced in the Chicago, IL commerical zone and Waukegan, IL to Lake County, IL, and expand its one-way authority to radial authority between Chicago and Lake County, IL, and, points in Kenosha, Walworth and Rock Counties, WI, in Sub-No. 2F.

[FR Doc. 81-6018 Filed 3-3-81; 8:45 am]
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Motor Carriers Permanent Authority Decisions

Correction

In FR Doc. 81-3204 appearing at page 9218, in the issue of Wednesday, January 28, 1981, make the following correction:

On page 9232, "MC 144293 (Sub-18)," application of Duane McFarland, in the third column, in the third line from top. "in IA, IL, IN, KS, MI, MN, MO, ND, SD," should have read IA, IL, IN, KS, MI, MN, MO, ND, NF, SD."

BILLING CODE 1505-01-M

Motor Carrier of Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-5862, appearing at page 13408, on Friday, February 20, 1981, make the following corrections:

(1) On page 13408, in the second column, in the second to last line "MC 80652" should be corrected to read "MC 80653".

(2) On page 13410, in the second column, in the last paragraph, in the first line, "MC 1142672" should be corrected to read "MC 142672".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governming section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-177

Decided: February 23, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 15975 (Sub-45), filed February 3, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of Vitex/American Div. of Diamond Shamrock, at or near St. Louis, MO, on the one hand, and, on the other, points in the U.S.

MC 30134 (Sub-16), filed February 4, 1981. Applicant: HOLMES TRANSPORTATION, INC., 550 Cochituate Rd., Framingham, MA 01701. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting *general commodities* (except classes A and B explosives), between points in MA, RI, CT, NY, PA, NJ, ME, NH and VT.

MC 43165 (Sub-15), filed February 4, 1981. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, VA 22075. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *general commodities* (except classes A and B explosives), between points in Loudoun County, VA, on the one hand, and, on the other, points in the U.S.

MC 53965 (Sub-182), filed February 3, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue, Detroit, MI 48226. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Kansas City, MO and Minneapolis, MN over Interstate Hwy 35, serving all intermediate points; and (2) between Omaha, NE and junction Interstate Hwy 35 and Interstate Hwy 80, over Interstate Hwy 80, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 61825 (Sub-138), filed February 5, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *general commodities* (except classes A and B explosives), (1) between points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 73165 (Sub-545), filed February 3, 1981. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35222. Representative: R. Cameron Rollins, 124 Commerce Street, Kingsport, TN 37660. Transporting *building materials*, between points in Tuscaloosa

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County, AL, on the one hand, and, on the other, points in GA, FL, LA, MS, AR, TN, TX, NC, SC, KY, and MO.

MC 110325 (Sub-173), filed February 4, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in Bennington County, VT as off-route points in connection with carrier's otherwise-authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing authority.

MC 110364 (Sub-8), filed February 3, 1981. Applicant: OHIO CARRIER CORPORATION, P.O. Box 429, Dover, OH 44622. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Joy Manufacturing Company of New Philadelphia, OH.

MC 112304 (Sub-254), filed February 4, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of the Quigley Co., Inc., in Middlesex County, NJ, on the one hand, and, on the other, points in IL, IN, KY, LA, MD, MO, NY, OH, OK, PA, TX, WV, and WI.

MC 128205 (Sub-103), filed February 5, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 12000 S. Doty Ave., Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *commodities in bulk*, between points in IL, IN, MI, and OH.

MC 133215 (Sub-1), filed February 3, 1981. Applicant: INTERIOR MOTOR FREIGHT, INC., P.O.B. 405, The Dalles, OR 97058. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Over regular routes, transporting *general commodities* (1) between Portland, OR and Goldendale, WA, from Portland over Interstate Hwy 84N to junction U.S. Hwy 97, the over U.S. Hwy 97 to Goldendale, and return over the same route, serving the off-route points of Clackamas, Hood River, Multnomah, Sherman, Wasco, Washington and Yamhill Counties, OR, and Clark, Klichitat and Skamania Counties, WA; and (2) between Hood River, OR and Goldendale, WA, from Hood River over an undesignated bridge on the Columbia River, then over WA Hwy 14 to junction U.S. Hwy 97, then over U.S. Hwy 97 to Goldendale, and return over the same route, serving the off-route points of The Dalles and Biggs, OR.

Note.—The authority granted herein is limited in point of time to a period expiring 5 years from its date of issuance.

MC 134035 (Sub-46), filed February 3, 1981. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, Hwy 75 South, Corsicana, TX 75110. Representative: Jack K. Williams (same address as applicant). Transporting *transportation equipment*, between points in Montgomery County, AL, Benton County, AR, Boone and Lake Counties, IN, Muskegon, Ottawa and Wayne Counties, MI, Cuyahoga, Hardin, Ross and Summit Counties, OH, Bamberg County, SC, and Collin County, TX, on the one hand, and, on the other, points in the U.S.

MC 136635 (Sub-52), filed February 4, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *metal products and chemicals*, between the facilities of Oxide & Chemical Corp. in the U.S. on the one hand, and, on the other, points in the U.S.

MC 138104 (Sub-103), filed February 4, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tx 76116. Transporting *drilling mud additives, clay, lignite, petroleum pitch, foundry sand additives, and agricultural adjuvents*, (1) between points in MT, ND, SD, and WY, on the one hand, and, on the other, points in AZ, CA, CO, ID, NE, NV, NM, OR, TX, UT and WA; and (2) between points in Lowndes County, AL and Monroe County, MS, on the one hand, and, on the other, points in TX.

MC 138144 (Sub-61), filed January 23, 1981. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are manufactured or distributed by manufacturers of buildings, building sections and panels, (a) between points in IL, IN, OH, and WI, on the one hand, and, on the other, points in the U.S., and (b) between points in CA, ID, MT, OR, WA, and Buchanon County, MO, on the one hand, and, on the other, points in IA, KS, MI, MN, MO, ND, NE, PA, and SD.

MC 139484 (Sub-4), filed February 5, 1981. Applicant: BASS TRANSPORT, INC., Route 2, Box 64A, Altavista, VA 24517. Representative: Frank B. Hand, Jr., 521 South Cameron St., Winchester, VA 22601. Transporting *food and related products*, between points in Campbell County, VA, on the one hand, and, on the other, points in AZ, LA, NM, OK, and TX.

MC 140755 (Sub-75), filed February 4, 1981. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting (1) *petroleum, natural gas and their products, and asphalt*, between points in Cowley and Butler Counties, KS, on the one hand, and, on the other, points in OK; and (2) *chemicals and related products*, between Coffeyville, KS and St. Louis, MO, and points in Cook County, IL, on the one hand, and, on the other, points in AR, KS, MO, OK, and TX.

MC 140895 (Sub-2), filed February 3, 1981. Applicant: TANK LINES, INCORPORATED, 1357 Diamond Springs Rd., Virginia Beach, VA 13455. Representative: Charles Moran, 80 First Ave., Nyack, NY 10960. Transporting *salt and cement*, between Norfolk, VA, on the one hand, and, on the other, points in NC.

MC 144214 (Sub-2), filed February 3, 1981. Applicant: ENERGY EXPRESS, INC., 2101 Monon Avenue, New Albany, IN 47150. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Electrical Tubular Corporation, Rent or Lease Equipment, Inc., Insulation Supply Inc., Service Sales & Associates, Inc., all of New Albany, IN, and Florida Pipe & Nipple Manufacturing Company, Inc., of Hialeah, FL.

MC 144225 (Sub-1), filed February 4, 1981. Applicant: JADEEL TRUCKING, INC., 6333 W. McNab Road, Tamarac, FL 33321. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Seaman Furniture Company, Inc., of Carle Place, NY.

MC 144674 (Sub-4), filed February 4, 1981. Applicant: HARRY J. BERRY d.b.a. BERRY TRUCKING, P.O. Box 658, Penns Grove, NJ 08069. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. Transporting *metal products, lumber and wood products, rubber and plastic products, machinery, chemicals and related products*, and *building materials*, between Philadelphia, PA, and Chicago, IL, and points in Camden County, NJ, New Hanover County, NC, and Tulsa County, OK, on the one hand, and, on the other, points in the U.S.

MC 146874 (Sub-4), filed February 4, 1981. Applicant: PALWOOD TRANSPORTATION, INC., 4017 Sunnyside Road, Woodstock, IL 60098. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Transporting *waste or scrap materials*, not identified by Industry producing, *commodities in bulk, building materials* and *contractors' supplies*, between points in IL and IN, on the one hand, and, on the other, points in AR, IL, IN, IA, MI, MN, MO, KY, OH, TN, TX and WI.

MC 148244 (Sub-1), filed February 3, 1981. Applicant: WILLIAM MCVEIGH d.b.a. MCVEIGH TRANSPORTATION, 406 East Kendall, Corona, CA 91720. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Transporting *paper and plastic products*, between points in CA, NV, and AZ.

MC 148655 (Sub-10), filed February 4, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44114. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 606 Eleventh Street, NW., Washington, DC 20001. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products*, and *petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 151235 (Sub-1), filed February 4, 1981. Applicant: A & B BUS COMPANY, a partnership, 2919 Rhode Island Ave, NE., Washington, DC 20018. Representative: Peter R. Gilbert, 1000 Potomac Street, NW., 5th Floor, Washington, DC 20007. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at Washington, DC, and extending to points in the U.S. (except AK and HI).

MC 152885 (Sub-1), filed February 4, 1981. Applicant: SHOW-ME AGRI COMMODITIES, INC., Washington & Ohio Streets, Clinton, MO 64735. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *such commodities* as are dealt in by manufacturers and distributors of animal feed, between points in AR, IA, IL, KS, KY, MO, OK, NE, TN, and TX.

MC 153455 (Sub-1), filed February 3, 1981. Applicant: KENNETH AMICK d.b.a. AMICK ROCK, SAND AND GRAVEL, 320 North Adams, Papillion, NE 68046. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *building and construction materials*, and *animal feed ingredients*, between points in IA and NE.

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Decided: February 20, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 1824 (Sub-130), filed January 30, 1981. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Chicago, IL, and Davenport, IA, from Chicago over Interstate Hwy 55 to junction US Hwy 6, then over US Hwy 6 to junction US Hwy 61, then over US Hwy 61 to Davenport, and return over the same route, serving all intermediate points, and serving points in Rock Island County, IL, and Scott County, IA, as off-route points, and (2) serving all points in IL, on and north of Interstate Hwy 64 as off-route points in connection with applicant's presently authorized regular routes.

MC 28905 (Sub-10), filed February 5,1981. Applicant: RISBERG'S TRUCK LINE, a corporation, 2339 S.E. Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *general commodities* (except Classes A and B explosives), between points in OR and WA.

MC 113325 (Sub-164), filed January 30, 1981. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh St., St. Louis, MO 63104. Representative: T. M. Tahan (same address as applicant). Transporting *commodities in bulk*, between points in the U.S. under continuing contracts with Star Service and Petroleum Company, of Maryland Heights, MO, Benjamin Moore & Co., of Melrose Park, IL, and Technical Coatings Co., and Mallinckrodt, Inc., Both of St. Louis, MO.

MC 114194 (Sub-222), filed February 5, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., P.O. Box 147, Madison, IL 62060. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *lime, limestone, and limestone products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 123375 (Sub-23), filed January 30, 1981. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysville, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *building and construction materials*, (2) *commodities which because of their size or weight require the use of special handling or equipment*, (3) *contractors' tools and equipment*, (4) *forest, lumber, and wood products*, (5) *machinery*, (6) *metal products*, and (7) *refractories*, between points in CT, DE, IL, IN, KY, MD, MA, MI, NJ, NY, OH, PA, RI, VA, WV, WI, and DC.

MC 129625 (Sub-16), filed January 30, 1981. Applicant: ROBERT COLE TRUCKING COMPANY, a corporation, P.O. Box M, Falls Creek, PA 15840. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *salt, (1)* between points in Livingston County, NY, on one hand, and, on the other, points in PA, and (2) between points in Clearfield and Jefferson Counties, PA, on one hand, and, on the other, points in PA in and west of Tioga, Lycoming, Clarion, Snyder, Juniata, Perry, Cumberland, and Adams Counties, PA (except points in Armstrong, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Indiana, Jefferson, McKean, Potter, Venango, and Warren Counties, PA), restricted in (2) above, to traffic having a prior movement by rail.

MC 134134 (Sub-93), filed January 30, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., P.O. Box 7439, Omaha, NE 68107. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *alcoholic beverages*, between points in IL, IN, KY, MD, MA, MI, NJ, NY, PA, and TN, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, TN, TX, WV, and WI.

MC 135074, filed February 5, 1981. Applicant: SECURITY STORAGE COMPANY, INC., P.O. Box 2005, Goldsboro, NC 27530. Representative: M. Wendell Thornton (same address as applicant). Transporting *household goods*, as defined by the Commission, between points in NC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, MD, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 144345 (Sub-21), filed February 5, 1981. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *such*

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commodities as are dealt in or used by grocery and food business houses, between the facilities of Albertson's, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148655 (Sub-8), filed January 30, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44114. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting (1) *ores and minerals*, (2) *metal products*, (3) *building materials*, and (4) *rubber and plastic products*, between points in Livingston and Du Page Counties, IL, Scott County, IA, Barron County, WI, Dauphin County, PA, Dallas and Gregg Counties, TX, Broward, Hillsborough, Orange and Duval Counties, FL, Atlanta, GA, and San Antonio, TX, on the one hand, and, on the other, points in the U.S.

MC 153784 (Sub-1), filed February 5, 1981. Applicant: MANTEK TRUCKING, INC., 168A Amboy Ave., Matawan, NJ 07747. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048. Transporting *general commodites* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Treitler-Owens, Inc., of Washington, NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6808 Filed 3-3-81; 8:45 am]

BILLING CODE 7035-01-M

Petitions, Applications, Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Correction

In FR Doc. 81-4824, appearing at page 11894, in the issue of Wednesday, February 11, 1981, make the following correction:

On page 11903, in the second column, "MC 14620 (Sub-1)," Application of Contractual Carriers, Inc., should have read "MC 146202 (Sub-1)."

BILLING CODE 1505-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Investment Opportunities

The Agency for International Development (A.I.D.) has authorized guaranties of loans to a number of developing countries (Borrowers) as part of A.I.D.'s overall development assistance program. The proceeds of these loans will be used to finance shelter projects for low income families residing in the countries of the borrowers. The following list of Borrowers and loan amounts indicates those projects which are or soon will be ready to receive financing and for which the Borrowers are requesting proposals from U.S. lenders or investment bankers:

Biape

Project: 598-HG-001—$9,000,000

Dr. Alberto Klumb, Executive President; or Dr. Iari de Andrade, Financial Secretary; Banco Interamericano de Ahorro y Prestamo, Apartado 51558, Caracas 105—Venezuela, Telex: 21737, Telephone: 781-1013 or 781-1233, Language: Spanish or English.

Ecuador

Project: 518-HG-005—$20,000,000

Dr. Juan Pablo Moncagatta, President; Banco Ecuatoriano de la Vivienda, Av. 10 de Agosto 2252, Quito, Ecuador, Cable: Bedelav, Telex: 2399 Bev-Ed, Telephone: 238060, Language: Spanish.

Honduras

Projects: 522-HG-005 and 522-HG-006—$20,500,000

Dr. Valentin J. Mendoza A., Minister; or Dr. Jorge Hernan Galeas Dominguez, Sub-Secretary; Ministerio de Hacienda y Credito Publico, Tegucigalpa, D. C., Honduras, Cable: Minhacienda, Telephone: 228701 or 227265, Language: Spanish.

Liberia

Project: 669-HG-002—$10,000,000

Mr. Hilary A. Dennis, President; National Housing and Savings Bank, P.O. Box 818, Monrovia, Liberia, Cable: Morbank, Telex: 4337, Telephone: 222402 or 221183, Language: English.

Mauritius

Project: 642-HG-001—$6,000,000.

Mr. M. Baguant, Financial Secretary, Ministry of Finance, Government House, Port Louis, Mauritius, Cable: Finsec Mauritius, Telex: 4249 Extern IW, Telephone: 25331, Language: English.

Panama

Projects 525-HG-010 and 525-HG-011—$30,400,000.

Sr. Silverio Melfi, General Manager, Banco Hipotecario Nacional, Apartado 222, Panama 1, Panama, Cable: Bahinal, Telephone: 251260 or 273770, Language: Spanish or English.

Paraguay

Project 526-HG-002—$8,000,000.

Dr. Eligio T. Franco, President, Banco Nacional de Ahorro y Prestamo para la Vivienda, Casilla 1464, Asuncio, Paraguay, Telex: 822PY—BNV, Telephone: 44139, Languages: Spanish; English speaking contact telephone Heddy de Lopez Moreira at 44340 or 49815.

Peru

Projects: 527-HG-010 and 527-HG-011—$35,000,000

Sr. Oscar Bauer Cortrina, General Manager, Banco de la Vivienda del Peru, P.O. Box 5425, Lima 1, Peru, Telex: 20077 PE-BVP, Telephone: 286131, Language: Spanish.

Togo

Project: 693-HG-001—$15,000,000

Mr. Kakaye Napo, General Manager, Banque Togolaise de Developpment, B.P. 65, Lome, Togo, Cable: Devtogobank Lome, Telex: Devtogobank 5282, Telephone: 21-36-41 or 21-36-42, Language: French.

Additional projects will be advertised from time to time as they become ready for borrowing.

By this notice of investment opportunities, each of the above Borrowers individually is soliciting expressions of interest from U.S. lenders or investment bankers to counsel them on loan timing, structure and features, and to manage the loans or underwritings. Interested investment bankers or lenders should contact the Borrowers indicated above. Selection of investment bankers and/or lenders and the terms of the loans are initially subject to the individual discretion of each of the Borrowers and thereafter subject to approval by A.I.D. The lenders and A.I.D. shall enter into a Contract of Guaranty, covering each of the loans. Disbursements under the loans will be subject to certain conditions required of the borrowers by A.I.D. as set forth in implementation agreements between A.I.D. and the borrowers.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

The solicitation period commencing with this Notice will terminate at C.O.B. local time on May 29, 1981, unless extended by one or more Borrowers. By that time each Borrower anticipates that a commitment letter will have been signed with a lender or investment banker for the placement of the respective loan.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632-9637.

Dated: March 2, 1981.

Fredrik A. Hansen,

Deputy Director, Office of Housing.

[FR Doc. 81-7002 Filed 3-3-81; 8:45 am]

BILLING CODE 4710-02-M

[Delegation of Authority No. 40]

Regional Assistant Administration, et al.; Delegation of Authority Regarding Source, Origin and Nationality for Procurement

Pursuant to the authority delegated to me by Delegation of Authority No. 104, dated November 3, 1961 (26 FR 10,608, November 10, 1961), as amended, from the Secretary of State, and AID Delegation of Authority No. 34, dated May 13, 1969, it is hereby directed as follows:

I

The Assistant Administrator for Africa, Asia, Latin America and the Caribbean, Near East, Development Support, and Private and Development Cooperation each for countries or programs for which he or she is responsible, are hereby delegated the following authorities with respect to source, origin and nationality requirements in the procurement of goods and services:

A. Selected Free World—Authority to waive, in accordance with the criteria prescribed by Supplement B of AID Handbook 1, U.S. source, origin and nationality requirements to permit procurement of goods and services, other than ocean transportation services, in countries included in AID geographic Code 941 (Selected Free World) and the cooperating country when the cost of the goods and services does not exceed $500,000 (exclusive of transportation costs) of funds made available under the Foreign Assistance Act of 1961, as amended.

B. Free World—Authority to make specific exceptions to U.S. or Code 941 source, origin and nationality requirements, in accordance with criteria prescribed by Supplement B of AID Handbook 1, to permit procurement of goods and services, other than ocean transportation services, in any country included in AID Geographic Code 899 (Free World) or AID Geographic Code 935 (Special Free World) when the cost of the goods and services does not exceed $500,000 (exclusive of transportation costs) of funds made available under the Foreign Assistance Act of 1961, as amended; *provided, however:*

1. That all waivers of source, origin and nationality for procurement of goods authorized pursuant to this paragraph I.B. shall contain a certification by the approving official that "Exclusion of procurement from free world countires other than the cooperating country and countries included in Code 941 would seriously impede attainment of U.S. foreign policy objectives and objectives of the foreign assistance program."

2. That all waivers of the nationality requirements for suppliers of services, other than ocean transportation services, authorized pursuant to ths paragraph I.B. shall contain a certification by the approving official that "The interests of the United States are best served by permitting the procurement of services from free world countries other than the cooperating country and countries included in Code 941."

II

The Assistant Administrator for Program and Management Services is hereby delegated the following authorities:

A. Selected Free World—Authority to waive, in accordance with the criteria prescribed by Supplement B of AID Handbook 1, requirements that ocean transportation services be on U.S. flag vessels in order to permit financing of ocean transportation on vessels under flag registry of the cooperating country or any country included in AID Geographic Code 941 (Selected Free World) with funds made available under the Foreign Assistance Act of 1961, as amended.

B. Free World—Authority to waive, in accordance with the criteria prescribed by Supplement B of AID Handbook 1, ocean transportation flg registry requirements in order to permit the financing of transportation on vessels under flag registry of any country included in AID Geographic Code 899 (Free World) or AID Geographic Code 935 (Special Free World) with funds made available under the Foreign Assistance Act of 1961, as amended; *provided however:* That all waivers approved pursuant to paragraph II.B. shall contain a certification by the approving official that "The interests of the U.S. are best served by permitting financing of transportation services on ocean vessels under flag registry of free world countries other than the cooperating country and countries included in Code 941."

III. General Provisions

A. Any reference in this delegation of Authority to any Act of Congress, order, determination, or delegation of authority shall be deemed to be a reference to such Act of Congress, order, determination, or delegation of authority as amended from time to time.

B. Any official of AID to whom functions are delegated under this Delegation of Authority may redelegate any of the functions, *provided, however:* That the authority to waive source, origin and nationality requirements for procurement of goods and services other than ocean transportation services shall not be redelegated to USAIDs, Regional Offices, or any other AID field office for transactions in excess of $250,000 (exclusive of transportation); and *provided further,* That the authority to waive source and origin requirements for procurement of motor vehicles shall not be redelegated for transactions in excess of $25,000 (exclusive of transportation).

C. I retain for myself concurrent authority to exercise any of the functions herein delegated.

D. Delegation of Authority No. 40 dated March 5, 1978 (43 FR 11293, March 17, 1978) is hereby revoked. This revised delegation shall not be construed to affect the validity of any waiver or redelegatin granted by a properly authorized official prior to the effective date of this revised delegation, and any such waiver or redelegation shall continue in effect unless modified or revoked by an official to whom such

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authority has been delegated by this order.

E. This Delegation of Authority is effective immediately.

Dated: February 20, 1981.

Joseph C. Wheeler,

Acting Administrator.

[FR Doc. 81-6843 Filed 3-3-81; 8:45 am]

BILLING CODE 4710-02-M

NATIONAL COMMISSION ON SOCIAL SECURITY

Meeting

February 27, 1981

The National Commission on Social Security will hold its final public meeting at the New Executive Office Building, at 17th and Pennsylvania Avenue, N.W., on March 12. The meeting will begin at 10:00 a.m., in room 2008. The purpose of this meeting is to conclude Commission business. At 11:15, in Room 2010, a press conference will be held to announce the release of the final report. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office: Room 125, Pension Building, 440 G Street, N.W., Washington, D.C. 20218, Phone: (202) 376-2622.

Laura Kreuzer,

Administrative Officer.

[FR Doc. 81-6835 Filed 3-3-81; 8:45 am]

BILLING CODE 6820-AC-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Site Evaluation; Meeting

The ACRS Subcommittee on Site Evaluation will hold a meeting at 8:30 a.m. on March 19 and 20, 1981 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the latest developments in emergency planning and siting rulemaking. Notice of this meeting was published February 20.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, [45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, March 19 and 20, 1981 8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. Garry G. Young, ACRS Staff (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: February 26, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81-6866 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Fire Protection

By letter dated January 30, 1981, Baltimore Gas and Electric Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension of time until June 1, 1981, for complying with the requirements of § 50.48 of 10 CFR Part 50 (45 FR 76602, November 19, 1980).

This request is in connection with the licensee's need to postpone installation and testing of some items for the fire protection system at the Calvert Cliffs Unit Nos. 1 and 2 Nuclear Generating Station located in Lusby, Maryland. Those items are as follows: (1) automatic fire suppression in cable spreading rooms, (2) emergency communications, (3) fire detection in safety-related areas, (4) fire hose coverage, (5) fire hazard analysis, (6) fire walls and dampers, (7) emergency lighting, and (8) reactor coolant pump lube oil collection.

Pursuant to 10 CFR 50.48(d), the Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, the request has been granted to item number (1), (7), and (8), and the remaining items do not need an extension.

For further details with respect to this action, see (1) the licensee's request dated January 30, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland this 13th day of February 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-6867 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Station, Units 1 & 2); Issuance of Director's Decision Under 10 CFR 2.206

By letter dated April 17, 1980, Pollution and Environmental Problems, Inc. (PEP) transmitted a request pursuant to 10 CFR 2.206 for the suspension of Amendments Nos. 52 and 49 to rerack and compact the spent fuel pool at the Zion Station, Units 1 and 2. The PEP request was for a review board hearing to consider the effects of a TMI type accident on the Zion spent fuel pool, a gross loss of water accident from the spent fuel pool, and the environmental effects of high burnup fuel storage at the Zion Station. After a review of the relevant information, the Director has determined that the PEP concerns have been adequately covered by review board hearings and decisions and that there is no basis for suspending the Amendments. Accordingly, the request by PEP has been *denied.*

Copies of the Director's Decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room for the Zion Station located at the Zion-Benton Public Library, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of this decision will also be filed with the Secretary of the Commission for review by the Commission in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission on its own motion institutes review of this Decision within that time.

Dated at Bethesda, Maryland this 18th day of February, 1981.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-6866 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, SC 708-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Qualification and Acceptance Tests for Snubbers Used in Systems Important to Safety" and is intended for Division 1, "Power Reactors." It is being developed to delineate construction and test methods acceptable to the NRC staff for design qualification and acceptance testing of snubbers that are important to the safety of nuclear power plants. Snubbers are often used in nuclear power plants to mitigate potential excessive dynamic loadings developed in fluid systems and components by system transients or by earthquakes or other natural phenomena.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by April 30, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 23rd day of February 1981.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 81-6877 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition requiring the licensee to follow all provisions of the NRC approved Guard Training and Qualifications Plan, in accordance with 10 CFR 73.55(b), 60 days after approval by the Commission.

The licensee's filings, which have been handled by the Commission as applications, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated August 6, 1979, and September 26, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 38 to License No. DPR-66 and (2) the Commission's letter dated February 11, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-6868 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-74, issued to Indiana and Michigan Electric Company

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(the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 2 (the facility), located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises the trip set points and the allowable values for some instrumentation in the Reactor Protection System and the Engineered Safety Features Actuation System. The amendment also deletes license condition which required information to be submitted on the instrument trip set point values for instruments in the Reactor Protection System and the Engineered Features Actuation System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 22, 1978, (2) Amendment No. 28 to License No. DPR-74 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan, 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-6870 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment no. 63 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the license conditions for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the license conditions relating to the completion of facility modifications for fire protection in accordance with the requirements of 10 CFR 50.48 and 10 CFR 50, Appendix R.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 63 to License No. DPR-49, and (2) Supplement 1 to the Commission's Fire Protection Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 428 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day of February 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-6872 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to incorporate certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Shift Technical Advisor, (5) System Integrity Measurements Program and (6) Improved Iodine Measurements Capability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 10, 1980, (2) Amendment No. 64 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 428 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 17th day of February 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-6871 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment (1) revises the procedure for testing for radioactive methyl iodine removal efficiency of carbon samples removed from the Standby Gas Treatment System (SGTS), (2) eliminates the air flow distribution tests on the high efficiency particulate and charcoal filters of the SGTS, and (3) corrects the Bases Section of Technical Specification 4.5 so that it is consistent with the Provisions of Technical Specification.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this section, see (1) the applications for amendment dated October 18, 1977, and October 6, 1980, (2) Amendment No. 52 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-6873 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Extension of Completion Dates

By letter dated December 31, 1980, Niagara Mohawk Power Corporation (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) extend completion dates for the fire protection modifications for the Nine Mile Point Nuclear Station Unit 1 located in Oswego County, New York.

The modifications and extension dates are as follows: (1) Protection System—September 30, 1981, (2) Shutdown Panel—September 30, 1981, (3) Sprinkler System—May 30, 1981, and (4) Ventilation Duct Penetrations—Spring 1981 Refueling Outage.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the public health and safety. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated December 31, 1980, and (2) the Director's letter to the licensee dated February 13, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York, 13126.

Dated at Bethesda, Maryland this 13th day of February 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-6874 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Extension of Completion Dates

By letter dated February 6, 1981, Northern States Power Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until November 17, 1981, for the completion of installation of the cable spreading room halon system, upgrading fire barrier seals, and replacement of linen fire hose at the Monticello Nuclear Generating Plant located in Wright County, Minnesota.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the public health and safety. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 6, 1981, and (2) the Director's letter to the licensee dated February 13, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nulear Reactor Regulation.

[FR Doc. 81-6875 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to License No. DPR-75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised License No. DPR-75 of the Salem Nuclear Generating Station, Unit No. 2 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment approves an extension of the License for Fuel Loading and Low Power Testing from April 18, 1981 to April 18, 1983.

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The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 10, 1981, (2) Amendment No. 5 to License No. DPR–75, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of February, 1981.

For the Nuclear Regulatory Commission.

F. J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-6876 Filed 3-3-81; 8:45 am]

BILLING CODE 7590-01-M

[CLI-80-42]

Statement of Policy; Further Commission Guidance for Power Reactor Operating Licenses

Correction

In FR Doc. 80–40105, appearing at page 85236 in the issue of Wednesday, December 24, 1980, please make the following change:

(1) On page 85239, second column, first full paragraph, fifth line, "necessary" should read "unnecessary".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17577 (File No. SR-CBOE-80-7)]

Chicago Board Options Exchange, Inc.; Order Approving Amended Proposed Rule Change

February 26, 1981.

On April 17, 1980, the Chicago Board Options Exchange, Incorporated (the "CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, copies of a proposed rule change that would modify CBOE rules to provide for exchange trading of standardized options contracts on mortgage pass-through certificates guaranteed by the Government National Mortgage Association ("GNMAs," "GNMA certificates," or "GNMA securities").[1] In order to assist in its analysis of the CBOE proposal, the Commission, on July 24, 1980, published a release extending the time for the submission of public comments and requesting comments concerning a number of particular features of the proposed options contract and of the market and regulatory environment within which it would be traded.[2] On December 19, 1980, the CBOE filed amendments to its proposal which, among other things, would establish premium-based margin requirements for GNMA options, eliminate the limit order book for such options, and broaden the market maker spread parameters.[3]

I. Introduction

The CBOE proposal would modify its rules to permit the trading of standarized put and call options on GNMA modified pass-through certificates.[4] Timely payment of interest and principal on GNMA securities is guaranteed by GNMA, and that guarantee is backed by the full faith and credit of the United States Government. The CBOE proposal would provide the first exchange-based GNMA options trading, although optional forward contracts ("stand-bys") are currently traded in the over-the-counter market.[5] In addition, standardized contracts for future delivery of GNMA certificates are traded on boards of trade subject to the regulatory oversight of the Commodity Futures Trading Commission (the "CFTC").

The CBOE proposed to trade puts and calls on GNMA securities with $100,000 remaining principal balance.[6] The GNMA options contract would be traded on the basis of a GNMA certificate bearing a nominal 8 percent coupon rate. The terms of the contract would permit delivery of GNMA certificates bearing a range of GNMA coupons, with a price adjustment to provide a yield equivalent to delivery of a certificate with a nominal coupon. This yield equivalence concept is similar to delivery practices in the current over-the-counter optional and mandatory GNMA forward markets and is also used in the GNMA futures markets. In an effort to promote delivery by issuers[7] of their current production, GNMA coupons eligibile for delivery generally would be restricted to certificates bearing coupon rates at, or lower than, the current production rates.[8]

II. Discussion

In its filing, the CBOE argued that the public interest would be advanced by Commission approval of CBOE's proposal to trade GNMA options.[9] In support of this contention the CBOE has

[1] Notice of the filing of the proposed rule change was given by Securities Exchange Act Release No. 16601 (May 12, 1980) (45 FR 32458 (1980)).

[2] Securities Exchange Act Release No. 17006 (45 FR 51016 (1980)).

[3] Notice of the filing of the amended proposed rule change was given by Securities Exchange Act Release No. 17413 (January 5, 1981) (46 FR 2439 (1981)).

[4] Each GNMA certificate represents an interest in a pool of mortgages insured by the Farmers Home Administration or the Federal Housing Administration or guaranteed or insured by the Veterans Administration.

[5] In addition to transactions for immediate delivery, the GNMA over-the-counter markets include both optional and mandatory forward commitments. An optional forward commitment is a contract that permits, but does not obligate, the purchaser to deliver GNMA securities on a specificed date according to prearranged terms. A mandatory forward commitment obligates the parties to make and take delivery on a specific future date according to prearranged terms.

[6] Delivery of GNMA certificates with a remaining principal balance less than 2.5 percent above or below the contract amount would be permitted. This would conform with current practice in the cash market.

[7] GNMA securities are currently issued by about 900 private firms that originate mortgages. Approximately two-thirds of these firms are mortgage bankers; the remainder are largely commercial banks and savings and loans associations. See, *Report of the Joint Treasury—SEC—Federal Reserve Study of the Government-Related Securities Markets*, S. Rep., 96th Cong., 2d Sess. (Comm. Print 1980) ("GNMA Study"), at p. 34.

[8] Because the current production rate is the highest deliverable rate, it normally will be the optimal delivery. See CBOE, *A Market in Options on GNMA Modified Pass-Through Securities* [undated] ("CBOE GNMA Options Memorandum"), at pp 25–27. In the event of a change in the GNMA production rate, specific delivery provisions would encourage, for a limited period, the delivery of mortgage production still in the pipeline.

[9] File No. SR–CBOE–80–7.

argued that optional contracts providing for delivery of GNMAs are of substantial economic importance to the GNMA market and the housing industry generally.[10] Although the problems that have characterized the over-the-counter markets for such contracts have limited the availability of stand-bys,[11] the CBOE asserts that the creation of an exchange market for GNMA options would alleviate these problems, thereby supporting the basic economic function of the GNMA markets—increased capital formation in the housing industry through access to the capital markets for loanable funds. Moreover, the CBOE asserts that exchange trading of GNMA options also would increase the usefulness of an optional delivery instrument to GNMA market participants through standardization of contract and delivery terms and increased efficiency.

The Commission received 85 comment letters concerning the CBOE proposal,[12] all but one of which were essentially supportive.[13] The majority of letters were received from mortgage bankers and strongly supported the prompt development of exchange trading in standardized GNMA options. These commentators stated that the availability of such options would facilitate their activities in the housing market, while at the same time avoiding the problems associated with the existence of abuses in the over-the-counter stand-by market.[14] Similar views were expressed by other firms doing business with mortgage bankers and/or in the markets for GNMA securities, as well as by the Options Committee of the Securities Industry Association.[15]

In order to assist in its analysis of the CBOE proposal, the Commission staff solicited specific comments from several governmental agencies [16] in an effort to determine the extent to which their interests might be affected by the development of an exchange-based standardized GNMA options market. In response, the Commission received six letters,[17] all of which indicated general support for the CBOE proposal.[18]

GNMA and the Department of Housing and Urban Development strongly endorsed the establishment of a regulated market for the trading of optional delivery contracts on GNMA securities, and indicated that such a market would enhance the ability of GNMA to fulfill its responsibilities to the housing market. The Federal Reserve Bank of New York ("FRB–NY") observed that it was unlikely that the trading of standardized GNMA options would have an impact on the market for related underlying securities, such as Treasury bonds, and indicated that the over-the-counter GNMA forward market could have a more significant effect on the market for Treasury securities, in light of the possibility that overextensions and defaults in that market could threaten the financial integrity of firms also making markets in Treasury securities. The staff of the Board of Governors of the Federal Reserve System (the "FRB") and the Department of the Treasury suggested that, on balance, it appeared likely that the existence of a derivative options market would benefit the GNMA cash market, and concluded that a GNMA options market, if properly regulated, would not be expected to have adverse effects on the markets for Treasury securities.

A. *Contract design.* The American Stock Exchange, Inc. (the "Amex"), although generally supporting the concept of exchange-traded options on GNMAs, expressed concern regarding the design of the CBOE's proposed contract and asserted that the CBOE proposal does not adequately address market needs.[19] Essentially, the Amex stated that the yield equivalence feature of the CBOE contract would create uncertainty as to what coupon rate would be borne by GNMA securities delivered upon exercise of an option, and that, consequently, an options contract for each GNMA coupon rate would be preferable.[20] As discussed, *infra*, so long as there are not regulatory concerns, the Commission is not inclined to substitute its judgement for that of a self-regulatory organization with respect to such matters of business judgement as the optimal contract design for trading standardized options of GNMA securities. Under these circumstances, the marketplace generally should be permitted to determine whether a particular contract meets the needs of market participants.

B. *Sales practice requirements.* Several commentators indicated that a major benefit of the CBOE proposal would be the availability of a GNMA options market subject to an effective regulatory structure.[21] In this regard, the CBOE would apply its existing options sales practice rules to trading of GNMA options. For example, the strict suitability rules for equity options

[10] CBOE GNMA Options Memorandum, at p. 3.

[11] For a discussion of the problems and abuses which developed in the GNMA markets, *see*, GNMA Study. See also letter dated June 20, 1980, from Alan E. Rothenberg, Senior Vice President, Citizens Savings and Loan Association, to the Secretary of the Commission; letter dated July 10, 1980, from William E. Long, Vice President, Residential Division, Percy Wilson Mortgage and Finance Corp., to George A. Fitzsimmons, Secretary of the Commission. File No. SR–CBOE–80–7.

[12] The Commission has considered all comment letters received and has placed them in a public file. See File No. SR–CBOE–80–7.

[13] The Chicago Board of Trade (the "CBT") argued, in general, that the CBOE's proposed GNMA options are within the jurisdiction of the CFTC and that, therefore, the current proscription of commodity options, pursuant to the Commodity Exchange Act (the "CEA"), 7 U.S.C. 1 *et seq.*, and the rules and regulations thereunder, applies to the CBOE proposal. Letter dated August 26, 1980, from Robert K. Wilmouth, President, Chicago Board of Trade, to George A. Fitzsimmons, Secretary of the Commission ("CBT letter"). The Commission disagrees. We believe that the CEA is not applicable to the trading of options on GNMA securities, particularly where the trading is on a national securities exchange. *See* Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2. *See also Report of the Senate Comm. on Agriculture and Forestry on H.R. 13113*, *S. Rep. No. 1131*, 93d Cong., 2d Sess. (1974) at p. 26.

[14] In addition to comments from individual mortgage bankers, the Mortgage Bankers Association and the Mortgage-Backed Securities Division of the Public Securities Association endorsed the CBOE proposal. Those organizations also made several more technical comments, which are discussed *infra*.

[15] Letter dated November 3, 1980, from John Fitzgerald, Chairman, Options Committee, Securities Industry Associatio, to George Fitzsimmons, Secretary of the Commission.

[16] The Commission staff requested comments from GNMA, the Department of the Treasury, the Commodity Futures Trading Commission, the Board of Governors of the Federal Reserve System, and the Federal Reserve Bank of New York.

[17] Letter dated August 28, 1980, from Ronald P. Lawrent, President, government National Mortgage Association, Department of Housing and Urban Development, to Douglas Scarff, Director, Division of Market Regulation ("GNMA letter"); letter dated September 8, 1980, from Lawrence B. Simons, Assistant Secretary for Housing—Federal Housing Commissioner, to Douglas Scarff, ("HUD letter"); letter dated September 11, 1980, from Robert Carswell, Deputy Secretary of the Treasury, to Douglas Scarff, ("Treasury letter"); letter dated September 17, 1980, from Peter D. Sternlight, Senior Vice President, Federal Reserve Bank of New York, to Douglas Scarff, ("FRB–NY letter"); letter dated November 5, 1980, from Stephen H. Axilrod, Staff Director for Monetary and Financial Policy, Board of Governors of the Federal Reserve System, to Douglas Scarff, ("FRB letter"); and letter dated February 10, 1981, from James A. Culver, Director, Division of Economics and Education, CFTC, to Douglas Scarff ("CFTC letter"). File No. SR–CBOE–80–7.

[18] While the CFTC letter did not explictly endorse the CBOE proposal and indicated that it would not address issues with respect to the Commission's jurisdiction over GNMA options, it did not raise any problems with the concept of exchange-traded options on GNMA securities.

[19] Letter dated August 28, 1980, from Paul G. Stevens, Senior Vice President, Options Division, Amex, to George A. Fitzsimmons, Secretary of the Commission ("Amex letter").

[20] On December 23, 1980, the CBOE addressed in detail the issues raised in the Amex letter and provided reasons for CBOE's choice of delivery requirements. See letter dated December 23, 1980, from Thomas N. Rzepski, Senior Vice President, Research and Planning, CBOE, to George A. Fitzsimmons, Secretary of the Commission. Other commenters indicated that permitting delivery of a range of coupon rates would be desirable incertain respects. See, *e.g.*, FRB letter, GNMA letter.

[21] See, *e.g.*, Treasury letter, FRB–NY letter, GNMA letter.

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customers, adopted by the CBOE in response to the Options Study recommendations,[22] would also be applicable to GNMA options customers. In addition, customer accounts would be required to be specifically approved for GNMA options trading based on the customer's background and financial information and investment objectives.[23] Broker-dealers would be required to furnish to customers approved for GNMA options trading disclosure material concerning the risks of trading in GNMA options.[24] The CBOE has also undertaken to develop an examination and education program for member firm personnel selling GNMA options to the public and persons supervising such activities, in an effort to ensure that such persons are sufficiently knowledgeable about GNMA options, the GNMA cash market, and the rules applicable to the sales and trading of GNMA options to deal appropriately with public customers.[25] The Commission believes that the requirements currently proposed,[26] together with the modifications that CBOE has undertaken to make, should provide an adequately regulated environment for the trading of GNMA options.

C. *Margin requirements.* The proposal would provide for the application of premium-based margin requirements to GNMA options transactions. Essentially, the proposed minimum margin requirement for each put or call GNMA options contract carried in an uncovered short position would be 130 percent of the current market value of the contract plus $1500.[27] CBOE has indicated its belief that this level would provide adequate coverage in the event of adverse price movements and would be less complex to calculate than margin based on a percentage of the value of the underlying securities (as margin for equity options is currently calculated). Since Regulation T (12 CFR § 220.1 *et seq.*), which is administered by the FRB, establishes initial margin requirements for the trading of options, including GNMA options, the CBOE's proposed premium-based margin rules cannot become effective without action by the Board of Governors of the Federal Reserve System.[28] The Commission understands that the FRB is considering a CBOE request for amendments to Regulation T to permit the trading of options using a premium-based margin.

While Regulation T establishes initial margin requirements, the FRB has not adopted provisions with respect to maintenance margin. Accordingly, Commission approval of the CBOE proposal will establish maintenance margin requirements for the trading of GNMA options. The Commission believes that the level of maintenance margin proposed by CBOE is appropriate. Nevertheless, if the FRB determines not to approve the CBOE's current margin proposal, the Commission expects the CBOE to reexamine the appropriateness of its maintenance margin requirements in light of the FRB determination.

D. *Pricing considerations.* Certain commentators also were concerned whether the price-related information concerning the markets for GNMA securities would be adequate for pricing GNMA options. In particular, the CBT argued that, since pricing in the existing options market is dependent upon information concerning transactions in the underlying securities, the creation of a GNMA options market would pose serious problems if adequate price-related information is not available. As the CBT recognizes, there is no real time transaction reporting system or regulated quotation reporting system for the GNMA cash market, as there is for the cash market in securities underlying equity options.[29] While the Commission recognizes that the absence of last sale reporting and of regulated quotation reporting will not permit GNMA options to be priced in the same manner as equity options are priced,[30] on balance the Commission believes that there is sufficient information available to permit the pricing of GNMA options. As the Amex letter points out, the data currently available with respect to prices in the GNMA cash market supports a substantial volume of trading in that market.[31] In part, such trading can occur efficiently in the absence of more detailed transaction information because of the importance and availability of interest rate information in GNMA pricing. In addition to price information from the cash market, data which may be used for pricing purposes will be available from the futures market, as well as from the CBOE's GNMA options market. Accordingly, the Commission believes, at least as a preliminary matter, that there will be sufficient information available on the CBOE floor to permit the maintence of a fair and orderly market in GNMA options.

E. *Surveillance.* In connection with its proposal, the CBOE has furnished to the Commission general information concerning its plan for surveillance of GNMA options trading.[32] The CBOE's surveillance procedures for its GNMA options market necessarily differ in certain respects from its procedures with respect to its equity options market, primarily because of the different regulatory structures, existing in the GNMA markets. The Commission anticipates that, as experience is gained with respect to the trading of GNMA options, CBOE will make any modifications in its surveillance system that appear necessary, since adequate surveillance is essential in order to realize the benefits and efficiencies expected from a regulated market and to ensure the integrity of the market.[33] In order to permit the Commission to evaluate the operation of the surveillance program, the CBOE should report to the Commission concerning its GNMA options surveillance activities six months after trading in GNMA options begins on the CBOE and again in one year after that trading begins.

F. *Multiple trading.* The Commission's consideration of the CBOE proposal to trade options on GNMA securities and the filing of a similar proposal by the New York Stock Exchange (the "NYSE")[34] have raised questions regarding multiple trading of these instruments and options on other non-equity securities. With respect to options on equities, the Commission has deferred action on the general expansion of multiple trading, among other reasons, in order to permit the options self-regulatory organizations to consider whether the development of technical facilities to integrate to options markets is feasible.[35] Several commentators have questioned whether the decision to defer this issue would also preclude multiple trading of options on non-equity securities.[36]

As a preliminary matter, the Commission does not believe that its decision to defer consideration of whether to permit expansion of multiple trading in equity options should apply to multiple trading of options on non-equity securities. Restricting multiple trading with respect to non-equity options would widen the Commission's role in allocating market "franchises." While the Commission has, pending a decision on multiple trading, permitted franchising of equity options, market allocation would be significantly more difficult here, given the limited number of optionable non-equity instruments.[37] In addition, allocation of non-equity options, would also remove any potential for competition on the basis of variations in the contract design of options on the same underlying security,[38] a phenomenon that has occurred to some extent in the futures market. As indicated above, the Commission believes that it is desirable that market forces, as opposed to regulatory intervention, determine the optimal contract design and trading environment for options on non-equity securities.

The Commission's current deferral of a decision with respect to the expansion of multiple trading of equity options has in part arisen out of a concern that, given the historical development of the markets for those securities and the importance of options trading to the existing options marketplaces, unlimited expansion of multiple trading of equity options would result, as a practical matter, in only a transitory increase in market competition while at the same time precipitating significant changes in the existing structure of the options markets. While the Commission does not believe that it is appropriate to take regulatory measures designated solely to preserve any particular market or exchange, it remains concerned that unlimited multiple trading of equity options at this time might result in significant deleterious structural changes in the markets,[39] with a resultant decrease in competition in other areas such as services relating to execution and clearing functions. As a result, the Commission has expressed an unwillingness to permit further multiple trading absent further study of its ramifications.

Such considerations are not, however, raised in the context of a prospective market in options on non-equity securities. No potential market has committed significant resources on the basis of exclusive franchising, nor is there any functioning market structure that would be disrupted by the existence of multiple trading. Moreover, the Commission believes, at least as a preliminary matter, that allowing multiple trading in the limited area of non-equity options would not have the potential to jeopardize a marketplace's financial viability or its ability to participate in other areas of the securities markets. Accordingly, the Commission believes that multiple trading of non-equity options may be beneficial to the marketplace and preserve the potential for competition among market centers in this new product, without the possibility of the severe adverse effects that might occur as a result of unlimited multiple trading in the established equity options markets. As a result, the Commission is not inclined, at this time, to defer multiple trading of options on non-equity securities. Early consideration of this issue will provide guidance to those that want to submit other non-equity options proposals. The Commission, therefore, is soliciting comments on the multiple trading question in the context of its publication of the NYSE GNMA options filing.[40]

III. Findings and Conclusion

Under Section 19(b)(2) of the Act, the Commission must approve the CBOE's proposed rule change if it finds that the proposed rule change is consistent with the requirements of the Act and the rules thereunder applicable to the CBOE. For the most part, the applicable statutory requirements are found in Section 6(b) of the Act, 15 U.S.C. 78f(b), which contains a number of requirements for the rules of national securities exchanges. The Commission has carefully reviewed the CBOE proposal and has concluded that it is appropriate for the CBOE to amend its rules to provide for the trading of options on GNMA securities.[41] It should be noted, however, that such trading cannot begin until the CBOE has satisfied other necessary requirements, such as conformance of its rules with the FRB margin requirements, and until the OCC has obtained approval of a disclosure document for GNMA options and has filed any necessary amendments to its rules. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned amended proposed rule change be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-6902 Filed 3-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17578; file No. SR-NYSE-1981-4]

Self-Regulatory Organizations, New York Stock Exchange, Inc.; Proposed Rule Change Relating to Trading of GNMA Options.

Comments requested on or before May 4, 1981.

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[22] *Report of the Special Study of the Options Markets to the Securities and Exchange Commission*, H.R. Rep. IFC3, 96th Cong., 1st Sess. (Comm. Print 1978) ("Options Study").

[23] This account approval requirement would apply only to CBOE members. The Commission urges the other exchanges and the National Association of Securities Dealers, Inc. to adopt similar requirements applicable to their members trading in GNMA options on on excess basis.

[24] The Options Clearing Corporation ("OCC") has not yet filed disclosure material relating to GNMA options with the Commission. The adequacy of such disclosure will be reviewed by the Commission before trading in GNMA options can begin.

[25] While the CBOE's education and examination program will not be applicable to persons associated with non-CBOE member firms doing business in GNMA options, such persons must have sufficient knowledge and information concerning GNMA options to permit them to evaluate their appropriateness for customers.

[26] The CBOE proposal also would apply position and exercise limits to GNMA options trading that are more stringent than those currently applicable to equity options. Some commentators expressed concern that such limits might not be high enough to permit normal institutional activity in the GNMA markets, but indicated that the limits chosen were acceptable as an initial matter. See, *e.g.*, FRB–NY letter; letter dated November 5, 1980, from Robert L. Shomaker, Vice Chairman, Mortgage-Backed Securities Division, Public Securities Association, to George A. Fitzsimmons, Secretary to the Commission.

[27] The premium for put or call GNMA options contracts carried in a long position would be required to be fully paid.

[28] In commenting on the CBOE proposal, both the FRB staff and FRB–NY indicated the view that the current margin level for equity options appears inappropriate for GNMA options. See FRB letter FRB–NY letter.

[29] See also HUD letter.

[30] See generally Options Study, at 933.

[31] Amex letter.

[32] The Commission also is requesting the CBOE to furnish a more complete description of its GNMA options surveillance program before it commences trading.

[33] On February 18, 1981, the CBOE filed with the Commission proposals to amend its rules, among other things, to permit it to obtain information concerning trading in the GNMA markets by affiliates of GNMA options market makers and to specify the types of information required from market makers. In addition, the CBOE filing would prescribe qualification requirements for GNMA options personnel. See File No. SR–CBOE–81–2. The CBOE has represented that the amendments will be considered by its Board of Directors in March.

[34] On January 30, 1981, the NYSE filed a proposed rule change pursuant to Section 19(b) of the Act to trade options on GNMAs. See file No. SR–NYSE–81–4.

[35] See Securities Exchange Act Release No. 16701 (March 26, 1980).

[36] At least one commentator appears to have assumed that this deferral would be extended to options on non-equity securities. *See* Treasury letter.

[37] For example, when the Commission deferred its decision on the expansion of multiple trading of equity options, the existing options exchanges initially were able to select sixty new underlying securities for options trading. In contrast, there appear to be only a limited number of non-equity securities that could be allocated for options trading.

[38] For example, the Amex indicated its belief that the proposed CBOE contract does not adequately address market needs. See discussion, *supra*. Moreover, if the Commission were to attempt to allocate options on non-equity securities, problems would arise concerning the method to be used in that allocation. For example, the Commission could allocate only one option for each underlying instrument or could attempt to make difficult decisions based on whether contracts on the same underlying instrument were sufficiently different to, in effect, constitute different instruments.

[39] *See*, Securities Exchange Act Release No. 16701 (March 26, 1980) at n. 47.

[40] See Securities Exchange Act Release No. 17578 (February 20, 1981).

[41] The Commission anticipates that the CBOE will provide data which will facilitate the Commission's ability to monitor the extent of trading and the quality of the market in CBOE GNMA options.

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Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 30, 1981, the New York Stock Exchange, Inc., ("NYSE") filed with the Securities an Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. NYSE's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides a regulatory framework for a market on the Floor in options on modified pass-through mortgage backed debt securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association ("GNMAs"). The proposed rule change also extends the reach of the Exchange's "upstairs" option rules (existing series 700) to cover options on GNMAs and on obligations issued or guaranteed by the U.S. Government and by quasi-governmental corporations other than The Government National Marketing Association ("Government securities"). The particulars of the new rules and of the amendments to existing rules are described below.

Rule 345. Rule 345 is proposed to be amended to require a registered representative to take an appropriate examination in order to qualify as a "Registered Options Principal".

Rule 700. Existing definitions of "put", "call", "exercise price", "aggregate exercise price" and "covered" in Rule 700 are proposed to be amended to make those terms applicable to options on Government securities and GNMAs. Additional definitions of new terms are also proposed. The rule's definitions also would be alphabetized.

The definition of "aggregate exercise price" would be amended to mean, as applied to GNMA options, the exercise price of an option multiplied by the nominal principal amount of the underlying GNMAs. The definition would provide for adjustments of the aggregate exercise price in the event the remaining unpaid principal balance of a GNMA delivered upon exercise of a GNMA option varies from the nominal principal amount. The adjustments would reflect both the actual remaining unpaid principal balance of the GNMA delivered and the "appropriate differential". The term "appropriate differential" is defined as an amount calculated with reference to variations in the remaining unpaid principal balance actually delivered upon exercise of a GNMA option and the "current cash market price" of GNMAs bearing the same stated rate of interest as that borne by the GNMAs delivered. As applied to Government security options, "exercise price" would mean the exercise price of an option multiplied by the principal amount of the particular Government security underlying the option.

The definitions of "put" and "call" would be amended to provide that a holder of a GNMA option has the right to sell to or purchase from OCC, in accordance with the terms of the option, a remaining unpaid principal balance of GNMAs (referred to as the "nominal principal amount"), plus or minus the permitted principal variance. The "nominal principal amount" of a GNMA option would be fixed, in accordance with the OCC Rules, at $100,000 remaining unpaid principal balance of GNMAs. In order to apply to Government securities, the definitions of "put" and "call" would be amended to provide that the holder of a Government security option has the right to sell to or purchase from OCC, in accordance with the terms of the option, $100,000 principal amount of particular Government securities.

"Covered" would be amended to apply to GNMA options by appropriately correlating (i) short positions in GNMA call options with long positions in either the underlying GNMAs or in GNMA call options and (ii) short positions in GNMA put options with long positions in such options, based on the exercise price of the offsetting options positions or the remaining unpaid principal balance of the offsetting GNMA position. "Covered" would also be amended to apply to Government security options in an identical manner, except that the "principal amount", rather than the "remaining unpaid principal balance", is the measure of the basis of an offsetting Government securities position.

The definition of "exercise price" would be amended to apply to GNMA options and Government security options. As applied to GNMA options, the term would refer to the specified percentage of the nominal principal amount at which the underlying GNMA may be purchased or sold upon exercise of an option. The definition would provide for adjustment of that specified percentage in the event a GNMA delivered upon such exercise bears a stated rate of interest at a "qualifying rate" other than the "designated rate" of eight percent. The adjustment would cause the amount paid to provide the same yield maturity as the amount which would have been payable if the stated rate of interest had been equal to the designated rate, assuming a 30-year term and prepayment at the end of the twelfth year of the mortgage obligations underlying GNMAs. In its application to Government security options, "exercise price" would refer to the specified percentage of the principal amount at which the particular underlying Government security may be purchased or sold upon exercise of an option.

"GNMA" would be defined to confine it to GNMAs bearing a "qualifying rate" of interest. What constitutes a qualifying rate would be subject to change from time to time on the basis of the then current "GNMA production rate", that is, a rate of interest 50 percent below the current Federal Housing Administration-Veterans Administration mortgage rate. A qualifying rate would be any rate equal to or less than the current GNMA production rate, provided that, (i) in the event of a change in the GNMA production rate, already outstanding GNMAs bearing interest at the changed GNMA production rate would not be deemed to bear a qualifying rate for the periods specified, and (ii) if the change is a decrease, outstanding GNMAs bearing an interest rate that was qualifying rate immediately before the change would be deemed to continue to bear a qualifying rate for the periods specified. Finally, the definition of "GNMA" would provide that any two or more separate certificates representing GNMAs bearing the same qualifying rate delivered in accordance with the OCC Rules would be deemed to be a single GNMA (representing the aggregate of the remaining unpaid principal balances of such separate certificates).

"Government security" would be defined to include "Treasury bills", "Treasury notes" and "Treasury bonds", each of which is also proposed to be defined in Rule 700. "Government security" is defined with sufficient breadth to include the several types of securities issued or guaranteed by the U.S. Government and by quasi-governmental corporations, but GNMAs are explicitly excluded.

Supplementary material is proposed to be added to Rule 700 to make clear that the current standard form prospectus covering GNMAs is form HUD 1717 and to establish that the time for determining the cash market price of GNMAs for purposes of calculating the appropriate differential would be immediately prior to preparation of advice by OCC concerning the precise amounts of aggregate exercise prices

payable with respect to exercised GNMA options.

Rules 701, 702 & 703. Proposed rule 701 specifies the procedures for selecting which GNMA option contracts are to be traded. Proposed Rule 702 establishes that the rights and obligations of holders and writers thereof are determined by the OCC Rules. Proposed Rule 703 sets forth how series of such contracts are to be fixed.

Rules 704, 705 & 706. Proposed Rules 704, 705 and 706 establish position and exercise limits of 200 GNMA contracts and require reporting of aggregate positions of 200 or more contracts.

Rules 707, 708 & 709. Proposed rule 707 requires liquidation of positions in excess of the 2000 contract limit of proposed Rule 704. Proposed Rule 708 empowers the Exchange to prohibit writing transactions and uncovering of covered short positions if there are outstanding an excessive number, or an excessively high percentage, of uncovered short positions. Proposed Rule 709 authorizes the Exchange to impose other restrictions on Exchange option transactions and on the exercise of GNMA option contracts.

Rules 715 & 716. Proposed Rules 715 and 716 empower the Exchange to establish appropriate criteria with respect to approving particular GNMAs as underlying securities and withdrawing its approval of underlying GNMAs.

Rule 717. Proposed Rule 717 requires trading rotations following the availability of quotations for GNMAs following halts and suspensions, and at expiration. The rule also provides for halts and suspensions when trading in the GNMA has been halted or suspended in the primary market or in the event current quotations are unavailable.

Rule 721. Rule 721 is proposed to be amended to require special approval of customers' accounts prior to acceptance by members of orders from customers to purchase or write GNMA or Government security options.

Rule 726. Rule 726 is proposed to be amended to require delivery of a current OCC prospectus on GNMA and Government security options to customers whose accounts have been approved for GNMA and Government security transactions, respectively.

Rule 750. Proposed Rule 750 makes applicable certain existing Floor rules of the Exchange to Exchange trading of GNMA options.

Rule 751. Proposed Rule 751 provides that bids and offers for GNMA options shall be deemed to be for one option contract unless otherwise stated and shall be expressed in thirty-seconds of a points.

Rule 753. Proposed Rules 753 regulates the acceptance and precedence of bids and offers made for GNMA options.

Rule 754. Proposed Rule 754 provides that the unit of trading in each series of Exchange options shall be established by OCC.

Rule 755. Proposed Rule 755 obligates the specialist to report on orders left with him.

Rule 756. Proposed Rule 757 requires a member to attempt to execute a transaction in a GNMA option on an exchange before executing in it the over-the-counter market.

Rule 757. Proposed Rule 757 requires each Competitive Options Trader and specialist to report to the Exchange all orders handled and all accounts in which he trades.

Rule 758. Proposed Rule 758 prescribes qualifications for Competitive Options Traders, regulates their Floor conduct, restricts transactions in which they have an interest and specifies the manner in which they may engage in options trading.

Rule 759. Proposed Rule 759 provides for cabinet trading of GNMA options at premiums of $1.00 or less.

Rules 760, 761 and 762. Proposed rules 760, 761 and 762 require that each clearing member submit specified trade information relating to each transaction he effects and be responsible for the clearance of each such compared transaction through OCC.

Rules 763 through 766. Proposed Rules 763, 764, 765 and 766 set forth procedures for Exchange comparison of trade information and generation of lists of compared and uncompared trades. Clearing members are required by these proposed rules to reconcile uncompared trades, report such reconciliations to the Exchange and resubmit trade information for comparison by the Exchange.

Rule 767. Proposed Rule 767 directs that every clearing member maintain an office at an Exchange-approved location and that an authorized clearing member representative be present at that office for such hours as the Exchange shall determine.

Rule 770. Proposed Rule 770 prescribes the manner in which unreconciled, uncompared trades are to be resolved. The rule requires the member representing the purchaser (writer) to enter the Floor and buy (sell) the questioned option contract, unless the uncompared trade is for a firm account.

Rule 771 and 772. Proposed Rule 771 offers the writer of an Exchange option transaction the choice, upon the default of a clearing member, of cancelling the transaction or entering into a new transaction and charging any loss to the defaulting clearing member. Proposed Rule 772 regulates the treatment of unsecured open positions of members who become suspended.

Rule 780. Proposed Rule 780 requires that option contracts be exercised by the clearing member according to the OCC Rules and sets a fixed cut-off time prior to the expiration date of the option contract at which a member organization will be able to accept exercise instructions.

Rule 781. The proposed amendments to Rule 781 provide that in allocating exercise notices, the member organization shall differentiate between positions of block size and smaller positions in GNMA options and Government security options. They further provide that when so directed by OCC, a member organization shall allocate a government security or GNMA call option contract exercise notice to a customer who has made a specific deposit of the underlying Government security or GNMA.

Rule 782. The proposed amendments to Rule 782 require that payment of the aggregate exercise price by a customer be accompanied by accrued interest in the cases of GNMA option contracts and Government security option contracts. They also propose that in the case of GNMA option contracts, the customer need not pay the aggregate exercise price until the member organization informs the customer of the exact amount.

Rule 792. Proposed Rule 792 establishes the days and hours of the Exchange's option market independently of the Exchange's stock and bond markets, and provides for the trading of GNMA options during the hours that GNMA's ordinarily trade in the cash market.

II. NYSE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

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(A) *NYSE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

(1) *Purpose.* The purpose of the proposed rule change is to provide the regulatory framework for a market on the Floor in options on modified pass-through mortgage-backed debt securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association ("GNMAs"). The proposed rule change is also designed to extend the reach of the Exchange's "upstairs" option rules (existing series 700) to cover options on GNMAs and on obligations issued or guaranteed by the U.S. Government or by quasi-governmental corporations other than the Government National Mortgage Association ("Government securities"). More detailed explanation of the purposes of the proposed amendments to existing rules and of the proposd new rules is set forth below on a rule-by-rule basis.

Rule 700. The proposed changes to Rule 700 are intended to provide the requisite scope to the Exchange's option rules and to define necessary terms used throughout the option rules.

Rules 701, 702 & 703. Proposed Rules 701, 702 and 703 are designed to provide for the mechanism for approving and designating GNMA option contracts and for initiating trading therein. By permitting variance in the remaining unpaid principal balances of GNMAs delivered upon settlement of a purchase or sale, proposed Rule 703 is intended to make GNMAs within the specified percentage fungible.

Rules 704, 705 & 706. Proposed Rules 704, 705 and 706 are intended to proscribe transactions resulting in excessive positions with respect to a particular underlying GNMA, to proscribe the exercise within a short period of time of an excessive number of long positions in a particular class of GNMA options, and to provide the Exchange with information necessary to enforce the position and exercise limits established in proposed Rules 704 and 705.

Rules 707, 708 & 709. Proposed Rules 707, 708 and 709 are intended to empower the Exchange to enforce the Rule 704 position limits, and to impose such other restrictions on Exchange option transactions and on the exercise of option contracts in order to rectify undesirable market situations.

Rules 715 & 716. Proposed Rule 715 recognizes that experience in trading GNMA options will be necessary in order to identify appropriate criteria. Proposed Rule 716 is intended to assure the cessation of trading in an option when the underlying GNMA ceases to be a suitable subject of options trading.

Rule 717. Proposed Rule 717 is intended to authorize trading rotations, halts and suspensions in circumstances appropriate for GNMAs

Rule 750. Proposed Rule 750 is intended to apply appropriate existing Floor rules to trading on the Exchange of GNMA options.

Rule 751. Proposed Rule 751 is intended to establish the manner in which bids and offers on option contracts are to be expressed.

Rule 753. Proposed Rule 753 is intended to regulate the acceptance and precedence of bids and offers on options.

Rule 754. Proposed Rule 754 is intended to prescribe the manner in which units of trading are to be established.

Rule 755. Proposed Rule 755 is designed to imposed on specialists a duty to report orders when requested to do so by the ordering member.

Rule 756. Proposed Rule 756 is intended to impose market responsibility obligations on members

Rule 757. Proposed Rule 757 is intended to impose on specialists and Competitive Options Traders an obligation to report to the Exchange accounts in which they trade and orders which they place.

Rule 758. Proposed Rule 758 is intended to regulate the option trading of Competitive Options Traders.

Rule 759. Proposed Rule 759 is intended to permit accommodation liquidations.

Rules 760 through 767, 770 & 771. These proposed rules are intended to provide for the comparison of Exchange option transactions.

Rule 772. Proposed Rule 772 is intended to prescribe the manner in which open option contracts of suspended members are to be treated.

Rule 780. Proposed Rule 780 is designed to establish procedures for the exercise of option contracts.

Rule 792. Proposed Rule 792 is intended to permit the Exchange's option market to operate, and suspend operation, independently of the Exchange's stock and bond markets, and to permit the hours of the Exchange's market in GNMA options to track those of the primary market in the underlying GNMAs.

(2) *Statutory Basis.* The proposed rule change relates to section 6(b)(1) of the Act in that it would provide a regulatory framework for a market in GNMA options on the Floor. The proposed rule change would give the Exchange the capacity to carry out the purposes of the Act and to comply with the provisions of the Act, the rules and regulations thereunder and the rules of the Exchange, and to enforce compliance therewith by Exchange members and persons associated with members. Except for the changes necessary to accommodate GNMA options trading, the Exchange's existing rules, and hence the same bases and policies underlying those rules, apply to the Exchange's proposed market in GNMA options. Thus, the proposed rule change contemplates applying to Exchange trading of GNMA options the long-established regulatory principles and techniques which are designed to assure the fairness, orderliness and quality of the Exchange's stock and bond markets. In addition, except for changes necessitated by the particular characteristics of the underlying GNMAs and the markets therein, most of the new rules contained in the 700 series are substantially identical to those of the 900 series of the rules of the American Stock Exchange, Inc. and therefore have a common basis in the Act and the rules and regulations thereunder. Consequently, the Exchange believes the public interest will be advanced by Exchange trading of GNMA options.

(B) *NYSE's Statement on Burden or Competition.*

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Quite to the contrary, the Exchange believes that significant benefits will flow to the U.S. economy in general and the housing industry in particular, to market professionals and to investors from the creation of a free and open market for the trading of standardized options on GNMAs. The Exchange believes that the proposed rule change will permit the creation of such a market—a market designed to prevent fraudulent and manipulative acts and practices, to permit just and equitable principles of trade, to protect investors and the public interest and to provide appropriate disciplinary procedures applicable to its members and persons associated with its members who violate the rules of the Exchange.

(C) *NYSE's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

No comments have been solicited or received to date. The Exchange expects to solicit comments on the proposed rule change from Exchange members and member organizations and to incorporate appropriate comments into the proposed rule change by an amendment. In addition, the Exchange is forming a users advisory committee to assist it in designing its market in GNMA options.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of NYSE Board approval of the proposed rule change or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. In this regard, commentators should note that the NYSE proposal, in light of the Commission's decision to permit the CBOE to trade a virtually identical contract,[1] raises questions regarding multiple trading of non-equity options. In the release approving a proposed rule change concerning the CBOE GNMA options proposal, the Commission indicated that, while it has deferred a determination regarding the expansion of multiple trading of equity options, as a preliminary matter, it does not believe that this decision should be extended to multiple trading of options on non-equity securities. Commentators are especially invited to discuss any factors or issues that might be relevant in this regard, particularly whether non-equity options should be treated differently from equity options and whether multiple trading of this limited group of options will have a significant negative competitive impact on the options markets in general.

In addition to this concern, the Commission in the CBOE GNMA Options release also noted that the Special Study of the Options Market discussed several concerns relative to NYSE participation in the standardized stock options market, including among other factors (1) the trading of options at the same physical location as the principal market for the underlying securities and (2) the position of the NYSE as the predominant equity market.[2] The Commission stated that as a preliminary matter, it is inclined to believe that these concerns are not relevant to NYSE participation in the market for options on non-equity securities. Commentators are invited to address these or any other issues relating to NYSE participation in the GNMA options markets.[3]

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the captions above and should be submitted on or before May 4, 1981.

For the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 26, 1981.

[FR Doc. 81-6899 Filed 3-3-81; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Securities Exchange Act Release No. 17577 (February 26, 1981) ("CBOE GNMA Options Release").

[2] *Report of the Special Study of the Options Market to the Securities and Exchange Commission*, H. R. Rep. IFC3, 96th Cong., 1st Sess., Chapter VIII, Parts IV and VI (Comm. Print 1978).

[3] As an additional matter, commentators also may want to discuss concerns that might arise from the simultaneous trading of GNMA options and GNMA futures or options on GNMA futures on a single floor. The Commission understands that the NYSE proposes to trade GNMA options on the floor of the New York Futures Exchange ("NYFE") and intends to trade GNMA futures and options on GNMA futures on that floor as well.

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0246]

Morning Capital Corp.; Application for License To Operate as Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Morning Capital Corporation, Suite 324A, 5701 Woodway, Houston, Texas 77057, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Arnold M. Miller, 103 Willowend, Houston, Texas 77024, President, Director
Conrad Sylvan Weil, Jr., 405 Longwoods, Houston, Texas 77024, Vice President, Director
Barbara Brown, 753A Bering Drive, Houston, Texas 77057, Secretary, Treasurer
James Gordon, 10915 Kirwick Drive, Houston, Texas 77057, Director
Morning Company, Inc., 100 percent Shareholder
Morning Company, Inc., Wholly owned by Arnold M. Miller

There will be one class of stock authorized: one million shares of common stock. Initially Morning Company, Inc. will purchase 504,000 shares with a resultant private capital of $504,000, or 100 percent of the voting shares of the Applicant. Applicant proposes to conduct its operations in the Houston, Texas area and throughout the United States in the interest of portfolio diversification.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may (not later than March 19, 1981) submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6914 Filed 3-3-81; 8:45 am]

BILLING CODE 8025-01-M

V 46 / 42 MAR 4 81 UMI

[License No. 09/09-0274]

Pan American Investment Co.; Issuance of License To Operate as Small Business Investment Company

On December 24, 1980, a notice was published in the **Federal Register** (45 FR 85241), stating that Pan American Investment Company, located at 350 California Street, Suite 2090, San Francisco, California 94104, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980), for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business January 8, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-0274 to Pan American Investment Company, on January 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.111, Small Business Investment Companies)

Dated: February 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6915 Filed 3-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0277]

Westamerican Capital Corp.; Issuance of License To Operate as Small Business Investment Company

On November 4, 1980, a notice was published in the **Federal Register** (45 FR 73210), stating that Westamerican Capital Corporation, located at 180 Newport Center Drive, Suite 200, Newport Beach, California 92660, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980), for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until close of business November 19, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-0277 to Westamerican Capital Corporation, on January 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.111, Small Business Investment Companies)

Dated: February 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6917 Filed 3-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5260]

Sam Woong Investment Co.; Issuance of License To Operate as Small Business Investment Company

On October 14, 1980, a notice was published in the **Federal Register** (45 FR 67818), stating that Sam Woong Investment Company, located at 1625 West Olympic Boulevard, Suite 1007, Los Angeles, California 90015, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business October 29, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-5260 to Sam Woong Investment Company, on February 5, 1981.

Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies)

Dated: February 24, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-6916 Filed 3-3-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Advisory Committee on Outdoor Advertising and Motorist Information; Cancellation of Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of DOT Order 1120.3A and the Federal Advisory Committee Act, 5 U.S.C., App. I, the meeting of the National Advisory Committee on Outdoor Advertising and Motorist Information scheduled for March 5 and March 6, 1981, in Washington, D.C. (notice published at 46 FR 5118, January 19, 1981) is cancelled due to budgetary constraints and a necessary reduction in travel allocations.

FOR FURTHER INFORMATION CONTACT: Richard W. Moeller, Chief, Acquisition Branch, Real Property Acquisition Division, 202-245-0021, or Edward Kussy, Deputy Assistant Chief Counsel for Right-of-Way and Environmental Law, 202-426-0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

(Catalog of Federal Domestic Assistance Program Number 20.214, Highway Beautification—Control of Outdoor Advertising, and Control of Junkyards. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal Federally assisted programs and projects apply to this program.)

Issued on: March 3, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-7076 Filed 3-3-81; 9:17 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

United States To Reassess Tax Treaties With Rwanda, Burundi, and Zaire

The Treasury Department announces that it is soliciting the views of interested persons on the income tax treaty between the United States and Belgium, as extended to Rwanda, Burundi, and Zaire.

The Treasury Department seeks information concerning the extent investment of in these countries by U.S. persons and the extent to which such investment has benefitted from the provisions of the tax treaty since the three countries have become independent. Treasury also seeks information concerning any investment in the United States by residents or corporations of these countries, and the extent to which such investment has benefitted from the provisions of the treaty.

Treasury's review, which is similar to the review announced in August 1979 of the extension of the former United States-United Kingdom tax treaty to U.K. territories and former territories, will permit an assessment of the application of the U.S.-Belgium income tax treaty to these three countries since their independence.

Comments should be addressed to Joel Rabinovitz, Deputy International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

Dated February 27, 1981.

Emil M. Sunley,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 81-6842 Filed 3-3-81; 8:45 am]

BILLING CODE 4810-25-M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 42
Wednesday, March 4, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, March 13, 1981.

PLACE: 2033 E Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–354–81 Filed 3–2–81; 3:24 pm]

BILLING CODE 6351–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION.

Revised Agenda [1]

TIME AND DATE: 9:30 a.m., Wednesday, March 4, 1981.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Part open, part closed to the public.

MATTERS TO BE CONSIDERED: *Open to the Public.*

1. *Briefing on Gas-Fired Space Heaters: Final Stockpiling Rule; Petition to Extend Effective Date*
The staff will brief the Commission on issues related to a final stockpiling rule under its safety standard for unvented gas-fired space heaters, and on a petition from Martin Industries to extend the effective date of that standard to December 31, 1981, from June 15, 1981. The Commission has scheduled consideration of these matters for its March 13 meeting.
2. *Briefing on Miniature Christmas Tree Lights*
The staff will brief the Commission on its recommendations concerning the safety standard for miniature Christmas tree lights, which the Commission proposed in May, 1978. The Commission must decide by March 15, 1981, whether to publish a final rule or withdraw the proposed rule, and has scheduled consideration of this matter for its March 13 meeting.

Closed to the Public:

3. *Briefing on Civil Penalty Policy*
The staff will brief the Commission on issues it considers when recommending assessment of a civil penalty. Closed under exemptions 9 and 10: possible significant frustration of agency action, and agency adjudication.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, 1111 18th Street NW., Washington, D.C.; telephone (202)634–7700.

[S–344–81 Filed 3–2–81; 10:07 am]

BILLING CODE 6355–01–M

[1] Agenda revised February 25, 1981, to delete a briefing on the Hazard Data Task Force Report, which will be rescheduled, and to add the briefing on Miniature Christmas Tree Lights, previously scheduled for March 5.

3

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission held an Emergency Closed Meeting on Wednesday, February 25, 1981, following the Regular Open Meeting at 1919 M Street, N.W., Washington, D.C. on the following subject:

Budget Revisions for Fiscal Years 1981 and 1982

The prompt and orderly conduct of Commission business did not permit announcement of this matter prior to the meeting.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 2, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S–353–81 Filed 3–2–81; 3:24 pm]

BILLING CODE 6712–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 9, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Memorandum and resolution re: Transfer of Records Management Responsibility from the Executive Secretary to the Controller.

Memorandum and Resolution re; Paperwork-Regulation Control Program.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425

Dated: March 2, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–346–81 Filed 3–2–81; 11:45 am]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 9, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code to consider the following matters:

Application for Federal deposit insurance:

First Security Bank, a proposed new bank, to be located at 6015 100th Street SW., Lakewood (P.O. Tacoma, Washington.

Request for reconsideration of a previous denial of an application for consent to establish a branch:

Provident Savings Bank, Jersey City, New Jersey, for consent to establish a branch at 666 Beverly-Rancocas Road, Willingboro, New Jersey.

Request for an exemption pursuant to section 348.6(a)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

The Bank of Adamsville, Adamsville, Tennessee.

Request for relief from reimbursement of violations under Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii).

Recommendations regarding the liquidation of a bank's assets aquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,676–L—International City Bank & Trust Company, New Orleans, Louisiana
Case No. 44,683–L—The Hamilton National Bank of Chattanooga, Chantanooga, Tennessee
Case No. 44,684–L—The New Boston Bank & Trust Company, Boston, Massachusetts
Case No. 44,688–L—The Hamilton National BAnk of Chattanooga, Chattanooga, Tennessee
Case No. 44,691–L—Fidelity Bank, Utica, Mississippi
Case No. 44,696–L—Republic National Bank of Louisiana, New Orleans, Louisiana

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authrized to be exempt from disclosure purusant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Governement in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignment, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Governement in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Report of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority Sale of Lots

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 2, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S–347–81. Filed 3–2–81; 11:45 am]

BILLING CODE 6714–01–M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 40, 14882, Monday, March 2, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, March 5, 1981.

PLACE: 1700 G Street NW., Board Room, Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the bank board meeting scheduled for March 5, 1981:

Post Employment Conflict of Interest
Mutual Fund Investment
Monetary Control Act Reserves Counting Toward Liquidity Requirements

No. 454, March 2, 1981.

[S–355–81 Filed 3–2–81; 3:34 pm]

BILLING CODE 6720–01–M

7

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Monday, March 9, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computer equipment within the Federal Reserve System.
2. Proposed expenditure by the Federal Reserve Bank of Cleveland for the Energy Conservation project at the Pittsburgh Branch.
3. Proposals for changes in internal System procedures for report clearance.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board 202–452–3204.

Dated: February 27, 1981.

James McAfee,
Assistant Secretary of the Board.

[S–343–81 Filed 2–27–81; 4:38 pm]

BILLING CODE 6210–01–M

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, March 19, 1981.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in American General Insurance Company, Docket No. 8847.

Portions closed to the Public:

(2) Executive Session to discuss Oral Argument in American General Insurance Company, D. No 8847.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office

of Public Information: (202) 523–3830; Recorded Message: (202) 523–3806.

[S–345–81 Filed 3–2–81; 10:07 am]

BILLING CODE 6760–01–M

9

[FCSC MEETING NOTICE NO. 2–81]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time

Wednesday, March 4, 1981 at 10:30 a.m.
Consideration of decisions involving claims of American Citizens against the German Deomcratic Republic and the People's Republic of China; Claims for Vietnam Prisoner of War Compensation.
Wednesday, March 18, 1981 at 10:30 a.m.
Consideration of decisions involving claims of American Citizens against the German Deomcratic Republic and the People's Republic of China; Claims for Vietnam Prisoner of War Compensation.
Wednesday, April 1, 1981 at 10:30 a.m.
Consideration of decisions involving claims of American Citizens against the German Deomcratic Republic and the People's Republic of China; Claims for Vietnam Prisoner of War Compensation.

Oral Hearings

Monday, March 2, 1981 at 2:00 p.m.
CN–2–009—Leib Merkin
CN–2–010—Helen Hart Reynolds, Carolyn H. Crawford
Tuesday, March 10, 1981 at 10:00 a.m.
G–3247—Morgan Guaranty Trust Company of New York; Charitable Trust, Morgan Guaranty Trust Company of New York Trustee
Thursday, March 19, 1981 at 10:00 a.m.
G–2180—Rose Rosengarten
G–3811—Claire Scheinman
G–2963—Emita Dember Armi
G–2964—Alexis B. Dember
G–2972—Walter Hann
G–2998—Robert G. Engel, Herman W. Engel, Steven F. Engel, Adrea Caren
Thursday, March 19, 1981 at 2:00 p.m.
G–0549—G. Paul Hoffmann
G–2390—Joseph Wiesenthal
G–2853—Ella Gross, Frieda Orbach, Joseph Reiss
G–2893—Rudolf G. Maron
G–2895—Alfred Walter Maron
Tuesday, March 24, 1981 at 10:00 a.m.
G–1787—Edgar Grant, Charles H. Henders
G–1452—Ferdinand Nacher
G–1453—Caecilie F. Zimmerman
G–3548—Margot Ganger, Gideon Ferber
Tuesday, March 24, 1981 at 2:00 p.m.
G–3297—Herman Tennebaum, et al.
G–0659—Evelin B. Moore
G–1307—Nelly Mankin
Tuesday, March 31, 1981 at 10:00 a.m.
G–0443—Elizabeth Von Furstenber

Subject matter listed above not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Request for information, or advance notice of intention to observe a meeting, may be directed to Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. 20579; telephone (202) 653–6155.

Dated at Washington, D.C. on February 27, 1981.

Judith H. Lock,
Administrative Officer.

[S–356–81 Filed 3–2–81; 3:50 pm]

BILLING CODE 6770–01–M

10

NATIONAL MUSEUM SERVICES BOARD (NMSB).

DATE AND TIME: March 6 and 7, 1981:

March 6: 9 a.m.–4:15 p.m.
March 7: 9 a.m.–12 p.m.
(Due to an administration oversight, this notice was not published one week prior to the scheduled meeting.)

PLACE:

March 6: Fourth floor conference room (rm. 408–425A), Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201
March 7: Tapestry Room, third floor, beyond rotunda, Corcoran Gallery of Art, 17th Street and New York Avenue NW., Washington, D.C. 20006

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED: March 6:

1. Introduction (9:00 to 9:15 a.m.).
2. Remarks by Acting Asst. Sec., Office of Educational Research and Improvement, U.S. Department of Education (9:15 to 9:30 a.m.).
3. Presidential appointment certificates issued to new Board members by Senator Claiborne Pell (9:30 to 10:00 a.m.).
4. Minutes of previous NMSB meeting (10:00 to 10:10 a.m.).
5. Director's Report (10:10 to 10:45 a.m.).
6. Program Report (10:45 to 11:15 a.m.).
7. Regulations—MAP and Accreditation (11:15 a.m. to 12:00 p.m.).
8. Program Survey Slides (1:00 to 2:00 p.m.).
9. Policy Issues (2:00 to 4:15 p.m.).

March 7:

10. Report of the Committee Studying IMS Review Procedures (9:00 to 10:15 a.m.).
11. Administration (10:15 to 11:15 a.m.).
12. Remarks by Dr. Peter Marzio, Director, Corcoran Gallery of Art, if available (11:30 a.m. to 12:00 p.m.).

CONTACT PERSON FOR MORE INFORMATION: Kate Merlino, Executive Secretary, NMSB; Telephone: 202/426–6577.

Dated: February 26, 1981.

Kate Merlino,
Executive Secretary, National Museum Services Board.

[S–351–81 Filed 3–2–81; 2:20 pm]

BILLING CODE 4000–01–M

11

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 2 (Revisions).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Tuesday, March 3:

10 a.m.: 1. Discussion of Revised Licensing Schedules (public meeting, continued from Feb. 27)
2 p.m.: 1. Meeting with Representatives of Nuclear Insurance Pools (public meeting, as announced)

Wednesday, March 4:

10 a.m.: 1. Discussion of Management-Organization and Internal Personnel Matters (closed—Exemptions 2, 6) (previously announced for Wednesday, February 25)
10:30 a.m.: 1. Discussion of Policy, Planning and Program Guidance for fiscal year 1983–87 (public meeting) (previously announced for Friday, February 27)

Thursday, March 5:

10 a.m.: 1. Discussion of Policy on Proceeding with Pending Construction Permit and Manufacturing License Applications (public meeting)
2 p.m.: 1. Discussion of Revised Licensing Procedures (continued) (2 hours, public meeting)
2. Affirmation/Discussion Session (public meeting). Affirmation and/or Discussion and Vote:
a. Proposed Rulemaking, "Qualification of Reactor Operators"
b. Therapeutic Treatment of Cardiac Dysfunction by Iodine-131

Friday, March 6:

2 p.m.: 1. Continuation of Discussion of Application of the Hearing Process to Pending Proceedings (closed)

ADDITIONAL INFORMATION: February 27 Affirmation/Discussion Session, Item E, Withdrawal of Proposed Rulemaking on the Burden of Proof in Enforcement Proceedings; February 27, 3:00 p.m., Discussion of Application of the Hearing Process to Pending Proceedings (open/portion closed) (previously announced for Wednesday, February 24).

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status of the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,
Office of the Secretary.
February 27, 1981.

[S–352–81 Filed 3–2–81; 3:09 pm]

BILLING CODE 7590–01–M

12

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on March 12, 1981.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell, (202) 634–4015.

Dated: March 2, 1981.

[S–348–81 Filed 3–2–81; 12:54 pm]

BILLING CODE 7600–01–M

13

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on March 18, 1981.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell, (202) 634–4015.

Dated: March 2, 1981.

[S–349–81 Filed 3–2–81; 12:54 pm]

BILLING CODE 7600–01–M

14

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on March 25, 1981.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: March 2, 1981

[S–350–81 Filed 3–2–81; 12:54 pm]

BILLING CODE 7600–01–M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Comments On Proposed Rules for the Week of March 8 through March 14, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

13222 2–20–81 / Milk in the Eastern South Dakota marketing area; recommended decision and opportunity to file written exceptions; comments by 3–9–81

12709 2–18–81 / Milk in the St. Louis-Ozarks and certain other marketing areas; recommended decision to file written exceptions on proposed amendments to tentative marketing agreements and to orders; comments by 3–10–81

Rural Electrification Administration—

3027 1–13–81 / Telephone borrowers: service entrance and station protector installations and station installations (Bulletin 345–52); comments by 3–13–81

CIVIL AERONAUTICS BOARD

85064 12–24–80 / Accounts and reports for certified air carriers, uniform system; reduction in financial and statistical reporting requirements; reply comments by 3–10–81

COMMERCE DEPARTMENT

1761 1–7–81 / Proposed quotas for taking of dolphins incidental to commercial tuna purse seine fishing in the tropical Pacific Ocean; comments by 3–9–81

International Trade Administration—

1258 1–6–81 / Expansion of foreign policy control; interim rule; comments by 3–9–81

Maritime Administration—

10515 2–3–81 / Cargo preference-U.S. Flag vessels geographical allocation of preference cargoes; comments by 3–9–81

[Originally published at 46 FR 2370, 1–9–81]

CONSUMER PRODUCT SAFETY COMMISSION

3034 1–13–81 / Benzene-containing consumer products; proposed withdrawal of proposed ban; comments by 3–13–81

DEFENSE DEPARTMENT

Army Department—

11672 2–10–81 / Obtaining information from financial institutions; comments by 3–12–81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

9005 1–27–81 / Residential Conservation Service program; Federal RCS plan; comments by 3–10–81

Federal Energy Regulatory Commission—

12760 2–18–81 / High-cost gas produced from tight formations; comments by 3–13–81

ENVIRONMENTAL PROTECTION AGENCY

11309 2–6–81 / Alaska State Implementation Plan; comments by 3–9–81

2544 1–9–81 / Canned and preserved seafood processing point source category; comments by 3–10–81

2344 1–9–81 / Hazardous waste management system; General and EPA administered permit programs; the hazardous waste permit program; comments by 3–10–81

11310 2–6–81 / Illinois State Implementation Plan; proposed disapproval of Administrative Order; comments by 3–9–81

11311 2–6–81 / Indiana State Implementation Plan; ambient air quality monitoring, data reporting and surveillance provisions; comments by 3–9–81

1858 1–7–81 / Iron and steel manufacturing point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 3–9–81

11680 2–10–81 / Isophorone, Exemption from the requirement of a tolerance, amendment; comments by 3–12–81

11312 2–6–81 / Nebraska State Implementation Plan; comments by 3–9–81

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11681 2-10-81 / Potassium hydroxide, Exemption from the requirement of a tolerance; comments by 3-12-81

3967 1-16-81 / Preliminary notice of determination concluding the rebuttable presumption against registration of pesticides containing ethylene dibromide; comments by 3-10-81

11678 2-10-81 / Proposed revision of the Maryland State Implementation Plan; comments by 3-12-81

2369 1-9-81 / Pulp, paper, and paperboard industry point source categories; effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 3-9-81

[Originally published at 46 FR 1430, Jan. 6, 1981]

11557 2-9-81 / Standards of performance for new stationary sources; surface coating of metal furniture; comments by 3-10-81

[Originally published at 45 FR 79390, 11-28-80]

11323 2-6-81 / Testing requirements for specification of disposal sites for dredged or fill material; comments by 3-9-81

8590 1-27-81 / Textile mills point source category, effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 3-13-81

[Corrected at 46 FR 11322, 2-6-81]

11320 2-6-81 / Washington State Implementation Plan; comments by 3-9-81

11321 2-6-81 / Wisconsin State Implementation Plan; ambient air quality monitoring, data reporting, and surveillance provisions; comments by 3-9-81

FEDERAL COMMUNICATIONS COMMISSION

82973 12-17-80 / AM broadcast stations, automation of use of measurement data; comments by 3-9-81

3573 1-15-81 / AM stereophonic broadcasting; reply comments extended to 3-9-81

[*See also* 45 FR 59350, 9-9-80 and 45 FR 81797, 12-12-80]

9143 1-28-81 / Emergency radio service; additional systems on secondary basis; reply comments by 3-10-81

11847 2-11-81 / Geographic reallocation of certain channels in the Detroit area to the business radio service; comments by 3-9-81

63305 9-24-80 / Providing for additional technologies which can improve efficiency of radio spectrum use; comments by 3-9-81

FEDERAL TRADE COMMISSION

11830 2-11-81 / Franchising and business opportunity ventures; disclosure requirements and prohibitions; comments by 3-11-81

[Corrected at 46 FR 13525, 2-23-81]

12005 2-12-81 / Franchising and business opportunity ventures, disclosure requirements and prohibitions; petition for exemption; comments by 3-12-81

[Corrected at 46 FR 13525, 2-23-81]

2361 1-9-81 / J. Walter Thompson Co.; consent agreement with analysis to aid public comment; comments by 3-9-81

2355 1-9-81 / Standard Brands, Inc. and Ted Bates & Co., Inc.; consent agreement with analysis to aid public comment; comments by 3-9-81

2359 1-9-81 / Teledyne, Inc. et al.; consent agreement with analysis to aid public comment; comments by 3-9-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

1319 1-6-81 / Child Support Enforcement Program; withholding of advance funds for not reporting; comments by 3-9-81

1321 1-6-81 / Child Support Enforcement Program; requests for collection by Secretary of the Treasury; comments by 3-9-81

Food and Drug Administration—

81154 12-9-80 / Classification of hypophosphatemia and hyperphosphatemia drug products for over-the-counter human use; comments by 3-9-81

73955 11-7-80 / Hair grower and hair loss prevention drug products for over-the-counter human use; reply comments by 3-9-81

[Corrected at 46 FR 3030, 1-13-81]

82014 12-12-80 / Vaginal contraceptive (OTC); monograph establishment; comments by 3-12-81

[Corrected at 46 FR 11292, 2-6-81]

Health Care Financing Administration—

1268 1-6-81 / Medicaid Program: plans of correction for intermediate care facilities for the mentally retarded; comments by 3-9-81

Public Health Service—

7176 1-22-81 / Mental health authorities; State, equitable arrangements for employee protection; comments by 3-9-81

Office of the Secretary—

7011 1-22-81 / Public assistance programs, State agency cost allocation plans, preparation, submission and approval (2 documents); comments by 3-9-81

INTERIOR DEPARTMENT

National Park Service—

1312 1-6-81 / Bighorn Canyon National Recreation Area; snowmobile regulations; comments by 3-9-81

INTERSTATE COMMERCE COMMISSION

8601 1-27-81 / Special docket proceedings—waiver of insignificant amounts and simplification of procedures; comments by 3-13-81

LABOR DEPARTMENT

Pension and Welfare Benefits Programs Office—

1304 1-6-81 / Summary annual report furnished participants and beneficiaries of employee benefit plans, amendments; comments by 3-9-81

NUCLEAR REGULATORY COMMISSION

85459 12-29-80 / Protection of unclassified safeguards information; comments by 3-9-81

81060 12-9-80 / Requirement for advance notification to Governors concerning shipments of irradiated reactor fuel; comments by 3-9-81

81058 12-9-80 / Requirement for advance notification to states of transportation of certain types of nuclear waste; comments by 3-9-81

PANAMA CANAL COMMISSION

9942 1-30-81 / Order of passage of vessels through the Panama Canal; interim rule; comments by 3-13-81

PERSONNEL MANAGEMENT OFFICE

1278 1-6-81 / Actions in the interest of the employee; comments by 3-9-81

STATE DEPARTMENT

Foreign Service Grievance Board—

11180 2-5-81 / Grievances and separation for causes cases; comments by 3-9-81

TRANSPORTATION DEPARTMENT

Coast Guard—

81616 12-11-80 / Lifesaving equipment; line throwing appliances required equipment on merchant vessels; comments by 3-11-81

[Corrected at 46 FR 3573, 1-15-81]

12524 2-17-81 / Marine engineering regulations for merchant vessels; acceptance of ASME U or UM Symbol Stamp for Pressure Vessels, Fittings and Accumulators; comments by 3-12-81

[Originally published at 45 FR 85488, 12-29-80]

Federal Aviation Administration—

80972 12-8-80 / Increase in approved takeoff weights and passenger seating capacities; comments by 3-9-81

Research and Special Programs Administration—

80843 12-8-80 / Limited quantities of radioactive materials; comments by 3-13-81

[Corrected at 45 FR 82681, 12-16-80 and 45 FR 84108, 12-22-80]

National Highway Traffic Safety Administration—

10969 2-5-81 / Confidential business information; extension of time for filing petitions for reconsideration; file by 3-9-81

[*See also* 46 FR 2049, 1-8-81]

10179 2-2-81 / Federal Motor Vehicle Safety Standards; seat belt assembly anchorages; extension of comment period; comments by 3-11-81

[Originally published at 45 FR 81625, 12-11-80]

10969 2-5-81 / Occupant crash protection safety standard; extension of time for filing petitions for reconsideration, file by 3-9-81

[*See also* 46 FR 2064, 1-8-81]

TREASURY DEPARTMENT

Internal Revenue Service—

1753 1-7-81 / Addition of items to category of specially defined energy property; comments by 3-9-81

1744 1-7-81 / Limitations on reorganization treatment for investment companies; comments by 3-9-81

1754 1-7-81 / Net income limitation on windfall profit; comments by 3-9-81

Deadlines for Comments On Proposed Rules for the Week of March 15 through March 21, 1981

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—

9616 1-29-81 / Honey; 1981 crop price support program; comments by 3-16-81

Federal Crop Insurance Corporation—

3236 1-14-81 / Canning and freezing sweet corn crop insurance regulations; comments by 3-16-81

3229 1-14-81 / Corn crop insurance regulations; comments by 3-16-81

3221 1-14-81 / Cotton crop insurance regulations; comments by 3-16-81

3232 1-14-81 / Dry bean crop insurance regulations; comments by 3-16-81

3539 1-15-81 / Flax crop insurance regulations, additional counties; comments by 3-16-81

3537 1-15-81 / Grain sorghum crop insurance regulations; additional counties; comments by 3-16-81

3536 1-15-81 / Grape crop insurance regulations; additional counties; comments by 3-16-81

3224 1-14-81 / Oat crop insurance regulations; comments by 3-16-81

3538 1-15-81 / Potato crop insurance regulations; additional counties; comments by 3-16-81

3223 1-14-81 / Peanut crop insurance regulations; comments by 3-16-81

3226 1-14-81 / Soybean crop insurance regulations; comments by 3-16-81

3540 1-15-81 / Sunflower crop insurance regulations; additional counties; comments by 3-16-81

3233 1-14-81 / Tobacco (Dollar Plan) crop insurance regulations; comments by 3-16-81

3234 1-14-81 / Tobacco (quota plan) crop insurance regulations; comments by 3-16-81

3235 1-14-81 / Tobacco (guaranteed production) crop insurance regulations; comments by 3-16-81

3541 1-15-81 / Tomato crop insurance regulations; additional counties; comments by 3-16-81

Food and Nutrition Service—

3905 1-16-81 / National School Lunch Program and School Breakfast Program; Competitive foods; comments by 3-17-81

3903 1-16-81 / National School Lunch Program; Nutritional requirements; comments by 3-17-81

4642 1-16-81 / Food Stamp Program; 1980 amendments to the Food Stamp Act of 1977; policy interpretations, misc. technical amendments; comments by 3-17-81

Rural Electrification Administration—

3906 1-16-81 / Electric loan policies and application procedures—supplemental resource financing; comments by 3-17-81

3908 1-16-81 / Loan terms and conditions and supplemental financing policies; comments by 3-17-81

3906 1-16-81 / Procedures for cable television system; comments by 3-17-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

10182 2-2-81 / Pacific Fishery Management Council; amendments to "Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Wash. and Oregon and Cal. Commencing in 1978"; comments by 3-16-81

8658 12-31-80 / South Atlantic Fishery Management Council, draft fishery management plan for Atlantic Billfish; comments by 3-20-81

10182 2-2-81 / South Atlantic Fishery Management Council, Billfish Fishery Management Plan; comments by 3-20-81

COMMODITY FUTURES TRADING COMMISSION

79498 12-1-80 / Minimum financial and related reporting requirements; comments by 3-21-81

3953 1-16-81 / Terms and conditions of the Three-Month Domestic Certificates of Deposit Futures Contract of the Chicago Mercantile Exchange; comments by 3-17-81

3955 1-16-81 / Terms and conditions of the three-month Euro dollar futures contract of the Chicago Mercantile Exchange; comments by 3-17-81

3957 1-16-81 / Terms and conditions of the 90-day Certificates of Deposit Futures Contract of the New York Futures Exchange Inc.; comments by 3-17-81

COMMUNITY SERVICES ADMINISTRATION

5632 1-19-81 / Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from financial assistance provided by CSA; comments by 3-20-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

85057 12-24-80 / Retirement accounts; comments by 3-20-81

EDUCATION DEPARTMENT

5410 1-19-81 / Centers for independent living program; comments by 3-20-81

[*See also* 46 FR 12495, 2-17-81]

5236 1-19-81 / Financial assistance to local and State agencies to meet special educational needs; and financial assistance to local educational agencies for children with special needs; comments by 3-20-81

4560 1-16-81 / General Education Assistance for Cuban and Haitian Refugee Children Program; comments by 3-17-81

3400 1-14-81 / Graduate and Professional Study Fellowships; comments by 3-16-81

[*See also* 46 FR 12496, 2-17-81]

3866 1-16-81 / Guaranteed Student Loan Program; comments by 3-17-81

3922 1-16-81 / Guaranteed Student Loan Program; comments by 3-17-81

5238, 5295 1-19-81 / National direct student loan program, college work-study program, and supplemental educational opportunity grant program; comments by 3-20-81

[*See also* 46 FR 12496, 2-17-81]

4956 1–19–81 / Parent loans for undergraduate students (PLUS) program; comments by 3–20–81

5416 1–19–81 / Vocational rehabilitation service projects; comments by 3–20–81

[*See also* 46 FR 12496, 2–17–81]

ENERGY DEPARTMENT

4482 1–16–81 / Commercial and Apartment Conservation Service Program; comments by 3–17–81

5514 1–19–81 / Loans for bid or proposal preparation by minority business enterprises seeking DOE contracts and assistance; comments by 3–20–81

12646 2–17–81 / Procurement regulations; comments by 3–19–81

Federal Energy Regulatory Commission—

12208 2–13–81 / Rate return on equity for electric utilities; comments by 3–16–81

ENVIRONMENTAL PROTECTION AGENCY

12023 2–12–81 / Air quality planning, Kentucky; redesignation of nonattainment areas for sulfur dioxide and ozone; comments by 3–16–81

7009 1–22–81 / Air quality, Nebr., designation of areas for planning purposes; comments by 3–23–81

12022 2–12–81 / Ambient air quality monitoring, data reporting and surveillance provisions; N.Y., N.J., P.R., V.I. State implementation plan revisions; comments by 3–16–81

13735 2–24–81 / Approval and promulgation of nonattainment area plans; Ohio; comments by 3–19–81

8587 1–27–81 / Standards of performances for new stationary sources; bulk gasoline terminals; comments by 3–20–81

5616 1–19–81 / State hazardous waste programs; requirements for public participation in the State enforcement process during interim authorization; comments by 3–20–81

12522 2–17–81 / State Implementation Plan; Iowa; comments by 3–19–81

FEDERAL COMMUNICATIONS COMMISSION

9975 1–30–81 / FM broadcast station in Clinton and Bald Knob, Ark.; changes in table of assignments; comments by 3–16–81

3929 1–16–81 / Further proposal regarding implementation of requirements of the International Maritime Satellite Telecommunications Act; comments by 3–20–81

11846 2–11–81 / Implementation of final acts of the World Administrative Radio Conference, Geneva 1975; reply comments period extended to 3–16–81

[*See also* 46 FR 3060, 1–13–81]

85126 12–24–80 / International Telecommunication Union World Administrative Radio Conference; preparation; use of the geostationary-satellite orbit and the planning of the space services utilizing it; reply comments by 3–18–81

[Comment period extended at 46 FR 12032, 2–12–81]

14358 2–27–81 / Radio services, special; multiple address radio systems in the public land mobile radio service; private operational fixed microwave service; and establishment of new frequency tolerances in the 952–960 Mhz band; comment period extended to 3–20–81

[*See also* 46 FR 10768, 2–4–81]

9145 1–28–81 / TV broadcast stations; New Smyrna Beach, Orlando and Winter Park, Florida; table of assignments; reply comments by 3–16–81

FEDERAL MARITIME COMMISSION

5008 1–19–81 / Cargo inspection services, and/or self-policing; rate and exemption agreements; comments by 3–20–81

FEDERAL RESERVE SYSTEM

12981 2–19–81 / International Banking Facilities; comments by 3–16–81

[*See also* 45 FR 84070; Dec. 22, 1980]

FEDERAL TRADE COMMISSION

3545 1–15–81 / Owens-Corning Fiberglas Corp.; proposed consent agreement to divest asphalt roofing plants; comments by 3–16–81

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

3240 1–14–81 / Records management; interagency reports management program; comments by 3–16–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

2977 1–13–81 / Labeling; requirements for designating manufacturer's name on a drug product; comments by 3–16–81

[*See also* 45 FR 25760, 4–15–80]

4634 1–16–81 / Reclassification procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use; comments by 3–17–81

Health Care Financing Administration—

86812 12–30–80 / Adoption assistance and child welfare services, foster care; State eligibility requirements for additional payments; comments by 3–16–81

86817 12–31–81 / Comments by Foster care maintenance and adoption assistance, child welfare services; Federal financial participation; comments by 3–16–81

86850 12–31–80 / Medicard program; entitlement of individuals receiving cash assistance under Foster Care Maintenance payments and adoption assistance program; comments by 3–16–81

3794 1–15–81 / Renal disease, end-stage services, self-dialysis and home dialysis training; conditions for coverage of supplies of service; comments by 3–16–81

5003 1–19–81 / Requirements applicants to sterilizations (Hysterectomies); comments by 3–20–81

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3527 1–15–81 / State claims; time limits to file for plans approved under the Social Security Act; comments by 3–16–81

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5003 1–19–81 / Requirements applicable to sterilizations (Hysterectomies); comments by 3–20–81

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4584 1–16–81 / Disability insurance and supplemental security income; determinations of disability; comments by 3–17–81

82474 12–15–80 / Proposed endangered status and critical habitat for the Chihuhua Chub; comments by 3–16–81

4949 1–19–81 / Supplemental security income for the aged, blind, and disabled income; earned income; comments by 3–20–81

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[Originally published at 46 FR 5669, 1–19–81]

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[Originally published at 46 FR 5641, 1–19–81]

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10180 2–2–81 / Regulations governing designation of process agents by motor carriers and brokers—modification; comments by 3–19–81

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81213 12–10–80 / "Salient factor score" revision to assess risk of recidivism; comments by 3–20–81

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3910 1–16–81 / Labor certification process for the permanent employment of aliens in the U.S.; certification of Canadian Railway workers; comments by 3–17–81

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3916 1–16–81 / Conveyor standard; comments by 3–17–81

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8055 1–26–81 / Contractor acquisition of automatic data processing equipment; comments by 3–20–81

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83517 12–19–80 / Standardization of financial statement requirements in investment company registration statements and reports to shareholders; comments extended to 3–16–81

[Corrects at 46 FR 12760, 2–18–81]

12756 2–18–81 / Standardization of financial statement requirements in investment company registration statements and reports to shareholders; comments extended to 3–16–81

[Originally published at 45 FR 83517, 12–19–80]

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5832 1–19–81 / Technology introduction program; comments by 3–20–81

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83530 12–19–80 / Labeling and advertising of wine, distilled spirits, and malt beverages; comments by 3–19–81

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4950 1–19–81 / Windfall profit tax administrative provisions; comments by 3–20–81

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11925 2–11–81 / Acturial Examination Advisory Committee, Boston, Mass., (closed), 3–10–81

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12039 2–12–81 / Nezperce National Forest Grazing Advisory Board, Grangeville, Idaho (open), 3–11–81

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11326 2–6–81 / Dairyland Power Corp., Intent to Prepare an Environmental Impact Statement, Alma, Wisc., and Eau Claire, Wisc. (open), 3–11 and 3–12–81 respectively

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13434 2–20–81 / Dance Panel, Grants to Dance Companies Section, Washington, D.C. (closed) 3–9 through 3–13–81

12565 2–17–81 / Design Arts Panel (Design Fellowships Section), Washington, D.C. (closed), 3–10 and 3–11–81

13434 2/20/81 / Expansion Arts Panel, Interdisciplinary/ Community Cultural Centers Section, Washington, D.C. (closed), 3–9 through 3–11–81

13435 2–20–81 / Expansion Arts Panel, Visual/Media/Design and Literary Arts Section, Washington, D.C. (closed), 3–12 and 3–13–81

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9269 1–28–81 / Humanities Panel, Washington, D.C. (closed), 3–11 through 3–13–81

13611 2–23–81 / Humanities Panel, Washington, D.C. (closed), 3–12 and 3–13–81

13435 2–30–81 / Inter-Arts Panel, Artists Colonies Section, Washington, D.C. (closed), 3–11–81

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12995 2–19–81 / District of Columbia Advisory Committee, Washington, D.C. (open), 3–10–81

13531 2–23–81 / Georgia Advisory Committee, Atlanta, Ga. (open), 3–13–81

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12996 2–19–81 / South Carolina Advisory Committee, Columbia, S.C. (open), 3–9–81

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10522 2–3–81 / Jukebox Royalty Distribution Proceedings, Washington, D.C., 3–10–81

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10974 2–5–81 / Coastal Engineering Research Board, Galveston, Tex. (open), 3–10 and 3–12–81

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11858 2–11–81 / Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed), 3–11 and 3–12–81

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12049 2–12–81 / Defense Advisory Committee on Women in the Services, Washington, D.C. (open), 3–8 and 3–9–81

12228 2–13–81 / Defense Intelligence Agency Advisory Committee, Sunnyvale, Calif. (closed), 3–10 and 3–11–81

10975 2–5–81 / Defense Science Board, Anti-Tactical Missiles task force, Arlington, Va. (closed), 2–24 and 2–25–81 changed to 3–12 and 3–13–81

85812 12–30–80 / DOD Advisory Group on Electron Devices, New York, N.Y. (closed), 3–9 and 3–10–81

7428 1–23–81 / Wage Committee, Washington, D.C. (closed), 3–10–81

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13318 2–20–81 / Dose Assessment Advisory Group, Las Vegas, Nev. (open), 3–12 and 3–13–81

14034 2–25–81 / International Energy Agency, Industry Advisory Board, Industry Supply Advisory Group, San Francisco, Calif. (closed), 3–12–81

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11703 2–10–81 / National Petroleum Council, Emergency Preparedness Subcommittee, Washington, D.C. (open), 3–10–81

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11575 2–9–81 / National Petroleum Council, Emergency Preparedness Committee, Coordination Subcommittee, Washington, D.C. (open), 3–10–81

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13372 2–20–81 / Science Advisory Board, Clean Air Scientific Advisory Committee, Arlington, Va. (open), 3–10 and 3–11–81

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13815 2–24–81 / Preservation Advisory Committee, Information capture, storage, retrieval, and perpetuation, Washington, D.C. (open), 3–11–81

13815 2–24–81 / Preservation Advisory Committee, Long Range Policy and Planning, Washington, D.C. (open), 3–11–81

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11708 2–10–81 / Treatment Development and Assessment Research Review Committee, Washington, D.C. (partially open), 3–9 through 3–11–81

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11710 2–10–81 / Surgical and Rehabilitation Devices Panel, General and Plastic Surgery Device Section, Washington, D.C. (partially open), 3–12–81

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3289 1–14–81 / Population Research Committee, Bethesda, Md. (partially open), 3–12–81

5074 1–21–81 / Various Study Sections, Bethesda, Md. (partially open), 3–8 through 3–14–81

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11894 2–11–81 / Rock Springs District Advisory Council, Evanston, Wyo. (open), 3–12–81

9791 1–29–81 / Susanville District Grazing Advisory Board, Cedarville, Calif. (open), 3–11–81

9790 1–29–81 / Worland District Advisory Council, Worland, Wyo. (open), 3–11–81

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12551 2–17–81 / Santa Monica Mountains National Recreation Area Advisory Commission, Woodland Hills, Calif. (open), 3–10–81

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13614 2–23–81 / Reactor Safeguards Advisory Committee, Reactor Radiological Effects Subcommittee, Washington, D.C. (open), 3–10 and 3–11–81

13613 2–23–81 / Reactor Safeguards Advisory Committee, San Onofre Units 2 and 3 Subcommittee, Washington, D.C. (partially open), 3–11–81

[Time changed at 46 FR 14506, 2–27–81]

13613 2–23–81 / Reactor Safeguards Advisory Committee, Transportation of Radioactive Materials Subcommittee, Washington, D.C. (open), 3–10–81

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12668 2–17–81 / Proposed wholesale power rate adjustment; Missoula, Mont.; 3–9–81 and Boise, Idaho, 3–10–81

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5566 1–19–81 / Archeological Resources Protection Act of 1979; Proposed Uniform rulemaking, Denver, Colo., 3–14–81

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

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13676 2–23–81 / HUD/CPD—Community Development Block Grants Program, Small Cities Program; interim rules; effective 3–27–81 (comments by 4–24–81)

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14374 2–27–81 / ED—Follow Through Program; noncompeting continuation awards for local projects and demonstration (sponsors); apply by 4–3–81

13876 2–24–81 / HHS/HDSO—New Native American Projects; Availability of FY 1981 Financial Assistance; apply by 5–11–81

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13880 2–24–81 / HHS/HDSO—Native American Status Clarification Resource Mobilization Projects; availability of FY 1981 Financial Assistance; apply by 5–11–81

13962 2–24–81 / HHS/HDSO—Runaway and Homeless Youth Program; Availability of Financial Assistance; apply by 4–27–81

13816 2–24–81 / HHS/SSA—Title II and Title XVI Research Grants; apply by 5–10–81

14069 2–25–81 / HUD/CPD—Community development block grant program; apply by 3–31–81

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13816 2–24–81 / HHS/NIH—General Research Support Review Committee, Biomedical Research Support Subcommittee, Bethesda, Md. (open), 3–30 and 3–31–81

13816 2–24–81 / HHS/NIH—Research Grants Division, Behavioral Medicine Study Section, Washington, D.C. (open), 3–3 through 3–6–81 (originally scheduled for 3–4 through 3–6–81. See 46 FR 6073, 1–21–81)

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13581 2–23–81 / HHS/PHS—Advisory Committee meetings, Washington, D.C. (partially open), 3–2 through 3–6, and 3–16 through 3–18–81

13611 2–23–81 / NFAH—Humanities Panel, Washington, D.C. (closed), 3–12 and 3–13–81

13864 2–24–81 / NFAH—Youth Projects Major Project Grants, Washington, D.C. (closed), 3–23 and 3–24–81 and 3–30 and 3–31–81

13611 2–23–81 / NSF—Earth Sciences Advisory Committee, Geology, Geophysics, Geochemistry and Petrology Subcommittees, Washington, D.C. (closed), 3–11 through 3–13–81

14502 2–27–81 / NSF—Physiology, Cellular, and Molecular Biology Advisory Committee, Metabolic Biology Subcommittee, Washington, D.C. (closed), 3–19 through 3–21–81

13864 2–24–81 / NSF—Social Science Advisory Committee, Subcommittee on Economics, Washington, D.C. (closed), 3–6 and 3–7–81

13612 2–23–81 / NSF—Special Research Equipment Advisory Committee, Biology Subcommittee, Washington, D.C. (closed), 3–16 and 3–17–81

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14343 2–27–81 / EPA—Nondiscrimination on the basis of handicap. Notice to all recipients of Federal financial assistance; correction

13580 2–23–81 / HHS/HRA—Health professions capitation grant program; direct and affiliated medical residency program data

13816 2–24–81 / HHS/NIH—Commercial airline pilots mandatory retirement age study; availability and inquiry

13816 2–24–81 / HHS/NIH—Study of the Health-Related Effects of Marijuana Use; comments by 4–1–81

14532 2–27–81 / HHS/PHS—National Toxicology Program; fiscal year 1981 annual plan

14466 2–27–81 / Labor/ETA—Employment transfer and business competition determinations under the Rural Development Act; application by American Insulator Corp.

13958 2–24–81 / OMB—Standard Assurances for Federal Assistance Programs; comments by 4–27–81

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Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

15308 **Grant Programs** ED announces closing dates for transmittal of applications for fiscal year 1980 for the Pell Grant Program

15270 **Poverty Guidelines** CSA revises its income poverty guidelines; effective 4-6-81

15257 **Petroleum** DOE/ERA issues final rule regarding adjustments to lower and upper tier crude oil price ceilings to reflect impact of inflation; effective 3-1-81

15273 **Communications** FCC amends rules to provide for operation of tactile paging devices for the deaf, blind, or physically handicapped; effective 4-9-81

15480 **Air Safety** DOT/FAA extends compliance date for the seats, safety belts and shoulder harnesses required for flight crewmembers and flight attendants; effective 3-6-81 (Part IV of this issue)

15402 **Air Transportation** DOT/FAA makes available National Air Traffic Control Contingency Plan

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

15484 **Outer Continental Shelf—Oil and Gas Sales** DOE/Sec'y proposes rule regarding a variable net profit share bidding system; comments by 4–7–81 (Part V of this issue)

15305 **Antidumping** Commerce/ITA issues final results of administrative review of antidumping finding for Melamie in crystal from Japan; effective 3–5–81

15278 **Securities** SEC proposes rules concerning revision of property, plant and equipment disclosure requirements; comments by 4–30–81

15311 **Petroleum** DOE/ERA issues second supplemental notice regarding the Canadian Crude Oil Allocation Program

15271 **Communications** FCC issues order concerning inquiry into future role of low-power television broadcasting and television translators in the National Telecommunications System

15405 **Privacy Act Documents** DOT/Sec'y

15412 **Sunshine Act Meetings**

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15462 **Part III, Interior/BLM**
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Rules and Regulations

Federal Register
Vol. 46, No. 43
Thursday, March 5, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 512]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 6–March 12, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This is not a major rule under E.O. 12291. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 3, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is slightly improved from last week.

It is further found that there is insufficient time between the date when information became available upon which this regulation is based and it is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.812 is added as follows:

§ 907.812 Navel Orange Regulation 512.

The quantities of navel oranges grown in Arizona and California which may be handled during the period March 6, 1981, through March 12, 1981, are established as follows:

(1) District 1: 1,350,000 cartons;

(2) District 2: 120,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: 30,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 4, 1981

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-7275 Filed 3-4-81; 11:57 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

Mandatory Petroleum Price Regulations; Adjustments to Lower and Upper Tier Crude Oil Price Ceilings To Reflect Impact of Inflation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues Crude Oil Price Schedule No. 22 which sets forth the amounts by which producers would have been permitted to increase their selling price for old and new crude oil in the months of March, April and May 1981 in the absence of the Executive Order that exempted all domestic crude oil from price controls.

EFFECTIVE DATE: March 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Charles P. Little (Crude Oil Pricing Branch), Economic Regulatory Administration, 2000 M Street NW., Room 6128–P, Washington, D.C. 20461, (202) 653–3459
Ben McRae (Office of General Counsel), Department of Energy, 1000 Independence Avenue SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6739

SUPPLEMENTARY INFORMATION:

A. *Introduction.*
B. *Crude Oil Price Schedule No. 22.*

A. Introduction

On January 28, 1981, the President signed Executive Order No. 12287 (46 FR 9909, January 30, 1981) that exempted all crude oil from the price regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA", Pub. L. 93–159). As a result of this Order, producers have been free since January 28, 1981 to sell all crude oil at the market price regardless of whether the crude oil is old or new crude oil under the price regulations. Section 10 CFR 212.77 of the price regulations, however, still requires

the issuance of a schedule that sets forth the amounts by which the ceiling prices established by the price regulations for old and new crude oil will be adjusted each month to reflect the effects of inflation. Accordingly, we are issuing Crude Oil Price Schedule No. 22 that sets forth the amounts by which ceiling prices for old and new crude oil would have increased in the months of March, April and May 1981.[1]

B. Crude Oil Price Schedule No. 22

We have utilized the same methodology in determining the amounts of the price increases set forth in Crude Oil Price Schedule No. 22 as we did in Crude Oil Price Schedule No. 21 (45 FR 80482, December 5, 1980) and prior price schedules. Specifically, the determinations are based on the estimated average ceiling price for old or new crude oil in February 1981 and on the first revision of the GNP deflator published on February 19, 1981, which reflects an annual rate of inflation of 10.7 percent.

1. *Lower tier ceiling prices.*

Adjustments to ceiling prices for old crude oil in March, April and May 1981 were determined as follows:

A. ERA determined that the estimated average ceiling price for old crude oil in February 1981 was $6.83.

B. ERA computed a monthly adjustment factor of .00851 which when applied over a twelve-month period yields an effective annual rate of adjustment of 10.7 percent.

C. March 1981 adjustment = ($6.83) (.00951) per barrel $.058 per barrel rounded to $.06 per barrel.

D. April 1981 adjustment = ($6.83 + .06) (.00851) per barrel. = $.059 per barrel rounded to $.06 per barrel.

E. May 1981 adjustment = ($6.83 + .06 + .06) (.00851) per barrel. = $.059 per barrel rounded to $.06 per barrel.

2. *Upper tier ceiling prices.*

Adjustments to ceiling prices for new crude oil in March, April and May 1981 were determined as follows:

A. ERA determined that the estimated average ceiling price for new crude oil in February 1981 was $15.26.

B. Adjustment factor (explained above) = .00851

C. March 1981 adjustment = ($15.26) (.00951) per barrel = $.130 per barrel rounded to $.13 per barrel.

D. April 1981 adjustment = ($15.26 + .13) (.00851) per barrel = $.131 per barrel rounded to $.13 per barrel.

E. May 1981 adjustment = ($15.26 + .13 + .13) (.00851) per barrel = $.132 per barrel rounded to $.13 per barrel.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective March 1, 1981.

Issued in Washington, D.C., February 27, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

Section 212.77 is amended in the Appendix to add Schedule No. 22 of Monthly Price Adjustments, as follows:

§ 212.77 Adjustments to Ceiling Prices.

. . . . .

Appendix

. . . . .

[Schedule No. 22 of monthly price adjustments effective Mar. 1, 1981]

Month	Lower tier: May 15, 1973 posted price [1] (plus)	Upper tier: Sept. 30, 1975 posted price [2] (plus)
1978:		
February	1.35	−1.32
March	1.38	−1.25
April	1.41	−1.18
May	1.45	−1.11
June	1.48	−1.05
July	1.48	−1.05
August	1.48	−1.05
September	1.48	−1.05
October	1.48	−1.05
November	1.48	−1.05
December	1.48	−1.05
1977:		
January	1.48	−1.25
February	1.48	−1.25
March	1.48	−1.70
April	1.48	−1.70
May	1.48	−1.70
June	1.48	−1.70
July	1.48	−1.70
August	1.48	−1.70
September	1.51	−1.44
October	1.54	−1.18
November	1.57	−.92
December	1.59	−.67
1978:		
January	1.61	−.82
February	1.63	−.77
March	1.66	−.71
April	1.69	−.65
May	1.72	−.59
June	1.75	−.52
July	1.78	−.45
August	1.81	−.36
September	1.88	−.26
October	1.91	−.17
November	1.96	−.08
December	1.99	−.01
1979:		
January	2.02	.06
February	2.05	.15
March	2.09	.23
April	2.13	.31
May	2.17	.39
June	2.21	.48
July	2.25	.57
August	2.29	.66
September	2.33	.76
October	2.37	.86
November	2.41	.96
December	2.45	1.05
1980:		
January	2.49	1.14
February	2.53	1.23
March	2.57	1.33
April	2.61	1.43
May	2.66	1.53
June	2.71	1.64
July	2.76	1.75
August	2.81	1.86
September	2.87	1.98
October	2.93	2.10
November	2.99	2.23
December	3.04	2.35
1981:		
January	3.09	2.47
February	3.14	2.59
March	3.20	2.72
April	3.26	2.85
May	3.32	2.98

[1] The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).
[2] The price referred to in 10 CFR 212.74(b)(1)

This schedule of monthly price adjustments was issued by the Economic Regulatory Administration on February 27, 1981, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February 1976 through February 1981, as determined under 10 CFR 212.73, 212.74, and 212.77. Both lower tier and upper tier ceiling prices, which were increased under Schedule No. 21 effective December 1, 1980, are further increased as indicated in this schedule, effective March 1, 1981.

This schedule is effective only through May 31, 1981.

[FR Doc. 81-6867 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

[1] In addition to the requirement of 10 CFR 212.77, we are calculating the amounts by which the ceiling prices should be permitted to increase under the price regulations since the ceiling prices for old and new crude oil in the months after January 1981 may be relevant to the Front-End Tertiary Oil provisions of the Crude Oil Windfall Profit Tax Act of 1980. We will continue to calculate these amounts for future months until there is a resolution of the issue of whether the Front-End Tertiary Oil provisions of the Crude Oil Windfall Profit Tax apply to crude oil sold after January 27, 1981.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21406; Amdt. 39-4057]

Airworthiness Directives; Short Brothers Limited Model SC 7 Skyvan Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of the aileron autopilot servo control cable for damage, for correct positioning of the cable and its guard, and replacement of the cable or repositioning of the guard as necessary, on certain Short Brothers Limited Model SC 7 Series 3 airplanes. This AD is prompted by a report of the aileron autopilot servo control cable slipping its guard and binding between the guide pulleys. Subsequent manual override of the autopilot resulted in breakage of the cable and loss of control of the airplane during flight.

DATES: Effective March 19, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Ireland, Attention: Product Support Manager.

A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: There has been a report of the aileron autopilot servo control cable becoming trapped between the guide pulleys at station 226 on certain Short Brothers Limited Model SC 7 Series 3 airplanes. This condition could impair autopilot aileron control, and cause severe cable damage or breakage which could result in loss of airplane control. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection of the aileron autopilot servo control cable and cable guard, and replacement of the cable and repositioning of the guard as necessary, on certain Short Brothers Limited Model SC 7 Series 3 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Short Brothers Limited. Applies to Model SC 7 Series 3 airplanes, certificated in all categories, which have an autopilot installed.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent aileron autopilot servo control cable breakage and possible loss of control of the airplane, accomplish the following:

(a) Inspect the aileron autopilot servo control cable for proper positioning on the guide pulley, for integrity, and for evidence of damage in the vicinity of the guide pulleys at station 226 in accordance with paragraphs 2.A.1, 2, and 3 of Shorts Service Bulletin 22-A59, dated May 21, 1979 (hereinafter referred to as the service bulletin), or an FAA-approved equivalent.

(b) If as a result of the inspection required in paragraph (a) of this AD:

(1) A damaged cable is found, replace the cable and accomplish paragraphs 2.A.4, 5, and 6 of the service bulletin, or an FAA-approved equivalent.

(2) An improperly positioned cable is found, reposition the cable after verification that no damage to the cable has occurred, and accomplish paragraph (d) of this AD.

(c) Determine the clearance between the cable guard and the outer rim of the pulley at station 226. If the clearance exceeds 0.029 inches, reposition the guard in accordance with paragraph 2.A.4 of the service bulletin, or an FAA-approved equivalent, and accomplish paragraph (d) of this AD.

(d) Check the aileron servo control cable for correct tension in accordance with paragraph 2.A.5 of the service bulletin, or an FAA-approved equivalent.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa, and Middle East Office, Brussels, Belgium.

This amendment becomes effective March 19, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Ireland, Attention: Product Support Manager. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on February 20, 1981.

Joseph A. Pontecorvo,

Acting Director of Airworthiness.

Note.—The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-6821 Filed 3-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 21419; Amdt. No. 1185]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

§ 97.23 [Amended]

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

. . . Effective April 16, 1981

Gadsden, AL—Gadsden Muni, VOR Rwy 6, Amdt. 11
Lancaster, CA—General William J. Fox Airfield, VOR–A, Amdt. 5, cancelled
San Diego, CA—Brown Field Muni, VOR–A, Original
Chicago, IL—Lansing Municipal, VOR–A, Amdt. 4
Wichita, KS—Wichita Mid, Continent, VOR Rwy 14, Amdt. 11
Slidell, LA—Slidell, VOR/DME Rwy 17, Original
Norridgewock, ME—Central Maine Arpt of Norridgewock, VOR/DME Rwy 3, Original
Waterville, ME—Waterville Robert LaFleur, VOR/DME Rwy 5, Amdt. 3
Detroit, MI—Detroit Metropolitan Wayne County, VOR Rwy 9, Amdt. 9
Lapeer, MI—Dupont-Lapeer, VOR–A, Amdt. 10
Menominee, MI–Menominee County, VOR Rwy 18, Amdt. 8
Owatonna, MN—Owatonna Muni, VOR Rwy 12, Amdt. 7
Owatonna, MN—Owatonna Muni, VOR/DME Rwy 30, Amdt. 1
Barnesville, OH—Barnesville-Bradfield, VOR Rwy 27, Amdt. 5
Galion, OH—Galion Muni, VOR Rwy 23, Amdt. 8
Lorain (Elyria), OH–Lorain County Regional, VOR Rwy 7, Amdt. 6
Springfield OH—Springfield Muni, VOR Rwy 6, Amdt. 5
Springfield OH—Springfield Muni, VOR Rwy 24, Amdt. 5
Greenville, PA—Greenville Muni, VOR–A, Original
Killeen, TX—Killeen, VOR–A, Amdt. 9, cancelled
Duchesne, UT—Duchesne Muni, VOR/DME Rwy 25, Amdt. 1
Roosevelt, UT—Roosevelt Muni, VOR–A, Amdt. 1
Wendover, UT—Wendover, VOR/DME or TACAN–A, Amdt. 1
Christiansted, St. Croix, V.I.—Alexander Hamilton, VOR Rwy 27, Amdt. 16

. . . Effective February 20, 1981

Pueblo, CO—Pueblo Memorial, VOR Rwy 26R (TAC), Amdt. 23

. . . Effective February 6, 1981

Melfa, VA—Accomack County, VOR/DME Rwy 3, Amdt. 4

§ 97.25 [Amended]

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

. . . Effective April 16, 1981

Glasgow, KY—Glasgow Muni, SDF Rwy 7, Amdt. 4
Wichita, KS—Wichita Mid-Continent, LOC (BC) Rwy 1L, Original
Wichita, KS—Wichita Mid-Continent, LOC (BC) Rwy 1L, Amdt. 1, cancelled
Wichita, KS—Wichita Mid-Continent, LOC (BC) Rwy 19L, Amdt. 11
Waterville, ME—Waterville Robert LaFleur, LOC Rwy 5, Amdt. 1

§ 97.27 [Amended]

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . Effective April 30, 1981

Albertville, AL—Albertville Muni, NDB–A, Amdt. 1
Alexander City, AL—Thomas C. Russell Fld, NDB–A, Amdt. 5

. . . Effective April 16, 1981

Gadsden, AL—Gadsden Muni, NDB Rwy 6, Amdt. 9
Andreafsky/St. Mary's, AK—St. Mary's, NDB Rwy 16, Amdt. 1
Andreafsky/St. Mary's, AK—St. Mary's, NDB/DME Rwy 16, Amdt. 1
Fort Collins-Loveland, CO—Fort Collins-Loveland Muni, NDB Rwy 33, Amdt. 1
Wichita, KS—Wichita Mid-Continent, NDB Rwy 1R, Amdt. 13
Campbellsville, KY—Taylor County, NDB Rwy 5, Amdt. 2
Danville, KY—Goodall Field, NDB–A, Amdt. 2
Glasgow, KY—Glasgow Muni, NDB Rwy 7, Amdt. 5
Waterville, ME—Waterville Robert LaFleur, NDB–A, Amdt. 9
Provincetown, MA—Provincetown Muni, NDB–A, Amdt. 5
Provincetown, MA—Provincetown Muni, NDB Rwy 25, Amdt. 1
Bellefontaine, OH—Bellefontaine Muni, NDB Rwy 22, Amdt. 2
Follett, TX—Follett-Lipscomb County, NDB Rwy 35, Original
Winters, TX—Winters Muni, NDB Rwy 35, Original
Christiansted, St. Croix, V.I.—Alexander Hamilton, NDB Rwy 9, Amdt. 10

. . . Effective March 19, 1981

Miami, FL—Miami Int'l, NDB Rwy 27L, Amdt. 15

. . . Effective February 20, 1981

Pueblo, CO—Pueblo Memorial, NDB Rwy 8L, Amdt. 15
Pueblo, CO—Pueblo Memorial, NDB Rwy 26R, Amdt. 12

§ 97.29 [Amended]

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

. . . Effective April 16, 1981

Andreafsky/St. Mary's, AK—St. Mary's, ILS/DME Rwy 16, Amdt. 1
Kankakee, IL—Great Kankakee, ILS Rwy 4, Amdt. 1
Wichita, KS—Wichita Mid-Continent, ILS Rwy 1R, Amdt. 13
Wichita, KS—Wichita Mid-Continent, ILS Rwy 19R, Original
Wichita, KS—Wichita Mid-Continent, ILS Rwy 19R, Amdt. 2, cancelled
Escanaba, MI—Delta County, ILS Rwy 9, Amdt. 1
Christiansted, St. Croix, V.I.—Alexander Hamilton, ILS Rwy 9, Amdt. 3

. . . Effective March 19, 1981

Miami, FL—Miami Int'l, ILS Rwy 9R, Amdt. 4
Miami, FL—Miami Int'l, ILS Rwy 27L, Amdt. 30

. . . Effective February 20, 1981

Ontario, CA—Ontario Int'l, ILS Rwy 26L, Amdt. 1
Pueblo, CO—Pueblo Memorial, ILS Rwy 8L, Amdt. 18
Pueblo, CO—Pueblo Memorial, ILS Rwy 26R, Amdt. 8

Note.—The FAA published an amendment in Docket No. 21307, Amdt. No. 1183 to Part 97 of the Federal Aviation Regulations (Vol. 46 FR No. 28 page 11510; dated February 9, 1981) under § 97.29 effective March 19, 1981, which is hereby amended as follows: Lewisburg, WV—Greenbrier Valley, ILS Rwy 4, Amdt. 4, change effective date to April 16, 1981.

§ 97.31 [Amended]

5. By amending § 97.31 RADAR SIAPs identified as follows:

. . . Effective April 16, 1981

Hopkinsville, KY—Hopkinsville-Christian County, RADAR–1, Original
Las Vegas, NV—McCarran Int'l, RADAR–1, Amdt. 9

§ 97.33 [Amended]

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . Effective April 16, 1981

Gadsden, AL—Gadsden Muni, RNAV Rwy 24, Amdt. 1
Kankakee, IL—Greater Kankakee, RNAV Rwy 22, Original
Wichita, KS—Wichita Mid-Continent, RNAV Rwy 19R, Amdt. 2
Marquette, MI—Marquette County, RNAV Rwy 26, Original
Bellefontaine, OH—Bellefontaine Muni, RNAV Rwy 22, Amdt. 1
Lorain (Elyria), OH—Lorain County Regional, RNAV Rwy 7, Amdt. 2
Roosevelt, UT—Roosevelt Muni, RNAV Rwy 25, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Dept. of Trans. Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. The FAA has also determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Washington, D.C. on February 27, 1981.

Robert J. Dame,

Acting Chief, Aircraft Programs Division.

Note: The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-6906 Filed 3-4-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9072]

Chrysler Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Highland Park, Mich. motor vehicle manufacturer (Chrysler) and its Troy, Mich. credit corporation subsidiary (Chrysler Credit), to timely provide dealerships with a prescribed system, together with a standardized form, to be used in calculating and recording payment of surpluses realized on repossessed vehicles; and to make the "Repossessed Vehicle Surplus/Deficiency system" a part of Chrysler's Dealer Uniform Accounting System Manual. The companies are required to conduct training programs designed to familiarize dealers with their obligations in handling repossessions; and follow up the programs with a series of audits to verify that surpluses are being correctly calculated and paid. The order further requires that Chrysler take specified measures with respect to repayment of surpluses realized by Chrysler-owned dealerships from May 1, 1974; send

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bulletins to dealers urging them to pay surpluses on vehicles returned to them by Chrysler Credit since May 1, 1974; and notify each customer whose vehicle is repossessed of the nature and duration of customer's rights to redemption or refund of surpluses. Additionally, Chrysler Credit is required to develop revised retail installment contract forms that include a clear, concise statement advising customers that in the event of repossession, they are entitled to a refund of any surplus realized from the resale of the vehicle.

DATES: Complaint issued Feb. 10, 1976. Decision issued Feb. 10, 1981.*

FOR FURTHER INFORMATION CONTACT:
Randall H. Brook, Acting Director, Seattle Regional Director, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 442–4655.

SUPPLEMENTARY INFORMATION: On Monday, Oct. 27, 1980, there was published in the **Federal Register**, 45 FR 70883, a proposed consent agreement with analysis In the Matter of Chrysler Corporation, Chrysler Credit Corporation, and Aurora Chrysler-Plymouth, Inc., corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–37 Formal regulatory and/or statutory requirements; § 13.533–45 Maintain records; § 13.533–55 Refunds, rebates and/or credits; § 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

[FR Doc. 81-6900 Filed 3-4-81; 8:45 am]
BILLING CODE 6750-01-M

*Copies of the Complaint and the Decision and Order filed with the original document.

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16 CFR Part 13

[Docket 9072]

Chrysler Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires Aurora Chrysler-Plymouth, Inc., a Seattle, Wash., automobile dealership, among other things, to adopt and adhere to the "Repossessed Vehicle Surplus/Deficiency system" established by Chrysler Corporation pursuant to the disposition of Docket 9072 as to Chrysler Corporation. The firm is required to establish to the reasonable satisfaction that it has paid all surpluses realized from February 10, 1973 from repossessed vehicles returned to the company; corrected all prior erroneous credit reports; and provided credit reporting agencies with corrected information.

DATES: Complaint issued Feb. 10, 1976. Decision issued Jan. 9, 1981.[1]

FOR FURTHER INFORMATION CONTACT:
Randall H. Brook, Acting Director, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. (206) 442–4655.

SUPPLEMENTARY INFORMATION: On Monday, October 27, 1980, there was published in the **Federal Register**, 45 FR 70882, a proposed consent agreement with analysis In the Matter of Chrysler Corporation, Chrysler Credit Corporation, and Aurora Chrysler-Plymouth, Inc., corporations for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

[FR Doc. 81-6899 Filed 3-4-81; 8:45 am]
BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 55

[LR-218-78]

Real Estate Investment Trusts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors in the publication of a final rule (Treasury Decision 7767), relating to real estate investment trusts published at 46 FR 11255, February 6, 1981.

EFFECTIVE DATE: This correction is effective as of the same date as Treasury Decision 7767.

FOR FURTHER INFORMATION CONTACT:
Charles M. Whedbee of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, Attention: CC:LR:T 202–556–3458.

SUPPLEMENTARY INFORMATION:

Background

On February 6, 1981, the **Federal Register** published Treasury Decision 7767 (46 FR 11255) which prescribed final regulations relating to real estate investment trusts.

Need For Correction

There is a need to correct two typographical errors and to perfect the addition of a new Part 55 (Excise Tax on

Certain Real Estate Investment Trusts), including setting forth a table of contents and a separate citation of authority for the new part.

This document also makes clear that a new subdivision (instead of a new sentence) is added to an existing paragraph.

Drafting Information

The principal author of this correction is Charles M. Whedbee of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Treasury Decision

Accordingly, FR Doc. 81–4343 (46 FR 11255) is corrected as follows:

§ 1.856–6 [Corrected]

1. In the last line of § 1.856–6(c)(4), in the third column on page 11270, "investment" is inserted between "real estate" and "trust".

§ 1.856–6 [Corrected]

2. In the tenth line of § 1.856–6(c)(2) in the third column on page 11275 "886(g)(1)" is changed to "856(g)(1)".

3. In par. 35, item 7, in the third line from the bottom of the first column on page 11279 "A new sentence" is changed to "A new subdivision (ii)".

4. The last two lines in the middle column on page 11282 are removed and the following is added in lieu thereof.

"**Par. 43.** A new Part 55, consisting of Subparts A and B, is added to Title 26 of the Code of Federal Regulations, to read as follows:

PART 55—EXCISE TAX ON CERTAIN REAL ESTATE INVESTMENT TRUSTS

Subpart A—Tax on Certain Real Estate Investment Trust Taxable Income Not Distributed During the Taxable Year

Sec.
55.4981–1 Imposition of excise tax on certain real estate investment trust taxable income not distributed during the taxable year.

Subpart B—Procedure and Administration

55.6001–1 Notice or regulations requiring records, statements, and special returns.
55.6011–1 General requirement of return, statement, or list.
55.6061–1 Signing of returns and other documents.
55.6065–1 Verification of returns.
55.6071–1 Time for filing returns.
55.6081–1 Extension of time for filing the return.
55.6091–1 Place for filing chapter 44 tax returns.
55.6091–2 Exceptional cases.
55.6161–1 Extension of time for paying tax or deficiency.
55.6165–1 Bonds where time to pay tax or deficiency has been extended."

Authority: Sections 6001, 6011, 6071, 6091, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 731, 732, 749, 752, 917; 26 U.S.C. 6001, 6011, 6071, 6091, and 7805).

David E. Dickinson,
Acting Director, Legislation and Regulations Division.

[FR Doc. 81-6909 Filed 3-4-81; 8:45 am]
BILLING CODE 4830-01-M

POSTAL SERVICE

39 CFR 111

Centralized Delivery Mail Receptacles

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule modifies postal regulations so as: (1) to authorize the procurement, installation, maintenance, and replacement of neighborhood delivery and collection boxes and parcel lockers by the Postal Service, when the Postal Service determines that its provision of central delivery will improve the efficiency of carrier delivery service; and, (2) to limit the size of each procurement, and decentralize the procurement authority, so as to be sure to preserve the competitive structure of the industry. No requirements will be placed on the general public by the rule.

EFFECTIVE DATE: April 6, 1981.

ADDRESS: Written questions about the rule should be directed to Assistant General Counsel, Special Projects, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:
Charles R. Braun, (202) 245–4620.

SUPPLEMENTARY INFORMATION: This final rule grows out of a proposal which was published in the **Federal Register** on December 23, 1980, for thirty days' notice and comment.[1] The time for comment was extended by ten days on January 15, 1981.[2] Comments received up to 25 days late were included in the official record and taken into account in reaching a final decision. A description of the proposal accompanied it when it was published in the **Federal Register.** The final rule embodies both the original proposal in its entirety and an addition based on a recommendation made by the Chief Counsel for Advocacy of the Small Business Administration in his letter of comments on the proposal.

The Effect of the Proposal on Small Business. The main concern expressed by the comments was the potential effect of the implementation of the proposal on small business. Virtually all of the comments received were written by hardware distributors and manufacturers, their trade associations and other representatives, and the Small Business Administration. The chief concern they expressed was that the Postal Service would centralize its competitive procurement of neighborhood delivery and collection boxes, and purchase them in large lots, so as to by-pass the distributors altogether, and perhaps eliminate one or more manufacturers as well.

There appeared to be several reasons to believe that these speculative assessments of the potential effect of the proposal on small businesses were greatly exaggerated. First, virtually all of the firms appeared to be diversified manufacturers or distributors, not of mail boxes alone, but of various forms of hardware articles. Second, no firm or association produced any data tending to show the extent that the profits of any firm or group of firms were dependent upon mailbox sales. Third, the Postal Service had purchased and installed neighborhood delivery and collection boxes from 1967 to 1975, without causing any known ill effects on small business: indeed, virtually all of the commenters expressing fears of future ill effects seemed unaware that such a postal program had previously been conducted. Moreover, the procurement of mailboxes during the 1972–1975 period had been both centralized at postal headquarters and implemented in large lots consisting of thousands of units purchased directly from the manufacturers. Fourth, the scale of the proposed program, while larger than the earlier one, is surely going to be small in relation to the market for mailboxes: the approximate annual maximum of 20,000 neighborhood delivery and collection units (approximately 320,000 receptacles) to be purchased in each of the first two years is dwarfed by the 80 million "possible deliveries" nationwide. The number of possible deliveries, moreover, has been growing by more than 1½ million possible deliveries annually. Thus, the speculation that centralized procurements in large lots would adversely affect small businesses did not appear to be well-substantiated.

In addition, the Postal Service does not intend to conduct its procurements of neighborhood delivery and collection boxes on a centralized basis in large lots. Pending procurements are now being conducted either locally, in small lots of less than 200 units, or at the regional headquarters level, in moderate-size lots of 2,000 units or less.

[1] 45 FR 84626.
[2] 46 FR 3568.

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It was recommended by the Chief Counsel for Advocacy of the Small Business Administration that the Postal Service adopt a policy of decentralizing its procurements of mailboxes and limiting their size, so as to "allow distributors as well as small manufacturers to bid at the district or metro level thus preserving the competitive structure of the industry."

A distributor's trade association had contended to its members and to the Postal Service that, "While theoretically the Postal Service could still utilize local distributors, the economies of scale would no doubt demand bypassing the distributor and purchasing direct from the manufacturers." Distributors expressed a similar concern. The Small Business Administration, however, contended that centralized procurement was not necessarily more efficient and could be anti-competitive. The bid data on mailbox procurements which the Postal Service obtained tended to show that the distributors could compete effectively for the Postal Service's business so long as procurements were conducted locally and the lot sizes were kept small. While the lowest unit prices were quoted by one of the manufacturers for moderate-size lots, the unit prices quoted by the distributors in competitive bidding at the local level were generally not significantly higher. Since, moreover, the costs of the units would be amortized by the Postal Service, probably over a ten-year period, it appeared that the Postal Service could realize virtually all of its cost-savings objectives in this program, while substantially allaying the fears of the members of the small business community potentially affected by the program, by adopting the SBA's recommendation to procure the mail boxes at the local level in small lots.

Accordingly, the Postal Service adopts the proposal with an amendment which requires the procurement of neighborhood delivery and collection boxes and parcel lockers to be conducted at the local level in lots not to exceed 100 units. The amendment, moreover, includes a provision which prevents the amendment from being changed without following the same path which has been followed in this rulemaking—affording public notice and an opportunity to comment on any proposed change. This provision gives the small business community a reasonable assurance that the Postal Service's mailbox procurement policy will continue in effect unchanged for as long as a local procurement system reasonably continues to meet the Postal Service's needs. As a practical matter, this provision insures that no effort to change the procurement policy will be instituted for insubstantial reasons.

The other major issues raised in the comments seemed ancillary to the concerns which the amendment described above is designed to resolve. These issues are nonetheless discussed below for the information of the parties raising them.

The Cost-Benefit Analysis Issue. The public comment file contains many letters objecting to the proposal because the Postal Service had purportedly failed to conduct a cost-benefit analysis in order to determine whether the proposal would achieve, or was likely to achieve, its asserted cost savings purposes. While most letters simply alleged a failure to conduct a cost study, the more carefully stated letters implied such allegations but appeared to contain nothing more than statements which could also be interpreted as objecting only to the Postal Service's failure to publish its cost studies in the **Federal Register**, its failure to provide copies of its cost studies to the Congress, and similar objections.

The fact of the matter is, as mentioned above, that the Postal Service conducted an experimental program between 1967 and 1975, under which it purchased, installed, and maintained neighborhood delivery and collection boxes or "clusterboxes". Most of these purchases and installations were accomplished between 1972 and 1975. Toward the end of the experimental period, the Postal Service conducted cost studies of the different methods of carrier delivery, enabling the Postal Service to make a direct comparison of the average cost of carrier delivery each year for door, curbside, and centralized or "clusterbox" delivery in city delivery areas. In these studies, door and curbside delivery costs are based on the customer bearing the costs of owning, installing, and maintaining the mailbox; and clusterbox delivery costs are based on the ownership and maintenance of the clusterboxes, and an assumption of some of the installation responsibility, by the Postal Service.

The results of these cost studies showed that in 1974 each door delivery cost $49 a year; each curbside delivery cost $39 a year; and each clusterbox delivery cost $24 a year. In other words, neighborhood delivery and collection boxes generally provided the most efficient form of carrier delivery, even if the Postal Service purchased, owned, installed, and maintained the boxes.

The Postal Service, moreover, provided the results of these cost studies to Congress shortly after they became available. The Postmaster General testified publicly about them before the Senate Post Office and Civil Service Committee.[3] The Congressional Budget Office used these figures in preparing cost estimates for proposed postal legislation that would have regulated certain forms of carrier delivery.[4] The General Accounting Office used the Postal Service's cost study on clusterbox delivery, and its conclusion that each such delivery cost $24 a year, in assessing the cost effectiveness of the experimental program operated between 1972 and 1975.[5]

Since that time, there has been no significant change in carrier work methods that would invalidate these cost studies insofar as they show the relative postal costs of the different methods of carrier delivery. Since the labor costs reflect between 80% and 90% of total costs, the Postal Service had a reasonable basis when it published its proposal for concluding that reinstituting substantially the same program discontinued in 1975 promised significant cost savings. In response to inquiries received during the comment period, the Postal Service updated its cost figures to correct for the inflation of labor and non-labor costs between 1975 and 1981. The updated data, expressed in terms of the annual average cost of each delivery is: door delivery, $86; curb delivery, $89; and neighborhood delivery and collection box delivery, $43. A copy of each of the original cost studies and of the report updating the cost figures was, moreover, provided to the one commenter who requested copies of them. There is no legal requirement to publish such reports in their entirety in the **Federal Register.**

After the 97th Congress convened, the Postal Service answered inquiries it received from individual Congressional offices and from committee staff members. It will of course continue to do so.

Regulatory Flexibility Act. Several of the comments claimed that the Postal Service's proposal violated the Regulatory Flexibility Act.[6] This claim was not advanced, however, by the Act's administrator, the Small Business Administration's Chief Counsel for Advocacy.

For a variety of legal reasons, however, the Act does not apply to this

[3] Testimony of Benjamin F. Bailar, Postmaster General, January 27, 1976, in Hearings on S. 2844, vol. I, pp. 106–107.

[4] S. Rep. No. 94–966, 94th Cong., 2d Sess. 19–25 (1976).

[5] Letter Report, Comp. Gen. No. B–114874, June 9, 1975.

[6] Act of September 1, 1960, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*

rulemaking. To mention two: the rulemaking provisions of the Act (5 U.S.C. 603 and 604) had not taken effect when the Postal Service published its proposal;[7] and the Act's rulemaking requirements do not apply to an agency rule which, like this one, does not govern or apply to small business entities, but which rather governs the agency's own operations.[8] Nevertheless, as indicated above, the Postal Service has modified the rule so as to make an allowance for the interests of small business beyond any requirement of the Act.

Postal Rate Commission hearings. It was contended that the adoption of the proposal would violate a law which requires the Postal Service to submit certain nationwide service changes to the Postal Rate Commission, so that a public hearing may first be held for mail users, and an advisory opinion rendered on the proposed change. The Commission itself did not participate in the rulemaking or advance this contention. The requirement applies only to changes in the nature of postal services "which will generally affect service on a nationwide or substantially nationwide basis. . . ."[9]

This rule does not require changes in anyone's present mail service. To the extent that this rule affects postal customers, it partly relaxes the requirement to supply mailboxes now in force. Furthermore, while the proposal was not limited to any geographical area, the estimated maximum purchase is only 90,000 units during fiscal years 1981, 1982, 1983, with installation not to exceed 20,000 units annually in the first two years. The maximum number of receptacles in each unit typically does not exceed 16; consequently, the maximum number of receptacles owned by the Postal Service to be added in any year is less than one percent of the total possible deliveries nationwide. A program of this scope does not, by any stretch of the imagination, ". . . generally affect service on a nationwide or substantially nationwide basis. . . ."

Environmental impact statement. It was contended that the proposal is a major Federal action significantly affecting the quality of the human environment for which an environmental impact statement should have been prepared.[10] However, the commenter's view of this issue appeared to be based on a number of misapprehensions about the proposal and the Postal Service, the most extreme of which was a claim that centralized delivery would mean forcing customers to drive from their residences to shopping centers to pick up their mail.

We believe, however, that a careful look at this proposal reveals that it falls short of even a "major action" requiring a written "negative declaration" that the action would not significantly affect the environment.[11] The maximum number of new delivery receptacles owned by the Postal Service will, as already indicated, account for less than one per cent of total possible deliveries nationwide in any one year. As with the neighborhood delivery and collection boxes not owned by the Postal Service, these receptacles will be placed within a reasonable distance of the customers for whom they are intended. In shopping centers, this means that neighborhood delivery and collection boxes will be used only for serving businesses located within such shopping centers and receiving mail at the shopping center's address.

E.O. 12044. It was contended that the proposal violated President Carter's executive order on improving government regulations.[12] There were several reasons why this claim appeared invalid. For example, the order, by its terms, excludes application to regulations such as this one which relate to "agency management" or "procurement".[13] In addition, the special requirements in the order concerning the preparation of a "regulatory analysis" or the giving of 60 days' notice apply only to regulations deemed "significant";[14] this rule does not appear significant within the defined meaning of the order. Further, the Postal Service does not appear to be one of the agencies to which the order applies.[15]

Alleged Discrimination. It was contended that the proposal would discriminate illegally between customers who purchased their own boxes and customers for whom the boxes were purchased by the Postal Service, in violation of the law prohibiting invidious discriminations by the Postal Service between its customers.[16] This law, however, prohibits only those discriminations between customers which are "undue" or "unreasonable". Where, as here, the line would be drawn on the basis of the cost effectiveness of postal ownership of the boxes, the distinction would be grounded in the laws requiring the Postal Service to be operated efficiently.[17] The courts have upheld such postal distinctions because they are reasonably based on the law.[18]

In view of the foregoing considerations, the Postal Service adopts the following amendment of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**, 39 CFR 111.1.

Subchapter 150—Collection and Delivery

Part 151—Private Mail Receptacles

1. Revise the heading of Part 151 to read "MAIL RECEPTACLES" rather than "PRIVATE MAIL RECEPTACLES".

2. Add a new 151.4 to read as follows:

151.4 Receptacles to be Purchased by the Postal Service. Neighborhood delivery and collection boxes and parcel lockers which are to be purchased by the Postal Service shall be procured locally in lots not exceeding 100 units. Amendments of the provisions of this subsection 151.4 may be made only after notice published in the **Federal Register** with opportunity for public comment.

Part 155—City Delivery

3. In 155.4 revise the first sentence of .41a and revise .41b to read as follows:

155.4 Mail Receptacles

.41 Obligation of customer.

a. Customers of the carrier delivery service must provide authorized receptacles or door slots, except for mail receptacles specifically authorized by the Postal Service to be owned and maintained by the Postal Service.

* * * * *

b. The purchase, installation, maintenance, and replacement of mail receptacle equipment, used by customers to receive delivery of mail, are not the responsibility of the Postal Service, except that the Postal Service may specifically authorize neighborhood delivery and collection boxes and parcel lockers to be purchased, installed, maintained, or replaced by the Postal Service.

4. Section 155.631 is revised to read as follows:

155.6 Apartment house receptacles

* * * * *

.63 Mail Receptacles.

.631 Mail Receptacle Responsibility. The purchase, installation, maintenance, and replacement of mail receptacles, boxes, or parcel lockers, are not the responsibility of the Postal Service, except for neighborhood delivery and collection boxes and parcel lockers specifically authorized by the Postal

[7] Section 4 of the Act, 94 Stat. 1170, 5 U.S.C. 601 note.

[8] 5 U.S.C. 553(a)(2), 603–604.

[9] 39 U.S.C. 3661(b) (1976).

[10] 42 U.S.C. 4332(2)(C) (1976); 39 CFR 775.3(a)(i) and 775.4 (1979).

[11] 39 CFR 775.4 (1979).

[12] Exec. Order No. 12,044, 43 FR 12661 (1978).

[13] *Id.* sec. 6(b)(3), 43 FR 12664.

[14] *Id.* sec. 3, 43 FR 12663.

[15] 39 U.S.C. 201, 202, 208 (1976); 5 U.S.C. 104–105 (1976).

[16] 39 U.S.C. 403(c)(1976).

[17] 39 U.S.C. 101, 403, 1001(e), 3621, 3661 (1976).

[18] *E.g., Parsons* v. *United States Postal Service*, 380 F. Supp. 815 (D.N.J. 1974); *Grover City* v. *United States Postal Service*, 391 F. Supp. 982 (C.D. Calif. 1975).

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Service to be owned and maintained by the Postal Service.

Part 156—Rural Service

5. Section 156.31 is revised to read as follows:

156.3 Carrier Service

.31 Availability.

.311 Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carrier, and to persons for whom approved neighborhood delivery and collection boxes and parcel lockers are erected and maintained by the Postal Service on the carrier's line of travel, but no rural carrier service shall be provided to persons residing within city delivery limits.

Part 157—Highway Contract Service

6. In 157.32c revise the first phrase to read as follows:

157.3 Box Delivery and Collection

* * * * *

.32 Contract route box delivery and collection service is provided without charge to customers who:

* * * * *

c. Either erect a mailbox on the highway contract route carrier's existing line of travel, or are authorized to received delivery through neighborhood delivery and collection boxes and parcel lockers owned and maintained by the Postal Service.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 401(3), 401(10); 403; 404(a)(1); 410(a); 2008(c))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-7082 Filed 3-4-81; 8:45 am]

BILLING CODE 7710-12-M

39 CFR Part 111

Definition of Periodical Publication

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends section 421.1 of the Domestic Mail Manual to establish an administrative definition of the term "periodical publication" as that term is used with regard to second-class mail eligibility. Only "newspapers and other periodical publications" are eligible to be sent as second-class mail. This final rule establishes an administrative definition of "periodical publication" for use by the Postal Service in determining the eligibility of individual publications to mail at second-class rates.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Martin L. Cohen, Office of Mail Classification, (202) 245-4569.

SUPPLEMENTARY INFORMATION: On November 5, 1980, the Postal Service published for comment in the **Federal Register** a proposed change to section 421.1 of the Domestic Mail Manual as described above (45 FR 73518). Interested persons were invited to submit written comments concerning the proposed change by December 4, 1980.

Written comments were received from two associations, one individual and in behalf of two publishers. Also, one comment was received by telephone from an association. Two of the commenters favored the rule as proposed. One commenter did not state a preference.

Three commenters opposed the adoption of the proposed rule because they disagree with the proposed definition of a newspaper. They do not believe that newspapers must be unbound, printed on newsprint or be issued weekly or more frequently.

Upon review of the proposed definitions, it was concluded that a definition of a "newspaper" is not required in the second-class mail regulations since "newspapers" are included within the proposed definition of periodical. For this reaon, a definition of a "newspaper" will not be included in the final regulation.

One commenter complained that proposed section 421.1b favors the legal profession because it specifies that certain legal publications are considered to be periodical publications. This objection is not appropriate because section 421.1b does not represent a new provision but rather was previously incorporated into postal regulations to implement the provisions of Public Law 94-421 (September 24, 1976) which granted second-class status to the named legal publications. See 39 U.S.C. 3626(b)(1).

For the above reasons and after careful consideraton of all the comments, the Postal Service hereby adopts the following amendment to the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

Part 421—Requirements for All Second-Class Publications

In Part 421, amend section 421.1 to read as follows:

421.1 Periodical Publications.

Only newspapers and other periodical publications which meet the mailability conditions stated in 123 and the requirements of this chapter may be mailed at the second-class rates. For second-class mail purposes, a periodical publication is defined as follows:

a. A periodical is a publication which is published at a stated frequency with the intent to continue publication indefinitely. The primary distribution of each issue must be made before that of each succeeding issue. The primary purpose of a periodical must be the transmission of information. A periodical may consist of original or reprinted articles on a single topic or variety of topics, listings, photographs, illustrations, graphs, a combination of advertising and nonadvertising matter, comic strips, legal notices, editorial material, cartoons, or other subject matter. A periodical must also exhibit continuity from issue to issue. Continuity may be evidenced by serialization of articles or by successive issues carrying the same style, format, theme, or subject matter.

b. The following particular types of publications are also considered to be periodical publications:

(1) Any catalog or other course listing, including mail announcements of legal texts which are part of post-bar admission education, issued by any institution of higher education or by a nonprofit organization engaged in continuing legal education.

(2) Any looseleaf page or report (including any index, instruction for filing, table or sectional identifier which is an integral part of such report) which is designed as part of a looseleaf reporting service concerning developments in the law or public policy.

(3) Any transportation guide containing transportation schedules, fares, and related information.

c. Material which has been, or is intended to be, distributed primarily as a book cannot be converted into an issue of a periodical by merely placing a periodical's name upon it, placing it within a periodical's cover, or using similar superficial methods. This restriction does not prohibit excerpts or condensations of books from being proper subject matter for periodicals.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

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BILLING CODE 7710-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6004]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Johnson, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama:					
Jefferson	Birmingham, city of	0101168	Mar. 30, 1973, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	June 28, 1975, Oct. 31, 1975	Mar. 16, 1981.
Walker	Carbon Hill, city of	010204A	May 18, 1977, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Oct. 31, 1975	Do.
Do	Cordova, city of	0102058	July 25, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 31, 1974, Jan. 2, 1976	Do
Etonah	Walnut Grove, town of	010252A	June 25, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Jan. 31, 1975	Do.
California:					
Contra Costa	Lafayette, city of	065037B	Feb. 12, 1971, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	July 26, 1974, Dec. 5, 1975	Do.
Delaware: Kent	Wyoming, town of	100020B	Mar. 20, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 24, 1974, Dec. 26, 1975	Do
Illinois:					
Peoria	Bartonville, village of	170534B	June 11, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 15, 1974, Feb. 27, 1976	Do
St. Clair	Caseyville, village of	170621A	Dec. 10, 1976, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Dec. 10, 1976	Do
Winnebago	Cherry Valley, village of	170721B	Feb. 18, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 1, 1974, Sept. 12, 1975	Do
Kane	East Dundee, village of	170323B	May 9, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 17, 1974, Jan. 2, 1976	Do
Do	North Aurora, village of	170329C	May 20, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 1, 1974, July 9, 1976, Feb. 15, 1980.	Do.
Indiana:					
Delaware	Unincorporated areas	180051B	June 13, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 29, 1974, July 7, 1978	Do.
Lake	Gary, city of	180132C	Mar. 17, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	June 28, 1974, June 4, 1976, Apr. 15, 1977.	Do.
Do	Hammond, city of	180134B	Dec. 10, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 15, 1974, Aug. 6, 1976	Do.
Hendricks	Unincorporated areas	180415B	Mar. 17, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Aug. 26, 1977	Do.
Hamilton	Westfield, town of	180083B	Aug. 15, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Feb. 1, 1974, May 28, 1976	Do.
Delaware	Yorktown, town of	180361A	Mar. 18, 1976, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 21, 1975	Do.
Kansas: Cowley	Winfield, city of	200071A	May 30, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 19, 1976	Do.

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State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Kentucky: Graves	Mayfield, city of	210083B	Apr. 7, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 15, 1974, Jan. 2, 1976	Do
Michigan: Oakland	Commerce, township of	260473B	July 30, 1976, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Mar. 26, 1977	Do
Wayne	Redford, township of	260236B	Nov. 26, 1971, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 2, 1973, Oct. 10, 1976	Do
Minnesota: Hennepin	Hassan, township of	270678B	Apr. 14, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Feb. 16, 1978	Do
Clay	Hawley, city of	270084B	Apr. 22, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 17, 1974, July 2, 1976	Do
Mississippi: Alcorn	Corinth, city of	280002B	Jan. 23, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Jan. 23, 1974	Do
Nebraska: Madison	Norfolk, city of	310147C	Nov. 7, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Jan. 23, 1974, Aug. 13, 1976, Nov. 7, 1978.	Do
Cheyenne	Sidney, city of	310039B	Dec. 10, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Feb. 2, 1974, Nov. 14, 1975	Do
New Jersey: Monmouth	Englishtown, borough of	340294A	Aug. 18, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 5, 1976	Do
Hunterdon	Frenchtown, borough of	340234B	Jan. 15, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Apr. 12, 1974, June 11, 1976	Do
Passaic	Haledon, borough of	340399B	May 13, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 10, 1974, Feb. 6, 1976	Do
Hunterdon	Holland, township of	340509B	June 24, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	July 26, 1974, June 11, 1976	Do
Middlesex	Sayreville, borough of	340276B	Jan. 21, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Dec. 28, 1973, Apr. 16, 1976	Do
New York: Jefferson	Henderson, town of	360336A	Apr. 30, 1976, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Jan. 23, 1976	Do
North Carolina: Orange	Unincorporated areas	370342B	July 15, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Apr. 15, 1977, June 16, 1978	Do
Ohio: Summit	Silverlake, village of	390531B	June 4, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Feb. 8, 1974, June 18, 1976	Do
Pennsylvania: Lancaster	East Cocalico, township of	420547B	Apr. 24, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Feb. 1, 1974, Nov. 26, 1976	Do
Chester	East Pikeland, township of	421483B	Sept. 6, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Sept. 6, 1974, May 21, 1976	Do
Do	Easttown, township of	422600A	Nov. 14, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Jan. 3, 1975	Do.
Montgomery	Limerick, township of	421912A	Nov. 7, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Apr. 11, 1975	Do.
Berks	Maiden Creek, township of	421078B	June 4, 1976, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Aug. 2, 1974, June 4, 1976	Do.
Luzerne	New Columbus, borough of	421619B	July 9, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 1, 1974, July 9, 1976	Do.
Huntingdon	Porter, township of	421699A	Aug. 22, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Dec. 6, 1974	Do.
Lehigh	Slatington, borough of	420592B	June 4, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Apr. 12, 1974, May 7, 1976	Do
Chester	Spring City, borough of	420269B	June 4, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Dec. 28, 1973, May 28, 1976	Do.
Bradford	Towanda, borough of	420178A	May 27, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Apr. 25, 1975	Do.
Montgomery	Worcester, township of	421919A	Mar. 4, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 1, 1974	Do
Rhode Island: Washington	Hopkinton, town of	440026B	Sept. 8, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Dec. 28, 1973, Apr. 16, 1976	Do.
South Carolina: Charleston	McClellanville, town of	450039A	Dec. 16, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Oct. 25, 1974	Do.
Tennessee: Lake	Unincorporated areas	470334B	Apr. 22, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 4, 1977	Do.
Shelby	Millington, city of	470178B	Nov. 1, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 31, 1974, Aug. 6, 1976	Do.
Obion	Obion, town of	470253A	Aug. 11, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Jan. 31, 1975	Do.
Lake	Tiptonville, city of	470350B	Jan. 13, 1978, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Jan. 13, 1978	Do.
Texas: Harris	Bunker Hill Village, city of	480290C	Jan. 14, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 3, 1974, Apr. 17, 1979	Do
Vermont: Chittenden	South Burlington, city of	500195B	Nov. 20, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 1, 1974, Oct. 8, 1976	Do.
Virginia	Danville, city of	510044B	Oct. 17, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 31, 1974, Dec. 5, 1975	Do.
Do	Petersburg, city of	510112B	Nov. 7, 1973, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 31, 1974, July 30, 1976	Do.
Wisconsin: Calumet	Chilton, city of	550037C	June 11, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Apr. 12, 1974, May 21, 1976, Nov. 19, 1976.	Do.
Dodge	Fox Lake, city of	550097C	Aug. 1, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	May 24, 1974, Oct. 24, 1975, Feb. 23, 1974.	Do.
Trempealeau	Galesville, city of	550443B	Feb. 23, 1976, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Nov. 30, 1973, June 4, 1976	Do.
Jackson	Melrose, village of	550188B	June 30, 1975, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended.	Dec. 17, 1973, Apr. 9, 1976	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.

Issued: February 23, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc 81-6663 Filed 3-4-81; 8:45 am]

BILLING CODE 6718-05-M

44 CFR Part 64

[Docket No. FEMA 6002]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–755–5585, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama: Jefferson	Hoover, city of	010123	750411 emergency; 810204 regular	741129
Do	Irondale, city of	010124	750828 emergency; 810204 regular	740607
Lauderdale	Lauderdale County	010323	790614 emergency; 810204 regular	780331
Mobile	Prichard, city of	010170	750422 emergency; 810204 regular	[illegible]
Arkansas: White	Searcy, city of	050229	750506 emergency; 810204 regular	740123
Jackson	Tuckerman, city of	050105	750509 emergency; 810204 regular	731116
California: San Mateo	Menlo Park, city of	060321	750402 emergency; 810204 regular	740614
Do	Pacifica, city of	060323	750129 emergency; 810204 regular	740628
Marin	Ross, town of	060179	740916 emergency; 810204 regular	740129
Connecticut: New London	Waterford, town of	090107	740823 emergency; 810204 regular	740735
Florida: Polk	Mulberry, city of	120268	740719 emergency; 810204 regular	740109
Okeechobee	Okeechobee County*	120177	750501 emergency; 810204 regular	750904
Illinois: Cook	Bensenville, village of	170200	740522 emergency; 810204 regular	740412
Do	Bridgeview, village of	170065	750808 emergency; 810204 regular	740332
Calhoun	Brussels, village of	170747	800630 emergency; 810204 regular	741122
St. Clair	Dupo, village of	170624	730529 emergency; 810204 regular	740603
Du Page	Elmhurst, city of	170205	750114 emergency; 810204 regular	740503
Calhoun	Hardin, village of	170738	740201 emergency; 810204 regular	740628
Will	Joliet, city of	170702	730413 emergency; 810204 regular	740531
Calhoun	Kampsville, village of	170735	740130 emergency; 810204 regular	740109
Cook	Orland Park, village of	170140	740415 emergency; 810204 regular	740502
Du Page	Villa Park, village of	170217	740423 emergency; 810204 regular	740306
Lake	Wadsworth, village of	170395	750801 emergency; 810204 regular	740301
Polk	Des Moines, city of	190227	740906 emergency; 810204 regular	740906
Louisiana: Acadia Parish	Estherwood, village of	220004	750612 emergency; 810204 regular	750305
Maine: Androscoggin	Auburn, city of	230001	710827 emergency; 810204 regular	740531
Massachusetts: Hampshire	Amherst, town of	250156	730610 emergency; 810204 regular	740719
Michigan: Genesee	Flushing, township of	260396	791206 emergency; 810204 regular	781210
Ingham	Lansing, township of	260632	750825 emergency; 810204 regular	0
Macomb	Macomb, township of	260445	771216 emergency; 810204 regular	770318
Genesee	Mt. Morris, township of	260400	750613 emergency; 810204 regular	750919

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State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Minnesota:				
Hennepin	Golden Valley, city of	270162	740423 emergency; 810204 regular	740305
Kittson	Kittson County*	270224	740211 emergency; 810204 regular	771104
Missouri:				
St. Louis	Florissant, city of	290352	730611 emergency; 810204 regular	731105
Adair	Kirksville, city of	290002	741202 emergency; 810204 regular	740517
Lawrence	Mt. Vernon, city of	290202	750414 emergency; 810204 regular	740524
Butler	Poplar Bluff, city of	290047	750729 emergency; 810204 regular	740308
Nebraska: Washington	Washington County*	310483	750804 emergency; 810204 regular	770609
New Jersey:				
Middlesex	Milltown, borough of	340268	740201 emergency; 810204 regular	740509
Bergen	Westwood, borough of	340081	711217 emergency; 810204 regular	730511
New Mexico:				
Eddy	Artesia, city of	350016	750404 emergency; 810204 regular	740116
Curry	Clovis, city of	350010	740501 emergency; 810204 regular	740628
De Baca	Fort Sumner, village of	350011	741102 emergency; 810204 regular	740531
New York:				
Chautauqua	Dunkirk, city of	360137	730425 emergency; 810204 regular	740531
Onondaga	Liverpool, village of	360582	741226 emergency; 810204 regular	740726
Niagara	Lockport, city of	360503	731217 emergency; 810204 regular	761022
Ohio:				
Clermont	Batavia, village of	390068	760303 emergency; 810204 regular	731130
Summit	Macedonia, city of	390750	761111 emergency; 810204 regular	750418
Butler	Millville, village of	390041	790326 emergency; 810204 regular	740507
Cuyahoga	Solon, city of	390130	750728 emergency; 810204 regular	740405
Warren	Springboro, village of	390564	750505 emergency; 810204 regular	740412
Summit	Twinsburg, city of	390534	730918 emergency; 810204 regular	740315
Clermont	Williamsburg, village of	390072	800324 emergency; 810204 regular	740329
Oklahoma:				
Okmulgee	Okmulgee, city of	400145	750429 emergency; 810204 regular	740201
Kay	Tonkawa, city of	400079	760630 emergency; 810204 regular	731123
Pennsylvania:				
Blair	Antis, township of	421385	750730 emergency; 810204 regular	741227
Clinton	Bald Eagle, township of	420319	730522 emergency; 810204 regular	731026
Erie	North East, borough of	421359	750429 emergency; 810204 regular	741108
Lancaster	Strasburg, township of	421784	750527 emergency; 810204 regular	740531
Texas:				
Walker	Huntsville, city of	480639	750120 emergency; 810204 regular	740524
Scurry	Snyder, city of	481001	740905 emergency; 810204 regular	740201
Virginia: Henrico	Henrico County	510077	711230 emergency; 810204 regular	741122
Washington:				
Chelan	Chelan County*	530015	730112 emergency; 810204 regular	750110
Do	Wenatchee, city of	530020	741107 emergency; 810204 regular	[illegible]
Wisconsin:				
Jackson	Black River Falls, city of	550186	750407 emergency; 810204 regular	731217
Vernon	Chaseburg, village of	550451	750825 emergency; 810204 regular	731226
Do	Coon Valley, village of	550452	750407 emergency; 810204 regular	740412
Douglas	Douglas County*	550538	740426 emergency; 810204 regular	781222
Jackson	Jackson County*	550563	750930 emergency; 810204 regular	0
Winnebago	Winnebago County*	550537	740415 emergency; 810204 regular	770218

*Unincorporated areas.
Total is: 70.

(44 CFR § 64.6)

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 20, 1981.

Richard Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-6885 Filed 3-4-81; 8:45 am]

BILLING CODE 6718-03-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1060

General Characteristics of Community Action Programs; CSA Income Poverty Guidelines

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is revising its income poverty guidelines. The Economic Opportunity Act of 1964, as amended, requires at least annual revisions of the poverty guidelines for use by every agency administering programs under the Act in which the poverty guidelines are used to judge eligibility for participating in programs. These revisions assure that the income guidelines reflect the changes in the cost of living.

EFFECTIVE DATE: This rule is effective April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ernest F. Powers, Office of Policy, Planning and Evaluation, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, Telephone: (202) 632–6630, Teletypewriter: (202) 254–6218.

SUPPLEMENTARY INFORMATION: The Community Services Administration revision of the updated poverty guidelines constitutes compliance with the legislatively mandated requirement of Section 624 of the Economic Opportunity Act of 1964, as amended. This revision is not significant according to Executive Order 12044 since the only change being made reflects the changes in the Consumer Price Index and is required by the previously mentioned Section of the EOA. The text defining "Income" and "A Farm Residence" remains unchanged. The policy regarding use of these guidelines is also unchanged by this revision.

This amendment to § 1060.2 revises the guidelines previously published in §§ 1060.2–1 and 1060.2–2.

(Section 602, 78 Stat. 530, 42 U.S.C. 2942)

William Allison,

Acting Director.

45 CFR 1060.2–1 through 1060.2–2 is revised to read as follows:

§ 1060.2–1 Applicability.

This subpart applies to all grants financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1060.2–2 Policy.

(a) The attached income guidelines are to be used for all those CSA funded programs, whether administered by a grantee or delegate agency, which use CSA poverty income guidelines as admission standards. Any individual or family certified eligible for AFDC or SSI payments is automatically eligible for CSA program services without the need to be separately certified through the application of the attached income guidelines.

These guidelines do not supersede alternative standards of eligibility approved by CSA.

(b) The guidelines are also to be used in certain other instances where required by CSA as a definition of poverty, e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

(c) The attached guidelines are based upon Table 17 of the U.S. Bureau of the Census, *Current Population Reports*, Series P–60, No. 125, "Money Income and Poverty Status of Families and Persons in the United States: 1979" (Advance Report), U.S. Government Printing Office, Washington, D.C., October, 1980; and Department of Labor Press Release USDL 81–55 of January, 1981.

(d) The following definitions, from *"Current Population Reports"*, P–60, No. 91, Bureau of the Census, December 1973 have been adopted by CSA for use with the attached poverty guidelines.

(1) *Income.* Refers to total cash receipts before taxes from all sources. These include money wages and salaries before any deductions, but not including food or rent in lieu of wages. These include receipts from self-employment or from own farm or business after deductions for business or farm expenses. They include regular payments from public assistance, social security, unemployment and workman's compensation, strike benefits from union funds, veteran's benefits, training stipends, alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is non-cash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or non-farm housing.

(2) *A farm residence.* Is defined as any dwelling on a place of 10 acres or more with $50 or more annual sales of farm products raised there; or any place less than 10 acres having product sales of $250 or more.

Poverty Income Guidelines for All States Except Alaska and Hawaii

Size of family unit	Nonfarm family	Farm family
1	$4,310	$3,980
2	5,890	4,850
3	7,070	6,020
4	8,450	7,190
5	9,830	8,360
6	11,210	9,530

For family units with more than 6 members, add $1,380 for each additional member in a nonfarm family, and $1,170 for each additional member in a farm family.

Poverty Guidelines for Alaska

Size of family unit	Nonfarm family	Farm family
1	$5,410	$4,610
2	7,130	6,070
3	8,850	7,530
4	10,570	9,000
5	12,290	10,450
6	14,010	11,910

For family units with more than 6 members, add $1,720 for each additional member in a nonfarm family, and $1,460 for each additional member in a farm family.

Poverty Guidelines for Hawaii

Size of family unit	Nonfarm family	Farm family
1	$4,960	$4,250
2	6,840	5,590
3	8,140	6,930
4	9,720	8,270
5	11,300	9,610
6	12,880	10,950

For family units with more than 6 members, add $1,580 for each additional member in a nonfarm family, and $1,340 for each additional member in a farm family.

[FR Doc. 81-6901 Filed 3-4-81; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78–253; FCC 81–52]

An Inquiry Into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System

AGENCY: Federal Communications Commission.

ACTION: Order on motion for stay of interim processing.

SUMMARY: The Commission grants in part and denies in part a Motion for Stay of its interim processing policy for TV translator applications during the pendency of the low power television rule making proceeding. To the extent that the prior 30-day extension of the low power and translator cut-off date is responsive to the Motion, the Motion is granted. In all other respects, the Motion is denied, movants not having met the criteria for a stay.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 5, 1981.

Released: February 6, 1981.

By the Commission: Chairman Ferris not participating.

1. The Commission has before it a Motion for Stay filed by the Corporation for Public Broadcasting, the Public Broadcasting Service, and the National Association of Public Television Stations (Movants). The motion asks that the Commission stay its *Memorandum Opinion and Order* of January 8, 1981 (FCC 81–15) (*Order*) 46 FR 10728, to permit movants to seek review of the *Order* in the United States Court of Appeals for the District of

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Columbia Circuit.[1] The *Order* reaffirmed the Commission's policy to continue processing TV translator applications, including applications accompanied by petitions for waiver to permit program origination or subscription service ("low power features") during the pendency of a rule making intended to establish a new low power television service. *Notice of Proposed Rule Making*, Docket No. 78-253, *Inquiry into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System*, 45 FR 69178, October 17, 1980 (*Notice*). Pursuant to the *Notice*, the Broadcast Bureau issued two lists of TV translator applications ready and available for processing (45 FR 70974, October 27, 1980, and 45 FR 81113, December 9, 1980).[2]

2. The Motion for Stay seeks the same relief sought by movants on reconsideration of the interim processing policy: indefinite deferral of the cut-off date(s) for TV translator applications, including those requesting waivers for low power features. Movants argue that they meet the Commission's four criteria for issuance of a stay, set out in *Meyer Broadcasting Co.*, 68 FCC 2d 514, 515 (1978):[3] likelihood of prevailing on the merits; irreparable injury to the movant; no substantial injury to other interested parties; and the public interest would be served by a stay.[4]

3. Movants assert that they are likely to succeed on the merits of their argument that the interim processing policy violates the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. § 553. We have already indicated our view that the interim procedures do not constitute application of new rules, but are guidelines for the continued application of our existing rules and policies, curtailed only where their application could appear to be premature imposition of proposed rules, or prejudice the outcome of the rule making. It is well within our discretion to make such distinctions. *See Memorandum Opinion and Order*, Docket No. 18110, *Amendment of Sections 73.35, 73.240 and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, F4 and Television Broadcast Stations*, 12 FCC 2d 912 (1968); *Kessler v. FCC*, 326 F. 2d 673 (D.C. Cir. 1963). Thus, it continues to be our view that movants are not likely to succeed on the merits of the argument. However, for the purposes of the remaining discussion, we are willing to assume that movants' argument raises serious legal questions.

4. In an attempt to establish irreparable injury, movants claim that noncommercial entities require more time than commercial applicants to prepare applications, due to the unique funding problems faced by noncommercial broadcasters. They fear that commercial applicants will be able to gain cut-off rights on all the available frequencies, particularly in the major markets, during the interim. Therefore, movants argue, noncommercial entities will be harmed irreparably by the interim policy, because they will lose the opportunity to apply for low power channels in the major markets. They also argue that an interim commercial takeover will preclude their prevailing on the position that they intend to pursue in their rule making comments: that the Commission should reserve channels for noncommercial low power stations.

5. In the first place, we do not accept the contention that noncommercial applicants are seriously disadvantaged in their ability to prepare and file acceptable applications. Indeed, precisely because low power will be relatively inexpensive to establish, we initially did not see the necessity of reserving channels for noncommercial use, but believed that noncommercial low power service can develop as rapidly as commercial. Additionally, our application procedures require only that a request for funds has been submitted to the appropriate authority, not finally approved or granted. Therefore, noncommercial applicants are not disadvantaged by the interim policy to any greater extent than any other party who cannot meet a cut-off deadline. Whenever the Commission engages in application processing, there may be parties who, for one reason or another, cannot file their applications on time. In the case of inexpensive stations, where only a proposal for funding is required to be shown, noncommercial applicants are not seriously disadvantaged in relation to their commercial competitors. While we have no means to determine the total number of noncommercial applicants until after the cut-off date has elapsed, it appears that a number of noncommercial entities already have been able to prepare and file TV translator and "low power" applications, both with the sponsorship of the Corporation for Public Broadcasting (CPB) and independently. This fact alone belies movants' claim of irreparable harm to potential noncommercial applicants. It is also clear that not all the available frequencies will be exhausted after the passage of the first cut-off cycle.[5]

6. Moreover, all interim grants are conditional, fully subject to the outcome of the rule making. Therefore, even in the unlikely event that all available frequencies are taken up by commercial applicants during the interim, the Commission nevertheless can exercise the condition on the interim grants, if it ultimately decides to impose noncommercial reservations on some channels. Further, it is likely that many frequencies in the major markets will be the subject of competing applications. Mutual exclusivities will not be resolved until after the report and order, when comparative criteria and procedures have been adopted. If the report and order opts for a system of noncommercial reservations for the low power service, existing mutual exclusivities could be resolved by imposition of reservations on these frequencies. The commercial applications could then be dismissed, and the reserved channels would become available in the future for noncommercial applicants. This would involve no disruption to service already in operation, and the commercial applicants would be out of pocket only the relatively small expense of preparation of the application.

7. Movants not only fail to show irreparable harm to themselves, but also fail to show lack of substantial harm to others if a stay is granted. A stay of the cut-off date would effectively impose an absolute moratorium on the processing of TV translator applications. We have repeatedly stated that such a freeze would be contrary to the public interest. In the January 8 *Order*, we stated: "In considering what to do with applications for such service for the pendency of the rule making we began from the premise that a freeze on conventional translators—denying service to rural areas most in need of it—would be unconscionable." *Order*, at paragraph 29. We reiterate that view here. The benefit to the public of translator service has long been established, and is not now open to question.

8. Although cut-off rights do not vest until after the cut-off date has elapsed, we recognize an obligation to treat with fairness existing applicants, who have a legitimate expectation that at some date their applications will be protected, if they comply with the technical standards. We are particularly concerned about applications on the first cut-off list, for which the cut-off period has now been extended from an initial 39 days to the present 74 days. These are all applicants for "bona fide" translators, with no waiver requests for low power features. Many of these applications had been on file for months prior to adoption of the *Notice*. While we accord these applicants no substantive rights on that basis, in balancing the equities, it continues to be our opinion that both these applicants and, more importantly, the public, would be harmed by further delay in the routine processing of translator applications. In balancing the competing interests, we believe that the public will suffer significant harm as a result of delay in translator processing and movants will not suffer harm, if interim processing continues.

9. Finally, we extended the cut-off date for 30 days, from January 16 to February 17, in response to NAB's Application for Review. *See Order*, FCC 81-21. This extension also is responsive to CPB's request for deferral of the cut-off date, because it applies to all parties desiring to file applications that are mutually exclusive with those on the two cut-off lists. It has the effect of affording noncommercial entities additional time in which to prepare applications. The January 8 *Order* indicates that the Commission has considered in detail the issues raised in CPB's Petition for Reconsideration of the interim policy and in its reply comments in that pleading cycle. We have again considered these issues, recast by the movants in the instant Motion for Stay, primarily in the interest of concluding a series of pleadings filed by numerous parties taking positions on all sides of the interim processing issue. Movants' objections do not center on any new restrictions that we have imposed for the pendency of the rule making, to assure that its goals are not frustrated. Rather, they center on the continued process of authorizing new service to the public under established principles. We believe that a court would find that our broad discretion extends at least as far as the reasoned determination that we shall continue to apply our rules and policies for this service, where no party is prejudiced thereby. We again conclude that interim processing, with appropriate procedural safeguards, is in the public interest. We shall, however, consider the Motion for Stay as comments in the rule making, insofar as it addresses issues that relate to final rules for the low power service.

10. Accordingly, it is ordered, That, to the extent that the 30-day extension of the cut-off date is responsive to the subject motion, the Motion for Stay IS GRANTED; in all other respects, the Motion IS DENIED.

11. This action is taken pursuant to Sections 1, 4(i), 5(d)(1), 303 (c) and (r) and 309(b) of the Communications Act of 1934, as amended.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7021 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Movants filed a Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit on January 22, 1981. In addition, Thomas Hendrickson, representing a group of applicants whose applications appeared on the October 27 translator cut-off list appealed the Commission's extension of the cut-off date to February 17, 1981, in the United States Court of Appeals for the Eighth Circuit. *Little Rock Television Company, et al., v. FCC*, No. 81-1062. The court denied a stay of the extension, but reserved judgment on jurisdiction and the merits, setting April 13 for complete judicial review.

[2] The cut-off date for those two lists is February 17, 1981, by which time competing applications and petitions to deny the listed applications must be filed. A third list, released on January 20, 1981, has a cut-off date of March 12, 1981.

[3] An opposition to the Motion for Stay was filed by Thomas Hendrickson, on behalf of 13 minority applicants whose applications for TV translators appeared on the first cut-off list. It argues that movants have not met the criteria for a stay, that movants' contentions are based merely on a policy disagreement with the Commission and that a stay would be unfair to applicants on the outstanding cut-off lists.

[4] This test was modified by the Court of Appeals for the District of Columbia Circuit in *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F. 2d 841 (D.C. Cir. 1977), which holds that on a strong showing of irreparable harm to the movant and little harm to other persons, likelihood of success on the merits need not be proved. In that situation, a movant merely needs show that a serious legal question is presented. We believe that this distinction is not material here, however, because movants show neither irreparable harm to themselves or lack of serious harm to others or to the public.

[5] Both CPB's Reply to Oppositions and Community Television Network's (CTN) Opposition to the National Association of Broadcasters' (NAB) Application for Review address this issue. CPB predicts no available channels in the top ten markets, analyzing only UHF channels and selecting engineering criteria for maximum facilities that are comparatively difficult to fit to a channel. CTN predicts additional available channels in each of the top 100 markets by assuming that a channel is available where an application already has been filed specifying that channel, but has not yet been placed on a cut-off list. It is fair to say that actual availability lies somewhere between these positions.

47 CFR Part 90

[PR 79-315; RM-2001; FCC 80-673]

Operation of Tactile Paging Devices for the Deaf, Blind, or Physically Handicapped

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the Commission's Rules and Regulations on private land mobile radio service so as to provide two frequencies for paging and response by persons having hearing or visual impairments or physical handicaps qualifying them for licensing in the Special Emergency Radio Service.

DATES: Effective April 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Rules Division, Private Radio Bureau (202) 632-6497.

Report and Order (Proceeding Terminated)

In the matter of Amendment of Part 90 of the Commission's Rules to provide for operation of tactile paging devices for the deaf, blind, or physically handicapped.

Adopted: November 16, 1980.

Released: February 26, 1981.

By the Commission:

Introduction

1. On November 20, 1979, the Commission adopted a Notice of Proposed Rule Making in this proceeding [1] proposing to allocate to the Special Emergency Radio Service the frequencies 35.02 and 43.64 MHz to accommodate the paging requirements of those with hearing and visual impairments or physical handicaps.[2] This frequency allocation would permit the operation of tactile paging receivers [3] for those with hearing deficiencies, or more conventional paging units for those persons whose infirmities do not necessitate the need for tactile pagers.

2. Comments were received from the following individuls and organizations.

American Foundation for the Blind.
Edwin A. Juchno.
GTE Products Corp. (GTE).
Helen Keller National Center for Deaf-Blind Youths and Adults.
Janice Invalid Security Systems, Inc. (Janice).
Motorola, Inc. (Motorola).
Oneida Speech, Hearing, and Language Center.
Telecourier, Inc. (Telecourier).
Telex Communications Inc. (Telex).
Telocator Network of America (Telocator).

The comments received generally supported the proposal to allocate frequencies to accommodate the paging requirements of these segments of our

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[1] Notice of Proposed Rule Making, PR Docket No. 79-315, 44 FR 69669 (1980).

[2] The proceeding was initiated in response to a petition (RM-2001) submitted by Bell & Howell Communications Company.

[3] Tactile paging receivers vibrate rather than emit an audible tone.

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population. Some who commented, however, expressed concern as to specific points contained in our Notice. These comments are discussed below.

Discussion of the Proposal

3. The Notice as we have indicated proposed the allocation of two frequencies to the Special Emergency Radio Service for the use of the hearing impaired, the blind, and other handicapped persons as well as institutions devoted to the care or training of the handicapped. As proposed, the 43.64 MHz channel would be used for base stations to send non-voice paging signals to persons carrying receivers within a short distance of the paging transmitter. A feature of the proposal that sets it apart from conventional paging and, in fact, makes it a two-way system in some instances, is the provision of a response capability to the page on the frequency 35.02 MHz from a miniature transmitter which would be carried by the person paged. This frequency could also be used by a person calling for help (e.g. from a person in an overturned wheelchair or similar emergency).

4. The Commission further proposed to limit the permissible operating mode to digital transmissions employing F9Y emission.[4] The provision of F9Y emission would permit operation of sophisticated systems to send digital messages, receive them on suitably equipped units, store and then display them at a later time. This feature would be of value to the hearing impaired, and to the blind as well, if a Braille-type readout were employed.

5. We also proposed to allow sub-channeling on these frequencies so that, for example, an institution for the training of the handicapped could assign a particular sub-channel for each separate classroom so that paging messages directed to one would not be received by another. This would permit several classrooms to be addressed simultaneously without interference. The sub-channeling feature would also permit users living within range of one another to use different sub-channels and thereby avoid receiving each other's paging signals. This could be of benefit, for example, in tract housing designed for handicapped persons where several might live within a block or two.

Discussion of Comments

6. As we have stated, in the main, the comments supported our proposal. Some, however, objected to specific parts, while others suggested enlarging the proceeding to accommodate additional functions. Mr. Juchno, for example, suggested a Federal assistance program to aid the handicapped in purchasing paging systems, and enlarging the eligibility base so as to permit the equipping of theaters and other public places with transmitters to alert the handicapped first of any situation necessitating evacuation of the area. He also suggested equipping emergency vehicles with transmitters so that they might alert drivers with hearing impairments of their approach. Lastly, he indicated it was feasible to permit seeing-eye dogs to be directed by their owners by the use of transmitters on 43.64 MHz.

7. We have considered these comments with a great deal of interest. However, by and large, they seem to exceed the scope of this proceeding and to some extent the authority of this Commission. Our purpose in initiating this rulemaking was to provide a tactile paging capability for persons with severely impaired hearing, as was requested in the Bell and Howell petition, and to satisfy the paging requirements of other specific classes of eligibles. We, therefore, proposed paging systems including a capability for the use of pagers that would vibrate rather than emitting a tone. We also contemplated that these paging systems would operate over a limited geographic area of between a quarter to a half a mile. In other words, the purpose of this proceeding is limited to carefully circumscribed objectives and is intended to accommodate, in the private radio services, the specific needs of this portion of our populace. To expand the eligibility requirements as some have suggested, we believe, would risk diluting the effectiveness of these systems' primary purpose. Other channels are already available for those persons and organizations which have additional paging requirements. Moreover, in an ongoing Commission proceeding in General Docket No. 80-183 we have proposed to allocate more frequencies to satisfy the general paging requirements which exist in the private and common carrier radio services.[5] We, therefore, are declining to adopt broad-based eligibility for the use of these two channels.

8. Some of the comments expressed the view that subchanneling of these frequencies is imperative where several handicapped persons live in a small area such as in tract housing, and that assignment of the subchannels and tones must be controlled by the Commission. Assignment of tone codes is an area the Commission has always avoided as one better handled among licensees on a localized basis taking into account their particular needs and requirements rather than by the Commission at a national level. Likewise, we feel that the assignment of subchannels for paging for the handicapped would better be left to local concerns. Furthermore, the assignment of subchannels, particularly on a national level, would require implementation of an extensive coordination and data support system. Coordination of frequencies and the use of tone codes in other radio services has worked quite satisfactorily for many years without Commission regulation and we do not believe that a departure from this long established practice is warranted here.

9. Janice in its comments also noted that we did not specifically mention the use of mobile units alone without a base station. This was an oversight since there was no intention of denying the use of a simple system using a mobile unit with a receiver for a person who might not require anything more sophisticated. The proposed rules did not provide for mobile transmitters. They mentioned transceivers only. In the Appendix hereto, we have amended the language to permit the use of mobile transmitters as well as the more sophisticated (and expensive) transceivers.

10. A third suggestion by Janice would require that an application for a paging station for use by a handicapped person require notarization in addition to the statement from the person's physician. At one time virtually all applications submitted to the Commission required notarization but the practice was discontinued since it was of doubtful value and imposed a significant burden on applicants. We do not feel that it is desirable or necessary to reinstate a notarization requirement specifically for these systems.

11. Telecourier suggests that a frequency pair in the 150 MHz range would provide better coverage than the frequencies proposed. This may indeed be true but our research prior to release of the Notice failed to reveal any 150 MHz frequencies that were lightly loaded or that could conceivably be reallocated for the purpose of paging for the handicapped. Furthermore, Telex takes the position that the frequencies proposed parallel those used in European auditory training systems and that use of 35.02 MHz and 43.64 MHz may permit parts interchangeability and therefore some economies in production of paging systems. Whatever the merits of these two points of view, frequency loading in the 150 MHz range precluded our selecting any frequencies other than the two low-band channels mentioned.

12. In its comments, Motorola suggests that the Commission is authorizing a system that is beyond the state of the communications art. While it is true that the most sophisticated possibilities under the Commission's proposal may not be available off the shelf today, we desire to provide a regulatory framework which will accommodate technological advancement and not to adopt rules so restrictive as to inhibit developmental efforts. Furthermore, Telecourier states that it already distributes products produced by a Swedish company that incorporate a number of the characteristics that Motorola indicates are beyond the present state of the art in the United States. It was not anticipated that all of the features mentioned in the Notice would be immediately available for sale to the handicapped in a small economical package. We do wish, however, to establish a regulatory climate in the marketplace which would encourage evolution of more versatile equipment to be available at present or possibly reduced prices.

13. Motorola also would like the Commission to authorize voice as well as tone paging for those users who are partially hearing impaired, blind, or physically handicapped. However, we are concerned that this mode of operation may encourage users to engage in conversations rather than simple paging operations. Even if voice were limited to one way, rather than two-way use, we believe in view of the limited amount of spectrum being allocated that it would not be desirable. Moreover, the existence of voice transmitters may inhibit the adoption of more efficient modes of digital communication such as were proposed in the Notice. Tone paging, we believe, however, would not tend to limit, to the same degree, the application of digital systems. As stated in the Notice, we wish to provide for as many users as possible. In consideration of the relative costs of tone versus digital transmitters and receivers and the numbers of users who might be prevented by the higher cost from using digital units, we believe that initially, at least, tone paging should be permitted. We are therefore amending the rules to allow emissions other than F9Y. GTE also proposes that amplitude as well as frequency modulation be permitted. For the same consideration of cost, we agree that this would be desirable and the Appendix provides for A2, F2, A9Y, and F9Y emission.[6]

14. GTE states in its comments that the use of 43.64 MHz will result in interference to television receivers in hospitals having master antenna (MATV) systems.[7] The Commission has previously been concerned with television interference resulting from the operation of paging transmitters assigned frequencies near the 43.64 MHz frequency proposed herein for base stations.[8] In this particular situation, however, we do not expect interference to occur for two reasons. First, the transmitter power authorized to these tactile paging stations will be well below the levels authorized to other one-way paging transmitters operating in this band.[9] This large difference in power levels substantially reduces the probability of television interference occurring.[10] Second, the tactile paging service will be transmitting only a fraction of the time high powered common carrier pagers transmit.[11] Therefore, any interference will be short in duration. We are sensitive, however, to the possibility that use of this service may increase to such an extent over time that TVI may in some instances occur. Therefore, we have asked that Field Operations Bureau monitor television interference complaints to be sure that this new service does not create television interference problems. In the event that we receive evidence that indicates a developing problem, we will take appropriate action, which may include adopting the types of procedures currently being used in the Common Carrier Bureau processing of 43 MHz applications.

15. Telocator, in its comments, takes the Commission to task for its lack of understanding of the paging function and particularly of the "communications services it is considering. * * *" The primary thrust of its argument is that radio common carriers can provide a hearing impaired, blind, or physically handicapped paging service that is far better than that proposed in the Notice, at a cost that would be at least comparable to a user-provided system. At the same time, however, it concedes that there are parts of the proposal providing for actuation by fire alarms, doorbells, and telephones that radio common carriers would not be prepared to provide. It concludes with the offer to "work with the Commission to help establish special lifeline service rates on common carrier systems * * *" for eligible users. We have considered Telocator's comments; however, it has been the Commission's policy over the years to make available to eligible users alternative means of communication, that is to provide an election for interested and qualified persons to choose between private and public systems. See e.g. *Multiple Licensing—Safety and Special Radio Services, Memorandum Opinion and Order and Notice of Proposed Rule Making, Docket No. 18921*, 24 FCC 2d 510, 517 (1970); *Second Report and Order, Docket No. 18262*, 46 FCC 752, 763, 766 (1974). We are convinced this objective will be furthered by authorizing eligible users for this paging alternative in the private radio services.

Conclusion

16. In summary, the Commission believes the public interest will be furthered by adoption of its proposals. We are, therefore, adopting rules to provide a pair of frequencies dedicated to provision of a paging service for the hearing impaired, the blind, or the physically handicapped who meet the criteria set forth in the Appendix attached hereto.

[4] See 47 CFR Section 2.201 for explanation of emission, modulation, and transmission characteristics.

[5] See Notice of Proposed Rulemaking, General Docket No. 80-183, FCC 80-231, 45 FR 32013 (May 15, 1980).

[6] See footnote 4, *supra*.

[7] The frequency 43.64 MHz is within the intermediate frequency (IF) band used by the majority of home television receivers. Inadequately shielded receivers may be particularly sensitive to transmitters operating in this band, even though these transmitters may be operating in compliance with FCC technical rules. This sensitivity to signals occurring outside the television band may result in displayed television interference.

[8] In response to numerous complaints from television viewers, the Commission established interim procedures to govern acceptance and processing of applications for DPLMRS paging transmitters operating in the 43 MHz band. See 77 FCC 2d 94 (1980).

[9] The paging transmitters that were the electrical cause of the interference mentioned in footnote 8 operated with effective radiated powers (ERP) of 500 watts. Stations authorized under the instant action will have ERP's of less than 10 watts.

[10] FCC Laboratory tests indicate television receivers may be susceptible to 43 MHz interfering signal fields of approximately 2 volts/meter. A television receiver would have to be within thirty feet of a 10 watt ERP transmitting antenna to experience this amplitude of field strength. We do not expect this distance criteria to be met in the vast majority of installations. MATV antennas, however, might be within thirty feet of the tactile paging transmitting antennas at hospitals and other institutions. Even in this situation, interference is not likely to present a problem since the frequency response of the MATV amplifiers acts to filter the 43 MHz energy out of the MATV system.

[11] Although its transmission time is similar to the times common carrier pagers transmit single pages, the low-powered tactile pagers are not likely to be loaded nearly as heavily as the high-powered common carrier pagers. This is because of the large difference in coverage areas between the two services, and the corresponding difference in the number of potential users. Eligibility requirements will further limit the number of users of the new service. As a result, the tactile pager will only be transmitting short duration messages relatively few times throughout a day.

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17. Section 90.405 of the Rules limits permissible communications to those directly related to the safety of life and property, and to those directly related to activities which make the licensee eligible for the station license. In the case of handicapped persons, their use of paging devices will relate to their safety and will clearly be permissible communications. When units having digital message capability come into common use, messages a few words in length will be capable of being transmitted in a second or less. Even though the message is directed to a child by its mother, we think it can be construed to be related to safety or to disability. We can, however, foresee a technically sophisticated licensee transmitting continuous long messages to digital receiving equipment. In this instance, we believe, the licensee would find it hard to justify his message content under the provisions of § 90.405 and such use is beyond any contemplated in this rule making proceeding. For this reason, we are adopting a two second rule similar to that limiting secondary use of voice stations for non-voice transmissions. The purpose of the two second limitation is to prevent anyone from monopolizing the paging channel, while still permitting institutions having a need for frequent use to derive maximum benefit.

18. As mentioned in the Notice, present users of 35.02 MHz will be unaffected and we shall continue to license new Business Radio Service low power stations on a co-equal basis with Special Emergency low power paging stations on that channel. Since the handicapped user stations are expected to be located primarily in residential areas, we anticipate little interference with Business Radio Service stations which are normally located outside of residential areas. Existing users of the 43.64 MHz channel may continue to operate after August 1, 1985, on a secondary (non-interference) basis. Between August 1, 1980, and August 1, 1985, existing users and new "handicapped user" stations shall be on a co-equal basis. No new one-way "conventional" paging stations will be licensed on 43.64 MHz after August 1, 1980.

19. In consideration of the foregoing, the Commission determines that it is in the public interest, convenience, and necessity to amend its rules so as to provide two frequencies for paging and response for the hearing impaired, blind, and physically handicapped. The rule amendments are contained in the Appendix. Questions concerning this matter may be directed to Arthur King at (202) 632-6497.

20. Accordingly, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, it is ordered, that effective April 9, 1981, Part 90 of the Commission's Rules is amended as set forth in the attached Appendix. It is further ordered that this proceeding is terminated. It is further ordered, that the Secretary shall cause this Report and Order to be published in the **Federal Register**.

(Secs. 4, 303, 307, 48 Stat., as amended, 1006, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. A new § 90.38 is added to read as follows:

§ 90.38 Physically handicapped.

(a) *Eligibility.*—(1) Any person having a hearing deficiency such that average hearing threshold levels are 90 dB above ANSI (American National Standards Institute) 1969 or ISO (International Standards Organization) 1964 levels and such other persons who submit medical certification of similar hearing deficiency.

(2) Any person having visual acuity corrected to no better than 20/200 in the better eye or having a field of vision of less than 20 degrees.

(3) Any person, who, through loss of limbs or motor function, is confined to a wheelchair, or is nonambulatory.

(4) Parents or guardians of persons under 18 years eligible under (1), (2), (3), or institutions devoted to the care or training of those persons.

(b) *Special eligibility showing.*—The initial application from a person claiming eligibility under paragraph (a) shall be accompanied by a statement from a physician attesting to the condition of the applicant or the applicant's child (or ward in case of guardianship).

2. In § 90.53(a), Frequencies available, The Special Emergency Radio Service frequency table is amended to add the frequency 35.02 MHz and to add the limitation "27" to 43.64 MHz as follows:

§ 90.53 Frequencies available.

Special Emergency Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
35.02	Mobile	26
43.64	Base	4, 27

3. In § 90.53(b), new paragraphs (26) and (27) are added as follows:

§ 90.53 Frequencies available.

* * * * *

(b) * * *

(26) This frequency is available in this service only to persons eligible under the provisions of § 90.38(a) for operation of transmitters having a maximum power output of three watts using A2, F2, A9Y or F9Y emission. This frequency is also available in the Business Radio Service on a co-equal basis with the Special Emergency Radio Service users.

(27) No new licenses will be granted for one-way paging under Section 90.487 for use on this frequency after August 1, 1980. This frequency is available to persons eligible for station licenses under the provisions of Section 90.38(a) on a co-equal basis with one-way paging users under section 90.487 prior to August 1, 1985 and on a primary basis after August 1, 1985. Only A2, F2, A9Y, and F9Y emission and power not exceeding 10 watts will be authorized. Antennas having gain greater than 0 dBd will not be authorized. Transmissions shall not exceed two seconds duration.

§ 90.75 [Amended]

4. In § 90.75, Business Radio Service, amend the Business Radio Service Frequency Table under paragraph (b) to add limitation "5" to the frequency 35.02 MHz as follows:

* * * * *

(b) * * *

Business Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
35.02	do	4, 5, 22

5. In § 90.75(c) delete "Reserved" at paragraph (5) and insert the following:

(c) * * *

(5) This frequency is also available in the Special Emergency Radio Service for low power paging use on a co-equal basis.

§ 90.425 [Amended]

6. In § 90.425 amend paragraph (d) by the addition of subparagraph (6) as follows:

(d) * * *

(6) It is a paging station authorized in accordance with the provisions of Section 90.38(a)

§ 90.555 [Amended]

7. In § 90.555(b) amend the Combined frequency list as follows:

Frequency	Services	Special limitations
35.02	IB, PS	Low power Handicapped paging.
43.64	PS	1 way paging Handicapped paging

[FR Doc. 81-6834 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1331

[Ex Parte No. 297 (Sub-No. 5)]

Motor Carrier Rate Bureaus—Implementation of Pub. L. 96-296

AGENCY: Interstate Commerce Commission.

ACTION: Final rules: Notice of extension of date for new or amended agreements.

SUMMARY: Petitions were filed by eleven major motor carrier rate bureaus and the National Association of Specialized Carriers, Inc. (NASC) requesting that the March 5, 1981 date for filing new or amended agreements be extended. By notice published in the **Federal Register** on January 22, 1981 (46 FR 6971) we had previously extended the date for filing agreements to March 5. The major motor rate bureaus ask for an extension until 15 days after we act on their appeal of the Commission's decision of January 29, 1981. In that decision we denied petitions for stay pending judicial and administrative review of our December 30, 1980 decision in this proceeding. NASC requests that we extend the filing deadline pending disposition of petitions to reopen and/or pending judicial review and that we subsequently set the deadline for filing within not less than 60 days of the effective date of standards ultimately and finally determined. The petitions are granted in part. In order to avoid repetitive filings, the date for submitting new or amended agreements is extended to 15 days after service of our decision on the petitions to reopen our December 30 decision. The major rate bureaus stated in their petition that they have been complying with our December 30 decision since the February 2, 1981 effective date. As required under 49 U.S.C. 10706(e)(2) all motor rate bureaus must continue this indicated compliance with the requirements of our December 30 decision until the new or amended agreements are filed on the prescribed date and acted upon by the Commission. Postponement of the filing date in no way affects the implementation of our December 30 decision.

DATE: The date for filing new or amended agreements is now 15 days from the February 27, 1981 service date of our decision on the petitions to reopen our December 30, 1980 decision in this proceeding.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

Decided: February 26, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7026 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 43
Thursday, March 5, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-4]

Petition for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied.

Correction

In FR Doc. 81-6509 appearing on page 14749 in the issue of Monday, March 2, 1981, the deadline date for the receipt of comments is May 4, 1981.

BILLING CODE: 1505-01

14 CFR Part 71

[Airspace Docket No. 81-NE-02]

Proposed Designation of Control Zone at Boire Field, Nashua, New Hampshire

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Cancellation of notice of proposed rulemaking.

SUMMARY: On February 12, 1981, a Notice of Proposed Rulemaking (NPRM) appeared in Volume 46, No. 29, Page 12002, on Airspace Docket No. 81-NE-02. This Notice proposed to designate a control zone at Boire Field, Nashua, New Hampshire, to coincide with the establish ment of a new Airport Traffic Control tower at Boire Field on March 16, 1981. Due to a change in the date of the commissioning of the new Airport Traffic Control Tower at Boire Field, the Notice is no longer applicable. Accordingly, the Notice is being withdrawn.

FOR FURTHER INFORMATION CONTACT:
Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

Issued in Burlington, Massachusetts, on February 20, 1981.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 81-6619 Filed 3-4-81; 8:45 am]

BILLING CODE 4910-13-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 50, 70 and 72

Decommissioning Criteria for Nuclear Facilities: Notice of Extension of Period of Comment on Draft Generic Environmental Impact Statement

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Draft generic environmental impact statement; extension of comment period.

SUMMARY: On February 10, 1981, a Notice of Availability of Draft Generic Environmental Impact Statement was published in the **Federal Register** [46 FR 11666] which indicated that comments must be received before March 23, 1981. Some interested persons have experienced delays in obtaining copies of the environmental impact statement. This notice extends the period of comment.

DATES: Comments must be received on or before April 22, 1981.

FOR FURTHER INFORMATION CONTACT:
G. D. Calkins or Carl Feldman, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301-443-5910).

Dated at Washington, D.C. this 20th day of February 1981.

For the Nuclear Regulatory Commission.

G. D. Calkins,
Decommissioning Program Manager.

[FR Doc. 81-7022 Filed 3-4-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6293; 34-17575; 35-21832; IC-11646; File No. S7-876]

Revision of Property, Plant and Equipment Disclosure Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY The Commission is proposing revised disclosure requirements for the detailed property, plant and equipment schedule and the related schedule of accumulated depreciation, depletion and amortization (Rules §§ 210.12-06 and 12-07). The revised requirements would be based on disclosures by industry segment and would liberalize the rules which permit omission of the schedules. Additionally, disclosures concerning non-depreciable assets, assets under construction, fully depreciated assets still in use, and idle capacity would be required if the amounts are significant.

DATE: Comments should be submitted on or before April 30, 1981.

ADDRESSES: Comments should refer to File S7-876 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection at the Commission's Public Reference Room, 6101, 1100 L Street, NW., Washington, D.C. (File No. S7-876).

FOR FURTHER INFORMATION CONTACT:
Arthur J. Schmeiser, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION:

I. Background

On January 15, 1980 the Commission proposed a general revision to Regulation S-X ("S-X") which involved Articles 3 and 5 and the related sections of Article 12.[1] Although a major objective of that initiative was to restructure the S-X rules to facilitate the Commission's effort to integrate financial reporting under the Securities Act of 1933 and the Securities Exchange Act of 1934, the rulemaking proposal was a fundamental rethinking and restructuring of the content of the Articles being revised. As part of the process, the Commission proposed amendments to Rule 12-06 which prescribes the schedule requirements for property, plant and equipment ("PP&E") disclosures. The proposed revision also would have changed the requirements of Rule 12-07 involving the related information about accumulated depreciation, depletion and amortization.

Commentators generally opposed these proposed amendments that would have had the effect of expanding disclosures about PP&E. As a result, the Commission did not substantively amend Rules 12-06 and 12-07 when it took final action on those proposed S-X amendments;[2] rather, it indicated it would reconsider these rules and anticipated that it would propose revisions in the future.

Present Rules 12-06 and 12-07 were adopted initially under Accounting Series Release No. 12, "Adoption of Regulation S-X," in 1940.[3] During the ensuing forty-year period, many changes have been made in financial accounting and reporting, but these rules have remained largely intact. Although the mere passage of time is not necessarily indicative of obsolescence, significant changes in financial accounting and reporting over a period of years create a need to periodically reassess the type and detail of information which is required to be presented.

In the January 1980 release, the Commission proposed amendments to these supplemental schedules which would have required disclosure of:

(1) Assets classified by depreciation, depletion or amortization method and thereunder by major classification;

(2) Fully depreciated, depleted or amortized assets which are still in use;

(3) By classification, the rate used in computing depreciation, depletion or amortization, and if more than one rate is used, the range and weighted average rate; and

(4) Any asset or group of homogeneous assets (such as computers, equipment used in a specific manufacturing process, warehouses, and office buildings) which comprises 25 percent or more of a major class of property, plant and equipment and the depreciation, depletion or amortization rate. This requirement would not have applied if the asset or group of homogeneous assets constituted less than five percent of total assets.

Of the 300 commentators on the proposed general revision of S-X, approximately 70 percent specifically commented on the amendments to Rules 12-06 and 12-07. Of that group, approximately 95 percent objected to the expanded disclosure requirements and requested that the proposal either be withdrawn or modified. The reasons for objecting were many and varied, but the primary concern was that the cost of accumulating and presenting the information would not be balanced by the usefulness of the disclosure to investors and other users. Most of the criticism related to the proposal to require disclosure of assets classified by depreciation method and to present the range and weighted averge depreciation rates. Not all aspects of the proposal received such negative comments: a number of respondents supported the proposed requirement to disclose fully depreciated assets still in use.

II. Discussion of Proposed Revisions to the Rules

Need for Information

Almost every company, regardless of size or activity, uses some level of PP&E in the conduct of its operations. Many of these companies, especially the commercial and industrial ones, have significant investments in these assets. Usually, these assets are an integral part of the primary business activity of the company. The Commission believes that, where these assets are significant, information about the content of the PP&E accounts and the changes therein should be available to financial statement users.

Discussions with and comments received from analysts suggest that disclosures about PP&E are essential to analyzing the age of an enterprise's property resources and the adequacy of management's related policies and practices. The Commission has concluded that the benefits of PP&E disclosures generally are sufficient to require presentation in filings with the Commission, but it recognizes that these disclosures will be of interest primarily to professional analysts who have an interest in developing an in depth understanding of corporate results and should not be required in financial disclosure designed for the averge investor. Therefore, these disclosures are proposed to remain in the supplemental financial schedules required in certain Commission filings and not in annual reports to shareholders.

Having concluded that additional information about PP&E is important to certain users, consideration must be given to the type of information and the level of detail that should be required. But even before this, consideration should be given to which registrants should be disclosing information about their PP&E. In most situations, the importance of information about a company's capital assets increases with the significance of these assets relative to all assets of the company. This measurement can be computed on a net basis (gross cost of PP&E less accumulated depreciation, depletion and amortization) or on a gross basis (gross cost of PP&E). The Commission is proposing that PP&E schedules should not be required (a) if the amount of net PP&E as presented on the balance sheet at the beginning and end of the period is less than 10 percent of the amount of related total assets and (b) if the amount of gross PP&E as presented on the balance sheet at the beginning and end of the period is less than 20 percent of the amount of related total assets. Although the percentages are necessarily arbitrary, the Commission believes that they will serve to require disclosures in situations where these assets have a substantial bearing on the financial condition and results of operations of the particular enterprise. These rules would replace the present 5 and 10 percent tests. Commentators are invited to address these rules specifically and to suggest any alternatives which they believe would be more effective given that the intent is to require disclosure only when the assets involved are significant.

Type of Information

The amendments proposed in January 1980 focused the framework of the PP&E schedules on methods of depreciation and the related depreciation expense. Commentators indicated that this was not the most effective way to frame these schedules since the ability of users to estimate future depreciation expense would not be enhanced appreciably by this approach. Further, users do not appear troubled by the fact that many companies combine significantly different types of assets under a single caption "machinery and equipment" or that the depreciation range for buildings may be twenty to fifty years. Users have indicated that they are more concerned about the business activities in which the assets are deployed and in gaining information to anticipate when significant additions or deletions are likely to occur. The Commission concludes that these objectives are

[1] Securities Act Release No. 6178.

[2] Securities Act Release No. 6233 (ASR No. 280) (September 2, 1980).

[3] Securities Act Release No. 2179 (February 2, 1940).

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reasonable and has designed disclosure requirements accordingly.

Proposed Rules

In 1976, the Financial Accounting Standards Board ("FASB") issued Statement of Financial Accounting Standards No. 14, "Financial Reporting for Segments of a Business Enterprise" ("SFAS No. 14"). This pronouncement requires that companies disclose certain information about the industry segments in which a company is engaged. In issuing SFAS No. 14, the Board expressed a need to respond to the ever changing needs of users as a result of the increased complexity of business enterprises. Accordingly, generally accepted accounting principles require segment disclosures when a complete set of financial statements are issued by a publicly owned company. The Commission recognizes this increasing complexity and is proposing that the new PP&E schedules be based on industry segments that parallel those used in complying with SFAS No. 14.

The disclosure reqirements of SFAS No. 14 require that companies disclose for each reportable segment the aggregate amount of depreciation, depletion, and amortization expense and the amount of capital expenditures. The proposed PP&E schedule, in addition, would require disclosure of retirements and other deductions as well as the balance at the beginning and end of the period. Additionally, for each segment, where applicable, non-depreciable assets and assets under construction would be disclosed if the amount at the beginning or end of the period was at least 5 percent of the related PP&E in the segment. Therefore, if the percentage tests were met, the PP&E schedule would present by segment: non-depreciable assets, assets under construction and all other assets in the segment. For these items, the following would be disclosed: balance at the beginning of the period, additions, retirements, other changes and balance at the end of the period.

It should be noted that certain registrants presently provide disclosures of PP&E by functional grouping. These groupings frequently are different than the reportable segments and the information provided is usually more comprehensive. Commentators are requested to specifically address this issue and to comment as to whether the potential decrease in disclosure is appropriate or if some action should be taken to maintain the level of detail which is included in functional groupings.

The Commission is of the opinion that information about a company's idle capacity and its full depreciated assets which are still in use is important. Therefore, if idle capacity or fully depreciated assets still in use equal or exceed 5 percent of total PP&E at the beginning or end of the period, the idle capacity and/or fully depreciated assets still in use at the end of the period should be disclosed and the segment breakout should be identified.

Nondepreciable Assets

Land would tend to be the only nondepreciable asset for most companies. To the extent other significant nondepreciable assets are included, the components should be identified.

Assets Under Construction

Assets that are in the process of being constructed and have not yet been placed in use should be separately disclosed.

Idle Capacity

PP&E that is idle (other than temporarily) or that is expected to be idle in excess of an operating cycle should be disclosed separately. A similar requirement was included in the previously proposed rules. Several commentators, primarily from the utility industry, objected to the separate disclosure of idle plant. They noted that regulatory commissions frequently permit idle capacity to be included in the allowable rate base until final determination of its status is established. As such, they do not believe it appropriate to provide the disclosure. The Commission believes that these disclosures which are similar to those proposed in January 1980 are important to users in assessing all enterprises where idle assets are significant. Although the disclosure may not have the same implications in all industries, it nonetheless is information that may be significant in the evaluation process.

Fully Depreciated Assets

PP&E which is fully depreciated, depleted or amortized or is carried at net estimate salvage value but is still being used should be disclosed. This information should include PP&E which is fully depreciated but still recorded in the accounts of the company and the amount of PP&E which has been removed from the accounts even though it is still in use.

Information Concerning Significant Future Events

The Commission presently encourages registrants to supply forward-looking information in the capital resources section of the revised "Management's Discussion and Analysis of Financial Condition and Results of Operations," announced in Accounting Series Release No. 279.[4] The Commission is convinced that such information enhances a registrant's ability to communicate effectively with the readers of its financial statements. Certain individuals have expressed similar sentiments and have suggested that the Commission require disclosure of forward-looking information about significant PP&E additions and deletions. This proposed rulemaking initiative does not take positive action in this area, but the Commission believes that registrants should consider providing such information.

On June 25, 1979 the Commission adopted a rule providing a safe harbor from applicable liability provisions of the Federal securities laws for statements made in filings with the Commission or in annual reports to shareholders that contain or relate to projections.[5] Projections covered by this rule include (1) projections of revenues, income (loss), earnings (loss) per share or other financial items, such as capital expenditures, dividends, or capital structure, (2) management plans and objectives for future company operations, and (3) future economic performance included in management's discussion and analysis.[6] Some registrants have taken advantage of this safe harbor rule and have provided disclosures which are innovative and meaningful. For example, notable disclosures have been made of capital expenditure projections. But, this voluntary effort generally has been limited. The Commission believes that the area of capital expenditures is one where projections are extremely meaningful. Additionally, it is aware that many companies internally are making projections of capital expenditures on a regular basis and the Commission would like to see more external disclosures of this information.

III. Other Changes

The Commission recognizes that if these proposed amendments are adopted conforming amendments will be needed for various other Articles of S–X. Since these conforming changes would be non-substantive, they are not

[4] Securities Act Release No. 6233 (September 2, 1980).

[5] Securities Act Release No. 6084 (June 25, 1979).

[6] Securities Act Release No. 6291 (February 17, 1981) provides for an extension of the safe harbor rules to include information on the effects of changing prices disclosed voluntarily by registrants pursuant to Items 11 and 12 of Regulation S–K.

proposed in this release but will be made in conjunction with the adoption of final rules. In the adopting relase the Commission intends to clarify the requirements in Article 5 of S–X making it clear that the property, plant and equipment schedules are required for each year an income statement is presented.

IV. Requests for Comments

All interested persons are invited to submit their views and comments concerning the amendments proposed herein in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments should be received not later than April 30, 1981. Such communications should refer to File S7–876 and will be available for public inspection.

Text of Proposed Amendments

The Commission hereby proposes to amend 17 CFR Chapter II as follows:

§ 210.12–06 Property, plant and equipment.[1] [4]

Col. A.—Classification [2]	Col. B.—Balance at beginning of period [3]	Col. C.—Additions at cost	Col. D.—Retirements [3]	Col. E.—Other changes add (deduct)–describe [4]	Col. F.—Balance at end of period [3]

[1] Comment briefly on: (a) Any significant and unusual additions, abandonments, or retirements (including gain or loss thereon), or any significant or unusual changes in the general character and location, of principal plants and other important units, which occurred within the period; (b) the methods and, if practicable, the rates used in computing the annual provision for depreciation, depletion, obsolescence and amortization of physical properties and capitalized leases.

[2] Assets are to be classified by industry segment as disclosed in the registrant's financial statements. Under each industry segment, the following is to be presented: (a) Nondepreciable assets; (b) assets under construction; (c) all other property, plant and equipment classified in this industry segment; and (d) total of all columns for this industry segment. Specific categories (a) and (b) under industry segments may be included in category (c) if the balance of such category at the beginning and end of the period is less than 5 pct of the related balance for that particular segment (d).

[3] If the total balance at the beginning of the period and at the end of the period is less than 20 percent of the related total assets on the balance sheet and if the total balance at the beginning of the period less the related accumulated depreciation, depletion and amortization and the total balance at the end of the period less the related accumulated depreciation, depletion and amortization is less than 10 percent of the related total assets on the balance sheet, this schedule may be omitted.

[4] Disclose the amount, as of the end of the latest period, of idle capacity and fully depreciated assets still in use, setting forth separately the amount included in each business segments. These disclosures may be omitted if the amount at the beginning and end of the period is less than 5 percent of the amount of total property, plant and equipment at the beginning and end of the period.

Idle capacity is defined as available capacity that is idle, other than temporarily, or is expected to be idle in excess of an operating cycle.

Fully depreciated assets still in use are defined as assets which are being utilized by the company but whose net book value is zero or which is carried at estimated salvage value, included are assets still recorded in the accounts of the company and those which have been removed from the accounts. In computing the percentage test for omission, original book value is to be computed as a percent of gross property, plant and equipment which should include the original cost of the fully depreciated assets. Amounts presently included in the accounts of the company and those which have been removed should be separately identified.

Explain the changes in column D which are stated at other than cost.

[5] State clearly the nature of the changes and the other accounts affected. If provision for depreciation, depletion and amortization of property, plant and equipment is credited in the books directly to the asset accounts, the amounts shall be stated in column E with explanations, including the accounts to which charged.

The amendments are proposed to be effective with respect to annual periods ending after December 15, 1981.

These amendments are being proposed pursuant to the authority in Sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) [15 U.S.C. 781, 78m, 78o(d), 78a] of the Securities Exchange Act of 1934; and Sections 5(b), 14 and 20(a) (15 U.S.C. 79b, 79n, 79t) of the Public Utility Holding Act of 1935.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and it is not aware at this time of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 25, 1981.

Regulatory Flexibility Act Certification

I, Harold M. Williams, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments to revise the disclosure requirements for the detailed property, plant and equipment schedule and the related schedule of accumulated depreciation, depletion and amortization contained in Securities Act Release No. 6293 (February 25, 1981), "Revision of Property, Plant and Equipment Disclosure Requirements," will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that it is anticipated that the effects of the proposed amendments, if adopted, will not be significant for any registrant because the information is generally maintained by a company as part of its basic accounting records.

Harold M. Williams,

Chairman.

February 25, 1981.

[FR Doc. 81–7027 Filed 3–4–81; 8:45 am]

BILLING CODE 8010–01–M

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

By revising § 210.12–06 to read as follows:

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 5H5097/P73; PH–FRL 1761–1]

Diquat; Proposed Food Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that 21 CFR 193.160 be amended by extending the current regulation to permit additional uses of diquat in reservoirs, marshes, bayous, drainage ditches, canals, rivers, and streams that are quiescent or slow-moving with a tolerance limitation of 0.01 part per

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million (ppm) for residues of diquat in potable water. The proposal was submitted by the Department of the Army. This amendment to the regulations would establish a maximum permissible level for residues of diquat in potable water.

DATE: Written comments must be received on or before April 6, 1981.

ADDRESS: Written comments to: Richard F. Mountfort, 80P-1451, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: At the present time, diquat dibromide is registered for aquatic control in water systems which may be potential sources of potable water. These registrations have been issued or continued under an interim tolerance. The interim tolerance established a legal residue level of 0.01 part per million (ppm) for residues of the herbicide diquat in potable water (calculated as the cation) resulting from the use of its dibromide salt to control aquatic weeds in canals, lakes, ponds, and other potential sources of potable water.

The proposed tolerance, which will replace the established interim tolerance of 0.01 ppm, was submitted by the Corps of Engineers for use in its program. Chevron Chemical Co. had previously petitioned the Agency for tolerance regulations on diquat. Much of the data used to support the Corps of Engineers' petition were Chevron data.

1. The Federal Working Group on Pest Control requested that the Tennessee Valley Authority, the Bureau of Reclamation, and the Corps of Engineers obtain the sanctions of the Federal regulatory agencies for continuation of their aquatic pest control operations.

2. Some Departments, notably the Department of the Interior, issued directives that only registered pesticide uses could be employed in Department programs.

3. Certain local action groups were questioning whether the resulting pesticide's residues in public drinking water supplies were safe. There were lawsuits brought against Federal agencies because of pesticide treatments in aquatic sites.

4. Congress proposed amendments to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 1972 that would make it an offense to use a pesticide in a manner other than as described on registered labels. In the late 1960's the Federal "user" agencies approached the Federal regulatory agencies and pointed out that the use of aquatic herbicides was essential in carrying out their responsibilities. They asked for the establishment of a mechanism by which sanction of the regulatory agencies could be obtained.

Two Federal statutes did offer some means of a formal assessment of safety. The major difficulty was that the pesticide amendment of the Federal Food, Drug, and Cosmetic Act (FFDCA) was designed to set legal residue tolerances for agricultural uses on raw agricultural commodities but not in water, and FIFRA controlled only the shipment and use of pesticides. After much study, the legal groundwork was laid for a workable procedure. Basic to this was a finding that potable water was a processed food within the meaning of the FFDCA and that a pesticide residue contributed to potable water from purposeful use was a food additive within the meaning of section 409 of the Act. A tolerance under the FFDCA became a prerequisite for registration. A notice of understanding between EPA and FDA concerning drinking water additives was published on July 20, 1979, in the **Federal Register** (44 FR 42755). As described in this notice, EPA assumes responsibility for indirect and direct additives to drinking water under the Safe Drinking Water Act (SDWA), the Toxic Substances Control Act (TSCA), and FIFRA, as amended. The agency will, at a later date, establish regulations under SDWA to limit concentrations of pesticides in drinking water. Until these regulations are established, the agency will continue to rely on food additive tolerances established under section 409 of the FFDCA to describe limits on residues in drinking water resulting from direct applications of pesticides in aquatic situations.

In August 1970, the U.S. Department of Agriculture's Pesticides Regulation Division announced that registration for aquatic uses would be cancelled unless tolerances were obtained. The policy was officially endorsed at the highest levels of Departmental authority by the Secretaries of Agriculture and Health and Human Services in a statement in the **Federal Register** of March 3, 1970, in which it was agreed that tolerances for pesticides in water should be established under the FFDC Act.[1] In the **Federal Register** of April 13, 1968 (31 FR 5723), the Secretaries of Agriculture and Health and Human Services issued a joint statement to the effect that all pesticides registered for food or feed on a no-residue, or zero tolerance, basis must have negligible residue tolerances established by December 31, 1970, or registration would be cancelled. Subsequently, it was agreed that, in general, registrations should be continued on those situations where petitions had been submitted prior to December 31, 1970, but that in no event would any such registration be continued without tolerance beyond December 31, 1971 (notice was published in the **Federal Register** of December 5, 1970 (35 FR 18850)). However, many of those petitions were submitted just prior to the deadline and, due to amendments, are still under review.

Accordingly, it was concluded that interim tolerances should be established for those pesticide chemicals involved with pending tolerances provided there was reasonable assurance that the public health would be protected. These tolerances were to provide a basis for extension of the registration only until the processing of the pending petitions could be completed and action taken thereon.

In the same **Federal Register** issue (December 5, 1970, 35 FR 18562), the proposed interim tolerance for diquat residues in potable water was published. The final order was published November 15, 1972, establishing an interim tolerance for diquat at 0.01 ppm.

Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, had previously filed a pesticide petition (1F1101) and a food additive petition (FAP 3H5022). Notices of filing appeared in the **Federal Register** of March 18, 1971, and October 20, 1972, respectively.

The development of data to determine the level and identity of residues which can result in irrigated crops, fish, shellfish, meat, milk, eggs, and potable water at any point in time after an aquatic pesticide use is enormously complicated.[1] This fact has hindered industry in obtaining favorable action on their petitions. The regulatory agencies felt that because the Federal agencies were the prime users, the data requirements could be limited if the tolerance specified the "user" agency. This would allow the regulating agencies to restrict the area of concern to a "user" agency's program. In this way, the "user" agency would obtain a relatively expeditious method of receiving sanctions from the regulating agencies for their aquatic weed control programs. Numerous tolerances had been set under this policy. In October 1972, FIFRA was amended by the Federal Environmental Pesticide Control Act (FEPCA). These amendments, among other things, required: all pesticide products in the United States to be registered, all pesticide uses to be classified for restricted or general use, and strict conformance of the user to label directions.

[1] Cummings, J. G., Residue Tolerances for Aquatic Herbicides, *J. Aquatic Plant Mgmt.*, Vol. 14, June 1976.

The Senate Report No. 92-838, entitled "Pesticide Control," June 7, 1972, (Re: H.R. 10779 to amend FIFRA) addressed the effects of the 1972 amendments on the pre-1972 FIFRA. On page 21, the report stated: "The foregoing classification and restriction provisions are not contained in present law and (together with the provisions prohibiting any use inconsistent with the labeling and prohibiting the making available for use, or using any pesticide other than in accordance with the provisions of this subsection) constitute entry of Federal regulation into a significantly unregulated area. General use pesticides will be regulated as to labeling as all pesticides under Federal jurisdiction are regulated at present, and, in addition, will be regulated as to use in accordance with the labeling. Registration for specific uses under specific conditions, as well as directions for use, warnings, and cautions constitute the major means to control pesticide use under present law. But there is nothing in the present law requiring that those directions, warnings, and cautions be followed. The provisions of the bill requiring compliance with the labeling, providing for classifying pesticides for restricted use, requiring in some cases that they be applied by or under the supervision of a certified applicator, and requiring them in other cases to be subject to different regulatory restrictions are the key new authorities of the bill. Such provisions enable the EPA to impose a variety of restrictions as the nature and uses of the pesticide warrant in order to protect persons and the environment, while U.S. Agriculture continues to derive the benefits of pesticides use."

It is evident that Congress in its actions realized that certain uses of pesticides could not be safely controlled with the regulations in force prior to the 1972 amendments. The agency's policy regarding aquatic uses of herbicides, up to the present day, has been to issue tolerances specifying the user agency. With this petition, the agency proposes to expand the water. These conditions of safe use will also be spelled out on the labeling of registered products containing diquat. In most pesticidal uses, use restrictions are necessary to minimize the risks involved to the user and to those affected by the use. This is true for both terrestrail and aquatic pesticide use.

The 1972 amended FIFRA authorizes the label to describe conditions which, when followed, will not cause an unreasonable adverse effect on man or his environment.

It is the requirement of FIFRA, as amended, for the user to assure himself, and/or the consenting authority, that conditions prescribed on the registered label can be maintained in the particular aquatic use application. The setting of permanent tolerance regulations of diquat residues arising from the aquatic uses of dibromide salt of diquat will necessitate revision of the particular aquatic use application. The setting of permanent tolerance regulations of diquat residues arising from the aquatic uses of dibromide salt of diquat will necessitate revision of the presently registered labels. These changes will be spelled out in a letter to the registrants of products containing diquat for aquatic uses. The changes will reflect the conditions required by this agency to conform with this regulation and include in part the proposals submitted by the Department of the Army, Office of the Chief of Engineers, (DAEN-CWO-F), Washington, D.C. 20314, in FAP 5H5097 submitted to EPA. That petition propose that 21 CFR 193.160 be amended by establishing a regulation permitting the use of the herbicide diquat (6,7-dihydrodipyrido(1,2-a:2',1'-c) pyrazidiinium dibromide) calculated as the cation in potable water with a tolerance limitation of 0.01 ppm.

The date submitted in this petition and other relevant material have been evaluated. The evaluation of the scientific data determined that the metobolism of diquat in crops, animals, and fish is adequately defined and that the parent compound is the only component of concern. In addition, an adequate enforcement method (colorimetry) is available.

A regulation is in effect (21 CFR 193.160) permitting the use of the dibromide salt of diquat to control aquatic weeds in canals, lakes, ponds, and other potential sources of potable water with an interim tolerance limitation of 0.01 ppm for residues. A tolerance has also been established (40 CFR 180.226) for residues of diquat from use of its dibromide salt in or on sugarcane at 0.05 ppm. The pesticide is considered useful for the purpose for which the tolerance is sought.

The proposed tolerances represent 6.07 percent (without potable water) or 12.73 percent (with potable water) of the maximal permitted intake (MPI) for diquat residues. These values are based on a no-observable-effect level (NOEL) of 10 ppm (0.5 mg/kg of body weight; 2-year rat feeding study), and a safety factor of 100 and an MPI of 0.3000 mg/day for a 60 kg person. Since the production of cataracts in experimental animals is the most sensitive indicator of diquat toxicity, the NOEL quoted above is the noncataractogenic level.

A 2-year rat feeding study has demonstrated a NOEL of 10 ppm (i.e., no cataracts were observed at 10 ppm). In this same study, at 1,000 ppm, other than the appearance of cataracts there was no effect on survival rate, hematology, clinical biochemistry, urinalysis, organ weights, incidence of tumors, and gross and microscopic tissue changes. In a separate and independent 2-year feeding study with rats, 25 ppm appeared to be a noncataractogenic level. Reproduction was not impaired in rats at a dietary intake level of 500 ppm, in a study where the same parents produced three consecutive litters. The 500-ppm level was nonteratogenic to rats. An 80-week study showed that a 300 ppm (highest tested) level was nononcogenic to mice. Twenty daily applications of diquat dibromide to intact rabbit skin resulted in a NOEL of 20 mg of diquat cation/kg of body weight. Fifteen 6-hour daily inhalation exposures indicated that a NOEL was higher than 1.0 microgram/liter of air for rats, mice, guinea pigs, and dogs. Single (acute) exposures to diquat dibromide by oral or dermal routes resulted in the following LD_{50} values (mg cation/kg of body weight): rat, oral, 400-440; and rabbit, dermal, greater than 500. Single oral exposure of rats to a formulation containing 19.3 percent of diquat cation resulted in an LD_{50}=810 mg/kg and no gross or microscopic pathological tissue changes were observed at the 1,800 mg/kg level. No opacity or iritis occurred after a formulation containing 18.9 percent of diquat cation was sprayed into rabbits' eyes, and the eyes remained unwashed for 14 days.

The use of diquat in water requires the ability of the user to exercise adequate control over the treated water to assure that residues of diquat will not exceed 0.01 ppm in water at the time of use for drinking purposes. This requires a holding period of 14 days before use of treated water for domestic use, livestock, or irrigation. The agency concludes that section 12(a)(2)(G) and section 23(a)(1) of FIFRA, as amended, afford a statutory base to assure that the aquatic use of diquat will only be utilized in those circumstances where the label restrictions can be met. The agency also concludes that only Federal and/or State authorities can meet the prescribed use restrictions when application of diquat is to bodies of

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water that can transport the pesticide out of the treatment area.

It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the prescribed label and labeling registered pursuant to FIFRA, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*); thus, it is concluded that the proposed tolerances will protect the public health. It is proposed, therefore, that 21 CFR 193.160 be amended as set forth below. (A related document [PP 5E1648/P166] concerning the establishment of tolerances for residues of diquat in or on raw agricultural commodities from its use to control aquatic weeds appears elsewhere in this issue of the **Federal Register**.)

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by April 6, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "[FAP 5H5097/P73]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Richard F. Mountfort, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. These regulations are labeled "specialized." The regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: February 12, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, it is proposed that Subpart A of 40 CFR Part 193 be amended by revising § 193.160 to read as follows:

§ 193.160 Diquat.

(a) A tolerance of 0.01 ppm is established for residues of the herbicides diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidilinium) derived from application of the dibromide salt in potable water resulting from the application of the pesticide for control of aquatic weeds in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, streams, and rivers which are slow-moving or quiescent in programs of the Corps of Engineers or other Federal or State or public agencies. These agencies or contractors under their direct control will make certain that the treated water will not be used for animal consumption, swimming, spraying, domestic purposes, or for irrigation for 14 days post treatment or until approved analysis shows that the water does not contain more than 0.01 ppm of diquat (calculated as the cation) and that no treatment will be made where commercial processing of fish is practiced.

(b) A tolerance of 0.01 ppm is established for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazidilinium) (calculated as the cation) derived from application of the dibromide salt in potable water resulting from the application of the pesticide in ponds, lakes, and drainage ditches where there is little or no outflow of water and which are totally under the control of the user. The applicator will make certain that treated water will not be used for animal consumption, swimming, spraying, irrigation, or domestic purposes for 14 days post treatment. These applications of diquat are not to be used in aquatic sites in Florida.

Appendix—Regulatory Flexibility Act Certification

Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. § 601-612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. § 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. § 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a food additive level of 0.01 ppm for residues of the herbicide diquat in potable water, and would replace an existing interim tolerance of 0.01 ppm. This proposed rule would also establish certain safety precautions as conditions for the permissible use of diquat in water, and would require that diquat be applied to moving water, not totally under control of the user, only be federal or state agencies. These conditions would not significantly restrict existing uses of the pesticide, and would permit registration of some uses not permitted by the interim tolerance. The only potential adverse impact of the proposed rule would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighed by the benefits to the registrants of being able to register some additional uses.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-7024 Filed 3-4-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 52

[A-10-FRL 1770-2]

State of Washington; Availability of Implementation Plan Revision

AGENCY: Environmental Protection agency (EPA).

ACTION: Notice of availability and advance notice of proposed rulemaking.

SUMMARY: EPA announces today receipt of regulations submitted by the Washington Department of Ecology for the control of emissions from the second group of Volatile Organic Compounds (VOC) for which EPA has published Control Techniques Guidelines.

The public is invited to submit written comments to the record which will be held open for a period of thirty (30) days.

A Notice of Proposed Rulemaking describing the regulations and the action that EPA intends to take regarding them will be published in the **Federal Register** after the initial thirty (30) day public comment period has closed. A second period for the submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking.

DATE: Comments will be accepted up to April 6, 1981.

ADDRESSES: The relevant material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A-80-1), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20450.

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

State of Washington, Department of Ecology, 4224 Sixth Ave. SE., Lacey, Washington 98503.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-1226.

SUPPLEMENTARY INFORMATION: In accordance with EPA policy guidance, States are required to adopt VOC emission control regulations for specific VOC sources within six months of the date that EPA publishes Control Techniques Guidelines (CTG's).

The revised Department of Ecology regulations (WAC 173-490) were submitted on July 31, 1980 in response to EPA's publication of Group II CTG's in January 1980.

The purpose of this notice is to call the public's attention to the fact that these rules have been formally submitted to EPA and are available for public inspection at the locations noted above. The public is encouraged to submit written comments regarding the proposed rules and thus participate in this rulemaking activity.

A more detailed description of the proposed Washington SIP revisions will be published in the **Federal Register** at a later date as part of a Notice of Proposed Rulemaking.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practicial purpose and could well be improper.

(Sections 110, 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: February 24, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-7046 Filed 3-4-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 180

[PP 5E1648/P166; PH-FRL 1760-6]

Diquat; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that 40 CFR 180.226 be amended by establishing tolerances for residues of the pesticide diquat. The proposal was submitted by the Department of the Army. This amendment to the regulation would establish maximum permissible levels for residues of diquat on various crops.

DATE: Written comments must be received on or before: April 6, 1981.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: The Department of the Army, Office of the Chief of Engineers (DEAN-CWO-F), Washington, D.C. 20314, has submitted a petition (PP 5E1648) to the EPA. This petition requests that the Administrator amend 40 CFR 180.226 by the establishing tolerances for residues of the pesticide diquat (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyraziidiinium dibromide calculated as the acid eqivalent in or on the raw agricultural commodities fish and the crop groupings referred to in 40 CFR 180.34(f) at 0.1 ppm. The Department of the Army amended the petition by proposing the establishment of tolerances for residues of diquat calculated as the acid equivalent in or on the specific raw agricultural commodities fish, forage grasses, forage legumes, and shellfish at 0.1 ppm and avocados, citrus fruits, cottonseed, cucurbits, fruiting vegetables, nuts, pome fruit, root crop vegetables, small fruits, and stone fruits at 0.02 ppm resulting from its use in aquatic weed control programs. (A related document [FAP 5H5097/P73] which proposes that 21 CFR 193.160 be amended to permit the use of diquat in water appears elsewhere in this issue of the **Federal Register**.

The data submitted in the petition and other relevant material have been evaluated. The evaluation of the scientific data determined that the metabolism of diquat in crops, animals, and fish is adequately defined and that the parent compound is the only component of concern. In addition, an adequate enforcement method (colorimetry) is available.

A regulation is in effect (21 CFR 193.160) permitting the use of the dibromide salt of diquat to control aquatic weeds in canals, lakes, ponds, and other potential sources of potable water with an interim tolerance of 0.01 ppm. A tolerance has previously been established (40 CFR 180.226) for residues of diquat from use of its dibromide salt in or on sugarcane at 0.05 ppm. The pesticide is considered useful for the purpose for which the tolerances are sought, and there is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3).

The proposed tolerances represent 6.07 percent (without potable water) or 12.73 percent (with potable water) of the maximal permitted intake (MPI) for diquat residues. These values are based on a no-observable-effect-level (NOEL) of 10 ppm (0.5 mg/kg of body weight; 2-year rat feeding study), and a safety factor of 100 and a MPI of 0.3000 mg/day for a 60 kg person. Since the production of cataracts in experimental animals is the most sensitive indicator of diquat toxicity, the NOEL quoted above is the noncataractogenic level.

A 2-year rat feeding study has demonstrated a NOEL of 10 ppm (i.e., no cataracts were observed at 10ppm). In this same study, at 1,000 ppm, other than the appearance of cataracts there was no effect on survival rate, hematology, clinical biochemistry, urinalysis, organ weights, incidence of tumors, and gross and microscopic tissue changes. In a separate and independent 2-year feeding study with rats, 25 ppm appeared to be a noncatarctogenic level. Reproduction

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was not impaired in rats at a dietary intake level of 500 ppm, in a study where the same parents produced three consecutive litters. The 500 ppm level was nonteratogenic to rats. An 80-week study showed that a 300 ppm (highest tested) level was nononcogenic to mice. Twenty daily applications of diquat dibromide to intact rabbit skin resulted in NOEL a of 20 mg of diquat cation/kg of body weight. Fifteen 6-hour daily inhalation exposures indicated that a NOEL was higher than 1.0 microgram/liter of air for rats, mice, guinea pigs, and dogs. Single (acute) exposures to diquat dibromide by oral or dermal routes resulted in the following LD_{50}values (mg cation/kg of body weight): rat, oral, 400–440; and rabbit, dermal, greater than 500. Single oral exposure of rats to a formulation containing 19.3 percent of diquat cation resulted in an LD_{50}=810 mg/kg and no gross or microscopic pathological tissue changes were observed at the 1,800 mg/kg level. No opacity or iritis occurred after a formulation containing 18.9 percent of diquat cation was sprayed into rabbits' eyes, and the eyes remained unwashed for 14 days.

Thus, it is concluded that the proposed tolerances will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by April 6, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 405(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "[PP5E1648/P166]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Richard F. Mountfort from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other "specialized" procedures. The regulation has been reviewed and it has been determined that it is a specialized formulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(d)(2), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 12, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator, for Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR, Part 180 be amended by revising and editorially reformating § 180.226 in a columnar listing, designating the existing text as paragraph (a), and adding the new paragraph (b) to read as follows:

§ 180.226 Diquat; tolerances for residues.

(a) Tolerances are established for residues of the plant regulator diquat (6,7-dihydrodipyrido(1,2-a:2',1'-c) pyrazidiinium) derived from application of the dibromide salt and calculated as the cation, in or on the following raw agricultural commodity:

Commodity	Parts per million
Sugarcane	0.05

(b) Tolerances are established for residues of the herbicide diquat (6,7-dihydrodipyrido(1,2-a:2',1'-c) pyrazidiinium) (calculated as the cation) derived from the application of the dibromide salt to ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, streams, and rivers which are slow-moving or quiescent in programs of the Corps of Engineers or other Federal or State public agencies and to ponds, lakes, and drainage ditches only where there is little or no outflow of water and which are totally under the control of the user, in or on the following raw agricultural commodities:

Commodity	Parts per million
Avocados	0.02
Cottonseed	0.02
Cucurbits	0.02
Fish	0.1
Fruits, citrus	0.02
Fruits, pome	0.02
Fruits, small	0.02
Fruits, stone	0.02
Grain, crops	0.02
Grasses, forage	0.1
Hops	0.02
Legumes, forage	0.1
Nuts	0.02
Shellfish	0.1
Sugarcane	0.02
Vegetables, fruiting	0.02
Vegetables, leafy	0.02
Vegetables, root crop	0.02
Vegetables, seed and pod	0.02

Where tolerances are established at higher levels from other uses of diquat on the subject crops, the higher tolerance applies also to residues from the aquatic uses cited above.

Appendix—Regulatory Flexibility Act Certification

Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96–543, 94 Stat. 1164, 5 U.S.C. § 601–612, effective January 1, 1981). The purpose of the act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as small entities). The law requires that all "notice-and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. § 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same act (21 U.S.C. § 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide. Usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed rule would establish new tolerances of 0.1 or 0.02 ppm for diquat residues in certain specific food crops, and would confirm an existing interim tolerance 0.05 for residues in sugar cane. This tolerance rule, if promulgated, would permit registration of several new uses of diquat and sale of crops containing diquat residues within the tolerance limits. It would not eliminate existing uses of the pesticide. The only potential adverse impact of the proposed rule would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighed by the benefits to the registrants of being able to register some additional uses.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.

Acting Administrator.

[FR Doc. 81–7023 Filed 3–4–81; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Parts 430 and 431

[WH–FRL 1770–1]

Pulp, Paper, and Paperboard and Builders' Paper and Roofing Felt; Point Source Categories Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Common Period.

SUMMARY: On January 6, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from pulp, paper, and paperboard mills (46 FR 1430). The comment period was scheduled to expire March 9, 1981. EPA is hereby extending until May 1, 1981, the period for comment on all aspects of the pulp, paper, and paperboard proposed rulemaking. In addition, EPA will also provide a 60-day period for comment on its review of a Council on Wage and Price Stability (COWPS) study of the Agency's general methodology for determining the removal costs for POTWs used in establishing effluent limitations reflecting the "best conventional pollutant control technology." The 60 day period will begin upon publication of a notice in the Federal Register announcing the availability of the Agency's review of the COWPS study.

DATE: Comments on the proposed regulations for the pulp, paper, and paperboard industry must be submitted to EPA by May 1, 1981.

ADDRESS: Send comments to Mr. Robert W. Dellinger, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Pulp, Paper, and Paperboard Industry Rules (WH–552).

The supporting information and all comments on the proposal are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Dellinger or Arthur E. Shattuck, (202) 426–2554.

SUPPLEMENTARY INFORMATION: On January 6, 1981, EPA proposed regulations to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from the pulp, paper, and paperboard industry (46 FR 1430). Comments on the proposal were to be submitted on or before March 9, 1981. Industry representatives petitioned for an extension of the comment period until June 8, 1981, stating that their review and comments on costs and feasibility of the proposed regulations could not be completed within the present comment period. They also requested that a provision be made to extend the comment period on the proposed regulations as to all limitations which affect conventional pollutants until 60 days after publication of the Agency's review of the COWPS study of EPA's BCT methodology.

EPA has decided to extend the period for comment on all technical and economic aspects of the proposed regulations until May 1, 1981. The Agency will also provide a separate 60 day period for comment on EPA's review of the COWPS study of the Agency's general methodology for establishment of effluent limitations reflecting the "best conventional pollutant control technology" (BCT). The 60 day period will begin upon publication of a notice in the **Federal Register** announcing the availability of the Agency's review of the COWPS study. This opportunity to submit comments on EPA's review of the COWPS study is limited to the subject of the COWPS study—the appropriate methodology for determining the removal costs for POTWs—and does not extend the May 1 deadline for submittal of comments on all other aspects of the pulp, paper, and paperboard proposed rules.

In view of industry's familiarity with the pertinent issues from prior contacts with EPA, we believe that these actions will provide the pulp, paper, and paperboard industry and other interested parties with sufficient opportunity to comment on the proposed regulations and on our review of the COWPS study on BCT methodology.

Dated: February 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81–7025 Filed 3–4–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6005]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administrtion, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or Toll Free Line (800) 424–8872 (in Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

These elevations, together with the flood plain management measures required by section 60.3 (formerly section 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact

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stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Attalla, Etowah County	Big Wills Creek	Just upstream of Southeastern corporate limits	*529
			Just upstream of U.S. Highway 11 (3rd St. S.W.)	*543
		Little Wills Creek	Just upstream of Cleveland and Forrest Ave. S.E.	*532
			Just upstream of Southern Railway	*535
	Maps available for inspection at City Hall, 612 North Fourth Street, Attalla, Alabama 35954.			
	Send comments to Mayor Carnes or Ms. Jane Phillips, City Clerk, City Hall, 612 North Fourth Street, Attalla, Alabama 35954.			
Alabama	City of Bay Minette, Baldwin County	Hollinger Creek	Just upstream of Old Pensacola Road	*236
			Just upstream of Louisville and Nashville Railroad	*243
	Maps available for inspection at City Hall, Bay Minette, Alabama 36507.			
	Send comments to Mayor John F. Rhodes or Mr. Harry Still, Sr., City Administrator, City Hall, P.O. Box 770, Bay Minette, Alabama 36507.			
Alabama	City of Glencoe, Etowah County	Little Drive Creek	Just upstream of Rabbit Town Road	*526
			Just downstream of College Street	*535
			Just upstream of Keysburg Road (First crossing located near Debbie Drive).	*554
			Approximately 200 feet at downstream of Louisville and Nashville Railroad (2nd crossing located at upstream of Keysburg Road).	*589
		Macon Drive Creek	Just downstream of Fourth Ave. (extended)	*541
		Coosa River	At River Cliff Road extended	*517
	Maps available for inspection at City Hall, 119 Lonesome Ben Road, Glencoe, Alabama 35999.			
	Send comments to Mayor Ronnie Ramprey or Ms. Rosa St. John, City Clerk, City Hall, 119 North Lonesome Ben Road, Glencoe, Alabama 35999.			
Alabama	Town of Loxley, Baldwin County	Corn Branch	Just upstream of County Highway 49 (Magnolia Street)	*163
			At confluence of Corn Branch Tributary	*169
			At Union Avenue	*170
		Corn Branch Tributary	Just downstream of U.S. Highway 90	*169
	Maps available for inspection at City Hall, Retham Drive, Loxley, Alabama 36551.			
	Send comments to Mayor Ryals or Mr. Merle W. Shambo, Town Clerk, City Hall, P.O. Box 57, Loxley, Alabama 36551.			
Alabama	City of Robertsdale, Baldwin County	Rock Creek	Just upstream of County Road 71 (College Avenue)	*112
			Just upstream of U.S. Highway 90	*127
		Tributary B	Just upstream of County Road 52 (Alabama Street)	*113
			Just upstream of State Highway 104	*117
		Tributary C	Just upstream of County Road 71 (College Avenue)	*121
		Tributary D	Mobile Street (extended)	*117
	Maps available for inspection at City Hall, Racine Street, Robertsdale, Alabama 36567.			
	Send comments to Mayor George Thames or Mr. Powell Edhegard, Assistant Administrator to Mayor Thames, City Hall, P.O. Drawer CC, Robertsdale, Alabama 36567.			
Connecticut	Ashford, Town, Windham County	Mount Hope River	Downstream Corporate Limits	*340
			Approximately 3,050' upstream of the downstream crossing of State Route 89.	*350
			Approximately 4,950' upstream of the downstream crossing of State Route 89.	*360
			Approximately 80' downstream of State Route 44	*383
			Approximately 100' upstream of upstream crossing of State Route 89.	*391
			Approximately 2,150' downstrem of Mosley Road	*400
			Mosley Road	*420
	Maps available for inspection at the Office of the Town Clerk, Town Hall, Route 44, Warrenville, Connecticut.			
	Send comments to Honorable Joseph O'Reilly, First Selectman of Ashford, Town Hall, Route 44, Warrenville, Connecticut 06278.			
Illinois	(V) Pecatonica, Winnebago County	Pecatonica River	Approximately 270 feet downstream of Pecatonica Road.	*743
			Approximately 3500 feet upstream of Pecatonica Road	*744
		Unnamed Tributary to Pecatonica River.	Just downstream of Jackson Street	*746
			At upstream corporate limits	*771
	Maps available for inspection at the Village Hall, 111 W. Third Street, Pecatonica, Illinois.			
	Send comments to Honorable Jessie Dobson, Jr., Village President, Village of Pecatonica, Village Hall, 111 W. Third Street, Pecatonica, Illinois 61063.			
Illinois	(V) Riverton, Sangamon County	Sangamon River	About 5500 feet downstream of the Norfolk and Western Railroad.	*535
			About 800 feet upstream of U.S. Route 36	*537
	Maps available for inspection at the Village Hall, 313 East Jefferson, Riverton, Illinois.			
	Send comments to Honorable Joe Rusciolelle, Village President, Village of Riverton, Village Hall, 313 East Jefferson, Riverton, Illinois 62561.			
Illinois	(Uninc.), St. Clair County	Richland Creek	At the downstream county boundary	*417
			Just upstream of U.S. Route 460	*468
			About 400 feet upstream of State Route 161	*506
			Just upstream of St. Clair Township Line Road	*530
		West Fork Richland Creek	At the confluence with Richland Creek	*424
			Just upstream of Knab Road	*452
			About 100 feet upstream of State Route 841	*512
		Douglas Creek	At the confluence with Richland Creek	*433
			About 1900 feet upstream of County Road 47	*456

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Wolf Branch	At confluence with Richland Creek	*500
			Just downstream of State Route 161	*500
		Kaskaskia River	At the southernmost downstream county boundary	*395
			About 2.2 miles upstream of U.S. Route 460	*400
			At the upstream county boundary	*402
		Silver Creek	At the mouth	*396
			About 9,000 feet downstream of U.S. Route 460	*401
			About 9,000 feet downstream of County Road 65	*421
			Just upstream of State Route 161	*425
			About 2,000 feet upstream of U.S. Route 50	*441
			At the northern county boundary	*454
		Hog River	At the mouth	*422
			About 4,100 feet upstream of Grodeon Road	*422
		Loop Creek	At the mouth	*422
			Just upstream of State Route 177 (downstream crossing).	*429
			Just downstream of County Road 89	*488
			Just downstream of State Route 161	*495
			About 3600 feet upstream of State Route 161	*503
		Ash Creek	At the mouth	*425
			Just upstream of State Route 161	*431
			About 4000 feet upstream of State Route 161	*442
		Little Silver Creek	At the mouth	*432
			About 500 feet upstream of State Route 4	*435
			Just upstream of Midgley Nees Road	*451
			At the county boundary	*456
		Ogles Creek	At the mouth	*451
			Just upstream of County Road 61	*461
			Just upstream of County Road 45	*491
			About 14,100 feet upstream of Milburn School Road	*545
		Schoenberger Creek	Just upstream of 85th Street	*437
			About 1500 feet upstream of State Route 161	*482
		Mississippi River	At the downstream county boundary	*421
			About 6.8 miles upstream of the confluence of Prairie Du Pont Diversion Channel.	*428
		Prairie Du Pont Diversion Channel	At the mouth	*423
			At the confluence Canal No. 1	*423
		Canteen Creek	About 3.1 miles downstream of Lake Side Drive	*421
			Just upstream of Lake Side Drive	*453
			At the upstream county boundary	*486
		Shallow Flooding	Area just east of the Village of East Carondelet and west of the Village of Dupo.	*403
			Area just east of the Village of Dupo	*404
			Area just northeast of the Village of East Carondelet	*406
			Area just east of the Missouri Pacific Railroad and north of Prairie Du Pont Diversion Channel.	*406
			Area just south of the Village of Cahokia	*406
			Area just southeast of southeast Village of Sauget corporate limit.	*406
			Area just north of Pocket Road	*410
			Area just east of the Village of Washington Park and north of Bunkum Road.	*411
			Area just south of the City of East St. Louis and northeast of the Village of Sauget.	*411
			Area just east of the Village of Washington Park and south of Forest Boulevard.	*415
			Area just east of the Village of Fairmont City, bounded by northern county boundary, County Road 33, Conrail, and the Alton and Southern Railway.	*416
			Area along Canal No. 1	*418
			Area just east of Harding Ditch and north of Interstate 64.	*419
			Area just east of the Village of Fairmont City	*421
			Area just east of County Road 33 and north of the Village of Caseyville.	*421
			Area just east of Harding Ditch and south of Interstate 64.	*423
	Maps available for inspection at the Intergovernment Grants Department, Community Development Division, St. Clair County Courthouse, 10 Public Square, Belleville, Illinois.			
	Send comments to Honorable Jerry Costello, Chairman of the Board, St. Clair County, St. Clair County Courthouse, 10 Public Square, Belleville, Illinois 62220.			
Illinois	(V) Wayne, Du Page County	Norton Creek	About 1,900 feet downstream of White Thorn Road	723*
			About 500 feet upstream of White Thorn Road	727*
			Just upstream of Dunham Road	741*
			About 5,700 feet upstream of farm road	745*
		Norton Creek Tributary	At the mouth	741*
			About 2,000 feet upstream of the Chicago and North Western Railroad.	746*
	Maps available for inspection at the Village Hall, Wayne, Illinois.			
	Send comments to Honorable Verne Washington, Village President, Village of Wayne, Village Hall, Wayne, Illinois 60184.			
Massachusetts	Barre, Town, Worcester County	Ware River	Downstream Corporate Limits	*579
			Conrail Bridge	*580
			2,112' or 0.4 mile downstream from South Barre Road	*584
			South Barre Road	*591
			Downstream side of Barre Wool Combing Company Dam.	*595

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Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Prince River	Confluence with Ware River	*582
			8,864' or 1.3 miles upstream from confluence with Ware River.	*596
			South Barre Road bridge	*[illegible]
			1,584' or 0.3 mile upstream from South Barre Road bridge.	*820
			Upstream side of Summer Street bridge	*637
			Old Worcester Road bridge	*649
			Upstream side of Dam	*653
			Upstream Valley Road bridge	*[illegible]
			1,056' or 0.2 mile upstream from Valley Road bridge	*[illegible]
			Upstream State Route 62 bridge	*[illegible]
			1,478' or 0.28 mile upstream from State Route 62	*715
			School Street Bridge	*735
			Downstream side of Dam upstream of School Street	*744
			Upstream side of Dam upstream of School Street	*760

Maps available for inspection at the Planning Board Office, Town Hall, Barre, Massachusetts.

Send comments to Honorable J. Howard Thompson, Chairman of Selectmen, Town of Barre, Town Hall, Barre, Massachusetts 01005.

Massachusetts	Franklin, Town, Norfolk County	Charles River	Downstream Corporate Limits	*138
			300' downstream of Lincoln Street	*148
			Downstream of Factory Dam	*151
			Upstream of Factory Dam	*164
			Downstream of West Medway Dam	*172
			Upstream of West Medway Dam	*178
			Upstream Corporate Limits	*184
		Mine Brook	Confluence with Charles River	*176
			Upstream of I-495 (1st crossing)	*185
			Downstream of West Central Street	*194
			1,090' Upstream of West Central Street	*205
			1,650 upstream of West Central Street	*215
			Downstream of Old Grove Street	*222
			Upstream of I-495 (2nd crossing)	*232
			Upstream of Conrail Bridge	*242
			Upstream of Washington Street	*250
		Shepards Brook	Confluence with Charles River	*166
			1,070' upstream of Partridge Street	*170

Maps available for inspection at the Office of the Building Inspector, Town Hall, Milford.

Send comments to Honorable James C. Johnson, Jr., Chairman of Franklin Town Council, Town Hall, West Central Street, Milford, Massachusetts 02038.

Massachusetts	Marlborough, City, Middlesex County	Mowry Brook	Confluence with Sudbury Reservoir	*256
			Upstream side of Farm Road Bridge	*266
			Upstream side of Royce Road Bridge	*280
			Upstream side of Phelps Street Bridge	*290
			Approximately 700' upstream from Phelps Street Bridge.	*303
		Broad Meadow Brook	Confluence with Sudbury Reservoir	*256
			Approximately 440' downstream of the Aqueduct	*266
			Upstream of Private Drive (downstream crossing)	*276
			Approximately 100' upstream of Boston Post Road	*281
		Walker Brook	Downstream Corporate Limits	*258
			Downstream of Walker Street Dam	*272
			Upstream of Walker Street Dam	*285
			Upstream of Walker Street	*290
			Approximately 100' Downstream of Maple Street	*300
			Upstream of Maple Street	*308
			Approximately 200' upstream of Conrail	*315
		Hop Brook	Downstream Corporate Limits	*213
			Upstream of Hager Street	*217
			Approximately 200' upstream of Hager Pond Dam	*226

Maps available for inspection at the Marlborough City Clerk's Office, City Hall, 140 Main Street, Marlborough, Massachusetts.

Send comments to Honorable Hoseph A. Ferrecchia, Mayor of the City of Marlborough, City Hall, 140 Main Street, Marlborough, Massachusetts 01752.

Michigan	(Twp.) Brownstown, Wayne County	Smith Creek	About 975 feet downstream Telegraph Road	*596
			About 850 feet downstream West Road	*604
			Just downstream Beech Daly Road	*608
		Brownstown Creek	Just upstream Fort Street northbound	*586
			Just downstream Vreeland Road	*589
		Marsh Creek	Just upstream Fort Street northbound	*585
			Just downstream Vreeland Road	*586
		Silver Creek	Mouth at Huron River	*577
			At confluence of Smith Creek	*577
			About 2,700 feet downstream Arsenal Road	*601
			Just downstream Van Horn Road	*604
		Morrison Drain	Mouth at Silver Creek	*577
			About 500 feet downstream Woodruff Road	*579
		Huron River	Mouth at Lake Erie	*577
			Upstream corporate limits (about 0.9 mile upstream of River Road).	*578
		Blakely Drain	Just upstream King Road	*593
			Just upstream Detroit, Toledo and Ironton Railroad	*602
			Just downstream Pennsylvania Road	*608

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake Erie	Along corporate limits	*577

Maps available for inspection at the Public Service Office, Brownstown Township Hall, Trenton, Michigan.

Send comments to Honorable W. Kurt Bofer, Township Supervisor, Township of Brownstown, Brownstown Township Hall, 21313 Telegraph Road, Trenton, Michigan 48183.

Michigan	(C) Flat Rock, Wayne County	Huron River	About 0.2 miles downstream of the downstream corporate limits.	*587
			Just downstream of Telegraph Road	*592
			Upstream corporation limits	*596
		Silver Creek	Downstream corporate limits	*587
			Just upstream of Gibraltar Road	*[illegible]
			Just downstream of Detroit Toledo and Ironton Railroad.	*596
			Upstream corporate limits (about 2,300 feet upstream of Telegraph Road).	[illegible]
		Cook and Gladding Drain	Just upstream of Gibraltar Road	*[illegible]
			Just downstream of Detroit Toledo and Ironton Railroad.	*[illegible]
			Just upstream of Detroit Toledo and Ironton Railroad	*[illegible]
			Just downstream of Inkster Road	*[illegible]
		Silver Creek Diversion to to Smith Creek.	Divergence from Silver Creek	*[illegible]
			About 1,100 feet upstream of Smith Creek	*600

Maps available for inspection at the Clerk's Office, City Hall, 25500 Gibraltar Road, Flat Rock, Michigan.

Send comments to Honorable Ted L. Anders, Mayor, City of Flat Rock, City Hall, 25500 Gibraltar Road, Flat Rock, Michigan 48134.

Michigan	(V) Franklin, Oakland County	Franklin Branch	Downstream corporate limits	*712
			Just downstream 14 mile road	*760

Maps available for inspection at the Clerk's Office, Village Hall, 32325 Franklin Road, Franklin, Michigan.

Send comments to Honorable John Verdon, Village President, Village of Franklin, Village Hall, 32325 Franklin Road, Franklin, Michigan 48025.

Minnesota	(C) Eyota, Olmstead County	South Fork Whitewater River	Downstream corporate limits	*1220
			About 1,110 feet downstream of Center Street	*1230
			Upstream corporate limits	*1235

Maps available for inspection at the City Hall, P.O. Box 328, Eyota, Minnesota.

Send comments to Honorable Allen Ebling, Mayor, City of Eyota, City Hall, P.O. Box 328, Eyota, Minnesota 55934.

Minnesota	(C) Mazeppa, Wabash County	North Fork Zumbro River	About 1.1 miles downstream of 1st Street	*898
			Just downstream of Maple Street	*919
			Just upstream of Maple Street	*[illegible]
			About 0.54 mile upstream of dam	*932

Maps available for inspection at the City Hall, Mazeppa, Minnesota.

Send comments to Honorable Frank Irwin, Mayor, City of Mazeppa, City Hall, Mazeppa, Minnesota 55956.

Mississippi	Unincorporated Areas of Rankin County	Butler Creek	Just upstream of Williams Street	*305
			Just upstream of Williams Mill Road	*319
		Indian Creek	Just downstream of the downstream County Road crossing.	*320
			Approximately 100 feet upstream of the upstream County Road crossing.	*326
		Indian Creek Tributary 1	Approximately 130 feet at downstream of County Road located immediately at downstream of the railroad.	*306
			Approximately 130 feet downstream of U.S. Highway 49.	*341
		Pearl River	Just downstream of Old Byram Road	*263
			Just downstream of Interstate Highway 20	*272
			At the confluence of Pelahatchie Creek (approximately 1000 feet at downstream of State Highway 468).	*283
		Pelahatchie Creek	Just downstream of U.S. Highway 80	*349
		Pierce Creek	Just upstream of Heslip Street	*355
			Approximately 460 feet downstream of Illinois Central Gulf Railroad.	*358
			Just downstream of Lockwood Street	*365
		Richland Creek	Just downstream of Old Pearson Road	*292
			Just downstream of State Highway 468	*305
			Just upstream of State Highway 468	*322
			Just downstream of State Highway 18	*349
			Just downstream of Interstate Highway 20 (East Bound).	*366
		Steen Creek	Just upstream of U.S. Highway 49	*297
		Terrapin Slun Creek	Just upstream of State Highway 468	*[illegible]
			Just upstream of Illinois Central Gulf Railroad	[illegible]

Maps available for inspection at Rankin County Courthouse, 110 Timber Street, Brandon, Mississippi 39042.

Send comments to Mr. Tom Reeves or Earl Dean Rhodes, Assistant to the President of the Board of Supervisors, Rankin County Courthouse, 110 Timber Street, Brandon, Mississippi 39042.

Mississippi	City of Richland, Rankin County	Richland Creek	Approximately 2000 feet upstream of Old U.S. Highway 49.	*270
			Just downstream of U.S Highway 49	*271
			Just upstream of U.S. Highway 49	*272
		Pearl River	Just downstream of Illinois Central Gulf Railroad	*266
			Just upstream of Illinois Central Gulf Railroad	*269
		Pearl River Tributary 1	Just upstream of Old U.S. Highway 49 (Cleary Road)	*278
			Just downstream of South Gate Industriel Drive	*296
			Just upstream of South Gate Industriel	*268
			Just downstream of U.S. Highway 49	[illegible]
		Pearl River Tributary 2	Just upstream of Old U.S. Highway 49	*271
			Just downstream of U.S. Highway 49	*271

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Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Squirrel Branch	Just downstream of U.S. Highway 49	*271
			Just upstream of U.S. Highway 49	*272
		Conway Slough	Approximately 500 feet upstream of Old U.S. Highway 49	*263
			Just downstream of Illinois Central Gulf Railroad	264

Maps available for inspection at City Hall, P.O. Box 06127, Richland Station, Jackson, Mississippi 39218.

Send comments to Mayor Lester Spell or Wade Lee Overby, Assistant, City Hall, P.O. Box 06127, Richland Station, Jackson, Mississippi 39218

Missouri	(C) Columbia, Boone County	Bear Creek	Downstream corporate limit	*805
			Just upstream of Creasy Springs Road	*819
			About 100 feet downstream of Garth Avenue	*839
			Just upstream of Garth Avenue	*845
			Just upstream of U.S. Highway 63	*861
			Upstream corporate limit	*707
		Unnamed Tributary No. 1	About 200 feet downstream of Oakland Gravel Road	*703
			Just upstream of Brown Station Road	*788
		Unnamed Tributary No. 2	About 1700 feet upstream of Starke avenue	*742
			Upstream corporate limits	*779
		Harmony Branch	Downstream corporate limits	*600
			About 650 feet upstream of private drive, located 2400 feet upstream of Interstate 70 Drive southwest.	*[illegible]
		County House Branch	At confluence with Hinkson Creek	*590
			About 1400 feet upstream of West Boulevard South	*[illegible]
			Just downstream of Stadium Boulevard	*621
		Mill Creek	Downstream corporate limit	*621
			Just upstream of Sinclair Street	*637
			Just downstream of Bethel Street	*697
		Hinkson Creek	Downstream corporate limits	*[illegible]
			Just upstream of Old Providence Road	*807
			Just upstream of Rock Quarry Road	*818
			Just downstream of Rock Wall Ruins	*655
			Just upstream of Rock Wall Ruins	*668
			About 100 feet upstream of Clark Lane	*[illegible]
			Just upstream of Mexico Gravel road	*[illegible]
			Just upstream of Hinkson Creek Road	*723
			About 6700 feet upstream of Hinkson Creek Road	*741
		Hominy Branch	Confluence with Hinkson Creek	*650
			Just upstream of spillway	*654
			About 150 feet upstream of East Broadway	*672
			Just upstream of Interstate 70	*730
			At upstream corporate limit	*747
		Grindstone Creek	Confluence with Hinkson Creek	*629
			Just downstream of U.S. Highway 63 (Business Route)	*[illegible]
			About 650 feet upstream of U.S. Highway 63	*662
		Flat Branch	At confluence with Hinkson Creek	*[illegible]
			Just upstream of Stadium Boulevard	*696
			About 1900 feet downstream of Stewart Road	*[illegible]
			Just downstream of West Broadway	*703

Maps available for inspection at the City Hall, Planning & Public Works, P.O. Box N, Columbia, Missouri.

Send comments to Honorable Clyde Wilson, Mayor, City of Columbia, City Hall, P.O. Box N, Columbia, Missouri 65201.

New Jersey	Camden, City, Camden County	Cooper River	Confluence of Delaware River Back Channel	*10
			Upstream Tidal Dam	*12
			Upstream Corporate Limits	*13
		Delaware River Back Channel	Entire Shoreline	*10
		Newton Creek	Entire Shoreline	*10
		North Branch Newton Creek	Entire Shoreline	*10

Maps available for inspection at the City Hall, Sixth and Market Streets, Camden, New Jersey.

Send comments to Honorable Angelo Erichetti, Mayor of Camden, City Hall, Sixth and Market Streets, Camden, New Jersey 08101

New Jersey	Cresskill, Borough, Bergen County	Tenakill Brook	Downstream Corporate Limits	*37
			Upstream Corporate Limits	*39
		Demarest Brook	Confluence with Tenakill Brook	*39
			Upstream Corporate Limits	*40
		Cresskill Brook	Confluence with Tenakill Brook	*[illegible]
			Downstream intersection of Park Avenue and Piermont road.	*41
			Upstream Corporate Limits	*43

Maps available for inspection at the Office of the Borough Clerk, 67 Union Avenue, Cresskill, New Jersey

Send comments to Honorable Robert A. Muir, Mayor, 67 Union Avenue, Cresskill, New Jersey 07626.

New Jersey	Northvale, Borough, Bergen County	Sparkill Brook	400 feet upstream of confluence with Sparkill Creek	*31
			Paris Avenue	*32
		Sparkill Creek	Downstream Corporate Limits	*32
			Upstream Corporate Limits	*35

Maps available for inspection at the Borough Hall, Northvale, New Jersey

Send comments to Honorable John Rooney, Mayor of the Borough of Northvale, 116 Paris Avenue, Northvale, New Jersey 07647.

New Jersey	Rockleigh, Borough Bergen County	Sparkill Brook	400 feet upstream of confluence with Sparkill Creek at downstream Corporate Limits.	*31
			Downstream of Paris Avenue	*32
			Downstream of Golf Course Road	*[illegible]

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Piermont Road at upstream Corporate Limits	*45

Maps available for inspection at the Rockleigh Borough Hall, Rockleigh Road, Rockleigh, New Jersey.

Send comments to Honorable Arthur Foster, Mayor of the Borough of Rockleigh, Willow Road, Rockleigh, New Jersey 07647.

New Jersey	Woodlynne, Borough, Camden County	North Branch, Newton Creek	Downstream Corporate Limits	*10
			Upstream Conrail Bridge	*10
			Downstream Dwight Avenue	*10

Maps available for inspection at the Borough Hall, 2000 Cooper Avenue, Woodlynne, New Jersey.

Send comments to Honorable Clarence E. Lauener, Mayor, 2000 Cooper Avenue, Woodlynne, New Jersey 08107.

New Jersey	Bloomsbury, Borough, Hunterdon County	Musconetcong River	Downstream Corporate Limits 60 feet upstream of Conrail at downstream crossing in Township of Bethlehem.	*256
			Just upstream of Conrail at upstream crossing	*266
			Approximately 820 feet upstream of Church Street	*274
			Just upstream of State Route 22	*278
			Just upstream of Interstate 78	*279
			Upstream Corporate Limits	*280

Maps available for inspection at the Office of the Borough Clerk, East Street, Bloomsbury.

Send comments to Honorable Melvin S. Stocker, Mayor, East Street, Box 98, Bloomsbury, New Jersey 08804.

New York	Batavia, City, Genesee County	Tonawanda Creek	Downstream Corporate Limits	*867
			Upstream South Lyon Street	*890
			Upstream Corporate Limits	*898

Maps available for inspection at the Batavia City Engineer's Office, 10 West Main Street, Batavia, New York.

Send comments to Honorable Ira M. Gates, City Administrator of Batavia, 10 West Main Street, Batavia, New York 14020.

New York	Lancaster, Town, Erie County	Ellicott Creek	Upstream side of Transit Road	*706
			Upstream side of Genesee Street	*708
			Upstream side of Harris Hill Road	*709
			Downstream side of Stony Road	*721
		Scajaquada Creek	Downstream Corporate Limits	*686
			Upstream side of Central Avenue	*692
			Upstream of Seneca Place	*696
			2,400' upstream of Seneca Place	*700
		Plum Bottom Creek	Downstream Corporate Limits	*689
			Upstream side of Stanfield	*686
			Downstream of 1st cemetery access road	*690
			Upstream side of cemetery access road	*695
			Upstream side of Cemetery Road	*700
		North Branch Plum Bottom Creek	Confluence with Plum Bottom Creek	*688
			Downstream side of Erie Road	*686
			Upstream side of Conrail	*695
			670' upstream of Cemetery Road	*698
		North Branch Slate Bottom Creek	Confluence with South Branch Slate Bottom Creek	*668
			Upstream of Aurora Avenue	*678
			1,200' upstream of Aurora Avenue	*679
		South Branch	1st Corporate Limits	*668
			2nd Corporate Limits	*674
			3rd Corporate Limits	*682
			7,200' upstream of 3rd Corporate Limits	*692

Maps available for inspection at the Lancaster Town Clerk's Office, Town Hall, 21 Central Avenue, Lancaster, New York.

Send comments to Honorable Stanley J. Keysa, Town Supervisor, Town Hall, 21 Central Avenue, Lancaster, New York 14086

New York	Monroe, Village, Orange County	Ramapo Creek	Downstream Corporate Limits	*564
			Upstream of Freeland Street	*573
			Confluence of Tributary No. 26	*580
			Downstream of Stage Road	*591
			Upstream of First Dam	*604
			Upstream of Lake Street (2nd crossing)	*614
			180' upstream of Hill Street	*620
			500' downstream of Cortear Court	*632
			Upstream of Reynolds Road	*646
			370' upstream of Reynolds Road	*651
			Upstream Corporate Limits	*667
		Pine Tree Brook	Confluence with Ramapo Creek	*580
			1,940' upstream of Ramapo Street	*585
			Downstream of second footbridge	*600
			Upstream of third footbridge	*610
			Upstream of fifth footbridge	*618
			Upstream of sixth footbridge	*626
			40' downstream of Still Road	*643
			260' upstream of Still Road	*656
			335' downstream of Pine Tree Road	*685
			1,060' upstream of Pine Tree Road	*693
		Tributary No. 26	Confluence with Ramapo Creek	*580
			810' upstream of second footbridge	*582

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Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary No. 25	Confluence with Ramapo Creek	*565
			Upstream Corporate Limits	*[illegible]

Maps available for inspection at the Office of the Town Engineer, 11-13 Stage Road, Monroe.

Send comments to Honorable William Trinble, Mayor, 7 Stage Road, Monroe, New York 10950.

New York	York, Town, Livingston County	Genesee River	Downstream Corporate Limits	*540
			Upstream of Fowlerville Road	*545
			Confluence of Browns Creek	*549
			Downstream of State Route 63	*[illegible]
			Upstream Corporate Limits	*559
		Bidwells Creek	2,600' upstream of confluence with Salt Creek	*670
			Restoff Road	*687
			Upstream crossing Genesee and Wyoming Railroad	*697
			1,600' upstream of State Route 36	*754
		Browns Creek	4,000' downstream of Genesee and Wyoming Railroad	*[illegible]
			2,000' downstream of Genesee and Wyoming Railroad	*[illegible]
			1,000' downstream of Genesee and Wyoming Railroad	*[illegible]
			Upstream of Genesee and Wyoming Railroad	*[illegible]
			Upstream of State Route 36	*755
			Private Drive 875' upstream of State Route 36	*760
			4,200' upstream of State Route 36	*[illegible]
		Christie Creek	Confluence with Genesee River	*540
			Upstream of Batzing Road	*551
			Corporate Limits	*573
		Fowler Creek	Confluence with Genesee River	*545
			Upstream of Abandoned Railroad 550' above confluence with Genesee River.	*554
			Upstream of Casey Road	*595
			Upstream of River Road	*[illegible]
			1,400' upstream of River Road	*621
			Downstream of Genesee and Wyoming Railroad	*685
			Upstream of Genesee and Wyoming Railroad	*[illegible]
			Confluence of Fowler Creek Tributary	*703
			Upstream of State Route 36	*725
			Upstream of State Route 20	*737
			Ellcott Road	*760
		Fowler Creek Tributary	Confluence with Fowler Creek	*702
			Upstream of State Route 36	*712
			Upstream of Anderson Road	*725
			600 feet upstream of Anderson Road	*727

Maps available for inspection at the York Town Hall, 2668 Main Street.

Send comments to Honorable Edward Hulbert, Town Supervisor, Town Hall, 2668 Main Street, York, New York, 14592

North Carolina	Unincorporated Areas of Alamance County	Haw River	100 feet downstream of State Highway 1005 (Greensboro-Chapel Hill Road).	*424
			Just upstream of State Highway 2158	*484
			Just upstream of State Highway 1561	*601
		Haw Creek	Just downstream of State Highway 2153	*487
			Just downstream of State Highway 2131	*535
			Just downstream of State Highway 1007	*577
		Tributary A to Haw Creek	Just upstream of State Highway 3121	*552
		Big Alamance Creek	Just downstream of State Highway 87	*466
			100 Feet upstream of State Highway 49	*501
			400 feet upstream of Dam above State Highway 62	*512
		Little Alamance Creek	Just downstream of State Highway 49	*530
		Stinking Quarter Creek	At State Highway 1136 (Bellemont-Mt. Hermon Road)	*497
		Rock Creek	Approximately 400 feet downstream of State Highway 1130.	*537
		Gunn Creek	Just downstream of Burlington Extraterritorial Limits	*518
		West Back Creek	100 feet downstream of State Highway 1149	*530
			Just downstream of Interstate Highway 85	*567
		West Back Creek Tributary	Just upstream of Quarry Haul Road	*555
		East Back Creek	100 feet upstream of State Highway 1928	*496
			Just downstream of U.S. Highway 70	*516
			Just downstream of State Highway 1921	*526
		McAdams Creek	100 feet downstream of State Highway 1940	*558
		Mill Creek	Just upstream of State Highway 1920	*545
		Boyds Creek	Approximately 100 feet downstream of Dam	*548
		Stony Creek	Just upstream of State Highway 1001	*554
		Dry Creek	Just upstream of State Highway 1529 (Osspee Road)	*578
		Travis Creek	Just upstream of State Highway 87	*586
			50 feet downstream of State Highway 1500	*612
		Tickle Creek	50 feet downstream of State Highway 1504	*602
		Tributary A to Travis Creek	Just downstream of Guilford County Line	*623
		Reedy Fork	Just upstream of State Highway 87	*599

Maps available for inspection at Alamance County Planning Department, County Courthouse, 124 West Elm Street, Graham, North Carolina 27253

Send comments to Mr. Larry Scott, County Manager or Mr. Maxwell M. Way, Senior Planner, Alamance County Offices, Courthouse Annex, 124 West Elm Street, Graham, North Carolina 27253

Pennsylvania	Moscow, Borough, Lackawanna County	Langan Creek	Confluence with Roaring Brook	*1,479
			Upstream Brook Street	*1,498
			Downstream New Street	*1,521
			Confluence of Van Brunt Creek	*1,541
		Van Brunt Creek	.15 mile downstream of Van Brunt Street	*1,574
			Downstream of Van Brunt Street	*1,602

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately .58 mile upstream of Van Brunt Street	*1,668
			Downstream of State Route 690	*1,689

Maps available for inspection at the Borough Building, Moscow, Pennsylvania.

Send comments to Honorable Robert Kemp, Mayor of Moscow, Academy Street, Moscow, Pennsylvania 18444.

Pennsylvania	Mt. Pleasant, Township, Adams County	South Branch Conewago Creek	Approximately 2,400' downstream of Spangler Road (extended).	*456
			Approximately 2,340' downstream of Fleshman Mill Road.	*467
			Downstream of Chessie System	*475
			Downstream side of Kohler Mill Road	*486
			Approximately 1,140' downstream of Storms Shore Road.	*498
			Upstream of downstream crossing of L.R. 01060	*504
			Upstream of L.R. 01005 bridge	*518
			Upstream Corporate Limits	*524
		South Branch Tributary 1	Confluence with South Branch Conewago Creek	*498
			Approximately 150' upstream of Hill Road	*506
			Approximately 850' downstream of L.R. 01005	*515
			Approximately 50' downstream of L.R. 01005	*521
		White Run	Downstream Corporate Limits	*475
			Approximately 1,800' upstream of White Run Road	*486
			Approximately 70' upstream of State Route 116	*493
		Chicken Run	Approximately 300' upstream from confluence with White Run.	*493
			Downstream of downstream Corporate Limits	*506
			Approximately 60' upstream of upstream crossing of S.R. 116.	*520
			Downstream of upstream Corporate Limits	*532
		Plum Run	Just upstream of Corporate Limits	*483
			Approximately 970' upstream of S.R. 116	*490
			Approximately 2,050' upstream of S.R. 116	*501
			Approximately 3,120' upstream of S.R. 116	*510
			Approximately 3,960' upstream of S.R. 116	*520
			Approximately 4,740' upstream of S.R. 116	*528

Maps available for inspection at the Township Municipal Building, Mt. Pleasant, Pennsylvania.

Send comments to Honorable John W. Murren, Chairman of the Mt. Pleasant Board of Supervisors, R.D. 4, Box 203, Hanover, Pennsylvania 17331.

Pennsylvania	North Middleton, Township, Cumberland County	Conodoguinet Creek	Downstream Corporate Limits	*411
			State Route 34 (Upstream side)	*413
			Longs Gap Road (Upstream side)	*417
			Dam (Upstream side)	*418
			Confluence of Meetinghouse Creek	*424
			State Route 74 (Upstream side)	*427
			6,000' upstream of State Route 74	*430
		Meadowbrook Road (Upstream side)	*436	
		Wertz Run	Confluence with Conodoguinet Creek	*411
			State Route 34 (Downstream side)	*411
		Letort Spring Run	Downstream Corporate Limits	*435
			Post Road (Upstream side)	*437
			Marshall road (Upstream side)	*437
			Barry Drive (Upstream side)	*446
			Ashburn Drive (Upstream side)	*447
			Pratt Avenue (Upstream side)	*447
			Upstream Corporate Limits	*448
		Branch of Letort Spring Run	Post Road (Upstream side)	*437
			Marshall Road (Upstream side)	*440
			Barry Drive (Upstream side)	*443
			Ashburn Drive (Upstream side)	*447
			Pratt Avenue (Upstream side)	*447
			Upstream Corporate Limits	*448

Maps available for inspection at the North Middleton Township Building.

Send comments to Honorable Charles E. King, Chairman of the North Middleton Board of Supervisors, 211 North Middleton Road, Carlisle, Pennsylvania 17013.

Pennsylvania	Oxford, Township, Adams County	South Branch Conewago Creek	Approximately 250' downstream of downstream Corporate Limits	*459
			Downstream Corporate Limits	*460
			Approximately 4,700' upstream of Corporate Limits	*466
			Upstream side of Fleshman Road	*470
			Upstream side of Chessie System	*475
			Upstream side of State Route 30	*480
			Confluence of Tributary 2	*484
			Upstream side of Kohler Mill Road	*486
			Upstream side of Storm Store Road	*496
			Downstream of Fish & Game Road	*502
			Upstream Corporate Limits	*509
			Approximately 2,020' upstream of upstream of Corporate Limits.	*519
		Tributary 1	Downstream Corporate Limits	*507
			Approximately 1,080' upstream of downstream Corporate Limits.	*514
			Downstream of Legislature Route 01003	*522
			Upstream of Legislative Route 01003	*526
			Approximately 2,100' upstream of Legislative Route 01003.	*535

V 46 / 43 MR 5 81 UMI

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary 2	Confluence with South Branch Conewago Creek	*484
			Upstream side of Popular Road	*494
			Approximately 1,760' upstream of Popular Road	*505
			Approximately 315' downstream of Farm Lane	*515
			Approximately 230' upstream of Farm Lane	*521
Maps available for inspection at the Oxford Township Municipal Building, New Oxford, Pennsylvania.				
Send comments to Honorable William H. Smith, Chairman of the Oxford Board of Supervisors, P.O. Box 86, New Oxford, Pennsylvania 17350.				
Vermont	Fletcher, Township, Franklin County	Lamoille River	Downstream Corporate Limits	*442
			Upstream Corporate Limits	*446
Maps available for inspection at the office of the Town Clerk, Fletcher.				
Send comments to Honorable Reginald Tinker, Chairman of the Fletcher Board of Selectmen, R.F.D., Cambridge, Vermont 054444.				
Wisconsin	(C) Columbus, Columbia County	Crawfish River	About 900 feet downstream Mill Pond Dam	*826
			Just upstream Mill Pond Dam	*831
			At upstream corporate limit (near northern corporate limit).	*833
		Robbins Creek	At downstream corporate limit	*840
			Just downstream U.S. Highway 151 Bypass	*848
		2nd Ward Creek	About 300 feet upstream of James Street	*833
			Just upstream Farnham Street	*837
			About 0.7 miles downstream of corporate limit	*846
			At upstream corporate limit	*851
		2nd Ward Creek Tributary	At mouth at 2nd Ward Creek	*834
			Just upstream of Fuller Street	*840
			At upstream corporate limit	*846
Maps available for inspection at the Office of City Clerk, City Hall, P.O. Box 127, Columbus, Wisconsin.				
Send comments to Honorable Elvin Reynolds, Mayor, City of Columbus, City Hall, P.O. Box 127, Columbus, Wisconsin 53825.				
Wisconsin	(V) Elm Grove Waukesha County	Underwood Creek	Downstream corporate limit	*724
			Just upstream of first private bridge below confluence with Unnamed Tributary to Underwood Creek.	*730
			About 425 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad southeast of Wall Street.	*731
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad southeast of Wall Street.	*736
			Just downstream of Wall Street	*737
			Just upstream of Shopping Center Exit Road	*745
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad north of Watertown Plank Road.	*747
			Just downstream of Marcella Street	*750
			Upstream corporate limit	*752
Maps available for inspection at the Office of the Village Manager, Village Hall, 13600 Juneau Boulevard, Elm Grove, Wisconsin.				
Send comments to Honorable Thomas Godfrey, Village President, Village of Elm Grove, Village Hall, 13600 Juneau Boulevard, Elm Grove, Wisconsin 53122.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: February 23, 1981.

Richard W. Krimm,

Acting Administrator Federal Insurance Administration.

[FR Doc. 81-6667 Filed 3-4-81; 8:45 a.m.]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-35]

Implementation of Requirements of the International Maritime Satellite Communications Act; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: This Order extends the time for filing comments in response to the Commission's Further Notice of Proposed Rulemaking in Docket No. 80-634, on implementation of requirements of the International Maritime Satellite Communications Act, from January 12, 1981, to January 16, 1981. It extends the time for filing reply comments from February 9, 1981, to February 20, 1981. The extension was granted pursuant to a request filed by Western Union International, Inc.

DATES: Comments shall be filed on or before January 16, 1981, and reply comments on or before February 20, 1981.

ADDRESS: Comments and replies should be submitted to: The Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James L. Ball/Glenn deChabert, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-3214.

In the matter of implementation of requirements of the International Maritime Satellite Communications Act (46 FR 3929).

Order extending time for comments and replies

Adopted: February 25, 1981.
Released: February 26, 1981.

1. The Communications Satellite Corporation (Comsat) has filed a request for a fourteen-day extension of time, from February 27, 1981, until March 13, 1981, to file comments in response to the Commission's Further Notice of Proposed Rulemaking, C.C. Docket No. 79-35, FCC 80-744, released December 29, 1980. The Commission's Further Notice requests comments on regulatory safeguards which would ensure that Comsat's participation in the International Maritime Satellite Consortium (INMARSAT) will not adversely affect its participation in INTELSAT, and prevent Comsat from cross-subsidizing its maritime satellite services with its other communications services.[1]

2. Comsat states that the extension it requests is justified in view of the complexity of the issues involved. Also, Comsat avers that it will have difficulty meeting the scheduled February 27 filing date because several management personnel whose input is necessary to Comsat's comments in this proceeding were required to attend an INMARSAT Council meeting in Australia during the week of February 16, 1981.

3. We will grant Comsat's request. Under the circumstances it presents, a fourteen-day extension is reasonable, and will not unduly delay this proceeding in relation to other Commission policy initiatives in the international communications area.[2]

4. Accordingly, it is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 C.F.R. Section 0.291 (1979), that the request of Communications Satellite Corporation, for an extension to file comments in CC Docket No. 79-35 is granted.

5. It is further ordered, that parties shall file comments in this proceeding on or before March 13, 1981. Replies shall be filed on or before April 3, 1981.

[1] Comsat raised this issue of cross-subsidization following the period for comments and replies allowed by our Notice of Proposed Rulemaking in this proceeding, wherein we sought comments on proposals to implement certain requirements imposed on the Commission by the International Maritime Satellite Telecommunications Act, 47 U.S.C. 751 (1979). *International Maritime Satellite System*, 70 F.C.C. 2d 1968 (1979).

[2] In the Further Notice, we indicated our intention to strictly adhere to the procedural schedule established therein in view of national interest and foreign policy concerns which would require expeditious consideration by NTIA and the Department of State. However, NTIA has informed us orally that it will not oppose Comsat's request for an extension of time.

Federal Communications Commission.

Willard L. Demory,

Assistant Bureau Chief, International Common Carrier Bureau.

[FR Doc. 81-7075 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 0, 61, and 63

[CC Docket No. 79-252]

Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rule making; extension of comment and reply comment period.

SUMMARY: The period of time for filing comments and reply comments in this proceeding on policy and rules concerning rates for competitive common carrier services and facilities authorizations therefor is extended in response to motions by three parties.

DATES: Comments are now due by May 1, 1981 and replies by June 5, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael B. Fingerhut, Common Carrier Bureau, (202) 632-6917.

Order

Adopted: February 25, 1981.
Released: February 26, 1981.

In the matter of policy and rules concerning rates for competitive common carrier services and facilities authorizations therefor (46 FR 10924).

By the Acting Chief, Common Carrier Bureau:

1. Before the Common Carrier Bureau are motions filed by Southern Pacific Communications Corporation (SPCC), MCI Communications Corporation (MCI) and the Western Union Telegraph Company (Western Union) for extensions of time in which to file comments on the *Further Notice of Proposed Rulemaking (Further Notice)* issued in the above-captioned proceeding.[1] Under the current procedural schedule comments are due on March 2, 1981, and reply comments on April 6, 1981. SPCC requests a 30-day extension of these dates to April 2, 1981, and May 6, 1981 respectively; MCI asks that the date for filing comments be extended until April 10, 1981; and Western Union seeks a three-month extension of the comment date to June 1, 1981.

2. In support of their requests, both SPCC and MCI point out that the issues raised by the Commission in the *Further Notice* are extraordinarily complex. They argue that the ability of the parties to prepare substantive comments is hampered both by the relatively brief comment period established in the *Further Notice* and the circumstance that filings in other common carrier proceedings are due at about the same time. For its part, Western Union states that it is preparing a series of studies on the extent of competition in the public switched record submarket in order to demonstrate that service providers in this market can be fully deregulated. It asserts that three months is the minimum period of time needed for this purpose.

3. We agree with the movants that because of the complex and far-reaching nature of the issues involved in this proceeding, interested parties should have some additional time in which to prepare their comments and supporting analyses. Based on the pleadings before us, we find that a two-month extension in the pleading cycle would give the parties ample time in which to prepare substantive submissions while not unduly delaying this proceeding. Therefore, comments should be filed on or before May 1, 1981, and reply comments should be filed on or before June 5, 1981.

4. Accordingly, *It is ordered*, That pursuant to authority delegated under Section 0.291 of the Commission's Rules and Regulations, 47 CFR 0.291, the procedural dates for filing comments and replies in this proceeding are extended as set forth above.

5. *It is further ordered*, That except to the extent granted, the motions for extensions of time of Southern Pacific Communications Corporation, MCI Communications Corporation and Western Union Telegraph Company are denied.

6. *It is further ordered*, That a copy of this Order be published in the **Federal Register.**

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-7055 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Further Notice of Proposed Rulemaking FCC 80-742 (released January 16, 1981) 46 FR 10924 (February 5, 1981).

47 CFR Part 73

[BC Docket No. 79-155; RM-3261, 3469, 3560]

FM Broadcast Station in Mountain Home and Marshall, Arkansas; Thayer, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order, Further Notice of Proposed Rule Making, and Order to Show Cause (Proposed Rule).

SUMMARY: Action taken herein grants partial reconsideration of Report and Order which assigned FM Channel 288A to Mountain Home, Arkansas, and proposes assigning FM Class C Channels 282 and 298 to Mountain Home, deleting Channels 252A and 288A from that community, assigning FM Channel 288A to Marshall, Arkansas, and substituting Channel 257A for Channel 296A at Thayer, Missouri. Alternatively, assignment of Channel 282 to Marshall is proposed, with no changes in other assignments. A Show Cause Order regarding proposed frequency change from Channel 252A to Channel 282 at Mountain Home is issued to Mountain Home Broadcasting Corp., licensee of Station KTLO-FM. Action is taken in response to petition for reconsideration filed by Mountain Valley Broadcasters, Inc. and petition for rule making filed by Zero Broadcasting, Inc.

DATES: Comments must be filed on or before April 20, 1981, and reply comments on or before May 11, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 19, 1981.

Released: February 26, 1981.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Mountain Home and Marshall,[1] Arkansas; Thayer, Missouri [1] Memorandum Opinion and Order, Further Notice of Proposed Rule Making and Order to Show Cause.

1. Before the Commission is a Petition for Reconsideration of the *Report and Order* in this proceeding, 45 FR 29835, published May 6, 1980, in which we assigned FM Channel 288A to Mountain Home, Arkansas, as its second commercial FM frequency. The petition was filed by Mountain Valley Broadcasters, Inc. ("Mountain Valley").[2] Opposition has been submitted by Tri-Rivers Broadcasting Company, Inc. ("Tri-Rivers").

2. A brief review of the history of this proceeding will help to clarify the issues with which we are presently concerned. In the *Notice of Proposed Rule Making*, 44 FR 37518, published June 27, 1979, the Commission proposed the assignment of Channel 288A to Mountain Home, in response to a petition filed by Tri-Rivers.[3] Subsequently, Mountain Valley filed a counterproposal seeking the assignment of Class C FM Channel 282 to Mountain Home.

3. Tri-Rivers argued that Mountain Valley's pleading was not a true counterproposal, since both Channel 282 and Channel 288A could theoretically be assigned to Mountain Home. It also noted that the assignment of Channel 282 would be contrary to the Commission's general policy against the intermixture of Class A and Class C assignments, as Station KTLO-FM presently operates at Mountain Home on Channel 252A. The Commission determined, however, that due to such factors as population criteria and intermixture, joint consideration was appropriate.

4. Marshall Broadcasting Co., Marshall, Arkansas, submitted a letter opposing the assignment of Channel 282 to Mountain Home and indicating its interest in the assignment of the same channel to Marshall, located only 52 kilometers (32 miles) from Mountain Home. Subsequently, Zero Broadcasting, Inc. ("Zero") formally filed a petition for such an assignment. That proposal was filed too late to be considered in response to the initial *Notice* in this proceeding. However, since we have here reopened this proceeding for a further proposal, the Marshall request is considered herein.

5. Marshall, the seat of Searcy County, had a 1970 population of 1,397, estimated by the Census in 1977 at 1,551, and by a 1978 State survey cited by Zero as 1,372. Searcy's County's 1970 population was 7,731 in 1970, with 1977 population reported by the Census to be 8,531. The community is located in a primarily reported by the Census to be 8,531. The community is located in a primarily agricultural area, although it is also the site of the Flintrock Shirt Company, which employs more than 500 workers. There are also several wood products companies in the area. The community is presently served by daytime-only AM Station KCGS.

6. Since Mountain Valley's proposal to assign Channel 282 would cause significant preclusion,[4] and its *Roanoke Rapids*, 9 F.C.C. 2d 672 (1967), showing was found to be inadequate, the Commission granted Tri-Rivers' request for the Channel 288A assignment and denied Mountain Valley's counterproposal. The Commission stated that a showing of significant first and second service would be essential for us to make an exception to our policies against intermixture and the assignment of higher-power channels to smaller communities.

7. In taking this action, however, the Commission stated that our denial of the Mountain Valley counterproposal was without prejudice to refiling to overcome the policy problems indicated. In its petition for reconsideration, Mountain Valley responds to the issues raised in the *Report and Order*. Its new engineering exhibit indicates that its proposal will provide first aural night service and first FM service to a population of 595 in an area of 72 square miles, second aural night service to a population of 7,751 in an area of 896 square miles, and second FM service to a population of 14,862 in an area of 1,320 square miles. Additionally, Mountain Valley indicates that Channel 296A could be assigned to Marshall with a site restriction and that Channel 288A could be assigned there if deleted from Mountain Home. Channel 244A, Mountain Valley states, can be assigned to Mountain Missouri, another precluded community, without any other changes in assignments. Mountain Valley also submits additional information regarding the Mountain Home community, as well as numerous statements from community leaders which discuss the growth and service needs[5] of the area and support the assignment of a Class C channel. Two documents submitted as part of a supplement to Mountain Valley's reply comments indicate the significant impact of tourism in the Mountain Home area. One, a letter prepared by the Arkansas Department of Parks and Tourism, indicates that there were 1,428,737 overnight visitors to Baxter County in 1979. The other, a letter from the Resident Engineer of the U.S. Army Corps of Engineers, states that the Bull Shoals Lake and Norfork Lake areas, both within the service area of the proposed Class C assignment, had a combined estimated visitation of more than seven million people in 1978, with a ten percent increase predicted for 1980.

[1] These communities are being added to this proceeding.

[2] Public Notice of the filing of the petition was given on June 11, 1980, Report No. 1233, 45 FR 41516, published June 19, 1980.

[3] Mountain Home, seat of Baxter County, is located in north central Arkansas, 173 kilometers (108 miles) north of Little Rock. It is currently served by Stations KTLO(AM) and KTLO-FM (Channel 252A). The 1970 population was 3,936. Census data for 1977, submitted by Mountain Valley, show a population of 6,735. The 1970 population of Baxter County was 15, 319, which increased to 25,087 by 1977. The recent growth of the community is attributed in part to its attractiveness as a retirement site, but it also serves as home to a number of manufacturers and is the major retail trade center in its area. The Mountain Home area is also a significant tourism center.

[4] Of the communities affected, Marshall has daytime-only AM service, while Mountain View, Missouri, has no local aural service.

[5] Many of these statements are attachments to Mountain Valley's supplement to its petition for reconsideration, filed on June 19, 1980, and accompanied by the motion for acceptance required by Section 1.429(d) of the Commission's Rules. Mountain Valley states that it was unable to compile these documents at an earlier date. The Commission is of the view that acceptance of the supplement would serve the public interest by providing a more complete record upon which to base any action we may take, and thus this motion will be granted. We will also consider Mountain Valley's supplementary reply comments, which were timely filed as to the normal reply comment date.

8. Tri-Rivers argues that no basis for a grant of reconsideration has been presented.[6] In support of its position, Tri-Rivers states:

First, the material submitted by Mountain Valley in its Petition has previously been presented, considered and rejected by the Commission. Second, no event has occurred or circumstances changed since Mountain Valley's last submission in these proceedings, and Mountain Valley had ample opportunity to place all relevant material before the Commission at that time. Nor does Mountain Valley's Petition reveal facts that were unknown to it prior to the Commission's decision. Finally . . . the public interest lies in providing needed service to Mountain Home as expeditiously as possible and, accordingly, the public interest would be disserved by grant of the Petition.

9. Tri-Rivers argues that Mountain Valley's engineering exhibit "largely repeats previous filings and thus is not grounds for reconsideration," although it acknowledges that it has not fully reviewed the engineering portion of the petition.[7] In any case, Tri-Rivers argues, the engineering exhibit does not undercut the propriety of assigning Channel 288 A to Montain Home, nor does it alleviate the Commission's technical concerns as expressed in the *Report and Order*. Tri-Rivers states that while it encourages the assignment of additional frequencies to the Mountain Home area, this should not delay the initiation of service on Channel 288A.

10. We believe that the information submitted by Mountain Valley does in part provide a basis for reconsideration in accordance with Section 1.429(b)(3) of the Commission's Rules. Mountain Valley's updated *Roanoke Rapids* showing, and the additional information it has provided regarding the community to be served and the impact of tourism in the area, suggest to us that the assignment of a Class C channel to Mountain Home does have merit. This does not alleviate our concern as to intermixture of a Class C channel with the existing Operating Class A station. However, the Commission's staff has determined that a second Class C channel (298) can also be assigned to Mountain Home, with a site restriction of 5.6 kilometers (3.5 miles) northeast of the city, so as to provide for the upgrading of KTLO-FM and resolve the intermixture problem and thereby allowing for the provision of Class C service to the area. Assignment of Channel 296 would necessitate the deletion of Channel 296A, unoccupied and unapplied for, at Thayer, but we have determined that Channel 257A is available for assignment to that community with a site restriction of approximately 9.6 kilometers (6 miles) south of the city.

11. In view of the extraordinary expense involved, and the difficulty in finding new transmitter sites, the Commission does not ordinarily make assignments which would require an existing station to change sites. See *Asheville, North Carolina*, 52 F.C.C. 2d 1147, *recons. den.*, 57 F.C.C. 2d 1289 (1976). The site restriction on the assignment of Channel 296 to Mountain Home would require a transmitter relocation by KTLO-FM, which does not appear to be necessitated by the use of Channel 282 by that licensee. Thus, we will propose modification of KTLO-FM's license to specify Channel 282. Reimbursement of KTLO-FM for the reasonable costs of that change would be required of Mountain Valley or any successful applicant for Channel 296, if assigned. Mountain Valley, accordingly, should indicate its interest, if any, in the assignment of Channel 298, as well as its willingness to provide reimbursement in accordance with the policies announced in such cases as *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967). See also *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976). Should another party express an interest in applying for a Class C channel at Mountain Home, the proposed modification of Station KTLO-FM's license would not be a bar since Channel 298 is available for application. Mountain Valley is also requested to submit a preclusion study for the Channel 298 assignment, and a showing as to the availability of alternative assignments to any precluded communities.

12. Zero Broadcasting, the petitioner for the assignment of Channel 282 to Marshall, states that the assignment of a Class C channel to that community is justified because no Class A channel is available, and because unserved and underserved areas would benefit. As we have indicated, however, Channel 288A would be available to Marshall if deleted from Mountain Home, with a site restriction of 1.8 miles north of the city. Zero's engineering exhibit states that the assignment of Channel 282 to Marshall would provide first FM and second aural nighttime sevice to 6,968 persons residing in a 1,055 square mile area, and second FM service to 28,248 persons in a 1,638 square mile area. However, these figures are inaccurate, as measurements using the *Roanoke Rapids* "reasonable facilities" standards, set forth at 9 F.C.C. 2d 673 (1976), were not utilized. It appears that if *Roanoke Rapids* standards are properly applied, all populated areas are eliminated from the region of first FM and second nighttime aural service.

13. Should Zero wish to pursue its proposal to assign Channel 282 to Marshall, a corrected engineering exhibit as to first and second FM and nighttime aural service should be submitted, as well as any additional information Zero believes supports the need for assignment of a Class C channel to this small community. On the basis of the information submitted to date, it would appear that Marshall's needs might well be served by the assignment of a Class A channel to that community. However, in order to allow all parties to fully explore this matter, we will, below, set forth alternative proposals for the Marshall and Mountain Home assignments.

14. In view of the foregoing, it is ordered, That the petition for reconsideration filed by Mountain Valley Broadcasters, Inc. is granted to the degree stated herein, and in all other respects is denied.

15. Further, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as to the communities listed below, as follows:

City	Channel No.	
	Present	Proposed
PLAN I		
Mountain Home, Ark	252A, 288A	282, 298
Marshall, Ark		288A
Thayer, Mo	296A	257A
PLAN II		
Marshall, Ark		[illegible]

16. It is further ordered, that pursuant to Section 316 of the Communications Act of 1934, as amended, Mountain Home Broadcasting Corporation shall show cause why its license for Channel 252A should not be modified to specify Channel 282 at Mountain Home, Arkansas, if the Commission determines that the public interest would be served by adopting the assignments proposed in Plan I.

17. Pursuant to Section 1.87 of the Commission's Rules, the licensee of Station KTLO-FM, Mountain Home, Arkansas, may not later than April 20, 1981, request that a hearing be held on the proposed modification. Pursuant to Section 1.87(f), if the right to request a hearing is waived, Station KTLO-FM may, not later than April 20, 1981, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. If the right to a hearing is waived and no written statement is filed by the date referred to above, KTLO-FM will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

[6] Tri-Rivers erroneously cites Section 1.106(c) of the Commission's Rules as to the grounds on which reconsideration will be granted. A similar error is made by Mountain Valley in its reply to Tri-Rivers' opposition. Section 1.106 does not apply to notice and comment rule making proceedings. See Section 1.106(a)(1). The applicable section of the rules, which has similar effect, is Section 1.429(b).

[7] Tri-Rivers states that neither its principals nor counsel were served with Mountain Valley's petition and did not receive these materials until June 16-17, 1980. It requests leave to file a supplement to its opposition addressing the engineering filing if that appears necessary. Mountain Valley states that it served Tri-Rivers' counsel of record on June 6, 1980, and was not informed until June 17, 1980, that new counsel had been obtained. Tri-Rivers' opposition, denominated a reply, was filed on June 18, 1980. Section 1.429(f) of the Commission's Rules provides that oppositions must be filed within 15 days following the date notice that the petition has been filed is published in the Federal Register. In the instant matter, such notice was published on June 19, 1980. Thus, Tri-Rivers' opposition was not due until Friday, July 4th, a holiday, and did not have to be filed until July 7, 1980. Had Tri-Rivers availed itself of this time period, it might well have had adequate opportunity to review Mountain Valley's engineering filing. It appears that Tri-Rivers' haste in filing its opposition might stem from its belief that Section 1.106(g), which requires oppositions to be filed ten days after the petition is filed, was applicable. In any event, the Commission believes that the public interest will be served by granting Tri-Rivers leave to reply to Mountain Valley's engineering exhibit, should it so choose, in its comments in response to this *Further Notice*.

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18. It is further ordered, that the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to Mountain Home Broadcasting Corporation, Box C, Mountain Home, Arkansas 72653, the party to whom the *Order to Show Cause* is directed.

19. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is requird by paragraph 2 of the Appendix before a channel will be assigned.

20. Interested parties may file comments on or before April 20, 1981, and reply comments on or before May 11, 1981.

21. For further information concerning this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

22. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-6833 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC 43 (Sub-12)]

Leasing Rules Modifications

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission proposes to modify its existing leasing regulations, set forth at 49 CFR part 1057, to allow private carriers to trip lease their equipment and drivers to authorized carriers. It further proposes to delete subparagraphs (c) and (d) from existing regulation 49 CFR 1057.22, because of the unnecessary burdens they impose on carriers.

DATE: Comments are due on or before April 20, 1981.

ADDRESS: Send an original and 15 copies, if possible, of comments to: Ex Parte No. MC 43 (Sub-12), Room 5316, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robert G. Rothstein, 202–275–7912; Edward E. Guthrie, 202–275–7691.

SUPPLEMENTARY INFORMATION:

History

By petition filed November 17, 1980, the Private Carrier Conference, Inc. (PCC), of the American Trucking Associations, Inc., seeks to institute this proceeding to promulgate rules which will allow private carriers to trip lease vehicles and drivers to authorized carriers in the same manner that authorized carriers are now allowed pursuant to 49 CFR part 1075. Specifically, PCC proposes that the Commission amend the provisions of 49 CFR 1057.22 (Exemption for trip leasing between authorized carriers) to allow private carriers to join in the exemption and avail themselves of the opportunity to trip lease their equipment and drivers to authorized carriers.[1] We believe the proposal is in the public interest and is faithful to the objectives sought to be attained in the national transportation policy.[2] We thus seek public comment on the proposed rule.[3]

Historically, private carriers were of little significance economically. They were tightly controlled and closely scrutinzed by the Commission to ensure that the freight which they carried was not diverted from a young and growing regulated motor carrier industry, and that their operations would not encroach on the established province of for-hire motor carriers.[4] Former Commission policies militated against private carriage by requiring a rigid distinction between it and for-hire carriage.[5] The Commission imposed a "control" test, requiring a private carrier to control, direct, and dominate the service,[6] and subsequently a "burdens" test, requiring private carriers to also assume, in significant measure, the characteristic burdens of the transportation business.[7] Manufacturers and shippers, then, who listed themselves among the growing ranks of private carriers did so at considerable expense, with substantial investments of capital, management, and other resources.

The Commission in *Geraci Contract Carrier Application*[8] initially adopted a policy providing that it would not grant a motor carrier certificate or permit to an applicant who intended to use it primarily as an incident to its non-transportation business and the carriage of its own goods. The *Geraci* application involved a private carrier who sought authority from its destination points to its origin, in order to obtain revenue-paying backhauls. The application was rejected, as inconsistent with the concept of a private, and with the public interest in maintaining adequate for-hire motor carrier service. For 40 years, private carriers were thus relegated to seeking backhauls either of raw materials used in their primary businesses or of exempt agricultural commodities. This often resulted in fuel-inefficient and unproductive operations. The excess costs of empty vehicle operations were no doubt built into and inflated the cost of products delivered in private carriage.

Recent Developments

In 1978, the Commission departed from the *Geraci* policy and adopted a policy whereby a private carrier may apply for common or contract operating authority ("Toto" authority).[9] This change in policy recognized that the growth and strength of the regulated segment of for-hire motor carriage provided insulation from competition from private carriers, and reflected the increasing role and needs of private motor carriage. The decision was also

[1] See Appendix for existing and proposed regulation.

[2] 49 U.S.C. § 10101.

[3] Comments addressing the merits of PCC's petition have already been submitted by Theisen Distributing, Inc., The Drackett Products Company, Associated Grocers of Colorado, Inc., and House of Fabrics of S.C., Inc. These comments will be made a part of the record in this proceeding.

[4] Private carriage is exempt from Commission jurisdiction as long as (1) the property is transported by a person engaged in a business other than transportation, and (2) the transportation is within the scope of and furthers a primary business (other than transportation) of the person. 49 U.S.C. § 10524(a).

[5] *United States* v. *Drum*, 368 U.S. 370 (1962).

[6] *H. B. Church Truck Service Co.*, 27 M.C.C. 191, 195 (1941).

[7] *United States* v. *Drum*, *supra* at 375. Cf. Ex Parte No. MC 122 (Sub-2), *Lease of Equipment and Drivers to Private Carriers*, 132 M.C.C. 361 (1980), where the Commission proposes to delete the "burdens" test.

[8] 7 M.C.C. 389 (1938).

[9] *Toto Purchasing & Supply Co., Inc.*, 128 M.C.C. 873 (1978); aff'd. Ex Parte MC 118, *Grant Of Motor Carrier Operating Authority To An Applicant Who Intends To Use It Primarily As An Incident To the Carriage Of Its Own Goods and Its Own Nontransportation Business*, served November 20, 1978. Applicants for this type of authority must meet the standard criteria for common or contract carriers, and must agree to conduct their "for-hire" transportation activities independently of their other activities.

designed to improve further operating efficiencies and productivity. Although the way was cleared for private truck operators to obtain ICC authority to complement their pre-existing private carriage routes, the Commission, on January 10, 1980, concluded that it lacked the authority to provide an exemption from the statutory provisions and regulations regarding the issuance of equity or debt securities by companies which are not primarily for-hire carriers otherwise subject to Commission jurisdiction, but which perform some service as regulated motor carriers as an incident to their principal businesses.[10] According to petitioner the effect of this decision has been reluctance on the part of some management of non-transportation companies to subject their securities issuances to ICC scrutiny.[11] Petitioner adds that may private carriers may be unable to locate shippers wishing to support them for "Toto" authority. Thus, the potential beneficial impact of the reversal of *Geraci* has been diminished.

A further exemption for primary nontransportation businesses has been adopted, but its beneficial impact is similarly questioned by the petitioner. Section 9 of the Motor Carrier Act of 1980 [12] includes in the 49 U.S. § 10524 private carriage exemption a provision for compensated intercorporate hauling, with notice and publications requirements. Such transportation may now legally be provided by a person who is a member of a corporate family for other members of the corporate family as long as the participating affiliates are 100-percent owned, directly or indirectly, by the parent company. Affiliates may provide intercorporate hauling services themselves, or a separate company may be incorporated within the family to provide the transportation service.[13] This Congressionally mandated exemption marks a departure from previous Commission policy, which had required intercorporate hauling to be performed without compensation. The petitioner nonetheless points out that many private carriers will be unable to avail themselves of this opportunity to operate equipment with more loaded miles because many private carriers have no qualifying affiliates for which freight could be transported.

The petitioner proffers the *Toto* case and intercorporate hauling reform as a progression of recent Congressional enactments and agency developments designed to promote energy conservation and minimize transportation inefficiencies (empty backhauls). By its petition, it seeks approval of trip leasing by private carriers to regulated carriers as a means of obtaining these goals and as a logical step in the promulgation of actions designed to implement the national transportation policy.[14]

The Proposal

Petitioner believes that its proposed modification to the leasing rules to permit private carriers to trip lease to regulated carriers will end discrimination against private carriers and will ameliorate their present operating inefficiencies, reduce exessive fuel consumption and empty backhauls, and result in lower consumer prices.[15] Collaterally, petitioner anticipates that permissible trip leasing will benefit regulated carriers by enabling them to augment their equipment fleets without capital or personnel investment, thus maintaining balanced traffic movements and avoiding the burden of empty backhauls themselves. Such trip-leasing could also obviate the need for private carrier applications for "Toto" authority, thereby allowing regulated freight to be handled by existing regulated carriers. In this way, private carriers' backhaul problems could be remedied while addressing the same concerns of existing regulated carriers. At the same time, private carrier trip leasing would grant to regulated carriers the resources by which their services could be expanded to meet the shipping needs of the public.

Discussion

Petitioner has raised issues which we believe worthy of consideration. Although opponents of private carrier trip leasing have historically condemned the perceived promotion of private carriage at the expense of regulated carriage, the Congress and this Commission, do not support policies which protect one form of transportation over another. The public interest does not warrant the retention of artificial impediments to the efficient operation of any carriers. As we noted in our recent decision in *Lease of Equipment and Drivers to Private Carriers*, *supra*, the regulatory environment has changed markedly since the period in the late 1930s when we evaluated the respective roles of for-hire and private carriage. The trends begun by the granting of Toto authority and the institution of compensated intercorporate hauling evinces increasing allowance for and approval of incidential hauling by private carriers for separate commercial entities.

The existing exemption for trip leasing between authorized carriers (49 CFR 1057.22) permits the trip leasing of equipment between regulated carriers that satisfy a requirement of control. The authorized carrier-lessor must own the equipment or hold it under a lease of 30 days or more. An authorized carrier may thus lease its equipment to another authorized carrier for the purpose of profitably repositioning its equipment by obtaining a loaded movement. We are constrained to find a rational reason for denying the same operating efficiency to private carriers who likewise satisfy a control requirement.

We note that in affirming the *Toto* decision, the Commission concluded that:

> It is our expectation that implementation of the new policy will enable private carriers to provide needed for-hire service to shippers and will also provided for increased efficiency in the transportation system by filling up otherwise empty backhauls. We are convinced that the high cost of energy, now and into the forseeable future, requires us to pay close attention to the need for greater operating efficiency, not only in the for-hire sector but in all interstate surface transportation. Energy efficiency and environmental preservation are best achieved by integration of all the existing systems of surface transportation, not by continued segregation of the private trucking sector.[16]

The Commission, in the above excerpt, expressed a perceptive and prophetic commentary on the need for flexibility and adaptability in the motor carrier regulatory structure. Petitioner's proposed modification appears to be in harmony with the needs of all forms of motor carriage, but we nonetheless seek public comment on it.

[10] Ex Parte MC 118 (Sub-1), served January 10, 1980.

[11] The Commission's authority to regulate securities issuances may be found at 49 U.S.C. §§ 11301 and 11302.

[12] P.L. 96–296, 94 Stat. 793.

[13] Ex Parte MC 122 (Sub-1), *Implementation of Intercorporate Hauling Reform Legislation*, served December 24, 1980, 45 Fed. Reg. 86761.

[14] 49 U.S.C. § 1010 (a)(7).

[15] A 1978 study estimated that approximately 27.3 percent of private carrier truck mileage is empty. This factor is 6.1 percent higher than other forms of exempt motor carrier mileage, and is higher than all types of interstate motor carrier transportation except bulk, tank, and "other" (residual) haulers. ICC, Bureau of Economics and Bureau of Operations, *Empty/Loaded Truck Miles on Interstate Highways during 1976*, April, 1977, Table I, p. 6.

[16] Ex Parte MC 118, supra, pp. 8–9.

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Deletions

Similarly, we seek public comment on our own proposal to delete subparagraphs (c) and (d) from 49 CFR 1057.22. These subparagraphs may have outlived their usefulness to the public. They appear to be superfluous, may frustrate the efficient movement of goods contrary to the national transportation policy, and could be removed without adverse public effect. Existing subparagraph (c) places an unnecessary burden on a carrier attempting to qualify for the exemption, e.g., an authorized carrier performing primarily intrastate transportation. Petitioner's proposed modification to subparagraph (c) is merely a restatement of the private carrier exemption set forth at 49 U.S.C. § 10524. We think it need not be reiterated here.

Subparagraph (d) similarly places an unnecessary restriction on carriers that seek to qualify for the trip-lease exemption. The national transportation policy [17] encourages competitive and efficient transportation, but restricting a carrier to a uni-directional trip-leased move may not necessarily be the most efficient method of achieving the desired results set forth in the Policy. We think it best to leave questions of equipment repositioning under trip-lease to the business judgments of individual carriers, both regulated and private.

Regulatory Flexibility Considerations

This decision will not have a significant economic impact on a substantial number of small entities. To the extent that it does, we believe such impact will be wholly beneficial.

Environmental and Energy Considerations

We do not believe that this proposed rule will have any significant impact upon the quality of the human environment. We do anticipate that further action by the Commission on this proceeding will improve motor carrier operating efficiencies, reduce empty mileages, and increase productivity of revenue equipment, thus contributing to the conservation of energy resources. In any event, we invite comments which identify significant effects this proceeding may have on either the quality of the human environment or conservation of energy resources.

This notice is issued pursuant to 5 U.S.C. § 553.

Decided: February 17, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Chairman Gaskins not participating.

Agatha L. Mergenovich,

Secretary.

Appendix

Following is the text of existing rule 49 CFR § 1057.22, Exemption for trip leasing between authorized carriers.

The italicized language indicates proposed amendments in the existing regulation sought by the petitioner, Private Carrier Conference, Inc., of the American Trucking Associations, Inc. No language in the existing rule would be deleted in the petitioner's proposed rule.[1]

It must be emphasized that the Commission proposes to delete entirely subparagraphs (c) and (d), notwithstanding petitioner's proposal. Such deletions and subsequent changes are bracketed.

§ 1057.22 Exemption for *private carrier trip leasing and* trip leasing between authorized carriers.

Regardless of the leasing regulations set forth in this part, an authorized carrier may lease equipment to or from another authorized carrier, *or a private carrier may lease equipment to an authorized carrier* under the following conditions:

(a) The identification of equipment requirements in § 1057.11(c) must be complied with;

(b) The lessor must own the equipment or hold it under a lease of 30 days or more;

[(c) *If the lessor is an authorized carrier,* it must regularly use the equipment in the service it is authorized by the Commission to perform. *If the lessor is a private carrier, it must regularly use the equipment pursuant to and in furtherance of its non-transportation, primary business enterprise.*

(d) *If the lessor is an authorized carrier,* the equipment must be leased for transportation in the direction of a point which the lessor is authorized to serve. *If the lessor is a private carrier, the equipment must be leased for transportation in the direction of an origin or destination point normally served by the private carrier in the course of its private carriage function.]*

(e) There must be a written agreement between the authorized carriers *or between the private carrier and authorized carrier, as the case may be,* concerning the equipment as follows:

(1) It must be signed by the parties or their authorized representatives.

(2) It must provide that control and responsibility for the operation of the equipment shall be that of the lessee from the time possession is taken by the lessee and the receipt required under § 1057.11(b) is given to the lessor until: (i) possession of the equipment is returned to the lessor and the receipt required under § 1057.11(b) is received by the authorized carrier; or (ii) *in the event that the agreement is between authorized carriers,* possession of the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment.

(3) A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

(5 U.S.C. 553)

[FR Doc. 81-7063 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1206 and 1207

[No. 37562]

Increasing the Minimum Rule on Capital Expenditures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission is proposing to increase the Minimum Rule on Capital Expenditures from $200 to $500 for both Motor Carriers of Passengers and Motor Carriers of Property. This change would reduce the carriers' accounting burden, accelerate the capital recoverability of minor capital expenditures and adjust the minimum rule's dollar guidelines for inflation. The new guideline would be effective 1/1/81.

DATES: Comments should be filed on or before April 20, 1981.

ADDRESS: Send comments with 10 copies to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: The National Bus Traffic Association, Inc. (NBTA) has requested that the Commission increase the minimum rule on capital expenditures in 49 CFR Part 1206 (Motor Carriers of Passengers), Instruction 2-19(c).

Instruction 2-19(c) provides that for an expenditure to be recognized as a capital expenditure it has to (1) exceed $200, and (2) be for property with a life of one year or more. Capitalized items are carried on the books as assets, depreciated over an estimated life and removed from the books only when disposed of. An expenditure that does not meet instruction 2-19(c) criteria is expensed in the period in which it is incurred. Accordingly, an increase in the $200 minimum rule would decrease the bus companies' accounting and reporting burden, accelerate capital recoverability of minor capital expenditures and adjust the dollar guideline for inflation.

The NBTA requested that the $200 minimum rule be increased to $500. The $200 level has remained constant since 1/1/68. The NBTA based its request on the fact that if the $200 minimum rule was adjusted by the increase in the Consumer Price Index from 1/1/68 to 12/31/80, it would be equal to $516. In addition, the NBTA also suggested that previously capitalized items under $500 that are fully depreciated be removed from the property records.

The Commission recognizes the need for an adjustment in the minimum rule and believes that the NBTA's proposal to increase the minimum rule from $200 to $500 is appropriate due to recent inflationary trends. The Commission further believes that an increase in the minimum rule from $200 to $500 for motor carriers of property is warranted.

However, the NBTA did not present a justification for removing previously capitalized items under $500 that are fully depreciated from the property records. The proposed increase in the minimum rule is meant to be a prospective adjustment. If previously capitalized items under $500 are still being used in carrier operations, we believe they should continue to be carried in the carrier operating property accounts in accordance with the uniform system of accounts. If these items are no longer used in carrier operations, they should be transferred to non-carrier operating property accounts or retired in accordance with Instruction 2-21.

Accordingly, we propose to amend 49 CFR 1206 and 49 CFR 1207 as set forth in the Appendix effective 1/1/81, and to make the change retroactive to January 1, 1981.

This action does not appear to affect significantly the quality of the human environment or the conservation of energy resources.

5 U.S.C. 603 requires that the Commission examine the impact of proposed rules on small businesses and small organizations. In this proceeding, we do not propose new accounting requirements; rather we seek to reduce the accounting burden of the affected carriers. Thus, we anticipate no adverse economic impact on small businesses or organizations. We do, however, invite comments on this issue.

This action is proposed under the authority of 49 U.S.C. 11142 and 5 U.S.C. 553.

Decided: February 25, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum absent and not participating.

Agatha L. Mergenovich,

Secretary.

We propose to amend 49 CFR Parts 1206 and 1207 as follows:

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

1. Revise the text of 49 CFR Part 1206, Instruction 2-19(c), Operating property to be recorded at cost, as follows:

2-19 Operating property to be recorded at cost.

* * * * *

(c) Any unit of property, including additions to or betterments of existing property, having a cost not in excess of $500.00, or having a life of 1 year or less, may be charged to the appropriate operation and maintenance expense, or clearing account and not to the property account, except that if small tools, portable equipment and similar items are consumed directly in construction work, the cost may be included as part of the cost of the constructed unit. This is not to be construed as authorizing the parceling of expenditures to bring them within this limit, or the inconsistent application of any rule or practice adopted by the carrier hereunder to the same item or class of property. If a carrier adopts a rule hereunder, changes in the rule shall be reported to the Commission.

* * * * *

2. Revise the text of 49 CFR Part 1207, Instruction 19(c), Carrier operating property, as follows:

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

19. Carrier operating property.

* * * * *

(c)(1) Units of property (see definition 37) and additions to and betterments of existing property, having a life in excess of 1 year and costing more than $500 shall be charged to the appropriate property investment accounts. Units having a life of 1 year or less or costing not more than $500 may be charged to operating expenses. The carrier shall not parcel expenditures for acquisitions of several units of property, when made under a general plan (wherein the cost of each unit is less than $500, but the total expenditures under the plan represent a substantial investment), for the purpose of charging them to expense; neither shall it combine unrelated items for the purpose of including their cost in the property investment accounts.

(2) A carrier will be permitted to adopt a limit of less than $500 for charges to the property investment account, providing it files a statement with the Commission showing the amount it proposes to use and makes no subsequent change in the amount except by authority of the Commission.

(d) * * *

(e) * * *

(f) * * *

(g) * * *

(h) * * *

(i) * * *

(49 U.S.C. 11142 and 5 U.S.C. 553)

[FR Doc. 81-7071 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

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[17] *Supra,* note 14.

[1] The sole exception is the substitution of "it" for "the lessor" in existing § 1057.22(c).

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Notices

Federal Register
Vol. 46, No. 43
Thursday, March 5, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

List of Warehouses and Availability of Cancellations and/or Terminations

AGENCY: Agricultural Marketing Service.

ACTION: Notice of Publication of List of Warehouses Licensed Under the U.S. Warehouse Act and Availability of List of Cancellations and/or Terminations Occurring During Calendar Year 1980.

Notice is hereby given that the Agricultural Marketing Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et. seq.*) as of December 31, 1980, as required by section 26 of that Act. Also available is a list of cancellations and/or terminations that occurred during calendar year 1980. A copy of the list of warehouses as of December 31, 1980, will be distributed to all licensed warehousemen. Other interested persons may obtain a copy of either list from: Mrs. Judy Fry, Warehouse Service Branch, Warehouse Division—AMS, U.S. Department of Agriculture, Room 2720, South Agriculture Bldg., Washington, D.C. 20250. PH: 202–447–3821.

Done at Washington, D.C., March 2, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–7041 Filed 3–4–81; 8:45 am]

BILLING CODE 3410–02–M

Forest Service

Prescott National Forest Grazing Advisory Board; Meeting

The Prescott National Forest Grazing Advisory Board will meet at 9 A.M. on April 3, 1981, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittees and the Forest Service. Discussion will be limited to use of range betterment funds and management planning.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number 602–445–1762. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

John W. Bohning,

Acting Forest Supervisor.

February 25, 1981.

[FR Doc. 81–6945 Filed 3–4–81; 8:45 am]

BILLING CODE 3410–11–M

Humboldt National Forest Grazing Advisory Board; Meeting

The Humboldt National Forest Grazing Advisory Board will meet on April 23, 1981 at 10:00 A.M. PST, at the Supervisor's Office, 976 Mountain City Highway, Elko, Nevada.

The meeting is open to the public.

The purpose of the meeting is to discuss:

1. Allotment Management Planning.
2. Utilization of Range Betterment Fund.

Dated: February 24, 1981.

B. J. Graves,

Forest Supervisor.

[FR Doc. 81–7019 Filed 3–4–81; 8:45 am]

BILLING CODE 3410–11–M

Lewis and Clark National Forest Grazing Advisory Board; Meeting

The Lewis and Clark National Forest Grazing Advisory Board will meet at 1:00 p.m., on Wednesday, April 1, 1981, at the Ponderosa Inn (Bonanza West Room), Great Falls, Montana.

The purpose of the meeting is to review the Lewis and Clark National Forest's range management program for fiscal year 1981, and tentative programs for fiscal year 1982. The Forest Service will provide specific information on their priorities for range analysis plans and for range improvement construction for these fiscal years. There will be opportunity for the Board to offer advice and make recommendations to the Forest Supervisor on the Forest Service tentative plans.

An open discussion will also be held on topics of interest to the Advisory Board.

The meeting will be open to the public. Persons who wish to attend should notify George McCafferty, Chairman of the Board, 409A 46th Street South, Great Falls, MT 59405, telephone 452–0603, or Darrol L. Harrison, Lewis and Clark National Forest, Box 871, Great Falls, MT 59403, telephone 453–7678. Written statements may be filed with Board before or after the meeting.

Dated: February 5, 1981.

John D. Gorman,

Forest Supervisor, Lewis and Clark National Forest.

[FR Doc. 81–7017 Filed 3–4–81; 8:45 am]

BILLING CODE 3410–11–M

Office of the Secretary

Meat Import Limitations; Second Quarterly Estimate

Public Law 88–482, approved August 22, 1964, as amended by the Meat Import Act of 1979, (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lambs, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated quantity of meat articles prescribed by Section 2(c) of the Act.

As published on November 26, 1980, (45 FR 78740), the estimated aggregate quantity of meat articles prescribed by Section 2(c) of the Act during the calendar year 1981 is 1,315 million pounds.

In accordance with the requirements of the Act, the second quarterly estimate for 1981 of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1981 is 1,402 million pounds.

Done at Washington, D.C., March 2, 1981.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 81–7077 Filed 3–3–81; 9:17 am]

BILLING CODE 3410–10–M

DEPARTMENT OF COMMERCE

International Trade Administration

Melamine in Crystal Form From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce—International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On January 5, 1981, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the antidumping finding on melamine in crystal form from Japan. The scope of the review included the five known shippers of melamine for the reviewed periods. Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing on this preliminary determination. Comments received from the petitioner supported the preliminary results of the administrative review.

EFFECTIVE DATE: March 5, 1981.

FOR FURTHER INFORMATION CONTACT:

Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4794).

SUPPLEMENTARY INFORMATION:

Procedural Background

On February 2, 1977, a dumping finding with respect to melamine in crystal form from Japan was published in the **Federal Register** as Treasury Decision 77–54 (42 FR 6866). On January 5, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 992–3).

The preliminary **Federal Register** notice of January 5, 1981, contained a printer's error in the last paragraph of the "Scope of the Review" section. The weighted average margin is stated to be 69% in the second sentence of the paragraph. It should have read 60%.

The Department has now completed its administrative review of the finding.

Scope of the Review

This review covers imports of melamine in crystal form, which is a fine white crystalline powder used to manufacture melamine formaldehyde resins, and is currently classifiable under item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of five Japanese exporters of melamine to the United States. They are C. Itoh & Co., Ltd., Mitsui Toatsu Chemicals, Inc., Nichimen Co., Ltd., Nissan Chemical Industries, Ltd., and Nosawa & Co., Ltd.

The review covered all periods up to January 31, 1980. The petitioner filed a written request for disclosure of analysis and a hearing. As a result of a disclosure meeting held on January 27, 1981, the petitioner subsequently withdrew its request for a hearing.

The Department received favorable written comments from the petitioner as a result of disclosure. No other requests or comments have been received from interested parties.

Final Results of the Review

As a result of our comparison of purchase price to foreign market value, we determine that the following margins exist:

Firm	Time period	Margin (percent)
C. Itoh & Co., Ltd.	4/1/78 to 1/31/80	[1] 60
Mitsui Toatsu Chemical, Inc.	4/1/78 to 3/31/79	70.22
	4/1/79 to 1/31/80	[1] 70.22
Nichimen Co., Ltd.	4/1/79 to 1/31/80	[1] 60
Nissan Chemical Industries, Ltd.	4/1/79 to 1/31/80	[1] 60
Nosawa & Co., Ltd.	10/1/79 to 1/31/80	[1] 60

[1] No shipments during this period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This latter requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct another administrative review prior to the next anniversary of the date of publication of the finding.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 27, 1981.

[FR Doc. 81–6956 Filed 3–4–81; 8:45 am]

BILLING CODE 3510–25–M

University of Texas Health Science Center at Houston; Decision on Application for Duty-Free Entry of Scientific Article

Correction

In FR Doc. 81–6228, appearing at page 14025 in the issue of Wednesday, February 25, 1981, the following changes should be made:

1. On page 14027, first column, the first word in the first line of the of the first complete paragraph should read, "Specifications".

2. On page 14027, second column, the first word in the sixteenth line of the first complete paragraph should read, "hardware".

3. On page 14027, third column, the last word in the fourth line of the second complete paragraph should read, "ratio".

4. On page 14028, second column, the last word in the first line should read, "performed".

5. On page 14028, third column, the last word in the eleventh line should read, "particularly".

6. On page 14028, third column, the first word in the fifteenth line of the first complete paragraph should read, "considered".

7. On page 14028, third column, the third word in the thirty-seventh line of the first complete paragraph should read, "quotes".

8. On page 14028, third column, the third word in the first line of the last (incomplete) paragraph should read, "third".

9. On page 14029, first column, the word "and" should appear between the words "promise" and "that" in the fifteenth line.

10. On page 14029, first column, the third word in the seventeenth line should read, "contract".

11. On page 14029, first column, the last word in the second line of the first complete paragraph should read, "October".

12. On page 14029, first column, the second word in the twenty-fifth line of

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the first complete paragraph should read, "manufacturers".

13. On page 14029, first column, the last word in the seventh line of the last paragraph should read, "is".

BILLING CODE 1505-01-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one project for a twelve month period beginning July 1, 1981. The total cost of the project will not exceed $340,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority businesspersons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either non-profit or commercial entities). These firms must be capable of providing such services as:

—preparation of business plans;
—financial packaging;
—industrial management assistance;
—personnel management services;
—marketing planning;

and a broad range of other business services excluding legal services.

Applications are invited for the following project: One grant for a management and technical assistance project to operate in the Birmingham, Mobile and Jackson SMSAs in Alabama and Mississippi. The project will operate at a cost not to exceed $340,000. The Project I.D. Number is 04-10-80007-01. This project will also include supplying specialized consulting services.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Pre-application Conference: A Pre-application Conference for this project will be held on April 1, 1981 at 1:30 P.M. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, N.E., Suite 505, Conference Room, Atlanta, Georgia 30309.

Application Materials: An application kit for this project may be requested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, 1365 Peachtree Street, N.E., Room 225, Atlanta, GA 30309.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian tribal units, educational institutions, hospitals, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 15, 1981. Applications received after this date will not be considered.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance)

Note.—This program is not subject to the requirements of OMB Circular A-95.

Charles F. McMillan,

Atlanta Regional Director.

[FR Doc. 81-7032 Filed 3-4-81; 8:45 am]

BILLING CODE 3510-21-M

Readvertisement of Request for Grant Application in Laredo, Tex.

Submitted: February 27, 1981.

Expert and Consulting Services

This announcement readvertises a General Business Services request for a grant application in Laredo, Texas under Project I.D. No. 06-10-80012-01 for the amount of $110,000. This announcement originally appeared in the **Federal Register** under Federal Domestic Assistance Catalogue Number 11.800.

Program Description

The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms either "not-for-profit" or commercial entities. These firms must be capable of providing such services as the following plus other business services as required, but excluding legal services:

—preparation of business plans
—financial packaging
—industrial management assistance
—personnel management services
—marketing planning

Eligibility Requirements

Any for-profit or non-profit institution is eligible to submit an application. If an award is made, continuation of awards of up to two additional years may be made to the successful recipient without competition, provided that: (1) funds have been appropriated for a project of this kind, (2) MBDA has determined that such funds are available, (3) there is a continuing need for project of this kind, and (4) the recipient has performed satisfactorily.

Application

The closing date for submitting an application is April 10, 1981. Applications received after this date will not be considered for funding.

Expected award date for this grant is May 18, 1981. A pre-application conference will be held in the Hilton Hotel, One South Main, Laredo, Texas, Telephone No. (512) 722-2411, Toll Free Number 1-800-292-5272, on March 27, 1981 to all interested applicants.

An application kit is available by written request to the Department of Commerce—Minority Business Development Agency, Dallas, Texas 75242. ATTN: Richard L. Greene, Grant/Cooperative Agreement Specialist.

Richard H. Sewing,

Regional Director.

[FR Doc. 81-7054 Filed 3-4-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Florida Coastal Management Program; Draft Environmental Impact Statement; Public Hearing

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed Florida Coastal Management Program.

The hearings will be held March 30-April 2 at the following locations:

Fort Lauderdale, Florida—March 30, 1981—7:30 p.m., Fort Lauderdale City Hall, City Commission Room (Room 107), 100 North Andrews Avenue;

Tampa, Florida—March 31, 1981—7:30 p.m., Hillsborough County Courthouse (2nd Floor), County Commission Board Room (Room 214 B), 419 Pierce Street;

Tallahassee, Florida—April 1, 1981—1:00 p.m., Florida Dept. of Environmental Regulation, Conference Room (4th Floor), 2600 Blair Stone Road;

Pensacola, Florida—April 1, 1981—7:30 p.m., Escambia County Health Department, Auditorium, 2251 North Palafox Street;

Daytona Beach, Florida—April 2, 1981—7:30 p.m., Volusia County Courthouse Annex Council Conference Room (Room 307), 125 East Orange Avenue.

The views of interested persons and organizations on the adequacy of the impact statement and the proposed Florida Coastal Management Program are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared, but staff present will record the general thrust of the remarks. The comment period for this draft environmental impact statement will end on April 13, 1981.

As part of the procedures leading toward approval of the Florida Coastal Management Program, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by OCZM prior to the deadline will be included in the FEIS.

(Federal Domestic Assistance Catalog No. 11.418 Coastal Zone Management Program Development)

Dated: March 2, 1981.

Donald W. Fowler,

Deputy Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 81-7030 Filed 3-4-81; 8:45 am]

BILLING CODE 3510-08-M

Pacific Fishery Management Council, Its Salmon Subpanel, and Its Scientific and Statistical Committee; Public Meetings With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94-409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council's Scientific and Statistical Committee (SSC) and Salmon Subpanel will also hold separate and open public meetings. The Council, its SSC and Salmon Subpanel were established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

Meeting Agendas

Council (open meeting)—consideration and final decision with respect to the 1981 salmon fishery management plan (FMP) amendment and applicable regulations and conduct a public comment period beginning at 4 p.m., on March 18, 1981.

Council (closed session)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada and discuss personnel matters concerning appointments to the Herring Subpanel. Only those Council, SSC, and related staff having security clearances will be allowed to attend this closed session.

SSC (open meeting)—consideration of the 1981 salmon FMP amendment and applicable regulations and conduct a public comment period beginning at 3:30 p.m., on March 17, 1981.

Salmon Subpanel (open meeting)—consideration of the 1981 salmon FMP amendment and applicable regulations.

DATES: *Council* (open meeting) March 18-20, 1981 (1 p.m. to 5 p.m., on March 18; 8 a.m. to 5 p.m., on March 19-20).

Council (closed session) March 18, 1981 (8 a.m. to 11 a.m.).

SSC (open meeting) March 17-18, 1981 (1 p.m. to 5 p.m., on March 17; 8 a.m. to 5 p.m., on March 18).

Salmon Subpanel (open meeting) March 17-20, 1981 (1 p.m. to 5 p.m., on March 17; 8 a.m. to 5 p.m., on March 18-20).

ADDRESS: The meetings will take place at the Sheraton-Renton Inn, 800 Rainier Avenue, South, Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on February 27, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session are exempt from the provisions of the Act relating to open meetings and public participation therein, because they will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order, and 5 U.S.C. 552b(c)(6), as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: March 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7259 Filed 3-4-81; 11:32 am]

BILLING CODE 3510-22-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the

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agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6–172,879: Boattail Emergence by Ejecting Nozzle Exit Cone. Filed July 28, 1980
Patent application 6–168,934: Adjustable Combat Vehicle Armor. Filed July 14, 1980
Patent application 6–169,590: Method of Fabricating a Ducted Blanket for a Rotor Spar. Filed July 17, 1980
Patent application 6–170,465: Method of Recharging Fire Extinguisher Bottles. Filed July 21, 1980
Patent application 6–172,360: Sonic Transducer. Filed July 25, 1980
Patent application 6–174,293: Statellite Communication System. Filed July 31, 1980
Patent application 6–177,031: Burst Fire Compensator. Filed August 11, 1980
Patent application 6–181,317: Fiber Optic, Liquid Crystal Display Electrical Measurement System. Filed August 25, 1980
Patent application 6–183,604: Mechanical Noise Suppressor for Small Rocket Motors. Filed September 2, 1980
Patent application 6–183,651: Shaped Charge Warhead Including Shock Wave Forming Surface. Filed September 2, 1980

U.S. Department of Agriculture, Program Agreements and Pat. Branch, Admin. Ser. Div., Federal Building, Science and Education Admin., Hyattsville, MD 20782

Patent application 6–187,380: Apparatus for Removing Corn From Cob. Filed September 15, 1980
Patent application 6–187,382: Direct Extraction Process for the Production of a White Defatted Food-Grade Peanut Flour. Filed September 15, 1980

U.S. Dept. of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent application 6–157,380: Blood Gas Analyzer System. Filed June 9, 1980
Patent application 6–163,952: Intracranial Pressure Monitoring Device. Filed June 30, 1980
Patent application 6–174,239: Electric Gel Slicer. Filed July 31, 1980
Patent application 6–186,381: Contract Resolution Tissue Equivalent Ultrasound Test Object. Filed September, 11, 1980
Patent application 6–195,188: Mask for the Safe Delivery of Inhalation Gases to Small Laboratory Animals. Filed October 8, 1980

U.S. Department of the Navy, Director, Navy Patent Program/ Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6–182,335: Pivotal Mono Wing Cruise Missile with Wing Deployment and Fastener Mechanism. Filed August 29, 1980
Patent application 6–185,036: Electrohydraulic Control System. Filed September 8, 1980

Nat. Aeronautics & Space Admin. Assist. Gen. Couns. For Pat. Matters NASA Code GP–4 Washington, DC 20546

Patent application 6–134,855: Toroidal Call and Battery. Filed March 28, 1980
Patent application 6–187,106: Collimated Beam Manifold and Method for Using the Same. Filed September 15, 1980
Patent application 6–186,160: A Fiber Optic Transmission Line Stabilization Apparatus and Method. Filed September 17, 1980
Patent application 6–191,744: Control Means for a Solid State Crossbar Switch. Filed September 29, 1980
Patent 4,214,905: Method of Making Bearing Material. Filed January 31, 1977, patented July 29, 1980, not available NTIS

[FR Doc. 81–6062 Filed 3–4–81; 8:45 am]

BILLING CODE 3510–04–M

Office of the Secretary

[Dept. Org. Ord. 35–2B; Amdt. 1; Transmittal 542]

Department Organization Order; Bureau of the Census

Subject: This order effective February 9, 1981 amends the material appearing at 45 FR 13254 of February 20, 1981.

Bureau of the Census

Department Organization Order 35–2B, dated January 23, 1981 is hereby amended as shown below. The purpose of this amendment is to: establish the position of Assistant Director for Administration reporting to the Associate Director for Administration; establish the position of Assistant Director for Statistical Research reporting to the Associate Director for Statistical Standards and Methodology; and establish the position of Assistant Director for Processing reporting to the Associate Director for Field Operations.

1. *Section 4. Office of the Associate Director for Administration.*

a. The introductory paragraph is revised to read as follows:

"The *Associate Director for Administration* shall provide administrative management services to all components of the Bureau; advise the Director in these fields; and have and direct the units comprising the Office. The *Assistant Director for Administration* shall assist the Associate Director in day-to-day operations, and provide planning and coordination for the Office."

b. In pen and ink, delete the following words in paragraph g.: "shall report and be responsible to the Associate Director;"

2. *Section 7. Office of the Associate Director for Statistical Standards and Methodology.* a. In pen and ink, designate the introductory paragraph as ".01" (begins with: "The *Associate Director for Statistical Standards and Methodology . . .*").

b. In pen and ink, delete the letter "a." that now precedes the paragraph beginning with: "The *Center for Social Science Research . .*" The following new paragraph .02 is added immediately after this paragraph:

".02 The *Assistant Director for Statistical Research* shall assist the Associate Director for Statistical Standards and Methodology; shall direct and provide planning and coordination for statistical research activities; and head the Statistical Research Division."

c. In pen and ink, delete the letter "b." that precedes the paragraph beginning with: "The *Statistical Research Division . .*"

3. *Section 9. Office of the Associate Director for Field Operations.* a. In pen and ink, designate the introductory paragraph as ".01" (this paragraph beings with: "The *Associate Director for Field Operations . .*").

b. In pen and ink, reletter the existing paragraphs c. and d. as a. and b. (these paragrahs will now follow .01, above).

c. A new paragraph .02 is added, after the newly relettered paragraph b., above, as follows:

".02 The *Assistant Director for Processing* shall assist the Associate Director for Field Operations; shall direct and provide planning and coordination for data processing; and shall have and direct the following units:"

d. The existing paragraphs a. and b. will now follow the new paragraph .02, above.

4. The organization chart attached to this amendment supersedes the chart dated January 23, 1981. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81–7029 Filed 3–4–81; 8:45 am]

BILLING CODE 3510–17–M

DEPARTMENT OF EDUCATION

Pell Grant Program; Closing Dates for Transmittal of Applications

AGENCY: Department of Education, Office of Postsecondary Education.

ACTION: Closing Dates for Transmittal of Applications for fiscal year 1980–81 for Determining an Expected Family Contribution, and Other Related Actions.

The Secretary of Education gives notice of the following cutoff dates for the transmittal of applications for determining an expected family contribution (student eligibility index) and for submitting a Student Eligibility Report (SER) under the Pell Grant Program (formerly the Basic Educational Opportunity Grant Program). The calculation of an expected family contribution is a prerequisite for receiving a Pell Grant award.

Authority for this program is contained in Section 411 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070a)

The Pell Grant Program's purpose is to assist students in the continuation of their training and education at the postsecondary level by providing a "foundation" or "floor" of financial aid to help defray educational costs. In order to insure that applications are received by the closing date, students are encouraged to submit the materials discussed in this notice as early as possible.

I. Closing Dates for Transmittal of Applications Under Normal Circumstances

Closing dates	Type of form	Address for submission
A. Submitted by Mar. 18, 1981; received by Mar. 25, 1981.	Basic grant application form	BEOG P.O. Box B, Iowa City, Iowa 52240
	Basic grant supplemental form	BEOG, P.O. Box E, Iowa City, Iowa 52240
	Family financial statement	American College Testing Student Need Analysis Service, 2201 North Dodge Street, Iowa City, Iowa 52243.
	Financial aid form	College Scholarship Service, Box 2700, Princeton, NJ 08541
		or
		College Scholarship Service, Box 380, Berkeley, CA 94701.
	Pennsylvania Higher Education Assistance Agency	PHEAA/BEOG Application, P.O. Box 3157, Harrisburg, PA 17105.
	Student aid application for California.	College Scholarship Service, Box 70, Berkeley, CA 94701.
These forms are used to calculate an eligibility index.		
	Applicants Recomputation Requests	
B. Submitted by May 5, 1981; received by May 15, 1981	Requests for recomputation of an eligibility index because of clerical or arithmetic errors, or because of extraordinary circumstances as described in sections 690.39 and 690.40 of the Pell Grant program regulations.	BEOG, P.O. Box 0, Iowa City, Iowa 52243

I. Closing Dates for Transmittal of Applications Under Normal Circumstances—Continued

Closing dates	Type of form	Address for submission
	Corrections to previously submitted data.	
These forms are used to make corrections in information reported on the Student Eligibility Report.		

II. Closing Dates for Transmittal of Applications Under Special Circumstances

Closing Dates	Type of Form	Address for submission
A. Submitted by May 5, 1981; received by May 15, 1981	Basic grant correction application (this form is described below in paragraph 1)	BEOG, P.O. Box 0, Iowa City, Iowa 52243
B. Submitted by June 5, 1981; received by June 15, 1981	Requests for a duplicate SER (a student must submit a written request for a duplicate SER).	BEOG, P.O. Box W, Iowa City, Iowa 52243.
	Verification of correct information (this procedure is described below in paragraph 2).	BEOG, P.O. Box 0, Iowa City, Iowa 52243.
C. Submitted by July 31, 1981; received by August 10, 1981.	Addional and/or corrected requests for payment—ADS.	BEOG, P.O. Box F, Iowa City, Iowa 52243.

1. A Basic Grant Correction Application is sent to applicants when:

(a) The applicant does not complete required sections of the original application.

(b) The applicant changes his or her status from dependent student to independent student or *vice versa* on the SER.

(c) The applicant indicates that information in Section B of the original application was incorrectly reported. (The student may notify the application processor by telephone or in writing.)

2. This closing date applies to an applicant whose Student Eligibility Report is returned for verification even though it apparently is accurate and complete. These verification requests occur because of edit checks built into the processing system which are triggered by applicants reporting unusual information such as zero or very low income.

Application forms and information brochures: Application forms and information brochures are available and may be obtained from college financial aid administrators, high school counselors, or Educational Opportunity Center counselors, or by writing to BEOG, P.O. Box 84, Washington, D.C. 20044.

Applicable regulations: The regulations applicable to this program are: Pell Grant (formerly the Basic Educational Opportunity Grant) regulations (34 CFR Part 690).

Further information: For further information contact Mr. William L. Moran, Chief, Policy Section, or Mrs. Jo-Lita Jackson, Program Specialist, Basic Grant Branch, Division of Policy and Program Development, Office of Student Financial Assistance, Office of Postsecondary Education, U.S. Department of Education, (Room 4318, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone (202) 472–4300.

(20 U.S.C. 1070a)

Dated: February 27, 1981.

(Catalog of Federal Domestic Assistance No. 84.063 Pell Grant Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 81–7061 Filed 3–4–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 224.98 grams of uranium, containing 0.45 grams of U–235, and 0.5 grams of pitchblende ore for use as standard reference material to Queensland Mines, Ltd., Australia, under Contract Number S–AU–103.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

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Dated: February 27, 1981.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-6970 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of 38 grams of uranium, containing 5 grams of U-235 (13.16% enrichment) from Norway to the United Kingdom for destructive examination. It is planned to subsequently return the material to the United States for disposal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement, designated as RTD/EU(NO)-32 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 27, 1981.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-6970 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Determination To Establish Energy Policy Task Force

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), I hereby certify that the establishment of an Energy Policy Task Force is in the public interest in connection with the performance of duties imposed upon the Department of Energy (DOE) by the DOE Organization Act (P.L. 95-91) and other applicable law. This determination follows consultation with the General Services Administration, pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and Section 6(a) of OMB Circular No. A-63 (Revised).

The purpose of the Energy Policy Task Force is to provide the Secretary of Energy with advice and recommendations on the broad range of policy and programmatic issues in energy. The functions of the Task Force will be fourfold. First, the Task Force, individually and collectively, will identify and select critical national energy problems and issues. Second, the Task Force will suggest changes in energy policies and programs to address those issues and problems. Third, the Task Force will assess both the relative importance of particular energy policy or program initiatives and the feasibility of forming the national consensus necessary to their implementation. Fourth, the Task Force will examine for reasonableness both mature policy proposals and the analyses and assumption on which they are based.

Pursuant to section 6(a) of OMB Circular A-63 (Revised), the Committee Management Secretariat, General Services Administration, has granted a waiver of the 15-day waiting period between publication of this notice and the filing of the Charter with the Congress.

Further information concerning this Task Force can be obtained from the Advisory Committee Management Office (202-252-5187).

Date: February 27, 1981.

James B. Edwards,

Secretary of Energy.

[FR Doc. 81-7067 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-80-027; OFC Case No. 62009-9170-01-12, 62009-9170-02-12]

Foster Wheeler Weirton, Inc.; Powerplant and Industrial Fuel Use

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting Exemptions from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On May 16, 1980, Foster Wheeler Weirton, Incorporated (Foster Wheeler) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking permanent exemptions for two new major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 42 U.S.C. 8301 *et seq.* (FUA or the Act) which prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

Foster Wheeler requested permanent fuels mixtures exemptions in order to burn natural gas in a mixture with blast furnace gas in two 497 million Btu's per hour boilers to be installed at the Weirton Steel Division of National Steel in Weirton, West Virginia.

Pursuant to section 212(d) of the Act, and subject to specified terms and conditions stated therein, ERA hereby issues this order granting permanent fuels mixtures exemptions to Foster Wheeler to permit the use of blast furnace gas in a mixture with natural gas. As specified in the terms and conditions, the amount of natural gas used in the exempted units shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the units.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, DC 20461, (202) 653-4477

Marilyn L. Ross, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room 6B-178, Washington, DC 20585, (202) 252-2967

The public file containing a copy of all documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Foster Wheeler's petitions for permanent fuels mixtures exemptions for the two 497 million Btu per hour field-erected boilers certified that the units would not burn more than 25 percent natural gas in a mixture with blast furnace gas (an alternate fuel).

In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted Foster Wheeler's petition and published notice of its acceptance in the **Federal Register** on August 20, 1980 (45 FR 5518). The Notice of Acceptance provided a 45-day public comment period during which interested persons could submit written comments on the petitions for exemption and could request that a public hearing be convened. This period expired on October 6, 1980. No comments were received. A public hearing was not requested.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis on January 16, 1981 which recommended that an order be issued to grant permanent fuels mixtures exemptions to the two Foster Wheeler boilers permitting the use of natural gas and blast furnace gas, providing that the amount of natural gas used in the units does not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the units. Notice of the availability of the Tentative Staff Analysis on Foster Wheeler's petition was published in the **Federal Register** on February 5, 1981 (46 FR 10977). In that notice a 14-day period was provided for interested persons to submit written comments on the Tentative Staff Analysis or to request a public hearing. No comments were received nor was a public hearing requested.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of Foster Wheeler's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from either of these agencies.

ERA has determined that Foster Wheeler has satisfied the requirements of 10 CFR 503.38(c). Accordingly, pursuant to section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby grants Foster Wheeler two permanent fuels mixtures exemptions to permit, in a mixture with blast furnace gas, the use of natural gas in the new boilers in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy source used in those boilers.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. ERA has determined that the conclusions reached in the Tentative Staff Analysis are consistent with the provisions of the final rule with the exception of the recommended terms and conditions. Accordingly, this order is granted subject to the following terms and conditions:

1. No petroleum, as that term is defined in section 103(a)(4) of the Act, shall be used in these boilers.

2. The amount of natural gas used in Boilers Nos. 1 and 2 shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each of these units.

3. In accordance with the reporting requirement in § 403.38(g) of the Act, Foster Wheeler will submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the boiler being placed in service. The certified statement should contain the following information and be presented in the format below.

Boiler No.	Fuel type	Amount used (MFC)	Btu equivalent	Percent of annual fuel consumption
1	Blast Furnace Gas			
1	Natural Gas			
2	Blast Furnace Gas			
2	Natural Gas			

The exemptions granted by this order shall become effective May 4, 1981.

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before May 4, 1981 may petition for judical review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C., on February 28, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-6968 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Canadian Crude Oil Allocation Program Second Supplemental Notice for the January 1, 1981, Through March 31, 1981, Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a second supplemental allocation notice to reflect an adjustment to the number of Canadian heavy crude oil rights issued for the January 1, 1981, through March 31, 1981, allocation period.

Murphy Oil Corporation (Murphy), a Priority I refiner under the Canadian Allocation Program, has advised ERA that it is unable to utilize the total amount of heavy crude oil rights assigned to it in the Allocation Notice for the January-March 1981 allocation period issued on November 24, 1980. Murphy has, therefore, reduced its nomination for Canadian heavy crude oil for the entire January-March 1981 allocation period by 1,378 B/D from 6,000 B/D to 4,622 B/D.

Pursuant to 10 CFR Section 214.32(c), ERA hereby reduces the number of rights of Canadian heavy crude oil assigned to Murphy for the January-March 1981 allocation period to 4,622 B/D.

As explained in the allocation notice for the period January through March 1981, the exportable surplus of Canadian heavy crude oil in the January-March 1981 allocation period exceeded the nominations of priority refiners by 565 B/D. On January 19, 1981, ERA issued a first supplemental notice for the January-March 1981 allocation period reducing the Canadian heavy crude oil rights assigned to two other refiners by 17,647 B/D. Pursuant to Section 214.31(b), ERA determined that these volumes of crude oil were surplus for the January-March 1981 period and, therefore, not subject to the provisions of Section 214.31(a)(3). Accordingly, ERA has determined that the 1,378 B/D of Canadian heavy crude oil rights that are being withdrawn from Murphy in the January-March 1981 allocation period should be added to this surplus and not be subject to the allocation provisions of Section 214.31(a)(3). Therefore, the adjusted surplus for the January-March 1981 allocation period is 19,590 B/D.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before 30 days from the publication of this notice.

Issued in Washington, D.C. on February 28, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-7066 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

O'Donnell Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: February 24, 1981.

FOR FURTHER INFORMATION CONTACT: Producers Branch, Attn.: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On November 28, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with the Estate of Gladys O'Donnell d/b/a O'Donnell Oil Company, (ODC) of Los Angeles, California on October 1, 1979, 44 Fed. Reg. 67499 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by ODC pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order was therefore not modified.

Pursuant to the Consent Order, ODC refunded the sum of $90,856.54 by certified check made payable to the United States Department of Energy. This sum has been received by DOE and it has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA: Oil Transport Company, Inc.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the $90,856.54 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petitioned the Office of Hearings and Appeals (OHA) on February 24, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington on the 27th day of February 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-7098 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

1980 Manufacturing Industries Energy Consumption Study and Survey of Large Combustors, Form EIA-463

On February 20, 1981, the Department of Energy received notice from the Office of Management and Budget withdrawing approval of form EIA-463. As a result, those industrial establishments which have not yet responded are no longer required to do so. For further information regarding this matter contact Mr. Stephen J. Dienstfrey at (202) 252-1128.

Issued in Washington, D.C., February 26, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-6871 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel
Date and time: Monday, March 23, 1981—9:00 a.m.–6:00 p.m., Tuesday, March 24, 1981—9:00 a.m.–4:00 p.m.
Place: Department of Energy, Room A-410, Germantown, Maryland
Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, Department of Energy, Mail Stop J-309, Washington, D.C. 20545, Telephone: 301-353-3367

Purpose of committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

- Discussions of the FY 1981 and FY 1982 DOE and NSF budgets for High Energy Physics
- FY 1981 status, FY 1982 plans and FY 1983 projections at BNL, Fermilab, and SLAC
- Discussion of budget needs for FY 1983
- Discussion of Long Range Plans for the High Energy Physics program
- Discussion on international collaboration in high energy physics
- Public comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on February 26, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-6827 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER81-84-001, ER80-58, ER80-715, et al.]

Alabama Power Co.; Accepting for Filing and Suspending Revised Rates, Granting Waiver of Notice Requirements, Consolidating Proceedings, and Establishing Procedures

Issued February 27, 1981.

On August 29, 1980, in docket No. ER80-715, Alabama Power Company (Alabama) filed a transmission agreement with Alabama Electric Cooperative (AEC) which provides for Alabama to supply AEC with firm transmission service to enable AEC to transmit its self-generated energy to two of its distribution cooperative members that are not physically connected with AEC's system. Under the terms of the agreement, AEC pays Alabama transmission charges determined by a cost of service formula according to the voltage level of the transmission service provided. The agreement also provides for the periodic revision of the charges through the substitution of updated cost information in the formula rates.[1]

[1] By order issued October 24, 1980, the rates and formula were suspended for one day to become effective September 2, 1980, subject to refund, and set for investigation. The order consolidated the docket with the pending proceedings in Docket Nos. ER80-58, *et al.*, which concern formula rates filed by the Southern Companies for various interchange services. The order also granted waiver of the section 35.13 cost support filing requirements as to future charges under the formula rates on condition that Alabama agree to collect increases in rates subject to refund pending the outcome of the hearing.

By letter dated October 29, 1980, in Docket No. ER81-84-000, Alabama filed the transmission charges applicable to service to AEC during 1981 which reflected the substitution of updated cost data in the formula rate. Alabama also indicated that the 1981 charges reflected a change in the formula rate which had not yet been filed with the Commission and that the proposed change would be filed in the near future with a requested effective date of January 1, 1981.

On December 31, 1980, Alabama filed in Docket No. ER81-84-001, the anticipated revision to the transmission formula rate.[2] Alabama states that the revision to the formula rate is necessary because the parties have discovered that the present formula includes an inadvertent error which results in an overstatement of investments and, consequently, excess charges rendered at certain voltage levels. Alabama requests a January 1, 1981 effective date for the proposed formula rate revision to coincide with the commencement of the calendar year 1981 transmission charges under the forumla rate.

Notice of the filing was issued on February 3, 1981, with comments, protests, or petitions to intervene due on or before February 18, 1981. No responses were received.

Discussion

As noted above, Alabama has requested a January 1, 1981 effective date for the proposed formula rate revision. The formula rate provides for the substitution of updated data each calendar year in the formula rate to determine the charges for that year with such charges to become effective, subject to refund, on January 1. Inasmuch as no party to the agreement has objected to the proposed effective date, no protests have been received, and the rate is designed to coincide with the calendar year, we find that good cause exists to grant waiver of the prior notice requirements.

Although Alabama asserts that the proposed revision of the formula will produce lower charges than those resulting from the currently effective formula, our analysis reveals that this may not be the case and that, in fact, the revised formula can be expected to produce higher charges. Moreover, the present formula remains subject to inquiry in Docket Nos. ER80-58, *et al.*, and our review indicates that the proposed revisions in the formula rate have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the revisions to the formula rate for filing and suspend their operation as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. As discussed above, the formula rate provides for the substitution of updated data each calendar year to determine the charges for that year with such charges to become effective January 1. We believe that a nominal suspension will adequately protect affected ratepayers, while maintaining the integrity of this annual rate concept. Moreover, we note that no protests or objections to the filing have been received. Accordingly, we shall exercise our discretion to suspend the proposed formula rate revision for one day, permitting the formula to take effect subject to refund thereafter on January 2, 1981.

Because the present formula is currently under investigation in Docket Nos. ER80-58, *et al.*, and because the determination in that docket of the just and reasonable formula rate for the subject transmission service is directly affected by the proposed revision, we shall also consolidate the instant docket with those ongoing proceedings.

The Commission orders:

(A) For good cause shown, the notice requirements are hereby waived.

(B) Alabama's revised formula rate is hereby accepted for filing and suspended for one day to become effective January 2, 1981, subject to refund. Waiver of the full filing requirements contained in section 35.13 of the regulations is hereby granted for future changes in transmission charges made in accordance with the formula filed herein, on the condition that Alabama agrees to collect any increased charges under the formula subject to refund pending Commission investigation. Alabama shall file any changes in the charges under the formula with the Commission 60 days before their proposed effective dates.

(C) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the revised formula rate filed by Alabama in this docket.

(D) Docket No. ER81-84-001 is hereby consolidated with the proceedings in Docket Nos. ER80-58, *et al.*, for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket Nos. ER80-58, *et al.*, shall determine the appropriate procedures necessary to accommodate any expansion of this proceeding occasioned by consolidation of Docket No. ER81-84-001 with the pending dockets.

(F) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6888 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[2] Designated as: *Alabama Power Company*, Supplement No. 10 to Rate Schedule FERC No. 147.

[3] *E.g., Boston Edison Co.* Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-2188 (August 22, 1980) (one day suspension).

[Docket No. CP78-123, et al.]

Alaskan Northwest Natural Gas Transportation Co.; Modifying Order To Show Cause

Issued February 23, 1981.

On December 15, 1980, the Commission issued in the above-captioned proceeding an order to show cause, within 60 days, why the Commission should not adopt, for purposes of rate base determination, the data and opinions set forth in three Reports on Results of Audit prepared by the Office of the Chief Accountant. On January 14, 1981, in response to a motion filed by the Public Service Commission of the State of New York, the Commission issued an order authorizing any interested person to submit, no later than March 16, 1981, pleadings responsive to any pleadings submitted

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within the 60 day period provided by the December 15 order.[1]

On January 29, 1981, Alaskan Northwest Natural Gas Transportation Company (ANNGTC) filed a motion for leave to file a response to any pleading submitted in answer to the pleading that ANNGTC apparently intends to file within the 60 day initial period. ANNGTC states that it has the burden of proof on these matters, that it needs an opportunity to respond to whatever points might be raised in pleadings filed on or about March 16, 1981, that ANNGTC would be prepared to file its reply no later than March 31, 1981, and that this additional two week extension will not unduly delay the proceeding.

We will grant ANNGTC's motion as an exercise of the Commission's discretion in response to the representations made by ANNGTC.

The Commission orders:

For the reasons stated above, any interested person who has previously filed a pleading within the 60 day period provided by the above referenced order of December 15, 1980, or has filed a responsive pleading within the March 16, 1981 deadline provided in the above-referenced order of January 14, 1981, may also file, no later than March 31, 1981, a pleading responsive to any new points raised in pleadings filed pursuant to the January 14, 1981 order. The matters at issue herein will be decided on the basis of all pleadings received by March 31, 1981; no further pleadings will be authorized.

. By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6980 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-93-003]

Black Marlin Pipeline Co.; Application

February 27, 1981.

Take notice that on February 23, 1981, Black Marlin Pipeline Company, (Applicant), Two Greenway Plaza East, Suite 808, Houston, Texas 77046, filed in Docket No. CP75-93-003 [1] an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities in Webb County, Texas, and the transportation and sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that another wholly-owned subsidiary of Union Carbide Corporation (Union Carbide), UCAR Interam, Inc. (UCAR), owns jointly with Exxon Corporation a quantity of gas in Webb County, Texas, and while the field has not been commercially produced, UCAR has agreed to transfer its interest in the natural gas contained in the reserves which is approximately 100,000 Mcf to 200,000 Mcf of Applicant. Applicant proposes to sell the gas to Transco at a price sufficient only to cover operating costs and royalty obligations and at its own expense to construct and operate the necessary connecting facilities. It is stated that the proposed facilities would consist of a 2½-inch O.D. natural gas pipeline extending approximately 10,390 feet.

It is further stated that natural gas currently produced by Shell Oil Company (Shell) in the Den Field in the Outer Continental Shelf in the Gulf of Mexico remains under contract to Union Carbide and that Union Carbide has agreed to resell 25 percent of the daily quantities of gas delivered to it from Shell beginning on January 1, 1981, to Applicant. Applicant herein proposes to resell such gas to Transco. It is asserted that Union Carbide's resale to Applicant would be made at the price which it is paying to Shell for such gas during the relevant period of time and would continue for the life of the presently proven reserves remaining in effect. Applicant also states that since an offshore connection between it and Transco has proven virtually impossible to arrange, delivery to Transco would be accommodated by an exchange arranged through Channel Industries, Inc. with Transco taking deliveries in the state of Texas.

Applicant estimates that the cost of constructing the new facilities in Webb County, Texas, would be $71,000 which would be financed either out of operating revenues or by means of a loan from Applicant's corporate parent, Union Carbide.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6990 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-22-022 (PGA81-1) (IPR81-1) (LFUT81-1) (RD and D 81-1) (TT81-1) and (AP81-1)]

Consolidated Gas Supply Corp.; Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Conditions and Consolidating LNG Issue With Proceedings in Docket Nos. TA80-2-21, et al.

Issued February 27, 1981.

On January 30, 1981, Consolidated Gas Supply Corporation (Consolidated) filed revised tariff sheets[1] reflecting an overall commodity rate decrease of 11.61 cent per dth and an overall demand rate increase of 6.0 cent per dth. The overall change in rates results from an increase in current purchased gas costs; a decrease in deferred purchased gas costs; revised incremental pricing surcharges; and tracking adjustments for Louisiana First Use Tax, research and development, transportation, and advance payments. The proposed effective date is March 1, 1981.

The revised tariff sheets are based on a "unit of sales" PGA methodology included in Appendix C to the Stipulation and Agreement filed February 6, 1981, in Docket No. RP80-61. Since the Stipulation and Agreement has not yet been approved, Consolidated filed an alternate tariff sheet[2] containing higher rates which are based on the unit of purchase methodology. Consolidated asked that the alternate sheet be accepted for filing if the Commission rejects the primary sheets for filing. Due to the fact that use of the "unit of sales" PGA methodology results in lower rates, the primary sheets will be accepted for filing subject to any Commission action that is taken on the Stipulation and Agreement in Docket No. RP80-61, and the alternate sheet will accordingly be rejected.

Consolidated also requests waiver of the Commission's regulations to permit, effective March 1, 1981, the tracking of transportation costs, transportation revenues and advance payments in accordance with the proposed settlement in Docket No. RP80-61 in the event the settlement is not approved by the Commission prior to March 1, 1981. The Commission notes that the proposed settlement will not be approved prior to March 1, 1981, and that since the net effect of these tracking provisions results in lower rates we shall grant waiver as requested by Consolidated, subject to Commission action on the proposed settlement in RP80-61 and subject to refund with interest.

Consolidated's filing contains a provision allowing Consolidated to track increases in the cost of gas resulting from payments to Consolidated LNG Company (Consolidated LNG). Under the Consolidated LNG tariff, sales of LNG are priced to Consolidated on a full cost of service basis as long as deliveries continue. The tariff further provides for payment of only out-of-pocket expenses under a minimum bill provision during periods of non-delivery. The current PGA filing projects payments of $2.5 million per month to Consolidated LNG under the minimum bill provision because no deliveries of LNG are forecasted due to the interruption of LNG shipments from Algeria. Therefore, the $2.5 million per month should simply reimburse Consolidated LNG for out-of-pocket expenses under the minimum bill provisions of the tariff. Since the issues involving Consolidated LNG's implementation of the minimum bill provision are currently under suspension and investigation in Consolidated's prior PGA filing, *Consolidated Gas Supply Corporation*, Docket No. TA80-2-22 (August 29, 1980),[3] the appropriateness of Consolidated's payments under the minimum bill provision should be made subject to the Commission's determination in that proceeding.

The filing also contains a credit of $468,536 to the deferred purchase gas account to return overcollections due to pricing errors on company-owned wells included in past PGA filings. Consolidated has indicated that it is continuing to review its company-owned production and, upon completion of its review, will make further credits to the deferred purchase gas account. Consolidated has indicated that it would be willing to meet with Staff at a later date to resolve any problems concerning the amount of credit. Therefore, the subject filing will be suspended and permitted to go into effect subject to further Staff review of the company-owned production overcharges.

The filing also reflects increased producer costs pursuant to Sections 102, 103, 104 and 108 of the Natural Gas Policy Act of 1978 (NGPA).[4] Certain of these increases are the result of area rate clause provisions in the respective contracts. The Commission's acceptance of the revised tariff sheets for filing does not constitute a determination that any or all of the area rate clauses permit MGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79-22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Consolidated shall be flowed through to the ratepayers in accordance with the procedures prescribed in Consolidated's PGA clause.

In addition, the filing fails to provide the calculations required by Section 282.602 of the NGPA which requires that the monthly debit and credit entries to Accounts 192.1, 192.2 and 805.2 be submitted when filing a reduced PGA under the incremental pricing provisions. The Commission's acceptance of the revised sheets for filing will thus be conditioned upon Consolidated's prompt submission of the required calculations.

Based upon a review of Consolidated's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Consolidated's tariff sheets for filing and suspend the effectiveness so that the rates will go into effect on March 1, 1981, subject to refund, and subject to Commission action in Docket No. RP80-61. The Commission grants waiver of the notice requirements in order to allow the rates to be effective March 1, 1981.

In a number of suspension orders,[5] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspension. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable or that it may run afoul of the other statutory standards. It has beean acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect on March 1, 1981, subject to refund, and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

The Commisssion Order:

(A) Consolidated's proposed tariff sheets are accepted for filing and suspended and waiver is granted of the notice requirements so that the rates may become effective March 1, 1981, subject to refund, subject to the outcome of the proceedings in Docket No. RP80-61 and Docket No. TA80-2-21, et al., and subject to Staff's review of the surcharge credit related to past period errors in pricing company-owned production after Consolidated's internal audit is completed.

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[1] We also take this occasion to correct a typographical error in the January 14, 1981 order. The ordering paragraph inadvertently identified the date as March 16, 1980 rather than March 16, 1981.

[1] This application is filed pursuant to the Commission's order approving settlement agreement issued January 29, 1981.

[1] Twenty-fourth Revised Sheet No. 16 and Fourth Revised Sheet No. 72-C to Third Revised Volume No. 1.

[2] Alternate Twenty-fourth Revised Sheet No. 16, to FERC Gas Tariff, Third Revised Volume No. 1.

[3] The investigation of LNG costs in Consolidated's prior PGA filing, Docket No. TA80-2-22, was subsequently consolidated with the LNG cost issue in Columbia's PGA filing in Docket No. TA80-2-21, *et al.*, and with Southern Natural Gas Company in Docket No. RP80-136.

[4] There is no deregulated NGPA Section 107 gas in the filing.

[5] *E.g., Valley Gas Transmission, Inc.*, Docket No RP80-98 (August 22, 1980)(one day suspension); *Great Lakes Gas Transmission Co.*, Docket No. RP80-134 (September 24, 1980)(five month suspension).

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(B) Alternate Twenty-fourth Revised Sheet No. 16, to FERC Gas Tariff, Third Revised Volume No. 1, is hereby rejected as moot.

(C) Acceptance of Consolidated's tariff sheets is conditioned upon the filing, within 15 days, of calculations showing the monthly debits and credits to Accounts 192.1, 192.2 and 805.2 and is subject to Staff's review of the surcharge credit related to past period errors in pricing company-owned production after Consolidated's internal audit is completed.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8891 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-295-000]

Duquesne Light Co.; Filing

February 27, 1981.

The filing Company submits the following:

Take notice that Duquesne Light Company (Duquesne) on February 23, 1981, tendered for filing a Transmission Agreement Between Duquesne Light Company and St. Joe Resources Company (St. Joe), (the Agreement). The Agreement is dated and effective December 8, 1980 and is to continue until December 31, 1981, unless terminated earlier either by mutual agreement or by integration of St. Joe's facilities at 138 Kv, as set forth in the Agreement. The Transmission Agreement can be extended for one year beyond December 31, 1981 by mutual written agreement of the parties.

St. Joe generates electric power and energy for its own use on generating facilities at its Monaca Plant at Monaca, Beaver County, Pennsylvania. Because of present limitations of the internal electrical system within the Monaca Plant, St. Joe is unable to supply directly from its own generation certain needs of the Monaca Plant for power and energy at 138 Kv. The Agreement provides for the transmission by Duquesne over its system and delivery to a 138 Kv interconnection with the Monaca Plant of power and energy generated by St. Joe and received by Duquesne through a 69 Kv interconnection at another point at the same Plant.

Duquesne states that the Agreement provides for transmission service for up to 17 megawatts at a charge by Duquesne of $0.06 per kilowatt per week, based on the maximum scheduled one-hour kilowatt demand reserved during each week or the maximum one-hour kilowatt demand metered at St. Joe's 138 Kv substation during such week, whichever is greater.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 20, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8981 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-7-000]

Electric Power; Informal Public Conference Supplemental Notice

February 27, 1981.

On February 13, 1981, the Federal Energy Regulatory Commission issued a notice in this docket which announced the Federal Commission's intent to hold an informal public conference on March 6, 1981 to discuss the financial position of the electric utility industry, the recent experience of electric utilities in acquiring necessary capital, and what general steps might be taken by the Commission to improve this situation consistent with its responsibilities to electric utility consumers.[1]

In the February 13 Notice, the Commission outlined broad areas which discussants were requested to address, established procedures for the submittal of requests for participation and the submittal of written comments, and invited the National Association of Regulatory Utility Commissioners to designate state commissioners to sit with the Commission at the informal public conference.

The Commission did not state in the February 13 Notice, the procedural format that would be employed during the informal public conference. We, now, establish the procedural format to be employed during the informal public conference.

[1] The Notice was issued February 13, 1981, and published in the **Federal Register** February 20, 1981, Vol. 46, No. 34, page 13321.

The Commission has concluded that a format which provides for cross discussion among participants and the sitting commissioners as well as for individual presentations would best facilitate the general review of the current financial situation and the future outlook for the electric utility industry. However, since we anticipate many requests for participation it is necessary to limit the number of persons participating in the cross discussion. In that regard, the Commission intends to employ the following format.

1. Several individuals from each of the affected sectors will be selected, in advance, to participate in a panel discussion.

2. The panel discussion will take place for two and one-half hours, from 10:00 a.m. until 12:30 p.m.

3. Each participant will be alloted ten minutes for individual statements.

4. After the individual statements are made, the remaining time will be allotted for cross discussion between participants and the sitting commissioners.

5. The afternoon session, beginning at 1:30 p.m., will be used to afford the opportunity for individual statements from anyone, including the panel participants, who desire to make a statement.

One other matter deserves further comment. In the Notice issued February 13, 1981, February 27, 1981 was established as the date by which written comments should be submitted. There have been numerous requests for extensions of time in which to submit written comments. Therefore, the Commission deems it prudent to grant an extension of time in which written comments should be submitted. The Commission shall set March 13, 1981 as the date by which written comments should be submitted. Persons submitting written comments should to the extent practicable, submit 14 copies of their comments.

Kenneth F. Plumb,

Secretary.

[FR Doc-8979 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-288-000]

The Empire District Electric Co.; Notice of Filing

February 27, 1981.

The filing Company submits the following:

Take notice that The Empire District Electric Company (Empire) tendered for filing on February 18, 1981 a new Amendatory Agreement executed by and between Empire and the Southwestern Power Administration (SWPA). Empire states that this Agreement is designed to permit the interchange of energy between the parties in a "banking" arrangement.

Empire requests an effective date of January 30, 1981, Empire also requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8983 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-294-000]

Indianapolis Power & Light Co.; Proposed Tariff Change

February 27, 1981.

The filing Company submits the following:

Take notice that on February 23, 1981 Indianapolis Power & Light Company (IPL) tendered for filing a change in the demand charge for Unit Power included in Service Schedule B of the Kentucky-Indiana Pool Planning and Operating Agreement, designated as IPL's Rate Schedule FERC No. 8. The Agreement is between IPL, East Kentucky Power Cooperative, Inc., Kentucky Utilities Company and Public Service Company of Indiana, Inc.

IPL represents that the Unit Power Demand Charges are determined by using plant cost per kilowatt, fixed charge rate and annual plant O & M expense, and that the change in the demand charge results from recalculations of these three figures.

IPL requests waiver of compliance with any filing requirements of § 35.13 of the Commission's Regulations not met by this filing and also asks waiver of the notice requirements under § 35.11 of said Regulations, in order that such demand charge may become effective April 1, 1981.

IPL states that a copy of the filing was sent to each of the parties to the Agreement, to the Public Service Commission of Indiana and to the Public Utilities Commission of Kentucky.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8993 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-298-000]

Florida Power Corp.; Notice of Filing

February 27, 1981.

The filing Company submits the following:

Take notice that on February 24, 1981, Florida Power Corporation (Florida Power) tendered for filing an Interconnection Agreement between Florida Power and the City of Lakeland, Florida, dated as of November 3, 1980. The Agreement provides for the following interconnection services: emergency energy, short-term firm capacity and energy, economy energy, and long-term firm capacity energy. Florida Power asks that the sixty (60)-day notice requirement be waived so that the Agreement may be permitted to become effective on January 1, 1981, the date mutually agreed to by the parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8994 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-262-000]

Kansas Gas & Electric Co.; Proposed Tariff Change

February 27, 1981.

The filing Company submits the following:

Take notice that Kansas Gas Electric Company on February 9, 1981, tendered for filing a proposed change in its FPC Electric Service Traiff No. 139. The proposed Amendment changes the minimum and maximum amounts of power at Delivery Points No. 1, 5 and 6.

The Amendment is necessary because the present demands are being exceeded.

Copies of this filing were served upon The Radiant Electric Cooperative Inc.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Para. 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8994 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-292-000]

Louisville Gas and Electric Co.; Proposed Tariff Change

February 27, 1981.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E) on February 23, 1981, tendered for filing pursuant to

the Interconnection Agreement between LG&E and Southern Indiana Gas and Electric Company (SIG&E), a Fifth Supplemental Agreement.

The purpose of this filing is to amend said Interconnection Agreement to comply with FERC Orders 84 and 84–B, and to increase the demand charge for Short Term Power from 70¢ per kilowatt-week to 85¢ per kilowatt-week.

LG&E requests an effective date of April 20, 1981, with respect to the change in Short Term Power charge. With respect to the modification to comply with Orders 84 and 84–B, LG&E requests an effective date of September 1, 1980, as established in Order No. 84–B.

Copies of the filing were served upon Southern Indiana Gas and Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6982 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-194-000]

Mississippi Power Co.; Order Accepting for Filing and Suspending Transmission Service Agreement in Part, Granting Waiver of Notice, Granting Intervention, and Establishing Procedures

Issued: February 27, 1981.

On December 29, 1980, Mississippi Power Company (MPC) tendered for filing an agreement with the Municipal Energy Agency of Mississippi (MEAM) and accompanying rate schedules [1] under which MPC will provide bulk power transmission service (115 kV and above) for up to 26.57 MW of power and associated energy. The transmission service commenced on December 1, 1980, by mutual agreement of the parties, and will continue through November 30, 1981.

MPC's filing provides for an initial charge of $16,617/month (26.57 MW x $0.62541/kW) for transmission service during December of 1980, which is proposed to become effective on December 1, 1980. The submittal also includes superseding rates of $20,450/month (26.57 MW x $0.76967/kW) for the period from January 1, 1981, through May 31, 1981, and $20,616/month (26.57 MW x $0.77592/kW) for the period June 1, 1981, through November 30, 1981. In order to implement these rates on the specified dates, MPC requests that the 60-day and 120-day notice requirements set forth in section 35.3 of the Commission's regulations be waived.

The transmission service relates to the supply of up 27.4 MW of power and associated energy by the Alabama Electric Cooperative (AEC) to MEAM.[2] The electricity will be wheeled by Alabama Power Company, on behalf of AEC, to the facilities of MPC. MPC will then provide wheeling service through its system to interconnection points with Mississippi Power & Light Company, which will, in turn, transmit the electricity for delivery to MEAM. The respective monthly charges identified above will be assessed to MEAM regardless of the amount of power actually transmitted unless, however, MPC does not deliver the full amount of capacity (adjusted for losses) provided to MPC for transmission. In this latter situation, the monthly payments would be reduced proportionately.

Notice of this filing was issued on January 12, 1981, with responses due on or before January 30, 1981. A timely petition to intervene was filed by MEAM. MEAM requests that the initial charge be accepted for filing to become effective December 1, 1980, but that the superseding rates be suspended for one day and set for investigation. As grounds therefor, MEAM states that it has had insufficient time to fully analyze the superseding rate schedules.

Discussion

Initially, we find that participation by MEAM is in the public interest. Consequently we shall grant the petition to intervene.

With respect to MPC's request for waiver of the notice requirements, we note that the transmission service commenced on December 1, 1980, at the request of MEAM. Furthermore, the proposed effective dates of January 1, 1981, and June 1, 1981, for the increased rates reflect the historic operation of the Southern Company power pool system, wherein seasonal rates are established (1) for the months of June through December, and (2) for the months of January through May of the following year. As a result, we find that good cause exists to grant waiver of the notice requirements.

Our analysis indicates that the rate proposed for transmission service during December of 1980 is cost supported. Further, it is identical to MPC's transmission component of the Southern Company System Intercompany Interchange rates, which were approved by letter order dated October 1, 1980, in Docket No. ER80–65. Accordingly, we find that the proposed rate for the month of December, 1980, is just and reasonable and we shall accept it for filing, effective as of December 1, 1980. However, considering the concerns expressed by the intervenor, we find that the proposed rates applicable during 1981 have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the increased rates for filing and suspend their operation as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh or inequitable results. Such circumstances have been presented here.

MEAM does not appear to be placed in jeopardy by implementation of the challenged provisions of its agreement with MPC. Further, it has expressly requested a nominal suspension period. We therefore believe that a five month suspension is unnecessary. However, in order to afford protection to the affected customer pending further review, we shall exercise our discretion to suspend the superseding 1981 rates for one day, to take effect on January 2, 1981, and June 2, 1981, respectively, subject to refund and the outcome of a hearing in this docket.

(A) MPC's request for waiver of the notice requirements is granted.

(B) MPC's proposed service agreement and rate applicable to transmission service during December of 1980 are hereby accepted for filing, to become effective on December 1, 1980.

(C) MPC's proposed rates applicable to transmission service for the periods January through May of 1981, and June through November of 1981, are hereby accepted for filing and suspended for one day, to become effective on January 2, 1981, and June 2, 1981, respectively, subject to refund pending hearing and decision.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of MPC's increased transmission rates applicable to MEAM.

(E) MEAM's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *provided, further,* that the admission of the intrvenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately thirty (30) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6985 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-297-000]

Montaup Electric Co.; Notice of Filing

February 27, 1981.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on February 24, 1981, tendered for filing a letter of understanding between Montaup and Middleborough Gas and Electric Department ("Middleborough") concerning the construction of a 115 kV line to Middleborough and to Eastern Edison Company's Mill Street and East Bridgewater Substations. The letter of undertanding provides that Middleborough will pay Montaup its share (1/24) for the use of Montaup's Bridgewater Substation to supply the 115 kV line when it becomes operational. The projected Bridgewater Substation total annual operation and maintenance expenses, including overhead charges, associated with the 115 kV line, range from $25,000 to $50,000 based on 1980 costs. Middleborough's estimated projected share of those costs range from $1,042 to $2,085 exclusive of property taxes.

Copies of this filing have been served on Middleborough and the Massachusetts Department of Public Utilities.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6986 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1937-000]

T. Justin Moore, Jr.; Notice of Filing

February 27, 1981.

The filing Company submits the following:

Take notice that on February 23, 1981, T. Justin Moore, Jr. submitted an application, pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board, Chief Executive Officer and Director, Virginia Electric and Power Company; Public Utility
Director, General Telephone & Electronics Corporation; Supplying Electrical Equipment

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6984 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-293-000]

Vermont Electric Power Co., Inc; Notice of Filing

February 27, 1981.

The filing Company submits the following:

Take notice that on February 23, 1981, Vermont Electric Power Company, Inc. (VELCO) tendered for filing a rate schedule for transmission service between VELCO and Citizens Utilities Company, for the period January 1, 1981 through June 30, 1985, for the transmission of electricity purchased by the buyer other than from the State of Vermont or VELCO.

VELCO states that the service to be rendered under this rate schedule is the provision of VELCO's transmission facilities to the Electric Power Department of the Vermont utility named in the rate schedule for the transmission of bulk power purchased by the Vermont utility from utilities

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[1] Designated as: *Mississippi Power Company* Rate Schedule FERC No. 125 (Transmission Service Agreement) Supplement No. 1 to Rate Schedule FERC No. 125 (Bulk Power Service Transmission Rates).

[2] MPC's adjustment factor for transmission losses is 3%.

[3] *E.g., Boston Edison Company,* Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Company* Docket Nos. ER80–500, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company,* Docket No. ER80–466 (August 22, 1980) (one day suspension).

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outside of Vermont from points of interconnection of VELCO's facilities with the transmission facilities of other companies. The estimated maximum monthly amount to be transmitted under this contract is 19,155 kW, at an estimated monthly cost of $22,400,000.

VELCO further states that as a result of unavoidable delay in resolving certain aspects of negotiations for this rate schedule, VELCO was not able to file the schedule in a timely manner. In addition, VELCO is required to submit the contract, which makes up this rate schedule, to the Vermont Public Service Board for approval by the Board pursuant to § 2.4 of the Power Transmission Contract. As a result of these circumstances, VELCO could not comply with the notice requirements of § 35.3 of the Regulations. Therefore, VELCO requests that the Commission waive the notice requirements under § 35.11, since the circumstances described constitute a good cause for a waiver. According to VELCO, approval of this contract was granted by the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20428, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6985 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1936-000]

William O. Whitt; Notice of Filing

February 27, 1981.

The filing Company submits the following:

Take notice that on February 3, 1981, William O. Whitt submitted an application, pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President, Alabama Power Company; Public Utility
Director, Southern Electric Generating Company; Public Utility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 23, 1981. Protests will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-6986 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-290-000]

Wisconsin Power & Light Co.; Notice of Filing

February 27, 1981

The filing Company submits the following:

Take notice that on February 18, 1981, Wisconsin Power & Light Company (WPL) tendered for filing the Second Amendment to the Wholesale Power Contract between Adams-Marquette Rural Electric Cooperative (REC) and WPL.

WPL states that this agreement has been executed to provide for a temporary additional delivery point for rendering service by WPL to REC. WPL requests an effective date of January 27, 1981, and also requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20428, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-6987 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Environment

Environmental Advisory Committee, Demand, Nuclear Energy, and Synthetic Fuels Subcommittees; Postponement of Meetings

This notice is given to advise of the postponement of the Demand, Nuclear Energy, and Synthetic Fuels Subcommittees of the Environmental Advisory Committee, originally scheduled to be held March 5 and 6, and March 11, 1981. Notice of meetings were published in the issues of February 13, 1981 (46 FR 12266) and February 23, 1981 (46 FR 13565). When the meetings are rescheduled a notice will appear in the **Federal Register.**

Issued at Washington, D.C. on March 2, 1981.

Georgia Hildreth,

Deputy, Advisory Committee Management Officer.

[FR Doc. 81-7065 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public a $2,850,000 fund established by Vickers Energy Corporation, an independent refiner, in settlement of enforcement proceedings brought by the Office of Enforcement of the Department of Energy.

DATES AND ADDRESSES: Comments must be filed by April 6, 1981, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 C.F.R. § 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to a consent order between Vickers Energy Corporation and the Office of Enforcement of the DOE's Economic Regulatory Administration. *See* 44 Fed. Reg. 29703 (May 22, 1979); 44 Fed. Reg. 48751 (August 20, 1979). The consent order is intended to settle all disputes between the DOE and Vickers with regard to prices charged by the firm in sales of covered products other than crude oil during the period August 19, 1973 through March 1979. Under the terms of the consent order, Vickers has deposited $2,850,000 into an escrow account. It is stipulated in the consent order that the $2,850,000 refund amount is in settlement of alleged overcharges affecting purchasers of motor gasoline from Vickers other than through company operated retail service stations. These purchases were made at the wholesale and retail level.

The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow account funded by Vickers. Since the motor gasoline involved was marketed in eight states, including Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, the DOE has tentatively decided that Applications for Refund should be accepted from purchasers of Vickers motor gasoline in this area sold through other than company operated retail service stations during the period covered by the consent order. The Proposed Decision and Order states that in order to establish entitlement to some portion of the funds, a purchaser should provide all relevant information pertaining to a claim, including information concerning the date and place of purchase of Vickers motor gasoline, information concerning whether increased costs incurred were retained or passed through to other purchasers by the claimant, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

The Proposed Decision and Order further provides a mechanism for distributing the funds remaining after all valid claims by purchasers of Vickers motor gasoline are paid. The Proposed Decision and Order states DOE's view that the remainder of the Vickers funds should be distributed directly to the types of organizations that are required by applicable law to pass through the benefits of the refund to ultimate consumers of energy in the eight state area in which the alleged overcharges occurred. The DOE therefore proposes in the present case to distribute the remaining portions of the Vickers funds to state and local pubic utilities which have fuel adjustment clauses or other mechanisms requiring the benefit of a refund to be passed through to the consuming public in the form of lower utility rates. The public utilities who could receive the refunds for passthrough purposes could include municipally-owned utilities, natural gas distribution utilities which sell natural gas at retail, and electric utilities. Of course, there may be other entities which can provide an identical service in distributing these refunds, and we solicit comments on the extent to which refunds should be made to these organizations as well. Comments are invited on the propriety of this approach to distribute the Vickers funds and the standards for distributing the funds if this approach is adopted in a final Decision and Order in this case.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register,** will be given when the processing of claims is begun. No less than 90 days from publication of such notice in the **Federal Register** will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted by April 6, 1981, and should be addressed to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B-120, 2000 M Street, N.W., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: February 27, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Department of Energy, Washington, D.C. 20461

Proposed Decision and Order of the Department of Energy Special Refund Procedures

February 27, 1981.

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration. In the Matter of Vickers Energy Corporation.

Date of Filing: September 1, 1979.

Case Number: DFF-0006.

On December 5, 1979, the Office of Hearings and Appeals (OHA) issued an interlocutory order stating that we would implement special refund procedures in a matter involving $2,850,000 obtained by the DOE through a Consent Order which was entered into by the Vickers Energy Corporation (Vickers) and the Economic Regulatory Administration's Office of Enforcement (OE) on May 11, 1979. *See* 44 Fed. Reg. 48751 (August 20, 1979). Under the terms of the Consent Order, Vickers agreed to place $2,850,000 over a twenty-four month period ending July 21, 1981 into an escrow account. (*1*) Because of the difficulties involved in specifically identifying any purchasers who may have been overcharged by Vickers, and in determining the amounts of any overcharges, the Office of Enforcement had requested on September 5, 1979 that special refund procedures be implemented in this matter pursuant to 10 C.F.R., Part 205, Subpart V. In the present decision, we consider the procedures under which the $2,850,000 in escrow should be distributed.

I. Background

Vickers Energy Corporation, now a wholly-owned subsidiary of Total Petroleum, Inc., is an independent refiner which owns and operates a refinery in Ardmore, Oklahoma. Vickers market motor gasoline, which it produces or purchases, to branded and nonbranded independent marketers in an eight-state area in the central United States. The May 11, 1979 consent Order stems from an audit of Vicker's compliance with DOE price regulations conducted during the period August 1973 through March 1979. The OE investigation principally concerned the calculation of Vicker's maximum allowable prices and the prices actually charged by the firm for its motor gasoline and other covered products during the audit period. The compliance questions raised by the OE investigation were discussed by members of the audit team and representatives of Vickers on several occasions at meetings convened for that purpose. The May 11 Consent Order is the result of those negotiations and is intended to settle all disputes between the DOE and Vickers with regard to prices charged by the firm in sales of covered products other than crude oil during the period from August 19, 1973 through March 1979.

In the Consent Order, OE and Vickers stipulated that they are unable to readily ascertain the identity of persons who may be entitled to refunds as a result of alleged

overcharges by Vickers, or the amounts of refunds that such persons are entitled to receive. *See* Notice of Proposed Consent Order, 44 Fed. Reg. 29703 (May 22, 1979); Notice of Final Action Taken, 44 Fed. Reg. 48751 (August 20, 1979). Consequently, Vickers and the Office of Enforcement agreed in the May 11 Consent Order to the following actions to remedy any violations of DOE price ceiling regulations that may have occurred, and to compensate any purchasers who may have been overcharged. First, the parties agreed that Vickers would reduce by $14,000,000 the amount of unrecouped increased product costs otherwise available to the firm as of March 1979, the last month of the audit period, in order to avoid potential pricing violations which might have resulted from Vickers's measurement or allocation of increased costs during that period. Second, the parties agreed that with respect to its retail sales of motor gasoline through company operated stations, Vickers would reduce prices in its marketing areas in order to implement a total refund to its retail customers in the amount of $6,300,000, including interest. Finally, the parties agreed that with respect to Vickers's nonretail sales of motor gasoline and its retail sales other than through company operated stations, Vickers would pay a total amount of $2,850,000 over a 24-month period ending July 21, 1981, into an interest bearing escrow account, from which funds may be disbursed only by order of the DOE. The Consent Order further provides that the $2,850,000 refund amount shall be distributed pursuant to 10 C.F.R., Part 205, Subpart V.

On December 5, 1979, the Office of Hearings and Appeals accepted jurisdiction to adjudicate the disposition of the $2,850,000 refund amount. *Office of Enforcement*, 4 DOE ¶ 82,574 (1979). Our determination to accept jurisdiction over the Vickers matter was based on the amount of money involved, the complexity of disbursing this sum, and the importance of providing notice in the **Federal Register** so that persons who may have an interest in the funds have an opportunity to participate. *Id.* at 85,240.

On September 10, 1980, the Office of Hearings and Appeals issued a Notice of Solicitation of Comments, in which we requested written comments on the manner in which all Consent Order funds currently under the control of the DOE should be disbursed. 45 FR 59627. The Consent Orders involved at that time were entered into by six independent and major integrated petroleum firms, including Vickers. A total of 101 written comments were received. The comments presented the views of major integrated refiners, independent refiners, petroleum marketers and resellers, trade associations, a broad range of consumer groups and several local, state, and federal government agencies. In issuing the procedures set forth below we have accorded careful consideration to these comments. We wish to emphasize that the conclusions which follow are tentative and may be revised upon consideration of submissions received in the forthcoming comment stage of this proceeding. A copy of the final Decision and Order establishing refund procedures issued by the Office of Hearings and Appeals will be served upon each of the commenting parties. In addition, this proposed determination will be published in the **Federal Register**. We encourage interested parties to fully respond to the proposals advanced in this decision. The issuance of this tentative determination does not bar commenting parties from submitting alternative proposals concerning the proper disposition of the Vickers Consent Order funds.

II. Proposed Refund Procedures

A. Authority To Fashion Refund Procedures

The special refund procedures in Subpart V authorize the Office of Hearings and Appeals to fashion special procedures to distribute refunds obtained as part of settlement agreements. These provisions of the DOE regulations are intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. § 751 *et seq.* (1976). The enforcement mechanisms for regulations issued under the EPAA were specified in the Economic Stabilization Act (ESA), 12 U.S.C. § 1904 note (1970). EPAA, § 5(a), 15 U.S.C. § 754(a).

The authority contained in the foregoing statutes to issue and enforce regulations with respect to petroleum allocation and pricing was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA) § 5, 15 U.S.C. § 765 (1974); Department of Energy Organization Act (DOE Act) § 201(a), 42 U.S.C. § 7151(a) (1979). To carry out the statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR § 155.81(b), 38 FR 21981 (1973); 10 CFR § 205.2, 39 FR 1924 (1974) (defining "remedial order").

In order to implement these statutory and regulatory goals the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoer, *Bulzan* v. *Atlantic Richfield Co.*, 620 F.2d 278, 281 (Temp. Emer. Ct. App. 1980), and restitution to persons injured by the regulatory violation, *Bonray Oil Co.* v. *DOE*, 472 F. Supp. 899, 903–04 (W.D. Okla. 1978), *aff'd per curiam*, 601 F.2d 1191 (Temp. Emer. Ct. App. 1979). The latter objective—restitution to overcharged persons—furthers the specific EPAA goals of "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users" and "economic efficiency." 15 U.S.C. § 753(b)(1) (F), (H). These provisions correspond to Section 102 of the DOE Act, which states that one of the Act's purposes is "to promote the interests of consumers through the provision of an adequate supply of energy at the lowest reasonable cost." 42 U.S.C. § 7102. The DOE Act also reflects stated goals of the Federal Energy Administration Act of 1974, in which Congress expressed its purpose of maintaining "fair and reasonable consumer prices" for energy supplies, 15 U.S.C. § 761(a), and of "prevent[ing] unreasonable profits within the various segments of the energy industry," 15 U.S.C. § 764(b)(5).

It is also important to note with regard to the goal of restitution that Congress has re-enacted enabling authority for the DOE and its predecessors on several occasions during periods in which the agency had been issuing remedial orders directing that refunds be made to remedy the effects of regulatory violations. This fact should be viewed as specific congressional approval of DOE's authority to order restitution. *See Mobil Oil Corp.* v. *FEA*, 566 F.2d 87, 100 (Temp. Emer. Ct. App. 1977); *cf. Commissioner* v. *Noel's Estate*, 380 U.S. 678, 682 (1965) (a long-standing administrative interpretation, applying to a substantially re-enacted statute, is deemed to have received congressional approval and has the effect of law). In addition, the Temporary Emergency Court of Appeals has held that the DOE is authorized by its enabling legislation to enforce compliance with its regulations by requiring violators to disgorge the benefits so obtained and to make refunds to injured parties for the purpose of restitution. *See, e.g., Bonray Oil Co.* v. *DOE; Univ. of Southern California* v. *COLC*, 472 F.2d 1065, 1070 (Temp. Emer. Ct. App. 1972).

Restitution is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process "pursuant to which refunds may be made to injured persons in order to remedy the effects of a violation" of DOE regulations. 10 CFR § 205.280. The Subpart V process is intended to provide refunds whenever possible to the persons or firms who were injured by possible overcharges during a particular period. The distribution of funds to overcharged persons should generally take place in two primary ways: (i) payment of funds to persons and firms who file individual applications for refund and prove they are entitled to a portion of the funds held in trust; and (ii) payment of funds on behalf of injured persons to entities which can themselves implement restitution which furthers the foregoing purposes. The Subpart V regulations specify that "any remaining funds . . . shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in Section 205.282(c)." 10 C.F.R. § 205.288(c).

Persons generally interested in Subpart V proceedings have suggested that additional types of distribution be made of refund amounts. For example, it has been suggested that funds subject to Subpart V proceedings should be used to assist entities in developing alternative energy resources or to subsidize public transit rather than refunded to injured members of the public. We do not agree with those comments. The goal of Subpart V process is restitution to injured firms and consumers. This process offers the only means of compensation for many individuals who lack the resources or the financial stake to institute their own private lawsuits under Section 210 of the Economic Stabilization Act. It can also be an efficient administrative mechanism for returning price increases to affected parties which avoids lengthy and costly court actions. While the funding of entities engaged in the development of alternative energy resources or the subsidization of public transit may well benefit the public at large, it is not so closely related to the statutory goals referred to above or to the objectives of the enforcement program as the interests of injured persons. Although there may be cases in which some of these forms of disbursement of Subpart V funds may be appropriate, particularly if the Consent Order specifies that type of distribution, this is not such a case. As indicated below, when it is possible to effectuate restitution to the class that may have been injured by the alleged regulatory violations, that class should enjoy a priority over other classes that are more removed from the actions giving rise to the refund.

In view of the objectives expressed in the statutes and regulations discussed above, and the Consent Order itself, procedures must be devised for the distributions of the $2,850,000 refund amount to affected parties. As a first step, this money should be distributed to claimants who successfully identify themselves as adversely affected purchasers. In the event that the claims of these persons do not exhaust the funds in the settlement account, an appropriate remaining portion should be distributed to other members of the classes of purchasers on whose behalf the settlement funds were negotiated. However, with respect to the latter group, since members of the injured class not filing as claimants may be extremely numerous and impossible to identify specifically, we have devised a special procedure. This procedure is intended to distribute funds to a group that corresponds closely to the group on whose behalf the settlement funds were negotiated. The courts have sanctioned restitution made for the benefit of an injured class as an appropriate exercise of equitable discretion. *See, e.g., Bebchick* v. *Public Utilities Comm'n*, 318 F.2d 187 (D.C. Cir 1962) (*en banc*), *cert. denied*, 373 U.S. 913 (1963); *Democratic Central Committee* v. *Washington Metropolitan Area Transit Comm'n*, 485 F. 2d 922 (D.C. Cir. 1968). Funds remaining after the completion of this two-step process should be distributed to the U.S. Treasury.

B. Refunds to Identifiable Purchasers

It is stipulated in the May 11 Consent Order that the $2,850,00 refund amount is in settlement of alleged overcharges affecting purchasers of motor gasoline from Vickers other than through company operated retail service stations. These purchases were made the wholesale and at the retail level.

Consequently, in order to establish entitlement to a refund, a purchaser identifying itself as an injured party must demonstrate initially that it purchased a specific quantity of motor gasoline from Vickers or from an entity which sold Vickers motor gasoline during the relevant time period (August 1973 through March 1979) through other than Vicker's company operated retail stations. Privity with Vickers need not be established; evidence need only be presented that the motor gasoline purchased was initially marketed by Vickers. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass on any cost increases implemented by Vickers during that period to its own customers. For example, purchasers who resold the Vickers gasoline must show that market conditions did not permit them to raise prices charged to downstream customers, and that as a result they were forced to absorb any cost increases incurred. In the absence of that showing, we must conclude that the reseller was not injured in any way by the alleged overcharge. *See Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511 at 85,043–44 (1979). Refunds to purchasers who establish their entitlement to a refund would be made on a volumetric basis—*i.e.*, the refund would be based on the proportion of motor gasoline purchased by the applicant to the total amount of motor gasoline marketed by Vickers through other than company operated outlets during the relevant period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR § 205.283. Applications should provide all relevant information pertaining to a claim for refunds of alleged overcharges resulting from purchases of Vickers motor gasoline, including the type of information described above concerning the date and place of purchase, the retention of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

Detailed procedures filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received from Vickers, we intend to provide the maximum possible notice of the distribution process and the opportunity to file claims. This notice will be provided to parties who may wish to request a refund by identifying themselves as adversely affected purchasers. In addition to publishing notice in the **Federal Register**, notice will be provided in newspapers and trade journals in the area in which Vickers markets its motor gasoline. We also intend to request Vickers to supply a list of its motor gasoline customers during the relevant period so that direct mail notice may be provided to those customers. In addition, notice will be provided to business and consumer organizations in the area in which Vickers distributed its motor gasoline during the period covered by the Consent Order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis as received.

C. Distribution of the Remainder of the Refund Amount

After the claims of parties identifying themselves as adversely affected purchasers of motor gasoline from Vickers during the relevant period have been filed and appropriate refunds to those purchasers have been made, the refund amount provided by Vickers pursuant to the May 11 Consent Order is likely to be diminished but not exhausted. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that such consumers will possess detailed records regarding the validity of their claims, we anticipate that the foregoing showing of entitlement can be made by only limited numbers of persons. *See* Notice of Proposed Consent Order, 44 Fed. Reg. 29703 (May 22, 1979). As discussed above, the remaining amount should be distributed in accordance with the broadly conceived goals announced in DOE's enabling legislation and implementing regulations.

In the present case, the distribution chain for the motor gasoline marketed by Vickers appears to cover broad regions of the central United States. According to information provided by the Office of Enforcement in Kansas City, Kansas, the possible regulatory violations covered by the May 11 Consent Order involve motor gasoline marketed in eight states, including Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. (2) Branded and unbranded dealers appear to have purchased the largest volumes of motor gasoline from Vickers during this period. Apart from these purchasers, two local governments, the cities of Kingman, Kansas, and Ardmore, Oklahoma, purchased small quantities of motor gasoline from Vickers during the relevant period.

The fact that claims to specific refunds may not have been proven does not mean that injury has not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty of filing a valid individual claim and to indicate that some resellers of Vickers motor gasoline were not injured because they passed on to their customers the increased costs which they incurred. The persons who were injured in these cases were all users of motor gasoline-powered vehicles who purchased Vickers motor gasoline in the eight state area during the relevant period. It is extremely likely that these purchasers paid higher prices for this motor gasloine than they should have paid. This group in our view corresponds to a very considerable degree to energy consumers generally in that area. Moreover, it is likely that persons who purchased motor gasoline in a particular area also reside there as well, and are ultimate consumers of natural gas and electricity to provide energy for their homes and apartments.

Consequently, we have concluded that any portions remaining of the Vickers refund amount after identifiable claims are paid should be distributed directly to the types of organizations that are required by applicable law to pass through the benefits of the refund to ultimate consumers of energy in the eight state area in which the motor gasoline pricing violations are likely to have occurred. Voluntary agreements could also be fashioned to achieve the same result. This result is supported by the comments received in response to the Notice of Solicitation of

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Comments placed by the Office of Hearings and Appeals in the Federal Register, 45 FR 50627, many of which supported distribution of refunds to organizations that are in a position to pass through the benefits of the refunds to ultimate consumers.

This plan of distribution can be accomplished in the relevant area by state and local public utilities which have fuel adjustment clauses or other mechanisms requiring the passthrough of a refund to ultimate consumers. Generally, a fuel adjustment clause of the desired type would require the benefit of a refund to be treated as a reduction in the cost of purchased natural gas or fuel that can be passed through to the consuming public in the form of lower utility rates. The public utilities who would receive the refunds for passthrough purposes could include municipally-owned utilities, natural gas distribution utilities which sell natural gas at retail, and electric utilities.

We believe that this proposal has a number of advantages. In the first place, the group of ultimate consumers of natural gas and electricity in the area where the alleged overcharges occurred bears a close relationship to the consumers who will not file individual claims and on whose behalf the settlement amount was negotiated. In addition, this proposal is very desirable from a standpoint of administrative efficiency, since it may be implemented quickly and economically, is orderly, and can be easily monitored. It represents, moreover, an appropriate balancing of the costs and benefits involved in identifying and effectuating restitution to a group of consumers corresponding to the group actually injured. Of course, there may be other entities which can provide an identical service in distributing these refunds, and we solicit comments on the extent to which refunds should be made to these organizations as well.

It is also possible to give preference to the two municipalities that purchased motor gasoline from Vickers during the relevant period in the event they cannot make a claim as an identifiable purchaser. Preference could also be given to public utilities that were purchasers of fuel oil or other products from Vickers during the audit period. In general, recipient organizations would receive refund amounts in proportion to the volumes of motor gasoline marketed by Vickers in their areas. Determinations of the specific organizations to be chosen, the amount distributed to each organization, and the exact method of distribution will be based upon further information, including data supplied by Vickers concerning the distribution of its motor gasoline and upon proposals submitted by organizations or entities identified as potential distributors of the remainder of the refund amount. In general, however, we would tend to favor reduction in utility costs for residential users as opposed to commercial users, since commercial use would include offices occupied by persons who also own residences, and this could produce an unintended double measure of benefits for the persons involved. Industrial customers could also be excluded if the firm involved did not purchase commensurately large amounts of motor gasoline in the area during the relevant period.

Refunds of this nature will benefit ultimate consumers of motor gasoline in the areas where the alleged overcharges occurred. These procedures will enable the DOE to order the refund of price increases under circumstances in which adversely affected purchasers are not specifically identifiable. In most instances, ultimate consumers will be the beneficiaries of this mechanism, and this is consistent with the fact that claims to specific refunds by this group are difficult to make and administer.

We believe the refund procedures outlined above will maintain a close relationship or nexus between the class of purchasers injured and the class of persons receiving the restitution proposed. The procedures selected reflect the agency's determination to fulfill its Congressional mandate to, *inter alia*, assure "equitable prices" for "refined petroleum products" in the United States. 15 U.S.C. § 753(b)(1). We are unable to accept the proposition, advanced by some commenters (*3*), that the DOE lacks the authority to order refunds to an entity because the consumer's specific identity or degree of injury may not be ascertained. That position would be contrary to the intention of Congress in enacting the EPAA and related statutes, and contrary to the public interest. *Cf. Bonray Oil Co. v. DOE*, 472 F. Supp. 899, 903–04 (W.D. Okla. 1978), *aff'd per curiam*, 601 F.2d 1191 (Temp. Emer. Ct. App. 1979) (ordering or refunds is implied power under EPAA); *Univ. of Southern California v. COLC*, 472 F.2d 1065, 1070 (Temp. Emer. Ct. App. 1972) (broad grant of authority to enforce program carries with it authority to order refunds).

It Is Therefore Ordered That:

The $2,850,000 refund amount provided by Vickers Energy Corporation in accordance with the May 11, 1979 Consent Order will be distributed in the manner set forth in the foregoing Decision.

Footnotes

(*1*) By memorandum dated October 18, 1979, the Office of Hearings and Appeals directed the Office of Enforcement to make certain modifications to the terms of the August 6, 1979, escrow agreement entered into by and among Vickers, the DOE, and the Morgan Guaranty Trust Company. A copy of the October 18, 1979, memorandum may be obtained from the Office of Hearings and Appeals Public Docket Room.

(*2*) In response to inquiries made by the Office of Hearings and Appeals concerning the areas in which the alleged overcharges covered by the May 11 Consent Order occurred, the Office of Enforcement submitted a computer print-out listing Vickers's wholesale customers for the month of November of 1973, which OE indicated is a representative month during the relevant period. According to OE, Vickers marketed motor gasoline during this period from 35 terminals in the eight state region described in the text of this decision. The computer print-out lists, *inter alia*, the terminal where the product was delivered, the name and type of customer to whom the product was delivered, and the volume of product refined.

(*3*) *See generally* comments submitted in response to Notice of Solicitation of Comments, 45 FR 57827 (September 10, 1980), concerning proper disposition of consent order funds.

In other contexts as well, interested parties have discussed the scope of DOE's authority to distribute Consent Order funds. For example, at the request of the Honorable John D. Dingell, Chairman of the House Subcommittee on Energy and Power, the Comptroller General of the United States has issued an opinion, dated October 10, 1980, concerning the terms of a Consent Order entered into by the DOE and Getty Oil Company (Getty) on December 3, 1979. *See* Notice of Proposed Consent Order, 44 FR 71453 (December 11, 1979); Notice of Action on Consent Order, 45 FR 9992 (February 14, 1980). The Getty Consent Order was intended to settle, with certain exceptions, all disputes between Getty and DOE concerning the firm's compliance with price and allocation regulations in effect during the period August 19, 1973 through December 31, 1978. By its terms, the Consent Order required Getty to deposit $25,000,000 into an escrow account.

The Comptroller General commented on a proposal for distributing the $25,000,000 refund amount announced by the DOE on July 11, 1980. Under that plan, $21,000,000 was to be distributed to twenty state governments in proportion to Getty's home heating oil sales in those states, and $4,000,000 was to be distributed to lower pay grade military servicemen in states where heating oil was sold by the firm. The state governments would be required to distribute the settlement funds granted to them to low income residents for the purpose of defraying home heating oil costs.

The Comptroller General concluded that the Getty refund plan failed to meet certain requirements specified in DOE's enabling legislation and implementing regulations. The Comptroller General observed, moreover, that "distribution of the Getty funds must be made in approximate proportion to the injury actually sustained to Getty customers and to ultimate consumers of Getty products who were the victims of the overcharges." Opinion of the Comptroller General at 7. Because the July 11, 1980 plan was designed to effectuate restitution to low income consumers only, the plan was found not to satisfy these requirements. In the words of the Comptroller General, "all ultimate consumers of Getty heating oil, regardless of income, were injured by the violations and should be entitled to a portion of the refunds." *Id.* at 9. As a result of these and other deficiencies, the Comptroller General concluded that the Getty funds should have been designated for distribution pursuant to the Subpart V process.

The disposition proposed in this Decision of the $2,850,000 refund amount involved in the Vickers case is not subject to the deficiencies referred to in the Comptroller General's Opinion. In the first place, the Vickers funds are, as recommended, being distributed pursuant to the Subpart V process. Moreover, the method of distribution proposed in this decision is intended initially to effectuate restitution to any injured consumer establishing entitlement to a refund, regardless of income level. Furthermore, remaining refund portions would be distributed to a group of ultimate consumers bearing a close relationship to the consumers on whose behalf the settlement amount was negotiated. As a result, this method of distribution is consistent with the views of the Comptroller General, who in the October 10 opinion specifically recognized that "it is frequently not possible to identify each individual customer or consumer who has been overcharged nor is it always possible to make a precise determination of the amounts each individual has been overcharged. So long as a good faith effort was made to identify overcharged individuals, we would not view a distribution scheme which lacked dollar for dollar precision as unauthorized." *Id.* at 10.

[FR Doc. 81-7080 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-115, etc.; File Nos. BPCT-791219KG, etc.]

Crosby Family Telecasters, Inc. et al.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Crosby Family Telecasters, Inc., Portland, Maine (BC Docket No. 81-115, File No. BPCT-791219KG), Comark Television, Inc., Portland, Maine (BC Docket No. 81-116, File No. BPCT-800721KH) and Greater Portland Telecasting, Inc., Portland, Maine (BC Docket No. 81-117, File No. BPCT-800721KI) for a construction permit.

Adopted: February 25, 1981.

Released: March 3, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Crosby Family Telecasters, Inc. (Crosby), Comark Television, Inc. (Comark), and Greater Portland Telecasting, Inc. (GPTI) for a new commercial television station to operate on Channel 51, Portland, Maine.[1]

2. Each applicant proposes operation from a transmitter site located within 250 miles of the Canadian border, with effective radiated visual power (ERP) in excess of 1,000 kW. Such proposals require Canadian concurrence and that approval has been received with respect to the Comark and Greater Portland proposals. In the event of a grant of the Crosby application, therefore, the grant will be made subject to the condition that operation of the station shall be limited to ERP not in excess of 1,000 kW pending Canadian consent.

3. *Crosby Family Telecasters, Inc.* Analysis of the financial data submitted by Crosby reveals that $673,800 will be required to construct the proposed station and operate it for three months, without revenue, itemized as follows:

Equipment costs	$579,800
Building	50,000
Legal costs	5,000
Engineering costs	5,000
Miscellaneous (including installation costs)	20,000
Operating costs (three months)	14,000
Total	673,800

Crosby Family Telecasters, Inc. plans to finance construction and operation of the proposed station from the financial resources of Leon A. Crosby,[2] who owns 85% of the applicant. However, since Crosby Family Telecasters, Inc. has not submitted any documentation of Leon A. Crosby's commitment to the applicant, an appropriate issue will be designated.

4. Crosby has estimated its legal costs at $5,000. Since Crosby is herein designated for a comparative hearing, an appropriate issue will be specified to determine whether $5,000 is a realistic estimate of legal fees.

5. Crosby has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). The applicant did not submit either a compositional study of the community or demographic material. (See Question and Answer 9 and 10 of the *Primer*). There was no description as to the applicant's method of conducting the general public survey (See Question and Answer 13(b)). Crosby also gave no indication of its method of conducting a community leader survey including whether interviews were on a face-to-face basis. See paragraph 33 of the *Primer*. Accordingly, appropriate issues concerning the applicant's ascertainment efforts will be specified.

6. Crosby has proposed to use a transmitter not type-accepted under Section 73.1660 of the Commission's Rules. Therefore, should the Commission find that a grant of Crosby's application would best serve the public interest, the construction permit shall be conditioned to provide for a transmitter type-accepted under the Commission's Rules.

7. *Comark Television, Inc.* Comark has failed to supply the Commission with maps of the predicted Grade A, Grade B, and principal city contours as required by Section V–C., Page 5, Question 15, of FCC Form 301. Accordingly, the applicant will have 20 days from the release of this order to supply the Commission with the required contour maps.

8. *Greater Portland Telecasting, Inc.* GPTI has failed to obtain FAA clearance for its proposed tower height and location. Accordingly, an air hazard issue will be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, the Commission is unable to make the statutory finding that grant of the applications would serve the public interest, convenience, and necessity. Accordingly, the applications must be designated for hearing in a consolidated proceeding on the issues specified, below.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine, with respect to Crosby Telecasters, Inc.:

(a) Whether, and to what extent the financial resources of Leon A. Crosby will be available to the applicant;

(b) Whether $5,000 will be adequate to meet the applicant's legal costs;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. (a) Whether the applicant conducted a study of the composition of its proposed community of license;

(b) Whether the applicant conducted its community leader and general public surveys;

[1] On July 18, 1980, Maine Radio and Television Company, licensee of standard broadcast station WCSH, Portland, Maine, filed a petition to deny Crosby Family Telecasters, Inc.'s application. WCSH's sole contention is that Crosby's proposed transmitter may adversely affect the radiation pattern of its station. The Commission has considered WCSH's contention in this order, and has granted WCSH's petition to the extent stated herein.

On March 27, 1980, William David Savoy also filed with the Commission an informal objection to Crosby's application. Mr. Savoy's objection was to the grant of an unopposed application. Since this objection is rendered moot by this Order, Mr. Savoy's informal objection will be dismissed.

[2] Crosby Family Telecasters, Inc. has not submitted a current balance sheet for Leon A. Crosby. Additionally, Crosby Family Telecasters, Inc. has not submitted its own current balance sheet as required by Section III, Page 2, Question 2, FCC Form 301.

The Commission also notes that Mr. Crosby has an interest in an application for a construction permit for a new UHF television station at Richardson, Texas. Crosby has stated that Mr. Crosby's funds will first be used to construct and operate the Portland station should Crosby's application be granted.

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(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant has properly ascertained the needs of its proposed service area.

3. To determine, with respect to Greater Portland Telecasting, Inc., whether the applicant's proposed tower height and location would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis best serve the public interest.

5. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, that, in the event of a grant of the application of Crosby Family Telecasters, Inc., the construction permit shall be subject to the following condition:

Operation with effective radiated visual power in excess of 1000 kW shall not commence without the consent of Canada.

12. It is further ordered, that, in the event of a grant of the application of Crosby Family Telecasters, Inc., the construction permit shall be subject to the following condition:

Applicant will install and maintain any detuning apparatus necessary to prevent adverse effects upon the radiation pattern of standard broadcast station, WCSH, Portland, Maine.

13. It is further ordered, that, in the event of a grant of the application of Crosby Family Telecasters, Inc., the construction permit shall also be subject to the following condition:

Before regular operation is commenced, the proposed transmitter must be type accepted in accordance with Section 73.1660 of the Commission's Rules.

14. It is further ordered that the petition to deny filed by WCSH is granted to the extent indicated above.

15. It is further ordered, that the informal objection filed by William David Savoy is dismissed as moot.

16. It is further ordered, that the Federal Aviation Administration is made a party respondent with respect to the application of Greater Portland Telecasting, Inc.

17. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in the Order.

18. It is further ordered, that the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of and notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.81-7059 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1271]

Petitions for Reconsideration of Actions in Rule Making Proceedings

February 27, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR § 1.429(e). Oppositions to such petitions for reconsideration must be filed by March 20, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

SUBJECT: American Telephone & Telegraph Co. Manual and Procedures for the Allocation of Costs. (CC Docket No. 79-245)

FILED BY:

Joseph M. Kittner, Norman P. Leventhal & Lawrence J. Movshin, Attorneys for American Broadcasting Companies, Inc., CBS Inc., and National Broadcasting Company, Inc. on 2-23-81

Raymond F. Burke, Bennett Feigenbaum, Gary A. Swenson and Alfred A. Green, Attorneys for American Telephone & Telegraph Company on 2-23-81

Herbert E. Marks & Laurel R. Bergold, Attorneys for Independent Data Communications Manufacturers Association, Inc. on 2-23-81

Joseph M. Kittner and James S. Blaszak, Attorneys for Tele-Communications Association on 2-23-81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7058 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

Closed Circuit Test of Emergency Broadcast System During the Week of March 23, 1981

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of March 23, 1981. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC, and UPI Audio Radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7056 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 27, 1981.

Cut-Off Date: May 15, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after May 15, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 15, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than the close of business on May 15, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 15, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.

William J. Tricarico,

Secretary.

FM Translator Applications

BPFT-801211IA (new), Big Bend and Bush Bar, California, Indian Springs School District. Req: Channel 296, 107.1 MHz, 1 watt. Primary: K101-FM, San Francisco, California.

BPFT-801211IB (new), Big Bend and Bush Bar, California, Indian Springs School District. Req: Channel 288, 105.5 MHz, 1 watt. Primary: KOIT-FM, San Francisco, California.

BPFT-801206IJ (new), Los Gatos, California, H. Reed Searle. Req: Channel 212, 90.3 MHz, 1 watt. Primary: KUSP-FM, Santa Cruz, California.

BPFT-801211IC (new), Moses Lake, Washington, Moses Lake Translator Association. Req: Channel 218, 91.5 MHz, 10 watts. Primary: KQTS-FM, Walla Walla, Washington.

BPFT-801212IA (new), Rattlesnake Valley (N. Missoula), Montana, University of Montana KUFM-FM. Req: Channel 296, 107.1 MHz, 10 watts. Primary: KUFM-FM, Missoula, Montana.

BPFT-801215IC (new), Hanksville, Utah, County of Wayne. Req: Channel 285, 104.9 MHz, 1 watt. Primary: KALL-FM, Salt Lake City, Utah.

BPFT-801215ID (new), Buhl, Minnesota, Stereo Broadcasting, Inc. Req: Channel 237, 95.3 MHz, 10 watts. Primary: WAKX-FM, Duluth, Minnesota

BPFT-801215IE (new), Chisholm, Minnesota, Stereo Broadcasting, Inc. Req: Channel 249, 97.7 MHz, 10 watts. Primary: WAKX-FM, Duluth Minnesota.

BPFT-801215IF (new), Gilbert, Minnesota, Stereo Broadcasting, Inc. Req: Channel 240, 95.9 MHz, 10 watts. Primary: WAKX-FM, Duluth Minnesota.

BPFT-801215IG (new), Aurora, Minnesota, Stereo Broadcasting, Inc. Req: Channel 249, 97.7 MHz, 10 watts. Primary: WAKX-FM, Duluth Minnesota.

BPFT-801216IB (new), Hurricane, Utah, New Era Broadcasting Company. Req: Channel 285, 100.9 MHz, 10 watts. Primary: KBRE-FM, Cedar City, Utah

BPFT-801217IA (new), Aspen, Colorado, Roaring Fork Public Radio Translater, Inc. Req: Channel 215, 90.9 MHz, 10 watts. Primary: KUWR-FM, Laramie, Wyoming

BPFT-801222IA (new), Broadalbin, New York, Sacandaga Bible Conference, Inc. Req: Channel 228, 93.5 MHz, 1 watt. Primary: WMHR-FM, Syracuse, New York

BPFT-810102IA (new), McCook, Nebraska, Jerrell Eugene Kautz. Req: Channel 287, 105.3 MHz, 10 watts. Primary: BPH-791102AA, McCook, Nebraska

BPFT-810102IB (new), Round Mountain, Nevada, Smoky Valley Television District. Req: Channel 221, 92.1 MHz, 10 watts. Primary: KSRN-TV, Reno, Nevada

BPFT-810115IA (new), Newport Beach, California, Saddleback Community College District. Req: Channel 206, 89.1 MHz, 10 watts. Primary: KSBR-FM, Mission Viejo, California

BPFT-810121IA (new), Huntsville, Arkansas, Ozark Public Broadcasting, Inc. Req: Channel 293, 106.5 MHz, 10 watts. Primary: KESP-FM, Eureka Springs, Arkansas

BPFT-810121ID (new), Laketown & Garden City, Utah, Utah State University of Agriculture and Applied Science. Req: Channel 202, 88.3 MHz, 10 watts. Primary: KUSU-FM, Logan, Utah

BPFT-810121IE (new), Randolph & Woodruff, Utah, Utah State University of Agriculture and Applied Science. Req: Channel 216, 91.1 MHz, 10 watts. Primary: KUSU-FM, Logan, Utah

BPFT-801114IC (new), McNary Indian Pine, Arizona, Apache Radio Broadcasting Corporation. Req: Channel 215, 90.9 MHz, 10 watts. Primary: BPED-801114IC, Whiteriver, Arizona

BPFT-801114ID (new), Carrizo, Arizona, Apache Radio Broadcasting Corporation. Req: Channel 217, 91.3 MHz, 10 watts. Primary: BPED-801114ID, Whiteriver, Arizona

BPFT-801114IE (new), Cedar Creek, Arizona, Apache Radio Broadcasting Corporation. Req: Channel 220, 91.9 MHz, 10 watts. Primary: BPED-801114IE, Whiteriver, Arizona

BPFT-801118IA (K232AA), Laramie, Wyoming, Laramie Plains Antenna TV Association, Inc. Req: Change frequency to Channel 280, 103.9 MHz.

BPFT-801118IB (K237AA), Laramie, Wyoming, Laramie Plains Antenna TV Association, Inc. Req: Change frequency to Channel 285, 104.9 MHz

BPFT-801118IZ (new), West Hartford, Connecticut, Connecticut Educational Telecommunications Corporation. Req: Channel 202, 88.3 MHz, 1 watt. Primary: WPBH-FM, Middlefield, Connecticut

BPFT-801204IB (new), Chittenango, New York, AGK Communications, Inc. Req: Channel 289, 101.7 MHz, 1 watt. Primary: WAQX-FM, Manlius, New York

BPFT-801009IO (new), Santa Barbara, California, KCPB, Inc. Req: Channel 208, 89.5 MHz, 10 watts. Primary: KCPB-FM, Thousand Oaks, California

BPFT-801014ID (new), Glasgow, Montana, AFBC. Req: Channel 252, 98.3 MHz, 10 watts. Primary: KYZZ-FM, Wolf Point, Montana

BPFT-801114IA (new), Mud Cat Tank & Rural Area, Arizona, Apache Radio Broadcasting Corporation. Req: Channel 205, 88.9 MHz, 10 watts. Primary: BPED-801114IA, Whiteriver, Arizona

BPFT-801114IB (new), Cebecue, Arizona, Apache Radio Broadcasting Corporation. Req: Channel 210, 89.9 MHz, 10 watts. Primary: BPED-801114IB, Whiteriver, Arizona

BPFT-810121IG (new), Palm Springs, Desert Hot Springs, Rancho Mirage, Palm Desert and Cathedral City, California, University of Southern California. Req: Channel 232, 94.3 MHz, 10 watts. Primary: KUSC-FM, Los Angeles, California

BPFT-810121IH (new), Riverside & Rural Area South and East, California, University of Southern California. Req: Channel 216, 91.1 MHz, 10 watts. Primary: KUSC-FM, Los Angeles, California

BPFT-810122IB (new), Jacksonville, Oregon, State of Oregon Acting By and Through The State Board of Higher Education. Req: Channel 201, 88.1 MHz, 10 watts. Primary: KSOR-FM, Ashland, Oregon

BPFT-810129IC (new), Kaneohe and Kailua, Hawaii, Sudbrink Broadcasting Company of Hawaii, A General Partnership. Req: Channel 252, 98.3 MHz, 10 watts. Primary: KDUK-FM, Honolulu, Hawaii

BPFT-810129ID (new), Hawaii KAI, and Aina Haina, Hawaii, Sudbrink Broadcasting Company of Hawaii A General Partnership. Req: Channel 252, 98.3 MHz, 10 watts. Primary: KDUK-FM, Honolulu, Hawaii

BPFTB-810119IA (new), San Diego (La Jolla), California, State of California, San Diego State University. Req: Channel 208, 89.5 MHz, 10 watts. Primary: KPBS-FM, San Diego, California

BMPFT-801027IB (K296BK), Desert Hot Springs, California, Western Translators, Inc. Req: Change primary TV Station to KECR-FM, Channel 227, El Cajon, California

BMPFT-810121IB (K201AB), Randolph & Woodruff, Utah, University of Utah. Req: Change frequency to Channel 202, 88.3 MHz

BMPFT-810121IC (K216AA), Laketown and Garden City, Utah, University of Utah. Req: Change frequency to Channel 213, 90.5 MHz

[FR Doc. 81-7057 Filed 3-4-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-3949]

Matson Terminals, Inc./Nippon Yusen Kaisha; Availability of Finding of No Significant Impact

Upon completion of an impact statement, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the environmental issues related to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Agreement No. T-3949, between Matson Terminals, Inc. (Matson) and Nippon Yusen Kaisha (NYK), provides for maintenance and repair services by Matson on NYK containers and container handling equipment at Matson's Honolulu, Oakland and Los Angeles terminals.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 C.F.R. 547.6(b).

The FONSI and related impact assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal

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Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–7039 Filed 3–4–81; 8:45 am]

BILLING CODE 6730–01–M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 27, 1981. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 23, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Federal Communications Commission

The FCC requests an extension without change clearance of FCC–336, Report of Overseas Telecommunications Traffic. FCC–336 is required by § 43.61 of the Commission's Rules and Regulations. Common Carriers engaged in furnishing telecommunications service between the United States and overseas points must file this report semiannually. The FCC estimates respondents will number 9 and that reporting burden will average 15 hours per response.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81–7040 Filed 3–4–81; 8:45 am]

BILLING CODE 1610–01–M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

February 24, 1981.

The Depository Library Council to the Public Printer will meet during the period April 13–15, 1981, at the El Tropicana Hotel, San Antonio, Texas.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Anyone who wishes to attend should notify the Director, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (telephone: (703) 557–2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chair.

Dated: February 23, 1981.

Samuel L. Saylor,

Acting Public Printer.

Sworn to and subscribed to before me this 24th day of February, 1981.

Gladys M. Robinson,

Notary Public, District of Columbia.

My Commission Expires July 31, 1983.

[FR Doc. 81–7018 Filed 3–4–81; 8:45 am]

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G4123, Block 56, Breton Sound Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is avaialble for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979. (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 25, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–6975 Filed 3–4–81; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Union Oil Company of California, Unit Operator of the Vermilion Block 14 Federal Unit Agreement No. 14–08–0001–12339, submitted on February 5, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Vermilion Block 14 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–7016 Filed 3–4–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[1784 (N–032)]

Carson City District Advisory Council; Meetings

SUMMARY: The March 13, 1981 meeting of the Carson City District Multiple Use Advisory Council has been cancelled. The next meeting, scheduled for April 10, 1981, will deal with land uses, wild horses, and land use planning.

DATE: April 10, 1981—9:30 a.m.

ADDRESS: BLM District Office, 1050 East William Street, Suite 335, Carson City, Nevada 89701.

FOR FURTHER INFORMATION CONTACT: Stephen A. Weiss, Public Affairs Officer, Carson City District Office, (702) 882–1631.

SUPPLEMENTARY INFORMATION: The cancelled meeting of March 13 was announced in the February 5, 1981, **Federal Register** (Volume 46, Number 24). The agenda for the April 10 meeting is scheduled as follows:

9:30 a.m.—Open the meeting
9:45 a.m.—Report of the Land Uses Subcommittee: Land Disposal Policy; Recreation as a Land Use
11:45 a.m.—Break for Lunch
1:00 p.m.—Report of the Biological Resources Subcommittee
2:00 p.m.—Old Business—Cultural Resources Resolution
2:25 p.m.—Break
2:40 p.m.—Slide/tape presentation on Land Use Planning
3:00 p.m.—Public Statements
3:15 p.m.—BLM Presentation: The Reno Area Management Framework Plan
5:15 p.m.—New Business: Agenda for next meeting; Adjournment

The Council is chartered by the Secretary of the Interior to provide citizen counsel and advice to the Carson City District Manager regarding planning and management of public lands and resources within the District. The meeting is open to the public. Any person may attend, file a written statement by mail in advance, or appear before the Council at 3:00 p.m. I certify that this is a true copy of the original.

Thomas J. Owen,

District Manager.

February 25, 1981.

[FR Doc. 81–6940 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–84–M

[13300]

Colorado; Order Providing for Opening of National Forest Lands in Power Site Classifications 219 and 357

February 24, 1981.

The Federal Power Commission (now Federal Energy Regulation Commission) issued Powersite Cancellation 320 on December 6, 1973, partially vacating lands withdrawn for Power Site Classification 219 and 357. This cancellation order was published in the **Federal Register** on August 10, 1973, as FR Doc. 73–16525 affecting the following described lands in the San Juan River Basis, Colorado:

Power Site Classification 219: New Mexico Principal Meridian, San Juan National Forest

T. 39N., R. 4 W. (unsurveyed),
All lands adjacent to Los Pinos River lying below an altitude of 10,000 feet above sea level as shown on United States Geological Survey topographic map San Cristobal quadrangle. Protraction of public land surveys indicates that the land described, when surveyed, will be wholly within the W½ of township.
T. 37 N., R. 5 W.,
Sec. 3, Unsurveyed NW¼, NW¼SW¼;
Sec. 4, Lots 7, 8, S½, N½, S½;
Sec. 8, NE¼SE¼, SW¼SE¼;
Sec. 9, W½NE¼, NW¼, SE¼SW¼;
Sec. 16, NW¼NW¼;
Sec. 17, SE¼NE¼, SE¼NW¼, NE¼SE¼, SW¼SE¼;
Sec. 18, NE¼SE¼, SW¼SE¼;
Sec. 19, SE¼NE¼, NE¼SW¼, NW¼SE¼.
T. 38 N., R. 5 W. (Unsurveyed),
All lands adjacent to Los Pinos River and Lake Fork lying below an altitude of 10,050 feet above sea level as shown on United States Geological Survey topographic map San Cristobal quadrangle.
T. 37 N., R. 6 W.,
Sec. 13, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 24, E½NW¼.
T. 39 N. R. 7 W.,
Sec. 5, Lots 1, 2, 3, S½NW¼, NW¼SW¼.

The areas described aggregates approximately 7900 acres.

Power Site Classification 357: New Mexico Principal Meridian, San Juan National Forest

T. 37 N., R. 5 W.,
Sec. 4, Lots 5, 6;
Sec. 5, Lots 1, 2, S½NE¼.

The area described aggregates 238.18 acres.

Therefore, at 7:45 am on April 10, 1981, the above described lands will be open to such forms of appropriation as may by law be made of National Forest land, subject to any valid existing rights.

Any questions concerning these lands should be addressed to the undersigned at the Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, Denver, Colorado 80202.

Rober D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 81–6943 Filed 3–4–81; 8:45 am]

BILLING CODE 4310–84–M

Shoshone District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Shoshone District Grazing Advisory Board Meeting

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–529, and 43 CFR Part 1780, that a meeting of the Shoshone District Grazing Advisory Board will be held on Thursday, April 16, 1981, at 9 a.m., at the BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

Agenda for the Grazing Advisory Board Meeting will be:

1. Election of officers
2. Advisory Board fund distribution
3. Range improvement policy and funding
4. Picabo Allotment information stewardship program update
5. Preliminary range improvements—FY 82

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Anyone wishing to make an oral statement must notify the district manager at the above address by April 10, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be considered. Statements to the board will be made between 1 and 3 p.m., on the day of the meeting.

Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: February 24, 1981.

Charles J. Haszier,

District Manger.

[FR Doc. 81–6946 Filed 3–4–81; 8:45 am]

BILLING CODE 4310–84–M

V 46 / 43 MR 5 81 UMI

Alaska Outer Continental Shelf; Availability of Final Environmental Impact Statement Regarding Proposed Lower Cook Inlet/Shelikof Strait Oil and Gas Lease Sale No. 60

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 153 tracts consisting of 349,917 hectares (864,645 acres) of submerged Federal lands in the Lower Cook Inlet and Shelikof Strait region of Alaska (OCS Sale No. 60).

Single copies of the final environmental impact statement can be obtained from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental impact statement will also be made available for inspection in the following public libraries: Alaska Federation of Natives, 1577 C Street, Suite 304, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Alaska Resources Library, 701 "C" Street, Box 36, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

Ed Hastey,

Acting Director, Bureau of Land Management.

Approved:

Cecil S. Hoffmann,

Special Assistant to Secretary of the Interior.

[FR Doc. 81-6973 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

Alaska Outer Continental Shelf Office, Beaufort Sea Outer Continental Shelf Oil and Gas; Intent To Prepare an Environmental Impact Statement for Proposed OCS Lease Sale No. 71 in the Beaufort Sea

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management's Alaska Outer Continental Shelf Office intends to prepare an Environmental Impact Statement (EIS) on the offshore oil and gas leasing proposal for the Beaufort Sea known as OCS Sale No. 71. This proposed sale is tentatively scheduled for February 1983. Four hundred and twenty-four (424) lease blocks (777,073 hectares; 1.92 million acres) have been selected for leasing consideration and further environmental study.

Presently, the Department of the Interior expects that the draft EIS for this proposal will be available in December 1981. The final EIS is scheduled for release in July 1982.

Alternatives to be considered in the Environmental Impact Statement will include options to delay, modify, or withdraw the proposed lease offering.

The Alaska Outer Continental Shelf Office has invited affected Federal and State agencies, local communities, and other interested groups to participate in the process of scoping the significant actions, alternatives, and impacts which should be considered in the EIS.

In October and December 1980, members of the staff of the Alaska OCS Office conducted a series of scoping meetings in three communities on Alaska's North Slope concerning the EIS that is to be prepared for proposed Lease Sale No. 71. These scoping meetings were held on the following dates at the locations indicated:

October 6, 1980—Barrow, Alaska
December 8, 1980—Nuiqsut, Alaska
December 9, 1980—Kaktovik, Alaska

Each scoping meeting consisted of an overview of the OCS leasing process, an explanation of EIS structure and format, and a discussion of the major issues surrounding proposed Lease Sale No. 71. Special emphasis was given to receiving comments related to the identification of issues and possible alternatives to the proposed action.

Scoping is an ongoing process. Additional comments are invited and should be sent to: Manager, Alaska OCS Office, P.O. Box 1159, Anchorage, Alaska 99510. All comments related to the scope of this Environmental Impact Statement should be received by the close of business March 31, 1981.

Ed Hastey,

Acting Director, Bureau of Land Management.

February 18, 1981.

[FR Doc. 81-6974 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

Regional Coal Team; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of regional coal team meeting.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Montana State Office is issuing this notice to announce a Fort Union Regional Coal Team meeting on April 14, 1981 in the large Conference Room (6th floor) of Granite Tower, 222 North 32nd Street, Billings, Montana. The meeting will begin at 8:30 a.m.

Some of the items on the agenda are as follows:

(1) Presentation of tract delineation reports for West-Central North Dakota

(2) Discussion of tract ranking sub-factors

(3) Discussion of agricultural impact assessment process

(4) Presentation on air quality analysis methods

(5) Analysis of Department of Energy production goals

(6) Discussion of process for setting leasing targets and schedule

(7) Arrangement for public information meetings/Regional Coal Team hearings on production goals

The public is welcome to attend. There will be time for questions and comments from the public.

February 27, 1981.

Mike Penfold,

State Director.

[FR Doc. 81-6957 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Shoshone District Advisory Council meeting.

SUMMARY: Notice is hereby given, in accordance with PL 94-579, and 43 CFR part 1790, that a meeting of the Shoshone District Advisory Council will be held Wednesday, April 15, 1981, at 9 a.m., at the district office, 400 West F Street, Shoshone, Idaho 83352.

Agenda for the meeting will be:

1. Electric of officers.
2. Briefing on the Idaho BLM organization study.
3. Secretary of Interior James Watt's direction to the BLM (tape recorded speech).
4. Sun Valley Planning Area update.
5. Tentative issues identification for Monument Planning Area.
6. Cultural resources briefing.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Anyone wishing to make an oral statement must notify the district manager at the above address by April 10, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be considered. Statements to the council will be made between the hours of 1 and 3 p.m., on the meeting day.

Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: February 24, 1981.

Charles J. Haszier,

District Manager.

[FR Doc. 81-6956 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 012321]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3015 of April 8, 1963 be continued in its entirety as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Columbia River Gorge Scenic Area

T. 1 N., R. 5 E.,
Sec. 13, SW¼NE¼, SE¼NW¼, NE¼SW¼ and NW¼SE¼.

Containing 160.00 acres in Multnomah County, Oregon.

The purpose of the withdrawal is to protect the scenic and recreational values of the land. The land is currently segregated from location and entry under the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 13, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 13, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

V 4 6 / 4 3 M R 5 8 1 UMI

Dated: February 26, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-7014 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 017357]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3959 of March 30, 1966, be continued in its entirety as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Macks Canyon Recreation site

T. 2 S., R. 15 E.,
Sec. 13, S½SW¼ and SW¼SE¼;
Sec. 24, NW¼NE¼ and N½NW¼.

Containing 240.00 acres in Wasco and Sherman Counties, Oregon.

The purpose of the withdrawal is to protect the archaeological and recreational values located on the land. The land is currently segregated from location and entry under the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 13, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 13, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs

V 46 / 43 MR 5 81 1 UMI

Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 26, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-7015 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

[UT-910-4310-84]

Utah; Decision on Protests to State Director's November 14, 1980, Decisions on Statewide Inventory

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The State Director's final decisions on the statewide wilderness intensive inventory in Utah was published in the **Federal Register** on for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of land Management, U.S. Department of the November 14, 1980. The decision was on individual inventory units. In that notice, it was stated that any person(s) who had disagreements with the individual unit decision(s) and had information which would influence the decision(s), could file a protest with the Bureau of Land Management, Utah State Director by 4:30 p.m., December 15, 1980.

During the protest period, the Utah State Director received 69 protests to decisions announced in the statewide notice. These protests affected 61 inventory units. Each protestant is receiving, by certified mail, a decision responding in detail to the points of his/her protest. This notice summarizes the results of the decisions. The following protests are denied and the decisions remain consistent with those published in the November 14, 1980, **Federal Register:**

Protestant	Unit No.	Unit name	Protestant wanted	S.D. decision on protest
Organized group	UT-020-037	Newfoundland Mountain	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-020-129/UT-050-130A	Dugway Mountains	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-040-075	Horse Spring Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-040-075	Horse Spring Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-040-076	Carcass Canyon	12,180 acres added to WSA	No change from 11/14/80 final decision.
Local government	UT-040-076	Carcass Canyon	Unit dropped from WSA status	No change from 11/14/80 final decision.
Organized group	UT-040-077	Mud Spring Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-040-078	Death Ridge	Unit added as WSA	No change from 11/14/80 final decision.
Local government	UT-040-078	Death Ridge	Agreed with S.D.'s decision	No change from 11/14/80 final decision.
Organized group	UT-040-079	Burning Hills	Unit added as WSA	No change from 11/14/80 final decision.
Local government	UT-040-079	Burning Hills	Agreed with S.D.'s decision	No change from 11/14/80 final decision.
Local government	UT-040-080	Fifty Mile Mountain	Unit dropped from WSA status	No change from 11/14/80 final decision.
Organized group	UT-040-080	Fifty Mile Mountain	WSA boundry adjusted	No change from 11/14/80 final decision.
Local government	UT-040-082	Scorpion	Unit dropped from WSA status	No change from 11/14/80 final decision.
Organized group	UT-040-104	Mountain Home Range	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-040-204B	Central Wah Wah Range	Unit added as WSA	No change from 11/14/80 final decision.
Local government	UT-040-217	Moquith Mountain	Unit dropped from WSA status	No change from 11/14/80 final decision.
Organized group	UT-040-230	Parunuweap Canyon	Cherrystemmed "road" added to WSA	No change from 11/14/80 final decision.
Local government	UT-040-230	Parunuweap Canyon	Unit dropped from WSA status	No change from 11/14/80 final decision.
Local government	UT-040-247	Paria-Hackberry	Unit dropped from WSA status	No change from 11/14/80 final decision.
Organized group	UT-040-247	Paria-Hackberry	Acreage added to WSA	No change from 11/14/80 final decision.
Organized group	UT-040-248	Wahweap	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-040-255	Upper Kanab Creek	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-040-266	East of Bryce	Unit added as WSA	No change from 11/14/80 final decision.
Company	UT-050-061	Swasey Mountain	acreage deleted from WSA	No change from 11/14/80 final decision.
Organized group	UT-050-221B	Fremont Gorge	Parts of subunit B added as WSA	No change from 11/14/80 final decision.
Organized group	UT-050-237	Horseshoe Canyon	Portions of unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-050-238	Blue Hills-Mount Ellen	Acreage added to WSA	No change from 11/14/80 final decision.
Organized group	UT-050-241	Fiddler Butte	Acreage added to WSA	No change from 11/14/80 final decision.
Organized group	UT-050-248	Mount Pennell	Acreage added to WSA	No change from 11/14/80 final decision.
Individual	UT-050-248A	Mikels Pennell	Acreage added to WSA	No change from 11/14/80 final decision.
Individual	UT-050-248B	Mount Pennell	Acreage added to WSA	No change from 11/14/80 final decision.
Organized group	UT-050-257	Notom Bench	Unit added as WSA	No change from 11/14/80 final decision.
Individual	UT-060-023	Sid's Mountain	Acreage added to WSA	No change from 11/14/80 final decision.
Individual	UT-060-054	Mexican Mountain	WSA boundary adjusted	No change from 11/14/80 final decision.
Organized group	UT-060-068B	Floy Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-122[1] CO-070-132A	Granite Creek	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-122[1] CO-070-132A	Granite Creek	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-138	Negro Bill Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-165	Sixshooter Peak	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-171	Sweet Alice Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-181	Mancos Mesa	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-188	Pine Canyon	Unit combined with Grand Gulch ISA	No change from 11/14/80 final decision.
Organized group	UT-060-191	Cheese Box Canyon	Acreage added to WSA	No change from 11/14/80 final decision.
Individual	UT-060-194	Harmony Flat	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-194	Harmony Flat	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-196	Bullet Canyon	Unit combined with Grand Gulch ISA	No change from 11/14/80 final decision.
Organized group	UT-060-197/196	Sicknorn Canyon	Unit combined with Grand Gulch ISA	No change from 11/14/80 final decision.
Organized group	UT-060-204	Fish Creek Canyon	Acreage added to WSA	No change from 11/14/80 final decision.
Organized group	UT-060-205A	Arch Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-205A	Arch Canyon	Unit added as WSA and combined with UT-060-205B.	No change from 11/14/80 final decision.
Individual	UT-060-205A	Arch Canyon	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-224	Sheiks Flat	Unit combined with Grand Gulch ISA	No change from 11/14/80 final decision.
Organized group	Grand Gulch ISA	Grand Gulch ISA	ISA combined with five other units	No change from 11/14/80 final decision.
Organized group	UT-060-104	Wild Mountain	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-110	Hoy Mountain	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-114	Pot Creek	Unit added as WSA	No change from 11/14/80 final decision.
Organized group	UT-060-730	Winter Ridge	Unit added as WSA	No change from 11/14/80 final decision.

[1] Interstate unit with Colorado—answered by Utah

The following interstate units received a protest; the decision will be announced by the State listed below:

Unit No.	Unit name	Decision on protest
UT-040-143/AZ-1-41	Canaan Mountain	Arizona—no change in Utah portion.
UT-040-216/NV-040-202	White Rock Range	Nevada—no change in Utah portion.
UT-060-116/117/CO-070-113A	Wrigley Mesa/Jones Canyon	Colorado—no change in Utah portion.
UT-060-227/CO-030-265A	Squaw and Papoose Canyons	Colorado—no change in Utah portion.
UT-060-229/CO-030-265	Cross Canyon	Colorado—no change in Utah portion.
UT-060-113/CO-010-214	Diamond Breaks	Colorado—no change in Utah portion.
UT-060-419/CO-010-001	Bull Canyon	Colorado—no change in Utah portion.

The following protests are accepted in whole or in part:

Protestant	Unit No	Unit name	Protestant wanted	S.D. decision on protest
Organized group	UT-040-132	Red Mountain	Acreage added to WSA	250 acres added to WSA.
Company	UT-060-023	Sid's Mountain	Unit dropped from WSA status	2 roads cherrystemmed.
Organized group	UT-060-068A	Desolation Canyon	100,000 acres added to WSA	40,845 acres added to WSA.
Organized group	UT-060-100B	Diamond Mountain	Acreage added to WSA	200 acres added to WSA.
Organized group	UT-060-100C	Cottonwood Canyon	Acreage added to WSA	1,770 acres added to WSA.
Individual	UT-060-139A	Mill Creek	Unit dropped from WSA status	Unit dropped as WSA (10,320 acres).
Individual	UT-060-175	Middle Point	Unit dropped from WSA status	Unit dropped as WSA (5,990 acres).

Protestant	Unit No.	Unit name	Protestant wanted	B.D. decision on protest
Organized group	UT-060-201	Road Canyon	Acreage added to WSA	30,260 acres added to WSA.
Organized group	UT-060-201	Road Canyon	Acreage added to WSA	30,260 acres added to WSA.
Organized group	UT-060-205B	Mule Canyon	Acreage added to WSA	280 acres added to WSA.
Organized group	UT-060-103/[1] CO-010-208	West Cold Springs	Acreage added to WSA	3,095 acres added to WSA.

[1] Protest received Utah portion of Interstate Unit—answered by Utah.

Any person(s) who has information which he/she believes will show that the November 14, 1980, decision which is changed as a result of the protest decision is incorrect, may appeal to the Interior Board of Land Appeals. Also, each protestant is allowed the right of appeal to the Interior Board of Land Appeals within 30 days from the date of service on his/her individual decision(s). In the event no appeal is filed, the decision will become final as of 4:30 p.m., April 6, 1981.

The right of appeal to the Interior Board of Land Appeals, Office of the Secretary, on these units is allowed in accordance with the regulations in 43 CFR Part 4, Subpart E. Any notice of appeal must be filed with the Utah State Director (930), Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111 (not with the board) so that the case file(s) can be transmitted with the appeal to the Interior Board of Land Appeals. To avoid summary dismissal of the appeal, these must be in strict compliance with the regulations found in 43 CFR 4.411. The rules of practice require that a copy of the notice of appeal, any statement of reason, written arguments, or briefs must be served on the Regional Solicitor, Intermountain Region, U.S. Department of the Interior, Suite 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, and provide proof of service in accordance with 43 CFR 4.401(c) within 15 days of filing any document in connection with an appeal.

No protests were received concerning 120 other units listed in the November 14, 1980, decision. The decision on these units became final at 4:30 p.m., December 15, 1980. Those units, or portions of units, dropped from the wilderness review process on which no protest was received, were released from the management restrictions imposed by Section 603(c) of the Federal Land Policy and Management Act (FLPMA) as of 4:30 p.m., December 15, 1980.

Dated: February 26, 1981.

Dean Stepanek,

Acting Utah State Director.

[FR Doc. 81-7073 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

Yuma District Advisory Council; Meeting

AGENCY: Bureau of Land Management.

ACTION: Advisory Council Meeting.

Notice is hereby given, in accordance with Public Law 94-579 and 43 CFR Part 1780, that a meeting of the Yuma District Advisory Council will be held Thursday, April 9, 1981 beginning at 8:00 a.m. M.S.T. at Yuma Civic and Convention Center, 1400 Desert Hill Drive, Yuma, Arizona 85364.

1. Report on the Bureau of Land Management's public affairs plan for winter visitor management in the Yuma District, particularly areas of concern below Imperial Dam. Public response to BLM's efforts and suggestions will be discussed.
2. Discusssion of possible alternatives to a planned South Mesa developed camping area and interim management plans.
3. In lieu land selections by the State of Arizona.
4. Status of land compensations to the State of Arizona for state lands condemned for purposes of the Colorado River Basin Salinity Control Project.
5. New and current regulations.
6. Close out and plans for future council activities.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration prior to the meeting date. Anyone wishing to make an oral statement must notify the District Manager at the address below by April 3, 1981. Depending on the number of people wishing to make an oral statement, a time limit may be established.

Summary minutes of the meeting will be maintained in the Yuma District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Further information is available at Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364.

H. M. Bruce,

District Manager.

[FR Doc. 81-7031 Filed 3-4-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council, Meeting

February 24, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Multiple Use Advisory Council; Meeting.

Notice is hereby given, in accordance with P.L. 94-579 and 43 CFR Part 1780, that a meeting of the Moab District Multiple Use Advisory Council will be held on April 3 and 10, 1981 at the Moab District Office, 125 West Second South, Moab, Utah 84532.

The Council will convene on April 3 at 10 a.m. to meet with the District Manager before breaking into committee meetings. The committees will meet according to the following schedule and agenda items:

10:30 a.m. to 12 noon—Wilderness and Nuclear Waste Committees, to review public comments and discuss the Draft Environmental Assessment on Department of Energy proposals in the Nuclear Waste Terminal Storage Program.

1 p.m. to 4 p.m.—Land and Water Use Evaluation and Non-Renewable Resources committees will discuss the following items:

1. Input to Secretary Watt on desired land acquisition which local governments need to meet community needs, and on "excessive, burdensome or counterproductive" regulations which should be changed.
2. Review of District Surface Protection Stipulations.
3. Review and input of public participation plan for San Juan resource Area's planning effort.

4 p.m. to 5 p.m.—Range Environmental Statements and Recreation/Wildlife Committees, to discuss the Grand Resource Area Range Inventory and review the new Grazing regulations amendments.

The Advisory Council will convene as a whole at 8 a.m. on April 10 to review written reports and recommendations from the committees and to discuss the following:

1. Status of old business.
2. Review of State Director's decision on protests filed on Wilderness Study Areas.
3. New business and comments from the public.
4. Closing remarks by Council Chairman and District Manager.

All Advisory Council meetings are open to the public. Interested persons may attend meetings of the committees and may make oral statements to the entire Council on April 10 between 3 and 4 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address or by telephone (801-259-6111) by March 30, 1981. Depending upon the number of persons wishing to make an oral statement, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection (during regular business hours) within thirty days following the meeting.

Gene Nodine,

District Manager.

[FR Doc. 81-7030 Filed 3-4-81; 8:45 a.m.]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Long-and-Short-Haul Applications for Relief (Formerly Fourth Section Applications)

February 27, 1981.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the ICC within 15 days from the date of publication of this notice.

No. 43899, Consolidated Rail Corporation No. CR 1-81, reduced rates on back-haul shipments of various commodities, in carloads, from named stations in Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. To stations on Conrail in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio and West Virginia. Proposed rates are to be published in its Freight Tariff ICC CR 3022, effective March 23, 1981. Grounds for relief—Improved car utilization and motor competition.

No. 43903, Portuguese Line (No. 5), for rail carriers parties to Tariffs ICC CPTU 300, FMC No. 15, and ICC CPTU 301, FMC No. 16, to estabish rail-water intermodal rates on commodities in containers between rail container terminals at U.S. Pacific and Gulf Coast Ports and water carriers' terminals at Ports in Europe, effective March 22, 1981. Grounds for relief—water competition.

No. 43904, Trans-Continental Freight Bureau, (No. 558), for rail carriers parties to its Tariff ICC TCFB 4045-0, to establish reduced rates on barley from stations in Montana and North Dakota to Portland, OR, Kalama, Longview, Seattle, Tacoma, and Vancouver, WA, to become effective on the earliest possible date. Grounds for relief—Emergency situation, market competition.

No. 43905, Southwestern Freight Bureau, Agent (No. B-117), for and on behalf of rail carriers parties to its Tariff ICC SWFB 4318-A, Supplement No. 35, Item Nos. 965-B and 1010-B, to establish reduced rates on barytes (barite) from Glenwood, AR to stations in Louisiana, to become effective March 24, 1981. Grounds for relief—market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6940 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OPY-002]

Motor Carriers; Decision-Notice

Decided: February 25, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. One this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 647 (Sub-17), filed February 9, 1981. Applicant: EXHIBITORS SERVICE COMPANY, a corporation, 65 Helen St., McKees Rocks, PA 15136. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 232-3505. Transporting *food and related products*, between points in NY, on the one hand, and, on the other, points in OH.

MC 42487 (Sub-1029), filed February 12, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives), serving points in Washington County, OH and Pleasant County, WV, as off-route points in

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connection with carrier's otherwise authorized regular-route operations.

MC 42487 (Sub-1030), filed February 10, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives), serving points in Montgomery County, IN, as intermediate and off-route points in connection with carrier's otherwise authorized regular route operations.

MC 43867 (Sub-47), filed February 9, 1981. Applicant: A. LEANDER McALISTER TRUCKING COMPANY, a corporation, P.O. Box 2214, Wichita Falls, TX 76307. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), (1) between points in AL, AR, AZ, CA, CO, ID, IL, IN, KS, KY, LA, MI, MO, MS, MT, ND, NE, NM, NV, OH, OK, PA, SD, TN, TX, UT, WV, and WY, and (2) between points in the states named in (1) above, on the one hand, and, on the other, points in AK, CT, DE, FL, GA, IA, MA, MD, ME, MN, NC, NH, NJ, NY, OR, RI, SC, VA, VT, WA, and WI.

MC 59367 (Sub-147), filed February 9, 1981. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *metal products* and *building materials*, between points in CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 63417 (Sub-300), filed February 11, 1981. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant), (703) 342–1835. Transporting *textile mill products*, between points in Escambia and Santa Rosa Counties, FL, on the one hand, and, on the other, points in VA.

MC 70557 (Sub-47), filed February 12, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Telephone and Telegraph Corporation, of New York, NY.

MC 107487 (Sub-9), filed February 9, 1981. Applicant: COLUMBIA CITY FREIGHT LINES, INC., Gateway Industrial Park, P.O. Box 328, Columbia City, IN 46725. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives), between points in Lake, Porter, La Porte, St. Joseph, Elkhart, LaGrange, Steuben, De Kalb, Noble, Kosciusko, Marion, Marshall, Starke, Newton, Jasper, Pulaski, Fulton, Whitley, Allen, White, Cass, Miami, Wabash, Huntington, Wells, Adams, Jay, Randolph, and Wayne Counties, IN; Winnebago, Boone, McHenry, Lake, De Kalb, Kane, Du Page, Kendall, Will, Kankakee, and Cook Counties, IL; Berrien, Cass, St. Joseph, Branch, and Hillsdale Counties, MI; and those in Williams, Paulding, Van Wert, Mercer, and Defiance Counties, OH.

MC 107757 (Sub-34), filed February 9, 1981. Applicant: M. C. SLATER, INC., 2200 West Chain of Rocks Rd., Granite City, IL 62040. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *metal products*, between points in Chicago, IL, on the one hand, and, on the other, points in IL, IA, and WI.

MC 109397 (Sub-535), filed February 10, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant), (417) 624–3131. Transporting *ores and minerals, chemicals and related products metal products, building materials and machinery*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 109397 (Sub-536), filed February 10, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representive: A. N. Jacobs (same address as applicant), (417) 624–3131. Transporting *building materials*, between points in Ouachita County, AR, on the one hand, and, on the other, points in the U.S.

MC 119577 (Sub-29), filed February 10, 1981. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 No. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *coal and coal products*, between points in IN and IL.

MC 119777 (Sub-524), filed February 10, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431, (502) 821–5784. Transporting *metal products, mercer commodities, ores and minerals*, and *chemicals and related products*, between points in the U.S.

MC 120257 (Sub-54), filed February 9, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 426, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *Mercer commodities*, between points in the U.S.

MC 120257 (Sub-55), filed February 10, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *metal products*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 123157 (Sub-49), filed February 9, 1981. Applicant: CTI, A Corporation, P.O. Box 397, Rillito, AZ 85246. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *chemicals and related products*, and *commodities in bulk*, between points in the U.S., under continuing contract(s) with Western States Chemical Supply Corp., of Anaheim, CA.

MC 123407 (Sub-667), filed February 12, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant) (219) 926–7575. Transporting *rubber and plastic products*, between points in St. Louis County, MO, and St. Clair County, IL, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM.

MC 128007 (Sub-163), filed February 9, 1981. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting (1) *food and related products* and (2) *chemicals and related products*, between points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, ND, OH, OK, SD, TN, TX, WI and WY, on the one hand, and, on the other, points in the U.S.

MC 129927 (Sub-6), filed February 9, 1981. Applicant: JAMERSON BROTHERS TRUCKING COMPANY, INC., P.O. Box 205, Appomattox, VA 24522. Representative: Richard J. Lee, Suite 1222, 700 East Main St., Richmond, VA 23219, (804) 638–7247. Transporting *furniture and fixtures*, between points in Appomattox County, VA, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, IN, KY, MD, NJ, NY, NC, OH, MI, PA, SC, and DC.

MC 134387 (Sub-86), filed February 9, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., S. Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017, (213) 627–8471. Transporting *waste or scrap materials not identified by industry producing*, between points in OR, CA, CO, ID, WA, NV, and MT.

MC 134387 (Sub-87), filed February 9, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017, (213) 627–8471. Transporting *machinery*, between Los Angeles, CA, on the one hand, and, on the other, points in WA and OR.

MC 134387 (Sub-88), filed Febuary 9, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., 1800 United California Bank Bldg., Los Angeles, CA 90017, (213) 627–8471. Transporting *furniture and fixtures*, between points in Los Angeles and Alameda Counties, CA, on the one hand, and, on the other, points in WA and OR.

MC 134477 (Sub-431), filed February 17, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164, (612) 457–9712. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK.

MC 134477 (Sub-432), filed February 17, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach P.O. Box 43496, St. Paul, MN 55164, (612) 457–9700. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 134777 (Sub-24), filed February 10, 1981. Applicant: SOONER EXPRESS, INC., P.O. Box 219, Madill, OK 73446. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Chicago, IL.

MC 135707 (Sub-7), filed February 9, 1981. Applicant: DIETZ TRUCKING, INC., Rich Hill Road, Cheswick, PA 15024. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *metal products*, between points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington, and Westmoreland Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 138627 (Sub-112), filed February 9, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting (1) *clay, concrete, glass or stone products*, and (2) *building materials*, between points in IA, OH, and PA, on the one hand, and, on the other, points in MN, WI, ND, SD, WY, NE, KS, MO, OK, AR, IL, and IA.

MC 138627 (Sub-114), filed February 9, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting (1) *metal products*, (2) *machinery*, and (3) *building materials*, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 141947 (Sub-5), filed February 12, 1981. Applicant: GEORGE HALL, d.b.a. GEORGE HALL TRUCKING CO., 8260 Berry Ave., Sacramento, CA 95828. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Shoshone Coca Cola Bottling Company, Seven-Up Bottling Co. of Reno, and the Balfast Bottling Co. of Reno d.b.a. as Pepsi-Cola Bottling Company, all of Reno, NV.

MC 144117 (Sub-73), filed February 9, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068, (312) 692–3020. Transporting *chemicals and related products*, between points in Harris County, TX, on the one hand, and, on the other, points in the U.S.

MC 144827 (Sub-57), filed February 10, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103, (901) 526–4114. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ciba Geigy Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144827 (Sub-58), filed February 10, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103, (901) 526–4114. Transporting *toys*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 144827 (Sub-59), filed February 10, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103, (901) 526–4114. Transporting *metal products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 144867 (Sub-5), filed February 10, 1981 Applicant: R & J TRANSPORT, INC., 929 North 24th St., Manitowoc, WI 54420. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *machinery*, between points in Brown County, WI, on the one hand, and, on the other, points in the U.S.

MC 144957 (Sub-12), filed February 10, 1981. Applicant: PETERCLIFFE, LTD., 14730 East Valley Blvd., LaPuente, CA 91746. Representative: Patrick H. Smyth, 19 So. LaSalle St., Suite 401, Chicago, IL 60603, (312) 263–2397. Transporting *general commodities* (except classes A and B explosives), between points in KS, MO, TN, KY, IL, WI, MI, IN, OH, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, VT, NH, ME, and DC.

MC 146647 (Sub-3), filed February 19, 1981. Applicant: JIM STRATTON, d.b.a. THE STRATTON COMPANY, 201 2nd St., Kaycee, WY 82639. Representative: Vincent J. Horn, Jr., 200 City Center Bldg., Casper, WY 82601, (307) 265–6375. Transporting *mercer commodities*, between points in the U.S., under continuing contract(s) with Karst Enterprises, Inc., of Casper, WY.

MC 146927 (Sub-19), filed February 10, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1128, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Georgia Pacific Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147127 (Sub-3), filed February 9, 1981. Applicant: McLAURIN TRUCKING COMPANY, a Corporation, P.O. BOX 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B

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explosives), between points in GA, NC, SC, TN, VA, and WV.

MC 148647 (Sub-20), filed February 9, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with N.D.S., Inc., of Boston, MA, and United Freight, Inc., of Morrow, GA.

MC 148857 (Sub-3), filed February 9, 1981. Applicant: CHILD TRUCK LINE, INC., 711 S. Third St., Chowichilla, CA 93610. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945-3002. Transporting (1)(a) *clay, concrete, glass or stone products*, and (b) *textile mill products*, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, and (2)(a) *pulp, paper and related products*, (b) *machinery*, and (c) *rubber and plastic products*, between points in CA, OR, and WA, on the one hand, and, on the other, AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, (3) *metal products*, between points in CA, OR, TX, and WA, on the one hand, and, in the other, AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, (4) *food and related products*, (a) between points in Orange and Alameda Counties, CA, on the one hand, on the other, points in OR and WA, and (b) between points in Multnomah Countyu, OR, on the one hand, and, on the other, points in CA.

MC 150627 (Sub-1), filed February 17, 1981. Applicant: JAMES FINCH, dba, FINCH HOT SHOT SERVICE, 7601 S. Central Expressway, Dallas, TX 75216. Representative: William D. Lynch, 1003 West 6th St., Austin, TX 78703, (512) 472-1101. Transporting *light fixtures and accessories*, between points in the U.S., under continuing contract(s) with Metalux Corporation, of Dallas, TX.

MC 151837 (Sub-1), filed February 9, 1981. Applicant: NEIL HARRIS & LAJEAN HARRIS, dba L & N TRUCKING, a Partnership, 511 Morningstar Lane, Idaho Falls, ID 83401. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (208) 336-5955. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 152307 (Sub-1), filed February 10, 1981. Applicant: COLUMBIA TRUCKING CO., INC., 1911 N. Wenatchee Ave., P.O. Box 2142, Wenatchee, WA 98801. Representative: Jim Pitzer, 15 S. Grady Way-Suite 321, Renton, WA 98055, (206) 235-1111. Transporting *food and related products*, between points in WA, OR, and CA.

MC 153737 (Sub-1), filed February 9, 1981. Applicant: ED ROSE CARTAGE, INC., 1425 North Sharon Ave., Indianapolis, IN 46222. Representative: Ed Rose (same address as applicant) (317) 637-3000. Transporting *general commodities* (except classes A and B explosives), between points in Floyd and Clark Counties, IN, and Jefferson County, KY, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MO, MN, MS, NE, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI.

MC 154237, filed February 9, 1981. Applicant: PATGENT LINE AND SONS, INC., Rural Route No. 1, Box 238 Rochester, IN 46975. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204 (317) 638-1301. Transporting *electrical equipment and metal products*, between points in the U.S., under continuing contract(s) with Switches, Inc., of Logansport, IN and Fulton Metal Manufacturing Company, Inc., of Rochester, IN, and (2) *machinery*, between points in the U.S., under continuing contract(s) with Cardinal Contracting Corporation, of Indianapolis, IN.

[FR Doc. 81-6997 Filed 3-4-81; 8:45 a.m.]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 F.R. 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication] (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-046

Decided: February 20, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

MC 200 (Sub-548), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *food and related products*, between points in Ford County, KS, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-550), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO. 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *food and related products*, between points in MO, on the one hand, and, on the other, points in CO, DE, IL, IN, KS, MA, MO, MI, NJ, NY, OH, PA, RI, VA, WV, and DC.

MC 200 (Sub-554), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *furniture and fixtures*, and *rubber and plastic products*, between points in St. Charles County, MO, Harnett County, NC, and Snohomish County, WA, on the one hand, and, on the other, points in CA, GA, MO, NC, NY, OH, and TX.

MC 200 (Sub-559), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Shelby County, IN, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-561), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Jackson County, IN, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-562), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, IA, IL, IN, KS, MN, MO, NE, MN, OK, OR, and TX, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-567), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in IN, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-575), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Hamilton County, OH, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-579), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *lumber and wood products*, between points in Buchanan County, MO, on the one hand, and, on the other, points in Burke County, NC.

MC 200 (Sub-581), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *rubber and plastic products*, between points in Summit County, OH, on the one hand, and, on the other, points in the U.S.

MC 531 (Sub-459), filed February 5, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *chemicals and related products*, between points in Spartanburg County, SC, on the one hand, and, on the other, points in CA.

MC 2110 (Sub-10), filed February 4, 1981. Applicant: BOWLUS TRUCKING & CO., INC., 200 County Road 143, Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Milford Canning Company, Inc., of Milford, IL.

MC 7840 (Sub-39), filed February 4, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001. Transporting (1) *rubber and plastic products*, (2) *chemicals and related products*, (3) *metal products*, (4) *textile mill products*, and (5) *petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 52460 (Sub-315), filed February 5, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9837, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities used by National Services Industries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 67450 (Sub-108), filed February 2, 1981. Applicant: PETERLIN CARTAGE CO., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between the facilities used by The Quaker Oats Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 67450 (Sub-110), filed February 4, 1981. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives) between the facilities of General Mills, Inc., and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 82841 (Sub-302), filed February 3, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *clay, concrete, glass or stone products*, between those points in the U.S., in the east of ND, SD, NE, KS, OK, and TX.

MC 93980 (Sub-89), filed February 4, 1981. Applicant: VANCE TRUCKING COMPANY, INC., PO Box 1119 Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th Street NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 111611 (Sub-53), filed February 6, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *food and related products*, between points, in Mifflin County, PA. on the one hand, and, on the other, points in the U.S.

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MC 111651 (Sub-18), filed February 4, 1981. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, MO 63147. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *general commodities* (except classes A and B explosives), between points in St. Charles County, MO, on the one hand, and, on the other, points in the U.S.

MC 114211 (Sub-504), filed February 5, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 115651 (Sub-97), filed February 2, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street N.W., Washington, DC 20001. Transporting *commodities* in bulk, (1) between points in KS, MO, IA, IL, IN, MN, and WI, and (2) between points in IL, on the one hand, and, on the other, points in the U.S.

MC 121470 (Sub-75), filed February 5, 1981. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan St., Nashville, TN 37207. Representative: Helen Jones (same address as applicant). Transporting *metal products* and *those commodities* which because of their size or weight require the use of special handling or equipment, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 124821 (Sub-115), filed January 30, 1981. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between Chesapeake and Suffolk, VA, on the one hand, and, on the other, points in DE, DC, MD, NJ, NC, PA, SC and WV.

MC 128270 (Sub-50), filed January 21, 1981. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley St., Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. Transporting *metal products*, and *waste or scrap materials* not identified by industry producing, between points in PA and those points in the U.S. in and west of FL, GA, TN, KY, OH, and MI.

MC 135070 (Sub-180), filed February 3, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larson, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in or used by grocery stores and food business houses, between points in the U.S.

MC 135070 (Sub-181), filed February 5, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in Harris and Brazoria Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 136161 (Sub-36), filed February 5, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, NW., Washington, DC 20001. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products, and petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 138360 (Sub-4), filed February 4, 1981. Applicant: PRESTON DOBBS, d.b.a. PRESTON DOBBS TRUCK SERVICE, P.O. Box 11, Hamilton, MS 39746. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives) between points in Monroe and Lee Counties, MS, on the one hand, and, on the other, points in the U.S.

MC 142120 (Sub-3), filed February 4, 1981. Applicant: LENZNER COACH LINES, INC., d.b.a. NORTH BOROUGHS CAB, Mt. Nebo Road, R.D. #2, Sewickley, PA 15143. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at those points in Allegheny County, PA, south of the Ohio and Allegheny Rivers, and extending to points in the U.S.

MC 142210 (Sub-2), filed February 3, 1981. Applicant: JOHN N. SCOTT, d.b.a. SCOTT'S MOTOR LINE, 1928 S. Institute, Colorado Springs, CO 80906. Representative: John N. Scott (same address as applicant). Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Johnson Food Company, of Colorado Springs, CO.

MC 142920 (Sub-20), filed February 6, 1981. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver St., Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Federated Department Stores, Inc., of Kansas City, MO.

MC 145051 (Sub-1), filed February 5, 1981. Applicant: PYRAMID TRANSPORTATION, INC. 3103 East 79th St., Chicago, IL 60649. Representative: William H. Towle, 180 North La Salle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mazer Chemicals, Inc., of Gurnee, IL.

MC 145120 (Sub-9), filed February 5, 1981. Applicant: HOLMDEL TRUCKING COMPANY, a Corporation, 18 Hackensack Ave., S. Kearney, NJ 07032. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Petrie Stores Corporation, of Secaucus, NJ.

MC 145950 (Sub-89), filed February 3, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant). Transporting (1) *chemicals and related products*, and (2) *rubber and plastic products*, between the facilities used by BASF Wyandotte Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148320 (Sub-6), filed February 3, 1981. Applicant: MHB INC., 204 E. North St., Warsaw, NC 28398. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *furniture and fixtures*, between points in Cumberland County, NC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, MD, MI, NJ, NY, OH, PA, TN, VA, WV, and DC.

MC 148380 (Sub-7), filed February 6, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting (1) *lumber and wood products*, and (1) *forest products*, between points in the U.S., under continuing contract(s) with AIFP Trading Group, Inc., of Portland, OR, and its subsidiaries American International Forest Products, Inc., Cascade Empire Corp., Buckeye Pacific Corp., and Western International Forest Products, all of Portland, OR, Birmingham International Forest Products, Inc., of Birmingham, AL, Newport International Forest Products, Inc., of Newport Beach, CA, Tampa International Forest Products, of Tampa, FL, and Olympic Industries, Inc., of Vancouver, BC, Canada.

MC 148600 (Sub-9), filed January 30, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 666 Eleventh Street, NW, No. 805, Washington, DC 20001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alcan Aluminum Corporation of Cleveland, OH.

MC 149311 (Sub-1), filed February 5, 1981. Applicant: RADFORD TRANS, INC., Oceana Way, Norwood, MA 02062. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in MA, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, PA, RI and VT.

MC 150181 (Sub-1), filed February 5, 1981. Applicant: RUDY'S LIMOUSINE SERVICE, INC., 15 Neil Lane, Riverside, CT 06878. Representative: Dennis Dean Kirk 915 Pennsylvania Bldg., 425 13th St., N.W. Washington, DC 20004. Transporting *passengers and their baggage*, in special and charter operations, between points in NY, PA, MA, CT, MD, DE, NJ, VA, RI, VT, NH, ME, and DC.

MC 150290 (Sub-5), filed February 3, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *transportation equipment*, between Chicago, IL and points in Kenosha County, WI, on the one hand, and, on the other, points in the U.S., and (2) (a) *advertising materials and supplies*, between Newark, NJ, on the one hand, and, on the other, points in the U.S.

MC 151480 (Sub-2), filed February 4, 1981. Applicant: SUNBELT EXPRESS, INC., P.O. Box 13008, Florence, SC 29504. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, Va 24168. Transporting *metal products*, between points in Charleston County, SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151540 (Sub-2), filed February 5, 1981. Applicant: E.S.T.B., INC., 21 Pier Lane, Roseland, NJ 07068. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pennvine Warehousing Corp., of Scranton, PA.

MC 153591, filed January 13, 1981. Applicant: TROYER TRUCKING, INC., 5260 North Wapak Road, Elida, OH 45807. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Transporting (1) *chemicals and related products*, and (2) *ores and minerals*, between points in IN, IL, MI, and OH.

Volume No. OPI–05021Decided: February 26, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 114241 (Sub-10F), filed November 13, 1980. Applicant: C. T. HERTZSCH, INC., Speed, IN 47172. Representative: Louis B. Hertzsch, P.O. Box 35750, Louisville, KY 40232. Transporting (1) *fly ash*, and (2) *bottom ash*, between points in the U.S., under continuing contract(s) with Monier Resources, Inc., of San Antonio, TX.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7000 Filed 3-4-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: February 25, 1981.

In our decision of February 18, 1981, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 19.1-percent. Accordingly, we are authorizing that the surcharge for this traffic be increased to 19.0-percent. All owner-operators are to receive compensation at this level.

The authorized surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators is increased to 3.3-percent, and that the bus carriers to 7.1-percent, and that for United Parcel Service to 2.2-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. February 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum absent and not participating.

Agatha L. Mergenovich,
Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

February 23, 1981 ..... 135.2¢

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	▮▮	6.3	3.3
Percent surcharge developed	19.1	▮▮	7.1	[3] 3.0
Percent surcharge allowed	19.0	3.3	7.1	[4] 2.2

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-7001 Filed 3-4-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under

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49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–181

Decided: February 23, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 2304 (Sub-45), filed February 6, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, 6600 Bessemer Avenue, Cleveland, OH 44127. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *metal products* and (2) *machinery*, between points in Beaver County, PA, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, MA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, RI, SC, TN, TX VA, WV, and WI.

MC 3104 (Sub-4), filed February 6, 1981. Applicant: Z & M MOTOR LINE, INC., P.O. Box 2345, Cumberland, MD 21502. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of paper and paper products, between the facilities of Westvaco Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 9914 (Sub-15), filed February 5, 1981. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 5224, Martinsville, VA 24112. Representative: D. R. Beele, 1261 Columbia Avenue, Franklin, TN 37064. Transporting *furniture and fixtures*, between the facilities of S & H Furniture, Inc., a Division of Sperry & Hutchison Company, in VA, NC and TN, on the one hand, and, on the other, points in the U.S.

MC 10875 (Sub-62), filed February 6, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, a Corporation, 114 Fifth Avenue, New York N.Y. 10011. Representative: Jack R. Turney, Jr., 2001 Massachusetts Ave., N.W., Washington, D.C. 20036. Transporting *general commodities* (except classes A and B explosives), between points in Franklin, St. Charles, St. Louis and Warren Counties, MO, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing authority.

MC 10875 (Sub-63), filed February 6, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, a Corporation, 114 Fifth Avenue, New York N.Y. 10011. Representative: Jack R. Turney, Jr., 2001 Massachusetts Ave., N.W., Washington, D.C. 20036. Transporting *general commodities* (except classes A and B explosives), between points in Anderson, Boyle, Fayette, Garrad, Hardin, Jessamine, Scott, Washington, Wilson, and Woodford Counties, KY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing authority.

MC 28825 (Sub-55), filed January 30, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by drug, grocery and food business houses, between points in Madison and Stanton Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 40235 (Sub-35), filed January 28, 1981. Applicant: I.R.C. & D. MOTOR FREIGHT, INC., 128 South Second St., Richmond, IN 47374. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities* (except classes A and B explosives), between points in IN, OH, KY, and IL.

MC 61825 (Sub-139), filed February 3, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *furniture and fixtures*, between points in the U.S. (except AK, ID, HI, MT, OR, WA, and WY); and (2) *food and related products*, between points in Franklin County, AL and Lee County, MS, on the one hand, and, on the other, points in DE, GA, IL, IN, MI, NJ, NY, and SC.

MC 106194 (Sub-42), filed January 28, 1981. Applicant: HORN TRANSPORTATION, INC., 2822 McCormick Ave., P.O. Box 1172, Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *scrap metal*, between points in CO, KS, NE, NM, OK, SD, TX, and WY.

MC 115215 (Sub-40), filed February 3, 1981. Applicant: NEW TRUCK LINES, INC. 1936 S. Orange Blossom Trail, Apopka, FL 32703. Representative: W. P. Kurtz, Jr., P.O. Box 618, Seaford, DE 19973. Transporting *building materials* and *machinery*, between points in VA, NC, SC, TN, GA, FL, AL, MS, and LA.

MC 115654 (Sub-197), filed February 6, 1981. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Pillsbury Company of Minneapolis, MN, and Anderson Clayton Foods, of Dallas, TX.

MC 116544 (Sub-240), filed February 3, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061 Palo Alto, CA 94303. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between the facilities of Kraft, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125265 (Sub-12), filed February 2, 1981. Applicant: SKYLINE EXPRESS, INC., 1703 Highway Two, Duluth, MN 55810. Representative: E. L. Newville (same address as applicant). Transporting *commodities in bulk*, between points in MN, MI, IN, IL, IA, NE, WY, MT, ND, SD, and WI.

MC 120675 (Sub-14), filed February 4, 1981. Applicant: ACME TRUCK LINE, INC., 2655 Lapalco Blvd., P.O. Box 183, Harvey, LA 70059. Representative: Paul D. Angenend, P.O. Box 2207 Austin, TX 78768. Transporting *Mercer commodities*, (1) between points in KS, NM and OK, and (2) between points in KS, NM and OK, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MS, TN, and TX.

MC 129305 (Sub-4), filed January 30, 1981. Applicant: D & L CORPORATION, P.O. Box 58, Provo, UT 84601. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *metal products*, between points in WA, on the one hand, and, on the other, points in Salt Lake, Davis, Utah and Weber Counties, UT.

MC 133604 (Sub-12), filed February 2, 1981. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 S. Eleventh St., Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting *food and related products*, between the facilities of Geo. A. Hormel & Co., in IA, WI, NE, and MN, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, and TN.

MC 135444 (Sub-7), filed January 29, 1981. Applicant: SOUTHERN OHIO TRUCK LINES, INC., 3585 Hamilton Trenton Rd., Hamilton, OH 45011. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between Cleveland, OH, on the one hand, and, on the other, points in IN and KY.

MC 136155 (Sub-9), filed February 6, 1981. Applicant: GAY TRUCKING COMPANY, a Corporation, P.O. Box 7179, Savannah, GA 31408. Representative: William P. Sullivan, 818 Connecticut Avenue, NW., Washington, DC 20006. Transporting *construction materials*, between points in AL, FL, GA, MS, NC, SC, and TN.

MC 136385 (Sub-14), filed February 3, 1981. Applicant: HALL WAY, INC., Box 22, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 140024 (Sub-200), filed February 3, 1981. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *food and related products*, between points in IL, on the one hand, and, on the other, points in WI.

MC 140615 (Sub-59), filed February 2, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *rubber and plastic products*, between points in OR, on the one hand, and, on the other, points in the U.S.

MC 142455 (Sub-6), filed January 28, 1981. Applicant: RED LINE TRANSPORT CORP., R.D. #1, Box 187–C, Holtwood, PA 17532. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting *food and related products*, between Albany, NY, on the one hand, and, on the other, points in NY, NJ, DE, MD, VA, WV, CT, MA, RI, PA, OH, IN, IL, MI, TN, KY, WI, and DC.

MC 142565 (Sub-6), filed January 28, 1981. Applicant: DON RAY DRIVE-A-WAY COMPANY, INC., 305 North 13th St., Decatur, IN 46733. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204. Transporting *transportation equipment*, between the facilities of Davey Tree Expert Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144844 (Sub-15), filed February 6, 1981. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting (1) *forest products*, and (2) *lumber and wood products*, between points in AL, AR, CO, IL, IN, IA, LA, KS, KY, MO, MN, MS, NE, OH, OK, TN, TX and WI.

MC 144955 (Sub-1), filed February 6, 1981. Applicant: FLORIDA FAST FREIGHT, INC., P.O. Box 5177, Glencoe, AL 35905. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg. Transporting *general commodities* (except classes A and B explosives), between points in FL, on the one hand, and, on the other, points in GA, AL, and TN.

MC 145044 (Sub-5), filed February 6, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *paper, paper products, and packaging materials*, between points in Franklin County, MO, on the one hand, and, on the other, points in the U.S.

MC 146035 (Sub-4), filed January 30, 1981. Applicant: SOUTHERN DRAYAGE, INC., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Airwick Industries, Inc., of Carlstadt, NJ.

MC 147735 (Sub-1), filed February 5, 1981. Applicant: DALE EVANS, d.b.a. EVANS TRANSPORTATION, 420 Allen St., Yreka, CA 96097. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Siskiyou, Trinity and Shasta Counties, CA, and Jackson County, OR, and extending to points in OR, WA, CA, NV, ID, UT, and AZ.

MC 148304 (Sub-3), filed February 2, 1981. Applicant: RONALD D. LUDWIG, d.b.a. LUDWIG TRUCK LINE, Route 1, Florence, KS 66852. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Val's Distributing Company, of Tulsa, OK.

MC 150644 (Sub-2), filed February 4, 1981. Applicant: GARY L. SODERBERG and LeROY E. SODERBERG, d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. Transporting *fertilizer, in bulk*, between Lemont, Amboy, and Fulton, IL, and Clinton and Dubuque, IA, on the one hand, and, on the other, points in Rock County, WI.

MC 150954 (Sub-13), filed January 30, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting *electrical equipment* and *machinery*, between points in the U.S., under continuing contract(s) with Zenith Radio Corporation, of Chicago, IL.

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MC 153335, filed December 29, 1980. Applicant: AMERICAN HIGHWAY CARRIERS, INC., P.O. Box 6, Hammond, IN 46320. Representative: James Robert Evan, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in AR, CA, GA, IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, OK, TN, TX, and WI.

MC 153804 (Sub-1), filed February 3, 1981. Applicant: MEECO TRANSPORT, INC., P.O. Box 518, 15th and East Electric St., McAlester, OK 74501. Representative: Wm. L. Peterson, Jr., 1109 Colcord Bldg., 15 North Robinson, Oklahoma City, OK 73102. Transporting *boat docks*, between points in the U.S., under continuing contract(s) with Meeco Marinas, Inc., of McAlester, OK.

MC 153815 (Sub-1), filed February 5, 1981. Applicant: BULLEN, INC. TRANSPORT COMPANY, 1509 North Wade St., P.O. Box 189, Sayre, OK 73662. Representative: Gary Ray Bullen, P.O. Box 189, Sayre, OK 73662. Transporting *petroleum, and natural gas and their products, fuel tanks, and pipe*, between points in the U.S., under a continuing contract(s) with Starr Gas Company, of Midland, TX.

MC 154054, filed February 3, 1981. Applicant: WOOD BROS. TRANSFER, INC., 2410 Commerce St., Houston, TX 77014. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main St., Houston, TX 77002. Transporting *general commodities*, between points in TX, LA, and AR.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

Volume No. OP3–184

Decided: February 24, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 2934 (Sub-97F), filed November 17, 1980, previously published in the **Federal Register** issue of January 6, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Indianapolis, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *furniture* and *furniture parts*, from points in AR, GA, MS, NC, IN, and VA, to points in IL, IN, MI, MN, MO, NY, OH, PA, and WI.

Note.—This republication corrects the origin.

MC 12945 (Sub-2), filed December 4, 1981, previously noticed in **Federal Register** on January 6, 1981. Applicant: THE TOLEDO AUTOMOBILE CLUB, a corporation, 2271 Ashland Ave., Toledo, OH 43620. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. *Broker*, at Toledo, Defiance, and Bowling Green, OH, in arranging for the transportation of *passengers and their baggage* in charter operations, between points in the U.S., including AK and HI.

MC 59135 (Sub-41), filed January 8, 1981, previously noticed in the **Federal Register** on February 10, 1981. Applicant: RED STAR EXPRESS LINES OF AUBURN, INC., 24–50 Wright Ave., Auburn, NY 13021. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036. Over regular routes, transporting *general commodities* (1) between Washington, DC, and Norfolk, VA as follows: from Washington, DC, over U.S. Hwy 1 to Richmond, VA, then Interstate Hwy 95 and Interstate Hwy 460 to Norfolk, VA and return over the same route, serving all points in VA as off-route points in connection with carrier's existing regular route authority, (2) between Norfolk, VA and Salisbury, MD as follows: from Norfolk, VA over Interstate Hwy 13 to Salisbury, MD and return over the same route, serving all points in VA as off-route points in connection with the carrier's existing regular-route authority, (3) between Pittsburgh, PA and Charleston, WV as follows: from Pittsburgh, PA over U.S. Hwy 19 to the PA/WV State Line, then over U.S. Hwy 19 to junction U.S. Hwy 19 and Interstate Hwy 79 at or near Sutton, WV, then over Interstate Hwy 79 and U.S. Hwy 119, then over U.S. Hwy 119 to Charleston, WV and return over the same route serving all intermediate points and serving all points in WV as off-route points in connection with carrier's existing regular-route authority, (4) between Erie, PA and Toledo, OH as follows: from Erie, PA over U.S. Hwy 20 to Toledo, OH and return over the same route, serving all points in OH as off-route points in connection with carrier's existing regular-route authority, (5) between Pittsburgh, PA and Cleveland, OH as follows: from Pittsburgh, PA over U.S. Hwy 22 to junction U.S. Hwy 22 and U.S. Hwys 36/250, then over U.S. Hwys 36/250 to junction U.S. Hwys 36/250 to Interstate Hwy 77, then over Interstate Hwy 77 to Cleveland, OH and return over the same route, serving all points in OH as off-route points in connection with carrier's existing regular-route authority, and (6) between Pittsburgh, PA and Cincinnati, OH, as follows: from Pittsburgh, PA over U.S. Hwy 19 to junction U.S. Hwy 19 and Interstate Hwy 70, then over Interstate Hwy 70 to Columbus, OH, then over Interstate Hwy 71 to Cincinnati, OH, and return over the same route, serving all points in OH as off-route points in connection with carrier's existing regular route authority.

Note.—This republication corrects part (3) of the territorial description.

MC 138144 (Sub-60F), filed November 21, 1980, previously published in the **Federal Register** issue of December 16, 1980, as MC 138133 (Sub-60F). Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in Milwaukee, Washington, Ozaukee, Racine, and Waukesha Counties, WI, on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, ND, NE, SD, WI, and the Upper Peninsula of MI.

Note.—This republication indicates the correct docket number and includes "Ozaukee and Racine Counties, WI".

MC 141175 (Sub-3F), filed December 2, 1980, previously noticed in **Federal Register** on January 6, 1981. Applicant: GARLEPIED TRANSFER, INC. 319 Butterworth St. Jefferson, LA 70181. Representative: G. H. Knapp, Jr. (same address as applicant). Transporting (1) *textile mill products*, (2) *Apparel, or other finished textile products or knit apparel*, and (3) *lumber or wood products*, except furniture, as described in Items 22, 23, and 24, respectively, of the Standard Transportation Commodity Code Tariff (STCCT), (4) *pulp, paper, or allied products*, as described in Item 26 of STCCT, (5) *chemicals or allied products*, (6) *petroleum or coal products*, and (7) *rubber or miscellaneous plastic products*, as described in Items 28, 29, and 30, respectively, of STCCT, (8) *clay, concrete, glass or stone products*, and (9) *primary metal products*, including galvanized; except coating or other allied processing, and (10) *fabricated metal products*, except ordnance, as described in Items 32, 33, and 34, respectively, of STCCT, (11) *machinery, except electrical*, (12) *electrical machinery or equipment*, or supplies, and (13) *transportation equipment*, as described in Items 35, 36, and 37, respectively, of STCCT, (14) *miscellaneous products of manufacturing*, as described in Item 39 of STCCT, (15) *freight forwarder traffic*, as described in Item 44 of STCCT, and (16) *commodities having a* prior or subsequent movement by water, rail, or air, between points in TX, OK, AR, LA, MS, AL, FL, and GA.

Note.—This republication corrects the territoral description showing the State of "LA" instead of "IA."

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6897 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant-of $10,000.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the applications under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except were noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–049

Decided: February 23, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 27817 (Sub-174F), filed January 9, 1981. Applicant: H. C. GABLER, INC., R.D. #3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 30237 (Sub-44), filed February 5, 1981. Applicant: YEATTS TRANSFER COMPANY, a corporation, P.O. Box 666, Altavista, VA 24517. Representative: Eaton H. Alt (same address as applicant). Transporting *furniture and fixtures*, between the facilities of Sperry & Hutchinson Furniture, Inc., in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 56667 (Sub-7), filed February 3, 1981. Applicant: LEITCHFIELD TRANSFER CO., a corporation, P.O. Box 366, Leitchfield, KY 42754. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *general commodities* (except class A and B explosives), between points in Grayson County, KY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the requested authority with its regular-route authority in MC–56667.

MC 95876 (Sub-382), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *transportation equipment*, between points in Douglas County, MN, on the one hand, and, on the other, points in the U.S.

MC 113267 (Sub-373), filed February 3, 1981. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3015 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, AL, FL, GA, MS, NC, SC, TN, AR, LA, OK, and TX.

MC 129537 (Sub-52), filed February 3, 1981. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. Transporting *textile mill products*, (A) between points in SC, NC, GA, and VA, and (B) between points in SC, NC, GA, and VA, on the one hand, and, on the other, points in the U.S.

MC 134467 (Sub-77), filed February 5, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *food and related products*, between points in Dougherty County, GA, on the one hand, and, on the other, points in the U.S.

MC 138157 (Sub-262), filed February 6, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 So. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 138627 (Sub-113), filed February 6, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *general commodities* (except classes A and B explosives), between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 144027 (Sub-23), filed February 6, 1981. Applicant: WARD CARTAGE & WAREHOUSING, INC., Rt. 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W. Transporting *tobacco products*, between points in Bibb County, GA, Dinwiddie County, VA, and Forsyth County, NC, on the one hand, and, on the other, points in the U.S.

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MC 144567 (Sub-2), filed February 3, 1981. Applicant: A.A.R. TRUCKING CORP., 31–34 137th St., Flushing, NY 11354. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Transporting *farm products,* between New York, NY and Miami, FL, on the one hand, and, on the other, points in the U.S.

MC 147557 (Sub-1), filed February 2, 1981. Applicant: PMC DISTRIBUTORS, INC., 3625 1st Ave., S., Seattle, WA 98134. Representative: Susan W. Carlson, 1215 Norton Bldg., Seattle, WA 98104. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points WA.

MC 151707 (Sub-2), filed February 6, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Transporting *metal products,* between points in the U.S., under continuing contract(s) with Phelps Dodge Copper Products Co., of New York, NY.

MC 151707 (Sub-3), filed February 6, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Faygo Beverages, Inc.

MC 151707 (Sub-4), filed February 6, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chelsea Industries, Inc., of Boston, MA.

MC 151707 (Sub-5), filed February 6, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Transporting *metal products,* between points in the U.S., under continuing contract(s) with Commonwealth Metal Corp., of Englewood Cliffs, NJ.

MC 151787 (Sub-1), filed February 5, 1981. Applicant: IROQUOIS REFRIGERATED TRANSPORT, INC., R.R. No. 1, Clifton, IL 60927. Representative: Leslieann G. Maxey, 907 South 4th St., Springfield, IL 62703. Transporting *food and related products,* between Chicago, IL and points in Iroquois and Kankakee Counties, IL, on the one hand, and, on the other, points in IN, OH, MI, PA, NY, NJ, DE, MD, WV, VA, NC, SC, GA, FL, AL, MS, TN, KY, WI, MN, IA, MO, AR, LA, TX, OK, NE, CO, NM, AZ, and CA.

MC 152317 (Sub-1), filed February 6, 1981. Applicant: A. M. COX AND JAMES CONNER, d.b.a. AMCO TRANSPORTATION, 1305 Wildbriar St., Lufkin, TX 75901. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *machinery,* between points in Pulaski County, AR, and points in LA, MS, NM, OK, and TX.

MC 153207 (Sub-2), filed February 5, 1981. Applicant: NEBRASKA CARRIERS, INC., R.R. 2, Box 123C, Grand Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Transporting *such commodities* as are dealt in or used by building material and home improvement stores, between points in the U.S.

MC 153217 (Sub-1), filed February 4, 1981. Applicant: JACK THOMAS d.b.a. JACK THOMAS TRUCKING, P.O. Box 337, Tellico Plains, TN 37385. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *pulp, paper and related products,* between points in McMinn County, TN, on the one hand, and, on the other, points in AR, AZ, CA, IA, KS, MO, NE, NM, OK, and TX.

Volume No. OP4–050

Decided: February 23, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 59517 (Sub-2), filed February 4, 1981. Applicant: HARRY E. SHEA SONS, INC., 701 U.S. Route No. 130, Riverton, NJ 08077. Representative: Lester R. Gutman, 666 Eleventh St., N.W., #805, Washington, DC 20001. Transporting *lumber and wood products, and building materials,* between Philadelphia, PA, and Baltimore, MD, on the one hand, and, on the other, points in DE, MD, NJ, and PA.

MC 113267 (Sub-374), filed February 2, 1981. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting *food and related products,* between points in Louisa and Black Hawk Counties, IA, on the one hand, and, on the other, points in TX.

MC 123387 (Sub-31), filed February 3, 1981. Applicant: E. E. HENRY, INC., 1128 S. Military Hwy, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 123407 (Sub-666), filed February 2, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *lumber and wood products,* between points in WI, on the one hand, and, on the other, points in the U.S.

MC 126327 (Sub-17), filed February 6, 1981. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Suite 11, Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whitter, CA 90609. Transporting (1) *clay, concrete, glass or stone products,* and (2) *metal products,* between points in San Bernardino County, CA, on the one hand, and, on the other, points in AZ, ID, NV, OR, UT, and WA.

MC 134467 (Sub-78), filed February 5, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *food and related products,* between points in IL and NJ, on the one hand, and, on the other, points in the U.S.

MC 139177 (Sub-6), filed February 6, 1981. Applicant: MAIERS TRANSPORT AND WAREHOUSING, INC., 515 25th Ave. North, St. Cloud, MN 56301. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives), between points in ND, SD, NE, KS, OK, MN, IA, MO, WI, IL, MI, IN, and OH.

MC 143127 (Sub-79), filed February 2, 1981. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting *such commodities* as are dealt in or used by the construction and home improvement industries, between points in AR, CO, IL, and OH, on the one hand, and, on the other, points in the U.S.

MC 144757 (Sub-5), filed February 2, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W. Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *metal products,* between points in Whiteside County, IL, on the one hand, and, on the other, points in AR, CO, IA, ID, KS, MN, MO, MT, NE, ND, OK, OR, SD, TX, WA, and WY.

MC 151757 (Sub-1), filed February 6, 1981. Applicant: EDWARD CAIN, Rt. 318, Box 9–A, Grantsville, WV 26147. Representative: John M. Freidman, 2930 Putnam, Hurricane, WV 25526. Transporting *general commodities,* (except Class A and B explosive) between points in the U.S., under continuing contract(s) with Wirt Inflatable Specialists, Inc., of Elizabeth, WV.

MC 152337 (Sub-2), filed February 2, 1981. Applicant: CENTRAL STATES TRUCKING CO., 1311 South First Ave., Maywood, IL 60153. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in Cook County, IL, and Newton County, IN.

MC 152707 (Sub-1), filed February 2, 1981. Applicant: JAMES OSMUS, KENNETH R. SPAETH AND RON OSMUS, d.b.a. S.O.O. TRUCKING CO., a Partnership, P.O. Box 528, Okeene, OK 73763. Representative: C. L. Phillips, Rm. 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Okeene Milling Company, of Okeene, OK.

Volume No. OP4–053

Decided: February 25, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 64806 (Sub-16), filed February 5, 1981. Applicant: R. P. THOMAS TRUCKING COMPANY, INC., 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *furniture and fixtures,* between the facilities of Sperry & Hutchinson Furniture, Inc. in VA, NC and TN, on the one hand, and, on the other, points in the U.S.

MC 129086 (Sub-33), filed February 6, 1981. Applicant: SPENCER TRUCKING CORP., Rt. 2, Box 254A, Keyser, WV 26726. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *pulp, paper and related products,* between the facilities of Westvaco Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140976 (Sub-3), filed January 26, 1981. Applicant: PAUL G. WARD d.b.a. SNAPPY DELIVERY, 1823 E. Dakota Ave., Pierre, SD 57501. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *household goods* as defined by the Commission, between points in ND and SD, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, ID, IL, KS, LA, MN, MO, MS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 146646 (Sub-143), filed February 3, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *tile and materials, supplies and equipment used in the manufacture, installation and distribution of tile* between Chicago, IL, and points in Kings County, NY, and Middlesex County, NJ, on the one hand, and, on the other, points in the U.S.

MC 149406 (Sub-8), filed February 6, 1981. Applicant: E.W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *machinery and farm equipment,* between points in Minnehaha and Lincoln Counties, SD, on the one hand, and, on the other, points in IA, ID, MN, MT, ND, UT, and WY.

MC 151746 (Sub-5), filed February 6, 1981. Applicant: ORANGE DISTRIBUTION SERVICES, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *transportation equipment,* and (2) *metal products,* between points in Middlesex and Hartford Counties, CT, on the one hand, and, on the other, points in the U.S.

MC 154226, filed January 21, 1981. Applicant: T. COLEMAN EXPRESS, INC., 8613 River Rd., Amarillo, TX 79108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

Volume No. OP4–054

Decided: February 25, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 34027 (Sub-17), filed February 6, 1981. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *such commodities* as are used or dealt in by manufactures of wire products, between points in MI, on the one hand, and, on the other, points in Lucas County, IA.

MC 63417 (Sub-301), filed February 6, 1981. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *furniture and fixtures,* between Phoenix, AZ, Dallas, TX, Fort Wayne, IN, and points in Davis County, UT, Fulton, County, GA, and WV, on the one hand, and, on the other, points in the U.S.

MC 105607 (Sub-17), filed February 6, 1981. Applicant: CON WEIMAR CORP., 401 Commerce Rd., Linden, NJ 07036. Representative: Ronald I. Shapes, 450 Seventh Ave., New York, NY 10123. Transporting (1) *chemicals and related products,* and (2) *food and related products,* between points in NJ, NY, and PA, on the one hand, and, on the other points in CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV, and DC.

MC 113267 (Sub-375), filed February 6, 1981. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting *food and related products,* between points in Macon County, GA, on the one hand, and, on the other points in IN, IL, KY, MI, OH, AL, TN, MS, LA, TX, OK, AR, MO, and KS.

MC 113267 (Sub-376), filed February 6, 1981. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Transporting (1) *textile mill products,* (2) *pulp, paper and related products,* and (3) *chemicals and related products,* between Nashville, TN, on the one hand, and, on the other, Minneapolis, MN, Cedar Rapids, IA, Kansas City, and St. Louis, MO, and Milwaukee, WI, and points in Webster and Black Hawk Counties, IA, Fond du Lac county, WI, AL, AR, FL, GA, IL, IN, LA, MS, NC, OH, and SC.

MC 124167 (Sub-1), filed February 6, 1981. Applicant: READY BUS LINE CO., Box 100, LaCresent, MN 55947. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting (1) *passengers and* (2) *baggage* in charter and special operations, in round trip sightseeing and pleasure tours beginning and ending at points in Vernon, LaCrosse and Monroe Counties, WI, and points in Houston County, MN, and extending to points in the U.S.

MC 127487 (Sub-10), filed February 4, 1981. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, NJ 08030. Representative: Thomas J. Holt (same

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address as applicant). Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC.

MC 133757 (Sub-5), filed February 4, 1981. Applicant: CAROLINA EAST FURNITURE TRANSPORT, INC., P.O. Box 1426, Sumter, SC 29150. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *machinery*, between Dallas, TX, Fayetteville, AR, Harrisburg, PA, Louisville, KY, and Zion, IL, on the one hand, and, on the other points in the U.S.

MC 133917 (Sub-12), filed February 6, 1981. Applicant: CARTHAGE FREIGHT LINE, INC., P.O. Box 315, Carthage, TN 37030. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Transporting *general commodities* (except Classes A and B explosives), between points in Smith County, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the requested authority with its regular route authority in MC 133917 (Subs 1, 2, 3, 4, 5, 9, and 10).

MC 143127 (Sub-78), filed February 4, 1981. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting *textile mill products*, between points in AL, CT, GA, ME, MD, MA, MS, NJ, NY, NC, RI, SC, TN, and VA.

MC 152407 (Sub-1), filed February 4, 1981. Applicant: SKIP'S TRUCKING CO., INC., P.O. Box 460, Allen, TX 75002. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Pettibone Corporation, of Irving, TX.

MC 153287 (Sub-1), filed February 6, 1981. Applicant: DRESSER TRANSPORTATION SERVICES, INC., 400 West Wilson Bridge Rd., Worthington, OH 43085. Representative: William H. Borghesani, 1150 17th St., N.W., Suite 1000, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in Calhoun, Jefferson, and Shelby Counties, AL, Alameda, Los Angeles, Orange, Santa Barbara, and Ventura Counties, CA, Fairfield, Hartford, and New Haven Counties, CT, New Castle County, DE, Cobb, De Kalb, Douglas, Fulton, Gordon, and Glynn Counties, GA, Cook, De Kalb, Du Page, Kane, Kendall, Lake, McHenry, Madison, St. Clair, and Will Counties, IL, Fayette, Lake, and Porter Counties, IN, Clinton County, IA, Madison County, KY, E. Baton Rouge, Lafayette, Orleans, Rapides, St. Landry, W. Baton Rouge, and Calcasieu Counties, LA, Baltimore, Baltimore City, Wicomico, and Garrett Counties, MD, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, MA, Mason, Muskegon, and Wayne Counties, MI, Audrain, Callaway, and St. Louis Counties, MO, Lander County, NV, Bergen, Burlington, Camden, Cape May, Essex, Hudson, Middlesex, Passaic, and Union Counties, NJ, Cattaraugus, Chautauqua, Erie, and Niagara Counties, NY, Buncombe, and Mecklenburg Counties, NC, Clark, Crawford, Cuyahoga, Defiance, Delaware, Franklin, Guernsey, Hamilton, Lucas, Marion, Montgomery, Scioto, Shelby, Summit, and Wayne Counties, OH, Allegheny, Armstong, Clearfield, Delaware, McKean, Mifflin, Montgomery, Philadelphia, Tioga, and Westmoreland Counties, PA, Providence County, RI, Abbeville, Anderson, Charleston, Greenville, Greenwood, and Spartanburg Counties, SC, Cocke, Hamblen, Knox, and Washington Counties, TN, Dallas, Galveston, Harris, Jefferson, Limestone, and Tarrant Counties, TX, Milwaukee and Waukesha Counties, WI, and Big Horn County, WY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant states it intends to interline at West Haven, CT, Philadelphia and Pittsburgh, PA, Baltimore, MD, Buffalo and Olean, NY, Columbia, OH, Morristown and Knoxville, TN, Atlanta, GA, Houston and Dallas, TX, St. Louis, MO, Chicago, IL, and Los Angeles, Ca.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6998 Filed 3-4-81; 8:45 am]

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[Permanent Authority Decision Volume No. OP3-168]

Motor Carriers; Decision-Notice

Decided: February 9, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversion, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice [49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure reasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absense of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectivenes of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be

construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich,

Secretary.

MC-F-14526, filed December 10, 1980. MILLARD ENTERPRISES, INC. (MILLARD) (806 Elm Street, Watertown, WI)—CONTINUANCE IN CONTROL—MAC OF WISCONSIN, INC. (MAC) (26 Lake View Drive, Sullivan, WI 53178). Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. MILLARD seeks authority to continue in control of MAC upon the institution by MAC of operations in interstate or foreign commerce, as a motor common carrier. Millicent C. Allard, the sole stockholder of Millard, also seeks to continue in control. MAC has filed an application in MC 151365 Sub-2 to transport metal and metal products, between Watertown and Osceola, WI, on the one hand, and, on the other, points in the U.S. MILLARD presently holds no permanent authority from the Commission; however, Millard also controls through stock ownership, Allard Express, Inc., a motor common carrier pursuant to Certificates issued in MC 46829 and subs thereunder. Condition: So far as can be ascertained from the evidence of record in this proceeding, Millard Enterprises, Inc. is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Millard Enterprises will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of Chapter III relating to reporting and accounting of 49 U.S.C. 11302 relating to the issuance of securities.

Note.—MAC has filed as a directly related application its initial common carrier permanent application. This application, docketed No. MC 151365 Sub-2, is published in this same **Federal Register** issue.

[FR Doc. 81-7037 Filed 3-4-81; 8:45 am]

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[Permanent Authority Decisions Volume No. 31]

Restriction Removals; Decision-Notice

Decided: February 27, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1700 (Sub-26)X, filed February 17, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219 Applicant seeks to remove restrictions in its lead and Sub-Nos. 6 and 22F certificates to (a) broaden the commodity description in those authorities by removing all of the exceptions to general commodities, except classes A and B explosives; (b) remove any restrictions against service at intermediate points and authorize service at all intermediate points on its regular routes between Nashville and Hohenwald, TN, in the lead, between Hohenwald, Lobelville, Hampshire and Columbia, TN in Sub-No. 6; and between Linden, Memphis, Buffalo, Hohenwald, Lobelville, and Franklin, TN in Sub-No. 22F; and (c) remove the restriction against transportation of traffic originating at, destined to, or interchanged at Nashville and Linden, TN, and their respective commercial zones in parts (1) and (2) of Sub-No. 22F.

MC 59317 (Sub-19)X, filed February 19, 1981. Applicant: BISOM TRUCK LINE, INC., 725 First Street North, Newton, Iowa 50208. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its certificates as follows: In its lead certificate, irregular route portion, part (a) broaden the commodity description from general commodities (with the usual exceptions and uncrated new furniture), to "general commodities (except Classes A and B explosives),"; expand Moorehead to Clay County, MN and Fargo to Cass County, ND; in part (c) broaden the commodity description from binder twine and farm machinery and parts to "textile mill products and machinery"; expand Rock Falls to Whiteside County, IL; Moline, East Moline and Rock Island to Rock Island County, IL; and expand its one-way authority to radial authority between Chicago, IL, Whiteside and Rock Island Counties, IL, and Newton, IA, and points within 25 miles of Newton; part (d) broaden the commodity description from reinforcing steel, brick, lumber, and insulating materials, to "building materials"; expand Newton, Colfax, Praire City, Reasoner, and Kellogg, to Jasper County, IA; Altoona to Polk County, IA; Taintor to Mahaska County, IA; and expand its one-way authority to radial authority between Chicago, IL, and points in Jasper, Polk and Mahaska Counties, IA; in part (e) broaden the commodity description from mill feeds to "food and related products"; expand Forest Park to Cook County, IL; Newton to Jasper County, IA; and expand its one-way authority to radial authority between Cook County, IL, and, points in Jasper County, IA; in part (f) broaden the commodity description from wall paper to "pulp, paper and related products"' expand Joliet to Will County, IL; Coal City to Grundy County, IL; Newton to Jasper County, IA; and expand its one-way authority to radial authority between Will and Grundy Counties, IL, and, points in Jasper County, IA; in Sub-No. 10, broaden the commodity description from golf cart bodies to "miscellaneous products of manufacture"; expand Morgan to Redwood County, MN and Kellogg to Jasper County, IA; and expand its one-way authority to radial authority between Redwood County, MN, and points in Jasper County, IA; in Sub-No. 12F, broaden the commodity description from household appliances, commercial

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washing machines, and commercial dryers and parts and accessories therefor, to "machinery"; expand Newton to Jasper County, IA; and expand its one-way authority to radial authority between Jasper County, IA, and, points in IL, MN, ND, NE, SD, WI, those in part of MI, those in part of MT, and those in part of WY; in Sub-No. 13F broaden the commodity description from chipboard to "pulp, paper, and related products"; expand Menasha to Winnebago County, WI and Newton to Jasper County, IA; and expand its one-way authority to radial authority between Winnebago County, WI, and, points in Jasper County, IA; in Sub-No. 14F, broaden the commodity description from weed and brush cutters and hydraulic log splitters to "machinery"; expand Forrest to Livingston County, IL; and expand its one-way authority to radial authority between Livingston County, IL, and, points in IA; in Sub-No. 18F, broaden the commodity description from iron and steel articles to "metal products"; and expand Kellogg to Jasper County, IA.

MC 59583 (Sub-182)X, filed February 18, 1981. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant seeks to remove restrictions in its lead and Sub-Nos. 95 and 122 certificates to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in both the above authorities; (b) yarn empty spools, bobbins, and cartons, felt base carpeting and rugs to "textile mill products", books to "printed matter", and cellulose derivative products to "rubber and plastic products: in the lead certificate; (c) skin creams, skin lotions, suntan preparations, cosmetics, antiseptic creams, shaving creams, shaving products, and other skin preparations to "chemicals and related products" in Sub-No. 122; (2) authorize service at all intermediate points along described regular routes extending through DE, DC, GA, MD, NJ, NY, NC, PA, SC, TN, VA, AL, IL, IN, KY, OH, and WV, in all referenced Sub-Nos. (3) eliminate restrictions limiting service to or prohibiting the movement of traffic through named points in all referenced Sub-Nos., (4) authorize radial service in lieu of existing one-way authority in lead certificate and Sub-No. 95, (5) broaden the territorial description from city to county-wide authority as follows: Sullivan County for Kingsport, TN; Washington County for Johnson City, TN; Alleghany County for Amcelle, MD; Onondaga County for Syracuse, NY; Salem County for Salem, NJ; Sullivan, Hamilton, and Knox Counties for Bristol, Chattanooga, Kingsport and Knoxville, TN; Floyd County for Rome, GA, in the irregular route portion of the lead certifiate; and Marion, Madison, and Grant Counties for Indianapolis; Anderson and Marion, IN, in the irregular route portion of Sub-No. 95.

MC 61231 (Sub-184)X, filed February 19, 1981. Applicant: ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: Willima L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead and Sub-Nos. 43, 62, 63, 175F and 176F certificates to (1) broaden the commodity descriptions as follows: by removing all exceptions to general commodity authority except Classes A and B explosives, in the lead and Sub-Nos. 62 and 176; from feed and feed supplements except in bulk, to "food and related products" in Sub-No. 43; from contractor's and construction equipment and supplies to "machinery" in Sub-No. 63; and by removing the in-bulk restriction in Sub-No. 175; (2) broaden the territorial scope of its authorities by replacing existing one-way authority with two-way authority between Chicago, IL and Omaha, NE in the regular route portion of the lead; (3) replace city-wide with county wide authority in the irregular route portion of its lead as follows: between points in Cass County (Atlantic), IA and points within 30 miles therof, and points in Omaha, NE; between Douglas County (Omaha) NE and points in Pottawattamie County (Council Bluffs), IA; between points in Marshall County, (Marshalltown) IA; and points in Story, Boone, Webster, Hamilton, Cerro Gordo, Dallas, Polk, Linn, Johnson, Mahaska, Wapello, Fayette, Lucas, Jasper and Black Hawk Counties, IA; between points in Lac qui Parle County (Nassau), MN, and points in Minnesota within 25 miles of Nassau, and points in SD; between points in Cook County (Chicago Heights) IL, and points in MO and NE, in Sub-No. 43; between points in Polk County (Des Moines) IA and points in IL, NE, ND and SD in Sub-No. 63; between Polk County (Des Moines), IA, Champaign County (Champaign) IL, Brown County (Green Bay), WI, Allen County (Fort Wayne), IN, and Greene County (Xenia), OH, and points in IL, IN, IA, KS, MN, MO, NE, OH, and WI, in Sub-No. 175; and (4) authorize service at all intermediate points between Chicago, IL and Omaha, NE, in lead; between Comstock, NE, and Omaha, NE, between, Arcadia, NE and Burwell, NE, between Grand Island, NE, and Hastings, NE, and between junction Nebraska Highway 92 and U.S. Highway 81 near Osceola, NE, and junction U.S. Highways 81 and 34 near York, NE, in Sub-No. 62; (5) remove the restrictions, limiting traffic originating at or destined to named facilities in Sub-Nos. 43, 63, 175 and 176; and (6) change redesignation of Nebraska Highway 80 to 70 in Sub-No. 62.

MC 80443 (Sub-47)X, filed February 10, 1981. Applicant: OVERNITE EXPESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks removal of restrictions in its Sub-No. 23F permit to change the commodity description from lumber and lumber products to "lumber or wood products," and broaden the territorial authority to between points in the United States, under continuing contract(s) with named shippers.

MC 97275 (Sub-43)X, filed February 17, 1981. Applicant: ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502, Solar Building, 1000 16th Street NW., Washington, D.C. 20036. Applicant seeks to remove restrictions in its (a) Sub-Nos. 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 33F, 35F, 36F, 39, 40, 41F, certificates and authority acquired in Docket Nos. MC–F–12593 and 13515, certificates, not yet issued, by broadening the commodity description from general commodities, with the usual exceptions, to "general commodities, except Classes A and B explosives;" (b) also in Sub-No. 20 by broadening the commodity description petroleum products, roofing and roofing materials, lard, lard substitutes, and cooking and salad oils to "petroleum and coal products, roofing and roofing materials, and food and related products" and eliminating the in bulk restriction; (c) in Sub-Nos. 19, 20, 21, 33F, except route 34, and 41F, and the authority to be issued in MC–F–12593 by broadening the territorial authority to authorize service at all intermediate points; (d) in Sub-Nos. 19, 20, 26, 27, 28, 29, by eliminating restrictions that limit service against, pickup or delivery at named points and originating at and destined to restrictions; (e) in Sub-Nos. 20 and 27 by expanding one-way operations to radial operations between points in VA, NC, and SC; (f) in Sub-No. 21 by eliminating the restriction that all traffic must move through Wilson, NC; (g) in No. MC–97275 acquired in (MC–F–12593) by eliminating the restriction against the transportation of shipments having a prior or subsequent movement by air.

MC 106074 (Sub-170)X, filed January 27, 1981, previously noticed in the **Federal Register** of February 11, 1981, republished as corrected this issue. Applicant: B & P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 2215, Forest City, GA 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Applicant seeks to remove restrictions in its Sub-No. 138 certificate to (1) broaden the commodity description by deleting the "except in bulk" restriction from its general commodities authority, (2) delete the restriction limiting service to the transportation of traffic originating at or destined to named facilities and (3) broaden the territorial description of its radial authority between named base points and points in the U.S. by substituting countywide authority for named base points: from Pasadena to Harris County, TX; Seneca to Oconee County, SC; and Spartanburg and Startex, to Spartanburg County, SC. The purpose of this republication is to show the correct docket number to be MC–106074 (Sub-No. 170)X in lieu of MC–106074 (Sub-No. 455)X.

MC 106074 (Sub-171)X, filed January 27, 1981, previously noticed in the **Federal Register** of February 16, 1981, republished as corrected this issue. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. & US Hwy 221–S, Forest City, NC 28043. Representative: Larry Lawing (same address as above). Applicant seeks to remove restrictions from its Sub-Nos. 42 and 56 certificates which authorize the transportation of glass fiber, glass fiber rovings, yarn, strands, matting, fabric and waste, from South Lexington and West Shelby, NC to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, by changing its commodity description to "textile mill products" and authorizing county-wide radial authority between Davidson and Cleveland Counties, NC, and points in the above named destination States. The purpose of this republication is to show the correct docket number to be MC–106074 (Sub-No. 171)X in lieu of MC–106074 (Sub-No. 456)X.

MC 108676 (Sub-164)X, filed February 17, 1981. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Michael S. Teets (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 10, 17, 23, 30, 32, 39, 42, 45, 49, 50, 52, 60, 72, 73, 75, 79, 86, 97, 105, 110, 111, 116, 121F, 124F, 125F, 128F, 130F, 133F, 135F, 136F, 145F, 149F, 153F, 154F and 160F to (1) broaden it commodity descriptions (a) from signs, sign poles, damaged, used, or returned shipments of signs, etc. to "such commodities as are use in or dealt in my manufacturers of signs" in Sub-Nos. 10, 17, 23, and 86, (b) from machinery, equipment, fabricated metal products, cooling tower, fluid coolers, mining equipment, etc. to "machinery" in Sub-Nos. 30, 39, 42, 49, 52, 60, 72, 73, 79, 97, parts 1 and 2, 105, 110, Part 1, 111, 116, 121F, 135F, 136F, 145F, part 2, 149F, and 160F, (c) from plastic pipe materials and supplies to "rubber and plastic products", in Sub-Nos. 32, 45 and 50, (d) from cast iron pressure pipe, valves, hydrants, pipe fittings, hydrant sections, iron and steel articles, etc. to "metal and metal products" in Sub-Nos. 75, 97, part 3, 110, part 2, 121F, 124F, 125F, 133, 145F, part 1, 153F and 154F, (e) from lumber and particleboard to "lumber and lumber products" in Sub-No. 130F (2) remove the exception of contractor's machinery and equipment, and commodities in bulk in Sub-No. 128F, (3) remove the in bulk restriction in Sub-No. 50, (4) remove size and weight restrictions in Sub-Nos. 10, 39, 52 and 60 (5) remove reference to the facilities of named shippers in Sub-Nos. 23, 30, 45, 42, 49, 52, 60, 72, 73, 75, 79, 105, 111, 116, 121F, 124F, 125F, 128F, 130F, 136F, 133F, 149F, 153F, 154F and 160F, (6) broaden the territorial application to authorize radial authority in lieu of one-way authority in Sub-Nos. 10, 17, 23, 30, 32, 39, 45, 50, 52, 60, 72, 75, 73, 86, 97, 105, 110, 111, 116, 121, 124F, 125F, 130F, 133F, 145F, 149F and 160F, (7) eliminate restrictions to the transportation of traffic originating at or destined to named points or facilities in Sub-Nos. 39, 42, 49, 60, 79, 75, 97, 110, 121F and 135F, (8) broaden the territorial authority from named cities to their respective counties as follows: in Sub-No. 97, Saltville, VA to Smyth County, VA, in Sub-No. 50, Sparta, TN to White County, TN, and in Sub-No. 145, Nashville, TN to Davidson County, TN and Tullahoma, TN to Coffee County, TN and (9) remove the AK and HI exception from all Subs containing authority to points in the U.S.

MC 111231 (Sub-338)X, filed February 17, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as above). Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from general commodities with exceptions, to "general commodities, except classes A and B explosives", and from rice and canned goods to "food and related products"; (2) authorize service at all intermediate points in its regular-route authority between: Kansas City, MO and Fort Smith, AR; Joplin, MO and Vinita, OK; junction U.S. Hwys. 71 and 160 (near Lamar, MO) and Pittsburg, KS; Kansas City, MO and Tulsa, OK; Henryetta, OK and Warner, OK; and DeWitt, AR and Hazen, AR; (3) replace designated one-way irregular-route authority with radial authority between points in AR, TN, KS and MO; (4) remove the restriction limiting service to truck-load quantities in the irregular-route authorities.

MC 111231 (Sub-340)X, filed February 13, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (Same address). Applicant seeks to remove restrictions in its Sub-Nos. 63, 83, 125, 140, 142, 163, 169, 236F, 245F, 262F, 294F, 300F, 305F, 311F and 313F certificates to (1) broaden the commodity descriptions from various iron and steel articles (with certain exceptions), metal articles, aluminum and aluminum articles, and materials, equipment and supplies (in some instances), to "metal products" in each sub-number; (2) remove all exceptions to the commodity descriptions, such as "except such products as are embraced within the commodity description set forth in the *Mercer Extension—Oil Field Commodities*, 74, M.C.C. 459"; "size and weight" commodities; commodities in bulk, etc., wherever they appear in each of the above-numbered certificates; (3) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in Sub-No. 63, Fairbury with Livingston County, IL; in Sub-Nos. 83 and 163, Webb City with Jasper County, MO; in Sub-No. 125, Greenville with Washington County, MS; in Sub-No. 142, remove facilities at Putman County, IL and replace with county-wide authority; in Sub-No. 245F, facilities at Rock Falls and Sterling, with Whiteside County, IL; and in Sub-No. 294F, facilities at Doniphan with Ripley County, MO; (4) expand its one-way authorities to authorize radial service between specified counties or cities in AR, IL, IN, MS, MO, OH, and OK, and, specified States located throughout the U.S. and (5) eliminate the "ex-water" restriction in Sub-No. 125; "ex-rail" restriction in Sub-No. 140; and "originating at and destined to" restriction in Sub-No. 142.

MC 111231 (Sub-341)X, filed February 17, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same address). Applicant seeks to remove restrictions from its Sub-Nos. 119, 135, 165, 217, 246F,

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and 259F certificates to (1) change the commodity descriptions from articles, such as plastic pipe, tubing, conduit, fittings, etc., and cement asbestos pipe, and materials, etc., to "rubber and plastic products" and "clay, concrete, glass or stone products" in each certificate; (2) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in Sub-No. 135, remove named plantsite limitation at Mayes County, OK; in Sub-No. 165, Van Buren, AR with Crawford County, AR; in Sub-No. 246F, facilities at Griffin, GA, with Spaulding County, GA; in Sub-No. 259F, facilities at Paragould, AR, with Greene County, AR; and (3) expand its one-way authorities to authorize radial service between specified points in AR, GA, OK, and TX, and, specified States located throughout portions of the U.S.

MC 113908 (Sub-522)X, filed February 19, 1981. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068, G.S., Springfield, MO 65804. Representative: John E. Jandera, Jandera, Gregg & Barker, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-No. 241 certificate to (1) broaden the commodity description in part (1) from fungible and flowable commodities, in tank and hopper containers, except those of unusual value, to "commodities in bulk"; and (2) remove restriction against the transportation of traffic to AK and HI in its authority to between points in the U.S.

MC 114389 (Sub-No. 19)X, filed February 20, 1981. Applicant: GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, IA 52501. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Applicant seeks to remove restrictions in its Sub-Nos. 14 and 18 permits to (1) broaden the commodity descriptions from car crushers, office machine crushers, motor block breakers, engine pullers, motor and engine puller tractors in Sub-No. 14 and articulated wheel loaders in Sub-No. 18 to "Such commodities and materials, equipment and supplies as are dealt in or used by manufacturers of recycling machinery and equipment," and (2) broaden its territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 115931 (Sub-No. 191)X, filed February 17, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its Sub-Nos. 22, 37, 42, 44, 54F, 56F, 68F, 69F, 84F, 93F, 95F, and 107F certificates, and its authorities in No. MC–136762 and Sub-Nos. 1, 3, and 8 acquired in MC–F–13528, by (1) broadening the commodity descriptions in its (a) Sub-Nos. 22, 42, 44, 54F, 56F, 68F, 69F, 84F, 93F, 95F, and 107F certificates and lead certificate MC–136762 and Sub-No. 3 to "lumber and wood products" from lumber and lumber products, precut log buildings, knocked down or in sections, waferboard, poles and posts, wood products, and, wood particle board, (b) Sub-No. 37 to "furniture and fixtures" from casual wood furniture, and, (c) MC–136762 and Sub-Nos. 1 and 8 to "pulp, paper and related products" from wood fiberboard; (2) authorizing county-wide authority: in Sub-No. 37, Humboldt County, CA, for Eureka, CA; in Sub-No. 42, Missoula County, MT, for Missoula, MT, in Sub-No. 44, Fremont County, WY, for Riverton, WY; in Sub-No. 54F, Sheboygan County, WI, for Plymouth, WI; in Sub-Nos. 69F and 95F, Crook County, WY, for Hulett, WY; in Sub-No. 95F, Kandiyohi County, MN and Weston County, WY, for Willmar, MN and Osage, WY; in its lead MC–136762 and Sub-No. 1 certificates, Mendocino County, CA, for Ukiah, CA; in Sub-No. 3, Placer County, CA, for Rocklin, CA; and, in Sub-No. 8, Orange County, CA, for Santa Ana, CA; (3) in all certificates, except Sub-No. 84F, authorizing radial authority in place of existing one way service between various points in the U.S.; (4) in Sub-Nos. 37, 42, 54F and 84F, removing the restriction against service to AK, HI, MT, WI; (5) in Sub-Nos. 37, 42 (part 1), 54F, lead MC–136762 and Sub-Nos. 1, 3, and 8 certificates, removing the plantsite and/or warehouse facilities limitations; (6) in Sub-Nos. 42, 44, 95F, and 107F, removing restriction against joint-line service; and, (7) in Sub-Nos. 44 and 95F, eliminating the restriction limiting service to the transportation of traffic originating at and/or destined to named points.

MC 119837 (Sub-No. 20)X, filed February 17, 1981. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois Avenue, Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 9, 11, 13, 14F, and 16F certificates to (1) broaden the general commodities descriptions (with the usual exceptions) to "general commodities (except classes A and B explosives)", (2) allow service at all intermediate points between: Memphis, TN and West Plains, MO in the lead; Imboden and Pocahontas, AR, Imboden and Smithville, AR, Black Rock and Lynn, AR, and, Jct. U.S. Hwy. 63 and AR Hwy. 91, 2 miles southeast of Hoxie and Pocahontas, AR in Sub-No. 8; Cotton Plant and Des Arc, AR, Cotton Plant and Augusta, AR, Brinkley and Hazen, AR, Des Arc and Hazen, AR, and, Brinkley and Lonoke, AR in Sub-No. 13; and Memphis, TN and Turrell, AR in Sub-No. 14, (3) remove the restriction limiting service at Turrell, AR for purposes of joinder only in Sub-No. 14, (4) remove the restriction against service between Memphis, TN and Holly Springs, MS in Sub-No. 9, (5) remove the restriction against the transportation of traffic moving between St. Louis, MO-East St. Louis, IL, commercial zone and Memphis, TN, and points in the Memphis commercial zone in the lead, and (6) replace the off-route plantsite limitation with city-wide authority to serve Lanton, MO in Sub-No. 16F.

MC 121470 (Sub-No. 78)X, filed February 18, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 15F, 16F, 19F, 56F, 60F, 63F, 84F, certificates to (1) broaden the commodity description from (a) prefabricated, insulated and jacketed piping systems, prefabricated manhole assemblies, parts, attachments and accessories (Sub-No. 15), central heating and air conditioning units and such commodities as are used in the installation of those commodities (Sub-No. 16), air conditioning equipment and furnaces, parts, accessories, materials and equipment (Sub-No. 56), to "metal products" (b) mining and industrial conveyors, materials, equipment, and supplies (Sub-No. 19), fabricated steel dust collectors and water pollution control equipment (Sub-No. 60) self-propelled machinery (Sub-No. 63) and self-propelled articles weighing 15,000 pounds or more (Sub-No. 64) to "machinery"; (2) replace plantsite facilities with countywide authority as follows: Wilson County for Lebanon, TN, in Sub-No. 15; Davidson County for Nashville, TN, in Sub-No. 16; Rutherford County for Murfreesboro, TN, in Sub-No. 19; Knox County for Knoxville, TN, in Sub-No. 60; Hamilton County for Chattanooga, TN, in Sub-No. 63; Rutherford County for La Vergne, TN and Peoria County for Peoria, IL, in Sub-No. 64, (3) authorize radial service in lieu of existing one-way authority in all of the above Sub-Nos. except Sub-19, primarily between the above counties numerous points in the U.S. (4) remove the exceptions of AK and HI and in Sub-Nos. 15, 16, 19, 63, and the State of TN, in Sub-No. 15, (5) remove the in bulk exceptions in Sub-Nos. 15, 19, and (6) remove originating at and/or destined to restrictions.

MC 121821 (Sub-14)X, filed February 17, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Altanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 11F certificates to (1) broaden the commodity description from general commodities (with usual exceptions) to general commodities (except classes A and B explosives) (2) authorize service to all intermediate points along described regular routes between: Nashville, TN and Knoxville, TN, Cookeville, TN and Chattanooga, TN, Knoxville, TN and Chattanooga, TN, and Nashville, TN and Chattanooga, TN, in Sub-No. 2F; and Atlanta, GA and Loudon, TN, in Sub-No. 11F and (3) remove the restriction against service to points in that part of the Chattanooga, TN commercial zone which are in GA, in Sub-No. 2F.

MC 125335 (Sub-115)X, filed February 17, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 2, 10F, 14F, 15F, 41F, 58F, 69F, 90F, to (1) broaden the commodity from meat, meat products, meat-by-products, articles distributed by meat packing houses, dairy products, and frozen foods, to "meats, packing-house products, and commodities used by packing houses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (1952) and 766 (1953); in all referenced Sub-Nos. (2) eliminate restrictions excluding the shipments of hides, in bulk, in tank vehicles, tankage, feathers, and feather meal, in all referenced authorities, (3) authorize radial service in lieu of existing one-way authority in Sub-Nos. 2, 10, 14, 15, 41, 58, and 90, between various combinations of Eastern and Midwestern States; (4) replace facilities restrictions with country-wide authority: Rockingham County for Broadway, VA, in Sub-No. 2; Colfax County for Schuyler, NE, in Sub-No. 10; Emmet, Humboldt and Woodbury Counties for Esterville, Humboldt and Sioux City, IA, and Minnehaha County for Sioux Falls, SD, in Sub-Nos. 14 and 15; Dakota County for Dakota City, NE, in Sub-No. 41; Crawford County for Denison, IA, in Sub-No. 58; Hancock and Cerro Gordo Counties for Britt and Mason City, IA, in Sub-No. 69; Rock Island County for Joslin, IL, in Sub-No. 90, (5) eliminate restrictions against the transportation (A) of frozen foods, destined to SC, TN, and KY, (B) of dressed poultry to Omaha, NE, and points in CT, FL, GA, IA, IL, IN, KY, MA, MI, MN, SC, TN, and WI, and (C) of apples and peaches from and to named points in VA and DC, MD, PA, and NY in Sub-No. 2.

MC 142544 (Sub-1)X, filed February 20, 1981. Applicant: GLASS TRUCKING COMPANY, Box 276, Newkirk, OK 74647. Representative: C. L. Phillips, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 16, 17, and 18 permits to (1) broaden the commodity description from (a) flour and mill feed, wheat flour, flour products to "food and related products" in lead and Sub-Nos. 2, 5, 6, 10, 16, 17, 18 and (b) baler wire, fencing, nails, fence posts, reinforcing bars, wire, wire products, fencing materials, welded wire panels, coiled steel wire rods to "metal products" in Sub-Nos. 3, 7, 8, 11, 12, (2) authorize service to between points in the U.S., under continuing contract(s) with named shippers in all referenced authority, (3) eliminate the restriction in bags, in bulk, in containers, and size or weight limitations in lead and Sub-Nos. 2, 3, 5, 6, 7, 10, 11, 13, 16, and (4) remove the exception of service to AK and HI in Sub-No. 12.

MC 142772 (Sub-10)X, filed February 5, 1981, previously noticed in the **Federal Register** of February 20, 1981, republished as corrected this issue. Applicant: HRDLICKA ENTERPRISES, INC., Route 7, Box 59, Chippewa Falls, WI 54729. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-No. 9 certificate to expand its one-way authority to radial authority authorizing service between the facilities of Potlatch Corporation in Minnesota, and points in the U.S. in and west of MI, PA, OH, KY, TN, and AL, and remove a restriction limiting service to shipments originating at the facilities of Potlatch Corporation. The purpose of this republication is to show the correct docket number to be MC 142772 (Sub-No. 10)X in lieu of MC 142772 (Sub-No. 9)X.

MC 142920 (Sub-21)X, filed February 18, 1981. Applicant: OLIVER TRUCKING CORP., 2203 West Oliver St., Indianapolis, IN 46231. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restictions in its lead and Sub-Nos. 1F, 2F, 3F, 4F, 5F, 8F, 9F, 12F, 13F, 14F, 15F, 16F, and 17F permits, by eliminating "except in bulk" restrictions in its various commodity authorities generally granting authority to transport such commodities as are dealt in by named industries (e.g. educational supply industry, and retail department stores) and broadening the territorial descriptions between points in the U.S. under continuing contract(s) with named shippers.

MC 143331 (Sub-18)X, filed February 17, 1981. Applicant: FREIGHT TRAIN TRUCKING, INC., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restictions in its lead and Sub-Nos. 4F, 6F, 9F, 10F, 11F, 14F and 15F permits to (1) broaden the commodity descriptions from (a) plastic bottle or can carriers to "such commodities as are dealt in or used by manufacturers of bottle and can carriers" in the lead and Sub-No. 4F; (b) dry noodles and dehydrated soups to "food and related products" in Sub-No. 6F; (e) insulating materials to "such commodities as are dealt in or used by manufacturers of insulating materials" in Sub-Nos. 9F and 15F; (d) plastic and glass articles and materials, equipment and supplies to "such commodities as are dealt in or used by manufacturers of plastic and glass articles" in Sub-No. 10F; (e) plastic articles to "such commodities as are dealt in or used by manufacturers of plastic articles" in Sub-Nos. 11F; and (f) charaocal, charcoal briquettes, wood chips, compressed sawdust, fireplace logs, lighter fluid, and barbecue supplies to "such commodities as are dealt in or used by manufacturers of barbecue supplies" in Sub-No. 14F; and (2) broaden the territorial description in its permits to between points in the U.S. under continuing contract(s) with named shippers.

MC 144678 (Sub-36)X, filed January 30, 1981. Applicant: AMERICAN FREIGHT SYSTEMS, INC., 9393 West 110th Street, Overland Park, KS 66210. Representative: Harold H. Clokey (same as applicant). Applicant was authorized in Docket No. MC–F–13354 to merge the operating rights and properties of All American, Inc. (AAI), MC 29210 and Subs thereunder and Terminal Transport Company, Inc. (TTC), MC 22229 and Subs thereunder. Applicant seeks a certificate in its name combining the operating rights heretofor granted to AAI in MC 29120 and Subs thereunder and to TTC in MC 22229 and Subs thereunder. Applicant holds regular and irregular general commodity authority and some specific commodity irregular route authority throughout various midwestern, eastern, and southeastern States. Applicant seeks to remove

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restrictions in (a) its lead certificate No. MC 22229 and Sub-Nos. 25, 39, 46, 51, 53, 59, 62, 71, 73, 83, 96, 102, 106, 108 (acquired in MC–F–12802) and 118 (acquired in MC–F–13315) which authorize service over regular routes extending through FL, GA, AL, TN, KY, IN, IL, WI, MO, OH, MI, PA, NY, MA, and CT; (b) its lead certificate No. MC 29120 and Sub-Nos. 43, 47, 48, 53, 58, 75, 79, 99, 100, 106, 108, 119, 120, 123, 135, 143, 144, 151, 156, 182, 183, 190, 193, 197, 207, and 209 (acquired in MC 12801) which authorize service over regular routes extending through CO, NE, SD, ND, MN, IA, KS, OK, TX, MS, WI, IL, and IN to broaden (1) the commodity description from general commodities (with exceptions) to "general commodities" (except classes A and B explosives and household goods as defined by the Commission) and (2) the territorial descriptions to serve all intermediate points on the described regular routes. It also seeks to remove restrictions to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities" (except classes A and B explosives and household goods as defined by the Commission) in those operating rights acquired by AAI in Dockets MC–F–12417, MC–F–12812, and MC–F–12986, and in those operating rights acquired by TTC in Dockets MC–F–12802, MC–F–12299,MC–F–13315, and MC–F–13325 and (2) authorize service at all intermediate points in (a) MC–F–12812 which authorizes regular route service in MA, (d) MC–F–12229 which authorizes regular route service in NE, (b) MC–F–12986 which authorizes regular route service through MN, IA, MO, KS, OK, and TX, (c) MC–F–12802 which authorizes regular route service in IN and OH, (e) MC–F–13315 which authorizes regular route service in CT and MA, and (f) MC–F–13325 which authorizes regular route service in CT and MA. Applicant also seeks to remove restrictions in certificates authorizing service over alternate routes for operating convenience only as set forth in (a) lead certificate MC 22229 and Sub-Nos. 46, 52, 53, 54, 55, 56, 57, 59, 70, 73, 83, and 91; (b) MC–29120 Sub-Nos. 47, 55, 67, 70, 77, 78, 80, 83, 88, 91, 104, 114, 129, 130, 131, 142, 168, 180, 186, 187, 189, 190, 193, and 195; and (c) MC–F–12986 by broadening the commodity descriptions from general commodities with the ususal exceptions, to general commodities (except classes A and B explosives and household goods as defined by the Commission). It also seeks to remove exceptions to its general commodity authorities (except classes A and B explosives and household goods as defined by the Commission) in (1) its irregular route authorities set forth in (a) lead certificate MC 22229 and Sub-Nos. 71, 73, and 83; (b) lead certificate MC 29120 and Sub-Nos. 97, 151, 191; (c) MC–F–13325; (d) MC–F–12986; and (e) MC–F–12417; and (2) its regular route certificates authorizing service to off-route points as set forth in lead certificates (a) MC 22229 and Sub-Nos. 40, 42, 45, 46, 47, 49, 61, 72, 73, 74, 75, 76, 78, 79, 83, 85, 97, 98, 99, 103, 104, 110, 111, 112, 115, 120, and in (b) MC 29120 (Sub-No. 152). It also seeks to authorize radial service wherever one-way authority only is authorized in (a) lead certificate MC 22229 and Sub-Nos. 58, 79, 82, 83, 100, 117 and (b) lead certificate MC 29120 and Sub-Nos. 52, 81, 93, 96, 98, 101, 105, 111, 112, 116, 122, 124, 125, 132, 134, 137, 138, 140, 153, 155, 160, 163, 164, 170, 171, 175, 176, 185, 188, 191, 198, 200, 203, 204, and 208; (c) MC–F–12417; and (d) MC–F–12812. It also seeks to eliminate a variety of other restrictions contained in its regular route certificates, including, (1) interlining restrictions in (a) lead certificate MC 22229 and Sub-Nos. 39, 62, and 71; and in (b) lead certificate MC 29120 and Sub-Nos. 108, 123, 156, and 209 (MC–F–12801); (2) directional restrictions in (a) MC 22229 (Sub. Nos. 46 and 102) and (b) lead certificate MC 29120 and Sub-No. 53; (3) restrictions allowing service at named points, termini, or specific highways "for purposes of joinder only" in (a) lead certificate MC 22229 and Sub-Nos. 39, 53, 59, 96 and 118 (MC–F–13315); (b) lead certificate MC 29120 and Sub-Nos. 43, 100, 123, 143, and 197; (4) tacking restrictions in MC 22229 (Sub-No. 71) and MC 29120 (Sub-No. 135), (5) restrictions against the transportation of livestock in MC 29120 (Sub-Nos. 123 and 156); and (6) restrictions allowing only the pickup and delivery of general commodities at the termini, intermediate and off-route points only in lead certificate MC 29120, route 41. Applicant also seeks in No. MC 29120: (a) lead certificate, route 35, over regular routes in IL and IA, to remove a restriction against pickup and delivery of commodities of unusual value and other usual exception; (b) Sub-No. 182 over regular routes in ND, to remove a restriction against the transportation of traffic moving radially between Grand Forks, ND, and Fargo, West Fargo, Southwest Fargo, and Union Stockyards, ND, and Moorehead, MN; (c) Sub-No. 123 over regular routes in MO and NE to remove the restriction against the transportation of hides, the interlining restrictions, and the restriction against local service between Kansas City and St. Joseph, MO and their commercial zones.

MC 144874 (Sub-5)X, filed February 19, 1981. Applicant: HARRY J. BERRY d.b.a. BERRY TRUCKING, P.O. Box 658, Penns Grove, NJ 08069. Representative: Hebert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 2F certificates, to (1) broaden the commodity descriptions by eliminating the "except in bulk" restrictions and change fiberglass and plastic gasoline storage tanks, preconditioners, ducts, and industrial ventilating equipment to "rubber and plastic products, metal products, and building materials"; (2) remove the facilities limitation at Penns Grove, NJ and change city-wide to county-wide authority from Penns Grove to Salem County, NJ and one-way authority to radial authority between: Salem County, NJ and points in the U.S.

MC 145375 (Sub-7)X, filed February 18, 1981. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Applicant seeks to remove restirctions in its MC 149434F permit by (1) broadening the commodity description from (a) textiles to "textile mill products," (b) resin plasticizers, insecticides, bleach assistant compounds, food preserving compounds, chemical feed supplements (not frozen), rubber preservatives, rubber accelerators, heat transfer agents and media, and chemicals, (except in bulk) to "chemicals and related products," and (c) plastic film and plastic sheeting (except in bulk) to "rubber and plastic products," and (2) broadening the territorial description to between points in the U.S. under continuing contract(s) with named shipper.

MC 148797 (Sub-3)X, filed February 19, 1981. Applicant: RICHARD L. WHITE, d.b.a. RICHARD L. WHITE TRUCKING, 2446 Stella, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its Sub-No. 2F permit (1) by broadening the commodity description from agricultural chemicals to "chemicals and related products" and (2) by changing the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 150434 (Sub-3)X, filed February 18, 1981. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 S. Reservoir St., Pomona, CA 91766.

Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its MC 138941 Sub-Nos. 21F, 22F, 26F, 30F, 31F, 35F, 36F, 40F, and 41F permits by (1) broadening the commodity description (a) from laminated plastics and liquid adhesives (except in bulk) in Sub-No. 21 to "rubber and plastic products and chemicals and related products"; (b) from plastic granules and pellets (except commodities in bulk) in Sub-No. 22, plastic film, sheeting and bags in Sub-No. 30F, and plastic articles (except commodities in bulk) and materials, equipment and supplies used in the manufacture and distribution of plastic articles (except commodities in bulk) in Sub-No. 31F and 41F, to "rubber and plastic articles"; (c) from drugs, shampoo, soap and toilet articles (except commodities in bulk) in Sub-No. 26 and hair care toiletries and materials, equipment, and supplies used in the packaging, manufacture, and distribution of toiletries and toiletry equipment (except commodities in bulk) in Sub-No. 35F to "chemicals and related products"; (d) from soy products, paste, flour products, and dairy based products and materials, equipment, and supplies used in the manufacture, distribution, and sale of the foregoing commodities (except commodities in bulk) in Sub-No. 36F to "food and related products"; and (e) from unexposed photographic film and chemicals (except in bulk) in Sub-No. 40F to "instruments and photographic goods and chemicals and related products"; and (2) expanding its territorial description to between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81-7004 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 26115 (Sub-11)]

Boston and Maine Corp., Debtor, Reorganization, Lease of Northern Railroad—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the lease of the Northern Railroad (Northern) by the Boston and Maine Corporation, Debtor (B&M) from the requirements of 49 U.S.C. 11343 for prior approval of the transaction.

DATES: Exemption effective 30 days after the date of this publication in the Federal Register. Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: SEND PLEADINGS TO:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, DC 20423;

(2) Petitioner's representative: Charles W. Mulcahy, Jr., 150 Causeway St., Boston, MA 02114;

Pleadings should refer to Finance Docket No. 26115 (Sub-11).

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION: B&M is a railroad in reorganization pursuant to section 77 of the Bankruptcy Act, 11 U.S.C. 205. (See *In the Matter of Boston and Maine Corporation, Debtor*, No. 70–250–M, United States District Court for the District of Massachusetts, hereafter the Reorganization Court.) Robert W. Meserve and Benjamin H. Lacy, trustees of B&M, have filed a petition to exempt their lease of Northern from the requirement of prior Commission approval under 49 U.S.C. 11343.

The Proposed Transaction

Northern extends from Concord, NH to White River Junction, VT. B&M's lines extend generally from Rotterdam Junction, NY, on the west, to Boton, MA and Portland, ME, on the east, to Worcester and Springfield, MA on the south, and to Groveton, NH, on the north.

B&M has been operating Northern under a 99-year lease agreement entered into on December 30, 1889, and amended in 1936, 1945 and 1958. (The original lease was assigned to B&M from Boston and Lowell Railroad Corporation on February 28, 1890.) Petitioners sought to enter into a new lease for the period beginning on January 1, 1979, and terminating on the first of the following dates or events: (1) December 31, 1989, (2) liquidation of B&M under section 77(g) of the Bankruptcy Act, or (3) termination of the reorganization proceeding.

The proposed new lease is substantially similar to the prior lease. The main differences are that the new lease reduces the annual rent from $189,109 to $80,000 and requires B&M to spend a minimum of $20,000 to maintain Northern's property at either its present condition or Federal Railroad Administration Class I track standards, whichever is higher. (Under the prior lease, B&M was required to maintain and return Nothern's property in the same condition as when originally leased.)

Petitioners assert that the proposed lease will be of substantial benefit to the B&M estate and is in the public interest. They also assert that the transaction will have no adverse effect on the quality of the human environment.

The proposed new lease has been approved by the Reoganization Court, subject to our approval.

The Statute

The lease and operation by a carrier of another carrier requires authorization by us under 49 U.S.C. 11343. To seek Commission approval an application must be filed in compliance with *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures*, 49 CFR Part 1111 (1978) (Consolidation Procedures). Petitioners have requested an exemption from 49 U.S.C. 11343 so that they will not have to file a formal application under the Consolidation Procedures.

Because the new lease is substantially the same as the prior lease which has been in effect for almost 90 years, petitioners believe that prior approval of the transaction is unnecessary to protect the public interest.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980), the Commission is authorized to exempt a transaction when it finds that (1) continued regulations is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power. [1]

Discussion and Conclusion

In *Railroad Consolidation Procedures*, 363 I.C.C. 200, 225–228 (1980), we listed six types of transactions which were exempt under section 10505. Among the six categories are renewals of leases between rail carriers where the Commission has previously authorized the transaction, and only an extension of time is involved (49 CFR 1111.5(c)(4)). The orginal lease involved here was entered into in 1889. Since the Commission did not obtain jurisdiction over leases between rail carriers until 1920, [2] the original lease was not subject to Commission jurisdiction. Our records show that none of the subsequent

[1] Under former section 10505, the Commission could exempt a transaction because of its limited scope when it finds that continued regulations (1) is not necessary to carry out the transportation policy of 49 U.S.C. 10101, (2) would be an unreasonable burden, and (3) would serve little or no useful public purpose.

[2] Transportation Act of 1920, Pub. L. No. 152, 41 Stat. 460, February 28, 1920.

amendments to the original lease were ever submitted to the Commission for approval even though they occurred after 1920. Because the Commission has never reviewed and authorized the existing lease, the proposed new lease does not come within 49 CFR 1111.5(c)(4). We believe, however, that it does satisfy the criteria of section 10505 and should be exempted.

In enacting section 10505, and the recent amendments of the Staggers Act, Congress intends for us to eliminate unnecessary regulation. See, for example, H. R. Rep. No. 96–1430, 96th Cong., 2nd Sess., 104–105 (1980) and 49 U.S.C. 10101a(2). The power to exempt from regulation enables the Commission and railroads to commit their limited resources to areas where they are most needed by enabling the Commission to effectively deregulate those areas which have no significant bearing on the overall regulatory scheme. We believe that the proposed lease is the type of limited transaction which Congress intended us to exempt.

The record demonstrates that the proposed lease involves little substantive change over the prior lease and will merely allow a continuation of an arrangement which has been in effect for some 90 years. It will not change operations or affect competitors or employees.

We conclude that the proposed transaction is of limited scope and of minimal transportation importance. Our detailed scrutiny of the transaction under the Consolidation Procedures is not necessary to carry out the goals of the rail transportation policy of section 10101a. In fact, our approval of the exemption would actually facilitate at least one of those goals. The second objective listed under section 10101a is to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power. We note, however, that since the new lease will merely maintain the status quo, there is little likelihood that it would have any impact on shippers.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2).) Therefore, we will require, as a condition to use of this exemption, the same level of labor protection as is usually required in lease transactions. We have determined that the employee protective conditions developed in *Mendocino Coast Ry., Inc. Lease and Operate,* 354 I.C.C. 732 (1978), as modified in 360 I.C.C. 653 (1980), satisfy the statutory requirements for protection of employees involved in a lease transaction. The exemption, therefore, will be subject to those protective provisions.

Prior Criteria. In addition to meeting the criteria of section 10505, as amended by the Staggers Act, this proposal also meets the criteria of former section 10505. We have already determined that the transaction is of limited scope. Furthermore, the discussion relating to 49 U.S.C. 10101a also applies to the National Transportation Policy of 49 U.S.C. 10101a. Because of the transaction's limited scope and the resources required to prepare and review an application under 49 U.S.C. 11343 our review of the transaction would place an unreasonable burden on petitioner and would serve little or no useful public purpose.

The exemption granted here will become effective 30 days from the date this decision is published in the **Federal Register.** Any interested person(s) may file a petition to reopen this proceeding for reconsideration in accordance with Rule 98(d) of the Commission's Rules of Practice (49 CFR 1100.98(d)). The petition must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action, except that the Commission may, on its own motion or on petition, stay the effective date. A petition to stay must be filed no later than 10 days following the date of publication.

We fine:

(1) The application of the requirements of 49 U.S.C. 11343 to the lease by Boston and Maine Corporation of the Northern Railroad is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707, or (b) to protect the interest of its employees as required by 49 U.S.C. Subtitle IV.

(4) This decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt from the requirements of 49 U.S.C. 11343 the lease by Boston and Maine Corporation of the Northern Railroad, subject to the conditions for the protection of employees set forth in *Mendocino Coast Ry. Inc.—Lease and Operate,* 354 I.C.C. 732 (1978), as modified at 360 I.C.C. 653 (1980).

(2) B&M and Northern shall have 60 days after consummation of the lease to submit three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register,** for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The parties must consummate the transaction during that time in order to take advantage of the exemption.

(5) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(6) Petitions to stay the effective date of this decision must be filed not later than 10 days after the date of publication in the **Federal Register.**

(7) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: February 23, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7038 Filed 3–4–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY3–005

Decided: February 25, 1981.

MC 59655 (Sub-42), filed February 9, 1981. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Rd., Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 59655 (Sub-44), filed February 9, 1981. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 115554 (Sub-38), filed February 9, 1981. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. No. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402–275–6761. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 117685 (Sub-5), filed February 9, 1981. Applicant: CONSOLIDATED TRUCK SERVICE, INC., 1 Scout Ave., Kearney, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147434 (Sub-2), filed February 9, 1981. Applicant: NEW JERSEY DELIVERY SERVICE, INC., P.O. Box 341, Paterson, NJ. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 201–234–0301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY4–005

Decided: February 26, 1981.

MC 152448 (Sub-2), filed February 9, 1981. Applicant: BEE LINE HOT SHOT SERVICE, INC., 6601 S. May, Oklahoma City, OK 73159. Representative: C. L. Phillips, 1411 N. Classen, Oklahoma City, OK 73106 (405) 528–3884. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81–7033 Filed 3–4–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 416]

Motor Carriers; Decision-Notice

Decided: February 25, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1975) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent , if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decison which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will

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be represented by other parties, (e) the extent to which petitioner's participation may resonably expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, and applicant must provide a copy of the tentative rate schedule to any protestant.

Futher processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to their requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transporation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3, Members Fortier, Hill, and Parker.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 32882 (Sub-123F,) filed October 1, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same address as applicant). Transporting *fireplace logs*, from points in Park County, MT, to those points in the U.S., in and west of WI, IL, MO, AR, and TX (except MT, AK, HI), restricted to traffic originating at the facilities of Northwest Forest Fuels, Inc.

MC 142672 (Sub-85F), filed October 1, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Corpus Christi, TX, to points in MD, NJ, NY, PA, and DC.

[FR Doc. 81-7035 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. OP3-167]

Motor Carriers; Decision-Notice

Decided: February 9, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duty noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commision, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Morgenovich,

Secretary.

MC 151365 (Sub-2), filed December 10, 1980. Applicant: MAC OF WINSCONSIN, INC., 26 Lake View Drive, Sullivan, WI 53178. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *metal and metal products*, between Watertown and Osceola, WI, on the one hand, and, on the other, points in the U.S.

Note.—This application is directly related to MC-F 14528, published in this same **Federal Register** issue.

[FR Doc. 81-7036 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP3-024

Decided: February 20, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill. (Member Parker not participating.)

MC 14252 (Sub-82), filed February 5, 1981. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham (same as applicant), 614-239-6161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with GTE Service Corp., of Stanford, CT.

MC 20722 (Sub-42), filed January 21, 1981. Applicant: M & G CONVOY, INC., 580 Elk St., Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, (313) 645-9600. Transporting *transportation equipment*, (1) between points in Albany County, NY, on the one hand, and, on the other, points in IA, MN, ND, SD, and WI, and (2) between points in New Castle County, DE, on the one hand, and, on the other, points in NC, SC, TN, and VA.

MC 59292 (Sub-47), filed February 6, 1981. Applicant: THE MARYLAND TRANSPORTATION CO., a corporation, 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: C. J. Braun, Jr. (same address as applicant), 301-355-5800. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, and Philadelphia, PA, on the one hand, and, on the other, points in OH, and those points in PA west of U.S. Hwy 219.

MC 107012 (Sub-651), filed February 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429-2110. Transporting *clay, concrete, glass or stone products* between points in San Diego county, CA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-657), filed February 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), 219-429-2110. Transporting *metal products and lumber or wood products* between points in WA, on the one hand, and, on the other, points in the U.S.

MC 107983 (Sub-18), filed January 27, 1981. Applicant: COLD-WAY EXPRESS, INC., Box 26, Morton, IL 61550. Representative: Al Schmied (same address as applicant), (309) 266-9092. Transporting *meats, meat products, meat by-products, and articles*

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distributed by meat-packing houses, between points in Warren, Tazewell, and Peoria Counties, IL, on the one hand, and, on the other, points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and DC.

MC 110012 (Sub-82), filed February 3, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in Cocke County, TN, on the one hand, and, on the other, points in the U.S.

MC 138432 (Sub-20), filed January 21, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W Madison St., Chicago, IL 60602, (312) 728–6525. Transporting *machinery and rubber and plastic products,* between points in Monroe and Marion Counties, IN, on the one hand, and, on the other, points in IL, KS, MA, MO, FL, PA, and TX.

MC 144913 (Sub-6), filed February 6, 1981. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Road, Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, 404–949–7756. Transporting *food and related products* between points in Dade and Hillsborough Counties, FL, Mobile County, AL, Harrison County, MS and Charleston County, SC, on the one hand, and, on the other, points in Atlanta, GA.

MC 144922 (Sub-7), filed January 27, 1981. Applicant: A.T.F. TRUCKING CO., INC., Route 11, Box 507–B, Birmingham, AL 35210. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting *food and related products,* between points in the U.S., on the one hand, and, on the other, the facilities of Borden's Incorporated, at points in the U.S. Condition: Applicant has requested prior or coincidental cancellation of its authority under MC–144922 Sub 5, upon issuance of a certificate in this proceeding.

MC 146573 (Sub-14), filed February 2, 1981. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *ores and minerals, and metal products,* between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 146573 (Sub-15), filed February 2, 1981. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *ores and minerals, and metal products, rubber and plastic products, and building materials,* between points in Peoria County, IL, and Shelby County, OH, on the one hand, and, on the other, points in IL, IN, OH, MO, and CO.

MC 147662 (Sub-6), filed February 2, 1981. Applicant: KMC TRANSPORT, INC., P.O. Box 962, Caldwell, ID 83605. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *such commodities as are dealt in or used by manufacturers of recreational vehicles and mobile homes,* between points in the U.S. under a continuing contract(s) with Kit Manufacturing Company of Long Beach, CA.

Volume No. OP2–025

Decided: February 19, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Parker not participating.)

MC 63562 (Sub-79), filed January 26, 1981. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, (515) 243–4191. Transporting *general commodities* (except classes A and B explosives), between points in St. Charles County, MO, on the one hand, and, on the other, points in the U.S.

MC 85413 (Sub-14), filed January 23, 1981. Applicant: LONG'S EXPRESS, INC., 1204 Dinwiddie Ave., Richmond, VA 23224. Representative: Kenneth W. Long (same address as applicant), (804) 231–6293. Transporting *general commodities* (except classes A and B explosives), between points in DE, GA, NC, SC, MD, PA, TN, VA, and DC.

Note.—Applicant holds regular-route authority with which it intends to tack to perform a direct service.

MC 109312 (Sub-43), filed January 23, 1981. Applicant: DE CAMP BUS TOURS, INC., 101 Greenwood Ave., Montclair, NJ 07042. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017, (212) 532–5181. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in NJ, and extending to points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 127812 (Sub-30), filed January 30, 1981. Applicant: TYSON TRUCK LINES, INC., 185 5th Avenue, SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *general commodities* (except classes A and B explosives), between points in MN, WI, ND and SD.

MC 139583 (Sub-3), filed January 22, 1981. Applicant: DEDICATED FREIGHT SYSTEMS, INC., 5800 Grant Avenue, Cleveland, OH 44105. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *transportation equipment* between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 141932 (Sub-42), filed January 19, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Condition: At carrier's written request, issuance of this certificate is conditioned upon coincidental cancellation of all of the carrier's existing certificates and concurrent cancellation of all pending authorities.

MC 142872 (Sub-180), filed January 2, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Box Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *rubber and plastic products,* (1) between Dallas, TX, on the one hand, and, on the other, points in AR, CO, KS, LA, NE, and OK, and (2) between points in Bedford County, TN, on the one hand, and, on the other, points in AL, AR, GA, IA, IL, IN, KS, KY, LA, MN, MO, MS, NC, OH, SC, WI, and WV.

MC 148423 (Sub-12), filed January 21, 1981. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative: R. Napier Murphy, 700 Home Federal Bldg., Macon, GA 31201. Transporting *ores and minerals, coal and coal products, and clay, concrete, glass or stone products,* between points in FL and GA.

MC 151642, filed January 26, 1981. Applicant: AUBREY L. JONES, d.b.a. JONES TRUCKING SERVICE, Stewardson, IL 62463. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *chemicals, and related products,* between points in IL, IA, IN, MN, MO, and WI.

Volume No. OP4–036

Decided: February 23, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 29886 (Sub-383), filed February 2, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *transportation equipment,* between points in King County, WA, on the one hand, and, on the other, points in the U.S.

MC 69036 (Sub-14), filed February 2, 1981. Applicant: COOL TRUCKS, INC., Glenwood, IA 51534. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packers Company, of Chicago, IL.

MC 105566 (Sub-242), filed February 2, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia, VA 22312. Transporting *printed matter,* between points in the U.S., under continuing contract(s) with R. R. Donnelley & Sons Company, of Chicago, IL.

MC 139006 (Sub-25), filed February 2, 1981. Applicant: RAPIER SMITH, R.R. 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *food and related products,* (1) between points in Nelson County, KY, on the one hand, and, on the other, points in Sebastian County, AR, Will County, IL, Orleans Parish, LA, Wayne County, MI, Monmouth County, NJ, and San Mateo County, CA, (2) between ports of entry on the international boundary line between the U.S. and Canada in NY and MI, on the one hand, and, on the other points in Sebastian County, AR, Will County, IL, Nelson County, KY, and Orleans Parish, LA, (3) between points in Hamilton County, OH, on the one hand, and, on the other, points in Sebastian County, AR, Nelson County, KY, Orleans Parish, LA, and Monmouth County, NJ, (4) between ports of entry on the international boundary line between the U.S. and the Republic of Mexico in TX, on the one hand, and, on the other, points in Sebastian County, AR, (5) between points in NY, PA, NJ, MD, FL, AL and LA, on the one hand, and, on the other, points in Sebastian County, AR, Hamilton County, OH, Will County, IL, Nelson County, KY, and Monmouth County, NJ, (6) between points in Crawford County, GA and Polk County, FL, on the one hand, and, on the other, points in Sebastian County, AR, and (7) between points in CA, on the one hand, and, on the other, points in Sebastian County, AR, Will County, IL, Orleans Parish, LA, and Nelson County, KY.

MC 140986 (Sub-15), filed January 28, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank St., Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Iomedix, Inc., of Whippany, NJ.

MC 147886 (Sub-13), filed January 27, 1981. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting (1) *agricultural machinery and agricultural implements,* between points in Nansemond County, VA, on the one hand, and, on the other, points in the U.S., and (2) *building materials,* between points in Madison County, TN, and Lake and Will Counties, IL, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC.

Volume No. OP4–037

Decided: February 23, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman. (member Chandler not participating.)

MC 21866 (Sub-190F), filed January 6, 1981, previously noticed in the **Federal Register** issue of January 23, 1981, and republished this issue. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *automotive parts,* and *materials, equipment, and supplies* used in the manufacture and distribution of automotive parts, between the facilities of Ford Motor Company in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 71296 (Sub-10), filed February 2, 1981. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Ave., Ft. Atkinson, WI 53538. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *general commodities* (except classes A and B explosives), between points in Ozaukee, Washington, Dodge, Columbia, Sauk, Dane, Jefferson, Waukesha, Milwaukee, Green, Rock, Walworth, Racine, and Kenosha Counties, WI, and Winnebago, Boone, McHenry, Du Page, Kane, Ke Kalb, Lake, Cook, and Will Counties, IL.

Note.—Applicant states it intends to tack this authority with its existing regular-route authority.

MC 112296 (Sub-6), filed February 2, 1981. Applicant: J. D. CLINE TRANSFER, INC., 620 W. Franklin Ave., Greenville, IL 62246. Representative: J. D. Cline (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), serving the facilities of General Motors Corporation in St. Charles, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 117786 (Sub-129), filed February 2, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Olean Tile Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121496 (Sub-54), filed February 2, 1981. Applicant: CANGO CORPORATION, 2727 No. Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *commodities in bulk,* between points in Kanawha County, WV, on the one hand, and, on the other, points in LA and TX.

MC 123556 (Sub-12), filed February 2, 1981. Applicant: RAHIER TRUCKING, INC., L822 So. First St., Yakima, WA 98901. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting (1) *building and construction materials,* and (2) *lumber and wood products,* between points in CA, ID, OR, and WA.

MC 124306 (Sub-86F), filed January 7, 1981, previously noticed in the **Federal Register** of February 9, 1981, and republished this issue. Applicant: KEAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerny, Suite 502, 1000 16th St., N.W., Washington, DC 20036. Transporting *chemicals and related products,* between points in Davidson County, TN and Brunswick County, NC, on the one hand, and, on the other, points in NY.

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Note.—The purpose of this republication is to correctly state the territorial description.

MC 135936 (Sub-33), filed February 2, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in Webster and Crawford Counties, IA, Rock County, MN, Dakota and Cuming Counties, NE, Lyon and Finney Counties, KS, and Potter County, TX, on the one hand, and, on the other, points in AL, AR, CO, IA, IL, IN, KS, KY, LA, MI, MO, MN, NE, ND, OK, OH, SD, TX, and WI.

MC 149026 (Sub-28), filed February 2, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), between Fayetteville, AR, and Chanute, KS: from Fayetteville over AR Hwy 16 to junction AR Hwy 68, then over AR Hwy 68 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction KS Hwy 39, then over KS Hwy 39 to Chanute, and return over the same route, serving all intermediate points.

MC 150846 (Sub-2), filed February 2, 1981. Applicant: MACPHIL, INC., 1619 Silver St., Anderson, IN 46012. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *building materials*, between points in Henry County, IN, on the one hand, and, on the other, points in the U.S.

MC 153396 (Sub-1), filed February 4, 1981. Applicant: ANTHONY D. SOSRBEE, d.b.a. LOAD-IT, 5211 Mitchell Bridge Rd., Dalton, GA 30720. Representative: Anthony D. Sesebee (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with CO-AM Transport Service, Inc., of Charlotte, NC.

Volume No. OP4-038

Decided: February 23, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Chandler not participating.)

MC 109026 (Sub-30), filed February 2, 1981. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th, N.W., Washington, DC 20004. Transporting such commodities as are used by automotive manufactures, between points in Barren County, KY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant states it intends to tack with its existing regular-route authority.

MC 150706 (Sub-1), filed February 6, 1981. Applicant: NEELY TRANSPORT, INC., P.O. Box 5132, Birmingham, AL 35214. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between the AL-MS State line near Grand Bay, AL, and Savannah, GA: From the AL-MS State line near Grand Bay over Interstate Hwy 10 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Bay Minette, AL, then over AL Hwy 59 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, GA, then over Interstate Hwy 75 to junction Interstate Hwy 16, and then over Interstate Hwy 16 to Savannah, and return over the same route; and (2) Between Augusta, GA, and the AL-MS State line near Cuba, AL, over Interstate Hwy 20; (3) Between Columbus, GA, and the AL-MS State line near Cuba, AL, over U.S. Hwy 80; (4) Between Brunswick, GA, and Dothan, AL, over U.S. Hwy 84; (5) Between Atlanta, GA, and Birmingham, AL: From Atlanta over Interstate Hwy 75 to junction GA Hwy 20, then GA Hwy 20 to junction U.S. Hwy 411, then over U.S. Hwy 411 to Rome, GA, then over GA Hwy 20 to the GA-AL State line, then over AL Hwy 9 to junction U.S. Hwy 411, then over U.S. Hwy 411 to Gadsden, AL, and then over Interstate Hwy 59 to Birmingham, and return over the same route; (6) Between Birmingham, AL, and Waycross, GA: From Birmingham over U.S. Hwy 280 to junction GA Hwy 55, then over GA Hwy 55 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Waycross, and return over the same route; (7) Between Macon, GA, and the GA-FL State line near Lake Park, GA, over Interstate Hwy 75; (8) Between Atlanta, GA, and the GA-SC State line, over Interstate Hwy 85; (9) Between the AL-TN State line near Ardmore, AL, and the AL-FL State line near Campbellton, FL: From the AL-TN State line near Ardmore, AL, over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to the AL-FL State line, and return over the same route; (10) Between Oxford, AL, and the AL-MS State line near Margerum, AL: From Oxford over U.S. Hwy 431 to junction U.S. Hwy 72, then over U.S. Hwy 72 to the AL-MS State line near Margerum, and return over the same route; (11) Between Birmingham, AL, and the AL-MS State line near Bexar, AL, over U.S. Hwy 78; (12) Between Huntsville, AL, and the junction of Alternate U.S. Hwy 72 and U.S. Hwy 43, over Alternate U.S. Hwy 72; (13) Between Tuscaloosa, AL, and the AL-MS State line near Stafford, AL, over U.S. Hwy 82; (14) Between Demopolis and Mobile, AL, over U.S. Hwy 43; and (15) serving all intermediate points and points in AL and GA as off-route points in connection with routes (1) through (14) above.

Note.—Applicant intends to tack this authority with any existing regular-route authority.

MC 151066 (Sub-4), filed February 2, 1981. Applicant: HECK'S SERVICE CO., INC., I-55 East Service Rd., West Memphis, AR 72301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting *transportation equipment*, (1) between points in Shelby County, TN and Crittenden County, AR, on the one hand, and, on the other, points in the U.S., and (2) between points in AR, TN, MS, AL, LA, TX, OK, MO, IL, IN, KS, and KY.

MC 153206 (Sub-1), filed February 3, 1981. Applicant: WORTH TRANSPORT COMPANY, a Corporation, 857 Matzinger Rd., Toledo, OH 43612. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *machinery*, between points in Sebastian County, AR, Hillsdale, Jackson, and Lenawee Counties, MI, and Orange County, FL, on the one hand, and, on the other, points in the U.S.

MC 153546 (Sub-3), filed February 2, 1981. Applicant: M & C TRANSPORT, INC., 1708 East Manhattan Blvd., Toledo, OH 43608. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Transporting *food and related products*, between points in Kern County, CA, on the one hand, and, on the other, points in the U.S.

MC 154116, filed February 6, 1981. Applicant: A-B HOTSHOT SERVICE, P.O. Box 542, Rock Springs, WY 82901. Representative: Rick A. Rude, Suite 611, 1730 RI Ave., N.W., Washington, DC 20036. Transporting *Mercer commodities*, between points in CA, ID, MT, ND, SD, WY, UT, CO, NE, KS, NM, OK, TX, and NV.

Volume No. OP4-041

Decided: February 24, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 107456 (Sub-27), filed February 6, 1981. Applicant: HARRY L. YOUNG AND SONS, INC., 542 West 6th South, Salt Lake City, UT 84104. Representative: Lon Rodney Kump, 333 East 4th South, Salt Lake City, UT 84111. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 113106 (Sub-104), filed February 5, 1981. Applicant: THE BLUE DIAMOND COMPANY, a Corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Transporting *pulp, paper and related products; rubber and plastic products;* and *chemicals and related products*, between points in the U.S.

MC 117786 (Sub-127), filed Febraury 5, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *metal products*, between points in the U.S.

MC 119366 (Sub-5), filed February 6, 1981. Applicant: MOTOR CITY CARTAGE COMPANY, 175 12th St., Detroit, MI 48216. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *food and related products*, between Detroit, MI, on the one hand, and, on the other, points OH.

MC 134166 (Sub-1), filed February 6, 1981. Applicant: SUNN'S BUS SERVICE, INC., R.D. 6, P.O. Box 140, Beemerville, NJ 07461. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Sussex County, NJ and extending to points in the U.S.

MC 139156 (Sub-11), filed February 5, 1981. Applicant: FAITH TRUCK LINES, INC., 14326 S. Wood St., Dixmoor, IL 60426. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *chemicals and related products* between those points in the U.S. on and east of U.S. Hwy 85.

MC 147216 (Sub-3), filed February 6, 1981. Applicant: CARL KLEMM, INC., T/A KLEMM TANK LINE, 1126 Terry Lane, P.O. Box W197, De Pere, WI 54115. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *petroleum, natural gas and their products*, between points in MN and WI.

MC 149406 (Sub-7), filed February 6, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 212 S. 8th St., Minneapolis, MN 55402. Transporting *machinery; metal products;* and *lumber and wood products*, between points in Yankton County, SC, on the one hand, and, on the other, points in the U.S.

MC 149406 (Sub-6), filed February 6, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *lumber and wood products, metal products,* and *building materials*, between points in CO, IA, ID, IL, IN, MN, MT, NE, ND, OR, SC, WA, WI, and WY.

MC 153966 (Sub-1), filed February 6, 1981. Applicant: SEAPORT COACH, INC., 2 Denison Ave., Mystic, CT 06355. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in CT, Hampden County, MA, Washington County, RI and Westchester County, NY, and extending to points in the U.S.

MC 154126, filed February 3, 1981. Applicant: SEGURA'S TRUCKING, INC., 317 Patterson St., Lafayette, LA 70501. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024. Transporting *Mercer commodities*, between those points in LA, in and south of Beauregard, Allen, Evangeline, St. Landry, Pointe Coopee, West Feliciana, St. Helena, Tangipaho and Washington Parishes, LA, on the one hand, and, on the other, points in AL, AR, FL, MS, LA, OK, and TX.

Volume No. OP4-042

Decided: February 25, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 19806 (Sub-6), filed February 5, 1981. Applicant: CROSSMAN'S VAN AND STORAGE CO., INC., 7135-41 Germantown Ave., Philadephia, PA 19119. Representative: Winfield A. Hall, 7831 Horrocks St., Philadelphia, PA 19152. Transporting *household goods*, (1) between points in AL, KY, LA, MS, RI, TN, TX, and VT, and (2) between points in the states named in (1) above, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, MA, MD, ME, NC, NH, NJ, NY, OH, PA, SC, VA, WV, and DC.

Note.—Applicant states it now holds authority to operate between all points in the states listed in (2) above.

MC 34156 (Sub-8), filed February 5, 1981. Applicant: NEIDERT FREIGHT, INC., 7000 West 103rd St., Chicago Ridge, IL 60415. Representative: William D. Brejcha, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, WI, and Scott and Clinton Counties, IA.

MC 67646 (Sub-96), filed February 5, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). Transporting *furniture and fixtures, building materials,* and *lumber and wood products*, between points in Fulton County, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 91306 (Sub-38), filed February 5, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave., N.W., Hickory, NC 28601. Representative: Erick Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. Transporting *clay, concrete, glass or stone products*, between points in Berkshire County, MA, Litchfield County, CT, and Middlesex County, NJ, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, TN, VA, SC, and NC.

MC 104896 (Sub-64), filed February 6, 1981. Applicant: WOMELDORF, INC., Box G, Knox, PA 16232. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *rubber and plastic products*, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 117786 (Sub-126), filed February 5, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *food and related products*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ and NM.

MC 117956 (Sub-13), filed February 5, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Rd, SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *rubber and plastic products*, between the facilities of Mobil Chemical Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121496 (Sub-58), filed February 6, 1981. Applicant: CANGO CORPORATION, 2727 No. Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *commodities in bulk*, between points in TX, LA, AR, and OK, on the one hand, and, on the other, points in the U.S.

V 46/43 MR 5 81 UMI

MC 123916 (Sub-19), filed February 6, 1981. Applicant: GROVE CITY BUS LINES, INC., P.O. Box 31, Grove City, PA 16127. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points in Montgomery and Prince Georges' Counties, MD, Arlington and Fairfax Counties, VA, Alexandria and Fairfax City, VA, and DC, and extending to points in the U.S., (including AK but excluding HI).

MC 128746 (Sub-70), filed February 5, 1981. Applicant: D'AGATA NATIONAL TRUCKING, a corporation, 3240 South 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036. Transporting *food and related products*, between points in Bristol County, MA, Union County, NJ, Nassau County, NY, and Baltimore, MD, on the one hand, and, on the other, points in NY, NJ, CT, MD, RI, PA, NC, and NH.

MC 128746 (Sub-71), filed February 5, 1981. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036. Transporting *food and related products*, between the facilities of Joseph Schlitz Brewing Company in the U.S., on the one hand, and, the other, points in the U.S.

Volume No. OP4-043

Decided: February 25, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 95876 (Sub-387), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *machinery*, between the facilities of Farmland, Inc. in the U.S., on the one hand, and, other points in the U.S.

MC 105566 (Sub-244), filed February 6, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 23212. Transporting *general commodities* (except classes A and B explosives), between points in Coffee, Davidson and Gibson Counties, TN, on the one hand, and, on the other, points in the U.S.

MC 117686 (Sub-296), filed February 5, 1981. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 West 21st St., P.O. Box 155, S. Sioux City, NE 68776. Representative: George L. Hirschbach (same address as applicant). Transporting *food and related products*, between points in Jefferson County, CO, on the one hand, and, on the other, points in LA and MS.

MC 141076 (Sub-32), filed February 5, 1981. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388 D-2, Hackettstown, NJ 07840. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by grocery food business houses, between Chesapeake and points in Nansemond County, VA, on the one hand, and, on the other, points in DE, MD, NJ, NC, PA, SC, WV, and DC.

MC 149026 (Sub-25), filed February 6, 1981. Applicant: TRANS-STATES LINES, INC., 633 Main St., Van Buren, Ar 72956. Representative: Larry C. Price, P.O. Box 1486, Van Buren, AR 72956. Transporting *metal products*, between points in Kane County, IL, Dallas County, TX, and Pulaski County, AR, on the one hand, and, on the other, points in the U.S.

MC 149026 (Sub-26), filed February 5, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *building materials*, between points in Sebastian County, AR, El Paso County, CO, and Lucas County, OH, on the one hand, and, on the other, points in the U.S.

Volume No. OP4-045

Decided: February 25, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 121496 (Sub-53), filed February 3, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 666 11th St., N.W. No. 805, Washington, DC 20001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 143406 (Sub-3), filed February 5, 1981. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 146636 (Sub-5), filed February 5, 1981. Applicant: J. K. SMITH, P. SMITH and M. R. SMITH d.b.a. SMITH TRUCKING, a partnership, Rt. 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68701. Transporting *food and related products*, between points in CA, MN, NE, NY, PA and DC, on the one hand, and, on the other, points in the U.S.

MC 144776 (Sub-9), filed February 5, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Bldg., Atlanta, GA 30349. Transporting (1) *rubber and plastic products*, and (2) *machinery*, between the facilities of Mobil Chemical Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144906 (Sub-2), filed February 6, 1981. Applicant: NORTH OPERATING COMPANY., 39 Little Brook Rd., Springfield, NJ 07081. Representative: Roy A. Jocobs, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *pulp, paper and related products*, between points in U.S., under continuing contract(s) with Williamhouse-Regency, Inc., of Ridgewood, NY.

MC 149026 (Sub-27), filed February 5, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *clay, concrete, glass or stone products*, between points in Webb County, TX, on the one hand, and, on the other, points in the U.S.

MC 150986 (Sub-1F), filed January 2, 1981. Applicant: YOUNG TRANSFER, INC., d.b.a. YOUNG TRANSFER, 600 Gulf Dr., P.O. Box 668226, Charlotte, NC 28266. Representative: Terry Welch (same address as applicant). Transporting *pulp, paper and related products*, between points in NC, SC, VA, GA, and TN.

MC 151866 (Sub-2), filed February 6, 1981. Applicant: R. L. JONES & SONS, INC., 4900 E. 12th St., Kansas City, MO 64127. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with E. F. Selby Co., of North Kansas City, MO, and W. C. Tingle, Fred Pauls & Co., Wilson & Sons Distributing Co., and Kansas City Carpet Co., all of Kansas City, MO.

MC 152516 (Sub-1), filed February 5, 1981. Applicant: A & E ASSOCIATES, INC., 3710 South California, Chicago, IL 60632. Representative: D. L. Bertelle, 221 North LaSalle St., Rm. 1164, Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Transportation Service, Inc., of Chicago, IL.

MC 153196 (Sub-1), filed February 5, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole St., Green Bay WI 54303. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Frigo Cheese Corporation, of Lena, WI.

Volume No. OP4-047

Decided: February 25, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 69036 (Sub-13), filed February 6, 1981. Applicant: COOL TRUCKS, INC., Glenwood, IA 51534. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, between points in Fremont County, IA, on the one hand, and, on the other, points in the U.S.

MC 91306 (Sub-37), filed February 5, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave., N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. Transporting *furniture and fixtures*, between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 95876 (Sub-381), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 6th St., Minneapolis, MN 55402. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of self-propelled railway equipment, between points in Troup County, GA, on the one hand, and, on the other, points in the U.S.

MC 95876 (Sub-384), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *machinery* between points in Lexington County, SC, on the one hand, and, on the other, points in the U.S.

MC 95876 (Sub-386), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *machinery* between Norfolk, VA, on the one hand, and, on the other, points in the U.S.

MC 111936 (Sub-23), filed February 5, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *furniture and fixtures*, between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 121496 (Sub-55), filed February 6, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 666 Eleventh St. NW., No. 805, Washington, DC 20001. Transporting *commodities in bulk*, between Houston, TX, on the one hand, and, on the other, points in the U.S.

MC 136786 (Sub-241), filed February 5, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4474 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *furniture and fixtures*, between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 136786 (Sub-242), filed February 6, 1981. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50309. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *such commodities* as are dealt in by food business houses, between points in Cherokee County, SC and Cuyahoga County, OH, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SC, SD, TN, and WI.

MC 141216 (Sub-10), filed February 2, 1981. Applicant: DARREL K. OAKLEY, d.b.a. OAKLEY ENTERPRISES, P.O. Box 387, Rapid City, SD 57709. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 149026 (Sub-23), filed February 6, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *chemicals and related products* between Houston, TX and Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 149026 (Sub-24), filed February 6, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *machinery*, between points in Sebastian County, AR, Hillsdale and Jackson, MI, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-9), filed February 6, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant). Transporting *food and related products*, between points in Franklin County, AL, Los Angeles County, CA, Fulton County, GA, Coles County, IL, Marion and Vigo Counties, IN, Lee County, MS, Douglas County, NE, Franklin County, OH and Weber County, UT, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-9), filed February 6, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151746 (Sub-4), filed February 6, 1981. Applicant: ORANGE DISTRIBUTION SERVICES, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *metal products*, between points in New Haven County, CT, on the one hand, and, on the other, points in the U.S.

Volume No. OP4-048

Decided: February 25, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 148126 (Sub-4), filed January 21, 1981, previously noticed in the **Federal Register** issue of February 5, 1981, and republished this issue. Applicant: E.W.L. TRUCKING, INC., 2055 John's Dr., Glenview, IL 60025. Representative: Paul J. Maton, 10 S. LaSalle St., Rm. 1620, Chicago, IL 60603. Transporting *metal products, building materials, and machinery*, between points in the U.S., under continuing contract(s) with Air Distribution Associates, Inc., of Wood Dale, IL, and UNR-Leavitt, Division of UNR, Inc., of Chicago, IL.

Note.—The purpose of this republication is to correctly state the requested authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-6950 Filed 3-4-81; 8:45 am]

BILLING CODE 7035-01-M

V 46 / 43 MR 5 81 UMI

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–99

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 134335 (Sub-II–1TA), filed February 19, 1981. Applicant: ALL FREIGHT, INC., 230 Sheldon Rd., Berea, OH 44017. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. Contract, irregular: *classes A, B, & C explosives, nitro carbo nitrate oxidizers, and blasting agents* from Camden, AR, Madisonville, KY, McArthur, OH and La Follette, TN to points in the U.S. under continuing contract with the Austin Powder Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Austin Powder Co., 3735 Green Rd., Cleveland, OH 44122.

MC 146328 (Sub-II–1TA), filed February 19, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., 6200 Roland Avenue, Cleveland, OH 44127. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Office products and supplies*, between Cleveland and Columbus, OH, on the one hand, and, on the other, points in Boyd, Carter, Rowan, Fleming, Mason, Lewis and Greenup Counties, KY, for 270 days. Supporting Shipper: Boise Cascade, Office Products Division, 12021 Centron Pl., Cincinnati, OH 45246.

MC 147815 (Sub-II–2TA), filed February 18, 1981. Applicant: CARGO TRANSPORT, INC., 918 W. Fifth St., Dayton, OH 45407. Representative: Robert E. McFarland 2855 Coolidge, Ste. 201A, Troy, MI 48084. *General commodities (except household goods, classes A & B explosives, commodities in bulk, and commodities which require special handling because of size and weight)*, between Cincinnati, OH, Dayton, OH, Bellefontaine, OH, and Georgetown, KY, on the one hand, and, on the other, pts. in the U.S. in and east of ND, SD, NE, KS, OK, and TX, for 270 days, restricted to traffic originating at or destined to the facilities of Nationwide Shippers Cooperative Association, Inc. Supporting shipper: Nationwide Shippers Cooperative Association, Inc., 2735 Spring Grove Avenue, Cincinnatti, OH 45225.

MC 152509 (Sub-II–3TA), filed February 18, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: Michael R. Burke (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives, household goods as defined by the Commission, commodities of unusual value, commodities in bulk, and those requiring the use of special equipment)*, from Cincinnatti, OH Georgetown, KY, Bellefonatine, OH, to pts. in CT, GA, IL, MA, MD, MN, MO, NJ, NY, NC, PA, TN and TX, under a continuing contract or contracts with Nationwide Shippers Cooperative, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nationwide Shippers Cooperative, Inc., 2735 Spring Grove Ave., Cincinnatti, OH 45225.

MC 119793 (Sub-II–3TA), filed February 20, 1981. Applicant: D & W TRUCK LINES, INC., 200 First St., Parsons, WV 26287. Representative: E. Stephen Heisley, 666 11th St., NW., Suite 805, Washington DC 20001. Contract, irregular: *Lumber or wood products*, between pts. in the U.S. under contract(s) with WIMI Lumber Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: WIMI Lumber Corp., P.O. Box 1308, Elkins, WV 26241.

MC 138000 (Sub-II–28TA), filed February 19, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except articles of unusual value, Class A & B explosives, household goods as defined by the Commission and articles which because of their size and weight require special equipment)*, between points in the United States in and and east of MN, IA, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Restricted to traffic originating at or destined to facilities utilized by ITOFCA, Inc., or its members, and restricted to shipments moving on bills of lading of the above shipper association. Supporting shipper(s): ITOFCA, Inc., P.O. Box 188, 2 Walker Ave., Clarendon Hills, IL 60514.

MC 138000 (Sub-II–29TA), filed February 19, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *(1) Cleaning and polishing compounds; and (2) materials, equipment and supplies used in the manufacture, sale and distribution of (1) above*, between Terre Haute, and Brazil, IN, including their respective commerical zones, on the one hand, and on the other, points in IL, OH, TN, PA, VA, MA, GA, TX, NJ and DE, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper(s): Continental Chemical Corporation, P.O. Box 994, Terre Haute, IN 47808.

MC 154047 (Sub-II–1TA), filed February 17, 1981. Applicant: C & S EXPRESS, INC., 4907 State Rte. 39, Crestline, OH 44827. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Steel tubing and materials, equipment and supplies used in the manufacture, sale and distribution of steel tubing*, between the facilities of Copperweld Corporation, Steel Tubing Division at or near Shelby, Ohio, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Copperweld Corporation, Steel Tubing Division, Shelby, OH 44875.

MC 150482 (Sub-II–3TA), filed February 17, 1981. Applicant: MCCAULY AIR FREIGHT, R.D. #4, Box 314A, Punxsutawney, PA 15767. Representative: John W. Smith (same as applicant). *Fabricated Metal Products* from the Facility of Keystone Carbon Co., St. Marys, PA to the plant facilities of Delco Products, Kettering, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Keystone Carbon Company, 1935 State Street, St. Marys, PA 15857.

MC 117565 (Sub-II–13TA), filed February 17, 1981. Applicant: MOTOR SERVICE COMPANY INC., P.O. Box 448, Coshocton, Ohio 43812. Representative: John R. Hafner (same as applicant). (1) *Plumbers Goods, Fiberglass, and Acrylic Products, Building Compenents, Generators, Internal Combustion Engines and* (2) *Accessories and Supplies used in the manufacture, distribution, maintenance and installation of* (1) *above*, From Sheboygan County, WI, Spartainsburg County, SC and Brown County, TX to points in the United States for 270 days. Supporting shipper: Kohler Company, Kohler Memorial Drive, Kohler, Wisconsin 53044.

MC 107012 (Sub-II–136TA), filed February 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Floor covering*, from the facilities of E.R. Carpenter located at or near Russellville, KY to points in AR, CA, CO, KS, LA, ND, NM, OK, SD, TX and WY for 270 days. Supporting shipper: E. R. Carpenter Co., P.O. Box 27205. Richmond, VA 23261.

Note.—Common control may be involved.

MC 145018 (Sub-II–5TA), filed February 13, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18607. (1) *Such commodities as are dealt in or used by wholesale, retail and chain grocery and food business houses*, (2) *materials, equipment and supplies used in manufacture and distribution of the commodities in* (1) *above (except commodities in bulk and those which because of size or weight require the use of special equipment)*, (1) from Erie & Northeast, PA and Westfield & Buffalo, NY to points in PA, IL, IN, OH, NJ, NY, TX, MA, VT, NH, TN, FL, AL, MS, KY and GA; (2) *materials, equipment and supplies* on return for 270 days. Supporting shipper(s): Better Baked Foods, North East Industrial Park, P.O. Box 30, Smedley St., North East, PA 16428. Welch Foods, Inc., 2 South Portage St., Westfield, NY 14787.

MC 141424 (Sub-II–1TA), filed February 17, 1981. Applicant: P-Y TRANSPORT, INC., 50 S. Williams St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005. *Flat glass*, in containers, from Mt. Holly Springs, PA to Wilmington, NC, for 270 days. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222.

MC 150339 (Sub-2–31TA), filed February 17, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract, irregular: Rough iron castings*, from Lynchburg, VA, and Ironton, OH, to Ellicottville and LeRoy, NY, under continuing contract(s) with LeRoy Machine Co., Inc., LeRoy, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: LeRoy Machine Co. Inc., 7921 East Main Road, LeRoy, NY 14482.

MC 138126 (Sub-II–3TA), filed February 17, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Frozen foods and materials, supplies and equipment used in the manufacture and distribution of frozen foodstuffs*, between King of Prussia, PA, on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, NE, SD and ND, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chef Francisco, Eugene, OR 97440.

MC 138878 (Sub-No. II–1TA), filed December 18, 1980. Originally published in Fed. Reg. on February 19, 1981.[1] Applicant: JOHN S. WATSON, d.b.a. JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, WV 26452. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Iron and steel pipe* from Allegheny County, PA to Lewis County, WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Shafer Pipe Line Co., P.O. Box D, Clendennin, WV 25045.

MC 61977 (Sub-II–6TA), filed February 17, 1981. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., P.O. Box 5628, Huntington, WV 25703. Representative: N. W. Bowen, Jr. (same as applicant). *Such commodities* as are dealt in by Retail and Wholesale Grocery, Food, Variety and Department Stores, between points in PA, on the one hand, and on the other, points in KY, OH, PA, VA and WV for 270 days. Supporting shipper: Dauphin Distribution Services Company, 5023 East Trindle Road, Mechanicsburg, PA 17055.

MC 152317 (Sub-No. II–2TA), filed February 17, 1981. Applicant: SHOCKLEY & WILES, INC., Route 1, Box 177, Big Stone Gap, VA 24219. Applicant's Representative: John M. Friedman, 2930 Putman Ave., Hurricane, WV 25526. Contract carrier, irregular routes, *lumber, wood chips, sawdust and bark*, between Wise County, VA; Pulaski and Wayne Counties, KY; and Logan, Nicholas, Greenvrier and Wayne Counties, WV, on the one hand, and, on the other, points in VA, KY, TN, NC, SC, GA, WV, PA, OH, IN, IL, and NY, under contract with Hamer Lumber Company, A Division of The Celotex Corp for 270 days. Supporting shipper(s): Hamer Lumber Company, A Division of The Celotex Corporation, P.O. Box 418, Kenova, WV 25530.

MC 3104 (Sub-II–3TA), filed February 17, 1981. Applicant: Z & M MOTOR LINE, INC., P.O. Box 2345, Cumberland, MD 21502. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Such commodities as are used by or dealt in by a manufacturer of rubber products*, between points in IL, IN, KY, MI, OH, NY, MN, NJ, PA, DE, WV, KS, TN, IA, MD, VA, WI, MO and DC for 270 days. Supporting shipper(s): The Kelly Springfield Tire Co., Kelly Rd., Cumberland, MD 21502.

MC 143218 (Sub-II–4TA), filed February 18, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 1024 North Main St., Niles, OH 44446. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Titanium and equipment, materials and supplies utilized in the production, processing and distribution of titanium (except commodities in bulk)* (1) between the commercial zones of Niles and Ashtabula, OH and Washington and Sullivan, MO and (2) between the commercial zones of Niles and Ashtabula, OH and Washington and Sullivan, MO, on the one hand, and, on the other, points in WA, CA, AZ, TX, MA, CT and RI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Relative Metals, Inc., 1000 Warren Ave., Niles, OH 44446.

MC 154163 (Sub-II–1TA), filed February 18, 1981. Applicant: ROARING RUN TRUCKING CO., INC., R.D., Bigler,

[1] The purpose of this republication is to add "iron" to the commodity description. "Iron" was omitted from original publication.

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PA 16825. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. *Coal,* from the facilities of Bradford Coal Co., Inc. in Clearfield Co., PA to pts. in NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bradford Coal Co., Inc., 1101 Walker Rd., Bigler, PA 16825.

MC 111196 (Sub-II–1TA), filed January 13, 1981. Orginally published in Federal Register of February 9, 1981. Applicant: R. KUNTZMAN, INC., 1905 W. State St., Alliance, OH 44601. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Transportation of new furniture and furniture parts; and materials, equipment and supplies used in their manufacture and distribution, except commodities in bulk,* between alliance, OH, on the one hand, and, on the other, points in OH, for 270 days. Carrier intends to interline with other carriers at Alliance, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): S. K. Products Corp., 5355 Bucknell Dr., S.W., Atlanta, GA 30378. The purpose of this re-publication is to show carrier will interline at alliance, OH which was omitted in the first publication.

MC 115694 (Sub-II–2TA), filed February 10, 1981. Applicant: J. BALLEW & SONS, INC., Box 47, Stuarts Draft, VA 24477. Representative: James E. Ballew (same address as above). *Paints and materials, supplies and equipment used in the manufacture thereof* between the facilities of Evans Paint Div. located at Roanoke, VA, on the one hand, and, on the other, points in AR, CT, DE, FL, GA, IN, IL, MA, MD, NC, NJ, NY, OH, PA, SC, TN and WV. An underlying ETA seeks 120 days authority. Supporting shipper(s): Evans Paint Division, P.O.B. 4098, Roanoke, VA 24015.

MC 63838 (Sub-II–5TA), filed February 11, 1981. Applicant: BOLUS MOTOR LINES, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Television bulks, glass face plates and glass parts used in the manufacture of television bulbs and materials, equipment and supplies* on return, between Pittston, PA, on the one hand, and, on the other, points in OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O.B. 1035, Toledo, OH 43666.

MC 146149 (Sub-II–4TA), filed February 12, 1981. Applicant: KENNEDY FREIGHT LINES, INC., 4989 Vulcan, Columbus, OH 43228. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Containers and equipment, materials and supplies utilized in the manufacture of containers,* between Cuyahoga and Stark Counties, OH and Hillsborough County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: The Van Dorn Company, Davies Can Division, 30301 Carter Street, Solon, OH.

MC 133405 (Sub-II–3TA), filed February 9, 1981. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, La Plata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. *Malt beverages and materials, supplies, and equipment used in the manufacture and distribution of malt beverages* between Charles County, MD, on the one hand, and, on the other, points in the U.S. in and east of TX, AR, MO, IA, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Winner Distributing Company, 7616 Canton Center Drive, Baltimore, MD 21224.

MC 129124 (Sub-II–6TA), filed February 11, 1981. Applicant: SAMUEL J. LANSBERRY, INC., Intersection of Rt. 322 and 970, Woodland, PA 16881. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Coal,* in bulk in dump vehicles, from points in Butler County, PA to points in Erie County, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): Johnson Energy Company, 32 North Main St., Room 609, Dayton, OH 45402.

MC 123255 (Sub-II–7TA), filed February 11, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1984 Cottman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). *Building material and material, equipment and supplies used in the manufacture or distribution thereof* between Aurora, IL and Alliance, OH, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO and NM, for 270 days. Supporting shipper(s): Forty-Eight Insulations, Inc., P.O. Box 1148, Aurora, IL 60507.

MC 63417 (Sub-II–16TA), filed February 9, 1981. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). *Mirrors, doors, builders' hardware, home accessories, and materials, supplies, and equipment used in the manufacture thereof* between Los Angeles County, CA, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper(s): Monarch Mirror Door Co., Inc., P.O. Box 768, Chatsworth, CA 91311.

MC 153981 (Sub-II–1TA), filed February 9, 1981. Applicant: LEEWAY FLEET LINES, INC., 1321 Arch St., Phila., PA. 19107. Representative: Malcolm H. Waldron, Jr. (same address as applicant). *Passengers and their baggage in the same vehicle with passengers,* from Philadelphia, PA to points in NY, NJ, DE, MD, OH, WV, VA and DC, for 270 days. Supporting shipper(s): There are eleven supporting shippers' statements filed with this application which may be examined at the Philadelphia Regional office.

MC 65475 (Sub-II–13TA), filed February 9, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Sign faces, billboards, wooden frames, and equipment, materials, and supplies used in the manufacture thereof,* between Westminster, MD, on the one hand, and, on the other, points in the U.S. Supporting shipper: 3–M National Advertising Co., 1030 E. Baltimore Blvd., Westminster, MD 21157.

MC 144986 (Sub-II–5TA), filed, February 20, 1981. Applicant: STAHLER TRUCKING LEASING, INC., 208 E. Harrison St., Wapakoneta, OH 45895. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract:* Irregular: *Animal feed, and animal feed ingredients, and materials, equipment and supplies,* used in their manufacture and distribution, between Auglaize County, OH, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA and VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Agway, Inc., P.O. Box 330, St. Marys, OH 45885.

MC 153983 (Sub-II–1TA), filed, February 17, 1981. Applicant: STEAM KAT CORPORATION, P.O. Box 1888, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Harardous and toxic waste* between points in the the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): DelMarva Power & Light Company, P.O. Box 231, 800 King Street, Wilmington, DE 19899; Dixon Valve & Coupling Company, 800 High Street, Chestertown, MD 21620; Dresser Industries, 124 West College Avenue, Salisbury, MD 21801; Rubberset Company, Crisfield, MD 21817. Republication; Scope change.

MC 117883 (Sub-II–12TA), filed, February 20, 1981. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same as applicant). Frozen Foodstuffs. From: Emmaus, PA to the cities of Cincinnati, OH and Chicago, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Stewart Sandwich Service, Inc., 767 Spruce St., Emmaus, PA 18049.

MC 152640 (Sub-II–2TA), filed, February 19, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Contract Irregular: *Apparel,* from SC and TN to Beaverton, OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): BRS, Inc., Greenville, SC 29615.

MC 150954 (Sub-II–19TA), filed, February 18, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731. Green coffee (1) from Laredo, and Houston, TX, and New Orleans, LA, to Omaha, NE; (2) between New Orleans, LA, and Houston, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Coca-Cola Company, Foods Division, P.O. Box 2079, Houston, TX.

MC 154165 (Sub-II–1TA), filed, February 18, 1981. Applicant: RICHARD M. SEAWICK, d.b.a. SEAWICK TRANSPORT, 6815 Dorr Street, Toledo, OH 43615. Representative: Boyd B. Ferris, 50 W. Broad, Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of iron and steel, and iron and steel articles,* between Bellevue, OH, on the one hand, and, on the other, points in OH, MI, IN, KY, PA, and WV for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline with other carriers at Toledo and Cleveland, OH. Supporting shipper: LaBarge, Inc., Tubular Division, 20 South Fourth St., St. Louis, MO 63102.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 6031 (Sub-4–2TA), filed February 19, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract,* Irregular, *Such commodities, as are dealt in, or used by, retail department stores,* (1) between points in WI, and (2) between points in WI, on the one hand, and on the other, points in IL, IA, MI, and MN, under continuing contract(s) with H. C. Prange Co., Supporting shipper: H. C. Prange Company, 301 N. Washington, St., Green Bay, WI 54301.

MC 98154 (Sub-4–2TA), filed February 19, 1981. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 E. Washington Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Such commodities as are dealt in by retail department stores* from the facilities of Montgomery Ward & Co., Inc., Eaton County, MI to the stores of Montgomery Ward & Co., Inc., at Richmond, IN and its commercial zone with a right of return of damaged, rejected or returned merchandise. An underlying ETA seeks 120-day authority. Supporting shipper: Montgomery Ward & Co., Inc., Montgomery Ward Plaza, P.O. Box 7337, Chicago, IL 60680.

MC 110420 (Sub-4–12TA), filed February 18, 1981. Applicant: QUALITY CARRIERS, INC., 1000 Waukegan Road, P.O. Box 100, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). *Liquid Fertilizer* (1) From Shakopee, MN to points in IL, IA, KS, NE, SD and WI, and (2) From Joilet, IL to points in IN, IA, MI, MO and WI. An underlying ETA seeks authority. Supporting shipper: Conklin Company, Inc., Valley Industrial Park, Valley Park Drive, Shakopee, MN 55379.

MC 113751 (Sub-4–5TA), filed February 19, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Foodstuffs, and materials, equipment and supplies* used in the manufacture and distribution of such commodities between points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Restricted to transportation originating or terminating at the facilities of Hillshire Farm Co., Div. of Consolidated Foods Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Hillshire Farms Co., Div. of Consolidated Foods Corporation, Box 227, New London, WI 54961.

MC 114632 (Sub-4–25TA), filed February 19, 1981. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Such commodities as are dealt in by grocery and food business houses, hardware stores and discount houses, and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the facilities of the Clorox Company at Kansas City, MO on the one hand, and, on the other, points in IA. Supporting shipper: The Clorox Company, P.O. Box 24305, 1221 Broadway, Oakland, CA 94612.

MC 126555 (Sub-4–25TA), filed February 19, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette, P.O. Box 3000, Rapid City, SD 57709, (605) 348–1063. *Cement:* between points in CO, NB, UT and WY. Supporting shipper: Flatiron Ready Mix, P.O. Box 229, Boulder, 80306.

MC 126918 (Sub-4–1TA), filed February 18, 1981. Applicant: WALLACE E. SHEFLAND, d.b.a. WALLY SHEFLAND TRUCKING, 730 Florence St., Baldwin, WI 84002. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. *General commodities, except: (1) those of unusual value; (2) classes A and B explosives; (3) commodities in bulk; (4) those commodities which because of their size or weight require the use of special handling or equipment,* between points in St. Croix, Dunn, Pierce, and Polk Counties, WI, on the one hand, and, on the other, Minneapolis-St. Paul, MN. Supporting shippers: There are 10 supporting shippers.

MC 129790 (Sub-4–3TA), filed February 18, 1981. Applicant: JOSEPH A. BECKER d.b.a. BECKER HI-WAY FRATE, Route 5 Box 10B, Albert Lea, MN 56007. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Store fixtures and furnishings and exempt, materials and supplies used in the manufacture and distribution of these commodities,* between the facilities of Streater Industries, Inc. at Albert Lea, Minnesota on the one hand and points in the U.S. on the other. Supporting shipper: Streater Industries, Inc., A Division of Litton Industries, 411 South 1st Street, Albert Lea, MN 56007.

MC 129974 (Sub-4–3TA), filed February 19, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: (1) *Clay,* from Quality, Meigs and Ochlocknee, GA, to the facilities of PAM Oil, Inc., in Sioux Falls, SD; Council Bluffs, IA and Fargo, ND, and (2)(A) *motor oil,* from Minneapolis and St. Paul, MN, and points within their commerical zone, to the facilities of PAM Oil, Inc., in Sioux Falls, SD, Council Bluffs, IA and Fargo, ND; and (B) from the facilities of PAM Oil, Inc., at Sioux Falls, SD, to Billings and Great Falls, MT, and (3) *salt,* from Hutchinson, KS, to the facilities of PAM

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Oil, Inc., at Sioux Falls, SD and Fargo, ND, under contract(s) with PAM Oil, Inc., 1420 N. Minnesota Avenue, Sioux Falls, SD 57104. Supporting shiper: PAM Oil, Inc., 1420 N. Minnesota Ave., Sioux Falls, SD 57104.

MC 134305 (Sub-4–1TA), filed February 20, 1981. Applicant: HAMM TRUCKING, INC., R.R. No. 1, Erie, 61250. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Plastic pellets or plastic powder (except in bulk) and materials and supplies used or useful in the manufacture or distribution of plastic pellets and plastic powder,* between Clinton, IA, on the one hand, and, on the other, points in IL, MI, IN, OH, PA, NY, CT, KY and NJ. An underlying ETA seeks authority for 120 days. Supporting shipper: Chemplex Company, 3100 Golf Road, Rolling Meadows, IL 60008.

MC 142096 (Sub-4–2TA), filed February 19, 1981. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 West Mitchell Street, Milwaukee, WI 53215. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Such commodities *as are dealt in by beverage and can manufacturers* between points in Milwaukee County, WI, on the one hand, and, on the other hand, points in IN and MI. An underlying ETA seeks 120 days authority. Supporting shipper: Jos. Schlitz Brewing Co., Box 614, Milwaukee, WI 53201.

MC 144822 (Sub-4–3TA), filed January 18, 1981. Applicant: WINTZ MOTOR FREIGHT, INC., 1706 American National Bank Building, St. Paul, MI 55101. Representative: Charles C. Jensch, 600 Northwestern National Bank Building, St. Paul, MI 55101. Common *Regular: General Commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from Russellville, AR over U.S. Hwy 40 to U.S. Hwy 71; thence North on U.S. 71 to Kansas City, MO and from Kansas City to Minneapolis-St. Paul and Duluth, MN on U.S. Hwy 35—and return. Supporting shipper: Farwell Ozman Kirk Co., 411 Farwell Ave. S., St. Paul, MN 55075.

MC 145944 (Sub-4–6TA), filed February 20, 1981. Applicant: H & N TRANSPORT, INC., 393 South Main, P.O. Box 148, Cottage Grove, WI 53527. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract* Irregular: *Fertilizer and materials, equipment and supplies* used in the manufacture and distribution of fertilizers between points in IL, IA, MN and WI. Restricted to shipments performed under a continuing contract(s) with Estech General Chemicals Corporation. An underlying ETA seeks 120 days authority. Supporting Shipper: Estech General Chemicals Corporation, 1996 Orrie Lane, Green Bay, WI 54304.

MC 146071 (Sub-4–5TA), filed February 20, 1981. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Cheese and butter,* from Green Bay, WI and its commercial zone, to points in OH, PA, NY, and MA. An underlying ETA seeks 120 days authority. Supporting shipper: Topco Associates, 7711 Gross Point Road, Skokie, IL 60077.

MC 150247 (Sub-4–3TA), filed February 18, 1981. Applicant: VANEERDEN TRUCKING COMPANY, INC., 1150 Freeman Avenue, S.W., Grand Rapids, MI 49503. Representative: J. Michael Smith, 465 Old Kent Building, Grand Rapids, MI 49503. *Transporting plastic boats, boat parts and materials and supplies used in the manufacture of plastic boats.* Between points in the U.S., under a continuing contract with Leisure Life Limited, 218 Grandville Ave. S.W., Grand Rapids, MI 49503.

MC 151087 (Sub-4–7TA), filed February 19, 1981. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Highway, Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Contract* irregular, transporting: *Brass and aluminum extrusions and such commodities as are used in the manufacture and distribution of brass and aluminum extrusions,* between Belding, MI on the one hand, and, on the other, points in OH, IL, WI, MO, IN, PA, NY, NJ, MN, WV, and MD, under continuing contracts with Extruded Metals. Supporting shipper: Extruded Metals, an Indianhead Company, 302 Ashfield, Belding, MI 48809.

MC 151721 (Sub-4–2TA), filed February 19, 1981. Applicant: LAUFENBERG FEED & AGRI-SERVICE, INC., Route #1, P.O. Box 90A, Highland, WI 53543. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract* Irregular: (1) *Dry fertilizer and fertilizer materials* from Mount Horeb, WI and points within 5 miles of Mount Horeb, WI to Eldorado, Ripon and Edmund, WI, (2) *Dry fertilizer and fertilizer materials* between Eldorado, Ripon and Edmund, WI, on the one hand, and, on the other, points in IL and IA.

MC 152441 (Sub-4–3TA), filed, February 19, 1981. Applicant: WILSON LEASING, INC., P.O. Box 6946, 2014 14th Street NW, Rochester, MN 55901. Representative: Grant J. Merritt, Esq., 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402. *Dairy products, such merchandise as is handled by the wholesale-retail chain grocery business and materials, equipment and supplies used in the manufacture of both commodities* between MN except Olmstead County on the one hand, and IA, IL, IN, MI, MN, MO, ND, NE, OH, SD and WI on the other. An underlying ETA seeks 120 days authority. Supporting shipper: Marigold Foods, Inc., 2929 University Avenue SE, Minneapolis, MN 55414.

MC 153335 (Sub-4–1TA), filed, February 20, 1981. Applicant: AMERICAN HIGHWAY CARRIERS, INC., P.O. Box 6, Hammond, IN 46320. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. *(1) Paper products and (2) materials, equipment and supplies used in the manufacture and distribution of commodities named in (1)* between Gary, IN, on the one hand, and, on the other, points in IL, IA, KY, MI, OH, TN and WI. Supporting shipper: Georgia-Pacific Corporation, 2nd Place and Waite St., Gary, IN 46404.

MC 153996 (Sub-4–1TA), filed, February 19, 1981. Applicant: FAUCHER BROS. CARTAGE, INC., 223 West Ontario Street, Chicago, IL 60610. Representative: William D. Brejcha, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract,* irregular: *Printed matter,* between points in the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in WI, restricted to traffic moving under continuing contract(s) with Distribution Development, Inc. of Sarasota, FL. Supporting shipper: Distrbution Development, Inc., Lombard, IL.

MC 154097 (Sub-4–1TA), filed, February 20, 1981. Applicant: CHANDALAR TRANSPORTATION, INC., 20 Aspen Drive, Canton, IL 61520. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract* irregular: *Shelving, steel and wood combined, n.o.i., flat,* from Jacksonville, IL to points in ME, VT, NH, MA, CT, NY, MD, PA, VA, NJ, DE, RI, NC, SC, GA, CA and FL. Restricted to traffic moving under continuing contract with Lundia, Myers Industries, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Lundia, Myers Industries, Inc., 600 Capitol Way, Jacksonville, IL 62650.

MC 154176 (Sub-4–1), filed, February 19, 1981. Applicant: EDDIE LAVERNE ELDRIDGE, d.b.a. ELDRIDGE TRUCKING, Route 22, Box 86, Lake Odessa, MI 48849. Representative: William R. Ralls, P.C., 118 W. Ottawa Street, Suite B, Lansing, MI 48933. *Fertilizer, in bulk and bag* between Toledo, OH area within 50-mile radius (including but not limited to Woodville, Maumee and Toledo) on the one hand; to points in MI on the other. Restricted to facilities of Agrico Chemical Company and Lake Odessa Coop. Supporting shippers: Lake Odessa Coop, Lake Odessa, MI.

MC 154208 (Sub-4–TA), filed, February 20, 1981. Applicant: DELMAR DONLEY, INC., Rural Route 1, Sherman, IL 62684. Representative: Edward D. McNamara, Jr., Attorney at Law, 907 South Fourth Street, Springfield, IL 62703. *Coal in bulk in dump vehicles from* IN to the facilities of A. E. Staley at Decatur, IL. Supporting shipper: A. E. Staley Manufacturing Co., 2200 East Eldorado, P.O. Box 151, Decatur, IL 62525.

The following protests were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 52793 (Sub-6–12TA), filed February 19, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Office furniture, and parts, equipment and supplies,* between MI on the one hand, and, on the other, points in TX, LA, MS, AR, GA, FL, SC, NC, TN, AL, OK, KY and WV, for 270 days. Supporting shipper: Steelcase, Inc., 1120 36th Street, S.E., Grand Rapids, MI 49501.

MC 147117 (Sub-6–2TA), filed February 18, 1981. Applicant: W. B. CUDDEBACK, 12024 Woodside Ave., Lakeside, CA 92040. Representative: Fred H. Mackensen, 2029 Century Park E., Suite 4150, Los Angeles, CA 90067. *Contract carrier* irregular routes, *general commodities,* restricted against hazardous waste, between the facilities of U.S. Elevator, a division of Cubic Corp., in Spring Valley, CA, on the one hand, and, on the other, all points in the U.S. An underlying ETA seeks 120 days operating authority. Supporting shipper: U.S. Elevator, a division of Cubic Corp., Spring Valley, CA.

MC 136605 (Sub-6–29TA), filed February 18, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Fabricated structural steel,* from Atlantic and Des Moines, IA to points in the state of WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Venetian Iron Works, Inc., % Kaiser Engr's, RR 677, Box 47, Goldendale, WA 98620.

MC 125433 (Sub-6–48TA), filed February 19, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). *General Commodities* (except household goods as defined by the Commission and Classes A and B explosives) as defined by the STCC Major Industries Group 51, between points in the U.S. (except AK and HI). Supporting shipper: N.D.S., Inc., 666 Summer St., Boston, MA 02210, for 270 days. Restriction: Restricted to traffic originating at or destined to facilities utilized by N.D.S., Inc.

MC 125433 (Sub-6–49TA), filed February 19, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). *Such commodities* as are dealt in or used by construction and mome improvement businesses (except commodities in bulk) from (1) the facilities of Therma-Tru Division of LST Corp. at or near Van Buren, AR; Colorado Springs, CO; and Toledo, OH on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) points in CA to the facilities of Therma-Tru Division of LST Corp. at or near Van Buren, AR; Colorado Springs, CO; and Toledo, OH, for 270 days. Supporting shipper: Therma-Tru Division of LST Corp., 2806 N. Reynolds Rd., Toledo, OH 43615.

MC 125433 (Sub-6–50TA), filed February 19, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). *General Commodities* (Except household goods, as defined by the Commission and Classes A and B explosives), as defined in the STCC Major Industry Group 51, between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260. Restriction: Restricted to traffic originating at or destined to facilities utilized by United Freight, Inc.

MC 153836 (Sub-6–1TA), filed February 19, 1981. Applicant: BARRY S. FAULKNER, P.O. Box 7556, South Lake Tahoe, CA 95731. Representative: Barry S. Faulkner (same as applicant). *Contract Carrier,* irregular routes: *Prefabricated log houses, KD,* from Carson City, NV to points in CA, for the account of Sierra Log Homes, Inc., for 270 days. Supporting shipper: Sierra Log Homes, Inc., P.O. Box 2083, Carson City, NV 89701.

MC 154215 (Sub-6–1TA), filed February 19, 1981. Applicant: CLAYTON KEITH McCLARY, d.b.a. CLAYTON McCLARY TRUCKING, Rt. 1, Box 448D, Monroe, OR 97456. Representative: Clayton Keith McClary (same as applicant). *Contract Carrier,* Irregular routes: *Wooden furniture, roll top desks, files and bedroom sets,* from or to points in WA, CA, ID, NV, WY, UT, AZ, CO, NM and TX, for the account of Dominion Mfg. Co. Inc., for 270 days. Supporting shipper: Dominion Manufacturing Co. Inc., 1300 Bethel Drive, Eugene, OR 97402.

MC 144391 (Sub-6–7TA), filed February 19, 1981. Applicant: NORWOOD TRANSPORTATION, INC., 2232 S. 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Attorney, 800 Beneficial Life Tower, 36 S. State St., Salt Lake City, Ut 84111. *Contract Carriers,* Irregular Routes: *General Commodities* between points in CA, CO, UT, and WY, under a continuing contract with Van Waters and Rogers a Division of Univar. An underlying ETA seeks 120 days authority. Supporting shipper: Van Waters and Rogers, a Division of Univar, 650 W. 800 S., Salt Lake City, UT 84112.

MC 146965 (Sub-6–1TA), filed February 19, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., P.O. Box 3306, Redding, CA 96049. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Malt Beverages and Equipment, Materials and Supplies used in distribution and brewing of malt beverages* between Portland, OR and points in CA for 270 days. Supporting shipper: Blitz-Weinhard Co, 113 W. Burnside St., Portland, OR.

MC 124692 (Sub-6–27TA), filed February 19, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Creosote treated and/or untreated railroad crossties, switch ties, and timbers,* from Winslow, IN to points in MS, LA, TX, AR, OK, KS, NE, ND, SD, IA, MN, MT, WY, CO, NM, AZ, UT, ID, NV, CA, for 270 days. Supporting shipper: L. B. Foster Company, Cross Tie Division, R.R. #1, Winslow, IN 47598.

MC 139120 (Sub-6–1TA), filed February 19, 1981. Applicant: P & M TRANSPORT, INC., d.b.a. SERVICE TANK LINES, P.O. Box 5704, Seattle, WA 98105. Representative: Robert G. Gleason, 1127–10th East, Seattle, WA

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98102. *Waste hazardous materials,* between points in the states of WA, OR, ID, CA, MT, NV, UT, AZ, NM, WY, CO, AR and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Northwest Public Power Assn., P.O.B. 1307, Vancouver, WA 98666 and Gilmore Steel Corp., P.O.B. 2760, Portland, OR 97208.

MC 123329 (Sub-6–9TA), filed February 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, AB, CD, Canada, T2P 2P9. Representative: D. S. Vincent, (same as applicant). *Mercer Commodities,* between ports of entry on the US/Canada boundary line located on the one hand and on the other points in AK, CO, CA, IL, KS, LA, MT, NV, NM, ID, ND, OK, PA, TX, UT, WY and WA. Supporting shippers: Faster Oilfield Services Ltd., 711–603–7 Ave. S.W., Calgary, AB, CD; Kenting Drilling Co. Ltd., 700–6 Ave. S.W., Calgary, AB, CD.

MC 123329 (Sub-6–10TA), filed February 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary Alberta, Canada, T2P 2P9. Representative: D. S. Vincent (same as applicant). *Silica Sand* in bags, from points in WA to ports of entry on the US/Canada International Boundary line located in WA. and ID. Supporting shipper: Westmat Suppliers Ltd., Box 2288 Edmonton, Alberta.

MC 143328 (Sub-6–6TA), filed February 20, 1981. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherlund, Suite 400, 1150 Connecticut Ave., NW., Washington, DC 20036. *Grocery Store Commodities,* between points in MT and UT, for 270 days. An underlying ETA seeks 90 days authority. Supporting shippers: Royal Crown Bottling Co. of Missoula, P.O. Box 3077, Missoula, MT 59807, and Dairyland Wholesale, 2315 Dodge, Helena, MT 59601.

MC 148018 (Sub-6–3TA), filed November 24, 1980. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O.B. 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O.B. 162, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Foodstuffs, Chemicals, and Minerals,* from the facilities of the J. R. Simplot Company located in CA, ID, NV, OR and UT to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 270 days. Supporting shipper: J. R. Simplot Company, 999 Main Street, Suite 1401, P.O.B. 27, Boise, ID 83707.

MC 152782 (Sub-6–1TA), filed November 21, 1980. Applicant: EDWARDS FAMILY ENTERPRISES, 1821 East Diana Ave., Anaheim, CA 92805. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. *Contract Carrier,* Irregular routes: *Meats, meat by-products; and articles distributed by meat packinghouses as described in Sections A and C of Appendix to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766* (except hides and commodities in bulk) from the facilities of Sioux-Preme Packing located at or near Sioux Center, IA, Sioux City, IA and Omaha, NE to points in CA, OR and WA, for 270 days. Supporting shipper: Sioux-Preme Packing Company, Box 177, Hwy 75 South, Sioux Center, IA 51250.

MC 145102 (Sub-6–10TA), filed November 17, 1980. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Common; irregular; *Cheese and cheese products* from points in Brown, Calumet, Dodge, Green, Marathon, Outagamie, and Sheboygan Counties, WI to Atlanta, GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Senmar, Inc., P.O. 907, Monroe, WI 53566.

MC 29960 (Sub-6–1TA), filed November 24, 1980. Applicant: GRESHAM TRANSFER, INC., 12008 N.E. Inverness Drive, Portland, OR 97204. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Soda ash* from points in Sweetwater County, WY to the facilities of Martin Marietta Aluminum, Inc. located at The Dalles, OR and Goldendale, WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Martin Marietta Aluminum, P.O. Box 45, Goldendale, WA; Martin Marietta Aluminum, P.O. Box 711, The Dalles, OR.

MC 147840 (Sub-6–3TA), filed November 24, 1980. Applicant: NORTH PACIFIC LUMBER CO., 1505 N.E. Gideon Street, Portland, OR 97208. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Glass and glass products and commodities used in the manufacture, sale and distribution thereof, except in bulk,* the facilities of Libby-Owens-Ford Company located in San Joaquin County, CA to points in OR, WA, ID, MT, WY, CO, UT and CA for 270 days. Supporting shipper: Libby-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695.

MC 149078 (Sub-6–3TA), filed November 4, 1980. Applicant: ROAD WEST, INC., 1315 East Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. *Candy and confectionery,* other than hollow mold, and *edible nuts,* in packages and in bulk in barrels from points in Los Angeles County, CA to points in GA, OH and TX, and import shipments from ports in NY and NJ to points in Los Angeles County, CA for 270 days. Supporting shipper: Betty Zane Corporation, 800 West Terrace Drive, San Dimas, CA 91773.

MC 110325 (Sub-6–50TA), filed November 20, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier;* regular routes; *general commodities,* (except household goods as defined by the Commission and Classes A and B explosives), (1) between Oklahoma City, OK and junction U.S. Hwys 60 and 70, from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 70, and return over the same route; (2) between Amarillo, TX and Bakersfield, CA, from Amarillo over Interstate Hwy 40 to junction CA Hwy 58, then over CA Hwy 58 to Bakersfield, and return over the same route; (3) between junction U.S. Hwy 60 and AZ Hwy 71 and junction Interstate Hwy 40 and U.S. Hwy 89 or Alternate U.S. Hwy 89, from junction U.S. Hwy 60 and AZ Hwy 71 over AZ Hwy 71 to junction U.S. Hwy 89, then over U.S. Hwy 89 to junction Alternate U.S. Hwy 89, then over either U.S. Hwy 89 or Alternate U.S. Hwy 89 to junction Interstate Hwy 40 and return over the same route; (4) between Lordsburg, NM and Mesa, AZ over U.S. Hwy 70; (5) between Wichita, KS and Tucumcari, NM over U.S. Hwy 54; (6) between Tulsa, OK and Chicago, IL, from Tulsa over U.S. Hwy 66 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction MO Hwy 73, then over MO Hwy 73 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Chicago, and return over the same route; (7) between Douglasville, GA and Atlanta, GA from Douglasville over GA Hwy 92 to junction GA Hwy 166, then over GA Hwy 166 to junction GA Hwy 154, then over GA Hwy 154 to Atlanta, and return over the same route; (8) between Hamilton, AL and junction U.S. Hwy 78 and AL Hwy 5, from Hamilton over U.S. Hwy 278 to junction AL Hwy 4, then over AL Hwy 4 to junction AL Hwy 5, then over AL Hwy 5 to junction U.S. Hwy 78, and return over the same route; (9) between Dallas, TX and Atlanta, GA, (a) from Dallas over U.S. Hwy 80 to

junction U.S. Hwy 29, then over U.S. Hwy 29 to Atlanta, and return over the same route; (b) from Dallas over Interstate Hwy 20 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, and return over the same route; (10) between Memphis, TN and Corinth, MS over U.S. Hwy 72; (11) between Iuka, MS and Atlanta, GA from Iuka over U.S. Hwy 72 to junction Alternate U.S. Hwy 72, then over Alternate U.S. Hwy 72 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction AL Hwy 67, then over AL Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 278, then over U.S. Hwy 278 to Atlanta, and return over the same route; (12) between Joliet, IL and junction U.S. Hwys 30 and 41 over U.S. Hwy 30; (13) between Chicago, IL and junction U.S. Hwy 30 and IL Hwy 8 over IL Hwy 80; (14) between Joliet, IL and junction U.S. Hwys 52 and 45 over U.S. Hwy 52; (15) between Braidwood, IL and junction IL Hwys 17 and 1, from Braidwood over IL Hwy 113 to junction IL Hwy 17, then over IL Hwy 17 to junction IL Hwy 1, and return over the same route; (16) between Spring Valley, IL and Varna, IL over IL Hwy 89; (17) between Spring Valley, IL and junction IL Hwys 26 and 29 over IL Hwy 29; (18) between Metamora, IL and Sheldon, IL, from Metamora over IL Hwy 116 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Sheldon and return over the same route; (19) between Watseka, IL and Kentland, IN over U.S. Hwy 24; (20) between Allen, IL and junction IN Hwy 28 and U.S. Hwy 41, from Allen over U.S. Hwy 136 to junction IL Hwy 119, then over IL Hwy 119 to IL–IN state line, then over IN Hwy 28 to junction U.S. Hwy 41, and return over the same route; (21) between Clinton, IL and junction IL Hwy 10 and U.S. Hwy 136 over IL Hwy 10; (22) between Clinton, IL and Springfield, IL over U.S. Hwy 54; (23) between Seymour, IL and Cisco, IL, from Seymour over IL Hwy 10 to junction Interstate Hwy 72, then over Interstate Hwy 72 to junction IL Hwy 48, then over IL Hwy 48 to Cisco, and return over the same route; (24) between Taylorville, IL and Jacksonville, IL over IL Hwy 104; (25) between Waverly, IL and Alton, IL, from Waverly over IL Hwy 111 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Alton, and return over the same route; (26) between Detroit, IL and junction IL Hwy 108 and U.S. Hwy 66, from Detroit over IL Hwy 100 to junction IL Hwy 108, then over IL Hwy 108 to junction U.S. Hwy 66, and return over the same route; (27) between Banner, IL and Lewistown, IL over U.S. Hwy 24; (28) between junction IL Hwy 4, and U.S. Hwy 66 and junction IL Hwy 4 and U.S. Hwy 40 over IL Hwy 4; (29) between Ogden, IL and Casey, IL over IL Hwy 49; (30) between Paris, IL and junction IN Hwy 63 and U.S. Hwy 41, from Paris over unnumbered Hwy to IL–IN state line, then over IN Hwy 163 to junction IN Hwy 63, then over IN Hwy 63 to junction U.S. Hwy 41, and return over the same route; (31) between Allerton, IL and junction IN Hwys 234 and 63, from Allerton over unnumbered Hwy to IL–IN state line, then over IN Hwy 234 to junction IN Hwy 63, and return over the same route; (32) between Rockville, IN and junction U.S. Hwys 41 and 52 over U.S. Hwy 41; (33) between Havana, IL and junction U.S. Hwys 136 and 24 over U.S. Hwy 136; (34) between Attica, IN and Muncie, IN, from Attica over IN Hwy 28 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction unnumbered Hwy near Anthony, IN then over unnumbered Hwy to Muncie, and return over the same route; (35) between Crawfordsville, IN and Richmond, IN from Crawfordsville over IN Hwy 32 to junction IN Hwy 38, then over IN Hwy 38 to Richmond, and return over the same route; (36) between Plainfield, IL and junction IL Hwy 71 and U.S. Hwy 6, from Plainfield, over IL Hwy 126 to junction IL Hwy 71, then over IL Hwy 71 to junction U.S. Hwy 6, and return over the same route; (37) between Chicago Heights, IL and Lima, OH, from Chicago Heights over U.S. Hwy 30 to junction U.S. Hwy 30S, then over U.S. Hwy 30S to Lima, and return over the same route; (38) between Kenton, OH and Columbus, OH from Kenton over OH Hwy 31 to junction U.S. Hwy 33, then over U.S. Hwy 33 to Columbus, and return over the same route; (39) between junction U.S. Hwy 66 and IL Hwy 48 and Decatur, IL over IL Hwy 48; (40) between Cheyenne, WY and Council Bluffs, IA over Interstate Hwy 80; (41) between Council Bluffs, IA and Princeton, IL, over Interstate Hwy 80; (42) between Lincoln, NE and junction IA Hwy 2 and U.S. Hwy 275, from Lincoln over U.S. Hwy 34 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction NE Hwy 2, then over NE Hwy 2 to NE–IA state line, then over IA Hwy 2 to junction U.S. Hwy 275, and return over the same route; (43) between Council Bluffs, IA and junction IA Hwy 2 and U.S. Hwy 275 over U.S. Hwy 275; (44) between junction IA Hwy 2 and U.S. Hwy 275 and Kansas City, MO, from junction IA Hwy 2 and 275 over U.S. Hwy 275 to junction Interstate Hwy 29, then over Interstate Hwy 29 to Kansas City, and return over the same route; (45) between Detroit, MI and junction Interstate Hwy 94 and U.S. Hwy 20, from Detroit over Interstate Hwy 94 to junction MI Hwy 60, then over MI Hwy 60 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 20, and return over the same route; (46) between junction OH Hwys 51 and 163 and junction OH Hwy 51 and U.S. Hwy 20 over OH Hwy 51; (47) between Oak Harbor, OH and Port Clinton, OH over OH Hwy 163; (48) between Elkhart, IN and Cleveland, OH over U.S. Hwy 20; (49) between junction U.S. Hwy 224 and OH Hwy 21 and junction U.S. Hwys 224 and 422 over U.S. Hwy 224; (50) between Fremont, OH and Bryan, OH, from Fremont over U.S. Hwy 6 to junction OH Hwy 34, then over OH Hwy 34 to Bryan, and return over the same route; (51) between Cleveland, OH and Ashtabula, OH over U.S. Hwy 20; (52) between Lansing, MI and Flint, MI over Interstate Hwy 69; (53) between Painted Post, NY and Mansfield, PA over U.S. Hwy 15; (54) between junction U.S. Hwy 131 and MI Hwy 57 and junction MI Hwys 57 and 91 over MI Hwy 57; (55) between Belding, MI and junction MI Hwy 66 and Interstate Hwy 96, from Belding over MI Hwy 44 to junction MI Hwy 66, then over MI Hwy 66 to junction Interstate Hwy 96, and return over the same route; (56) between Detroit, MI and Port Huron, MI over Interstate Hwy 94; (57) between Nebraska City, NE and Rockport, MO, from Nebraska City over U.S. Hwy 75 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Rockport, and return over the same route; (58) between Aurora, IL and junction IL Hwys 2 and 92, from Aurora over U.S. Hwy 30 to junction unnumbered Hwy (formerly IL Hwy 2), then over unnumbered Hwy to junction IL Hwy 92, and return over the same route; (59) between Naperville and junction U.S. Hwy 34 and IL Hwy 31 over U.S. Hwy 34; (60) between Des Moines, IA and junction IA Hwy 92 and U.S. Hwy 6, from Des Moines over IA Hwy 28 to junction IA Hwy 92, then over IA Hwy 92 to junction U.S. Hwy 6, and return over the same route; (61) between Portland, OR and Pasco, WA, from Portland over Interstate Hwy 80N to junction U.S. Hwy 730, then over U.S. Hwy 730 to junction U.S. Hwy 395, then over U.S. Hwy 395 to Pasco, and return over the same route; (62) between Toppenish, WA and Buena, WA over U.S. Hwy 97; (63) between junction Interstate Hwy 90 and WA Hwy 26 and Connel, WA, from junction Interstate Hwy 90 and WA Hwy 26 over WA Hwy 26 to junction WA Hwy 17, then over WA Hwy 17 to junction WA Hwy 260, then over WA Hwy 260 to Connel, and return over the same route; (64) between

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Chillicothe, MO and Cameron, MO over U.S. Hwy 36; (65) between South Bend, IN and St. Joseph, MI over U.S. Hwy 33; (66) between Oklahoma City, OK and Wichita, KS over Interstate Hwy 35; (67) between Wichita, KS and Omaha, NE (a) from Wichita over U.S. Hwy 81 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Omaha, and return over the same route; (b) from Wichita over U.S. Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Omaha, and return over the same route; (68) between Barstow, CA and Riverside, CA over Interstate Hwy 15; (69) between Flagstaff, AZ and Phoenix, AZ over Interstate Hwy 17; (70) between Dallas, TX and Kansas City, MO, from Dallas over U.S. Hwy 75 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 166, then over U.S. Hwy 166 to junction KS Hwy 26, then over KS Hwy 26 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Interstate Hwy 435, then over Interstate Hwy 435 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, and return over the same route; (71) between junction Interstate Hwy 44 and U.S. Hwy 166 and Kansas City, MO, from junction Interstate Hwy 44 and U.S. Hwy 166 over Interstate Hwy 44 to junction Alternate U.S. Hwy 71, then over Alternate U.S. Hwy 71 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Kansas City, and return over the same route; (72) between Fort Worth, TX and junction Interstate Hwys 10 and 20 over Interstate Hwy 20 (U.S. Hwy 80); (73) between Houston, TX and junction Interstate Hwys 10 and 20, (a) over Interstate Hwy 10 and (b) from Houston over U.S. Hwy 290 to junction Interstate Hwy 10; (74) between junction Interstate Hwys 10 and 20 and Los Angeles, CA, over Interstate Hwy 10; (75) between junction Interstate Hwys 10 and 8 and San Diego, CA, over Interstate Hwy 8; (76) between Memphis, TN and Denver, CO, from Memphis over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction MO Hwy 13, then over MO Hwy 13 to junction MO Hwy 7, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Denver, and return over the same route; (77) between Conover, NC and Salisbury, NC over U.S. Hwy 70; (78) between Asheboro, NC and Wallace, SC, from Asheboro over U.S. Hwy 220 to U.S. Hwy 1, then over U.S. Hwy 1 to Wallace and return over the same route; (79) between Monroe, NC and Pageland, SC, over U.S. Hwy 601; (80) between Sparta, TN and Nashville, TN over U.S. Hwy 70; (81) between Chattanooga, TN and Nashville, TN, (a) from Chattanooga over U.S. Hwy 64 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville and return over the same route; and (b) over Interstate Hwy 24; (82) between Chattanooga, TN and Knoxville, TN over Interstate Hwy 75; (83) between Sparta, TN and Chattanooga, TN, from Sparta over TN Hwy 111 to junction TN Hwy 8, then over TN Hwy 8 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Chattanooga, and return over the same route; (84) between junction TN Hwys 111 and 30 and junction U.S. Hwy 127 and TN Hwy 8, from junction TN Hwys 111 and 30 over TN Hwy 30 to junction U.S. Hwy 127, then over U.S. Hwy 127 to junction TN Hwy 8, and return over the same route; (85) between McMinnville and junction TN Hwy 55 and Interstate Hwy 24 over TN Hwy 55; (86) between Cookeville, IN and Monterey, TN over Interstate Hwy 40; (87) between Livingston, TN and Jamestown, TN over TN Hwy 52; (88) between Livingston, TN and Monterey, TN from Livingston over TN Hwy 42 to junction TN Hwy 84, then over TN Hwy 84 to Monterey, and return over the same route; (89) between Monterey, TN and Clarkrange, TN over TN Hwy 62; (90) between Sparta, TN and Monterey, TN over TN Hwy 84; (91) between Crossville, TN and junction U.S. Hwy 127 and TN Hwy 30 over U.S. Hwy 127; (92) between McMinnville, TN and Smithville, TN over TN Hwy 56; (93) between McMinnville, TN, and Spencer, TN over TN Hwy 30; (94) between Nashville, TN and Knoxville, TN, over Interstate Hwy 40; (95) between Portland, OR and Tacoma, WA over Interstate Hwy 5; (96) between Salt Lake City, UT and Prosser, WA, from Salt Lake City over Interstate Hwy 15 to junction Interstate Hwy 80N, then over Interstate Hwy 80N to junction U.S. Hwy 395, then over U.S. Hwy 395 to Umatilla, OR, then across the Columbia River to WA Hwy 14, then over WA Hwy 14 to junction WA Hwy 271, then over WA Hwy 271 to Prosser, and return over the same route; (97) between junction Interstate Hwy 80N and U.S. Hwy 395 and junction Interstate Hwy 80N and U.S. Hwy 730 over Interstate Hwy 80N; (98) between Rock Island, IL and Tulsa, OK, from Rock Island over U.S. Hwy 67 to junction Interstate Hwy 44, then over Interstate Hwy 44 to Tulsa, and return over the same route; (99) between Fort Worth, TX and Denver, CO, from Fort Worth over U.S. Hwy 81 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Denver, and return over the same route; (100) between Conway, AR and W. Memphis, AR, from Conway over U.S. Hwy 64 to junction Interstate Hwy 55, then over Interstate Hwy 55 to W. Memphis, and return over the same route; (101) between Little Rock, AR and W. Memphis, AR, over Interstate Hwy 40; (102) between Fort Smith, AR and Oklahoma City, OK, from Fort Smith over U.S. Hwy 71 to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction OK Hwy 9, then over OK Hwy 9 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Oklahoma City, and return over the same route; (103) between Sayre, OK and Oklahoma City, OK, over OK Hwy 152; (104) between Columbus, OH and Greensburg, PA, from Columbus over Interstate Hwy 70 to junction U.S. Hwy 119, then over U.S. Hwy 119 to Greensburg, and return over the same route; (105) between Columbus, OH and Indianapolis, IN over Interstate Hwy 70; (106) between Cincinnati, OH and Indianapolis, IN, over Interstate Hwy 74; (107) between Youngstown, OH and junction Interstate Hwy 80 and U.S. Hwy 11 over Interstate Hwy 80; (108) between Dallas, TX and Harrisburg, PA, from Dallas over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Harrisburg, and return over the same route; (109) between Winston-Salem, NC and junction Interstate Hwys 40 and 81, over Interstate Hwy 40; (110) between Gastonia, NC and junction Interstate Hwys 40 and 26, from Gastonia over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, and return over the same route; (111) between junction U.S. Hwy 209 and Interstate Hwy 84 and junction Interstate Hwy 84 and U.S. Hwy 7, over Interstate Hwy 84; (112) between junction Interstate Hwy 30 and U.S. Hwy 270 and junction Interstate Hwy 40 and AR Hwy 39, from junction Interstate Hwy 30 and U.S. Hwy 270 over U.S. Hwy 270 to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction U.S. Hwy 49, then over U.S. Hwy 49 to junction AR Hwy 39, then over AR Hwy 39 to junction Interstate Hwy 40, and return over the same route; (113) between

junction U.S. Hwy 72 and Alternate U.S. Hwy 72 and junction U.S. Hwys 431 and 278, from junction U.S. Hwy 72 and Alternate U.S. Hwy 72 over U.S. Hwy 72 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 278, and return over the same route; (114) between Milwaukeee, WI and Moline, IL, from Milwaukee over WI Hwy 15 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction IL Hwy 2, then over IL Hwy 2 to junction IL Hwy 5, then IL Hwy 5 to Moline, and return over the same route; (115) between Kansas City, MO and Indianapolis, IN, over Interstate Hwy 70; (116) between Oklahoma City, OK and Little Rock, AR over Interstate Hwy 40; (117) between junction Interstate Hwys 81 and 64 and Richmond, VA over Interstate Hwy 64; (118) between Indianapolis, IN and Toledo, OH, from Indianapolis, over U.S. Hwy 31 to junction IN Hwy 37, then over IN Hwy 37 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction OH Hwy 2, then over OH Hwy 2 to Toledo, and return over the same route; (119) between junction Interstate Hwy 80 and U.S. Hwy 322 and Lewiston, PA, over U.S. Hwy 322; (120) between Huntington, WV and Charleston, WV, over U.S. Hwy 60 (also Interstate Hwy 64), serving all intermediate points in routes 1 through 120 above, and the off-route point of Calexico, CA, for 270 days. NOTE: Applicant presently operates over the various described routes as Alternate or Deviation Routes. Applicant intends to tack and interline throughout its system. Supporting shipper: There are no supporting shipper statements attached.

MC 152759 (Sub-6–1TA), filed November 20, 1980. Applicant: ACTIVE TRUCK LINE, INC., 15666 Slover Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier,* Irregular routes: (1) *motor truck, railroad and contractor's scales,* and (2) *materials, equipment and supplies* used in the manufacture and installation of (1) above, between points in CA, on the one hand, and points in AZ, NV and UT, on the other hand, for 270 days. Supporting shipper: Garner Scale & Equipment, 23011 Moulton Parkway D–1, Laguna Hills, CA 92653.

MC 129219 (Sub-6–46TA), filed November 21, 1980. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. *Contract carrier,* Irregular routes: *Furniture stock, wooden, K.D., in the white and furniture, wooden, S.U., in the white,* in trailers having a subsequent movement by rail, from Eugene, OR to Portland, OR for the account of Whittier Wood Products, for 270 days. Supporting shipper: Whittief Wood Products, P.O. Box 2827, Eugene, OR 97402.

MC 146041 (Sub-6–3TA), filed November 20, 1980. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *(1) Carpets, carpet backing, yarn and fiber, and (2) materials and supplies used in the manufacture of the commodities named in (1) above,* from points in VA, NC, SC, TN, GA and CA, to ports of entry on the International Boundary Line between the U.S. and Canada, located in WA, ID and MT, for 270 days. Supporting shipper: Westmills Carpets, Limited, 2423 2nd Ave., S.E., Calgary, Alberta, T2B 6K1 Canada.

MC 42487 (Sub-6–45TA), filed November 19, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *General commodities, (except household goods as defined by the Commission, and Classes A and B explosives),* between the facilities of Abex Corporation in Quemahoning Township, Somerset County, PA, on the one hand, and on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper(s): Abex Corporation, 530 Fifth Avenue, New York, NY 10036.

MC 42487 (Sub-6–46TA), filed November 24, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Common carrier,* irregular routes: *Lumber, lumber mill products, forest products, wood products and millwork,* from Prineville, OR to Jefferson City and Cape Girardeau, MO, for 270 days. Supporting shipper(s): Contact Lumber Co., 819 Corbett Building, Portland, OR 97204.

MC 136407 (Sub-6–6TA), filed November 24, 1980. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Center, 1600 Lincoln Street, Denver, CO 80264. *Contract,* irregular: *Clay, concrete, glass,* or stone *products,* (STCC No. 32) between Shreveport, LA on the one hand, and, on the other, Kansas City, MO, Dallas, TX and points in CO under continuing contract(s) with Libbey Glass Division of Owens Illinois, Inc., for 270 days. Supporting shipper: Libbey Glass Division of Owens Illinois, Inc., P.O. Box 919, 940 Ash Street, Toledo, OH 43693.

MC 147385 (Sub-6–3TA), filed November 20, 1980. Applicant: D & B TRUCKING, INC., 5315 E. Belmont, Fresno, CA 93727. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *New furniture* between Eugene, OR and AZ, CA, NV and NM, for 270 days. Supporting shipper: Dominion Mfg., Co., Inc., 1300 Bethel Dr., Eugene, OR 97407.

MC 148729 (Sub-6–1TA), filed November 19, 1980. Applicant: ED HANSEN d.b.a. DOROTHY J. TRANSPORT, Hwy 101 W., Box 7070, Port Angeles, WA 98362. Representative: Edward N. Hansen (same as applicant). *Contract Carrier,* Irregular Routes: *Canned foods* from San Francisco Bay area, i.e., South San Francisco, Sunneyvale, Hayward, San Jose, Stockton, Orville, CA to points in OR and WA for the account of John Sexton & Company, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: John Sexton & Company, 2320 Milwaukee Way, East, Tacoma, WA 98421.

MC 124679 (Sub-6–35TA), filed November 19, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). *Foodstuffs* between points in CA, and points in OR, WA, UT, CO, WI, IL, IN, MI, KY, OH, WV, VA, PA, NY, NJ, DE, ME, CT, MA, MD, RI, DC, VT, and NH for 270 days. There are 8 supporting shippers. Their statements may be examined at the Regional Office listed.

Note.—Applicant holds motor contract carrier authority in number MC 128813 and sub numbers thereunder; therefore dual operations may be involved. An underlying ETA seeks 120 days authority.

MC 150044 (Sub-6–3TA), filed November 17, 1980. Applicant: R. ERDMANN TRUCKING, INC., Highway 101 W, P.O.B. 564, Port Angeles, WA 98362. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Building materials* (lumber, plywood, roofing) between Port Angeles, WA on the one hand, and points in OR and WA on and west of U.S. 97, on the other hand, for 270 days. Supporting shipper: Angeles Millwork & Lumber Co., Inc., 1601 S. C. St., Port Angeles, WA 98362.

MC 143550 (Sub-6–1TA), filed November 19, 1980. Applicant: GARY PARISH, d.b.a. G & C FREIGHT SERVICE, 647 S. W. 143, Seattle, WA 98166. Representative: Gary Parish

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(same). *Equipment, material, and supplies used in the manufacture, distribution, installation, and maintenance of framing and roofing systems* between points in WA on the one hand, and points in WA, OR, CA, NV, UT, ID, MT on the other for 270 days. Supporting shippers: Victor Construction, Inc. 18407 Renton—Maple Valley Rd, Maple Valley, WA 98038; Rosmond Bros. Lumber Co., Inc., Route 2, Box 5, Forks, WA 98331; North Hoquiam Cedar Products, Inc., P.O. Box 118, Hoquiam, WA 98550.

MC 152115 (Sub-6–2TA), filed November 19, 1980. Applicant: GEORGE KUIPHOF d.b.a. G. K. DISTRIBUTING CO., 13101 E. Rosecrans Blvd., Santa Fe Springs, CA 90670. Representative: George Kuiphof (same as applicant). *Chemicals* in bags between Los Angeles County, CA and Clark County, NV, for 270 days. Supporting shipper: Montrose Chemicals Corporation of California, 20201 S. Normandie Ave., Torrance, CA 90502.

MC 1515 (Sub-6–9TA), filed November 19, 1980. Applicant: GREYHOUND LINES, INC., GREYHOUND TOWER, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). *Common carrier,* regular routes, *passengers and their baggage and express and newspapers,* in the same vehicle with passengers, between Binghamton, NY and the junction of NY Hwy 17 and U.S. Hwy 220 at or near Sayre, PA: From Binghamton, NY over NY Hwy 17 to its junction with U.S. Hwy 220 and return over the same route, serving all intermediate points for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority applied for to other authority in MC 1515. Supporting shipper(s): There are 22 shippers. Their statements may be examined at the Regional Office listed.

MC 141205 (Sub-6–6TA), filed November 20, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 S. Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O.B. 11898, Salt Lake City, UT 84147. *Contract carrier,* irregular routes: *crude oil, scrubber oil and condensate* from points in Lane, Ness, Ellis, Russell, Ellsworth, Saline, Rush, Barton, Rice, McPherson, Marion, Pawnee, Stafford, Reno, Harvey, Edwards, Kiowa, Pratt, Kingman, Sedgwick, Comanche, Barber, Harper, and Sumner Counties, KS, to the Husky Oil Co. pipeline injection station on Sun Midcontinent Pipeline in Alfalfa County, OK for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Husky Oil Company, 600 S. Cherry St., Denver, CO 80222.

MC 144728 (Sub-6–1TA), filed November 24, 1980. Applicant: K.K.W. TRUCKING, INC., 516 W. 140th St., Gardena, CA 90248. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202. *Such commodities as are dealt in by home funishing and appliance stores,* between the Los Angeles, CA commercial zone on the one hand, and, on the other, the facilities of McMahan Furniture Company at Farmington, NM, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: McMahan Furniture Company, P.O.B. 7000, Carlsbad, CA 92008.

MC 113059 (Sub-6–2TA), filed November 24, 1980. Applicant: KELLER TRANSPORT, INC., Route 9, Katy Lane, Billings, MT 59102. Representative: F. E. Keller (same as applicant). *Petroleum Products,* from Missoula, MT to points North of the Southern border of Washington, Valley, Custer and Lemhi Counties in ID for 270 days. Supporting shippers: Bitterroot Oil, Inc., P.O. Box 93, Stevensville, MT 59870; Husky Oil Company, 600 South Cherry Street, Denver, CO 80222.

MC 152749 (Sub-6–1TA), filed November 20, 1980. Applicant: MTG TRUCKING, INC., 4320 128th Street East, Tacoma, WA. Representative: Jon A. Graciano (same as applicant). *Contract Carrier,* Irregular routes: *Lumber, wood products, Building Materials, and associated Supplies* from ports of entry on the International Boundary line between the U.S. and Canada located in WA and from points in WA, OR, CA, ID to the 48 states, for 270 days. Supporting shipper(s): Lumbermans Merchandising Corp., 107 N Aberdeen Ave., Wayne, PA 19087; DAS Pro Wood Inc., 550 Sixth St., New Westminster BC V3L5C3; Can Am Industries Ltd, P.O. Box 34232 Station D, Vancouver BC V6J4N9.

MC 146001 (Sub-6–2TA), filed November 18, 1980. Applicant: BOB MARGOSIAN, d.b.a. BOB MARGOSIAN TRUCKING, P.O. Box 395, Dinuba, CA 93618. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Foodstuffs,* from Kingsburg, CA, to Phoenix, AZ, and points in its commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sun Diamond Growers of California, 3000 Sand Hill Road, Menlo Park, CA 94025.

MC 147917 (Sub-6–1TA), filed November 18, 1980. Applicant: MELNI BUS SERVICE, INC., 622 Anacapa Street, Santa Barbara, CA 93101. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Passengers and their baggage* in round trip charter operations, beginning and ending at Los Angeles and Orange Counties, CA, and extending to points in CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sports America Tours, Inc., 359 Bel Marin Keys Blvd. #28, Novato, CA 94947.

MC 32882 (Sub-6–5TA), filed November 24, 1980. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, POB 17039, Portland, OR 97217. *Electrical transmission cable* from the facilities of Alcoa, Inc., located in Clark County, WA to LaBelle, Quartsite, and Tonapah, AZ, for 270 days. Supporting shipper: Southern California Edison Co., POB 429, Alhambra, CA 91802.

MC 135621 (Sub-6–1TA), filed November 17, 1980. Applicant: MOLERWAY FREIGHT LINES, INC., 2707 Beartooth Dr., Billings, MT 59102. Representative: John L. Mohr, 111 West Main, Laurel, MT 59044. *General Commodities* (except those of unusual value, dangerous explosives, commodities in bulk, and those injurious or contaminating to other lading) between points in MT, with prior interstate movement, for 270 days. An underlying ETA seeks 120 days authority. Tacking and interlining is requested. Supporting shippers: #8.

MC 138762 (Sub-6–2TA), filed November 24, 1980. Applicant: MUNICIPAL TANK LINES, LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: D. S. Vincent, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. *Dry synthetic resin,* in bulk, between points on the International Boundary line between the U.S. and Canada located in MI to points in MI, IN, OH, CT and NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Imperial Oil Limited, 111 St. Clair Ave. W., Toronto, Ontario.

MC 151683 (Sub-6–1TA), filed November 18, 1980. Applicant: NAVAJO NATION TRANSIT SYSTEM, Window Rock, AZ 86515. Representative: Michael Tang, Legal Department, Navajo Tribe, Window Rock, AZ 86515. *Passengers and their baggage in the same vehicle, newspapers and express materials,* in regular route service within and near the Navajo Reservation in AZ and NM as follows: From Window Rock, AZ via Highway 264 to Ganado, AZ and return thence west on Highway 264 to Tuba City, AZ serving all points in between and return over the same route. From Window Rock AZ via Highway 12 to Tsaile, AZ thence Highway 64 to Chinle, AZ thence Highway 63 to Round Rock, AZ thence Highway 63 to Highway 160, thence west on Highway 160 to Kayenta, AZ serving all points in between and return. From Crownpoint, NM via Highway 197 to Junction 666, thence 666 to Tohatchi, NM thence 666 to Yatahey; Highway 264 to Window Rock, AZ, Highway 12 to Fort Defiance, AZ serving all points in between and return on same route to Crownpoint, NM; Highway 197 to Cuba, NM and return to Crownpoint thence Highway 197 to Window Rock, AZ serving all points in between and return via the same route to Crownpoint, NM. From Window Rock, AZ via Highway 264 to Yatahey; Highway 666 to Gallup, NM serving all points in between and return on same route, thence Highway 12 to Ft Defiance, AZ and return to Window Rock, AZ. From Tuba City, AZ via Highway 160 to Shiprock, NM serving all points in between; and return. From Ft Defiance, AZ via Highway 12 to Window Rock, AZ; Highway 264 to Junction 666; Highway 666 to Shiprock, NM; serving all points in between and return. For 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are sixteen supporting shippers. Their statements may be examined at the Regional Office listed.

MC 138732 (Sub-6–8TA), filed November 24, 1980. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon Ct., Suite 200, San Ramon, CA 94583. *Paper and Paper Products* between the facilities of Orchid Paper Products Corporation in Los Angeles and Orange Counties, CA, Flagstaff, AZ, Pryor, OK, and St. Helens, OR, on the one hand, and on the other, points in the U.S. for 270 days. Supporting shipper: Orchid Paper Products Corporation, 5911 Fresca Dr., La Palma, CA 90623.

MC 730 (Sub-6–12TA), filed November 25, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as Applicant). *Contract Carrier:* Irregular Routes: *General commodities,* except household goods as defined by the Commission and classes A and B explosives, between points in the United States (except AK and HI), under a continuing contract with Port of Seattle, Seattle, WA, for 270 days.

Note.—Common control may be involved. Supporting shipper: Port of Seattle, P.O. Box 1209, Seattle, WA.

MC 152760 (Sub-6–1TA), filed November 20, 1980. Applicant: FRANK RAPISARDA and ROY DENNIS HINSON, d.b.a. RAPISARDA/HINSON TRUCKING COMPANY, 20843 Tulsa St., Chatsworth, CA 91311. Representative: Roy Dennis Hinson (same as applicant). *Non-metallic minerals and waste or scrap materials,* loose in dump trucks, between points in CA, AZ, and NV for 270 days. Supporting shippers: Brumley-Donaldson Co., 3050 E. Slauson Ave., Huntington Park, CA 90255. B & B Metals, Inc., 400 E. Weber St., Compton, CA 90222. Circo Glass Co., 1551 E. Shaw Ave., #128, Fresno, CA 93710.

MC 150502 (Sub-6–5TA), filed November 20, 1980. Applicant: REBANDA TRANSPORTATION, INC., 4350 Mill Creek Road, Healdsburg, CA 95448. Representative: Ronald C. Chauvel, 100 Pine Street #2550, San Francisco, CA 94111. *Contract Carrier,* Irregular Routes: *Musician's equipment, materials and supplies and show materials* used in connection with concerts presented by shipper between all points in the U.S. (except AK and HI) under continuing contracts with Rosco Productions, Inc., for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Rosco Productions, Inc., P.O. Box 1198, Jacksonville, FL 32201.

MC 143652 (Sub-6–1TA), filed November 19, 1980. Applicant: RESOURCE RECOVERY CORPORATION, a Washington corporation, 5501 Airport Way South, Seattle, WA 98108. Representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. *Hazardous or chemical wastes not suitable for disposal at ordinary landfill sites,* from International points of entry on the WA–British Columbia border and points in WA to disposal sites in WA, OR, ID and CA and points in OR to treatment facilities in Tacoma and Seattle, WA, for 270 days. Supporting shipper: Chemical Processors, Inc., 5501 Airport Way South, Seattle WA 98108.

MC 52465 (Sub-6–2TA), filed November 24, 1980. Applicant: RICE TRUCK LINES, P.O. Box 395, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Petroleum and petroleum products,* from Spokane County, WA and Multnomah County, OR to points in Lincoln, Missoula, Lake, Flathead, Sanders, Mineral, Powell, Granite, Deer Lodge, Silver Bow and Ravalli Counties, MT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Libby Fuel Co., P.O. Box 1063, Libby, MT 59923.

MC 138675 (Sub-6–32TA), filed November 21, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Food and kindred products* (except commodities in bulk), From Greenville, MI to points in AR, AZ, CA, CO, IA, ID, IL, IN, KS, MN, MO, MS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707.

MC 138675 (Sub-6–33TA), filed November 24, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: David E. Wishey, P.O. Box 837, Boise, ID 83701. *General commodities* (except household and Class A & B explosives) (except commodities in bulk) between San Francisco, CA & Boise, ID, and their respective commercial zones. Restricted to traffic originating at or destined to the facilities used by AM PM, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): AM PM, Inc., P.O. Box 9448, Boise, ID 83707.

MC 152750 (Sub-6–1TA), filed November 20, 1980. Applicant: SLAUSON TRUCKING CORPORATION, 6277 East Slausen Avenue, City of Commerce, CA 90042. Representative: Michael S. Rubin, 256 Montgomery Street, 5th Floor, San Francisco, CA 94104. *General commodities* (except household goods as defined by the Commission and Classes A and B explosives), moving on the bills of lading of regulated freight forwarders or having a prior or subsequent movement by forwarders, between points in Ventura, Los Angeles, San Bernardino, Riverside, Orange, San Diego, and Imperial Counties, CA, with the right to interline at Los Angeles, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Carloading Co., 960 E. Third Street, Los Angeles, CA 90013.

MC 150958 (Sub-6–9TA), filed November 24, 1980. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, CA 95077. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. *(1) Candy and confectionary materials; (2) Supplies and equipment used in the manufacture of candy.* Between the County of Oklahoma, OK and the contiguous 47 states, for 270 days. Supporting shipper: Bunte Candies, Inc., 129 E. California, Oklahoma City, OK 73104.

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MC 148737 (Sub-6–8TA), filed November 24, 1980. Applicant: SUNSET EXPRESS CORP., P.O. Box 27403, Salt Lake City, UT 84125. Representative: Carl I. Sundeaus (same address as applicant). *Materials and supplies used in manufacturing of seat covers* from NC, NY and SC to Salt Lake City, UT for 270 days. Supporting shipper: Car Lines Mfg, P.O. Box 151091, Salt Lake City, UT 84115.

MC 152794 (Sub-6–1TA), filed November 24, 1980. Applicant: TYWAR, INC., d.b.a. O-N-C FREIGHT SYSTEMS, 2345 N.W. Nicolai Street, Portland, Oregon 97210. Representative: Michael J. O'Neill (same address as applicant). *General commodities,* (except commodities in bulk, those requiring special equipment, commodities of unusuial value, classes A and B explosives, and household goods as defined by the Commission) between points in Clark County WA, Multnomah, Washington, Clackamas, Marion, Linn, Lane, Douglas, Coos, Klamath, Jackson, Josephine Counties OR and Del Norte and Humboldt Counties CA, for 270 days. Applicant seeks the right to interchange at Portland, Eugene, Coos Bay, Medford OR, and Eureka, CA. An underlying ETA seeks 120 days authority. Supporting shippers: There are 29 supporting shippers. Their statements may be examined at the Regional office listed.

MC 140262 (Sub-6–1TA), filed November 24, 1980. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Metallic Ores, Nonmetallic minerals and Chemicals* (except fuels), from points in NV and AZ to points in OR, WA, CA, AZ, NV, ID, MT, WY, UT, CO and NM, for 270 days. Supporting shippers: Dresser Industries, Inc., P.O. Box 6504, Houston, TX 77005; and Industrial Minerals Venture, Star Route 15, Box 549, Lathrop Wells, NV, 89020.

MC 129239 (Sub-6–2TA), filed November 20, 1980. Applicant: WASHINGTON-CALIFORNIA EXPRESS, INC., 919 South McGarry Street, Los Angeles, CA 90029. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Plastic articles, plastic film & materials, supplies & equipment used in the manufacture of plastic articles & plastic film* between Schuylkill County, PA on the one hand, and, on the other, points in the U.S. (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Allied Chem. Corp., Fibers & Plastics Co., P.O. Box 697, Pottsville, PA 17901.

MC 144765 (Sub-6–3TA), filed November 20, 1980. Applicant: WATERVILLE-CASCADE TRUCKING, INC., P.O. Box 1686, Wenatchee, WA 98801. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Paint, paint products and raw materials and related items,* from Los Angeles, CA to points in the states of OR and WA; from Chicago, IL and Baltimore, MD to points in the states of WA, OR and CA, for 270 days. Supporting shipper: Dutch Boy Paints, 3414 4th Avenue South, Seattle, WA, 98134.

MC 112989 (Sub-6–13TA), filed November 19, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 S., Eugene, OR 97405. Representative: John W. White, Jr. (same as applicant). *Paper and paper products,* from Halsey, OR to points in CA, for 270 days. Supporting shipper: American Can Company, Serramonte Plaza, 355 Gellert Blvd., Daly City, CA 94015.

MC 152785 (Sub-6–1TA), filed November 24, 1980. Applicant: WILLIAM J. CHAMBERS and WILLIAM CHAMBERS, a partnership d.b.a. WESTWAY TRANSPORTATION CO., 153 Valencia Dr., Camarillo, CA 93010. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Foodstuffs (except commodities in bulk)* between Los Angeles County, CA and points in OR and WA, for 270 days.Supporting shippers: The Thinnery, 9337 Laurel Canyon Blvd., Pacoima, CA 91331 and The Skinny Spot, 218 S.W. G St., Grants Pass, OR 97526.

MC 151596 (Sub-6–3TA), filed November 24, 1980. Applicant: BOB WHITAKER & SON, INC., P.O.B. 65, Roswell, NM 88201. Representative: Bob Whitaker (same as applicant). (1) *Meats, meat products, meat by-products and articles distributed by meat-packing houses, and (2) Materials, equipment and supplies used in processing, distribution and sale of the commodities named in (1) above.* Between points in Lipscomb County, TX, on the one hand and points in the US (except AK and HI) on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Booker Custom Packing Co., Inc., P.O.B. 290, Booker, TX 79005.

MC 146215 (Sub-6–1TA), filed November 20, 1980. Applicant: WOLFE TRUCKING, INC., 1333 E. 7th St., Los Angeles, CA 90021. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier;* Irregular routes: *Pulp, paper or allied products* as described in Item 26 of the Standard Transportation Commodity Code Tariff, from points in CT, ME, MA, NH, NY, RI and VT to points in AZ, CA, NV and UT, for the account(s) of Sheldon Forwarding Company, for 270 days. Supporting shipper: Sheldon Forwarding Company, P.O. Box 389, Holyoke, MA 01041.

MC 89884 (Sub-6–9TA), filed November 21, 1980. Applicant: WYCOFF COMPANY, INCORPORATED, P.O. Box 368, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). *Common,* regular/irregular routes: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted against the transportation of shipments in which any single piece exceed 100 pounds in weight; over presently authorized routes in UT, NV, CA, ID, WY, CO; including the right to interline at Reno, NV and Denver, CO for 270 days. Applicant is seeking to remove its existing aggregate weight limit of 500 pounds per shipment from MC 89684, Subs 49, 54, 57, 58, 63, 74, 78, 81, 85, 91, 92, 100 and 103. Applicant intends to interline at Denver, CO, Los Angeles, CA, Reno, NV, and Salt Lake City, UT. Supporting shippers: There are 35 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 135866 (Sub-6–3TA), filed November 21, 1980. Applicant: JACK L. MASSENDER, d.b.a. ZILLAH HAULING SERVICE, 6502 N. Pittsburg St., Spokane, WA 98207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *Iron and steel articles,* from Spokane, WA to points in OR, for 270 days. Supporting shipper: Artistic Iron works, Inc., E. 23rd and Montgomery, Spokane, WA 99207.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–6951 Filed 3–4–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Amendment of Determination

Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 17, 1978 (43 FR 13359, March 29, 1978), I hereby amend the determination published in the **Federal Register** on January 19, 1981 (46 FR 5100) to include other objects to be part of the exhibit "Kandinsky: The Improvisations" (designated in the list[1] filed as part of this amendment). The temporary exhibition or display of these additional designated exhibit objects of cultural significance is in the national interest.

Public notice of this amendment of the determination is ordered to be published in the **Federal Register**.

Dated: March 3, 1981.

John W. Shirley,

Acting Director.

[FR Doc. 81–7179 Filed 3–4–81; 8:45 am]

BILLING CODE 8230–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–69]

Certain Airtight Cast-Iron Stoves; Modification of Orders

AGENCY: U.S. International Trade Commission.

ACTION: Modification of cease and desist orders and exclusion order.

SUMMARY: On February 20, 1981, the Commission modified the exclusion order and cease and desist orders issued in this investigation after reconsidering those orders in light of the violations found to exist.

The Commission's Action and Order in this matter is available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0359.

Issued: February 20, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–6938 Filed 3–4–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–67]

Certain Inclined-Field Acceleration Tubes; Commission Order

Introduction

The Commission has carefully considered complainant High Voltage Engineering Corporation's petition of January 13, 1981, for reconsideration of its determination. On February 18, 1981, the Commission voted to deny the request because it did not comply with the Commission rule requiring that any petition for reconsideration "be confined to new questions raised by the determination * * * upon which the petitioner had no opportunity to submit arguments." 19 CFR 210.56.

[1] An itemized list of the additional objects to be covered by this amendment is filed as part of this amendment of determination.

Discussion

The petition raised four questions: (1) The intent of Congress in enacting the National Science Foundation Act of 1950, 42 U.S.C. 1861–1884; (2) the relative performance of spiral and other inclined-field acceleration tubes; (3) complainant's ability and willingness to furnish spiral-field acceleration tubes; and (4) complainant's willingness to license users of imported spiral-field tubes under U.S. Letters Patent 3,308,323.

At the oral argument on November 25, 1980, there was a lengthy discussion of the role of the National Science Foundation in sponsoring nuclear-structure research and the effect that that sponsorship would have on the Commission's determination. Transcript at 128–30, 160–61, 175–79. There was ample opportunity for the parties to supplement that discussion with a consideration of the National Science Foundation Act of 1950 in posthearing submissions.

Moreover, complainant misunderstands the way in which the Act figured in the Commission's determination. The Commission opinion, *Certain Inclined-Field Acceleration Tubes,* Inv. No. 337–TA.67, USITC Pub. No. 1119 (1980), cited the National Science Foundation Act as evidence that Congress considers basic scientific research to be important to the public health and welfare, not, as complainant alleged, as authority for overriding a patent owner's rights. The authority for overriding a patent owner's rights is subsection 337(d) of the Tariff Act of 1930, 19 U.S.C. 1337(d). As the petition pointed out, the National Science Foundation Act expressly does not authorize the Foundation to enter into contracts inconsistent with patent law. 42 U.S.C. 1871. The Commission is not convinced, however, that that provision must be read together with section 337. Furthermore, section 337 is to operate "in addition to any other provisions of law." 19 U.S.C. 1337(a).

As to the second issue, the petition raised no new question. The relative performance of the complainant's and respondent Dowlish Developments' tubes was addressed in public-interest submissions by users of both tubes, including two submissions supporting complainant's side of the case that were admitted to the record well after the deadline for submissions. Counsel for complainant was questioned by the Commission on the issue at oral argument.

Third, complainant's willingness to produce and furnish spiral-field acceleration tubes was raised by the Los Alamos Scientific Laboratory's submission of October 24, 1980, which was served on complainant. Complainant has had ample opportunity to address the issue and did so at oral argument, as was acknowledged in the Commission's opinion. USITC Pub. No. 1119 at 27.

Finally, complainant's willingness to license use of infringing articles was not material to the Commission's determination nor is it a new issue in the case. Complainant's petition points out that the issue was specifically raised by a Commissioner at oral argument and addressed by counsel for Commission. Petition at 19–20; transcript at 140–41. Parties were also afforded the opportunity to supplement oral argument with posthearing submissions.

Order

Accordingly, it is hereby ordered that—

1. Complainant's petition for reconsideration, Motion Docket No. 67–30 (Jan. 15, 1981), is denied;

2. The Secretary shall serve this Order upon each party of record in this investigation, and upon the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, and the U.S. Customs Service; and

3. The Secretary shall publish this Order in the **Federal Register**.

Issued: February 23, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–6937 Filed 3–4–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 303–TA–14 (Final)]

Plastic Animal Identification Tags From New Zealand

Determination

On the basis of the record[1] developed in investigation No. 303–TA–14 (Final), the Commission unanimously determines, pursuant to section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), that an industry in the United States is not materially injured or threatened with material injury and the

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

establishment of an industry in the United States is not materially retarded by reason of imports from New Zealand of plastic animal identification tags provided for in item 666.00 of the Tariff Schedules of the United States which the Department of Commerce has found to be subsidized by the Government of New Zealand.

Background

The Commission instituted this investigation effective October 28, 1980, following a preliminary determination by the Department of Commerce that bounties or grants are being provided by the Government of New Zealand with respect to the production or export of plastic animal identification tags imported into the United States. Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of November 19, 1980 (45 FR 76553). The hearing was held on January 30, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun,[2] and Commissioner Paula Stern

On the basis of the record developed in Investigation No. 303–TA–14 (Final), we determine that an industry in the United States is not materially injured or threatened with material injury and the establishment of an industry in the United States is not materially retarded[3] by reason of imports from New Zealand of plastic animal identification tags which the Department of Commerce has found to be subsidized by the Government of New Zealand.

The Imported Article and the Domestic Industry

We must first identify the industry against which the impact of the subject imports must be assessed. Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as:

> the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

The term "like product" is defined in section 771(10) of the act as:

> A product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.

The imported articles subject to this investigation are two-piece plastic animal identification tags. They are designed for application to the ears of cattle, hogs, sheep, or goats for the purpose of individual identification and management.

In the United States, production of virtually identical two-piece ear tags by major producers did not begin until late 1977. Production of a one-piece plastic tag, however, has existed for some time, and an important question in this investigation is whether U.S.-produced one-piece ear tags are also "like products" to the imports. If so, our examination of injury would include not only the data for production of two-piece tags, but data for one-piece tags as well. For the reasons stated below, we believe the two articles are "like" within the terms of the statute.

The Senate Finance Committee Report which accompanied the Trade Agreements Act of 1979 provides guidance to the Commission in determining the nature of a "like product." According to the report:

> (T)he requirement that a product be "like" the imported article should not be interpreted in such a narrow fashion as to permit minor differences in physical characteristics and use to lead to the conclusion that the products are not like each other, nor should the definition of "like product" be interpreted in such a fashion as to prevent consideration of an industry adversely affected by the imports under investigation.[4]

Our designation of the like product in this case as both one- and two-piece plastic animal ear tags is consistent with the Senate's advice.[5] There is an obvious physical difference between one- and two-piece ear tags, but it is not a difference in terms of either their basic characteristics or the uses for which they are designed. Rather, this difference relates only to their quality, real or perceived. Both types of tags are used for in-herd identification of animals, and both have highly desirable characteristics such as visibility and durability. Furthermore, both one- and two-piece ear tags are produced on the same machinery by the same employees. They are marketed by the same sales force through the same channels of distribution.[6] One- and two-piece tags are "like products," and to exclude one-piece tag production from the definition of like product under consideration would have prevented consideration of an industry potentially adversely affected by the imports.[7][8]

Therefore, we find that firms which produce one- and two-piece ear tags constitute the relevant industry for purposes of this investigation. There are seven known domestic producers of such plastic animal identification ear tags.

The Question of Material Injury by Reason of Subsidized Imports

In considering whether there exists material injury by reason of imports of the subsidized product, we are required by statute to consider, *inter alia*, the volume of imports, their impact on domestic prices, and the consequent impact on the domestic industry.

Volume of imports. Imports of plastic animal identification ear tags increased from 5.7 million in 1977 to 11.8 million in 1979, more than doubling in the three years. They continued to increase in January–September 1980, by 1.4 million tags or 16 percent, compared with those in the corresponding period of 1979. As a share of apparent U.S. consumption, imported tags rose from 17 percent in 1977 to 26 percent in 1979 and 29 percent in January–September 1980.[9]

Price considerations. Price comparisons between domestic and imported tags at the first level at which they compete in the U.S. market indicate that prices of the imported tags were higher in almost every quarter during 1978–1980 than prices of comparable domestic tags. Prices of imported tags were held constant from July 1978 through May 1980, but this did not seem to cause any price suppression, since prices of domestic tags continued to rise and sales of the domestic tags continued to increase in this period.

Petitioners have argued that the appropriate price comparison should be between the price Delta sells to the importers and the price the domestic producers sell to their distributors, and that if this comparison were made, there would be underselling. However, since our focus here is on the impact of prices in the market, we must make our price comparison at the first level of distribution in the U.S. market where there is head to head competition between the imported and domestic ear tags. In this case, this point occurs at the time of sale from both the domestic producers and the main importers to a common network of distributors.

Impact on the industry. Delta Plastics, Ltd., the New Zealand producer, began marketing its tags in the United States under the brand name "Allflex" in 1974. The new Allflex tag was able to establish itself firmly in the market for at least three years before domestic companies began to introduce their own two-piece tags. It was alleged by the importer that, rather than injuring the domestic industry, their product actually expanded the market for animal ear tags. This, in fact, seems to be a valid point.[10] After 1977, domestic firms acted quickly to participate in the growing market for two-piece tags by rapidly increasing their capacity from 61.3 million in 1977 to 67.5 million in 1978 and 91.3 million in 1979.[11] The new capacity was apparently added with the expectation that the two-piece product would attract new customers who had previously not tagged their animals. Domestic production of ear tags increased by 14.1 million tags from 1977 to 1979, mostly because of growing production of two-piece tags.[12]

Not only did production increase, but shipments of domestic tags increased as well. Total domestic shipments of U.S.-produced ear tags increased from 26.8 million in 1977 to 34.0 million in 1979, an increase of 7.2 million tags or 27 percent. Again, this growth in ear tag shipments was attributable to rapidly increasing sales of two-piece tags as shipments of one-piece tags actually declined from 1977 to 1979.[13]

As with production of ear tags, employment increased rapidly during this period. Workers engaged in the production of ear tags numbered 92 in 1977 and 173 in 1979, an 88 percent increase.[14]

The capacity utilization of the domestic industry was relatively low in 1977, but it is difficult to analyze the industry's raw capacity utilization ratio as an indication of either good or poor performance. Instead, it is necessary to look at utilization in the context of other performance indicators of the industry. In 1977, the industry's capacity utilization was 38 percent. It increased to 51 percent in 1978, the year in which two major producers of ear tags began producing two-piece tags. Total production increased by 47 percent from 1977 to 1978 while capacity increased by only ten percent, thus resulting in the increase in capacity utilization in 1978. In 1979, the situation reversed. In apparent response to the rapidly expanding market, domestic producers increased their capacity by 35 percent. However, production did not keep pace, increasing by only 9 percent. As a result, capacity utilization dropped to 41 percent.[15] While some might consider this a fairly low capacity utilization ratio, the financial information provided by U.S. producers (which is discussed in more detail below) indicates that while operating at this level, the domestic industry achieved a higher ratio of net operating profit to net sales than it did in 1978, when it had a higher capacity utilization ratio.

U.S. producers' inventories increased from 6.1 million tags at the end of 1977 to 11.3 million at the end of 1979.[16] This increase of 86 percent in two years can be explained by the nature of the product and its distribution. Since plastic ear tags come in a variety of sizes and colors, and because orders must be filled as they are received, producers must maintain relatively high inventories. Between 1977 and 1978, three of the major domestic producers began producing two-piece tags, which, like one-piece tags, are available in different sizes and colors. In order to continue filling orders as quickly as before, domestic producers had to keep larger inventories.

The increase in inventories is much less dramatic when examined relative to production and shipments. The ratio of inventories to production actually declined from 1977 to 1978, then increased by only 5 percentage points in 1979, and the ratio of inventories to shipments increased by 10 percentage points from 1977 to 1979. These increases are attributable in large part to producers' uncertainties regarding shifts in demand for different types of tags and concomitant adjustments in production required of domestic producers. It must be remembered that the rapid growth in production is in a product line which is still rather new to domestic producers, and some overstocking is inevitable.

Domestic producers supplied numerous allegations of lost sales, but the staff was able to confirm that only a small percentage of these were lost to imports. Rather, it appears that there is healthy competition in the market, with most of the reported lost sales going to other domestic companies.[17] Since the price of the Allflex tag was almost always higher than that of the domestic product, it would seem that price was not a factor in those sales which were lost to imports.

Financial data were provided by four domestic companies which accounted for 90 percent of industry shipments in 1979. Their financial experience shows that from 1977 to 1979, net sales increased by 81 percent, net operating profit more than tripled, and the ratio of net operation profit to net sales increased from 7.8 percent to 14.0 percent.[18][19] These facts point to an industry in excellent health.

The data on economic performance for 1977–1979 do not show material injury to the domestic industry. The only possible signs of weakness in the industry for the whole period under investigation relate to January-September 1980 data. In this period, domestic producers' total shipments declined slightly, capacity utilization dropped somewhat, and inventories increased. Employment grew in the first quarter and dropped in the third quarter. The ratio of net operating profit to net sales also dropped during this period. However, a careful examination of this data reveals that while the industry certainly has not sustained the growth it experienced from 1977-1979, it is not suffering from material injury by reason of the imports of subsidized ear tags. The decline in shipments is negligible, the employment decline relates only to a very brief period, and the capacity utilization decline merely reflects a continued greater increase in capacity than production. Growing inventories are explained by factors noted above and by the fact that domestic prodcuers had expected the market to expand in

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[2] Note additional views of Vice Chairman Calhoun.

[3] Material retardation of the establishment of an industry is not an issue in this investigation, since there are already several domestic producers of plastic animal identification tags. It will not be discussed further.

[4] Committee on Finance, U.S. Senate, Report No 96–249, 96th Cong., 1st Sess., pp. 90–91. (Senate Report 96–249)

In any event we would have compelled to assess injury in regard to both products since separate financial data were not available for two-piece ear tag production. The law clearly states that when separate data are not available the Commission should base its determination on analysis of the narrowest group or range of products, which include a like product, for which necessary information can be provided. *See* Section 771(4)(D).

[5] Vice Chairman Calhoun does not feel that the production process, employees, or marketing channels are relevant to the assessment of characteristics and uses. See his additional views

[7] While there are other types of animal identification (*i.e.*, neck chains, hip tags, and metal ear tags), these represent only a small portion of domestic production (for the most part, data are not available on these products). Furthermore, they have substantially different characteristics: they are less visible, less practical, and are able to have less information written on them. Hip tags have different uses—primarily for identifying animals at auctions. None of the parties argued that they should be included within the scope of the domestic industry.

[8] Vice Chairman Calhoun disassociates himself from this statement. See his additional views.

[10] Posthearing Brief of Delta Plastics, Ltd. et. al., p. 9.

[11] Report, p. A–20.

[12] Report, p. A–17.

[13] Report, p. A–22.

[14] Report, p. A–30.

[15] Report, p. A–20.

[16] Report, pp. A–28 through A–28.

[17] Report, pp. A–44 through A–46.

[18] Report, pp. A–30 through A–32.

[19] The aggregate data do camouflage financial difficulties of some companies in the industry. But our determination, as noted in the industry section, is to be based on analysis of "domestic producers as a whole of a like product" * * *."

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1980 as rapidly as it had in 1979.[20] The decline in net profits for this period can be attributed primarily to a 37 percent increase in general, selling, and administrative expenses. These costs reflect internal company policy decisions to increase marketing efforts in order to improve sales of two-piece tags. These decisions are not surprising considering domestic production of two-piece tags was only three years old, a better indicator of financial condition may be the ratio of gross profit (ie. profit before deductions are made for general, selling, and administrative expenses) to net sales, which increased from 54.4 percent in the first nine months of 1979 to 56.7 percent in the first nine months of 1980. It is also noteworthy that net operating profit for the first 9 months of 1980 is greater than for all of 1977, and the ratio of net operating profit to net sales is virtually the same for these two periods.

In any case, an examination of the pattern of import penetration [21] reveals that the inability of the U.S. industry to maintain the 1977–1979 performance in 1980 is not attributable to the subsidized imports. The most significant growth in shipments of imports occurred from 1977–1979, when the U.S. industry was thriving. But, in 1980, as the U.S. market for ear tags slowed, import shipments—like domestic sales—dropped.

Threat

The Senate Report on the Trade Agreements Act of 1979 gives some guidance to the Commission for determining whether an industry in the United States is threatened with material injury:

> An ITC affirmative determination with respect to threat of material injury must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture.[22]

The House Report on the Trade Agreements Act of 1979 states that certain

> * * * demonstrable trends—for example, the rate of increase of the subsidized or dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other export markets, and the nature of the subsidy in question (i.e., is the subsidy the sort that is likely to generate exports to the U.S.)—will be important.[23]

In this final investigation, we obtained clarification of Delta's currently available and projected excess capacity, new data on Delta's worldwide export patterns, more detail on the subsidy programs we can expect Delta to utilize in the imminent future, and, as described above, a fuller understanding of the current condition of the domestic industry.

Sales of animal ear tags in the United States by Delta appear to have peaked or nearly peaked for the immediate future. Subsidized imports have increased from 1977 to the present time; however, the rate of this increase was lower in 1979 than in 1978 and still lower in the first nine months of 1980 than in 1979. Current inventory levels of the importers are consistent with those reported for the entire period covered by this investigation. Delta is now operating at a capacity utilization rate of about 80 percent,[24] and the company is presently introducing two new products in New Zealand and Australia that are produced on the same machines as the animal ear tags. Sales of these new products are expected to increase the plant's capacity utilization ratio substantially by the end of 1981.

Of the output accounted for by the current 80 percent capacity utilization rate, approximately 87 percent is exported. Exports to the United States comprise about half of these exports. However, Delta exports to over thirty countries [25] and export sales to these countries, like those to the United States, have increased steadily since 1975. With demand growing worldwide, Delta will not need to increase the share of its exports destined for the United States. The establishment of Allflex Manufacturing, Inc. in New York by Delta and G. C. Hanford Manufacturing Co., a major importer of Allflex tags, makes the possibility of shifts of exports to the United States even more remote.

Conclusion

A full analysis of the data supports the contention of the importer that its presence in this market has not injured the domestic industry, but has, in fact, helped to expand its market. The domestic industry has enjoyed considerably increased sales and production owing in part to the introduction by the importer of the two-piece tag. Its efforts to capitalize on the market created by Delta were only slowed in 1980 by market factors that affected both import and domestic sales. The domestic industry is well-positioned to reestablish its growth as the market recovers, and Delta's capacity and interest in continued export expansion to the U.S. market appear to be limited. It is thus clear from our analysis of the case that the domestic industry is not suffering from nor threatened with material injury by reason of imports of subsidized animal identification tags from New Zealand.

Additional Views of Vice Chairman Michael J. Calhoun

While I concur in the conclusions and reasoning of my colleagues, Chairman Alberger and Commissioner Stern, I submit these additional views on matters in this case which were of particular concern to me and about which I feel compelled to offer additional discussion.

Like Product

The essence of the question of whether products are "like" (as opposed to "similar") is whether the characteristics and uses of one product coincide with those of another to such a degree as to render the coincidence something more than casual. We have in various determinations used the standard of "virtually identical" in characteristics and uses to reflect the level of coincidence necessary to find those products which are "like" the imported article.[26] Incorporated in this standard is the recognition, noted by the Report of the Committee on Finance,[27] that minor differences do exist between products which, for all intents and purposes, are identical to each other in the terms relevant here. It has been our intention in the application of this standard to accommodate precisely this concern.

In this regard, then, I fully agree with my colleagues in the conclusion and, largely, in the assessment of the question of whether one-piece ear tags are like two-piece ear tags. First, the objective observation of the characteristics of one- and two-piece tags reveals that the only demonstrable differences between the two are in the method of attachment and in the price. But, evidence on the record indicates that the advantage of attachment enjoyed by two-piece tags is juxtaposed against its higher price, thus, reducing the importance of these differences. Second, the mechanical comparison of the susceptibility of a on-piece tag to be used for the same purpose as a two-piece tag renders no significant deficiency.

I depart from the views of my colleagues, however, on three matters. First, I disagree with the importance they attached to the fact that one- and two-piece tags share common machinery, employees and distribution channels. In my view, while the absence of these factors may add weight to a conclusion that two products are *not* like or similar in characteristics and uses, their presence adds no significant weight to a conclusion that two products *are* like or similar in this respect.

Second, with regard to my colleagues' view that,

> to exclude one-piece tag production from the definition of like product under consideration would have prevented consideration of an industry potentially adversely affected by the imports.

I take exception to the extent this view is meant to suggest that adverse effect on domestic producers is relevant to the question of whether a domestic product is "like" an import. It must be appreciated that the specific issue of like product in this case does not arise with respect to whether one-piece tags are "similar" to two-piece tags. The issue is whether they are "like," since there is domestic production of a product which is the same as that which is being imported.

I fail to see how this question of whether one-piece tags are "like" two-piece tags can be advanced by reference to the presence of adverse impact on the domestic producers of one-piece tags by two-piece tag imports. The presence of adverse effect seems to go to the existence of a competitive relationship between the two products. If framed properly, inquiry regarding such an effect can be helpful in determining whether two products are similar. But adverse impact provides me with no useful tool in undertaking the task in this case which is to assess whether the coincidence of characteristics and uses of one-piece tags are so great as to render them "like" two-piece tags.

In my view, the Senate Report language is supportive of my interpretation. The language most relevant to this case is the specific exhortation regarding the definition of "like." We are called upon by this language not to be so narrow in our views as to "permit minor differences in physical characteristics and use to lead to the conclusion that the products are not *like* each other * * *" (emphasis added). The language relied upon by my colleagues, that we ought not to define "like product" so as "to prevent consideration of an industry adversely affected by imports * * *" is a general policy underlying the whole of the "like product" assessment and has its greatest bearing in cases where there are no domestic products which are "like" the import.

The final point on which I distinguish myself from my colleagues regarding our industry determination is with regard to the treatment of domestically produced animal identification tags other than plastic ear tags. Since there is patent similarity among all domestically produced animal identification tags, I feel we are obligated by statute specifically to find why only plastic ear tags are like products to the imports.

In the United States there are many tags produced for use as in-herd identification of cattle, hogs, sheep, or goats. This range of tags includes one-piece and two-piece plastic ear tags, neck chain tags, hip tags, and metal ear tags. With this wide variety of domestically produced animal identification tags the basis for differentiating among them for the purpose of finding the like product is especially important in this case. In this regard, one-piece and two-piece plastic ear tags share several characteristics which distinguish them in an essential way from any other animal identification tag which may be produced domestically: Plastic ear tags are highly visible, more so than the other types due to their placement in the animal's ear, their size, and the bright colors in which they are available. They are easier to apply than many of the other tags and, due to their flexibility, are less likely to get caught in fences, brush, etc. and pulled out of the animal's ear. Their size is especially important in that it enables various kinds of information, important to the user, to be imprinted on them. For these reasons I find animal identification tags other than plastic ear tags not to be like products to the two-piece plastic ear tags under investigation.

In view of such a high coincidence of the identity of characteristics and uses between one- and two-piece tags discussed above and in the joint views of my colleagues and me, the only basis upon which one could conclude that they are not like each other would be upon substantial evidence from the marketplace that, in fact, users do not perceive them as such. Respondents have attempted to direct our attention to this very kind of evidence:

> One need only to look at the consumption trends for the two products to be convinced of the fact that they are not "like". One-piece tag consumption has been virtually flat over the last three years, while two-piece consumption is up sharply, as is the domestic producer's share of that consumption.[28]

While the underlying theory of respondents' contention is sound, that the marketplace is the ultimate authority on whether one product is a like product with another, the evidence relied upon does not support their conclusion. One piece consumption has not been flat in the face of increasing two piece consumption. All indicators show that, except for 1978, consumption of one-piece tags is in decline. Indeed, the rate of consumption for 1980 will likely result in consumption below that of 1977. Under these conditions, the only reliable inference to be drawn is that one- and two-piece tags are competing with each other. Nothing from this plain evidence of competition between the two can be seen as going to the question of how similar or dissimilar these items may be.

Even if one-piece consumption were flat against increasing consumption of two-piece tags, this information alone would not be conclusive as to the question of like product. All this fact shows, standing alone, is that increasing numbers of purchasers prefer two-piece to one-piece tags. It sheds no useful insight on whether the preference is based on a perception of an objective

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[20] Hearing Transcript, pp. 28–29.

[21] Report, p. A–36.

[22] Senate Report 96–249, pp. 88–89.

[23] Committee on Ways and Means, U.S. House of Representatives, Report No. 96–317, 96th Cong. 1st Sess., p. 47.

[24] Report, p. A–9.

[25] There are some superficial similarities between this case and a recent dumping investigation, *Anhydrous Sodium Metasilicate (ASM) From France* (inv. No. 731–TA–25), in which the Commission made a unanimous affirmative finding of threat. In the ASM case there was also a single foreing exporter (Rhone-Poulenc) involved with sales worldwide and a capacity utilization rate similar to Delta's. However, in these two cases the conditions of trade and competition in the industries involved and realistic expectations as to the potential role of imports in the U.S. market in the immediate future differ significantly. To illustrate, in the ASM investigation, Rhone-Poulenc exports to third countries were not consistently increasing. To the contrary, it was clear that demand for ASM had fluctuated widely from year to year in various markets and that sales lost in other countries were diverted to the United States. Rhone-Poulenc had not established a U.S. plant. Moreover, ASM is a fungible product with sales based solely on price and in that case the dumping margin was substantial. In the present case, the foreign and domestic products compete most vigorously not on the basis of price but rather on the basis of perceived performance differences. The subsidy level is not anywhere near the magnitude of the dumping margin in the ASM case. Furthermore, in the ASM case, the condition of the domestic industry, particuarly in the Northeast, demonstrated the imminency of the threat of injury to the entire industry. In the present case, the condition of the industry does not support an affirmative finding of threat. Importantly, the whole history of the market for each of these products differs. The market for ASM has been declining not just due to recession. The market for eartages is growing and this growth derives from the introduction of the two-piece tag by the exporter.

[26] See, *Leather Wearing Apparel from Uruguay* 701–TA–68 (P)), USITC Pub. 114, December 19, 1980.

Continued

Barium Carbonate and Strontium Carbonate from the Federal Republic of Germany and Strontium Nitrate from Italy (731–TA–31–33(P)), USITC Pub. 1105, October, 1980.

[27] Committee on Finance, U.S. Senate, Report No. 96–249, 96th Cong., 1st Session, pp. 90–91.

[28] Post hearing brief on behalf of Delta Plastics, Ltd., et al., at page 3.

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difference between the products or on some other perception such as, for example, qualitative superiority or greater availability.

Material Injury

It has been suggested that the impact which most likely approaches that of material injury to this industry arises out of the considerable advertising effort by distributors of the Delta product. The material injury sustained by the domestic industry, such an argument suggests, results from the domestic industry having to attempt a commensurate level of advertising to maintain market share. Such an undertaking has allegedly resulted in a reduction in net profits enjoyed by the domestic industry. The rise in general, selling, and administrative expenses together with the deline in net operating profit is relied upon as establishing this conclusion.

Since I have joined in the finding that this industry is neither suffering material injury nor threat of material injury, consideration of this argument is not necessary. Nevertheless, I do find the theory underlying such an argument consistent with my view of our task in subsidy cases. This argument attempts to establish a nexus between material injury and the imported article without relating the subsidy to the harm. Rather, in satisfying the causality requirement, it attempts only to relate the behavior of the import in the marketplace to the harm suffered by the domestic industry. I believe such a showing is quite sufficient to establish the requisite nexus. In subsidy cases, we are called upon to determine whether any material injury or material retardation to the domestic industry is "by reason of imports of that merchandise." Nothing in the plain language of the statute nor in the legislative history suggests that we establish a causal link between the subsidy and the existence of material injury.[29]

Of course, the level of a subsidy can be so low that the impact of the product in the market can be indistinguishable from that of the same product without a subsidy. But, even here, examination of the impact of the subsidy on the domestic industry should not be a matter of concern to us. Once the Deparment of Commerce has established the existence and quantum of the subsidy, our fundamental task is to use the various measures prescribed as well as those we find relevant to assess the impact of the imported product on the domestic industry.

Allocation

I must express agreement with respondents on page 3 of their post-hearing submission that it is "incredible" that the domestic industry claims it cannot allocate data on profits and employment between one- and two-piece tag production. Though, in the final analysis, the need for such data was not relevant in this case, this matter of allocation is a growing source of irritation to me.

In many instances, the finding of material injury turns on whether we assess the impact of imports on the production of the like product or on production of a broader category of products. Claims by the domestic industry of inability to allocate relevant data to the production of the like product obstruct the clear preference of the statute. Where this inability is a legitimate problem we must accept it. But where it results from other reasons it presents a serious frustration of the statute.

I am finding it increasingly unacceptable that so many domestic companies seeking redress before this agency claim that they do not legitimately know their production costs on a product line basis. If companies are able to price they must have some notion of cost. This is true, of course, unless they undertake their pricing solely with regard to the prices set by a particular price leader. But even in this circumstance, a company, at some point, must develop objective evidence of or some informed intuition as to the extent to which their price is adequately covering their cost on a product line basis. To keep this data from the Commission when such data is reasonably available touches upon obstruction. To deny that it is available when it is, in fact, reasonably available can be a more serious trangression.

It is especially ironic that companies resist so much in providing us product line data. In most instances, by far, product line allocations will further the interest of the petitioner in demonstrating the existence of material injury.

Views of Commissioner Catherine Bedell

On the basis of the record developed in investigation No. 303–TA–14 (Final), I determine that an industry in the United States is not materially injured or threatened with material injury and the establishment of an industry in the United States is not materially retarded [30] by reason of imports from New Zealand of plastic animal identification tags provided for in item 666.00 of the Tariff Schedules of the United States which the Department of Commerce has found to be subsidized by the Government of New Zealand.

The imported article and the domestic industry

First, the industry must be identified against which the impact of the subject imports is to be assessed. Section 771(4)A of the Tariff Act of 1930 defines the term "industry" as—

> * * * the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

The term "like product" in turn is defined in section 771(10) of the act as—

> * * * a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.

The imported articles subject to this investigation are two-piece plastic animal identification tags. They are designed for application to the ears of cattle, hogs, sheep, or goats for the purpose of individual identification and management.[31]

In the United States there are many tags produced for the identification of animals, including one-piece and two-piece plastic ear tags, neck chain tags, tail tags, dewlap tags, hip tags, and metal ear tags.[32] There are several characteristics which distinguish the one-piece and two-piece plastic ear tags from the other tags listed. The one- and two-piece tags are highly visible due to their placement in the animal's ear, their size, and the bright colors in which they are available. They are also easier to apply than many of the other tags and, due to their flexibility, are less likely to get caught and pulled out of the ear. Their size is also important in that in enables various kinds of information to be imprinted on them.[33]

A further question is whether both one-piece and two-piece ear tags are the "like product" in this investigation. The obvious difference between one-piece and two-piece tags is the number of pieces. However, this difference does not distinguish one from the other in terms of their basic characteristics or the uses for which they were designed (and which set them apart from other tags), but rather affects their quality, real or perceived. Furthermore, both one- and two-piece ear tags are produced on the same machinery by the same employees. They are marketed by the same sales force through the same channels of distribution and are interchangeable in their end use.

Therefore, I find that one- and two-piece ear tags are the product "which is like, or in the absence of like, most similar in characteristics and uses with" the imported article, and that the firms which produce one- and two-piece ear tags consitute the relevant industry for purposes of this investigation. There are seven known domestic producers of such plastic animal identification ear tags in the United States.[34]

Impact of the imports

U.S. shipments of imports of plastic animal identification ear tags increased from 5.7 million in 1977 to 11.8 million in 1979, more than doubling in the 3 years. They continued to increase in January-September 1980, by 1.4 million tags or 16 percent, compared with those in the corresponding period of 1979. As a share of apparent U.S. consumption, imported tags rose from 17 percent in 1977 to 26 percent in 1979 and 29 percent in January-September 1980.[35]

While market penetration did increase, it is important to note that this was an expanding market, at least that part of it consisting of two-piece tags. When calculated only on the basis of two-piece tag sales, market penetration fell each year from 1977 to 1979. Thus, it is apparent that the market for one-piece tags, which is serviced only by domestic producers, was relatively stable, and that the growth in sales of two-piece tags was shared by domestic and imported tags.[36]

Thus, from 1977 to 1979, when imports were increasing most rapidly, shipments and net operating profit of the domestic producers increased by 27 percent [37] and more than 200 percent,[38] respectively. It is only in January-September 1980 that shipments of domestically produced tags declined slightly, and this corresponds with a general leveling off of total U.S. tag consumption.

Prices

Price comparisons between U.S.-produced and imported tags at the first level at which they compete in the U.S. market indicate that prices of the imported tags were higher in almost every quarter during 1978–80 than prices of comparable domestic tags. Prices of imported tags were held constant from July 1978 through May 1980, but this did not seem to cause any price supression since prices of domestic tags continued to rise and sales of the domestic tags continued to increase in this period.[39]

No material injury by reason of subsidized imports

Delta Plastics, Ltd., the New Zealand producer, begin marketing its tags in the United States under the brand name "Allflex" in 1974. At that time, the dometic industry was producting only one-piece tags, and it was not until 1978 that major dometic producers begin marketing two-piece tags in commercial quantities. The new Allflex tag was therefore able to firmly establish itself in the market for at least 3 years before domestic companies introduced their two-piece tags. U.S. firms acted quickly after 1977 to participate in the growing market, however, and rapidly increased their capacity to produce plastic animal identification tags from 61.3 million in 1977 to 67.5 million in 1978 and 91.3 million in 1979.[40] The new capacity was apparently added with the expectation that the two-piece product would not replace the one-piece, but would attract new customers who had previously not tagged their animals. This seems to have happened as domestic production of ear tags increased by 14.1 million tags from 1977 to 1979, mostly because of growing production of two-piece tags.[41]

Shipments of domestic tags also increased, from 26.8 million in 1977 to 34.0 million in 1979, representing an increase of 7.2 million tags or 27 percent. Again, this was attributable to rapidly increasing sales of two-piece tags, as shipments of one-piece tags actually declined from 1977 to 1979.[42]

In 1977, the industry's capability utilization was 38 percent. It increased to 51 percent in 1978 (the year in which the major producers of ear tags began producing two-piece tags in addition to one-piece tags) because capacity increased by only 10 percent in that year while total production increased by 47 percent. In 1979, in apparent response to the rapidly expanding market, domestic producers increased their capacity by 35 percent. Production, however, did not keep pace, increasing by only 9 percent, and thus capacity utilization dropped to 41 percent.[43] Despite the decline in capacity utilization, however, the financial information provided by U.S. producers (which I will discuss in more detail later) indicates that while operating at this level, the domestic industry achieved a higher ratio of net operating profit to net sales than it did in the previous year, when it had a higher capacity utilization ratio.

The total number of production and related workers engaged in producing ear tags increased during this time period from 92 in 1977 to 173 in 1979.[44] This is an increase of 88 percent.

U.S. producer's inventories increased from 6.1 million tags at the end of 1977 to 11.3 million at the end of 1979.[45] However, plastic ear tags come in a variety of sizes and colors, and in order to be able to fill orders as they are received, producers must maintain relatively high inventories. As three of the major domestic producers began production of two-piece tags between 1977 and 1979, much of the increase in inventories is explained by their need to stock adequate quantities of those tags. Further, the ratio of inventories to production actually decline from 1977 to 1978, and then increased by only 5 percentage point in 1979.[46]

Comparable financial data were provided by four domestic companies which accounted for 90 percent of industy shipments in 1979. Their financial experience shows that from 1977 to 1979, net sales increased by 61 percent, net operating profit more than tripled, and the ratio of net operating profit to net sales increased from 7.8 percent to 14.0 percent.[47]

The lost sales of the imported product which the Commission was able to confirm represented a small percentage of those reported. Since the price of the Allflex tag was almost always higher than that of the domestic product, it would seem that price was not a factor in those lost sales which were confirmed.[48] In view of the above discussion, I find there was no material injury from imports from 1977 to 1979.

There are some indications of a downturn in the industry in January-September 1980, as shipments and capacity utilization declined slightly. Production and capacity utilization increased, however, and the decline in

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[29] See, Sections 701(a), 703(a), 705(a), and 771(7) of the trade Agreements Act of 1979. See also, Committee on Finance, U.S. Senate, Report No. 96–249, 96th Cong., 1st Session, pp. 88–89; and Committee on Ways and Means, House Report No. 96–317, 96th Cong., 1st Session, pp. 46–48. In case of threat of material injury, however, we are specifically directed to consider the nature of the subsidy in making our determination. See, Section 771(7)(E)(i) of the Trade Agreements Act of 1979; Senate Report, supra, at p. 84; and House Report, supra, at p. 47.

[30] Material retardation of the establishment of an industry is not an issue in this investigation and will not be discussed further.

[31] Report, pp. A–2 and A–3.

[32] Report, pp. A–4 and A–5.

[33] Report, pp. A–3 through A–5.

[34] Report, pp. A–6 through A–8.

[35] Report, pp. A–34 through A–36.

[36] Report, pp. A–22 and A–36.

[37] Report, p. A–22.

[38] Report, p. A–31.

[39] Report, pp. A–36 through A–44.

[40] Report, pp. A–20.

[41] Report, p. A–21.

[42] Report, pp. A–34 through A–36.

[43] Report, p. A–20.

[44] Report, p. A–30.

[45] Report, p. A–26, through A–28.

[46] Report, p. A–28.

[47] Report, pp. A–30 through A–32.

[48] Report, pp. A–44 through A–46.

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capacity utilization was the result of the addition of new, but underutilized, equipment rather than the idling of existing facilities. The ratio of net operating profit of net sales declined from 15.4 percent in January-Sepember 1979 to 7.2 percent in the corresponding period of 1980. This decline was not due to a decline in the value of sales, which actually increased by 8 percent in 1980, or rapidly increasing costs of producing the goods, which increased by only 3 percent, but rather to a 37-percent increase in general, selling, and administrative expenses. The ratio of gross profit (i.e., profit before deductions are made for general, selling, and administrative expenses) to net sales increased from 54.4 percent in January-September 1979 to 56.7 percent in the January-September 1980.[49] Therefore, I do not find material injury to this industry by reason of subsidized imports during this more recent period.

No threat of material injury

The Commission is provided some guidance in reaching a determination that an industry in the United States is threatened with material injury in both the Senate and House reports on the Trade Agreements Act of 1979. The Senate report states:

> An ITC affirmative determination with respect to threat of material injury must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture.[50]

The House report points out that in determining the likelihood of a situation's developing into actual material injury—

> * * * demonstrable trends—for example, the rate of increase of the subsidized or dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other exports markets, and the nature of the subsidy in question (i.e., is the subsidy the sort that is likely to generate exports to the U.S.) will be important.[51]

In this final investigation these "demonstrable trends" do not indicate likelihood of material injury. The subsidized imports increased from 1977 through September 1980; however, the rate of the increase was lower in 1979 than in 1978 and still lower in January-September 1980 than in the corresponding period of 1979.[52]

The New Zealand producer of ear tags, Delta Plastics, Ltd., is presently operating at a capacity utilization ratio of about 80 percent and approximately 87 percent of its sales in 1979 were export sales.[53] Its largest single export market is undoubtedly the United States, however, it exports to over 30 countries around the world, and its exports to these countries have increased as well. There is no evidence to indicate that it would shift more exports to the United States. To the contrary, there are indications that this is not likely to happen. Delta Plastics recently formed a new company in Syracuse, N.Y., with G. C. Handford, one of the importers of the Allflex tag, to began production of a new type of Allflex tag in the United States.[54] In addition, Delta has two new products which it is presently introducing to the markets in New Zealand and Australia. Production of these products is expected to increase the plant's capacity utilization substantially by the end of 1981. The main program under which Delta received a subsidy provides tax deductions and credits for increased exports. Delta did receive a subsidy under this program in 1980; however, in 1981 it will have to claim exemptions under an alternative program (export performance incentive for qualifying goods), which will yield a lower tax credit.[55] The export tax incentive program in New Zealand would seem to encourage the development of new products for exports, which Delta is not attempting. There is no evidence to indicate that Delta is planning to increase its exports of two-piece tags to the United States; fact, the information presently available indicates that it is not.

Conclusion

On the basis of the foregoing information, I conclude that an industry in the United States is not materially injured or threatened with material injury by reason of subsidized imports of plastic animal identification tags from New Zealand.

Issued: February 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-6935 Filed 3-4-81; 8:45 am]

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[49] Report, p. A-31.

[50] *Trade Agreements Act of 1979: Report of the Committee on Finance * * *, S. Rept. No. 249 (96th Cong., 1st sess.), 1979, pp. 88 and 89.*

[51] *Trade Agreements Act of 1979: Report of the Committee on Ways and Means * * *, H. Rept. No. 317 (96th Cong., 1st sess.), 1979, p. 47.*

[52] Report, p. A-25.

[53] Report, p. A-9.

[54] Report, p. A-10.

[55] Post-hearing *Brief on Behalf of Delta Plastics, Ltd. et. al.*, p. 7.

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Vietnam Claims Program

Republication

Note.—In FR Doc. 81-6464 originally published at page 14230 in the issue for Thursday, February 26, 1981, the subject heading "**Vietnam Veterans Claims Program**" was incorrect. For the convenience of the reader, the subject heading is corrected to read as set forth above and the document is republished in its entirety.

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Notice.

SUMMARY: Notice of commencement of a program to consider claims for losses by U.S. nationals in Vietnam, deadline for filing claims—July 31, 1982, and time for consideration of claims pursuant to Public Law 96-606.

EFFECTIVE DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: Karl D. Klauck, Deputy General Counsel, Foreign Claims Settlement Commission, Room 414, 1111 20th Street, NW., Washington, D.C. 20579 (202) 653-6166.

Notice of Commencement of Vietnam Claims Program

Notice is hereby given that pursuant to Title VII of the International Claims Settlement Act of 1949, as amended, the Foreign Claims Settlement Commission of the United States will commence a program, to be known as the Vietnam Claims Program, beginning on February 26, 1981 to consider claims for losses against Vietnam as authorized by Title VII of the International Claims Settlement Act of 1949, as amended by Public Law 96-606, approved December 28, 1980 (94 Stat. 3534; 22 U.S.C. 1645) and in accordance with the Regulations of the Commission.

Title VII of the International Claims Settlement Act, as amended, provides for the determination of the validity and amounts of outstanding claims against Vietnam for losses incurred as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property interests of nationals of the United States.

Notice of Time for Filing Claims

Notice is hereby given that the deadline for filing such claims is July 31, 1982. Claims filed after that date will not be considered as timely filed.

Beginning on April 28, 1981 copies of the statute, Commission Regulations, official claim forms and instructions for filing claims of nationals of the United States against Vietnam will be available for distribution from the Office of the General Counsel, Foreign Claims Settlement Commission, Room 414, 1111 20th Street, NW., Washington, D.C. 20579 (202) 653-6166. Written requests for such materials should be directed to that office.

Such claims to be considered by the Commission must be filed on the official claim form, which will be numbered FCSC Form 606, with the Office of the General Counsel, Room 414, 1111 29th Street, NW., Washington, D.C. 20579 prior to the deadline for filing such claim.

Notice of Time for Consideration Claims

Notice is hereby given that claims filed against Vietnam will be considered and determined by the Commission pursuant to provisions of Title VII of the International Claims Settlement Act of 1949 (Public Law 96-606, approved December 28, 1980; 94 Stat. 3534; 22 U.S.C. 1645) and in accordance with the Regulations of the Commission (45 CFR 500).

The completion date for the Vietnam Claims Program shall be not later than three (3) years after the final date for filing claims during this program pursuant to the provisions of Public Law 96-606.

Dated at Washington, D.C. on February 23, 1981.

Richard W. Yarborough,

Chairman.

[FR Doc. 81-6464 Filed 2-25-81; 8:45 am]

BILLING CODE 1505-01-M

MINIMUM WAGE STUDY COMMISSION

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following meeting:

Name: Minimum Wage Study Commission.
Date: March 13 and possibly 14, 1981.
Time: 10:30 a.m.
Place: 1430 K St. NW, Suite 700, Washington, DC.

Proposed agenda:

1. Agricultural and agricultural service exemptions will be discussed.
2. Full time student certification exemptions.
3. Other business as appropriate.

Next meeting of the Commission will be held March 26 and 27, 1981.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, DC 20005, telephone (202) 376-2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 81-2045 Filed 3-4-81; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-10]

Safety Recommendations and Responses; Availability

The National Transportation Safety Board on February 24 forwarded to the Federal Aviation Administration two recommendation letters: one, concerning fuel exhaustion; the other, slippage of the pilot's seat.

A-81-14.—The Board cites an accident involving United Air Lines Flight 173, a DC-8-61, which crashed as a result of fuel exhaustion near the Portland (Oreg.) International Airport, December 28, 1978. The aircraft had been holding in the vicinity of the airport for approximately 1 hour while the flightcrew attempted to resolve landing gear problems. Of the 181 passengers and 8 crewmembers aboard, 8 passengers and 2 crewmembers were killed, and 21 passengers and 2 crewmembers were injured seriously. (See 44 FR 42348, July 19, 1979.)

Also cited as a basis for the recommendation was the October 20, 1979, incident where a Pan American Airways Boeing 747 declared an inflight emergency because of a low fuel state. Investigation revealed an error in the aircraft's fuel quantity gages which indicated more fuel than the fuel tanks actually contained. Although the error was within the manufacturer's allowable tolerances, it contributed to the crew's failure to declare an emergency fuel situation earlier in the flight. The Board recommended that FAA:

> Amed 14 CFR Parts 121 and 135 to require that all air carrier operators include in their flight operations manuals minimum operational fuel requirements for their aircraft, including fuel quantities below which a landing should not be delayed. In determining minimum fuel quantities, allowances should be made for fuel quantity measuring system tolerances and for the possibility of a missed approach. (Class II, Priority Action) (A-81-14)

A-81-15 and A-81-16.—The Board cites the crash of a Cessna Model 172K (XP) during normal takeoff from the Eagle Creek airport near Indianapolis, Ind., February 26, 1980. The pilot, a commercial flight instructor and the only occupant of the aircraft, was killed. According to witnesses, the aircraft pitched up to a steep nose high attitude, about 60° or 70°, and the sound of engine power reduced abruptly from takeoff power to idle. The aircraft then pitched down and rotated about 160° to the left before crashing on the edge of the asphalt runway. Investigation revealed that the pilot's seat was not locked and had slid rearward on the seat rails during liftoff.

The Board notes that between 1970 and 1979, various Cessna aircraft were involved in 20 accidents in which slippage of the pilot's seat during takeoff or landing was determined to have been a causal element. The Board recommends that FAA:

> Issue an Airworthiness Directive for Cessna aircraft in which interference between seats in the full forward position and door jambs currently exists requiring that the seat rail stops be positioned to permit proper seat locking in all seat positions. (Class II, Priority Action) (A-81-15)
>
> Require the Cessna Aircraft Comany to include an adjustment and locking check of front seats, belts, and shoulder harnesses on the "before takeoff" checklists applicable to all Cessna aircraft. This item should be included on new checklists as soon as possible. (Class II, Priority Action) (A-81-16)

Responses to Safety Recommendations

Aviation

A-80-115 through A-80-119, from the Federal Aviation Administration, February 17, 1981.—Reference 45 FR 79207, Nov. 28, 1980, citing crash of an Air Wisconsin Swearingen, SW-4, on encountering a level 5 or greater thunderstorm in eastern Nebraska, June 12, 1980; and other severe weather-related accidents and examination of National Weather Service (NWS) and Air Traffic Control (ATC) radar systems. FAA concurs in all five recommendations.

Response to A-80-115: FAA has contracted for delivery of NWS weather radar color remote displays to all Air Route Traffic Control Centers' (ARTCC) Weather Service Units; first delivery scheduled for June 1981, last for May 1982. FAA has provided copies of the Board's recommendation letter of Nov. 19, 1980, to all participants in the weather radar remote program to emphasize urgency of effort.

Response to A-80-116: Testing of weather radar remote displays in the Cleveland ARTCC can take place only when sufficient convective meteorological activity is available; no dates yet set for testing.

Response to A-80-117: Contractor is working with the Cleveland ARTCC

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staff to modify off-the-shelf hardware and software requirements for adequate display. Equipment modification is now 80 percent complete; relatively minor software problems relate to time source, antenna tilt, and other secondary data.

Response to A–80–118: Currently in progress, with a high priority for completion, is an integrated weather radar/ATC radar single video display to be attained with introduction of the 9020 replacement and Doppler weather radar.

Response to A–80–119: FAA plans for 70 NWS radars to be remoted to ARTCC's; 29 ATC radars are used absent available NWS radars.

Highway

H–80–47, from the National Highway Traffic Safety Administration, February 23, 1981.—Reference 45 FR 85535, Dec. 29, 1980, for NHTSA's initial response of December 9. Cited accident: Head-on collision near Perry, Okla., Feb. 23, 1980. Board reply of February 6 notes acceptance of NHTSA's proposed evaluation of existing Dram Shop programs in California and New Jersey as an alternative action that will, when completed and acted upon, fulfill the intent of H–80–47. The Board appreciates the description of work to be accomplished in New Jersey and seeks a similar planned definition for the California evaluation. The Board regards as a particularly important part of NHTSA's effort the conveying of findings of these evaluations, when completed, to other States.

NHTSA's February 23 response reports a continuing monitoring of the Dram Shop programs in both New Jersey and California. A report from New Jersey is expected this spring.

Marine

M–79–72 through M–79–75, from the U.S. Coast Guard, January 19, 1981.—Reference 45 FR 24735, Apr. 10, 1980, for USCG's initial response of March 3, 1980. Cited accident: Collision of U.S. bulk carrier SS YELLOWSTONE and Algerian freighter M/V IBN BATOUTA in the Mediterranean Sea near Gibraltar, June 12, 1978. The Board replied last June 13 to USCG's response.

Re M–79–72: The Board accepted proposal to require completion of an approved radar training course at least once every 5 years as an alternate action to enhance proficiency of radar observers. The Board last December 24 commented on USCG's proposed rulemaking (45 FR 73716, Nov. 6, 1980), noting that implementation of proposed training and proficiency requirements will improve the training of shipboard personnel in evaluating movements of approaching radar contacts and aid in insuring that standard procedures are used in processing radar data. The Board said that implementation of the proposed requirements would be responsive to M–79–72. USCG did not refer to M.79–72 in its January 19 response.

Re M–79–73: The Board's June 13 letter indicated deference to USCG's view as to the propriety of formally raising the question of a vessel traffic service (VTS) in the Straits of Gibraltar before Intergovernmental Maritime Consultative Organization (IMCO). The Board noted, however, that the Strait is a highly congested waterway through which a substantial number of U.S.-flag LNG carriers currently pass and this traffic will increase. USCG's response states that the issue of a VTS study in the Strait of Gibraltar will be brought up at the next public meeting in preparing for the 26th session of the Subcommittee on Safety of Navigation (SUBNAV).

Re M–79–74: The Board acknowledged USCG efforts in establishing a position in favor of an international bridge-to-bridge radiotelephone frequency and asked to be advised of USCG plans to promote that position to overcome problems of language, etc. USCG reported that a paper in favor of a worldwide VHF Navigational Channel was submitted at the 24th session of SUBNAV. The United States was joined by several other delegations, and the general tenor of the discussions was that the advantage of bridge-to bridge communications outweighed any anticipated obstacles. Lack of time precluded final resolution, but the 24th SUBNAV report calls for members to conclude the item at the 25th session.

RM–79–75: The Board's June 13 letter notes that the key element of this recommendation is the need to gage lower portions of bulkheads in cargo holds, bilge walls, saltwater ballast tanks, and machinery spaces. The Board is concerned that these areas are not given the attention necessary to protect against corrosion and wastage. The American Bureau of Shipping (ABS) agrees and has revised its circular containing requirements for gaging during special periodic surveys, as noted in ABS's letter on January 22, 1980, to the Safety Board. The Board encourages USCG to follow this lead within the current vessel inspection requirements and procedures. The Board believes, however, that this extensive gaging becomes an issue only in vessels past 15 years old and that current gaging procedures are adequate for vessels under 15 years of age.

In response re M–79–75, USCG agrees that lower portions of bulkheads in "wet" spaces are critical areas for inspection and are susceptible to accelerated wastage. USCG inspection programs have dealt comprehensively with corrosion and wastage aboard inspected U.S. vessels since 1960 when Navigation and Vessel Inspection Circular (NVC) 4–60 was published. NVC 4–60 has been superseded by NVC 7–68, "Notes on Inspection and Repair of Steel Hulls." Section III on NVC 7–68 discusses guidelines which clearly spell out the particular need to examine the lower boundaries of cargo hold bulkheads and bilge wells. The USCG Marine Safety Manual also discusses inspection policy in this regard. USCG reiterates that there is no special significance in the 15-year point for requiring periodic gaging. USCG regularly inspects every certificated vessel both internally and under the water hull, at least biennially. During these inspections the marine inspector has authority to require gaging of any structural member at any time necessary to properly evaluate the overall condition of the vessel. USCG includes ABS circular letters containing requirements for gaging in training programs. USCG notes that ABS has made no distinction between ships over or under 15 years of age.

Pipline

P–80–26 through P–80–30, from the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, January 26, 1981.—Reference 45 FR 32148, May 15, 1980, citing Columbia Liquefied Natural Gas Corporation explosion and fire, Cove Point, Md., Oct. 6,1979.

Response to P–80–26: Final rules for Part 193 covering siting, design, construction and testing facilities, together with personnel qualifications and training pertaining to these subjects were published at 45 FR 9184, Feb. 11, 1980. Final rules on operations maintenance, fire protection, and security, with additional provisions for personnel qualifications and training relating to these subjects were published at 45 FR 70390, Oct. 23, 1980. Safety Board comments of May 9, 1980, stated that the rules appeared adequate for minimum safety standards covering the items listed in P–80–26. Safety analysis is covered under P–80–29.

Response to P–80–27: It is now required by § 193.2819(f) that all enclosed buildings be continuously monitored for combustible gas, using instrumentation equipped with audible or visible alarms. Consistent with this recommendation, Part 193 also requires that other areas in an LNG plant where flammable fluids could create a hazard be continuously monitored.

Response to P–80–28: RSPA's Materials Transportation Bureau conducts an ongoing inspection program for the operation and construction of LNG facilities over which it exercises inspection responsibility. State agencies, with LNG plants in their jurisdictions, carry out their own inspection programs with MTB oversight. MTB has established a training course at the Transportation Safety Institute in Oklahoma City for LNG facility inspection. Further, inspections by the facility operator, as required by the new standards, will foster prompt detection of unsafe operating conditions.

Response to P–80–29: Safety analysis criteria, in the form of performance standards, for the design of LNG facilities are embodied throughout Part 193. Performance standards represent safety analysis for design, siting, construction, and operation of LNG facilities. The criteria, based on qualitative assessments supported by numerical analysis, are largely deterministic in nature but also provide for use of probabilitistic methods and numerical targets. Since there are many hundreds of variations of fault sequences which might be included in a design safety analysis, the current criteria serve to minimize those fault sequences leading to high consequence events through system redundance, diversity and segregation of critical system components. Work is in progress to provide an informational source for material selection and equipment/machinery system safety criteria that will help identify and control system safety hazards.

Response to P–80–30: Consensus of the Technical Pipeline Safety Standards Committee is that existing LNG plants differ in so many respects that no single set of standards could be applied to qualify personnel for operating such facilities. A comprehensive written examination for licensing or certification would have to be site related to be effective. USCG made a similar determination for marine terminal personnel. The final Part 193 rules apply alternative measures to achieve the goal of personnel know-how and emergency preparedness. The final rule on operation and maintenance of LNG facilities includes a broad framework of educational and physical requirements for operators. Demonstration of knowledge and experience are required. Periodic training is required. These provisions are more effective than a one-time licensing program. To meet these requirements an operator will have to tailor a program to match plant charcteristics and the number and types of personnel positions. The programs will be reviewed by Federal and State personnel.

Railroad

R–80–22, from the Illinois Central Gulf Railroad Company (ICG), February 6, 1981.—Reference 45 FR 48003, July 17, 1980, reporting ICG's initial response of last June 17. Cited accident: ICG at Mobile, Ala., Oct. 3, 1979. Board reply of Dec. 16, 1980, notes ICG's rejection of the recommendation in that ICG's Operating Rules 12, 12(i) and 883 apply to the circumstances of the accident and that any additions to the rules would only lead to confusion.

The Board states that while applicability of the cited rules is understood, the issue behind R–80–22 is that the mixture of visual and radio signals caused this accident. An analysis by safety experts of a system which allows an indiscriminate mixture of visual and radio rules without a clear understanding at all times by all crewmembers as to which rules are being used shows that the risks are high and the system is unsafe. Board investigation found that ICG procedures did not prevent such mixtures. The Board asks for implementation by ICG of a simple procedure to preclude such mixtures.

ICG's response of February 6 reports that subsequent to the June 17, 1980, response the circumstances of this accident were reviewed with interested operating rules and safety people throughout the railroad industry. ICG concludes that its Operating Rule No. 883 is clear, concise, and understandable. It reads, in part: "*If* the instructions are not understood or *continuous radio contact is not maintained, movement must stop immediately and not be resumed until* the misunderstanding has been resolved, *radio contact has been restored,* or communication by other means has been established." (Emphasis added)

ICG firmly believes that an additional operating rule or amendments thereof "would not add anything (but confusion) to what is already required by our present rules." ICG is open to Board suggestions on revision of the rule to ensure safety.

Note.—Copies of the Safety Board's recommendation letters, as well as responses and related correspondence, are provided free of charge. All requests for copies must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

February 27, 1981.

[FR Doc. 81–6976 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250, 50–251]

Florida Power & Light Co.; Extension of Completion Dates

By letter dated February 13, 1981, Florida Power & Light Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until August 2, 1981, for completion of modifications to the fire protection system at the Turkey Point Plant Unit Nos. 3 and 4 located in Dade County, Florida.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 13, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81–7009 Filed 3–4–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–482]

Kansas Gas & Electric Co.; Relocation of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has relocated the local public document room (LPDR) for the Kansas Gas and Electric Company's Wolf Creek Nuclear Plant from the Coffey County Courthouse, Burlington, Kansas to the Emporia State University (ESU), William Allen White Library, Emporia, Kansas.

Members of the public may now inspect and copy documents and correspondence related to the licensing and construction of the Wolf Creek Nuclear Plant at the E.S.U., William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801. The Library is open on the following

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schedule: 8:00 am to 10:30 pm Monday through Thursday; 8:00 am to 5:00 pm Friday; 10:00 am to 2:00 pm Saturday; and 2:00 pm to 10:00 pm Sunday.

For further information interested parties in the Emporia/Burlington area may contact the LPDR directly through Ms. Sue Hatfield, Government Documents Librarian, telephone number (316) 343-1200, ext. 205. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 1717 H Street N.W., Washington, DC 20555, telephone number (202) 634-3273. The cost of ordering records from the Public Document Room is 5¢ per page, plus postage and handling.

Questions concerning the availability of documents at the Wolf Creek LPDR and NRC's local public document room program in general should be addressed to Ms. Jona L. Souder, Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington DC 20555, toll-free telephone number (800) 638-8081.

Dated at Bethesda, Maryland, this 26th day of February, 1981.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-7010 Filed 3-4-81; 8:45am]

BILLING CODE 7590-01-M

[Docket No. 50-327 and 50-328]

Tennessee Valley Authority; Consideration of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has received a request dated November 24, 1980, for issuance of an amendment to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (the licensee), for Sequoyah Nuclear Plant, Unit 1, located in Hamilton County, Tennessee.

The proposed amendment would entail modification of the authority provided by paragraph 2.B(5) of License DPR-77 and related license conditions and technical specifications, to authorize the licensee to store onsite the low level radioactive waste generated from operation of the Sequoyah Plant for a period of five years. The description of the storage facility and the aspect of its operations, submitted as Enclosure 2 to the above noted request, is applicable and common to both Units 1 and 2. We understand that this storage facility is expected to accommodate the low-level waste from Unit 2 after that unit is licensed to operate. In the letter of November 24, 1980, the licensee has requested that the application be noticed in the **Federal Register.**

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 6, 1981, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As requested by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be premitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Indentification Number 3737 and the following message addressed to A. Schwencer: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to H. S. Sanger, Jr., Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33 C, Knoxville, Tennessee 37401, General Counsel for the licensee.

Nontimely findings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

If the requested authority to store onsite the low level waste generated from operation of the Sequoyah Plant for a period of five years is granted, the Director of Nuclear Reactor Regulation and the Director of Nuclear Materials Safety and Safeguards, acting in concert, may choose not to exercise the Commission's discretion under 10 CFR 50.52 to combine into a single license those activities with which would otherwise be licensed severally, if they determine that a separate license would be preferable for the administrative convenience of the Commission.

For further details with respect to this action, see the application for an amendment dated November 24, 1980, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Dated at Bethesda, Maryland this 27th day of February 1981.

For the Nuclear Regulatory Commission.

Don Sells,

Acting Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-7012 Filed 3-4-81; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export/Import; Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this 27th day of February 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Joseph D. Lafleur,

Deputy Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Atomic, 01/20/81, 01/26/81, XSNM01596 (02).	Additional 20.00	Additional 3.98	19.9	For THOR Research Reactor and extend the expiration date	Taiwan.
Union Carbide, 02/09/81, 02/19/81, XSNM01787.	10.80	10.06	93.15	For fabrication of fuel elements and return to Union Carbide for use in Sterling Forest Reactor.	France.
Mitsui & Co., 02/12/81, 02/20/81, XSNM01788.	26,237	689	2.92	Reload fuel for Fukushima I, Unit 1	Japan.
Union Carbide, 02/10/81, 02/19/81, ISNM81003.	10.80	10.06	93.15	Fuel elements for use in Sterling Reactor	From France.

[FR Doc. 81-7006 Filed 3-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237, 50-249; EA 81-02]

Commonwealth Edison Co. (Dresden Nuclear Power Facility)

I

Commonwealth Edison Company, Post Office Box 767, Chicago, Illinois, 60690, (the "license"), is the holder of Operating Licenses Numbered DPR-19 and DPR-25 (the "licenses") issued by the Nuclear Regulatory Commission (the "Commission") which authorize the operation of the Dresden Nuclear Power Facility (the facility), Units 2 and 3, respectively, located in Grundy County, Illinois. These licenses were initially issued on December 22, 1969 and January 13, 1971, respectively. Units 2 and 3 are boiling water reactors authorized to operate at power levels not in excess of 2527 megawatts thermal (rated power).

II

During an inspection of the licensee's activities at this facility conducted on August 8, 1980, an apparent item of noncompliance was identified with the requirements of 10 CFR, Part 50, "Domestic Licensing of Production and Utilization Facilities." A written Notice of Violation was served upon the licensee by letter dated October 20, 1980, specifying the item of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalty was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282) and 10 CFR 2.205, incorporating by reference the Notice of Violation which stated the nature of the item of noncompliance and the provisions of the NRC regulations with which the licensee was in noncompliance. Answers from the licensee to the Notice of Violation and Proposed Imposition of Civil Penalty were dated November 24, 1980. Upon consideration of the answers received and the statements of fact, explanation, and argument in denial or mitigation contained therein, as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the item of noncompliance designated in the Notice of Violation should be imposed.

III

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282) and 10 CFR 2.205, it is hereby ordered that: The licensee pay civil penalties in the total amount of Forty Thousand Dollars ($40,000) within twenty-five (25) days of the date of this Order by check, draft or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

IV

The licensee may, within twenty-five (25) days of the date of this Order,

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request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S.N.R.C., Washington, D.C., 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C., 20555. If a hearing is requested, the Commission will issue an order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

V

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in noncompliance with the Commission's requirements as set forth in the Notice of Violation referenced in Sections II and III above and;

(b) Whether on the basis of the item of noncompliance, this Order should be substained.

Dated at Bethesda, Maryland this 23rd day of February, 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Appendix A.—Evaluation And Conclusion

For the item of noncompliance and associated civil penalty identified in the Notice of Violation (dated October 20, 1980) the original item of noncompliance is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to the item, (dated November 24, 1980) is presented.

Statement of Noncompliance

10 CFR 50.54(k) states, "An operator or senior operator licensed pursuant to Part 55 of this chapter shall be present at the controls at all times during operation of the facility." The Dresden Station Technical Specifications, Chapter 6.1 and Table 6.1.1 require, for the operational status of Units 2 and 3 on August 8, 1980, three licensed operators to fulfill the minimum shift staffing requirements.

Contrary to the above, at approximately 6:00 a.m., on August 8, 1980, the NRC Senior Resident Inspector observed that two of the three licensed operators in the control room assigned to monitor the operation of Units 2 and 3, specifically the Unit 3 and Control Room Center Desk operators, appeared to be asleep, such that they were not fully attentive nor were they able to monitor reactor conditions; thus, licensed operators were not at the controls as required.

This is a Severity Level III violation (Supplement I.C.2). Civil Penalty—$40,000.

A. *Licensee's Response Regarding The Violation.*

The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letters dated November 24, 1980. The licensee states in this response that, ". . . the evidence to date does not demonstrate that a noncompliance with requirements of the NRC regulations and Dresden Technical Specifications occurred as you have alleged."

In addition, the response states: "CECo. believes that these facts demonstrate that no noncompliance with the NRC Regulations and the Station's Technical Specifications occurred in the Dresden Control Room on August 8, 1980. Instead, the three licensed operators were present and in a position to monitor plant conditions and manipulate the controls of the facilities as required.

"First, the only support for the charges in the Notice of Violation is the Resident Inspector's impression that two operators 'appeared to be asleep'. But this is the result of the few seconds he took to glance at the Unit 3 and center desk operators and, at most, proves the operators were not looking at the control panels for their station as he passed. The length of the Resident Inspector's observation was minimal—counted in seconds. The actual time the operators were in the positions he describes in unknown. A few seconds of immobility assertedly observed by the Resident Inspector without more certainty does nor prove that they were not manipulating the controls or monitoring instruments either before or just after he observed them. Further, the Resident Inspector took no steps to test his observation. He neither viewed the faces of the operators nor approached them to verify his assumption himself nor confirmed it with others. Thus, the conclusion of the Notice of Violation of disabling inattentiveness, surmised solely from the Resident Inspector's observations, is highly speculative.

"Second, the charge of inattentiveness based on the operators' conduct in not looking at control panels neither offends NRC regulations nor Dresden Technical Specifications nor threatens the safety of the plant. Initially, it should be noted that neither the NRC regulations nor Technical Specifications describe 'attentiveness'. Although 10 C.F.R. 50.54(k) states an operator 'shall be present at the controls', the requisite operator presence is not defined in terms of instrumentation observation alone. The control panel systems, in fact, are designed upon a contrary premise: indicators registering serious safety related reactor conditions consist of both visual and audible signals. The very purpose of the audible signal—the annunciator—then is to notify an operator who may not be looking at the controls that a problem to which he might have to respond exists. As long as an operator can promptly perceive such signal, he is present and able to monitor reactor conditions.

"In this case the operators in question were in the line of sight of their respective controls and there is evidence that they were aware of their surroundings and able to respond to them. An operator who can answer a phone on its first ring or one who sees and acknowledges a person as he is approached certainly is attentive enough to answer the sound of an annunciator indicating a safety problem. Equating an asserted momentary non-observation of a control panel with the failure of a system designed to prevent or mitigate a serious safety event is inappropriate. Contrary to the allegations of a Severity III Violation, Supplement I.C.2., even under the conditions allegedly observed by the Resident Inspector, these operators were able to perform their intended function of monitoring reactor conditions to prevent and mitigate serious safety events under all conditions. Under these circumstances, the Notice of Violation is clearly not warranted."

The response also states, in part: "The shift engineer telephoned the operator at the center desk, asking him to check on the others. The center desk operator promptly answered the telephone and immediately went to each station: he states he found no operator asleep or inattentive. The Unit 3 operator recalls hearing the phone ring in the Control Room immediately prior to the time the center desk operator approached him. In fact, just as the center desk operator approached, the Unit 3 operator looked up from reading to greet him."

NRC's Evaluation of the Licensee's Response

The position in which the two operators were observed by the Resident Inspector clearly gave the impression that the operators were asleep. They were not sitting in a position that one would normally associate with being attentive to their duties of monitoring reactor conditions.

The licensee argues, in part, that the fact that the telephone was answered promptly in the control room following the incident is an indication that the operators were attentive. We do not find that argument convincing. According to the Shift Engineer, there could have been two rings before the telephone was answered in the control room. Even someone who is in a deep sleep can respond to a telephone call on the first or second ring. Clearly, then, the licensee's argument provides no assurance that the operators were not sleeping.

Further, the licensee is incorrect in stating that the only indication that operators were inattentive was the inspector's impression that they were asleep. Statements made by the operators themselves, the Shift Engineer, and the Shop Steward provide a further indication that the operators involved were at least inattentive, if not asleep. Specifically, one operator admitted that he may have had his eyes closed and indicated he was fighting sleep. He stated that he remembers his head bending forward with his eyes closed and then his head snapping backward and opening his eyes. The Shift Engineer admitted to having seen operators nodding or drowsy in the control room previously. During the management interview with both operators, statements were made by either the Steward or the operators themselves that they had not fallen "intentionally asleep." Finally, in an interview conducted by your staff on November 19, 1980 with Mr. Barker, who was the resident inspector at the time of the incident in question, Mr. Barker stated that he had seen an operator apparently asleep in the Dresden control room when he was an instructor with General Electric previous to his employment with NRC.

We regard these statements and observations as further indications of operator inattentiveness on August 8, 1980 and as indications that this problem was not confined to a single day. Even if the violation of NRC requirements was not intentional, and even if the operators were not sound asleep, employees who man controls at a nuclear facility should not be at those controls if they are drowsy, fighting sleep, or nodding off. These conditions are not conducive to the safe operation of the facility, and do not provide reasonable assurance of sharpwitted alert reactions to emergency situations which may arise in the day-to-day operation of nuclear power plants. The licensee's management should have, at a much earlier time, provided the relief to drowsy operators which it finally provided following this incident in its August 22, 1980 memorandum.

The licensee also argues that as long as an operator can promptly perceive the audible annunciator on the control panel, he is "present" and able to monitor reactor conditions. We disagree. The principal evidence cited by the licensee that the operators would have been able to properly respond to an emergency was the fact that the telephone was answered promptly in the control room following the incident.

An individual's response to a telephone ringing can be somewhat automatic even out of a deep sleep. Being awakened by an alarm and taking proper action in response to it are different matters. The latter may require critical decisions and actions. The possibility for incorrect decisions and/or actions, which could aggravate a given condition, is increased if they are made when an individual is fighting sleep or drowsy.

We recognize that the regulation cited does not specifically define "inattentiveness." It goes without saying, however, that the manning requirement extends beyond merely having a person located in the area. Operators are specifically lisenced by NRC after demonstrating their abilities to manipulate the reactor controls, and such operators are required to be present at the controls to exercise their special skills. Clearly such skills can only be exercised when they are fully attentive to reactor conditions. Nonobservation of the panels is not the issue—rather it is the ability to properly respond to a situation which may impact on public health and safety.

Taken to its logical conclusion, the licensee's argument in this regard amounts to an assertion that even if the operators were soundly asleep for several hours but could answer the telephone within two rings when called upon to do so, the situation would not constitute a violation of the regulations nor would it have been serious enough to warrant a civil penalty, since there were persons seated near the controls who could answer the telephone. The fact that this argument was made at all by the licensee demonstrates to us an insufficient concern for the seriousness of operator attentiveness due to drowsiness or sleeping in the control room.

Conclusion

The item as stated is an item of noncompliance.

B. *Licensee's Response Regarding Use of Appropriate Enforcement Criteria.*

The licensee states, "The finding, categorization, and the amount of civil penalty for the noncompliance is based on a misconception of the potential consequences of the alleged incident. In order to be classified as a Severity Level III violation, the 'system' unable to perform its intended functions 'must be designed to prevent or mitigate a serious safety event' * * * any system malfunction which could lead to or which itself is considered a 'serious safety event' is indicated on reactor control panels by an alarm consisting of both an annunciator and a visual signal.

"In this case, even if the Notice of Violation allegations were true and the operators were inattentive because they were not looking at the control panels as the Resident Inspector passed, the only consequence would be the operators' inability to see a visual indicator. There is no proof and no allegation that the operators would not have been able to respond to an annunciated alarm. On the contrary, the evidence demonstrates that the operators in question could and did perceive an audible signal—the telephone—quite readily. Thus, the potential consequences of the alleged incident could not have affected 'a system designed to prevent or mitigate a *serious safety event*'. As such, the incident should not be classified as a Severity Level III, Supplement I.C.2. Violation and the maximum limit of a $40,000 penalty cannot be imposed."

Evaluation of the Licensee's Response

We disagree with the licensee's assertion that reactor operators are not a part of the system which is required to prevent or mitigate a serious safety event. There is clearly a need for well-trained operators who can take necessary actions to prevent or mitigate accidents by being fully attentive to ongoing reactor conditions.

Further, the policy states that in order to be a Severity level III violation the violation must involve a system designed to prevent a serious safety event not being able to perform its intended function under certain conditions. In this particular case, the inattentiveness of the operators is, in itself, the condition under which there is a lack of reasonable assurance that they can perform their intended safety function.

The licensee takes the position that no serious safety event could have occurred since the operators proved able to answer to an audible signal—the telephone—and thus could take action in time to prevent such an event. However, the fact that no emergency situation arose on August 8, 1980 in which these operators were called upon to react is simply fortuitous.

Given the circumstances here, we do not have reasonable assurance that these operators, who admit to being drowsy and fighting sleep, would be able to perform their safety function if called upon to make critical decisions and take proper action when called upon to prevent a serious safety event. It is recognized that the enforcement policy does not cover all specific situations that may be encountered and

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that judgment must be exercised in determining which of the criteria most closely fits. In our view, the criteria, for the reasons described above, dictate that this condition constitutes a Severity level III violation.

Further, the interim enforcement policy, 45 FR 66754 (October 7, 1980), states that Severity Levels I, II and III comprise violations that are of significant regulatory concern, and that violations not specifically identified by a severity level category will be placed at the level best suited to the significance of the particular matter. We believe that operator inattentiveness due to drowsiness or sleeping is certainly a matter of significant regulatory concern. As such it falls within the ambit of the general criteria for Severity Level III violation. In addition, even if no specific category existed in Severity Level III into which this incident fits, we view the occurrence as at least as serious as those that otherwise fall into that Severity Level. Inattentiveness and/or sleeping at the controls of a nuclear power station, the operation of which must be monitored with diligent attention in detail in order to protect the public health and safety, is a matter of the utmost gravity. We, therefore, view the penalty we are imposing as commensurate with the seriousness of the occurrence for which the licensee has been cited.

C. *Licensee's Response to Failure To Use Proper Standards in Determining the Assessment.*

The licensee states, "The Interim Enforcement Policy states that the Commission in assessing a civil penalty should consider the gravity of the violation and 'the duration of the noncompliance, how the problem was identified, the financial impact on the licensee of the given penalty, the good faith of the licensee, the licensee's prior enforcement history, and whether the violation was willful.' Based on the allegations in your Notice of Violation and the circumstances surrounding its issuance, by proposing the maximum assessment for the Severity Level charged in this instance, you failed to give proper weight to these criteria.

"The Interim Enforcement Policy lists the 'gravity of the violation involved' as the item of 'paramount concern' in determining the amount of penalty to be assessed. Yet in applying the maximum penalty in this case this consideration has been obviously neglected. While the potential consequences of incapacitated operators at the controls of reactors may be severe, in this instance, as noted above, no adverse events could have occurred under the conditions described in that Notice of Violation. Moreover, no event did occur which in anyway affected public health, safety, the environment or the security of the plant. Certainly this circumstance greatly dimishes (sic) the gravity of the alleged noncompliance.

"Further, the duration of the alleged noncompliance, even accepting as true the facts you offer in support of the violation, can only be deemed minimal: the Resident Inspector viewed the operators for seconds. Since both operators filed reports shortly before the Resident Inspector's entrance, and since the operators were alert at the time of the Shift Engineer's phone call immediately subsequent to the Resident Inspector's observation, the duration of the alleged noncompliance was minutes at most. Yet in applying the maximum penalty, you have given no significance to the brief period of the alleged incident."

Evaluation of the Licensee's Response

The factors identified in the enforcement policy in assessing a civil penalty have been considered. The gravity of the violation is considered within the policy itself and it is related to the severity level which is assigned to it—a matter discussed previously. The item of noncompliance resulted from observations made by the NRC inspector. The financial impact is again considered generally in the structure of the policy itself. In this case, good faith and prior enforcement history, are not applicable, and there is no indication that the violation was willful. The good faith reduction is only applied in cases where the noncompliance itself has first been identified by the licensee, which was not the case here. Also willfulness is not at issue. Had the item of noncompliance been considered willful, stronger enforcement action with consideration for criminality concerns would have been a possible course of action.

The only other factor addressed by the licensee relates to the duration of the noncompliance. It should be recognized that a violation once it occurs, does not necessarily require any time frame of reference. The fact that it has occurred makes the matter a violation and thus subject to a civil penalty. Our policy permits flexibility in taking into account the duration of a violation in determining whether or not a civil penalty should be imposed, and in the setting of the amount of any civil penalty judged to be warranted. We are aware that operators will make mistakes and that some of these mistakes may lead to license violations of very limited duration. For example, an alert operator may make an error and open a valve required to be closed, recognize his mistake immediately and close the valve. The erroneous opening of the valve may have been a license violation subject to civil penalties. The duration of this event, if it were an isolated event at the facility involved, would likely lead to a minimal civil penalty, if one were imposed at all. However, we do not believe the situation involving the Dresden operators has significant commonalities with the example just described. We have concluded that, in this instance, no valid justification for mitigation exists on the basis of duration of the violation.

Regarding the Resident Inspector's review of Commonwealth Edison's corrective action we recognize the importance of views expressed by NRC Resident Inspectors and generally consider that they speak on behalf of NRC in their actions. Nevertheless, it must also be recognized that a final determination of adequacy is not made by Resident Inspectors but involves proper review by NRC management.

[FR Doc. 81-7007 Filed 3-4-81; 8:45 am]
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[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License and Granting of Relief From ASME Code, Section XI Inservice Inspection (and Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DRP-61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility), located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications to replace the current inservice inspection and valve testing Technical Specifications with an inservice inspection and testing program which meets the requirements of 10 CFR 50.55a(g). It also issues the testing requirements for certain valves in the emergency care cooling systems.

By letter dated February 5, 1981, as supported by the related Safety Evaluation, the Commission has also granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the inservice inspection and testing program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment and letter and Safety Evaluation granting relief. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and granting of the relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment and the relief.

For further details with respect to this action, see (1) the application for amendment dated June 29, 1977 and November 4, 1980, and supporting information submitted by letters dated May 26, 1978, May 29, 1978, July 14, 1978, April 27, 1979, June 29, 1979, March 25, 1980 and November 4, 1980, (2) Amendment No. 37 to License No. DPR-61, including the Commission's transmittal letter, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, N.W., Middletown, Connecticut 06457. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 26th day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5 Division of Licensing.

[FR Doc. 81-7008 Filed 3-4-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-463-CP and 50-464-CP]

Philadelphia Electric Co. (Fulton Generating Station, Units 1 and 2); Decision and Order Dismissing Proceeding With Prejudice

February 27, 1981.

By letter dated December 5, 1980, to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, the Applicant sought to withdraw the above-identified application for construction permits, including its request for an adjudicatory early site suitability review (hereinafter called "Early Site Review"). Also on December 5, 1980, Applicant filed a motion requesting that this Board, pursuant to 10 CFR 2.107(a), permit the withdrawal of the Fulton Application for construction permits and that the proceeding be terminated as moot.

By pleading dated December 17, 1980, the Intervenors supported the withdrawal of the application and the termination of this proceeding.

The NRC Staff responded, December 24, 1980. The Staff pointed out that, while the application was filed July 3, 1973, there have been no hearings held and no authorization for site work has been issued. Since no site work has been performed, redress of the site is not required, and no conditions need be attached for permssion to withdraw the application.

On the basis of the above, it would appear that Applicant's request should be granted as a matter of course. There is, however, a problem. Applicant requested dismissal "without prejudice", and the Intervenors urged that the proceeding be dismissed "with prejudice". In its response to the Intervenor's position, Applicant, by pleading dated January 22, 1981, argued that:

> * * * each of Applicant's acts referred to by Intervenors was merely consistent with good faith prosecution of a properly filed application * * *. Similarly, the adaptation of the project to an Early Site Review in early 1979 * * * was perfectly proper under the Commission's regulations.

The Applicant's reactor supplier stopped work on the project in 1975, and thenceforth it has been clear that the reactors described in the application would not be built. The review of the application was suspended pending a decision by Applicant as to whether or not to proceed with the construction of a nuclear facility of a different design on the same site.

About one-third of the proposed site is privately owned. The Intervenors represent the owners of this land and others situated nearby. They allege that the uncertainties as to the ultimate use of the proposed site have worked a hardship upon them, causing personal anxieties and preventing optimum uses of the land or sale thereof. They, and their representatives in Congress, have repeatedly complained to the Commission concerning the uncertainty which they endured. It is true that a prompt dismissal of the application after the events of 1975 would not have prevented a later filing of an application by Applicant or by others for construction permits using the same site. This possibility is always present at all sites throughout the nation and is so vague and nebulous as not to present the problems with the Intervenors have encountered.

By letter, dated January 30, 1978, the Staff advised Applicant that it (the Staff) would file a motion to terminate the suspended proceeding in the absence of "firm plans for early use of the Fulton site." Applicant responded by letter of March 8, 1978, stating:

> * * * It is our intention to file with the Commission by the end of this year an amendment to the construction permit application for an adjudicatory Early Site Review of the Fulton Site.

The Staff construed this to mean that Applicant had "firm plans for early use of the Fulton Site." This is evidenced by the Staff response to a letter from Congressman Robert S. Walker to Chairman Hendrie dated July 7, 1978, expressing concern about the continuing uncertainty over Applicant's intentions regarding the Fulton site. The response, dated August 11, 1978, states in part:

> * * * The NRC staff decided not to file a motion to terminate the construction proceeding. This decision was based on our view that Philadelphia Power Company intends to use the Fulton site for a power plant * * *.

As required by the Board, Applicant filed monthly statements as to the status of the Fulton application during the period from December 1975 to December 1978. By letter dated January 16, 1979, Applicant advised the Board of the filing on December 29, 1978, of its Amendment 32 to the application requesting an Early Site Review. This letter stated in part:

> Since the Fulton construction permit application has now returned to the usual licensing path, we believe that the fuction of the interim monthly status reports has been fulfilling and that further such letters would not serve an independent useful purpose.

The Board accepted this statement as meaning that the Applicant had decided to proceed with the construction of nuclear generating facilities at the site. The inferences of the Staff and the

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Board that Applicant had a firm plan to construct nuclear facilities on the site were based primarily on the assumption that Applicant's request for Early Site Review would meet both the form and the substance of the pertinent regulations (10 CFR 2.600, *et seq.*).

The purpose of the Early Site Review is to expedite the licensing process. Its use is based on the anticipation that plans are under way for the filing of the remaining part of a construction permit application. The Statement of Consideration concerning Early Site Reviews states in part:

> The effective rules * * * do not provide for issuance of a partial decision by an atomic safety and licensing board on these issues unless the request for review was made in the context of a person proposing to construct a nuclear facility. [42 FR 22882 published May 5, 1977.]

The Statement of Consideration goes on to mention situations where, because of economic or financial reasons, construction of nuclear plants is postponed. Here the statement is made that:

> It is the Commission's intent that the procedures for early review, hearing and partial decision on site suitability issues provided in these regulations for construction permit applicants shall be available to all qualified construction permit applicants, including applicants who did not request early review of site suitability issues at the time of their initial application but who later decide, following postponement of the target date for actual construction of the facility, that this procedure would be advantageous.

An applicant has up to five years after the Early Site Review proceeding to file the remaining parts of its application for construction of nuclear facilities. While superficially this five-year period may encourage requests for Early Site Reviews by applicants who have no present intention to construct a nuclear facility, no such interpretation is justified in the light of the earlier quotation above. A mere desire for an Early Site Review in anticipation that a decision to use the site may be made at some future time does not fall within the substance of the pertinent regulations. An applicant who files a request for an Early Site Review while having full intention of building a nuclear facility on the site, may properly reach a different decision thereafter in the light of new information. A request for termination of the proceeding promptly made upon reaching the new decision carries no implication that the request for Early Site Review was improper. However, the Early Site Review is not available to an applicant who has no present intention to construct nuclear facilities on the site.

The period of time during which there has been no prosecution of this proceeding by Applicant, depends on whether or not the request for Early Site Review falls within both the form and the substance of the regulations. This, in turn, depends on the motives of the Applicant in filing such request.

In its letter of December 5, 1980, to the Staff, Applicant gives its reasons for withdrawal of its application thus:

> PE [Applicant] has recently concluded that there are no longer significant benefits to maintaining the Fulton application before the Commission. This fact, plus the pendency of proposed regulations (45 Fed. Reg. 74493, November 10, 1980) which as proposed would impose substantial additional fee liability for applications withdrawn after they became effective, has induced PE to withdraw its application before the regulations' effective date.

This statement may imply that now, for the first time, Applicant has reached a decision as to whether or not to construct a nuclear plant on the site. It may imply, that, for economic reasons, a prior firm plan to construct a nuclear plant on the site is revoked.

Because of the above-noted ambiguity, a search of the record was made seeking evidence of Applicant's motives and decisions, if any. The search revealed no statement since 1975 by Applicant that it had a firm plan to construct nuclear facilities on the site. On the contrary, a clear statement of Applicant's position was found in summary minutes of a meeting between Applicant and the Staff on May 11, 1978, the written minutes being dated May 24, 1978. A copy of these minutes was sent to Mr. J. L. Everett, President, Philadelphia Electric Company, by letter dated May 31, 1978. Since Applicant did not request alterations of the minutes, they were taken as accurate. The minutes state, in part:

> In response to questions on whether PEC had already decided that the Fulton site is only suitable for nuclear units, and what type of plant would be constructed at the site, PEC stated that it was not clear that a nuclear unit would be put at the Fulton site, and that the type of plant would be decided in about 1983. PEC noted their motivation to seek ESR and approval of the Fulton site because there is no abundance of suitable nuclear sites. PEC additionally stated that it was clearly possible that the Fulton site could be utilized for a gas cooled reactor, as contemplated in the original application. PEC also stated that it is possible that the Fulton site would be shared with another utility, in return for site sharing by others, to keep costs low. Dr. Johnsrud noted that Pennsylvania does not presently have a law which permits site banking.

Analysis of this passage reveals that: (1) Applicant had reached no decision as to whether or not to use the Fulton site for a nuclear facility; (2) Applicant had reached no decision as to the type of facility it would construct, if it decided to use the site; (3) site banking was not permitted under Pennsylvania law; and (4) because of the scarcity of suitable sites, Applicant's motive in seeking an Early Site Review was to maintain the uncertainties as to possible use of the site until a decision should be reached at some future time, possibly in 1983.

From our study of the record, we conclude that Applicant's request for an Early Site Review was for the purpose of preventing termination of this proceeding, and not for the purpose of expediting it. It does not conform to the substance of the pertinent regulations, and did not stop the running of the period of Applicant's suspension of prosecution of the proceeding.

In Summary:

We hold that Applicant's request for an Early Site Review is outside of the purpose and intent of the pertinent regulations.

We hold there has been a period of suspension and uncertainty since 1975.

We hold that the period of suspension is too long to justify a dismissal without prejudice. Accordingly this proceeding must be dismissed with prejudice.

Order

In view of the foregoing it is, this 27th day of February, 1981,

Ordered,

That the above-captioned proceeding be dismissed with prejudice; and

That the Staff be advised that the subject Application should be terminated, without conditions regarding site restoration.

For the Atomic Safety and Licensing Board.

Hugh K. Clark,

Chairman, Administrative Judge.

[FR Doc.81-7011 Filed 3-4-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11654; 812.4813]

Barclays North American Finance, Inc.; Application for Exemption

February 27, 1981.

Notice is hereby given that Barclays North American Finance, Inc. ("Applicant"), c/o Paul B. Ford, Jr., Esq., Simpson Thacher & Bartlett, One Battery Park Plaza, New York, New York 10004, filed an application on January 30, 1981, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it was organized on January 28, 1981, as a corporation under the laws of the state of Delaware. According to the application, no capital stock or other securities of Applicant have been issued to date. Applicant states that all of the outstanding shares of its capital stock will be purchased and owned, directly or indirectly, by Barclays Bank Limited ("BBL"), a United Kingdom commercial bank. The application represents that Applicant's sole business will be the provision of funds to BBL or subsidiaries of BBL and that substantially all of Applicant's assets will consist of amounts receivable from BBL or its subsidiaries.

Applicant proposes to issue and sell in the United States long-term debt securities ("Securities"). Applicant represents that BBL will unconditionally guarantee payment of principal, interest and premium, if any, on the Securities. According to the application, the guarantees of BBL may be extended on a subordinated basis in order to comply with provisions of instruments pursuant to which BBL has issued and sold long-term debt securities outside the United States. Applicant represents that its offerings of securities will be limited to offerings of the Securities.

Applicant states that BBL is a foreign bank holding company registered as such with the Board of Governors of the Federal Reserve System and subject to the Bank Holding Company Act of 1956. The application indicates that the scope of BBL's activities in the United States is limited by and regulated under the Bank Holding Company Act of 1956. In connection with a proposed offering of commercial paper and long-term debt securities in the United States, BBL filed an application for an order of the Commission pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. A conditional order or exemption was granted to BBL by the Commission on March 14, 1980, (Investment Company Act Release No. 11090).

Applicant represents that, prior to issuance, the Securities shall have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and Applicant shall have certified in writing to its United States counsel that such rating has been received; provided, however, that no such rating shall be required to be obtained if in the opinion of Applicant's United States counsel, having taken into account for the purposes thereof the doctrine of "integration" referred to in various releases and no-action letters made public by the Commission, an exemption from registration is available with respect to such issue under Section 4(2) of the Securities Act of 1933 ("1933 Act").

Applicant states that, in the case of the public offering of the Securities in the United States, prior to offering the Securities, it would file a registration statement under the 1933 Act with the Commission and would not sell the Securities until the registration statement was declared effective by the Commission. The application states that Applicant and BBL would comply with the prospectus delivery requirements of the 1933 Act in connection with the offering and sale of the Securities. In the case of an offering of the Securities in the United States not requiring registration under the 1933 Act, the application states that Applicant and BBL would undertake to provide any offeree to whom they offer the Securities in the United States a memorandum at least as comprehensive as memoranda customarily used in such offerings of long-term debt securities in the United States. Applicant states that the memorandum would also include a description of material differences between United States and United Kingdom generally accepted accounting principles. In the event of subsequent offerings, Applicant represents that the memorandum would be updated at the time thereof to reflect material changes in the respective financial positions of Applicant and BBL. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure memoranda.

Applicant undertakes that in connection with any issuance of Securities, Applicant and BBL would appoint an agent to accept service of process in any action based on the Securities and instituted in any state or federal court by any holder thereof. Applciant further undertakes that Applicant and BBL would accept jurisdiction in any state or federal court located in New York in any action based on the Securities instituted by any holder. The application states that the appointment of agent for service of process and the consent to jurisdiction shall be irrevocable until the amounts due and to become due on the Securities have been paid.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." The application states that the Applicant may be deemed an investment company under the Act on the grounds that the documentation evidencing the advances to, or deposits with, BBL or its subsidiaries of the proceeds of the sales of the Securities may be deemed "investment securities" under Section 3(a) of the Act and would constitute more than 40% of the total assets of the Applicant.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that in functioning solely as a wholly-owned finance subsidiary of BBL, it is merely the vehicle through which any sale of the Securities would be accomplished. Applicant states that BBL has already been granted an exemption from the Act and is thus permitted to sell directly long-term debt securities in the United States. Applicant asserts that the same policy considerations pursuant to which the Commission granted an exemption to BBL should apply in Applicant's request for exemption from the Act pursuant to Section 6(c) of the Act. Applicant further submits that its obligations would be unconditionally guaranteed by BBL with the effect that holders of the Securities would look to BBL as the ultimate obligor, and the terms of the BBL guarantee would determine the nature of the investment.

Notice is further given that any interested person may, not later than March 23, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of the fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such

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communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7003 Filed 3–4–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21933; 70–6445]

Ohio Power Co.; Supplemental Notice Concerning Proposed Leasing and Charter Transactions Related to Acquisition of Coal Barges

February 25, 1981.

Notice is hereby given that Ohio Power Company ("Ohio Power"), 301 Cleveland Avenue, S.W., Canton, Ohio 44702, an electric utility subsidiary of American Electric Power Company, Inc., ("AEP"), a registered holding company, has filed with this Commission amendments to its application previously filed pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

By release dated June 12, 1980 (HCAR No. 21622), notice was given that Ohio Power proposed to acquire by lease, at a cost of approximately $11,500,000, sixty-five open hopper barges, which are needed to replace barges which are being retired from service. The barges will be operated by Indiana & Michigan Electric Company ("I&M"), another electric utility subsidiary of AEP, which is experienced in the operation of barges, pursuant to an operating agreement which is subject of a filing pending with this Commission (File No. 70–6161). It was stated that in said notice that the terms and conditions concerning a contemplated leasing transaction with respect to the barges would be subject of a further filing.

By amendments to the instant application, Ohio Power requests authorization to enter into the following transactions concerning the barges: (1) a purchase order for the construction of the barges, at a cost of approximately $173,000 each (plus adjustments), by HBC Barge, Inc. (the "Shipbuilder"); and (2) a Participation Agreement among Security Pacific Equipment Leasing, Inc. (the "Owner"), Ohio Power (the "Charterer") and Chemical Bank (the "Lender"), pursuant to which Ohio Power will assign the purchase order to the Owner, the Owner will purchase the barges from the Shipbuilder and lease them under a Bareboat Charter Party ("Charter") between Owner and Charterer, and Lender will furnish to Owner a portion of the funds for construction.

The cost to be paid by the Owner ("Equipment Cost") to the Shipbuilder and the independent engineer (for services to be performed before the delivery date), including interest during construction and during storage, will not exceed $13,200,000, of which (1) approximately $4,620,000 is to be provided by the Owner and (2) a sum not to exceed $8,580,000 is to be provided by the Lender to the Owner through a non-recourse loan secured by (a) a First Preferred Fleet Mortgage covering the barges, and (b) a collateral assignment of Charter Hire and certain other sums payable pursuant to the Charter. In addition, the Owner will pay and capitalize the interest due on the non-recourse loan during the interim term. It is stated that the $13,200,000 Equipment Cost was used in the Participation Agreement for purposes of caution; applicant does not expect said cost to exceed $11,500,000 plus capitalized interest of $431,250.

The interim term will commence upon acceptance of barges under the Charter in March and May 1981, and end on July 1, 1981. The Charter will further provide for an original term of 20 years commencing July 2, 1981, and ending on July 1, 2001. The Charterer has the option to renew the Charter for up to four consecutive five-year renewal periods at the then fair market rental value of such barges for which the Charterer elects to renew (not less than 10 barges). No rent is payable during the interim term. Rent during the original term will consist of 40 semi-annual payments payable on January 2 and July 2 of each year commencing January 2, 1982.

Rentals factors during the original term, assuming an Equipment Cost of $11,500,000 plus captalized interest of $431,250, a fixed long-term loan interest rate of 15% per annum, approximately 65% debt and a debt repayment schedule resulting in an average loan life of 14.77 years, would be equal to (as a percent of the Owner's total cost of $11,931,250):

Semiannual payments	Rental factor (percent)
1 to 14	4.857723
15 to 20	5.837216

The annual effective equivalent interest cost to the Charterer under the above-stated assumptions would be approximately 8.76%. However, because fixed long-term loan rates were either not available or inordinately high, the following variable loan rates are in fact applicable to Owner's debt from Lender: first 1½ years, Lender's Alternative Base Rate (the higher of Lender's prime rate or its reserve adjusted CD rate plus ½%); next 2 years, Lender's Alternate Base Rate plus ¼%; next 3½ years, Lender's Alternate Base Rate plus 2½%; last 13½ years, 150% of Lender's Alternate Base Rate. Thus actual rental factors will be lower or higher, depending on the prime rate, than those cited above which used a 15% annual interest rate assumption. The Owner has agreed to refinance the loan at Charterer's request. It is contemplated that such request will be made when long-term loan rates are available on more favorable terms. The loan from Chemical Bank will be prepayable at any time without penalty.

The Charter contains various provisions authorizing (1) Charterer to purchase barges at the end of the original term, (2) Charterer to declare barges economically obsolete on certain terms and conditions, and (3) Charterer to assign or sublease barges. The Charter will be similar to a net lease in that Charterer will be responsible for all expenses of maintenance and operation of the barges, and for certain charges and taxes.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $2,000 plus a commitment fee payable to the Lender of ⅛ of 1% per annum on the unused portion of a committed amount of $7,800,000 from the date of any

Commission order authorizing the transactions through and including July 1, 1981, and a $300 annual fee payable to an indenture trustee. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 23, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7004 Filed 3–4–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21935; 70–6549]

Southern Co., et al.; Proposed Issue and Sale of Short-Term Notes to Banks and Commercial Paper to Dealers; Capital Contributions by Holding Company to Subsidiaries; Request for Exception From Competitive Bidding

February 26, 1981.

In the Matter of THE SOUTHERN COMPANY, P.O. Box 720071, Atlanta, Georgia 30346; GEORGIA POWER COMPANY, P.O. Box 4545, Atlanta, Georgia 30302; GULF POWER COMPANY, P.O. Box 1151, Pensacola, Florida 32520; MISSISSIPPI POWER COMPANY, P.O. Box 4079, Gulfport, Mississippi 39501; and SOUTHERN ELECTRIC GENERATING COMPANY, P.O. Box 2641, Birmingham, Alabama 35291.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and Georgia Power Company ("Georgia") Gulf Power Company ("Gulf"), Mississippi Power Company ("Mississippi"), and Southern Electric Generating Company ("SEGCO"), subsidiaries of Southern, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7 and 12 of the Act and Rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The applicant-declarants propose to issue and sell from time to time, prior to April 1, 1982, short-term notes to banks and, except for SEGCO, commercial paper to dealers up to the following aggregate principal amounts at any one time outstanding:

Southern	$100,000,000
Georgia	475,000,000
Gulf	65,000,000
Mississippi	65,000,000
SEGCO	5,000,000

Such notes will be issued from time to time as funds are required prior to April 1, 1982.

Southern has obtained commitments from four international banks for an aggregate principal amount of $100,000,000. Each commitment extends to December 31, 1981 and is subject to renewal in accordance with its terms. A commitment fee of ¼% per annum on undrawn amounts is payable for each commitment. Borrowings will, at Southern's option, bear interest at an effective rate of (a) ½% per annum over the lender's floating prime rate or (b) a margin over the London Interbank Offered Rate ("LIBOR"). Swiss Bank Corporation also offers borrowings at ½% per annum over its prime rate on the date of the advance, fixed for 90 days. The commitments, and the interest rates and periods under option (b) are:

Bank	Commitment (in millions)	Margin over LIBOR (per-cent)	Loan periods
Barclays Bank International Ltd.	$40	¼	30 to 180 days
Credit Suisse	20	¼	30, 60 or 90 days
Swiss Bank Corp	20	¼	30 to 180 days
Union Bank of Switzerland	20	½	1 to 6 months

Advances under option (b) from Credit Suisse and the Union Bank of Switzerland are not prepayable. Prepayment of advances from Barclays Bank International Limited and the Swiss Bank Corporation is conditioned on payment of a compensatory premium, usually equal to the difference between the interest that would have been earned to maturity on the prepaid amount and the interest to maturity from relending such amount. The maximum term for borrowings under option (a) is one year, 180 days for Swiss Bank Corporation, or if earlier, the expiration date of the commitment.

Southern will borrow from these banks under the available option providing the lowest effective cost for the borrowing period. Assuming a prevailing prime interest rate and a LIBOR rate of 20%, the effective cost of borrowings under these facilities would be as follows: Under option (a), the effective cost from each bank would be 20.50%. Under option (b), the effective cost of borrowings from Union Bank of Switzerland would be 20.50% and the effective cost of borrowings from the other facilities would be 20.75%.

Georgia has obtained commitments from nine banks for revolving credit aggregating $400,000,000 for the period from January 1, 1981 through December 31, 1983. The commitment of each bank is evidenced by a separate agreement with Georgia. Each borrowing by Georgia under a revolving credit will be evidenced by a master promissory note to be dated the date of the borrowing, to mature not more than 270 days (but not later than the expiration of the lending bank's commitment) after the date of the issue. Such notes will be prepayable, in whole or in part, at any time without penalty or premium. The revolving credits have been separately negotiated with each of the several banks and, consequently, the pricing terms, interest rates and fees payable by Georgia pursuant to each commitment vary.

Under each agreement Georgia is obligated to pay a commitment fee. Such fees, calculated on an annualized basis,

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involve applying a defined rate to the bank's total commitment, or under some agreements, the unborrowed portion thereof. The rates of interest for revolving credit borrowings may vary based on the amount of aggregate borrowings outstanding from the lending bank and may rise in the last two commitment years. Under each agreement the annual interest rate will either be equal to, or a percentage multiple of, a prescribed floating base rate, such as the prime rate or a higher money market rate.

Assuming a prime rate of 20% per annum and full usage, the highest effective cost under the revolving credit arrangements would be 22.24% in the first year and 23.60% in the second and third years. The nine bank weighted average based on full usage would be 21.458% in the first year and rise to 22.165% in the third year. The highest effective cost assuming no borrowings under the lines of credit would be 1.4% per annum. Georgia may reduce such fees by maintaining balances with the banks.

Georgia may at any time without penalty terminate or reduce the commitment of any bank, provided that no bank's commitment may be reduced to an amount less than the outstanding principal amount of borrowing from such bank at the time of reduction. Each year Georgia expects to extend the commitments for an additional year and to renegotiate commitment terms.

In addition to the above described specific bank borrowing arrangements, the applicant-declarants, except Southern, propose upon further authorization, to borrow from other banks within the authorized limits. These banks borrowings will be evidenced by either notes dated as of the borrowing date or the initial borrowing date for master notes. The notes will mature 9 months or less after the date of issue, will be prepayable in whole or in part without penalty or premium, and will bear interest at the bank's rate for comparable companies.

The applicant-declarants, except SEGCO, propose to sell commercial paper within the aggregate principal limit set forth above for each company. The commercial paper will be in the form of promissory notes of the applicant-declarants with varying maturities not to exceed 270 days and in denominations of not less than $50,000 nor more than $5,000,000. Such notes will not by their terms be prepayable prior to maturity.

The commercial paper will be sold directly to or through the following commercial paper dealers: The First Boston Corporation for Southern; Salomon Brothers for Georgia; and A. G. Becker & Co. Incorporated for Gulf and Mississippi. The discount or interest rate will not exceed the annual discount rate prevailing at the issuance date for commercial paper of comparable quality and maturity. However, no notes of more than 90 day maturity will be issued at an effective interest cost exceeding that issuer's effective interest cost for bank borrowings of at least equal principal amount. No commission or fees will be paid, except a dealer may reoffer such commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing interest rate to the issuer or at an equivalent cost if sold on an interest bearing basis.

The dealer will offer the commercial paper to not more than 200 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer. The list will include commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, municipal and state benefit funds, and eleemosynary and non-financial corporations which invest surplus funds in commercial paper. No sale will be made to any such customer unless and until the customer has received a current financial report of the issuer from the dealer. No additions will be made to such list of customers. It is expected that the commercial paper of the applicant-declarants will be held by customers to maturity. However, if they wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others on the customer list.

Southern proposes to use the borrowings, treasury funds and other external funds to make capital contributions to Alabama Power Company ("Alabama"), Georgia, Gulf and Mississippi. Such funds will also be used to pay Southern's indebtedness when due, to make loans to Southern Company Services, Inc., and to serve other corporate purposes. Southern proposes to make capital contributions from the effective date of the Commission's order herein through March 31, 1982 in amounts not to exceed the following:

Company	Amount
Alabama	$133,000,000
Georgia	157,000,000
Gulf	15,000,000
Mississippi	10,000,000

The proceeds of the short-term borrowings will be used by the applicant-declarants to finance their respective construction programs and for to serve other corporate purposes. Part or all of the net proceeds of any long-term financing will be applied to pay or reduce the principal amount of outstanding short-term borrowings.

SEGCO maintains a working capital advance with its agent, Alabama, under the terms of an operating agreement. The effects of inflation on fuel costs and other expenses have caused the working capital deposit requirements to escalate sharply in recent years, draining SEGCO's available cash reserves. In addition, SEGCO's 1981 budget and three year forecast indicate that beginning in 1982 more construction funds will be needed than SEGCO can generate internally. Therefore, SEGCO proposes to have up to $5,000,000 in short-term indebtedness outstanding during the period from April 1, 1981 through March 31, 1982.

Except as may be otherwise authorized by the Commission, any short-term borrowings of the applicant-declarants outstanding hereunder after March 31, 1982 will be retired (1) from internal cash resources or from the proceeds of equity financing in the case of Southern and (2) from internal cash resources and/or from the proceeds of long-term debt or equity financing in the cases of the other applicant-declarants.

The applicant-declarants, except SEGCO, seek an exception from the competitive bidding requirements of rule 50(b) pursuant to subparagraph (a)(5) thereof for the issuance of commercial paper because the commercial paper will have maturities not in excess of 270 days, current commercial paper rates for prime borrowers are published in daily financial publications and it is impractical to invite bids for commercial paper.

A statement of the fees and expenses incurred in connection with the proposed transactions will be provided by amendment.

The issuance by Gulf and SEGCO of their notes to banks and the issuance and sale by Gulf of its commercial paper notes must be authorized by the Florida Public Service Commission and the Alabama Public Service Commission, respectively. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 23, 1981, request in writing that a hearing be held on such matter, stating the nature of the interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified in the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarants at the above addresses, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7005 Filed 3-4-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 27, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

General Datacomm Industries, Inc., Common Stock, $.10 Par Value (File No. 7-5866).

Peavey Company, Common Stock, $2.50 Par Value (File No. 7-5867).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 20, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7000 Filed 3-4-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINSTRATION

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 10:00 a.m., on Tuesday, March 31, 1981, at the Town House, 1615 Gervais Street, Columbia, South Carolina, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Vern F. Amick, District Director, U.S. Small Business Administration, 1835 Assembly Street, Room 358, Columbia, South Carolina 29202—(803) 765-5373.

Dated: March 2, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-7074 Filed 3-4-81; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, will hold a public meeting at 9 a.m., on Friday, March 27, 1981, at the Cottonwood Club, 1780 Lakewood Drive, Salt Lake City, Utah, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call C. Dale Randall, Deputy District Director, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138—(801) 524-5804.

Dated: March 2, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-7073 Filed 3-4-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 745]

Revocation of Determination Under Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 With Respect to Chile

By virtue of the authority vested in me by Executive Order 12166 of October 19, 1979 (44 FR 60971), the determination with respect to Chile, made by the Secretary of State pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635(b)(1)(B)) and dated November 29, 1979 (44 FR 72696), is hereby revoked.

This revocation shall be published in the **Federal Register**.

Dated: February 20, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-6961 Filed 3-4-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/378]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting on March 19, 1981, at 1:30 P.M., in Room 8238 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twenty-third Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London, May 11, 1981. In particular, the working group will discuss the following topics:

—survival craft radio equipment
—operational requirements for future EPIRBs
—operational standards for shipboard radio equipment
—maritime distress system

For further information contact LT. R. F. Carlson, U.S. Coast Guard (G-OTM-

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3/32), 2100 2nd Street, S.W., Washington, D.C. 20593. Telephone (202) 426–1345.

Dated: February 24, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81–7052 Filed 3–4–81; 8:45 am]

BILLING CODE 4701–07–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 79–077]

International Association of Drilling Contractors; Meeting

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The U.S. Coast Guard is considering developing regulations addressing personnel job safety requirements on Outer Continental Shelf oil and gas facilities under the authority of Sections 4(d) and 21(c) of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95–372). The International Association of Drilling Contractors has requested a meeting to review information researched and analyzed by the Coast Guard concerning personnel job safety. The meeting is open to the public.

DATE: March 24, 1981, 10:00 a.m. to 4:30 p.m.

ADDRESS: Nassif Building, Department of Transportation, 400 Seventh St., S.W., Washington, DC 20590, room 2230 at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: Lt. Dennis Cashman, U.S. Coast Guard Headquarters, Commandant (G–MP–3), Washington, DC 20593 (202/472–5160).

SUPPLEMENTARY INFORMATION: The Coast Guard has prepared a paper titled "Review of Safety Needs on the Outer Continental Shelf" which will be provided to anyone attending the public meeting on request. Individuals who want to review the paper in advance of the meeting should contact Lt. Cashman and a copy will be mailed to them.

Dated: February 26, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81–7072 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Human Factors Workshop on Aviation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice Meeting

SUMMARY: This notice announces a DOT/FAA Human Factors Workshop on Aviation.

DATE: Registration begins March 18, 1981, at 8:00 a.m.; workshop session will be held March 18 from 9:00 a.m. to 5:00 p.m. and continue on March 19 from 9:30 a.m. to 5:00 p.m.

ADDRESS: Transportation Systems Center Auditorium, Kendall Square, Cambridge, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Ms. Les Foster, Transportation Systems Center, Cambridge, Massachusetts 02142; Telephone: (617) 494–2317.

SUPPLEMENTARY INFORMATION: The purpose of the Human Factors Workshop is to bring together knowledgeable representatives from the aviation community to establish a common frame of reference as to current human factors efforts and to gather information for the development of an agenda for the future.

Some areas of concern are: pilot/ATC/ environment interfaces; medical/behavioral; use of simulation; inflight data and evaluation; crew fatigue/workload/stress; command cockpit management; and controller fatigue/workload/stress.

This workshop is a continuation of the human factors information exchange initiated at the Transportation Systems Center in November 1980, and at the Second Annual Commuter Airline Symposium held in Arlington, Virginia, in January 1981. Presentation will be made by a number of spokespersons who did not have the opportunity to present their views in the previous meetings.

The first day of this workshop will consist of selected presentations on human factors issues relating to general aviation, helicopter operations, air traffic control, airline operations, and metrication. On the second day, the attendees will participate in group discussions. There will be five discussion groups: (a) general aviation issues; (b) helicopter issues; (c) air traffic control issues; (d) airline operational issues; and, (e) metrication issues. The group will reconvene near the end of the second day for a summary presentation from each discussion leader.

The workshop is expected to provide the agency with guidance on how best to proceed with expanded efforts in human factors, and on the schedule, location, and content of future workshops. To support this objective, a report on the workshop proceedings and a summary of comments will be prepared for public distribution.

All workshop attendees are encourged to provida verbal and/or written comments during the workshop sessions. Written comments regarding the workshop discussion topics will be accepted through April 19, 1981. The workshop report will be published within 60 days following the workshop.

The workshop is open to the public and there is no registration fee.

Issued in Washington, D.C., on February 27, 1981.

William T. Brennan,

Acting Director of Aviation Safety.

[FR Doc. 81–6863 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–13–M

National Air Traffic Control Contingency Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of contingency plan.

SUMMARY: On November 13, 1980, the FAA published for public information and comment its draft contingency plan for responding to a potential nationwide air traffic controller strike or other job action that would significantly reduce the availability of controllers to staff the air traffic control system (45 FR 75100). The contract between the Professional Air Traffic Controllers Organization (PATCO) and the FAA expires on March 15, 1981. Negotiations are presently underway and the FAA anticipates that the air traffic controllers will continue to operate under the existing contract, as called for by law and by the contract itself, until a new contract can be completed and implemented. However, as noted in the draft plan, job actions by the air traffic control system's work force have occurred in the past. Those actions have varied from local facility actions by controllers, to nationwide action, and from so-called "by the book" operational slowdowns to full walkouts. Recent events have raised questions concerning the ability to provide air traffic control services in the event of a national or other significant job action. Consequently, it is incumbent upon the FAA to develop, and to be prepared to implement, a contingency plan to minimize impact on the nation if a significant job action by controllers were to occur.

The basic objective of the plan is to maximize the number of aircraft, people, and cargo that can be safely accommodated with the reduced work force. The draft plan outlined a number of actions to achieve that result, including the use of qualified supervisory personnel and rigid flight schedules, routes, and altitudes, and the reduction or elimination of some services not directly affecting the flight safety provided under the air traffic control system. Since the plan involves both terminal and enroute capacities for civil and military operations, the plan requires the use of priorities among aircraft movements, made under instrument flight rules (IFR), and has some effect on aircraft operated under visual flight rules (VFR).

Long-range flights (over 500 miles) would be given high priority as alternate travel methods are least acceptable and available for long distances. Permanent daily schedules would be established to limit traffic to the capacities of the FAA facilities that are needed to service the flights. This would also ease the air traveler's burden and airport waiting time. The schedule is designed to obtain maximum air traffic movement with a supervisory workforce.

Substantially all long-range flights would be scheduled. International flight departure and arrival times would have to be adjusted but all are expected to be accomplished. Over five thousand other air carrier and air taxi flights (of less than 500 miles) would be scheduled. Military necessity or emergency activities would continue to receive top priority and be accommodated ahead of all other flights. However, the military would be asked to terminate some training and other noncritical flights. Service at specified tower controlled airports may be suspended; VFR flights in terminal control areas (TCAs), other than departures, would be disapproved; IFR flight plans not provided for in the plan would be refused; and Terminal Radar Service Area (TRSA) service would be reduced.

Based on available information, including comments and suggestions received in response to the publication of the draft plan, the FAA has modified the originally published draft plan. Forty-nine comments were received and have been considered in developing this plan, and a number have been incorporated. The two major concerns expressed by the commenters related to the priority given to long-range air carriers over the regional and commuter airlines and the allocation of the slots that would be available. While, as noted, the plan does give priority to long-range flights, there are about 60% more flights of less than 500 miles scheduled than there are flights of more than 500 miles. In consideration of the comments which pertained to the scheduling of the slots that would be available: (1) where possible, the schedule will provide one round trip flight per market for each carrier serving the city pairs; (2) while the February 1980 Official Airline Guide (OAG) was used to establish long-range city pairs and to balance workload, and the December 1980 OAG was used to establish short-range city pairs and to balance workload, the February 1, 1981, guide was used for inserting operators into the schedule; (3) airport authorities have been requested to waive airport curfews for scheduled traffic; and (4) service to isolated areas has been accommodated in the schedule to the extent possible.

A number of other comments and suggestions appear to have merit but require a significant amount of research and more detailed consideration. Thus, further development and modification of the plan to increase the load-factor capacity may be possible. However, it may become necessary to activate the plan before those features can be fully evaluated and, if appropriate, reflected in the plan. Accordingly, the current plan constitutes an Interim Plan which can be implemented should it become necessary before the FAA completes further efforts to improve the plan. FAA will continue over the next several months to integrate into the plan, as practicable, as many improvements as can be timely implemented within conditions as they develop. The FAA is seeking to provide, to the greatest extent feasible, for the equitable treatment of system users and the highest level of service to air travelers. While the FAA will continue to do everything reasonably possible to avoid the need to activate the plan, some significant matters are beyond its ability to control.

This notice announces the availability of copies for examination and distribution of the National Air Traffic Control Contingency Plan.

DATES: Further comments will be considered to the extent practicable before the plan is activated or any modifications are made.

ADDRESSES: Send comments on the Contingency Plan to:
Federal Aviation Administration,
Air Traffic Service,
ATC Operations Division,
600 Independence Avenue SW.,
Washington, DC 20591;
OR deliver comments to:
FAA Air Traffic Service, Room 430A,
800 Independence Avenue, SW.,
Washington, DC

Comments may be examined in Room 430A weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Contingency Plan Coordinator, Air Traffic Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426–8542.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit any written data, views, or arguments on the contingency plan as they may desire. Comments that provide the factual basis supporting the matters presented in the comments are particularly helpful in developing reasoned decisions on the issues. Communications should identify the submission as being in response to this notice.

Notice of Availability

Accordingly, the Federal Aviation Administration announces that interested persons may obtain a copy of the National Air Traffic Control Contingency Plan, by contacting—Contingency Plan Coordinator, ATC Operations Division, Air Traffic Service, Federal Aviation Administration 800 Independence Avenue, SW., Washington, DC 20591 Telephone (202) 426–8542.

A copy of the Plan may be examined in Room 430A of FAA Headquarters during weekdays, except Federal holidays, between 8:30 a.m. 5:00 p.m.

Issued in Washington, DC, on March 3, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 81–7125 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement, Hennepin County, Minn.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be written for a proposed highway project in Minneapolis, Hennepin Co., Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen J. Bahler, Area Engineer, Federal Highway Administration,

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Metro Square Building, St. Paul, MN 55101, Telephone: (612) 725–5956.

Mr. C. E. Weichselbaum, District 5, State Aid Engineer, 2055 North Lilac Drive, Golden Valley, MN 55422, Telephone: (612) 545–3761.

Mr. Vern Genzlinger, Hennepin County Department of Transportation, 320 Washington Avenue South, Hopkins, MN 55343, Telephone: (612) 935–3381.

SUPPLEMENTARY INFORMATION: The FHWA is cooperation with the Minnesota Department of Transportation (Mn/DOT) and the Hennepin County Department of Transportation (HC/DOT) intend to develop an environmental impact statement for the replacement or rehabilitation of state bridges 5860 and 90589 located on County State Aid Highway (CSAH) 52 (Hennepin Avenue) between First Street and W. Island Avenue, Minneapolis, Minnesota. State bridge 5860 crosses over the Burlington Northern Incorporated (BNI) railroad tracks and the Chicago and Northwestern (C&NW) railroad tracks. State bridge 90589 crosses over the navigational channel of the Mississippi River. The proposed project is approximately 1400 feet in length. The proposed project is identified as SP 27–652–12, IX 5240(2) and County Project 7613.

The existing bridges are inadequate because of their structural condition and restrictive safe load capacity and clearances. The bridge over the railroad tracks was constructed in 1913. Both vertical and horizontal railroad clearances are inadequate. The bridge over the river was constructed in 1888. Because of the arch rib design and low roadway profile the bridge is an impediment to navigation. The river crossing is an important transportation and transit artery serving downtown Minneapolis.

A Project Development Report was prepared for the proposed project in accordance with the State of Minnesota Action Plan Guidelines and distributed in late 1979. The following four (4) alternates were listed in the report: (1) Construction of a new multi-lane bridge to replace the two existing bridges; (2) Rebuild or repair the two existing bridges; (3) Replace the railroad bridges with fill and construct new or rebuilt river bridge; and (4) Do nothing. A possible need for another alternate emerged as a result of Minneapolis developing Hennepin Avenue and First Avenue North as a one-way pair. This alternate would require a second railroad crossing diagonal to the existing bridges between Nicollet Island at the north and First Avenue at the south end of the proposed project.

The proposed project is located in the St. Anthony Falls Historic District. The District is on the National Register of Historic Places, and the State Historic Preservation Office considers the bridges to be significant elements of the historic districts, but the bridges are not considered historic by themselves.

The project development schedule provides for the Draft Environmental Impact Statement to be distributed in the Winter of 1982.

No formal scoping meeting will be scheduled; however, coordination will continue with federal and state agencies, city, Metropolitan Council, citizens, railroads and the business community.

To assure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed project and the EIS should be directed to FHWA, Mn/DOT or HC/DOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, (Highway Research, Planning and Construction.) The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on February 24, 1981.

James E. St. John,

Staff Specialist for Environment.

[FR Doc. 81–6941 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Randolph and Montgomery Counties, N.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Randolph and Montgomery Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755–4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed U.S. 220 improvement from Utah to Steed in Randolph and Montgomery Counties. This project is a segment of the planned development and completion of a four-lane freeway or expressway from Greensboro to Rockingham. Planning, environmental and location studies are being initiated.

Alternatives under consideration include (1) the "no-build", (2) improving the existing U.S. 220 roadway, and (3) major relocation alternatives for construction of a new facility.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting and a meeting with local officials will be held in the study area. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on February 25, 1981.

Roger Lewis,

Assistant Division Administrator, Raleigh, North Carolina.

[FR Doc. 81–6847 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–22–M

National Advisory Committee on Outdoor Advertising and Motorist Information; Cancellation of Meeting

Note.—This document originally appeared in the **Federal Register** for Wednesday, March 4, 1981. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Department of Transportation.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of DOT Order 1120.3A and the Federal Advisory Committee Act, 5 U.S.C., App. I, the meeting of the National Advisory Committee on Outdoor Advertising and Motorist Information scheduled for March 5 and March 6, 1981, in Washington, D.C. (notice published at 46 FR 5118, January 19, 1981) is cancelled due to budgetary constraints and a necessary reduction in travel allocations.

FOR FURTHER INFORMATION CONTACT: Richard W. Moeller, Chief, Acquisition Branch, Real Property Acquisition Division, 202–245–0021, or Edward Kussy, Deputy Assistant Chief Counsel for Right-of-Way and Environmental Law, 202–426–0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

(Catalog of Federal Domestic Assistance Program Number 20.214, Highway Beautification—Control of Outdoor Advertising, and Control of Junkyards. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: March 3, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81–7076 Filed 3–3–81; 9:17 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. IP80–9; Notice 2]

Ford Motor Co.; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by Ford Motor Company Dearborn, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment. The basis of the petition was that the noncompliance was inconsequential as it related to motor vehicle safety.

Notice of the petition was published on June 12, 1980, and an opportunity afforded for comment (45 FR 39998).

The apparent nonconformance is the failure of combination parking/turn signal lamp lenses on certain 1980 Granada passenger cars to meet Federal requirements for the color yellow, when operated in the turn signal mode. These requirements are those set in SAE Standard J578a, "Color Specification for Electric Signal Lighting Device," February 1977. Colors are expressed by chromaticity coordinates according to the CIE (1931) standard colorimetric system. For yellow, the y coordinate shall not be greater than 0.44. Ford tested six samples of the lamps which showed an average of 0.444 for the y coordinate. By comparison a representative conforming lamp will have a y coordinate of 0.433. The effect is that the lens will be a brighter yellow than intended. Ford has argued that the deviation cannot be detected by the naked eye "except in direct side-by-side comparison," and hence that it is inconsequential. Ford estimates that approximately 1900 Granadas may be equipped with the lenses. It suggests that the cause of the deviation is an incorrect batch of materials used by the lens supplier. No lamps were supplied the replacement market.

Five comments were received on the petition during the comment period, all of which supported it. Truck-Lite Company observed that the color limits are probably restrictive to a much closer tolerance than is really effective. After the comment period, the agency received 39 submissions in response to the Notice, only two of which recommended denial. Many of those recommending that the petition be granted did so with some vehemence, criticizing the agency's action as trivial, bureaucratic, useless, and a waste of the taxpayer's money.

These are legtitimate concerns, and the agency wishes to reply to its critics. Before 1974, noncompliances with Federal motor vehicle safety standards did not result in notification and remedy campaigns unless the problem was judged to be a safety-related defect. The agency and manufacturers, therefore, had considerable discretion in determining whether a noncompliance could be said to be safety related and merited recall of motor vehicles. That discretion was removed by amendments to the National Traffic and Motor Vehicle Safety Act late in 1974 requiring notification and remedy upon any determination in good faith that any noncompliance exists. However, in recognition that some noncompliances might be of a *de minimis* nature, Congress provided authority to excuse manufacturers from the new statutory obligation upon a finding that the noncompliance was "inconsequential as it relates to motor vehicle safety". But such a determination was not to be made until after notice had been published in the **Federal Register** offering the public an opportunity to comment. In the Ford case the noncompliance was not one that NHTSA uncovered as part of a compliance investigation, nor is it one that the agency would necessarily have pursued had it come to the attention from a source other than Ford. But once the manufacturer had made its determination and filed its petition, NHTSA was bound by the statutory procedure and had no discretion at that point to excuse the manufacturers noncompliance without public comment. The "taxpayers money" involved in processing such petitions is obviously minimal.

Upon review of all the data before it, the NHTSA believes that the visual differences between a light with a y coordinate of 0.44, which the standard allows, and 0.444 is so slight as to be imperceptible. Even if detectable the lamp clearly will be perceived as emitting a yellow color. Accordingly, petitioner has met its burden of persuasion, and it is hereby found that the noncompliance with Standard No. 108 herein described is inconsequential as it relates to motor vehicle safety.

The engineer and attorney principally responsible for this notice are respectively John Simeroth and Taylor Vinson.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 2, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–6053 Filed 3–4–81; 8:45 am]

BILLING CODE 491–59–M

Office of the Secretary

Minority Business Resource Center Advisory Committee

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463); 5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held March 19, 1981, at 10 a.m. until 12 noon in Room 6200 at the Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Advisory Committee Program Review.
—MBRC Program Supporters—Acknowledgement.
—Bonding.
—Open Discussion.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center

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not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Office of the Secretary, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426–2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on February 26, 1981.

Roosevelt Greer,

(Acting) Executive Director, Minority Business Resource Center.

[FR Doc. 81-6846 Filed 3-4-81; 8:45 am]

BILLING CODE 4910-05-M

Privacy Act of 1974; Proposed Notices of System of Records

The Department of Transportation herewith publishes three new notices of systems of records, republishes one system notice due to substantial changes, and renumbers seven systems notices for identification purposes resulting from reorganization.

Any person or agency may submit written comments on the proposed systems to the Privacy Act Officer (M–341) Room 7109, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments must be received by April 6, 1981, to be considered.

If no comments are received, the proposed new systems will become effective on April 6, 1981. If comments are received, the comments will be considered and where adopted, the document will be republished with the changes.

Issued in Washington, D.C. on February 25, 1981.

Robert L. Fairman,

Acting Assistant Secretary for Administration.

New classification, DOT/ALL: The requirements for a grievance records system came about because of the discontinuance of OPM/GOVT–2, a Government-wide system of records. The Department of Transportation (DOT) has established a new classification of System of Records named DOT/ALL. The DOT Grievance Records Files are sponsored by the Director of Personnel and Training as a blanket system of Records covering all Grievance Files in the Department.

SYSTEM NAME:

DOT Grievance Records Files.

SYSTEM LOCATION:

Records are maintained in the personnel office which services the aggrieved employee if the grievance was processed under DOT 3770.2, Agency Administrative Grievance System, pursuant to 5 CFR Part 771. If processed under a negotiated grievance procedure from an approved labor agreement on behalf of a member, or a group of members, of a recognized collective bargaining unit, or if processed by the union, the grievance record shall be maintained in the office of the official administering the labor agreement pertaining to the collective bargaining unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOT employees who have submitted grievances with their respective administrations under DOT Order 3770.2, or grievances pertaining to members of DOT Collective Bargaining Units which were submitted in accordance with negotiated grievance procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by or on behalf of DOT employees within the Department of Transportation. Grievance case files contain relevant documents used in the processing of grievances under systems applicable to DOT employees, including statements of employees, witnesses, reports of interviews and hearings, factfinders and/or arbitrator's findings and recommendations, copies of decisions and correspondence and exhibits. Grievances in DOT may be submitted and processed through individually negotiated grievance systems contained in various labor agreements applicable to different collective bargaining units throughout the agency, or as prescribed in DOT 3770.2, which is the Agency Administrative Grievance System applicable to DOT headquarters employees and all employees of DOT operating administrations, except where operating administrations have promulgated their own grievance systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefits by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. By the agency maintaining the records or the Office of Personnel Management (OPM), in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by officials.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained, or by names and local identification of unions.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records may be disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Labor Relations (M–17), Office of Personnel and Training, U.S. Department of Transportation, 400 7th Street SW., Room 9425, Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided, on request, a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified.

a. Name.
b. Social Security Number.
c. Date of Birth.
d. Approximate date of closing of the case and kind of action taken.
e. Organizational component involved.
f. Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.

Individuals requesting access must also follow the DOT Rules regarding identification, (Title 49, Part 10, Section 10.37) to ensure he or she is who they claim to be.

CONTESTING RECORD PROCEDURES:

Reviews of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified.

a. Name.
b. Social Security Number.
c. Date of Birth.
d. Approximate date of closing of the case and kind of action taken.
e. Organizational component involved.
f. Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.

Individuals requesting amendment must also follow the Department of Transportation Privacy Act Regulations regarding amendments, Title 49, Part 10, Sections 10.41, 10.43, 10.45, and 10.51.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the records is maintained.
b. By testimony of witnesses.
c. By agency officials.
d. From related correspondence from organization or persons.

Other New Systems: DOT/FRA 130 and 131 are totally new.

DOT/FRA 130

SYSTEM NAME:

Railroad Safety—Noncompliance by Individuals.

SYSTEM LOCATION:

Federal Railroad Administration, Office of Chief Counsel, Enforcement Division (RCC–40), 400 Seventh Street SW., Washington, D.C. 20590.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals that fail to comply with certain railroad safety statutes and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Facts and circumstances surrounding rail safety violations by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.), 18 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records will be reviewed by the Enforcement Division and may form the basis of, or support for, civil and/or criminal enforcement action against the individual(s) involved.

2. Records may be released to the Department of Justice where criminal sanctions are sought against the individual(s) involved, or where litigation becomes necessary for the collection of a civil penalty. Prefatory General Routine Uses 3 and 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, locked file cabinet.

RETRIEVABILITY:

The names of the individual and his or her employer are the identifiers used to retrieve a record from this system.

SAFEGUARDS:

Disclosure of records is limited to FRA employees involved in collection and legal review of compliance information. Safeguards include locked building, guard service and locked file cabinet.

RETENTION AND DISPOSAL:

Each record will be retained at the offices of the Enforcement Division for a period of three years following final disposition.

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SYSTEM MANAGER(S) AND ADDRESS:

Legal Technician, Enforcement Division, Office of Chief Counsel, FRA, 400 Seventh Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to: Assistant Chief Counsel, Enforcement Division, Office of Chief Counsel, FRA, 400 Seventh Street SW., Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Contract (202–426–8285) or write to System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Write the Privacy Act Officer, Office of Management Systems, FRA, 400 Seventh Street SW., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/FRA 131

SYSTEM NAME:

Office of Safety Investigations Case File System.

SYSTEM LOCATION:

Department of Transportation, Federal Railroad Administration, Office of Safety, RRS–11, 400 7th Street SW., Washington, D.C. 20590.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are employed by railroads, Officers of Unions representing Railroad Employees, Individual Citizens, Officials of State, County and City Governments, Lawyers representing Individuals and Civic Groups, Officers of Railroads and other parties interested in Railroad Safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq), Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq), Hours of Service Act (45 U.S.C. 61 et seq), Safety Appliance Act (45 U.S.C. 1 et seq).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Prefactory General Routine Uses 3, 5 and 6 do not apply.

Records will be reviewed by the Associate Administrator for Safety and his staff to form this basis for accomplishment of the mission of the FRA's Office of Safety.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

1. File folders, locked and secured in office.

2. Automated tracking system, entry by Identification Password only.

SAFEGUARDS:

Disclosures of records is limited to FRA employees involved directly with investigations and their review. Safeguards include locked building, office and guard service.

RETENTION AND DISPOSAL:

Each record will be retained at the Office of Safety Programs. File records will be retained for a period of three years and automated tracking system will be retained for a period of five years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Guidance and Enforcement Division, Federal Railroad Administration, Office of Safety, 400 Seventh Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to: Associate Administrator for Safety, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Contact the System Manager for Access.

CONTESTING RECORD PROCEDURES:

Write the Privacy Act Officer, Office of Management System, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/OST republished for changes:

DOT/OST 101 is republished because of additions, to the System of audit schedules and reports, and the addition of investigations and inquiries to the Inspector General Management Information System.

DOT/OST 101

SYSTEM NAME:

Office of Inspector General, Management Information System.

SYSTEM LOCATION:

Office of Inspector General, Management Information Staff, Room 9200, 400 7th Street SW., Washington, D.C., using the Computer Sciences Corporation Infonet Timesharing System, Beltsville, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active employees of the Office of Inspector General (OIG); history on previous employees is maintained two years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's current position and employment status, assignments, travel, experience, training, with the following personal data: Name, Social Security account number, date of birth, service computation date, career status, address assigned station, job series, clearance, education, grade and evaluation due date.

Audits conducted by OIG personnel, with the following data: Project number, objectives, client, functional area, budgeted and actual staff day and travel, target and completion dates.

Audit reports issued by OIG personnel, with the following data: Report number, title, type of audit, date issued, cost audited, type of cost audited, and findings information.

Investigations and inquiries conducted by OIG personnel, including project number, case control number, title, administrative references and results, and judicial references and results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

There will be no external uses of personal information. Information on audits and investigations is used as the basis for semiannual reports to the Secretary of the Department and the Congress of the United States. Internally, information will be used as follows:

Security clearance notification alerts may be provided to an examined activity in advance of visits by OIG personnel if information to be examined requires a secret clearance or above.

Time and attendance reports will be used to track temporary duty travel frequency and duration, to categorize indirect assigned projects, and to provide time and attendance data to the centralized payroll system.

Planned annual leave reporting will be used by various managers for workload planning and travel scheduling.

Assignment information and workload status information will be used by managers to control audits and investigations, and to maximize effectiveness of staff resources.

Miscellaneous personnel information will be used by staff managers to determine training needs, promotional eligibility, education and background, and professional organization participation.

Travel information will be used by managers to control temporary duty travel, travel costs and issuances of travel orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active records on magnetic disk, with backup active records and inactive records maintained on magnetic tape.

RETRIEVABILITY:

All personal records will be retrievable through employee Social Security number, with selected records having certain secondary keys consisting of certain other data elements, listed in the "Categories of Records in the System."

Non-personal records will be retrievable by primary or secondary key elements as appropriate (project number, case control number, report number, title, etc.).

SAFEGUARDS:

Records will be maintained in a private library not accessible to any unauthorized user.

Authorized user identification codes will be tied to multiple password system to afford additional protection. Any attempt to bypass the password protection system will result in an immediate "Log-Off" from the system.

Physical access to personal data files will be maintained in a secure environment in the OIG Personnel Office in Headquarters.

Physical access to investigative files will be maintained in several places in the investigative section of OIG and restricted to authorized investigative personnel on a "need-to-know" basis.

Physical access to system documentation will be maintained in a secure environment in the Headquarters Office.

Physical access to hard copy printouts and data terminals will be limited to authorized personnel in both Headquarters and regional offices.

Access to data will be restricted to those who require it in the performance of their official duties and to the individual who is the subject of the record (or authorized representative).

Tape files will be maintained in an environmentally secure vault area when not in use.

RETENTION AND DISPOSAL:

Records will be maintained for two years after they become inactive. All inactive records will be maintained on magnetic tape within the computer center and will be afforded the same safeguards as active records. Machine-resident records will be destroyed at the end of the two-year period. Hard-copy records will be retained until the records are replaced or become obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Information Staff, Office of Resources and Management, JP–30, Office of the Inspector General, Room 9200, 400 7th Street, SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURES:

Department of Transportation, Office of Inspector General, Room 9210, 400 7th Street SW., Washington, D.C. 20590, Attn: Assistant Inspector General for Policy, Planning and Resources.

RECORD ACCESS PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Office personnel folder, other personnel documents, activity supervisors, individual applications and forms and Audit, Investigation and Report Standard Forms.

Change Identity of Systems of Record

The following identifying numbers on seven systems of records should be changed to reflect a reorganization which moved them from Office of the Secretary (OST) to Research and Special Projects Administration (RSPA):

Old DOT/OST 015 becomes new DOT/RSPA 01.
Old DOT/OST 022 becomes new DOT/RSPA 02.
Old DOT/OST 040 becomes new DOT/RSPA 03.
Old DOT/OST 048 becomes new DOT/RSPA 04.
Old DOT/OST 049 becomes new DOT/RSPA 05.
Old DOT/OST 050 becomes new DOT/RSPA 06.
Old DOT/OST 054 becomes new DOT/RSPA 07.

[FR Doc. 81–6939 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–62–M

Coast Guard

[CGD 81–015]

Study of the Roles and Missions for U.S. Coast Guard

AGENCY: Office of the Secretary, Coast Guard, DOT.

SUMMARY: The House Committee on Appropriations in Report No. 96–1193 in the Department of Transportation and Related Agencies Appropriation Bill, 1981, directed that a Roles and Missions Study for the U.S. Coast Guard be conducted.

STUDY OUTLINE AND PURPOSES: The Study Outline was submitted by the Secretary of Transportation to Congress on January 19, 1981. The review will distinguish between Coast Guard missions and activities which: (a) might be eliminated as no longer useful or justified; (b) might better be accomplished by new or existing private sector organizations, public authorities, local or state governments, or other agencies of the Federal Government; (c) should continue to be performed by the Federal Government which could be performed most effectively by the Coast Guard, (d) are wartime missions and those which are peacetime missions, including a discussion of the relative balance between these missions. The Study will explore the feasibility of cost recovery as well as necessary changes in level and distribution of resources.

COMMENTS: Anyone wishing to make substantive comments on the nature, scope and appropriateness of "The Roles and Missions for the U.S. Coast Guard" should forward them to:

Chairman, Roles and Missions Study, U.S. Coast Guard Headquarters (G–CCS–3/22), Room 2213, 2100 2nd St., SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

Captain B. F. Hollingsworth, USCG, Roles and Missions Study Group at the above address or (202) 472–5011.

By direction of the Commandant:

A. D. Utara,

Commander, U.S. Coast Guard: Executive Secretary, Marine Safety Council.

[FR Doc. 81–7070 Filed 3–4–81; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular; Public Debt Series—No. 6–81]

Notes of Series D–1986; Interest Rate

February 27, 1981.

The Secretary announced on February 26, 1981, that the interest rate on the notes designated Series D–1986,

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described in Department Circular—Public Debt Series—No. 6–81 dated February 20, 1981, will be 13¾ percent. Interest on the notes will be payable at the rate of 13¾ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 81-6954 Filed 3-4-81, 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Availability of Summary Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Ambulatory Care Program has been completed.

Single copies of the Ambulatory Care Program evaluation are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, N.W. Washington, D.C. 20420.

Dated: February 27, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-6978 Filed 3-4-81, 8:45 am]

BILLING CODE 8320-01-M

Medical Center, New York; Intent To Prepare an Environmental Impact Statement

AGENCY: Veterans Administration.

ACTION: Notice of Intent to Prepare Environmental Impact Statement (EIS).

SUMMARY: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, the Veterans Administration has identified a need to prepare an Environmental Impact Statement (EIS) and, therefore, issues this Notice of Intent pursuant to Title 40, CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:
Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2526.

SUPPLEMENTARY INFORMATION:

1. Description of Proposed Action

The Veterans Administration will conduct a Master Plan for the New York Medical Center located at 408 First Avenue, New York, New York 10010. The Master Plan will include a major addition of approximately 275,672 net square feet of new construction and an exterior land use master plan to include demolition, phasing, parking, roadways and circulation patterns.

2. Alternatives

The Veterans Administration develops conceptual drawings for the expansion of the Medical Center.

The Veterans Administration takes no action.

3. Public and Private Participation Is EIS Process

The issues and concerns identified during the scoping process will help determine the nature and extent of the impact analysis in the EIS.

The Veterans Administration invites full participation and comments on the scope of the EIS by individuals, public and private organizations and local, State and Federal agencies. The Veterans Administration will initiate the scoping process and conduct a meeting(s) (date(s) unscheduled at this time) for the purpose of identifying important environmental considerations in the preparation of the EIS. Persons wishing to participate in the scoping process through public participation or written comments should contact the Veterans Administration Office of Environmental Affairs at the above address.

4. Timing

Tentative time limits have been set for completion of the environmental review at the following milestones:

—Availability of draft EIS—May 1981.

—Availability of final EIS—August 1981.

—Completion of the 30 day public review of EIS—September 1981.

5. Request for Copies of the Draft EIS

For a copy of the Draft Environmental Impact Statement, for placement on the mailing list, or for other NEPA related information, please submit your name and address to the Office of Environmental Affairs at the above address.

Dated: February 20, 1981.

By direction of the Administrator:

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 81-6977 Filed 3-4-81, 8:45 am]

BILLING CODE 8320-01-M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 43
Thursday, March 5, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 11:30 a.m. on Monday, March 2, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding First Pennslyvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania (two memorandums).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,668-L (Amended)—Franklin National Bank, New York, N.Y.

Case No. 44,687-L—Livingston State Bank, Livingston, N.J.

Memorandum and resolution re: American Bank & Trust Company, New York, N.Y.

Memorandum and resolution re: First State Bank of Hudson County, Jersey City, N.J.

Memorandum and resolution re: City and County Bank of Campbell County, Jellico, Tenn.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: March 2, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-359-81 Filed 3-4-81; 8:45 am]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, March 10, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

DATE AND TIME: Thursday, March 12, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certification.
Advisory opinions:
Draft AO 1981-6—Judith Bowman, Associate Counsel, Sunkist Growers, Inc.
Draft AO 1981-8—Victor T. Adamo, Treasurer, O'Reilly for Congress Committee.
Draft AO 1981-13—D. Miles Holman, former U.S. Senator Frank E. Moss.
Appropriations and budget.
Pending Legislation.
Classification actions.
Routine administrative matters.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 5, 1981 at 10 a.m.

Federal Register No. 316.

PLACE: 1325 K Street, N.W., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

CHANGE IN MEETING. The following matter has been withdrawn:

Draft AO 1981-6 Judith Bowman, Associate Counsel, Sunkist Growers, Inc.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 5, 1981 at 10 a.m. (continued).

The following matter has been added:

Draft of legislative recommendations.

PERSON TO CONTACT FOR IMFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-361-81 Filed 3-3-81; 1:03 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Issue No. 40, Page No. 14882; Date published, Monday, March 5, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 A.M., Friday, March 5, 1981.

PLACE: 1700 G St. NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Friday, March 5, 1981.

Service Corporation Activity—California Federal Savings and Loan Association, Los Angeles, California.

[S-360-81 Filed 3-3-81; 12:34 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9:00 A.M., March 10, 1981.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10267-5: Extension of the Container Carriers' Discussion Agreement for a period of three years.

2. Agreement No. 10383: Cooperative working arrangement between Irwin Brown Company and Dorf International Inc.

3. Agreement No. 10403: Cooperative working arrangement between C. S. Greene and Company and Carolina Puerto Rico Service, Inc.

4. Proposed Exemption of exclusive and nonexclusive interchange arrangements of empty containers, chassis, LASH/SEABEE barges, and related equipment from filing and approval requirements of section 15 of the Shipping Act, 1916.

5. Special Docket No. 771: Application of Lykes Bros. Steamship Co., Inc. for the benefit of Texas Turbo Jets, Inc.—Review of Initial Decision.

Portion closed to the public:

1. Agreement No. 10266-4: Modification of the Gulf Europe Express Joint Service Agreement to provide for intermodal authority.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-362-81 Filed 3-3-81; 3:47 pm]

BILLING CODE 6730-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

February 26, 1981.

TIME AND DATE: 10:00 a.m., Wednesday, March 4, 1981.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will also consider and act upon the following:

3. Maynard v. Standard Sign and Signal Coal Company, PIKE 77-57, IBMA 77-48. (Issues include whether the ALJ correctly dismissed the application for review of discharge for failure to state a claim upon which relief could be granted under section 110(b) of the 1969 Coal Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-6820-12 Filed 3-3-81; 1:03 pm]

BILLING CODE 6820-12-M

6

SECURITIES EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 9, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, March 10, 1981, at 10:00 a.m. and at 2:30 p.m. following the open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 10, 1981, at 10:00 a.m., will be:

Litigation matters.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Institution of injunctive actions.
Dismissal of administrative proceeding of an enforcement nature.
Freedom of Information Act appeals.
Formal order of investigation.
Report of investigation.

The subject matter of the closed meeting scheduled for Tuesday, March 10, 1981, following the 2:30 p.m. open meeting, will be:

Post oral argument discussion.

The subject matter of the open meeting scheduled for Tuesday, March 10, 1981, at 2:30 p.m, will be:

The Commission will hear oral argument on an appeal by Lowe Management Corporation ("LMC"), a registered investment adviser, and its president, Chris L. Lowe, from the decision of an administrative law judge. The law judge concluded that LMC's investment adviser registration should be revoked, and that Lowe should be barred from association with any investment adviser. For further information, please contact William Stern at (202) 272-2450.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Art Delibert at (202) 272-2467.

March 2, 1981.

[S-8010-01 Filed 3-3-81; 9:36 am]

BILLING CODE 8010-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 13873 2/24/81].

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, February 19, 1981.

CHANGES IN THE MEETING: Additional meeting.

The following item was considered at a closed meeting scheduled on Friday, February 27, 1981, at 4:30 p.m.

Opinion.

Commissioners Loomis, Evans, and Thomas determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

March 2, 1981

[FR Doc. 81-35? Filed 3-4-81; 8:45 am]

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federal register

Thursday
March 5, 1981

Part II

Department of Transportation

Federal Aviation Administration

Metropolitan Washington Airports; Proposed Delay of Effective Date

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DEPARTMENT OF TRANSPORTATION

14 CFR Parts 93 and 159

[Docket No. 19948, Notice No. 81-4]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed change of effective date.

SUMMARY: On September 18, 1980, DOT/FAA published the Metropolitan Washington Airports Policy and implementing regulations (Amendments 93–37 and 159–20) to guide the future operation and development of Washington National and Dulles International Airports (45 FR 62398). The implementing regulations were to become effective on January 5, 1981. On October 27, a Notice was issued (45 FR 71251) to announce a delay in the implementation of the entire Metropolitan Washington Airports Policy and to amend the effective date of the implementing regulations to April 26, 1981. On February 17, 1981, President Reagan issued Executive Order 12291, which delays the implementation of "major" DOT regulations not yet in effect until they have been thoroughly reconsidered by the Department. In light of the Executive Order, and in view of the time necessary to complete the Department's permanent rulemaking on slot allocation (instrument flight rule takeoff and landing reservations) at Washington National Airport, this Notice proposes a new effective date of October 25, 1981 for the Metropolitan Washington Airports Policy and implementing regulations.

DATES: Comments must be received by March 19, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Docket No. 19948, Rules Docket, AGC–204, Office of the Chief Counsel, Federal Aviation Administration, Washington, D.C. 20591
or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C.

Comments delivered must be marked: Docket No. 19948. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward S. Faggen, Counsel, (703) 557–8123, Metropolitan Washington Airports, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, D.C. 20001.

SUPPLEMENTARY INFORMATION: On September 18, 1980, DOT/FAA published the Metropolitan Washington Airports Policy and implementing regulations (Amendments 93–37 and 159–20) to guide the future operation and development of Washington National and Dulles International Airports (45 FR 62398). The implementing regulations were to become effective on January 5, 1981. The Department of Transportation and Related Agencies Appropriations Act, 1981, Pub. L. 96–400, provides that none of the funds appropriated in the Act may be used to mandate any reduction of the number of certificated air carrier slots per hour at Washington National Airport below the number authorized on September 12, 1980, before April 26, 1981. As a result of that law and a decision of the Secretary of Transportation, the FAA postponed the effective date of Amendments 93–37 and 159–20 (Amendments 93–38 and 159–22: 45 FR 71251; October 27, 1980). A new effective date of April 26, 1981, was established for all provisions of the Policy.

After issuing his January 29 memorandum to agencies on postponement of pending regulations, the President issued Executive Order 12291 (46 FR 13193; February 19, 1981), which provides new government-wide standards for the issuance of "major" rules, requiring among other things that they be supported by Regulatory Impact Analyses and submitted to the Director of the Office of Management and Budget for review. The Order also requires that major rules issued but not yet in effect as of February 17 be suspended or postponed while undergoing reconsideration under the Order. Copies of rules the agencies do not consider major must also be provided to the Director for review. The Order also sets forth requirements the agencies must comply with in issuing "non-major" regulations. A further delay in the effective date of the Metropolitan Washington Airports Policy appears necessary to ensure compliance with the Executive Order.

In addition to the Executive Order, several other considerations have led to this proposal to postpone further the effective date. At my confirmation hearing, I was asked by members of the Senate Commerce Committee to undertake a review of the Metropolitan Washington Airports Policy, and agreed to do so. Postponement of the effective date would allow for an orderly review process. Further, such a review is consistent with Congressional concerns expressed in the action that led to the initial delay of the Policy until April 26.

Events unanticipated at the time the Policy was issued also suggest that a delay in the effective date would be in the public interest. One of the provisions of the Metropolitan Washington Airports Policy would adjust the allocation of slots at Washington National Airport, reducing the number of slots available per hour to air carriers from 40 to 36 and increasing the number available to commuter air carriers from 8 to 12. The Policy also would redefine the term "air taxi" as presently used in the regulation (14 CFR 93.123(c)) to "commuter air carrier". The result of this redefinition is that commuter air carriers flying scheduled routes with smaller airplanes and now using air carrier category slots will be obliged to use commuter air carrier slots. This change, the presence of new commuter air carriers, and the desire of other commuters to increase their service at National has added considerable pressure on the complicated process of slot allocation among the commuters.

Air carrier slots at National are allocated semiannually among the carriers by the Airline Scheduling Committee; air taxi slots are allocated by the Washigton National Commuter Airline Association. As of the date of this Notice, both have been unable to allocate slots for the April 26 through October 25 summer season because of excessive demand. If the two organizations are unable to complete the allocation process, the Department will be obliged to resolve the slot allocation impasse by regulation. At the time the Policy was issued, the Department anticipated that its rulemaking on Slot Allocation at Washington National Airport (45 FR 71236; October 27, 1980) would be concluded in time to accomplish this task. That rulemaking has, however, been the subject of considerable interest and comment, and will not be completed in time to provide for an orderly allocation of slots for the summer season.

Further, the Policy contemplated that an additional rulemaking would be undertaken and completed before the effective date of the Policy to permit, if appropriate, airplanes with noise emissions below a certain level to operate at night. It is now not possible to complete such a rulemaking by April 26. Under the Policy, a complete curfew would be in effect between 11 p.m. and 7 a.m., prohibiting operations of propeller-driven aircraft that now occur during those hours.

The curfew provision prohibits as well the scheduling of carrier flights after 9:30 p.m. and would thereby cause an additional loss of about 40 slots to air carriers and 8 to the commuters. If it takes effect on April 26, it would increase the pressures on the scheduling committees and increase the likelihood that they will not resolve a schedule.

The issues involved in these regulatory efforts are numerous and complex. In order to provide me with the time necessary to review these issues, this Notice proposes to delay the effective date of the Policy. In consideration of other critical matters before the Department and the complex airline scheduling process, a six-month delay is proposed.

Although not all the considerations discussed above directly apply to all provisions of the Policy, the Department believes, as stated in the October 27 delay in the effective date, that those provisions are so interrelated as to require that they be implemented or delayed as a package.

The importance of establishing a Policy for dealing with the problems of National and Dulles Airports would not be diminished by the proposed action. The FAA's nonregulatory efforts, in particular to promote Dulles by offering incentives to the airlines and by improving ground transportation, will proceed in any event.

In order to provide adequate time for review of the Policy, for an additional rulemaking on the curfew to be conducted, and for the scheduling committees to meet and discuss allocations with the knowledge of any delay in effective date and thereafter to allocate slots, arrange new schedules, and inform passengers of any necessary changes in their travel plans, a decision on a delay must be made as quickly as possible. For this reason, an extended comment period on this proposed change to the effective date of Amendments 93–37 and 159–20, as amended by Amendments 93–38 and 159–22, is not possible. Comments must be submitted not later than March 19.

Invitation for Comment

Interested persons are invited to submit such data, views, or arguments as they may desire on this proposed amendment. Communications should identify the docket number and be submitted in duplicate to Docket No. 19948; Notice No. 81–4, AGC–204, Office of the Chief Counsel, Federal Aviation Administration, Washington, D.C. 20591, or be delivered in duplicate to Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments delivered must be marked: Docket No. 19948. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

Commenters who want the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard bearing the following message: "Comments on Docket No. 19948." The postcard will be dated, time stamped, and returned to the commenter.

(Secs. 103, 307(a), (b), and (c), and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348(a), (b) and (c) and 1354(a)); secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 686, as amended by 61 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act. (49 U.S.C. 1655))

Issued in Washington, D.C. on February 27, 1981.

Drew Lewis,

Secretary of Transportation.

[FR Doc 81-6852 Filed 2-27-81: 3:51 pm]

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Thursday
March 5, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf Gulf of Mexico

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Gulf of Mexico

Proposed Oil and Gas Lease Sale No. A66

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. A66 in the offshore waters of the Gulf of Mexico area. This notice is hereby published as a matter of information to the public.

Acting Director, Bureau of Land Management

Date: 2/28/81

Approved:

Secretary of the Interior

PROPOSED SALE NOTICE A66

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., July 20, 1981; or by personal delivery to the Louisiana Superdome, Gate "C", Hyatt Ramp, Level 200, Rooms 4 and 5, 1500 Poydras Street, New Orleans, Louisiana between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., July 21, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., July 21, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., July 21, 1981" must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A for bonus bid tracts. An example of the form for tracts offered under the Net Profit Share Bid with a fixed cash bonus is provided in Attachment A hereto. The percent of net profit share bid should be expressed in 5 digits, e.g., 50.123%. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts A66-1, A66-2, A66-9, A66-10, A66-11, A66-58, A66-59, A66-60, A66-62, A66-65, A66-70, A66-71, A66-103, A66-104, A66-152, A66-154, A66-155, A66-156, A66-163, A66-166, A66-168, A66-169, A66-175, and A66-176 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent. Tracts A66-154, A66-155, and A66-156 will have a capital recovery factor equal to 1.0 and tracts A66-175 and A66-176 will have a factor of 0.50. All of the remaining tracts listed above will have a capital recovery factor equal to 0.25. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Net Profit Share Bidding with Fixed Cash Bonus. Bids on tracts A66-3, A66-4, A66-12, A66-13, A66-17, A66-19, A66-20, A66-49, A66-50, A66-51, A66-63, A66-64, A66-66, A66-67, A66-68, A66-69, A66-76, A66-77, A66-167, A66-188, A66-196, A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 must be submitted on a variable profit share basis. All tracts except A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 will have a capital recovery factor of 0.25 and a fixed cash bonus equal to $4 million. Tracts A66-197, A66-198, A66-199, and A66-201 will have a capital recovery factor of 1.00 and a fixed cash bonus equal to $2 million. Tracts A66-200, A66-202, and A66-203 will have a capital recovery factor of 1.00 and a fixed cash bonus equal to $1 million.

The Department of Energy is under court order to publish proposed regulations for this system by February 28, 1981 and final regulations by May 25, 1981. This order implements the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633, which the Federal government is asking the Supreme Court to review. Tracts are proposed to be offered under the variable net profit share system to facilitate its use in Sale A66 if that should be necessary or advisable. Based upon the status of Supreme Court review, and if necessary, further analysis of the Energy Action opinion, a final decision on the offering of tracts under this system will be announced in the final Notice of Sale to be published in June 1981.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $3 per acre or fraction thereof.

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5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., July 21, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on July 21, 1981, beginning at 10:00 a.m., c.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, July 21, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks or bank drafts, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Texas Nos. 1 through 8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for $5 per set; and Nos. 5 through 8 (9 maps), which sell for $7 per set.

(b) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(c) Outer Continental Shelf Official Protraction Diagrams:

NG 15-1 East Breaks

NG 15-3 Green Canyon

These sell for $2 each.

12. Tract Descriptions. The tracts offered for bids are as follows:

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice. Some of the blocks are included in prior environmental statements rather than the environmental statement for this sale.

TENTATIVE TRACT LIST

SALE A66

OCS LEASING MAP, SOUTH PADRE ISLAND AREA, TEXAS MAP NO. 1
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-1	1101	All	5760
A66-2	1102	All	5760

OCS LEASING MAP, SOUTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 1A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
A66-3	1117	All	5760
A66-4	A-62	All	5760

OCS LEASING MAP, NORTH PADRE ISLAND AREA, TEXAS MAP NO. 2
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-5	958	All	5760
A66-6	965	1/	5695 est.

OCS LEASING MAP, NORTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 2A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
A66-7	A-9	All	5760
A66-8	A-27	All	5760
A66-9	A-51	All	5760
A66-10	A-92	All	5760
A66-11	A-93	All	5760
A66-12	A-103	All	5760
A66-13	A-104	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, TEXAS MAP NO. 3
(Approved July 16, 1954; Revised October 30, 1961)

Tract	Block	Description	Acreage
A66-14	844	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
A66-15	760	All	5760
A66-16	A-83	All	5760
A66-17	A-107	All	5760
A66-18	A-113	All	5760
A66-19	A-117	All	5760
A66-20	A-118	All	5760
A66-21	A-120	All	5760
A66-22	A-121	All	5760

OCS LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-23	567	All	5760
A66-24	652	All	5760
A66-25	672	All	5760
A66-26	681	All	5760
A66-27	695	1/	923.63 est.
A66-28	696	2/	5372.72 est.
A66-29	697	All	5760
A66-30	702	All	5760
A66-31	704	All	5760
A66-32	705	All	5760
A66-33	710	All	5760
A66-34	711	All	5760
A66-35	716	All	5760
A66-36	717	All	5760

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-37	410	1/	1815 est.
A66-38	452	All	5760
A66-39	453	All	5760
A66-40	500	All	5760
A66-41	A-3	All	5760
A66-42	A-10	All	5760
A66-43	A-30	All	5760
A66-44	A-33	All	5760
A66-45	A-34	All	5760
A66-46	A-42	All	5760

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OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-47	238	All	5760
A66-48	258	All	5760
A66-49	321	All	5760
A66-50	325	All	5760
A66-51	350	All	5760
A66-52	388	All	5760
A66-53	A-35	All	5760
A66-54	A-38	All	5760
A66-55	A-84	All	5760
A66-56	A-113	All	5760

OCS LEASING MAP, GALVESTON AREA, SOUTH ADDITION, TEXAS MAP NO. 6A
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-57	A-127	All	5760
A66-58	A-210	All	5760
A66-59	A-224	All	5760
A66-60	A-227	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acreage
A66-61	19	3/	3054.33 est.
A66-62	162	All	5760
A66-63	163	All	5760
A66-64	169	All	5760
A66-65	170	All	5760
A66-66	A-6	All	5760
A66-67	A-24	All	5760
A66-68	A-26	All	5760
A66-69	A-33	All	5760
A66-70	A-34	All	5760
A66-71	A-35	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 7A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
A66-72	84	All	5760
A66-73	85	All	5760
A66-74	118	All	5760
A66-75	119	All	5760
A66-76	A-170	All	5760
A66-77	A-171	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-78	A-476	All	5760
A66-79	A-487	All	5760
A66-80	A-501	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, TEXAS MAP NO. 7C
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-81	A-338	All	5760
A66-82	A-344	All	5760

OCS LEASING MAP, SABINE PASS AREA, TEXAS MAP NO. 8
(Approved March 7, 1977)

Tract	Block	Description	Acreage
A66-83	40	All	1071.55
A66-84	44	All	260.11

OCS LEASING MAP, SABINE PASS AREA, LOUISIANA MAP NO. 12
(Approved March 7, 1977)

Tract	Block	Description	Acreage
A66-85	15	All	5000
A66-86	16	All	2033.83

OCS LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-87	63	All	5000
A66-88	94	All	5000
A66-89	95	All	5000
A66-90	111	$W\frac{1}{2}$; $NE\frac{1}{4}$	3750
A66-91	128	All	5000
A66-92	131	All	5000
A66-93	132	$W\frac{1}{2}$	2500
A66-94	148	All	5000
A66-95	153	All	5000
A66-96	192	$W\frac{1}{2}$	2500
A66-97	212	All	5000
A66-98	233	All	5000
A66-99	244	All	5000
A66-100	246	All	5000
A66-101	247	All	5000
A66-102	277	All	5000

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
A66-103	287	All	5362.33
A66-104	296	All	4458.33
A66-105	305	All	5000
A66-106	311	All	5000
A66-107	320	All	5000
A66-108	364	All	5000
A66-109	369	All	5000
A66-110	386	All	5000
A66-111	392	All	5000
A66-112	413	All	5000
A66-113	425	All	5000
A66-114	432	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-115	492	All	5000
A66-116	535	All	5000
A66-117	536	All	5000
A66-118	574	All	5000
A66-119	622	All	5000
A66-120	623	All	5000
A66-121	641	All	5000
A66-122	644	All	5000

OCS LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
A66-123	32	All	5000
A66-124	40	All	5000
A66-125	106	All	5000
A66-126	125	All	5000
A66-127	213	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-128	249	All	5000
A66-129	312	All	5000
A66-130	328	All	5000
A66-131	366	All	5000

OCS LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-132	28	4/	3380.24 est.
A66-133	30	All	4661.38
A66-134	33	All	5000
A66-135	66	All	5000
A66-136	79	All	5000
A66-137	118	All	5000
A66-138	120	All	5000
A66-139	152	All	4814.57
A66-140	153	All	5000
A66-141	166	All	5000
A66-142	167	All	5000
A66-143	170	All	5000
A66-144	173	All	5000
A66-145	178	$E\frac{1}{2}$; $E\frac{1}{2}NW\frac{1}{4}$; $E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$; $E\frac{1}{2}SW\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$; $SW\frac{1}{4}SW\frac{1}{4}$	4375
A66-146	179	$W\frac{1}{2}NE\frac{1}{4}$; $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}$; $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$; $W\frac{1}{2}SE\frac{1}{4}$; $SE\frac{1}{4}SE\frac{1}{4}$	4453.125
A66-147	181	All	4980.42
A66-148	197	All	5000
A66-149	206	All	5000
A66-150	222	All	5260.93

OCS LEASING MAP, VERMILION AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-151	257	All	5000
A66-152	271	All	4417.50
A66-153	292	All	4309.21
A66-154	295	All	5000
A66-155	296	All	5000
A66-156	297	All	5000
A66-157	303	All	5000
A66-158	312	All	4237.01

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, LOUISIANA MAP NO. 3A
(Approved August 7, 1959)

Tract	Block	Description	Acreage
A66-159	12	All	5000
A66-160	13	All	5000
A66-161	15	All	5215.75
A66-162	67	All	5000

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OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-163	87	All	3076.71
A66-164	118	All	3185.01
A66-165	120	All	2500
A66-166	161	All	5000
A66-167	162	All	5000
A66-168	172	All	5000
A66-169	176	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
A66-170	230	5/	792.05
A66-171	233	All	4854.78
A66-172	245	All	5000
A66-173	246	All	4890.88
A66-174	266	All	5000

OCS OFFICIAL PROTRACTION DIAGRAM, EAST BREAKS NG 15-1
(Approved June 8, 1973; Revised January 27, 1976)

Tract	Block	Description	Acreage
A66-175	247	All	5760
A66-176	248	All	5760

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
A66-177	289	All	5000
A66-178	290	All	5000
A66-179	363	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-180	489	All	5000
A66-181	490	All	5000

OCS LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-182	89	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, LOUISIANA MAP NO. 3A
(Approved August 7, 1959)

Tract	Block	Description	Acreage
A66-183	34	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
A66-184	274	All	5035.27

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-185	76	All	5000
A66-186	90	$N\frac{1}{2}$; $SW\frac{1}{4}$	3750

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-187	14	6/	3237.50

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-188	332	All	5300.60

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
A66-189	77	All	5000
A66-190	160	All	5000
A66-191	209	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
A66-192	228	All	5000

OCS LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9
(Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973)

Tract	Block	Description	Acreage
A66-193	56	7/	2999.84

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-194	108	All	4994.55
A66-195	126	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-196	265	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
A66-197	133	All	5760
A66-198	135	All	5760
A66-199	139	All	5760
A66-200	140	All	5760
A66-201	180	All	5760
A66-202	181	All	5760
A66-203	182	All	5760

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-204	171	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
A66-205	34	All	3772.18

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-206	78	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-207	575	All	5000

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-208	(438 & (439	1/	5055

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-209	241	$N\frac{1}{2}$	2880
A66-210	272	All	5760
A66-211	426	All	5760

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OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-212	A-543	All	5760

1/ That portion of the lease block seaward of the Three Marine League Line.

2/ That portion of the lease block seaward of the Three Marine League Line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 836).

3/ That portion of the lease block seaward of the Three Marine League Line and/or that portion of the lease block seaward of the Three Marine League Line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 836). The NE¼ of the lease block controlled by the historic shoreline and the NW¼ of the lease block controlled by the present day shoreline.

4/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

5/ A portion of Block 230, OCS Leasing Map, South Marsh Island Area, North Addition, Louisiana Map No. 3D, described as follows:

Beginning at the southwest corner of Block 230, the coordinates of which referred to the Louisiana (Lambert) Coordimate Systmm (South Zone), are X=1,765,486.562 and Y=246,149.987;

From the initial corner,

East 12,103.438 ft. to X=1,777,550.00 Y=246,149.987
N. 64° 35'31" W. 4,428.32 ft. to X=1,773,550.00 Y=248,045.00
N. 65°08'11" W. 4,518.85 ft. to X=1,769,450.00 Y=249,950.00
N. 64°36'41" W. 4,431.47 ft. to X=1,765,446.562 Y=251,850.00
South 5,700.013 Ft. to the point of beginning.

The position of the corners and direction of the lines are referred to the Louisiana (Lambert) Coordination System (South Zone).

6/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13) excluding the S½S½.

7/ That portion of the lease block located landward of a line which is three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, December 13, 1965, United States vs. Louisiana No. 9 Original (382 U. S. 288).

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on (1) a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a) and (2) a net profit share with a fixed Cash Bonus, listed in paragraph 4 (b), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due".

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of ____ percent with a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager for Field Operations, Gulf of Mexico OCS Region, U. S. Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM, having reason to believe that a site, structure or object of historical or archaeological significance hereinafter referred to as "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

(To be included only in leases resulting from this sale for Tracts A66-19 and A66-20).

(a) No structures, drilling rigs, or pipelines will be allowed within the 70 m isobaths of Aransas Bank nor within 68 m isobath of North Hospital Bank as shown in Figure 2. (Attached to and made a part of this lease).

(b) All operations within the areas shown as "1 Mile Zone" in Figure 2 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

(c) Development and production operations within the areas shown as "3 Mile Zone" in Figure 2 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation No. 3

(To be included only in the lease resulting from this sale for Tract A66-18).

Development and production operations within the area of South Raker Bank shown as "3 Mile Zone" in Figure 3 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation No. 4

(To be included only in leases resulting from this salm for Tracts A66-79 and A66-80).

Operations within the area of Stetson Bank shown as "3 Mile Zone" in Figure 4 (attached to and made a part of this lease), shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an approoriate distance, but no more than six meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan as part of the exploration and development and production plans. The monitoring plan will be designnd to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 5

(To be included only in leases resulting from this sale for Tracts A66-156 and A66-157).

Operations within the area of Sonnier Banks shown as "3 Mile Zone" in Figure 5 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

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(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan as part of the exploration and development and production plans. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 6

(To be included only in leases resulting from this sale for Tracts A66-166, A66-167, A66-168, and A66-169).

(a) Operations within the area of Alderdice Bank shown as "1 Mile Zone" in Figure 6 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) Operations within the area shown as "3 Mile Zone" in Figure 6 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan as part of the exploration and development and production plans. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation No. 7

(To be included only in the lease resulting from this sale for Tract A66-188).

Operations within the area of Diaphus Bank shown as "3 Mile Zone" in Figure 7 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan as part of the exploration and development and production plans. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank is being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 8

(To be included only in leases resulting from this sale for tracts A66-1 through A66-13, A66-15 through A66-22, and A66-26 through A66-36).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against, all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 9

(To be included only in leases resulting from this sale for tracts A66-13, A66-175, A66-176, A66-193, and A66-197 through A66-203.

All or portions of this lease may be subject to mass movement of sediments, unstable slopes or shallow faults. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation No. 10

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraphs 4(a) and 4(b) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value, however, not more than 16 2/3 percent of the production saved, removed or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16 2/3 percent.

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14. Information to Lessees. The Department of the Interior will seek the advice of the States of Texas, and Louisiana and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities then the Deputy Conservation Manager for Field Operation, USGS, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM, the States, EPA, and other Federal agencies with jurisdiction and expertise to protect the environment will require the lessee, pursuant to Section 5(a) of the OCS Lands Act, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Attachment A
Suggested Bid Form
for Net Profit Share Bidding with a Fixed Cash Bonus

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Percent Net Profit Share Bid (1)	Amount of fixed Cash Bonus Submitted with Bid
_____	_____	_____

Proportionate Interest of Company(s) Submitting Bid

Qualification No. _____ Company _____

Percent Interest _____ Address _____

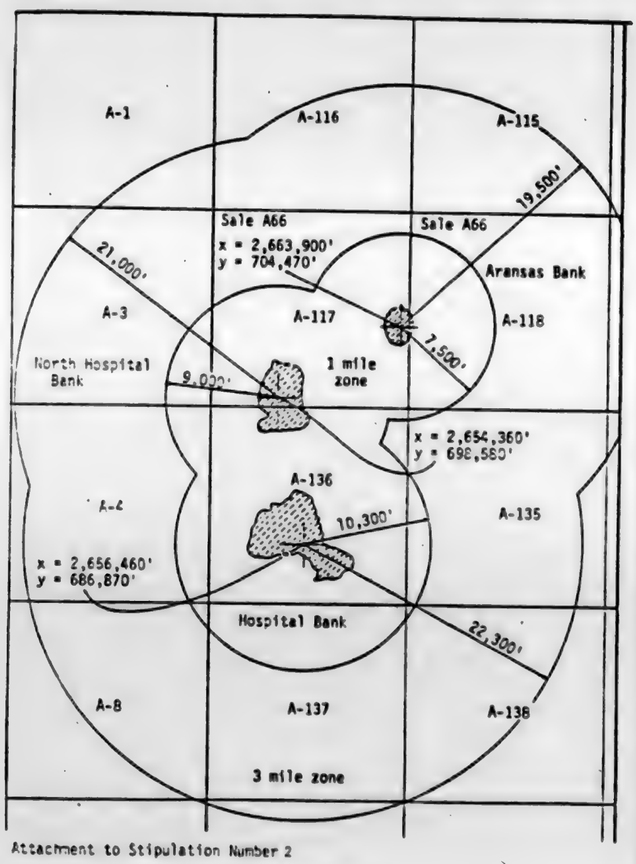
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Signature

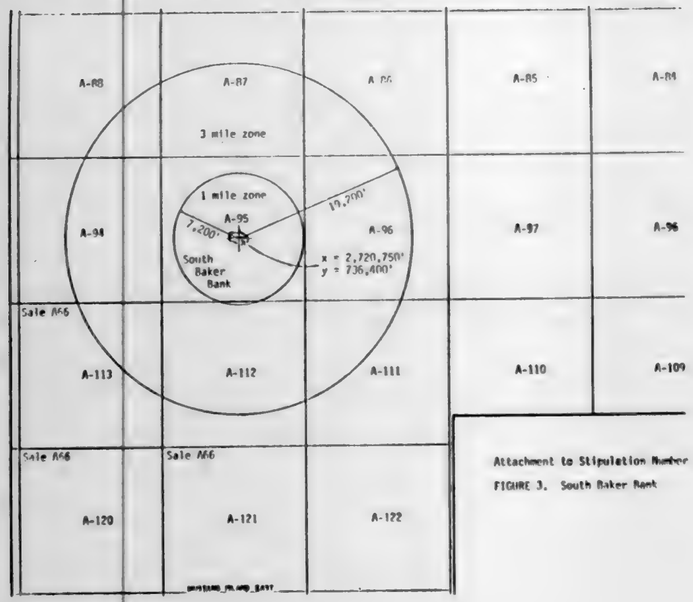
(Please type signer's name under signature)

(1) Express percent to 5 digits. Example: 50.123%

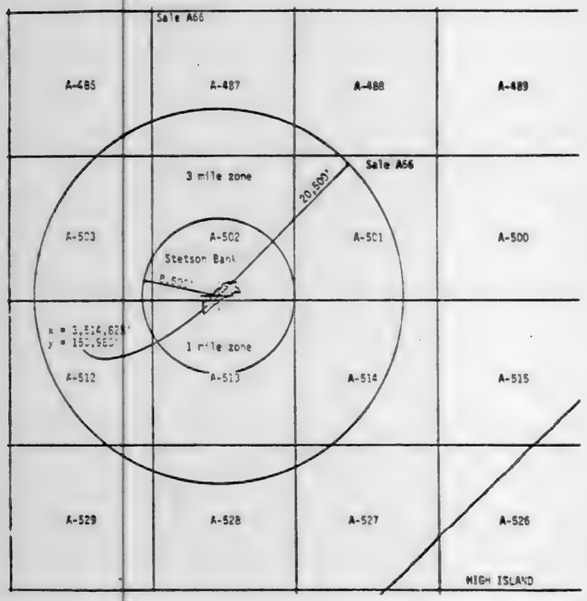


Attachment to Stipulation Number 2

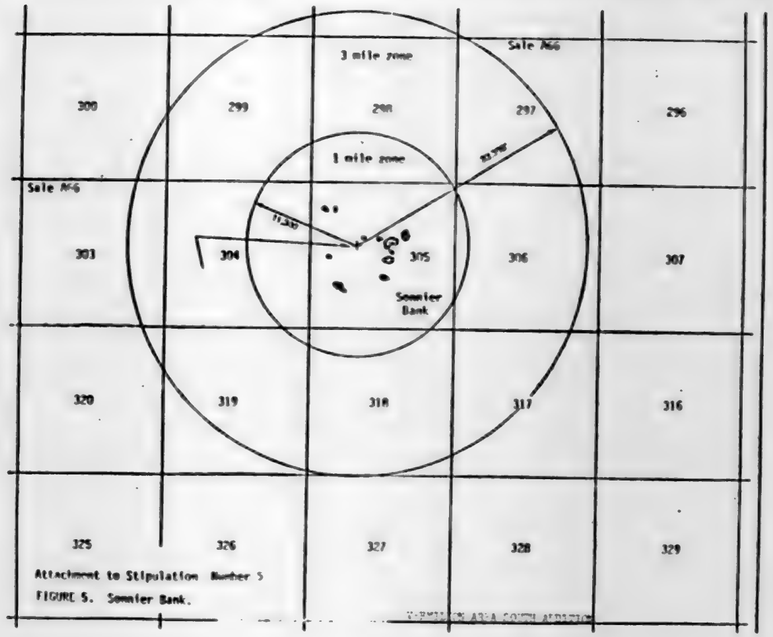
FIGURE 2. North Hospital and Aranses Banks.



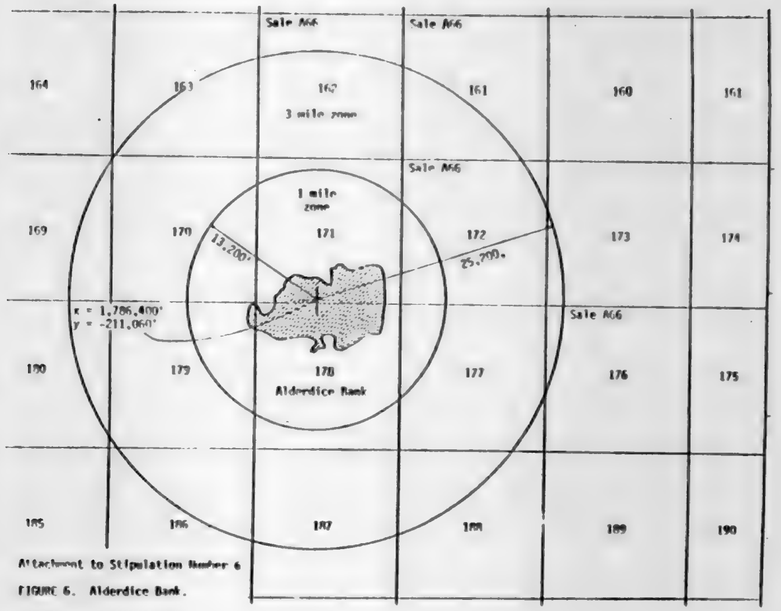
Attachment to Stipulation Number 3
FIGURE 3. South Baker Bank



Attachment to Stipulation Number 4
FIGURE 4. Stetson Bank.

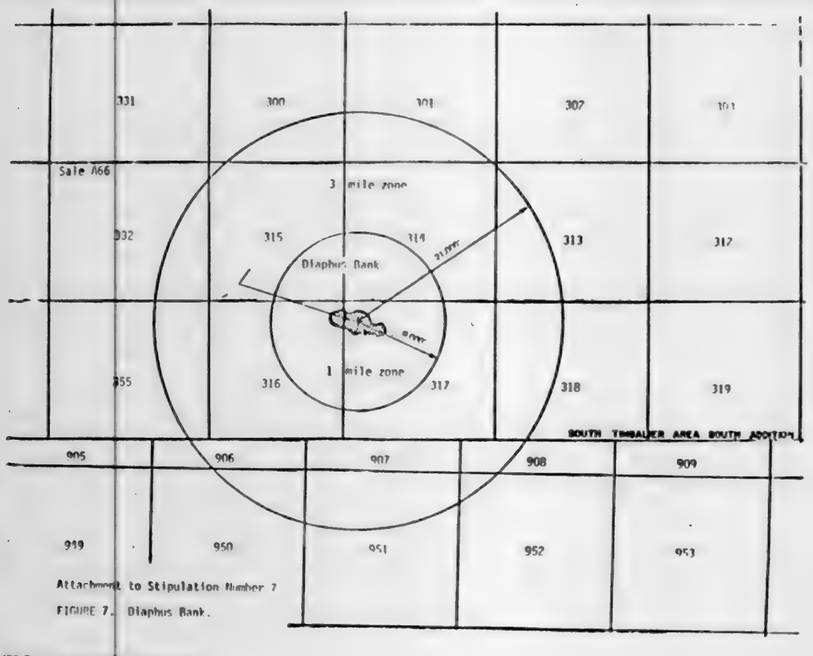


Attachment to Stipulation Number 5
FIGURE 5. Sonnier Bank.



Attachment to Stipulation Number 6
FIGURE 6. Alderdice Bank.

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Attachment to Stipulation Number 7

FIGURE 7. Diaphus Bank.

[FR Doc. 81-6958 Filed 3-4-81; 8:45 am]
BILLING CODE 4310-84-C

V 46 / 43 MR 5 81 UMI

federal register

Thursday
March 5, 1981

Part IV

Department of Transportation

Federal Aviation Administration

Seats, Safety Belts, and Shoulder Harnesses; Extension of Compliance Date

V 46 / 43 MR 5 81 1 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 20289; Amendment 121-170]

Seats, Safety Belts, and Shoulder Harnesses; Extension of Compliance Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the compliance date for the seats, safety belts, and shoulder harnesses required by § 121.311 of the Federal Aviation Regulations (FAR) for flight crewmembers and flight attendants. The compliance dates presently in effect do not provide operators of affected aircraft sufficient time for the acquisition and installation of required equipment in certain aircraft, and the failure to provide such operators a reasonable time within which to comply with the equipment requirements would result in substantial economic penalties for affected operators. Consequently, the relief afforded by this rule is fully consistent with the President's regulatory policies and Executive Order 12291, and the FAA has determined that its promulgation as an emergency rule complies both with paragraph 3 of the President's memorandum of January 29, 1981, and Section 8(a)(1) of Executive Order 12291.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: E. Wendell Owens, Regulatory Review Branch, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1980, the Federal Aviation Administration (FAA) published Airworthiness Review Program Amendment No. 8, Cabin Safety and Flight Attendant Amendments (45 FR 7750), which amended 14 CFR Parts 23, 25, 27, 29, 91, and 121 to update and improve airworthiness standards applicable to cabin safety and flight attendants. Amendment 121-155 incorporated new sections into § 121.311 to upgrade seat, safety belt, and shoulder harness requirements for flight attendants. Section 121.311(f) required affected flight attendant seats to meet the requirements of § 25.785 after March 6, 1980. Section 121.311(j) set forth prerequisites for an affected operator to obtain an extension, not to exceed one year (March 6, 1981), of the compliance dates established by the amendment.

On May 19, 1980, the Federal Aviation Administration (FAA) published Notice PR 80-8 (45 FR 32700) containing an Air Transport Association of America (ATA) petition to amend § 121.311(j) of the Federal Aviation Regulations (FAR). The ATA's proposed amendment would allow an extension, not to exceed March 6, 1982, of the compliance time for § 121.311(f) concerning flight attendant seats, provided the Part 121 certificate holder submits an acceptable schedule of compliance.

The notice also requested additional information on the extent to which logistic and operational factors may frustrate timely compliance with § 121.311. The notice contained nine questions designed to elicit information from all interested persons on the ramifications of both a favorable or an unfavorable FAA decision on the ATA petition. The original comment period for Notice PR 80-8 closed on July 14, 1980.

On July 14, 1980, the Boeing Company petitioned for an extension of the time for comments on Petition Notice PR 80-8. The petition stated that the allotted comment period was insufficient to develop a definitive cost and schedule impact assessment as requested in the notice.

The FAA reviewed this request and determined that a limited extension of the comment period would afford the public an additional opportunity to furnish comments which the FAA could consider before deciding upon a disposition of the ATA petition. In view of this, and consistent with the desire to ensure full public participation in its regulatory actions, FAA concluded that it was in the public interest to extend the comment period. Accordingly, Petition Notice PR 80-8A (45 FR 24864) was issued on August 5, 1980, reopening the comment period until October 15, 1980.

Subsequent to the Boeing petition for the extension, the FAA issued five general notices to provide affected operators and manufacturers interpretative guidance for compliance with FAR Amendments 25-51 and 121-155. They are General Notices No. 8430.326, February 22, 1980; No. 8430.329, May 5, 1980; No. 8000.200, July 8, 1980; No. 8000. 201, July 18, 1980; and No. 8000.209, November 6, 1980.

In June 1980 the FAA established a special review team staffed by personnel from its aircraft engineering and maintenance divisions, and its air carrier flight operations division. From June 9 to June 20, 1980, the review team visited the facilities of the Boeing, Lockheed, and Douglas aircraft companies. These tours were fact finding missions related to Amendments 25-51 and 121-155, and intended to ascertain the manufacturers' capability to design and manufacture any hardware necessary to enable the operators to equip their aircraft in compliance with § 121.311. The manufacturers advised the team that the lead time for procurement of modification kits necessary for compliance could extend well beyond the scheduled compliance date of March 6, 1981. Further, many operators have indicated that they will be unable to meet the compliance date due to nonavailability of kits and the large number of seats requiring modifications. In light of these factors, the team recommended that the compliance date be extended to March 6, 1982, and placed its report in the docket.

Questions

Petition Notice PR 80-8 requested additional information to support claims by Part 121 operators that they were unable to meet the compliance periods specified in § 121.311. To assist the FAA in determining the extent to which logistic and operational factors may frustrate timely compliance with § 121.311, certificate holders, manufacturers, suppliers, and the general public were asked to respond to questions contained in the notice. The questions contained in Petition Notice PR 80-8 are listed below:

1. If you are a Part 121 certificate holder, from which suppliers and/or manufacturers have you ordered required retrofit kits, components, or both?

(a) What installation times do you project for each aircraft?

(b) What rate of installation do you project for your fleet of aircraft?

2. If you are a supplier or a manufacturer, what is your capability to provide retrofit kits, components, or both to satisfy this rule?

3. Will these modifications be accomplished during regularly scheduled maintenance? If so, during which phase of scheduled maintenance do you plan to install retrofit kits or perform modifications required for your fleet?

4. If the required modifications are performed during scheduled maintenance, how long will it take to modify all aircraft in your fleet without disrupting scheduled operations?

5. Which specific items requiring modifications or changes can be accomplished by March 6, 1981?

6. What additional costs will these requirements impose if you are required to comply by March 6, 1981? Describe them in detail.

7. What proportion of aircraft requiring modifications can be retrofitted within the present compliance period?

8. If the compliance period for § 121.311(f) is not extended beyond March 6, 1981, what consequences do you project for your operations? Please discuss both the economic and operational impacts.

9. How will an extension of the compliance periods contained in § 121.311(f) affect the individuals who must occupy the seats to which this rule applies?

Discussion

Only one commenter opposed the extension of the compliance date, indicating that, while understanding the initial extensions for the compliance schedule, the commenter could not agree with the March 6, 1982, date. The commenter stated his beliefs that the required hardware was available on the market today, and that there was no reason the airlines could not install it immediately. The FAA has determined that there is not sufficient hardware on the market at this time to completely comply with § 121.311 by March 6, 1981. Section 121.311, as amended, requires extensive modification and reengineering to meet parts of the new safety requirements attendant seats. Compliance with § 121.311 requires redesign and testing of passenger seats used by required flight attendants. In addition, redesign of galley restraints may be necessary to minimize the probability of injury from flying objects dislodged in the galley or stowage compartment area.

The comments received on the first question indicated the following manufacturers/suppliers were contacted for modifications kits: (1) Fairchild-Burns, (2) Weber Aircraft, (3) American Safety, (4) Boeing Airplane Company, (5) Douglas Aircraft Company, (6) Trans Aero Industries, (7) McDonnell Douglas Company, (8) Aerospace Division, and (9) UOP, Incorporated. The installation times and rate of installation varied considerably from airline to airline for each type of aircraft. These estimates ranged from 12 to 150 man hours per aircraft to complete the required modification. The variances were due in part to the additional engineering work required on older aircraft. Some aircraft would only require installation of shoulder harnesses on flight attendant seats. Other aircraft would require modification of the galley/stowage compartments, the shoulder harnesses, and head and back protection, as well as redesign of certain passenger seats to make them suitable for use by a required flight attendant.

The comments on the second question varied considerably. One supplier commented that it would require approximately 42 weeks after receipt of orders to design, tool-up, and manufacture the required parts. Another supplier indicated that, due to the multitude of different seat models affected by the regulations, it would be impossible to satisfy all the various airline design requirements by March 6, 1981. The commenter requested that the compliance date extension to March 6, 1982, be granted. Boeing Airplane Company has advised their customers and the FAA that it would require from 60 to 80 weeks to make retrofit kits available. This was due in part to an initial lack of guidance and interpretative information regarding compliance with § 121.311. In addition, Boeing requires a long lead time in acquiring the raw materials needed to produce the modification kits, as well as the engineering required to modify the seats and aircraft.

Regarding the third question, most of the commenters indicated that they would accomplish the necessary modifications during regularly scheduled maintenance to avoid the unnecessary aircraft out of service time that would be required if the extension was not granted. Most of the aircraft modifications would be accomplished during regularly scheduled "Base Checks" or during "C" checks.

The comments on the fourth question indicate that only 8 out of 36 scheduled air carriers will be able to comply with the required modifications by March 6, 1981. Most of the operators have informed the FAA that they are unable to meet the compliance date and will need additional time to complete the required modifications. Many of these operators have provided the FAA with copies of correspondence which establish that the required equipment cannot be timely provided by manufacturers or suppliers. Five air carriers indicated that they will require an extension to mid 1983 to enable them to complete the required modifications. The reason for this lack of specific information from the aircraft manufacturers, as to when the approved changes and the necessary parts will be available, was the apparent inability of the manufacturers to determine what, specifically, was required to bring the airplanes into compliance. Many operators are solely dependent upon the manufacturers for both necessary FAA-approved design changes and the necessary hardware, due to lack of an engineering staff of their own. Recently, Boeing advised all operators of B707/720/727 and 737 aircraft that they have been unable to complete their evaluation of the necessary modifications. Consequently, the service bulletins required to complete the modifications are not yet available. Without these service bulletins, most operators are unable to accomplish the required aircraft modifications.

Most of the operators commenting on question five indicated that they were able to comply with limited parts of the requirements, such as the flight attendant headrest requirements. However, some operators indicated that they would be unable to comply with any parts of the required modifications.

Due to similarity of the responses from the commenters on questions six and eight, responses to these questions have been combined. Most of the airlines were unable to respond to these questions in any detail. For those who did respond, the total fleet cost per operator varied from a low of $70,000 to a high of $3,188,000 for one operator. Another operator indicated that if the compliance date was not extended, 92 of their 115 aircraft would be grounded. If these aircraft remained out of service until retrofit parts were received and installed, it would be impossible to estimate the financial impact of such a major interruption of service. Another operator indicated that it would be required to ground about 75 percent of its fleet which would, in fact, put it out of business.

The operators' comments on the seventh question varied from 0 to 100 percent completion. However, most operators indicated that they would be unable to meet the March 1981 compliance date, due to lack of service bulletins, kits, or parts from the manufacturer.

Most of the operators commenting on the ninth question indicate that, since they have already installed or are in the process of installing headrests on their flight attendant seats, there would be minimal safety impact in granting this extension.

At the request of ATA, the FAA conducted a special evaluation of the flight attendant seats located in galley areas to determine their suitability for continued use until the required modifications were completed. The operators were informed individually as to whether they were allowed to use these seats pending full compliance with all parts of § 121.311. As a result, the FAA found some seats that were not suitable for use without prior modifications of the seats or galley area.

Need for This Regulatory Change

Based upon an analysis of the number of airplanes to which this rule applies, the unavailability of the hardware needed to complete the required modifications, and the as yet undetermined time required to design, manufacture, and install the necessary equipment on all seats, the FAA recognizes that it will be impossible for many operators to meet the March 6, 1981, compliance date. In addition, the large variations in hardware changes required by the rule and the lead-times required for the procurement of that hardware present circumstances beyond the control of individual operators.

The FAA estimates that 75 percent of the 2,468 air carrier fleet could be grounded because of noncompliance with the requirements of § 121.311. Assuming a moderate average daily income loss of $15,000 per airplane, the economic impact of not extending the compliance date would be approximately $27,700,000 per day.

FAA has extended the compliance date for § 121.311 to March 6, 1982. This additional time will allow the operators to obtain and install the required modifications.

Extension of the compliance date until March 6, 1982, removes the need for the time extension provisions of § 121.311(j). Consequently, § 121.311(j) is deleted and the March 6, 1981, compliance date for installation of improved shoulder harnesses on flight crewmember seats in § 121.311(e)(2) is changed to March 6, 1982, for consistency.

Need for Immediate Adoption

Most of the affected airlines are solely dependent on the manufacturers to secure the necessary design change or hardware and for their approval by the FAA. Affected operators and airplane manufacturers are unable to determine specifically what must be done for each airplane type to bring the air carrier fleet into full compliance before the March 6, 1981, deadline. Not adopting this amendment would result in the grounding of an estimated 75 percent of the air carrier fleet at a cost of approximately 27 million dollars each day. Accordingly, I find that an emergency exists as prescribed in paragraph 3 of the President's memorandum of January 29, 1981, and Section 8(a)(1) of Executive Order 12291, and that following the procedures of the Executive Order is impracticable. I also find that notice and public procedures are impractical and contrary to the public interest, and that good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, Part 121 of the Federal Aviation Regulations is amended as follows, effective March 6, 1981:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.311 [Amended]

1. By amending § 121.311(e)(2) by deleting the words "Except as provided in paragraph (j) of this section, after March 6, 1981," and inserting the words "After March 6, 1982," in place thereof.

2. By amending § 121.311(f) by deleting the words "Except as provided in paragraph (j) of this section, after March 6, 1980," and inserting the words "After March 6, 1982," in place thereof.

3. By amending § 121.311(g) by deleting the date "1981" and inserting the date "1982" in place thereof.

4. By amending § 121.311(h) by deleting the words "Except as provided in paragraph (j) of this section, after March 6, 1981," and inserting the words "After March 6, 1982," in place thereof.

5. By deleting § 121.311(j).

(Sections 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430); Section 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). This regulatory action is relaxatory in nature, and the possible economic impact of the regulation is discussed in the preamble of the amendment.

Issued in Washington, D.C. on February 27, 1981.

Charles E. Weithoner,

Acting Administrator.

[FR Doc. 81-6964 Filed 3-4-81; 8:45 am]

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federal register

Thursday
March 5, 1981

Part V

Department of Energy

Office of the Secretary

Variable Net Profit Share Bidding System for Outer Continental Shelf Oil and Gas Lease Sales; Proposed Rulemaking and Public Hearing

V 46 / 43 MR 5 81 UMI

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Parts 378 and 390

Leasing; Proposed Rulemaking and Public Hearing Regarding a Variable Net Profit Share Bidding System for Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Department of Energy.

ACTION: Proposed Rule.

SUMMARY: On December 19, 1980, the U.S. District Court for the District of Columbia issued an order requiring the Department of Energy (DOE) to issue a proposed regulation implementing the bidding system described at 43 U.S.C. 1337(a)(1)(E) by February 28, 1981. Pursuant to that court order, DOE is issuing this proposed regulation. This proposal would establish a new bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (OCS). The intended effect is to encourage participation on the part of a more diverse range of firms on OCS oil and gas lease sales. The proposed bidding system ("variable net profit share") uses a percentage of net profits as the bid variable and requires payment of a fixed cash bonus for each tract. This system would also require payment of an annual rental and would make use of existing accounting procedures, codified at 10 CFR Part 390, established to determine net profit share payments due the United States (45 FR 36784, May 30, 1980). This proposal implements rulemaking responsibilities under section 8(a) of the Outer Continental Shelf Lands Act, as amended, that were transferred to DOE under sections 302(b) and 303(c) of the Department of Energy Organization Act.

DATES: Written comments are due not later than April 7, 1981, at 4:00 p.m. Requests to speak at the public hearing in Washington, D.C. are due not later than March 19, 1981, at 4:00 p.m. The public hearing will be held, Thursday, March 26, 1981, at 9:30 a.m. Speakers will be notified by March 23, 1981 and statements should be brought to the hearing location by 9:00 a.m. on the day of the hearing.

ADDRESS: All written comments and requests to speak at the Washington, D.C. public hearing should be sent to: Office of Public Hearings Management, Economic Regulatory Administration, Box XY (Docket No. LPDO 81-1), 2000 M Street, NW., Washington, D.C. 20461. The hearing will be held in Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Edward F. Mulholland (Office of Leasing Policy Development), Department of Energy, Room 2115, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9373

Michael T. Shinker (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900

Cynthia A. Ford, Director (Office of Public Hearings Management), Economic Regulatory Administration, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461

Milton Jordan, Director, Division of Freedom of Information and Privacy Acts (Office of Administrative Services), Department of Energy, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-5955

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Outer Continental Shelf Leasing—General
III. The Proposed Regulation
A. Authority
B. Mandate of the U.S. Court of Appeals
C. Principal Features
D. Basis and Expected Effects of Proposal
IV. Public Comment and Hearing Procedure
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VI. Executive Order 12291
VII. Compliance with the Regulatory Flexibility Act

I. Introduction

Sections 302 and 303 of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 578-580 (42 U.C.C. 7152, 7153)) transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA, Act of August 7, 1953, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA, Pub. L. 95-372, 92 Stat. 629)), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. Specifically, with respect to Federal leases issued under these statutes, section 302(b) of the DOE Act authorizes the Secretary of Energy to promulgate regulations which relate to the: (1) Fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures); (2) implementation of alternative bidding systems authorized for the award of Federal leases; (3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements); (4) setting rates of production for Federal leases; and (5) specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

In addition, section 302(c) of the DOE Act grants the Secretary of Energy the authority to establish rates of production for Federal leases, and section 303(c)(1) permits the Secretary to disapprove any term or condition of a Federal lease that relates to DOE's authority to promulgate regulations under section 302(b).

As required by section 303(b) of the DOE Act, the Secretary of Interior was consulted during the preparation of these proposed regulations and afforded the statutory opportunity to comment formally on them. The Secretary of the Interior has provided comments which were considered in drafting these regulations.

II. Outer Continental Shelf Leasing—General

According to a schedule established pursuant to section 18 of the OCSLA, the Department of the Interior (DOI) periodically offers for sale oil and gas leases for tracts on the OCS. The lease sale is the culmination of a series of DOI actions, including nominations for the inclusion of OCS tracts in a sale, geological/geophysical analysis, preparation and publication of an environmental impact statement (EIS), public hearings, coordination with State officials and members of the public, coordination with Federal agencies, the publication of a notice of OCS lease sale in the **Federal Register**, and the submission of bids. Bidders submit bids on the basis of the bidding system that is applicable to a particular tract as specified in the notice of OCS lease sale. After the bids submitted at the publicly held OCS lease sale are opened and evaluated, leases are awarded to successful bidders on a tract-by-tract basis. The bidding system used also determines the method by which the successful bidder pays the United States for the lease.

The bidding system or systems to be utilized by DOI in each OCS lease sale are chosen from those authorized by the OCSLA and prescribed by DOE regulation. DOE has promulgated regulations implementing four of the bidding systems authorized by section 8(a)(1) of the OCSLA in 10 CFR Part 376. On February 5, 1980 (45 FR 9536, February 12, 1980), DOE issued final regulations implementing three bidding systems: (1) Cash bonus bid with a fixed royalty; (2) royalty bid with a fixed cash bonus; and (3) cash bonus bid with a sliding scale royalty. On May 14, 1980 (45 FR 36784, May 30, 1980), DOE issued final regulations implementing a fourth bidding system, cash bonus bid with a fixed net profit share. Respectively, these systems implement sections 8(a)(1)(A)-(D) of the OCSLA.

III. The Proposed Regulation

A. Authority

The Secretary of Energy is specifically authorized by section 302(b)(2) of the DOE Act to promulgate regulations under the OCSLA as they relate to the implementation of alternative bidding systems for the award of Federal leases and by section 303(c) of the DOE Act to disapprove any term or condition of a Federal OCS lease which relates to DOE's authority to promulgate regulations under section 302(b). As noted earlier, under this authority DOE has already promulgated final regulations implementing four bidding systems authorized by sections 8(a)(1)(A)-(D) of the OCSLA.

B. Mandate of the U.S. Court of Appeals

On June 22, 1979, Energy Action Educational Foundation, with several other parties, filed an action in the U.S. District Court for the District of Columbia which sought to halt further sales of OCS leases and to upset past sales on the basis of alleged violations of the OCSLA. Plaintiffs claimed, *inter alia*, that the Secretary of Energy had violated the OCSLA through failure to issue regulations for certain bidding systems authorized by the OCSLAA, in particular the system employing net profit share as the bid variable (section 8(a)(1)(E)) of the OCSLA.

On September 17, 1980, the U.S. District Court denied plaintiff's request to enjoin scheduled OCS lease sales. The U.S. Court of Appeals for the D.C. Circuit affirmed the District Court's refusal to grant the injunction, but retained jurisdiction and proceeded to address certain issues on the merits.

On October 30, 1980, the Court of Appeals issued an opinion, *Energy Action v. Andrus* (No. 80-2127, D.C. Cir., October 30, 1980) which held that the Secretary of Energy had violated the provisions of the OCSLA by failing to issue certain alternative bidding systems enumerated in the OCSLA. Specifically, the Court directed DOE to issue regulations establishing the two remaining bidding system alternatives which employ bid variables other than the cash bonus, namely, the net profit share and work commitment bid variables, in order to allow empirical experimentation with these systems by the Secretary of the Interior. The Court noted that injunctive relief for future OCS lease sales might be appropriate if the regulatory process for these two bidding system alternatives was not completed by mid-1981.

In its opinion, the Court found in the language and legislative history of the OCSLAA "* * * a Congressional imperative to promulgate regulations, as a necessary prelude to experimentation, involving non-cash bonus statutory bidding alternatives, including variable net profit share bidding * * *" (*Slip. op.*, at 41). In order to accomplish the required "experimentation" within the five-year period set out in the OCSLA, the court concluded that DOE must fulfill its obligation to promulgate a regulation establishing a variable net profit share bidding system "with the maximum possible speed consistent with procedural and statutory rulemaking requirements." (*Slip. op.*, at 42.)

Upon remand, on December 19, 1980, the U.S. District Court issued an order establishing a "precise timetable" for promulgation of the variable net profit share and variable work commitment bidding system regulations. The District Court ordered the Secretary of Energy to issue a proposed regulation for a variable net profit share bidding system by February 28, 1981, with a final regulation to follow by May 25, 1981. The variable work commitment bidding system was ordered to be proposed by March 30, 1981 and issued as a final regulation by June 30, 1981. On February 3, 1981, the Department of Justice notified the District Court that the government has decided to seek Supreme Court review of the decision of the Court of Appeals. The petition for a writ of certiorari will be filed by the Solicitor General on or near February 27, 1981.

C. Principal Features

The regulation proposed today reflects DOE's initial response to the opinion of the Court of Appeals. The bidding system proposed by this regulation is authorized by section 8(a)(1)(E) of the OSCLA, which authorizes a bidding system utilizing a "fixed cash bonus with the net profit share reserved as the bid variable." In further compliance with the Court's decision, DOE intends to propose, in the near future, a regulation implementing a bidding system which employs work commitment as the bid variable.

The following provides an explanation of the operation of the proposed bidding system and of how the successful bidder will pay the United States for a lease issued under this system. As with all bidding systems, leases are awarded to the highest qualified bidder, the issue of qualification being determined pursuant to standards established by DOI. Under the proposed variable net profit share bidding system, the net profit share rate is the bid variable and the cash bonus and annual rental are fixed by the Secretary in advance of the lease sale. The highest bidder is that bidder submitting a bid containing the highest percentage of net profits. A successful bidder pays the United States the cash bonus and annual rental as fixed in the notice of OSC lease sale, and the percentage of net profits which was bid, with such profits based on the revenue received from production and sale of oil and gas minus allowable costs and determined in accordance with 10 CFR Part 390.

1. *Accounting procedures.* DOE has determined that the accounting procedures previously promulgated in 10 CFR Part 390 (45 FR 36784, May 30, 1980) for use in calculating net profit share payments due the United States for production of oil and gas from leases issued under the fixed net profit share bidding system will also serve for calculating net profit share payments due under the proposed system. The accounting procedures themselves are independent of whether the net profit share component constitutes the bid variable or the fixed term in the lease. No substantive changes in the accounting rules are proposed, but minor technical changes have been made to the definitions of "net profit share rate" and "NPSL" in 10 CFR 390.002 to clarify that the accounting procedures in Part 390 will be applicable to determining net profit share payments under all of the authorized bidding systems in 10 CFR Part 376 which employ a net profit share component.

Use of these accounting procedures should help to hold down administrative costs for lessees, since separate accounting systems for leases issued under each of the two bidding systems employing a net profit share component are not required. In addition, OCS lease sales using the fixed net profit share bidding system have already been conducted, allowing both the government and industry to become familiar with these accounting procedures. This experience and familiarity will further assist in minimizing administrative costs to

lessees. For a more complete discussion of these accounting procedures, please refer to the preamble to the final fixed net profit share regulation (45 FR 36784, May 30, 1980).

2. *Capital Recovery Factor.* At the request of DOI, DOE proposes to provide for flexibility in the method of selecting a capital recovery factor for leases issued under the variable net profit share bidding system. Under bidding systems with a fixed net profit share term, capital recovery factors are fixed in advance for each tract in an OCS lease sale to be offered using that system. The capital recovery factor can be unique to each tract and, because the net profit share rate is also fixed in advance, can take into account the predetermined net profit share rate for each tract. With a variable net profit share system, this situation does not obtain.

Recent DOI analysis has indicated that in some situations it may be difficult to control a tendency toward excessively high net profit share bids. There are potential problems stemming from the high net profit share rates likely under variable net profit share bidding if these are combined with capital recovery factors that would, under a fixed net profit share bidding system, be deemed to provide for a reasonable return on investment. Under this situation, there would be a greater incentive for a lessee to manipulate its costs in such a way that it would realize an acceptable return on capital spent for additional investment due mainly to capital recovery treatment for that investment. Under such circumstances, it could benefit lessees to incur exploration and development costs that would be uneconomical under a bidding system without a net profit share term. Since the variable net profit share bidding system allows lessees to recoup allowable costs, plus a return on investment, from production revenues prior to any payment to the government, it follows that uneconomcal expenditures would lead to a consequent reduction in net profit share payments later due the Federal government.

An adequate return might therefore be received prior to the time the NPSL account changed to a credit balance and, therefore, prior to the time that any profit share payment was due the United States. Under these circumstances, the magnitude of the bid would not seem to matter a great deal. A high net profit share rate bid, coupled with a normal capital recovery factor, could induce a situation where the lessee would find production economical only to the point at which it had recovered its expenses, plus the accumulated allowance for capital recovery, and the balance in its NPSL capital account had changed to a credit balance. It would then have little incentive to continue production and would tend to relinquish the lease, even with producible reserves remaining.

Therefore, DOE intends to provide an opportunity to fix the capital recovery factor for a lease on the basis of a schedule under which the capital recovery factor for a lease would generally tend to be set at lower levels for higher net profit share rate bids. Since firms generally prefer higher capital recovery factors, their tendency to bid higher net profit share rates would be counteracted by the prospect of having a lower capital recovery factor. This schedule would be published in the notice of OCS lease sale for a particular lease sale. Of course, the opportunity to establish the capital recovery factor, as under the fixed net profit share system, in advance of the sale and to announce it in the notice of OCS lease sale will remain open.

Use of a schedule of capital recovery factors may help to discourage speculative bids, since high net profit share bids would generally be assigned relatively low capital recovery factors. Lastly, use of a schedule that tends to assign lower capital recovery factors to higher net profit share rate bids may discourage lessees from incurring uneconomic development costs that would nonetheless yield an acceptable return on investment prior to the time any net profit share payment might become due to the United States. DOE invites comments on the use of such a schedule.

Under the proposed bidding system, only the profit share rate is the bid variable and the bidder submitting the highest profit share rate is unambiguously the high bidder. DOE recognizes that, with the use of a schedule and varying capital recovery factors, it may be difficult to determine whether the high profit share bidder will actually pay more for the lease than a lower bidder. This difficulty, however, is inherent in the variable profit share bid system, regardless of the means of setting the capital recovery factor, because of the unknown differences in the profitability of the bidders' exploration and development of a tract. Lease awards under such a system can only be based on the numerical profit share rate bid, not on the expected lease revenues.

D. Basis and Expected Effects of Proposal

In amending the OCSLA, Congress seemed to conclude, in part, that large cash bonus payments may inhibit competition for OCS leases by preventing smaller, independent firms from participating in OCS development. The proposed variable net profit share system would reduce initial cash bonus payments to the level of the associated fixed cash bonus and shift return to the public away from initial cash bonuses to contingency payments based on net profits from the actual production of oil and gas. Compared to costs of development, as well as to net profit share payments that might be anticipated under this system, the fixed cash bonus will likely represent a relatively small amount.

Thus, DOE expects that the most immediate effect of using the bidding system proposed in this regulation would be a reduction in front-end cash bonuses and a consequent reduction of funds flowing into the U.S. Treasury at the time of the lease sale. The amount of any such reduction will depend upon the level at which cash bonuses are fixed for any OCS lease sale. The reduction in bonus amounts will be eventually offset, at least in part, to the extent that lessees make contingency payments during production; however, any such contingency payments would not begin for several years after issuance of the lease. It is also possible that these lower cash bonus amounts may lead to speculative bidding.

To the extent that very high profit share rates are bid, minimum economical commercial field sizes may increase and there may be premature abandonment of leases. Either of these results will lead to reduced resource recovery and losses in national income, that is, in net economic value. In addition, high profit share rates are likely to reduce the incentive for exploration and cause overinvestment in development after discovery of a commercial field. High profit share rates may also cause inefficient distortions in production patterns. All of these impacts will tend to reduce resource production, national income and the Federal revenues yielded by OCS development. In any bidding system where the bid variable is not a cash bonus, there is no assurance that the high bid on a tract will yield the greatest return to the public or to the government over the life of the lease.

In amending the OCSLA to provide for new bidding system alternatives, Congress intended, in part, to encourage greater competition for OCS leases through decreased reliance on front-end cash bonus payments as the primary means of allocating leases on the OCS. The U.S. Court of Appeals, in its opinion mandating that DOE promulgate a regulation to establish a variable net profit share bidding system, reached a similar conclusion with respect to the impact of the new systems. The Court stated that bidding system alternatives "* * * like the variable net profit bidding option (and the work commitment bid system) are designed to reduce front-end cash payment and to stimulate competition to a greater degree than the options already in place which still focus bidding on the front-end cash bonus." (*Slip. op.*, at 37).

The proposed regulation is designed to encourage more participation in OCS lease sales by a more diverse range of firms. Participation in OCS lease sales may be viewed in terms of an increase in the overall number of bids in an OCS lease sale, in the number of bids per tract, or in the number of sale participants. In the sense that greater participation may be considered a measure of competition for OCS leases, the proposed regulation should lead to increased competition. Also, to the extent that available capital is not used to pay large cash bonuses, it should remain available for exploration and development expenses.

Since administration of OCS leases issued pursuant to this proposed regulation would be the responsibility of the U.S. Geological Survey (USGS) within DOI, use of this bidding system may result in somewhat greater responsibilities for USGS, particularly in the administration of applicable accounting procedures. It should be noted that this responsibility is not qualitatively distinct from functions already committed to USGS. Some increase in USGS workload may be expected as a result of this proposed regulation, depending on the extent to which the proposed bidding system is used. USGS regulations are not superseded by this action, but must be followed in conjunction with this proposed regulation, as appropriate. DOE requests public comment on the impacts of this proposal, especially with regard to ways to mitigate or eliminate negative impacts of the bidding system proposed in this regulation.

IV. Public Comment and Hearing Procedures

DOE requests comments on any aspect of this regulation as proposed. To the extent comments are submitted in response to this rulemaking either proposing or opposing amendments, they should be accompanied by as much supporting data as possible. Data submitted in response to this proposal that is deemed proprietary should be so labeled.

A. Specific Comments Requested

DOE is requesting comments on the following matters in particular:

1. *Establishment of Capital Recovery Factor.* As indicated previously, DOE is considering two alternatives for the establishment of capital recovery factors for each NPSL. One alternative would have DOI, in consultation with DOE, establish capital recovery factors for each tract or groups of tracts scheduled to be offered under the variable net profit share bidding system in advance of each sale, as DOI does now for tracts offered for sale under the fixed net profit share bidding system. The predetermined capital recovery factor for each such tract would be published in the final notice of OCS lease sale.

Alternatively, at the request of DOI, DOE is proposing to allow for use of a schedule in which the level of the capital recovery factor would in general tend to be set at lower levels for higher net profit share rate bids. Any such schedule would be announced well in advance of a particular OCS lease sale. Once a bid was accepted, an associated capital recovery factor would be fixed according to the schedule published in the notice of sale.

DOE requests comments on the relative merits of both means of establishing capital recovery factors, but especially on the benefits and consequences of using a schedule of capital recovery factors.

2. *Evaluation criteria.* DOE is also interested in obtaining public comment in the following areas:

(a) To what degree might the variable net profit share bidding system operate to increase participation in OCS lease sales? What benefits or costs are likely from increased participation?

(b) What is the likely effect of the bidding system proposed in this regulation on:

The present value of government receipts;

Net economic value achieved;

Ability to promote or hinder development of fields of various sizes; and

Production life of fields developed under this system?

(c) What are the likely effects of the bidding system in this proposal on:

Minimum field size;

Exploration and development decisions;

Timing and magnitude of installed capacity;

Initiation and rate of production;

Timing and magnitude of operating costs;

Timing and magnitude of investments after the close of the capital recovery period?

(d) What is the likely administrative impact and cost of:

The requirements to determine, for each OCS lease sale using the proposed regulation, the parameters needing specification for each tract offered for leasing under this bidding system;

Accounting procedures; and

Compliance problems that result from incentives to manipulate the timing of expenses and the degree to which this system tends to increase these problems?

3. *Accounting procedures.* Comments are requested on areas of potential concern with regard to the applicability of any aspect of the accounting procedures contained in 10 CFR Part 390, when used to determine net profit share payments due the government under the bidding system in this proposal. Where appropriate, comments should include specific recommendations on language changes. DOE especially encourages public comment regarding the applicability of the overhead allowances provided in 10 CFR 390.012 to determine net profit share payments due under the proposed system.

B. Written Comments

You are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in today's rulemaking. Written comments should be submitted by April 7, 1981 to the address indicated in the "ADDRESS" section of this preamble. Comments should be identified on the outside envelope and on the document with the designation: "Box XY (Docket No. LPDO 81-1), DOE Proposed OCS Bidding System Regulations". Fifteen copies should be submitted. All copies received by the above date and all other relevant information will be considered by DOE before final action is taken on this proposed regulation. Any information or data which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

C. Public Hearing

1. *Procedure for Request to Make Oral Presentation.* The time and place of the hearing is indicated in the "DATES" and

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"HEARING LOCATION" sections at the beginning of the preamble. The hearing will be continued, if necessary, on the next business day.

If you have an interest in today's proposal, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make an oral presentation. This request should be made by March 19, 1981, and should be sent to the appropriate address indicated in the "ADDRESS" section of this preamble. Please describe your interest and, if appropriate, state why you are a proper representative of a group or class of persons that has such an interest. Please give a concise summary of the proposed oral presentation. You should also provide a phone number where you may be contacted through the day before the hearing. If you are selected to be heard, you will be so notified prior to the hearing. Fifty copies of your statement, labeled "OCS Profit Share Leasing," are due at 9:00 a.m. on the date of the Washington hearing and should be delivered to the address indicated in the "ADDRESS" section at the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Hearings Management at (202) 653–3971.

2. *Conduct of the Hearings.* DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Prior to the hearing, you may submit questions to be asked of any person making a statement at the hearing to the address indicated in the above "ADDRESS" section before 4:30 p.m. the day prior to this hearing. At the hearing, you may submit the question, in writing, to the DOE presiding officer. In either case, the presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer. Either the presiding official or another member of the panel will ask the question.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer. In the event that it becomes necessary for us to cancel the hearing, we will make every effort to publish advance notice in the **Federal Register** of such cancellation. Moreover, we will give actual notice to all persons scheduled to testify at the hearing. However, it is not possible to give actual notice of cancellations or changes to persons not identified to us as participants. Accordingly, persons desiring to attend the hearing are advised to contact DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

V. Environmental and Competitive Review

After reviewing this proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321)) DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, DOE has determined that no environmental impact statement is required for the proposed regulation.

Environmental impacts resulting from the use of the variable net profit share bidding system are expected to be minimal. Absolute rates of activity or ultimate levels of production are not expected to fall outside the ranges that should be considered during an environmental impact analysis for lease sales conducted with conventional leasing systems. Environmental impacts associated with using the proposed bidding system will, of course, be examined prior to each lease sale. Moreover, potential environmental impacts resulting from the use of this system will be considered prior to the selection of a leasing system for tracts in each sale.

Pursuant to section 5(a) of the OCSLA (43 U.S.C. 1334 (a)), a copy of this proposed regulation has been transmitted to the Attorney General for his views on any matters contained herein that may affect competition. The Attorney General will consult with the Federal Trade Commission in the preparation of any such views. Their views will be carefully considered by DOE before the promulgation of any final regulation.

VI. Executive Order 12291

Subsection 8(a)(2) of Executive Order 12291 issued February 17, 1981 (46 FR 13193, February 19, 1981) provides an exemption from the procedures prescribed by the Order whenever satisfying the terms of the Order would conflict with deadlines imposed by judicial order. DOE has determined that, in view of a court order requiring that this proposed rule be issued no later than February 28, 1981, it is not possible to comply with the procedures in the Order governing proposed rules. In accordance with the further requirements of subsection 8(a)(2), we have reported the proposed rule to the Director of the Office of Management and Budget with an explanation of the conflict.

VII. Compliance with the Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 et seq., (September 19, 1980)), requires Federal agencies to consider the impact of proposed regulations on small businesses, small governmental units, and other small entities; to consider the ability of small entities to comply with the proposed regulation; and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. DOE certifies that, for the reasons discussed below, the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be prepared.

Of the approximately 200 oil and gas firms in the United States identified by a DOE study as having the resources and capability to engage in OCS exploration, very few, if any, are independently owned and operated and fit the definition of "small entity" within the meaning of the Regulatory Flexibility Act. Although a few smaller firms may operate in the shallow OCS areas in the Gulf of Mexico, virtually none of the smaller firms have the capital or resources singly to explore the deep-water OCS areas in the North Atlantic or off the coast of Alaska. Most of the 200 firms which would be affected by this regulation are very large in terms of resources and capitalization or are subsidiaries of such firms. Small entities, generally, cannot afford to enter the OCS exploration industry by themselves and effectively compete for leases due to the prohibitively expensive exploration and development costs ($17.5–$80.5 million for exploratory wells and $89–$1270.9 million for pre-production oil field development), the tremendous risk of unsuccessful exploration and drilling, and the very distant payoff on investment. This regulation does implement a bidding system which is intended to have the effect of reducing an exploration firm's acquisition expenses and front-end cash bonuses, but the impact of this reduction is so small in comparison to other development costs, that the entry barrier for small firms will not be affected in a significant way. Simply put, the amount of resources and investment required for OCS exploration is beyond the capability of small entities. Since there are no small entities in the OCS exploration field, small entities will not be affected by this regulation.

The principal economic cost of this regulation derives from incorporation of the accounting procedures and reporting requirements, previously codiifed at 10 CFR Part 390, required for calculation of the amount of the net profit share payment due the United States. However, this regulation will not require the general collection or submission of information from the general public. The bidding system established by this regulation and the incorporated accounting procedures will be used only by firms voluntarily submitting bids for OCS leases. Only the successful bidder/lessee will be required to provide the Government with certain accounting and drilling data necessary to compute the proper rate of compensation due to the Government.

(Outer Continental Shelf Lands Act, ch. 345, 67 Stat. 462 (43 U.S.C 1331 *et seq.*, 1953), as amended by Pub. L. 95–372; Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*, 1977), E.O. 12009, 42 FR 46267)

In consideration of the foregoing, chapter II of Title 10, Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C. February 27, 1981.

James B. Edwards,
Secretary of Energy.

PART 376—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

1. Part 376 of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a new subparagraph (5) to § 376.110(a), to read as follows:

§ 376.110 Bidding systems.

(a) * * * * *

(5) *Net profit share rate bid with a fixed cash bonus and an annual rental—*(i) *Net profit share payment calculation.* The amount of the net profit share payment to the United States by the person awarded the lease shall be determined for each month by multiplying the net profit share base times the net profit share rate, in accordance with § 390.022.

(A) *Net profit share base.* The net profit share base shall be calculated in accordance with § 390.021.

(B) *Capital recovery factor.* The capital recovery factor, or a schedule for determining the capital recovery factor on the basis of the net profit share rate bid, needed to calculate the allowance for capital recovery in accordance with § 390.020, shall be specified in the notice of OCS lease sale published in the **Federal Register** and may vary from tract to tract.

(C) *Net profit share rate.* The net profit share rate, which determines the fixed share of the net profits owed to the United States, is determined by the person submitting the bid.

(ii) *Cash bonus.* The cash bonus to be paid shall be an amount that is specified in the notice of OCS lease sale published in the **Federal Register** and may vary from tract to tract. Any deferment of the payment and the schedule of payments shall be included in the notice of OCS lease sale published in the **Federal Register**.

(iii) *Annual rental.* The annual rental to be paid by the person awarded the lease shall be the amount specified in the notice of OCS lease sale published in the **Federal Register**.

PART 390—ACCOUNTING PROCEDURES FOR DETERMINING NET PROFITS SHARE PAYMENT FOR OUTER CONTINENTAL SHELF OIL AND GAS LEASES

2. Part 390 of Chapter II of Title 10, Code of Federal Regulations, is amended by revising § 390.001(b) and two definitions in § 390.002 to read as follows:

§ 390.001 Purpose and scope.

* * * * *

(b) The procedures established by this Part 390 apply to any OCS lease issued by the Department of the Interior under any bidding system established by § 376.110(a) of this chapter which has a net profit share component.

§ 390.002 Definitions.

* * * * *

"Net profit share rate" means the percentage share of the net profit share base payable to the United States. The percentage share may be fixed in the notice of OCS lease sale or be the bid variable, depending upon the bidding system used, as established by § 376.110(a) of this chapter.

"NPSL" means a net profit share lease, which is an OCS lease that provides for payment to the United States of a percentage share of the net profits for production of oil and gas from the tract. This percentage share may be fixed in the notice of OCS lease sale or be the bid variable, depending on the bidding system used, as established by § 376.110(a) of this chapter.

* * * * *

[FR Doc. 81–7109 Filed 3–3–81; 2:17 pm]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

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15491 **World Trade Week** Presidential proclamation

15668 **Continental Shelf** Interior/BLM provides affected States an opportunity to review Sale No. RS-1 in the offshore waters of the Gulf of Alaska (Part III of this issue)

15496 **Oil and Gas** SEC releases rule regarding financial reporting by oil and gas producers

15498 **Natural Gas** DOE/FERC revises, on an interim basis, the methodology for calculating the monthly alternative fuel price ceilings for State regions; effective 3-2-81; comments by 4-13-81

15533 **Grant Programs—Energy** DOE announces availability of grants for States in Region VII (Iowa, Kansas, Missouri, and Nebraska) under the Appropriate Technology Small-Scale Energy-Related Technologies Program; apply by 4-20-81

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

15533 **Grant Programs—Energy** DOE announces that it invited applications from States located in Region I for funding of projects in support of the Small-Scale Hydroelectric Development Program; application deadline was 3–2–81

15512 **Energy** DOE/FERC solicits comments by 3–18–81, regarding policies on preliminary permits for hydropower projects

15569 **Air Pollution Control** EPA announces the availability of a second draft on air quality criteria for particulate matter and sulfur oxides; comments by 5–5–81

15512 **Polychlorindated Biphenyls** USDA/FSQS holds in abeyance a proposed rule regarding the prohibition of polychlorinated biphenyls, PCB-containing equipment or machinery and liquid PCB in federally inspected meat and poultry product establishments and egg product plants

15518 **Polychlorinated Biphenyls** HHS/FDA holds in abeyance proposed rules on polychlorinated biphenyls (PCB's) in sealed electrical transformers or capacitors used to store food

15500 **Color Additives** HHS/FDA removes stay of regulation on the listing of lead acetate as a color additive in cosmetics that color the hair on the scalp; effective 3–3–81

15519 **Dental Health** HHS/FDA proposes to extend the comment period on the proposed rules for the classification of all dental devices; comments by 4–1–81

15504 **Passports and Visas** State alters its regulations relating to the validity, termination, and replacement of a visa; effective 3–6–81

15634 **Minimum Wages** Labor/W&H, ESA publishes the basic hourly wage rates and fringe benefit payments for certain classes of laborers and mechanics employed on construction projects (Part II of this issue)

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Vol. 46, No. 44
Friday, March 6, 1981

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Title 3—

The President

Proclamation 4823 of March 3, 1981

World Trade Week, 1981

By the President of the United States of America

A Proclamation

International trade is an important means of furthering America's friendly international relations and of bettering the lives of all Americans.

Trade stimulates competition, stirs our creative energies, rewards individual initiative and increases national productivity. Among nations, it speeds the exchange of new ideas and technology.

As products made in this country compete successfully in world markets, we contribute to the strength and stability of our dollar, the expansion of our industry and fuller employment of our labor force.

For these reasons, the United States remains firmly committed to an active world trade role in the context of an increasingly interrelated international economy. A reciprocal spirit of world cooperation, permitting fair trade and investment between our country and the rest of the world, is indispensable to all of us.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 17, 1981, as World Trade Week, and I urge the people of the United States to cooperate in observing that week with activities that promote the importance of trade to our national well-being at home and abroad.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of March in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-7306
Filed 3-4-81; 2:35 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 46, No. 44
Friday, March 6, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 295; Lemon Reg. 294, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 8–14, 1981, and increases the quantity of lemons that may be shipped during the period March 1–7, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemons industry.

DATES: The regulation becomes effective March 8, 1981, and the amendment is effective for the period March 1–7, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This is not a major rule under E.O. 12291. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on March 3, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 910.595 is added as follows:

§ 910.595 Lemon regulation 295.

The quantity of lemons grown in California and Arizona which may be handled during the period March 8, 1981, through March 14, 1981, is established at 240,000 cartons.

2. Section 910.594 Lemon regulation 294 (46 FR 14339) is revised to read as follows:

§ 910.594 Lemon regulation 294.

The quantity of lemons grown in California and Arizona which may be handled during the period March 1, 1981, through March 7, 1981, is established at 250,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: March 4, 1981

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-7386 Filed 3-5-81; 11:40 pm]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 2024

Property and Supply-Procurement, Sales, and Leasing Authority

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) removes an internal agency regulation pertaining to property and supply from the Code of Federal Regulations (CFR) since continued publication of this regulation is unnecessary. The intended effect of this action is to remove an unnecessary management regulation from the CFR.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: N. Eric Rierson, Acting Director, Business Services Division, FmHA, Room 6347, South Agriculture Building, Washington, D.C. 20250, telephone (202) 447–4495.

SUPPLEMENTARY INFORMATION: This Instruction does not directly affect any FmHA programs or projects which are subject to A–95 clearinghouse review. This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from those requirements. Mr. N. Eric Rierson, Acting Director, Business Services Division, FmHA made this determination because it involves only agency management and Federal Procurements. This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the changes is administrative in nature and publication for comment is unnecessary.

PART 2024—PROPERTY AND SUPPLY—[REMOVED]

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended by removing and reserving Part 2024.

(5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70)

Dated: February 9, 1981.

H. Allan Brock,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-7245 Filed 3-5-81; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 75

Contagious Equine Metritis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 9 CFR Part 75 to provide a method for the release of breeding mares that are under Federal quarantine as exposed to or affected with contagious equine metritis (CEM). The intended effect of this action is to provide a means to release breeding mares from Federal quarantine when they are determined to be free of CEM. This amendment is necessary to provide a method of releasing certain breeding mares from Federal quarantine.

DATES: Effective date March 3, 1981.

Comments on or before May 5, 1981.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph C. Knowles, USDA, APHIS, VS, Sheep, Goat Equine, and Ectoparasites Staff, Room 735, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8433.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action.

Since the breeding season for Thoroughbred horses starts on February 15, this amendment should be made effective immediately in order to permit affected persons to move breeding mares within the United States or elsewhere without undue restrictions when determined to be free of CEM.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this amendment provides a method of relieving Federal quarantine for CEM on a total of 89 mares presently under Federal quarantine that have been considered affected with or exposed to CEM; therefore, only the owners of those horses would be affected. This compares with a total of 6 to 8 million horses presently living in the United States.

CEM, a highly contagious and communicable disease of equidae, was diagnosed among stallions and breeding mares of the Thoroughbred breed in the Commonwealth of Kentucky and of the Trakehner breed in the State of Missouri in 1978 and 1979, respectively. The present regulations, among other things, quarantine and restrict the interstate movement of CEM affected and exposed breeding mares from Kentucky and Missouri. This amendment provides a method for the quarantined breeding mares to be considered free of CEM in order to allow the release of those mares from Federal quarantine.

During the period from February 1979 to August 1980, the State of Kentucky in cooperation with the Kentucky horse industry completed more than 56,000 Complement Fixation Tests (CF) and 10,000 bacteriological cultures on Thoroughbred mares in the State. Included in these tests were the 48 mares affected with and 31 mares exposed to CEM which are presently under Federal quarantine in Kentucky. These tests were used both as a screening method to detect CEM in the Thoroughbred horse population and as a method to qualify a mare to be eligible for breeding. No evidence of the disease was found.

In the Trakehner horse population in the State of Missouri, all mares in the herds commingled with horses affected with or exposed to CEM were subjected to 180 culture tests and 70 CF Tests. Included in these tests were the 5 mares affected with and the 5 mares exposed to CEM which are presently under Federal quarantine. Again, no evidence of the disease was found.

Experience in England and the United States has shown that the clitoral sinuses and the clitoral fossa are the most common sites for harboring CEM bacteria after the acute disease has subsided. Due to the minute size of the clitoral sinuses it is difficult to obtain satisfactory specimens for culturing by swab, as well as difficult to adequately treat such areas for CEM.

However, the Department believes that there will not be any risk of spread of CEM by breeding mares presently under Federal quarantine if they have their clitoral sinuses removed and have their external genitalia and vaginal vestibule cleaned and washed with certain antimicrobials capable of killing CEM bacteria for five consecutive days, with certain additional tests to assure that the breeding mare is free of CEM before it is released from Federal quarantine. Therefore, this regulation requires the surgical removal of the clitoral sinuses (clitoral sinusectomy) and the collection of specimens by an accredited veterinarian and the testing of such specimens by a State or Federal animal disease diagnostic laboratory (laboratory) as a method to insure freedom from CEM.

A specimen (swab) shall be collected from the clitoral fossa within two hours prior to the removal of the clitoral sinuses. This specimen must be submitted to a laboratory for culture. Each of the clitoral sinuses shall be placed in a container after removal. The clitoral sinuses must be received by a laboratory for culture within 6 hours of removal. The collection of these specimens and their culture are necessary to identify those breeding mares which are still harboring the CEM bacteria and are in need of additional treatment before release of the Federal quarantine.

For 5 consecutive days, beginning the seventh day after removal of the clitoral sinuses, the external genitalia and vaginal vestibule including the clitoral fossa shall be aseptically cleaned and washed (scrubbed) with a solution of not less than 2 percent chlorhexidine in a detergent base. The clitoral fossa shall be filled (packed) and the external genitalia and vaginal vestibule shall be coated with an ointment of not less than 0.2 percent nitrofurozone. The 5 consecutive days' post-surgical treatment is necessary to remove any contamination or possible spread of the CEM organism during the surgical procedure. This post-surgical treatment must be postponed until 7 days after surgery to allow the horse to heal.

Postsurgical cultures are required to provide further evidence that the mare is free of CEM. After an interim of 7 days following the fifth consecutive day of scrubbing and coating the external genitalia and vaginal vestibule and filling the clitoral fossa, for pregnant breeding mares, 3 specimens shall be collected from the clitoral fossa, at intervals of not less than 7 days between the collection of each specimen and each such specimen shall be submitted to a laboratory for culture. Seven days after foaling, one such specimen shall be collected from the endometrium of the uterus of the breeding mare and one specimen from the foal. If the foal is female, this specimen shall be collected from the vaginal vestibule and if the foal is male, this specimen shall be collected from the prepuce. Each such specimen shall be submitted to a laboratory for culture.

For nonpregnant breeding mares for which complement fixation and culture tests for CEM have been conducted during 2 years before the surgery referred to above and for which records have been kept of all such tests and such records disclose that such tests conducted were negative, one specimen shall be collected from the endometrium of the uterus during estrus and shall be submitted to a laboratory for culture. All other nonpregnant breeding mares shall have three sets of specimens collected from the endometrium of the uterus and clitoral fossa at an interval of not less than 7 days between the collection of each set of specimens with one set of specimens to be collected during estrus. Each specimen shall be submitted to a laboratory for culture.

Breeding mares with any positive culture for CEM on specimens collected pursuant to this release procedure shall not be released from Federal quarantine. For such breeding mares, three additional separate sets of specimens shall be collected from the endometrium of the uterus and clitoral fossa at an interval of not less than 7 days between each set. The third set of specimens shall be collected not less than 1 year from the date of the last positive culture and collected during estrus. All three subsequent sets of cultures must be negative for CEM to qualify the mare for release from Federal quarantine. Experience has shown that many mares will cleanse themselves of the CEM organism, and this 1-year time period is believed to be a more effective method to provide freedom from CEM than antibiotic therapy. The third set of specimens are to be collected during estrus because this will better assure that any CEM in the mare will be detected.

Intervals of not less than 7 days between the topical treatment and the first collection of specimens and between each set of specimens is necessary to allow any CEM organisms which may exist to grow, so that they may be detected. The Department is requiring 3 sets of specimens because swabbing to collect specimens is not a precise technique. The experience of equine practitioners in Kentucky who have tested horses affected with CEM indicates that 3 sets of specimens collected from the prescribed anatomical areas at least seven days between each set, provides a sufficient diversity of specimens so that a test of such specimens for CEM is extremely accurate.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 75 reads as follows:

Authority: Sections 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), 37 FR 28464, 28477; 38 FR 19141.

2. In 9 CFR, Part 75 § 75–10 is added to read:

§ 75.10 Procedures for breeding mares to be released from Federal quarantine because of CEM.

(a) Any breeding mare which is affected with or exposed to CEM and which is under Federal quarantine for CEM may be released from Federal quarantine only if the breeding mare has met all the requirements of this section and all specimens required by this section to be submitted to a State or Federal animal disease diagnostic laboratory are cultured and found negative for CEM, except as provided in paragraph (d) of this section.

(b) *Presurgical and surgical requirements.* (1) Within 2 hours prior to surgery required under paragraph (b)(2) of this section, a specimen shall be collected from the clitoral fossa of the breeding mare by an accredited veterinarian and submitted to a State or Federal animal disease diagnostic laboratory for culture.

(2) The clitoral sinuses of the breeding mare shall be removed surgically by an accredited veterinarian.

(3) The clitoral sinuses of the breeding mare shall be placed in a container after removal and received by a State or Federal animal disease diagnostic laboratory for culture within 6 hours of removal.

(c) *Post surgical requirements.* (1) For 5 consecutive days, beginning the seventh day after removal of the clitoral sinuses, an accredited veterinarian shall aseptically clean and wash (scrub) the external genitalia and vaginal vestibule, including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base and then fill the clitoral fossa and coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone.

(2) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and the vaginal vestibule and filling the clitoral fossa:

(i) For any pregnant breeding mare, an accredited veterinarian shall collect three separate specimens from the clitoral fossa at an interval of not less than 7 days between the collection of each specimen and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture. Seven days after foaling, an accredited veterinarian shall collect one specimen from the endometrium of the uterus of the breeding mare and one specimen from the foal and each specimen shall be submitted to a State or Federal animal disease diagnostic laboratory for culture. If the foal is female, this specimen shall be collected from the vaginal vestibule and, if male, from the prepuce.

(ii) For any nonpregnant breeding mare for which complement fixation and culture tests for CEM were conducted during the two year-period immediately before the surgery required in this section, and for which records have been kept of all such tests, which disclose that all the tests conducted were negative, an accredited

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veterinarian shall collect one specimen from the endometrium of the uterus during estrus and shall submit the specimen to a State or Federal animal disease diagnostic laboratory for culture.

(iii) For any nonpregnant breeding mare, other than provided in paragraph (c)(2)(ii) of this section, an accredited veterinarian shall collect three separate sets of specimens from the endometrium of the uterus and clitoral fossa at an interval of not less than 7 days between the collection of each set of specimens with one set of specimens to be collected during estrus and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture.

(d) If any specimen required by this section is found to be positive for CEM, the breeding mare shall not be released from Federal quarantine except as provided in this paragraph. For such breeding mare, an accredited veterinarian shall collect three additional separate sets of specimens from the endometrium of the uterus and clitoral fossa at not less than 7-day intervals between each set and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture. The third set of specimens shall be collected not less than 1 year from the date of the last positive culture and shall be collected during estrus. If the three additional sets of specimens are all negative for CEM, the breeding mare may be released from Federal quarantine.

All written submissions made pursuant to this emergency final regulation will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Done at Washington, D.C., this 3d day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-7128 Filed 3-5-81; 8:45 am]

BILLING CODE 3410-34-M

METRIC BOARD

15 CFR Part 503

Metric Board Organization

AGENCY: United States Metric Board.

ACTION: Final rule.

SUMMARY: The United States Metric Board has moved its headquarters and renamed one of its principal staff units. Those actions are reflected in these amendments.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel B. Peyser, Deputy General Counsel, U.S. Metric Board, 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209, telephone (703) 235-2917.

15 CFR Part 503 is amended by revising § 503.2 to read as follows:

§ 503.2 Agency headquarters.

The headquarters and principal place of business of the Agency is located at 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209, telephone (703) 235-1933.

Part 503 Index and §§ 503.8, 503.18, 503.22 [Amended]

In addition to the amendment set forth above, 15 CFR Part 503 is amended by removing the words "Administrative Services and Finance" and inserting, in their place, the words "Resource Management" in the following places:

(a) 15 CFR Part 503 Index.
(b) 15 CFR 503.8(e).
(c) 15 CFR 503.18(b)(4).
(d) 15 CFR 503.22 (Catchline).

Malcolm E. O'Hagan,

Executive Director.

[FR Doc. 81-7174 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-94-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release Nos. 33-6294; 34-17581; 35-21936; IC-11650; AS-289]

Financial Reporting by Oil and Gas Producers

AGENCY: Securities and Exchange Commission.

ACTION: Statement of Commission Position.

SUMMARY: The Commission is announcing that it no longer considers Reserve Recognition Accounting to be a potential method of accounting in the primary financial statements of oil and gas producers. In addition, the Commission is announcing its support of an undertaking by the Financial Accounting Standards Board to develop a comprehensive package of disclosures for those engaged in oil and gas producing activities.

DATE: February 26, 1981.

FOR FURTHER INFORMATION CONTACT: James D. Hall or Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION:

I. Background

After extensive public hearings, the Commission issued Accounting Series Release ("ASR") No. 253 [1] which concluded that significant improvements in the communication of financial position and operating results of oil and gas producers could be achieved through (1) adoption of requirements for disclosure of specified historical information relating to oil and gas producing activities; (2) adoption of requirements for disclosure of information relating to future net revenues from estimated production of oil and gas reserves; and (3) development of a method of accounting to provide for recognition in financial statments of proved oil and gas reserves as assets and changes in proved oil and gas reserves in earnings.

The Commission called the new accounting method "Reserve Recognition Accounting" or "RRA". The Commission at that time recognized that the feasibility of developing RRA was not assured and provided for its development through a flexible experimentation and evaluation period. Release No. 33-5969 [2], issued concurrently with ASR No. 253, proposed rules for supplementary presentation of an earnings summary based on RRA.

After considering input received from an advisory committee and from comment letters, the Commission issued Accounting Series Release Nos. 269 [3] and 270 [4] in September 1979. ASR No. 269 contained final rules requiring presentation of a Summary of Oil and Gas Producing Activities Based on RRA and a Summary of Changes in Present Value of Estimated Future Net Revenues. The release required such disclosure in annual reports on Form 10-K for fiscal years ending after December 25, 1979. It also announced the Commission's intentions to require the discolosures to be made in annual reports to security holders for fiscal years ending after December 25, 1980. In September 1980, as part of its integrated disclosure program, the Commission issued rules which, among other things, require that supplemental oil and gas reserve information be presented in annual reports to security holders for fiscal years ending after December 15, 1980.

ASR No. 270, issued concurrently with ASR No. 269, postponed the audit requirement for oil and gas reserve information until years ending after December 25, 1980. The postponement was intended to allow additional time to establish and implement uniform guidelines and standards for reserve evaluation and reporting.

The Commission again addressed the issue of audited oil and gas reserve information in April 1980 when it issued ASR No. 277. [5] The Commission noted that there continued to be uncertainty concerning the costs and related benefits of requiring reserve information to be audited when the information was presented outside the primary financial statements. Therefore, the Commission amended Regulation S-X to postpone the audit requirement for reserve information until a decision was reached on adopting RRA as a uniform method of accounting in the primary financial statements. ASR No. 277 also permitted registrants to present the reserve information disclosures as supplementary information outside the financial statements until the above determination was made.

II. Current Status of RRA

Since the issuance of ASR No. 253, the Commission has received significant input concerning the feasibility of implementing RRA as the primary method of accounting for oil and gas producing activities. A substantial degree of uncertainty of oil and gas reserve estimates has been suggested by the published results of several studies. Several oil and gas reservoir engineers have commented that a significant range of reserve estimates is considered reasonable by that profession. The Commission has noted significant revisions reported in supplemental disclosures for 1979 calendar years. In addition to the inherent uncertainty of reserve estimates, other implementational issues raise questions about the feasibility of RRA as the uniform method of accounting by oil and gas producers, such as valid questions about the usefulness of interim financial statements based on RRA due to the difficulty of quickly estimating quantities of newly discovered reserves.

ASR No. 253 established a period for development and evaluation of RRA and the Commission has viewed RRA as experimental. Although the Commission believes that financial statements lack the degree of certainty often attributed to them by users, it is clear that financial statements in today's environment require a higher degree of reliability than do supplemental disclosures. After assessing the development of RRA since the issuance of ASR No. 253, the Commission has determined that because of the inherent uncertainty of recoverable quantities of proved oil and gas reserves, RRA does not presently possess the requisite degree of certainty to be accepted as a primary method of accounting. Therefore, the Commission is announcing that it no longer considers Reserve Recognition Accounting to be a potential method of accounting in the primary financial statements.

The Commission believes that announcing its conclusions about RRA as primary method of accounting will provide a better atmosphere for evaluation of RRA as a supplementary disclosure for oil and gas producers. The Commission hopes that issuers, knowing their primary historical cost financial statements are not "threatened" by RRA, will be better able to focus on both the merits and disadvantages of the RRA supplemental earnings summary. Although RRA lacks the certainty usually attributed to primary financial statements, the Commission still believes it may be a useful basis for supplemental disclosure because it attempts to match the costs of exploration and development activities with the results obtained through these efforts. If an RRA supplemental earnings summary is not the best disclosure vehicle, then alternative disclosures should be developed.

III. FASB Initiative

Supplemental disclosures for the oil and gas industry have evolved under standards and rules promulgated by both the Commission and the FASB. Those standards and rules have been issued at different times and have had different objectives. As a result, the disclosures made in response to these rules and standards have tended to become unnecessarily voluminous, complex and disjointed. A comprehensive package of disclosures designed by the FASB should alleviate many of the concerns expressed about present practice.

The Chairman of the FASB has stated that the FASB is prepared to begin a project which would take a comprehensive view of reporting and disclosure issues facing oil and gas producers. The proposed FASB project would comprehend all aspects of financial reporting by oil and gas producers, with one notable exception. It would not address the issue of a uniform method of accounting in primary financial statements but would address both footnotes and supplemental disclosures. The FASB has indicated that such a project would be meaningful only if the Commission had already reached a conclusion regarding RRA as it relates to the primary financial statements and then only with the Commission's support. The proposed project would be similar to other FASB projects in that it would follow the FASB's due process procedures and would not be constrained by any Commission guidelines. The project's objective would be to develop a comprehensive disclosure package for oil and gas producing enterprises that will assist in meeting the objectives of financial reporting set forth in FASB Concepts Statement No. 1, and that possesses the qualitative characteristics of useful accounting information set forth in FASB Concepts Statement No. 2.

In general, the Commission expects that its rules will be amended to be consistent with the disclosure standards for oil and gas producers to be developed by the FASB. The Commission has traditionally looked to the Board to set standards of financial reporting. A recent example in the area of supplemental disclosure involved ASR No. 190. [6] In that instance, the Commission introduced a requirement for disclosure of replacement cost information then withdrew its requirements after the effective date of SFAS No. 33 [7] which addressed the objectives of ASR No. 190. The Commission expects the issue of oil and gas disclosures to be resolved in a similar fashion. Of course, the Commission will necessarily follow its normal administrative procedures in reviewing and adopting appropriate supplemental disclosures developed by the FASB and requiring disclosure of operational data.

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[1] Accounting Series Release No. 253, "Adoption of Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities," August 31, 1978 [43 FR 40668].

[2] Release No. 33-5969, "Oil and Gas Producing Activities—Proposed Supplemental Earnings Summary," August 31, 1978 [43 FR 40726].

[3] Accounting Series Release No. 269, "Oil and Gas Producers—Supplemental Disclosures on the Basis of Reserve Recognition Accounting," September 24, 1979 [44 FR 57030].

[4] Accounting Series Release No. 270, "Oil and Gas Producers—Postponement of Audit Requirement for Reserve Information," September 24, 1979 [44 FR 57037].

[5] Accounting Series Release No. 277, "Oil and Gas Reserve Information—Postponement of Audit Requirement," April 17, 1980 [45 FR 27747].

[6] Accounting Series Release No. 190, "Replacement Cost Data," March 23, 1976 [41 FR 13508].

[7] Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices," September 1979.

IV. Commission's View of Value Based Disclosures

Notably, a possible exception to the Commission's expectation of acceptance of FASB standards in this area is the issue of value based disclosures for oil and gas reserves, such as the "Present Value of Estimated Future Net Revenues" as defined in Regulation S–X. In its deliberations to date the FASB has not required value based disclosure for oil and gas reserves, but as part of the proposed project, the Commission expects that the FASB will consider various types of value disclosures in its project. It may be appropriate to use a discount rate other than 10 percent or to use a set of discount rates, depending upon risk. A range of values rather than a point estimate may be considered. The above examples of items for consideration are not intended to be restrictive and the Commission expects that the FASB will exercise its own judgment in reviewing alternatives and arriving at its conclusions with respect to the value based disclosure issues and all other issues to be considered within the project's scope.

However, because the Commission believes value based disclosures are important, even if the FASB does not require value based disclosures for all oil and gas companies, the Commission will likely continue to require such disclosure from registrants. If that is the case, the public record generated by the FASB during its deliberations should be helpful in determining the appropriate basis for any value disclosure which the Commission may require in the future.

The Commission's strong commitment to value based disclosure should be distinguished, however, from its support of RRA as a supplemental measure of earnings. The Commission believes that RRA should be carefully considered for supplementary disclosure but it has no preconceived conclusions as to the outcome of such deliberations.

V. Other

In arriving at its conclusion that RRA is not feasible as uniform method of accounting in primary financial statements, the Commission has not readdressed the issue of a uniform method of accounting by oil and gas producers. Concepts developed by the FASB in its conceptual framework project will have an impact on the ultimate resolution of this question. Therefore, the Commission does not intend to attempt to resolve that issue until after it considers the results of the FASB's conceptual framework efforts.

The Commission has reviewed its responsibility under the Energy Policy and Conservation Act of 1975, 89 Stat. 871 ("EPCA"), which directed the Commission to assure the development and observance of accounting practices to be followed in the preparation of accounts by oil and gas producers. It has determined that the announcements and course of action outlined in this release are not inconsistent with its responsibilities under EPCA. However, after the FASB has developed its comprehensive disclosure package, the Commission will separately consider any necessary rule making action under the securities laws and whether any EPCA rule making is necessary to assure the availability of such information to the Department of Energy.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 26, 1981.

[FR Doc. 81–7114 Filed 3–5–81; 8:45 am]

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17 CFR Part 240

[Release Nos. 33–6292; 34–17556; IC–11633]

Application of Rule 10b–6 to Certain Distributions of Securities by Issuers

Correction

In FR Doc. 81–6908 appearing on page 15133 in the issue of Wednesday, March 4, 1981, on page 15134, first column, § 240.10b–6, the paragraph designated "(5)" should read "(e)".

BILLING CODE 1505–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–21]

Alternative Fuel Price Ceilings for Incremental Pricing Under the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim Rule.

SUMMARY: The Commission revises on an interim basis the methodology for calculating the monthly alternative fuel price ceilings for state regions. Under the revised methodology, the applicable alternative fuel price ceiling published on the twentieth of each month for each of the contiguous states shall be the lower of the alternative fuel price ceiling for the state or the alternative fuel price ceiling for the multistate region in which the state is located. In addition, § 282.404(a) of the Commission's regulations is amended by adding subparagraph (4) making effective March 1981 prices that were changed as a result of the newly revised methodology. Such prices supersede those corresponding state prices published on February 20, 1981.

DATES: Effective March 2, 1981.

Written comments by April 13, 1981. Requests for oral hearing by March 13, 1981.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, Reference Docket No. RM79–21.

FOR FURTHER INFORMATION CONTACT:

Thomas P. Gross, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8171.

Sandra Delude, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–5522.

Interim Rule

Issued: March 2, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending, on an interim basis, its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). Specifically, § 282.404(a) is amended by adding subparagraph (4) to provide that the alternative fuel price ceilings for March 1981, listed in new § 282.404(a)(4), supersede the corresponding state ceilings published on February 20, 1981. In addition, this order provides that the alternative fuel price ceilings published on the twentieth of each month following February 1981, for each of the 48 lower contiguous states shall be the lower of:

(1) the alternative fuel price ceiling applicable to the state; or

(2) the alternative fuel price ceiling applicable to the multistate region in which the state is located.

II. Background

Title II of the NGPA requires the Commission to prescribe and make effective a program of incremental pricing of natural gas which is used as industrial boiler fuel. Section 204(e) of the NGPA directs the Commission to establish ceilings on gas prices charged

to incrementally priced users, based on the cost of alternative fuel oils in each region designated by the Commission.

The Commission's current regulations implementing the incremental pricing program establish two sets of regions: (1) 48 regions, each region being one of the 48 contiguous states; and (2) eight multistate regions, labeled Regions A through H. The 48 state regions are used to calculate alternative fuel price ceilings which are published each month in the **Federal Register** on or before the twentieth day of the month preceding their effective date. In addition as provided in Appendix I to Subpart D of Part 282, the multistate regions may be used by the Commission in deriving alternative fuel price ceilings for state incremental pricing regions (1) for which statistically valid samples of oil prices may be unavailable, or (2) where the Commission determines that the public interest requires use of the regional ceiling in place of the state ceiling. The price ceiling for each region (state or multistate) is calculated by a formula which uses the price of high-sulfur No. 6 fuel oil observed in that region during a previous period. The collection of data, the application of the formula, and the publication of the ceilings are performed by the Energy Information Administration (EIA) in accordance with Commission direction.

The Commission recently instituted a rulemaking proceeding in Docket No. RM79–21 for the purpose of re-examining both the designation of the incremental pricing regions and the methodology for calculating the price ceilings in those regions. On November 4, 1980, a Notice of Inquiry was issued in this docket (45 FR 74505, November 10, 1980), requesting public comment on possible revisions to the current regions and methodology. More than 50 written comments were filed. In addition, members of the public were given an opportunity to discuss the Notice of Inquiry in informal technical conferences held in Kansas City, Missouri, on November 21, 1980 and in Washington, D.C., on November 24, 1980, and January 6, 1981.

III. Discussion

Studies made by the Commission staff demonstrate that substantial pricing disparities exist in the price ceilings for neighboring states and that the impact of such disparities is increasing as the cost of high-sulfur No. 6 fuel oil rises.[1] The disparities may be due to actual oil price differences in neighboring states, too few oil transactions, or some other factor or combination of factors. (The EIA is continuing to study the methodology for calculating the price ceilings program in an attempt to discern the reason for the disparities.)

As the Commission noted in the Notice of Inquiry, these disparities increase the possibility of industrial users' switching from natural gas to fuel oil purchased in a nearby state. In addition, substantial pricing disparities create inequities, in that industrial gas users in different states, but within the same marketing area, may pay substantially different prices for natural gas. As a result, the Commission has determined to issue an interim rule amending the existing methodology in order to discourage potential fuel switching.

Written and oral comments submitted in response to the Notice of Inquiry generally indicated that the current alternative fuel price ceilings are working as well as possible and that many of the changes discussed in the Commission's Notice of Inquiry would only aggravate existing problems and inject uncertainty and instability into the Commission's current incremental pricing program. The commenters urged the Commission to retain the basic regulatory structure now in effect, but to add some flexibility to the methodology to correct price ceilings which do not accurately reflect current market prices.

One of the most commonly proposed additions to the current methodology was a fail-safe mechanism under which a non-exempt user of natural gas could reduce the applicable incremental pricing surcharge to a lower alternative fuel price if the user could certify to the Commission that the lower alternative fuel price is available to the facility.

Other comments proposed alternative mechanisms, such as the "contiguous state approach" or the multistate regional approach." Under the contiguous state approach, the price ceiling would be the lowest price ceiling in any state contiguous to the state in question if lower than the otherwise applicable state price ceiling. Under the multistate regional approach, the price ceiling would be the lower of the price ceiling applicable to the mutistate region in which the state is located, or the alternative fuel price ceiling which would otherwise be applicable to the state.

The Commission agrees that some flexibility should be added to the current methodology. The Commission has considered the fail-safe mechanism in some detail during the initial implementaton of the incremental pricing program and in conjunction with this rulemaking. It believes that such a mechanism would be difficult to implement at this time. As proposed in the comments, the price ceiling in a facility-by-facility fail-safe mechanism is subject to potential manipulation. Administrative problems also exist with respect to verification of the availability of a lower price and correction, if the price certified is found to be incorrect. The contiguous state approach, while providing flexibility, would raise issues relating to an appropriate definition of "contiguous." However, the multistate regional approach would provide the needed flexibility without presenting either the definitional problems of the contiguous state approach or the administrative problems of the fail-safe mechanism. Accordingly, the Commission is adopting the multistate regional approach in this rulemaking. The implementation of the multistate regional approach will result in some, but not a large, reduction in total MSAC's (maximum surcharge absorption capability).[2] However, the Commission believes that the reduction is outweighed by the benefits provided by increased flexibility and improved accuracy in the price ceilings.

Specifically, the methodology for calculating the altenative fuel price ceilings is revised to provide that the alternative fuel price ceilings for each of the 48 contiguous states shall be the lower of (1) the alternative fuel price ceiling applicable to the state, or (2) the alternative fuel price ceiling applicable to the multistate region in which the state is located.

Three other proposals which were discussed in the Notice of Inquiry were, (1) the grouping of No. 2 and No. 6 fuel oil prices, (2) the cumulative decrement approach, and (3) sixteen proposed multistate regions. Virtually all of the comments opposed the first two proposals, and the Commission declines to adopt either of these methods as more practicable than the system already in effect. The comments were divided, however, as to whether the Commission should adopt the sixteen proposed regions or retain the current 48 state and eight multistate regions. None of the

[1] *See*, Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky, Docket No. RM81–9, issued December 24, 1980 (46 FR 2036).

[2] The exact amount of MSAC reduction is difficult, if not impossible, to quantify. The Commission has analyzed prices in the nine states (Pennsylvania, Georgia, California, Illinois, Indiana, Michigan, New Jersey, New York and Ohio) which contain approximately two-thirds of all facilities subject to incremental pricing. For the five-month period of October 1, 1980, through February, 1981, seventeen of the forty-five published prices would have been reduced had the rule adopted herein been in effect. The amounts involved are noticeable, but do not appear to be of a magnitude that would outweigh the advantages of this adjustment.

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comments offered any compelling reasons to adopt the sixteen-region approach. Therefore, rather than subject the current methodology to additional confusion and uncertainty, the Commission has decided to retain the existing 48 state and eight multistate regions at this time.

The Commission also recognizes that certain individual or state-wide circumstances may exist in which some type of relief or adjustment from the methodology adopted in this rule may be appropriate. The Commission will continue to review any such situations on a case-by-case basis and to administer relief, where appropriate, by means of staff adjustments pursuant to section 502(c) of the NGPA or by rulemaking.

The Commission also notes that the EIA continues to study various methodologies which may eventually prove to be useful in calculating appropriate alternative fuel price ceilings. The Commission has been informed that one such methodology has shown promise and is currently being evaluated. When detailed information and data on this method become available from the EIA, the Commission will consider such material.

IV. Summary of the Interim Rule

As discussed above, the Commission has determined that the alternative fuel price ceiling for each of the 48 contiguous state regions should be the lower of either the ceiling calculated for that state or the ceiling calculated for the multistate region in which the state is located. In order to implement this decision for the month of March 1981, for which alternative fuel price ceilings were published on February 20, 1981, the Commission is amending § 282.404(a) of its regulations by adding new subparagraph (4). Subparagraph (4) lists the ceilings for March 1981 which shall supersede those previously published on February 20, 1981; that is, it lists the appropriate multistate regional ceilings for each state in which the multistate regional ceiling for March 1981, is lower than the state regional ceiling. To implement this methodology for months following March 1981, the Commission is directing its Executive Director to direct EIA to publish as the alternative fuel price ceilings applicable to each state region for months following March 1981, the lower of either the ceiling calculated for that state or the ceiling calculated for the multistate region in which the state is located.

V. Effective Date

The Commission believes that this rule will promote equity and discourage potential fuel switching. Accordingly, the Commission finds that good cause exists in accordance with 5 U.S.C. 553 (b) and (d) to make this rule effective immediately as an interim rule, applicable to all alternative fuel price ceilings for the month of March 1981, and thereafter, until the Commission issues a final rule in this docket. The Commission will afford an opportunity for interested persons to present views and comments, as set forth below.

VI. Comment Procedures

A. *Written Comments.* Interested persons are invited to submit written comments, data, views, or arguments with respect to this interim rule. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM79–21. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, April 13, 1981, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Division of Public Information, Room 100, 825 North Capitol Street, NE., Washington, D.C., during regular business hours.

B. *Public Hearing.* Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be submitted no later than March 13, 1981, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM79–21. If any requests are received by that time, the hearing will be held on March 23, 1981, at the above address, and will be announced by March 18, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission amends Subpart D, Part 282, Subchapter I, of Chapter I, Title 18 of the Code of Federal Regulations, on an interim basis, as provided below, effective upon issuance.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 282.404 is amended in paragraph (a) by adding subparagraph (4) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(a) *General rule.*

* * * * *

(4) for the month of March, 1981, the following state ceilings shall be effective and shall supersede the corresponding state ceilings published on February 20, 1981:

State	Dollars per million Btu's
Arkansas	3.70
California	3.44
Delaware	4.23
Idaho	3.76
Indiana	3.54
Iowa	4.03
Kansas	4.03
Louisiana	3.70
Maryland	4.23
Michigan	3.54
New Hampshire	4.82
New Jersey	4.23
North Carolina	4.50
North Dakota	4.03
Ohio	3.54
Oklahoma	3.70
Oregon	3.44
Pennsylvania	4.23
South Carolina	4.50
South Dakota	4.03
Utah	3.76
Vermont	4.82
Virginia	4.50
West Virginia	3.54

* * * * *

[FR Doc. 81-7220 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 73 and 81

[Docket No. 80N-0447]

Removal of Stay of Regulation for the Listing of Lead Acetate as a Color Additive in Cosmetics That Color the Hair on the Scalp; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Removal of Stay and Confirmation of Effective Date.

SUMMARY: The Food and Drug Administration (FDA) is removing the stay of regulation for the permanent listing of lead acetate for use as a color additive in cosmetics that color the hair on the scalp. The regulation was stayed by the filing of objections under the formal rulemaking provisions of the Federal Food, Drug, and Cosmetic Act. FDA received no requests for hearing in response to the regulation. The stay remained in effect while FDA evaluated and acted on the objections. The agency has now completed its evaluation of the objections and concludes that they are not adequate to continue the stay of the regulation listing lead acetate as a color additive. Therefore, this document removes the stay of the regulation and confirms the effective date of December 1, 1980, for the regulation listing lead acetate as a color additive. This document also amends the color additive regulations by removing lead acetate from the color additive provisional list.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: The current closing date of March 3, 1981, for the color additive provisional listing of lead acetate was established by a final regulation which was published in the **Federal Register** of December 30, 1980 (45 FR 85725). The date was set to provide FDA time to evaluate and act on objections received in response to a final regulation that was published in the **Federal Register** of October 31, 1980 (45 FR 72112) and that approved a petition for the permanent listing of lead acetate. The preamble to the December 30, 1980, rule announced that the regulation which permanently lists lead acetate was stayed pending final agency action on the objections (45 FR 85725). No requests for a hearing, however, were received in response to the permanent listing regulation.

After evaluating the objections received, the agency finds that none of them presents a genuine and substantial issue of fact which warrants a hearing (see 21 CFR 12.24(b)).

The agency has received four letters stating objections to the permanent listing regulation for lead acetate. One objection was received from an individual; a joint objection was received from two consumer groups; and two separate objection letters were received from two medical associations. The letters are on file in the Dockets Management Branch in this docket, 80N–0447. The objections and the agency's responses to them are summarized below.

1. The objection filed jointly by two consumer groups stated an opposition "to the FDA's action permanently listing lead acetate for use in hair dyes on the grounds that the FDA has no authority to approve for use as a color additive any substance which the Agency has found causes cancer in man or animals." The objectors contend that FDA is required by the Delaney Clause to deny the petition to list premanently lead acetate because the policy embodied in the clause is an absolute prohibition on the approval of any additive that causes cancer in man or animals.

For the scientific and legal reasons which were fully explained in the October 31, 1980, listing regulation, the agency disagrees with the narrow legal interpretation of the Color Additive Amendments of 1960, 21 U.S.C. 376, note, set forth in this objection. Because of the detailed discussion of the scientific facts relative to lead acetate hair dyes and the legal standards applicable to the permanent listing of a noningested color additive in the preamble to the October 31, 1980, final rule, further explication here would serve no useful purpose. Thus, FDA incorporates by reference herein all scientific, legal, and policy positions set forth in the preamble to the October 31, 1980, final rule. These positions support the agency's conclusion that lead acetate, under any reasonable standard, is safe and that the Delaney clause does not bar the permanent listing of this color additive for use in hair dyes that color the hair on the scalp.

2. The consumer groups also objected to FDA's risk assessment that was performed using "worst case estimates" and to the analysis of toxicity data on lead acetate showing, in the agency's opinion, that if any risk does exist, it is clearly insignificant and presents no public health or safety concerns. The objection stated "if the risk is 1 in a million and if more than 1 million persons use hair dyes with lead acetate, then at least 1 person will die as a direct consequence of the FDA's decision." This conclusion reflects a misunderstanding of the risk estimation that FDA performed, and of the meaning and use of risk estimates in determining whether a substance is safe.

In the preamble to the October 31, 1980, final regulation, the agency reported a calculation that the upper limit of lifetime cancer risk from the use of lead acetate in hair dyes was approximately 2 in 10 million lifetimes (i.e., 1 in 5 million lifetimes). Upper limit estimates of risk using "worst case" assumptions cannot be used to predict with mathematical precision what will actually occur. Yet, because risk estimates take into account the risk resulting from incomplete information, extreme assumptions of overuse, abuse, and over application, etc., (hence, "worst case estimates"), are factored in to reach a conclusion with reasonable certainty of what will not occur. The agency's conclusion that less than 1 out of 5 million persons would be at risk from the use of this color additive in hair dyes based upon the "worst case estimates" is consistent with the likelihood that no cancers will result from the topical use of this color additive. Thus, in terms of the public health protection, this additive presents no significant safety or health concerns and is, therefore, safe. However, a risk assessment demonstrating that 1 in 5 million persons may be at risk is totally inconsistent with the objection's statement that at least 1 person will die as a direct consequence. Therefore, the agency disagrees with this aspect of the objection and concludes that it has no merit.

3. Three of the objections received focused on certain issues regarding human lead exposure. The objections emphasized that lead is a highly toxic compound and that, at certain levels of exposure, lead can cause poisoning in children and adults. The objections shared the view that the use of lead acetate in hair dyes would contribute significantly to the lead exposure of users of the dyes. Some of the objections expressed a concern that the approval of lead acetate signals a change in FDA's regulatory policies toward human exposure to lead from "minor" environmental sources. The objections also contended that although human exposure to lead from lead acetate may be small, each source of lead exposure adds to the body burden and should be prohibited wherever possible.

The agency recognizes and agrees with the objections that certain levels of lead exposure can result in toxic manifestations in humans and that, because of this toxicity, human exposure to lead should be reduced. The agency's position on lead was summarized in an advance notice of proposed rulemaking on lead in the food supply that was published in the **Federal Register** of August 31, 1979 (44 FR 51233). That notice cited several comprehensive reports regarding different aspects of lead toxicity that serve as partial basis for the agency's regulatory position concerning lead. However, the levels of lead associated with toxic effects from the sources discussed in the advance notice of proposed rulemaking are quite different from the levels associated with use of lead acetate hair dyes.

The agency has completed a comprehensive review and evaluation of data relevant to the color additive petition for lead acetate used in hair dyes. This review included consideration of the potential and actual toxicity of lead. On the basis of these

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data, which included tests demonstrating an almost infinitesimally low absorption of lead from lead acetate hair dyes, the agency concludes that the use of lead acetate is safe in that it represents no reasonable prospect of harm and that its contribution to the total body burden is inconsequentially small. This conclusion is a reaffirmation of the safety of lead acetate in terms of toxic effect set forth in the Federal Register of March 6, 1979 (44 FR 12206) and October 31, 1980 (45 FR 72114). The agency advises that the objections regarding the toxicity of lead that were received did not provide any new scientific information of a type that has not been previously considered. Therefore, the agency concludes that data describing the toxic effects of elevated levels of lead in the body are not relevant to the issue of safety of lead acetate hair dye where there will be no perceptible elevations in body lead levels from its use.

The agency also advises that the permanent listing of lead acetate as a color additive does not represent a change in the overall agency regulatory policy concerning lead. This action represents only a clearance for a color additive found to be safe under its limited conditions of use. The agency will continue to apply its regulatory authority to reduce lead contamination in other substances that are subject to the Federal Food, Drug, and Cosmetic Act.

4. An objection from a medical association suggested that the agency consider a scientific article that was published in the *Lancet* of January 10, 1970 on the effects of lead inhibition of *delta*-aminolevulinic acid dehydrogenase (*delta*-ALAD), an enzyme involved in the synthesis of heme. The objection summarized the article by stating "* * * delta-aminolevulinic acid dehydrogenase, is inhibited at very low levels, down to less than 10 parts per million, far below the blood concentration considered to be dangerous by governmental agencies."

FDA had previously considered this scientific information as part of its general review of the effects of human lead exposure. These data show an inhibition of *delta*-ALAD at blood levels as low as 10 micrograms per 100 milliliters of blood, or, in fact, 0.1 part per million of lead in the blood, and not 10 parts per million as stated by the author. From review of the scientific literature, the agency recognizes that a blood-lead level of 10 to 20 micrograms per 100 milliliters is considered by the scientific community to be within the normal range for the general population. Although there may be some inhibition of *delta*-ALAD activity at these blood-lead levels, the health impact of these observations remains to be established, because normal heme synthesis is apparently not impaired.

The agency does not believe that the information presented in this objection with respect to *delta*-ALAD inhibition is relevant to the issue of lead acetate in hair dyes because the documented levels of absorption of lead from hair dye are far below those levels of lead absorption that would represent toxicological concern.

5. The objection further contended that it would be a serious mistake to assume that any additional amount of lead, even a small amount, is safe. In support of this conclusion, the objection stated that there is abundant evidence published in numerous scientific journals to justify a conclusion that "* * * many, if not the majority, of inhabitants in our country already suffer with subclinical symptoms of lead toxicity."

The agency does not agree that there is sufficient definitive evidence to justify those conclusions regarding low levels of lead exposure and presumed resultant lead toxicity. The agency remains concerned and aware of the toxicological significance of human exposure to lead and the possibility that toxic manifestations may occur at lower threshold levels than are currently associated with clinically confirmed lead poisoning. Because of this concern, the agency has encouraged the scientific community to provide new information and scientific data in this important area (see 44 FR 12205, March 6, 1979; and 44 FR 51223, August 31, 1979). The agency will continue to reevaluate its position regarding the overall human exposure to lead on the basis of the new information, when and if it is received.

6. The same objection concluded that "it is difficult to believe that a consumer protection agency of the Federal government would accept a study and conclusions by the very industry which profits from this poisonous substance." The objection also criticized FDA for not relying upon an absorption study performed by an independent laboratory rather than the sponsor of the color additive.

Under the Color Additive Amendments of 1960, 21 U.S.C. 376, note, the primary responsibility for conducting (as distinct from evaluating) studies to support the approval of color additive petitions filed with FDA lies with the sponsors of those petitions. Combe, Inc., a member of the petitioner for the permanent listing of lead acetate, Committee of the Progressive Hair Dye Industry, sponsored that particular radioactive lead skin absorption study that was evaluated by the agency and was used by the agency to determine that lead acetate in hair dyes is indeed absorbed through human skin, but in a miniscule amount. The agency advises that FDA personnel reviewed the experimental design, the overall facilities, and the sophisticated analytical procedures used before the actual study, as well as the final results of the study. The study was conducted by qualified scientists at the University of Glasgow. The agency can find no basis for challenging the professional competence of these scientists and concludes that the results of the study are appropriate and germane to the issue.

7. An objection from a second medical association was written in response to a United Press International press release concerning FDA's approval of lead acetate. This letter contained specific objections that were based, in part, on unspecified data or referred to scientific reports that were not submitted with the objection letter.

The agency advises that the conclusions that can be properly drawn from scientific studies depend upon the quality of those studies and the relevance of the studies to the issue in question. The agency has completed a comprehensive review of the scientific literature regarding lead toxicity and is not aware of any relevant scientific study concerning the issue of lead acetate in hair dyes that has not been considered. Moreover, FDA has also requested the submission of data relevant to lead acetate hair dyes through the rulemaking process (see 43 FR 8792; March 3, 1978, with respect to lead acetate; and 44 FR 12204; March 6, 1979, with respect to lead generally). On the basis of all available data the agency has concluded that lead acetate is safe in cosmetic hair dyes when used under specified conditions. Therefore, the agency cannot consider reversing a thoroughly considered decision without the receipt and evaluation of reports that it may not have considered previously.

8. The objection also criticized FDA's decision to list lead acetate because it "appears to be in complete contradiction to the duty which Congress has outlined" for FDA which has always involved carefully considering "potential benefits versus potential risks for the products used by the American consumer." It is further asserted that benefits from the use of lead acetate in products are "only cosmetic, while the risks are substantial and clearly identifiable, and include serious potential biologic harm to the body."

The agency advises that its role under the Color Additive Amendments of 1960, 21 U.S.C. 376, note, is strictly limited. The agency is not permitted under the law to make value judgments about whether color additives are beneficial. Rather, the agency is only authorized to evaluate the data submitted in support of color additive petitions and to approve their use in food, drugs, cosmetics, and devices if the data show them to be safe; that is, the data establish with reasonable certainty that no harm will result from the intended use of the color additive (see H.R. Rept. No. 7624, 86th Cong., 2d Sess., p. 776 (1960); 21 CFR 70.3(i)).

9. In addition, the same objection alleged that data from unreported tests using "Hair Mineral Analysis" and "other parameters for determining increased body burden of lead" indicated that lead acetate applied for a prolonged interval of time (6 months to 2 years) resulted in elevations of lead in certain individuals. In addition, the objection cited the use of a testing procedure which included the "analysis of pubic as well as axillary hair. This procedure has been described in *Current Problems of Dermatology* by Drs. Marzulli, Watlington, and Maibach." The objection also stated that "provocative chelation" techniques indicate elevated lead levels in certain individuals from the use of lead hair dyes.

With respect to the "unreported tests," the agency advises that because no data supporting these observations have been submitted it cannot comment on whether those tests were scientifically valid or on whether any conclusions which might be drawn from them are relevant to this rulemaking. However, the agency has previously reviewed the cited study by Marzulli, Watlington, and Maibach:

> * * * Marzulli et al. reported in their study that there was an increase in the levels of lead in pubic and axillary hair after the administration of a lead acetate hair color to the hair of the scalp. They concluded that this might indicate lead was absorbed through the skin of the scalp and then deposited in the growing hair of the axillary and pubic regions. No blood or urine measurements of lead absorption were made, however, nor were there measures taken to rule out exogenous deposition, a necessary precaution according to Baloh. Generally, blood and urine levels are considered reliable indicators of systemic exposure to lead; lead levels in axillary and pubic hair are not generally considered reliable indicators of systemic uptake.

The failure to measure blood or urine levels of lead in the subjects and the distinct possibility of exogenous deposition are significant shortcomings in this study and preclude reliance on it to draw any conclusions about the likelihood of lead absorption in humans (43 FR 8792; March 3, 1978).

The shortcomings of the study by Marzulli et al. and other earlier absorption studies necessitated an additional study using a particularly sensitive analytical methodology, the radioactive lead tracer technique, to resolve the issue of percutaneous absorption of lead acetate when used as a hair color. The agency believes that the radioactive tracer study provides the most reliable information regarding absorption.

10. The same objection concluded that there is a "significant risk from any additional lead" absorption. This conclusion is based upon several scientific articles and a book concerning toxicity that results from human lead exposure. The articles include: research papers published in the *New England Journal of Medicine* and *Science* by Dr. Clair Patterson, et al., regarding potential dangers from low-level lead exposures; a report from the National Academy of Sciences entitled "Lead in the Human Environment"; a research paper by Dr. Clair Patterson, et al., regarding potential dangers from low-level lead exposures; a report from the National Academy of Sciences entitled "Lead in the Human Environment"; and a research paper by Dr. H. Needleman that published in the *New England Journal of Medicine* regarding the impaired learning in classroom activity of students with elevated lead levels. Also cited was a report published by A. Schauss in the book "Diet, Crime, and Delinquency" that deals with criminal activity of persons having a high probability of showing elevated levels of heavy metals in their hair. In addition, this objection also cites an unidentified epidemiological study published in Switzerland that is believed by the objector to demonstrate an association between lead exposure and "adverse effects on the immune system as well as the potential mutagenicity and/or carcinogenicity of lead." This report, however, was not submitted to the agency for consideration and evaluation.

The agency is aware of the research being conducted regarding the toxic manifestations of lead exposure. Indeed, the report by the National Academy of Sciences and the research published by Drs. Patterson and Needleman have been reviewed by the agency. However, because these studies concern lead exposure levels far above those levels associated with lead hair dye use, the agency does not believe that this information is relevant to whether lead acetate should be allowed for use as a color additive in hair dyes. There is no evidence to suggest that the slight additional amount of lead absorbed from the use of led acetate hair dye (i.e., approximately 0.5 microgram (μg) per application) will increase an adult's risk of lead-induced neuropathy or other adverse health effects. Also, several of the studies cited as relevant to the issue of the safety of lead acetate hair dyes were studies on the effects of elevated lead levels in children. Because lead acetate hair dyes are not used and not intended for use in children, it cannot be considered as a potential contributing factor in elevated lead levels in children.

The agency notes that this objection has misinterpreted the amount of lead that may be absorbed through the scalp skin due to the use of lead acetate in hair dyes. The objection appeared to confuse the absolute amount of lead absorbed by a person, one half μg per application, with a purported concentration of lead in some unspecified medium (presumably blood) of one half part per million (0.5 ppm). Because the use of lead acetate hair dye would not result in a blood concentration level of 0.5 ppm, and in the absence of any other information, it appears that the objection was based on an incorrect interpretation of the data.

11. The remaining objection was submitted by an individual who asserted that the listing regulation for lead acetate ignored the mercury content and permitted lead far in excess of that permitted in other products not intended for topical application, such as paint and "decorative glassware."

The agency notes that the objection also misinterpreted the lead acetate absorption level in claiming that 0.5 ppm lead would be absorbed per application. As noted in paragraph 10 above, the figure 0.5 ppm is an error and does not represent the documented level of absorption (0.5 μg) expected from hair dye use. The objection also stated that an experience with grey hair dye restorers has shown them to contain several parts per million of mercury. The regulation listing lead acetate as a color additive restricts the mercury level in lead acetate to not more than 1 ppm in the color additive. The level of mercury (less than 1 ppm) in the color additive would be further diluted when added to the other hair dye materials so that a level of not more than 6 parts per billion of mercury would be expected in the finished hair dye product.

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Conclusion

The agency has completed its evaluation of the objections and concludes, for the reasons discussed in this document, that the objections are not adequate to continue the stay of the regulations listing lead acetate as a color additive. No requests for a hearing were received in response to the listing regulation. Therefore, this document removes the stay of the regulation and confirms the effective date of December 1, 1980, for the regulation listing lead acetate as a color additive. With the listing of lead acetate the entries for lead acetate under Part 81 are now obsolete.

Therefore, the agency also concludes that the entries for "lead acetate" should be removed from Part 81, §§ 81.1 and 81.27 (21 CFR 81.1 and 81.27). The agency concludes that there is good cause not to provide for further public comment on this change in the regulation. The change is a mere editorial revision to delete lead acetate from the provisional list, due to the March 3, 1981, expiration of the closing date for provisional listing and due to this document conforming the effective date of the permanent listing regulation, rather than a substantive amendment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d)) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)), and under authority delegated to the commissioner of Food and Drugs (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

§ 73.2396 [Stay terminated]

1. Part 73 is amended in Subpart C by terminating the stay which published in the **Federal Register** of December 30, 1980 (45 FR 85725) for § 73.2396 *Lead acetate.*

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended:

§ 81.1 [Amended]

a. In § 81.1 *Provisional lists of color additives* in paragraph (g) by terminating the stay which published in the **Federal Register** of December 30, 1980 (45 FR 85725) and removing the entry "Lead acetate."

§ 81.27 [Amended]

b. In § 81.27 *Conditions of provisional listing* in paragraph (b) by removing the phrase "and for lead acetate until March 3, 1981, while a short-term skin penetration study is conducted and evaluated."

Effective date. These amendments become effective on March 3, 1981.

(Sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d)); Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: February 27, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-7069 Filed 3-4-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF STATE

22 CFR Part 41

[Departmental Regulation 108.802]

Validity, Termination, and Replacement of Visa

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State amends its regulations relating to the validity, termination, and replacement of visa. Increasing numbers of nonimmigrant aliens have been presenting at the time of their applications for admission visas which have been physically removed from passports issued to them earlier and affixed to subsequently issued passports. In many instances, there is no method by which immigration inspectors at ports-of-entry can identify the applicant for admission as the alien to whom the visa was issued. These amendments provide that a visa that has been physically removed from the passport in which it was originally issued is invalid and is to be physically canceled by a consular or immigration officer to whom it is presented.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Chief, Legislation and Regulations Division, Bureau of Consular Affairs, (202) 632–1900.

SUPPLEMENTARY INFORMATION: On September 8, 1980, the Department of State published proposed regulations in the **Federal Register** (45 FR 59175) that would include any nonimmigrant visa, physically removed from the passport in which it was originally issued, within the category of nonimmigrant visas whose validity can be terminated by a consular or immigration officer.

Two comments were received concerning the proposed regulations. One suggestion provided for the invalidation of a visa, which had been physically removed from a passport, only if the alien presenting such visa at a port of entry could not establish an identity as the person to whom the visa was issued. A conditional invalidation of this type would impose an onerous burden upon the carriers who are subject to monetary penalties prescribed by law for bringing any alien to the United States who is not in possession of a valid visa.

The other recommendation substituted for the proposed regulations a procedure which would preclude issuance of a nonimmigrant visa with a validity beyond the expiration date of the passport in which it was issued, if the government issuing the passport is known to have a policy of retaining expired passports. The suggested revision would not resolve the problem inherent in the surrender to these issuing authorities of substantial numbers of valid passports with no remaining blank pages on which visas can be stamped. Neither recommendation is acceptable as an alternative to the proposed regulations and therefore the regulations are adopted as proposed.

Dated: February 5, 1981.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

1. In § 41.122(e) the word "or" in subparagraph (6) is removed; the period at the end of subparagraph (7) is substituted by a semicolon followed by the word "or" and a new subparagraph (8) is added to read:

§ 41.122 Validity, termination and replacement of visa.

* * * * *

(e) *Termination of validity by consular or immigration officer.* * * *

(8) The visa has been physically removed from the passport in which it was originally issued.

* * * * *

2. In § 41.122(f) subparagraph (1), after "United States," the phrase "the visa has been physically removed from the passport in which it was originally issued, or" is inserted.

3. In § 41.122(f) subparagraph (2) is revised to read:

§ 41.122 Validity, termination and replacement of visa.

* * * * *

(f) *Termination of validity prior to alien's journey to the United States.* * * *

(2) Upon learning that a visa has been physically removed from the passport in which it was originally issued or upon a finding of ineligibility pursuant to paragraph (f)(1) of this section, the consular officer shall, if possible, physically cancel such visa. If the consular officer is unable to physically cancel the visa he shall give notice of the termination of validity to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which it is believed that the alien intends to travel to the United States and shall promptly submit to the Department a full report of the facts of any case in which a finding of ineligibility to receive a visa has been made pursuant to paragraph (f)(1) of this section.

* * * * *

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104; Section 109(b)(1), 91 Stat. 847)

[FR Doc. 81-7222 Filed 3-5-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 300

[Docket No. R-81-913]

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending Paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in Paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: April 6, 1981.

ADDRESSES: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755–7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by removing the following names from the current list of attorneys-in-fact:

Name and region

Pan Andrus—Los Angeles, California
Ida Behling—Chicago, Illinois

2. Paragraph (c) of § 300.11 is amended by adding the following names to the current list of attorneys-in-fact:

Name and region

Pam Andrus—Los Angeles, California
Ida M. Behling—Chicago, Illinois
Elaine Benes—Chicago, Illinois
Mariann Greetis—Chicago, Illinois
Louise E. Isabel—Chicago, Illinois
Brian Kleven—Chicago, Illinois
Martin P. Long—Chicago, Illinois

(Section 309(d) of the National Housing Act, 12 U.S.C. § 1723a(d), and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., February 23, 1981.

R. Frederick Taylor,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 81-7172 Filed 3-5-81; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 300

[Docket No. R-81-912]

List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: April 6, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755–7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by removing the following name(s) from the current list of attorneys-in-fact:

Name and Region

Donna G. Fleming—Philadelphia, PA

2. Paragraph (c) of § 300.11 is amended by adding the following name to the current list of attorneys-in-fact:

Name and Region

Donna F. Colvin—Philadelphia, PA

(Section 309(d) of the National Housing Act, 12 U.S.C. Section 1723a(d), and Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. Section 3535(d))

Issued at Washington, D.C., February 23, 1981.

R. Frederick Taylor,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 81-7171 Filed 3-5-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 201

[DoD Instruction 4160.23]

Sale of Surplus Military Equipment to State and Local Law Enforcement and Firefighting Agencies; Correction

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 81-5266 concerning sale of surplus military equipment, appearing at page 12495 in the issue for Tuesday, February 17, 1981, change under "Authority:" "10 U.S.C. 2202, 2476" to read "10 U.S.C. 2202, 2576."

FOR FURTHER INFORMATION CONTACT: Margarete S. Healy, telephone 202–697–4111.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 3, 1981.

[FR Doc. 81-7177 Filed 3-5-81; 8:45 am]

BILLING CODE 3810-70-M

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32 CFR Part 369

[DoD Directive 5105.2]

Delegation of Authority to Deputy Secretary of Defense; Correction

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 81-5847 concerning the delegation of authority to Deputy Secretary of Defense appearing at page 13690 in the issue for Tuesday, February 24, 1981, add a new line after the end of paragraph (b) at page 13691, to read: "Signed Caspar W. Weinberger, Secretary of Defense."

FOR FURTHER INFORMATION CONTACT:
Margarete S. Healy, telephone 202-697-4111.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
March 3, 1981.
[FR Doc. 81-7176 Filed 3-5-81; 8:45 am]
BILLING CODE 3810-70-M

Department of the Air Force

32 CFR Part 875

Delay in Active Duty for AFROTC Graduates; Miscellaneous Amendments

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force amendments to 32 CFR, Subchapter H, Part 875, reflect changes to the basic rule on Air Force Reserve Officers' Training Corps. These amendments change the application and processing procedures for law school applicants.

EFFECTIVE DATE: September 18, 1978.

FOR FURTHER INFORMATION CONTACT:
Mr. Walter Hoefelmeyer, AF Manpower & Personnel Center, Directorate of Personnel Procurement (AFMPC/MPCMR), Randolph AFB, Texas 78148 (512-625-4382).

SUPPLEMENTARY INFORMATION: The provisions of this part are issued under authority of 10 U.S.C. 8012. The amendments will read as follows:

§ 875.4 Program management responsibilities. [Amended]

1. Section 875.4(e)(5)(ii) is amended by changing "February" to "April."

§ 875.6 How to apply. [Amended]

2. Section 875.6(a)(3)(i) is amended by changing "May" to "April."

§ 875.9 Processing procedures for law applicants. [Amended]

3. Section 875.9(a)(3)(i) is amended by changing "the first week in May" to "in mid-April."

§ 875.12 Application instructions and approval authority. [Amended]

4. In rule 4, column C of § 875.12, change "May" to "April."

Carol M. Rose,
Air Force Federal Register Liaison Officer.
[FR Doc. 81-7173 Filed 3-5-81; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Public Land Orders 5797-5799, 5802, 5804-5806, 5809, 5810, 5812, 5814, 5817-5819, 5821, 5824-5828, 5830-5834, 5836-5842, 5844-5846, 5848-5855

Restoring Effective Dates for Public Land Orders

AGENCY: Department of the Interior.

ACTION: Notice restoring the original effective dates of Public Land orders listed in the **Federal Register** notice of February 4, 1981, which extended the effective dates for final rules.

SUMMARY: In accordance with the President's memorandum of January 29, 1981, the Department of the Interior published a notice in the **Federal Register** of February 4, 1981, extending the effective date of rules issued in final form but not yet effective. Included in that notice were 43 Public Land Orders. This notice rescinds the notice of February 4, 1981, as it related to the 43 Public Land Orders listed in that notice, and restores the effective date of each of those Public Land Orders to that set forth in each Public Land Order.

EFFECTIVE DATE: March 6, 1981.

ADDRESS: Any inquiries or comments should be sent to: Assistant Secretary, Land and Water Resources, Department of the Interior, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Frederick N. Ferguson, Deputy Solicitor, at the above address, (202) 343-4813; or
Timothy S. Elliott, Deputy Associate Solicitor, at the above address, (202) 343-4722.

SUPPLEMENTARY INFORMATION: After consultation with the Director, Office of Management and Budget, the Secretary of the Interior has decided that it is not in the public interest to delay the opening of the public lands set forth in the 43 Public Land Order listed in the **Federal Register** notice of February 4, 1981 (46 FR 10707), to the operation of the relevant public land laws, including the mining and mineral leasing laws. The publication of the **Federal Register** notice of February 4, 1981, did not provide the public with sufficient notice of the extension of the effective dates for those Public Land Orders, particularly for those whose effective dates preceded the publication of the notice of February 4, 1981. The lack of timely notice may have caused unintentional inconvenience for members of the public who, in reliance on the previously published effective dates, may have attempted to initiate rights under the public land laws, including the mining and mineral leasing laws, on land presumed to have been opened. The **Federal Register** notice of February 4, 1981, that extended the effective date of rules issued but not yet in effect is hereby rescinded as it relates to the Public Land Orders listed therein and below:

5797 (46 FR 2046); 5798 (46 FR 2046); 5799 (46 FR 2046); 5802 (46 FR 2047); 5804 (46 FR 2047); 5805 (46 FR 2048); 5806 (46 FR 2048); 5809 (46 FR 6943); 5810 (46 FR 6943); 5812 (46 FR 6944); 5814 (46 FR 6945); 5817 (46 FR 6946); 5818 (46 FR 6946); 5819 (46 FR 6946); 5821 (46 FR 6947); 5824 (46 FR 6948); 5825 (46 FR 7338); 5826 (46 FR 7338); 5827 (46 FR 7339); 5828 (46 FR 7340); 5830 (46 FR 7341); 5831 (46 FR 7341); 5832 (46 FR 7341); 5833 (46 FR 7342); 5834 (46 FR 7342); 5836 (46 FR 7343); 5837 (46 FR 7343); 5838 (46 FR 7343); 5839 (46 FR 7344); 5840 (46 FR 7344); 5841 (46 FR 7345); 5842 (46 FR 7345); 5844 (46 FR 7346); 5845 (46 FR 7346); 5846 (46 FR 7346); 5848 (46 FR 7347); 5849 (46 FR 7347); 5850 (46 FR 7348); 5851 (46 FR 7348); 5852 (46 FR 7349); 5853 (46 FR 7349); 5854 (46 FR 8520); and 5855 (46 FR 8520).

Donald Paul Hodel,
Under Secretary of the Interior.
March 2, 1981.
[FR Doc. 81-7128 Filed 3-5-81; 8:45 am]
BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Sixteenth Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Sixteenth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., March 4, 1981, and continuing in effect until 11:59 p.m., March 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: March 2, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Sixteenth Revised Service Order No. 1473 modifies Appendix A of the previous order as follows:

1. In Item 6.A., by deleting the authority of the Fort Worth and Denver Railway Company (FWD) to operate between Groom and Adrian, Texas.

2. Item 11.B., the authority of the St. Louis Southwestern Railway Company (SSW) is extended to include Topeka, Kansas.

3. By deleting Item 21, authority for Louisiana Midland Railway Company to operate between Hodge and Alexandria, Louisiana, pursuant to Order No. 316 of the Reorganization Court, which granted sale of the line segment to Continental Group, Inc. Succeeding items will be renumbered one number less.

Appendix B of Fourteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that:

§ 1033.1473 Service Order No. 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

1. The authority contained in Item 5(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 387.8 to 429.3) is conditioned upon the assumption by Burlington Northern, Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though

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no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., March 4, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. Robert S. Turkington not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):* A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):* A. Beatrice, Nebraska,

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska,

C. Limon, Colorado.

4. *Toledo, Peoria and Western Railroad Company (TP&W):* A. Keokuk, Iowa,

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Burlington Northern, Inc. (BN):* A. Burlington, Iowa (milepost 0 to milepost 2.06),

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7),

C. Henry, Illinois (milepost 128) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62),

D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9),

E. CBQ Junction, Kansas (milepost 325.9) to Seibert, Colorado (milepost 487).

6. *Fort Worth and Denver Railway Company (FW&D):* *A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately (3) three miles northerly along the old Liberal Line,

B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

7. *Chicago and North Western Transportation Company (C&NW):* A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri,

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0),

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota,

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6),

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364),

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7),

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0),

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9),

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2),

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 208.9),

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7),

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502),

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2),

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 98.2) and to serve all industry formerly served by the RI at Cedar Rapids,

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6),

P. Sibley, Iowa,

Q. Worthington, Minnesota,

R. Altoona to Pella, Iowa,

S. Carlisle, Indianola, Iowa,

T. Omaha, Nebraska (between milepost 502 to milepost 504),

U. Earlham (milepost 388.6) to Dexter, Iowa (milepost 393.5).

8. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):* A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland,

B. Washington, Iowa,

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

9. *Davenport, Rock Island and North Western Railway Company (DRI):* A. Davenport, Iowa,

B. Moline, Illinois,

C. Rock Island, Illinois, including 28th Street yard,

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex,

E. From East Moline to Silvis, Illinois,

F. From Davenport to Iowa City, Iowa,

G. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.

11. *St. Louis Southwestern Railway Company (SSW):* A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas,

*B. At North Topeka and Topeka, Kansas.

12. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

13. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

14. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:* A. Herington-Ft. Worth Line to Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth,

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas,

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma,

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina (including yard tracks), Kansas,

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only,

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas,

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas,

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, At milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles,

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 16, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles,

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 498.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

15. *The Denver and Rio Grande Western Railroad Company:* A. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado, (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

16. *Norfolk and Western Railway Company:* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West, Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

17. *St. Louis-San Francisco Railway Co.:* A. Okeene, Oklahoma,

B. At Lawton, Oklahoma.

18. *Southern Railway Company:* A. At Memphis, Tennessee.

19. *Cadillac and Lake City Railroad:* A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

20. *Baltimore and Ohio Railroad Company:* A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

*21. *Cedar Rapids and Iowa City Railway Company (CIC):* A. From the west Intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Davenport, Rock Island and North Western Railway Company.

*22. *Keota Washington Transportation Company:* A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

*23. *The La Salle and Bureau County Railroad Company:* A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois,

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

24. *Fordyce and Princeton Railroad Company (FP):* A. From Fordyce to Crossett, Arkansas, which includes assumption of RI's trackage rights over the Ashley, Drew and Northern Railway Company between Whitlow Junction and Crossett, Arkansas.

25. *The Atchison, Topeka and Santa Fe Railway Company:* A. At Alva, Oklahoma.

*Changed.

[FR Doc. 81-7170 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 2]

Rail General Exemption Authority; Miscellaneous Commodities

March 2, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Final rule: Correction.

SUMMARY: This document corrects a final rule that appeared at pages 9607–9608 in the **Federal Register** of Thursday, January 29, 1981, relating to Rail General Exemption Authority—Miscellaneous Commodities.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

The following correction is made:

The STCC number of Shelled Walnuts is corrected to 20–712–12.

It was erroneously listed as 20–7–6–12 in the Summary (fourth line); in the fifth line of the third paragraph of Supplementary Information in the third column, on page 9607; and also in the first paragraph of amended § 1039.10 on page 9608.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7221 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1132

[Ex Parte MC 149]

Procedure for Changing the Name of a Carrier, Broker, or Freight Forwarder

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Final Rules: Revision.

SUMMARY: This notice revises our prior *Notice to Interested Parties of Modification of Procedures for Changing Names of Carriers and Shippers in Operating Rights,* FR 45730, September 12, 1977 with respect to requests for changing a carrier's name in the Commission's records. It also modifies 49 CFR 1132.1(a) dealing with transactions which accomplish changes in the form of a business. Responsibilities for handling such changes have been transferred to the Office of the Secretary from the Office of Proceedings. The final rules reflect that change.

Since these rules affect internal Commission procedure, they are issued in final form, and public comment will not be required.

DATE: Effective March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202–275–0956, or Jean Jackson, 202–275–7218.

SUPPLEMENTARY INFORMATION: On September 6, 1977, the Commission revised its procedures for handling changes of names of carriers and shippers in operating rights. A notice of the new procedures appeared at 42 FR 45730, September 12, 1977. Until now such requests were handled by the Office of Proceedings.

Recently, the Office of the Secretary assumed the responsibility of maintaining the central records for motor carriers, water carriers, freight forwarders, and brokers licensed by the Commission. The Applications and Fees Unit of the Secretary's Office now maintains the name and address records of carriers, brokers and freight forwarders and will handle all requests for name changes which do not require a formal proceeding. This includes situations when the name of an applicant in a pending proceeding is changed; when a purely ministerial change occurs in the names of carriers

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on outstanding licenses, permits, or certificates; or when a licensed carrier undergoes a change in its form of business such as the incorporation of an individual proprietorship or partnership as provided by 49 CFR 1132.1(a).

49 CFR 1132.1(a) will be modified to reflect that changes involving the form of a business are handled by the Secretary's Office. Requests for carrier, broker and freight forwarder name changes now should be addressed to the Office of Secretary, Applications and Fees Unit, Interstate Commerce Commission, Washington, D.C. 20423. The envelope should be marked NAME CHANGE. There will be no fee for this service.

When a carrier requests a name change it should include a statement that there is no change in the ownership, management or control of the business. If a corporation is involved the carrier should include (1) the names of the owner or owners of the stock and the distribution of the shares; (2) the names of the officers and directors of the new corporation; and (3) a copy of the articles of incorporation or the State certificate reflecting the incorporation.

If the requested name change is accepted, the carrier will receive a notice from the Commission which will be the official acknowledgement of the name change. The Commission's official registration records will be modified accordingly. However, the Commission will not reissue any of the carrier's existing authority in its new name. The carrier will be responsible for modification of its filings of tariffs, insurance and agents designation to reflect the name change.

It should be noted that this name change procedure can only be used when there is no change in ownership or control of the carrier, broker, or freight forwarder. If the information submitted indicates that there is an ownership or control change, requiring an application under either 49 U.S.C. 11343 or 49 U.S.C. 10926, the Secretary's Office will issue a letter reflecting this determination.

The Office of Proceedings will continue to handle requests to change a shipper's name in operating authority. There will be no fee for that service.

The modification set forth below is adopted.

This action does not affect significantly the quality of the human environment or conservation of energy resources.

Issued under authority of 5 U.S.C. 553 and 49 U.S.C. 10301.

Decided: February 25, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

Section 1132.1 Definitions, the Note after paragraph (a) is revised to read as follows:

§ 1132.1 Definitions.

(a) * * *

Note.—The term transfer as used in this part does not apply to transactions to accomplish changes in the form of a business, such as the incorporation of a partnership or sole proprietorship. To accomplish such changes, a letter providing the information set forth below should be addressed to the Office of Secretary, Applications and Fee Unit, Interstate Commerce Commission, Washington, D.C. 20423. The envelope should be marked NAME CHANGE. The information required is (1) The docket number(s) and name of the carrier requesting the change; (2) a copy of the articles of incorporation on the state certificate reflecting the corporation; (3) the name(s) of the owner(s) of the stock and the distribution of the shares; (4) the name of the officers and directors of the corporation; and (5) a statement that there is no change in the ownership, management or control of the business.

(5 U.S.C. 553 and 49 U.S.C. 10301)

[FR Doc. 81-6367 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Extension of emergency amendment.

SUMMARY: An emergency regulation in effect through March 4, 1981, allows surf clam fishermen to claim a make-up fishing day for bad weather based on the vessel operator's determination of "bad weather." This notice extends the emergency regulation through March 31, 1981.

EFFECTIVE DATE: From March 4, 1981 through March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: An emergency amendment to the regulations implementing the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries was published in the **Federal Register** on January 15, 1981 (46 FR 3534). The amendment allows vessel operators to claim a make-up period based on their own evaluations of weather and sea conditions. Make-up periods previously were allowed only when small craft warnings were posted in the vessel's fishing area.

The Assistant Administrator for Fisheries, NOAA, has determined that the emergency situation described in this rulemaking continues to exist; therefore, it is necessary to extend the emergency regulation through March 31, 1981, the end of the season during which make-up periods are allowed.

Other Matters

The Administrator of NOAA determines that (1) extending this emergency regulation conforms to the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended) and other applicable law; (2) this action is not a major rule as defined by Executive Order 12291, "Federal Regulation," and consequently does not require the preparation of a regulatory impact analysis; (3) this action does not increase the Federal paperwork burden for individuals, small businesses and other persons; (4) this action will reduce adverse impacts of the regulation on small entities engaged in the surf clam and ocean quahog fisheries; therefore, a regulatory flexibility analysis is not required; and (5) this action will not affect the environment; therefore, no environmental assessment or impact statement need be prepared.

The Director of the Office of Management and Budget has exempted this regulation from the freeze on regulations prescribed by the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations."

Because this regulation responds to an emergency situation and must take effect on March 4, the Assistant Administrator finds it impossible to comply with section 3(c)(3) of Executive

Order 12291. A copy of the regulation has been sent to the Office of Management and Budget, pursuant to section 8(a)(1) of the Executive Order.

(16 U.S.C. 1801 *et seq.*)

For the reasons set out in the preamble, 50 CFR 652.22(a)(7) is continued in effect through March 31, 1981.

Signed at Washington, D.C. this 2nd day of March, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7246 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-22-M

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Proposed Rules

Federal Register
Vol. 46, No. 44
Friday, March 6, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

7 CFR Part 2859

9 CFR Parts 308 and 381

[Docket No. 80-024]

Prohibition of Polychlorinated Biphenyls (PCB's) and PCB-Containing Equipment or Machinery and Liquid PCB in Federally Inspected Meat Establishments, Poultry Product Establishments and Egg Product Plants; Abeyance of Proposed Rule

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of Abeyance of Proposed Rule.

SUMMARY: The Food Safety and Quality Service (FSQS) announces that the proposed Federal meat, poultry, and egg product inspection regulations that would prohibit or limit the presence of liquids with PCB's and of equipment or machinery containing liquid PCB's in FSQS inspected plants and establishments will be held in abeyance until further notice. FSQS will not issue any final regulations until further opportunity for comment has been provided.

DATE: The proposed regulations will be held in abeyance until further notice. Comments may be submitted at any time.

ADDRESS: Written comments should be sent to: Regulations Coordination Division, Attn: Annie Johnson, Food Safety and Quality Service, Room 2637, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Bartie T. Woods, Director, Facilities, Equipment and Sanitation Division, Meat and Poultry Inspection Program, U.S. Department of Agriculture, Food Safety and Quality Service, Washington, D.C. 20250, (202) 447-5627.

SUPPLEMENTARY INFORMATION: On May 9, 1980, USDA proposed regulations in the **Federal Register** that would have prohibited or limited the presence of liquids with PCB's and of existing machinery and equipment containing liquid PCB's in meat, poultry, and egg product plants and establishments under its inspection (45 FR 30980-30983).

The USDA proposal was coordinated with similar proposals issued by the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) on the use of PCB-containing equipment or machinery in or around food, feed, food-and-feed-packaging material plants or storage facilities and in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides (45 FR 30980; 30984; 30989).

USDA requested interested persons to submit comments in response to the proposal by July 7, 1980. Based on numerous requests for extensions of the close of the comment period, the closing was subsequently extended to November 4, 1980, (45 FR 44317); to December 4, 1980, (45 FR 71364); and to March 4, 1981, (45 FR 79819).

USDA's proposal was, in part, based on a 50 parts per million (ppm) by weight PCB cut-off point established in studies conducted by the Environmental Protection Agency (EPA).

Subsequent to publication of the USDA proposal, existing regulations of EPA which contained this 50 ppm cutoff point were struck down by a federal Court of Appeals. See *Environmental Defense Fund* v. *Environmental Protection Agency*, No. 79-1580 (D.C. Cir. October 30, 1980). The court found, in part, that, under the applicable standards of the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*), there was insufficient evidence in the record to support EPA's decision to exclude from regulation materials containing concentrations of PCB's below 50 ppm. Accordingly, the challenged EPA regulations were held unlawful and remanded to EPA for further proceedings consistent with the court opinion.

EPA is currently attempting to resolve the concerns of the litigants in light of the court's order.

Because of this Court of Appeals' decision, several inquiries and comments have been received asking what action will be taken with regard to the pending FSQS proposal. This notice responds to those inquiries.

While the court decision may not necessarily be determinative concerning the FSQS proposal, it at least suggests the desirability of further FSQS consideration of relevant technical data. In addition, as mentioned above, FSQS has been attempting to coordinate this proposal with similar rulemaking actions by EPA and FDA. Therefore, USDA has decided to hold in abeyance the May 9, 1980, proposed regulations. USDA will subsequently determine whether to repropose, withdraw the proposal, or continue the current rulemaking. This determination will be the subject of a future notice. If the decision is made to continue the current rulemaking proceeding, USDA will reopen the comment period by means of a notice published in the **Federal Register** and interested persons will be given further opportunity to comment.

In the meantime, USDA encourages the submission of additional comments by anyone who has information that would assist USDA in making its decision.

Elsewhere in this issue of the **Federal Register** is a notice of abeyance for the FDA proposal.

Done at Washington, D.C. on February 25, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-7094 Filed 3-3-81; 10:30 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

CFR Ch. I

[Docket No. EL81-9-000]

Examination of Policies Relating to Preliminary Permits for Hydropower Projects

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Commission requests comments on various issues regarding the issuance of preliminary permits under Part I of the Federal Power Act. This is a preliminary inquiry to assist the Commission in determining what action, if any, would be appropriate with respect to these issues. Further notice will be given if the Commission determined to proceed with a rulemaking. The issues with respect to preliminary permits involve (1) the municipal preference and the joint municipality/non-municipal entity application and (2) discontinuation of preliminary permit issuances.

DATE: Comments are due on or before March 18, 1981.

ADDRESS: File comments with:

Kenneth F. Plumb, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, FERC (202) 357-8400.

SUPPLEMENTARY INFORMATION:

Issued: February 19, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) requests comment on various issues regarding the issuance of preliminary permits under Part I of the Federal Power Act (16 U.S.C. 791a-823a). This request for comments is a preliminary inquiry to assist the Commission in determining what action, if any, would be appropriate with respect to these issues. If the Commission determines to proceed with rulemakings on these matters, it will issue Notice of Proposed Rulemaking pursuant to the Administrative Procedure Act.

II. Specific Requests for Comment

Comments are requested on the following issues with respect to preliminary permits:

A. Municipal Preference and the Joint Municipality/Non-Municipal Entity Application

1. Should an application for a preliminary permit filed jointly by a municipality and a non-municipal entity be entitled to municipal preference? [1]

2. If a municipal preference is available to an application filed jointly by a municipality and a non-municipal entity, should such a joint application be required to meet certain criteria? Criteria could, for example, require that the municipality have a minimum percentage of ownership in the project or be entitled to a minimum percentage of power generated (*e.g.*, 50%).

3. If a municipal preference is available to an application filed jointly by a municipality and a non-municipal entity, what should be the nature of this preference in competition with an application filed by: (a) one or more municipalities? (b) one or more non-municipal entities? (c) another municipality and non-municipal entity jointly?

B. Discontinuation of Preliminary Permit Issuances

1. Should the Commission discontinue issuance of preliminary permits for all jurisdictional projects?

2. Should the Commission discontinue issuance of preliminary permits for specified categories or projects? Categories could be based on factors such as proposed installed generating capacity (*e.g.*, 1.5 MW or less, 5 MW or less), magnitude of proposed construction (e.g., development at existing dams), etc.

III. Comment Procedure

Commenters are requested to address questions of statutory interpretation and policy considerations raised by the above issues. Commenters are also encouraged to discuss the alternative resolutions of the issues presented in this Notice and the practical effect that such alternatives will have on both the interests of the commenter and on hydroelectric development generally.

Comments must be submitted in writing not later than March 18, 1981. Comments should be filed with the Secretary of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Comments should indicate the name, title, mailing address, and telephone number of the commenter and should reference Docket No. EL81-9-000. All comments will be placed in the public files of the Commission and will be available for public inspection at the Commission's Division of Public Information during regular business hours.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7130 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[1] "Municipal preference" refers to the preference available under Section 7(a) of the Federal Power Act to both states and municipalities, as defined in Section 3 (6) and (7), respectively.

18 CFR Parts 34 and 131

[Docket No. RM81-18]

Application for Authorization of the Issuance of Securities or the Assumption of Liabilities

Issued: February 27, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: By this Notice, the Federal Energy Regulatory Commission (Commission) proposes to revise its regulations at 18 CFR Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities. Among the changes would be various clarifications, simplifications, reductions and deletions to the provisions of this Part. The changes are proposed as part of the Commission's effort to update its reporting and filing requirements and to eliminate unnecessary reporting burdens for those entities which file applications or reports with the Commission pursuant to Part 34.

DATE: Comments are due by March 30, 1981.

ADDRESS: Comments to this Notice should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 and should reference Docket No. RM81-18.

FOR FURTHER INFORMATION CONTACT: Robert E. Hildebrand, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 3408N, Washington, D.C. 20426, (202) 357-9184.

I. Background

The Federal Energy Regulatory Commission (Commission) proposes to revise 18 CFR Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities. Part 34 applies to any issuance of a security or assumption of obligation or liability by a public utility or licensee for which approval must be obtained from the Commission pursuant to sections 19 and 20, and 204 of the Federal Power Act (FPA) (16 U.S.C. 792-828c).

The proposed changes to Part 34 reflect a new evaluation of the data needed by the Commission to carry out its regulatory functions. As a result, certain clarifications, simplifications, reductions and deletions have been made to the requirements in Part 34. The changes should facilitate the processing of security applications as well as reduce the filing and reporting burdens upon the affected utilities.[1]

II. Summary of Proposed Changes

Pursuant to this Notice of Proposed Rulemaking, Part 34 would be completely restructured and descriptions of the requirements therein

[1] All references to "utilities" herein include public utilities, licensees and other entities.

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would be clarified and simplified for ease of compliance.

The changes to Part 34 would include the following:

New Sections

§ 34.1.

(a) [Current § 34.1]—no substantive change.

(b) [New]—provides definitions for "utility," "securities," and "issuance or placement of securities," for purposes of this Part.

(c)(1) [New]—clarifies the exemption from Commission regulation of the issuance of securities by utilities where such issuances are regulated by an appropriate State agency; this provision, which is consistent with current Commission practice, requires that the State agency give express *advance* approval of any proposed issuance of securities.

(2) [Current § 34.20]—clarifies the exemption from Commission regulation of the issuances of securities where such securities are short-term.

(3) [New]—clarifies the exemption for certain non-utility-owned qualifying facilities which are otherwise exempt from Commission regulation. In a related rulemaking, Docket No. RM81-2, the Commission is determining whether and to what extent *utility*-owned geothermal facilities should be exempt from Part 34 regulation, in accordance with sections 201 and 210 of the Public Utility Regulatory Policies Act, as amended by the Energy Security Act of 1980. Commenters are specifically requested to address this matter.

§ 34.2.

(a)(1) [Current § 34.1a(a)]—clarifies competitive bidding requirements and provides exemptions from such requirements.

(2) [Currently within § 34.1a(c)]—clarifies and simplifies competitive bidding procedures.

(b)(1) [Currently within § 34.2(f)(2)]—clarifies the requirements for negotiated placement of securities.

(2) [Current § 34.2(f)]—clarifies the Commission's requirements for negotiated placements of securities.

(c) [Current § 34.1a(b)]—no substantive change.

[Current § 34.1a(c) is removed.]

§ 34.3 [Current § 34.2].

(a)–(c) [Current § 34.2(a)–(c)]—no substantive change.

(d) [New]—requests date by which Commission action on the application is sought.

(e)(1)–(4) [Current § 34.2(d)(1)–(4)]—no substantive change.

(5) and (6) [New]—requires stock exchange information and data in support of an exemption from competitive bidding requirements. This information is currently reported by telephone.

[Current paragraph § 34.2(d)(5) is removed.]

(f) [Current paragraph § 34.2(e)]—simplifies the requirements for a description of the method used for issuances, sales, or assumptions. [Current paragraphs (1) through (4) are removed.]

[Current paragraphs § 34.2 (f) and (g) are removed.]

(g) [Current paragraph § 34.2(h)]—no substantive change.

[Current paragraph § 34.2(i) is removed.]

(h) [Current paragraph § 34.2(j)]—simplifies the requirements for reporting the purpose for which the securities are to be used.

[Current paragraphs § 34.2(k), (l) and (m) are removed.]

(i) [Current paragraph § 34.2(n)]—provides that the statement concerning information about the application which must be filed with other regulatory bodies, is only required if such information must be filed with a State regulatory body.

(j) [Current paragraph § 34.2(o)]—no change.

[Current paragraph § 34.2(p) is removed.]

(k) [New]—requires details concerning bond indenture(s) or other limitations on interest and dividend coverage and the effects of each limitation. This information is currently reported by telephone.

(l) [New]—requires a brief summary of rate changes placed in effect during or subsequent to the date of the financial statements. This information is currently reported by telephone.

(m) [Current paragraph § 34.2(q)]—no substantive change.

(n) [New]—clarifies the requirement to include appropriate exhibits with each application.

§ 34.4 [Current § 34.3].

Exhibit A. [Current *Exhibits A* and *B.*]—adds a note which provides that, in certain instances, specific references may be made to the applicant's charter or bylaws, in lieu of supplying the entire documents.

[Current *Exhibit C* is removed.]

Exhibit B. [Current *Exhibit D*]—no substantive change.

[Current *Exhibits E* and *F* are removed.]

Exhibit C. [Current *Exhibit G*]—no substantive change.

Exhibit D. [Current *Exhibit H*]—no substantive change.

[Current *Exhibits I, J* and *K* are removed.]

Exhibit E. [Current *Exhibit L*]—no substantive change.

[Current *Exhibit M* is removed.]

Exhibit F. [Current *Exhibit N*]—removes the requirement to attach a copy of each application and exhibit filed with a State agency, and a certified copy of action taken thereon.

Exhibit G. [Current *Exhibit O*]—simplifies and clarifies the requirement concerning invitations for proposals to purchase or underwrite the securities to be issued.

[Current *Exhibit P* is removed.]

Exhibit H. [New]—requires a summary tabulation of all proposals received for negotiated placement of securities, including certain details about such securities. This information is currently reported in individual data requests. *Exhibit H* also consolidates data requirements concerning identification of certain persons with whom negotiations took place, and justification of a utility's intention to accept a particular offer.

Exhibit I. [Current *Exhibit Q*]—adds, for clarification purposes, a new requirement (Item 6) concerning the deletion of a significant item or change in total estimated cost of a facility. This information is currently reported in individual data requests.

[Current *Exhibit R* is removed.]

Exhibit J. [New]—adds a requirement showing the applicant's estimate of its peak load and generating capacity for the next five years; and any plans for changing capacity. This information is currently reported in individual data requests.

§ 34.5 [Current § 34.4]—no substantive change.

§ 34.6 [Current § 34.5]—no substantive change.

§ 34.7 [Current § 34.6]—deletes the requirement for an applicant to file with the Commission, a copy of an application for each State affected, in addition to such copies required for Commission purposes.

§ 34.8 [Current § 34.7]—no substantive change.

§ 34.9 [Currently within § 34.2]—clarifies the application fee requirement.

§ 34.10 [Current § 34.8]—reduces the amount of data to be filed in a securities report to the Commission and revises the time period for which information is required.

[Current §§ 34.9 through 34.24 are removed. The data in § 34.9, concerning Commission action on applications for issuance of securities, is essentially summarized elsewhere in Part 34.

§ 34.10, which requires a disclaimer with respect to Commission authority is duplicated in Commission orders and is, therefore, not required here. §§ 34.20 through 34.24, concerning the requirements for a certificate of notification, are summarized in § 34.1(c).]

Certain conforming changes would be made to § 131.43, *Report of securities issued*, and to § 131.50, *Certificate of Notification*. Certain details concerning outstanding securities would also be deleted from § 131.50, and the requirement would be added to report date of State authorization and applicable docket number.

III. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA) [1] requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(a) of the RFA, the Commission finds that the provisions of that Act do not apply to this rulemaking. If promulgated, this rulemaking would simplify and clarify the provisions of 18 CFR Part 34. Part 34 sets out the requirements for applications filed with the Commission by public utilities, licensees and other entities who propose to issue securities or assume liabilities. Virtually all entities which have recently filed such applications with the Commission are "Class A" untilities and licensees, which have annual electric operating revenues of $2,500,000 or more. (*See* Item 1.A. of the General Instructions at 18 CFR Part 101, Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B)). The large size of these filing entities indicates that they are not the type of affected "small entities" that RFA procedures seek to protect.

The coverage of Part 34 is not restricted to issuances or assumptions solely by Class A utilities. Part 34 covers all issuances and assumptions by any utility, depending on whether an agency in a State in which the utility is organized or operates, regulates such issuances, and whether the issuances are of such a short-term nature as to be exempt from Commission regulation under section 204(e) of the Federal Power Act. Even proposed issuances or assumptions by the relatively smaller Class B utilities (*i.e.*, those with revenues between $1,000,000 and $2,500,000) may be subject to the provisions of Part 34. Nevertheless, both Class A and Class B utilities are considered "large" by Commission standards and large in comparison to many of the smaller municipally-owned utilities or rural cooperatives.

This rulemaking will not impose any substantial regulatory or administrative burden upon small entities, and, therefore, does not require any expenditure of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

IV. Written Comment Procedures

The Commission invites interested persons to submit written data, views and other information concerning matters set out in this Notice. In particular, the Commission requests that comments address the following questions:

1. What is the current reporting burden, in dollars and hours, associated with the filing of an application pursuant to Part 34?

2. What decrease (increase) in reporting burden (if any) would occur as a result of the proposed revisions to Part 34?

All comments in response to this Notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should refer to RM81-18. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. E.S.T. March 30, 1981, will be considered by the Commission in promulgating the final regulations.

All written submissions will be placed in the Commission's public file and will be available for public inspection during regular business hours in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; Federal Power Act, 16 U.S.C. 792–828(c); Regulatory Flexibility Act, Pub. L. No. 96-354, September 19, 1980; E.O. 12009, 3 CFR, 1977 Comp., p. 142)

In consideration of the foregoing, the Commission proposes to revise Part 34 and amend Part 131 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Part 34 is revised to read as follows:

[1] 5 U.S.C. 601–612 (Pub. L. 96-354, September 19, 1980).

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

Sec.
34.1 Applicability; definitions; exemptions in case of certain State regulation, certain short-term issuances, and certain qualifying facilities.
34.2 Competitive bidding requirements; negotiated placements; exemptions.
34.3 Contents of application for competitive bids or negotiated placements.
34.4 Required exhibits.
34.5 Additional information.
34.6 Form and style.
34.7 Number of copies to be filed.
34.8 Verification.
34.9 Filing fee.
34.10 Reports.

Authority: Federal Power Act, Secs. 3(16), 19, 20, 41 Stat. 1063, 1073; secs. 203, 204, 305, 308, 309, 49 Stat. 849, 850, 856, 858; 16 U.S.C. 796(16), 812, 813, 824b, 824c, 825d, 825g, 825h, unless otherwise noted.

Cross References: For rules of practice and procedure, see Part I of this chapter. For forms under rules of practice and regulations, Federal Power Act, see Part 131 of this chapter.

§ 34.1 Applicability; definitions; exemptions in case of certain State regulation, certain short-term issuances, and certain qualifying facilities.

(a) *Applicability.* The requirements of this Part shall apply to applications for authorization from the Commission to issue securities or assume an obligation or liability which are filed by:

(1) Licensees and other entities pursuant to sections 19 and 20 of the Federal Power Act (41 Stat. 1073, 16 U.S.C. 812, 813) and Part 20 of the Commission's regulations; and

(2) Public utilities pursuant to section 204 of the Federal Power Act (49 Stat. 850, 16 U.S.C. 824c).

(b) *Definitions.* For the purposes of this Part:

(1) The term "utility" shall mean a licensee, public utility, or other entity seeking authorization under sections 19, 20 or 204 of the Federal Power Act, unless otherwise specified;

(2) The term "securities" shall include any note, stock, treasury stock, bond, or debenture or other evidence of interest in or indebtedness to a utility; and

(3) The term "issuance or placement of securities" shall mean issuance or placement of securities, or assumption of obligation or liability, unless otherwise specified.

(c)(1) *Exemption if State regulates securities prior to issuance.* A utility which is organized and operating in a State under the laws of which its security issuances are regulated by a State agency, shall be exempted from

the provisions of sections 19, 20, or 204 of the Federal Power Act, as the case may be, and from the provisions of this Part: *Provided, however,* That such State agency is required to exercise such regulatory authority with respect to the issuance of such securities prior to such issuance, and that such utility must obtain express authorization from such State agency prior to the issuance of such securities.

(2) *Exemption for short-term notes or drafts.* Pursuant to section 204(e) of the Federal Power Act, the issuance, renewal, or assumption of liability on a note or draft:

(i) Maturing not more than one year the date of such issuance, renewal, or assumption of liability, and

(ii) Aggregating (together with all other then outstanding notes and drafts of a maturity of one year or less on which such utility is primarily or secondarily liable) not more than 5 per cent of the total of the other securities of the utility then outstanding, including:

(A) In the case of securities having a par value, such par value, and

(B) In the case of securities having no par value, the fair market value of such securities as of the date of issuance, renewal or assumption of such note or draft, is exempt from Commission regulation pursuant to this Part: *Provided, however,* That within 10 days after any such issuance, renewal, or assumption of liability, the utility shall file with the Commission a certificate of notification, in the form set forth in § 131.50 of this chapter.

(3) *Exemption for certain qualifying facilities.* Any cogeneration or small power production facility which is exempt from sections 19, 20 or 204 of the Federal Power Act pursuant to § 292.601 of this chapter shall be exempt from the provisions of this Part.

§ 34.2 Competitive bidding requirements; negotiated placements; exemptions.

(a)(1) *General requirement for competitive bidding; exemptions.* Every issuance by a utility of a security subject to sections 19, 20 or 204 of the Federal Power Act shall be made only after public invitation for and acceptance of competitive bids for such securities in accordance with the requirements of this Part, except when:

(i) The securities are to be issued to holders of existing securities on a pro-rata basis;

(ii) The securities are to be issued to a commercial bank, insurance company or similar institution and are not for resale to the public: *Provided, however,* That no fee or commission is paid to any third party for negotiating the transaction (except an associated service company charging only its costs of service);

(iii) The securities to be issued have a maturity of one year or less; or

(iv) The issuance of the securities, if not otherwise exempt from the competitive bidding requirements under paragraph (a)(1)(i), (ii), or (iii), is nevertheless exempted by the Commission pursuant to a utility's request, under paragraph (b)(2), for authority to negotiate for placement of securities, in lieu of seeking competitve bids:

Provided, however, That the Commission may deny any such exemption from competitive bidding upon a finding that a non-competitive placement is not consistent with the public interest.

(2) *Competitive bid application and Commission action thereon.* A utility which proposes to issue securities subject to this Part according to competitive bidding procedures shall file an application with the Commission under this Part for authority to make such issuances. Upon the receipt of such authorization, the utility may, without further Commission action, invite bids and issue the securities: *Provided, however,* That:

(i) Such proposed bids as may be received in response to the public invitation shall not be opened at any time or place other than as specified in the invitation;

(ii) The duly authorized representative of any person making any such proposed bid shall be entitled to be present at the opening of such proposed bids and may examine each such proposed bid submitted;

(iii) The invitation shall refer to the prohibitions set forth in paragraph (c);

(iv) At least two of the bids received shall meet the conditions set forth in the invitation for bids; and

(v) (A) The bid which is accepted shall provide the utility with the greatest overall proceeds, or be the least costly of the proposals obtained, or

(B) If the utility intends to accept a bid other than that described in paragraph (a)(2)(v) (A), the utility shall before accepting such a bid:

(*1*) File with the Commission such further justification as the Commission may require, in support of such utility's intention to accept such other bid, and

(*2*) Obtain Commission approval to accept such other bid.

(b) *Negotiated placements.*

(1) *Negotiated placement application pursuant to paragraph (a)(1)(i), (ii) or (iii), and Commission action thereon.* Any utility which is exempt from the competitive bidding requirements under paragraph (a)(1)(i), (ii) or (iii) shall submit an application for negotiated placement of securities pursuant to § 34.3. Upon the Commission's authorization to such utility for negotiated placement of such securities, the utility may, without further Commission action, make such placement.

(2) *Negotiated placement application pursuant to paragraph (a)(1)(iv), and Commission action thereon.*

(i) A utility which requests authority to issue securities by negotiation pursuant to paragraph (a)(1)(iv) shall:

(A) File for, and obtain an exemption from, the Commission's competitive bidding requirements prescribed in paragraph (a);

(B) Upon receipt of such exemption, shall negotiate with, and obtain proposals with regard to placement of such securities from, at least three prospective dealers, purchasers or underwriters, each of whom shall be notified of the prohibitions set forth in paragraph (c);

(C) File an application for authority to issue such securities, pursuant to § 34.3.

(ii) Upon the Commission's authorization to a utility to issue such securities, such utility may, without further Commission action, make such issuances.

(c) *Prohibitions respecting competitive bids or negotiated placements.* No bid for the placement of any securities shall be invited or accepted from, nor shall negotiations occur with, any person who:

(1) Prior to the submission of bids, or beginning of negotiations, has performed any service for any fee or compensation in connection with such proposed issuance of securities; or

(2) Violates section 305(a) of the Federal Power Act with respect to such bid, invitation, or negotiation.

§ 34.3 Contents of application for competitive bids or negotiated placements.

Each application to the Commission for authority to issue securities shall contain the following information:

(a) The exact name of the applicant and address of its principal business office.

(b) The State or other sovereign power under which the utility is incorporated, the date of incorporation, and each State in which it operates.

(c) The name, address and telephone number of the person within the utility authorized to receive notices and communications with respect to the application.

(d) The date by which Commission action is requested.

(e) A full description of the securities proposed to be issued, including:

(1) Type and nature of securities;

(2) Amount of securities (par or stated value and number of units);

(3) Interest or dividend rate, if any;

(4) Dates of issuance and maturity;

(5) Institutional rating of the securities, or if the securities are not rated, an explanation thereof;

(6) Any stock exchange on which the securities will be listed; and

(7) If such issuance is exempt from the competitive bidding requirements pursuant to § 34.2(a)(1) (i), (ii) or (iii), information in support of such exemption shall be filed.

(f) A description of the method used for issuance and sale of the proposed securities or the procedure by which the applicant will assume any obligation or liability as guarantor, endorser, surety, or otherwise.

(g)(1) (i) The name and address of any person receiving or entitled to receive a fee for services (other than attorneys, accountants and similar persons who render technical services) related to the negotiation, issuance or sale of securities; or, receiving or entitled to receive a fee for services in securing underwriters, sellers, or purchasers of securities, except as related to any competitive bid;

(ii) The amount of each such fee;

(iii) The facts showing that the services are necessary, and that the fee is reasonable for rendering services in an arm's length transaction; and

(iv) Any other relevant factors.

(2) All facts showing or tending to show that the applicant directly or indirectly controls, is controlled by, or is under the same common control as any person named pursuant to the requirements of paragraph (g)(1)(i); or facts showing or tending to show the contrary. For purposes of this clause, "control" has the same meaning as "Control" in Item 5.B. of the Definitions at 18 CFR Part 101 Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B).

(h) The purpose for which securities are to be issued:

(1) If the purpose for such issuance is the construction, completion, extension, or improvement of facilities, describe in reasonable detail the construction program for which the funds were or are to be used and submit such information as part of Exhibit I.

(2) If the purpose for such issuance is for the refunding of obligations, describe in detail the obligations to be refunded, including the character, principal amounts, applicable discount or premium, dates of issuance and maturity, and all other material facts concerning such obligations.

(3) If the purpose for such issuance is for other than construction or refunding, explain such other purpose(s) in detail.

(i) A statement as to whether or not any application with respect to the transaction or any part thereof is required to be filed with any State regulatory body.

(j) A detailed statement of the facts relied upon by the applicant to show that the issuance:

(1) Is for some lawful object, within the corporate purposes of the applicant and compatible with the public interest, is necessary or appropriate for or consistent with the proper performances by the applicant of service as a public utility and will not impair its ability to perform that service, and

(2) Is reasonably necessary or appropriate for such purposes.

(k) A detailed statement of the bond indenture(s) or other limitations on interest and dividend coverage, and the effects of such limitations on the issuance of additional debt or equity securities.

(l) A brief summary of any rate changes which were made effective during the period for which financial statements are submitted or which became or will become effective after the period for which statements are submitted.

(m) A form of notice suitable for publication in the **Federal Register**, setting forth: (1) the legal name of the applicant, (2) the securities offered for issuance including the proposed issue date, (3) the purpose of the issuance, and (4) the comment procedure.

(n) Each of the applicable exhibits required under § 34.4.

§ 34.4 Required exhibits.

(a) *Exhibit A.* A copy of the applicant's charter or articles of incorporation with amendments to date; and a copy of the by-laws with amendments to date: *Provided, however,* That if the documents required in this exhibit have been filed with the Commission no more than 5 years prior to the current application, a specific reference to and the date of such previous filings will be accepted in lieu of separate filings; but if such documents have been filed more than 5 years prior to the current application, a copy of the most recent articles of incorporation and bylaws with all amendments to date shall be filed.

(b) *Exhibit B.* A copy of all resolutions of applicant's directors authorizing the issuance of securities for which the application is made; and copies of the resolution of the stockholders approving such issuance if approval of the stockholders has been obtained.

(c) *Exhibit C.* A statement of the measure of control or ownership exercised by or over the applicant as to any utility, bank, trust company, banking association, firm that is authorized by law to underwrite or participate in the marketing of securities of a utility, or any company supplying electric equipment to such applicant. If any intercorporate relationships exist among any such entities through holding companies, ownership of securities, or otherwise, a statement is required concerning the ownership of securities or the nature and extent of such relationship. If the applicant is not a member of any holding company system, a statement to that effect is required.

(d) *Exhibit D.* Balance sheets and supporting plant schedules with attached notes for the most recent 12 month period, on both an actual basis and pro forma basis in the form prescribed for Statement A, "Comparative Balance Sheet," and Statement B, "Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion," of Form No. 1, "Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)" (*see* 18 CFR 141.1). Each adjustment made in determining the pro forma basis shall be clearly identified.

(e) *Exhibit E.* Income statement, with attached notes, for the most recent 12 month period, on both an actual basis and a pro forma basis in the form prescribed for Statement C ("Statement of Income for the Year") of Form No. 1. Each adjustment made in determining the pro forma basis shall be clearly identified.

(f) *Exhibit F.* A copy of registration statement and exhibits which are filed with the Securities and Exchange Commission for the proposed security issuance.

(g) *Exhibit G.* A copy of the public invitation(s) for proposals to purchase or underwrite the securities offered for issuance.

(h) *Exhibit H.* (1) A copy of each proposal received by the applicant for a negotiated placement of the securities offered for issuance, and a summary tabulation of all proposals. The summary shall include the following information, identified by prospective dealer, purchaser or underwriter:

(i) Par or stated value of the securities.

(ii) Number of units (shares of stock, number of bonds) to be issued.

(iii) Total dollar amount of the issue.

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(iv) Life of the securities, including maximum life and average life, for a sinking fund issue.
(v) Dividend or interest rate.
(vi) Call provisions.
(vii) Sinking fund provisions.
(viii) Offering price to public or to other purchaser(s).
(ix) Discount or premium.
(x) Commission or underwriting spread.
(xi) Net proceeds to company for each unit of security and for the total issue.
(xii) Net cost to the company for securities with a stated interest or dividend rate.
(xiii) Other pertinent data.
(2) A list identifying any person with whom negotiations took place but from whom no proposal was received.
(3) A justification in support of the utility's intention to accept a particular offer.
(i) *Exhibit I.* Information concerning the construction program including:
(1) The name, location and size (in megawatts) of generating stations which are to be constructed, or in which are to be installed major additions such as generators, boilers, etc.;
(2) The length of transmission lines to be constructed or rebuilt, the geographical termini of such lines, the supporting structure, number of circuits, size and type of conductor, the voltage, frequency, and number of phases;
(3) Name and location of major substations to be constructed or rebuilt, the kilovolt capacity and voltages of transformers installed;
(4) Any other major additions or improvements to electric facilities;
(5) The expenditures (to most recent date), the estimated completion date, the ultimate cost in place for each of the items listed in items A through D. If the construction program extends over more than one calendar year, provide the estimated cost for each succeeding calendar year; and
(6) Any deletions of significant items such as a generating station or major transmission line, or any significant changes in the total estimated cost for such facility which were previously submitted in an application under this Part: *Provided, however,* That if the information required in this exhibit is reported in the Commission's Form No. 1 or other Commission report, a specific reference to the appropriate portions of such report may be attached in lieu of filing this exhibit.
(j) *Exhibit J.* A tabulation showing, for each of the next five years, the applicant's estimate in megawatts of its peak load, and the generating capacity (*i.e.*, system plus purchases, minus sales) which will be available to meet such loads. Explain briefly in a footnote any plans to dispose of any excess capacity or to provide for deficient capacity: *Provided, however,* That if the information required in this exhibit is reported in a Commission report or ERA Form No. 119–A, a specific reference to the appropriate portions of such report may be attached in lieu of filing this exhibit.

(Federal Power Act, Secs. 3, 4, 15, 16, 301, 308, 309; 41 Stat. 1063–1066, 1068, 1072, 1075; 49 Stat. 838, 839, 840, 841, 854–856, 858–859, 82 Stat. 617 (U.S.C. 796, 797, 803, 808, 809, 816, 825, 825b, 825c, 825g, 825h, 826i))

§ 34.5 Additional information.

The Commission may, in its discretion, require the filing of additional information which appears necessary to reach a determination on any particular application.

§ 34.6 Form and style.

Each application pursuant to Part 34 shall conform to the requirements of § 1.15 of this chapter.

§ 34.7 Number of copies to be filed.

Each applicant shall submit to this Commission an original and five copies of each application pursuant to Part 34.

§ 34.8 Verification.

The original application shall be signed by an authorized representative of the applicant, who has knowledge of the matters set forth therein, and it shall be verified under oath.

§ 34.9 Filing fee.

Each application shall be accompanied by a fee as prescribed in 18 CFR 36.2.

§ 34.10 Reports.

The applicant shall file a report pursuant to 18 CFR 131.43 no later than 45 days after the sale or placement of equity or long-term debt securities, or entry into other contractual obligations pursuant to authority granted under this Part. This requirement does not apply to debt having a maturity of one year or less.

PART 131—FORMS

2. Section 131.43 is amended by revising the first two parenthetical sentences following the section heading, to read as follows:

§ 131.43 Report of securities issued.

(See § 34.10 of this chapter.)

(Submit an original and five copies.)

* * * * *

3. Section 131.50 is revised to read as follows:

§ 131.50 Certificate of notification.

(See § 34.1(c)(2) of this chapter. If the aggregate amount of the issuance reported herein, together with all other outstanding notes and drafts with a maturity of 1 year or less is in excess of 5 percent of the par value of the outstanding securities at the date of the issuance in accordance with § 34.1(c)(2)(B) of this chapter, the respondent shall file an application pursuant to Part 34 of this chapter.)

(Submit an original and five copies.)

[Name of public utility]

[Address of public utility]

This is to certify that the following are the facts relating to an issuance entered into by the above-named public utility to which the provisions of section 204(e) of the Federal Power Act are applicable:

(1) Date of issuance, renewal, or assumption.
(2) Description of the terms of the note or draft including the amount, payee, interest rate and maturity date.
(3) Aggregate amount of such note or draft, and all other outstanding notes and drafts of a maturity of 1 year or less on which the public utility is primarily or secondarily liable at the date of this issuance.
(4) Total par value (or, in the case of securities having no par value, the fair market value as of the date of this issuance) of all other securities outstanding at the date of this issuance.
(5) Full details on how fair market value of securities having no par value was calculated at the date of this issuance of securities.
(6) Date of State authorization and docket number, if applicable.

(Name and title of person who signs this certificate)

[CORPORATE SEAL]

Subscribed and sworn to before me this —— day of ————, 19——.

(Notary public)

Only original need be verified.

[FR Doc. 81-7028 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 109, 110, 225, 226, 500, and 509

[Docket No. 80N-0128]

Current Good Manufacturing Practice Relating to Poisonous and Deleterious Substances in Food, Feed, and Food-Packaging Materials Plants; Polychlorinated Biphenyls (PCB's); Abeyance of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Notice of abeyance of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) announces that the proposed rule that would prohibit or limit the amount of polychlorinated biphenyls (PCB's) in sealed electrical transformers or capacitors used or stored in or around food, feed, and food- and feed-packaging materials manufacturing and storage facilities is held in abeyance until further notice while FDA decides whether to issue a reproposal, withdraw the proposal, or issue a final regulation.

DATES: Proposed rule held in abeyance until further notice. Comments may be submitted at any time.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: FDA Published a proposed rule in the **Federal Register** of May 9, 1980 (45 FR 30984) that would have prohibited or limited the amount of PCB's in sealed electrical transformers and capacitors used or stored in or around food, feed, and food- and feed-packaging materials plants or storage facilities. FDA requested that comments submitted in response to that proposal include information regarding the numbers, types, and locations of PCB-containing transformers or capacitors used or stored in or around FDA-regulated food, feed, or food-packaging materials plants and storage facilities, a reasonable time estimate for replacing such electrical equipment or replacing the PCB fluid in such equipment, and an estimate of the cost involved.

Interested persons were requested to submit comments by July 7, 1980. After receiving a number of requests for extensions, FDA extended the comment period to November 4, 1980, by notice published in the **Federal Register** of July 1, 1980 (45 FR 44325); to December 4, 1980, by notice published in the **Federal Register** of October 28, 1980 (45 FR 71364); and to March 4, 1981, by notice published in the **Federal Register** of December 2, 1980 (45 FR 79856).

The FDA proposal was based in part on a limit of 50 parts per million (PPM) established by the Environmental Protection Agency (EPA) as a cut-off point for the purpose of regulating residual amounts of PCB's in retrofilled equipment, such as transformers. However, after the publication of the FDA proposal, the 50 ppm EPA limit and other provisions of the EPA regulation were challenged by a public interest group as violative of section 6(e) (2) and (3) of the Toxic Substances Control Act, 15 U.S.C. 2605(e) (2) and (3). See *Environmental Defense Fund* v. *Environmental Protection Agency*, No. 79–1580 (D.C. Cir. October 30, 1980).

In that action the court found that there was no substantial evidence to support EPA's determination to classify certain PCB uses as "totally enclosed" and thus exempt from regulation. The court also found that there was no substantial evidence in the record to support EPA's decision to exclude from regulation all materials containing concentrations of PCB's below 50 ppm. Accordingly, the court held the EPA regulations unlawful, set aside the challenged regulations, and remanded the rulemaking to EPA for further proceedings consistent with the court opinion.

On December 15, 1980, the court denied petitions for rehearing that certain intervenors in the case had filed. Thus, pursuant to Rule 41 of the Federal Rules of Appellate Procedure, the mandate in the case was scheduled to issue on December 22, 1980. On December 19, 1980, EPA, the Environmental Defense Fund (EDF), and certain intervenors filed with the court a Joint Petition for Stay of Issuance of the Mandate, requesting that the mandate be withheld until January 21, 1981. On January 7, 1981, the court stayed its mandate until January 21, 1981.

On January 21, 1981, EPA on behalf of itself, EDF, and certain intervenors, filed with the Clerk of the United States Court of Appeals, District of Columbia Circuit, a Joint Motion for Further Stay of Issuance of Mandate and a proposed order granting further relief. On February 12, 1981, the Court of Appeals granted the stay and order for further relief.

Because of the uncertainties concerning the impact of the actions of the Court of Appeals on the FDA proposal, numerous comments have been received asking whether FDA will issue a reproposal, withdraw the proposal, ask for further comment, or issue a final regulation based on comments previously received. After considering these comments, FDA has decided to hold in abeyance the May 9, 1980, proposed rule. FDA will subsequently determine which steps to take concerning the proposal, i.e., whether to issue a reproposal, withdraw the proposal, or issue a final regulation based on comments received in response to the May 9, 1980, proposed rule. This determination will be the subject of a future notice. If the decision is made to proceed to a final regulation, FDA will reopen the comment period by means of a notice published in the **Federal Register**, and interested persons would be given further opportunity to comment.

In the meantime, FDA encourages the submission of additional comments at any time by anyone who has information that would assist FDA in making its decision. Four copies of any comments are to be submitted, except that individuals may submit one copy to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 27, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7095 Filed 3-3-81; 10:30 am]

BILLING CODE 4110-03-M

21 CFR Part 872

[Docket Nos. 78N-2830 to 78N-3023]

Classification of Dental Devices; Proposed Establishment of Regulations; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed Rules; Extension of Comment Period.

SUMMARY: The Food and Drug Administration (FDA) extends the time for submission of comments on the proposed rules for the classification of all dental devices. FDA is taking this action in response to requests for an extension of the comment period.

DATE: The deadline for written comments is extended until April 1, 1981.

ADDRESS: Written comments should be addressed to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT: Gregory Singleton, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7536.

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SUPPLEMENTARY INFORMATION: In the Federal Register of December 30, 1980 (45FR 85962), FDA published for public comment proposed rules to classify under section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) all dental devices. FDA proposed to establish a new Part 872 in Title 21 of the Code of Federal Regulations, which part would consist of general provisions together with individual sections identifying each dental device with a brief narrative description and stating the classification of that device. The proposed sections consist of 185 individual proposed regulations to classify 49 dental devices into class I (general controls), 122 dental devices into class II (performance standards), 13 dental devices into class III (premarket approval), and one dental device into either class I or class II, depending upon the construction of the device.

The proposed rules provided for a 60-day comment period to close March 2, 1981. FDA received several requests for an extension of the comment period, in part because of the large number of individual dental device proposed rules.

FDA agrees that, because of the large number of individual proposed rules, it is appropriate in this case to provide additional time for the preparation and submission of meaningful and carefully proposed comments. The agency, therefore, finds in accordance with section 520(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(d)(2)) that good cause exists to grant, and is granting, a 30-day extension of the comment period to April 1, 1981.

Dated: March 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7082 Filed 3-3-81; 10:33 am]

BILLING CODE 4110-03-M

Notices

Federal Register
Vol. 46, No. 44
Friday, March 6, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Tri-State Generation and Transmission Association, Inc., Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with REA providing financial assistance to Tri-State Generation and Transmission Association, Inc. (Tri-State), of Denver, Colorado, for the construction of 46.4 km (29 miles) of 115 kV transmission line and associated substation facilities.

The 115 kV transmission line will be built between the Riverton substation and the Pilot Butte substation in Fremont County, Wyoming. Both substations will require modifications to accommodate the additional 115 kV apparatus. Tri-State has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment (EA) was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, and flood plains, and other potential impacts of the project are adequately considered in Try-State's BER and REA's EA.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA EA, and a review of Tri-State's BER, a FONSI was reached in accordance with Section IV.B and IV.D.1 of REA Bulletin 20-21:320-21, Part I.

Various alternatives to the proposed transmission line and substation modifications were reviewed by Tri-State and REA. The alternatives included no action, energy conservation, alternative routes, a generating facility, and underground line. It was concluded that the proposed project was the most viable alternative for Tri-State to improve its system reliability and system support for the Pilot Butte area.

Copies of REA's FONSI, REA's EA, and Tri-State's BER may be reviewed in the office of Mr. Frank W. Bennett, Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 447-6183, and at the office of the cooperative, Tri-State Generation and Transmission Association, Inc., 12076 Grant Street, P.O. Box 33695, Denver, Colorado 80233, telephone: (303) 452-6111. A copy of REA's FONSI and EA is available upon request to the Director, Power Supply Division at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 26th day of February 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-6872 Filed 3-4-81; 8:45 am]

BILLING CODE 3410-15-M

Forest Service

Pacific Southwest Region; Notice of Revised Schedules for Forest Land and Resource Management Plans

Unit	Affected area	Previously announced schedule		Newly revised schedule	
		DEIS	FEIS	DEIS	FEIS
Angeles N.F.	Los Angeles and San Bernardino Counties in California.	9/82	6/83	12/82	7/83
Cleveland N.F.	Orange, Riverside, and San Diego Counties in California.	9/82	6/83	12/82	7/83
Eldorado N.F.	Alpine, Amador, Placer, and El Dorado Counties in California.	7/82	4/83	8/82	4/83
Inyo N.F.	Fresno, Inyo, Madera, Mono, and Tulare Counties in California and Esmeralda and Mineral Counties in Nevada.	1/83	7/83	12/82	7/83
Klamath N.F.	Siskiyou County in California and Jackson County in Oregon.	4/81	10/81	6/81	12/81
Lassen N.F.	Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Tehama Counties in California.	12/82	6/83	5/83	12/83
Los Padres N.F.	Monterey, San Luis Obispo, Santa Barbara, Kern, Ventura, and Los Angeles Counties in California.	9/82	6/83	12/82	7/83
Mendocino N.F.	Glenn, Lake, Colusa, Tehama, Mendocino, and Trinity Counties in California.	9/82	5/83	5/83	12/83
Modoc N.F.	Modoc, Siskiyou, and Lassen Counties in California.	12/82	6/83	5/83	12/83
Plumas N.F.	Butte, Lassen, Plumas, Sierra, and Yuba Counties in California.	12/82	6/83	5/83	12/83
San Bernardino N.F.	San Bernardino and Riverside Counties in California.	11/82	6/83	12/82	7/83
Sequoia N.F.	Fresno, Tulare, and Kern Counties in California.	1/83	7/83	12/82	7/83
Shasta-Trinity N.F.	Shasta, Siskiyou, Tehama, and Trinity Counties in California.	3/81	10/81	6/81	2/82
Sierra N.F.	Fresno, Madera, and Mariposa Counties in California.	2/80	11/80	6/81	12/81
Six Rivers N.F.	Del Norte, Humboldt, Siskiyou, and Trinity Counties in California.	2/81	10/81	6/81	12/81
Stanislaus N.F.	Alpine, Calaveras, Mariposa, and Tuolumne Counties in California.	7/82	4/83	8/82	4/83
Tahoe N.F.	Plumas, Placer, Nevada, Sierra, and Yuba Counties in California.	7/82	4/83	8/82	4/83

Dated: February 24, 1981.

John W. Chaffin,

Acting Regional Forester.

[FR Doc. 81-7150 Filed 3-5-81; 8:45 am]

BILLING CODE 3410-11-M

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Dairyland Power Cooperative; Cancellation of Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA) is cancelling the Public Scoping Meetings which were scheduled to be held on March 11, 1981, at 7:30 p.m., CST in Alma, Wisconsin, and on March 12, 1981, at 7:00 p.m., CST in Eau Claire, Wisconsin; in connection with a possible loan guarantee commitment to Dairyland Power Cooperative (Dairyland) P.O. Box 817, La Crosse, Wisconsin 54601, phone: (608) 788-4000, for the construction of certain generation and related transmission facilities.

On Friday, February 6, 1981, a notice in the **Federal Register**, Vol. 46, No. 25, announcing that REA, if lead agency, intended to prepare an Environmental Impact Statement (EIS) and conduct public scoping meetings in order to fulfill its requirements under the National Environmental Policy Act (NEPA) of 1969 in connection with the above mentioned project. Dairyland has since postponed construction of this project for an indefinite period of time; therefore, the environmental review process described in REA Bulletin 20-21:320-21, and required under NEPA, is also being postponed indefinitely.

Any questions regarding this matter may be sent to Frank W. Bennett, Director, Power Supply Division, Room 5168, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, phone: (202) 447-6183, or to Dairyland at the address given above.

This Federal Assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated in Washington, D.C. this 4th day of March, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-7372 Filed 3-5-81; 9:20 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.); Week Ended February 27, 1981.

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date Filed, Docket No., and Description

2-24-81—39347—Air Florida, Inc., 3900 N.W. 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity for Route 197F authorizing it to engage in air transportation with respect to persons, property and mail as follows: Between the coterminal points Chicago, Illinois, New York, New York (through any suitable airport including Westchester County Airport) and the terminal point Bermuda. In connection herewith, Air Florida specifically seeks authority to carry local traffic between U.S. coterminal points. Conforming Applications, motions to modify scope, and Answers may be filed by March 24, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7240 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33362, 39083, 39084]

Former Large Irregular Air Service Investigation; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Michigan Peninsula Airways, Ltd. d/b/a MPA International Airways, Dockets 39083 and 39084, has been assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., February 27, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-7234 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-2-134; Docket 37294]

Mail Rates; Priority and Nonpriority Domestic Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of February, 1981.

Order Fixing Final Service Mail Rates

By Order 81-1-142, served February 2, 1981, we directed all interested persons to show cause why the Board should not establish the domestic service mail rates proposed therein as final rates of compensation for the period January 1 through March 31, 1981.

Eastern Air Lines, Inc. filed on February 12, 1981, notice of objection and answer to Order 81-1-142. The carrier requested that the Board revise the proposed rates to reflect the higher fuel prices incurred by the carriers as opposed to the projected fuel cost used by the Board. Eastern states that the industry's actual cost in December 1980 was 90.61 cents and is already higher than the 88.91 cents we projected for February 1981. On February 23, 1981, American Airlines, Inc. filed an answer in support of Eastern's objection. A reply to Eastern's answer was filed by Pan American World Airways, Inc. on February 25, 1981, supporting Eastern's request.

The rate of change in fuel prices fluctuates from month to month making it difficult to project fuel costs exactly. As shown in the following table, our fuel price projections have resulted in rates which have been both above and below actual costs. While the technique used by the Board can result in rates that slightly exceed or fall short of actual costs in the short-term, over the long-term the rates do reflect the carriers costs of transporting mail.

	Projected fuel price (cents)	Actual fuel price (cents)	Projected vs. actual (cents)
Order 80-3-160 at 2/ 15/80	87.05	81.47	[1] 5.58
Order 80-3-161 at 5/ 15/80	86.74	86.93	[2] 0.19
Order 80-5-173 at 8/ 15/80	94.81	88.17	[1] 6.44
Order 80-9-114 at 11/ 15/80	90.59	88.88	[1] 1.71

[1] Over.
[2] Under.

The methodology used for projecting fuel costs in Order 81-1-142 is consistent with that used in the past. We conclude that nothing has been submitted to change our basic conclusions reached in that order or to show that our methodology does not provide a reasonable measure of fuel cost escalation in the long-term. The Board, therefore, has decided not to modify its findings and conclusions in Order 81-1-142 and finds that Eastern's answer does not establish a factual basis for modification of the proposed rates.

Therefore, in accordance with the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302,

1. We make final the tentative findings and conclusions set forth in Order 81-1-142;

2. The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation by aircraft of that mail described in Order 79-7-16, ordering paragraph 3, subparagraphs (c), (d) and (e), between the points listed in subparagraph (c), *supra*, the facilities used and useful therefor, and the services connected therewith, for the period January 1 through March 31, 1981, or until further Board order, are those set forth in the attached Appendix; [1]

3. We amend Order 79-7-16, ordering paragraph 3(g), by adding the following thereto:

	Standard container (Cents)	Daylight container (Cents)
Jan. 1, 1981, through Mar. 31, 1981	3.729	3.697

4. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in domestic service for the period from April 1, 1981, until further Board order are the final rates established for the period January 1 through March 31, 1981;

5. The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79-7-16; and

6. A copy of this order shall be served upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.[2]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7236 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[1] Appendix filed as part of the original document.

[2] All members concurred.

Command Airways, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—order 81-3-10, order to show cause.

SUMMARY: The Board is proposing to find that Command Airways, Inc. is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses on all persons listed below no later than April 3, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Mr. William Boyd, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: In addition to the office identified above, responses should be served upon all persons listed in ordering paragraph 6 of Order 81-3-10.

The complete text of Order 81-3-10 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-3-10 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 2, 1981

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7237 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-2-105; Docket 39166]

Eastern Air Lines, Inc.; Order Granting Exemption

Issued under delegated authority: February 24, 1981.

In the matter of application Eastern Air Lines, Inc. for an exemption from section 416(b) of the Federal Aviation Act of 1958.

By application filed February 20, 1981, Eastern Air Lines requests that the exemptions granted by the Board in Orders 81-1-114, January 22, 1981, and 81-1-129, January 26, 1981, be amended to the extent necessary to permit it to provide free unlimited transportation over its domestic routes to the former hostages and their family members (spouse, parents and children) until March 10, 1981. The current exemptions are marked to expire with February 25, 1981.

We find that this request is consistent with the public interest, and therefore we will approve the exemption.[1] We will also extend this exemption to all other U.S. air carriers.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16,

1. We exempt all U.S. air carriers from the provisions of Section 403 of the Federal Regulations, insofar as the enforcement of Section 403 and Parts 221 and 223 would prevent them from providing the free transportation as described herein.

2. We will serve a copy of this order on Eastern Air Lines, Inc. and on all other U.S. air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this service.

This order shall be effective immediately and the filling of a petition for review shall not preclude its effectiveness.

[1] Eastern was orally notified of our approval on February 23, 1981.

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This order will be published in the Federal Register.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7241 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39327]

Jet America Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. before the undersigned judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and two copies to the judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and evidence, (4) proposed procedural dates, and (5) proposals for expediting this proceeding.

The Bureau of Domestic Aviation shall deliver its material on or before March 6, 1981, and any other party shall deliver its material on or before March 13, 1981. The submissions of other parties shall be limited to points on which they differ with BDA, and shall follow the numbering and lettering used by BDA to facilitate cross referencing. Dates specified herein are dates of delivery.

Dated at Washington, D.C., February 25, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-7235 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

Provincetown-Boston Airline, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-3-11, Order to Show Cause.

SUMMARY: The Board is proposing to find that Provincetown-Boston Airline, Inc. d.b.a. Provincetown-Boston Airline and Naples Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses on all persons listed below no later than April 13, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Ms. Teresa A. Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: In addition to the office identified above, responses should be served upon all persons listed in ordering paragraph 6 of Order 81-3-11.

The complete text of Order 81-3-11 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-3-11 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 2, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7239 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

Tennessee Airways, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-3-12, Order to Show Cause.

SUMMARY: The Board is proposing to find that Tennessee Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses on all persons listed below no later than April 13, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Ms. Teresa A. Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: In addition to the office identified above, responses should be served upon all persons listed in ordering paragraph 5 of Order 81-3-12.

The complete text of Order 81-3-12 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-3-12 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 2, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-7236 Filed 3-5-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the MIchigan Advisory Committee to the Commission will convene at 10:00 am and will end at 4:00 pm, on March 12, 1981, at the Detroit Federal Building, Room 1194, 477 Michigan Avenue, Detroit, Michigan 48226. The purpose of this meeting is to discuss equality in loans and affirmative action programs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Jo Ann W. Terry, 18922 Fairfield, Detroit, Michigan 48221, (303) 496-2628; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (8) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 27, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7188 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the New Jersey Advisory Committee to the Commission will convene at 10:00a and will end at 12 Noon, on March 25, 1981, at the Trenton Motor Lodge, 240 West State Street, Trenton, New Jersey 08608. The purpose of this conference is the affirmative action project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey 07060, (201) 572-7577; or the Eastern Regional Office, 26 Federal Plaza, Room 1639, New York, New York 10007, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 27, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7186 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 7:30 p and will end at 9:00 p, on March 26, 1981, at 12 Chapin Road, Barrington, Rhode Island 02806. The purpose of this meeting is to plan programs and review the report on the Status of Civil Rights in Rhode Island.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Miriam E. Satterfield, 54 Arbor Drive, Providence, Rhode Island 20908, (401) 277-6920; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 3, 1981.

John I. Binkley

Advisory Committee Management Officer.

[FR Doc. 81-7187 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 12 Noon and will end at 5:00 p, on April 3-4, 1981, at the Kendron Inn, South Woodstock, Vermont. The purpose of this meeting is to determine program priorities, plan future projects and review the study on Franco-Americans.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson & PO, Burlington, Vermont 05401, (802) 656-4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 3, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7189 Filed 3-5-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on April 10, 1981, at 9:40 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of five members appointed by the Secretary of Commerce, and ten members designated by the President of the Population Association of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:10 p.m., is: (1) introductory remarks by the Acting Director of the Bureau of the Census and his staff, including staff changes, legal issues, Census Bureau budget, status of the 1980 census, and Social Indicators III; (2) 1980 census evaluation research; (3) 1980 census publication schedule; (4) 1980 public use sample (microdata); (5) issues in preparing 1970-1980 population estimates; (6) Survey of Income and Program Participation (SIPP) content for 1982 surveys; (7) SIPP—definition of household in successive longitudinal surveys; (8) industry and occupation classification; and (9) Committee recommendations, agenda for the next meeting, and election of the chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comments and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Paul C. Glick, Room 2019, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763-7030.

Dated: March 3, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-7141 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Television Receiving Sets, Monochrome and Color, From Japan; Change of Date for Antidumping Hearing

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of change of date for Antidumping Hearing.

SUMMARY: This notice is to advise the public that the Department of Commerce is changing the scheduled date for a hearing on the preliminary results of the administrative review of the antidumping finding on television receiving sets from Japan from March 3, 1981 to April 2, 1981.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2657).

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SUPPLEMENTARY INFORMATION:

Procedural Background

On February 13, 1981, the Department of Commerce published in the **Federal Register** a "Notice of Preliminary Results of Administrative Review of Antidumping Finding" concerning television receiving sets, monochrome and color, from Japan. The notice announced that a hearing would be held, if requested, at the Department of Commerce, Room 6802, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, beginning at 10:00 a.m., on March 3, 1981. A written request for a hearing was received from the petitioner, the Imports Committee, Tube Division, Electronic Industries Association, and from one of the foreign manufacturers, General Corporation. The Imports Committee also requested that the date of the hearing be postponed in order to permit the petitioner to prepare properly for the hearing. Zenith Radio Corporation, another petitioner, also requested a delay in the date of the hearing.

Administrative reviews of antidumping findings or orders under section 751 of the Tariff Act of 1930 (19 U.S.C. 1675) are intended to be completed within one year of the anniversary date of the finding or order. The Department considers the requirement of the Tariff Act satisfied by publication of the final results of the review by the last day of the anniversary month.

In the proceeding involving television receiving sets from Japan, the anniversary month is March. Consequently, by our guideline, publication of the final results should occur no later than March 31, 1981.

Usually, the Department will not consider delaying a scheduled hearing late in the review period. However, we consider a delay appropriate in this case in order that counsel for the petitioners may have assess, prior to the hearing, to certain business data submitted by the respondent Japanese manufacturers. The Department also considered the effect of the existing injunction by the U.S. Court of Appeals for the District of Columbia Circuit barring the Department from liquidating reliquidating any entries of televisions from Japan. Thus, a delay of the final results will have no immediate effect.

Accordingly, we are granting the requests for a change in the date of the hearing. The hearing is now scheduled for 10:00 a.m. on April 2, 1981. The hearing will be held in Room 6802, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Because of the change in date of the hearing we are extending the final date for requests to participate in the hearing to one week after publication of this notice in the **Federal Register**.

Pre-hearing briefs addressing the issues to be discussed at the hearing should be submitted to the Department and circulated to all interested parties no later than March 26, 1981. A list of known interested parties may be obtained by contacting Mr. Chapman. Post-hearing briefs and any written comments should be submitted and circulated not later than April 9, 1981. Submissions to the Department should be made at Room 1126, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, in at least 10 copies.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-7165 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-685]

Ogden Marine, Inc.; Application for Operating-Differential Subsidy

Notice is hereby given that Ogden Marine, Inc. (Ogden Marine), a Delaware corporation, has filed an application dated September 10, 1980, as amended December 20, 1980, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended, for a long-term (20 year) Operating-Differential Subsidy Agreement to aid in the operation of two dry bulk cargo vessels, with an option for one of two additional vessels.

Ogden Marine proposes to operate the vessels in the worldwide bulk markets. As tramp vessels, voyages will be unscheduled but will include port calls in the United States, Europe, Far East (Japan and China), Australia, South America and Africa. Ogden has also requested approval for the subsidized carriage of dry bulk cargoes subject to the cargo preference statutes of the United States. Until long-term charters can be obtained, the ships will operate in the spot market.

Each vessel will be capable of carrying approximately 40,000 long tons at 36'0" draft and approximately 46,600 long tons at 40'0" draft. Each vessel will be able to carry approximately 2,135,715 cubic feet of grain at 100% utilization.

If at any time prior to the delivery of the vessels the Maritime Administration proceeds with some form of Per Diem Subsidy (PDS) program (even if on a limited and trial basis), Ogden requests the option to convert to PDS on terms not less favorable than those extended to any other applicant. If this occurs, Ogden will, if appropriate, refund any construction-differential subsidy payments made in connection with the vessels

A PDS program is being evaluated by the Maritime Administration. Under the PDS program, vessels could be built without Construction-Differential Subsidy. A capital component, which would include a principal element as well as an interest element to compensate for an additional borrowing costs incurred, would be calculated and paid via Operating-Differential Subsidy (ODS) to the operator for each day the vessel is operated in U.S. foreign commerce. The capital component paid via ODS would be in addition to the other components of the ODS. The vessel would be free to enter and exit U.S. domestic trade at will; however, no PDS would be paid for domestic operations.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW, Washington, D.C. 20230.

Any person, firm or corporation having an interest in such application, and who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board, should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on March 27, 1981. The Maritime Subsidy Board will consider such views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance, Program No. 11,504, Operating-Differential Subsides (9ODS))

Dated: February 20, 1981.

By Order of the Maritime Subsidy Board.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-7091 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-15-M

National Bureau of Standards

Federal Information Processing Standards 60-1, 61, 62, 63; Technical Verification Guidance

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 USC 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform automatic data processing standards. On February 16, 1979, notice was given in the **Federal Register** (44 FR 10098–10101) announcing that the Secretary had approved three input/output (I/O) Federal Information Processing Standards (FIPS): (1) I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated Federal Information Processing Standards Publication (FIPS PUB) 60 (which has been redesignated 60–1) FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the **Federal Register** (44 FR 50078–50079) announcing that the Secretary had approved a fourth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUB 63.

Those standards were the subject of corrections and revisions announced in the **Federal Register** on August 27, 1979 (44 FR 50079–50080), August 31, 1979 (44 FR 51294) and December 3, 1979 (44 FR 69371).

Each of those standards includes provision for verification of conformance to be made by demonstration or other means acceptable to the Government prior to acceptance of equipment having an interface required to conform. Accordingly, on December 11, 1979, and February 27, 1980, the National Bureau of Standards (NBS) announced in the **Federal Register** (44 FR 71444–71445 and 45 FR 12862) the establishment of a verification service for those standards which is expected to result in equipment being placed on a list for use in Federal automatic data processing procurement. NBS maintains this list and distributes it to all Federal agencies and interested parties upon request.

Following the December 11, 1979, and February 27, 1980, notices, NBS proposed in a notice published on June 25, 1980 (45 FR 42783–42784), that the applicability section of each of the standards referenced above be revised so as to (1) identify explicitly NBS as the source for specifying the verification and procedures and techniques to be employed with those standards, (2) conduct or arrange to have conducted verification following those procedures and techniques, and (3) issue related technical guidance concerning technical interface implementation approaches that will meet the verification requirement. Accordingly, it was proposed that the last paragraph of the applicability section of the above cited standards have appended to it the following language:

"The Director of the National Bureau of Standards shall, through publication of notices in the **Federal Register**, specify the verification procedures and techniques to be employed and shall conduct or arrange to have conducted this required verification. The Director shall provide, upon request or when he otherwise determines it to be necessary and appropriate, guidance as to whether specific technical interface implementation approaches will meet the verification requirement. Such guidance shall be published in summary form through notices in the **Federal Register**, specifying the manner in which persons may obtain copies of the full guidance provided."

This is the fourth notice providing specific guidance concerning technical interface implementation approaches. The first such notice was published in the **Federal Register** on August 13, 1980 (45 FR 53856–53857) and set out the paragraph numbering system that would be followed in listing and responding to questions in that first notice and subsequent notices. The second notice was published in the **Federal Register** on October 17, 1980 (45 FR 68989–68990). The third notice was published in the **Federal Register** on December 16, 1980 (45 FR 82687–82689).

FIPS 60–1, 61, 62, and 63 are intended to achieve full plug-to-plug interchangeability of peripheral components. This general intent is the basis for this guidance.

4.1 Does the equipment on the channel side of the interface have to implement all features of FIPS 60–1, 61, and 62 or 63?

No. If there is no feature corresponding to the FIPS feature in the non-conforming I/O subsystem(s) provided by the Central Processing Unit (CPU) vendor, there is no requirement that the FIPS feature be produced at the interface. For example, if the ventor's I/O subsystem does not provide for reading a tape backwards, the FIPS feature "read backward" need not be implemented.

In completing the verification checklist, the response for the "read backward" feature might be of the form: "Read backward not in command set. See list of tape commands on pages — through — (fill in correct page numbers)."

When the verification certificate is issued, and when the equipment is added to the verification list, the exception of the "read backward" command will be noted.

4.2 Is it permissible for the equipment on the channel side of the interface to implement functions beyond those specified by FIPS 60–1, 61, and 62 or 63?

Yes, provided that equipment is capable of functioning properly with a conforming subsystem.

4.3 FIPS 61–1, 62, and 63 apparently specify a number of features or options. Which of these should be used in disk and tape subsystems?

Both disk and tape subsystems shall implement the control unit interface to a block multiplexor channel with the High Speed Data Transfer feature.

Write
Read Forward
Read Backward
Sense
Request Track-In-Error
Rewind
Rewind Unload
Erase Gap
Write Tape Mark
Backspace File
Forward Space File
Data Security Erase
No/Operation

The following tape commands are optional and need not be implemented:

Set Diagnose
Loop Write-to-Read
Diagnostic Mode Set

The following tape commands are used when the control unit provides for the sharing of devices or control units by different channels. They need be implemented only if the tape subsystem implements a channel sharing feature:

Sense Reserve
Sense Release

Tape subsystems which implement the 7-track feature should implement the following command:

Mode Set 1

Nine track tape subsystems which may be switched between 800, 1600, and 6250 bpi modes should implement the following command:

Mode Set 2

When any unimplemented command issued to a tape subsystem it should be rejected with unit check status and a sense indication of command reject.

Disk subsystems shall implement all the commands listed on page 21 of FIPS 63. If there is no provision in the subsystem for device sharing or attachment of the control unit to more than one channel, then the Device Reserve and Device Release commands may be treated as No Operation. The commands listed on page 22 of FIPS 63 are optional and need not be implemented. Computer systems should not require the implementation of these optional commands in disk subsystems; however, they may make run time tests for the availability of the optional

commands and may make use of them when they are implemented.

4.4 Is it permissible for an I/O subsystem to implement functions beyond those specified by FIPS 60–1 through 63?

Yes. However, if features other than those specified by the FIPS are provided, their use may not be required for correct operation of any part of the system. Any such additional features are permissible only where they do not interfere with the performance of features that are required for verification.

4.5 Can the equipment on either the channel side or the subsystem side of the interface be verified independently?

Yes. In verifying equipment relative to each FIPS (60–1, 61, 62, or 63) by documentation review, it will be assumed that equipment connected to the other side of the interface fully implements and has been verified to be in conformance with the FIPS for which verification is being conducted.

To further clarify this point, the checklists are being changed. The requestor will be asked to check a box identifying whether the equipment being verified is on the channel side of the interface or on the storage subsystem side of the interface.

4.6 Does the equipment on the channel side of the interface have to work with all CPU's and operating systems?

No. If the equipment functions with specific hardware, such as specific CPU's, or specific software, such as operating system releases, the restrictions should be made clear on the checklist, in the cover letter, or on an attachment. The limitations will be noted upon verification.

4.7 May a vendor request verification citing previously verified specifications to describe his equipment?

Yes. In general, NBS will not review in detail documentation which has been previously examined and verified for another manufacturer. However, NBS will review the cited documentation for completeness and for its alignment to previously verified referenced documentation. Furthermore, written assurance from the vendor citing any exceptions or additional features not described in the referenced documentation is required. NBS may request additional documentation such as logic diagrams or schematics.

4.8 Are logic diagrams and/or schematics acceptable for verification?

No. The equipment interface documentation referred to in the **Federal Register** announcement of December 11, 1979 (44 FR 71444–71445) implies natural language manuals, specifications, and/or descriptions. Detailed logic diagrams or schematics may be submitted as supplementary information but may not be the only description of any specific FIPS requirement.

Because it is possible to respond fully to the foregoing questions in such a brief fashion, NBS has decided not to avail itself of the opportunity to summarize the guidance provided for in the interim revision of FIPS PUBS 60–1 through 63. The guidance provided in response to questions 4.1 through 4.8 is, therefore, considered complete. Requests for additional FIPS 60–1 through 63 verification guidance should be addressed to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, Attention: FIPS 60–1 through 63 Verification Guidance.

Dated: March 2, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-7000 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-13-M

Federal Information Processing Standards; Interface Standards Exclusion List; Proposed Changes

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60–1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the **Federal Register** on February 16, 1979 (44 FR 10098–10101). The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was announced in the **Federal Register** on August 27, 1979 (44 FR 50078).

The March 19, 1979, notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the **Federal Register**.

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the **Federal Register** on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the **Federal Register**.

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged. The latest changes to the exclusion list were announced by NBS in the **Federal Register** on February 13, 1981, (46 FR 12223).

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer and Model

Burroughs, B5930
Computervision, 10100 System
Computervision, 10500 System
CPT Corp., 8000 WP System
CPT Corp., 8000 WP System
Digital Equipment Corp., VAX–11/750
Harris, H–80
Harris, H–100
Harris, H–300
Harris, H–500
Harris, H–800
Hewlett-Packard, 9825 B/T Desktop Computer
Hewlett-Packard, 9915A Modular Computer
Honeywell, DPS 6 Series

Interested parties will be allowed until April 20, 1981, to submit written comments regarding the proposed changes. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the **Federal Register**.

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: March 2, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-7000 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit

On February 27, 1980, notice was published in the **Federal Register** (45 FR 12863) that an application has been filed with the National Marine Fisheries Service by Delphinarium Hassloch, 6733 Hasslock/Pfalz, Federal Republic of Germany to obtain two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 2, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a public display permit for the above activity to Delphinarium Hassloch, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7242 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Theatre of the Sea, Inc. (P92B)

b. Address: P.O. Box 407, Islamorada, Florida 33036.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins *(Tursiops truncatus)*.

4. Type of Take: Capture.

5. Location of Activity: Charlotte & Lee Counties, Florida.

6. Period of Activity: 3 years.

The arrangements and facilities for transportng and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, by April 6, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 2, 1981.

R. B. Brumsted,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-7243 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Revision of Export Licenses for Certain Apparel Products Imported From Hong Kong

March 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing revisions in the two Hong Kong export license forms used for certain apparel products exported to the United States.

SUMMARY: Under the terms of paragraph 19 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong, the Government of Hong Kong has informed the Government of the United States that, effective on April 1, 1981, it will begin using revised export license forms for (1) apparel products exported to the United States which are chargeable to the ceilings of the bilateral agreement (Form TIC 353A), and (2) apparel products valued at less than U.S. $250 which are not charged to the ceilings of the agreement (Form TIC 353). The visa endorsement stamps currently being used by the Hong Kong Government on the existing export license forms remain unchanged and will continue to be used on the new forms.

EFFECTIVE DATE: April 1, 1981 for merchandise exported on and after that date. The old license forms will also be accepted for merchandise exported from Hong Kong through April 28, 1981. The old license forms will not be accepted for merchandise exported from Hong Kong after April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On January 5, 1978, there was published in the **Federal Register** (43 FR 993) a letter dated December 30, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established an export visa requirement for cotton, wool and man-made fiber apparel, produced and manufactured in Hong Kong. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements advises the Commissioner of Customs of the change in the export license forms and directs that merchandise exported from Hong Kong

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through April 28, 1981 which is properly visaed on either the old or new forms may be permitted entry into the United States for consumption, or withdrawal from warehouse for consumption.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 30, 1977 from the Chairman, Committee for the Implementation of Textile Agreements, which established an export visa requirement for certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are hereby advised, effective on April 1, 1981, the Government of Hong Kong will begin using new export license forms for apparel products covered by the bilateral agreement (Form TIC 353A), and for apparel products valued at less than U.S. $250 (Form TIC 353). The visa endorsement stamps currently in use by the Hong Kong Government are not being changed. You are directed to permit entry into the United States for consumption and withdrawl from warehouse for consumption of merchandise, accompanied by a valid visa on either the old or new export license forms and exported from Hong Kong through April 28, 1981. Visas accompanied by the old forms, exported after April 28, 1981, shall be denied entry. Facsimiles of the new forms are enclosed.[1]

The actions taken with respect to the Government of Hong Kong and with respect to imports of cotton, wool and man-made fiber textile products from Hong Kong have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-7153 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-25-M

[1] Filed as a part of the original document.

Increasing the Level of Restraint for Certain Man-Made Fiber Apparel Products Imported From Haiti

March 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 110,000 dozen the level of restraint established for man-made fiber underwear in Category 652, from 500,000 dozen to 610,000 dozen during the agreement year which began on May 1, 1980 and extends through April 30, 1981, pursuant to an amendment to the bilateral agreement with Haiti.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142).)

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, between the Governments of the United States and Haiti, notes have been exchanged amending the agreement to increase the designated consultation level established for man-made fiber textile products in Category 652 by 110,000 dozen to 610,000 dozen for the agreement period that began on May 1, 1980 and extends through April 30, 1981.

EFFECTIVE DATE: March 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On April 30, 1980, there was published in the **Federal Register** (45 FR 28792) a letter dated April 25, 1980, which established levels of restraint for certain cotton and man-made fiber textile products, including Category 652, produced or manufactured in Haiti, and exported to the United States during the agreement year which began on May 1, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 652 in excess of the amended level of restraint of 610,000 dozen.

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on April 25, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Haiti and exported during the year which began on May 1, 1980.

Effective on March 3, 1981, paragraph 1 of the letter of April 25, 1980 is amended to increase the twelve-month level of restraint established for man-made fiber textile products in Category 652 to 610,000 dozen.[1]

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-7152 Filed 3-5-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to account for any entries after December 31, 1980.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other severly Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severly handicapped.

EFFECTIVE DATE: March 6, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On November 21, 1980 and December 19, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 77104 and 45 FR 83650) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity and service are hereby added to Procurement List 1981:

U.S. Postal Service Item

Seat Cover, P.S. Item No. 054-B.

SIC 7349

Janitorial Service, U.S. Courthouse and Federal Building, Broad and Catherine Streets, Utica, New York.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-7130 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed deletions from Procurement List.

SUMMARY: The Committee has received proposals to delete from Procurement List 1981 commodities and military resale commodities produced by workshops for the blind or other severely handicapped.

COMMENTS: Must be received on or before April 8, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodities and military resale commodities from Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 7210

Washcloths: 7210-00-060-6008, 7210-00-082-2065.

Class 7350

Cup, Plastic: 7350-01-145-6127.

Military Resale Item Nos. and Names

No. 913—Brush, Lint.
No. 932—Refill, Applicator, Wax.
No. 969—Cover, Ironing Board, Teflon-coated.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-7138 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to System of Records

ACTION: Amendment to System of Records.

SUMMARY: The Department of the Army proposes to amend one system of records by employing an automated data processing capability. The system identity and the specific changes are set forth below followed by a republication of the system notice in its entirety as amended.

DATES: The proposed action shall become effective without further notice on April 6, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, 1000 Independence Avenue, SW, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Christian, The Adjutant General's Office, HQDA (DAAG-AMR-R), Washington, D.C. 20310; telephone: 202/693-0973.

SUPPLEMENTARY INFORMATION: System notices for the Army as required by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 79-37052 (44 FR 73729), December 17, 1979.
FR Doc. 81-85 (46 FR 1002), January 5, 1981.
FR Doc. 81-897 (46 FR 6480), January 21, 1981.
FR Doc. 81-3374 (46 FR 9892), January 29, 1981.

The Department of the Army submitted an altered system report on January 23, 1981 for this change under the provisions of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget Circular No. A-108, Transmittal Memoranda No. 1 and 3.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 3, 1981.

AMENDMENT

A1416.16 DALO

System Name:

Hand Receipt Files (44 FR 74002), December 17, 1979.

Changes:

System Location:

Delete information after the first sentence and add: "Addresses for Department of the Army activities are available following the annual compilation of Army system notices pubished in the **Federal Register.**"

Categories of Individuals Covered by the System:

Delete last sentence.

Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System.

Storage:

Delete entry and substitute: "Magnetic tape, disc, and paper records in file folders."

Retrievability:

Delete current entry and add: "Filed alphabetically by last name of individual, SSN, menue number, line number, and size."

Safeguards:

Add the following: "Computer magnetic tape and disc files used solely within data processing system and protected by the installation's security measures and safeguards."

Retention and Disposal:

Add the following: "Computerized listings are purged from the system upon turn-in of property."

Contesting Record Procedures:

Delete current entry and substitute therefore: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505)."

A1416.16DALO

SYSTEM NAME:

1416.16 Hand Receipt Files.

SYSTEM LOCATION:

Property book offices and supply rooms at most Army activities throughout the world. Addresses for Department of the Army activities are available following the annual compilation of Army system notices published in the **Federal Register**.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, citizen or noncitizen, military or civilian, who assumes temporary custody or responsibility for United States (US) Government or other property.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains receipts reflecting acceptance of responsibility for items of property listed thereon. Included are individual receipts and listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File is maintained as a record of property in use or in custody of individuals.

Utilized by accountable officers as an audit trail for property responsibility.

Used is investigations to determine responsibility for lost, damaged, or stolen property.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disc, and paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual, SSN, menue number, line number, and size.

SAFEGUARDS:

Records are maintained in locked cabinets or locked areas accessible only to limited authorized personnel. Computer magnetic tape and disc files used solely within data processing system and protected by the installation's security measures and safeguards.

RETENTION AND DISPOSAL:

File is maintained only while property is in use by or in the custody of an individual. File is destroyed on turn-in or other complete accounting for the property, or when superseded by a new receipt or listing. Computerized listings are purged from the system upon turn-in of property.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Department of the Army, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from activities issuing hand receipts. Written requests for information must contain the full name of the individual, social security number for a citizen, other identifying number for a noncitizen, current address and phone number. For personal visits, individuals may contact designated representatives of activities issuing hand receipts.

RECORD ACCESS PROCEDURES:

Individual may review his/her record by visiting designated representatives of or writing to the activity issuing hand receipts.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Hand receipt, either on printed form or on plain paper, signed by the individual accepting responsibility for US Government or other property.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-7250 Filed 3-5-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Force Enhancement Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on March 25 and 26, 1981, from 8:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of applications of communications in space to the Navy's tactical and strategic missions. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Commander Catherine Z. Becker, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Telephone number (703) 756–1205.

Dated: March 3, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-7129 Filed 3-5-81; 8:45 am]

BILLING CODE 3810-71-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Council Meetings; Discussion of Thirteenth Report to the President

March 3, 1981.

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold two meetings: Monday, March 23, 1981 from 10:30 a.m. to 5:00 p.m. and Tuesday, March 24, 1981 from 10:30 a.m. until Council business has been concluded.

The meetings will be held at the Council's offices at 1725 K Street, NW., Suite 405, Washington, D.C. and are open to the public.

The purpose of the meetings will be to discuss the contents of its Thirteenth Report to the President.

The National Advisory Council on Economic Opportunity is authorized by Section 605 of the Economic Opportunity Act of 1964, as amended, to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and the review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity, 1725 K Street, NW., Suite 405, Washington, D.C. 20006.

Walter B. Quetsch,

Executive Director.

[FR Doc. 81-7107 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-41-M

DEPARTMENT OF ENERGY

Region VII; Appropriate Energy Technology Program; Availability of Funding

AGENCY: Department of Energy.

ACTION: Notice of availability of funding.

SUMMARY: Small Grants for Appropriate Technology Small-Scale Energy-Related Technologies are available through U.S. Department of Energy, Region VII, for projects in the states of Iowa, Kansas, Missouri, and Nebraska.

DATE: The closing date for receiving application is April 20, 1981. Applications will be accepted if received or postmarked by that date.

FOR FURTHER INFORMATION CONTACT: Appropriate Energy Technology Program, U.S. Department of Energy, Region VII, 342 East 11th Street, Kansas City, Missouri 64106, (816) 374–3118.

SUPPLEMENTARY INFORMATION: Small Grants for Appropriate Technology Small-Scale Energy-Related Technologies are now available through the U.S. Department of Energy, Region VII, Kansas City, Missouri, for projects in the states of Iowa, Kansas, Missouri and Nebraska. Cataglogue of Federal Domestic Assistance #81.051 applies. A–95, Part I is not applicable. Program rules and Regulations were published in the **Federal Register** Vol. 45, No. 28, Friday, February 8, 1980. There will be three types of projects funded: idea development limited to $10,000, device development limited to $50,000, and demonstration projects limited to $50,000. No applicant can receive more than $50,000 over a two-year period. Applications can be obtained by writing to the address above or calling (816) 374–3118 (24-hour 7 day recording service provided, not toll free). The closing date for receiving applications is April 20, 1981. Applications will be accepted if received or postmarked by that date.

David J. Ball,

Director, Procurement Operation, Procurement and Assistance Management.

February 27, 1981.

[FR Doc. 81-7099 Filed 3-5-81; 8:45 am]

BILLING CODE 6510-01-M

Region I: Small-Scale Hydro Development Program: Availability of Funding

AGENCY: Department of Energy.

ACTION: Notice of availability of funding.

SUMMARY: This document announces the issuance of a Program Solicitation DE–AC–41–81R110831 by the Department of Energy, Region I. The Solicitation invited grant applications from States located in Region I for funding of projects in support of the Small-Scale Hydroelectric Development Program, Catalogue of Federal Domestic Assistance No. 81.055

DATE: Grant application deadline: 4:00 p.m., March 2, 1981.[1] Department of Energy, Region I, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: John DeTore, Office of Assessment & Integration, Louise S. Urgo, Office of Management & Support (617) 223–5207.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Energy, Region I is making financial assistance available to the States located in the region to support Small-Scale Hydroelectic (SSH) Development. Grants are to be issued to fund certain eligible projects that will enhance the capability of the States to implement their SSH program.

II. Eligible Grantees

Eligible grantees are the States located in the Department of Energy, Region I. (Connecticut, Maine, Vermont, Massachusetts, New Hampshire, and Rhode Island.)

III. Eligible Activities

Grants issued pursuant to this notice are limited to the following projects:

1. Outreach activities to encourage dam owners/developers to examine the energy potential of their sites.

2. Technical assistance in obtaining state licenses and permits.

3. Assistance in improving/facilitating state licensing and permitting procedures.

4. Development of State incentives to promote small hydro development.

5. Examination/resolution of environmental issues.

6. Implementing of Section 210, PURPA.

7. Other State Hydro initiatives.

APPLICATION PROCEDURES

The program Solicitation and Grant Applications have been provided to each State in Region I. Application content and evaluation criteria are set forth in the program Solicitation. Applicants shall comply with the project notification and review requirements of Part I of OMB Circular A–95. It is anticipated that grant awards will be issued prior to April 1, 1981.

[1] This document received by the office of the Federal Register March 3, 1981

Dated: February 27, 1981.

David J. Ball,

Director, Procurement Operations, Procurement and Assistance Management.

[FR Doc. 81-7098 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Case No. 50076-9142-01-02-77]

Anchorage Municipal Light & Power

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of request for classification.

SUMMARY: On October 17, 1979, Anchorage Municipal Light and Power (AML&P) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify Sullivan Unit No. 1 (Sullivan 1) as an existing facility pursuant to 10 CFR 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule), issued by ERA on March 15, 1979 (44 FR 17484), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). The Final Rule published on October 19, 1979 (44 FR 60690) became effective on November 30, 1979.

On November 14, 1979, ERA requested additional information from AML&P. The company submitted its response to ERA on February 12, 1980. ERA staff reviewed the data and concluded that the Sullivan facility consisted of two combustion turbine units rather than a single unit as shown in AML&P's original request. On May 19, 1980, ERA advised AML&P that two separate requests must be submitted before further analysis could be performed on their petition. AML&P submitted these requests on January 15, 1981, at which time they redesignated Sullivan Unit 1 as Sullivan Units 5 & 7.

FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Sullivan Units 5 and 7 are new or existing powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants.

The purpose of this notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with 10 CFR 515.26, no public hearings will be held.

DATES: Written comments are due on or before March 27, 1981.

ADDRESSES: Ten copies of written comments will be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:
Jack C. Vandenberg, Office of Public Information Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055;
Louis T. Krezanosky, Chief, New Powerplants Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3012B, Washington, D.C. 20461; Phone (202) 653–4208;
Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Department of Energy, 1000 Independence Ave., NW., Room 6B–178, Washington, D.C., 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION:
Anchorage Municipal Light and Power (AML&P) is a municipal agency organized under the laws of the State of Alaska. AML&P supplies electric service to the City of Anchorage and surrounding areas.

AML&P stated that it executed a contract in May, 1973, for the construction of a 44.3 MW natural gas-fired unit to be known as Sullivan Unit No. 5 (Sullivan 5) and a 96.6 MW natural gas-fired unit to be known as Sullivan Unit No. 7 (Sullivan 7) in Anchorage County, Alaska, and that commercial operation was scheduled for July 1979 and October 1980 respectively.

The facility was designed as a combined cycle plant of two natural gas-fired combustion turbines exhausting into two waste heat boilers, the steam therefrom driving a single steam turbo-generator. Circulating water from the steam condenser passes through heat exchangers to heat the municipal water supply to reduce freezing, and to reduce the energy consumption by water heaters in the service area.

The facility was to be constructed in two stages. The first stage, includes a combustion turbine which went into service in December 1974. Its waste heat boiler and the steam turbo-generator (at limited output) went in service in July 1979. As for the second stage, AML&P furnished a contract, dated October 1978, for a second combustion turbine and waste heat boiler. The second combustion turbine was erected and went into commercial operation in October 1979. The waste heat boiler became operational in October 1980.

On October 17, 1979, pursuant to ERA's Revised Interim Rule, 10 CFR 515.6, issued by ERA on March 15, 1979, AML&P requested that ERA classify Sullivan Unit No. 1 as an "existing" facility. On November 14, 1979, ERA requested additional information from AML&P. The company submitted its response to ERA on February 12, 1980. ERA staff reviewed the data and concluded that the Sullivan facility consisted of two combustion turbine units rather than a single unit as shown in AML&P's original request. On May 19, 1980, ERA advised AML&P that two separate requests must be submitted before an analysis could be performed on their petition. AML&P submitted these requests on January 15, 1981, at which time they redesignated Sullivan Unit 1 as Sullivan Units 5 & 7.

The Final Rule published on October 19, 1979 (44 FR 60690) became effective November 30, 1979. In accordance with 10 CFR 515.6 as now in effect, a powerplant will be classified as existing if the cancellation, rescheduling, or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse affect on the electric system reliability. AML&P supported its request for classification by providing evidence in support of its claim that it would incur a substantial financial penalty and an adverse affect on the electric system reliability for Sullivan Units No. 5 and 7 would occur if they were not permitted to proceed as natural gas burning facilities. A summary of the pertinent evidentiary requirements and AML&P's response to those requirements follows.

Substantial Financial Penalty—Pursuant to 10 CFR 515.6(a), ERA will classify a facility as existing upon demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to this requirement, AML&P provided the following information:

Unit No. 5

—total projected project cost as of 11/9/78, $15,802,000
—total project expenditures, including obligation and cancellation charges as of 11/9/78, $11,093,000
—total recoverable expenditures, $2,210,000
—total nonrecoverable outlays, $8,883,000
— nonrecoverable outlays as a percentage of total projected project cost as of 11/9/78, 56.2%

Unit No. 7

—total projected project cost as of 11/9/78, $20,782,000
—total project expenditures, including obligation and cancellation charges as of 11/9/78, $10,302,000
—total recoverable expenditures, $1,460,000
—total nonrecoverable outlays, $8,842,000
— nonrecoverable outlays as a percentage of total projected project cost as of 11/9/78, 42.6%

Adverse Effect on System Reliability—Pursuant to 10 CFR 515.6(b), ERA will classify a unit as existing upon demonstration that the reserve margin in the electric region in which the powerplant will be located would be reduced to less than 20 percent during the 12-month period after the proposed powerplant is to begin operation, assuming that the proposed powerplant is not completed.

Demonstration of an adverse effect on the utility's ability to provide service during the 12-month period following scheduled operation and/or an adverse effect on reliability after the 12-month period may also be made.

In response to this requirement, AML&P provided the following information:

—description of AML&P's service area
—list of interconnections with other utilities
—projection of peakload on AML&P's system through 1985
—reserve margin for the South Central Alaska region
—reserve margin for the South Central Alaska Region (excluding Sullivan 5 and 7) during the 12-month period following the projected operational date is a negative 10 percent
—reserve margins for AML&P's system (excluding Sullivan 5 and 7) by itself range from a negative 38 percent to a negative 52.7 percent for the 1981 to 1985 period.

Electric Region 49 is the entire State of Alaska. The subregion in which AML&P operates (generally known as South Central Alaska) is isolated electrically from other subregions in the State. Consequently, there is no official data on regional generating capacity, forecast peakloads and expansion plans. In the absence of official data, the most recent applicable information is the "Anchorage-Fairbanks Transmission Intertie Economic Feasibility Study Report" prepared for the Alaska Power Authority. This report is the basis for the generating capacity and peakload values submitted by AML&P.

The public file containing AML&P's request for classification and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on February 27, 1981.

Robert L. Davies,
Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–7101 Filed 3–5–81; 8:45 am]
BILLING CODE 6450–01–M

Columbia Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: February 24, 1981. Comments by: March 23, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:
Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816–374–5932

SUPPLEMENTARY INFORMATION: On February 24, 1981, the Office of Enforcement of the ERA executed a Consent Order with Columbia Oil Company of Hamilton, Ohio. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Columbia Oil Company (Columbia) with its home office located in Hamilton, Ohio, is a firm engaged in the marketing of motor gasoline to resellers and end-users, and is subject to the Mandatory Petoleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Columbia the Office of Enforcement, ERA, and Columbia entered into a Consent Order.

The Consent Order encompasses Columbia's sales of covered products during the period April 1, 1979, through September 30, 1979.

II. Disposition of Refunded Overcharges

In the Consent Order, Columbia agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of twenty thousand dollars ($20,000) within twelve (12) months after the effective date of the Consent Order. Refunds of $6,467.85 will be in the form of cash or credit allowances to identifiable end-users who purchased motor gasoline from Columbia. Columbia, also agrees the remaining balance of $13,532.15 will be made payable to the United States Department of Energy, where it will be deposited into an account established with the Treasury Department. This will be payable on the first anniversary of the effective date of the Consent Order.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Columbia Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 25th day of February 1980.

William D. Miller,
District Manager of Enforcement.

Dated: February 25, 1981.
Concurrence:

David H. Jackson,
Chief Enforcement Counsel.

[FR Doc. 81–7102 Filed 3–5–81; 8:45 am]
BILLING CODE 6450–01–M

McCarty Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: February 24, 1981. Comments by: March 23, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:
Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816–374–5932.

SUPPLEMENARY INFORMATION: On February 24, 1981, the Office of Enforcement of the ERA executed a Consent Order with McCarty Oil Company, Inc. of Wapakoneta, Ohio. Under 19 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

McCarty Oil Company, Inc. (McCarty) with its home office located in Wapakoneta, Ohio, is a firm engaged in the marketing of motor gasoline to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of McCarty the Office of Enforcement, ERA, and McCarty entered into a Consent Order.

The Consent Order encompasses McCarty sales of covered products during the period April 1, 1979, through September 30, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, McCarty agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of fifty-three thousand dollars ($53,000) within two (2) years after the effective date of the Consent Order. Refunds of $2,405.89 will be in the form of cash or credit allowances to identifiable end-users who purchased motor gasoline from McCarty. McCarty,

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also agrees the remaining balance of $50,594.11 will be made payable to the United States Department of Energy, where it will be deposited into an account established with the Treasury Department. This will be payable within two years of the effective date of the Consent Order.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Stret, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on McCarty Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 25th day of February 1981.

William D. Miller,

District Manager of Enforcement.

Date: February 25, 1981.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-7100 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

Carolina Power & Light Co., et al.; Issuance of Order Granting Temporary Public Interest Exemptions; Powerplant and Industrial Fuel Use

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting temporary public interest exemptions, pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act) and the implementing regulations thereunder (10 CFR 501.68 and 10 CFR Part 508), from the natural gas use prohibitions of section 301(a)(2) and (3) of the Act to the following powerplants in order to displace middle distillate fuel oil:

Docket No.	Owner	Generating station	Powerplant identification
50441-2716-21-41	Carolina Power & Light Co.	W. H. Weatherspoon	GT 1.
50441-2716-22-41	....do	....do	GT 2.
50441-2716-23-41	....do	....do	GT 3.
50441-2716-24-41	....do	....do	GT 4.
50467-1130-21-41	Cedar Falls Utilities	Cedar Falls	GT 1.
62004-9076-21-41	City of Fayetteville	Fayetteville	CT 1.
62004-9076-22-41	....do	....do	CT 2.
62004-9076-23-41	....do	....do	CT 3.
62004-9076-24-41	....do	....do	CT 4.
54015-2393-54-41	Jersey Central Power & Light Co.	Gilbert	CC 4.
54015-2393-55-41	....do	....do	CC 5.
54015-2393-56-41	....do	....do	CC 6.
54015-2393-57-41	....do	....do	CC 7.
56516-6081-52-41	Massachusetts Municipal Wholesale Electric Co.	Stony Brook	CC 2.
52117-3344-21-41	Northwestern Public Service Co.	Huron Gas Turbine	GT 1.
52304-3156-26-41	Philadelphia Electric Co.	Barbadoes	CT 6.
52304-3156-27-41	....do	....do	CT 7.
53370-2067-25-41	Public Service Commission of Yazoo City	Yazoo City Steam Plant	CT 5.
52564-0147-03-41	Salt River project	Kyrene	No. 3.
52564-0147-04-41	....do	....do	No. 4.
52855-1336-25-41	Sunflower Electric Co-op	Garden City	CT 5.
52987-3393-37-41	Tennessee Valley Authority	Thomas H. Allen	GT 17.
52987-3393-38-41	....do	....do	GT 18.
52987-3393-39-41	....do	....do	GT 19.
52987-3393-40-41	....do	....do	QT 20.
53256-3527-51-41	West Texas Utilities	San Angelo	CC 1.

The Order is set forth following this Notice and has been sent by certified mail to the petitioners.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). A Notice of the petitions and proposed order granting these temporary exemptions were published in the October 16, 1980, **Federal Register** (45 FR 68704) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The Process Gas Consumers Group, the American Iron and Steel Institute and the Georgia Industrial Group (hereafter referred to collectively as the Group) requested a hearing. The Group has previously requested a hearing regarding previously filed similar petitions for exemption under the Special Rule. The Group's first request for a hearing was on the petitions for exemption and proposed order noticed at 45 FR 18423, published on March 21, 1980. The hearing which was convened pursuant to the Group's request was dismissed upon the ground that the Group had failed to demonstrate the requisite interest as interested persons (*see*, section 701 of FUA and 10 CFR 501.33 and 501.34). ERA denied the Group's request for a hearing on petitions for exemption and proposed order noticed at 45 FR 48684, published on July 21, 1980. The Group's latest request for a hearing regarding petitions for exemption and proposed order noticed at 45 FR 68705, published on October 16, 1980, contained nothing additional or new as compared with the Group's two previous requests. Consequently, ERA decided to deny the Group's request for a public hearing on these petitions.

Laclede Gas Company (Laclede) also requested a hearing on the petitions and proposed order noticed at 45 FR 68705, published on October 16, 1980. ERA concluded that the issues raised by Laclede were substantially the same as those presented by the Group, and that Laclede's request appeared to seek a generic review of the Special Rule. ERA determined that Laclede's request for a hearing on these petitions did not raise material issues of disputed fact respecting the qualification of a petitioner under the eligibility criteria cited in the Special Rule, or any factual issues which could support limiting application of the Special Rule under 10 CFR 508.4. Consequently, ERA denied Laclede Gas Company's request for a public hearing on these petitions.

Based on the information provided by the petitioners, the powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum.

This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish threse goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a)(2) and (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts, the peitioners have met the eligibility criteria set out in 10 CFR 508.2. Since the increased use of natural gas is in keeping with the purposed of FUA and is in the public interest, and since the peitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B–110, 2000 M Street, NW., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000M Street, NW., Washington, D.C. 20461, (202) 653–4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the natural gas use prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq*, (FUA or the Act). This Decision and Order is issued pursuant to section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below.

Docket No.	Owner	Generating station	Powerplant identification	Duration date
50441-2716-21-41	Carolina Power & Light Company	W. H. Weatherspoon	GT 1	Mar. 11, 1985.
50441-2716-22-41	....do	....do	GT 2	Do
50441-2716-23-41	....do	....do	GT 3	Do.
50441-2716-24-41	....do	....do	GT 4	Do
50467-1130-21-41	Cedar Falls Utilities	Cedar Falls	GT 1	June 30, 1985
62004-9076-21-41	City of Fayetteville	Fayetteville	CT 1	June 30, 1985.
62004-9076-22-41	....do	....do	CT 2	Do
62004-9076-23-41	....do	....do	CT 3	Do
62004-9076-24-41	....do	....do	CT 4	Do
54015-2393-54-41	Jersey Central Power & Light Company	Gilbert	CC 4	June 25, 1985.
54015-2393-55-41	....do	....do	CC 5	Do
54015-2393-56-41	....do	....do	CC 6	Do
54015-2393-57-41	....do	....do	CC 7	Do
56516-6081-52-41	Massachusetts Municipal Wholesale Electric Company.	Stony Brook	CC 2	June 30, 1985.
52117-3344-21-41	Northwestern Public Service Company	Huron Gas Turbine	GT 1	June 30, 1985.
52304-3156-26-41	Philadelphia Electric Company	Barbadoes	CT 6	Sept. 28, 1984
52304-3156-27-41	....do	....do	CT 7	Do
53370-2067-25-41	Public Service Commission of Yazoo City	Yazoo City	CT 5	June 12, 1985.
52564-0147-03-41	Salt River Project	Kyrene	No. 3	June 5, 1985.
52564-0147-04-41	....do	....do	No. 4	Do
52855-1336-25-41	Sunflower Electric Co-op	Garden City	CT 5	June 30, 1985
52987-3393-37-41	Tennessee	Thomas H. Allen	GT 17	May 2, 1985.
52987-3393-38-41	....do	....do	GT 18	Do
52987-3393-39-41	....do	....do	GT 19	Do
52987-3393-40-41	....do	....do	GT 20	Do
53256-3527-51-41	West Texas Utilities	San Angelo	CC 1	June 30, 1985.

Duration of Temporary Exemption

ERA grants these temporary public interest exemptions for the maximum statutory period of five years, which includes the period during which the petitioners were allowed to burn natural gas while their petitions were pending, to the extent that such period will not extend beyond June 30, 1985. The termination dates of these temporary public interest exemptions are listed in this Decision and Order. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on May 5, 1981. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979), ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect, so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending, and for each subsequent six-month period thereafter (periods ending June 30 and December 31), the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of middle distillate fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If the petitioner has received temporary public interest exemptions under previous orders, the first granted exemption order establishes the due date for the system-wide conservation plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1982, a report

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on progress achieved in implementing the system-wide fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on February 27, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7111 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52031-0681-01-42]

Utilities Commission of the City of New Smyrna Beach; Acceptance of Petition for Order Granting a Permanent Exemption; Powerplant and Industrial Fund Use

AGENCY: Economic Regulatory Administraton.

ACTION: Notice of Acceptance of Petition for an Order Granting a Permanent Exemption for the Use of Natural Gas by a Powerplant with a Capacity of Less Than 250 Million Btu's Per Hour Filed Pursuant to the Final Rules Implementing the Powerplant and Industrial Fuel Use Act.

SUMMARY: On December 30, 1980, Utilities Commission of the City of New Smyrna Beach (New Smyrna Beach), Florida petitioned the Economic Regulatory Administration (ERA) of the Department of Energy for an order exempting its William E. Swoope electric generating plant Unit No. 1 from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) which prohibit natural gas use in certain existing electric powerplants. ERA's final rules implementing FUA, including criteria to be used in petitioning for exemptions from the prohibitions of FUA, were issued on May 30, 1980 and August 1, 1980, and were published in the **Federal Register** on June 6, 1980 (45 38276) and August 12, 1980 (45 FR 53682). New Smyrna Beach has requested a permanent exemption under Section 312(h) of FUA for use of natural gas by a powerplant with a capacity of less than 250 million Btu's per hour for its William E. Swoope plant Unit No. 1 and certifies that Unit No. 1 has a design capability of consuming fuel at a fuel heat input rate of less than 250 million Btu's per hour.

In addition, New Smyrna Beach certifies that Unit No. 1 was a baseload powerplant on April 20, 1977; that Unit No. 1 is not capable of burning solid coal, and no suitable coal derivative is available; and that use of a mixture of an alternate fuel and natural gas or petroleum for which an exemption would be available is not technically or economically feasible in Unit No. 1.

Section 301(a)(1) of FUA imposes prohibitions against natural gas use as a primary energy source in an existing electric powerplant on or after January 1, 1990. Section 301(a) (2) and (3) of FUA prohibit the use of natural gas a primary energy source in an existing electric powerplant before January 1, 1990, unless such powerplant burned natural gas as a primary energy source in 1977, and then in no proportion greater than the average yearly proportion which the powerplant used in calendar years 1974 through 1976, unless an exemption has been granted by ERA. William E. Swoope Unit No. 1 is subject to the prohibitions in both Section 301 (a)(1) and Section 301(a) (2) and (3) of FUA. ERA's decision in this matter will determine whether William E. Swoope Unit No. 1 will be granted an exemption. In accordance with the provisions of Section 701 (c) and (d) of FUA and 10 CFR 501.31 and 10 CFR 501.33, interested persons are invited to submit written comments in regard to this matter.

Any interested person may also submit a written request that ERA convene a public hearing.

DATES: Written comments and requests for a public hearing are due on or before April 20, 1981. A request for a public hearing may be made by any interested person within this same 45-day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461. Case Number ERA-FC-52031-0681-01-42 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 653-4055.

James W. Workman, Director, Powerplants Conversion Division Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3112D, Washington, D.C. 20461, (202) 653-4268.

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published final rules on June 6, 1980, and August 12, 1980, implementing provisions of Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA). Title III of FUA prohibits the use of natural gas as a primary energy source in an existing electric powerplant on or after January 1, 1990, and currently prohibits the use of natural gas as a primary energy source in an existing electric powerplant unless such powerplant burned natural gas as a primary energy source in 1977, and then in no proportion greater than the average yearly proportion which the powerplant used in calendar years 1974 through 1976, unless an exemption has been granted by ERA.

On December 30, 1980, Utilities Commission of the City of New Smyrna Beach (New Smyrna Beach), Florida, petitioned ERA for an order exempting its William E. Swoope electric generating plant Unit #1 from the provisions of FUA. New Smyrna Beach filed its petition pursuant to 10 CFR 504.60, which provides for a permanent exemption for powerplants with capacities of less than 250 million Btu's per hour. William E. Swoope Unit No. 1 is a 7.5 MW electric powerplant that uses natural gas and is subject to the Title III prohibitions on natural gas use.

William E. Swoope Unit No. 1 is currently allowed to burn natural gas until October 31, 1981, under a special temporary public interest exemption which ERA granted to New Smyrna Beach pursuant to 10 CFR § 508. In its petition, New Smyrna Beach has certified that Unit No. 1 has a design capability of consuming fuel at a fuel heat input rate of less than 250 million Btu's per hour; Unit No. 1 was a baseload powerplant on April 20, 1977; Unit No. 1 is not capable of burning solid coal, and no suitable coal derivative is available; and use of a mixture of an alternate fuel and natural gas or petroleum for which an exemption would be available is not technically or economically feasible in Unit No. 1.

New Smyrna Beach has stated that if such a permanent exemption is granted to Unit No. 1 it will accept the terms and conditions set forth in 10 CFR 504.60(b) which are that all steam pipes on Unit No. 1 must be properly maintained; and that this exemption for Unit No. 1 may only apply to prohibitions under Section 301 of FUA and prohibitions established by final rules or orders issued before January 1, 1990.9

ERA hereby accepts New Smyrna Beach's petition as adequate for filing pursuant to 10 CFR 501.3(d); however, ERA retains the right to request additional relevant information from New Smyrna Beach at any time during the pendency of these proceedings where circumstances or procedural requirements may so require.

The public file, containing documents on these proceedings and supporting material, is available for inspection upon request at: Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 A.M.-4:30 P.M.

Issued in Washington, D.C. on February 24, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7112 Filed 3-5-81; 8:45 am]

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[ERA Case Nos. 50643-6025-04-82; 50643-6025-05-82]

Powerplant and Industrial Fuel Use; Proposed Prohibition Orders; Commonwealth Edison Co., Morris, Ill. (Collins Station, Units 4 and 5)

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice, pursuant to Sections 301(b) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), and 10 CFR 501.51(b)(5), of the second three-month public comment period, during which Commonwealth Edison Company (Commonwealth) was to demonstrate eligibility for exemptions from proposed prohibition orders issued for Collins Station, Units 4 and 5, (45 FR 85. (January 2, 1980)). That comment period is hereby extended to the earlier of (1) sixty days after the date on which a final order is issued in the rate proceeding pertaining to Commonwealth Edison Company which is currently pending before the Illinois Commerce Commission (Docket No. 80-0546), or (2) September 8, 1981.

Request for Extension of the Public Comment Period

The proposed prohibition orders provided for an initial public comment period of three months. This first comment period expired on April 2, 1980. Pursuant to 10 CFR 501.51(b)(4), ERA issued a Notice of Intention to Proceed with Prohibition Order Proceedings on October 22, 1980, which notice was published in the **Federal Register**, 45 FR 71646 (October 29, 1980). This publication commenced a second three-month period, during which Commonwealth was entitled to present evidence to demonstrate that Collins 4 and 5 would qualify for exemptions which would constitute a defense to the issuance of a final prohibition order. 10 CFR 501(b)(3).

By letter dated January 22, 1981, Commonwealth requested that the second comment period be extended from January 29, 1981, until the earlier of (a) sixty days after the date upon which the Illinois Commerce Commission issues a final order in the Commonwealth rate proceeding currently pending before it in Docket No. 80-0546, or (b) September 8, 1981. In support of its request for an extension of time, Commonwealth stated that:

(1) It is currently engaged in a construction program which requires substantial capital investments due to inflation and additional costs imposed by regulatory delays in construction and environmental compliance requirements. Because of these expenses it has suffered a significant deterioration of earnings, a decline in debt and preference stock coverages, and repeated downgradings of Commonwealth's securities ratings. This conclusion is corroborated by the Illinois Commerce Commission staff, whose testimony before that Commission concluded that financial difficulties would "threaten both [Commonwealth's] immediate financial integrity and also its long-run ability to provide adequate electric service to its customers." To alleviate this condition, Commonwealth currently is seeking rate relief from the Illinois Commerce Commerce. Because of the conditions referred to above, the Commission issued an interim order (Docket No. 80-0546) on November 19, 1980, granting certain rate relief and is expected to issue a final order on or before July 5, 1981.

(2) Delays in licensing its new nuclear plant, LaSalle Unit 1, has further complicated its financial condition. In this regard, Commonwealth hopes to be able to obtain an operating license for that plant from the Nuclear Regulatory Commission (NRC) within the nexct few months.

(3) Final decisions in the pending ratemaking proceeding and licensing of LaSalle Unit 1 by the NRC are essential in order for ERA to determine its financial capability to proceed with the conversion of the Collins Units.

(4) Under the circumstances described above, it would not be useful for it to gather and submit for ERA's review financial information in support of an exemption for the Collins Units until after the Illinois Commerce Commission has had an opportunity to act on Commonwealth's rate increase requests and the NRC has proceeded with the licensing of LaSalle Unit 1.

Basis for Granting an Extension of the Comment Period

ERA believes that it is reasonable to expect that Commonwealth will receive a decision on rate relief from the Illinois Commerce Commission and a decision from the NRC on the LaSalle unit 1 operating license prior to September of 1981. In addition, ERA believes that it should have the most current financial information available in order to properly assess the financial capability of Commonwealth to accomplish conversion of the Collins Units.

Since ERA is interested in reducing the regulatory burden on proposed order recipients whenever it is feasible and believes that the requested extension will not unduly delay ERA's proceedings, ERA has determined to exercise its discretion and grant an extension of time under 10 CFR 501.51(b)(5) because of the unusual circumstances of this case. Accordingly, ERA extends the period during which this proposed prohibition order recipient can demonstrate its entitlement to exemptions until the earlier of (1) sixty days after the date upon which the Illinois Commerce Commission issues a final order in its rate proceeding pertaining to Commonwealth in Docket No. 80-0546, or (2) September 8, 1981.

Further Information

For further information contact:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461 (202) 653-4055

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3302J, Washington, D.C. 20461 (202) 653-4184

L. Dow Davis IV, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B-178, Washington, D.C. 20585 (202) 252-2967

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Issued in Washington, D.C. March 2, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7231 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

Dalco Petroleum, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Dalco Petroleum, Incorporated, 2431 East 51st Street, Tulsa, Oklahoma 74105. This Proposed Remedial Order charges Dalco with pricing violations in the amount of $592,476.84, connected with the resale of propane during the time period November 1, 1973 through March 31, 1974 in the State of Oklahoma.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, 2626 West Mockingbird Lane, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745. On or before March 23, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 19th day of February 1981.

Wayne I. Tucker,

Southwest District Manager, Southwest District Enforcement.

[FR Doc. 81-7232 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 67020-9999-01-22; Docket No. ERA-FC-80-023]

Powerplant and Industrial Fuel Use Provisions; Soyland Power Cooperative, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of Availability of Tentative Staff Analysis

SUMMARY: On April 4, 1980, Soyland Power Cooperative, Inc. (Soyland) petitioned the Economic Regulatory Adminstration (ERA) of the Department of Energy (DOE) for a permanent fuel mixtures exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) which prohibit the use of petroleum or natural gas in new powerplants.

Soyland plans to install a 220,000 KW compressed air energy storage system (CAES) to produce electricity to serve fifteen distribution cooperatives within the State of Illinois. A prepetition conference was held in Washington, D.C., at Soyland's request on February 20, 1980. On April 4, 1980, Soyland submitted a petition for a permanent fuel mixtures exemption pursuant to 10 CFR 501.3 and 503.38.

ERA accepted the petition on September 8, 1980, and published notice of its acceptance in the **Federal Register** on September 12, 1980 (45 FR 60471). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended October 27, 1980. No comments were received. No hearing was requested.

ERA's staff has reviewed the information presently contained in the record of this proceeding. A Tentative Staff Analysis has been prepared which recommends that ERA issue an order granting a permanent fuel mixtures exemption to permit Soyland to use natural gas or petroleum in its proposed powerplant.

ERA will issue a final order granting or denying the petition for a permanent exemption from the prohibitions of the Act within six months, unless extended by ERA, after the pulic comment period provided for in this notice has expired. Notice of, and a statement of reasons for, any extension will be published in the **Federal Register.**

DATES: Written comments on the Tentative Staff Analysis and requests for a hearing are due on March 20, 1981.

ADDRESSES: Fifteen copies of written comments, and any request for a public hearing shall be submitted to: Department of Energy, Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461. Docket Number ERA-FC-80-023 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street, NW., Washington, D.C. 20461, Phone (202) 653-4208

James Renjilian, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting material on this proceeding is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., 20461 Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Soyland plans to install a new 220,000 KW compressed air energy storage system (CAES) to produce electricity for fifteen distribution cooperatives it serves within the State of Illinois. The CAES system will use a mixture of natural gas or petroleum and compressed air (produced during off-peak hours from electricity).

Tentative Staff Analysis

On the basis of an independent analysis of information presented in Soyland's petition, the staff has concluded that ERA should grant the requested fuel mixtures exemption.

The staff initially found that Soyland met the applicable criteria of Section 213(c)(1) of the Act, and the rule, 10 CFR § 503.8(b), promulgated thereunder, for meeting the general requirement that there is no alternative power supply economically available. This rule requires:

(1) A demonstration that a diligent effort has been made to reduce the need for the proposed powerplant by implementing whatever conservation measures are available and cost effective (10 CFR § 503.8(b)(1));

(2) A demonstration that a diligent effort has been made to purchase firm power for the first year of operation at a cost that is less than ten (10) percent above the annualized cost of generating power from the proposed plant (10 CFR 503.8(b)(2)); and

(3) Where (as in Soyland's case) the reserve margin is greater than twenty (20) percent, and it can be demonstrated that no alternative power supply is available without impairing reliability of service. (10 CFR § 503.8(b)(ii)).

Concerning the first of these, the staff has concluded that since Soyland does not provide retail electric service and currently does not have any generating capacity of its own, what conservation criteria of 10 CFR 503.8(b)(1) are inapplicable.

As for the second criterion, the staff has concluded that Soyland made the required effort but could not purchase firm power for the first year of operation at a cost that is less than ten (10) percent above the annualized cost of generating its own power through CAES. This conclusion is based upon assumptions and analyses contained in two separate cost studies; one entitled "The Relative Merits of Building a Compressed Air Energy Storage System to meet Soyland Power Cooperatives' Need for Peaking Capacity" prepared for Soyland by Arthur D. Little, Inc., dated November 26, 1979 and submitted to ERA as part of its petition and another prepared by the staff, itself, dated February 12, 1981. Both studies, using different assumptions and methods, reach the same conclusion, that the cost of purchased power, as compared to self-generated power through the CAES system, would exceed the ten (10) percent test.

Respecting the last criterion, the staff concluded that Soyland qualifies as a small electric system (defined under Section 744 of FUA as a system with less than 2000 megawatts of generating capacity). In the preamble to the Final Rule, ERA, in response to comments that small electric systems would be unable to show no alternative power supply because they would not be able to demonstrate a reserve margin below twenty (20) percent, indicated that where the reserve margin is above twenty (20) percent, it will consider other justifiable reasons why no alternative power supply is available. Section 213(c)(1) of FUA does not require a petitioner to purchase power at more than a reasonable cost. As stated above, two separate studies have concluded that the cost of purchased power is prohibitive as compared to self-generated power through Soyland's proposed CAES. ERA's staff has concluded this to be a sufficient justifiable reason by which Soyland satisfies 10 CFR 503.8(b)(3)(ii).

The staff then found that Soyland qualifies for a fuel mixtures exemption pursuant to the criteria set forth in 10 CFR 503.38(a)(1) and (2). Based on these criteria, the petitioner demonstrated that it proposes to use a mixture of natural gas or petroleum and an alternate fuel (electricity generated by baseload coal or nuclear powerplants) and that the amount of natural gas or petroleum which is to be used (based on the size of CAES and its fuel requirements, as provided by Soyland) is the minimum amount needed to maintain a reasonable level of fuel efficiency.

National Environmental Policy Act Compliance

Section 763(3) of the FUA provides that the grant or denial of an exemption is not a major Federal action for purposes of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) where ". . . the Secretary finds, in consultation with the appropriate Federal agency, and publishes such finding that an environmental impact statement is required in connection with another Federal action and such statement will be prepared by such agency and will reflect the exemption adequately."

DOE's Office of Environment has determined, after consultation with the Rural Electrification Administration of the Department of Agriculture (REA), that an environmental impact statement (EIS) is required in connection with REA's granting of financial assistance for the CAES project. REA had agreed to prepare the EIS in a manner which adequately reflects the petitioner's requested fuel mixtures exemption. Accordingly, under the authority of Section 763(3) a decision on Soyland's petition is not a major Federal action for purposes of NEPA and a separate EIS is not required to be prepared by DOE.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. The staff of ERA recommends that the requested fuel mixtures exemption be granted and, pursuant to Section 214(a) of the Act, include the following terms and conditions:

A. Soyland shall submit an annual certification that it has not used more than the minimum amount of petroleum or natural gas needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency.

B. Soyland should consider the development of a plan containing fuel conservation measures which it could adopt before the CAES becomes operational.

Issued in Washington, D.C. on March 2, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7233 Filed 3-5-81; 8:45 am]

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Federal Energy Regulatory Commission

[Docket No. G-13299-002, et al.]

Arco Oil and Gas Co., Division of Atlantic Richfield Co. (Succ. in Interest to Coastal Oil & Gas Corp. & Eason Oil Co.); Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 2, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for; unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-13289-002 E, Jan. 15, 1981 [1]	ARCO Oil and Gas Company, Division of Atlantic Richfield Company (Succ. in interest to Coastal Oil & Gas Corporation & Eason Oil Company), P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company; Laverne Field, Beaver and Harper Counties, Oklahoma.	[2]	14.65
G-14348-000 D, Jan. 23, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Tx 77001.	West Texas Gathering Company, Emperor Field, Winkler County, Tx.	[3]	
CI61-1333-000 E, Jan. 5, 1981 [4]	American Petrofina Company of Texas (Succ in interest to Beacon Oil and Refining Company), P.O. Box 2159, Dallas, Texas 75221.	The B & A Pipe Line Company, Henderson Field, Rusk County, Tx.	[5]	14.65
CI73-293-000 F, Jan. 22, 1981 [6]	Belco Petroleum Corporation, Agent (Succ. in interest to Belco 1971 Oil & Gas Fund, Ltd.), One Dag Hammarskjold Plaza, New York, New York 10017.	Tennessee Gas Pipeline Company, West Delta Block 64, Offshore Federal Domain, Louisiana.	[7]	15.025
CI79-536-001 E, Jan. 30, 1981	Southwest Gas Storage Company (Succ. in interest to Diamond Shamrock Corporation), P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Borchers North Field, Meade County, Kansas.	[8]	14.65
CI61-205-000 A, Feb. 17, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, East Cameron Block 47, Offshore Louisiana.	[9]	15.025
CI81-206-000 A, Feb. 18, 1981	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Tx 79189.	Natural Gas Pipeline Company of America, South Pass Area, Block 78, Offshore Louisiana.	[10]	15.025
CI81-207-000 (G-10504) B, Feb. 18, 1981.	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Ok 74004.	Michigan Wisconsin Pipeline Company, Bourque Unit, Lewisburg Field, St. Landry and Acadia Parishes, Louisiana.	[11]	
CI81-208-000 (C66-317) B, Feb. 19, 1981.	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77010	United Gas Pipeline Company, T. J. Williams Survey, Fostoria Field, Montgomery County, Texas.	[12]	
CI81-209-000 A, Feb. 19, 1981	Pennzoil Producing Company, P.O. Box 2967, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Kildare Field in Cass County, Texas.	[13]	14.73

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total succession; F—Partial Succession.

[1] By Assignment dated 6-16-80, effective 2-25-80, Eason Oil Company assigned to Applicant all of its interest in Gas Producing Enterprises, Inc. Armagost #1 Well located at the approximate center of the SE/4 NW/4 Sec. 27-T3N-R27ECM, Beaver County, oklahoma and such sale was authorized by the Commission in docket No. CS71-0631. By Assignment dated 3-17-80, Gas Producing Enterprises, Inc. successor in interest to Colorado Oil and Gas Corporation and predecessor of Coastal Oil and Gas Corporation assigned to Applicant all of its interest in and to the above-described Armagost #1 Well. Such sale was authorized by the Commission in docket No. CI60-781.

[2] Applicant is filing under Gas Purchase Agreement dated 11-13-78 and amended by Amendment to Rollover Contract dated 10-10-80.

[3] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.

[4] By Assignment dated October 14, 1969 to be effective August 1, 1969, Beacon assigned to Petrofina all of its undivided right, title and interest in the oil and gas properties.

[5] Applicant is filing under Gas Purchase Contract dated July 31, 1952 as amended.

[6] Belco 1971 Oil & Gas Fund, Ltd. was cancelled effective September 30, 1980 and Belco Petroleum Corporation thereby acquired the interest in the subject reserves.

[7] Applicant is filing under contract dated June 8, 1972, as amended.

[8] "ASSIGNMENT OF OIL AND GAS LEASES" dated July 24, 1980. Diamond assigned to Southwest all of its rights, title and interest in and to certain oil and gas leases covering lands situated to Meade County, Kansas effective April 1, 1979.

[9] Applicant is filing under Gas Purchase and Sales Agreement dated December 23, 1980.

[10] Applicant is willing to accept the applicable rate under Section 104 of the Natural Gas Policy Act of 1978 on South Pass Area, Block 78.

[11] Production is uneconomical to the point that approvals are in the process of being obtained to plug and abandon service from all wells covered under the subject rate schedule.

[12] All gas reserves are depleted to the extent that the continuance of gas service is unwarranted. The only well on the lease was plugged and abandoned on May 18, 1972.

[13] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.

[FR Doc. 81-7184 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-108-001]

Boundary Gas, Inc.; Amendment to Application

March 2, 1981.

Take notice that on February 3, 1981, Boundary Gas, Inc. (Applicant), Eight Arlington Street, Boston, Massachusetts, 02116, filed in Docket No. CP81-108-001 an amendment to its application pending in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect amendments made to the gas purchase contract and the gas sales agreement between Applicant and TransCanada PipeLines Limited (TransCanada), all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

By its application filed December 19, 1980, in the instant docket, Applicant requested authorization to resell natural gas to 14 purchasers which gas Applicant proposes to purchase from TransCanada and import from Canada to the United States. Applicant states that the gas purchase contract with TransCanada has been amended in several ways. It is stated that in regard to make-up rights, a provision was added which required that TransCanada repay Applicant all amounts previously paid to TransCanada for take or pay gas in the event that any governmental action prevents TransCanada from delivering or prevents Applicant from receiving any quantity of such gas.

It is asserted that in the original agreement, Applicant would pay to TransCanada the international border price of gas for each 1,000,000 Btu delivered and that now the reference to the international border price has been eliminated in order to conform the form of the gas purchase contract with TransCanada's other export contracts. Moreover, Applicant states that interest on its late payments would not be at an annual rate which is equal to the applicable prime rate of interest charged by Citibank plus one and one-half percentage points but would now be tied to the prime rate of interest charged by the Canadian Imperial Bank of Commerce plus one percent point. It is stated that the purpose of this amendment would be to lower the interest rate on late payments by Applicant since the prime rate charged by the Canadian Imperial Bank of Commerce is generally lower than the prime rate charged by Citibank.

It is further stated that the price of take or pay gas is to be recalculated by adding for each Mcf Applicant receives of take or pay gas the transportation daily demand rate, the transportation commodity rate, and the imported Alberta border price. It is stated that in no event may the charge per Mcf of take or pay gas exceed an amount equal to 105 percent of TransCanada's Canadian tariff in TransCanada's Eastern rate zone calculated at a total load factor of 100 percent. Applicant maintains that this amendment is designed to lower Applicant's payments for take or pay gas to a level approximately equal to the price charged by TransCanada to its Canadian domestic customers in its Eastern rate zone.

It is stated that the present article dealing with the measurement of gas contains a minor technical error and should be amended to provide that the average absolute atmospheric pressure for determining the volume and total heating value of the natural gas should be 14.4 pounds per square inch.

Applicant asserts that the gas sales agreement need be amended only to provide that unless otherwise agreed to a shareholder's payment is to be made to the escrow agent designated by Applicant pursuant to the escrow agreement between Applicant and TransCanada at or before 11:00 a.m. Eastern Standard Time rather than at a designated bank in the United States at or before 10:00 a.m. on the day in which payment is due TransCanada from Applicant.

Applicant also states that a letter agreement between Applicant and TransCanada reflects the parties understanding that the form of gas purchase contract permits measurement of the total heating value of the gas at TransCanada's receipt point as opposed to the point of delivery; however, the measurement of the gas would be changed from the receipt point to the point of delivery should any material variation occur between the total heating value of the gas at these two points which cannot be corrected within thirty days of Applicant's notice of the variation.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7200 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3230-001]

Chasm Hydro, Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

March 2, 1981.

Take notice that Chasm Hydro, Inc. (Applicant) filed with the Federal Energy Regulatory Commission on January 5, 1981, and application for exemption for its Chateaugay Chasm Hydroelectric Project No. 3230 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 Subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Chateaugay River in Franklin County, New York. Correspondence with the Applicant should be directed to: Mr. John H. Dowd, Box 266, Chateaugay, New York 12920.

Project Description—The proposed run-of-the-river project would redevelop the existing but inoperative Chateaugay Chasm Hydroelectric Plant and would consist of: (1) a 60-foot-high and 42-foot-long reinforced concrete dam having a spillway crest elevation of 730 feet U.S.G.S. datum and surmounted by 2-foot-high flashboards; (2) a reservoir having a surface area of 1.8 acres and a gross storage capacity of 73 acre-feet at normal pool elevation 732 feet U.S.G.S. datum; (3) a screened and gated intake and sluice structure located at the dam's right (north) abutment; (4) a 7-foot-diameter and 200-foot-long reveted steel penstock (5) a native stone and masonry powerhouse containing two generating units having a total rated capacity of 1470-kW; and (6) appurtenant facilities. Project energy would be transmitted over a short transmission line to a transformer directly connected to existing New York State Electric and Gas Corporation's transmission lines. Applicant estimates the annual generation would average about 7,725,600 kWh.

Purpose of Project—Project energy would be sold to New York State Electric and Gas Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before April 9, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows and interested person to file the competing license application no later than August 7, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (C) (1980). A competing license appication must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all

[1] Pub. L. 96-294, 94 Stat. 611 Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

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capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3230. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7201 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-20-000]

City of Ripley, Mississippi; Petition for Emergency Relief

March 2, 1981.

Take notice that on February 9, 1981 the City of Ripley (City), Ripley, Mississippi 38663 filed in Docket No. TC81-20-000 a petition for emergency relief from a penalty of $77,702.02 assessed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for violation of Tennessee's G-1 rate schedule. City purchases natural gas from Tennessee, and in December 1980 overran its contract demand of 4,249 Mcf per day on 15 separate days due to its admitted failure to curtail and interrupt properly its interruptible customers. City alleges that its failure is due to its inexperience with rate schedules containing penalty provisions.

City further alleges that the payment of the penalty would create severe economic hardship in the City's economy and therefore prays that the Commission will grant City relief by waiver of the penalty.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7202 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-184-000]

Columbia Gas Transmission Corp., Application

March 2, 1981.

Take notice that on January 29, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-184-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase and operation of L-M & R Delivery Company's (L-M & R) entire pipeline system in Washington and Noble Counties, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to acquire by purchase and operate L-M & R's entire pipeline system consisting of approximately 24.5 miles of 6-8-and 10-inch pipeline, 21 field measuring stations and all other property rights and interests pursuant to an acquisition agreement dated December 17, 1980. Such facilities, it is asserted, are located in Fearing, Lawrence, Liberty and Newport Townships, Washington County and Elk Township, Noble County, Ohio.

Applicant states that it will continue to utilize the L-M & R facilities which currently transport natural gas produced by L & M Petroleum, Inc. and C. W. Riggs for delivery to Applicant's pipeline system. Applicant further states that the subject facilities interconnect with Applicant's existing facilities.

Applicant further submits that acquisition of the subject facilities would give Applicant access to additional gas volumes as independent producers are currently conducting or planning exploration and development in the vicinity of the subject facilities and have indicated a willingness to dedicate any developed reserves to Applicant if Applicant is able to receive such gas.

Applicant estimates the total purchase price of the proposed facilities to be $3,402,171 to be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7203 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-193-000]

Cities Service Gas Co.; Application

March 2, 1981.

Take notice that on February 12, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-193-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain measuring, regulating and appurtenant facilities for the sale of natural gas to Missouri Public Service Company (MoPub), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate certain measuring, regulating and appurtenant facilities for the sale of natural gas to MoPub for its Ralph Green generating station at Pleasant Hill, Cass County, Missouri.

Applicant states that by order issued April 11, 1957, it was authorized to deliver on an interruptible basis up to 13,095 Mcf of natural gas per day to MoPub for MoPub's electric generation unit at its Ralph Green generation station.

It is further asserted that MoPub is in the process of installing a GE 7,000 E gas turbine electric generation unit at this station which would have a peak natural gas requirement of 819 Mcf per hour. The first 1,000 Mcf of natural gas per day would still be supplied by Gas Service Company and the excess would be supplied by Applicant.

It is submitted that MoPub has filed a petition with the Economic Regulatory Administration for a permanent peakload powerplant exemption for the use of natural gas in this turbine.

Applicant states that in order to effectuate this sale it would construct and operate additional measuring, regulating and appurtenant facilities. Applicant estimates the total construction costs to be $91,600 which would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7185 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4014-000]

City of Tacoma; Application for Preliminary Permit

March 2, 1981.

Take notice that City of Tacoma (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4014 to be known as Hanson Dam Project located on the Green River in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Paul J. Nolan, Director, City of Tacoma, Department of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) a new intake structure through the existing Corps of Engineers' 675-foot long, earthfilled Howard Hanson Dam; (2) a penstock; (3) a powerhouse containing one generating unit rated at 10 MW; and (4) a transmission line. The project would be operated in coordination with the Applicant's water supply system.

The Applicant estimates that the average annual energy output would be 50 million kWh.

Purpose of Project.—The power produced by the project would be used to supply the Applicant's existing 100,273 customers within the 180-square mile service area.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct geotechnical and engineering studies, make an economic analysis, conduct environmental studies, consult with agencies, do a feasibility analysis and optimization study, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the studies to be performed under the preliminary permit is estimated to be $250,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to City of Yelm and Pacific Hydro, Inc.'s and Mitchell Energy Company's Projects Nos. 3514 and 3735, filed on September 29, 1980, and November 12, 1980, respectively, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedure specified in § 1.10 for protests. In determining the appropriate

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action to take, the Commission will consider all protests or other comments filed, but a person who merely filed a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 26, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made as a response to this notice of application for preliminary permit for Project No. 4014. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7210 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-185-000]

Columbia Gulf Transmission Co., Natural Gas Pipeline Company of America; Application

March 2, 1981.

Take notice that on February 9, 1981, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-185-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that pursuant to a gas transportation and exchange agreement dated September 30, 1960, Columbia Gulf would transport up to 10,000 Mcf of natural gas attributable to Natural's volumes in South Marsh Island 265, offshore Louisiana, to the Texaco Henry Plant, Vermilion Parish, Louisiana.

Under such agreement, it is asserted, Columbia Gulf would transport Natural's gas from the point of receipt at Columbia Gulf's Pecan Island plant, Vermilion Parish, Louisiana, to the point of exchange at Columbia Gulf's Rayne compressor station, Acadia Parish, Louisiana, and would subsequently redeliver a thermally equivalent volume of gas less an adjustment for removal of liquifiables unaccounted gas and fuel, at the outlet of the Texaco Henry plant.

Applicants further state that Natural would pay Columbia Gulf a monthly transportation charge of $1.86 per Mcf of contract demand gas. It is asserted that the monthly demand charge would be adjusted by 6.11 cents per Mcf for excess or deficiency in the contract demand.

It is further asserted that the agreement between Natural and Columbia Gulf would remain in full force and effect for a primary term of fifteen years commencing upon the day of the first gas deliveries thereunder and from year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7224 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-21-001 (PGA81-1, IPR81-1, LFUT81-1, TT81-1, and AP81-1)]

Columbia Gas Transmission Corp., Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Subject to Conditions

Issued: February 26, 1981.

Columbia Gas Transmission Corporation (Columbia) filed revised tariff sheets [1] on January 29, 1981, reflecting increased purchased gas costs, an increase in the Louisiana First Use Tax (LFUT), an advance payment adjustment, and transportation adjustments and a surcharge adjustment. Columbia proposed an effective date of March 1, 1981.

The PGA adjustment provides for the recovery of $99,420,570 in increased purchased gas costs, for the six month period ending August 31, 1981. There has been no reduction by Columbia to its total gas acquisition costs for amounts due to Maximum Surcharge Absorption Capability (MSAC), since those Columbia customers who supply non-exempt industrial boiler fuel facilities reported no MSAC's for the PGA period. In addition, the commodity surcharge adjustment provides for the recovery of a deferred purchased gas balance of $18,889,143, as of December 31, 1980, over the six month period from March 1, 1981 through August 31, 1981. Columbia's PGA filing also reflects producer price escalations pursuant to area rate clauses.

The LFUT sales rate adjustment of .03 cents per Mcf and LFUT surcharge rate of .29 cents per Mcf are filed pursuant to Section 22 of Columbia's FERC Gas Tariff, Original Volume No. 1. Columbia's proposed transportation adjustment provides for the collection of $7,656,822 annually on a current basis, while the proposed transportation

[1] Sixty-Fourth Revised Sheet No. 16, Fourteenth Revised Sheet No. 16A, Sixteenth Revised Sheet No. 64, and Fourth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1.

surcharge provides for the return of the deferred transportation cost balance of $12,867,357 as of November 30, 1980. Finally, the advance payment adjustment provides for an annual reduction of $1,165,163, reflecting the cost of service effect of the change between the net remaining balance of advance payments at November 30, 1980 and the advance payment balance reflected in the rates in the Docket No. TA80-2-21 filing which became effective September 1, 1980.

Public notice of the filing was issued on January 21, 1981 providing for protests or petitions to intervene to be filed on or before February 17, 1981. Petitions to intervene were filed by the Dayton Power and Light Company, Washington Gas Light Company, Elizabethtown Gas Company, Baltimore Gas and Electric Company, People's Counsel of Maryland, Energy Action Educational Foundation, and the Cities of Charlottesville and Richmond, Virginia. Having demonstrated an interest in this proceeding warranting their participation, each of these petitioners shall be granted intervention.

In addition to petitioning to intervene, the Cities of Charlottesville and Richmond, Virginia (Cities) filed a protest whereby Cities request that the filing be rejected or, in the alternative, suspended and set for investigation.[2] Cities protests the collection by Columbia of the prices for which it has filed concerning: (1) "high-cost" natural gas under Section 107 of the Natural Gas Policy Act (NGPA) purchased in "first sales" from unaffiliated producers; and, (2) Columbia's company-owned production of Section 107 gas.

Cities maintains that Columbia's average purchase price ($6.87 per Mcf) of Section 107 gas from unaffiliated producers is in total disregard of the market price. Cities reasons that since that are no industrial customers on the Columbia system that would be willing to pay $6.87 per Mcf, the only way in which the producer-seller can command such a price is through the practice of rolled-in pricing. Cities concludes that Columbia's payment of prices for Section 107 gas in the range of $6.47 per Mcf to $7.23 per Mcf are far in excess of any price that may be properly passed through to Columbia's customers under Section 601(c) of the NGPA; and consequently, a thorough investigation is required.

Cities also protests Columbia's pricing of its own pipeline production of Section 107 gas at an average price of $5.47 per Mcf. Cities alleges that these "high-cost" gas prices were obtained by utilizing the Section 107(c)(5) maximum lawful price established by the Commission in Order No. 99 for sales of "tight sands" gas. According to Cities, by using this pricing approach, Columbia has exceeded "parity pricing" for its own production. Moreover, Cities charges that Columbia has directed its recent exploration and development efforts toward Section 107 gas, at the expense of searching for Section 102 and 103 gas.

Accordingly, Cities requests that the Commission reject Columbia's PGA filing or in the alternative suspend the filing, subject to refund, pending a complete investigation and an evidentiary hearing pursuant to Section 4 of the Natural Gas Act.

In its deliberations on Cities' request to set for hearing the question of whether Columbia should be allowed to passthrough the cost of deregulated gas, the Commission remains uncertain as to the particularities of Cities' allegation.

Situations might exist where we could deny passthrough of gas costs in accord with Section 601(b) and (c).[3] We are not able at this stage to say whether Cities' allegations sufficiently define a wrong which would lead the Commission to deny passthrough in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Columbia's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. Michigan's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost passthrough for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have a heavy burden of proof to demonstrate that impropriety that would trigger the "fraud, abuse or similar grounds" basis for denying passthrough of costs.

With respect to Cities' allegations concerning company-owned production, we note that the Commission in Order No. 98, Docket No. RM80-8 (issued August 4, 1980), determined that the pricing of pipline production should be subject to the same market-based limitations established by Congress in Section 601(b)(1)(E) for affiliate production. Whether Columbia's pricing of its own production of its Section 107 gas accords with Order No. 98 is set for hearing.

Based upon a review of Columbia's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, reasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Columbia's filing, grant waiver of the 30-day notice requirements and suspend the effectiveness so that it shall become effective on March 1,1981, subject to refund and subject to the conditions described below. Furthermore, the Commission finds that the matters raised in Cities' protest require further investigation in the context of evidentiary proceedings under Section 601 of the NGPA and Sections 4, 5, 7, 8 and 15 of the Natural Gas Act.

In a number of suspension orders,[4] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.

[2] Cities' protest is adopted by Energy Action Educational Foundation.

[3] The identity of, or differences between, "fraud", "abuse" or "similar grounds", when stated disjunctively in Section 601(c) is a particularly difficult but important question.

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-96 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Co.*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

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Such cirumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect March 1, 1981, subject to refund, and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

Columbia's filing contains a provision allowing Columbia to track increases in the cost of gas resulting from payments to Columbia LNG Corporation (Columbia LNG). Under the Columbia LNG tariff, sales of LNG are priced to Columbia on a full cost of service basis as long as deliveries continue. The tariff further provides for payment of only out-of-pocket expenses under a minimum bill provision during periods on nondelivery. The current PGA billing projects payments of $11.5 million during the six month period from March 1, 1981 through August 31, 1981, to Columbia LNG under the minimum bill provision because no deliveries of LNG are forecasted due to the interruption of LNG shipments from Algeria. Therefore, the 11.5 million should simply reimburse Columbia LNG for out-of-pocket expenses under the minimum bill provisions of the tariff. Since the issues involving Columbia LNG's implementation of the minimum bill provision are currently under suspension and investigation in Columbia's prior PGA filing, *Columbia Gas Transmission Corporation*, Docket No. TA80–2–21 (August 29, 1980),[5] the appropriateness of Columbia's payments under the minimum bill provision should be suspended and made subject to the Commission's determination in that proceeding.

Furthermore, the Commission notes that Columbia's filing also includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders prescribed in Docket No. RM79–22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Columbia shall be flowed through to the ratepayers in acordance with the procedures prescribed in Columbia's PGA clause.

The Commission Orders

(A) Columbia Gas Transmission Corporation's proposed Sixty–Fourth Revised Sheet No. 16, Fourteenth Revised Sheet No. 16A, Sixteenth Revised Sheet No. 64, and Fourth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1 are accepted for filing and suspended, and waiver of notice requirements is granted so that the filing shall become effective March 1, 1981.

(B) Pursuant to the authority of Section 601 of the Natural Gas Policy Act, the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Columbia in such PGA filing.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a pre-hearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(D) The issue regarding payment of LNG costs shall be subject to the Commission's determination in Docket No. TA80–2–21, *et al.*

(E) The petitioners listed in the body to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7194 Filed 3–5–81; 8:45 am]

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[5] The investigation of LNG costs in Columbia's prior PGA filing, Docket No. TA80–3–21, was subsequently consolidated with the LNG cost issue in Consolidated Gas Supply Corporation's PGA filing in Docket No. TA80–3–21, *et al.*, and with Southern Natural Gas Company in Docket No. RP80–136.

[Docket Nos. E–7578, IN–989, and IN–991]

Commonwealth Edison Co. et al., Order on Remand

Issued: February 27, 1981.

On January 4, 1977, the United States Court of Appeals for the District of Columbia Circuit in *Cities of Batavia, et al.* v. *Federal Power Commission,*[1] vacated and remanded Commission [2] Opinion Nos. 681 [3] and 681–A [4] issued in *Commonwealth Edison Company, et al.*, Docket Nos. E–7578, IN–989, and IN–991. Specifically, the court ordered that these opinions be reconsidered in light of the Supreme Court's decision in *Federal Power Commission* v. *Conway Corporation.*[5]

The court also suggested that because of the relatively small amount of money involved and the fact that it related to a 10 month period several years in the past, "this may well be a case in which the interests of administration and justice would be best served through a settlement between the parties." [6] The Commission agreed and deferred consideration of this matter in order to allow the parties time to pursue a settlement.[7] To date, however, the parties have not arrived at a settlement. For the reasons set forth below we shall direct the parties to attend an oral argument before this Commission or a designated Commissioner and to show cause why this matter cannot or should not be settled.

Background

On November 23, 1970, Commonwealth Edison Company (Commonwealth) filed increased rates to six municipal wholesale customers,[8] revisions to certain terms and conditions of service dealing with its liability for interruptions in service, and a revision to its fuel adjustment clause. These changes related to Commonwealth's Tariff Rate 78. By order issued January 28, 1971, the Commission suspended the proposed rate increase, consolidated the proceeding with two informal complaints filed in Docket Nos. IN–989 and IN–991 on August 9 and August 29, 1966, respectively,[9] and initiated a hearing.

In an initial decision issued on November 29, 1972,[10] the presiding administrative law judge found that the proposed rates were unduly discriminatory and restrained competition for a ten month locked-in period between February 2, 1971, and December 13, 1971.[11] The judge based his conclusion on the subsidiary findings that (1) the proposed Tariff Rate 78 for the Cities was comparable to Rate 6, Commonwealth's rate for sales to large industrial customers; (2) the proposed increase to the Tariff Rate 78 would increase the demand charge for all sales over 1000kw by ten cents per month per kilowatt of demand above the comparble retail Rate 6 demand charges; and (3) there was no cost justification for the difference in rates. As a result, the presiding judge ordered that the proposed increase be reduced to a level comparable to industrial Rate 6 for the ten month locked-in period. The judge, however, further found that the proposed changes in the provision regarding liability for sevice interruptions and in the fuel adjustment clause were just and reasonable.

Opinion No. 681 affirmed the presiding judge's findings on the service interruption liability provision and on the fuel adjustment clause. The Commission, however, reversed the judge's determination that the proposed rates were unduly discriminatory and anticompetitive. The Commission held that the presiding judge had erred in comparing the proposed wholesale rates to the effective retail industrial rates, reasoning that the retail industrial rates were not subject to the Commission's jurisdiction, and that it would therefore be improper to consider them in determining the just and reasonable wholesale rates. The Commission also disagreed with the presiding judge's finding on comparability of service. While ageeing that there were numerous factual similarities between the services in question, the Commission focused on disparities in demand characteristics, noting that the Cities' peak demands tended to coincide with Commonwealth's system peaks while the industrial customers' peak demands did not. According to the Commission's analysis, this distinction was sufficient to warrant a difference in the rates charged.

The Cities of Geneva and Batavia, Illinois subsequently filed an application for rehearing in which they asserted that the Commission erred (1) in declining to compare Commonwealth's jurisdictional wholesale rate with its nonjurisdictional retail rate; (2) in concluding that the two services were not comparable; and (3) in finding the service interruption liability clause to be acceptable. On March 6, 1974, in Opinion No. 681–A, the Commission denied rehearing.

A petition for review was thereafter filed with the United States Court of Appeals for the District of Columbia Circuit. Prior to the oral argument and decision in that case, the United States Supreme Court issued a decision in *Federal Power Commission* v. *Conway Corporation.*[12] In that decision, the Court found that the FPC had jurisdiction to consider "the allegations of the company's wholesale customers that the proposed wholesale rates, which are within the Commission's jurisdiction, are discriminatory and noncompetitive when considered in relation to the company's retail rates, which are not within the jurisdiction of the Commission." [13] The Court further directed the Commission to consider such allegations.[14] Accordingly, the Court of Appeals vacated and remanded Opinion Nos. 681 and 681–A to be reconsidered in light of *Conway.*

Discussion

As noted above, the Court of Appeals in its decision suggested that this might well be a case in which the interest of administration and justice would be best served through a settlement between the parties. The Commission, therefore, deferred consideration of this matter in order to allow the parties to pursue a settlement. To date, however, no settlement has been reached nor appears to be likely.

The Commission is thus faced with the question of whether the matter should be referred to an administrative law judge for hearing. Frankly, we are deeply disturbed by the idea that this case, which involves a relatively small sum of money [15] related to a ten-month locked-in period in 1971, may need to be remanded for further hearing. Indeed, we feel that such a remand could produce a result that is contrary to the public interest if the costs associated with further litigation in the end exceed the amount at issue, which it appears may well be the case.[16] Moreover, since this matter involves a locked-in period in 1971, it has no effect on present rates or on the present competitive situation. It should also be noted that the same parties have since litigated the price squeeze question as it relates to a later time period in the proceedings decided by Opinion Nos. 63 and 63–A. Thus, they have had a vehicle for arguing legal principles related to the price squeeze question.

In these circumstances a question arises as to whether a further hearing is certain to promote the public interest. Hence, we think it our duty to explore ways and means of avoiding such a hearing. Accordingly, we ask the parties' representatives to participate in an oral exploration of the present status of the matter and of its appropriate resolution before this Commission or a designated Commissioner on March 9, 1981.

Specifically, we request that the parties address the following questions:

(1) Are there disputed legal or factual questions which cannot be resolved on the basis of the record as it stands in this proceeding?

(2) If so, what are they?

(3) If so, was any party precluded from entering such information into evidence in the original proceeding?

(4) If a settlement order were to stipulate that it resolved no legal or factual questions involved in the proceeding but was strictly a dollar settlement based on the recognition by both parties that litigation costs for each party are likely to exceed the amount at issue, does any party assert that its intersts would be prejudiced by such a settlement?

(5) Would any party (as distinguished from any attorney for a party) derive any discernible benefit from renewed full-dress litigation?[17]

The Commission orders:

[1] 548 F.2d 1056 (D.C. Cir. 1977).

[2] The term "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[3] 51 F.P.C. 86 (January 7, 1974).

[4] 51 F.P.C. 978 (March 6, 1974).

[5] 426 U.S. 271 (1976).

[6] *supra,* 548 F.2d at 1058.

[7] In Opinion No. 63–A *Commonwealth Edison Company,* Docket Nos. E–9002 and ER76–122, issued November 16, 1979, mimeo at 2–3, n. 4, the Commission explained why it temporarily deferred action on the remand. In particular, the Commission noted that it had been informed that settlement negotiations were continuing, and that counsel for Commonwealth had acknowledged that the remanded proceeding was a case which might best be resolved by a settlement.

[8] Batavia, Geneva, Naperville, Rock Falls, St. Charles, and Rochelle, Illinois.

[9] The complaint in Docket No. IN–989 was filed by the City of Geneva, Illinois, while the complaint in Docket No. IN–991 was filed by the City of Batavia, Illinois. It should also be noted that the distinction between formal and informal complaints was eliminated by the FPC in Order No. 359, 39 F.P.C. 138 (1968).

[10] 51 F.P.C. 97.

[11] On December 13, 1971, the Illinois Commerce Commission raised the Rate 6 charge, Commonwealth's rate to large industrial customers, to a rate above or equal to the proposed rates to the Cities, thus creating a locked-in period for the purposes of considering the discrimination claims against the wholesale rate.

[12] *Supra.*

[13] *Id.*, 426 U.S. at 272–3.

[14] *Id.*, 426 U.S. at 279.

[15] The presiding administrative law judge found the amount involved to be approximately $71,000. *See* 51 F.P.C. 86.

[16] Legal fees alone may quickly reach this amount, and the costs of the proceedings will be passed on to Commonwealth's customers in the form of regulatory expense.

[17] In no way do we intimate any opinion on the merits. They are not now before us.

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(A) The parties to this proceeding are hereby asked to attend an oral argument before this Commission or a designated Commissioner on March 9, 1981, at 10:00 a.m. in Hearing Room A to participate in a discussion of the present status of this proceeding and of its appropriate resolution.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7205 Filed 3-5-81; 8:45 am]

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[Docket No. CP81-188-000]

Consolidated Gas Supply Corp.; Application

March 2, 1981.

Take notice that on February 10, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-188-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for direct sale to Niagara Mohawk Power Corporation (Niagara), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a December 24, 1980, gas sales and transportation agreement with Niagara, an existing resale customer, which provides for the direct sale of natural gas for the purpose of supplanting middle distillates and/or residual fuel oil presently used by Niagara in the generation of electric energy at its Albany Steam Plant, Albany, New York. Applicant asserts that it would sell and transport an average daily quantity of approximately 65,000 dekatherms (dt) equivalent but in no event more than 5,208 dt equivalent per hour on an interruptible service schedule. It is stated that the sale would be subordinate to Applicant's present market requirements and previously executed surplus gas sales agreements with other customers. Applicant states that the term would be thirty months from the date of initial deliveries which would not begin before April 1, 1981, and would not extend beyond November 1, 1983.

Applicant maintains that it would charge Niagara its RQ commodity rate, including all adjustments, as specified in its Rate Schedule RQ, Volume No. 1 to its FERC Gas Tariff which is currently $2.6574. It is further asserted that if the RQ commodity rate equals or exceeds Niagara's available alternate fuel rate it may cancel the agreement on sixty days written notice.

Applicant states that the point of delivery for Niagara would be at an existing interconnection located in Albany, New York, and that no additional facilities need be constructed by Applicant in order to effectuate the proposed transportation and direct sale.

Applicant further states that natural gas has not previously been utilized in the Albany Steam Plant but that the plant is exempt from the provisions of the Fuel Use Act and therefore no certificate of eligible use need be obtained from the Economic Regulatory Administration before utilizing natural gas as a fuel in the Albany plant.

Applicant asserts that the proposed transportation would give it added market flexibility to avoid any take-or-pay penalties that might otherwise be imposed by producers or pipeline suppliers and would permit it to continue to be aggressive in securing additional long-term supplies for the benefit of its present and future firm resale customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7186 Filed 3-5-81; 8:45 am]

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[Project No. 3659-000 and Project No. 3974-000]

Continental Hydro Corp. and Enagenics; Applications for Preliminary Permits

March 2, 1981.

Take notice that Continental Hydro Corporation (CHC) and Enagenics (Applicants) filed, respectively, on November 4, 1980, and January 12, 1981, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3659 and 3974 to be known as Kentucky River Lock and Dam No. 11 located on the Kentucky River in Estill and Madison Counties, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109, or Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Descriptions—Applicants would utilize an existing dam owned by the U.S. Army Corps of Engineers. Applicant's facilities would be located mostly on U.S. lands.

The proposed CHC Project No. 3659 would consist of: (1) a proposed powerhouse, located at the north end of the existing dam, with generating units having a total installed capacity of 3.5 MW; (2) proposed 138 kV transmission lines; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 14,000 MWh.

The proposed Enagenics Project No. 3974 would consist of: (1) a proposed powerhouse, located at the north end of the dam, with generating units having a total installed capacity of 4.5 MW; (2) proposed 161 kV transmission lines; and (3) appurtenant facilities. The estimated average annual energy output for the project would be 33,500 MWh.

Purpose of Projects—Power generated by Continental Hydro Corporation, Project No. 3659 and Enagenics, Project No. 3974 would be sold to Kentucky Utility Company.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time they would perform engineering, environmental, and economic feasibility studies, consult with Federal, State, and local government agencies concerning the potential environmental effects of the projects, apply for DOE funding, and prepare an application for FERC license. CHC estimates the cost of the studies under the permit would be approximately $55,000, and Enagenics estimates the cost to be approximately $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3659 and 3974. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7211 Filed 3-5-81; 8:45 am]

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[Docket No. RP81-34-000]

Distrigas of Massachusetts Corp; Order Accepting for Filing and Suspending Tariff Sheets, Rejecting Tariff Sheets, Initiating Hearing and Establishing Procedures

Issued: February 28, 1981.

On January 29, 1981, Distrigas of Massachusetts Corporation (DOMAC) filed revised tariff sheets to the First Revised Volume No. 1 of its FERC Gas Tariff.[1] The proposed increase is based on a 12 month base period ending September 30, 1980, adjusted for known and measurable changes through the nine months ending June 30, 1981. The proposed rate changes reflect a dollar increase in rates of $2,682,225 annually.

DOMAC is the operator of an LNG terminal at Everett, Massachusetts, and is the sole customer of Distrigas Corporation (Distrigas). Distrigas is an importer of LNG. DOMAC buys gas from Distrigas and sells the gas processed through its Everett facility to customers under its Rate Schedules GS-1 and BO-1. DOMAC also provides terminalling service under its Rate Schedule TS-1 and storage service under Rate Schedule SS-1. The changes proposed by DOMAC in its filing in this docket reflect an increase in rates and a change in rate form for service under Rate Schedule TS-1. No change in rate is proposed for Rate Schedules GS-1, BO-1, or SS-1.

DOMAC requests a 14.76 percent overall rate of return. The 14.76 percent rate of return provides an allowance of 18.00 percent return on common equity which constitutes 67.59% of capitalization.

Several reasons are given by DOMAC for the proposed changes in its tariff. The increase in rates is represented as necessary to eliminate indicated revenue deficiencies of approximately $2,684,772. Significant factors contributing to the increase include delivery problems and uncertainty associated with the liquefication facilities in Algeria as well as increased costs of doing business, including the cost of capital. The cost of service contained in DOMAC's filing reflects increases in the unit cost of terminalling services.

DOMAC also proposes a change in rate form from its straight commodity tiered rates to two part rates reflecting the *United* method of cost classification.

Boston Gas Company and Bay State Gas Company, *et al.* have each filed Petitions to Intervene and Protest. Each of these protestants indicate general objections to the amount of the rate increase and to the proposed change in rate design. Each protestant requests that the proposed rate increase be

[1] The tariff sheets which are the subject of this rate filing include Fifth Revised Sheet No. 17, Alternate Fifth Revised Sheet No. 17, Original Sheet No. 17A, Alternate Original Sheet No. 17A, Fourth Revised Sheet No. 18, Alternate Fourth Revised Sheet No. 18, First Revised Sheet No. 19 and First Revised Sheet No. 45.

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suspended for five months and set for hearing. Having demonstrated an interest in this proceeding, Boston Gas' and Bay State, *et al.'s* petitions to intervene are granted.

Based on a review of DOMAC's filing, the Commission finds that the proposed tariff revisions have not been shown to be just and reasonable and may be unjust, unreasonable and unduly discriminatory or otherwise unlawful. Accordingly, we will accept the revised tariff sheets for filing, and suspend their effectiveness, subject to refund, and to the conditions set forth below.

In a number of suspension orders,[1] the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where the preliminary study leads the Commission to believe that the filing may be unjust or unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here with respect to the tariff sheets for the DOMAC system. Accordingly, subject to the conditions specified below, we shall suspend the DOMAC tariff sheets for a period of five months permitting such rates to become effective, subject to refund thereafter, on August 2, 1981.

Two issues present in this rate filing contain common questions of law or fact with DOMAC's prior rate filing in Docket No. RP79–23 *et al.* These two issues are the treatment of demurrage cost and the proper method of interperiod tax allocation.

In Docket No. RP9–23 *et al.*, demurrage cost was treated as a gas supply expense to be recovered under DOMAC's PGA provision. This prior filing is pending decision by the Presiding Administrative Law Judge. DOMAC's proposed Fifth Revised Sheet No. 17, Original Sheet No. 17A and Fourth Revised Sheet No. 18 filed in this docket exclude the cost of demurrage. The cost for demurrage would be recovered as a gas supply expense. DOMAC has also filed alternate tariff sheets to effect recovery of demurrage costs on an estimated basis from its Rate Schedule TS–1 in the event that the Commission determines that the demurrage costs of Distrigas may not be recovered on an actual cost basis through DOMAC's PGA provision. Based on the foregoing determination, DOMAC's alternate tariff sheets, which include demurrage costs, are rejected. In order to protect consumers from a potential double incurrence of demurrage charges in the event the Commission makes the determination in Docket No. RP79–23 *et al.* that demurrage charges should be included under the TS–1 Rate Schedule and not collected as a purchased gas expense, DOMAC's Fifth Revised Sheet No. 17, Original Sheet No. 17A and Fourth Revised Sheet No. 18 are accepted, suspended, subject to refund, and subject to final Commission action in Docket No. RP79–23 *et al.*

Accordingly, Alternate Fifth Revised Sheet No. 17, Alternate Original Sheet No. 17A and Alternate Fourth Revised Sheet No. 18 are rejected.

The issue of the level of unfunded future tax liability under comprehensive interperiod allocation of income taxes which appears in demurrage filing in this docket is also at issue in DOMAC's prior rate filing. Since no changed circumstances have been shown in DOMAC's filing, the determination of this issue will be made subject to final Commission action in Docket No. RP79–23 *et al.*

Further, on Feburary 20, 1981, the Brooklyn Union Gas Company (Brooklyn Union) filed a Petition to Intervene as a Party and Motion for Partial Summary Rejection of Proposed Tariff Changes. Brooklyn Union is a customer of DOMAC and purchases liquefied natural gas (LNG) and LNG terminalling service from DOMAC under its Rate Schedule GS–1 and TS–1. Brooklyn Union asserts "that certain aspects of DOMAC's filing in this proceeding are patently unjust and unreasonable and as such are susceptible to summary rejection by the Commission." Specifically, Brooklyn Union alleges that certain aspects of the filing are prescribed by a prior settlement agreement between DOMAC and its customers.[2]

Brooklyn Union's petition to intervene shall be granted. No action will be taken on the motion for partial summary rejection, however, because the time for answers to the motion prescribed by § 1.12(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.12(c) has not yet expired.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and to the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the revised tariff sheets proposed by DOMAC.

(B) Pending hearing and decision, Fifth Revised Tariff Sheet No. 17, Original Tariff Sheet No. 17A, Fourth Revised Tariff Sheet No. 18, First Revised Tariff Sheet No. 19 and First Revised Tariff Sheet No. 45 are accepted for filing and suspended for five months until August 2, 1981, when they shall be permitted to become effective, subject to refund.

(C) Acceptance of Fifth Revised Tariff Sheet No. 17, Original Tariff Sheet No. 17A and Fourth Revised Tariff Sheet No. 18 is made subject to final Commission action in Docket No. RP79–23 *et al.*

(D) Determination of the interperiod tax allocation issue shall be subject to final Commission determination of that issue in Docket No. RP79–23 *et al.*

(E) DOMAC's proposed Alternate Fifth Revised Tariff Sheet No. 17, Alternate Original Tariff Sheet No. 17A, and Alternate Fourth Revised Tariff Sheet No. 18 are rejected.

(F) The petitions to intervene filed by Brooklyn Union Gas Company, Boston Gas Company and Bay State, *et al.* shall be granted and the petitioners shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceedings.

(G) The Commission Staff shall prepare and serve top sheets on all parties on or before June 1, 1981.

(H) A Presiding Administration Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7198 Filed 3–5–81; 8:45 am]

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[1] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

[2] Approved by the Commission in *Distrigas of Massachusetts Corporation*, Docket No. CP77–216; *Distrigas Corporation*, Docket Nos. CP77–217 and CP77–218, Order Authorizing Construction and Operation of Liquefied Natural Gas Facilities and Sale of LNG From Algeria, issued December 28, 1978.

[Project No. 3972–000]

Enagenics; Application for Preliminary Permit

March 2, 1981.

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3972 to be known as the R. D. Bailey Project located on the Guyandotte River in Wyoming County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' R. D. Bailey Dam and Reservoir and would consist of: (1) a penstock utilizing the existing outlet works tunnel near the left bank; (2) a new powerhouse containing generating units having a total rated capacity of 21,000 Kw; (3) a tailrace; (4) a new transmission line, approximately 5 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 38,300,000 Kwh.

Purpose of Project—Project energy would be sold to the Appalachian Power Company. Other alternative markets, such as nearby public institutions and industrial users, will be investigated.

Purpose Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preminimary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to West Virginia Renewable Resources Corporation's application for Project No. 3415 filed on September 2, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intetvene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of it Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 26, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3972. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to:

Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7212 Filed 3–5–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3989–000]

Enagenics; Application for Preliminary Permit

March 2, 1981.

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3989 to be known as Savage Rapids Diversion Dam Hydroelectric Project located on Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consists of: (a) the existing Savage Rapids Concrete Dam (combination gravity and multiple arch type), 456 feet long and 39 feet high; (b) the existing Savage Rapids Reservoir with a surface area of 50 acres at elevation 964 feet m.s.l.; (c) a powerhouse at the dam containing a single generating unit with a rated capacity of 9.2MW; and (d) appurtenant facilities.

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The Applicant estimates that the average annual energy output would be 40 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Pacific Northwest Generating Company, Oregon Public Power Agency and Grant Pass Irrigation District's Project No. 3469 on the Rogue River in Josephine and Jackson Counties, Oregon under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene msut be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3989. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7213 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-19-000]

Florida Department of Corrections; Application

March 2, 1981.

Take notice that on December 23, 1980, the Florida Department of Corrections, 1311 Winewood Boulevard, Tallahassee, Florida 32201, filed an application pursuant to Section 2.78(b) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission seeking relief from curtailment imposed by the Florida Gas Transmission Company. The relief sought encompasses the dormitory heating and cooking portion of natural gas demands of the Florida Department of Corrections' Union Correctional Institution, Raiford, Florida, and the Florida State Prison, Starke, Florida.

The relief sought is for an additional firm entitlement of 150,000 therms equivalent of natural gas for exclusive use as residential gas service for the months of November and December 1980.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7208 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-182-000]

Great Lakes Gas Transmission Co.; Application

March 2, 1981.

Take notice that on February 6, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP81-182-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 32.9 miles of 36-inch pipeline loop on its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authorization to construct and operate 32.9 miles of 36-inch pipeline loop in Minnesota and Michigan which would be added parallel to Applicant's existing pipeline system used to render natural gas service to its interstate and foreign customers. Applicant proposes to construct the loop in two segments; one consisting of 15.7 miles constructed from mile post 33.4 to mile post 49.1 which is between Applicant's existing compressor station Nos. 1 and 2 at St. Vincent and Thief River Falls, Minnesota, respectively; the other consisting of 17.2 miles extending from mile post 416.2 mile post 433.4 which is between Applicant's existing compressor station Nos. 7 and 8 at Wakefield and Crystal Falls, Michigan, respectively.

Applicant estimates that the total cost of the proposed loop would be $22,111,000 which would be financed with internally generated funds together with short-term borrowings from banks if required.

Applicant asserts that the addition of the proposed loop on its system would result in fuel savings of approximately 12,000,000 Mcf of gas over the next years and would provide added security on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7187 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3869-000]

Jorges Sanchez; Application for Preliminary Permit

March 2, 1981.

Take notice that Jorges Sanchez (Applicant) submitted on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3869 to be known as Structure 65 D located at the South Florida Water Management District Structure 65 D on Kissimme—Canal 38 in Okeechobee County, Okeechobee, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the South Florida Water Management District Structure 65 D used for irrigation, flood control and navigational purposes. Project No. 3869 would consist of: (1) an existing reinforced concrete rigid frame lock, which measures 30 feet × 90 feet, with a normal lift of 5.8 feet and a sill depth of 6 feet; (2) a proposed powerhouse to be located on the southern bank of the canal, with an estimated generating capacity of 2.8 MW; (3) a proposed penstock approximately 30 to 40 feet in length; (4) a proposed transmission line to be interconnected with the facilities owned by Florida Power and Light Company; (5) an existing impoundment area, Canal 38, which has a normal pool elevation of 26.8 feet and a drainage of 2,879 square miles at the site; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

The Applicant estimates that the average annual energy output would be 8,100,000 kWh.

Purpose of Project—The Applicant intends to sell the generated output of energy to the Florida Power and Light Company, public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

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petition to intervene msut be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3869. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7214 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3851-000]

Jorges Sanchez; Application for Preliminary Permit

March 2, 1981.

Take notice that Jorges Sanchez (Applicant) filed on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3851 to be known as Structure 65 E located at the South Florida Water Management District Structure 65 E on Kissimme Canal 38 in Okeechobee County, Okeechobee, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the South Florida Water Management District Structure 65 E used for irrigation, flood control and navigational purposes. Project No. 3851 would consist of: (1) an existing earth and sand foundation reinforced concrete rigid frame lock, which measure 30 feet x 90 feet, with a normal lift of 4.6 feet and a sill depth of 6 feet; (2) a proposed powerhouse to be located on the eastern bank of the canal with an estimated capacity of 2.35 MW; (3) a proposed penstock approximately 35 feet; (4) proposed transmission lines to be interconnected with facilities owned by the Florida Power and Light Company; (5) an existing impoundment area, Canal 38, which has a normal pool elevation of approximately 21 feet and a drainage area of 2,960 square miles; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

The Applicant estimates that the average annual energy output would be approximately 7,000,000 kWh.

Purpose of Project—The Applicant intends to sell the generated output of energy to Florida Power and Light Company, public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $47,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. [A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding.

To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3851. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7215 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-467-001]

Michigan Wisconsin Pipe Line Co.; Amendment to Application

March 2, 1981.

Take notice that on February 4, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-467-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect modifications in Applicant's transportation arrangements with Natural Gas Pipeline Company of America (Natural), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Texas Eastern Transmission Corporation (Texas Eastern), incident to a sale of Canadian natural gas by ProGas Limited (ProGas), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that Natural has agreed to have its ProGas volumes transported via the pipeline system of Northern Border Pipeline Company (Northern Border) and asserts that in the event that Northern Border is not available on November 1, 1982, such ProGas volumes would be made available for Natural's account at a point of delivery on the international boundary at Emerson, Manitoba, where deliveries would be made to Great Lakes Gas Transmission Company (Great Lakes). Applicant further states that it has agreed with Tennessee and Texas Eastern to make available to Natural a portion of the capacity which each has reserved in the pipeline system of Great Lakes; whereupon redeliveries of such gas by Great Lakes would be made to Applicant for the account of Natural at an existing point of interconnection between the pipeline systems of Great Lakes and Applicant proximate Farwell, Michigan.

Applicant also states that it has agreed to provide Natural with additional transportation from Farwell, Michigan, to various existing points of interconnection between Natural and Applicant and submits that under such agreement it would take receipt of a maximum daily quantity of up to 75,000 Mcf of gas per day from Great Lakes for the account of Natural at the Farwell delivery point, provide transportation and make redeliveries of thermally equivalent quantities at the following existing interconnections: (1) Section 29 of Troy Township, Will County, Illinois (West Joliet); (2) Section 1, Block A.B. & M, Wheeler County, Texas (Mills Ranch); (3) Section 32, T & N.O.R.R., Block 4–T, Hansford County, Texas (Hansford). It is submitted that Applicant would charge Natural a rate of 5.5 cents for each Mcf redelivered.

Applicant states that it has also entered into a new transportation agreement with Tennessee under which it would take receipt of up to 75,000 Mcf of natural gas per day delivered to the Farwell receipt point by Great Lakes for Tennessee's account, provide transportation, and make redeliveries of thermally equivalent volumes to Midwestern Gas Transmission Company (Midwestern) for the account of Tennessee at a point of interconnection between the pipeline systems of Applicant and Midwestern located in Section 3 of Channahon Township, Will County, Illinois. It is further stated that Applicant would charge Tennessee a monthly demand rate of $3.43 per Mcf for each Mcf received.

Applicant states that it has also agreed to take receipt of up to 75,000 Mcf of natural gas per day from Great Lakes at the Farwell receipt point for Texas Eastern's account, provide transportation, and make redeliveries of thermally equivalent volumes to Texas Eastern at a proposed point of interconnection between the pipeline systems of Applicant and Texas Eastern located near French Lick, Dubois County, Indiana. Under such agreement, it is submitted, Texas Eastern would pay Applicant a monthly demand charge of $2.57 per Mcf for each Mcf received. In order to effectuate the aforementioned agreements, Applicant proposes to (1) construct and operate a new interconnection at the French Lick point comprised of suitable metering facilities and associated appurtenances; (2) construct and operate additional metering facilities at its aforementioned interconnections with Midwestern and Great Lakes; (3) construct and operate an aggregate of 12.6 miles of 42-inch diameter pipeline loop in Michigan and Indiana.

Applicant estimates the total cost of all proposed facilities to be $16,672,740 which would be financed initially with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short-term lines of credit as required.

The purpose of the instant amendment is to implement revised transportation agreements with Tennessee, Texas Eastern and Natural, which reflect the modifications of and amendments to the puchursers' agreements with the seller of the Canadian gas, ProGas. ProGas' application is pending in Docket No. CP79-332.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7186 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3700-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

March 2, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3700 to be known as Allegheny Lock and Dam No. 7 Hydro Project located on the Allegheny River in Armstrong County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

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Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 7 and would consist of: (1) new penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 18,900 kW; (3) a tailrace; and (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 99,338,000 kWh.

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation's application for Project No. 3494 filed on September 23, 1980, under 18 CFR 4.33 (1980) and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files protests or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3700. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7196 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3872-000]

Montana Renewable Resources, Inc.; Application for Preliminary Permit

March 2, 1981.

Take notice that Montana Renewable Resources, Inc. (Applicant) filed on December 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3872 to be known as Gibson and Sun River Diversion Dams located at the Department of Interior, Water and Power Resources Service's Gibson and Sun River Diversion Dams on the Sun River in Teton, Lewis, and Clark Counties, Augusta, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jeffrey M. Kossak and Edward H. Curland, Montana Renewable Resources; Inc., Suite 1900, 14 Wall Street, New York, New York 10005. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize Department of Interior, Water and Power Resources Service's dams. Project No. 3872 would consist of: (1) a proposed powerhouse, penstock and tailrace at each dam. The powerhouse at the Gibson Dam will have a proposed installed generating capacity of 5.37 MW and an average annual energy output of 26,020,000 kWh. The powerhouse at the Sun River Diversion Dam will have a proposed installed generating capacity of 3.54 MW and an average annual energy output of 17,040,000 kWh; (2) a proposed 18 mile 69-kV transmission line to tie into the existing 69-kV transmission system owned by Sun River Electric Company; and (3) appurtenant facilities.

The proposed project is located on Federal lands.

Purpose of Project—The Applicant intends to sell the power to a public or private utility company and negotiate with Montana Power Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $105,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power,

and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to: (1) Mitchell Energy Company Inc. Project No. 3693 at the Gibson Dam Project on the Sun River in Teton County, Gilman, Montana; (2) Cook Electric Company, Project No. 3775 at the Sun River Diversion Dam Project on the Sun River in Lewis and Clark Counties, near the township of Augusta, Montana; (3) Enagenics Project No. 3792 at the Sun River Diversion Dam Project on the Sun River in Lewis and Clark Counties, near the township of Augusta, Montana.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protest", or "Petition to Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 372. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7216 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-492]

National Fuel Gas Supply Corp. and Penn-York Energy Corp.; Amendment to Application

March 2, 1981.

Take notice that on February 13, 1981, National Fuel Gas Supply Corporation (National), 308 Seneca Street, Oil City, Pennsylvania 16301, and Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP 76-492 an amendment to their pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect a new storage service rate and the imposition of a surcharge on the storage service rendered by Penn-York, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that they requested in an amended application authorization for Penn-York to provide natural gas service to identified storage customers according to revised service schedules during a period beginning April 1, 1981, and for National to render limited term and standby storage service through existing facilities to Penn-York during a similar period. Applicants propose herein for Penn-York to render service at a new rate of $1.1806 per Mcf of annual storage quantity. It is stated that the new rate would apply to 15,871,620 Mcf of certificated storage service beginning April 1, 1981, upon termination of 9,150,000 Mcf of existing service rendered under a temporary certificate expiring March 31, 1981. Applicants state that the rate applicable to the existing service has been $1.0753 per Mcf and that the new rate is based upon a three year development period (April 1, 1980, through March 31, 1983), instead of the two year development period (April 1, 1980, through March 31, 1982), which was used in determining the existing rate. Applicants further state that the new rate would be in effect during the storage years beginning April 1, 1981, and April 1, 1982, and that Penn-York would later file for changed rates to be effective beginning April 1, 1983, based upon experience during the development period. It is stated that the development period has been extended to three years because development schedules have been slowed by delayed receipt of regulatory approvals and full service levels of the facilities under development may not be achieved prior to the April 1, 1983, storage year when long term rates are expected to be initiated. Applicants assert that for the purpose of calculating the new rate it has been assumed that 15,871,620 Mcf of service would be rendered in the storage year beginning April 1, 1981, and that 19,261,620 Mcf of service would be rendered in the storage year beginning April 1, 1982. It is stated that in the event Penn-York is unable to increase its certificated storage service it would be necessary to increase the rate to be charged beginning April 1, 1982, in order to collect fully the remaining unrecovered cost of service incurred during the three year development period or in the alternative Applicant proposes to charge a rate of $1.2998 per Mcf over the full three year period.

Applicants state that by their original application, Penn-York proposed to initiate a development period surcharge to recover the cost of obtaining unanticipated supplemental service from third parties necessary to achieve certificated storage service levels greater than available through Penn-York's own facilities which would be in effect until the first year of oprations of additional proposed storage facilities. It is stated that for the past several years, National has rendered limited term storage service to Penn-York or its customers pending completion of Penn-York's facilities and that the cost to Penn-York of obtaining such service for the benefit of its customers has been included in Penn-York's cost of service to the extent required supplemental capacity through National has been anticipated. Applicants state that in Penn-York's new rate submitted herein charges by National would be at a rate of 40.77 cents per Mcf which is the rate National previously charged and that such rate would be reflected to the extent of the 8,471,620 Mcf storage

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capacity anticipated to be required to supplement capacity in Penn-York's own facilities during the April 1, 1981, storage year. It is stated that the amount of such supplemental capacity thus reflected in Penn-York's cost of service has been determined on the basis of engineering estimates. Applicants herein propose to continue the development period surcharge until Penn-York's facilities are certificated for long-term operation and the provision is proposed for inclusion in Penn-York's tariff at this time because National is seeking authorization for standby service against the possibility that engineering estimates of required supplemental capacity for Penn-York may require revision. It is stated that the provisions of the development period surcharge are worded in general terms to allow for the possibility that National or others may be called upon to render service other than that to be rendered on a standby storage service agreement.

Applicants also state that paragraph 4 of Rate Schedule SS–1 has been changed in the First and Second Alternate First Revised Sheets No. 7(i) to refer to the preceding provision at "Paragraph 3" instead of "Section 3" in order to be consistent with parallel cross citations in the tariff and (ii) to allow for recovery of the total annual storage charge under conditions of delayed commencement of service not only in the contract year when the customer first receives service but also when a new contract is executed as a result of "new or revised authorization" by the Commission. Applicants further assert that the second paragraph of Article IV of the Form of Underground Storage Service Agreement appearing on Original Sheet No. 45 is deleted on First Revised Sheet No. 45 because it is no longer relevant and that the unfulfilled condition referred to herein which gave meaning to the paragraph (operation of facilities contemplated in Docket No. CP77–644) has now occurred.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be consdered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7207 Filed 3–5–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. ER81–70–000 and ER81–71–000]

New England Power Co.; Order Denying Application for Rehearing

Issued: February 27, 1981.

On January 28, 1981, New England Power Company (NEP) filed an application for rehearing of the Commission's order issued December 30, 1980, in Docket Nos. ER81–70–000 and ER81–71–000. In its December 30 order, the Commission accepted NEP's proposed rates for filing, suspended the proposed W–3 rates (for primary and contract demand customers) for five months, and suspended the proposed W–3(C) rates (based solely on the costs associated with the conversion to coal of three oil-fired generating units) for only one day. The order also granted summary disposition of the following issues: (1) NEP's inclusion of ADITC in the common equity component of its capitalization; (2) NEP's treatment of ADITC in computing a federal income tax allowance; and (3) NEP's inclusion of the unamortized investment in NEP Unit Nos. 1 and 2 in rate base.

In its application for rehearing, NEP asserts that in light of its historic inability to earn its allowed rate of return, its decreased load projections, and its load management and conservation efforts, the Commission's five-month suspension of its W–3 rates is arbitrary and capricious. Further, NEP states that the Commission's three summary dispositions are inappropriate because those issues are now before the United States Court of Appeals for the District of Columbia Circuit in *New England Power Company* v. *FERC*, Docket Nos. 80–1343, *et al.* NEP states that those issues were included in this docket only to preserve its position pending appeal.

Discussion

NEP has alleged a number of circumstances which it believes warrant a one-day suspension of its proposed W–3 rates. We disagree. With regard to NEP's alleged inability to earn its allowed rate of return, the Commission has explained that factors relating to a company's financial condition are considered in the preliminary rate of return analysis performed by the Commission in determining whether the filing complies with statutory standards, but that such factors will not serve as an independent basis for determining the appropriate suspension period in the absence of a "clear emergency." [1] Likewise, NEP's decreased load projection is not itself a basis for modifying an otherwise appropriate suspension period. With respect to load management and conservation efforts, the Commission believes that all utilities should be pursuing load management and conservation goals and that appropriate incentive rewards for exceptional efforts towards these goals might be considered in a subsequent evidentiary hearing. However, the five-month suspension period was based on a preliminary determination that the rates filed by NEP may be excessive and therefore unlawful. This determination is unchanged by the company's general management policies, however commendable.

The three summary dispositions to which NEP objects are consistent with the action taken by the Commission in NEP's prior W–2 rate filing in Docket Nos. ER80–66, *et al.* Summary disposition of those issues is appropriate notwithstanding NEP's pending appeal. For the foregoing reasons NEP's application for rehearing will be denied.

The Commission Orders:

(A) NEP's application for rehearing is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7208 Filed 3–5–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–186–000]

Northwest Pipeline Corp.; Application

March 2, 1981.

Take notice that on February 10, 1981, Northwest Pipeline Corporation (Applicant), 315 East Second Street South, Salt Lake City, Utah 84111, filed in Docket No. CP81–186–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of pubic convenience and necessity authorizing certain modifications to its Goldendale compressor station in Klickitat County, Washington, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to install the suction and discharge piping necessary to permit the Goldendale compressor station to operate in a manner that will permit compression in a westerly flow of gas as well as in an easterly flow through the station as operational requirements dictate. Applicant states that the subject compressor station is situated approximately half-way between Applicant's Washougal compressor station in Clark County, Washington, to the west and the Plymouth compressor station in Benton County, Washington, to the east. It is asserted that at the time the Goldendale compressor station was placed in operation the flow on Applicant's system in that section of its main transmission system was west from the Washougal station toward the Plymouth station. Applicant asserts that the present flow in that section of the mainline has become seasonally affected in that it has become necessary to occasionally move supplies from the south through the Plymouth station westward toward the Washougal station. It is stated that the proposed revision would provide Applicant with increased operating flexibility in the management of its total gas supply.

Applicant submits that the repiping proposed herein would increase the capacity of Applicant's main transmission system to flow gas west by an estimated 70,000 Mcf per day. Applicant estimates the cost of the proposed piping and valves to be $301,000 which would be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–7180 Filed 3–5–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 3169–001]

Plains Electric Generation and Transmission Coop., Inc.; Application for Preliminary Permit

March 2, 1981

Take notice that Plains Electric Generation and Transmission Cooperative, Inc. (Applicant) filed on December 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3169 to be known as the Abiquiu Project located on the Rio Chama in Rio Arriba County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stanley K. Bazant, Executive Vice President/General Manager, Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, N.E., Albuquerque, New Mexico 87107. Any person who wishes to file a response to this notice should read the entire notive and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Abiquiu Dam and would consist of: (1) a trash rack; (2) a steel tunnel liner; (3) a wye branch and 12-foot diameter butterfly valve; (4) a power conduit; (5) a powerhouse containing a generating unit having a rated capacity of 12,000 kW; (6) a short tailrace; (7) a substation; (8) a 1,500-foot long 69 kV transmission line; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 35,000 kWh.

Purpose of Project—The power generated from the project would be fed into Applicant's existing transmission system for eventual distribution and resale by its member cooperatives.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the technical, economic, financial, and environmental aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $275,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Western States Energy & Resources, Inc.'s Project No. 3439 filed on September 5, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will

[1] *Public Service Company of Colorado*, Docket No. ER80–447, order issued September 15, 1980.

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consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3169. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7217 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3906-000]

Richard L. Bean and Fred G. Castagna, General Partnership; Application for Preliminary Permit

March 2, 1981.

Take notice that Richard L. Bean and Fred G. Castagna, General Partnership (Applicant) filed on December 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3906 to be known as Hydro-Genics No. 1 Power Project located on Canyon Creek in Shasta County, near Burney, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean and Fred G. Castagna, 741 Baker Road, Redding, California 96003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new diversion dam; (2) and approximately 4,200-foot long penstock; and (3) a powerhouse with a rated capacity of 1 MW. Applicant proposes to interconnect with an existing PG&E 12-kV transmission line. The Applicant estimates that the average annual energy output would be 8 million kWhs.

Purpose of Project—The application states that the Applicant has contacted potential power purchasers for the sale of the power.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks a preliminary permit for a period of 24 months during which it would conduct environmental, engineering, and economic studies to determine the feasibility of constructing and operating the proposed project. No new roads would be required for the purpose of conducting the above studies. Applicant estimates that the cost of the feasibility studies would be about $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3906. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7218 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-194-000]

Sea Robin Pipeline Co.; Application

March 2, 1981.

Take notice that on February 13, 1981, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-194-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 5.85 miles of 12-inch pipeline and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct such facilities from a point in South Marsh Island Block 113, extending in a southeasterly direction to a point of interconnection with its existing facilities located in South Marsh Island Block 128, offshore, Louisiana.

Applicant estimates that the construction cost of the proposed pipeline to be $5,427,000 which would be financed by utilization of Applicant's general company funds and existing lines of credit with commercial lending institutions.

Applicant asserts that the proposed facilities are necessary to effectuate deliveries into its system of natural gas underlying South Marsh Island Blocks 112/113 Field which Applicant is negotiating to purchase from Conoco, Inc. and Cities Service Company. Applicant states that such deliveries are scheduled to begin October 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natual Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7190 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-45-000]

Southland Oil Co./VGS Corp.; Filing of Petition for Review Under 42 U.S.C. 7194

March 2, 1981.

Take notice that Southland Oil Company/VGS Corporation on February 26, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before March 17, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before March 17, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-7197 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-183-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

March 2, 1981.

Take notice that on February 6, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-183-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich-Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the terms of a gas transportation agreement dated December 31, 1980, Applicant proposes to transport up to 5,000 Mcf of natural gas per day, less 2.84 percent retained for fuel and use requirements, for the account of Mich-Wis. It is asserted that Applicant would receive the subject gas at its existing pipeline facilities at Side Valve 523M-501 in Ship Shoal area, offshore, Louisiana, and deliver the gas to Mich-Wis at an existing point of interconnection at Lowry, Cameron Parish, Louisiana.

Applicant submits that deliveries would be made for a five-year term commencing on the date of initial delivery. Applicant proposed to charge Mich-Wis 10.28 cents per Mcf of natural gas with provision for a minimum monthly bill.

Applicant contends that the proposed service would obviate the need for Mich-Wis to construct and operate duplicate pipeline facilities. Applicant further avers that the proposed service would not impair any of its current pipeline services.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

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of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7191 Filed 3-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-192-000]

Texas Eastern Transmission Corp.; Application

March 2, 1981.

Take notice that on February 11, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-192-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for a new delivery point for the delivery of natural gas to National Gas & Oil Corporation (National), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an amended service agreement with National dated February 5, 1981, Applicant proposes herein to construct and operate an additional delivery point to National in Butler County, Ohio. Such facilities would consist of a tap and a metering station and would cost $153,400 which would be reimbursed by National, it is stated. It is asserted that the proposed delivery point is required by National to meet the process requirements of Miller Brewing Company (Miller), National's new customer.

Applicant states that it would deliver up to 2,544 dekatherms (dt) equivalent of natural gas per day to National for Miller's plant in Trenton, Ohio. It is asserted that such additional delivery quantities would not exceed Applicant's currently authorized delivery quantity of up to 22,655 dt equivalent per day to National under Applicant's Rate Schedules DCQ-C and I-C.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7192 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-176-000]

Texas Gas Transmission Corp.; Application

March 2, 1981.

Take notice that on February 4, 1981, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP81-176-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texas Gas Exploration Corporation (Exploration), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement with Exploration dated January 7, 1981, Applicant proposes to transport on an interruptible basis up to 2,000 Mcf of natural gas and associated liquefiables per day, less 0.32 percent retained for compressor fuel and losses. It is stated that the subject gas would be received by Applicant at a point on its pipeline in Cameron Parish, Louisiana, and would be delivered to Exploration at existing interconnecting facilities in Acadia Parish, Louisiana.

Exploration would pay Applicant 7.64 cents per Mcf of natural gas and associated liquefiables transported, it is stated. Applicant submits that such a rate is in accordance with sheet No. 7-A of its FERC Gas Tariff, Third Revised Volume No. 1.

Applicant avers that no new facilities would be required for the proposed service.

It is asserted that the proposed service would provide Exploration with fuel required in its petroleum processing unit at its liquid isomerization extraction plant near Eunice, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7209 Filed 3-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3901-000 and Project No. 4000-000]

Township of Harmar, Pennsylvania and Pennsylvania Renewable Resources, Inc. and ENAGENICS; Application for Preliminary Permit

March 2, 1981.

Take notice that the Township of Harmar, Pennsylvania and Pennsylvania Renewable Resources, Inc. (HP), and ENAGENICS (EN) (Applicants) filed on December 30, 1980 and January 13, 1981, respectively, applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3901 and 4000, respectively, to be known as the Allegheny Lock and Dam No. 3 Hydro Project located on the Allegheny River in Allegheny County, Pennsylvania. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Jeffrey M. Kossak or Mr. Edward Curland, Pennsylvania Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005 (HP), and Mr. Thomas H. Clarke, Jr., President, ENAGENICS, 1727 Q. Street, N.W. Washington, D.C. 20009 (EN). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Each proposed project would utilize the existing U. S. Army Corps of Engineers' Allegheny Lock and Dam No. 3 and would consist of: (1) new penstocks near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 25,500 Kw (HP) and 16,500 Kw (EN); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 138,500,000 Kwh (HP) and 111,300,000 Kwh (EN).

Purpose of Project—Project energy would be sold to public utilities or to public institutions and industrial users.

Proposed Scope and Cost of Studies under Permit—Applicants each seek issuance of a preliminary permit for a period of three years, during which time they would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would each prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be $145,000 (HP) and $50,000 (EN).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Atlantic Power Development Corporation's application for Project No. 3456 filed on September 9, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 26, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3901 and 4000. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N. W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7219 Filed 3-5-81; 8:45 am]

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[Docket No. TA81-1-29-002 (PGA81-1, 1PR81-1, DCA81-1 and LFUT81-1)]

Transcontinental Gas Pipeline Corp.; Order Accepting for Filing, Subject to Conditions, and Suspending Proposed Tariff Sheets, and Establishing Procedures

Issued: February 28, 1981.

On January 29, 1981, Transcontinental Gas Pipeline Corporation (Transco) filed revised tariff sheets [1] to reflect a purchase gas adjustment (PGA) increase of approximately $273.6 million on a semi-annual basis. Such filing reflects (1) a 62.3 cents per dth increase in the commodity charge of Rate Schedules CO, G, OG, E, PS, S–2 and ACQ to track increases in the cost of purchased gas ($255,964,981); (2) an increase of 3.1 cents per dth in the deferred surcharge of Rate Schedules CO, G, OG, E, PS, S–2 and ACQ to recoup underrecoveries of $156,663,765. (3) a 0.3 cent per dth increase for curtailment related credits in Rate Schedules CO, G, OG, E, PS, S–2 and X–20 to recover $354,474 in underrecoveries; and (4) an increase of 0.9 cent per dth in the Louisiana First Use Tax surcharge to recover an estimated balance of $40,059,191. Transco requests an effective date of March 1, 1981.

Public notice of the filing was issued on February 3, 1981, providing for protests or petitions to intervene to be filed on or before February 18, 1981. Petitions to intervene were filed by those petitioners listed in Appendix A. Having demonstrated an interest in this proceeding warranting their participation, they shall be granted intervention. In addition, a joint notice of intervention was filed by the Public Service Commission for the State of New York and the North Carolina Utilities Commission (the State Commissions).

The State Commissions in their joint notice of intervention protests Transco's filing and request that it be suspended and set for hearing. Specifically, they allege that the Commission cannot find that the increased rates which would be made effective by the instant PGA filing are just and reasonable within the meaning of Sections 4 and 5 of the Natural Gas Act and Section 601(b) of the Natural Gas Policy Act (NGPA), and, therefore, such rates are not appropriate for guaranteed recovery under Section 601(c)(2) of the NGPA. The State Commissions state that the increase in Transco's purchased gas costs has been much more rapid than that of comparable pipelines and that Transco's rates may soon price certain of Transco's distributor customers out of the industrial sales market.[2] They argue that certain purchases by Transco from its producer affiliate may not meet the "affiliated entities" test of Section 601(b)(1)(E) of the Natural Gas Policy Act (NGPA) and further that prices paid for 107 gas from non-affiliated producers may not meet the requirements of Section 601(b) and 601(c)(2) of the NGPA.

In its deliberations on the State Commissions' request to set for hearing the question of whether Transco should be allowed to passthrough the cost of deregulated gas, the Commission remains uncertain as to the particularities of the State Commissions' allegations.

Situations might exist where we could deny passthrough of gas costs in accord with Section 601 (b) and (c).[3] We are not able at this stage to say whether the State Commissions' allegations sufficiently define a wrong which would lead the Commission to deny passthrough in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Transco's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. The State Commission's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost passthrough for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have a heavy burden of proof to demonstrate the impropriety that would trigger the "fraud, abuse or similar grounds" bases for denying passthrough of costs.

Based upon a review of Transco's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Transco's filing and suspend its effectiveness so that it shall become effective March 1, 1981, subject to conditions described below, subject to refund, and subject to the proceedings described below.

In a number of suspension orders,[4] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect March 1, 1981, subject to refund, and subject to the condition set forth below.

Transco's PGA increase reflects purchases from a producer-affiliate, Transco Exploration Co., in the South Timberline Block 148, Offshore Louisiana, of deregulated high-cost NGPA Section 107 gas priced at $6.8098 per dth. The Commission is unable to determine from the information submitted by the pipeline whether the proposed purchase price assigned to its affiliated production satisfies the affiliated entities limitation set forth in Section 601(b)(1)(E) of the Natural Gas Policy Act (NGPA). That Section provides that in the case of any first sale between any interstate pipeline and any affiliate of such pipeline, any amount paid shall be deemed just and reasonable if in addition to not exceeding the applicable maximum lawful price ceiling, such amount does not exceed the amount paid in comparable first sale transactions between persons not affiliated with such pipeline. Accordingly, the Commission's acceptance of this increase is conditioned upon Transco's filing, within thirty days of issuance of this order, data responsive to the data request attached in Appendix B. In essence, the data request seeks information demonstrating that the price paid for such production meets the affiliated entities test. This shall also be an issue in the evidentiary proceeding hereinafter ordered.

In addition, Transco's general, system-wide rate increase is subject to proceedings in Docket No. RP80–117. In such proceeding, one issue raised is whether Transco's current accounting methodology concerning the gas cost associated with storage service results in an overcollection of purchased gas costs. Accordingly, the determination of that issue in the present PGA filing shall be made subject to the outcome of that issue in Docket No. RP80–117.

Furthermore, the Commission notes that Transco's filing also includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79–22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Transco shall be flowed through to the ratepayers in accordance with the procedures prescribed in Transco's PGA clause.

In addition, the Commission notes that Transco's deferred purchased gas cost account (Account No. 191) reflects $10.7 million in unpaid accruals. Transco indicated these unpaid accurals are attributable to purchases from producers who have NGPA well category determination filings pending for higher rates. Transco has included an estimated effect of the higher rate for these purchases. Such inclusion of unpaid accruals in the deferred account is inconsistent with the Commission's Regulations governing purchase gas costs. Accordingly, Transco is directed to remove unpaid accruals from its deferred Account No. 191 and to file within 30 days revised tariff sheets, to be effective March 1, 1981, eliminating such costs from the pipeline's deferred account.

The Commission Orders: (A) Pursuant to the authority of Section 601 of the Natural Gas Policy Act and the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Transco in such PGA filing.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a pre-hearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(C) Subject to the conditions set forth in the body of this order and the ordering paragraphs below, Transco's proposed tariff sheets are accepted for filing and, suspended, subject to refund, to become effective March 1, 1981.

(D) The issue in this docket of whether such PGA filing contains any overcollections due to Transco's current storage pricing methodology is made subject to the outcome of that issue in Docket No. RP80–117.

(E) Transco is ordered to file on or before 30 days after the issuance of this order revised tariff sheets to become effective March 1, 1981, reflecting the removal of $10.7 million in unpaid accruals from Account No. 191.

(F) Transco shall file data as set forth in Appendix B within thirty days of the issuance of this order to show that the pricing of affiliate-owned production is in accordance with Section 601(b)(1)(E) of the NGPA.

(G) The costs associated with Transco's affiliate-owned production shall be collected subject to refund and subject to: (1) Transco's filing within thirty days of the issuance of this order the data called for in Paragraph (F) above, and (2) review of such data by the Commission to determine what further action is appropriate.

(H) The petitioners listed in Appendix A to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding. However, the Commission denies New York's and North Carolina's request for an investigatory hearing.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Transcontinental Gas Pipeline Corporation, Docket No. TA81–1–29–002, Petitions for Intervention

Elizabethtown Gas Company
South Jersey Gas Company
Eastern Shore Natural Gas Company
Philadelphia Gas Works
Pennsylvania Gas and Water Company
Piedmont Natural Gas Company, Inc.
Frederick Gas Company, Inc.

Appendix B

In order to make a determination regarding whether or not Transco's affiliated purchases of Section 107 gas meets the affiliated entities test additional information is required. Please submit the following information:

(1) Please identify other sources of gas priced pursuant to Section 107 of the NGPA on Transco's system or purchased by Transco as of March 1, 1981. Further, please provide:

(a) contracts between Transco and the suppliers of such gas;

(b) the geographic origin of such supplies incuding file and A.P.I. well number;

(c) indicate if any of the Section 107 wells are jointly owned. If so, provide the names of the other sellers and, if applicable, other buyers;

(d) the price and purchase volumes of such gas;

(e) the pricing mechanism for such gas if no contract applies;

(f) indicate if the contract has in it, or has determined, a maximum ceiling price for such gas. Provide details.

(2) Please state whether Transco has negotiated or is negotiating for other supplies of gas priced pursuant to Section 107 of the NGPA. If so, please include the following information for the period as of March 1, 1980.

(a) indicate the seller of such gas;

(b) identify the geographic origin of such supplies including field and well number;

(c) state the price requested by the seller and the price offered by Transco. Include the volume of gas involved and the time period of negotiations for each parcel of gas; and

[1] Twentieth Revised Sheet No. 12, Twentieth Revised Sheet No. 13 and Third Revised Sheet No. 16 to FERC Gas Tariff, Second Revised Volume No. 1 and Twenty Sixth Revised Sheet No. 121 to FERC Gas Tariff, Original Volume No. 2.

[2] This is because Transco's rates will soon surpass the price of alternative fuels in certain markets.

[3] The identity of, or differences between, "fraud", "abuse" or "similar grounds", when stated disjunctively in Section 60(c) is a particularly difficult but important question.

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No RP80–96 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

(d) if such gas was not purchased explain why these supplies were not contracted for by Transco.

(3) Please identify any other producers of Section 107 gas who produce gas either from the same field Transco purchases or produces its Section 107 gas or adjacent fields thereto and the prices paid for such purchases.

[FR Doc. 81-7196 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-1-30-001 (PGA81-1, LFUT81-1, IPR81-1 and TT81-1)]

Trunkline Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Conditions and Establishing Procedures

Issued: February 28, 1981.

On January 14, 1981, Trunkline Gas Company (Trunkline) filed its semiannual PGA rate adjustment [1] with a proposed effective date of March 1, 1981. The PGA portion of the 51.28¢ per dth increase includes: (1) a 53.90¢ per dth increase in the cost of purchased gas; (2) a 2.43¢ per dth decrease in the surcharge to recover the negative $7,917,723 balance in its deferred purchased gas cost account; and (3) a negative .19¢ per dth decrease in the deferred purchased gas carrying cost surcharge. There was no incremental pricing surcharge adjustment included in this filing since Trunkline has projected the MSAC's for the six-month period ending August 3, 1981, to be zero.

Trunkline's filing reflects a .21¢ per dth decrease in the Louisiana First Use Tax (LFUT) rate. Trunkline also filed a Purchased gas transmission and Compression tracking decrease. Demand rates were decreased 2.0¢ per dth and commodity rates were increased 3.86¢ per dth. This adjustment will result in returning to its jurisdictional customers the negative balance of $4,529,586 on November 30, 1980 of the Deferred Account. This adjustment is pursuant to the Agreement as to Rates and Related Matters in Docket No. RP78-11, approved by Commission order issued November 25, 1978.

Public notice of Trunkline's filing was issued on January 23, 1981, providing for protests or petitions to intervene to be filed on or before February 9, 1981. Petitions to intervene were filed by General Motors Corporation, Central Illinois Light Company, and Consumers Power Company in which each requested permission to intervene and participate if hearing procedures are established. The State of Michigan and the Michigan Public Service Commission (Michigan) filed a joint protest and petition to intervene in which they requested the Commission to suspend the filing subject to refund and establish hearing procedures.[2] Having demonstrated an interest in this proceeding warranting their participation, all of these petitioners shall be granted intervention.

Trunkline's filing reflects purchases of certain volumes of deregulated high-cost natural gas from nonaffiliated producers priced under Section 107 of the Natural Gas Policy Act of 1978 (NGPA) which were not reflected in prior PGA's. These purchases comprise 9.80% of the purchased gas volumes, and 27.78% of the cost of purchased gas reflected in the current adjustment of the filing based on the twelve-month period ending November 30, 1981, as annualized.[3]

Michigan requests that the Commission suspend the filing, allow the rate increase to become effective subject to refund, and set for hearing the question whether Trunkline should be allowed to pass through to its jurisdictional customers the cost of certain unregulated gas.[4]

Michigan notes that under Section 601(c) of the NGPA, the Commission may prevent passthrough of purchased gas costs to the extent it "determines fraud, abuse or similar grounds." Michigan states that more information is needed before the Commission validates Trunkline's filing in order to determine that the prices are not excessive due to abuse or other similar circumstances. In its deliberations on Michigan's request to set for hearing the question of whether Trunkline sould be allowed to pass throught the cost of deregulated gas, the Commission remains uncertain as to the particularities of Michigan's allegation.[5]

Situations might exist where we could deny passthrough of gas costs in accord with Section 601(b) and (c).[6] We are not able at this stage to say whether Michigan's allegations sufficiently define a wrong which would lead the Commission to deny passthrough in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Trunkline's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. Michigan's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost passthrough for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have a heavy burden of proof to demonstrate the impropriety that would trigger the "fraud, abuse or similar grounds" basis for denying passthrough of costs.

Based upon a review of Trunkline's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Trunkline's filing and suspend its effectiveness as set forth below.

In a number of suspension orders,[7] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is one type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect March 1, 1981, subject to refund, pending hearing and decision.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 8 and 15 thereof, Section 601(c) of the Natural Gas Policy Act, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Trunkline in such PGA filing.

(B) Trunkline's Thirty-fifth Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-B to FERC Gas Tariff, Original Volume No. 1 are accepted for filing, suspended, and may become effective March 1, 1981, subject to refund in the manner prescribed by the Natural Gas Act.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(D) The petitioners identified in this order are permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7199 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-178-000

United Gas Pipe Line Co.; Application

March 2, 1981.

Take notice that on February 4, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP 81-178-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Entex, Inc. (Entex) as the successor-in-interest of a distribution system previously owned by Columbia Gas Service Corporation (Columbia Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to continue the sale for resale of natural gas to Entex as the successor in interest to Columbia Gas of the distribution system at Franklin, Louisiana. It is asserted that the subject distribution system was acquired from Columbia Gas on November 21, 1980.

Applicant states that it was authorized to make sales for resale of natural gas to Entex and Columbia Gas for their respective distribution systems located in Franklin, Louisiana. It is further stated that Columbia Gas' authorized maximum daily quantity is 219 Mcf under Applicant's Rate Schedule G-S and that Entex's authorized maximim daily quantity is 32,546 Mcf of natural gas under Applicant's Rate Schedule DG-S which includes 6,533 Mcf for the area of Franklin.

Applicant further proposes herein to add the 219 Mcf of natural gas previously delivered to Columbia Gas to Entex's total maximum daily quantity of 32,546 Mcf at the newly designated Franklin City Gate No. 2 under Applicant's Rate Schedule DG-S.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7193 Filed 3-5-81; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-79-1; RD-FRL 1771-2]

Air Quality Criteria for Particulate Matter and Sulfur Oxides

AGENCY: Environmental Protection Agency.

ACTION: Commencement of Comment Period on Second External Review Draft.

SUMMARY: As previously announced, EPA is revising the existing criteria documents for particulate matter and sulfur oxides (PM/SO_x) under Sections 108 and 109 of the Clean Air Act, 42 U.S.C. 7408, 7409. Since January, 1981, various volumes of a second draft combined criteria document for PM/SO_x

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[1] Thirty-fifth Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-B to FERC Gas Tariff, Original Volume No. 1.

[2] On February 18, 1981, Trunkline filed a Response to the Protest, Motion and Notice of Intervention of the State of Michigan and the Michigan Public Service Commission.

[3] Trunkline's purchases of Section 107 gas are priced in the subject filing on the basis of one of three pricing provisions: (a) a base rate of $2.75 per MMBtu escalated pursuant to the Section 102(b) escalation factor; (b) Platt's Oilgram prices for No. 2 fuel oil in detroit less Trunkline transmission costs; or (c) 110% of the price of No. 2 fuel oil in Platt's Oilgram, New York edition.

[4] Michigan states that prices charged in the new Section 107 gas contracts are too high, the volumes are too large and the impact on consumers is too great to allow these costs to be passed through without further scrutiny. Michigan raises questions which it indicates are not answered in Trunkline's filing.

[5] Michigan's protest is, in part, a plea for more specific information. See page 4 of the protest.

Continued

[6] The identity of, or differences between, "fraud", "abuse" or "similar grounds", when stated disjunctively in Section 601(c) is a particularly difficult but important question.

[7] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-66 (August 22, 1980) (one-day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five-month suspension).

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have been released to the public upon completion. This notice announces the availability of the complete second draft, and the commencement of a 60-day comment period.

ADDRESSES:

To Obtain Copies: The Environmental Criteria and Assessment Office (ECAO) filled more than 4,000 public requests for copies of the first external review draft released in April, 1980. Because all those who received copies of the first draft from ECAO are being sent copies of the various volumes of the second external review draft, there is no need to resubmit a request. Others wishing to receive the second external review draft who have not already submitted requests in response to the January 29, 1981 notice announcing the availability of the draft (46 FR 9746) should address written requests for copies to Diane Chappell—PM/SO_x, Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Telephone requests may be placed at (919) 541–3746; FTS 629–3746.

DATES: All volumes of the second external review draft will be available for release March 6, 1981. Public comments on the second draft must be *received* by 5 p.m., EDT, May 5, 1981, at the above address. There will be no extensions of this comment period.

SUPPLEMENTARY INFORMATION: As discussed in the Federal Register of October 2, 1979 [44 FR 56730] if the Administrator should decide to propose revised national ambient air quality standards for particulate matter or sulfur oxides, the proposal(s) would be based on a final revised criteria document.

In April, 1980, a first external review draft of a combined revised PM/SO_x criteria document was released for public review. In August, 1980, the Clean Air Scientific Advisory Committee ("CASAC") of EPA's Science Advisory Board reviewed the first draft, and advised that a second draft should be prepared. CASAC also advised that in preparing the second draft EPA should convene panels of experts to discuss outstanding issues at technical working sessions. During November 1980–January 1981, EPA held discussions on various chapters at five such meetings, which were open to the public and announced in the Federal Register. Beginning in January, 1981, completed volumes of the second draft were made available to the public (46 FR 9746, January 29, 1981).

The five volumes of the second draft PM/SO_x criteria document include: Volume I, chapter 1 (executive summary); Volume II, chapters 2–5 (air quality aspects); Volume III, chapters 6–8 (transport and fate, acidic deposition effects, and vegetation effects); Volume IV, chapters 9 and 10 (visibility and materials damage effects); Volume V, chapters 11–14 (health effects).

Now that all five volumes are available, a sixty-day period is being provided for the submission of public comments. No extensions to the comment period will be provided. The statutory deadline for completion of appropriate revisions to the existing criteria documents for PM and SO_x has passed. In addition, EPA is subject to a consent order in litigation with the American Iron and Steel Institute and 12 steel companies; the order essentially required the Administrator to make a *bona fide* and diligent attempt to issue a revised PM/SO_x criteria document by December 31, 1980. [*AISI et al.* v. *Costle*, No. 78–92 (W.D. Pa.)] For these and other reasons, EPA is seeking to issue a revised document as rapidly as possible consistent with maintaining the requisite quality. In the circumstances, including prior and subsequent opportunities for public participation and the prior availability of at least two volumes of the present draft, I believe the sixty-day period is adequate and should not be extended.

EPA welcomes all comments pertaining to this second draft document, and requests that an original and three copies of all comments be submitted to the address above under "To Obtain Copies." Comments should reference the docket number, ECAO–CD–79–1. To facilitate consideration of the comments received on this lengthy and complex document, commenters are asked to list at the outset the major points they discuss and to reference in the list those pages in the body of their comments where the major points are discussed. and the pages in the draft document to which the comments pertain. Also, to help EPA respond as quickly as possible to the comments, commenters are urged to send all or portions of their comments (e.g., comments on the volumes previously released) to EPA well before the end of the comment period where this is possible.

The various drafts fo the PM/SO_x criteria document, public comments on the drafts, related correspondence and other materials developed in the course of revising the criteria documents are available for inspection in the public docket, No. ECAO–CD–79–1. The docket is available for inspection and copying between the hours of 8 and 4 at EPA headquarters in the Central Docket Section (A–130), Gallery 1 West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

EPA is making the second draft available to CASAC for advice and comments on the document's scientific and technical adequacy. A subsequent Federal Register notice will announce the date and location of CASAC's meeting on the document. EPA will request that CASAC continue its practice of providing an opportunity for members of the public to present oral comments on the draft document under consideration.

Dated: March 2, 1981.

Richard M. Dowd,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81–7100 Filed 3–5–81; 8:45 am]

BILLING CODE 6560–35–M

[A–7–FRL 1770–5]

Region VII; Approvals of PSD Permits

Region VII notice of approvals of PSD permits to Empire District Electric Company, LaRussell Energy Center, Joplin, Missouri; Missouri Public Service Company, Ralph Green Station, Pleasant Hill, Missouri; and Noranda Aluminum, Incorporated, New Madrid, Missouri.

Notice is hereby given that the Environmental Protection Agency (EPA) has issued construction permits under the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21) to: Empire District Electric Company; Missouri Public Service Company; and Noranda Aluminum, Incorporated.

On January 7, 1981, the EPA formally approved a proposal by the Empire District Electric Company to add a 90-megawatt oil-fired simple-cycle combustion turbine (Unit 2) at their LaRussell Energy Center in Jasper County, Missouri. The new turbine will emit significant amounts of nitrogen oxides (NO_x), sulfur dioxide (SO_x), carbon monoxide (CO), and particulate matter (TSP). The existing ambient air quality in the vicinity of the proposed source is better than the National Ambient Air Quality (NAAQS) for all pollutants. Thus, the proposed expansion is classified as a major modification under the PSD regulations.

On January 29, 1981, the EPA formally approved a proposal by the Missouri Public Service Company to install an 81-megawatt gas-fired combustion turbine unit to their Ralph Green Station in Pleasant Hill, Missouri. The turbine is a major modification of a named major stationary source because the addition will result in a significant net increase in nitrogen oxides (NO_x) emissions. There will be no significant net increase in emissions of any other pollutants regulated under the Clean Air Act.

On February 2, 1981, the EPA formally approved a proposal by Noranda Aluminum, Incorporated, to construct a third aluminum reduction pot line and associated facilities at their New Madrid, Missouri, plant. The modification will add one 85,000-ton-per-year pot line with associated anode baking and metal casting operations, which will significantly increase emissions of sulfur dioxide (SO_x) and carbon monoxide (CO). Air quality in the New Madrid area is better than the NAAQS for these pollutants. The additional pot line will also have significant emissions of particulate matter and fluorides. However, modifications to the control systems for existing facilities will provide offsets for these emissions. Also, the source is located in a particulate matter non-attainment area and the provisions of the offset policy have been applied.

Under Section 307(b)(1) of the Clean Air Act, as amended in August, 1977, judicial review of any of the above actions is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, as amended in August, 1977, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In these cases, the appropriate court is the Eighth Circuit Court of Appeals. A petition for review must be filed with this court on or before May 5, 1981.

Copies of the permits and related information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: February 20, 1981.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81–7146 Filed 3–5–81; 8:45 am]

BILLING CODE 6560–38–M

[A–7–FRL–1770–6]

Region VII; Non-Applicability of PSD Regulations

Region VII notice of non-applicability of PSD regulations to Hawkeye Chemical, Company, Clinton, Iowa and Northwestern States Portland Cement Company, Mason City, Iowa.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that construction proposals by the above companies are not subject to the review requirements of the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21).

On January 27, 1981, the EPA issued a nonapplicability determination to the Hawkeye Chemical Company for modifications to the ammonia plant in Clinton, Iowa. Calculations show that a net decrease in emissions will occur as a result of these modifications.

On January 27, 1981, the EPA issued a nonapplicability determination to the Northwestern States Portland Cement Company, to convert Kiln #3 to a preheater/precalciner-type kiln, and to permanently shut down Kiln #1. This conversion will result in either a net emission decrease or no change in emissions. Thus, the PSD regulations will not apply to the proposed project.

Under Section 307(9b)(1) of the Clean Air Act, as amended in 1977, judicial review of any of these determinations is available *only* by the filing of a petition for review in the United States Court of Court Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, as amended in 1977, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In this case, the appropriate court is the Eighth Circuit of Appeals. A petition for review must be filed with this court on or before May 5, 1981.

The determinations and related background information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: February 20, 1981.

William Rice,

Acting Regional Administrator Region VII.

[FR Doc. 81–7147 Filed 3–5–81; 8:45 am]

BILLING CODE 6560–38–M

[A–10–FRL 1770–4]

Region 10; Issuance of PSD Permits to the Northwest Alaskan Pipeline Company

Notice is hereby given that on February 23, 1981 the Environmental Protection Agency issued Prevention of Significant Deterioration (PSD) Permits (40 CFR Part 52.21) to Northwest Alaskan Pipeline Company for approval to construct seven compressor stations along the Alaskan Natural Gas Transportation System in Alaska.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permits is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of these permits are available for public inspection upon request at the following locations:

EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101

Office of the Mayor, Barrow, Alaska 99723

EPA, Alaska Operations Office, 701 C Street, Room E535, Anchorage, Alaska 99513

Tok High School Library, Tok, Alaska 99870

Dated: February 23, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81–7148 Filed 3–5–81; 8:45 am]

BILLING CODE 6560–38–M

[AS-FRL-1771-3]

National Contingency Plan Draft Revision; Meeting

AGENCY: The Environmental Protection Agency.

ACTION: Notice of public meeting on the initial draft revision of the National Contingency Plan.

SUMMARY: The National Contingency Plan currently provides the authority to handle pollution damage from discharges of oil or hazardous substances into navigable waters. With the passage of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the National Contingency Plan must be revised to provide a multi-media approach not only for discharges of hazardous substances or oil into navigable waters, but releases or possible releases into ground water, air, and on land. We expect these required revisions to improve the ability of Federal and State agencies to prevent or minimize damage to the environment and threats to people's health.

DATE: March 26, 1981, from 9:00 a.m. until 12:00 p.m.

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ADDRESS: Lisner Auditorium, George Washington University, 21st and H Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Ms. Julie Frazier, EPA, Office Hazardous Emergency Response (WH-548), 401 M Street, SW., Room G-222, East Tower, Washington, D.C. 20460. Telephone: (202) 755-9685.

SUPPLEMENTARY INFORMATION: A draft copy of the National Contingency Plan is available for review and comment from Ms. Frazier.

Dated: March 3, 1981.

Michael B. Cook,

Deputy Assistant Administrator, Office of Hazardous Emergency Response.

[FR Doc. 81-7159 Filed 3-5-81; 8:45 am]

BILLING CODE 6560-26-M

[ER-FRL-1771-5]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EIS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of February 23, 1981 to February 27, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from March 6, 1981 and will end on April 20, 1981. The 30-day review period for final EIS's as calculated from March 6, 1981 will end on April 6, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT:
Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245-3006.

Dated: March 3, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

U.S. DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, (202) 447-3965.

FOREST SERVICE

DRAFT

WESTERN SPRUCE BUDWORM MANAGEMENT PLAN, TAOS, COLFAX AND RIO ARRIBA COUNTIES, NEW MEXICO. February 25: Proposed is a spruce budworm management plan for the Carson National Forest, Taos Pueblo and adjoining private lands. (EIS Order No. 810156.)

FINAL

MULTORPOR SKI BOWL MASTER PLAN, CLACKAMUS COUNTY, OREGON. February 26: Proposed is a management plan for and the expansion of the Multorpor Ski Bowl located in the Mt. Hood National Forest. Comments made by: AHP, HUD, DOT, USDA, DOI, EPA, State and local agencies, groups and individuals. (EIS Order No. 810157.)

GYPSY MOTH SUPPRESSION AND REGULATORY PROGRAM. February 27: Proposed is a cooperative gypsy moth suppression and regulatory program affecting northeastern States that request funding for suppression purposes and States where regulatory activities are implemented. Comments made by: DOC, COE, HHS, DOI, USN, EPA, State and local agencies. (EIS Order No. 810163.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, (202) 272-0121.

FINAL

EIGHT MILE CREEK BASIN FLOOD CONTROL, PARAGOULD, GREENE COUNTY, ARKANSAS. February 27: Proposed is a flood control and recreation plan for a portion of the Eight Mile Creek Basin near Paragould. Comments made by: EPA, USDA, DOI, DOT, AHP, State agencies. (EIS order No. 810164.)

DRAFT SUPPLEMENT

TALLAHALA CREEK LAKE, OIL INTEREST (DS-2/REVISED), JASPER COUNTY, MISSISSIPPI. February 24: This statement supplements a final EIS, No. 725336, filed 9-22-72 concerning a multipurpose project for the Tallahala Creek Lake and specifically evaluates impacts on the project that have resulted from a recent oil find in the lake site. (EIS Order No. 810152.)

REPORT

LITTLE BLUE RIVER CHANNEL, JACKSON COUNTY, MISSOURI. February 24: This supplemental report provides information concernig a project change for the Lake City Army ammunition plant diversion channel and levees in conjunction with the Little Blue River Channel Project. (EIS Order No. 810153.)

TIME EXTENSION: Clarks Hill Lake O/M, Savannah River, GA, published FR February 20, 1981—review period has been extended from April 6, 1981 to April 20, 1981. (No. 810113.)

CORRECTION: Within the Notice of Availability published in the January 13, 1981 FR two COE EISs, San Antonio Channel Improvement (FS-1), Bexar County, TX and Grays Harbor and Chehalis River Navigation (FS-1), Grays Harbor County, Washington, were incorrectly published under DOA. See **Federal Register** correction elsewhere in this issue.

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

FINAL

UINTA-SOUTHWESTERN UTAH COAL DEVELOPMENT, CARBON, SEVIER, EMERY AND SANPETE COUNTIES, UTAH. February 24: Proposed is the leasing and mining of lands within the Uinta-Southwestern Utah Coal Region. Comments made by: USDA, DOI, EPA, State and local agencies, groups. (EIS Order No. 810155.)

DRAFT SUPPLEMENT

COLSTRIP TRANSMISSION LINE, RIGHT-OF-WAY (DS-1), DEER LODGE, JEFFERSON, POWELL AND SILVER BOW COUNTIES, MONTANA. February 26: This statement supplements a final EIS, No. 790622, filed 7-31-79 concerning the granting of right-of-way for the Coltrip project and considers additional corridor segments. (EIS Order No. 810160.)

WATER AND POWER RESOURCES SERVICE

HOLD: The USDI/SPRS published in the FR date February 19, 1981 (46 FR 12992) suspension of the comment period on the DEIS for Acreage Limitation (No. 810015). Therefore, the Notice of Availability published by EPA on January 16, 1981 and the review period scheduled to terminate on March 16, 1981 are being held until further notice from the USDI. A new Notice of Availability and review period will be published by EPA at that time.

DEPARTMENT OF LABOR

Contact: Ms. Joanne Lindhart, Chief, Office of Environmental Impact Assessment, (202) 523-7111.

DRAFT

HAZARDS IDENTIFICATION STANDARD. February 23: Proposed is a regulatory standard for the identification of hazardous substances which would require employers to identify and provide access to information on the number and types of substances present in their workplaces. (EIS Order No. 810149.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

DRAFT

I-40 IMPROVEMENT, US 421 TO US 158, FORSYTH AND BUILFORD COUNTIES, NORTH CAROLINA. February 27: Proposed is the improvement of I-40 from US 421 to US 158 and the extension of the East-West Thoroughfare Extension from US 52 to I-40. (EIS Order No. 810162.)

EXTENSION: The review period for the above EIS has been extended until April 27, 1981. (No. 810162.)

I-75 and I-85/DOWNTOWN CONNECTOR IMPROVEMENT, FULTON COUNTY, GEORGIA. February 26: Proposed is the improvement of I-75, I-85 and bridges from Cleveland Avenue to Williams Street. (EIS Order No. 810161.)

I-75 CORRIDOR AND INTERCHANGE IMPROVEMENT, MONROE COUNTY, GEORGIA. February 26: Proposed are improvements for the I-75 corridor and the Juliette Road/I-75 and GA-83/I-75 interchanges. (EIS Order No. 810159.)

FINAL

KALAMAZOO RAIL CONSOLIDATION PROGRAM, KALAMAZOO COUNTY, MICHIGAN. February 26: Proposed is a rail consolidation program consisting of the consolidation of three rail systems and the construction of a grade separation. Comments made by: DOC, COE, EPA, DOI, DOT, State agencies, businesses. (EIS Order No. 810158.)

I-91/I-291 TRANSPORTATION CORRIDOR INPROVEMENTS, HARTFORD COUNTY, CONNECTICUT. February 24: Proposed is the improvement of I-91 from Hartford to Enfield and I-291 from Windsor to Manchester. Comments made by: FHWA, COE, DOT, EPA, AHP, HUD, DOI, FRC, State and local agencies, businesses. (EIS Order No. 810122.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Lisa Corbin, Region X, (206) 442-1285.

DRAFT

CITY OF POST FALL WWT FACILITIES, GRANT AND KOOTENAI COUNTIES, IDAHO. February 23: Proposed is the awarding of a grant for the development of a facilities plan for the construction of a central wastewater collection, treatment and disposal system to serve city residents and residents of adjacent urbanizing unincorporated areas. (EIS Order No. 810151.)

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Mr. Jack M. Heinemann, Advisor on Environmental Quality, (202) 357-8228.

FINAL

SULTON RIVER PROJECT NO. 2157, LICENSE AMENDMENT, SNOHOMISH COUNTY, WASHINGTON. February 27: Proposed is an amendment to the license for the Sulton River project authorizing additional works. Comments made by: DOC, DOI, EPA, HHS, USDA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 810165.)

DRAFT SUPPLEMENT

ROCKY MOUNTAIN PROJECT, DAM RELOCATION (DS-1), FLOYD COUNTY, GEORGIA. February 10: This statement supplements final EIS, No. 760735, filed 5-16-76 and proposes an amendment of the license for the construction and operation of the Rocky Mountain Project. (EIS Order No. 810070.)

NOTATION: The above EIS was originally filed on January 23, 1981 and published in the January 30, 1981 FR. The EIS was refiled as of February 10, 1981 and should have appeared in the February 13, 1981 FR. The review period will terminate on March 30, 1981. (No. 810070.)

GREAT LAKES BASIN COMMISSION

Contact: Mrs. Lee Botts, Chairman, (313) 668-2300.

DRAFT

GREAT LAKES BASIN WETLANDS POLICY PLAN, SEVERAL STATES. February 23: Proposed is the adoption of a regional policy statement intended to assist in developing and/or revising state and federal policy relating to wetlands in the Great Lakes Basin. (EIS Order No. 810148.)

EXTENSION: The review period for the above EIS has been extended until May 28, 1981. (No. 810148.)

GREAT LAKES BASIN COASTAL HAZARDS ELEMENT, SEVERAL STATES. February 23: Proposed is the implementation of the Coastal Hazards Element of the Great Lakes Basin Plan which would serve as an adopted statement of regional policy. (EIS Order No. 810150.)

EXTENSION: The review period for the above EIS has been extended until May 28, 1981. (No. 810150.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, (202) 755-6300.

FINAL

BLUEWATER BAY VILLAGE, MORTGAGE INSURANCE, OKALOOSA COUNTY, FLORIDA. February 27: Proposed is the issuance of HUD home mortgage insurance for the Bluewater Bay Village planned unit development which will consist of 5,714 dwelling units and encompass 1,600 acres.

[FR Doc. 81-7244 Filed 3-5-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1754-5]

Availability of Environmental Impact Statements

Correction

In FR Doc. 81-5242 in the issue of Friday, February 13, 1981 certain information was published incorrectly. On page 12323, second column, the material headed "U.S. Army Corps of Engineers" down to "Department of Agriculture" should have appeared in the third column between the third paragraph, "Extension" and the heading "Final Supplement".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 16, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 6010-28.

Filing party: Mr. Clarence Morse, Warren & Associates, P.C., 1100 Connecticut Avenue, Washington, D.C. 20036.

Summary: Agreement No. 6010-28 modifies the basic agreement of the Straits/New York Conference by using employed Secretaries to perform all those functions previously delegated to the Chairman. By Order of the Federal Maritime Commission.

Dated: March 3, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-7161 Filed 3-5-81; 8:45 am]

BILLING CODE 6730-01-M

V 46 / 44 MR 6 81 UMI

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitration Services Advisory Committee; Notice of Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with Section 10 of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), will meet on Friday, March 27, 1981 at 9:30 a.m. in Conference Room 610, 2100 K Street, NW., Washington, D.C.

The agenda is as follows:

1. Review of FY 1981 OAS statistics.
2. Appropriations and staffing for FY 1981 and 1982.
3. FY 1981 seminars and conferences.
4. Current case processing problems.
5. FMCS policy on submission of panels.
6. Admission of retired mediators.
7. Arbitrator Review Board admissions and removals.
8. ASAC transition paper for incoming director.
9. New ASAC meeting.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to: Ms. Jewell Myers, Associate Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C. this second day of March, 1981.

Kenneth E. Moffett,

Acting Director.

[FR Doc. 81-7118 Filed 3-5-81; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency; that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 30, 1981.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pennbancorp, Titusville, Pennsylvania (reinsurance activities; Pennsylvania): to engage, through its subsidiary, Pennbancorp Life Insurance Company, in underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant and its banking subsidiary, Pennbank, Titusville, Pennsylvania. This activity would be performed from an office in Phoenix, Arizona, and the geographic areas to be served are Crawford, Venango, Erie, Warren, McKean and Elk Counties, Pennsylvania.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7158 Filed 3-5-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancshares of Louisiana, Inc.; Formation of Bank Holding Company

First Bancshares of Louisiana, Inc., Baton Rouge, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Louisiana National Bank of Baton Rouge, Baton Rouge, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 2, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7154 Filed 3-5-81; 8:45 am]

BILLING CODE 6210-01-M

Guthrie County Investment Co.; Formation of Bank Holding Company

Guthrie County Investment Co., Guthrie Center, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Guthrie County State Bank, Guthrie Center, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7155 Filed 3-5-81; 8:45 am]

BILLING CODE 6210-01-M

Hull State Bancshares, Inc.; Formation of Bank Holding Company

Hull State Bancshares, Inc., Hull, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Hull State Bank, Hull, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7156 Filed 3-5-81; 8:45 am]

BILLING CODE 6210-01-M

McCamey Bancshares, Inc.; Formation of Bank Holding Company

McCamey Bancshares, Inc., McCamey, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares, less directors' qualifying shares, of Security State Bank, McCamey, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 2, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7157 Filed 3-5-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Taft Broadcasting Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets and voting securities of the Kroger Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Officer, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-7175 Filed 3-5-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: HG Incorporated is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Elsinore Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by HG Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-7176 Filed 3-5-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Georgia Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the

Georgia Public Service Commission involving the application of the Southern Bell Telephone and Telegraph Company for increases in rates for telecommunications service. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-7151 Filed 3-5-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Worker Safety Hazards in Grain Elevators and Feed Mills; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public, limited only by the space available:

Worker Safety Hazards in Grain Elevators and Feed Mills

Date: April 1–2, 1981
Time: 8:30 a.m. to 5 p.m.
Place: Ramada Inn, Route 119 South & U.S. 48, Morgantown, West Virginia
Purpose: To discuss criteria being developed to reduce worker exposure to safety hazards, as well as general industrial hazards associated with the daily handling, storage, and processing of grain.

Additional information may be obtained from: Mr. Peter M. Bochuak, Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505 Telephone: (304) 599–7574 or FTS 923–7574.

Dated: February 27, 1981.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 81-7142 Filed 3-5-81; 8:45 am]

BILLING CODE 4110-87-M

Food and Drug Administration

[Docket No. 80P-0410]

Red Wolf Productions; Approval of Variance for Laser Projection System and Laser Light Show

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the laser projection system and laser light display in Union Square, San Francisco, CA, manufactured by Red Wolf Productions. The projector provides laser display to produce a variety of special lighting effects between buildings in an urban park. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective December 9, 1980, and ends December 9, 1981.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Red Wolf Productions, 2670 Leavenworth St., San Francisco, CA 94133, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as a laser projector and a light show display in Union Square, San Francisco, manufactured and produced by Red Wolf Productions. The show has levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for Red Wolf Productions personnel. The product shall bear the Variance Number 80P–0410.

By letter of December 9, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on December 9, 1981.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 2, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7097 Filed 3-5-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78P-0408]

Roche Laboratories; Approval of Variance for Dreamstage Exhibit and Class IV Dreamstage Laser Projection System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the Dreamstage Exhibit and Class IV Dreamstage Laser projection System manufactured and produced by Roche Laboratories. The projector provides a laser display to produce a variety of special lighting effects. The principal use of this product is to provide entertainment to general audiences.

DATE: The variance became effective December 15, 1980, and ends December 15, 1981.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Roche Laboratories, 74 Fenwood Rd., Boston, MA 02115, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. the variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Dreamstage Exhibit, incorporating the Class IV Dreamstage Laser projection System manufactured and produced by Roche Laboratories. The shows have levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for Roche Laboratories personnel. the product shall bear the Variance Number 78P–0408.

By letter of December 15, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on December 15, 1981.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 2, 1981.

William F. Randolph,

Acting Associate Commissioner Regulatory Affairs.

[FR Doc. 81-7096 Filed 3-5-81; 8:45 am]

BILLING CODE 4110-03-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on March 24, 1981, at 7 p.m. a public information meeting will be held at the Old Murrells Inlet School Auditorium, Murrells Road, Murrells Inlet, South Carolina.

The meeting is being called by the Executive Director of the Council in accordance with Section 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of a marina by Ralph F. Triska at Smith's Landing, Murrells Inlet Historic District, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the Murrells Inlet Historic District, by the Charleston District, Corps of Engineers.

III. A statement by the South Carolina State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the Murrells Inlet Historic District.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, Attention: Don L. Klima (202–254–3495).

Dated: March 2, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-7124 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-43]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Santa Cruz Riverpark: Rio Nuevo Redevelopment Project, Tucson, Arizona. This Notice is required by the Council of Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Also, as described in the second appendix, HUD is withdrawing the Notice that was published in the **Federal Register** on Woodlake Trails Subdivision, Hanover, Illinois.

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. February 23, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on Sata Cruz Riverpark: Rio Nuevo Redevelopment Project, Tuscon, Arizona

The Downtown Development Corporation of Tucson, Arizona (DDC), in cooperation with the Los Angles Area Office of the U.S. Department of Housing and Urban Development (HUD), intends to issue a Supplemental Environmental Impact Statement (EIS) for a combined residential, commercial and recreational development in a project area identified as the Rio Nuevo Redevelopment Project, located immediately west of downtown Tucson, Arizona.

HUD's participation in this project is proposed through its various housing assistance programs and its Federal mortgage insurance program, both of which are intended to facilitate hme ownership, availability of affordable housing to persons of low and moderate income, availability of improved housing opportunities to ethnic minorities, and investment in housing and construction financing by insuring commercial lenders against loss. The purpose of the Supplemental EIS is to refine, update and supplement information contained in the previously certified EIS for the Santa Cruz Riverpark. The purpose of this notice is to solicit from all interested persons, local, state and Federal agencies, and community organizations, recommendations or comments regarding any issue that should be addressed in the proposed Supplement.

V 4 6 / 4 4 M R 6 8 1 UMI

Description

The Rio Nuevo Redevelopment Project is a proposed land development on approximately 200 acres, intended to provide between 1100 and 1600 new dwelling units in a mixture of housing densities, types and prices. At least 30 percent of the housing will be for low and moderate income households. Portions of the land will be allocated for neighborhood and project-oriented commercial facilities, for recreation and for functional open space. The project will be undertaken in conjunction with channelization of the central section of the Santa Cruz River to provide flood protection.The project site is located north and south of West Congress Street, extending to St. Mary's Road and Mission Lane, immediately west of Interstate Highway 10. Certain improved properties such as existing motels are not to be acquired, but will be affected by the proposed improvements. The balance of the project area is to be acquired so that the land can be restored to a developable condition and redeveloped. The Santa Cruz River is the most unique natural feature, and it is proposed to be restored for purposes of flood protection, habitat preservation, ground water recharge, recreation, and enhancement of urgan development.

The Santa Cruz Riverpark Environmental Impact Statement which was certified in 1977 adressed a wide range of environmental effects at varying levels of detail, depending upon available information. Some of these earlier analyses, to the extent that they still adequately address the potential effects of the project, will be incorporated by reference. Environmental effects that could be readdressed or further analyzed in the Supplemental EIS include: alteration of the base 100 year floodplain area of the Santa Cruz River, impact on archaelogical and cultural resources, socio-economic effects on adjoining residential neighborhoods, traffic and traffic-generated noise, community facilities and services including schools, and commercial employment/ investment opportunities.

Need. The DDC in cooperation with HUD has determined that a Supplemental EIS is necessary due to the sized and the special environmental impacts associated with these activities. This determination is made in response to Section 102(2)(c) of Public Law 91–190, the National Environmental Policy Act of 1969; 24 CFR Part 50.31; and the implementing regulations of Executive Order 11988 which sets forth Floodplain Management protection procedures applicable to Federally assisted land development projects.

Alternatives Perceived. The alternative actions perceived available to the DDC and HUD which will be given consideration in the Supplemental EIS are: (1) accept the project as approved to date; (2) revise the project as necessary to further mitigate environmental impacts; (3) overall redesign of the project; or, (4) rejection of the project.

Scoping Meeting. DDC in cooperation with HUD will hold a project "scoping" meeting in accord with Section 1507.1 of the implementing regulations of the National Environmental Policy Act. This meeting will be open to all persons, groups, organizations, public and private agencies. At this scoping meeting DDC and HUD wish to facilitate identification of all potential environmental impacts not presently known as set forth above. Information of local or state environmental concern is particularly solicited as well as private environmental organizational concerns. For further information on this scoping meeting, please contact Mr. Mosher at the address listed below. Comments in writing are also invited. This announcement and the "scoping" meeting are intended to satisfy steps 1 and 2 of the "Eight Step" review process associated with the implementing regulations of E.O. 11988 on Floodplain Management.

Comments. Comments or recommendations regarding the Supplemental EIS proposal should be sent on or before March 27, 1981, to: William Mosher, Acting Director, Downtown Development Corporation, Pioneer Plaza, Suite 907, 100 North Stone Avenue, Tucson, Arizona 85701, or call (602) 623–5427; or to William Shortall, Environmental Specialist, Department of Housing and Urban Development, 2500 Wilshire Boulevard, Room 604, Los Angles, California 90057, or call (213) 688–5899 (FTS 798–5899).

Appendix—Withdrawal of Notice on Woodlake Trails Subdivision, Hanover, Illinois

Notice was published in the **Federal Register**, Volume 45, No. 11 on January 16, 1980, that the Department of Housing and Urban Development proposed to conduct an EIS on Woodlake Trails Subdivision in Hanover Park, Illinois.

This notice is intended to advise that the EIS process for the project is being terminated. The reason for HUD's decision to terminate is based upon the certification of the Village of Hanover Park under its Local Area Certification program, (LAC) as defined in 24 CFR 50.21(i) and HUD Handbook 4135.1 Revised.

Additional information may be obtained by writing to Mr. Eugene Goldfarb, Acting Environmental Clearance Officer, Chicago Area Office, One North Dearborn, Chicago, Illinois 60602. The commercial number is (312) 886–5312. The FTS number is 886–5312.

[FR Doc. 81–7140 Filed 3–5–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Handbook for Interagency Participation by the U.S. Fish and Wildlife Service in Other Agencies' NEPA Processes

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service has prepared a handbook for interagency National Environmental Policy Act (NEPA) participation. The handbook will be used by Service personnel who participate in other agencies' NEPA processes, to include cooperating, scoping and EIS review/comment activities. This notice advises the public of the availability of this NEPA Interagency Participation Handbook.

DATES: The handbook was issued on November 14, 1980.

ADDRESS: The handbook is available for review in the Office of Environmental Coordination, 1375 K Street, NW., Washington, D.C. Copies may be obtained by writing to: Chief, Office of Environmental Coordination, Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Noreen K. Clough, Office of Environmental Coordination, Fish and Wildlife Service, Washington, D.C. 20240, (202) 343–5685.

Dated: February 26, 1981.

F. Eugene Hester,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 81–7162 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–55–M

Riverbanks Zoological Park, et al.; Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Riverbanks Zoological Park, Columbia, SC; PRT 2–7716.

The applicant requests a permit to import in foreign commerce one captive-bred leopard (*Panthera pardus*) from the Rotterdam Zoo, Rotterdam, Netherlands for enhancement of propagation.

Applicant: Barbara E. Granstaff, Temple University, Philadelphia, PA; PRT 2–7705.

The applicant requests a permit to import skeletal parts of black rhinoceroses (*Diceros bicornis*) from South Africa for scientific research.

Dr. Michael J. Harvey, Memphis State University, Memphis, TN; PRT 2–7703.

The applicant requests a permit to take Indiana bats (*Myotis sodalis*) from the wild during a capture, band, and release program in Kentucky for enhancement of survival.

Humane care and treatment during transport, if applicable, has been indicated by applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before April 6, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: March 3, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–7163 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–55–M

Thomas J. Brosnan; Endangered Species Permit; Receipt of Application

Applicant: Thomas J. Brosnan, 2000 W. Roller Coaster Rd., Tucson, AZ.

The applicant requests a permit to buy in interstate commerce one female Leopard cat (*Felis bengalensis*) from Patricia Quillen, Society of Scientific Care, P.O. Box 7535, San Diego, CA, for propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7732. Interested persons may comment on this application on or before April 6, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: March 3, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–7164 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Hayword, Wis.

February 20, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approval of Petition for Reassumption of Jurisdiction over Indian child custody proceedings.

SUMMARY: The Lac Courte Oreilles Tribe had previously filed a petition on January 31, 1980 with the Interior Department to reassume exclusive jurisdiction over child custody proceedings involving Indian children who reside or are domiciled on the Lac Courte Oreilles Reservation in Wisconsin. That petition was disapproved by the Assistant Secretary—Indian Affairs. Notice of that disapproval was published in the **Federal Register** on April 23, 1980.

The Lac Courte Oreilles Tribe has filed a second petition for the reassumption of exclusive jurisdiction over child custody proceedings. The Assistant Secretary—Indian Affairs has reviewed the second petition and determined that tribal exercise of jurisdiction is feasible, that the reasons for denial of the first petition had been remedied, and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Lac Courte Oreilles Tribe's petition by the Interior Department.

EFFECTIVE DATE: The Lac Courte Oreilles Tribe shall reassume exclusive jurisdiction May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Office of the Field Solicitor, Department of Interior, 686 Federal Building, Fort Snelling, Twin Cities, Minnesota 55111, (612) 725–3540.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 U.S.C. 1918(c), 25 CFR 13.14, and 209 DM 8.

The principal author of this document is Louise Zokan-Delos Reyes, Division of Social Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C.

Section 106 of the Indian Child Welfare Act of 1978, Pub. L. 95–608, 92 Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings pursuant to federal statute to reassume jurisdiction over such proceedings.

To reassume such jurisdiction a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. The petition is then reviewed by the Interior Department using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the **Federal Register**. Tribal reassumption becomes effective May 5, 1981.

Notice that the Lac Courte Oreilles Tribe had submitted a petition for reassumption of jurisdiction was published on page 81264 of the December 10, 1980 **Federal Register** (45 FR 81264). The following notice is based on the Interior Department's review of that petition.

Notice

This is notice that a petition for tribal reassumption of jurisdiction over Indian child custody proceedings filed by the Lac Courte Oreilles Tribe is approved effective sixty days after publication of this notice in the **Federal Register**.

The geographic area subject to the reassumption of jurisdiction is the Lac Courte Oreilles Reservation, Wisconsin.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81–7140 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[Serial Nos. A–15983, A–15987, A–15988, A–15989, and A–15990]

Arizona; Proposed Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. These applications have been assigned serial numbers A–15983,

V 46/44 MR 6 81 UMI

A–15987, A–15988, A–15989, and A–15990.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer, and if found suitable for transfer, will classify the lands under Section 7 of the Act of June 28, 1934, and the regulations in Title 43 Code of Federal Regulations, Subpart 2400 for transfer in response to the State's request.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phonex, Arizona 85017 (602–241–2854).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona, 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this proposed classification are located in Pinal, Maricopa, Yavapai, and Yuma Counties, Arizona and are described as follows: (Footnotes correspond to numbered authorized users or applicants listed in Paragraph 6.)

Application A–15983

Gila and Salt River Meridian, Arizona

T. 6 N., R. 2 E.,
Sec. 22, NW¼NW¼.[1 2 19 21 27]
T. 7 N., R. 2 E.,
Sec. 28, Lots 40–44 incl., 49, 52, 53, 55, 56, 58, N½NE¼,NE¼NW¼.[1 2 3 19 21]
T. 6 N., R. 3 E.,
Sec. 12, NE¼;
Sec. 29, SE¼NW¼NW¼, N½SW¼NW¼NW¼, N½NE¼NW¼NW¼, W½NE¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, N½SE¼NE¼SW¼, NW¼SE¼ SW¼.[2 22]
T. 7 N., R. 3 E.,
Sec. 30: Lots, 1, 2, E½NW¼.[3 21]
T. 6 N., R. 4 E.,
Sec., 8, NE¼SE¼

The area described in application A–15983 totals approximately 680.62 acres of public land.

Application A–15987

Gila and Salt River Meridian, Arizona

T. 4 N., R. 1 E.,
Sec. 3, Lots 1, 2, 3, S½NE¼, SE¼NW¼;[35]
Section 6, Lot 33.[23 33]
T. 5 N., R. 1 E.,
Sec. 29, NW¼NW¼;[4 24]
Sec. 30, NE¼, E½W½, W½SE¼;[2 24 35]
Sec. 31, Lots 1, 2, 3, 4, W½E½, E½W½, SE¼SE¼.[2 4 23 24 35]
T. 4 N., R. 1 W.,
Sec. 1, Lots 1, 2, S½NE¼, SE¼; [2 4 23 35]
Sec. 3, Lots 3, 4;[24 35]
Sec. 4, Lots 1, 2, 3, 4, S½N½, W½SW¼;[2 5 6 7 24 35]
Sec. 12, NE¼, E½SE¼;[2 8 9 23 35]
Sec. 13, E½NE¼;[23 35]
Sec. 24, W½NW¼, SE¼NW¼, NW¼SW¼.[1 2 10 23 29 35]
T. 5 N., R. 1 W.,
Sec. 21, S½;[24 35]
Sec. 28, All;[7 24 35]
Sec. 29, N½SE¼, SE¼SE¼, NE¼;[24 35]
Sec. 33, Lots 3, 4, NE¼, N½SE¼;[5 6 7 24 35]
Sec. 34, Lots 1, 2, 3, 4, NW¼, N½S½;[24 35]
Sec. 35, Lot 1.[24 35]

The area described in application A–15987 totals approximately 4,425.13 acres of public land.

Application A–15988

Gila and Salt River Meridian, Arizona

T. 5 N., R. 1 W.,
Sec. 5, Lots 2, 3, 4, SW¼NE¼, S½NW¼, NW¼SE¼, N½SW¼;[24 35]
Sec. 6, Lots 1, 2, S½NE¼;[24 35]
Sec. 7, Lots 1, 2, 3, 4, S½S½NE¼, SE¼NW¼, E½SW¼, SE¼.[24 35]
T. 6 N., R. 1 W.,
Sec. 29, W½SW¼;[24 35]
Sec. 30, Lots 1, 2, 3, 4, E½W½, SE¼;[11 24 35]
Sec. 31, Lots 1, 2, 3, 4, E½, E½W½.[1 24 29 30 37]
T. 6 N., R. 2 W.,
Sec. 22, S½;[24 31 35]
Sec. 23, S½;[24 35]
Sec. 25, Lots 1, 2, E½NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, SE¼;[11 12 24 35]
Sec. 26, All;[11 12 24 35]
Sec. 27, All;[11 24 35]
Sec. 34, All;[12 24 32 35]
Sec. 35, All;[12 24 35]
Sec. 36, All.[11 12 24 35]

The area described in application A–15988 totals approximately 6,682.95 acres of public land.

Application A–15989

Gila and Salt River Meridian, Arizona

T. 4 N., R. 1 E.,
Sec. 8, S½SE¼NE¼SE¼.
T. 3 N., R. 13 W.,
Sec. 8, E½SE¼;[9 11 25]
Sec. 17, N½N½NE¼NE¼ (that portion north of CAP R/W.[11 25]
T. 1 S., R. 4 W.,
Sec. 13, N½NW¼ (that portion north of Arlington Canal);[1]
Sec. 14, NW¼NE¼, NE¼NW¼, those portions of NE¼NE¼, SW¼NE¼, and SE¼NW¼ north of Arlington Canal.

The area described in application A–15989 totals approximately 228.00 acres of public land.

Application A–15990

Gila and Salt River Meridian, Arizona

T. 5 N., R. 1 W.,
Sec. 12, W½;[24]
Sec. 13, S½SW¼, SW¼SE¼;[24]
Sec. 14, SE¼SW¼, S½SE¼;[24]
Sec. 22, S½NE¼, SE¼NW¼;[2 35]
Sec. 24, Lots 1, 2.[24 35]
T. 14 N., R. 1 W.,
Sec. 29, Unpatented MS in N½;[9]
Sec. 31, Lots 14–22 incl.[1 2 11 13]
T. 7 N., R. 2 E.,
Sec. 15, Unpatented land west of Hwy. I–17 in E½;[11 14 21]
Sec. 34, NW¼NE¼, N½NW¼, SW¼NW¼.[11 15 16 17 20 21]
T. 5 S., R. 5 E.,
Sec. 13, Lots 6, 7, S½SW¼NE¼, S½S½NW¼, N½SW¼, NW¼SE¼, E½SW¼SE¼;[14 26 28]
Sec. 24, Lot 1, E½SW¼, NE¼, SE¼NE¼, W¼SE¼SE¼NW¼, SW¼SE¼NW¼, NE¼SW¼, SW¼NW¼SW¼, E½NW¼SW¼, S½SW¼. [26 28]
T. 5 S., R. 6 E.,
Sec. 17; W½; [26 33 34 38]
Sec. 18; Lots 4, 5, E½SW¼, SE¼.[14 18 26 28]

The area described in application A–15990 totals approximately 2,383.77 acres of public land.

The total acreage described above in applications A–15983, A–15987, A–15988, A–15989, and A–15990 is approximately 14,380.47 acres of public land.

The following listed corporations and individuals are holders of valid leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

[1] Mountain States Tel. & Tel., R/W Department, 3033 North 3rd Street, Room 806–A, Phoenix, AZ 85012, R/W PHX–068718, R/W A–4475, R/W A–9045, R/W A–11068, R/W A–13906.

[2] Arizona Public Service, P.O. Box 21666, Station 3172, Phoenix, AZ 85036, R/W AR–033379, R/W AR–035770, R/W A–1201, R/W A–6014, R/W A–6121, R/W A–6492, R/W A–6693, R/W A–6830, R/W A–7731, R/W A–11676.

[3] Maricopa County Board of Supervisors, 111 South 3rd Avenue, Phoenix, AZ 85003,R/W A–12158, R/W A–13944.

[4] Maricopa County Municipal Water, Conservation District No. 1, P.O. Box 730, Peoria, AZ 85345, R/W PHX–086584.

[5] Paul C. Chord, 28003 N. 147th Avenue, Peoria, AZ 85345, R/W A–10836.

[6] Ronald Hobbs, Box 1722, Sun City, AZ 85372, R/W A–13141.

[7] Herman Drucker, 8507 E. Hazelwood, Scottsdale, AZ 85251, R/W A–13976.

[8] Salt River Project, P.O. Box 1980, Phoenix, AZ 85001, R/W A–5985.

[9] Water & Power Resources Service, Box 427, Boulder City, NV 89005, R/W PHX–085401, R/W A–8448, WDL Apln A–997.

[10] Maricopa County Flood Control Dist., 3325 W. Durango Street, Phoenix, AZ 85009, R/W A–9554.

[11] Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007, R/W PHX–086031, R/W AR–023757, R/W AR–031625, R/W A–390.

[12] Kaiser Steel, Executive Offices, 300 Lakeside Drive, Oakland, CA 94612, R/W AR–016977.

[13] County Engineer, Yavapai County, Prescott, AZ 86301, R/W AR–033153.

[14] El Paso Gas Co., P.O. Box 1492, El Paso, TX 79978, R/W AR–05190, R/W AR–010913.

[15] Maricopa County Highway Department, 3325 W. Durango Street, Phoenix, AZ 85009, R/W AR–035360, R/W AR–035360–A.

[16] Elwood Evans, 2720 W. Redfield Road, Phoenix, AZ 85023, R/W A–15011.

[17] Charles Aumiller, 1833 Black Canyon Stage, Phoenix, AZ 85029, R/W A–16126.

[18] Arizona Water Company, Box 5396, Phoenix, AZ 85010, R/W A–8839.

[19] Geological Survey, U.S. Department of the Interior, Conservation Division, 345 Middlefield Road, Menle Park, CA 94025, O Int PR 4/18/36, PWR PROJ AR–150, SO Intpr 5/5/52, Wdl Pwr Proj 150.

[20] Bureau of Land Management, Phoenix District Office, 2929 W. Clarendon Avenue, Phoenix, AZ 85017, SO 2/4/1919, Wdl Stock Driveway, 56 (AR–2).

[21] John Vanderway, 2241 E. Colter Street, Phoenix, AZ 85016.

[22] Willis E. Harper, 9137 Gregg Drive, Chandler, AZ 85224.

[23] Larry and/or Fern Rose, P.O. Box 293, Peoria, AZ 85345.

[24] Jeff McGuire, P.O. Box 175, Wittman, Arizona, 85361.

[25] Kemper Brown, Box 375, Salome, Arizona 85348.

[26] Scott, Scott, and McDavid, P.O. Box 803, Mesa, AZ 85201.

[27] Tank, #1690.

[28] Fence, #0349.

[29] Well, Corral, St. Tank, #1140.

[30] Pipeline, #4148.

[31] Fence, #2246.

[32] Tank, #0283.

[33] Tank, #0553.

[34] Corral, #3527.

[35] American Quazar Petroleum 1700 Broadway, Suite 707, Denver, CO 80290, A–12788, A–12792, A–12794, A–12795, A–12796, A–12797, A–12798, A–12799, A–12800, A–12801, A–12803.

[36] Energy Reserves Group Inc., P.O. Box 1407, Denver, CO 80201, A–15029.

[37] Pioneer Production Corp., P.O. Box 2542, Amarillo, TX 79189, A–14538.

[38] David D. Murray, Route 1, Box 156, Coolidge, AZ 85228, A–12690, A–12692.

Dated: February 27, 1981.

William K. Barker,

District Manager.

[FR Doc. 81–7143 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial Numbers A–15984, A–15985, A–15986]

Arizona; Proposed Classification of Public Lands for State Indemnity Selection

In the **Federal Register** Document 81–4375 appearing on pages 11368 and 11369 of the issue for February 6, 1981, the following changes should be made for application A–15984:

Under T. 6 S., R. 6 W., delete Sec. 25: NE¼;[9 36].

Add the following:

T. 6 S., R. 7 W.

Section 25: NE¼.[9 36]

The following change should be made for application A–15985:

Under T. 4 S., R. 4 W., Section 23: W½NE¼, SW¼ should be W½NE¼SW¼.

Dated: February 27, 1981.

W. K. Barker,

District Manager.

[FR Doc. 81–7144 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–84–M

[INT DEIS 81–9]

Sun Valley Grazing Draft Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a draft environmental impact statement (DEIS) on proposed livestock grazing management for the Sun Valley Planning Area of the Shoshone District in south-central Idaho. The proposal would adjust stocking rates, establish new grazing systems, and provide for additional range improvements on a portion of the 97 allotments encompassing approximately 245,000 acres of public land.

DATE: Comments on the DEIS should be submitted to the Shoshone District Office no later than April 30, 1981.

ADDRESS: Comments should be sent to the Shoshone District Office, Attention EIS Team Leader, P.O. Box 2 B, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Terry Costello, EIS Team Leader, at the above address. Telephone (208) 886–2208 or FTS 554–6576.

SUPPLEMENTARY INFORMATION: Copies of the DEIS are being distributed to a mailing list of identified interested parties. A limited number of additional copies are available at the above address. Reviewers are encouraged to retain the DEIS for future reference because the final EIS may not repeat all of the information in the DEIS.

An open house will be held at the Shoshone District Office from 1:00 to 8:00 P.M., on Thursday, April 2, 1981, to answer questions and receive comments on the accuracy and adequacy of the DEIS.

R. O. Buffington,

State Director, Idaho.

[FR Doc. 81–7145 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–84–M

Lewistown Grazing Advisory Board, Mont.; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given that the Lewistown District Grazing Advisory Board will meet March 20, 1981. The agenda will be:

10:00 a.m.—Review of last meeting's minutes.
10:15 a.m.—Current range conditions in northeastern Montana and their effects upon range improvement construction and AMP administration.
2:30 p.m.—Public comments.
3:00 p.m.—Adjournment.

DATE: March 20, 10:00 a.m. to 3:00 p.m.

ADDRESS: Lewistown District Office, Airport Road, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Drawer 1160, Lewistown, Montana 59457 (406/538–7461).

SUPPLEMENTAL INFORMATION: The Lewistown District Grazing Advisory Board is authorized under Section 403 of the Federal Land and Management Act of 1976 (Pub. L. 94–579).

Dated: March 2, 1981.

Alan Kesterke,

Acting District Manager.

[FR Doc. 81–7316 Filed 3–5–81; 8:45 am]

BILLING CODE 4310–84–M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Notices of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. All changes being published are editorial in nature, and reflect organization and minor administrative changes which have occurred since the publication of the material in the **Federal Register** on April 11, 1977 (42 FR 18968).

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Part XIV of the Appendix containing addresses of facilities of the Department which pertain to the National Park Service (published at 42 FR 19002) is updated and republished.

The following system notices are updated and republished in their entirety below:

1. System Name: Special Use Permits—Interior, NPS–1 (Published at 42 FR 19072).

2. System Name: Position and Manpower Reporting System (PMRS)—Interior, NPS–16 (Published at 42 FR 19076).

3. System Name: Law Enforcement Statistical Reporting System, incident card reference and related files—Interior, NPS–19 (Published at 42 FR 19077).

4. System Name: Visitor Statistical Survey Forms—Interior, NPS–21 (Published at 42 FR 19078).

Additional information regarding this notice may be obtained from the Departmental Privacy Act Officer, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–6191.

Dated: February 27, 1981.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

* * * * *

XIV. National Park Service

Abraham Lincoln Birthplace National Historic Site, Route 1, Hodgenville, KY 42748
Acadia National Park, R.F.D. 1, Box 1, Bar Harbor, ME 04609
Adams National Historic Site, P.O. Box 531, Quincy, MA 02269
Agate Fossil Beds National Monument, c/o Scotts Bluff National Monument, P.O. Box 427, Gering, NE 69341
Alaska Area Office, National Park Service, 540 West 5th Avenue, Room 202, Anchorage, AK 99501
Alibates Flint Quarries National Monument, c/o Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, TX 79036
Allegheny Portage Railroad National Historic Site, National Park Service, P.O. Box 247, Cresson, PA 16630
American Memorial Park, P.O. Box 198 CHRB, Saipan, CMI 96950
Amistad Recreation Area, P.O. Box 1463, Del Rio, TX 78840
Andersonville National Historic Site, Andersonville, GA 31711
Andrew Johnson National Historic Site, Depot Street, Greeneville, TN 37743
Aniakchak National Monument, c/o Katmai National Monument, P.O. Box 7, King Salmon, AK 99613
Antietam National Battlefield, P.O. Box 158, Sharpsburg, MD 21782
Antietam Natl Cemetery, c/o Antietam Natl Battlefield, Box 158, Sharpsburg, Md 21782
Apostle Islands National Lakeshore, 1972 Centennial Drive, Rural Route, Bayfield, WI 54814
Appalachian National Scenic Trail, Federal Building, King and Maple Streets, Martinsburg, WV 25401
Appalachian trail Central, Gallery, on the Mall, 940 Hamilton Mall, Allentown, PA 18101
Appalachian Trail North, 8 Campbell Street, Lebanon, NH 03766
Appalachian Trail South, Federal Building, King and Maple Streets, Martinsburg, WV 25401
Appomattox Court House National Historical Park, P.O. Box 218, Appomattox, VA 24522
Arches National Park, c/o Canyonlands National Park, 446 S. Main Street, Moab, UT 84532
Arkansas Post National Memorial, Route 1, Box 16, Gillett, AR 72055
Arlington House, the Robert E. Lee Memorial, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101
Assateague Island National Seashore, Route 2, Box 294, Berlin, MD 21811
Asst. to the Regional Director (Utah), National Park Service, 125 South State Street, Room 3418, Salt Lake City, UT 84138
Aztec Ruins National Monument, P.O. Box U, Aztec, NM 87410
Badlands National Park, P.O. Box 6, Interior, SD 57750
Baltimore-Washington Parkway, c/o Catoctin Mountain Park, Thurmont, MD. 21788
Bandelier National Monument, Los Alamos, NM 87544
Battleground Natl Cemetery, c/o Supt, Natl Cap Pk-East, 5210 Indian Head Hgwy., Oxon Hill, MD 20021
Benjamin Franklin Natl Memorial c/o the Franklin Institute, 20th Street and Benjamin Franklin Parkway, Philadelphia, PA 19103
Bent's Old Fort National Historic Site, P.O. Box 581, La Junta, CO 81050
Bering Land Bridge National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Big Bend National Park, Big Bend National Park, TX 79834
Big Cypress Land Acquisition Office, National Park Service, P.O. box 1515, Naples, FL 33940
Big Cypress National Preserve, P.O. Box 1247, Naples, FL 33939
Big Hole National Battlefield, P.O. Box 237, Wisdom, MT 59761
Big South Fork National River and Recreation Area, P.O. Drawer 630, Oneida, TN 37841
Big Thicket National Preserve, P.O. Box 7408, Beaumont, TX 77706
Bighorn Canyon National Recreation Area, P.O. Box 458, Fort Smith, MT 59035
Biscayne National Monument, P.O. Box 1369, Homestead, FL 33030
Black Canyon of the Gunnison National Monument, P.O. Box 1648, Montrose, CO 81401
Blue Ridge Parkway, 700 Northwestern Banking Building, Asheville, NC 28801
Blue Ridge Parkway (North District Management), P.O. Box 1710, Roanoke, VA 24008
Blue Ridge Parkway (North District Operations), Roanoke Maintenance Area, RFD #1, Box, 39D, Vinton, VA 24179
Blue Ridge Parkway (South District), P.O. Box 9098, Asheville, NC 28805
Boise Interagency Fire Center, National Park Service, 3905 Vista Avenue, Boise, ID 83705
Booker T. Washington National Monument, Route 1, Box 195, Hardy, VA 24101
Boston National Historical Park, Charlestown Navy Yard, Boston, MA 02129
Brices Cross Roads National Battlefield Site, c/o Natchez Trace Parkway, R.R. 1, NT–143, Tupelo, MS 38801
Bryce Canyon National Park, Bryce Canyon, UT 84717
Buck Island Reef National Monument, c/o Christiansted National Historic Site, P.O. Box 160, Christiansted, Saint Croix, VI 00820
Buffalo National River, P.O. Box 1173, Harrison, AR 72601
Buffalo River Land Acquisition Office, P.O. Box 1073, Harrison, AR 72601
Cabrillo National Monument, P.O. Box 6175, San Diego, CA 92106
Canaveral National Seashore, P.O. Box 2583, Titusville, FL 32780

Canyon de Chelly National Monument, P.O. Box 588, Chinle, AZ 86503
Canyonlands National Park, 446 South Main Street, Moab, UT 84532
Cape Cod National Seashore, South Wellfleet, MA 02663
Cape Hatteras National Seashore, Route 1, Box 675, Manteo, NC 27954
Cape Krusenstern National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Cape Lookout National Seashore, P.O. Box 690, Beaufort, NC 28516
Capitol Reef National Park, Torrey, UT 84775
Capulin Mountain National Monument, Capulin, NM 88414
Carl Sandburg Home National Historic Site, P.O. Box 395, Flat Rock, NC 28731
Carlsbad Caverns Natl. Park, 3225 National Parks Highway, Carlsbad, NM 88220
Casa Grande National Monument, P.O. Box 518, Coolidge, AZ 85228
Castillo de San Marcos National Monument, 1 Castillo Drive, St. Augustine, FL 32084
Castle Clinton National Monument, c/o Manhattan Sites, 26 Wall Street, New York, NY 10005
Catoctin Mountain Park, Thurmont, MD 21788
Cedar Breaks National Monument, P.O. Box 749, Cedar City, UT 84720
Chaco Canyon National Monument, Star Route 4, Box 6500, Bloomfield, NM 87413
Chamizal National Memorial, Room 620, First City Nat'l Bank Bldg., 300 East Main Drive, El Paso, TX 79901
Channel Islands Nat'l Park, 1699 Anchors Way Drive, Ventura, CA 93003
Chattahoochee River National Recreational Area, P.O. Box 1396, Smyrna, GA 30080
Cherokee Strip Living Museum, P.O. Box 230, Arkansas City, KS 67005
Chesapeake and Ohio Canal National Historical Park, P.O. Box 4, Sharpsburg, MD 21782
Chicago Portage National Historic Site, c/o Cook County Forest Preserve, Cummings Square, River Forest, IL
Chickamauga & Chattanooga National Military Park, P.O. Box 2126, Ft. Oglethorpe, GA 30742
Chickasaw National Recreation Area, P.O. Box 201, Sulphur, OK 73086
Chimney Rock National Historic Site, c/o Nebraska State Historical Society, 1500 R Street, Lincoln, NE 68508
Chiricahua National Monument, Dos Cabezas Star Route, Willcox, AZ 85643
Christiansted National Historic Site, P.O. Box 160, Christiansted, VI 00820
Clara Barton Nat'l Hist Site, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101
Colonial National Historical Park, P.O. Box 210, Yorktown, VA 23690
Colorado National Monument, Fruita, CO 81521
Congaree Swamp National Monument, P.O. Box 11938, Columbia, SC 29211
Coronado National Memorial, Rural Route 1, Box 126, Hereford, AZ 85615
Coulee Dam National Recreation Area, P.O. Box 37, Coulee Dam, WA 99116
Cowpens National Battlefield, c/o Kings Mountain National Military Park, P.O. Box 31, Kings Mountain, NC 28086
Crater Lake Administrative Office, NPS, P.O. Box 128, Klamath Falls, Oregon 97601
Crater Lake National Park, P.O. Box 7, Crater Lake, OR 97604
Craters of the Moon National Monument, P.O. Box 29, Arco, ID 83213
Cumberland Gap National Historical Park, P.O. Box 840, Middlesboro, KY 40965
Cumberland Island National Seashore, P.O. Box 806, Saint Marys, GA 31558
Curecanti National Recreation Area, P.O. Box 1040, Gunnison, CO 81230
Custer Battlefield National Monument, P.O. Box 39, Crow Agency, MT 59022
Cuyahoga Valley Land Acquisition Office, 313 W. Boston Mills Road, Peninsula, OH 44264
Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, OH 44264
Death Valley National Monument, Death Valley, CA 92328
Delaware National Scenic River, c/o Delaware Water Gap National Recreation Area, Bushkill, PA 18324
Delaware Water Gap National Recreation Area, Bushkill, PA 18324
Denali National Monument, c/o Mount McKinley National Park, P.O. Box 9, McKinley Park, AK 99755
Denver Service Center, National Park Service, 755 Parfet Street, P.O. Box 25287, Denver, CO 80225
Desoto National Memorial, National Park Service, 75th Street NW., Bradenton, FL 33505
Devils Postpile National Monument, c/o Sequoia and Kings Canyon National Parks, Three Rivers, CA 93271
Devils Tower, National Monument, Devils Tower, WY 82714
Dinosaur National Monument, P.O. Box 210, Dinosaur, CO 81610
Div of Cultural Research, SW Cultural Resources Center, National Park Service, Albuquerque, N. Mex. 87125
Div of Remote Sensing, SW Cultural Resources Center, National Park Service, P.O. Box 26716, Albuquerque, N. Mex. 87125
Dorchester Heights National Historic Site, P.O. Box 75, South Boston, MA 02127
Ebey's Landing National Historic Reserve, P.O. Box 774, Coupeville, WA 98239
Edgar Allan Poe National Historic Site, c/o Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106
Edison National Historic Site, Main Street and Lakeside Avenue, West Orange, NJ 07052
Effigy Mounds National Monument, P.O. Box K, McGregor, IA 52157
Eisenhower National Historic Site, c/o Gettysburg National Military Park, Gettysburg, PA 17325
El Morro National Monument, Ramah, NM 87321
Eleanor Roosevelt National Historic Site, Hyde Park, NY 12538
Ellis Island National Monument, c/o Statue of Liberty National Monument, Liberty Island, NY 10004
Eugene O'Neill National Historic Site, c/o John Muir National Historic Site, 4202 Alhambra Avenue, Martinez, CA 94553
Everglades National Park, P.O. Box 279, Homestead, FL 33030
Father Marquette Memorial, Straits State Park, St. Ignace, MI 49781
Federal Hall National Memorial, 26 Wall Street, New York, NY 10005
Fire Island National Seashore, 120 Laurel Street, Patchogue, NY 11772
Florissant Fossil Beds National Monument, P.O. Box 185, Florissant, CO 80816
Ford's Theatre National Historic Site, c/o National Capital Parks–Central, 900 Ohio Drive, SW., Washington, DC 20242
Fort Bowie National Historic Site, P.O. Box 158, Bowie, AZ 85605
Fort Caroline National Memorial, 12713 Ft. Caroline Road, Jacksonville, FL 32225
Fort Clatsop National Memorial, Route 3, Box 604–FC, Astoria, OR 97103
Fort Davis National Historic Site, P.O. Box 1456, Fort Davis, TX 79734
Fort Donelson National Military Park, P.O. Box F, Dover, TN 37058
Fort Donelson National Cemetery, c/o Fort Donelson National Military Park, P.O. Box F, Dover, TN 37058
Fort Frederica National Monument, Route 4, Box 286–C, St. Simons Island, GA 31522
Fort Jefferson National Monument, c/o Superintendent, Everglades National Park, P.O. Box 279, Homestead, FL 33030
Fort Laramie National Historic Site, Fort Laramie, WY 82212
Fort Larned National Historic Site, Route 3, Larned, KS 67550

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Fort Matanzas National Monument, c/o Castillo De San Marcos NM, 1 Castillo Drive, St. Augustine, FL 32084
Fort McHenry National Monument and Historic Shrine, East Fort Avenue, Baltimore, MD 21230
Fort Moultrie, c/o Superintendent, Fort Sumter National Monument, 1214 Middle Street, Sullivan's Island, SC 29482
Fort Necessity National Battlefield, The National Pike, Farmington, PA 15437
Fort Point National Historic Site, P.O. Box 29333, Building 989, Presidio of San Francisco, CA 94129
Fort Pulaski National Monument, P.O. Box 98, Savannah Beach, GA 31328
Fort Raleigh National Historic Site, c/o Cape Hatteras National Seashore, Route 1, Box 457, Manteo, NC 27954
Fort Scott National Historic Site, Old Fort Boulevard, Fort Scott, KS 66701
Fort Smith National Historic Site, P.O. Box 1406, Fort Smith, AR 72902
Fort Stanwix National Monument, 112 East Park Street, Rome, NY 13440
Fort Sumter National Monument, P.O. Drawer R, Sullivan's Island, SC 29482
Fort Union National Monument, Watrous, NM 87753
Fort Union Trading Post National Historic Site, Buford Route, Williston, ND 58801
Fort Vancouver National Historic Site, Vancouver, WA 98661
Fort Washington Park, c/o National Capital Region—East, 5210 Indian Head Highway, Oxon Hill, MD 20021
Fossil Butte National Monument, P.O. Box 527, Kemmerer, WY 83101
Frederick Douglass Home, c/o National Capital Region—East, 5210 Indian Head Highway, Oxon Hill, MD 20021
Fredericksburg and Spotsylvania National Military Park, P.O. Box 679, Fredericksburg, VA 22401
Fredericksburg National Cemetery, c/o Superintendent, Fredericksburg, P.O. Box 679, Fredericksburg, VA 22401
Frederick Law Olmstead National Historic Site, 99 Warren Street, Brookline, MA 02146
Friendship Hill National Historic Site, c/o Fort Necessity National Battlefield, The National Pike, Farmington, PA 15437.
Gates of the Arctic National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Gateway National Recreation Area, Floyd Bennett Field, Bldg. 69, Brooklyn, NY 11234
General Grant National Memorial, Riverside Drive and 122nd Street, New York, NY 10027
George Rogers Clark National Historical Park, 401 South Second Street, Vincennes, IN 47591
George Washington Birthplace National Monument, Washington's Birthplace, VA 22575
George Washington Carver National Monument, P.O. Box 38, Diamond, MO 64840
George Washington Memorial Parkway, Turkey Run Park, McLean, VA 22101
Georgia O'Keeffe, National Historic Site, Abiquie, NM
Gettysburg National Military Park, Gettysburg, PA 17325
Gettysburg National Cemetery, R.D. 1, Gettysburg, PA 17325
Gila Cliff Dwellings National Monument, Route 11, Box 100, Silver City, NM 88061
Glacier Bay National Monument, P.O. Box 1089, Juneau, AK 99802
Glacier National Park, West Glacier, MT 59936
Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040
Glen Echo Park, c/o George Washington Memorial Pkwy, Turkey Run Park, McLean, VA 22101
Gloria Dei (Old Swedes) Church NHS, c/o Independence NHP, 313 Walnut St., Philadelphia, PA 19106
Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123
Golden Spike National Historic Site, P.O. Box 394, Brigham City, UT 84302
Gran Quivira National Monument, Route 1, Mountainair, NM 87036
Grand Canyon National Park, P.O. Box 129, Grand Canyon, AZ 86023
Grand Portage National Monument, P.O. Box 666, Grand Marais, MN 55604
Grand Teton National Park, P.O. Drawer 170, Moose, WY 83012
Grant-Kohrs Ranch National Historic Site, P.O. Box 790, Deer Lodge, MT 59722
Great Falls Park, c/o George Washington Memorial Pkwy, Turkey Run Park, McLean, VA 22101
Great Onyx Job Corps Civilian Conservation Center, P.O. Box 8, Mammoth Cave, KY 42259
Great Sand Dunes National Monument, P.O. Box 60, Alamosa, CO 81101
Great Smoky Mountains National Park, Gatlinburg, TN 37738
Greenbelt Park, c/o Catoctin Mountain Park, Thurmont, MD 21788
Guadalupe Mountains Natl Park, c/o Carlsbad Caverns Natl Park, 3225 Natl Parks Highway, Carlsbad, NM 88220
Guilford Courthouse National Military Park, P.O. Box 9806, Greensboro, NC 27408
Gulf Islands National Seashore-Florida District, P.O. Box 100, Gulf Breeze, FL 32561
Gulf Islands National Seashore-Headquarters, P.O. Box 100, Gulf Breeze, FL 32561
Haleakala National Park, P.O. Box 537, Makawao, Maui, HI 96768
Hamilton Grange National Memorial, 287 Convent Avenue, New York, NY 10031
Hampton National Historic Site, c/o Fort McHenry Monument and Historic Shrine, Baltimore, MD 21230
Harpers Ferry Center, Natl Park Service, Harpers Ferry, WV 25425
Harpers Ferry National Historical Park, P.O. Box 65, Harpers Ferry, WV 25425
Hawaii Volcanoes National Park, Hawaii Volcanoes National Park, HI 96718
Herbert Hoover National Historic Site, P.O. Box 607, West Branch, IA 52358
Hohokam Pima National Monument, c/o Superintendent, Casa Grande Ruins, NM, P.O. Box 518, Coolidge, AZ 85228
Home of FDR Natl Historic Site, Hyde Park, NY 12538
Homestead National Monument of America, R.F.D. 3, Beatrice, NE 68310
Hopewell Village National Historic Site, R.D. 1, Box 345, Elverson, PA 19520
Horsehoe Bend National Military Park, Route 1, Box 103, Daviston, AL 36256
Hot Springs National Park, P.O. Box 1860, Hot Springs, AR 71901
Hovenweep National Monument, c/o Mesa Verde National Park, Mesa Verde National Park, CO 81330
Hubbell Trading Post National Historic Site, P.O. Box 150, Ganado, AZ 86505
Ice Age National Scientific Reserve, c/o NPS Coordinator, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102
Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106
Indiana Dunes Land Acquisition Office, Suite 551, Marquette Mall, Michigan City, IN 46360
Indiana Dunes National Lakeshore, Route 2, Box 139A, Chesterton, IN 46304
International Peace Gardens, c/o National Park Service, 655 Parfet St., Box 25287, Denver, CO 80225
Isle Royale National Park, 87 North Ripley Street, Houghton, MI 49931
Jamestown Natl Historic Site, c/o Supt Colonial Natl Hist Park, P.O. Box 210, Yorktown, VA
Jean Lafitte National Historical Park, 400 Royal Street, Room 200, New Orleans, LA 70130
Jefferson Memorial, c/o National Capital Parks-Central, 900 Ohio Drive, S.W., Washington, D.C. 20242
Jefferson National Expansion Memorial National Historic Site, 11 North Fourth Street, St. Louis, MO 63102
Jewel Cave National Monument, c/o Superintendent, Wind Cave National Park, Hot Springs, SD 57747

John D. Rockefeller, Jr., Memorial Parkway, c/o Grand Teton National Park, P.O. Drawer 170, Moose, WY 83012
John Day Fossil Beds National Monument, P.O. Box 415, John Day, OR 97845
John F. Kennedy Center for the Performing Arts, Washington, D.C. 20566
John Fitzgerald Kennedy National Historic Site, 83 Beals Street, Brookline, MA 02146
John Muir National Historic Site, 4202 Alhambra Avenue, Martinez, CA 94553
Johnstown Flood National Memorial, P.O. Box 247, Cresson, PA 16630
Joshua Tree National Monument, 74485 National Monument Drive, Twentynine Palms, CA 92277
Kaloko-Honokohau N.H.P., c/o Pacific Area Director, 300 Ala Moana Blvd., Honolulu, HI 96850
Katmai National Monument, P.O. Box 7, King Salmon, AK 99613
Kenai Fjords National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Kennesaw Mountain National Battlefield Park, P.O. Box 1167, Marietta, GA 30061
Kings Mountain National Military Park, P.O. Box 31, Kings Mountain, NC 28086
Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601
Klondike Gold Rush Natl Hist Park—Seattle Unit, Seattle, Wash 98104
Klondike Gold Rush Natl Hist Park, P.O. Box 517, Skagway, AK 99840
Knife River Indian Villages National Historic Site, P.O. Box 175, Stanton, ND 58571
Kobuk Valley National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Lake Chelan National Recreation Area, Chelan, WA 98816
Lake Clark National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NV 89005
Lake Meredith Recreation Area, P.O. Box 1438, Fritch, TX 79036
Lassen Volcanic National Park, Mineral, CA 96063
Lava Beds Natl Monument, P.O. Box 867, Tulelake, CA 96134
LBJ Mem Grove-on-the-Potomac, c/o supt, GW Memorial Pkwy, Turkey Run Park, McLean, VA 22101
Lehman Caves National Monument, Baker, NV 89311
Lewis and Clark Natl Hist Trail, c/o National Park Service, 1709 Jackson St., Omaha, NE 63102
Lincoln Boyhood National Memorial, Lincoln City, IN 47552
Lincoln Home National Historic Site, 526 South 7th Street, Springfield, IL 62703
Lincoln Memorial, c/o Central Visitor Services, 1100 Ohio Drive, S.W., Washington, D.C. 20242
Longfellow National Historic Site, 105 Brattle Street, Cambridge, MA 02135
Los Angeles Field Office, National Park Service, 300 North Los Angeles Street, Room 1013, Los Angeles, CA 90012
Lowell National Historical Park, 171 Merrimack Street, P.O. Box 1098, Lowell, MA 01853
Lower Saint Croix River, P.O. Box 708, Saint Croix Falls, WI 54024
Lyndon B. Johnson National Historic Site, P.O. Box 329, Johnson City, TX 78636
Maggie L. Walker National Historic Site, c/o Richmond National Battlefield Park, 3215 East Broad Street, Richmond, VA 23223
Mammoth Cave National Park, Mammoth Cave, KY 42259
Manassas National Battlefield Park, P.O. Box 1830, Manassas, VA 22110
Manhattan Sites, 26 Wall Street, New York, NY 10005
Mar-A-Lago National Historic Site, P.O. Box 2527, Palm Beach, FL 33480
Martin Van Buren National Historic Site, P.O. Box 545, Kinderhook, NY 12106
McLoughlin House Natl Hist Site, c/o Supt, Ft Vancouver Natl Hist Site, Vancouver, WA 98661
Mesa Verde National Park, Mesa Verde National Park, CO 81330
Mid-Atlantic Regional Office, NPS, 143 South Third St., Philadelphia, PA 19106
Midwest Regional Office, NPS, 1709 Jackson St., Omaha, NE 68102
Minute Man National Historic Site, P.O. Box 160, Concord, MA 01742
Monacacy Natl Battlefield, c/o C and O Canal NHP, P.O. Box 158, Sharpsburg, MD 21782
Montezuma Castle National Monument, c/o Tuzigoot National Monument, P.O. Box 68, Clarkdale, AZ 86324
Moores Creek Natl Battlefield, P.O. Box 69, Currie, NC 28435
Mormon Pioneer Natl Hist Trail, c/o National Park Service, Box 25287, Denver, CO 80225
Morristown National Historic Park, P.O. Box 1136R, Morristown, NJ 07960
Mound City Group National Monument, Route 1, Box 1, Chillicothe, OH 45601
Mount McKinley National Park, P.O. Box 9, McKinley Park, AK 99755
Mount Rainier National Park, Tahoma Woods, Star Route, Ashford, WA 98304
Mount Rushmore National Memorial, Keystone, SD 57751
Muir Woods National Monument, Mill Valley, CA 94941
Natchez Trace Parkway, Rural Route 1, NT-143, Tupelo, MS 38801
National Capital Parks-Central, 900 Ohio Drive SW., Washington, DC 20242
National Capital Parks-East, 5210 Indian Head Highway, Oxon Hill, MD 20021
National Park Service, US Department of the Interior, Washington, DC 20240
National Visitor Center, 50 Massachusetts Avenue NE., Washington, DC 20002
Natl Capital Regional Office, NPS, 1100 Ohio Drive SW., Washington, DC 20242
Natural Bridges National Monument, c/o Canyonlands National Park, 446 South Main Street, Moab, UT 84532
Navajo Lands Group, NPS, 111 N. Behrend Ave., Farmington, NM 87401
Navajo National Monument, Tonalea, AZ 86044
New River Gorge Natl River, P.O. Drawer V, Oak Hill, WV 25901
Nez Perce National Historic Park, P.O. Box 93, Spalding, ID 83551
Ninety Six National Historic Site, P.O. Box 496, Ninety Six, SC 29666
Noatak National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
North Atlantic Regional Office, NPS, 15 State St., Boston, MA 02109
North Cascades National Park Service Complex, 800 State Street, Sedro Woolley, WA 98284
Obed Wild and Scenic River, P.O. Drawer 630, Oneida, TN 37841
Ocmulgee National Monument, 1207 Emery Highway, Macon, GA 31201
Oconaluftee Job Corps Civilian Conservation Center, Cherokee, NC 28719
Office of Fire Management, National Park Service, Boise Interagency Fire Center, 3905 Vista Avenue, Boise, ID 83705
Olympic National Park, 600 East Park Avenue, Port Angeles, WA 98362
Oregon Caves National Monument, c/o Klamath Falls Group, P.O. Box 128, Klamath Falls, OR 97601
Oregon National Historic Trail, c/o National Park Service, Fourth and Pike Bldg., Seattle, WA 98101
Organ Pipe Cactus National Monument, P.O. Box 38, Ajo, AZ 85321
Ozark National Scenic Riverways, P.O. Box 490, Van Buren, MO 63965
Pacific Area Director, NPS, 300 Ala Moana Blvd., P.O. Box 50165, Honolulu, HI 96850

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Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Bldg., Seattle, WA 98101
Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, TX 78418
Palo Alto Battlefield National Historic Site, P.O. Box 191, Brownsville, TX 78520
Pea Ridge National Military Park, Pea Ridge, AR 72751
Pecos National Monument, P.O. Drawer 11, Pecos, NM 87552
Penn. Ave. Natl Historic Site, c/o Supt. Natl Cap Park-Central, 900 Ohio Drive, SW, Wash., DC 20242
Perry's Victory & International Peace Memorial, P.O. Box 78, Put-in-Bay, OH 43456
Petersburg National Battlefield, P.O. Box 549, Petersburg, VA 23803
Petrified Forest National Park, Petrified Forest National Park, AZ 86028
Pictured Rocks National Lakeshore, P.O. Box 40, Munising, MI 49862
Pinnacles National Monument, Paicines, CA 95043
Pipe Spring National Monument, c/o Zion National Park, Springdale, UT 84767
Pipestone National Monument, P.O. Box 727, Pipestone, MN 56164
Piscataway Park, c/o National Capital Region-East, 5210 Indian Head Hwy., Oxon Hill, MD 20021
Point Reyes National Seashore, Point Reyes, CA 94956
Poplar Grove National Cemetery, P.O. Box 549, Petersburg, VA 23803
Prince William Forest Park, P.O. Box 208, Triangle, VA 22172
Pu'uhonua O Honaunau National Historical Park, P.O. Box 128, Honaunau, Kona, HI 96726
Puukohola Heiau National Historic Site, P.O. Box 4963, Kawaihae, HI 96743
Rainbow Bridge National Monument, c/o Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040
Redwood National Park, Drawer N, Crescent City, CA 95531
Richmond National Battlefield Park, 3215 East Broad Street, Richmond, VA 23223
Rio Grande Wild and Scenic River, c/o Big Bend Natl Park, Big Bend Natl Park, TX 79834
Rock Creek Park, 5000 Glover Road, N.W., Washington, D.C. 20015
Rocky Mountain National Park, Estes Park, CO 80517
Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225
Roger Williams National Memorial, P.O. Box 367 Annex, Providence, RI 02901
Roosevelt Campabello International Park, P.O. Box 97, Lubec, ME 04652
Ross Lake National Recreation Area, c/o North Cascades National Park Service, 311 State Street, Sedro Woolley, WA 98284
Russell Cave National Monument, Route 1, Box 175, Bridgeport, AL 35740
Sagamore Hill National Historic Site, Cove Neck Road, Box 304, Oyster Bay, NY 11771
Saguaro National Historic P.O. Box 17210, Tucson, AZ 85731
Saint Croix Island National Monument, c/o Acadia National Park, Route 1, Box 1, Bar Harbor, ME 04609
Saint Croix National Scenic Riverway, P.O. Box 708, Saint Croix Falls, WI 54024
Saint Paul's Church Natl Hist Site, c/o Manhattan Sites, 28 Wall St., NY, NY 10005
Saint-Gaudens National Historic Site, RR #2 (Cornish, NH), P.O. Windsor, VT 05089
Salem Maritime National Historic Site, Custom House, Derby Street, Salem, MA 01970
San Antonio Missions Natl Hist Park, 727 E Durango, Room A612, San Antonio, TX 78206
San Jose Mission National Historic Park, 6539 San Jose Drive, San Antonio, TX 78214
San Juan Island National Historical Park, P.O. Box 549, Friday Harbor, WA 98250
San Juan Natl Historic Site, PO Box 712, Old San Juan, PR 00902
Santa Monica Mountains National Recreation Area, 23018 Ventura Blvd., Woodland Hills, CA 91364
Saratoga National Historical Park, R.D. #1, Box 113–C, Stillwater, NY 12170
Saugus Iron Works National Historic Site, 244 Central Street, Saugus, MA 01906
Scotts Bluff National Monument, P.O. Box 427, Gering, NE 69341
Sequoia & Kings Canyon National Parks, Three Rivers, CA 93271
Sewall-Belmont House National Historic Site, c/o National Capital Region-East, 5210 Indian Head Hwy., Oxon Hill, MD 20021
Shenandoah National Park, Luray, VA 22835
Shiloh National Cemetary, c/o Shiloh Natl Military Park, Shiloh, TN 38376
Shiloh National Military Park, Shiloh, TN 38376
Sitka National Historical Park, P.O. Box 738, P.O. Box 738, Sitka, AK 99835
Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, MI 49635
Southeast Regional Office, NPS, 75 Spring St, SW, Atlanta, GA 30303
Southern Arizona Group, 1115 North 1st Street, Phoenix, AZ 85004
Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, NM 87501
Springfield Armory National Historic Site, One Armory Square, Springfield, MA 01105
Statute of Liberty National Monument, Liberty Island, New York, NY 10004
Stones River National Battlefield & Cemetery, Route 10, Box 401, Old Nashville Hwy., Murfreesboro, TN 37120
Sunset Crater National Monument, Route 3, Box 149, Flagstaff, AZ 86001
Thaddeus Kosciuszko National Memorial, c/o Independence National Historical Park, 313 Walnut Street, Philadelphia, PA 19106
Theodore Roosevelt Birthplace, National Historic Site, c/o Manhattan Site, 26 Wall St., NY, NY 10005
Theodore Roosevelt Inaugural Natl Hist Site, 641 Delaware Ave, Buffalo, NY 14202
Theodore Roosevelt Island, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, Va 22101
Theodore Roosevelt National Park, Medora, ND 58645
Thomas Stone National Historic Site, c/o George Washington Birthplace National Monument, Washington's Birthplace, VA 22575
Timpanogos Cave National Monument, Route 3, Box 200, American Fork, UT 84003
Tonto National Monument, P.O. Box 707, Roosevelt, AZ 85545
Touro Synagogue Natl Hist Site, 85 Touro St, Newport, RI 02840
Tumacacori National Monument, P.O. Box 67, Tumacacori, AZ 85640
Tupelo National Battlefield, c/o Superintendent, Natchex Trace Parkway, R.R. 1, NT–143, Tupelo, MS 38801
Turkey Run Farm, c/o George Washington Memorial Parkway, Turkey Run Park, McLean, Va 22101
Tuskegee Institute National Historic Site, 399 Old Montgomery Road, Tuskegee Institute, AL 36088
Tuzigoot National Monument, P.O. Box 68, Clarkdale, AZ 86324
Upper Delaware National Scenic River, Nationaal Park Service, 143 South Third Street, Philadelphia, PA 19106
USS Arizona Memorial, National Park Service, P.O. Box 50165, Honolulu, HI 96850
Utah Mining and Minerals Office, National Park Service, 125 South State Street, Room 3422, Federal Bldg., Salt Lake City, UT 84138
Valley Forge National Historical Park, Valley Forge, PA 19481
Vanderbilt Mansion National Historic Site, c/o Home of Franklin D. Roosevelt and Vanderbilt Mansion National Historic Site, Hyde Park, NY 12538
Vicksburg National Cemetary, c/o Vicksburg Natl Mil Park, P.O. Box 349, Vicksburg, MS 39181
Vicksburg National Military Park, P.O. Box 349, Vicksburg, MS 39180
Virgin Islands National Park, P.O. Box 806, Charlotte Amalie, St. Thomas, VI 00801
Voyageurs Land Acquisition Office, 1026 3rd Street, International Falls, MN 56649
Voyageurs National Park, P.O. Box 50, International Falls, MN 56649
Walnut Canyon National Monument, Route 1, Box 25, Flagstaff, AZ 86001
War in the Pacific Natl Hist Park, P.O. Box FA, Agana, Guam 96910
Washington Monument, c/o National Capital Parks-Central, 900 Ohio Drive, S.W., Washington, D.C. 20242
Western Regional Office, NPS, 450 Golden Gate Avenue, P.O. Box 36063, San Francisco, CA 94102
Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area, P.O. Box 188, Whiskeytown, CA 96095
White House, National Capital Region, 1100 Ohio Drive, S.W., Washington, D.C. 20242
White Sands National Monument, P.O. Box 458, Alamogordo, NM 88310
Whitman Mission National Historic Site, Route 2, Walla Walla, WA 99362
William Howard Taft National Historic Site, 2038 Auburn Avenue, Cincinnati, OH 45219
Wilson's Creek National Battlefield, 521 North Highway 60, Republic, MO 65738
Wind Cave National Park, Hot Springs, SD 57747
Wolf Trap Farm Park for the Performing Arts, 1551 Trap Road, Vienna, VA 22180
Wrangell-St. Elias National Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Wright Brothers National Memorial, c/o Cape Hatteras National Seashore, P.O. Box 457, Manteo, NC 27954
Wupatki National Monument, Tuba Star Route, Flagstaff, AZ 86001
Yellowstone National Park, Yellowstone National Park, WY 82190
Yorktown National Cemetery, c/o Colonial National Historical Park, P.O. Box 210, Yorktown, VA 23690
Yosemite National Park, P.O. Box 577, Yosemite National Park, CA 95389
Yucca House National Monument, c/o Mesa Verde National Park, Mesa Verde National Park, CO 81330
Yukon-Charlie Natl Monument, c/o Alaska Area Office, 540 W. 5th Avenue, Room 202, Anchorage, AK 99501
Zion National Park, Springdale, UT 84767

* * * * *

INTERIOR/FNP-1

SYSTEM NAME:

Special Use Permits—Interior, NPS-1.

SYSTEM LOCATION:

Substantially all Regional and park offices of the National Park Service. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visitors to National Parks who receive special use permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains permittees' names, tract numbers, addresses, and terms, and conditions of permits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 1 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is for (1) park management. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by tract number or permittee name.

SAFEGUARDS:

Stored in lockable metal file cabinets or unlocked cabinets in secured rooms or buildings on either U.S. Government-owned or leased facilities.

RETENTION AND DISPOSAL:

Ordinarily disposed of one year after termination of special use permit.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Management and Operations, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the Systems Manager or to the offices cited under "Records Location."

RECORD ACCESS PROCEDURES:

To see your records write the Systems Manager or the offices cited under "Records Location." Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the Systems Manager.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/FNP-16

SYSTEM NAME:

Position and Manpower Reporting System (PMRS)—Interior, NPS—16.

SYSTEM LOCATION:

Chief, Office of Programming and Budgeting, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All NPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

About 30 data elements on positions including personal and employment information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 1, 5 U.S.C. 301, 43 U.S.C. 1457, OMB Circular A–11.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record (1) to issue reports on authorized positions and data related to positions and the incumbents. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for

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investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on tape.

RETRIEVABILITY:

Indexed alphabetically by name and by position number and organization code.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for automated records.

RETENTION AND DISPOSAL:

When incumbent leaves position, all personal information is purged.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Budget, (See Location).

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the Systems Manager.

RECORD ACCESS PROCEDURES:

To see your records write the Systems Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the Systems Manager.

RECORD SOURCE CATEGORIES:

Department of the Interior Integrated Personnel and Payroll System.

INTERIOR/FNP-19

SYSTEM NAME:

Law Enforcement Files: Statistical Reporting System, incident card reference and related files—Interior, NPS–19.

SYSTEM LOCATION:

(1) U.S. Park Police, 1100 Ohio Drive, S.W., Washington, D.C. 20242. (2) National Park areas (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

Individual complainants in criminal cases, individuals investigated or arrested for criminal or traffic offenses, or involved in motor vehicle accidents or certain types of non-criminal incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, date and case number of incident, and report of incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (1) to identify incidents in which individuals were involved, (2) to retrieve the report for information for the individual involved, such as accident reports and reports of found property, (3) to aid NPS law enforcement officers on a need to know basis, and (4) as the basis for criminal investigations conducted by the U.S. Park Police. Disclosures outside the Department of the Interior may be made (1) to law enforcement officers from other agencies in their work on a need to know basis, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prospecting the violation, or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Manual records.

RETRIEVABILITY:

Manual, by name of individual and park.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Records are maintained for various lengths of time, depending on the seriousness of the incident.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Management and Operations, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

RECORD SOURCE CATEGORIES:

Incident information obtained from individual on whom information is maintained, witnesses and investigating officials.

SYSTEMS EXEMPTED FORM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c) and (1) and (2), (e)(4)(A) through (F), (e) (6), (7), (9), (10) and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart D implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/FNP-21

SYSTEM NAME:

Visitor Statistical Survey Forms—Interior, NPS–21.

SYSTEM LOCATION:

Various National Park Service areas within the NPS system. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visitors to NPS administered areas who have participated in surveys conducted during their visits to the areas or via mail or telephone as a result of their visit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, some addresses, some telephone numbers, and information obtained during the surveys on completed questionnaires or by in-person or telephone interviews, or both. The survey information includes experiences, ideas, and expressions collected voluntarily from the visitors on what they think of the area's resources, facilities, and area programs. The responses are treated confidentially and are used only to compile statistical information.

AUTHORITY FOR MAINTAINCE OF THE SYSTEM:

Federal Reports Act of 1942, 44 U.S.C. 3501–3511, Federal Records Act of 1950, 44 U.S.C. 2904 and 3102, and OMB Circular A–40 Revised May 3, 1973.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (1) to evaluate existing management programs through statistical analysis of the replies furnished by the visitors, (2) to develop new thrusts that might be suggested by the visitors' comments. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Usually maintained in file folders.

RETRIEVABILITY:

Sometimes filed alphabetically by name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

When personal data included, questionnaires and interview sheets are usually destroyed after aggregation of responses so that individual identification will no longer be possible. Others are retained until final completion of the survey and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Consulting Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the offices cited under "Records Location".

RECORD ACCESS PROCEDURES:

To see your records write to the offices cited under "Records Location". Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the Systems Manager.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

[FR Doc. 81-7249 Filed 3-5-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. WC-34]

Delta Queen Steamboat Co.; Petition for Exemptive Relief; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Exemption under 49 U.S.C. 11108 granted from the provisions of 49 U.S.C. 11904(c)(1) and 11905 to enable Delta Queen Steamboat Company to compete effectively with foreign cruise lines.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: By notice published October 17, 1980 (45 FR 69055), the Commission sought comments on a petition by Delta Queen Steamboat Company (Delta Queen) for an exemption under 49 U.S.C. 11108.

Petitioner is a regulated common carrier of passengers by water. It provides domestic vacation cruises on inland rivers, mainly the Mississippi River, using a paddle-wheel steamer. It seeks relief from the provisions of 49 U.S.C. 11904(c)(1) and 11905 in order to offer free or reduced-rate transportation to travel agents and tour guides. It directly competes for the cruise market with unregulated cruise lines operating between U.S. and foreign ports and offering various alternative vacation cruises.

Presently these unregulated foreign lines have a competitive advantage in that they can and frequently do provide free or reduced transportation rates for travel agents and tour guides, often utilizing barter and other similar arrangements. These travel agents are relied on heavily by the cruise industry to procure bookings. Delta Queen is no exception. Its booking history reveals that it draws on travel agents for 95 percent of its business. Yet, as a regulated carrier, Delta Queen is precluded from providing free or reduced-rate transportation to travel agents by 49 U.S.C. 11904(c)(1) and 11905. Petitioner seeks exemptive relief to enable it to compete more effectively with the foreign carriers for cruise bookings.

49 U.S.C. 11108 authorizes exemption when a domestic water carrier shows: (1) it is in competition with a water carrier operating to or from a port in a foreign country; (2) the competing foreign carrier unreasonably discriminates against the domestic carrier by a rate, rule, or practice; and (3) the relief sought is in the public interest and is consistent with the national transportation policy.

As stated in the notice of October 17, 1980, we believe factors (2) and (3) are proven. The major question is whether competition as expressed in 49 U.S.C. 11108 (1) above, must be narrowly construed to include only point-to-point competitors, or whether it can be broadly interpreted to encompass a market concept.

Only Delta Queen responded to our request for comments on this issue. The broad interpretation of section 11108 that it advances persuades us that an exemption is appropriate under the circumstances.

Section 11108 authorizes an exemption to a domestic water carrier "in competition" with a water carrier providing transportation to or from a foreign port. The provision, however, does not define "competition." As neither its language nor legislative history suggests a restrictive interpretation was intended, the scope of the term "competition" within the context of 49 U.S.C. 11108 will be determined by analysis of its commonly applied meaning. This approach and our prior decisions are compatible with a broad interpretation.

As correctly noted by Delta Queen, "competition" describes the independent action of two or more parties striving to secure the business of a third. Competition is similarly defined in Webster's Dictionary and by the Commission in *Rags & Paper to Newark, N.Y.*, 208 I.C.C. 327, 330 (1935). For Delta Queen, all persons contemplating a cruise vacation constitute its market, the same market sought by the unregulated carriers. It follows that any interpretation that would exclude a relevant market in these circumstances would be unrealistic and negate the purpose of Section 11108.

In determining relevant criteria to establish the existence of competition, the Commission stated in *Southern Ry. Co. Section 5(15) Application*, 342 I.C.C. 416, 436, (1972) that "there must be actual striving for the same traffic or a distinct probability of such active competition." In the final analysis, "competition is a question of fact to be determined by the circumstances of each case". 342 I.C.C. at 434. We find such active competition between Delta Queen and the cruise lines operating out of foreign ports.

Delta Queen is a unique historic entity in the transportation industry. Preserving its operation is both desirable and in the public interest.

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Delta Queen's inability under 49 U.S.C. 11904(c)(1) and 11905 to provide the free or reduced transportation offered by its foreign competitors places it at a serious competitive disadvantage, which constitutes sufficient justification for an exemption.

We find the requested exemption is warranted. Under the circumstances we need not consider alternative forms of relief.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 11108.

Decided: February 24, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7224 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided March 3, 1981.

In our decision of February 25, 1981, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 19.1-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 19.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor the 7.1-percent surcharge for the bus carriers, nor the 2.2-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the **Federal Register** for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. March 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5 ¢

Date of current price measurement and price per gallon (including tax)

Mar. 2, 1981 ..... 135.2 ¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus Carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	19.1	3.3	7.1	[3] 3.0
Percent surcharge allowed	19.0	3.3	7.1	[4] 2.2

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-7229 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Company: BMI, Inc., 700 Bingham Street, Pittsburgh, PA 15203.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

(a) Greensteel, Inc., 29 Laing Avenue, Dixonville, PA 15734; Pennsylvania Corp.

(b) Greensteel, Inc., P.O. Box 8795, Orlando, FL 32806; Florida Corp.

(c) Greensteel, Inc., 9440 N.E. Halsey Street, Portland, OR 97110; Oregon Corp.

(d) Greensteel, Inc., 1169 N. Grove Street, Anaheim, CA 92806; Oregon Corp. (California Foreign)

(e) Barr Machine, Inc., 29 Laing Avenue, Dixsonville, PA 15734.

(f) Kensington Products, P.O. Box 488, Leechburg, PA 15656; Pennsylvania Corp.

1. The parent corporation and address of its principal office is: Central South Industries, Inc., P.O. Box 17108, Pensacola, Florida 32532.

2. Wholly-owned subsidiaries which are participating in the operations and their State(s) of incorporation are:

(a) Escambia Treating Company, Florida Corporation.

(b) Escambia Trucking Company, Florida Corporation.

(c) Estreco Land & Timber Co., Inc., Florida Corporation.

(d) On-Line Management Systems, Inc., Florida Corporation.

(e) Mississippi Wood Preserving, Inc., Mississippi Corporation.

1. Parent corporation and address of principal office: Charter Manufacturing Company, Inc., 10500 North Pt. Washington Road, Mequon, Wisconsin 53092.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation: Charter Electric Melting, Inc., Illinois.

1. Parent corporation and address of principal office: CLI Corporation, 5325 South Madera, Oklahoma City, Oklahoma, 73129

2. Wholly-owned subsidaries which will participate in such operations and States of incorporation.

(i) Coldiron Lines, Inc. of 5325 South Madera, Oklahoma City, Oklahoma 73129.

(ii) Coldiron Lumber, Inc. of 5325 South Madera, Oklahoma City, Oklahoma 73129.

1. Parent corporation and address of principal office: CSC, Inc., 1109 Court Street, P.O. Box 1588, Medford, OR 97501.

2. Wholly-owned subsidaries which will participate in the operations and State of incorporation.

(i) Medford Blow Pipe & Fabrication Co., Inc., an Oregon corporation.

(ii) Medford Steel; Division of CSC, Inc., an Oregon corporation.

1. Parent corporation and address of principal offices: Foley-ASC, Inc., 1616 Wollmer St., Manitowoc, WI 54220.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

(a) Isanti Mfg. Co., 3300 Fifth St. NE, Minneapolis, MN 55418.

(b) Lapcor Plastics, 2702 Division St., Manitowoc, WI 54220.

(c) Martens Mfg. Co., 1600 W. Breitung St., Kingsford, MI 49801.

(d) Foley Meets-A-Need Mfg., Co., 2963 Utah St., Seattle, WA 98134.

(e) Foley Chief Products Co., 3300 Fifth St. NE, Minneapolis, MN 55418.

1. Parent corporation and address of principal office: General Signal Corporation, High Ridge Park, Stamford, Connecticut 06904.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

(a) Sola Basic Industries, Inc. (Wisconsin).

(b) OZ/Gedney Company (Connecticut).

(c) Edwards Company, Inc. (Connecticut).

(d) General Signal Mfg. Corp. (Delaware).

(e) General Signal Industries, Inc. (Delaware).

(f) Electroglas, Inc. (California).

(g) Tapco International, Inc. (Delaware).

(h) Telecommunications Technology, Inc. (California).

(i) Xynetics, Inc. (Delaware).

1. Parent corporation and address of principal office: Kitchen Fresh, Inc., 3832 New Cummings Rd., Chattanooga, TN 37419.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

Judson Candies, Inc., 831 S. Flores St., San Antonio, TX 78204
DAD Transport, Inc., 3832 New Cummings Rd., Chattanooga, TN 37410

1. Parent corporation and address of principal office: M/A-COM, Inc., South Avenue, Burlington, Massachusetts.

M/A-COM, Inc., also does business under the names Microwave Associates Inc., and Microwave Associates Communications Company.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

Alanthus Data Communications Corporation, Delaware
Comm/Scope Corporation, North Carolina (Provider of Compensated intercorporate hauling operations)
Currier-Smith Corporation, Massachusetts
Digital Communications Corporation, Delaware
Laser Diode Laboratories, Inc., New Jersey
Lawrence Laboratory, Inc., California
Lawrence Laboratory Microwave, Inc., California
LINKABIT Corporation, California
Microwave Power Devices, Inc., New York
Ohio Scientific, Inc., Ohio
Omni Spectra, Inc., Delaware
Prodelin, Inc., New Jersey
Valtec Corporation, Massachusetts

1. Parent corporation is: Miller Bros. Industries, Inc., 2700 Canton Street, Dallas, Texas 75226.

2. Wholly-owned subsidiaries are:

Adam Hats, Inc., 135 W. 50th Street, New York, NY 10020
Bamberg Mfg., Division, Wood Garment Mfg. Co., U.S. Hwy. 301 South Bamberg, SC 29003
Cumberland Products, Inc., College Street, Spencer, TN 38585
Dunlap Slacks, Inc., Spring Street, Dunlap, TN 37327
Holly Manufacturing, Inc., U.S. Hwy. 278 East, Holly Pond, AL 35083
Miller Bros. Hats, Division, Miller Bros. Industries, Inc., 135 W. 50th Street, New York, NY 10020
Miller Bros. Slacks, Division, Miller Bros. Industries, Inc., 135 W. 50th Street, New York, NY 10020
Star Headwear, Inc., 625 Jackson Blvd., Chicago, IL 60606
Texas Miller Hat Corp., 2700 Canton St., Dallas, TX 75226
Texas Miller Products, Inc., U.S. Hwy. 75 North, Corsicana, TX 75110

1. Parent corporation and address of principal office: Racetrac Petroleum, Inc., 2625 Cumberland Parkway, N.W., Suite 100, Atlanta, Georgia 30339.

2. Wholly-owned subsidiaries which will participate in the operative, and States of incorporation:

(i) C.B. Properties, Inc., a Delaware Corporation.

(ii) Racetrac of Texas, Inc., a Texas Corporation.

1. Parent corporation and address of principal office: R. J. Reynolds Industries, Inc., Reynolds Boulevard, Winston-Salem, North Carolina 27102.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Alaska Packers Association, P.O. Box 3326, Bellevue, Washington 98009.

(b) Del Monte Banana Company, P.O. Box 011940, Miami, Florida 33131.

(c) Del Monte Corporation, P.O. Box 3575, San Francisco, California 94119.

(d) D. & O.—Fairchild, Inc., P.O. Box 9967, Yakima, Washington 98909.

(e) Fairchild General Freight, Inc., P.O. Box 9967, Yakima, Washington 98909.

(f) Ida-Cal Freight Lines, Inc., Drawer M, Nampa, Idaho 83651.

(g) Oak Grove Corporation, P.O. Box 2276, San Leandro, California 94577.

(h) Paddison Truck Lines, Inc., P.O. Box 2276, San Leandro, California 94577.

(i) R. J. Reynolds Tobacco Company, P.O. Box 2959, Winston-Salem, North Carolina 27102.

(j) RJR Archer, Inc., Reynolds Boulevard, Winston-Salem, North Carolina 27102.

(k) RJR Foods, Inc., P.O. Box 3575, San Francisco, California 94119.

(l) Shippers Imperial, Inc., 2277—7th Street, Oakland, California 94607.

(m) Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Arkansas 72728.

(n) Amtane, Inc., 9717 East 42nd Street, Suite 100, Tulsa, OK 74145.

(1) Parent corporation and address of principal office: Rocco Enterprises, Inc., 1 Kratzer Avenue, Harrisonburg, VA 22801.

(2) Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

Rocco, Inc., Virginia
Rocco Chickens, Inc., Virginia
Marval Poultry Company, Inc., Virginia
Rocco Turkey Farms, Inc., Virginia
Rocco DISC, Inc., Virginia
Rocco Building Supplies, Inc., Virginia
Rocco Broiler Farms, Inc., Virginia
Rocco Breeder Farms, Inc., Virginia
Rocco Farm Foods, Inc., Virginia

1. The parent corporation is West American Finance Corporation d.b.a. Boyd Martin Co., a Utah Corporation with its principal office at 1260 West North Temple, Salt Lake City, Utah 84116.

2. The following are wholly-owned subsidiaries, which will participate in the operations performed by West American Transport, Inc., a Utah Corporation.

(i) West American Transport, Inc., a Utah Corporation.

(ii) Steven Regan Company, a Utah Corporation.

(iii) F. L. F., Inc., a Utah Corporation.

(iv) Utah Industrial Trucks, Inc., a Utah Corporation.

Agatha L. Mergenovich,

Secretary

[FR Doc. 81-7123 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

March 3, 1981.

This application for long-and-short-haul relief has been granted by the I.C.C.

No. 43902, Western Trunk Line Committee, Agent (No. A-2765), reduced rates on beet or cane sugar, from Stations in Idaho, Utah, and Nyssa, OR to St. Joseph, MO, in Supplement No. 56 to its Tariff ICC WTL 4417, effective March 2, 1981. Grounds for relief—market competition and rate relationship.

This application was received by the Commission's Suspension Board on February 23, 1981. This precluded the Board from publishing the requested relief in the **Federal Register** in order to give interested parties an opportunity to protest.

By action of February 27, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and

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O'Malley, concluded to grant the requested relief in Long and Short Haul No. 20680, subject to the proviso that the authority will expire 30 days' from February 27, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7121 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not included issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: February 13, 1981.

By the Commission, Review Board Number 5, Member Krock, Taylor, and Williams.

Decided: February 19, 1981.

By the Commission, RB #5, members Krock, Taylor & Williams.

(Board Member Taylor votes to deny the application. WFW has failed to establish that it is fit, willing and able to conduct operations under the rights to be acquired. It has no equipment and no funds. Also there is nothing to show that it's management has any ability to run B & P operations successfully. There are substantial duplications between the rights of B & P and Youngstown Cartage, an affiliate of WFW, which would have to be cancelled if the transaction were to be approved. The proposal of WFW to sell the duplicating rights over a period of time is nothing more than trafficking in operating rights.)

MC-F-14378F, filed April 23, 1980. B & P MOTOR EXPRESS CO., formerly WFW COMPANY (B&P) (825 West Federal St., Youngstown, OH 44501)—purchase—B&P MOTOR EXPRESS, INC., debtor in possession (Debtor) (720 Gross St., Pittsburgh, PA 15224). Representative: John P. McMahon, Baker & Hostetler, 100 East Broad St., Columbus, OH 43215. B&P seeks to purchase all of the interstate operating rights and property of Debtor. Wolff & Sons, Inc., a non-carrier holding company which controls B&P through ownership of all of its outstanding stock, and in turn William F. Wolff, Sr., William F. Wolff, Jr., and Richard A. Wolff who control Wolff & Sons, Inc. through ownership of a majority of its outstanding stock, seek to control the operating rights through the transaction.

The operating rights sought to be purchased are contained in Certificate No. MC-1936 and all sub-numbers thereto, which authorize, generally, transportation of general and specified commodities over regular and irregular routes serving the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, Wisconsin, and West Virginia, as specifically set forth in the application. Wolff & Sons, Inc. also controls the Youngstown Cartage Co. (Youngstown) a motor common carrier operating pursuant to Certificate No. MC-8958 and sub-numbers thereto. The evidence demonstrates that duplications exist with respect to the rights to be purchased and those held by Youngstown. Pursuant to 49 CFR 1134.51(a)(2), applicants request that the transaction be authorized on the condition that applicants submit a plan and timetable to sell and thereby eliminate duplications. The Articles of Incorporation of Wolff & Sons, Inc. indicate that to engage in the business of motor carriage is one of its primary purposes. Also approval and authorization of the transaction will result in common control by Wolff & Sons, Inc. over two motor common carriers. An appropriate condition will be imposed. Conditions: (1) Authorization and approval of this transaction are conditioned upon applicants' submission of a plan for the elimination by sale or cancellation of duplications existing between the authority sought to be purchased and the authority held by the Youngstown Cartage Co. within 180 days of the date this notice is published. (2) Wolff & Sons, Inc. shall be subject to 49 U.S.C. 11142, 11145, and 11302, the accounting, reporting, and securities provisions of the Interstate Commerce Act upon consummation of the instant transaction. (Hearing site: Columbus, OH.)

Note.—Application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7120 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-178

Decided: February 19, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 145085 (Sub-1), filed February 3, 1981. Applicant: SID'S INC., P.O. Box D, Jonesport, ME 04649. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. Transporting for the United States Government *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

Volume No. OP3-182

Decided: February 24, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 152494 (Sub-1), filed February 6, 1981. Applicant: CHESSIE MOTOR EXPRESS, INC., Post Office Box 6419, 3200 Terminal Tower, Cleveland, OH 44101. Representative: Eugene D. Anderson, 910 Seventeenth St., N.W., Washington, DC 20036. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

MC 153535, filed December 17, 1980. Applicant: THOMAS DAVID BLANCHARD d.b.a. TOM BLANCHARD TRUCKING, 10000 Chance Rd., Tillamook, OR 97141. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP3-189

Decided: February 26 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 154024, filed January 27, 1981. Applicant: TERRY L. HEIRONYMUS d.b.a. T. & L. TRANSFER, 182 South Kansas St., Superior, NE 68978. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and other edible products and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7119 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the

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applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each application has deomonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each application is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirments which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All application are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–026

Decided February 19, 1981.

By the Commission, Review Board No. 3, Members, Fortier, Hill and Parker.

MC 135052 (Sub-37), filed February 5, 1981. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204, 317–639–4511. Transportating *general commodities* (except classes A and B explosives) between those points in the U.S. in an east of ND, SD, NE, KS, OK, and TX.

MC 146703 (Sub-24), filed January 27, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006, (202) 223–8270. Transporting *rubber and plastic products,* between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–7228 Filed 3–5–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the commission's policy of simplifying grants of operating authority.

FINDINGS:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–46

Decided February 25, 1981.

By The Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 42146 (Sub-31), filed February 6, 1981. Applicant: A. G. BOONE COMPANY, a corporation, P.O. Box 668126, 1812 W. Morehead St., Charlotte, NC 28266. Representative: Floyd C. Hartsell (same address as applicant). Transporting *General commodities* (except classes A and B explosives) between points in the U.S. under continuing contract(s) with Supermarket Distribution Service, Inc., of Montvale, NJ.

MC 60066 (Sub-26), filed February 3, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. Transporting *food and related products,* between Chicago, IL, on the one hand, and, on the other, points in IA and NE.

MC 95876 (Sub-383), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *metal products,* between points in

Middlesex County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 95876 (Sub-385), filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *electrical equipment and supplies,* between points in Halifax County, VA, on the one hand, and, on the other, points in the U.S.

MC 10556 (Sub-243), filed February 3, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting (1) *metal products,* and (2) *rubber and plastic products,* between points in Berrien County, MI, on the one hand, and, on the other, points in the U.S.

MC 110656 (Sub-19), filed February 3, 1981. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Ave. SW., Grand Rapids, MI 40507. Representative: Ronald J. Mestej, 900 Guardian Bldg., Detroit, MI 48226. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Gaylord and Alpena, MI, over MI Hwy 32, (2) between Alpena and Mackinaw City, MI, over U.S. Hwy 23, (3) Between Mackinaw City and Gaylord, MI: From Mackinaw City over Interstate Hwy 75 to junction MI Hwy 32; then over MI Hwy 32 to Gaylord, (4) Between Alba and Gaylord, MI: From Alba over County Rd 42 to junction MI Hwy 32, then over MI Hwy 32 to Gaylord, (5) serving in connection with routes (1) through (4) above, all intermediate points, and in Alpena County, MI and points in Cheboygan, Presque Isle, Montmorency and Otsego Counties, MI which are on and east of Interstate Hwy 75 and on and north of MI Hwy 32, as off-route points, (6) Between Gaylord and Detroit, MI: (a) From Gaylord over MI Hwy 32 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction Interstate Hwy 96, then over Interstate Hwy 96 to Detroit, (b) From Gaylord over MI Hwy 32 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Detroit, and (c) From Gaylord over MI Hwy 32 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 10, and then over U.S. Hwy 10 to Detroit, (7) between junction U.S. Hwy 23 and U.S. Hwy 10 and junction U.S. Hwy 23 and Interstate Hwy 96, over U.S. Hwy 23, (8) between Grand Rapid and Lansing, MI, over Interstate Hwy 96, (9) serving in connection with routes (6) through (8) above all intermediate points, and points in Ingham, Eaton, Ionia, Clinton, Kent, Montcalm, Mecosta, Osceola, Wexford, Grand Traverse, Benzie, Leelanau, Antri Charleviox, and Emmet Counties, MI, and points in Cheboygan and Otsego Counties, MI on and west of Interstate Hwy 75, as off-route points, (10) Between Grand Rapids, MI and junction MI Hwy 57 and Interstate Hwy 75: From Grand Rapids over U.S. Hwy 131 to junction MI Hwy 57, then over MI Hwy 57 to junction Interstate Hwy 75, for operating convenience only, (11) between Bay City and Alpena, MI over U.S. Hwy 23, for operating convenience only, (12) Between the Junction of MI Hwy 32 and MI Hwy 65 and Bay City, MI: From junction MI Hwy 32 and MI Hwy 65 over MI Hwy 65 to junction U.S. Hwy 23, near Omer, MI, and then over U.S. Hwy 23 to Bay City, for operating convenience only.

Note.—Applicant intends to join the authority sought here with its other authorized routes.

MC 117416 (Sub-71), filed February 6, 1981. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Ave., NW., Knoxville, TN 37921. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, D.C. 20006. Transporting (1) general commodities (except classes A and B explosives), between points in AL, AR, DE, FL, GA, IL, IN, LA, KY, MD, MI, MO, MS, NC, OH, PA, SC, TN, VA, WI, WV, and DC.

MC 123556 (Sub-11), filed February 2, 1981. Applicant: RAHIER TRUCKING, INC., 1822 South 1st St., Yakima, WA 98901. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in WA, OR, ID, and CA.

MC 135936 (Sub-32), filed February 2, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *machinery,* between points in Greene and Hamilton Counties, IA, on the one hand, and, on the other, points in AR, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI.

MC 136366 (Sub-6), filed February 6, 1981. Applicant: BEE LINE, INC., 17 Commerce Rd., Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *pulp, paper and related products,* and (2) *rubber and plastic products,* between points in Androscoggin County, ME and Bergen County, NJ, on the one hand, and, on the other, points in the U.S.

MC 136366 (Sub-7), filed February 6, 1981. Applicant: BEE LINE, INC., 17 Commerce Rd., Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except Classes A and B explosives), between the facilities of Mitsubishi Corp. and Mitsubishi International Corp., in the U.S., on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–7251 Filed 3–5–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from application's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrents a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human evnironment nor a

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major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,
Secretary.

Note.—All applicants are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–053

Decided February 25, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-570), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *building materials*, between points in St. Louis County, MO, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-586), filed February 9, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *food and related products*, between points in CO, on the one hand, and, on the other, points in the U.S.

MC 381 (Sub-24), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *food and related products*, between the facilities used by J. H. Filbert, Inc. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 381 (Sub-25), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *food and related products*, and *such commodities* as are dealt in or used by chain grocery and food business houses, between Chesapeake and Suffolk, VA, on the one hand, and, on the other, points in DE, MD, NC, NJ, PA, SC, WV, and DC.

MC 2980 (Sub-10), filed February 9, 1981. Applicant: LANDGREBE MOTOR TRANSPORT, INC., Highway 130 West, P.O. Box 32, Valparaiso, IN 46383. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in Lake, Newton, Porter, Jasper, White, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Elkhart, and Kosciusko Counties, IN.

MC 96881 (Sub-27), filed February 10, 1981. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Ave., Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *machinery*, between points in Sabastian County, AR, on the one hand, and, on the other, points in AL, CO, IL, KS, KY, LA, MS, MO, NE, NM, OK, TN, and TX.

MC 110420 (Sub-860), filed February 9, 1981. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: Robert H. Shertz, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *commodities in bulk*, between points in the U.S. Condition: Prior to issuance of a certificate in this proceeding, applicant must request cancellation of those certificates which duplicate the above authority.

MC 115730 (Sub-91), filed February 9, 1981. Applicant: THE MICKOW CORP., 531 S.W. Sixth St., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *building materials*, between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WI.

MC 121470 (Sub-76), filed February 9, 1981. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan St., Nashville, TN 37207. Representative: Roy L Tanksley (same address as applicant). Transporting *forest products, and lumber and wood products*, between points in Al and MS, on the one hand, and, on the other, points in the U.S.

MC 124050 (Sub-5), filed February 9, 1981. Applicant: MERCER BROS. TRUCKING CO., a corporation, P.O. Box 952, Highway 301 North, Wilson, NC 27893. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *materials, equipment, and supplies* used in the manufacture, processing, and distribution of tobacco and tobacco products, between FL, GA, KY, TN, NC, SC, MD, VA, and WV.

MC 128570 (Sub-22), filed February 9, 1981. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th St., Wilmington, DE 19802. Representative: James F. Flint, 406 World Center Bldg., 918 16th St., Washington, DC 20006. Transporting *coin, currency, negotiable and non-negotiable instruments, securities, precious metals and articles of unusual value*, between points in the U.S.

MC 133841 (Sub-24), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *machinery*, between the facilities used by The Bullard Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133841 (Sub-25), filed February 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *machinery*, between the facilities used by Anaconda Wire & Cable Co. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138890 (Sub-15), filed February 9, 1981. Applicant: MOODIE, INC., 301 Acorn St., Stevens Point, WI 54481. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *food and related products*, between points in Cassia County, ID, Malheur County, OR, Montcalm County, MI, Stark County, OH, Hartford County, CT, and Chester County, PA, on the one hand, and, on the other, points in the U.S.

MC 143351 (Sub-4), filed February 9, 1981. Applicant: DANTRAC, INC., 602 Airport Rd., Greenville, SC 29606. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sutco, Inc., of Hot Springs, AR.

MC 145981 (Sub-33), filed February 9, 1981. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearney, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147280 (Sub-6), filed February 9, 1981. Applicant: WARREN GRADWELL, d.b.a. W. L. GRADWELL TRANSPORT, 450 N.E. 44th St., Des Moines, IA 50313. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN, on the one hand, and, on the other, points in AZ, CA, KS, LA, NV, NM, OK, and TX.

MC 148380 (Sub-6), filed February 9, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Economics Laboratory, Inc., of St. Paul, MN.

MC 148700 (Sub-2), filed February 9, 1981. Applicant: JERICHO TRUCKING CO., INC., S9 W26422 Windsor Place, Waukesha, WI 53186. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *metal products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Badger Steel Sales, Inc., of Oconomowoc, Wis., in (1) above, and D C S Color & Supply Co., Inc., of Milwaukee, WI, in (2) above.

MC 148791 (Sub-8), filed February 9, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY.

MC 150950 (Sub-1), filed February 9, 1981. Applicant: DALLAS CONSOLIDATORS, INC., 2300 East Pioneer Drive, Irving, TX 75061. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO.

MC 153090 (Sub-1), filed February 9, 1981. Applicant: R & J TRANSPORTATION SERVICES, INC., 644 Whitehead Rd., Trenton, NJ 08648. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Metal Litho Corporation, of Elizabeth, NJ, Metal Litho International, Inc., of Trenton, NJ, and Metal Litho (West Virginia) Corporation, of Weirton, WV.

MC 153181 (Sub-1), filed February 9, 1981. Applicant: REILLY BROTHERS, INC., 519 Centre St., Nutley, NJ 07110. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *textile mill products*, between points in Hudson County, NJ, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-7227 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e. gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal Action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Volume No. OP3–183

Decided: February 24, 1981.

By the Commission, Review Board No. 1, Members, Carleton, Joyce and Jones.

MC 3114 (Sub-43), filed February 6, 1981. Applicant: T. H. COMPTON, INC., R.F.D. No. 1, Berkeley Springs, WV 25411. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW, Washington, DC 2006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in MC 3114 and related subs, at applicant's written request.

MC 30114 (Sub-11), filed February 4, 1981. Applicant: MOLA TRUCKING, INC., d.b.a. MITCHKO TRUCKING, 650 Myrtle Ave., Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladston, NJ 07934. Transporting *rubber and plastic products*, between the facilities used by Imco Container Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 31675 (Sub-31), filed February 5, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Jay R. Hanson (same address as applicant). Transporting (1) *general commodities* (except classes A and B explosives), (a)

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between the facilities of Jos. Schlitz Brewing Company, in the U.S., on the one hand, and, on the other, points in the U.S., and (b) between the facilities of Dayco Corporation in the U.S., on the one hand, and, on the other points, in the U.S.; (2) *building materials* (a) between points in Lancaster County, PA, on the one hand, and, on the other, points in AZ, CA, CO, CT, DE, IA, MA, ME, MD, MT, NH, NV, NJ, NY, NC, OR, PA, SC, VT, VA, WA, WV, WY, and DC, and (b) between points in Escambia County, FL, on the one hand, and, on the other, points in the U.S.; (3) *rubber and plastic products*, between points in Berks County, PA, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, IL, IN, KY, MA, MD, MI, MO, MS, NJ, PA, NY, NC, OH, RI, SC, TN, VA, WI, and WV; (4) *metal products*, between points in Cuyahoga and Hamilton Counties, OH, on the one hand, and, on the other, points in CT, IL, IN, KY, MI, MN, MO, NY, OH, PA, TN, VA, and WI; (5) *lumber and wood products*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NJ, NY, OK, PA, RI, NC, SC, TN, TX, VA, LA, MN, NH, WV, WI, ND, SD, NE, and VT; (6) *such commodities* as are dealt in or used by grocery and food business houses, between the facilities of Borden Foods, Division of Borden, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.; and (7) *waste or scrap materials*, between points in the U.S.

MC 65475 (Sub-46), filed February 6, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *metal products*, between points in the U.S.

MC 96235 (Sub-1), filed February 6, 1981. Applicant: C. G. BORING TRUCKING, INC., Star Route Box A–7, Belleville, PA 17004. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *sand and gravel*, between points in Cumberland, Atlantic, Camden, and Gloucester Counties, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MS, TN, KY, IL, and WI.

MC 106644 (Sub-359), filed February 5, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificates, at applicant's written request, in MC 106644 and related Subs.

MC 148705 (Sub-3), filed February 6, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5738 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Transporting *alcoholic beverages*, between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in CA and FL.

Volume No. OP3–185

Decided: February 25, 1981.

By the Commission Review Board No. 2 Members. Chandler, Eaton, and Liberman participating.

MC 31675 (Sub-32), filed February 6, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 82834. Representative: Jay R. Hanson (same address as applicant). Transporting (1) *pulp, paper and related products*, between points in Fulton and Cobb Counties, GA, on the one hand, and, on the other, points in the U.S.; (2) *metal products*, (1) between points in Guinnett and Fulton Counties, GA, and Georgetown County, SC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and TX; and (2) between points in Georgetown County, SC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OK, OH, PA, RI, SC, TN, TX, VA, VT, WV and WI; (3) *general commodities* (except classes A and B explosives), between points in Richland County, SC, on the one hand, and, on the other, points in the U.S.; (4) *chemicals and related products*, (1) between Kingstree, SC, on the one hand, and, on the other, points in the U.S., and (b) between points in Bartow County, GA, on the one hand, and, on the other, points in IA; (5) *electrical machinery*, between points in Catawba County, NC, on the one hand, and, on the other, points in AL, FL, IL, IN, KY, MS, TN and WV; and (6) *rubber and plastic products*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 65475 (Sub-45), filed February 6, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *such commodities* as are dealt in or used by manufacturers of floating pier systems and marinas, between points in the U.S.

MC 89684 (Sub-118), filed February 6, 1981. Applicant: WYCOFF COMPANY, INCORPORATED, P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). Transporting *machinery*, between Denver, CO, on the one hand, and, on the other, points in UT, ID, NV, and WY.

MC 120325 (Sub-5), filed February 6, 1981. Applicant: FRAME'S MOTOR FREIGHT, INC., 1233 Wright's Lane, West Chester, PA 19380. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *general commodities* except classes A and B explosives), between points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Northampton, Lehigh, Berks, and Lancaster Counties, PA, New Castle County, DE, and Burlington, Camden, Gloucester, Mercer and Salem Counties, NJ, on the one hand, and, on the other, New York, NY, and points in DE, MD, NJ, PA, and DC.

MC 136844 (Sub-6), filed February 6, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *candy and confectionery*, between points in the U.S., under continuing contract(s) with M&M/MARS, Divison of Mars, Inc., of Hackettstown, NJ.

MC 136844 (Sub-7), filed February 6, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *adhesives and decorative brick facings*, between points in the U.S., under continuing contract(s) with H. B. Fuller Co., of Palatine, IL.

MC 144844 (Sub-14), filed February 6, 1981. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *metal products*, between Chicago, IL, and St. Louis, MO, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, LA, KS, KY, MO, MS, NE, OK, TN, TX, and WI.

MC 147264 (Sub-13), filed February 6, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Ave., Muncie, IN 47302. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *food and related products*, between points in LaPorte County, IN, and points in AR, IN, IL, IA, KS, KY, LA, MN, MS, MO, TN, and TX.

MC 148035 (Sub-9), filed February 6, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Transporting *chemicals and related products, petroleum, natural gas and their products*, between Pottawattamie and Monona Counties, IA, and points in NE.

MC 149014 (Sub-3), filed February 3, 1981. Applicant: EAGLE LINES INC., P.O. Box 902, Merrimack, NH 03054. Representative: Henery Sepessy, 10 Canterbury Way, Merrimack, NH 03054. Transporting *food and related products*, between Holland, MI, and points in Lucas, Sanduski and Ottawa Counties, MI, on the one hand, and, on the other, points in CT, ME, MA, NH, RI and WI.

MC 150664 (Sub-2), filed February 6, 1981. Applicant: RESIDENTIAL DELIVERY CARRIERS, INC., 1308 E. Lexington Avenue, Post Office Box 5674, High Point, NC 27262. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points in U.S.

MC 151204 (Sub-1), filed February 6, 1981. Applicant: 321 EQUIPMENT LEASING CO., 712 West Airline Avenue, Gastonia, NC 28052. Representative: Rebecca P. Dalton (same address as applicant). Transporting *such commodities* as are dealt in or used by department stores between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 151655 (Sub-2), filed February 2, 1981. Applicant: FRANK BROS. TRUCKING CO., a corporation, 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Transporting *metal products*, between points in the U.S., under continuing contract(s) with United McGill Corporation, of Hillsboro, TX.

MC 154004, filed February 6, 1981. Applicant: TRANSPORTATION TECHNIQUES, INC., 10 Potomac Lane, Southington, CT 06489. Representative: Gerald A. Joseloff, P.O. Box 3528, Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Diamond International Corporation, of New York, NY.

MC 154105 (Sub-2), filed February 6, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., North Carolina Hwy 150, P.O. Box 471, Cherryville, NC 28021. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wix Corporation, of Gastonia, NC.

Note.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under section 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 154194 filed February 6, 1981. Applicant: TRINITY TRANSPORT, INC., Route 2, Box 19B, Federalsburg, MD 21632. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036. Transporting *food and related products*, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

Volume No. OP3–186

Decided: February 25, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman participating.

MC 106775 (Sub-46), filed February 2, 1981. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 136844 (Sub-5), filed February 6, 1981. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP3–188

Decided: February 26, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman Participating.

MC 10875 (Sub-61), filed February 6, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 114 Fifth Ave., New York, NY 10011. Representative: Jack R. Turney, Jr., 2001 Massachusetts Ave., N.W., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), serving points in AL, CT, DE, GA, IL, IN, IA, KY, ME, MA, MD, MO, NE, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and WV, as off-route points in connection with applicant's presently authorized regular-route operations. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation, at applicant's written request, of existing certificate in No. MC–10875 and related Subs.

Note.—Applicant intends to tack this authority with its existing authority.

MC 107295 (Sub-1017), filed February 3, 1981. Applicant: PRE-FAB TRANSIT COMPANY, a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting *building materials*, between points in the U.S.

MC 107295 (Sub-1018), filed February 6, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *general commodities*, (except class A and B explosive), between the facilities used by Lowe's Company located in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV and DC on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV and DC.

MC 116915 (Sub-134), filed January 15, 1981, previously notice in **Federal Register** on February 13, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route #1, Box 246, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *refractories, refractory products, insulation, and insulating materials*, between points in Jefferson and Barbour Counties, AL, Pulaski County, AR, Bibb County, GA, Grundy County, IL, Callaway and Audrain Counties, MO, Stark and Jackson Counties, OH, Clarion, Allegheny, and Philadelphia Counties, PA, Middlesex County, NJ, Pueblo County, CO, Mayes County, OK, Brazoria and Hopkins Counties, TX, and Latah County, ID, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description to include "refractory products."

MC 128205 (Sub-104), filed February 6, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Ave., Chicago, IL 60628. Representative:

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E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *commodities in bulk*, between points in IL, IN, MI, and OH, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation, at applicant's written request, of carrier's existing certificate in No. MC 128205 and related subs.

MC 136595 (Sub-12), filed February 5, 1981. Applicant: EASTSIDE ENTERPRISES, INC., 1440 South A St., Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting *Mobile homes and buildings*, between points in OR, WA, ID, and CA.

MC 148314 (Sub-8), filed February 2, 1981. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities*, (except classes A and B explosives), between points in the US, under continuing contract(s) with Kal Kan Foods, Inc., of Vernon, CA, W.R. Grace & Co., of Reading, PA, Scholle Corporation, of Northlake, IL, Camfield Chemical Co., Inc., of Newark, CA, Ekco Products, Inc., of Wheeling, IL, and Lever Bros. Company, of New York, NY.

MC 154224, filed January 30, 1981. Applicant: SAND CREEK TRANSPORT, INC., Route 2, Jordan, MN 55352. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Transporting *sand*, between points in the US, under continuing contract(s) with Minnesota Fracsand Company of St. Paul, MN.

MC 154225, filed February 2, 1981. Applicant: THOMAS JARLAND, Rural Route #1, Harmony, MN 55939. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101. Transporting *general commodities*, between points in the US, under continuing contract(s) with Harmony Enterprizes, Inc., Fillmore Co-op Services, Kiehne Farm Automation, Hahn Lumber Co., P & H Implement, all of Harmony, MN.

Note.—To the extent the certificate granted in the proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

Volume No. OP3–191

Decided: February 26, 1981.

By the Commission Review Board No. 1, Members Carleton, Joyce and Jones.

MC 152814 (Sub-2), filed January 28, 1981. Applicant: GOOD TRANSPORT, INC., 1118 East 223rd St., Carson, CA 90745. Representative: Mitchell Aaronson, 1880 Century Park East, Suite 1400, Los Angeles, CA 90067. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Talney Manufacturing Co., of Gardena, CA.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

[FR Doc. 81-7225 Filed 3-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before (45 days from date of publication), (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–052

Decided February 25, 1981.

By the Commission, Review Board No. 2, Members, Chandler, Eaton and Liberman.

MC 200 (Sub-583), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between points in AL, CA, GA, IL, LA, MN, MO, MS, NJ, OH, SC, TX, and WY, on the one hand, and, on the other, points in the U.S.

MC 15401 (Sub-4), filed January 30, 1981. Applicant: STORER TRANSPORTATION SERVICE, INC., 3519 McDonald Ave., Modesto, CA 95351. Representative: Ronald C. Chauvel, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Transporting *passengers and their baggage*, in round-trip, special and charter operations, beginning and ending at points in Merced County, CA, and extending to points in the U.S.

MC 35690 (Sub-4), filed February 6, 1981. Applicant: CENTRAL N.Y. COACH LINES, INC., 66 Calder Ave., Box 250, Yorkville, NY 13495. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *passengers and their baggage*, in special operations, (1) beginning and ending at Utica and Rome, NY, and extending to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY, and (2) beginning and ending at Syracuse, NY, and extending to points in the U.S.

MC 75840 (Sub-154), filed January 21, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *general commodities* (except classes A and B explosives) between the facilities used by Diamond Shamrock Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 94430 (Sub-52), filed February 4, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *clay, concrete, glass or stone products*, between points in CT, DE, IL, IN, IA, KY, MD, MI, MN, MO, NJ, NY, NC, OH, PA, TN, VA, WV and WI.

MC 106920 (Sub-123), filed February 4, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products, and petroleum, natural gas, and their products*, between points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 106920 (Sub-125), filed February 6, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Transporting *food and related products*, between points in Yates, Wayne, Cayuga, and Ontario Counties, NY, on the one hand, and, on the other, points in DE, IL, IN, IA, KS, KY, MD, MN, MO, MI, OH, PA, TN, VA, WV, and WI.

MC 108341 (Sub-200), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *metal products*, between points in Bibb County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 114211 (Sub-502), filed February 5, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *lumber, lumber mill products, forest products, wood products, and building materials*, between points in the U.S.

MC 114211 (Sub-505), filed February 6, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *lumber and wood products, and forest products*, between points in WY, on the one hand, and, on the other, points in the U.S.

MC 124211 (Sub-382), filed February 5, 1981. Applicant: HILT TRUCK LINES, INC., P.O. Box 988 DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers or distributors of beverages, between points in the U.S. Condition: Issuance of a certficate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of its certificates in MC-124211 Sub-Nos. 10, 11, 18, 33, 81, 97, 116, 124, 131, 132, 149, 150, 154, 172, 205, 209, 223, 229, 231, 235, 246G, 261, 273, 275, 276, 319, 333, 349, and 375.

MC 128861 (Sub-2), filed February 5, 1981. Applicant: OK DELIVERY SYSTEM, INC., P.O. Box 4325, Portland, OR 97208. Representative: John A. Anderson, Suite 1600 One Main Pl, 101 SW Main St., Portland, OR 97204. Transporting *general commodities* (except classes A and B explosives), between points in Multnomah, Washington, and Clackamas Counties, OR, and Clark County, WA, on the one hand, and, on the other, points in OR and WA.

MC 133951 (Sub-1), filed February 6, 1981. Applicant: PIEPHO MOVING & STORAGE, INC., 110 South Columbus, Abert Lea, MN 56007. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *food and related products*, between points in Freeborn County, MN, on the one hand, and, on the other, points in IA, IL, KS, MO, NE, ND, SD, and WI.

MC 135441 (Sub-2), filed February 6, 1981. Applicant: M.C. TRUCKING CO., INC., 500 Mohican Road, Pennsauken, NJ 08110. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except classes A and B explosives), between points in NJ and Rockland County, NY, on the one hand, and, on the other, points in the U.S.

MC 136511 (Sub-106), filed February 5, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: Gary Wemlinger (same address as applicant). Transporting *furniture and fixtures*, between the facilities used by S & H Furniture, Inc., a Division of Sperry & Hutchinson Company, in NC, TN, and VA, on the one hand, and, on the other, points in the U.S.

MC 140820 (Sub-16), filed February 5, 1981. Applicant: A & R TRANSPORT, INC., 2998 N. Illinois 71, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *chemicals and related products*, between points in Cook and Will Counties, IL, on the one hand, and, on the other, points in IL, IN, IA, OH, MI, MN, MO, KY, and WI.

MC 144110 (Sub-7), filed February 5, 1981. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *petroleum, natural gas and their products*, between points in Stearns County, MN, on the one hand, and, on the other, points in ND and SD.

MC 146261 (Sub-10), filed February 6, 1981. Applicant: SILVER FLEET EXPRESS, INC., P.O. Box 6110, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W. Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between Cincinnatie, OH, and those points in TN beginning at the KY-TN State line and extending along the western boundary line of Scott County to junction with the western boundary line of Morgan County, then along the Morgan County line to junction with the western boundary line of Cumberland County, then along the Cumberland County line to junctions with the western boundary line of Rhea County, then along the Rhea County line to junction with the southern boundary line of Meigs County, then along the Meigs County line to junction with the southern boundary line of McMinn County, then along the McMinn County line to junction with the southern boundary line of Monroe County, then along the Monroe County line to junction with the NC-TN State line, then

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along the NC-TN State line to junction TN Hwy 70, then along TN Hwy 70 to the KY-TN State line, then along the KY-TN State line to the point of beginning, on the one hand, and, on the other, points in LA, MS, AL, GA, KY, OH, TN, and IN.

MC 146290 (Sub-10), filed February 6, 1981. Applicant: DON THREDE, d.b.a. DON THREDE TRUCKING CO., 1777 Arnold Industrial Hwy, Concord, CA 94520. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *machinery* between points in the U.S., under continuing contract(s) with Morrow Crane Company, of Oakland, CA.

MC 146890 (Sub-31), filed February 6, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 666 Eleventh St., N.W., No. 805, Washington, DC 20001. Transporting *food and related products*, between points in Gibson County, TN, on the one hand, and, on the other, points in the U.S.

MC 146890 (Sub-32), filed February 6, 1981. Applicant: C & E TRANSPORT, INC. d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 666 Eleventh St., N.W., Suite 805, Washington, DC 20001. Transporting *food and related products*, between points in Grayson County, TX, on the one hand, and, on the other, points in the U.S.

MC 147310 (Sub-2), filed February 4, 1981. Applicant: RUSTAD BUS SERVICE, INC., Kerkhoven, MN 56252. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers, and (2) *baggage* of passengers in a separate vehicle, in round-trip charter operations, beginning and ending at Granite Falls, MN, and points in Douglas, Lac qui Parle, Pope and Chippewa Counties, MN, and extending to points in the U.S.

MC 147311 (Sub-2), filed February 4, 1981. Applicant: T & S TRANSPORTATION, INC., 7420 Ranco Road, P.O. Box 9729, Richmond, VA 23228. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *general commodities* (except classes A and B explosives), between Granger, Herrold, and Camp Dodge, IA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 148390 (Sub-5), filed January 27, 1981. Applicant: TRIWAYS, INC., 12302 Wardman Ave., Whittier, CA 90602. Representative: William Davidson, 2455 E. 27th St., Los Angeles, CA 90058. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with K-Mart Apparel Corporation, of North Bergen, NJ, Sears Roebuck & Co., of Los Angeles, CA, Montgomery Ward & Co., of Chicago, IL, and Nicolai Co., of Portland, OR.

MC 148890 (Sub-3), filed February 4, 1981. Applicant: SENTRY ARMORED COURIER CORP., 3548 Boston Rd., Bronx, NY 10469. Representative: Ronald L. Shapss, 450 Seventh Ave., New York, NY 10123. Transporting *coin and currency*, between points in the U.S., under continuing contract(s) with The Federal Reserve Bank of New York, of New York, NY.

MC 151220 (Sub-3), filed February 6, 1981. Applicant: DULANEY INVESTMENTS, INC., Suite 111, 305 W. Chesapeake Ave., Towson, MD 21204. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Crown Zellerbach, of South Glens Falls, NY.

MC 154011, filed February 4, 1981. Applicant: O'CONNOR ENTERPRISES, INC., d.b.a. O'CONNOR OILFIELD SERVICE, Box 511, Baker, MT 59313. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *Mercer commodities*, between points in MT, ND, and SD.

MC 154110, filed February 4, 1981. Applicant: BROWER & EVEN MOVING, a partnership, 6512 W. Essex Drive, Sioux Falls, SD 57106. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101. Transporting *household goods*, between points in Minnehaha, Lincoln, Moody, Hutchinson, McCook, Turner, Lake and Union Counties, SD, on the one hand, and, on the other, points in NE, IA, MN, ND, MO, IL, WI, CO, WY, and SD.

Volume No. OP1–054

Decided: February 25, 1981.

By the Commission, Review Board No. 3, Members, Parker, Fortier, and Hill.

MC 200 (Sub-556), filed February 4, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *medical supplies*, between points in Tulsa County, OK, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-582), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Marion County, IN, on the one hand, and, on the other, points in the U.S.

MC 200 (Sub-584), filed February 6, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CA, IL, IN, and WI, on the one hand, and, on the other, points in the U.S.

MC 3121 (Sub-11), filed February 6, 1981. Applicant: STEEL TRUCKING, INC., 210 Northview Drive, Brookfield, OH 44403. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sharon Steel Corporation, of Sharon, PA.

MC 18121 (Sub-33), filed February 2, 1981. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, 5005 South Sixth St., Milwaukee, WI 53201. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Over regular routes, transporting *general commodities* (except Classes A and B explosives), (1) between Chicago, IL, and Detroit, MI, over Interstate Hwy 94, serving all imtermediate points, (2) between Detroit, MI, and Toledo, OH, over Interstate Hwy 75, serving all intermediate points, (3) between Chicago, IL and Cleveland, OH, from Chicago, IL, over Interstate Hwy 94 to junction Interstate Hwys 80/90, then over Interstate Hwys 80/90 to junction Interstate Hwy 90 at or near Elyria, OH, then over Interstate Hwy 90 to Cleveland, OH, and return over the same route, serving all intermediate points, (4) between Gary, IN, and Cleveland, OH, over U.S. Hwy 20, serving all intermediate points, (5) between Cleveland, OH, and junction Interstate Hwys 70 and 77 at or near Cambridge, OH, over Interstate Hwy 77, serving all intermediate points, (6) between East St. Louis, IL and junction Interstate Hwys 70 and 77 at or near Cambridge, OH, over Interstate Hwy 70, serving all intermediate points, (7)

between St. Louis, MO, and Saginaw, MI, from St. Louis, MO, over Interstate Hwy 70 to junction Interstate Hwy 69 at or near Indianapolis, IN, then over Interstate Hwy 69 to junction Interstate Hwy 75 at or near Flint, MI, then over Interstate Hwy 75 to Saginaw, MI, and return over the same route, serving all intermediate points, (8) between Rock Island, IL, and Indianapolis, IN, from Rock Island, IL, over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Indianapolis, IN, and return over the same route, serving all intermediate points, (9) between Chicago, IL, and Cincinnati, OH, from Chicago, IL, over Interstate Hwy 94 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 74 at or near Indianapolis, IN, then over Interstate Hwy 74 to Cincinnati, OH, and return over the same routes, serving all intermediate points, (10) between Chicago, IL, and Muskegon, MI, from Chicago, IL over Interstate Hwy 94 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Muskegon, MI, and return over the same route, serving all intermediate points, (11) between Muskegon and Port Huron, MI, from Muskegon, MI over Interstate Hwy 96 to junction MS Hwy 21, then over MS Hwy 21 to Port Huron, MI, and return over the same route, serving all intermediate points, (12) between Bay City, MI, and Cincinnati, OH, from Bay City, MI over MS Hwy 13 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Cincinnati, OH, and return over the same route, serving all intermediate points, (13) between Lansing, MI and Indianapolis, IN, from Lansing, MI, over U.S. Hwy 27 to junction Interstate Hwy 69, then over Interstate Hwy 69 to Indianapolis, IN, and return over the same route, serving all intermediate points, (14) between Grand Rapids, MI and Detroit, MI, over Interstate Hwy 96, serving all intermediate points, (15) between Chicago, IL and Columbus, OH, from Chicago, IL over Interstate Hwy 94 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 33, then over U.S. Hwy 33 to Columbus, OH, and return over the same route, serving all intermediate points, (16) between Indianapolis, IN, and South Bend, IN, over U.S. Hwy 31, serving all intermediate points, (17) between Cleveland, OH and Cincinnati, OH, over Interstate Hwy 71, serving all intermediate points, (18) between Chicago, IL and Minneapolis, MN, from Chicago, IL over Interstate Hwy 90 to junction Interstate Hwy 94 at or near Madison, WI, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route, serving all intermediate points, (b) from Chicago, IL, over U.S. Hwy 41 to junction U.S. Hwy 10 at or near Appleton, WI, then over U.S. Hwy 10 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route, serving all intermediate points, and (c) from Chicago, IL, over Interstate Hwy 94 to junction WI Hwy 57 at or near Milwaukee, WI, then over WI Hwy 57 to junction WI Hwy 29 at or near Green Bay, WI, then over WI Hwy 29 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Minneapolis, MN, and return over the same route, serving all intermediate points, and serving all points in IL, IN, MN, WI, OH, and the lower peninsula of MI as off-route points.

Note.—Applicant intends to tack this authority with all its existing authority.

MC 59241 (Sub-12), filed February 5, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Hwy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *chemicals and related products*, between points in DE, MD, NJ and PA.

MC 60271 (Sub-18), filed February 6, 1981. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts, (same address as applicant). Transporting *pulp, paper and related products*, between points in Ouachita Parish, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, MO, MS, OK, TN, and TX.

MC 61440 (Sub-206), filed January 27, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Levi Strauss and Company of Amarillo, TX.

MC 106001 (Sub-21), filed February 7, 1981. Applicant: DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Dr., Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, KY, MA, MD, NJ, NY, OH, PA, RI, VA, WV, and DC.

MC 108341 (Sub-199), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in OH, PA, and WV, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, TN, VA, and WV.

MC 108341 (Sub-201), filed February 6, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, 3027 North Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Transporting *machinery and transportation equipment*, between points in Mecklenburg County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 112070 (Sub-23), filed January 30, 1981. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl Street, Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Transporting *household goods*, as defined by the Commission, between points in the U.S., under continuing contract(s) with Stearns-Roger Engineering Corporation, of Glendale, CO.

MC 114211 (Sub-506), filed February 6, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *clay, concrete, glass or stone products*, between points in IA, on the one hand, and, on the other, points in the U.S.

MC 117201 (Sub-51), filed February 6, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *machinery* and *electrical equipment and supplies*, between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 117370 (Sub-44), filed February 6, 1981. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *ores and minerals, clay, concrete, glass or stone products*, and *chemicals and related products*, (a) between points in IL, IN, IA, MI, and WI, and (b) between points in IL, IN, IA, MI, and WI, on the one hand, and, on the other, points in AL, AR, DE, KS, KY, LA,

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MD, MN, MS, MO, NE, NJ, NY, ND, OH, OK, PA, SD, TN, VA, WV, WY, and DC.

MC 133951 (Sub-2), filed February 6, 1981. Applicant: PIEPHO MOVING & STORAGE, INC., 110 South Columbus, Albert Lea, MN 56007. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *food and related products*, between points in Freeborn County, MN, on the one hand, and, on the other, points in IA, IL, KS, MO, NE, ND, SD, and WI.

MC 143331 (Sub-16), filed November 20, 1980. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting (a) *containers, container closures, glassware, packaging products, and parts for containers*, (2) *scrap materials*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles, and those requiring special equipment), between points in the U.S. (except AK and HI), under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH.

MC 144011 (Sub-5), filed February 6, 1981. Applicant: HALL SYSTEMS, INC., 214 South 10th St., Birmingham, AL 35233. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Over regular routes* transporting *general commodities* (except classes A and B explosives), (1) between Birmingham, AL, and Miami, FL, from Birmingham over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL, then over U.S. Hwy 84 to Bainbridge, GA, then over U.S. Hwy 27 to Tallahassee, FL, then over U.S. Hwy 90 (also over Interstate Hwy 10) to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Florida's Turnpike at or near Wildwood, FL, then over the Florida's Turnpike to Miami, FL, and return over the same route, serving all intermediate points, (2) between junction U.S. Hwy 90 and Interstate Hwy 75 and Miami, FL, from junction U.S. Hwy 90 and Interstate Hwy 75 over U.S. Hwy 90 to Jacksonville, FL, then over Interstate Hwy 95 to Miami, FL, and return over the same route, serving all intermediate points, and (3) between junction Interstate Hwys 10 and 75 and junction Interstate Hwys 10 and 95, over Interstate Hwy 10, serving all intermediate points, and points in Palm Beach, Boward, Monroe, and Dade Counties, FL as off-route points in connection with routes (1) through (3) above.

MC 144170 (Sub-2), filed January 12, 1981. Applicant: NATIONWIDE TRUCK LINES, INC., P.O. Box 609, Ennis, TX 75119. Representative: Ray Sisk (same address as applicant). Transporting *food and related products*, (1) between points in AL, AR, CT, DE, GA, IL, IN, KY, LA, MA, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA, and WI, on the one hand, and, on the other, points in AZ, CA, OR, TX, and WA, (2) between points in TX, on the one hand, and, on the other, points in AZ, CA, CT, DE, GA, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, OR, PA, SC, VA, WA, and WI, and (3) between points in CA, on the one hand, and, on the other, points in OR, WA, and WI.

MC 144991 (Sub-3), filed January 30, 1981. Applicant: KINGSWAY TRANSPORTS, INC., 123 Rexdale Blvd., Rexdale, Ontario, Canada M9W 1P3. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Buffalo and New York, NY, (a) from Buffalo over Interstate Hwy 90 to junction Interstate Hwy 87, then over Interstate Hwy 87 to New York, and return over the same route, and (b) from Buffalo over Interstate Hwy 90 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 380, then over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to New York, and return over the same route, (2) between Rochester and New York, NY, from Rochester over NY Hwy 96 to junction NY Hwy 14, then over NY Hwy 14 to junction NY Hwy 17, then over NY Hwy 17 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction PA Hwy 307, then over PA Hwy 307 to junction PA Hwy 611, then over PA Hwy 611 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction NJ Hwy 31, then over NJ Hwy 31 to junction U.S. Hwy 22, then over U.S. Hwy 22, to Newark, NJ, then over city streets to New York, and return over the same route, (3) between Lockport and Buffalo, NY, from Lockport over NY Hwy 31 to junction NY Hwy 425, then over NY Hwy 425 to junction NY Hwy 384, then over NY Hwy 384 to Buffalo, and return over the same route, (4) between Lockport and Rochester, NY, over NY Hwy 31, (5) between junction Interstate Hwy 90 and Interstate Hwy 87 and junction U.S. Hwy 2 and NY Hwy 9B, from junction Interstate Hwy 90 and Interstate Hwy 87 over Interstate Hwy 87 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction NY Hwy 9B, then over NY Hwy 9B to junction U.S. Hwy 2, and return over the same route, and (6) between junction Interstate Hwy 90 and Interstate Hwy 81 and junction U.S. Hwy 11 and Interstate Hwy 87, from junction Interstate Hwy 90 and Interstate Hwy 81 over Interstate Hwy 81 to junction NY Hwy 12, then over NY Hwy 12 to junction NY Hwy 37, then over NY Hwy 37 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 87, and return over the same route, serving all intermediate points in (1) thru (6) above, and serving Old Forge, Wilkes-Barre, and Forty Fort, PA, Akron, Amherst, Depew, Gardenville, Getzville, Hamburg, Lackawanna, Lancaster, Newfane, Olcott, Pendleton, Williamsville, Wilson, Barker, Carlton, Clarendon, Hamlin, Hilton, Jeddo, Johnson Creek, Lyndonville, and Shelby, NY, and ports of entry on the international boundary line between the U.S. and Canada in NY as off-route points.

MC 147461 (Sub-4), filed February 6, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Drive, Baltimore, MD 21224. Representative: Eugene T. Liipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036. Transporting *currency, coin, securities, non-cash coupons, and other valuables*, between Cincinnati, OH, on the one hand, and, on the other, points in Adams, Brown, Clermont, Lawrence, and Scioto Counties, OH.

MC 148370 (Sub-6), filed February 6, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant). Transporting (1) *textile mill products*, (2) *pulp, paper and related products*, (3) *rubber and plastic products*, (4) *metal products*, and (5) *machinery*, between points in the U.S., under continuing contract(s) with Chelsea Industries, Inc., of Boston, MA.

MC 148401 (Sub-4), filed February 6, 1981. Applicant: HENRY F. JOHNSON, d.b.a. GREENLEAF TRANSPORTATION, 1150 Sunnyhills Ave., Brea, CA 92621. Representative: Henry F. Johnson (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CA, AZ, NV, UT, CO, NM, and TX.

MC 149151 (Sub-3), filed February 6, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *chemicals and related products, and commodities in bulk*, between points in the U.S., under continuing contract(s) with Cooperative Service Oil Company, of Chilton, WI, Larson Cooperative, of Larson, WI, and Center Valley Co-op Association, of Black Creek, WI.

MC 149151 (Sub-3), filed February 6, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Cooperative Service Oil Company, of Chilton, WI, Larson Cooperative, of Larson, WI, and Center Valley Co-op Association, of Black Creek, WI.

MC 149211 (Sub-3), filed January 29, 1981. Applicant: CONMAC STAGE LINES LTD., 2280 Beacon Ave., Sidney, B.C., Canada V8L 1X1. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points on the international boundary line between the U.S. and Canada in WA and extending to points in WA, OR, CA, NV, AZ, and MT.

MC 151311 (Sub-2), filed February 6, 1981. Applicant: BEVERAGE DISTRIBUTORS, INC., P.O. Box 366, Yakima, WA 98907. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, those points in WA in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Permits in MC 135680, Subs 4, 5, 7, and 8.

Note.—The purpose of this application is to convert applicant's contract authority to common carrier authority.

MC 152120 (Sub-1), filed February 5, 1981. Applicant: CLEAN HARBORS, INC., 436 West Street, West Bridgewater, MA 02379. Representative: Alan S. McKim (same address as applicant). Transporting *hazardous waste*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada. Condition: To the extent that any certificate issued in this proceeding authorizes the transportation of hazardous waste it shall expire 5 years from its issuance.

MC 153811 (Sub-2), filed February 3, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Rd., Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Ave., Vineland, NJ 08360. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company at points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S. in and east of IA, KS, MN, OK, and TX.

MC 153990, filed February 3, 1981. Applicant: PERSONAL MOVING & STORAGE SERVICE, INC., 88 Cambridge, St., Burlington, MA 01803. Representative: W. H. Tomlinson, P.O. Box 7966, Columbus, GA 31906. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lechmere Sales, of Woburn, MA.

MC 151171, filed February 6, 1981. Applicant: THEODORE R. WILLIAMS, d.b.a. WILLIAMS BUS RENTAL, 37A Ebony Rd., Littleton, NC 27850. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Halifax, Northampton, Vance, and Warren Counties, NC, and extending to points in AL, CT, DE, FL, GA, KY, MA, MD, ME, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, and DC.

MC 154180, filed February 6, 1981. Applicant: FENROSE TRANSPORT, INC., Parkers Prairie, MN 56361. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *petroleum, natural gas and their products*, between points in Douglas County, WI, on the one hand, and, on the other, points in MN, ND, SD, and the Upper Peninsula of MI.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

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Decided February 25, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 154161, filed February 4, 1981. Applicant: GEORGE A. MARTIN, 14 Jacobs Trail/Ames Lake, North Easton, MA 02356. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7220 Filed 3-5-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 32]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 3, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 17000 (Sub-27)X, filed February 19, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions from its Sub-21F certificate to (1) broaden its commodity description from fans, heaters, and commodities used in the manufacture and distribution of fans and heaters, (except commodities in bulk, in tank vehicles), to "metal

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products and machinery," (2) to replace authority to serve a named facility with county-wide authority: facilities at Franklin, TN with Williamson County, TN, and (3) to remove the restriction against the transportation of commodities in bulk, in tank vehicles and traffic originating at or destined to named facilities.

MC 52979 (Sub-26)X, filed February 17, 1981. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its irregular-route authority in the lead and Sub-2, 3, 8, 14, 18, 20 and 21 certificates, and regular-route authority in Sub-3, 8, and 17 certificates. It seeks to (1) broaden the commodity descriptions: from machine parts to "machinery," non-alcoholic beverages, malt beverages, and poultry, feathers, eggs and butter to "food and related products," hardware and automotive supplies to "metal products and transportation equipment" in the lead certificate; from iron and steel articles to "metal products" in Sub-2; from plaster, plasterboard, plasterboard joint system, lime products, and gypsum products to "building materials," livestock to "farm products," farm implements and farm machinery, implements, parts and supplies to "machinery," malt beverages to "food and related products," iron and steel products and fencing material to "metal products," hybrid seed corn, during the season extending from Jan. 1 to May 31, both inclusive of each year, to "farm products," packing house tankage, bone meal, and meat scraps to "food and related products" in Sub-3; from livestock, grain, farm machinery, feed, and seed to "farm products and machinery," livestock to "farm products" in Sub-8; from iron and steel articles to "metal products" in Sub-14; from grain handling equipment, grain conveying systems, bucket elevators, and materials and supplies to "machinery" in Sub-18; from agricultural implements and parts and accessories and materials to "machinery" in Sub-20; and, from cylinders, manifolds and cranes and parts and materials to "transportation equipment and machinery" in Sub-21, (2) remove all exceptions in its general commodities authority "except classes A and B explosives" in Sub-3, 8, and 17, and (3) remove restrictions (a) against the transportation of commodities in bulk in Sub-14 and 18, (b) of iron and steel articles from points in OH in Sub-21, and (c) "originating at and destined to" in Sub-14 and 18. Applicant also seeks to remove restrictions to traffic originating at or destined to a plantsite, substitute some county-wide authority in place of specified cities and plantsites, in its irregular routes authorities, authorize service at all intermediate points in connection with its regular-routes operations, where service is limited to specified intermediate points or no intermediate point service, and change territorial descriptions from one-way service to authorize radial service: in the lead certificate, between Hamilton Counties, IA (Webster City, IA) and Rock Island and Peoria Counties, IL (East Moline and Peoria, IL), La Porte County, IN (La Porte, IN), Jackson County, MO (Independence, MO), and Hennepin County, MN (Hopkins, MN); between Ramsey, Scott, and Stearns Counties, MN (St. Paul, Shakopee, and St. Cloud, MN), and Webster County, IA (Fort Dodge, IA); between Ramsey, Scott, and Stearns Counties, MN, Douglas County, NE (Omaha, NE) and Hardin County, IA (Iowa Falls, IA); between Adams County, IA (Corning, IA), Faribault County, MN (Winnebago, MN), points in a described portion of IA and Chicago, IL; between Chicago, IL, and points in IA; in Sub-2, between Chicago, IL, and points in a described portion of IA; in the regular route portion of Sub-3, between Chicago, IL and Rockwell City, IL, serving all intermediate points; between Minneapolis, MN and junction U.S. Hwy 20 and unnumbered Hwy near Somers, IA, serving all intermediate points; in the irregular route portion of Sub-3; between Webster County, IA (Fort Dodge, IA) and points within 6 miles of Fort Dodge, and points in parts of MN; between Pocahontas, Humboldt, Webster, and points within 25 miles of Lake City, IA, and Freeborn, Mower, and Dakota Counties, MN (Albert Lea, Austin, and South St. Paul, MN); between Rock Island County, IL (Rock Island, Moline, and East Moline, IL), and Buena Vista, Cherokee, Ida, Monona, Crawford, Audubon, Shelby, Woodbury, and Plymouth Counties, IA (Storm Lake, Cherokee, Holstein, Ida Grove, Mapleton, Denison, Audubon, Harlan, Danbury, Remsen, Marcus, and Le Mars, IA); between Chicago, IL, Fulton, Whiteside, and Rock Island Counties, IL (Canton, East Moline, Rock Island and Rock Falls, IL) and points in eight counties in IA; between La Crosse County, WI, La Crosse, WI) and Kossuth County, IA (Algona, IA); between Whiteside County, IL (Sterling, IL) and Calhoun County, IA (Rockwell City, IA); between Humboldt County, IA (Humboldt, IA) and points in a described portion of MN; between Freeborn, Mower, and Dakota Counties, MN (Albert Lea, Austin, and South St. Paul, MN), points in three counties in IA, and points within 35 miles of Lake City, IA; in the regular route portion of Sub-8, Rock Rapids, IA and Sioux Falls, SD, serving all intermediate points, and off-route in IA within 20 miles of Rock Rapids; in the irregular route portion of Sub-8, between Rock County, (Hills, MN), points in MN and IA within 15 miles of Hills, and Minnehaha County, SD (Sioux Falls, SD); in Sub-14, between Putnam County, Il (plantsite in Putnam County, IL) and points in IA; in Sub-17, between Rockwell City, IA and Chicago, IL, serving all intermediate points; in Sub-18F, between Calhoun County, IA (Rockwell City, IA) and points in 12 States; in Sub-20; between Sac County, IA (Sac City, IA) and points in seven States; in Sub-21, between Pacohontas County, IA (Pocahontas, IA), and points in seven states.

MC 59014 (Sub-41)X, filed February 27, 1981. Applicant: TALLANT TRANSFER, INC., 1341 Second Avenue, S.W., Hickory, NC 28601. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in the portion of its lead certificate which authorizes general commodities to (1) delete all exceptions except class A & B explosives and (2) broaden territorial description from one-way authority to radial authority between points in SC, GA, FL, AL, TN, and VA, and, points within 25 miles of Hickory, NC.

MC 106920 (Sub-126)X, filed February 19, 1981. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks to (1) remove the restriction against the transportation of commodities in bulk, in tank vehicles, in its Sub-91F certificate, and (2) substitute county-wide authority for the named facility near Des Plaines, IL, and remove the restriction against service to AK and HI, to authorize service between Cook County, IL, and points in the U.S.

MC 110659 (Sub-34)X, filed February 18, 1981. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia St., W., Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in Sub-2, 12, 13, 15, 16, 18, 26F, 28F, 31F, 32F, and 33F certificates in order to (1) broaden the commodity descriptions contained in Sub-2, 12, 13, 15, 16, 26F, 28F and 31F (a) from beer, malt beverages and grain and grain products to "farm products, and food and related products", (b) in Sub-2, 18 and 33F from crockery window glass, glass containers and accessories, to "clay, concrete, glass or stone products" and, (c) in Sub-32F from automobile bumpers to "transportation equipment". (2) Broaden the territorial descriptions from one-way authority to radial authority between points in KY, IL, MO, MD, PA, OH, MI, NC, VA, WI, and WV in all referenced authority. (3) Authorize service to all intermediate points along a described regular route in Sub-2. (4) Replace city-wide with county-wide irregular route authority: Greenbrier County for Rainelle, WV; Mingo County for Williamson, WV, Mercer County for Bluefield, WV in Sub-12; Summers County for Hinton, WV in Sub-13; Forsyth County for Winston-Salem, NC, in Sub-15; Westmoreland County for Latrobe, PA, in Sub-28; Rockingham County for Eden, NC, Hawston County for Perry, GA in Sub-31; Saint Clair County for Marysville, MI in Sub-32. (5) Eliminate the restriction limiting transportation to traffic in containers in Sub-12, 13, 15, 16, 26, 28, 31.

MC 118838 (Sub-76)X, filed February 20, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Applicant seeks removal of restrictions from its Sub-43F certificate to (1) broaden the commodity description to "metal products, and iron and steel articles" from grain storage bins, knocked down, and wrought steel pipe, and (2) broaden the territorial description by removing the facilities restrictions at Mansfield, OH and Minneapolis, MN, substituting county-wide authority, and changing from one-way to radial service between (a) Richland County, OH, and points in IA, MN, MT, ND, SD and WI, and (b) between Minneapolis, MN, and points in MT, ND, SD, and WI.

MC 121107 (Sub-25)X, filed February 19, 1981. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., Post Office Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, Esquire, Suite 502, Solar Building, 1000 16th Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in numerous certificates to broaden the commodity descriptions to (a) "chemicals and related products" from fertilizer and fertilizer materials, in Sub-2 and fertilizer, in bags, in Sub-8; (b) "lumber and wood products, and pulp, paper and related products" from flakeboard, in Sub-3 and 6, compressed wood logs, in Sub-9, paper, paper products, and composition board, in Sub-10, woodpulp in Sub-13, and lumber, fiberboard, and particleboard, and, materials, equipment, and supplies used in the manufacture or distribution of these commodities, in Sub-21F; (c) "lumber and wood products" from laminated modular panels, in Sub-12; (d) "pulp, paper and related products" from waste paper, in Sub-15; paper and paper products, in Sub-22, and newsprint, and materials, equipment, and supplies used in the manufacture and distribution of newsprint in Sub-23F; (e) "lumber and wook products, and forest products" from lumber, and forest products in Sub-16; (f) "clay, concrete, glass or stone products" from drain tile pipe and fittings, in Sub-5; (g) "petroleum, natural gas and their products" from petroleum products, in Sub-7; (h) "tobacco and tobacco products" from such commodities as are used in the manufacture, distribution, sale, and storage of tobacco, and, unmanufactured tobacco, in Sub-19; and (i) "ores and minerals, and roofing and building materials" from gypsum and roofing and building materials, and, equipment and supplies used in the manufacture, installation and distribution of these commodities, in Sub-20F. Applicant also seeks to (1) replace cities or plantsites with county-wide authority: Farmville, NC with Pitt County, NC in Sub-3 and 6; Millodgeville, GA with Baldwin County, GA in Sub-5; Bradford, PA with McKean County, PA, and Goldsboro, NC with Wayne County, NC in Sub-7; Plymouth, NC with Washington County, NC in Sub-9, 10, 15, and 22; Frankfort, IN with Clinton County, IN and Tarboro, NC with Edgecomb County, NC in Sub-12; Askin and Morehead, NC with Craven and Carteret Counties, NC in Sub-13; Kellum, Weyco, Plymouth, and Lewiston, NC with Onslow, Craven, Washington, and Bertie Counties, NC in Sub-16; Buchanan, NY with Westchester County, NY, Milford, VA with Caroline County, VA, Quakertown, PA with Bucks County, PA, and Wilmington, DE with New Castle County, DE in Sub-20F; and Waverly and Stuart, VA with Sussex and Patrick County, VA, and Oxford, NC with Granville County, NC in Sub-21F; (2) change one-way authorities to radial authorities between specified counties and cities and points throughout the U.S. in Sub-2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, and 22; (3) eliminate the "except commodities in bulk" restriction in Sub-2, 7, 19, 20F, 21F and 23F, and the "in tank vehicles" restriction in Sub-19F and 20F; and (4) remove the restriction limiting service to the transportation of traffic destined to Goldsboro, NC in Sub-7.

MC 136718 (Sub-2), filed February 19, 1981. Applicant: GLENN'S, INC., P.O. BOx 51, Sheridan, IN 46069. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions from its lead and Sub-1 permits to (1) change the commodity description from new furniture, crated, and materials and supplies (except in bulk) to "furniture and fixtures" and (2) authorize service between points in the U.S. under contract(s) with a named shipper.

MC 138279 (Sub-22)X , filed February 19, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its lead and Sub-2, 3, 4F, 7F, 8F, 9F, 10F, 12F, 13F, 14F, 15F, 17F, 18F, and 19F permits to (1) broaden the territorial description to between points in the United States under contract(s) with named shippers, (2) remove the in bulk restrictions and in tank vehicles (3) broaden the commodity descriptions in part (1) of the lead, and Sub-4, from tile, clay and earthware, tile facing and flooring, china bathroom fixtures, adhesives and accessories used in the installation of all the above, and equipment, materials and supplies to "clay, concrete, glass or stone products" and in part (2) of the lead from aluminum and aluminum products, and materials, equipment, and supplies to "metal products"; in Sub-2 from aluminum and aluminum articles, products composed thereof and products manufactured and distributed by the named shipper, and materials, equipment and supplies (with exceptions) to "such commodities as are manufactured or distributed by manfacturers of aluminum products (except classes A and B explosives)"; in Sub-3 from aluminum and aluminum products, and ceramic foam filters, and equipment, materials and supplies to "metal products and clay, concrete, glass or stone products" (2); in Sub-7, 13 and 19 from corn products, and materials, equipment and supplies to "food and related products"; in Sub-8F from aluminum and materials, equipment and supplies to "metal products"; in Sub-9 from tile, clay, earthware, and china fixtures, and commodities used in the manufacture and installation of above to "clay, concrete, glass or stone products"; in Sub-10 from pyrophyllite to "ores and minerals"; in Sub-12F from aluminum

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articles, and ceramic foam filters, and materials, equipment and supplies to "metal products and clay, concrete, glass or stone products"; in Sub-14F and 18F from copper articles, copper sulfate, and chemicals, materials, equipment, and supplies and cable to "metal products and chemicals and related products"; in Sub-15F from pipe, and materials, equipment and supplies used in the distribution of pipe to "metal products"; and in Sub-17F from copper and copper products to metal products.

MC 139577 (Sub-47)X, filed February 19, 1981. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Applicant seeks to remove restrictions in its Sub-3, 8, 27, and 35F to (1) broaden the commodity descriptions to "food and related products" from canned goods in Sub-3 and 27; canned goods and prepared foodstuffs in Sub-8; foodstuffs (except meat, meat byproducts, and articles distributed by meat packing houses, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 in Sub-27; foodstuffs in Sub-35F, (2) remove the "except commodities in bulk" restriction in Sub-3, and 27, (3) eliminate the restriction limiting service to the transportation of traffic originating at the named origins and destined to the named destinations in each sub-number, (4) remove the restrictions against the transportation of citrus products from points in FL; cheese from Green Bay, WI; dairy products from points in WI to Carthage and Springfield; MO; canned goods from points in WI to points in IA; and canned goods and confectionary products from points in PA to points in WI, in Sub-27, and (5) allow radial service between points in Wisconsin and points in the U.S. (except AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY), eliminating the exception of AK and HI.

MC 142508 (Sub-166)X, filed February 13, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-3, 12, 15, 19F, 25F, 26F, 30F 32F, 34F, 53F, 54F, 59F, 69F, 72F, 109F, 120F, 121F, 125F, 127F, 132F, 152F, 158F, and 162F certificates to (1) broaden the commodity descriptions from (a) meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (b) malt beverages, in containers, (c) confectionery, (d) frozen foods, (e) foodstuffs and materials, equipment and supplies, and (f) frozen bakery products to "food and related products" in all certificates; (2) remove the "except commodities in bulk and hides" restrictions in Sub-3, 12, 15, 32F, 34F, 72F, 125F, 132F, and 162F; (3) remove the "except commodities in bulk" restrictions in Sub-30F, 53F, 54F, 59F, 120F, and 121F; (4) broaden the territorial descriptions from existing one-way authority to radial authority between numerous combinations of specified origins and US points throughout the US for example (a) Madison County, NE, and points in the US (except Florida), Dawson County, NE and points in the US (except Alabama, Florida, Georgia, and South Carolina), and Cook County, IL and points in Oklahoma and Texas and Joplin and Springfield, MO in Sub-2; (b) White County, AR and points in the United States in Sub-12; Crawford and Webster Counties, IA Rock County, MN, Dakota and Cuming Counties, NE and points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC in Sub-15; Milwaukee, WI and and Omaha, NE and Pottawattamie County, IA in Sub-19F; Boston, MA, Windham County, CT and points in the US in and west of MN, IA, MO, AR, and LA in Sub-25F; Philadelphia, PA and points in CO, IL, KS, MN, MO, NE, ND, and SD in Sub-26F; and various other combinations in Sub-30F, 32F, 34F, 53F, 54F, 59F; 69F, 72F, 120F, 121F; 125F; 127F; 132F, 152F, 158F, and 162F; (5) change city-wide to county-wide authority from: Norfolk to Madison County, NE and Darr to Dawson County, NE in Sub-3; Lansing to Cook County, IL in Sub-3 and 32F; Searcy to White County, AR in Sub-12; Denison to Crawford County, IA, Dodge to Webster County, IA, Laverne to Rock County, MN, and West Point to Cuming County, NE in Sub-15; Dakota City to Dakota County, NE in Sub-15 and 72F; Council Bluffs to Pottawattamie County, IA in Sub-19F; Grosvenordale to Windham County, CT in Sub-25F; Hammond to Lake County, IN in Sub-32F; Dodge City to Ford County, KS in Sub-34F; Linden to Union County, NJ in Sub-54F; Montgomery to Montgomery County, AL, Yuba City to Sutter County, CA, Stockton to San Joaquin County, CA, Bordentown and Burlington to Burlington County, NJ, Morristown to Morris County, NJ, Middleboro to Plymouth County, MA, Northeast to Erie County, PA, Sulphur Springs to Hopkins County, TX, Markham to Grays Harbor County, WA, Kenosha to Kenosha County, WI, Eau Claire to Berrien County, MI and Clackamus to Clackamus County, OR in Sub-59F; Reno to Washoe County, NV in Sub-69F and 121F; Holland to Ottawa County, MI and Saugatuck to Allegan County, MI in Sub-109F; Albany to Dougherty County, GA, Albert Lea to Freeborn County, MN, Navasota to Grimes County, TX and Waukesha to Waukesha County, WI in Sub-120F; West Chester to Chester County, PA in Sub-121F; Wichita to Sedgwick County, KS in Sub-121F and 125F; Emporia to Lyon County, KS in Sub-125F; St. Joseph to Buchanan County, MO, Madison to Madison County, NE in Sub-132F; West Seneca to Erie County, NJ, and New Haven to New Haven County, CT in Sub-152F; Madison to Dane County, WI in Sub-158F; and Holcomb to Finney County, KS in Sub-162F; and (6) eliminate the restrictions (a) limiting services to that from or to a named facility in Sub-3, 12, 15, 19F, 25F, 30F, 32F, 34F, 53F, 54F, 59F, 69F, 72F, 109F, 120F, 121F, 125F, 132F, 152F, 158F, and 162F; (b) "originating at and destined to" Sub-12, 15, 19F, 25F, 30F, 32F, 34F, 53F, 54F, 59F, 69F, 72F, 109F, 120F, 121F, 152F, and 158F; (c) requiring use of equipment with mechanical refrigeration in Sub-25F, 30F, 53F, and 54F and (d) excepting AK, HI, and in some instances the origin State from Nationwide Authority in Sub-3, 12, 34F, 53F, 59F, 109F, 120F, 127F, 152F, and 158F.

MC 143570 (Sub-22)X, filed February 20, 1981. Applicant: D & G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions from its lead and Sub-3F, 7F, 12F, 13F, and 16F certificates to (1) change the commodity descriptions (a) from paper and aluminum, and paper and aluminum products, for recycling and reuse, to "waste or scrap materials not identified by industry producing" in the lead; (b) from feed, feed ingredients and feed supplements (except liquid commodities in bulk, in tank vehicles), to "food and related products" in Sub-3F and 13F; (c) from moulding to "building materials" in Sub-7F; (d) chemicals (except liquid commodities in bulk, in tank vehicles) to "chemicals and related products" in Sub-12F; and (e) from meats, meat products, etc., to "food and related products" in Sub-16F; (2) replace authority to serve specified facilities at named points and authority to serve specified points with county-wide authority: in the lead, Boise and Burley, ID, with Ada and Cassia Counties, ID; in Sub-12F, parts (1) and (2), Billings, MT, with Yellowstone County, MT; in Sub-13F, remove the exception prohibiting service from the named facilities at San Gabriel, CA; and in Sub-16F, replace named facilities at Wallula, WA with Walla Walla County, WA; and (3) expand its one-way authorities to authorize radial service between various combinations of specified points in 10 western States.

MC 143708 (Sub-6)X, filed February 26, 1981. Applicant: DUNES TRANSPORT, INC., 3965 N. Meridian St., Indianapolis, IN 46208. Representative: Warren C. Moberly, 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-2F, 4F, certificates to (1) broaden the commodity description from corn products, and cornstarch to "food and related products" in all of the above authority, (2) delete the commodity restrictions of "in bulk, in tank vehicles" in the lead and Sub-2, (3) replace city-wide service with county-wide authority: Linn County for Cedar Rapids, IA, in Sub-2; Gary County for Lake Station, IN, in Sub-4; (4) authorize radial service in lieu of existing one-way authority between the above counties, Indianapolis, IN, and points in IL, IA, KY, MI, OH, PA, TN, WI, WV, and the Lower Peninsula of MI.

MC 145454 (Sub-14)X, filed February 26, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony R. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restriction in a portion of the lead certificate in MC 119792 acquired in MC–F 13676 to (1) broaden its commodity description from agricultural commodities to "food and related products", and (2) expand its one-way authority to radial authority between points in IL (except Elgin, East St. Louis, and National City,) on the one hand, and on the other, points in AL, AK, FL, GA, LA, MS, NC and SC.

MC 146553 (Sub-19)X, filed February 19, 1981. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions from its Sub-Nos. 3F, 4F, 5F, 8F, 14F, and 15F certificates to (1) broaden the commodity descriptions of (a) wine and canned tuna and pet food to "food and related products" in Sub-Nos. 4F and 14F; and (b) castings and internal combustion engine parts to "metal products" in Sub-Nos. 5F, 8F, and 15F; (2) change city-wide to county-wide authority from: Davenport to Scott County, IA in Sub-Nos. 3F and 5F; Marion to Perry County, AL; Muskegon, South Haven, and Holland, MI to Muskegon, Van Buren, and Ottawa Counties, MI, respectively, in Sub-No. 8F; and Perham to Otter Tail County, MN, El Paso to El Paso County, TX, Muscatine to Muscatine County, IA and Terminal Island to Los Angeles County, CA in Sub-No. 14F; (3) expand one-way authorities to radial authority between CA, IL, MI, MY, OH and PA and Scott County, IA in Sub-No. 3F; Sonoma, Santa Clara, Alameda, Napa, San Mateo, and Madera Counties, CA and Rock Island, Peoria and Galesburg, IL in Sub-No. 4F; Scott County, IA and Mobile, IL and points in CA in Sub-No. 5F; (a) Perry County, AL and Ottawa County, MI; (b) Muskegon, Van Buren and Ottawa Counties, MI and Los Angeles, CA, (c) Los Angeles, CA and points in IA, IL, IN, MI, OH, and TX in Sub-No. 8F; Otter Tail County, MN, El Paso County, TX, Los Angeles County, CA, Muscatine County, IA and points in the U.S. in Sub-No. 14F; and points in IL and MI and Los Angeles, CA in Sub-No. 15F; and points in IL and MI and Los Angeles, CA in Sub-No. 15F; (4) remove facilities limitations at Los Angeles, CA in Sub-No. 8F; and Perham, MN, El Paso, TX, Terminal Island, CA, and Muscatine, IA in Sub-No. 14F; (5) eliminate the restrictions "except tank or hopper containers" in Sub-NO. 3F; and "except in bulk" in Sub-No. 14F; and (6) remove the exceptions "AK and HI" in Sub-No. 14F.

MC 148050 (Sub-3)X, filed February 19, 1981. Applicant: L & J MOTOR LINES, INC., P.O. Box 7267, High Point, NC 27264. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions from its lead certificate and its authority in a portion of MC 111936 (Sub-No. 15), acquired through No. MC–FC–78260 in which issuance of a certificate is pending, to (1) broaden the commodity from insulating materials to "building materials", broaden Port Allegany, PA to McKean County, PA; and expand its one-way authority to radial authority between McKean County, PA, and points in GA, NC, SC, and VA, in its lead; and (2) broaden the commodity description from new furniture to "furniture and fixtures"; and expand its one-way authority to radial authority between GA, NC, SC, and VA, and, points in NJ, NY, and PA in a portion of MC–111936 (Sub-No. 15).

MC 148375 (Sub-3)X, filed February 18, 1981. Applicant: LOWER COLUMBIA TRUCKING, INC., Rt. 1, B 217, Cathlamet, WA 98612. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-No. 2F regular route certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) authorize service at all intermediate points and (3) remove the restriction against the transportation of traffic between Longview, WA and Kelso, WA, on the one hand, and, on the other, Portland, OR, and Vancouver, WA.

MC 148655 (Sub-11)X, filed February 19, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-No. 2F certificate by (1) removing the restriction "except in bulk, in tank vehicles" from the commodity description "materials equipment and supplies used in the manufacture and distribution" of named commodities such as glass products, metal products, and plastic products, and (2) broadening the territorial description by (a) eliminating "except AK and HI" from radial territorial authority of points in the U.S., (b) deleting the facilities limitation at Des Plaines, IL, and (c) substituting Cook County for Des Plaines, IL as the base territory.

[FR Doc. 81–7223 Filed 3–5–81; 8:45 am]

BILLING CODE 7035–01–M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United Staters Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC–107, *Government Traffic*, 131 M.C.C. 845 (1979).

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An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission within 20 days from the date of this publication. A copy must also be served upon applicant or its representative.

If applicant is not otherwise informed by the Commission within 30 days of the date of its notice in the **Federal Register**, operations may commence subject to its tariff publication's effective date, of the filing of an effective tender pursuant to 49 U.S.C. 10721.

Note.—By an unprinted decision entered in the Ex Parte No. MC–107 on October 27, 1980, and served on November 10, 1980, the Commission voted to accept for filing the applications for transportation of Government Traffic *which were tendered for filing prior to the effective date of the Motor Carrier Act of 1980*, but were summarily rejected because they had not yet been submitted to the **Federal Register** for notice publication.

GT–1031–80 (Special Certificate—Government Traffic), filed June 25, 1980. Applicant: FIDELITY STORAGE CORPORATION, P.O. Box 10257, Alexandria, VA 22310. Representative: Howard Grad, President, Fidelity Storage Corporation, P.O. Box 10257, Alexandria, VA 22310. Government Agency involved: Agencies listed in U.S. Government Manual.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7122 Filed 3–5–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M–81–23–C]

Greasy Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Greasy Coal Company, P.O. Box 114, Rockhouse, Kentucky 41561 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. One Mine located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs and canopies be installed on the mine's scoops, roof bolting machines and cutting machine.

2. The coal seam ranges in height from 43 to 50 inches; half headers are used in conjunction with roof bolts and plates for roof support.

3. Installation of cabs or canopies on the mine's equipment would result in a diminution of safety for the miners affected because the canopies may come in contact with the roof supports, destroying roof control.

4. Petitioner further states that cabs or canopies hamper the equipment operator's visibility which increases the chances of an accident.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 6, 1981. Copies of the petition are available for inspection at that address.

Dated: February 25, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–7042 Filed 3–5–81; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–81–22–C]

Jones and Laughlin Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jones and Laughlin Steel Corporation, 3 Gateway Center, Pittsburgh, Pennsylvania 15263, has filed a petition to modify the application of 30 CFR 75.329–2 (construction of seals or bulkheads) to its Vesta No. 4 Mine located in Washington County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that seals or bulkheads be constructed of solid, substantial, and incombustible materials, such as concrete, brick, cinder block or tile, or the equivalent.

2. Petitioner seeks a modification for the breaches of the solid barrier which separate the abandoned Vesta #4 mine and the active Vesta #5 mine. Petitioner further states that seals or bulkheads cannot be constructed as required by the standard in three of the four places where said barrier is breached.

3. Three of the four breaches of the barrier are in areas of the gob which have long been mined out; it is impossible to gain access to these areas of the barrier breached in order to construct the seals or bulkheads required by the standard.

4. As an alternate method, petitioner proposes to set up a test procedure to insure that three of the four breaches of the barrier between Vesta #4 and Vesta #5 mines have been naturally sealed by water and/or gob compaction, thus providing a seal which will prevent an explosion which may occur in the atmosphere on one side of the seal or bulkhead from propagating to the other side.

5. Petitioner believes that the natural seals in the three breaches of the barrier combined with one artificial seal will guarantee no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 6, 1981. Copies of the petition are available for inspection at that address.

Dated: February 25, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–7043 Filed 3–5–81; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–80–161–C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, P.O. Box 3387, 919 Bond Street, Evansville, Indiana 47708 has filed a petiton to modify the application of 30 CFR 77.213 (draw-off tunnel escapeways) to its Gibralter Surface Mine located in Muhlenberg County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that escapeways be thirty inches in diameter.

2. As an alternate method, petitioner proposes to utilize 24 inch escapeways, which are already constructed and ready for use.

3. Petitioner states that enlarging the existing 24 inch escapeways to 30 inches would expose workers to hazardous conditions (movement of thousands of tons of sandy fill material) and not result in any increase of safety for the miners affected.

4. Petitioner further states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 6, 1981. Copies of the petition are available for inspection at that address.

Dated: February 25, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81–7044 Filed 3–5–81; 8:45 am]

BILLING CODE 4510–43–M

Office of Pension and Welfare Benefit Programs

[Application No. D–649]

Evergreen Industries, Inc., Profit Sharing Trust; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt a certain lease of equipment by the Evergreen Industries, Inc. Profit Sharing Trust (the Plan) to Evergreen Industries, Inc. (the Employer), and the subsequent sale of the equipment by the Plan to the Employer. The lease was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act. The proposed exemption, if granted, would affect the Employer and participants and beneficiaries of the Plan.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 20, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective January 1, 1975.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–649. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan was established in 1964 for the benefit of the non-union employees of the Employer. There are presently approximately 25 participants in the Plan. The trustees of the Plan are Roy Berger and John C.F. Parker, who are corporate officers of the Employer.

2. On August 15, 1974, an equipment lease was entered into between the Plan as lessor and the Employer as lessee. The equipment covered by the lease was a Hitachi Seiki Numerical Control Machining Center, Model No. BD–H, Serial No. N–14634 (the Machine). The Plan had purchased the Machine on July 22, 1974, from Westcoast Machine & Tool Company, an unrelated party, for $103,557.

The duration of the lease was from August 20, 1974 through August 19, 1979. The monthly rental payments under the lease were $2,361.11 per month.

3. The terms of the equipment lease were at least as favorable to the Plan as the terms of a proposed equipment lease submitted to the Employer by I.D.S. Leasing Corporation of Minneapolis, Minnesota on June 7, 1974, and a proposed equipment lease submitted to the Employer by Firstbank Leasing Corporation of Seattle, Washington, on January 28, 1974.

4. During the course of the lease, the Employer assumed all responsibilities with respect to the maintenance and repair of the Machine, the risk of loss and damage, the payment of any and all taxes assessed, and the maintenance of adequate insurance.

5. The lease between the Plan and the Employer expired on August 19, 1979. The Plan continued to hold the Machine until October 28, 1979. During that period, the Employer continued to make the monthly rental payments called for in the original lease.

6. On September 11, 1979, Mr. Warren Barlow of the Hallidie Machinery Co., Inc. of Seattle, Washington, estimated the fair market value of the Machine to be $80,000. On October 25, 1979, Mr. Clem Weber of West Coast Machine Tools, Inc., of Kent, Washington, estimated the fair market value of the Machine to be $75,000.

7. On October 28, 1979, the Employer purchased the Machine from the Plan for $80,000, the higher of the two values established by independent appraisals. The sale was for cash, and no commissions were paid on the sale. The applicant represents that the Machine was sold to the Employer because there is a limited market for the Machine, and the Employer has a specific use for the Machine.

8. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: 1) The terms of the lease were at least as favorable to the Plan as those that would have been required by independent third parties; 2) all lease payments were made in full and on schedule per the lease agreement; 3) the sale of the Machine to the Employer was

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a one-time transaction for cash at a price determined by two independent appraisals, and no commission was paid on the sale, and 4) the trustees of the Plan determined that the transactions were appropriate for the Plan and were in the best interests of all Plan participants and beneficiaries.

Finally, the applicant represents that the lease was entered into prior to the effective date of the Act without knowledge that the transaction would become prohibited on January 1, 1975. As soon as the applicant realized that the lease had become a prohibited transaction, the applicant submitted a good faith request for an exemption instead of terminating the least transaction.

Notice to Interested Persons

The Employer will provide written notification of this proposed exemption to each Plan participant. The Employer will personally deliver to each Plan participant a copy of the **Federal Register** notice together with a notice which will inform each participant of his right to comment and request a hearing concerning the proposed exemption. The Plan participants shall be so notified within 10 days from the date of publication of this proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the leasing by the Plan to the Employer of the Machine, from January 1, 1975 until October 28, 1979, for the rental amount stated in the lease provided the rental payments were no less than the fair rental value of the Machine, and to the sale of the Machine by the Plan to the Employer on October 28, 1979, for $80,000, provided such amount was not less than the fair market value of the Machine at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 2nd day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7180 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-1938 and D-1942]

Filtrex, Inc., Employees' Money Purchase Pension Plan and Profit Sharing Plan; Proposed Exemption for Certain Transactions

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a certain parcel of real property by the Filtrex, Inc. Employees' Money Purchase Pension Plan and Profit Sharing Plan (the Plans) to Filtrex, Inc. (the Employer). The proposed exemption, if granted, would affect the Employer and the participants and beneficiaries of the Plans.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 20, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application Nos. D-1938 and D-1942. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees on behalf of the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. In 1973, the trustees of the Plans, Richard L. Burkhalter, President of the Employer, and Herbert P. Turck, Vice President of the Employer, purchased for $46,840 a parcel of unimproved real property located at 1945 Alpine Way, Hayward, California. The property is located in an industrial subdivision. The parcel adjoins another parcel which is owned by the Employer and is used as its operating plant. The parcel represents 32 percent of the Plans' assets and is non-income producing.

2. The property was appraised in December, 1979, by John W. Fenstermacher SR/WA, at a value of $84,300. Mr. Fenstermacher is an appraiser/referee for the State of California who does consultations on valuation questions. The appraiser states that the property has no special value to the Employer based on its location.

3. The Employer desires to purchase this property for a cash price of $85,000. There would be no sales commission and as such, the net to the Plans would be the total sales price. The trustees wish to sell the property in order to convert a non-income producing property into liquid assets at a substantial profit to the Plans, without incurring a broker's commission.

4. There has been a third party offer to purchase the property which was rejected in May, 1979. The terms of that offer were a purchase price of $75,000 with $25,000 down and the balance payable with interest at 10 percent for 5 years.

5. Construction of a building on the property has been started by the Employer. It is represented that the construction was undertaken prior to the sale of the property to the Employer to protect the Employer and participants of the Plans from the adverse effect of being forced to relocate production facilities. Realizing that use of the property in this manner is prohibited under the Act and the Code, the Employer represents it will pay any excise taxes which have arisen as a result of its use of the property within 60 days of the publication in the **Federal Register** of a final notice of the granting of the exemption proposed herein. The Employer further represents that it will pay the fair rental value to the Plans for the use of the property. This rent is to be charged for the period of time which commenced when construction of the building was begun up until the time that the property is sold to the Employer.

6. In summary, the applicants represent that the proposed sale will satisfy the criteria of section 408(a) of the Act because (a) it will be a one time transaction for cash; (b) no sales commission will be charged to the Plans; (c) the purchase price will be $85,000, which is based upon an appraisal by an independent appraiser; and (d) the trustees have determined that the transaction is appropriate for the Plans and protective of the rights of the Plans' participants and beneficiaries.

Notice to Interested Persons

Within 10 days after its publication in the **Federal Register**, notice will be given to all employees of the Employer. Such notice will be given by personal delivery as well as by having the notice posted at the Employer's place of business. The notice will include a copy of the notice of pendency and will state that each person may submit comments on this proposal and that each person may request a hearing on this proposal.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record.

Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale for $85,000 by the Plans to the Employer of real property located at 1945 Alpine Way, Hayward, California, provided the sales price is

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not less than the fair market value as of the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 2d day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7181 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-21; Exemption Application No. D-2144]

Nalle Clinic Company Pension Plan and Trust; Exemption From the Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt a loan of $325,000 by the Nalle Clinic Company Pension Plan and Trust (the Plan) to the Nalle Clinic Company (the Employer).

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2426) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed by legal counsel for the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to a loan of $325,000 by the Plan to the Employer, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 2d day of March 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7182 Filed 3-5-81; 8:45 am]

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[Prohibited Transaction Exemption 81-20; Exemption Application No. D-2105]

San Marcos Development Company Defined Benefit Pension Plan; Exemption From the Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits (1) the contribution of three unencumbered single-family homes and the real property on which they are located (the Properties) by the San Marcos Development Company (the Employer) to the San Marcos Development Company Defined Benefit Pension Plan (the Plan); (2) the Employer's guarantee of the leases on the Properties; and (3) any repurchase of any of the Properties by the Employer pursuant to a "put" exercised by the Plan.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2412) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the applications for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was given to all interested persons on or before January 24, 1981, in compliance with the provisions to notify interested persons set forth in the notice of pendency of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the contribution of the Properties by the Employer to the Plan provided the contribution is valued at its fair market value; (2) the Employer's guarantee of the leases on the Propoerties; and (3) any repurchase of the Properties by the Employer pursuant to a put exercised by the Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 2d day of March, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-7183 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period February 23-27, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles

produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–8074; Standard Products Co., Gaylord, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8745; MacDonald Plastic, New Baltimore, MI and Anchorville, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8687; Uesely Company, Lapeer, MI

Investigation revealed that criterion (3) has not been met. With respect to plastic forms, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to campers and trailers, U.S. imports are negligible.

TA–W–278; Crescent Brick Co., Inc., Falls Creek, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of ladle brick are negligible.

TA–W–8689 & 8691; J. C. Coats, Inc., J. C. Leathers & Suedes, Inc., Jersey City, NJ

Investigation revealed that criterion (3) has not been met. Separations and declines in production at the subject firm were seasonal in nature.

TA–W–8884; American Rubber & Plastics Corp., Laporte, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,358; M. Frenville Co., Inc., Gloversville, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. In addition, U.S. imports of tanned cattlehides declined absolutely from 1978 to 1979 and declined absolutely and relative to domestic production in the first half of 1980 compared with the first half of 1979.

TA–W–11,060 & 11,778; Roselon Industries, Inc., Danville, PA and Spencer, TN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of all yarns are negligible.

TA–W–11,859; Van Ply, Inc., Vancouver, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood plywood are negligible.

TA–W–8205; Braun Engineering Co., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,650; J&R Construction, Inc., Flint, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of sidewalks, curbs, gutters, fishing piers, tennis courts and commercial buildings are negligible.

TA–W–8771, 9298, 9494 & 9495; Howell Industries, Inc., Lapeer, MI, Marysville, MI, Southfield, MI, and Maury, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8277; Arron Metal Prod. Corp., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8872; Millicent Sportswear, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8671; Keystone Carbon Co., St. Mary's, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9296; Cash Register Sales, Inc., Minneapolis, MN

Investigation revealed that criterion (3) has not been met. A survey of customers for Delta Systems indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to Cash Register Sales, Inc., the investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA–W–9777 & 9959; Swank Refactories Co., Irondale Mine, Irondale, OH and Wellsville Plant, Wellsville, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of day refactory products are negligible.

TA–W–10,314; Sea Ray Boats, Inc., Oxford, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of inboard-outdrive pleasure boats are negligible.

TA–W–11,512; Liberty Tool and Die, Walled Lake, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotives are negligible.

TA–W–11,527; Frank Industries, Inc., Xplorer Motor Home Div., Brown City, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of motor homes and parcel delivery vans are negligible.

TA–W–9053; New England Sportswear, Inc., Peabody, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of womens, girls, and infants leather coats and jackets did not increase as required for certification.

TA–W–9002; Kohler Machine and Manufacturing Corp., Lockport, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8702; Ex-cell-o Corp., McCord Winn Division, Cookeville, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8328 & 8401; Uniroyal, Inc., Plastic Product Div., Port Clinton, OH and Stoughton, WI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of vinyl coated fabrics are negligible.

TA–W–9121 & 9121A; U.S. Tool & Cutter Co., Franklin, MI and Walled Lake, MI

With respect to workers at the Franklin, Michigan plant, investigation revealed that criterion (1) has not been met.

With respect to workers of the Walled Lake, Michigan plant, investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9348; Primex, Incorporated, Cleveland, OH

With respect to workers producing industrial mold patterns, investigation revealed that criterion (3) has not been met.

With respect to workers producing machining on carrier castings, investigation revealed that workers do not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA–W–8718; Cooper Industrial Products, Auburn, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8322; Ideal Toy Corporation, Hollis, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,997 & 10,998; Waumbec Mills and Waumbec Die and Finishing, Manchester, NH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA–W–10,967; Sargent Sand Co., Ludington, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8833; Toledo Pressed Steel Co., Toledo, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8952; Hayes-Albion Corp., Kooima Mfg. Div., Rock Valley, IA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8741; Everlock Tennessee, Portland, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,244; Micanol Corporation, Livonia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9064; McCreary Industrial Products Co., Indiana, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA–W–7459; Roman Ceramics Corporation, Mayfield, KY

A certification was issued applicable to all workers at the subject firm separated on or after November 5, 1979.

TA–W–9245; Miss Erica, Inc., Hialeah, FL

A certification was issued applicable to all workers at the subject firm separated on or after March 24, 1979 and before September 30, 1979.

TA–W–9759; W.R. Weaver Co., El Paso, TX

A certification was issued applicable to all workers at the subject firm separated on or after April 1, 1980.

TA–W–8319, 8869, & 8864; Hoover Universal, Inc., Troy, MI, Greenfield, OH, and Whitmore Lake, MI

Certifications were issued covering all workers of the firm separated on or after October 1, 1979 for workers at the Troy, Michigan plant; on or after June 9, 1979 for workers at the Greenfield, Ohio plant, and on or after June 17, 1979 for workers at the Whitmore Lake, Michigan plant.

TA–W–8750, 9455, 9987, 10,021 & 10,637; United Technologies Corp., Ruston, LA, Ellsworth, KS, Akron, IN, Wabash, IN, and Wauseon, OH

A certification was issued applicable to all workers at the subject firm separated on or after May 30, 1979 for workers at the Rushton, Louisiana plant; on or after July 7, 1979 for workers at the Ellsworth, Kansas plant; on or after November 1, 1979 for workers at the Akron, Indiana plant; on or after July 28, 1979 and before April 1, 1980 for workers at the Wabash, Indiana plant; and on or after August 22, 1979 for workers at the Wauseon, Ohio plant.

I hereby certify that the aforementioned determinations were issued during the period February 23–27, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: March 2, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-7230 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9192]

Firestone Tire and Rubber Co., Akron I Plant; Negative Determination on Reconsideration

On December 15, 1980, the Department made an affirmative Determination Regarding Application for Reconsideration for workers and former workers producing aircraft, racing, off-the-road and truck tires at Firestone's Akron I plant in Akron, Ohio.

The union claims that aircraft, off-the-road and racing tires were produced at the Akron I plant in addition to the truck tires which the Department's denial notice specifically addressed. The union further claims that the truck tire production at Akron I will be transferred to Firestone's plant in Hamilton, Ontario for exportation back into the U.S. market.

The Department's review shows that the petition for workers at Firestone's Akron I plant did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of Firestone's truck tire customers showed that most customers either did not import truck tires or

decreased their purchases of imported truck tires. Customers who increased their import purchases of truck tires while decreasing their purchases from Firestone represented an insignificant proportion of Firestone's truck tire sales in 1979 and 1980. Further, customers responding to the survey decreased their reliance on imported truck tires in the first six months of 1980 compared to the same period in 1979.

On reconsideration, the Department found that the production of racing tires, off-the-road and aircraft tires did not account for a substantial percent of the production of tires at the Akron I plant in 1979 and 1980. Further, the workers are generally not separately identifiable by product line. Imports of aircraft tires are negligible; racing tire imports, recorded in a basket category in U.S. import statistics, are small. The production of aircraft tires has not been transferred out of the country. The Akron I plant is primarily a truck tire plant. The Department's investigation revealed that the future closing is the result of Firestone's having too much truck tire capacity. The Department also found on reconsideration that the transfer of Akron's truck tire production to Canada is not scheduled to occur until May 1, 1981 or therafter. Further, this transfer will not represent a substantial share of Akron I plant's 1980 production.

Conclusion

After reconsideration, I reaffirm the original Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance to workers and former workers of Firestone's Akron I plant in Akron, Ohio.

Signed at Washington, D.C., this 27th day of February 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-7047 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8770]

Florence Coat Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That is significant, number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980 in response to a petition which was filed by the International Ladies' Garment Workers Union on behalf of workers at Florence Coat Company, Incorporated, Hoboken, New Jersey. Workers at the firm produce women's fall and winter coats.

The investigation revealed that criterion (3) has not been met.

U.S. aggregate imports of women's misses', and children's coats and jackets decreased absolutely and relative to domestic production in 1979 compared with 1978.

The Department conducted a survey of the principal manufacturer with which Florence Coat Company, Incorporated contracted to produce women's fall and winter coats during the period 1978 through 1980. The manufactuer reported it had not relied on foreign contractors for the production of women's coats during 1979 and 1980. The manufacturer further reported it had not purchased imported finished women's coats in 1979. A Department survey of customers of the manufacturer revealed that most customers which reduced purchases from the manufacturer from 1978 to 1979 did not increase purchases of women's coats from foreign sources.

In 1980, the manufacturer purchased imported finished women's coat but also increased contract work with Florence Coat Company, Incorporated. Florence Coat Company, Incorporated produces polyester and wool blend coats though the manufacturer imported only down-filled coats.

Conclusion

After careful review, I determine that all workers of Florence Coat Company, Incorporated, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7048 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8758]

General Tire Service; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at General Tire Service, Detroit, Michigan. Workers at General Tire Service Center sell and service tires. General Tire Service is wholly owned by The General Tire and Rubber Company.

The investigation revealed that criterion (3) has not been met.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall,* 608 F. 2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

In order to determine if increased imports contributed importantly to sales and employment declines at General Tire Service, the Department sought to determine the degree to which the facility was integrated into the production of tires at The General Tire and Rubber Company. Where substantial integration was established, the Department considered imports of "like or directly competitive" tires in determining import injury to workers at General Tire Service.

General Tire Service sells and services tires produced by The General Tire and Rubber Company. Therefore, General Tire Service is substantially integrated into the production of passenger car and truck tires.

The Department determined that workers at five of The General Tire and Rubber Company production plants (TA-W-7093, 7449, 7928, 8639, 8972) were denied eligibility to apply for adjustment assistance benefits. Production at these five plants accounts for virtually all of the tires produced by The General Tire and Rubber Company.

Petitioners allege that increased imports of tires have contributed importantly to the declines in sales and employment at the Detroit Service Center. Although increased imports of passenger and truck tires may have adversely affected specific U.S. markets and the marketing patterns of certain domestic tire producers, increased imports of passenger car and truck tires in general have accounted for relatively low percentages of the overall declines in domestic tire shipments.

Declines in U.S. shipments in 1979 compared to 1978 and in the first 9 months of 1980 compared to the same period of 1979 of both passenger car and truck tires resulted primarily from the contraction in tire demand during these periods. This contraction was brought about by several factors including the increased use and longer life of radial tires and reduced wear due to lower speed limits, scarce fuel supplies and higher fuel prices.

Conclusion

After careful review, I determine that all workers of General Tire Service, Detroit, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7049 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,001]

Muskin Corp.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially, separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on August 11, 1980 in response to a petition which was filed by the United Furniture Workers' Union on behalf of workers at Muskin Corporation, Wilkes Barre, Pennsylvania. The workers produce above ground swimming pools including pool filters, liners, covers and ladders.

The investigation revealed that criterion (3) has not been met.

Evidence developed during the course of the investigation indicated that declines in production and employment at Muskin Corporation in 1980 occurred as a result of the company's decision to reduce its level of inventory.

Total company sales by Muskin Corporation increased in 1979 compared to 1978 and increased in the January-August 1980 period compared to the same period of 1979.

Production at Muskin Corporation increased in each quarter of 1979 compared to the same quarter of the previous year. Production then declined in the period from January through July 1980 compared to the same period of 1979.

Muskin Corporation's inventory of finished goods was at record high levels by January 1980. Inventory increased in each month during the period from January 1979 through February 1980 compared to the same period of the previous year. In an effort to reduce these high levels of inventory, Muskin decreased its 1980 production levels and utilized its inventory to fulfill customer orders. Inventory levels decreased in each month during the period from March through August 1980 compared to the same period of the previous year.

Muskin Corporation purchased imported pool walls and liners. Company imports of pool walls ceased in January 1979. Muskin Corporation's purchases of imported pool liners for sale during its 1980 selling season decreased compared to those imported for the 1979 season. The pool liners imported by Muskin accounted for a very small proportion of the company's total demand for pool liners, and it is anticipated that Muskin's imports of pool liners for the 1981 selling season will remain at the same level as 1980.

Conclusion

After careful review, I determine that all workers of Muskin Corporation, Wilkes Barre, Pennsylvania are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7050 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8403]

Uniroyal, Inc., Plastic Products Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

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(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat therof, and to the absolute decline in sales or production.

The investigation was initiated on June 2, 1980 in response to a petition which was filed May 19, 1980 by the United Rubber, Cork Linoleum and Plastic Workers of America on behalf of workers at the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated. The workers produce rubber and vinyl products, such as floor mats for automobiles and trucks, vinyl-rubber foams for seating and for padding in athletic equipment and automobile interiors, insulation and flotation devices, and various flexible storage containers.

The investigation revealed that criterion (3) has not been met.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated. Although imported automobiles incorporate rubber and vinyl products, imports of the whole product are not like or directly competitive with their component parts. Imports of rubber and vinyl products must be considered in determining import injury to workers producting rubber and vinyl products at the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated.

Production of heavy extrusions, storage tanks, fuel cells, containers, tank linings and industrial adhesives increased in 1980 compared with 1979.

Production of air deflectors, inflatables, and the amount of custom mixed rubber for outside sales accounted for a relatively small percentage of total production. Any import influence in these product lines could not have contributed importantly to overall employment declines at the Mishawaka plant.

U.S. imports of coated fabrics were not significant compared to domestic production in 1978 and 1979. Preliminary estimates indicate that the ratio of imports to domestic production of coated fabrics will remain below 2.0 percent in 1980.

U.S. imports of vinyl-rubber foams used in padding and seating were negligible in 1978, 1979 and 1980.

The Department surveyed major customers of Uniroyal, Incorporated. The survey revealed that none of the customers which did import floor mats reported decreasing their purchases from Uniroyal and other domestic sources while increasing their import purchases of floor mats in Model Year 1979 or Model Year 1980.

Conclusion

After careful review, I determine that all workers of the Mishawaka, Indiana plant of the Plastic Products Division, Uniroyal, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of February 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-7051 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increase of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 16, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 16, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington D.C. 20210

Signed at Washington, D.C. this 23rd day of February 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of Petition	Petition number	Articles produced
Con-Air Inc. (workers)	Eastlake, OH	2-13-81	1-28-81	TA-W-12,296	Aluminum mufflers used in air conditioners in cars.
Foxco Industries (Co.)	New Yord, NY	2-13-81	1-31-81	TA-W-12,297	Knit fabric converter.
General Broach & Engineering Co. (wkrs)	Detroit, MI	2-13-81	2-10-81	TA-W-12,298	Broaching machines, fixtures, tools, etc.
H. W. Carter & Sons (ACTWU)	Park Rapids, MN	2-12-81	1-23-81	TA-W-12,299	Men's and boy's outer garments.
H. W. Carter & Sons (ACTWU)	Staples MN	2-12-81	1-23-81	TA-W-12,300	Men's and boys' outer garments.
H. W. Carter & Sons (ACTWU)	Lebanon, NH	2-12-81	1-23-81	TA-W-12,301	Mfg. Men's and boys' workwear.
International Harvester Co. Motor & Tractor Plant (UAW).	Melrose Park, IL	2-17-81	2-12-81	TA-W-12,302	Heavy crawler tractors and diesel engines.
Old Mr. Boston Distillery Corp. (wkrs)	Boston Ma	2-17-81	2-11-81	TA-W-12,303	Mfg. cocktails.
Perry Plastics Co, (URCLPA)	Erie PA	2-13-81	2-11-81	TA-W-12,304	Brushholders, auto and electrical components.

Appendix—Continued

Petitioner: union/workers or former workers of—	Location	Date received	Date of Petition	Petition number	Articles produced
Union Apparel, Inc. (ACTWU)	Norvelt, PA	2-13-81	2-10-81	TA-W-12,305	Ladies blazers.
Schreck Ind. Inc (workers)	Strongsville, OH	2-17-81	2-10-81	TA-W-12,306	Electric fork lift trucks.
Westport Casuals (workers)	Batesville, AR	2-9-81	2-6-81	TA-W-12,307	Ladies outerwear.
Brave-Moc, Inc. (workers)	Lynn, MA	2-13-81	2-2-81	TA-W-12,308	Wood bottom clogs, sandals.
Camden Castings Center (workers)	Camden, TN	2-17-81	2-5-81	TA-W-12,309	Sand mold castings.
Elroe Press Metals, Div. of ABS Ind. Inc (Elroe Employee Assoc Union).	Buffalo, NY	2-17-81	2-10-81	TA-W-12,310	Schwinn bike parts, motor brackets for Ford and Gen. Motors.
Elyria Mfg. Co. (workers)	Elyria, OH	2-17-81	2-6-81	TA-W-12,311	Mfg. screw machine parts.
Eugene Rothmud, Inc. (UFCW)	Somerville, MA	2-17-81	2-11-81	TA-W-12,312	Sausage mfg.
General Machine Design (workers)	Warren, MI	2-17-81	2-12-81	TA-W-12,313	Design fixtures and machines for the auto industry.
Overture, Inc. (workers)	New York, NY	2-17-81	2-9-81	TA-W-12,314	Ladies sweaters.
Samsonite Corp. (URCLPWA)	Denver, CO	2-9-81	2-2-81	TA-W-12,315	Hardside luggage.
Talon Division of Textron (workers	Meadville, PA	2-17-81	2-10-81	TA-W-12,316	Zippers and home sewing notions.
Tandra Dress Inc. (workers)	W. Islip, NY	2-12-81	2-29-80	TA-W-12,317	Children's clothing.
Fleetguard Div. of Cummins Engine (UAW)	Cookeville, TN	2-1-81	2-26-81	TA-W-12,318	Heavy duty air filters.
Woman's Haberdashers (workers)	Woodside, NY	2-9-81	2-14-81	TA-W-12,319	Women's coats, suits, dresses.
General Motors Corp., GM Assembly Div. (UAW)	Oklahoma City, OK	2-13-81	2-6-81	TA-W-12,320	Mid-size cars.
General Motors Corp., GM Assembly Div. (UAW)	Wilmington, DE	2-13-81	2-6-81	TA-W-12,321	Sub-compact cars.
Guida Wood Heel Co., Inc. (company)	Brooklyn, NY	2-18-81	2-13-81	TA-W-12,322	Ladies' heels (wood and plastic).
Hauser Engineering Corp. (workers)	Minneapolis, MN	2-18-81	2-2-81	TA-W-12,323	Headquarters and sales.
Jen Morton, Inc. (ILGWU)	New York, NY	2-17-81	2-11-81	TA-W-12,324	Ladies' underwear.
Levi Strauss Co. (workers)	San Francisco, CA	2-9-81	2-3-81	TA-W-12,325	Jeans and jackets.
Michigan City Molded Products Div. of Chrysler Corp. (Company).	Michigan City, IN	2-18-81	2-9-81	TA-W-12,326	Blow and injection-molded plastic parts for cars and trucks.
Page Plastics, Inc. (workers)	Cincinnati, OH	2-18-81	2-2-81	TA-W-12,327	Fuel fillers, air ducts, spacers.
St. Thomas, Inc. (workers)	Gloversville, NY	2-18-81	2-26-81	TA-W-12,328	Leather wallets, coin purses, cosmetic bags etc.
Van De Mark Chemical Company, Inc (workers)	Lockport, NY	2-18-81	2-14-81	TA-W-12,329	Di- ethyl diphenyl urea (rocket fuel stabalizer)
Alliance Machine Company (USWA)	Alliance, OH	2-20-81	2-16-81	TA-W-12,330	Cranes and coke oven equipment.
Basic Aluminum Castings Company (UAW)	Cleveland, OH	2-20-81	2-17-81	TA-W-12,331	Aluminum die castings.
Carpenter Technology Corporation (USW)	Union, NJ	2-20-81	2-17-81	TA-W-12,332	Stainless steel tubing and pipe.
Erin Industries (workers)	Erin, TN	2-20-81	2-15-81	TA-W-12,333	Men's shirts.
Gillette Industries, Inc.	LaCrosse, WI	2-20-81	2-16-81	TA-W-12,334	Jackets, vests and sleeping bags.
T.J. Corporation, DBA Halco, Inc. (Teamsters)	New Eagle, PA	2-20-81	2-17-81	TA-W-12,335	Santa bags, Christmas stockings, sun visor hats.

[FR Doc. 81-6065 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting at 8:30 a.m. on March 24, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to discuss matters relating to hydrogen control in the McGuire Nuclear Station, the work of the Degraded Core Cooling Steering Group, and the status of the Zion and Indian Point degraded core mitigation features study.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, March 24, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommitte, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7135 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Site Evaluation; Postponement of Meeting

The ACRS Subcommittee on Site Evaluation has been postponed indefinitely. Notice of this meeting was published on Wednesday, March 4, 1981.

Dated: March 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7136 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Virgil C. Summer Nuclear Station; Meeting

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on March 11, 1981, Room 762 at 1717 H Street, NW., Washington, DC. The Subcommittee will continue to review the application of the South Carolina Electric and Gas Company for a license to operate the Virgil C. Summer Nuclear Station.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

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consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981—3:00 p.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the South Carolina Electric and Gas Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 2, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-7137 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 50 and 32 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas & Electric Company (the licensee), which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility), located in Calvert County, Maryland. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training & Qualification Plan as part of the licenses.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

The licensee's filing dated July 14, 1980 is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 50 and 32 to Licenses Nos. DPR-53 and DPR-69 and (2) the Commission's related letter to the licensee dated February 20, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of February, 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-7131 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 45 and 39, which revised License Nos. DPR-42 and DPR-60 for Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2, located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance and are to be fully implemented in accordance with the provisions of 10 CFR 73.40(b) and 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as part of the licenses.

The licensee's filings, which have been handled by the Commission as applications, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendments.

The licensee's filings dated March 23, 1979, August 20, 1980, August 17, 1979 and May 16, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790)d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 45 and 39 to Licenses Nos. DPR-42 and DPR-60 and (2) the Commission's related letter to the licensee dated February 25, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the

Environmental Conservation Library, 300 Nicollett Mall, Minneapolis, Minnesota 55401. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactor Branch No. 3, Division of Licensing.

[FR Doc. 81-7133 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-2623]

Duke Power Co. (Amendment to Materials License SNM-1773—Transportation of Spent Fuel From Oconee Nuclear Station for Storage at McGuire Nuclear Station); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of February 25, 1981, oral argument on the appeals of the Duke Power Company and the NRC staff from the October 31, 1980 initial decision of the Licensing Board will be heard at 9:30 a.m. on Wednesday, April 22, 1981 in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: March 2, 1981.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-7132 Filed 3-5-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21939 (70-6560)]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock

February 27, 1981.

Notice is hereby given that American Electric Power Company, Inc. ("American"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

American proposes to issue and sell up to 9,000,000 shares of its authorized but unissued common stock, par value $6.50 per share, to underwriters at competitive bidding to be carried out in accordance with the requirements of Rule 50 under the Act. The purchasers of the common stock at such competitive bidding will agree promptly to make a public offering of the stock.

It is stated that if market conditions should not be propitious for the sale of the common stock on a competitive bidding basis, American proposes, subject to further authorization by the Commission, to negotiate with underwriters for the sale of the stock, in which case the proposed public offering terms and proceeds to American would be determined by such negotiation and submitted to the Commission for its approval.

American intends to use the net proceeds of the sale of common stock (estimated at approximately $150,000,000), from time to time after such sale, to pay off at or before maturity, and to retire, an equivalent amount of short-term debt of American (represented by commercial paper or notes payable to banks, or both) outstanding as of the date of the sale of the stock. At February 5, 1981, American had short-term debt of $112,075,000 outstanding, and it estimates that not more than $165,000,000 of short-term debt will be outstanding as of the date of the sale of the common stock.

The fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 26, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receieve any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division, of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7078 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17590 (SR-CBOE-80-27)]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On December 22, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which revises certain of the procedures utilized by the CBOE to discipline its members and their associated persons. Among other things the proposed rule change will (1) permit a member, prior to a Business Conduct Committee ("BCC") meeting to determine whether to issue a statement of charges, to submit a written statement to the BCC concerning why no disciplinary action should be taken; (2) permit a respondent to submit a written statement in support of an offer of settlement and in certain instances to appear before the BCC to make an oral statement in support of such offer; (3) provide in certain instances for an expedited proceeding which would enable a disciplinary matter to be disposed of without the formality of the issuance of a statement of charges; and (4) authorize members of the Board of Directors to be appointed to the BCC.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17478, January 21, 1981) and by publication in the **Federal Register** (45 FR 9329, January 26, 1981). No written

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statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7079 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17592 (SR-CBOE-80-29)]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On December 22, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which clarifies that any type of arrangement for market maker financing must be disclosed to the CBOE.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 34–17472, January 19, 1981) and by publication in the **Federal Register** (45 FR 9329, January 28, 1981). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7080 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21943 (70-6556)]

Consolidated Natural Gas Co., et al.; Proposed Voluntary Divestment of Certain Assets by Nonutility Subsidiaries

March 2, 1981.

In the matter of Consolidated Natural Gas Company, Four Gateway Center, Pittsburgh, Pennsylvania 15222, CNG Producing Company, One Canal Place, New Orleans, Louisiana, and CNG Development Company Ltd., 445 West Main Street, Clarksburg, West Virginia 26301.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, CNG Producing Company ("Producing"), a Delaware Corporation, and CNG Development Company Ltd. ("CNG Ltd"), an Alberta corporation, nonutility subsidiaries of Consolidated have filed a voluntary plan pursuant to Section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"). The application-declaration as amended which was filed proposes certain transactions to effect that plan and designates Sections 6(a), 7, 9(a), 10, 11(b)(1), 12(c), 12(f), and 12(g) and Rules 42, 43, 50(a)(3) and 50(a)(5) promulgated thereunder as applicable to the related transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated May 1, 1972 (HCAR No. 17559), the Commission authorized Consolidated to create the two subsidiaries to develop gas supplies in Canada for the Consolidated system. Producing is engaged in exploration and development operations in the United States and on non-federal lands in the Province of Alberta, Canada. CNG Ltd. participates in gas exploratory ventures with other companies on Canadian Federal lands. Substantial reserves have been developed, from which about 10.2 million mcf of gas have been sold in Canada. Applicants, state, however, that they are unable to use the properties as a source of supply for the Consolidated system.

Consolidated, Producing and CNG Ltd. have filed a voluntary plan pursuant to Section 11(e) of the Act to simplify the system and divest most of the Canadian properties. The 11(e) plan provides for a series of intercompany transfers, including creation and liquidation of a new subsidiary, the effect of which is to make CNG Ltd. a subsidiary of Producing and to realign the Canadian properties. These transactions are in the process of being consumated, pursuant to Rule 44(c).

The next step in the plan for divestiture will be a sale, by Producing and CNG Ltd. to Merland Exploration Limited, ("Merland") a Canadian federal corporation, of varying interests ranging up to 50% of approximately 803,459 gross undeveloped acres and approximately 141,787 gross developed acres or approximately 216,429 net undeveloped acres and approximately 38,193 net developed acres and related equipment. At December 31, 1980, there were estimated reserves of 68.4 BCF of gas and 70,000 Bbl. of oil. The aggregate purchase price would be $62.8 million (Canadian), subject to possible adjustments. These properties represent approximately $31.5 million (U.S.) of acquisition, exploratory and development costs. CNG Ltd. will then liquidate and Producing as its sole stockholder will acquire its assets and assume its liabilities by such liquidation.

Upon consumation of the sale and liquidation, Producing will retain an overriding royalty on heavy oil rights in approximately 66,000 gross acres in the Irish section of eastern Alberta, Canada. When Dome Petroleum, Ltd. has completed a program for the exploration, development and construction of a thermal pilot plant for the enhanced recovery of the heavy oil on that acreage and has recovered its costs, Producing will have a right to convert its royalty rights to a minimum 21.25% working interest. Producing will also retain a working interest in a small amount of acreage. The precise interest and acreage are currently the subject of negotiation with Merland. Producing will also retain a one-third of 1% interest in a well drilled in the Arctic islands. Producing's aggregate remaining interests after the sale will represent an investment of approximately $1 million (Canadian). The reserves remaining following the sale cannot be estimated but are expected to be relatively small.

The fees, commission and expenses to be incurred in connection with the prosposed transactions are estimated at $47,700, including legal fees of $35,000 and charges, at cost, for services of Consolidated Natural Gas Service Company, Inc. It is stated that no other state or federal commission, other than this Commission, has jurisdiction ove the proposed transaction.

Notice is further given that any interested person may, not later than March 25, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commisison, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7081 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17591 (SR-NSCC-80-32)]

National Securities Clearing Corporation ("NSCC"); Order Approving Proposed Rule Change

February 27, 1981.

On October 31, 1980, NSCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b–4 thereunder, a proposed rule change authorizing NSCC to maintain, or participate in, a signature card distribution service.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of a Commission Release (Securities Exchange Act Release No. 17300, November 14, 1980) and by publication in the **Federal Register** (45 FR 78327, November 25, 1980). Only one written comment, which urged the Commission's approval of the proposed rule change, was received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7082 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17586; (SR-NYSE-81-2)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On January 15, 1981, the New York Stock Exchange, Inc. ("NYSE"), 20 Broad Street, New York, New York 10005, filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would increase listing fees currently charged by the NYSE and impose a new listing fee for bonds.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17467, January 19, 1981) and by publication in the **Federal Register** (46 FR 8152, January 26, 1981). No comments have been received by the Commission with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchanges, and, in particular, the requirements of Section 6 and the rules and regulations thereunder, in particular, Section 6(b)(4), in that the proposed rule change provides for the equitable allocation of reasonable fees among the NYSE members and other persons using its facilities.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7083 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17588 (SR-NYSE-81-7)]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

February 27,1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act"), notice is hereby given that on February 17, 1981, the New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, New York 10005, filed with the Commission copies of a proposed rule change which would amend Exchange Rule 15 to change the waiting period before which a stock may be opened after a Pre-Opening notification is sent to other participating Intermarket Trading System ("ITS") market centers from a fixed five minutes to whatever other period may be specified in the ITS Plan, from time to time. The proposed rule change is necessary to implement NYSE participation in a previously approved pilot program with respect to the ITS Pre-Opening Application.[1]

Interested persons are invited to submit written data, views and arguments concerning the submission on or before March 27, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NYSE–81–7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed

[1] In November 1980, the Commission approved an amendment to the ITS Plan to allow ITS participating market centers to implement a pre-opening pilot which involved changing the price criterion for a pre-opening notification from "more than ¾ of a point" to "more than ⅛ of a point," and modifying the waiting period before opening a stock after such notification is sent from five minutes to such other period as may be specified in the Plan from time to time. *See* Securities Exchange Act Release No. 17346 (November 28, 1980).

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rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Sections 6(b)(5) and 11A and the rules and regulations thereunder, in that the Pre-Opening pilot and the proposed rule change are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system for qualified securities, and, in general, to protect investors and the public interest.[2]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule change is designed solely to facilitate NYSE participation in an ITS Pre-Opening Application pilot, the operation of which has previously been approved by the Commission. The Commission also notes that notice of the ITS Plan Amendment providing for the pilot was given by issuance of a Commission release and by publication in the **Federal Register**,[3] and that no public comments were received.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons

Secretary.

[FR Doc. 81-7084 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[2] In addition, in the order approving the Plan Amendment that the instant proposed rule change is designed to implement, the Commission stated its belief that the reduced price parameters might provide a greater opportunity for participation in primary exchange opening transactions by regional exchange broker-dealers, and that the shortened time period after which an inquiring specialist may open a stock in his market might promote the efficiency of the Pre-Opening Application. Securities Exchange Act Release No. 17200 (October 7, 1980), 45 FR 68818 (October 10, 1980).

[3] *Id.*

[Release No. 11653 (812-4768)]

North Star Regional Fund, Inc. and Investment Advisers, Inc; Filing of an Application Exempting a Proposed Transfer of Assets

February 27, 1981.

Notice is hereby given that North Star Regional Fund, Inc. ("North Star"), an open-end, diversified management investment company, and Investment Adviser, Inc. ("IAI") (collectively, "Applicants"), 600 Dain Tower, Minneapolis, MN 55402, filed an application on November 17, 1980, and an amendment thereto on February 4, 1981, requesting an order of the Commission, pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act"), exempting from the provisions of Section 17(a) of the Act the proposed transfer from IAI to North Star of an interest and commitment in Pathfinder Venture Capital Fund, A Limited Partnership ("Pathfinder"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that North Star was incorporated in Minnesota on February 1, 1980, and on January 26, 1981, had an authorized capital of 10,000,000 shares of common stock, par value of $.01 per share, of which 787,600 shares were outstanding, and net assets of approximately $10,179,994. IAI has been the investment adviser and manager of North Star since North Star was organized.

Applicants further state that Pathfinder was organized on October 6, 1980, after it had received commitments from ten institutional investors, including IAI, and one individual to invest a total of $15,500,000 as limited partners. The general partner of Pathfinder also committed to an investment of $200,000.

According to the application, thirty-five percent of the aggregate commitments, or $5,495,000, was paid to Pathfinder on or shortly after September 24, 1980, including $175,000 paid by IAI. Subsequently, Pathfinder received commitments from two additional investors aggregating $3,300,000. The balance of the commitments is payable in successive installments of 25 percent, 20 percent and 20 percent upon at least 30 days prior written notice from the general partner of Pathfinder, provided that the last two installments shall not be payable prior to September 23, 1981.

According to the application, Pathfinder intends to invest in new and early stage businesses, especially those engaged in the medical devices/instruments and computer/data communications industries. It is estimated that investments will be made in 20 to 30 companies, about half of which will be located in Minnesota. Applicants state that Pathfinder intends to use approximately 25 percent to 35 percent of its capital investment to organize and own a small business investment company which will borrow, as needed, up to an estimated $15,000,000 with the support of the Small Business Administration for venture capital investments.

Applicants represent that all partners of Pathfinder will share in 80 percent of the net profits or gains of Pathfinder proportionately on the basis of their capital accounts and the general partner will be allocated the remaining 20 percent. However, not more than 35 percent of the 20 percent allocated to the general partner may be paid to the general partner until after the limited partners have been distributed an amount equal to 100 percent of their capital contributions. Net losses of Pathfinder will be shared proportionately by all partners on the basis of their capital accounts except that losses in excess of the capital contributions will be allocated to the general partner. The application states that all realized net profits and gains of Pathfinder allocated to the limited partners will be distributed at least annually. According to the application, the general partner in Pathfinder is a general partnership, the principals of which are three individuals with substantial experience in venture capital financing and in the medical and computer industries.

Applicants state that North Star managment had considered making an investment in Pathfinder for several months prior to September 23, 1980. On that date, North Star's board of directors met and authorized a $500,000 investment by North Star in Pathfinder, subject to certain conditions. To facilitate the eventual acquisition of the $500,000 interest by North Star in Pathfinder, IAI made a formal commitment, and paid the first installment of $175,000, on September 24, 1980. Applicants represent that North Star's directors have approved, subject to the approval of North Star's shareholders, proposed revisions in North Star's investment restrictions to permit it to invest up to 5 percent of the value of its total assets in venture capital funds. Applicants further state that if North Star's shareholders approve the proposed changes in investment restrictions, it is expected that North Star will make a commitment to invest (and pay the installment(s) previously paid by IAI thereunder) $500,000 in Pathfinder at such time as the following three conditions are satisfied: (1) North Star has total assets of $10,000,000; (2) Applicants have received an order from the Commission allowing the acquisition; and (3) North Star has received assurances that the acquisition will not jeopardize the registration of its shares in the various states in which its shares are offered. In addition to those conditions, North Star will not make such commitment and investment unless its board of directors ratifies its earlier action permitting such commitment and investment and determines that there have been no material adverse developments affecting the proposed investment in Pathfinder, that determination to take place shortly before the commitment and investment are made. Applicants agree that if North Star does not make a commitment to invest in Pathfinder (and pay the installment(s) previously paid by IAI thereunder) within 90 days of the granting of a Commission order allowing the acquisition, the commitment and investment will not be made without a further order of the Commission. When and if the conditions set forth above are met, and the board of directors of North Star takes the actions referred to above, IAI will transfer its $500,000 commitment to North Star, and will be reimbursed, without interest, for the installment(s) paid under that commitment.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company acting as principal knowingly to sell any security or other property to such registered investment company. Section 2(a)(3)(E) defines an affiliated person of an investment company to include its investments adviser. Section 17(b) of the act provides, in part, that the Commission, upon application, shall exempt a transaction prohibited by Section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants state that a number of other sophisticated investors have already invested in Pathfinder upon exactly the same terms as it is anticipated that North Star will invest. IAI will transfer its entire interest and commitment in Pathfinder to North Star, and will be reimbursed, without interest, for the installment(s) paid under that commitment. IAI will receive no compensation or profit upon the transfer of its interest and commitment. A condition to the transfer of the $500,000 interest and commitment to invest in Pathfinder is the approval by North Star shareholders of the revisions of North Star's investment restrictions to permit such an investment. Applicants believe that the terms of the proposed transfer are fair and reasonable and do not involve overreaching on the part of any person concerned, and that at the time the proposed transfer occurs it will be consistent with the policies of North Star and with the general purposes of the Act.

Notice is further given that any interested person may, not later than March 23, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20459. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7085 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21941 (70-6309)]

Northeast Utilities; Proposed Issuance and Sale Common Stock Pursuant to a Dividend Reinvestment and Common Share Purchase Plan

February 27, 1981.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts #01089, registered holding company, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

Pursuant to prior orders of the Commission, Northeast has been authorized to issue and sell up to 7,000,000 of its authorized but unissued common shares, $5 par value, pursuant to its Dividend Reinvestment and Common Share Purchase Plan adopted in 1974, as amended ("Plan"). As of January 15, 1981, Northeast had issued and sold 6,706,372 of its authorized common shares pursuant to the Plan. About 51,000 shareholders were members of the Plan on January 15, 1981.

Northeast now proposes to issue and sell, from time to time up to February 1, 1982, the 293,628 shares remaining from the 7,000,000 shares previously authorized, plus a maximum of 1,200,000 additional authorized but unissued shares ("Additional Common Shares"). Issuance of some of the Additional Common Shares will be required in order for Northeast to meet its obligations under the Plan with respect to dividends which would be declared for the quarter ending March 31, 1981. The purchase price for each of the shares as of an Investment Date will be the average of the closing sales prices for common shares as reported by the Wall Street Journal as Composite Transactions during the five trading days immediately preceding the Investment Date.

As of January 15, 1981, the proceeds from the sale of the 6,706,372 shares sold pursuant to the Plan (approximately $81,000,000) have been applied to the repayment of short-term borrowings incurred for capital contributions or advances to Northeast's subsidiaries for working capital and to finance the cost of the continuing construction program of the Northeast Utilities system. The proceeds from the sale of the balance of

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the shares previously authorized and the Additional Common Shares will be added to the general funds of the company and will be used for any or all of the following purposes: (i) loans or capital contributions to the company's subsidiaries, (ii) payment of short-term indebtedness of the company, or (iii) general purposes of the company.

A statement of the fees, commissions, and expenses to be incurred in connection with the proposed transaction will be filed by amendment. No state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 26, 1981, request in writing that hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7066 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17587; (SR-PSE-80-26)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 27, 1981.

On December 9, 1980, the Pacific Stock Exchange, Inc. ("PSE"), 301 Pine Street, San Francisco, CA. 94104, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change to amend Articles XI and XIV of the PSE Constitution to prohibit violations of Board policies that are required to be filed with the Commission, and to assure adequate notice before summary of suspension or expulsion of members or member organizations.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17439, January 12, 1981) and by publication in the **Federal Register** (46 FR 4015, January 16, 1981). No written comments were received with respect to the proposed rule change. All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and the requirements of Section 6(b) of the Act in general, and Sections 6(b)(5), 6(b)(6) and 6(b)(7), in particular, and the rules and regulations thereunder, in that it is designed to promote just and equitable principles of trade to protect investors and the public interest and to provide for members and member organizations to be appropriately disciplined for violations of the Securities Exchange Act of 1934 and the rules, policies and procedures of the PSE.

It is therefore ordered, pursuant to Section 19b(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7067 Filed 3-5-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11857; (812-4754)]

Technology Fund, Inc., et al.; Filing of Application for Exemption

February 27, 1981.

In the matter of Technology Fund, Inc., Kemper Total Return Fund, Inc., Kemper Growth Fund, Inc., Kemper Summit Fund, Inc., Kemper Income and Capital Preservation Fund, Inc., Kemper Municipal Bond Fund, Inc., Kemper Option Income Fund, Inc., Kemper High Yield Fund, Inc., Kemper Fund for Government Guaranteed Securities, Inc., Kemper Financial Services, Inc., 120 South LaSalle Street, Chicago, Illinois 60603.

Notice is hereby given that Technology Fund, Inc. ("Technology Fund"), Kemper Total Return Fund, Inc. ("Total Return Fund"), Kemper Growth Fund, Inc. ("Growth Fund"), Kemper Summit Fund, Inc. ("Summit Fund"), Kemper Income and Capital Preservation Fund, Inc. ("Income Fund"), Kemper Municipal Bond Fund, Inc. ("Municipal Fund"), Kemper Option Income Fund, Inc. ("Option Fund"), Kemper High Yield Fund, Inc. ("High Yield Fund"), and Kemper Fund For Government Guaranteed Securities, Inc. ("Government Fund"), each registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company (collectively, "Funds"), and Kemper Financial Services, Inc. ("Kemper Financial"), principal underwriter and investment manager for such investment companies (hereinafter, Funds and Kemper Financial are referred to as "Applicants"), filed an application on October 24, 1980, and an amendment thereto on December 8, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder, to the extent necessary to permit the sale of shares of the Funds (and shares of such other registered open-end, management investment companies for which Kemper Financial may serve as principal underwriter in the future) at net asset value, without imposition of normal sales charges and without regard to minimum initial investment requirements, to employees of certain companies which are affiliates of Kemper Financial who are participants in a non-tax qualified employee benefit plan. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, each of the Funds is organized as a corporation under Maryland law and is currently engaged in a continuous public offering of its shares through Kemper as principal underwriter at public offering prices equal to net asset value plus a sales charge. Applicants state that sales charges on the Funds vary with the size of the purchase and, as set forth in the Funds' prospectuses, range from .40% to 8.50% on Option Fund, Total Return Fund, Growth Fund, Summit Fund and Technology Fund and from .40% to 4.00% on Government Fund.

As stated in the application, Kemper Financial, a Delaware corporation which serves as principal underwriter for each of the Funds, is the parent and sole stockholder of Kemper Investors Life Insurance Company ("Kemper Life") which underwrites and distributes, through life insurance agents, broker/dealers and others, a line of products including life insurance, individual deferred annuities and tax-sheltered and group annuities. Annuity products frequently are offered, directly or indirectly, as complements to other investment products or services of Kemper Financial. Kemper Financial in turn is a wholly-owned subsidiary of Kemper Corporation, a diversified, insurance and financial services holding company. (Kemper Corporation, Kemper Life and Kemper Financial, including any present subsidiaries of Kemper Corporation, and any Kemper Corporation or Kemper Financial subsidiaries acquired or formed subsequent to the date of this application, hereinafter are referred to as the "Kemper Companies.") Applicants state that as of July 1, 1980, the full time employees of the Kemper Companies ("Kemper Affiliated Employees") totaled approximately 12,655 including 221 at Kemper Financial, 46 at Kemper Life and 12,388 at Kemper Corporation and its other subsidiaries.

Applicants propose to permit Kemper Affiliated Employees participating in an employee benefit plan ("Plan") sponsored by the Kemper Companies to purchase shares of the Funds at net asset value. Applicants state that participating Kemper Affiliated Employees will be able to invest without paying a sales charge, in any of the Funds through the Plan (i) by direct purchases, (ii) through payroll deduction, which will be made available to employees by certain Kemper Companies in the amount of $25.00 or more for each investment, or (iii) through automatic periodic bank checking account plans in the amount of $25.00 or more for each investment; provided that those Kemper Affiliated Employees who do not participate in the Plan either through payroll deduction or automatic periodic bank checking account plans would have to meet the appropriate Fund's initial, and subsequent, minimum investment requirements. Under the Plan, shares of more than one Fund may be purchased simultaneously, and distributions on shares of the Funds acquired under the Plan may be reinvested at net asset value.

Applicants state that the Funds and DST, Inc., transfer agent for the Funds, have agreed that the transfer agency fees attributable to any account established by virtue of participation in the Plan will not exceed, as a percentage of assets, the fees paid by the Funds on their other shareholder accounts. Applicants also state that participants will agree not to resell Fund shares acquired through their participation in the Plan except by repurchase or redemption by or for the account of the Fund issuing such shares.

Applicants assert that few, if any, individual or in-person group sales solicitations or presentations concerning the Plan will be made. According to the application, all Kemper Affiliated Employees will periodically receive a notice concerning the Plan, furnished at the expense of the Kemper Companies. That notice will describe the Funds and their investment objectives, indicate that investments in the Plan would be at net asset value and detail the methods by which investments could be made. That notice would also indicate where additional information concerning the Plan and the Funds, including prospectuses of the Funds, could be obtained. Applicants submit that in all cases a copy of the appropriate prospectus(es) would be furnished prior to the time any employee is permitted to enroll in the Plan.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus, and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except at a current public offering price described in the prospectus. Rule 22d-1 permits reductions in, or elimination of, the sales load charged upon the sales of shares under certain circumstances. Applicants submit that the sale of shares of the Funds to Kemper Affiliated Employees at net asset value under the Plan may conflict with the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder.

Applicants submit that while Rule 22d-1(i) permits sales without sales charge to certain employees of affiliated persons of the Funds, this would not be available to employees of the Kemper Companies who are employed in positions that do not directly provide investment advice to, or distribute shares of, the Funds. Applicants claim that an argument may be made that purchases of shares of the Funds at net asset value by Kemper Affiliated Employees under the Plan are permitted by Rule 22d-1(f), which permits the elimination of sales charges upon the sale pursuant to a uniform offer described in a prospectus and made to, *inter alia*, employee benefit plans not qualified under Section 401 of the Internal Revenue Code, provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expense. Applicants submit that it is not clear, however, that net asset value sales to the Kemper Affiliated Employees covered by the Plan would meet the "uniform offer" requirement of Rule 22d-1(f).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provisions of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Kemper Affiliated Employees pursuant to the Plan in shares of the Funds at net asset value is supported by policy considerations, that such sales should result in demonstrable economies in sales effort and sales related expense as compared with other sales and would not be unjustly discriminatory, and that the grant of the exemption requested by the application is appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further submit that the affiliation of the Funds with the Kemper Companies is

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the basis for a unique relationship, which can be expected to result in economies of sales effort and sales related expenses that justify elimination of all sales charges on the Funds' shares purchased by participants in the Plan without discrimination against other employee benefit plans or other purchasers of the Funds' shares.

According to the application, features of the Plan which are expected to give rise to economies of scale in sales effort and sales related expense are: (i) there will be little, if any, personal solicitation of participants by Kemper Financial, its representatives or by any other broker/dealers; (ii) employees purchasing shares of any Fund through payroll deduction will have shares purchased for their accounts at each payroll date with payment for such shares being funnelled through Kemper Financial thus relieving the Funds from concerns about check clearance and delays in processing; and (iii) all eligible employees will receive periodic notice of the availability of the Plan, at the expense of their employers. In addition, Applicants state that they believe that the proposed investments in the Funds' shares would promote employee incentive, goodwill and loyalty and that because of the limitations on transfer agency fees attributable to any account established by virtue of participation in the Plan, shareholders not participating in the Plan will not be disadvantaged by establishment of Plan accounts nor will Plan accounts be subsidized by other shareholders' accounts.

Notice is further given that any interested person, may, not later than March 23, 1981 at 5:30 P.M., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request and the issue, if any, or fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notice and orders issued in this matter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7088 Filed 3–5–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Region VII Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, Missouri, public meeting scheduled for 9:30 a.m., on Thursday, March 26, 1981, in the Decision Center, Chamber of Commerce Building, 320 North Jefferson, Springfield, Missouri, has been cancelled.

For further information, write or call Patrick E. Smythe, Acting District Director, U.S. Small Business Administration, 1150 Grand Avenue, 5th Floor, Kansas City, Missouri (816) 374–5557.

Dated: March 2, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81–7247 Filed 3–5–81; 8:45 am]

BILLING CODE 8025–01–M

Region VII Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of St. Louis, Missouri, public meeting scheduled for 9:30 a.m., on Thursday, March 19, 1981, at the Cheshire Inn, Windsor Room, 6306 Clayton Road, St. Louis, Missouri, has been cancelled.

For further information, write or call John L. Carey, District Director, U.S. Small Business Administration, One Mercantile Center, Suite 2500, St. Louis, Missouri 63101 (314) 425–4191.

Dated: March 2, 1981.

Robert P. O'Malley,

Director, Office of Advisory Council.

[FR Doc. 81–7248 Filed 3–5–81; 8:45 am]

BILLING CODE 8025–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Letter to the Commissioner of Customs Adjusting Restraint Levels on Nonrubber Footwear From Republic of Korea

Pursuant to the authority delegated to the United States Trade Representative under Presidential Proclamation 4510 of June 22, 1977, the following letter was sent to the Commissioner of Customs adjusting the third and fourth year restraint levels for nonrubber footwear from the Republic of Korea.

William E. Brock,

United States Trade Representative.

The United States Trade Representative, Washington 20506

February 20, 1981.

Honorable Robert Chasen,
Commissioner, U.S. Customs Service, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: The Government of the Republic of Korea has requested that the restraint level for TSUS item 923.93 in the fourth restraint period be adjusted under the carryover provision in paragraph 4(a) of the Orderly Marketing Agreement on nonrubber footwear dated June 21, 1977. This would increase the restraint level for that category by 1,439,900 pairs, reflecting maximum permissible carryover of the shortfall in the third restraint period.

The Government of the Republic of Korea also has requested that, under the shift provision of paragraph 5(a) of the agreement, the third year restraint level for TSUS item 923.94 be increased by 15 percent and that the same absolute amount be subtracted from the third year restraint level for TSUS 923.93. The original third year level for TSUS 923.94 was filled on July 30, 1980, before there was an opportunity to make this adjustment to which Korea is entitled under terms of the agreement. Had the adjustment been made in time, the restraint level would have remained open through September 28, 1980, allowing 824,520 pairs now charged against the fourth year to be charged against the third. Therefore, it is requested that the adjustment be made retroactively by deducting that amount from the Customs count for TSUS 923.94 in the fourth year and considering that the amount was charged against the adjusted third year level for TSUS 923.94.

Similarly, the Government of the Republic of Korea has requested that the fourth year restraint level for TSUS 923.94 be increased by 15 percent (3,711,000 pairs). The quantity by which the TSUS 923.94 level is increased is to be subtracted from the TSUS 923.93 level. Such a request, and U.S. compliance with it, is in accordance with the terms of the Orderly Marketing Agreement, specifically paragraph 5(a).

Accordingly, pursuant to operative paragraph (6) of Proclamation 4510 of June 22, 1977, you are hereby requested, for the current restraint year to make the appropriate adjustments in TSUS item numbers 923.93 and 923.94.

The revised restraint levels for the current restraint year will be:

Category	Revised levels (pairs)
TSUS 923.93	10,368,900
TSUS 923.94	28,451,000

This letter will be published in the **Federal Register** and the action will become effective on the first working day after publication.

Very truly yours,

William E. Brock.

[FR Doc. 81–7113 Filed 3–5–81; 8:45 am]

BILLING CODE 3190–01–M

Advisory Committee for Trade Negotiations; Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Monday, March 16, 1981, from 1:30 p.m. to 5:00 p.m. at the Office of the United States Trade Representative, 1800 G Street, NW., Washington, D.C., will involve a review and discussion of the current issues involving the trade policy of the United States, including the status of the implementation of the Multilateral Trade Agreements. Such review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees established under Section 135(c) of the Act, I hereby determine that meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Advisory Committee for Trade Negotiations will be closed to the public.

William E. Brock,

United States Trade Representative.

[FR Doc. 81–7105 Filed 3–5–81; 8:45 am]

BILLING CODE 3190–01–M

Advisory Committee for Trade Negotiations; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Monday, March 16, 1981 from 1:30 p.m. to 5:00 p.m. at the Office of the United States Trade Representative, 1800 G Street, NW., Washington, D.C. The meeting of the Advisory Committee will be closed to the public, because it will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions and with matters listed in Section 552b(c) of Title 5 of the United States Code.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison.

[FR Doc. 81–7106 Filed 3–5–81; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 81–1; REF: ATF O 1100.]

Authority To Establish Certain Viticultural Areas; Delegation Order

1. *Purpose.* This order delegates certain authorities now vested in the Director by regulations in 27 CFR Part 9, American Viticultural Areas, to the Deputy Director.

2. *Background.* Under current regulations, the Director has the authority to receive petitions to establish American viticultural areas. It has been decided that in the case of the petition from the Amador County Wine Grape Growers Association to establish a viticultural area in Amador County, California named "Shenandoah Valley" and in the case of any future petition to establish a viticultural area in the Shenandoah Valley of Virginia, the authority now vested in the Director by regulations in 27 CFR Part 9, American Viticultural Areas, should be delegated to a lower level.

3. *Delegations.* Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order No. 221 dated June 6, 1972, and by 26 CFR 301.7701–9, there is hereby delegated to the Deputy Director the authority under 27 CFR Part 9:

a. To take all necessary action, on the petition to establish a viticultural area in Amador County, California, named "Shenandoah Valley," including the issuance of regulations with the approval of the Secretary or his delegate.

b. To receive petitions to establish a viticultural area in the Shenandoah Valley of Virginia and to take all necessary action to establish a viticultural area in the Shenandoah Valley of Virginia including the issuance of regulations with the approval of the Secretary or his delegate.

4. *Redelegation.* The authorities delegated herein may not be redelegated.

5. *For Information Contact.* Procedures Branch, 1200 Pennsylvania Avenue, NW, Washington, DC, 20226, (202) 566–7602.

6. *Effective Date.* This order becomes effective on March 6, 1981.

7. *Approval.* March 2, 1981.

G. R. Dickerson,

Director.

[FR Doc. 81–7100 Filed 3–5–81; 8:45 am]

BILLING CODE 4810–31–M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 44
Friday, March 6, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, March 9, 1981; 9 a.m.–12 noon, 1:30 p.m.–5 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

STATUS: Open to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of National Police Practices Project.
IV. Review of Equal Opportunity in the Foreign Service.
V. State Advisory Committee Re-Charters:
A. Georgia
B. Missouri
C. Oklahoma
D. Tennessee
E. West Virginia
VI. Transmittal of Maryland Advisory Committee Statement re: *The Baltimore Police Complaint Evaluation Procedure.*
VII. Transmittal of West Virginia Advisory Committee Report entitled *Achieving Change: A Report of the 1978 West Virginia Statewide Leadership Conference on Civil Rights.*
VIII. Transmittal of Montana Advisory Committee Report entitled *Access to the Legal Profession in Montana for Women and Minorities.*
IX. Action re: Ohio Advisory Committee Report entitled *Policing in Cincinnati, Ohio: Official Policy vs. Civilian Reality.*
X. Civil Rights Developments in the Southwestern Region
XI. Staff Director's Report:
A. Status of Funds
B. Personnel Report
C. Office Directors' Reports
XII. Viewing of film entitled "Laurel and Laurel: A City Divided."

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254–6697.

[S-368-81 Filed 3-4-81; 12:22 pm]
BILLING CODE 6335-01-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Issue No. 40, Page No. 14882, Date Published, Monday March 2, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 A.M., Friday, March 5, 1981.

PLACE: 1700 G St. N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting scheduled for Friday, March 5, 1981, has been cancelled.

[S-364-81 Filed 3-4-81; 10:28 am]
BILLING CODE 6720-01-M

3

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Wednesday, March 11, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 3, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-366-81 Filed 3-4-81; 11:15 am]
BILLING CODE 6210-01-M

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federal register

Friday
March 6, 1981

Part II

Department of Labor

Wage and Hour Division, Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Washington: WA81–5100.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81–5101	Jan. 30, 1981.
Florida:	
FL79–1118	Aug. 17, 1979.
FL80–1064	Apr. 25, 1980.
FL80–1075	June 20, 1980.
Louisiana: LA80–4084	Nov. 7, 1980.
LA81–4002	Jan. 6, 1981.
Montana:	
MT80–5141	Nov. 21, 1980.
MT80–5142	Nov. 21, 1980.
MT80–5143	Nov. 21, 1980.
New Jersey:	
NJ80–3013	June 27, 1980.
NJ79–3029	Jan. 4, 1980.
Ohio: OH80–2052	July 7, 1980.
Texas:	
TX80–4016	Mar. 14, 1980.
TX80–4073	Oct. 10, 1980.
TX80–4077	Oct. 10, 1980.
TX80–4087	Nov. 7, 1980.
TX80–4088	Nov. 7, 1980.
TX81–4005	Jan. 6, 1981.
TX81–4007	Jan. 6, 1981.
TX81–4008	Jan. 6, 1981.
TX81–4009	Jan. 6, 1981.
Utah:UT80–5148	Dec. 12, 1980.
Wyoming: WY80–5129	Sept. 19, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida: FL79–1109(FL81–1160).	July 20, 1979.
Georgia:	
GA80–1060 (GA81–1191)	Apr. 25, 1980.
GA79–1149 (GA81–1192)	Nov. 23, 1979.
GA79–1148 (GA81–1193)	Nov. 16, 1979.
GA78–1008 (GA81–1194)	Feb. 24, 1978.
Hawaii: HI80–5134 (HI81–5106).	Oct. 3, 1980.
Michigan: MI80–2067 (MI81–2002).	Aug. 15, 1980.
New York: NY80–3001 (NY81–3016).	Feb. 12, 1980.
Tennessee: TN79–1005 (TN81–1189).	Jan. 5, 1979.
Virginia: VA78–3073 (VA81–3015).	Oct. 13, 1978.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. This 27th Day of February 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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NEW DECISION

STATE: Washington COUNTIES: King and Kitsap
DECISION NUMBER: WA81-5100 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS:					
King County	$12.48				
CARPENTERS	14.93	.75	.95		.06
CEMENT MASONS:					
King County	11.46				
Kitsap County	13.19				
DRYWALL TAPERS:					
King County	13.04	.72	.70		.04
ELECTRICIANS:					
King County	9.90	.98	3% + .40	.20	.05
Kitsap County	9.28				
IRONWORKERS:					
King County	13.66	.93	1.70		.10
LABORERS	7.70				
PAINTERS:					
King County	11.02				
Kitsap County	11.32				
PLUMBERS:					
King County	12.70				
Kitsap County	12.18				
ROOFERS:					
King County	12.71	.75	1.00		.03
Kitsap County	15.00				
SHEET METAL WORKERS:					
King County	14.45				
Kitsap County	15.98	3% + .64	.94		.03
SOFT FLOOR LAYERS:					
King County	12.08	.63	1.25		.05
Kitsap County	13.58	.63	1.25		1%
WELDERS: Receive rate for craft performing operation to which welding is incidental					

UNLISTED CLASSIFICATIONS NEEDED FOR WORK NOT INCLUDED WITHIN THE SCOPE OF THE CLASSIFICATIONS LISTED MAY BE ADDED AFTER AWARD ONLY AS PROVIDED IN THE LABOR STANDARDS CONTRACT CLAUSES 29 CFR, 5.5 (a)(1)(ii)

Modification Page 1

DECISION NUMBER AZ81-5101 Mod. # 2
(46 FR 10078- January 30, 1981)

STATEWIDE, ARIZONA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers:					
Northern Area	$17.90	$1.39	$2.72		.11
Southern Area	15.15	1.39	2.72		.11
Painters					
Area 2					
Zone A					
Brush and roller applicator; Sandblaster: nozzleman and pot tender; Sheet rock taper; Floor coverer	12.69	.60	.60		.10
Swing stage: brush and sandblaster	13.09	.60	.60		.10
Spray; Paperhanger	12.94	.60	.60		.10
Swing stage: spray	13.34	.60	.60		.10
Creosote Applier	13.02	.60	.60		.10
Steel and bridge: brush Steel sandblaster: nozzleman and pot tender; Steel (Steam Cleaner); Electric and Air tool operator	13.62	.60	.60		.10
Steel and bridge: spray	13.82	.60	.60		.10
Steeplejack	13.55	.60	.60		.10
Zone B					
Brush and roller applicator; Sandblaster: nozzleman and pot tender; Sheet rock taper; Floor coverer	13.69	.60	.60		.10
Swing stage: brush and sandblaster	14.09	.60	.60		.10
Spray; Paperhanger	13.94	.60	.60		.10
Swing stage: spray	14.34	.60	.60		.10
Creosote Applier	14.02	.60	.60		.10
Steel and bridge: brush Steel sandblaster: nozzleman and pot tender; Steel (Steam Cleaner); Electric and air tool operator	14.62	.60	.60		.10
Steel and bridge:spray	14.82	.60	.60		.10
Steeplejack	14.55	.60	.60		.10

Modification Page 2

DECISION NUMBER AZ81-5101 Mod. # 2 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone C					
Brush and roller applicator; Sandblaster: nozzleman and pot tender; Sheet rock taper; Floor coverer	15.19	.60	.60		.10
Swing stage: brush and sandblaster	15.59	.60	.60		.10
Spray; Paperhanger	15.44	.60	.60		.10
Swing stage: spray	15.84	.60	.60		.10
Creosote Applier	15.52	.60	.60		.10
Steel and bridge: brush Steel sandblaster: nozzleman and pot tender; Steel (Steam Cleaner); Electric and air tool operator	16.12	.60	.60		.10
Steel and bridge: spray	16.32	.60	.60		.10
Steeplejack	16.05	.60	.60		.10
Ironworkers:					
Area Definitions:					
Northern Area: from a line 10 miles north of, and parallel to, Highway 66, North to the Arizona-Utah border and from the Arizona-California border east to the Arizona-New Mexico border.					
Southern Area: all areas not included in the Northern Area.					

Modification Page 3

Decision No. FL79-1118 - Mod. #6 (44 FR 48964 - August 17, 1979) Pinellas County, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers/Pipefitters	12.98	.65	1.05		.10
Sprinkler Fitters	12.65	.85	1.20		.13
Decision No. FL80-1064 - Mod. #4 (45 FR 20864 - April 25, 1980) Broward County, Fl.					
Change:					
Boilermakers	13.75	1.275	1.10		.04
Ironworkers	12.55	.98	1.00		.10
Sprinkler Fitters	12.65	.85	1.20		.13
DECISION NO. FL80-1075 - Mod. #5 (45 FR 41831 - June 20,1980) Duval County, Florida					
Change:					
Asbestos Workers	13.03	.55	1.10		.08
Boilermakers	12.75	1.275	1.10		.04
Elevator Constructors					
Mechanics	11.29	1.195	.95		.035
Helpers	7.90	1.195	.95		.035
Painters	9.95	.70	.60		
Plumbers	12.75	.60	.60		.10
Roofers					
Roofers	10.86	.50	.25		.025
Kettlemen	8.15	.50	.25		.025
Sprinkler Fitters	12.65	.85	1.20		.13

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Modificaition Page 4

DECISION NO. LA80-4084 - MOD. #5 (45 FR 74347 - November 7, 1980) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Zone 1:					
Electricians	$15.17	5%	8%		3/10%
Cable splicers	15.42	5%	8%		3/10%
Zone 4:					
Electricians	14.60	.70	3%		2/10%
Cable splicers	14.85	.70	3%		2/10%
Zone 6:					
Electricians	13.25	.95	3%		1/2%
Cable splicers	13.75	.95	3%		1/2%
Line construction:					
Zone 2:					
Linemen	15.17	5%	8%		3/10%
Cable splicers	15.42	5%	8%		3/10%
Equipment operators	11.38	5%	8%		3/10%
Truck drivers & groundmen	6.83	5%	8%		3/10%
Zone 4:					
Linemen, equipment ops.	14.60	.70	3%		
Cable splicers	14.85	.70	3%		
Groundmen	50%JR	.70	3%		
Zone 6:					
Linemen, equipment ope.	13.25	.95	3%		1/2%
Cable splicers	13.75	.95	3%		1/2%
Groundmen	3.93	.95	3%		1/2%
Plumbers & pipefitters:					
Zone 1	13.70	.75	1.00		.10
DECISION NO. LA81-4002 - MOD. #3 (46 FR 1520 - January 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jeffersmn Davis, Orleans, Plaquemines, St. Bernard & St. Charles Parishes, Louisiana					
CHANGE:					
Plumbers & pipmfitters:					
Zone 1	$13.70	.75	1.00		.10

Modification Page 5

DECISION NO. MT80-5141 - Mod. #3
(45 FR 77286-November 21, 1980)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Dredging:					
Leverman, Hydraulic	$15.88	$1.07	$1.50		.14
Electricians:					
Area 3:					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		5%
Cable Splicers	15.17	.70	3%+.75		5%
Contracts over $75,000:					
Electricians	15.90	.70	3%+.75		5%
Cable Splicers	16.70	.70	3%+.75		5%
Area 5:					
Electricians	15.90	.70	3%+.75		5%
Cable Splicers	16.70	.70	3%+.75		5%
Area 4:					
Electricians	14.95	.70	3%+.50		5%
Ironworkers:					
Area 2:	15.36	.93	1.90		.10
Painters:					
Area 4:					
Roller, over 9" long	15.12	.69	.40		1%
DECISION #MT80-5142-Mod. #3 (45 FR 77295-November 21, 1980) STATEWIDE, MONTANA					
Change:					
Laborers:					
Daniels, Garfield, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheiridan, and Valley Cos.					
Group 6	$10.55	.70	.60	.20	.05
Electricians:					
Area 4					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		5%
Cable Splicers	15.17	.70	3%+.75		5%

Modificmtion Page 6

DECISION NO. MT80-5142 Mod. #3 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Contracts over $75,000:					
Electricians	$15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 5:					
Electricians	14.95	.70	3%+.50		1/2%
Area 6:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Ironworkers:					
Area 2	15.36	.93	1.90		.10
Painters:					
Area 2:					
Roller over 9" long	15.12	.69	.40		1%
DECISION #MT80-5143-Mod. #3 (45 FR 77311-November 21, 1980) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Counties, Montana					
Change:					
Electricians:					
Area 1:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 3:					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		1/2%
Cable Splicers	15.17	.70	3%+.75		1/2%
Contracts over $75,000:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Ironworkers:					
Area 1	15.36	.93	1.90		.10

Modification Page 7

DECISION NO. NJ80-3013- MOD. #4 (45 FR 43635 - June 27, 1980) Atlantic, Burlington, Camdem, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS: (excluding steel erection)					
Group 1	$16.91	7%	15%	f	3%
Group 2	15.09	7%	15%	f	3%
Group 3	14.21	7%	15%	f	3%
Group 4	14.10	7%	15%	f	3%
Group 5	13.87	7%	15%	f	3%
Group 6	13.38	7%	15%	f	3%
Group 7	13.09	7%	15%	f	3%
Group 8	12.92	7%	15%	f	3%
Group 9	12.87	7%	15%	f	3%
Group 10	12.75	7%	15%	f	3%
Group 11	12.70	7%	15%	f	3%
Group 12	12.46	7%	15%	f	3%
Group 13	12.06	7%	15%	f	3%
Group 14	11.89	7%	15%	f	3%
Group 15	11.55	7%	15%	f	3%
Group 16	9.57	7%	15%	f	3%
POWER EQUIPMENT OPERATORS: (steel erection)					
Group 1	18.72	7%	15%	f	3%
Group 2	16.91	7%	15%	f	3%
Group 3	16.00	7%	15%	f	3%
Group 4	15.26	7%	15%	f	3%
Group 5	13.48	7%	15%	f	3%
Group 6	13.09	7%	15%	f	3%
Group 7	12.94	7%	15%	f	3%
Group 8	12.57	7%	15%	f	3%
Group 9	12.01	7%	15%	f	3%

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Modification Page 8

DECISION NO. NJ79-3029-MOD. #8 (44 FR 1350 - January 4, 1980) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Union and Warren Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS					
Zone 10	$15.07	7%	3%+1.40		.015
GLAZIERS					
Zone 3	14.60	1.10	2.50		.05
IRONWORKERS-STRUCTURAL, REINFORCING & ORNAMENTAL:					
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties	13.35	1.05	2.85	1.15	.11
POWER EQUIPMENT OPERATORS: (Excluding Steel Erection)					
Group 1	16.91	7%	15%	g	3%
Group 2	15.09	7%	15%	g	3%
Group 3	14.21	7%	15%	g	3%
Group 4	14.10	7%	15%	g	3%
Group 5	13.87	7%	15%	g	3%
Group 6	13.38	7%	15%	g	3%
Group 7	13.09	7%	15%	g	3%
Group 8	12.92	7%	15%	g	3%
Group 9	12.87	7%	15%	g	3%
Group 10	12.75	7%	15%	g	3%
Group 11	12.70	7%	15%	g	3%
Group 12	12.46	7%	15%	g	3%
Group 13	12.06	7%	15%	g	3%
Group 14	11.89	7%	15%	g	3%
Group 15	11.55	7%	15%	g	3%
Group 16	9.57	7%	15%	g	3%

Modification Page 9

DECISION NO. NJ79-3029-CONT'D	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Steel Erection)					
Group 1	18.72	7%	15%	g	3%
Group 2	16.91	7%	15%	g	3%
Group 3	16.00	7%	15%	g	3%
Group 4	15.26	7%	15%	g	3%
Group 5	13.48	7%	15%	g	3%
Group 6	13.09	7%	15%	g	3%
Group 7	12.94	7%	15%	g	3%
Group 8	12.57	7%	15%	g	3%
Group 9	12.01	7%	15%	g	3%
DECISION NO. OH80-2052 - MOD #6 (45 FR 45834 - July 7, 1980) Statewide, Ohio					
Change:					
Carpenters & Piledrivermen:					
Ashtabula, Cuyahoga, Geauga, & Lake Counties					
Piledrivermen	$14.60	1.09	1.78		.09
Medina, Portage, & Summit Counties					
Piledrivermen	14.60	1.09	1.78		.09

Modification Page 10

DECISION NO. TX80-4018 - MOD. #7 (45 FR 16828 - March 14, 1980) Cameron, Hidalgo, Starr & Willacy Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Plumbers & pipefitters	$10.30	.57	.30		.07
DECISION NO. TX80-4073 - MOD. #2 (45 FR 67532 - October 10, 1980) Jefferson & Orange Cos., Texas					
CHANGE:					
Electricians	15.55	.90	3%+.285		.08
Line construction:					
Lineman	16.14	.60	3%		1/2%
Groundman	11.78	.60	3%		1/2%
DECISION NO. TX80-4077 - MOD. #5 (45 FR 67538 - October 10, 1980) Galveston & Harris Cos., Texas					
CHANGE:					
Electricians:					
Galveston Co.	14.44	.90	3%+1.40		.08
DECISION NO. TX80-4087 - MOD. #2 (45 FR 74365 - November 7, 1980) Gregg County, Texas					
CHANGE:					
Electricians:					
Electricians	12.40	.60	3%		1/4%
Cable splicers	12.75	.60	3%		1/4%

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DECISION NO. TX80-4088 - MOD. #2 (45 FR 74364 - November 7, 1980) Harrison County, Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers & stonemasons	$12.00		.50		
DECISION NO. TX81-4005 - MOD. #1 (46 FR 1545 - January 6, 1981) Bexar County, Texas					
CHANGE:					
Marble setters	11.07	.57	.30	.25	
Terrazzo workers	11.07	.57	.30	.25	
Tile setters	11.07	.57	.30	.25	
DECISION NO. TX81-4007 - MOD. #2 (46 FR 1548 - January 6, 1981) Ector & Midland Cos., Texas					
CHANGE:					
Electricians:					
Zone 1	12.60	.60	3%		1/10%
Zone 2	13.30	.60	3%		1/10%
Zone 3	13.60	.60	3%		1/10%
DECISION NO. TX81-4008 - MOD. #1 (46 FR 1550 - January 6, 1981) Smith County, Texas					
CHANGE:					
Carpenters	10.38				

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DECISION NO. TX81-4009 - MOD. #3 (46 FR 1549 - January 6, 1981) Taylor County, Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Electricians	$11.80	.60	3%+.25		1/4%
Cable splicers	12.05	.60	3%+.25		1/4%
Line construction:					
Lineman	11.80	.60	3%+.25		1/4%
Cable splicers	12.05	.60	3%+.25		1/4%
Groundman	8.85	.60	3%+.25		1/4%
Equipment operator	9.68	.60	3%+.25		1/4%
Flat bed truck driver	7.32	.60	3%+.25		1/4%

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DECISION #UT80-5148 - Mod. #3 (45 FR 81991-December 12, 1980) Statewide, Utah	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Area 1:					
Zone 1:					
Electricians; Technicians	$14.10	.75	3%+.75		8/10%
Cable Splicers	14.35	.75	3%+.75		8/10%
Zone 2:					
Electricians; Technicians	14.85	.75	3%+.75		8/10%
Cable Splicers	15.10	.75	3%+.75		8/10%
Zone 3:					
Electricians; Technicians	15.65	.75	3%+.75		8/10%
Cable Splicers	16.90	.75	3%+.75		8/10%
Zone 3A:					
Electricians; Technicians	15.10	.75	3%+.75		8/10%
Cable Splicers	15.35	.75	3%+.75		8/10%
Zone 4:					
Electricians: Technicians	17.35	.75	3%+.75		8/10%
Cable Splicers	17.60	.75	3%+.75		8/10%
In Zones 2, 3, and 3A, on any job or project not exceeding $250,000.00 electrical, labor and material included, Zone 1 rate shall apply					
Ironworkers:					
Fence Erectors; Ornamental; Reinforcing; Structural	13.10	.90	1.45		.10

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DECISION NO. WY80-5129 - Mod. #6 (45 FR 62689 September 19, 1980) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Painters:					
Area 1:					
ADD:					
Painters:					
Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties:					
Brush and roller	13.31	.85	1.15		.08
Spray, Swing Stage and hazardous	13.91	.95	1.15		.08
Sandblaster (interior)	15.23	.95	1.15		.08
Paperhangers	13.91	.95	1.15		.08
Drywall finisher	13.56	.95	1.15		.08
Finisher (machine)	13.91	.95	1.15		.08

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: Martin & Palm Beach
DECISION NUMBER: FL81-1190 DATE: Date of Publication
Supersedes Decision No.: FL79-1109 dated July 20, 1979 in 44 FR 42856
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes or apartments of four stories or less)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	13.79	.70	1.02		.06
Boilermakers	13.75	1.275	1.10		.04
Bricklayers - Bricklayers, Cement Masons, Marble Setters, Plasterers, Stonemasons, Tile & Terrazo Workers	11.95	.65	.70		.03
Carpenters & Soft Floor Layers					
Zone I - All of Martin County and that portion of Palm Beach County north of a line from the Atlantic Ocean along Appleby Street in Boca Raton, west to US#1 to Canal C-15 then west to Palm Beach County line	10.85	.90	.55		.08
Zone II - Remainder of Palm Beach County	10.85	.55	.90		.08
Electricians					
Wiremen	13.52	4.5%	9%	6%	1.5%
Cable Splicers	14.87	4.5%	9%	6%	1.5%
Elevator Constructors					
Mechanics	12.84	1.195	.95	a	.035
Helpers	8.99	1.195	.95	a	.035
Glaziers	10.24	.55	.40		
Ironworkers	12.60	.85	1.23		.10
Laborers: (Permit value 500,000 and over): Air Tool Operators, Mason Tenders, Mortar Mixers, & Pipelayers	8.10	1.07	.50		.01
Plasterers' Tenders	8.28	1.07	.50		.01
Unskilled Laborers	8.00	1.07	.50		.01

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FL81-1190 cont.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: (Permit value up to 500,000): Air Tool Operators, Mason Tenders, Mortar Mixers, & Pipelayers	6.40	1.07	.50		.01
Plasterers' Tenders	6.58	1.07	.50		.01
Unskilled Laborers	6.30	1.07	.50		.01
Lathers	9.73		.10		.025
Linemen					
Heavy Equipment Operators & Linemen	13.20	.45	9%		.75%
Winch Truck Operators	10.50	.45	9%		.75%
Cable Splicers	13.50	.45	9%		.75%
Truck Drivers	8.48	.45	9%		.75%
Groundmen	7.00	.45	9%		.75%
Millwrights	12.17	.70	.70		.10
Painters					
Brush	9.23	.65	.70		.05
Paperhanger, Roller	9.48	.65	.70		.05
Spray, Taper	9.63	.65	.70		.05
Piledrivers	11.35	.70	.70		.10
Plumbers					
Commercial: (51 or more plbg. fixtures, with 41 or more tons A/C)	12.37	.72	1.20		.16
Commercial: (50 or less plmg. fixtures, with 40 or less tons A/C)	11.31	.72	1.20		.16
Industrial: (all manufacturing and processing plants)	15.44	.72	1.20		.16
Roofers					
Roofers	11.90	.40	.50		.015
Pot Firemen / Mud Mixers	8.25	.40	.50		.015
Sheet Metal Workers	12.00	.70	.72		.04
Sprinkler Fitters	12.65	.85	1.20		.13
Welders - Rate for craft					

FL81-1190 cont.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	10.35	.50	.80		.10
Group II	10.20	.50	.80		.10
Group III	9.70	.50	.80		.10
Group IV	9.25	.50	.80		.10
Group V	9.10	.50	.80		.10
Group VI	8.75	.50	.80		.10
Group VII	8.50	.50	.80		.10
Group VIII	8.40	.50	.80		.10
Group IX	8.00	.50	.80		.10

GROUP I: All tower cranes, cranes with boom length over 250 ft., derricks helicopters, all types of flying cranes, all nuclear powered equipment
GROUP II: All cranes with boom length of 150 ft. to 250 ft., cranes of 150 tons and over with boom length of under 250 ft., gantry and overhead cranes
GROUP III: All hydro cranes, cranes with boom length of under 150 ft., clamshell, shovel, backhoe, gradall, cherrypicker, dragline, piledriver, drilling of piling, tugger hoist, motor grader (finish), mechanic, sideboom, tractor, boom, concrete mixer, cableway
GROUP IV: Boring & drilling machine, concrete pump machine, batching plant, inside elevator, forklift with vertical lift of over 20 ft.
GROUP V: Locomotive, motor mixing pump, winch truck, A-frame truck, grease truck, front end loader, bulldozer,pan, motor grader, forklift
GROUP VI: Trenching and ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon vacumm pump, tractor, conveyor
GROUP VII: Utility operator (any combination of equipment up to and including 4 pieces listed in Group VIII), welding machine (3 or 4)
GROUP VIII: Pump (over 2½ inches), compressor (over 125 c.f.m.), generator (over 5 KW), welding machine (2)
GROUP IX: Oiler fuel truck, machine helper, boom hauling truck, lowboy truck

Footnotes: a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employes who has worked in buisness more than five years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in buisness less than five years

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: CLAYTON, DEKALB, & FULTON
DECISION NUMBER: GA81-1191
DATE: DATE OF PUBLICATION
Supersedes Decision Number GA80-1060, dated April 25, 1980, in 45 FR 28062.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.70	.65	1.00		.10
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS & STONE MASONS	11.60	.75	.67		.10
CARPENTERS, DRYWALL HANGERS, & RESILIENT FLOOR LAYERS	11.75	.70	.55		.02
CARPET LAYERS	9.80	.70	.55		.02
CEMENT MASONS	10.95	.60	.80		
ELECTRICIANS:					
Wiremen	12.95	7%	13%		½ of 1%
Cable splicers	13.85	7%	13%		½ of 1%
ELEVATOR CONSTRUCTOR MECHANICS	11.47	1.195	.95	a + b	.035
ELEVATOR CONSTRUCTOR HELPERS	8.03	1.195	.95	a + b	.035
GLAZIERS	12.00	.90	.63		.11
IRONWORKERS	12.15	.70	.97		.07
LATHERS	11.80	.25	.35		.06
MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	11.60	.75	.67		.03
MARBLE, TILE, & TERRAZZO FINISHERS	7.00				
MILLWRIGHTS	12.10	.70	.55		.10
PAINTERS:					
Brush, roller, & drywall finishers	11.60	.65	.90		.05
Paperhangers	11.85	.65	.90		.05
Drywall taping (where pressurized tools are used), boatswain chair & window-jack work, all steel above 25' (where no scaffold is erected), & any scaffold above 25' (not floored solid)	12.10	.65	.90		.05
Spray, steamcleaning, waterblasting, sandblasting, steeple-jack work, gold leafing, stencil designing, graining, & marbelizing	12.60	.65	.90		.05

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERSOGN	$11.90	.70	.55		.02
PLASTERERS	11.42	.60	.80		
PLUMBERS & PIPEFITTERS	12.95	1.00	.85		.11
ROOFERS	8.75	.35	.20		.02
SHEET METAL WORKERS	13.00	.70	.91		.12
SPRINKLER FITTERS	12.80	.85	1.20		.08

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR,5.5 (a) (1) (ii)).

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DECISION NO. GA81-1191

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.06	.30	.47		.10
Group 2	8.28	.30	.47		.10
Group 3	8.56	.30	.47		.10
Group 4	8.81	.30	.47		.10
Group 5	9.13	.30	.47		.10
Group 6 (25¢ above rate for classification under which employed)					

Group 1 - Batch plant man; buggy rollers (Ga.); cleaners, brick or lumber; clearing of right-of-way & building site (hand tools); concrete curer-sealer and liquid hardner; conveyor operator, used in tending plasterers & bricklayers; electricians laborer; excavator, backfiller, grader, hand; forklift operator, walk-type mech. used in tending plasterers and bricklayers; form oilers; form stripper; metal pan handler; plumber laborer; pipe doper; precast slab layer (floor, roofs, walks, curbs); puddlers, concrete; rail porter; railroad track laborer; reinforcing steel handler; scaffolds and staging for masons & plasterers, erecting & removing; scarifyer, concrete, mech. or hand; sheeting and shoring laborers; steam jennies, used in cleaning equipment; tenders (all crafts); tool room man; truck-spotter dumper; water boy; winch handler (manual); wrecking buildings & miscellaneous structures.

Group 2 - All tool operators: air, electric or gas powered, such as jackhamer, paving breaker, tampers, vibrator, spade, chipping hammer, & barco tamp.; bucket dump man, concrete; burner demolition work; chain saw operator; flagman; form setter, steel; mixer, mortar, cement, grout, clay, etc. (hand machine oper.); mortar mixer used in connection with hose for gypsum roofs, plastering, asbestos, fiber, soundproofing, etc.; mortorized post hole digger; power saw operator, concrete, outside building; steam cleaning machine operator; sewer pipe layer, yarner, wiper & pot man; slip form raiser, steel or wood, jack or screw type; wheelbarrow operator, motorized.

Group 3 - Powderman tender; wagon drill operator, track or wheel type and other equipment used in drilling for blasting.

Group 4 - Caisson work, hole man; tunnel laborer.

Group 5 - Nozzleman, concrete pneu.; powderman.

Group 6 - Chimneys or stacks, isolated.

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DECISION NO. GA81-1191

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$11.40	.63	.75		.09
GROUP B	11.05	.63	.75		.09
GROUP B-1	11.05	.63	.75		.09
GROUP C	8.62	.63	.75		.09
GROUP D-1	9.42	.63	.75		.09
GROUP D-2	7.81	.63	.75		.09
GROUP E	8.03	.63	.75		.09
GROUP F	6.88	.63	.75		.09

GROUP A - Backhoe operator, clamshell operator, concrete mix operator - mix plant, concrete pump operator - Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, dragline operator, drill operator - Caisson foundation type, elevator operator - temporary construction elevator used to haul building material and personnel), elevating grader operator, hoisting engine operator, locomotive operator, mechanics - heavy duty, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, tugger hoist operator, well drill operator - performing foundation work, winch truck operator - hoisting material, air compressor operator - 365 C.F.M. and over (furnishing air simultaneously for more than one contractor.

GROUP B - Bulldozer operator, dozer shovel operator, drill operator - Quarry Master type, fireman - stationary or portable, motor grader operator, motor scraper operator - (pans), pusher dozer operator, self-propelled compactor operator with blade, tractor operator with special equipment, trenching machine operator - up to and including 6 ft. depth capacity.

GROUP B-1 - Dewatering system operator where multiple pumps are used, generator operator - 75 K.V.A. and over, elevator operator - inside electric permanent house elevator used to haul building materials and personnel, fork lift operator, oilers on cranes with earth boring drill attached with a separate power source, well point system operator (including the operation of all pumps on project operated by the contractor).

GROUP C - Air compressor operator - 600 CU. FT. and over, air compressor operator Batt. of Two (300 Cu. Ft. and over), hydrohammer operator, concrete batch plant operator.

GROUP D-1 - Oiler-grease truck, truck or locomotive crane.

GROUP D-2 - Oiler - unspecified, pump operator - over 4" (up to 4 batteries), welding machine operator (batteries of 4 or more, portable, gasoline, or diesel driven).

GROUP E - Concrete mixer operator (skip types, except paving mixers), concrete finishing machine operator, concrete paving machine operator, roller operator (asphalt type), well drill operator - not performing foundation work.

GROUP F - Air compressor operator - over 150 C.F.M. but less than 600 Cu. Ft., conveyor operator - chain or belt type, sand blasting machine operator, water pump operator 4" and over.

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTY: RICHMOND
DECISION NUMBER: GA81-1192 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA79-1149, dated November 23, 1979, in 44 FR 67307.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.93	.45	.25		.02
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, TERRAZZO WORKERS, & PLASTERERS	10.20				
CARPENTERS	10.65				.02
CEMENT MASONS	9.80				
ELECTRICIANS:					
Wiremen	11.35	.60	3% + .30		½ of 1%
Cable splicers	11.60	.60	3% + .30		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.55	1.195	.95	a + b	.035
Helpers	7.385	1.195	.95	a + b	.035
IRONWORKERS - Structural, Reinforcing, & Ornamental	11.00	.70	1.00		.03
LABORERS:					
Building & Construction laborers	5.60	.20	.10		.10
Power & air tool operators, concrete or clay pipelayers, & wipers, mortar mixers, & power buggy operators	5.75	.20	.10		.10
Powderman, wagon drill operators, tunnel laborers, shaft laborers, burners, acetylene (demolition work), slip form workers (steel or wood, screw or jack type), potman, creosote materials handler, steel form setter (on grade), chimney or stack workers	5.80	.20	.10		.10
LATHERS	7.65				

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DECISION NO. GA81-1192

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen & Heavy equipment operators (cranes, draglines & 5th wheel tractors);	$11.35	.60	3% + .30		½ of 1%
Cable splicers	11.60	.60	3% + .30		½ of 1%
Equipment operators (hole digging equipment, tractor with winch & derrick, anchor machine, backhoe, & ground rod drivers);	9.31	.60	3% + .30		½ of 1%
Truck operators	7.04	.60	3% + .30		½ of 1%
Groundmen	6.36	.60	3% + .30		½ of 1%
MILLWRIGHTS	11.65				.02
PAINTERS:					
Brush & 9" roller, & drywall finisher	8.35	.65	.30		.05
Paper hanging, sign painting, glazing,	8.85	.65	.30		.05
Structural steel (paint & clean) exclude metal doors & frames	9.50	.65	.30		.05
Power tools, all type epoxy & chemical materials, such as bitumastic, conspo, clornate, all stage work, window jacks, botsun chair, ladder jacks & built-up scaffold, extension ladder over 36'	9.50	.65	.30		.05
Regular spray & gloves	9.50	.65	.30		.05
Blasting	9.50	.65	.30		.05
PILEDRIVERMEN	11.05				.02
PLUMBERS & PIPEFITTERS	11.80	.95	.70		.08
ROOFERS	8.60				
SHEET METAL WORKERS	11.05				.04
SPRINKLER FITTERS	12.80	.85	1.20		.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO. GA81-1193

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cranes, derricks, draglines, side booms, cherry pickers, mechanics, piledrivers, crawlers, backhoes (3/4 cy. & up), concrete pumps, clam shells, drill operators, concrete mixer plants, locomotives, two-drum hoists, shovels, generators (250 KW & UP), and hydraulic cranes over 10 tons, and finish motor graders;	$11.63	.55	.50		.02
Bulldozers, hydraulic boom trucks (10 tons & Under), scrapers, end loaders, fork tractors, one drum hoists, air compressors (600 CFM & OVER), tuggers, rollers, plain tractors, fireman, rubber tired backhoes (less than 3/4 cy.), push dozer, and trenching machine;	10.20	.55	.50		.02
Oiler, pump operators (over 4" diameter), air compressors under 600 CFM;	9.06	.55	.50		.02
Mechanics' tenders, servicing welding machines, and pumps (up to 4" diameter).	7.04	.55	.50		.02

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTY: CHATHAM
DECISION NUMBER: GA81-1193
DATE: DATE OF PUBLICATION
Supersedes Decision Number GA79-1148, dated November 16, 1979, in 44 FR 66135.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.19	.65	1.20		.04
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	10.45		.45		
CARPENTERS & SOFT FLOOR LAYERS	11.00	.55			.05
CEMENT MASONS	9.00				
ELECTRICIANS:					
Wiremen	11.30	.60	3%+.85		1/5 of 1%
Cable splicers	11.55	.60	3%+.85		1/5 of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.55	1.195	.95	a + b	.035
Helpers	7.385	1.195	.95	a + b	.035
IRONWORKERS - Structural, Reinforcing, & Ornamental	11.00	.70	1.00		.03
LATHERS	7.65				
MILLWRIGHTS	11.70	.55			.05
PAINTERS:					
Brush & roller	9.85				
Paperhangers, drywall tapers, & paint burners	10.10				
Window jacks, steel brush, & steel roller	10.35				
Sandblasting, paint spraying, paint mitts & gloves, & power tools (no roller larger than 9")	10.60				
PILEDRIVERMEN	11.25	.55			.05
PLASTERERS	9.00				
PLUMBERS & PIPEFITTERS:					
Contracts $15,000.00 or less	11.55	.65	.75		.05
Contracts over $15,000.00	12.20	.65	.75		.05
ROOFERS	5.50				
SHEET METAL WORKERS	11.53	.50			.07
SPRINKLER FITTERS	12.80	.85	1.20		.08
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO. GA81-1193

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
General laborers, traffic flagmen, truck spotters;	$ 5.82	.15	.13		.10
Operators of jack hammer, tamp, paving breaker, chipping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terrazzo helper, railroad or track laborers, walk behind compactor or roller, plasterer & carpenter tenders;	5.97	.15	.13		.10
Mortar mixers (hand or machine) pipelayers (harner, potman, etc.), flagmen (cranes, derricks, etc.);	6.07	.15	.13		.10
Burner (torch) on demolition work, track or wagon drills used in blasting;	6.32	.15	.13		.10
Powderman or blaster.	6.82	.15	.13		.10

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DECISION NO. GA81-1193

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cranes, derricks, draglines, side booms, cherry pickers, mechanics, piledrivers, crawlers, backhoes (3/4 cy. & up), concrete pumps, clam shells, drill operators, concrete mixer plants, locomotives, two-drum hoists, shovels, generators (250 KW & UP), and hydraulic cranes over 10 tons, and finish motor graders;	$11.63	.55	.50		.02
Bulldozers, hydraulic boom trucks (10 tons & Under), scrapers, end loaders, fork tractors, one drum hoists, air compressors (600 CFM & OVER), tuggers, rollers, plain tractors, fireman, rubber tired backhoes (less than 3/4 cy.), push dozer, and trenching machine;	10.20	.55	.50		.02
Oiler, pump operators (over 4" diameter), air compressors under 600 CFM;	9.06	.55	.50		.02
Mechanics' tenders, servicing welding machines, and pumps (up to 4" diameter).	7.04	.55	.50		.02

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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SUPERSEDEAS DECISION

STATE: GEORGIA COUNTY: HOUSTON
DECISION NUMBER: GA81-1194 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA78-1008, dated February 24, 1978, in 43 FR 7914.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.15	.55	.60		.10
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS & STONE MASONS	7.50				
CARPENTERS	8.05				
CEMENT MASONS	5.76				
ELECTRICIANS	10.93	.60	3% + .50		½ of 1%
IRONWORKERS	9.25	.65	.57		.07
LABORERS:					
Unskilled	3.64				
Air tool operators	4.65	.15	.10		.05
LATHERS	7.00				
MILLWRIGHTS	8.45				
PAINTERS & DRY WALL FINISHERS	6.10	.45	.40		.10
PLASTERERS	6.89				
PLUMBERS & PIPEFITTERS	12.00	.52	.63		.05
ROOFERS	5.38				
SHEET METAL WORKERS	7.74				
SOFT FLOOR LAYERS	5.76				
TILE SETTERS	5.85	.15			
TRUCK DRIVERS	4.27				
WELDERS - RATE FOR CRAFT.					
POWER EQUIPMENT OPERATORS:					
Backhoe	8.88	.55	.50		.02
Bulldozer	7.61	.55	.50		.02
Crane, derrick, dragline	8.88	.55	.50		.02
Fork lift	7.31				
Front end loader	7.61	.55	.50		.02
Mechanic	8.88	.55	.50		.02
Oiler	6.99	.55	.50		.02
Tractor	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Hawaii COUNTIES: Statewide
DECISION NUMBER: HI81-5106 DATE: Date of Publication
Supersedes Decision No. HI80-5134 dated October 3, 1980, in 45 FR 65879
DESCRIPTION OF WORK: Building Projects (including single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.19	.70	$2.50		.06
BOILERMAKERS	13.45	.93	1.25		.03
BRICKLAYERS; Stonemasons	11.48	1.30	2.00		.15
CARPENTERS:					
Carpenters; Hardwood Floor-layers; Patent Scaffold Erectors; Pneumatic Nailer; Shinglers	11.00	1.44	1.95	1.00	.06
Power Saw Operator (2 HP and over)	11.15	1.44	1.95	1.00	.06
Millwrights	11.25	1.44	1.95	1.00	.06
CEMENT MASONS:					
Cement Masons	10.83	1.30	2.00	.60	.15
Troweling Machine Operators	10.98	1.30	2.00	.60	.15
DRAPERY INSTALLERS	6.45	.50	.40	b	
DRYWALL APPLICATOR	11.10	1.44	1.95	1.00	.07
ELECTRICIANS:					
Electricians; Linemen	12.86	1.17	15%+1.8%	11.6%	.55
Technicians	13.25	1.17	15%+1.8%	11.6%	.55
Cable Splicers	14.15	1.17	15%+1.8%	11.6%	.55
ELEVATOR CONSTRUCTORS	15.63	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	10.94	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	7.815				
FENCE ERECTORS:					
Chain Link	5.39	.23	.29	.10	.03
GLAZIERS	11.00	1.20	1.37	.97	.15
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	12.25	1.15	1.30	1.55	.12
LINE CONSTRUCTION WORKERS:					
Electricians; Linemen	12.86	1.17	15%+1.8%	11.6%	.55
Technicians	13.25	1.17	15%+1.8%	11.6%	.55
Heavy Equipment Operator	11.57	1.17	15%+1.8%	11.6%	.55
Groundmen	9.65	1.17	15%+1.8%	11.6%	.55
Cable Splicers	14.15	1.17	15%+1.8%	11.6%	.55
MARBLE SETTERS	11.52	1.30	2.00		.15
PAINTERS:					
Brush	11.35	.84	3.00	.75	.10
Tapers	11.55	.84	3.00	.75	.10
Spray	11.85	.84	3.00	.75	.10
PLASTERERS	10.79	1.30	2.30	.60	.21

DECISION NO. HI81-5106 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters	$13.00	$1.05	$2.05	15%	.15
ROOFERS	12.45	1.15	1.70	.50	.15
SHEET METAL WORKERS	12.65	1.78	2.96		.44
SOFT FLOOR LAYERS	12.00	.75	1.75	.55	.29
SPRINKLER FITTERS	14.75	.85	1.20		.08
TERRAZZO WORKERS and TILE SETTERS:					
Terrazzo Base Grinder	10.31	1.30	2.00		.15
Terrazzo Floor Grinder and Finisher	9.22	1.30	2.00		.15
Terrazzo Workers and Tile Setters	11.52	1.30	2.00		.15

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.
b. Seven Paid Holidays: A thru F plus Kamehaha Day. In order to be eligible for a Paid Holiday, employees must work the last working day before the Holiday and the first working day following the Holiday. If the employee did not work either of these two days due to illness or layoff, he shall be entitled to Holiday Pay. In case of illness, the Company may require proof of illness.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. HI81-5106 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING					
Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick:					
Group 1	$12.14	$1.35	$2.80	.90	.10
Group 2	11.53	1.35	2.80	.90	.10
Group 3	11.08	1.35	2.80	.90	.10
Group 4	9.80	1.35	2.80	.90	.10
Group 5	9.53	1.35	2.80	.90	.10
Group 6	9.36	1.35	2.80	.90	.10
Group 7	11.89	1.35	2.80	.90	.10
Group 8	10.76	1.35	2.80	.90	.10
Group 9	11.59	1.35	2.80	.90	.10
Group 10	8.88	1.35	2.80	.90	.10

Group 1: Clamshell or Dipper Operator; Operators (Derricks, Piledrivers and Cranes)

Group 2: Mechanic or Welder; Assistant Engineer; Assistant Engineer (steam or electric)

Group 3: Deckmate; Barge Mate (Seagoing)

Group 4: Fireman

Group 5: Oiler; Deckhand (can operate Anchor Scow under direction of Deck Mate)

Group 6: Bargeman; Leveeman

Group 7: Leverman; Master Boat Operator

Group 8: Winchman (Stern Winch on Dredge)

Group 9: Boat Operator

Group 10: Boat Deckhand

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LABORERE	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.61	$1.09	$1.56	.60	.08
Group 1-A	8.66	1.09	1.56	.60	.08
Group 1-B	9.01	1.09	1.56	.60	.08
Group 1-C	9.21	1.09	1.56	.60	.08
Group 1-D	9.06	1.09	1.56	.60	.08
Group 1-E	9.31	1.09	1.56	.60	.08
Group 1-F	9.36	1.09	1.56	.60	.08
Group 1-G	9.56	1.09	1.56	.60	.08
Group 1-H	8.61	1.09	1.56	.60	.08
Group 2	8.86	1.09	1.56	.60	.08
Group 3	9.06	1.09	1.56	.60	.08

LABORERS

Group 1: All clean-up work of debris, grounds, buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Pilers

Group 1-A: Plaster Laborers

Group 1-B: Plaster Hod Carrier

Group 1-C: Plaster Mortar Mixer

Group 1-D: Mason Tender

Group 1-E: High Scaler

Group 1-F: Gunnite Operator

Group 1-G: Powderman

Group 1-H: Landscape and Irrigation Laborer

Group 2: Asphalt Shovelers; Cement Dumpers; Choke-setter and Rigger (clearing work); Concrete Chipping; Driller's Tender, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hydraulic Monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers, Rakers and Hand Rollers; Barko and similar type Tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jackhammer Operator Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (Bull Float in connection with Laborers' work); Vibrator; Burning, welding, signaling and rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TMM-2A, Gardner Denver DH-143 and similar type drills; Tract Drillers, Diamond, Core and Wagon Drillers; Davis Trencher T-66 or similar types; Concrete Laborers (wet or dry), including Bucket Tender for concrete

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.75	$1.35	$2.80	.95	.05
Group 2	10.86	1.35	2.80	.95	.05
Group 3	11.03	1.35	2.80	.95	.05
Group 4	11.30	1.35	2.80	.95	.05
Group 5	11.61	1.35	2.80	.95	.05
Group 6	12.26	1.35	2.80	.95	.05
Group 7	12.58	1.35	2.80	.95	.05
Group 8	12.69	1.35	2.80	.95	.05
Group 9	12.80	1.35	2.80	.95	.05
Group 9-A	13.03	1.35	2.80	.95	.05
Group 10	12.09	1.35	2.80	.95	.05
Group 10-A	13.24	1.35	2.80	.95	.05
Group 11	13.39	1.35	2.80	.95	.05
Group 12	13.75	1.35	2.80	.95	.05
ASPHALT PAVING GROUP:					
Asphalt Raker	9.80	1.35	2.80	a	
Asphalt Roller	10.76	1.35	2.80	a	
Asphalt Spreader	11.08	1.35	2.80	a	

FOOTNOTE

a. An employee who has completed two to five years' service shall receive a vacation of one week with pay; each additional year an additional one day vacation with pay; ten or more years, a vacation for two weeks each year; for each year of completed service thereafter to and including fifteen years' service, an addition of one day vacation with pay; fifteen or more years of service, a vacation of three weeks each year with pay.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty repair shop parts room when needed); Repairman Tender

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphalt concrete paving); Self-propelled, automatically applied concrete Curing Machine (on streets, highways, airports and canals); Tugger Hoist, single drum; Rodman and Chainman

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Dinky Operator; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (job site)

Group 5: Agri-Cat (mini-cat); Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline diesel)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports, and canals); Drilling Machinary not to apply to Waterliners, Wagon Drills or Jackhammers); Highline Cableway Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Maginnis Internal Full Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Pavement Breakers; Portable Crushers; Power Jumbo Operator (setting slip forms, etc. in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Slip Form Pumps (power driven hydraulic, electric, air, gas, etc. lifting device for concrete forms); Small Rubber-tired Tractors; Trenchers (up and including 6 feet)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter (mechanical or otherwise); Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar); Mine or Shaft Hoist; Mixermobile (over 5 tons); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker with compressor combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom D-6 or similar); Trencher (over 6 ft.); Water Tanker (pulled by Euclids, T-Pulls, DW-10, 20, 21 or similar); Instrument Man

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd. up to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yd. to and including 3/4 yard); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu. yds.); Wheel Trencher (over 6")

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with Dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with Tandem Scraper); Tractor, Compressor, Drill Combination; Tractor (tandem Scraper); Tractors (D-9 or equivalent); Chief of Party

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Slip Form Paver (concrete or asphalt); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earthmoving Machine (multiple propulsion power units and two or more scrapers)(up to and including 35 cu. yds. struck MRC); High-line Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Prestress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. M.R.C. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds., Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.03	$1.35	$2.80	.95	.05
Group 2	11.30	1.35	2.80	.95	.05
Group 3	11.61	1.35	2.80	.95	.05
Group 4	12.26	1.35	2.80	.95	.05
Group 5	12.58	1.35	2.80	.95	.05
Group 6	12.69	1.35	2.80	.95	.05

Group 1: Flatbed

Group 2: Dump, 8 yards and under; Water Truck (up to and including 2,000 gallons)

Group 3: Water Truck (over 2,000 gallons)

Group 4: Semi-trailer or Semi-dump

Group 5: Slip-in or Pup

Group 6: End Dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor Trailer (hauling equipment)

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: Genesee, Huron, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee
DECISION NUMBER MI81-2002 DATE: Date of Publication
Supersedes Decision Number MI80-2067 dated August 15, 1980 in 45 FR 54630
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
St. Clair County	$ 13.85	1.61	1.69		.07
Remainder of Counties	14.35	1.05	1.78		.02
BOILERMAKERS	14.67	1.38	1.45	2.00	.05
BRICKLAYERS:					
Genesee, Lapeer & Shiawassee	13.45	.90	1.65		
Saginaw, Huron Cos.	12.77	1.05	.95		
St. Clair, Sanilac Cos.	9.75	1.30	1.10		
CARPENTERS:					
Saginaw County & Remaining Cos. W. 5 mi. of Sanilac	9.36	.75	.90		.05
St. Clair, Rem. of Sanilac	12.78	1.00	11%	11%	.04
CEMENT MASONS:					
Genesee & Shiawassee Cos.	10.80	.70	.75		.02
Lapeer County	12.35	.90	1.65		
Saginaw, Huron Cos.	12.07	1.05	.95		
St. Clair, Sanilac Cos.	9.09	1.30	1.10		
ELECTRICIANS:					
Genesee, Lapeer & Shiawassee Cos.	7.28	.40	3%+.75		.02
Saginaw Cos.	9.33		3%+.15		½ of 1%
St. Clair, Sanilac & Huron	16.20	1.65	3%+1.20		.06
ELEVATOR CONSTRUCTORS:					
St. Clair County					
Constructors	15.29	1.20	.82	a	.035
Helpers	70%JR	1.20	.82	a	.035
Remainder of Counties					
Constructors	14.02	1.195	.95	a	.035
Helpers	70%JR	1.195	.95	a	.035
GLAZIERS:					
Genesee, Lapeer & Shiawassee Cos.	9.64	.55	.70		.02
Saginaw, Huron Cos.	9.15		.50	.25	.01
St. Clair County	8.30	.80	1.45		
IRONWORKERS:					
Structural & Ornamental	13.90	9%	17%	18%	.09
Reinforcing	12.08	.98+.50	19%	19%	.12
Fence Erectors	12.80	9%	17%	18%	.09

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DECISION NO. MI81-2002

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Saginaw, Huron Cos.					
Laborers; Mortar Mixers (Hand)	10.24	.75	.50		.04
Plaster Mixers & Tenders	10.44	.75	.50		.04
Genesee, Lapeer & Shiawassee Cos.					
Laborers	10.44	.75	.85		.04
Air, Gas & Electric Tool Oprs.	10.59	.75	.85		.04
Mortar Mixers	10.69	.75	.85		.04
Crock or Pipelayers	10.79	.75	.85		.04
St. Clair & Sanilac Cos.					
Laborers; Mason Tenders	12.18	.75	.50		.04
Mortar Mixers	12.30	.75	.50		.04
Air, Gas & Electric Tool Oprs.	12.43	.75	.50		.04
Crock & Pipelayers	12.53	.75	.50		.04
LATHERS:					
Saginaw, Genesee & Huron	13.02	1.08	.30		.01
MARBLE TILE & TERRAZZO WORKERS:					
Genesee, Lapeer, Shiawassee Cos.	12.00	.90	1.65		
Saginaw & Huron	13.22		.40		
St. Clair & Sanilac:					
Marble Masons	14.61	1.00	1.75		
Terrazzo Workers	12.42	1.00	1.75		
Tile Setters	14.13	1.00	1.75		
PAINTERS:					
Genesee & Eastern ½ of Counties: West of Hwy. #53 in Lapeer & Huron Cos.	10.70	.50	.70		10.00p/mo
St. Clair Co., Sanilac; E. of #53 in Lapeer & Huron	14.28	.65	.90		.01
Saginaw County	11.20		1.05		.02
Western ½ of Shiawassee	11.44	.65	.40		.0025
PLASTERERS:					
Saginaw & Huron Cos.	13.13	.88	.20		
Genesee & Shiawassee Cos.	12.22	.80	1.00		.03
Lapeer County	12.35	.90	1.65		
St. Clair & Sanilac Cos.	9.30	1.30	1.10		
PLUMBERS:					
Genesee, Lapeer & Shiawassee Cos.	14.84	1.17	1.70		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS (CONT'D)					
Saginaw County	$ 13.87	1.09	1.50	1.25	.02
St. Clair, Sanilac & E. ½ of Huron Cos.	13.15	1.30	1.75	1.60	
W. ½ of Huron County	15.12	1.12	.70		.05
POWER EQUIPMENT OPERATORS:					
St. Clair County					
Regular Engineer	13.54	1.05	*1.80	12%	.10
Regular Crane Operator	13.92	1.05	*1.80	12%	.10
Remainder of Counties					
Regular Equipment Operator Scraper, Dozer, Grader, Front End Loader	14.05	1.05	*1.80		.10
Bob Cat & Similar Type Equip.	11.70	1.05	*1.80		.10
Air Compressors, Generator	12.15	1.05	*1.80		.10
ROOFERS:					
Genesee, Lapeer & Shiawassee Cos.	13.68	.88	1.08		
St. Clair, Sanilac & Huron	10.20				
SHEET METAL WORKERS:					
Genesee, Lapeer & Shiawassee Cos.	13.08	.89	1.40	1.00	.04
Saginaw, Huron Cos.	14.39	.80	1.00		.05
St. Clair, Sanilac Cos.	13.205	2.33	2.49	1.45	.12
SOFT FLOOR LAYERS:					
St. Clair & Rem. of Sanilac Co.	13.03	1.10	8%	9%	.03
Remainder of Counties & West ½ of Sanilac	11.83	.75	.90		.01
SPRINKLER FITTERS	14.61	.85	1.20		.08
TRUCK DRIVERS:					
Genesee, Lapeer & Shiawassee Cos.	9.60	b32.50	b37.00		
Saginaw County					
Truck Drivers	9.40	b31.00	b37.00	.50	
8 Cubic yards & over	9.50	b31.00	b37.00	.50	
Euclid Type Equipment	9.70	b31.00	b37.00	.50	
St. Clair, Sanilac & Huron					
Truck Drivers	11.05	b32.50	b37.00		
Semi Trucks	11.20	b32.50	b37.00		

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FOONOTES:

a. 7 paid Holidays - New Year's Day - Memorial Day - Independence Day - Labor Day - Thanksgiving Day - Day after Thanksgiving - Christmas Day plus employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years and 6% for employees in business less than 5 years.

b. Per week; Per Employee plus $3.00 for dental & optical - H & W T/D in Saginaw County, only

* .10 in pension fund for retiree benefit fund

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: DUTCHESS
DECISION NO. NY81-3016 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3001 dated February 12, 1980 in 45 FR 13617
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories), Heavy, and Highway Construction Projects

DUTCHESS COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	15.665	5%+.9138	1.8276		
BOILERMAKERS	16.34	5%	-5%		
BRICKLAYERS, CEMENT MASONS, PLASTERERS, POINTERS, CAULKERS, CLEANERS, MARBLE MASONS, TILE SETTERS AND TERRAZZO WORKERS:					
Building	9.80	2.55	2.15	a	.06
Light commercial where the general contract does not exceed $300,000 and masonry contract including labor and material does not exceed $50,000	8.60	1.80	1.55	a	
Heavy and Highway	10.35	2.55	2.15	b	.06
CARPENTERS:					
Wappinger Falls, New Hackensack, Pawling and Beacon:					
Building, Heavy and Highway	12.91	1.02	.81	1.15	.10
Remainder of County: Buildings, Heavy and Highway	14.02	1.05	.95		.10
ELECTRICIANS:					
Portion south of a line following the Fishkill Wappinger Twps. line east from the Hudson River to state Hwy 82, Northeast on 82 to the New York-New Haven, Harford Freight line at Hopewell Junction east on the railroad to Stonehouse southeast of State Hwy 55 from Stonehouse to Pawing and south on the State Hwy 22 to the Putnam County line but excluding Stonehouse and Pawling	13.90	7.4%	3%+1.20	.70+c	1/2%
Remainder of County:	12.20	.90	3%+1.25	7%+d	1/2%
ELEVATOR CONSTRUCTORS	13.53	1.195	.95	c+f	.035

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DECISION NO. NY81-3016 Page 2

DUTCHESS COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	13.75	.66	1.91	.67	.01
IRONWORKERS, STRUCTURAL, ORNA. & REINFORCING	11.10	1.86	3.75	1.60	.01
LATHERS	10.80		.15		.01
LEAD BURNERS	10.75	.40	.25	g	.01
MARBLE, TILE AND TERRAZZO FINISHERS:					
Marble and Terrazzo Finishers	9.65	1.85			
Tile Finishers	9.05	1.85			
Rehabilitation work on all projects and commercial work where the general contract shall not exceed $300,000 and and the masonry contract shall not exceed $10,000	7.00	1.85			
MILLWRIGHTS	13.35	1.85	1.78	1.11	.04
PAINTERS:					
Brush	12.39	1.03	.60		
Bridges, towers, fire escapes, smoke stacks, flag poles, exposed areas 15 ft. or more in height, swing stage, window jacks, boat swain chair, safety belts and spray, structural steel	13.39	1.03	.60		
PILEDRIVERMEN AND DOCK & WHARF BUILDERS	13.25	1.85	1.78	1.01	.04
PLUMBERS AND STEAMFITTERS	12.60	2.15	1.00	1.30	.10
ROOFERS:					
Cold Tar Pitch, Mopping and Dipping, Application or Ripping Off Asphalt Built-up, Asbestos Tile, Ceramic Tile Slate, Tectum, All forms of Spray Roofing and Insulation	12.23	1.10	1.95		.35
Cold Process and Resaturation, Asphalt Shingle	11.75	1.10	1.95	i	.35
	9.23	1.10	1.95	i	.35

DECISION NO. NY81-3016 Page 3

DUTCHESS COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pitch	9.75	1.10	1.95	i	.35
SHEET METAL WORKERS	14.56	2.24	2.20		.13
SPRINKLER FITTERS	14.52	.85	1.20		.08
WELDERS - receive rate prescribed for craft performing operation to which is a incidential					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employees receive 2 hours off with pay on election day for the purposes of voting.

b. Paid Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and November Election Day.

c. Paid Holidays: A through F Washington's Birthday, Veteran's Day and Presidential Election Day.

d. Paid Holidays: A through F provided the employee is on the payroll 2 weeks prior to the holiday.

e. Paid Holidays: Althrough F, plus day after Thanksgiving.

f. Employer contributes 6% of the basic hourly rate for 6 months to 5 years of service or 8% of the basic hourly rate for 5 years or more of service as vacation pay credit.

g. Paid Holidays: A through F; Washington's Birthday; Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled work days immediately preceeding and following the holiday.

h. Paid Holidays: Independence Day providing the employee works within the period of June 20 to July 4th

i. Employee receives 2 hours off with pay on Election Day for the purpose of voting provided the employee has received 4 hours pay that day.

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DUTCHESS COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: BUILDING					
General laborers, mason tender, carpenter tender, labor stripping, cleaning forms, labor sweepers, cleaners, garading, digging ditches	9.78	1.10	1.71	a+.40	
Rod Carriers, plasterers tenders, scaffold builders (padlock and self supporting scaffold 14 feet or under all runways) mortar mixers (machine and hand), concrete mixers (by machine under 21 E), vibrators, form setters, pipelayers, asphalt rakers handling rein-forcement fods, drillers, jackhammer operator, signalman, gunniting, motorbugs, water pump 2" or under, barco machine, wreckers, paving breakers, power saw opertors, other machine operators	10.03	1.10	1.71	a+.40	
Blasters, laser beam operator	10.18	1.10	1.71	a+.40	

FOOTNOTES:

a. Two hours off with pay Election Day.

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DUTCHESS COUNTY, NEW YORK HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
General laborers	9.60	1.10	1.76	a	
Concrete men, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jackhammerman, wagon driller, airtrack operator, nippers, powder man, high scaler, power buggy operator, vibratory operator compactor, wrecking laborers, gunite and sandblasting, coal passer, water pumps 2" or under	9.85	1.10	1.76	a	
Concrete finisher on Highways, blaster, form setter, laser beam operator	10.20	1.10	1.76	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day

E-Thanksgiving Day; F-Christmas Day.

a. Holidays: A through F and Lincoln's Birthday, Columbus Day, Good Friday, Washington's Birthday, Veteran's Day and November Day Election provided the employee works (7) calendar days before or after the holiday.

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DUTCHESS COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

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DUTCHESS COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd)					
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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DUTCHESS COUNTY, NEW YORK

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION PROJECTS
(Poughkeepsie & South Thereof)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I-A	15.7125	6%+1.20	10%	a	2%
GROUP I-B	14.785	6%+1.20	10%	a	2%
GROUP II	14.80	6%+1.20	10%	a	2%
GROUP III-A	14.6575	6%+1.20	10%	a	2%
GROUP III-B	13.7275	6%+1.20	10%	a	2%
GROUP IV-A	14.375	6%+1.20	10%	a	2%
GROUP IV-B	13.585	6%+1.20	10%	a	2%
GROUP V-A	13.3725	6%+1.20	10%	a	2%
GROUP V-B	12.4425	6%+1.20	10%	a	2%
GROUP VI-A-1	17.08	6%+1.20	10%	a	2%
GROUP VI-A-2	16.2275	6%+1.20	10%	a	2%
GROUP VI-A-3	15.2275	6%+1.20	10%	a	2%
GROUP VI-A-4	15.9425	6%+1.20	10%	a	2%
GROUP VI-A-5	19.9425	6%+1.20	10%	a	2%
GROUP VI-A-6	13.3725	6%+1.20	10%	a	2%
GROUP VI-A-7	19.6575	6%+1.20	10%	a	2%
GROUP VI-B-1	11.4725	6%+1.20	10%	a	2%
GROUP VI-B-2	12.4525	6%+1.20	10%	a	2%
GROUP VI-B-3	11.4875	6%+1.20	10%	a	2%
GROUP VI-B-4	14.67	6%+1.20	10%	a	2%
GROUP VII	15.713	6%+1.20	10%	a	2%

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DUTCHESS COUNTY, NEW YORK
POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS

GROUP I-A: Backhoe Oliver 88, Fordson, Dynahoe dual purpose and similar machines; barber green loader-euclid loader or similar type; conway or similar mucking machines; dragline, gradall, shovel, backhoe, etc. (crawler or truck); front end loaders; hydraulic boom; Jersey spreader; letourneau or tournapull (scrapers over 20 yards struck); mucking machines; pavement breaker (air ram); paver (concrete); road boring machine; road mix machines; ross carrier and similar machines; post hole digger; shovel (tunnels); side boom; spreader (asphalt); scoopmobile-tractor-shovel over 1¼ yards; trenching machines-vermeer concrete saw trencher and similar; tractor type demolition equipment; winch truck (A Frame); hydraulic crane under 25 ton and cherry picker under 25 ton

GROUP I-B: Compressor (steel erection); pulse meter and push button (buzz box) elevator

GROUP II: Compactor self-propelled; grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over; mechanic (outside) all types; welder scrapers-20 yards struck and under; machine pulling Sheep's Foot Roller; vibratory rollers, etc. and roller 4 tone and over.

GROUP III-A: Asphalt plant; boiler (high pressure); Bulldozer D6 and similar tractors with a draw bar Horse Power less than 100; concrete mixing plants; concrete pump; firemen; forklift; forklift (electric); joy drill or similar tractor drilling machine; loader 1¼ yards and under; locomotive (all sizes); mixer concrete-21E and over; portable asphalt plant; portable batch plant; portable crusher; quarry master; stone crusher; well drilling machine and well point system

GROUP III-B: Compressor over 125 cu. feet; conveyor belt machine regardless of size,; lighting unit (portable & generator); welding machine (steel erection and excavation); and compressor plant

GROUP IV-A: Air tractor drill; batch plant; bending machines; concrete breaker; concrete spreader; curb cutter machine; farm tractor (all types); finishing machine-concrete; material hopper-sand stone-cement; mixer-concrete-under 21E; mulching grass spreader pump-gypsum, etc., pump-plaster; roller under 4 ton; spreading and fine grading machine; syphone pump-air-steam, tar joint machine; turbo jet burner or similar equipment; vibrator (1 to 5); fine grading machine and roof hoist (tugger hoist).

GROUP IV-B: Compressor to 125 feet; dust collector; heater all types; pump; pump station (water and sewer); steam Jenny and sweeper

GROUP V-A: Concrete saw; oiler fuel truck and oiler grease truck

GROUP V-B: Mechanics helper; oiler; paint compressor; welder's helper and motorized roller (walk behind)

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DUTCHESS COUNTY, NEW YORK

POWER EQUIPMENT OPERATOR, BUILDING CONSTRUCTION PROJECT CONT'D

GROUP IV-A-1: Master mechanic and assistant master mechanic

GROUP VI-A-2: Helicopter hoist operator

GROUP VI-A-3: Welder certified

GROUP VI-A-4: Engineer pile driver

GROUP VI-A-5: Helicopter pilot

GROUP VI-A-6: Helicopter signalman

GROUP VI-A-7: Engineer,-all tower cranes, all climbing cranes and all cranes of 100 tone capacity or greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs)

GROUP VI-B-1: Utility man

GROUP VI-B-2: Second engineer

GROUP VI-B-3: Oiler (asphalt paver)

GROUP VI-B-4: Cable splicer

GROUP VII: Concrete-portable hoist; crane & hoist engineer-steel (concrete, material, supper structure sub-structure); derrick (stone-steel); elevator & cage; hoist-single, double, or triple drum; hoist-portable mobile unit; hoist engineer-concrete (crane-derrick-mine hoist); hoist engeneer-material; overhead crane and power house plant

DUTCHESS COUNTY, NEW YORK

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

Remainder of County

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and Mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drikkers (one drum), econo-mobile and similar type machines, elecators A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power toad graders, shovels backhoes, draglines, pile drivers, hoist two or more drums, three engines, hysters two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibroramp or similar, Murphy type diesel generator beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	11.93	1.15	1.25	a	.15
GROUP 2	12.01	1.15	1.25	a	.15
GROUP 3	12.16	1.15	1.25	a	.15
GROUP 4	12.41	1.15	1.25	a	.15
GROUP 5	12.82	1.15	1.25	a	.15
GROUP 6	13.02	1.15	1.25	a	.15
GROUP 7	13.28	1.15	1.25	a	.15

FOOTNOTES: a. Holidays A through F'

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DUTCHESS COUNTY, NEW YORK

POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY: Poughkeepsie & south thereof	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I-A	13.25	6% + a	9½%	b	2%
Group I-B	12.625	6% + a	9½%	b	2%
Group II-A	12.45	6% + a	9½%	b	2%
Group III-A	12.325	6% + a	9½%	b	2%
Group III-B	11.70	6% + a	9½%	b	2%
Group IV-A	11.20	6% + a	9½%	b	2%
Group IV-B	11.575	6% + a	9½%	b	2%
Group V-A	11.20	6% + a	9½%	b	2%
Group V-B	10.575	6% + a	9½%	b	2%
Group VI-A					
Class I	14.45	6% + a	9½%	b	2%
Class II	13.70	6% + a	9½%	b	2%
Class III	16.70	6% + a	9½%	b	2%
Class IV	13.45	6% + a	9½%	b	2%
Class V	16.95	6% + a	9½%	b	2%
Class VI	11.20	6% + a	9½%	b	2%
Class VII	12.2875	6% + a	9½%	b	2%
Group VI-B					
Miscellaneous					
Class I	10.575	6% + a	9½%	b	2%
Class II	9.75	6% + a	9½%	b	2%

Footnotes

a. Employer contributes $1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

CLASSIFICATION DEFINITIONS

GROUP I-A - Auger, auto grader, backhoe oilver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP I-B - Compressor (steel erection)

DUTCHESS COUNTY, NEW YORK

GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 yards struck and under, vibrator roller, etc., roller 4 ton and over

GROUP III- A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1½ yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), Welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

CLASS III - Engineer- all Tower Cranes, all climbing cranes and all cranes of greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the some is rigged (except for pile rigs).

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter Pilot

CLASS VI - Helicopter Signalmen

CLASS VII - Jersey spreader, pavement breaker (air ram), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

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DUTCHESS COUNTY, NEW YORK

Remainder of County

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.35	1.15	1.25	a	.15
GROUP II	11.94	1.15	1.25	a	.15
GROUP III	10.78	1.15	1.25	a	.15
GROUP IV	9.75	1.15	1.25	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: A through F, providing the employee works the day befor and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, calsson auger, central mix concrete plant (automated), cherry picker (over 8 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operatoed, (gradall, or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

GROUP II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressours (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, tréncher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

GROUP III - Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader. compressors: 4 not excedd 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to othe provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete curing machines, convyor drill core, drill well, electric pump used in conjuction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV - Aggregate plant, boiler, (used in vonjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to othe provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type of combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drivers on LeTourneau Tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), Low beds, I-Team, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	11.50	1.00	1.05		a
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	11.40	1.00	1.05		a
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	11.30	1.00	1.05		a
Ten wheelers, grease trucks and tiller men	10.60	1.00	1.05		a
Straight trucks	11.00	1.00	1.05		a
Pick-up trucks used for hauling material parts, escort man over the road	11.00	1.00	1.05		a

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTE:
a. Holidays: A through F.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: CROCKETT, DYER GIBSON, LAKE, LAUDERDALE, OBION and WEAKLEY

DECISION NUMBER: TN81-1189 DATE: Date of Publication

Supersedes Decision Number TN79-1005, dated January 5, 1979 in 44 FR 1667.

DESCRIPTION OF WORK: Residential Construction - consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$ 8.00				
Carpenters	7.00				
Drywall Hangers	7.00				
Drywall Finishers	10.01				
Cement Masons	5.00				
Electricians	7.49				
Laborers	4.24				
Painters - brush	7.52				
Plumbers & Pipefitters	6.00				
Roofers	8.00				
Sheet Metal Workers	6.00				
Soft Floor Layers	7.00				
Tile Setters	7.00				
Welders - Rate for Craft					
Power Equipment Operators:					
Backhoe	6.20				
Bulldozer	8.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: Virginia

LOCATION: Radford Army Ammunition Plant

DECISION NO.: VA81-3015

DATE: Date of Publication

Supersedes Decision No. VA78-3073 dated October 13, 1978 in 43 FR 47445

DESCRIPTION OF WORK: Building Construction, does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	10.88	.80	.80		.01
BOILERMAKERS	12.70	1.275	1.20		.04
BRICKLAYERS	10.00		.30		
CARPENTERS	9.65	.50	.45		.02
CEMENT MASONS	5.95				
ELECTRICIANS	10.86	.50	38		51
IRONWORKERS:					
Structural and Reinforcing	11.80	.80	.85		.03
LABORERS:					
Common Laborers	5.80	.30	.30		.05
Mason Tenders	5.90	.30	.30		.05
Air Tool Operators	6.05	.30	.30		.05
LATHERS	9.65	.50	.45		.02
MILLWRIGHTS	12.05	.35	.30		.02
PAINTERS:					
Brush	8.80	.50	.45		
Spray	9.20	.50	.45		
PLUMBERS AND PIPEFITTERS	11.43	.50	.65	.35	.05
SHEET METAL WORKERS	11.25	.40	.72		.07
SPRINKLER FITTERS	11.79	.85	1.20		.08
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	7.29				
Bulldozer Operators	11.12	.45	.55	a	.03
Crane Operators	11.12	.45	.55		.03
Oilers	4.88				
Rollers	9.18	.45	.55	a	.03
Piledrivers	6.32				

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Labor Day; Independence Day; Thanksgiving Day and Christmas Day provided the employee works the regularly scheduled work day before and after the holiday.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-6903 Filed 3-5-81; 8:45 am]

BILLING CODE 4510-27-C

federal register

Friday
March 6, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf Gulf of Alaska; Proposed Oil and Gas Lease Sale No. RS-1

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BILLING CODE: 4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
~~Gulf of Alaska~~

Proposed Oil and Gas Lease Sale No. RS-1

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. RS-1 in the offshore waters of the Gulf of Alaska. This notice is hereby published as a matter of information to the public.

Actg. Director, Bureau of Land Management
Ed Hastey

Date: 3/3/81

Approved:

James G. Watt
Secretary of the Interior

PROPOSED NOTICE OF SALE

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until _____, 4:30 p.m., or by personal delivery to _____, Anchorage, Alaska, between the hours of 8:30 a.m., a.h.s.t. and 9:30 a.m., a.h.s.t., _____. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., a.h.s.t., _____. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 45 FR 65324, October 2, 1980.

3. Method of Bidding. A separate bid in a sealed envelope, labeled, "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., a.h.s.t., _____," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental of $8 per hectare or fraction thereof. Leases awarded under 4(a) and (c) will provide for a minimum royalty of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts RI-55-138, RI-55-139, RI-55-159, RI-55-160, RI-55-161, RI-55-162, RI-55-182, RI-55-183, RI-55-184, RI-55-185, RI-55-195, RI-55-196, RI-55-206, RI-55-207, RI-55-208, RI-55-218, RI-55-219, RI-55-230, RI-55-231, RI-55-326, RI-55-327, RI-55-328, RI-55-329, RI-55-330, RI-55-341, RI-55-342, RI-55-343, RI-55-344 and RI-55-345 must be submitted on a cash bonus bid basis with the percent royalty due, in amount or value of production saved, removed or sold, fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved removed or sold in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

Figure 1
Form of the Sliding Royalty Schedule

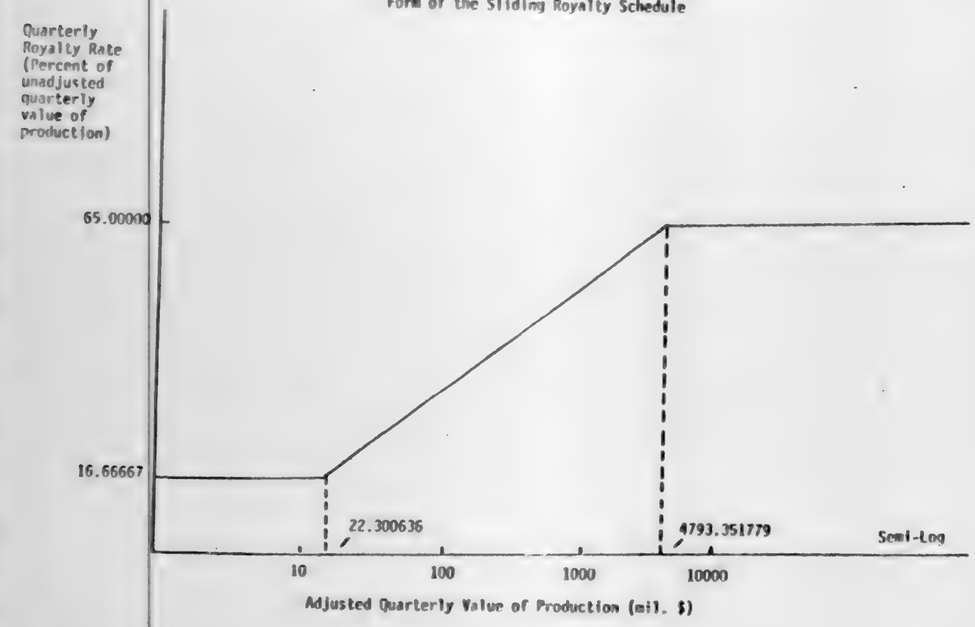


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (V), Millions of $	(E) Percent Royalty Rate (R)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	16.74677	5.024031
90.000000	200.0	4/3	67.500000	26.63428	23.970852
270.000000	200.0	4/3	202.500000	36.52179	98.608833
810.000000	200.0	4/3	607.500000	46.40930	375.915330
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	16.66667	5.000001
90.000000	250.0	5/3	54.000000	24.62599	27.163391
270.000000	250.0	5/3	162.000000	34.51350	93.186450
810.000000	250.0	5/3	486.000000	44.40101	359.648181

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).
2 Column (A) divided by Inflation Factor.
3 Column (A) times Column (E). All values are rounded for display purposes only.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts RU-55-70, RU-55-79, RU-55-80, RU-55-106, RU-55-131, RU-55-132, RU-55-152, RU-55-163, RU-55-164, RU-55-166, RU-55-167, RU-55-180, RU-55-211, RU-55-212, RU-55-220, RU-55-221, RU-55-234, RU-55-235, RU-55-251, RU-55-252, RU-55-253, RU-55-267, RU-55-268, RU-55-269, RU-55-283, RU-55-284, RU-55-285, RU-55-288, RU-55-289, RU-55-290, RU-55-291, RU-55-292, RU-55-293, RU-55-294, RU-55-295, RU-55-296, RU-55-297, RU-55-298, RU-55-299, RU-55-300, RU-55-301, RU-55-304, RU-55-305, RU-55-306, RU-55-307, RU-55-308, RU-55-309, RU-55-310, RU-55-311, RU-55-312, RU-55-313, RU-55-314, RU-55-315, RU-55-316, RU-55-317, RU-55-320, RU-55-321, RU-55-322, RU-55-323, RU-55-324, RU-55-325, RU-55-331, RU-55-332, RU-55-333, RU-55-335, RU-55-336, RU-55-337, RU-55-338, RU-55-339, RU-55-340, RU-55-346, and RU-55-347 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a 1.5 capital recovery factor. The new profit share payment shall be calculated according to the Department of Energy regulation in 10 CFR 390 (45 FR 36784, May 30, 1980).

(c) Bonus Bidding with a Fixed Constant Royalty. Bids on the remaining tracts must be on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.h.s.t., _____ the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-7 (December 1971).

6. Bid Opening. Bids will be opened on _____ beginning at 10 a.m., a.h.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, _____, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

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8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510, at $2 each.

(a) Outer Continental Shelf Official Protraction Diagram NO 7-2, Yakutat (approved 10/31/74)

(b) Outer Continental Shelf Official Protraction Diagram NO 7-4, (approved 9/22/75)

12. Tract Descriptions. The tracts offered for bid are as follows:

NOTE--There may be gaps in the numbers of the tracts listed. Some of the Blocks identified in the final environmental statement may not be included in this notice.

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2
(Approved 10/31/74)

Tract No.	Block No.	Description	Hectares
Rl-55-75	798	All	2304.00
Rl-55-76	799	All	2304.00
Rl-55-77	800	All	2304.00
Rl-55-78	801	All	2304.00
Rl-55-79	802	All	2304.00
Rl-55-80	803	All	2304.00
Rl-55-81	804	All	2304.00
Rl-55-82	805	All	2304.00
Rl-55-83	806	All	2304.00
Rl-55-84	807	All	2304.00
Rl-55-106	847	All	2304.00
Rl-55-107	848	All	2304.00
Rl-55-108	849	All	2304.00
Rl-55-109	850	All	2304.00
Rl-55-110	851	All	2304.00
Rl-55-111	852	All	2304.00
Rl-55-131	890	All	2304.00
Rl-55-132	891	All	2304.00
Rl-55-133	892	All	2304.00
Rl-55-134	893	All	2304.00
Rl-55-135	894	All	2304.00
Rl-55-136	895	All	2304.00
Rl-55-137	896	All	2304.00
Rl-55-138	897	All	2304.00
Rl-55-139	898	All	2304.00
Rl-55-152	934	All	2304.00
Rl-55-154	936	All	2304.00
Rl-55-155	937	All	2304.00
Rl-55-156	938	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2, continued

Tract No.	Block No.	Description	Hectares
Rl-55-157	939	All	2304.00
Rl-55-158	940	All	2304.00
Rl-55-159	941	All	2304.00
Rl-55-160	942	All	2304.00
Rl-55-161	943	All	2304.00
Rl-55-162	944	All	2304.00
Rl-55-163	945	All	2304.00
Rl-55-164	946	All	2304.00
Rl-55-172	975	All	2304.00
Rl-55-177	980	All	2304.00
Rl-55-178	981	All	2304.00
Rl-55-179	982	All	2304.00
Rl-55-180	983	All	2304.00
Rl-55-181	984	All	2304.00
Rl-55-182	985	All	2304.00
Rl-55-183	986	All	2304.00
Rl-55-184	987	All	2304.00
Rl-55-185	988	All	2304.00
Rl-55-186	989	All	2304.00
Rl-55-187	990	All	2304.00
Rl-55-188	991	All	2304.00
Rl-55-195	1019	All	2304.00
Rl-55-196	1020	All	2304.00
Rl-55-201	1025	All	2304.00
Rl-55-202	1026	All	2304.00
Rl-55-203	1027	All	2304.00
Rl-55-206	1030	All	2304.00
Rl-55-207	1031	All	2304.00
Rl-55-208	1032	All	2304.00
Rl-55-211	1035	All	2304.00
Rl-55-212	1036	All	2304.00

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OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4
(Approved 9/22/75)

Tract No.	Block No.	Description	Hectares
Rl-55-218	7	All	2304.00
Rl-55-219	8	All	2304.00
Rl-55-220	9	All	2304.00
Rl-55-221	10	All	2304.00
Rl-55-224	13	All	2304.00
Rl-55-225	14	All	2304.00
Rl-55-226	15	All	2304.00
Rl-55-230	19	All	2304.00
Rl-55-231	20	All	2304.00
Rl-55-234	23	All	2304.00
Rl-55-235	24	All	2304.00
Rl-55-240	54	All	2304.00
Rl-55-241	55	All	2304.00
Rl-55-242	56	All	2304.00
Rl-55-243	57	All	2304.00
Rl-55-244	58	All	2304.00
Rl-55-245	59	All	2304.00
Rl-55-246	60	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
Rl-55-249	63	All	2304.00
Rl-55-250	64	All	2304.00
Rl-55-251	65	All	2304.00
Rl-55-252	66	All	2304.00
Rl-55-253	67	All	2304.00
Rl-55-254	68	All	2304.00
Rl-55-255	69	All	2304.00
Rl-55-256	98	All	2304.00
Rl-55-257	99	All	2304.00
Rl-55-258	100	All	2304.00
Rl-55-259	101	All	2304.00
Rl-55-260	102	All	2304.00
Rl-55-261	103	All	2304.00
Rl-55-262	104	All	2304.00
Rl-55-263	105	All	2304.00
Rl-55-264	106	All	2304.00
Rl-55-265	107	All	2304.00
Rl-55-266	108	All	2304.00
Rl-55-267	109	All	2304.00
Rl-55-268	110	All	2304.00
Rl-55-269	111	All	2304.00
Rl-55-270	112	All	2304.00
Rl-55-271	113	All	2304.00
Rl-55-272	142	All	2304.00
Rl-55-273	143	All	2304.00
Rl-55-274	144	All	2304.00
Rl-55-275	145	All	2304.00
Rl-55-276	146	All	2304.00
Rl-55-277	147	All	2304.00
Rl-55-278	148	All	2304.00
Rl-55-279	149	All	2304.00
Rl-55-280	150	All	2304.00
Rl-55-281	151	All	2304.00
Rl-55-282	152	All	2304.00
Rl-55-283	153	All	2304.00
Rl-55-284	154	All	2304.00
Rl-55-285	155	All	2304.00
Rl-55-286	156	All	2304.00
Rl-55-287	157	All	2304.00
Rl-55-288	186	All	2304.00
Rl-55-289	187	All	2304.00
Rl-55-290	188	All	2304.00
Rl-55-291	189	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
Rl-55-292	190	All	2304.00
Rl-55-293	191	All	2304.00
Rl-55-294	192	All	2304.00
Rl-55-295	193	All	2304.00
Rl-55-296	194	All	2304.00
Rl-55-297	195	All	2304.00
Rl-55-298	196	All	2304.00
Rl-55-299	197	All	2304.00
Rl-55-300	198	All	2304.00
Rl-55-301	199	All	2304.00
Rl-55-302	200	All	2304.00
Rl-55-303	201	All	2304.00
Rl-55-304	230	All	2304.00
Rl-55-305	231	All	2304.00
Rl-55-306	232	All	2304.00
Rl-55-307	233	All	2304.00
Rl-55-308	234	All	2304.00
Rl-55-309	235	All	2304.00
Rl-55-310	236	All	2304.00
Rl-55-311	237	All	2304.00
Rl-55-312	238	All	2304.00
Rl-55-313	239	All	2304.00
Rl-55-314	240	All	2304.00
Rl-55-315	241	All	2304.00
Rl-55-316	242	All	2304.00
Rl-55-317	243	All	2304.00
Rl-55-318	244	All	2304.00
Rl-55-320	274	All	2304.00
Rl-55-321	275	All	2304.00
Rl-55-322	276	All	2304.00
Rl-55-323	277	All	2304.00
Rl-55-324	278	All	2304.00
Rl-55-325	279	All	2304.00
Rl-55-326	280	All	2304.00
Rl-55-327	281	All	2304.00
Rl-55-328	282	All	2304.00
Rl-55-329	283	All	2304.00
Rl-55-330	284	All	2304.00
Rl-55-331	285	All	2304.00
Rl-55-332	286	All	2304.00
Rl-55-333	287	All	2304.00
Rl-55-335	318	All	2304.00
Rl-55-336	319	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
Rl-55-337	320	All	2304.00
Rl-55-338	321	All	2304.00
Rl-55-339	322	All	2304.00
Rl-55-340	323	All	2304.00
Rl-55-341	324	All	2304.00
Rl-55-342	325	All	2304.00
Rl-55-343	326	All	2304.00
Rl-55-344	327	All	2304.00
Rl-55-345	328	All	2304.00
Rl-55-346	329	All	2304.00
Rl-55-347	330	All	2304.00

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13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, Alaska Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4(a), Form 3300-1 will be amended as follows:

Sec. 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66867 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(b) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4(b), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Fixed Net Profit Share. The lessee agrees to pay a net profit share rate of 40 percent with a 1.50 capital recovery factor, calculated pursuant to 10 CFR 390.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations the term DOM refers to the Deputy Conservation Manager, Field Operations, Alaska Region, U.S. Geological Survey and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management.

Stipulation No. 1.

If the DOM, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as a "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline or platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by such lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DOM and the Manager for review.

If such cultural resource indicators are present, the lessee shall (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DOM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DOM either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DOM and the Manager, for their review. Should the DOM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DOM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the lease area, he shall report immediately such findings to the DOM and make every reasonable effort to preserve and protect the cultural resource from damage until the DOM has given directions as to its preservation.

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Stipulation No. 2.

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DOM. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated and implemented by qualified instructors experienced in pertinent fields of study, and shall employ effective methods to insure that personnel understand and use techniques necessary to preserve archaeological, geological, and biological resources including bird and sea mammal rookeries, and insuring avoidance and non-harassment of wildlife resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3.

Pipelines will be required, (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of any intergovernmental coordinating committee.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms, geohazards, and other hazards as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DOM.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972, as amended (46 U.S.C. 391a).

Stipulation No. 4.

(a) Wells: Subsea well-heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures along with water depths, shall be submitted to the DOM. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ± 50 ft (15.25 m) at 200 mi (322 km).

(b) Pipelines: All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes or other protrusions, they shall be shielded in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 5.

(To be included only in the leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice)

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, U.S. Geological Survey, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production saved, removed or sold from the lease in excess of 16-2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 6

No underwater blasting using high velocity explosives for the purposes of seismic exploration may be conducted. As used in this stipulation, "high velocity explosives" are those explosives with a burning rate greater than 4,500 fps or creating a pressure curve with a sharp spike and rise time of less than 6 milliseconds. This stipulation is intended to protect marine life and the marine environment by precluding the use of conventional, high velocity explosives, such as dynamite, for seismic exploration. The stipulation is not intended to preclude U.S. Geological Survey approval of geophysical energy sources such as air guns, sparkers, sleeve exploders, and similar devices.

14. Information to Lessees. Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties. The lessee should contact the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate, regarding potential impacts of lease activities with regard to these laws.

To reduce the impacts of aircraft disturbance at seabird colonies and marine mammal rookeries along the coast, a distance of at least one-half mile from the coastline and an altitude of 1,500 feet should be maintained from Yakutat Bay to Dry Bay during the period of May 1 to September 15. To provide similar protection to waterfowl nesting and staging in Yakutat Bay and on the Yakutat forelands, a 1,500-foot altitude should be maintained over these areas during April 1 to October 31. The DOM shall identify the critical areas in the Yakutat forelands to lessees

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and operators. The lessee is advised that all violations may be reported to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or the Alaska Department of Fish and Game, as appropriate, for disposition. Human safety will take precedence over the provisions of these restrictions.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes which may be established among other reasons, for the purpose of protecting commercial fisheries. Bidders are advised that the United States reserves the right to designate necessary fairways through leased tracts pursuant to the Ports and Waterways Safety Act, as amended (33 U.S.C. 1223 (c)).

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale, or a fixed net profit share.

[FR Doc. 81-7108 Filed 3-5-81; 8:45 am]
BILLING CODE 4310-84-C

Bidders for these tracts should recognize that the Department of Energy is authorized under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

17. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Alaska Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

federal register

Friday
March 6, 1981

Part IV

Nuclear Regulatory Commission

Group Licensing for Certain Medical Uses

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Group Licensing for Certain Medical Uses

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to add a new reagent kit to its lists of authorized radioactive drugs and reagent kits. The amendment adds to these lists the use of a reagent kit to prepare the radiopharmaceutical, technetium-99m labeled oxidronate sodium. This action is being taken by NRC because the Food and Drug Administration recently approved a "New Drug Application" for this reagent kit.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph DelMedico, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–427–4232.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation, "Human Uses of Byproduct Material," 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rulemaking that was published in the **Federal Register** on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radiopharmaceuticals, sources, devices and uses as they are developed. The Food and Drug Administration (FDA) has recently approved a "New Drug Application" for a reagent kit that is used to prepare the radiopharmaceutical, technetium-99m labeled oxidronate sodium, and the use of this reagent kit is hereby added to Group III.

Because these amendments relate solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon, as unnecessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, it may become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10 Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. Paragraph (c)(4) of § 35.100 is amended by deleting the word "and" at the end of paragraph (x), and adding a new paragraph (c)(4)(xi) to read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

* * * * *

(c) * * *

(4) * * *

(xi) Oxidronate sodium; and

* * * * *

(Secs. 81, 161b, Pub. L. 83–703, as amended: 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); sec. 201, Pub. L. 93–438, as amended; 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Maryland this 4th day of March 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–7387 Filed 3–5–81; 10:50 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 19, 1981

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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3. The important elements of typical Federal Register documents.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

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federal register

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15775 **Grant Programs—Cuban and Haitian Entrants** HHS announces that applications are being accepted for grant awards to public or private organizations to assist in meeting the costs of providing services necessary to resettle Cuban and Haitian entrants in the U.S.; applications will be considered for possible funding as soon as received

15746 **Aircraft Pilots and Instructors** DOT/FAA publishes for public comment by May 11, 1981, petitions of the Balloon Federation of America, amending requirements for certification of balloon pilots and flight instructors

15768 **Motor Vehicle Pollution** EPA issues application for waiver of effective date of the 1982 model year carbon monoxide emission standard for light-duty motor vehicles

15689 **Motor Vehicles Pollution** EPA revises motor vehicle exhaust emission standards for carbon monoxide for 1982 model year light-duty vehicles; effective 4-8-81

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

15852 **Horse Protection** USDA/APHIS advises the general public and the horse industry of the current designated qualified person (DQP) programs certified by the department and the currently licensed persons under each program (Part II of this issue)

15713 **Securities** SEC proposes amendments to its rules governing collection and dissemination of quotation information; comments by 5-8-81

15777 **Medicare** HHS/HCFA solicits comments for study of methods of providing coverage for orthopedic shoes

15848 **Sunshine Act Meetings**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7760]

Income Tax; Taxable Years Beginning After Dec. 31, 1953; Deduction for Contributions to Qualified Pension Trusts

Correction

In FR Doc. 81-2300 appearing on page 6911 in the issue for Thursday, January 22, 1981, make the following correction:

On page 6915, in the first column, in paragraph (c) of § 1.404(a)-14, in the eighth line, "deductible limit for the plan" should have read "deductible limit for the taxable year is the deductible limit for the plan".

BILLING CODE 1505-01-M

26 CFR Part 1

[T.D. 7756]

Income Tax; Taxable Years Beginning After December 31, 1953; LIFO Conformity Requirement

Corrections

In FR Doc. 81-2301 appearing on page 6918 in the issue for Thursday, January 22, 1981, make the following corrections:

1. On page 6921, in the third column, in paragraph (e)(3)(v) of § 1.472-2, in the twentieth line, "method of value" should have read "method to value".

2. On page 6921, in the third column, in paragraph (e)(3)(v)(B)(*2*) of § 1.472-2, in the fifth line, "earnings." should have read "earnings."".

3. On page 6922, in the second column, in paragraph (e)(7) of § 1.472-2, in the twelfth line, "LIFO" should have read "FIFO".

BILLING CODE 1505-01

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 1

[CGD 80-90]

Delegation of Authority to Commander, Seventeenth Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule delegates to the Commander, Seventeenth Coast Guard District the authority to issue permits that exempt specific cargo-carrying vessels from certain federal laws and regulations. Authorization for these permits is contained in Public Law 94-406, enacted on September 10, 1976. The issuance of these permits makes it economically feasible for a small group of cargo vessels to continue to supply remote villages in Alaska.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Lt. R. F. Murray (G-MVI-2/24), U.S. Coast Guard, 2100 Second Street, SW, Washington, D.C. 20593, (202) 426-2183.

SUPPLEMENTARY INFORMATION: Public Law 94-406 (90 Stat. 1236, 46 U.S.C. 420) authorizes the Secretary of the Department in which the Coast Guard is operating to issue permits exempting specific cargo-carrying vessels operating in the State of Alaska from all or part of the requirements of 46 U.S.C. 88, 391, 391a and 404, which concern vessel inspections, manning, and load lines. The exemptions will effectively involve a small group of vessels, 300 gross tons or less, which provide the only supply link to remote villages in Alaska. Coast Guard enforcement of the aforementioned laws was making the operation of these vessels economically infeasible, thereby threatening the life of the villages. The exemption legislation basically allows whatever relaxation of the standards that is deemed necessary to allow the vessels performing this service to continue operation, yet without presenting an immediate threat to safety.

Due to the exigency of the circumstances, the Seventeenth Coast Guard District (Alaska) immediately implemented the permit system as outlined in the legislation, a system which has now worked effectively for more than three years. However, formal delegation of the permit authority from the Secretary of Transportation to the Commandant of the Coast Guard was not issued until December 18, 1980 (45 FR 83402). This document therefore, redelegates that authority to the Commander, Seventeenth Coast Guard District. Since this redelegation is a matter relating to agency management, it is excepted from the rulemaking requirements of 5 U.S.C. 553, and may be made effective in less than 30 days after publication.

Drafting information: The principle persons involved in drafting this rule are Lt. Robert F. Murray, Office of Merchant Marine Safety, and Stanley M. Colby, Office of the Chief Counsel.

Evaluations: This rule has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures", 44 FR 11034 (February 26, 1979). A copy of the final evaluation may be obtained from the Commandant (G-CMC/24), U.S. Coast Guard, 2100 2d St., SW,, Washington, D.C. 20593, 202-426-2183.

In consideration of the preceding, Part 1 of Title 33, Code of Federal Regulations, is amended as follows:

PART 1—GENERAL PROVISIONS

1. By adding § 1.01-50 to Subpart 1.01 to read as follows:

§ 1.01-50 Delegation to District Commander, Seventeenth Coast Guard District.

The Commandant redelegates to the District Commander, Seventeenth Coast Guard District, the authority under the Act of September 10, 1976 (90 Stat. 1236, 46 U.S.C. 420) to issue permits exempting specific cargo-carrying vessels serving remote villages in the State of Alaska from all or part of the requirements of 46 U.S.C. 88, 391, 391a, and 404 and the regulations issued thereunder.

(90 Stat. 1236 (46 U.S.C. 420); 49 CFR 1.46(bb))

J. B. Hayes,
Admiral, U.S. Coast Guard, Commandant.
February 10, 1981.

[FR Doc. 81-7359 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-14-M

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Montana; Approval and Promulgation of State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves a revision to Montana's State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, § 58.20, air quality surveillance, plan content. The revision establishes the State and local air monitoring stations, the maintenance of the monitoring stations and the method of data reporting and annual review for the stations. The stations monitor pollutants which have an established national ambient air quality standard.

EFFECTIVE DATE: March 9, 1981.

ADDRESSES: Copies of the materials submitted by the Governor may be examined during normal business hours at: Environmental Protection Agency, Federal Building, 301 S. Park, Helena, Montana 59626; Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460; and the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Coordinator, Air, Pesticides and Solid Waste, Environmental Protection Agency, Federal Building, 301 S. Park, Drawer 10096, Helena, Montana 59626, (406) 449–5414.

SUPPLEMENTARY INFORMATION: On April 1, 1980, EPA proposed for comment in the **Federal Register** this revision to the Montana State Implementation Plan. No comments were received. Therefore, EPA is approving the revisions as proposed.

This SIP revision establishes the state and local air monitoring stations (SLAMS), the maintenance of monitoring stations, and the method of data reporting and annual reviews for monitoring stations. The SLAMS stations will monitor ambient levels of "criteria pollutants;" i.e., pollutants which have an established national ambient air quality standard (NAAQS). Once obtained, this data will be used mostly for determining compliance with the NAAQS, determining if a source which emits criteria pollutants requires controls, tracking air pollution episodes and determining the impact of certain sources. All SLAMS stations will be operated in accordance with the criteria established in Subpart B to 40 CFR Part 58, and will be sited according to Appendix E to 40 CFR Part 58. Reference or equivalent monitors will be used as defined in 40 CFR 50.1 and the quality assurance procedures will be followed as outlined in Appendix A to 40 CFR Part 58.

EPA finds that good cause exists for making this action immediately effective because the revision is already in effect under State law and EPA approval imposes no additional regulatory burden.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by filing a petition for review in the United States Court of Appeals for the appropriate circuit on or before May 8, 1981. Under section 307(b)(2) of the Clean air Act, the requirements which are the subject of today's notice may *not* be challenged later in the civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: February 26, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Montana was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart BB—Montana

1. Section 52.1370(c)(9) is revised as follows:

§ 52.1370 Identification of Plan.

* * * * *

(c) * * *

(9) On Febraury 21, 1980 the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR Part 58, Subpart C, Paragraph 58.20.

[FR Doc. 81–7266 Filed 3–6–81; 8:45 am]

BILLING CODE 6560–36–M

40 CFR Part 55

[A–3–FRC 1768–1]

Virginia Electric and Power Company's Possum Point Generating Station; Delayed Compliance Order

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is issuing an administrative order to the Virginia Electric and Power Company's Possum Point Generating Station located in Prince William County, Virginia requiring its Boilers Numbered 3 and 4 to comply by April 1, 1984, and November 1, 1982, respectively, with air pollution requirements under the Virginia State Implementation Plan. Issuance of this order will allow Virginia Electric and Power Company to burn coal in these boilers during the interim period before the installation of pollution control equipment necessary to meet all applicable emissions limitations.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Denis M. Zielinski, U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (215/597–0804).

SUPPLEMENTARY INFORMATION: EPA is issuing an administrative order developed under Section 113(d)(5) of the Clean Air Act (the "Act") 42 U.S.C. 7413(d)(5), to the Virginia Electric and Power Company (the "Company") requiring its Boilers Numbered 3 and 4 at the Possum Point Power Station in Prince William County, Virginia to comply with the Section IV Rules 2 and 3 of the Virginia State Implementation Plan by April 1, 1984, and November 1, 1982, respectively. The order requires the Company to install control equipment on Boilers Numbered 3 and 4 according to the compliance schedule set forth in the order. The order also contains interim emission reduction requirements, specifies emission limitations, fuel quality characteristics, and requires monitoring and reporting of air quality and air pollutant emissions data. Compliance with the terms of the order precludes any further enforcement by EPA under Section 113 of the Act and any citizen suits under Section 304 of the Act against the Company for violations of the provisions of the Virginia State Implementation Plan covered by the order. The order was proposed in the **Federal Register** on December 2, 1980 (45 FR 79838). In this notice EPA invited the public to submit written comments and requests for a public hearing as to whether EPA should issue the order. During the 30-day public comment period ending January 2, 1981 the only comment that was received by EPA was from the Washington, D.C., Bureau of Air and Water Quality. The comment dealt with the potential impact the Possum Point delayed compliance order (DCO) would have on the District's redesignation as an attainment area for the secondary total suspended particulate standard. Section 113(d)(5) of the Clean Air Act only authorizes EPA to ensure that the primary, not secondary, air quality standard not be jeopardized by emissions resulting from the issuance of a DCO to a major source. As stated in the "Findings" of the proposed order, the primary ambient air quality standards are not jeopardized by the issuance of the Possum Point DCO. Therefore, EPA intends to issue the DCO.

One change was made to the proposed order. This change was a clarification which dealt with the Company's particulate emission test. In the proposed DCO this test was to demonstrate compliance with Rules 2 and 3, but in actuality it would only demonstrate compliance with the particulate emission limitations in Rule 3. Compliance with Rule 2, the opacity limitation, would be demonstrated by taking visible emission observations concurrently with the particulate emission test. This change is reflected in the final rule.

Therefore, based upon the request by the Virginia Electric and Power Company, EPA's findings, and the written concurrence from Governor John N. Dalton, this order is hereby issued. In addition, this order is being made effective immediately since no purpose would be served by delaying its effective date.

(42 U.S.C. 7413 (d))

Dated: March 4, 1981.

Walter C. Barber,

Acting Administrator.

Before the United States Environmental Protection Agency

Region III

Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106

[Order No. R–111–CC–005]

In The Matter Of Virginia Electric & Power Co., Possum Point Power Station.

This order is issued pursuant to Section 113(d)(5) of the Clean Air Act ("the Act"), as amended, 42 U.S.C. 7413(d)(5). This ORDER contains a schedule for compliance, interim requirements, monitoring and reporting requirements, and other requirements of this Section of the Act. Public notice has been provided pursuant to Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1), and a copy of this order has been provided to the Governor of the Commonwealth of Virginia to seek his concurrence.

Order

It is hereby ORDERED that:

SIP Limitation

I. During the period this order is in effect, Units 3 and 4 shall not be subject to section IV, Rule 2 (effective March 17, 1972) and Rule 3 (effective March 17, 1972, as amended, August 11, 1972) of the Federally approved Virginia Regulations for the Control and Abatement of Air Pollution (hereinafter referred to as "Rules 2 and 3"), but shall comply with the interim limitations and compliance schedule set forth in this order. Possum Point Units 1, 2, and 5 ("Units 1, 2 and 5") and the combustion turbines located at the Possum Point Power Station shall remain subject to Rules 2 and 3. During the period this order is in effect, the total heat input for Possum Point Units, 1, 2 and 5, and the combustion turbines, shall be 11,550 million BTUs per hour, and this heat input rate will be used for determining the maximum allowable amount of particulate matter that may be emitted from these units pursuant to Rule 3. At this heat input rate, Rule 3 allows a maximum emission rate of 1,155 pounds of particulate matter per hour.

Compliance Schedule

II. The Company's Units 3 and 4 shall comply with the requirements of Rules 2 and 3 as expeditiously as practicable, but in no event later than the dates specified in the following schedule:

A. For Unit 3:

1. Not later than June 1, 1981: Enter into contracts for particulate emission controls and other equipment necessary for final compliance with Rules 2 and 3.

2. Not later than January 1, 1983: Initiate on-site construction or installation of continuous particulate emission control systems.

3. Not later than January 1, 1984: Complete on-site construction or installation of continous particulate emission control systems.

4. Not later than April 1, 1984: Perform particulate emission tests and submit the test report. The test report results must demonstrate compliance with Rule 3 and said results must be obtained in conformance with the procedures set forth in Appendix A to 40 CFR Part 60. A visible emission observer certified pursuant to EPA Method 9 (40 CFR Part 60, Appendix A) must take concurrent visible emission observations which must demonstrate compliance with Rule 2.

B. For Unit 4:

1. Not later than April 1, 1980: Enter into contracts for particulate emission controls and other equipment necessary for final compliance with Rules 2 and 3.

2. Not later than August 1, 1981: Initiate on-site construction or installation of continuous particulate emission control systems.

3. Not later than August 1, 1982: Complete on-site construction or installation of continuous particulate emission control systems.

4. Not later than November 1, 1982: Perform particulate emission tests and submit the test report. The test report results must demonstrate compliance with Rule 3 and said results must be obtained in conformance with the procedures set forth in Appendix A to 40 CFR Part 60. A visible emission observer certified pursuant to EPA Method 9 (40 CFR Part 60, Appendix A) must take concurrent visible emission observations which must demonstrate compliance with Rule 2. For the purposes of determining compliance with Rule 3, Unit 4's heat input (2,332 million BTUs per hour) shall be added to the heat input of Units 1, 2, 5 and the combustion turbines. The total heat input for Units 1, 2, 4, 5 and the combustion turbines shall be 13,882 million BTUs per hour, and this heat input will be used for determining the maximum allowable amount of particulate matter that may be emitted from these units pursuant to Rule 3. At this heat input rate, Rule 3 allows a maximum emission rate of 1,388 pounds of particulate matter per hour.

C. In the event the Company is unable to comply with any of the schedule increments established in subparagraphs II.A or II.B above, and such failure is caused by or due to circumstances beyond the control of the Company, the time for compliance with such schedule increment and all subsequent schedule increments shall be extended for a period equal to the delay resulting from such circumstances. Any delay that is caused by such circumstances shall not be deemed a violation of this order. Increased costs or expenses associated with the implementation of actions called for by this order shall not, by themselves, be considered circumstances beyond the control of the Company for the purposes of this paragraph. The burden of proving that any delay is caused by circumstances beyond the control of the Company shall rest with the Company.

III. With respect to the interim milestones contained in the Compliance Schedule set out in subparagraphs (A) and (B) of Paragraph II hereinabove, the Company shall submit written notice to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, no later than ten (10) calendar days after each milestone has been achieved, but no later than ten (10) calendar days after the final date set for achieving each such milestone, if it has not been achieved. Furthermore, the Company shall submit a construction progress report to said Director no later than four (4) months after the effective date of this order and every four (4) months thereafter.

Interim Requirements

IV. During the period this order is in effect, Units 3 and 4 shall comply with the following interim requirements:

A. Units 3 and 4 shall burn coal with an ash content not to exceed 8.5 pounds of ash per million BTU's (*e.g.*, coal having an ash content of twelve percent (12%) and a heating value of twelve thousand (12,000) BTU's per pound, or the equivalent thereof).

B. Unit 3 shall not at any time emit in excess of one thousand four hundred and

thirty-nine (1,439) pounds of particulate matter per hour at maximum load.

C. Unit 4 shall not at any time emit in excess of three thousand nine hundred and sixty-four (3,964) pounds of particulate matter per hour at maximum load.

D. The Company shall continue to take measures to improve the performance of the particulate emission control equipment on Units 3 and 4 where it is reasonable and practicable to do so. Such measures may include, but are not limited to, adjustments and modifications to the existing control equipment or the training of operators to optimize particulate emission control equipment performance. Any modifications to this order shall be made by the Administrator pursuant to Section 113(d)(5) of the Act and promulgated pursuant to the procedures for informal rulemaking.

V. The Company is not relieved by the terms of this order from compliance with any requirement imposed by EPA and/or the courts pursuant to Section 303 of the Act.

Emission Monitoring and Reporting Requirements

VI. The Company shall comply with the following emission monitoring and reporting requirements at the Possum Point Power Station on or before the dates specified below:

A. Emission and Ambient Air Quality Monitoring

1. No later than thirty (30) calendar days after the effective date of this order, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, a proposal for an air quality monitoring network to be set up by the Company in the vicinity of the Possum Point Power Station. Said network shall include monitors capable of measuring 24-hour average particulate concentrations and may include the monitors currently owned and operated by the Company.

2. No later than ninety (90) calendar days after receiving EPA approval of the network proposed under subparagraph VI.A.1. of this order, the Company shall complete installation of and begin operation of the EPA-approved network, including any modifications made in the network by the Director, Air, Toxics and Hazardous Materials Division, EPA Region III.

3. No later than ninety (90) calendar days after the effective date of this order, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, the methods, procedures and devices the Company intends to use to obtain the information required by subparagraph VI.B of this order.

4. No later than thirty (30) calendar days after receiving EPA approval of the monitoring and information gathering system proposed under subparagraph VI.A.3. of this order, the Company shall implement such system as approved by EPA, including any modifications to the proposed system made by the Director, Air, Toxics and Hazardous Materials Division, EPA Region III. Said Director may allow additional time to install monitoring equipment.

5. No later than sixty (60) calendar days after commencing the burning of coal as the primary energy source in Units 3 and 4, the Company shall perform particulate emissions tests on Units 3 and 4. Furthermore, no later than September 1, 1982, the Company shall perform additional particulate emissions tests on Unit 3. Such tests shall be performed in accordance with Appendix A of 40 CFR Part 60 (1979). The Company shall provide written notification to the EPA Region III Regional Energy Coordinator a minimum of fifteen (15) days prior to the scheduled date for conducting such tests. The Company shall submit to the Regional Energy Coordinator, EPA Region III, a complete written report containing all information pertinent to the performance and results of the particulate emissions tests on Units 3 and 4 no later than thirty (30) calendar days after completing such tests.

6. No later than thirty (30) calendar days after the effective date of this order, the Company shall install and operate continuous opacity monitors required under subparagraph VI.B.1.c of this order.

7. No later than ninety (90) calendar days after the effective date of this order, the Company shall conduct a Performance Specification Test (PST) for the continuous opacity monitors required in subparagraph VI.A.6. of this order in accordance with Performance Specification 1, Appendix B, 40 CFR Part 60 (1979). The Company shall submit written notice to the Regional Energy Coordinator, EPA Region III, at least thirty (30) calendar days prior to conducting the PST.

8. No later than forty-five (45) calendar days after the completion of the PST required under subparagraph VI.A.7. of this order, the Company shall submit a written report containing all information pertinent to the PST to the Regional Energy Coordinator, EPA Region III.

B. Recordkeeping and Noncompliance Reporting

1. The Company shall maintain monthly records both of air quality monitoring data and of air pollutant emissions. The Company shall submit copies of these records to the Regional Energy Coordinator, EPA Region III, no later than fifteen (15) calendar days after the end of each calendar month. Said air pollutant emission records shall detail daily particulate emissions from Units 3 and 4 as determined by the application of EPA emission factors and shall at minimum include:

a. A description of the types and amounts of fuel consumed each day of the preceding month;

b. An analysis of the fuel received each week including sulfur content, ash content and high heating value; and

c. For Units 3 and 4, a record of the opacity acquired by means of continuous opacity monitoring devices in the stacks for Units 3 and 4. Such continuous opacity monitoring devices shall be installed, calibrated, and maintained in accordance with Performance Specification 1, Appendix B of 40 CFR Part 60.

2. No later than thirty (30) days after the effective date of this order, the Company shall submit for EPA approval procedures by which the Company will obtain and record data about the operating parameters of the electrostatic precipitators on each coal-fired unit at the Possum Point Power Station. Said procedures shall be implemented within thirty (30) days after they are approved by EPA. The Company shall also maintain records of discharge electrodes which are shorted or cut out. The records and data collected pursuant to this subparagraph shall be kept on file at the Possum Point Power Station for not less than twelve (12) months after hey are collected and shall be available for inspection by EPA during that time.

3. If, for any reason, the Company does not comply or will be unable to comply with any requirement of this order, the Company shall submit written notice to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, no later than five (5) calendar days after becoming aware of such noncompliance. Such notice shall include:

a. A description of the noncompliance and its cause;

b. The period during which noncompliance has occurred and/or is expected to occur; and

c. The steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

4. If the air quality monitoring data collected by the Company pursuant to subparagraph VI.A. of this order indicate that the national primary ambient air quality standards for particulates are being exceeded, the Company shall notify the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, of such occurrence by telephone or other means, no later than seventy-two (72) hours after the Company becomes aware of such noncompliance. This notification shall be followed by a letter no later than seven (7) days after such notification.

C. Control Equipment Performance

1. No later than sixty (60) calendar days after the effective date of this order, and every six (6) months thereafter, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, a report that describes the Company's efforts during the reporting period to improve the performance of the particulate emission control equipment on Units 3 and 4, as required in subparagraph IV.D. of this order.

VII. The period of effectiveness of this order shall not include any interval after EPA finds and notifies the Company that (1) a national primary ambient air quality standard for particulates is being exceeded in the National Capital Intrastate AQCR and (2) the Company has failed to submit evidence, or, if such evidence has been submitted, it is inadequate in the judgment of EPA to show, that the requirements of Sections 113(d) (5) (D) (i) through (iii) of the Act have been satisfied. During such intervals, if any, full compliance with the standards and limitations of the SIP (excluding this ORDER) shall be required of the Company, and violations by the Company of the SIP shall be subject to enforcement action under any and all authorities of Section 113 of the Act.

VIII. Nothing herein shall affect the responsibility of the Company to comply with any other applicable State, local or other Federal Regulations.

IX. The Company shall submit a copy of all correspondence and reports required under this order to the Director, Enforcement Division, EPA Region III.

X. The Company is hereby notified that its failure to achieve final compliance at its Possum Point Power Station with the applicable particulate emission regulations of the Virginia SIP by November 1, 1982 for Unit 4 or April 1, 1984 for Unit 3, or such other date as may be specified in a second order pursuant to Subsection 113(d) of the Act, if issued, may result in a requirement to pay a noncompliance penalty under Section 120 of the Act, 42 U.S.C. 7240. Such requirement may be imposed at an earlier date, as provided by Sction 113(d) and Section 120 of the Act, in the event that either this order is terminated as provided in Paragraph XI below, or in the event that any requirement of this order is violated as provided in Paragraph XII below. In any event, the Company will be formally notified, pursuant to Section 120(b)(3) of the Act and any regulations promulgated thereunder, of its noncompliance.

XI. This order shall be terminated in accordance with Section 113(d)(6) of the Act if the Administrator or his delegatee determines, on the record, after notice and hearing, that the inability of the Company to comply with Rules 2 and 3, as approved by EPA, no longer exists with respect to its Possum Point Power Station. In addition, if the Company is able to demonstrate compliance with Rules 2 and 3 prior to April 1, 1984, then this order may be terminated at that earlier date by mutual agreement of the Administrator and the Company.

XII. Violation of any requirement of this order shall result in one or more of the following action:

A. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. 7413(a), (b) or (c);

B. Revocation of this order, after notice and opportunity for a public hearing;

C. Notification of noncompliance and commencement of action pursuant to Section 120 of the Act.

XIII. This order is effective March 9, 1981, and after having received concurrence from the Governor of the Commonwealth of Virginia.

Dated: March 4, 1981.

Walter C. Barber

Acting Administrator or Delegatee, U.S. Environmental Protection Agency.

Waiver of Rights to Challenge Order

Virginia Electric and Power Company (the "Company"), by the duly authorized undersigned, hereby consents to the findings made and to the terms of this order and waives any and all rights under provision of law to challenge this order; however, the Company expressly reserves the right to assert any other defense or to seek such other relief as may be available to it in any enforcement action or other action taken pursuant to this order or otherwise.

(42 U.S.C. 7413(d))

Dated: January 20, 1981.

Morris Brehmer.

Dated February 11, 1981.

Jack Schramm,

Regional Administrator.

[FR Doc. 81-7402 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 86

[EN-FRL 1765-4]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for two 1982 model year light-duty vehicles belonging to engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). The effect of this regulation is to allow the affected manufacturers to introduce into commerce the vehicles in question under the higher waived CO emission standard prescribed here.

EFFECTIVE DATE: April 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Varela, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 472-9421.

Public Docket

Information relevant to this rule is contained in Public Docket EN-80-16 at the Central Docket Section of the Environmental Protection Agency (EPA) Gallery I, 401 M Street SW., Washington, D.C. 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (gpm).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Ford Motor Company (Ford) and General Motors Corporation (GM), each submitted applications for certain light-duty vehicle models for the 1982 model year. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver applications, and my decisions to grant the waiver applications appear in the decision along with this rule and are published elsewhere in this issue of the **Federal Register**. In that decision, I granted waivers covering the following vehicle models (engine families for purposes of that decision) for the 1982 model year only:

Manufacturer	Engine family
Ford Motor Company	2.3 liter/turbocharged
General Motors Corporation	1.6 liter

Once I have decided to grant the waiver applications for these 1982 model year vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from 1982 model year vehicles of these models to exceed 7.0 gpm. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking as well.

Moreover, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a

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significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standards established by this rule impact directly only on GM and Ford, which are not "small entities" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a).

Dated: March 2, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

40 CFR 86.082-(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corporation	151 CID
	258 CID
BL Cars, Ltd	215 CID
	326 CID
Chrysler Corporation	1.6 liter
	1.7 liter
	2.2 liter
	2.6 liter
	3.7 liter
	5.2 liter/2V
	5.2 liter/4V
Ford Motor Company	1.6 liter
	2.3L/Turbocharged
General Motors Corporation	1.6L
	1.8/2.0 liter
	2.8 liter/173 CID-2V
	3.8 liter/231 CID-2V
Toyota Motor Company, Ltd	88.6 CID

* * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

[FR Doc. 81-7279 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129; FCC 81-24]

Inland Maritime Public Correspondence Coast Station Network; Amendment of Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the rules to provide a frequency allocation in the 216–220 MHz band for automated, interconnected river-wide maritime communications sytems on the Mississippi River and connecting waterways. Further, the basic technical standards applicable to the operation of such systems are set forth. This action is being taken as a result of a number of related petitions from certain towboat and barge industry representatives seeking an automated, interconnected communications system on the Mississippi River System in order to relieve congestion and expand the communications services available. We expect this action will allow for the implementation of the type system desired and provide the improvements sought by the towboat and barge industry on the Mississippi River System.

EFFECTIVE DATE: April 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert McNamara or Robert DeYoung, Private Radio Bureau (202) 632-7175 or;

Robert Eckert, Office of Science and Technology (202) 653-8109.

SUPPLEMENTARY INFORMATION:

Adopted: January 29, 1981.

Released: March 11, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of amendment of Parts 2, 81 and 83 of the Commission's Rules to allocate spectrum for an automated inland waterways communications system (IWCS) along the Mississippi River and connecting waterways and, Maritime Mobile Radio Services: improvement in service through provision for automated VHF common carrier systems and, VHF frequency assignments to the Maritime Radio Services in the New Orleans and Lower Mississippi Rivers areas and on the coastlines of the contiguous states.

Report and Order

1. By this action we find that it is in the public interest to provide for a fully automated, integrated, interconnected, river-wide, maritime communications system on the Mississippi River System. Further, we find that this service can best be provided in the 216–220 MHz band and, therefore, are allocating frequencies in the 216–220 MHz band for use by such an automated, integrated system or systems on a not to interfere basis with television reception. Additionally, we are dismissing without prejudice Waterway Communications System, Inc.'s Section 214 application (W–P–C–2279) for a certificate of public convenience and necessity for such a system and assignment of frequencies.

Background

2. Over the last few years the Commission has received a number of related requests to authorize and provide radio frequencies for an automated, interconnected marine communications system on the Mississippi River System.[1] Primarily, these requests have been from tug, towboat and barge operators who serve the Mississippi River transportation system. These tug and barge operators have found the present ship-to-shore communications service on the rivers inadequate to meet their needs.

3. Ship-to-shore communications on the rivers are currently provided by a medley of individually owned and operated coast stations. Various public and limited coast stations [2] provide voice communications on very high frequencies (VHF), medium frequencies (MF) or high frequencies (HF). Most coast stations use the VHF band to provide local area service. The call setup and billing procedures (in the case of public coast stations) are manual in nature and vary from station to station. There is no riverwide automatic station integration to provide continuity of service.

4. Certain tug, towboat and barge operators have endeavored for some time to obtain authority to install a communication system on the Mississippi River System which would meet their perceived requirements. At the industry's 1970 annual meeting this matter was discussed with members of the Commission's staff. The staff at that time suggested that a landline interconnected VHF system, integrated to provide service throughout the Mississippi River System be developed. Based thereon, Motorola (in 1971) proposed such a system employing microwave, landline and VHF. This proposal was eventually rejected.

5. Working with the American Waterways Operators (AWO), the Maritime Administration (MARAD) contracted with ARINC Research to study the communications needs on the rivers and to propose an adequate solution. ARINC Research's 1974 report formed the basis for the decision by MARAD and AWO to install a jointly funded prototype system along approximately 400 miles of the Mississippi and Ohio Rivers. Waterways Communications System, Inc. (Watercom) was formed as the licensing and implementing organization. Although applications were filed, they were never granted and thus the prototype system was not implemented.

6. The fundmental barrier to the establishment of a river-wide system has been the lack of adequate spectrum under existing allocations. Congestion on existing VHF maritime frequencies, particularly in the lower Mississippi (i.e., the Gulf of Mexico to Baton Rouge) has become a major problem for the maritime industry. In an attempt to deal comprehensively with frequency requirements and other regulatory problems a number of petitions were filed by interested parties.

7. Briefly, the referenced petitions are described below:

(a) RM–3101 filed by Waterway Communications Systems (3–11–75) requested that 4 duplex VHF channels from presently available Appendix 18 frequencies allocated to marine services in the U.S. be made available, for an automated, integrated maritime public correspondence system in the Mississippi River System.

(b) RM–3128 filed by the American Waterways Operators (6–1–78) requested that a number of "unused" and "underused" frequencies from Appendix 18 [3] now allocated to the land mobile services be reallocated to the maritime mobile service in the areas of New Orleans and the lower Mississippi River.

(c) RM–3129 filed by the American Waterways Operators (6–1–78) requested that all of the Appendix 18 frequencies now allocated to the land mobile services be reallocated to the maritime mobile service within 150 kilometers of the coastline of the continental US or the Mississippi River and connecting waterways, effective June 1, 1983.

(d) W–P–C–2279 filed by Waterways Communications System (9–29–78) requested that the Commission determine pursuant to Section 214 of the Communications Act [4] that there is a public need for the proposed system, that 4 duplex channels be made available now and this number be expanded to 10–13 duplex channels by 1985, and that Watercom be authorized to construct and operate an IWCS.

In addition, WJG, Inc. filed a petition (RM–2946) requesting that the Commission's rules be amended to permit authorization of an automated direct-dual VHF system in the maritime service. While related, theWJG petition does not involve allocation of additional frequencies or authorization of a new system and, thus, is being considered on its own merits in a separate rulemaking proceeding.

8. In order to resolve the serious spectrum allocation problems facing any proposed inland waterways communications system (IWCS), we consolidated the first three rulemaking petitions noted above. A *Notice of Proposed Rule Making, Order, and Notice of Inquiry* (hereafter *Notice and Order)* was released January 11, 1980.[5] In the *Notice and Order* we acknowledged (based on the petitions and referenced ARINC study) an apparent need for an integrated, automated and interconnected ship-to-shore communications system along the Mississippi River system capable of providing voice, data transfer, facsimile and radioteleprinter communications. We estimated that 13–15 duplex channels would be required by such a system by 1983. This requirement was believed to be in addition to the existing VHF public coast stations which will continue to be needed for the foreseeable future to accommodate those unable or unwilling to participate in such a system.

9. However, we also concluded that the proposals in RM–3128 (reallocation of "unused" or "underused" Appendix 18 land mobile frequencies in the New Orleans and lower Mississippi areas) and RM–3129 (reallocation of Appendix 18 frequencies within 150 kilometers of the inland waterways or the coastline) would be impractical and undesirable. Essentially, these proposed reallocations were found to be very costly, significantly disruptive to other services [6] and would take 8 to 10 years to implement. Thus, RM–3128 and RM–3129 were denied regarding the requested reallocation of Appendix 18 frequencies currently used by land mobile and other radio services. Likewise, in view of the present congestion on VHF maritime frequencies and estimated system spectrum requirements, RM–3101 was denied regarding the 4 duplex channels from currently allocated VHF maritime frequencies which were requested.

10. Nevertheless, having determined that there is a substantial need for increased capacity for present and future maritime communication requirements on the Mississippi River System, we proposed three potential alternatives: (a) allocation of frequencies in the 216–220 MHz band, (b) incorporation of a river-wide system in the cellular mobile systems planned for 806–890 MHz band, and (c) accommodation in the present maritime VHF spectrum by the use of single sideband (SSB) or FM offsets.

11. The proposal for allocation of spectrum in the 216–220 MHz band looked toward the use of 14 frequency pairs with 3 MHz between the transmit and receive frequency and 25 kHz channels. Although this band is currently allocated to the Federal Government on a primary basis and to non-Government licensees on a secondary basis, Government operations have been largely phased out and the band is available.[7] Briefly, the apparent advantages of the 216–220 MHz band were described as follows:

(1) Basically as proposed by the United States, the band was allocated to the Maritime Mobile Service on a primary basis for Region 2 by the 1979 World Administrative Radio Conference of the International Telecommunication Union;

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[1] As used here, the Mississippi River System is understood to include navigable waters encompassing the lower and upper Mississippi River and the waterways connecting thereto. (The U.S. Army Corps of Engineers Report "Waterways Commerce of the United States" shows tonnage moved into the Mississippi River from the following connecting waterways: Allegheny, Amite, Arkansas, Atachafalaya, Big Sandy, Black (Ark.), Black (Wisc.), Calcasieu, Cumberland, Green/Barren, Hiwasse, Illinois, Kanawha, Kaskaskia, Kentucky, L'Anguille, Little Kanawha, Mermentau, Minnesota, Missouri, Monongahela, Ohio, Ouachita, Red, St. Croix, St. Francis, Tennessee, White, Wolf, and Yazoo rivers. The canal project currently under construction to connect the Tennessee and Tombigbee Rivers will, upon completion, connect the Alabama, Black Warrior, Mobile and Tombigbee Rivers into the Mississippi River.)

[2] Limited coast stations serve the operation and business needs of ships. The communications services of these stations are not available to the public for hire. Public coast stations offer their services to the public for hire.

[3] This refers to Appendix 18 of the *ITU Radio Regulations* which contains the frequency bands in the 150–170 MHz region allocated internationally for maritime mobile use. The specific bands are 156.025–157.425, 160.625–160.975, and 161.475–162.025 MHz. These bands were allocated internationally for maritime use by the 1959 World Administrative Radio Conference (WARC). The 1959 WARC, however, also adopted footnote No. 287 Mar 2 in Article 5 of the ITU Radio Regulations which, in effect, permits the continued use of some of the frequencies in Appendix 18 for other than maritime purposes. For convenience we will refer to all of these frequencies as "Appendix 18" frequencies.

[4] 47 U.S.C. 214. This Section requires, *inter alia*, a common carrier to obtain from the Commission a certificate of public convenience and necessity before constructing or extending new lines.

[5] General Docket No. 80–1, FCC 80–2, 45 FR 3084. Three Errata were issued: mimeo 15407, 45 FR 6967; mimeo 15647, 45 FR 13477; mimeo 15775, 45 FR 17043.

[6] These frequencies are used by Railroad, Police, Highway Maintenance, Local Government radio services and Remote Pickup Broadcast stations.

[7] Government use of the band is mostly for radiolocation, point-to-point and telemetering purposes. The band is used by non-Government stations for mobile telemetry.

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(2) The propagation characteristics are very favorable;

(3) Adequate spectrum exists to accommodate system requirements for the foreseeable future;

(4) This band is close to the present maritime VHF band and thus existing design technology can be utilized; and

(5) An automated, integrated interconnected communications system could be implemented without significant delays.

The major disadvantage of employing the 216–220 MHz band for an IWCS is the potential for interference with television receivers operating on Channel 13 along the Mississippi River System.

12. The proposed allocations in the 806–890 MHz band considered authorization of frequencies adjacent to or within bands allocated for common carrier land mobile radiotelephone systems using cellular technology. Here the intention would be to merge the river service with the land mobile telephone service at the earliest opportunity. The advantages of this proposal were viewed as:

(1) Adequate spectrum would be available to accommodate present and future inland waterways communications requirements;

(2) The eventual integration of the maritime system into a nationwide mobile radiotelephone facility would have significant advantages in terms of nationwide service, flexibility and cost savings; and

(3) The use of this band avoids the potential interference problems present in the 216–220 MHz band.

The disadvantages were indicated to be:

(1) Greater inherent propagation limitations as compared with the 216–220 MHz band as well as lack of operational data on propagation characteristics of 800 MHz frequencies in rural and river areas; and

(2) Potential delays in the implementation of an IWCS due to the fact that cellular systems are in the development stage and significant regulatory problems must be resolved and technical standards adopted prior to operation on a regular basis.

13. While it appeared that the allocation of frequencies in the 216–220 MHz band or frequencies allocated for cellular systems in the 806–890 MHz band had the best potential, we indicated we would consider further the use of SSB and FM offset techniques in parallel with the existing VHF–FM maritime mobile systems along the river system. Although both of these techniques seemed to be a little ahead of their time for implementation in the near future, the great potential for more intensively utilizing the existing spectrum required further investigation and comment.

14. In the *Notice and Order* we additionally noted that an inland waterways communications system should have most, if not all, of the following characteristics: (1) a 24 hour communications capability, (2) provision for voice, facsimile, data transfer and radioteleprinter, (3) standardized and automatic operation, (4) full integration of shore stations, allowing continuous communications river-wide, (5) capability for vessels to be contacted directly without need for a constant listening watch, and (6) sufficient frequencies to handle peak traffic loads.

15. In light of this general discussion, we requested comments on the proposals and issues raised as well as specific and factual information. We asked for comments and information on the spectrum needs of an IWCS in the foreseeable future, particularly in view of our estimate that 13–15 duplex channels would be required by 1983. We invited comments addressing the advantages and disadvantages of the bands proposed for such a system. The hope was expressed that commenters would address economic and regulatory considerations as well as the technical merits.

16. In regard to the 216–220 MHz band proposal we specifically asked for comments concerning the feasibility of employing 2 MHz spacing between transmit and receive channels. We also requested comments concerning the potential seriousness of the interference problem with television broadcast stations and possible methods for minimizing the problem through system design, frequency selection or other means.

17. Regarding the 806–890 MHz band, commenters were asked to discuss what, if any, special rules and technical standards would be necessary to fit maritime communications into the cellular concept. Comments were also requested on the desirability of use of adjacent reserve bands and regulatory issues required to be resolved prior to authorization of a maritime system.

18. Comments were also requested concerning the applicability of SSB and FM offset techniques in the present maritime VHF band for satisfying the proposed system requirements.

19. Further, since the proposed system should be automatically interconnected with the public telephone system and should provide for voice, data transfer, facsimile and radioteleprinter communication, we asked whether uniform standards for interconnection and non-voice communications should be established. Standardization would assure interoperability between vessels and any coast station in the system or systems. It also would facilitate competition in the production of equipment. On the other hand, we noted that standardization at this time might stifle innovation, freeze technology and limit the flexibility of equipment and system designers. A set of standards for employment of the 216–220 MHz band and related questions were included in Appendix C to the *Notice and Order*.[8] If standardization was considered necessary, we requested comments regarding the suitability of these standards.

20. Briefly summarizing, in the *Notice and Order* we:

(a) acknowledged the apparent need for an automated, integrated, interconnected ship-to-shore communications system on the Mississippi River System, in addition to the existing public coast stations;

(b) proposed to allocate frequencies in either the 216–220 MHz band or the 806–890 MHz band for such a system;

(c) invited comments on the advantages and disadvantages of the two bands and the need for standards for integration and nonvoice communications;

(d) requested further comments on the applicability of SSB or FM offset techniques for satisfying a river system's requirements;

(e) granted petitions RM–3128 and RM–3129 to the extent consistent with the *Notice and Order* and otherwise denied them;

(f) granted petition RM–3101 to the extent consistent with the *Notice and Order* and otherwise denied it; and

(g) took *no* action in regard to the Section 214 application W–P–C–2279 filed by Watercom.[9]

[8] We did not include a set of standards for an inland waterways system using the 806–890 MHz band because the basic technical standards to be developed for land mobile cellular systems would of necessity be adopted for the maritime system. The development of such standards for cellular systems is being considered in CC Docket No. 79–318.

[9] The Marine Telephone Operators Association (MTOA) filed a petition for reconsideration of the *Notice and Order*. Essentially, MTOA believed that the Commission's action in effect granted Watercom a certificate of public convenience and necessity under Section 214 of the Communications Act. In the *Memorandum Opinion and Order* adopted June 11, 1980, FCC 80–337, the Commission denied the petition because the *Notice and Order* merely granted in part petitions for rulemaking to the extent they were consistent with a proceeding looking toward the allowance of frequencies and technical standards for an automated,

Continued

Comments

21. Numerous comments and reply comments were filed by interested parties. The commenters are listed alphabetically in Appendix A. Essentially, comments were filed by various maritime interests, broadcasters, interested Government agencies, land mobile radio service users, and amateur radio operators.[10] Appendix A also lists the commenters under the general group interest with which they are associated. We will briefly highlight the comments and reply comments within the framework of the various groups of commenters.

Maritime Interests

22. The commenters considered primarily to represent maritime interests can be divided into two sub-groups, the communications users (i.e., boat and barge operators) and existing public coast station licensees.

Need for IWCS

23. All the commenting users strongly support the IWCS concept. Although most of the public coast station licensees generally support the concept, it is not unanimous. Ship to Shore Telephone Company (STST) criticizes the entire rulemaking proceeding and the IWCS concept. It believes that this proceeding tends to unjustly criticize the service of present VHF public coast stations and will result in a substantial loss of business. STST suggests that any rulemaking providing for an IWCS should include provisions fostering fair competition among all existing public coast stations. WJG Telephone Company joins STST in attributing delay in the relief of congestion on VHF public correspondence frequencies on Commission inaction on petitions which would improve service (see paragraph 7 regarding RM–2946).

Frequency Allocation

24. The users also strongly support a frequency allocation in the 216–220 MHz band. Essentially, they consider the propagation characteristics better, which in turn reduces the number of coast stations needed throughout the system. Also the prospect of quicker implementation (as opposed to the 806–890 MHz band) was emphasized. Watercom is the only user organization that comments on the use of SSB or offset techniques in the VHF–FM Maritime band. It indicates that a number of problems are presented by such techniques, such as the equipment now in use would not be tolerant of offset channels; accuracy requirements of SSB demodulation would be for 1 x 10 stability at 150 MHz which would be relatively expensive, and that its highly unlikely that the 25 kHz spacing between channels in the VHF–FM marine band would be able to accommodate the IWCS requirements.

25. The licensees of public coast stations located on the rivers supported allocation of frequencies in the 216–220 MHz band. Primarily, they consider the propagation characteristics most favorable and feel this allocation would be consistent with the U.S. proposal adopted by the 1979 WARC allocating this band to the Maritime Mobile Service in Region 2. RadioCall Corporation and Gulf Coast Communications,[11] licensees of coast stations not located on the river system, prefer allocation of the 806–890 MHz band primarily because of the potential for future nationwide use. They believe equipment is readily available and that with the large potential market in the cellular service there will be more incentive for manufacturers to produce competitive products at lower costs per unit.

System Standards

26. Almost all of the users requested that technical standards not be adopted at this time. Watercom argues that detailed technical standards (i.e., beyond basic channelization and signalling) should not be established since much of the necessary equipment is not currently available. It feels devolpmental experience and marketplace judgment should be given an opportunity to work. Therefore, Watercom suggests that the Commission require applicants for the use of the allocated frequencies to file detailed plans to demonstrate compliance with the goals and requirements communicated in this proceeding. Amcom, Inc. and its affiliate American Commercial Barge Line Company (ACBL) stressed this point, stating that more time is needed in order to collect and analyze data. They indicate that their developmental digital transmission system will provide such data at the end of the developmental period. ACBL also requested that 4 duplex and 8 simplex frequencies be reserved to accommodate private users who may desire to establish wide area operations.

27. In its comments, Watercom suggested that any future IWCS authorized by the Commission meet three basic requirements: (1) that the system be fully automated, (2) that it have trunked frequency usage, and (3) that the system be operated river-wide. Watercom further requests that all applicants be requested to set forth their detailed plan to demonstrate compliance with Commission's requirements. Watercom submitted a proposed frequency allocation plan for the 216–220 MHz band which would provide for 60 channels of which it requests 20 channels leaving 40 channels to be allocated to competing systems. Watercom also indicated that FM channels should be spaced at 25 kHz; a full duplex operation with 1.5 MHz separation between transmit and receive frequencies was feasible; and nonvoice transmissions not exceeding voice channel limitations should be acceptable. Watercom noted that the maximum output of ship stations should be 25 watts and that of coast stations should be 50 watts. A frequency tolerance of 10 parts per million (PPM) for ship-stations was also proposed. Watercom further ascertains that potential interference to Channel 13 can be avoided by coordination of shore site location, use of directional antennas and other good engineering practices. Also, Watercom dismisses the potential interference with two receiver sites of the U.S. Navy SPASUR system by stating that it will temporarily restrict use on part of their proposed frequency channel plan.

28. WJG advocates that the Commission limit the scope of this proceeding to the selection of a band for the IWCS and that the Commission set the technical standards in another Notice of Proposed Rule Making. Rivercom does not consider it necessary to mandate technical standards beyond essential channel characteristics. However, it strongly supports a standardized signal format to enable independent systems to compete effectively. Rivercom considers either 2 or 3 MHz spacing adequate between transmit and receive channels, 20 kHz channels feasible, frequency tolerance between 2.5–5 PPM reasonable, and power outputs of 25 watts for ships and 50 watts for coast stations desirable. Further, Riveroom submits a plan for an

interconnected river system. No action on the Section 214 application was taken. The Commission further pointed out that no final actions have been taken in this proceeding and that the Section 214 application was in a pending status.

[10] In paragraph 26 of the *Notice and Order* the phrase "216–225 MHz band" appeared in lieu of "216–220 MHz band." Although this error was corrected by the *Third Errata*, many amateurs filed comments opposing the use of the 220–225 MHz portion of the band. In view of the correction, and the document as a whole, the comments received from the amateurs are moot and will not be further considered in this proceeding.

[11] Although these two comments were filed after the close of the comment period, we are including them in the record of this proceeding in order to develop as complete a record as possible upon which to base our decision.

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inland waterways communications system which would not require interconnection between stations in the system. Essentially, Rivercom is concerned that any eligibility rule for an automated river system permit participation by existing public coast station licensees. It argues that sufficient channels (minimum of 50 duplex channels) should be provided to permit competition, and that the Commission is compelled to assure that existing licensees are able to compete fairly with automated systems.

Other Issues

29. Although AT&T supports an IWCS concept and the allocation of the 216–220 MHz band, it indicates that many public coast stations will be so adversely affected that their economic viability will be jeopardized. Therefore, AT&T urges that these coast stations be permitted to discontinue manual service upon notice to the Commission. Further, AT&T suggests that an automated station in the service contours of such a coast station be required to provide manual service in order to permit users to continue to use their equipment for a reasonable period. Lafourche Telephone Company urges that existing coast stations be given priority for assignment of any new frequency allocation. Lafourche feels that the Commission should be more concerned with local or regional requirements, with the Lower Mississippi given special attention.

30. Watercom believes that mobile licensing should be considered derivative of a common carrier system authorization. In that vessel to vessel contact will use a shore station as a relay point, it sees little need for a separate vessel licensing requirement. Finally, Watercom recommends certain rule changes to assist in implementing the policy that an IWCS operate independently of, and in parallel with, existing maritime mobile stations.

Broadcasters

Frequency Allocation

31. Comments filed by Television broadcasters were primarily from licensees of stations operating on Channel 13 (210–216 MHz). All of the broadcasters oppose the allocation of the 216–220 MHz band for an IWCS because of possible interference to Channel 13 along the Mississippi River system. Gateway Communications and RKO state that interference to other channels may also be experienced. Two of the broadcasters favor the allocation of the 806–890 MHz band for an inland waterways system. However, the Association of Maximum Service Telecasters (MST) also opposes the allocation of the 806–890 MHz band because of potential image interference with UHF television stations operating, or which may operate in the future, on UHF Channels 58–61 and 66–69. MST proposes using the present VHF maritime band by employing offset techniques and conversion from 25 kHz channels to 15 kHz channels.

32. Gilmore Broadcasting noted that the 216–220 MHz could be utilized by an IWCS if a number of changes were made to the Commission's proposal. Essentially, Gilmore's suggestions are as follows: (a) revise the tentative allocation set forth in Attachment A of the Notice and Order so that channeling would begin with 217.6675 MHz, (b) provide a 2 MHz separation between the transmit and receive frequencies, and (c) provide in the rules that licensees of coast stations are obligated to resolve reasonable complaints of television interference involving mobile and coast stations. Mid-America Television, although opposed to the use of 216–220 MHz frequency band, stated that if the Commission should decide to locate the IWCS in this band, use of the lower part of the 216–220 MHz frequency band should be avoided within 90 miles of any channel 13 transmitters. They also recommended that the Commission should limit the Maximum Effective Radiated Power (ERP) of the ship stations to 25 watts and of the shore stations to 50 watts, while assigning the ship station the lower frequency of the transmit-receive duplex pair.

33. While opposing the allocations of frequencies in the 216–220 MHz band for an IWCS, the American Broadcasting Company applauds the Commission's determination not to so utilize the Appendix 18 frequencies. It reaffirms the view that these frequencies are an important source of land mobile frequencies, especially for remote pickup broadcast systems.

Government Agencies

Need for IWCS and Frequency Allocations

34. The National Telecommunications and Information Administration (NTIA) [12], the Maritime Administration (MARAD) and the U.S. Coast Guard all strongly advocate the development of an IWCS and support the selection of the 216–220 MHz band. All three agencies emphasize that the immediacy of the requirement for an IWCS is an important consideration in favor of the 216–220 MHz band. MARAD states that insufficient information and experience in the 806–890 MHz band and less favorable propagation characteristics also favor selection of the 216–220 MHz band. NTIA adds that cellular systems are more complex, thus more costly than necessary for an IWCS. Further the Coast Guard indicates that potential interference problems with a television broadcast station can be avoided with proper engineering. The Coast Guard also stated that it agrees with the Commission's view that an IWCS could not be implemented on the Appendix 18 frequencies.

Systems Standards

35. MARAD recommended that the proposed international digital selective calling protocols (SELCALL) be utilized to promote interoperability in maritime systems nationally and internationally. MARAD further suggests that future actions by the Commission consider standards for interoperability between services as a strategy to promote competitive among equipment manufacturers and services to meet user needs. However, MARAD recommends that potentially restrictive technical standards be reserved for future actions where they are required to foster improvement in services or interoperability.

36. NTIA recommends that the Commission only impose standards for nonvoice services consisting of basic calling and signalling procedures. It feels system operators should be able to use the channels authorized in the fashion that best satisfies their needs. Since the voice bandwidth (both NTIA and MARAD recommend 25 kHz channels) is similar to that of the public telephone networks, adoption of the standards governing non-voice services of the public telephone networks seems appropriate. NTIA does not believe that wider frequency tolerances for coast stations are justifiable unless a time limit is established. Further, NTIA suggests that any communications system established for the Mississippi River System be compatible with future nationwide maritime systems.

Other Commenters

Frequency Allocation

37. The Land Mobile Communications Council (LMCC) supported allocation of the 216–220 MHz frequency band while opposing use of 800–890 MHz because of lack of operational data on propagation characteristics and because of the numerous other proposed and planned activities for its use.

[12] Although NTIA's comments were filed after the close of the comment period, we are including them in the record of this proceeding for the same reasons we indicated in footnote 11.

System Standards

38. The Radio Technical Commission for Marine Services (RTCM) stresses that consideration should be given to the studies on the proposed international digital selective calling system for the maritime services, when planning an IWCS.

Reply comments

Maritime Interests

Frequency Allocation

39. Reply comments from the maritime user interests were filed by Watercom and Amcom. Reply comments presenting public coast station licensees' views were filed by Rivercom and WJG Telephone Co. Watercom and Amcom state that the broadcast interests have failed to establish that an IWCS in the 216–220 MHz band would cause harmful interference to television Channel 13 reception. Watercom feels that the engineering analyses accompanying MST, Gateway and WEAU are general and too vague to permit analysis. On the other hand, it points out that the analysis submitted by Mid-America Television and the conclusions of Gilmore Broadcasting concur with Watercom's conclusions and support its proposed assignment plan. Watercom dismisses comments by broadcasters indicating that Channel 13 will cause intolerable interference with IWCS receivers. Based on its analysis, such problems would not be realized under actual conditions. Rivercom also dismisses the broadcasters' complaints of potential interference, stating that the problem is controllable.

System Standards

40. Watercom takes issue with Rivercom's view that integration of coast stations system-wide is unnecessary. Watercom argues that integration is absolutely necessary for spectrum management and vessel location purposes. Watercom further suggests that Rivercom's proposed service should be offered on the present Appendix 18 frequencies. If the Commission decides to accept Rivercom's concept (i.e., leave station integration to the marketplace) Watercom requests that a single frequency management standard be applied. Further, if a signalling standard is required for IWC's operation, SELCALL is preferred over Rivercom's proposed tone signalling system. Watercom also opposes ACBL's request for 16 channels to be allocated for private users, as beyond the scope of this proceeding.

41. Although Rivercom favors a common signalling format, it opposes a SELCALL signalling system because it is not considered necessary or advantageous in a domestic system. It proposes criteria that a signalling system must meet in order to be used in an IWC's. These are: (1) the system must satisfy the need of IWC's Users, (2) it must be proved in everyday use, (3) it must be available from various vendors, and (4) it must be available at a low rate. Rivercom states its proposed signalling system meets the above criteria. Also, Rivercom states that it would provide both automated and manual systems, stressing that the present system isn't bad because it is manual but because of traffic and the limited channels available. Therefore, it proposes 25 manual channels be allocated in the 216–220 MHz band. Further it opposes system integration because it requires expensive and inefficient "backhauling". Therefore, Rivercom suggests that the rules should require only automatic local interconnection leaving the network development to the marketplace.

42. WJG in its reply comments states that Watercom's system is not efficient nor is it in the public interest because it will be more expensive than the system now in use. WJG concludes that Watercom really wants a private radio system. Further, it concludes that Watercom will require a blanket subscription as exists for the automated Lorain system on the Great Lakes. Thus, the system will be very expensive for the small user.

Other Issues

43. Watercom criticizes, as does Amcom, AT&T's request that coast stations be permitted to discontinue service merely on a projection of traffic decline. It indicates that AT&T's assumptions relating to the amount of traffic transfer, and the lack of replacement traffic are unfounded. In any case, Watercom argues, the present procedures are adequate for discontinuance of service requests. Further, Watercom opposes comments which, in essence, proposed licensing preferences be given to existing coast station licensees. Watercom finds no precedent for such a preference or "territorial prerogative".

Broadcasters

Frequency Allocation

44. Reply comments from the broadcasting sector were submitted by Gateway Communications, Maximum Service Telecasters and RKO General, Inc.

45. Gateway criticizes Watercom's engineering statement because of erroneous data which, in its view, invalidates the Watercom study. It points out that Watercom uses a median value for interference susceptibility rather that the 10% figure used by the Commission, and that Watercom incorrectly uses a 10 db factor for polarization discrimination. Further, Gateway argues that Watercom does not consider that television service is provided beyond the grade B contour. Thus, it concludes interference with Channel 13 would occur. Gateway also notes that the potential for interference on other channels has been generally ignored. Although MST opposed an IWCS in both 216–220 MHz band and 806–890 MHz band, gateway believes 806–890 MHz is the lesser of two evils.

46. MST states in its reply comments that IWCS should be implemented in the existing maritime bands because of spectrum economy and the potential interference to television broadcasting in the 216–220 MHz and the 806–890 MHz bands. MST contends that the interference from the ship stations will be very hard to control because they are mobile. If an IWCS is authorized in the 216–220 MHz band MST suggests coast stations be required to show that they could not locate a station within 1000 feet of any homes (the distance in which interference would be expected) before being allowed to establish a station within that area. Finally MST opposes spectrum allocation in advance of operational requirements. RKO General in its reply merely states that in its view the interference to Channel 13 would not be controlled because the technological solutions presented are impractical and unrealistic due to lack of tight Commission oversight over marine communications as opposed to the control excercised by the Commission with respect to broadcasters.

47. RTCM submitted reply comments only to amend its comments. RTCM indicated it was not its intent to delay the proceeding but to point out that failure to consider the use of the SELCALL system (CCIR Recommendation 493–1 entitled "Digital Selective Calling System for Use in the Maritime Mobile Services") is a serious failing. [13]

Discussion

Need for IWCS

48. The comments show strong support for our tentative conclusion in

[13] CCIR is the International Radio Consultative Committee of the International Telecommunication Union.

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the *Notice and Order* that, in addition to the existing VHF public coast stations, a substantial need exist for an automated, integrated and interconnected ship-to-shore communications system along the Mississippi River System. The maritime user interests (ACBL, ACOM, API, AWO and Watercom) all support such an inland waterways communications system, as do the Coast Guard, MARAD and NTIA. In addition, AT&T supports this conclusion.

49. Other than AT&T, the commenters representing public coast station licensees, while supporting the need for an additional spectrum allocation to alleviate frequency congestion and provide for advanced maritime services, oppose the requirements for system-wide operation and station interconnection. This segment of the maritime community generally favors a regional approach (akin to the present structure) with networking left to the marketplace. Some feel a preference should be granted for existing coast stations in the licensing of any future IWCS.

50. Based on the comments, it appears that there is ample evidence of the demand and need for an automated, integrated, interconnected, riverwide communication system. Such a system covering the inland waterways will allow the towing and barge industry, as well as any other vessels navigating the river system, the high quality voice and non-voice communications services that have been sought for some ten years. An integrated system approach provides instantaneous vessel location for routing purposes and centralized network control. Spectrum efficiency as well as operational efficiency can be better optimized.

51. It is understandable that the present public coast station licensees are concerned about the effect the introduction of a new competitive communications system will have on their market. AT&T's comments indicate that a considerable portion of the traffic handled by Bell system coast stations is attributable to the towing and barge industry. AT&T, although supporting the need for an IWCS, recommends that licensees of coast stations projecting a reduction of traffic so as to make a station uneconomical, be permitted to close within 90 days of an IWCS authorization within its service contours.

52. We feel it is unlikely that all tow and barge vessels would participate in an IWCS. Many local or regional companies may not desire or need to affiliate with an automated river-wide communications system. Also, as previously noted in this proceeding, many of the VHF maritime channels suffer from congestion and some coast stations particularly in the Lower Mississippi River are saturated during peak hours. The demand for communications in this maritime environment is not expected to level off or decline in the future but rather to continue to grow. In fact, in a separate proceeding,[14] we have proposed to delete the current restrictions on entry of new VHF public coast stations into the marketplace. We hope to encourage the development of existing and new coast stations capable of competing on price, quality and diversity of service with any future IWCS.

53. In any event, we feel that the present procedure for a case by case determination regarding discontinuance of service is adequate to protect public coast station licensees where the economic viability of the station is jeopardized. We will, however, insure that such requests are expeditiously handled. Further, AT&T's suggestion that if an existing public coast station should discontinue service, an automated system in the service area should be "required" to provide manual service on Appendix 18 frequencies, is untenable. In that safety listening watches are no longer a consideration in a request for discontinuance of service proceeding,[15] we feel that the requirement for service or type of service by public coast stations can be determined in the marketplace.

54. In view of the record in this proceeding, we are affirming our earlier tentative conclusion that a need exists for an automated, integrated, interconnected inland waterways communications system or systems along the Mississippi River System.

Watercom's Section 214 Application

55. At this point we note that among the related pleadings and applications mentioned in this proceeding is an application filed by Watercom pursuant to Section 214 of the Communications Act (File No. W–P–C–2279). By this application, Watercom seeks a determination that an IWCS is needed and authority to construct and operate such a system. This application was strongly opposed by various interests representing existing public coast station licensees on the Mississippi river system.[16]

56. We have addressed and resolved the issue of the need for an IWCS in the context of this rulemaking proceeding. However, in regard to the system authorization issue, there is considerable argument by those petitioning to deny the application[17] that, among other things, the Commission should not proceed under Section 214 of the Communications Act if it decides to authorize automated maritime coast station systems. In brief, the arguments assert that it is neither legally necessary nor desirable to proceed according to Section 214.[18]

57. We need not decide that question here, however, since we find that we must dismiss Watercom's application on other grounds. In essence, Watercom's application has been superseded by this rulemaking proceeding, in which Watercom has fully participated. The application seeks authority to utilize four VHF maritime public correspondence frequencies (channels 84–87) with additional "Appendix 18" frequencies (see footnote 3) to be made available in the future. These requested frequency assignments were effectively denied pursuant to our actions on the petitions RM–3101, RM–3128, and RM–3129 in the previous *Notice and Order*. Further, since we are resolving the issue of need for an IWCS and allocating a different frequency band specifically for IWCS purposes in this Report and Order, the application is inconsistent with the outcome of this rulemaking proceeding and thus defective.

58. Accordingly, the subject application will be dismissed without prejudice to the right of Watercom to file an application consistent with our actions herein. While this action moots the oppositions to Watercom's application, the Commission has considered the arguments for and against such a system or systems in its analysis of the record in this proceeding. In fact, many of the organizations which filed petitions to deny the subject application also commented on the *Notice and Order* in this rulemaking proceeding.

59. One issue raised in the oppositions requires further discussion. In its petition to deny Watercom's Section 214 application, Com/Nav Marine Inc. alleges that Watercom has made improper *ex parte* presentations in two ways: (1) by its participation along with various members of the commission's staff in the work of Special Committee 71 [19] of the Radio Technical Commission for Marine Services, and (2) by representations to a Commissioner's legal assistant respecting the Channel 16 safety watch requirements imposed on licensees of VHF public coast stations.

60. Even assuming that Com/Nav's allegations are factually correct and ignoring *ex post facto* application of the rules, such facts do not warrant the conclusion that improper *ex parte* presentations have been made to the Commission or members of its staff. With respect to RTCM, its special committees are merely advisory committees which function under the auspices of the Federal Advisory Committee Act. Recommendations RTCM might make are not binding on the Commission. Its committees meet in open public session with advance notice in the **Federal Register.** Furthermore, RTCM has, in fact, commented in this proceeding with the concomitant opportunity for Com/Nav to reply.

61. The presentation regarding the Channel 16 safety watch was in the context of another proceeding. A memorandum of that presentation was filed in full accord with the letter and spirit of the *ex parte* rules. Com/Nav itself cites the memorandum, it apparently was fully aware of the presentation and capable of responding.

62. To our knowledge there have been no *ex parte* contacts in this proceeding which have not been in full accordance with the applicable *ex parte* rules.

Frequency Band Allocation

63. All of the maritime interests directly associated with the Mississippi River System and the three Government agencies which filed comments supported the proposal to allocate frequencies in the 216–220 MHz band. The Land Mobile Communications Council also endorses utilization of this band.

64. The support for the proposed allocation in the 216–220 MHz band is based on (1) the superior propagation characteristics of the band for IWCS purposes, which would result in fewer coast stations being required along the system, (2) the readily adaptable equipment currently on the market, (3) the consistency of the allocation with the U.S. proposal adopted for Region 2 by the 1979 WARC, and (4) the system could be implemented without the likelihood of significant delays due to technical or regulatory factors.

65. The major opposition to the allocation of the 216–220 MHz band comes from the broadcast industry. The broadcasters feel that the potential for interference between an IWCS in this band and television receivers operating on adjacent Channel 13 prohibits the use of this band by the maritime industry. Potential interference with other TV channels is also raised by some of the broadcasters.

66. A number of engineering statements submitted by commenters addressed the interference potential between broadcasting on Channel 13 and Maritime communications utilizing the 216–220 MHz band along the Mississippi River System. [20] The engineering analyses submitted by the broadcasters suggest that use of the 216–220 MHz band would interfere with reception of TV Channel 13 at certain locations along the waterways system. A number of these statements are general in nature and somewhat vague. However, the engineering study submitted by Mid-America Television Company and the comments of Gilmore Broadcasting allow that if the 216–220 MHz band is used a number of steps could be taken to alleviate the interference problem. For example, use of the lower part of the band should be avoided within range of a Channel 13 television station, maximum power of ship stations should be limited to 25 watts and shore stations to 50 watts, and the coast station licensee should be obligated to resolve reasonable complaints of TV interference.

67. The engineering statements filed by the maritime interests suggested that interference between maritime systems in the 216–220 MHz band and Channel 13 service areas [21] could be avoided through careful planning and system engineering. The statement filed by Watercom (and adopted by AWO) argues that by using sound system planning and engineering techniques potential interference would be essentially limited to the waterways and associated flood plains. The proposed system would in fact include the provisions suggested as an alternative by Mid-America and Gilmore. However, as pointed out by Gateway Communications' reply comments, some of Watercom's data and assumptions are inaccurate or not in accord with values traditionally used by the Commission.

68. Therefore, in order to more accurately assess the impact the use of the 216–220 MHz band by an inland waterways communications system would have on TV Channel 13 reception, we have utilized the more precise information contained in an earlier report prepared by the Commission's Laboratory Division.[22] This report (Project 2229–71) used five types of TV receivers as a sample, fed into them desired TV program material at measured input levels; imposed thereon an undesired (interfering) signal, also at measured input levels, at various frequencies from 216 through 225 MHz; and recorded the levels at which the undesired (interfering) signal produced "barely perceptible interference" on the video display. We have also conducted additional technical studies concerning this potential interference problem.[23]

69. Using the test data from Project 2229–71, the engineering studies submitted, and our own technical investigation, we conclude that interference to Channel 13 would be perceptible on present-day TV receivers within a significant radius of ship and shore transmitters unless precautionary technical measures are employed. In addition, there may be interference to Channel 10. However, we also conclude that those advocating the 216–220 MHz band allocation are correct in stating that appropriate engineering including frequency selection, shore station siting, use of directional receiving antennas and minimum transmit powers can overcome the interference problem. We note that the costs of such engineering have not been estimated and it appears that they may well be significant. However, we also note that the comments of the proponents of the 216–220 MHz allocation (particularly Watercom) can be interpreted as acceptance of these possible engineering costs.

70. The 806–890 MHz band was preferred for an IWCS by most of the

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[14] PR Docket No. 80–144, adopted April 9, 1980, 45 FR 28781.

[15] See "A Study of Maritime Public Coast Station Operations, Services and Industry", Report to Congress, F.C.C., December 1979, at p. 20.

[16] Petitions to deny were filed by: (1) Ship to Shore Telephone Company, (2) Lafourche Telephone Company, (3) Southwestern Bell Telephone Company, (4) American Commercial Barge Line Company and AMCON, Inc. (5) the Maritime Telephone Operators Association, (6) Cincinnati Bell, Illinois Bell, Indiana Bell, Ohio Bell andSouth Central Bell Telephone Companies, (7) St. Philip Towing and Transportation Company, (8) Con/Nav Marine, Inc., (9) St. Louis Radio, (10) Delcambre Telephone Company, Inc., (11) Radio Telephone of Louisiana, Inc., and (12) WJG Telephone Company, Inc.

[17] See especially the Petition to Deny filed by Com/Nav Marine, Inc. in file No. W–P–C–2279 at pp. 4–9 and also the Petition for Reconsideration filed by the Marine Telephone Operators Association in General Docket No. 80–1 at pp. 2–5.

[18] Section 214 provides, in relevant part, that no common carrier shall undertake construction of a new line unless the Commission has issued a certificate of public convenience and necessity.

[19] SC–71's work is related to development of recommended standards for automated maritime telephone systems in preparation for U.S. participation in international conferences on this subject.

[20] Comments which included engineering statements are indicated in Appendix A.

[21] The service area of a television station is considered to be 56 db above 1 uV/m contour, better known as the Grade B contour.

[22] "Interference to TV Channels 11 and 13 from transmitters operating at 216 to 225 MHz", Project No. 2229–71, October 7, 1975. For the specific IWCS frequency allocation considered here, the interference problems actually involve only Channels 10 and 13.

[23] See Appendix C.

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broadcasters who commented. Principally, the view expressed by the broadcasters is that since there is a potential for interference with TV Channels by use of the 216–220 MHz band, another band, i.e., 806–890 MHz, should be used. However, MST also opposes use of the 806–890 MHz band because of potential interference to future UHF television assignments.

71. Of the maritime interests only Radio Call and Gulf Coast Communication supported allocation of the 806–890 MHz band. These commenters, licensees of public coast stations not located on the river system, view the potential for a nationwide allocation as most significant. The maritime interests and Government agencies concerned with communications on the Mississippi River System consider the 806–890 MHz band an inferior choice. The propagation characteristics, as compared to the 216–220 MHz band, are poorer. Thus more stations would be required by any future system or systems adding to capital costs. The development of an IWCS would be tied to compatibility with present or future cellular systems which require sophistication beyond the needs of an IWCS and unnecessarily increase system costs. Further, these commenters fear extensive delays before a cellular system would be implemented due to the lack of regulatory and technical standards. Watercom feels that it may take until the mid-1980's before these issues are finalized and a maritime system could be integrated into the land mobile cellular system.

72. The Land Mobile Communications Council opposes allocation in the 806–890 MHz band because of other planned and proposed uses of this band.

73. The use of SSB or FM offset techniques in the present maritime VHF band was only supported by MST. MST indicated that utilizing such techniques would be spectrum efficient and avoid interference with broadcast facilities in the other bands. Watercom noted that several problems would be encountered by an SSB or FM signal between the 25 kHz channel spacing or offset 12.5 kHz. It indicated that much of the existing equipment would not be tolerant of such techniques, equipment stability requirements would be relatively expensive, and that it is questionable whether quality services could be accommodated and unclear what interference potential exists. In any case, considerable study and experimentation would be required prior to implementing an IWCS.[24] Most of the other commenters ignored the possible use of SSB or offset techniques or simply concluded they are presently inferior options.

74. The record clearly demonstrates that those with an interest in maritme communications on the Mississippi River System heavily favor allocation of the 216–220 MHz band. The principal opposition to such an allocation is from broadcasters concerned about interference potential with TV Channel 13. However, as noted above, it appears that this problem can be minimized by careful system planning and engineering, as well as placing the burden, by rule, on IWCS stations to avoid potential interference with TV Channel 13 within their Grade B contours.

75. Therefore, we find that the allocation of the 216–220 MHz band for use by maritime communications systems on the Mississippi River System is in the public interest. This allocation is consistent with the U.S. proposal adopted for Region 2 at the 1979 WARC. It will provide sufficient spectrum for such communications for the foreseeable future. The propagation characteristics are favorable and due to its closeness to present maritime bands existing equipment and technology should be readily adaptable. Further, of great importance to the maritime community, an IWCS system or systems could likely be implemented without significant delays. However, as indicated below, we will require certain technical characteristics necessary for TV protection. This will enable applicants to make suitable system designs and anticipate the nature of the remedies that they may become responsible for in the future.

76. Although we are allocating the 216–220 MHz band for IWCS systems, we wish to note that we are not excluding the operation of IWCS-like systems in the 800 MHz band when cellular systems in the that band become fully operational. The problems associated with avoiding interference with televison reception plus what we view as a natural parallel in the operational needs of "ribbon" systems like the IWCS, and cellular radio telephone systems planned for the 800 MHz band may ultimately make such operations more advantageous. The original concept for cellular mobile telephone service centered on the needs for the urban society. We feel this concept will continue to dominate the development of cellular systems. However, "ribbon" systems along major highways and waterways connecting urban areas, for example, may also be economically viable. In any case, we do not believe that at this time it is in the public interest to preclude or limit the development of cellular "ribbon" systems which serve maritime mobile subscribers as well as land mobile subscribers.

System and Equipment Standards

77. Nearly all the commenting parties addressing the issue agreed that the Commission should not at this time adopt technical standards beyond basic channelization and signalling characteristics. Detailed standards, particularly for nonvoice services, are generally felt to be unnecessarily restrictive, inhibit system development and user flexibility. WJG argues that no technical standards should be adopted in this proceeding. Since the proceeding has primarily been an allocations matter, WJG suggests that a new notice of proposed rule making be issued after the frequency band has been selected. However, Watercom counters that it sees no need to delay service in order to determine detailed standards which should reflect prototype development rather than precede it, and thereby restrict system design and development.

78. We agree with the majority of commenters that at this time the Commission should not adopt detailed technical standards for nonvoice services. Our intent is to provide a framework under which system development can begin but which will not unduly hinder innovation and flexibility. The system standards we are adopting are intended: to provide protection to TV channel 13 receivers within the Grade A and Grade B service areas; to define the available spectrum and channels; to assure conformance to emission limitations; to establish a reasonable uniformity in the service and to afford manufacturers the opportunity to participate in the equipment market.

Channelling

79. The band 216–220 MHz is channelized using a spacing of 25 kHz. The lower half of the band (216–218 MHz) is designated for coast station use and the upper half of the bank (218–220 MHz) is designated for ship station use. The coast and ship station frequencies are paired on a one-for-one basis, using a spacing of 2 MHz between coast and ship frequencies. This arrangement provides 80 duplex channels. The channels are numbered 101 through 180.

Protection of TV Channels 10 and 13

80. Provisions are made affording protection to TV receivers on channel 10 and 13. In general, stations will be authorized subject to the condition that no harmful interference be caused to television reception within the grade B contour. In addition, coast station transmitting facilities situated within 105 miles (169 kilometers) of a channel 13 TV station or 80 miles (129 kilometers) of a channel 10 station will be authorized only on the basis of an engineering determination of the potential interference area together with an indication of the relatively unpopulated nature of this area. Appendix C provides details of the quantitative considerations involved in the present formulation of the IWCS rules in this regard.

81. Transmitting equipment installed aboard ship for use in the IWCS will be type accepted under the provisions of Section 83.139 of the rules. The measurement data submitted for type acceptance will include other peripheral or add-on devices intended to provide input to the modulator section of the transmitter, such as, signalling system(s), facsimile, transfer of data and radioteleprinter. The manufacturer will be required to demonstrate that the use of such peripherals will not produce emission outside the authorized bandwidth when used in accordance with the manufacturers specifications.

82. Similarly, transmitting equipment to be employed at coast stations will be type accepted under the provisions of Section 81.136 of the rules. The measurement data submitted for type acceptance will, as with ship stations, include peripheral or add-on devices which provide input signals to transmitters.

Emissions and Bandwidth

83. The provisions of the rules in regard to emissions and bandwidth will apply to the IWCS as they do to all other maritime services. These include: authorized classes of emission, § 81.132; authorized bandwidth, § 81.133; emission limitations, § 81.140; and modulation requirements, § 81.142.

Authorized Frequency Tolerance

84. The present Rules specify a frequency tolerance of 5 parts per million (ppm) for coast stations, and 10 ppm for ship stations in the 100—200 MHz frequency band. The Final Acts of the 79 WARC specify frequency tolerances of 10 ppm for coast stations and 50 ppm for ship stations which are within the 216–220 MHz frequency band. In the comments Watercom proposed a frequency tolerance of 10 ppm for ships and Rivercom proposed a frequency tolerance of 2.5–5 ppm.

85. We are specifying a frequency tolerance of 5 ppm (5 in 10^6) for coast stations and ship stations in the 216–220 MHz frequency band. We feel that equipment manufacturers should be able to meet this tolerance with existing technology. Equipment used in the land Mobile Services in the 50–450 MHz frequency band also must meet a frequency tolerance of 5 ppm.

Standards for Voice

86. The standards for voice communication are those which apply to FM equipment operating at VHF in the maritime radio services, that is, ±5 KHz deviation, which is defined as 100% modulation.

Standards for Non-Voice Services

87. The majority of comments recommended that standards not be set for nonvoice transmissions. In view of these comments we are only proposing technical standards for voice modulation at this time. However, when nonvoice is transmitted, the transmission must remain within the authorized bandwidth specified in the Rules.

88. Further, in regard to a signalling format, we note that at this time CCIR has not formally adopted an international standard. Although an international maritime signalling format has advantages in terms of system interoperability and may ultimately reduce unit cost, we believe it is too early to compel future system licensees and users to employ a specific signalling methodology. Potential licensees of an IWCS will better be able to determine what signalling format is most advantageous when designing a system with full knowledge of the band from which the frequency assignments will come and the basic channelization requirements. Therefore, we will not specify what signalling methodology applicants proposing to license an IWCS system must utilize. We feel a more enlightened decision can be made at a later date.

Other Issues

89. A number of other policy issues which deserve discussion were raised in this proceeding. In regard to the licensing of shipboard units, Watercom submits that since these radio units will only communicate via IWCS coast stations (i.e., no direct ship-to-ship communications) no separate licensing is needed. Rather, the shipboard units would be encompassed by the system authorization. However, as indicated above, IWCS systems will operate as part of the Maritime Mobile Service. Stations on ships in this service are licensed under Part 83 of the Commission's rules [25] and Section 301 of the Communications Act.[26] It would appear that all ships likely to participate in an IWCS would already be licensees of ship radio stations and many would be authorized under a fleet license. Therefore, little additional burden or cost would be imposed on users or the Commission by providing for IWCS shipboard equipment under a ship station authorization. This is consistent with the current practice for ships having more than one transmitter on board.[27] At this time, we do not believe it is necessary to separate transmitters used in conjunction with an IWCS from the licensing of other radio equipment onboard ships.

90. The impetus for this proceeding has long been the effort of the tugboat, towboat and barge industry to obtain advanced communications services to meet their operational needs on the Mississippi River System. Watercom seeks to satisfy these operational needs through a public correspondence system. Most of the commenters seem to assume that any IWCS service must be via a public correspondence (i.e., common carrier) system. WJG is an exception in that it argues in its reply comments that Watercom actually desires a private or limited system for communications relating to tow and barge operations.

91. Although it appears that a system of automated public coast stations can indeed satisfy the IWCS criteria, it also appears that a system of automated limited coast stations run by a cost-sharing industry intermediary may satisfy most of the tow and barge operators' desires. The parties directly concerned with an IWCS are in the tow and barge business, not the communications business, and are primarily concerned with communications as a support function. We feel that there may be benefits from allowing these businesses to construct their own systems including (1) services at rates closer to costs, (2) better management of communications networks, (3) efficient use of available

[24] We note that Dr. Lusignan of Stanford University is studying amplitude compandored single sideband (ACSB) modulation techniques. While this narrowband technology (a 5 kHz channel separation is utilized) appears to be very promising, full scale operational tests have not yet been conducted. ACSB equipment is unlikely to be available for two years or more and, therefore, this technology appears not to be a viable alternative for implementation in an IWCS at this time.

[25] Stations on Shipboard in the Maritime Services, 47 CFR 83.1, et seq.

[26] 47 U.S.C. 301 requires, among other things, that transmitters on any U.S. vessel be licensed by the Commission.

[27] For example, a ship having radiotelephone, radiotelegraph and radar facilities has one ship station license covering all the various transmitters.

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spectrum, and (4) additional incentive for research and development.

92. In any event, we do not believe it is necessary at this time to require that proposed IWCS systems provide common carrier service. A limited system may provide a viable option for many tow and barge operators. Therefore, we will not preclude this alternative in this proceeding.

93. We are adopting minimum technical standards we consider necessary to provide maximum flexibility for IWCS systems in the Maritime Mobile Services. We are also adopting rules specifically designed to minimize the interference potential with TV reception, including a requirement for applicants to submit an engineering study clearly showing the means of avoiding interference when a grade B service area a of Channel 13 TV station. We realize that the initial planning and implementation phases will be in the nature of a prototype development. Applicants may use FCC Form 503 (Application For Land Radio Station in the Maritime Services) when seeking authorization to operate an IWCS system, supplemented with a showing consisting of a detailed plan demonstrating that the proposed system will provide continuity of service along a major portion (more than 60%) of one or more navigable waterways encompassing the Mississippi River System (e.g., see the waterways listed in footnote 1) to be served by the applicant. Waterways covering less than 150 miles long should be served in their entirety. Although we will not require a separate form of each station in a system, the applicable technical particulars for each proposed station arrangement and location must be provided, as well as engineering studies where necessary. We will publish in the near future a sample format for demonstrating that TV reception will be protected. This will not be prescribed, merely a sample of an acceptable format. Further, in an effort to proceed in a timely manner, applications may be filed and placed on public notice prior to the effective date of the new rules.

94. Although we expect that additional rulemaking relative to inland waterways systems will be necessary, we believe this particular docket should be terminated with this Report and Order. Up to this time the main thrust of the proceeding has involved the frequency allocation question. Having resolved the allocation question and basic channelization standards, much of the voluminous record in this proceeding is of interest only by way of background. Even, the docket caption will be obsolete. Thus, rather than leave this docket open and initiate Further NPRM's, the better course appears to be to terminate this docket and commence a new rulemaking proceeding when the prescription of new rules and standards is requested by a party or deemed appropriate by the Commission.

Action

95. In summary, we have concluded that:

(1) A need exists for an automated, integrated, interconnected inland waterways communications system(s) on the Mississippi River System;

(2) Watercom's Section 214 application (W–P–C–2279) should be dismissed without prejudice;

(3) The allocation of the 216–220 MHz band for an inland waterways communications system is in the public interest;

(4) A framework, including technical standards, should be provided in the rules to enable the application process and system development to commence; and

(5) This proceeding should be terminated and any future rulemaking regarding IWCS systems be instituted in a new proceeding.

96. Regarding questions on matters covered in this document contact Robert DeYoung, or Robert McNamara at (202) 632–7175 or Robert Eckert at 653–8109.

97. Accordingly, it is ordered, That, under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules ARE AMENDED as set forth in the attached Appendix, effective April 13, 1981.

98. It is further ordered, That, the application filed by Waterway Communications System, Inc. (W–P–C–2279) pursuant to 214 of the Communications Act, for authority to construct and operate an automated maritime communications system on the Mississippi River Network is dismissed without prejudice.

99. It is further ordered, That, this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Because of the effort to minimize printing costs, Appendix A, List of Commenters, has been omitted herein. However, it may be inspected in the Dockets Branch, Room 239, 1919 M Street, N.W., Washington, D.C. and on the Public Inspection table at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C.

Appendix B

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106 the table at the band 216–220 MHz and footnotes US 114 and NG121 are revised to read as follows:

§ 2.106 Table of Frequency Allocations

(5) Band (MHz)	(6) Allocation	(7) Band (MHz)	(8) Service	(9) Class of station	(10) Frequency (MHz)	(11) Nature of services of stations
216–220	G, NG (US114) (US210).	216–220	MARITIME MOBILE.	Coast Ship Telemetering (land).		MARITIME MOBILE.
	NG121		LAND MOBILE	Telemetering Mobile		INDUSTRIAL.

US 114 Non-Government use of the band 216–220 MHz by the land mobile service is limited to telemetering and associated telecommand purposes only and shall have secondary status with respect to the maritime mobile service and Government radiolocation service; airborne devices will not be authorized.

NG 121 The maritime mobile use of this band is limited to operation along the Mississippi River and connecting waterways.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.3 a new paragraph (m) is added to read as follows:

§ 81.3 Maritime mobile service.

* * * * *

(m) Inland Waterways Communication System (IWCS). An automatic, integrated and interconnected maritime communications system serving ship stations on the Mississippi River and connecting waterways.

* * * * *

2. In § 81.131 a new subparagraph (c)(3) is added to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(c) * * *

	Tolerance—parts in 10^6 unless shown as Hertz (Hz)
(3) From 216 to 220 MHz: For IWCS stations	5.0

* * * * *

3. In § 81.132 a new subparagraph (a)(7) is added to read as follows:

§ 81.132 Authorized class of emission.

* * * * *

(a) * * *

(7) For IWCS stations:	Classes of emission
(i) radiotelegraphy	F1, F4
(ii) radiotelephony	F3.

* * * * *

4. In § 81.133, in the table following paragraph (a), emissions 16F1 and 16F4 are added to read as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Class of station emission	Emission designator	Authorized bandwidth (kHz)
F1	16F1	[5] 20 kHz
F4	16F4	[6] 20 kHz

[5] Radioteletypewriter in the band 216–220 MHz
[6] Facsimile in the band 216–220 MHz

5. In § 81.134 a new paragraph (j) is added to read as follows:

§ 81.134 Transmitter power.

* * * * *

(j) A coast station in the IWCS may employ output powers as follows subject to the condition that no harmful interference will be caused to television reception excepting TV services authorized subsequent to the filing of the IWCS station application.

(1) When located more than 105 miles (169 kilometers) from the antenna of a channel 13 TV station and more than 80 miles (129 kilometers from the antenna of a channel 10 station, coast stations having an antenna height of 200 feet (61 meters) or less will be authorized a transmitter power which in combination with the antenna system produces an effective radiated power not exceeding 1000 watts in the direction of maximum gain.

(2) When located less than 105 miles (169 kilometers) from a channel 13 TV station, or less than 80 miles (129 kilometers) from a channel 10 station or when using an antenna height greater than 200 feet (61 Meters), coast station transmitting facilities will be authorized provided they conform to an engineering plan for suitable limiting of the interference contour. This engineering plan shall include:

(i) A delineation of the interference contour with identification of the method used to determine this contour, and

(ii) A statement concerning the number of residences within the interference contour. The interference contour is defined to include only areas inside the television grade B contour with the latter determined assuming maximum permissible TV antenna height and power for broadcast stations and the actual facility parameters for translators and low power TV stations.

(3) When located as in subparagraph (2), the coast station will normally be authorized only if the applicant's engineering plan has sufficiently limited the interference contour so that it contains fewer than 100 residences. The Commission may, in a particular case, authorize facilities for which this condition will not be met on the basis of a showing that:

(i) The proposed site is the only suitable location, and

(ii) The applicant has a plan to control any interference that might develop to TV reception from his operations, and

(iii) The applicant agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(4) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception that might develop by whatever means are found necessary within 90 days of the time he is notified in writing by the Commission. If this interference is not cleared up within the 90-day period, operation of the coast station will be discontinued. This provision will normally not be applied to interference cases occurring outside the grade B contour. However, the licensee will be expected to help resolve all complaints of interference.

(5) Note that frequencies below 217 MHz will not be authorized within 105 miles of a channel 13 TV station. See § 81.917.

(6) For purposes of type acceptance the transmitter power output shall be 50 watts or less.

6. In § 81.142 paragraph (b) is revised to read as follows:

§ 81.142 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 MHz, or emissions F1, F3, F4 in the band 216–220 MHz, shall be capable of proper technical operation with a frequency deviation of ±5 kHz which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

7. Add a new Subpart T, to read as follows:

Subpart T—Inland Waterways Communication System (IWCS)

Sec.
81.913 Service authorized.
81.915 Points of communication.
81.917 Frequencies available.

Subpart T—Inland Waterways Communication System (IWCS)

§ 81.913 Service authorized.

(a) An Inland Waterways Communication System (IWCS) will provide vessels with an automatic, integrated communication system along some portion of the Mississippi River System. As used here, the Mississippi River System includes the navigable waters encompassing the lower and upper Mississippi River and the following connecting navigable waterways: Allegheny, Amite, Arkansas, Atachafalaya, Big Sandy, Black (Ark.), Black, (Wis.), Calcasieu, Cumberland, Green/Barren, Hiwassee, Illinois, Kanawha, Kaskaskia, Kentucky, L'Anguille, Little Kanawha, Mermentau, Minnesota, Missouri, Monongahela, Ohio, Ouachita, Red, St. Croix, St. Francis, Tennessee, White, Wolf, and Yazoo Rivers. (The canal project

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currently under construction to connect the Tennessee and Tombigbee Rivers will, upon completion, connect the Alabama, Black Warrior, Mobile and Tombigbee Rivers into the Mississippi River.)

(b) Applicants may use FCC Form 503 (Application For Land Radio Station in the Maritime Services) when seeking authorization to operate an IWCS system, supplemented with a showing consisting of a detailed plan demonstrating that the proposed system will provide continuity of service along a major portion (more than 60%) of each of one or more navigable waterways encompassing the Mississippi River System to be served by the applicant. Waterways less than 150 miles long must be served in their entirety. Although we will not require a separate Form for each station in a system, the applicable technical particulars for each proposed station, including transmitter type and location, frequencies, emissions, power, antenna arrangement and location, must be provided. Further, applicants proposing to locate a coast station transmitter within 105 miles of a channel 13 television station or within 80 miles of a channel 10 station or with an antenna height greater than 200 feet must submit an engineering study clearly showing the means of avoiding interference with television reception within the grade B contour. (See 81.134(j).)

(c) An applicant desiring to provide a limited correspondence service may seek authority to operate an IWCS system to provide only operational communications (communications relating to the safe, efficient and economical operation of vessels, such as fuel, weather, position reports, essential supplies and service, and the like). However, service shall be provided to any ship station licensee who makes cooperative arrangements for the operation of the stations which are to provide IWCS service. In emergency or distress situations service shall be provided without prior arrangements.

§ 81.915 Points of communication.

Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio channels, IWCS coast stations are authorized to communicate with ship stations which are authorized to operate in the IWCS.

§ 81.917 Frequencies available.

The following carrier frequencies, paired by transmit and receive frequencies for duplex operation, designated by separate channel numbers, and distributed into Groups A, B, C and D, are available for assignment to coast stations on a station by station basis for communication by means of voice, facsimile and radioteletypewriter with ship stations authorized to operate in the IWCS. Coast stations within 105 miles (169 kilometers) of a TV channel 13 station will be licensed only for the frequencies of Group A and Group B.

Channel No.	Coast Receive (MHz)	Coast Transmit (MHz)	Group
101	218.0125	216.0125	D
102	218.0375	216.0375	
103	218.0635	216.0635	
104	218.0875	216.0875	
105	218.1125	216.1125	
106	218.1375	216.1375	
107	218.1625	216.1625	
108	218.1875	216.1875	
109	218.2125	216.2125	
110	218.2375	216.2375	
111	218.2625	216.2625	
112	218.2875	216.2875	
113	218.3125	216.3125	
114	218.3375	216.3375	
115	218.3625	216.3625	
116	218.3875	216.3875	
117	218.4125	216.4125	
118	218.4375	216.4375	
119	218.4625	216.4625	
120	218.4875	216.4875	
121	218.5125	216.5125	C
122	218.5375	216.5375	
123	218.5625	216.5625	
124	218.5875	216.5875	
125	218.6125	216.6125	
126	218.6375	216.6375	
127	218.6625	216.6625	
128	218.6875	216.6875	
129	218.7125	216.7125	
130	218.7375	216.7375	
131	218.7625	216.7625	
132	218.7875	216.7875	
133	218.8125	216.8125	
134	218.8375	216.8375	
135	218.8625	216.8625	
136	218.8875	216.8875	
137	218.9125	216.9125	
138	218.9375	216.9375	
139	218.9625	216.9625	
140	218.9875	216.9875	
141	219.0125	217.0125	B[1]
142	219.0375	217.0375	
143	219.0635	217.0635	
144	219.0875	217.0875	
145	219.1125	217.1125	
146	219.1375	217.1375	
147	219.1625	217.1625	
148	219.1875	217.1875	
149	219.2125	217.2125	
150	219.2375	217.2375	
151	219.2625	217.2625	
152	219.2875	217.2875	
153	219.3125	217.3125	
154	219.3375	217.3375	
155	219.3625	217.3625	
156	219.3875	217.3875	
157	219.4125	217.4125	
158	219.4375	217.4375	
159	219.4625	217.4625	
160	219.4875	217.4875	
161	219.5125	217.5125	A[1]
162	219.5375	217.5375	
163	219.5625	217.5625	
164	219.5875	217.5875	
165	219.6125	217.6125	
166	219.6375	217.6375	
167	219.6625	217.6625	
168	219.6875	217.6875	
169	219.7125	217.7125	
170	219.7375	217.7375	
171	219.7625	217.7625	
172	219.7875	217.7875	
173	219.8125	217.8125	
174	219.8375	217.8375	
175	219.8625	217.8625	
176	219.8875	217.8875	
177	219.9125	217.9125	
178	219.9375	217.9375	
179	219.9625	217.9625	
180	219.9875	217.9875	

[1] Available for assignment to coast stations located within or in proximity to the service area of a Channel 13 TV Broadcast station, subject to the provisions of § 81.134(j).

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.3 a new paragraph (s) is added to read as follows:

§ 83.3 Maritime mobile service.

* * * * *

(s) Inland Waterways Communication System (IWCS). An automatic, integrated and interconnected maritime communications system serving ship stations on the Mississippi River and connecting waterways.

2. In § 83.131 a new subparagraph (b)(8) is added, to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(b) * * *

(8) Stations when using frequencies within the band 216–220 MHz: Using emissions F1, F3, or F4	5

* * * * *

3. In § 83.132 a new subparagraph (a)(6) is added to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(6) 216–220 MHz:	
(i) radiotelegraphy	F1, F4.
(ii) radiotelephony	F3.

* * * * *

4. In § 83.133, in paragraph (a), emissions 16F1 and 16F4 are added to read as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kHz)
* * *	* * *	*
F1	16F1	20.0[6]
* * *	* * *	*
F4	16F4	20.0[7]
* * *	* * *	*

[6] Radioteletypewriter in the band 216–220 MHz.
[7] Facsimile in the band 216–220 MHz.

* * * * *

5. In § 83.134 a new paragraph (l) is added to read as follows:

§ 83.134 Transmitter power.

* * * * *

(l) Ship stations in the band 216–220 MHz may employ:

(1) A transmitter power which in combination with the antenna system produces an ERP not exceeding 18 watts. Note that coast stations located less than 105 miles (169 kilometers) from a channel 13 TV station are limited with respect to the transmitter frequencies they may use. As a consequence communication service will not be offered to ship stations involving ship transmissions on frequencies below 219 MHz in these areas. See § 83.373.

(2) For type acceptance purposes the transmitter output power shall be 25 watts or less, as measured at the transmitter output terminals.

(3) The ship station transmitter shall include the capability to reduce, readily, the carrier power to 2.5 watts.

6. In § 83.137 paragraph (b) is revised to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 MHz, or emissions F1, F3, F4 in the band 218–220 MHz, shall be capable of proper technical operation with a frequency deviation of ±5 kHz, which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

7. In § 83.139 a new paragraph (i) is added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(i) Ship station transmitters operating in the band 218–220 MHz (other than transmitters authorized solely for developmental stations) shall be type accepted by the Commission.

8. Add a new § 83.341 to read as follows:

§ 83.341 Frequencies available for radiotelegraphy—218–220 MHz.

The carrier frequencies listed in § 83.905 are available for communications by means of facsimile and radioteletypewriter between ship and coast stations operating in the IWCS service and subject to the same restrictions relative to service within 105 miles of a TV Channel 13 station.

9. Add a new § 83.373 to read as follows:

§ 83.373 Frequencies available for radiotelephony—216–220 MHz.

The carrier frequencies listed in § 83.905, are available for communications by means of radiotelephony between ship and coast stations operating in the IWCS service and are subject to the same restrictions relative to service within 70 miles of a TV Channel 13 station.

10. Part 83—Add a new Subpart DD, to read as follows:

Subpart DD—Inland Waterways Communication System (IWCS)

Sec.
83.900 Service authorized.
83.903 Supplemental eligibility requirements.
83.905 Frequencies available.

Subpart DD—Inland Waterways Communication System (IWCS)

§ 83.900 Service authorized.

The Inland Waterways Communication System (IWCS) will provide vessels with an automatic, integrated communication system along some portion of the Mississippi River System. As used here, the Mississippi River System includes the navigable waters encompassing the lower, middle and upper Mississippi River and the following connecting navigable waterways: Allegheny, Amite, Arkansas, Atachafalaya, Big Sandy, Black (Ark.), Black (Wisc.), Calcasieu, Cumberland, Green/Barren, Hiwassee, Illinois, Kanawha, Kaskaskia, Kentucky, L'Anguille, Little Kanawha, Mermentau, Minnesota, Missouri, Monongahela, Ohio, Ouachita, Red, St. Croix, St. Francis, Tennessee, White, Wolf, and Yazoo Rivers. The canal project currently under construction to connect the Tennessee and Tombigbee River will, upon completion, connect the Alabama, Black Warrior, Mobile and Tombigbee Rivers into the Mississippi River.

§ 83.903 Supplemental eligibility requirements.

Each application for a ship station or fleet license (either FCC Form 501 or 502 as appropriate) to operate in the IWCS shall be accompanied by a letter from the IWCS licensee attesting that business arrangements have been completed for the provision of service.

§ 83.905 Frequencies available.

The following carrier frequencies, paired by transmit and receive frequencies for duplex operation, designated by separate channel numbers, and distributed into Groups A, B, C, and D, are available for communication by means of voice, facsimile and radioteletypewriter by ship stations which are authorized to communicate with coast stations providing IWCS service. However, only Group A and Group B frequencies will be of service within 70 miles of a Channel 13 TV station since coast stations there will not be licensed on other channel groups.

Channel No.	Ship Transmit (MHz)	Ship Receive (MHz)	Group
101	216.0125	216.0125	D
102	216.0375	216.0375	
103	216.0635	216.0635	
104	216.0875	216.0875	
105	216.1125	216.1125	
106	216.1375	216.1375	
107	216.1625	216.1625	
108	216.1875	216.1875	
109	216.2125	216.2125	
110	216.2375	216.2375	
111	216.2625	216.2625	
112	216.2875	216.2875	
113	216.3125	216.3125	
114	216.3375	216.3375	
115	216.3625	216.3625	
116	216.3875	216.3875	
117	216.4125	216.4125	
118	216.4375	216.4375	
119	216.4625	216.4625	
120	216.4875	216.4875	
121	216.5125	216.5125	C
122	216.5375	216.5375	
123	216.5625	216.5625	
124	216.5875	216.5875	
125	216.6125	216.6125	
126	216.6375	216.6375	
127	216.6625	216.6625	
128	216.6875	216.6875	
129	216.7125	216.7125	
130	216.7375	216.7375	
131	216.7625	216.7625	
132	216.7875	216.7875	
133	216.8125	216.8125	
134	216.8375	216.8375	
135	216.8625	216.8625	
136	216.8875	216.8875	
137	216.9125	216.9125	
138	216.9375	216.9375	
139	216.9625	216.9625	
140	216.9675	216.9675	
141	219.0125	217.0125	B[1]
142	219.0375	217.0375	
143	219.0635	217.0635	
144	219.0875	217.0875	
145	219.1125	217.1125	
146	219.1375	217.1375	
147	219.1625	217.1625	
148	219.1875	217.1875	
149	219.2125	217.2125	
150	219.2375	217.2375	
151	219.2625	217.2625	
152	219.2875	217.2875	
153	219.3125	217.3125	
154	219.3375	217.3375	
155	219.3625	217.3625	
156	219.3875	217.3875	
157	219.4125	217.4125	
158	219.4375	217.4375	
159	219.4625	217.4625	
160	219.4875	217.4875	
161	219.5125	217.5125	A[1]
162	219.5375	217.5375	
163	219.5625	217.5625	
164	219.5875	217.5875	
165	219.6125	217.6125	
166	219.6375	217.6375	
167	219.6625	217.6625	
168	219.6875	217.6875	
169	219.7125	217.7125	
170	219.7375	217.7375	
171	219.7625	217.7625	
172	219.7875	217.7875	
173	219.8125	217.8125	
174	219.8375	217.8375	
175	219.8625	217.8625	

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Channel No.	Ship		Group
	Transmit (MHz)	Receive (MHz)	
176	219.8875	217.8875	
177	219.9125	217.9125	
178	219.9375	217.9375	
179	219.9625	217.9625	
180	219.9875	217.9875	

[1] Available for assignment to coast stations located within or in proximity to the service area of a Channel 13 TV Broadcast station, subject to the provisions of § 81.134(j).

Appendix C—Details of the Considerations Given to Protecting TV Reception

General Nature of the Provisions for Protecting TV Reception

The band of frequencies being allocated for inland waterways communications systems (IWCS) is just above and adjacent to television channel 13, and there exists a potential for interference by IWCS to television reception on this channel, and on channel 10.

The rules established by the present Report and Order impose the following requirements on IWCS in order to minimize interference:

(1) IWCS stations are authorized subject generally to the condition that no harmful interference be caused to TV reception.

(2) Shore station transmitting facilities situated within 105 miles (169 kilometers) of a channel 13 TV station will be authorized in a limited portion of the 216–220 MHz band on the basis of an engineering determination of the interference area together with an indication of the relatively unpopulated status of this area. Generally, authorization will be withheld unless the applicant's engineering plan has sufficiently limited the interference area so it contains fewer than 100 residences.

(3) Engineering determinations are required under similar circumstances to protect TV channel 10.

(4) Ship transmitting facilities are limited to an effective radiated power of 18 watts and to frequencies above 218 MHz (farthest from the frequency band of TV channel 13).

Technical Basis for Engineering Determination of Interference Areas

1. *Rejection of Undesired Signals.* Experimental data pertinent to the susceptibility of TV receivers to interference from IWCS transmissions are found in the FCC Lab Division report of Project No. 2229–71.[1] The ratio of undesired to desired signal power for the condition of just perceptible interference is found to be strongly dependent upon the frequency separation and upon the power level of the desired signal. As would be expected, interfering signals on frequencies close to those of the TV channel cause interference even when relatively weak, while somewhat stronger signals produce no perceptible interference provided the frequency separation is greater. TV channel 13 occupies 210–216 MHz. The IWCS band allocated in the present rulemaking extends from 216 to 220 MHz, with those frequencies near the upper limit of 220 MHz being less likely to cause interference. Besides being dependent upon frequency separation, the susceptibility of TV receivers to interference from IWCS signals depends to a degree upon the TV signal level being received. To determine the value of the latter quantity for planning purposes, refer to OCE Report RS77–01 [2] which itself is based upon considerations made explicit in the Third Notice [3] and the Sixth Report and Order in Docket 8736, et al [4] adopted April 11, 1952. These documents establish the reasonableness of the following values of signal power for acceptable picture quality at VHF (Channels 2–13):

Thermal noise including noise figure considerations (dBm)	−96
Signal/noise ratio for acceptable picture (dB)	30
Required TV set input power, rural (dBm)	−66
To overcome urban noise (dB)	7
Required TV set input power, urban (dBm)	−59

Thus on the basis of documented planning factors, the signal input power to TV sets receiving acceptable pictures may be assumed to be −66 dBm or greater in rural areas and −59 dBm or greater in urban environments. These TV sets, now receiving an acceptable picture, are the ones to be protected from interference from IWCS signals. Figure 8 of Reference [1], which is reproduced here, shows applicable experimental data on interference susceptibility for channel 13. These data are for a TV signal input power of −65 dBm and are the experimental basis for the interfering potential determinations involved in the present rulemaking relative to channel 13. The values plotted represent conditions for just perceptible interference.

From Fig. 8 of Reference [1] interference rejection ratios may be determined in the form presented as Table I:

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[1] L. Middlekamp, H. Davis, *Interference to TV Channels 11 and 13 from Transmitters Operating at 216–225 MHz*, FCC Lab Division Report, Project No. 2229–71, Oct. 1975. For the specific IWCS frequency allocation considered here, the interference problems actually involved only channels 10 and 13.

[2] G. S. Kalagian, *A Review of the Technical Planning Factors for VHF Television Service*, FCC, OCE, Research and Standards Division Report RS77–01 March 1, 1977.

[3] *Third Notice of Proposed Rulemaking*, Docket Nos. 8736, 8975, 8976, 9175; Federal Communications Commission, March 21, 1951.

[4] *Sixth Report and Order*, Docket Nos. 8736, 8975, 8976, 9175; Federal Communications Commission, April 11, 1952.

[5] R. B. Carey, *Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service*, FCC Report No. R–6406, Federal Communications Commission, Washington, D.C. June 24, 1964.

[6] *Report of the Advisory Committee for the Land Mobile Radio Services*, Federal Communications Commission, 1967. See Volume 2, Part 2, Appendix B, "Transmitter Power, Efficiency of Communication, and Interference", pp. 1–8.

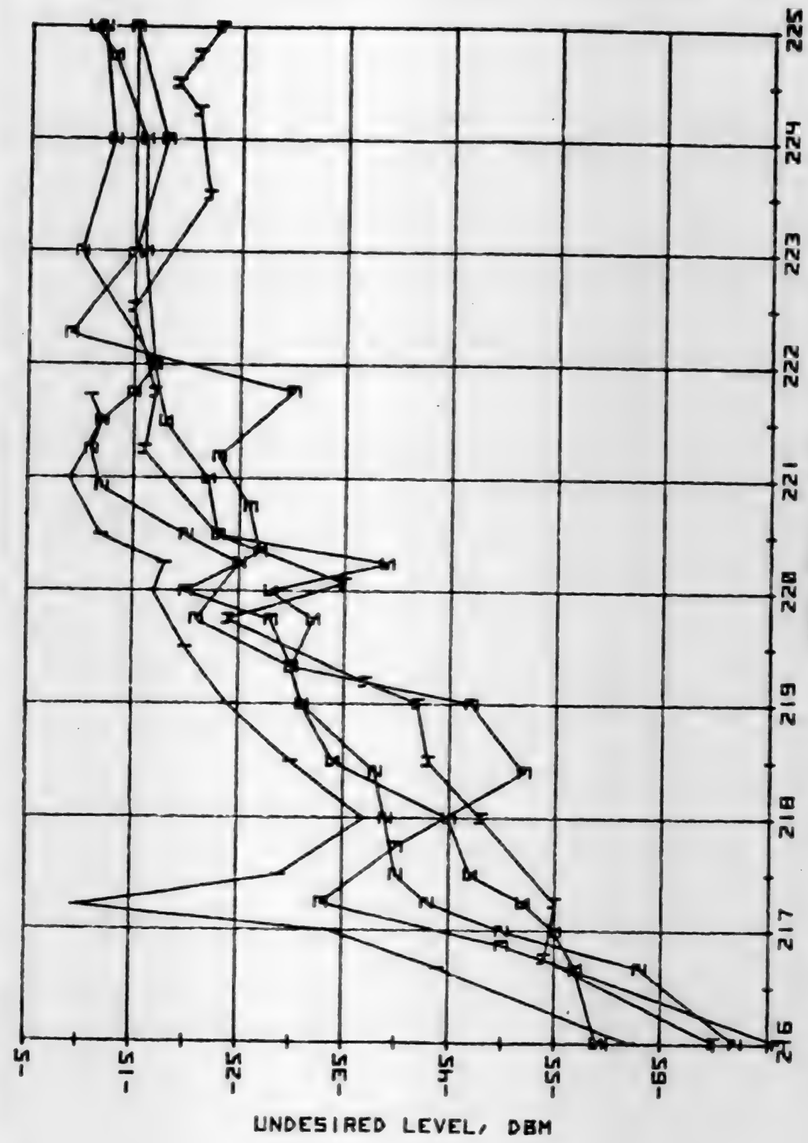


FIG. 8: FM INTERFERENCE SUSCEPTIBILITY, RCVRS. 1 TO 5, CH. 13 AT -65 DBM

From: L. Middlekamp, H. Davis, Interference to TV Channels 11 and 13 from Transmitters operating at 216-225 MHz, FCC Lab Division Report, Project No. 2229-71, Oct. 1975

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Table I.—*Rejection Ratios Determined by Bench Tests of Representative TV Receivers With Desired Channel 13 Signal Input of −65 dBm*

Frequency range, MHz	Undesired/desired signal rejection ratio exceeded in 90 percent of samples (median value)
216–217	−7
217–218	10
218–219	18
219–220	29

The rejection ratios of Table I are assumed to represent the performance achieved or exceeded by 90% of present-day TV receivers.

2. *Field Strength Ratios to Minimize Interference Potential.* To set reasonable power limitations for inland waterways communications at 216–220 MHz it is necessary to establish signal ratios analogous to those of Table I but applicable to field strengths. Table II presents desired to undesired ratios of field strength which may be used to evaluate the interference potential of IWCS signals.

Table II.—*Ratio of Median Desired Field Strength to Median Undesired Field Strength for Minimizing Potential of Interference to TV Channel 13*

(Frequency Range, MHz)

Service	216–217	217–218	218–219	219–220
Principal Community (dB)	27	10	5	−3
Grade A	20	3	−2	−16
Grade B	16	−1	−6	−20

The D/U ratios of Table II take into account terrain and time variations of the desired and undesired fields as well as the susceptibility of TV receivers. This has been done using the relationships:

$(D/U)_{dB} = K_L(\sigma_{Ld}^2 + \sigma_{Lu}^2)^{\frac{1}{2}} + K_T\sigma_T - R$

where

$(D/U)_{dB}$ represents the ratio in dB of the median desired field strength to the median undesired field strength. This ratio is considered the minimum acceptable in order to reduce the potential for interference for 90% of the time.

K_L and K_T are standard normal deviates associated with location and time respectively.

σ_{Ld} = standard deviation in decibels of the variation from location to location of the field strength of the desired TV signal.

σ_{Lu} = standard deviation in decibels of the location variability of the interfering (undesired) signal.

δ_{Td} = standard deviation in decibels of the time variation in received TV signals

1.28 for Principal Community Service (90% of locations)

K_L = 0.52 for Grade A Service (70% of locations)

0.00 for Grade B Service (50% of locations)

$(\delta_{Ld}^2 + \delta_{Lu}^2)^{\frac{1}{2}} = 12$ dB (This value may be determined from Figure 1 of Ref. [2] or from Figure 5 of Appendix V of Ref. [4]. The standard deviation of the undesired field is assumed equal to that of the TV field.)

5 dB for the short distance associated with Principal Community Service

$K_T\delta_{Td} = 7$ dB at the Grade A contour See Ref.[2]

9 dB at the Grade B contour See Ref.[2] and where R = the rejection ratio from Table I.

Explanations of these equations can be found in FCC Report R–6406 and in the Report of the ACLMRS.[5] [6]

3. *Field Strength Ratios for Protection of TV Channel 10 Reception.* Reference [1] also provides measured data relative to the potential for interference to TV channel 10. Considerations similar to those associated with the previous Table II lead to the following Table of the quantity $(D/U)_{dB}$ for channel 10.

Table III.—*Ratio of Median Desired Field Strength to Median Undesired Field Strength for Minimizing Potential of Interference to TV Channel 10*

(Frequency Range, MHz)

Service	216–217	217–218	218–219
Principal Community (dB)	−12	−18	−25
Grade A	−19	−26	−32
Grade B	−23	−29	−36

4. *Determination of Interference Contours.* The interference contour is the set of geographic points inside the TV grade B service contour at which the difference between the predicted median value of the television field and that of the IWCS field is equal to the value of $(D/U)_{dB}$ found in Table II or in Table III.

For example, suppose an IWCS station at 216.5 MHz is located 30 miles outside the grade B contour of a maximum facility channel 13 TV station. In the vicinity of the grade B contour the median TV field strength is 56 dBuV/m (Ref. 2, 3, 4) and lies where the predicted median field strength of the IWCS signal is 40 dBuV/m. The curves of FCC Report R–6602 [7] may be used to find that the interference contour would just touch the television service area 30 miles distant if the IWCS station with an antenna height of 200 feet were to radiate as much as 1 Kw in the direction of the TV station.

The particular example just given is the basis for the 105-mile provisions of the rules permitting applications to be filed without interference studies in case the proposed IWCS station is more than 105 miles from TV channel 13 stations. The grade B contour for a maximum facility TV station is found to be 75 miles at these frequencies, and maximum interference range of 30 miles has been added to this value.

The procedure outlined here can be used with some confidence that interference will be confined within the interference contour except in a relatively few cases. The interference contours would be made smaller if an allowance were included for the possible advantage of polarization discrimination. Such an extra allowance has not been made partly for the reason that it is known [8] that the amount of polarization discrimination is greatly dependent upon the relative bearings from the receiving antenna to the TV station and to the undesired signal source.

Expected Impact of Power Limitations

1. *Coast Stations.* When located 105 miles or more from a TV channel 13 station or at least 80 miles from a channel 10 station, coast station transmitting facilities are limited to an effective radiated power of 1000 watts. Permitting an ERP as large as 1000 watts allows use of directional antennas to reduce interference. Calculations as in the preceding section indicate that this requirement affords interference protection to at least fifty percent of receiver locations at the grade B contour for 90% of the time. The fifty percent value arises because that is the proportion of locations expected to receive an acceptable picture in grade B areas even in the absence of interference. The calculations leading to this result involve assumptions as to frequency and antenna height, and even when these assumptions are met the calculations are no guarantee as to the relative number of interference cases which may occur and have to be corrected by the IWCS licensee.

Coast stations may also be authorized closer than 105 or 80 miles from the channel 13 or 10 station respectively and even well within the TV service areas. These cases will require special engineering concerning frequency, siting, antenna height and directional radiation pattern in order to limit the interference area. A coast station might, for example, employ a radiation pattern directed up and down the river and hold the effective radiated power in the direction of populated areas to a low value. It may become necessary for the IWCS operator to substitute a single more conventionally configured station. For example the data of Table II together with the curves of FCC Report R–6602 predict an interference radius of approximately 0.8 mile for an antenna height of 100 feet and an effective radiated power of 1 watt at the principal community contour (77 dBuV/m desired field).

2. *Ship stations.* Ships are limited to an ERP of 18 watts. In addition, radio system operations inside grade B service areas of a channel 13 Station will involve ship transmissions only above 219 Mhz. The predicted range of interference with these provisions is about 1 mile as may be calculated as follows: In order to produce interference at the grade B contour, the median field of a 219–220 MHz IWCS signal must be about 20 dB higher than the median TV signal according to the estimates of Table II. Since the TV signal on this service contour is 56 dBuV/m, the potential for interference is confined to an area surrounding the ship in which the median interfering field exceeds 20 dB + 56 dBuV/m. Using the method of Bullington [9] and assuming (1) ship station ERP of 18 watts and (2) antenna heights of 30 feet for both the TV receiver and the ship station transmitter, it is found that the interfering field falls to the critical value of 76 dBuV/m at a distance of approximately 1 mile.

The forgoing calculations of interference range are estimates at best. They are included to provide a record of the quantitative TVI considerations which have been involved in the present formulation of IWCS rules.

[FR Doc. 81-7205 Filed 3-6-81; 8:45 am]

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[5] R. B. Carey, *Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service*, FCC Report No. R–6406, Federal Communications Commission, Washington, D.C. June 24, 1964.

[6] *Report of the Advisory Committee for the Land Mobile Radio Services*, Federal Communications Commission, 1967. See Volume 2, Part 2, Appendix B, "Transmitter Power, Efficiency of Communication, and Interference", pp. 1–8.

[7] J. Damelin, W. Daniel, H. Fine and G. Waldo, *Development of VHF and UHF Propagation Curves for TV and FM Broadcasting*, FCC Report R–6602, Sept. 7, 1966.

[8] A. C. Wilson, *Performance of VHF TV Receiving Antennas*, National Bureau of Standards Report 6099, May 26, 1960.

[9] K. Bullington, "Radio Propagation at Frequencies above 30 Megacyles," *Proc. IRE*, Oct. 1947, pp. 1122–1136.

47 CFR Part 73

Editorial Correction of Title of Broadcast Report Form 324

AGENCY: Federal Communications Commission.

ACTION: Final rule (Order).

SUMMARY: The title of FCC Broadcast Report Form 324 is corrected by deletion of the reference to broadcast networks. This form is for use only by licensees of broadcast stations. A separate form is used by broadcast networks.

EFFECTIVE DATE: April 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lorraine B. Schnaebele, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

Adopted: March 2, 1981.

Released: March 3, 1981.

By the Chief, Broadcast Bureau.

In the matter of editorial correction of Title of Broadcast Report Form 324; *Order.*

1. This *Order* corrects the title of FCC Form 324 as shown in Section 73.3500 of the Commissions rules. The title is currently shown as "Financial Report of Networks and Licensees of Broadcast Stations." Since a separate document: FCC Form 324–A, "Financial Report of Broadcast Networks," has been in use for several years for network use, the title of the original Form 324 is being editorially corrected by Deletion of the four words "of Networks and Licensees."

2. The editorial revision being made does not change the substantive texts, purpose, or application of the amended rule, nor remove any provisions relied upon by licensees or the public.

3. We conclude that adoption of the editorial amendment shown in the attached Appendix will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, it is ordered, That pursuant to Sections 4(i), 303(r), and 5(d)(1) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, Parts 73 is amended as set forth in the attached Appendix, effective April 1, 1981.

5. For further information concerning this *Order* contact Lorraine Schnaebele, Broadcast Bureau, (202) 632–5414.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

1. Section 73.3500 of the Commission's Rules is amended by revising the title of FCC Form 324 to read as follows:

§ 73.3500 Application and report forms.

* * * * *

324	Annual Financial Report of Broadcast Stations.

* * * * *

[FR Doc. 81-7313 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80–74; RM–3485 and RM–3652]

FM Broadcast Stations in Marshall and Robinson, Illinois, and Loogootee, Indiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 232A to Loogootee, Indiana, as that community's first FM assignment, at the request of Charles N. Cutler. A mutually exclusive proposal to reassign Channel 269A from Robinson, Illinois, to Marshall, Illinois, and substitute Channel 232A at Robinson, is denied. According to the Commission's FM assignment policies, Loogootee is favored over Marshall for a first FM assignment.

DATE: Effective April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 24, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division.

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Marshall and Robinson, Illinois, and Loogootee, Indiana),[1] BC Docket No. 80–74, RM–3485, RM–3652, Report and Order, (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 14078, published March 4, 1980, proposing the reassignment of FM Channel 269A from Robinson, Illinois, to Marshall, Illinois, and the substitution of Channel 232A at Robinson, Illinois. An *Order to Show Cause* was directed to Ann Broadcasting Company, the licensee of Station WTAY–FM in Robinson, asking why its license should not be modified to specify operation on Channel 232A. Comments were filed by David L. Taylor, the original petitioner in the proceeding ("petitioner"), Ann Broadcasting Corporation, and the AMFAC Company ("AMFAC").[2] A counterproposal was submitted by Charles N. Cutler.[3] Reply comments were filed by petitioner, and supplemental comments were filed by Cutler.

2. In his comments, petitioner incorporates by reference the information presented in his petition for rulemaking and reiterates his intent to apply for authorization to build and operate a station on Channel 269A at Marshall, if assigned. Ann Broadcasting Company states that it does not oppose

[1] This community has been added to the caption.

[2] Petitioner filed a "Motion to Dismiss" AMFAC's pleading because it was filed after the comment deadline had passed. AMFAC filed an "Opposition to Motion to Dismiss." Because the pleading merely states an interest in the assignment, we will accept AMFAC's late-filed pleading.

[3] Public Notice of the counterproposal was given on May 7, 1980, Report No. 1227.

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the licensing of Marshall, Illinois. It does object to the channel modification at Robinson and avers that the Commission is obviously not concerned about the "disruption such substitution orders create."

3. Cutler opposes the assignments proposed in the *Notice* and counterproposes that Channel 232A be assigned to Loogootee, Indiana, as that community's first FM assignment.[4] In support of this proposal, Cutler states that Loogootee, which is approximately 160 kilometers (100 miles) southwest of Indianapolis, had a population in 1970 of 2,953. Loogootee is located in Martin County which had a population of 10,969 in 1970. Cutler states that the area is largely agricultural, but that several industries serve the community. Also, approximately 2,500 persons are employed at the Crane Naval Depot which is located 15 miles north of Loogootee. According to Cutler, there are no radio or television stations licensed to Loogootee or to any community in Martin County, nor are there any channels assigned to a community in Martin County. Loogootee has no daily newspaper but is served by one weekly paper. Cutler asserts that Loogootee is more entitled to a first channel than Marshall because Loogootee currently receives only one full-time radio service while Marshall (pop. 3,468) receives a minimum of seven full-time FM stations. Cutler states that an assigment to Loogootee will better meet the Commission's assignment priorities—one of which is to provide as many program choices to as many listeners as possible—than an assignment to a well-served community such as Marshall. An engineering statement is attached to Cutler's pleading which indicates that nine AM or FM stations place a Grade A full-time signal over Marshall, Illinois, whereas only one station places such a contour over Loogootee.

4. In reply comments petitioner rebuts Cutler's assertions by noting that six of the seven FM stations mentioned in Cutler's pleading are licensed to Terre Haute or West Terre Haute, Indiana. Petitioner states that the Terre Haute stations do not serve the needs of Marshall and should not be considered a substitute for local service. Petitioner notes that Marshall is larger than Loogootee and is also the county seat. Furthermore, petitioner states that the community response to his proposal has been overwhelming. Petitions signed by over 200 Marshall residents have been appended to petitioner's pleading. According to petitioner, the Commission ". . . can do no better than to heed the desires of the residents of Marshall and assign Channel 269A there."

5. Comments were also filed by the AMFAC Company supporting the assignment of Channel 232A to Loogootee. AMFAC, a group of businessmen and residents of Loogootee, states that it will apply for authorization to build and operate a station in Loogootee, if assigned. On December 15, 1980, Cutler, the petitioner for the Loogootee assignment, petitioned the Commission to dismiss the Loogootee proceeding. Cutler alleges that AMFAC is attempting to "steal" the assignment and had he known of their interest, he would have proposed an assignment for another community.

6. Initially, we note that both Marshall and Loogootee appear to deserve a first FM assignment. In order to attempt to accommodate both cities, the staff conducted a channel study to determine whether alternative assignments were available to the communities. The staff study indicates that only Channel 232A could be assigned to Loogootee and only Channel 269A could be assigned to Marshall, respectively, without affecting any other existing assignments or rule makings. If these assignments were made, then the only available substitute channel for Robinson is Channel 296A which requires a site restriction of 4.8 kilometers (3 miles) southwest of the city reference. This location is 3.5 kilometers (2.2 miles) south of the present WTAY–FM transmitter site. Although it is the Commission's policy to substitute FM channels to permit a more efficient allocation of frequencies, the Commission will not sanction a new FM assignment which would require the relocation of an existing transmitter site. *See Ashville, North Carolina*, 36 R.R. 2d 810 (1976). Therefore, without some expression of consent from the licensee of WTAY–FM in Robinson, we will not make the alternative assignments found in the staff study. We are then forced to choose between the mutually exclusive assignment plans as presented by petitioner and Cutler.

7. As noted above, we have determined that both communities appear to deserve a first FM assignment. However, since both communities cannot at this time receive an assignment, we must rely on established Commission policies in deciding which city is more deserving. Several of the Commission's FM assignment priorities apply to a comparison of the two communities.[5] The third priority, to provide each community with at least one FM station, applies equally to both cities since neither currently has an assignment. The fourth priority, to provide a choice of at least two FM services to as much of the population of the United States as possible, especially where there is no primary AM service available, applies only to Loogootee. At present, Loogootee receives a Grade A service from only one FM station, whereas Marshall receives several. In our opinion, meeting this priority outweighs the fact that Marshall is a larger community in a larger county, although the difference in population is not particularly great. For this reason, we are assigning FM Channel 232A to Loogootee, Indiana. The fact that the original proponent of the Loogootee assignment is no longer interested in applying for the channel is insignificant. A continuing interest has been expressed in the Loogootee assignment by AMFAC. The fact that the interest expressed by AMFAC was made known to the Commission after the comment deadline had passed does not dissuade us from making this assignment. As stated above, the need for an FM assignment at Loogootee has been clearly demonstrated and it would not be in the public interest to ignore the interest in the assignment and thereby force AMFAC to initiate a further proceeding seeking an assignment for Loogootee.

8. Accordingly, It is ordered, That effective April 27, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to Loogootee, Indiana, as follows:

City	Channel No.
Loogootee, Indiana	232A

9. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

[4] The assignment of Channel 232A to Loogootee is mutually exclusive with the assignment of that channel to Robinson, Illinois.

[5] The FM assignment policies were first listed in the *Further Notice of Proposed Rule Making* in Docket 14185, FCC 62–867 (1962). See also *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520 (1974).

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-7298 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-159; RM-3326]

FM Broadcast Station in Falmouth, Massachusetts; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 265A to Falmouth, Massachusetts, in response to a petition from Marshfield Broadcasting Co.

DATE: Effective April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 24, 1981.

Released: March 2, 1981.

By the Chief, Policy and Rules Division.

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Falmouth, Massachusetts), BC Docket No. 80–159; RM–3326, Report and order, (Proceeding Terminated).

1. On April 11, 1980, at the request of Marshfield Broadcasting Co. ("petitioner"), the Commission adopted a *Notice of Proposed Rulemaking*, 45 FR 28777, published April 30, 1980, proposing the assignment of Channel 265A to Falmouth, Massachusetts, as its second FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Comments opposing the assignment were filed by New England Media Corporation ("NEMC"), licensee of FM Station WCIB, Falmouth, and K–Z Radio, Inc., licensee of Station WKZE–FM, Orleans, Mass., ("K–Z"), to which petitioner responded.

2. Falmouth (pop. 3,000), of Falmouth Township (pop. 17,500), in Barnstable County (pop. 96,656),[1] is located approximately 96 kilometers (60 miles) southeast of Boston, Massachusetts. Petitioner states that Falmouth is a rapidly growing community which serves as the economic focal point of western Cape Cod. Falmouth presently receives local service by Class B Station WCIB(FM), Channel 270.

3. In comments, K–Z takes exception to the population figures appearing in the *Notice*. K–Z points out that while the population of Falmouth Township is 17,500, the population of the Town of Falmouth is only 3,000. Falmouth's population, K–Z argues, is too small to warrant the assignment of a second FM channel. NEMC makes the same argument in its comments.

4. While it is true that the population of the Town of Falmouth is small, it is located in an area which appears to be a significant tourist center. To judge it based on the permanent population alone would not give adequate treatment to its needs. We have made assignments to small communities in order to provide additional service to those tourist areas. See, *e.g., Chatham, Mass.*, BC Docket No. 80–51, 45 FR 59887, published September 11, 1980. Neither is such an assignment violative of the population criteria which would assign 1 or 2 channels to communities of less than 50,000 population.[2]

5. In opposition, NEMC reiterated its earlier argument that Falmouth is unable to support a Class A and a Class B channel. K–Z has made the same claim. In the *Notice*, we pointed out that the question whether a community can support another radio station is normally deferred for resolution at the application stage rather than in a rule making context. *FCC* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 60 S.Ct. 693 (1940); *Carroll Broadcasting Co.* v. *FCC*, 258 F. 2d 440 (D.C. Cir. 1958); *Melbourne and Satellite Beach, Florida*, 47 FCC 2d 717, 721 (1974). In comments, both NEMC and K–Z charged that by taking such a position the Commission abdicated its statutory authority to allocate frequencies in the public interest, citing *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86 (1953); *Hawaiian Telephone Co.* v. *FCC*, 30 R.R. 2d 221, 226 (D.C. Cir. 1974); *Citizens Committee to Save WEFM* v. *FCC*, 31 R.R. 2d 887 (D.C. Cir. 1974).

6. In reply, petitioner argues that in any case neither NEMC nor K–Z have presented evidence tending to show that the economic effect of another station would be detrimental to the public interest as required by the *Sanders Brothers* and *Carroll* cases.

7. The cases cited by NEMC do not stand for the proposition that economic issues are to be resolved in rule making proceedings. They hold only that the Commission cannot automatically equate additional competition with the public interest. While competition is not in and of itself undesirable, here the assignment of Channel 265A to Falmouth would provide a second local broadcast outlet, thereby providing the only local competition to a growing community heavily populated by tourists. Furthermore, the existing station, as a higher power Class B facility, would have, in the usual case, the competitive advantage over a Class A station.

8. A preclusion study shows that only Channel 265A would be affected by the assignment and that there is at least one other Class A channel available for assignment to the precluded communities. Thus, we are of the opinion that the assignment of Channel 265A to Falmouth would result in the efficient use of the FM frequencies and would be in the public interest.

9. NEMC and K–Z also oppose the assignment on the ground that it would result in the intermixture of a Class A and Class B station in Falmouth. The Commission has often held that a deviation of this type from the policy against the intermixture is justified where, as here, a demand for the Class A channel is present and where a showing has been made that no other Class B channels are available. See *Yakima, Washington*, 42 FCC 2d 548, 550.

10. We have given careful consideration to the proposal and believe it would be in the public interest to assign Channel 265A to Falmouth, Massachusetts. Canadian concurrence in the assignment has been obtained.

11. Accordingly, it is ordered, That effective April 27, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Falmouth, Massachusetts	265A, 270

12. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

13. It is further ordered, That this proceeding is terminated.

[1] Population figures are taken from the 1970 U.S. Census.

[2] See paragraph 4 of the *Further Notice of Proposed Rulemaking* in Docket No. 14185, adopted June 25, 1962 (FCC 62–867), and incorporated by reference in paragraph 25 of the *Third Report, Memorandum Opinion and Order*, 40 FCC 747, 758 (1963).

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14. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–7297 Filed 3–6–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 80–91; RM–3296, RM–3415]

FM Broadcast Stations in Carson City, Gardnerville-Minden, and Sparks, Nevada; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Gardnerville-Minden, Nevada, as that community's first FM assignment at the request of Listeners' Network; assigns Class C FM Channel 251 to Carson City, Nevada, and substitutes Channel 265A for Channel 252A at Sparks, Nevada, at the request of Patrick J. Clary and Emerald Broadcasting Company, respectively.

DATE: Effective April 27, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 24, 1981.

Released: March 4, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Carson City, Gardnerville-Minden, and Sparks, Nevada), BC Docket No. 80–91; RM–3296; RM–3415, report and order, (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rulemaking*, 45 FR 16217, published March 13, 1980, proposing three alternative assignment plans involving the above-captioned cities. For allocation purposes, the two hyphenated communities were established as a single entity or twin communities and we shall hereafter refer to these places as such. See *Notice of Proposed Rulemaking, supra*, at para. 3. Briefly, Plan I proposes to add one Class C channel (Channel 251) and one Class A channel (Channel 257A) to Gardnerville-Minden and substitute Channel 272A for Channel 252A at Sparks. Plan II proposes the assignment of two Class A channels to Gardnerville-Minden. Plan III proposes to assign Class C Channel 251 to Carson City, substitute Channel 272A for Channel 252A at Sparks, and assign Channel 257A to Gardnerville-Minden. Comments were filed by Listeners' Network ("Listeners"), the petitioner for a Class A channel at Gardnerville-Minden; Carson Valley Broadcasters ("Carson Valley"), the proponent of the Class C assignment to Gardnerville-Minden; E. H. "Pepper" Schultz ("Schultz"), applicant for Channel 252A at Sparks, Emerald Broadcasting Company ("Emerald"), licensee of Station KTHO–FM at South Lake Tahoe, California; and Patrick J. Clary. Reply comments were filed by Carson Valley, Emerald, and Clary.

2. Listeners supports the adoption of Plan III as the most appropriate method for providing service to Gardnerville-Minden. Listeners states that the twin communities have a small population with little growth potential. According to Listeners, a 1.0 mV/m signal can be placed over the twin cities by using a Class A channel and that a higher powered Class C channel is not necessary to serve the cities. This petitioner opposes Plan I because of the intermixture of Class A and Class C channels and believes such a plan would leave the two cities without any service. Listeners likewise opposes Plan II because it reasons that the two stations would divide the limited advertising revenues available in the cities and thereby make neither station profitable. Listeners states that if a single Class A station is assigned to Gardnerville-Minden, it will apply for a construction permit for the channel. Carson Valley supports Plan I and the assignment of a Class C channel to Gardnerville-Minden. In support of this plan, Carson Valley states that the population of Douglas County (the county in which Gardnerville-Minden is located) is the fourth largest county in Nevada and is growing steadily. A site has been chosen by Carson Valley which it states will serve almost all of Douglas County while a Class A channel would leave half of the county unserved. According to revised figures submitted by Carson Valley, the proposed Class C station at Gardnerville-Minden would provide first service to 2,176 persons in 1,031 square kilometers (398 square miles) and second service to 2,541 people in 920 square kilometers (355 square miles).[1] Carson Valley admits that the station would have to draw advertising support from Carson City but claims that this is not inconsistent with providing the twin cities with their first local broadcast service. Furthermore, Carson Valley avers that a Class C assignment would provide FM service to a large portion of the highway that links the Carson City/Reno area to southern California, and would also serve the nearby national forest and Indian Tribe colonies.

3. Clary supports the adoption of Plan III and states that assigning a Class C channel to Gardnerville-Minden would be in fact an assignment to Carson City. Clary states that an additional channel in Carson City is needed to provide an additional outlet for local expression. Clary submits that Carson City is undergoing rapid growth. If a Class C channel is assigned to Carson City, Clary states that it will apply for authority to construct and operate a station on the assigned channel. Schultz argues that Plan II should be adopted for Gardnerville-Minden. Schultz feels that by assigning two Class A channels, the two communities could be split for allocation purposes providing one Class A channel for each place. Schultz doubts that Gardnerville-Minden could support a Class C assignment and claims that a Class C channel service area would be severely restricted by mountains to the east and west. Schultz also opposes any channel substitution in Sparks, Nevada. The comments of Emerald solely concern the channel substitution in Sparks. Emerald claims that the assignment of Channel 272A in Sparks will create a short-spacing problem with its proposed transmitter site for Class B Channel 275 at South Lake Tahoe, California.[2] Emerald states that if Channel 272A is assigned to Sparks, it will be forced to find a less desirable transmitter site. According to Emerald, several other Class A channels are available for assignment to Sparks, and one of those should be chosen instead of Channel 272A.

4. Carson Valley, in reply comments, claims that Clary is really interested in establishing another Reno-Carson City station. According to Carson Valley, Clary is permittee of a station in Las Vegas whose construction permit was granted in 1973 but which did not begin operations until 1980. Carson Valley concludes that even if Carson City deserves another assignment, Clary may not be in a position to provide service in a timely fashion. Furthermore, Carson Valley insists that it has made a greater showing of need for the Class C channel at Gardnerville-Minden due to the substantial unserved and underserved populations in Douglas County which would receive service. In response to the arguments of Listeners, Carson Valley states that assigning a Class A channel to Gardnerville-Minden would deprive many of the residents of Douglas County with much needed service and would be an inefficient assignment. Carson Valley disputes Listeners' claim that the population of Gardnerville-Minden is static by quoting from Listeners' own original petition for rule making which states that the area had an approximate population of 9,600 at the time the petition was filed. In conclusion, Carson Valley states that assigning a Class C station to Gardnerville-Minden would serve a double function: provide a first local transmission service to the twin cities, and provide a reception service to unserved and underserved areas of Douglas County.

5. Clary's reply comments reiterate his intent to apply for authority to operate on a Class C channel at Carson City, if assigned. Clary also suggests that Carson Valley has "tipped its hand" by showing that its proposed facilities in Gardnerville-Minden would provide 60 dBu coverage over Carson City and Reno to the north. Clary avers that this conclusively shows that the assignment to Gardnerville-Minden would primarily serve Carson City and Reno.

6. We are of the opinion that the communities of Gardnerville-Minden deserve a first local FM service. Having reached this threshold determination, the issue becomes whether to assign a Class A or a Class C channel to Gardnerville-Minden. After carefully considering all of the comments presented in this proceeding, we believe that assigning a Class A channel to Gardnerville-Minden is the appropriate resolution of this issue. As stated in the *Notice*, the Commission generally reserves high powered Class C channels for larger communities. Exceptions to this policy have been made where Class A channels are not available or where the assignment will serve significant unserved or underserved populations. In this instance, however, the unserved and underserved outlying areas can be reached as well by assigning the Class C channel to the larger and more important community of Carson City. Our experience in this type of case is that regardless of the eventual licensee's intent the primary focus of the station's service is directed to the larger city's needs. See *Albuquerque and Alameda, New Mexico*, BC Docket No. 80–160, 46 FR 10724, published February 4, 1981. Even Carson Valley, the proponent of assigning a Class C channel to the twin cities, admits that it would gear much of its entertainment schedule to the interests of Carson City in order to attract the necessary advertising revenues. For these reasons, we will assign, instead, Channel 257A to Gardnerville-Minden as its first FM assignment. This assignment requires a site restriction of 11 kilometers (7 miles) west of Minden. We note that additional Class A channels are available for assignment to the communities if further interests develop.

7. A second issue concerns the proposal to assign a third FM channel to Carson City. According to the Commission's population guidelines, a city the size of Carson City would be entitled to a total of two FM assignments. However, these population guidelines are not immutable standards, and assignments exceeding these guidelines have been made where the preclusive impact of the assignment is negligible and an interest has been shown for an additional channel. *Waycross, Ga.*, 45 FR 25806, published April 16, 1980. A preclusion study for Channel 251 indicates that five communities with populations over 1,000 having no FM assignments or AM stations will be precluded. Other channels are available for assignment to these communities. Because the preclusive impact of the assignment is insignificant and an interest has been shown for its use, we will assign Channel 251 to Carson City. A site restriction of 2 kilometers (1.3 miles) southeast is required. As stated in the *Notice*, this assignment requires the substitution of channels at Sparks, Nevada. In response to Emerald's request that some channels other than Channel 272A be assigned to Sparks, we have determined that Channel 265A is available. Therefore, we will delete Channel 252A at Sparks and replace it with Channel 265A. In this regard, the applicants for Channel 252A at Sparks may amend their applications to specify operation on Channel 265A.

8. Accordingly, it is ordered, That effective April 27, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following communities:

City	Channel No.
Carson City, Nevada	234, 247, 251.
Gardnerville-Minden, Nevada	257A.
Sparks, Nevada	265A.

9. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Order* to E. H. Schultz, 527 10th Street, Sparks, Nevada 89431; and Beck Enterprises, Inc., 2300 Budrow, Reno, Nevada 89502, the applicants affected by this *Order*.

10. Authority for the actions taken herein are contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–7298 Filed 3–6–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 80–282; RM–3411, 3425, 3736]

FM Broadcast Stations in Woodward and Alva, Oklahoma; Changes Made in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action amends the Report and Order in BC Docket No. 80–282, concerning FM channel assignments to Woodward and Alva, Oklahoma, adopted February 6, 1981, and released February 13, 1981. The reference in the last sentence of paragraph 12 of the Report and Order should be to "Hamilton I" plan instead of the "Hamilton II" plan. Correction of this error does not affect any action taken in the Report and Order.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Released: February 24, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Woodward and Alva, Oklahoma), BC Docket No. 80–282, RM–3411, RM–3736 and RM–3425.

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[1] A subsequent staff study indicates that Carson Valley's figures for second service may be overstated due to recent changes in nearby broadcasting facilities.

[2] Emerald has petitioned the Commission to substitute Channel 275 for Channel 276A at South Lake Tahoe (see BC Docket No. 80–522).

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In paragraph 12 of the above-captioned *Report and Order*, Mimeo No. 28864, adopted February 6, 1981, and released February 13, 1981, (46 FR 12708) the Commission concluded the "Hamilton II" assignment plan would be adopted. This reference was in error. The paragraph should state that the plan adopted is the "Hamilton I" plan. However the paragraph ordering an amendment to the FM Table of Assignments was stated correctly (paragraph 13).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-7322 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 45
Monday, March 9, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

Milk in the Middle Atlantic Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions affecting the regulatory status of milk plants under the Middle Atlantic Federal milk order. The action was requested by a handler operating a distributing plant in the regulated area. It would remove the limit on the type of pool plant that can become qualified for "automatic" pool plant status on the basis of having been a pool plant during the prior September through February period. The suspension is proposed for March 1981 through August 1981.

DATE: Comments are due on or before March 16, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of March 1981 in the suspension period if this is found necessary.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accure from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for March 1981 through August 1981:

In § 1004.7(e) the words "of paragraph (e)(1)" and the words "paragraph (b) of" as they first appear in the paragraph.

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 16, 1981.

The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for March 1981 through August 1981 the provisions that limit the type of pool plant that can become qualified for "automatic" pool plant status on the basis of having been a pool plant during the prior September through February period. The proposed action was requested by Michaels Dairies, Inc., a proprietary handler who operates a pool distributing plant.

Michaels Dairies, Inc., indicates that it has found it necessary to transfer Class I milk to another Order 4 regulated handler during the past few months in order to maintain pool status for its plant and to assure continued pooling status for the milk of its producers. The handler states that it is unlikely that it can continue to qualify its plant for pool status by such means since the Class I utilization percentage for the market is declining and, therefore, other Class I handlers do not have a need for any of the reserve milk supplies associated with its distributing plant.

Proponent claims that the failure of its plant to meet the pooling requirements would result in the milk of many producers who are regular suppliers on the market not being priced and pooled under the order. Without the suspension, proponent believes that there would be a disruption in the orderly marketing of the milk of the producers associated with its plant.

Signed at Washington, D.C., on March 3, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17583; File No. S7-648]

Dissemination of Quotations for Reported Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments.

SUMMARY: The Securities and Exchange Commission ("Commission") is proposing for comment amendments to its rule governing the collection and dissemination of quotation information. The proposed amendments to the rule would, under certain specified circumstances, permit market centers to disseminate quotations on a voluntary, rather than mandatory, basis.

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DATE: Comments should be submitted on or before May 8, 1981.

ADDRESSES: Comments should refer to File S7–648 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection and copying at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. (File No. S7–648).

FOR FURTHER INFORMATION CONTACT: Bruce Beatt (202–272–2886), Room 390, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission announced today that it is publishing for comment amendments to Rule 11Ac1–1 [1] under the Securities Exchange Act of 1934 ("Act") [2] which, if adopted, would permit market centers, under certain specified circumstances, to disseminate quotations on a voluntary, rather than mandatory, basis.

I. Introduction and Background

On January 26, 1978, the Commission adopted Rule 11Ac1–1 ("Quote Rule" or "Rule") [3] under the Act, which requires all national securities exchanges and associations to establish and maintain procedures for collecting from their members bids, offers and quotation sizes with respect to any reported security, [4] and for making such bids, offers and sizes available to quotation vendors. It also requires that every exchange member and third market maker [5] promptly communicate to his procedures established by the exchange or association, his bids, offers and quotation sizes. [6] In addition, the Quote Rule requires that, subject to certain exceptions, the broker or dealer responsible for communicating a quotation for a reported security ("responsible broker or dealer") shall be obligated to execute any order presented to him, other than an odd-lot order, at a price at least as favorable as the responsible broker's or dealer's published bid or offer in any amount up to his published quotation size. [7] Finally, the Quote Rule has been interpreted by the Commission to require all exchange specialists and third market makers to make available to other market centers continuous two-sided quotations throughout the trading day. [8]

The adoption of the Quote Rule in its present form has affected the behavior of market makers, particularly specialists on the regional exchanges and third market makers. Prior to the adoption of the Quote Rule, specialists on the so-called "primary exchanges," *i.e.*, the American Stock Exchange, Inc., ("Amex") and the New York Stock Exchange, Inc. ("NYSE"), [9] made available to vendors continuous two-sided quotations, though on a non-firm basis, in most, if not all, of their specialty stocks. Those exchanges also had in place reporting procedures and personnel specifically designed to ensure that quotations were kept up-to-date to the extent practicable given the type and volume of activity on their respective floors. Regional exchange specialists and third market makers, on the other hand, did not, prior to the adoption of the Quote Rule, generally disseminate, or make substantial efforts to keep up-to-date, two-sided quotations in all of the stocks they traded. [10] This behavior may be explained, at least in part, by two factors. First, in a market environment in which most retail brokerage firms routed the great preponderance of their small and moderately-sized orders directly to the primary exchanges, and in which there were no intermarket linkages to permit efficient order routing from one market center to another, there was little or no economic incentive for regional exchange specialists and third market makers to publicly disseminate continous two-sided quotations. Second, because there was insufficient interest in regional exchange or third market maker quotations to permit those exchanges or the National Association of Securities Dealers, Inc. ("NASD") to charge vendors for receipt of such quotation information, dissemination of quotation information was not deemed to be cost efficient. [11] Taken together, these factors appear to have led regional exchange specialists and third market makers to conclude that the cost burdens associated with the public dissemination of quotations outweighed any competitive benefits to be obtained. Consequently, rather than attempting to compete for order flow on the basis of disseminating continuous two-sided quotations in their stocks, regional exchange specialists and third market makers chose to make markets in response to customer inquiry, *i.e.*, to provide quotations to interested buyers and sellers only upon request.

In determining to adopt the Quote Rule in a form requiring continuous dissemination of two-sided quotations, the Commission recognized that the Rule would have some cost impact on regional exchanges and third market makers in terms of developing and implementing quotation collection and dissemination procedures and mechanisms. [12] It also recognized that the Rule would represent some change in the manner in which regional exchanges and third market makers traditionally made markets. Nevertheless, the Commission determined to take this step because it hoped that, with the general availability of firm quotations from all market centers and the development of improved order routing mechanisms, greater emphasis would be placed on individualized order routing to the market center displaying the best quotation. [13] In addition, the Commission

[1] 17 CFR 240.11Ac1–1.

[2] 15 U.S.C. 78a *et seq.*, as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94–29 (June 4, 1975), 89 Stat. 97, [1975] U.S. Code. Cong. & Ad. News 97.

[3] *See* Securities Exchange Act Release No. 14415 (January 26, 1978) ("Rule 11Ac1–1 Adoption Release"), 43 FR 4342.

[4] The term "reported security" refers to any security or class of securities for which transaction information is collected, processed and made available pursuant to an effective transaction reporting plan filed under Rule 11Aa3–1 under the Act [17 CFR 240.11Aa3–1]. Transaction reports and last sale data are reported in the consolidated transaction reporting system ("consolidated system") contemplated by Rule 11Aa3–1.

[5] Paragraph (a)(1) of the Quote Rule defines the term "third market maker" to mean: Any broker or dealer who holds himself out as being willing to buy and sell a reported security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such broker or dealer who also represents, as agents orders to buy or sell reported securities on behalf of any other person and communicates bids and offers to a national securities association . . . pursuant to [the Rule] on behalf of such other persons as well as for his own account). Rule 11Ac1–1(a)(1).

[6] This is referred to as the "mandatory participation" requirement of the Quote Rule.

[7] This is referred to as the "firmness" requirement of the Quote Rule.

[8] *See* Rule 11Ac1–1 Adoption Release, *supra* note 1, at 25, 43 FR at 4345.

[9] The Amex and the NYSE are referred to as the primary exchanges because, in most multiply-traded securities, *i.e.*, securities which are traded in more than one market center, they are responsible for the largest share of the aggregate trading volume as reported in the consolidated system.

[10] It should be noted that, beginning one year prior to the adoption of the Quote Rule, the Philadelphia Stock Exchange, Inc. ("Phlx") disseminated continuous two-sided quotations, though on non-firm basis and without size, in certain multiply-traded securities.

[11] In contrast, prior to the adoption of the Quote Rule, vendors and other subscribers paid the primary exchanges for receipt of their quotations.

[12] *See* Rule 11Ac1–1 Adoption Release, *supra* note 1, at 29–35, 43 FR at 4346–47.

[13] On the same day the Commission adopted the Quote Rule, January 26, 1978, it also called for the development of a universally available message switch, permitting any broker or dealer to route orders for the purchases or sale of qualified securities from its offices to any qualified market trading in that security. Securities Exchange Act Release No. 14416 (January 26, 1978) at 29, 43 FR 4354, 4358. Subsequently, in June 1978, the

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believed that the development of the Intermarket Trading System "ITS") [14] would provide regional exchange specialists and third market makers with enhanced opportunities to attract order flow through the widespread dissemination of competitive quotations, thereby fostering "increased competition in market making." [15]

After two years of experience with the Quote Rule, however, the Commission's hopes have not been fully realized. While certain regional exchange specialists do actively compete for order flow by disseminating competitive quotations in a limited number of actively traded ITS stocks, regional exchanges (and their specialists), by and large, prefer to continue to use other methods to compete with the primary exchanges for order flow. These methods include reductions in charges for execution or clearing services and guarantees (either to individual retail brokerage firms or on individual orders) against transactions occurring on the primary exchanges at equal or superior prices. Even where regional exchanges have elected to compete on the basis of machine-displayed quotations, that competition has not, for the most part, had any significant effects on order flow patterns. First, retail brokerage firms continue to route most of their customer orders directly to the primary exchanges irrespective of the displayed quotations of other market centers. [16] Second, specialists on the primary exchanges often provide brokers and dealers on the floors of those exchanges with executions which match superior displayed quotations from the regional exchanges, thereby lessening the extent to which regional exchange specialists are able to attract order flow through the ITS by disseminating competitive quotations. [17]

Given the current market environment, in which regional exchange specialists and third market makers cannot, in many cases, expect to receive order flow on the basis of their displayed quotations, the Commission believes that it may be appropriate to reconsider whether market makers should be required, at all times, to disseminate continuous two-sided quotations. Reconsideration of this issue is also appropriate because, as discussed more fully below, certain problems have been perceived with respect to the usefulness and reliability of quotations disseminated by regional exchange specialists and third market makers.

II. Problems Raised by the Methods Through Which Regional Specialists and Third Market Makers Comply With the Quote Rule

A. Regional Exchanges

In order to comply with the Quote Rule, regional exchanges have developed computer systems (collectively, "Autoquote"), [18] which permit specialists on those exchanges to disseminate quotations automatically in response to quotation changes on the primary exchanges. The development of Autoquote was necessary to permit compliance with the Quote Rule by regional exchange specialists, who generally make markets in a far greater number of securities than their primary exchange counterparts, and who would otherwise have significant difficulty in manually monitoring and updating quotations (at least without incurring substantial additional clerical expenses). In this regard, one regional exchange, the BSE, has described the need for, and use of, Autoquote as follows:

> Specialists on this Exchange and on other Regionals employ the "Autoquote" system for the automatic update of quotations of securities they are not actively trading. The fact is that utilization of such a system is necessary because of the provisions of the Commission's Rule 11Acl–1, which requires that each market maker make available during hours of trading a two-sided quotation for each issue in which he is registered. It is also a fact that Regional Specialists have traditionally been assigned a greater number of issues per unit than their counterparts on the primary market, and that frequently the Regional Specialist may go for days without seeing an order in some of his assigned issues. Because of the absence of a consistent order flow, the economics of the situation dictate that he devote his primary attention to those active issues in which he does see an order flow and in which he believes that he can make a competitive market. On such

Commission solicited comment on the basic question of whether order-by-order routing of retail orders to the market center disseminating the best quotation accompanied by a quotation size equaling or exceeding the order in question (*i.e.*, the best market size) should be a characteristic of the national market system. *See* Securities Exchange Act Release No. 14885 (June 23, 1978), 15 SEC Docket 138. Since March 1979, however, the Commission has deferred further consideration of this issue. In determining to defer the order routing issue, the Commission indicated that, "[given] the current trading environment, in which quotations are not firm under all circumstances, and [in which] there are practical limitations on access for execution purposes and differences in clearing costs, it is questionable whether individualized routing of all orders on the basis of machine displayed quotations should be required." *See* Securities Exchange Act Release No. 15671 (March 22, 1979) ("March 1979 Status Report"), at 44, 44 FR 20360, 20365.

[14] The ITS, which commenced operation on a pilot basis on April 17, 1978, is an intermarket order routing facility which permits orders for the purchase and sale of multiply-traded securities to be sent directly from one market center to another. At present, six market centers are linked through the ITS: the Amex; the Boston Stock Exchange, Inc. ("BSE"); the Cincinnati Stock Exchange, Inc. ("CSE"); the Midwest Stock Exchange, Inc. ("MSE"); the NYSE; the Pacific Stock Exchange, Inc. ("PSE") and the Phlx.

[15] The Commission further considered the adoption of the Rule in its current form "as an appropriate step in facilitating the integration of all markets into a national market system, including assuring the availability to brokers, dealers and investors of information with respect to quotations for . . . securities and the practicability of brokers executing investors' orders in the best market." Rule 11Ac1–1 Adoption Release, *supra* note 1, at 31, 43 FR at 4346 (citations omitted).

[16] Retail brokerage firms have argued, in the past, that the cost savings of automatically routing small or moderately-sized customer orders to the primary exchanges exceed any benefit to customers (in terms of the total cost of execution) which would result from individual order processing. In addition, retail firms have argued that, by automatically routing customer orders to the primary exchanges, they are more likely to obtain "best execution" for their customer orders because any undisclosed buying and selling interest in the crowd on the primary exchanges would provide a better price than might otherwise be disclosed by the consolidated system. The extent to which this can actually occur depends, of course, upon the existence of a crowd and the interest represented therein. *See* letter to George A. Fitzsimmons, Secretary, Commission, from Jerome E. Grossman, Bache Halsey Stuart Shields Incorporated, Peter H. Shipman, Blyth Eastman Dillon & Co., Incorporated, Thomas C. Schneider, Dean Witter Reynolds Inc., Norman M. Epstein, E.F. Hutton & Company Inc., Leopold Korins, Merrill Lynch & Co., Alexander R. Piper, III, Paine Webber, Jackson & Curtis Incorporated, John B. Lynch, Smith Barney, Harris Upham & Co., Incorporated, Robert A. Prindiville, Thomas McKinnon Securities Inc., dated August 1, 1978, File No. S7–735–A.

As noted above, *see* note 13, *supra*, the Commission has deferred consideration of whether to require order-by-order routing of retail orders to the market center disseminating the best quotation. Nevertheless, as the Commission has previously indicated, it does believe that "a broker routing retail orders in a particular security to a single market (whether by automated or other means) must at least make periodic assessments of the quality of competing markets to assure that it is taking all reasonable steps under the circumstances to seek out best execution of customers' orders." March 1979 Status Report, *supra* note 13, at 39, 44 FR at 20366.

[17] Similarly, because retail brokerage firms direct most of their order flow directly to the primary exchanges, third market makers have little economic incentive to disseminate competitive quotations. Indeed, their situation is exacerbated by the fact that there is currently no ITS linkage between third market makers and other ITS market centers. In this regard, it should be noted that, on February 5, 1981, the Commission proposed an order which, if issued, would require a linkage between the NASD's NASDAQ system and the ITS by September 30, 1980. *See* Securities Exchange Act Release No. 17516 (February 5, 1981) ("Proposed Linkage Order"). This linkage would permit third market makers to send orders to, and receive orders from, other ITS market centers in securities subject to Rule 19c–3 under the Act ("Rule 19c–3 securities") [17 CFR § 240.19c–3].

[18] The BSE, MSE, and PSE use a computerized quotation system developed and operated by Quotron Systems, Inc. ("Quotron"), a quotation vendor. The Phlx, on the other hand, uses its own computerized quotation system to perform the same function.

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issues he will manually input and update his quotations. In the balance of his assigned issues, those in which he is not actively trading at any given time, he will most likely resort to the Autoquote system and set parameters ⅛ or ¼ around or track identically the primary market quote, in order to comply with Rule 11Ac1–1.[19]

Thus, with respect to securities in which they receive a small percentage of the order flow, Autoquote provides regional exchange specialists with a means of complying with the mandatory participation provisions of the Quote Rule. However, over the past two years, certain problems have been perceived in connection with the use of Autoquote.

1. *Reliability Problem.* First, as noted in the Commission's most recent ITS Extension Order,[20] there is a widespread perception (particularly among members of the Amex and the NYSE), that quotations generated by Autoquote are unreliable.[21] This perception has been caused, at least in part, by the failure of certain regional exchange specialists to consistently honor their automatically generated quotations. While the Commission is unsure whether this practice is, or was at one time, commonplace on the regional exchanges,[22] the perceived existence of this practice has resulted in a general unwillingness on the part of some brokers and dealers to send commitments to trade through the ITS to any regional exchange specialists whom they believe are employing Autoquote.[23]

The perception that Autoquote quotations are unreliable is also fostered by the fact that certain regional specialists disseminate quotations which are uncompetitive with the primary market or which have unusually large spreads. The Commission's experience to date indicate that, in a significant number of stocks, regional exchange specialists set parameters in Autoquote so as to disseminate nominal quotations away from the primary exchange markets in order to effect apparent "technical" compliance with the Quote Rule.[24] At the same time, these specialists may provide executions at the primary exchange price in accordance with pre-existing arrangements with retail brokerage firms.[25] This activity arguably creates so-called "hidden markets," which are available to some, but not all, market participants. In addition, it results in the dissemination of quotations which do not give a meaningful indication of prices at which regional specialists would deal if presented an order.

2. *Vendor Display Problem.* Second, as noted in the Commission's release adopting Rule 11Ac1–2 under the Act [26] ("Vendor Display Rule"), the use of Autoquote also raises concerns in connection with the creation of the consolidated best bid and offer display ("BBO") mandated by that Rule.[27] Currently, Autoquote systems have reaction times which vary, depending upon the particular system and level of trading activity, from a few seconds to approximately thirty seconds. The result of these delays is the generation of up to four additional BBO calculations and messages (with resulting increased demands on vendor systems).[28] Moreover, these delays raise the possibility that brokerage firm registered representatives and investors inquiring for the BBO (or a regional exchange quotation) during the time interval between dissemination of changes in the quotation of a primary exchange and generation of corresponding changes in regional quotations by the Autoquote systems may be misled as to the "true" BBO (or true regional quotation) by a "stale" quotation from a regional exchange.

The Commission believes that such delays, if permitted to continue would seriously undermine any utility of a BBO display. This, in turn, may reduce the incentive for retail brokerage firms and investor's to consider consolidated market information, in addition to primary market information, in making their execution decisions.[29] In this

[19] *See* letter to George T. Simon, Assistant Director, Division of Market Regulation, Commission, from James E. Dowd, President, BSE, dated March 19, 1980, File No. S7–759, at 1.

[20] Securities Exchange Act Release No. 16214 (September 21, 1979) ("ITS Extension Order"), at 6, 44 FR 56069, 56070.

[21] The apparent unreliability of quotation information is not limited to quotations automatically generated by regional exchange specialists. As indicated in the ITS Extension Order, "a significant number of commitments to trade sent to hit bids and offers on the primary exchange[s] were cancelled (*i.e.*, rejected or permitted to expire unexecuted). While some portion of these cancellations may be accounted for by the exceptions to firmness provided in the Commission's [Quote Rule] . . . , it may also be that some portion of cancellations and expirations result from violations of that Rule." *Id.* (citations omitted).

[22] In this regard, the MSE has specifically denied that its specialists have refused to honor their Autoquote quotations:

> We stand behind our displayed quote because we believe the firm-quote rule requires that we do so and because it will result in increased business. It has been, and continues to be our policy that responsible broker/dealers be held firm to their published quotation. As far as we are concerned, there is not discrimination based upon how that published quotation was generated. All published quotations are firm, whether they were generated by an automated quotation system, or by a direct entry by the broker in the manual or manual override manner.

Letter to George T. Simon, Assistant Director, Division of Market Regulations, Commission, from Kenneth I. Rosenblum, Senior Vice President and General Counsel, dated March 20, 1980, File No. S7–759, at 1.

[23] The Commission understands that members of the ITS User's Committee, comprised of specialists and floor brokers, have reached an informal agreement that specialists automatically generating quotations will only indicate quotation sizes of 100 shares on either side. As a result, floor members are now able to determine, in most cases, whether a specialist on a regional exchange is disseminating Autoquote quotations.

The Commission further understands that, although the ITS participants have reached an agreement in principle to adopt a trade-through rule, that rule would not be applicable to quotations of 100 share size. This would appear to suggest the tacit recognition on the part of ITS participants that Autoquote quotations are not, under all circumstances, reliable.

[24] The Commission notes that this activity may not actually comply with the Quote Rule. The definition of "bid" and "offer" in paragraph (a)(8) of the Quote Rule requires that the actual prices at which a responsible broker or dealer is willing to effect transactions be disseminated. In its release adopting the Quote Rule, the Commission stated its belief that "if a market maker continuously communicates quotations which do not reflect its actual market, that activity would constitute a violation of Rule 11Ac1–1. . . ." Rule 11Ac1–1 Adoption Release, *supra* note 1, at 35, 43 FR at 4347.

[25] Moreover, two exchanges, the PSE and the Phlx, have developed automated execution systems (named "Scorex" and "PACE" respectively) which have computerized this process by permitting retail brokerage firms to transmit orders to those exchanges and receive automatic executions based on a derivative pricing formula.

[26] 17 CFR 240.11Ac1–2.

[27] Securities Exchange Act Release No. 16500 (February 19, 1980), ("Vendor Display Release"), at 39, 45 FR 12391, 12398. The Vendor Display Rule, among other things, requires quotation vendors to provide, at a minimum, either a best bid and offer display, *i.e.*, a display which identifies the market center or centers disseminating the best bid and best offer for a reported security, including size, or a montage display, *i.e.*, a display which includes quotations from all reporting market centers. As discussed below, *see* text accompanying note 31, *infra*, the Commission has delayed the effective date of the Vendor Display Rule from October 5, 1980 to September 1, 1981. However, one vendor, GTE Information Systems, Inc. ("GTE"), currently provides a BBO display to its subscribers.

[28] The following hypothetical example illustrates this process. Assume that the primary exchange in *XYZ* stock is quoting $20¼ bid, offered at $20⅝. Assume further that the regional exchanges are automatically disseminating quotations an ⅛ point away from the primary exchange, *i.e.*, at $20 bid, offered at $20½. If the quotation on the primary exchange is revised downward by an ⅛ point as a result of a trade or otherwise, one of the regional exchanges will become the "best market" until its automated system can reestablish the ⅛ point difference between its quotation and that of the primary exchange. Due to the varying reaction and transmission times of the automated systems used by regional exchanges, this process will be repeated for each regional exchange until the primary exchange is once again the best market at $20 bid, offered at $20¼. The result of this process will be the generation of heavy message traffic and a rapidly changing BBO.

[29] The tendency of market professionals today to rely, almost exclusively, upon market information from the primary exchanges may reflect the view that these markets are the primary pricing mechanism. Nonetheless, "trade-throughs" continue to occur and superior bids and offers on the regional

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regard, several vendors, including Bunker Ramo Corporation ("Bunker Ramo"), GTE and Quotron, have informed the Commission that the BBO displays which they plan to provide in order to comply with the Vendor Display Rule will not be dynamically updated. As a resut, once the BBO display has been recalled, it will not reflect subsequent changes in either the best bid or the best offer. Thus, if a subscriber recalled the BBO display for a security in which one or more regional exchanges were employing Autoquote systems, during the period of time after a primary exchange quotation change but before conforming changes were made by regional exchanges using Autoquote, he could receive a misleading indication of the prevailing inside market, *i.e.*, the BBO display would reflect neither the quotation changes about to be generated by Autoquote nor the exchange actually providing the BBO.[30] In part because of these concerns, the Commission deferred the effective date of the Vendor Display Rule from October 5, 1980 to September 1, 1981, to permit, among other things, the regional exchanges to solve certain problems inherent in the Autoquote systems employed by those exchanges.[31]

3. *Cost Problem.* Finally, the use of Autoquote raises serious concerns in connection with the costs imposed on vendors to process and disseminate automatically generated quotations. Over the past few years, there has been a tremendous growth in the amount of financial information that vendors process and make available to their subscribers, including information pertaining to securities options and commodities futures. In addition, due to recent volume surges (and the concomitant increase in transaction and quotation changes), vendors have been required to disseminate additional information pertaining to securities trading. These developments have placed significant strains on vendor systems and other vendor resources which, in turn, have created general delays in the dissemination of market information. In this connection, certain vendors have recommended to the Commission that, in order to eliminate the need to process and make available Autoquote quotations, the Commission should amend the Quote Rule to permit regional exchange specialists to disseminate quotations on a voluntary, rather than mandatory, basis.[32] In support of this proposal, vendors have indicated that there is little or no subscriber interest in Autoquote quotations and that, because Autoquote quotations often track away from the primary exchange quotations, such quotations are not useful.[33] Vendors have further stated that the cost burdens associated with disseminating Autoquote quotations are substantial and unwarranted.[34]

B. Third Market Makers

Third market makers do not currently use Autoquote to comply with the Quote Rule. Instead, they disseminate quotations in their securities manually. At the same time, however, the Commission understands that, in order to avoid the costs associated with constantly monitoring and updating their quotations, certain third market makers disseminate quotations on an extremely infrequent basis during the trading day, such that, particularly in active markets, it is not unusual for these quotations to become stale, locking and often crossing more actively monitored (and reliable) quotations from exchange markets.[35] This practice raises several concerns. First, quotations disseminated in this fashion are unreliable, *i.e.*, they do not give an accurate indication of the prices at which a third market maker would deal if presented with an order.[36] Second, because these quotations are often left unmonitored and may "lock" or "cross" the quotations of other market centers, any BBO display reflecting these quotations would be inaccurate and misleading.[37] Finally, to the extent that such quotations do not accurately reflect a third market maker's actual market, the mandatory dissemination of that information by vendors creates costs which would appear to be unwarranted.

III. Discussion

In order to resolve the above described problems, the Commission is proposing amendments to the Quote Rule which would, under most circumstances, permit regional exchange specialists and third market makers to disseminate quotations on a voluntary, rather than mandatory, basis. It is the Commission's expectation that, if these proposed amendments were adopted, regional exchanges would, absent regulatory compulsion, discontinue their use of Autoquote.[38] The Commission

exchanges and the third market continue to be bypassed. The Commission believes that making transaction and quotation information from these markets available "upstairs" in a useful and easily accessible manner may, over the long run, increase the perception on the part of investors and market professionals that markets other than the primary exchanges are available and that sometimes these markets offer superior execution opportunities. The Commission further believes that the availability of the BBO should enhance the ability of public investors to police the efforts of their brokerage firms to obtain the best price possible for their orders.

[30] It should be noted that, during periods of active trading, the use of Autoquote produces a tremendous volume of quotation changes. These changes, in turn, have caused significant delays in the consolidated system and in the computer systems of vendors. *See* letter to CQS Subscribers from John H. Hodges, Senior Vice President, NASD, dated November 28, 1980, File No. S7–759.

[31] Securities Exchange Act Release No. 16924 (June 24, 1980), 45 FR 44922. In this regard, it should be noted that, while regional exchanges have recently taken steps to improve Autoquote response times, delays still occur during periods of active trading, *e.g.*, at the opening of the market.

[32] *See, e.g.*, letter to George T. Simon, Assistant Director, Division of Market Regulation, Commission, from Donald H. Bodell, Vice President & General Manager, GTE, dated March 19, 1980, File No. S7–759; letter to George T. Simon, Assistant Director, Division of Market Regulation, Commission, from M. Sumner, Securities Industry Liaison, Bunker Ramo ("Bunker Ramo Letter"), dated March 18, 1980, File No. S7–759.

[33] *Id.*

[34] One vendor, Bunker Ramo, expressed this point of view as follows: [Autoquote] quotes are wasteful of very valuable technical resources—including both the central and distributed data processing and expensive communications facilities operated by the exchanges, the CQ Processor, and each vendor—the very same resources which the 1975 Amendments to the Exchange Act perceives as the basis for developing the National Market System. Each meaningless [Autoquote] quote takes up unrecoverable time in many computers and communications circuits—impeding and delaying the processing of other, more useful and meaningful information. Such a secondary result of processing [Autoquote] quotes is obviously undesirable in its effect on the functioning of the markets for all securities—including those whose quotes may not be included in [Autoquote] systems. Bunker Ramo Letter, *supra* note 32, at 2.

[35] A third market maker quotation "locks" the quotation of another market center whenever a third market maker bid is equal to the offer of another market center (or whenever a third market maker offer is equal to the bid of another market center). Similarly, a third market maker quotation "crosses" the quotation of another market center whenever a third market maker bid is higher than the offer of another market center (or whenever a third market maker offer is lower than the bid of another market center).

[36] This behavior may be explained, at least in part, by the absence of economic incentives to disseminate competitive quotations. As noted above, unlike regional exchange specialists, who may occasionally receive orders through the ITS as a result of having a better quotation, third market makers seldom, if ever, receive order flow on the basis of their displayed quotations. *See* note 17, *supra*.

[37] The Commission has warned third market makers that "insertion or maintenance of bid and offer prices which do not represent the actual prices at which the responsible broker or dealer is willing to effect transactions fails to comply with [the Quote Rule] and violates the prohibition against fictitious quotations found in Section 15(c)(2) of the Act." The Commission has also requested the NASD "to actively monitor the quotations of third market makers to assure compliance with [the Quote Rule]." Vendor Display Release, *supra* note 27, at 39–40, 45 FR at 12398. *See also* Rule 11Ac1–1 Adoption Release, *supra* note 1, at 35, 43 FR at 4347.

[38] The Commission specifically solicits comment from the regional exchanges and other interested persons as to whether regional exchange specialists

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believes that the elimination of Autoquote and dissemination by regional specialists and third market makers of quotations only in securities in which they wish to make active, competitive markets would have general ameliorative effects. First, the reduced flow of quotation information would significantly resolve current vendor capacity problems and the display problems associated with Autoquote or stale quotations. In addition, because, under the proposed amendments, regional exchange specialists and third market makers would be relieved of their obligation to disseminate continuous two-sided quotations in those securities in which they were not interested in actively competing with the primary exchanges, the information disseminated to the public should more accurately reflect the interest of regional exchange specialists or third market makers in attracting order flow.[39] Finally, the Commission believes that these developments, taken together, would greatly enhance the perception of brokers and dealers as to the general reliability and usefulness of quotation information.[40]

should be permitted to continue using Autoquote in the event that the Quote Rule is amended. In this connection, the Commission recognizes that Autoquote may have some residual value to regional exchange specialists to the extent it provides such specialists with a means of advertising their markets. In addition, because ITS market centers are presently required to disseminate continuous two-sided quotations in securities they wish to trade through the ITS, regional exchanges may find the continued use of Autoquote helpful in meeting that requirement. *See* Plan for the Purpose of Creating and Operating an Intermarket Communication linkage ("ITS Plan"), File No. 4–208, at 10–11. Nevertheless, in view of the problems raised in connection with the cost, usefulness, and reliability of automatically generated quotations, the Commission preliminarily believes that the continued use of Autoquote may be inconsistent with the purposes of the Act. Accordingly, if the Quote Rule is amended, the Commission would be prepared to take action under Section 11A of the Act, 15 U.S.C. §78k–1, if necessary, to preclude the use of Autoquote.

[39] The increased accuracy of quotation information disseminated by regional exchanges and third market makers would, in turn, make it easier for the Commission and the securities industry to address the trade-through problem.

[40] As noted above, *see* note 21, *supra*, certain concerns have also been raised in connection with the reliability of quotation information disseminated by the primary exchanges, particularly during periods of active trading. The Commission believes that it is especially important that quotation information from the primary exchanges be timely and reliable and, therefore, requests those exchanges to take whatever steps are necessary (including the use of additional floor reporters) to permit them to collect and disseminate quotation changes expeditiously. In this regard, the NYSE has indicated to the Commission that it intends to file a proposed rule change pursuant to Section 19(b) of the Act which will, among other things, facilitate NYSE member compliance with the requirements of the Quote Rule.

IV. Description of Proposed Amendments

The proposed amendments to the Quote Rule would establish two distinct standards for determining whether an exchange specialist, third market maker, or other responsible broker or dealer would be required to communicate quotations to his exchange or association for public dissemination.[41] The first standard would require that, with respect to any "exchange-traded security"[42] (other than a Rule 19c–3 security), only the market center with the largest percentage of the aggregate trading volume as reported in the consolidated system would be required to disseminate quotations. This standard is designed to relieve exchange specialists and third market makers from the burden of disseminating continuous two-sided quotations in those exchange-traded securities in which they receive only a small percentage of the total consolidated order flow. Such market makers would be permitted to disseminate quotations on a voluntary basis, however, subject to complying with the firmness requirement of the Rule.[43] At the same time, this standard would continue to impose a mandatory dissemination requirement on specialists and other responsible brokers and dealers who trade securities on the "principal market," as that term is defined in the proposed amendments.[44] This is appropriate, in the Commission's view, because quotation information from the principal market is essential to investors in pricing their securities orders and in monitoring the executions they receive from their brokerage firms.

[41] The proposed amendments would also substitute the term "OTC market maker" for the term "third market maker." This reflects the fact that, with the adoption of Rule 11A2–1 under the Act [17 CFR § 240.11Aa2–1], and the amendment of Rule 11Aa3–1, certain market makers in securities traded exclusively over-the-counter will be subject to the Quote Rule on January 18, 1982. *See* Securities Exchange Act Release No. 17549 (February 17, 1981).

[42] For the purposes of these proposed amendments, the term "exchange-traded security" would be defined to mean any reported security or class of reported securities listed and registered, or admitted to unlisted trading privileges, on an exchange.

[43] *See* text accompanying note 7, *supra*. As noted above, regional exchange specialists do actively compete for order flow on the basis of machine-displayed quotations in a few multiply-traded securities. The Commission anticipates that regional specialists will continue to disseminate quotations in those securities in order to attract order flow from other market centers through the ITS.

[44] The term "principal market" refers to the market center which, with respect to an exchange-traded security, is responsible for the largest percentage of the aggregate trading volume as reported in the consolidated system.

The second standard would establish a separate, more inclusive, test for Rule 19c–3 securities and reported securities traded exclusively in the over-the-counter market ("OTC securities").[45] Specifically, this standard would require that, with respect to any Rule 19c–3 security or OTC security, each market center which was responsible for more than 1% of the aggregate trading volume as reported in the consolidated system would be required to disseminate quotations.[46]

The Commission believes that a separate standard is appropriate with respect to Rule 19c–3 securities for two reasons. First, absent a more inclusive standard, retail brokerage firms, including firms which control a significant share of the order flow in Rule 19c–3 securities, would be allowed to "internalize"[47] their order flow without making their quotations publicly available to other market centers. This practice would undermine the Commission's efforts to enhance competition between exchange and over-the-counter markets and, in turn, the integrity of the Rule 19c–3 experiment.[48] Second, a more inclusive

[45] For the purposes of the proposed amendments, the term "OTC security" would mean any reported security or class of reported securities which is not an exchange-traded security.

[46] The 1% figure is designed to except from the mandatory dissemination requirement those market centers which receive a *de minimus* share of the order flow with respect to a particular security. This exception is consistent with the exemptive relief previously granted by the Commission pursuant to paragraph (d) of the Quote Rule. Specifically, the Commission has granted exemptions from the mandatory dissemination requirement to three exchanges, the Intermountain, the Spokane, and the Cincinnati Stock Exchanges. Intermountain: Securities Exchange Act Release No. 15012 (July 28, 1972), 43 FR 33978; Spokane: Securities Exchange Act Release No. 15011 (July 28, 1978), 43 FR 33983; and Cincinnati: Securities Exchange Act Release No. 15010 (July 28, 1978), 43 FR 33976. In addition, the Commission has granted exemptive relief from the mandatory dissemination requirement to several third market makers. *See, e.g.*, Securities Exchange Act Release No. 15747 (April 19, 1979).

[47] In its release proposing rule 19c–3, the Commission stated that the term "internalization," when used with respect to the activities of an integrated broker-dealer making markets over-the-counter refers to the withholding of retail orders from other market centers for the purpose of executing them "in-house," as principal, without exposing those orders to buying and selling interest in those other market centers.

See Securities Exchange Act Release No. 15760 (April 26, 1979), at 12, 44 FR 26688, 26690.

[48] In its release adopting Rule 19c–3, the Commission stated that one of the potential benefits of adopting Rule 19c–3 was the positive impact it could have on competition between exchange and over-the-counter markets. Specifically, the Commission stated that adoption of the Rule will provide the opportunity for competition between the over-the-counter and exchange markets with concomitant benefits to investors. For example, the presence of additional (and, in some cases, highly

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standard is appropriate with respect to Rule 19c–3 securities in order to assure that the quotations disseminated pursuant to the Quote Rule accurately reflect the true state of the market. As noted above, with respect to most exchange-traded securities, the great preponderance of order flow is directed to one market center, usually the Amex or the NYSE. As a result, quotation information from this market center provides investors with an accurate indication of the prices available for such securities. With respect to Rule 19c–3 securities, on the other hand, it is possible that, due to enhanced competition between the exchanges and over-the-counter market makers, order flow will be dispersed among several market centers.[49] If this were to occur, the pricing mechanism for Rule 19c–3 securities might not be limited to the order interaction on one "principal" market; instead, prices would be determined through active competition by several market centers. Given this potential development, the proposed amendment requires all active competitors in Rule 19c–3 securities to disseminate quotations. The Commission believes that such quotation information is essential to investors in pricing their securities orders and in monitoring the executions they receive from their brokerage firms. Similarly, because the order flow for OTC securities is already dispersed among several market centers, the Commission believes that, subject to the 1% exception, all market centers should also be required to disseminate quotations in OTC Securities.

The Commission solicits the views of interested persons as to whether the Quote Rule should be amended to permit market centers to disseminate quotations in all reported securities on a totally voluntary basis, rather than on a mandatory, or partially mandatory, basis.[50] In addition, the Commission solicits the views of interested persons as to (1) whether the proposed test for Rule 19c–3 and OTC securities is appropriate or whether such securities should be treated identically to exchange-traded securities and, (2) assuming the Commission determines to adopt the proposed test for Rule 19c–3 and/or OTC securities, whether the 1% figure is the appropriate level at which to except market centers from the mandatory participation requirement of the Quote Rule.

capitalized) market makers may (1) operate to discipline the quotations of primary market specialists, thereby possibly resulting in narrower quotation spreads in Rule 19c–3 Securities, and (2) create incentives for markets to disseminate quotations of greater size and add to the depth, liquidity and continuity of the markets for those securities.

See Securities Exchange Act Release No. 16888 (June 18, 1980), at 10, 45 FR 41125, 41126. These competitive benefits might be lost if, under a liberalized Quote Rule, retail brokerage firms were permitted to execute transactions without being required to disseminate quotations.

[49] At present, while the great preponderance of order flow in Rule 19c–3 securities continues to be directed to the primary exchanges, in certain Rule 19c–3 securities over-the-counter market makers account for a significant percentage of the total volume. For example, Commission data indicate that, for the week of January 19–23, 1981, third market volume accounted for more than one-third of the consolidated volume in five Rule 19c–3 securities. Moreover, with the advent of the NASDAQ/ITS linkage, over-the-counter market makers may attract an even greater share of the order flow in Rule 19c–3 securities.

V. Regulatory Flexibility Certification

Section 603(a) [51] of the Administrative Procedure Act ("APA"),[52] as amended by the Regulatory Flexibility Act ("Flexibility Act"),[53] generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules, or proposed rule amendments, to determine the impact of such rulemaking on "small entities." [54] Section 605(b) of the Flexibility Act, however, specifically exempts from this requirement any proposed rule, or proposed rule amendment, which, if adopted, would not "have a significant economic impact on a substantial number of small entities." The Commission believes that the proposed amendments to the Quote Rule would not impose any additional regulatory burdens on entities subject to the Rule. Nor would they have any other impact on such entities. Accordingly, the Chairman of the Commission has certified that the proposed amendments, if adopted, would not have a significant impact on a substantial number of small entities.

[50] Commentators have previously expressed the view that "competitive forces should be the sole factor motivating brokers or dealers to make available firm quotations to vendors." Rule 11Ac1–1 Adoption Release, *supra* note 1. This point of view finds some support in the fact that over-the-counter market makers currently disseminate quotations on a voluntary basis, though without size, through the NASD's NASDAQ system.

[51] 5 U.S.C. 603(a).

[52] 5 U.S.C. 551 *et seq.*

[53] Pub. L. No. 96–354 (September 19, 1980), 94 Stat. 1164, [1980] U.S. Code Cong. & Ad. News 1169.

[54] Section 601(b) of the Flexibility Act defines the term "small entity" to include "small business concerns," "small organizations" and "small governmental jurisdictions," as those terms are defined in the Flexibility Act. 5 U.S.C. 601 (3), (4) and (5). In particular, Section 601(3) of the Flexibility Act defines the term "small business" to have "the same meaning as the term 'small business concern' under Section 3 of the Small Business Act ['SBA']. *see* 15 U.S.C. 632, unless an agency, pursuant to specified procedures, establishes one or more alternative definitions of such terms.

VI. Text of Proposals

Part 240 of Title 17 of the Code of Federal Regulations is proposed to be amended by revising paragraphs (a)(1) and (a)(15) of § 240.11Ac1–1 and adding new paragraphs (a)(16) to (21), (b)(5), and (c)(4) thereto to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.11Ac1–1 Dissemination of quotations for reported securities.

(a) *Definitions.* For the purposes of this section,

(1) The term "OTC market maker" shall mean any dealer who holds himself out as being willing to buy and sell a reported security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such person who also represents, as agent, orders to buy or sell reported securities on behalf of any other person and communicates bids and offers to a national securities association ("association") pursuant to this section on behalf of such other persons as well as for his own account).

* * * * *

(15) The term "specified persons," when used in connection with any notification required to be provided pursuant to paragraph (b)(3) of this section or any notification (or withdrawal thereof) permitted under paragraph (b)(5) of this section, shall mean:

(i) Each quotation vendor;

(ii) Each plan processor; and

(iii) The processor for the Options Price Reporting Authority (in the case of a notification with respect to a subject security which is a class of securities underlying options admitted to trading on any exchange).

(16) The term "consolidated system" shall mean the consolidated transaction reporting system contemplated by § 240.11Aa3–1 (Rule 11Aa3–1 under the Act).

(17) The term "exchange-traded security" shall mean any reported security or class of reported securities listed and registered, or admitted to unlisted trading privileges, on an exchange.

(18) The term "Rule 19c–3 security" shall mean any exchange-traded security which is not a "covered security," as that term is defined in § 240.19c–3 (Rule 19c–3 under the Act).

(19) The term "OTC security" shall mean any reported security or class of

reported securities which is not an exchange-traded security.

(20) The term "principal market" shall mean, with respect to an exchange-traded security, the exchange or OTC market maker responsible, during the most recent calendar quarter, for the largest percentage of the aggregate trading volume as reported in the consolidated system.

(21) The term "subject security" shall mean:

(i) With respect to an exchange,

(A) Any exchange-traded security with respect to which such exchange is the principal market;

(B) Any Rule 19c-3 security with respect to which such exchange is responsible, during the most recent calendar quarter, for more than 1% of the aggregate trading volume as reported in the consolidated system;

(C) Any reported security with respect to which such exchange has in effect a notification, pursuant to paragraph (b)(5)(i) of this section, that it will collect, process and make available to quotation vendors, bids, offers, quotation sizes, and aggregate quotation sizes on the floor of such exchange of responsible brokers and dealers who are members of that exchange; and

(ii) With respect to an OTC market maker,

(A) Any exchange-traded security with respect to which such OTC market maker is the principal market;

(B) Any Rule 19c-3 security or OTC security with respect to which such OTC market maker is responsible, during the most recent calendar quarter, for more than 1% of the aggregate trading volume as reported in the consolidated system;

(C) Any reported security with respect to which such OTC market maker has in effect a notification, pursuant to paragraph (b)(5)(ii) of this section, that he will communicate to the association of which he is a member bids, offers, and quotation sizes for the purpose of making such bids, offers, and quotation sizes available to quotation vendors.

(b) * * *

(5)(i) Any exchange which determines that, with respect to any subject security covered by paragraph (a)(21)(i)(C) of this section, it will collect, process, and make available bids, offers, quotation sizes and aggregate quotation sizes on the floor of such exchange of responsible brokers and dealers who are members of that exchange shall notify all specified persons of that determination.

(ii) Any OTC market maker who determines that, with respect to any subject security covered by paragraph (a)(21)(ii)(C) of this section, he will communicate to his association bids, offers, and quotation sizes with respect to such security, shall notify his association and all specified persons of that determination.

(iii) The notification of an exchange or OTC market maker with respect to a subject security covered by paragraphs (a)(21)(i)(C) or (a)(21)(ii)(C) shall cease to be in effect if such exchange or OTC market maker withdraws its notification by filing with all specified persons (and, in the case of an OTC market maker, his association) a notice of withdrawal.

(c) * * *

(4) Subject to the provisions of paragraph (b)(4) of this section,

(i) No exchange or OTC market maker may make available, disseminate or otherwise communicate to any quotation vendor, directly or indirectly, for display on a terminal or other display device any bid, offer, quotation size or aggregate quotation size for any reported security which is not a subject security with respect to such exchange or OTC market maker; and

(ii) No quotation vendor may disseminate or display on a terminal or other display device any bid, offer, quotation size from any exchange or OTC market maker for any reported security which is not a subject security with respect to such exchange or OTC market maker.

* * * * *

In addition to the amendments set forth above, § 240.11Ac1-1 is proposed to be amended by removing the words "reported security" and inserting, in their place, the words "subject security" in paragraphs (a)(3), (8), (9), (10), (12), and (14); (b)(1), (3), and (4); (c)(2) and (3).

(Secs. 2, 3, 6, 9, 10, 15, 17, 23, Pub. L. No. 78-291, 48 Stat. 881, 882, 885, 889, 891, 895, 897, 901, as amended by Secs. 2, 3, 4, 11, 14, 18, Pub. L. No. 94-29, 89 Stat. 97, 104, 121, 137, 155 (15 U.S.C. 78b, 78c, 78f, 78*i*, 78j, 78*o*, 78q, 78w, as amended by Pub. L. No. 94-29 (June 4, 1975)); Sec. 1, Pub. L. No. 75-719, 52 Stat. 1070, as amended by Sec. 12, Pub. L. No. 94-29, 89 Stat. 127-131 (15 U.S.C. 78*o*-3, as amended by Pub. L. No. 94-29 (June 4, 1975)); Sec. 7, Pub. L. No. 94-29, 89 Stat. 111, (15 U.S.C. 78k-1)

VII. Solicitation of Comment

Interested persons are invited to submit written presentations of views, data and arguments concerning the proposed amendments to the Quote Rule and the issues discussed above, including any impact on competition which would result from adoption of the proposed amendments. Persons wishing to make such submissions should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than May 8, 1981. All submissions should refer to File No. S7-646, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street N.W., Washington, D.C. 20549.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 27, 1981.

Regulatory Flexibility Act Certification

I, Philip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. § 605(b) that the proposed amendments to Rule 11Ac1-1 ("Rule") under the Securities Exchange Act of 1934, set forth in Securities Exchange Act Release No. 17583, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the proposed amendments will not impose any additional costs or other regulatory burdens on entities subject to the Rule.

Dated: March 2, 1981.

Philip A. Loomis, Jr.,

Acting Chairman.

[FR Doc. 81-7281 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Recodification, Revision and Additions to Part 700—Commission Operations and Relocation Procedures

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to recodify, revise and expand the existing regulations contained in 25 CFR Part 700. The existing regulations in large part are a restatement of the applicable portions of the statutes. Experience gained from relocations completed to date, and the anticipation of the increased volume of relocations expected indicate the need for an expansion of regulations to contain more detail concerning procedures. The proposed recodification, revision and expansion will assign a new numbering system to the regulations and will add new sections dealing with matters not specifically addressed in detail in the old regulations.

DATES: Comments must be received on or before May 8, 1981.

ADDRESS: Send comments to: Paul M. Tessler, C.F.R. Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ 86002.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, Telephone No. (602) 779-3311, Extension 1376, FTS: 261-1376.

SUPPLEMENTARY INFORMATION: Pursuant to the Navajo-Hopi Settlement Act (the Act) (Pub. L. 93-531, 25 U.S.C. 640d-1 through 24, 88 Stat. 1712) as amended by the Navajo and Hopi Indian Relocation Amendment Act of 1980 (Amendment Act) (Pub. L. 96-305, 25 U.S.C. 640d-1 through 28, 94 Stat. 929) regulations contained in Part 700 of Title 25, C.F.R. were adopted from time to time by the Commission as indicated in Part 700. Amendments to the statute have necessitated additional regulations, such as those governing the administration of the discretionary funds and those governing life estates, both of which are being published separate from this publication. Also experience has indicated that further additions to the regulations are necessary and that some revision of existing regulations are also necessary.

New definitions have been included to cover matters contained in new material in the regulations and certain new material not specifically addressed in the previous regulations is now included. Examples are the following:

1. Sections 700.143 and 700.145 deal specifically with payments for divorced or separated relocatees and payments to estates.

2. Sections 700.157 through 700.163 and 700.171 deal specifically with moving expenses related to non-residential moves.

3. Section 700.173 deals with average net earnings of business or farm.

4. Section 700.175 deals with temporary emergency moves.

5. Sections 700.195 through 700.199 deal with eligibility for and handling of incidental expenses.

6. Sections 700.209 through 700.213 deal with last resort replacement housing.

All of these are examples of items not specifically dealt with in the existing regulations. Other areas of the regulations have been expanded in their scope such as Subpart J—Inspection of Records (Sections 700.235 through 700.251) and Subpart K—Privacy Act (Sections 700.255 through 700.297).

It is not intended that this recodification and revision of existing regulations will affect any present benefits with the exception of §§ 700.183 and 700.185 concerning the determination of replacement housing benefits available to each certified head of household. Under the present regulation the interpretation of the Commission has been to add the cost of acquisition of the existing dwelling to the maximum payment authorized by section 15(b)(2) of the Act in order to determine the full amount available for replacement housing. Under §§ 700.183 and 700.185, as presently worded in the proposed revision, the total amount paid for replacement housing would be not more than the maximum additional payment authorized by section 15(b)(2) of the Act, regardless of what amount is paid for the existing dwelling. In other words, the payment for a replacement dwelling would be the same in all cases depending only on family size and not on the payments for habitations and other improvements owned on the area from which a person is required to move.

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002. Telephone: (602) 779-3311, Extension 1376, FTS: 261-1376.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is proposed to be amended by adding regulations designated as Subparts A through L. The present sections in Part 700 remain in effect until a complete revision is published. For purposes of clarity it should be noted that on February 20, 1981 in 46 FR 13237, a proposed rule, Subpart N—Discretionary Funds, was published. Further, final rules on Subpart M—Life Estates, will be published separately upon approval of the Office of Management and Budget.

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Subpart A—General Policies and Instructions

Sec.
700.1 Purpose.
700.3 Assurances with respect to acquisition and displacement.
700.5 Supersedure of regulations.
700.7 Manner of notice.
700.9 Waiver of regulations.
700.11 Waiver of rights by owner.

Definitions

700.31 Applicability of definitions.
700.33 Act.
700.35 Applicant.
700.37 Application for relocation assistance benefits and agreement to move.
700.39 Appraisal.
700.41 Appraiser.
700.43 Assistance payment.
700.45 Business.
700.47 Commission.
700.49 Certified eligible head of household.
700.51 Custodial parent.
700.53 Dwelling, replacement.
700.55 Decent, safe, and sanitary dwelling.
700.57 Dependent.
700.59 Displaced person.
700.61 Fair market value.
700.63 Family.
700.65 Farm operation.
700.67 Habitation.
700.69 Head of household.
700.71 Improvements.
700.73 Incentive bonus.
700.75 Initiation of negotiations.
700.77 Livestock.
700.79 Marriage.
700.81 Monthly housing cost.
700.83 Nonprofit organization.
700.85 Owner.
700.87 Person.
700.89 Relocatee.
700.91 Relocation report.
700.93 Relocation plan.
700.95 Replacement housing funds.
700.97 Resident (or Residency).
700.99 Salvage value.
700.101 Single person.
700.103 Uniform Act.
700.105 Utility charges.

Subpart B—Acquisition and Disposal of Habitation and/or Improvement

700.111 Applicability of acquisition requirements.
700.113 Basic acquisition policies.
700.115 Preliminary acquisition notice.
700.117 Criteria for appraisals.
700.119 Establishment of fair market value.
700.121 Statement of the basis for the determination of fair market value.
700.123 Expenses incidental to transfer of ownership to the Commission.
700.125 Disposal of property.

Subpart C—General Relocation Requirements

700.131 Purpose and applicability.
700.133 Notice of displacement.
700.135 Relocation assistance advisory services.
700.137 Notice to vacate.
700.139 Referral for action.
700.141 General requirements—Claims for relocation payments.
700.143 Payments for divorced or separated relocatees.
700.145 Payments to estates.
700.147 Eligibility requirements.

Subpart D—Moving and Related Expenses, Temporary Emergency Moves

700.151 Eligibility.
700.153 Actual reasonable moving and related expenses—Residential moves.
700.155 Expenses in searching for replacement dwelling—Residential moves.
700.157 Actual reasonable moving and related expenses—Nonresidential moves.
700.159 Payment for direct loss of personal property—Nonresidential moves.
700.161 Substitute personal property—Nonresidential moves.
700.163 Expenses in searching for replacement locations—Nonresidential moves.
700.165 Ineligible moving and related expenses.
700.167 Moving and related expenses—Fixed payment.

Sec.
700.169 Fixed payment for moving expenses—Residential move.
700.171 Fixed payment for moving expenses—Nonresidential move.
700.173 Average net earnings of business or farm.
700.175 Temporary emergency moves.

Subpart E—Replacement Housing Payments

700.181 Eligibility.
700.183 Determination of replacement housing payment.
700.185 Differential amount.
700.187 Limitations on replacement home benefits.
700.189 Expenditure of replacement home benefits.

Subpart F—Incidental Expenses

700.195 General.
700.197 Basic eligibility requirements.
700.199 Incidental expenses.

Subpart G—Assistance Payments (Incentive Bonus)

700.205 Basic eligibility requirements.

Subpart H—Last Resort Replacement Housing

700.209 Applicability.
700.211 Basic rights and rules.
700.213 Methods of providing replacement housing.

Subpart I—Commission Operations

700.219 General.

Subpart J—Inspection of Records

700.235 Purpose and scope.
700.237 Definitions.
700.239 Records available.
700.241 Requests for records.
700.243 Action on initial requests.
700.245 Time limits on processing of initial requests.
700.247 Appeals.
700.249 Action on appeals.
700.251 Fees.

Subpart K—Privacy Act

700.255 Purpose and scope.
700.257 Definitions.
700.259 Records subject to Privacy Act.
700.261 Standards for maintenance of records subject to the Act.
700.263 Assuring integrity of records.
700.265 Conduct of employees.
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Authority: Pub. L. 93–531, 88 Stat. 1712 as amended by Pub. L. 96–305, 94 Stat. 929.

Subpart A—General Policies and Instructions

§ 700.1 Purpose.

The purpose of this part is to implement provisions of the Act of December 22, 1974 (Pub. L. 93–531, 88 Stat. 1712 as amended by Pub. L. 96–305, 94 Stat. 929) in accordance with the following objectives—

(a) To insure that persons displaced as a result of Pub. L. 93–531 are treated fairly, consistently, and equitably so that these persons will not suffer the disproportionate adverse, social, economic, cultural and other impact of relocation.

(b) To set forth the regulations and procedures by which the Commission shall operate; and implement the provisions of the Act of December 22, 1974 (Pub. L. 93–531, 88 Stat. 1712), hereinafter referred to as the Act.

(c) To establish standards consistent with those established in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 42 U.S.C. 4601 et seq.).

(d) To insure that owners of habitations and other improvements to be acquired pursuant to Pub. L. 93–531 are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation, relieve congestion in the courts and to promote public confidence in the Commission's relocation program.

(e) To facilitate development of a relocation plan according to the Act and carry out the directed relocation as promptly and fairly as possible, with a minimum of hardship and discomfort to the relocation, in accordance with the Act.

§ 700.3 Assurances with respect to acquisition and displacement.

The Commission will not approve any programs or projects which may result in the acquisition of habitations and/or improvements, or in the displacement of any person, until such time as written assurances are submitted to the Commission that such projects or programs are in accordance with the uniform Act. It will—

(a) Assure that, within a reasonable period of time prior to displacement, adequate, decent, safe and sanitary replacement dwellings (defined at § 700.65) will be available to all certified eligible heads of households.

(b) Carry out relocation services in a manner that will promote maximum choice in housing.

(c) Inform affected persons of their rights under the policies and procedures set forth under the regulations in this part.

§ 700.5 Supersedure of regulations.

These regulations supersede the regulations formerly appearing in this part. However, any acquisition of property or displacement of a person occuring prior to the effective date of these regulations shall continue to be governed by the regulations at 25 CFR Part 700 in effect at the time of the acquisition or displacement.

§ 700.11 Manner of notices.

Each notice which the Commission is required to provide under these regulations shall be personally served, receipt documented, or sent by certified or registered first-class mail, return receipt requested. Each notice shall be written in plain understandable language. Recipients who notify the Commission that they are unable to read and understand the notice will be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions of other needed help.

§ 700.13 Waiver of regulations.

(a) Any time limit specified for the filing of a claim or an appeal under the regulations in this part may, on a case by case, basis, be extended by the Commission.

(b) The Commission may waive any requirement of these regulations in this part if such requirement is not required by law and if the Commission finds such waiver or exception to be in the best interest of individual Indian applicant, the Commission, and the United States. Any request for a Commission waiver shall be submitted in writing to the Commission and shall be justified on a case by case basis.

§ 700.15 Waiver of rights by owner.

(a) *General.* Nothing in these regulations shall prevent a fully informed applicant from voluntarily waiving any of his/her rights under the regulations in this part. Notice of waivers provided for in this section shall in no way constitute an exemption from the requirements to relocate pursuant to the Act. Waivers must be in conformance with pertinent provisions of this section.

(b) *Waiver of acquisition compensation.* Nothing in these regulations shall prevent a person from donating to the Commission habitations and/or improvements, or any of the compensation payable for such habitations and/or improvements, if prior to the donation—

(1) The Commission informs the applicant in writing as to the amount it has established as just compensation for the habitations and/or improvements; and

(2) The applicant indicates in writing that although he/she understands that he/she cannot be required to donate the habitations and/or improvements or sell it to the Commission at less than the amount determined to be just compensation, he/she voluntarily agrees to do so.

(c) Waiver of relocation payments. If an applicant desires to waive any of his/her rights to a relocation payment, as an agreed-upon condition of the acquisition of the property, the Commission may acquire the habitation and/or improvement without offering the relocation payment to the applicant, if—

(1) The Commission informs the applicant in writing prior to the sale that the displacement is subject to the Act and that the applicant cannot be required to sell the habitations and/or improvements to the Commission unless it offers the relocation assistance described by the Act;

(2) The relocation assistance to be waived shall be specifically described to the applicant;

(3) The applicant provides the Commission with a written statement, in a format that indicates that he/she understands that he/she cannot be required to sell the habitations and/or improvements without being offered such assistance, but he/she voluntarily agrees to do so.

Definitions

§ 700.31 Applicability of definitions.

Except where otherwise noted, the definitions appearing in this Subpart A apply to the regulations in this part.

§ 700.33 "Act" (The Act).

(a) The Act. "The Act" is Pub. L. 93–531, (88 Stat. 1712, 25 USC 640d.) as amended by Pub. L. 96–305, 94 Stat. 929.

§ 700.35 Applicant.

A person who applies for relocation assistance benefits and agrees to relocate pursuant to these regulations and the Act.

§ 700.37 Application for relocation assistance benefits and agreement to move.

The application for relocation assistance benefits and agreement to move is Commission Form #69–R0001, completion of which is used for establising the date upon which a person shall deemed to have a contract with the Commission to relocate pursuant to Section 14(b) of the Act.

§ 700.39 Appraisal.

The appraisal is the fair market value which is placed on the habitation and other improvements owned by a relocatee as of the date of final appraisal that are fixtures on the land, which cannot be moved without substantial damage or unreasonable cost.

§ 700.41 Appraiser.

An appraiser is a person appointed or hired by the Commission to make an appraisal of the habitation and other improvements on the land owned by the relocatees. All compensation for the appraiser shall be paid by the Commission.

§ 700.43 Assistance payment.

An assistance payment is the additional payment made to the certified eligible head of household pursuant to 25 U.S.C. 640d–13(b), (Section 14(b) of the Act), this term is synonymous with "incentive bonus".

§ 700.45 Business.

The term "business" means any lawful activity, except a nonprofit organization or a farm operation, that is—

(a) Conducted primarily for the purchase, sale, lease and or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(b) Conducted primarily for the sale of services to the public; or

(c) Solely for the purpose of Subpart D of these regulations, conducted primarily for outdoor advertising display purposes, when the display(s) must be moved as a result of the project.

§ 700.47 Commission.

The Navajo and Hopi Indian Relocation Commission is that entity established pursuant to 25 U.S.C. 640d–11 (Section 12.(a) of the Act).

§ 700.49 Certified eligible head of household.

A certified eligible head of household is a person who has received notice from the Commission that he/she has been certified as eligible to receive certain relocation assistance benefits.

§ 700.51 Custodial parent.

A custodial parent is a person who has the immediate personal care, charge, and control of a minor child who resides in his/her household, or a person who fills the parental role but who is not necessarily blood-related.

§ 700.53 Dwelling, replacement.

The term "replacement dwelling" means a dwelling that meets the criteria of this section. A replacement dwelling is a dwelling that:

(a) Is decent, safe, and sanitary as described in § 700.55.

(b) May include existing dwellings for resale, new construction, modular homes, mobile homes, mutual self-help housing or other federally assisted housing programs.

(c) Is in an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources and in an area not generally less desirable than that of the acquired dwelling with respect to public utilities, public and commercial facilities, and schools.

(d) Is available at a purchase price within the ability-to-pay of the displaced person. A replacement dwelling shall be considered within the ability-to-pay of the displaced person if, after he receives a replacement housing payment and any available housing assistance payments, his new monthly housing cost (defined at § 700.95) for the replacement dwelling does not exceed—

Twenty-five percent (25%) of the monthly gross income of all adult members of the household, including supplemental income payments received from public agencies. If the person's monthly income pattern is irregular, The Commission shall base its determination of average gross monthly income on the period of time, actual and/or projected, that most fairly and equitably represents the person's ability-to-pay; or

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(e) Actually available to the displaced person on the private market, other federally-sponsored housing projects, tribal-sponsored housing projects and/or Commission-sponsored housing projects.

§ 700.55 Decent, safe, and sanitary dwelling.

(a) *General.* The term "decent, safe, and sanitary dwelling" means a dwelling which—

(1) Meets applicable federal, state and local housing and occupancy codes; including but not limited to the Uniform Building Code, National Electrical Code, ICBO Plumbing Code, the Uniform Mechanical Code, HUD Minimum Property Standards, and HUD Mobile Home Construction and Safety Standards (24 CFR Part 3280);

(2) Is structurally sound, clean, weathertight and in good repair and has adequate living space and number of rooms;

(3) Has an adequate and safe electrical wiring system for lighting and other electrical services where economically feasible;

(4) Meets the requirements of the HUD lead-based paint regulations (24 CFR Part 35) issued under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.);

(5) In the case of a physically handicapped person, is free of any architectural barriers. To the extent that standards prescribed by the American National Standards Institute, Inc., in publication ANSI A117.1–1961 (R 1971), are pertinent, this provision will be considered met if it meets those standards;

(6) Has heating as required by climatic conditions;

(7) Has habitable sleeping area that is adequately ventilated and sufficient to accommodate the occupants;

(8) Has a separate well-lighted and ventilated bathroom, affording privacy to the user, that contains a sink and bathtub or shower stall, properly connected to hot and cold water, and a flush toilet, all in good working order and properly connected to a sewage drainage system; and

(9) In the case of new construction/modular housing complies with the energy performance standards for new buildings set forth by the U.S. Department of Energy.

(10) The Commission may waive paragraphs (3) or (8) of this subsection on a case-by-case basis if it is determined that it is in the best interest of the individual relocatee to do so.

§ 700.57 Dependent.

A dependent is a person who derives more than one-half of his/her support from another.

§ 700.59 Displaced person.

"Displaced person" means any person (Defined at § 700.103) who has to be moved under the terms of the Act, as a result of the Commission's acquisition of, or written order to vacate, other habitation or improvement on which he conducts a business, farm operation, or nonprofit organization, for the project. This term is synonymous with the term "relocatee".

§ 700.61 Fair market value.

Fair market value shall mean the depreciated cost of replacement, as determined by the Commission, to be the appropriate measure of consideration for the purchase of habitations and improvements pursuant to 25 U.S.C. 640–d (Section 15(a) of the Act).

§ 700.63 Family.

The term family is synonymous with household.

§ 700.65 Farm operation.

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support as determined in § 700.

§ 700.67 Habitation.

The term habitation is synonymous with the term "dwelling".

§ 700.69 Head of household.

(a) *Head of Household.* The head of household is:

(1) The individual who exercises control over, or makes decisions for, the other household members based upon a legal or moral obligation to do so and determined by the Commission to represent the household in all matters relating to the Commission, or;

(2) The individual who exercises control or makes decisions for the other household members based upon the consensus of the other household members to do so and determined by the Commission to represent the household, or;

(3) The individual determined by the Commission to represent the household in all matters relating to the Commission.

(b) *Household.* A household is:

(1) A group of people who are residing together and are related by blood, marriage, or court order, or;

(2) One or more persons who are residing together in a single place of abode of which one household member has maintained countinuous residency therein prior to and since December 22, 1974, or;

(3) A married couple whose marriage was in effect as of June 19, 1980, or who would qualify for Relocation Benefits as a household under any other definition in this Section, or;

(4) A single person who is a custodial parent and is actually maintaining and supporting himself/herself and his/her dependents, or;

(5) A single person who has actually maintained and supported himself/herself on and since November 12, 1975, or;

(6) Such other situations or relationships which are determined by the Commission to qualify as a household pursuant to the Act.

(c) *Household Status and Size.* Household status and size shall be initially determined by the facts existing on the date of certification of eligibility for relocation assistance benefits. Final determination of household status and size shall be made prior to referral of the case to the Commission's Real Estate Services Department.

§ 700.71 Improvements.

Improvements are structures and attached fixtures to the land, in addition to the habitation, which cannot readily be moved without substantial damage, or whose movement would require unreasonable cost.

§ 700.73 Incentive bonus.

The incentive bonus is the additional payment to the Certified Eligible Head of Household pursuant to 25 U.S.C. 640d–13(b) (Section 14(b) of the Act). This term is synonymous with "assistance payments".

§ 700.75 Initiation of negotiations.

The term "initiation of negotiation" means the initial written offer by the Commission to the applicant to purchase his/her habitations and improvements for the amount determined to be just compensation for same.

§ 700.77 Livestock.

The term livestock shall mean all domesticated animals of every type owned by the displaced person.

§ 700.79 Marriage.

Marriage is a legally recorded marriage or a traditional commitment between a man or woman recognized by the law of the Hopi Tribe or the Navajo Tribe.

§ 700.81 Monthly housing cost.

(a) *General.* The term "monthly housing cost" for a replacement dwelling purchased by a certified eligible head of household is the average monthly cost for all mortgage payments, real property taxes, and reasonable utility charges.

(b) *Computation of monthly housing cost for replacement dwelling.* A person's monthly housing cost for a replacement dwelling shall be a projected amount that includes one-twelfth of the estimated reasonable annual cost for utility charges.

§ 700.83 Nonprofit organization.

The term "nonprofit organization" means a corporation, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

§ 700.85 Owner.

The term "owner" means the person who holds any interest in habitations and improvements to be acquired by the Commission pursuant to 25 U.S.C. 640d–14(a), (Section 15(a) of the Act), which the Commission determines warrants consideration as ownership.

§ 700.87 Person.

The term "person" means any individual, partnership, corporation, or association.

§ 700.89 Relocatee.

"Relocatee" means a member of the Hopi Tribe residing within the area partitioned to the Navajo Tribe or a member of the Navajo Tribe residing within the area partitioned to the Hopi Tribe who must be relocated pursuant to the Act.

§ 700.91 Relocation report.

The "relocation report" shall be the report prepared by the Commission and submitted to Congress pursuant to 25 U.S.C. 640d–12 (Section 13(a) of the Act).

§ 700.93 Relocation plan.

The "relocation plan" shall be the plan, prepared by the Commission and submitted to Congress pursuant to 25 U.S.C. 640d–12 (Section 13(c) of the Act).

§ 700.95 Replacement housing funds.

"Replacement housing funds" means those funds authorized to be appropriated pursuant to 25 U.S.C. 640d–12 (Section 13(a)(1) of the Act).

§ 700.97 Resident (or Residency).

(a) Resident (or Residency).

(1) Residency is established by fulfilling either of the following criteria:

(i) Current occupancy.

(ii) Maintenance of substantial recurring contacts with an identifiable homesite although the individual is temporarily away for any of the following reasons:

(A) Employment, and seeking employment.

(B) Education or job training.

(C) Medical.

(D) Military (active duty in the military service).

(E) Unavailability of Housing.

(F) Incarceration.

(2)(i) Any one or more of the following criteria may be considered in establishing whether or not there have been substantial recurring contacts:

(A) Ownership of livestock.

(B) Ownership of improvements.

(C) Grazing Permits.

(D) Livestock sales receipts.

(E) Homesite leases.

(F) Public Health Records.

(G) Medical and Hospital records, including those of Medicinemen.

(H) Trading Post Records.

(I) School Records.

(J) Military Records.

(K) Employment Records.

(L) Mailing address records.

(M) Banking Records.

(N) Drivers License Records.

(O) Voting Records—Tribal and County.

(P) Home ownership or rental off the Disputed Area.

(Q) B.I.A. Census Data.

(R) Certification from Chapter Officials—Not required.

(S) Certification of Residency.

(T) Certification by Relocatee.

(U) Information obtained by Certification Field Investigation.

(V) Social Security Administration.

(W) Marital Records.

(X) Court Records.

(Y) Records of Birth.

(Z) Joint Use Area Roster.

(aa) Any other relevant data.

§ 700.99 Salvage value.

"Salvage value" means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable an capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

§ 700.101 Single person.

A single person is a widow, widower, unmarried or divorced person.

§ 700.103 Uniform Act.

The term "Uniform Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91–646).

§ 700.105 Utility charges.

"Utility charges" means the cost for heat, hot water, electricity, natural gas, butane, propane, water, sewer and trash removal.

Subpart B—Acquisition and Disposal of Habitations and/or Improvements

§ 700.111 Applicability of acquisition requirements.

General. The requirements of this Subpart B apply to all Commission acquisition of habitations and/or improvements that occur on or after the effective date of these regulations.

§ 700.113 Basic acquisition policies.

(a) *Appraisal and invitation to owner.* Before the initiation of negotiations, the Commission shall have the habitations and/or improvements appraised to its satisfaction and will attempt to assure that the owner or his designated representative is contacted in advance of the appraisal(s) and given an opportunity to accompany each appraiser during the appraiser's inspection of the property.

(b) *"Determination and offer of fair market value.* Before the initiation of negotiations, the Commission shall establish an amount which it believes is fair market value for improvements. This amount shall be based on a current appraisal. At the time negotiations commence pertaining to the relocation contract between the NHIRC and the relocatee, the appraisal will be adjusted, according to the Boeckh Building Cost Modifier, for time or any physical changes in the improvements. If any changes are necessary the appraisal will be corrected to reflect a current dollar value. The amount of the current appraisal will be offered as just compensation for the improvements acquired. A copy of the initial appraisal will be sent to the owner as soon as possible after the appraisal program is completed."

(c) The Commission will attempt to meet with the owner or his/her representative to discuss its offer to purchase his/her property including the basis for the determination of fair market value and explain acquisition policies and procedures, including

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payment of incidental expenses. The owner shall be given reasonable opportunity to present material which he/she believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. The Commission may consider the owner's presentation.

(d) If the condition of the property indicates the need for new appraisal evidence, or if a significant delay has occurred since the time of the appraisal(s) of the property, the Commission shall have the appraisal(s) updated or obtain new appraisal(s).

(f) Objection to determination of fair market value. If the owner objects to the Commission's determination of fair market value, the onwer may request a hearing pursuant to the Commission's Hearing and Administrative Review procedures;

(g) *Payment before taking possession.* Before requiring an owner to surrender possession of his habitations and/or improvements, the Commission shall—

(1) Apply the agreed purchase price toward the acquisition price of the replacement dwelling or;

(2) Deposit with the court in the appropriate legal proceeding, for the benefit of the owner, an amount not less than the Commission's determination of fair market value for the property or the court award of compensation for the property up to the maximum benefit allowed under the then existing replacement housing benefit.

§ 700.115 Preliminary acquisition notice.

As soon as feasible in the acquisition process, the Commission shall issue a preliminary acquisition notice to the owner. The notice shall—

(a) Inform the owner of the Commission's interest in acquiring his/her habitations and/or improvements.

(b) Explain that such preliminary acquisition notice is not a notice to vacate and that it does not establish eligibility for relocation payments or other relocation assistance under these regulations.

§ 700.117 Criteria for appraisals.

(a) *Appraisal standards.* The Commission's appraisals shall be based upon nationally recognized appraisal standards and techniques to the extent that such principles are consistent with the concepts of value that the Commission may establish. Factors relating to race, color, religion, sex or national origin, or to racial, religious and ethnic identification of neighborhoods are not relevant to the estimation of value and shall not be considered in connection with appraisals of habitations and/or improvements.

(b) *Documentation.* Appraisal reports must contain sufficient documentation, including supporting valuation data and the appraiser's analyses of that data, to demonstrate the reasonableness of the appraiser's opinion(s) of value.

(c) *Conflict of interest.* No appraiser shall have any interest, direct or indirect, in the habitations and/or improvements which he appraises for the Commission that would in any way conflict with his performance of the appraisal. Compensation for an appraisal shall not be based on the amount of the valuation.

§ 700.119 Establishment of fair market value.

(a) *General.* The Commission shall establish the amount of fair market value to be offered to the owner for the habitations and/or improvements. Such amount shall not be less than—

(1) The appraiser's recommendations as to the fair market value of the habitations and/or improvements; or

(2) The fair market value estimate set forth in the agency's approved appraisal, if the property is valued at $2,000 or less.

(b) *Owner retention of improvements.* If the owner of a habitation and/or improvement is permitted to retain it for removal off-site, the amount determined to be just compensation for the interest in habitations and/or improvements to be acquired from him shall be not less than the amount determined by subtracting the salvage value of the improvements he retains for off-site removal from the amount determined to be fair market value for his entire interest in the habitation and improvement. Retention of improvements by the owner shall not change, alter or abrogate the requirement of the Act that the owner must move from land partitioned to tribe of which he/she is not a member.

§ 700.121 Statement of the basis for the determination of fair market value.

At the time of the initiation of negotiations to acquire the habitations and/or improvements, the Commission shall furnish the owner, along with the initial written purchase offer, a written statement of the basis for the determination of fair market value. To the extent permitted by the Commission, the statement shall include the following—

(a) A description and location identification of the habitations and/or improvements to be acquired.

(b) An inventory identifying the buildings, structures, fixtures, and other improvements, including appurtenant removable building equipment, which are considered to be part of the habitations and/or improvements for which the offer of fair market value is made.

(c) A recital of the amount of the offer and a declaration that such amount—

(1) Is the full amount believed by the Commission to be just compensation for the property and is not less than the fair market value of the property as determined on the basis of the appraisal(s);

(2) Does not reflect any relocation payments or other relocation assistance which the owner is entitled to receive.

(d) If only a portion of a habitation and/or improvement is to be acquired, an apportionment of the total estimated just compensation for the partial acquisition will be made. In the event that the Commission determines that partial acquisitions are necessary, all portions so acquired will be acquired stimultaneously.

§ 700.123 Expenses incidental to transfer of ownership to the Commission.

Eligible costs. The Commission shall reimburse the owner for reasonable expenses he/she necessarily incurred incidental to the transfer of habitations and/or improvements to the Commission. The Commission is not required to pay costs solely required to perfect the owner's interest in the habitations and/or improvements.

§ 700.125 Disposal of property.

Property acquired by the Commission pursuant to the Act shall be disposed of in one of the following manners:

(a) If the Commission determines that the property acquired constitutes a substantial risk to public health and safety, the Commission may remove or destroy the property.

(b) The Commission may transfer the property acquired by gratuitous conveyance to the tribe exercising jurisdiction over the area. Notice of such transfer shall be in writing and shall be completed within sixty (60) days from the finalization of all property acquisition procedures, unless the tribe notifies the Commission in writing within that time that the property transfer is refused. In the event of a refusal by the tribe, the Commission shall remove the property.

Subpart C—General Relocation Requirements

§ 700.131 Purpose and applicability.

This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance under the regulations in this part. The relocation requirements of the regulations in this part apply to the relocation of any displaced person.

§ 700.133 Notice of displacement.

Within ninety 90 days after the Commission's Relocation Report and Plan is in effect pursuant to the Act, the Commission may issue a preliminary relocation notice to each person identified by the Commission as potentially subject to relocation. This notice shall—

(a) Be published in a newspaper of general circulation in the area of the former Joint Use Area at least two times, and shall be sent to each Chapter House on the former Joint Use Area for posting.

(b) Inform the person that he/she will be required to relocate permanently in the future unless the person applies for and is determined to be eligible for a Life Estate.

(c) Generally describe the relocation assistance program for which the person may become eligible, including the maximum allowable dollar amounts and basic conditions of eligibility for the payments.

§ 700.135 Relocation assistance advisory services.

(a) *General.* The Commission may carry out a relocation assistance advisory program which offers the services described in paragraph (b) of this section. If the Commission determines that a person occupying habitations and/or improvements adjacent to the habitations and/or improvements acquired pursuant to the Act is caused substantial economic injury because of such acquisition, it may offer such services to such person.

(b) *Services to be provided.* The advisory program will include such measures, facilities, and services as may be necessary or appropriate in order to—

(1) Personally interview where possible each certified eligible head of household determine his/her relocation needs and preferences, and explain to him/her the relocation payments and other assistance for which he/she may be eligible, the related eligibility requirements, and the procedures for obtaining such payments and assistance;

(2) Provide current and continuing information on the availability, purchase prices, and rental costs of replacement dwellings and commercial and farm properties and locations, as the case may be.

(3) Assure that replacement dwellings are available to all certified eligible heads of households.

(4) Assist any persons displaced from a business or farm operation to obtain and become established in a suitable replacement location;

(5) Supply persons to be displaced with appropriate information concerning Federal, State, Tribal or local housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal or State programs offering assistance to persons to be displaced;

(6) Endeavor to minimize the adverse social, economic, cultural and other hardships and impacts of relocation on persons involved in adjusting to such relocation.

(c) *Coordination of relocation activities.* The Commission shall, to the maximum extent feasible, coordinate its relocation assistance advisory services activities with existing local, state, federal and Tribal agencies to the extent necessary to enable it to carry out its program. Referrals of displaced persons for services to existing services providers will be utilized whenever possible.

(d) *Policy.* The Commission shall continue to provide assistance to a family, individual, business concern, non-profit organization, or farm operation until relocation has been achieved unless §§ 700.137 and 700.139 (Eviction For Cause and Ninety Day Notice) become applicable.

(e) *Reasons for Terminating Assistance.* In general, the circumstances under which the Commission's relocation obligations ceases are the following:

(1) The family or individual has moved to a decent safe, and sanitary replacement dwelling and has received all assistance payments to which entitled.

(2) All reasonable efforts to trace a family or individual have failed.

(3) The family or individual moves to substandard housing and has refused reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling.

(4) The business concern, farm operation, or non-profit organization has received all assistance and payments to which it is entitled, and has either been successfully relocated or ceased operations.

(5) Failure to reasonably cooperate with relocation procedures.

(6) Other relevant reasons as determined by the Commission.

§ 700.137 Notice to vacate.

(a) *General.* Persons identified by the Commission as potentially subject to relocation who have not applied for relocation assistance shall be contacted by the Commission as soon as practicable following the fourth year, after the effective date of the relocation plan. At such time, the Commission shall—

(1) Request that the head of household choose an available area for relocation, and contract with the Commission for relocation; and

(2) Offer the relocatee suitable housing; and

(3) Offer to purchase the head of households habitation and improvements; and

(4) Offer provisions for the head of household and his family to be moved (e.g., moving expenses, etc.).

(b) If a person identified pursuant to paragraph (a) of this section fails or refuses to move after the actions outlined in this section are taken by the Commission, the Commission will issue a ninety day notice stating the date by which the person will be required to vacate the area partitioned to the Tribe of which he is not a member which date shall be five years after the date of approval of the Report and Plan by the Congress. The person shall also be given a 30 (thirty day) notice to vacate.

(c) *Timing of notice.* The ninety day notice shall not be given before the notice of displacement is issued. Upon expiration of the time period provided and upon failure or refusal of the person to move, the Commission may exercise the referral for action proceedings outlined in § 700.139.

§ 700.139 Referral for action.

(a) Upon the expiration of all notice periods and upon the failure or refusal of the relocatee to make timely arrangements to move, the Commission will request the United States Attorney for the District of Arizona to take appropriate action.

(b) When the United States Attorney takes such action as he deems appropriate on or after the effective date of notice herein prescribed the Commission may exercise its options pursuant to 25 U.S.C. 640 d–14 (Section 15(d)(3) of the Act) or the Commission may deposit sufficient funds with the United States District Court for the District of Arizona to assure the availability of relocation assistance to which the relocatee may be entitled.

§ 700.141 General requirements—Claims for relocation payments.

(a) *Documentation.* Any claim for a relocation payment under Subparts D, E, F, G, or H shall be submitted to the Commission on the appropriate Commission form and supported by such documentation as may reasonably

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be required by the Commission to demonstrate expenses incurred, such as bills, and receipts.

(b) *Time for filing.* All claims for a relocation payment shall be filed with the Commission within 30 days after the move is completed, unless this time period is extended by the Commission.

(c) *Direct payment of claim.* Relocation payments shall be made in accordance with the terms of the Relocation contracts and are not subject to claims of creditors or assignments.

§ 700.143 Payments for divorced or separated relocatees.

(a) *General.* The following considerations apply to Certified Eligible Heads of Households, who subsequently separate or divorce and intend to establish separate eligibilty. It is not important whether the separation is a result of litigation, or the Dissolution of Marriage. Separation is the only fact to be considered.

(b) *Determination of benefits.* Relocation Benefits are viewed in terms of the occupancy status of the Certified Eligible Head of Household as of the time that benefits were first applied for, rather than at the time of displacement or after relocation.

(1) If the divorce or separation took place before benefits were first applied for and one of the spouses vacated the property at that time, the vacating spouse would not be eligible for benefits and all relocation benefits would accrue to the spouse remaining in occupancy.

(2) If both husband and wife are in possession at the time that benefits are first applied for, and are otherwise eligible for benefits, they qualify together as a displaced family. Their maximum benefit is the amount the family would have received had the man and wife relocated together.

(c) *Proration of relocation benefits.* The heads of households relocation benefits may be divided between the husband and wife in any portion they agree upon. This procedure requires a written notarized agreement, signed by both parties, which clearly sets forth the method of division and the agreed percentage which each party claims. The agreement may not thereafter be changed without the written consent of both partners. In absence of an agreement, the benefits shall be divided equally regardless of custody of minor children, if any, or support of emancipated children.

(1) Claimants may agree upon a division of the moving expense payment (either "actual" or "alternate") which differs from other relocation benefits. Moving expense payments can be based on actual costs or alternate method, however the two methods cannot be mixed.

(2) All other relocation benefits must be based upon the same prorated division.

(3) The parties may move at different times; however, all relocation benefits shall be calculated from the time benefits are first applied for.

(4) If the parties cannot reach an agreement, their relocation benefits will be determined as if the family had relocated together. The claim form need be signed by only one party; however, the benefit checks will be made payable to both individuals.

§ 700.145 Payments to estates.

An estate, as such, is not a displaced person and hence cannot be paid any replacement housing benefits.

However, such payments can be made to the estate of a Certified Eligible Head of Household who was certified and qualified for payment during his lifetime. Relocation assistance payments may be made to the estate of a Certified Eligible Head of Household under the following circumstances:

(1) The actual cost of removing personal property may be made to an estate if the decedent was in occupancy or the estate has control of the acquired property at the date benefits were first applied for and the personal property was removed from the premises thereafter.

(2) Replacement housing and rental replacement housing payments may be paid to an estate only when a Certified Eligible Head of Household qualified for such a housing payment pursuant to the Act and died before he/she could file a claim or a claim could be paid. Estates of a Certified Eligible Head of Household who was still in occupancy at the time of his/her death cannot claim payments for replacement housing.

(3) If one of a married couple dies, the surviving spouse may be paid the same moving expense and replacement housing payments the couple would have received had death not occurred.

§ 700.147 Eligibility requirements.

(a) To be eligible as a displaced person for benefits provided for under the Act, and these regulations a person must meet one of the following conditions:

(i) The person must be a resident in the area partitioned to the tribe of which he is not a member; or

(ii) The person was a resident in the Joint Use Area but moved from there between December 22, 1974, and August 30, 1978; or

(iii) The person was a resident of an area which was partitioned to a tribe of which he is not a member but moved therefrom after August 30, 1978.

(b) Moves described in paragraphs (a)(ii) and (a)(iii) are presumed to have been made pursuant to the Act.

(c) Eligibility for certain benefits is further restricted by Sections 14(c) and 15(c) of the Act (25 U.S.C. 640–d–13) and 14(c) as reflected in § 700.10 (d) and (e) 2 of these regulations.

Subpart D—Moving and Related Expenses, Temporary Moves

§ 700.151 Eligibility.

(a) *General.* All certified eligible heads of household are eligible for moving and related expenses as prescribed in this subpart. A certified eligible head of household who lives on his/her business or farm property may be eligible for both a payment as a dwelling occupant and a payment with respect to the business or farm operation.

(b) *Least costly approach.* The amount of payment for an eligible expense under this subpart shall not exceed the least costly method, as determined by the Commission, of accomplishing the objective of the payment without causing undue hardship to the certified eligible heads of household.

(c) *Prior Approval.* Written approval of the Commission must be obtained for all moving and search expenses in this subpart. Such approval shall be obtained by each certified eligible head of household prior to incurring any expense from the real estate specialist to whom the case is assigned. Prior appraisal of the Commission for incurring expenses is required. If prior approval and the amount thereof is not obtained from the Commission, the Commission thereafter will determine:

(i) Whether the travel was required and the expenses reasonable and;

(ii) The amount of reimbursement to be paid, if any.

§ 700.153 Actual reasonable moving and related expenses—Residential moves.

Subject to the limitations contained in this subpart, a certified eligible head of household is entitled to actual reasonable expenses for–

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules, meals and lodging away from home required by the Commission.

(b) Transportation computed at prevailing federal per diem and mileage allowance schedules of the household and personal property from the acquired site to the replacement site.

(c) Packing, crating, unpacking and uncrating of the personal property.

(d) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances, and other personal property;

(e) Storage of the personal property, not to exceeed one year unless extended by the Commission.

(f) Insurance of the personal property in connection with the move and necessary storage; and

(g) Other moving related expenses that are not listed as ineligible under § 700.165, as the Commission determines to be reasonable and necesary.

§ 700.155 Expenses in searching for replacement dwelling—Residential move.

(a) A certified eligible head of household is entitled to actual reasonable expenses incurred in the search for a replacement dwelling.

(b) Transportation, meals and lodging when required to be away from home by the Commission, computed at prevailing federal per diem and mileage allowance schedules, with prior approval from the Real Estate specialist at the Commission to whom the case is assigned.

§ 700.157 Actual reasonable moving and related expenses—Nonresidential moves.

(a) *Eligible costs.* Subject to the limitations of § 700.151(c) a certified eligible business, farm operation or nonprofit organization is entitled to payment for actual reasonable expenses for:

(1) Transportation of personal property from the acquired site to the replacement site.

(2) Packing, crating, unpacking, and uncrating the personal property.

(3) Disconnecting, dismantling, removing, reassembling and installing relocated and substitute machinery, equipment, and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;

(4) Storage of the personal property;

(5) Insurance of personal property in connection with the move and necessary storage;

(6) Any license, permit or certification required by the displaced person, to the extent such cost is (i) necessary to its re-establishment at the replacement location and (ii) does not exeeced either the cost for one year or for the remaining useful life of the existing license, permit, or certification, whichever is less;

(7) Professional services, including architect's, attorney's and engineer's fees, and consultant's charges, necessary for (i) planning the move of the personal property, (ii) moving the personal property, or (iii) installing the relocation personal property at the replacement location.

(8) Relettering signs and printing replacement stationery made obsolete as a result of the move;

(9) Actual direct loss of personal property;

(10) Purchase of substitute personal property;

(11) Searching for a replacement location;

(12) Other moving-related expenses that are not listed as ineligible under § 700.165.

(b) *Self-move.* If the displaced person self-moves his business, farm operation, or nonprofit organization, the Commission may approve a payment for his moving expenses in an amount not to exceed the lowest acceptable bid or estimate obtained by the Commission, without submission of documentation of moving expenses actually incurred

(c) *Notification to Commission and inspection.* To be eligible for a payment under this section, the displaced person shall permit the Commission to make reasonable and timely inspections of the personal property at the displacment and replacement sites.

§ 700.159 Payment For direct loss of personal property—Nonresidential moves.

(a) *General.* A certified eligible business is entitled to payment for actual direct loss of an item of tangible personal property incurred as a result of moving or discontinuing his business, farm operation, or nonprofit organization. The payment shall consist of the reasonable costs incurred in attempting to sell the item plus the lesser of—

(1) The fair market value of the item for continued use at the acquired site, less the proceeds from its sale. (When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or

(2) The estimated cost of moving the item, but with no allowance for storage. (If the business, farm operation or nonprofit organization is discontinued, the estimated cost shall be based on a moving distance of 50 (fifty) miles.)

(b) *Advertising sign.* The amount of a payment for direct loss of an advertising sign, which is personal property, shall be the lesser of—

(1) The depreciated reproduction cost of the sign as determined by the Commission, less the proceeds from its sale; or

(2) The estimated cost of moving the sign.

(c) *Sales effort.* To be eligible for payment for direct loss of personal property, the claimant must make good faith effort to sell the personal property, unless the Commission determines that no such effort is necessary.

(d) *Transfer of ownership.* To be eligible for payment for direct loss of personal property, the claimant shall transfer to the Commission ownership of the unsold personal property.

§ 700.161 Substitute personal property—Nonresidential moves.

(a) *General.* If an item or personal property, which is used as part of a business, farm operation or nonprofit organization, is not moved but is promptly replaced with a comparable substitute item at the replacement site, the displaced person is entitled to payment of the lesser of—

(1) The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade-in of the replaced item, if any; or

(2) The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate obtained by the Commission for eligible moving and related expenses, but with no allowance for storage.

(b) *Transfer of ownership.* To be eligible for a payment under this section, the claimant shall transfer to the Commission, ownership of the personal property that has not been sold or traded in.

§ 700.163 Expenses in Searching for replacement location—Nonresidential moves.

A displaced business, farm or nonprofit organization is entitled to an amount not to exceed $500 (five-hundred dollars), as determined by the Commission, for actual reasonable expenses incurred in searching for a replacement location, including—

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules; meals and lodging away from home;

(b) Time spent searching, based on reasonable earnings;

(c) Fees paid to a real estate agent or broker to locate a replacement site.

§ 700.165 Ineligible moving and related expenses.

A displaced person is not entitled to payment for—

(a) The cost of moving any structure or other improvement in which the displaced person reserved ownership; or

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(b) Interest on a loan to cover moving expenses; or
(c) Loss of goodwill; or
(d) Loss of profits; or
(e) Loss of trained employees; or
(f) Physical changes at replacement location of business, farm or nonprofit organization, except as provided at § 700.157; or
(g) Any additional expense of a business, farm, or nonprofit organization incurred because of operating in a new location.

§ 700.167 Moving and related expenses—Fixed payment.

A displaced person (other than an outdoor advertising display business who is eligible for a payment for his actual moving and related expenses under Subpart D of these regulations, is entitled to receive a fixed payment in lieu of a payment for such actual moving and related expenses.

§ 700.169 Fixed payment for moving expenses—Residential moves.

The fixed payment for moving and related expenses of certified eligible head of household from a dwelling consists of—
(a) A moving expense allowance not to exceed $300 (three-hundred dollars).
(b) A dislocation allowance of $200 (two-hundred dollars).

§ 700.171 Fixed payment for moving expenses—Nonresidential moves.

(a) *General.* The fixed payment for moving and related expenses of a displaced business or farm operation that meets applicable requirements under this section is an amount equal to its average annual net earnings as computed in accordance with § 700.175, but not less than $2,500 nor more than $10,000. A nonprofit organization which meets the applicable requirements under this section is entitled to a payment of $2,500.

(b) *Business.* A business qualifies for payment under this Section if the Commission determines that—
(1) The business cannot be relocated without a substantial loss of its existing patronage.
(2) The business is not part of a commercial enterprise having another establishment, which is not being acquired by the Commission, and which is under the same ownership and engaged in the same or similar business activities. For purposes of this rule, no remaining business facility which had average annual gross receipts of less than $2,000 and average annual net earnings of less than $1,000, during the two taxable years prior to displacement, shall be considered "another establishment", and
(3) The business had (i) average annual gross receipts of at least $2,000 during the two taxable years prior to displacement, or (ii) average annual net earnings of at leat $1,000.00 as determined in accordance with § 700.175. However, the Commission may waive this test in any case in which it determines that its use would cause a substantial hardship.

(c) *Determining number of businesses acquired.* In determining whether two or more legal entities, all of which have been acquired, constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which—
(1) The same premises and equipment are shared;
(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
(3) The entities are held out to the public, and to those customarily dealing with them, as one business, and
(4) The same person or closely related persons own, control or manage the affairs of the entities.

(d) *Farm operation.* A farm operation qualifies for a payment under this section if the Commission determines that it meets the criteria set forth in§ 700.173(b)(3) section. In the case of a partial acquisition, the fixed payment shall be made only if the Commission determines that—
(1) The part acquired was a farm operation before the acquisition; or
(2) The partial acquisition caused the operator to be displaced from the farm operation; or
(3) The partial acquisition caused a substantial change in the nature of the farm operation.

(e) *Nonprofit organization.* A nonprofit organization qualifies for a $2,500 payment under this Section, if the Commission determines that it—
(1) Cannot be relocated without a substantial loss of existing patronage (membership and clientele). A nonprofit organization is assumed to meet this test, unless the Commission demonstrates otherwise, and
(2) Is not part of an enterprise having at least one other establishment engaged in the same or similar activity which is not being acquired by the Commission.

(f) *Loss of good will.* A mixed payment under this section does not cover "loss of good will".

§ 700.173 Average net earnings of business or farm.

(a) *Computing net earnings.* For purposes of this subpart, the average annual net earnings of a business or farm operation is one-half of its net earnings before Federal, State and local income taxes, during the two taxable years immediately prior to the taxable year in which it was displaced. However, if the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be computed on the basis of the actual period of operation on the acquired site, projected to an annual rate. Also, average annual net earnings may be based upon a different period of time when the Commission determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, his spouse, or dependents.

(b) *Documentation.* A displaced person who elects to receive a fixed payment in lieu of actual expenses incurred in moving his business or farm shall furnish the Commission proof of his net earnings through income tax returns, certified financial statements or other reasonable evidence.

§ 700.175 Temporary emergency moves.

(a) *General.* An eligible household may be granted temporary relocation resources, at the Commission's discretion, provided:
(1) That the move is for a limited time period not to exceed 12 months unless extended by the Commission.
(2) That permanent relocation resources are not available at the time of displacement.
(3) Prior approval of the Commission is obtained.
(4) That a Relocation Contract providing for permanent relocation has been executed.
(5) The head of household actually remained domiciled on lands partitioned to the tribe of which he is not a member as of December 22, 1974, and continuously thereafter.
(6) The head of household shall vacate all improvements owned by him on lands partitioned to the tribe of which he is not a member and shall transfer title to said improvements to the Commission.

Temporary relocation shall in no way diminish the responsibility of the Commission to offer relocation assistance and services designed to achieve permanent into suitable facilities.

(b) *Conditions Under Which Move to Temporary Housing Accommodations May Be Approved.* The move of a family or individual into temporary housing accommodations may be approved by the Commission only if the following conditions are met.

(1) The move will be undertaken because:
(i) It is necessary because of an emergency as determined by the Commission on a case by case basis; or
(ii) The individual or family is subject to conditions hazardous to his or his family's health or safety; or
(iii) A homeowner or tenants is displaced by code enforcement (other than demolition) or rehabilitation activities that do not necessitate permanent relocation.
(2) The temporary housing is decent, safe, and sanitary.
(3) All costs in connection with the move, including any increased housing costs, will be included as a project cost.
(4) The Commission shall have determined that within 12 (twelve) months of the date of the temporary move, replacement housing meeting Commission-approved standards will be available for occupancy by the persons temporarily rehoused.
(5) Prior to the move, the Commission shall provide in writing assurance to each head of household that:
(i) Replacement housing will be available at the earliest possible time but in any event no later than 12 (twelve) months from the date of the move to temporary housing.
(ii) Replacement housing will be made available on a priority basis, to the individual or family who has been temporarily rehoused.
(iii) The move to temporary rehousing will not, in any way, affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice of replacement housing units that would have been made available had the temporary move not been made.
(iv) The Commission will pay all costs in connection with the move to temporary housing, including any increased housing costs.

(c) *Agency Documentation.* To request Commission approval for a temporary move of a family, the following information shall be submitted to the Commission (additional information may be required on a case-by-case basis):
(1) An explanation of the necessity for the temporary move, based upon the criteria set forth by the Commission.
(2) The estimated duration of the temporary occupancy.
(3) In the case of the family or individual, (a) a copy of the written assurance which will be provided to the person explaining his rights and the continuing obligation of the agency to provide relocation assistance, and (b) evidence that the family or individual agrees to make the temporary move.

(d) *Costs In Connection With Temporary Move.*—(1) *General.* The cost of any temporary move shall be charged to project cost and shall be shared in the same manner and to the same extent as other project costs.
(2) *Costs Included.* Costs included in a temporary move may cover the following:
(i) Actual reasonable moving costs and related expenses for the move to temporary accommodations.
(ii) For the family or individual moved from a rental unit the difference, if any, between the rental cost of the dwelling vacated and the rental cost of the temporary unit.
(iii) For a homeowner who retains ownership of his dwelling the reasonable cost of renting the temporary dwelling.
(iv) For a homeowner whose dwelling has been acquired the difference, if any, between his housing costs for the acquired dwelling and the rental cost of the temporary unit.
(3) *Costs Not a "Replacement Home Benefit."* Costs in connection with a move to temporary accommodations are not to be considered as relocation payments under the Uniform Act. (See following subparagraph)

(e) *Distinguishing Between Cost of Temporary Move and Relocation Payment.* The costs of a temporary move, as described in the foregoing subparagraphs, are not to be considered as all or a part of the "relocation payment" to which a displaced person is entitled under the Act. Thus, when a family is moved to temporary accommodations, a relocation payment is *not* made and the election or choice of type of payments that would ordinarily be made upon displacement must be delayed until the final move is made. When the move out of temporary accommodations is made, the displaced person shall receive the full relocation payments to which he/she is entitled pursuant to Commission regulations.

Subpart E—Replacement Housing Payments

§ 700.181 Eligibility.

(a) *Basic eligibility requirements.* A certified eligible head of household who established his/her residency requirements in the area partitioned to the tribe which he/she is not a member, is eligible for the replacement housing payment specified at § 700.183(a) if he/she purchases and occupies a decent, safe, and sanitary replacement dwelling within 2 years after the date he/she receives final payment for the acquired dwelling or the date he/she moves from the acquired dwelling, whichever is later.

(b) *Other rules and requirements.* A payment under this Subpart F is subject to the other applicable rules and requirements of these regulations.

§ 700.183 Determination of replacement housing payment.

(a) *Amount of payment.* The replacement housing payment (differential amount) for a certified eligible head of household is an amount, not to exceed the current replacement home housing payment as computed on the basis of family size in consultation with the Secretary of the Department of Housing and Urban Development pursuant to 25 U.S.C. 640d–(b)(2) (Section 15(b)(2) of the Act), which is equal to the amount, if any, by which the cost of a replacement dwelling exceeds the Commission's "acquisition cost" for the acquired dwelling, as determined in accordance with § 700.185.

(b) *Conversion of payment.* An owner-occupant, who initially rents a replacement dwelling and receives a payment under this section if he meets the eligibility criteria described in § 700.175, including purchase and occupancy within the prescribed two-year period. The amount of the rental assistance payment shall be deducted from the amount computed under this section.

§ 700.185 Differential amount.

(a) *General.* The differential amount to be paid under § 700.183 is the amount, if any, which must be added to the acquisition cost of the acquired dwelling to provide a total amount equal to the purchase price of the decent, safe, and sanitary replacement dwelling, including the land upon which it is situated, actually acquired and occupied by the displaced person.

(b) *Owner retention of acquired dwelling.* If the owner retains ownership of his dwelling, moves it from the acquired site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be considered to be the sum of—
(1) The moving and restoration expenses;
(2) The costs, if any, incurred to make the unit a decent, safe and sanitary replacement dwelling.

§ 700.187 Limitations on replacement home benefits.

(a) The Commission will insure that all eligible heads of household receive a decent, safe and sanitary replacement dwelling in the following manners:
If the eligible head of household owns no dwelling other than that on the area

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from which he or she must move pursuant to the Act, the Commission will acquire a replacement home for them in one of the following manners.

(1) Purchase of an existing home,

(2) Construction of a home, or

(3) Participation or purchase in a mutual help housing or other home ownership project under the U.S. Housing Act of 1937 (50 Stat. 888), as amended (42 U.S.C. 1401) or in any other federally assisted housing program.

(b) If the eligible head of household owns or is buying a home in an area other than the area from which he or she must move pursuant to Pub. L. 93–531, the Commission will expend relocation benefits in one of the following manners:

(1) If the home is decent, safe, and sanitary, but is encumbered by a mortgage, such mortgage existing as of the effective date of these regulations, the Commission will expend replacement housing benefits, up to the maximum then existing benefit, to accelerate to the maximum extent possible, the achievement by that household of debt-free homeownership.

(2) If the home is owned free and clear but does not meet Commission decent, safe, and sanitary standards, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure the home meets decent, safe, and sanitary standards, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in section (a) above.

(3) If the home is neither owned free and clear nor decent, safe, and sanitary, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure that the home meets decent, safe, and sanitary standards, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in section (a) above.

(4) If the home is decent, safe, and sanitary, and is owned free and clear, no replacement home benefits will be paid.

(5) Home improvements shall include the following: General repairs, Painting and texturing, Fencing—including corrals, Landscaping, Grading, Room additions, Re-modeling, Roofing, Insulating, Repair or improvements to the water, sewage, cooling, heating, or electrical systems, Storage buildings, Energy conservation measures, Other home improvements as determined and defined by the Commission.

§ 700.189 Expenditure of replacement home benefits.

(a) Replacement home benefits shall be expended in full at or before the time of original acquisition except as stated below. It is not anticipated that such exceptions would be common and each such instance shall be reviewed and a determination will be made by the Certification Officer.

(1) Under unusual circumstances such as: unknown (latent) defects in the replacement dwellings, significant change of circumstances and extreme hardship, benefits may be expended after the time of original acquisition up to the then existing maximum Replacement Home Benefit.

(2) All replacement home benefits shall be expended not later than one (1) year after the date of payment of the incentive bonus, except under unusual circumstances as stated above, up to the statutory maximum.

(3) Replacement home benefits shall not be expended for maintenance except under unusual circumstances as stated above, up to the statutory maximum.

(4) For purposes of this subsection, the time of original acquisition shall be defined as the date of execution of the Commission's relocation contract.

Subpart F—Incidental Expenses

§ 700.195 General.

Incidental expenses are those reasonable expenses, as determined by the Commission, to be incidental to the purchase of the replacement dwelling, but not prepaid.

§ 700.197 Basic eligibility requirements.

A Certified Eligible Head of Household is eligible for reimbursement of expenses that are incidental to the purchase of a replacement dwelling, not including prepaid expenses.

§ 700.199 Incidental expenses.

(a) *Eligible costs.* Subject to the limitations in paragraphs (b) and (c) of this section, the incidental expenses to be paid are those actually incurred by the displaced person incident to the purchase of the replacement dwelling, including—

(1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing plats, recording fees; and title insurance;

(2) Lender, FHA or VA appraisal fees;

(3) FHA or VA application fee;

(4) Certification of structural soundness when required by the lender;

(5) Credit report;

(6) Owner's and mortgagee's evidence or assurance of title;

(7) Escrow agent's fee;

(8) State revenue or documentary stamps, sales or transfer taxes;

(9) Such administrative costs as are necessary to secure and acquire homesite leases and/or allotments on tribal lands. These costs may include survey fees, appropriate tribal fees and other conveyances instruments as may be appropriate; and

(10) Costs, such as advertising charges, incurred incident to the purchase of the improvements owned by the head of household.

(11) Cost related to fee inspector's inspections of the replacement dwelling.

(12) Such other costs as the Commission determines to be incidental to the purchase.

(b) Limitation. The amounts payable for expenses under paragraph (a) of this section shall not exceed the amount prorated to the reasonable costs of a replacement dwelling.

(c) Truth in lending charge. Any expense, which is determined to be part of the debt service or finance charge under 15 U.S.C. 131–1641 and Regulation Z (12 CFR Part 226) issued thereunder by the Board of Governors of the Federal Reserve System, is not eligible for reimbursement as an incidental expense.

Subpart G—Assistance Payments (Incentive Bonus)

§ 700.205 Basic eligibility requirements.

(a) A certified eligible head of household is eligible for the assistance payment pursuant to 25 U.S.C. 640d–13(b), Pub. L. 93–531, section 14(b).

(b) *Amount of Payment.* The amount of payment shall be computed in accordance with the schedule provided for in 25 U.S.C. 460d–13(b), Pub. L. 93–531, section 14(b).

(c) *Date for Determination of Amount of Assistance Payment.*

The Date of completion of and filing with the Commission the Application for Relocation Assistance and Agreement to Move shall be deemed as having contracted with the Commission to move pursuant to the Act.

(d) *Time of Payment.*

Assistance payments provided for in this section shall only be paid upon actual occupancy of the replacement dwelling and vacation of the acquired habitation and/or improvement, if any, in the area partitioned to the Tribe of which he/she is not a member.

Subpart H—Last Resort Replacement Housing

§ 700.209 Applicability.

The provisions of this subpart apply only when the Commission determines that, unless it acts under the provisions of this subpart, there is a reasonable likelihood that replacement dwelling(s) will not be available on a timely basis to person(s) to be displaced.

§ 700.211 Basic right and rules.

The provisions of this subpart do not deprive any displaced person of any rights described elsewhere in this part. The Commission may met its obligation to provide persons with reasonable opportunities to relocate to a replacement dwelling by offering such opportunities developed or to be developed under this subpart.

§ 700.213 Methods of providing replacement housing.

(a) *General.* The methods of providing last resort housing include, but are not limited to—

(1) Rehabilitation of, and/or additions to, an existing replacement dwelling;

(2) A replacement housing payment in excess of the limits set forth in Subpart E and F or the provision of direct Commission mortgage financing;

(3) The construction of a new replacement dwelling;

(4) The relocation and, if necessary, rehabilitation of a replacement dwelling;

(5) The purchase of land and/or a replacement dwelling by the Commission and subsequent sale or lease to, or exchange with, a displaced person; and

(6) The removal of barriers to the handicapped as may be necessary.

Subpart I—Commission Operations

§ 700.219 General.

(a) The operation of the Commission shall be governed by a Management Manual passed, amended or repealed by a majority of the Commission at any regular or special meeting. The Management Manual is the prescribed medium for publication of policies, procedures and instructions which are necessary to facilitate the day-to-day operations and administration of the Commission.

(b) *Meetings:* The Commission shall hold a regular monthly meeting on the first Friday of each month at a time and place designated by public notice unless said Friday falls on a legal holiday, in that event, the meeting shall begin on the next regular workday. The monthly meeting may continue for as many days thereafter as is necessary to complete the regular affairs of the Commission, and may be recessed from time to time and reconvened at times designated by the Chairperson.

(c) *Special public meetings* may be called by any Commissioner with ten working days given the request for written notice may be waived by a release bearing the signatures of all three Commissioners.

(d) *Executive Session:* During a regular or special meeting, any Commissioner may request an Executive Session for purposes of personnel and administrative matters.

(e) *Compliance With Other Laws and Regulations:* As a federal agency, the Commission will conduct its activities in conformance with applicable federal statutes and administrative procedures.

Subpart J—Inspection of Records

§ 700.235 Purpose and scope.

(a) This subpart contains the regulations of the Commission implementing the requirement of subsection (a)(3) of the Freedom of Information Act, 5 U.S.C. 552(a)(3), which provides that the Commission "Upon any request for records which (1) reasonably describes such records and (2) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." This subpart describes the procedures by which records may be obtained from the Commission. The procedures in this subpart are not applicable to requests for records published in the **Federal Register** or opinions in the adjudication of cases, statements of policy and interpretations and adminstrative staff manuals which have been published or made available under Subpart "A" of this part.

§ 700.237 Definitions.

(a) *Act.* As used in this subpart, "Act" means the "Freedom of Information Act," 5 U.S.C. 552.

§ 700.239 Records available.

(a) *Commission policy.* It is the policy of the Commission to make the records of the Commission available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

(b) *Statutory disclosure requirement.* The Freedom of Information Act requires that the Commission, on a request from a member of the public to inspect or copy records made in accordance with the procedures in this subpart, shall promptly make the records available.

(c) *Statutory exemptions.* The Act exempts nine categories of records from this disclosure requirement. The Act provides that disclosure is not required of matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and in fact property classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempt from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that production of such records would (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(d) *Decisions on requests.* It is the policy of the Commission to withhold information falling within an exemption only if (1) disclosure is prohibited by statute or Executive Order or (2) sound grounds exist for invocation of the exemption.

(e) *Deletion of portions of records.* If a requested record contains material within an exemption together with material not within an exemption and it

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is determined under the regulations in this subpart to withhold the exempt material, any reasonably segregable nonexempt material shall be separated from the exempt material.

(f) *Creation of records.* This subpart applies only to records which exist at the time a request for records is made. Records are not required to be created in response to a request by combining or compiling selected items from the files or by preparing a new computer program, nor are records required to be created to provide the requester with such data as proportions, percentages, frequency distributions, trends, or comparison.

(g) *Records of concern to other departments and agencies.* (1) If the release of a record would be of concern to both the Commission and another Federal agency, the record will be made available by the Commission only if the interest of the Commission is the primary interest. If the Commission's interest is not the primary interest, the requester shall be referred in writing to the agency having the primary interest. The Commission has the primary interest in a record if the record was developed pursuant to Commission regulations, directives, or request even though the record originated outside of the Commission.

(2) If the release of a record in which the Commission has a primary interest would be of substantial concern to another agency, the official processing the request, should, if administratively feasible and appropriate, consult with that agency before releasing the record.

(h) *Records obtained from the public.* If a requested record was obtained by the Commission from a person or entity outside of the Government, the official responsible for processing the request shall, when it is administratively feasible to do so, seek the views of that person or entity on whether the record should be released before making a decision on the request.

§ 700.241 Request for records.

(a) *Submission of requests.* A request to inspect or copy records shall be made to the installation where the records are located. If the records are located at more than one installation or if the specific location of the records is not known to the person wishing to inspect or copy the records, he may direct his request to the head of the appropriate bureau, or the bureau's chief public information officer, if any.

(b) *Form of request.* (1) Requests invoking the Freedom of Information Act shall be in writing.

(2)(i) A request must reasonably describe the records requested. A request reasonably describes the records requested if it will enable an employee of the Commission familiar with the subject area of the request to locate the record with a reasonable amount of effort. If such information is available, the request should identify the subject matter of the record, the date when it was made, the place where it was made, and the person or office that made it, the present custodian of the record, and any other information which will assist in location of the requested records. If the request involves a matter known by the requester to be in litigation, the request should also state the case name and court hearing the case.

(ii) If the description of a record sought is insufficient to allow identification and location of the record, the response denying the request on this ground shall so state and, to the extent possible, indicate what additional descriptive information, if any, would assist in location of the record.

(3) A request shall state the maximum amount of fees which the requester is willing to pay. Requesters are notified that under § 700.251, the failure to state willingness to pay fees as high as are anticipated by the Commission will delay running of the time limit and delay processing of the request, if the responsible official anticipates that the fees chargeable may exceed $25.00.

(4)(i) To insure expeditious handling, requests shall be prominently marked, both on the envelope and on the face of the request, with the legend "Freedom of Information Request." The failure of a request to bear such a legend will not disqualify a request from processing under the procedures in this subpart if the request otherwise meets the requirements of this section. A request not bearing the legend "Freedom of Information Request" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.245 until it has been identified by bureau personnel as a Freedom of Information request and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION REQUEST" as a request otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION REQUEST." (B) date the request to reflect the date on which it was identified, and (C) take steps to assure proper processing of the request under the procedures in this subpart.

(d) *Categorical requests.* (1) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if (i) it can be determined which particular records are covered by the request and (ii) the records can be searched for, collected and produced without unduly burdening or interfering with Commission operations because of the staff time consumed or the resulting disruption of the files.

(2) If a categorical request is determined under paragraph (d)(1) of this section not to reasonably describe the records requested, the response denying the request on that ground shall specify the reasons why and shall extend to the requester an opportunity to confer with knowledgeable Commission personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

§ 700.243 Action on initial request.

(a) *Granting of requests.* (1) A requested record shall be made available if (i) the record is not exempt from disclosure or (ii) the record is exempt from disclosure, but its withholding is neither required by statute or Executive order nor supported by sound grounds.

(b) *Form of grant.* (1) when a requested record has been determined to be available, the official processing the request shall immediately notify the person requesting the record as to where and when the record is available for inspection or as the case may be, where and when copies will be available. If fees are due under § 700.251, the responsible official shall also state the amount or, if the exact amount cannot be determined, the approximate amount of fees due.

(2) If the record was obtained by the Commission from a person or entity outside of the Government, the responsible official shall, when it is administratively feasible to do so, notify that person or entity that the record has been made available.

(c) *Denial of requests.* A request for a record may be denied only if it is determined that (1) the record is exempt from disclosure and (2) that withholding of the record is required by statute of Executive order or supported by sound grounds.

(2) A request to inspect or copy a record shall be denied only by the Freedom of Information Act Officer or by an official whom the Executive Director has in writing designated.

(d) *Form of denial.* A reply denying a request shall be in writing and shall include:

(1) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record;

(2) If neither a statute nor an Executive order requires withholding, the sound ground for withholding;

(3) A listing of the names and titles or positions of each person responsible for the denial;

(4) A statement that the denial may be appealed to the Commission pursuant to § 700.247 and that such appeal must be in writing and be received by this oficial within 20 days (Saturdays, Sundays, and public legal holidays excepted) after the date of the denial, in the case of the denial of an entire request, or within 20 days (Saturdays, Sundays, and public legal holidays excepted) of records being made available, in the case of a partial denial, by writing to the Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

(e) *Exception.* The requirements of paragraphs (c), (d), and (e) of this section do not apply to requests denied under § 2.14 on the ground that the request did not reasonably describe the records requested or to requests for records which do not exist.

(f) *Filing of denials.* Copies of all replies denying, in whole or part, a request for a record which are issued under this section of § 700.243 shall be promptly submitted by the Freedom of Information Act Officer, denials to the Executive Director and the Commission's legal counsel.

§ 700.245 Time limits on processing of initial requests.

(a) *Basic limit.* Requests for records shall be processed promptly. A determination whether to grant or deny a request shall be made within no more than 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of a request. This determination shall be communicated immediately to the requester.

(b) *Running of basic time limit.* For purposes of paragraph (a) of this section, the time limit commences to run when a request is received at the Commission's office in Flagstaff, Arizona.

(c) *Extensions of time.* In the following unusual circumstances, the time limit for acting upon an initial request may be extended to the extent reasonably necessary to the proper processing of the particular request, but in no case may the time limit be extended for more than 10 working days:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or amont two or more components of the agency having substantial subject-matter interest therein.

(d) *Authority to make extensions.* (1) An extension of time under paragraph (c) of this section may be made only by the Freedom of Information Act Officer or such higher authority as the Commission has in writing designated.

(2) The person requesting the records shall be notified in writing of the extension. The written notice shall state the reason for the extension and the date on which a determination on the request is expected to be dispatched.

(3) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

(e) *Treatment of delay as denial.* (1) If no determination has been reached at the end of the 10-day period for deciding an initial request, or the last extension thereof, the requester may deem his request denied and may exercise a right of appeal in accordance with the provisions of § 700.247.

(2) When no determination can be reached within the applicable time limit, the responsible official shall nevertheless continue to process the request. On expiration of the time limit, the responsible official shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial for purposes of appeal to the Commission in accordance with § 700.247. The requester may be asked to consider delaying use of his right to appeal until the date on which the determination is expected to be dispatched. If the requester so agrees, he is deemed not to have treated the failure to respond within the applicable time limit as a denial for purposes of the running of the 20 (twenty) working-day appeal period set out in § 700.247. If a determination of the request is not issued by the new agreed upon date, or if the request is denied in whole or part, the requester will have available his full right of appeal under § 700.247, including the entire 20 (twenty) working-day period for filing of the appeal.

§ 700.247 Appeals.

(a) *Right of appeal.* Where a request for records has been denied, in whole or part, the person submitting the request may appeal the denial to the Commission.

(b) *Time for appeal.* An appeal must be received no later than twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after the date of the initial denial, in the case of a denial of an entire request, or twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after records have been made available, in the case of a partial denial.

(c) *Form of appeal.* (1) An appeal shall be initiated by filing a written notice of appeal. The notice shall be accompanied by copies of the original request and the initial denial and should, in order to expedite the appellate process and give the requester an opportunity to present his arguments, contain a brief statement of the reasons why the requester believes the initial denial to have been in error.

(2) The appeal shall be addressed to Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

(3)(i) Both the envelope containing the notice of appeal and the face of the notice shall bear the legend "FREEDOM OF INFORMATION APPEAL." The failure of an appeal to bear such a legend will not disqualify an appeal from processing under § 2.18 if the appeal otherwise meets the requirements of this section. An appeal not bearing the legend "FREEDOM OF INFORMATION APPEAL" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.249 until it has been identified by Commission personnel as a Freedom of Information Appeal and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION APPEAL" as an appeal otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION APPEAL," (B) date the appeal to reflect the date on which it was identified, and (C) take steps to assure proper processing of the appeal under the procedures in this subpart.

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(4) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

§ 700.249 Action on appeals.

(a) *Authority.* Appeals from initial denials of requests for records shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(b) *Time limit.* A final determination on any appeal shall be made within 20 days (excepting Saturdays, Sundays, and public legal holidays) after receipt of the appeal.

(c) *Extensions of time.* (1) If the time limit for responding to the initial request for a record was not extended under the provisions of § 700.245 or was extended for fewer than 10 (ten) working days, the time for processing of the appeal may be extended by the Executive Director to the extent reasonably necessary to the proper processing of the appeal, but in no event may the extension, when taken together with any extension made during processing of the initial request, result in an aggregate extension with respect to any one request of more than 10 (ten) working days. The time for processing of an appeal may be extended only if one or more of the unusual circumstances listed in § 700.245(c) requires an extension.

(2) The Executive Director shall, in writing, advise the appellant of the reasons for the extension and the date on which a final determination of the appeal is expected to be dispatched.

(3) If no determination on the appeal has been reached at the end of the 20 (twenty) working-day period for deciding an appeal, or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be reached within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time limit, the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review. The requester may be asked to consider delaying resort to his right to judicial review until the date on which the determination on his appeal is expected to be dispatched.

(d) *Form of decision.* The final determination on an appeal shall be in writing and shall state the basis for the determination. If the determination is to release the requested records or portions thereof, the Freedom of Information Act Officer shall immediately make the records available or instruct the appropriate bureau official to make them immediately available. If the determination upholds in whole or part the initial denial of a request for records, the determination shall advise the requester of his right to obtain judicial review in the United States District Court for the district in which the withheld records are located, or in which the requester resides or has his principal place of business or in the United States District Court for the District of Columbia, and shall set forth the names and titles or positions of each person responsible for the denial.

(e) *Distribution of copies.* Copies of final determinations issued by the Commission shall be provided to the Commission's legal counsel.

§ 700.251 Fees.

(a) *Services for which fees may be charged.* (1) Unless waived pursuant to the provisions of paragraph (c) of this section, user fees shall be charged for document search and duplication costs incurred in responding to requests for records. User fees also shall be charged for the formal certification of verification attached to authenticated copies of records under the seal of the Commission.

(2) Unless waived or reduced pursuant to paragraph (c) of this section, user fees shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual.

(b) *Services for which fees may not be charged.* No fee may be charged for any services required by the Freedom of Information Act to be performed in responding to a request for records other than those services for which fees may be charged under subsection (a) of this section. Services for which no fees may be charged include, but are not limited to, (1) examining requested records to determine whether they are exempt from mandatory disclosure or whether, even if exempt, they should nevertheless be made available in whole or part, (2) deleting exempt matter from records so that the remaining portions of the records may be made available, (3) monitoring a requester's inspection of agency records made available to him for inspection, and (4) resolving legal and policy issues affecting access to requested records.

(c) *Waiver or reduction of fees.* (1) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests for records may be waived or reduced, as appropriate, if the official making the records available determines that furnishing the records can be considered as primarily benefiting the public as opposed to the requester.

(2) Fees otherwise applicable for document research and duplication costs incurred in responding to requests may be waived and not charged if the request involves:

(i) furnishing unauthenticated copies of any documents reproduced for gratuitous distribution;

(ii) furnishing one copy of a personal document (e.g., a birth certificate) to a person who has been required to furnish it for retention by the Commission;

(iii) furnishing one copy of the transcript of a hearing before a hearing officer in a grievance or similar proceeding to the employee for whom the hearing was held.

(3) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests may be waived or reduced if the cost of collecting the fee would exceed the amount of the fee or if the request involves:

(i) furnishing records to press, radio and television representatives for dissemination through the media to the general public;

(ii) furnishing records to donors with respect to their gifts;

(iii) furnishing records to individuals or private non-profit organizations having an official voluntary or cooperative relationship with the Commission to assist the individual or organization in its work with the Commission.

(iv) furnishing records to state, local and tribal governments and public international organizations when to do so without charge is an appropriate courtesy, or when the recipient is carrying on a function related to that of the Commission and to do so will help to accomplish the work of the Commission;

(v) furnishing records when to do so saves costs and yields income equal to the direct cost of providing the records (e.g., where the Commission's fee for the service would be included in a billing against the Commission);

(vi) furnishing records when to do so is in conformance with generally established business custom (e.g., furnishing personal reference data to prospective employers of former Commission employee);

(vii) furnishing one copy of a record in order to assist the requester to obtain financial benefits to which he is entitled (e.g., veterans or their dependents, employees with Government employee compensation claims or persons insured by the Government).

(d) *Notice of anticipated fees and prepayment.*

(1) Where it is anticipated that fees chargeable under whis section may amount to more than $25.00 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the request shall be deemed not to have been received for purposes of the time limits established by § 700.245 until the requester is advised of the fees which are anticipated and has agreed to pay these fees. Advice to requesters with respect to anticipated fees shall be provided promptly.

(2) The appropriate cases, advance payment of fees may be required before requested records are made available to the requester.

(3) A notice of anticipated fees or notice of request for advance payment shall extend an offer to the requester to confer with appropriate personnel in an attempt to reformulate the request in a manner which will reduce the anticipated fees and meet the needs of the requester.

(e) *Form of payment.* Payment of fees shall be made by check or money order payable to the Navajo-Hopi Indian Relocation Commission. The term United States or the initials "U.S." shall not be included on the check or money order. Where appropriate, the official responsible for handling a request may required that payment by check be made in the form of a certified check.

Subpart K—Pirvacy Act

§ 700.255 Purpose and scope.

This subpart contains the regulations of the Navajo and Hopi Indian Relocation Commission implementing Section 3 of the Privacy Act.

§ 700.257 Definitions.

(a) *Act.* As used in this subpart, "Act" means Section 3 of the Privacy Act, 5 U.S.C. 552a.

(b) *Individual.* As used in this subpart, "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) *Maintain.* As used in this subpart, the term "maintain" includes maintain, collect, use or disseminate.

(d) *Record.* As used in this subpart, "record" means any item, collection, or grouping of inormation about an individual that is maintained by the Commission including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(e) *System of records.* As used in this subpart, "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(f) *Medical records.* As used in this subpart, "medical records" means records which relate to the identification, prevention, cure or alleviation of any disease, illness or injury including psychological disorders, alcoholism and drug addiction.

(g) *Civil Service Commission personnel records.* As used in this subpart, "Civil Service Commission personnel records" means records maintained for the Civil Service Commission by the Commission and used for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(h) *Statistical records.* As used in this subpart "statistical records" means records in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(i) *Routine use.* As used in this subpart, "routine use" means a use of a record for a purpose which is compatible with the purpose for which it was collected.

(j) *System notice.* As used in this subpart, "system notice" means the notice describing a system of records required by 5 U.S.C. 552a(e)(4) to be published annually in the **Federal Register.**

(k) *System manager.* As used in this subpart, "system manager" means the official designated in a system notice as having administrative responsibility for a system of records.

(l) *Commission Privacy Act Officer.* As used in the subpart, "Commission Privacy Act Officer" means the official in the Commission charged with responsibility for assisting the Commission in carrying out the functions which he is assigned in this subpart and for coordinating the activities of the divisions of the Commission in carrying out the functions which they are assigned in this subpart.

§ 700.259 Records subject to Privacy Act.

The Privacy Act applies to all "records" as that term is defined in § 700.257(d), which the Commission maintains in a "system of records," as that term is defined in § 700.257(e).

§ 700.261 Standards for maintenance of records subject to the Act.

(a) *Content of records.* Records subject to the Privacy Act shall contain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order of the President.

(b) *Standards of accuracy.* Records subject to the Privacy Act which are used in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.

(c) *Collection of information.* (1) Information which may be used in making determinations about an individual's rights, benefits, and privileges under Federal programs shall, to the greatest extent practicable, be collected directly from that individual.

(2) In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following factors, among others, may be considered:

(i) Whether the nature of the information sought is such that it can only be obtained from a third party;

(ii) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;

(iii) Whether there is a risk that information collected from third parties if inaccurate, could result in an adverse determination to the individual concerned;

(iv) Whether the information, if supplied by the individual, would have to be verified by a third party; or

(v) Whether provisions can be made for verification, by the individual, of information collected from third parties.

(d) *Advice to individual concerning uses of information.* (1) Each individual who is asked to supply information about himself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.

(2) At a minimum, the notice to the individual must state:

(i) The authority (whether granted by statute or Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

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(iii) The routine uses which may be made of the information; and

(iv) The effects on him, if any, of not providing all or any part of the requested information.

(3)(i) When information is collected on a standard form, the notice to the individual shall be on the form or on a tear-off sheet attached to the form or on a separate sheet, whichever is most practical.

(ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests that a copy be mailed to him.

(iii) An individual may be asked to acknowledge, in writing, that he has been afforded the notice required by this section.

(e) *Records concerning activity protected by the First Amendment.* No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless (1) expressly authorized by statute or by the individual about whom the record is maintained or (2) pertinent to and within the scope of an authorized law enforcement activity.

§ 700.263 Assuring integrity of records.

(a) *Statutory requirement.* The Privacy Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained, 5 U.S.C. 522a(e)(10).

(b) *Records maintained in manual form.* When maintained in manual form, records subject to the Privacy Act shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning shall also summarize the requirements of § 700.265 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(2) During working hours, (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel or (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(c) *Records maintained in computerized form.* When maintained in computerized form, records subject to the Privacy Act shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standard's booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

(d) *Civil Service Commission personnel records.* A system of records made up of Civil Service Commission personnel records shall be maintained under the security requirements set out in 5 CFR 293.108.

§ 700.265 Conduct of employees.

(a) *Handling of records subject to the Act.* Employees whose duties require handling of records subject to the Privacy Act shall, at all times, take care to protect the integrity, security and confidentiality of these records.

(b) *Disclosure of records.* No employee of the Commission may disclose records subject to the Privacy Act unless disclosure is permitted under §700.267 or is to the individual to whom the record pertains.

(c) *Alteration of records.* No employee of the Commission may alter or destroy a record subject to the Privacy Act unless (1) such alteration or destruction is properly undertaken in the course of the employee's regular duties or (2) such alteration or destruction is required by a decision under §§ 700.287–700.295 or the decision of a court of competent jurisdiction.

§ 700.267 Disclosure of records.

(a) *Prohibition of disclosure.* No record contained in a system of records may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) *General exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) To those officers or employees of the Commission who have a need for the record in the performance of their duties; or

(2) Required by the Freedom of Information Act, 5 U.S.C. 522.

(c) *Specific exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) For a routine use as defined in § 700.257(i) which has been described in a systems notice published in the **Federal Register;**

(2) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 United States Code.

(3) To a recipient who has provided the System Manager responsible for the system in which the record is maintained with advance adquate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(4) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(5) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(6) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(7) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(8) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(9) Pursuant to the order of a court of competent jurisdiction.

(d) *Reviewing records prior to disclosure.* (1) Prior to any disclosure of a record about an individual, unless disclosure is required by the Freedom of Information Act, reasonable efforts shall be made to assure that the records are accurate, complete, timely and relevant for agency purposes.

(2) When a record is disclosed in connection with a Freedom of Information request made under Subpart B of this part and it is appropriate and administratively feasible to do so, the requester shall be informed of any information known to the Commission indicating that the record may not be fully accurate, complete, or timely.

§ 700.269 Accounting for disclosures.

(a) *Maintenance of an accounting.* (1) Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by § 700.267(c), an accounting shall be made.

(2) The accounting shall record (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and (ii) the name and address of the person or agency to whom the disclosure was made.

(3) Accountings prepared under this section shall be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is make.

(b) *Access to accountings.* (1) Except for accountings of disclosures made under § 700.267(c)(5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.

(2) An individual desiring access to accountings of disclosures of a record pertaining to him shall submit his request by following the procedures of § 700.277.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 700.267(c)(9) as the result of the order of a court of competent jurisdiction, reasonable efforts shall be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

§ 700.271 Request for notification of existence of records: Submission.

(a) *Submission of requests.* (1)(i) An individual desiring to determine under the Privacy Act whether a system of records contains records pertaining to him shall address his inquiry to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning the existence of records in the system, an individual desiring to determine whether the system contains records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to that individual.

(2) If an individual desires to determine whether records pertaining to him are maintained in two or more systems, he shall make a separate inquiry concerning each system.

(b) *Form of request.* (1) An inquiry to determine whether a system of records contains records pertaining to an individual shall be in writing.

(2) To insure expenditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT INQUIRY."

(3) The request shall state that the individual is seeking information concerning records pertaining to himself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.

(4) If an individual has reason to believe that information pertaining to him or her may be filed under a name other than the name he or she is currently using (e.g., a maiden name), he or she shall include this information in the request.

§ 700.273 Request for notification of existence of records: Action on.

(a) *Decisions on request.* (1) An individual inquiring to determine whether a system of records contains records pertaining to him shall be advised within 10 days (excepting Saturdays, Sundays and legal public holidays) whether or not the system does contain records pertaining to him unless (i) the records were compiled in reasonable anticipation of a civil action or proceeding or (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking.

(2) If the records were compiled in reasonable anticipation of a civil action or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individual will be promptly notified that his is not entitled to notification of whether the system contains records pertaining to him.

(b) *Authority to deny requests.* A decision to deny a request for notification of the existence of records shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision informing an individual whether or not a system of records contains records pertaining to him.

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him shall be in writing and shall state the basis for denial of the request and shall advise the individual that he may appeal the declination to the Executive Director pursuant to § 700.285 by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

§ 700.275 Requests for access to records.

The Privacy Act permits an individual, upon his request, to gain access to his record or to any information pertaining to him which is contained in a system and to review the record and have a copy made of all or any portion thereof in a form comprehensive to him. 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

§ 700.277 Requests for access to records: Submission.

(a) *Submission of requests.* (1) Requests for access to records shall be submitted to the system manager having responsibility for the system in which the records are maintained unless the system notice describing the system prescribes or permits submission to some other official or officials.

(2) If an individual desires access to records maintained in two or more separate systems, he shall submit a separate request for access to the records in each system.

(b) *Form of request.* (1) A request for access to records subject to the Privacy Act shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT REQUEST FOR ACCESS."

(3) The request shall specify whether the requester seeks all of the records contained in the system which relate to him or only some portion thereof. If the requester seeks only a portion of the records which relate to him, the request shall reasonably describe the specific records or records sought.

(4) If the requester seeks to have copies of the requested records made, the request shall state the maximum amount of copying fees which the requester is willing to pay. A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the

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requested records. Requesters are further notified that under § 700.279(d) the failure to state willingness to pay fees as high as are anticipated by the Commission will delay processing of a request.

(5) The request shall supply such identifying information, if any, as is called for in the system notice describing the system.

(6) Requests failing to meet the requirements of this paragraph shall be returned to the requester with a written notice advising the request of the deficiency in the request.

§ 700.279 Request for access to records: Initial decision.

(a) *Decisions on requests.* A request made under this subpart for access to a record shall be granted promptly unless (1) the record was compiled in reasonable anticipation of a civil action or proceeding or (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking.

(b) *Authority to deny requests.* A decision to deny a request for access under this subpart shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision granting access to a record. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 700.279(d), the individual requesting the record shall also be notified of the amount of fees due or, if the exact amount has not been determined, the approximate amount of fees due.

(2) A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Executive Director pursuant to § 700.281 by writing to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(d) *Fees.* (1) No fees may be charged for the cost of searching for or reviewing a record in response to a request made under § 700.271.

(2) Fees for copying a record in response to a request made under § 700.271 shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual, unless the official responsible for processing the request determines that, in his/her opinion, reduction or waiver of fees is appropriate.

(3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person submitting the request has indicated he/she is willing to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

§ 700.281 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* If an individual has been notified that he/she is not entitled to notification of whether a system of records contains records pertaining to him or has been denied access, in whole or part, to a requested record that individual may appeal to the Executive Director.

(b) *Time for appeal.* (1) An appeal must be received by the Privacy Act Officer no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the initial decision on a request.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the initial decision of the request.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial request and the decision on the request.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the initial request to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002.

(d) *Action on appeals.* (1) Appeals from decisions on initial requests made pursuant to §§ 700.273 and 700.277 shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(2) The decision on an appeal shall be in writing and shall state the basis for the decision.

§ 700.283 Requests for access to records: Special situations.

(a) *Medical records.* (1) Medical records shall be disclosed to the individual to whom they pertain unless it is determined, in consultation with a medical doctor, that dislosure should be made to a medical doctor of the individual's choosing.

(2) It it is determined that disclosure of medical records directly to the individual to whom they pertain could have an adverse effect on that individual, the individual may designate a medical doctor to receive the records and the records will be disclosed to that doctor.

(b) *Inspection in presence of third party.* (1) An individual wishing to inspect record pertaining to him which have been opend for his inspection may, during the inspection, be accompanied by a person of his own choosing.

(2) When such a procedure is deemed appropriate, the individual to whom the records pertain may be required to furnish a written statement authorizing discussion of his record in the accompanying person's presence.

§ 700.285 Amendment of records.

The Privacy Act permits an individual to request amendment of a record pertaining to him if he believes the record is not accurate, relevant, timely or complete. 5 U.S.C. 552a(d)(2). A request for amendment of a record shall be submitted in accordance with the procedure in this subpart.

§ 700.287 Petitions for amendment: Submission and form.

(a) *Submission of petitions for amendment.* (1) A request for amendment of a record shall be submitted to the system manager for the system of records containing the record unless the system notice describing the system prescribes or permits submission to a different official or officials. If an individual wished to request amendment of records located in more than one system, a separate petition must be submitted to each system manager.

(2) A petition for amendment of a record may be submitted only if the individual submitting the petition has previously requested and been granted access to the record and has inspected or been given a copy of the record.

(b) *Form of petition.* (1) A petition for amendment shall be in writing and shall specifically identify the record whose amendment is sought.

(2) The petition shall state, in detail the reasons why the petitioner believes the record, or the portion thereof objectionable to him, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

(3) The petition shall state, specifically and in detail, the changes sought in the record. If the changes involve rewriting of the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

§ 700.289 Petitions for amendment: Processing and initial decision.

(a) *Decisions on petitions.* In reviewing a record in response to a petition for amendment, the accuracy, relevance, timeliness and completeness of the record shall be assessed against the criteria set out in § 700.261. In addition, personnel records shall be assessed against the criteria for determining record quality published in the Federal Personnel Manual and the Commission Manual addition thereto.

(b) *Authority to decide.* An initial decision on a petition for amendment may be made only by the Privacy Act Officer.

(c) *Acknowledgement of receipt.* Unless processing of a petition is completed within ten (10) days (Saturdays, Sundays and public legal holidays excepted), the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.

(d) *Inadequate petitions.* (1) If a petition does not meet the requirements of § 700.287, the petitioner shall be so advised and shall be told what additional information must be submitted to meet the requirements of § 700.287.

(2) If the petitioner fails to submit the additional information within a reasonable time, his petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.

(e) *Form of decision.* (1) A decision on a petition for amendment shall be in writing and shall state concisely the basis for the decision.

(2) If the petition for amendment is rejected, in whole or part, the decision shall advise the petitioner that the rejection may be appealed to the Executive Director by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(f) *Implementation of initial decision.* If a petition for amendment is accepted, in whole or part, the appropriate Commission Division maintaining the record shall:

(1) Correct the record accordingly and,

(2) Where an accounting of disclosures has been made pursuant to § 700.269 advise all previous recipients of the record that the correction was made and the substance of the correction.

§ 700.291 Petitions for amendments: Time limits for processing.

(a) *Acknowledgement of receipt.* The acknowledgement of receipt of a petition required by § 700.289(c) shall be dispatched not later than ten (10) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.

(b) *Decision on petition.* A petition for amendment shall be processed promptly. A determination whether to accept or reject the petitioned for amendment shall be made within no more than thirty (30) days (Saturdays, Sundays, and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record.

(c) *Suspension of time limit.* The thirty (30) day time limit for a decision on a petition shall be suspended if it is necessary to notify the petitioner, pursuant to § 700.289(d) that additional information in support of the petition is required. Running of the thirty (30) day time limit shall resume on receipt of the additional information by the system manager responsible for the system containing the challenged record.

(d) *Extensions of time.* (1) The thirty (30) day time limit for a decision on a petition may be extended if the official responsible for making a decision on the petition determines that an extension is necessary for one of the following reasons:

(i) A decision on the petition requires analysis of voluminous record or records;

(ii) Some or all of the challenged records must be collected from facilities other than the facility at which the official responsible for making the decision is located.

(2) If the official responsible for making a decision on the petition determines that an extension is necessary, he shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

§ 700.293 Petitions for amendment: Appeals.

(a) *Right of appeal.* Where a petitioned-for amendment has been rejected, in whole or part, the individual submitting the petition may appeal the denial to the Executive Director.

(b) *Time for appeal.* (1) An Appeal must be received no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the decision on a petition.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received withing twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision on a petition.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial petition and the decision on that petition.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the petition to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002.

§ 700.295 Petitions for amendment: Action on appeals.

(a) *Authority.* Appeals from decisions on initial petitions for amendment shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel unless the record challenged by the initial petition is a Civil Service Commission personnel record maintained for the Commission by the Navajo and Hopi Indian Relocation Commission. Appeals from decisions on initial petitions requesting amendment of Civil Service Commission records maintained for the Commission by the Navajo and Hopi Indian Relocation Commission shall be transmitted by the Executive Director, for decision.

(b) *Time limit.* (1) A final determination on any appeal shall be made within thirty (30) days (Saturdays, Sundays and legal public holidays excepted) after receipt of the appeal.

(2) The thirty (30) day period for decision on an appeal may be extended, for good cause shown, by the Commission. If the thirty (30) day period is extended, the individual submitting the appeal shall be notified of the extension and of the date on which a determination on the appeal is expected to be dispatched.

(c) *Form of decision.* (1) The final determination on an appeal shall be in writing and shall state the basis for the determination.

(2) If the determination upholds, in whole or part, the initial decision rejecting the petitioned for amendment, the determination shall also advise the individual submitting the appeal:

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(i) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency;

(ii) Of the procedure established by § 700.297 for the filing of the statement of disagreement;

(iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Commission, a brief statement by the Commission summarizing its reasons for refusing to amend the record;

(iv) That prior recipients of the challenged record will be provided a copy of any statement of dispute to the extent that an accounting of disclosure was maintained; and

(v) Of his or her right to seek judicial review of the Commission's refusal to amend the record.

(3) If the determination reverses, in whole or in part, the initial decision rejecting the petitioned for amendment, the system manager responsible for the system containing the challenged record shall be directed to:

(i) Amend the challenged record accordingly; and

(ii) If an accounting of disclosure has been made, advise all previous recipients of the record which was amended of the amendment and its substance.

§ 700.297 Statement of disagreement.

(a) *Filing of statements.* If the determination of the Executive Director under § 700.295 rejects in whole or part, a petitioned for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record, a concise written statement setting forth the reasons for his disagreement with the determination of the Department.

(b) *Disclosure of statements.* In any disclosure of a record containing information about which an individual has filed a statement of disagreement under the section occuring after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the Commission for not making the requested amendments may also be provided to recipient.

Subpart L—Determination of Eligibility, Hearing and Administrative Review (Appeals)

§ 700.301 Definitions.

(a) Certifying Officer, as used in this subpart, means that member of the Commission staff who certifies eligibility for relocation assistance benefits and/or for life estate leases.

(b) An aggrieved person, as used in this subpart, means a person who has been denied any relocation assistance benefits for which he/she has applied.

§ 700.303 Initial Commission determinations.

(a) Initial Commission Determination concerning individual eligibility or benefits for any person who has filed a claim for benefits and for granting of Life Estate Leases shall be made by the Certifying Officer. The Determination shall include the amount, if any, which the individual is entitled, and shall state the reasons therefore. Such Determination shall be communicated to the Applicant by certified letter or in person by Commission Staff. A record of such personal notice shall be maintained by the Commission.

(b) An explanatory conference shall be scheduled by and with the Certifying Officer, if requested by the Applicant or the Certifying Officer within fourteen days of the communication of the Determination; the right to a hearing is not dependent on the holding of such a conference. The Certifying Officer may reserve, amend, or leave standing the Initial Determination as a result of such conference *Provided, however* his/her decision shall be communicated in writing to the Applicant by certified letter or in person by Commission staff within five days after such conference.

(c) Communications of Determinations to the Applicant as provided for in paragraph (a) of this section shall include an explanation of the availability of grievance procedures, including hearings and representation of counsel and the fact that a hearing must be requested within 14 (fourteen) days of receipt of the determination.

(d) No decision which at the time of its rendition is subject to appeal to the Commission shall be considered final agency action subject to judicial review under 5 U.S.C. sec. 704, *Provided, that* in the event of a whole or partial denial, no benefits shall be paid unless and until said Determination is reversed or modified as provided for herein.

§ 700.305 Availability of hearings.

All persons aggrieved by Initial Commission Determinations concerning eligibility, benefits, or for granting of Life Estate Leases may have a Hearing to present evidence and argument concerning the Determination. Parties seeking such relief from the Commission's Initial Determination shall be known as "Applicants." When multiple Applicants claim interest in one benefit, determination, or question of eligibility, their hearings may be consolidated at the Presiding Officer's discretion.

§ 700.307 Request for hearings.

Hearing requests shall be made in person or by letter and must be received by the Commission within thirty days after the notice letter was received, the personal notice was given, or if an explanatory conference is held, after the decision of the Certifying Officer. The request shall also contain a specific statement indicating the basis for the request.

§ 700.309 Presiding Officers.

The hearing shall be presided over and conducted by one of the Commissioners appointed pursuant to 25 U.S.C. 640d–11(b) or by such other person as the Commission may designate.

§ 700.311 Hearing scheduling and documents.

(a) Hearings shall be held as scheduled by the Presiding Officer.

(b) Notice of the hearing shall be communicated in writing to the applicant at least fourteen days prior to the hearing and shall include the time, date, place, and nature of the hearing.

(c) Written notice of the Applicant's objections, if any, to the time, date, or place fixed for the hearing must be filed with the Presiding Officer at least five days before the date set for the hearing. Such notice of objections shall state the reasons therefore and suggested alternatives. Discretion as to any changes in the date, time, or place of the hearing lies entirely with the Presiding Officer, *provided that* the fourteen-day notice period as provided in paragraph 2 above shall be observed unless waived in writing by the applicant or his representative.

(d) All hearings shall be held within thirty days after Commission receipt of the applicant's request therefore unless this limit is extended by the Presiding Officer.

(e) All hearings shall be conducted at the Commission offices in Flagstaff, Arizona, unless otherwise designated by the Presiding Officer.

(f) All time periods in this regulation include Saturdays, Sundays and holidays. If any time period would end on a Saturday, Sunday or holiday, it will be extended to the next consecutive day which is not a Saturday, Sunday or holiday.

(g) A copy of each document filed in a proceeding under this section must be filed with the Commission and may be served by the filing party by mail on any other party or parties in the case. In all cases where a party is represented by an attorney or representative, such attorney or representative will be recognized as fully controlling the case on behalf of his client, and service of any document relating to the proceeding shall be made upon such attorney or representative, which service shall suffice as if made upon the Applicant. Where a party is represented by more than one attorney or representative, service upon one of the attorneys or representatives shall be sufficient.

(h) Hearings will be recorded verbatim and transcripts thereof shall be made when requested by any parties; costs of transcripts shall be borne by the requesting parties unless waived according to § 700.313(e).

(i) Applicants may be represented by an attorney licensed by the highest court of the state in which the hearing is conducted or by an advocate licensed to practice in any Hopi or Navajo Tribal Court.

§ 700.313 Evidence and procedure.

(a) At the hearing and taking of evidence the Applicant shall have an opportunity to:

(1) Submit and have considered facts, witnesses, arguments, offers of settlement, or proposals of adjustment;

(2) Be represented by a lawyer or other representative as provided herein;

(3) Have produced Commission evidence relative to the determination *Provided, that* the scope of pre-hearing discovery of evidence shall be limited to relevant matters and to methods as determined by the Presiding Officer.

(4) Examine and cross-examine witnesses;

(5) Receive a transcript of the hearing on request and upon payment of appropriate Commission fees as published in the Commission's Management Manual, which may be waived in cases of indigency.

(b) The Presiding Officer is empowered to:

(1) Administer oaths and affirmations;

(2) Rule on offers of proof;

(3) Receive relevant evidence;

(4) Take deposition or have depositions taken when the ends of justice would be served and to permit other pre-hearing discovery within his/her discretion;

(5) Regulate the course and conduct of the hearings; including pre-hearing procedures;

(6) Hold pre-hearing or post-hearing conferences for the settlement or simplification of the issues by consent of the parties;

(7) Dispose of procedural requests or similar matters;

(8) Make a record of the proceedings;

(9) Hold the record open for submission of evidence no longer than fourteen days after completion of the hearings;

(10) Make or recommend a decision in the case based upon evidence, testimony, and argument presented;

(11) Enforce the provisions of 5 USCA § 557(d) in the event of a violation thereof;

(12) Issue subpoenas authorized by law; and

(13) Extend any time period of this subpart upon his/her own motion or upon motion of the applicant, for good cause shown.

§ 700.315 Post hearing briefs.

Applicants may submit post-hearing briefs or written comments to the Presiding Officer within fourteen days after conclusion of the Hearings. In the event of multiple applicants or parties to a hearing, such briefs shall be served on all such applicants by the applicant submitting the brief.

§ 700.317 Presiding Officer decisions.

(a) The Presiding Officer shall submit to the Commission a written decision based upon the evidence and argument presented, within *sixty* days, not including any period the record is held open, if any, after conclusion of the hearing, unless otherwise extended by the Presiding Officer.

(b) Copies of the Presiding Officer's decision shall be mailed to the Applicant. The Applicant may submit briefs or other written argument to the Commission within fourteen days of the date the Presiding Officer's determination was mailed to them.

§ 700.319 Final agency action.

Within 30 (thirty) days after receipt of the Presiding Officer's decision, the Commission shall affirm or reverse the decision and issue its final agency action upon the application in writing; *provided that* in the event one Commissioner sits as the Presiding Officer, the final agency action shall be determined by the remaining Commissioners and such other person as they may designate who did not so preside over the hearing. Such decisions shall be communicated in writing to the applicant by certified mail.

§ 700.321 Direct appeal to Commissioners.

Commission determinations concerning issues other than individual eligibility or benefits which do not require a hearing may be appealed directly to the Commission in writing. The Commission decison will constitute final agency action on such issues.

§ 700.323 Completed relocations.

These procedures shall apply to all relocatees who hve completed moves on or before April 15, 1980. Such individuals shall have 180 days after April 15, 1980, within which to request a Hearing under this regulation. Notice of this right shall be mailed to all individuals within 30 (thirty) days after April 15, 1980.

Sandra Massetto,

Commissioner, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81–7323 Filed 3–6–81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1771–4]

Interstate Pollution Abatement; Proceedings Under Section 126 of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of modeling results.

SUMMARY: In a notice dated March 17, 1980, 45 FR 17048, EPA announced that a hearing would be held on April 17, 1980, in Louisville, Kentucky, to initiate proceedings under section 126 of the Clean Air Act on the issue of whether the Public Service of Indiana Gallagher Station emits sulfur dioxide in violation of section 110(a)(2)(E)(i) of the Clean Air Act. The hearing was held, at which time it was announced that additional modeling would be conducted if merited by subsequent information.

The diffusion modeling was reanalyzed because revised stack data were submitted by the Air Pollution Control District of Jefferson County and Public Service of Indiana. EPA is today making available the revised modeling for public comment and will accept comments within 30 days.

DATE: Deadline for submission of comments on the modeling results is April 8, 1981.

ADDRESSEES: Copies of the modeling results portion of the docket (docket #5A–80–9) for this section 126 petition are on file at:

The Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460

Library, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365

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Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604
Air Pollution Control District of Jefferson County, 914 E. Broadway, Louisville, Kentucky 40204
Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, W. Frankford Office Complex, U.S. 127 South, Frankford, Kentucky 40601
Air Pollution Control Division, Indiana Board of Health, 1330 W. Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT:
Mr. Robert Miller, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6031
Mr. Barry Gilbert, Air Programs Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 881–3286

Dated: February 23, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81–7252 Filed 3–6–81; 8:45 am]
BILLING CODE 6560–38–M

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40 CFR Part 81

[A–5–FRL 1770–7]

Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the sulfur dioxide (SO_2) nonattainment status designation for portions of Montgomery and Greene Counties in Ohio. Based upon additional data received, EPA is proposing to redesignate the nonattainment areas in Montgomery and Greene Counties to attainment of the National Ambient Air Quality Standards (NAAQS) for SO_2, thus making these counties full attainment. The purpose of this notice is to discuss the additional data, to propose redesignation of portions of the counties, and to invite public comment.

DATE: Comments must be submitted by no later than April 8, 1981.

ADDRESSES: Address comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the SIP revision, supporting data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:
United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604
United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Copies of the submission are also available at: Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT:
Delores Sieja, Regulatory Analysis Section, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, 312–886–6053.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each state to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the state lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation.

On March 3, 1978 (43 FR 8962), EPA designated Montgomery and Greene Counties nonattainment for the primary SO_2 NAAQS. EPA amended the designations on October 5, 1978. For Montgomery County (43 FR 46015), EPA retained the primary nonattainment designation for the entire area southeast of the following line: Route 4 northeast to Union Road; Union Road north to Route 70; Route 70 east to county boundary; and designated the remainder of the county attainment. For Greene County (43 FR 46014), EPA retained the primary nonattainment designation for Bath Township and designated the remainder of the county attainment.

At the time of the above designations, a number of sources in Montgomery and Greene Counties were not in compliance with the Federally promulgated SO_2 SIP emission limitations. On January 17, 1980, Ohio EPA requested that the nonattainment areas in Montgomery and Greene Counties be redesignated to attainment for the SO_2 NAAQS. Ohio EPA claimed that the SO_2 sources in these two counties were in compliance with the existing allowable emission levels. EPA established the SO_2 limits for these counties after a comprehensive analysis using RAM-urban modeling techniques. These limits were demonstrated by EPA to be adequate to ensure attainment and maintenance of the NAAQS. Consequently, a certification of compliance with these emission limitations would be adequate proof that the NAAQS would be protected and be an acceptable basis for redesignation of the two counties.

In a November 25, 1980 letter, the Ohio EPA substantiated their claim that the SO_2 sources in Montgomery and Greene Counties were in compliance with the current regulations. Ohio EPA certified that all sources in these counties were in compliance with the existing emission limitations (40 CFR 52.1881(b)(46) and (b)(29)), based on the test methods and procedures outlined in 40 CFR 52.1881(b)(2)(iii), with the exception of the Wright Patterson Air Force Base (WPAFB) in Greene County. The WPAFB has, however, applied to EPA for a State Implementation Plan (SIP) revision to the existing Federally promulgated SO_2 emission limitations. Although WPAFB is not in compliance with the existing Federal limits, they are in compliance with their revised limit, which EPA proposed to approve on December 21, 1979 (44 FR 75671). EPA's final rulemaking on the WPAFB SIP revision will be published in a separate **Federal Register** notice.

As additional support for their redesignation request, the Ohio EPA submitted all available SO_2 monitoring data since 1978 collected in and around the current nonattainment area. For redesignations based solely on monitoring data EPA requires that the most recent eight calendar quarters of data must show no violations of the NAAQS. No violations of the primary and secondary standard have been measured at the reference monitors since at least 1978. Eight consecutive quarters of quality assured data, however, were not available at the reference monitors. Consequently, this redesignation is not based solely on monitoring data. Nevertheless, the data can be used to reinforce EPA's proposed redesignation to attainment since there were no violations measured since at least 1978.

EPA has reviewed Ohio EPA's redesignation request and is proposing to redesignate the nonattainment areas in Montgomery and Greene Counties to attainment for SO_2. This determination is based on Ohio EPA's certification that sources in Montgomery and Greene Counties are in compliance with the existing SO_2 emission limitations (with the exception of WPAFB who is in compliance with their proposed emission limit) and is supplemented by the available monitoring data which show no recent violations of the NAAQS for SO_2. Note, however, that EPA's final rulemaking on this redesignation request cannot be processed until EPA has promulgated the revised WPAFB emission limit. Also, this rulemaking in no way precludes any future enforcement action should there be any violations of the sulfur dioxide emission limitations by sources in the subject counties.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether EPA will approve the redesignation. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the redesignation. Section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

According to section 107 of the Clean Air Act, the Administrator of the U.S. Environmental Protection Agency must approve the redesignation submitted by Ohio before it may become effective (42 U.S.C. 7407). Today's action proposes approval of that redesignation.

Pursuant to the provisions of 5 U.S.C. § 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designation(s). Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Dated: February 24, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81–7248 Filed 3–6–81; 8:45 am]
BILLING CODE 6560–38–M

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40 CFR Part 81

[A–5–FRL 1770–8]

Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental rulemaking notice proposes to change the attainment status designation for Defiance County, Ohio for total suspended particulates (TSP). The purpose of this notice is to discuss the results of EPA's review of the additional monitoring data, to propose to change the TSP nonattainment designation for Richland Township to attainment, thus making all of Defiance County attainment, and to invite public comment.

DATE: Comments must be submitted by no later than April 8, 1981.

ADDRESSES: Address comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the SIP revision, public comment on the Notice of Proposed Rulemaking (45 FR 17596), supporting ambient air quality data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:
United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604
United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Copies of the submission are also available at: Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT:
Delores Sieja, Regulatory Analysis Section, United States Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, 312–886–6053.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each state to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the state. The Administrator was required to promulgate the state lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation.

On March 3, 1978, EPA designated Defiance County as nonattainment of the primary NAAQS for TSP (43 FR 8962, 9023). EPA amended the designation on October 5, 1978 (43 FR 45993, 46012) retaining the primary nonattainment designation for those areas of Richland Township not within the City of Defiance, revising the designation for the City of Defiance to secondary nonattainment, and making the remainder of Defiance County attainment. Because the primary nonattainment designation included the area surrounding General Motors Corporation's (GM) Central Foundry located in Richland Township, GM petitioned on November 20, 1978, to revise the designation for Richland Township to attainment.

To redesignate an area from nonattainment to attainment, the most recent eight calendar quarters of data must show no violations of the NAAQS. To support its redesignation request, GM submitted nine quarters of TSP monitoring data for the period July 1977 to September 1979. These data were collected from GM's monitoring network located around its Central Foundry. EPA reviewed GM's request and asked Ohio EPA to review the designation. On February 1, 1980, Ohio EPA recommended that the designation be revised to secondary nonattainment because there were violations of the secondary standard for TSP within the most recent eight calendar quarters of monitoring data. No violations of the primary standard were found during the last eight quarters of data.

Therefore, based upon the ambient air monitoring data, and Ohio EPA's recommendation, on March 19, 1980 (45 FR 17596) EPA proposed to redesignate Richland Township, exluding the City of Defiance, from primary nonattainment to secondary nonattainment for TSP. Public comments were solicited.

On April 29, 1980, GM submitted public comments on the proposed redesignation and repeated its request that Richland Township be classified as attainment of both the primary and secondary NAQS for TSP. To support its request, GM submitted two additional quarters of TSP monitoring data on April 29, 1980 and an additional quarter of data on August 7, 1980.

EPA reviewed GM's request and asked Ohio EPA to review the designation. On October 28, 1980, Ohio EPA recommended that all of Defiance County, including Richland Township, be reclassified to attainment for TSP. This recommendation is based on the TSP monitoring data submitted by GM and is supported by monitoring data collected by Ohio EPA from its monitoring site in the City of Defiance. The combined data shows no violations of the TSP primary and secondary standard within the most recent eight calendar quarters of data for Richland Township. Therefore, based upon the TSP ambient monitoring data submitted by GM and Ohio EPA, and on Ohio

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EPA's recommendation, EPA is proposing to redesignate Richland Township to attainment of the NAAQS for TSP. This redesignation will result in all of Defiance County being classified as attainment.

All interested persons are invited to submit written comments on the proposed redesignation. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the redesignation Section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

According to section 107 of the Clean Air Act, the Administrator of the U.S. Environmental Protection Agency must approve the redesignation submitted by Ohio before it may become effective (42 U.S.C. 7407). Today's action proposes approval of that redesignation.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantal number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Dated: February 23, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-7304 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 3, 14, 24, 188 and 189

[CGD 77-081]

Oceanographic Research Vessels

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for Proposed Rules.

SUMMARY: In the **Federal Register** of December 22, 1980 (45 FR 84104) the Coast Guard proposed changes to the regulations pertaining to oceanographic research vessels. This notice extends the public comment period for these proposed rules until March 22, 1981. The original closing date for public comment was February 5, 1981. This action is being taken because some parties wishing to submit comments have indicated that the original closing date for receipt of public comment did not allow adequate time for a thorough review of the proposal.

DATES: As discussed above, the public comment period has been extended until March 22, 1981.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24), (CGD 77-081), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7 A.M. and 5 P.M., Monday through Thursday, comments may be delivered to and will be available for examination at the Marine Safety Council (G-CMC/24), Room 2418, 2100 Second Street S.W., U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Commander Scott D. McCowen, Office of Merchant Marine Safety, Vessel Manning Branch (G-MVP-5/14), Washington, D.C. 20593 (202-426-2240).

(46 U.S.C. 441-445, 49 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: February 24, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-7301 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Extension of comment period.

SUMMARY: On January 16, 1981, the National Oceanic and Atmospheric Administration (NOAA) published proposed rulemaking regarding implementing the three-year quota for the subsistence harvest of bowhead whales (46 FR 3942). Comments on the proposed rulemaking were to be submitted on or before February 27, 1981. That comment period is hereby being extended to, on or before, March 10, 1981 in order to provide full participation from the public sector.

DATE: Comments may be submitted on or before March 10, 1981.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, Washington, D.C. 20235, Telephone: (202) 634-7461.

Dated: March 4, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7300 Filed 3-6-81; 8:45 am]

BILLING CODE 3501-22-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 21335; Petition Notice No. PR-81-5]

Balloon Federation of America; Balloon Pilot and Flight Instructor Certification; Petition for Rulemaking

AGENCY: Federal Aviation Administration (FAA).

ACTION: Publication of petition for rulemaking for change in certain FAA regulations.

SUMMARY: This notice publishes for public comment the petition of the Balloon Federation of America dated March 24, 1980. The petitioner requests amending the Federal Aviation Regulations with repect to requirements for certification of balloon pilots and flight instructors. The petition is being published verbatim because of the specific nature of the requested changes and their relationship to each other. Although this notice sets forth the contents of the petition as received, its publication does not represent any agency position on the merits of the petition. This notice does not propose any amendment of current rules or any change in policy or procedures. After consideration of the available data and comments received in response to this notice, the FAA will determine whether it should proceed to rulemaking or other proceedings based on the Balloon Federation of America petition. If rulemaking is appropriate, a notice of proposed rulemaking containing regulatory proposals will be issued.

DATES: Comments must be received on or before May 11, 1981.

ADDRESS: Send comments on this petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. 20591, Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of comments received in response to this notice should submit a self-addressed, stamped postcard which states "Comments to Docket No. 21355." The postcard will be date and time stamped and returned to the commenter.

Background

Amendment 61-60, adopted January 23, 1973, became effective November 1, 1973, and estblished a free balloon rating for private pilot certificates and amended the knowledge, skill, and experience requirements for a free balloon rating on a commercial pilot certificate. These amendments also recognized differences between hot air free balloons equipped with airborne heaters and those not equipped with airborne heaters. Additionally, the rule distinguished hot air balloons from gas balloons.

Currently, the FAA does not issue a free balloon rating on a flight instructor certificate. Instead, the rule provides that a holder of a commercial pilot certificate with a free balloon class rating may conduct flight instruction in a free balloon.

In recent years the numbers of ballons and balloon pilots have increased significantly. The number of balloon accidents has also increased.

Issued in Washington, D.C., on March 2, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rulemaking of the Balloon Federation of America dated March 24, 1980.

John W. Collins,

Chairman/FAA Liaison Committee, Balloon Federation of America

March 24, 1980.

Mr. Langhorne McCook Bond,

Administrator, Federal Aviation Administration, Washington, D.C.

Mr. Bond: Acting on behalf of the Balloon Federation of America, whose Board of Directors approved the following on 25 Feb., 1980, and in the interest of flight safety and in the public interest, I do hereby petition (as set forth in Federal Aviation Regulation 11.25) the Administrator, Federal Aviation Administration, to issue the following amendments and additions to Federal Aviation Regulation 61 pertaining to the certification of Lighter Than Air Hot Air Balloon pilots and flight instructors.

(1) Amend the number of hours required for a Private Pilot Lighter Than Air Hot Air Balloon certification from 10 to 15 hours flight time in Lighter Than Air Hot Air Balloon, which would include at least 8 hours with a Certificated Flight Instructor and at least 8 flights with a Certificated Flight Instructor.

(2) Amend the number of hours required for a Commercial Pilot Lighter Than Air Hot Air Balloon Certificate from 35 to 75 hours of flight instruction and solo flight time which must include the following:

(a) At least 50 hours and at least 50 flights in hot air balloons.

(b) 15 hours and at least 15 flights with a Certificated Flight Instructor Lighter Than Air Hot Air Balloon.

(3) Repeal Federal Aviation Regulation 61.139(c).

(4) Add to Federal Aviation Regulation 61 a Certificated Flight Instructor Lighter Than Air Hot Air Balloon rating with the following requirements:

(a) Applicant must possess a Commercial Pilot Certificate with Lighter Than Air category and Free Balloon class rating.

(b) 150 hours of flight instruction and solo flight time with at least 125 hours in Lighter Than Air Hot Air Balloon.

(c) 100 flights in Lighter Than Air Hot Air Balloon.

(d) Aeronautical knowledge same as 61.185(a).

(e) Amend Federal Aviation Regulation 61.187(b) to read "or 50 hours in the case of Lighter Than Air Hot Air Balloon.

After careful study of the computer printouts obtained from the Federal Aviation Administration and the National Transportation Safety Board concerning all reported accidents and incidents involving hot air balloons and considering the number of fatalities that we have seen in the last year that made the National media, the Balloon Federation of America has promulgated these suggested rule changes in the Balloon Federation of America Journal and the Balloon Federation of America Newsletter since November 1979.

In both we requested comments from all interested persons. The response was overwhelmingly in favor of these changes.

The Board of Directors of the Balloon Federation of America as well as the majority of respondents are most concerned with the increasing number of fatalities, accidents and incidents involving hot air balloons. All are of the opinion that with increased training and experience, more thorough and professional flight training, there will be a marked decrease in the number of accidents, both fatal and non-fatal and a tremendous reduction in damage to hot air balloons as well as persons and property on the ground.

John W. Collins,

Chairman, FAA Liaison Committee.

JWC/cc

cc/Bill Murtorff,
President BFA
Lloyd Miller,
NTSB

[FR Doc. 81-7117 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-CE-36-AD]

Cessna 150, A150, 152 and A152 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of advance notice of proposed rule making.

SUMMARY: This action withdraws the Advance Notice of Proposed Rule Making (ANPRM), Docket No. 80-CE-36-AD, published in the **Federal Register** on October 27, 1980 (45 FR 70880). The notice sought comments and information from interested persons to aid the FAA in selecting the most appropriate action to prevent engine power loss or stoppage from fuel starvation due to accumulation and freezing of water at the tee fitting located at the fuel system's lowest point forward of the fuel selector. Review of the comments and subsequent evaluation has determined that the present operating and maintenance instructions, if strictly observed, are adequate to prevent the accumulation of water at this location and that no undue safety hazard exists. Accordingly, the ANPRM is hereby withdrawn.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Leon Edwards, Propulsion Section, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: There have been several accidents/incidents involving loss of engine power or stoppage on certain Cessna 150, A150, 152 and A152 series airplanes during cold weather operation. Investigation of these occurrences by the FAA discloses that in some cases water and/or ice was present at the tee fitting located at the lowest point in the fuel system forward of the fuel selector valve. A removable cap is installed on the leg of the tee which extends through the belly of the airplane fuselage for drainage purposes.

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It is accessible for removal at this location, but simple hand tools are required for this removal. The applicable manufacturer's Pilot's Operating Handbook and Aircraft Service Manual require that this fitting be drained whenever water is found during drainage of the fuel strainer and at each 100-hour/annual inspection or at 100-hour intervals on progressive inspections. Based on the FAA's investigations, there were indications that the presence of water or ice at this location may have contributed to the incidents specified above.

On October 10, 1980, the FAA issued Notice 80–CE–36–AD, an Advance Notice of Proposed Rule Making published in the **Federal Register** on October 27, 1980, in which the FAA invited public participation in the identification and selection of a course of action to prevent engine power loss or stoppage caused by freezing of water at the low point in the fuel feed line on certain Cessna 150, A150, 152 and A152 series airplanes.

The FAA received 1811 comments on the questions set forth in Attachment A of the Notice and a number of letter comments.

Three hundred twenty-nine of the 1811 commenters indicated that water/ice had been found at the tee fitting location when draining the fuel system. Two commenters indicated that ice was found. Those commenters who provided additional information indicated that the amount of water found was a small quantity, a few drops, negligible amount, etc., and that water was found once, occasionally, infrequently, rarely, etc. Other commenters indicated that they were not aware of the drain, that it was never drained, had been drained only after receipt of the ANPRM, that some water was usually found, or that they were not aware of what was found by the mechanic who did the maintenance.

Fifteen hundred and six of the 1811 commenters indicated that their airplane has quick drains in the fuel tanks. Most of these indicated that the fuel tanks are drained of water during preflight.

Thirty-three of the 1811 commenters indicated that they had experienced 37 instances of engine power loss or stoppage attributed to the accumulation of water at the tee fitting location. Of these, 21 indicated power loss or engine stoppage, 10 indicated partial power loss, 5 indicated total loss of power, and in 1 case the engine would not start on the ground prior to flight. A few commenters indicated that their airplane was modified to provide a quick drain at the tee fitting after experiencing engine power loss or stoppage. Thirty-six of the 37 airplanes which experienced engine power loss or stoppage had quick drains in the fuel tank's sumps.

Approximately 75 percent of the commenters who responded indicated that the fuel system tee location is drained at the 100-hour/annual inspection. The remainder indicated that the tee is drained periodically (preflight, daily, weekly, monthly, every 25 hours, every 50 hours, every 200 hours, and every 500 hours), as required, rarely, or never drained.

Thirty-nine of the 1811 commenters indicated that their airplane had been modified to incorporate quick drainage provisions at the tee location. None of these airplanes have experienced a power loss or stoppage. Twenty-nine of the 39 commenters indicated that the tee is drained daily, during preflight, or during preflight and after refueling. Eight others drain the tee at the annual inspection, after refueling, when the outside air temperature is 30 degrees F or below, once in a while, at 25-hour intervals, or, at 50-hour intervals. The remaining two commenters did not indicate how often they drain the tee fitting.

Most commenters indicated that they would anticipate damage to the fuel system resulting from daily removal of the tee fitting cap and that the existing drainage provisions discourage daily drainage.

Approximately 55 percent of the commenters indicated they would install quick drainage provisions at the tee location if available and approximately 36 percent indicated they would not. A number of those who indicated that they would add quick drainage provisions stated that they would do so only if the cost was not prohibitive. A number of those who indicated they would not add quick drainage provisions stated they had no problem with water in the fuel, a quick drain is subject to leakage and creates a fire hazard, possible damage to the drainage provisions by rocks and gravel, the airplane is always flown in a warm climate such as Arizona, Florida, or California, etc., or the airplane is not flown during cold weather.

A number of commenters recommended better training for pilots with regard to fuel system drainage and fueling immediately after flight to minimize water condensation. Others suggested better control of ground servicing facilities to eliminate servicing with contaminated fuel. Some recommended installation of wing tank sump quick drains and drainage during preflight, while others recommended installation of a quick drain at the tee location. Others recommended replacement of the tee with a section of tubing or rerouting to eliminate the low point. Some recommended positioning the tee leg up instead of down. Several commenters indicated they they use additives such as Heet, alcohol, Dry Gas, STP gas treatment, isopropyl alcohol, or Prist during cold-weather operation and recommended approval of these additives. Some recommended closer maintenance of the fuel cap and filler neck seals to prevent entrance of precipitation into the fuel tanks, while others suggested that the fuel manufacturers produce fuel containing a water inhibitor. Other recommendations and suggestions included gasohol as a fuel, that Cessna's present procedures are adequate for fuel system drainage, that the FAA leave things alone stating that no problem really exists, or that an Airworthiness Directive be issued to resolve the problem.

Based on the comments received, and after further review, the FAA has concluded that the existing operating and maintenance procedures, if strictly observed, are considered adequate to prevent the accumulation of water at the tee drain location. However, it is recognized that the present drain arrangement whereby a cap must be removed from the tee for drainage is inconvenient and tends to discourage drainage as called for in the procedures. Accordingly, while additonal rulemaking action based on the advance notice is not considered warranted at this time, as an additional aid to owners/operators, the FAA, in the near future, will publish a Special Issue of General Aviation Airworthiness Alerts (AC 43–16). This issue will contain recommended airplane modifications to facilitate more convenient drainage of water from the fuel system, recommended procedures for fueling and drainage of the fuel system, and information regarding fuel additives.

The withdrawal of the ANPRM does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

The Withdrawal

For the reasons stated above, Advance Notice of Proposed Rule Making, Docket No. 80–CE–36–AD published in the **Federal Register** on October 27, 1980 (45 FR 70880), is hereby withdrawn.

Note.—The FAA has determined that this document involved an advance notice of a proposed regulation which is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 80–CE–36–AD, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–5446.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Issued in Kansas, Missouri, on February 25, 1981.

John E. Shaw,

Acting Director, Central Region.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 20870; FCC 81-30]

Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service

AGENCY: Fedral Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC hereby proposes to adopt rules for the Public Mobile Radio Service which: (1) eliminate the requirement for need showings for applications requesting one new two-way channel; (2) establish objective need standards for applications for additional two-way channels for an existing system; and (3) limit to four the number of new or additional two-way channels that can be granted at any one time. The proposed rules will serve the public interest by clarifying the criteria used to evaluate need showings and by eliminating the requirement that applicants requesting one new two-way frequency submit need showings.

DATES: Comments are due on or before April 7, 1981 and replies on or before May 7, 1981.

ADDRESS: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John V. Buscemi, Common Carrier Bureau, (202) 632–6450.

SUPPLEMENTARY INFORMATION:

In the matter of regulatory policies and procedures for the Domestic Public Land Mobile Radio Service, CC Docket 20870 (41 FR 29432) (43 FR 35314).

Further Notice of Proposed Rulemaking

Adopted January 29, 1981.
Released: March 6, 1981.

By the Commission: Commissioners Ferris, Chairman; and Brown not participating.

1. In a *Notice of Inquiry and Notice of Proposed Rulemaking* in the above-captioned proceeding released July 15, 1976 (61 FCC 2d 266), the Commission sought comments on proposals to:

(a) Eliminate the requirement that a state certificate (when needed) be filed at the time of applying for a facility;

(b) Require that applicants apply only for "open" frequencies, or reserve to the Commission the power to assign "open" frequencies to avoid electrical conflicts; and

(c) Adopt objective need criteria for new or additional frequencies allocated for two-way service or paging.

2. Subsequently, in a *First Report and Order* released August 9, 1978, 69 FCC 2d 398, *recon, denied*, FCC 80–451, Mimeo 27852, released August 18, 1980, the state certification issue was resolved. We now propose to further address the remaining items.

Open Frequencies

3. Comments on this proposal were filed by the Allied Telephone Companies Association, the American Telephone and Telegraph Company (AT&T), Florida Radio Telephone Association, Inc., GTE Service Corporation (GTE), the National Association of Radiotelephone Systems—now Telocator Network of America (Telocator), Radio Relay Corporation, Tennessee Association of Radio-telephone Utilities, and the United States Independent Telephone Association (USITA). With the exception of Telocator, which opposed our proposal, those filing comments expresed qualified approval of our proposal. Because Telocator submitted the most extensive comments, which included all the issues raised by others, we will concentrate on its filing.

4. Telocator first argues that the Commission has no legal authority to adopt this proposal. Reasons given are that Section 308(b) of the Act provides that an application set forth the frequencies desired to be used, and Section 309 allows the Commission to grant or designate an application, but does not give authority to change the application. However, Telocator says that it will not press this position at this time although it expressly reserves the right to pursue it later.

5. Telocator next contends that any rule of this sort is unneeded. First, it says few Domestic Public Land Mobile Radio Service (DPLMRS) applications require a comparative hearing. In addition, in cases where applications are electrically mutually exclusive and there are other satisfactory frequencies available, Telocator maintains that amendments to resolve the situation are the rule. Where such a solution is possible and is not chosen, Telocator states that there is a prima facie "strike" question and that a hearing would be necessary on that issue in any event. Finally, Telocator asserts that often alternate frequencies that are open are not satisfactory. For example, the licensee of one or more VHF frequencies may want another channel in that band to obtain the benefits of trunking, and so may not be interested in a UHF frequency. Similarly, the licensee of a low-band paging frequency may seek a VHF paging channel for tone-and-voice paging because it believes that its superior propagation characteristics make it preferable to a second low-band frequency. In addition, usage of surrounding frequencies may make one of several open frequencies superior to the others because it is less restricted. If the Commission were to decide, without a hearing, how to apportion open frequencies, Telocator asserts that it would be making business and engineering judgments that should be left to applicants.

6. Without addressing the legal arguments raised by Telocator, we believe that Telocator has raised some valid policy issues with respect to the frequencies currently allocated for two-way service or paging. The environment in the DPLMRS has changed materially since we released our *Notice of Inquiry and Notice of Proposed Rulemaking* in 1976. There are fewer markets where available and equivalent frequencies exist which could be applied for by applicants, or could be assigned by the Commission, to eliminate frequency conflicts. In addition, we have initiated a rulemaking proceeding regarding allocation of spectrum in the 928–941

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MHz band in which we propose that the Commission assign channels for paging frequencies to applicants, rather than have applicants apply for specific frequencies, in an attempt to avoid electrical conflicts and minimize processing delay.[1] We believe that it would be more appropriate to thoroughly consider the merits of the Commission's assigning particular channels in the 928–941 MHz Band before extending the policy to channels available for both two-way and paging service. In view of the foregoing, we believe that the problem associated with adopting this proposal for existing frequencies outweigh the benefits. Therefore, we are closing this portion of this docket. However, this issue will be considered in our rulemaking proceeding regarding paging in the 928–941 MHz band.

Objective Standards

7. We initiated our Notice of Inquiry with the intention of seeking numerical standards to be used in evaluating the need showings in applications for an initial two-way frequency, applications for additional two-way frequencies and for renewal applications.[2] We now propose to eliminate our present requirement that an applicant demonstrate a public need for service prior to receiving authorization for one initial two-way channel in a given area.[3] Need showings for one initial frequency often provoke petitions to deny that delay service, while amendments to the applications almost always cure any deficiencies noted in the petitions. Given the undisputed fact that the assignable frequencies are seriously crowded—so much so that it has prompted us to initiate a proceeding to allocate more spectrum to these services, *see Docket 79–318*, released January 8, 1980—elimination of a need requirement should not result in an assigned frequency going unused. For similar reasons, we no longer propose to apply traffic loading standards to the public need showing required with a license renewal application. Our review of existing renewal procedures convinces us that they adequately protect against waste of spectrum.[4]

[1] *See General Docket No. 80–183*, released May 8, 1980. Mimeo 27310. We elected to consider a set assignment of channels in the 928–941 MHz band because all such channels appear to be rather equally advantageous to applicants and because no channels in that band have yet been assigned. All channels will be for paging and all have approximately equal propagation characteristics.

[2] Need showings required for paging frequencies are being addressed in *General Docket No. 80–183*.

[3] We took this same approach in *General Docket No. 80–183*.

Whether or not an application for license renewal is contested, the Commission may deny it if the applicant is not meeting a public need in its service area. In addition, requiring a need showing in renewal applications is often unnecessary because a carrier in an area where there is an insufficient need for mobile service would presumably have an incentive to discontinue service, especially where the carrier operates on only one frequency.

8. We continue, however, to propose that objective need standards govern applications requesting more than one new two-way channel and applications for additional channels to an existing system. Comments on this issue were submitted by the American Telephone and Telegraph Company (AT&T), Florida Radio Telephone Association, Inc., GTE Service Corporation (GTE), Illinois Association of Radiotelephone Systems, Inc., the National Association of Radiotelephone Systems—now Telocator Network of America (Telocator), Radio Relay Corporation, Tennessee Association of Radiotelephone Utilities, and the United States Independent Telephone Association (USITA). Reply comments were filed by AT&T.

9. AT&T commented that there are too many variables in the way mobile customers use their services for any one number reflecting channel usage to be an accurate, nationwide measure of public need. AT&T criticized the use "number of units" authorized to receive service as the criterion, without considering how frequently the subscriber calls, how long the calls last, and when they take place. We agree that the mere number of units authorized would not accurately forecast channel congestion. AT&T next considered a "grade of service" criterion, i.e., the probability that a customer's calls, during the busy hour, would be blocked because all channels are busy. However, it concluded that no one criterion could reasonably be applied to all systems because of differences in various local conditions. For example, heavily congested urban areas may tolerate a relatively poorer grade of service than would localities where additional channels are readily available. AT&T also considered as a criterion the percent of time existing channels are occupied (occupancy rate). However, it concluded again that no one number can be used universally because, for a given grade of service, the occupancy rate will vary with the number of channels in the system. For example, assuming a .25 grade of service (i.e., where one call in four will be blocked), a four-channel system can accommodate an occupancy rate of 58% but an eight-channel system can accommodate an occupancy rate of over 70%.

[4] Our Rules provide that radio common carriers submit a showing of the number of customers receiving various types of service when renewal applications are filed.

10. Telocator contended that adequate loading criteria cannot be established without adequate information as to the economic characteristics of the RCC industry and its competitors, information that does not presently exist. It also pointed out that additional channels may be requested in order to provide "essentially the same kind of service as on existing channels, but in a fundamentally different way." This, it says, may raise different public interest issues which are difficult to quantify. It requested the Commission to defer action until more data is available.

11. USITA contended that no objective criteria can replace judgment in deciding where the public interest lies because of the almost infinite number of differences between system requirements, such that fixed criteria may produce nothing more than waiver requests.

12. GTE alone offered specific criteria. Its suggestion was that either of the following be considered to constitute a *prima facie* showing of need for an additional channel:

(a) More than 50 units operating on a particular frequency.

(b) Channel occupancy of 50% [during the busiest hour] as measured in accordance with Section 22.516. This is based on a service objective of no more than 20% of busy hour calls encountering a delay of 10 seconds or longer.

13. In the only reply comments we received, AT&T stated that adoption of either of GTE's suggestions would be inadvisable. As to the GTE suggestion regarding a number of units, AT&T repeated its previous objection that this factor is inadequate because it fails to consider customer calling patterns. As indicated in paragraph 9 above, we agree with AT&T on this issue. With regard to channel occupancy or service objective, AT&T again pointed to variations depending on the number of channels in use. It concluded that no one number can be applied to all systems, and that adoption of such a number would not serve the public interest.

14. We fully appreciate the force of the arguments summarized above. However, the large demand for a small amount of spectrum and the disproportionate administrative burden require that we establish some benchmark to determine need for new and additional channels, even an imperfect one. Where objective standards are lacking, the alternative is subjective treatment of applications and uncertainty to applicants as to what is required of them. Objective standards are essential if we are to serve the public with long-run consistency and evenhandedness. In addition, the number of applications in the DPLMRS has steadily increased over recent years, and promises to continue to grow and thus increase our workload. In particular, we have recently proposed to allocate 50 additional channels for paging.[5] These additional frequencies will lead to a multitude of applications requesting additional facilities containing need information which could add considerably to our workload. Although we propose in our paging proceeding that need be presumed for an initial paging frequency, for each additional channel the licensee would be required to justify its request by submitting loading studies as required by Section 22.516 of the Rules.[6] Objective need standards will also prove useful in assisting applicants by providing them with a clearer understanding of the need showings required before various types of applications can be granted.

15. For the reasons set forth above, we propose to adopt objective need standards for applications requesting multiple-channel new facilities and for applications requesting additional channels for an existing system. Accordingly, we invite comments on the proposed objective need standards set forth, *infra*, and on the proposed definitions and procedures to be used in applying the proposed need standards, also set forth below. We also invite further comments on the general subject of objective need standards for DPLMRS applications and solicit recommendations for alternative standards.

I. Definitions

16. We propose to apply the following definitions in determining how many channels for which an application requesting additional frequencies or multiple initial frequencies has demonstrated a need:

A. Busy hour.

1. Fixed busy hour. That hour, among the 12 reported per Section 22.516, in which the average number of minutes of occupied time (defined below) reported over three days is the largest.

2. Bouncing busy hour. The average of the busiest hour (most minutes of occupied time) on each of the three days for which traffic loading data are reported per Section 22.516 of our Rules. While a fixed busy hour must be the same hour on each of the three days (e.g., 2:00 PM—3:00 PM on days numbered 1, 2, and 3), a bouncing busy hour can include a different hour from each of the three days (e.g., 2:00 PM—3:00 PM on day 1, 1:00 PM—2:00 PM on day 2, and 4:00 PM—5:00 PM on day 3).

B. Occupied Time. The total number of minutes per hour that a channel is in use.

C. Blocked Call. A call which cannot be completed immediately because all channels are busy.

D. Grade of Service. The probability that a call during the busy hour will be blocked.

E. Trunk Group. A group of channels accessible to all mobile units served by that group. A trunk group can include as few as one channel. For example, consider a radio common carrier base station of one call sign transmitting on base frequencies 152.060, 454.025, 454.050 and 454.075 MHz. A state-of-the-art transceiver usually cannot transmit or receive at the 454 MHz frequencies if it is equipped to transmit a frequency 152.060 MHz. In such a case, we consider that there is one trunk group serving units equipped for frequency 152.060 MHz, which we will here call group A. However, a mobile transceiver equipped for frequency 454.025 MHz may well be equipped also for 454.050 MHz and 454.075 MHz, but not frequency 152.060 MHz. If a group of units is equipped with such transceivers, we consider that there is another trunk group, group B, consisting of channels 454.025, 454.050 and 454.075 MHz. Thus, for purposes of computing load, an application for a DPLMRS mobile license serving mobile units so equipped will have its facilities studied as two groups, A and B.

F. System. A system consists of one, and only one, trunk group. A given call sign may be licensed for several systems (trunk groups).

G. Held Order. This is a firm commitment for service. In the case of an application seeking additional frequencies for an existing system, held orders normally consist of the names of persons on a waiting list for service, or the equivalent. In the case of an application for new frequencies, held orders normally consist of written, signed (but non-binding) requests for service, or the equivalent. Applicants need not initially provide the particular names of persons that placed held orders, but we may later request such information on an as-needed basis.

H. Erlang. The amount of traffic carried by one channel busy 100 percent of the time.

I. Erlang C Tables.[7] Tables relating the number of trunked channels, grade of service, and Erlangs. For examples, the tables show that there is a .18 grade of service for the system generating .70 Erlang and operating on one trunk group of two channels.

II. Proposed Standards for Applications for Additional Channels

17. We propose to limit the number of additional (or initial) channels which can be granted to an applicant at any one time in any given market to four. This is because, as explained below, our procedures for determining expected channel usage necessarily are based on patterns of usage within the industry and, where applicable, on the applicant's prior experience. Thus, we can only estimate the actual usage of the proposed facilities. Although we have confidence in these procedures, the greater the number of additional (or initial) channels granted at any one time, the less accurate they become and the greater is the possibility that their use may result in spectral inefficiency. As a result, we believe that by limiting the number of additional (or initial) channels which can be granted at any one time to four, we can utilize the best loading indicators available without presenting an undue risk of spectral inefficiency. In addition, we will entertain waiver requests where the facts and circumstances surrounding a particular application are so unique that the public interest requires a grant of more than four channels.

18. Applications for additional channels, up to a maximum of four, will be granted as follows:[8]

(a) No additional channels will be granted unless the application shows that the system's existing grade of service is .40 or greater; and

[5] *See General Docket No. 80–189*, released May 5, 1980, and *General Docket No. 80–183*.

[6] *See General Docket No. 80–183*.

[7] The tables are based on the Erlang C Formula. One source for that formula is "Introduction to Teletraffic Engineering," Ramsee R. Mina, Telephone Publishing Corporation, 53 W. Jackson Blvd., Chicago, Illinois 60604. A copy of these tables is available for review at the Mobile Services Division upon request. *See Public Notice No. 05411*, released December 31, 1960.

[8] If the proposed service area and type of service are not substantially the same as those existing, the channels requested will be treated as new rather than as additional channels. Applications are considered to be requesting initial channels if less than 50% of the proposed contour overlaps an existing contour, or if the proposed service area contour includes a major market area not included within the existing contour.

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(b) If an application shows that an existing system's existing grade of service is .40 or greater and that an existing system's projected or existing grade of service is .50 or greater, the minimum number of channels necessary to reduce that level below .50 will be granted. In addition, if the grade of service level resulting from such a grant would be in the .25 to .50 range, the application has justified one or more additional channels, provided that such a grant would not reduce the grade of service below .25.

19. The following procedures shall be followed in order to determine the grade of service discussed in paragraph 18 above:

(a) If the existing system serves both one-way signaling units and two-way units, separate Section 22.516 data shall be submitted for each. Data for one-way tone-only signaling units need not be separated from data for one-way tone-plus-voice signaling units unless the applicant anticipates that the ratio of one-way tone-only signaling units to one-way tone-plus-voice signaling units in the proposed system will be significantly different from the ratio in the existing system.[9]

(b) For each Section 22.516 submission, the bouncing busy hour occupied time of a system shown by the 22.516 study shall be divided by the number of units in the system to derive a basic reckoning factor for projecting traffic in a proposed system. This reckoning factor shall be in minutes per unit (MPU), i.e., the time a system is on the air during the busy hour divided by the number of units presently authorized to use that system.

(c) A unit shall be considered as generating traffic in a proposed system if it falls into one of three categories,[10]

(1) Present subscriber units,

(2) Subscriber units for which there are held orders,[11] and

(3) Subscriber units projected through the use of a valid statistical survey.[12]

(d) The number of units included in paragraph 19 (c)(2) and (c)(3) above shall be discounted by 20%. This is done because we realize that not all persons included in these categories will actually subscribe to the service proposed.

(e) The MPU shall be multiplied by the total of the units included in (c) above, as discounted, and divided by 60 to estimate, in Erlangs, the expected traffic in the proposed system.[13]

(f) Referring to Erlang Table C, the expected grade of service level shall be calculated for systems with each of the requested numbers of channels and a determination shall be made as to the number of channels justified.

For example, consider an application submitted by an existing carrier with a five-channel system which proposes to add three channels to the system. Assume that the existing system has 300 present subscribers and that the applicant has shown that there are 75 additional requests for service. Assume further that the traffic loading studies presented with the application show total loading on the five existing channels of 240 minutes during the peak busy hour (i.e., an average of 48 minutes per channel). In this situation, the current subscribers are using the system for an averge of 0.8 minute (i.e., 240 ÷ 300) per unit during the peak busy hour. They are thus generating .0133 (i.e., 0.8 ÷ 60) Erlangs per unit. The number of expected additional subscribers discounted by 20% equals 60 (i.e., 75 × .80). We assume that these 60 additional subscribers will desire to use the system at the same rate as existing subscribers and that we can expect that the proposed system will carry 4.8 Erlangs (i.e., 360 × .0133). Reference to Erlang Table C shows expected grade-of-service levels of .90 with five channels, .52 with six channels, .28 with seven channels, and .14 with eight channels. By applying our proposed standards, the applicant warrants two additional channels, i.e., a total of seven. These two additional channels (total of seven) are necessary to bring the expected grade-of-service level below .50. However, a third additional channel (eighth overall) is not warranted because such a grant would bring the expected grade-of-service level below .25.

III. Proposed Standards for Applications Requesting More Than One Channel in a New System

20. We propose to determine the number of new channels, up to a maximum of four,[14] warranted by a multiple channel request for new facilities in the DPLMRS as follows:

An applicant has demonstrated a need for the minimum number of channels necessary for the expected grade-of-service level to be less than .50.

21. The following procedures shall be followed in order to determine the expected grade of service as discussed in paragraph 20, above:

(a) Applicants shall submit data on the number of units expected to receive service. Units shall be considered only if the applicant has held orders for them or if they are projected from a valid statistical survey, as set forth in paragraph 19(c), above. The units shall be broken down by two-way, tone-only one-way signaling, and tone-plus-voice one-way signaling.

(b) Each two-way unit identified in (a) above will be presumed to generate .9 MPU of traffic. Our position on this matter is based on our review of traffic loading studies including in applications recently filed.[15]

(c) Each one-way tone-only signaling unit will be presumed to generate 0.0417 MPU of traffic. This is based on the assumption that each unit will generate 0.5 five-second calls during the busy hour.[16]

(d) Each one-way tone-plus-voice signaling unit will be presumed to generate 0.167 MPU of traffic. This is based on the assumption that each unit will generate 0.5 twenty-second calls during the busy hour.

(e) The traffic expected to be generated in the system shall be calculated, in Erlangs, by summing the MPU's discussed in (b), (c), and (d), above, discounting the sum by 20% because not all these units will actually subscribe, and then dividing by 60.

(f) Referring to Erlang Table C, the expected grade of service levels shall be calculated for systems with each of the requested number of channels, and a determination shall be made as to the number of channels justified.

For example, consider an application for four new channels with a survey showing, after discount, a need for 120 two-way units; 180 tone-plus-voice units; and 72 tone-only units. We can expect these units to generate 141 MPU, i.e., (120×.9=108 MPU)+(180×.167=30 MPU)+(72×.0417=3 MPU). This usage converts to 2.35 Erlangs (i.e., 141 MPU÷60 min.=2.35 Erlang). Reference to Erlang Table C shows the expected grade of service levels to be 1.00 with one or two channels, .62 with three channels, and .27 with four channels. By applying our proposed standards, the applicant warrants four new channels. Four is the minimum needed to bring the expected grade of service level below .50.

22. Although in paragraphs 18–21 we have set forth the standards and showings required to justify new or additional channels, the staff will, in reviewing applications, consider the utilization of all systems of a licensee in the same area, and other data furnished by the applicant. In this regard, Section 22.516(b) of the Commission's Rules requires that an applicant for additional channels submit data showing actual traffic loading on each channel assignment of all existing systems in the same area.

23. We invite comments on the above proposal for objective standards, including but not limited to:

(a) Whether a fixed busy hour or a bouncing busy hour should be the basis for projecting traffic in the proposed system;

(b) Whether Erlang C tables, or other tables or algorithms such as Erlang B, Poisson, or delay tables would be better suited in estimating the grade of service; and

(c) Whether need showings for initial two-way channels should be eliminated.

24. Pending the conclusion of this rulemaking proceeding, we will follow the objective need standards presented in paragraphs 18 and 20, *supra*, on an interim basis.[17] Regarding those standards, this rulemaking is largely a formalization and clarification of existing procedures. The experience gained from using these standards will assist us if, as now seems likely, objective standards are adopted on a longer term basis.

25. The Commission has determined that the rules proposed in this Notice of Proposed Rule Making would, if adopted, have a significant economic effect on a substantial number of small entities. Pursuant to Section 603 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the following analysis is submitted: These rules are being proposed in order to give greater clarity to the Commission's processing standards with respect to need showings for new or additional frequencies allocated for two-way or paging service in the Domestic Public Land Mobile Radio Service. The proposed rules will apply to all wireline and nonwireline applications for facilities allocated for two-way and one-way service. The proposed rules will apply to approximately 1,000 applications per year. These applicants will in all likelihood find their regulatory burden eased by the proposal; i.e., the proposal specified in detail the procedures which are currently in use for demonstrating local need. In the case of applications for a first channel, the need showing requirement would actually be eliminated. The projected reporting and record-keeping requirements of the rules are the same (except for those which will be eliminated) as those presently used by applicants. The same level of engineering and other technical skills will be required as is presently necessary to properly submit an application in these radio services.

26. The Commission could take the alternative approach of proposing that smaller businesses be exempt from the proposed rules. This approach, however, would mean that those exempted entities must continue to submit need showing for a "first channel" application. This requirement is a significant financial and administration burden on small businesses. The Commission's proposal would eliminate this regulatory burden. The proposed rules also establish objective standards to be used by applicants when they request additional channels. These standards will streamline administrative procedures by clearly delineating what an applicant is expected to submit in a need showing. To exempt small businesses from the proposed rules would not establish an easier standard for receiving an additional channel but would merely eliminate the element of clarity as to what small businesses must do to qualify for an additional channel. In other words, to exempt small businesses from the proposed rules would not ease the impact on these entities but instead would perpetuate the adverse economic impact which small business entities currently undergo in demonstrating local need for a channel in these radio services.

27. The Commission also considered the alternative of exempting small businesses from all loading standards. This approach, however, would conflict with the Commission's goal (in this proceeding and in general) of promoting efficient use of the spectrum. Instead the Commission opted for lessening the regulatory burden on small business entities by clarifying loading standards (which were designed to ensure spectral efficiency) and eliminating need showings for the first frequency requested.

28. Interested parties are encouraged to submit written comments or views concerning the adoption of objective need criteria to the Federal Communications Commission, Washington, DC 20554. Please submit an original and five copies of all comments in accordance with Rules Section 1.419. Comments should be submitted by April 7, 1981. Reply comments should be submitted by May 7, 1981. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which address the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its

[9] Absent such a situation, we will presume that the ratios of tone-plus-voice to tone-only in the existing and proposed systems will be approximately the same.

[10] We are aware that the above proposed objective standard does not expressly factor in the number of "roamers" receiving transient service on the system. However, in effect, the proposed standard allocates loading due to roamers among all mobile units in the present system, and assumes that traffic due to roamers will increase proportionately to the number of units in the proposed system.

[11] Held orders are defined in paragraph 16(G), *supra*.

[12] Here applicants would be expected to obtain a number of held orders for service from a sample of respondents and then to project that need onto a larger universe, using generally accepted survey techniques.

[13] If the existing system does not provide service to the same type of units as the proposed system is expected to (i.e., two-way, one-way tone-plus-voice, and one-way tone-only), it will not be possible to determine the actual MPU for all types of units. In these situations, multiply the estimated MPU discussed in paragraph 21, *infra*, by the number of units expected to receive service under the proposed system which are not receiving service under the existing system.

[14] See paragraph 17, *supra*, for an explanation regarding why we limit the number of initial channels that can be granted at any one time.

[15] All data used in the preparation of this Notice is available for review at the Mobile Services Division. *See Public Notice*, Mimeo 31774, released May 28, 1980.

[16] The applicant should advise us if it intends to provide tone-only paging on a subaudible basis only.

[17] We will not, however, presume a need for an initial two-way channel as proposed in paragraph 7, *supra*, prior to the conclusion of this proceeding.

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decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, DC 20554, (202) 632–7000.

29. For further information concerning this proceeding contact John V. Buscemi, (202) 632–6450.

30. Authority for this rulemaking is contained in Sections 4 and 303 of the Communications Act of 1934, As Amended, 47 U.S.C. 154, 303, and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

31. It is ordered, That a copy of this *Further Notice of Proposed Rulemaking* shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7306 Filed 3-6-81; 8:45 am]

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47 CFR Part 25

[CC Docket No. 80-584; RM-3304]

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska; Order Extending Time for Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: This action extends time for filing reply comments in a rulemaking involving Commission policies governing the ownership and operation of domestic satellite earth stations in the Bush communities of Alaska. Extension was granted because of the difficulties in preparing replies caused by communications problems between Alaska and Washington counsel.

DATE: Reply comments must be filed on or before April 2, 1981.

ADDRESS: Submit reply comments to the Federal Communications Commission Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert A. Mazer, Common Carrier Bureau, (202) 632–6930.

In the matter of policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska, CC Docket No. 80–584 (RM–3304), (46 FR 3250).

Order Extending Time for Filing Reply Comments

Adopted: February 26, 1981.

Released: February 27, 1981.

By the Chief, Domestic Facilities Division:

1. The Commission herein considers the unopposed requests of the National Telephone Cooperative Association (NTCA) and the Alaska Public Utilities Commission (APUC) for extensions of time to file reply comments in the above-captioned proceeding. NTCA has requested a 30 day extension, while APUC has requested a 15 day extension. Both parties argue that the extension of time is necessary because of the difficulties in preparing their replies caused by communications problems between Alaska and Washington counsel.

2. Accordingly, in order to insure a full and responsive record in this proceeding, and pursuant to §§ 0.291 and 1.46 of the Commission's rules, we hereby extend the time to file reply comments in the above-captioned proceeding 30 days or until April 2, 1981.

Federal Communications Commission.

James R. Keegan,

Chief, Domestic Facilities Division.

[FR Doc. 81-7307 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-109; RM-3697]

FM Broadcast Stations in Eagle River and Anchorage, Alaska; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Class C Channel 298 either to Anchorage or to Eagle River, Alaska, in response to a petition filed by Lynn Blair.

DATES: Comments must be filed on or before April 27, 1981, and reply comments on or before May 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Eagle River and Anchorage, Alaska), BC Docket No. 81–109, RM–3697.

Adopted: February 24, 1981.

Released: March 4, 1981.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* A petition for rulemaking [1] was filed by Lynn Blair ("petitioner"), proposing the assignment of Channel 298 to Eagle River, Alaska, as that community's first FM assignment. No comments have been filed opposing the assignment.

2. *Community Data:*

(a) *Location:* Eagle River is located in Anchorage County, 25 kilometers (15 miles) east of Anchorage, Alaska.

(b) *Population:* Eagle River, 2,437; Anchorage Census Division, 124,542; Anchorage, 48,029.[2]

(c) *Local Aural Broadcast Service:* Eagle River has no local aural broadcast service; Anchorage has six commercial FM assignments.

3. *Economic Considerations:* Petitioner states that Eagle River is one of the fastest growing communities in Alaska. Eagle River's population expanded from 130 in 1960 to 2,400 in 1970. According to petitioner, the 1980 Census is expected to show more than a doubling in population, reaching 5,300 persons. Even this figure, petitioner argues, is conservative, suggesting that 7,500 may be more accurate. Eagle River serves as the trading and educational hub for a number of smaller, more rural communities. Ranching and farming play important roles in the area's economy, while the largest employer is the school system. Petitioner emphasizes that while Eagle River is geographically close to Anchorage, it has its own, independent, rural character and distinct needs that are not met by stations serving the urban Anchorage community.

4. *Preclusion Considerations:* A preclusion study done by the petitioner indicates that the assignment of Channel 298 will cause preclusion on Channel 295 within 65 miles, Channel 296A within 65 miles, Channel 297 within 150 miles, Channel 298 within 180 miles, Channel 299 within 150 miles, and Channel 300 within 65 miles. Petitioner notes that there are no alternative channels available for the precluded communities with populations of 1,000 or more within 65 miles (a list of communities was provided).

5. *Other Considerations:* Our established policy is to reserve Class C channels for large urban areas, a category into which, even petitioner emphasizes, Eagle River clearly does not fall. Nor does petitioner provide support for the request by demonstrating the existence of any new first or second service to any area. Moreover, given the proximity of Eagle River to the much larger city of Anchorage (pop. 48,029), we must question which city the proposed Class C facility would actually serve. Petitioner asserts that she intends to serve Eagle River and the surrounding rural communities which greatly need service not provided by the Anchorage stations, but the Commission's past experience has been that the inevitable consequence of utilizing a high powered facility to serve a suburban community is to seek advertising from and provide service to the larger city. We do not have information regarding petitioner's proposed transmitter site which could serve to diminish our concerns. The inference we must draw at this point is that a Class C assignment to this area would probably become an Anchorage station, regardless of petitioner's stated intent. See *Albuquerque, New Mexico and Alameda, New Mexico*, BC Docket No. 80–160, 46 FR 10724, published February 4, 1981. Thus, we believe that Anchorage may be the more appropriate location to propose for the assignment. The 15-mile rule, Section 73.203(b), could be utilized to permit the filing of an application to serve Eagle River if petitioner should persist in her desire to be licensed there. We are also proposing a Class A channel for Eagle River since we believe it to be a more appropriate assignment for a small rural community. Petitioner should address all of these considerations in her comments, and should note that although it is not required to specify a proposed transmitter site at this stage, only by doing so could the Commission be given a basis to justify a Class C assignment to Eagle River, as petitioner's stated intent is to serve Eagle River rather than Anchorage. See *Communications Investment Corp. v. F.C.C.*, No. 78–7515 (D.C. Cir. Jan. 21, 1981) at 30–31.

6. In view of the foregoing, we find it in the public interest to explore the possible assignment of Channel 298 to Anchorage or Eagle River, Alaska, or Channel 285A to Eagle River, Alaska. Accordingly, we propose the following alternative revisions in the FM Table of Assignments (Section 73.202(b) of the Rules) with respect to the communities listed below:

City	Channel No.	
	Present	Proposed
ALTERNATIVE I		
Anchorage, Alaska	263, 267, 271, *276A, 281, 295A, and 293.	263, 267, 271, *26A, 281, 295A, 293, and 298.
OR ALTERNATIVE II		
Eagle River, Alaska		295A.
OR ALTERNATIVE III		
Eagle River, Alaska		298.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 27, 1981, and reply comments on or before May 18, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed.

[1] Public Notice of the petition was given on July 7, 1980, Report No. 1238.

[2] Population figures are taken from the 1970 U.S. Census.

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Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-6712 Filed 3-6-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-107; RM-3690]

FM Broadcast Station in Selmer, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 288A to Selmer, Tennessee, in response to a petition filed by James E. Wolfe, Jr.

DATES: Comments must be filed on or before April 27, 1981, and reply comments on or before May 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20544.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Selmer, Tennessee), BC Docket No. 82-107, RM-3690.

Adopted: February 24, 1981.

Released: March 2, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making [1] filed by James E. Wolfe, Jr. ("petitioner"), requesting the assignment of Channel 288A to Selmer, Tennessee, as that community's first FM assignment. No comments were filed opposing the assignment.

2. Selmer (pop. 3,495),[2] seat of McNairy County (pop. 18,369), is located approximately 123 kilometers (80 miles) east of Memphis, Tennessee. It is currently served by daytime-only AM Station WDTM.

3. Petitioner states that Selmer's major industry is crop production, it being located in one of the richest agricultural areas of Tennessee.

4. An assignment of Channel 288A to Selmer would require a site restriction of at least five miles northwest of the community because of the operation of Station WLAY on Channel 288A in Muscle Shoals, Alabama.

5. After careful consideration of the proposal, the Commission believes it to be in the public interest to consider the assignment of Channel 288A to Selmer, Tennessee. Accordingly, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with respect to the listed community, as follows:

City	Channel No.	
	Present	Proposed
Selmer, Tenn.		288A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 27, 1981, and reply comments on or before May 18, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Makings to Amend §§ 73.202(b) 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a messager (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 3.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rule and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petititoner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-7304 Filed 3-6-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-106; RM-3689]

FM Broadcast Station in Newberry, South Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of a Class A FM channel to Newberry, South Carolina, in response to a petition filed by Service Radio Company, Inc. The proposed assignment could provide a first FM broadcast service to Newberry.

DATE: Comments must be filed on or before April 27, 1981, and reply comments on or before May 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments FM Broadcast Stations, (Newberry, South Carolina), BC Docket No. 81-108, RM-3689.

Adopted: February 24, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making [1] filed by Service Radio Company, Inc., ("petitioner"), proposing the assignment of FM Channel 292A to Newberry, South Carolina, as the community's first FM assignment. Supporting comments were filed by the petitioner, stating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Newberry (population 9,218),[2] seat of Newberry County, (population 29,273) is located approximately 65 kilometers (40 miles) northwest of Columbia, South Carolina. It is served locally by full-time AM Station WKMG.

3. Petitioner states that the economy is based on local government, local industry and several small factories. It further states that Newberry has a biweekly newspaper and cable television service.

4. A site restriction of 11 kilometers (7 miles) northwest of Stations, WKET, Toccoa, Georgia (Channel 291) and WYMX, Augusta, Georgia (Channel 289). Petitioner should furnish information demonstrating that a transmitter site located at this distance could provide a 70 dBu signal over the community.

5. In view of the fact that the proposed assignment could provide Newberry with its first local FM broadcast service, the Commission believes it appropriate to propose amending the FM Table of Assignments § 73.202(b) with regard to the following community:

City	Channel No.	
	Present	Proposed
Newberry, S. C.		292A

6. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 27, 1981, and reply comments on or before May 18, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

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[1] Public Notice of the petition was given on July 7, 1980, Report No. 1238.

[2] Population figures are taken from the 1970 U.S. Census.

[1] Public Notice of the Petition was given July 7, 1980, Report No. 1238.

[2] Population figures are taken from the 1970 U.S. Census.

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3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-7303 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 45
Monday, March 9, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Approval of Affirmative Action Plan for Employment and Procurement Activities

On February 25, 1981, the Federal Inspector, John T. Rhett, approved Pacific Gas Transmission Company's (PGT) affirmative action plan for employment and procurement activities on its segment of the Alaska Natural Gas Transportation System (ANGTS).

On May 12, 1980, the Equal Opportunity Regulations (43 CFR Part 34) for ANGTS became effective. These regulations were promulgated to effectuate the requirements of Section 17 of the Alaska Natural Gas Transportation Act and Condition 11 of the President's *Decision*, which directed Federal officers and agencies to take affirmative action to insure that no person will be excluded on the grounds of race, creed, color, national origin or sex from participating in ANGTS-related activities. Subsection 34.8(a)(1), 43 CFR 34.8(a)(1), required that ANGTS project sponsors have acceptable affirmative action plans approved by the Federal Inspector.

PGT's affirmative action plan contains the following goals for minority and female employment and procurement:

Percent Goals for Contractor Construction Work Force (Prebuild)

[Number of jobs shown in parentheses]

Job category	Projected number of jobs	Black	Asian	Native	Hispanic	Female	Total minorities
Officials and Managers	25	0.6	1.0	1.0	1.0	0.7	3.6(1)
Technicians	24	.7	.4	.4	1.1	11.8(3)	3.6(1)
Clerical	10	3.3	.4	.4	.9	34.7(3)	5.4(1)
Journeyman	12	1.3	1.0	1.0	1.3	3.5	4.5(1)
Operatives	20	2.1(6)	1.0(3)	1.0(3)	1.3(4)	3.0(9)	5.4(16)
Laborers	112	4.1(5)	1.0(1)	1.0(1)	2.0(2)	1.8(2)	8.1(9)
Total	463	2.5(11)	1.0(4)	1.0(4)	1.4(6)	3.8(17)	5.9(29)

Construction Schedule and Anticipated Employment (Prebuild)

Spring and summer 1981, constitutes the peak construction period for the prebuild portion of the Western Leg of ANGTS. During this period, PGT estimates that 463 workers will be employed by its contractors and subcontractors. Employment projections for the completion phase have not been made.

Minority/Female Business Enterprise Goals (Prebuild)

Percentage Goals—10 percent of contractable opportunities for minority businesses, 1 percent of contractable opportunities for female businesses.

Dollar Goals—$2.8 million for minority businesses,[1] $300,000 for female businesses.

[1] Not reflected in these goals is the $4 million share of NANA, and Alaskan native regional corporation, in a joint venture for mainline construction between M-K River, Division of Morrison-Knudson Co., Inc. and NANA.

Timetable for Reaching MBE/FBE Goals

The MBE/FBE goals for prebuild are to be achieved by October 1, 1981. A timetable for the completion phase has yet to be established.

FOR FURTHER INFORMATION CONTACT: Mr. John Alexander, Director, Equal Employment Opportunity, Minority Business Enterprise, Office of the Federal Inspector (ANGTS), Room 3212, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Dated: March 3, 1981.

John T. Rhett,
Federal Inspector.

[FR Doc. 81-7274 Filed 3-6-81; 8:45 am]

BILLING CODE 6820-AW-M

CIVIL AERONAUTICS BOARD

[Dockets EAS-507, 599, 600, 601, 602, 603, and 660]

Essential Air Transportation Determinations

In the matter of essential air transportation determinations of Roanoke, Charlottesville, Danville, Hot Springs, Lynchburg, Staunton and Newport News/Hampton/Williamsburg/Yorktown, Virginia; Informal Conference.

An appeals panel of the Civil Aeronautics Board will conduct an informal conference with interested parties for the purpose of discussing matters relating to the essential air service determinations contained in Board Order 80-4-177. The panel will consider the views presented at the conference when making its recommendations to the Board on the merits of the appeals.

The conference will be held at the following location and time: Friday, March 20, 1981, at 10:30 a.m., Conference Room, Byrd International Airport, Richmond, Virginia.

Date: March 3, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7325 Filed 3-6-81; 8:45 am]

BILLING CODE 6320-01-M

[Order No. 81-2-92]

United States-Ireland Show Cause Proceeding; Correction

The Summary Notice of Order 81-2-92, appearing at 46 FR 14025, February 25, 1981, was incorrectly numbered as 81-2-93.

Dated: March 3, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7326 3-6-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Kansas Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the Commission will

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convene at 9:00 a.m. and will end at 12 noon, on March 28, 1981, at the Holiday Inn, Parlor Room, 424 Minnesota, Kansas City, Kansas 66101. The purpose of this meeting is to develop program planning and followup for the Wichita Police Report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Benjamin H. Day, 313 Prospect, Leavenworth, Kansas 66048, (913) 296–3469; or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 758–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7290 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:30 p.m., on April 2, 1981, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine. The purpose of this meeting is to discuss status of off-reservation Indians; implementation of Domestic Violence Law; and plan for study of women in non-traditional jobs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Madeleine D. Giguere, 35 Orange Extension, Lewiston, Maine 04240, (207) 780–4100; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7291 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

New Mexico Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Mexico Advisory Committee to the Commission will convene at 9:00a and will end at 6:00p, on April 3 and 4, 1981, at the Grants Branch Community College, State University, 1500 Third Street, Grants, New Mexico 87020. The purpose of this meeting is to consider civil rights issues affecting energy-implicated communities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Roberto A. Mondragon, Lt. Governor's Office, State Capitol, Room 425, Santa Fe, New Mexico 87503, (505) 827–2513; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204, (512) 730–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7292 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 am and will end at 3:00 pm, on April 4, 1981, at the Netherland Hilton, Parlor Room C & D, Cincinnati, Ohio 45201. The purpose of this meeting is to review follow-up activities of the Cincinnati Police Report's recommendation; plan future activities for FY 1982; and organize Subcommittees and set future meeting dates.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Henrietta H. Looman, 1222 Woodland Avenue, N.W., Canton, Ohio 44703, (216) 454–2278; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7293 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Leather Wearing Apparel From Colombia; Proposal Concerning Suspension of Investigation

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Proposal Concerning Suspension of Investigation.

SUMMARY: The Department of Commerce proposes to suspend its countervailing duty investigation involving certain leather wearing apparel from Colombia. The petitioner and other parties to the investigation have been separately notified of, and the petitioner is being consulted regarding, the proposal to suspend.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Anne Hamilton, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–3963.

SUPPLEMENTARY INFORMATION: On November 12, 1980 (45 FR 74742) the United States Department of Commerce (the Department) initiated a countervailing duty investigation concerning leather wearing apparel from Colombia, currently classified under TSUS item 791.76. The scope of the investigation is to determine whether the Colombian Tax Reimbursement Program (CAT), as it applies to leather wearing apparel, is a subsidy within the meaning of the countervailing duty law.

On January 6, 1981 the Government of Colombia informed the U.S. Government that the only known Colombian exporter of such merchandise to the U.S., Confecciones Amazonas Orinoco (CAO), voluntarily renounced the receipt of the CAT Certificates on shipments of such merchandise to the United States on or after January 1, 1981. On January 14, 1981, the Department made a preliminary affirmative determination (46 FR 3255 and correction, 46 FR 7042). Since there was no exporter of leather garments utilizing the CAT program at the time the preliminary determination was made, the Commerce Department used the total percentage available under the Colombian statute for exporters of leather garments as the basis for calculating the estimated gross subsidy.

Subsequent to the preliminary determination, negotiations were conducted with CAO pertaining to the possibility of an agreement which could form the basis for a suspension of the investigation.

As a result of those negotiations, CAO proposed that it would renounce receipt of any future CAT certificates on products covered by the investigation and that at its request, the Government of Colombia would voluntarily monitor the renunciation. It was also agreed that no new or equivalent benefits will be received as a substitute for the benefits eliminated by virtue of the actions described above. CAO further agreed to notify the United States if it contemplates, or decides to change its position with respect to any of these actions and further that it would permit such verification as is deemed necessary by the Department.

The Department of Commerce has determined that the above cited actions and commitments form an appropriate basis for *proposing* the suspension of the countervailing duty investigation of leather wearing apparel from Colombia pursuant to section 704(b) of the Tariff Act of 1930, as amended (93 Stat. 154, 19 U.S.C. 1671c(b)).

The Department has informed the petitioner of the proposal for suspending this investigation, has supplied him with a copy of the proposed agreement and the petitioner is being consulted with respect to it. All other parties to the investigation also have been notified of the proposal and are being provided an opportunity to submit comments. If a suspension agreement is entered into, then a final determination will not be made in this case.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 3, 1981.

[FR Doc. 81-7294 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

Medical College of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00176. Applicant: Medical College of Wisconsin, P.O. Box 26509, Milwaukee, Wisconsin 53226. Article: Optical Emissions Spectroscope. Manufacturer: V. E. B. Straton, The Netherlands. Intended use of article: See Notice on page 28389 in the **Federal Register** of April 29, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article resolves the ^{14}N ^{14}N peak at 297.68 nanometers (nm) and the ^{15}N ^{14}N peak at 298.29 nm by optical emission spectroscopy. The Department of Health and Human Services advises in its memorandum dated June 25, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7300 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00406. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron, VRB2113A30 SNO557D8. Manufacturer: Varian Canada, Inc., Canada. Intended use of article: See Notice on page 66829 in the **Federal Register** of October 8, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manuafactured in the United States.

Reasons: The foreign article provides operation in the 80 to 110 gigahertz range. The National Bureau of Standards advises in its memorandum dated December 16, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument of apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7301 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00272. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Nuclear Magnetic resonance spectrometer, Model FX 90Q. Manufacturer: Jeol Ltd., Japan. Intended use of article: See Notice on page 47892 in the **Federal Register** of July 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 7, 1980).

Reasons: The foreign article has a probe which observes ^{1}H, ^{13}C and ^{15}N at low temperatures (−100° to 180° C) without a change in probe. Comparable domestic instruments which were available at the time the foreign article was ordered are manufactured by Varian Associates and Nicolet Instrument Corporation. However at the time the foreign article was ordered neither provided the above feature of the foreign article. The National Bureau of Standards advises in the memorandum dated January 2, 1981 that (1) the capability of the foreign article described above is pertintent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7295 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

University of California, Los Angeles; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00337. Applicant: University of California, Los Angeles, Department of Biology, Los Angeles, CA 90024. Article: Floppy Disc System and Analog Interface. Manufacturer: Cambridge Electronic Design, United Kingdom. Intended use of article: See Notice on page 47895 in the **Federal Register** of July 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument at the applicant institution. The Department of Health and Human Services advises in its memorandum dated November 12, 1980 that the article is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7299 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral aand multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: March 24, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave., N.W., Washington, D.C. The meeting will conclude on March 25, in Room B841, Main Commerce Building.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A Copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: March 4, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-7362 Filed 3-6-81; 8:45 am]

BILLING CODE 3710-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Scientific and Statistical Committee and Its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), its Scientific and Statistical Committee (SSC) and its Advisory Panel (AP) will hold joint and separate meetings. The Council will also meet jointly with the Alaska Board of Fisheries.

DATES: The Council meeting will convene on Wednesday, March 25, 1981, at apporximately 9 a.m., and will adjourn on Friday, March 27, 1981, at approximately 5 p.m., at the Westward Hilton Hotel, Anchorage, Alaska. The Council and the Alaska Board of Fisheries will also meet intermittently on Wednesday, March 25, 1981, at the Westward Hilton Hotel, to discuss the King Crab and Salmon Fishery Management Plans (FMPs). The SSC will also convene its meeting on Wednesday, March 25, 1981, at approximately 9 a.m., and will adjourn at approximately 5 p.m., at the Council's Headquarters Conference Room, 333 West Fourth Avenue, Anchorage, Alaska. At the same time and date, the AP will meet in the Kenai/Aleutian Room of the Westward Hilton Hotel, Anchorage, Alaska. These public meetings may be lengthened or shortened depending upon progress on the agenda.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

PROPOSED AGENDA:

Council

Special Note: Preregistration (except in special or unusual cases) will be required for all public comments which pertain to a specific agenda topic. Preregistration is accomplished by informing the Agenda Clerk as early as possible of the agenda item(s) to be addressed and the time requested. Preregistration and public comments may be scheduled for agenda items concerning old and new business, and fishery management plans. A detailed agenda will be sent to the public around March 9, 1981. The Council will hear reports on domestic and foreign catches and Coast Guard enforcement and surveillance. Discussion will focus mainly on the 1981 amendment to the Troll Salmon FMP and the final form of the King Crab FMP, as well as final considerations of the portion of amendment one to the Bering Sea Groundfish FMP, proposing a six-month closure of the International North Pacific Fisheries Commission's areas one and two to all trawling. The Council may also discuss new amendments to the Bering Sea/Aleutian Island Groundfish and Gulf of Alaska FMPs. They will also examine regulatory proposals for 1982 to the Tanner Crab FMP and discuss inconsistencies between State and Federal regulations and determine whether the FMP should be modified to minimize these inconsistencies. The Council will also consider various contracts and research proposals. The SSC and AP will discuss similar agenda items as mentioned above for the Council.

Dated: March 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7277 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meetings With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94-409, notice is hereby given of a partially closed session of public meetings of the Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265). The closed session of the meetings are being held to discuss personnel matters regarding vacancies on the Scientific and Statistical Committee (SSC), and the Advisory Panel (AP). The sessions of the meetings which will be open to the public will involve review of the final fishery management plan (FMP) for the spiny lobster fishery of the Western Pacific Region; set public hearing schedule for the draft Billfish FMP, review progress of other FMPs, and review draft administrative and programmatic budgets for fiscal year 1982.

DATES: The closed session of the meetings will be held on March 31, 1981—8 a.m. to 10 a.m. The open sessions of the meetings will be held on March 31, 1981—10 a.m. to 5 p.m., and on April 1, 1981—9 a.m. to 3 p.m.

ADDRESS: The meetings will take place at the Hawaii State Capital—Lieutenant Governor's Conference Room, Fifth Floor, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608—1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on January 15, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6). These portions of the closed meetings are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings are open to the public.

Dated: March 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7278 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-22-M

Patent and Trademark Office

Public Advisory Committee for Trademark Affairs; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

The Public Advisory Committee for Trademark Affairs will meet from 9:30 a.m. until 5:00 p.m. on April 9, 1981, at The Washington Hilton Hotel, 1919 Connecticut Avenue, N.W., Washington D.C.

The Committee was first established in 1970 and was reestablished in 1979 to advise the Patent and Trademark Office of steps that can be taken to increase the effectiveness of administration of the Trademark Act and to provide a continuing source of information from the private sector to the government.

The agenda for the meeting is as follows:

(1) Trademark Fees.

(2) Trademark Housekeeping Legislation.

(3) Training of Trademark Examiners.

(4) Trademark Operation Administrative Problems.

The meeting will be open to public observation; approximately twelve (12) seats will be available for the public on a first-come first-served basis. If time permits, oral comments by the public of three (3) minutes on each topic within the above agenda will be allowed. To insure proper consideration at the meeting, any comments or suggestions

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relating to the agenda items should be submitted in writing before April 2, 1981. Further comments and suggestions will be accepted after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Please mark all correspondence to the attention of Committee Control Officer, Patricia M. Davis, Office of Trademark Program Control, Room CP2-3D23. Telephone: 703-557-3881.

Dated: February 13, 1981.

Rene D. Tegtmeyer,

Acting Commissioner of Patents and Trademarks.

Dated: February 20, 1981.

Approved:

Robert Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-7354 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 24, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced Cruise Missile Propulsion will meet on March 25, 26, and 27, 1981 from 9:00 a.m. to 5:00 p.m. at Wright-Patterson AFB, Ohio.

The Committee will receive classified briefings on the USAF Cruise Missile Propulsion Programs. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 81-7268 Filed 3-6-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangment to be carried out under the above mentioned agreements involves approval for the retransfer of fuel spheres containing 0.0282 grams of U-233, 1.840 grams of U-235, 0.3292 grams of U-238, 0.0022 grams of plutonium, and 10.33 grams of throium from the Federal Republic of Germany to Austria for irradiation at Seibersdorf.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/AT(EU)-57 will not be inimical to the common defense and security.

This subsequent arrangment will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 3, 1981.

For the Department of Energy.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7282 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of fuel spheres containing 0.0282 grams of U-233, 1.840 grams of U-235, 0.3292 grams of U-238, 0.0022 grams of plutonium, and 10.33 grams of thorium from Austria to the Federal Republic of Germany for post-irradiation examination and subsequent waste disposal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(AT)-14 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 3, 1981.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7283 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the sale to the IAEA of 200 milligrams of plutonium enriched to 99% in Pu-239. This material is to be used for determination of Pu-239, Pu-240, and Sm-149 in nuclear irradiated fuel by non-destructive analysis for safeguards and burn-up problems in the United Nations Development Program, Cairo, Egypt.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S-IA-112 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 3, 1981.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7284 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Renewal of Charter on Consumer Affairs Advisory Committee

This notice is published in accordance with the provisions of Section 7 of the Office of Management and Budget Circular A-63, as amended. Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Consumer Affairs Advisory Committee has been renewed for a 24-month period ending on February 27, 1983.

The renewal of the Committee has been determined necessary and in the public interest. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those Acts.

Further information regarding this Advisory Committee may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C. on March 4, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-7346 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Crystal Oil Co.; Action Taken on Consent Order

Pursuant 10 CFR 205.199(J), the Economic Regulatory Administratioin (ERA) of the Department of Energy (DOE) hereby give notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199(c), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits public comments with respect to its terms.

On December 22, 1980, ERA published a notice of a Proposed Consent Order which was executed between Crystal Oil Company and the DOE (46 FR 5049, January 19, 1981). With that notice, and in accordance with 10 CFR 205.199(J), ERA invited interestes persons to comment on the proposed Consent Order. Also, in that notice, and in accordance with 10 CFR 205.283, interested parties who believe that they have a claim to all or a portion of the refund were instructed to provide notification to ERA.

One party has submitted a written notification of a claim to the Consent Order. ERA has concluded that the Consent Order as executed between the DOE and Crystal Oil Company is an appropriate resolution of the compliance proceedings described in the Notice published January 19, 1981, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on March 9, 1981.

Issued in Dallas, Texas, this 26th day of February, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-7281 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Petroleum Heat and Power Co., Inc.; Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199J(b), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On January 15, 1981, ERA published a Proposed Consent Order which was executed between Petroleum Heat and Power Company, Inc. and the ERA (46 FR 3593-10, January 15, 1981). With this notice, and in accordance with 10 CFR 205.199J, ERA invited interested persons to comment on the proposed Consent Order. No one submitted comments on the terms and conditions of the Consent Order. The ERA has concluded that the Consent Order as executed between ERA and Petroleum Heat and Power Company is an appropriate resolution of the compliance proceedings described in the Notice published January 15, 1981, and hereby gives notice that the Consent Order shall become effective as proposed on January 15, 1981.

Issued in Philadelphia, Pa. this 20th day of February, 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81-7345 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-179-000]

Arizona Public Service Co.; Order Accepting for Filing and Suspending Proposed Rates in Part, Denying Motions To Reject, Instituting Investigation, Granting Interventions, and Establishing Procedures

Issued: February 27, 1981.

On December 18, 1980, Arizona Public Service Company (APS) tendered for filing proposed revised rates[1] for seventeen wholesale customers[2] served under fifteen rate schedules which provide for an increase in revenues from jurisdictional sales and service of approximately $14,736,554 (25.52%) based on the twelve month period ending February 28, 1982.

APS requests an effective date of March 1, 1981, for rates applicable to the Transmission Resale class customers, Plains, and Wickenburg. APS states that its contracts with PTUA, ED-1, and the Districts do not allow unilateral rate increases,[3] and therefore requests that the proposed increase become effective with respect to them as soon as permitted by Commission order under section 206 of the Federal Power Act.

Notice of the filing was issued on December 23, 1980, with comments, protests and petitions to intervene due on or before January 12, 1981. On January 9, 1981, in response to several requests for extensions of time, the Commission extended the period for filing responses to January 19, 1981.

On January 9, 1981, WWP filed a petition to intervene but did not request a hearing or other Commission action.

[1] See Attachment A for proposed rate schedule designations.

[2] The seventeen wholesale customers are grouped as follows:

(1) *Transmission Resale:*
Citizens Utilities Company (Citizens)
Arizona Electric Power Cooperative, Inc. (AEPCO)
Arizona Power Authority (APA)
Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk)
Colorado River Indian Irrigation Project (CRIIP)
San Carlos Indian Irrigation Project (San Carlos)
Washington Water Power Company (WWP)
(2) Plains Electric Generation and Transmission Cooperative, Inc. (Plains)
(3) City of Wickenburg, Arizona (Wickenburg)
(4) Papago Tribal Utilities Authority (PTUA)
(5) Electrical District No. 1 (ED-1)
(6) *Other Irrigation Resale* (Districts):
Electrical District No. 3 (ED-3)
Electrical District No. 6 (ED-6)
Electrical District No. 7 (ED-7)
Maricopa County Municipal Water Conservation District No. 1 (Maricopa)
Roosevelt Irrigation District (RID)
Buckeye Water Conservation and Drainage District (BID)

[3] The Commission has found the Districts to be customers whose rates can be changed prospectively only upon a Commission determination of the just and reasonable rates. *Arizona Public Service Company*, i.e., orders issued August 1, 1978 and November 30, 1978, in Docket No. ER76-530. The United States Court of Appeals for the District of Columbia Circuit found that rates to PTUA and ED-1 can be changed only under section 206 of the Federal Power Act, although the court did not decide the standard of proof to be applied. *Papago Tribal Utility Authority* v. *FERC*, 610 F.2d 914 (D.C. Cir. 1979).

On January 12, 1981 Wickenburg filed a protest and petition to intervene. On January 15, 1981 San Carlos petitioned for a further extension of time to February 14 in which to file its protest and petition to intervene. The Secretary denied the petition but granted an extension to February 9, 1981. On January 19, 1981, protests and petitions to invervene were filed jointly by APA and Wellton-Mohawk, jointly by ED–1, ED–3, ED–6, ED–7, RID, and BID, and individually by Plains, Maricopa, PTUA, and Citizens. These petitioners request that the rates be rejected in whole or in part, or suspended for five months and set for hearing. The petitioners object to various aspects of APS' filing with respect to rate base, cost of service, rate design and rate of return.

On January 27, 1981, APS filed a motion for an extension of time in which to file its response to all the protests and petitions to intervene. This motion was granted and on February 10, 1981, APS filed its response.

Discussion

Initially, we find that participation by each of the petitioners is in the public interest. Consequently, we shall grant all the petitions to intervene.

Maricopa submits that APS' development of non-coincident peak demand allocation factors for allocating subtransmission and distribution costs to the irrigation customer class on the basis of the sum of the customers' individual demands instead of on the basis of the lower conjunctive class demand methodology overstates the Company's cost of service. Since we have found in the past that APS' system is fully integrated and operates as a cohesive network in moving energy in bulk,[4] we have rejected the Company's subfunctionalized approach and have expressed preference for a rolled-in procedure.[5] If the facts have changed significantly since 1976, the presiding judge may accept testimony on this issue in the hearing if it is offered.

APA and Wellton-Mohawk state that APS' Period II cost of service does not reflect an off-system sale of 50 megawatts from Cholla Unit No. 4 to Utah Power & Light Company (UP&L). In APS' transmittal letter, the Company stated that the reason for the omission was that it did not know whether the sale would be made until the date UP&L actually executed the agreement, approximately three weeks before APS' made this filing. This item shall be included in the cost of service when an in-service date for commercial operation of Cholla Unit No. 4 is determined.

PTUA moves for summary disposition of APS' revenue-credit approach with respect to the Navajo Tribal Utility Authority (NTUA), asserting that APA has failed to carry its burden of proof as to costs incurred in serving NTUA. PTUA also requests that we direct APS to recompute its cost of service and cost allocation exhibits so as to break-out and quantify its cost of serving NTUA. We note that the propriety of the revenue credit treatment of service to NTUA is an issue presently before the Commission in another docket. Therefore, we will not grant summary disposition of this issue at this time.

PTUA and Citizens challenge APS' failure to functionalize its depreciation reserve, depreciation expense, and *ad valorem* taxes using labor ratios. They cite as authority the general rule established in *Minnesota Power and Light Company*, Opinion No. 20–A, issued October 30, 1978. APS responds that the general rule in *Minnesota* can be varied by a factual showing at hearing.[6]

Most of the protestants objected to the rate of return claimed by APS in its filing. In addition, Plains moves for a phased hearing and expedited consideration of what it describes as an exhorbitant claimed rate of return. However, we have previously determined that expedited consideration of the rate of return issue is inappropriate. *Public Service of New Mexico*, order issued May 30, 1980 in Docket No. ER80–313. We perceive no circumstances in this case which would warrant departure from our existing practice.

Considering the protests by the numerous intervenors, we find that APS' rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them, in part, as ordered below.

In a number of suspension orders,[7] we have addressed the consideration underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh or inequitable results. Such circumstances have been presented here. Although a number of matters raised in this proceeding warrant investigation at hearing, our preliminary analysis indicates that the rates filed by APS may not produce excessive revenues. Thus, we believe that a five month suspension is unnecessary. A nominal suspension should protect the affected customers, pending the outcome of a hearing. Accordingly, except for Citizens which is discussed below, we shall suspend the rates applicable to the Transmission Resale class of customers, Plains and Wickenburg, for a period of one day permitting those rates to take effect subject to refund thereafter on March 2, 1981. The revised rates applicable to PTUA, ED–1 and the Districts may become effective prospectively only following a final Commission order in this docket.

Sierra-Mobile Issues With Respect to PTUA and ED–1

In addition to the rate-related issues noted above, PTUA requests that the proposed increase be rejected with respect to it for APS' failure to meet the strict *Sierra-Mobile* burden of proof.[8] PTUA is joined in this request by ED–1, since ED–1's contract contains a rate change provision identical to that of the APS–PTUA contract, and ED–1 has adopted by reference PTUA's petition.

The thrust of PTUA's argument is that if a reviewing court finds that an agreement authorizes rate revisions only by an appropriate order of the Commission under section 206(a) of the Federal Power Act, the strict *Sierra-Mobile* burden of proof applies. This issue is presently before us in Docket No. ER76–530 and will be decided in that docket. In order to protect the position of all parties in the interim, the request to reject the filing will be denied, and APS' filing with respect to PTUA and ED–1 will be accepted for filing, without prejudice to the three parties' positions in Docket No. ER76–530, with the rates to become effective prospectively only following a Commission order determining the lawful rate to these customers.

Citizens' Motion To Reject

Citizens, for whom APS has filed a unilateral increase, moves that the proposed increase be rejected as to it. In support of its motion, Citizens states that the rate change provisions of its orginal agreement with APS dated April 2, 1971, are essentially identical to those of the APS–PTUA contract, and that any proposed rate can only become effective prospectively under section 206, with the full *Sierra* burden of proof.

APS argues that Citizen's contract, although similar in language to PTUA's, was based on a letter of intent which differentiated it from PUTA's contract, and that Citizens acquiesced in the previous unilateral rate filing. Moreover, APS argues that the terms of the prior contract are immaterial to this proceeding since Citizens has since executed a supplemental agreement which controls the instant filing and which, according to APS, clearly gives APS the right to unilaterally change Citizens' rates. Citizens strongly contests this view of the supplemental agreement.

We have been unable to resolve the numerous legal questions raised in the various pleadings regarding the APS-Citizens' contract in the limited statutory period in which we are required to act in order to suspend APS's increased rates. We shall therefore defer decision on the Citizens contract question to a subsequent order. In the interim, in order to protect the positions of all parties, we shall accept the rate increase to Citizens for filing and suspend it for five months. This suspension shall be without prejudice to a subsequent shortening of the suspension period to one day or an order requiring that the rate to Citizens be given only prospective effect from the date of Commission determination of the lawful rate, depending on our determination of the contract question.

The Commission orders:

(A) APS's rates tendered for filing on December 18, 1980, are accepted for filing with respect to the Transmission Resale class of customers except for Citizens, to Plains and to Wickenburg, and are hereby suspended for one day from the requested March 1, 1981, effective date to become effective on March 2, 1981, subject to refund pending hearing and decision thereon.

(B) APS' rates for Citizens are accepted for filing and suspended for five months to become effective, subject to refund, on August 1, 1981: *Provided, however,* That such acceptance and suspension are subject to change as a result of our determination of the Citizens contract question.

(C) APS's proposed rates tendered for filing on December 18, 1980, are accepted for filing with respect to PTUA, ED–1 and the Districts, to become effective prospectively only following final Commission order determining the lawful rates to these customers.

(D) The motions by PTA, ED–1, and Citizens to reject portions of the filing are hereby denied.

(E) All motions for summary disposition are hereby denied.

(F) Each of the petitions to intervene in this docket is hereby granted subject to the rules and regulations of the Commission: *Provided, however,* That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* That the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR, Chapter I (1979))], a public hearing shall be held concerning the lawfulness of APS' rates and charges.

(H) The Commission staff shall serve top sheets in this proceeding on or before May 4, 1981.

(I) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of tops sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(J) The secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[4] *Arizona Public Service Company*, Docket Nos. ER76–530, *et al.*, order issued August 1, 1978.

[5] *Missouri Utilities Company*, Opinion No. 82, issued March 28, 1980.

[6] See also *Middle South Services, Inc.*, Docket No. ER79–277, Initial Decision, issued November 13, 1980.

[7] *E.g., Boston Edison Co.*, Docket No. ER80–506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension) *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[8] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

Arizona Public Service Company, Docket No. ER81–179–000

[Filed: December 18, 1980]

Designation	Other party	Designation
Supplement No. 19 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 14 as supplemented).	Citizens Utilities Company	Rates
Supplement No. 20 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 15)	do	Fuel Clause
Supplement No. 10 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 8 as supplemented)	Arizona Electric Cooperative, Inc.	Rates
Supplement No. 11 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 9).	do	Fuel Clause
Supplement No. 2 to Supplement No. 11 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 1 to Supplement No. 11)	Wellton-Mohawk Irrigation & Drainage District	Rates
Supplement No. 12 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 10)	do	Fuel Clause
Supplement No. 15 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 11 as supplemented)	Arizona Power Authority	Rates
Supplement No. 16 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 12).	do	Fuel Clause
Supplement No. 11 to Rate Schedule FPC No. 65 (Supersedes Supplement No. 8 as supplemented)	Colorado River Indian Irrigation Project.	Rates
Supplement No. 12 to Rate Schedule FPC No. 65 (Supersedes Supplement No. 9)	Colorado River Indian Irrigation Project.	Fuel Clause
Supplement No. 12 to Rate Schedule FPC No. 66 (Supersedes Supplement No. 8 as supplemented).	San Carlos Indian Irrigation Project.	Rates
Supplement No. 13 to Rate Schedule FPC No. 66 (Supersedes Supplement No. 9)	do	Fuel Clause
Supplement No. 4 to Rate Schedule FPC No. 74 (Supersedes Supplement No. 2 as supplemented)	Town of Wickenburg	Rates
Supplement No. 5 to Rate Schedule FPC No. 74 (Supersedes Supplement No. 3)	do	Fuel Clause
Supplement No. 2 to Rate Schedule FERC No. 84	Washington Water Power Company	Rates
Supplement No. 3 to Rate Schedule FERC No. 84 (Supersedes Supplement No. 1).	do	Fuel Clause
Supplement No. 25 to Rate Schedule FPC No. 17 [9] (Supersedes Supplement No. 23 as supplemented)	Navopache Electric Cooperative, Inc.	Rates
Supplement No. 26 to Rate Schedule FPC No. 17 [9] (Supersedes Supplement No. 24).	do	Fuel Clause

[9] It is noted that APS indicates that its firm power service to Navopache Electric Cooperative, Inc. (NEC), provided under Rate Schedule FPC No. 17 (currently specifying the rates as filed in Docket No. ER79–126), will be replaced by firm power service to Plains Electric Generation and Transmission Cooperative, Inc. (Plains), which in turn will serve NEC. APS has submitted for filing its agreement with Plains providing for such service in Docket No. ER81–239–000. Inasmuch as the Commission has not acted on APS' filing in Docket No. ER81–239–000, the firm power rates submitted on the instant docket have been designated under Rate Schedule FPC No. 17. Such rates will be redesignated as an amendment to the new APS–Plains agreement as appropriate, upon the Commission's disposition of such agreement in Docket No. ER81–239–000.

[FR Doc. 81–6989 Filed 3–6–81; 8:45 am]

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[Docket No. TC81-21-000]

Arkansas Louisiana Gas Co.; Tariff Sheet Filings

Issued: March 3, 1981.

Take notice that on February 23, 1981, Arkansas Louisiana Gas Company (Arkla), P.O. Box 21734, Shreveport, Louisiana, 71151, filed in Docket No. TC81-21-000 tariff sheets pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act to become effective 30 days from the date of filing, consisting of Sixth Revised Sheet No. 3A, Fifth Revised Sheet No. 3B, Seventh Revised Sheet No. 3C, Third Revised Sheet No. 3D, Second Revised Sheet No. 3E, Second Revised Sheet No. 3F, Second Revised Sheet No. 3G, Second Revised Sheet No. 3H, Second Revised Sheet No. 3I, Second Revised Sheet No. 3J, to its FERC Gas Tariff, First Revised Volume No. 1.

Arkla states that one purpose of this filing is to reflect the fact that Arkla permits electric utilities, whom it serves at more than one service location, to divert natural gas entitlements between plants so long as they stay within their total entitlements, and to add two special priority categories as new Priority 7 and Priority 8 which would apply only to industrial customers served under interruptible contracts directly from jurisdictional pipelines by means of new connections made after January 1, 1981. Priority 7 would apply to such requirements using not more than 3,000 Mcf of gas per day and Priority 8 would apply to such requirements using more than 3,000 mcf per day.

The purpose of adding these two "direct sale interruptible" priorities to Arkla's curtailment plan is to make provision for the possible future connection of such customers and still preserve in the higher existing curtailment priorities all customers served under "firm contracts."

Any person desiring to be heard or to make any protest with reference to said tariff sheet filings should on or before March 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7349 Filed 3-6-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1765-4a]

Applications for Waiver of Effective Date of 1982 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles—Twelfth Decision of the Administrator

I. Introduction

This is the twelfth decision EPA has issued under section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b)(5), regarding applications from automobile manufacturers for waiver of the 3.4 grams per vehicle mile (gpm) carbon monoxide (CO) emission standard scheduled to apply to 1981 and 1982 model year light-duty motor vehicles and engines.[1]

As the introductions to the previous consolidated decisions explain, section 202(b)(1)(A) of the Act establishes a schedule for implementing standards applicable to CO emissions for 1977 and later model year light-duty motor vehicles and engines.[2] The 1977 amendments to the Act, however, included a new provision allowing the Administrator of the Environmental Protection Agency (EPA), under certain limited conditions, to delay for up to two model years implementation of the statutory 3.4 gpm CO standard scheduled to take effect for the 1981 and 1982 model years.[3] However, these amendments require the Administrator to promulgate interim standards in such cases which do not permit CO emissions over 7.0 gpm.[4]

On December 8 and December 21, 1980, EPA received CO waiver applications from General Motors Corporation (GM) and Ford Motor Company (Ford), respectively. EPA previously held public hearings on these two engine families regarding waivers for the 1981 and 1982 model years and the Administrator granted waiver requests covering the 1981 model year but denied requests for the 1982 model year for these families.[5]

These manufacturers have asked me to reconsider the previous decisions denying waiver requests for the 1982 model year in light of current economic and marketing circumstances which EPA considered in the eleventh CO waiver decision. Since EPA has already held public hearings regarding these engine families, EPA issued a **Federal Register** Notice requesting comments on these applications and announcing the opportunity for a hearing if any interested parties filed such a request with EPA.[6] The scheduled hearing was

[1] The preceding decisions were published as follows: 44 FR 53376 (September 13, 1979); 44 FR 69417 (December 3, 1979); 45 FR 7122 (January 31, 1980); 45 FR 17914 (March 19, 1980); 45 FR 37360 (June 2, 1980); 45 FR 40030 (June 12, 1980); 45 FR 49876 (July 25, 1980); 45 FR 53400 (August 11, 1980); 45 FR 59396 (September 9, 1960); 45 FR 67753 (October 14, 1980); 46 FR 1590 (January 6, 1981).

[2] Regulations were promulgated on August 24, 1978, setting a CO standard of 3.4 gpm for 1981 and later model year vehicles. 43 FR 37972. 40 CFR 86.801-8(a)(1)(ii). This standard represents at least a 90 percent reduction in CO emissions from the CO standard applicable to 1970 model year vehicles.

[3] Section 202(b)(5)(C) of the Act provides, in part: "The Administrator may grant such waiver if he finds that protection of the public health does not require attainment of such 90 percent reduction for carbon monoxide for the model years to which such waiver applies in the case of such vehicles and engines and if he determines that—

"(i) such waiver is essential to the public interest or the public health and welfare of the United States;

"(ii) all good faith efforts have been made to meet the standards established by this subsection;

"(iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy; and

"(iv) studies and investigations of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available (within the meaning of clause (iii)) to meet such standards."

[4] As noted in previous decisions, Section 202(b)(5) of the Act requires that I make a separate assessment for each vehicle model covered by a waiver request. See, e.g., 44 FR 53376 (September 13, 1979); 44 FR 69416 (December 3, 1979); 45 FR 7122 (January 31, 1980). Thus, consolidated waiver decisions generally have included separate decisions for individual engine families. EPA has distinguished among engine families primarily on the basis of engine displacement. See note 17, second consolidated decision, 44 FR 69416, 69418 (December 3, 1979).

[5] 45 FR 49876 (June 25, 1980), 45 FR 53400 (August 11, 1980).

[6] 46 FR 1590 (January 6, 1981), 46 FR 5063 (January 19, 1981). EPA has included testimony received at eight previous hearings, as well as all other

Continued

information considered in deciding these seven groups of waiver applications, in EPA Public Dockets EN-79-4, EN-79-17, EN-79-19, EN-80-1, EN-80-9, EN-80-13, and EN-80-14. Those dockets have been incorporated by reference into EPA Public Docket EN-80-16 for this decision.

[7] 46 FR 9132 (January 28, 1981).

[8] The decision uses the following abbreviation:

Ford App.—Ford Application for Waiver of 1982 Carbon Monoxide Emission Standard dated December 21, 1980, for its 2.3 liter turbocharged engine family.

GM App.—General Motors Application for Waiver of 1982 Carbon Monoxide Emission Standard dated December 8, 1980, for its 1.6 liter engine family.

EPA Public Docket EN-80-16 can be found in EPA's Central Docket Section, Gallery I, 401 M St., S.W., Washington, D.C. 20460. Copies of materials in the docket may be obtained by writing to this address at Mail Code (A-130).

[9] See the discussion on my consideration of other information in the previous waiver decisions, e.g., section III(B)(C), 44 FR 69416, 69422 (December 3, 1979).

[10] 46 FR 1590 (January 6, 1981).

[11] See note 9, *supra*.

[12] Report by the Committee on Motor Vehicle Emissions by the National Research Council of the National Academy of Sciences, dated June 30, 1980. See also discussions of the applicability of earlier NAS studies in previous CO waiver decisions: e.g., 44 FR 53376, 53386 (September 13, 1979) and 44 FR 69416, 69423, 69428 (December 3, 1979). For further discussion of how the NAS findings are consistent with my determinations relating to section 202(b)(5)(c)(iii) of the Act, see, e.g., 45 FR 67753, 67756 (October 14, 1980) and 46 FR 1590 (January 6, 1981).

[13] GM App., p. 2. 3. 45 FR 49876 (July 25, 1980)

[14] Ford supp. submission, January 22, 1981, p.1., 45 FR 53400 (August 11, 1980).

[15] GM App., p. 3.4. Ford App., sections I, IIIA. As was the case in the earlier consolidated decisions, I am using the term "technology" in this decision to encompass the statutory language "technology, processes, operating methods, or other alternatives" included as part of section 202(b)(5)(C)(iii) of the Act.

[16] GM App., p. 6 Ford App., p.II-2.

[17] GM App., p. 5, 6. Ford App., p. 11-2.

[18] The GM 1.6L and Ford 2.3L/turbocharged models are comparable in size and fuel economy to the Chrysler 1.6L, 2.2L, 2.6L, Ford 1.6L, AMC 2.5L and GM 1.8/2.0L models granted waivers in 46 FR 1590 (January 6, 1981).

[19] See, *International Harvester* v. *Ruckelshaus*, 487 F. 2d 615, 641, (D.C. Cir., 1973). See also, 45 FR 53400 (August 11, 1980).

II. Summary

I am granting these waiver requests from GM and Ford for the 1982 model year for each of the two engine families in question in these proceedings. I am therefore prescribing an interim CO emission standard of 7.0 gpm for the 1982 model year for these engine families.

I have determined that the public interest benefits from granting waiver requests for these two fuel-efficient models from manufacturers with severe economic problems under the circumstances I have identified here outweigh the potential environmental benefits from denying these waivers. I have made these decisions because each of the applicants has established that it is essential to provide these manufacturers with sufficient production flexibility to improve the competitiveness of these two models under current market conditions by waiving the 3.4 gpm statutory CO standard for the 1982 model year. I have therefore determined that these manufacturers have established that the engine families in question are subject to the same circumstances that I identified in granting waivers covering the engine families at issue in my eleventh CO waiver decision.[10]

Comments received in response to the **Federal Register** notice announcing receipt of the application under consideration here, the materials submitted by the applicants in their waiver requests, and all other information upon which I have based my decision on these waiver requests are included in EPA Public Docket EN-80-16.[8]

This decision will address the waiver requests from these manufacturers on the basis of information from these manufacturers and from other sources.[9]

III. Discussion

A. *Available Technology and Public Interest.*

The decisions I have made here on whether to grant or deny the requested waivers turn primarily on public interest considerations involved in marketing these engine families and what technology most likely would be available to enable the engine families in question to meet the 3.4 gpm CO standard for the 1982 model year. Section 202(b)(5)(C)(iii) of the Act expressly assigns an applicant the task of establishing that effective CO control technology is not available, taking into account costs, driveability, and fuel economy.

As was the case in the previous CO waiver decisions, this decision relies on information contained in the waiver application and other information found in the public record.[11] I conculde on the basis of this information that the applicants have adequately established that the risks that could arise were I to deny these waiver requests at issue are significant enough that I must conclude that the requisite technology, considering costs, driveability, and fuel economy, is not available for the engine families in question, the GM 1.6 liter (L) and the Ford 2.3L/turbocharged engine families.

As section 202(b)(5)(C)(iv) of the Act requires, I have considered the results of NAS studies and investigations conducted under section 202(c) of the Act regarding available technology, processes, or other alternatives. The findings of the available NAS studies do not contradict my assessment regarding the availability of technology for these engine families.[12]

1. *Applicants' Positions Summarized.*

GM reapplied for a waiver for its 1982 model year 1.6L engine family, which is used in its fuel-efficient Chevette model for which GM received a waiver in the 1981 model year.[13] Ford reapplied for a waiver for its 1982 model year 2.3L/turbocharged engine family for which it received a waiver in the 1981 model year but which it did not produce for the 1981 model year.[14]

EPA previously denied waivers for both these engine families for model year 1982 because the applicants submitted insufficient information to meet the statutory criteria for receiving waivers. Both Ford and GM claim that technology is not available to enable the respective engine families to meet the 3.4 gpm statutory CO emission standard.[15] Each of these manufacturers contended that it was experiencing severe economic problems, and that granting its waiver request was essential to the public interest.[16] Each of these manufacturers also contended that its engine family was employed in particularly fuel-efficient vehicle models.[17]

2. *Waiver Applications Granted.*

After due consideration of these arguments and the information submitted in support of them, I have concluded that each of the applicants has established that the applications covering the two small-displacement four-cylinder fuel-efficient engine families in question meet the necessary statutory requirements for receiving a waiver of the 3.4 gpm statutory CO emission standard for the 1982 model year. I have reached this determination, as I did in the eleventh CO waiver decision, primarily on the basis of my conclusion that it is essential to the public interest to grant waivers to allow these manufacturers, which are experiencing significant economic difficulties, additional flexibility to improve the competitiveness of the four-cylinder small-displacement fuel-efficient models under consideration here,[18] even though in some of these cases marketable technology may be available even considering costs, driveability, and fuel economy. My decision to grant these waivers also stems from the risk that waiver denials may turn out to be partially erroneous,[19]

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reducing the competitive market position, and therefore the sales levels, which these fuel-efficient models (which are vital to these manufacturers's future viability at a time when these manufacturers are attempting to recover from their recent economic problems) could attain if these applicants were able to take advantage of the added flexibility a waiver might provide.

The applicants have provided information which indicates that these comparatively small-displacement four-cylinder engine families under consideration here are used in relatively fuel-efficient vehicles. For example, the applicants have demonstrated that the GM 1.6L and Ford 2.3L/turbocharged engine families are projected to achieve 1982 fuel economy ratings better than the 1982 Corporate Average Fuel Economy (CAFE) standards.[20] Neither of these engine families has been previously marketed under the 3.4 gpm statutory CO emission standard, either because they were not marketed in model year 1981 or because they were marketed under a waived CO standard of 7.0 gpm in the 1981 model year.[21] For this reason, these manufacturers have not had the opportunity to use production and in-use experience to improve the competitive features (specifically, cost, driveability, and fuel economy) of any of the subject engine families produced in compliance with the 3.4 gpm standard. Hence, without waivers they may have insufficient lead time or flexibility to optimize competitive features of these engine families for the 1982 model year.[22]

The flexibility which temporarily relaxing the 3.4 gpm CO standard would afford manufacturers of these fuel-efficient engine families does not by itself necessarily justify granting these waivers, particularly in those cases in which it appears that technology may be available to permit a manufacturer to market an engine family with marginally acceptable cost, driveability, and fuel economy.[23] With the waiver applications at hand, however, both of the small-displacement fuel-efficient four-cylinder engine families at issue are aimed at the future market paced by fuel economy demands and thus are extraordinarily important to the overall marketing plans of the respective manufacturers and essential to their economic recovery.[24] The manufacturers before me have provided information that indicates that each manufacturer is suffering severe economic problems at the present time.[25] Both of these manufacturers have experienced significant sales losses during the 1980 model year and extraordinary financial losses for the 1980 fiscal year.[26] These problems have resulted in significant adverse social and economic repercussions for the country, including extensive layoffs, increasing trade deficits and effects on suppliers and related industries.[27]

Granting waiver requests for the engine families at issue could allow these manufacturers the flexibility to improve the competitive marketability of some features [28] of these import engine families at a time when these financially-troubled manufacturers are depending upon successful marketing of these particular engine families in order to achieve economic recovery. Each of these manufacturers has already expended a considerable amount of cost and effort in attempting to meet the 3.4 gpm CO emission standard [29] and to retool for these more efficient models, thereby further limiting the resources they have available to otherwise improve the competitiveness of these models.[30] In light of these circumstances, I have determined that it is in the public interest to grant the waiver requests for these fuel-efficient engine families because of the risk that denial of these waivers could limit the manufacturers' flexibility to improve the competitiveness of these important engine families and ultimately interfere with the future of these automobile manufacturers.[31]

In *International Harvester Co. v. Ruckelshaus,*[32] the United States Court of Appeals for the District of Columbia Circuit reviewed the Administrator's decision to deny manufacturers' requests for a one-year suspension (from 1975 to 1976) of the effective date of the statutory hydrocarbon (HC) and CO standards mandated by the 1970 version of the Act. The Court stated, among other things, that the Administrator should have considered the risks associated with the possibility of erroneously granting or denying those requests. The Court indicated that the Administrator should balance the economic costs (in terms of jobs lost and misallocated resources) possibly associated with an erroneous or only partially accurate denial versus the possible environmental benefits lost through an erroneous grant.

Under the current section 202(b)(5) of the Act, the gravity of the economic and other risks which both a waiver applicant and the public face from the possibility of an erroneous denial depends on the following two factors: (1) The likelihood that the denial, in fact, will turn out to be either erroneous or only partially accurate and (2) the severity of the adverse economic consequences which could occur as the result of an erroneous or partially accurate denial.[33]

In this case, I find that there is a significant likelihood that a decision denying any one of these waiver requests could turn out to be only partially accurate.[34] At a time when these manufacturers need to be as competitive as possible to effect an economic recovery, a partially accurate denial would risk diminishing their ability to adequately compete in this fuel-economy-oriented market of the future,[35] thereby potentially delaying planned recovery, continuing unemployment problems, increasing economic stagnation, and limiting the increase in the number of these fuel-efficient vehicles in use.

Alternatively, the environmental benefits from denying waiver requests for any one or both of these engines families would be insignificant.[36] Vehicles using these engine families are projected to account for only about 3½% of total 1982 model year domestic sales.[37] Adding the number of engine families which already have waivers for the 1982 model year increases this total to only about 34% of projected 1982 model year U.S. sales. This is consistent with my previous findings that the CO waiver proceedings to date have shown that the 3.4 gpm CO emission standard is generally achievable with marketable cost, driveability and fuel economy, and that waivers are appropriate only in extenuating circumstances, such as those identified here. In addition, many manufacturers, including GM and Ford, have made significant efforts to reduce emissions even from those engine families which have received waivers for the 1981 model year while preserving the ability of those families to maintain strong competitive positions in the domestic market. For example, several engine families which already had waivers to an alternative 7.0 gpm CO emission standard generally exhibited CO emissions in production which were close to or marginally below 3.4 gpm.[38]

In addition, the air quality effect of granting waivers for other engine families, if any, which may share similar public interest considerations and incur similar adverse risks comparable to these fuel-efficient engine families is also quite likely to be insignificant.[39] Finally, these engine families will continue to have to meet other regulatory requirements designed to control emissions of in-use vehicles and for which Congress provided no such flexibility to discriminately relax requirements.[40]

While Congress might not have envisioned the waiver process as a mechanism which could permit applicants to attain more competitive technology (as opposed to reasonably marketable technology considering cost, driveability and fuel economy characteristics) when it prescribed the criteria under which I may grant a waiver request, the current economic circumstances and business realities for many automobile manufacturers are significantly different from what they were when Congress adopted the CO waiver provision.[41] Under these circumstances, I find it unlikely that Congress intended me to deny applications where the benefits to the public of a waiver grant would outweigh the benefits of a waiver denial.[42] I believe the language of section 202(b)(5)(A) gives me the flexibility to provide the relief granted here, as in the eleventh CO waiver decision.

B. *Protection of Public Health.*

Section 202(b)(5)(C) of the Act requires that before I grant a waiver covering a given engine family, I must find that protection of the public health does not require attainment of a 3.4 gpm CO standard by the vehicles of the engine family receiving the waiver. I have already examined this issue with respect to the relative consequences and risks involved in granting or denying the waiver requests for the fuel-efficient engine families at issue here.

I have found as a result of this examination that any advance health effects resulting from waiving the 3.4 gpm standard for the 1982 model year engine families discussed in the consolidated decision would be insignificant. The same statement is true regarding the combined health effects resulting from emissions from engine families receiving waivers under the

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[20] The Corporate Average Fuel Economy standard is 24 miles per gallon (mpg) for the 1982 model year. 49 CFR 531.5; § 502. 503, Energy Policy and Conservation Act (EPCA), Pub. L. No. 94–63, 89 Stat. 871 (1975). The individual CAFE fuel economy figure for each model is an average which is weighted 55 percent urban cycle and 45 percent highway cycle. EPCA § 503(d)(1).

Information in the record indicates that these engine families will achieve fuel economy better than the 24 mpg 1982 CAFE standard. See, e.g., the 1981 EPA Gas Mileage Guide (September 1980 edition), which lists fuel economy figures (for the urban cycle) for the GM 1.6L model of 28–30 mpg (these figures should indicate the potential urban component of the CAFE value for that model). GM projected 1981–82 combined fuel economy mileage figures of more than the CAFE standard for its 1.6/L engine family. May 8, 1980 Transcript of the fifth Public Hearing on CO Waiver Applications, p. 85. Each of the applicant projects its respective models to achieve 1982 highway fuel economy substantially better than the urban figures and a composite fuel economy figure above the CAFE standard. See, e.g., Ford Supp. Submission, January 22, 1981, pp. 1, 3. The Ford 2.3L/turbocharged 1982 development vehicles average about 25 mpg composite fuel economy.

[21] GM received a waiver for its 1.6L engine family for the 1981 model year. 45 FR 49876 (July 25, 1980). Although Ford received a waiver for its 2.3L/turbocharged model for the 1981 model year, Ford decided not to produce it in that period. 45 FR 53400 (August 11, 1980). Ford App., p. 1.

[22] Manufacturers that have successfully certified and marketed vehicle models under the statutory 3.4 gpm CO standard have the flexibility to "carry over" 1981 certification results for the 1982 model year and avoid incurring the engineering expense and effort necessary for a certification program. In addition, those manufacturers could apply their engineering efforts toward improving competitive features of these vehicles meeting the 3.4 gpm standard using the production and marketing experience. Accord, 46 FR 1590, 1593 (January 6, 1981). Specifically, Ford stated that it needed additional flexibility to market the innovative fuel efficient technology represented by its turbocharged aspiration system. Ford App., p. II–2.

[23] For example, in my previous decisions, I determined that marketable technology could become available to permit each of these engine families to meet the 3.4 gpm CO standard, even considering cost, driveability and fuel economy. See my earlier decisions on these engine families. 45 FR 49876, 49879, 49900 (July 25, 1980), and 45 FR 53400, 53409 (August 11, 1980).

[24] Ford App., Section II. GM. App., pp. 5–8. These Engine families (for which these manufacturers have applied significant resources in research, development, and retooling) make up a large and increasing proportion of the total sales of each of these manufacturers. See, e.g., Automotive News, November 3, 1980, "1980 V–8 Output Cut in Half," Joseph Bohn, pp. 1, 54; GM App., 3 (Confidential). See also, generally, U.S. International Trade Commission decision on Certain Motor Vehicles, Publication 1110, December 1980.

[25] See, e.g., the eleventh CO waiver decision 46 FR 1590, IIIA (January 7, 1980). See also, GM App., p.6. Ford App., section II.

[26] GM sales declined 22% compared to the same 12-month period last year, Wall Street Journal, December 5, 1980, p. 29, while GM reported record losses of $824 million for the last four quarters. New York Times, October 28, 1980, "Record Loss Listed by GM", Steve Lohr, p.1. Ford's production declined 29% over last year (Wall Street Journal, December 5, 1980, p. 29) and Ford also reported record losses of $1.51 billion for the last 12 months. Ford App., section II. October 17, 1980 supp. submission, section I. See also, e.g., Wall Street Journal, January 15, 1981, sec. 1, p.3, "New-Auto Sales Fell Nearly 20% In Early January." *Ward's Automotive Reports*, vol. 55, No. 51, December 22, 1980, p. 403, "Indefinite Layoffs Rise as Holidays Approach."

More recently, see, e.g., Wall Street Journal, January 15, 1981, Sec. 1, p.3, "New Auto Sales fell nearly 20% in early January"; Wall Street Journal, January 30, 1981, sec. 1, p. 4, "Ford to Idle 14,850 by suspending work at 6 Plants"; Wall Street Journal, January 26, 1981, sec. 2, p. 4, "New Car Sales Decreased 9.4% in mid January"; Wall Street Journal, February 5, 1981, sec. 1, pp. 3,4, "New Car Sales declined by 20% during January" (GM and Ford sales reported down 23% over January of last year); New York Times, February 5, 1981, sec. D, pp. 1, 5, "January 21–31 Car sales off 28%"; Automotive News, January 26, 1981, p. 43, "Auto productioin trails 1980 total", Patricia Hoffman' Ward's Automative Report, January 12, 1981, "Small Cars Command 1980 Sales" (insert), "Auto Sales Worst since 1981" (insert); Washington Post, February 3, 1981, pp. El, 4, "GM loses $763 million in 1980," Douglas Williams.

[27] See e.g., Ford App., section II; "Ford Reports a Loss of $595 million, Record for any U.S. Auto Concern," p. 1, New York Times, October 30, 1980, "Ford Suffers Biggest Loss Ever . . . $567 Million Loss at GM Next Biggest and Chrysler Drops $490 Million" Edward Lapham, pp. 1, 54; United States International Trade Commission Decision on Certain Motor Vehicles, Publication 1110, December 1980, pp. A27–76.

[28] A waiver to 7.0 gpm may allow a manufacturer flexibility to design an engine family to achieve better fuel economy, driveability or costs. See, e.g., the eleventh CO waiver decision, 46 FR 1590, 1593 (January 6, 1981).

[29] See also section III.C of my eleventh decision. Many of the engines are already achieving emission levels close to or under 3.4 gpm standard. See note 43, 46 FR 1590, 1593 (January 6, 1981).

[30] See e.g. GM's contention regarding competitive disadvantage. GM App., p. 7. See also *International Harvester*, 478 F. 2d 615, 637–638 (D.C. Cir., 1973).

[31] See generally, *International Harvester v. Ruckelshaus*, 478 F. 2d 615, 633, 641 (D.C. Cir. 1973); 45 FR 53401, 53403 (August 11, 1980).

[32] 478 F. 2d 615 (D.C. Cir., 1973).

[33] *Cf. Ethyl Corp.* v. *Environmental Protection Agency*, 541 F. 2d 1, 16 (D.C. Cir. 1976) (stating that the Administrator's finding under section 211 of the Act that lead particulates "will endanger the public health and welfare" is composed of reciprocal elements of probability and severity).

[34] *Cf. International Harvester, supra*, 478 F.2d at 641: "[A] partially accurate decision would allow companies to produce but at a significantly reduced level of output." Here, companies are already producing at a lower output due to market conditions, and a waiver denial at this time likely could limit the flexibility these companies need to improve marketability (by improving driveability, for example) and sales.

[35] See, e.g., GM App., p. 5.6. Ford App., section II–2.

[36] See also section III–B.

[37] See, e.g., GM App., p. 9. 45 FR 49876 (July 25, 1980) and 45 FR 53400, 53404 (August 11, 1980). This protection assumes 1982 model year domestic sales of about ten million vehicles.

[38] For example, preliminary 4,000 mile calibration tests on the Ford 2.3L/turbo-charged engine family produced CO emission results ranging from 2.16 to 3.48 gpm. Ford supp. submission, January 22, 1981.

See also, e.g., 45 FR 49876, Appendix A (July 25, 1980). 46 FR 1590 (January 6, 1980).

[39] *CF.*, discussion of a similar concern in my eighth and eleventh CO waiver decisions. 45 FR 53401, 53404 (August 11, 1980), and 46 FR 1590, 1594 (January 7, 1981).

[40] See, e.g., 45 FR 66984 (October 8, 1980).

[41] The Court in *International Harvester* adopted a similar approach in interpreting Congress' intent:

> The Court must seek to discern and reconstruct what the legislature that enacted the statute would have contemplated for the court's action if it could have been able to foresee the precise situation. It is in this perspective that we have not flinched from our discussion of the economic and ecological risks inherent in a "wrong decision" by the Administrator.

478 F. 2d 615, 648 citing *Montana Power Co. v. FPC*, 144 U.S. App., D.C. 203, 270, 445 F. 2d 739, 746 (D.C. Cir., 1970)(en banc), cert. denied, 400 U.S. 1013, (1971).

[42] The flexibility which Congress explicitly afforded me through the waiver provision (which is similar to its legislative predecessor, the suspension provision) in implementing the 3.4. gpm CO standard, gives me a unique opportunity to accommodate these concerns which waiver applicants have raised here. See, e.g. the legislative history for the suspension provision in the 1970 Act: 116 Cong. Rec. 33120, (Senator Baker); 33081 (Senator Griffin); 32905 (Senator Muskie) (1970).

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previous consolidated CO waiver decisions. As a result, protection of the public health does not require attainment of the 3.4 gpm CO standard by the engine families here, for which I have determined that effective control technology is not available for the 1981 model year.[43]

While waiving the 1982 statutory CO standards for these engine families arguably would not significantly affect public health, noticeable increases in ambient CO levels could result from granting waivers industry-wide.[44] In light of the fact that industry-wide waivers would not be protective of the public health, it is reasonable to grant waivers covering only that portion of the industry consisting of engine families for which I have determined, given the relative risks at stake, that effective control technology, considering costs, dirveability, and fuel economy, is not available and which I have determined are essential to the public interest (presuming these families also meet the remaining statutory criteria).[45]

C. *Good Faith.*

In order for me to grant a waiver to any applicant, section 202(b)(5)(C)(ii) of the Act requires that I determine that the applicant in question has made all good faith efforts to meet the established emission standards. As a result, I have examined information regarding these applicants' previous and projected efforts toward meeting a 3.4 gpm CO emission standard for the engine families in question.[46]

Each of the applicants has provided engineering, financial and technical information to support the contention that it has acted in good faith in trying to meet the 3.4 gpm CO standard. In general, information in the record provides support for determining that each has made good faith efforts in developing emission control technology to meet the 3.4 gpm CO standard.

As I mentioned earlier, these applicants generally have already made significant progress in developing the technological capabilities of these engine families to meet the 3.4 gpm CO emission standard.[47] Evidence of such improved CO emissions control capabilities [48] substantiate these applicants' claims that they have generally exercised good faith efforts toward meeting the statutory standard and are therefore not benefitting from a potentially inequitable competitive advantage they might achieve by avoiding the good faith effort requirement of the Act and being unjustifiably granted a waiver.[49]

In the absence of any evidence supporting a contrary conclusion, I am unable to determine other than that these applicants have met the good faith criterion with respect to the engine families under consideration in this decision.

IV. Conclusion and Interim Standards

Each of the two engine families which were the subject of this decision is covered by a waiver application which meets the requirements for receiving a waiver under section 202(b)(5)(C) of the Act. As a result, I am granting a waiver of the effective date of the statutory CO emission standard for the GM 1.6L and Ford 2.3L/turborcharged engine families for the 1982 model year.

As required by section 202(b)(5)(A) of the Act, I am simultaneously promulgating regulations prescribing an interim CO emission standard for 1982 model year vehicles of 7.0 gpm for the engine families receiving a waiver. For these engine families, this action continues in effect for the 1982 model year the CO emission standard applicable to all 1980 model year light-duty vehicles.

Dated: March 2, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-7280 Filed 3-6-81; 8:45 am]

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[43] See, e.g., my discussion of ambient air quality effects in my first consolidated CO waiver decision. App. B, 44 FR 53376, 53402, 53407 (September 13, 1979) and 44 FR 69416, 69146 69458–69462 (December 3, 1979). The engine families receiving waivers under my previous CO waiver decisions constitute less than 30% of the total projected 1982 model year light-duty vehicle sales in the United States. 46 FR 1590, 1597, n.83 (January 6, 1980). These manufacturer projected sales of about 3.5% units of all vehicle sales in the 1982 model year. See, e.g., GM App., p.9. 45 FR 53400, 53404, 53405 (August 11, 1980).

[44] For further discussion concerning this issue see the first decision, 44 FR 53376, 53381 and Appendix B at 44 FR 54402–53407 (September 13, 1979).

[45] I discussed the ambient air quality effect of granting CO waivers in each Appendix B in two previous decisions, 44 FR 53376, 53402–53407 (September 13, 1979) and 44 FR 69416, 69456–69462 (December 3, 1979).

[46] See, e.g., 45 FR 49876, 49881 (July 25, 1980) and 45 FR 53400, 53404, 53405 (August 11, 1980).

[47] See section IIIB(1).

[48] See generally, e.g., 46 FR 1590, 1594 (January 6, 1981).

[49] *International Harvester, supra,* 478 F. 2d 615, 637, 638 (D.C. Cir., 1973).

Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 75–"MPS—Automatic Coordinate Conversion Systems"

Notice of 10th Meeting, Wednesday, March 25, 1981, 9 a.m., Conference Room 6248, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Review of draft specifications.

Mortimer Rogoff, Chairman, SC–75, 4201 Cathedral Avenue, NW., Apartment 91W, Washington, D.C. 20016 Phone: (202) 362–5462.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chariman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7267 Filed 3-6-81; 8:45 am]

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Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 74—"Digital Selective Calling"

Notice of 19th Meeting, Tuesday, March 31, 1981, 9 a.m., Wednesday, April 1, 1981, 9 a.m., Radio Building (Main Entrance), National Telecommunications & Info. Admn., 325 Broadway, Boulder, CO

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Meeting of Ship Station Safety Working Group and Coast Station Working Group.
4. Future work assignments.

T. de Haas, Chairman, SC–74, National Telecommunications & Info. Admn., 325 Broadway Bldg. 22, Boulder, CO 80803, Phone: (303) 497–3728.

The RTCM has acted as a coordinator for maritime telecommunications since

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical

its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7288 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-79 and 81-80; File Nos. BPH-790831AH and BPH-800107AX]

Associated Investors, Inc. and Flatau Broadcasting Co., Inc.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Associated Investors, Inc., Deadwood, South Dakota, Req: 95.1 MHz, channel 236 100 kW (H&V), 1707 feet (BC Docket No. 81–79; File No. BPH–790831AH) and Flatau Broadcasting Company, Inc. Deadwood, South Dakota, Req: 95.1 MHz, channel 236 100 kW (H&V), 1486 feet (BC Docket No. 81–80; File No. BPH–800107AX) for a construction permit for a new FM station.

Adopted: February 4, 1981.

Released: February 19, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications of Associated Investors, Inc. (Associated) and Flatau Broadcasting Company, Inc. (Flatau) for a construction permit for a new FM Station at Deadwood, South Dakota.

2. *Associated.* Analysis of the financial data submitted by Associated reveals that $157,141 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$103,746
Miscellaneous	8,500
Operating costs (3 mo)	44,895
Total	157,141

To meet this requirement, Associated plans to rely upon a bank loan of $120,000, $30,000 in new capital from principal Houston Haugo, $5.000 in new capital from principal R. Kendal Mills, and $389 in cash. Associated has failed, however, to include a copy of the bank's $120,000 loan agreement. Also, since we do not know of the bank's proposed terms of repayment, Associated may have to show additional funding available to meet the expense of repayment of interest and/or principal during the first five months after it receives a construction permit. The applicant has therefore shown only $35,389 available to meet a requirement of at least $157,141. Accordingly, a financial issue will be specified.

3. Associated and Flatau have not provided us with current FAA clearances. Accordingly, an appropriate issue will be specified.

4. *Other issues.* We sent letters to both applicants upon determining that both sites would not provide clear line-of-sight paths to parts of Deadwood, as required by § 73.315(b) of our Rules. Associated responded by stating that its proposed site was the best available due to the mountainous area surrounding the proposed city of license. Associated also claimed that only 3.58% of the city's area and 7.26% of its population would receive a degradation of signal due to shadowing. Flatau also responded by claiming that its proposed site provided th best coverage possible to Deadwood, but did not specifically discuss what percentage of the city's area and population would receive loss of signal due to shadowing. In order to determine whether both applicants' proposed transmitter sites are the best available, an appropriate issue will be specified.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the area and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, It is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Associated Investors, Inc.:

(a) the source and availability of additional funds over and above the $35,389 indicated; and

(b) in light of the evidence adduced pursuant to (a) above, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine whether Associated's proposed transmitter site complies with § 73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

3. To determine whether there is a reasonable possibility that the tower heights and locations proposed by the respective applicants would constitute hazards to air navigation.

4. To determine whether Flatau Broadcasting Company, Inc.'s proposed transmitter site complies with § 73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified on this Order.

10. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief Broadcast Facilities Division.

[FR Doc. 81-6892 Filed 3-6-81; 8:45 am]

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National Industry Advisory Committee, Broadcast Services Subcommittee; Meeting

Pursuant to the provisions of the P. L. 92-463, announcement is made of a public meeting of the Broadcast Services Subcommittee of the National Industry Advisory Committee to be held Thursday, March 26, 1981. The Subcommittee will meet at the National Association of Broadcasters in the Board Room, located at 1771 N Street, N.W., Washington, D.C. at 10:00 A.M.

The meeting agenda is as follows:

Items

1. Opening remarks by Chairman.
2. EBS Tests—Discussion of whether to form a study group to consider a yearly, nationwide, on-the-air EBS test, including television. The purpose of this would be to fully test the entire system for the first time. Such a test, ineffect, would be a combination of the Closed Circuit Test (CCT) (FCC rule 73.962) and the Weekly Transmission Tests of the Attention Signal and Test Script (73.961(c)). Questions that must be answered before it could be conducted included the following:

a. How soon would radio and television stations upon receipt of the first part (CCT) of the test from participating networks, be expected to halt normal programming to conduct their part of the test (73.961(c));

b. Would non-affiliated stations be included in the test and, if so, how soon after receiving notification via their off-the-air monitor receiver would they be expected to conduct their part of the test (73.961(c));

c. Should the telephone companies be authorized to add any of the independent stations, which have facilities in place which connect them to a telephone company exchange, to an originating source (participating network) for the purpose of participating in the test;

d. How would Alaska, Guam, Virgin Islands, Puerto Rico and Hawaii be fed the test message;

e. What would be the method of evaluating the effectiveness of such a test;

f. What would be the method of announcing such a test, i.e., FCC Public Notice, News Release, special rule making, White House announcement, etc.

3. Consideration of revising Priority 4 national programming to allow the head of the Federal Emergency Management Agency to release national news and information over the Emergency Broadcast System after it has been activated by the President. Priority 4 programming presently can only be released by the President's Press Secretary.

4. Status of updating and rewriting the Standard Operating Procedures (SOP) Manual with particular emphasis on the Back-up and Last Resort procedures.

5. Status of Rule change (1) to revise the Weekly Test announcement and (2) to permit an Activation of the EBS in any given week to be substituted for the Weekly Test for the same period.

6. Status of EBS Activation Postcard.

7. Status of FCC, FEMA, NWS, NIAC Agreement.

8. Discussion of 1981 EBS Annual Report.

9. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Executive Secretary, National Industry Advisory Committee, at the FCC on (202) 632-7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7418 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

CNB Holding Co.; Formation of Bank Holding Company

CNB Holding Company, Oak Park, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.72 percent or more of the voting shares of Citizens National Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7327 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Chicago Corp.; Formation of Bank Holding Company

Commercial Chicago Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Commercial National Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7328 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

First National Bancorporation, Inc.; Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colorado, has applied for the Board's approval under section 3 (a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99.1 per cent or more of the voting shares of The First National Bank of the Southwest, Jefferson County, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 2, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7329 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

PanNational Group Inc., Acquisition of Bank

PanNational Group Inc., El Paso, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of State National Bank West of El Paso, El Paso, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 2, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-7330 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

Rainier International Bank; Establishment of U.S. Branch of Corporation Organized Under Section 25(a) of Federal Reserve Act

Rainier International Bank, Los Angeles, California, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Portland, Oregon. Rainier International Bank operates as a subsidiary of Rainier National Bank, Seattle, Washington.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 2, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7331 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Cuban/Haitian Task Force; Grants for Projects to Resettle Cuban and Haitian Entrants in the United States

AGENCY: Cuban/Haitian Task Force, HHS.

ACTION: Notice of avilability of grants.

SUMMARY: The Cuban/Haitian Task Force announces that applications are being accepted for the award of grants to public or private organizations to assist in meeting the costs of providing those services necessary to resettle Cuban and Haitian entrants in the United States. Awards will be made under the authority of Section 501(c) Title V, Pub. L. 96-422, The Refugee Education Assistance Act of 1980.

DATE: Due to the urgency of immediate resettlement needs, applications will be considered for possible funding as soon as they received.

ADDRESS: Cuban/Haitian Task Force, Department of Health and Human Services, 1133 15th Street N.W., Washington, D.C. 20005.

CONTACT: Barbara Chesnik, Telephone: (202) 653-8608. Due to the immediate need for resettlement, telephone contact is advised.

SUPPLEMENTARY INFORMATION:

Availability of Funds

A continuing resolution for fiscal year FY 1981 (Pub. L. 96-536), effective through June 5, 1981 authorizes spending at an annual rate of $167.1 million for Cuban/Haitian Task Force activities under Section 501(c) of Pub. L. 96-422. Of this amount, it is estimated that approximately $19 million will be available for resettlement needs throughout the remainder of Fiscal Year 1981.

General Policy

Grants awards will be made to eligible organizations to assist them in providing the services necessary to resettle Cuban and Haitian entrants in the United States.

These services may include preliminary resettlement activities performed on behalf of the entrants at refugee camps or reception centers, necessary services performed at or near the entrant's final resettlement location, including provision of transportation, temporary housing, food, clothing, counseling, referral, orientation, consultation with public agencies, and other related efforts.

Project proposals relating to entrants with special needs are encouraged.

The amount of funding of a grant will be negotiated on the basis of either per capita rates calculated on the basis of estimated costs or total estimated costs of conducting a specific project.

Each application will be judged on its own merits, and the decision to award will be entirely at the discretion of the Director.

Definition

Cuban and Haitian entrant is defined by Pub. L. 96-422 [Section 502(e)] as:

(1) Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration law for nationals of Cuba or Haiti, regardless of status of the individual at the time assistance or services are provided; and

(2) Any other national of Cuba or Haiti—

(A) who—

(i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act:

(ii) is the subject of exclusion or deportation proceeding under the Immigration and Nationality Act; or

(iii) has an application for asylum pending with the Immigration and Naturalization Service; and

(B) with respect to whom a final, nonappealable, and legally enforceable

order of deportation or exclusion has not been entered.

Who Is Eligible To Apply for a Grant?

Any public or private institution or organization which is motivated by an interest in the welfare of Cuban and Haitian entrants and can demonstrate the ability to effectively provide the services necessary to successfully resettle them in the United States may submit an appliction to the Director, Cuban/Haitian Task Force, Department of Health and Human Services, 1133 15th Street N.W., Washington, D.C. 20005.

Application Contents

In addition to other pertinent information which the Director may require, an application for a grant should contain a detailed description of the proposed project or effort which meets the applicable requirements described in this notice, including:

(1) Description of grantee organization, background, affiliations, and experience.

(2) Project plan and description including:

(a) Resettlement plan

(b) Follow-up plan

(c) Sponsorship breakdown plan.

(3) Listing of proposed sub-grantees or subcontractors.

(4) Time schedules.

(5) An estimate of the number of individuals to be resettled in each planned resettlement location.

(6) A detailed budget for the proposed project or effort and a justification of the amount of grant funds requested.

(7) A description of the financial resources available to the applicant to assure the sound establishment and maintenance of the proposed effort, including a description of the extent to which funds have either been sought by or have been made available to the applicant from Federal programs authorized by statutes other than Pub. L. 96-422, for the support of the proposed effort.

(8) An estimate of voluntary services and donated resources to be made available for this effort.

(9) A description of the plans, if any, for continuing the proposed effort beyond the end of grant support under the program.

Requirements

A project or effort supported under this program must provide the basic services required to effectively resettle an entrant, including the following:

(1) Relocation efforts at a refugee camp or Federal reception center which shall at least include the following kinds of activities:

(a) Finding resettlement opportunities for the entrants such as individual sponsors or resettlement offices;

(b) Providing necessary information regarding the entrant's background and needs to local sponsors, resettlement offices, local agencies and individuals;

(c) Planning the resettlement, including, if necessary, recruitment and training of persons to render reception, counseling and job referral services;

(2) Reception and relocation efforts at destination:

(a) Arranging for entrant to be met at the airport nearest to the entrant's final destination and transported to quarters.

(b) Providing temporary accommodations, as necessary, and assisting in obtaining initial housing and essential furnishings.

(c) Assuring that food or a food allowance and clothing are provided and that other basic needs of the entrant are temporarily met.

(d) Assisting entrants in applying for social security cards and registering children for schools.

(3) Counseling and referral efforts, in coordination with other locally available services of this kind:

(a) Orientation of entrants and sponsors to the resettlement process and the sponsor's role, supplemented by whatever written materials are available, such as multilingual or bilingual orientation matter developed by the grantee and local coordinating councils.

(b) Assisting entrants as soon as possible after arrival in seeking health services available through the local health system (public or private), and assisting those with known health problems in securing follow-up treatment as necessary. Coordinating with local health authorities on programs which will assist the entrant in learning about the health care system.

(c) Assisting in placing entrants in jobs on arrival or as soon thereafter as possible. Providing job counseling and advising on availability, advisability, and procedure for applying for training program if appropriate.

(d) Enrolling entrant in comprehensive English as a second language program, acculturation and practical daily living instructions.

(e) Informing local government authorities about the grantee's resettlement program. Coordinating with local welfare or employment services concerning entrant's employ-ability.

(f) Follow-up on above-listed services.

After the above-listed kinds of basic services have been provided, remaining funds, if any, may be used in projects or activities of direct assistance to these entrants in their resettlement and integration into society, provided these projects or activities do not duplicate those which are otherwise available and adequate from other public or private sources.

Entrants With Special Needs

A small number of the entrants have special needs and require specialized planning (which may include a group residential placement). Specific proposals directed to the needs of these entrants are also being accepted and encouraged. Entrants with special needs may include the physically handicapped, entrants with nonpsychotic mental disabilities, alcoholics, psychotics and other entrants. Plans for these entrants should include provision of the basic services described in this notice and be directed to the particular situations of these entrants.

How Will Applications Be Evaluated?

After consultation with members of the staff of the Cuban-Haitian Task Force and other experts in related fields or ad hoc groups, as deemed necessary, the Director of the Cuban/Haitian Task Force will approve the award of grants which best promote the resettlement purposes of this program.

The Director will take into consideration among other factors the following evaluation criteria:

(1) Organizational and Financial History

(a) Organizational History

1. Philosophy
2. Governance mechanism
3. Senior board members, personnel and members

(b) Financial History

1. IRS—Tax status
2. Financial management system
3. Audit history
4. Previous federal program/project funds
5. Current funding source

(2) Agency Associations

(a) Experience with volunteer agencies

(b) Experience with social services delivery systems

1. Subcontracts with state and municipal agencies
2. Membership on governmental service boards

(c) Association and/or affiliation with other non-profit or related organizations and groups

(3) Program and Services History

(a) Understanding of service issues and population

(b) Previous refugee services experience

(c) Current program focus

1. Direct services
2. Information and referral activities
3. Counseling/crisis intervention

(d) Current and potential volunteer assistance

(e) Projected growth

(4) Resettlement Plan

(a) Program specifics

1. Numbers of refugees to be settled
2. Duration of program

(b) Program strategy

1. Employment/training
2. Housing/household goods
3. Clothing
4. Health care
5. English as a Second Language education
6. Acculturation/counseling
7. Transportation services
8. Crisis intervention
9. Follow-up

(c) Sponsorship breakdown plan

(d) Networking and coordination with on-going state and municipal service systems

(e) Program organization

1. Staff organization/management
2. Staff experience
3. Extent of participation by volunteers

(5) Financial Management Plan

(a) Per capita cost

(b) Administrative costs

(c) Direct service costs categorized

How Long Does Grant Support Last?

(1) The notice of grant award specifies the length of time the Director intends to support the project.

(2) Generally, the grant will be funded for a period not to exceed one year. If additional time is required, the grantee must submit a separate application to have the support continued for a subsequent period. Decisions regarding continuation awards and the funding levels of these awards will be made after consideration of such factors as the the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Director that continued funding is in the best interest of the Federal Government.

(3) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(4) Any balance of federally obligated grant funding remaining unobligated by the grantee at the end of the budget period may be carried forward to the next budget period, for use as prescribed by the Director, provided a continuation award is made. It at any time during a budget period it becomes apparent to the Director that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for the period, the Director may adjust the amounts awarded by withdrawing the excess.

How Is the Amount of the Grant Award Determined?

The Director will determine the amount of the award to the grantee on the basis of the Director's estimate of the sum necessary to cover the costs of the project during the budget period.

For What Purposes May Grant Funds Be Spent?

(1) A grantee shall spend funds it receives under this subpart only according to the approved application and budget, the authorizing legislation, terms and conditions of the grant award, and applicable costs principles specified in Subpart Q of 45 CFR Part 74, and this notice.

(2) Grantees may not spend grant funds for sectarian instruction or for any religious purpose.

What Department Regulations Apply to Grantees?

Several regulations apply to the resettlement grants.

These include, but are not limited to:

45 CFR Part 16 Department grant appeals process

45 CFR Part 46 Protection of human subjects

45 CFR Part 74 Administration of grants

45 CFR Part 75 Informal grant appeals procedures (indirect cost rates and other cost allocations)

45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance from HHS—Implements Title VI of the Civil Rights Act of 1964

45 CFR Part 81 Practice and procedure for hearings under Part 80

45 CFR Part 83 Nondiscrimination on the basis of sex in the admission of individuals to training programs

45 CFR Part 84 Nondiscrimination on the basis of handicap in Federally-assisted education programs

45 CFR Part 86 Nondiscrimination on the basis of sex in Federally-assisted education programs

45 CFR Part 91 Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance

Additional Conditions

The Director may impose additional conditions on any grant award before or at the time of any award if he determines that these conditions are necessary to assure or protect the advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

Dated: March 3, 1981.

Wilford J. Forbush,

Director, Cuban/Haitian Task Force.

[FR Doc. 81-7324 Filed 3-6-81; 9:45 am]

BILLING CODE 4110-12-M

Health Care Financing Administration

Medicare Program; Solicitation of Comments for Consideration in a Study of Methods for Providing Coverage for Orthopedic Shoes

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice invites interested parties and professional organizations to submit their views, literature references, analyses or other material for consideration in a study of methods for providing coverage for orthopedic shoes under Part B of Medicare. This study is required by Section 958 of Public Law 96-499, the Omnibus Reconciliation Act of 1980.

EFFECTIVE DATE: All comments must be received by March 21, 1981.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Office of Research, 1-B-15 Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION, CONTACT: Mildred Corbin, Social Science Research Analyst, (301) 597-1457.

SUPPLEMENTARY INFORMATION: Under present law, orthopedic shoes and other supportive devices for the feet are generally excluded from Medicare coverage. The only exception is when the orthopedic shoe is build into a leg brace. While expected to be costly, coverage of orthopedic shoes has the potential benefit of forestalling more complicated conditions and the need for amputation.

The Health Care Financing Administration will therefore undertake a comprehensive study of methods for extending covèrage under Part B of Medicare for orthopedic shoes. This would apply to persons with deforming or disabling conditions who require special fitting to protect against increasing disability or serious medical

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complications, or who require special shoes in conjunction with the use of an orthosis or foot support. This study is required by Section 958(e) of Public Law 96–499. Based on findings of this study, the Secretary will submit recommendations to Congress in regard to the extension of Medicare coverage for orthopedic shoes, with specific reference to utilization, cost control, quality of care and equitable and efficient administration. The legislation specifies that the study be delivered to Congress by July 1, 1981.

Organizations or persons with specific knowledge or interest in the subject area are invited to contribute to this study by submitting prepared statements, literature references, analyses, or other material no later than March 21, 1981.

(Section 958(e) of The Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) (42 U.S.C. 1395j))

(Catalog of Federal Domestic Assitance Program No. 13.774; Medicare—Supplementary Medical Insurance Program)

Dated: March 5, 1981.

Paul Willging,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 81-7548 Filed 3-6-81; 11:58 am]

BILLING CODE 4110-35-M

National Institutes of Health National Heart, Lung, and Blood Institute; Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, May 4 and 5, 1981, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:30 a.m. to 5:00 p.m. on May 4 and from 9:30 a.m. to 12 noon on May 5 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 12 noon to adjournment May 5 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–3236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLBI, NIH, Building 10, Room 7N214, phone (301) 496–2116.

Dated: March 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-7256 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board Subcommittee on Board Activities and Agenda; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Board Activities and Agenda, National Cancer Institute, April 22, 1981, Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland. The entire meeting will be open to the public from 7:00 p.m. on April 22, through adjournment, to discuss administrative details. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William A. Walter, Executive Secretary, Subcommittee on Board Activities and Agenda, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4218) will furnish substantive program information.

Dated: March 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-7255 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, May 28–29, 1981, Building 31A, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. on May 28, through adjournment on May 29, to discuss Concept Review. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 10A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6927) will furnish substantive program information.

Dated: March 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-7257 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

Research Manpower Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, on April 8, 9, and 10, 1981, Conference Room 7, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, 20205.

This meeting will be open to the public on April 8, 1981 from 8:00 p.m. to approximately 9:00 p.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 9:00 p.m. on April 8, 1981, until adjournment on April 10, 1981, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 4A21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: March 2, 1981.

Thomas E. Malone, Ph. D.,

Deputy Director, NIH.

[FR Doc. 81-7256 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI–44]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Seaport Marketplace, New York, New York; Waterfront Pier, Yonkers, New York; Southdown Subdivision, Brazoria County, Texas; Henderson CDBG Project, Hendersonville, North Carolina; Peppertree Ranch, Pima County, Arizona; and Saddlewood Ranch, Tucson, Arizona. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. March 2, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS and Notice under Executive Order 11988 on the Seaport Marketplace Project, New York, New York

It has been determined by the City of New York, as the "lead agency" for the Seaport Marketplace Project pursuant to Section 104(h) of Title 1 of the Act and applicable regulations (24 CFR Part 58, 33 CFR Part 230 and 40 CFR Parts 1500–1508), that this Project and the issuance by the Army Corps of Engineers of a necessary permit under Section 10 of the River and Harbor Act of 1899 for construction activities in and affecting navigable waters in connection with the Project will constitute an action with the potential of significantly affecting the quality of the human environment. Accordingly, the City will prepare a draft Environmental Impact Statement on the Project, in accordance with the National Environmental Policy Act of 1969. This notice is to inform the public and interested agencies and persons about the Project and the preparation on the DEIS and to solicit comments and information for consideration in the DEIS.

Description: The principal purposes of the Project are: the strengthening of the economic, historic and cultural potential of the Project area; the revitalization of the local neighborhood; the renovation and reconstruction of basic infrastructure in the seaport district; and the proposed development of a mixed-use complex within lower Manhattan. The Project involves a cooperative effort by the City, the New York State Urban Developmemt Corporation, the South Street Seaport Museum and the Rouse Company.

The site proposed for the Project is located in lower Manhattan. The site is bounded generally by Beekman Street on the north, John Street on the south, Water and Pearl Streets on the west and the pierhead line in the East River on the east.

Plans for the Project contemplate the restoration and renovation of historic buildings and the construction of new structures within the Project area. These structures will incorporate both the existing fish market uses and an expanded South Street Seaport Museum, as well as accommodate appropriate retail, office, residential and possibly hotel uses. The proposal also involves the creation of a pedestrian district covering three blocks (Fulton Street from South Street to Water Street; Water Street from Fulton Street to Beekman Street; and Front Street from Beekman Street to John Street) as an integral part thereof. In addition, the Project will include a new Pier 17 platform, upon which a retail pavilion consisting of approximately 111,000 square feet of gross leasable area, a promenade and new working pier areas. It is anticipated that the Project will generate sufficient revenue to enable the South Street Seaport Museum to continue to rehabilitate its unique collection of historic buildings and ships and to support its future programs and development activities.

An Urban Development Action Grant of $20.45 million will help finance the Project, which has a total cost of approximately $210 million. Construction of the Project is projected to commence in 1981 and to proceed in three phases, with a projected completion date in 1984.

Need. The City has decided to prepare the DEIS because the Project is an important undertaking and is anticipated to have potentially significant environmental impacts on the site and in the general vicinity of the site. These impacts, which are to be more fully discussed in the DEIS, are briefly described as follows. During its construction and operation, the proposed Project will attract large numbers of people to the site. Efficient and safe transportation of these people will therefore necessitate consideration of existing and future traffic and mass transportation patterns and of parking needs. In addition, the Project will require consideration of possible noise, air quality, socioeconomic, land use and community, secondary and other impacts, including the benefits and effects of the Project on historical and archaeological resources. The DEIS will analyze and describe these impacts and will also set forth the Project's physical and visual features and its location, size, scope and constituent elements, including a discussion of measures that may be employed to mitigate or eliminate any potential adverse impacts.

Alternatives. The DEIS will also describe and analyze reasonable alternatives to the Projects, including different scales of development,

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different configurations for the Project, alternative sites and the "no build" alternative.

The DEIS is expected to be published and distributed in the Spring of 1981. After its publication, a copy of the DEIS will be on file at the address listed below and will be available for public inspection, or copies may be obtained at the address listed below upon request without charge.

Scoping. This notice is part of the process for determining the scope of the issues to be addressed in the DEIS, for identifying data and significant environmental issues related to the Project, and for identifying cooperating agencies. To assist in this scoping process, a public scoping meeting will be held. All interested agencies, groups and persons are invited to attend and partcipate. For further information on this meeting contract Mr. Stuckey at the address listed below.

All interested agencies, groups and persons who are unable to attend the public scoping meeting are invited to submit written comments with respect to the proposed scope of the DEIS.

Regulations promulgated under Executive Order 11988 require that the public be provided the opportunity for early review as soon as it is determined that a federally funded project is proposed to be located in a floodplain as defined by the aforesaid Executive Order. The Federal Emergency Management Agency has determined that this Project is planned for a floodplain as designated on the applicable Flood Hazard Boundary Map. Therefore, this announcement is intended to constitute notice as required under Executive Order 11988 of the public's opportunity for early review of the Project.

Comment. For further information, please contact James P. Stuckey, Senior Development Management, City of New York, Office of Economic Development, 17 John Street, 11th Floor, New York, New York 10038. Mr. Stuckey's telephone number is (212) 566–6630.

Appendix—EIS on the Waterfront/Pier Project, Yonkers, New York

The City of Yonkers has determined that an Environmental Impact Statement is required on the proposed project known as the Yonkers Waterfront/Pier Project. In accordance with the National Environmental Policy Act of 1969, a Draft Environmental Impact is being prepared on behalf of the City of Yonkers concerning the environmental impact of the proposed project.

Description. The proposed project known as the Yonkers Waterfront/Pier Project is being undertaken as part of an urban renewal project pursuant to Title I of the Housing and Community Development Act of 1974, as amended and it is intended that the public portion of said project will be financed, in part, under the Urban Development Action Grant Program. The Yonkers Waterfront/Pier Project would constitute a comprehensive, 48 month, $163 million redevelopment of a 15.5 acre parcel on the Yonkers Waterfront Pier Area bounded on the north by Wells Avenue, on the south by Prospect Street, on the east by Buena Vista Avenue and Penn-Central Railroad and on the west by the Hudson River. The Project will consist of: 300,000 square feet of retail space; 375 room hotel with accessories; 500 units of one, two and three bedroom housing; 285,000 square feet urban retail mall; 600 person convention complex and exhibition center; 750 seat civic auditorium; marina and various access roads and parking facilities.

Need. Due to the size and scope of the project the City of Yonkers has determined that an EIS will be prepared.

Alternatives. Alternatives are now being considered to (1) either phase the project in substantially the same form as set forth above or (2) to reduce the size and extent of the facilities contained therein although maintaining substantially the same form or (3) to include within said project a County Convention Center/Arena of approximatley 280,000 square feet including parking in lieu of, or in addition to, any of the facilities as aforementioned, or (4) to inclue a conference or convention center in lieu of, or in addition to, any of the facilities aforementioned.

The Draft Environmental Impact Statement will include a generic review to consider maximum development of the project area consistent with CBQ regulations and to consider the aforementioned project in connection therewith.

Scoping. No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered part of the process used for scoping the EIS. Any responses to the Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

Comments. Comments should be sent within 21 days following publication of this Notice in the **Federal Register** to: Wilbert Allen, Commissioner, Department of Development/ Community Development Agency, 53 South Broadway, Yonkers, New York 10701.

Appendix—EIS on Southdown Subdivision, Brazoria County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement on a proposed subdivision which is located within the extraterritorial jurisdiction of the City of Pearland, Brazoria County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description: The Homecraft Land Development, Incorporated, Post Office Box 20147, Houston, Texas, proposes to develop a 423 acre tract into 1,034 single family residences, accommodating a population of approximately 4,173 persons. This subdivision will be known as Southdown. The firm of Homecraft Land Development, Inc., also proposes to develop an adjacent tract of 601 acres into a subdivision which will be known as Countryplace. The two tracts are located south of Clear Creek and on the east side of State Highway No. 288. The proposed subdivisions will extend in an easterly direction to Farm to Market Road No. 518.

The developer has requested that the Department accept the Southdown subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934. The developer makes no such request for Countryplace subdivision. However, since the drainage and utility systems of both subdivisions will interconnect, the Environmental Impact Statement will address the cumulative impacts of the two subdivisions.

Need: Due to the size and scope of the proposed development, the Dallas Area Office has determined that an Environmental Impact Statement will be prepared pursuant to Public Law 91–190, the National Environmental Policy Act of 1969.

Alternatives: The alternatives available to the Department are (1) accept the project as submitted, (2) accept the project with modifications, or (3) reject the project.

Scoping: No formal scoping meeting is anticipated for this project. It is the intent of this notice to be considered a part of the process used for scoping the Environmental Impact Statement. Any responses to this Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

Comments: Comments should be sent within 21 days following publication of this Notice in the **Federal Register** to I. J. Ramsbottom, Environmental Officer, Dallas, Texas 75201. The commercial telephone number of this office is 214–767–8347 and the FTS number is 729–8347.

Appendix—EIS on the East Hendersonville CDBG Project, Hendersonville, North Carolina

The Community Development Department in Hendersonville, North Carolina, intends to prepare an EIS on a Comprehensive CDBG Project described below, and requests information and comments for consideration in the EIS.

Description: The East Hendersonville CDBG Project, funded by a Small Cities Block Grant from HUD, is designed to address the neighborhood revitalization needs of a nine block, designated target area, located in ED 643. The purpose of this project is to remove the blighted conditions in the neighborhood which also include specific public facilities improvements. Existing plans project: rehabilitation of 30 single family dwellings, install 2,900 linear feet of twelve-inch water line, improve approximately 2,000 linear feet of existing streets, demolish 10 dilapidated structures, acquisition of necessary rights-of-way and limited relocation activities. The City has projected that these activities should be completed by the first quarter of 1982.

Need: An EIS is proposed due to HUD threshold requirements for water line projects cited in the environmental regulations, 24 CFR, Part 58.25(a)(1) and (c). The EIS will also address the impact on community services, water resources and potential growth that may occur as a result of this project.

Alternatives Perceived: At this time, the City alternatives includes: no project, accept project as proposed, accept project with conditions, or modifications of the project.

Scoping: This Notice is part of the process used for scoping the East Hendersonville CDBG Project EIS. Responses will help determine significant environmental issues and identify data which the EIS should address, and will help identify cooperating agencies. The date for scoping meeting has not been set. Interested parties should contact the agency below to be notified of the scoping meeting date.

Comments: Comments should be forwarded within 21 days following publication of this Notice in the **Federal Register** to Kirk T. Grosch, CD Director, City of Hendersonville, 145 Fifth Avenue E. Hendersonville, North Carolina 18739 (or call (704) 697–2466).

Appendix—EIS on the Peppertree Ranch PRD, Pima County, Arizona

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development intends to issue an EIS for a planned residential development project to be identified as Peppertree Ranch and located generally in the northwesterly edge of the Tucson Urban Area in Pima County, Arizona.

Description: The Peppertree Ranch planned residential community project is a proposed land development of approximately 2600 acres. This planned development will provide for an approximate 5,000 new dwelling units in a mixture of housing densities and types. Community recreation facilities, functional open-space and certain supporting commercial uses will for the remaining land uses within the project.

The project site is located near Rillito and is bounded on the north by the Avra Valley Road, on the east by Freeway I–10, on the south by the Santa Cruz River and on the west by Silverball Road. The Thesen Mountain Range is the project site's most unique natural landmark immediately to the west and north. The Santa Cruz River is a special natural landmark on the project's eastern boundary.

HUD's participation in this land development project is through its Federal mortgage insurance program which is intended to facilitate homeownership and the construction and financing of housing. By insuring commercial lenders against loss, HUD encourages such lenders to invest capital in the home mortgage market. The purpose of this notice is to solicit from all interested persons, local, state and federal agencies, recommendations or comments regarding any issue that should be addressed in the proposed environmental impact statement.

Among the possible significant environmental effects are: conversion of approximately 2600 acres of undeveloped desert land and prime agricultural land to residential and related suburban land uses; and approximately 12,000 to 15,000 new residents.

Potential environmental impacts are anticipated on the following natural resources; prime agricultural land, a portion of the base 100-year floodplain area of the Santa Cruz River, desert biological resources of wildlife and vegetation and air quality. Significant urban impacts will occur to transportation resources, school services and other community facilities and services. Impacts of light and glare are anticipated on the Kitt Peak National Observatory and impacts are anticipated on important archeological and cultural resources.

Need: The Department has determined that an environmental impact statement is necessary due to the size and scope of project activities proposed and the special environmental impacts associated with these activities. This determination is made in response to Section 102(2)(c) of Public Law 91–190, the National Environmental Policy Act of 1969 and to the implementing regulations of Executive Order 11988 which sets forth the Floodplain Management protection procedures applicable to Federally assisted land development projects.

Alternatives Perceived: The alternatives perceived available to the Department of Housing and Urban Development which will be given consideration are: (1) accept the project as submitted, (2) accept the project with modification, or (3) reject the project.

Scoping: HUD does anticipate holding a project "scoping: meeting in accord with Section 1507.1 of the implementing regulations of the National Environmental Policy Act. This meeting will be open to all persons, groups, organizations, public and private agencies. At this scoping meeting HUD wishes to facilitate identification of all potential environmental impacts not presently known as set forth above. Information on local or state environmental concern are particularly solicited as well as private environmental organization concerns. For information on this meeting, contact Mr. Shortall at the address listed below. Comments in writing are also invited. This announcement and the "scoping" meeting is intended to satisfy Steps 1 and 2 of the "eight-step" review process associated with the implementing regulations of E.O. 11988 on Floodplain Management.

Comments: Comments or recommendations regarding the EIS proposal should be sent within 21 days of publication of this notice to: William Shortall, Environmental Specialist, U.S. Department of Housing and Urban Development, Room 604; 2500 Wilshire Boulevard; Los Angeles, California 90057 or call (213) 688–5899 (FTS 798–5899). Information about the project may be obtained in Tucson from: Thomas Webster, Chief Underwriter; U.S. Department of Housing and Urban Development; 33 North Stone Avenue, Suite 1400; Tucson, Arizona 85701 or call (602) 792–6887 (FTS 762–6887).

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Appendix—EIS Saddlewood Ranch Housing Project, Tucson, Arizona

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development intends to issue an EIS for a primarily residential land development project identified as Saddlewood Ranch and located in the City of Tucson, Arizona. The purpose of this notice is to solicit from all interested persons, Local, State and Federal agencies, recommendations or comments regarding any issue that should be addressed in the proposed EIS.

Description: The Saddlewood Ranch residential project is a land development proposal on approximately 300 acres for 1700 dwelling units and is located in a generally eastern part of the City of Tucson, Arizona. The boundary streets of the project are, Speedway Boulevard on the south, Camino de Juan on the west, Ironwood Hills Drive on the north and Greasewood Road on the east. A tributary or natural-drainageway to the Rillito Wash cuts through the project area in a southwesterly direction.

The comprehensive community plan of the City of Tucson proposes the land area for residential uses. Significant impacts are not expected on such environmental factors as prime agricultural land use, endangered species or wildlife-habitats. Archeological impacts can be anticipated as well as impacts on community services and facilities, i.e., water system, sewer facilities, fire and police protection services, school services and similar service impacts. There will be impacts on City transit and circulation resources, impacts on air-quality, as well as effects on a designated 100-year flood hazard zone draining into the Rillito Wash.

HUD's participation in this land development project is through its Federal mortgage insurance program which is intended to facilitate home ownership and the construction and financing of housing. By insuring commerical lenders against loss, HUD encourages such lenders to invest capital in the home mortgage market.

Need: An EIS is proposed due to HUD threshold requirements in accordance with housing program regulations and certain perceived environmental impacts such as the following: impact on the 100-year base floodplain, water resources, energy, transportation, cultural resources and community services and facilities. This announcement and the EIS preparation and distribution process will form HUD's primary means of inviting public participation in the "eight-step" review process required by the implementing regulations of Executive Order 11988 and the required decision making process HUD will carry-out for this special Federal environmental concern. This announcement is intended to satisfy Steps 1 and 2 of the "eight-step" review process.

Alternatives Perceived: At this time the HUD alternatives include: no project, accept project as proposed and/or accept project with conditions or modification of the project.

Scoping: HUD will hold a pre-project "scoping" meeting in accordance with Section 1501.7 of the implementing regulations of the 1969 National Environmental Policy Act. At this meeting, open to all persons, groups, organizations, Federal, State and Local agencies, HUD wishes to identify all significant issues to be analyzed in the environmental impact statement. For further information on this meeting, contact Mr. Shortall at the address listed below. All individuals, groups, organization, Agencies are invited to attend. Local and State paticipation is particularly invited.

Comments: Comments regarding the proposed EIS should be sent within 21 days of this Notice to: John J. Tuite, Area Manager, Attention: William Shortall, Environmental Protection Specialist, U.S. Department of Housing and Urban Development, 2500 Wilshire Boulevard, Los Angeles, California 90057, or call (213) 688-5899 (FTS 8-798-5899).

Information about the proposed housing project may be obtained locally from Thomas Webster, Chief Underwriter at U.S. Department of Housing and Urban Development, 33 North Stone Avenue, Suite 1400: Tucson, Arizona 85701, or call (602) 792-6887 (FTS 8-762-6887).

[FR Doc. 81-7253 Filed 3-6-81; 8:45 am]

BILLING CODE 4210-01-M

Office of Interstate Land Sales Registration

[Docket No. N-81-1061]

Request for State Certification

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of application by the State of Oregon for State certification

SUMMARY: The Secretary gives public notice that the State of Oregon has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Oregon's application.

DATE: Comments should be submitted no later than May 8, 1981.

ADDRESSES: Send comments to: Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Ann Lawhead, State Certification Officer, Program Development and Control Division, Department of HUD, Room 4106, Washington, D.C. 20410. Telephone: (202) 755-6314 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Public Law 96-153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Oregon has submitted an application which is under consideration. The State of California is the only other State which has submitted an application. That application was approved, and a formal agreement was signed on January 6, 1981.

Any person(s) interested in receiving the application materials prepared by the State of Oregon may request copies of them from the Office of Interstate Land Sales Registration from the address above.

Issued at Washington, D.C. on March 2, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-7254 Filed 3-6-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Water and Power Resources Service

Contract Negotiations for Florida Project, Col.; Intent To Negotiate an Amendatory Contract

Water and Power Resources Service intends to initiate negotiations among the Bureau of Indian Affairs, the Southern Ute Indian Tribe of Ignacio, Colorado, and the Florida Water Conservancy District of Durango, Colorado, to amend contract No. 14-06-400-3038, dated May 7, 1963.

The amendatory contract will be negotiated under the authority of the Reclamation Project Act of 1939 (53 Stat. 1187), and the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105), to provide for the allocation of an additional 181 acre-feet of project water from the Florida Project. The Florida Project was authorized as a participating project by the Colorado River Storage Project Act to provide irrigation water for 19,450 acres of land, including 785 acres of land for the Southern Ute Indian Tribe.

Under the terms of the 1963 contract between the Southern Ute Indian Tribe and the United States, the Tribe was allocated 1,819 acre-feet of project water to irrigate 713.8 irrigable acres of tribal land. The proposed contract will amend the 1963 contract to allocate an additional 181 acre-feet of project water to the Tribe for the irrigation of 71.2 irrigable acres of tribal land. The amendatory contract would also provide for the collection and payment of appropriate operation and maintenance costs to the Florida Water Conservancy District Construction costs for Indian irrigation facilities will be deferred under the provisions of the Leavitt Act of July 1, 1932 (47 Stat. 564).

All meetings scheduled by the Water and power Resources Service with the contractor for the purpose of discussing terms and conditions of the proposed contract will be open to the general public as observers. Advance notice of these meetings will be furnished to those parties having provided a written request for such notice at least 1 week prior to a scheduled session. For further information on scheduled negotiating meetings and/or a copy of the proposed contract when it is available, please contact Mr. Richard Gjere, Chief Operations Branch, Water and Power Resources Service, P.O. Box 640, Durango, Colorado 81301.

The proposed contract will be open to public review and written comments for 30 days after it is available.

All written correspondence concerning the proposed contract will be available pursuant to the terms and conditions of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: March 3, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-7305 Filed 3-6-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-No. 108F)]

Chicago and North Western Transportation Company—Abandonment—Near Oakdale and Elgin in Antelope County, NE; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided February 20, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979); and subject to the condition that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the decided date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad extending from railroad milepost 115.0 near Oakdale, NE, to railroad milepost 104.6 near Elgin, NE, a distance of 10.4 miles in Antelope County, NE. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. Since the investigation has been completed, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7333 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief; Formerly Fourth Section Application

March 4, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43881-1, Trans-Continental Freight Bureau, Agent, (No. 556 Amend. 1), reduced rate on wheat, threshed, from Stations in Minnesota, Montana, and North Dakota to destinations on the Pacific North Coast, as published in Supplement No. 86, Item 3806-series to its Tariff ICC TCFB 4045-O. Rate became effective December 17, 1980, on one day's notice under Special Permission No. 81-1016. Due to the short notice filing and the emergency situation that was stated to exist, long-and-short-haul relief was granted in Long-And-Short-Haul Order No. 20671. This relief expired with January 31, 1981. The application now under consideration requests that the long-and-short-haul relief be permanently granted.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7337 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to

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consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of ths publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decison is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 27, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

(Board Member Taylor votes to subject MC-F-14573 to an impediment regarding duplications between the rights sold and other rights of transferor)

MC-F-14570F, filed February 6, 1981. JOHN O. SCOTT, HUGH H. SCOTT, JR., HUGH H. SCOTT, SR., and NETTIE F. SCOTT, (individuals) (1134 Sylvan Road, S.W., Atlanta, GA 30310)—control—SCOTT TRANSFER CO., (Scott) and BACON MOTOR EXPRESS, INC. (Bacon) (both of 1134 Sylvan Road, SW, Atlanta, GA 30312). Representatives: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 30310. Individuals seek to continue in common control and management of Scott and Bacon. John O. Scott, brother of Hugh H. Scott, Sr., is general manager of Scott and Bacon. Hugh H. Scott, Jr. controls Bacon and his father Hugh H. Scott, Sr. controls Scott. Nettie F. Scott, wife of Hugh H. Scott, Sr., is the secretary-treasurer of Scott. The operating rights of Scott sought to be controlled by Individuals are contained in contract carrier permit MC 117956 and sub-numbers thereunder authorizing the transportation of numerous specified items, including such items as coin, currency, commercial paper, salt, pepper, metal containers, lacquer, fiberboard boxes, steel drums, tile, bleach, cleaning compounds, plastic buckets, bread making ingredients, fibre cans, and other items between points in the United States. The operating rights of Bacon sought to be controlled by Individuals are contained in contract carrier permit MC 106863 authorizing the transportation of potato chips, shoestring potatoes, potatoes, fried pork skins, cakes, candy, crackers, salted nuts, peanuts, peanut butter, peanut butter sandwiches, popcorn, pretzels, and pecans, in cartons, cases, or containers, cooking oil in drums, display racks, knocked down, folded flat, glass jars, printed matter, stationery, labels, twine, and glassine bags, in cases or cartons, gummed tape, corrugated boxes, knocked down, folded flat, in bundles, metal drums, and containers, between (a) Atlanta GA, on the one hand, and, on the other, points in FL, (b) Memphis, TN, on the one hand, and, on the other, points in AR and MO, (c) Louisville, KY, on the one hand, and, on the other, points in IN on and south of U.S. Hwy 36, and (d) Atlanta, GA, and points in AL, KY, MS, NC, SC, TN, VA, and WV, restricted against service between Atlanta, GA, on the one hand, and, on the other, Birmingham, AL.

Note.—(1) This application was filed pursuant to a condition imposed in MC 106863 (Sub-1). (2) The concurrently filed Motion to Dismiss has been denied.

MC-F-14573, filed February 10, 1981. ASHTON TRUCKING CO. (Ashton) (1245 North Hwy 285, Monte Vista, CO 81144)—purchase (portion)—TEXAS CONTINENTAL EXPRESS, INC., JOSEPH COLVIN, trustee in bankruptcy (TCE) (2002 Continential Life Bldg., Fort Worth, TX 76102). Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264; and Marshall Kragen, Suite 600, 1835 K Street, NW, Washington, DC 20006. Ashton seeks authority to purchase a portion of the interstate operating rights of TCE. Lehland G. Decker is the majority stockholder of Ashton and will be required to join in this application as person in control of transferee. Ashton is purchasing the interstate operating rights contained in TCE's Certificate MC 133095 (Sub-96), which authorized the transportation of (1) *carpeting*, from Marlin, TX, to points in MS, LA, AZ, MN, IA, OK, KS, NE, SD, ND, NM, CO, WY, MT, AR, UT, ID, NV, CA, OR, and WA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of carpeting (except in bulk), from points in the destination states named above to Marlin, TX. Ashton is authorized to operate as a common and contract carrier in CO, NM, KS, NE, UT, WY, and TX, pursuant to Certificate 57880 and Permit 62538. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Lehland G. Decker, stating that he is the majority stockholder of Ashton, and that as person in control of transferee he joins in this application. Condition: approval and authorization of this transaction is conditioned upon the prior cancellation by Caravan Refrigerated Cargo, Inc., of Certificate MC 133095 (Sub-96) from its lease application in MC-F-14392F and from the temporary lease granted May 23, 1980, in MC-F-14392F.

MC-F-14575, filed February 12, 1981. FULLINGTON AUTO BUS COMPANY (Fullington) (314 Cherry Street, Clearfield, PA 16830)—Purchase (portion)—TRAILWAYS EDWARDS, INC. (Edwards) (1500 Jackson St., Dallas, TX 75201). Representative: Christian V. Graf, 407 N. Front Street, Harrisburg, PA 17101. Fullington seeks authority to purchase a portion of the interstate operating rights and property of Edwards. J. Richard Fullington and Mildred F. Fullington are the majority stockholders of Fullington and will be required to join in this application as persons in control of transferee. Fullington is purchasing that portion of Edward's operating rights contained in Certificate MC 2866 and Deviation Notices 10 and 13 as follows: (A) Regular routes: *Passengers and their baggage*, and *express, mail, and newspapers*, in the same vehicle with passengers, (1) between Indiana, PA and Clearfield, PA, serving all intermediate points: From Indiana over PA Hwy 286 to junction US Hwy 219, then over US Hwy 219 to Grampian, and then over PA Hwy 879 (formerly US Hwy 322) to junction with US Hwy 322, then over US Hwy 322 to Clearfield, and return over the same route; (2) between Pittsburgh, PA and Buffalo, NY, serving all intermediate points: From Pittsburgh over PA Hwy 380 to junction US Hwy 22, then over US Hwy 22 to junction with PA Hwy 286 (formerly unnumbered Hwy), then over PA Hwy 286 to junction PA Hwy 380, then over PA Hwy 380 to junction PA Hwy 66, then over PA Hwy 66 to junction PA Hwy 56, then over PA Hwy 56 to Sandy Plain, PA, then over PA Hwy 156 to Shelocta, PA, then over US Hwy 422 to junction PA Hwy 286, then over PA Hwy 286 to Indiana, PA, then over US Hwy 119 to junction US Hwy 219, then over US Hwy 219 via Johnsonburg, PA to Wilcox, PA, then over PA Hwy 321 (formerly US Hwy 219) to Kane, PA, then over US Hwy 6 to Lantz Corners, PA, then over US Hwy 219 via Bradford, PA and Salamanca and Springville, NY, to its junction with NY Hwy 391, then over NY Hwy 391 to Hamburg, NY, then over US Hwy 62 to Buffalo, NY; (also from Indiana, PA over PA Hwy 286 to Clymer, PA, then over PA Hwy 403 (formerly PA Hwy 223) to junction US Hwy 119 near Marion Center, PA; also from DuBois, PA over PA Hwy 255 to Johnsonburg, PA; and also from Springville, NY over NY Hwy 39 to junction NY Hwy 240, then over NY Hwy 240 to Buffalo), and return over the same route. The above-described authority to transport passengers was issued pursuant to applications filed on or before January 1, 1967, and therefore *incidental charter operations* in interstate or foreign commerce *may be conducted* under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. (B) Alternate routes for operating convenience only: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers: (1) Between Wilcox, PA and Lantz Corners, PA, in connection with carrier's regular-route operations authorized herein between Pittsburgh, PA and Buffalo, NY, serving no intermediate points: From Wilcox over US Hwy 219 to Lantz Corners, and return over the same route; (2) between junction PA Hwys 66 and Alternate 66 (near Oklahoma, PA) and Apollo, PA, serving no intermediate points: From junction PA Hwys 66 and Alternate 66 over PA Hwy 66 to Apollo, and return over the same route; (3) between Pittsburgh, PA and junction PA Hwy 286 (formerly PA Hwy 80) and PA Hwy 380 (west of Sardis, PA) serving no intermediate points: From Pittsburgh over city streets to the Penn-Lincoln Parkway, then over the Penn-Lincoln Parkway to junction PA Hwy 286 (formerly portion PA Hwy 80), then over PA Hwy 286 to junction PA Hwy 380, and return over the same route; (4) between junction Penn-Lincoln Parkway and PA Hwy 286 (formerly PA Hwy 80) and junction PA Hwy 286 (formerly PA Hwy 80) and unnumbered hwy (known as Swissvale Ave.), serving no intermediate points, and serving junction Penn-Lincoln Parkway and PA Hwy 286 for purposes of joinder only: From junction Penn-Lincoln Parkway and PA Hwy 286 (formerly PA Hwy 80) over PA Hwy 286 to junction unnumbered hwy (known as Swissvale Ave.), and return over the same route. (C) Irregular routes: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Elk and McKean Counties, PA, and extending to points in the US (including AK and excluding HI). (D) Deviation 10: From junction US Hwy 22 and PA Hwy 286 (formerly PA Hwy 80) over US Hwy 22 to junction US Hwy 119, then over US Hwy 119 to Indiana, PA, and return over the same route, for operating convenience, only. (E) Deviation 13: (1) From junction US Hwy 219 and NY Hwy 242 north of Ellicottville, NY, over US Hwy 219 to junction NY Hwy 39 near Springville, NY, and (2) from junction US Hwy 219 and NY Hwy 277 at North Boston, NY, over NY Hwy 277 to junction NY Hwy 240 near Orchard Park, NY, then over NY Hwy 240 to junction US Hwy 20-A, then over US Hwy 20-A to junction Interstate Hwy 90 (Interchange No. 55), then over Interstate Hwy 90 to junction Interstate Hwy 190, then over Interstate Hwy 190 to Buffalo, NY (Interchange No. 7) (NY Hwys 277 and 240 and US Hwy 20-A described above to be new US Hwy 219), and return over the same route, for operating convenience only. Fullington holds authority to transport passengers pursuant to authority issued in MC-2796 and sub-numbers thereunder.

CONDITIONS: Authorization and approval of this transaction is conditioned upon the prior receipt by the Commission of an affadavit signed by J. Richard Fullington and Mildred F. Fullington, stating that they are the majority stockholders of transferee and that they join in this application.

Note.—Edwards is retaining that portion of its irregular route authority in MC 2866 which authorizes the transportation of *passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Carbon Centre, Clarion, Clearfield, Clinton, Columbia, Indiana, Jefferson, Lycoming, Montour, Northumberland, Schuylkill, Tioga, and Union Counties, PA, and Hazleton, PA, and points in Luzerne County, PA, within 15 miles of Hazleton, PA, and extending to points in the United States (including AK and excluding HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7336 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the

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Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–190

Decided February 17, 1981.

By the Commission, Division 1, Acting as Appellate Division, Commissioners Clapp, Alexis and Gilliam. Commissioner Alexis absent and not participating.

MC 8535 (Sub-123F), filed November 13, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Interstate 83 at Rt. 439, Parkton, MD 21120. Representative: John Guandolo, 1000 16th St., NW., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7339 Filed 3-6-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 F.R. 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–192

Decided March 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. Williams not participating.

MC 154315, filed February 3, 1981. Applicant: JOHN A. STEER CO., 136 Chestnut St., Philadelphia, PA 19106. Representative: John M. Poole (same address as applicant). As a *Broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP3–193

Decided March 2, 1981.

By Commission, Review Board No. 2, Members Carleton, Fisher and Williams. (Member Williams Not Participating.)

MC 2934 (Sub-101), filed January 29, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 300 E. Fall Creek Parkway, Suite 403, Indianapolis, IN 46205. Transporting *floor coverings*, between points in GA and SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 109564 (Sub-20), filed February 5, 1981. Applicant: LYONS TRANSPORTATION LINES, INC., 138 E. 26th St., Erie, PA 16501. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Cincinnati, OH and Lexington, KY, over Interstate Hwy 75; (2) Between Cincinnati, OH and Evansville, IN: From Cincinnati over Interstate Hwy 71 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, and return over the same route; (3) Between junction Interstate Hwy 64 and U.S. Hwy 41, and junction U.S. Hwy 41 and the IN–IL State line, over U.S. Hwy 41; (4) Between Indianapolis, IN and junction Interstate Hwy 70 and the IN–IL State line, over Interstate Hwy 70; (5) Between Cincinnati, OH and Junction IN–IL State line and U.S. Hwy 50, over U.S. Hwy 50; (6) Between Indianapolis, IN and junction Interstate Hwy 65 and the IN–KY State line, over Interstate Hwy 65; (7) Between Fort Wayne, IN and junction U.S. Hwy 24 and the IN–IL State line, over U.S. Hwy 24; (8) Between Chicago, IL and South Bend, IN, over Interstate Hwy 90; and (9) Between Cincinnati, OH and junction Interstate Hwy 74 and the IN–IL State line, over Interstate Hwy 74, serving in (1) thru (9) above Danville and Grayville, IL points in OH, IN, those in MI on and south of U.S. Hwy 10, points in KY on and north of Interstate Hwy 64, and those in Fayette, Clark, Madison, Jessamine, Mercer, Woodford, Anderson, Franklin, Spencer, Nelson, Jefferson, Bullitt, and Meade Counties, KY, and Laurence, Clark, and Iroquois Counties, IL.

MC 109564 (Sub-21), filed Feb. 5, 1981. Applicant: LYONS TRANSPORTATION LINES, INC., 138 E. 26th St., Erie, PA 16501. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), (1) Between Albany, NY and Boston, MA, over Interstate Hwy 90; (2) Between junction Interstate Hwy 495 and Interstate Hwy 90 near Mansfield, MA, and Providence, RI, over Interstate Hwy 95; and (3) Between Albany, NY and Easton, PA: From Albany over Interstate Hwy 87 to New York, NY, then over Interstate Hwy 278 to jundtion Interstate Hwy 78, then over Interstate Hwy 78 to Easton, and return over the same route, serving in (1), (2) and (3) above points in CT, MA, NY, PA, RI, and NJ as off-route points in connection with carrier's otherwise-authorized regular-route operations.

MC 117344 (Sub-289), filed February 4, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Dr., Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *commodities in bulk*, between points in Dearborn, Fayette, Franklin, Ohio, Randolph, Ripley, Union and Wayne Counties, IN, Boone, Boyd, Campbell, Greenup and Kenton Counties, KY, and Butler Clark, Clermont, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Shelby and Warren Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 133194 (Sub-23), filed January 28, 1981. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., P.O. Box 1047, Russellville, AR 72801. Representative: Richard Streeter, 1729 H St., NW., Washington, DC 20006. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Greenville, TX and Kansas City, KS: From Greenville over TX Hwy 24 to junction Indian Nation Turnpike, then over Indian Nation Turnpike to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Kansas City, and return over the same route; (2) Between Fort Smith, AR, and Tulsa, OK: From Fort Smith over Interstate Hwy 40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Tulsa, and return over the same route; (3) Between Bentonville, AR, and Joplin, MO, over U.S. Hwy 71; (4) Between Bear Creek Springs, AR and Joplin, MO: From Bear Creek Springs over U.S. Hwy 65 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Joplin, and return over the same route; and (5) Between Fort Smith, AR and Greenville, TX: From Fort Smith over Interstate Hwy 40 to junction Indian Nation Turnpike, then over Indian Nation Turnpike to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction TX Hwy 24, then over TX Hwy 24 to Greenville, and return over the same route.

Note.—Applicant intends to tack and interline this authority with its existing authority.

MC 134064 (Sub-49), filed January 30, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *food and related products*, between points in Coles County, IL and Franklin County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134235 (Sub-31), filed February 6, 1981. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Neal A. Jackson, 1156 Fifteenth St., NW., Washington, DC 20005. Transporting (1) *salt and salt products*, and (2) *such commodities* as are dealt in or used by agricultural, water treatment, food, and industrial supply industries, between points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 134645 (Sub-39), filed January 30, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *compressed air de-icing systems* and *anti-freeze compounds*, between points in Stearns, Benton and Sherburne Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 145494 (Sub-6), filed February 6, 1981. Applicant: EDINA CARTAGE COMPANY, P.O. Box 42, Mauricetown, NU 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *general commodities* (except classes A and B explosives), between the facilities of Seaport Cooperative, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150984 (Sub-1), filed February 6, 1981. Applicant: ESTES TRUCKING CO., INC., 4203 S. 297th Pl., Auburn, WA 98002. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *pipe*, between points in Brown County, TX, on the one hand, and, on the other, points in OR and WA.

MC 152444 (Sub-2), filed January 22, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy Nos. 36 & 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *chemicals and related products*, between points in Union County, IA, on the one hand, and, on the other, points in MO.

MC 153735 (Sub-1), filed February 6, 1981. Applicant: VISTA CALIFORNIA TOURS, INC., d.b.a. VISTA LIMOUSINE SERVICE, 323 So. Canal St., South San Francisco, CA 94080. Representative: Milton W. Henke, Sr., 375 Arroyo Dr. South San Francisco, CA 94080. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in CA, and extending to points in NV and AZ.

MC 154065, filed February 4, 1981. Applicant: CAMPAMERICANA, INC., 23771 Avenida Facilitar, Mission Viejo, CA 92691. Representative: Louis C. Knoke (same address as applicant). As a *broker* of *passengers and their baggage*, between points in AK, GA, LA, CA, UT, NY, AZ, and FL, on the one hand, and, on the other, points in the U.S.

MC 154264, filed February 6, 1981. Applicant: L.R.K. CARTAGE, INC., 17271 Francis, Melvindale, MI 48122. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. Transporting *medical materials, equipment and supplies*, between Detroit, MI and Toledo, OH.

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MC 154275, filed February 3, 1981. Applicant: HOPPEL ENTERPRISES, INC., P.O. Box 2470, 13290 E. Liverpool Rd., East Liverpool, OH 43920. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *petroleum, natural gas and their products*, between points in Crawford, McKean and Venango Counties, PA, and Hancock and Pleasants Counties, WV, on the one hand, and, on the other, points in the U.S.

FF 485 (Sub-2), filed January 29, 1981. Applicant: AIR VAN LINES INTERNATIONAL, INC., 8151 Occidental Ave., South, P.O. Box 3725, Seattle, WA 98108. Representative: Robert R. Brinker, Suite 1100, 1660 L St., NW., Washington, D.C. 20036. To operate as a *freight forwarder*, in interstate commerce, transporting (1) *used household goods, and unaccompanied baggage and* (2) *used automobiles*, between points in HI, on the one hand, and, on the other, points in the U.S., restricted in (2) above to the transportation of export-import traffic.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7338 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPV-11

Decided February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 154186, filed February 9, 1981. Applicant: TMJ, INC., 68 Liberty St., Metuchen, NJ 08840. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234-0301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7341 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-032

Decided February 26, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

Applicant: HTC, INC., d.b.a. HERCULES TRUCKING, 999 Pontiac Avenue, Cranston, RI 02920. Representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375, (212) 793-1400. Transporting *general commodities* (except classes A and B explosives), between Providence, RI, on the one hand, and, on the other, points in NH and ME.

MC 129262 (Sub-7F), filed February 2, 1981. Applicant: AYERS AND MADDUX, INC., 144 Escalada Drive, P.O. Box 1848, Nogales, AZ 85621. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Transporting *machinery* between points in the U.S., on the one hand, and, on the other, points on the international boundary line between the U.S. and the Republic of Mexico, in foreign commerce only.

MC 140053 (Sub-5), filed February 5, 1981. Applicant: TRK TRANS, INC., 3200 Bandini Blvd., Vernon, CA 90023. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with MSA/LAMDA, INC., of Los Angeles, Ca.

MC 151703 (Sub-6), filed February 2, 1981. Applicant: NORSUB, INC., R.D. No. 1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting (1) *metal products*, (2) *building materials* and (3) *rubber and plastic products* between points in Fayette County, IN, Clermont County, OH, San Joaquin County, CA, and Beaver County, PA, on the one hand, and, on the other, points in the U.S.

MC 152343 (Sub-1), filed January 30, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Town Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting *metal products*, between points in Ozaukee County, WI, on the one hand, and, on the other, points in MI.

MC 154102, filed February 5, 1981. Applicant: EDWIN J. BOERMAN d.b.a. BOERMAN MOVING & STORAGE, 9345 Southview Ave., Brookfield, IL 60513. Representative: Barry Roberts, 888 17th St., NW., Washington, DC 20006. Transporting *household goods*, between points in AZ, IL, IN, MI, and WI.

MC 154162, filed February 2, 1981. Applicant: BLUE TRANSPORT, INC., 672 Harmon Plaza, Columbus, OH 43223. Representative: Owen B. Katzman, 1828 L St., NW, Ste. 1111, Washington, DC 20036, (202) 296-2728. Transporting *metal products, and machinery*, between points in Haywood County, TN, Macon County, IL, and Sunflower County, MS, and points in OH, on the one hand, and, on the other, points in the U.S.

MC 154182, filed January 30, 1981. Applicant: PETROLEUM TRANSPORT, INC., P.O. Box 31, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting *petroleum and petroleum products*, between TX and NM.

MC 154243, filed February 6, 1981. Applicant: KOPECKY CORPORATION, 606 N. Euclid Avenue, P.O. Box 5628, San Diego, CA 92105. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *Passengers and their baggage*, in round trip charter and special operations, beginning and ending at San Diego County, CA, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7342 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–033

Decided: February 25, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

MC 110563 (Sub-320), filed January 29, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambascia (same address as applicant), (513) 492–6181. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret material, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7340 Filed 3–6–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 33]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 3, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 41098 (Sub-56)X, filed February 18, 1981. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Suite 301, Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-Nos. 42, 49F, and 50F certificates, and permit No. MC–144860 Sub-No. 1F to (1) broaden its commodity descriptions (A) in Sub-No. 42, from new furniture, and furnishings, and new store, restaurant, household, hospital, institutional, and office fixtures and equipment, to "furniture and fixtures, machinery and furnishings," and from new floor covering, carpet and padding, to "textile mill products," and, (B) in Sub-Nos. 49F, 50F, and permit No. MC–144860 Sub-No. 1, from golf carts and industrial vehicles, and parts and attachments, and, helicopters and parts for helicopters, to "transportation equipment"; (2) in each certificate, change its one-way authority to radial authority between several specified States in the U.S., and replace cities or specified plantsites with county-wide authority: (A) in Sub-No. 42, part (II)(a), Allentown, PA, with Lehigh County, PA, Brockport, NY, with Monroe County, NY, Ashland, MA with Middlesex County, MA, Asheboro, NC, with Randolph County, NC, Ontario and San Leandro, CA, with San Bernardino and Alameda Counties, CA, Tukwila, WA, with King County, WA; in part (II)(b), Seattle and Tukwila, WA, with King and Seattle Counties, WA, Ontario, CA, with San Bernardino County, CA, Grand Prairie, TX, with Dallas County, TX, Lenexa, KS, with Johnson County, KS, Broadview, IL, with DuPage County, IL, Laurel, MD, with Prince Georges County, MD, Edison, NJ, with Middlesex County, NJ, and Columbus, OH, with Franklin County, OH; in part (II)(c), Jackson and Canton, MI, with Jackson and Plymouth Counties, MI, Alamogordo, NM, with Otero County, NM; in part (II)(d), St. Cloud, MN, with Stearns County, MN, Mansfield, OH, with Richland County, OH, Heron, IL, with Williamson County, IL; in part (III) (a) and (c), Dalton and Cartersville, GA, with Whitfield and Bartow Counties, GA; (B) in Sub-No. 49F, Anaheim, CA, with Orange County, CA; (C) in Sub-No. 50F, Redlands, CA, with San Bernardino County, CA; and (D) in permit No. MC–144860 Sub-No. 1, authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 98952 (Sub-81)X, filed February 19, 1981. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford St., Decatur, IL 62526. Representative: Phillip W. Edmiston (same as applicant). Applicant seeks removal of restrictions in its Sub-Nos. 20, 22, 26, 29, 36, 39, 41, 45, 47, 48, 50, 52F, 54F, 55F, 57F, 58F, 63F, 68F, 69F, 70F, 73F, 74F, 78F, and 79F certificates, to broaden some commodity descriptions, substitute county-wide authority in place of specified cities and plantsites, and change one-way service to authorize radial service in its irregular-route authority, as follows: in Sub-No. 20 sheet 2, from canned foods to "food and related products," between Tipton and Miami Counties, IN (Tipton and Peru, IN) Indianapolis, IN, and Sagamon, McLean, and Knox Counties, IL (Springfield, Bloomington, and Galesburg, IL); and, sheet 3 from fruits, vegetables, live and dressed poultry, eggs, and groceries to "food and related products," between St. Louis, MO, and Macon County, IL (Decatur, IL); in Sub-No. 22, from confectioneries to "food and related products, advertising matter, premiums, and display material when shipped in the same vehicle with food and related products," between Macon County, IL, (Decatur, IL), and McCracken, Henderson, and Daviess Counties, KY, (Paducah, Henderson, and Owensboro, KY) and part of IN; in Sub-No. 28, between Knox County, IL, (facilities near Galesburg, IL) and points in IA and MO; in Sub-No. 29, from confectioneries, in vehicles equipped with mechanical refrigeration, to "food and related products," between Du Page County, IL (facilities at Carol Stream, IL) McCracken, Henderson, Daviess, and Jefferson Counties, KY, (Paducah, Henderson, Owensboro, and Louisville, KY) and points in IN; in Sub-No. 36, between Macon County, IL, (facilities at Decatur, IL) and Kansas City, KS, and points in 10 States; in Sub-No. 39, between Chicago, IL, (facilities in the Chicago, IL commercial zone) and points in IN, and Henderson, Daviess, and McCracken Counties, KY (Henderson, Owensboro and Paducah, KY); in Sub-No. 41, from alcohol, in bulk, to

"commodities in bulk," between Macon County, IL, (facilities at Decatur, IL) and points in the United States; in Sub-No. 45, from confectionery and foodstuffs, except in bulk, in vehicles equipped with mechanical refrigeration, to "food and related products," between Chicago, IL, Du Page County, IL, (facilities at Chicago and Carol Stream, IL) and points in OH and KY; in Sub-No. 47, from candy to "food and related products," between Tipton County, TN, (facilities near Covington, TN) and points in eight States; in Sub-No. 48, from chemicals (with restrictions) to "commodities in bulk (except liquified natural gas) in tank or hopper-type vehicles," between Douglas County, IL (Tuscola, IL), points in UT, and points in the U.S. on and east of U.S. Hwy 85; in Sub-No. 50, between Rock, Dodge, Milwaukee, Green, and Waupaca Counties, WI, (Deloit, Mayville, Milwaukee, Monroe, and Waupaca, WI) and Daviess, McCracken, Henderson and Jefferson Counties, KY (Owensboro, Paducah, Henderson, and Louisville, KY), points in IN, part of IL, Jefferson County, MO (De Soto, MO) and seven other counties in MO; in Sub-No. 52, from foodstuffs, except in bulk, in mechanically refrigerated equipment to "food and related products, except in bulk," between Scott County, IA, (facilities near Bettendorf, IA) and points in seven States and TN, except Memphis, TN; in Sub-No. 54F, from foodstuffs, candy and confectionery to "food and related products, except commodities in bulk," between Chicago, IL, (facilities in Chicago, IL) and points in IN, KY, MO and OH; in Sub-No. 55F, from foodstuffs, except commodities in bulk, in tank vehicles, in vehicles equipped with mechanical refrigeration, to "food and related products," between Bradley County, TN, (Cleveland, TN) and points in seven States; in Sub-No. 57F, between Coles County, IL, (facilities near Mattoon, IL), Franklin County, OH, (Columbus, OH), and points in the U.S. on and east of U.S. Hwy 85; in Sub-No. 58F, from frozen foods, in vehicles equipped with mechanical refrigeration, to "food and related products," between Chicago, IL, (facilities at Chicago, IL) and points in six States; in Sub-No. 63F, from foodstuffs, cleaning compounds, and toilet preparations, except commodities in bulk, in vehicles equipped with mechanical refrigerations, to "cleaning compounds and toilet preparations, except commodities in bulk," between Chicago, IL, (facilities near Chicago, IL) and points in four States; in Sub-No. 68F, between Cincinnati, OH, (facilities near Cincinnati, OH) and points in three States; in Sub-No. 69F, from foodstuffs, except in bulk, to "food and related products," between McHenry County, OH, (facilities near Napoleon, OH) and points in eight States; in Sub-No. 70F, from foodstuffs to "food and related products, except commodities in bulk," between Kansas City, MO, (facilities near Kansas City, MO) and points in eight States; in Sub-No. 73F, from chemicals, except liquified natural gas and polyethylene resins, to "commodities in bulk, except liquified natural gas, between Douglas County, IL (Tuscola, IL), and points in the U.S. west of U.S. Hwy 85, except UT; in Sub-No. 74F, between Morgan County, IL, (Jacksonville, IL) and points in nine States; in Sub-No. 78F, from foodstuffs, in mechanically refrigerated equipment, except in bulk, to "food and related products," between Jefferson County, KY, (facilities in Louisville, KY) and points in seven States; in Sub-No. 79F, from confectionery and confectionery products, in mechanically refrigerated equipment, except in bulk, to "food and related products," between Cincinnati, OH, (facilities near Cincinnati, OH) and points in two States. It also seeks to remove restrictions to the transportation of traffic originating at the named origins and destined to the named destinations in Sub-Nos. 28, 36, 39, 41, 45, 48, 50, 52, 54F, 55F, 57F, 58F, 63F, 68F, 69F, 70F, 73F, 74F, 78F and 79F, remove restrictions against the transportation of commodities in bulk, and/or in vehicles equipped with mechanical refrigeration in Sub-Nos. 36, 39, and 50, and remove exception against service to IL, AK and HI in Sub-No. 41.

MC 10674 (Sub-169)X, filed February 18, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221–S, Forest City, NC 28043. Representative: Larry Lawing (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 34, 55, 61F, 74F, 75F, 80F, 81F and 82F certificates to (1) broaden the commodity descriptions to (a) "containers and container closures", from cans and can ends in Sub-No. 34, and metal containers and closures and accessories for metal containers (except tank and hopper containers) in Sub-No. 74F; (b) "building materials" from insulating material (except in bulk) in Sub-No. 55; and, (c) "food and related products" from meats, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk) in Sub-Nos. 61F, 75F, and 81F, and from frozen foods in Sub-No. 80F, (2) replace named plantsites in specified cities with county-wide authority: Marshall County, IN, for Plymouth, IN in Sub-No. 34; Mesa County, CO, for Fruita, CO and Lincoln County, LA for Grambling, LA in Sub-No. 55; Freeborn County, MN, for Albert Lea, MN in Sub-No. 61F; Buchanan County, MO, for St. Joseph, MO in Sub-No. 74F; Montcalm County, MI, for Greenville, MI in Sub-No. 80F; Linn and Polk Counties, IA, for Cedar Rapids and Des Moines, IA in Sub-No. 81F; Appomattox and Campbell Counties, VA, for Appomattox and Brookneal, VA, and, Guilford County, NC, for Pleasant Garden, NC, in Sub-No. 82F. Applicant also seeks to (1) expand its one-way authority to radial authority between specified cities or counties in 7 central and 2 eastern States, and points in numerous specified States or cities throughout the U.S. and D.C. in the numbers above, (2) remove the restrictions limiting service to the transportation of traffic originating at or destined to named destinations in Sub-Nos. 61F, 80F, and 81F, and (3) remove the exceptions of AK, HI and in some instances the origin states from its nationwide authority in Sub-Nos. 55 and 82F.

MC 111231 (Sub-342)X, filed February 13, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 66, 149, 155, 194, 201, 221, 225, 240F, 254F, 258F, 260F, 272F, 274F, 279F, 286F, 309F, 341F, 317F, 323F and 324F certificates to (1) broaden the commodity description in all the above authority to "building materials, and, lumber and wood products," from composition building boards, lumber, posts, poles or piling, millwork, and pallets, wood products, roofing and roofing materials, lumber products, asbestos siding, asphalt, insulation materials, and wallboard; (2) broaden the territorial descriptions to county-wide authority: in Sub-Nos. 66, 225, and 309F, Washington, Jones and Lauderdale Counties, MS for Greenvile, Laurel and Meridian, MS; in Sub-Nos. 221 and 240F, Shelby County, TN for Memphis, TN; in Sub-Nos. 149 and 221, Jasper, Butler and Oregon Counties, MO, for Joplin, Poplar bluff, and Alton, MO; in Sub-No. 221, Quachita, Washington, Crittenden, and Sebastian Counties, AR, for Camden, Springdale, West Fork, West Memphis, and Fort Smith, AR; in Sub-Nos. 221 and 260F, Galveston, Harris and Dallas Counties, TX, for Galveston, Houston and Dallas, TX; and in Sub-Nos. 272F, 279F, 309F and 323F, Pottawatomie, Oklahoma and Lincoln Counties, OK, for Shawnee, Oklahoma City and Stroud, OK; (3) in all certificates (except Sub-

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Nos. 260F, 286F, 309F, 314F, 317F and 324F) authorize radial service between various specified points in the U.S. and (4) in Sub-Nos. 149, 155, 194, 201, 221, 240F, 254F, 260F, and 309F, remove restriction limiting service to the transportation of traffic (a) originating at and or destined to named shippers' facilities, and (b) in Sub-No. 221, to shipments having a prior movement by water and (5) remove the AK and HI exceptions in Sub-Nos. 317F and 323F.

MC 115092 (Sub-127)X, filed February 2, 1981. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174. Applicant seeks to remove restrictions in its Sub-Nos. 9, 24, 40, 67F, 71F, and 78F, certificates to (1) broaden the commodity descriptions as follows: in Sub-No. 9 from well-servicing equipment and supplies and drilling parts and supplies (except drilling rigs) to "Mercer commodities"; in Sub-Nos. 24, 40, 67 and 71, from bentonite, bentonite, in bags, in bulk, in tank vehicles, lignite coal and treated lignite to "clay products" and "coal and coal products"; in Sub-No. 24 from water impedance boards to "building materials" and in Sub-Nos. 24 and 71 from foundary molding sand treating compounds and drilling mud additives to "chemicals and related products"; (2) broaden the territorial scope by replacing named facilities with county-wide authority: Belle Fourche with Butte County, SD and Lovell and Upton with Big Horn and Weston Counties, WY in Sub-No. 24; Belle Fourche with Butte County SD, in Sub-No 40; Malta with Phillips County, MT and facilities at Crook County, with Crook County, WY in Sub-No. 67F; Greybull with Big Horn County, WY and facilities at Sweetwater County with Sweetwater County, WY in Sub-No. 71F; and Plum with Fayette County, TX in Sub-No. 78F; (3) replace one-way with radial authority between the counties named in (2) and mainly points in western and southern states in all of the authorities; (4) remove restrictions limiting traffic originating at or destined to named facilities in Sub-Nos. 9, 24, 67F, 71F and 78F; and (5) delete the exception of AK and HI on its nationwide grant in Sub-No. 78F.

MC 118638 (Sub-77)X, filed February 20, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. 18th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 26F and 28F certificates to (1) broaden the commodity description from (a) plastic pipe, and fittings to "rubber and plastic products" in both Sub-Nos. (b) fire hydrants, and valves to "metal products" in Sub-No. 26F; (2) delete the "in bulk, in tank vehicle" commodity restriction in both Sub-Nos. and (3) authorize radial service in lieu of existing one-way authority and replace county-wide authority for city authority: between Upshur County (for Buckhannon, WV) and points in the U.S. in and east of MT, WY CO, and NM (except WV), and between Ottawattamie County (for Council Bluffs, IA), and points in 14 western and midwestern States, in Sub-No. 28F.

MC 127524 (Sub-29)X, filed February 20, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart Street, Rahway, NJ 07065. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from chemicals, in bulk (except liquefied petroleum gas) to "commodities in bulk (except liquefied petroleum gas)"; (2) broaden the territorial scope by replacing one-way authority with radial and replacing its terminal, in North Bergen, NJ, with county-wide authority, as follows: between points in Hudson County, NJ and points in NJ; points in named Counties in NY and New York, NY; points in named Counties in CT, DE, and PA; and (3) remove the restriction limiting traffic to that having a prior movement by rail.

MC 133591 (Sub-139)X, filed Feb 19, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 96F certificate to (1) broaden the commodity description from containers, dishes, plates, napkins, and plastic articles in part (1) to "Such Commodities as are dealt in or used by manufacturers of containers, plastic articles and paper and paper products" and from glass products in part (2) to "Such Commodities as are dealt in or used by manufacturers of glass and glass products" (2) replace the city-wide territorial description with county-wide authority; Springfield, MO with Greene County, MO, Mexia, TX with Limestone County, TX, and Barnstorm, KY, with Nelson County, KY, and (3) replace one-way authority with radial authority between Greene County, MO, Limestone County, TX, and Nelson County, KY, Toledo, OH and Riverside, CA, and, points in 30 named states in part (1) and between Los Angeles, CA, Shreveport, LA, and Toledo, OH, and, points in 25 named states in part (2).

MC 140363 (Sub-18)X, filed February 19, 1981. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, LA 70075. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 5, 11, 12, 13, 14, 15 and 17F certificates to (1) broaden the commodity description from (a) coke and coal to "coal and coal products" in Sub-Nos. 2, 11, 13 and 14, (b) clam and oyster shells, including mixtures with sand, in Sub-Nos. 3 and 5, and sand, gravel, lime, limestone in Sub-No. 12 and ores in Sub-No. 13 to "ores and minerals" (c) alloys to "metal products" in Sub-No. 13, (d) aluminum fluoride to "chemicals and related products" in Sub-No. 17, (2) eliminate the in bulk, in dump vehicle or dump truck exceptions in all referenced Sub-Nos., (3) authorized radial service in lieu of existing one-way authority in Sub-Nos. 2, 3, 5, 11, 12, 13 and 17, (4) eliminate the restriction limiting transportation to shipments having a prior movement by water in Sub-No. 13, (5) broaden the territoral description by replacing city-wide with county-wide authority: Lamar County for Purvis, MS, in Sub-No. 2; Lamar County for Purvis, MS, and Blount County for Alcoa, TN, in Sub-No. 11; Ascension County for Geismar, LA, in Sub-No. 17 and (6) eliminate the restriction against the transportation of lime from New Orleans, LA, and the facilities of a named company at Amelia, LA, to points in MS in Sub-No. 12.

MC 142559 (Sub-165)X, filed February 17, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 20, 23, 24, 25, 27, 28, 31, 32, 34, 35, 36, 37, 41, 42, 44, 45, 46, 47, 50, 51, 53, 57, 58, 60, 63, 64, 65, 68, 69, 70, 71, 73, 74, 76, 77, 83, 84, 85, 96, 99, 102, 104, 106, 107, 108, 109, 110, 111, 114, 115, 131, 132, 133, 143, 146, 151, 154, certificates to (1) broaden the commodity description from (a) water heaters, parts, and accessories, air conditioners, air coolers, furnaces, heating equipment, fans, heaters, heat, heat recyclers, vacumn cleaners, household compactors, door chimes, range hoods, water storage tanks, gas and electric appliances, scales, power transmission machinery, motors, motor controllers, elevators, escalators, food processing equipment, telecommunication equipment, welders, welder systems, audio electronic products to "machinery" in Sub-Nos. 1, 4, 8, 11, 13, 25, 31, 36, 71, 76, 85, 96, 106, 108, 109, 131, 133, 151, (b) tires and tubes, plastic articles, lawn and garden care products, rubber and rubber products, plastic flakes, plastic granules, plumbing fixtures, plastic powder, plastic carpeting, liquid plastic to "rubber and plastic products", in Sub-Nos. 3, 23, 44, 50, 51, 68, 69, 110, 114, 115, 143, (c) general commmodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 146, (d) wheels and shock absorbers, couplers, auto materials and supplies, bicycles, to "transportation equipment" in Sub-Nos. 3, 9, 42, and 70, (e) agricultural limestone and gypsum, hot tops, glass containers, television picture tube products, fireplaces, glazed clay tiles to "clay, concrete, glass, or stone products" in Sub-Nos. 6, 7, 28, 41, 73, 154, (f) valves, insulators, clamps, arresters, switches, poles, harps, range splash plates, roof cappings, foil, television picture tubes, plumbing fixtures, overhead door sections, heaters and ventilators, grills, automotive accessories, to "metal products" in Sub-Nos. 9, 13, 14, 41, 44, 73, 102, 107, 114, (g) furniture, fireplace logs, knocked down buildings, to "lumber and wood products" in Sub-Nos. 10, 25, 45, 63, (h) wrapping paper, paper bags, paper products, woodpulp, to "pulp, paper, and related products" in Sub-Nos. 14, 23, 27, 47, 64, 65, 77, 84, 104, 132, (i) malt beverages, animal feed, chewing gum, candies, cough drops, flavoring syrup, foodstuffs, to "food and related products" in Sub-Nos. 24, 32, 34, 35, 57, 58, 60, 99, (j) personal care products, fuel additives, glass cleaner, fertilizer, lawn and garden care products, soap, deodorants, disinfectants, welding compounds, sealing compounds, to "chemicals and related products" in Sub-Nos. 34, 37, 46, 68, 74, 106, 109, 110, (k) lubricant additives, charcoal briquetts, oil conditioners, to "petroleum, natural gas and their products" in Sub-Nos. 37, 45, 74, (l) marble chips to "ores and minerals" in Sub-No. 46, (m) sporting goods, games, toys, athletic clothing, to "miscellaneous products of manufacturing" in Sub-No. 53, (n) life preservers to "instruments and photographic goods" in Sub-No. 53, (o) carpets, wearing apparel and automotive accessories to "textile mill products" in Sub-Nos. 83, 111, and 114; (2) authorize radial authority in place of existing one-way service in Sub-Nos. 3, 4, 6, 7, 8, 9, 10, 13, 14, 20, 23, 24, 25, 27, 28, 31, 34, 36, 37, 42, 44, 45, 46, 50, 51, 53, 63, 71, 73, 76, 83, 146; (3) eliminate restrictions against service to AK, HI, in some instances and the origin State, where service is authorized to points in the U.S. in Sub-Nos. 1, 4, 32, 36, 50, 57, 63, 69, 70, 74, 84, 85, (4) delete the originating at and/or destined to named origins in Sub-Nos. 1, 3, 14, 25, 32, 34, 47, 50, 57, 58, 60, 64, 65, 77, 83, 84, 106, 108, 109, (5) remove the exceptions of "in bulk, in tank vehicles, those requiring special equipment" or other similar restrictions in Sub-Nos. 1, 4, 6, 13, 25, 32, 35, 36, 37, 41, 44, 46, 47, 50, 51, 57, 58, 60, 64, 65, 68, 69, 72, 73, 74, 76, 77, 83, 84, 85, 96, 99, 102, 104, 106, 107, 108, 109, 110, 111, 114, 115, 131, 132, 133, 143, 146, 151, 154, (6) replace city wide with county-wide authority: Barry County for Middleville, MI, in Sub-No. 1; Montgomery County for Montgomery, PA, in Sub-No. 3; Breckenridge County for Irvington, KY, in Sub-No. 6; Ashtabula County for Conneaut, OH, in Sub-No. 7; Richland and Summit Counties, OH, for Mansfield and Barberton, OH, and Hancock County for Newell, WV, in Sub-No. 9; Ellis County for Ennis, TX, and Shelby County for Simpsonville, KY, in Sub-No. 10; Middlesex County for Edison, NJ, in Sub-No. 11; Washington County for Hartford, WI, Scranton County for Old Forge, PA, Pulaski and Craighead Counties, AR, for Jacksonville and Jonesboro, AR, Hall County for Gainesville, GA, Allen County for Fort Wayne, IN, Wilkes County for Wilkesboro, NC, Coshocton County for West Lafayette, OH, in Sub-No. 13; Buncombe County for Asheville, NC, Cuyahoga County for Chagrin Falls, OH, in Sub-No. 14; Bergen County, NJ, for Elmwood Park, NJ, in Sub-No. 20; Panola and Greegg Counties for Carthage and Gladwater, TX, in Sub-No. 23; Houston County for Pabst, GA, in Sub-No. 24; Kankakee County for Kankakee, IL, McMinn County for Athens, TN, Rusk County for Henderson, TX, Cheatham County for Ashland City, TN, in Sub-No. 25; Mobile County for Mobile, AL, Cumberland County for Westbrook, ME, Washington County for Fort Edward, NY, in Sub-No. 27; Vigo County for Terre Haute, IN, Monmouth County for Cliffwood, NJ, Houston County for Warner Robins, GA, Scott County for Shakopee, MN, in Sub-No. 28; Coles County for Mattoon, IL, Reno County for Hutchinson, KS, in Sub-No. 32, New Haven County for Orange, CT, Lancaster County for Lititz, PA, in Sub-No. 34; Oneida County for Utica, NY in Sub-No. 36; Worcester County for Worcester, MA, Gloucester County for Paulsboro, NJ, in Sub-No. 37; Pickaway County for Circleville, OH and Scranton County for Dunmore, PA, in Sub-No. 41; Hunterdon County for Flemington, NJ, Fairfield County for Winnsboro, SC, and Wayne County for Dearborn, MI, in Sub-No. 42; Knox County for Abingdon, IL, and Crawford County for Robinson IL, in Sub-No. 44; Marion County for Marion, IL, in Sub-No. 45; Lancaster County for Lancaster, PA, Sussex County for Newton, NJ, and Crawford County for Crestline, OH, in Sub-No. 46; Wayne and Lake Counties for Rittman and Mentor, OH, in Sub-No. 47; Polk and Bartow Counties for Cedartown, Rockmart and Cartersville, GA and Morgan and Jackson Counties for Decatur and Scottsboro, AL, in Sub-No. 50; Macomb and Wayne Counties for Dearborn and Warren, MI in Sub-No. 51; Ashland and Lorain Counties for Ashland and Wellington, OH, in Sub-No. 53; Smith County for Lindale, TX, in Sub-No. 57; Montgomery County for Canajoharie, NY, in Sub-No. 58; Middlesex County for Lowell, MA, in Sub-No. 60; Warren and Pascagoula Counties for Ridewood and Mass Point, MS, Mobile County for Mobile, AL, and Georgetown County for Georgetown, SC, in Sub-No. 64; Ouachita and Jefferson Counties for Camden and Pine Bluff, AR, Webster County for Springhill, LA, and Adams County for Natchez, MS, in Sub-No. 65; Union County for Marysville, OH, in Sub-No. 68; Dallas County for Irving, TX, in Sub-No. 69; Dade County for Miami, FL, DuPage County for Bensenville, IL, Los Angeles County for Long Beach, CA and Erie County for Buffalo, NY, in Sub-No. 70; Lackawanna County for Scranton, PA, in Sub-No. 73; Summit County for Barberton, OH in Sub-No. 74; Anderson County for Lawrenceburg, KY, St. Joseph County for Mishawaka, IN, Greenville and Spartanburg Counties for Greenville and Spartanburg, SC, Hawkins County for Rogersville, TN, Columbiana County for Columbiana, OH, in Sub-No. 76; Hampden County for Holyoke, MA, Coles County for Mattoon, IL, and Tarrant County for Grapevine, TX, in Sub-No. 77; Mercer County for Trenton, NJ, Marion County for Columbia, MS, and Bedford County for Shelbyville, TN in Sub-No. 83; Worcester County for Gardner, MA, in Sub-No. 84; Morgan County for Decatur, AL, in Sub-No. 85; Coffee County for Douglas, GA, in Sub-No. 99; Butler County for Hamilton, OH in Sub-No. 104; La Puente and Los Angeles Counties for City of Industry and Santa Fe Springs, CA, in Sub-No. 106; Orange County for Fullerton, CA and Obion County for Union City, TN, in Sub-No. 107; San Bernadino County for Ontario, CA, Monroe County for Brockport, NY, Randolph County for Asheboro, NC, Lehigh County for Allentown, PA, in Sub-No. 108;

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McLennan County for Waco, TX, Montgomery County for Dayton, OH, La Puente and Imperial Counties for City of Industry and Calexico, CA, in Sub-No. 110; El Paso County for El Paso, TX in Sub-No. 111; Le Sueur County for Waterville, MN, in Sub-No. 114; Wood County for North Baltimore, OH, in Sub-No. 115; Middlesex County, for Edison, Woodbridge, Avenel and Metuchen, NJ, in Sub-No. 131; Wilmington County for Stanton, DE, in Sub-No. 132; Smith County for Tyler, TX, in Sub-No. 133; Howard County for Big Springs, TX, Calcasieu County for Lake Charles, LA in Sub-No. 143; Chesterfield County for McBee, SC, in Sub-No. 151; and Anderson County for Lawrenceburg, KY, in Sub-No. 154.

MC 144810 (Sub-7)X, filed February 20, 1981. Applicant: FLOYD M. CROSS, 62911 Lopez Street, Espanola, NM 87532. Representative: Roger V. Eaton, 20 First Plaza, Suite 405, Post Office Drawer 965, Albuquerque, NM 87103. Applicant seeks to remove restrictions from its Sub-No. 5F permit to (1) broaden the commodity description from plastic containers, materials and supplies used in the production and marketing thereof to "rubber and plastic products" and "metal products", and (2) expand its territorial authority to between points in the U.S. under contract with a named shipper.

MC 145088 (Sub-8)X, filed February 20, 1980. Applicant: S & T TRUCKLOAD, INC., P.O. Box 4408, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its MC-146764 Sub-No. 2F permit to broaden the territorial authority to between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 81-7332 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 2, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–7

Decided February 27, 1981.

By the Commission, Review Board No. 2. Members Chandler, Eaton, and Liberman.

MC 15546 (Sub-2), filed February 23, 1981. Applicant: KIRCHWEHM BROS. CARTAGE, CO., INC., 1700 West Carroll Ave., Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603, (312) 236–0548. Transporting *such commodities* as are dealt in or used by food, grocery, and drug business houses, between points in the U.S., under continuing contract(s) with Procter & Gamble Distributing Co., of Cincinnati, OH.

MC 59666 (Sub-7), filed February 9, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02806. Representative: A. Joseph Mega (same address as applicant) (401) 724–1200. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Eastern Color & Chemical Company of Providence, RI.

MC 124306 (Sub-87), filed February 12, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerny, #502, 1000 16tht St., N.W., Washington, DC 20036 (202) 783–8131. Transporting *chemicals and related products*, between points in Kankakee County, IL, points in Gloucester and Middlesex Counties, NJ, points in Licking County, OH, points in Lexington County, SC, and points in Denton County, TX.

MC 134806 (Sub-72), filed February 20, 1981. Applicant: D-D-R TRANSPORT, INC., P.O. Box 1277, Vernon, Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014 (301) 986–9030. Transporting *skis and skiing equipment and accessories*, between points in the U.S., under continuing contract(s) with Olin Ski Company, Inc., of Middletown, CT.

MC 136786 (Sub-243), filed February 23, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Suite 307, Edina, MN 55424 (612) 927–8855. Transporting *pulp, paper and related products*, between points in Yamhill and Clackamas Counties, OR, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, UT, and WA.

MC 138536 (Sub-3), filed February 9, 1981. Applicant: METROPOLITAN VAN AND STORAGE, INC., P.O. Box 829, 417 Main St., Martinez, CA 94553. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting *such commodities* as are dealt in, used or stored by petroleum product distributors, including historical records, between points in the U.S.

MC 139906 (Sub-145), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501 (402) 476–1144. Transporting *food and related products*, between points in OR, on the one hand, and, on the other, points in the U.S.

MC 147636 (Sub-15), filed February 20, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, P.O. Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *food and related products*, between points in Fresno County, CA, Morgan County, IL, Gibson County, TN, Grayson County, TX, Dodge, Greene, and Waupaca Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-12), filed February 23, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting *such commodities* as are dealt in or used by discount and variety stores, between the facilities of Wal-Mart Stores, Inc., and its affiliates, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151996 (Sub-1), filed February 23, 1981. Applicant: M & S TRANSPORTATION, INC., Rt. 3, Box 5, Lonoke, AR 72086. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201 (501) 375–3022. Transporting *food and related products*, between points in Jefferson County, CO, and points in AR, TN, LA, and MS.

MC 154366, filed February 23, 1981. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Rd., Mt. Horeb, WI 53572. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *farm products*, between points in MN, IA, and IL, on the one hand, and, on the other, points in Dane and Iowa Counties, WI.

Volume No. OPY–9

Decided February 27, 1981.

By the Commission, Review Board No. 2. members Chandler, Eaton, and Liberman.

MC 107496 (Sub-1280), filed February 10, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2730. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 139906 (Sub-144), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *such commodities* as are dealt in or used by manufacturers of recreational, leisure, and sports equipment, between points in Dade County, FL, on the one hand, and, on the other, points in the U.S.

MC 153806 (Sub-1), filed February 10, 1981. Applicant: BILL McKEEN TRUCKING LIMITED, 1709 County Road 46, Comber, Ontario, CD NOP 1J0. Representative: W. Walter Travis, P.O. Box 774, Chatham, Ontario, CD N7M 5L1. Transporting (1) *furniture and fixtures*, between the ports of entry on the international boundary line between the U.S. and Canada in Wayne County, MI, on the one hand, and, on the other, points in FL, SC, and NC, and (2) *clay, concrete, glass or stone products*, between the ports of entry on the international boundary line between the U.S. and Canada in Wayne County, MI, on the one hand, and, on the other, points in FL, IN, and IN.

Volume No. OPY–10

Decided February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 99656 (Sub-5), filed February 10, 1981. Applicant: IDDINGS TRUCKING, INC., State Rt. 60, Box 388, Lowell, OH 45744. Representative: Michael Spurlock, 275 E. State St., Columbus, OH (614) 228–8575. Transporting (1) *commodities in bulk* between points in Washington County, OH, on the one hand, and, on the other, points in OH, and (2) *general commodities* (except classes A and B explosives), between points in Noble, Morgan, Muskingum, and Guernsey County, OH, on the one hand, and, on the other, points in OH.

MC 100666 (Sub-539), filed February 10, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 113106 (Sub-106), filed February 19, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, DC 20005, (202) 342–8600. Transporting *such commodities* as are dealt in and distributed by food business houses, between the facilities of Purex Corporation, in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, OK, and TX.

MC 117786 (Sub-130), filed February 18, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *printed matter*, between points in Montgomery County, OH, on the one hand, and, on the other, points in the U.S.

MC 139906 (Sub-143), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic articles, between points in the U.S.

MC 141136 (Sub-4), filed February 9, 1981. Applicant: TRIANGLE TRANSPORTATION & WAREHOUSING SYSTEMS, INC., 5051 Still Creek Ave., Burnaby, BC Canada V5C 4H6. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055 (206) 235–4730. Transporting *general commodities* (except classes A and B explosives), between ports of entry on the International boundary line between Canada and the U.S. in ID, MT, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 144756 (Sub-8), filed February 9, 1981. Applicant: DEDICATED TRUCKING CORP., P.O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 525 Evergreen Bldg. Renton, WA 98055, (206) 235–4700. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with Centennial Mills, Division of Univar, of Portland, OR.

MC 147196 (Sub-13), filed February 10, 1981. Applicant: ECONOMY TRANSPORT, INC., 1205 St. Louis St., New Orleans, LA 70150. Representative: Donald A. Larousse (same address as applicant), (504) 524–2411. Transporting *metal products*, between points in the U.S., under continuing contract(s) with National Flange & Fitting Company of Houston, TX.

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MC 147216 (Sub-4), filed February 12, 1981. Applicant: CARL KLEMM, INC. P.O. Box W197, 1126 Terry Lane, De Pere, WI 54115. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum products, natural gas and their products*, between points in Brown County, WI and Baraga County, MI.

MC 146226 (Sub-8), filed February 12, 1981. Applicant: J & P TRUCKING CO., INC., P.O. Box 457, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830, (814) 765–9611. Transporting *general commodities* (except classes A and B explosives), between the facilities of Westvaco Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150976, filed February 19, 1981. Applicant: ADAMS MOTORS, INC., 1930 E. 13th St., Ames, IA 50010. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *transportation equipment*, between points in Cook County, IL and Lancaster County, NE, on the one hand, and, on the other, points in the U.S.

MC 151226 (Sub-1), filed February 9, 1981. Applicant: MACK'S WRECKER SERVICE AND AUTO REPAIR, INC., 112 North 11th St., West Memphis, AR 72301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103, (901) 526–4114. Transporting *transportation equipment*, (1) between points in Shelby County, TN, and Crittenden County, AR, on the one hand, and, on the other, points in the U.S., and (2) between points in AR, TN, MS, AL, LA, TX, OK, MO, IL, IN, KS, and KY.

MC 152266 (Sub-2), filed February 19, 1981. Applicant: ABC EXPRESS, INC., P.O. Box 890, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in Bartow, Catoosa, Clayton, Cobb, DeKalb, Douglas, Fulton, Gordon, Gwinnett, Rockdale and Whitfield Counties, GA, on the one hand, and, on the other, points in KY and TN.

MC 153996 (Sub-1), filed February 10, 1981. Applicant: FAUCHER BROS., CARTAGE, INC., 223 West Ontario St., Chicago, IL 60610. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with Distribution Development, Inc., of Sarasota, FL.

MC 154136, filed February 9, 1981. Applicant: SUN LINE CORPORATION, P.O. Box 145, Burns Flat, OK 73624. Representative: Lonnie C. Freels (same address as applicant), (405) 562–3374. Transporting *Mercer commodities*, between points in Washita County, OK, on the one hand, and, on the other, points in AL, AK, AZ, AR, CA, CO, FL, GA, ID, KS, LA, MS, MO, MT, NE, NV, NM, ND, OK, OR, TN, TX, UT, WA, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7284 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–8

Decided: February 27, 1981.

By the Commission Review Board No. 2. Members Chandler, Eaton and Liberman.

MC 152676 (Sub-1), filed February 24, 1981. Applicant: BILLY O. HONEYCUTT, d.b.a. HONEYCUTT MOVING & STORAGE, 404 Neal St., Jacksonville, AR 72076. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101 (314) 241–9333. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7283 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulation. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendements to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. Op4–56

Decided February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton and Liberman.

MC 154166, filed February 2, 1981. Applicant: KENNETH D. McNATT, d.b.a. KENCO TRANSPORTATION SERVICES, 2402 S. Glenbrook Dr., Garland, TX 75041. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. To operate in interstate or foreign commerce, as a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7285 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–051

Decided February 24, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton and Liberman.

MC 5227 (Sub-83), filed February 6, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *building materials*, between points in DeWitt County, IL, Cobb and Fayette Counties, GA, and Caddo and Bossier Parishes, LA, on the one hand, and, on the other, points in the U.S.

MC 30237 (Sub-45), filed February 5, 1981. Applicant: YEATTS TRANSFER COMPANY, a corporation, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant). Transporting *furniture and fixtures*, between those points in the U.S., in and east of WI, IL, MO, AR, and LA.

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MC 42487 (Sub-1027), filed February 6, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except classes A and B explosives), serving points in Holmes County, OH as off-route points in connection with carrier's otherwise authorized regular route operations.

MC 42487 (Sub-1028), filed February 6, 1981. Applicant: CONSOLIDATED FRIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except classes A and B explosives), serving points in Juab County, UT as intermediate and off-route points in connection with carrier's existing regular-route operations.

Note.—Applicant intends to tack to its existing rights and any authority it may acquire in the future.

MC 63417 (Sub-302), filed February 5, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *furniture and fixtures*, between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 89617 (Sub-29), filed February 6, 1981. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, NC, SC, TN, and VA.

MC 98327 (Sub-52), filed February 6, 1981. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Dr., Oakland, CA 94621. Representative: Bruce H. Howe, (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CA, OR, NV, WA, ID, TX, NM, CO, AZ, and UT.

Note.—Applicant states it intends to tack the requested authority with its regular route authority in MC-98327.

MC 99117 (Sub-3), filed February 2, 1981. Applicant: T. H. RYAN CARTAGE CO., a corporation, 111 South 7th Ave., Maywood, IL 60153. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sueske Brass & Copper Co., of Downers Grove, IL; Elcen Metal Products Company, of Franklin Park, IL; Standard Components Division of Standcomp Incorporated, of Elk Grove Village, IL; Stewart-Warner Corporation, of Chicago, IL; and General Warehouse & Transportation Co., of Melrose Park, IL.

MC 105007 (Sub-74), filed February 5, 1981. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *metal products; machinery; clay, concrete, glass or stone products; lumber and wood products;* and *chemicals,* and *related products,* between points in Freeborn County, MN, on the one hand, and, on the other, points in the U.S.

MC 105007 (Sub-75), filed February 5, 1981. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *food and related products, (1)* between point in IA, MN, NE, WI, and MO, on the one hand, and, on the other, those points in ND, SD, NE, KS, MN, IA, MO, WI, IL, MI, IN, OH, KY, PA, and WV, (2) between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S., in and east of ND, SD, NE, CO, OK, and TX, and (3) between points in Franklin County, OH, and Coles County, IL, on the one hand, and, on the other, points in the U.S

MC 108937 (Sub-70), filed February 2, 1981. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, IL, IN, IA, KS, KY, MI, MN, MO, NC, ND, NE, NY, OH, PA, SC, SD, TN, VA, WV, and WI.

MC 117427 (Sub-81), filed February 5, 1981. Applicant: G.G. PARSONS TRUCKING CO., a corporation, P.O. Box 1085, N. Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *furniture and fixtures,* between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 119777 (Sub-520), filed February 6, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy. 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting (1) *forest products,* (2) *lumber and wood products,* (3) *plup, paper and related products,* (4) *chemicals and related products,* (5) *rubber and plastic products,* (6) *machinery,* (7) *containers* and (8) *building and construction materials,* between points in the U.S.

MC 119777 (Sub-521), filed February 4, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in Warren County, KY, on the one hand, and, on the other, points in the U.S.

MC 119777 (Sub-522), filed February 4, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in Yellowstone County, MT and those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 123407 (Sub-664), filed February 5, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *lumber and wood products,* between points in MN, on the one hand, and, on the other, points in the U.S.

MC 128117 (Sub-43), filed February 5, 1981. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *furniture and fixtures,* between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 129987 (Sub-1), filed February 2, 1981. Applicant: TERRA COTTA TRUCK SERVICE, INC., Jct. IL Hwys. 31 and 176, P.O. Box 424, Crystal Lake, IL 60014. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Cargill Salt Division, Cargill, Inc., of Minnetonka, MN, Domtar Industries, Inc., Sifto Salt Division, of Schiller Park, IL, International Salt Company, of Clarks Summit, PA and Morton Salt, Division of Morton-Norwich Products, Inc., of Chicago, IL.

MC 133757 (Sub-4), filed February 5, 1981. Applicant: CAROLINA EAST FURNITURE TRANSPORT INC., P.O. Box 1426, Sumter, SC 29150. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *furniture and fixtures,* (a) between points in MS, on the one hand, and, on the other, points in CT, DE, GA, MA, MD, NC, NJ, NY, PA, SC, VA, and DC, and (b) between points in Nash County, NC and Sumter County, SC, on the one hand, and, on the other, points in KY, and (2) *metal products,* between points in Floyd County, IN, on the one hand, and, on the other, points in GA, NC, and SC.

MC 147547 (Sub-13), filed February 5, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37217. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Camp Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149187 (Sub-2), filed February 3, 1981. Applicant: MUD RIVER TRUCKING, INCORPORATED, 1030 West Fifth Ave., Huntington, WV 25704. Representative: John M. Freidman, 3930 Putnam Ave., Hurricane, WV 25526. Transporting (1) *waste or scrap materials not identified by industry producing,* and (2) *hazardous materials,* between points in the U.S. Condition: Any certificate issued here to the extent it authorizes the transportation of hazardous material shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 150707 (Sub-1), filed February 5, 1981. Applicant: CASPER MOBILE HOME SALES, INC., 3501 Flordia Dr., Loveland, CO 80537. Representative: Richard J. Bara, Steele Park, Suite 330, 50 So. Steele St., Denver, CO 80209. Transporting *transportation equipment,* (1) between points in CO, NE, and WY, and (2) between points in (1) above, on the one hand, and, on the other, points in Fairbault County, MN, and points in AZ, KS, MT, NM, NV, OK, ID, SD, TX, and UT.

MC 154127 Sub, filed February 3, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., P.O. Box 67, Rudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *such commodities* as are dealt in or used by food services distributors, between points in Wexford County, MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Mid State Fruit, Inc., of Cadillac, MI.

MC 154187, filed February 6, 1981. Applicant: PIKNIK TRANSPORTATION CO., INC., 3806 Day St., Montgomery, AL 36195. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Upchurch Oil & Supply Co., Inc., Hudson-Thompson Inc., Schloss & Kahn, Inc., and Piknik Products Co., and its subsidiaries, all of Montgomery, AL, and Shenandoah Apple Cooperative, of Winchester, VA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7288 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority is issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-04

Decided February 27, 1981.

By The Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

MC 76 (Sub-28), filed February 9, 1981. Applicant: MAWSON & MAWSON, INC., Rte. 213 Old Lincoln Hwy, Langhorne, PA 19047. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, (412) 471-3300. Transporting (1) *metal products,* (2) *cloy, concrete, glass or stone products,* (3) *lumber and wood products,* and (4) *machinery,* between points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC.

MC 15936 (Sub-4), filed February 9, 1981. Applicant: SHEANS FREIGHT LINES, INC., 75 Locust St., Medford, MA 02155. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523-0800. Transporting *general commodities* (except classes A and B explosives), between points in CT.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 15936 (Sub-5), filed February 9, 1981. Applicant: SHEANS FREIGHT LINES, INC., 75 Locust St., Medford, MA 02155. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523-0800. Transporting *such commodities* as are used by department

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stores and mail order and discount houses, between points in the U.S.

MC 26396 (Sub-391), filed February 9, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 86501, (402) 475–6761. Transporting *Mercer commodities*, between points in Crawford County, OH, Marathon County, WI, and Venango County, PA, on the one hand, and, on the other, points in CO, ID, IL, KY, LA, MI, MS, MT, NM, ND, OH, OK, SD, TX, UT, WV, WI, and WY.

MC 99136 (Sub-6), filed February 9, 1981. Applicant: CHARLES C. TOWNE & SONS, INC., 25 Hampshire Rd., Methuen, MA 01844. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), (1) between points in CT, ME, MA, NH, RI, and VT, and (2) between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in NJ, NY, and PA.

MC 129326 (Sub-38), filed February 9, 1981. Applicant: CHEMICAL TANK LINES, INC., P.O. Box 432, Mulberry, FL 33860. Representative: Charles A. Webb, Suite 1111, 1828 L St., N.W., Washington, DC 20036, (202) 296–2929. Transporting *commodities in bulk*, (1) between points in FL, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX, (2) between points in Polk and Hillsborough Counties, FL, on the one hand, and, on the other, points in DE, IN, KY, MD, NE, NJ, OH, PA, VA, and WV, and (3) between points in St. Charles, Orleans, and Jefferson Parishes, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, and TX.

MC 144806 (Sub-7), filed February 12, 1981. Applicant: FRED M. ANDERSON, d.b.a. DELTA VALLEY TRUCKING, 69 N. 200 W., P.O. Box 51, Delta, UT 84624. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531–1300. Transporting *metal products*, between points in the U.S., under continuing contract(s) with All Metals & Fasteners, of Salt Lake City, UT.

MC 147536 (Sub-28), filed February 17, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant) (417) 782–2600. Transporting *textile mill products*, between points in McPherson County, KS, on the one hand, and, on the other, points in AR, IL, IA, MN, MO, OK, and WI.

MC 147536 (Sub-29), filed February 10, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant) (417) 782–2600. Transporting *pulp, paper and related products*, between points in Muskogee County, OK, on the one hand, and, on the other, points in AL, AR, FL, KS, LA, MO, TX, and UT.

MC 148966 (Sub-5), filed February 17, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food and related products*, between points in Buena Vista, Cherokee, Woodbury and Polk Counties, IA, on the one hand, and, on the other, points in AZ, CT, DE, MA, MD, NJ, NY, OH, PA, VA, and DC.

MC 150366 (Sub-1), filed February 18, 1981. Applicant: BIG BEAR TRANSPORTATION CO., 328 11th Ave., North, P.O. Box 23174, Nashville, TN 37202. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW, Washington, DC 20006, (202) 331–1174. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Polar Refrigerated Services, Inc., of Nashville, TN.

MC 150496 (Sub-11), filed February 14, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting *sporting goods and recreational equipment*, between points in Bossier Parish, LA, and Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 152526 (Sub-1), filed February 9, 1981. Applicant: PIGGYBACK TRANSPORT, INC., 1355 Fifth St., Oakland, CA 94607. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *general commodities* (except classes A and B explosives), between points in CA.

Volume No. OPY–06

Decided February 27, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

MC 21866 (Sub-192), filed February 9, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between the facilities used by RCA Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 21866 (Sub-193), filed February 10, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between the facilities of St. Joe Minerals, Inc. and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 29886 (Sub-384), filed February 12, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 2005, (202) 347–3987. Transporting *transportation equipment*, between the facilities of White Motor Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 37656 (Sub-16), filed February 10, 1981. Applicant: DOYLE TRUCKING CORPORATION, 570 Rahway Ave., Woodbridge, NJ 07095. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Simmons U.S.A. Corporation, of Atlanta, GA.

MC 41136 (Sub-31), filed February 9, 1981. Applicant: FLEET CARRIER CORPORATION, 525 So. Boulevard East, Pontiac, MI 48053. Representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *transportation equipment* (A) between points in Pulaski County, VA, and Weber County, UT, on the one hand, and, on the other, points in the U.S., and (B) between the facilities of White Motor Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 66886 (Sub-92), filed February 9, 1981. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *machinery*, between points in the U.S.

MC 10066 (Sub-538), filed February 10, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting *general commodities* (except classes A and B explosives), between points in Cameron, El Paso, Hidalgo, Maverick and Webb Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 113106 (Sub-105), filed February 10, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street NW., Washington, DC 20005, (202) 296–3555. Transporting *ores and minerals* between points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 115496 (Sub-135), filed February 10, 1981. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting (1) *construction materials* and *such commodities* as are dealt in by home improvement, home furnishing, and lumber stores, between points in the U.S.; (2) *metal products*, between points in TX, NE, UT, IN, SC, AL, IL, IN, IA, PA, OH, KY, MD, and NJ, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and TX; and (3) pipe and fittings, between points in Bibb County, GA, on the one hand, and, on the other, points in the U.S.

MC 117746 (Sub-2), filed February 11, 1981. Applicant: VINCENT J. CICALESE, 12 Dorchester Ave., Cranford, NJ 07016. Representative: Vincent J. Cicalese, (same address as applicant), (201) 272–4973. Transporting *food and related products*, between points in Albany County, NY, Essex County, NJ, New Castle County, DE, Charleston County SC, and Hillsborough County, FL, on the one hand, and, on the other, points in MA, CT, NY, NJ, PA, VA, WV, OH, and NC.

MC 117786 (Sub-128), filed February 9, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *such commodities* as are dealt in or used by hardware and drug stores, and discount, grocery, and food business houses, between points in the U.S.

MC 121796 (Sub-2), filed February 9, 1981. Applicant: MOUNTAIN EXPRESS, INC., P.O. Box 788, Crossville, TN 38555. Representative: Robert L. Baker, 6th Floor, United American Bank Bldg., Nashville, TN 37219 (615) 244–8052. *Over regular routes*, transporting (1) *general commodities* (except classes A and B explosives), (a) between Nashville and Knoxville, TN, over Interstate Hwy 40, and (b) between junction Interstate Hwy 40 and U.S. Hwy 127, near Crossville, TN, and Chattanooga, TN: from the junction of Interstate Hwy 40 and U.S. Hwy 127 over U.S. Hwy 127 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Chattanooga, and return over the same route, serving all intermediate points in (a) and (b), and serving points in Davidson, White, Cumberland, Van Buren, Knox, and Hamilton Counties, TN, as off route points in connection with (a) and (b); and (2) *over irregular routes*, transporting the commodities named in (1) above, between points in Cumberland, Van Buren, and White Counties, TN, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate on this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC 121796 (Dub-No. 1).

MC 129936 (Sub-1), filed February 9, 1981. Applicant: CHIPPEWA VALLEY TRANSPORTATION COMPANY, INC., 210 Park Avenue, Chippewa Falls, WI 54729. Representative: James M. Ward, P.O. Box 358, Eau Claire, WI 547 29 (715) 835–6111. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Pittman Oil, Inc., of Durand, WI, Fuel Service, Inc., of Chippewa Falls, WI and Economy Oil Company, Inc., of Eau Claire, WI.

MC 139006 (Sub-26), filed February 9, 1981. Applicant: RAPIER SMITH, R.R. 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, between those points in the U.S. in and east of MN, IA, MO, KS, OK and TX.

MC 139906 (Sub-146), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501 (402) 476–1144. Transporting *such commodities* as are dealt in by manufacturers and distributors of machinery and hardware, between points in the U.S.

MC 139906 (Sub-147), filed February 11, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501 (402) 476–1144. Transporting *furniture and fixtures*, between points in Putnam County, FL, on the one hand, and, on the other, points in the U.S.

MC 148146 (Sub-1), filed February 9, 1981. Applicant: MATHEWS TRUCKING CO., INC., 20100 Trentwood Court, Trenton, MI 48183. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *general commodities* (except classes A and B explosives), between points in Wayne and Oakland Counties, MI, on the one hand, and, on the other, points in MI.

MC 150176 (Sub-2), filed February 9, 1981. Applicant: DE MASE TRUCKING CO., INC., 151 No. Island Ave., Ramsey, NJ 07446. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 150626 (Sub-4), filed February 17, 1981. Applicant: HAROLD IVES TRUCKING CO., a corporation, P.O. Box 885, Hwy 79 East, Stuttgart, AR 72160. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. (501) 375–9151. Transporting *lumber and wood products*, between points in Pulaski and Howard Counties, AR, on the one hand, and, on the other, points in the U.S.

MC 151316 (Sub-2), filed February 10, 1981. Applicant: AERO DISTRIBUTING CO., INC., 60 N.W. 37th St., Miami, FL 33127. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives), between points in GA, on the one hand, and, on the other, points in FL, GA, TN, AL, MS, LA, NC, and SC.

MC 152266 (Sub-1), filed February 9, 1981. Applicant: ABC EXPRESS, INC., P.O. Box 890, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in Wilson County, TN, on the one hand, and, on the other, points in the U.S.

MC 153976 (Sub-1), filed February 13, 1981. Applicant: EXPRESS FREIGHT SYSTEMS, INC., 501 16th St., Newport, MN 55055. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products* between Minneapolis, MN, and points in Benton, Stearns and Sherburne Counties, MN, on

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the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7287 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 F.R. 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an applications must follow the rules under 49 CFR 1100.247(B). Application may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority wil be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in oppostion.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-027

Decided: February 23, 1981.

By the Commission, Review Board No. 3, Members Fortier, Hill, and Parker. (Member Hill not participating.)

MC 104412 (Sub-2), filed February 3, 1981. Applicant: WALSH BROS., INC., P.O. Box 282, Kittery, ME 03904. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 139902 (Sub-7), filed January 30, 1981. Applicant: MOWRY TRUCKING, INC., Box 125, Cambridge, NE 69022. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, (402) 476—1144. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and senstive weapons and munitions), between points in the U.S.

MC 152253 (Sub-1), filed January 30, 1981. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85, East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting: *general commodities* between Mintz, NC, McMurry, PA, Elord, SD, Matheson, CA, Watton and Bruce Crossing, MI, Belton, Beech Creek Junction and Dunmore, KY and Myles, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

MC 154012, filed January 30, 1981. Applicant: MRC TRUCKING COMPANY, 11820 Beacon St., Kansas City, MO 64134. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. (402) 476-1144. Transporting *food and other edible products, and byproducts intended for human consumption* (excluding alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other solid conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP2-030

Decided February 24, 1981.

By The Commission, Review Board No. 1, Members Carlton, Joyce and Jones.

MC 147282 (Sub-2), filed February 3, 1981. Applicant: DETROIT AIR CARGO, INC., 28450 Highland Rd., Romulus, MI 48174. Representative: Warren A.Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901-767-5600. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7288 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of the authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the

service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-100

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 25399 (Sub-1-2TA), filed February 24, 1981. Applicant: A-P-A TRANSPORT CORP., 2100 88th St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles, and those requiring special equipment)*, between points in PA, NJ, NY, CT, MA, RI, NH, VT, ME, DE, MD, VA, WV, and DC. Supporting shipper(s): There are approximately 175 shippers supporting this application and their statements may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 10875 (Sub-1-6TA), filed February 24, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller, 114 Fifth Avenue, New York, NY 10011. *Common carrier:* regular routes: *General commodities, except Classes A and B explosives and commodities in bulk*, serving points in Boyle County, KY, as off-route points in connection with applicant's authorized regular routes. Applicant intends to tack and interline. Supporting shipper: Thom McAn Shoe Company, Millbrook Street, Worcester, MA 01606.

MC 146783 (Sub-1-1TA), filed February 19, 1981. Applicant: S & L TRANSPORTATION, INC., 59-21 156th St., Flushing, NY 11355. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Printed matter, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodity named in (1) above*, between points in the U.S. Supporting shipper(s): Lithotronics, Inc., 333 Old Tarrytown Rd., White Plains, NY 10603.

MC 144407 (Sub-1-5TA), filed February 18, 1981. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except household goods and classes A and B explosives)*, between points in AR, CT, DE, IL, IN, MA, MS, NJ, NY, OH, PA, and TN. Supporting shipper(s): Lowe's Companies, Inc., Box 1111, North Wilkesboro, NC 28656.

MC 111729 (Sub-1-11TA), filed February 23, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch, 333 New Hyde Park Road, New Hyde Park, NY 11042. *Contract carrier:* irregular routes: *Commercial papers, documents and written instruments (except currency and negotiable securities) as are used in the business of banks and banking institutions*, between Chicago, IL and Minneapolis, MN, under continuing contract(s) with Federal Home Loan Bank of Chicago, IL. Supporting shipper: Federal Home Loan Bank of Chicago, 111 E. Wacker Dr., Chicago, IL 60601.

MC 140345 (Sub-1-8TA), filed February 23, 1981. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler, 255 Old New Brunswick Road, Piscataway, NJ 08854. *Contract carrier:* irregular routes: *Precious metals and machine parts*, between Philadelphia, PA, New York, NY, Huntingdon, PA and Newark, OH, under continuing contract(s) with Owens-Corning Fiberglas Corp. of Toledo, OH. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659.

MC 138861 (Sub-1-18TA), filed February 23, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives)*, between Central Falls, RI, on the one hand, and, on the other, Mechanicsburg, PA, Cincinnati, OH, Richmond, VA, and Wadesboro, NC, and Memphis, TN, under continuing contract(s) with Murdock Webbing Co., Inc. of Central Falls, RI. Supporting shipper: Murdock Webbing Co., 27 Foundry St., Central Falls, RI 02863.

MC 154049 (Sub-1-1TA), filed February 13, 1981. Applicant: CONTRANS, INC., Box 252-K, Rustic Acres Drive, Chepachet, RI 02814. Representative: John A. Simone, Box 252-K, Rustic Acres Drive, Chepachet, RI 02814. *Contract carrier:* irregular routes: *Office furniture and parts thereof, equipment and supplies used in the manufacture and merchandising of office furniture*, between Waltham, MA and points in CT, DE, NJ, and PA, under continuing contract(s) with Milbrook Enterprises, Inc., of Waltham, MA. Supporting Shipper: Milbrook Enterpirses, Inc., 411 Waverly Oaks Road, Waltham, MA 02184.

MC 145108 (Sub-1-16TA), filed February 24, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, D.C. 20006. *Contract carrier;* irregular routes *wine, spirits, and beer* from Peoria, IL, Bardstown and Frankfort, KY, Detroit, MI, Hammondsport and Scarsdale, NY, Cincinnati, OH, Houston, TX and points in CA to Denver, CO under continuing contract(s) with Foremost-McKesson, Inc. Supporting shipper: Foremost-McKesson, Inc., One Post St., San Francisco, CA 94101.

MC 134258 (Sub-1-1TA), filed January 19, 1981. Applicant: RALPH'S TRANSPORT LTD., 5 Seaton Street, St. John, New Brunswick, CD E2J 2A7. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Contract carrier:* irregular routes: *Newsprint* from ports of entry on the US-CD boundary line located at or near Calais and Houlton, ME to points in the U.S., under continuing contract(s) with MacMillan Rothesay Limited of St. John, New Brunswick, CD. Supporting shipper: MacMillan Rothesay Limited, P.O. Box 1900, St. John, New Brunswick, CD E2L 4K9.

MC 147915 (Sub-1-1TA), filed February 23, 1981 Applicant: RUSSO MOTOR EXPRESS, INC. Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. (1) *Household cleaning products, cleaning agents, and empty containers*, from Bristol and Cornwells Heights, Pennsylvania, to points in CT, DE, FL, GA, IL, IN, ME, MD, MA, MO, NH, NJ, NY, NC, OH, RI, SC, VT, VA, WV, and DC, and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities* in (1)

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above, from points in CT, DE, FL, IL, IN, ME, MD, MA, MO, NH, NJ, NY, NC, OH, RI, GA, SC, VT, VA, WV, and DC, to Bristol and Cornwells Heights, Pennsylvania. Supporting shipper: Purex Corporation, 1414 Radcliff Street, Bristol, PA 19007.

MC 98830 (Sub-1–1TA), filed February 23, 1981. Applicant: CABCO, INC., d.b.a. C & D CARTAGE, 21 Walpole Street, Norwood, MA 02062. Representative: John F. O'Donnell, Barrett and O'Donnell, P.O. Box 238, Milton, MA 02187. *General commodities, except Class A & B explosives and household goods* between points in CT, MA, ME, NH, RI. Supporting shipper(s): C & D Warehouse Co., Inc., Sharon Industrial Park, Sharon, MA 02067; Ames McDonough Company, P.O. Box 1774, Parkersburg, WV 26101; Esmond Terminal Warehouse, Inc., 10 Hampden Road, Mansfield, MA 02048; Walsh Chemical (North) Inc., 1245 Providence Highway, Sharon, MA 02067.

MC 151078 (Sub-1–4TA), filed February 24, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07305. Representative: Charles A. Webb, 1828 L Street, NW., Suite 1111, Washington, DC 20036. *General commodities (except household goods as defined by the Commission, classes A and B explosives, articles of unusual value, commodities in bulk, and those requiring special equipment),* between Jersey City, NJ, and points in Hartford, Middlesex, New Haven, and New London Counties, CT, points in Bristol and Middlesex Counties, MA, and points in RI.

MC 149311 (Sub-1–1TA), filed February 17, 1981. Applicant: RADFORD TRANS, INC., Oceana Way, Norwood, MA 02062. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. (1) Such commodities as are dealt in by grocery and food business houses, and (2) equipment, material and supplies used in the manufacture, processing and distribution of the commodities named in (1) above, from points in Norfolk County, MA, to points in CT, ME, NH, RI, and VT. Supporting shipper(s): Uncle Ben's Foods, P.O. Box 1752 Houston, TX 77001; Hershey Food Corporation, 19 Chocolate Ave., Hershey, PA 17033; M&M/Mars, High St., Hackettstown, NJ 07840.

MC 154131 (Sub-1–1TA), filed February 18, 1981. Applicant: PRISCOM CORPORATION, 300 Lanidex Plaza, Parsippany, NJ 07054. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Contract carrier:* irregular routes: (1) *Such commodities as are used or dealt in by manufacturers, processors, or distributors of paints, highway marking materials and coatings, industrial coatings, highway safety products and equipment, and highway maintenance products and equipment and (2) materials, equipment and supplies* used in the manufacture, processing or distribution of commodities named in (1) above, between points in the U.S., under continuing contract(s) with Prismo Universal Corporation, and its affiliates, Universal Road Marking, Inc., of Parsippany, NJ; Transmark, Inc. of Parsippany, NJ; and Redland Limited. Supporting shipper(s): Prismo Universal Corporation and affiliates, 300 Lanidex Plaza, Parsippany, NJ 07054.

MC 138999 (Sub-1–1TA), filed February 19, 1981. Applicant: FRED NARK AND ROBERT NARK, d.b.a. NARK BROS., Box 336, Cobleskill, NY 12043. Representative: George A. Olsen, P.O. Box 357, Gladstone, NY 07934. *Contract carrier:* irregular routes: (1) Building materials, roofing and roofing systems, and (2) Materials, equipment, and supplies used in the manufacture, distribution, and installation of the commodities named in (1) above, between points in the U.S., under continuing contract(s) with Apache Building Products Co. of Linden, NJ. Supporting shipper: Apache Building Products Co., 2025 East Linden Ave., Linden, NJ 07036.

MC 148670 (Sub-1–1TA), filed February 20, 1981. Applicant: STOKLEY TRANSPORTATION CORP., P.O. Box 159, Glassboro, New Jersey 08028. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, New Jersey 07006. *Contract carrier:* irregular routes: *Aluminum products and alloys, metal and metal alloys, and materials, supplies and equipment used in the manufacture, sale and distribution thereof,* under continuing contract(s) with Shieldalloy Corporation, Division Metallurg, Inc.: Supporting shipper(s): Shieldalloy Corporation, Davision Metallurg, Inc., West Boulevard, Newfield, New Jersey 08344.

The following applications were filed in region 2. Send protests to: ICC Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 141094 (Sub-II–1TA), filed February 2, 1981, Originally published in the **Federal Register** February 18, 1981. Applicant: ACME TRUCKING, INC., 1298 Thurston Dr., Columbus, OH 43227. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract* irregular: *General commodities, except commodities in bulk and classes A and B explosives,* **Between Columbus, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper(s) Franklin Chemical Industries, Inc., Franklin Distribution Company, 2020 Bruck Street, P.O. Box 07802, Columbus, OH 43207. Purpose of republication is to remove restrictions published previously.**

MC 60253 (Sub-II–1TA), filed December 22, 1980, Originally published in the **Federal Register** February 9, 1981. Applicant: ARLINGTON TRUCK CO., 524 Oregon Rd., Northwood, OH 43604. Representative: Richard A. Chase, 525 Security Bldg., Toledo, OH 43604. Contract, irregular: *Glass and glass products as well as material, supplies and equipment used in the manufacture, sale and distribution thereof, except in bulk,* between the facilities of Libbey-Owens-Ford Co., on the one hand, and, on the other, pts. in the 48 contiguous states, for 270 days. Applicant intends to tack. Supporting shipper Libbey-Owens-Ford Co., 811 Madison Ave., Toledo, OH 43695. The purpose of republication is to change *from the facilities,* to *between the facilities.*

MC 118570 (Sub-II–5TA), filed February 2, 1981, originally published in the **Federal Register** February 18, 1981. Applicant: DEFAZIO EXPRESS, INC., 1024–26 Springbrook Ave., Moosic, PA 18507. Representative: Thomas R. Melvin (Same as applicant). Contract, irregular: *General commodities, except class A and B explosives, household goods as defined by the Commission, and commodities in bulk,* between pts. in the states of CT, DC, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA and VT, restricted to traffic originating at or destined to the facilities of Wakefern Food Corp., for 270. Supporting shipper: Wakefern Food Corp., 342 Westminister Ave., Elizabeth, NJ 07207. The purpose of republication is to change NE to ME.

MC 107403 (Sub-II–41TA), filed February 12, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Slag cement, in bulk,* from Ravena, NY to Washington, DC; Baltimore, MD; Norfolk and Roanoke, VA; Charleston and Columbia, SC; Atlanta and Marietta, GA and Jacksonville, FL for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atlantic Cement Co., P.O. Box 30, Stamford, CT 06904.

MC 150482 (Sub-II–4TA), filed February 23, 1981. Applicant: McCAULEY AIR FREIGHT, R.D. #4, Box 314A, Punxsutawney, PA 15767. Representative: John W. Smith (same as applicant). *Sintered Iron Castings,* from the facility of Pennsylvania Pressed Metals, Inc., Emporium, PA to the plant facilities of Delco Products, Kettering, OH, for 270 days. Supporting shipper: Pennsylvania Pressed Metals, Inc., P.O. Box 271, Cameron Road, Emporium, PA 15834.

MC 154209 (Sub-II–1TA), filed February 19, 1981. Applicant: CHARLES J. MERLO, INC., R.D. #1, Box 88A, Mineral Point, PA 15942. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Coal, in bulk, in dump vehicles,* between points in Cambria and Somerset Counties, PA on the one hand, and, on the other, points in WV, MD, and those in OH on and east of a line beginning at Sandusky, OH and extending over OH Hwy 4 to junction U.S. Hwy 23, and then over U.S. Hwy 23 to the OH-KY State line. An underlying ETA seeks 120 days. Supporting shippers: Wendell Construction, 3424 Elton Road, Johnstown, PA 15904; E & R Coal Co., Inc., P.O. Box 146, Grantsville, MD 21536; Linsey Mining Co., Inc., P.O. Box 146, Grantsville, MD 21536.

MC 146015 (Sub-II–13TA), filed February 9, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same as applicant). Contract, irregular: *General commodities (except household goods, hazardous and secret materials, commodities in bulk, and commodities which because of their size and weight require special equipment),* between points in PA, NY, NJ and CT, on the one hand, and, on the other, points in the states of AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, restricted to transportation originating at or destined to the facilities utilized by Northeastern Pennsylvania Shipper's Cooperative Association, Inc. or its members and restricted to shipments moving on bills of lading of Northeastern Pennsylvania Shipper's Cooperative Association, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Northeastern Pennsylvania Shipper's Cooperative Assoc., Inc., 1212 O'Neill Hwy., Dunmore, PA 18512.

MC 107012 (Sub-II–135TA), filed February 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Parts, materials, and supplies used in the manufacture or distribution of household appliances* from points in IL, IN, MO, OH, KY, MI to points in Hamilton and Greene counties, IA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Webster City Products Co., 600 Stockdale St., Webster City, IA 50595.

Note.—Common control may be involved.

MC 113828 (Sub-II–15TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Cement,* in bulk, from Harleyville, SC to points and places in NC, GA, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: SCS Products—Division of Belmont Heritage Corp., P.O. Box 1157, Belmont, NC 28012.

MC 113828 (Sub-II–16TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Hydrogen Perioxide Solution,* in bulk from Baltimore, Md to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, VA, WV, OH, WI, MN, NC, SC, TN, KY, GA, FL, AL, and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Oxychem Company, Inc., 825 Third Avenue, New York, NY 10022.

MC 113828 (Sub-II–17TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Chemicals,* in bulk, from Mecklenburg County, NC to points and places in NC, SC, GA, FL, AL, TN, KY, WV, VA, MS, LA, and MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Chem-Way Corporation, 925 Tuckaseegee Road, P.O. Box 8129, Charlotte, NC 28208, Ace Chemical Corporation, 9801 York Road, Charlotte, NC 28210.

MC 113828 (Sub-II–18TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Liquid Textile Chemicals,* in bulk, from Langley, SC to Lyman, SC; Mooresville, NC; Statesville, NC; Old Fort, NC; Barnwell, SC; Calhoun, GA; Dalton, GA; Fort Edwards, NY; Clearwater, SC; Graniteville, SC; Kannapolis, NC; Wadesboro, NC; Concord, NC; Fall River, MA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Val Chemical, Langley, SC 29834.

MC 124111 (Sub-II–10TA), filed February 19, 1981. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Vegetable cooking oils,* from St. Louis MO to points in CO, IL, IN, MI, NJ, NY, OH, TN, and TX for 270 days. Supporting shipper: Commercial Pan Coating Corp., 150 Grand St., Carlstadt, NJ 07072.

MC 138068 (Sub-II–4TA), filed February 11, 1981. Applicant: WAREHOUSE TRANSPORTATION CO., P.O. Box 84, Urbana, OH 43078. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Contract, Irregular; Rubber products, including pneumatic rubber tires, and tubes, from* (1) Tuscaloosa, AL and Woodburn, IN to Columbus, OH, (2) Columbus, OH to all points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The B. F. Goodrich Co., 500 S. Main St., Akron, OH 44318.

MC 153979 (Sub-II–1TA), filed February 9, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd., Richmond, VA 23234. Representative: Paul D. Collins, 5600 Midlothian Turnpike, P.O. Box 24286, Richmond, VA 23224. Contract, irregular: *General commodities (except household goods and classes A and B explosives),* between points in the U.S., east of ND, SD, CO and NM. Restricted to the transportation of traffic originating at or destined to the facilities of Contract Marine Carriers, Inc., Charleston, SC, and Westvaco Corp., New York, NY, under continuing contracts, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Contract Marine Carriers, Inc., 23 Broad St., Charleston, SC 29402; Westvaco Corp., 299 Park Ave., New York, NY 10171.

MC 109478 (Sub-II–6TA), filed February 13, 1981. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, PA 16428. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. *Common,* irregular; *Nickel catalysts,* between Erie, PA, on the one hand, and, on the other, all points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Calsicat Div. Mallinckrodt, Inc., 1707 Gaskell Ave., Erie, PA 16503.

MC 105881 (Sub-II–3TA), filed February 23, 1981. Applicant: MR&R TRUCKING COMPANY, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW., Washington, D.C. 20036.

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Common, regular: General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) serving the facilities of Bursak Laboratories at or near Hollywood, FL, as an off-route point in connection with carrier's regular routes for 270 days. Applicant intends to tack the authority sought herein with existing authority held under MC 105881. Applicant intends to interline at all present interchange points. An underlying ETA seeks 120 days authority. Supporting shipper: Redi-Products, Inc., 744 8th Avenue, Huntington, WV 25701.

MC 148859 (Sub-II–3TA), filed February 24, 1981. Applicant: MID-STATE TRADING CO., P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA 17701. Representative: Sander M. Bieber, 1100 Connecticut Ave., NW, 9th Floor, Washington, DC 20036. Contract, irregular: *Industrial chemical wastes,* from the facilities of Ingersoll-Rand Co., located at Painted Post, NY, to Chester, PA, and from the facilities of Dana Corp., located at Berwick, PA to Niagara Falls, NY, and Williamsburg, OH, under continuing contracts, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dana Corp., 9th & Oak Sts., Berwick, PA 18603, and Ingersoll-Rand Co., 100 Cheming St., Painted Post, NY 14870.

MC 117565 (Sub-II–14TA), filed February 23, 1981. Applicant: MOTOR SERVICE COMPANY INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner (same as applicant). *Commodities dealt in and sold by retail and wholesale outlets,* from the plant site and warehouse facilities of Marsh Allan Products, Inc. at or near Cleveland, OH to pts. in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Marsh Allan Products Inc., 1971 West 85th St., Cleveland, OH 44102.

MC 107012 (Sub-II–138TA), filed February 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Plastic articles, expanded* from the facilities of Scott Paper Company located at or near San Bernardino, CA; Conyers, GA; Fort Wayne, IN; Eddystone, PA; and Mesquite, TX to points in the United States for 270 days. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

Note.—Common control may be involved.

MC 1824 (Sub-II–14TA), filed February 23, 1981. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry, 151 Easton Blvd., Preston, MD 21655. Common; regular: *General commodities, except household goods as defined by the Commission and classes A & B explosives,* serving points in Hunterdon, Morris, Somerset, Sussex, and Warren Counties, NJ, as off-route points in connection with applicant's presently authorized regular routes (1) between Jersey City, NJ, and Scranton, PA, and (2) between junction U.S. Hwy 22 and NJ Hwy 69, and Chambersburg, PA for 270 days. Applicant intends to tack authority sought with authority held under Docket No. MC 1824 and all subs thereunder. Applicant intends to interline with present connecting carriers at authorized points including but not limited to Baltimore, MD, Richmond, VA, Detroit, MI, and St. Louis, MO. An underlying ETA seeks 120 days authority. Supporting shipper: Applicants statement of fact.

MC 117095 (Sub-II–2TA), filed February 23, 1981. Applicant: Mervin E. Weaver, 11 South Tower Rd., New Holland, PA 17557. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Crushed stone, agricultural limestone and barn dry,* between points in PA, on the one hand, and, on the other, points in NJ, MD, DE, OH, VA and NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Martin Limestone, Inc., Box 155, Blue Ball, PA 17506.

MC 145930 (Sub-II–4TA), filed February 11, 1981. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Mill scale,* in dump vehicles from Kokomo, IN to Aliquippa, PA and from Aliquippa, PA to Cleveland, OH, for 270 days. Supporting shipper(s): Irwin R. Siegal & Associates, Inc., 8123 Jones Rd., Cleveland, OH 44105.

MC 154048 (Sub-II–1TA), filed February 17, 1981. Applicant: LAMAR K. HAAS, INC., Rte 2, Slatington, PA 18080. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Moist Ferrous Sulphate,* in bulk, in dump vehicles, from Johnstown, Lebanon and York, PA and Sayreville, NJ to Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Quality Chemicals, Ltd., 1951 Benhill Ave., Baltimore, MD 21226.

MC 63838 (Sub-II–5TA), filed February 11, 1981. Applicant: BOLUS MOTOR LINES, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Television bulbs, glass face plates and glass parts used in the manufacture of television bulbs and materials, equipment and supplies* on return, between Pittston, PA, on the one hand, and, on the other, points in OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O.B. 1035, Toledo, OH 43666.

MC 150939 (Sub-II–15TA), filed February 13, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Plastic housewares and equipment, materials and supplies used in the manufacture and distribution of plastic housewares* between the facilities of Cities Service Co. at or near McKees Rocks, PA; Kankakee, IL; and Tustin, CA, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with Cities Service Co. of Pittsburgh, PA, for 270 days. Supporting shipper: Cities Service Co., P.O. Box 628, Pittsburgh, PA 15230.

MC 149400 (Sub-II–1TA), filed February 13, 1981. Applicant: BICENTENNIAL TRANSPORT, INC., 317 North Point Boulevard, Baltimore, MD 21224. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC. *General commodities (except commodities in bulk, those requiring special equipment, commodities of unusual value, classes A and B explosives, and household goods as defined by the Commission) in intermodal cargo containers,* between Baltimore, MD, on the one hand, and, on the other, points in PA, OH and KY (restricted to traffic having a prior or subsequent movement by water). Supporting shipper(s): Black & Geddes, Inc., Suite 2231, World Trade Center, Baltimore, MD 21202, and United States Lines, Inc., Box 1775, Baltimore, MD 21230.

MC 143394 (Sub-II–24TA), filed February 17, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). *Contract:* Irregular: *Plastic Products and Equipment and Supplies used in the manufacture of plastic products,* from the Lawrence, KS to points in the states of NY, CT, PA, NJ, DE, MD, VA, WV, OH, IL, WI, TN, NC, SC, GA, FL, AL, MS, LA, IN, KY, MI, RI and MA under continuing contract(s) with Packer Plastic Company, Lawrence, KS. Supporting shipper: Packer Plastic Company, P.O. Box 943, 2330 Packer Road, Lawrence, KS 66044.

MC 56388 (Sub-II–7TA), filed February 13, 1981. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *Petroleum and petroleum products, in bulk, in tank vehicles,* from Weirton, WV to points in Baltimore County, MD. An underlying ETA seeks 120 days authority. Supporting shipper: Apex Oil Co., 1622 S. Clinton St., Baltimore, MD 21224.

MC 151585 (Sub-II–3TA), filed February 19, 1981. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract,* irregular: *General commodities (except Classes A and B explosives),* between Richmond, VA (and points in the commercial zone thereof) on the one hand, and, on the other, points in the U.S. Supporting shipper: Hendricks Tile Manufacturing Co., Inc., 5000 Castlewood Rd., Richmond, VA 23234.

MC 138438 (Sub-II–23TA), filed February 17, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Wiliamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Food and related products,* between Forsyth County, NC, on the one hand, and, on the other, points in Washington County, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: English Lesky Distributing Co., Inc., 840 Bowman Ave., Hagerstown, MD 21740.

MC 138438 (Sub-II–24TA), filed February 19, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Aluminum and aluminum products and equipment, materials and supplies used in the manufacture of aluminum and aluminum products,* between the facilities of Eastalco at or near Frederick, MD, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and TX. Supporting shipper: Eastalco Aluminum Company, 5601 Manor Woods Rd., Frederick, MD 21701.

MC 2368 (Sub-II–13TA), filed February 19, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O.B. 495, Richmond, VA 23204. Representative: William T. Marshburn (same address as applicant). *Gasoline, in bulk, in tank vehicles* from Marcus Hook, PA., and its commercial zone to points in MD, NC, TN, and VA for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: World Wide Racing Fuel, Inc., Box 500, New Canton, VA 23123.

MC 142703 (Sub-II–7TA), filed February 19, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 W. Third St., Cincinnati, OH 45203. Representative: Robert E. Tucker (same address as applicant). *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* between Chicago, IL, and its commercial zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, OH, PA, WV, and WI for 270 days. Restricted to the transportation of shipments having a prior or subsequent movement by rail. Carrier intends to interline with rail carriers at Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 10 supporting shippers' statements to this application which statements may be examined at the Philadelphia Regional office.

MC 125335 (Sub-2–28TA), filed February 20, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Such commodities as are dealt in or used by manufacturers or distributors of drugs, medicines and toilet preparations,* Between Pitman, NJ, and Langhorne and Fort Washington, PA, on the one hand, and, on the other, points in Tucker, GA, Hammond, IN, and Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper: William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, PA 19034.

MC 128290 (Sub-II–5TA), filed February 13, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101 Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. *Canned goods, pallets, glassware, and cans* from Berkeley and Jefferson Counties, WV; and Federick, Clarke, Warren, and Shenandoah, and Rockingham Counties, VA to NC, SC, and GA. (An underlying ETA seeks authority for 120 days.) Supporting shippers: Shenandoah Apple Co-Operative, Inc., P.O.B. 435, Winchester, VA 22601, and National Fruit Products Co., P.O.B. 2040, Winchester, VA 22601.

MC 154119 (Sub-II–1TA), filed February 17, 1981. Applicant: LINDSEY MOTOR EXPRESS, INC., 3415 South de Ave., Cincinnati, OH 45204. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Soybean oil,* in bulk, in tank vehicles, from the facilities of A. E. Staley Co. at or near Frankford, IN to Cincinnati, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) A. E. Stanley Manufacturing Co., P.O.B. 249, Frankfort IN 46041.

MC 143394 (Sub-II–23TA), filed February 12, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O.B. 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). Contract, irregular—*General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between Chicago, IL and origins of Trans-Am members, Chicago, IL, on the one hand, and, on the other, points in LA, WI, IL, OH, IN, KY, TN, MS, AL, FL, GA, NC, SC, VA, WV, PA, NY, NJ, MI, MA, CT, RI, DE, and MD, under continuing contract(s) with Trans-Am Shippers Cooperative Association, Inc., Chicago, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Trans-Am Shippers Cooperative Association, Inc., 3750 W. 4th St., Chicago, IL 60632.

MC 72089, (Sub-II–11TA), filed February 20, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Paper and paper products and materials and supplies* used in the manufacture and distribution of the same, between Litchfield, KY, on the one hand, and, on the other, points in the United States (except AK and HI), for 270 days. Supporting shipper: Huron Copysette Company, Litchfield, KY 42754.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 120981 (Sub-3–4TA), filed February, 27, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Common carrier:* regular: *general commodities (except classes A and B explosives),* (1) between Mobile, AL, and Baton Rouge, LA, from Mobile, AL, over Interstate Hwy. 10 to junction Interstate Hwy. 12, thence over Interstate Hwy. 12 to Baton Rouge, LA, and return over same route serving no

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intermediate points, (2) between Montgomery, AL, and Jackson, MS, from Montgomery, AL, over U.S. Hwy. 80 to junction Interstate Hwy. 20, thence over Interstate Hwy. 20 to Jackson, MS, and return over same route serving no intermediate points, (3) between Mobile, AL, and Jackson, MS, from Mobile, AL, over U.S. 98 to junction U.S. 49, thence over U.S. 49 to Jackson, MS, and return over same route serving no intermediate points, (4) between Lexington, KY, and Delaplain, KY, from Lexington, KY, over U.S. Hwy. 25 to junction KY Hwy. 620, and thence over KY Hwy. 620 to Delaplain, KY, and return over same route serving all intermediate points, (5) between Lexington, KY, and Cynthiana, KY, from Lexington, KY, over Interstate Hwy. 75 to junction U.S. Hwy. 62, thence over U.S. Hwy. 62 to Cynthiana, KY, and return over same route serving no intermediate points, (6) between Delaplain, KY, on the one hand, and, on the other, points in OH, points in PA on and west of U.S. Hwy. 219, and points in NY on and west of NY Hwy. 14, and (7) between Baton Rouge, LA, Jackson, MS, and Nashville, TN, on the one hand, and, on the other, points in TX on and east of Interstate Hwy. 35 and points in LA located on and south of the line beginning at the TX and LA state line, thence running eastward along Interstate Hwy. 10 to its junction with Interstate Hwy. 12, thence along a line with Interstate Hwy. 12 to junction of the LA and MS state line. Applicant proposes to tack the authority sought in (1) through (7) above with its existing authority at Delaplain, KY, Nashville, TN, Montgomery and Mobile, AL, Jackson, MS, and Baton Rouge, LA, and to tack the authority sought in (1) through (7) next above at all common points. Applicant proposes to interline with other carriers at New Orleans, LA, Cincinnati, Dayton, Columbus, and Cleveland, OH, Erie and Pittsburgh, PA, and Buffalo, NY, Lexington, KY, Nashville, TN, Jackson, MS, Montgomery and Mobile, AL, and Houston, Dallas, and San Antonio, TX. Supporting shippers: 48.

MC 144827 (Sub-3–31TA), filed February 26, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Conner Wiggins, Jr. Suite 909, 100 N. Main Bldg. Memphis, TN 38103. *General commodities (with the usual exceptions)* between facilities utilized by Dixico, Inc., and its divisions and subsidiaries on the one hand, and, on the other, points in the U.S. Supporting shipper: Dixico, Inc., 4331 Bronze Way, Dallas, TX 75237.

MC 133221 (Sub-3–7TA), filed February 26, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same as applicant). *Expanded plastic products with facing on one or more sides* from Bulter County, OH to points in the U.S. (except AK and HI) on and East of U.S. Highway 85. Supporting shipper: Dow Chemical USA, P.O. Box 36000, Strongsville, OH 44136.

MC 146281 (Sub-3–17TA), filed February 26, 1981. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6110, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Such articles as are dealt in or used by manufacturers and distributors of paints, chemicals, and related articles,* between Dayton, OH, on the one hand, and, on the other, points in TN, AL, LA and KY. Supporting shipper(s): The Sherwin-Williams Co., 101 Prospect, Cleveland, OH 44101.

MC 59150 (Sub-3–13TA), filed February 26, 1981. Applicant: PROOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 331 W. Duval Street, Jacksonville, FL 32202. *Forest products, and lumber* between Greene County, TN, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Cherokee Wood Preservers, P.O. Box 88, Mosheim, TN.

MC 13615 (Sub-3–9TA), filed February 27, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. (1) *Primary metal products and fabricated metal products and* (2) *machinery and supplies used in the manufacture and sale of the commodities in (1)* between points in Jefferson County, AL on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, NE, SD and ND. Supporting shipper: American Cast Iron Pipe Company, Birmingham, AL.

MC 114334 (Sub-3–22TA), filed February 27, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal articles* between Jefferson County, AL on the one hand, and all points in the U.S. in and East of TX, OK, KS, ND, SD and NE on the other. Supporting shipper: LaBarge, Inc., 20 South Fourth Street, St. Louis, MO 63102.

MC 135895 (Sub-3–23TA), filed February 26, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Loud speakers, electrical amplification systems, and component parts and accessories therefore, and (2) equipment materials and supplies used in manufacture, assembly, sale and distribution of commodities in (1) above* between points in Lauderdale and Scott Counties, MS on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Peavey Electronic Corporation, 711 A Street, Meridian, MS 39301.

MC 154304 (Sub-3–1TA), filed February 27, 1981. Applicant: QUALITY TRANSPORT, A DIVISION OF CAROLINA TRAILER RENTALS, INC., 3124 North Boulevard, Raleigh, NC 27604. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *Contract carrier;* irregular: *general commodities (except classes A & B explosives),* between points in the U.S., under continuing contract(s) with Facet Enterprises, Inc.—General Products Division of Henderson, NC. Supporting shipper: Facet Enterprises, Inc.—General Products Division of Henderson, NC, P.O. Box 1637, Henderson, NC 27536.

MC 91306 (Sub-3–9TA), filed February 25, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Such commodities as are dealt in or used by the health-care products industry,* between points in Union County, NJ, on the one hand, and, on the other, points in Cobb and Newton Counties, GA. Supporting shipper: C. R. Bard, Inc., 731 Central Avenue, Murray Hill, NJ 07974.

MC 111545 (Sub-3–9TA), filed February 26, 1981. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: J. Michael May (same address as applicant). *Lumber and wood products,* from the facilities of Broadview Lumber Company, Inc. at points in CA, ID, MT, OR and WA, to points in AR, IL, IA, KS, MO, OK, and TX. Supporting shipper: Broadview Lumber Company, Inc., P.O. Box 816, Carthage, MO 64836.

MC 150388 (Sub-3–4TA), filed February 26, 1981. Applicant: BOSS TRANSPORTATION CO., INC., P.O. Box 40977, Memphis, TN 38104.

Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Confectionery and confectionery products, except in bulk,* from the facilities of The Schrafft Candy Company at or near Boston and Woburn, MA and West Reading, PA to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KY, LA, MA, MN, MI, MO, MS, NC, ND, NE, NY, OH, OK, PA, SC, TN, TX, UT, VA, and WI. Supporting shipper: The Schrafft Candy Company, 329 Main Street, Charlestown, MA 02109.

MC 129537 (Sub-3–9TA), filed February 26, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5 Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. *Carpet or rug cushions, cushioning, or lining, sponge rubber in boxes or wrapped rolls* between points in MS on the one hand and points in AR, FL, GA, LA, NC, OK, SC, TN, and TX on the other hand. Supporting shipper: General Tire and Rubber Company, One General Street, Akron, OH 44329.

MC 135895 (Sub-3–22TA), filed February 19, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Paper and plastics, and paper and plastic articles and products (except in bulk) and (2) equipment, materials and supplies used in the manufacture, sale, assembly and distribution of commodities described in (1) above (except commodities in bulk and those requiring special equipment)* between Green Bay, WI and Muskogee, OK, on the one hand, and, on the other, points in AL, AR, AZ, CO, FL, GA, KS, KY, LA, MO, MS, MN, NC, NV, OH, OK, SC, TN, TX, UT, VA, and WI; Restricted to traffic originating at or destined to facilites of Fort Howard Paper Company. Supporting shipper(s): Fort Howard Paper Company, 1919 South Broadway, Green Bay, WI 54305.

MC 109026 (Sub-3–8TA), filed February 18, 1981. Applicant: MANNING MOTOR EXPRESS, INC., Route 4, P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *General Commodities (except classes A&B explosives),* between points in Metcalfe County, KY, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): There are 11 supporting shippers in this application which may be examined at the Commission's regional authority center in Atlanta, GA.

Note.—Applicant intends to tack with existing regular route authority found in docket number MC 109026.

MC 139934 (Sub-3–3TA), filed February 19, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., P.O. Box 2698, Tampa, FL 33601. Representative: Robert R. Solomon (same as above). *Heavy articles, heavy equipment, contractors equipment, farm equipment and machinery and other articles too bulky or too heavy for carriage by regular freight haulers, which by their size, weight, or bulk, require specialized handling or specialized equipment, and iron and steel articles and concrete forming systems composed of iron, steel, aluminum and/or wooden parts,* between all points and places in AL, FL and GA. Supporting shipper(s): There are five statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 136709 (Sub-3–3TA), filed February 19, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A–71, Laurinburg, North Carolina 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, North Carolina 27602. *Medical supplies, health care products, rigid, flexible, and/or devices, intravenous, saline, nutritional, and anticoagulant solutions in glass or plastic collecting or dispensing containers or sets and materials used in making, packing or shipping of such solutions, containers, devices or sets* between Laurinburg, NC and SC, GA and FL. Supporting shipper: Abbott Laboratories, Inc., P.O. Box 1009, Laurinburg, NC 28352.

MC 110012 (Sub-3–4TA), filed February 18, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Furniture and fixtures* between Jackson County, FL on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Lehigh Furniture, P.O. Box 640, Marianna, FL 32446.

MC 154105 (Sub-3–2TA), filed February 18, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. *Contract:* Irregular: *Synthetic fiber yarns; synthetic fiber and tow, cloths, synthetic fiber and mixtures thereof, synthetic plastic flakes; plasticizers; and materials, equipment and supplies used in the manufacture and distribution thereof,* (a) between points in NC, on the one hand, and, on the other, points in AL, GA, KY and SC, and (b) between SC, on the one hand, and, on the other, AL, GA, and KY under continuing contract(s) with Celanese Corporation and its subsidiaries affiliates and divisions including Celanese Fibers Company, Celanese Fibers Marketing Company, Fiber Industries, Inc., Moultrie Products Company, Amcel Company, Pan Amcel Company and Pama Manufacturing, Inc. of Charlotte, N.C. Supporting shipper: Celanese Fibers Company, P.O. Box 32414, Charlotte, NC 28232.

MC 140563 (Sub-3–2TA), filed February 19, 1981. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, John P. Tucker, Jr., Archie B. Culbreth, P.C., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Paper and paper products,* (2) *photocopying machinery and equipment and parts therefore and photocopying materials and supplies,* (3) *advertising materials and supplies and advertising specialty items and accessories (including key holders, wallets, card cases, desktop accessories, and clocks);* and (4) *film and film products,* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to a facility of Saxon Industries, Inc. Supporting shipper: Saxon Industries, Inc., 1230 Avenue of the Americas, New York, NY 10020.

MC 144715 (Sub-3–10TA), filed February 18, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. *Bakery foodstuffs, and materials and supplies used in the manufacture and distribution thereof,* between Richmond, VA, and Battle Creek, MI, and points in their commercial zones, on the one hand, and, on the other, points in the US. Supporting shipper: Interbake Foods, Inc., P.O. Box 27487, Richmond, VA 23261.

MC 93649 (Sub-3–2TA), filed February 18, 1981. Applicant: GAINES MOTOR LINES, INC., I–40 West (P.O. Box 1549), Hickory, NC 28601. Representative: Dennis Gaines, I–40 West (P.O. Box 1549), Hickory, NC 28601. *General commodities (except household goods as defined by the Commission and classes A and B Explosives),* (1) between points in GA, NC, SC, and VA; and (2) between points in GA, NC, SC, and VA, on the one hand, and, on the other, points in CT, DE, MD, MA, NH,

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NJ, NY, PA, RI, and DC. Supporting shippers: There are thirty-nine statements of support attached to this application which may be examined at the ICC Atlanta, GA Regional Office.

MC 148620 (Sub-3–3TA), filed February 19, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., Atlanta, GA 30303. *Contract carrier,* irregular routes: *automotive parts, accessories, and equipment (except commodities in bulk),* between points in the U.S., under continuing contract(s) with Ray's Tires, Inc., of Ft. Lauderdale, FL. Supporting shipper(s): Ray's Tires, Inc., 900 Northwest 10th Ave., Ft. Lauderdale, FL 33311.

MC 144503 (Sub-3–13TA), filed February 19, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Non-exempt food or kindred products* between points in the U.S. Supporting shipper: Country Home Bakery, Inc., 1700 Barnum Avenue, Bridgeport, CT 06610.

MC 154384 (Sub-3–1TA), filed February 25, 1981. Applicant: CHARLES BEN STOKES, d.b.a., STOKES TRUCKING, Route 3, Box 233, Clover, SC 29710. Representative: Charles Ben Stokes (same address as above). *Contract* carrier: irregular: *Polyethylene sheeting* from Monroe, LA to points in NC, SC, AL, TN, VA, FL, KY, and GA. Supporting shipper: Adams Industries, Inc., P.O. Drawer 4360, Monroe, LA 71203.

MC 154382 (Sub-3–1TA), filed February 24, 1981. Applicant: R WAY, INC., 107 Ellison St., Fountain Inn, SC 29644. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract:* Irregular: (1) *Paper board* from Taylors, SC to points in AL, AR, FL, GA, IL, IN, KS, KY, MO, NC, OK, SC, TN and TX; (2) *Waste paper* from destinations named in (1) above to Taylors, SC and; (3) *Chemicals* from Charlotte, NC and *Clay* from Huber, GA to Taylors, SC under a continuing contract with Carotell Paper Board Corp. Supporting shipper: Carotell Paper Board Corp., Alexandria Dr., P.O. Box 655, Taylors, SC 29687.

MC 143807 (Sub-3–1TA), filed February 24, 1981. Applicant: EARL GASS AND ALVIN WALLACE, d.b.a. G & W RIGGING AND ERECTION CO., Route 13, Box 14A, Greenville, TN 37743. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Commodities which because of size or weight, require the use of special equipment or special handling,* between points in Greene, Knox and Washington Counties, TN, on the one hand, and, on the other, points in the United States (Except AK & HI). Supporting shipper: There are ten (10) statements of support attached to the application, which may be reviewed at the Atlanta Regional Authority Center.

MC 140645 (Sub-3–3TA), filed February 24, 1981. Applicant: UNITED TRUCKING, INC., P.O. Box 398, Tallapoosa, GA 30716. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Such merchandise as is dealt in by wholesale and retail paint stores* and materials, supplies and equipment used in the manufacture and distribution thereof between the facilities of United Coatings, Inc., at or near Charlotte, NC; Chicago, IL; Indianapolis, IN; and Memphis, TN on the one hand, and, on the other, pts. in the U.S. in and east of MN, IL, MO, AR, and LA. Supporting shipper: United Coatings, Inc., 3050 North Rockwell, Chicago, IL 60618.

MC 153115 (Sub-3–1TA), filed February 24, 1981. Applicant: TRIPLE R TRUCKING CO., INC., Route 1, Register, GA 30452. Representative: John J. Capo, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Fertilizer,* from the facilities of Gold Kist, Inc. at or near Clyo, GA to pts. in FL, NC and SC. Supporting shipper: Gold Kist, Inc., 244 Perimeter Center Parkway, N.E., Atlanta, GA.

MC 59150 (Sub-3–12TA), filed February 24, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Building, 311 W. Duval Street, Jacksonville, FL 32202. *General commodities (except Class A and B explosives),* between the facilities of Scott Paper Co. at points in the United States in and east of ND, SD, NE, KS, OK and TX, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 190113.

MC 140484 (Sub-3–18TA), filed February 24, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. BOX 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Building materials and building supplies* from points in AL, GA, LA, NC, OH, SC and TN to points in Charlotte, Collier, Glades, Hendry, Highlands and Lee Counties, FL. Supporting shipper: Ruck Brothers Brick, Inc., 2902 Warehouse Road, Fort Myers, FL 33901.

MC 139934 (Sub-3–4TA), filed February 23, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., Post Office Box 2698, Tampa, FL 33601. Representative: Robert R. Solomon (same address as applicant). *General commodities (except commodities of unusual value, classes A&B explosives, household goods, and commodities requiring special equipment) in containers or trailers and empty containers and trailers having immediately prior or subsequent movement by water or rail.* Between points in AL, AR, DE, FL, GA, KY, LA, MD, MS, NJ, NY, NC, SC, TX, VA, and WV. There are 7 shipper support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 153858 (Sub-3–2TA), filed February 24, 1981. Applicant: B.J.'S EXPRESS, INC., P.O. Box 472, Lakeland, FL 32802. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Meat, Meat Products, in packages and/or suspended unpackaged and articles distributed by meat packing houses* between the facilities of Cagle, Inc., located in GA and FL on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Cagle, Inc., 3854 So. Orange Ave., Orlando, FL 32809.

MC 115841 (Sub-3–49TA), filed February 24, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Air conditioners, heating equipment, air cleaners, humidifying equipment and furnaces, and materials, equipment and supplies used in the manufacture, distribution and repair of the above-named commodities,* between Edison, NJ and Effingham, IL on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MS, NE, NV, NY, NC, OH, OK, OR, PA, SC, TN, TX, VA, WV, WA, WI and DC. Restricted to traffic originating at or destined to the facilities utilized by Fedders Corporation. Supporting shipper: Fedders Corporation, Woodbridge Avenue, Edison, NJ 08817.

MC 112617 (Sub-3–15TA), filed February 24, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as above). *Alcohol, in bulk, in tank vehicles,* from Seadrift, TX to Jacksonville, AR. Supporting shipper: Gilmore, Inc., 1255 Lynnfield Road, Suite 140, Memphis, TN 38119.

MC 111548 (Sub-3–4TA), filed February 24, 1981. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, DC 20004. *Foodstuff,* Between Morgan County, IL and the states of NC, SC, TN, GA, KY. Supporting shipper: Anderson Clayton Foods, P.O. Box 22816, Dallas, Texas 75266.

MC 107515 (Sub-3–96TA), filed February 24, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *(1) Malt beverages and related advertising materials, and (2) empty used beverage containers and minerals and supplies used by and dealt in by breweries* between Jefferson County, CO, on the one hand, and, on the other, points in TN, LA and MS. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 143059 (Sub-3–36TA), filed February 20, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Metal products,* between Douglas County, NE, on the one hand, and, on the other, points in the United States. Supporting shipper: Phillips Manufacturing Co., 4601 South 76th Street, Omaha, NE 68127.

MC 22179 (Sub-3–2TA), filed February 20, 1981. Applicant: FREEMAN TRUCK LINE, INC., 419 Jefferson Ave., Oxford, MS 38655. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) General Commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between Memphis, TN and Tutwiler, MS, serving all intermediate points: from Memphis, TN to Clarksdale, MS over U.S. Hwy 61; then over U.S. Hwy 49 to Tutwiler and return over the same route. Supporting shipper(s): There are 11 supporting shippers whose statements may be examined at the Commission's regional Office in Atlanta, GA.

Note.—Applicant proposes to tack and join the authority sought herein with its authorized regular and irregular route authority, and to interline with other carriers, at Memphis, TN.

MC 124154 (Sub-3–16TA), filed February 23, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate, P.O. Box 645, Albany, GA 31703. *Ceiling tape, masking tape, stone stencile compound, plaster of paris bandages, and materials, supplies and equipment used in the manufacture thereof, for the account of Anchor Continental and its customers and suppliers,* between points in the US (except AK and HI) restricted to shipments originating at or destined to Anchor Continental, its customers and suppliers. Supporting shipper: Anchor Continental Inc., P.O. Drawer G, Columbia, SC 29250.

MC 124835 (Sub-3–7TA), filed February 23, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, Tennessee 37405. Representative: David K. Fox (same address as applicant). *Chemicals and Petroleum Products. In Bulk,* from Memphis, TN., to points in AL, AR, FL, KY, LA, MO, MS, TN., and TX. Supporting shippers: Ideal Chemical and Supply Company, 4025 Air Park Street, Memphis, TN., 38118; Ricsan Industries, Inc., 3371 One Place, Memphis, TN., 38116; Exxon Chemicals Americas, P.O. Box 3272, Houston, TX 77001.

MC 150235 (Sub-3–8TA), filed February 20, 1981. Applicant: POWELL TRUCKING CO., INC., Route 3, Box 13, P.O. Box 346, Sumrall, MS 39482. Representative: Fletcher W. Cochran, 1338 Gause Blvd., Suite 300, P.O. Box 741, Slidell, IA 70459. *Contract:* Irregular: *Pulp, paper and related products, forest products* between the Louisiana Parishes of LaSalle, Washington and West Feliciana on the one hand, and on the other all points in the states of AL, AZ, AR, CO, FL, GA, IL, IN, KY, LA, MI, MS, MO, NJ, NY, NC, NM, OH, OK, PA, TN, TX and WI, under a continuing contract or contracts with Crown Zellerbach Corporation, Bogalusa, LA. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, LA. 70427.

MC 142835 (Sub-3–10TA), filed February 20, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Citrus juices, citrus by-products, beverages and beverage preparations,* from Tropicana Products, Inc. at or near Cincinnati, OH to points in IN, IL, MI, KY, PA, WV, IA, WI, MN and MO. Supporting shipper: Tropicana Products, Inc., P.O. Box 338, Bradenton, FL 33506.

MC 141297 (Sub-3–1TA), filed February 20, 1981. Applicant: UNITED INDUSTRIES, INC., 489 Parish Street, P.O. Box 231, Houston, MS 38851. Representative: W. DeWayne Griffin (same address as applicant). *Contract Carrier:* Irregular: *New upholstered furniture and raw materials used in the manufacture of furniture and related items,* between Houston, MS, AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, MS, NE, NJ, NM, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC, under a continuous contract or contracts with Franklin Mfg. Company, Houston, MS. Supporting shipper: Franklin Manufacturing Company, P.O. Box 512, 6th Avenue North, Houston, MS 38851.

MC 154257 (Sub-3–1TA), filed February 20, 1981. Applicant: FRANKFORT & CINCINNATI RAILROAD COMPANY, located at Clinton and Regan Sts., P.O. Box 475, Frankfort, KY 40602. Representative: John P. Levine, 100 Federal Street, Boston, MA 02110. *General commodities except hazardous waste,* between Louisville, KY and its commercial zone and points in Franklin County, Woodford County and Fayette County, KY, on traffic having a prior or subsequent movement by rail. Supporting shippers: National Distillers and Chemical Corp., 120 Section Road, Cincinnati, OH 45216; Schenley Distillers, Inc., 36 East 4th Street, Cincinnati, OH 45202; and Louisville & Nashville Railroad, 500 Water Street, Jacksonville, FL 32202.

MC 115841 (Sub-3–48TA), filed February 20, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Such commodities as are dealt in by manufacturers and distributors of printed matter (except commodities in bulk),* between the facilities of Arcata Book Group located at or near Kingsport and New Canton, TN; West Hanover and Plympton, MA; and Fairfield, PA on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: Arcata Book Group, P.O. Box 711, Kingsport, TN 37662.

MC 149433 (Sub-3–2TA), filed February 20, 1981. Applicant: CARL O. BOONE, d.b.a. BOONE EXPRESS, Post Office Box 114, Smyrna, TN 37167. Representative: Carl O. Boone, Sr., (same address as applicant). *Common Carrier:* regular route: *new and used automotive parts, supplies and accessories,* between Nashville, TN and its commercial zone on the one hand, and, on the other, Chattanooga, TN and its commerical zone, "Nashville, TN over interstate I–24 to Chattanooga, TN and return over interstate I–24 to Nashville, TN." Supporting shipper: Parts Distributors Warehouse, 33

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Fairfield Avenue, Nashville, TN 37210, Automobile Electic Service, 1008 Charlotte, TN 37210, Traffic having a prior or subsequent movement in Interstate/Foreign Commerce.

MC 94350 (Sub-3–1TA), filed February 23, 1981. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr., (same as above). *Buildings in sections mounted on wheeled undercarriages* from Shelby County, IL to points in the U.S. excluding AK and HI. Supporting shipper: Kennedy Central Corp., Rt. 2, Shelbyville, IL 62565.

MC 126000 (Sub-3–1TA), filed February 23, 1981. Applicant: SOJOURNER TRUCKING COMPANY, 400 Newton Street, Crystal Springs, MS 39059. Representative: Fred W. Johnson, Jr., P.O. Box 22806, Jackson, MS 39205. *Contract carrier;* irregular routes; *Lumber and wood products* between points in the U.S., in and east of ND, SD, NE, KS, OK and TX under a continuing contract or contracts with Klumb Lumber Company, Crystal Springs, MS. Supporting shipper(s): Klumb Lumber Company, P.O. Box 550, Crystal Springs, MS 39059.

MC 119777 (Sub-3–28TA), filed February 23, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. *Drilling mud,* from Lindon, UT to points in AR, KS, NM, OK, TX and WY. Supporting shipper: Nevada Barite Milling, 1612 W. 2nd S. Lindon, UT 84062.

MC 141652 (Sub-3–6TA), filed February 23, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 29308. Representative: Mark S. Gray, P.O. Box 872, Altanta, GA 30301. *Motor vehicle parts or accessories* between Cleveland, TN on the one hand, and, on the other, Los Angeles, CA and its commerical zone. Supporting shipper: Bendix Automotive Aftermarket Division of the Farm Corporation, 1004 Bendix Dr., Jackson, TN 38301.

MC 124154 (Sub-3–17TA), filed February 23, 1981. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate, P.O. Box 645, Albany, GA 31703. *Agricultural and industrial chemicals and by products, and materials, supplies and equipment used in the manufacture and distribution thereof,* between points in Greenville, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Ethox Chemicals, Inc., P.O. Box 5094, Station B, Greenville, SC 29606.

MC 143789 (sub-3–2TA), filed February 23, 1981. Applicant: MARTIN TRANSFER AND STORAGE, INC., 120 Cullens Street, P.O. Box 3008, East Dublin, GA 31021. Representative: C. E. Walker, P.O. box 1085, 1320 Broadway, Columbus, GA 31902. *(1) Steel wire, and iron and other materials and supplies used in the manufacturing and shipping thereof,* between Telfair County, GA, on the one hand, and, on the other, AL, AR, IL, KY, MS, MI, NC, OH, OK, PA, SC, TN, TX, VA and WV. *(2) Kaolin Clay, in bags, and materials, supplies and equipment used in the manufacture thereof,* between Wilkinson, Washington, and Twiggs Counties, GA, on the one hand, and, on the other, AL, FL, GA, KY, IL, IN, LA, MS, MO, NC, NJ, OH, OK, NY, PA, SC, TN, TX, VA and WV. Supporting shipper(s): Cook & Co., P.O. Box 458, Lumber City, GA 31549 and M & M Clays, Inc., P.O. Box 98, McIntyre, GA 31054.

MC 144474, (Sub-3–3TA), filed February 23, 1981. Applicant: MORGAN MOVING & STORAGE, INC., Route 2, Highway 45 South, Booneville, MS 38829. Representative: W. H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31906. *Rolled plastics and raw materials regularly used in the manufacture of rolled plastics,* between Boonesville, MS, on the one hand, and all points and places in the Continental U.S., on the other. Supporting shipper(s): Intex Plastics Corporation, P.O. Box 948, Corinth, MS 38834.

MC 154297 (Sub-3–1TA), filed February 23, 1981. Applicant: FLETCHER EQUIPMENT CO., P.O. Box 5682, Tampa, FL 33675. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. *Citrus pulp and citrus pellets* from points in FL to points in Hillsborough and Manatee Counties, FL. Supporting shipper(s): Orange Co. of FL, Inc., P.O. Box 351, Bartow, FL 33830; Central Sunshine Enterprises, Inc., P.O. Box 9491, Winter Haven, FL 33880; American Orange Corp., P.O. Box 1550, Wauchula, FL 33873 and Holly Hill Fruit Products, Inc., P.O. Box 708, Davenport, FL 33837.

MC 121821 (Sub-310TA), filed February 23, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Iron or steel coils and sheets,* from Nashville, TN to Scottsville, KY; Lawrenceburg, TN; and Florence, AL. Supporting shipper: Nashville River Terminal, Inc., P.O. Box 100463, Nashville, TN 37210.

MC 138157 (Sub-3–48TA), filed February 23, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). *Plastic articles (except in bulk)* from Rockaway, NJ to the Atlanta, GA; Chicago, IL; and Los Angeles and Visalia, CA Commercial Zones. Restricted to traffic originating at A & E Plastics, Inc. Supporting shipper: A & E Plastics, Inc., 14505 Proctor Avenue, City of Industry, CA 91749.

MC 154310 (Sub-3–1TA), filed February 23, 1981. Applicant: CERCO ENTERPRISES, INC., 175 Railroad Avenue, Trussville, AL 35173. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Food products and kindred products, the parts, materials, equipment and supplies used in the manufacture, sale and distribution of food products and kindred products,* between points in the U.S., restricted to shipments moving on the bills of lading of Odessa Contract Carriers, a freight forwarder. Supporting shipper: Odessa Contract Carriers, 4525 South Halstead Street, Chicago, IL 60609.

MC 149179 (Sub-3–1TA), filed February 23, 1981. Applicant: MAYLAND ENTERPRISES, INC., Withrow Rd., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Plastic granules and materials, equipment and supplies used in the manufacture and distribution of plastic granules,* between Baltimore, MD; Baton Rouge, LA; and Petersburg, WV on the one hand, and, on the other, pts. in AL, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, and WI. Restricted to the transportation of traffic originating at or destinated to the facilities of Adell Plastics, Inc. Supporting shipper: Adell Plastics, Inc., 4530 Annapolis Rd., Baltimore, MD 21227.

MC 154294 (Sub-3–1TA), filed February 23, 1981. Applicant: ALEXANDER TRANSPORT INC., Rt. 2, Box 893, Harrisburg, NC 28075. Representative: Jesse Lee Alexander, Jr. (address same as above). *Lumber, Veneer, and Forest Products* between all points in and east of ND, SD, OK, KS, NE and TX. The supporting shippers are: Van Ply Inc., P.O. Box 8289, Charlotte, NC 28208; Durable Wood Preservers Inc., Box 220627, Charlotte, NC 28222; and Lott Forest Products Inc., P.O. Box 387, High Point, NC 27261.

MC 47171 (Sub-3–14TA), filed February 23, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment;* between St. Louis, MO; Atlanta, GA; and Jacksonville, FL. Supporting shipper: Bristol-Myers Products, 225 Long Avenue, Hillside, NJ 07207.

MC 151161 (Sub-3–2TA), filed February 24, 1981. Applicant: NORTH ATLANTA COACH AND TRANSPORTATION, INC., d.b.a. NORTHSIDE AIRPORT EXPRESS, 1454 Willingham Drive, Atlanta, GA 30344. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. *Passengers and their baggage in the same vehicle with passengers in charter and special operations* from points in Fulton, DeKalb, Cobb, Clayton, and Gwinnett Counties, GA to points in the US, except AK and HI and return. There are 20 Statements in Support attached to this application which may be examined in the ICC Office in Atlanta, GA.

MC 149575 (Sub-3–3TA), filed February 24, 1981. Applicant: ADAMS CARTAGE COMPANY, INC., 4440 Mead Road, P.O. Box 3043, Macon, GA 30345. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Plastic Pipe and Fittings,* between points in Geneva County, AL, on the one hand, and, on the other, points in FL, GA, NC and SC. Supporting shipper: Samson Plastic Conduit & Pipe Corporation, P.O. Box 325, Samson, AL 36477.

MC 146782 (Sub-3–13TA), filed February 24, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, North, Nashville, TN 37201. Representative: Stephen L. Edwards, 808 Nashville Bank & Trust Bldg., Nashville, TN 37201. *Contract carrier,* irregular routes, *material handling equipment* between points in the U.S. (except AK and HI) under continuing contract(s) with Equipment Engineering Co., of Memphis, TN. Supporting shipper: Equipment Engineering Co., 230–D Cumberland Bend, Nashville, TN 37228.

MC 109708 (Sub-3–20TA), filed February 24, 1981. Applicant: INDIAN RIVER TRANSPORT CO. INC., 2580 Executive Rd., Winter Haven, FL. 33830. Representative: Russell E. Haas (same as above). *Fruit Juice Concentrate, In Bulk in Tank Vehicles* From San Antonio, TX to Chicago, IL; Akron, OH; Verona, PA and Jersey City, NJ. Supporting shipper: Citro Florida Inc. P.O. Box 398, Frostproof, FL 33843.

MC 153690 (Sub-3–1TA), filed February 24, 1981. Applicant: MELVIN HAMPTON, d.b.a. HAMPTON TRUCKING, Route 1, Box 145–B, Palmer, TN 37365. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract carrier:* irregular: *General Commodities (except classes A and B explosives),* between points in AL, GA and TN under continuing contract with Gold Kist, Inc. Supporting shipper: Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301.

MC 47171 (Sub-3–13TA), filed February 24, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *Textile Products (except in bulk)* from points in AL to points in NJ and NY. Supporting shipper: Everest Textile Company, 1212 Avenue of the Americas, New York, NY.

MC 124154 (Sub-3–18TA), filed February 24, 1981. Applicant: WINGATE TRUCKING, INC., P.O. 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *Agricultural chemicals, materials, supplies and machinery used in the manufacture and distribution of agricultural chemicals* between points in Pelham, GA, Freemont, NE, Houston, TX, Brownfield, TX, Helen, GA, Eustis, FL, Jerome, ID, Severn, NC, Ehrhardt, SC, and Oswego, IL, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: Stroller Chemical Company, 8582 Katy Freeway, Houston, TX 77024.

MC 52704 (Sub-3–14TA), filed February 24, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Plastic articles* and (2) *materials equipment and supplies used in the manufacture or distribution of plastic articles* between points in Aiken and Spartanburg Counties, SC, Frederick County, Va, Guilford County, NC, Hot Springs County, AR, Richmond County, GA, New Castle County, DE, Dallas and Tarrant Counties, TX, Johnson and Wyandotte Counties, KS and Jackson, Clay and Platte Counties, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Amoco Foam Products Co., Suite 200, 2100 Powers Ferry Rd., NW., Atlanta, GA. 30099.

MC 145213 (Sub-3–4TA), filed February 24, 1981. Applicant: DEEP SOUTH TRUCKING, INC., Hwy 11 North, Post Office Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main Street, Post Office Box 696, Purvis, MS 39475. *Contract* carrier, irregular routes, *iron and steel articles,* between Mobile and Birmingham, AL; Houston, TX, and New Orleans, LA, on the one hand, and, on the other, points in Pearl River County, MS. Supporting shipper: G & S International, 333 North Belt East, Suite 1100, Houston, TX 77060.

MC 138178 (Sub-3–2TA), filed February 24, 1981. Applicant: RENTZ FARM SUPPLY, INC., Route 1, Brinson, GA 31725. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. *Liquefied petroleum gas, in bulk, in tank vehicles,* between points in Dougherty County (Albany), GA, on the one hand, and, on the other, points in FL. Supporting shipper: Empire Gas Corporation, P.O. Box 303, Lebanon, MO 65536.

MC 153955 (Sub-3–1TA), filed February 24, 1981. Applicant: WALPOLE, INC., 503 N.W. 9th Street, Okeechobee, FL 33472. Representative: E.E. Walpole, III (same address as applicant). *Citrus Pellets,* between point in FL having prior or subsequent movement by water. Supporting shipper: I. S. Joseph Company, Inc. Post Office Box 19127, Tampa, FL 33686.

MC 145779 (Sub-3–1TA), filed February 24, 1981. Applicant: OIL SERVICE COMPANY, INC., Route 3, Petty Lane, Columbia, Tennessee 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. *Toxic waste or hazardous materials* between points in the States of AL, AR, CT, FL, DE, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV and WI. Supporting shippers: Clayton Chemical Co., 10 South Brentwood Blvd., Clayton, MO 63105; Copeland Corp., P.O. Box 1309, Harselle, AL 35640; Fruehauf Co., 10900 Harper Ave., Detroit, MI and a list containing 89 additional names to be served.

The following applications were filed in region 4. Send Protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 40978 (Sub-4–13TA), filed February 25, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Such commodities as are dealt in or used by retail department stores* between points in IA, IL, IN, KY, MI, MN, MO, OH, and WI. Restricted to traffic originating at or

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destined to the facilities of Montgomery Ward & Co., Incorporated. Supporting shipper: Montgomery Ward & Co., Incorporated, One Montgomery Ward Plaza, Chicago, IL 60671.

MC 051146 (Sub-4–60TA), filed February 25, 1981. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid (same address as applicant). *Contract, irregular: Such commodities as are dealt in by grocery and food business houses* from Battle Creek, MI; Chicago and Kankakee, IL; Evansville and Lafayette, IN; Hoboken and Clifton, NJ; and Dover, DE to Cleveland, OH and points in its commercial zone, under a continuing contract with General Foods Corporation, 250 North Street, White Plains, NY 10625. Supporting shipper: General Foods Corp., 250 North Street, White Plains, NY 10625.

MC 52580 (Sub-4–2TA), filed February 25, 1981. Applicant: COLUMBIAN STORAGE & TRANSFER CO., 900 Hall Street SW., Grand Rapids, MI 49502. Representative: Kenneth T. Johnson, Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *General Commodities, except Classes A and B explosives,* between Grand Rapids, MI and its Commercial Zone, on the one hand, and, on the other, points in (1) MI; (2) the OH Counties of Williams, Fulton, Lucas, Wood and Ottawa; (3) the IN Counties of Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kisciusko, Marshall, Whitley, Wells, Adams and Huntingdon; and (4) the IL Counties of Lake, McHenry, DuPage, Will, Kane and Cook. Applicant requests that it be permitted to tack or combine the foregoing authority, or, alternatively, it is requested that authority be granted on a territorial basis as follows: *General Commodities, except Classes A and B explosives,* between points in MI, the OH Counties of Williams, Fulton, Lucas, Wood and Ottawa; the IN Counties of Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kosciusko, Marshall, Whitley, Wells, Adams and Huntingdon; and the IL Counties of Lake, McHenry, DuPage, Will, Kane and Cook. Supporting shippers: F. W. Woolworth, North Central Regional Office, 915 Lee St., Des Plaines, IL 60016; and K Mart Corporation, 310 W. Big Beaver Rd., Troy, MI 48084.

MC 52580 (Sub-4–3TA), filed February 25, 1981. Applicant: COLUMBIAN STORAGE & TRANSFER CO., 900 Hall Street SW., Grand Rapids, MI 49502. Representative: Kenneth T. Johnson, Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *General Commodities, except Classes A and B explosives,* between Detroit, MI and its Commercial Zone, on the one hand, and on the other, points in (1) MI; (2) the OH Counties of Williams, Fulton, Lucas, Wood and Ottawa; (3) the IN Counties of Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kosciusko, Marshall, Whitley, Wells, Adams and Huntingdon; and (4) the IL Counties of Lake, McHenry, DuPage, Will, Kane and Cook. Supporting shippers: Handleman Company, 1055 W. Maple Rd., Clawson, MI 48017 and Advanced Pool Distribution, P.O. Box #72, Madison Heights, MI 48071.

MC 60325 (Sub-4–1TA), filed February 27, 1981. Applicant: JEFFERSON LINES, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, Iowa 50309. *Passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations,* beginning and ending at points in Carroll, Greene, Sac, Calhoun, Webster, Cherokee, Buena Vista, Pocahontas, Humboldt, Palo Alto, Kossuth, Dickinson, and Emmet Counties, IA, and extending to points in the U.S. (including Alaska but excluding Hawaii). Supporting shippers: All Travel, 612 Second Street, Webster City, IA 50595; Travel and Transport, Crossroads Mall, Fort Dodge, IA 50501; Sons of Norway, 202 S. Fort Street, Eagle Grove, IA 50533; Ogden High School Senior Class, Ogden, IA 50212.

MC 82492 (Sub-4–10TA), filed February 25, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). *Metal working chemicals, rust preventing compounds, cleaning compounds, and Sodium Nitrate* (Except in Bulk), from the facilities of Amchem Products, Inc., Warren, MI to IL, IA, KS, KY, MN, MO, NE, ND, SD, TN, and WI. Supporting shipper: Amchem Products, Inc., 300 Brookside Ave., Ambler, PA 19002.

MC 82492 (Sub-4–11TA), filed February 27, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). (1) *Soap and cleaning compounds, fuel oil conditioners, ice control compounds, chemicals, waxes, fuel and oil additives, household deodorants and disinfectants; and (2) materials equipment and supplies* used in the manufacture and distribution of the commodities in (1) above. Restricted in (1) and (2) above against the transportation of commodities in bulk, from the facilities of Malco Products, Inc., at or near Barberton, OH, to points in IL, IN, IA, KS, KY, MN, MI, MO, NE, points in NY on and west of Interstate Hwy. 81, ND, points in PA on and west of Interstate Hwy. 81, PA Hwys. 9 and 100 and U.S. Hwy. 202, SD, TN, and WI. Supporting shipper: Malco Products, Inc., 361 Fairview St., Barberton, OH 44203.

MC 82492 (Sub-4–12TA), filed February 27, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). *Printed matter,* from the facilities of Dayton Press, Inc., at or near Dayton, OH, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NY on and west of Interstate Hwy. 81, ND, PA on and west of Interstate Hwy. 81, PA Hwys. 9 and 100 and U.S. Hwy. 202, SD, TN, and WI. Supporting shipper: Dayton Press, Inc., 2219 McCall Street, Dayton, OH 45401.

MC 106674 (Sub-4–41TA), filed February 27, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Paper and paper products and materials, equipment and supplies used in the manufacture and distribution of paper and paper products* between Middletown, OH and Natchez, MS on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Diamond International Corporation, 733 Third Avenue, New York, NY 10017.

MC 106674 (Sub-4–42TA), filed February 27, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *General Commodities (except Classes A and B explosives) commodities in bulk, household goods as defined by the Commission and those of unusual value)* from Passaic County, NJ to Lenawee County, MI; Fulton County, GA; Cook County, IL; Hinds County, MS; St. Louis, MO; and Tarrant County, TX. Supporting shipper: Hercules Chemical Company, Inc., 111 South Street, Passaic, NJ 07055.

MC 107295 (Sub-4–27TA), filed February 25, 1981. Applicant: PRE–FAB TRANSIT, CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *General Commodities (except Class A and B explosives),* between the facilities of Roblin Industries at Stroud, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Roblin Industries, Inc., 241 Main St., Buffalo, NY 14203.

MC 107295 (Sub-4–28TA), filed February 25, 1981. Applicant: PRE–FAB TRANSIT, CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Pipe, casing, tubing and couplings,* from Birmingham, AL; Pueblo, CO; Alton, Carlinville, and Chicago, IL; Panama City, FL; Newport, KY; Baton Rouge, Houma, Lafayette and Morgan City, LA; Sparrows Point, MD; St. Louis, MO; Davis and Oklahoma City, OK; Pittsburg, PA; and Houston, TX, to points in AL, AR, CO, FL, IL, KS, KY, LA, MD, MN, MO, OK, PA and TX. Supporting shipper: Bestway Tube and Steel, Inc., 601 Westburg Square, Houston, TX 77035.

MC 107295 (Sub-4–29TA), filed February 25, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Pipe, tubing and torsion bars,* from Harris County, TX, to points in LA, OK and TX. Supporting shipper: C. A. Crafts and Assoc., 3311 Richmond Ave., Houston, TX 77019.

MC 107295 (Sub-4–30TA), filed February 25, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Concrete forming products,* from Houston, TX, to points in AL, FL, GA, LA, MS, NC, SC, TN and TX. Supporting shipper: Superior Concrete Accessories, Inc., 6417 Toledo, P.O. Box 7453, Houston, TX 77008.

MC 107295 (Sub-4–31TA filed February 25, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). (1) *Metal building parts, metal building sections, metal structural components,* from Fort Bend County, TX, and Chilton County, AL to points in the U.S. (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture or distribution of commodities named in (1) above, in the reverse direction. Supporting shipper: Engineering Components, 13410 Murphy Road, Stafford, TX.

MC 111375 (Sub-4–4TA), filed February 25, 1981. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same address as applicant). *general commodities (except household goods, explosives and commodities in bulk)* between the facilities of Wisconsin Shippers Association located at Milwaukee, WI on the one hand, and, on the other, points in AZ, CA, CO, OR, UT and WA. Supporting shipper: Wisconsin Shippers Association, Inc., 5253 North Hopkins Street, Milwaukee, WI 53209.

MC 111812 (Sub-4–29TA), filed February 19, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Pulp, paper or allied products and printed matter as described in Items 26 and 27 of the Standard Transportation Commodity Code Tariff,* between the facilities of Time, Inc. located at points in IL, KY, OH, TN and WI on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Time, Inc., 303 East Ohio Street, Chicago, IL 60611.

MC 114832 (Sub-4–27TA), filed November 24, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David Peterson (same address as applicant). *General Commodities (except those of unusual value, classes A & B explosives, and household goods as defined by the Commission),* from the facilities of Charter Oak Shippers Cooperative Association and its members located at points in CT, MA, and NY to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI & WY. An underlying ETA seeks 120 days authority. Supporting shipper: Charter Oak Shippers Cooperative Association, Inc., One Parkland Drive, Box 1147, Darien, CT 06820.

MC 114829 (Sub-4–7TA), filed February 27, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling IL 71081. Representative: Daniel C. Sullivan, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. *Contract: irregular: Such commodities as are dealt in by wholesale or retail food business houses, and equipment, materials and supplies used in the conduct of such businesses,* between points in Cook County, IL, on the one hand, and, on the other, points in PA and OH under contract(s) with Topco Associates, Inc. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 117940 (Sub-4–5TA), filed February 24, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Such commodities as are dealt in by or used in the operation of retail department stores* (except foodstuffs, commodities in bulk, and household goods as defined by the Commission) from the facilities of Allied Stores Marketing Corporation at points in Hudson County, NJ to points in IN, NM, OH, OR, TX and WA. Supporting shipper: Allied Stores Marketing Corp., 1114 Avenue of the Americas, New York, NY 10036.

MC 117940 (Sub-4–6TA), filed February 25, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain MN 55359. Representative: Allan Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Chemicals and synthetic cloth and fiber* from Borger, TX to Winona, MN; from Winona, MN to Asheville, NC; from Asheville, NC to Chicago, IL; from Chicago, IL to Minneapolis, MN. Supporting shipper: CEA-Carter Day Company, 500 73rd Avenue NE, Minneapolis, MN 55432.

MC 118696 (Sub-4–35TA), filed February 25, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *New furniture (including vanities, kitchen cabinets, and shelving therefor) and materials, equipment, and supplies* used in the manufacture and distribution thereof, between Union City, IN; Nashville, TN; Jackson, TN; Auburn, NE; Lakeland, FL; Nashville, NH; Elizabeth City, NC; Nappanee, IN; Morristown, TN; Center, TX, McKinney, TX and Jefferson City, TN, on the one hand, and, on the other, points in and east of the states of ND, SD, NE, KS, OK, and TX. Supporting shipper: Triangle Pacific Corp., 16803 Dallas Parkway, Dallas, TX 75248.

MC 128008 (Sub-4–1TA), filed February 25, 1981. Applicant: VALLEY CARTAGE, INC., 960 Spruce, Terre Haute, IN 47807. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract:* Irregular (1) *Glass containers* from the facilities of Midland Glass, Inc., located at Terre Haute, IN to Belleville and Chicago, IL, Newport, KY, Detroit, MI, St. Louis, MO, Cincinnati, OH and Milwaukee, WI, under contract(s) with Midland Glass Company, Inc. (2) *Malt beverages,* from Bellesville, IL, Newport, KY and Cincinnati, OH, to Terre Haute, IN, under contract(s) with Brentlinger Distributing Co., Inc. Supporting shippers: Midland Glass Company, Inc., Cliffwood, NJ 07721 and Brentlinger Distributing Co., Inc., Terre Haute, IN 47807.

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MC 138420 (Sub-4-3TA), filed February 25, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Malt beverages* from Chicago, IL to points in AR, IL, IN, IA, KY, MI, MN, MO, OH, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: The Stroh Brewing Company, 1 Stroh Drive, Detroit, MI 48226.

MC 139482 (Sub-4-28TA), filed February 27, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877 New Ulm, MN 56073. *Chemicals, resins, adhesives, fiberglas & medical products, honeycomb cellular panels, fiber composite materials and any other products utilized by the aerospace industry,* between all points in the U.S. and Winnipeg, Manitoba, Canada. Restricted to the transportation originating at or destined to the facilities utilized by Hexcel Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Hexcel Corp., 11711 Dublin Blvd., Dublin, CA 94566.

MC 142336 (Sub-4-1TA), filed February 25, 1981. Applicant: D. TERRY CHAMNESS, d.b.a. TERRY'S ROAD, TRUCK & WRECKER SERVICE, 4331 South 12th Street, Kalamazoo, MI 49009. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Reinforced structural concrete products, including beams and joists* from Kalamazoo County, MI to various points in IN, IL, OH and PA. Supporting shipper: Precast Schokbeton, Incorporated, 3102 E. Court Street, Kalamazoo, MI 49003.

MC 143280 (Sub-4-8TA), filed February 26, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs and kindred products and containers,* between Brown, Milwaukee and Chippewa Counties, WI and Big Stone and Sibley Counties, MN, on the one hand, and, on the other hand, points in the U.S. Supporting shipper: Big Stone, Inc., P.O. Box 186, Chaska, MN 55318.

MC 143280 (Sub-4-9TA), filed February 26, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper Products,* from Outagamie County, WI, to points in the U.S. Supporting Shipper: Amricon Corp., P.O. Box 179, Appleton, WI 54912.

MC 144452 (Sub-4-4TA), filed February 25, 1981. Applicant: ARLEN LINDQUIST, d.b.a., ARLEN E. LINDQUIST TRUCKING, 9172 Davenport Street NE, Minneapolis, MN 55434. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Petroleum and its products,* from Roxana, IL to points in KS, IA, MO, NE, OK, and WY. An underlying ETA seeks 120 days authority. Supporting shipper: John Deere Company, 3210 East 85th Street, Kansas City, MO, 64132.

MC 144696 (Sub-4-5TA), filed February 25, 1981. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom Street, Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract;* Irregular: *Foodstuffs,* Between Battle Creek, MI, and Naperville, IL. An underlying ETA seeks 120 days authority. Supporting shipper: LOTTE U.S.A., Inc., 5243 Wayne Road, Battle Creek, MI 49015.

MC 144741 (Sub-4-3TA), filed February 25, 1981. Applicant: NETTLETON ENTERPRISES COMPANY, INC., d.b.a. NORWOOD TRANSPORT COMPANY, Route 1, Box 96, Elgin, IL 60120. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. *Machinery, and materials, equipment and supplies used in the manufacture and distribution of machinery* between the facilities of Economy Engineering located at or near Chicago, IL on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Economy Engineering Company, P.O. Box 1507, Bensenville, IL 60106.

MC 145042 (Sub-4-5TA), filed February 24, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Food and related products* between the facilities of The Coca-Cola Company at or near Paw Paw, MI and various points in IL, IN, OH, WI, MN, ND, SD, IA, MO, KY, TN, WV, PA, NY, NJ, and FL. Supporting shipper: The Coca-Cola Company, Foods Division, P.O. Box 229, Paw Paw, MI 49079.

MC 145299 (Sub-4-1TA), filed February 25, 1981. Applicant: KEY LEASING, INC., 1423 Jefferson, Naperville, IL 60540. Representative: Stephen H. Loeb, Suite 2027, 33 North La Salle St., Chicago, IL 60602. *Contract* irregular: *Appliances and materials, equipment, and supplies used in the manufacture and distribution of appliances,* between the facilities of Amana Refrigeration, Inc., on the one hand, and, on the other, points in IL and IN. Supporting shipper: Amana Refrigeration, Inc., 11441 W. Melrose Street, Franklin Park, IL 60131.

MC 145664 (Sub-4-15TA), filed February 27, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, 223 So. 50th Ave. West, Duluth, MN 55807. *Bricks, blocks, slabs, tiles and related building articles,* between points in St. Louis County, MN on the one hand, and, on the other, points and places in the U.S. Supporting shipper: Standard Builders Supply, 102 South 21st Avenue West, Duluth, MN 55806.

MC 145664 (Sub-4-16TA), filed February 27, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, 223 So. 50th Ave. West, Duluth, MN 55807. *Construction, mining, railroad, forestry, and industrial equipment, supplies and materials used in the manufacture, sale, and distribution* thereof between points in St. Louis County, MN on the one hand, and, on the other, points and places in the U.S. Supporting shipper: Pettibone Corporation, 9335 West Gate Boulevard, Duluth, MN 55810.

MC 145664 (Sub-4-17TA), filed February 27, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, 223 So. 50th Ave. West, Duluth, MN 55807. *Food additives such as fumaric and malic acid,* between points in St. Louis County, MN on the one hand and between points in the U.S. on the other hand, as well as, and including, between points in the St. Louis County, MN and Port Huron, MI a point on the United States/Canada boundary line for furtherance to Canada. Restricted to the traffic of Alberta Gas Chemicals, Inc. Supporting shipper: Alberta Gas Chemicals, Inc., Spring St. at Waterfront, Duluth, MN 55808.

MC 147572 (Sub-4-3TA), filed February 25, 1981. Applicant: COUNTRY LEASING, INC., 8206 Park Avenue, Allen Park, MI 48101. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. *Contract;* Irregular, *cake mixes, preservation chemicals, sugar, prepared mixes and ingredients, chocolate, shortening, meat by-products, and containers (bags, boxes, packages, and plastic and metal containers) used in packaging the above commodities,* between points in IL, IN, IA, KY, MI, MO, OH, PA and WI. Supporting shippers: Unisource Foods Co. and its

wholly owned subsidiaries, Amendt Milling Co., Michigan Shortening Co. and New Quality Prepared Flour, 2000 Division, Detroit, MI 48207.

MC 146955 (Sub-4-1TA), filed February 25, 1981. Applicant: LAMER'S BUS LINES, INC., 2407 S. Point Road, Green Bay, WI 54303. Representative: Stanley C. Olsen, Jr., Olsen, Snelling, & Christensen, P.A., 5200 Wilson Road, Ste. 307, Edina, MN 55424. *Passengers and their baggage, in charter operations, and baggage of passengers in separate vehicle* between points in Outagamie County, WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Nationwide Travelers, Inc., 1515 Graceland Avenue, Appleton, WI 54911.

MC 151665 (Sub-4-3TA), filed February 25, 1981. Applicant: MAGNUM, LTD., Box 775, Hillsboro, ND 58045. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: *Lumber and wood products,* from points in WA, OR, ID, MT, CA, TX, AR, and LA to points in ND, SD, and MN. An underlying ETA seeks 120 days authority. Supporting shipper: Lavelle Company, Box 2583, 115 South 31st Street, Fargo, ND 58108.

MC 152701 (Sub-4-3TA), filed February 26, 1981. Applicant: KRYDER'S, INC., P.O. Box 57, 14513 Leo Road, Leo, IN 46765. Representative: Jerry P. Carnes (address same as applicant). *Contract* irregular: *(1) Motor truck bodies and related parts and equipment; and (2) equipment, materials and supplies used in the manufacture, distribution and sale of (1) above* between Allen County, IN on the one hand, and, on the other hand, points in the U.S. Restricted to traffic moving under continuing contracts with The Truck Engineering Company, Inc. Supporting shipper: The Truck Engineering Company, Inc., 3200 East Pontiac Street, Fort Wayne, IN 46803. An Emergency Temporary Authority Application seeks 120 days.

MC 153648 (Sub-4-2TA), filed February 25, 1981. Applicant: PATRICK C. SENG, d.b.a. S. & S. TRANSPORT, 1602 Sixth Avenue North, Grand Forks, ND 58201. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract:* Irregular: *Beverages, in containers, containers and closures,* from Alton, Chicago and Streator, IL; Eagan, Minneapolis, Moorhead, No. Mankato, St. Paul and Shakopee, MN; Sapulpa, Ok; Corsicana, TX; and LaCrosse and Milwaukee, WI, to Grand Forks, ND. Restricted to traffic moving under continuing contract with Grand Forks Coca Cola Bottling Co. An underlying ETA seeks 120 days authority. Supporting shipper: Grand Forks Coca Cola Bottling Co., P.O. Box 578, Grand Forks, ND 58201.

MC 153662 (Sub-4-1TA), filed February 27, 1981. Applicant: MIDWEST EQUINE EXPRESS, INC., 978 11th Ave. NW., New Brighton, MN 55112. Representative: Wilburn Dorn, 300 E. Main St., Suite 300, Anoka, MN 55303. *Livestock, other than ordinary, including race and show horses, ponies and mules, and also all articles necessary for the care and showing of such animals* between points in the U.S. Supporting shipper: There are seven supporting shippers.

MC 154280 (Sub-4-1TA), filed February 25, 1981. Applicant: HERALD LIMA, d.b.a. HAL TRANSPORT SERVICE, 1514 E. Thomas Ave., Milwaukee, WI 53211. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. *(1) Paper products and (2) equipment, materials and supplies used in the manufacture and distribution of commodities named in (1)* between points in the United States, under continuing contracts with Wisconsin Paperboard Corporation, Milwaukee, WI. Supporting shipper: Wisconsin Paperboard Coporation, 1514 E. Thomas Avenue, Milwaukee, WI 53211.

MC 154343 (Sub-4-1TA), filed February 24, 1981. Applicant: HERITAGE TRAILS, INC., 16020 Forest, Oak Forest, IL 60452. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Passengers and their baggage, in special or charter operations,* beginning and/or ending at Daytona Beach, FL and extending to IL, IA, IN, KS, MN, MO, MI, OH and WI. Supporting shipper: Neptune Inn, 2855 S. Atlantic Ave., Daytona Beach, FL 32018.

MC 154366 (Sub-4-1TA), filed February 26, 1981. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Road, Mt. Horeb, WI 53572. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Chemicals, fertilizer, and feed ingredients* from points in MN, IA, and IL to Black Earth, Mt. Horeb, and Hollandale, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Mt. Horeb Farmers' Co-operative, 102 East Lincoln Street, Mt. Horeb, WI 535721 and Patrons' Mercantile Co-operative, 1131 Mills Street, Black Earth, WI 53515.

MC 154378 (Sub-4-1TA), filed February 25, 1981. Applicant: INTERCOASTAL FREIGHTWAYS, 649 Nightingale, Dearborn, MI 48128. Representative: H. Brian Hutchinson, 305 New York Blvd., Sea Girt, NJ 08750. *Contract:* Irregular; *Processed and unprocessed film* Between Detriot, MI Pittsburgh, PA and Newark, NJ. Supporting shipper: Guardian Photo 43043 W. Nine Mile, Novi, MI.

MC 154383 (Sub-4-1TA), filed February 25, 1981. Applicant: ROBERT WODILL, d.b.a. WODILL TRUCKING, Route 1, Fall River WI 53932. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* irregular; *feed and feed ingredients, and materials, equipment and supplies used in the manufacture, sale, and distribution of such commodities,* between Madison, Columbus, Fall River and Portage, WI, and Points in IL, IN, IA, MI, and MN. Restricted to transportation performed under a continuing contract(s) with Vita Plus Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Vita Plus Corporation, 1508 West Badger Road, Madison, WI 53713.

MC 4483 (Sub-4-4TA), filed February 24, 1981. Applicant: MONSON TRUCKING, INC., R.R. #1, Red Wing, MN 55066. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Chemicals and related products and equipment and supplies used in connection therewith,* from points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD and WI to the upper peninsula of MI, those points in and north of Polk, Barron, Rusk, Price, Lincoln, Oneida, Forest and Marinette Counties, WI, and those points in, north and east of Koochiching, Itasca, Aitken, Kanabec and Pine Counties, MN. Supporting shipper: Arrowhead Chemicals, Inc., 2026 Winter Street, Superior, WI 54880.

MC 8515 (Sub-4-6TA), filed February 24, 1981. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Alcoholic liquors and materials, equipment, and supplies used in the manufacture and distribution,* between points in IL and NJ on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Hiram Walker & Sons, Inc., P.O. Box 479, Foot of Edmund Street, Peoria, IL 61651.

MC 29555 (Sub-4-4TA), filed February 24, 1981. Applicant: BRIGGS TRANSPORTATION CO., N-400 Griggs-Midway Building, St. Paul, NW 55104. Representative: Winston W. Hurd (same address as applicant). *General commodities (except household goods as defined by the Commission and Classes A & B explosives),* serving

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points in the following counties in the State of KY as off-route points in connection with carrier's otherwise authorized regular route service: Union, Webster, Henderson, Daviess, McLean, Muhlenberg, Ohio, Hancock, Breckinridge, Grayson, Edmonson, Warren, Butler, Hopkins, Meade, Hardin, Hart, Bullitt, Jefferson, Nelson, Spencer, Shelby, Anderson, Franklin, Woodford, Fayette, Jessamine. Applicant intends to interline. Applicant intends to tack to its existing authority and any authority it may acquire in the future. Supporting shippers: There are 219 statements of support attached.

MC 69833 (Sub-4-13TA), filed February 23, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW, 6th Floor, Grand Rapids, Michigan 49503. Representative: Harry Pohlad (same address as applicant). *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of J. I. Case, Burlington, Iowa as an off-route point in connection with carrier's authorized regular route operations. Supporting shipper: J. I. Case, Racine, WI.

MC 84273 (Sub-4-2TA), filed February 24, 1981. Applicant: JONES TRUCKING CO., INC., 3020 Bay View Dr., Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract;* irregular; *Cheese, cheese products, and materials, equipment, and supplies used in the manufacture and distribution of cheese and cheese products* between Hopkinton, IA and Green Bay, WI under a continuing contract(s) with Swift & Company. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 105045 (Sub-4-30TA), filed February 23, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager, (same as above). *Dust collectors and components thereof,* between Baltimore, MD and NC, SC, VA, WV, DE, NJ, PA, CT, MA, RI, VT, NH, and ME. Supporting shipper: Dixie Manufacturing, 1501 W. Patapsco Ave., Baltimore, MD 21230.

MC 108453 (Sub-4-6TA), filed February 24, 1981. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodities (except in bulk)* between points in IL, IN, MI and OH, under a continuing contract with ACM Plastic Products. Supporting shipper: ACM Plastic Products, 307 Magnolia, Sturgis, MI 49091.

MC 114194 (Sub-4-13TA), filed February 25, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donell (same as applicant). *Foundry core compounds and silicate of soda, in bulk,* from Chicago, IL, to King of Prussia, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Foseco, Inc., 20200 Sheldon Rd., Brookpark, OH 44152.

MC 114632 (Sub-4-26TA), filed February 23, 1981. Applicant: APPLE LINES, INC., PO Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *General commodities (except household goods, commodities in bulk, and articles of unusually high value),* between the facilities of the North Eastern Pennsylvania Shippers Cooperative Association, Inc. and its members located in NY, NJ, and PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: North Eastern Pennsylvania Shippers Cooperative Association, Inc., 1212 O'Neill Highway, Dunmore, PA 18512.

MC 114829 (Sub-4-6TA), filed February 23, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 71081. Representative: Bernard J. Kompare, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. *Contract,* irregular: *Such commodities as are dealt in or used by manufacturers of paper, paper and plastic products, and containers,* between points in the U.S., under contract(s) with Stone Container Corporation and Brothers Paperbox Company. Supporting shipper: Stone Container Corporation, 360 North Michigan Avenue, Chicago, IL 60601; and Brothers paperbox Company, 1600 East 22nd Street, Sioux City, IA 51104.

MC 115543 (Sub-4-1TA), filed February 24, 1981. Applicant: MINNESOTA STONE TRUCKING COMPANY, Route 5, Mankato, MN 56001. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) *Stone products* (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* from points in Blue Earth and LeSeuer Counties MN to points in CT, NJ, and NY under a continuing contract or contracts with Vetter Stone Company. An underlying ETA seeks 120 days authority. Supporting shipper: Vetter Stone Company, P.O. Box 38, Mankato, MN 56050.

MC 119619 (Sub-4-9TA), filed February 24, 1981. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Building, 95-25 Queens Boulevard, Rego Park, NY 11374. *Diphenylmethane diisocyanate* in Interline Service from points in the Chicago, IL Commercial Zone; To points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and WV. An underlying ETA seeks 120 days authority. Supporting shipper: Rubicon Chemicals Inc., P.O. Box 517, Geismar, LA 70734.

MC 125551 (Sub-4-3TA), filed February 23, 1981. Applicant: K & W TRUCKING CO. INC., 101 Cooper Ave. North, St. Cloud, 56301. Representative: Rollie H. Anderson (same as above). *Contract* irregular: *Aluminum and Aluminum Articles,* between Ferndale, WA., on the one hand, and, on the other, points in the U.S. Supporting shipper: Intalco Aluminum Corp., P.O. Box 937 Ferndale, WA, 98248.

MC 135410 (Sub-4-21TA), filed February 23, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Plastic and rubber articles* from Montpelier, IN and Mora, MN, and points in their Commercial Zones to the facilities of McLaughlin Body Company at E. Moline, IL and points in its Commercial Zone. Supporting shipper: McLaughlin & Body Company, 2430 3rd Avenue, Mobile, IL 61265.

MC 139992 (Sub-4-1TA), filed February 20, 1981. Applicant: A & M CARTAGE, INC., 6515 South Austin Boulevard, Chicago, IL 60638. Representative: Paul J. Maton, Ten South LaSalle Street, Suite 1620, Chicago, IL 60603. *Furniture, household furnishings, household appliances, and related parts and items* between Chicago, IL, on the one hand, and, on the other, Cook, Lake, Du Page, Will, Kane, McHenry, Boone, Winnebago, De Kalb and Kendall Counties, IL, Kenosha, Racine, Milwaukee, Ozaukee, Washington, Waukesha, Walworth, Rock, Jefferson, Dodge, Columbia, Dane and Green Counties, WI, Lake, Porter, LaPorte, and St. Joseph Counties, IN. Supporting shippers: A & R Sales, Inc., 1635 Merchandise Mart, Chicago, IL 60654; Bassett Mirror Company, Inc., P.O. Box 3515, Merchandise Mart, Chicago, IL 60654; Service Furniture Distributors, 6515 S. Austin, Chicago, IL 60638; Baumgarten-Samuel Sales, Inc., P.O. Box 3515, Merchandise Mart, Chicago, IL 60654: Heady and Connor, Inc., 600 N. McClurg Ct., Suite 4112A, Chicago, IL, 60611.

MC 140942 (Sub-4-1TA), filed February 23, 1981. Applicant: CLOVERDALE TRANSPORTATION COMPANY, 3015 34th Street NW., P.O. Box 578 Mandan, ND 58554. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Contract,* irregular: *Food and related products,* from Baltimore, MD and its Commercial Zone to Mandan, ND, under continuing contract(s) with Cloverdale Foods Company. Supporting shipper: Cloverdale Foods Company, Mandan, ND 58554.

MC 145164 (Sub-4-1TA), filed February 24, 1981. Applicant: HAROLD N. SCHONSCHECK TRUCKING, INC., 5943 Larsen Road, Oshkosh, WI 54901. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. (1) *Polyethylene and polypropylene,* from New London, WI, to points in IL; and (2) *Scrap polyethylene and scrap polypropylene,* from points in IL to New London, WI; under continuing contract(s) with New London Resin Co. An underlying ETA seeks 120 days authority. Supporting shipper: New London Resin Co., 313 West Wolf River Avenue, New London, WI, 54961.

MC 145828 (Sub-4-2TA), filed February 24, 1981. Applicant: RONALD L. JONES, d.b.a. ALGOMA FARMS, 1762 Leonard Road, Oshkosh, WI 54901. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* Irregular; *Precast concrete beams, roof decks, joists, double-T's, crypts, and panels* from Oshkosh, WI, to Golden, CO. Restricted to transportation performed under a continuing contract(s) with Duwe Precast Concrete Products, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Duwe Precast Concrete Products, Inc., 1770 South Koeller Road, Oshkosh, WI 54901.

MC 146753 (Sub-4-8TA), filed February 23, 1981. Applicant: SAM YOUNG, INC., Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. *Non-metallic minerals,* between Limestone County, TX, and New London, County, CT, on the one hand, and, on the other, points in the U.S. Supporting shipper: Ottawa Silica Company, Texas Industrial Minerals (A Subsidiary), P.O. Box 557, Ottawa, IL 61350.

MC 147199 (Sub-4-4TA), filed February 24, 1981. Applicant: MWM TRUCKING, INC., 1400 Chestnut, P.O. Box 736, Ottawa, IL 61350. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. *Glass, glass products, and materials, equipment, and supplies* used in the manufacture and distribution thereof (1) between LaSalle County, IL and Wood and Lucas Counties, OH, on the one hand, and the states of TX, LA, and OK, on the other hand, and (2) between LaSalle County, IL, on the one hand, and Wood and Lucas Counties, OH, on the other hand. Supporting shipper: Libbey-Owens-Ford Company, 811 Madison Ave., Toledo, OH 43695.

MC 147209 (Sub-4-1TA), filed February 24, 1981. Applicant: QUASAR EXPRESS, INC., P.O. Box 40, Sioux Falls, SD 57101. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. *General Commodities* (except Classes A and B explosives), between points in Sioux Falls, SD and its commercial zone, on the one hand, and, on the other, points in IL, IN, MI, OH and WI. Supporting shippers: Litton Microwave Cooking Products, Litton Systems, Inc., 1405 Xenium Lane, Minneapolis, MN 55440; Midwest Consolidators, Inc., 324 E. Eighth Street, Sioux Falls, SD 57102.

MC 147264 (Sub-4-10TA), filed February 25, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Avenue, Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Bananas* from Galveston, TX to points in AR, IL, IN, IA, KS, KY, LA, MO, NE, OK, OH, TN and TX. An underlying ETA seeks 120 days authority. Support shipper: Castle & Cooke Foods, 2900 Veterans Blvd., Metaire, LA 70002.

MC 148175 (Sub-4-3TA), filed February 25, 1981. Applicant: ROBERT DENTON d.b.a. SPIRIT TRUCKING COMPANY, 8700 South Wolf Road, Hinsdale, IL 60521. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Such commodities as are dealt in or used by mail order houses and retail department stores, household and personal care products* between Ada, MI on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Amway Corporation, 7500 East Fulton Road, Ada, MI 49355.

MC 149477 (Sub-4-5TA), filed February 24, 1981. Applicant: BECKSTROM ENTERPRISES, INC., P.O. Box 56, Gwinner, ND 58040. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Contract* Irregular: *(1) Rolled steel tracks, axles and axle components, and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above,* between points in the U.S. under continuing contracts with Loegering Manufacturing, Inc. of Casselton, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Loegering Manufacturing, Inc., P.O. Box 807, Casselton, ND 58012.

MC 152701 (Sub-4-2TA), filed February 24, 1981. Applicant: KRYDER'S, INC., P.O. Box 57, 14513 Leo Road, Leo, IN 46765. Representative: Jerry P. Carnes (same address as applicant). *Contract Irregular: Such commodities as are dealt in or used by a processor of scrap materials* between Dallas, TX and points in CA, CO, IL, LA, MA, MN, MO, NE, NM, OH, OK, OR and PA under continuing contract with Cal West Metals. An underlying ETA seeks 120 days authority. Supporting shipper: Cal West Metals, 4455 L.B.J. Freeway—Suite 906, Dallas, TX 75234.

MC 153407 (Sub-4-1TA), filed February 25, 1981. Applicant: NATIONAL TRANSIT LEASING CORPORATION, 2751 South Chase Avenue, Milwaukee, WI 53207. Representative: Thomas G. Schober, Esq., Schober & Radtke, Attorneys, 15525 W. National Avenue, Post Office Box 65, New Berlin, WI 53151. *Contract* irregular: *weldments, castings, bar stock and component assembly parts* used in the manufacturing of machine centers and machine tools between points in the U.S. under continuing contracts with Kearney & Trecker Corp., West Allis and Butler, WI and Georgetown Manufacturing Corp., Georgetown, KY. Supporting shipper: Kearney & Trecker Corp., 1100 Theodore Trecker Way, Milwaukee, WI 53214.

MC 153823 (Sub-4-1TA), filed February 23, 1981. Applicant: ADVANCED IRRIGATION, INC., P.O.B. 818, West Fargo, ND 58078. Representative: Gene P. Johnson, P.O.B. 2471, 700 Metropolitan Building, Fargo, ND 58108. *Liquid storage tanks, mountings and applicators,* (1) between Fargo, ND, on the one hand, and, on the other, points in MN, NE, MT, and SD; and (2) from St. Bonifacius, MN, to points in CO, ID, IA, MT, NE, ND and SD, under contract with Horvick Manufacturing Company, Moorhead, MN, and Norwesco, Inc., St. Bonifacius, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Horvick Manufacturing Company, P.O. Box 702, Moorhead, MN 56560, and Norwesco, Inc., 4365 Steiner St., St. Bonifacius, MN 55375.

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MC 154283 (Sub-4–1TA), filed February 23, 1981. Applicant: ELGIN MILK SERVICE, INC., Route 1, Elgin, MN 55932. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) *Cheese* and (2) *materials, equipment and supplies used in the manufacture of the commodities in (1) above*, between Elgin, MN and Green Bay, WI under a continuing contract or contracts with Elgin Cooperative Creamery. An underlying ETA seeks 120 days authority. Supporting shipper: Elgin Cooperative Creamery, Box 117, Elgin, MN 55394.

MC 154312 (Sub-4–1TA), filed February 23, 1981. Applicant: AGRI CARRIERS, INC., Rt. 2, Box 110, Covington, In 47932. Representative: Lesliеann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. (1) *liquid and dry fertilizer, anhydrous ammonia, and ag limestone* from IL, KY, OH, and IN to Warren, Vermilion and Fountain Counties, IN and Vermilion County, IL; (2) *liquid and dry fertilizer* from Danville, IL to IN. Supporting shippers: Tri-Co Ag, Box 38, Stateline, IN 47982 and Stone Bluff Grain Co., Inc., R.R. 4, Veedersburg, IN 47987, West Central Indiana Cooperative, Box 158, Veedersburg, IN 47987.

MC 154344 (Sub-4–1TA), filed February 24, 1981. Applicant: EMIL E. ZIEGLER, d.b.a. ZIEGLER TRUCKING CO., RFD 3, Tripp, SD 57376. Representative: A.J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls SD 57101. *Fertilizer and fertilizer ingredients*, from points in Woodbury and Lee Counties, IA and Minneapolis, MN and points in its commercial zone, to points in Hutchinson and Bon Homme Counties, SD. An underlying ETA seeks 120 day authority. Supporting shipper: Kaylor Grain Co., Kaylor, SD 57354; Cargill, Inc., Scotland, SD 57059; Coop Farmers Association of Scotland, Scotland, SD 57059.

MC 154345 (Sub-4–1TA), filed February 24, 1981. Applicant: DICK HOGLO, d.b.a., DICK HOGLO TRUCKING, 311 South Arnold, Thief River Falls, MN 56701. Representative: Neil A. McEwen, Attorney at Law, Northern State Bank Building, Thief River Falls, MN 56701, (218) 681–3070. *Beer* between Thief River Falls, MN, to Milwaukee and La Crosse, WI, and St. Louis, MO, with empties and return to Thief River Falls, MN. Supporting shipper: Northwest Beverage, Inc., 419 Pennington Avenue South, Thief River Falls, MN 56701.

MC 154347 (Sub-4–1TA), filed February 24, 1981. Applicant: R. J. HALFMAN, 2401 Winnebago Drive, Fond du Lac, WI 54935. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. *(1) Paper products and (2) equipment, materials and supplies used in the manufacture and distribution of commodities named in (1)* between Fond du Lac, WI and points in IL and MN under continuing contracts with Wright Brothers Paper Box Co., Inc., Fond du Lac, WI. Supporting shipper: Wright Brothers Paper Box Co., Inc., 800 Morris Street, Fond du Lac, WI 54935.

MC 154375 (Sub-4–1TA), filed February 25, 1981. Applicant: ANAMAX TRANSPORTATION CORP., 2099 Shawano Ave., Green Bay, WI 54303. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street, Box 218, Crandon, WI 54520. *Contract irregular: (1) Inedible meat products, meat by-products, and hides and skins; and (2) Materials, equipment and supplies used in the processing and/or distribution of the above-named commodities* between points in WI on the one hand and on the other, points in MI, MN, IA, IN, and IL under a continuing contract or contracts with Anamax Corporation. Supporting shipper: Anamax Corp., 2099 Shawano Ave., Green Bay, WI 54303.

MC 27754 (Sub-4–3TA), filed February 12, 1981. Applicant: FRANK J. KUBLY TRANSFER, INC., P.O. Box 135, Old Highway 11 and 81 East, Monroe, WI 53566. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Foodstuffs, malt beverages, promotional materials and materials, equipment and supplies used in the manufacture and distribution of such commodities* between points in WI, MN, IA, IL, IN, MI, MO, OH and ND. Supporting shippers: Senmar, Inc., P.O. Box 907, Monroe, WI 53566; Roy's Dairy, Inc., 307–11th St., Monroe, WI 53566; Armour & Co., 1720–14th Ave., Monroe, WI 53566.

MC 28060 (Sub-4–2TA), filed February 17, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Ave., P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *Plastic products (except in bulk)* from Belle Plaine, MN to Sioux Falls, SD. Supporting shipper: Raven Industries, Inc., P.O. Box 1007, Sioux Falls, SD 57117.

MC 87820 (Sub-4–1), filed February 12, 1981. Applicant: THEDE BROS., INC., 316 So. Plum, Havana, IL 63644. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract*, irregular: *Carbonated beverages*, from Warrenton, MO to Havana, IL. Restricted to traffic moving under continuing contract with Havana Pepsi Cola Bottling Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Havana Pepsi Cola Bottling Co., Inc., 500 No. Promenade St., Havana, IL 62644.

MC 103993 (Sub-4–28TA), filed February 17, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (address same as applicant). *Motor vehicles* between Broward County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days. Supporting shipper: Zimmer Motor Car Corporation, Pompano Beach, FL 33060.

MC 105045 (Sub-4–28TA), filed February 17, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *Lumber and wood products*, between Philadelphia, PA, Camden, NJ and points in OH, WI, IN, MO, IL, and MI. An underlying ETA seeks 120 days authority. Supporting shipper: Litco, Inc., Hartwick, NY.

MC 108223 (Sub-4–6TA), filed February 17, 1981. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., 2160 Mustang Drive, P.O. Box 43050, St. Paul, MN 55164. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Common carrier—regular route, *general commodities* (except classes A and B explosives) between Minneapolis-St. Paul, MN and Houston, TX; from Minneapolis-St. Paul over Interstate Highway 35 to junction Interstate 35E; then over Interstate 35E to junction Interstate Highway 45; then over Interstate 45 to Houston and return over the same route, serving all intermediate points and serving the off-route points of Forest City, IA; Topeka, KS and Tulsa, OK. There are 13 supporting shippers.

MC 113751 (Sub-4–4TA), filed February 17, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Resin, plastic products, and materials, equipment and supplies* used or useful in the manufacture or distribution of such commodities between points in the U.S. in and east of ND, NE, SD, CO, OK, and TX. An underlying ETA seeks 120 days. Supporting shipper: New London Resin Co., Div. of New London Plastics, Inc., 313 West Wolf River Avenue, New London, WI 54961.

MC 118263 (Sub-4–3TA), filed February 13, 1981. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., Suite 708, McClure Building, Frankfort, KY 40601. *Photographic paper moving in vehicles equipped with mechanical refrigeration, except in bulk*, from the facilities of the Louisville Freezer Center to points in GA, TX, MN, IL, MO and WI. Supporting shipper: Mitsubishi International Corporation, General Merchandise Department, 277 Park Avenue, NY, NY 10172. An underlying ETA seeks 120 days authority.

MC 124078 (Sub-4–59TA), filed February 17, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Aragonite, in bulk*, from Perth Amboy, NJ to Dayville, CT. Supporting shipper: Glass Containers Corporation, 535 N. Gilbert Avenue, Fullerton, CA 92634.

MC 124078 (Sub-4–60TA), filed February 17, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Fertilizer, in bulk*, from Cottondale, FL to points in AL and GA. Supporting shipper: Gulf Coast Fertilizer Co., P.O. Drawer 8, Cottondale, FL 32431.

MC 133189 (Sub-4–10TA), filed February 17, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Iron and steel articles*, from St. Louis, MO and Alton, IL to Cedar Rapids, IA. Supporting shipper: Midland Forge, a Division of Columbus-McKinnon Corp., P.O. Box 1627, Cedar Rapids, IA 52406.

MC 133689 (Sub-4–65TA), filed February 13, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *General commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to shipments originating at or destined to the facilities of Square D Company. Supporting shipper: Square D Company, P.O. Box 488, Florence, KY 41042.

MC 136512 (Sub-4–2TA), filed February 17, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Food and related products, cleaning compounds, toilet preparations, toothbrushes and margarine*, between points in the U.S., limited to the transportation of traffic to or from the facilities of Lever Brothers Company. Supporting shipper: Lever Brothers Company, 390 Park Avenue, New York, NY 10022.

MC 143023 (Sub-4–2TA), filed February 17, 1981. Applicant: CHIWAUKEE TRUCK LINES, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL. 60601. *Food supplements, cleaning compounds, candy, vitamins, cosmetics, plastic articles and printed material*, from MN to IL, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Shaklee Corporation, 444 Market Street, San Francisco, CA 94111.

MC 143280 (Sub-4–5), filed February 10, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs* and *kindred products*, between Big Stone, SD on the one hand and points in the U.S. on the other hand, restricted to traffic originating at or destined to the facilities of Big Stone Cheese Factory, Inc. An underlying ETA seeks 120 days. Supporting shipper: Big Stone Cheese Factory, Inc., Big Stone, SD 57216.

MC 143280 (Sub-4–6), filed February 12, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Insulation* from the plantsite and facilities of Central Glass & Insulation at or near Milwaukee, WI; St. Louis, MO and Cleveland, OH to points in the U.S. An underlying ETA seeks 120 days. Supporting shipper: Central Glass & Insulation, 5629 W. Woolworth, Milwaukee, WI 53218.

MC 143280 (Sub-4–7TA), filed February 12, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Plastic Products*, between the facilities of Packer Plastics, Inc., at Lawrence, KS and Reno, NV, on the one hand, and, on the other hand, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Packer Plastics, Inc., 2330 Packer Road, Lawrence, KS 66044.

MC 145544 (Sub-4–3TA), filed February 12, 1981. Applicant: W & M, INC., 15007 Chase Street, Crown Point, IN 46307. Representative: Philip A. Lee, 120 W. Madison St. Suite 618, Chicago, IL 60602. *Contract*, irregular: *New and used material handling and construction machinery, tractor attachments and parts; also equipment, materials and supplies used in the manufacture or distribution of the above described items* between points and places throughout the U.S., excluding AK and HI. Supporting shipper: Pettibone Corp., 4700 Division St., Chicago, IL 60657.

MC 146085 (Sub-4–2TA), filed February 17, 1981. Applicant: DAY TRANSFER, INC., 1245 South West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day (same as applicant). *Contract* irregular: General Commodities, restricted to a continuing contract(s) with Master Fit Corp., Indianapolis, IN, between continental limits of U.S. (excluding AK and HI). Supporting shipper: Master Fit Corp., 1853 Ludlow, Indianapolis, IN.

MC 146355 (Sub-4–2TA), filed February 17, 1981. Applicant: P-N-J KORNACKER, INC., 3030 West 10th Street, Waukegan, IL 60085. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Salt, calcium chloride, animal and poultry feed, turf maintenance supplies and equipment, irrigation equipment and supplies, and materials and supplies used or useful in the manufacture and distribution of the above-named commodities* (except commodities in bulk), between points in IL, WI, MI, KS, IA, SC, NY, UT, OH, NE, CA, and MN. An underlying ETA seeks authority for 120 days. Supporting shipper: Reinders Brothers, Inc., 13400 Watertown Plank Road, Elm Grove, WI 53122.

MC 146991 (Sub-4–1TA), filed February 17, 1981. Applicant: SILICA SAND TRANSPORT, INC., Box 208, Routes 47 and 71, Yorkville, IL 60560. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Barite in bulk*, from Houston, TX to all points in the U.S. in and west of MS, AR, MO, KS, NE, ND and SD. An underlying ETA seeks authority for 120 days. Supporting shipper: Unibar Corporation, 7100 Regency Square Boulevard, Houston, TX 77036.

MC 148380 (Sub-4–11TA), filed February 12, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle

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Street, Chicago, IL 60603. *Iron and steel articles,* between points in the U.S. in and east of ND, SD, NE, KS, OK and TX, under contract with Leets Steel Company. Supporting shipper: Leets Steel Company, 563 Tod Lane, Youngstown, OH 44504.

MC 148966 (Sub-4-6TA), filed February 17, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Hygrade Food Products Corporation at Storm Lake, Cherokee, Sioux City, and Des Moines, IA to points in AZ, CT, DC, DE, MA, MD, NJ, NY, OH, PA and VA. Supporting shipper(s): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219.

MC 149280 (Sub-4-1TA), filed February 12, 1981. Applicant: M & A TRANSPORT, INC., 4117 Terminal Drive, Box 395, McFarland, WI 53558. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Liquid fertilizer* from (a) Peru and Bellevue, IL, to points in IA and WI, and (b) Dubuque, IA, to points in IL and WI. Supporting shipper: Kaiser Agricultural Chemicals, Box 65897, West Des Moines, IA 50265.

MC 153972 (Sub-4-1TA), filed February 10, 1981. Applicant: WILLIAM W. SCHROEDER, d.b.a. SCHROEDER & SONS CARTAGE, 8020 North Central Avenue, Morton Grove, IL 60053. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. *General commodities* between the Chicago, IL Commercial Zone and points in IN, KY, OH, PA and MI, under continuing contract with Felt Products Mfg. Co.—Fel-Pro, Inc., Skokie, IL.

MC 154040 (Sub-4-1TA), filed February 12, 1981. Applicant: JAY-MAR LEASING, INC., 7756 S. Mobile, Burbank, IL 60459. Representative: Stephen H. Loeb, 33 No. LaSalle St., Suite 2027, Chicago, IL 60602. *Garments on hangers and related accessories,* between points in IL, WI, MI, IN, IA, and MO. Supporting shippers: Lerner Shops of America, 5701 W. 73rd St., Bedford Park, IL 60638; Zayre Corporation, Barrington and Irving Park Road, Hanover Park, IL 60103.

MC 154107 (Sub-4-1TA), filed February 17, 1981. Applicant: DIXIE WEST TRUCKING, INC. P.O. Box 2528 Bismarck, ND 58502. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: *Lumber and wood products,* (1) from points in WA, OR, ID, CA and MT, to points in ND, MN, WI, MI, IL, SD, and IA, under contract with Ownes Forest Products Co., and (2) from points in WA, OR, ID, CA and MT to points in ND, SD, MN, IA, WI, IL, NE, and IN under contract with Sprenger Midwest, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Sprenger Midwest, Inc. 4660 West 77th St., Minneapolis, MN 55435, and Ownes Forest Products Co., 2320 E. 1st St., Duluth, MN.

MC 114194 (Sub-4-12TA), filed February 17, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donell, (same as applicant). *Molding sand additive,* from St. Louis, MO to Decautur, IL An underlying ETA seeks 120 days authority. Supporting shipper: M. A. Bell Co., 217 Lombard St., St. Louis, MO 63102.

MC 123133 (Sub-4-3TA), filed February 19, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: D. J. Denny, President (same as applicant). *Ink and reclaimed solvents* between Louisville, KY, on the one hand, and, on the other, Depew, NY. Supporting shipper: Inmont, Corp. 2148 41st St., Louisville, KY.

MC 138493 (Sub-4-3TA), filed February 20, 1981. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman street, Madison, WI 53703. *Contract irregular: Bananas* from Charleston, SC; Tampa, FL; Gulfport, MS; and New York, NY to Sheboygan, WI under a continuing contract(s) with Schultz-Sav-O Stores, Inc., Sheboygan, WI, Underlying ETA seeks 120 days authority. Supporting shipper: Schultz-Sav-O Stores, Inc., 2215 Union Avenue, Sheboygan, WI 53081.

MC 145623 (Sub-4-4TA), filed February 20, 1981. Applicant: O.K. MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Concrete products and the materials and supplies used in connection with the production* thereof between the facilities of Superior Products Co., and its subsidiaries located in FL, MI, NY, OH, and PA, on the one hand, and, on the other, points in the U.S. (expect AK and HI) under continuing contract with Superior Products Co. Supporting shipper: Superior Products Co., 21819 W. 9 Mile Road, Southfield, MI.

MC 146071 (Sub-4-6TA), filed February 23, 1981. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *(1) Paper board and paper board products,* from the facilities of Yorktowne Paper Mill, Inc. of Maine, and its affiliates, located at or near Greenville and York, PA; Trenton, NJ; Ludlow and Lawrence, MA; and Gardiner, ME, to points in WI, IL, IN, MI, OH, KY, TN, NC, VA, WV, MD, DE, PA, NJ, CT, RI, MA, ME, NJ, VT, and NY; and (2) *Scrap paper,* from the destination states in (1) above, to the facilities of Yorktowne Paper Mill, Inc. of Maine, and its affiliates, located at or near York, PA and Gardiner, ME. An underlying ETA seeks 120 days authority. Supporting shipper: Yorktowne Paper Mill, Inc. of Maine, 1001 Loucks Mill Road, York PA 171403.

MC 147199 (Sub-4-3TA), filed February 19, 1981. Applicant: MWM TRUCKING, INC., 1400 Chestnut St., Box 736, Ottawa, IL 61350. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. *Ag chemicals* between LaSalle County, IL, on the one hand, and the states of MI, WS, IN, OH, MO, and AR, on the other hand. Supporting shipper: Ottawa Strong and Strong, Inc., Rt. 23 North, Ottawa, IL 61350.

MC 147259 (Sub-4-9TA), filed February 23, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. Van Winkle, 16901 Van Dam Rd., South Holland, IL 60473. *Rubber or Miscellaneous Plastic Products* (except commodities in bulk), between Parker County, TX on the one hand, and, on the other points in the U.S. (Except AK and HI). Supporting shipper: Robintech, 1202 N. Bowie Drive, Weatherford, TX 76086.

MC 152093 (Sub-4-2TA), filed February 18, 1981. Applicant: DALLAS MOSER d.b.a. DALLAS MOSER TRANSPORTERS, 1526 West Lancaster Street, Bluffton, IN 46714. Representative: James Bouril, Attorney at Law, 120 West Madison, Suite 1308, Chicago, IL 60602. *Motor homes* in driveaway service, between points in Northumberland County, PA, on the one hand, and, on the other, points in the states of FL, GA, SC, NC, WV, VA, PA, MD, DE, NY, CT, MA, NH, ME, RI. Underlying ETA seeks 120 days authority. Supporting shipper: Fleetwood Motor Homes of

Pennsylvania, Inc. P.O. Box 107, Paxinos, PA 17860.

MC 153721 (Sub-4-1TA), filed February 20, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Attorney at Law, Suite 800 Circle Tower, Five East Market Street, Indianapolis, IN 46204. *Styrofoam egg cartons,* between Will County, IL and Butler County, OH, on the one hand, and on the other, points in Jackson and Jennings Counties, IN. Supporting shipper: Rose Acre Farms, Inc., R.R. 5, Seymour, IN 47274.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 200 (Sub-5-89TA), filed February 23, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General commodities (except classes A and B explosives),* between points in OK and TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Halliburton Services, Drawer 1431, Duncan, OK 73536.

MC 200 (Sub-5-90TA), filed February 23, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *(1) containers, containers and closures, and (2) materials, supplies, and equipment used in the manufacture and distribution of commodities named in (1) above,* between points in Jefferson County, CO, on the one hand, and, on the other, points in Salt Lake and Weber Counties, UT. Supporting shipper: Ball Corporation, 345 So. High St., Muncie, IN 47302.

MC 26825 (Sub-5-13TA), filed February 23, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. *General commodities, having a prior or subsequent movement by water,* between the facilities utilized by R. G. Hobelmann & Company, Inc.; Wilson-America Company; Barnhart & Associates; and George Engers Company, on the one hand, and, on the other, points in the U.S. Supporting shippers: R. G. Hobelmann & Company, Inc., 320 Pine Avenue, Long Beach, CA 90802; Wilson-America Company, 113 Sierra Street, El Segundo, CA 90245; Barnhart & Associates, 10914 South Lacienda, Englewood, CA 90304; and George Engers Company, 690 North Sepulveda, El Segundo, CA 90245.

MC 52460 (Sub-5-29TA), filed February 23, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. *Frozen foods,* from Santa Cruz County, CA, on the one hand to points in IL, IA, LA, MO, OK, and TX, on the other. Supporting shipper: Richard A. Shaw, Inc., P.O. Box 1339, Watsonville, CA 95076.

MC 82841 (Sub-5-6TA), filed February 23, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: William E. Christensen, 10770 I Street, Omaha, NE 68217. *Such commodities as are dealt in or used by agricultural equipment, industrial equipment and lawn and leisure dealers (except commodities in bulk)* between Denver County, CO, on the one hand, and, on the other, points in ID, UT, points in OK on and west of Hwy 183, points in TX on and north of Hwy 60 at the NM line to Hwy 86 to Hwy 287 to Hwy 183 to the OK border and points in MT on and south of I-90 and I-94. Supporting shipper: John Deere Company, 3210 East 85th Street, Kansas City, MO 64132.

MC 95084 (Sub-5-9TA), filed February 23, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular *Lumber,* Between points in the U.S. under continuing contract(s) with Midwest Lumber Associates. Supporting shipper: Midwest Lumber Associates, 6875 Washington Avenue South, Minneapolis, MN 55435.

MC 100666 (Sub-5-15TA), filed February 23, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Oilfield commodities, in hot shot service,* from Bossier and Caddo Parishes, LA to points in CO, MS, MI, NM, PA, UT, VA, WV and WY. Supporting shippers: 13.

MC 106398 (Sub-5-59TA), filed February 23, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). *Heating and Cooling Equipment, Metal Products and Containers* Between points in GA, IL, MN, OH, OR, PA, and WI, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: R. W. Gorman Associated, Inc., 200 South Washington Avenue, Washburn, WI 54891.

MC 114284 (Sub-5-10TA), filed February 23, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: M. W. Thompson, Vice-President, (same as applicant). *Confectioneries, Confectionery Products, and materials and supplies used in the manufacture and distribution thereof,* from Oklahoma City, OK to points in Brown and Tom Green Counties, TX. Supporting shipper: Bunte Candies, Inc., 129 E. California Street, Oklahoma City, OK 73104.

MC 119399 (Sub-5-46TA), filed February 23, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard; P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara, (address same as applicant). *Foodstuffs* from Kansas City, MO and its commercial zone to points in IN, MI and OH. Supporting shipper: Commercial Distribution Center, Inc., Independence, MO 64051.

MC 119399 (Sub-5-47TA), filed February 23, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Foodstuffs; viz: Bread Making Compounds; Prepared Edible Flour; Dessert Preparations; Icing Powders and Monoglycerides.* From Olathe, KS to points in OH (except Cincinnati) and points in MI (except Jackson, Kalamazoo, Lansing, and Saginaw). Supporting shipper: Paniplus Company, Olathe, KS 66061.

MC 119961 (Sub-5-1TA), filed February 23, 1981. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, IA 50158. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA. *Passengers and their baggage, in round trip charter operations,* beginning and ending at points in Hardin, Hamilton, Webster, Calhoun, Carroll, Greene, Audubon, Guthrie, Dallas, Cass, Adair, Madison and Warren Counties, IA, and extending to pts in the U.S., except HI. Supporting shipper: Hawkeye Tours, Inc., 8450 Hickman, Suite 20, Des Moines, IA 50322.

MC 126118 (Sub-5-53TA), filed February 23, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Food and related products,* between pts in OR, on the one

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hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Truitt Bros., Inc., Bill C. Wadley, Manager of Distribution, 1105 Front St. N.E., Box 309, Salem, OR 97308.

MC 127047 (Sub-5–4TA), filed February 23, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Lumber and wood products* from CA, ID, MT, OR, WA, WY to points in AR, KS, MO, OK, NE and TX. Supporting shipper: Chandler Supply Company, 3131 Southwest Blvd., Wichita, KS 67217; and Slaughter Brothers, Inc., P.O. Box 38670, Dallas, TX 75238.

MC 129908 (Sub-5–46TA), filed February 23, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Alcohol Beverages, Malt Beverages and Wines* between points in FL, IL, IN, KY, MI, MO, NJ, NY, OH and TN, on the one hand, and, on the other, points in CA and OK and between points in OK on the one hand and on the other, points in CA. Supporting shipper: Pioneer Wholesale Liquor Distributors, 1108 W. Hartford, Ponca City, OK 74601.

MC 135797 (Sub-5–99TA), filed February 23, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72756. Representative: Paul R. Bergant, Esq., (Address same as applicant). *Footwear,* between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities of International Seaway Trading Corp., Supporting shipper: International Seaway Trading Corp., 1382 West 9th St., Cleveland, OH 44113.

MC 145715 (Sub-5–10TA), filed February 23, 1981. Applicant: BELL TRUCKING, INC., Post Office Box 165, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065 Fayetteville, AR 72701. *Fencing, Fencing Materials, Wire and Wire Products and Steel Wire Carriers*—Between the facilities of Bekaert Steel Wire Corporation, at or near Van Buren, AR, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Bekaert Steel Wire Corporation, I–40 & Lee Creek Road, Van Buren, AR 72956.

MC 147003 (Sub-5–5TA), filed February 23, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from pts in Osborne County, KS to Lodi, Fresno, and Los Angeles, CA. Supporting shipper: Pork Packers International, Inc. P.O. Box 158, Downs, KS 67437.

MC 149152 (Sub-5–1TA), filed February 23, 1981. Applicant: L & L MOTOR FREIGHT, INC., 1911 N. W. 1st Street, Oklahoma City, OK 73126. Representative: William P. Parker, Suite 615–East, The Oil Center, 2601 N. W. Expressway, Oklahoma City, OK 73112. *General Commodities (except those of unusual value, Classes A & B Explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment)* between Oklahoma City, OK and Lubbock, TX. Applicant intends to tack. Supporting shipper[s]: 24.

MC 150093 (Sub-5–3TA), filed February 23, 1981. Applicant: The TOM DAVIS CORP., d.b.a. Davis Truck Lines 5335 NW 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *lumber,* between Des Moines, IA, on the one hand, and, on the other, pts in AL, AR, CA, CO, ID, LA, MS, MT, OR, SD, TX, UT, WA, and WY, under continuing contract or contracts with Crawford Sales Co., Inc., Des Moines, IA. Contract irregular. Supporting shipper: Crawford Sales Co., P.O. Box 159, 407 38th Street Place, Des Moines, IA 50312.

MC 150783 (Sub-5–32TA), filed February 23, 1981. Applicant: Scheduled Truckways, Inc., Post Office Box 757, Roger, AR 73756. Representative: Ronnie Sleeth, (same as above). (1). *Malted beverages and related advertising materials.* (2). *Empty used beverage containers and materials and supplies used in and dealt with by breweries,* (1) From Jefferson County, CO to TN, LA, MS. (2) From TN, LA, MS, to Jefferson County, CO. Supporting shipper: Adolph Coors, Co., Golden, CO, 80401.

MC 151162 (Sub-5–1TA), filed February 23, 1981. Applicant: LOWELL E. CAWOOD, d.b.a. L. E. Cawood Produce, Post Office Box 83, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Mexican Food Products, Corn and Flour Tortillas, Taco Shells and Corn Chips*—Between the facilities of Mexican Original Products Company, Inc., at or near Fayetteville, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI) Supporting shipper: Mexican Original Products Co, Inc., Post Office Box 1368, Fayetteville, AR 72701.

MC 151723 (Sub-5–3TA), filed February 23, 1981. Applicant: SIMMCO CARRIERS, 8704 S. Olie, Oklahoma City, OK 73139. Representative: G. A. Simms, 8704 S. Olie, Oklahoma City, OK 73139. *Machinery and Supplies and Fabricated Metal Products,* restricted to shipments weight 15,000 or less between Oklahoma, Canadian, Cleveland, McClain Counties on one hand and points in U.S. on the other. Supporting shippers: Ferrell-Ross Corporation, 65 S. Interpace, Oklahoma City, OK 73126; CMI Corporation, P.O. Box 1985, Oklahoma City, OK 73101.

MC 151751 (Sub-5–2TA), filed February 23, 1981. Applicant: DOYAL W. BRUNSON, d.b.a Brunson, P.O. Box 489, Dodge City, KS. 67801. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Tires, Tubes, Batteries and Automobile Parts and Accessories,* Part 1) Between Oklahoma, Muskogee and Tulsa Counties, OK on the one hand and Jackson County, MO; Wyandotte County, KS and Douglas County, NE on the other hand. Part 2) Between Douglas County, NE and KS; OK and MO. Part 3) Between Denver County, CO; Jackson County, MO; Douglas County, NE and Tazewell County, IL on the one hand and Ford County, KS., on the other hand. Part 4) Between Ford County, KS and CO; IN; MO; IL and NE. Supporting shippers: O.K. Tires, Inc., 1808 Wyatt Earp Bldg., Dodge City, KS; International Tire & Rubber, Inc., 923 Farmman St., Omaha, NE 68102.

MC 152589 (Sub-5–2TA), filed February 23, 1981. Applicant: WHITELIGHTNIN EXPRESS, INC., Post Office Box 167, Ft. Smith, AR 72902. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Contract Irregular; *Architecturally Insulated Glass Units and Architecturally Coated Glass*—Between points in the U.S. (except AK and HI) under continuing contract or contracts with Advance Coating Technology, Inc., Supporting shipper: Advance Coating Technology, Inc., 306 Beasley Drive, Franklin, TN 37064.

MC 154053 (Sub-5–1TA), filed February 23, 1981. Applicant: EAST TEX PLASTIC EXPRESS, 3850 Williams, Orange, TX. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Chemicals in cargo containerss;* from Orange, TX to Galveston, TX Houston, TX and Lake Charles, LA. Restricted to traffic having a subsequent movement by water. Supporting shipper(s) A. Schulman, 3550 W. Market St., Akron, OH 44313; Gulf Oil Company, P.O. Box 3706, Houston, TX 77001; East Tex Plastic, Inc., 3850 Williams, Orange, TX 77630; Dupont Corporation, One Kingwood Place, Kingwood, TX 77339.

MC 154111 (Sub-5–TA), filed February 23, 1981. Applicant: LONNIE HANSEN TRANSPORTATION, 1912 Seedling Mile, Grand Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Contract, irregular. *Exercise equipment, parts and components thereof, and materials, supplies and equipment used in the manufacture and distribution of exercise equipment,* between Clark County, NV, Hall and Lancaster Counties, NE and Berrien County, MI. Supporting shipper: Vital Corporation, 4355 West Tropicana Avenue, Las Vegas, NV 89103.

MC 154293 (Sub-5–1TA), filed February 23, 1981. Applicant: MELVIN DUFF d.b.a. DUFF TRUCKING, R.R. #1, Murray, IA 50174. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. (1) *Hides,* from Des Moines, IA to pts in IL, KS, MO and TX, and (2) *Salt,* from pts in KS to Des Moines, IA. Supporting shipper(s): Plains Processing Company, 302 S.E. 18th, Des Moines, IA 50317.

MC 154300 (Sub-5–1TA), filed February 23, 1981. Applicant: GRAINLAND EXPRESS TRUCKING, Route #3 Box 191, Butler, MO 64730. Representative: Letha S. Newkirk (same as applicant). *Agricultural fertilizers and agricultural chemicals,* bagged bulk, canned, or bottled in liquid or dry form. Feed, feed ingredients, and seeds in bags, bulk, block and pellets, to and from all points in the states of MO, KS, IA and NE. Supporting shipper: MFA Exchange, West Mill Butler, MO 64730.

MC 989 (Sub-5–4TA), filed February 24, 1981. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, Norton, KS 67654. Representative: Ed J. Copenhaver, 6785 E. 50th Avenue, Commerce City, CO 80022. *Non exempt Food and Kindred Products, Pulp, Paper, or Allied Products, and Machinery and Supplies.* Between points in the states of CO, IL, IA, KS, MN, MO, MT, NE, OK, TX, WI and WY. Supporting shipper: The Great Western Sugar Company, P.O. Box 5308, Denver, CO. 80217.

MC 52460 (Sub-5–30TA), filed February 24, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Meat, meat products, and meat by-products, and articles distributed by meat packing houses as described in Sections A and C Appendix I to the report of descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766.* From Ford County, KS, on the one hand, to points in the States of CA, CO, IL, IA, MN and NE, on the other. Supporting shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, KS 67801.

MC 106775 (Sub-5–2TA), filed February 24, 1981. Applicant: ATLAS TRUCK LINE, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Rodney D. Cokendolpher (same address as applicant). *Rust preventive pipeline coating,* between Morris County, TX, OK, KS, CO, LA, MS and AL. Supporting shipper: Reilly Tar & Chemical Company, P.O. Box 247, Lone Star, TX 75668.

MC 111231 (Sub-5–22TA), filed February 25, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). (1) *Lumber or wood products and* (2) *materials, equipment and supplies used in the manufacture, sales and distribution of commodities named in (1) above* between Searcy County, AR on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: White Wood Treating Company, Route No. 1, St. Joe, AR.

Note.—Applicants intends to tack this authority with its regular route authority.

MC 111401 (Sub-5–32TA), filed February 24, 1981. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same address as applicant). *Lubricating oil,* in bulk, in tank vehicles, from Kansas City, KS to points in WV. Supporting shipper: Phillips Petroleum Company, 734 Adams Bldg., Bartlesville, OK 74004.

MC 116063 (Sub-5–3TA), filed February 25, 1981. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). *Vegetable oils, in bulk,* between Opelousas, LA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Lou Ana Foods, Inc., P.O. Box 591, Opelousas, LA 70570.

MC 118959 (Sub-5–15TA), filed February 24, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Salt and salt products,* between Avery Island, LA, on the one hand, and, on the other, points in MO. Supporting shipper: International Salt Company, Clarks Summit, PA 18411.

MC 119765 (Sub-5–2TA), filed February 25, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 West Dodge Road, Omaha, NE 68114. *Confectionery.* From Kansas City, MO to Omaha, NE. Supporting shipper: M & M/Mars, Inc., High Street, Hackettstown, NJ 07840.

MC 119789 (Sub-5–44TA), filed February 24, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 from Tolleson, AZ* to points in the U.S. (except AK and HI). Supporting shipper: Southwest Beef, Inc., P.O. Box 647, Tolleson, AZ 85353.

MC 120257 (Sub-5–3TA), filed February 24, 1981. Applicant: K. L. BREEDEN & Sons, Inc., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Pipe, Iron and Steel, and commodities as described in Mercer Extension-Oilfield Commodities 74 M.C.C. 459,* Between Harris County, TX on the one hand, and, on the other, points in King and Pierce Counties, WA. Applicant intends to interline. Supporting shipper: Arco Oil & Gas Company, Inc., P.O. Box 2819, Dallas TX 75221.

MC 124174 (Sub-5–39TA), filed February 25, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 L Street, Omaha, NE 68137. Contract, irregular, *minerals and chemicals, including equipment, materials and supplies used in the development, manufacture, and distribution thereof,* between all points in the USA. Supporting shipper(s): International Minerals & Chemical Corporation, 421 E. Hawley Street, Mundelein, IL 60060.

MC 126822 (Sub-5–50TA), filed February 25, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Machinery and supplies (STCC No. 35),* between points in the U.S. restricted to shipments from, to, or between the facilities of Stoody

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Company and Stoody International Company. Supporting shipper: Stoody Company, 16425 Gale Avenue, City of Industry, CA 91749.

MC 128273 (Sub-5–35TA), filed February 24, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities, Part I,* between the facilities of Cargill, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). *Part II,* between the facilities of Morton Salt at or near Salt Lake County, UT, Van Zandt County, TX, and Iberia Parish, LA, on the one hand, and, on the other, points in the States of ID, MT, WY, NV, OR, WA, AZ, NM, TX, LA, OK, KS, CO, MO, AR, MS, AL, GA, FL, SC, NC, and TN. *Part III,* from the facilities of Carey Salt Division of P.M.I. at or near Hutchinson, KS, to points in IA, MN, ND, SD, WI, AR, IL, IN, KY, LA, MO, MS, and TN. Supporting shippers: Cargill Incorporated—Salt Division, P.O. Box 9300, Minneapolis, MN 55440; Morton Salt Division of Morton-Norwich Products, Inc., 110 N. Wacker Drive, Chicago, IL 60606; Carey Salt Div. of P.M.I., 1800 Carey Blvd., Hutchinson, KS 67501.

MC 133562 (Sub-5–4TA), filed February 24, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, IA Highway No. 4, Estherville, IA 51334. Representative: Merle L. Johnson (same as applicant). *Iron or steel articles,* from Chicago, IL and St. Louis, MO, and the respective commercial zones of each, to Armstrong, IA. Supporting shipper: Armstrong Rim & Wheel Mfg. Co., P.O. Box 48, Armstrong, IA 50514.

MC 133562 (Sub-5–5TA), filed February 24, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, Highway No. 4, Estherville, IA 51334. Representative: Merle Johnson (same as applicant). *Such commodities as are dealt in or used by retail drug, variety, and department stores (except commodities in bulk),* between points in the U.S. (except AK and HI) restricted to traffic originating at or destined to the facilities of or used by Ardand, Inc. *Paper cups, boxes, trays, containers, paper articles, including stock fibres and supplies used in the manufacture and distribution of the above named commodities,* between Downington, PA, on the one hand, and, on the other, points in the U.S. in and east of ND and SD, NE, KS, OK and TX. Supporting shippers: Ardan, Inc., Des Moines, IA; Dopaco Packaging Co., Inc., Downington, PA.

MC 134134 (Sub-5–12TA), filed February 25, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats, and packinghouse products,* from Shelbyville, IN to Fort Dodge, IA. Supporting shipper: Bausback Corporation, P.O. Box 808, Shelbyville, IN 46176.

MC 135605 (Sub-5–2TA), filed February 24, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: Billy L. Wilkinson (same as applicant). *General Commodities, except in bulk, and except Class A and B Explosives,* between the facilities utilized by Velsicol Chemical Corp on the one hand, and points in the US on the other hand. Supporting shipper: Velsicol Chemical Corporation, 341 E. Ohio, Chicago, IL 60611.

MC 135605 (Sub-5–3TA), filed February 24, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: Billy L. Wilkinson (same as applicant). *Sporting goods and recreation equipment and materials used in manufacturing of same* between Bossier City, LA and points in the US (except AK and HI). Supporting shipper: Gabriel-Gym Dandy, 415 Hamilton Road, Bossier City, LA 71111.

MC 135797 (Sub-5–100TA), filed February 25, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Foodstuffs,* from Marion and Hood River Counties, OR to points in the United States (except AK and HI). Supporting shipper: Truitt Brothers, P.O. Box 309, Salem, OR 97308.

MC 135797 (Sub-5–101TA), filed February 25, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *General commodities* (with the usual exceptions), between the facilities of Victor Business Products on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Victor Business Products, 9555 Plaza Circle, El Paso, TX 79907.

MC 135797 (Sub-5–102TA), filed February 25, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130 Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *General commodities* (with the usual exceptions), between Dent County, MO and Lunenburg County, VA on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Cupples Company MFG., Suite 1660, 1034 So. Brentwood Blvd., St. Louis, MO 63117.

MC 154054 (Sub-5–1TA), filed February 24, 1981. Applicant: WOOD BROS. TRANSFER, INC., 2410 Commerce Street, Houston, TX 77014. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Containerized general commodities and piggyback trailers containing general commodities and empty containers and trailers* between points in TX. Supporting shipper: Biehl and Co., Inc.; Houston, TX.

MC 154290 (Sub-5–1TA), filed February 24, 1981. Applicant: LANCE TRUCKING COMPANY, Route 6, Box 1242, Odessa, TX 79763. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Oil field Equipment, including pipe and plastic pipe, iron and steel articles, and machinery* between points in TX and NM. Supporting shippers: 8.

MC 154346 (Sub-5–1TA), filed February 25, 1981. Applicant: ERNEST RYLIE, JR., d.b.a. RYLIE TRUCKING COMPANY, 3105 N. Highway 75, Corsicana, TX 75110. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, No. 301, Dallas, TX 75237. (1) *Flat glass,* and (2) *Materials, equipment and supplies used in the manufacture of flat glass,* between the facilities of Guardian Industries Corp. at or near Corsicana, TX, on the one hand, and, on the other, points in AR, KS, LA, TN, OK, AL, NM, and MS. Supporting shipper: Guardian Industries Corp., P.O. Box 10001, Corsicana, TX 75110.

The following protests were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 147987 (Sub-6–2TA), filed February 23, 1981. Applicant: A & W TRUCKING 1975 LTD., 330 Edworthy Way, New Westminster, B.C. Canada V3L 5G5. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *Wire, Wire Cable, Reels, Communication and Transmission Tower Material, Equipment and Supplies,* between Ports of Entry on the U.S./Canada Boundary Line in WA and Commercial Zones of Seattle and Tacoma, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Phillips Cables Limited, 8330 Chester St., Vancouver, B.C. Canada V5X 3Y7.

MC 147987 (Sub-6–3TA), filed February 23, 1981. Applicant: A & W TRUCKING 1975 LTD., 330 Edworthy, New Westminister, B.C. Canada V3L 5G5. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *Calcium Nitrate (Fertilizer); Rough and Finished Lumber; Wire Rope and Cable; Blasting Sand; Building Material including shakes and shingles,* between points in OR and WA on the one hand, and, on the other, Ports of Entry on the International Boundary Line between the U.S. and Canada in WA for 270 days. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the Regional office listed.

MC 154330 (Sub-6–1TA), filed February 20, 1981. Applicant: RONALD R. AKES, d.b.a. AKES TRANSPORTATION CO., 1921 Clover Ct., Grand Junction, CO 81501. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. *Common Carrier,* Regular route, *General Commodities* (except commodities in bulk, Classes A & B explosives, household goods as defined by the Commission and articles of unusual value) between Grand Junction, CO and Farmington, NM over U.S. Highway Nos. 50 and 550 serving all intermediate points and off-route points in San Miguel, Dolores and Montezuma Counties, CO for 270 days. Supporting shippers: There are 29 shippers. Their statements may be examined at the Regional office listed.

MC 148328 (Sub-6–3TA), filed February 23, 1981. Applicant: LEONARD ALLEN and GARY ARIOTTI, a partnership d.b.a. ALLEN TRUCKING, 112 Manzanita Dr., West Covina, CA 91791. Representative: Leonard Allen (same address as applicant). *Contract Carrier,* Irregular routes: *Commodities used, sold or distributed by a manufacturer of Drug or Toilet Preparations,* including supplies and ingrediants used in the manufacture of such commodities (except commodities in bulk), from Bell, CA to points in AZ, for 270 days, for the account of Caltop Cooperative, Inc. Supporting shipper: Caltop Cooperative, Inc., 5638 Lindbergh Lane, Bell, CA 90201.

MC 154305 (Sub-6–1TA), filed February 23, 1981. Applicant: CENTRAL VALLEY MOVING & STORAGE, P.O. Box 2340, Turlock, CA 95380. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting: *Household Goods and Unaccompanied Baggage (Kingpak Authority)* between points in and North of Riverside, Orange and Los Angeles Counties, CA for 270 days. Supporting shipper: Air Van Lines, Inc., 5900 4th Ave. South, Seattle, WA 98108.

MC 42487 (Sub-6–58TA), filed February 20, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract carrier,* irregular routes: *General commodities, (except Classes A and B explosives),* from Trentwood, WA and points in its Commercial Zone to Toledo, OH and Wenatah, IN and points in their Commercial Zones, for the account of Kaiser Aluminum and Chemical Corp., for 270 days. (Transportation authorized will not include movement of hazardous wastes.) Supporting shipper: Kaiser Aluminum & Chemical Corp., 300 Lakeside Dr., Oakland, CA 94643.

MC 67156 (Sub-6–4TA), filed February 24, 1981. Applicant: CONTAINER TRANSPORT COMPANY, P.O. Box 1409, Antioch, CA 94509. Representative: P. W. Pollock (same as applicant). *Contract Carrier,* irregular routes, *Corrugated Fibreboard Boxes,* from points in Los Angeles and Orange Counties, CA to points in Maricopa County, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gaylord Container Division, Crown Zellerbach Corporation, 440 N. Baldwin Park Blvd,. City of Industry, CA 91749.

MC 136605 (Sub-6–31TA), filed February 23, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Lumber, Plywood, Cedar Shakes and Shingles,* from points in CA, OR, WA to points in OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Broadview Lumber Company, P.O. Box 816, Carthage, MO 64836.

MC 136605 (Sub-6–32TA), filed February 23, 1981. Applicant: DAVIS TRANSPORT,INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *General Commodities,* between points in the U.S. and the Port of Butte at or near Butte, MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Port of Butte, North Parkmont, Butte Industrial Park, Butte, MT 59701.

MC 154299 (Sub-6–1TA), filed February 20, 1981. Applicant: ELLARS, INC., 10026 Karmont Ave., South Gate, CA 90280. Representative: Susan Lee Carder (same as applicant). *Contract Carrier,* Irregular routes: *Exhibit Displays, Trade Show & Convention Materials; Paint & Paint Products; Chilled & Frozen Meats; Diatomaceous Earth; Refrigeration Display Units; Empty New Fibre & Steel Drums; Empty New Tight Wood Barrels,* between points in CA on the one hand and points in AZ, NV, OR, UT and WA on the other hand for 270 days. Supporting shipper: There are 7 shippers. Their statements may be examined at the Regional office listed.

MC 154302 (Sub-6–1TA), filed February 23, 1981. Applicant: LUIS T. TUPARAN, d.b.a. EL TEE TOURS, 1716 Felton St., San Francisco, CA 94134. Representative: Luis T. Tuparan, 1050 W. 2nd St., Reno, NV 89503. *Passengers and their baggage,*[1] for 180 days. Supporting shippers: There are 13 supporting shippers. Their statements may be examined at the Regional office listed.

MC 136086 (Sub-6–3TA), filed February 20, 1981. Applicant: GUILEY TRUCKING, INC., 8615 Pecan Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Metal products,* between point in AZ, CA, CO, NV, NM, OR, TX, UT and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional office listed.

MC 139906 (Sub-6–59TA), filed February 20, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Clay and processed clay* (except in bulk) from the facilities of Freeport Kaolin Co. at or near Gordon, GA, to points in the U.S. for 270 days. Supporting shipper: Freeport Daolin Co., 200 Park Ave., New York, NY 10016.

MC 139906 (Sub-6–60TA), filed February 23, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson P.O. Box 81849, Lincoln, NE 68501. *(1) chemicals, printer's ink and petroleum, cleaning, photographic and paint products* (except in bulk), between points in the U.S. restricted to traffic originating at or destined to the facilities of Philip A. Hunt Chemical Corp. for 270 days. Supporting shipper: Philip A. Hunt

[1] In special charter operations limited to vehicles with a capacity of 15 passengers or less, between Santa Clara, San Francisco, San Mateo and Alameda Counties, CA. on the one hand, and, on the other, Washoe and Douglas Counties, and Carson City, NV.

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Chemical Corp., 200 Roosevelt Pl., Palisades Park, NJ 07650.

MC 117201 (Sub-6-6TA), filed February 20, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tocoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *fruit juice or concentrate, not frozen, and equipment, materials and supplies used in the manufacture and distribution of such commodities,* between Richmond, CA, and points in AZ, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 270 days. Supporting shipper: Juice Pals, Inc., 120 Park Lane, Brisbane, CA 94005.

MC 113059 (Sub-6-3TA), filed February 23, 1981. Applicant: KELLER TRANSPORT, INC., Rt. 9, Katy Ln., Billings, MT 59101. Representative: F. E. Keller (same as applicant). *Petroleum crude oil* in tank trucks from Big Horn and Washakie Counties, WY to the Cenex Refinery at or near Laurel, MT. for 270 days. Supporting shippers: Farmers Union Central Exchange, Inc., P.O. 909, Laurel, MT 59044.

MC 143897 (Sub-6-1TA), filed February 23, 1981. Applicant: LOOMIS ARMORED CAR SERVICE, LTD., 1290 Hornby St., Vancouver, BC, CN V6Z 1W2. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. *Blank paper for the printing of securities,* between points on the international boundary line between the U.S. and CN in NY on the one hand, and, on the other, points in St. Lawrence, Clinton, Franklin and Jefferson Counties, NY, for 270 days. Supporting shipper: Crane & Company Incorporated, 30 South Main St., Dalton, MA 01226.

MC 152310 (Sub-6-2TA), filed February 23, 1981. Applicant: M & M EQUIPMENT CO., INC., 24400 E. Alameda Ave., Aurora, CO 80011. Representative: Mark A. Davidson, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *General Commodities (except Classes A and B explosives),* from NY, NJ, PA, MD, IL, IN, OH and WI to CO for 270 days. Supporting Shippers: There are six supporting shippers.

MC 149036 (Sub-6-2TA), filed February 20, 1981. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: James F. Crosby & Associates, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *(1) Beer and (2) equipment, materials, and supplies used in the sale, transportation, and distribution of beer,* between Fort Worth, TX and Grand Junction, CO (and points in their commercial zones), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hi-Country Sales, 1435 Fourth Ave. South, Grand Junction, CO 81501.

MC 154236 (Sub-6-1TA), filed February 19, 1981. Applicant: MAMMOTH OF CALIFORNIA, INC., d.b.a. MAMMOTH FREIGHT LINES, 6725 No. Motel Dr., Fresno, CA 93711. Representative: Edward L. Fanucchi, 2409 Merced St, Suite 3, Fresno, CA 93721. *Frozen foods,* (not in bulk), between points in the CA counties of San Joaquin, Stanislaus, Merced, Madera, and Fresno, on the one hand, and, on the other, points in AZ, WA, OR, NV, ID, MT, WY, CO, NM, and UT, for 270 days. Supporting shippers: Seabrook Foods, Inc., 4974 East Clinton Way, Building B, Fresno, CA 93727; Patterson Frozen Foods, Box 114, Patterson, CA 95363.

MC 154304 (Sub-6-1TA), filed February 23, 1981. Applicant: MELGÅARD FREIGHT SYSTEMS LTD., 4316B 64th Ave., S.E., Calgary, Alberta, Canada T2C 2B3. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Lumber and wood products,* between points on the U.S.-Canada international boundary line in WA, ID and MT, on the one hand, and points in WA, OR, CA, AZ, NV, UT, ID, MT, on the other hand, for 270 days. Supporting shippers: There are seven supporting shippers. Their statements may be seen at the Regional Office.

MC 128473 (Sub-6-1TA) filed February 23, 1981. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Foodstuffs,* from the facilities of Idaho Frozen Foods Corporation at or near Nampa, and Twin Falls, ID and Clearfield, UT to points in MT and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Idaho Frozen Foods Corporation, P.O.B. 128, Twin Falls, ID 83301.

MC 138762 (Sub-6-4TA) filed February 23, 1981. Applicant: MUNICIPAL TANK LINES LTD., P.O. Box 3500, Calgary, Alberta, Canada, T2P 2P9. Representative: D.S. Vincent (same as applicant). Over irregular routes, transporting Liquid Asphalt in bulk, in tank vehicles from ports of entry of the US/Canada International boundary line located at N.Y. and MI. to Columbus Ohio, for 270 days. An underlying ETA seeks (20 days authority. Supporting shipper: Jetcoat Company, P.O. Box 1346, Columbus, OH 43216.

MC 154311 (Sub-6-1TA), filed February 20, 1981. Applicant: PC TRANSPORT, INC., 2081 East Bryan, Evansville Road, Casper, WY 82601. Representative Phil M. Christopherson (same as applicant). *Contract Carrier,* Irregular routes: *Petroleum Products and Emulsified Asphalts,* in bulk, in tank vehicles, from Casper WY to points in NE, SD, and CO, for the account of Emulsified Asphalt, Valley Fuel, Haiston Oil, for 270 days. Supporting shipper: Emulsified Asphalt, P.O. Box 721, Evansville WY. 82636; Haiston Oil Company, Scottsbluff, NE; Valley Fuel, P.O. Box 25, Savery, WY 82332.

MC 730 (Sub-6-15TA), filed February 20, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same as applicant). *Tallow,* in bulk, in tank vehicles, from West Jordan, UT to Sparks, NV and points in CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Intermountain Protein Producers, Inc. 5260 W. Old Bingham Hwy, West Jordan, UT 84084.

MC 138875 (Sub-6-45TA), filed February 20, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *(1) Canned goods; (except in bulk) (2) materials and supplies used in the selling, distribution and manufacture of canned goods,* from the facilities utilized by Joan of Arc Company at Princeville and Hoopeston, IL and Belledeau and St. Francisville, LA to points in Phoenix, AZ; Alameda, Los Angeles and San Francisco Counties, CA; Denver, CO; Boise, ID; Las Vegas, Reno and Sparks, NV; Portland, OR; Salt Lake City, North Salt Lake, Ogden and Layton, UT, and Seattle, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Joan of Arc Company, 231 W. Altorfer, Peoria, IL 61615.

MC 154328 (Sub-6-1TA), filed February 20, 1981. Applicant: SMOKEY POINT DISTRIBUTING, INC., P.O. Box 189, Arlington, WA 98223. Representative: Matt Berry (same address as applicant). *Contract Carrier,* Irregular routes: *Steel Channels, and Particle Board Shelving,* from Seattle WA to points in AL, WI, IL, CA, OR, UT, LA, and CO, for the account of Easy Up Shelving, Inc., for 270 days. Supporting shipper: Easy up Shelving, Inc., 1700 1st Ave South, Seattle, WA.

MC 154133 (Sub-6-1TA), filed February 23, 1981. Applicant: PAUL A. STOVER d.b.a. C.A.N. TRANSPORT, 2500 East 28th Street, Vernon, CA 90058. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier,* irregular routes: *General commodities,* (except commodities in bulk, household goods and Classes A and B explosives) between points in Los Angeles, Riverside, San Diego and Stanislaus Counties, CA, on the one hand, and Maricopa County, AZ, on the other, for the account of The Price Co. for 270 days. Supporting shipper: The Price Co, 2657 Ariane Dr., San Diego, CA 92117.

MC 148737 (Sub-6-13TA), filed February 23, 1981. Applicant: SUNSET EXPRESS CORP., P.O. Box 27043, Salt Lake City UT 84125. Representative: Michael A. Clark (same as applicant). *General commodities* (except household goods as defined by the Commission and Class A and B explosives) between points in the U.S. under continuing contract(s) with Tour Ice National, Inc., of Colorado Springs, CO., for 270 days. Supporting shipper: Tour Ice National, Inc., 1330 Ford St., Colorado Springs, CO 80915.

MC 154272 (Sub-6-1TA), filed February 20, 1981. Applicant: WHITLOCK TRUCKING, d.b.a. WHITLOCK, INC., P.O. Box 4217, Casper, WY 82604. Representative: Jack R. Whitlock (same as applicant). (1) *Machinery, equipment and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *Machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. Between points in WY on the one hand, and points in UT, CO, ID, MT, ND, SD, NE, NM, NV, AZ, on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper[s]: There are 5 shippers, their statements may be examined at the Regional offices listed.

MC 89684 (Sub-6-13TA), filed February 23, 1981. Applicant: WYCOFF COMPANY, INC. P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (Same address as applicant). *Pumps and compressors,* between points in Los Angeles, San Bernardino, and Riverside Counties, CA on the one hand, and, on the other points in NV, UT, ID, CO, WY, and OR. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pameco-Aire, 2545 So. Yates Ave., Los Angeles, CA 90040.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7282 Filed 3-6-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 7]

Petitions, Applications, Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 134981 (Sub-2F) (republication), filed January 22, 1980, previously noticed in the **Federal Register** issue of June 12, 1980. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Ave., Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. A Decision by the Commission, Administrative Law Judge, decided December 8, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in charger operations, beginning and ending at New Rochelle, NY, and Bridgeport, Hartford, Meriden, Middletown, New Haven and Stamford, CT, and extending to points in the United States (except points in Hawaii). Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to show common carrier authority in lieu of contract carrier authority.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 758), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed February 24, 1981. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Hwy 480 and Interstate Hwy 71 near Brook Park, OH over Interstate Hwy 480 to junction Ohio 10, then over Ohio Hwy 10 to junction Interstate Hwy 80 at Gate No. 9, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Ohio Turnpike and Ohio Hwy 18 over Ohio Turnpike to junction Gate No. 9, and return over the same route.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7334 Filed 3-6-81; 8:45 am]
BILLING CODE 7035-01-M

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Withdrawal of Application

On July 26, 1979, notice was published in the **Federal Register** that Burroughs Wellcome Company, U.S. 11–13 North, P.O. Box 1887, Greenville, North Carolina 27834, made application to register with the Drug Enforcement Administration as an importer of three basic classes of controlled substances. This was the initial submission regarding a continuing application procedure which has resulted in minor changes regarding the applicant's proposed scope of operations. This notice serves to reflect these changes. On December 19, 1979, Burroughs Wellcome Company notified the DEA that the firm wished to withdraw its application as an importer of Poppy Straw (drug code 9650). The previous application to register as an importer of Raw Opium (drug code 9600) and Concentrate of Poppy Straw (drug code 9670) is not to be affected.

The application of Burroughs Wellcome Company, U.S. 11–13 North, P.O. Box 1887, Greenville, North Carolina 27834, to register with the Drug Enforcement Administration as an importer of Poppy Straw (drug code 9650) is hereby withdrawn.

Dated: March 3, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-7289 Filed 3-6-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

Date: March 26–27, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for Research Materials Program: Lexicography, Linguistics, and Foreign Literature Panel, Division of Research Programs, for projects beginning after June 15, 1981.

(2) Date: March 30–31, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for Research Materials program: Methodology for Reference Works Panel, Division of Research Programs, for projects beginning after June 15, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose,

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action.

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-7347 Filed 3-6-81; 8:45 am]

BILLING CODE 7536-01-M

Inter-Arts Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Panel to the National Council on the Arts will be held on March 23–25, 1981, from 9:00 a.m.–5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 25, 1981 from 9:00 a.m.–5:30 p.m. to discuss policy.

The remaining sessions of this meeting on March 23–24, 1981, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 2, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-7312 Filed 3-6-81; 8:45 am]

BILLING CODE 7537-01-M

Theatre Panel (Large Companies With Short Seasons Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theatre Panel (Large Companies with Short Seasons Section) to the National Council on the Arts will be held on March 26–27, 1981, from 9:00 a.m.–5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 2, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-7311 Filed 3-6-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Art in Public Places Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Art in Public Places Section) to the National Council on the Arts will be held on March 23–25, 1981, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of Section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 2, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-7310 Filed 3-6-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket 50-389]

Florida Power & Light Co.; Receipt of Application for Facilty Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License Opportunity of Hearing

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received an application for a facility operating license from Florida Power & Light Company (applicant), to possess, use and operate the St. Lucie Plant, Unit 2, a pressurized water nuclear reactor (the facility), located on the applicant's site on Hutchinson Island in St. Lucie County, Florida. The reactor is designed to operate at a core power level of 2700 megawatts thermal, with a corresponding electric output of approximately 802 megawatts.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the Bureau of Intergovernmental Relations, Division of State Planning, Department of Administration, 660 Apalachee Parkway, Tallahassee, Florida 32304 and at the Treasure Coast Regional Planning Council, P.O. Box 2395, Stuart, Florida 33494.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**.

The Commission will consider the issuance of a facility operating license to Florida Power and Light Company which would authorize them to posses, use and operate the St. Lucie Plant Unit 2 in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit CPPR–144, issued by the Commission on May 2, 1977. Construction of the St. Lucie Plant, Unit 2 is anticipated by the NRC to be completed by December 1983.

Prior to the issuance of an operating license, the NRC staff will study the Floodplain Aspects of the St. Lucie Plant, Unit 2 and issue an assessment pursuant to Executive Order 11988 Floodplain Management.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By March 30, 1981, the applicant may file a request for a hearing with respect to issuance of the facility operation license. By April 7, 1981, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the

result of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such amended petition must satisfy the specificity requirements described above.

No later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition for leave to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will be not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by April 7, 1981. A copy of the petition should also be sent to the Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold Reis, Esquire, Lowenstein, Newman, Reis, Axelrad & Toll, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036, attorney for the applicant. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For futher details pertinent to the matters under consideration, see the application for a facility operating license, dated March 24, 1980, which is available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555 and at the Indian River Community College Library, Ft. Pierce, Florida 33450. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available may be obtained by request to the Director, Division of Licensing, Office of Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 27th day of February, 1981.

For the Nuclear Regulatory Commission,

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-7134 Filed 3-6-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 4, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
The number of forms in the request for approval;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

(Agency Clearance Officer—Richard J. Schrimper—202–447–6201)

New

- Agricultural Stabilization and Conservation Service

Supplemental Qualifications Statement, Agricultural Program Specialist GS–1145–5/7
ASCA–650
On occasion
Individuals or households
Can. For Pos. as Ag. Program Specialist, GS–1145–5/7
Farm Income Stabilization, 1,000 responses, 2,000 hours, $12,800 Federal cost, 1 form
Charles A. Ellett,

This form is to be used to obtain supplemental qualifications from candidates for positions as Agricultural Program Specialists at the GS–5 and GS–7 levels. The right to collect this information is based on the authority to examine delegated to Office of Personnel Management by Title 5 U.S.C. 1104.

Revisions

- Economics and Statistics Service

June Acreage Survey
Annually
Farms, grain and field crop producers
SIC: 011 013
Small businesses or organizations
Agricultural research and services, 165,400 responses, 27,955 hours; $1,073,000 Federal cost, 4 forms
OFF. OF FEDERAL STATISTICAL POLICY & STANDARD, 202–673–7974

Provides data in combination with June enumerative survey (40–R2766) to estimate State planted and expected-to-be-harvested acreage of major field corps. Estimates are used throughout growing season to expand yield indications in forecasting total production. Forecasts are used by the entire agricultural industry in marketing decisions.

- Rural Electrification Administration

"Biweekly Report of Progress of Construction and Engineering Services"
REA–178
Monthly
Businesses or other institutions
REA electric borrowers
SIC: 491 497
Small businesses or organizations
Energy supply, 1,080 responses, 540 hours; $5,300 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

The owner requires periodic reports of construction as a management tool. This report is submitted to REA monthly as a standardized means of keeping REA personnel informed on progress of construction financed with REA loans.

- Forest Service

Timber Export Restriction Certification and Records
FS 2400–43, 44, 45, 46, and FS 2300–43, FS 2300–44, FS 2300–45
Nonrecurring
Businesses or other institutions
Bidders and purchases of national forest timber sales
SIC: 241 242 243 249
Small businesses or organizations
Conservation and land management, 25,000 responses, 6,250 hours; $6,900 Federal cost, 4 forms
Charles A. Ellett, 202–395–7340.

To implement 36 CFR 223 amended 12/5/80 and effective on 2/3/81 regarding the export of timber from national forest system lands and the use of such timber in substitution for private timber which is exported by the purchaser. This will involve revising and clarifying direction specified by 36 CFR part 223.

DEPARTMENT OF COMMERCE

(Agency Clearance Officer—Edward Michals—202–377–3627)

New

- Bureau of the Census

1982 Census of Transportation Truck Inventory and Use Survey (pretest and forms)
T200A small, T200B large
Nonrecurring
Individuals or households/businesses or other institutions own. of reg. late model prvt. and comm. truck (1975–1978)
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 300 responses, 100 hours, $4,000 Federal cost, 2 forms
Off. of Federal Statistical Policy and Standard; 202–673–7974

The truck inventory and use survey provides data on the physical and operational characteristics of the Nation's truck population. These data are used by Government agencies, major manufacturers of trucks and their component parts, and consulting firms to establish policy for the trucking industry, and to predict marketing trends.

Extensions (Burden Change)

- National Oceanic and Atmospheric Administration

Interview log (ABT Sport Fishing Survey)
NOAA 88–917
Annually
Individuals or households
Sport fishermen
Other advancement and regulation of commerce, 2,000 responses, 160 hours, $63,100 Federal cost, 1 form
William T. Admas, 202–395–4814

Collection of biological, environmental, and fishing effort on Atlantic bluefin tuna (ABT) necessary for the preservation and management of the species. The continuation of this study is necessitated by the long life-span of this important recreation/commerical resource of NMFS necessary to report annually to the International Commission for the Conservation of Atlantic Tunas.

Extensions (No Change)

- Bureau of the Census

Annual survey of State tax collection
F–5
Annually
State or local governments
State Governments
Other advancement and regulation of commerce, 50 responses, 100 hours, $52,000 Federal cost 1 form
Off. of Federal Statistical Policy and Standard, 202–673–7974

Data are portion of State and local government financial statistics incorporated in the national income accounts. They are also used by officials and researchers in analyese of State government finances.

V 46 / 45 MR 9 81 UMI

DEPARTMENT OF ENERGY

(Agency Clearance Officer—Irene Montie—202–633–9464)

Exensions (No Change)

• Enegy Information Administration
Monthly Survey of Distillate and Residual Fuel Oil
Sales volume to ultimate consumers
FEA–P314–M–0
Monthly
Business or other institutions
Samply of distillate and residual retailers
Small businesses or organizations
Energy information, policy, and regulations, 10,800 response, 43,200 hours, 1 form
Jefferson B. Hill, 202–395–7340

Used for reporting to Congress on the aggragate share of independent and other marketers of refined petroleum products.

• Energy Information Administration
Monthly Survey of Propane Sales Volume to Ultimate Consumers
FEA P315–M–0
Monthly
Business or other institutions
Gas Plant operators, resellers and retailers
Small businesses or organizations
Energy information, policy, and regulation, 7,200 responses, 115,200 hours, 1 form
Jefferson B. Hill, 202–395–7340

To provide Congress with distribution and market share information regarding sales by marketers of refined petroleum products to ultimate consumers.

• Energy Information Administration
Refiner/Importer Monthly Report of Petroleum Product Distribution
FEA–P306–M–0
Monthly
Business or other institutions
Refiners of Petroleum Products
SIC: 291
Small businesses or Organizations
Energy information, policy, and regulation, 1,200 responses; 19,200 hours, 1 form
Jefferson B. Hill, 202–395–7340

Data required for Compliance with provisions of the Emergency Petroleum Allocation Act (P.L. 93–159) which requires monthly reporting to Congress on changes in the aggregate shares of independent and other marketers of refined petroleum products.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(Agency Clearance Officer—Joseph Strnad—202–245–7488)

New

• Departmental Management
The survey of Income and Program Partcipation
OS–2–81
Other-see SF83
Individuals or households
Households in national probability sample Public assistance and other Income supplements, 0 responses, 0 hours, $10,000,000 Federal cost; 1 form
Gwendolyn Pla, 202–395–6880.

To provide statistics for the executive and legislative Branches not previously available such as multiple-recipiency of benefits of major government programs. To support policy analysis, monthly program participation and eligibility statistics. The data requirements include income, employment and household composition, taxes, assets, in-kind income and related subjects to estimate the effects of executive and legislative decisions.

• Office of Assistant Secretary for Health
Application and Related Forms for the Operation of the National Death Index
On occasion; quarterly
Individuals or households/or local governments/businesses or other ins research
SIC: 822, 943, 281, 282, 285, 286, 287
Health, 364 responses, 258 hours, $25,000 Federal cost, 5 forms
Gwendolyn Pla, 202–395–6880

AThe National Death Index is being designed to provide researchers with a central location for determining which persons in their studies might have died and to direct researchers to the appropriate States where more detailed death record information can be obtained for the persons in question. An application form and four related forms are needed to administer this new service.

• Office of Assistant Secretary for Health
Inventory of Comm. and Employee Health/Fitness Programs, Surv. of Comm. Level Fitness Prog. Dirs., Surv. of Employee Fitness prog. D., of partic. in emp. fit. progs
Nonrecurring
Individuals or households/State or local governments
Dirs. of comm. recre. and parks prog./fac. or priv. org., etc.
SIC: 809
Health, 980 responses, 488 hours, $112,288 Federal cost, 3 forms
Gwendolyn Pla, 202–395–6880

The purpose of this overall study is to inventory the nature, types and usage patterns of health promotion and physical fitness programs sponsored by and available to communities. Assessment will be made of community level programs and facilities (1/5/81 to 2/27/81), employee fitness program directors and then participants (1/5/81 to 2/27/82, 6/181 to 7/31/81)—see supporting statement for details. As the first effort of its kind it is prerequisite to constructing coherrent plans

Reinstatements

• Health Care Financing Administration
Home Health Agency Request for Certification in the Medicare-Medicaid program
HCFA–1572
Annually
State or local governments/businesses or other institutions providers of outpatient physi. therapy services
Small businesses or organizations
Health, 500 responses, 2,665 hours, 1 form
Richard Eisinger, 202–395–6880

Information from this form is used to determine whether a home health agency meets the requirements for participation in the Medicare program. Some date is also used for general program management.

DEPARTMENT OF THE INTERIOR

(Agency Clearance Officer—Vivian A. Keado—202–343–6191)

Extensions (no change)

• United States Fish and Wildlife Service
North American Woodcock Singing-Ground Survey
3–158
Annually
Individuals or households/State or local governments
Emp. of State and Fed. Con. Agcs. and the Canadian Wild. Ser.
Recreational resources, 1,000 responses, 170 hours, $2,900 Federal cost, 1 form
Erika Jones, 202–395–7340

The information obtained from this form is needed to measure the change in the population and size of distribution of the woodcock annually. The data is used in the evaluation and formulation of annual hunt and shooting regulations.

• United States Fish and Wildlife Service
Bird Banding File Reference Card
3–1831
On occasion
Individuals or households/State or local governments
The public and St. con. ags. that rep. bird band recoveries
Recreational resources, 19,000 responses, 950 hours, $5,000 Federal cost, 1 form
Erika Jones, 202–395–7340

This form is needed to trace banded birds for the study of migration factors and other population characteristics. A report is filed voluntarily upon discovery of a banded bird, providing the only method of obtaining complete and accurate records of such birds.

• United States Fish and Wildlife Service
Mourning Dove Call-Count Survey
3–159
Annually
State or local governments
Emp. of St. and Fed. cons. agncs. & the Canadian Wld. Ser.
Recreational resources, 850 responses, 212 hours, $1,100 Federal cost, 1 form
Erika Jones, 202–395–7340

The mourning dove call-count survey provides the best information available on the status of the mourning dove breeding population and is the basis for regulatory decisions on seasons and bag limits. This survey is conducted to obtain an annual index to population size of mourning doves and to measure the changes in relative size of dove populations.

DEPARTMENT OF LABOR

(Agency Clearance Officer—Paul E. Larson—202–523–6331)

New

• Bureau of Labor Statistics
May 1981—Multiple Job Holding, Premium Pay, and Work Schedule supplement
CPS–1
Annually
Individuals or households
Interviewed households in May 1981 cps
Other labor services, 68,000 responses, 5,100 hours, $175,000 Federal cost, 1 form
Off. of Federal Statistical Policy & Standard, 202–673–7974

This supplement provides data on persons holding more than one job, the work schedules of employed persons, the amount of premium pay for overtime work, and labor union membership. This information, along with other demographic variables such as education, age, race, and sex will be used for a more comprehensive analysis of the labor force.

Revisions

• Employment and Training Administration
ESARS Handbook—Chapter IV, Reports Preparation
ET Handbook No. 309
Monthly
State or local governments
State employment service offices
Sic: 944
Training and employment, 624 responses, 192,920 hours, $4,790,000 Federal cost, 1 form
Arnold Strasser, 202–395–6880

The ESARS tables used primarily by the United States Employment Service were originally designed to provide as much detail as possible in a system of this kind with respect to services provided by the affiliated State agencies to various applicant groups. The data are used at State and Federal levels for planning, budgeting, operations, and evaluation of the public employment service and the win and food stamp programs.

DEPARTMENT OF TRANSPORTATION

(Agency Clearance officer—John Winsor—202–426–1887)

New

• National Highway Traffic Safety Administration
Odometer Disclosure Statement, Part 580
On occasion, weekly
Individuals or households/State or local governments/businesses or other ins
All those who sell or transfer title to motor vehicles
Small businesses or organizations
Ground transportation, 17,650,000 responses, 294,167 hours, 1 form
Corrinne Hayward, 202–395–7340

15 U.S.C. 1988 requires the secretary to prescribe rules requiring any transferor of a motor vehicle to give a written disclosure statement to the transferee.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Agency Clearance Officer—Wallace Velander—202–755–3122)

Extensions (No Change)

• Report of Government—Owned/contractor-held Property
NASA 1018
Annually
Businesses or other institutions
Government contractors
• Small businesses or organizations
Multiple functions, 3,000 responses, 12,000 hours, $600,000 Federal cost, 1 form
Phillip T. Balazs, 202–395–4814

This form is used by NASA contractors to report annually on the balances of Government-owned property and space hardware in their possession. The data reported is used by NASA to update the agency's financial records upon which internal reports for NASA management and external reports for Congress and others are based.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauling Lohens—312–751–4692

Revisions

• Application to act as representative payee
AA–5 and G–478
On occasion
Individuals or households/businesses or other institutions appli., personal phy. or medical officers of instit.
SIC: 801 806
General retirement and disability insurance, 5,000 responses, 667 hours, $115,600 Federal cost, 2 forms
Barbara F. Young, 202–395–6880.

Section 12 of the Railroad Retirement Act provides for the payment of benefits to a representative payee when an employee, spouse, or survivor annuitant is incompetent or is a minor. The application obtains information needed for selection of a representative payee.

SMALL BUSINESS ADMINISTRATION&AGENCY CLEARANCE OFFICER—MRS. KATIE CUDMORE—202–653–8538

New

•License Application, amendments to license application, personal history and qualificaitons of management
SBA 414, 415A, 415B, 415C
On occasion
Businesses or other institutions
Small business lincensed or seeking licenses from SBA
Small businesses or organizations
Other advancement and regulation of commerce, 12 responses, 652 hours, $2,750 Federal cost, 4 forms
Edward C. Springer, 202–395–4814

These forms—license application, amendment to license application, personal qualifications of management, and general instructions supply required data to evaluate the propriety of the request for license or amendment thereto, and to determine the eligibility of management relative to requirements of the Small Business Act. The information is necessary to ensure that each licensess is in confromance with provisions of the act.

•Financial report
SBA 468
Annually
Businesses or other institutions, small business investment companies lincensed by SBA
Small businesses or organizations
Other advancement and regulation of commerce, 435 responses, 7,612 hours, $2,600 Federal cost, 1 forms
Edward C. Springer, 202–395–4814

V 46 / 45 MR 9 81 UMI

In order to properly administer the Small Business Investment Act, as amended, it is absolutely essential that annual financial statements including management information be submitted. These reports contain the information required to ascertain whether licensees are conforming to provisions of the act, as determined by financial analysis.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

- Evaluation of the VAMC Wadsworth palliative program

Weekly, monthly, Semiannually
Individuals or households
Terminally ill cancer patients at VAMC Wadsworth, La., etc.
Hospital and medical care for veterans, 8,043 responses, 4,021 hours, $549,702 Federal cost, 5 forms
Robert Neal, 202–395–6880

This study is a scientific evaluation of the VAMC Wadsworth Hospice. It is a controlled experiment which will determine the relative effectiveness and costs of hospice care for veterans who are terminally ill with cancer by measuring such variables as pain control, satisfaction with care received, depression and various types of cost.

Revisions

- 50% employment requirement survey

VAF 22–8722, 22–8723, 22–8724
Biennially
Individuals or households/State of local governments/businesses or other ins
Graduates of voc. courses, schools and State approv. AGCS.
SIC: 824
Veterans education, training, and rehabilitation, 300,000 responses, 514,650 hours, $245,000 Federal cost, 3 forms
Robert Neal, 202–395–6880

Abstract: authorized by 38 U.S.C. 1673 and 1723, these reports obtain information from graduates, schools and State approving agencies. Information is used to determine effectiveness of a portion of VA's education benefits program.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–7397 Filed 3–6–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17585; File No. SR–BSE–81–1]

Self-Regulatory Organizations; Proposed Change by Boston Stock Exchange, Inc.; Revision to Listing Fee Schedule

Comments requested on or before March 30, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 18, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in item I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Change

To increase the original listing fee from $2,000 to $3,500 for each class of stock or bonds applied for in the original listing applications on the date of filing. To increase the annual listing maintenance fee from $250 to $500 for each issue.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Self-Regulatory Organization's Statement of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed change in listing fees was necessitated by increasing costs due to general economic conditions. The last change in the original listing fee was in 1973 and the annual listing maintenance fee was last changed in 1975.

(b) The move to our new quarters has necessitated revision of some of our marketing material as well as the format of our original listing application forms.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed increase. Indeed, the proposed changes are not only competitive but also reflect a trend as other Exchanges are seeking fee increases.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before March 30, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

February 27, 1981.

[FR Doc. 81–7280 Filed 3–6–81; 8:45 am]
BILLING CODE 8010–01–M

[R and L. No. 11661; 811–2803]

California Tax-Exempt Income Trust, Series I, Proposal To Terminate Registration

March 2, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion, that California Tax-Exempt Income Trust, 700 South Flower Street, Los Angeles, California 90017, Series I ("Fund"), registered under the Act as a unit investment trust, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicated that the Fund filed its Notification of Registration (Form N–8A) and Registration Statement under the Act (Form N–8B–2) pursuant to Section 8 of the Act on January 26, 1978. On the same date, the Fund also filed its Registration Statement on Form S–6 under the Securities Act of 1933 ("Securities Act"), pertaining to 5,000 units of beneficial interest in the Fund. However, the Fund never acquired any assets, its Registration Statement under the Securities act was never declared effective, it has no security holders, and the Fund is not engaged, nor does it propose to engage, in any activities other than those necessary for the winding-up of its affairs. On the basis of the foregoing, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, and that upon the effectiveness of such order the registration of such company under the Act shall cease to be in effect.

Notice is hereby given that any interested person may, not later than March 26, 1981 at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issued, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81–7317 Filed 3–6–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 11569; 812–4788]

Liquid Cash Trust; Application

March 2, 1981.

Notice is hereby given that Liquid Cash Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219 registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 29, 1980, and amendments thereto on January 9, 1981, and February 12, 1981, requesting an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust and that Cash Management Research Corporation, a wholly-owned subsidiary of Federated Investors, Inc., serves as Investment Adviser to Applicant. Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking stability of principal and current income consistent with stability of principal and that its portfolio may be invested in a variety of money market instruments. The Applicant's portfolio may include U.S. Government obligations, certificates of deposit, prime commercial paper, repurchase agreements and instruments secured by such obligations. Applicant states that the average maturity of the money market instruments comprising its entire portfolio (computed on a dollar weighted basis) will not exceed 120 days. Further Applicant represents that subject to this limitation, its board of trustees presently intends to generally limit the portfolio's average maturity to a maximum of 14 days. The obligations that Applicant may purchase include both fixed rate and variable rate securities. Variable rate obligations have a yield which is adjusted periodically based upon changes in the level of prevailing interest rates. As a result, the value of variable rate notes is less affected by changes in interest rates. All variable rate notes will be restricted to short-term, high quality obligations. With respect to variable rate certificates of deposit maturing in 180 days or less from the time of purchase with interest rates adjusted every thirty days or more frequently (i.e. monthly cycles limited to 28 to 31 days), the Applicant may use the period remaining until the next rate adjustment date for purposes of determining the Applicant's average weighted portfolio maturity. Until such time as the Commission has determined otherwise, the Applicant will use the remaining period to maturity of all other variable rate notes for purposes of determining the Applicant's average weighted portfolio maturity.

According to the application, the Applicant does not invest in instruments issued by banks or savings and loan associations unless: (a) at the time of investment they have capital, surplus and undivided profits in excess of $100,000,000 at the date of their most recently published financial statements; or (b) the principal amount of the instrument is insured in full by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The application states that the investments in commercial paper are limited to commercial paper rated A–1 by Standard & Poor's Corporation, Prime-1 by Moody's Investors Service or F–1 by Fitch Investors Service.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder. Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect to other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company issuing any redeemable security, and no

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principal underwriter of or dealer in any such security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *inter alia:* (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its request for exemptive relief Applicant states that investors are not concerned with the theoretical difference which might occur between yield achieved through pricing to some sort of "market" and yield computed by using the amortized cost valuation method. Applicant states that by valuing its portfolio of high quality instruments of short-term maturities at amortized cost, it would be able to achieve the two qualities which investors in a money market fund seek: (1) continuity of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant states that by declaring income daily as earned and valuing its portfolio assets by the amortized cost method, investors would achieve a steady income flow and avoid the volatility which might result from valuing its assets based on market prices.

Applicant represents that it has found through experience that investment in a portfolio of high quality money market instruments of short-term maturities will enable it to provide the required stability to investors. Applicant states that maintaining an average portfolio maturity of 120 days accomplishes both aforementioned investor aims because such a portfolio obviates the possibility of significant volatility in the value of portfolio instruments as effectively as does an average maturity of shorter duration, and such a portfolio provides a yield on portfolio instruments commensurate with yields available in the general money market which would not be otherwise available with a portfolio having an average maturity of shorter duration.

Applicant further states that its request for exemptions is based on its existing and proposed investment policies, which have been adopted by the board of trustees and authorized executive committees and are described in its application and prospectus. Applicant represents that its board of trustees has determined in good faith that use of the amortized cost valuation method to value Applicant's portfolio instruments is appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of turstees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following duties and responsibilities:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7318 Filed 3–6–81; 8:45 am]

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[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 21947; 70–6557]

New England Electric System et al.; Proposal Relating to Short Term Bank Borrowings, Issuance of Commercial Paper, and Establishment of System of Money Pool; Exception From Competitive Bidding

March 3, 1981.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and five of its subsidiaries, Granite State Electric Company ("Granite"), Massachusetts Electric Company ("Mass Electric"), the Narragansett Electric Company ("Narragansett"), New England Power Company ("NEP") and New England Power Service Company (NEPSCO"), 25 Research Drive, Westborough, Massachusetts 01581, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9(a), 10 and 12 thereof and Rules 42(a), 43, 45(a), 50(a)(2), 50(a)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The transactions proposed in this application-declaration relate to short-term borrowings by the above named subsidiaries of NEES. The companies propose to borrow from NEES, banks, a system money pool and/or to issue commercial paper. Authorization is also sought for the creation of the money pool.

Granite, Mass Electric, NEP and NEPSCO seek authorization to have an aggregate outstanding principal amount of borrowings not to exceed $3,500,000, $8,500,000, $195,000,000 and $4,000,000, respectively, through March 31, 1982. Narragansett seeks authorization to have an aggregate outstanding principal amount of borrowings of $6,500,000 from April 1, 1981 to December 31, 1981 and to have that authorization automatically increased to $22,500,000 for the period January 1, 1982 through March 31, 1982. The proceeds of the proposed borrowings are to be used to pay outstanding notes to banks, dealers in commercial paper, NEES and/or borrowings from the money pool, to provide new money for capitalizable expenditures (or reimburse the treasury therefor), to refund maturing bonds pending permanent financing, and for other corporate purposes.

Narragansett has outstanding $7,350,000 of First Mortgage Bonds Series C and $14,550,000 of First Mortgage Bonds Series L both due March 1, 1982. It tentatively plans to issue $20,000,000 of bonds in the first quarter of 1982 to refund these maturing issues. As favorable market conditions may not be prevailing at that time, however, there can be no assurance that the planned bonds will be issued. Narragansett therefore needs the flexibility to have an aggregate principal amount of short-term debt outstanding not to exceed $22,500,000 during the period from January 1, 1982 to March 31, 1982.

NEP tentatively plans to issue $100,000,000 of bonds of $50,000,000 of preferred stock during 1981. If the bonds and preferred stock are issued as scheduled, NEP would reach a maximum of short-term borrowings of $153,000,000 during the second and third quarters of 1981. As there can be no assurance that NEP will issue the planned bonds and preferred stock, as favorable market conditions may not be prevailing at that time, NEP must have flexibility to have up to $195,000,000 of short-term debt outstanding in the fourth quarter of 1981. At such time as NEP issues either the bonds or the preferred stock, the requested $195,000,000 authorization will be reduced by the amount of such issue. When both issues are consummated, NEP would be authorized to have a maximum aggregate amount of short-term borrowings outstanding of $45,000,000.

The bank borrowings would be from a group of 40 banks, would be evidenced by notes maturing in less than one year from the date of issuance and would be made in any of the following manners:

(i) The borrowing companies may maintain funds in the banks which represent compensating balances or may pay fees to the banks equivalent to such compensating balance requirements.

(ii) The borrowing companies may negotiate borrowings without compensating balances or the payment of fees at an effective interest cost equivalent to the effective cost of borrowings made under arrangements calling for compensating balances or the payment of fees. The effective interest

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cost to the borrowing companies will not be greater than the effective interest cost of bank borrowings at prime based on compensating balance requirements of 10% of the line of credit and 10% of any borrowings thereunder. Based on compensating balance requirements of 10% to 20%, or fees equivalent thereto, the effective interest cost of bank borrowing would be approximately 21.7% to 24.4% per annum based on the current prime rate of 19.5%.

(iii) Borrowings may be made at fixed rates, which may be greater than the then current prime rate, but in no event greater than the limit on the effective interest cost under paragraph (ii) above.

Bank borrowings may be prepaid, in whole or part, with borrowings from NEES or the pool or from the sale of commercial paper.

Borrowings from NEES would be at the prime rate and would be evidenced by notes maturing in less than one year from the date of issuance. The borrowing companies may prepay their notes to NEES, in whole or in part, with borrowings from banks or the pool or from the sale of commercial paper. In the event of borrowings from banks at a higher interest rate or the sale of commercial paper at a higher effective interest cost, to prepay notes to NEES, NEES will credit the borrowers for any excess interest from the date of issuance of the new notes or commercial paper to the normal maturity date of the notes to NEES being prepaid. Conversely, in the event of borrowings from NEES to prepay notes to banks, the interest rate of the notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate in effect, but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

Mass Electric and NEP propose to issue and sell commercial paper during the period through March 31, 1982 directly to Lehman Commercial Paper Incorporated and/or A. G. Becker & Co., Incorporated and/or Salomon Brothers, dealers in such commercial paper. The dealers, as principals, will reoffer such commercial paper to not more than 100 of their respective customers whose names appear on nonpublic lists prepared in advance by each of the dealers. Each list includes commercial banks, insurance companies, pension funds, investment trusts, foundations, colleges and universities, municipal and state benefit funds, eleemosynary institutions, finance companies and nonfinancial corporations. Prior to or concurrently with the offerings, customers will be furnished current financial and other information with respect to the issuer. It is expected that such commercial paper will be held to maturity by the purchasers from the dealers, but, if any such purchaser wishes to resell prior to maturity, Lehman, Becker or Salomon, as the case may be, pursuant to an oral repurchase agreement will repurchase the paper for resale to others on said lists of customers.

The commercial paper will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to the issuer and the issuer's cash requirements at the time of issuance. The commercial paper will be in denominations of not less than $50,000. The terms of the commercial paper do not provide for prepayment prior to maturity. The commercial paper will be purchased by Lehman, Becker and/or Salomon from the issuer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Lehman, Becker and/or Salomon will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1% per annum less than the prevailing discount rate to the issuer. The effective interest cost to the issuer on such paper will not exceed the effective interest costs at the time of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 90 days from the date of issue with an effective cost in excess of such effective interest cost from The First National Bank of Boston.

The borrowing companies propose to reduce their need for outside borrowing through the use of a money pool. Under the money pool, surplus funds that may be available from time to time in the treasuries of certain of the borrowing subsidiaries will be used to make loans to subsidiaries in need of short-term funds. Each member will determine each day on the basis of cash flow projections the amount of surplus funds it has available for contribution to the pool. These surplus funds will be turned over to New England Power Service Company which will administer the pool as agent for the member companies ("Agent") NEES may not borrow funds from the pool or loan funds to the pool.

Loans from the pool would be made pursuant to open account advances. Evidence of indebtedness would not be prepared for each pool transaction unless a lending subsidiary requests such evidence. In such event, the Agent may receive upon demand a promissory note evidencing the transaction. Loans will be made first to the borrower paying the highest rate for outside funds. If two or more members are paying the same rate, loans will be made to them equally until the needs of one are met. All short-term borrowing needs of members will be met by surplus funds in the pool to the extent such funds are available. All loans made from the pool will be made payable on demand and may be prepaid by the borrower without penalty.

Borrowing companies will pay a monthly rate based upon the rate the borrower would otherwise have to pay an outside lender. Those companies without the ability to issue commercial paper will pay the monthly average of the floating prime rate to the First National Bank of Boston. Those companies with the ability to issue commercial paper will pay the weighted monthly average of the rates on outstanding commercial paper of all subsidiaries. During any month when no such commercial paper is outstanding, the rate will be the monthly average of the rate for high grade 30-day commercial paper sold through dealers by major corporations as published in the *Wall Street Journal*. The rate to be used for weekends and holidays will be the next preceding published rate.

Each member will receive as interest that fraction of the total interest received by the pool equal to the ratio of the surplus funds the member has contributed to the total surplus funds in the pool. Such interest will be computed on a monthly basis. Each member may withdraw for operational purposes any of its surplus funds at any time without notice. If there are more surplus funds in the pool than are necessary to meet the borrowing needs of the members, the Agent will invest the excess on behalf of the pool in certain instruments permitted by Massachusetts law. It is anticipated that lenders to the pool will receive a higher return on their investments than they otherwise would. Borrowers will obtain reduced fees due to a reduced need for bank lines of credit.

Mass Electric and NEP request an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) for the issuance and sale of commercial paper because (1) the commercial paper to be issued will have maturities of not more than nine months, (2) the effective interest cost will not exceed the effective interest cost at the time of issue for borrowings from the First National Bank of Boston (except for any commercial paper issued with a maturity of not more than 90 days), (3) the current rates for commercial paper are readily ascertainable, and (4) it is not practical to publish invitations for bids for commercial paper.

The New Hampshire Public Utilities Commission has jurisdiction over the proposed issuance of notes by Granite and NEP. The Massachusetts Department of Public Utilities has jurisdiction over the proposed money pool activities of Mass Electric and NEP. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. There are no fees or commissions to be incurred in connection with the proposed transactions. Expenses for incidental services to be performed by NEPSCO at cost are estimated to be $2250.

Notice is further given that any interested person may, not later than March 26, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exhange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7319 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11660; 812-4807]

T. Rowe Price Tax-Exempt Money Fund, Inc.; Application

March 2, 1981.

Notice is hereby given that T. Rowe Price Tax-Exempt Money Fund, Inc., 100 East Pratt Street, Baltimore, Maryland 21202 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on January 16, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for the purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was formerly named Rowe Price Prime Reserve Fund II, Inc. and was originally established in the spring of 1980 as a "money market" fund investing in taxable money market instruments. Applicant's Board of Directors approved to convert the Applicant to a "money market" fund investing for income exempt from Federal income taxes on January 8, 1981. Applicant further represents that its investment objective is to seek the highest possible current income exempt from Federal income taxes consistent with preservation of capital and liquidity.

Applicant states that it will invest a high-grade, diversified portfolio consisting primarily of short-term municipal securities. According to the application, at least 80 percent of Applicant's annual income will be exempt from Federal income tax, and at least 80 percent of the value of Applicant's total assets will be maintained in municipal securities. Applicant represents that the municipal securities in which it may invest will all be limited to those obligations which, at the time of purchase: (i) are backed by the full faith and credit of the United States; (ii) are notes rated M1G-1 or M1G-2 by Moody's Investors Service, Inc.; (iii) are municipal bonds rated Aa or better by Moody's or AA or better by Standard & Poor's Corporation; or (iv) are other types of municipal securities, provided that such obligations are rated A-1 by Standard & Poor's or Prime-1 by Moody's. With respect to municipal securities which are not rated, Applicant states that it will limit its investment of those obligations determined by its Board of Directors to possess investment quality equivalent to that referred to above. Applicant further represents that it will supplement its Prospectus to reflect all changes in its investment program as may be required in any order by the Commission granting the exemptive relief requested to permit Applicant to compute its net asset value to the nearest one cent on a share value of one dollar.

Applicant represents that it does not intend to invest more than 25 percent of its total assets in Revenue Bonds or Industrial Development Bonds paid off from revenues of similar types of enterprises. Applicant further represents that although it will be invested primarily in municipal securities, Applicant may elect to invest up to 20 percent of its total assets in taxable high quality "money market" securities when such action is deemed to be in the best interests of its shareholders. Applicant states that the nature of the investments which it proposes to make have characteristics which are similar to those which are generally designated as "money market" instruments.

According to the application, Applicant has a policy to declare and pay its net income as a dividend to its shareholders on a daily basis and distribute it monthly. Net income for this purpose will consist of all interest accrued and original discount earned on portfolio assets less amortization of premium and estimated expenses. Applicant further states that the amount of original issue discount or premium on portfolio investments will be fixed at the time of their purchase.

Applicant represents that its net asset value per share will be computed twice daily on the days the New York Stock Exchange is open for business. As of 12:00 noon (Eastern time), Applicant will calculate its net asset value for the purpose of pricing shares being purchased or redeemed subsequent to the previous close of trading on the Exchange. Orders to purchase or redeem shares of Applicant which are effective subsequent to 12:00 noon (Eastern time), but before the close of trading on the Exchange, will be priced as of the close of trading on the Exchange on that day. Applicant represents that its net asset value per share will be determined by

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dividing the value of the securities held by it plus any cash or other assets (including interest accrued but not yet received), minus all liabilities (including accrued expenses and dividends payable), by the total number of shares outstanding.

The Applicant represents that municipal securities which have remaining maturities of more than 60 days and for which representative market quotations are readily available will be valued at the mean between the most recently quoted bid and asked prices obtained from a major broker-dealer in municipal securities. Money market securities which have remaining maturities of more than 60 days and for which representative market quotations are readily available will be valued at the most recent bid price or yield equivalent as quoted by a major broker-dealer in money market securities. Securities originally purchased with remaining maturities of 60 days or less will be valued at their amortized cost value. The value of securities originally purchased with maturities in excess of 60 days, but which currently have maturities of 60 days or less, will also be determined by using amortized cost valuation for the 60 days prior to maturity, such amortization to be based on the market or fair value of the securities on the 61st day prior to maturity. Securities and other assets for which such procedures are deemed not to reflect fair value, or for which representative market quotations are not readily available, will be appraised at prices deemed best to reflect their fair value as determined in good faith by or under the supervision of the officers of Applicant in a manner specifically authorized by the Board of Directors and applied on a consistent basis. Applicant's Board of Directors has determined at the present time to value municipal securities, for which representative quotations are not available, on the basis of appraisals obtained from a major broker-dealer in municipal securities. According to the application, such broker-dealers may or may not be market makers in particular securities. The Board of Directors has also reserved the right in the future to use a pricing service which may employ electronic data processing techniques, including a matrix system. Applicant further states that it is the policy of the Board to monitor the Applicant's valuation method on an ongoing basis.

Applicant represents that its Board of Directors has adopted a policy, subject to securing the exemption requested, whereby it will attempt to maintain a net asset value of $1.00 per share by rounding off its net asset value per share to the nearest one cent on a share value of one dollar. Applicant further represents that, under this policy, should Applicant incur or anticipate any unusual expense, loss, depreciation, gain, or appreciation which would affect its net asset value per share or income for a particular period, the Board, in an effort to maintain a stable net asset value per share, might temporarily reduce or suspend the payment of dividends (if the net asset value per share should decline) or might supplement such dividends with other distributions (if the net asset value per share should rise).

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio valuation as required by Rule 2a–4.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant represents that in the view of its management, a stable $1.00 net asset value would benefit Applicant and its shareholders because: (1) shareholders would have the convenience of being able to determine the value of their holdings simply by knowing the number of shares they own, thereby simplifying their maintenance of investment records; (2) Applicant could be more competitive with the increasing number of tax-exempt money market mutual funds that attempt to maintain a $1.00 net asset value per share; and (3) shareholders and potential shareholders of Applicant generally are not concerned with the minor differences which might occur between yield achieved through "market" pricing and the yield computed by "rounding" off Applicant's net asset value to the nearest one cent on a share value of one dollar.

The Board of Directors of Applicant further believes that computing Applicant's net asset value per share to the nearest one cent on a share value of one dollar will allow Applicant to maintain a constant net asset value per share under most circumstances and thereby permit Applicant to serve the interests and requirements of its shareholders notwithstanding its use of pricing methods other than amortized cost for valuing its portfolio instruments having remaining maturities in excess of 60 days. The application further represents that the Board of Directors of Applicant has determined in good faith that this method of calculating the net asset value per share of Applicant under such circumstances is appropriate.

Applicant further represents that the following conditions may be imposed in any order granting the exemptions it has requested:

1. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's investment adviser, undertakes (as a particular responsibility within the Board's overall duty of care owed to Applicant's shareholders) to assure, to the extent reasonably practical, taking into account current market conditions affecting the Applicant's investment objectives, that Applicant's net asset value per share as computed for purposes of effecting sales, redemptions and repurchases of its shares, rounded to the nearest one cent, will not deviate from $1.00.

2. Applicant will seek to maintain a dollar-weighted average portfolio maturity appropriate to its appropriate to its objective of maintaining a stable price per share, and Applicant will not (i) purchase an instrument with a remaining maturity greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. Applicant's purchases of portfolio instruments, including repurchase agreements, will be limited to those U.S. dollar denominated instruments which the Board of Directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

For the reasons stated in its application, the Applicant submits that the exemptive relief requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing on request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of the Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7320 Filed 3–6–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21945; 70–6511]

Western Massachusetts Electric Co.; Proposed Issuance and Sale of Notes to Banks

March 3, 1981.

Notice is hereby given that Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts, ("WMECO"), a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act as applicable to the following proposed transaction. All interested parties are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

WMECO has previously been authorized (File No. 70–5912) to issue and sell notes to banks pursuant to a Loan Agreement ("Bank Loan Agreement"), dated as of October 12, 1976, among the company and Chemical Bank and Citibank, N.A. ("Banks"), pursuant to which an aggregate principal amount of $20,000,000 of the company's notes were issued ("Bank Loan") and are outstanding. The Bank Loan of $20,000,000 is unsecured, matures on March 30, 1984, and carries an interest rate equal to 105% of the prime rate of Chemical Bank. There is no requirement for compensating balances and the Bank Loan may be prepaid at any time without premium or penalty.

It is now stated that, in view of current high interest rates and dividend rates on mortgage bonds and preferred stock, WMECO has negotiated and proposes a further amendment ("Amendment") to the Bank Loan Agreement to provide for (i) an increase in the aggregate principal amount of the Bank Loan from $20,000,000 to $30,000,000, (ii) a second mortgage on WMECO's undivided interest in Millstone Unit No. 1 ("Mortgage") as security for the Bank Loan, (iii) a reduction in the interest rate effective January 1, 1981, to (a) 102% of the prime rate of Chemical Bank (as defined in the Bank Loan Agreement) or (b) 102% of a rate onehalf of 1% above the certificate of deposit rate, whichever is higher, and (iv) extension of the maturity of the Bank Loan to December 31, 1985. Chemical Bank and Citibank, N.A., each of which holds $10,000,000 of the outstanding Bank Loan, will each loan an additional $5,000,000 to WMECO. The lien of the Mortgage on Millstone Unit No. 1 will be junior to the lien of the company's First Mortgage Indenture and Deed of Trust, dated as of August 1, 1954.

The funds to be derived by WMECO from the increase in the Bank Loan will be applied, together with other funds available, to the reduction of the company's outstanding short-term borrowings incurred for the company's construction program and for general corporate purposes. As of January 31, 1981, and February 27, 1981, short-term borrowings of WMECO amounted to $27,525,000 and $48,450,000, respectively. The company has experienced an unexpected, rapid increase in its short-term borrowings in recent months, associated primarily with the purchase of replacement fossil fuel to generate power during an extension of a Millstone Unit No. 1 refueling outage so that plant repairs could be effected.

It is stated that there are no fees, commissions, or expenses other than legal fees to be paid or incurred, directly or indirectly, in connection with the proposed transaction. It is also stated that the Massachusetts Department of Public Utilities and the Connecticut Department of Public Utility Control have jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from

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such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7321 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5106]

Surrender of License; Burger King Mesbic, Inc.

Notice is hereby given that pursuant to Section 107.105 of the Small Business Administration Rules and Regulations governing Small Business Investment Companies (13 C.F.R. (1980)), Burger King Mesbic, Inc., P.O. Box 520783, Biscayne Annex, Miami, Florida 33152, incorporated under the laws of the State of Florida, and organized to operate under Section 301(d) of the Small Business Investment Act of 1958, as amended, (Act) has surrendered its licensee No. 04/04-5106 issued by SBA on September 22, 1972.

The licensee has complied with all conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Act, and pursuant to the above-cited Regulation, the license of Burger King Mesbic, Inc. is hereby accepted and it is no longer licensed to operate as a Section 301(d) Small Business Investment Company.

Dated: February 26, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7356 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1979]

Kentucky; Declaration of Disaster Loan Area

The area the City of Louisville, Jefferson County, Kentucky, constitutes a disaster area because of damage resulting from a devastating series of sewer explosions which occured on February 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 4, 1981, and for economic injury until the close of business on December 3, 1981, at: Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007 or Small Business Administration, District Office, Federal Building, Room 1073, 100 South Clinton Street, Syracuse, New York 13260 or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: March 3, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-7357 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1978]

New York; Declaration of Disaster Loan Area

Broome and Essex Counties and Adjacent counties within the State of New York constitute a disaster area as a result of damage caused by flooding and fire which occurred on February 11-13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 4, 1981, and for economic injury until the close of business on December 3, 1981, at: Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007 or Small Business Administration, District Office, Federal Building, Room 1073, 100 South Clinton Street, Syracuse, New York 13260 or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: March 3, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-7358 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Providence, Rhode Island, will hold a public meeting at 12:00 Noon, on Monday, April 6, 1981, at the Governor Dyer Buffet House, Providence, Rhode Island, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Charles J. Fogarty, District Director, U.S. Small Business Administration, 40 Fountain Street, Providence, Rhode Island 02903—(401) 528-4580.

Dated: March 4, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7305 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, Indiana, public meeting scheduled for 10:00 a.m. (EST) on Thursday, March 26, 1981, at the Essex Hotel, 421 North Pennsylvania Street, Indianapolis, Indiana, has been cancelled.

For further information, write or call Robert D. General, District Director, U.S. Small Business Administration, 575 North Pennsylvania Street, Room 578, Indianapolis, Indiana 46209—(317) 269-7275.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7366 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of San Antonio, Texas, will hold a public meeting at 9 a.m., on Friday, April 3, 1981, at the Federal Building, 727 East Durango, Room A-206, San Antonio, Texas, to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Julio Perez, District Director, U.S. Small Business Administration, 727 East Durango, Room A-513, San Antonio, Texas 78206—(512) 229-6105.

Dated: March 4, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-7367 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Cancellation of Public Meeting

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, public meeting scheduled for 9:00 a.m., on Friday, March 27, 1981, at the Cottonwood Club, 1780 Lakewood Drive, Salt Lake City Utah, has been cancelled.

For further information, write or call C. Dale Randall, Deputy District Director, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138—(801) 524-5804.

Dated: March 4, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7368 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Anchorage, Alaska, public meeting scheduled for 10:00 a.m., on Friday, March 20, 1981, at 1016 West Sixth Avenue, Suite 200, Anchorage, Alaska, has been cancelled.

For further information, write or call Frank D. Cox, District Director, U.S. Small Business Administration, 1016 West Sixth Avenue, Suite 200, Anchorage, Alaska 99501 (907) 271-4022.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7369 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Bosie, Idaho, public meeting scheduled for 9:30 a.m. (MDT), on Tuesday, March 24, 1981, at the Royal Restaurant "Executive Room", 1112 Main Street, Boise, Idaho, has been cancelled.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702—(208) 334-1096.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7370 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Seattle, Washington, public meeting scheduled for 9:00 a.m., on Thursday, March 19, 1981, at the Washington Athletic Club, 6th and Union, Room 2105, Seattle, Washington, has been cancelled.

For further information, write or call Maxine Wood, District Director, U.S. Small Business Administration, Room 1744 Federal Building, 915 2nd Avenue, Seattle, Washington 98174—(206) 442-7791.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7371 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Spokane, Washington, public meeting scheduled for 9:00 a.m., (PST) on Monday, March 23, 1981, at the Flamingo Restaurant, North 5005 Division Street, Spokane, Washington, has been cancelled.

For further information, call or write Valmer W. Cameron, District Director, U.S. Small Business Administration, U.S. Court House, Room 651, Post Office Box 2167, Spokane, Washington 99210—(509) 456-3781.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7363 Filed 3-6-81; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-6]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: March 30, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 27, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

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Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21364	Southwest Flight Crew Association	14 CFR 61.39(b)	To exempt Petitioner's members from the continuous employment provisions of § 61.39(b).
21340	Aerospatiale Helicopter, Corp.	14 CFR 91.28(c)	To permit the operation of an aircraft of other than U.S. manufacture without a registration certificate from the country of ownership.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20643	Tri-State Flite Service	14 CFR 135.261(b)	To reduce the required 10-hour rest period to 9 hours. Withdrawn February 23, 1981.
15451	Pan American World Airways	14 CFR 91.32(b)(1) and 121.333(c)(2)	To extend the expiration date of Exemption No. 2230B which grants relief from the requirement for one pilot to wear and use an oxygen mask when both pilots are at the controls when operating a B-747-SP aircraft up to 45,100 feet. Granted February 24, 1981.
21227	Altair Airlines, Inc	14 CFR 61.3, 61.57, 61.58, 121.411, 121.413, and 121.433.	To permit airmen employed by Fokker Aircraft Company to serve as flight instructors and simulator instructors under Altair's FAA-approved training program. Granted February 23, 1981.
20243	Summit Airlines, Inc	14 CFR 121.623(c)	To allow petitioner to conduct its operations without listing at least one alternate airport for each destination airport in the flight release. Granted February 23, 1981.
20414	Leslie L. Warner	14 CFR 61.87(a)(b) and (d)	To permit operation of an unorthodox aircraft without meeting the requirements for solo flight in free balloons. Denied February 25, 1981.
21279	Alaska Airlines	14 CFR 121.291	To allow introduction of newly acquired Boeing 737-200 aircraft into passenger and cargo service without first conducting a full-seating capacity emergency evacuation demonstration. Granted February 26, 1981.
21249	Frontier Airlines, Inc	14 CFR 121.417(c)(1)	To allow for crewmember recurrent training on the operation of emergency exists by using pictorial presentations until May 1, 1981. Partial Grant February 24, 1981.
20846	Braniff Airways, Inc	14 CFR Appendix H to Part 121	To permit petitioner to use its Boeing 727 advanced simulators, serial numbers 228 and 229, for training and checking as permitted under the Phase II simulator requirements of Appendix H to Part 121. Granted February 23, 1981.

[FR Doc. 81-7116 Filed 3-6-81; 8:45 am]
BILLING CODE 4910-13-M

National Aviation Standard; Active Beacon Collision Avoidance System

AGENCY: Federal Aviation Administration (FAA).

ACTION: Extension of comment period on the Final U.S. National Aviation Standard for the Active Beacon Collision Avoidance System (BCAS).

SUMMARY: The FAA published the referenced standard in the Federal Register (45 FR 71156) on October 27, 1980. Interested persons were invited to submit written data and comments on or before February 27, 1981.

DATES: The date through which data and comments will be accepted is hereby extended to March 27, 1981.

ADDRESS: Comments on this standard should be submitted in duplicate to: Director, Systems Research and Development Service, Attn: ARD-10, Federal Aviation Administration, 400 7th Street SW, Washington, DC 20590.

FOR ADDITIONAL INFORMATION CONTACT: H. Lee Tucker, Separation Systems Branch (ARD-242), Communications and Surveillance Division, Systems Research and Development Service, Federal Aviation Administration, 400 7th Street SW, Washington, DC 20590. Telephone 202-426-0986.

Issued in Washington, DC on March 2, 1981.

Robert W. Wedan,

Director, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation.

[FR Doc. 81-7272 Filed 3-6-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Hilo, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Hilo, Hawaii.

FOR FURTHER INFORMATION CONTACT: Ralph Segawa, Division Administrator, Federal Highway Administration, 677 Ala Moana Boulevard, Honolulu, Hawaii 96813, Telephone: (808) 546-5150.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Hawaii Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to improve Hawaii FAP Route 19 from the Wainaku Sugar Mill to the Wailoa River Bridge in Hilo, on the island of Hawaii. The proposed improvements, which are necessitated by the projected increase in traffic, would involve widening and reconstruction of the existing highway and major intersections, and the replacement and/or restoration of existing bridges and culverts.

Numerous alternatives are being considered including the following:

(1) The no-build alternative.

(2) Combining Kamehameha Avenue and the Bayfront Highway for various distances, and closing part of the existing Bayfront Highway.

(3) Utilizing Kamehameha Avenue and the Bayfront Highway in one-way couplet system.

(4) Various Bayfront Highway alignments incorporating portions of the existing highway right-of-way.

(5) Intersection improvements and various schemes of connecting Bayfront Highway with Kamehameha Avenue.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed an interest in this proposal. A series of public informational meetings will be held along with a public hearing to gather the public's input. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be made available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: February 23, 1981.

Ralph Segawa,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 81-7316 Filed 3-6-81; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Honolulu, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Segawa, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546-5150.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve the intersection at Castle Junction in Honolulu, Hawaii. Passing through Castle Junction, Pali Highway and Kalanianaole Highway (FAP 61) form a major connecting facility with downtown Honolulu and the outlying communities of Kailua and Waimanalo. Kamehameha Highway (FAP 83) also intersects the Pali/Kalanianaole Highway at Castle Junction. The fourth leg of this intersection, Auloa Road, is a low-volume facility which services local traffic in the immediate area.

Preliminary traffic and accident investigations indicate that an interchange at Castle Junction may be warranted. Alternatives include either a trumpet or diamond type interchange with preference given to the Pali/Kalanianaole Highway movement.

In addition, the project will explore the general implications of a "no-build" alternative. The project EIS will reveal anticipated effects should it be decided to forego any improvements at Castle Junction.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens. In addition, a public hearing will be held and testimony will be received regarding each of the proposed alternatives. A public notice will be published indicating the time and place of the hearing. A revised draft EIS will be available at the time of the hearing, for public review and comment.

No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on February 19, 1981.

Mr. Ralph T. Segawa,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 81-7315 Filed 3-6-81; 8:45 am]
BILLING CODE 4910-22-M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 45
Monday, March 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Wednesday, March 4, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to the initiation of administrative enforcement proceedings against an insured bank and officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof.

Names of persons and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board of Directors determined, on motion of Director William M. Isaac (Appointive), seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Chairman Irvine H. Sprague, that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(6), (C)(8), and (C)(9)(A)(ii)).

Dated: March 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-371-81 Filed 3-5-81; 11:31 am]

BILLING CODE 6714-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

March 4, 1981.

TIME AND DATE: 10 a.m. March 11, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—482nd Meeting, March 11, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3101, City of Winooski, Vt.
CAP-2. Project No. 2197, Yadkin, Inc.
CAP-3. Project No. 2814, City of Paterson, N.J.
CAP-4. Docket No. ER81-213-000, the Detroit Edison Co.
CAP-5. Docket Nos. ER 81-66-000, and ER81-225-000, Louisville Gas & Electric Co.
CAP-6. Docket No. ER81-156-000, Sierra Pacific Power Co.
CAP-7. Docket No. ER81-223-000, the Washington Water Power Co.
CAP-8. Docket Nos. ER80-160, ER80-243, ER80-262, ER80-343 and ER80-415, Southern Co. Services, Inc.
CAP-9. Docket No. ER78-338 (phase II), Public Service Co. of N. Mex.
CAP-10. Docket Nos. E-9469, ER76-377 and ER78-355, Lockhart Power Co.
CAP-11. Docket No. EL80-28, U.S. Department of Air Force v. Southern California Edison Co.

Miscellaneous Agenda—482nd Meeting, March 11, 1981, Regular Meeting

CAM-1. Docket No. QF81-8-000, Sea World
CAM-2. Docket No. GP81- -000, State of Ohio, Section 103 NGPA determinations: Andrew H. McConnell, FERC No. 79-1339, State Docket No. 533; Callander & Kimbrel, Inc., FERC No. 79-6705, State Docket No. 2825; R. C. Ernst, FERC No. 79-6816, State Docket No. 2639; Apex Natural Gas Co., Inc., FERC No. 79-12105, State Docket No. 5023; Charles O. Lighthizer, FERC No. 79-1252, State Docket No. 3904; Charles O. Lighthizer, FERC No. 79-12530, State Docket No. 3906; Maram Energy Co., FERC No. 79-12831, State Docket No. 5303; Williston Oil & Development Corp., FERC No. 79-15819, State Docket No. 5877; Wray Petroleum Corp., FERC No. 80-3055, State Docket No. 6984

Gas Agenda—482nd Meeting, March 11, 1981, Regular Meeting

CAG-1. Docket No. RP72-133 (PGA75-1, PGA75-3, PGA78-1, PGA77-1, PGA77-1a, PGA77-2, PGA78-1, PGA78-2, PGA79-1, PGA79-2, PGA80-1 and PGA80-2), United Gas Pipe Line Co.
CAG-2. Docket No. RP79-66, North Penn Gas Co.
CAG-3. Docket No. RP80-115, The Union Light, Heat & Power Co.
CAG-4. Docket No. RP80-98, Valley Gas Transmission, Inc.
CAG-5. Docket Nos. RP79-8 and RP80-8, Kansas-Nebraska Natural Gas Co., Inc.
CAG-6. Docket No. RP77-62, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-7. Docket No. CI77-517-003 and CI81-62-000, Exxon Corp.
CAG-8. Docket No. R179-2, Logue & Patterson
CAG-9. Docket No. RI76-31, Tenneco Oil Co. (operator) et al., (agent for TEMA Oil Co. and Ashland Oil Co.); Docket No. RI80-17, Amoco Production Co.
CAG-10. Docket Nos. CS71-92, et al., Amarex, Inc., et al.
CAG-11. Docket No. G-13746-002, Mobil Oil Exploration & Producing Southeast Inc.
CAG-12. Entex Inc.
CAG-13. Docket No. ST80-64, Phillips Petroleum Co.
CAG-14. Docket No. RP80-129, State of Ohio ex rel. William D. Brown, Attorney General
CAG-15. Docket No. TC80-91, Central Florida Gas Corp.
CAG-16. Docket No. CP80-388 (extension), Tennessee Gas Pipeline Co.; Docket No. CP80-388 (storage/transportation), Tennessee Gas Pipeline Co.; Docket No. CP80-541, Texas Gas Transmission Corp.
CAG-17. Docket No. CP81-9-000, Lone Star Gas Co., a Division of Enserch Corp.
CAG-18. Docket No. CP80-526, Transcontinental Gas Pipe Line Corp.
CAG-19. Docket No. CP80-364, Arkansas Oklahoma Gas Corp.
CAG-20. Docket No. CP81-4-000, Texas Eastern Transmission Corp.
CAG-21. Docket No. CP81-22-000, El Paso Natural Gas Co.
CAG-22. Docket No. CP81-41-000, Panhandle Eastern Pipe Line Co.
CAG-23. Docket No. CP80-405, Panhandle Eastern Pipe Line Co.
CAG-24. Docket No. CP80-534, Transcontinental Gas Pipe Line Corp.
CAG-25. Docket No. CP80-469, United Gas Pipe Line Co.
CAG-26. Docket No. CP80-576, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-27. Docket No. CP80-506, Montana-Dakota Utilities Co.
CAG-28. Docket Nos. CP80-343 and CP77-434, Southwest Gas Corp.
CAG-29. Docket No. CP81-53-000, Houston Pipe Line Co.; Docket No. CP81-89-000, Oasis Pipe Line Co.; Docket No. CP77-269-022, El Paso Natural Gas Co.
CAG-30. Docket Nos. CP66-110-015, et al., CP79-141-001, et al. and CP79-144-001, et al., Great Lakes Gas Transmission Co.

Power Agenda—482nd Meeting, March 11, 1981, Regular Meeting

I. Licensed Project Matters

P-1. Project No. 2729, Power Authority of the State of New York
P-2. Project No. 2114, Public Utility District No. 2 of Grant County, Wash.
P-3. Docket No. DA-2 South Carolina, South Carolina Public Service Authority

II. Electric Rate Matters

ER-1. Docket No. ER81-181-000, Bangor Hydro-Electric Co.
ER-2. Docket No. ER76-304, ER76-317 and ER78-498, New England Power Co.
ER-3. Docket No. ER77-614, Union Electric Co.
ER-4. Docket No. ER78-522, Virginia Electric & Power Co.
ER-5. Docket No. ER77-531, Illinois Power Co.
ER-6. Docket Nos. ER77-578 and ER80-259, Kansas Gas & Electric Co.
ER-7. Docket Nos. ER79-512 and ER80-420, Long Island Lighting Co.
ER-8. Docket No. ID-1616, William A. Verrochi; Docket No. ID-1907, Ernest W. Schleicher; Docket No. ID-1908, Raymond E. Werts; Docket No. ID-1909, Robert B. Heist; Docket No. ID1910, James S. Bartman; Docket No. ID-1911, Henry Robidoux; Docket No. ID-1912, Robert E. Gehman; Docket No. ID-1913, Richard G. Baker; Docket No. ID-1914, Harold M. Class; Docket No. ID-1915, F. Allen Donofrio; Docket No. ID-1916, James R. Reesman; Docket No. ID-1917, Robert L. Wise; Docket No. ID-1918, Thomas P. Wolff; Docket No. ID-1919, Ralph W. Conrad; Docket No. ID-1920, Mary M. O'Donovan; Docket No. ID-1921, William H. Hirst; Docket No. ID-1922, Floyd J. Smith
ER-9. Docket No. EL81-5-000, Edison Electric Institute

Miscellaneous Agenda—482nd Meeting, March 11, 1981, Regular Meeting

M-1. Reserved.
M-2. Reserved.
M-3. Docket No. RM81- , Sales and Transportation by interstate pipelines
M-4. (A) Docket No. RM79-76 (Ohio-1), high cost gas produced from tight formations; (B) Docket No. RM79-76 (Colorado-3), high cost gas produced from tight formations; (C) Docket No. RM79-76 (Colorado-5), high cost gas produced from tight formations
M-5. Docket No. SA80-17, Peter Cooper Corp.

Gas Agenda—482nd Meeting, March 11, 1981, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP72-122 (PGA 78-3), Colorado Interstate Gas Co.
RP-2. Docket Nos. RP77-98 and RP78-78, Natural Gas Pipeline Co. of America
RP-3. Docket No. RP78-78, Natural Gas Pipeline Co. of America
RP-4. Docket No. RP80-3, Michigan Wisconsin Pipe Line Co.

II. Producer Matters

CI-1. RI77-87, North American Royalties, Inc.,

III. Pipeline Certificate Matters

CP-1. (A) Docket No. CP78-446, El Paso Natural Gas Co. and Michigan Wisconsin Pipe Line Co.; (B) Docket No. CP77-378, Northwest Pipeline Corp.; (C) Docket No. CP77-547, Northwest Pipeline Corp.
CP-2. Docket No. CP81-69-000, Consolidated Gas Corp.
CP-3. Docket No. CP74-35, Pacific Offshore Pipeline Co.; Docket No. CI79-533, Exxon Corp.

Kenneth F. Plumb,

Secretary.

[S370-81 Filed 3-5-81; 10:05 am]

BILLING CODE 6450-85-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, March 12, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Permission to Organize a New Federal Association—Horace Richter, *et al.*, Hamilton, Georgia
Modification of Conditions—American Loan & Savings Association, Hannibal, Missouri
Preliminary Application for Conversion to a Federal Mutual Charter—Bay Ridge Savings & Loan Association, Brooklyn, New York
Request for Extension of Time to Open a Branch Office—Talman Federal Savings & Loan Association, Chicago, Illinois
Request for Extension of Time to Open a Branch Office—Glendale Federal Savings & Loan Association, Glendale, California
Branch Office Application—Albuquerque Federal Savings & Loan Association, Albuquerque, New Mexico
Applications for Bank Membership and Insurance of Accounts—Foothill Savings & Loan Association, Stock, Hemet, California
Application for Bank Membership and Insurance of Accounts—Washington Savings & Loan Association, Stockton, California (New Stock Association)
Applications for Bank Membership and Insurance of Accounts—Huntington Savings & Loan Association, Huntington Beach, California
Post-Employment Conflict of Interest
Mutual Fund Investment
Monetary Control Act Reserves Counting Toward Liquidity Requirements
No. 457, March 5, 1981.

[S-372-81 Filed 3-5-81; 12:06 pm]

BILLING CODE 6720-01-M

4

[USITC SE-81-5]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, March 17, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Rail passenger cars from Italy and Japan (Invs. 731-TA-5 and -6 [Preliminary])—consideration of remanded case.
6. Certain edible *Achatine fulica* (Docket No. 713).
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-373-81 Filed 3-5-81; 1:47 pm]

BILLING CODE 7020-02-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, March 12, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Federal Credit Union Insurance and Group Purchasing Activities.
3. Revised Long-Range Plan for Fiscal Years 1981-1983.
4. Consideration of revised procedures and instructions for processing standard bylaw amendments.
5. Proposed amendment to Part 701.11 of the NCUA Rules and Regulations regarding filing of Annual Report of Officials.
6. Proposed amendment to Part 749 of the NCUA Rules and Regulations, Records Preservation Program.
7. Final Rule—Deregulation of the real estate lending regulation, Section 701, which prohibits FCUs with assets of less than $2,000,000 from granting long-term real estate

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loans and removal of regulatory restraints which limit the amount of loan origination fees that can be assessed.

8. Report of actions taken under delegations of authority.

9. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Thursday, March 12, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudications. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).

2. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Proposed Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Administrative Action under Sections 205 and 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

5. Recommendation from Executive Resources Board regarding performance appraisal review. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant telephone (202) 357–1100.

[S–367–81 Filed 3–4–81; 4:24 pm]

BILLING CODE 7535–01–M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Monday, March 9, and Tuesday, March 10, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Monday, March 9:

2 p.m.: Briefing on Final PEIS on TMI (public meeting) (tentative)

Tuesday, March 10:

2 p.m.: Discussion of Modifications to Improve the Licensing Process (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 2, 1981.

[S–369–81 Filed 3–5–81; 9:56 am]

BILLING CODE 7590–01–M

7

POSTAL SERVICE.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260, at 9 a.m. on March 10, 1981. The meeting is a continuation of the discussion of the general rate case (Postal Rate Commission Docket No. R80–1) which was commenced but not completed in closed session on March 2, 1981. The continuation of the discussion will likewise be in closed session, the Board having duly determined to close its discussion of this agenda item to public observation, in accordance with the provisions of the Sunshine Act. Docket No. R80–1 is the only agenda item to be considered at this meeting.

Louis A. Cox,

Secretary.

[S–368–81 Filed 3–5–81; 9:56 pm]

BILLING CODE 7710–12–M

8

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Wednesday, February 25, 1981.

CHANGES IN THE MEETING: Deletions/addition. The following item was not considered at a closed meeting scheduled for Wednesday, March 4, 1981, at 10:00 a.m.

Administrative proceeding of an enforcement nature.

The following item was not considered at an open meeting scheduled for Thursday, March 5, 1981, at 10:00 a.m.

Consideration of whether to issue a release withdrawing an advance notice of proposed rulemaking concerning the disclosure of security ratings in Commission filings. For further information, please contact Beverly K. Rubman at (202) 272–2604.

The following additional item will be considered at a closed meeting scheduled for Thursday, March 5, 1981, following the 10:00 a.m. open meeting.

Formal order of investigation.

The following item will not be considered at a closed meeting scheduled for Tuesday, March 10, 1981, at 10:00 a.m.

Report of investigation.

Commissioners Loomis, Evans, Friedman and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

March 5, 1980.

[S–374–81 Filed 3–5–81; 2:42 pm]

BILLING CODE 8010–01–M

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federal register

Monday
March 9, 1981

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

Horse Protection; Certified Designated Qualified Person Programs And Licensed Designated Qualified Persons

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Horse Protection; Certified DQP Programs and Licensed DQP's

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Certified DQP Programs and Licensed DQP's Pursuant to 9 CFR 11.7(b)(8).

PURPOSE: This notice is to advise the general public and the horse industry of the current Designated Qualified Person (DQP) programs certified by the Department and the currently licensed Designated Qualified Person (DQP's) under each certified program. The certified DQP programs and the DQP's licensed by each certified program are as follows:

(3) American Fox Trotting Horse Breed Association, Inc., Marshfield, MO 65706

(1) Licensed DQP:
(i) *Kansas*
B. K. (Butch) Howey, Maize, KS 67101
Jack D. Kirschbaum, Wichita, KS 67226
(ii) *Missouri*
Barbara A. Bailey, Kirksville, MO 63501
Kerry L. Baker, Houston, MO 65483
Larry Baysinger, Russellville, MO 65074
Jim Devine, Eminence, MO 65466
Norris J. Johnson, St. Joseph, MO 64507
Jeff Jones, Conway, MO 65632
Bill E. Kimmons, Bolivar, MO 65613
Claude Laffoon, Houston, MO 65483
Jerry Middleton, Springfield, MO 65804
W. D. Montgomery, Grove, MO 65711
A. B. Quick, Protem, MO 65733
Vicki Trussell, Strafford, MO 65757
Tom Tyler, Highlandville, MO 65669
Jimmie D. Wisdom, Arnold, MO 63010

(b) Heart of America Walking Horse Association, Inc., Kansas City, Mo 64151

(1) Licensed DQP: None

(c) Missouri Fox Trotting Horse Breeding Association, Ava, MO 65608

(1) Licensed DQP:
(i) *Missouri*
Larry Baker, Cabool, MO 65689
John Belshe, Warrenburg, MO 64093
Deryl Caswell, Lebanon, MO 65536

(d) National Walking Horse Regulatory Committee, Shelbyville, TN 37160

(1) Licensed DQP:
(i) *Alabama*
L. A. Britt, Birmingham, AL 35243
Michael C. (Mike) Parker, Headland, AL 36345
David A. Parsons, Birmingham, AL 35203
Grady Parsons, Bessemer, AL 35020
Edgar D. Smith, Stevenson, AL 35772
W. E. "B. I." Sullivan, Fort Deposit, AL 36032
Ken Willis, Alabaster, AL 35007
(ii) *Arkansas*
Joe N. Beasley, Farmington, AR 72730
(iii) *California*
William A. (Bill) Hartman, Norco, CA 91760
Sharon McCaleb, Fair Oaks, CA 95628
Russ Thompson, Chino, CA 91710
Lon Whitworth, Gilroy, CA 95020
(iv) *Florida*
Herbert C. Henderson, Zephyrhills, FL 33599
(v) *Kentucky*
Frank Brown, Frankfort, KY 40601
Thomas E. Garland, Mayfield, KY 42066
Jimmie Small, Benton, KY 42023
(vi) *Maryland*
Norma Shockey, Smithsburg, MD 21783
(vii) *Michigan*
John L. Prigg, Lake Orion, MI 48035
Kenneth (Ken) Range, New Boston, MI 48164
Harry Richardson, New Boston, MI 48164
(viii) *Mississippi*
Ed Abernathy, Shannon, MS 38868
S. H. Reames, Jackson, MS 39212
Jimmy K. Sullivan, Raymond, MS 39154
(ix) *Missouri*
George Blades, Billings, MO 65610
Ronald F. Elkins, Jr., Ozark, MO 65721
Paul Garton, Marshfield, MO 65706
Karl S. Harmon, Eldon, MO 65026
Merle Harris, Bolivar, MO 65613
Norris J. Johnson, Jr., St. Joseph, MO 64507
Bill Kimmons, Bolivar, MO 65613
Bill Maack, Jr., Goodson, MO 65659
Johnny Pursley, Bolivar, MO 65613
Keith Robinson, Springfield, MO 65804
Linda Scrivner, Stafford, MO 65757
Sonny Scrivner, Strafford, MO 65757
Vicki L. Trussell, Strafford, MO 65757
Bobby D. Wood, Hartville, MO 65667
(x) *Oklahoma*
Calvin G. Raines, Tulsa, OK 74105
(xi) *Oregon*
Skip Bickford, Carlton, OR 97111
Les Hyatt, Grants Pass, OR 97526
(xii) *Pennsylvania*
Richard C. Guise, Harrisburg, PA 17112
(xiii) *Rhode Island*
Rene O. Dupont, Coventry, RI 02816
(xiv) *South Carolina*
Tommy Blackwell, Greer, SC 29651
Steven Clayton, Taylors, SC 29687
Marietta Gambrell, Anderson, SC 29621
Hank Goodman, Central, SC 29630
James A. McKnight, Bishopville, SC 29010
Melvin Wallace, Sumter, SC 29150
James G. Waters, Mauldin, SC 29662
(xv) *Tennessee*
George W. Bacon, Rockwood, TN 37854
Leland S. Bacon, Rockwood, TN 37854
Don Bills, Shelbyville, TN 37160
James Dennis (Porky) Campbell, Murfreesboro, TN 37130
James E. "Jimmy" Cole, Jackson, TN 38301
Danny R. Davis, Unionville, TN 37170
Frank Dawson, Pulaski, TN 38478
Don E. Everett, Lewisburg, TN 37091
Jerry McKechnie, Pikeville, TN 37367
Mack Motes, Eagleville, TN 37060
L. M. Murphy, Shelbyville, TN 37160
Gene Sills, Wartburg, TN 37887
Harland Smith, Jr., Shelbyville, TN 37160
Randy Tenpenny, Woodbury, TN 37160
Rick Trull, Waverly, TN 37185
Roonie Williams, Winchester, TN 37398
(xvi) *Texas*
Jack Miller, Houston, TX 77036
(xvii) *Virginia*
Lambert Martin, Bedford, VA 24523
Harvey Matherley, Blacksburg, VA 24060
(xviii) *Washington*
Janet Briner, McCleary, WA 98557
Freeman M. (Lane) Curry, Maple Valley, WA 98038

(e) Walking Horse Owner's Association of America, Inc., Murfreesboro, TN 37130

(1) Licensed DQP:
(i) *Georgia*
James C. House, Ringgold, GA 30736
Danny C. Rylee, Gillsville, GA 30543
(ii) *Illinois*
Floyd Hampshire, Barry, IL 62312
(iii) *Kansas*
Dick Brown, Olathe, KS 66061
(iv) *Kentucky*
Nolan Benton, Richmond, KY 40475
Jimmy C. Coffey, Russell Springs, KY 42642
John A. Dadisman, Lawrenceburg, KY 40342
James A. Farris, Winchester, KY 40391
William S. Fisher, Winchester, KY 40391
Kenneth Gilpin, Louisville, KY 40222
Kent Wagoner, Richmond, KY 40475
Gary L. Ware, Waynesburg, KY 40489
Johnnie J. Zeller, Eubank, KY 42567
(v) *Mississippi*
Samuel D. Hall, Clinton, MS 39056
(vi) *Missouri*
Max Atkinson, Olean, MO 65064
Sandra Brown, Blue Springs, MO 64015
Robert Finley, Eolia, MO 63344

Harold Magers, Moberly, MO 65270
Keith Martin, Clarksburg, MO 65025
John Stevens, Belton, MO 64012
Freddie Teter, Macon, MO 63552
(vii) *North Carolina*
Dewey S. Carpenter, Jr., Forest City, NC 28043
Jack McElrath, Winston-Salem, NC 27107
(viii) *Ohio*
Harry E. Grunewald, Morrow, OH 45152
Albert Webb, Oxford, OH 45056
Jack M. Whitaker, Lebanon, OH 45036
(ix) *South Carolina*
G. K. Mease, Anderson, SC 29621
(x) *Tennessee*
Ray "Tut" Brown, Hohenwald, TN 38485
Robert E. Gardiner, Paris, TN 38242
Mike Hooper, Etowah, TN 37331
Gary Kimmons, Dickson, TN 37055
Lonnie Messick, Murfreesboro, TN 37130
Harold S. White, Franklin, TN 37064
(xi) *Virginia*
Carl Cartwright, Jr., Tazewell, VA 24619
(xii) *West Virginia*
James L. Singleton, Ashton, WV 25503
(xiii) *Wisconsin*
James D. Harber, Neenah, WI 54956
John F. Wilson, Helenville, WI 53137

(f) Western International Walking Horse Association, Wilsonville, OR 97070

(1) Licensed DQP:
(i) *Oregon*
Samuel Gill, Portland, OR 97106
Jake Price, Yambill, OR 97111
(ii) *Washington*
Marianne Howard, Seattle, WA 98112
Randle Jack, Pullman, WA 83843

SUPPLEMENTARY INFORMATION: Section 11.7(b)(8) of the Horse Protection Regulations (9 CFR 1.7(b)(8)) which states in relevant part that, "A current list of certified DQP programs and licensed DQP's will be published in the **Federal Register** at least once each year, and as may be further required for the purpose of deleting programs and names of DQP's that are no longer certified or licensed, and of adding the names of programs and DQP's that have been certified or licensed subsequent to the publications of the previous list."

This is the second list of certified programs and licensed DQP's published under the regulations which became effective January 5, 1979, and supersedes the first list published in the **Federal Register**, Volume 44, No. 250, Friday, December 28, 1979, page 77095, and will serve as notice to the general public and the horse industry that the above-mentioned programs have been certified, and the individuals licensed, according to regulations.

Done at Washington, D.C., this 3d day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

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Federal Register
Vol. 46, No. 45
Monday, March 9, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 19, 1981

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).

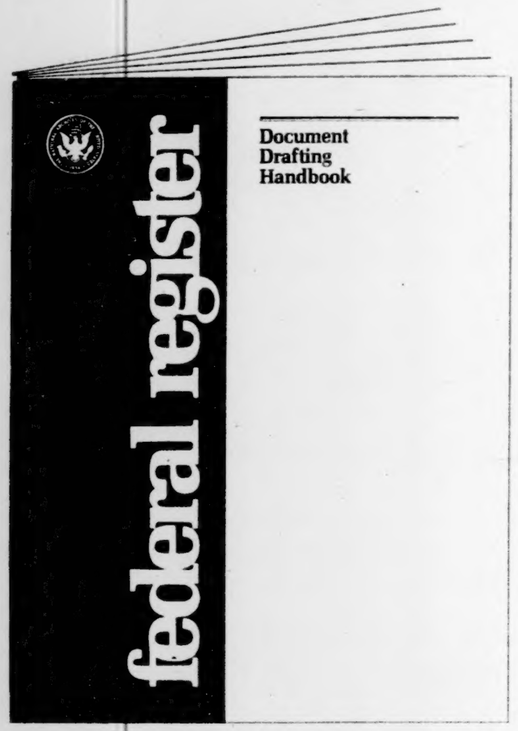
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